

Declaration under penalty of perjury:

Everything in here (that Coughlin is asserting on his own behalf, not the reproductions of the lies and attempts to mislead contained within the 12/14/12 FOFCOL or 8/23/12 Complaint or excerpts of the sworn testimony of witnesses other than Coughlin or Panel commentary, etc.) is true, I declare under penalty of perjury, Dated:

9/4/13 /s/ Zach Coughlin

Zach Coughlin, Declarant in 62337 and 61383 and other cases

Please see the 3,094 page 11/7/12 production by the SBN to Coughlin at:

<http://www.scribd.com/doc/163691392/11-7-12-0204-62337-Index-to-Bates-Stamped-3-200-Page-Scr-105-2-c-Production-by-Sbn-With-Scribd-Link>

<http://www.scribd.com/doc/163691036/11-7-12-0204-62337-Bates-1-to-3-094-State-Bar-of-Nevada-Excuse-for-Failing-to-Obey-SCR-105-2-c>

<http://www.scribd.com/doc/163692909/2-13-13-0204-62337-ROA-Digitized-Versio-of-SBN-s-Bates-1373-to-1699-With-5-Transcript-Pages-Missing-Taken-Out-Vol-7-to-9-0204-62337-11-14-12-Transcrip> <http://www.scribd.com/doc/163693088/2-13-13-0204-62337-ROA-Digitized-Versio-of-SBN-s-Bates-1373-to-1699-With-5-Transcript-Pages-Missing-Taken-Out-Vol-7-to-9-0204-62337-11-14-12-Transcrip>

INDEX TO SBN CONSOLATION BOX OF 3,200 PAGES OF DOCUMENTS INSTEAD OF ACCORDING COUGHLIN HIS RIGHTS UNDER SCR 105(2)(C) INCIDENT TO PANEL CHAIR ORDER OF 10/3/12:

<http://www.scribd.com/doc/163691036/11-7-12-0204-62337-Bates-1-to-3-094-State-Bar-of-Nevada-Excuse-for-Failing-to-Obey-SCR-105-2-c>

Bates No: Description of Documents

1 - 618 **Pleading Created by Zach Coughlin Volume 1**

2 - 9 2/21/12 Coughlin's Notice of Appearance; Motion to Dismiss in RCR2012-065630 (1/14/12 arrest ordered by RPD)

10 - 48 03/05/12 Coughlin's Notice of Appearance as Co-Counsel and Motion to Dismiss in criminal trespass case before RMC Judge William Gardner in 11 CR 26405 (61901).

45 Index to Exhibits to 3/5/12 filing page 36 of 40 on fax header

46 Exhibit 1 cover page

47 page 38 of 40 of fax, Certificate of Service of 11/1/11 by Hill's Office

48 page 40 of 40 of fax (so page 39 was ommitted, where such page consisted of WCSO Civil Division Supervisor Liz Stuchell's admission that Deputy Machen's Affidavit of Service alleging he "personally served" eviction order to Coughlin on 11/1/11 was false)

49-126 11/30/11 Notice of Appearance, Motion for Continuance in RMC 11 CR 22176 (see

60838)

127 TX Report (RMC serves RCA by email, yet takes issue with Coughlin utilizing email) by D4 RMC of 12/15/11 Judge Howard Order re: emailing

128-151 page 1 of 24 Fax Cover Sheet fax header of 12/16/11 followed by Coughlin's Notice of Denial of Service, IFP Application, etc. in 22176

152-170 for no apparent reason, the Exhibit 1 cover page to Coughlin's 12/13/11 Notice of Appeal, Motion to Vacate, Motion for Recusal with hand interlineated "893 pages plus CD of 5 files from Reno City Atty (2 videos) "AP", codec to view files, 1 recording of John Ellis Walmart retaliation" in 22176

171-394 Coughlin's 3/7/12 Notice of Appeal of Summary Contempt Order, Motion to Return Personal Property Confiscated by RMC, Motion for New Trial and to Alter or Amend Summary Contempt Order in RMC 11 TR 26800 before Judge Holmes (224 page fax of 1:58pm consisting of 54 page Motion and 166 page Exhibit 1)

395-612 3/9/12 1238pm 218 page fax of Motion to Return Cell Phones, Motion to Set Aside Summary Contempt Order, Notice of Appeal of Summary Contempt Order in 26800.

613-618 email from Coughlin to RMC Chief Marshal Roper of 12/14/11 re Complaint about Marshal Menzel and never receiving copy of 11/30/11 Contempt Order, and RMC's Veronica Lopez failing to fax such as she had agreed to.

619 Pleading Created by Zach Coughlin Vol 2

620 email from Coughlin to SBN King of 4/16/12 Subject: Mr. King's assertion in his 3/16/12 letter

625 page 2 of 63 page fax of 10/3/12 at (9:26 am from Coughlin to SBN of Motion for OSC in 60838)

686 fax cover sheet page 1 of preceding 63 page fax from Coughlin to SBN stamped "received" by SBN 10/3/12 (indicating there should be at least such a stamped "received" fax from Coughlin of 9/18/12 consisting of Coughlin's Motion to Dismiss, though there is no such document in the SBN's 3,094 page production, which is dubious given the salient importance of such in light of Coughlin's argument that DCR 13(3) provides that King's failure to oppose such may be taken as an admission thereof.

688 page 1 of 40 page fax from Coughlin to RMC of 3/5/12 fax header 10:56 am Notice of Appearance as Co-Counsel and Motion to Dismiss in RMC 11 CR 26405 criminal trespass case before Judge W. Gardner

702 page 15 of Coughlin's 3/5/12 Motion to Dismiss in 26405 (proving 3 5 12 0204 26405 Motion to Dismiss's page 16 excised from 11 7 12 SBN production between bates 702 and 703 detailing burglary by Hill, WCSO, RPD, Gayle Kern, Esq., Nevada Courts Services, Park Terrace, Northwinds Apartments, Superior Storage, etc, incident to failure to accord 24 hours to tenant from receipt of lockout order per NRS 40.253)

703 page 17 of Coughlin's 3/5/12 Motion to Dismiss in 26405

724 illegible page 39 of 40 page fax to RMC from Coughlin with WCSO Stuchell's admission that Deputy Machen's Affidavit of Service is incorrect where it alleges Coughlin was "personally served" where version included by King in 4/16/12 23 Exhibit presentation to NNDB Screening Panel excised such page.

726-760 page 1 of 35 page fax from Coughlin to RMC in 11 CR 26405 trespass case Judge W. Gardner Notice of Appeal, Motion to Vacate, Motion for Recusal, IFP (with such page listing Coughlin as an "Esq." with his NV Bar Number above caption), responding to 2/2/12 Order granting RMC defender Puentes' Motion to Withdraw.

733 Index to Exhibits to Coughlin's 2/16/12 Motion indicating Ex. 1 consists of 26 pages of correspondence between Coughlin and Puentes detailing the burglaries on Coughlin's former home law office by Hill, WCSO, and RPD.

761 page 1 of 8 of Coughlin's fax to RJC in RCR2012-065630 Notice of Appearance, Motion to Dismiss that RJC Judicial Secretary Lori Townsend emailed to SBN on 4/11/12.

769 duplicate of preceding 8 page faxed Motion to RJC by Coughlin duplicated for no apparent reason.

777-811 Coughlin's 2/13/12 fax header 2:57 pm to RMC of 35 page Notice Motion to was duplicated inadvertently by Coughlin's faxing such again on 2/16/12 in trespass case before Judge W. Gardner.

812-846 Coughlin's 2/16/12 fax header 8:10 am 35 page Notice Motion in RMC 11 CR 26405 criminal trespass case Judge W. Gardner

847-885 Coughlin's 40 page faxed motion to RMC of 3/5/12 header 10:56 am with RMC Ballard certification.

884 page 38 of 40 of Coughlin's faxed Motion (note page 39 of 40 is missing in light of page 885 being page 40 of 40, with such excised page being WCSO Stuchell's 2/12/12 admission in an email to Coughlin that Deputy Machen's Affidavit of Service indicating Coughlin was "personally served" the Eviction Order in the summary eviction handled by Hill's firm was actually merely posted on Coughlin's door, and not personally served on 11/1/11).

885 page 40 of 40 of faxed Motion to Dismiss in RMC 26405.

886-925 page 1 of 40 of Coughlin's 3/3/12 fax header 3:09 pm fax to RMC of same 40 page Notice of Appearance, Motion to Dismiss immediately preceding with RMC's providing to SBN likely indicative of annoyance as receiving same fax twice, though is not clear whether one copy was faxed to chambers for RMC's convenience or if Coughlin was simply having problems adjusting to his new Voxox fax desktop computer internet based faxing application.

924 page 39 of 40 page fax to RMC by Coughlin of 3/3/12 consisting of 2/7/12 emailed admission by WCSO Stuchell that she considers posting an order on Coughlin's law office door when no one is present to be "personal service".

926-928 apparently inadvertently sent by RMC to SBN materials from Mandi Wolf and Patrick Parker relating to their traffic matters in the RMC

929-1003 page 1 of 76 page fax header 802 am to RMC of 12/16/11 fax cover sheet indentifying Coughlin as attorney followed by Supplemental to Notice of Appeal/Motion to Vacate in RMC 11 CR 22176 (60838) before RMC Judge Howard.

1002 page 74 of 76 per fax header (ie, page 75 of 76 was excised in considration of incongruity between SBN bates stamping of 11 7 12 and pagination per fax header of 12/16/11 fax from Coughlin to RMC where Page 75 was Coughlin's "Index to Exhibits")

1003 page 76 of 76

1004-1093 page 1 of 92 of Coughlin's faxed to the RMC on 12/19/11 fax header 5:24 pm Notice of Denial of Service, Opposition to City of Reno's Notice of Denial of Service, etc.

where at bates 1,052 is Coughlin's CV08-01709 filing before 2JDC Judge Flanagan (page 50 of 92 page fax) and bates 1,082 is filing by Coughlin before NVB Judge Beesley in NVB-10-05104 Cadle Co. v. Keller.)

1094 Coughlin's 2/24/12 fax header 10:14 pm RMC Record Request dated requesting copy of Contempt Order file stamped 2/27/12 in RMC 11 CR 22176 (60838).

1095 Case Docket from RMC in 11 CR 22176 (60838) before Judge Howard.

1096-1171 page 1 of 76 page fax from Coughlin to RMC of 2/24/12 fax header 9:00 pm file stamped 2/27/12 at 8:14 am same day at traffic citation trial leading to summary contempt incarceration of 5 days by Judge Nash Holmes in 11 TR 26800 listing 1422 E. 9th St. #2 as Coughlin's address where Holmes had 2/28/12 Contempt Order (FHE4) sent to 121 River Rock address she knew Coughlin had been evicted from.

1172 Coughlin's 12/16/11 24 page fax header to RMC 7:41 am in RMC 11 CR 22176 (60838) with fax cover page to RCA Roberts followed by Coughlin's Notice of Denial of Service.

1192 page 21 of 24 of such fax

1216 last page of portion of Coughlin's 12/13/11 filing in RMC 11 CR 22716 lacking a fax header version hand delivered to RMC

1217 page 2 of 24 page fax filed with the RMC from Coughlin 12/16/11 Notice of Denial of Service with RMC Ballard Certification where page 1 of 24 was excised where such was a fax cover page listing Coughlin as an attorney and providing his NV Bar No. in a fraudulent attempt by RMC, Ballard, and SBN to support bogus IFP allegations.

1655 RMC Justice Court Docs folder

1656 11/15/11 Notice Setting Trial date of 11/30/11 in RMC 11 CR 22176 (60838)

1659 cover sheet for 11 CR 22176 RMC Judge Ken Howard D4 from RMC package

1662 RMC Marshal Moser report of 12/13/11 harassment of Coughlin by Marshal Menzel

1654 RMC Marshal Menzel report of 12/13/11 court as police state approach of RMC Marshals

1671 Coughlin's email to King and Peters of 10/3/11 detailing fears related to providing his physical address

1672 RMC Court Administrator Jackson sends an SCR 111 letter for 61901 on 6/21/12 where she failed to in 60838 for 11/30/11 conviction, much less for either "criminal contempt" "criminal convictions"

1677-79 fax from Reno City Attorney to Richard G. Hill, Esq., that Hill provided to SBN consisting of 2JDC Judge Elliott's Order dismissing Coughlin's appeal of criminal trespass conviction in RMC 11 CR 26405 (61901) 3 pages from 9/10/12 containing 8/27/12 Order in CR12-1262

1680 RMC Judge Howard's 11/30/11 OPSC twice, both times lacking any Certificate of Mailing

1684 Coughlin's 12/13/11 5:01 pm filed Notice of Appeal, Motion to Vacate or Set Aside, Motion for Recusal in RMC 11 CR 22176 (60838) lacking entirety of exhibit 1's 893 pages which was emailed for filing to RMC (by permission from D. Ballard, which she fraudulently failed to include in ROA transmitted to 2JDC).

1694 RMC Judge Nash Holmes 3/13/12 Order Striking Fugitive Document filed on 3/7/12

(Coughlin's IFP Motion/Affidavit in Support of and Request for Audio of 2/27/12 trial before Holmes in 11 TR 26800 (NG12-0434)

1701 3/12/12 Order by Holmes in 26800 that became FHE5

1707 11/30/11 Coughlin's Notice of Appearance Motion for Continuance in RMC 11 CR 22176 (60838)

1785 RCA Hazlett's Motion to Continue trespass trial in RMC 26405 because Richard G. Hill, Esq., witness, will be on vacation.

1790 10 10 11 Notice Setting trial for 11 14 11 Coughlin notates Marshal Menzel's bullying behavior 22176

1792 11/30/11 Order Continuing Trial by RMC Judge W. Gardner in trespass case 11 CR 26405 (61901) makes no sense for it to be within folder for Judge Ken Howard

1793 Cover Sheet for folder titled "Zachary Coughlin Case no 11TR26800 Judge D. Nash Holmes Department 3

1794 3/13/12 Sua Sponte Order Denying Relief Sought in Improper Document in 26800

1793 3/13/12 Order Striking Fugitive Document Filed on 3/7/12 26800

1804 3/12/12 Order in 26800 with clear and convincing language

1810 2/28/12 Order in 26800

1816 RMC Donna Rae Ballard Statement describing 12/13/11 exchange with Coughlin and Marshal Menzel

1824 Cover Sheet for Case No. 11CR22176 Judge Ken Howard Department Four

1837 3/21/12 RMC stampe on 3/15/12 2JDC Elliott Order Affirming Ruling of the RMC 22176 2064

1865 RMC Donna Ballard Affidavit to SBN of 4/11/12 22176 26405

1867 RCA Hazlett's Motion to Strike Motion to Dismiss Complaint

1871 **only pages 2 and 3 of Coughlin's 3 page filing** of 12/14/12 of a Motion to Proceed IFP and Affidavit in Support of filed by fax and email which Donna Ballard provided express authorization of, not even clear which case such is in, but regardless, Coughlin had notified court he was an attorney already in both cases in addition to doing so in the emailed version of these two IFPS in 22176 and 26405, and likely in the fax cover sheet as well

1871-1873 out of order all three pages of 3 page 12/14/11 fax submitted Motion to Proceed IFP in 26405 Ballard notarized and provided to the SBN though she failed to indicated she had given permission to file by email to Coughlin and that both Coughlin's email and fax cover sheet identified him as an attorney, and regardless, all departments of the gossip RMC were well aware of that fact, even beyond Coughlin already having stated it on the record, in court on 11/30/11 in 22176 and at the arraignment on 11/14/12 to Judge W. Gardner for 26405.

2000 Arrest Report and Declaration of Probable Cause Sheet by RPD Officer Chris Carter Jr. filed with Criminal Complaint for trespass by Richard G. Hill in RMC 11 CR 26405 on 11/13/11 listing Coughlin as an attorney, further vitiating SBN and RMC's fraudulent assertion

that Coughlin failed to disclose fact he is an attorney.

2044-2045 where SBN King excised WCSO Stuchell's 2/7/12 emailed admission to Coughlin that her office views "personally served" to included posting on door of Coughlin's former home law office when nobody was present therein, the 24 hour lockout eviction order, in violation of NRS 40.253, coverup smoking gun, Pat King should be disbarred. (NOTE: where is fax headers from Coughlin's fax filing of such to the RMC that is present in every other appearance of such 3/3/12 or 3/5/12 Notice of Appearance, Motion to Dismiss by Coughlin?)

2177-2178 Where the Proof of Service ought be for the 11/30/11 Judgment of Conviction and Court Order by RMC Judge Ken Howard, of course, there is none to be found, which is particularly noticeable for that which is not satisfied by any "rendition" standard, ie, the alleged 11/30/11 Order Punishing Summary Contempt in RMC 11 CR 22176, all fraudulently ignored by the SBN's King, at best.

Bates Description

2701 **Formal Hearing File SBN v. Zachary B. Coughlin**

2702-2793 **Grievance File #NG12-0435 A: Zachary Coughlin, Esq. G: Judge Dorothy (sic) Nash Holmes**

2705 King forwards Peters Coughlin's 4/27/12 email Subject: Update and a Requesting

2706 King forwards Peters Coughlin's 4/19/12 email Subject: RE: Mr. King's assertions in his 3/16/12 letter wherein Coughlin denies all allegations

2716 Brian Gonsalves email referring to other attorney fee awards makes curious King's only requesting Coughlin pay Hill's landlord client's award in King's closing argument.

2717 King's SCR 111(6) Petition in 60838, placed in NG12-0434 makes no sense

2718 RJC Judicial Secretary Lori Townsends 4/11/12 email to King containing documents from RCR2011-063341 (Judge Sferrazza) and RCR2012-065630 (Judge Clifton) RJC Chief Civil Clerk told Coughlin Judge Clifton told her not to respond to Coughlin's 10/30/12 SCR 110 subpoena and subpoena duces tecum

2720 RMC Judge Howard (11 CR 22176 conviction leading to 60838 temp. suspension)'s 4/4/12 email to King regarding "U-tube" postings "A Sampling, Events at RMC 3/12/12; City of Reno Marshal Harley, Allison Ormaas; RMC bounced by Reno Marshals" apparently Coughlin was at the RMC on 3/12/12 and just did not know the trial in 26800 was continuing.

2721 RMC Court Administrator Cassandra Jackson email to RMC Judges faxed by Nash Holmes just page 2 of 3 of 3/22/12 1:17 pm fax apparently to SBN

2722 list provided to SBN by RMC detailing Coughlin's offenses between 9/9/11 and 1/12/12

2723 email of 4/10/12 to SBN from RCA Dan Wong regarding SBN will be unable to get Coughlin's criminal history

2725 **is missing**

2726 Holmes fax to SBN of 3/22/12 1:17 pm page 3 of 3 containing Coughlin's 3/22/12 FOIA Request and Second Record Request for audio of 2/27/12 trial indicating Ballard indicated Coughlin's first request for such audio was not processed, and seeking anything related to the confiscation of Coughlin's personal property on 2/28/12 from the Washoe County jail, requesting chain of custody information, RMC Marshal's reports, etc.

2727-2732 **has display issues** likely RMC defender Puentes 1/17/12 Motion to Withdraw from criminal trespass case before Judge W. Gardner in 11 CR 26405

2733-2734 3/27/12 Order in CV11-03628 2JDC Judge Flanagan appeal of summary eviction with Hill and Baker as opposing counsel Denying Hill's Baker's 1/21/12 Motion for Order to Show Cause after hearing on 3/23/12 and 3/26/12

2736 MRC Cover Sheet with "List of documents" attached 3/13/12 details five documents from traffic case before Holmes: 2/28/12 Order (contempt); 3/7/12 Notice of Appeal, Mtn for Return of Personal Property Confiscated by RMC Marshals (224 pages); 3/12/12 Motion to Return Cell Phones (218 pages); 3/12/12 Order (5 pages); 3/13/12 Order Striking Fugitive Document filed on 3/7/12

2738-2739 4/16/12 fax from RMC Dept. 2 (Judge W. Gardner) 1 and 2 of 2 Arrest Report and Probable Cause Sheet for 11/13/12 custodial criminal trespass arrest with PC Sheet by RPD Carter and Hill's Criminal Complaint

2740-41 RMC Marshal "JP" Jean-Pierre Moster report from 12/13/11 Marshals James Menzel, Matthew Thompson; Witness 1 Donna Ballard, Witness 2 Tom Bartoldo:

2742-2744 RMC Marshal James Menzel incident report detailing Coughlin's filing a Notice of Appeal and or Motion for New Trial and seeking a copy of the audio of the 11/30/11 trial in 11 CR 22176 (60838), references gossip with RJC Chief Bailiff Michael Sexton, well paid city and county Marshals and Bailiffs really don't like working until closing time

2745-2748 RMC Marshal Scott Coppa and Matthew Thompson incident reports detailing Coughlin's 3/22/12 visit to RMC filing counter to file Second Request for Audio of the 2/27/12 trial before Holmes in 11 TR 26800, which begat NG12-0434...Judge Holmes immediately faxes SBN Coughlin's FOIA Request in her desperate fear that her misconduct will be exposed incident to RMC Marshals violating Fourth Amendment at her direction in retrieving from jail on 2/28/12 what had already been booked into Coughlin's personal property (where Marshal Coppa pulled Deputy Cheung into back room of sally bay at jail to discuss such confiscation)

2749 3/22/12 email from Coughlin to King Subject Re Hello from Zach Coughlin referencing Gessin and Christiansen

2753 Coughlin's 4/2/12 email to King **RE: my attempt to be provided access to the grievances filed today seeking materials from 26800 and clarification regarding whether Judge L. Gardner herself filed grievance.**

2754 King's email to Coughlin detailing 3 grievances, **lying about NG12-0434 being a grievance received "from Judge Gardner"**, King announces he is reneging on his previous indication that Coughlin would be afforded a review of the materials submitted in connection with the grievances, references RMC Marshals Coppa and Thompson's 3/22/12 report to SBN

2756 Coughlin email to SBN Peters of 3/26/12 referencing domestic violence he has experienced and concomitant obstruction of his mail

2757 Coughlin's 3/26/12 email to SBN memorializing King's refusal to allow access to grievance materials previously offered

2759 Coughlin's 3/29/12 email to SBN indicating King had made no request for any written response to any grievance by Gardner or Holmes, Coughlin's detailing manipulative use of his size by King, which King lied about at 1/4/13 TPO extension hearing in RJC RCP2012-000607.

2760- Lots of emails between Coughlin and the SBN quite cooperative and responsive to any an all SBN requests for information or cooperation in any investigations whether relating to Hill, Gardner, or Nash Holmes, etc.

2772 Coughlin's email to WCSO detailing Deputy Machen's burglary with Hill's associate Baker of 11/1/11, Machen's false affidavit regarding "personally serving" Coughlin 24 hour lockout order on 11/1/11 burglary by Hill's associate Baker of that date

2790 Coughlin's 3/16/12 email to King indicating he has yet to finish sending everything in response to Hill's grievance.

2792 USPS Certified Mail Track & Confrim ending in 6578 for King's mailing of 3/16/12 (purported letter from King to Coughlin that King was too afraid to/conflicted over/ to seek admission thereof at 11/14/12 formal disciplinary hearing) that was "undeliverable as addressed" given domestic violence abuser housemates obstruction of Coughlins' mail in conjunction with Gayle Kern, Esq.

2793 King's 3/16/12 letter to Coughlin indicating the OBC "has received several grievances concerning your conduct as a lawyer...I will make available for your review and inspection the supporting documents and audio recordings"

2794 FORMAL PLEADINGS FILE

2795-2796 10/9/12 Affidavit of Laura Peters (NOTE: incongruously placed at the most recent filing in this "formal pleadings file" where such 10/9/12 Affidavit of Laura Peters bares a file stamped obviously prior in time to the filings placed immediately before it in what is otherwise the typical reverse chronological order (most recent filings on top) law office/filing office work in progress case file (before the ROA is then reconstituted in correct bates stamped first in time to most recent filing chronological order).

2797-99 Order of 10/31/12 by Panel Chair Echeverria (Coughlin's 10/31/12 file stamped Pre Hearing Motion to Dismiss/Summary Judgment/Memorandum of Law should have been included here by the SBN as such was placed in its possession at 4:45pm on 10/30/12, and, therefore, could have gone out with the materials King alleges were sent to the printed on 11/1/12)

2800 Order of 10/30/12 Order Appointing Formal Hearing Panel by NNDB Chair J. Thomas Susich, Esq.

2802 SBN King's 10/24/12 Opposition to Respondent's Motion to Bifurcate Hearing, Motion to Dismiss

2806 Coughlin's 10/16/12 Motion to Review/Inspect Bar Records, Motion to Bifurcate, Motion

to Dismiss, etc.

2849 Coughlin's Motion for Order to Show Cause

2911 Coughlin's Motion to Dismiss

2915 page 4 of 5 of Coughlin's Motion to Dismiss where SBN excised Exhibit 1 to Coughlin's filing, a tell tale give away being the incongruous placement of page 5 there from with a bates stamp of 2914 where page 4 thereof is given SBN bates stampe 2915, which consisted of an Index to Exhibits (1. Exhibit 1: 9 9 12 Letter to Susich and King) where SBN excised that letter Coughlin attached as Exhibit 1 thereto.

2916

2926 page 3 of 3 of 11/30/11 Judgment of Conviction and Court Order from RMC Judge Howard in 11 CR 22176 with quasi-Proof of Service of “x Refused (illegible initials only) 11/30/11 @ 20:23” following preprinted form in blank following “I understand and promise to obey this order. Defendant”), which SBN King fraudulently excised from the version he included in his 23 Exhibit presentation to the NNDB Screening Panel, which underscores the RMC and SBN's fraudulent approach vis a vis the non service of the 11/30/11 Order Punishing Summary Contempt which formed FHE11.

2954 8/23/12 Affidavit of Service of Complaint by Peters attached to Complaint

2955 **Grievance File #NG12-0204 A: Zachary Coughlin G: Richard Hill, Esq.**

2956 Copy of envelope USPS Certified Mail # 7010 2780 0003 5429 6578 SBN sent to Coughlin on 3/16/12 with USPS yellow sticker “**UNABLE TO FORWARD FOR REVIEW**” dated 3/31/12

2958 3/16/12 letter from SBN King to Coughlin regarding “several grievances” oddly placed with Hill's grievance file when 3/16/12 letter references “Justice Court” (so, there, King, like with the Judge L. Gardner “grievance” in NG12-0435, is caught lying again in asserting “supporting evidence” for grievances the OBC “received” consisting of Coughlin's filing in “Justice and District Court” (in an obvious attempt to extend the scope of his hit piece beyond just Hill and the RMC)

2959 *RMC Judge Nash Holmes' grievance letter to the SBN* (why on earth such is placed in the folder for Hill's grievance, other than being another attempt at obfuscation by King, is not clear at all)

2961 2JDC Judge L. Gardner's 4/13/09 Order After Trial, FHE3 compare “5” in “15” of “Received Mar 15 2012” to other versions (ditto)

2975 6/25/12 Order by 2JDC Judge Flanagan in CV11-03628 \$42,065 attorney fee award (NOT A SANCTION)

2979 SBN Bar Counsel Clark forwards on Coughlin's 1/23/12 self report of conviction in 60838 to King and Peters

2981 FHE7 Coughlin's 3/9/12 fax to SBN reg 2/14/12 letter from King only received on 3/9/12, **requesting all correspondence be copied via email and fax due to obstruction of**

Coughlin's mail (which, of course, King, Peters, and the SBN fail to do...so much for that SOLACE program, huh?)

2983 SBN King's 2/14/12 letter to Coughlin

2984 SBN King's letter to Hill regarding grievance Hill purportedly emailed to King, compare to the letter King sent Coughlin refusing to investigate Coughlin's grievances against RMC defender Loomis and WCPD Dogan.

2985 King's email to Clark and Peters detailing youtube video of 8/20/11 RPD misconduct in wrongful arrest of Coughlin at issue in RJC RCR2011-063341 containing Hill's forward to King of Coughlin's email to WCSO, WCPD, RCA, Hill's associate Baker, etc. of 2/10/12 detailing Baker and WCSO Deputy Machen's burglary of 11/1/11 in Rev2011-001708, CV11-03628 at 121 River Rock

3004 Coughlin's 1/14/12 Opposition to Motion for Attorney Fees in CV11-03628 detailing Hill's misconduct incident to Coughlin's 1/12/12 jaywalking arrest in front of 121 River Rock former home law office.

3013-3017 Hill's 1/14/12 email to King, five page grievance, unsigned, unsworn (interestingly, either Hill failed to really include such "disclosures" or King excised such, inappropriately, from this 3,094 SCR 105(2)(c) production of 11/7/12, causing much prejudice to Coughlin's defense.

3018-3043 Grievance File #NG12-0434 A: Zachary Coughlin G: Judge Linda Gardner

3019 -3043 purported printout of 3/15/12 regarding prosecutorial misconduct in various states summaries thereof from <http://zachcoughlinesq.wordpress.com>

with header that reads "Page 1 of 1094" and a stamped "FYI" seemingly superimposed on the first page. (NOTE: nothing to indicate anything was received from 2JDC Judge L. Gardner).

3044 Zach Coughlin 111 Petition

3048 Coughlin's application for legal defender and 10/27/11 RMC Judge Howard Order Denying Legal Defender

3050 RCA Pamela Roberts, Esq. Opposition to Motion for New Trial of 12/21/11 in 11 CR 22176 (60838) (NOTE: lacks the actual exhibits to such motion, and instead is misleadingly followed by the Exhibits to King's 10/15/11 SCR 111(4) Petition in 61901

3055 Exhibit 1 to King's SCR 111(4) Petition in 61901

3065 SCR 111(4) Petition in 61901 of 10/15/12

3077 60838 Order of Temporary Suspension and Referral to Disciplinary Board of 6/7/12

3080 SCR 111(6) Petition in 60838

3091 5/8/12 stamped USPS Domestic Return Receipt PS Form 3811 60838 Certified Mailing 7010 2780 0003 5429 6752

10 - 48 03/05/12 Coughlin's Notice of Appearance as Co-Counsel and Motion to Dismiss in criminal trespass case before RMC Judge William Gardner in 11 CR 26405 (NOTE: the fax header from Coughlin's filing to the RMC indicates this filing is 40 pages long, with SBN King's bates stamping for this filing beginning on bates 49 and the fax header atop what is King's bates 48 indicating it is "page 40 of 40" of the faxing by Coughlin of that filing to the RMC (page "39 of 40" is missing from King's production, as King's bates 47 is, according to the fax header atop Coughlin's original filing with the RMC, page "38 of 40". This means that the same 2/7/12 emailed admission to Coughlin from the WCSO Deputy Machen who filed fraudulent Affidavits of Service (11/7/11 for the 11/1/11 summary eviction lockout with Hill's associate Casey D. Baker, Esq. and the 3/7/12 Affidavit of Service for the 2/27/12 service Hill paid for upon Coughlin at the 2/27/12 "simple traffic citation" trial before RMC Judge Nash Holmes in 11 TR 26800 wherein WCSO Deputy Machen had RMC Marshal Harley smirkingly enter a conference room within Courtroom B of the RMC where Reno City Attorney Coughlin and Ormaas were engaged in plea bargaining, and personally served Coughlin Judge Flanagan's 2/8/12 Order to Show Cause in the summary eviction from Coughlin's former home law office to which Hill was opposing counsel. Marshal Harley grew very worried upon Coughlin immediately cross-examining him about his inappropriate, courthouse sanctuary doctrine violating, appearance of impropriety creating, harassment of Coughlin. Further, that same second of three pages from Coughlin's Exhibit 1 to his 3/5/12 filing in the RMC (which was the 2/7/12 emailed admission from WCSO Deputy Machen's Civil Division Supervisor Liz Stuchell wherein she admits that Machen's 11/7/11 Affidavit of Service is a misrepresentation, at best, where Stuchell admits that Machen merely tape those three Orders to the front door of Coughlin's former law office while nobody was home, despite Machen's 11/7/11 Affidavit of Service indicating that he "personally served" the 10/25/11 Eviction Decision and Order and the 10/27/11 Findings of Fact, Conclusions of Law, and Order for Summary Eviction, and the 10/27/11 Order for Inspection of Coughlin's law office by Judge Sferrazza in RJC Rev2011-001708) is curiously missing from Exhibit 3 to NNDB Chairman Susich's 6/18/12 SCR 117 Petition in 60975, indicating a either a conspiracy between the RMC, NNDB, and the SBN, or that someone with the RMC has systematically removed that

NOTE: HEARING - Vol. I, (Page 71:10 to 71:20) MR. ECHEVERRIA: I believe the issue that this panel has to determine is what the degree, if any, of punishment should be for the conduct that you have alleged to have been involved with, in terms of candor to the court, candor to counsel, candor to witnesses, competency to practice law. MR. COUGHLIN: Including -- MR. ECHEVERRIA: I believe those are the issues that this panel should focus on. But I do not intend to in any way limit what you think should be important."

And, right there, Echeverria admits the clearly reversible error underlying the Panel's and SBN's entire approach to this formal disciplinary matter. It seeks to leverage offensive collateral estoppel where none is to be found instead of actually proving its case, even where the decision by Judges Flanagan, Elliott, W. Gardner, L. Gardner, K. Howard, etc., etc not to contact the "appropriate authority" in light of their view that no such "appropriate action" was indicated provides a strong basis for applying defensive collateral estoppel (and its well settled that defensive collateral estoppel should be more readily applied than offensive

collateral estoppel given the balance of the equities and the dangers associated with a deprivation of due process attendant to applying offensive collateral estoppel, especially in disciplinary matters. In re Strong) to King's various allegations, which are just that, allegations. King, the Panel, and Echeverria chose to skip the fact finding phase wherein the question of whether Coughlin was guilty of anything alleged beyond the conviction for petty larceny and the conviction for criminal trespass was to be determined (ie, whether Coughlin was guilty of *any* of the alleged violations of the Rules of Professional Conduct so vaguely set out and unsupported by any specifics in King's Complaint (especially where King desecrated SCR 105(2)(c) at every opportunity like the cheap weasel cheater he and Echeverria are). So, while Chair Echeverria might claim that he does "not intend to in any way limit what you think should be important", his saying so hardly changes the fact that he did, in fact, repeatedly, ad nauseum, to a ridiculous extent, limit that which was deemed admissible whenever Coughlin sought to introduce *anything* into evidence (its not even clear that Coughlin was able to get one singular piece of documentary evidence admitted, and Coughlin's scant 15 minutes to testify in his own case in chief (Coughlin was denied the opportunity to cross-examine himself for 15 minutes) barely rendered any actual testimony, what with Echeverria and King's constant interjections, objections, and sua sponte argumentation and interrogation (which largely focused on doing King's job for him and helping King out of the fraudulent mess he made vis a vis whether service of the Complaint was sufficient, in addition to whether the process that was the Complaint was itself sufficient (see the dismissals of Coughlin's lawsuits against WLS et al in 60317 and 60302 for just such "legibility issues" as King fraudulently sought to overcome in attempting insert a cleaner, legible version of Exhibit 3 to his 8/23/12 Complaint into FHE1's alleged reproduction of such.

Virtually the entire fraudulent approach by King and a Panel led by Elcano's "boyhood chum" Echeverria (whose father's law firm 2JDC Judge Elliott (FHE12, FHE13) worked for shortly after all three Echeverria, Elcano, and Elliott attended Stanford in the late 1960's out of Northern Nevada (see Coughlin's 12/12/12 "The Three E's" email to WCPD, SBN, etc) can be summed up in the following exchange, where Coughlin forces Echeverria into making the very arguments that Echeverria had been ruling against when made by Coughlin throughout the entire hearing (where such entail the offensive/defensive collateral estoppel (claim preclusion) issue arising from orders in "prior proceedings" whether in the nature of a "conviction" (criminal or civil) or not, whether occurring in a civil case, a criminal case, or a simple traffic citation or otherwise. (such is especially true when considering the failure to view as indicated the taking of any "appropriate action" by referring the matter of any alleged misconduct by Coughlin to the SBN ("appropriate authority") as providing a defensive collateral estoppel bar in Coughlin's favor where Panel Chair Echeverria continually insisted on attempting to characterize non-sanctions, even in civil cases (FHE2, FHE3) or civil orders in criminal settings (FHE4, FHE5, FHE10, FHE11) as somehow providing an offensive collateral estoppel (or worse, SCR 111(5) conclusive "proof" of a "conviction" of alleged RPC violations sufficient to obviate any requirement that Bar Counsel actually meet the "clear and convincing evidence" burden of proof with actual admissible evidence (especially where Echeverria had quashed Coughlin's subpoenas, in line with King's arguments in support of pursuant to a view that one may not question a judge about their decision making processes in matters they

presided over...which makes Beesley and Nash Holmes testimony worthless, even more so than the fact that the “orders” in FHE2,3,4,5,10,11, etc are not “evidence”...meaning, King essentially was unable to put a single thing into evidence to support his attempts to meet his Stuhff “clear and convincing evidence” burden of proof...well, save some truly fraudulent “testimony” by an “expert” witness whom was doubling as the grievant in NG12-0204, Richard G. Hill, Esq.,...especially where, beyond the fact that Beesley's “decision making” “mental processes” were inadmissible (to say nothing of his tacky violations of SCR 105.5 and Coe Swobe name dropping, which annoyed Chester C. to no end, let me tell you) both Beesley (and, really, the SBN's failing to provide Beesley's letter to Coughlin, ever, despite Beesley indicating such was sent to the SBN in mid-April 2012, adn where Beesley's testimony was in no way put forward for “impeachment purposes” in violation of SCR 105(2)(c))) and Elcano's “expert” testimony was completely inadmissible (beyond the fact that neither were qualified as experts and were the Panel is not permitted to forgo its fact finding duty or substitute in the characterizations and impressions of non-experts (whom usually need to be “uninterested” rather than, say, an opposing party in a pending litigation, like Elcano) and Elcano's testimony was inadmissible were the SBN's willful violation of the requirement to disclose such as witnesses with “30 days written notice” (much less disclose the substance of the matters to which they would be testifying to, identifying how such specifically supports some specific basis for alleging Coughlin had committed any sort of violations worthy of discipline, to say nothing of the requirement to provide Coughlin with the evidence of such (especially where Beesley could not remember anything much more specific than Coughlin had filed some documents in a bankruptcy case (really?) that, vaguely, in general, may were not so great (though Beesley completely failed to contextualize such, ie, indicate whether he knew them to be an attorney's very first filings in his first bankruptcy case, or whether they were the work of someone who had been at it for years in such setting and just could not put out a decent product no matter how many chances they had).

THE FLORIDA BAR v. CARRICARTE, 733 So.2d 975 (1999): “As is evident from Respondent's argument, his attack on the referee's finding boils down to a question of credibility. However, “[t]he referee ***is in a unique position to assess the credibility of witnesses***” (NOTE: such reasoning provides support for the view that a defensive collateral estoppel bar should apply where the judges entering FHE2,3,4 (arguably Nash Holmes failed to refer Coughlin to the Bar until after the 3/12/12 hearing, and not even after the 3/7/12 and 3/9/12 filings submitted by facsimile by Coughlin (though 3/9/12 being a Friday, it may be that Judge Holmes did not view such 3/9/12 facsimile submission until 3/12/12)) “, and his judgment regarding credibility should not be overturned absent clear and convincing evidence that his judgment is incorrect...

Respondent next argues that the referee's finding that he revealed confidential information in excess of that necessary for the defense of the litigation between him and the companies is erroneous (Coughlin is going beyond that in arguing such is also inadmissible and subject to a defensive collateral estoppel bar) ***because none of the circuit or district court judges involved in that litigation found that his defense of the litigation involved any wrongdoing and never referred anything to The Florida Bar for disciplinary action***. Notably, however, respondent does not contend that the propriety of his actions in defending that

litigation was ever raised during those proceedings or specifically addressed by any of the judges involved."

Of course, given that the "propriety of (Coughlin's) actions" absolutely was raised in the matters from which FHE2, 3, 10, 11, 12, 13 and the criminal conviction at issue in 60838 and attached as Exhibit 1 to King's 8/23/13 Complaint stem. To be clear, the RMC and its Court Administrator Cassandra Jackson, Chief Clerk/Filing Officer Supervisor Donna Ballard, and RMC Judge Howard's Clerk of Court Veronica Lopez all *failed* to comply with SCR 111(3) (see the 11/7/12 production at bates 1672 RMC Court Administrator Jackson sends an SCR 111 letter for 61901 on 6/21/12 where she and or the RMC failed to in 60838 (and who knows how many other instances of an attorney being convicted of a crime despite SCR 111(3) requiring that "the clerk of any court in which an attorney is convicted of a crime...shall transmit a certified copy of proof of the conviction to the supreme court and bar counsel within 10 days after its entry") for 11/30/11 conviction, much less for either "criminal contempt" "criminal convictions" not only refer anything from the criminal case in which the petty larceny conviction reported by the State Bar in 60838 (which Coughlin arguably timely self reported under SCR 111(2) given three intervening wrongful arrests disoriented him some, in addition to being forced to move in late December 2012 due to, yet again, the landlord's in a weekly studio rental asserting they were entitled to unlawfully enter Coughlin's rental at any time whatsoever, at the Silver Dollar Motor Lodge, which is indicative of the climate in Washoe County as to tenant's rights).

Further, Judge Howard at no time ever referred anything from the petty larceny case in RMC 11 CR 22176 from which both the petty larceny conviction at issue in the SCR 111(6) Petition in 60838 and the FHE11 11/30/11 "Order Punishing Summary Contempt" spring.

Further, there is zero indication that RMC Judge W. Gardner, whom presided over the criminal trespass conviction at issue in the SCR 111(4) Petition in 61901, ever referred anything related to Coughlin to the SBN or bar counsel, meaning, King's reference in his 8/23/13 Complaint to the 3/5/12 filing therein by Coughlin of a Motion to Dismiss, must necessarily arise from the inclusion of such in the "box of materials" Judge Holmes admits to putting together for bar counsel in her FHE8 3/14/12 grievance letter against Coughlin to the SBN. However, Judge Holmes was not the fact finder in the cases before Judge Howard and Judge W. Gardner, and a referral by her relative to those cases, is not at all appropriate. The fact that neither of the judges whom actually presided over those cases felt it necessary to make any such NCJC Canon 2, Rule 2.15 referral to the "appropriate authority" SBN only underscores the impropriety in Judge Holmes' rapacious and injudicious approach here (which included another inappropriate NCJC Canon 2, Rule 2.15 referral to the SBN of FHE3 from a *family court* case that was three years old at the time where such FHE3 Order After Trial had the attorney fee award therein (which was not a sanction anyways) vacated by the 6/19/09 final Decree of Divorce that ambitious and faux industrious Judge Holmes really now will need to claim to be unaware of given how inappropriate her submitting such to bar counsel in some attempt to willfully mislead such into believing that Order After Trial in FHE3 had not had the attorney fee award therein vacated (and, therefore, making a legal nullity any of the alleged "criticism" of Coughlin's work therein).

THERIAULT v. J.S. & G. ASPHALT, INC., 617 So.2D 437 (1993): "THE

PRIMARY SANCTION sought by the Defense is for the Court to specifically refer this matter to the Florida Bar for further investigation and disciplinary action if appropriate. **The Court finds that because the conduct complained of did not in fact occur before the Court** and further that the Defendant may also directly petition the Florida Bar with reference to this matter, **that it would be inappropriate for the Court to take further action.**"

Given In Re Carricarte and NCJC Canon 2, Rule 2.15, just exactly what is included in the folders King and the SBN assigned to each grievance within the 3,094 page production its finally made to Coughlin four judicial days before the formal hearing where the SBN steadfastly refused to accord Coughlin any SCR 105(2)(c) access whatsoever during the start of the twenty seven day period during which Coughlin was absolutely entitled to "inspect" all such materials pursuant to SCR 105(2)(c).

Judith A. McMorrow, Jackie Gardina, and Salvatore Ricciardone. "*Judicial Attitudes Toward Confronting Attorney Misconduct: A View From the Reported Decisions.*" Hofstra Law Review 32, (2004): 1425-1474.

But, see, In re Eicher, 661 N.W.2D 354, 370 (S.D. 2003) (Holding that the failure of judges in individual cases to report charges of attorney misconduct to the bar did not indicate that charges lacked merit, particularly where each judge "only had one incident before them" and the present court had "the benefit of an extensive record with multiple complaints ... Showing similar inappropriate conduct.").

In re Eicher, 661 N.W.2D 354, 370 (S.D. 2003) (Finding that where the trial judge receives information indicating substantial likelihood that a lawyer has committed a violation of the code of professional responsibility, "simple communication with the lawyer satisfies the judge's ethical duty"); Covington v. Smith, 582 S.E.2D 756, 772 (W. Va. 2003) (Holding that the court has a duty under judicial canon 3D(2) to refer matters of attorney misconduct, here neglect of case, to the Office of Disciplinary Counsel); cf In re Laprath, 670 N.W.2D 41, 63 (S.D. 2003) ("Among the administrative responsibilities imposed on a judge in Canon 3, therefore, is that of taking or initiating appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the judge may become aware. Thus, a judge exposes himself or herself to the disciplinary action for failure to report the misconduct of other judges or attorneys to attorney disciplinary bodies and judicial conduct commissions.").

Judge Elliott (whom violated Canon 2, Rule 2.15, especially in his FHE12, and FHE13 Orders in failing to report the willful misconduct of Judge Howard in his willfully violating the 2008 Indigent Defense Order in denying pre se indigent Coughlin his Sixth Amendment right to counsel (see 60838) and in failing to report RMC Judge W. Gardner's willful failure to transmit Coughlin's timely under NRS 189.010 Notice of Appeal in the criminal trespass matter of 6/28/12 (see 61901) and the dubious chronology related to Coughlin resubmitting another Notice of Appeal of such 6/18/12 conviction for trespass on 7/10/12 while in jail, with Judge W. Gardner forcing through a quick denial of Coughlin's 6/26/12 tolling motion (which is arguably the functional equivalent of a Notice of Appeal) in the same matter, with his 7/11/12 Order denying such where the Washoe County jail then failed to file Coughlin 7/10/12 Notice of Appeal until 7/17/12.. see RMC 11 CR 26405 and the appeal in CR12-1262 and Judge W. Gardner's supervisory capacity over ultra shifty Judicial Assistant Lisa Wagner) did presided over a multitude of matters wherein Coughlin was a criminal defendant, in

addition to the wrongful termination suit Coughlin brought against WLS, CAAW, and Tahoe Women's Services in CV11-01955 (see 60317) and never once made any such referral of Coughlin to the SBN: See Wade, 839 A.2D at 565 (Johnson, J., Concurring) ("Indeed, we recognize that it is difficult for trial judges to make complaints to the Professional Responsibility Program against lawyers with whom they have to work on a day to day basis. That neither defense counsel nor the trial judge here chose to make the referral does not mean that this Court should also decline to do so. We are more removed from the working relationship between district court judges and the attorneys practicing before them. I am, therefore, referring this matter to the Professional Responsibility Program for further investigation and appropriate action. ").

Many of the proposed triggers would be applicable in civil actions as well. In addition, disqualification (as a key to conflict-of-interest concerns) and dismissals for failure to prosecute, pursue an appeal once filed, or appear at a hearing (as a key to competence and diligence) might be added. In the latter regard, see D.MD.R. 602 (Providing for the fining of attorneys who fail to appear, or are late for a proceeding, or fail to file a timely status report, and requiring referral to disciplinary counsel if more than two such fines have been imposed on an attorney in a five-year period). O Many of the proposed triggers would be applicable in civil actions as well. In addition, disqualification (as a key to conflict-of-interest concerns) and dismissals for failure to prosecute, pursue an appeal once filed, or appear at a hearing (as a key to competence and diligence) might be added. In the latter regard, see D.MD.R. 602 (Providing for the fining of attorneys who fail to appear, or are late for a proceeding, or fail to file a timely status report, and requiring referral to disciplinary counsel if more than two such fines have been imposed on an attorney in a five-year period).

Consider that in the context of WCPD Biray Dogan, Esq.'S failure to appear at the arraignment of 2/14/12 for the very gross misdemeanor (in violation of NRS 178.397) That RMC Judge Nash Holmes references in her FHE8 3/14/12 grievance letter to the SBN against Coughlin, and in King's 8/23/12 Complaint in 62337 at para. 8 And 9. Further consider the RJC's covering for Dogan and failing to refer such failure to appear to the SBN, in addition to King's 12/13/12 letter to Coughlin refusing to even open a grievance against Dogan, non-sensically referencing some uncited to authority pertaining to civil litigation (NOTE: King's 9/4/12 letter to Coughlin refusing to investigate Coughlin's grievance against RMC court appointed defense counsel Keith Loomis, Esq. was rejected by King via a nearly verbatim form letter as well).

King's 12/13/12 letter to Coughlin reads: "RE: Grievance / Biray Dogan, Esq. Reference No. **NC12-1889**

Dear Mr. Coughlin: Please allow this letter to acknowledge receipt of your **recent grievance** to the State Bar of Nevada regarding attorney Biray Dogan. A review of **the information provided** indicates that your grievance involves issues **best addressed in the appropriate court settings**. The Office of Bar Counsel and the disciplinary boards of the State Bar are **not substitutes for the court system**. The **State Bar has no authority to take any action which could affect the outcome of any civil disputes or litigation**. Accordingly, your allegations are, at this time, more appropriately handled in the proper judicial forum. Therefore, the grievance has been dismissed. As such, please consider this matter closed. If a court makes

any findings that clearly establish professional misconduct, you may submit that information with any supporting documentation for reconsideration. Thank you for bringing this matter to the attention of our office. Sincerely, /s/ Patrick O. King, Assistant Bar Counsel POK/*lp*”

King's 9/4/12 letter to Coughlin reads: “September 4, 2012 Zach Coughlin P.O. Box 3961 Reno, Nevada 89521 RE: Grievance / Keith Loomis, Esq. Reference No. 12-1354 (NOTE: the lack of an “NC”, much less an “NG” before the number assigned to this matter)

Dear Mr. Coughlin: Please allow this letter to acknowledge receipt of your August 28, 2012, grievance to the State Bar of Nevada regarding attorney Keith Loomis, Esq. A review of court records and the information provided indicates that your grievance involves issues best addressed in the appropriate court settings. The Office of Bar Counsel and the disciplinary boards of the State Bar are **not substitutes for the court system**. The State Bar has no authority to take any action which could affect the outcome of any civil disputes or litigation. Accordingly. Your allegations are. At this time, more appropriately handled in the proper judicial forum. Therefore, the grievance has been dismissed. As such, please consider this matter closed. If a court makes any findings that clearly establish professional misconduct, you may submit that information with any supporting documentation for reconsideration. Thank you for bringing this matter to the attention of our office. Sincerely, /s/ Patrick O. King Assistant Bar Counsel POK/*yh*”

King excuse making is particularly fraudulent where he suggests **that the “State Bar has no authority to take any action which could affect the outcome of any civil disputes or litigation”** where such rationale certainly never applied to any of Coughlin's cases (including the “civil disputes” allegedly the subject matter of Hill's grievance against Coughlin in NG12-0204 relative to the summary eviction proceeding an appeals thereof in Rev2011-001708, CV11-03628, CV11-03051, 60331, and 61383). Further, both Coughlin's grievance against WCPD Dogan and RMC court appointed defender Loomis related to their fraudulent failure to zealously advocate on Coughlin's behalf and worse in a criminal defense setting, not a “civil dispute”.

Even though FHE3 was not a sanction, where is it misrepresented as such (and even though such FHE3 has been vacated (in addition to the fact that the attorney fee award therein was for less than \$1,000), and had been at all relevant times in 62337) consider: "As mentioned at the outset of this section, California not only requires lawyers to self-report criminal and disciplinary sanctions imposed upon them, it also requires reporting the imposition of most court-imposed sanctions and certain lawsuits in which the lawyer's professional behavior is called into question. (CAL.BUS.&PROF.CODE § 6068(o)).

With respect to court-ordered sanctions, a lawyer must report “[t]he imposition of judicial sanctions against the attorney, except for sanctions for failure to make discovery or monetary sanctions **of less than one thousand dollars (\$1,000)**. Id. § 6068(o)(3); see, e.g., Riordan, 5 Cal. State Bar Ct. Rptr. at 47–48 (sanctioning lawyer for failure to follow this provision).

2702-2793 **Grievance File #NG12-0435 A: Z. Coughlin, Esq. G: Judge Nash Holmes**

2705 King forwards Peters Coughlin's 4/27/12 email Subject: Update and a Requesting

2706 King forwards Peters Coughlin's 4/19/12 email Subject: RE: Mr. King's assertions in his

3/16/12 letter wherein Coughlin denies all allegations

2716 Brian Gonsalves, Esq. (CIS/Tahoe Women's Services attorney in CV11-01896 (where he appeared despite his client not being a named party) (see 60302) and in CV11-01955 (see 60317) **email referring to other attorney fee awards makes curious King's only requesting Coughlin pay Hill's landlord client's award in King's closing argument.**

2717 King's SCR 111(6) Petition in 60838, placed in NG12-0434 makes no sense

2718 RJC Judicial Secretary Lori Townsend's 4/11/12 email to King containing documents from RCR2011-063341 (Judge Sferrazza) and RCR2012-065630 (Judge Clifton) RJC Chief Civil Clerk told Coughlin Judge Clifton told her not to respond to Coughlin's 10/30/12 SCR 110 subpoena and subpoena duces tecum

2720 RMC Judge Howard (11 CR 22176 conviction leading to 60838 temp. suspension)'s 4/4/12 email to King regarding "U-tube" postings "A Sampling, Events at RMC 3/12/12; City of Reno Marshal Harley, Allison Ormaas; RMC bounced by Reno Marshals" apparently Coughlin was at the RMC on 3/12/12 and just did not know the trial in 26800 was continuing.

2721 RMC Court Administrator Cassandra Jackson email to RMC Judges faxed by Nash Holmes just page 2 of 3 of 3/22/12 1:17 pm fax apparently to SBN

2722 list provided to SBN by RMC detailing Coughlin's offenses between 9/9/11 and 1/12/12

2723 email of 4/10/12 to SBN from RCA Dan Wong regarding SBN will be unable to get Coughlin's criminal history

2725 **is missing**

2726 Holmes fax to SBN of 3/22/12 1:17 pm page 3 of 3 containing Coughlin's 3/22/12 FOIA Request and Second Record Request for audio of 2/27/12 trial indicating Ballard indicated Coughlin's first request for such audio was not processed, and seeking anything related to the confiscation of Coughlin's personal property on 2/28/12 from the Washoe County jail, requesting chain of custody information, RMC Marshal's reports, etc.

2727-2732 **has display issues** likely RMC defender Puentes 1/17/12 Motion to Withdraw from criminal trespass case before Judge W. Gardner in 11 CR 26405

2733-2734 3/27/12 Order in CV11-03628 2JDC Judge Flanagan appeal of summary eviction with Hill and Baker as opposing counsel Denying Hill's Baker's 1/21/12 Motion for Order to Show Cause after hearing on 3/23/12 and 3/26/12

2736 RMC Cover Sheet with "List of documents" attached 3/13/12 details five documents from traffic case before Holmes: 2/28/12 Order (contempt); 3/7/12 Notice of Appeal, Mtn for Return of Personal Property Confiscated by RMC Marshals (224 pages); 3/12/12 Motion to Return Cell Phones (218 pages); 3/12/12 Order (5 pages); 3/13/12 Order Striking Fugitive Document filed on 3/7/12

2738-2739 4/16/12 fax from RMC Dept. 2 (Judge W. Gardner) 1 and 2 of 2 page Arrest Report and Probable Cause Sheet for 11/13/12 custodial criminal trespass arrest with PC Sheet by RPD Carter and Hill's Criminal Complaint

2740-41 RMC Marshal "JP" Jean-Pierre Moster report from 12/13/11 Marshals James Menzel, Matthew Thompson; Witness 1 Donna Ballard, Witness 2 Tom Bartoldo:

2742-2744 RMC Marshal James Menzel incident report detailing Coughlin's filing a Notice of Appeal and or Motion for New Trial and seeking a copy of the audio of the 11/30/11 trial in 11 CR 22176 (60838), references gossip with RJC Chief Bailiff Michael Sexton, well paid city and county Marshals and Bailiffs really don't like working until closing time

2745-2748 RMC Marshal Scott Coppa and Matthew Thompson incident reports detailing Coughlin's

3/22/12 visit to RMC filing counter to file Second Request for Audio of the 2/27/12 trial before Holmes in 11 TR 26800, which begat NG12-0434...Judge Holmes immediately faxes SBN Coughlin's FOIA Request in her desperate fear that her misconduct will be exposed incident to RMC Marshals violating Fourth Amendment at her direction in retrieving from jail on 2/28/12 what had already been booked into Coughlin's persona property (where Marshal Coppa pulled Deputy Cheung into back room of sally bay at jail to discuss such confiscation)

2749 3/22/12 email from Coughlin to King Subject Re Hello from Zach Coughlin referencing Gessin and Christiansen

2753 Coughlin's 4/2/12 email to King **RE: my attempt to be provided access to the grievances filed today seeking materials from 26800 and clarification regarding whether Judge L. Gardner herself filed grievance.**

2754 King's email to Coughlin detailing 3 grievances, **lying about NG12-0434 being a grievance received "from Judge Gardner"**, King announces he is reneging on his previous indication that Coughlin would be afforded a review of the materials submitted in connection with the grievances, references RMC Marshals Coppa and Thompson's 3/22/12 report to SBN

2756 Coughlin email to SBN Peters of 3/26/12 referencing domestic violence he has experienced and concomitant obstruction of his mail

2757 Coughlin's 3/26/12 email to SBN memorializing King's refusal to allow access to grievance materials previously offered

2759 Coughlin's 3/29/12 email to SBN indicating King had made no request for any written response to any grievance by Gardner or Holmes, Coughlin's detailing manipulative use of Coughlin's physical stature size by King, which King lied about at 1/4/13 TPO extension hearing in RJC RCP2012-000607.

2760- **Lots of emails between Coughlin and the SBN quite cooperative and responsive to any an all SBN requests for information or cooperation in any investigations whether relating to Hill, Gardner, or Nash Holmes, etc.**

2772 Coughlin's email to WCSO detailing Deputy Machen's burglary with Hill's associate Baker of 11/1/11, Machen's false affidavit regarding "personally serving" Coughlin 24 hour lockout order on 11/1/11 burglary by Hill's associate Baker of that date

2790 Coughlin's 3/16/12 email to King indicating he has yet to finish sending everything in response to Hill's grievance.

2792 USPS Certified Mail Track & Confrim ending in 6578 for King's mailing of 3/16/12 (purported letter from King to Coughlin that King was too afraid to/conflicted over/ to seek admission thereof at 11/14/12 formal disciplinary hearing) that was "undeliverable as addressed" given domestic violence abuser housemates obstruction of Coughlins' mail in conjunction with Gayle Kern, Esq.

2793 King's 3/16/12 letter to Coughlin indicating the OBC "has received several grievances concerning your conduct as a lawyer...I will make available for your review and inspection the supporting documents and audio recordings"

What is included in the "folders" for the other two grievances is necessarily salient to Coughlin's defensive collateral estoppel arguments as well, in addition to being rather, uh, *curious*:

2955 **Grievance File #NG12-0204 A: Zachary Coughlin G: Richard Hill, Esq.**

2956 Copy of envelope USPS Certified Mail # 7010 2780 0003 5429 6578 SBN sent to

Coughlin on 3/16/12 with USPS yellow sticker “**UNABLE TO FORWARD FOR REVIEW**” dated 3/31/12

- 2958 3/16/12 letter from SBN King to Coughlin regarding “several grievances” oddly placed with Hill's grievance file when 3/16/12 letter references “Justice Court” (so, there, King, like with the Judge L. Gardner “grievance” in NG12-0435, is caught lying again in asserting “supporting evidence” for grievances the OBC “received” consisting of Coughlin's filing in “Justice and District Court” (in an obvious attempt to extend the scope of his hit piece beyond just Hill and the RMC)
- 2959 *RMC Judge Nash Holmes' grievance letter to the SBN* (why on earth such is placed in the folder for Hill's grievance, other than being another attempt at obfuscation by King, is not clear at all)
- 2961 2JDC Judge L. Gardner's 4/13/09 Order After Trial, FHE3 compare “5” in “15” of “Received Mar 15 2012” to other versions (ditto)
- 2975 6/25/12 Order by 2JDC Judge Flanagan in CV11-03628 \$42,065 attorney fee award (NOT A SANCTION)
- 2979 SBN Bar Counsel Clark forwards on Coughlin's 1/23/12 self report of conviction in 60838 to King and Peters
- 2981 FHE7 Coughlin's 3/9/12 fax to SBN reg 2/14/12 letter from King only received on 3/9/12, **requesting all correspondence be copied via email and fax due to obstruction of Coughlin's mail** (which, of course, King, Peters, and the SBN fail to do...so much for that SOLACE program, huh?)
- 2983 **SBN King's 2/14/12 letter to Coughlin**
- 2984 SBN King's letter to Hill regarding grievance Hill purportedly emailed to King, compare to the letter King sent Coughlin refusing to investigate Coughlin's grievances against RMC defender Loomis and WCPD Dogan.
- 2985 King's email to Clark and Peters detailing youtube video of 8/20/11 RPD misconduct in wrongful arrest of Coughlin at issue in RJC RCR2011-063341 containing Hill's forward to King of Coughlin's email to WCSO, WCPD, RCA, Hill's associate Baker, etc. of 2/10/12 detailing Baker and WCSO Deputy Machen's burglary of 11/1/11 in Rev2011-001708, CV11-03628 at 121 River Rock
- 3004 Coughlin's 1/14/12 Opposition to Motion for Attorney Fees in CV11-03628 detailing Hill's misconduct incident to Coughlin's 1/12/12 jaywalking arrest in front of 121 River Rock former home law office.
- 3013-3017 Hill's 1/14/12 email to King, five page grievance, unsigned, unsworn (interestingly, either Hill failed to really include such “disclosures” or King excised such, inappropriately, from this 3,094 SCR 105(2)(c) production of 11/7/12, causing much prejudice to Coughlin's defense.

3018-3043 **Grievance File #NG12-0434 A: Zachary Coughlin G: Judge Linda Gardner**

3019 -3043 purported printout of 3/15/12 regarding prosecutorial misconduct in various states summaries thereof from <http://zachcoughlinesq.wordpress.com>

with header that reads “Page 1 of 1094” and a stamped “FYI” seemingly superimposed on the first page. (NOTE: nothing to indicate anything was received from 2JDC Judge L. Gardner).

3044	<u>Zach Coughlin 111 Petition</u>
3048	Coughlin's application for legal defender and 10/27/11 RMC Judge Howard Order Denying Legal Defender
3050	RCA Pamela Roberts, Esq. Opposition to Motion for New Trial of 12/21/11 in 11 CR 22176 (60838) (NOTE: lacks the actual exhibits to such motion, and instead is misleadingly followed by the Exhibits to King's 10/15/11 SCR 111(4) Petition in 61901
3055	Exhibit 1 to King's SCR 111(4) Petition in 61901
3065	SCR 111(4) Petition in 61901 of 10/15/12
3077	60838 Order of Temporary Suspension and Referral to Disciplinary Board of 6/7/12
3080	SCR 111(6) Petition in 60838
3091	5/8/12 stamped USPS Domestic Return Receipt PS Form 3811 60838 Certified Mailing 7010 2780 0003 5429 6752

Also, the following exchange from the transcript of the 11/14/12 formal disciplinary hearing (aside from managing to reveal how completely in the can and biased Panel Chair Echeverria actually was against Coughlin and in favor of Elcano, Beesley (“you haven't live in Nevada long enough” said Beesley upon King mispronouncing Echeverria's name), and Holmes (whom, rather than Coughlin (as Echeverria fraudulently “concluded) was the one “engaging in bad faith obstruction of the disciplinary process” (not that Echeverria's attempts to summarily tack such a charge/conviction of such a charge (based upon some apparent amendment to King's Complaint that Echeverria saw fit to make, sua sponte, at some point during the hearing or thereafter, even, SCR 119 “transcript requests must be made to Bar Counsel” be damned) also manages to elucidate the extent to which, like King, the Panel and Echeverria were just too plain lazy and corrupt to even begin attempting to prove, via the admission of admissible evidence, any of the violations of the Rules of Professional Conduct they accused Coughlin of committing.

As such, they were left comparing Stephen R. Harris, Esq.'s apples (misappropriating \$755,000 form *clients* he represented before NVB Judge Beesley, whom served as character witness for Harris, somehow, at Harris disciplinary hearing) to Coughlin's oranges (patently devoid of due process criminal conviction of “petty larceny” of “a candy bar and some cough drops” from a monolithic retail monopoly in a Wal-Mart located on land it rents from the Reno Sparks Indian Colony, incident to a wrongful arrest by a “tribal police officer” violative of both NRS 171.136 and NRS 171.1255 (where the Reno City Attorney prosecutor Pamela Roberts, Esq., committed willful prosecutorial misconduct in so countenancing, especially in light of her compounding such misdeeds by then suborning the perjury of RSIC Officer Cameron Crawford and Wal-Mart's Thomas Frontino incident to their

lies that Coughlin failed to provide the RSIC Officer sufficient "identification", such as a Nevada driver's license, sufficient to allow for an exception to the bar against making such an arrest, and conducting a search incident thereto (where the "fruit of the poisonous tree" is hardly "fruit" given the half a foil page of Duract Cough Melts recovered from Coughlin's pockets incident to such search belonged to the very Duract Cough Melt package (same UPC, exactly) that appeared on the receipt for \$83.82 worth of groceries that Wal-Mart admitted Coughlin purchased immediately prior to the arrest (especially where Wal-Mart's Frontino lied about that as well, where Frontino testified that Coughlin made no such purchase of Duract Cough Melts incident to such receipt for \$83.82 worth of groceries, despite the fact that the UPC of just those Duract Cough Melts appears on that very receipt for the \$83.82 worth of groceries Coughlin purchased immediately prior to the wrongful arrest.

HEARING - Vol. I, (Pages 74:11 to 75:7) "MR. ECHEVERRIA: The issue here, sir, as I understand the supreme court's order with respect to your conviction of theft, and the issues here with respect to the other grievances that have been filed against you are to the extent as to what, if any, should be the punishment that you should sustain as a result of your conduct. MR. COUGHLIN: Yet this is entered into evidence. MR. ECHEVERRIA: This is what? MR. COUGHLIN: This order has been entered into evidence. MR. ECHEVERRIA: Exhibit 2 has. MR. COUGHLIN: But it's not pled in any complaint. Judge Flanagan's not a grievant. I wasn't noticed that that was the purpose of this hearing to some extent today. MR. ECHEVERRIA: You were noticed that the issue of your conviction of trespass was an issue, that your handling of that case was an issue, and it's relevant as to that. Now, if you have some more questions of Mr. Hill, please ask them, and let's move on."

And, those apples and oranges just do not compare all that well, revealing the incestuous, immoral, and corrupt cess pool that the NNDB and SBN have become, and may well have always been where, as the email from Silverman that Coughlin copied into his 10/16/12 Motion for Order to Show Cause makes clear, the failure to even temporarily suspend Harris, and his ultimate mere three month suspension from the practice of law truly provides a "WTF" moment, indeed. (and, to be sure and clear, this is not anti-Stephen R. Harris, he is a good guy, and a very talented attorney (as nearly ever single last attorney who managed to pass the bar examination in Nevada necessarily had to be) who has overcome a lot and is an inspiration). This is anti-Pat King, John Echeverria (and the dead weight, at best, along for the ride with him on the Panel), Paul Elcano, Beesley, Richard G. Hill, Holmes, Howard, Sferrazza, etc., etc.

HEARING - Vol. I, (Pages 19:9 to 20:12) BY MR. COUGHLIN: Q Judge Beesley, did you testify on behalf of Stephen R. Harris recently? MR. KING: Objection. Relevance. MR. ECHEVERRIA: The relevance, Mr. Coughlin? MR. COUGHLIN: I didn't hear Judge Beesley again. MR. ECHEVERRIA: That doesn't matter. MR. COUGHLIN: It doesn't matter that Pat can hear him, but I can't hear him? MR. ECHEVERRIA: No. I can't hear the judge either, because you interrupted him. MR. COUGHLIN: Just now? MR. ECHEVERRIA: Yes. There's an objection as to relevancy as to whether or not what relevancy -- MR. COUGHLIN: I objected. I didn't interrupt him. MR. ECHEVERRIA: I asked you to explain the relevancy. MR. COUGHLIN: Yes, sir. I'm trying to remember the question. MR. ECHEVERRIA: The question was did he testify on behalf of Mr. Harris. The relevance of that issue in this

proceeding? MR. COUGHLIN: Well, I think it provides a basis for me comparing Judge Beesley's response to me being evicted to his response to Mr. Harris's issues. MR.

ECHEVERRIA: Overruled -- I'm sorry, sustained. Next question, please.

HEARING - Vol. I, (Pages 19:9 to 20:12) BY MR. COUGHLIN: Q Judge Beesley, did you testify on behalf of Stephen R. Harris recently? MR. KING: Objection. Relevance.

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Beesley again. MR. ECHEVERRIA: That doesn't matter. MR. COUGHLIN: It doesn't matter

that Pat can hear him, but I can't hear him? MR. ECHEVERRIA: No. I can't hear the judge

either, because you interrupted him. MR. COUGHLIN: Just now? MR. ECHEVERRIA: Yes.

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proceeding? MR. COUGHLIN: Well, I think it provides a basis for me comparing Judge

Beesley's response to me being evicted to his response to Mr. Harris's issues. MR.

ECHEVERRIA: Overruled -- I'm sorry, sustained. Next question, please.”

HEARING - Vol. I, (Pages 30:1 to 31:6) MR. ECHEVERRIA: We took that testimony under consideration of your objection. Let's hear your objection, Mr. Coughlin. MR.

COUGHLIN: Yes, sir. Well, I believe Judge Beesley was identified in a supplement to Mr.

King's, I'll call it a DowSoE, and I hope the panel will know what I mean, designation of

witness's summary of evidence. I've shortened it in my filings. Which, incidently, SCR 1052(c)

is one of the few procedural rules in the supreme court rules designed to afford attorneys or

suspended attorneys, such as myself, some due process. That rule requires that the DowSoE be

served in the same manner in which the complaint is served upon the respondent by the panel

with at least 30 days notice, or at least 30 days prior to the hearing. This panel wasn't even

empaneled until, I believe the order was October 30th. Mr. King purports to have sent the

DowSoE himself rather than in some separation in accord with the rule, but he sent it himself.

On October 12th he filed material suggesting that he sent a certified mail October 12th, and in

that way it's completely violative of the rules. Completely. And Steve Harris, who the judge

testified to, who was -- he admitted to misappropriating 800K. MR. ECHEVERRIA: Mr.

Harris is not the subject matter of this hearing. You are. MR. COUGHLIN: He got David

Grundy. And he got his DowSoE sent by the panel. And he got his full 30 days. And I sent that

forward -- MR. ECHEVERRIA: I'm not concerned with Mr. Harris.”

HEARING - Vol. I, (Pages 318:12 to 320:4) MR. COUGHLIN: Yes, sir. We have heard today a multitude of reasons why these, quote-unquote, convictions are just not

appropriate, a basis for this panel to issue any further punishment than that which has already

been felled and lived through. **I'm a licensed -- I've been a licensed patent attorney with the**

United States Patent and Trademark Office. (NOTE: Coughlin *is* a licensed patent attorney

with the USPTO, and has not ever been, nor is he currently (obviously) suspended by the

USPTO, which speaks to the SCR 114 analysis: [https://oedci.uspto.gov/OEDCI/geoRegion.do?](https://oedci.uspto.gov/OEDCI/geoRegion.do?region=NEVADA&regionID=NV)

[region=NEVADA&regionID=NV](https://oedci.uspto.gov/OEDCI/geoRegion.do?region=NEVADA&regionID=NV)) There's a couple of those, maybe, in town. (NOTE:

Coughlin was not very well informed on that count, as there is twenty-six licensed patent

attorneys listed for Reno, NV; however, that is hardly dispositive of whether each is actively

engaged in the practice of law, much less patent law, and the District of Nevada has recently been made part of a select group of courts included in a Pilot Program for patent litigation: <http://nvbar.org/articles/content/nevada-selected-patent-pilot-program-jurisdiction>)

Respectfully, your Honor, I'll just note that one of the bases for recently reinstating Mr. Harris was Judge Beesley testifying that he's one of the very few Chapter 11 bankruptcy attorneys in town who has a certain level of skill and acumen -- MR. ECHEVERRIA: Mr. Coughlin, **Mr. Harris's situation is not before us**, and I would like you to address your situation. MR.

COUGHLIN: I am, sir. I'm only mentioning that, because it seems to be a factor -- MR.

ECHEVERRIA: **It's not in evidence even**. (NOTE: strange, Echeverria failed to point out that King's merely arguing something failed to put it in evidence...) Please proceed. MR.

COUGHLIN: The law decisions, you can cite to other discipline matters, published or not with respect to. And it seems as though in that case the extent to which that respondent offered the public something which it would not have were he not there was relevant. The fact that I'm a patent attorney, I believe -- I don't know, but I think I still might be an attorney, because the United States Patent and Trademark Office says so. In fact, a suspended attorney may still practice in some bankruptcy courts, even if they only have one State Bar license, and it's suspended, there's a wealth of authority that says they're still an attorney who is licensed to practice before the federal court. But regardless, I believe on that basis to the extent that that respondent, who I'm friends with, I know him, I see him on Thursdays, a basis for his reinstatement was the rarity of what he offered to the public given his expertise and acumen in a Chapter 11 context. MR. ECHEVERRIA: **Apparently, I'm not making myself very clear. I would really like you to address your situation, and not Mr. Harris's situation.** Could you do that for us?"

Further, at one point during the trial from which FHE3 stems, 2JDC Judge L. Gardner warned Coughlin that he might be held in contempt. However, ultimately he was not held in contempt. How then can the SBN and Panel purport to find FHE3 provides a basis for finding Coughlin to have violated the following (ie, where the Panel purports the two "criminal contempt" orders provide some offensive collateral estoppel bar to the admissibility of any exculpatory materials Coughlin sought to put into evidence as to even the allegations that Coughlin violated RPC 3.5 (conduct disrupting a tribunal), how then can not Judge L. **Gardner's failure to hold Coughlin in contempt** (much less her choice not to take any "appropriate action" via reporting any perceived misconduct by Coughlin to the SBN (the "appropriate authority") per NCJC Canon 2, Rule 2.15 (especially vis a vis the Panel's "conclusions of law" that FHE somehow buttresses concluding that Coughlin violated RPC 1.1 "Competence" and RPC 3.5 not provide a defensive collateral estoppel bar to the very same approach the panel's purported "conclusion of law" that Coughlin's "conduct" in the trial from which FHE3 springs attempts to take (particularly where FHE3, especially as to the false allegation that a "sanction" was entered therein in light of the fact that no jurisdiction exists to enter any sanction under NRS 7.085 other than that provided in NRS 7.085(2), which speaks only to "papers or pleadings" Coughlin filed, and not to and "conduct" or "presentation of the case" that "extended a civil action or proceeding"?)

(The Panel concluded that "**Impartiality and Decorum of the Tribunal**·

(II) RPC 3.5(d) states "A lawyer shall not engage in **conduct** intended to **disrupt** a tribunal

(JJ) The disruption must have occurred in the courtroom. **One cannot disrupt a tribunal with conduct outside of the courtroom**. In re Michael Stuhff, 108 Nev. 629, 837P.2d 853 (1992)

(KK) The record overwhelmingly, clearly and convincingly establishes that Coughlin repeatedly conducts himself in a manner that is disruptive of the tribunal **while in the courtroom**.

(LL) The various **orders** (***NOTE: where “orders” differ from the “judgments of conviction” involved in “criminal convictions”***) of contempt or **imposing sanctions** issued by Judges Kenneth Gardner, **Linda Gardner**, Dorothy Nash Holmes and Patrick Flanagan each describe a similar pattern of conduct and behavior that is intentionally disruptive of the tribunal. Supra Para. 4, 7, 10, 21 and **25** (“**25.** Judge Gardner's **order** in the Joshi matter **indicated that Coughlin had conducted no discovery in the case** and failed to present any **documentary** evidence at the trial of the matter on behalf of his client Mrs. Joshi. See Hearing Exhibit P 12, L 4-6. (“At trial, **Mr. Springgate** **stated** that Mr. Coughlin had **conducted no discovery** in this case. In addition, Mr. Coughlin failed to present one **documentary** piece of evidence **at trial** on behalf of Ms. Joshi's **claims**. Mr. Coughlin argued incessantly with the Court...”)

Obviously, the Panel attempts to mislead in its paraphrasing of the above citation to Judge L. Gardner's Order, as Judge L. Gardner is an old exacting tennis player (like Coughlin and 2JDC Judge Flanagan, whom, some might say, is still smarting from some of the whoopings Coughlin put on him as a twelve year old tennis prodigy in the Tuesday Night Coughlin Club Men's Tennis Leagues circa 1988-90 where Coughlin's uncle, legendary Bellevue, Washington condominium construction defect plaintiff's attorney Bo Barker, Esq., played tennis for the University of Michigan and semi-pro in Europe for a time) (some might say, put it this way, there's a reason she is a district court judge and her *older* brother is a municipal court judge (who still needs to learn when to back up off of it and set his cup down) and why she was a star athlete and he was...meh...and, of course she is annoyed with his taking a vacated three year old attorney's fees award (not a sanction) order she provided him in FHE3 only for him to then attempt to wreck municipal court shop with it instead of do his job (or, as W. Gardner purported, to have passed such to his fellow RMC judges, including Nash Holmes, whom, totally unbeknownst to him (in an echo of Judge Dilworth's indications that Judge Nash Holmes had no damn business purporting to speak for him and all the other municipal court judges in her FHE8 3/14/12 grievance letter regarding Coughlin sent only to the SBN) the provided such to the SBN as part of the “box of materials” reference in FHE8), and would never enter any such order “concluding” that Coughlin “had conducted no discovery in the case” when she knows very well such was not an issue in the “case” (ie, not actually litigated, and not at issue in the trial or “necessary” to the judgment or decree therein entered).

How humiliating must it be, some might say, for a “mentally ill”/“quickly decompensating” thirty six year old temporarily suspended attorney whom she alleged “may be living in his car” to completely destroy her as a member of the judiciary and former duly elected Washoe County District Attorney on cross-examination in less than ten minutes despite a completely in the can Panel?

(HEARING - Vol. I, (Page 154:3 to 154:25) BY MR. COUGHLIN: Q Did you or anyone with the Reno Municipal Court transmit or otherwise deliver Judge Linda Gardner's order for sanctions to the State Bar of Nevada? A (JUDGE NASH HOLMES) I'm sorry. I didn't hear all that. Did I what? You'll have to repeat the question. Q Did you or anybody with your court, the Reno Municipal Court, transmit or otherwise deliver Judge Linda Gardner's April 2009 order sanctioning me to the State Bar of Nevada? A I'm sorry. Deliver to whom? MR. ECHEVERRIA: The State Bar, Judge. THE WITNESS: Oh. After -- let me explain quickly. My trial was my first experience in exposure to Mr. Coughlin. After everything happened, and I held him in contempt, **then Judge Gardner told me that his sister, Judge Gardner, has a life experience with Mr. Coughlin, and he provided me a copy of her opinion from a couple years earlier**. And that may have been in the package I forwarded to the

court. I forwarded everything I could possibly include that would show Mr. Coughlin's ability to practice law. Including Mr. Coughlin's 200-page motion that he faxed to the court.”).

Of course, its not like the OBC's Patrick O. King, Esq., and “Investigator/Paralegal” Laura Peters get paid actual money to “reasonably investigate” such allegations, right? They are *volunteers*, right? *Unpaid volunteers*? No? They get paid for the dreck they have produced in this matter making a dumpster grease fire of a broad cross-section of the judiciary in Washoe County with their malignant negligence? Oh, my.

Nonetheless, where Judge L. Gardner merely indicates that “At trial, Mr. Springgate stated that Mr. Coughlin had conducted no discovery in this case”, the Panel commits its own RPC 8.2 violation in engaging in “bad faith obstruction of the disciplinary process” where it attempts to mislead the Court by misquoting such citation as indicating that “ Judge Gardner's order in the Joshi matter indicated that Coughlin had conducted no discovery in the case”. Such is the falacious non-sense that Echeverria and his ragtag crew of miscreants (Vellis, Kent, Johnson, and Pearl) attempt to pull over on everyone.

Additionally as can be found in Coughlin's 10/28/09 Petition for Writ of Mandamus (which was provided to the Panel and the OBC well prior to the 11/14/12 formal hearing, where such reads:

“In adversary bankruptcy proceeding to have debt, which was incurred as result of motor vehicle accident, declared nondischargeable, debtor would not be entitled to attorney's fees where, although attorney for plaintiffs failed to present sufficient evidence to support finding that debtor was operating motor vehicle while legally intoxicated, he did present evidence of at least colorable claim, in that claim had some legal and factual support since debtor testified that he did consume alcohol during evening preceding accident, and where attorney for plaintiffs was somewhat limited as to evidence by prior order of court prohibiting plaintiffs from calling any expert or other witnesses at trial, and from introducing at trial any documentary evidence other than judgment of state court due to attorney's failure to comply with pretrial order setting discovery deadlines, so that attorney for plaintiffs did not act in bad faith, vexatiously, wantonly or for oppressive reasons in bringing adversary proceeding. In Re Coupe, (1985, BC ND Ohio) 51 BR 939.

Mr. Coughlin was seriously limited in what evidence he could produce by the District Courts ruling, in response to a misstatement of Nevada law by Mr. Springgate, that Ms. Joshi would not be allowed to admit any evidence whatsoever of domestic violence, for purposes of either a distribution of property/debt or alimony calculation, despite the fact that Nevada law allows for such evidence to be introduced (not for the purposes of a fault analysis but for earning capacity issues as well as intimidation and control of finances arguments, amongst other reasons). Wheeler v. Upton-Wheeler, 113 Nev. 1185, 946 P.2D 200 (1997); and “repetitive acts of physical or mental abuse by one spouse "causing a condition in the injured spouse which generates expense or affects that person's ability to work. Rodriguez v. Rodriguez, 116 Nev. 993, 998-99, 13 P.3D 415 (2000).

Further, Mr. Coughlin did put on a multitude of evidence in support of Ms. Joshi's claims. Ms. Joshi testified as to the factors in an alimony and or property distribution analysis so well that the District Court was moved to award her alimony and a lesser portion of the community debt...After the the District Court had sanctioned (NOTE: actually, FHE3 was not a “sanction” but Elcano and WLS were so obstructive during the scant time Coughlin had to prepare this, his first Petition for Writ that his analysis suffered) Mr. Coughlin for not putting on a colorable claim in either regard... The District Court made the seemingly incongruous ruling in its Final Order awarding Ms. Joshi alimony and a lesser debt apportionment after Mr. Coughlin had ceased representing Ms. Joshi.”

(Consider: Competence

(H) RPC 1.1 states "A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation."

(I) The record clearly and convincingly establishes that Coughlin lacks the **competency** to represent clients, including himself.

(J) First, the record demonstrates **severe criticism** (NOTE: What? No characterization of FHE3 as a "sanction"?) by the trial court in the handling of the **Joshi** (NOTE: FHE3, Judge L. Gardner) matter, including Coughlin's **lack of understanding of a balance sheet**, his **failure to conduct discovery**, his **lack of knowledge of the rules of evidence and trial procedure**. Supra 25 ("25. Judge Gardner's **order** in the Joshi matter **indicated that Coughlin had conducted no discovery in the case** and failed to present any **documentary** evidence at the trial of the matter on behalf of his client Mrs. Joshi. See Hearing Exhibit P 12, L 4-6. ("At trial, **Mr. Springgate stated** that Mr. Coughlin had **conducted no discovery** in this case. In addition, Mr. Coughlin failed to present one **documentary** piece of evidence **at trial** on behalf of Ms. Joshi's **claims**. Mr. Coughlin **argued incessantly with the Court...**").

FINDINGS OF FACT AND CONCLUSIONS OF LAW of 12/14/12 in SBN v. Zachary Barker Coughlin, NG12-0204, NG12-0434, and NG12-0435 reads:

"THIS MATTER came before a designated Formal Hearing Panel of the Northern Nevada Disciplinary Board (the "Panel") for hearing on Wednesday, November 14, 2012. The Panel consisted of John P. Echeverria, Esq., Chairman; Lay-Member Karen Pearl, Stephen Kent, Esq., Clark V. Vellis, Esq., and Michael K. Johnson, Esq. . The State Bar of Nevada (the "State Bar") appeared and was represented by Deputy Bar Counsel, Patrick O. King, Esq.. The Respondent, Zachary Barker Coughlin, Nevada State Bar No. 9473 (the "Respondent" or "Coughlin") appeared in propria persona.

FINDINGS OF FACT

Based upon the pleadings filed, the documentary evidence admitted as Hearing Exhibits 1 through 16, and the testimonial evidence of the Honorable Judge Bruce Beesley¹, Richard Hill, Esq., Paul Ecano, Esq., the Honorable Judge Dorothy Nash Holmes, Zachary B. Coughlin, Esq. and Mary Barker presented at the hearing of these proceedings, the Panel makes findings of facts as follows:

1. Coughlin is an attorney licensed to practice law in the State of Nevada. **At all relevant times prior to and at the time of the filing of the Complaint** in this matter, the **Respondent's principle office**, as filed with the State Bar of Nevada in accordance with the **Rule of Professional conduct ("RPC") 79(1)(a)**, was **Post Office Box 3961, Reno, NV 89505**. See Hearing Exhibit 1 at 0001, lines 7-10 (State Bar of Nevada vs. Zachary B. Coughlin, Esq., Case No: NG12-0204, NG12-0435, NG12-0434, **Complaint at P1** (filed August 23, 2012). (NOTE: such citation yields only: "ZACHARY B. COUGHLIN, ESQ., Bar No. 9473 Respondent. PLEASE TAKE **notice** that pursuant to Supreme Court Rule ("SCR")

105(2) a").

(NOTE: Coughlin denied by Verified Answer and or Response all the allegations in the Complaint, as such, it is impermissible for the FOFCOL to rely on or cite to the Complaint (as Coughlin denied each and every charge the FOFCOL's citation to the Complaint as "evidence" is error. Hutchens, 74 SW 3d 976. (and arguably the same goes for citing to fugitive documents where no right to confront the "accuser" were utilized and or offered into evidence, especially where the Complaint failed to attached such, see FHEs 2, 3, 10, 11)

2. Coughlin was admitted as a member of the State Bar of Nevada on March 25, 2005. See Hearing Exhibit 1 at 0001, lines 7-8 (State Bar of Nevada vs. Zachary B. Coughlin, Esq., Case No: NG12-0204, NG12-0435, NG12-0434, Complaint at P1 (filed August 23, 2012). ("ZACHARY B. COUGHLIN, ESQ., Bar No. 9473").

3. On September 9, 2011, Coughlin **shoplifted a candy bar and cough drops from a Wal-Mart store with an approximate value of fourteen dollars (\$14.00)**. On November 30, 2011, Municipal Court Judge Kenneth R. Howard found Coughlin guilty of the offense of Petit Larceny, a violation of RMC 8.10.040. Coughlin **appealed the judgment of conviction**. On March 15, 2012, the Honorable District Court Judge Steven P. Elliott **affirmed the judgment of conviction** on appeal. See Hearing Exhibit 1 at 0002, p. 5, lines 11-15; (State Bar of Nevada vs. Zachary B. Coughlin, Esq., Case No: NG12-0204, NG12-0435, NG12-0434, Complaint at P2 (filed August 23, 2012).

(NOTE: Coughlin's 12/13/11 Notice of Appeal appealed both the 11/30/11 "Judgment of Conviction" and the 11/30/11 Order Punishing Contempt in the Immediate View and Presence of the Court and read: "I went to the filing office at the RMC a couple times recently, including today, and sent in another written request seeking an audio tape of the Trial in RMC 11 CR 22176 IC 110627 RSIC but was told by a Clerk that I would need to pay for the entire Trial to be transcribed, and only then would I be allowed to read it, and that I would not be allowed to access the audio of the hearing? Is this correct? I need to have the audio of the Trial to finish my Rule 59, 60, and Motion for Reconsideration Motions...I will pay for the audio. I have received many audio cd/dvd's from both Reno Justice Court and Washoe District Court, and it was announced in court that the trial was being audio recorded, as such, I hope you will afford me a copy. Today, I called the RMC and spoke with Veronica, who sounded very angry with me and dismissive. I was summarily sentenced to 3 days in jail at the end of the trial in this matter, even where I had been denied my Sixth Amendment Right To Counsel, after a Contempt committed in the court's presence finding was announced, in addition to a guilty verdict in the underlying action. Veronica informed me that she was at the trial and that the RMC had failed to mail me or otherwise serve me with a copy of the written Order, either for the guilty conviction in the underlying case or the contempt order.

I was forced into handcuffs so quickly ater Judge Howard concluded issuing his oral ruling that I was not even able to save my notes on my computer, it was literally apparently that exigent a situation to handcuff me....Then a few Marshalls place some pieces of paper in front of me and demanded I sign them, and became angry, like Veronica and like Marshall Monte, I believe, was at the arraignment, when I asked a simple question related to due process, something many at the RMC do not seem all that enamored with. I asked if I could even read the papers they were demanding I sign right then and there. The curtly and loudly said no, then

dragged me away before I could read the papers, much less sign them. Veronica snarled at me that that was all the service of the Order of Contempt and Guilty Verdict that I would get, but that she might fax it to me, however, no fax has arrived, despite my illustrating the exigencies of receiving the Order in preparing my Relief From Judgment Motions. Veronica continue to curtly refuse to provide me any copy of any of the previously filed Orders of the Court unless I paid for them, despite my apparently not having been provided a copy of such orders in the first place. I have no idea what those papers were (they certainly were not in the property given to me upon my release from jail) and have received nothing in the mail, despite updating the RMC with my new address of: 817 N. Virginia St. #2, Reno NV 89501 and filing an official Change of Address with the USPS shortly after I was summarily evicted (despite there being only a No Cause Summary Eviction notice against my commercial lease, something entirely prohibited against under NRS 40.253.

Not only was I denied my Sixth Amendment Right to Counsel where jail time was a possibility (and where, I, in fact was jailed, immediately). In re Whitney, 14 Cal.4Th 1 Note: We also accept the commission's conclusion that Judge Whitney's refusal to appoint counsel to assist indigent defendants at the arraignment constituted willful misconduct in office, but conclude the remaining acts constituted, at most, conduct prejudicial to the administration of justice (See Adams v. Commission on Judicial Performance (1995) 10 Cal.4Th 866, 877-878 [42 Cal.Rptr.2D 606, 897 P.2D 544]; Gubler v. Commission on Judicial Performance (1984) 37 Cal.3D 27, 46-47, 59 [207 Cal.Rptr. 171, 688 P.2D 55. Kloepper v. Commission on Judicial Performance (1989) 49 Cal.3D 826, 838-863, 264 Cal.Rptr. 100, 782 P.2D 239 [willful and prejudicial misconduct for failing to protect the rights of defendants, and abuses of power involving contempt procedure, orders to show cause, and bench warrants]; Cannon v. Commission on Judicial Qualifications, supra, 14 Cal.3D 678, 693-694, 122 Cal.Rptr. 778, 537 P.2D 898 [failure to follow the law regarding contempt procedures].)

I was denied a continuance in this matter despite a written assent to one by Reno City Attorney Pam Roberts and despite the fact that the . Reno City Attorney was given one by my supposed appointed counsel Lew Taitel (whom is "associated with" (<http://www.nevcs.com/attorney.html>) an entity that I happen to be suing Nevada Court Services, incident to the same eviction proceeding for which Mr. Taitel did grant, and the RMC did grant, a continuance in the other RMC case against me, the trespass action that was set for trial on December 13th, because Richard G. Hill, who I am also suing in connection with the wrongful eviction against, was going to be on vacation and the RMC apparently found that a good reason for a continuance, compared to the RMC feeling my being eviction on or around November 13th, then wrongfully arrested in connection with the eviction, under a trespass charge, and incarcerated for a number of days, all while Richard Hill applied an unlawful rent distraint upon many exculpatory materials that would speak to a stated and express retaliatory motive on the part of Walmart and the RSIC, and other exculpatory materials being wrongfully withheld under an unlawful rent distraint by Richard G. Hill, Esq., the same person Mr. Taitel, the Reno City Attorney, and the RMC decided deserved such sanctity applied to his monthlong vacation from Thanksgiving to New Year's to grant a continuance, with no input from me.

FAILURE TO AFFORD SIXTH AMENDMENT RIGHT TO COUNSEL OR
GRANT DEMAND FOR JURY TRIAL; another DEMAND FOR JURY TRIAL HEREBY

MADE IN EVENT OF NEW TRIAL, SIMILARLY REQUEST FOR IN FORMA PAUPERIS STATUS HEREBY MADE AND SUPPORTED BY ATTACHED IFP PETITION”

It is completely pathetic and shameful to deny Coughlin court appointed criminal defense counsel in such a setting where the “seriousness of the charge” was amplified by the SCR 111(6) “serious” offense nature of the crime and Coughlin's being a then licensed attorney, which Coughlin made RMC Judge Howard well aware of. Coughlin had never worked on a single criminal law matter in all his experiences in the law at that time. Further, Coughlin's 10/26/11 Application for Court appointed counsel met the per se indigency requirements of the N. S. Ct.'s 2008 Indigent Defense Order of 1/4/08, and *In re Whitney*, (1996), 14 Cal. 4th 1 [56 Cal. Rptr. 2d 705, 922 P.2d 868], and *Discipl. Counsel v. Elum*, 979 N.E. 2d 289 establish that such willful refusal to obey such Order by the RMC's Judge Howard is willful judicial misconduct, as such a *Claiborne* /SCR 114 (so lacking in fundamental notions of due process) type of approach is in order...further the USPTO has indicated that it does not view such “candy bar and cough drops petty larceny conviction” to be a “serious” offense under its analog to SCR 111(6).

32 Hofstra L. Rev. 1245 Hofstra Law Review Summer 2004 Legal Ethics Conference: "Judging Judges' Ethics" Articles THE LINE BETWEEN LEGAL ERROR AND JUDICIAL MISCONDUCT: BALANCING JUDICIAL INDEPENDENCE AND ACCOUNTABILITY

Additionally, all the attendant circumstances make Judge Howard's conduct even more suspect (including RMC Marshal Menzels castigating Coughlin at the 10/11/11 arraignment held in violation of NRS 178.405 where RMC Judge W. Gardner refused to disclose to Coughlin the names of prospective court appointed counsel, which resulted in Coughlin being assigned counsel, Lew Taitel, Esq., whom is a business partner of the unauthorized practitioners of law, Nevada Court Services, that Coughlin was suing at the time in CV11-03051, a case involving the very same wrongful summary eviction from Coughlin's law office as the criminal trespass matter in which Taitel was appointed for a time...but, to be clear, it was in the Walmart candy bar/cough drops petty larceny case that RMC Judge Howard denied Coughlin counsel in his 10/27/11 Order denying Coughlin's 10/26/11 Application for Court Appointed Counsel.

CONCLUSION Defendant/Appellant Coughlin **hereby respectfully requests all Orders, Convictions, Judgments, Contempt Findings**, whatever, stemming from the November 30th, 2011 Trial be Vacated or Set Aside or Reconsidered.. “

Somehow, the OBC's King thought RMC Judge Howard's 12/15/11 Order in the matter that became 60838 supports the SBN's case, when, in reality, it does nothing more than illustrate the injustice in both denying Coughlin court appoint counsel where he met the 2008 Indigent Defense Order's per se less than 200% of the federal poverty standard guideline (Coughlin listed his yearly income at approximately \$10,000, which was 100% of the federal poverty guideline, so, far below the 200% benchmark.

However, all FHE 10, RMC Howard's 12/15/11 Order serves to do is illustrate how

completely out of control and inappropriate Judge Howard's approach was in that matter, and terribly biased towards the city attorney, and vindictive towards Coughlin specifically it was to boot, where such reads:

“On November 30, 2011, Defendant Coughlin was found guilty of the offense of Petit Larceny, a violation of RMC 8.10.040. Thereafter, Appellant filed his Notice of Appeal on December 13, 2011. Additionally, Defendant Coughlin filed a Motion to Vacate and/or Set Aside, Motion for Reconsideration, Motion for Recusal and Motion for Publication of Transcript at Public Expense². Appellant Coughlin requested that he be provided the trial transcript at public expense on the basis that he was indigent. On + ((sic) NOTE: actually, such IFP Motion by Coughlin was filed on 12/14/11, and followed Coughlins' original 10/26/11 IFP Application for court appointed counsel), Defendant Coughlin filed a Motion to Proceed In Forma Pauperis wherein he seeks a waiver of certain fees due to his asserted indigence.

A. FAILURE TO PROPERLY SERVE CITY ATTORNEY Written motions **are to be served upon each of the parties**. NRS 178.582. Service upon the attorney or upon a party must be made in the manner provided in civil actions. NRS 178.584. Appellant has chosen to serve the City Attorney with these various Pleadings via electronic mail. There is no provision in the Nevada Revised Statutes or the Rules of Court which denotes electronic mail as an appropriate means of service of process. This alone is a basis for non-consideration/denial of Appellant's various requests.

B. MOTION FOR PUBLICATION OF TRANSCRIPT AT PUBLIC EXPENSE and MOTION TO PROCEED IN FORMA PAUPERIS

Defendant Coughlin cites to NRS 12.015 As authority for allowing him to issue "any, necessary writ, process, pleading or paper without charge, with the exception of jury fees because I lack sufficient financial ability to proceed without this waiver". Appellant Coughlin's reference to NRS 12.015 Is misplaced as that provision refers to civil procedure. He cites no other authority for his request. This case has gone to verdict and the defendant was found guilty. It is difficult to see what additional costs will be incurred by Appellant Coughlin other than the trial transcript. This is not a complex case with numerous factual or legal issues. Mr. Coughlin is a licensed attorney-at-law who implied during trial that his incarceration for contempt would adversely affect his clients. Yet, Mr. Coughlin, in his "affidavit of poverty" does not indicate any income from his practice of law. Of note, Mr. Coughlin posted cash bail during the litigation of the instant matter. This Court has not been provided sufficient information to determine Mr. Coughlin's indigency status and will not grant him carte blanche authority to continue the fishing expedition he conducted during the trial of this matter. Appellant's motion to further pursue this matter at public expense is denied.

C. MOTION TO VACATE AND/OR SET ASIDE, MOTION FOR RECONSIDERATION AND MOTION FOR RECUSAL ..

These motions will not be addressed as Defendant Coughlin has not submitted a basis for their consideration. IT IS HEREBY ORDERED that Defendant Coughlin's Motion to Proceed In Forma Pauperis and Motion for Publication of Transcript at Public Expense is DENIED. IT IS FURTHER ORDERED that the Motion to Vacate and/or Set Aside, Motion for Reconsideration and Motion for Recusal are presently DENIED. DATED this 15th day of

December, 2011. /S/ Kenneth R. Howard, Judge"

"Draper v. State of Wash. Supreme Court of the United States, 372 U.S. 487 (1983). Defendants were convicted in Superior Court, Spokane County, Washington, of robbery and applied for free transcripts. The Superior Court found that the assignments of error were patently frivolous and denied free transcripts. On review by certiorari, the Washington Supreme Court, 58 Wash.2D 830, 365 P.2D 31, quashed the writ. The Supreme Court granted certiorari, and, speaking through Mr. Justice Goldberg, held that the conclusion of a trial judge that an indigent's appeal is frivolous is an inadequate substitute for full appellate review available to nonindigents in the state of Washington, where effect of the finding is to prevent appellate examination based on a sufficiently complete record of the trial proceedings themselves. Reversed and remanded. Mr. Justice White, Mr. Justice Clark, Mr. Justice Harlan and Mr. Justice Stewart dissented. ...He contended, therefore, that petitioners' motions for free transcripts and statements of facts should be denied because 'there is nothing here to support any substantial claim of error whatsoever.' ...In Eskridge the question was the validity of Washington's long-standing procedure whereby an indigent defendant would receive a stenographic transcript at public expense only if, in the opinion of the trial judge, 'justice will thereby be promoted.' ...

See, also: Hardy v. U.S. Supreme Court of the United States, 375 U.S. 277 84 S.Ct. 424. Griffin v. Illinois Supreme Court of the United States April 23, 1956 351 U.S. 12 76 S.Ct. 585 Defendants, who had been convicted of armed robbery, and whose motion to have copy of record including transcript furnished them without costs on ground of their poverty had been denied, filed petition under the Illinois Post-Conviction Hearing Act, S.H.A.Ill. Ch. 38, Ss 826-832. The Illinois Supreme Court affirmed dismissal of this petition, and defendants brought certiorari. The Supreme Court held that dismissal of the petition was error."

4. Coughlin's **conduct** during the trial of the petit larceny case on November 30, 2011, in which Coughlin *appeared in propria persona*, was so *disruptive* that Judge Howard found Coughlin in direct **contempt** of court and *sentenced him to jail that same day to be released on December 3, 2011* at 8:00 PM. Judge Howard specifically found *Coughlin's conduct to be disorderly and was either contemptuous or behavior insolent toward the judge* in that Coughlin refused:

"... to obey directives of the Judge, continuing lines of inquiry after being advised by the Court to refrain from doing so; demeaning the Court with statements such as "WOW" in response to court rulings; laughing during testimony and further questioning the court and its authority."

See Hearing Exhibit 11 ORDER FOR SUMMARY PUNISHMENT OF **contempt** COMMITTED IN THE IMMEDIATE VIEW AND PRESENCE OF THE COURT, November 30, 2011.

(NOTE: Such FHE 11 *lacks a Certificate of Service page, and this is done on purpose*, as the RMC refused to provide such OPSC to Coughlin upon his being released from jail (Coughlin called the RMC and spoke with RMC Judicial Assistant for Judge Howard, Veronica Lopez the Monday following his release from jail on 12/3/11), and such was not provided to Coughlin at jail or upon his release, and attempts to obtain such after from the RMC, and specifically Veronica Lopez were rudely rebuffed. Also, such was made in absentia of both Coughlin and the prosecutor, and as such, the deadline to appeal it has not even started to run, given no **notice** of Entry of Order for such Order has been filed and **served**. Further, lines 16-17 of page 1 of such OSPC reveals the extent to which such Order failed to find any such "behavior" (lines 26-28 and the colon after the word "**conduct**" between lines 26-27, and the failure of the RMC to check such blank, combined with the check on the blank on line 19 where "*behavior*", rather than "*conduct*" is referenced, takes such out of the purview of any admissible evidence of a RPC 3.5 violation.

Additionally, the entirety of such 11/30/11 (apparently the RMC can obtain a file stamp for Orders submitted after 4:30 pm, but not attorneys or litigants?) OPSC is violative of McCormack and the Sixth Amendment where Judge Howard's 10/27/11 Order denied Coughlin court appointed counsel and *failed to rule that jail time was not a possibility*. Aigersinger.

"Attorney's **conduct** in *continuing to cross-examine police officer after judge had ruled that police log was not admissible was not contempt* where attorney claimed that he was trying to impeach witnesses' memory, not lay foundation for admission of log, so that his **conduct** could not be said to be willful. *United States v Giovanelli*, (1990, CA2 NY) 897 F2d 1227. Resort to summary disposition of criminal contempt proceeding under Rule 42(a), Federal Rules of Criminal Procedure, *is permissible only when express requirements of rule are met and when there is compelling reason for immediate remedy or when time is of essence*. Thus, *attorney's conviction for criminal contempt in pursuing line of questioning forbidden by court would be reversed, since record showed that there was no compelling need for immediate remedy* provided by Rule 42(a), Federal Rules of Criminal Procedure, and that trial court, by its own actions, did not consider time to be of essence; trial court should have observed "normal" procedure" of **notice** and hearing, provided by Rule 42(b), Federal Rules of Criminal Procedure. *U.S. v. Moschiano*, 695 F.2d 236, 12 Fed. R. Evid. Serv. 124 (7th Cir. 1982). See *United States v Turner*, (1987, CA11 Ala) 812 F2d 1552, § 14." (page 29 of Coughlin's 6/18/12 Motion for Leave in 60838, the matter within which King's SCR 111 Petition resides, a document which, along with other filings by Coughlin in the NSCT, were attached as exhibits (usually on a disc, but not always) to a multitude of the documents Coughlin submitted for filing with the SBN's Clerk of Court in NG12-0204, etc.

(see, also, the transcription Coughlin provided therein between pages 35-85, which clearly reveal the patent lack of due process attendant to that trial (denial of Sixth Amendment (as to both the petty larceny trial and the "trial" on the summary **contempt** "finding" made ten minutes into the petty larceny trial (the failure to immediately render

a summary **contempt** order with Houston (see, also, the 2012 Marshall case, especially where Judge Howard is clearly punishing Coughlin for “behavior” occurring outside the immediate presence of the court, whether or not his 11/30/11 OPSC admits to that or not, which includes Coughlin's rancorous interactions with Marshal Menzel at the 10/10/11 arraignment (the hold of which violated NRS 178.405 in light of the then pending 9/7/11 Order for Competency evaluation of which the RMC was made aware, in writing in), similar interactions with RMC filing office counter clerks and supervisors incident to their refusal to allow Coughlin to access even the Arrest Report and Declaration of Probable Cause until after the 10/10/11 arraignment, etc), and Coughlin's 11/28/11 Motion to specificity brings McCormack into play, and the possibility of jail time for such **contempt** required the appointment of counsel as well), failure to apply the exclusionary rule to “evidence” (despite Coughlin having a receipt proving he purchased the very Duract Cough Melts found in his pocket) where both NRS 171.1255 and NRS 171.136 were violated, therefore making such arrests and searches incident thereto illegal arrests requiring application of the exclusionary rule), prosecutorial **misconduct** (Deputy Reno City Attorney Pamela Roberts, Esq., put on testimony she knew to be lies given the very video provided to her by Walmart and or RSIC Police clearly show Coughlin providing his driver's license to Officer Crawford), witness **misconduct** (numerous instances of perjury by both Walmart's Frontino and Officer Kameron Crawford), and a to per se indigent under 2008 Indigent Defense Order, abuse of **contempt** power, violation of Pengilly and McCormack, failure to grant a continuance where exculpatory evidence was being wrongfully withheld by and opposing counsel whom had burglarized Coughlin's former home law office with both the WCSO and RPD (Russell v. Kallian, NRS 40.253(5), Mayes v. UVI, Iorio v. City of New York), and denial of a continuance to Coughlin (despite one being agreed to in writing by RCA Roberts) is particularly suspect given the failure, then, to accord Coughlin's right to a speedy trial (which he did not waive) where Coughlin, whom bailed out on 9/10/11 was not afforded a trial within 45 days as an out of custody defenant, and where the RSIC refused to release to Coughlin even the Arrest Report and Probable Cause Sheet until after the 10/10/11 arraignment, wherein RMC Judge W. Gardner refused to reveal to Coughlin, then a licensed practicing attorney, the names of the four possible court appointed defense counsel sufficient for Coughlin to perform a conflict check prior to agreeing to such confidential information being released to whichever allegedly randomly assigned court appointed counsel would get such (and it may be law of the case that Coughlin's right to such counsel was recognized at such time, making Judge Howard's subsequent October 27th, 2011 denial of Aigersinger and the Sixth Amendment even more suspect).

(“This action was brought against all three defendants, alleging negligence -- against City Marshal Richard M. Schwartz, for damage to plaintiff tenant’s personal property in the course of an eviction; against Tuscany Holding Corp., because as landlord it hired the marshal to perform the eviction; and, against the City of New York, on the theory that the marshal acted as agent, servant and/or employee of the City of New York. By an earlier order of this court, the complaint against the marshal was

dismissed for lack of jurisdiction.

“A party at whose instance a warrant is duly issued is not responsible for the manner in which a Sheriff or marshal executes the warrant. The Sheriff or marshal only becomes an agent if the warrant is irregular, unauthorized or void. (*Ide v Finn*, 196 App Div 304; *Treiber v Mouricourt*, 143 Misc 741, 742.) The party procuring issuance of the warrant confers only an implied authority consistent with that conferred thereby, and, is not liable for a trespass committed by the officer unless he authorized it. (*Ide v Finn*, supra, p 314, citing *Welsh v Cochran*, 63 NY 181; see *Drinkhouse v Parka*, 3 NY2d 82, 91; *Fults v Munro*, 202 NY 34, 42; *Schrier v Shaffer*, 123 App Div 543; *Bach v New*, 23 App Div 548; *Korman v Macy & Co.*, 142 NYS2d 455; *Liberty Ind. Park v Protective Packaging Corp.*, 71 Misc 2d 116, 119; *Pollack v Macombs Inwood Corp.*, 52 Misc 2d 563.)

In re Whitney, 14 Cal.4Th 1 Note: We also accept the commission's conclusion that Judge Whitney's refusal to appoint counsel to assist indigent defendants at the arraignment constituted willful misconduct in office, but conclude the remaining acts constituted, at most, conduct prejudicial to the administration of justice (See *Adams v. Commission on Judicial Performance* (1995) 10 Cal.4Th 866, 877-878 [42 Cal.Rptr.2D 606, 897 P.2D 544]; *Gubler v. Commission on Judicial Performance* (1984) 37 Cal.3D 27, 46-47, 59 [207 Cal.Rptr. 171, 688 P.2D 55. *Kloepfer v. Commission on Judicial Performance* (1989) 49 Cal.3D 826, 838-863, 264 Cal.Rptr. 100, 782 P.2D 239 [willful and prejudicial misconduct for failing to protect the rights of defendants, and abuses of power involving contempt procedure, orders to show cause, and bench warrants]; *Cannon v. Commission on Judicial Qualifications*, supra, 14 Cal.3D 678, 693-694, 122 Cal.Rptr. 778, 537 P.2D 898 [failure to follow the law regarding contempt procedures].)

Since plaintiff did not appeal from the judgment underlying the warrant executed by the marshal, plaintiff cannot now collaterally attack the warrant. And, nowhere in his papers does plaintiff demonstrate by evidentiary facts that the warrant was irregular, unauthorized or void, or, that either defendant participated in the eviction or did anything to cause damage to any property of plaintiff in the course of or as a consequence of the eviction. (*Days v Hall*, 67 NYS2d 238.) “

Iorio v. City of New York et al., 96 Misc.2D 955, 410 N.Y.S.2D 195 (1978). Certainly Coughlin's 2/11/12 email to WCSO Supervisor Liz Stuchell in response to Stuchell's 2/7/12 email to Coughlin, which either the RMC and King or both excised from the 4/16/12 “Exhibit 9” presentation of an *altered* reproduction thereof (while the page 16 of 40 missing from the first appearance of such 3/5/12 Motion did appear...the fax header for all pages was excised, making less noticeable the excision of Stuchell's 2/7/12 email (ie, not pae 38 of 40...hey, where's page 39 of 40 as paginated in the fax header moment for the Screening Panel, by design...making Judge W. Gardner's 3/20/12 “Order #1” at Exhibit 10 in such 23 Exhibit Presentation quite dubious (especially where the page 16 (in terms of the pagination on Coughln's 3/5/12 Motion at the bottom center of each page) and “page 39 of 40” (in terms of the fax header therein) speak volumes to rebut Judge W. Gardner's contention that Coughlin's motion “lacks merit) negates the following authority, as does his 6/26/12 email to the RJC and Stuchell as well: “...A party at whose instance a warrant is duly issued is not responsible for the manner in which a Sheriff or marshal executes the warrant. The Sheriff or marshal only

becomes an agent if the warrant is irregular, unauthorized or void. (*Ide v Finn*, 196 App Div 304; *Treiber v Mouriocourt*, 143 Misc 741, 742.) The party procuring issuance of the warrant confers only an implied authority consistent with that conferred thereby, and, is not liable for a trespass committed by the officer unless he authorized it. (*Ide v Finn*, supra, p 314, citing *Welsh v Cochran*, 63 NY 181; see *Drinkhouse v Parka*, 3 NY2d 82, 91; *Fults v Munro*, 202 NY 34, 42; *Schrier v Shaffer*, 123 App Div 543; *Bach v New*, 23 App Div 548; *Korman v Macy & Co.*, 142 NYS2d 455; *Liberty Ind. Park v Protective Packaging Corp.*, 71 Misc 2d 116, 119; *Pollack v Macombs Inwood Corp.*, 52 Misc 2d 563.) Since plaintiff did not appeal from the judgment underlying the warrant executed by the marshal, plaintiff cannot now collaterally attack the warrant. And, nowhere in his papers does plaintiff demonstrate by evidentiary facts that the warrant was irregular, unauthorized or void, or, that either defendant participated in the eviction or did anything to cause damage to any property of plaintiff in the course of or as a consequence of the eviction. (*Days v Hall*, 67 NYS2d 238.) ..."

A commercial tenant failed to overcome the presumption of regularity, as required to support a claim against the marshal who effectuated an eviction with a vacated warrant, absent a showing that the marshal had knowingly or negligently executed an invalid warrant. *Rodriguez v. 1414-1422 Ogden Avenue Realty Corp.*, 304 A.D.2D 400, 758 N.Y.S.2D 43 (1st Dep't 2003). 57 Am Jur 2d, Municipal, School, and State Tort Liability § 89; 70 Am Jur 2d, Sheriffs, Police, and Constables § 69, Where the condition of a marshal's bond is that the marshal himself or herself, and his or her deputies, must faithfully perform all the duties of the office, a marshal is liable in damages on his or her bond for an assault committed by his or her deputy in executing a writ of replevin. *Palmer v. King*, 41 App. D.C. 419, L.R.A. 1916D, 278, Am. Ann. Cas. 1915C, 1139 (App. D.C. 1914). As to the WCSO failing to service process timely on WLS in 60302: Neglect or failure to execute regular legal process is an official default for which the sureties of a sheriff or constable are liable. *Pappe v. Law*, 1934 OK 427, 169 Okla. 15, 35 P.2D 941, 95 A.L.R. 939 (1934). A law enforcement officer who levies execution on property owned by a person other than the judgment debtor named in the writ may be held responsible for the damages suffered by that innocent third person as a consequence of the wrongful levy. *Bethel v. Dunipace*, 57 Ohio App. 3D 89, 566 N.E.2D 1252 (3d Dist. Hancock County 1988). As to persons liable on bonds indemnifying those liable for wrongful executions, generally, see Am. Jur. 2D, Executions and Enforcement of Judgments § 608. Am. Jur. 2D Sheriff's § 64. Justification under writ; writ regular on face A sheriff, constable, or other such officer may justify his or her acts by showing that in performing them he or she acted pursuant to the command of a writ regular upon its face and issued by a court of competent jurisdiction,[FN1] even if the judgment or order was erroneously issued[FN2] or otherwise void.[FN3] The common-law rule may be codified by statute.[FN4] A peace officer is similarly protected and justified in executing process fair on its face, where he or she is subsequently charged with false arrest or imprisonment.[FN5] [FN1] *Marks v. Shoup*, 181 U.S. 562, 21 S. Ct. 724, 45 L. Ed. 1002, 1 Alaska Fed. 702 (1901); *Jeffres v. Countryside Homes of Lincoln, Inc.*, 214 Neb. 104, 333 N.W.2D 754 (1983). [FN2] *Teddy's Drive In, Inc. V. Cohen*, 47 N.Y.2D 79, 416 N.Y.S.2D 782, 390 N.E.2D 290 (1979). [FN3] *Reinecke v. Sheehy*, 47 Mich. App. 250, 209 N.W.2D 460 (1973). [FN4] *Brother's Distributing Co., Inc. V. Heidtman*, 354 F. Supp. 203 (S.D. Fla. 1973), Aff'd, 480 F.2D 922 (5th Cir. 1973) (Statute setting forth the duty of a sheriff to levy upon

property described in a writ may specifically grant immunity from suit to sheriffs levying attachment on the property). [FN5] See, generally, Am. Jur. 2D, False Imprisonment. However, particularly where the lockout orders of 3/15/12 and 6/27/12 indicate 24 hours from the tenant's receipt of such orders must pass (and the lockout of 11/1/11 arguably is subject to constructive notice of such requirement given the ubiquity of NRS 40.253 To what the Civil Division of the WCSO does day in day out), the above authority is unavailing.

Also from such 6/18/12 Motion in 60838 at pages 29-30: ""With respect to matters which may bring into doubt the validity of the conviction in the trial court judgment in RMC 11 CR 26800: In the appeal to the District Court in CR11-2064, Judge Elliot utilized a civil statute in excusing the RMC from its failure to forward to the District Court a copy of the transcript of the audio recording of the trial and to forward such to the District Court within ten days of the filing of the **notice** of Appeal. Further, Coughlin made numerous attempts to order such a transcript and was thwarted in his attempts to do so by the RMC's express dictate that only the RMC's transcriptionist of choice, Pam Dongoni, would be permitted to perform the transcribing duties, and Ms. Dongoni hung up the phone on Coughlin and refused to provide information related to where and in what method of payment Coughlin could pay for the transcript and assure its production. Further, the RMC refused to timely provide Coughlin a copy of the audio recording of the trial until well after the deadline for filing tolling motions or a **notice** of Appeal had passed, and further, the RMC failed to notate in the certified docket (which is not available to litigants during these matters, and attempts by Coughlin to so obtain such a docket has resulted in the City of Reno Marshals threatening Coughlin and forcing him to leave the courthouse and writing disingenuous letters to Bar Counsel."

Also **served** on Bar Counsel and amongst those materials that the SBN wrongfully failed to transmit with the ROA, and the Panel wrongfully failed to consider (especially given the SBN's fraudulent assertions that it was copying all five Panel members with the entirety of every one of the documents Coughlin submitted for filing, including the discs attached thereto as exhibits) was the entirety of the ROA transmitted by the RMC to the 2JDC from 11 CR 22176 and the entirety of that in the record in the appeal thereof in CR11-2064 (in addition to all of Coughlin's correspondence with the RCA and RMC regarding such matter, and the materials that the RMC fraudulently failed to include within the ROA), amongst such materials:

Coughlin's 11/2/11 Motion for Reconsideration of RMC Judge Howard's 10/27/11 Order Denying Motion for Appointment of Counsel, at page 1 thereof: "Trevino v. State 555 SW 2d 750 Formerly 110k641 2(4), 11Ok641.2 Tex.Crim App., 1977 Criminal defendants In misdemeanor cases are entitled to counsel if there exists a possibility that imprisonment may be imposed Judge Gardner refused to tell the undersigned the last names of the four attorneys who might be appointed counsel. Accused has a right to know that, Its important to check qualifications and experience. Further, Judge Gardner touted their abilities by mentioning some, or all, of them were former prosecutors. The NFL doesn't hire too many offensive coordinators, to coach defense. I feel the same about criminal defense. **The arrest did not occur in the presence of the police officer. There was no consent to search. Officer made**

statements conditioning whether arrest would be made upon whether consent to search was given, there are other impermissible acts..."

Additionally, while page 1 contains a "certification" by RMC Filing Officer Supervisor (whom regularly refuses to file documents even in criminal matters based on unwritten "legibility" rules she applies), there is no indication such "certified" copy contained the "01682" **bates stamp** apparently later applied by King. Such FHE11 should be excluded from the admissible evidence based on such prejudicial inclusion by King of such **bates stamping**, especially where King subsequently argued that Coughlin should be prevented from having the entirety of such 11/7/12 production by the SBN of a 3,094 page SCR 105(2)(c) consolation prize:

11/14/12 HEARING (Page 302:6 to 302:12) "MR. COUGHLIN: Sorry, your Honor. There was just one other thing **I was hoping to offer into evidence**. It will only take a second to ask to do it. MR. ECHEVERRIA: What is that? MR. COUGHLIN: I would like to -- but **the file. And then the subpoena that I tried to get the sheriff here and** --- Vol. I, (Page 304:18 to 304:23) "MR. COUGHLIN: I would ask that I would be allowed to be a little bit more specific. **Mr. King got me a big box of stuff**. I'm only **seeking to put in** -- and it was broken up into about four different things, each one kind of had a cardboard thing and a rubber band holding it together." HEARING - Vol. I, (Pages 304:25 to 305:1) And it's **Bates stamped**." HEARING - Vol. I, (Pages 305:6 to 306:17) This is not just the pleadings. **There's some stuff in here I never even saw before, like an affidavit by Laura Peters that speaks to things like the service of the complaint. It's filed. I'm wondering why didn't I get a copy of it if it has a file stamp on it? That's kind of strange.** So I do think -- **I would ask that I be able to admit this into evidence.** MR. KING: I don't know what that is. And I object to it at this stage, **proffering a bunch of papers that haven't been discussed, haven't been admitted, no foundation laid**. Just to say they are going to go up to the supreme court, it doesn't make sense. MR. ECHEVERRIA: I tend to agree. These are all -- the pleadings themselves, as we now understand it, are going to go -- would be part of the record the supreme court reviews. **What you're offering appears to be a stack of documents three inches thick that I have no idea what's in there.** MR. COUGHLIN: May I -- MR. ECHEVERRIA: We don't have time. I would really like to afford you an opportunity to address the issue that I asked. So I'm going to sustain the objection. I'm not going to permit those exhibits to be entered into at this stage. You had all day in which to do that, and identify specific pieces and proffer specific pieces. Instead you chose to spend a great deal of time attempting to get in videotapes and transcripts. So I'm going to overrule that objection to the extent these are factual documents. To the extent there are pleadings in there that are part of the official record, they are going to go up. It's now a quarter to 5:00. You've heard the questions that the panel is interested in having addressed in the final arguments. Mr. King. MR. KING: Thank you very much."

Whether or not 2JDC Judges L. Gardner, Flanagan, or Elliott took any NCJC Canon 2, Rule 2.15 "appropriate action" by contacting the SBN ("appropriate authority") about Coughlin is completely relevant to Coughlin's **defensive collateral estoppel**

claims, in addition to thoroughly undermining King's offensive collateral estoppel claims, and, arguably, revealing King's fraudulent Bomer worthy approach here.

Also, the extent to which King flat out admits he manipulates the record is an embarrassment to this Court and the Bar: HEARING - Vol. I, (Page 304:1 to 304:7) MR. KING: In other words, everything Mr. Coughlin sent, oftentimes with these multiple captions where he's sending them to many people, he might caption as a pleading, it doesn't make it a pleading. It has to be something that was sent to us, filed in, and that would be a pleading. And if there was such a thing as file stamped with the supreme court, it will go up.” Sounds very similar to King allegedly he does not control the “Clerk of Court” during the 9/25/12 interaction with Coughlin detailed in Coughlin's Motion for Order to Show Cause (served on the SBN and submitted for filing with the SBN Clerk of Court on 10/1/12 in 60838, and submitted at that time in NG12-0204 as well, though apparently never filed stamped by the SBN, yet ruled on in the Panel Chair's 10/31/12 Order, which indicates such was filed in on 10/16/12, which absolutely entitles Coughlin, even more than Clerk Peters 9/11/12 assertions respecting the permissibility of Coughlin filing (and therefore serving on Bar Counsel) by facsimile).

5. On June 7, 2012 the Supreme Court of the State of Nevada upon petition of Bar Counsel pursuant to SCR 111, ordered Coughlin temporarily suspended from the practice of law in Nevada. The Order further directed that the matter be referred to the Appropriate disciplinary board, as mandated by SCR 111(8), with directions for the board to institute a formal hearing "before a hearing panel in which the sole issue to be determined shall be the extent of the discipline to be imposed." In the Matter of Discipline of ZACHARY B. COUGHLIN, Esq., Bar No. 9473, No. 60838, June 7, 2012.

6. On November 15, 2011 Coughlin was arrested (NOTE: actually, Coughlin was not arrested, he was simply issued three traffic citations at that time) and charged with three violations of the Reno Municipal Code. The charges of Failure to Provide Evidence of Security or Insurance (a violation of RMC 6.06.555(a)) and Failure to Provide Vehicle Registration (a violation of RMC 6.06.560(a)) were dismissed at arraignment. On February 27, 2012 a trial was held in Reno Municipal Court before the Honorable Judge Dorothy Nash Holmes on the remaining charge of a Right of Way Stop Sign violation at an intersection (a violation of RMC 6.06.170(a)). Coughlin again appeared in propria persona. The trial commenced at 3 p.m. and was concluded by the Court at 4:30 p.m., without a verdict, after the court held Coughlin in criminal contempt of court for his behavior and activities committed during the course of the trial and in the presence of the Court. See Hearing Exhibit 4. ORDER FINDING THE DEFENDANT IN contempt OF COURT AND IMPOSING SANCTIONS.

Alabama State Bar v. Caffey, 938 So. 2d 942 (Ala. 2006): "The State Bar argues that “the trial court's judgment finding Caffey guilty of direct contempt of court is conclusive evidence that establishes a per se violation of Rules 3.1(A), 3.2, 3.5(C), 4.4, [“As we noted in footnote 3, the State Bar dismissed the charge relating to Rule 4.4....”] 8.4(A), 8.4(D), and 8.4(G),...”.. Court had found Caffey guilty of contempt of court for being “disrespectful and contemptuous toward the Court in such a way as to diminish and impair the respect due to judicial tribunals and further to interrupt the due

course of this trial.” Pursuant to the Alabama Rules of Disciplinary Procedure, prior adjudications establish a lawyer's misconduct for purposes of a disciplinary proceeding **when a lawyer commits a serious crime**. fn14 Caffey, **however, was found guilty of contempt of court, which is not a crime**. See Alabama State Bar v. Tipler, 904 So.2D at 1241 (“**court's imposition of civil or criminal contempt is not the equivalent of a conviction for a crime** ..”). Thus, we do not find support for the State Bar's argument that a trial court's judgment of criminal contempt is conclusive evidence that establishes a per se violation of the ... Rules of Professional Conduct....Fn3 The formal charges filed by the State Bar also asserted that Caffey had violated Rules 4.4 And 8.2. The State Bar later dismissed those charges.” ... **finality of the contempt order does not, however, per se equate to a violation of the Rules of Professional Responsibility made the basis of the formal charges**...Caffey can offer a defense regarding the elements of the formal charges,...fn13 (fn 13. The State Bar also asserts that the summary judgment entered by the Disciplinary Board “was not clearly erroneous where there was no genuine dispute as to any material fact and the undisputed evidence established that Caffey [had violated the Alabama Rules of Professional Conduct].” ... However, in its brief in support of this proposition, the **State Bar argues that**“the **conduct** (NOTE: the SBN consistently failed to point to any specific instances of actual **conduct**) and **state of mind elements necessary to prove the violations of the ... Rules of Professional Conduct as found by the Disciplinary Board are subsumed in the judgment of direct criminal contempt**, because by its very definition, it requires proof of purposeful, deliberate, or intentional conduct. In other words, the mental state necessary to prove a violation of **Rules 3.1(A), 3.2, 3.5(C), 4.4[Sic], 8.4(A), 8.4(D), and 8.4(G)**, ... **Is no greater than that required to sustain a judgment of direct criminal contempt**. Therefore, the judgment finding Caffey guilty of direct criminal contempt supplied both the conduct and mental state elements necessary to support the Disciplinary Board's summary judgment.” State Bar's brief, pp. 24-25.

Thus, it appears that the State Bar is essentially relying on the judgment of contempt as sufficient to establish conclusively a violation of Rules 3.1(A), 3.2, 3.5(C), 8.4(A), 8.4(D), and 8.4(G). (NOTE: such is exactly what SBN King sought to do...pick the low lying fruit of a conviction as conclusive evidence sufficient to meet his Schaefer burden, so much so, that King actively sought to hide the truth in ardently fighting against Coughlin's attempts to get the transcripts of the proceedings and complete copies of every document filed in every action involved in any tangential way with the SBN's Complaint, into the record, going so far as to lie about whether the Panel was being provided the discs on which Coughlin attached as exhibits such voluminous materials, ocr'd in pdf format, and audio recordings made by the respective courts) zEven if we were to assume that the State Bar is not essentially relying on the judgment finding Caffey guilty of contempt, it has not met its burden to demonstrate the absence of a genuine issue of material fact as to state of mind (Rules 3.1(A) and 3.5(C)) and justification (Rule 3.2), Which in this case are relevant to determining prejudice to the administration of justice (Rule 8.4(D)) and fitness to practice law (Rule 8.4(G)). Dennis v. Northcutt, 923 So.2D 275, 279-80 (Ala.2005) ...” “ Alabama State Bar v. Caffey, 938

So. 2d 942 (Ala. 2006).

- (Judge Nash Holmes's 2/28/12 Order Finding Defendant In Contempt and Imposing Sanctions in 11 TR 26800 (FHE4 R1769-72) reads:

"A trial was held in Reno Municipal Court on February 27, 2012 on a traffic citation issued to the defendant, ZACHARY BARKER COUGHLIN. He was initially charged with three offenses alleged to have occurred on November 15, 2011 in the City of Reno. At the onset of the trial it was determined that Failure to Provide Evidence of Security or Insurance (a violation of RMC 6.06.555(a) and Failure to Provide Vehicle Registration (a violation of RMC 6.06.560(a) **were both dismissed at arraignment after the defendant established that he had complied with both code sections** (Note, where such arraignment was held on 1/19/12, Coughlin provided his then current address of 1422 E. 9th St. #2 to the RMC, making the mailing of the 2/28/12 Order to the very "121 River Rock" address of the former home law office Coughlin was evicted from fairly curious, especially where Coughlin detailed Hill's misconduct so extensively to Judge Holmes that FHE4 notes: "5) defendant' s repeatedly trying to insert "**Richard Hill**" into his questions and statements **when such person was not relevant to the proceedings** and the defendant had been ordered to stop discussing that;" R1770:25-28)) but simply had not carried the documentation with him in the vehicle on that day. (NOTE: which is a way of glossing over the fact that Hill was wrongfully withholding Coughlin's wallet incident to Hill burglarizing Coughlin's former home law office, but, hey, RPD Sargent John Tarter "gave Coughlin a break" by not citing him for only having an expired copy of his then valid driver's license, where Tarter was informed that Hill was wrongfully withholding it, so there's that, which is nice) **During trial, the officer also testified that he could have cited the defendant with failure to carry his Nevada Driver's License in his possession but gave him a break by not citing him for that.** as well. The remaining charge, a Right of Way Stop Sign violation at an intersection, known as a "Boulevard Stop" (rolling through a Stop Sign and not stopping completely), a violation of RMC 6.06.170(a), was the subject of the trial.

The City of Reno was represented by Deputy City Attorney Alison Ormaas. defendant, a licensed attorney, represented himself. Reno Police Sergeant John Tarter was the sole witness. The court **had the defendant sworn at the beginning of the trial, stating that the court has found that most self-represented defendants tend to testify a great deal as they cross-examine opposing witnesses, so the defendant would be under oath from the start, too.** (Coughlin finds City of Reno prosecutors tend to testify quite a bit themselves, especially in their closing arguments with respect to matters they failed to raise prior to the close of evidence, that is, when they are not busy violating SCR 123, like RCA Hazlett-Stevens, in citing to an unpublished TN case, State v.

Lovins, during the criminal trespass trial at issue in 61901) No exhibits were marked or admitted.

The matter was called at approximately 3:00 p.m. and concluded without a verdict about 4:30 p.m. after the court **held the defendant in criminal contempt of court for his behavior and activities committed in the direct presence of this court during the trial.**

The court finds that defendant's contemptuous conduct consisted of his rude, sarcastic, inappropriate, insubordinate, disrespectful, antagonistic, deceitful, disruptive (NOTE: One cannot disrupt a tribunal with conduct outside of the courtroom. In re Michael Stuhff, 108 Nev. 629, 837P.2d 853 (1992)), argumentative and childish behavior during trial, all of which appeared to be done to vex and annoy the court, the witness, and the opposing party, and to disrupt the trial process. The court finds that the following occurred, and constitute contempt: 1) defendant's mime-like, clownish antics of making faces at the court; sagging down into his seat and hanging his head; looking behind himself and inside his coat as if searching for a better way to ask a question; rolling his eyes; and mimicking others words; 2) defendant's incessant arguing with the court, talking over the court, and interrupting the court; 3) defendant's repeatedly restating matters after being told by the court to "move on" or "ask the next question;" (NOTE: see, supra quotation from Page 22 of 95 from Coughlin's filing in Docket 60838 Document 2012-18962)) 4) defendant's repeatedly injecting allegations of bribery, perjury, and police retaliation into the matter after the court instructed him not to, and directed him to limit himself to issues pertaining to the facts of the "Boulevard Stop;" 5) defendant's repeatedly trying to insert "Richard Hill" into his questions and statements when such person was not relevant to the proceedings and the defendant had been ordered to stop discussing that; 6) defendant's disregarding the rules of evidence and court procedure by continually posing improper questions after being directed by the court to properly phrase his questions; 7) defendant's continually accusing the court of denying him the right or ability to ask questions and telling the court to "give me a list of questions you want me to ask;" 8) defendant's suggesting that the court "tell me what would make you happy;" 9) defendant's lying to the court in response to direct questions posed by the court with regard to his recording the proceedings (NOTE: talk about not providing anything in the way of specifics as to what they questions were and what the responses were, and just how such was tantamount to "lying to the court" and upon just what *evidence* the court met the "beyond a reasonable doubt" standard applicable to the purported "criminal contempt" ; and 10) defendant's failing and refusing to properly examine the witness, despite numerous admonitions by the court to stop repeating questions, misstating answers, injecting irrelevant material, arguing with the witness and mischaracterizing the testimony.

The court finds that the defendant's actions were intentional and

done in utter disregard and contempt for the court, and in the presence of the court, for purposes of disrupting and delaying the proceedings and dishonoring the rule of law and this court, and constitute the misdemeanor of criminal contempt, a violation of NRS 22.010. Good cause appearing therefore, the following sanctions are imposed:

IT IS ORDERED, pursuant to NRS 22.100, that the defendant be incarcerated at the Washoe County Regional Detention Facility for the term of five (5) days, from the time he was taken into custody on this court's order on February 27, 2012, and that sentence shall not be reduced for any reason. In the alternative, the defendant may pay a fine of \$500 to the Reno Municipal Court.

Dated this 28th day of February, 2012. /s/ The Hon. Dorothy Nash Holmes, Reno Municipal Court Judge.")

Where FHE5, the 3/12/12 Order indicates "The trial was continued on February 27, 2012, when, after approximately an hour and 8 half, the defendant was held in criminal contempt by the court for his antics and misconduct during the trial. His behavior is noted in detail in the court's Order entered on February 27, 2012" (ROA 1723:18-21) **it** is patently inaccurately, on its face, in several regards. (FHE5 ROA 1724:6-7 "The document purported to appeal this court's Order holding him in direct criminal contempt.")

One FHE4 is file stamped 2/28/12, **not 2/27/12 (compare that to the FHE11 11/30/11 Order for Summary Punishment by RMC Judge Howard (though such Order lacks a Proof of Service in any of the settings in which is has appeared** (60975 attachment to SCR 117 Petition, in the ROA from the RMC in the 2JDC appeal in CR11-2064, as Exhibit 2 to King's 8/23/12 Complaint, and as FHE11) entered versus rendered, and the Order as rendered is substantially different than the Order as entered the following day, **twenty four hours later, at 3:47 p.m.**, which is so long after the fact (especially considering the RMC Marshal returned to the Washoe County jail the day after Coughlin's arrest on 2/27/12, where Coughlin's smartphone, micro sd card, cell phone, etc. were booked into his personal property and would require a written court order or warrant to allow the RMC Marshals to retrieve it therefrom on 2/28/12 and return to the RMC with it. For all her "I think you probably" did this or that, considering the RMC confiscated the very "two recording devices" for 37 days, and returned them to Coughlin with all the data on them wiped, where's the beef? Seriously, where is the proof that Coughlin "lied"? You confiscate the alleged "recording devices" and find "by clear and convincing evidence" that the attorney "lied" about And, what, specifically was the "lie"?

(NOTE: it is completely untrue and disengenous for the Panel to make this "finding of fact" especially where, subsequently, in its own "conclusions of law" the Panel fails to identify either civil contempt order as a "criminal conviction" under and RPC 8.4(b) analysis. In a criminal case a sentence is a judgment. In re Clark, 24 Wash. 2D 105, 163 P.2D 577 (Wash. 1945). (ie, an Order for Summary Punishment like Judge Howards FHE11 or Judge Holmes' FHE4's Order are not "judgments" nor are they "convictions".) For the SBN to keep

a straight face while attempting to argue that this “conviction” is sufficient to provide an offensive collateral estoppel bar vis a vis accusations that Coughlin violated a smorgasbord of RPC's is so Bomer worthy.

The alleged intimidation of juror in wash room by accused's friend was not a contempt in presence of court, and court should not have followed a summary course against friend, but should have entered a rule against him to show cause why he should not be punished for contempt of court. Hadley. Where the court is in session it is present in every part of the place set apart for its own use and for the use of its officers, jurors and witnesses, and any misbehavior in such place is misbehavior in the presence of the court, and constitutes a direct “contempt” of court. People v. Hadley, 179 Ill. App. 3D 152, 155, 534 N.E.2D 395, 397 (1989).

CJS Contempt s 9, Direct contempt-Acts in presence of court or near thereto.

"Hadley,... was near the door of the court room at the time the recess was taken and went into the corridor and then into the wash room some distance away from the main court room. (NOTE: **the rest room Coughlin used during the one break during the 2/27/12 Trial is not an RMC exclusive restroom, and it is located about seventy five yards from the bench in court room B where such trial was held, it is a shared facility used by all in the Mills B. Lane Justice Center in Reno, which is a building that houses three different courts, and the WCDA's Officer, a self help center, a CAAW run TPO Advocate's Office, and probation entities**). The corridor and wash room were used by the jurors and the witnesses in the case. It is contended by the People in this case that the plaintiff in error had a conversation with the juror in *446 this wash room and attempted to intimidate one of the jurors named McNichols by threatening him with physical violence if the jury did not find each of the defendants not guilty. The juror told the sheriff what he claimed that Hadley had said to him. The sheriff and the juror then informed the judge of what had been done. The judge called in the attorneys interested in the trial, a juror was withdrawn and the case continued. The next day the court directed that a warrant be issued commanding the sheriff to arrest the said Hadley to answer... for and concerning the crime of criminal contempt. Hadley obtained counsel, came into court, **and asked that the writ be quashed, because there was on file no complaint, affidavit or petition to support the writ**, and he also asked that the plaintiff in error be discharged. The court denied the motion, heard the evidence relative to the charges, found the defendant guilty of contempt of court and sentenced him to imprisonment in the county jail for 30 days...The county court was in error in proceeding in a summary manner without giving the defendant an opportunity to purge himself of the charge of contempt. The authorities hold that **where the court is in session it is present in every part of and place set apart for its own use and for the use of its officers, jurors, and witnesses, and any misbehavior in such place is misbehavior in the presence of the court, and such misbehavior has been uniformly held to constitute a direct contempt of court**. It is not in every case of direct contempt of court that the court can proceed against the alleged offender in a summary manner as was done in this case. In In re Savin, 131 U. S. 267, The court in discussing the proceeding for contempt of court, say: “It is true that the mode of proceeding for contempt is not the *447 same in every case of such misbehavior. Where the contempt is committed directly under the eye and within the view of the court, it may proceed ‘upon its own knowledge of the facts, and punish the offender without further proof, and without issue or trial

in any form' whereas, in cases of misbehavior of which the judge cannot have such personal knowledge, and is informed thereof only by the confession of the party, or by the testimony under oath of others, the proper practice is, by rule or other process, to require the offender to appear and show cause why he should not be punished" for such contempt.

In the case of the People v. Cochrane, 307 Ill. 126, In which the Savin case, supra, and many others are quoted, Justice Cartwright expresses the view, "the presence of the court means in the ocular view of the court or where the court has direct knowledge of the contempt." The court in this case had no knowledge of his own upon which to base a judgment but had to rely solely upon the testimony of witnesses for the facts, and under the rule as laid down in People v. Cochrane, supra, such contempt was not in the presence of the court. People v. Rongetti, 344 Ill. 107. Following the rule as laid down in the cases as stated above, it is manifest that the correct procedure against the defendant Hadley would have been to enter a rule against him to show cause why he should not be punished for contempt of court. Under the circumstances in this case the court was not justified in following a summary course, thereby depriving the defendant of the right to answer or purge himself of contempt if he could. "People v. Hadley, 179 Ill. App. 3D 152, 155, 534 N.E.2D 395, 397 (1989).

Only allowing Coughlin, ridiculously, fifteen minutes to testify in his own defense on direct prevented Coughlin from being able to more fully expound on that allegations by the RMC Marshals (made via the hearsay testimony of a Judge Nash Holmes who either could not remember much, and, even if she could, refused to testify about it, in an attempt to obstruct justice). It is reprehensible that Coughlin has never been provided any proof, or even specific factual allegations, by Judge Holmes and or the RMC respecting her allegations in FHE4 and 5.

As to punishment for contempt, generally, see CJS Atty and Client § 38. "An order adjudging a person guilty of contempt in the immediate view and presence of the court must recite facts showing acts which constitute a contempt. (Code Civ. Proc., ? 1211.) This is jurisdictional" (Vaughn v. Municipal Court, 252 Cal.App.2D 348, 357 [60 Cal.Rptr. 575].) An attorney is subject to being disciplined by the appropriate authorities. Nev.—In re Watson, 71 Nev. 227, 286 P.2D 254, 53 A.L.R.2D 301 (1955). Quasi-criminal character of discipline Because an attorney's suspension is a quasi-criminal punishment in character, any disciplinary rules used to impose this sanction on attorneys must be strictly construed, resolving ambiguities in favor of the person charged. U.S.—U.S. V. Brown, 72 F.3D 25 (5th Cir. 1995). As to initiation of contempt proceedings for ethical violations, see § 38. (CJS Atty Client)

The utilization of disciplinary rules to sanction an attorney who criticizes the judiciary may violate the First Amendment of the United States Constitution,[5] and an attorney may, without subjecting himself or herself to discipline, attack the propriety of a judicial act. [6] An attorney may attack the integrity or competence of a court or judge in a proper manner and through appropriate channels, without being subject to discipline,[8]

[FN5] Okla.—State ex rel. Oklahoma Bar Ass'n v. Porter, 1988 OK 114, 766 P.2D 958 (Okla. 1988). Extent of First Amendment right A lawyer has a First Amendment right to criticize judges and courts after a case is concluded, so long as the criticisms are made in good faith with no intent or design to willfully or maliciously misrepresent those persons and institutions or to bring them into disrepute; there is no First Amendment protection, however,

for such improperly motivated misrepresentations, the making of which will subject a lawyer to disciplinary sanctions. Tenn.—Ramsey v. Board of Professional Responsibility of Supreme Court of Tennessee, 771 S.W.2D 116 (Tenn. 1989). Overbroad rule A local rule prohibiting conduct that impugned the integrity of the court was overbroad, for purposes of determining whether it violated free speech guarantees, since it purported to punish a great deal of constitutional speech, including all true statements reflecting adversely on the reputation or character of federal judges. U.S.—Standing Committee on Discipline of U.S. Dist. Court for Cent. Dist. Of California v. Yagman, 55 F.3D 1430 (9th Cir. 1995). [FN6] Kan.—State v. Nelson, 210 Kan. 637, 504 P.2D 211 (1972). ... [FN8] Kan.—State v. Nelson, 210 Kan. 637, 504 P.2D 211 (1972).

Contempt of court. While contempt of court may constitute ground for disbarment, [10] ordinarily disbarment will not be ordered for contempt of court unless the contempt is of so gross a nature as to render the attorney unworthy of the office.[11]. [FN10] N.Y.—Glennig v. New York State Bar Ass'n, 53 A.D.2D 978, 385 N.Y.S.2D 641 (3d Dep't 1976). S.C.—Matter of Clarkson, 271 S.C. 5, 244 S.E.2D 512 (1978). As to institution of contempt proceedings against attorneys, generally, see § 38. Indirect criminal contempt An attorney's conduct in making profane statements to a judicial assistant over the telephone after receiving an unfavorable response to a question, for which the attorney was found guilty of indirect criminal contempt, violated ethical rules prohibiting an attorney from committing an act that is unlawful or contrary to honesty or justice and from violating rules of professional conduct. Fla.—The Florida Bar v. Wasserman, 675 So. 2D 103 (Fla. 1996). [FN11] La.—Louisiana State Bar Ass'n v. Spencer, 258 La. 110, 245 So. 2D 374 (1971). N.J.—In re Isserman, 9 N.J. 316, 88 A.2D 199 (1952).

Also ROA at 159, and 1749:6-18: “Further, caplow 302 p.2D 755 made unnecessary the seemingly fraudulent 3/8/12 affidavit of service by wcso machen, by way of rmc marshal harley (judge nash holmes 3/12/12 comments in court seem to indicate **"summary criminal contempt" finding premised upon "peeping Tom" style peering through restroom stall walls by RMC Marshal Harley (or some other Marshal, like Scott Coppa, involved in the impermissible "search incident to arrest" by RMC a a full day after attorney's pro se criminal defenant's smart phone and micro sd card booked into WCDC property on 2/27/12 ... Violates state v diaz ... Anyways, no "summary contempt" finding based upon allegations of "dissesemblign" smartphone in restroom stall, (NOTE: the “wash room” reference in State v. Hadley) where no RMC Marshal, Harley or Coppa or otherwise, signed an affidavit detailing facts supporting contempt. (NOTE: NRS 22.030(2)) In re oliver requires such contempt be, in every element, in the "immediate view and presence of the court" Sixth Amendment right violated, nrs 189.010-050 Violated, etc .. Etc. And most of this ng12-0435 involves Judge Nash Holmes denying Coughlin right to appeal final appealable summary criminal contempt finding from 2/27/12., In re oliver, denied sixth amendment right to counsel, and Cook, 267 us 517 at 536 ...Plus in rmc 11 tr 26800 judge nash holmes violates nrs 189.010 By refusing to transmit record on appeal and transcript in response to Coughlin filign a notice of appeal on 3/7/12 (rmc's gardner, brother to Judge Linda Gardner, whose April 2009 Order got Coughlin fired from Washoe Legal services (60301 60317 case in n. S. Ct.), She passed her order to her brother, he passed it to Judge Nash**

Holmes, she filed ng 12-0435 on behalf of all rmc judges, and apparently family court Judge L. Gardner (Coughlin filed mandamus to that order in 54844)."

7. Judge Nash Holmes ordered Coughlin into custody on February 27, 2012 and to be incarcerated at the Washoe County Regional Detention Facility for the term of five (5) days. **Alternatively** Coughlin could pay a fine of \$500. The Court's sentence was based on its detailed findings regarding Coughlin's **conduct** in his own defense.

"The court finds that defendant's **contemptuous conduct** consisted of his rude, sarcastic, inappropriate, insubordinate, disrespectful, antagonistic, deceitful, **disruptive**, argumentative and childish behavior during trial, all of which appeared to be done to vex and annoy the court, the witness, and the opposing party, and to **disrupt** the trial process. The court finds that the following occurred, and constitute **contempt**: 1) defendant's mimelike, clownish antics of making faces at the court; sagging down into his seat and hanging his head; looking behind himself and inside his coat as if searching for a better way to ask a question; rolling his eyes; and mimicking others words; 2) defendant's incessant arguing with the court, talking over the court, and interrupting the court; 3) defendant's repeatedly restating matters after being told by the court to "move on" or "ask the next question;" 4) defendant's repeatedly injecting allegations of bribery, perjury, and police retaliation into the matter after the court instructed him not to, and directed him to limit himself to issues pertaining to the facts of the "Boulevard Stop;" 5) defendant's repeatedly trying to insert "Richard Hill" into his questions and statements when such person was not relevant to the proceeding and the defendant had been ordered to stop discussing that; 6) defendant's disregarding the rules of evidence and court procedure by continually posing improper questions after being directed by the court to properly phrase his questions 7) defendant's continually accusing the court of denying him the right or ability to ask questions and telling the court to "give me a list of questions you want me to ask;" 8) defendant's suggesting that the court "tell me what would make you happy;" 9) defendant's lying to the court in response to direct questions posed by the court with regard to his recording the proceedings; and 10) defendant's failing and refusing to properly examine the witness, despite numerous admonitions by the court to stop repeating questions, misstating answers, injecting irrelevant material, arguing with the witness and mischaracterizing the testimony."

See Hearing Exhibit ORDER FINDING THE DEFENDANT IN **contempt** OF COURT AND IMPOSING SANCTIONS. (NOTE: see, supra quotation from Page 22 of 95 from Coughlin's filing in Docket 60838 Document 2012-18962)

8. The trial of the matter was continued to March 12, 2012. Coughlin **failed to appear** and failed to contact the court to explain or excuse his absence. However, after

serving the five-day **contempt** of Court sanction and after being released from custody, Coughlin fax-filed a 224-page document entitled "**notice of Appeal of Summary contempt Order; Motion to Return Personal Property Confiscated by Reno Municipal Courts and Its Marshalls; Motion for New Trial and to Alter or Amend Summary contempt Order.**" See Hearing Exhibit 5, ORDER, P 2, lines 1-6.

(NOTE: Contempt of court in the form of filing a false pleading did not constitute a contempt committed in the "immediate presence and view of the court" as such term was used in a statute authorizing summary punishment for such a contempt. Ex parte Collins, 329 Mich. 192, 45 N.W.2d 31 (1950).

As to "failing to appear", one there does not appear to be anything in the record (not that the RMC would let Coughlin view it) to suggest Coughlin was noticed in writing with respect to the date and time of such 3/12/12 continuation of the traffic citation trial suspended on 2/27/12 by Judge Nash Holmes summarily incarcerating then practicing attorney Coughlin. Further, **the enormity of the disturbance to Coughlin's life and law practice occasion by such summary incarceration dictated taking a bit more seriously the avoidance of prejudice to client's matters** than the federal case a municipal court judge and her crooked, thuggish marshal were trying to make of a "simple traffic citation trial".

During that period of time, **such client's fires needing addressing were numerous.** For instance, there was pressing concerns in the Keller case (NVB 10-05104), the Gessin adversary proceedings (NVB 11-05077 and 11-05078), Eastman (2JDC CV11-00820), the UIFSA and custody case for Harris (FV05- and FV11-), custody case for Bell (FV11-04628), foreclosure defense for the Carpteniers (CV08-), the matter of an Coughlin's own Reply Brief coming due while in the summary eviction from his former law office involving as opposing counsel the very same Richard G. Hill, Esq., whom attempted to have Coughlin served (despite Caplow and his being an e-filer) the 2/8/12 Order to Show Cause in the appeal of that summary eviction (such Order to Show Cause hearing was resolved in Coughlin's favor in Judge Flanagan's 3/27/12 Order, which King was provided), by the same WCSO Deputy Machen whom burglarized Coughlins' former home law office on 11/1/11 with Hill's associate Baker (and Machen again burglarized one of Coughlin's rentals on 6/28/12 while purportedly attempting to conduct a lockout without the passing of 24 hours from the tenant's receipt of any such summary removal order in Rev2012-001048...at which point Deputy Machen also arrested Coughlin in RCR2012-67980, a case which the RJC and WCDA let drag on for nearly a year in a transparent attempt to leverage such (which they always intended to dismiss given the enormity of the problems associated with the 6/14/12 5 Day Notice allegedly posted (but not mailed, much less with a USPS Certificate of Mailing) listing, pursuant to NRS 40.253(3)(b)(3) "Sparks Justice Court" as the court which Coughlin must file his Tenant's Answer/Affidavit...where Coughlin timely submitted such Tenant's Answer for filing with the Sparks Justice Court and a request to proceed in forma pauperis to which the Sparks Justice Court clerks committed misconduct in failing to file in or otherwise apprise Coughlin of any deficiencies incident thereto, and then to set such matter for hearing, but rather, the SJC simply forwarded Coughlin's 6/26/12 Tenant's Answer (which was a Motion to Dismiss for lack of jurisdiction) to the Reno Justice Court in a fax at 11:05 am on 6/28/12 (which the RJC has subsequently removed from the file in the matter which is opened, Rev2012-001048 upon

Nevada Court Services submitting a landlord's affidavit (which was deficient anyways, and which indicated it had rented Coughlin a "dwelling unit or apartment" only to then indicate Coughlin had somehow breached the rental agreement that such affidavit referenced as attached thereto, but which was not, and is still not attached thereto in the RJC file in that matter (also excised from the RJC file in that matter is the 6/26/12 email to the RJC and its then Chief Civil Clerk Karen Stancil, Liz Stuchell of the WCSO Civil Division (Machen's supervisor), a member of the Reno PD, and the RJC's general email address...which is odd considering, clearly, such email was, at one point, part of such file, on the left hand side thereof, under the docket.

For instance, with Gessin, for whom Coughlin filed an Opposition to Motion for Summary Judgment on 3/19/12 (just 4 days after being burglarized by the WCSO and Gayle Kern, Esq., on 3/15/12 incident to the too early summary lockout) there is now a decision detailing such time period from the United States Bankruptcy Appellate Panel of the Ninth Circuit: NV-11-05078. 9.[uscourts.gov/datastore/bap/2013/03/05/Gessin Memo 12-1330.pdf](http://cdn.ca9.uscourts.gov/datastore/bap/2013/03/05/Gessin%20%20Memo%2012-1330.pdf) "On February 21, 2012, Taitano filed her MSJ based on the state court judgment, the arbitrator's findings of fraud and the doctrine of issue preclusion. **On March 19, 2012, attorney Zach Coughlin, filed a late opposition** 11 on debtor's behalf. The opposition, of which we have taken judicial notice, covered a number of grounds. **First, it addressed the role of Coughlin**, who apparently was listed as the attorney of record in the adversary, but who was actually ghost writing debtor's pleadings. (NOTE: this is rather interesting, given Richard G. Hill, Esq., purportedly emailed the SBN an unsigned "grievance" against Coughlin making such baseless and negligent "ghost writing" accusations, which Coughlin so thoroughly eviscerated to the SBN that such was not even an accusation in the SBN's 8/23/12 Complaint (and, really, the purported email, unsigned grievance by Hill, whom astoundingly is on the NNDB Panel (which says just about all one ever need know about such Panel) was apparently so completely defenestrated by Coughlin that the SBN was too embarrassed by it to even seek to admit it into evidence, despite the failure to do so kind of undermining the attempt to establish "by clear and convincing evidence" that Coughlin somehow violated RPC 8.1, so much so, that the SBN and Panel were reduced to making some lame arguments that Coughlin's receiving a letter from King, which King purports to have sent on February 14th, 2012 (**and which King's complaint falsely asserts King or the SBN ever emailed to Coughlin**), but which Coughlin, due to issues stemming from Gayle Kern, Esq.'s chicanery, that of her "associat

Coughlin sought to withdraw. Next, the opposition contained "points and authorities" under which numerous cases addressing breach of fiduciary duty under § 523(a)(4) were cited with little analysis or discussion. Third, debtor requested the bankruptcy court vacate the state court judgment based on his counsel's failure to "zealously advocate" debtor's position during the arbitration hearing, contending this was excusable neglect under Civil Rule 60(b) (incorporated by Rule 9024). Fourth, debtor asserted that the arbitrator had exceeded his jurisdiction because he ruled on real property matters. Fifth and last, debtor requested the judgment be vacated because of newly discovered evidence. 12 (footnotes: 11 The actual title of the document was "Motion for Extension of Time to File Opposition to Motion for Summary

Judgment for Dischargeability; or, Plead in the Alternative, Opposition to Motion for Summary Judgment and Motion to Withdraw as Counsel.” We take judicial notice of debtor’s opposition to Taitano’s summary judgment and his supplement with attached exhibits which were docketed and imaged by the Bankruptcy Court in this case. *Atwood v. Chase Manhattan Mortg. Co. (In re Atwood)*, 293 B.R. 227, 233 n.9 (9th Cir. BAP 2003). 12 This evidence consisted of numerous affidavits of individuals who worked with Christina Ho, debtor’s ex-girlfriend and the mother of his son. Ho’s co-workers declared that Ho had entered into a conspiracy with Taitano and Rissone to defraud debtor and ruin him financially. It does not appear that these affidavits were filed in the arbitration proceeding nor is there any indication that debtor moved to vacate the judgment in the state court with this newly discovered evidence.) On May 4, 2012, the bankruptcy court heard the MSJ, but the transcript reflects that no substantive arguments were made with respect to the motion. The bankruptcy court stated on the record that it would grant the MSJ based on the preclusive effect of the state court judgment. The court requested Taitano’s counsel to file certified copies of the state court judgment and record and took the matter under submission. On June 8, 2012, the bankruptcy court entered an order granting Taitano’s MSJ on the grounds that the state court arbitrator’s award established every element under § 523(a)(2) and thus the doctrine of issue preclusion prevented debtor from relitigating those elements in the bankruptcy court. Debtor timely appealed....III. ISSUE Whether the bankruptcy court erred in deciding that the state court judgment was nondischargeable under § 523(a)(2) based on the doctrine of issue preclusion.”

9. Judge Nash Holmes **observed** that the pleading filed by Coughlin failed to address most of the topics listed in the caption. Rather, she **observed**, the document contained rambling references to Coughlin's personal life, his father's football career in college; dozens of pages of string citations taken from the internet and other unrelated references. Judge Nash Holmes found the pleading to be disjointed and incoherent and a "pathetic demonstration of what might once have been legal and academic prowess that appears to now be greatly damaged." See Hearing Exhibit 5, ORDER, P2, lines 9-15; P2, lines 16-20.

10. Judge Nash Holmes also found that Coughlin, after being released from custody following the February 27, 2012 **contempt** of Court incarceration, filed other nonsensical pleadings including a 218 page document:

"...purported to be yet another motion in this case entitled "Motion to Return Cell Phones; Motion to Set Aside Summary **contempt** Order; and **notice** of Appeal of Summary **contempt** Order." With scant discussion of, or relevance to, the above captioned matter, said document mostly argues against Judge Howard in a Department 4 case and again contains more than 200 pages of string legal citations; lyrics to rocks (sic) songs; Mr. Coughlin's personal family history; discussion of an **eviction** case and another **contempt** case; disjointed legal citations and other nonsensical matters that have no apparent relevance to his traffic citation case.

11. After observing that Coughlin's **conduct** had been inappropriate, bizarre, dishonest, irrational and **disruptive**, Judge Nash Holmes concluded, by clear and convincing evidence, that Coughlin had committed numerous acts of attorney misconduct, including, but not limited to, violating Rules of Professional **conduct** 8.4(c), 8.4(d), 3.3(a), 3.1, 3.2, 3.4(c), 1.3 and 1.1. See Hearing Exhibit 5, ORDER, P,3, lines 25-26; P4, lines 5-23.

12. Judge Nash Holmes also concluded that Coughlin violated Nevada Supreme Court Rule 229, section 2(b), as amended by ADKT 449 on August 1, 2011 by surreptitiously recording the traffic court proceedings without advance permission and lying to the court when questioned regarding the matter by denying that he had done so. See Hearing Exhibits, ORDER, P,4, lines 24-28.

13. Judge Nash Holmes ordered, among other orders, that the traffic court matter be continued and all proceedings relating to the traffic court matter be tolled pending referral of the matter to the State Bar of Nevada. See Hearing Exhibit 5, ORDER, P,4, lines 7- 18,

14. On March 14, 2012, Judge Nash Holmes referred the matter of Coughlin to State Bar Counsel David Clark and suggested the matter had some urgency. See Hearing Exhibit 8, Letter dated March 14, 2012 from Reno Municipal Court Judge Dorothy Nash Holmes to Office of State Bar Counsel, Nevada State Bar.

15. Judge Holmes testified at the hearing of this disciplinary matter that one of the purposes of her March 14, 2012 Order was to provide the panel to hear this matter with clear and convincing evidence, based on her experience and background as an attorney, prosecutor and judge that Coughlin had violated numerous provisions of the Nevada Rules of Professional **conduct**. See Transcript of Proceedings of Wednesday, November 14, 2012, P 137, L 22 -P 138, L 9.

16. U.S. Bankruptcy Judge Bruce Beesley was called to testify at the hearing of this matter. During the time frame 2011 to 2012, Coughlin appeared before Judge Beesley two or three times as an attorney representing clients in a bankruptcy matter. On one occasion Coughlin appeared wearing a T-shirt and a tie and no jacket. See Transcript of Proceedings of Wednesday, November 14, 2012, P 10, L 10-16. Coughlin had filed a pleading in the bankruptcy matter, on behalf of his client. Judge Beesley testified that the pleading was "lengthy, didn't make any sense, and just sort of rambled through a great deal of irrelevant stuff." See Transcript of Proceedings of Wednesday, November 14, 2012, P 10, L 24 -P 11, L 1. On other occasions, although Coughlin appeared polite and intelligent, his pleadings and arguments didn't make any sense. See Transcript of Proceedings of Wednesday, November 14, 2012, P 11, L2-7

17. Judge Beesley became concerned, wrote a letter to the State Bar explaining his experience with Coughlin and indicated that he did not believe Coughlin, in his current state, was able to adequately represent his clients. See Transcript of Hearing Wednesday, November 14, 2012, P 13, L 24 - P 14, L 7.

18. In Judge Beesley's opinion, Coughlin is not competent to practice law. See Transcript of Proceedings of Wednesday, November 14, 2012, P15, L 11 -15.

19. State Bar Counsel called attorney Richard Hill to testify at the hearing of this matter: Mr. Hill **has been a member in good standing with the State Bar of Nevada for 33 years**. See Transcript of Proceedings of Wednesday, November 14, 2012, P 36, L 22 P

37 L 4. Mr. Hill was retained by Dr. Merliss to assist Dr. Merliss in a landlord tenant dispute with his tenant Coughlin. See Transcript of Proceedings of Wednesday, November 14, 2012, P 37, L14 -20. Mr. Hill represented Dr. Merliss in Reno Justice Court and Washoe County District Court and two appeals to the Nevada Supreme Court in the matters involving Dr. Merliss and Coughlin. See Transcript of Hearing Wednesday, November 14, 2012, P 39, L 13 -24. Mr. Hill has also reviewed filings in of a case in which Coughlin is involved with Washoe Legal Services. See Transcript of Proceedings Wednesday, November 14, 2012, P 39, L 25 P 40, L 3.

("HEARING - Vol. I, (Pages 36:22 to 37:4) Q Could you state your name and spell it for the record. A Richard Hill. H-I-L-L. Q And could you explain to the panel how long you've been practicing law, and if you are in good standing with the State Bar of Nevada? A I have been practicing for 33 years and am in good standing."

HEARING - Vol. I, (Page 37:14 to 37:20) Q And how did you first come into contact with Mr. Coughlin? A Well, I was hired by a Dr. Matthew Merliss. My office was to remove a tenant from a home at 121 River Rock in Reno. Dr. Merliss had been going back and forth with Mr. Coughlin for several months. Mr. Coughlin had not paid any rent for, at that point I believe it was --"

HEARING - Vol. I, (Page 39:13 to 39:24) Q Could you describe to the panel in a chronological manner some of the events that you have personal knowledge of that exhibited this behavior that formed your opinion? MR. COUGHLIN: Objection. Relevancy. MR. ECHEVERRIA: Overruled. THE WITNESS: I've read virtually everything that Mr. Coughlin has filed, not only in the Department 7 eviction case, and before that the Reno Justice Court's eviction case. He's now got -- had two appeals to the Nevada Supreme Court in that case, and I've read virtually everything that he's done."

"HEARING - Vol. I, (Pages 39:25 to 40:3) I've also followed the filings that he's had in his dealings with Washoe Legal Services. And I've followed the filings that he had in the supreme court discipline matters.")

20. In the **eviction** proceeding between Dr. Merliss and Coughlin, Mr. Hill's firm obtained an **eviction** order allowing Coughlin one week to vacate the premises. Ultimately, Coughlin failed to comply with the **eviction** order and was convicted of criminal **trespass**. See Transcript of Hearing Wednesday, November 14, 2012, P 41, L 18 -P 44, L 12.

("HEARING - Vol. I, (Pages 41:17 to 44:12) BY MR. KING: Q Did you end up getting an eviction order removing Mr. Coughlin from Dr. Merliss's home? A (Richard G. Hill, Esq.) We did. Q Subsequent to the eviction order, was Mr. Coughlin removed from the home? A I'm sorry. There was an order issued in court that gave Mr. Coughlin a week to vacate. I believe it was November 1 that my wife, my associate -- and my associate, went to the home with the sheriff and conducted a lockout. The front door locks were changed. The back door locks were changed. MR. COUGHLIN: Objection. MR. ECHEVERRIA: Excuse me. Objection what? MR. COUGHLIN: Hearsay. MR. ECHEVERRIA: Hearsay? Overruled. THE WITNESS: And the whole thing was videotaped. The next day I went to the home to videotape the place to preserve what was there to prevent any arguments later, because by that point in time we knew what we were dealing with. I get there, and

the front door is locked, but almost all the windows are closed but unlocked, and the back door is unlocked. And I, of course, go through, lock everything, make sure the place is secure, videotaped it. And I went back and read my wife and my associate the riot act, and they both said no, the doors were locked. Okay. I go back the next day, same thing. Back door's unlocked, windows are unlocked. This continues for the next two weeks. Mr. Coughlin is sending out e-mails to us but will not, apparently, read the e-mails we're sending to him saying we have to get your stuff out of here. No response. Two weeks after the eviction on a Sunday Dr. Merliss comes to town and says, I want to see the house. I meet him about 10:30, 11:00 o'clock on a Sunday morning at the house. We go in. Back door is open. There's food wrappers on the counter that've been there that weren't there the last time I was in. Windows are open again, and it's a very exacerbating situation. And he says, I want to check the basement. I didn't know there was a basement in the house. There's things piled in the stairwell to get down into the basement, tool kits, and heavy stuff. We get it out of the way. We get down there. And I can see when he pushes on the door, and he turns to me, and he says, "It's barricaded," from the inside. It wasn't locked, it was barricaded. We know what's going on. So we call the police. The police come over. They try to get Zach out of the basement, whoever was in there at that point. The police bang on the door, "Come on out, Zach. Police. You have to go." No response. They turned to us and say, we're going to leave. (NOTE: does that not sort of vitiate any subsequent finding of probable cause to arrest where the police clearly do not feel justified in pursuing such alleged illegal activity?) Wait a minute. I'm the owner. You have the authority to break the door down. "We don't do that." So Dr. Merliss goes down to the bottom of the stairs. Dr. Merliss kicks the door open, and the police officer sticks his head around the corner and pulls his gun out, and here's Mr. Coughlin down there. Mr. Coughlin voluntarily came upstairs with his dog and was placed under arrest. After he left, we went downstairs. Mr. Coughlin had a dwelling set up. He had water. He had food. He had a hot plate, a microwave, had his computer set up down there. He had the dog. There was dog food, dog poop. He had a bed and his computer system set up down there. He was arrested and was subsequently convicted of criminal trespass")

21. On behalf of his client Dr. Merliss, Mr. Hill sought and obtained an order in favor of Dr. Merliss and against Coughlin awarding Dr. Merliss attorney's fees in the amount of \$42,065.50. Washoe District Court Judge Patrick Flanagan entered the order on June 25, 2012. (NOTE: this use of the term "sanction" is noticeably absent from this "finding" and the following excerpt from the transcript cited to, further, despite such excerpt being only two lines long, it does manage to reveal that Judge Flanagan's Order granted "Merliss's motion for attorney's fees"...which, when one considers that Merliss's 4/19/12 filing was titled ") See Transcript of Proceedings of Wednesday, November 14, 2012, P 47, L 3-7.

(HEARING - Vol. I, (Page 47:3 to 47:7) "Q In this order did Judge Flanagan accept that by granting the full amount of fees requested? If you read the last sentence of Page 3. A (Richard G. Hill, Esq.) Yes. "Accordingly, Merliss's

motion for attorney's fees is granted in the sum of \$42,065.50.”)

(NOTE: *Well, so what?* Since when do NRS 69.050 “prevailing party” attorney fee awards warrant a summary disbarment proceeding? Have some respect for yourself, SBN, NNDB. As far as this “finding is concerned, and the excerpt of the transcript it cites to, such “award of attorney's fees may well have been nothing more than an award of the “prevailing party” attorney's fees of appeal from a justice court civil action pursuant to **NRS 69.050**, where a “judgment” is involved, that Hill's associate, Casey D. Baker, Esq., cited to as providing a basis for such a fee award (never mind that NRS 40.400 makes NRAP controlling, meaning only NRAP 38 would provide such a basis for any fee award, and Breliant limits the adjudicatory boundaries, right (though he failed to cite to any such authority for such proposition, that was the gist of Baker's argument that Coughlin's failing to specifically cite to NRS 40.385 in any filing (Baker's 1/3/12 Opposition to Coughlin's 12/30/11 NRS 40.385 citing Motion to Stay incorrectly asserts that Coughlin first cited to NRS 40.385 in Coughlin's 12/5/11 filing in the justice court when, actually, Coughlin's 11/23/11 filings expressly cites to NRS 40.386 and Coughlin's 10/15/11 written correspondence with Baker excerpts the following from the “Landlord Tenant Handbook” distributed by the AOC: “The drawbacks to summary eviction are: 1. You cannot get a money judgment as part of your action; 3. The tenant may be able to file an appeal, and remain in the unit until the appeal is heard by posting a bond with the court that may be cheaper than that required in the formal eviction process....”.

Further, it is worth noting that Hill's own associate, Baker's 4/19/12 Motion for Attorney's Fees lies where it reads: “2. Coughlin filed his first notice of appeal in the eviction case on November 3, 2011, two days after he *was properly and lawfully locked out of the property*. ROA, Vol. III, pp. 229-233” given the fact that Baker, Hill, and the landlord Merliss actually burglarized Coughlin's former home law office, so, uh, its rather a stretch to taunt NRAP 38 by asserting that Coughlin “was properly and lawfully locked out of the property” in addition to the fact that Baker's own 10/20/12 fax to RJC Judge Sferrazza admits there is an issue as to whether Coughlin's 10/17/11 filing of a Notice of Appeal divested the RJC of jurisdiction or even hold the 10/25/11 “continuation of the 10/13/11 summary eviction proceeding”, much less for Judge Clifton to deny Coughlin's 10/17/11 Emergency Motion to Stay, fil)

See Hearing Exhibit 2, P 3, L 10-11. (“Accordingly, Merliss's *Motion for Attorney's Fees* is GRANTED in the sum of \$42,065.50.”)

(NOTE: Judge Flanagan's 6/25/12 Order in 03628 (FHE2) reads: “**ORDER** CV11-03628 D7 Currently before this Court is Respondent MATT MERLISS's ("Merliss") *Motion for Attorney's Fees* filed on April 19, 2012.

In the absence of any opposition from Appellant ZACHARY BARKER COUGHLIN ("Coughlin"), Merliss submitted this matter for decision on May 9, 2012. However, on June 9, 2012, Coughlin filed a *Supplement to Opposition to Motion for Attorney's Fees*. In response, Merliss filed a *Reply to Supplement to Opposition to Motion for Attorney's Fees* on June 14, 2012, and submitted the matter-again-that same day. Merliss requests this Court to award attorney's fees in the amount of \$42,065.50 against Coughlin in the underlying summary eviction matter pursuant to NRS 69.050 and NRS 7.085 Merliss and his counsel aver these fees are reasonable, particularly given Coughlin' "deliberate[] ... pattern of abusive, vexatious, and most importantly, **expensive** behavior in both this appeal and in the case below [in Reno Justice Court]." (Mot. at p. 2) (Original emphasis. Merliss avers Coughlin's litigation strategy "was simply to keep the fight going" and "require substantial additional work by Merliss' counsel, far beyond anything in a 'normal' eviction." (Mot. at p. 3.) Merliss asserts this additional work was necessary because he "could not risk the court accepting some random citation in Coughlin's papers and entering an adverse ruling because [he] had not opposed it." (Mot. at p. 5.) Further, Merliss's counsel, Richard G. Hill, alleges these fees "do not include substantial amount of editing and other activities performed by [Mr. Hill] in this case." (Mot. a p. 6; Mot. Ex. 4.) Merliss contends "[i]t is hard to imagine a more appropriate case than this in which to award the maximum amount justified by the substantial evidence before the court." (Mot. at p. 6.) Merliss goes even further and states:

As proven above and below, the frivolity and vexatiousness of Coughlin's maintenance and extension of this matter has been so beyond reason, and so outrageous, and the nexus of his behavior to the fees incurred by Merliss so direct and indisputable, that nothing less than a full award of those fees should even be considered by the court. To not impose the full measure of the harm Coughlin has caused would reward and encourage his vexatiousness in this and other cases. There needs to be a day of reckoning for Coughlin's antics. (Mot. at p. 8.)

Nevada law provides for "a reasonable attorney fee to be fixed and allowed by the district court for all services rendered in behalf of the prevailing party" on appeal from justice court. NEV. REV. STAT. § 69.050. In addition, NRS 7.085 requires the district court to order an attorney personally to pay reasonable attorney's fees incurred as a result of the filing, maintaining or defending of **civil action** where "such action or defense is not well-grounded in fact or is not warranted by existing law" NEV. REV. STAT. § 7.085(1)(a). The same applies to attorney who has "[u]nreasonably and vexatiously extended a **civil action**." NEV. REV. STAT. § 7.085(1)(b).

If grounds exist to award attorney's fees, Nevada courts follow the

lodestar analysis. *Shuette v. Beazer Homes Holdings Corp.*, 121 Nev. 837, 864, 124 P.3d 530, 549 (2005) ("The lodestar approach involves multiplying the number of hours reasonably spent on the case by reasonable hourly rate.") (Quotations and citations omitted.) In determining the reasonableness of the fee award, the district court should consider the following four factors: (1) the advocates' qualities; (2) the character of the work; (3) the work performed; and (4) the result obtained. See, *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969) (citation omitted); *Barney v. Mt. Rose Heating & Air Conditioning*, 124 Nev. 821, 829, 192 P.3d 730, 73 (2008) (per curiam) (applying the Brunzell factors).

After reviewing Merliss's moving papers-including the detailed and thorough summary of fees and his counsels' accompanying *Declarations-and after considering all of the parties' arguments*, this Court concludes Merliss's attorney's fees request is authorized by Nevada law. This Court also has considered the factors set forth in Brunzell, *supra*. After analyzing those factors, and given the unique features of this case, this Court concludes Merliss's fee request is reasonable.

Accordingly, Merliss's *Motion for Attorney's Fees* is GRANTED in the sum of \$42,065.50. IT IS SO ORDERED. DATED this 25th day of June, 2012. /s/ Patrick Flanagan District Judge")

The motion seeking attorney's fees was based on Coughlin's **conduct** in the defense of the **eviction** matter, which **conduct** was characterized (NOTE: this is an obvious attempt to mislead by Echeverria, as he fails to indicate who it was who made so "characterized" Coughlin's conduct (it was Hill's associate Barker's 4/19/12 post-judgment sanctions motions that failed to comply with the 21 day safe harbor provisions in NRCP 11 incorporated into NRS 7.085, which does not even apply anyways, however, given that NRS 40.400 makes NRAP 38 controlling...but regardless, Judge Flanagan made no such "finding" or "conclusion" that Coughlin's "conduct" was "frivolous and vexatious", thus the use of the word "presumably", though as Echeverria leaves such reference to "characterized" unattributed, one may be confused and think this "finding" is indicating that it was unclear whether Judge Flanagan merely so "characterized" Coughlin's conduct as such in dicta, or whether he specifically identified such characterization as a "finding"...alas, Judge Flanagan did neither, but Echeverria's attempt to confuse the reader is obvious) as frivolous and vexatious and presumably so found by Judge Flanagan. See Hearing Exhibit P 2, L 8-13; P 3, L 4-11.

("(Mot. at p. 6.) Merliss goes even further and states: As proven above and below, the **frivolity and vexatiousness** of Coughlin's maintenance and extension of this matter has been so beyond reason, and so outrageous, and the nexus of his behavior to the fees incurred by Merliss so direct and indisputable, that nothing less than a full award of those fees should even be considered by the court. To not impose the full measure of the harm Coughlin has caused would reward and encourage his vexatiousness in this and other

cases. There needs to be a day of reckoning for Coughlin's *antics*. (Mot. at p. 8.)" (FHE2, P2, L 8-13))

Coughlin's 10/18/12 emailed grievance to the SBN (which was also sent via USPS mail, SBN, so don't try your whole "a grievance of over twenty pages in length may not be submitted via our online portal or email" that you just know they will throw up against the wall at some point to explain why the SBN has not responded or countenanced in any way Coughlins' various grievances (like those of 3/16/12 against Peter S. Christiansen and Kevin Kelly, of 4/16/12 against Gayle Kern, Esq., of multiple dates against WCPD Jim Leslie, and of multiple dates against Richard G. Hill, Esq., and his associate Casey D. Baker, Esq), save a letter from King indicating he would not pursue grievances against either WCPD Biray Dogan, Esq.(despite a per se violation of RPC 1.1, 1.1, and 1.3 in violating NRS 178.397) or RMC court appointed counsel Keith Loomis, Esq.

"Subject: bar grievance against Richard Hill, Casey Baker, and Keith Loomis, Roberto Puentes, Lew Taitel

From: Zach Coughlin (zachcoughlin@hotmail.com)

Sent: Thu 10/18/12 8:02 AM

To: laurap@nvbar.org; patrick@nvbar.org; rosec@nvbar.org; glennm@nvbar.org; davidc@nvbar.org; tsusich@nvdetr.org; complaint@nvbar.org; complaints@nvbar.org; shornsby@nvdetr.org

From: zachcoughlin@hotmail.com

To: laurap@nvbar.org; patrick@nvbar.org; rosec@nvbar.org; glennm@nvbar.org; davidc@nvbar.org; tsusich@nvdetr.org; complaint@nvbar.org; complaints@nvbar.org; shornsby@nvdetr.org

Subject: LITIGATION HOLD NOTICE rev2011-001708 cv11-03628, 60331 61383, SBN v. Coughlin CASE NUMBER NG12-0204, NG-0435, NG 0434

Date: Wed, 17 Oct 2012 16:59:57 -0700

Dear Office of Bar Counsel, Investigator Peters, Chairman Susich, et al,
Please find important attachments supporting the assertions herein here:

<https://skydrive.live.com/redir?resid=43084638F32F5F28!3587>

Please don't try to old "my IT guy said I couldn't open it, because of viruses and stuff". That is no more plausible an excuse for reviewing materials material to your investigation than would be suggesting your fear of "anthrax" potentially being mailed to you prevents you from opening your paper mail...You have my personal guarantee that there is no virus or other harmful items in any emails I send you or any paper mail, either, for that matter. I submit these materials respectfully and ask you to consider how being wrongfully incarcerated ten times in one year following a divorce of sorts would affect our tone, behavior, or personality.

Loomis refused to advocate at all on my behalf, refused to subpoena material percipient witness Merliss, and refused to make argument directed to issue I provided wealth of support on, ie, the *invalidity* of the eviction order where the lockout occurred outside of the "within 24 hours of receipt" window in the statue, and where technical service requirements were not met, vis a vis NRS 40.400, NRCP 6(e), and NRCP 5(b)(2), and where

Loomis acted on matter during pendency of Competency Evaluation in cr12-0376.

Also, will you please have the NG- grievance or case numbers for all of the grievances and complaints I have filed this year provided to me in writing, including the new grievances found herein against Richard G. Hill, Casey Baker, and Christopher Hazlett-Stevens?

Note: please forward this written correspondence on to Bar Counsel King and Investigator/Clerk of Court Peters in light of their apparent and sudden, somewhat technical "issues" with emails from Coughlin, which in no way is interpreted as providing indications that they now seek to sully the SBN's image by attempting to add Coughlin to their blocked sender list or otherwise prevent any further duty accruing on their part to actually investigate Coughlin's claims, in some manner that at least a colorable argument can be made that the SBN treats Coughlin's and others allegation with anywhere near the urgency it treats those of Judge Nash Holmes or Richard G. Hill, Esq. (in contrast to the whole "attack dog for the rich and powerful" image, some might say, the SBN has built up....

It is ironic, that Hill and Baker's own writing in their November 21st, 2011 Opposition to Coughlin's November 16th, 2011 Motion to Contest Personal Property lien may now be used against them, in light of the staleness, voidness, and invalidity of the October 25th, 2011 and October 27th, 2011 Eviction Decision and Order and Findings of Fact, Conclusions of Law and Order for Summary Eviction in RJC Rev2011-001708. See Williams v Nagel, 643 N.E. 2d 816 and Wolf-Lillie, 504 F. Supp 1. Baker wrote on Hill's behalf:

"Here, Coughlin filed his first motion pursuant to NRS 118A-460 on November 16, 2011. That motion was timely. However, when the court attempted to set the hearing, Coughlin refused to cooperate or communicate with the court to get the hearing on calendar, despite repeated requests from Merliss' counsel that he do so. As a sole and direct result of Mr. Coughlin's refusal to cooperate with the court to set his own hearing, that hearing never happened. The 10 days in which to hold the hearing under NRS 40.253(8) have now expired. Mr. Coughlin's motion is stale, and the relief he seeks is now time-barred. Because he abandoned that motion, it was, effectively, denied."

To Baker's November 21st, 2011 Opposition (how clever, Baker writes it so he can make reckless allegations that aren't true in it that Hill would not be so free to make, given he was there during the November 12th, 2011 arrest), is attached the signed, sworn, November 21st, 2011 Declaration of Richard Hill, which reveals at the least an intent to mislead the tribunal by Hill, and also reveals Hill and Merliss contributed to a false arrest to a material extent. That Declaration reads:

"4. On October 27, 2011, this court signed a summary eviction order, and on November 1, 2011, the Washoe County Sheriffs Department served that order. The notice was posted on the door of the home by the Washoe County Sheriffs Department in the manner customary in Washoe County for evictions. The locks on the front door and back door were changed, and we retained all keys to the home.

5. After that date, I began to notice that it looked like somebody had been getting into the home. On approximately November 4, 2011, I became concerned about the home and its contents. I entered it and was able to confirm that "somebody" had been getting in. I thought I had secured the means of entry being used by whoever it was that

was getting in. However, on later visits to the home, it was clear that the home was still being surreptitiously accessed.

6. On November 13, 2011, Dr. Merliss came to Reno because he wanted to inspect the home. Upon entry, it was clear that somebody had again accessed the home.

7. We tried to enter the basement and found the door was barricaded, not locked, from the inside. We were concerned that whoever had been accessing the home was inside, so we called the police.

8. When the police arrived, they agreed with us that it was very likely that somebody was barricaded in the basement. The police tried to coax the person to come out, but without success.

9. When the police declined to break down the door, Dr. Merliss did so. The police looked inside and discovered the defendant, Zachary Coughlin, and his dog.

10. Coughlin came out peacefully, went upstairs and was placed under arrest by the police for trespassing.

11. After Coughlin was taken to jail, Dr. Merliss and I tried to videotape the contents of the basement where Coughlin had been hiding. It was too dark to effectively videotape, but we were able to ascertain that Coughlin and **his dog have been living in the basement of the home for quite some time, likely even before the lockout**. I observed that Coughlin had a bed set up. He had several computer monitors. He had a store of food and water. He had electric space heaters.

12. Since the eviction order was served, my associate, Mr. Baker, and I had sent numerous emails to Coughlin, in which we both repeatedly made it clear to him that he was not to be at the home without our prior permission. No such permission was given. Mr. Coughlin had no reason to possibly think he was permitted on the property. We had tried to coax him to cooperate on getting his possessions out, without success, or even a response.

13. As a result of Mr. Coughlin's break-ins, Dr. Merliss has incurred a bill of \$1,060 with a licensed contractor to secure the premises. That does not include the cost of the door that was broken in order to get Coughlin out. That does not include the numerous hours of me and my staff to deal with Mr. Coughlin's repeated break-ins at the home.

14. I am no expert, but I believe Mr. Coughlin is what is called a "hoarder." He has many car seats throughout the house. He has many dead televisions. He has a box of car window servo motors. The attic, which can only be accessed through a very narrow opening, is full of items, including dead electronic devices.

15. We have found drugs at the home. We found a bag of what looks like marijuana on the kitchen counter. I found a crack pipe. The contractor found what he said was a large quantity of pills.

16. Mr. Coughlin has been harassing and stalking me, and possibly, my staff. On November 15, 2011, he burst into my office and created a scene. Then, he was parading up and down the sidewalk across the street with a video camera screaming obscenities at me and my staff."

Now, if one reads that Declaration by Hill, then watches the videos Hill took of the moments before, during, and after Coughlin's arrest for criminal trespass on November 13th,

2011...well, one must conclude Hill and Merliss lied, and broke the law, resulting in profound reputational damage to Coughlin and vast damage to his family and career. They should do time for this, period. Where, in that Declaration, so soon after the arrest it is almost an "excited utterance" is Susich or Kings allegation of "breaking and entering" and the "locks being broken"? Why wouldn't Hill just say that in the Declaration if it was true? Where is the video of the basement that Hill mentions attempting to take. There wasn't one provided in the materials Hill gave to the city attorney, which were discovered to Coughlin. Why doesn't Hill correct his client when he lies, in front of the police, just before the handcuffing moment, in response to Coughlin's query as to who exactly, in anyone, had told Coughlin to leave, or issued a "warning". That basement was fixed up to be, basically, a studio apartment addition to the main floor for over a year before the eviction, and Hill admits this appears to be the case in another filing. Hill misleads the court above where he fails to mention the numerous times Coughlin indicated he had added Hill to his "blocked senders list" and or indicated he did not consent to any form of electronic service or notice of anything, and where Baker was on vacation in early November. The video's Hill took title Zach's arrest 0007-0014, found at the above link, show particularly well the fraud and criminal conduct by Merliss and Hill including lying to effectuate a false arrest and criminal trespass and invasion of privacy.

What is actually **stale, invalid, void, null, expired, or otherwise ineffective** is the October 25th and 27th Summary Eviction Orders by Judge Sferrazza in light of the WCSO's admission that on November 1st, 2011 (allegedly at 4:30 pm), Deputy Machen broke into Coughlin's former home law office with Hill or Baker in tow (and probably one of those lawyers legal assistant/videographers whom drive a new Mercedes SL-600 convertible coup....the kind with a V-12 engine...that's right, a V-12, \$130,000 new, three times the engine found in Coughlin's four banger 1996 Honda Accord LX (at least its not a DX, right?) with 110,000 miles on it):

All the case cited below are relevant, and most are terrible, for Hill, Baker and Merliss, in addition to making the criminal trespass conviction extremely suspect:

Iorio, 410 NYS 2d 195

Russell v Kalian, 414 A.2d 462

Burhams, 89 P.3d 629

Roswick, 231 BR 841

Hammond, 515 SE 2d 182

Albert, 490 NYS 2d 951

26405 and 03628 trespass case:

Unused, untimely eviction warrant needs to be reissued: Green, 344 SE 2d 507, Woods 19 NYS 2d 683, Regan 425 NYS 2d 725, Iorio, 410 NYS 2d 195, Russell v Kalian, 414 A.2d 462.

Expired warrant for eviction no good: Leese v Horne, 47 P.2d 316, Burhams, 89 P.3d 629, Roswick, 231 BR 841, Hammond, 515 SE 2d 182, Albert, 490 NYS 2d 951, O'Brien v. U.S., 444 A.2d 946, State v. MErnar, 786 A.2d 141 (01), Canavan v. State 38 So. 3d 885, Jordan V. State, 802 So. 2d 1180 (01), State v. Ash, 12 SW 3d 800 (TN '99). Jordan v. State 110 P.3d at 47, Williams v. Nagel 643 NE 2d 816, Koenig, 742 P.2d 649, Nelson, 909 NE 2 642, claim of right O'banion 519 SE 2d 819, Bean 465 P.2d 1441...

Can't join in same proceeding a disbarment and contempt proceeding:

Dickerson v. State 179 SW 324.

Judge Nash Holmes continues to refuse to allow Coughlin to appeal the "summary criminal contempt" Order, even though, given the incarceration was served, it is a finally appealable order, see Gilman 275 V. Comm 474, 657 SE 2d 474.

Bifurcate disciplinary matters: In re Porep (Nev. 1941) 111 P.2d 533, In re Kaemmer, 178 SW 2d 474, Terrell v. Miss. Bar 635 So 2d 1377, Matt of Briggs 502 NE 2d 879, In Re Hines 482 A. 2 378, triem 929 P.2d 634, Smith 85 P. 524, In re Finsh 27 A. 3d 401, In re Character, 950 NE 2 177, Toledo v. Cook 88 NE 2d 973('07), Cohn, 151 SW 3d 477 ('04), In re Crandell, 754 NW 2 501, In re Cobb, 838 NE 2d 1197, In RE Ginsberg 690 NW 2d 539, North Carolina Bar v. Rogers, 596 SE 2d 337. Snyder 792 A. 2d 515

Joinder/prejudice to Coughlin: 259 P.2d 7, In Re Richardson 692 A. 2d 427

26405 and 03628 trespass case:

Unused, untimely eviction warrant needs to be reissued: Green, 344 SE 2d 507, Woods 19 NYS 2d 683, Regan 425 NYS 2d 725, Iorio, 410 NYS 2d 195, Russell v Kalian, 414 A.2d 462:

expired warrant for eviction no good: Leese v Horne, 47 P.2d 316, Burhams, 89 P.3d 629, Roswick, 231 BR 841, Hammond, 515 SE 2d 182, Albert, 490 NYS 2d 951, O'Brien v. U.S., 444 A.2d 946, State v. MERNAR, 786 A.2d 141 (01), Canavan v. State 38 So. 3d 885, Jordan V. State, 802 So. 2d 1180 (01), State v. Ash, 12 SW 3d 800 (TN '99). Jordan v. State 110 P.3d at 47, Williams v. Nagel 643 NE 2d 816, Koenig, 742 P.2d 649, Nelson, 909 NE 2 642, claim of right O'banion 519 SE 2d 819, Bean 465 P.2d 1441

Please indicate in writing what you have done to investigate Richard G. Hill's allegations, as set forth in his January 14th, 2012 grievance against me, in writing, including, but not limited to Hill's allegations vis a vis the criminal trespass arrest of me in on November 13th, 2011, leading to a custodial arrest, and three traffic citations by RPD Sargent Tarter following my release on November 15th, 2011 when I ventured to Hill's office to retrieve my state issued driver's license, wallet (credits card, money), and my client's files and my own files and hard drives and other materials. This is a formal, written grievance against Richard Hill and Casey Baker, in compliance with my RPC 8.3 obligations respecting their failure to turn over my hard drives, driver's license, client's files and my own files, their impermissibly influencing the RJC to fail to give me a hearing on my November 16th, 2011 filing of a Motion to Contest Personal Property lien within the 10 days required by NRS 40.253(7)-(8) (hearing only took place after Richard's six week vacation, on December 20th, 2011, in accord with Richard's written indication to me that he would be able to get the RJC to wait that long on his account..., an impermissible suggestion by Richard that he could improperly influence a tribunal, as was Richard threats that he would have me given the Jordan v. State "vexatious litigant" treatment if I kept up my opposition to his nefarious aims.

"Subject: RE: WCSO Deputy Machem's "personally served" Affidavit of 11/1/2011

Date: Tue, 7 Feb 2012 11:40:39 -0800

From: LStuchell@washoecounty.us

To: zachcoughlin@hotmail.com

CC: mkandaras@da.washoecounty.us

Mr. Coughlin,

Our records indicate that the eviction conducted on that day was personally served by Deputy Machen by posting a copy of the Order to the residence. The residence was unoccupied at the time.

Liz Stuchell, Supervisor, WCSO Civil Section" (NOTE: this is the email from WCSO Civil Division Supervisor Liz Stuchell that both King (in his 4/12/12 presentation of a 23 Exhibit package to the Screening Panel) and NNDB Chair Susich (in his 5/31/12 SCR 117 Petition in 60975) excised from the copies of Coughlin's 3/5/12 filing of a Motion to Dismiss in RMC 11 CR 26405, the criminal trespass prosecuti

Additionally, this is a grievance against Hill and Baker concerning their lying under oath at the June 18th, 2011 criminal trespass from my former law office trial in RMC 11 CR 26405. Please review the Claiborne decision for support for the contention that neither Bar Counsel King, SBN Investigator Peters, or the SBN will find availing any argument that no investigation was required on their part respecting those allegations (particularly during the 5 months period between Hill's January 14th, 2012 written, but unsigned, grievance to Pat King and the conviction on June 18th, 2012...certainly, the SBN has taken an interest in my pending criminal matters...). In Claiborne, the SBN was taken to task for making such a suggestion that no duty to investigate on their part was present, where the Court ruled it clearly was...

Please review the sworn Declaration by Hill attached to his November 20th, 2011 Opposition to Coughlin's Motion to Contest Pesonal Property Lien and that Opposition itself, especially the bit in Hill's Declaration where he fails to allege the RPD identified themselves as law enforcement or issued an "lawful order" for Coughlin to "emerge from the" "basement" (which never had an outside lock to begin with) prior to landlord Merliss kicking the door down (and isn't is interesting that the RPD did not feel it had authority to kick a door down...suggesting they also felt they did not have authority to issue a "lawful order" or warning, pursuant to RMC 8.10.010 to Coughlin to leave the premises. I am complaining of an unlawful trespass and invasion by Hill, Baker, and Merliss, especially where in the other videos provided to Reno City Attorney Chris Hazlett-Stevens (and this is a formal grievance against Hazlett-Steven's as well, especially considering the extent to which he put on perjured testimony, failed to hold Hill to a subpoena, in violation of Coughlin's right to a speedy trial (during the same 6 week vacation by Hill that resulted in the RJC failing to give Coughlin a timely Hearing on his November 16th, 2011 filing of a Motion to Contest Personal Property Lien in the eviction matter from Coughlin's former home law office in the RJC, REV2011-001708...a Motion for Continuance was filed by city attorneys Hazlett, which Coughlin's then RMC appointed defense Counsel Lew Taitel failed to timely inform Coughlin of and agree to (despite Coughlin, at that time, having filed a lawsuit against Nevada Court Services, on October 19th, 2011 in CV-03051, CV11-03051 ZACH COUGHLIN VS. MATT MERLISS ET AL (D1). 19-OCT-2011.

Further, any writings or filings by Bar Counsel King and or Chairman Susich that suggest or indicate Coughlin committed a "breaking and entering" of his former law office, or

that the "locks were broken" is totally unsupported and reckless and contradicted explicitly by the videos Hill himself filmed and his statements therein. Please correct any such filings and alert the Court to your transgressions.

Baker lied and violated NRCP 11 in his November 21st, 2011 Opposition where he alleged the RPD identified themselves as law enforcement and issued a lawful order for Coughlin to emerge from the "basement" or leave the property:

"Even though he had a week to do so, Coughlin did not remove his personal belongings from the property prior to the lockout. In fact, he did not even remove himself from the property. Unbeknownst to Merliss or his counsel, Coughlin continued to live in the basement of the property until he was discovered squatting there on November 13, 2011 - Nearly two weeks after he was legally locked out. Coughlin had barricaded himself, his dog, and some of his presumably more cherished possessions in the basement. When Coughlin refused to emerge from the basement after being ordered to do so by the police, Merliss was forced to kick down the door to gain access to his own property. Coughlin was arrested and charged with trespassing. Due to Coughlin's criminal activities, the security of the house was compromised. As a result, Merliss was forced to incur costs in the amount of \$1,060.00 To secure the property in order to protect it and Coughlin's belongings. A true and correct copy of the bill from the contractor is attached hereto as EXHIBIT 2."

Baker's NRCP 11 violation in his filing of November 20th, 2011 in RJC Rev2011-001708 occurs at pages 1-3, where he attempts to mislead the tribunal in suggesting that Coughlin failed to cooperate in setting a Hearing on the Motion to Contest Personal Property Lien, even where Coughlin responded to Hill's then email informing him of such a hearing, by Coughlin emailing Hill "Rich, you are aware the files can be on hard drive's, right?" in response to Hill's email of a Hearing (Coughlin subsequently revoked (and had made express previously written indication that no such acceptance of such electronic service or notice would be availing respecting communications with Coughlin, and Hill was added to Coughlin's "blocked sender list" on Coughlin's Hotmail account, as such, Coughlin did not receive Hill's emails from October any implicit authority Hill may assert to provide Coughlin notice via electronic means, and therein is vitiated any of Hill's testimony at the trespass trial that the "warning" against trespass was relayed in Hill's various attempts at emailing Coughlin during the first few weeks of November, including the period where Baker was on vacation and somethings appear to have slipped through the cracks at the Hill law firm respecting notifying Coughlin in an accepted means of service). Coughlin did not receive any emails from Hill's rhill@richardhillaw.com address between Hill's email of August 16th, 2011 and November 18th, 2011, this Coughlin swears pursuant to NRS 53.045 under penalty of perjury:

From: Zach Coughlin [<mailto:zachcoughlin@hotmail.com>]
Sent: Monday, November 21, 2011 3:15 PM
To: rhill@richardhillaw.com
Subject: RE: River rock

Rich, you are aware that "files" can include things on hard drives, right?

Zach Coughlin, Esq.
121 River Rock St.
Reno, NV 89501
775 338 8118
Licensed in Nevada

From: rhill@richardhilllaw.com
To: zachcoughlin@hotmail.com
Subject: River rock
Date: Mon, 21 Nov 2011 14:53:03 -0800
Mr coughlin -this confirms a voicemail left for you
I now have your drivers license & what I think are your client files.
Don't know, didn't look that closely - your privacy & all.
Will release them to you at the hearing tomorrow.
Please confirm that the hearing is on calendar
Rgh"

Coughlin appeared at the RJC for the Hearing he was noticed on for November 22nd, 2011 pursuant to the November 16th, 2011 filing by Coughlin of the Motion to Contest Personal Property lien in RJC REV2011-001708. Hill failed to appeared. Further, Hill continued to lie about his "offering to provide Coughlin" his client files, including those files on Coughlin's hard drives. Further, at least one of Coughlin's hard drives, upon their finally being returned to Coughlin on December 22nd, 2011 (with one of the expensive laptop screens completely cracked...) indicated a video card driver was loaded to the hard drive, including one on December 6th, 2011, during the period from Coughlin's arrest of November 13th, 2011 to Hill's and Baker's finally returning Coughlin's client's files and hard drives to him on December 22nd, 2011 (unless you count the instance where Hill playfully set down a bag of trash and indicated to Coughlin "here is your client's files" at the time when Hill finally returned Coughlin's state issued driver's license one full week after Coughlin had demanded it, on November 22nd, 2011, something that Hill lied to the courts and the police about his willingness to do so up to that time absent a coercive demand that Coughlin sign away his rights, including those to his damage deposit. Further Hill violated Nevada law in placing demands upon Coughlin that Coughlin remove his property in the exact manner and order that Hill demanded (Hill required Coughlin to appear with certain vehicles and a "crew" of movers, and insisted Coughlin must remove all the property on the former home law office's exterior prior to Coughlin being allowed to "cherry pick" the items within that were of the most value, requirements for which there exists no support in Nevada law for Hill to make, including within NRS 118A.460, all to the detriment of Coughlin's client's concerns and the reputation of the Bar in Nevada and beyond. The RJC never needed Coughlin's permission previously to set Hearings, including the one on November 7th, 2011 that Coughlin was served an impromptu notice of while he was at the filing office on November 3rd, 2011, nor did the RJC need Coughlin's permission to to set the October 13th, 2011 summary eviction proceeding date, the October 25th, 2011 "Trial", or the December 20th, 2011 Hearing date.

Further reckless and lacking in foundation mentions of "breaking into" the former law office and "broken locks" despite the fact that no factual support exists for such an allegation, there were no "broken locks" ever mentioned by anyone (and if Hill is willing to make up finding a "bag of weed and crack pipe" along with describing what Hill's own videos show to be vitamins as a "large quantity of pills", then you know Richard G. Hill, Esq. would have been all over any "broken locks" at the former home law office, yet, there simply were none, not that that would stop Pat King or J. Thomas Susich from cobbling together such an allegation in the SCR 117 Petition in 60975) along with something about Coughlin being subject to a custodial arrest for "jaywalking" by the Reno Police Department while Coughlin was filming Richard G. Hill, Esq.'s contractor's crew loading up a dump truck with items of personal property then located in Coughlin's former home law office (the arrest occurred shortly after Coughlin discovered that Hill's contractor, Phil Stewart, had used Coughlin's own distinctive plywood to "secure" or "board up the property" in December 2011, for which the landlord was ultimately awarded costs, \$1,060 of which were based upon Stewart's invoice for "securing the property", which included the cost of plywood, and "fixing a leak in the basement" despite NRS 118A.460 only allowing costs for "moving, storing, and inventorying" a tenant's personal property), which Coughlin was unable to remove during the scant 13 hours he was afforded to do so by the Reno Justice Court's Order following a Hearing on Coughlin's November 16th, 2011 Motion to Contest Personal Property Lien (the Hearing was not set or conducted with the "10 days" required by NRS 40.253(7)-(8) because Richard G. Hill, Esq. needed to go on a six-week vacation shortly after Coughlin's November 16th, 2011 filing (in a matter now on appeal in SCR 60331 and 61838, wherein, somehow, a commercial tenant, Coughlin (whom was both running a law practice and Coughlin Memory Foam, a foam mattress business from his home, which was previously utilized for commercial purposes by a drug and alcohol rehabilitation counseling business and is zone for mixed use purposes) was summarily evicted based upon a No Cause Eviction Notice only (ie, the non-payment of rent was neither noticed, pled, nor argued by the landlord) despite the clear dictate against the use of summary eviction proceedings against commercial tenants not based upon the non-payment of rent (Bench Book stuff) set forth in NRS 40.253.

The December 21st, 2011 Order "Resolving" Coughlin's Motion to Contest Personal Property Lien actually required Coughlin to pay the exact same amount of rent for 17 days (November 1 to November 17th, 2011), \$480 (ie, pro-rated from the \$900 per month rental agreement) as Coughlin would have under a "fair rental value", for the "full use and occupancy of the premises" despite the fact that Hill somehow signed a Criminal Complaint for Trespass Against Coughlin, on November 13th, 2011 despite any Summary Eviction Order not being served in accordance with NRS 40.400 (and therefore NRCP 5 and 6(e) vis a vis the "within 24 hours" of "receipt" of the lockout order, and, therefore, any such lockout that had occurred being rendered a nullity or pursuant to a void Order) and where the Washoe County Sheriff's Office Civil Process Service Supervisor Liz Stuchell has admitted in writing that the Affidavit of Service filed November 7th, 2011 by Deputy Machen, attesting to having "personally served" the Summary Eviction Order on November 1st, 2011, was, in fact, purportedly merely posted to the door of Coughlin's former law office while Coughlin was not home, at which point a Soldal v. Cook County violating illegal lockout occurred. In a February 7th, 2012 written

correspondence to Coughlin, Stuchell wrote: "Mr. Coughlin, Our records indicate that the eviction conducted on that day was personally served by Deputy Machen by posting a copy of the Order to the residence. The residence was unoccupied at the time. Liz Stuchell, Supervisor WCSO Civil Section".

The text of NRS 40.253 speaks to service of Lockout Orders: "The court may thereupon issue an order directing the sheriff or constable of the county to remove the tenant within 24 hours after receipt of the order..." is inapplicable to this situation, where an Order Granting Summary Eviction was signed by October 27th, 2011 (though not mailed to Coughlin until after the November 1, 2011 lockout had allegedly already occurred). That language is only found in situations inapplicable to the one incident that in the summary eviction from Coughlin's former home law office. NRS 40.253(3)(b)(2), and NRS 40.253(5)(a) are the only sections of NRS 40 where this "within 24 hours" language occurs, and those situations only apply where, in: 40.253(3)(b)(2): "3. A notice served pursuant to subsection 1 or 2 must: ...(b) Advise the tenant: (2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to remove the tenant within 24 hours after receipt of the order" and, 40.253(5)(a): "5. Upon noncompliance with the notice: (a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the dwelling, apartment, mobile home or commercial premises are located or to the district court of the county in which the dwelling, apartment, mobile home or commercial premises are located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable remove the tenant within 24 hours after receipt of the order."

The way these summary eviction proceedings are being carried out in Reno Justice Court presently shocks the conscience and violates Nevada law. There is not basis for effectuating a lockout the way WCSO's Deputy Machem did in this case. The requirements attendant to serving Summary Eviction Orders and conducting lockouts are found in NRS 40.253 in two sections containing the "within 24 hours of receipt" language are inapplicable, as those situations do not invoke the present circumstances, where the Tenant did file an Affidavit and did contest this matter to a degree not often seen. To require Nevada's tenants to get up and get out "within 24 hours" of "receipt of the order" (what does that even mean? The use of terms like "rendition", "rendered", "notice of entry", "pronounced", is absent here, and this "receipt of the order" language is something rarely found elsewhere in Nevada law-see attached DMV statutory citations, and in employment law litigations where one must file a Complaint within 90 days of "receipt" of a Right To Sue Letter, a situation which follows NRCP 5(b), and NRCP 6(e) in imputing receipt of such a letter, when actual receipt is not shown, by applying a "constructive notice" standard that relies upon the days for mailing extension of time for items served in the mailing, etc.). In *Abraham v. Woods Hole Oceanographic Institute*, 553 F.3d 114 (1st Cir. 2009), the record did not reflect when the plaintiff received his right-to-sue letter. The letter was issued on November 24, 2006.

The court calculated that the 90-day period commenced on November 30, 2006, based on three days for mailing after excluding Saturdays and Sundays. In order to bring a claim under either Title VII or the ADA, a plaintiff must exhaust administrative remedies and

sue within 90 days of receipt of a right to sue letter. See 42 U.S.C. § 2000e-5(f)(1). See *Baldwin County Welcome Center v. Brown*, 466 U.S. 147, 148 n.1, 104 S.Ct. 1723, 80 L.Ed.2d 196 (1984) (granting plaintiff an additional three days for mailing pursuant to Rule 6)....” Further, as seen in the *Anvui* case, there is some argument respecting not effecting a lockout for at least 5 days where a lease has not expired by its terms, as Coughlin's arguably had not.

However, in his January 20th, 2012 Second Motion for Order to Show Cause, Richard G. Hill, Esq. did not get all bogged down in legal research and stuff, instead he just pointed out: "FACTS SHOWING CONTEMPT OF COURT 6. EXHIBIT 1 (the Summary Eviction Lockout Order) was served on Coughlin on November 1, 2011 by the Washoe County Sheriffs Department in its customary manner, by posting same on the front door of the property in the manner customary for evictions in Washoe County. The locks to the premises were changed at that time, thereby ejecting and dispossessing Coughlin of possession of the Property." Hill went on to lie again in that January 20th, 2012 Motion when he equated his offer to let Coughlin get some of the personalty Coughlin was unable to remove, due largely to Hill failing to remove the chain link padlock from the backyard gate that Hill had only just installed in time for the 13 hours Coughlin had to remove his property in exchange for Coughlin waiving his rights to the \$700 damage deposit Coughlin provided upon moving in, where Hill spins it: "12. On Friday, December 23, 2011, Coughlin had a crew of helpers, and made progress. Nonetheless, Coughlin failed to remove all of his belongings from the Property. Coughlin failed to remove his things despite having been given additional time to do so after the time set by the Reno Justice Court in its order of December 21, 2011 (EXHIBIT 2) had expired."

Apparently, to Hill, at least one has " failed to remove all of his belongings from the Property. Coughlin failed to remove his things despite having been given additional time to do so" where Hill threatens to have one arrested for criminal trespass or larceny (of their own stuff, arguably) if one is on the property one minute past 5 p.m., unless one waives any right to their damage deposit (which neither Hill nor the Landlord eve did return, nor did they comply with the requirement that they provide an itemized statement indicating an application thereof justifying such a failure to return such deposit within 30 days....and Hill does not want to get into whether his conduct is violative of the FDCPA or whether he is licensed as a debt collector). In that Motion, Hill continued on: "13. On December 30, 2011, Coughlin moved this Court for a temporary restraining order to prevent Merliss from disposing of the items he (Coughlin) had abandoned on the Property. Coughlin's motion was fully briefed, and the Court entered its order denying the motion on January 11, 2012. A true and correct copy of this Court's January 11,2012 order is attached hereto as EXHIBIT 3. 14. On Thursday, January 12, 2012, in accordance with EXHIBIT 2 and EXHIBIT 3, a licensed contractor hired by Merliss began cleaning up the Property and disposing of the abandoned items still remaining there. 15. Early that afternoon, while the contractor was hauling the first of several loads of abandoned property to the transfer station (dump) for disposal, Coughlin stopped the contractor in traffic and attempted to prevent him from carrying out his task. 16. Specifically, Coughlin stood in front of the contractor's vehicle in an effort to prevent him from proceeding to the transfer station. Coughlin threatened to sue the contractor. Coughlin climbed up on the contractor's vehicle. Coughlin then called the police and falsely told them that the contractor had stolen his

possessions, and that the contractor had tried to run him over. Coughlin's acts were specifically calculated to prevent the contractor from disposing of the abandoned property, and to frustrate and interfere with Merliss' compliance with this Court's January 11, 2012 order. 17. When Mr. Hill of the undersigned's office was notified of the foregoing, he went to the transfer station and presented EXHIBIT 2 and EXHIBIT 3 to the police. The contractor was then allowed to proceed. 18. However, before the contractor could return to the River Rock Property, Coughlin was there. He had his video camera and was walking up and down the street screaming and yelling at the police, the contractor, and Mr. Hill, once Mr. Hill arrived. At the instruction of the police, Mr. Hill then obtained a temporary protective order ("TPO") against Coughlin from the Reno Justice Court. Coughlin ended up being arrested and taken to jail that day as a result of his antics at the transfer station and the Property."

The thing is, and Coughlin would sure like to get the 911 tapes (or, more likely, with Hill, any recordings that may exist of Hill calling somebody in particular he may have had in mind with the RPD) of calls by Coughlin (and if Wal-Mart can call 911 over a candy bar, or a skater board over an iPhone he seems to have set down on the concrete ground in downtown Reno, then skaterboarded off some 100 yards away for sufficiently long period of time to seem to have been pretty much the only person not to have heard somebody who picked it up threaten to throw it is in the river if it went unclaimed can call 911 (and make up a bunch of lies on the spot for the purpose of manipulating the police into assuages the skateboarders own negligence vis a vis the iPhone) is it unreasonable for Coughlin to call 911 upon happening, totally by chance, to cross paths with Hill's contractor while driving, catching site of a huge dump truck full of Coughlin's personal property headed towards the town dump? Hill admits the Order denying Coughlin's Motion for a TPO (and hey, family heirlooms are pretty fungible, right? Who needs a TPO for that?

And its not like the landlord could just accept rent in the meantime, or that the property still remains unrented to this day, some 11 months after the lockout, and apparently, some \$60,000 worth of attorney's fees paid to Hill for a two bedroom home that appraises at around \$90,000 currently, if that. And Hill's fantastic legal work ("wrong site surgery" and all) was surely worth the risk of a wrongful eviction lawsuit (and check out those potential damages under *Winchell v. Schiff*, 124 Nev. 938, 193 P.3d 946 (2008), not that the loss of a patent attorney's career could amount to all that much). Regardless, its not all that colorable for Hill to allege Coughlin was violating some Order entered on January 11th, 2012 by Coughlin's conduct of January 12th, 2012 when NRCP 6(e) provides that 3 days for mailing is to be accorded to account for the service of filings, even filings electronically served on registered efilers like Coughlin. Its similar to Hill wanting a criminal trespass arrest where NRCP 6(e)'s three days for mailing where no personal service was accomplished (by way of NRS 40.400) and Hill's et al did not even comply with the constructive service requirements of mailing the summary eviction lockout order prior to Hill's breaking into Coughlin's former home law office on November 1st, 2011, with the help of the WCSO, in violation of *Soldal v. Cook County* where Coughlin was not accorded the "24 hours" cushion after Coughlin's "receipt" of the lockout order mentioned in this Court's own packets on the service of Lockout Orders, which Hill himself attached as a subsequent exhibit recently...It gets funnier.

The civil division of the Justice Court and the Sheriff's Office think that whole

"within 24 hours" language in NRS 40.253 means "within 24 hours" of the Sheriff's "receipt" of the Order from the Justice Court... While others think it is "within 24 hours" of the tenant's receipt of the Order from the Sheriff... and this Court's official forms and instructions seem to imply that "at least 24 hours" from "receipt" of the lockout Order must be accorded to a tenant. Who knows? But, it is not clear, as Hill suggests, that the "usual custom and practice of the Washoe County Sheriff's Office" is black letter law upon which Bar grievances, custodial criminal trespass arrests, multiple Motion for Order To Show Cause, tens of thousands of dollars in attorney's fees sanctions against a pro se appellant, etc. are warranted. Somehow the District Court found a way to sanction Coughlin with \$40,050 worth of attorney's fee in that appeal of the summary eviction without holding a single hearing, well, other than the Hearing on Hills Order to Show Cause, which was denied when Coughlin destroyed Hill's contractor Phil Stewart on cross-examination. (Really, Phil? Really? You could feel "a depression" in your 2 ton loaded to capacity dump truck upon Coughlin allegedly "climbing up on it", though you indicated you had already "alighted from the vehicle", but, wait, you could see Coughlin's head above the tailgate walls in your rear view mirror (which doesn't seem to be there on any the many videos of the events of that day.

And even if such a mirror were present on Stewart's truck, that doesn't really explain how all the personalty stacked up so high in the truck bed (replete with specialized add-on high stack retaining walls) wouldn't obscure any purported view of Coughlin's head high above the area above the specialize hydraulic dump truck's tailgate, confirming Stewart's mere suspicion that Coughlin climbed on his truck. Coughlin swears under oath he did not climb on Stewart's truck. Hill needed a little "fact" to spice up his Motion to Show Cause just enough, and "Coughlin climbed up on the truck" was "just the ticket", and Stewart did not mind going along for the ride, so long as... And none of the many videos from that day actually show any of the Yosemite Sam cartoon villian type behavior Hill attributes to Coughlin in his wonderfully imaginative Motion for Order to Show Cause and or Application for Order of Protection concerning the events involved in the jaywalking custodial arrest Hill had Coughlin subjected to on January 12th, 2012.

Much like Hill's contractor, Phil Stewart, flat out lying in an affidavit when he swore Coughlin "climbed up on" his truck, Hill similarly lied in an affidavit about Coughlin, apparently while "enraged" making "physical contact" with Hill. On Page 2 of Hill's Affidavit attach to his Motion for Order to Show Cause, January 20th, 2012, Hills attests: "5. On Friday, December 23, 2011, we unlocked the house at 9:00 a.m. as ordered. We overlooked the chain on the back gate. There was nobody at the house when we were there. At approximately noon, my staff informed me that an enraged Mr. Coughlin had called the office screaming that he could not get in the back yard. When I finished the meeting I was in, I immediately went over and unlocked the back gate. Coughlin had a small crew. He charged at me and made physical contact. He was enraged. We left. When we returned at 5:00 p.m., Mr. Coughlin was screaming and yelling obscenities. He drove off in a small U -Haul. His crew remained. We walked the property with them. The inside .ground floor was mostly cleared of all but a big TV. The basement had been cleared somewhat, but there was still a lot of "junk. " We could not access the attic. We went outside. I told Coughlin's crew they could remove anything and everything outside, if they would only try to rehang the gate that Mr. Coughlin had taken off the hinges

before we could get over to unlock it. I told them I would lock the gates in the morning.

That is really interesting. Compare the above to the following excerpt from page 3 of Hills January 3rd, 2012 Opposition in CV11-03628, the appeal of the summary eviction Order: "12. While at the property to remove the padlock, Coughlin, on more than one occasion, screamed profanities at Merliss' counsel, and, at one point, charged Mr. Hill and attempted to physically intimidate him. At least the audio of this incident was captured on tape. 13. Nevertheless, at 5:00 p.m. on Friday, December 23, 2011, counsel granted Coughlin and his agents additional, unfettered, and unlimited access to the outside of the property to remove any remaining items." Whereas in his January 20th, 2012 sworn Declaration Hill goes so far as to indicate Coughlin "made physical contact" (which is a damn lie anyways), in Hill's then associate Casey Baker, Esq.'s NRCP 11 signed January 3rd, 2012 Opposition, Hill's associate Baker will only go so far as to say that Coughlin, "at one point, charged Mr. Hill and attempted to physically intimidate him." Baker was standing directly next to Hill during the interaction wherein Hill swore, under penalty of perjury, that Coughlin "made physical contact" with Hill). Sounds like Casey Baker, Esq. was not quite willing to "spice up" the story line as Hill himself was. Casey probably did not have enough reason to sign on to the lies about Coughlin "climbing on" the contractor's truck. In Hill's Application for a Protection Order against Coughlin Hill slips up and claims that Coughlin was "climbing on the contractor's truck, picking through the contents" back at Coughlin's former home law after the interaction at the "transfer station" (town dump), whereas Hill's contractor indicated in his Affidavit that the alleged "climbing" on his truck occurred at the "transfer station". However, both Hill and his contractor, Phil Stewart indicate that the Reno Police Department "requested" that Hill file a Protection Order Application against Coughlin. If that is true, its improper.

The RPD can provide individuals information about seeking one, but when the RPD goes a step further and starts urging individuals to file protection order applications, or, as has recently been the case with RPD Officer Alan Weaver and Sargent Oliver Miller, whom, upon information and belief, urged Northwind's apartment maintenance man Milan Krebs to sign a fraudulent criminal complaint against Coughlin for "disturbing the peace" on July 3rd, 2011, and again urged Superior Mini Storage's Matt Grant to sign a similar baseless "disturbing the peace" criminal Complaint against Coughlin on approximately September 21st, 2012 then there is more than a little indication that the RPD is out of control and attempting to incite members of the public to sign fraudulent criminal complaints based upon a retaliatory animus by the RPD towards Coughlin. Officer Weaver and Sargent Dye showed up to an unnoticed July 5th, 2012 bail hearing for Coughlin, presided over by Judge Linda Gardner's brother RMC Judge William Gardner (whom received Coughlin's timely Notice of Appeal of the criminal trespass conviction, under NRS 189.010, yet failed to forward it on to the District Court, which somewhat recently dismissed Coughlin's appeal in that matter, wherein Sargent Dye and Officer Weaver testified under oath, with City Attorney Jill Drake singing backup, the the effectd that, despite bail only being valid based upon one reason in Nevada (to secure the defendant's attendance at trial) the "public health and safety" dictated increasing the cash required to bail out Coughlin TENFOLD, from a bondable \$1,415 to a CASH ONLY \$3,000.

Consequently, upon Judge Gardner so impermissibly raising Coughlin's bail, alleging a "public health and safety" rationale for so doing, Coughlin was forced to spend 18

days in jail, wherein the opportunity to timely contest the \$40,050 attorney fees award to Richard Hill incident to the summary eviction appeal ran, all while Coughlin was denied any opportunity to access justice or file documents from jail, and where Coughlin sustained significant damages, financial and otherwise, and where the jail refused to transport Coughlin to a hearing on a landlord tenant matter wherein he was a named party. The extent to which local law enforcement is willing to play "kick the can" with an attorney, particularly where Bar Counsel Pat King is so willing to join the chorus, is troubling, and indicates the judiciary need issue a clarion call out to announce the extent to which such misconduct can not, and will not, be tolerated. Such a retaliatory animus towards Coughlin by the RPD is likely due to his September 7th, 2011 Complaint with respect to a wrongful, retaliatory, and fraudulent arrest by RPD Officer Nicholas Duralde, which was accompanied by extortionate threats by RPD Officer Ron Rosa that if Coughlin didn't cooperate they would "call the Nevada Bar and let them know how you cooperated with our investigation. How's that runnin' for ya?"

While Duralde testified that he did not hear or recall Rosa's coercive threats to Coughlin just prior to the arrest, the fact that Duralde echoed those threats by saying "Now, I can arrest you for larceny. Now, I can do a search incident to arrest. How's that?" tends to undermine Duralde's contention that "he doesn't recall" hearing anything like what Officer Rosa was capture on tape saying to Coughlin just prior to the arrest. Upon making a Fourth Amendment violating arrest completely lacking in probable cause, and smugly "joking" to Coughlin about the "benefits" associated with charging Coughlin with a "felony", (at the time of the August 20th, 2011 arrest, the felony larceny amount limit was \$250 and above) compared to a misdemeanor (under some half baked "grand larceny" of an allegedly lost or mislaid or abandoned three year old iPhone 3G that the alleged victim testified was only then worth "about \$80-100" on eBay or Craigslist), ie, search incident to custodial arrest possible where probable cause lacking to arrest, or even reasonable suspicion missing to do a pat down, where alleged crime occurred outside officer's presence, after 7 p.m., and no citizens arrest immediately effectuated, particularly where Coughlin himself made a 911 call prior to Officer's arriving and where video from minutes prior to officer arriving reveal Coughlin suggesting the 8-12 hostile late teens to early twenties skater boarders relax, stay peaceful, refrain from assaulting and battering Coughlin, and wait for the police arrive so a lawful, peaceful resolution could be attained (with Coughlin even cautioning the youths about a then recent tragic death occurring not far from that location).

Further Hill just flat out lies in his January 3rd, 2012 Opposition to Amended Motion for Emergency Restraining Order. Well, he did tell the truth when he wrote, on page 3: "11. On Friday, December 23, 2011, counsel for Merliss neglected to remove the padlock to the back gate of the property." That is true, he did do that, and it did prevent Coughlin from removing all his property during the scant 13 hours Coughlin had to move it. But, when Hill swears, on page 3, that: "Coughlin's access to the house itself was never hindered.:" he is just "sippin' drank" or something, as, obviously failing to remove a lock on a gate gonna tend to have that effect, now...and when Hill swears: " 13. Nevertheless, at 5:00 p.m. on Friday, December 23, 2011, counsel granted Coughlin and his agents additional, unfettered, and unlimited access to the outside of the property to remove any remaining items. The only condition placed on that access was that Coughlin's helpers agreed to replace the gate on its

hinges as best they could. Coughlin and his agents failed to remove the remainder of Coughlin's property from the yard that night, and failed to put the gate back on the hinges." Coughlin was never made aware of any such "offer" by Hill, and, even if he had been, hey, it's the "outside of the property", Rich, people generally put their valuables inside, you know?

Then the Hill prevarication and obfuscation express kicks into overdrive, when, in his January 3rd, 2012 Opposition he continues on: "C. Coughlin is Not Entitled to A Stay Coughlin claims to have deposited \$250 with the justice's court pursuant to NRS 40.385, although he has not provided any proof in support of his claim. Attached hereto as EXHIBIT 10 is a true and correct copy of the justice's court's docket as of December 19, 2011. That docket shows that Coughlin paid a filing fee for his appeal on December 12, 2011, in the amount of \$216.00." Well, actually, Judge Sferrazza waived the Justice Court's \$24.00 filing fee, and the \$216.00 represents the District Court's filing fee, and its not really clear whether that date is when the check was cashed by the District Court, or whether the Justice Court held on to the check for quite awhile before shipping it along with the ROA to the District Court, etc., etc. Hill continues: "It is entirely unclear from the following entries of that docket whether or when Coughlin ever paid an additional \$250.00 under NRS 40.385." That might, technically be true, Rich, to the extent that you wrote it on January 3rd, 2012, and are sneakily indicating that you are looking at an old docket from the Justice Court from December 19th, 2012, even though Coughlin made a big deal to you and the Justice Court, in writing, that he was depositing the \$250.00 supersedeas bond mentioned in NRS 40.385, on December 22nd, 2011, a fact which Hill himself mentions in his own filings...So, kind of a lack of candor to the tribunal there to make all this argument based upon some old docket and the extent to which it fails to reveal or "make clear" matters to which Hill had ready written notice of via his own e-Flex account and service of filings upon him connected thereto, in addition to Coughlin's faxes, emails, and there might have even been a service of a Notice of Posting Supersedeas Bond (need to check on that more), etc. in connection with the depositing on December 22nd 2012, the \$250 required for a stay during appeal of a summary eviction in NRS 40.385. And, actually, Hill slipped up a bit there, in light of the following: And, actually, Hill, in his January 20th, 2012 filing, admitted that Coughlin sent him that December 22nd, 2011 email notifying him of the posting of the \$250 supersedeas bond seeking a stay, when he admits, on page 3: "11. Pursuant to EXHIBIT 2, Coughlin was provided access to the Property on Thursday, December 22, 2011. That day, Coughlin sent an email to the undersigned and Judge Sferrazza, in which he essentially announced that he was entitled to a stay, and to return to and continue in possession of the Property. Judge Sferrazza quickly responded by email, and reminded Mr. Coughlin that the stay had been denied." Found in Exhibit 1 is the December 22nd email to Hill's Office that alerts them to the posting of \$250 , specified as a "supersedeas bond", with a citation to NRS 40.385:

Hill's January 3rd, 2012 Opposition continues, on page 8: "Even if Coughlin eventually paid some amount toward an appeal bond, it was not in time to stay the eviction during this appeal. To do that, a proper motion must be made and granted, and the bond posted, prior to the lockout. The lockout here occurred on November 1, 2011. By the time Coughlin managed to find that statute and pay any money to the court, he had been locked out of the property for six weeks. As such, any request for a stay was, and is, moot. At this point,

Coughlin does not have any rights in either the real or personal". Oddly, Anvui saw a stay granted after a lockout was conducted, and Hill (RPC 3.1 "meritorious contention" issues) cites to no legal authority for his contention that "to stay the eviction during this appeal...a proper motion must be made and granted, and the bond posed, prior to the lockout." Citation? None.

Despite Hill's strange approach of not actually indicating that his office did not get an December 22nd, 2011 email notifying them of the posting of \$250 for a supersedeas bond seeking a stay under NRS 118A.385 (but rather, Hill focuses on what one cannot glean from looking at a dated docket...), Hill's Office was made aware of such matters, in writing, in the following December 22nd email to Hill's Office: "...Further, this is all moot at this point as I have filed a Supersedeas Bond of \$250, and according to NRS 40.385, I automatically get a stay of eviction and am entitled to return to the property and continue in possession. The statute sets the Supersedeas Bond (which yields a stay) at \$250 if rent is under \$1000, unless the Court wishes to rule that I am a commercial tenant. However, if the court does rule that I am a commercial tenant, the No Cause Eviction Notice in this case, under NRS 40.253 makes a Summary Eviction Proceeding impermissible, as Summary Eviction Proceedings are not allowed against commercial tenants where only a No Cause Eviction Notice is filed. Its one or the other, but Mr. Hill and Baker cannot have it both ways. Further, the Courts Order of December 21, 2011 is just that, and Order, its not an agreement, its not a settlement, etc, etc. and the audio record clearly reflects that. NRS 40.385 Stay of execution upon appeal; duty of tenant who retains possession of premises to pay rent during stay. Upon an appeal from an order entered pursuant to NRS 40.253: 1. Except as otherwise provided in this subsection, a stay of execution may be obtained by filing with the trial court a bond in the amount of \$250 to cover the expected costs on appeal. In an action concerning a lease of commercial property or any other property for which the monthly rent exceeds \$1,000, the court may, upon its own motion or that of a party, and upon a showing of good cause, order an additional bond to be posted to cover the expected costs on appeal. A surety upon the bond submits to the jurisdiction of the appellate court and irrevocably appoints the clerk of that court as the surety's agent upon whom papers affecting the surety's liability upon the bond may be served. Liability of a surety may be enforced, or the bond may be released, on motion in the appellate court without independent action. 2. A tenant who retains possession of the premises that are the subject of the appeal during the pendency of the appeal shall pay to the landlord rent in the amount provided in the underlying contract between the tenant and the landlord as it becomes due. If the tenant fails to pay such rent, the landlord may initiate new proceedings for a summary eviction by serving the tenant with a new notice pursuant to NRS 40.253. Sincerely, Zach Coughlin, Esq.". Oh, and Hill and Stewart admit to this in a video. Richard Hill's contractor, for some strange reason, removed a ladder Coughlin owns from the property, preventing Coughlin's access to the attic upon his being allowed that scant 13 hours to remove his property (and the attic had been renovated to allow for storage of a considerable amount of property. If Coughlin was Hill he would have called the RPD to report the "larceny" of his ladder by Hill, in a RICO thing with his contractor. But Hill escaped prosecution that time, over they whole ladder deal. It never was made clear why the contractor removed the ladder from the property, other than, perhaps, like the applying of a lock to the backyard gate, make it even more unlikely that Coughlin would be able to remove all he needed to, especially given the limited

funds for moving vehicles and hired help, in the scant 13 hours allowed under the December 21st, 2012 Order.

Also, this is a complaint against Hill and his contractor for petty larceny of the ladder from Coughlin's former law office, admitted to on tape on December 22nd, 2011 by Hill (though the issue of whether they intended to "permanently deprive" Coughlin of the use and enjoyment thereof may be grounds for debate, Hill should get to spend the next 12 months defending himself as Coughlin has from the onslaught of SBN, WCDA, and City of Reno prosecutor investigation...otherwise...gee, doesn't it kinda being to mind Coughlin's question to RPD Officer Chris Carter, Jr. while Coughlin was in cuffs during the custodial arrest of November 13th, 2011 when Coughlin asked Officer Carter: "are you on Richard Hill's payroll too?". Coughlin has faithfully reported on exactly what Officer Carter's response was, however ill-advised a sarcastic response he may claim it to have been. Hill has failed to faithfully report on just what he meant where he filed documents attesting to have found "a crack pipe and a bag of weed", a "vial of some sort", and "a large quantity of pills" and "drugs" in Coughlin's former home law office.

Respecting Coughlin's written communications to Hill's office concerning Coughlin's express refusal to accept electronic notice or service of anything from Hill's Office, includes the following:

From: Zach Coughlin [<mailto:zachcoughlin@hotmail.com>]
Sent: Monday, November 21, 2011 4:10 PM
To: cdbaker@richardhilllaw.com
Subject: RE: Merliss v. Coughlin

Casey, couldn't open them, and even if I could, I don't consent to service by email of pleadings, nor by fax. I have told you that many times. I will file a Motion for Sanctions if you do not cease attempting to circumvent the procedural protections accorded tenants. The only matter for which I consent to having you or your office contact me by email, is to tell me if and when I can get my exigent client/law practice materials/state issued identification, etc. I refuse to accept service of pleadings and motions you wish to sling through the courts at warp speed while withholding my mail and wallet. Come on! Your better than this!

Zach Coughlin, Esq.-----

From: zachcoughlin@hotmail.com
To: patrickk@nvbar.org; davidc@nvbar.org; nvscclerk@nvcourts.nv.gov
Subject: LITIGATION HOLD NOTICE rev2011-001708 cv11-03628, 60331 61383
Date: Mon, 15 Oct 2012 17:03:34 -0700
Mr. King,

This writing memorializes, in part, our conversation about your failure to investigate, in any real way, the criminal trespass allegations, in violation of the Claiborne decision. Upon my asking you pointed questions, you hurriedly filed a SCR 111 Petition in an attempt to excuse your failure to ask any of the pointed questions I have previously put forth to you regarding that criminal trespass matter, further you admitted to being unaware (allegedly)

of the familial relation between Judge William Gardner and Judge Linda Gardner (despite that being quite clear in my recent filings to you).

You might want to look at AB226 and the Committee on the Judiciary notes from March 31, 2011.

This correspondence reminds you of and further places you on notice of that the fact that you have been placed on a LITIGATION HOLD NOTICE. THE VIDEO FILMED BY RICHARD HILL OF THE RENO POLICE DEPARTMENT'S CHRIS CARTER AND SARGENT LOPEZ IN THE TIME PRIOR TO THE LANDLORD, MERLISS ALLEGEDLY KICKING DOWN THE DOOR, IS OF MATERIALLY RELEVANCE TO SEVERAL CIVIL LAWSUITS AND CRIMINAL PROCEEDINGS. RICHARD LIED IN COURT, UNDER OATH WHEN HE TESTIFIED THAT THE RPD ANNOUNCED THEMSELVES AS LAW ENFORCEMENT AND ORDERED COUGHLIN TO COME OUT OF THE BASEMENT PRIOR TO THE DOOR BEING KICKED IN. RICHARD SENDS THE STATE BAR OF NEVADA LETTERS ON

FURTHER, OFFICER CARTER'S POLICE REPORT IS DEMONSTRATED TO BE FULL OF LIES BY THE VERY VIDEOS THAT HILL PROPOUNDED TO THE CITY OF RENO PROSECUTORS, PARTICULARLY WITH RESPECT TO WHETHER COUGHLIN REFUSED TO LEAVE AFTER BEING WARNED OR TOLD TO DO SO AND THE EXTENT TO WHICH CARTER WAS UNABLE TO ISSUE A CITATION OR RELY ON A SIMPLE WARNING IN LIGHT THEREOF. COUGHLIN ACTUALLY ASKS CARTER IN THE VIDEO HILL FILMED WHY HE DOESN'T JUST ISSUE SUCH A WARNING OR CITATION. Then, Carter goes on to attempt to offer his views on "service", however rudimentary they may be. being careful to note to Coughlin "you're not the victim here." To the extent that Hill and Merliss trespass into Coughlin's former law office on this date, with the help of the RPD, Soldal v Cook County has been violated, and Carter and Lopez have violated Wheeler v Coss.

Any Eviction Order signed by Judge Sferrazza was stale in light of the failure to have the lockout order served upon Coughlin and a lockout performed "within 24 hours" of the Sheriff's receipt of the Order of both Oct 25th, 2011 (the simple one page Order signed by Judge Sferrazza and notated in his own handwriting) and or the October 27th, 2011 Findings of Fact, Conclusions of Law, and Order for Summary Eviction) both of which were received by the WCSO well over 24 hours from when the lockout's were conducted, and therefore, both such Orders were stale, and therefore, Richard G. Hill, Esq. committed trespass upon Coughlin's former home law office, threw away a great deal of Coughlin's personalty (some of it very sentimental), and both Hill and Baker have lied repeatedly in court filings in indicating that Coughlin was served the Summary Eviction Order on November 1st, 2011 were they also admit that Coughlin was not at his former home law office at the time WCSO Deputy Machen posted it on the door thereof and effectuated a lockout (and Machen lied under oath in his November 7th, 2011 filed Affidavit of Service attesting to have "personally served" Coughlin the Summary Eviction Order on November 1st, 2011 (WCSO Civil Division Supervisor admitted as much to Coughlin in writing:

NRS 40.253: 5. Upon noncompliance with the notice: (a) ...The court may thereupon issue an order directing the sheriff or constable of the county to remove the tenant within 24

hours after receipt of the order. The affidavit must state or contain:

Further where is my damage deposit (either \$500, or, arguably \$700 given the extent to which the Standard Rental Agreement afforded me the choice with respect to how cleaning was to be done and the extent to which Hill and Baker have failed to comply with

Mr. Baker, you have committed professional misconduct (and Hill filed a grievance against me in a letter to the SBN dated January 14th, 2012 purporting to be sent on your behalf in "fulfilling your RPC 3.8 obligation"...simpy put, Mr. Baker, in your Opposition to MOtion to constest Personal Property Lien in Rev2011-001708, on page 5, you lie where you write "when Coughlin refused to emerge from the basement after being ordered to do so by the police, Merliss was forced to kick down the door to gain access to his own property". You know that that is not true. The Reno Police Department did not identify themselves as law enforcement or otherwise issue an lawful Orders directing Coughlin to "emerge from the basement". You have demonstrated a lack of candor to the tribunal in that regard in conspiracy with Richard Hill. In a videotaped interview, RPD Sargent Lopez admits that neither she nor Officer Carter, nor anyone else that day, identified themselves in any way to Coughlin in the "basement" or otherwise issued him any sort of "warning to leave" or "order to emerge" of any sort, whatsoever. Mr. Baker, you were not even there. Yet, you viewed the video taken by Richard Hill of the moments in question where the RPD were at the basement door prior to Dr. Merliss kicking it down, including those moments where Dr. Merliss is seen in one video whispering to Richard Hill. If there really was all this identifying themselves as law enforcement and issuing Coughlin an order to emerge which went unheeded, then why the whispering? Why did Richard fail to include the he took of the moments where the RPD were at the "basement" door an failed to identify themselves or issue any lawful Orders? How would Coughlin know that any voices that may have been audible did not simply belong to more of the goons Hill and Baker routinely hire from Nevada Court Services to trespass behind Coughlin's former home law office's backyard gate, visiting in pairs, threes times a day, one ringing the door bell repeatedly for 30 minutes at a time, while the other (R. Wray, Joel Durden, and other licensed process servers) trespasses behind a a latched backyard gate and bangs on windows and peers through closed blinds while issuing threats intended to indicate they are being made by someone with color of law behind their words, while dressed up in an outfit specifically intended to confuse the public into thinking these process servers are Sheriff's Deputies?

Regardless, the real fly in the ointment is the fact that RPD Sargent Lopez admitted that neither she, nor Carter, nor anyone else identified themselves as law enforcement and or issued Coughlin an order to emerge from the "basement". Indeed, in Hill's Declaration in REv2011-001708, filed a scant 7 days after the arrest, Hill certainly fails to mention any such alleged moment where the RPD identify themselves as law enforcement and issue Coughlin an order to emerge prior to Merliss kicking the door in. Hill writes letters to the SBN accusing Coughlin of having a "crack pipe and bag of weed" and "large quantity of pills" (the videos Hill took that day reveal those "pills" are vitamins, something Hill fails to clarify with the SBN, and Hill never has provided any sort of indication of what the "crack pipe and bag of weed" looked like exactly, nor has he responded to requests for photographs thereof, or made indication why he did not call the police, given the fact that he has involved law enforcement at every other

possible turn.

Hill and Baker have continued to fail to deliver Coughlin's security deposit, and in doing so, where they failed to provide the requisite correspondence within 30 days of any such eviction, have violated Nevada law:

NRS 118A.242 Security: Limitation on amount or value; surety bond in lieu of security; duties and liability of landlord; damages; disputing itemized accounting of security; prohibited provisions.mm

Mr's. Baker and Hill, would you not say it more accurate to characterize the situation in rev2011-001708 as one fitting under the NRS 118A.355 heading, particularly where the RJC, at the time of that summary eviction "Trial" had, according to Judge Sferrazza, no "local rule" or "mechanism by which tenants may deposit rent withheld under paragraph..." and therefore acknowledging the brilliance in Coughlin's JCRLV Rule 44 corollary in the RJC argument? Certainly, under the NRS 118A.355 analysis, after one strips away the agreed to \$350 for weeds maintenance (which kind of amounts to a waiver of term in the Standard Rental Agreement that Judge Sferrazza interprets to require such "care" of the "lawn and surrounding grounds" (which, to the Court, apparently, included "weeds"), doesn't it?), and the agreed upon credit for fixing the stairs, well, then, and other amounts fit quite nicely into the "fix and deduct" approach set forth in NRS 118A.360. But, regardless, you proceeded under a No Cause Eviction basis, but against a commercial tenant, a fact you are stuck with, as the Tenant's Answer, numerous phone calls to Baker, and many, many instances throughout the filings in that matter make clear that this was Coughlin's home law office, a commercial lease which the Standard Rental Agreement specifically allows for. And take a look at that 2008 Winchell v Schiff seafood business goes under because of wrongful eviction case wherein damages accounting for the loss of one's entire business (and what is a patent attorney's business worth, do you think, Dr. Merliss?) are allowable under Nevada law. Please remit \$450,000 to me within 7 days of this email being sent to you in satisfaction of this dispute against you, Dr. Merliss. Richard and Casey, I will deal with you later, but your liability is on par with Dr. Merliss's, no doubt, and that is before the FDCPA stuff and the fact that your office is not licensed as a bill collector. -Zach Coughlin"

22. **Based on Mr. Hill's experience and background, his review of the pleadings in the litigation between Dr. Merliss and Coughlin and his review of the pleadings in Coughlin's litigation with Washoe Legal Services, Mr. Hill is of the opinion that Coughlin is not competent to practice law.** See Transcript of Hearing Wednesday, November 14, 2012, P 39, L 1-12.

(HEARING - Vol. I, (Page 39:1 to 39:12) Q And as a result of your dealings with Mr. Coughlin, did you form an opinion as to his competency to be a lawyer? MR. COUGHLIN: **Objection. Calls for a legal conclusion. Expert testimony. I don't believe Mr. Hill is qualified.** MR. ECHEVERRIA: Overruled. THE WITNESS: Yes, I did. BY MR. KING: Q And let's start with your conclusion, and then work backwards. Is Mr. Coughlin competent to be a lawyer? A No, he is not.")

(NOTE: While the 5/31/12 SCR 117 Petition that NNDB Chairman Susich filed

(which largely copied and pasted, like King's 8/23/12 Complaint, the purported 1/14/12 unsigned, unsworn grievance Hill purportedly emailed (only) to King) might plead such, King's 8/23/13 Complaint neither alleges, nor is this formal disciplinary hearing the setting for, an examination of whether Coughlin is "competent to practice law" or "competent to be a lawyer". The Panel and King consistently violated RPC 3.1, 3.3, and 3.4, in addition to RPC 8.1 in failing to approach the RPC 1.1 (duty to provide competent representation to clients, where, unlike, say, a bar examination, the inquiry is not a general one requiring a practitioner to demonstrate broad scale competency at the practice of law, but, rather, targeted and focused on determining whether in some particular, specific instance, an attorney failed to provide *a client* representation that met the requirement to do so under RPC 1.1. The SBN offered absolutely no evidence that Coughlin ever provided any such representation to any client (NOTE: FHE3's (and all other exhibits such "findings of fact") are not "evidence" and the Panel committed reversible error in so characterizing or treating such as "evidence" in the burden of proof calculus. In Re Santosuosso, In re Weiss.).

23. Based on Mr. Hill's experience in litigating (NOTE: Hill actually was forced to admit that his associate, Baker, handled the summary eviction in 1708 in the justice court as well as the appeal thereof to the district court, with Hill alternating between alleging in his Declarations in the appeal in support of a fee award that he had only reviewed Baker's filings, only to then alleged at the disciplinary hearing of 11/14/12 that he had read "virtually everything" Coughlin filed, only to later (upon being caught in a lie he has told again and again, ie, that Coughlin "failed to raise the issue in the trial court" respecting the impermissibility of utilizing summary eviction procedures under NRS 40.254 against a commercial tenant where such summary action was not brought upon an allegation of non-payment of rent) allege that he "wasn't there" in the trial court and had not read or listened to the transcript (despite Coughlin providing his firm with copies of all the audio of every hearing in the trial court in 1708...so...as far as Hill's simply answering "no" to King's overtime questions regarding whether Coughlin was "truthful" with the court or opposing counsel, with nothing in the way of specifics, being somehow sufficient to support a "finding of fact" much less a "conclusion of law" that Coughlin violated any particular RPC...well, such says more about the Panel than anything, really) with Coughlin, Coughlin was ***not truthful with either counsel or the court***. See Transcript of Hearing Wednesday, November 14, 2012, P 53, L 6-16.

(HEARING - Vol. I, (Page 53:5 to 53:16) BY MR. KING: Q Let me restate the question. The question is: As an attorney, having a responsibility to be truthful and to have candor with opposing counsel, was Mr. Coughlin truthful, and did he use candor with you? A (Richard G. Hill, Esq.) No. MR. ECHEVERRIA: **Mr. King, wrap it up, please. You're limited to 15 minutes.** BY MR. KING: Q Specifically relating to Mr. Coughlin's candor to the court, did he show candor to the courts? A No.")

Mr. Hill felt that Coughlin's filings were abusive, at one point calling Mr. Hill's associate a lichen. (NOTE: actually, Coughlin's email to Hill utilized the term "lycan", as in some type of werewolf to describe Hill and Baker's Rambo Litigator approach and the damaging, in appropriate nature thereof...which is far different than calling one a "lichen") Coughlin has ***accused Mr. Hill of bribing the Reno Police Department*** to have Coughlin arrested. Mr. Hill's staff is terrorized by Coughlin. See Wednesday, November 14, 2012, P 54,

L 4-15.

(HEARING - Vol. I, (Page 54:3 to 54:15) BY MR. KING: Q With regard to a person perhaps -- to the extent that Mr. Coughlin may have exhibited these bad behaviors, was he otherwise kind in his dealings with you and Dr. Merliss? Could you explain, just briefly, to the panel his actual demeanor with regard to his dealings with you and your client? A His e-mails, his filings were abusive, to say the least. Calling my -- he called my associate a lichen. I'll admit we all had to retreat to the dictionary on that one. Name calling. He's accused me of bribing the Reno Police Department to have him arrested. My staff is absolutely terrorized by this man.”)

Hill's referring to Coughlin as “Wacky Zacky on Cracky” during a conversation with Coughlin makes Hill's objection to the characterization of his style of litigation as lycan- esque rather puzzling, though, certainly, the purported 1/14/12 email from Hill to the SBN contains some truly dubious lies by Hill (“6. When the house was secured after Coughlin's arrest, we found a crack pipe and a bag of what appeared to be marijuana. The contractor also reported finding a box of pills and a vial of some sort. We understand Coughlin has unsuccessfully tried the Lawyers Concerned for Lawyers program, and that he has a history of substance problems.” Page 4 of 5 of such 1/14/12 “Letter to Patrick King, Esq., that King was too embarrassed by to seek to enter into evidence). (consider the videos that Hill and his landlord client filmed during their burglary of Coughlin's former home law office (at which time they also lied to and with RPD Officers to effectuate a false arrest) on 11/13/11, particularly in the following beginning at the seven minute mark, wherein the alleged “large quantity of pills” are revealed to be vitamins: <http://www.youtube.com/watch?v=86ZCtr6EOi4> . Further, Hill never has responded to Coughlin's multiple requests to provide something, anything, in the way of support (a picture, the items themselves, etc.) to support his assertion that “we found a crack pipe and a bag of what appeared to be marijuana”...Interestingly, a bag “appearing” to be marijuana did not result in Hill making any assertion as to whether any such alleged “bag” held the aroma of marijuana therein or any other specifics or supporting facts).

A review of the 1/14/12 “Letter to Patrick King, Esq.” that Hill purportedly emailed only to the SBN (somehow faxing a signed, sworn Judicial Discipline Commission Complaint to Mr. Sarnowski met with no action (“we don't accept faxes”), yet an emailed, unsigned, unsworn “letter” from Hill is given the Act of Congress treatment) reveals an interesting thread running throughout the matter now on appeal in 62337: McGeorge School of Law 1977 classmates WLS's Paul Elcano, NVB Judge Beesley, and RMC Judge Nash Holmes.

There is just so many reasons why King was forced to forgo seeking to enter into evidence the purported 1/14/12 unsigned, unsworn, emailed only, five page grievance letter by Hill to King: the undeniable impression that a whole lot of impermissible extra-judicial communications may well be going on, Hill's imploring the Bar to contact various court staff individuals (by name even) certainly lends an impression that Hill has, or is implying, an improper ability to influence a tribunal, Hill's allusion to Lawyers Concerned for Lawyers is not only more than a bit tacky...it makes NVB Judge Beesley's testimony in that regard even more curious (SCR 105.5 confidentiality touting and all, so say nothing of SCR 123(3), in addition to the patent fact that Hill's purported five page grievance is plainly full of lies and or attempts to mislead, evincing the highest level of a lack of candor to the tribunal (where, per

Waters, the SBN is an “arm of the court”), lack of “candor to opposing counsel” (the rule relates to “fairness to opposing counsel”, but that did not stop King or Echeverria from delving into such...), much less fairness to opposing counsel, to say nothing of respect for the rights of third parties (former RJC Chief Civil Clerk expressed significant dissatisfaction to Coughlin (about Hill's so doing) as to Hill's invoking some purported offerings Hill's letter indicated she would provide the SBN as to Coughlin upon Coughlin informing Stancil of such purported writings by Hill to the SBN.) Additionally, such five page grievance also manages to misrepresent whether and when Coughlin's lease “expired” (see the extreme significance of such characterization in the context of the holdover proceeding or no cause summary eviction (Hill's letter consistently fails to identify such as “summary” in nature, and evinces complete and utter fraud as to the its assertions respecting Coughlin's 12/30/11 Motion for TRO, ..., or, in the alternative, Motion for Stay, and the associated “enclosures” Hill's letter purports to have been attached thereto (though, interestingly, nowhere in the 3,094 page production by the SBN on 11/7/12 to Coughlin purporting to somehow make up for the egregious violations of SCR 105(2)(c), is to be found such “enclosures”... <http://www.scribd.com/doc/163691036/11-7-12-0204-62337-Bates-1-to-3-094-State-Bar-of-Nevada-Excuse-for-Failing-to-Obey-SCR-105-2-c>

So, for all Coughlin knows, Hill provided incomplete documents therein (whether he provided the SBN the eleven exhibits to his 1/3/12 Opposition to Coughlin's Motion for TRO or Stay (Hill consistently characterizes such as only a Motion for TRO as to the dumping of Coughlin's personalty, which Hill alleges Coughlin “abandoned” (funny, filing a Motion for TRO to stop the dumping, and or a Motion for Stay of the eviction itself (especially where such 12/30/11 Motion, and, even more so, the 1/5/12 Reply to the Opposition *Hill's associate Baker* filed thoroughly sets out in cogent legal analysis (especially considering the circumstances under which such was performed) the terribly suspect aspects of the positions that Hill's associate maintained”...of course King does not want to be (or have “Investigator” Peters be) subpoenaed for forced to testify, especially as to the NRS 40.385 supersedeas bond/stay of a summary eviction against a commercial tenant (the use of the summary procedures in NRS 40.253 under such circumstances is barred (a jurisdictional bar per Volpert, Davidsohn, Aikins, etc.) by NRS 40.254.

(There are a number of, uh, interesting appearances of documents that involve Hill in the bates stamped 3,094 page production to Coughlin by the SBN on 11/7/12 (four judicial days before the formal hearing in this matter (so, Panel Chair Echeverria certainly did not seem to have any problem with such untimely disclosures, even where he failed to consider Coughlin's (or even allow such to be admitted into evidence, apparently) 11/13/12 or 11/14/12 filings (HEARING - Vol. I, (Pages 102:15 to 103:13) THE WITNESS: SCR 105's been thrown out the window. You've ruled on motions before I've even had a chance to oppose them or file a reply to an opposition. You claim that NRCP is applicable here. Yet under NRCP when I file a motion to bifurcate, and he filed an opposition, and I get three days for mailing under 6-C, and he purports to file it on the 24th, and you rule on it when? On the 30th? Don't I get five days, plus three for mailing to file my opposition to preserve for appeal? **MR. ECHEVERRIA:** So should we disregard the motions you filed without giving the State Bar the opportunity to respond timely? I had two motions shoved under my door last night. Should those be disregarded under your legal reasoning? Because you did not offer the

State Bar the opportunity to respond. MR. COUGHLIN: Well, that -- MR. ECHEVERRIA: Yes or no, Mr. Coughlin? MR. COUGHLIN: It's not a yes or no. MR. ECHEVERRIA: Yes, it is. MR. COUGHLIN: That would entail figuring out whether or not 30 days prior to the hearing -- MR. ECHEVERRIA: Let's focus on the issues back. You've made a motion now to require me to recuse myself.”).

Amongst the bates stamped entries involving Hill (see Index thereto Coughlin had to create, and, oddly, though the SBN and RMC managed to copy the same filings by Coughlin over and over, and over (never digitally of course, though the RMC will cry “resources”, all whilst refusing efilng (except where RMC Donna Ballard lies about that, naturally) the SBN failed to include in such 3,094 production to Coughlin any indication (much less actual copies thereof) of just what such “enclosures” purportedly provided by Hill to King entailed (given such was purportedly emailed to King, it would have been very easy and economical for King to forward such email on to Coughlin, however, for the most part, the SBN and King have steadfastly refused to utilize email in any meaningful way, especially where doing so would deprive King or the SBN of the unfair advantage it consistently garners in the time is of the essence approach it takes to cheating Respondents out of their SCR 105(2)(c) rights....(see Boles' Brief and Reply Brief) in the 11/7/12 3,094 production to Coughlin by the SBN of 11/7/12: 1677-1679 fax from Reno City Attorney to Richard G. Hill, Esq., that Hill provided to SBN consisting of 2JDC Judge Elliott's Order dismissing Coughlin's appeal of criminal trespass conviction in RMC 11 CR 26405 (61901) 3 pages from 9/10/12 containing 8/27/12 Order in CR12-1262

-1785-1789 RCA Hazlett's Motion to Continue trespass trail in RMC 26405 because Richard G. Hill, Esq., witness, will be on vacation.

-2000-2002 Arrest Report and Declaration of Probable Cause Sheet by RPD Officer Chris Carter Jr. filed with Criminal Complaint for trespass by Richard G. Hill in RMC 11 CR 26405 on 11/13/11 listing Coughlin as an attorney, further vitiating SBN and RMC's fraudulent assertion that Coughlin failed to disclose fact he is an attorney.

-2733-2734 3/27/12 Order in CV11-03628 2JDC Judge Flanagan appeal of summary eviction with Hill and Baker as opposing counsel Denying Hill's Baker's 1/21/12 Motion for Order to Show Cause after hearing on 3/23/12 and 3/26/12

-2738-2739 4/16/12 fax from RMC Dept. 2 (Judge W. Gardner) 1 and 2 of 2 Arrest Report and Probable Cause Sheet for 11/13/12 custodial criminal trespass arrest with PC Sheet by RPD Carter and Hill's Criminal Complaint

-2760- Lots of emails between Coughlin and the SBN quite cooperative and responsive to any an all SBN requests for information or cooperation in any investigations

2772 Coughlin's email to WCSO detailing Deputy Machen's burglary with Hill's associate Baker of 11/1/11, Machen's false affidavit regarding “personally serving” Coughlin 24 hour lockout order on 11/1/11

2790 Coughlin's 3/16/12 email to King indicating he has yet to finish sending everything in response to Hill's grievance.

-2760- Lots of emails between Coughlin and the SBN quite cooperative and responsive to any an all SBN requests for information or cooperation in any investigations whether relating to Hill, Gardner, or Nash Holmes, etc.

2772 Coughlin's email to WCSO detailing Deputy Machen's burglary with Hill's associate Baker of 11/1/11, Machen's false affidavit regarding "personally serving" Coughlin 24 hour lockout order on 11/1/11 burglary by Hill's associate Baker of that date
2790 Coughlin's 3/16/12 email to King indicating he has yet to finish sending everything in response to Hill's grievance.

-2716 Tahoe Women's Services (see CV11-01955, 60317) attorney Brian Gonsalves, Esq.'s email referring to other attorney fee awards makes curious King's only requesting Coughlin pay Hill's landlord client's award in King's closing argument. (really disgusting how old former stooge for the banks foreclosure mediator King (Giles sued him in that role, but apparently the briefs for such were taken down) seems only interested in getting Hill and or Hill's neurologist landlord who can afford to blow \$60K (at least) pursuing a spite summary eviction) rather than pursuing addressing some attorney fee award to an shelter for abused women/children:

HEARING - Vol. I, (Page 331:1-6) "MR. KING: ...And I believe it would be appropriate since you heard evidence on the issue of the court order that he pay Dr. Merliss's fees. That any reinstatement, if you don't disbar him permanently, would be he would be required to follow that court order to pay those fees. Thank you."

To be fair, King may have just wished to avoid the Canon 2, Rule 2.15, etc. issues associated with 2JDC Judge Elliott (see the appearance of Judge Elliott's Order in all of the "orders" affirming Coughlins' criminal convictions...) failing to recuse himself, much less divulge the fact that he was the President of CAAW's Executive Board where WLS, CAAW, and Tahoe Women's Services were all co-defendants in Coughlin's wrongful termination suit presided over by interested party 2JDC Judge Elliott (for shame) in CV11-01955, bringing the legitimacy of any rulings on any cases involving Coughlin by Judge Elliott into serious doubt (and making the 11/26/12 Order by Justice Cherry dismissing Coughlin's appeal in thereof in 60317 worthy of reconsideration of some sort, particularly where good cause for any alleged failure to timely file a Petition for Rehearing is manifest from the scheduling associated with the 11/14/12 formal disciplinary hearing and the 11/19/12 and 11/20/12 trial dates RJC Judge Sferrazza insisted on for the iPhone case in RCR2011-063341).

Further, the dictates of SCR 105(2)(c) vis a vis timely disclosing anticipated witnesses and the facts to which the SBN intends to have them testify, and the evidence supporting such testimony provided another really good reason for King to avoid seeking to admit it the purported 1/14/12 emailed grievance by Richard G. Hill, Esq., to King where such demonstrates quite clearly that King and the SBN knew for quite some time (11 months, at least) of both the matters to which NVB Judge Beesley might testify, in addition to those to which WLS's Elcano might weigh in, where such 1/14/12 letter reads (see from the 11/7/12 production to Coughlin by the SBN of 3,094 bates stamped pages at bates 3013-3017 Hill's 1/14/12 email to King, five page grievance, unsigned, unsworn (interestingly, either Hill failed to really include such "disclosures" or King excised such, inappropriately, from this 3,094 SCR 105(2)(c) production of 11/7/12, causing much prejudice to Coughlin's defense
<http://www.scribd.com/doc/163691036/11-7-12-0204-62337-Bates-1-to-3-094-State-Bar-of-Nevada-Excuse-for-Failing-to-Obey-SCR-105-2-c>):

January 14, 2012 VIA EMAIL ONLY patrickk@nvbar.org Patrick

King, Esq. Assistant Bar Counsel Re: Zachary B. Coughlin, Esq. Nevada Bar No. 9473

Mr. King:

You and I **have previously discussed** Mr. Coughlin. Mr. Coughlin, due to his mental instability, lack of integrity, and complete incompetence, constitutes a danger to the public if he is allowed to continue to practice law. This letter is written to discharge my **and my associate's reporting obligations under RPC 8.3**. Please consider the following:

1. Rissone v. Gessin, CV10-01341. **Although not among Mr. Coughlin's most significant ethical violations, it presents a good microcosm of his derelictions. Mr. Gessin was a client of our office.** He defrauded the plaintiff, **as is his modus operandi in dealing with women.** Approximately one year after judgment was entered and the case concluded, Mr. Coughlin interjected himself in the case on behalf of Gessin, trying to collect on a sanction award against opposing counsel. It turns out that because he had filed bankruptcy, Gessin no longer owns this claim. If you look at the file, you will see that **Coughlin appeared and then filed a bizarre "partial withdrawal" document** on December 8, 2011.

Subsequent to that time, **Coughlin has been ghostwriting documents that purport to be from Gessin, individually, and e-filing them for Gessin. He is using the "/s/" for Gessin's signature. These are clearly not documents that are signed or prepared by Mr. Gessin, and the fact that somebody (Coughlin) e-files them confirms he is ghostwriting without the required disclosure.** In addition, it **appears** that Coughlin has facilitated the filing **of what may be** a fraudulent bankruptcy on behalf of Gessin. Coughlin's lack is demonstrated in the Gessin case by the fact that he does not understand the effect on the ownership of Gessin's potential claims from Gessin having filed a **bankruptcy**, (i.e., the claims now belong to the bankruptcy trustee, not Gessin.)

As with all of the matters referenced below, I strongly suggest that you **contact the Second Judicial District Court and get e-filing access to the cases mentioned** so you can look at the documents yourself. Glade Hall, Esq., is opposing counsel in that case and may be of help to you.

2. **I am informed and believe that Mr. Coughlin was recently convicted of a theft crime in Reno Municipal Court. I am further informed** that the matter arises out of shoplifting at Walmart. That case is presently on appeal to the district court in case number CR11-2064. Mr. Coughlin is representing himself.

3. Mr. Coughlin is presently facing criminal charges regarding the theft of an iPod. That is pending in Reno Justice Court as case number RCR2011-063341. I have reviewed the file. Mr. Coughlin got into some sort of argument with his public defender. As a result, he was referred out for a competency evaluation.

4. We represent Dr. Matthew Merliss, a physician from Chico,

California. Dr. Merliss owns the property at 121 River Rock Street, Reno, Nevada. Beginning in March 2010, the property was leased to Mr. Coughlin and his then-girlfriend. The lease expired in February 2011. The girlfriend left the community in approximately May 2011. Dr. Merliss contacted us in approximately August 2011 to assist in evicting Mr. Coughlin. Coughlin had not paid rent or utilities since May. He contended that there were habitability issues with the property that justified his withholding rent. All of his claims were decided adversely to his position at the eviction hearing. Justice of the Peace Peter Sferazza ordered Coughlin evicted from the premises effective November 1, 2011. On that date, the Washoe County Sheriff's Department performed their normal eviction procedure: locks were changed and the eviction notice was posted on the front door. We videotaped the home and its contents at that time. Upon inspection over the next few days, it became apparent that "somebody" was breaking into the home on a regular basis.

On Sunday, November 13, 2011, Dr. Merliss came to town, and I met him at the home on River Rock Street. As we walked through the home, it was obvious that someone been in there since I had last been in several days before. Dr. Merliss discovered that the basement door was barricaded (not locked) from the inside. The Reno Police Department was summoned. They tried to coax whoever was in the basement out, without success. After Dr. Merliss had to kick the door down, it was discovered that Mr. Coughlin had broken in and was in the basement. He was arrested and is presently facing criminal trespass charges in Reno Municipal Court. See case no. 11 CR 26405 21. He is also facing a contempt motion in front of Judge Sferazza in the eviction case. Sferazza has stayed that matter pending the resolution of the criminal trial. That was scheduled for January 10, 2012, but was continued at the request of Mr. Coughlin's new attorney.

5. The eviction order is now on appeal to the Second Judicial District Court. See case CV11-03628, pending in Department 7. As part of the eviction process, a lien was asserted against the personal property that Coughlin left behind at the home. On November 16, 2011, Coughlin filed a motion to contest the landlord's lien in the Reno Justice Court. The court tried to promptly set a hearing, but Coughlin refused to cooperate in setting the matter, and the court took it off calendar. Coughlin then reinitiated that process and a hearing was held in December, at which time the court heard evidence of Coughlin's lack of cooperation in setting the November hearing. You may also want to contact Reno Justice Court staff, and in particular, chief clerk Karen Stancil, about Mr. Coughlin's abusive treatment of her and her staff. After the hearing, the court issued an Order granting Coughlin a two-day time window to remove his personal property. The first day was Thursday, December 22, 2011. After Coughlin was allowed into the home that first day, he sent out an e-mail to the effect that because he had appealed Judge Sferazza's order, he was entitled to a stay of proceedings and was going to resume living in the home. As a result, he did very little to

remove any of his personal property that day. On Friday, December 23, 2011, after he learned, again, that his stay had been denied, Coughlin assembled a small crew and they were able to remove a substantial amount of his personal property. (You need to understand that Mr. Coughlin is a hoarder. We have the photos and videos if you would like to see them.)

However, Mr. Coughlin did not get all of his property out. For example, I counted 13 car seats that he had somehow managed to get down into the basement. Having failed to remove all of his belongings, Mr. Coughlin then moved before Judge Flanagan for a temporary restraining order to prevent the disposal of his abandoned property in accordance with Judge Sferazza's order. Attached is Mr. Coughlin's motion, my office's opposition, and Mr. Coughlin's reply. **These documents demonstrate Mr. Coughlin's complete and utter incompetence as an attorney.**

On January 11, 2012, Judge Flanagan denied Mr. Coughlin's request for a temporary restraining order. On January 12, 2012, the contractor hired to clean the house commenced work. Mr. Coughlin flagged the contractor down in traffic when he (the contractor) was on his way to the dump with the abandoned property from the house. Coughlin called the police, who arrived at the transfer station. Coughlin was falsely asserting that the contractor had tried to run him over. He also told the police that the contractor had stolen his possessions. After I presented the court orders to the police, the contractor was allowed to proceed. At their instruction, I have now had a TPO issued against Coughlin by Reno Justice Court.

However, before the contractor could get back to the River Rock house, Coughlin was there. He had his video camera and was walking up and down the street screaming and yelling at the police, at the contractor, and at me, when I arrived. Mr. Coughlin ended up being arrested and taken to jail. The police informed me that **because of the number and types of contacts they have had with him**, he is no longer eligible for citations in the event of infractions.

Enclosed you will find a **copy of a supplemental document** filed by Mr. Coughlin on January 13, 2012, and sent to my staff and I by email from Coughlin that morning. **Please note that the attorney designation on the first page indicates that it is being filed by Coughlin as appellant**. You will note that the caption is from a different case. It is unclear in which case Mr. Coughlin intended to file this document, although, because of the case number and the caption, it appears to have ultimately been routed to the Carpentier case (CV08-01709) and not the eviction appeal case (CV11-03628). I am told that counsel in the captioned case may also be in the process of filing a bar complaint against Coughlin.

6. When the house was secured after Coughlin's arrest, we found a crack pipe and a bag of what appeared to be marijuana. The contractor also reported finding a box of pills and a vial of some sort. We understand Coughlin

has unsuccessfully tried the Lawyers Concerned for Lawyers program, and that he has a history of substance problems.

7. Mr. Coughlin has filed two lawsuits against his former employer, Washoe Legal Services. He has sued all of the board of directors and the management of the company. Both cases have now been dismissed. **Both cases demonstrate his lack of competence. I suggest you contact Joseph Garin, Esq.,** in Las Vegas, as he was counsel for the defendants in that case. **You may want to contact Paul Elcano, Esq., the director of Washoe Legal Services.**

8. Mr. Coughlin has a habit of initiating cases and asking to proceed in forma pauperis. He has done so in cases against me, my office, my client, and Washoe Legal Services. **You will find them if you run a search for Coughlin Z on the Second Judicial District Court website.** The courts that have reviewed the documents have generally denied his requests. What is of note is that **his representations in the applications to proceed in forma pauperis are inconsistent with and contrary to the representations that he has made to Judge Flanagan in the context of seeking a temporary restraining order.** On the one hand, **he tells the court he is broke and has no property,** and on the other hand, *he is telling the court that he has a great deal of valuable property at the home that needs to be protected.* This demonstrates a gross lack of candor with the tribunals with which he deals.

9. **Coughlin has also tried to file a case against me, my associate, my client, and others, including the Reno Justice Court.** It is also to be **found on the website.** Judge Steinheimer has ruled that he did not comply with NRCP 8.

10. Coughlin's behavior was unusual to start, and has become more and more bizarre during the time we have been dealing with him. He serves papers he does not file, and files does not serve. He consistently signs certificates of service that he has mailed to us, but we have never received from him by mail. **He has posted videos of the eviction service attempts and parts of the trial on YouTube, including some recordings he secretly made in court with his cellphone.**

11. Another example of his incompetence is that he **does not understand what orders are, and are not, appealable.** He **does not understand that filing a notice of appeal divests the lower court of jurisdiction.** I am confident that once you look into this matter, you will agree that Mr. Coughlin should not be practicing law. He is a danger to the community.

Sincerely, /s/ Richard G. Hill RGH:kn Enclosures: -Coughlin
Amended Emergency Motion for Restraining Order -Merliss Opposition to Motion for TRO -Coughlin Reply to Opposition to Motion for TRO -Suppleinental Reply to Opposition dated 1/13/12

(NOTE: the header to each of the five pages of this purported 1/14/12 letter by Hill to the SBN reads: "Letter to Patrick King, Esq., January 14, 2012").

24. State Bar Counsel called attorney **Paul Elcano** to testify at the hearing of

this matter. Mr. Elcano is the executive director of Washoe Legal Services that *provides legal services to indigents*. See Transcript of Hearing Wednesday, November 14, 2012, P 88, L 25 -P 89, L 14. (“HEARING - Vol. I, (Pages 88:25 to 89:14) “Q (KING) Mr. Elcano, could you state your name and spell it for the record, please. A Paul Elcano. E-L-C-A-N-O. Q And how are you employed? MR. COUGHLIN: I'm sorry. If I can just quickly interject. I don't mean to take up time. The second of three witnesses is one who was only noticed about four, five days ago, so I will object to that. I'm standing on ceremony with SCR 1052(c). MR. ECHEVERRIA: Overruled. Proceed. BY MR. KING: Q Could you tell the panel how you are employed? A I'm currently the executive director of Washoe Legal Services, a 501(c)3, that provides legal services to indigents.”)

Coughlin was employed by Washoe Legal Services from August 29, 2007 to May 11, 2009. See Transcript of Hearing Wednesday, November 14, 2012, P 93, L 17 -20. (HEARING - Vol. I, (Page 93:17 to 93:20) Q I believe I asked you if the Washoe Legal Services had employed Mr. Coughlin? A According to our records, he was employed about August 29th, 2007, to May 11, 2009.”)

Mr. Elcano *became aware of an order entered by Judge Gardner on April 10, 2009* in the matter of Joshi v Joshi and, as a result, *reviewed the taped transcript of the hearing*. See Transcript of Hearing Wednesday, November 14, 2012, P 94, L 22 -P 95, L 6. (HEARING - Vol. I, (Pages 94:22 to 95:6) “Q (KING) Backing up to what activities did you personally see or witness that formed the basis of your opinion that he is not competent to practice? A (ELCANO) The first one was the order entered in the Joshi case by Judge Gardner wherein he was sanctioned for various things which are listed in the order. As a result of that, I reviewed the tape of the hearing. Q So you actually listened to the hearing itself? A Yes. I went through the hearing transcript.”)

(HEARING - Vol. I, (Pages 119:17 to 122:15) BY MR. COUGHLIN: Q What's your understanding with respect to the position taken by me in that trial vis-a-vis the majority viewpoint of law on setting off or offsetting domestic duties like alimony or child support with third-party debts in a property settlement or debt settlement context? A I'm still not sure I understand the question. But there were no children, as I recall, so child custody had no issue in it. And in terms of the offset, I don't know what law you proffered. Q Well, a duty like alimony. A domestic duty. MR. ECHEVERRIA: To me that's an incomplete question. What's the complete question? MR. COUGHLIN: I guess I'm trying to ascertain Mr. Elcano's awareness of the position. BY MR. COUGHLIN: Q What's your understanding of the permissibility of setting off a debt with a duty, a domestic duty? MR. KING: Objection. Irrelevant. MR. ECHEVERRIA: Sustained. MR. COUGHLIN: Did you say relevancy? May I respond to it, your Honor? Just to the extent Mr. Elcano is here today purporting to critique my work in that regard, I think it is relevant to ascertain whether or not he has any sort of conception of permissibility of setting off a domestic duty, like alimony, with some debt. My point. MR. ECHEVERRIA: Are you finished? MR. COUGHLIN: Yeah. And I didn't end it very well, but I didn't want to give away what I feel the answer is or the majority viewpoint of American law. MR. ECHEVERRIA: The objection is sustained. Mr. Coughlin, it's now 11:41. You have five more minutes. MR. COUGHLIN: Okay. Really? The relevancy objection is sustained. He gets to testify as to how clueless I am. And this when I ask to see if he has any

sort of knowledge in this area, it's not relevant? MR. ECHEVERRIA: He's testified on a number of issues as to your competency, your demeanor in the courtroom, your conduct toward witnesses, toward judges, your ability to follow the judge's directions. MR. COUGHLIN: They are all relevant when he was talking about them. MR. ECHEVERRIA: Those issues are, sir. Whether or not he knows the intricacies of some fine point of law to me is irrelevant. Now, if you have some questions to address to Mr. Elcano, please do so, and let's not argue. MR. COUGHLIN: Okay. BY MR. COUGHLIN: Q Mr. Elcano, for you to have any sort of legitimate informed bases for the opinion you proffered here today with respect to my competency incident to my work in that Joshi case, wouldn't you need to know whether or not a domestic duty is accorded greater significance and protection in the law than is a third-party debt -- A No. Q -- therein? It's not permissible to do essentially what Judge Gardner tried to force on my client, which is accept a settlement, whereby a setoff is made whereby my client waived her alimony in exchange for Mr. Springgate's client saying he set it off by the debts, by taking them on, even though they could never get at her anyway because he was the sole signatory. MR. ECHEVERRIA: Is there a question there, Mr. Coughlin? THE WITNESS: I don't understand. MR. ECHEVERRIA: Or is that a statement? MR. COUGHLIN: It is a statement. I think -- MR. ECHEVERRIA: Then ask a -- MR. COUGHLIN: He's talking about things he doesn't know about.”)

25. **Judge Gardner's order** in the Joshi matter **indicated** that Coughlin had **conducted no discovery in the case and failed to present any documentary evidence at the trial of the matter on behalf of his client Mrs. Joshi. See Hearing Exhibit P 12, L 4 -6.** (“At trial, Mr. Springgate stated that Mr. Coughlin had conducted no discovery in this case. In addition, Mr. Coughlin failed to present one documentary piece of evidence at trial on behalf of Ms. Joshi's claims. Mr. Coughlin argued incessantly with the Court...”)

After **commenting on various negative aspects of Coughlin's representation of his client Mrs. Joshi,** (See **Hearing Exhibit P 12, L 9 -P 13, L 4)** **Judge Gardner specifically held:**

"The most troubling aspect of this case was Mr. Coughlin's **rude, sarcastic and disrespectful presentation at trial**; Mr. Coughlin's **inability to understand** a balance sheet; his **failure to conduct discovery**; and his **lack of knowledge with regard to the rules of evidence and trial procedure**. All of this was compounded with a **continuously antagonistic presentation of the case** that **resulted in** a shift from a fairly simple divorce case to a **contentious divorce trial lasting an excessive amount of time.**" See **Hearing Exhibit P 13, L 5 -10.** (quoted above)

26. Judge Gardner **sanctioned** Coughlin personally and **awarded attorney's fees to Mr. Joshi** in the amount of \$934 to be paid personally by Coughlin within 30 days of the order. **See Hearing Exhibit P 13, L 14 -17.** (“Based upon the foregoing, Mr. Springgate's request that Mr. Coughlin personally pay Mr. Joshi 4.15 Hours at the rate of \$225 per hour for the cost of the trial is GRANTED. Mr. Coughlin shall submit a check to Mr. Joshi in the amount of \$934 within 30 days of this Order.”)

In re Gygi, 541 P.2d 1392, 1396 , Or.: In disciplinary proceeding, the Supreme Court held that collateral estoppel was not applicable, as standard of proof in disciplinary proceeding was higher than that in previous...

In re Santosuosso, 318 Mass. 489 (1945): -In proceeding by way of inquiry into alleged misconduct of a member of the bar, evidence consisting of record in a civil case based upon alleged corrupt conduct on part of defendant attorney who was present and represented by counsel was admissible.

-A judgment at law or final decree in equity resting upon finding that attorney has been guilty of corrupt conduct in civil case was not conclusive as to unfitness as a member of the bar in a proceeding by way of inquiry into alleged misconduct.

-Findings of material facts made by judge in civil suit upon which judgment based upon alleged corrupt conduct on part of attorney rested were not admissible on inquiry into alleged misconduct of such attorney as a member of the bar, since they are not evidence but merely constitute the substance of conclusions made by judge from the evidence, and are the foundation upon which decree rests.

-Finding of material facts should not only not contain a report of the evidence, but is not evidence.

(We are unwilling to attach such conclusive effect to a judgment at law or a final decree in equity, based upon alleged corrupt conduct on the part of a defendant attorney, where the judgment or final decree entered rests upon findings that the attorney has been guilty of corrupt conduct. It may be observed that this was the position taken by the single justice in the present case in connection with his action in overruling the demurrer to the respondent's answer. We concur therein. But we are of opinion that the evidence in the proceeding in equity in question is admissible in an inquiry such as the present, and like any other evidence is to be given such weight as the single justice shall deem ****108** proper, when considered together with all other evidence that the respondent may produce at the hearing, in the course of which he must be heard with full opportunity to present all relevant evidence that he may wish to adduce.

Uh, no. Actually, Judge L. Gardner has never sanctioned Coughlin. But, nice job of demonstrating what a clown of an Asst. Bar Counsel you are, King, and what an abomination of an "Investigator" you are, paralegal/Clerk of Court/Custodian of Records Peters. ***How many lawyers lives have you ruined with your fraudulent, lazy, entitled, corrupt approach?***

The SBN's receiving on 3/14/12 within the "box of materials" RMC Judge Nash Holmes provided the SBN in connection with her grievance letter to the SBN (See FHE 8) 2JDC Judge L. Gardner's FHE3 was simply not sufficient to satisfy the OBC's duty to conduct a reasonable investigation prior to putting Coughlin and his family and clients through this barbaric spectacle. Doing so was a shameful exercise by King, Peters, and, most importantly, the OBC's David Clark. The NNDB Screening Panel ought be subjected to some level of inquiry to determine what, if any, steps it took to determine whether FHE3 was even an operative order, if whether it had been backed up off of by Judge L. Gardner once she realized the primrose path Springgate sought to lead her down, and how very fraught with persuasive authority for the positions Coughlin argued such path was.

Where a sufficient factual basis for action is presented to it,[3] and information acquired by a court with respect to professional misconduct is not sufficiently definite to authorize formal charges without further inquisition,[4] a court may be authorized to order an investigation.[5]: [FN3] N.Y.—Matter of City Club of New York, 233 A.D. 351, 253 N.Y.S.

100 (2D Dep't 1931). [FN4] U.S.—Swanson v. The Florida Bar, 381 F.2D 730 (5th Cir. 1967). Fla.—The Florida Bar v. Massfeller, 170 So. 2D 834 (Fla. 1964). [FN5] Ind.—State ex rel. Avalon Apartments Co. Of Gary v. Sammons, 220 Ind. 319, 38 N.E.2D 846 (1942), cause dismissed, 220 Ind. 319, 42 N.E.2D 626 (1942). Tenn.—Ex parte Chattanooga Bar Ass'n, 206 Tenn. 7, 330 S.W.2D 337 (1959). Order in excess of jurisdiction Ark.—Davis v. Merritt, 252 Ark. 659, 480 S.W.2D 924 (1972). It is highly debatable whether the OBC even had any jurisdiction to bring such NG12-0435 (or 0434, depending on when one asked King and Peters and how hard they were still trying to sell the idea that the SBN “received” from 2JDC Judge L. Gardner a “grievance”, especially where King and Peters, for a time, kept trying to maintain that RMC Judge Holmes had not been the provider to the SBN of FHE3.

Where no specific complaint had been made. McGrath, 135 P.2d 1.

From: zachcoughlin@hotmail.Com To: cindy.Fladager@washoecourts.Us
CC: joey.Hastings@washoecourts.Us; jgarin@lipsonnelson.Com;
judge.Hardy@washoecourts.Us; david.Hardy@washoecourts.Us;
aocmail@nvcourts.Nv.Gov; bhutchins@judicial.State.Nv.Us;
dfsarnowski@judicial.State.Nv.Us; kpickering@nvcourts.Nv.Gov Subject: DV08-01168 issues Date: Thu, 22 Aug 2013 12:47:50 -0700

Ms. Fladager, I have a couple of questions. I am writing to complain about the fact that the WCDA DDA Young has had greater access to the ROA in several cases, including CR13-0614 than I, a non efiler, have been accorded. Whereas Young has access to a digital copy of the over 500 page ROA in CR13-0614 Coughlin has been refused a digital copy thereof, and, despite the fact that numerous counter clerks have indicated to Coughlin that all criminal defendants are entitled to one free copy of every filing in their cases, Michelle Purdy and Julie Wise have order clerks not to allow Coughlin such a free copy of filings in his cases, including the ROA (or "Justice Court Appeal") in CR13-0614. As to DV08-01168, and the removal of Coughlin from the list of those afforded eFlex access during a very exigent time, how does such comport with WDCR 23:

WDCR Rule 23. Appearances; substitutions; withdrawal or change of attorneys.... 2. Counsel in any case may be changed: (a) When a new attorney is to be substituted in place of the attorney withdrawing, by the written consent of both attorneys and the client, all of which shall be filed with the court and served upon all parties or their attorneys who have appeared in the action; or (b) By order of the court, upon motion and notice as provided in these rules, when no attorney has been retained to replace the attorney withdrawing; ...

Asst. Clerk of Court Wise and Michelle Purdy (and, formerly Appeals Clerk Lori Matheus) take an incredibly strict (and, inventive, even) approach to technical rules when it comes to Coughlin, yet, the WCDA's Office and Inside Baseball power players like Washoe Legal Services Elcano, get a pass, some might say.

Why is WLS able to have Coughlin "substituted out" without the "signature of both attorneys" without any motion, etc.? Further, problematic is the fact that the eflex number accorded to Coughlin's 5/20/09 Reply in that Joshi

matter **is numerically subsequent to the Order denying the Motion**. And, there does not seem to be a Request to Submit sufficient to have Coughlin's 4/30/09 Motion and Springgate's 5/12/09 Opposition put to Judge L. Gardner, and certainly not soon enough for her to craft a 7 page Order. Additionally, Coughlin's 5/20/09 Opposition (which was filed using the dropbox required by WDCR 10 that the 2JDC continues to fail to provide in what some might say is an impermissible arm twisting attempt to make litigants sign up for eFlex) has two file stamps on it, one crossed out.

Additionally, can you please indicate why you sent Coughlin an email of 6/28/09 requesting that he resubmit his Complaint against Washoe Legal Services and indicate whether there was some impermissible attempt to game the random assignment of cases sufficient to result in 2JDC Judge Elliott being assigned CV11-01955 in Coughlin's lawsuit against CAAW and WLS where Judge Elliott sat on CAAW's Executive Board, and never disclosed such to Coughlin and failed to recuse himself? Certainly, these peculiarities in DV08-01168 and the ensuing wrongful termination litigations in CV11-01896 and CV11-01955 are noteworthy given the spate of Eflex rejections of Coughlin' filing in the first quarter of 2012 (19 of 23 filings rejected at one point, many of which were of an exigent nature and submitted in the two Coughlin v. WLS wrongful termination suits) combined with the Washoe County Sheriff's Office failure to timely serve the defendants in CV11-01896 despite Coughlin having an IFP on file, where 60302 (and 60317) reveal the extent to which those cases were largely gutted due to such failure to timely serve the defendants where Coughlin's Motions for Extension of Time To Serve (which both took approximately five attempts to get Appeal Clerk Lori Matheus to accept for filing) were denied, to Coughlin's extreme prejudice (no matter whether the Order indicated such dismissals were "without prejudice" where the running of the 90 days from "receipt of EEOC right to sue letter" occurred in the interim and arguably, effectively foreclosed Coughlin's refiling such Complaints.

Interestingly, that same "receipt" concept became exceedingly relevant incident to the Washoe County Sheriff's Office numerous burglaries of Coughlin's former home law offices and rentals (see Rev2011-001708, Rev2012-000374, Rev2012-001048, RCR2012-067980, RMC 12 CR 12420, etc) given the "within 24 hours of receipt of the order" language in NRS 40.253(5)(a) with respect to how summary eviction lockouts are to be carried out in the context of a summary removal order within a summary eviction case. Perhaps not so surprisingly, 2JDC Judge L. Gardner's brother RMC Judge W. Gardner, did not find Coughlin's arguments compelling in the criminal trespass case against Coughlin (see 61901 SCR 111(4) Petition in N. S. Ct) incident to opposing counsel in CV11-03628 burglarizing Coughlin former home law office with the WCSO in tow on 11/1/11, and again, but with the RPD along for the fun, on 11/13/11 (not to mention the similar burglaries by the WCSO, like that of 3/15/12 (just an hour before the very 2:30 p.m., hearing before NVB Judge Beesley in NVB-10-05104, Cadle Co. v. Keller that Judge Beesley testified with regard to during the 11/14/12 formal disciplinary matter from

which the proposal to permanently disbar Coughlin is now on appeal in 62337 before the Nevada Supreme Court), and that of 6/28/12 incident to the fraudulently obtained and patently invalid summary eviction order in RJC Rev2012-001048, at which time the WCSO further violated Soldal v. Cook County, 506 US 56 (1992), in wrongfully arresting Coughlin in RCR2012—067980) Russell v. Kalian, 414 A.2D 462. Iorio v. City of New York, 96 Misc.2D 955. Mayes v. UVI.

Speaking of **NCJC Canon 2, Rule 2.15** and reporting misconduct (there by RMC Judge W. Gardner) to an **"appropriate authority"**, 2JDC Judge L. Gardner's apparent failure to contact the SBN or otherwise take **"appropriate action"** (well, unless one counts poisoning the well of RMC Judges via impermissible extra judicial communications against Coughlin in 11 CR 22176 (see 60838), 11 CR 26405, 11 TR 26800 (see 62337), 12 CR 00696, 12 CR 12420 as taking **"appropriate action"**, to whatever extent passing the 4/13/09 Order After Trial (FHE3 at Coughlin's 11/14/12 formal disciplinary hearing) to her own brother (an **"appropriate authority"**?).

Further, a really detailed review of the Certificates of Mailing in all filings in DV08-01168 subsequent to Coughlin's removal from the list of those allowed to access it on eFlex reveals some rather, uh, interesting, things. Additionally, the docket entry in FV09-00886 Uribe v. Valdez, indicating Washoe Legal Services Board President K. Breckenridge ordered, on 4/10/09 the audio recording of a 3/12/09 TPO hearing wherein Coughlin represented a male victim of domestic violence (where Coughlin complained to Elcano that WLS's Sternlicht told a room full of individuals seeking services, which included two males, that "males cannot be victims of domestic violence"), which is particularly interesting timing considering WLS's Exec. Director Elcano's indications in his letters to Coughlin on 5/1/09 and 5/7/09 as to exactly why (with limiting language) Coughlin was suspended and then fired on 5/14/09. Interestingly, despite 2JDC Judge L. Gardner's 6/19/09 Order vitiating Elcano's rationale for firing Coughlin where such order vacating the attorney fee sanction that Springgate was able to garner in invoking NRS 7.085 In his closing argument (the incorporation of NRCF 11 therein making problematic Springgate's failure to serve any filing ready sanctions motion, much less allow the passing of the required 21 day safe harbor).

Of course, Hill's and Baker's burglary entails an RPC 8.3 burden as well. However, Elcano still showed up to Coughlin's 11/14/12 formal disciplinary hearing (where the SBN violated SCR 105(2)(c) in only constructively noticing Coughlin that Elcano was to be a witness the day before the hearing, rather than providing the required "30 days written notice) and testified as though the 4/13/09 Order After Trial had not been superseded by the 6/19/09 Final Decree of Divorce.

Interestingly, another case involving Coughlin, Springgate, and 2JDC Judge L. Gardner illustrates one of the very reasons why entering into the proposed settlement agreement that Springgate accused Coughlin of being "vexatious" for failing to coerce his client into accepting. Isakson, DV09-00163. Somehow between Springgate's 5/21/09 Proposed Decree and Request for Submission thereof (in which

Springgate, whom failed to serve such on Coughlin indicates that WLS saw no problems with such 5/21/09 Proposed Decree, which includes an attorney's fee sanction and failed to award Mrs. Joshi alimony (whether Coughlin is not considered a "party" under WDCR 9 does not stop the SBN from attempting to apply offensive collateral estoppel to a vacated 4/13/09 Order After Trial, sufficient to "prove" by clear and convincing evidence" that Coughlin violated a multitude of Rules of Professional Conduct incident to successfully obtaining alimony for Mrs. Joshi. I appreciate your response to these matters. Sincerely, Zach Coughlin"

As to the OBC's King and "Investigator" Peters prosecuting Coughlin, and so far being well on their way to getting him permanently disbarred, in part, in connection with an allegations that a since vacated 4/13/09 Order After Trial (considering the 6/19/09 Final Decree of Divorce in such matter, DV08-01168, and the direction in FHE3 that Springgate prepare such "final decree" (ROA 1767:18-22: "5. Preparation of the Decree- Mr. Springgate shall prepare the decree of divorce consistent with this memorandum decision. Mr. Springgate shall tender his proposed decree to Mr. Coughlin. Pursuant to WDCR 9, within 20 days from the date of this order, GOOD CAUSE APPEARING, IT IS SO ORDERED,"" (NOTE: Springgate failed to so "tender his proposed decree to Mr. Coughlin", much less within the 20 days required by FHE3, much less comply with the dictate that Coughlin be afforded 5 judicial days, per WDCR 9, so indicate his objections to such...Springgate only providing Coughlin a copy of the 5/21/09 Proposed Decree he attached to a 5/21/09 Request for Submission upon Coughlin writing Springgate on 5/24/09 and demanding such) sanctioning Coughlin (FHE3) (ROA 1755-1768) (noting ROA 1761:9-10 ("Mr. Coughlin cited an ALR article regarding community debt and stated his client "does not have much for the creditors to take." Also, note that lack of awareness of RPC 3.7 At ROA 1761:17-22)

Further, it was reversible error to admit FHE3, much less in its entirety. All of the Findings of Fact section therein is not "evidence" and cannot be used to allege the Schaeffer/Stuhff "clear and convincing evidence" burden of proof was met.

In re Weiss, 460 Mass. 1012 (2011): Sanctions by Probate and Family Court in underlying case requiring attorney to resign his appointment as guardian for an elderly woman, forgo fees attorney claimed to have earned, and pay certain sums to guardianship estate did not preclude, due to res judicata, subsequent attorney disciplinary proceedings arising out of conduct in same underlying case; bar counsel was not a party to underlying guardianship proceedings, and, while the conduct described in bar counsel's petition for discipline may have come to light and been examined by the judge in the context of the guardianship proceeding, and while there were evident adverse consequences for the attorney in that proceeding, the separate question whether the attorney's conduct warranted professional discipline was not for the guardian ad litem to prosecute or for the probate judge to adjudicate...."However, "it creates no privity between two parties that, as litigants in two different suits, they happen to be interested in proving or disproving the same facts." Sturbridge v. Franklin, 160 Mass. 149, 151, 35 N.E. 669 (1893)....The duties and prerogatives of bar counsel and the board—and this court's power to superintend the bar and impose discipline when appropriate—are not preempted or compromised in any way by the decisions of other counsel (here, the guardian ad litem) or the judge in the underlying litigation."

(“Mr. Joshi requested that Mr. Coughlin personally pay his attorney's fee for 4.15 Hours of trial at the rate of \$225 per hour pursuant to NRS 7.085. **Mr. Springgate testified** Mr. Coughlin had not conducted any discovery, had produced no evidence regarding Mrs. Joshi's community debts other than her Financial Declaration ...presented no evidence regarding alimony, and had acted in a vexatious and unreasonable manner in representing Mrs. Joshi in this divorce proceeding.”) (NOTE: interesting, "Mr. Springgate" "**testified**", huh? Apparently, Coughlin was not permitted any opportunity to "testify" as to that which was not even being litigated (ie, whether Springgate or his client should be awarded attorney's fees under NRS 7.085 (much less whether Coughlin had committed any professional misconduct therein...to say nothing of the lack of privity issues, dangers of allowing the sort of offensive collateral estoppel Bar Counsel seeks to assert here, whether he characterizes it as such or not), Especially where Springgate only first made such motion in his closing argument...So much for Coughlin being the one whom either could not grasp or willfully refused to follow "simple procedural rules".

King and Peters did not manage to "investigate" anything about Judge Nash Holmes', er. Judge William Gardner's, er, 2JDC Judge L. Gardner's FHE3 "Order After Trial", and as such, despite Coughlin making such patently clear and providing them every filing in the case, in addition to his Mandamus Petitions and filings therein in 53833 and 54844, King and Peters were successful in their "lets put earmuffs and blindfolds on ourselves as to all this stuff Coughlin is showing us that prevents us from brown nosing those in power" approach, sufficient to violate NRCP 11 and NRS 7.085, seeking to disbar Coughlin based on a non-existent attorney fee sanction by Judge L. Gardner. **These clownfrauds attempted to disbar a domestic violence attorney for a legal aid organization for his successfully obtaining a Decree awarding his client alimony.** Let that sink in. Say it out loud. Now, explain to me how Pat King or Laura Peters can remain employed by the State Bar of Nevada (an "arm of the Court" under Waters) for another second longer. Seriously.

And, actually, King will now have another reason to investigate the Joshi case a bit more, **considering this filing is also being submitted as a grievance against WLS's Elcano and John Springgate, Esq.** Its tough to decide whose approach is more suspension worthy, considering Springgate filed an 8/4/12 Motion for Order to Show Cause (the since eliminated attorney's fees award ordered Coughlin to pay Springgate directly, which tells you something, right there) seeking to have Coughlin held in contempt for failing to pay an attorney fee award that no longer existed, whereas Elcano collects a check as the "Executive Director" of WLS, yet testified as to the existence of an attorney's fee award that does not exist anymore, even where Elcano and Coughlin are engaged in an ongoing wrongful termination litigation involving just that very Joshi case in DV08-01168 and Elcano's claim that an attorney's fee award that was vacated somehow, all by itself, justified Coughlin's firing. And, King and Echeverria purport to find that Hill and Elcano provided "expert" testimony. If by "expert testimony" King meant they provided so much negligent jackass claptrap, then, yeah...sure...they provided "expert testimony". Actually, that is not fair. Their **jackass claptrap** was fraudulent, rather than negligent.

And David Clark has some 'splainin' to do, too, especially if what WCPD Jim Leslie attributes to Clark is true respecting Leslie's contention that the SBN coddled him into ignoring

his duty of confidentiality to his then client Coughlin.

There is not any sanctions order of any legally operative effect in existence that so holds. What is sanctionable is King and Judge Nash Holmes presenting such (and perhaps Judge L. Gardner and her *brother* RMC Judge W. Gardner for giving such to Judge Nash Holmes, though, clearly, Judge W. Gardner expressed surprise to hear that such FHE3 that he received from his sister and passed around to his fellow RMC Judges had been provided to the SBN by Judge Nash Holmes (echoing the lack of permission to speak on his behalf that RMC Judge Dilworth expressed dissatisfaction with respect to during the trial incident to the wrongful RPD arrest of 7/3/12 in RMC 12 CR 12420). Whether Judge W. Gardner was negligent in providing such inoperative FHE3 to Judge Nash Holmes is a matter for Mr. Sarnowski, and perhaps the courts, given judicial immunity is not quite such an impenetrable defense when it comes to courts of limited jurisdiction...See, Lippis, or maybe its Glazier.

The extremely apparent behind the scenes voodoo, Inside Baseball, shenanigans engaged in between Washoe Legal Services, 2JDC Judge L. Gardner, Springgate, and the 2JDC Filing Office's Michelle Purdy (whom manages to keep a straight face when alleging that Coughlin somehow twists her words) is especially evident upon reviewing the circumstances surrounding Coughlin's timely 5/20/09 Reply to Springgate's 5/13/09 Opposition to Coughlin's 4/30/09 Motion for Reconsideration, etc.: NOTE by Coughlin: despite having a 5/20/09 filing stamped date, which made timely Coughlin's Reply to Springgate's 5/13/09 Opposition to Coughlin's Motion for Reconsideration, Judge Gardner's 5/21/09 Order Denying Coughlin's Motion actually has a numerically prior eflex number assigned to it, owing to the 2JDC originally rejecting Coughlin's filing just long enough to sneak Judge L. Gardner's 5/21/09 Order through, to wit, eflex: DV08-01168-1079627 (Ord Denying ...).Pdf DV08-01168-1083206 (Reply...).Pdf).Pdf DV08-01168-1083206 (Reply...).Pdf

How all this influence peddling and abusing the power in one's position by failing to abide by the duties inherent thereto is much different from taking bribes is not readily apparent to most. However, what is clear is that a long line of former Washoe County District Attorney's Office prosecutors turned judges have brought the same dirth of prosecutorial ethics they culled in their years there to their time on the bench, and they usually seem to be surrounded by filing office clerks who augment their, uh, approach. In DV08-01168, Springgate's 5/13/09 Opposition to Coughlin's 4/30/09 Motion for Reconsideration violates RPC 3.1, 3.3, And 3.4 In misstating NRS 7.085 (Which, contrary to Springgate's assertion, does not have language "very similar to NRCP 11" but, actually, specifically incorporates NRCP 11, which highlights the vexatiousness in Springgate moving for sanctions "pursuant to NRS 7.085" In his closing arguments at trial where he had failed to comply with the procedural requirement within NRCP 11 that one serve on the opposing party a filing ready sanctions motion and allow a 21 day safe harbor period of time to pass before filing or making any such motion for sanctions.

Springgate's 5/13/09 Opposition in the matter from which FHE3 stems (DV08-01168) reads:

"OPPOSITION TO REQUEST FOR RECONSIDERATION COMES NOW the Plaintiff, ASHWIN JOSHI, by and through his counsel of record, JOHN P. SPRINGGATE, ESQ., and opposes the Motion of Zack Coughlin, Esq., representing himself, for reconsideration of the Order After Trial. This opposition is made and based upon the attached

Memorandum of Points and Authorities, and all the papers and pleadings on file in this action. DATED this 13th day of May, 2009. /S/ John Springgate, Esq.

MEMORANDUM OF POINTS AND AUTHORITIES Mr. Coughlin, via e-filing, filed a request for reconsideration and extension of time to respond. A stipulation to extend the time for filing a motion for reconsideration was already granted to Washoe Legal Services, which is the attorney of record for Ms. Joshi. As Marc Ashley, Esq., or Caryn Sternlicht, Esq., Of Washoe Legal Services are representing Ms. Joshi, ***Mr. Coughlin's motion is addressed herein only insofar as it concerns the sanctions assessed individually against him under NRS 7.085.*** A Court has the inherent authority to reconsider its prior orders. Trail v. Farreto, 91 Nev. 401, 536 P.2D 1026 (1975). That authority is further provided by local rule, in our case, Washoe District Court Rule 12(8). However, the Nevada Supreme Court has held that points or contentions not raised in the first instance cannot be raised on rehearing. Achrum v. Expressway Plaza Ltd., 112 Nev. 737, 742, 917 P.2D 447 (1996), and that failure to make the arguments in the first instance constitutes a waiver. See, also, Chowdhry v. NLVH, Inc., 111 Nev. 560, 893 P.2D 385 (1995).

More importantly, rehearings are appropriately only where "substantially different evidence is subsequently introduced, or the decision is clearly erroneous". Masonry & Tile Contractors Ass'n. V. Jolley, Urga & Wirth, Ltd., 113 Nev. 737, 941 P.2D 486 (1997). And, the trial judge has great discretion on the question of rehearing. Harvey's Wagonwheel, Inc. V. MacSween, 96 Nev. 215, 606 P.2d 1095 (1980). Mr. Coughlin puts forward no new facts, or new law, which would justify any change in the Court's prior decision. Prior Proceedings: The parties previously appeared before the Honorable Scott Jordan, and attempted to settle the matter at a Settlement Conference in October, 2008. At that time, the parties left with a draft settlement, which would have been along the same lines as that proposed at trial, to-wit: that Mr. Joshi would take essentially all of the community debt, and would not pay alimony. Ms. Joshi rejected that settlement, and at trial, the parties again tried to settle for approximately one and one-half hours of their allocated trial time. Settlement was unavailing, and the parties proceeded to trial; due to the loss of trial time, the trial was continued to another day for conclusion. The Argument for Reconsideration. Mr. Coughlin's points and authorities in support of his position are essentially unavailing because they address a different issue.

The cases, when read, address the issue of whether a party can alleviate a pre-existing alimony debt or arrearage by paying outstanding bills to a third party, and claim a "set off" of the amount due the obligee. While those cases would be in agreement with Nevada practice, this was not the situation presented herein. Mr. Joshi and Ms. Joshi had approximately \$16,000.00 of community debt that was due and needed to be paid to third parties. As Mr. Coughlin correctly points out on page 17 of his Motion, "creditors of such community debt are unaffected by anything in a divorce decree from pursuing either of the parties for repayment." The community creditors could pursue either Ms. Joshi or Mr. Joshi. It appeared from the evidence at trial that Mr. Joshi was paying the vast amount of the outstanding community debt. He proposed to the Judge that in lieu of paying alimony, the Court utilize the after-tax differential between their incomes to pay that community debt. This would be a benefit to both parties, reduce their joint debt, and improve both of their credit scores. Mr. Coughlin's position at trial, which both judges tried to dissuade him from, and which he re-argues in his Motion, is

incorrect in that it was based upon a flawed premise. He seemed to be arguing for a equal distribution of debt, with the knowledge that Ms. Joshi would essentially be judgment proof because of her limited assets and income. Thus, in Mr. Coughlin's world, she would continue to receive alimony, but would not have to pay her share of the community debt. This argument is essentially grounded in bad faith; Mrs. Joshi is arguing that she should be attributed debt, with no intention of paying, knowing she will still receive alimony. However, beyond the bad faith argument, the true flaw in the argument is revealed at page 10, where Mr. Coughlin argues that should Ms. Joshi have been ordered to pay half of the community credit card debt, and that any subsequent failure on her part to do so "could likely not be used as a proper basis to set off any alimony award received." This is incorrect. As Mr. -3- Coughlin notes previously, the third party creditors would not be restrained by the divorce decree. Thus, should Ms. Joshi fail to pay her attributed share of community debt, they would proceed for collection against Mr. Joshi. If Mr. Joshi's monthly payments increase, due to her failure to pay the debt, he could most certainly move the Court for a modification of his alimony award to reduce the same, based upon the fact that his monthly expenses had increased. Alimony is modifiable based upon a change of circumstances, and that change in attribution of debt would most clearly be a change of circumstance affecting his ability to pay. See, NRS 125.150. Her failure to pay the debt would also affect her perceived "need," the other half of the alimony equation. In order to protect Ms. Joshi's potential claim to alimony, in the event that Mr. Joshi should be unable to pay these community debts that he was assuming, it was Senior Judge Jordan's suggestion at the Settlement Conference that her right to alimony be secured by \$1.00 Per year for five (5) years, so that if there was a default in the payment of the community debts, she would still have an alimony award, and she could move for a modification and increase of the alimony. This format was urged upon by the Court at trial, and memorialized in the Order After Hearing. The Court recognized the sense of this proposal, in that the great likelihood would be that if Mr. Joshi was unable to pay the community debt he would have to file bankruptcy, and were that to happen, Ms. Joshi would have to file bankruptcy as well. Respectfully, counsel misunderstands the law in this matter and has not thought through his position. *Siragusa v. Siragusa*, 108 Nev. 987, 843 P.2D 807 (1992) clearly holds modification of an alimony award would be appropriate based upon a discharged property settlement agreement. Counsel's position has been throughout that Ms. Joshi should be awarded alimony and the community debt. However, he has made it clear that she would discharge or be non-collectible on her debt, not recognizing that either Mr. Joshi or the debtors would come after her for the balance of the payments. Mr. Joshi, under *Siragusa*, could certainly use that as grounds for any modification of any alimony that he was otherwise awarded to pay. In lieu of all the above, he offered to pay the debt and not pay her alimony. III III -4- Sanctions. NRS 18.010 Provides that the Courts can liberally construe NRS 18.010(2)(B) in favor of awarding attorney's fees in all appropriate situations. The Legislature expressed an intent that the Court award attorney's fees and impose sanctions under NRCP 11 in all appropriate situations in order to punish and deter frivolous or vexatious claims and defenses, due to the burden such claims and defenses placed on judicial resources. See, also, *Trustees of the Plumbers & Pipe fitters Union Local 525 Health & Welfare Trust Plan v. Developers Surety & Indemnity Co.*, 120 Nev. 56, 63, 84 P.3d 59 (2004). The language of NRS 7.085 is very similar to that of NRCP 11, and the intent of the legislature is clear.

CONCLUSION Mrs. Joshi's pursuit of this matter was frivolous or vexatious, in that it was not grounded under existing law, and in fact, was essentially urging a distribution of debts and assets in bad faith. Under any set of circumstances, we would end up in the same place: Mr. Joshi will end up paying the vast majority of the community debt, and that was what he proposed to the Court. In the event that the parties have to discharge those obligations, Ms. Joshi's right to alimony would be maintained. The award was straight forward, reasonable, acceptable, both to the Settlement Judge, the Trial Judge, and counsel for Mr. Joshi. It is regrettable that Ms. Joshi's counsel did not recognize the validity of that position, and continues to argue that his view of the facts and law is accurate. History and experience would suggest that he is not correct, and his motion for reconsideration is more of the same. Wherefore, the Order should be maintained, and the Request for Reconsideration denied, so that this matter may move to conclusion. DATED this 7th day of May, 2009. CERTIFICATE OF SERVICE Pursuant to NRCp 5(b), I hereby certify that I am an employee of THE LAW OFFICES OF JOHN SPRINGGATE, and that on this date I personally served at Reno, Nevada, a true copy of the within OPPOSITION TO REQUEST FOR RECONSIDERATION, fully addressed to: Zack Coughlin, Esq. 945 West 12th Street Reno, NV 89503 Caryn Sternlicht, Esq. Washoe Legal Services 299 S. Arlington Avenue Reno, NV 89501 x for mailing by first class mail, postage prepaid by personal delivery by telephonic facsimile by Federal Express or other overnight delivery by placing a true copy thereof for collection and delivery by Reno/Carson Messenger Service on this date. AFFIRMATION PURSUANT TO NRS 239B.030 The undersigned does hereby affirm that the preceding document does not contain the social security number of any person. Dated this 13th day of May, 2009."

Subject: DV08-01168? From: Fladager, Cindy (Cindy.Fladager@washoecourts.us)
Sent: Wed 5/20/09 4:18 PM To: Purdy, Michelle (Michelle.Purdy@washoecourts.us)
Cc: zachcoughlin@hotmail.com Hello Michelle: Forwarded to you for a Filing Office response. Zach Coughlin, bar 9473, stated he is still attorney on case DV08-01168 and should be able to view images, however, he has been ended as attorney of record and cannot access documents in eFlex. ASHWIN JOSHI VS. BHARTI JOSHI. I copying him on this email and suggested that he phone you at 328-3107 directly for resolution. Thank you, Cindy Fladager Business Systems Analyst II Court Technology Second Judicial District Court cindy.fladager@washoecourts.us"

The Order of 6/7/12 by this Court (or three members of it, one of whom recused himself from the matter involving Coughlin and WLS in 60302, which is even more relevant now that Elcano was one of four witnesses called by the Bar, and where a second witness (Hill) purportedly offered "expert" testimony related to that WLS matter in 60302 and where in the related case in 60317, in the trial court matter appealed therein, 2JDC Judge Elliott committed a per se violation of a Canon of the Code of Judicial Conduct in failing to disclose his Board Presidency for one of WLS's co-defendant's therein, CAAW, in Coughlin's wrongful termination suit (there are some curious matters related to the "random assignment" of that case, filed 6/30/11, as well, given the emails from 2JDC Cindy Fladager requesting that Coughlin refile

"RE: DV08-01168? From: Zach Coughlin (zachcoughlin@hotmail.com) Sent:

Thu 5/28/09 10:51 AM To: michelle.Purdy@washoecourts.us Hello Ms. Purdy, I am still affected by this case considering the attorney fee's sanction that was levied against me personally. Additionally, I have filed an Appeal/Mandamus Petition in that regard. I feel it is arguably fair and or necessary that I continue to have access to all materials in this file via eFlex and ask that you consider granting me such access. Sincerely, Zach Coughlin, Esq. Tel: 775 338 8118 945 W. 12Th St. Reno, NV 89503 Subject: RE: DV08-01168 Date: Thu, 21 May 2009 07:41:18 -0700 From: Michelle.Purdy@washoecourts.us To: Cindy.Fladager@washoecourts.us CC: zachcoughlin@hotmail.com Mr. Coughlin was substituted out of the case by Washoe Legal Services on May 14, 2009. Michelle Purdy Deputy Clerk III 2nd Judicial District Court, Filing Office " 09-APR-2009 10:41 AM ** Notes .. Entry: CD BURNED HEARING DATE 03-12-2009 & 03- 17-2009 REQUESTED BY ZACHARY B. COUGHLIN CALLED FOR PICK UP 03-17- 2009/JA

20-MAY-2009 11:40 PM Reply...Coughlin, Esq., Zachary Entry: REPLY TO OPPOSITION 21-MAY-2009 11:27 AM Ord Denying ... Entry: REQUEST FOR RECONSIDERATION - Transaction 785777 - Approved By: NOREVIEW : 05-21-2009:11:35:08 21-MAY-2009 11:27 AM Request for Submission Complet Entry: none. 21-MAY-2009 11:27 AM Request for Submission Complet Entry: none. 21-MAY-2009 11:27 AM Request for Submission Complet Entry: none. 21-MAY-2009 03:03 PM

Supreme Court Receipt for Doc Entry: SUPREME COURT CASE NO. 53833 RECEIPT FOR DOCUMENTS (INCLUDES ALL 4 NOTICE OF APPEALS) 21-MAY-2009 03:04 PM **Supreme Court Case No. ... Entry: SUPREME COURT CASE NO. 53833 21-MAY-2009 04:06 PM Request for Submission Springgate, Esq., John P. Entry: DOCUMENT TITLE: FINDINGS OF FACT, CONCLUSIONS OF LAW, & DECREE OF DIVORCE PARTY SUBMITTING: JOHN P. SPRINGGATE, ESQ. DATE SUBMITTED: 5/22/09 SUBMITTED BY: CPARSLEY DATE RECEIVED JUDGE OFFICE: 26-MAY-2009 02:03 PM Request for Submission Entry: DOCUMENT TITLE: REPLY TO OPPOSITION PARTY SUBMITTING: ZACHARY COUGHLIN, ESQ DATE SUBMITTED: 05/26/09 SUBMITTED BY: JN DATE RECEIVED JUDGE OFFICE:

2JDC Judge L. Gardner's 2/25/09 Order reads: "ORDER RE PRETRIAL PROCEDURE This matter is set for trial on March 12, 2009 at 1:30 p.m. Good cause appearing, IT IS HEREBY ORDERED that, **if a party intends to offer more than ten trial exhibits, the proposed exhibits must be bound, tabbed and indexed. Plaintiff's exhibits will be marked in alphabetical sequence and Defendant's exhibits will be marked in numerical sequence. Each party shall submit two copies of the proposed exhibits to the Court and one copy to the opposing counsel.** Counsel shall contact Martha Casique-Andrews at 775-325-6779 to schedule a time with the Clerk to organize and mark exhibits. For trials set for one full day or more, counsel shall meet with the Court Clerk no later than 3:00 p.m. on the Friday prior to trial to mark the trial exhibits. For trials which are scheduled for less than one full day, exhibits shall be marked immediately prior to the convening for trial, and counsel shall arrive at least 15 minutes before the scheduled time of trial. Prior to meeting with the Court Clerk, counsel shall meet and discuss the admissibility of proposed exhibits. At the time of marking the exhibits

with the Clerk, the Clerk shall be told which Exhibits may be admitted without objection. At the opening of trial, counsel shall inform the Court which exhibits are being admitted without objection. Each party must file with the Court a trial statement, financial declaration and UCCJA declaration. Courtesy copies of the trial statement shall be hand-delivered to opposing counsel and Judge Gardner's chambers by no later than 5:00 p.m. five (5) days prior to trial. Failure to timely deliver these documents may result in sanctions against the offending party as set forth in NRCP 37. If the financial circumstances of a party have changed substantially since the filing of the most recent financial declaration, that party is to file an updated financial declaration at the same time as filing the trial statement. Dated this ..ay of February, 2009. /s/ Linda M. Gardner"

2JDC Judge L. Gardner's 7/15/09 Order reads: " ORDER DENYING MOTION TO STRIKE IN PART; ORDER GRANTING MOTION TO STRIKE IN PART On April 13, 2009, the Court entered an Order After Trial specifying its findings of fact and conclusions of law based upon the divorce trial that took place March 12 and March 17, 2009. On May 12, 2009, a Notice of Appeal was filed by Zachary Coughlin, Esq., specifying he was appealing the Order After Trial entered April 13, 2009. On May 13, 2009, a Motion to Strike was filed by John P. Springgate, Esq., alleging the Notice of Appeal filed on May 12, 2009, was untimely filed pursuant to NRAP 3A. Specifically, **Mr. Springgate argued there was no final judgment entered in this matter yet as the Order After Trial had not been memorialized into a Findings of Fact, Conclusions of Law, Judgment and Decree of Divorce**¹. (fn1 A Decree of Divorce was entered in this case on June 19, 2009.) On May 27, 2009, a Request for Submission was filed by Mr. Springgate. On June 8, 2009, Mr. Coughlin opposed the motion and argued it was not clear whether the Order After Trial was a final order, and "[i]t certainly is not worth risking the deadline for filing an appeal. . . Opposition 2:13-2:14. On June 8, 2009, a Request for Submission was filed by Mr. Coughlin.

Upon review of the pleadings and papers filed herein, the Court finds and Orders as follows. Insofar as Mr. Coughlin is appealing the award of attorney's fees, the Court finds the Order After Trial entered April 13, 2009, was a final order from which Mr. Coughlin may appeal as the Court did not intend the award of attorney's fees to be included in the Decree of Divorce. Accordingly, Mr. Springgate's Motion to Strike is denied with respect to the appealability of the Order After Trial as it pertains to the award of attorney's fees. With regard to appeal of the issues pertaining to the Joshi marriage/divorce, the Court finds the Order After Trial was not a final order from which Mr. Coughlin may appeal as the Court **intended all issues pertaining to the Joshi marriage/divorce to be separate and apart from the award of attorney's fees**. (NOTE: then, certainly, it made little sense to mix the two in one 4/13/09 Order After Trial, but regardless, the 6/19/09 final Decree of Divorce (especially when view with the knowledge that Springgate's 5/21/09 Proposed Decree contained an attorney's fees award provision, and where the 7/22/09 Accordingly, Mr. Springgate's Motion to Strike is granted with respect to the appealability of the issues pertaining solely to the Joshi divorce. GOOD CAUSE APPEARING IT IS SO ORDERED. Dated: July 15, 2009 /s/ Linda M. Gardner District Court Judge"

CERTIFICATE OF MAILING Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court, and that on the j fry day of July, 2009, I

deposited for mailing, first class postage pre-paid, at Reno, Nevada, a true and correct copy of the foregoing document addressed to: Document: Order Denying Motion to Strike in Part; Order Granting Motion to Strike in Part Zachary Coughlin, Esq. 945 W. 12th Street Reno, NV 89503 I hereby certify that on the 15 day of July, 2009, I electronically filed the foregoing with the Clerk of the Court system which will send a notice of electronic filing to the following: John Springgate, Esq. Marc Ashley, Esq. /s/ Stephenie Broome Administrative Assistant - Dept. 14" (NOTE: there is an inconsistent approach taken by the 2JDC, Springgate, and WLS in only serving certain selected filings or orders in DV08-01168 on Coughlin upon his being terminated by WLS.

Springgate's letter to Coughlin supports the Consent Decree argument, to whatever extent any fees were even still part of any operative Order or Decree given Springgate's Proposed Decree of 5/21/09 contained a section expressly providing for such fees, where the Final Decree 2JDC Judge L. Gardner entered on 6/19/09 (which nobody served on Coughlin, conveniently) contained all of Springgate's Proposed Decree save the paragraph 6 therein providing for an award of attorney's fees. Further, Judge L. Gardner's Order of 7/15/09 further supports the position that there was no longer any attorney fees award, as a sanction or otherwise (likely due to a recognition of the legitimacy of Coughlin's argument with respect to Springgate having failed to comply with NRCP 11's 21 day safe harbor provision (incorporated into NRS 7.085 by the express language of such statute) in addition to the fact that the 4/13/09 Order After Trial relied upon a position that alimony was not indicated, and, therefore, Coughlin had litigated vexatiously, where the Final Decree ultimately entered did, in fact, award alimony to Coughlin's former client. Further support for this position resides where WLS and Springgate arguably entered into a Consent Decree even further vitiating any finding that attorney's fees were awarded. Springgate's letter to Coughlin of 12/8/09 reads:

"December 8, 2009 VIA EMAIL Zachary Coughlin, Esq. 731 Forest Street Reno, NV 89509 Dear Zach: I have received the Supreme Court's Order Denying Petition for Writ of Mandamus. Accordingly, you still owe me fees from the Second Judicial District Court matter, and are in contempt for not paying them. My *offer to make a token donation to Casa de Vida or, alternatively, the Food Bank of Northern Nevada, remains in effect.* They need the help and I would be happy to put this case behind me. Please advise as to your intentions. Very truly yours, JOHN P. SPRINGGATE, ESQ."

The 7/22/09 filing in DV08-01168 reads: "STIPULATION TO AMEND DECREE OF DIVORCE COME NOW the parties hereto, ASHWIN JOSHI, Plaintiff, by and through his counsel of record, JOHN P. SPRINGGATE, ESQ., and BHARTI JOSHI, by and through her counsel of record, MARC ASHLEY, ESQ., of Washoe Legal Services, and hereby stipulate and agree to an Order Amending the Decree of Divorce in the following regards: In response to Ms. Joshi's motion, ***the Court amended the proposed Findings of Fact to include a finding of ONE DOLLAR (\$1.00) per year alimony for Ms. Joshi.*** However, the Decree, as amended by the Court, did not include a term. The parties had originally agreed or suggested a term of five (5) years and they therefore stipulate and agree that this Stipulation and Order thereon shall amend the Decree of Divorce to include ONE DOLLAR (\$1.00) alimony for five (5) years in favor of Ms. Joshi. DATED: 7/20/09 /s/ John Springgate, Esq., /s/ Marc Ashley, Esq."

27. Based on the order and Coughlin's **conduct** in the Joshi matter, Coughlin was terminated by Washoe Legal Services. See Transcript of Hearing Wednesday, November 14, 2012, P 110, L7-8. ("HEARING - Vol. I, (Page 110:7 to 110:9) (ELCANO): "...Mr. Coughlin to do that. Because of the Joshi matter he was terminated, and I didn't have any further contact with him.")

28. In Mr. Elcano's opinion, Coughlin is not competent to practice law. See Transcript of Hearing Wednesday, November 14, 2012, P 94, L 3 -8. (HEARING - Vol. I, (Page 94:3 to 94:8) Q (KING) I'll first ask what that opinion is, then work backward as to why you feel that way. What is your opinion currently of Mr. Coughlin's ability to practice law? A (ELCANO) Currently I don't believe he's competent to practice law based on the information I have.")

29. State Bar Counsel called Coughlin to testify at the hearing of the matter. Coughlin was questioned with regard to a letter dated February 14, 2012 from Assistant Bar Counsel King to Coughlin in which Bar Counsel forwarded to Coughlin correspondence received from Richard G. Hill. See Transcript of Hearing Wednesday, November 14, 2012, P 163, L 13 -P 164, L 23. See Hearing Exhibit 6. Coughlin's response, dated March 9, 2012, asked for additional time in which to respond. See Hearing Exhibit 7. No evidence was presented that Coughlin substantively responded to Bar Counsel's letter of February 14, 2012 prior to the filing of the Complaint in this matter. Coughlin failed to directly respond to Bar Counsel's questions inquiring if Coughlin ever subsequently responded to Bar Counsel's letter of February 14, 2012. See Wednesday, November 14, 2012, P 169, L 13 -P 172, L 16.

30. Coughlin also **failed to directly respond to questioning regarding whether or not he had substantively responded, prior to the filing of the Complaint in this matter, to a letter forwarded to him from Bar Counsel regarding the letter received by the Nevada State Bar from Judge Dorothy Nash Holmes and dated March 14, 2012.** See Transcript of Hearing Wednesday, November 14, 2012, P 174, L 13 -P 180, L 4. See Hearing Exhibit 8. (NOTE: **there is nothing in the record to support the "finding" that Coughlin received such letter from Bar Counsel**, in fact, Coughlin testified to Bar Counsel's chicanery in that regard, and certainly King should not be allowed to "testify" to sending Coughlin some letter that King refused to even seek have admitted into evidence, especially where King successfully moved, on an ex parte basis, to quash Coughlin's subpoenas on King and SBN Clerk of Court Peters, not to mention RPC 3.7, etc..

Further, there is nothing in the record to indicate when Coughlin first saw such 3/14/12 grievance letter that RMC Judge Nash Holmes sent to the SBN, not Coughlin (King's constant trumpeting of the "bates stamps" that he had affixed to the box of 3,094 pages delivered to Coughlin four judicial days before the hearing (in flagrant violation of all of SCR 105(2)(c) references the bates stamps found on the Hearing Exhibit 8...and where King admits such letter did not have any such bates stamping on it to begin with, its inappropriate for King to have successfully had admitted such version with King's 11/7/12 production of 3,094 pages worth of bates stamped SCR 105(2)(c) materials (none of which include any Canon 2, Rule 2.15 letters from the Judges whose orders King offered as evidence of Coughlin's professional **misconduct**, such as Hearing Exhibit 2's Judge Flanagan Order of 6/25/12 in the appeal of the summary **eviction** from Coughlin's former home law office that Richard G. Hill, Esq.,

burglarized while managing to get Coughlin wrongfully convicted of criminal **trespass** (see 61901) by Hill's lying to, and with, the Reno Police Department). Some "clear and convincing" evidence of when Coughlin received or viewed such letter would be pretty important to support the Panel's "finding" that Coughlin "failed to **directly respond to questioning regarding whether or not he had substantively responded, prior to the filing of the Complaint in this matter, to a letter forwarded to him from Bar Counsel**" **directly respond to questioning regarding whether or not he had substantively responded, prior to the filing of the Complaint in this matter, to a letter forwarded to him from Bar Counsel**" where "when" and "prior to the filing of the Complaint" take on similar importance to the fact that there is no evidence that Bar Counsel even forwarded Coughlin such letter to begin with (boy was the Panel Chair mad that Coughlin could not honestly testify on behalf of the State Bar as to when, if ever, he received such letter from the SBN...it would have helped so very, very much alleviate all the messy issues that would be associated with putting the 3/16/12 letter from King to Coughlin (**notice** the SBN did not present any copy of any such letter with some Certificate of Mailing slip to prove Coughlin ever received it, and Coughlin testified extensively, and offered a great deal of proof as to the fact that he was not regularly receiving his mail when such letter was sent, including offering copies of numerous envelopes (several sent to Coughlin's by the RMC even) that Coughlin only received much later, after senders notified him of such being returned to them, or after the USPS finally releasing such to Coughlin, replete with, in many instances, several of the small yellow stickers indicating a variety of reroutings and "recipient temporarily unavailable" messages incident to the domestic violence and mailbox tampering/lease disputes/wrongful summary **eviction** by Gayle Kern, Esq. (whom also had Coughlin's former home law officer burglarized with the help of the WCSO, just an hour before the very 3/15/12 hearing in NVB 10-05104 that Judge Beesley testified about)

HEARING - Vol. I, (Pages 174:13 to 180:4) "BY MR. KING: Q Do you recognize **that letter** that's been identified as Exhibit 8 that purports to be **written to Mr. David Clark, Office of Bar Counsel, from Judge Dorothy Nash Holmes**? A It is the one that has a received March 14th date on it? MR. ECHEVERRIA: It's the one that's marked Exhibit 8. BY MR. KING: Q The one I just handed you. Did you see that letter? A I don't see it marked Exhibit 8. It's not marked. Q It's marked up here, Mr. Coughlin. A That's why I was asking for clarification. March 14th. Q The question is: Do you recognize that letter? A Yes, sir. Q And -- A **This is the letter where she alleges a competency issue, and then goes on to say, but I'm still trying to hold a trial, I'm trying to get this trial set right away, in violation of NRS 178.405 which states you stay proceedings when you feel a defendant has a competency issue. You don't plunge right ahead. That letter, yeah, I recognize it.** MR. KING: I'm going to ask that Exhibit No. 8 be admitted. This is the letter that Judge Holmes sent to the Office of Bar Counsel that she testified about during her testimony. MR. ECHEVERRIA: Any objection, Mr. Coughlin? MR. COUGHLIN: I don't think so. Well, relevancy. And I don't believe this is pled in the complaint. MR. ECHEVERRIA: Overruled. (Exhibit 8 admitted.) BY MR. KING: Q Mr.

Coughlin, you received that because Bar counsel forwarded it to you; is that correct? A I don't remember how I received this. I imagine it would -- I don't think a stranger sent it to me. I don't know. Q Did you respond to the allegations to Bar counsel, the allegations made in the letter by Judge Holmes, and the accompanying documents; did you respond to that investigation? A Actually, I'm trying to remember -- did I get this letter attached to like an SCR 117 petition? Can you help me out? Did I get it soon after -- I think you were kind of coy about this, actually, Pat. Right? You kind of -- you were kind of coy about having it. You didn't just get this letter, and then I don't think you mailed it to me on March 14th. MR. ECHEVERRIA: Mr. Coughlin, the question is did you reply to it? THE WITNESS: I don't know -- MR. ECHEVERRIA: I'm sorry. The question is: Was it forwarded to you? THE WITNESS: That's what I was expounding upon. I'm trying to remember when did I first get this letter. Because this is like a gut punch if you've devoted your life to becoming an attorney. And, in fact, I didn't get her March 28th letter -- I mean her March 28th order that was entered. I didn't even get that until I saw it attached to an SCR 117 disability petition in case number 60975. I guess I kind of figured she just wasn't going to make an order, you know. And she mailed this one, the one for February 28th, she mailed it to the old River Rock address where I was evicted from, despite the fact it appeared, at least a couple other departments in her court had a more recent address for me. And then I have -- if I had been **noticed** on this -- I have a lot of these letters. I meticulously kept the envelopes. I kept the change of addresses. I think I might have sent Pat these with the yellow -- I had a lot of the yellow stickers on my letters, you know, where they were like -- and the court, the court had these too. The muni court. And I had a big ordeal with the post office incident to they didn't want to give me a key to the mailbox. This **eviction**, the evil work that you sanctioned, Pat, that I mentioned earlier, it has a fallout necessarily. In my opinion -- MR. ECHEVERRIA: Mr. Coughlin, excuse me. Do you remember the question? THE WITNESS: Yes. MR. ECHEVERRIA: What was the question? THE WITNESS: Did I receive this. MR. ECHEVERRIA: And the answer? THE WITNESS: I'm working my way through it mentally as to how I got this. MR. KING: If I'm not mistaken, we're past that. You said you did receive it. He doesn't recall how. And my follow-up question was: Did you respond to the allegations by Judge Holmes that are contained in that letter, and by the accompanying documents? MR. ECHEVERRIA: Mr. Coughlin, if you could focus on answering that question, that would be helpful to the panel. THE WITNESS: One, this letter is not to me. I would like to read it. Again, that's where the **notice** part of due process is key, you know. If I was **noticed** on the idea that I didn't respond to this -- and I'll enter my objection. I would like to see where in the complaint it says Mr. Coughlin failed to respond or cooperate with Bar counsel. It might. I'd just like to be sure. Where does it say where -- was I **noticed** the import of today was going to include, the relevant inquiry today that I have been put on **notice** for, was going to include the idea that I didn't appropriately respond to this? So if I go to the complaint, I'm just wondering where in the complaint might I be

put on **notice** that I would be expected to know when I got this today, and respond intelligently in that regard. (Exhibit 9 marked.) MR. KING: Mr. Chairman, may I move on? MR. ECHEVERRIA: You may. THE WITNESS: May I answer as best as I can remember then? MR. ECHEVERRIA: If you will answer the question, it would be helpful. But these rambling discourses are not helpful. THE WITNESS: They're not winning any points on **notice** and due process? MR. ECHEVERRIA: This is a preliminary investigation. Bar rules require attorneys to cooperate with the preliminary investigation. As I understand, Mr. King is trying to establish whether or not you did so. That's an issue that I believe is relevant to the determination of the degree of punishment, if any, that should flow to you as a result of your **conduct**. So, Mr. King, move on, please. MR. KING: Thank you. THE WITNESS: Your Honor, can I just quickly attempt to more thoroughly address that issue? MR. ECHEVERRIA: I think you've been afforded adequate opportunity to do so. How you choose to respond is up to you."

FHE 8, Judge Holmes' 3/14/12 grievance against Coughlin **addressed to the SBN only** (to what, and upon whose request was Coughlin supposed to "provide some information" per RPC 8.1 as to NG12-0434, much less NG12-0435? Further, the portion of the transcript Echeverria cites to in no way supports the finding Echeverria made, it fails to even establish that the SBN ever asked Coughlin to responde, much less "provide some required information" not subject to RPC 1.6, to the SBN in response to Judge Holmes FHE 8 letter) and hand delivered to the SBN along with a "box of materials" reads:

"...This letter constitutes a formal complaint of attorney **misconduct** and/or disability against Zachary Barker Coughlin. The accompanying box of materials demonstrates some of the problems with the practice of this attorney being experienced by myself and the other three judges in Reno Municipal Court. My two most recent Orders in what should be a simple traffic citation case are self-explanatory and are included, together with copies of massive documents Mr. Coughlin has fax-filed to our court in this case. Audio recordings of two of my hearings in this matter are also included. He failed to appear for the second one this past Monday.

I have another traffic case pending trial with him that was re-assigned to me based on our Department 1 judge being out for surgery. We have multiple addresses for Mr. Coughlin and can't seem to locate him between cases very easily. We are setting that case for trial and attempting to serve him at the most recent address we have (1422 E. 9th St. #2 Reno NV 89512), **although I heard today he may be living in his vehicle somewhere**. We do have an address for his mother, however, as she recently **posted part of a fine** for him.

Judge Ken Howard, Department 4, had a case on Mr. Coughlin late last year that is now on appeal to the Second Judicial District Court. Judge Bill Gardner, Department 2, also **has a matter currently pending in his court** with Mr. Coughlin as the defendant. I have enclosed some copies of documents from those

matters, in chronological order, simply because they appear to demonstrate that he is quickly decompensating in his mental status. Our staff also made you some audio tapes of Coughlin in the matters in Departments 2 and 4 so you can hear for yourself how this attorney acts in court. You can see his behavior in my traffic citation case does not appear to be an isolated incident.

It is my understanding that Reno Justice Court also has a matter pending on this attorney. My Judicial Assistant was contacted by the Washoe Public Defender in February when I had Mr. Coughlin jailed for contempt of Court and they stated that they represent him in a Gross misdemeanor matter in RJC. I have no other information on that.

You will have the full cooperation of myself, the other judges, and the staff of Reno Municipal Court in your pursuit of this matter. Mr. Coughlin has positioned himself as a vexatious litigant in our court, antagonizing the staff and even our pro temp judges on the most simple traffic and misdemeanor matters. I do think this is a case of some urgency, and I apologize for taking two days to get this package to you; our IT person was ill and could not make the copies of the audios of Mr. Coughlin's hearings until today, and I felt it was important that the audios be included in the materials to be considered by the State Bar. On February 27, 2012, Mr. Coughlin told me he was actively practicing law and had appointments with clients. I do not know if that was true, but if so, he could be causing serious harm to the practice of law in Northern Nevada and could be jeopardizing someone's freedom or property interests."

(NOTE: no matter how hard he may try, Coughlin could likely never be "jeopardizing someone's freedom or property interests" as regularly and thoroughly as does Judge Nash Holmes, especially where she damaged such very interests of Coughlin's clients upon denying a stay of any sort to a then practicing attorney (something that is pretty much verboten in American jurisprudence) (immune from arrest while going to, attending, or leaving court, and Coughlin maintained such at the time, and therefore did not waive any such right, meaning, even had Judge Nash Holmes and her crew of Marshals managed to conduct a lawful search incident to arrest of Coughlins' smart phone, micro sd card, cell phone, and electric shaver, rather than the unlawful confiscation of such a day later after those items had already been booked into Coughlin's property (such items were returned to Coughlin with all the data thereon erased, and WCSO Deputy Hodge admitted to Coughlin on March 19th, 2012 that the Washoe County Jail had released to the RMC Marshals such items already booked into Coughlin's personal property on 2/28/12, and that such were still in the possession of the RMC on 3/19/12)

In a ridiculous attempt to assert some impropriety on Coughlin's part, like that done by Judge Nash Holmes in her 3/13/12 Order Striking Fugitive Document that King was too embarrassed by to admit in its entirety into the record, but which is mistakenly included the Certificate of Mailing thereto along with the partial purported filing by Coughlin admitted as FHE9 (R1784-

1786) where R1786 is the **RMC's Certificate of Service that King mistakenly forgot to excise from FHE9**, (which does indicate that such Order (its important to note that the Order from which King pulled pages 2 and 3 of 3 of Coughlin's 3/7/12 filing in 26800 before Judge Nash Holmes is not the same as the orders at presented in FHE 4 (which Judge Nash Holmes testified, spontaneously upon sensing King need her to help out with the problems associated with Coughlin not being served the Order of 2/28/12, that she "had him served at the jail", which certainly is not supported by the Certificate of Mailing on such 2/28/12 Order at ROA 1172, which indicates such Order was mailed to Coughlin at the very "121 River Rock St." address from which Judge Nash Holmes and *several* Departments of the RMC knew Coughlin had been evicted from by the very Richard G. Hill, Esq., referenced at ROA 1170 lines 24-28 (" ") where such Certificate of Service fails to include a check next to "Washoe County Jail" and instead seems to indicate only that such Order was faxed to some unspecified fax number, though, Coughlin can attest, he certainly was not faxed any such Order (the RMC has steadfastly refused to extend any such courtesies to Coughlin from the very beginning, despite there being a multitude of instances where Certificates of Service between the RMC and the RCA and the RMC's court appointed defender allow for service between each other by email or fax, even where Coughlin pleaded with the RMC to at least copy him on such Orders due to the domestic violence based interference with his mails he was facing during the times in question at 1422 E. 9th St. #2 (not to mention the misconduct of the USPS Golden Valley Station's Buck Hyde, and Terri Passot, and Gayle Kern, Esq., and her "associate" Susan King of Western Nevada Management (property manager). Interestingly, the Certificate of Service for a 3/8/12 Order by Judge Holmes denying Coughlin's Mother's request for a return of the \$100 she paid to have Coughlin released from the summary 5 day incarceration one day early (doing "the old switcheroo" the RMC took Coughlin's mother's money, then concocted a ridiculous scheme where a jail deputy removed Coughlin from his cell and walked him down, in chain the entire time, to the booking desk, and announced he was having an "ad book" done, then immediately returned Coughlin to his cell. (insert complete text of ridiculous 3/8/12 Order in 26800, where Coughlin's mother, well over one year after such Order was entered, mysteriously and quietly was mailed such \$100 by the RMC, which also appears to have mailed Coughlin the \$120.00 bail he was forced to post when he could ill afford to, on 1/12/12 incident to Richard G.Hill, Esq., getting Coughlin arrested for jaywalking while Hill obtained he on command TPO from RJC Judge Schroeder in less than forty minutes time in RCP2012-000018, sufficient to obstruct Coughlin's ability to film any more the fact that Hill's contractor, NBI's Phil Stewart, had via Hill's filings, submitted bills to courts seeking to charge Coughlin \$1,000 to board up Coughlin's former home law office with Coughlin's own plywood, and other misconduct by Hill. All of Judge Sferrazza's talk about retaining contempt power incident to the 12/20/11 Hearing on Coughlins' Motion to Contest Personal Property Lien was entirely

directed to scenarios wherein Coughlin would be accused of damaging the property in some way, and in now way allowed for what ultimately occurred, where Hill and Baker obstructed Coughlin's ability to remove his possessions by placing a padlock on the back yard gate and refusing to remove it until midway through the second day of moving, and by removing Coughlin's own ladder from the property (petty larceny?) which Coughlin needed to remove items from the storage area in the attic) then Hill's associate Baker lied in his 1/3/12 Oppsoition to Coughlin NRS 40.385 Motion to Stay of 12/30/11 in alleging he and Hill and entered some agreement with Coughlin to allow Coughlin more access to remove his belongings in exchange for a waiver of the security deposit/cleaning fee of \$700 that remains unreturned despite their failure to provide a written account within 30 days and especially where collateral estoppel ought prevent any assertion of rent being owed incident to the abandonment of the non-payment summary initial of two cases brought in Rev2011-001492.

Also, the SBN's convenient manner of bates stamping obscures some real problems for the SBN, includign the fact that all pages of FHE3 had a footer that completely undermined King's and Elcano's assertions as to the foundation and authenticity of that FHE3 Order (one which King and Elcano know full well ws undone by Judge L. Gardner's 6/19/09 final Decree, which the 2JDC, Springgate, and Elcano and WLS failed to serve on Coughlin, and which completely vitiates the rationale Elcano provided for firing Coughlin, which he reiterated in his shady testimony, where Coughlin was prejudiced in not being permitted to call Elcano in his case in chief and expose the extent to which Elcano's testimony was fraudulent in skirting the facts presented by the 6/19/09 final Decree superseding the 4/13/09 Order After Trial in FHE3. The footer on such FHE3 read: "Copy of the original on file with the Second Judicial District Court." (and actually the bates stamping of the 2/13/13 ROA does not obscure such (so much for having provided a "certified copy", huh, King? And so much for Elcano's providing "a foundation" or authenticating such, much less providing "expert testimony" relative to it.

Also, its awfully odd for the bates stamping (which the new bates stamping on the 2/13/13 ROA obscures) for the 11/7/12 production of documents that was presented as FHE8, and FHE9 contain some 1,260 pages between the two where FHE8 purportes to be Judge Nash Holmes grievance letter against Coughlin addressed to the SBN and FHE9 is an fraudulent presentation of a partial exhibit to an Order of Judge Nash Holmes from 3/8/12 (bates 01699) , where FHE8 is dated 3/14/12(11/7/12 bates 02960).

The inclusion in FHE1 at ROA 1736 of an unsigned, unsworn, really, unattributed, quasi affidavit of attempted service, was entirely prejudicial, particularly where there is no proof such was an attachment to the 10/9/12 Notice of Intent To Take Default immediately preceding it, which, again, the SBN failed to serve on Coughlin (which further undermines any "conclusion of law" that the Panel did or did not make (a close reading of such reveals the Panel only made a

“finding of fact” that Coughlin was “served” the Complaint, yet stopped short of making a “conclusion of law” to that effect.

However, it is the absence of the bates stamp “01901” at page 1727 that is truly fraudulent. The version of such 3/12/12 Order that King purports, in his FHE1, was attached to his 8/23/12 Complaint actually contained, for just that page 5 of such Order at ROA 1727, the bates stamping King had applied to all pages of the 3,094 page production to Coughlin on 11/7/12 (pages 1 through 4 of such “version” of the Order King included in the “packet” in FHE1 purported to be an accurate copy of the version of such 3/12/12 Order attached as Exhibit 3 to King's Complaint, when, in fact, King and Susich used the same blurry, illegible copy of such Order in both King's Complaint and the version attached as an Exhibit in 60975 that Coughlin asks this Court take judicial notice of now (ie, a legible copy without the 11/7/12 bates stamping).

Also, at the conclusion of Coughlin's Exhibit 15, at ROA 1891, whereas the copy of the Formal Hearing Exhibits Coughlin obtained from Sunshine Litigation contains two full page pictures of the discs Coughlin attached to such exhibit, and which Coughlin submitted to be marked as an exhibit (the Chair is not permitted to refuse to even have exhibits marked, yet he and the SBN conspired to excise such from the ROA, in addition to refusing to even have marked the complete copy of the 3,094 page production to Coughlin by the SBN on 11/7/12 (so essential to defensive collateral estoppel analysis). Whereas ROA 1892-1893 should be the full page pictures of the discs Coughlin attached thereto as exhibits (along with the actual discs themselves, which should be, but have not been, transmitted with the ROA by the SBN, instead, ROA 1892 proceed directly to FHE16.

Additionally, the “version” of the 3/12/12 Order in FHE5 that King attached to the “version” of his 8/23/12 Complaint within FHE1 (ROA 1722-1727) lacks a “Certificate of Service” page, in addition to the or FHE 5 was faxed to the jail, but certainly does not indicate anything about the jail providing such to Coughlin, and Coughlin has never been provided any Order from any court by any jail, ever) though King did manage to fraudulently excise “page 1 of 3” of the 3/7/12 filing by Coughlin (the page that would have come right before the “Affidavit” found at R1784), a page which clearly indicates Coughlin is an attorney (to whatever ridiculous extent the RMC and King are alleging they were not already aware that Coughlin was an attorney, including where Coughlin's plea for a stay of the 5 day incarceration order on 2/27/12 included (as King's own stupid pleadings have recounted, duh) the prejudice to Coughlin's client upon Judge Nash Holmes going against the overwhelming majority viewpoint in american jurisprudence essentially requiring a Judge refrain from summarily incarcerating an attorney for contempt (“R1782-83, especailly R1783, which makes all the more fraudulent what King presented on the very next page of the ROA, where he clearly violated PRC 3.3, 3.4, and 3.8 in removing the first page of the 3/7/12 filing by Coughlin in 26800, along with the 3/13/12 Order Striking

Fugitive Document by Judge Holmes' (the Order to which the Certificate of Service found on page 1786 goes to) that attached said filing of 3/7/12 by Coughlin (which further conceals the extent to which the RMC attempted to prevent Coughlin from accessing the recording of that 2/27/12 "trial" in 26800, as Coughlin also filed a "Records Request" on the form the RMC hold out for such purposes, directed towards obtaining the audio transcript of all hearings in that matter, including that of 2/27/12, which the RMC refused to respond to...which is why Coughlin had to stealthily have his momma go obtain to the audio transcript from the RMC, in addition to the "versions" which King and the SBN finally provided Coughlin in late June 2012, which King, curiously, alleges to be "not certified" and apparently lacking in foundation and probably not all that truthful, apparently **(if that's so, then why isn't someone investigating the RMC for providing "altered" audio transcripts to the SBN?)**).

31. On **March 7, 2012** Coughlin caused to be filed an "Affidavit of Poverty in Support of Motion to Proceed Informa Pauperis." See Hearing Exhibit 9. In his Affidavit, Coughlin represented that he was self-employed as a "Jack of all Trades." See Hearing Exhibit 9. The **Affidavit does not identify Mr. Coughlin as a lawyer** or **identity any income from the practice of law**. See Hearing Exhibit 9.

(NOTE: why not see FHE8 too, especially the sentence in Holmes letter **addressed only to the SBN** which reads: " On **February 27, 2012**, Mr. Coughlin **told me he was actively practicing law and had appointments with clients**").

32. The record also indicates that Coughlin had also filed a motion on **November 14, 2011** to proceed In Forma Pauperis in case number 11 CR 22176 pending in the Reno Municipal Court before Judge Kenneth R. Howard. See Hearing Exhibit 10, P 2, L 19-23. (**"Mr. Coughlin is a licensed attorney-at-law who implied during trial that his incarceration for contempt would adversely affect his clients. Yet, Mr. Coughlin, in his "affidavit of poverty" does not indicate any income from his practice of law. Of note, Mr. Coughlin posted cash bail during the litigation of the instant matter."**)

(Also, the "Ruling" of the municipal court was affirmed on appeal in CR11-2064, with the Order pointing out a failure to cite to pages in the record supporting the arguments in the Brief. Permission to file by email was granted to Coughlin therein by RMC Filing Officer Supervisor Ballard (see attached example of Supervisor Ballard file stamping a subpoena that was submitted via email only. Such permission to file by email was withdrawn at the earliest, on 12/19/11 (constructive notice to Coughlin thereof). However, the Record on Appeal in CR11-2064 fails to contain the clear, one page per page emailed filings, rather, in some instances, completely illegible 4 page per page versions were submitted (despite express indications to the RMC filing office that the email version ought be included in the ROA).

"Fwd: Attached Image? Donna Ballard (BallardD@reno.gov) Add to contacts 11/29/11 To: zachcoughlin@hotmail.com From: Donna Ballard (BallardD@reno.gov) You moved this message to its current location. Sent: Tue 11/29/11 4:47 PM To: zachcoughlin@hotmail.com Outlook Active View 1 attachment (44.0 KB) 0661_001.pdf Download Download as zip Thank you. I am taking it up to the Department now. Donna -----Original Message----- From: "MUNI CT 1st Floor Clerks" <canon@reno.gov> To:

"DONNA" <ballardd@reno.gov> Date: Tue, 29 Nov 2011 17:42:28 -0800 Subject: Attached Image Donna Ballard Senior Court Specialist Reno Municipal Court 1 South Sierra Street Reno, Nevada 89501 (775)334-3101"

""IFP/ FINANCIAL INQUIRY APPLICATION From: Zach Coughlin (zachcoughlin@hotmail.com) Sent: Wed 12/14/11 12:22 AM To: ballardd@reno.gov; renomunirecords@reno.gov 2 attachments Coughlin IFP and Financial Inquiry Application RMC 11222011 11 CR 26405 2I.pdf (381.9 KB), Coughlin IFP and Financial Inquiry Application RMC 11222011 11 CR 22176 2I.pdf (372.0 KB) Zach Coughlin, Esq. 817 N. Virginia St. #2 Reno, NV 89501 tel: 775 229-6737 fax: 949 667 7402 ZachCoughlin@hotmail.com Nevada Bar No: 9473")

(NOTE: Coughlin request judicial notice be taken of the error in the date assigned to such In Forma Pauperis motion, incorrectly identified as filed on 11/14/11, when, clearly, from the copy thereof attached as Exhibit 6 to NNDB Chairman Susich's 5/31/12 SCR 117 Petition in 60975, such was actually filed *after* the trial in such matter of 11/30/11, wherein Coughlin pleaded for a stay, citing concern for his client's affairs, to no avail. Susich, like King, takes the fraudulent callow approach in his Exhibit 6 to excising page 1 of 3 from Coughlin's 3 page 12/14/12 Motion to Proceed in Forma Pauperis and Affidavit of Poverty In Support of Motion to Proceed In Forma Paupers (see, "page 2" marking at the bottom of the page on the first page of such "Exhibit 6". Such clownsmanship by Susich and King must not stand, its an **embarrassment to the Bar and the Nevada Supreme Court, and the State of Nevada as a whole**) Judge Howard's Order denying Coughlin's motion specifically noted that Coughlin's "affidavit of poverty" did not identify any income from the practice of law yet Coughlin had implied to the court when sentenced to incarceration for **contempt** that his incarceration would adversely affect his clients.

(NOTE: how terribly difficult it is for a RMC former prosecutor turned judge to imagine that any attorney not a prosecutor or former prosecutor turned RMC defender could possibly yield any benefit to any client, or to admit, in any way, the importance of attorneys to the judicial system) See Hearing Exhibit 10, P 2, L 19 -23. (NOTE: too bad King's Complaint did not identify some alleged failure to "identify any income from the practice of law" basis for arguing some professional misconduct, but, rather, fraudulently asserted "17. Respondent filed Affidavits of Poverty in Support of his Motion to Proceed Informa Pauperis, wherein he fails to disclose that he is a licensed attorney and instead under Employment and Self-Employment he identifies himself as a "Jack of All Trades". 18. Despite a claim of poverty in the above mentioned affidavits, Respondent told the Court that his incarceration for contempt would adversely affect his clients."

The RMC initially approved, in writing, Coughlin's submitting filings via email (subsequently, without any prior notice, the RMC fraudulently failed to included such filings submitted via email in the ROA for the very petty larceny conviction resulting in Coughlins' current temporary suspension, which is an abominably embarrassing miscarriage of justice, in CR11-2064), and Coughlin's submission on 12/14/12 clearly defeats the vague at best "accusations" made with respect to any Motions to Proceed In Forma Pauperis or Affidavits connected thereto (whether pled in King's Complaint or only added later by the Panel in a desperate attempt to shore up its insipid 12/14/12 FOFCOL):

33. Although Coughlin claims to suffer the impairment of attention deficit disorder, for which he is prescribed medication and which medication he took on the day of his hearing, he does not feel he needs any additional help. See Transcript of Hearing Wednesday, November 14, 2012, P 199, L 13 -P 204, L 9.

34. On August 23, 2012, the State Bar of Nevada filed its Complaint in this matter, and served it upon Respondent Coughlin by Certified Mail to his address then registered with the State Bar of Nevada. See Docket. Complaint.

(NOTE: The ROA of 2/13/13 in 62337 lacks any sort of "Docket" to "see" whatsoever, and Coughlin's numerous requests to see any such "Docket" were rebuffed by the SBN/NNDB/Panel, and Clerk of Court Peters. Additionally, SBN Clerk of Court Peters own 10/9/12 Affidavit of Laura Peters completely disclaims the very Affidavit of Service by Peters herself attached to the 8/23/12 Complaint.

See Coughlin's Motion for

35. Not having received a response to the Complaint, (NOTE: what about the 9/18/12 Motion to Dismiss King and Peters admitted to having received where both proceeded past any ministerial function in refusing to file such submission by Coughlin (http://www.lawlessamerica.com/index.php?option=com_content&view=article&id=510:judges-and-court-clerks-violate-the-law-when-your-court-filings-are-denied-or-disappear&catid=98:litigation-help&Itemid=225) on October 9, 2012 the State Bar of Nevada filed and served on Respondent Coughlin, by certified mail, a "Notice of Intent to Proceed on a Default Basis." The notice attached an additional copy of the Complaint (NOTE: that is odd because the 2/13/13 ROA does not reveal an "additional copy of the Complaint" "attached" to the 10/9/12 NOITD, which, of course, was not "served" on Coughlin "by certified mail" where the USPS would not release such to Coughlin but rather returned it to sender with counter attendant "Tim" at the downtown Reno Postal Station notating, in front of Coughlin, in his own handwriting "Return to Sender, Postage Insufficient" where the SNB had affixed an insufficient \$1.25 in postage to a Certified Mailing requiring at least \$5.25 in postage, all of which Coughlin notified the SBN of immediately, where the SBN engaged in "bad faith obstruction of the disciplinary process" in laughing off Coughlin's Litigation Hold Notice to retain such envelope baring the insufficient postage and counter attendant "Tim" handwritten notation thereon) and indicated that unless a responsive pleading to the Complaint was received by the State Bar by October 24, 2012, the matter would proceed on a default basis. See Docket, Notice of Intent to Proceed on a Default Basis.

(NOTE: See Coughlin's 11/11/12 email to the SBN and Panel copying such on the 11/9/12 "verified response" that Coughlin personally, and timely, delivered the the SBN on 11/9/12.)¹ : "...please find attached **88 page Emergency Ex Parte Motion to Dismiss or**

1 "Emergency Ex Parte Motion NG12-0204, 0434,0435

From: Zach Coughlin (zachcoughlin@hotmail.com)

Sent: Sun 11/11/12 4:13 AM

To: (skent@skentlaw.com) (skent@skentlaw.com); (mike@tahoelawyer.com) (mike@tahoelawyer.com); (nevtelassn@sbcglobal.net) (nevtelassn@sbcglobal.net); (patrickk@nvbar.org) (patrickk@nvbar.org); (fflaherty@dlpfd.com) (fflaherty@dlpfd.com); (davidc@nvbar.org) (davidc@nvbar.org); (complaints@nvbar.org) (complaints@nvbar.org);

Quash or Otherwise Challenge Sufficiency of Service and of Process, of Complaint and Notice of Intent to Take Default and DoWSoE; and Preserving for Appeal Objection to All other Due Process Violations; and UNDER PROTEST...RESPONSE TO COMPLAINT submitted for filing with the State Bar of Nevada on November 9th, 2012... [11 9 12 response under protest 0204 and various motions and notices 0204 etc.pdf](#) ...

(Such knowing shenanigans by the SBN vis a vis FHE1 and King's attempts to mislead the tribunal at the formal hearing into thinking the SBN had actually complied with the service requirements of such NOITTD (RPC 3.5A, Peters expressing to Coughlin that any such NOITTD would only issue after a second attempt at serving the Complaint via Certified Mailing, as admitted to in the 10/9/12 Affidavit of Laura Peters, especially where Peters admits she and the SBN failed to ever attempt any such second Certified Mailing of the Complaint.

See Coughlin's 11/2/12 email to the SBN and Panel where such notes: "Also, I never received any Notice of Intent to Take Default from the SBN, and herein lodge my objection to

(tsusich@nvdestr.org) (tsusich@nvdestr.org); (je@eloreno.com) (je@eloreno.com);
(cvellis@bhfs.com) (cvellis@bhfs.com)

from:

Zach Coughlin

1471 E. 9th St.

Reno, NV 89512

tel and fax 949 667 7402

I do not consent to service or notice of anything electronically in this proceeding, but I do appreciate being copied on such things via email and fax)

Emergency Ex Parte Motion NG12-0204, 0434,0435

please find attached 88 page Emergency Ex Parte Motion to Dismiss or Quash or Otherwise Challenge Sufficiency of Service and of Process, of Complaint and Notice of Intent to Take Default and DoWSoE; and Preserving for Appeal Objection to All other Due Process Violations; and UNDER PROTEST...RESPONSE TO COMPLAINT

submitted for filing with the State Bar of Nevada on November 9th, 2012

Zach Coughlin

1471 E. 9th St.

Reno, NV 89512

Tel and Fax: 949 667 7402

ZachCoughlin@hotmail.com

Zach has a file to share with you on SkyDrive. To view it, click the link below.

[11 9 12 response under protest 0204 and various motions and notices 0204 etc.pdf](#) “

any Order by this Panel that cites thereto. Additionally, SBN's Peters has indicated no other respondents have ever been made to pay witness subpoena fees, and further Peters and the SBN have repeatedly failed to adhere to agreements they have made with Coughlin (including the failure of the SBN to resend a certified mail copy of the SCR 105 Complaint incident to the agreement between Peters and Coughlin on or about September 11th, 2012."

See Coughlin's 11/6/12 email to the SBN and Panel.³ See, as well, Coughlin's 11/12/12 email to the SBN and Panel ("Subject: LITIGATION HOLD NOTICE PLEASE RETAIN ALL EVIDENCE").⁴

See, also, Coughlin's email of 11/6/12: ("Subject: **(No Subject)**").⁵ ("...There is a big problem with respect to when the State Bar of Nevada actually sent the Respondent, Coughlin the Designation of Witnesses and Summary of Evidence (DoWSoE) (and Coughlin has yet to received a file stamped version of that DowSoE. Further, Coughlin has never received any Notice of Intent to Take Default (NoITD) from the SBN. As such, the notice and other procedural safeguards attendant to the Hearing set for 11/14/12 are severely deficient...").

See 11/2/12 email from Coughlin to SBN/NNDB Panel ("**SBN still has not provided Coughlin access to the materials he is entitled to to prepare for 11/14/12 Hearing**")⁶. See, also, Coughlin's 11/13/12 email to the SBN/Panel ("Subject: SBN and or Panel will be breaking the law by holding a hearing tomorrow...").⁷ See, also, Coughlin's 11/18/12 email ("Subject: RE: does Richard Hill have standing...").⁸ See, also, Coughlin's 11/23/12 email to SBN/Panel: ("Subject: LITIGATION HOLD NOTICE October 9th, 2012 certified mailing of Notice of Intent to take Default).⁹

The SBN failed to include in the ROA at least two filings by Coughlin that would qualify as a "responsive pleading" submitted prior to the deadline indicated in Chair Echeverria's 11/7/12 Order (where such Order's Certificate of Service indicates it was mailed via USPS mail only to Coughlin, ie, NRCP 6(e), constructive service of such Order was not even effected until after the 11/9/12 deadline to file a "responsive pleading" referenced therein. Such was typical of Echeverria's poor excuse for being a Panel Chair.

36. On October 31, 2012 Panel Chair Echeverria issued the Panel's Order denying Coughlin's "Motion to Dismiss" ***filed October 16, 2012***; Denying Coughlin's "Motion for Order to Show Cause Regarding Improper Attempt by Bar Counsel and, Possibly, NNDB to Delay and Obstruct Hearing Required by Courts (sic) June 7, 2012 Order in Case No. 60838 and Coughlin's SCR 102(4)(d) Petition in Case 61426 filed October 2, 2012; ***Granting*** (NOTE: if you say so) Coughlin's Motion to Review and Inspect Bar Records filed October 16, 2012 and ***Denying Coughlin's Motion to Bifurcate Hearing and Motion to Dismiss for (sic) Complaint (sic) Failure to Sufficiently State the Charges with Specificity and Support and for Utter Failure of Bar Counsel to Perform Reasonable Investigation.***" See Order Dated October 31, 2012. In that Order, Chairman Echeverria further ordered that the Formal Hearing would proceed on a default basis unless Coughlin filed a Verified Answer to the Complaint by November 9, 2012. **See Order Dated October 31, 2012, P 2, L 7-10.** ("IT IS FURTHER ORDERED that the Formal Hearing in these matters will proceed on a default basis pursuant to the State Bar's Notice of Intent to Proceed on a Default Basis filed October 9, 2012 , unless Mr. Coughlin prepares and files a Verified Answer to the State Bar's Complaint by Friday,

November 9, 2012 . The State Bar is prepared to proceed with a")

As to the prejudice and clear error attendant to denying Coughlin's Motion to Bifurcate and Coughlin's request to bifurcate the proceedings (especially due to the disputes with respect to the sufficiency of services and process as to that addressed in para. 35) upon NNDB Chairman Susich (to which he copied the SBN), see Coughlin 10/10/12 correspondence seeking just such a bifurcation from the NNDB Chair Susich ("Subject: RE: pending final disposition of disciplinary proceedings....language SCR 111(7) versus SCR 111(8) and the June 7th, 2012 Order of the NV. S. Ct.") and the SBN's response purporting to have the decision making authority as to whether or not to bifurcate the hearing.¹⁰

King's purporting to have the authority to rule on Coughlin's request for a bifurcation is completely inappropriate (and arguably violative of the stricture against implying unlawful ability to influence a tribunal), considering NNDB Chairman Susich's 7/27/12 letter to Coughlin indicating King actually possessed such, and Chair Echeverria's 11/2/12 communication to Coughlin indicating substantially the same or similar, reveals fully the abdication of its responsibilities, much to the prejudice of Respondent Coughlin, by Susich and Echeverria, which is only made further inappropriate by the SBN King and Clark being listed as representing the NNDB and SBN President Flaherty in 62104 (or is it 64126...the 11/14/12 Mandamus Petition case and the case wherein the 8/13/12 SCR 111(7) Good Cause Petition for Dissolution of Temporary Suspension was filed in (where Coughlin believes he also attempted to file such in 60838 or that such should be considered therein where the 7/24/13 Order in 60838 fails to, despite characterizing Coughlin's 6/11/12 or 6/18/12 or 10/5/12 filings therein as such a SCR 111(7) motion or petition attempting to show good cause for such, etc. (especially where Coughlin filed a grievance and motion to disqualify King with President Flaherty, and King purports President Flaherty to have given him a direction (or, perhaps such is merely implicit by the attachments to King's 12/20/12 Workplace Harassment TPO Application in RCP2012-000607).

"From: PatrickK@nvbar.org To: zachcoughlin@hotmail.com CC: DavidC@nvbar.org

Subject: RE: pending final disposition of disciplinary proceedings....language SCR 111(7) versus SCR 111(8) and the June 7th, 2012 Order of the NV. S. Ct. Date: Wed, 10 Oct 2012 16:44:27 +0000

Dear Mr. Coughlin,

When you met with me and David Clark to discuss the Complaint and the process. Mr. Clark explained that since there was a conviction, "the sole issue to be determined was the extent of the discipline". Not if you committed the crime, since that was already determined beyond a reasonable doubt. It is that context that we are reading the rule. Not that the state bar is precluded from bringing additional allegations against you. Any additional allegations that have not already resulted in criminal convictions will need to be proved by "clear and convincing" evidence. As such, at the hearing, on the issue of your criminal convictions, the only issue for the panel to decide is the appropriate discipline. However, I will be providing evidence as to the other allegations in the Complaint. The Panel will decide if the state bar

has met its burden of proof as to those allegations in the complaint, other than the criminal convictions, and will decide the appropriate discipline on the totality of the case, including mitigating and aggravating factors that may be presented at the hearing.

As such, I do not intend bifurcate these proceedings. I think to do so would cause unnecessary confusion, undue time and expense and would be prejudicial to the administration of justice.

I am advised that you have not yet filed an Answer to the Complaint. I have sent you a notice of intent to proceed on a default basis. The hearing date is expected to be Wednesday November 14, 2012. I will be sending you a notice of hearing, along with a list of witness, and evidence that I intend to introduce at the hearing.

Patrick King, Assistant Bar Counsel."

"From: Zach Coughlin [<mailto:zachcoughlin@hotmail.com>]

Sent: Wednesday, October 10, 2012 6:18 AM

To: tsusich@nvdetr.org; David Clark; Laura Peters; Patrick King

Subject: pending final disposition of disciplinary proceedings....language SCR 111(7) versus SCR 111(8) and the June 7th, 2012 Order of the NV. S. Ct.

Dear Chairman Susich, Bar Counsel, and Clerk Peters,

I am writing formally request a bifurcation of sorts, consiering:

SCR 111(7). Suspension on certification. Upon the filing with the supreme court of a petition with a certified copy of proof of the conviction, demonstrating that an attorney has been convicted of a serious crime, the court shall enter an order suspending the attorney, regardless of the pendency of an appeal, pending final disposition of a disciplinary proceeding, which shall be commenced by the appropriate disciplinary board upon referral by the supreme court. For good cause, the court may set aside its order suspending the attorney from the practice of law.

I think Bar Counsel's argument that the "proceeding" call for in the Court's June 7th, 2012 Order (which quotes SCR 111(7) may include some SCR 105 Complaint (ie, a SBN v. Zachary B. Coughlin Complaints bringing in all sorts of matters, including pending criminal actions, and wearing pajamas, and Orders by Judges purporting to take away this or that right of Coughlin's to practice this or that in some court (an Order which Patrick King reference to me and Chief Bar Counsel Clark, and, apparently, to a client of mine in early May 2012 (the client is the only other place I have ever heard of such an unpublished "Order" purporting to have said effect) despite the dictate against Bar Counsel's doign so in SCR 121 (the SCR 111 Petition was not even filed at that point, and one has to wonder if some deal between that client, Bar Counsel, and the new attorney that client can now magically afford was worked out, with nothing said of any torts that client committed against Coughlin, etc., etc., much less criminal law violations, which Coughlin just put up with)...."

Additionally, the enormity with respect to the levels of prosecutorial and judicial

misconduct that Coughlin has been subject to since FHE3 in 2009, and with a great increase thereof beginning in August of 2011, had provided more than sufficient a basis for showing good cause for such a bifurcation.¹¹ See, also.¹²

37. Again on November 7, 2012, Chairman Echeverria, in an Order Granting the State Bar's Motion to Quash certain Subpoenas reminded Coughlin that unless a Verified Answer to the Complaint was filed by 5:00 p.m. on November 9, 2012 the panel would proceed on a default basis. See Pleadings Docket Order Dated November 7, 2012, P 2, L 8 -13.

38. Following a lengthy attempt to determine whether or not Coughlin believed he had filed a timely verified answer or response to the State Bar's Complaint, Coughlin attempted, at the hearing of the matter, to transform a pleading previously filed in the Reno Municipal Court into a "New Verified Response (sic) Pre-Hearing Motion to Dismiss/Summary Judgment, Memorandum of Law (See Hearing Exhibit 14) and to transform an "Emergency Ex Parte Motion to Dismiss ... " previously dated November 12, 2012 and altered at the hearing to reflect a date of November 14, 2012 into a "Declaration and Verified Response." See Hearing Exhibits 15 and 16. See Transcript of Hearing Wednesday, November 14, 2012, P 244, L 16 -P 270, L11.¹³

39. During the course of the hearing of this matter Coughlin continued to demonstrate a pattern of **conduct** similar to, if not identical to, **conduct** in other forums for which he had repeatedly been sanctioned. See Transcript of Hearing Wednesday, November 14, 2012. Pleadings in this matter filed by Coughlin were exceedingly lengthy, demonstrated a lack of focus and understanding of the issues involved, were rambling and incoherent and contained discussion of irrelevant issues. See, e.g. Hearing Exhibits 14, 15, 16. *See also*, Pleadings Docket Motion for Order to Show Cause ... " dated October 2, 2012; "Motion to Review and Inspect Bar Records ... " Filed October 16, 2012; Pleading entitled "Well Would You Look at That ... " dated November 7, 2012; "Emergency Ex Parte Motion To Dismiss or Quash ... " Filed November 13, 2012.

40. Coughlin's **conduct** at the hearing included **conduct** not reflected in the transcript of the proceedings by way of facial gestures, body language, voice intonation and volume. See Transcript of Hearing Wednesday, November 14, 2012, P 181, L 19-P 182, L 1.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Panel hereby issues the following Conclusions of Law:

(A) The Panel was designated by the northern Nevada Disciplinary Board Chair to adjudicate the Complaint filed by the State Bar of Nevada against Zachary B. Coughlin, Case Nos. NG12-0204, NG12-0435 and NG12-0434 and to determine the extent of the discipline to be imposed pursuant to the Nevada Supreme Court Order of Temporary Suspension and Referral to Disciplinary Board entered in Case No. 60838, In the Matter of Discipline of Zachary B. Coughlin, Esq., Bar No. 9473, entered June 7, 2012.

(B) The Panel has ***jurisdiction over the Respondent and the subject matter of these proceedings.*** See Nev. Sup. Ct. R. 99.

(C) Venue in this matter is properly with the Northern Nevada Disciplinary Board and ⁱⁿ

the County of Washoe, State of Nevada. Nev. Sup. Ct. R. 105.

(D) Coughlin **received notice** and a copy of the **Complaint**, **notice** of his right to respond, as well as **notice of the evidence and witnesses upon which the State Bar intended to rely at a formal hearing**. (NOTE: that's not exactly a verbatim restatement of SCR 105(2), and SCR 105(2)(c), now is it, as such excises the whole bit about how Coughlin is entitled to "up to 3 days prior to the hearing" Inspect ("all of which may be inspected") the "summary prepared by bar counsel of the evidence against the attorney (this is something King never provided at all, as King's 10/12/12 DoWSOE in no way satisfies such requirement) , and the names of witnesses bar counsel intends to call **for other than impeachment** (the entirety of King's examination of Beesley was devoid of any "impeachment" evidence, same with Elcano's testimony, and King offered absolutely nothing in the way of justification as to why such witnesses were not timely disclosed, or other explain how these witnesses could possibly be viewed as ones that "became known to bar counsel thereafter" (after the passing of the "30 days written notice" of the identify of such prior to the 11/14/12 formal hearing date). Further, the Panel fails to here conclude that the SBN provided Coughlin (or afforded his his right to inspect "up to 3 days prior to the hearing" any "brief statement of the facts to which each (witness) will testify). King offered absolutely nothing in the way of such "brief statement of the facts to which each (witness) will testify" aside from a woefully deficient 10/12/12 DoWSOE that actually failed to specify that Hill would testify as to matter in the summary eviction proceeding (such statement of the facts to which Hill would testify was limited an one sentence indication that Hill would testify as to Coughlin's conduct in CV11-03628, which was the appeal of the summary eviction proceeding, an entirely different case than the summary eviction proceeding, different case number, different time frame, different circumstances involved, etc.)

(NOTE: nothing about anything about the manner in which Coughlin's formal hearing or this matter in general was handled is acceptable under any due process standard).¹⁴

Notice of the formal hearing was served on Coughlin. Coughlin **appeared in the matter**, **filed** numerous motions, appeared at the hearing of the matter, **cross-examined witnesses** (NOTE: here Chair Echeverria conveniently glosses over the fact that he refused to allow Coughlin to call any of the SBN's four witnesses in Coughlin's case in chief, despite Coughlin providing the "half hour's notice" Echeverria reference earlier in the hearing as a requirement for Coughlin to so call such witnesses, though Judge Beesley simply was too busy to be subject to such recall for Coughlin's case in chief. ROA 11/14/12 Transcript (starting at ROA page 1366 (Page 83:19 to 83:25), (Page 236:1 to 236:5)) and testified on behalf of the State Bar and on his own behalf. **Accordingly, the State Bar complied with the procedural requirements of SCR 105.**

The SBN/NNDB/Panel/and SBN Clerk of Court all willfully violated the duties placed upon them and desecrated the procedural rules attendant to these matters, requiring a mistrial and or making the entirety of the 12/14/12 FOFCOL void for lack of jurisdiction (especially where such violations were neither "administrative", "directory", nor "aspirational", but firm requirements of due process attendant to these scurrilous attempts to take from Coughlin his Fourteenth Amendment protected due process rights.¹⁵

(E) Coughlin **was afforded ample opportunity to prepare a verified answer or**

response to the allegations of the Complaint and failed to timely do so. See Findings of Fact 34, 35 and 36. Accordingly, the matter could proceed on a default basis and the allegations of the Complaint deemed admitted. SCR 105(2) Notwithstanding the fact that the matter could have been decided on a default basis, the Panel permitted the State Bar and Coughlin to present evidence.

(NOTE: HEARING - Vol. I, (Page 253:10 to 253:11) MR. ECHEVERRIA: So we have not conducted this hearing as a default hearing, in deference to you.” It is completely dishonest and opportunist to conduct an entire hearing, excise the two pages wherein Coughlin notes his is a “special appearance” to contest jurisdiction based upon, amongst other things, insufficient service of process of the Complaint, and then to enter a “conclusion of law” that Coughlin's violations of various RPC's were admitted or proven as a matter of default).

HEARING - Vol. I, (Pages 254:8 to 255:5) “MR. COUGHLIN: I filed this. I prepared this to be basically a motion for a new trial in the trespass case. But I've been operating on little sleep preparing for a petty larceny trial, preparing for this. And I started to get scared that I wasn't getting something in the record on this. And so I just said, you know what, you're crossing that out, and you're filing this in the State Bar so you get something. So I think this could be characterized as a verified response. And I do appreciate the extent -- I believe you made a law of the case now that you're not talking a default on me here. And I believe -- I'd like to look at my records more, but I believe I was told I could fax file at least, if not also e-mail file by Clerk Peters. MR. ECHEVERRIA: What you filed with the State Bar is one thing. You asked me earlier if I had consented to being served by e-mail, and I have not. You asked, and I have -- nor have I consented to being served by fax. I believe all documents that you need to file should be filed with the State Bar, and then they can provide them to us.” Peters and King are in no way trustworthy enough to allow for such an arrangement where they control the flow of information so completely, from not allowing respondents to even know the names of those on the Panel under six days before the formal hearing, to indicating to respondents that they are to submit documents for filing with the Clerk of Court for the SBN and that complete copies of such (including all exhibits attached thereto) will be provided to Bar Counsel and all members of the Panel), to deciding what gets in the ROA and what does not (big problems with page 32, and 216 of the ROA, numerous key filings of Coughlin's are missing from the ROA, even where Exhibit 15 itself demonstrates a 10/31/12 filing stamp for the document Coughlin refers to in the portion of the transcript above...really, how could the SBN possibly think it appropriate or that it would go unnoticed that such document was not included in the ROA? And the version of such document submitted to the SBN on 10/31/12 was entirely of the one page per page variety, in contrast to the “new”).

(F) Submitted to the panel for decision are the following issues (NOTE: if its really true that the “following issues” were “submitted to the panel for decision” then why the multitude of instances where Chair Echeverria ruled as inadmissible any evidence of any sort that Coughlin offered for the purpose of disproving the “issue” of his guilt” (over and beyond the “issue” of whether his “guilt” had been “conclusively established” with respect to the two criminal convictions involved herein (where Chair Echeverria constantly attempted to characterize any order involved herein as a “conviction” disclosing any “inquiry” or “decision”

as to Coughlin's "guilt" with respect to the alleged RPC violations at "issue" here (ie, all the "that's already been litigated...the Panel has a mandate/specific order from the Nevada Supreme Court in this case..." nonsense spewed by the washed up Echeverria)? All the following "whether"s clearly evince the patent fraud displayed by Echeverria and the Panel in their constant inadmissibility rules as to anything material to such purported "whether"s, making SCR 106 inapplicable to their willful fraudulent conduct (see law review article on the difference between mere mistakes of law and willful judicial misconduct):

- (1) Whether Coughlin violated RPC 1.1 (Competence).
- (2) Whether Coughlin violated RPC 1.2 (Diligence). (NOTE: actually, RPC 1.2 is "Scope of Representation and Allocation of Authority Between Client and Lawyer", and RPC 1.3 is "Diligence", so, just who is it alleging a question of "Competence", again? Yeah.)
- (3) Whether Coughlin violated RPC 3.1 (Meritorious Claims and Contentions)
- (4) Whether Coughlin violated RPC 3.3 (Candor to the Tribunal).
- (5) Whether Coughlin violated RPC 3.4 (Fairness to Opposing Party and Counsel)
- (6) Whether Coughlin violated RPC 3.5 (Impartiality and Decorum of the Tribunal)
- (7) Whether Coughlin violated RPC 3.5A (Relations with Opposing Counsel)
- (8) Whether Coughlin violated RPC 4.1 (Truthfulness in Statements to Others)
- (9) Whether Coughlin violated RPC 4.4 (Respect for the Rights of Third Persons)
- (10) Whether Coughlin violated RPC 8.1 (Disciplinary Matters)
- (11) Whether Coughlin violated RPC 8.2 (Judicial and Legal Officials)
- (12) Whether Coughlin violated RPC 8.4 (Misconduct)
- (13) The extent of the discipline to be imposed pursuant to SCR 111 as a result of Coughlin's conviction of the "**serious**" **crime** of Petit Larceny.

In re Discipline of Schaefer, 25 P.3D 191 (Nev., 2001): Rule of professional conduct prohibiting lawyer, in representing a client, from directly contacting represented party without consent of party's counsel **was vague as applied to attorney who represented himself in litigation at issue**, in light of non-binding nature of formal opinion of state bar's Standing Committee on Ethics and Professional Responsibility determining that rule applied to a lawyer appearing pro se, together with existence of conflicting authority from other jurisdictions. Sup.Ct.Rules, Rule 182.

(NOTE: Coughlin was forced to appear without counsel in all of these summary eviction matters due to his indigency (thus, FHE2, and, really, where Washoe Legal Services did not but attempt to obstruct Coughlin's ability to defend himself in the Joshi matter, and certainly would not arrange for any representation to defend Coughlin against such potentially far reaching, long acting consequences of FHE3, Coughlin was similarly forced to appear without representation, as was, obviously, the case in FHE4 and 5

(especially where Coughlin's 3/7/12 filing was a Motion to Proceed In Forma Pauperis, which, of course, Judge Nash Holmes struck from the record, then proceeded to violated NRS 178.405 by way of NRS 5.071 in holding the 3/12/12 trial date from which FHE5 issued.

Similarly FHE10, the 12/15/11 Order by RMC Judge Howard was entered where Coughlin was denied his Sixth Amendment rights (and FHE12 purported to “affirm the *ruling* of the Reno Municipal Court” (where Judge Elliott apparently failed to adjudicate Coughlin's appeal of such 11/30/11 FHE11 Order Punishing Summary Contempt, where, given it is unclear whether such civil contempt order was against Coughlin the indigent criminal defendant (and thus appealable) or against Coughlin the attorney (and thus, seemingly, under Pengilly apparently only addressable by way of a Petition for Extraordinary Writ (Mandamus)) where FHE12 and FHE10 are actually rather embarrassing to the judiciary when read together as FHE10 denies Coughlin (whom qualified under the 2008 Indigent Defense Order as a per se indigent upon Coughlin's filing a sworn Declaration on 10/26/11 in the RMC seeking court appointed counsel and a 12/14/12 Motion to Proceed In Forma Pauperis seeking publication of the transcript at public's expense¹⁶, where Judge Howards ridiculous and shameful FHE10 Order takes issues with Coughlin citing to a civil IFP statute in NRS 12.015).

The majority of alleged violations of the Rules of Professional Conduct in this matter are levied against Coughlin where he was forced to appear (its not even clear that Coughlin was “representing” himself in the sense of an attorney-client relationship, and, certainly, where Judge Nash Holmes claims that at the outset of the 2/27/12 “simple traffic citation trial” that she had Coughlin “sworn” as she “noticed that most self represented defendants tend to do a lot of testifying while examining witnesses”, its hardly fair to hamstring Coughlin with such requirement that anything which the Panel or Bar (or the RMC) are now alleging was some misconduct by Coughlin committed in an attorney role, where the opposing counsel in such case was not forced to be “sworn” at the outset of the traffic citation case (such prosecutor being RCA deputy Allison Ormaas, Esq., whom Coughlin noted on the audio record of the 2/27/12 trial that Chair Echeverria was so keen to exclude from evidence was sharing whispers into each other's ears during the trial with RMC Marshal Harley, as both apparently feared that Coughlin had captured some of their rampant misconduct on tape (with RCA Ormaas, just like RCA Chief Criminal Deputy Wong did during the 1/19/12 arraignment with Coughlin) flatly indicated she would not notate, document, or follow up in any way on Coughlin's reporting to her, verbatim what RPD Officer Chris Carter, Jr. said to Coughlin upon arresting Coughlin for criminal trespass on 11/13/12, which Coughlin indicated he had reported to RPD Sargent Tarter immediately prior to Tarter telling Coughlin to leave Hill's law office on 11/15/12, where Coughlin had gone to retrieve his wallet, state issued identification, client's files, hard drives, and keys, where Tarter then proceeded to pull Coughlin over as Coughlin was leaving and issue him three traffic citations (and the Panel's FOFCOL is inaccurate where it indicates Coughlin as subject to a custodial arrest at such time) at some point in the long wait prior to the trial while Judicial Assistant Marilyn Tognoni mused at how unusual (one the record she said this during the matters preceding Coughlin's on the 1:00 p.m., stacked docket where 26800

started at 3:30 p.m.) it was the neither she, nor anyone with the RMC could locate Judge Nash Holmes, whom left the bench after clearing every other case on that stacked docket, save for Coughlin's, for approximately one hour prior to the start of the trial in 26800 at 3:00 pm.¹⁷

(NOTE: How odd it is that Chair Echeverria's FOFCOL here completely departs from the approach he took in constantly ruling as irrelevant or inadmissible any testimony or evidence Coughlin offered to defend against all the myriad allegations of misconduct that were not accompanied by a "conviction" (and, in the case of the 10/15/12 SCR 111(4) Petition in 61901 for the then necessarily non- "serious" criminal conviction for criminal trespass the N. S. Ct's decision to refrain from responding to such SCR 111(4) Petition by referring the matter to a disciplinary panel provides a defensive collateral estoppel bar to King and the Panel's hail mary attempt to characterize such criminal trespass conviction as a basis for permanently disbaring Coughlin (and the lack of any such SCR 111(8) referral (and King's own defining his Petition in 61901 as one (in contrast to his Petition in 60838, which curiously departs from Bare's Petition in the NRS 199.280 In Re Beckett matter...) arguably precludes pleading such conviction for criminal trespass at all as supporting an allegation of a violation of RPC 8.4(a)-(d), (much less that sua sponte attempts by Echeverria to graft such criminal trespass conviction and the testimony by Richard G. Hill, Esq., that Echeverria ruled to be admissible (of course, only so far as such "evidence" favored King's case) surrounding the circumstances of such criminal trespass conviction (which Echeverria, again, sua sponte, argued provided support for and notice-pleading to Coughlin that FHE2 (the "prevailing party attorney's fee award" "*sanction*", etc. would be not or inclusion in any way in a SCR 105 Complaint. (ie, jurisdiction is in question in that regard).¹⁸

(G) The State Bar must prove by clear and convincing evidence (NOTE: it also need be "**admissible**" evidence¹⁹) that Coughlin violated RPC 1.1, 1.2, 3.1, 3.3, 3.4, 3.5, 4.1, 4.4, 5A (sic), 8.1, 8.2, and 8.4. See Nev Sup. Ct. R. 105(2)(e); In re Stuhff, 108 Nev. at 633-634, 837 P.2d at 856; Gentile v State Bar, 106 Nev. 60, 62, 787 P.2d 386, 387 (1990).

Defending Lawyers in Disciplinary Proceedings, 31 AMJUR TRIALS 633.: "...Sec. 48. Evidentiary considerations.²⁰ Admissibility and interrelated issues vis a vis Coughlin's defensive collateral estoppel arguments and King and the Panel's fraudulently attempts to graft SCR 111(5) onto situations where even an offensive collateral estoppel argument would be unavailing, were central to the reversible error committed herein by the Panel.²¹

Competence

(H) RPC 1.1 states "A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation."

(I) The record clearly and convincingly establishes that Coughlin lacks the competency to represent clients, including himself.

(J) First, the record demonstrates severe criticism (NOTE: What? No characterization of FHE3 as a "sanction"?) by the trial court in the handling of the Joshi (NOTE: FHE3, Judge L. Gardner) matter, including Coughlin's lack of understanding of a balance sheet, his failure to conduct discovery, his lack of knowledge of the rules of evidence

and trial procedure. Supra 25

(K) Second, Judge Beesley testified that the pleadings filed by Coughlin on behalf of his client in a bankruptcy case were "lengthy, didn't make any sense, and just sort of rambled through a great deal of irrelevant stuff." Judge Beesley also testified that Coughlin's pleadings and arguments on behalf of his client "didn't make any sense." Supra ' 16 Judge Beesley became concerned enough about Coughlin's competency as a lawyer that he contacted the State Bar. Supra' 17

(L) Third, Judge Nash Holmes questioned Coughlin's competency as a lawyer and in her Order finding Coughlin in **contempt** of Court noted that Coughlin disregarded the rules of evidence, continually imposed improper questions, failed to properly examine witnesses, repeatedly asked the question, misstated answers, injected irrelevant material, argued with witnesses and mischaracterized testimony. Supra 7 (NOTE: Where the punishment for contempt is limited to a fine or imprisonment, an attorney may not be disbarred as a punishment for contempt of court. Ex parte Robinson, 86 U.S. 513.)

(M) Fourth, Judge Nash Holmes found that Coughlin's pleadings failed to address topics listed 'in the caption, contained rambling references to Coughlin's personal life and other irrelevant material, were overly lengthy, disjointed and incoherent. Supra' 9 & 10

(N) Fifth, the State Bar called two judges and two practicing attorneys (Elcano is not listed as an "active attorney" at www.nvbar.org, nor has he been for over 5 years), each with significant experience with Coughlin and each of whom rendered an expert opinion regarding Coughlin's competency as a lawyer. Judge Beesley testified that in his opinion, Coughlin was not competent to practice law. Supra □ 18. Judge Nash Holmes testified that in her opinion, Coughlin violated numerous Rules of Professional **conduct** including his lack of competency to practice law. Supra □ 15. Attorney Richard Hill also testified that in his opinion Coughlin is not competent to practice law. Supra □ 22 Attorney Paul Elcano, who once **supervised** Coughlin as a lawyer and ultimately terminated him from Washoe Legal Services, also testified that, **in his opinion**, Coughlin is not competent to practice law. Supra □ 28.

(As to the ludicrous idea that Elcano is an "expert" (especially as to the law of domestic relations, with an emphasis on the interplay between domestic violence, bankruptcy, and alimony) as to that to which he was called to testify: HEARING - Vol. I, (Pages 119:17 to 122:15)²²

(O) Sixth, the record establishes that Coughlin **offered no expert opinion or evidence as to his competency.**

(NOTE: Oh, on the contrary, the transcript bleeds through with Coughlin extremely high level of competency, as do all of the filings he attached as exhibits to his filings, in addition to his filings in this disciplinary matter themselves, as well as the audio transcripts, and certified transcripts Coughlin attached as exhibits to his various filings and offered attached to FHE14,15).

Diligence

(P) RPC 1.2 states "A lawyer shall act with **reasonable diligence and promptness** in representing a client." The record is less clear as to whether or not Coughlin violated RPC 1.2 on more than on occasion.

(R) Judge Howard, in the Joshi case, certainly found that Coughlin **failed to**

conduct discovery on behalf of his client in that matter. Supra 25

(S) The record and Pleading Docket in this case establish that Coughlin **failed to provide a verified responsive pleading even in the defense of his own disciplinary action.** Supra 38

(T) The record and Pleading Docket in this case establish that Coughlin habitually files numerous, untimely and repetitive motions.

Meritorious Claims and Contentions

(U) RPC 3.1 in pertinent part states "A lawyer shall not **bring or defend** a proceeding, or **assert or controvert an issue** therein, **unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law.**"

(V) The record clearly and convincingly establishes that Coughlin **continuously and repetitively** files irrelevant pleadings. pleadings unrelated to the issue at hand and continuously and repetitively injects irrelevant matters into proceedings. (NOTE: okay, how's about a citation to something in the "record" which "clearly and convincingly 'establishes'" that?)

(W) Judge Nash Holmes found, for example, that Coughlin **repeatedly injected allegations** of bribery, perjury and police retaliation in a simple traffic case involving the failure to stop at a stop sign. Supra para. 7. She also found that Coughlin **repeatedly injected attorney Richard Hill into questions and statements when Mr. Hill was in no way involved in the traffic citation trial.** Supra para. 7 She also found that **pleadings filed subsequent to Coughlin's incarceration were lengthy** (more than 200 pages) **contained scant discussion of, or relevance to, the matter and contained irrelevant discussion of facts unrelated to the proceedings at hand.** Supra para 10.

(10. Judge Nash Holmes also found that Coughlin, after being released from custody following the February 27, 2012 **contempt** of Court incarceration, filed other nonsensical pleadings including a 218 page document:

"...purported to be yet another motion in this case entitled "Motion **to Return Cell Phones**; Motion to Set Aside Summary **Contempt** Order; and **Notice of Appeal of Summary Contempt Order.**" With **scant** discussion of, or relevance to, the above captioned matter, said document mostly argues against Judge Howard in a Department 4 case and again contains more than 200 pages of string legal citations; lyrics to rocks (sic) songs; Mr. Coughlin's personal family history; **discussion of an eviction case** and another **contempt** case; disjointed legal citations and other nonsensical matters that have no apparent relevance to his traffic citation case.)

(NOTE: Apparently Judge Holmes expected attorney Coughlin to be really, really focused on a traffic ticket for a "boulevard stop" over Holme's judicial misconduct in, without a warrant, having her Marshal return to the Washoe County Jail the day after Coughlin's property had been booked into his own personal property, and removing three items (Coughlin's smart phone, a 32GB micro sd card, and Coughlin's flip style cellular phone). Such was not a "search incident to arrest", and thus violated **Diaz** from the 9th Circuit, and

presents an scenario where NVB Judge Beesley arguably had a Canon 2, Rule 2.15 duty to report Judge Holmes, rather than affect some faux concern for Coughlin while having him removed from Keller's case via a 8/30/12 Order that misstates what occurred in Court on 8/28/12 in NVB-10-05104, and countenancing the bankruptcy court clerks failure to file in Coughlin's 8/20/12 Motion/Notice therein, in addition to presiding over such matter (where arguably he now has a vested interest in using Coughlin's former client Keller as a pawn in much the way RMC judge Howard and Holmes arguably did incident to denying any stays whatsoever in connection with their outlandish and shameful summary incarcerations) or deciding the case in Keller's favor based upon the very few arguments and authority Coughlin put forward that his replacement Patricia Hadfield did not copy an paste out of Coughlin's previous filings (like that of 11/23/11 and 4/17/12, especially where Hadfields 4/13/13 Motion for Summary Judgment expressly provides that she and Keller are not withdrawing such 4/17/12 Motion by Coughlin, especially where such Motion clearly disposes of the Cadle Company's case in short order in NVB-10-05104).

(X) The record establishes that in the Merliss **eviction** action, Coughlin's **conduct** was so vexatious and frivolous as to result in substantial sanction of attorney's fees. Supra para 21 See Hearing Exhibit 2, P 2, L 8 -13; P3, L 4 -11.

(Y) The **Pleading Docket in this matter establishes also that Coughlin's filings, even in his own defense of the disciplinary matter, inject lengthy, irrelevant facts and legal issues into this proceeding.** (NOTE: here, Echeverria, chucks up this hail mary upon realizing the Bar failed to put any admissible evidence whatsoever in support of the allegation of a violation of RPC 3.1, and that offensive collateral estoppel is utterly unavailing to the Bar, particularly with respect to what it purported to be the best examples of Coughlin's so violating RPC 3.1 (ie, FHE2, 3, 4 (especially where such is purported to be a "criminal" matter, RPC 3.1 expressly identifies itself less broadly applied in such circumstances, and regardless, there is nothing in FHE4 that speaks to RPC 3.1, but rather Echeverria attempts to graft that which only tangentially invokes RPC 3.3, 3.5 and 4.4 onto the anemic RPC 3.1 allegation).

(7. Judge Nash Holmes ordered Coughlin into custody on February 27, 2012 and to be incarcerated at the Washoe County Regional Detention Facility for the term of five (5) days. **Alternatively** Coughlin could pay a fine of \$500. The Court's sentence was based on its detailed **findings** regarding Coughlin's **conduct** in his own defense.

"The court finds that defendant's **contemptuous conduct** consisted of his rude, sarcastic, inappropriate, insubordinate, disrespectful, antagonistic, deceitful, **disruptive**, argumentative and childish behavior during trial, all of which appeared to be done to vex and annoy the court, the witness, and the opposing party, and to **disrupt** the trial process. The court finds that the following occurred, and constitute **contempt**: 1) defendant's mimelike, clownish antics of making faces at the court; sagging down into his seat and hanging his head; looking behind himself and inside his

coat as if searching for a better way to ask a question; rolling his eyes; and mimicking others words; 2) defendant's incessant arguing with the court, talking over the court, and interrupting the court; 3) defendant's repeatedly restating matters after being told by the court to "move on" or "ask the next question;" 4) defendant's repeatedly injecting allegations of bribery, perjury, and police retaliation into the matter after the court instructed him not to, and directed him to limit himself to issues pertaining to the facts of the "Boulevard Stop;" 5) defendant's repeatedly trying to insert "Richard Hill" into his questions and statements when such person was not relevant to the proceeding and the defendant had been ordered to stop discussing that; 6) defendant's disregarding the rules of evidence and court procedure by continually posing improper questions after being directed by the court to properly phrase his questions 7) defendant's continually accusing the court of denying him the right or ability to ask questions and telling the court to "give me a list of questions you want me to ask;" 8) defendant's suggesting that the court "tell me what would make you happy;" 9) defendant's lying to the court in response to direct questions posed by the court with regard to his recording the proceedings; and 10) defendant's failing and refusing to properly examine the witness, despite numerous admonitions by the court to stop repeating questions, misstating answers, injecting irrelevant material, arguing with the witness and mischaracterizing the testimony."

See Hearing Exhibit ORDER FINDING THE DEFENDANT IN **contempt** OF COURT AND IMPOSING SANCTIONS. (NOTE: see, supra quotation from Page 22 of 95 from Coughlin's filing in Docket 60838 Document 2012-18962))

(NOTE: the judiciary in Washoe County and Reno, particularly those in the Gardner family, are really taking a lot of liberties with the concepts of "meritorious claims" and whether a motion "lacks merit":

The WCSO's Office burglarized Coughlin's former home law office rather than conduct a lockout, which makes the criminal trespass conviction against Coughlin in 61901 (26405) incident to that very burglary by Hill, the WCSO, and the RPD, an enormous embarrassment to the judiciary in Nevada, as is the fraudulent activity with respect to pages 16 and 39 in that 40 page filing by Coughlin of 3/5/12 in 26405, the Motion to Dismiss King references in his Complaint. Iorio v. City of New York et al., 96 Misc.2D 955, 410 N.Y.S.2D 195 (1978).²³

Certainly Coughlin's 2/11/12 email to WCSO Supervisor Liz Stuchell in response to Stuchell's 2/7/12 email to Coughlin, which either the RMC and King or both excised from the 4/16/12 "Exhibit 9" presentation of an *altered* reproduction thereof (while the page 16 of 40 missing from the first appearance of such 3/5/12 Motion did appear...the fax header for all pages was excised, making less noticeable the excision of Stuchell's 2/7/12 email (ie, not pae 38 of 40...hey, where's page 39 of 40 as paginated in the fax header moment for the Screening Panel, by design...making Judge W. Gardner's 3/20/12 "Order #1" at Exhibit 10 in such 23

Exhibit Presentation quite dubious (especially where the page 16 (in terms of the pagination on Coughlin's 3/5/12 Motion at the bottom center of each page) and "page 39 of 40" (in terms of the fax header therein) speak volumes to rebut Judge W. Gardner's contention that Coughlin's motion "lacks merit)

Consider the following appearances of Coughlin's 3/5/12 Motion to Dismiss in the criminal trespass case in 26405 compared to that apparently presented to the Screening Panel on 4/16/12 in King's 23 Exhibit presentation: at bates 10 – 48 03/05/12 Coughlin's Notice of Appearance as Co-Counsel and Motion to Dismiss in criminal trespass case before RMC Judge William Gardner in 11 CR 26405 (61901). (NOTE: the fax header from Coughlin's filing to the RMC indicates this filing is 40 pages long, with SBN King's bates stamping for this filing beginning on bates 49 and the fax header atop what is King's bates 48 indicating it is "page 40 of 40" of the faxing by Coughlin of that filing to the RMC (page "39 of 40" is missing from King's production, as King's bates 47 is, according to the fax header atop Coughlin's original filing with the RMC, page "38 of 40". This means that the same 2/7/12 emailed admission to Coughlin from the WCSO Deputy Machen who filed fraudulent Affidavits of Service (11/7/11 for the 11/1/11 summary eviction lockout with Hill's associate Casey D. Baker, Esq. And the 3/7/12 Affidavit of Service for the 2/27/12 service Hill paid for upon Coughlin at the 2/27/12 "simple traffic citation" trial before RMC Judge Nash Holmes in 11 TR 26800 wherein WCSO Deputy Machen had RMC Marshal Harley smirkingly enter a conference room within Courtroom B of the RMC where Reno City Attorney Coughlin and Ormaas were engaged in plea bargaining, and personally served Coughlin Judge Flanagan's 2/8/12 Order to Show Cause in the summary eviction from Coughlin's former home law office to which Hill was opposing counsel. Marshal Harley grew very worried upon Coughlin immediately cross-examining him about his inappropriate, courthouse sanctuary doctrine violating, appearance of impropriety creating, harassment of Coughlin. Further, that same second of three pages from Coughlin's Exhibit 1 to his 3/5/12 filing in the RMC (which was the 2/7/12 emailed admission from WCSO Deputy Machen's Civil Division Supervisor Liz Stuchell wherein she admits that Machen merely tape those three Orders to the front door of Coughlin's former law office while nobody was home, despite Machen's 11/7/11 Affidavit of Service indicating that he "personally served" the 10/25/11 Eviction Decision and Order and the 10/27/11 Findings of Fact, Conclusions of Law, and Order for Summary Eviction, and the 10/27/11 Order for Inspection of Coughlin's law office by Judge Sferrazza in RJC Rev2011-001708) is curiously missing from Exhibit 3 to NNDB Chairman Susich's 6/18/12 SCR 117 Petition in 60975, indicating a either a conspiracy between the RMC, NNDB, and the SBN, or that someone with the RMC has systematically removed that.

Meanwhile, at bates 45 one finds the Index to Exhibits to 3/5/12 filing page 36 of 40 on fax header only to discover at bates 46 the Exhibit 1 cover page and at bates 47 page 38 of 40 of fax, Certificate of Service of 11/1/11 by Hill's Office, while at bates 48 one sees page 40 of 40 of fax (so page 39 was omitted, where such page consisted of WCSO Civil Division Supervisor Liz Stuchell's admission that Deputy Machen's Affidavit of Service alleging he "personally served" eviction order to Coughlin on 11/1/11 was false).....

However, bates 688 reveals Page 1 of 40 page fax from Coughlin to RMC of 3/5/12

fax header 10:56 am Notice of Appearance as Co-Counsel and Motion to Dismiss in RMC 11 CR 26405 criminal trespass case before Judge W. Gardner referred to in King's 8/23/12 Complaint as follows (ROA 1) (and where King failed to seek introduction of either of the very filings of Motions to Dismiss by Coughlin that he cited in his Complaint, such must be taken as an admission not only that such contention lacked merit, but that Coughlin's arguments and contentions within such documents were, in fact meritorious, which only results in King's attempting to characterize the trespass conviction as some basis for finding a violation of the various rules of professional conduct King and the Panel so to so grafter thereonto, utterly vexatious in King's own right):

“10. Respondent was arrested on November 13, 2011 by Reno Police Department and charged with trespassing, a misdemeanor, for which he was later convicted.

11. The circumstances leading to the above-mentioned arrest are as follows: at an hearing Justice of the Peace Peter Sferrazza ordered that Respondent vacate the home he was renting effective November 1, 2011. After the locks were changed and the notice was posted on the front door the owner, Dr. Merliss, discovered that someone had broken into the home and was barricaded in the basement. The Reno Police tried to coax whoever was in the basement to open the door. Dr. Merliss was forced to kick open the door where the Reno Police found Respondent. Respondent had broken into the home and living in the basement. Respondent was arrested for criminal trespass and was subsequently convicted of that charge.

12. Respondent, representing himself as co-counsel, filed a 36-page motion to dismiss on March 5, 2012. The motion was denied by Judge William Gardner and was determined to be without merit. The motion, on its face, demonstrates that Respondent lacks competence to practice law.”

Which makes particularly trouble the fact that at bates 702 Page 15 of Coughlin's 3/5/12 Motion to Dismiss in 26405 (proving 3 5 12 0204 26405 Motion to Dismiss's page 16 excised from 11 7 12 SBN production between bates 702 and 703 detailing burglary by Hill, WCSO, RPD, Gayle Kern, Esq., Nevada Courts Services, Park Terrace, Northwind Apartments, Superior Storage, etc, incident to failure to accord 24 hours to tenant from receipt of lockout order per NRS 40.253), Which, contrary to RMC Judge W. Gardner's judicial misconduct display in ruling such motion “lacks merit”, *actually exposes the Nev. Const. Art. 4 Sec 21 violations that the judiciary in Washoe County and Reno have been countenancing in doing much more than turning a blind eye to the state sponsored burglaries by the Washoe County Sheriff's Office in failing to accord tenants the “24 hours from” the tenant's “receipt of the” (summary removal) “order” prior to the WCSO conducting a lockout incident to a summary eviction, where page 16 thereof (which, again, was excised by either the RMC in providing such to the SBN, or by the SBN, but clearly not by Coughlin in faxing such to the RMC as the fax headers and pagination therein tell the tale and lock the SBN and RMC in a finger pointing contest where such excised page 16 is highly excuplatory, not to mention supportive of a mitigation analysis.*²⁴

Candor to the Tribunal

(Z) RPC 3.3(a)(1) states "A lawyer shall not knowingly: (m)ake a false statement of fact or law to a tribunal or fail to correct a false statement .of material fact or law previously made to the tribunal by the lawyer."

(AA) The record clearly and convincingly establishes that Coughlin violated RPC 3.3(a)(1) when he lied to Judge Nash Holmes as to whether or not he was surreptitiously and without permission to record the proceeding. Supra □ 7 Of note, Coughlin did not deny that he had lied to Judge Nash Holmes. Instead, his cross examination of Judge Nash Holmes focused on how she had learned of the true facts. See Transcript of Hearing Wednesday, November 14, 2012, P139, L10-P146-14.

(BB) Attorney Richard Hill testified that based on his experience in litigating with Coughlin, Coughlin was not truthful with either counsel or the Court. Supra Paragraph 23.

(CC) The record also establishes that Coughlin was less than candid with the Court in two separate applications to proceed in forma pauperis, when he failed to disclose his true occupation as an attorney and instead indicated he was self-employed as a "Jack of all Trades" failed to identify any income from the practice of law after having represented to the court that his incarceration would adversely affect his clients. Supra □□ 31 & 32

Fairness to Opposing Party and Counsel

(DD) RPC 3.4(c) states "A lawyer shall not: (k)nowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists."

(EE) The record clearly and convincingly establishes that Coughlin has a clear and **continuing pattern of knowingly ignoring and disobeying instructions** from the Court.

(Attorney's conduct in continuing to cross-examine police officer after judge had ruled that police log was not admissible was not contempt where attorney claimed that he was trying to impeach witnesses' memory, not lay foundation for admission of log, so that his conduct could not be said to be willful. United States v Giovanelli (1990, CA2 NY) 897 F2d 1227. Resort to summary disposition of criminal contempt proceeding under Rule 42(a), Federal Rules of Criminal Procedure, is permissible only when express requirements of rule are met and when there is compelling reason for immediate remedy or when time is of essence. Thus, attorney's conviction for criminal contempt in pursuing line of questioning forbidden by court would be reversed, since record showed that there was no compelling need for immediate remedy provided by Rule 42(a), Federal Rules of Criminal Procedure, and that trial court, by its own actions, did not consider time to be of essence; trial court should have observed "normal" procedure" of notice and hearing, provided by Rule 42(b), Federal Rules of Criminal Procedure. U.S. v. Moschiano, 695 F.2D 236, 12 Fed. R. Evid. Serv. 124 (7Th Cir. 1982). See United States v Turner (1987, CA11 Ala) 812 F2d 1552, § 14." from page 22 of 95 of the Docket 60838 Document 2012-18962 Coughlin provided both the Panel and OBC).

(FF) In his Order of **contempt**, Judge Howard found that Coughlin refused to obey directives of the Judge and continued lines of questioning after being instructed to refrain from doing so. Supra 4

(GG) Judge Nash Holmes, in her Order of **contempt**, found that Coughlin incessantly argued with the Court, interrupted the Court, repeatedly restated matters after having been admonished to refrain from doing so, disregarded directives to ask properly phrased questions and disobeyed numerous admonitions by the court to stop repeating questions, misstating answers, injecting irrelevant material, arguing with the witness and

mischaracterizing testimony. Supra □ 7 tribunal."

repeatedly **conducts** himself in a manner that is **disruptive** of the tribunal while in the courtroom.

(HH) The transcript of the hearing in this matter clearly demonstrates that Coughlin repeatedly and incessantly interrupts witnesses, counsel, Panel members and Panel Chairman and refuses to heed admonitions to refrain from doing so. See generally of Wednesday, November 14, 2012.

Impartiality and Decorum of the Tribunal

(II) RPC 3.5(d) states "A lawyer shall not engage in conduct intended to disrupt a tribunal."

(JJ) The **disruption must have occurred in the courtroom. One cannot disrupt a tribunal with conduct outside of the courtroom. In re Michael Stuhff**, 108 Nev. 629, 837P.2d 853 (1992),

(KK) The record overwhelmingly, clearly and convincingly establishes that Coughlin repeatedly **conducts** himself in a manner that is **disruptive** of the tribunal **while in the courtroom**.

(LL) The various orders of **contempt** (NOTE: there is a great deal of reliance upon alleged conduct in a "wash room" in FHE4 and FHE5, or through a fax machine, apparently while the court was not even open for business, all not "in a courtroom) or **imposing sanctions** issued by Judges **Kenneth Gardner**, **Linda Gardner**, Dorothy Nash Holmes and Patrick Flanagan each describe a **similar pattern of conduct and behavior that is intentionally disruptive of the tribunal**. (NOTE: that statement is true to the extent it refers to the conduct and behavior of the judges involved, but not true as to Coughlin) **Supra 4, 7, 10, 21 and 25**.

(4. Coughlin's **conduct** during the trial of the petit larceny case on November 30, 2011, in which Coughlin appeared in propria persona, was so **disruptive** that Judge Howard found Coughlin in **direct contempt** of court and sentenced him to jail that same day to be released on December 3, 2011 at 8:00 PM. **Judge Howard specifically found Coughlin's conduct to be disorderly and was either contemptuous or behavior insolent toward the judge** in that Coughlin refused:

"... to obey directives of the Judge, **continuing lines of inquiry** after being advised by the Court to refrain from doing so; demeaning the Court with statements such as "WOW" in response to court rulings; laughing during testimony and further questioning the court and its authority."

See Hearing Exhibit 11 ORDER FOR SUMMARY PUNISHMENT OF **contempt** COMMITTED IN THE IMMEDIATE VIEW AND PRESENCE OF THE COURT, November 30, 2011.

(NOTE: Howard's Order for Summary Punishment (which has never included a Certificate of Service attached to it, not in NNDB Board Chair Susich's use of it as Exhibit 6 to his 5/31/12 retreating of Hill's associate Baker and King's machinations in the SCR 117 60975 Petition, not in King's attaching one version of it (with a different "certification" by RMC "Filing Officer Supervisor" Donna Ballard) within what King purported to be a true and accurate copy of his Complaint (but which included a far more legible copy of Judge Holmes' 3/12/12 Order (like the version thereof that became FHE5) and that attachments to

it, and not in FHE11, the same 11/30/11 OPSC by RMC Judge Howard..none of which have a Certificate of Service (notice no harping on how the appeal turned out by the Panel Chair for either of the “criminal conviction” for contempt...indeed, where RCA Roberts was not even present for the additional three minutes on the record occurring at 8:30 p.m., when Judge Howard had Coughlin brought back into the court room in handcuffs, such was rendered in absentia and the deadline to appeal such therefore (and Howard attempted to convince Coughlin he had not right to appeal such contempt order, whilst specifically informing Coughlin of his right to appeal the petty larceny conviction) does not even run until the RMC or RCA finally files a Notice of Entry of Order, etc. (the use of the term “ruling” by Judge Elliott in FHE12 now makes more sense) failed to check the box in that form order that King needed to be checked to have any chance of the offensive collateral estoppel he is seeking to apply here, which results in the defensive variety of such controlling...not to mention the fraudulent misrepresentation of whether Coughlin had any right to appeal, the fact that the RMC failed to ever serve Coughlin a **notice** of Entry of Order for that OSPOC, made in absentia of either or both Coughlin and RCA Pamela Roberts, Esq. (whom everybody can thank for turning our legal community into as big a rock fight in the street as she could)).

(see, supra quotation from Page 22 of 95 from Coughlin's filing in [Docket 60838 Document 2012-18962](#))

The SBN's 3,094 page production to Coughlin of 11/7/12, from bates 613 to 618 contains a highly telling and instructive email exchange between Coughlin and the RMC's Chief Marshal Justin Roper of 12/14/11.²⁵

7. Judge Nash Holmes ordered Coughlin into custody on February 27, 2012 and to be incarcerated at the Washoe County Regional Detention Facility for the term of five (5) days. Alternatively Coughlin could pay a fine of \$500. The Court's sentence was based on its detailed findings regarding Coughlin's conduct in his own defense.

"The court finds that defendant's **contemptuous conduct** consisted of his rude, sarcastic, inappropriate, insubordinate, disrespectful, antagonistic, deceitful, **disruptive**, argumentative and childish behavior during trial, all of which appeared to be done to vex and annoy the court, the witness, and the opposing party, and to **disrupt** the trial process. The court finds that the following occurred, and constitute contempt: 1) defendant's **mimelike, clownish antics** of making faces at the court; sagging down into his seat and hanging his head; looking behind himself and inside his coat as if searching for a better way to ask a question; rolling his eyes; and mimicking others words; 2) defendant's incessant arguing with the court, talking over the court, and interrupting the court; 3) defendant's repeatedly restating matters after being told by the court to "move on" or "ask the next question," 4) defendant's repeatedly injecting allegations of bribery, perjury, and police retaliation into the matter after the court instructed him not to, and directed him to limit himself to issues pertaining to the facts of the "Boulevard Stop;" 5) defendant's repeatedly trying to insert "**Richard Hill**" into his questions and statements when such person was not relevant to the proceeding and the defendant had been ordered to stop

discussing that; 6) defendant's disregarding the rules of evidence and court procedure by *continually posing improper questions after being directed by the court to properly phrase his questions* 7) defendant's continually accusing the court of *denying him the right or ability to ask questions* and telling the court to "give me a list of questions you want me to ask;" 8) defendant's suggesting that the court "tell me what would make you happy;" 9) defendant's *lying to the court* in response to direct questions posed by the court with regard to his recording the proceedings; and 10) defendant's *failing and refusing to properly examine the witness, despite numerous admonitions by the court to stop repeating questions, misstating answers, injecting irrelevant material, arguing with the witness and mischaracterizing the testimony.*"

See Hearing Exhibit 4 ORDER FINDING THE DEFENDANT IN **contempt** OF COURT AND IMPOSING SANCTIONS. (NOTE: King failed to attach FHE 4 to his Complaint.)

10. Judge Nash Holmes also found that Coughlin, after being released from custody following the February 27, 2012 **contempt** of Court incarceration, filed other nonsensical pleadings including a 218 page document:

"...purported to be yet another motion in this case entitled "Motion to Return Cell Phones; Motion to Set Aside Summary **contempt** Order; and **notice** of Appeal of Summary **contempt** Order." With scant discussion of, or relevance to, the above captioned matter, said document mostly argues against Judge Howard in a Department 4 case and again contains more than 200 pages of string legal citations; lyrics to rocks (sic) songs; Mr. Coughlin's personal family history; discussion of an **eviction** case and another **contempt** case; disjointed legal citations and other nonsensical matters that have no apparent relevance to his traffic citation case. (NOTE: King's Complaint fails to **notice** plead any of the above, much less incorporate it by reference or even attach it as an exhibit: "14. In the case of City of Reno vs. Zachary Barker Coughlin, Case No. 11 TR 26800 21, a trial was held on a traffic citation issued to Respondent. The matter was called at approximately 3:00 p.m. and concluded without a verdict at about 4:30 p.m. after the court held Respondent in *criminal contempt* of court for **his behavior** and activities *committed in the direct presence of the court* during trial."

21. On behalf of his client Dr. Merliss, Mr. Hill sought and obtained an order in favor of Dr. Merliss and against Coughlin awarding Dr. Merliss attorney's fees in the amount of \$42,065.50. Washoe District Court Judge Patrick Flanagan entered the order on June 25, 2012. See Transcript of Proceedings of Wednesday, November 14, 2012, P 47, L 3-7. -See Hearing Exhibit 2, P 3, L 10-11. The motion seeking attorney's fees was based on Coughlin's **conduct** in the defense of the **eviction** matter, which **conduct** was characterized as frivolous and vexatious and presumably so found by Judge Flanagan. See Hearing Exhibit P 2, L 8-13; P 3, L 4-11.

25. *Judge Gardner's order in the Joshi matter* indicated that Coughlin *had conducted no discovery in the case and failed to present any documentary evidence at the trial of the matter on behalf of his client Mrs. Joshi.* See

Hearing Exhibit P 12, L 4 -6.

After commenting on various negative aspects of Coughlin's representation of his client Mrs. Joshi, (See Hearing Exhibit P 12, L 9 -P 13, L 40) **Judge Gardner** specifically held:

"The most troubling aspect of this case was Mr. Coughlin's rude, sarcastic and disrespectful presentation at trial; Mr. Coughlin's inability to understand a balance sheet; his failure to **conduct** discovery; and his lack of knowledge with regard to the rules of evidence and trial procedure. All of this was compounded with a continuously antagonistic presentation of the case that resulted in a shift from a fairly simple divorce case to a contentious divorce trial lasting an excessive amount of time. "

See Hearing Exhibit 3, P 13, L 5 -10:

("At trial. Mr. Springgate stated that Mr. Coughlin had **conducted** no discovery in this case. In addition, Mr. Coughlin failed to present one documentary piece of evidence at trial on behalf of Ma. Joshi's claims. Mr. Coughlin argued incessantly with the Court throughout trial and made sarcastic, derogatory remarks to the Court, Mr. Springgate, and Mr. Joshi throughout trial. The Court notes that there were well over 40 objections during four (4) hours of trial. Mr. Springgate's objections were well-founded and continuously sustained except in one instance").

(NOTE: King failed to attach Gardner's 4/13/09 Order After Trial (FHE3) and failed to incorporate it by reference either, in his Complaint, and the above excerpt was not amongst the portion of such Order King did quote in his Complaint)

(NOTE: just as Coughlin was "not a party" for purposes of appealing any part of the Order After Trial (or anything else in the case) that was not superseded by the 6/19/09 Final Decree, so to is Coughlin not "in privity" with his former client, Ms. Joshi, or "a party" sufficient to provide an offensive collateral estoppel bar for the SBN obviating its burden to prove, by clear and convincing evidence, any alleged professional misconduct is alleged is proven by doing nothing more than citing to a mere small portion of such superseded FHE3 (failing to incorporate by reference such order or to even attach such to the Complaint, not to mention failing to produce a certified copy, which made especially dubious Chair Echeverria's allowing WLS's Elcano to provide foundations for or authenticate that produced by King in FHE3 where Echeverria refused to provide such treatment to Coughlin and his mother's attempts to authenticate and or provide foundation for the audio recordings (one purchase directly from the RMC by Coughlin's mother, one provided to Coughlin by the SBN, whom purported such to be a true and correct copy of the audio transcripts provided to it by the RMC) for both the 2/27/12 and 3/12/12 trial dates resulting in, respectively, FHE4, and FHE5).

Judge Linda Gardner's Findings of Fact, Conclusions of Law, and Decree of Divorce (FOFCOLDOD) in DV08-01168 of 6/19/09 held:

2JDC Judge Gardner's 6/19/09 final Decree of Divorce excised only from Springgate's 5/21/09 Proposed Decree the attorney's fees award detailed in paragraph six of

Springgate's Proposed Decree, (the language Judge L. Gardner excised therefrom read: “6. **ATTORNEY'S FEES:** The Court has the discretion to award attorney's fees in a divorce action, pursuant to NRS 125.150(3), and Love v. Love, 114 Nev. 572, 959 P.2d 523 (1998). There is further authority for fees pursuant to NRS 18.010(2)(B), and NRS 7.085. **Based on the above and foregoing, former counsel for the Defendant is ordered to pay attorney's fees in the amount of \$934.00 within thirty (30) days of this Order and Decree.**”).

Instead, Judge L. Gardner's 6/19/09 final Decree of Divorce operated to amend and or supersede her 4/13/09 Order After Trial (the 11/14/12 formal disciplinary hearings NG12-0435, FHE3) to not contain vacate any such attorney fee award (and all the language the SBN King's quoted therefrom in his 4/13/09 Complaint) where such final Decree of Divorce vacates (or, effectively does by superseding and expressly departing from the 5/21/09 Proposed Decree and FHE3's own dictate that Springgate Prepare such a Final Decree consistent with FHE3...).²⁶

(MM) The transcript of the proceedings in this matter reveal a continuation of a similar pattern of **conduct** by Coughlin despite his having been **sanctioned twice** with an adverse award of attorney's fees and twice by incarceration. See generally of Wednesday, November 14, 2012. (NOTE: no, not good enough Echeverria to go "See generally", see, getting specific. Further, the FHE 2 Order awarding attorney's fees failed to specify such as being against Coughlin in his role as his own attorney, versus against Coughlin as the litigant incident to Flanagan's void application of a "prevailing party" attorney fees statute that only applies to plenary judgments anyways (NRS 69.050).

Relations with Opposing Counsel

(NN) RPC 3.5A states "When a lawyer knows or reasonably should know the identity of a lawyer representing an opposing party, **he or she should not take advantage of the lawyer by causing any default or dismissal to be entered without first inquiring about the opposing lawyer's intention to proceed.**" (NOTE: this is particularly rich, considering the Panel then attempts to find that “as a matter of default” various “violation(s) may be deemed admitted...”, especially where King's 10/9/12 Notice of Intent to Take Default **was not served on Coughlin**)

(OO) Although the State Bar pled a violation of RPC 3.5A in its Complaint, **no evidence was presented** that Coughlin ever violated the rule. (NOTE: great, now is 2JDC Judge L. Gardner going to sanction King, whom, by the way, failed to conduct not just any discovery, but any “reasonable investigation” despite having a duty to do so under SCR 104, 105, and RPC 3.8?) Accordingly, the Panel finds that the State Bar failed to meet its burden of proof on this issue as an evidentiary matter but finds that as a matter of default the violation may be deemed admitted.

HEARING - Vol. I, (Page 253:10 to 253:11) “MR. ECHEVERRIA: So **we have not conducted this hearing as a default hearing**, in deference to you.” (Please apply this to every such assertion hereafter).

Truthfulness in Statements to Others

(PP) RPC 4.1 (a) states "In the course of representing a client a lawyer shall not knowingly: (a) (m)ake a false statement of material fact or law to a third person."

(QQ) Although the evidence established that Coughlin knowingly made false statements to Court and Counsel (See □□ (AA), (BB) and (CC) no evidence was presented that

Coughlin knowingly made false statements of material fact or law to a third person. Accordingly, the Panel finds that the State Bar failed to meet its burden of proof on this issue as an evidentiary matter but finds that as a matter of default the violation may be deemed admitted. (this is a nonsense argument, especially where the Panel and SBN pat themselves on the back for, allegedly, providing sufficient due process to Coughlin/fulfilling SCR 105...its one or the other...but the Panel doesn't get to purport that Coughlin defaulted where it is also trumpeting the feats of due process it enabled....).

Respect for the Rights of Third Persons

(RR) RPC 4.4(a) states "In representing a client, a lawyer shall not use means that have no substantial purpose other than to ***embarrass, delay, or burden a third person***..." (uh...like Hill's allegations of finding a "crack pipe and a bag of weed" or a "vial of something" and "a large quantity of pills"? Actually, even that would not fit squarely under the RPC 4.4(a) heading because Coughlin was a "party" therein, not a "third person"...and that same rationale applies to the landlord Merliss...and the Panel fails to cite to anybody else whom would qualify as a "third person" to whom Coughlin has somehow subjected to a violation of RPC 4.4(a), and such would certainly not apply to the Reno Police Department Officer Chris Carter, Jr. and Sargent Marcia Lopez whom assisted Hill and landlord Merliss in burglarizing Coughlin's former home law office that day based on a FOF COLOSE that, on its face, failed to contain the "summary order for removal of the tenant within 24 hours of receipt of the order" language required by NRS 40.253(5)(a). Regardless, there was never any valid lockout done by the WCSO's Office where its only attempt to do so was done without complying with the requirement that the WCSO knows full well attaches to each and every summary eviction in Nevada (that, at the very least, the sheriff posts the summary eviction lockout order to the tenant's door and allows 24 judicial hours to pass prior to conducting such lockout) =, no matter which county such occurs in, no matter how codependent and sick a relationship the local judiciary has with law enforcement, no matter how little regard the Judges of Reno and Washoe County have for the statutes the legislature passes in reducing the will of the people of Nevada to black letter law).

(SS) The record establishes ***clearly and convincingly*** that in the Merliss **eviction** action, Coughlin **conducted** himself in a manner that was ***abusive, vexatious and for purposes of delay***. The matter was a ***simple eviction*** action (apparently all evictions are "simple" in Nevada, huh?) that apparently lasted through several proceedings at the Municipal Court level, an appeal to the District Court and two appeals to the Nevada Supreme Court and which also resulted in Coughlin's conviction for criminal **trespass**. Supra 19 and 20

Coughlin's **conduct** in the proceedings was so egregious that Judge Flanagan ***ordered Coughlin to pay*** (NOTE: notice such is not referred to as a "sanction" and does not specify whether Coughlin the litigant or Coughlin acting as his own attorney was the capacity in which such "order" was issued...but regardless...such is irrelevant beyond establishing the defensive collateral estoppel bar to all the various RPC's the SBN and Panel keep trotting out with such "order" in an attempt to skip straight past even establishing any such violation by way of meeting a burden of proof via the introduction of actual evidence (rather than hearsay via an interested party dressed up as "expert testimony") (Hill, Judge Nash Holmes, Elcano)) Dr. Merliss \$42,065.50, an amount that is still unpaid. Supra 21

(TT) The record also establishes that Coughlin **habitually prolongs proceedings unnecessarily; files lengthy, irrelevant, nonsensical pleadings requiring court, staff and counsel to spend unnecessary effort in evaluating and/or responding to the pleadings.** Supra □□ 4, 7, 8, 9, 10, 11, 16, 21, 23, 25, 27, 39 and 40 (NOTE: neither “court”, “staff”, nor “counsel” are “third parties” to which and analysis of RPC 4.4(a) flows. Whose competency is being questioned, again?

Disciplinary Matters

(UU) RPC 8.1(b) provides, in pertinent part, " ... a lawyer ... in connection with a disciplinary shall not: (b) ... **knowingly fail to respond to a lawful demand for information from an admissions or disciplinary authority...**"

(VV) The record **clearly and convincingly establishes that Coughlin knowingly failed to respond to the State Bar's request for information in the disciplinary proceeding and failed to timely file a required verified responsive answer or pleading to the Complaint.**

(WW) **First, Coughlin asked for an extension of time to respond to the letter of February 14, 2012 regarding the Richard Hill Complaint then failed to respond at all.** Supra 29.

“29. State Bar Counsel called Coughlin to testify at the hearing of the matter. Coughlin was questioned with regard to a letter dated February 14, 2012 from Assistant Bar Counsel King to Coughlin **in which Bar Counsel forwarded to Coughlin correspondence received from Richard G. Hill.** See Transcript of Hearing Wednesday, November 14, 2012, P 163, L 13 -P 164, L 23. See Hearing Exhibit 6. Coughlin's response, dated March 9, 2012, asked for additional time in which to respond. See Hearing Exhibit 7. **No evidence was presented that Coughlin substantively responded to Bar Counsel's letter of February 14, 2012 prior to the filing of the Complaint in this matter. Coughlin failed to directly respond to Bar Counsel's questions inquiring if Coughlin ever subsequently responded to Bar Counsel's letter of February 14, 2012.** See Wednesday, November 14, 2012, P 169, L 13 -P 172, L 16.”

HEARING - Vol. I, (Pages 163:13 to 164:23) "BY MR. **King:** Q Mr. Coughlin, I'm handing you what's been identified as Exhibit No. 6. Would you please tell me if you received that letter from me? A Is this the letter in its entirety? MR. ECHEVERRIA: The question is: Did you receive that from Mr. King? THE WITNESS: This letter, he said? MR. ECHEVERRIA: I don't know what it is. All I know is it's Exhibit 6, and the question is, did you receive Exhibit 6 from Mr. King? THE WITNESS: No, that wasn't the question. He said did you receive this letter. And I need to know -- BY MR. **King:** Q The next question may be about attachments. But the question is: Did you get this letter? A I need to know what is entailed in the term "a letter." Q This document that I handed you. Did you receive this document either alone or as part of a package? Did you receive this document Bates stamped 02983? A Without the Bates stamp? Q I believe it did not have the Bates stamp when it was sent to you. A Yes. I think so. I'm not sure. I think I received something longer. Maybe that's the attachments you're referring to. Q So is that a yes? A Actually, I might have ultimately received this. But I recall there being an issue. I was a victim of domestic violence during this time, and my mail was being -- there was some issues with it. So I

think ultimately I did receive this, Mr. King. But maybe this isn't going to your question. You didn't ask me when. So yeah, I think I received this one."

HEARING - Vol. I, (Pages 169:13 to 172:16) "Q **My question is: Did you send a subsequent letter or explanation to the State Bar?** In other words, you're asking for additional time. Did you ever send -- A What you do is evil, Pat. MR. ECHEVERRIA: Mr. Coughlin. THE WITNESS: What you do is evil. MR. ECHEVERRIA: Mr. Coughlin, I have cautioned you about interrupting on numerous occasions. But apparently a pattern of behavior has been the subject of at least three court orders that we have seen so far. And I would ask you to, in your best interests, to attempt to resist yourself, allow the question to be completed, and then make whatever objection you wish. The question directly to you, and if it's not direct enough, let me ask it. **Did you ever specifically respond to the letter of February 14th, 2012, Exhibit 6? THE WITNESS: I responded to it.** Specifically. I'm not sure exactly what that means. I believe I cooperated with Bar counsel. I don't have a thousand pages of stuff. (NOTE: the transcript contains an error there in that Coughlin actually said: "I know I provided the Bar thousands of pages of stuff and...videos, audios transcripts, etc."). This is confirmed by King's own admission in the transcript and only further underscores the extent to which Echeverria **conducted** the hearing like a total fraudster working overtime to get over his agenda). **Videos. Audio.** MR. ECHEVERRIA: The question is: On February 14th you were sent substantial, **apparently**, correspondence from Richard Hill alleging professional misconduct. You were asked to make a **specific response** within ten days. It appears that you did not do so, unless you have some evidence to the contrary -- THE WITNESS: I didn't get this letter. MR. ECHEVERRIA: I'm sorry. I continue to talk while you're trying to interrupt. My question is: Did you ever respond specifically, **prior to the institution of the complaint**, to Mr. Hill's comments and reporting to the State Bar? Did you ever address those issues raised by Mr. Hill prior to the filing of the complaint? THE WITNESS: **Maybe it would help if I had the Mr. Hill attachment. I believe I did.** MR. ECHEVERRIA: When did you do that? THE WITNESS: **There's a multitude of instances where I wrote or responded or communicated with Mr. King.** (Exhibit 8 marked.) MR. ECHEVERRIA: When was the first time? THE WITNESS: Well, probably this time in asking for more time, because I didn't get this letter very soon after it was sent. I rented a room off Craigslist. And there was some ill will that built up, the people I rented it from. And I didn't get this letter -- basically I think I got it this day, and I threw this together. I was obviously very upset to see that the State Bar had wanted to hear from me, and given me ten days. I think, obviously, it had already passed by this point. So right when I got that letter -- and I think if I had been **noticed** on this, I would have given you the envelope that shows that there was some -- like the post office wouldn't let me -- I forget exactly what happened. But I think I gave Pat this stuff -- MR. **King:** With the chair's permission, I'll move on. THE WITNESS: -- legitimate reasons why I didn't get this that evince a lack of culpability on my part. But that's consistent with what Pat does. He puts on stuff he knows is baseless. MR. ECHEVERRIA: Excuse me, Mr. King. Mr. Coughlin, I don't believe

you answered the question. It was a direct question. When did you first respond substantively to Mr. Hill's complaints? I have not heard an answer. The response -- THE WITNESS: Yeah. MR. ECHEVERRIA: Excuse me. Your response is argumentative. Mr. King, go ahead with your next question. MR. **King**: Thank you. THE WITNESS: I can answer it. MR. ECHEVERRIA: Mr. Coughlin, there's not a question pending. THE WITNESS: But it sounded like you said I didn't answer the last question. MR. ECHEVERRIA: That was my observation."

(XX) Second, Coughlin **failed to respond to a subsequent letter** from the State Bar **regarding the Complaint filed with the Bar by Judge Nash Holmes**. Supra Para. 30

(NOTE: funny how there is no date mentioned for such mysterious "subsequent letter from the State Bar", which, again, the Panel was not presented with by King or the SBN...bringing to mind the same question as that presented by the SBN's being forced to refrain from seeking to admit any purported written grievance from Hill (the lack of which left King's 2/14/12 2 page one page letter to Coughlin, FHE6, looking awfully lonely...one thing is clear, there is no way the Bar proved Coughlin "failed to respond" or to "cooperate")

("30. Coughlin also failed to **directly** (NOTE: apparently, to Panel Chair Echeverria, Coughlin attempts to require King to prove that which he would rather not get into (ie, all the sticky wickets for King associated with his choice to avoid seeking admission of any purported 3/16/12 letter from Bar Counsel to Coughlin, which apparently revealed so much misconduct on King's part and trapped him in so many lies, that he would rather hope for Chair Echeverria to make something out of the mess Pat made for the Bar instead) respond to questioning regarding whether or not he had **substantively** responded, prior to the filing of the Complaint in this matter, to a letter forwarded to him from Bar Counsel regarding the letter received by the Nevada State Bar from Judge Dorothy Nash Holmes and dated March 14, 2012. See Transcript of Hearing Wednesday, November 14, 2012, P 174, L 13 -P 180, L 4.

("HEARING - Vol. I, (Pages 174:12 to 179:6) BY MR. KING: Q Do you recognize that letter that's been identified as Exhibit 8 that purports to be written to Mr. David Clark, Office of Bar Counsel, from Judge Dorothy Nash Holmes? A It is the one that has a received March 14th date on it? MR. ECHEVERRIA: It's the one that's marked Exhibit 8. BY MR. KING: Q The one I just handed you. Did you see that letter? A I don't see it marked Exhibit 8. It's not marked. Q It's marked up here, Mr. Coughlin. A That's why I was asking for clarification. March 14th. Q The question is: Do you recognize that letter? A Yes, sir. Q And -- A This is the letter where she alleges a competency issue, and then goes on to say, but I'm still trying to hold a trial, I'm trying to get this trial set right away, in violation of NRS 178.405 which states you stay proceedings when you feel a defendant has a competency issue. You don't plunge right ahead. That letter, yeah, I recognize it. MR. KING: I'm going to ask that Exhibit No. 8 be admitted. This is the letter that Judge Holmes sent to the Office of Bar Counsel that she testified about during her testimony. MR. ECHEVERRIA: Any objection, Mr. Coughlin? MR. COUGHLIN: I don't think so. Well, relevancy. And I don't believe this is pled in the complaint. MR. ECHEVERRIA: Overruled. (Exhibit 8 admitted.)

BY MR. KING: Q Mr. Coughlin, you received that because Bar counsel forwarded it to you; is that correct? A I don't remember how I received this. I imagine it would -- I don't think a stranger sent it to me. I don't know. Q Did you respond to the allegations to Bar counsel, the allegations made in the letter by Judge Holmes, and the accompanying documents; did you respond to that investigation? A Actually, I'm trying to remember -- did I get this letter attached to like an SCR 117 petition? Can you help me out? Did I get it soon after -- I think you were kind of coy about this, actually, Pat. Right? You kind of -- you were kind of coy about having it. You didn't just get this letter,

and then I don't think you mailed it to me on March 14th. MR. ECHEVERRIA: Mr. Coughlin, the question is did you reply to it? THE WITNESS: I don't know -- MR. ECHEVERRIA: I'm sorry. The question is: Was it forwarded to you? THE WITNESS: That's what I was expounding upon. I'm trying to remember when did I first get this letter. Because this is like a gut punch if you've devoted your life to becoming an attorney. And, in fact, I didn't get her March 28th letter -- I mean her March 28th order that was entered. I didn't even get that until I saw it attached to an SCR 117 disability petition in case number 60975. I guess I kind of figured she just wasn't going to make an order, you know. And she mailed this one, the one for February 28th, she mailed it to the old River Rock address where I was evicted from, despite the fact it appeared, at least a couple other departments in her court had a more recent address for me. And then I have -- if I had been noticed on this -- I have a lot of these letters. I meticulously kept the envelopes. I kept the change of addresses. I think I might have sent Pat these with the yellow -- I had a lot of the yellow stickers on my letters, you know, where they were like -- and the court, the court had these too. The muni court. And I had a big ordeal with the post office incident to they didn't want to give me a key to the mailbox. This eviction, the evil work that you sanctioned, Pat, that I mentioned earlier, it has a fallout necessarily. In my opinion --

MR. ECHEVERRIA: Mr. Coughlin, excuse me. Do you remember the question? THE WITNESS: Yes. MR. ECHEVERRIA: What was the question? THE WITNESS: Did I receive this. MR. ECHEVERRIA: And the answer? THE WITNESS: I'm working my way through it mentally as to how I got this. MR. KING: If I'm not mistaken, we're past that. You said you did receive it. He doesn't recall how. And my follow-up question was: Did you respond to the allegations by Judge Holmes that are contained in that letter, and by the accompanying documents? MR. ECHEVERRIA: Mr. Coughlin, if you could focus on answering that question, that would be helpful to the panel. THE WITNESS: One, this letter is not to me. I would like to read it. Again, that's where the notice part of due process is key, you know. If I was noticed on the idea that I didn't respond to this -- and I'll enter my objection. I would like to see where in the complaint it says Mr. Coughlin failed to respond or cooperate with Bar counsel. It might. I'd just like to be sure. Where does it say where -- was I noticed the import of today was going to include, the relevant inquiry today that I have been put on notice for, was going to include the idea that I didn't appropriately respond to this? So if I go to the complaint, I'm just wondering where in the complaint might I be put on notice that I would be expected to know when I got this today, and respond intelligently in that regard. (Exhibit 9 marked.)" See Hearing Exhibit 8.)

King's email to Coughlin (and Coughlin attached all the emails between Coughlin, and the SBN/NNDB/Panel to his filings and exhibits and properly authenticated all such attachments and exhibits) fells whatever failure to respond to the Judge Linda Gardner NG12-0435 grievance where such specifically mentions only the grievances by Hill and Holmes and no other evidence was offered by the SBN as to it ever requesting a response to such or even identifying such where King's email reads:

"RE: Mr. King's assertion in his 3/16/12 letter From: Patrick King (PatrickK@nvbar.Org)
Sent: Thu 4/19/12 2:28 PM To: zachcoughlin@hotmail.Com (zachcoughlin@hotmail.Com) April 19, 2012 Zach Coughlin

Dear Mr. Coughlin, A screening panel of the Northern Nevada Disciplinary Panel met on Tuesday April 10, 2011 to address the grievances filed against you. The panel directed me to proceed to a formal disciplinary hearing. As such, I will be preparing a formal Complaint. I understand from the e-mail below, that you do not believe you should have been found guilty of the theft at Wal-Mart and that you should not have been found in contempt of Court. However, it must concern you that you were found in contempt of Court by more than one Judge in two different trials. You wanted to know how I learned of or obtained a copy of Judge Gardner's Order after trial that was filed in 2009. It was sent to me by the clerk of the court at my request, pursuant to my investigation. It would help me and perhaps

yourself, if you would respond and explain why you were convicted of theft and why you were held in contempt of Court. You may be well served to explain what remedial measures you are taking to make sure you do not repeat the conduct complained about. I cannot give you legal advice. However I can suggest you cooperate with Bar counsel's investigation and that you respond specifically to the allegations contained in Judge Holmes and Richard Hill's grievance letters to the office of Bar Counsel. Patrick King"

Attorney violated professional conduct rule prohibiting a lawyer from knowingly failing to respond to a demand for information by a disciplinary authority and bar rule requiring a lawyer to cooperate with a disciplinary investigation, where attorney did not respond to repeated attempts to obtain information regarding grievance and did not file an answer in disciplinary proceeding. Rules of Prof. Conduct, Rule 8.1(b); Government of the Bar Rule V(4)(G). Dayton Bar Assn. v. Wilson, 2010-Ohio-4937, 935 N.E.2d 841 (Ohio 2010).

Attorney violated Government of the Bar rule requiring a lawyer to cooperate in a disciplinary investigation, where attorney received a copy of a letter of inquiry from Disciplinary Counsel forwarding client's grievance and failed to respond, and attorney agreed to provide additional information regarding his malpractice insurance and client's complete case file to Bar Counsel following attorney's deposition, but failed to do so. Government of the Bar Rule V(4)(G). Disciplinary Counsel v. Ohlin, 2010-Ohio-3826, 934 N.E.2d 323 (Ohio 2010).

(NOTE: King's Complaint notice-pleads the following in relation to RPC 8.1 (note, the 12/14/12 FOFCOL gets all specific in citing to RPC 8.1(b), yet King's Complaint just generically referenced "RPC 8.1", and sections (a) and (b) thereof are quite different, yielded a deficiency in King's notice-pleading prejudicing Coughlin impermissibly: "1. Multiple grievances were received by the Office of Bar Counsel between the period of January 14 and March 15, 2012, concerning Respondent. Due to the serious allegations of misconduct, grievance files were opened and an investigation was initiated by Assistant Bar Counsel Patrick King. 2. Respondent was advised of the grievances via U.S. mail, e-mail and by a brief meeting with Mr. King at the State Bar Office in Reno. Respondent did not cooperate with the investigation and rather than respond to the grievances as requested, Respondent sent non-responsive and disparaging e-mails. ...7. In light of the foregoing Respondent violated ... RPC 8.1 (Disciplinary Matters);"

(YY) Third, Coughlin ignored SCR 105(2) when he failed to timely file a verified response or answer to the Complaint, despite several warnings to do so. Supra Para. 34, 35, 36, 37, 38 Coughlin compounded this violation when he attempted, during the course of the hearing in this matter, to transform a pleading previously filed in Reno Municipal Court (NOTE: actually, the file stamp that is crossed out on the FHE14 referenced here is that from the State Bar of Nevada's Clerk of Court Laura Peters, which Coughlin personally eye-witnessed Laura Peters affix thereto at 4:45 pm on 10/31/12, which is particularly troubling considering such document is missing completely from the 2/13/13 ROA in 62337 (and the "change a single blade of grass" "new thing" represented in FHE14 differs from that filed on 10/31/12 in that (amongst some other slight differences, such as "New Verified Answer" being interlineated on FHE14, etc) the filing of 10/31/12 was strictly a "one page per page" ultra legible document that had its own exhibit attached) in that the version into a "New Verified Response (sic) Pre-Hearing Motion to Dismiss/Summary Judgment, Memorandum of Law by crossing out the original caption and handwriting the "new" caption. Supra □38.

Coughlin also attempted, during the hearing, to transform a pleading he had filed the day before the hearing entitled "Emergency Ex Parte Motion to Dismiss ... " by

handwriting the words "Declaration and Verified Response ... " onto the caption of the pleading. Supra 38

(ZZ) The **conduct** described herein not only demonstrates a lack of cooperation with the State Bar, but a lack of competency as well.

(NOTE: noticeably the Panel is backing off its lame attempt to characterize its views on FHE14 and FHE15 as evidence of some fraud on Coughlin's part or an attempt to "alter" a document in a fraudulent sense).

(NOTE: in terms of where along the way Coughlin failed to cooperate or respond, with specific factual allegations as to just when and how such was requested of Coughlin, and as to what, exactly, rather than the conclusory allegation by King (whom was not sworn to testify, and where Coughlin's subpoena on King was quashed) in his complaint and any argument made at the hearing, as King's 4/19/12 email to Coughlin certainly should excuse Coughlin from any allegation that he failed to respond to anything with respect to FHE3 and NG12-0435, the grievance "received" from 2JDC Judge Linda Gardner, according to King's 4/2/12 email to Coughlin, where such 4/19/12 email from King to Coughlin reads: "**However I can suggest you cooperate with Bar counsel's investigation and that you respond specifically to the allegations contained in Judge Holmes and Richard Hill's grievance letters to the office of Bar Counsel.**" However, nothing in Judge Holmes' "grievance letter" (FHE8) references the FHE3 Order (and the use of the term "Order" in FHE3's "Order After Trial" necessarily demonstrates that the "finality" requirement is missing sufficient to warrant any offensive collateral estoppel approach that King never really argued for (rather, King either completely whiffed on the collateral estoppel issue, or fraudulently sought to misapply SCR 111(5)'s "a conviction is conclusive proof of guilt" to even *orders in civil proceedings* wherein Coughlin was not even a *party*) by 2JDC Judge Gardner that had already been vacated).

King's 4/19/12 email to Coughlin was included amongst the collection attached as an Exhibit (along with all emails between Coughlin and the SBN to multiple documents Coughlin submitted for filing (no wonder the SBN refused to transmit the Exhibits to Coughlin's submissions...and the SBN's certainly did not fail to transmit its own exhibits to its own filings in the 2/13/13 ROA) reads (witness King's attempts to mislead Coughlin by leaving out the fact that the initial 4/10/12 presentation to the Screening Panel was not met with a direction to King to "proceed to a formal disciplinary hearing", but, rather, as evinced in NNDB Chair Susich's 5/31/12 SCR 117 Petition's statement in 60975, the Screening Panel met regarding Coughlin on 4/16/12 (and the 23 Exhibit collection or presentation indexed at bates 01965 of the 3,094 page production to Coughlin by the SBN contains numerous Affidavits signed "4/11/12", ie, necessarily after the 4/10/12 meeting of the Screening Panel King references, and the 4/11/12 email to King with three attachments (which seem to form Exhibits 7 to 9 in such 23 Exhibit apparent 4/16/12 presentation by King to the NNDB Screening Panel):

"RE: Mr. King's assertion in his 3/16/12 letter From: Patrick King
(PatrickK@nvbar.Org) Sent: Thu 4/19/12 2:28 PM To: zachcoughlin@hotmail.Com
(zachcoughlin@hotmail.Com) April 19, 2012 Zach Coughlin

Dear Mr. Coughlin, A screening panel of the Northern Nevada Disciplinary Panel met on Tuesday April 10, 2011 to address the grievances filed against you. The

panel directed me to proceed to a formal disciplinary hearing. As such, I will be preparing a formal Complaint. I understand from the e-mail below, that you do not believe you should have been found guilty of the theft at Wal-Mart and that you should not have been found in contempt of Court. However, it must concern you that you were found in contempt of Court by more than one Judge in two different trials. You wanted to know how I learned of or obtained a copy of Judge Gardner's Order after trial that was filed in 2009. It was sent to me by the clerk of the court at my request, pursuant to my investigation. It would help me and perhaps yourself, if you would respond and explain why you were convicted of theft and why you were held in contempt of Court. You may be well served to explain what remedial measures you are taking to make sure you do not repeat the conduct complained about. I cannot give you legal advice. However I can suggest you cooperate with Bar counsel's investigation and that you respond specifically to the allegations contained in Judge Holmes and Richard Hill's grievance letters to the office of Bar Counsel."

However, the true violators of RPC 8.1 are RJC Judge Sferrazza, Judge Nash Holmes, the NNDB Panel, King/SBN Clerk of Court Peters, and all those who failed to comply with Coughlin's lawfully issued SCR 110 subpoenas.²⁷

Judicial and Legal Officials

(AAA) RPC 8.2(a) states "A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, adjudicatory officer or public legal officer. ..

(BBB) During the course of the hearing, Coughlin accused Judge Nash Holmes of lying during her testimony. Coughlin has expressed similar views concerning Judge Nash Holmes in various pleadings filed in this proceeding as well as others. Coughlin has also uttered other derogatory remarks about various judges with whom he has interacted.

(CCC) The State Bar presented scant evidence on this issue and no evidence from which the panel could conclude that the expressions were knowingly false as opposed to an expression of opinion. While the **conduct** displayed is, in the view of the Panel reprehensible, the Panel concludes that the State Bar failed to meet its burden of proof on the issue as an evidentiary matter but finds that as a matter of default the violation may be deemed admitted.

Misconduct

(DDD) **RPC 8.4** provides (in pertinent parts):

It is professional misconduct for a lawyer to :

(a) Violate or attempt to violate the Rules of Professional **conduct**...

(b) **Commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects**;

(c) Engage in **conduct** involving dishonesty, fraud, deceit or misrepresentation;

(d) Engage in **conduct** that is prejudicial to the administration of justice.

(EEE) The Pleadings, Hearing Exhibits and Transcript of these proceedings overwhelmingly, clearly and convincingly establish a repeated, unrelenting and obstinate pattern of **misconduct by Respondent Coughlin evincing numerous and repeated violations of several provisions of RPC 8.4** (NOTE: this conclusion lacks any specificity whatsoever) in

violation of RPC 8.4(a). (So, would that not be something not **noticed** or plead in the Complaint, and therefore, only appropriate in some future disciplinary hearing, if any? Otherwise, is that not transmogrifying what is required to be a plenary hearing into one of a summary nature?).

(FFF) Coughlin was **convicted of petit larceny** on November 30, 2011, **a violation of RPC 8.4(b)**. Such violation is sufficient alone to trigger application of SCR 111. The Nevada Supreme Court referred the matter to the appropriate disciplinary panel for a determination of the extent of punishment that should follow from the conviction. Supra para. 5

(NOTE: the USPTO has indicated that it does not view Coughlin's petty larceny conviction, given the totality of the circumstances therein, to be a "serious" crime. Further, certainly not every conviction for petty larceny is violative of RPC 8.4. For instance, if one stole a loaf of bread from a isolated small town grocery to see that a small child avoided dying of starvation where exigent circumstances required doing so, would that really be an "criminal act that reflects adversely on the lawyer's honesty, ..." etc.?

§ 1363.What constitutes moral turpitude Citation: 3B Am. Jur. 2d Aliens and Citizens § 1363: "A determination that a crime involves moral turpitude must be based upon the moral standards generally prevailing in the United States.³One of the criteria adopted to ascertain whether a vicious motive, corrupt mind,⁴or malicious intention.⁵A crime of "moral turpitude" is and serious,⁶either in terms of the magnitude of the loss that it causes". What constitutes "crime involving moral turpitude" within meaning of § 212(a)(9) and 241(a)(4) of Immigration and Nationality Act (8 U.S.C.A. § 1182(A)(9), 1251(a)(4)), and similar predecessor statutes providing for exclusion or deportation of aliens convicted of such crime Citation: 23 A.L.R. Fed. 480 (Originally published in 1975)...Section 11[g] Footnotes: [FN59] The refusal to differentiate between grand and petit larceny has been criticized in several dissenting opinions. Tillinghast v Edmead (1929, CA1 Mass) 31 F2d 81, infra; Tutrone v Shaughnessy (1958, DC NY) 160 F Supp 433, infra. - [FN60] Although the court in this case indicated that there might be an exception "in unusual circumstances" from the rule that larceny always involves moral turpitude,... Tillinghast v. Edmead, 31 F.2D 81..." I am not prepared to agree that a boy who steals an apple from an orchard is guilty of 'inherently base, vile, or depraved conduct.' Where the larceny is petty, I think the circumstances must be inquired into. 'The evidence as it stands about the crimes for which Edmead was convicted does not seem to me to prove moral turpitude. While she does not appear to be a very desirable citizen, she is not on that account to be denied her legal rights.' I agree with those views. It seems to me monstrous to hold that..." § 22.Crimes involving moral turpitude Citation: 21 Am. Jur. 2D Criminal Law § 22. HealthCriminal Conviction or Charges; Effect of Acquittal Statute defining "unprofessional conduct," for which physician's certificate may be revoked, as including conviction of offense involving moral turpitude, "in which case the record of such conviction shall be conclusive evidence," does not make such record conclusive that crime charged involved moral turpitude; that question being for court to determine. Rev.Code 1928, § 2559 (A.R.S. § 32-1452). Du Vall v. Bd. Of Med. Examiners of Arizona, 49 Ariz. 329....

NOTE: see explication of Lopez-Pastrana elsewhere herein.

NOTE: AS FOR DEFENSIVE COLLATERAL ESTOPPEL and SCR 114 arguments, the United States Patent and Trademark Office has indicated with respect to the

conviction at issue in 60838 that: "RE: 5 U.S.C. 558(C) ... From: McBride, Thomas (Thomas.McBride@USPTO.GOV) Sent: Wed 2/13/13 2:23 PM To: Zach Coughlin (zachcoughlin@hotmail.Com) ...

Dear Mr. Coughlin, ... In response to your question below, we are presently in 11.22 Investigation (see 37 CFR 11.22 (F) and (h)). There are three types of general discipline at the PTO, including direct, interim, and reciprocal. The direct 11.22 Type is focusing on direct discipline related to everything taken as a whole. **The interim discipline type under 11.25 is only for serious crimes as defined in 11.1 – And petty theft does not appear significant enough for the PTO to take interim discipline on that alone.** The reciprocal discipline type under 11.24 (Especially 11.24(E) and related 37 CFR 10.23(C)(5)) requires final adjudication, not interim, from another jurisdiction such as Nevada...Sincerely, -Tom Tom McBride Jr. Office of Enrollment and Discipline United States Patent and Trademark Office."

Coughlin has not been suspended, even temporarily by the USPTO:
<https://oedci.uspto.gov/OEDCI/geoRegion.do?region=NEVADA&regionID=NV>

(GGG) The record also establishes that Coughlin was **convicted of criminal trespass** in the prolonged **eviction** proceedings involving Dr. Merliss, **a violation of RPC 8.4(b)**. Supra 20.

(NOTE: King's SCR 111(4) Petition in 61901 provides a defensive collateral estoppel bar or party opponent admission that the dubious criminal trespass conviction reported therein somehow supports an attempt to permanently disbar Coughlin in 62337: "3. As evidenced by the documentation submitted herein, Respondent **has been convicted of a crime which triggers the reporting requirements of Bar Counsel under SCR 111(4)**". Further, King's failure to file any such SCR 111 Petition (whether one under (4) or (6)) for the alleged "crimes" the 12/14/12 FOFCOL characterizes the "criminal contempt" convictions to be provides a further defensive collateral estoppel bar.

As evidenced by the documentation submitted herein, Respondent has been convicted of a crime which triggered the reporting requirements of Bar Counsel under SCR 111(4). In addition, 111(7) and)(8), state that upon receipt of a petition demonstrating that an attorney has been convicted of a serious crime, the Court shall enter an order suspending the attorney, pending the final disposition of a disciplinary proceeding, in which the sole issue to be determined shall be the extent of the discipline to be imposed.

Indeed, compare the language King used in his SCR 111(4) Petition in 61901 for the criminal trespass conviction with that he employe in 60838 in the petty larceny conviction: "As evidenced by the documentation submitted herein, Mr. Coughlin has been convicted of a misdemeanor crime under the Nevada Revised Statutes. **However, that conviction was for "theft."** The following language, as set forth in SCR 111(6), dictates that Respondent's crime constitutes a serious crime:

Definition of "serious crime." The term "serious crime" means (1) a felony and (2) any crime less than a felony a necessary element of which is, as determined by the statutory or common-law definition of the crime, improper conduct as an attorney, interference with the administration of justice, false swearing, misrepresentation, fraud, willful failure to file an income tax return, deceit, bribery, extortion, misappropriation, theft, or an attempt or a

conspiracy or solicitation of another to commit a "serious crime." [Emphasis added.]

CONCLUSION WHEREFORE, Bar Counsel respectfully brings this matter to the Court's attention and requests that the Court enter an Order temporarily suspending Respondent from the practice of law and referring this matter to the Northern Nevada Disciplinary Board for further disciplinary proceedings, in accordance with SCR 111(7) and (8). ”

HEARING - Vol. I, (Page 327:2 to 327:6) (Coughlin): “Well, it could consider the trespass thing certain, right? **But Bar counsel filed an SCR 111.4 petition recently. What does that mean? It means Bar counsel themselves admit that that was not a serious crime, a serious offense as elucidated under SCR 111.6**” As such, the Panel clearly erred where it concluded that the criminal trespass conviction in 61901 is a violation of RPC 8.4(b), as the decision not to bring a SCR 111(6) Petition by bar counsel and the decision not to take any of the steps set out in SCR 111(7)-(9) by the Nevada Supreme Court establishes that such criminal conviction is one for which there is not “a necessary element...as determined by the statutory or common-law definition of the crime,” that involves “improper conduct as an attorney, interference with the administration of justice, false swearing, misrepresentation, fraud, willful failure to file an income tax return, deceit, bribery, extortion, misappropriation, theft, or an attempt or a conspiracy or solicitation of another to commit a "serious crime."” As such, the Panel is barred from concluding that such criminal trespass conviction is, in any way, and instance where Coughlin could be said to “(b) **Commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects**”.)

(HHH) The Complaint in this matter alleges that Coughlin has been arrested and is awaiting trial on a larceny charge involving a cell phone and on a charge of abusing 911 emergency procedures. However, no evidence was presented on these charges but as a matter of default the allegations may be deemed admitted and would constitute additional violations of RPC 8.4(b).

(JJJ) The record, as described at length above, establishes several violations of RPC 8.4(c).

See □ □ (AA), (BB), (CC), (AAA), (BBB) and (CCC).

(KKK) The entire record in this matter is replete with instances demonstrating that Coughlin's conduct is prejudicial to the administration of justice. (NOTE: here Echeverria is just not content to have gutted every bit of due process required of this hearing, and instead wants to glom on some summary disciplinary order on top of all his crimes against jurisprudence) Coughlin has been repeatedly sanctioned monetarily and by way of incarceration for his **conduct**, has repeatedly filed lengthy, irrelevant and nonsensical pleadings requiring staffs, courts and counsel to expend needless and unnecessary time in responding to such pleadings, has repeatedly **disrupted** proceedings and failed to follow instructions and admonitions of the courts. The record establishes that the pattern of **conduct** continues despite the severe sanctions administered and continues up to and during the disciplinary process and hearing of this matter.

(NOTE: the instances that Panel finds support such conclusions are plainly not sanctions).²⁸

The Extent of the to be imposed pursuant to SCR 111 As a Result of Conviction of the "Serious" Crime of Petit Larceny.

(LLL) The matter of the referral from the Supreme Court was considered in conjunction with the allegations in the Complaint filed by the State Bar. While the conviction at issue in the Supreme Court Order of June 7, 2012 may not alone warrant the discipline recommended in this Panel's recommendations, taken as a whole and in conjunction with the numerous and repeated other violations of the Rules of Professional **conduct**, warrant, in this Panel's view, the discipline recommended herein.

(NOTE: actually, not one second of the eight hour plus hearing was at all devoted to that which the 6/7/12 Order in 60838 ordered in referring the matter to a disciplinary panel. King put on not one shred of evidence, or argument even, respecting the "nature and extent of the punishment" appropriate for such conviction. Further, Panel Chair Echeverria continually obstructed Coughlin's right, under SCR 123 and Laub, etc. to compare his case to others (like the very same Stephen R. Harris, Esq., that Judge Beesley testified so glowingly about during Mr. Harris disciplinary hearing (which was given more time (and Grundy got to file a 54 page brief therein) despite Mr. Harris only being charge with two RPC violations, ones to which he admitted to, even, plus, Mr. Harris was provided with the "30 days written notice" by the Panel, after the Panel was chose, rather than, as occurred in this matter, the SBN's King slapping together a notice and a laughably skint DowSoE, then having Laura Peters lie in her Certificate of Mailing respecting when it was mailed, then hold a formal disciplinary hearing six judicial days after the Order appointing the Panel was even constructively noticed to Coughlin (especially hard to address those matters SBN President Flaherty spoke to in his 2/25/13/ Petition in ADKT 0482 or get a SCR 103(6), etc. conference or addres SCR 110(4) issues where NNDB Susich refuses to communicate with Coughlin in any manner, as was also the case with Echeverria, on top of the SBN providing all the misdirection and lies it could muster.

Further, by "kitchen sink"-ing it, here, the Panel fails to do that which the Court ordered it to do, where it does not specify the "nature and extent" of the punishment for the conviction in 60838, but rather lumps everything together in a ridiculously overwrought, and, frankly, enormously fraudulent "recommendation").

However, clearly, especially where Coughlin is actually innocent, a conviction for shoplifting "chocolate bar, cough drops" is not at all a "serious offense", though there is some argument that the dictates of SCR 111 were not followed were the "cough drops" (Dextromethorphan, DXM) may be viewed as invoking the requirement that such be referred for a Panel determination prior to any application of SCR 111(6) being availing.²⁹

DECISION AND RECOMMENDATION

In assessing the fonn of discipline to recommend, the Panel has accounted for a number of aggravating and ***mitigating factors that must be considered***. The Panel finds that the State Bar has shown ***by clear and convincing evidence*** the ***presence*** of at least eight of the eleven aggravating circumstances to be considered in accordance with the provisions of SCR 102.5(1). (NOTE: so the SBN shows "by clear and convincin evidence" the mere "presence" of a hint of one of the aggravating factors, such is sufficient? For instance, was the criminal trespass "clearly and convincingly done ***to preserve an unlawful tenancy***? Or, was the completely understandable belief held by Coughlin that he was absolutely entitled to be at his home law

office that day (especially considering the holding in *Iorio*, *Russell*, *Mayes*, etc. and the fact that every other county in Nevada follows NRS 40.253(5)(a)'s (law must apply even throughout the state under NV Const. Art 4. Sect. 21) requirement that the passing of 24 hours from the tenant's "receipt" of the summary removal order, and further, where the WCSO failed to accord such to Coughlin and at no time did the WCSO return to properly conduct such lockout.

Further, pursuant to NRS 40.385 and RJC Judge Sferrazza's ruling on 10/25/11, Coughlin's "rent escrow deposit" was being retained by the RJC as his "supersedeas bond" (which, by the way, was nearly ten times the amount actually required for such a supersedeas bond under NRS 40.385...and Judge Sferrazza and the RJC as a whole's complete refusal to take accountability for their actions and arguably willful failures to apply the law, especially vis a vis landlord tenant matters (not to mention Sferrazza ignoring *Clifford v. State*, and *Shepp/Staab* in the iPhone petty larceny case) reveal much in explaining why Judge Sferrazza has consistently received the lowest (by far) scores in the WCBA's survey of judges (with approval ratings sometimes in the 30% range, where the next *lowest* rating for one of his fellow Justices of the Peace in the RJC was some 45% *higher*). Beyond that is the basis for not viewing the criminal trespass conviction as done "to preserve an unlawful tenancy" (and its not as if King or the Panel actually cite any law to support such characterization as an aggravating factor) presented by the fact that Coughlin's 10/19/11 Notice of Appeal in such summary eviction proceeding clearly divested the RJC of jurisdiction prior to the holding of the "Trial"/er, "continuation of the summary eviction proceeding" on 10/25/11, as well as where Coughlin's 10/26/11 filing of a Motion for Stay (which Judge Sferrazza never ruled on (see JCR LV 40 where an automatic stay inures upon the filing of such a motion, and JCR RT 2, which makes the "motion once made cannot be made again" approach Judge Sferrazza asserts (by way of Post-It Note Orders that he fails to ever serve on anyone) is inapplicable as the JCR RT do not apply to "landlord tenant matters") and Coughlin's 11/3/11 Motion for a Stay under NRS 40.251(3)-(4), which provides that an automatic stay of five days from Notice of Entry of any Order denying such a stay where the tenant alleges a disability as to any lockout), in addition to the fact that per NRS 40.360, where Coughlin's lease had not "expired", Coughlin was entitled to an automatic stay of five days from Notice of Entry of such 10/27/11 FOF COLOSE (where no such Notice of Entry was even mailed under after the WCSO and Hill had already burglarized Coughlin's home law office on 11/1/11 in their too early effectuation of a lockout...and where Nevada law requires that the Sheriff or Constable only perform such lockouts, the landlord and Hill are precluded from asserting their subsequent conduct somehow effectuated such a lockout.).

Of course, while Chair Echeverria allowed King to elicit testimony from Hill as to "slippers" and "pajamas" and other "evidence" in support of such "to preserve an unlawful tenancy" aggravating factor (without King ever making the argument that such was offered for that purpose), Coughlin was uniformly precluded from putting on any testimony or documentary evidence (especially as to the apparent refusal of the Panel to admit the discs attached to Coughlin's FHE14,15), which was clearly reversible error by the Panel.³⁰

The filings Coughlin submitted on 11/7/12 but which were not approved for filing by the NSCT Clerk's Office for months, but which were served on bar counsel and the Panel contemporaneous to the 11/7/12 submission (which are filings whether the Clerk stamped them

or not), etc...

First, while there have been no formal prior disciplinary proceedings by the State Bar, the record establishes that Coughlin has been disciplined **by way of sanctions on at least four prior occasions**.

Beyond the fact that FHE2 is not a “sanction”, and the fact that FHE3 was not a sanction to begin with, and was vacated by way of the 6/19/09 Final Decree of Divorce in such matter, neither the SBN nor the Panel offer an citation to authority supporting the apparent contention here the a civil contempt order is a “sanction”.

Second, the record reflects, at least with respect to the **Merliss matter** and the **two criminal trials** (NOTE: herein the Panel admits that a “traffic citation trial” is not a “criminal trial” thus undermining its contention that the FHE4 civil contempt order was a “criminal conviction” (and the use of the term “Order” in FHE5 vitiates any argument (which the SBN never even made anyways) that claim preclusion or SCR 111(5) apply to both obviate the need for the SBN to prove any and of the alleged RPC violations it implicitly alleges contain identical or sufficiently similar enough, elements to a “criminal contempt” conviction as to provide an offensive collateral estoppel bar to admitting any evidence or argument by Coughlin defending against such allegations of guilt) that the pattern of **conduct was for selfish reasons**: to preserve an unlawful tenancy and to delay and prolong criminal convictions.

Third, the record clearly and convincingly establishes that the pattern of **misconduct is consistent** (NOTE: too bad King failed to **notice**-plead an allegation tha Coughlin dispalyed a pattern of continuing **misconduct** in his Complaint) and includes, without limitation: the **disruption** of the proceedings (NOTE: the Panel fails to cite to any specifics here because the fax filings by Coughlin that FHE5 takes issue with do not occur “within the courtroom”, and as such, under **In Re Stuhff** are inadmissible for supporting such contention); the refusal to heed the directions and admonitions of **the** court (which “court”? Where no support for such contentions (conclusions of law) via citations to the record, such must be discounted); the injection of irrelevant material and matters; the filing of lengthy, irrelevant and nonsensical pleadings; the **willingness to lie** (NOTE: even had a “willingness to lie” been proven, such is a different animal than actually lying, and where the Panel is alleging a “consistent” and “continuing” pattern here, there exists nothing in the record accusing Coughlin of “lying” other than a conclusory one word response by Hill (occurring well after King's fifteen minutes were up, and where Panel Chair Echeverria consistently refused to allow to ask any such “overtime” questions of Beesley, Elcano, Holmes, or even Hill, really) to King's questioning him as to whether Coughlin displayed “candor” to opposing counsel of the court (especially where King's Complaint failed to notice-plead the summary eviction in Rev2011-001708 and appeal thereof in 03628 (or Coughlin's conduct or advocacy therein) in any way whatsoever and where King's DoWSoE limited Hill's testimony to only Coughlin's “conduct” in the appeal in 03628, where Hill (in addition to testifying about the WLS wrongful termination lawsuits, laughably) focused his testimony on that before the appeal in the summary eviction proceeding in justice court in 1708 (which Hill claimed not to have attended or listened to the transcripts provided to his firm upon being cornered in his lie that Coughlin “failed to raise” the jurisdictional bar presented by Hill's associate Baker utilizing the summary procedures of NRS 40.253 by way of the no cause summary eviction basis set forth in NRS 40.254 against Coughlin's use of the

premises, in part, for commercial purposes (which the lease expressly authorized) where non-payment of rent was not included amongst the basis for seeking such a summary eviction in any iteration of the “landlord's affidavit”), Judge Holmes' testifying that she thinks Coughlin “**probably**” lied (so much for the “beyond a reasonable doubt” requirement for a “criminal” conviction, much less the “clear and convincing evidence” she obviously does not understand present a higher burden than the “probably” standard inherent to a “preponderance of the evidence” civil proceeding standard...which goes to the approach Sferrazza and Holmes take, ie, the decide what they want the result to be, then allege whatever standard is necessary (or what they ineptly believe the standard to be) to get to the result the desired to have been met) to her about some vague, unspecified aspect of his responses (which arguably included an RPC 3.5 “open refusal” to respond to her improper abuse of contempt power sua sponte interrogations of Coughlin immediately following his return from the one restroom break in such 2/27/12 trial...where it is especially unclear just how the Marshal Harley whom Holmes order to escort Coughlin to the restroom (where Chief Marshal Roper admits that Harley “communicated” what Judge Holmes' testified he told her at any point in time between such trip to the restroom by Coughlin did not go into the restroom with Coughlin and that Harley escorted Coughlin back to the courtroom and remained there for the trial) to court and counsel and the inability to understand and follow the rules of evidence and procedure.

Some might say it is lucky for Judge Holmes that she is a judge because she certainly is not smart enough to operate in any setting where she does not hold all the cards and apparently have unchecked power, which she apparently is freely allowed to abuse, given the glaring, amateur hour inconsistencies and logical fallacies in her account of the events of 2/27/12. However, Pengilly and McCormack await her.

Fourth, the record clearly and convincingly establishes that Coughlin has **committed multiple violations of the Rules of Professional conduct, as more fully discussed above**.

Fifth, the record clearly and convincingly establishes that Coughlin **engaged in a bad faith obstruction of the disciplinary process by failing to file the pleading required by SCR 105(2)** and instead filing several lengthy, irrelevant and nonsensical pleadings (NOTE: since when is that the standard for “bad faith”?), mostly pleadings filed in other matters, and **refiled** in the disciplinary action under a similar but different caption. In some instances, Coughlin simply crossed out the case name and hand wrote the names of the parties in the disciplinary proceeding. (NOTE: where the Panel and King constantly sought to apply some offensive collateral estoppel/SCR 111(5) approach (even though King and the Panel never actually said the word “estoppel” or “preclusion” or really ever actually enunciated such arguments (and, further, to whatever extent such argument was made, it was made sua sponte Echeverria, which is completely inappropriate, see Breliant and the limiting of the “adjudicatory boundaries” to that to which the parties have provided arguments and citation in support thereof.

Sixth, the record clearly and convincingly establishes that Coughlin has **refused to acknowledge the wrongful nature of his conduct** despite having been **sanctioned** on at least four prior occasions.

Seventh, the record clearly and convincingly establishes that Coughlin has shown **a**

complete indifference to making restitution and has so far **ignored orders** to do so. (NOTE: what “orders”? “Restitution” is not a concept applicable to a “prevailing party attorney's fee award” such as FHE2, further FHE3's non-sanction attorney fee award was vacated, duh, and as to the “candy bar and some cough drops” the Panel apparently believes monolithic mega-retailer Wal-Mart is entitled to, there exists a civil remedy under Nevada law in that regard, and Wal-Mart, by way of its apparently unauthorized to practice law in Nevada “Bennett Law Corporation” (a very shady entity, indeed, apparently based in Utah) has chosen not to pursue such, so surely collateral estoppel applies there where is allegedly applies against Coughlin everywhere else in this matter. Further, Coughlin did not steal anything from Wal-Mart, period, and it would be morally wrong to provide such entity, which countenances the perjury of its “loss prevention associate” Thomas Frontino and partners with the corrupt Reno Sparks Indian Colony Officers Kameron Crawford and Donnie Braunworth to violated Nevada law (with the blessing and assistance of corrupt Reno City Attorneys Pamela Roberts, Daniel Wong, and John Kadlic).

Eighth, the record clearly and convincingly establishes that some of Coughlin's **misconduct involves illegal conduct that evinces fraud and dishonesty**. For example, he was convicted of **one instance of petit larceny** and is awaiting trial on a second. (NOTE: there is absolutely no support or citation presented by either the Panel or OBC that a “petty larceny” conviction “involves **fraud and dishonesty**”, and the balance of American jurisprudence (not to mention the mandatory authority in **Claiborne**) establishes that the majority viewpoint is such that the panel may not rule that a conviction conclusively establishes whether or not the crime “involves illegal conduct that evinces fraud and dishonesty” or is otherwise a “serious” crime or offense or supportive of a RPC 8.4(b)-(c) violation).

Actually, in the Ninth Circuit, per **Lopez-Pastrana**, shoplifting or petty larceny is not a “**serious**” crime: **U.S. v. Lopez-Pastrana**, 244 F.3d 1025 (9th Cir. 2001).

(NOTE: see, Docket 61462 Document 2012-25416 and the filing of same date, 8/13/12 in 60838, both of which were served on Panel and SBN (contrast that with King's vague contention that Coughlin was “provided with these documents” (such as FHE2, 3, 4, 8, 10, etc. where the relevant inquiry is not whether such were “bates stamped” amongst some 3,094 pages delivered to Coughlin four judicial days prior to the formal disciplinary hearing...but whether SCR 105(2)(c) was complied with (this is not that hard to do King and Peters, really, have some respect for yourselves, or at least for the Bar and Court), which includes providing a “summary of the evidence”, with “30 day's written notice” prior to the hearing, not just dumping a box of 3,094 pages on Coughlin four judicial days prior to the hearing...Plus, King's fraudulent approach shines through again in the following portion of the transcript where he attempts to mislead the Panel (which, obviously with as biased as Panel as was present in this matter, was hardly necessary) by suggesting that documents like FHE2, and FHE3 were somehow “filed documents with the supreme court in terms of motions...” only to then reference the non-sequitur presented where the SBN “made copies of the disks of court proceedings for him” (audio disks only), or that “and those exhibits were attached” where absolutely none of the “disks” (again, audio disks only were provided to Coughlin) nor any of the “exhibits” “attached” to anything the SBN filed (“exhibits” require a filing, not a dumping of 3,094 pages days before the formal hearing that the SBN strenuously argued should not be

included in the ROA in contrast to Coughlin's attempts to offer such into evidence), nor any of the two, count them, two total filings by the SBN in any matter involving Coughlin (the two SCR 111 Petitions in 60838 and 61901, which had attached thereto only Exhibit 1 to the 8/23/12 Complaint (as found within FHE1, comprising the 11/30/11 "Judgment of Conviction and Court Order" (though not the 11/30/11 Order Punishing Summary Contempt) in RMC 11 CR 22176 (60838) and the 3/15/12 Order Affirming Ruling of the Municipal Court found in FHE12) as exhibit to the SCR 111(6) Petition in 60838 and where the SCR 111(4) Petition in 61901 attached only FHE12 and FHE13, though neither was admitted into evidence at the 11/14/12 disciplinary hearing, despite King being afforded five and half hours to put on his case where Coughlin was only afforded two hours and fifteen minutes to put on his.

And, to be clear, FHE12 and FHE13 were only "served" on Coughlin in the context of being attached to the SCR 111(4) Petition in 61901, whereas Coughlin "served" all the various materials he references herein on King and the Panel in the instant matter, as attachments to filings *therein* as well as were a great deal of those attachments were filings served on the SBN in 61901, 60838, 61426, 62104, or where all the filings in 53833 and 54844 were attached to Coughlin's filing in the matter at issue in 62337 (this case) where such intimately related to the matters address in the Joshi case (DV08-01168, see 60302, 60317) from which FHE3 and NG12-0435 spring). King simply failed to even meet the standard of the Mirch approach in failing to "incorporate by reference" or "attach as an exhibit FHE2,3,5,8,10 to the Complaint or in any way reference such in (not that doing so meets the due process SCR 105(2) notice-pleading standard, but still...) his Designation of Witnesses, Summary of Evidence, which, while Clerk of Court Peters Certificate of Service thereto indicates was "deposited for mailing" (though failing to include the Mikohn standard's required language indicating that such was "to be picked up for mailing this day" etc.) was proven by Coughlin's attaching the USPS Track & Confirm printouts for the Certified Mailing number the SBN associated thereto, to only be first scanned into the USPS tracking system on 10/16/12, and only first made available to Coughlin by the USPS on 10/16/11, where Coughlin, in every way, fully complied with SCR 79 vis a vis timely updating the SBN and NNDB (the Panel was not even announced until weeks later, naturally) with his Official USPS Change of Address (which Coughlin submitted to the downtown Reno Post Officer in person on 10/5/12 (likely causing the somewhat extended five days in transit associated with the 10/12/12 file-stamped SBN's DowSoE (which, again, was not deposited for mailing until much later (the USPS Track & Confirm indicates a first scanning of the Certified Mailing number thereof as occurring on 10/16/12) owing to Coughlin's Official USPS Change of Address being processed by the USPS (providing yet another reason why King and Peters negligent approach (born of a cheating desire to obtain some quick strike advantage over Coughlin, whom they assumed was homeless at the time) in attempting to jam Coughlin into an overly soon hearing date (unbifurcated, mind one) by knowingly breaking the rules in SCR 105(2)(c) in usurping the Panel's duty to provide "30 days' notice of the hearing" where the SBN sent out such Notice on 10/16/12, for a 11/14/12 formal hearing date, where the Panel was not even announced until NNDB Chair Susich's 10/30/12 Order Announcing Formal Hearing Panel).

Further, Coughlin confronted Peters and King about their refusal to accord him the access to and right to "inspect" all materials permitted under SCR 105(2)(c) for the twenty

seven days required thereunder. Coughlin further confronted King and Peters regarding the fact that the Notice of Hearing that is file stamped 10/12/12 and to which Peters signed a Certificate of Mailing (which lacks the required “placed in the mail for pickup to go out on this date” Mikohn language) that identifies 10/12/12 as the date of mailing despite the fact that the USPS Track & Confirm for such Certified Mailing indicates such was only first scanned into the USPS tracking system on 10/16/12, and only first made available to Coughlin (through no fault of Coughlin's) by the USPS on 10/22/12). Peters, King, and the NNDB all failed to reschedule or continue the hearing despite Coughlin's demands that such be done in light of the extreme prejudice this deprivation of Coughlin's SCR 105(2) and 105(2)(c) rights this engendered. Instead, King started up with his ridiculous “stay away” letters and demands that Coughlin “call ahead to the SBN fifteen minutes before attempting to file anything” and Peters began her “this is harassment” histrionics, where both attempted to coerce the SBN's Paula Campbell into joining their fraudulent approach vis a vis Coughlin's completely placid, uneventful interaction with Campbell while submitting a filing on 11/6/12. This tacky cheatin' weasel approach permeates everything Patrick O. King and Laura Peters do.

And, what all of this really illustrates is that King and Peters knew the case against Coughlin was garbage from day one, but they wanted to make their master's happy (NNDB member Hill, Judge Nash Holmes and longtime SBN fixture and former SBN President NVB Judge Beesley) and upon **Coughlin catching both Peters and King in several material lies** (vis a vis Peters communications to Coughlin about whether the 8/23/12 Affidavit of Service attached to the Complaint would be asserted by the SBN to satisfy SCR 109, and whether Peters announced to Coughlin he may submit filings via facsimile and so serve such upon the SBN by doing so (causing King to panic upon Coughlin's 10/6/12 email pointing out the DCR 13(3) application King's failure to oppose Coughlin's 9/18/12 Motion to Dismiss deserved), and upon the calamity of the SBN's affixing insufficient postage thereto (where the USPS refused to release such Certified Mailing to Coughlin) and only mailing such (or in any way transmitting such to Coughlin, where the SBN steadfastly eschewed copying Coughlin on filings/orders via email and facsimile) via one method (ie, Certified Mailing, departing from the indication in all other SBN Certificate's of Mailing that such documents were being sent via both Certified Mail and copied via first class mail as well) failing to serve Coughlin the (RPC 3.5A and Peters 9/11/12 representations to Coughlin as to the requirement that the SBN so serve such NOITD upon a Respondent following the second attempt to obtain a signed Return Receipt Requested USPS form from a Respondent under the policies/SCR 105(4) adopted procedural rules the SBN/NNDB has attached to NOITTD's) 10/9/12 Notice of Intent to Take Default...as well as Coughlin catching King and Peters in their lies that FHE3/NG12-0435 was a grievance “received” from 2JDC Judge L. Gardner where such was merely included amongst the “box of materials” provided by Judge Nash Holmes on 3/14/12...

Upon being caught in their lies, and realizing their case was garbage, King and Peters panicked, began accusing Coughlin of “harassing” them and whining about being “frightened” and went for a quick cheap power grab by attempting to jam Coughlin, and a completely underinformed group of pathetic excuses for panel members into a formal disciplinary hearing where an overly vindictive and overcompensating King was forced to dredge up Elcano and Beesley on short notice just days before the hearing, and where King was

forced to put Judge Flanagan's FHE2, essentially, in the clean-up hitter role despite his earlier choice to completely excise such from his 8/23/12 Complaint in light of the fact that King's 8/30/12 email to Coughlin attached the 8/28/12 Order by Judge Flanagan that made even more clear that the 6/25/12 Order awarding a "prevailing party attorney's fees" award to Hill's client was, most definitely, not a "sanction". Hello RPC 3.8 violation, allow me to introduce you to Patrick King, and let's not forget about King's venturing unprotected outside the cozy confines of SCR 106 in his May 2012 attempts to sabotage Coughlin's law practice by violating SCR 123(3)'s confidentiality provisions in communicating a falsehood to Coughlin's then client, Peter Eastman falsely purporting that NVB Judge Beesley had banned Coughlin from practicing or filing anything in the NVB.

In order for respondent in Bar disciplinary proceeding to use common-law qui tam remedy to prosecute his former lawyer and compel an investigation of the lawyers employed by Bar Association, respondent was required to possess, as a private individual, a legal or justiciable right to act for the public to prosecute public wrongs of the nature that were raised by his pleadings in disciplinary proceeding. *State ex rel. Oklahoma Bar Ass'n v. Mothershed*, 2011 OK 84, 264 P.3d 1197 (Okla. 2011), as corrected, (Oct. 18, 2011).

HEARING - Vol. I, (Pages 47:17 to 50:19) MR. KING: I'm sorry. I meant Exhibit 2. MR. ECHEVERRIA: Any objection, Mr. Coughlin? MR. COUGHLIN: Your Honor, is it truly a certified copy has been -- MR. ECHEVERRIA: That's what he's represented. MR. COUGHLIN: Is that true? MR. KING: I have certified copies of all the orders that are going to be admitted. MR. COUGHLIN: I don't believe this was provided earlier. MR. ECHEVERRIA: Do you have an objection, Mr. Coughlin? MR. COUGHLIN: I don't believe it was noticed. It wasn't included in the summary of evidence. MR. KING: If you take a look at the bottom right-hand side. MR. ECHEVERRIA: Have you seen this order? (NOTE: Here again Echeverria sua sponte attempts to put in work for the SBN by seeking to confuse the SCR 105(2)(c) and due process (notice and opportunity to be heard) inquiry by focusing on whether Coughlin has "seen this order?". Some might say Echeverria is just a three card monty street corner hustler...actually, that's not fair...most street corner hustler did not grow up with the silver spoon in their generations of Stanford legacies mouth's like Echeverria did) MR. COUGHLIN: Yes, sir. MR. ECHEVERRIA: It's admitted. (Exhibit 2 admitted into evidence.) MR. COUGHLIN: I just didn't know it was for this hearing. MR. KING: Your Honor, if you look at the bottom right-hand side of any documents I present, you'll see a Bates stamped number. The entire file was actually copied at the State Bar's expense, and Bates stamped and provided to Mr. Coughlin to avoid any suggestion that he didn't receive copies of these documents or know that I intended to introduce them. (NOTE: Apparently the King did not care whether there was well more than a "suggestion" that King cheated the system by failing to let Coughlin "know" King "intended to introduce them" where King in no way whatsoever referenced FHE2 in his 8/23/12 Complaint (while SCR 105(2) requires that "the complaint shall be sufficiently clear and specific to inform the attorney of the charges against him or her and the underlying conduct supporting the charges"), and where King's Designation of Witnesses, Summary of Evidence (SCR 105(2)(c) requires "30 days' written notice" from the date of the hearing where such "notice shall be accompanied by a summary prepared by bar counsel of the evidence against the attorney, and the names of the witnesses bar counsel

intends to call for other than impeachment, together with a brief statement of the facts to which each will testify, all of which may be inspected up to 3 days prior to the hearing”)

MR. ECHEVERRIA: I had earlier granted that portion of Mr. Coughlin's motion to have access to the State Bar file. And are you representing, Mr. King, that the State Bar files were copied, Bates stamped and delivered to Mr. Coughlin? MR. KING: Yes. MR. ECHEVERRIA: In the lower right-hand corner this document bears the Bates stamps 2975 to 2978. And was this order included in the group of documents delivered to Mr. Coughlin? MR. KING: Yes, it was. MR. ECHEVERRIA: It's admitted. MR. COUGHLIN: Your Honor, may I respond to that? MR. ECHEVERRIA: Sure. MR. COUGHLIN: The rule says I'm to have no less than 30 days from service of the notice of the hearing to inspect, up to within three days of the hearing, these materials. Mr. King refused to let me see these materials for months, going all the way back to March. All of a sudden he's rigged this system so that I don't get 30 days' notice of the hearing. The panel is coming into this hearing. Scant amount of days to prepare and inculcate themselves with an idea of what this case is about. And further, I get a big box of about, I want to say about one of the \$30 boxes, and I get it on the 8th for a hearing that's on the 6th. And that somehow -- MR. ECHEVERRIA: The hearing is on the 14th, Mr. Coughlin. MR. COUGHLIN: I'm sorry. Six days from the 8th. That somehow complies with the rule? And what I got was sent out on November 1st. So I didn't get anything, any access to inspect the file, inspect the docket from November 1st to November 8th. Further, I only got the six days, not the 30. MR. ECHEVERRIA: Mr. Coughlin, as I view it, you got more than access, you got copies. Exhibit 2 is admitted. MR. KING: **Just for the record, I would also like to respond to the suggestion that we didn't provide Mr. Coughlin with these documents. Well in advance of the time we had these Bates stamped he had come to the State Bar office many times. I even made copies of the disks of the court proceedings for him at his request. We filed documents with the supreme court in terms of motions. He was served with copies of all of those, and those exhibits were all attached.”**

King's negligent failure to ever attach FHE2,3,4,8,10, etc.,etc. To the Complaint or to even note such as being “incorporated by reference” a la Mirch has some truly serious consequences here to the detriment of the SBN's case.

The **Panel finds few potentially mitigating factors to be present**. While the Panel **finds that there is a lack of prior public discipline by the State Bar**, the Panel notes that Coughlin has been **publicly criticized** in the Joshi matter (NOTE: interestingly, the Panel fails to characterize FHE3 as a “sanction” here), has been heavily **sanctioned** with an adverse award of substantial attorney's fees in the Merliss matter, and has been incarcerated at least twice for **criminal contempt** of court. (Echeverria, reaching hard for an SCR 111(5) conviction is conclusive proof of guilt approach, here, which he also attempts to bootstrap on to to his approach to avoiding any analysis or fact finding vis a vis the various alleged violations of RPC's the SBN/Panel view as having elements that are exactly the same as a “criminal contempt” charge/conviction). **Although there has been an absence of prior public discipline by the State Bar**, there have been multiple instances of judicial **censure** and **sanction**. (Actually, neither of the alleged “sanctions” (FHE2, FHE3) are “sanctions”. FHE3 was undone by the final Decree of 6/19/09. FHE2 was never a “sanction”, it was a “prevailing party attorney fee award” per NRS 69.050 (and even that is a void order given such statute applies

only to appeals of “judgments” in plenary “civil actions”, not appeals of “summary eviction orders”, and, regardless, NRS 40.400 makes NRAP 38 the only basis for a fee award, which neither FHE2 nor the 4/19/12 Motion for Attorney's Fees such was predicated upon managed to mention, at all. Further, no judge has “censured” Coughlin nor has Echeverria or the Panel (much less the OBC) offered any authority to define what is entailed in a “censure” in the legally operative sense.)

Although Coughlin suggested at the hearing that he may have personal or emotional problems or a mental disability, he denied that he needed further help.

Furthermore, no medical evidence was presented regarding the potential impact of a mental disability, no evidence that the disability was the cause of the misconduct, no evidence of recovery by rehabilitation and no evidence that a recovery has arrested the misconduct and that a recurrence is unlikely to occur.

The Panel and King wish to continue playing stupid with respect to the events of August 2011, which Coughlin explained in great detail, and the ensuing challenges in becoming local law enforcement's favorite can to kick around for a couple years (and the concomitant codependent relationship local law enforcement has with the judiciary)...its not a case an attorney refusing to take his medication, or refusing to get diagnosed, or refusing treatment. The attorney had his rent stolen by his ex, could not afford his medications, received the typical complete and utter lack of assistance from family upon asking for help in such dire circumstances, and was subsequently **wrongfully arrested** twice within 17 days less than three weeks after, due to an inability to pay for such **forced Coughlin to abruptly go off both an ADHD medication and an anti-depressant.**

But, to be clear, Coughlin did not steal anything. Both of those petty larceny arrests were wrongful, and the circumstances surrounding such fail to reveal any wrongdoing on Coughlin's part, and plenty thereof on the part of the officers involved, the prosecutors, bar counsel, and the court appointed defenders (except in the Walmart petty larceny, as RMC Judge Howard, willfully violated the 2008 Indigent Defense Order in refusing to per se \$10,000 yearly income indigent Coughlin counsel.

Further, **King's approach in essentially running away from Coughlin's providing him extremely detailed information (Coughlin provided the SBN, King, and the Panel a complete printout of every single prescription he has filled at any pharmacy since 2008, revealing exactly what Coughlin testified to, that he abruptly cease taking Aderrall and Wellbutrin on or about August 2nd, 2011 (where the first arrest (iPhone abandoned property about to be thrown in the river ridiculously charged as “petty larceny” (well, actually charged as “oooooh, that's a felony” grand larceny by RPD Officer Nicholas Duralde, where Duralde referred to the “certain benefits to charging it as a felony” (such as doing so getting around the prohibition against making a misdemeanor arrest between 7pm and 7am for an alleged misdemeanor occurring outside the officer's presence per NRS 171.136 (where such statute also barred the second arrest 17 days later on 9/9/11, the Walmart petty larceny of “a candy bar and some cough drops” (the “candy bar”'s UPC revealed such was an “ice cream bar”, indicating Walmart's Thomas Frontino was lying where he alleged he “personally eye witnessed” Coughlin “select and consume” such “candy bar” from the unrefrigerated “candy isle” and where the UPC of the same half of one package of Duract Cough Melts recovered**

from Coughlins' pocket upon the Reno Sparks Indian Colony tribal police officer violating both NRS 171.136 and NRS 171.1255 recovered from Coughlin's pocket matched exactly the UPC on the receipt for the \$83.82 worth of groceries Wal-Mart admits Coughlin had just purchased (ie, the exact same Duract Cough Melts were listed amongst the items Wal-Mart admits Coughlin purchased...even where Wal-Mart's Frontino lied in testifying that Coughlin had not just purchased such a package of Duract Cough Melts (as Frontino laughably alleged he peered from thirty yards away each and every item Coughlin purchased and that such did not include a package of the very Duract Cough Melts that was, in fact, listed amongst those items Coughlin purchased (the UPC thereof and the description) on the receipt for \$83.82 worth of groceries, where such purchase was made immediately prior to the wrongful arrest.

Coughlin failed to express sorrow and a big mea culpa because he did not do anything wrong, and he certainly did not commit a "theft" crime, period.

Coughlin emailed (and provided in hard copy) King and the SBN TWICE, such complete certified prescription history printout of all medications taken since 2008, and King, in an July 11, 2012 in person meeting with Coughlin fraudulently attempted to get Coughlin to cease providing him such materials. King wanted to be able to freely allege Coughlin had failed to do this or that per SCR 117 or otherwise address any problems (not being able to afford medications has now become NNAMHS finally agreeing to pay for such medications where, in August 2011 it refused to upon Coughlin twice inquiring as to such possibility):

HEARING - Vol. I, (Pages 308:23 to 309:15) This is a circumstance where in the complaint we recognized it. We have a policy at the State Bar that if an attorney has a crisis in their life, whether it be -- heaven forbid, you can have a death of a child or a wife. You could have a disease. You could have a stroke. You could have even drug or alcohol problems or some sort of an addiction. And the State Bar wants attorneys to get help and to maintain their law license, and that's that we wanted for Mr. Coughlin. Instead, he did not accept his condition. And he hasn't today. And when you are asking those probing questions, leading as they were, did you feel bad when you conducted yourself this way? There wasn't an immediate yes, and I'll never do it again, and I'm sorry, and I'm falling on my sword. Now that I've talked to my psychiatrist he's going to try new medications. None of that has occurred."

(NOTE: As is the essence of Patrick O. King, Esq., its always a tough call as to whether he is just plain stupid, lazy, or lying or some malevolent combination of all three. Such is that case with King's inaccurate depiction of the circumstances under which Coughlin's tribulations occurred, where King refers to "he's going to try new medications...". The whole point was that Coughlin could not afford the medications he was already taking in August of 2011, and that the abrupt cessation thereof contributed to Coughlin's difficulties, especially in terms of interpersonal interactions, which resulted in Coughlin being wrongfully arrested in a retaliatory manner incident thereto twice within 17 days just two weeks after abruptly ceasing to take to powerful psychoactive medications, Adderall and Wellbutrin, on August 2, 2011. Its not a case of trying "new" medications, or for Coughlin to finally "accept his condition", or that one needs to be on some medication(s), and Pat King knows that, or should, and his attempts to weasel around that are despicable, and typical of King's usual modus operandi.

King tried to leverage an inordinately improbable confluence of cataclysmic life

challenges Coughlin faced in August 2011 resulting in nothing more serious than a conviction for petty theft of “a candy bar and some cough drops” from a monopolistic monolithic retailer in the age of the \$750 million dollar bailouts of the mega-banks that Patrick O. King, Esq., the foreclosure mediation program mediator that Geof Giles, Esq., sued in his capacity as a mediator therein (and where King harangued Coughlin for two hours one day in July 2011 during a sit down at Double R about the depravity of those with viewpoints opposing those of the mega-banks).

HEARING - Vol. I, (Page 310:5 to 310:24) That's our Nevada Supreme Court saying, if you are going to behave this way, you don't get to practice. Now come before a disciplinary panel. **And had Mr. Coughlin come before you, which he did not, and said, I have a mental problem or some other issue, and I'm working on getting it resolved, and I need to throw myself at your mercy, and give me a chance to go through this designed treatment program that I am working on.** And in **four years or three years I want to have an opportunity to come back and prove myself, that would have been thrilling. And I would have been glad if that was the case. I encouraged Mr. Coughlin to take that approach. I explained to him, I can't give you legal advice, but this is my opinion. And he said no way. He suggested I pack my bag and go to Arizona. What was the theft part of? Well, Mr. Coughlin said what? I went off my meds, and then I got myself arrested, and then I had all these series of crimes. What date did he give you for when he went off his meds? 2011.**”

(NOTE: The above represents King's misrepresentations to Coughlin vis a vis King attempting to shift the Schaeffer clear and convincing evidence burden of proof placed upon he and the OBC onto Coughlin upon King selling his SCR 117 snake oil (and, believe, King was not touting any “three or four years” while Coughlin was kicking tires on the lot, but rather, indicating a very brief period of time would be involved, and emphasizing (or attempting to apply coercive pressure) to Coughlin that “everything is paused...all the disciplinary matters are paused if you voluntarily sign on to a SCR 117 Disability Petition with the Bar”).

Funny, Stephen R. Harris, Esq., admits to misappropriating \$755,000 from *clients*, and for the first time in his life admits to the Bar to suffering from an addiction to sex and alcohol, and the SBN does not even file an SCR 102 Petition for a temporary suspension in Harris' case (thus, Gary Silverman, Esq.'s 8/14/12 email to Coughlin (how's that for an expert witness), an excerpt of which begins Coughlin's 11/14/12 Petition for Writ in 61402: “Gary Silverman, Esq. email to Coughlin 8/13/12: **You do seem to be a good lawyer, however. At bottom, Steve Harris took hundreds of thousands of dollars and had no temp suspension; you stole a candy bar (at worst). WTF.**” Further, NVB Judge Beesley voluntarily appears as a character witness as Harris' formal disciplinary hearing. Additionally, NVB Judge Sleazley, er, Judge Beesley had a salient role in the “Mirching” that Coughlin referred to during the formal hearing (HEARING - Vol. I, (Pages 104:20 to 105:3) “MR. COUGHLIN: ... But the clock chimed 13 times. And if I don't put into the record what is it going to say on appeal? They are trying to **merge** (“**Mirch**”) me here. Let's be honest. So if it's a **merging** (“Mirching”) that's going on here, I'm going to preserve everything for the record. MR. ECHEVERRIA: I'm going to overrule your motion for **recusal.**”)

HEARING - Vol. I, (Page 315:16 to 315:23) MR. KING: Because of that, **it is not appropriate, in my opinion,** under these circumstances with Mr. Coughlin's conduct **it would**

be totally inappropriate to suggest that we're merely going to give him a suspension pending some sort of nonexistent recovery efforts, some sort of an effort that he could reestablish himself, get on medications, retake the Bar exam and the professional responsibility..." (NOTE: Again, King with the "get on medications" rather than "get back on his medications". King is creepy charlatan soulless carpetbagging drip from California known chiefly for being lazy and dishonest...just ask James Boles, Esq. (see <http://www.scribd.com/doc/154829743/11-16-12-0204-61170-Boles-Reply-Brief-Detailing-SBN-Failure-to-Investigate>).

(HEARING - Vol. I, (Pages 320:15 to 321:2) MR. ECHEVERRIA: I'm really sorry, Mr. Coughlin. But I would like you to assist the panel in following our directions. I've asked you to address, one, whether or not you're competent to continue to practice law. Two, how should we deal with the supreme court's mandate that we are to consider the nature and intent of punishment as a result of that theft conviction and other misconduct, and if you believe punishment is warranted, what the nature of that punishment should be. *If we can focus on those issues, it would help this panel do its job a lot better than trying to understand Mr. Harris' situation or some other lawyer's situation.* Could you focus on that for me, please?"). Mega-hypocrits like Echeverria really do not like confronting the incongruity of their money plays approach to life and law. However, SCR 123(3) and the Laub decision hold otherwise.

Note, there again Echeverria admits to the fact that he perpetually sought, all throughout this matter, to misapply SCR 111(8) and the N. S. Ct's 6/7/12 Order in 60838 to eviscerate the requirement under Schaeffer that King must prove each individual act of misconduct Coughlin was alleged to have committed by "clear and convincing evidence". Every single time Coughlin offered any evidence or testimony that went to defending against the myriad of vaguely formed and unsupported by any actual admissible evidence allegations of misconduct made by King, Echeverria ruled such testimony or evidence offered by Coughlin was "inadmissible" or "irrelevant" in light of his contention that King did not need to prove Coughlin committed any such misconduct (well over an above limiting such narrowing to SCR 111(5)'s "a conviction is conclusive proof that the Respondent committed the crime"...which itself is far from establishing "conclusively" that either the petty larceny or criminal trespass convictions at issue in the only two SCR 111 Petitions King filed involving Coughlin are "serious" offenses, or that the circumstances attendant to such convictions and that alleged acts underlying such were "conclusively" irrelevant, immaterial, or inadmissible).

HEARING - Vol. I, (Pages 315:24 to 316:14) MR. ECHEVERRIA: You're telling us what is not appropriate. I'd really like to hear what is appropriate. MR. KING: **Disbarment. And disbarment is very serious, because it's permanent. And so the reason I felt to say what isn't appropriate is I want you to understand that I acknowledge there are going to be great opportunities for somebody to take a leave, get help, come back. Mr. Coughlin is not that character.** When he is out there, he is hurting people, he is making life difficult for people, he's not even measuring up to the lowest standard of a lawyer. And so I think under these circumstances the answer should be, Mr. Coughlin, because of your conduct over these past years, and your refusal to recognize it or seek help, ..."

HEARING - Vol. I, (Pages 203:6 to 204:10) MR. ECHEVERRIA: I'm going to take your failure to answer my direct question that you're not claiming some form of impairment.

Can we conclude that? THE WITNESS: No, I guess I am. MR. ECHEVERRIA: What's that impairment? THE WITNESS: There is a shame aspect to it. But I am, I guess, diagnosed with attention deficit disorder. MR. ECHEVERRIA: Have you sought treatment for that? THE WITNESS: Yeah. MR. ECHEVERRIA: Have you been prescribed medication for that? THE WITNESS: Uh-huh. MR. ECHEVERRIA: Do you take it? THE WITNESS: I do. The jail won't let me take it when I'm in jail. But when I'm outside, I do take it. MR. ECHEVERRIA: Have you taken it today? THE WITNESS: Yeah. But -- MR. ECHEVERRIA: What are you taking? THE WITNESS: Do I have to answer that? MR. ECHEVERRIA: No. THE WITNESS: There's just a lot of stigma to it. So much so that when you go to jail they won't let you take it. Then you have to -- MR. ECHEVERRIA: Do you feel you need additional help in dealing with your problem? THE WITNESS: Not really. MR. ECHEVERRIA: Okay..."

HEARING - Vol. I, (Pages 287:20 to 291:18) MR. ECHEVERRIA: Mr. Coughlin, I'm asking you specifically. Do you wish to present any evidence with respect to the supreme court's directive that this panel is to determine the nature and extent of any punishment you should suffer (NOTE: it is beyond well established the purpose of disciplinary matters is not a punitive one, so the choice of the word "suffer" speaks volumes to the bias with which Echeverria approached his role as Panel Chair) *as a member of the State Bar?* MR. VELLIS: Or any mitigation. MR. ECHEVERRIA: Or any mitigation? MR. COUGHLIN: Mitigation. I've been diagnosed and treated with ADD. I hate admitting this on the record. Also major depressive disorder. My girlfriend of 4 1/2 years, my domestic partner, in August -- no. She finally graduated in June -- no, May 15th (2011). Two days later she moved out. She hadn't told me for at least, I believe May and June, she took the rent portion that I normally gave her and she would forward on, and instead she kept it and started a new life with it when she moved out.

I wasn't aware of that until sometime in August. August 11th the landlord sent me an e-mail. I was arrested on August 20th (2011) for the iPhone thing that there's a trial on the 19th. 17 Days later I was arrested on the Walmart thing. August 2nd (2011) I canceled an appointment with Dr. Yasar, my psychiatrist, because I couldn't afford it or the medications. I reached out to my family. There was some ill will incident of the breakup of my domestic relationship. I didn't receive any help from anybody. I went off my medications because I couldn't afford them. I did make several calls to NNAMHS (Note: Northern Nevada Adult Mental Health Services), but given the sensitivity of being on these medications and a lawyer, a professional, and the prejudice attendant thereto, and the fact that even if I went to NNAMHS they wouldn't cover the ADD medication, and they would cover the antidepressant, which is also somewhat of a dual-use medication. But long story short, I was running out of money, and I decided a lot due to money, some due to desire to take a medication holiday. Just see, when you take these things long enough, sometimes you want to see what it's like not taking them.

I went off those medications, probably too abruptly, at the start of August. MR. ECHEVERRIA: What year? MR. COUGHLIN: '11. Within like 20 days all of a sudden the iPhone arrest that's pending right now, and I maintain my innocence on that. It sounds like a ridiculous law school effect pattern. But essentially if this is a hypothetical exam

in law school, it would be some guy finds an iPhone on the ground in a skate plaza in downtown Reno at 11:15 at night on a Saturday, and holds it aloft offering it up to the denizens of the skate plaza. Then he says something to the effect of, come on, somebody, claim this. I'm going to throw it into the river. And at that time people will allege that I claimed the phone. And then there's some suggestions -- there's some ambiguity, some might say, as to whose phone it is at that point. Whether it would be in the river, is that lost, mislaid property as larceny. Does a police officer have a right to coerce you into consenting to search. There is a video -- I gave you a video of the arrest -- MR. ECHEVERRIA: Could you focus for us on -- MR. COUGHLIN: The mitigation.

MR. ECHEVERRIA: -- the factors -- let me ask this question. Do you believe that any of the issues that you have described impair your ability to practice law and adequately represent clients? MR. COUGHLIN: I believe when I'm not under such -- getting arrested, spending six days in jail, getting out, finding an eviction notice on my door. An eviction which I would maintain is against the law, a summary eviction, where nonpayment of rent is not pledged against a commercial tenant. There's laws against that for a reason, because it can murder your business, and it's a huge fallout personally. So I get arrested. Spend six days in jail. I maintain it's a wrongful arrest. I might not have done everything perfect, but I do believe if you look at it, look at the criminal law, you might agree with me the arrest was wrongful. MR. ECHEVERRIA: My question was not whether that arrest is valid or invalid, but whether or not the conditions that you described you feel you suffer from impair your ability to practice law and/or represent, adequately represent clients? MR. COUGHLIN: No. No. And I think if you had been with me through all this you would be impressed -- MR. ECHEVERRIA: Do you have -- MR. COUGHLIN: -- by my dedication to my clients and the level of work product I churn out, especially considering the remuneration I've received from those clients. I have basically worked for minimum wage doing people's custody, people's foreclosure defense, adversary proceedings in bankruptcy. And there was a noncompetete case I think -- I'm not happy with how my life has gone. I'm not happy with all this drama and problems with the courts. But --”

HEARING - Vol. I, (Pages 296:2 to 300:12) MS. PEARL: You made more sense in the last 15 minutes than you did all day. And I have an enormous amount of respect for you. You're very intelligent, and I would have you represent me tomorrow in the behavior you had just in the last 30 minutes. I'm very proud of you to do that. May I ask you a question? And when you were going through all of these trials and tribulations with the judges and the contempt charges, were you on medication at the time? MR. COUGHLIN: Well, the medication was -- I went off both of them in August. I got arrested -- August 2nd I went off both of them. I got arrested August 20th. Then I got arrested on the iPhone thing, I got arrested August 9th on the Walmart thing (NOTE: this appears to be a typo as the date of the Wal-Mart candy bar arrest was 9/9/11 not “August 9th”). The day after the Walmart thing I got back on one of the medications, because I felt I couldn't afford both. And so I was on that medication while I got the contempt charge with Judge Howard on November 30th. It wasn't until basically getting -- the February 27th contempt charge with Judge Nash Holmes, same deal, only on one of the medications. It's somewhat not a controlled study, because I'm getting evicted, and my life is chaos in the meantime. So Judge Nash Holmes,

that's another contempt. And then it wasn't until -- by the way, I need to say this.

There was -- I want this to be in the record. There was three different competency orders this year. There's a rule that says proceedings must be stayed for the pendency of those. My proceedings kept on rolling through the pendency of all three of those. So all three of these convictions could be thrown out as void given that trial settings were --

MS. PEARL: Let me add a question to what your statement was just now. **You're saying that you went through the competency hearings, and you admit that you have ADD and some depression issues. Isn't it your responsibility as an attorney to go to the Bar and say, look, I'm going through some tough times right now that is not -- you're not -- it's not your fault that you have a disease, that you're needing the medication -- that you could get a suspension of your license until you can get back into a regimen of pills and back in acting like this court and the supreme court is asking you to act. Can't you do that? Isn't there a rule of order that says, look, I need a temporary suspension with no bad marks on my record until I can get my act back together, and then work on that?**

MR. COUGHLIN: I didn't want that. I didn't want that, because that's an out for all of the misconduct, all the police misconduct, all the prosecutorial misconduct, and some might say all the judicial misconduct that I've come up against this year -- MS. PEARL: Why did you do that? MR. COUGHLIN: -- it's always Zach's problem, the mental case problem. And it's too much of an out for misconduct by all these others -- MS. PEARL: I'm done. MR. COUGHLIN: -- I'm a domestic violence attorney. **Mental health care is the first tool the tyrant leverages. Oh, we're going to -- and it comes to this all the time. We're going to get you some mental health. You're not acting like we want, buddy, we're going to get you some mental health. That's what tyrants and abusers do.**

MS. PEARL: That's not my question. MR. COUGHLIN: I'm not saying it is. MS. PEARL: I'm not trying to be disrespectful. There is nothing wrong with it. What I'm asking you is why put yourself in jeopardy of losing your license altogether rather than trying to get it together? MR. KING: I think he's asked and answered that. MR. COUGHLIN: I think it -- Pat, nobody else has spoken from this panel the whole day from the chair, and you're going to object. MR. KING: Mr. Coughlin -- MR. ECHEVERRIA: Go ahead, answer the question. We're running out of time. MR. KING: -- **explain why he didn't avail himself of Rule 117. We have encouraged him up the ying-yang to get treatment, taking advantage of that rule** -- MR. COUGHLIN: I don't trust Pat King at all. MR. KING: Would you mind if I asked a follow-up question? MR. ECHEVERRIA: Pardon me? MR. KING: May I ask a follow-up question? MR. ECHEVERRIA: In a minute. Have you finished your questions? MS. PEARL: Yes. And I thank you for the answers. MR. COUGHLIN: Thank you. I appreciate it. MR. KING: Mr. Coughlin, did I on many occasions, including with David Clark, encourage you to read and take advantage of Rule 117? MR. COUGHLIN: Pat, I just don't trust you at all. MR. KING: The question is did we encourage you to? MR. COUGHLIN: If you did, Pat, it came as nothing more than, hey, make my job easy. Sign on this deal. Oh, it pauses everything, it pauses everything. It will all come out in the wash when you come back. And, Pat, I just don't trust you, man. I don't. MR. KING: That's okay. But was what was said, that it would pause everything -- MR. COUGHLIN: No, I didn't say that either, Pat. You had your time to prove that, and you didn't use your case for it, and now you're not going to use my case to

prove that.”

Coughlin's TWICE provide King with such prescription history information in emails (along with providing hard copy copies of such emails and the attachments thereto): 7/31/12 Zach Coughlin resending this FW: Apology and Zach Coughlin prescription medications information; 5/14/12 Zach Coughlin Apology and Zach Coughlin prescription medications information:

““Apology and Zach Coughlin prescription medications information

From: Zach Coughlin (zachcoughlin@hotmail.com)
Sent: Mon 5/14/12 12:37 PM
To: tcoughlinmd@hotmail.com; davidc@nvbar.org; patrickk@nvbar.org; glennm@nvbar.org; marybarkbark@yahoo.com
1 attachment

Zach Coughlin rx history since February 2008.pdf (1163.3 KB)

Dear Dad, Bar Counsel, Mom and Melissa,

I am sorry for all the hurtful things I have said and done in the last year. **I haven't been on my Wellbutrin/Bupropion antidepressant for quite awhile (I pulled my pharmacy records recently to try to learn from some things). I have taken anti-depressants since I was 18 years old. I wasn't on either my Wellbutrin or Adderall for all of August 2011 until September 14, 2011. I was arrested on August 20th, 2011 and September 9th, 2011. The Walmart arrest involved chocolate and cough drops. The cough drops have dextromethorphan in them, which is a dissociative in high enough doses. Chocolate (sugar) is, of course, an old time palliative. They banned cough drop (the melt or dissolve very quickly and contain 30 mg in each one...so rather than powering through a whole bottle of cough syrup to take 300 mg of DM, one could eat 10 cough drop melts rather easily and quickly).** These drops were pulled from shelves for awhile when they first came out a few years ago, I believe **because of the abuse potential or dangers of being able to ingest that high a quantity of a powerful dissociative so quickly** (the cough syrup version of dextromethorphan is extremely difficult to just drink a whole bottle of, whereas the sugary cough melts are pretty much similar to candy).

I went off the Adderall on approximately August 2, 2011. I went off the Wellbutrin in July 2011, right after the breakup of a four and half year relationship. Okay, **I went and found the records and am attaching them to this email.** I wondered whether the switch from Vyvanse to Adderall coincided with my getting fired from Washoe Legal Services, but actually, it does not appear to have. I was suspended on April 20th, 2009 from WLS. Then, my termination date was May 12th, 2009. I only started taking Adderall instead of Vyvanse on June 13th, 2009. I was wondering if I became more irritable upon starting Adderall instead of Vyvanse and though maybe that cause the problems with the family court

Judge during the March 2009 trial and then with Washoe Legal Services. I am actually kind of relieved to see their does not appear to be a causal connection given the chronology. I think I just felt WLS was a bit of a dead end job for me, was ruining my work ethic and motivation, and was, perhaps, an environment where white males had to conform to a certain prototype to fit in, one which I was not entirely at home with.

You can see I filled one prescription for Campral. See this forum for **evidence** that *tolerance to Adderall is sometimes thought to be counteracted by a class of medications that includes Campral, Dextromethorphan* (DM is also being used to **treat chronic pain** patients in some experimental studies), etc.:

<http://addforums.com/forums/showthread.php?t=36078>

<http://www.ncbi.nlm.nih.gov/pubmed/10875724>

I recall researching this in an attempt to be ultra cautious in my use of Adderall.

My **chronic pain levels seem to be much, much, more manageable when I am taking Wellbutrin and Adderall**. I believe that the **chronic upper back pain I dealt with for years was due, in part, to emotional/mental stress related to not appropriately addressing my ADHD and the spotty use of antidepressants I exhibited during those years** (if my Dad and I were getting along, **I would get Wellbutrin from him for free, if we weren't, I would rarely secure my own health insurance or pay out of pocket for that antidepressant**, but would rather "rough it" to save money).

When **I went off the Wellbutrin and Adderall, the chronic pain returned, plus, I was basically in the early stages of a "divorce" from Melissa (whom I dated and lived with since April-ish 2007 until May 17th, 2011)**. Melissa and I had been fighting since we moved into the **home/office** on River Rock on February 20th, 2010. From probably June 2010 until she moved out on May 17th, 2011, we fought almost daily, sometimes in a fairly hostile way (**I was never physically violent with her, but she got a bit with me**). I was existing on \$400 a week in unemployment benefits, receiving them for 99 weeks. I actually worked quite hard the entire time. I learned a lot about a lot of different things, including some things related to the business of law, practice management, employment law, computers, software, hardware, cars, home improvement, I did focus on music for about 6 months straight (though I always continued to apply for jobs and send out resumes during this 99 weeks...**Washoe County had 15% unemployment during those 3 years and jobs were in short supply** and starting my own law practice seemed overly risky), and I was basically Melissa's maid and helper with proofreading her schoolwork for a couple years (in my mind at least, of course she may have a vastly different view of things). She worked a significant amount of hours and was in school full time and was irritable, extremely emotional, and stretched pretty thin.

I implemented the "I pay for dinner one time, then you pay for dinner one time" rule for going out to dinner, and, of course, that took a lot of the romance out of things. I think I became very insecure about money and my career and getting fired from WLS was very, very discouraging. But, I worked there for 18 months. Previous to that my longest tenure of employment at any job whatsoever was literally 4 months at Hale Lane. I am talking ANY job, my whole life. **I realize my father has concerns about someone in recovery taking a controlled substance like Adderall, but I have exhibited symptoms consistent with a strong case of ADHD my entire life, and feel the potential for substance abuse inherent to untreated ADHD presents a great risk than does taking Adderall, though,** admittedly, it is something that one must watch and realize that it can effect one's behavior and mood, sometimes in good ways, sometimes in bad ways. But so can drinking or not drinking water. So can taking or not taking insulin. Same with coffee.

So, in some ways **I consider adding the Adderall to the Wellbutrin a success** ...

... **Melissa also made off with at least one and possibly two months of my rent contribution that I gave her to give the landlord, plus, she didn't pay the landlord her contribution for May 2011, June 2011,** etc...

SOMETHING PRETTY INTERESTING:

...**I am very startled to see that from 5/4/11 to 5/21/11 I would have been out of Wellbutrin/Bupropion. Melissa and I broke up and she moved out on 5/17/11...**

I then went off my Wellbutrin/Bupropion from 7/25/11 until 4/28/12. From filling the Bupropion at a cost of \$20 in June of 2011 until recently filling the prescription in late April 2012, the cost has gone up 300%. That medication has been off patent for some 20 years now, it should not be rising in price, especially during a period where the economy has struggled so mightily.... I simply **could not afford it** though on at least two occasions I called up Northern Nevada Adult Mental Health and inquired about the possibility of getting the cost paid for by the state or subsidized...

In that time period I was put in jail 8 times and, essentially evicted 3 times and fought with and alienated myself from my entire family, lived a very secluded, reclusive life, etc... **exhibited poor impulse control, a temper, and symptoms consistent with untreated Major Depressive Disorder (MDD) and perhaps some type of hoarding behavior or Obsessive Compulsive Disorder,** including tiling the River Rock home office, collecting car seats, recarpeting the entire home office with scraps in a patchwork, and tiling the crumbling front steps, and putting green carpet on the dirt lawn.

I was arrested on:

8/20/11 for petit larceny (the lost mislaid iPhone thing where the finder said he would "throw it in the river if someone doesn't claim it right away"). 7 days in jail.

9/9/11 for petit larceny at Wal-Mart of a chocolate bar and two boxes of the cough medication drops/melts with Dextromethorphan 30 mg per melt. 1 day in jail.

11/12/11 for criminal trespass at my former home law office (i was issued 3 traffic citations days later when I went to the opposing attorney who signed the criminal trespass complaints office to retrieve my wallet and driver's license and was told to leave by the RPD. While driving away the RPD pulled me over and charged me with a "California Roll"/failure to come to a complete stop and a couple fix it tickets, that were ultimately fixed). 3 days in jail

11/30/11 for summary contempt during the trial for the Wal-Mart chocolate bar and cough medication drops Trial before Judge Howard in RMC 11 CR 22176. 1 day in jail.

1/12/12 for jaywalking while filming personal property at my former home law office being placed in a dump truck for hauling to the dump. 1 day in jail

1/14/12 for "misuse of 911 where no actual or perceived emergency exists), a gross misdemeanor incident to the domestic violence I was victimized by on E. 9th St. by my housemates. 3 days in jail

2/27/12 for summary contempt during the trial for the 11/15/11 traffic citations "California Roll"/failure to come to a complete stop at stop sign deal....5 days in jail

4/19/12 for contempt, I believe, for failing to fully participate (concern for privacy rights, shame, etc) in the ordered competency evaluation that Judge Elliott ordered I undergo with the Lake's Crossing doctors. I spent 7 days in jail.

I am feeling better and better since starting to take my antidepressant, Wellbutrin again, and now realize I need to be much more diligent in filling that prescription in a timely manner and making preparations for situations where I might not be able to afford it. I plan to write many apology letters, including to judges, bar counsel, opposing counsel, etc. I always fought and worked hard for my clients though for an extremely competitive price.

Sincerely, Zach Coughlin, Esq."

However, **such inconvenient information just did not fit comfortably into the narrative King wished to push onto these proceedings in the rampant pursuit of his unethical social climbing** (make a bunch of Judges happy, including longtime SBN stalwart/fixture Beesley) and pursuit of a career utterly devoid of any heavy lifting whatsoever, where he can bring his dog to work everyday, and leave at 3:30 pm regularly, all while

engaging in unfathomably unethical ego trips quite frequently along the way.

These potentially mitigating factors are weak at best and do not excuse the well established (NOTE: Well, which is it, Echeverria? Was all of the alleged “misconduct” already proven conclusively sufficient to rule as inadmissible any of the exculpatory evidence (testimonial, documentary or otherwise) that Coughlin offered, or were such allegations merely “well established”? Does not the use of the term “well established” undermine the position that Echeverria sought to establish via ad nauseum staying on message that numerous and repeated violations of the Rules of Professional **conduct** and do not outweigh the aggravating circumstances established overwhelmingly by the State Bar.

RECOMMENDATIONS

The Panel recommends that the Respondent be ordered:

(1) Irrevocably disbarred by the Supreme Court. While irrevocable disbarment is clearly the harshest form of discipline, the unusual circumstances here, compounded by the repetitive nature of the **misconduct** prior to and even during the disciplinary process and hearing, clearly warrant the level of punishment recommended.

(2) That his temporary suspension be continued pending final resolution of this matter.

(3) Within three (3) days of the effective date of disbarment, to demonstrate to Bar that he has placed all his Nevada clients with other counsel, otherwise concluded the representation, or with the assistance of Bar Counsel thereafter attempted to expeditiously aid any remaining client in finding new counsel.

(4) To pay the costs associated with these proceedings pursuant to SCR 120. "

INDEX OF HEARING EXHIBITS (SBN 'S 1 TO 13) Coughlin's 14-15 Chair's 16

1 -**Index of Documents Selected for Hearing Packet** by SBN's Pat King in attempt to skirt his lie that he lacked a certified copy of *every* Order attached to filings contained therein and containing numerous fraudulent Proofs of Service by the SBN **page 333**

- **p. 336** 5 pages of what King purports RPC excerpts (1.2, 3.1, 3.3, 3.4, 3.5, 3.5A, 4.1, 4.4, 8.1, 8.2, 8.4)

- **p. 341** 8/23/12 **Complaint** SBN v. Coughlin:

-**Exhibit 1**: 11/30/11 RMC Judge Howard Judgment of Conviction and Court Order in 22176 candy bar 3/15/12 Judge Elliott Order Affirming Ruling of the RMC in appeal CR11-2064

-**Exhibit 2**: 11/30/11 RMC Judge Howard Order for Summary Punishment of **contempt** Committed in View and Presence of the Court in 11 CR 22176

-**Exhibit 3**: 3/12/12 RMC Judge Nash Holmes Order of 3/14/12 with "clear and convincing" language.

2 -**Attorney Fees Order of \$42,050 by Judge Flanagan** in CV11-03628 6/28/12 pursuant to 4/19/12 Motion for Attorney's Fees by Richard G. Hill, Esq., within appeal of summary **eviction** in RJC rev2011-001708 by Judge Sferrazza **page 387**

3 -**Order After Trial by Judge Linda Gardner** of 4/10/09 in DV08-01168 that WLS cited as the sole reason for firing Coughlin from domestic violence attorney position **page 392**

4 -**contempt Order** 2 28 12 Judge Holmes 26800 Order Finding Defendant in **contempt** and Imposing Sanctions, **page 407**

5 -**Order attached to Complaint** 3 12 12 Judge Holmes attached to Complaint Order 26800 fed clear and convincing burden for RPC standard by SBN **page 412**

6 -**Letter dated February 14, 2012 to Mr. Coughlin from Mr. King** 2 14 12 partial letter from SBN King excised Hill's 1 14 12 ng12-0204 grievance, so no **notice** of it, not pled **page 419**

7 -**Two-page letter dated March 9, 2011 from Mr. Coughlin to State Bar** Coughlin's 3 9 12 fax to SBN regarding delayed receipt of 2 14 12 letter from King re Hill's grievance **page 421**

8 -**Two page letter dated March 14, 2012 from Judge Holmes to SBN Northern Office** 3 14 12 complaint against Coughlin to SBN North **page 424**

9 -**Affidavit of Poverty** 3 7 12 Affidavit of Poverty lacking caption or certification by RMC D3 page 427

10-**Order in Case 11 CR 22176 RMC** Judge Howard 12 15 11 Order denying IFP for Transcript Preparation and New Trial and Recusal **page 431**

11- **Order for Summary Punishment** RMC Judge Howard 11 30 11 Order for Summary **contempt** incident to defense of 60838 conviction **page 543**

12-**Order Affirming Ruling of RMC** Judge Elliott 3 15 12 Order Affirming RMC Judge Howard's conviction in candy bar petty larceny CR11-2064 **page 439**

13-**Order Granting Respondent's Motion to Dismiss Appeal** Judge Elliott 8 27 12 CR12-1262 Order Dismissing Appeal of **trespass** Conviction by Judge William Gardner in RMC 11 CR 26405 page 444

14-**New Verified Response** Coughlin 11 14 12 New Verified Response after Chair Echeverria's threatening misstatements of the law re default **page 448**

15-**Declaration Verified Response with two DVD discs** Coughlin's 11 15 12 Declaration and Verified Response **page 509**

16-**Emergency Ex Parte Motion** Chair Echeverria's 11 14 12 incomplete and secretive exhibit entered sua sponte, in his attempt to one up Judge Nash Holmes as to transmogrifying a plenary formal disciplinary hearing into a summary **contempt**/disciplinary hearing, where no copy of Exhibit 16 was presented to Coughlin at the time Exhibit 16's admission, and copy incomplete lacking discs **page 543** and where that which is represented in Exhibit 16 is an incomplete copy of the filing itself (an "edit", Bar Counsel King might say, if Coughlin was seeking it's admission, where the Exhibits that were attached to what Exhibit 16 purports to be, are not present (because neither the SBN nor the Panel Chair (and Panel Member Kent indicated he wouldn't care to review any materials on an attachments in cd/dvd form ever submitted by Coughlin anyways) seem to be able to burn a cd/dvd very easily, much less review the materials collected therein and presented by Coughlin in various filings),

8/23/12 SBN V. Z. COUGHLIN SCR 105 COMPLAINT, NG12-0204, 0434, 0435:

"PLEASE TAKE **notice** that pursuant to Supreme Court Rule ("SCR")105(2) a VERIFIED RESPONSE OR ANSWER to this Complaint must be filed with the Office of Bar Counsel, State Bar of Nevada, 9456 Double R Boulevard, Ste. B, Reno, Nevada, 89521, within twenty (20) days of service of this Complaint. Procedure regarding service is addressed in SCR 109. Complainant, State Bar of Nevada ("State Bar"), by and through its Assistant Bar Counsel Patrick O. King, is informed and believes as follows:

Zachery Coughlin ("Respondent"), Bar number 9473, is a member of the State Bar of Nevada admitted on March 25, 2005. Respondent's date of birth is September 27, 1976. The address that Respondent has on file with the State Bar of Nevada, in accordance with Rule of Professional **conduct** ("RPC") 79(1)(a) is Post Office Box 3961, Reno NV 89505. Respondent engaged in acts of **misconduct** warranting the imposition of professional discipline. The State Bar alleges as follows:

1. Multiple grievances were received by the Office of Bar Counsel between the period of January 14 and March 15, 2012, concerning Respondent. Due to the serious allegations of **misconduct**, grievance files were opened and an investigation was initiated by Assistant Bar Counsel Patrick King.

2. Respondent was advised of the grievances via U.S. mail, e-mail and by a brief meeting with Mr. King at the State Bar Office in Reno. Respondent *did not cooperate with the investigation and rather than respond to the grievances as requested*, Respondent sent non-responsive and disparaging e-mails.

3. Respondent has not made a request to be placed on disability status, nor has he acknowledged that he may have mental infirmity, illness, or addiction.

4. The investigation of the grievances against Respondent shows a serious pattern of **misconduct**.

5. On September 9, 2011, Respondent shoplifted a candy bar and cough drops a Wal-Mart store with an approximate value of fourteen dollars (\$14.00). On November 30, 2011, Municipal Court Judge Kenneth R. Howard found Respondent guilty of the offense Petit Larceny, a violation of RMC 8.10.040. Respondent appealed the judgment of The judgment of conviction was affirmed on appeal. See Exhibit 1.

6. During the trial Respondent's **conduct** was so **disruptive** that Judge Howard Respondent in direct **contempt** of Court and sentenced him to serve three (3) days in See Exhibit 2.

7. On August 20, 2011, Respondent was arrested on a second larceny charge for stealing a cell phone. Those charges are currently pending in Reno Justice Court.

8. Respondent was again arrested on January 13, 2012, for allegedly abusing 911 services, a gross misdemeanor.

9. On February 21, 2012. Respondent filed a document entitled, **notice** of Appearance Entry of Plea of Not guilty , Waiver of Arraignment, Motion to Dismiss, etc. in one of his pending criminal matters, Case No. RCR-2012 065630, City of Reno v. Zachary Coughlin. The document clearly shows Respondent's unprofessional, **disruptive conduct**, and lack of respect for the court and opposing counsel.

(NOTE: NRS 178.397 made WCPD Dogan's non appearance at the 2/14/12

arraignment of Coughlin on a gross misdemeanor a basis for an ineffective assistance of counsel mistrial, not an SCR 105(2)(c) Complaint against Coughlin and the OBC King's curt letter to Coughlin dismissing his grievance against Dogan: NRS 178.397 per Dogan in 65630 Nevada

Bean v. State, 81 Nev. 25, 398 P.2d 251 (1965) — 5

Hoff, Application of, 80 Nev. 360, 393 P.2d 619 (1964) — 3, 10[b]((14))

Rainsberger v. State, 81 Nev. 92, 399 P.2d 129 (1965) — 3, 7[a], 8[b]

Victoria v. Young, 80 Nev. 279, 392 P.2d 509 (1964) — 3, 10[b]((14)); Note: § 31:10.

Attachment of right to counsel—Preliminary hearings; Arraignments

The Supreme Court in Hamilton v. State of Ala., 368 U.S. 52, 82 S. Ct. 157, 7 L. Ed. 2d 114 (1961), has held that arraignment is a "critical stage" of the proceedings in those states in which arraignment affords the accused an opportunity to plead certain defenses before trial or lose those defenses. In these states where arraignment is a critical stage preceding trial, the defendant has a Sixth Amendment right to the presence of" counsel...Accused's right to assistance of counsel at or prior to arraignment, 5 A.L.R.3D 1269 . Note: See NSCT case 62337 WCPD Dogan NRS 178.397 Violations, Dogan's failure to appear at gross misdemeanor 2/14/12 arraignment in RCR2012-065630 and Reno Justice Ct Judicial Secretary Lori Townsend's subsequent vindictive email to State Bar of Nevada of Coughlin's 2/21/12 Motion to Dismiss filed therein pointing out WCPD Dogan's failure to appear in violation of NRS 178.397, Please in SBN complaint in 62337. See King's 8/23/12 Complaint at ROA 2 and 1706 (lines 21-3 : "8. Respondent was again arrested on January 13, 2012, for allegedly abusing 911 emergency services, a gross misdemeanor. 9. On February 21, 2012, Respondent filed a document entitled. Notice of ~pearance, Entry of Plea of Not Guiltv, Waiver of Right to Arraignment: Motion to Dismiss" in one of his pending criminal matters, Case No. RCR-2012 065630, City of Reno v. Zachary Coughlin. The document clearly shows Respondent's unprofessional, disruptive conduct, and lack of respect for the court and opposing counsel.").

10. Respondent was arrested on November 13, 2011 by Reno Police Department and charged with **trespassing**, a misdemeanor, for which he was later convicted.

11. The circumstances leading to the above-mentioned arrest are as follows: at an hearing Justice of the Peace Peter Sferrazza ordered that Respondent vacate the home he was renting effective November 1, 2011. After the locks were changed and the **notice** was posted on the front door the owner, Dr. Merliss, discovered that someone had broken into the home and was barricaded in the basement. The Reno Police tried to coax whoever was in the basement to open the door. Dr. Merliss was forced to kick open the door where the Reno Police found Respondent. Respondent had broken into the home and living in the basement. Respondent was arrested for criminal **trespass** and was subsequently convicted of that charge.

12. Respondent, representing himself as co-counsel, filed a 36-page motion to dismiss on March 5, 2012. The motion was denied by Judge William Gardner and was determined to be without merit. The motion, on its face, demonstrates that Respondent lacks competence to practice law.

13. Once Respondent was evicted, an order was obtained to remove his belongings from the home. Respondent interfered with the contractor who was hired to remove Respondent's personal belongings. The police were called and after talking with Respondent

they recommended that he find something else to do. Respondent refused to their advice and was subsequently arrested by the Reno police.

14. In the case of City of Reno vs. Zachary Barker Coughlin, Case No. 11 TR 26800 21, a trial was held on a traffic citation issued to Respondent. The matter was called at approximately 3:00 p.m. and concluded without a verdict at about 4:30 p.m. after the court held Respondent in **criminal contempt** of court for his behavior and activities committed in the direct presence of the court during trial.

(Note: SEE 62337 60838 an untold instances of such abuse of contempt power by RJC Judges Sferrazza, Clifton, Pearson, and RMC Judges Howard, W. Gardner, and Nash Holmes please copy SBN on this Rather, the commission correctly concluded that erroneous contempt rulings, which also demonstrate a long-standing abuse of contempt power, may be properly considered as willful misconduct. See, e.g., ***135 Cannon v. Commission on Judicial Qualifications*, 14 Cal.3d 678, 122 Cal.Rptr. 778, 537 P.2d 898 (1975); *Goldman v. Nevada Com'n on Judicial Discipline Citation*: 108 Nev. 251. Ote: Rather, the commission correctly concluded that erroneous contempt rulings, which also demonstrate a long-standing abuse of contempt power, may be properly considered as willful misconduct. See, e.g., ***135 Cannon v. Commission on Judicial Qualifications*, 14 Cal.3D 678, 122 Cal.Rptr. 778, 537 P.2D 898 (1975); *Matter of Del Rio*, 400 Mich. 665, 256 N.W.2D 727 (1977), appeal dismissed, 434 U.S. 1029, 98 S.Ct. 759, 54 L.Ed.2D 777 (1978); *Matter of Yengo*, 72 N.J. 425, 371 A.2D 41 (1977). See also, *Hague*, 315 N.W... See NRS 199.340.)

15. In a March 12, 2012 Order, Municipal Court Judge Dorothy Nash Homes found by "clear and convincing evidence" that Mr. Coughlin committed numerous acts of attorney misconduct. See Exhibit 3. Judge Holmes explained in her Order that after Respondent served his five-day **contempt** of court sanction imposed by the court on February 27, 2012, Respondent fax-filed to the court a 224-page document. Judge Holmes found that the document contained rambling references to his personal life and was incoherent.

16. In her Order, Judge Homes found by clear and convincing evidence that Respondent violated Rule of Professional **conduct** ("RPC") 1.1 (Competence), RPC 1.3 (Diligence), RPC 3.1 (Meritorious Claims and Contentions), RPC 3.2 (Expediting Litigation), RPC 3.3(a) (Candor toward the Tribunal), RPC 3A(e) (Fairness to Opposing Party and Counsel). RPC 8.4 (c) (Engaging in Dishonesty. Fraud. Deceit or Misrepresentation) and RPC 8.4(d) Engage in **conduct** that is Prejudicial to the Administration of Justice).

17. Respondent filed Affidavits of Poverty in Support of his Motion to Proceed Informa Pauperis, wherein he fails to disclose that he is a licensed attorney and instead under Employment and Self-Employment he identifies himself as a "Jack of All Trades".

18. Despite a claim of poverty in the above mentioned affidavits, Respondent told the Court that his incarceration for **contempt** would adversely affect his clients.

19. On March 22, 2012, Respondent appeared at the Reno Municipal Court wearing (smiley face) flannel pajamas. Respondent became argumentative and Marshals were called to were called to ask him to leave.

25. On April 10, 2009, District Judge Linda Gardner of the Second Judicial District Court executed an "Order After Trial," in case No. DV08-01168. In that case, Respondent represented the Defendant/Counter Claimant. In her Order Judge Gardner explained

Respondent's inappropriate behavior in part as follows: "The most troubling aspect of this case was Mr. Coughlin's rude, sarcastic and disrespectful presentation at trial; Mr. Coughlin's inability to understand a balance sheet; his failure to **conduct** discovery and his lack of knowledge with regard to the rules of evidence and trial procedure. All of this was compounded with a continuously antagonistic presentation of the case that resulted in a shift from a fairly **simple** divorce case to a contentious divorce trial lasting an excessive amount of time."

27. In light of the forgoing Respondent violated RPC 1.1 (Competence); RPC 1.2 (Diligence); RPC 3.1 (Meritorious Claims and Contentions); RPC 3.3 (Candor to the Tribunal); RPC 3.4 (Fairness to Opposing Party and Counsel); RPC 3.5 (Impartiality and Decorum of the Tribunal); RPC 4.1 (Truthfulness in Statements to Others); RPC 4.4 (Respect for the Rights of Third Persons); RPC 5A (Relations with Opposing Counsel); RPC 8.1 (Disciplinary Matters); RPC 8.2 (Judicial and Legal Officials); and RPC 8.4 (Misconduct).

WHEREFORE, Complainant prays as follows:

1. That a hearing be held pursuant to Nevada Supreme Court Rule 105;
2. That Respondent be assessed the costs of the disciplinary proceeding pursuant to Supreme Court Rule 120(1); and
3. That pursuant to Supreme Court Rule 102, such disciplinary action be taken by Northern Nevada Disciplinary Board against Respondent as may be deemed appropriate the circumstances."

INDEX TO EXHIBITS 8/23/12 Complaint SBN v. Coughlin, NG12-0204, NG12-0434, NG12-0435:

1. Exhibit 1: -11/30/11 RMC Judge Howard Judgment of Conviction and Court Order in 22176 candy bar; -3/15/12 Judge Elliott Order Affirming Ruling of the RMC in appeal CR11-2064

2. Exhibit 2: 11/30/11 RMC Judge Howard Order for Summary Punishment of **contempt** Committed in View and Presence of the Court in 11 CR 22176

3. Exhibit 3: 3/12/12 RMC Judge Nash Holmes Order of 3/12/12 with "clear and convincing" language.

1 Dear Court Recorder for Presiding Judge Zive and Presiding Judge Beesley, Hello, I am writing to respectfully request that the audio of the hearings identified herein be designated for availability electronically on pacer.Gov pursuant to the following:
http://www.Pacer.Gov/announcements/general/audio_pilot.Html which provides that: “Digital audio recordings are now available to the public via internet access to the PACER system. In March 2010, the Judicial Conference approved the plan to make digital audio recordings available on PACER after a two-year pilot project showed significant public interest in accessing these files.... The presiding judge determines if the audio recording will be posted on PACER. Digital audio recording is used in most bankruptcy and many district courts (where magistrate judges account for most of the usage). The following courts provide access to audio files through the PACER system: ... The U.S. Bankruptcy Courts in the ... District of Nevada....” (Digital audio recording has been an authorized method of making an official record of court proceedings since 1999, when it was approved by the policy-making Judicial Conference of the United States.) For case number NVB-10-05104 (Cadle Co. V. Keller) I am requesting that all those hearings be designated for availability for audio download hearings on the following days (in order of importance): 12/7/11, 3/15/12 (please make sure that such includes the portion starting at approximately 2:30 pm with opposing counsel O'Rourke, as well as Coughlin's appearance before Judge Beesley roughly forty five minutes later (at the conclusion of the stacked 2:30 p.M. Docket that day), 2/14/12, 5/25/12, 6/5/12, 7/17/12, 8/28/12, 12/4/12, and any other hearings at any time in the adversary proceeding in NV-10-05104 and the Main Bk in NV-10-52639. Please also designate any other hearings in that matter as well as in the Main BK case (NVB-10-52639), whether Coughlin appeared in such hearings or not. Then, for case numbers NVB-11-05078 (and the appeal thereof in BAP No. 12-1330-JuKiD), NVB 11-05077, and Bk. No. NV-11-51818, I am requesting that the hearing from 4/11/12 and 5/4/12 be designated for availability for audio download on Pacer.Gov as well. Please also designate any other hearings in that matter as well as in the Main BK case (Bk. No. NV-11-51818) and in the appeal of Adv. No. NV-11-05078 (BAP No. 12-1330-JuKiD), whether Coughlin appeared in such hearings or not). If either presiding judge chooses not to so designate the audio of any of the hearings for being digitally available to Coughlin at the greatly reduced cost (\$2.40 Per hearing) of such through www.Pacer.Gov , please find attached a Request for a Fee Waiver by Coughlin seeking to obtain a CD/disc of the audio of such hearings at no charge in light of Coughlin's indigency, especially considering the fact that Coughlin was burglarized by the Washoe County Sheriff's Office an hour before the 2:30 p.M., Hearing of 3/15/12 before Judge Beesley in NVB-10-05104. Interestingly, that same "receipt" concept became exceedingly relevant incident to the Washoe County Sheriff's Office numerous burglaries of Coughlin's former home law offices and rentals (see Rev2011-001708, Rev2012-000374, Rev2012- 001048, RCR2012-067980, RMC 12 CR 12420, etc) given the "within 24 hours of receipt of the order" language in NRS 40.253(5)(A) with respect to how summary eviction lockouts are to be carried out in the context of a summary removal order within a summary eviction case. Perhaps not so surprisingly, 2JDC Judge L. Gardner's brother RMC Judge W. Gardner, did not find Coughlin's arguments compelling in the criminal trespass case against Coughlin (see 61901 SCR 111(4) Petition in N. S. Ct) incident

to opposing counsel in CV11-03628 burglarizing Coughlin former home law office with the WCSO in tow on 11/1/11, and again, but with the RPD along for the fun, on 11/13/11 (not to mention the similar burglaries by the WCSO, like that of 3/15/12 (just an hour before the very 2:30 p.M., Hearing before NVB Judge Beesley in NVB-10-05104, Cadle Co. V. Keller that Judge Beesley testified with regard to during the 11/14/12 formal disciplinary matter from which the proposal to permanently disbar Coughlin is now on appeal in 62337 before the Nevada Supreme Court), and that of 6/28/12 incident to the fraudulently obtained and patently invalid summary eviction order in RJC Rev2012-001048, at which time the WCSO further violated *Soldal v. Cook County*, 506 US 56 (1992), in wrongfully arresting Coughlin in RCR2012—067980) *Russell v. Kallian*, 414 A.2D 462. *Iorio v City of New York*, 96 Misc.2D 955. *Mayes v. UVI*. Speaking of NCJC Canon 2, Rule 2.15 (See the former Canon 3(D)(2) and Judge Beesley's involvement, again, in *Mirch*, and his appearing as a character witness for Stephen R. Harris, Esq. In Harris' disciplinary matter) and reporting attorney or judicial misconduct (and Coughlin's filing in NVB-10-05104 (including all the attachments thereto) certainly presents an issue as to whether Judge Beesley had a duty to refer his 1977 McGeorge School of Law classmate Reno Municipal Court Judge Dorothy Nash Holmes for investigation of the apparent judicial and attorney misconduct she committed therein with respect to the confiscation of then practicing attorney Coughlin's smart phone, micro sd card, and flip style cellular phone incident to her summarily incarcerating Coughlin on 2/27/12 for five days within a “simple traffic citation” case wherein Coughlin's plea for a stay of such incarceration to arrange for the avoidance of prejudice to his client's affairs was summarily refused (other than Judge Holmes ruling that Coughlin could, in the alternative, pay a \$500 fine, which Coughlin attempted to do at that time, but upon either Coughlin's bank account not having sufficient funds or the point of sale limit on Coughlin's card allegedly resulting in a rejection of Coughlin's attempted payment, Holme's RMC Marshals thuggishly dragged Coughlin away from the RMC filing office counter where he was seeking to make such payment, placed Coughlin in handcuffs, and proceeded to conduct an overly invasive search incident to arrest, during which RMC Marshal Harley removed a micro sd data card from Coughlin's pocket and, without any RMC Marshal reading Coughlin his Miranda rights, immediately alleged that such micro sd data card could be utilized in the smart phone Marshal Harley also removed from Coughlin's pocket, and turned to two other RMC Marshal therewith and exclaimed “Go tell Judge Nash Holmes Coughlin lied! Tell her he was recording!” Of course, RMC Judge Holmes' testimony at the 11/14/12 formal disciplinary hearing at issue in 62337 reveals a rather murky and illegitimate translation of such: and impermissible extra-judicial communications... Coughlin is hereby again requesting a copy of the letter Judge Beesley testified to having sent the State Bar of Nevada in reference to Zachary Barker Coughlin, Esq. (Any letters at any time, including during Judge Beesley's 2004 Presidency of the State Bar of Nevada), which, obviously, he is absolutely entitled to under SCR 121(11) (“11. What becomes public., All records of the lawyer discipline agency shall become public except bar counsel’s w Once a matter has become public pursuant to this rule ork product and the panel’s deliberations....”). 11/14/12 FORMAL DISCIPLINARY HEARING (62337) - Vol. I, (Pages 10:8 to 12:5) “DIRECT EXAMINATION BY MR. KING: Q Judge Beesley, can you explain to the panel your

knowledge in this relevant time frame 2011-2012 regarding Mr. Coughlin and his conduct in your court? A Mr. Coughlin appeared in my court a couple of times, at least two or three times. The first time I recall him coming to my court he came in, he was wearing, I think, a T-shirt and a tie, and no jacket. And he indicated that he had been evicted from his residence or his office, indicating it was not because of not paying the rent, and that that was why he wasn't what I would consider appropriately dressed. I apologize. I don't have my letter in front of me. But my recollection is that he had filed a pleading on behalf of his client in regard to some aspect of a bankruptcy case, and that the pleading was lengthy, didn't make any sense, and just sort of rambled through a great deal of irrelevant stuff. I had him a couple other times in my court and had the same experience, that -- he was dressed appropriately the other times I had him there, and he was very polite and appeared to be a very intelligent man. But his pleadings didn't make any sense. His arguments didn't make any sense. And I became concerned that he was suffering from alcohol or drug abuse or had some sort of mental issues which were preventing him from being able to represent his client. I talked to -- I made some inquiries of the court and State Bar if there was anything -- the federal court first, if there was anything that I had authority to do to try and get Mr. Coughlin some help and learned that I could not. I then talked to, I think I talked to Coe Swobe, who is Lawyers Concerned for Lawyers -- MR. COUGHLIN: Objection. Relevancy. This wasn't noticed either or -- no -- or mentioned in the DOSEAL (NOTE: DoWSOE), which you didn't serve appropriately, and you're violating SCR 102 -- 105(2)(c). MR. ECHEVERRIA: Overruled. THE WITNESS: I talked to Mr. Swobe who indicated that the State Bar did have some services available, and that he had been in contact with Mr. Coughlin. That's really all he told me. And it became apparent to me that over a period of a couple months at least and I also learned of some other odd behavior in some of the courts with judges that I knew." HEARING - Vol. I, (Page 13:4 to 13:20) "THE WITNESS: I'm not quite sure where I was in my testimony, but based on the discussions I had, and the information I got from other people, it became apparent to me that there wasn't a program that was going to -- MR. COUGHLIN: Objection. Foundation. MR. ECHEVERRIA: Mr. King? MR. KING: The testimony is clear. He's explaining the actions he took relative to Mr. Coughlin's conduct, which is the purpose. MR. ECHEVERRIA: Overruled. MR. COUGHLIN: He was specifying -- MR. ECHEVERRIA: Mr. Coughlin. MR. COUGHLIN: -- no foundation for what he was asserting. MR. ECHEVERRIA: Mr. Coughlin, I've overruled your objection." HEARING - Vol. I, (Page 9:8 to 9:13) MR. KING: Thank you, Mr. Chairman. Judge Beesley, the panel consists of John Echeverria -- I'm not pronouncing the name -- but there's five panel members. JUDGE BEESLEY: John Echeverria. You have not spent enough time in Nevada." HEARING - Vol. I, (Pages 13:23 to 14:7) BY MR. KING: Q I apologize, your Honor, for the interruption. But you were just about to testify as to what action you took with respect to the information you learned. A What I did was I wrote a letter to the State Bar explaining what had occurred with Mr. Coughlin, indicating, I believe, that I thought that in his current state he was not able to represent his clients adequately, and that the State Bar should look into it. I think that was the extent of what I did in summary." HEARING - Vol. I, (Page 15:10 to 15:15) BY MR. KING: Q Have you formed an opinion, your Honor, as to whether or not Mr. Coughlin is competent to practice law? A Yes. Q And what is

that opinion? A I don't believe he is, unfortunately.” HEARING - Vol. I, (Page 20:13 to 20:21) BY MR. COUGHLIN: Q Judge Beesley, what in particular did you notice about my work product -- when did you first contact Mr. King about me? A When did I first contact who? Q Mr. King. Bar counsel for the State Bar. A I don't know that I ever contacted Mr. King. I sent a letter to the State Bar. I think it was probably addressed to Mr. Clark, but I'm not positive.” HEARING - Vol. I, (Pages 20:13 to 22:10) BY MR. COUGHLIN: Q Judge Beesley, what in particular did you notice about my work product -- when did you first contact Mr. King about me? A When did I first contact who? Q Mr. King. Bar counsel for the State Bar. A I don't know that I ever contacted Mr. King. I sent a letter to the State Bar. I think it was probably addressed to Mr. Clark, but I'm not positive. Q So I'm sorry for that, your Honor. I do recall you saying you sent a letter now. Did you ever speak with Bar counsel Patrick King with regard to me? A The only time I recall speaking to him was a few weeks ago or a few days -- probably a few weeks ago when he asked me if I would be able to testify at this hearing. Q Are you aware of any extent to which Mr. King has violated SCR 121's confidentiality dictates by contacting my clients prior to any SCR 111 petition? A Hold on one second. Go ahead. I'm sorry. Am I aware that Mr. King violated a particular statute? In what manner? Q Whether or not he violated one? A No, I'm not, one way or the other. Q Do you have knowledge of there being a motive for Mr. King to all of a sudden seek to bring you into this forum in that he has been subject to an accusation setting forth a basis for this proceeding that relies primarily upon some contention that you or -- I believe you yourself, your Honor, because you're the only bankruptcy judge I appeared before -- but Mr. King telling his boss and, apparently, at least one of my clients prior to my being suspended or even the petition being filed, that your court had issued an order preventing me from practicing there? A I have no idea what Mr. King may or may not have said to anybody. But I do not recall issuing an order that said you couldn't practice there. Q So can I take that to mean you haven't issued any such order? A I don't think so. I sign probably 150 orders every day. So I don't remember all of them. I think certainly I would have remembered a case not allowing you to practice there. But if I did, it would have been because I was concerned that you weren't able to represent your clients adequately, and they were being hurt. But I don't know that I did that.” HEARING - Vol. I, (Pages 30:1 to 32:19) MR. ECHEVERRIA: We took that testimony under consideration of your objection. Let's hear your objection, Mr. Coughlin. MR. COUGHLIN: Yes, sir. Well, I believe Judge Beesley was identified in a supplement to Mr. King's, I'll call it a DowSoE (NOTE: referring to SCR 105(2)(c)'s Designation of Witnesses and Summary of Evidence, which must be served on Respondent's in the same manner as service of the Complaint per SCR 109, “at least 30 days” prior to the formal disciplinary hearing), and I hope the panel will know what I mean, designation of witness's summary of evidence. I've shortened it in my filings. Which, incidently, SCR 105(2)(c) is one of the few procedural rules in the supreme court rules designed to afford attorneys or suspended attorneys, such as myself, some due process. That rule requires that the DowSoE be served in the same manner in which the complaint is served upon the respondent by the panel with at least 30 days notice, or at least 30 days prior to the hearing. This panel wasn't even empaneled until, I believe the order was October 30th. Mr. King purports to have sent the DowSoE himself rather than in some separation in accord

with the rule, but he sent it himself. On October 12th he filed material suggesting that he sent a certified mail October 12th, and in that way it's completely violative of the rules. Completely. And Steve Harris, who the judge testified to, who was -- he admitted to misappropriating 800K. MR. ECHEVERRIA: Mr. Harris is not the subject matter of this hearing. You are. MR. COUGHLIN: He got David Grundy. And he got his DowSoE sent by the panel. And he got his full 30 days. And I sent that forward -- MR. ECHEVERRIA: I'm not concerned with Mr. Harris. Did you get notice that Judge Beesley would be testifying? MR. COUGHLIN: Maybe -- I would like to check my records, but like a couple days before this hearing. A couple days. MR. ECHEVERRIA: Was that a supplemental designation? MR. COUGHLIN: Yeah. MR. ECHEVERRIA: Is that permitted? MR. COUGHLIN: I think it is permitted, perhaps if something comes up out of the blue that's really bearing, but Mr. King's known about this for quite some time. And, in fact, I've filed a complaint with, I believe I included this in my complaint with State Bar president Lardon (NOTE: SBN President Francis Flaherty) -- I hope I'm saying that correctly -- under SCR, I want to say 104(3) in that I believe upon information and belief that Mr. King contacted one of my clients or maybe one of my clients contacted him in early May -- MR. ECHEVERRIA: I'm focusing on your objection to the testimony of Judge Beesley. Do you claim any prejudice because of that? MR. COUGHLIN: Yes. MR. ECHEVERRIA: What is that prejudice? MR. COUGHLIN: Lack of notice. MR. ECHEVERRIA: How does the lack of notice lead to prejudice? You seem to be very familiar with cases that appeared -- in which you appeared in front of Judge Beesley. MR. COUGHLIN: I wasn't. I wasn't as sharp on that Cadle stuff, because I didn't think I needed to be this morning, and I could have been a lot sharper on that. I really could have. MR. ECHEVERRIA: I'm going to overrule the objection. I think the notice was sent. Mr. Coughlin was aware that Judge Beesley would be testifying, and unless the panel has any objection to Judge Beesley, would accept that testimony." (NOTE: SCR 105(2)(c) makes clear that it was impermissible for the SBN to call Judge Beesley as a witness (especially where such was not for impeachment purposes where the SBN failed to timely disclose and or timely supplement its intention to call Judge Beesley, especially where the SBN failed to articulate any good cause for having failed to do so, and where, actually King arguably committed professional misconduct in not more clearly identifying the lateness of such disclosures), and given Judge Beesley is a past President of the State Bar of Nevada (2004), it was arguably judicial misconduct for Judge Beesley to, especially if such appearance was voluntary, participate in this formal disciplinary hearing as a witness, much less a purported "expert" witness, where such rule provides: "(c) Time to conduct hearing; notice of hearing; discovery of evidence against attorney. The hearing panel shall ... Give the attorney at least 30 days' written notice of its time and place. The notice shall be served in the same manner as the complaint, and shall inform the attorney that he or she is entitled to be represented by counsel, to cross-examine witnesses, and to present evidence. The notice shall be accompanied by a summary prepared by bar counsel of the evidence against the attorney, and the names of the witnesses bar counsel intends to call for other than impeachment, together with a brief statement of the facts to which each will testify, all of which may be inspected up to 3 days prior to the hearing. Witnesses or evidence, other than for impeachment, which became known to bar

counsel thereafter, and which bar counsel intends to use at the hearing, shall be promptly disclosed to the attorney.”) HEARING - Vol. I, (Page 21:13 to 21:23) Q Do you have knowledge of there being a motive for Mr. King to all of a sudden seek to bring you into this forum in that he has been subject to an accusation(Of) Mr. King telling ... At least one of my clients prior to my being suspended or even the petition being filed, that your court had issued an order preventing me from practicing there?” HEARING - Vol. I, (Pages 24:3-12) BY MR. COUGHLIN: Q Your Honor, I would like to narrow it down. When did you first contact the State Bar about me? A I don't recall. I actually contacted Coe Swobe who works for the State

Bar, but is independent of them in most ways. Q When did you first contact Mr. Swobe? A I think it was perhaps a month or six weeks after my first recollection of you appearing, my first recollection of you appearing in front of me after you had been evicted...” (Referring to the 3/15/12 2:30 p.M., Hearing in NVB-10-05104). SCR Rule 106. Privilege and limitation. 1. Privilege. All participants in the discipline process, including grievants, bar counsel staff, members of disciplinary panels, diversion and mentoring participants, and witnesses, shall be absolutely immune from civil liability. No action may be predicated upon the filing of a disciplinary complaint or grievance or any action taken in connection with such a filing by any of the participants. Except that any disclosures made pursuant to Rule 121(16) shall not be immune under this rule. In addition to the SBN's disclosures to Coughlin's then client Peter Eastman in early May 2012 (Eastman informed Coughlin that he was told Coughlin had been “banned from filing anything in the bankruptcy court”), also perhaps relevant to the SCR 121 analysis are the substances and circumstances of the following communications Judge Beesley referred to in his testimony: HEARING - Vol. I, (Page 12:2 to 12:5) “And it became apparent to me that over a period of a couple months at least and I also learned of some other odd behavior in some of the courts with judges that I knew.” HEARING - Vol. I, (Page 13:5 to 13:8) based on the discussions I had, and the information I got from other people, it became apparent to me that there wasn't a program that was going to --” SCR Rule 121. Confidentiality. 1. Generally. All proceedings involving allegations of misconduct by an attorney shall be kept confidential until the filing of a formal complaint. All participants in a proceeding, including anyone connected with it, shall conduct themselves so as to maintain the confidentiality of the proceeding until a formal complaint is filed... 11. What becomes public. Once a matter has become public pursuant to this rule, all records of the lawyer discipline agency shall become public except bar counsel's work product and the panel's deliberations.... 14. Expungement. On December 31 of each year, the state bar shall expunge all records or other evidence of grievances that have been terminated by dismissal for more than three years, except that upon application by the state bar, notice to the attorney and a showing of good cause, the supreme court may permit the state bar to retain such records for an additional period of time, not to exceed three years. After a file has been expunged, any response to an inquiry regarding a reference to the matter shall state that there is no record of such matter. 15. Statements by the State Bar of Nevada. Notwithstanding Rule 121(1), the state bar may disseminate the procedural status and the general nature of a grievance or complaint upon request. 16. Exclusions. These rules shall not prohibit any complainant, the accused attorney, or any witnesses from discussing publicly the existence

of the proceedings under these rules or the underlying facts related thereto. However, disclosures made under this subsection, in whatever form or by whatever means, outside the disciplinary process shall not be covered by the civil immunity afforded in Rule 106(1).”

Rule 106.5. Lawyers Concerned for Lawyers program: privilege and limitation... 2.

Privilege. Individuals who make a good faith report to the Lawyers Concerned for Lawyers program, the board of governors and its members, bar counsel, and staff, and the coordinator, agents, or employees of the Lawyers Concerned for Lawyers program, shall be absolutely immune from civil liability for any activities related to the Lawyers Concerned for Lawyers program, including, but not limited to, making referrals to a counselor, therapist, medical, psychological or behavior health care provider. No action may be predicated upon the filing of a good faith report with the Lawyers Concerned for Lawyers program or any action taken in connection with such a filing by the coordinator, agents, or e

- 2 Determination of indigency of accused entitling him to transcript or similar record for purposes of appeal, 66 A.L.R.3d 954 ; Right of indigent defendant in criminal case to aid of state as regards new trial or appeal, 55 A.L.R.2d 1072; Determination of indigency of accused entitling him to appointment of counsel, 51 A.L.R.3d 1108 ;

3 **“(No Subject)”**

From: Zach Coughlin (zachcoughlin@hotmail.com)

Sent: Tue 11/06/12 7:44 PM

To: laurap@nvbar.org (laurap@nvbar.org); patrickk@nvbar.org (patrickk@nvbar.org)

Dear Bar Counsel King and Clerk of Court/Investigator Peters and Chairman Echeverria,

There is a big problem with respect to when the State Bar of Nevada actually sent the Respondent, Coughlin the Designation of Witnesses and Summary of Evidence (DoWSoE) (and Coughlin has yet to received a file stamped version of that DowSoE. Further, Coughlin has never received any Notice of Intent to Take Default (NoITD) from the SBN. As such, the notice and other procedural safeguards attendant to the Hearing set for 11/14/12 are severely deficient. This is just the 13th chime of the clock, and I have had as many "get right with Jesus" (or any other number of nondenominational Saviors) talks with Bar Counsel King and Clerk Peters as anyone deserves. Add to that this new thing where first Bar Counsel says, as required by SCR 105(2)(c)'s:

"The notice shall be accompanied by a summary prepared by bar counsel of the evidence against the attorney, and the names of the witnesses bar counsel intends to call for other than impeachment, together with a brief statement of the facts to which each will testify, all of which may be inspected up to 3 days prior to the hearing. "

See, it doesn't say, in SCR 105, Bar Counsel can puff on about the Respondent's right to inspect, then pull the carpet out from under Respondent's feet suddenly and claim to be "copying" only certain things, and refusing to allow inspection of others (even where the SCR 105 Complaint specifically invokes such non copied materials), and then cut short the time up to which Respondnet may inspect. Let's say Bar Counsel did copy and provide those materials on October 31st, 2012. Okay, well SCR 105 allows Coughlin to go to the SBN and inspect "up

to 3 days prior"...so Coughlin may go to the SBN tomorrow, October 7th, 2012 and inspect, no? And any refusal by the SBN is a violation of SCR 105, right? Please advise in writing.

Please see Supreme Court Rule (SCR) 119(2), which holds that Bar Counsel and the Panel's failure to follow these rules "may result in contempt of the appropriate disciplinary board or hearing panel having jurisdiction..." Please note there has already been a Motion for Order to Show Cause filed against Bar Counsel and or the Board or Panel in 60838 and 61426.

Additionally, please be aware that SCR 119(3) holds: 3. Other rules of procedure. Except as otherwise provided in these rules, the Nevada Rules of Civil Procedure and the Nevada Rules of Appellate Procedure apply in disciplinary cases.

In that regard, the decision on the motion to bifurcate dispalyed a clear lack of regard for procedural safeguards in that it was issued prior to the expiration of five judicials days from the constructive service upon Coughlin, under NRCP 6(e) of Bar Counsels October 24th, 2012 alleged mailing. The term "alleged" is used do to a recent visit to the SBN on October 31st, 2012 at around 4:45 pm when I saw in the SBN outgoing mail box two certified letter to myself that Clerk of Court Peters admitted would not be picked up that day by the regular postal carrier to the SBN, despite what they certificates of mailing therein might state. It is particularly troubling to me that the Notice of Hearing did not have the Designation of Witnesses and Summary of Evidence included with it, and therefore, my right to have the DoWSOE 30 days prior to the hearing, and to receive it from the Panel, along with the Notice of Hearing, rather than have Bar Counsel try to jam me up with less than the required notice (and jam the Panel up to for the matter, though there has been little indication so far that the Panel cares or has much an intent to do anything more than let Bar Counsel King lead them down the same primrose path that Clerk Peters can tell you about...). It is a path that Richard G. Hill, Esq. often takes people down too...

I would be very interest to know who was on the screening Panel...which Bar Counsel King promised to tell me, though, like most all of Pat's promises, he has broken...could it have been David Hamilton, Esq.? Richard G. Hill's best friend, David Hamilton? Was it WCDA Mary Kandaras? The one included in the correspondences about my smartphone and micro sd data card being searched and or seized illegally and or outside any lawful search incident to arrest given the hand of an booking it into Coughlin's property on 2/27/12, only for the RMC Marshals to return on 2/28/12 (at the soonest) to take it back to Judge Nash Holmes? What's next, Judges showing up in our bedrooms reading our diaries out of the blue?

It is my understanding that Chief Bar Counsel David Clark gave me permission to issue subpoenas and granted me indigent status as to witness fees...if this is not within the power of Bar Counsel or is otherwise against the Orders of the Panel or Board, please let me know very soon. Please See SCR 110 and in that regard, I am requesting a prehearing conference for the purpose of gathering admissions from Bar Counsel and narrowing the issues, and in that regard, I recently sent Bar Counsel and at least Panel Chair Echeverria materials related to what I see as a frivolous issue, the ghostwriting allegations vis a vis Board Member Shelly O'Neill's client,

John Gessin.

Further, I believe there is a conflict here with Bar Counsel King, for a variety of reasons that I have voiced to President of the State Bar of Nevada Flaherty, in that light:

Rule 120. Costs; bar counsel conflict or disqualification

2. If, for any reason, bar counsel is disqualified or has a conflict of interest, the board of governors shall appoint an attorney, ad hoc, to act in the place of bar counsel.

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11 6 12 0202 Objection and Notice.pdf



supplemental to Coughlin's designation fo witnesses and summary and production of evidence and notice of objection 0204 CORRECTED CAPTION.pdf



0204 notice of non service of purported notice of intent to take default.pdf



0204 SUBPOENA WITH DISCLAIMER.pdf



0204 subpoena all.pdf

Download all "

4 **"LITIGATION HOLD NOTICE PLEASE RETAIN ALL EVIDENCE**

From: Zach Coughlin (zachcoughlin@hotmail.com)

Sent: Mon 11/12/12 6:52 AM

To: schornsby@nvdetr.org (schornsby@nvdetr.org); patrick@nvbar.org (patrick@nvbar.org); davidc@nvbar.org (davidc@nvbar.org); skent@skentlaw.com (skent@skentlaw.com); mike@tahoelawyer.com (mike@tahoelawyer.com); cvellis@bhfs.com (cvellis@bhfs.com); je@eloreno.com (je@eloreno.com); tsusich@nvdetr.org (tsusich@nvdetr.org); nevtelassn@sbcglobal.net (nevtelassn@sbcglobal.net)

RELATED TO THE MAILING OF, THE CERTIFIED MAILING NUMBER OF, AND THE ENVELOPE AND DOCUMENTS RETURNED TO THE STATE BAR OF NEVADA, ESPECIALLY THE ONLY COPY OF THE NOTICE OF INTENT TO TAKE DEFAULT THAT COUGHLIN EVER RECEIVED UNTIL GETTING A COPY OF THE FILE ON 11 7

12 FINALLY DELIVERED TO HIS PHYSICAL ADDRESS AT 1471 E. 9TH, ST. Simply put, the SBN only mailed a certified version of the Notice of Intent To Take Default. That 10/9/12 mailing was not given to Coughlin by "Tim" at the Vassar Station due to the postage thereon being insufficient. However, the copy of the file provided to Coughlin lacks any indication of what the certified mail track and confirm number is for that Notice of Intent to take default.

Coughlin requests that the SBN notify the panel of its error, the fact that Coughlin's Notice of Hearing and DowSoE was not even scanned into the USPS certified mail until 10/16/12, despite the certificate of mailing indicating 10/12/12, and that that mailing, with purports to have included the DowSoE, was not even available to Coughlin until 10/22/12, at the po box Coughlin then utilized (3961

Its more than inaccurate for Mr. King to suggest I have dodged service. See my email to Reno Carson below...I know I called and left at least once voice mail there, etc. Plus, despite still being afraid of local law enforcement and others, and just getting used to my new place (and I have already received threats), against my better judgment and preferences, on October 23rd, 2012, I alerted the sbn of my new physical addresss.

The Disciplinary File provided to Coughlin lacks a return of or proof of service of the Complaint and for the Notice of Intent to take Default. Please proof of service thereof of proof of attempts at service, including the certified mailing numbers. Give the primacy of such documents to the due process of these matters, it would seem holding the 11/14/12 Hearing would be reversible error and imprudent.

"The Rhino" is Johnno Lazetich, <http://www.facebook.com/public/Johnno-Lazetich-the-Rhino> we were on the Reno High School basketball team together in 1994-95... Johnno ran the ball for Kansas State.

Zach Coughlin
1471 E. 9th St.
Reno, NV 89512
Tel and Fax: 949 667 7402
ZachCoughlin@hotmail.com
Zach has a file to share with you on SkyDrive. To view it, click the link below.

[9 24 12 10 3 12 10 23 12 physical address service issues ex 0204 rhino.pdf](#)

"From: zachcoughlin@hotmail.com
To: process@renocarson.com
Subject: checking in
Date: Wed, 3 Oct 2012 23:09:50 -0700

Dear Reno Carson,

Hi, I think the Rhino called for me, new phone number below, same as my fax.
Please let me know what I can do for you.

Sincerely,
Zach Coughlin
PO BOX 3961
Reno, NV 89505
Tel and Fax 949 667 7402
ZachCoughlin@hotmail.com"

5

"(No Subject)"

From: Zach Coughlin (zachcoughlin@hotmail.com)

Sent: Tue 11/06/12 7:44 PM

To: laurap@nvbar.org (laurap@nvbar.org); patrickk@nvbar.org (patrickk@nvbar.org)

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supplemental to Coughlin's designation fo witnesses and summary and production of evidence and notice of objection 0204 CORRECTED CAPTION.pdf



0204 notice of non service of purported notice of intent to take default.pdf



0204 SUBPOENA WITH DISCLAIMER.pdf



0204 subpoena all.pdf

Download all "

6 "SBN still has not provided Coughlin access to the materials he is entitled to to prepare for 11/14/12 Hearing

From: Zach Coughlin (zachcoughlin@hotmail.com)

Sent: Fri 11/02/12 10:36 PM

To: skent@skentlaw.com (skent@skentlaw.com); mike@tahoelawyer.com (mike@tahoelawyer.com); nevtelassn@sbcglobal.net (nevtelassn@sbcglobal.net); patrickk@nvbar.org (patrickk@nvbar.org); fflaherty@dlpfd.com (fflaherty@dlpfd.com); davidc@nvbar.org (davidc@nvbar.org); complaints@nvbar.org (complaints@nvbar.org); tsusich@nvdetr.org (tsusich@nvdetr.org); je@eloreno.com (je@eloreno.com); cvellis@bhfs.com (cvellis@bhfs.com)

33 attachments

all emails to loomis 26405 12420 26800 00696 065630 063341.pdf (779.8 KB) , 2 28 12 Contempt Order Nash 26800 26405 065630 00696 063341 bf size reduced.pdf (449.9 KB) , 11cr26405 puentes 041012_20120410-0903_01cd16f8c3aa49b0.mp3 (5.1 MB) , NvRenoPd@coplogic.com rpd police reports by coughlin 063341 duralde carter lopez sifre 1708 26405 26800.htm (145.0 KB) , rpd carter police report 11 cr 26405 puentes loomis 1708 merliss rmc gardner cr12-0376 mh12-0032 650630 063341 rpd lopez carter police report 11 13 12-2.pdf (6.3 MB) , 3 3 12 attached to loomis email and filed in rmc final motion to dismiss 11 cr 26405 26800 065630 063341.pdf (442.6 KB) , goodnight jgoodnight@washoecounty.us 5 2 12 email regarding hazlett loomis mhc 178.405 063341 26405.htm (16.3 KB) , all emails from keith loomis keithloomis@earthlink.net between 2 27 12 and 8 10 12 26405 26800 00696 063341 065630.htm (322.8 KB) , 3 7 12 rmc 11 cr 26405 loomis gardner 178.405 Coughlin Trial Setting 26800 00696 063341 065630.pdf (321.4 KB) , 8 9 12 Loomis second Motion to withdraw 12 cr 12420 rmc see also 26405.pdf (229.2 KB) , State Bar Of Nevada nvbar casey baker 1708 26405.htm (42.7 KB) , 5 6 09 email from wls ed elcano 26405 60302 garnder 01955 10896 60302 26800 60317 54844 dd.pdf (15.3 KB) , 11 16 2011 email from reno city attorney roberts.htm (16.3 KB) , WCSO Beckman, Debi Campbell, Cummings, Hodge Statements on property seized from Reno Attorney by Reno Munic Court Judge Nash Holmes.pdf (150.3 KB) , ZachCoughlin@hotmail.com emails to puentes@aol.com.pdf (222.1 KB) , pam roberts on her duty.pdf (812.0 KB) , Patrick King sbn grievance letter of 3 16 12 and Judge Nash Holmes greivance of 3 14 12 rmc 11 TR 26800.pdf (575.8 KB) , proof of clandestine status conference on 2 27 12 dogan young nash holmes schroeder rcr2012-065630 rjc rmc rpd weso wcpd wcda - Copy.pdf (1644.4 KB) , proof of faxing notice of appeal to both rmc gardner and reno city attorney hazlett-stevens.pdf (14.5 KB) , proof picture of personally delivering notice of appeal to city of reno hazlett 6 27 12 in cr12-1262 11 cr 26405.pdf (43.9 KB) , records request and subpoena to RSIC.pdf (71.2 KB) , records request to rsic police.pdf (65.8 KB) , rmc 12 cr 12420 Loomis motion to withdraw as counsel 8 9 12 City of Reno v Coughlin.pdf (926.9 KB) , Motion for Continuance to Reno City Atty Roberts RMC.pdf (448.9 KB) , ORDER RELEASING PROPERTY 11 TR 26800 3 30 12 nash rmc rjc rpd weso king clark marked as recd back by rmc 4 13 12 return to sender pthoa hy.pdf (287.1 KB) , letter to bar counsel regarding rmc and reno city attorney complaints with loomis emails.pdf (329.3 KB) , ex 1 to motion to set aside dismissal cr12-1262.pdf (2.5 MB) , CR12-1262-3093668 (Opposition to Mtn ...).pdf (92.5 KB) , CR12-1262-3117150 (Ord Dismiss Appeal Remand).pdf (73.9 KB) , CR12-1262-3119416 (Exhibit 1).pdf (2.7 MB) , 6 28 12 email to hazlett stevens showing what was served notice of appeal 11 cr 26405 cr12-1262.pdf (12.8 KB) , 12 14 11 fax to Puentes re WCSO Affidavit of Service REV2011-001708.pdf (24.9 KB) , 5 6 09 email from elcano wls stating his decision is limited to hearing conduct before judge linda gardner rmc 26405 26800 60302.htm (10.3 KB)

Dear Panel Members and Bar Counsel,

I called Mr. King (he directed me to call Panel Chair Echeverria) today to seek

clarification regarding an earlier approval he relayed to me from Chief Bar Counsel David Clark, wherein Mr. Clark advised me that I, even though I am a temporarily suspended attorney, have been given permission by the Office of Bar Counsel to issue subpoenas in connection with this disciplinary matter (ng12-0204, ng12-0434, ng12-0435...odd, can't recall a single other "case" in all my legal research that had three case numbers....especially where an Order Denying a Motion to Bifurcate was issued, even before the 5 days for me to file a Reply to the Opposition (given NRCP is expressly applicable to these matters under the SCR's)...Am I going to find out that my filings are "too long" under a view that assumes this is "one case" even though there are "three grievance case numbers" in the caption, and where each "grievance" is fairly rambling?

And where the SBN's King purports this hearing to involve that which the N. S. Ct. Ordered to occur in response to its temporary suspension Order incident to the SCR 111 Petition for the petty larceny of a "candy bar and some cough drops" (ie, the Court order that matter, 60838, referred to the Board for a "hearing at which the sole issue to be determined" would be my punishment for that which was noticed and adjudicated in the 60838 SCR 111 Petition.

I believe you are all now violating Nevada Law in persisting in your denial of my right to such a hearing wherein the "sole issue" is such, but rather trying to jam me up with this "combo hearing" that seeks to encompass a great deal of disparate claims (many of which are pending criminal charges, and therefore, entirely outside of your jurisdiction at this point, and your deigning to address them interferes with the orderly administration of justice in those pending criminal prosecutions, as evinced by Judge Sferrazza's refusal to testify at the November 14th, 2012 Hearing...which is problematic considering Judge Sferrazza presided over the civil summary eviction matter in RJC Rev2011-001708 that is intimately connect to ALL THREE of the grievances included in King's reckless, negligent, compromised SCR 105 "Complaint". For instance:

NG12-0204: Richard G. Hill's January 14th, 2012 letter to Bar Counsel King (whom he had just worked on the Milsner v. Carstarphen matter with
(<http://law.justia.com/cases/nevada/supreme-court/2012/51631.html>)

Today, King admitted to being unaware of who Casey Baker, Esq. is. King also admitted to not having read any of my filings in any of these connected matters, only to then suggest an analogy along the lines of if a woman is raped a lot, she is probably a whore and deserves it or wanted it, given the sheer mathematical improbability of any one woman getting raped over and over, and how King just doesn't get paid enough to stick his nose into some gangbang, what with the chances of getting himself involved in doing the right thing where it is just so much easier to sit back and pretend that the Claiborne decision (explicated extensively in my attached August 13th, 2012 Petition) does not permit Bar Counsel to just throw its hands up and suggest that a Muni Court conviction (even, in RMC 11 CR 26405, presided over by the brother of the judge whose sanctions Orders is before you in NG12-0435, and where the brother refused to recuse himself from that criminal trespass conviction incident to the lies and or attempts to mislead a tribunal by Casey Baker, Esq. and Richard G. Hill at the June 18th, 2012 criminal trespass trial

incident to the civil eviction from Coughlin's former law office in RJC Rev2011-001708.

Asst. Bar Counsel King also admitted that he had failed to even view the video taped admission by RPD Sargent Lopez that she, Hill, Merliss, and RPD Officer Carter lied in order to effectuate the wrongful arrest leading to Coughlin's conviction by the brother of the sister whose 2009 sanctions Order against Coughlin only became a grievance on March 14th, 2012 (apparently King adopts Ching as to whom can be an SCR 105 complainant, and therefore within the statute of limitations, when it comes to Gardner's April 2009 Order, but not when it involves misconduct by a Chairman of the Character and Fitness Committee of the SBN, Spearmint Rhino owner Kevin Kelly, Esq., whom also owns a Las Vegas Strip Club that gives cabbies \$10 million dollars a year to funnel tourists to it's doors from the airport, and the misconduct of Peter Christiansen, Jr. and Mike Sanft, and others incident to Coughlin's application for admission in Nevada, including that of then Director of Admissions Patrice Eichmann, made all the more feasible by the conduct of Mike Smiley Rowe, Esq. and the fraudulent conduct of Mark Tratos and Mary LaFrance) when RMC Judge Nash Holmes (in response to prompting by the SBN) passed that three year old Order (attorneys get sanctioned all the time, such orders do not become grievances as a matter of course, and the SBN has admitted it keeps no central record of any such grievances) on to Bar Counsel after receiving it from her co-RMC Judge, and the brother of the family court judge issuing the sanction order...at right about the time that Coughlin filed that March 7th, 2012 Notice of Appeal (and there is plenty of case law to establish that a "summary criminal conviction" is a final appealable Order, and the RMC is fraudulently conspiring with transcriptionist Pam Longoni to violate NRS 189.010-030 by demanding payment up front for such transcripts by indigent criminal defendants, and Longoni and the RMC's fraud in that regard resulted in Judge Elliot denying Coughlin's appeal of the Wal-Mart candy bar petty larceny conviction in cr11-2064, wherein Judge Elliot actually cites to a civil statute related to transcript preparation to justify the RMC's fraud, seen elsewhere in CR12-1018, further the RMC "lost" Coughlin's Notice of Appeal of the 11 cr26405 criminal trespass conviction appeal (despite Coughlin having digital confirmation of the receipt of that fax by the RMC, and where RMC Rules allows service thereof via that means upon both the Court and the City Attorney (and Hazlett-Stevens lied about that as well, in addition to the lies he told respecting whether the City Attorney had received anything from the RSIC following Coughlin's Wal-Mart arrest) in the "summary criminal contempt" Order stemming from the traffic citation (California roll) trial connected to Coughlin reporting the admissions of bribery by Richard Hill (RPD Officer Carter stated as much during the November 13th, 2011 criminal trespass arrest, now part of the SCR 105 Complaint, incorporated by reference, one must suppose, by Hill's NG12-0204 grievance) to the Sargent who retaliated against Coughlin by issuing three traffic citations, for Coughlin so reporting such admissions by the arresting officer in the trespass matter to the Sargent who issued the traffic citations to Coughlin incident to Coughlin going to Hill's office to retrieve his keys, wallet, client's files, and government issued identification after being release from 3 days in jail incident to the wrongful criminal trespass arrest.

Mr. King is beyond incorrect is stating that he will be able to simply point to a

criminal conviction and declare that no inquiry into the legitimacy of that conviction may be made. There is a wealth of case law and precedent that holds otherwise, and Mr. King has previously been made aware of that. This is true especially where the convictions at issue completely fail to evince even baseline level of regard for traditional notions of due process. Simply put, some might say the members of this Panel ought think rather hard before tying their reputations to the mast that is the extremely low bar required to get a conviction in the Reno Municipal Court these days....and further, the Panel would be well advised to avoid letting Mr. King lead it down that primrose path wherein one believes they will be entitled to merely accept a municipal court conviction as conclusive proof of misconduct or otherwise rule irrelevant any inquiry into the circumstances attendant to such a matter. This will be particularly true where Mr. King seeks to, in his SCR 105 Complaint, allege matters not even charged in that Municipal Court criminal trespass prosecution. How Mr. King will be able to allege his RPC 3.8 violating allegations respecting "breaking and entering" or "broken locks" are relevant or admissible where Coughlin's dissection of the illegitimacy of the Walmart candy bar petty larceny conviction (supposedly part of the SCR 105 Complaint....and mentioned in Hill's NG12-0204 grievance...which brings to mind the question...what of matters not mentioned in any of the three grievance numbers? How are they eligible for inclusion in some SCR 105 "Complaint" that lacks a unique case number of its own?) Regardless, it is November 2nd, 2012 and my defense has been irreversibly prejudiced by the refusal of Bar Counsel to allow me to access the materials at the SBN that are my right to under the SCR, thus bringing the legitimacy of the entire November 14th, 2012 hearing into doubt, to which any argument that I should be made to fit the bill for Bar Counsel's bungling and fraudulent failure to follow the rules applicable to this matter, in addition to its own written attestations, is entirely unsupportable.

Regardless, Richard G. Hill, Esq.'s hench man, Casey Baker, Esq., now that the heat is on and he and Hill's avarice driven misdeeds are finally facing the oversight they deserve, has now suddenly fled back to Kentucky:
<http://www.nvbar.org/lawyer-detail/11271>

It was Baker whom Hill used to file the November 21st, 2011 and January 20th, 2012 filings in RJC Rev2011-001708 and the appeal thereof in CV11-03628 to make the allegations that Hill himself knew unwise to make in his own regard within a sworn Declaration...So, despite Hill, not Baker, having the eye witness knowledge of such events (like whether the RPD identified themselves as law enforcement and issued to Coughlin a lawful warning to leave at the risk of a criminal trespass citation or arrest prior to the landlord kicking down the door to a quasi "basement" under the property that Baker's own testimony at the June 18th, 2012 trespass trial admits lacked any sort of exterior lock, and thus would require no "breaking of any sort" of the type both Susich and King suddenly felt the need to allege when considering how terribly compromised their 60975 Petition and the instant SCR 105 "combo-grievances" (kind of like a "due process value meal" that Pat King is serving up, and asking this Board to co-sign...which, apparently the Chairman finds fitting....what's next, are you going to have lawyers dress up in Hot Dog on a Stick

employee uniforms (you know, rainbow colors, the spinning thing atop the hat, etc.) too? Is that how little the property right of a law license (case law declares it as much under the Fourteenth Amendment, and any willful deprivation thereof by this Board, including a deprivation of the due process required to impinge thereupon, can subject the members of this Board the 42 USC Sec. 1983 liability, especially where, as her, what appears to be a coordinated effort to obstruct justice and proceed impermissibly under color of law for the self interested aims of those leveraging such positions is apparent. RICO.

I am writing to request confirmation of what I believe Mr. Clark has previously ruled, ie, that I, as an indigent respondent herein, am not required to pay witnesses any sort of "witness fee" in issuing and or serving subpoenas and subpoens duces tecums upon them in connection with the November 14th, 2011 Hearing in this matter. I feel Hill's then associate Casey Baker, Esq's testimony will be particularly necessary to this hearing (especially where Hill admits himself that he was not present at the purported November 1st, 2011 "lockout" in the eviction matter (and the service of an receipt by the WCSO with respect to any such lockout Order is of material relevance, as NRS 40.253 requires such an Order be carried out "within 24 hours of receipt" thereof...and Baker's testimony at the June 18th, 2012 criminal trespass trial, in combination with previous statements by the Washoe County Sheriff's Office (and please add these individuals and matters to my designation of witnesses and summary of evidence to be presented) Supervisor Liz Stuchell, Roxy Silve, Deputy Machen, and administrators, supervisors, and clerks at the Reno Justice Court (RJC) add up to the fact that it was Hill, Baker, and the WCSO, and RPD that were trespassing, not Coughlin, at Coughlin's former home law office.

Attached is the video taped admission by RPD Sergeant Lopez respecting the lies by her, RPD Officer Carter, Hill, Merliss, and Baker leading to Coughlin's arrest and conviction for criminal trespass. Keith Loomis will need to answer for his failure to fulfill the Sixth Amendment in that regard, in addition to the content of the unapproved and impermissible "meeting" with RMC Judge Gardner and City of Reno Prosecutor wherein, upon information and belief, an "approach" to handling the criminal trespass trial of Coughlin was "developed" shortly before the April 10th, 2012 Trial date in that criminal trespass matter (a Trial date which violated Nevada law, anyways, in that it was set and held during the pendency of an Order for Competency Evaluation of Coughlin in violation of NRS 178.405 and NRS 5.010). Any trier of fact that wishes to attempt to pull the wool over Coughlin's eyes, make incongruous and patently compromised, often sua sponte relevancy rulings, or otherwise cook up a due process value meal may wish to ask RMC Judge Gardner how the recent filings by Coughlin in 61901 and the RMC 11 CR 26405 are tasting right about now. Or get Judge Howard's input with respect to the analysis of his work in 60838.

And Judge Nash Holmes may be able to provide some insight as to how that approach served her, particularly where her "criminal summary contempt" order was made during the pendency of an Order for Competency Evaluation, and cites to alleged conduct committed outside her immediate presence (and that's the thing about "summary adjudications"....the are so arbitrary and devoid of due process that the requirements attendant thereto must be strictly adhered to....so when Judge Nash Holmes in here Orders

in 11 TR 26800 of 2/28/12 and 3/12 3/13, and 3/13/12 refers to some RMC Marshal allegedly peering, Peeping Tom style, through a bathroom stall wherein Coughlin was during a restroom break within that trial, her Order fails to adhere to the dictate that each element of any conduct she deigns to summarily rule upon be committed in her "immediate presence"...otherwise, someone would have to sign an Affidavit like a grown up, and Coughlin would be entitled to a hearing, and likely appointed counsel under the Sixth Amendment before some Bar Counsel like King could attempt to prop up any such "conviction" in an attempt to lend it an air of respectability, especially where that Marshal Harley (whom King conveniently has failed to subpoena) had his own self interested reasons for seeking to discredit Coughlin (RMC Marshal Harley violated the "courthouse sanctuary" rule and contributed to an appearance of impropriety where he served Coughlin an Order to Show Cause incident to one of Hill's fraudulent Motions seeking to abuse process in hopes of remaining competitive with an actual attorney like Coughlin (rather than a known hack like Hill whom inherited a law practice from his father and who legion of local attorneys accuse of unnecessarily running up fees on his clients by purposefully overcomplicating litigations and engendering an adversarial stance amongst litigants designed to line Hill's pockets, and those of, apparently, even his legal assistants, whom drive \$130,000 Mercedes v12 SL-600 sport coupe convertibles to crack inspections of law offices incident to impermissible summary evictions of commercial tenants where Hill chose to proceed under a No Cause Eviction Notice (along with Baker) rather than a Non Payment Notice, and therein committed a "wrong site surgery" (in a litigation sense, to borrow some of the parlance of the landlord, Dr. Merliss's field, wherein he is a Neurosurgeon/Neurologist in Chico, CA, apparently armed with enough money to choose to run up \$60,000, as of April 2012 in fees of Hill and Baker in these matters rather than settle with Coughlin for the \$1,500 Coughlin offered him).

Please add to the witness list all the individuals mentioned in the various filings I have provided you, including, but not limited to RPD Officers Duralde, Rosa, Alaksa, Weaver, Look, Travis Warren, and Leedy, RPD Sargent Tarter, Lopez, Sifre, Oliver Miller, Dye, and Bradshaw, Hill's Associate Casey Baker, Sheri Hill, and to be determined members of Hill's staff (particularly those with knowledge of any matters connected to the receipt of either of the Eviction Orders by the WCSO in the eviction matter, WCPD Jim Leslie, Biray Dogan, Joe Goodnight, Walmart Thomas Frontino and ASM John Ellis, and a yet to be determined AP Associate whom, along with Ellis, made express threats to retaliate against Coughlin with abuse of process similar to the petty larceny candy bar conviction in 60838 that currently forms the only basis for the suspension of Coughlin's law license and for which this Panel and the SBN are violating Nevada law in persisting in refusing to follow the dictates of both the Supreme Court Rules of Nevada and the Court's June 7th, 2012 Order in 60838, but rather, like Clerk/"reluctant" Investigator Peters, are allowing themselves to be led down that primrose path that Pat King finds to pleasurable to take the unwitting along in his social climbing and life of ease and comfort, devoid of honor or integrity, approach to life...

Also, to the extent then Panel considers a pending criminal prosecution up for inquiry in a disciplinary proceeding, included in potential witness call may call are Nicole

Watson, Lucy Byington, Nate Zarate, Cory Goble, the individual whose phone number is 7753786673, Colton Templeton, Robert Dawson, Nick Duralde, Ron Rosa, Thomas Alaksa, Savannah Montgomery, Linda Gray, Kelly Odom, Kariann Beechler, RPD Officer Schaur and any others present at arrest of 1/14/12 for "misuse of emergency communications", and of the 5-6 officers whom, along with RPD Duralde pulled Coughlin over upon his release from jail on 1/13/12 for the 1/12/12 "jaywalking" arrest made upon the fraudulent assertions of Richard Hill, RJC Judge Jack Schroeder (whom evicted Coughlin from Park Terrace and granted Hill the protection order incident to the jaywalking arrest and who yelled "do you want to go to jail" at Coughlin at the extension hearing when Coughlin broached the topic of Hill's abuse of process, and whom wrongfully granted the 6/27/12 Eviction Order in RJC Rev2012-001048 despite the deficient 5 day notice listing the wrong court to file a tenant's affidavit (a requirement under NRS 40.253, and despite Coughlin's numerous calls and 6/26/12 email to the RJC, SJC, RPD and WCSO, also Jeff Nichols and Peter Eastman and Paul Freitag, Esq. (involved in SBN King's impermissible disclosures and slanderous statements concerning Coughlin and the NVB (which King also made to his boss in front of Coughlin, David Clark, and which have proven to be baseless, despite King ticking such off amongst the top 2 reasons for the SCR 105 Complaint he alleged he would hurriedly throw together upon Coughlin serving King, the SBN, Clark and Peters the August 13th, 2012 filing in 60838 and 61426, now before the N. S. Ct.).

Also, Richard Cornell, Tom Hall, Geof Giles, and Michael Lehrners, Judge Joe Van Walraven and others all whom have indicated, to one degree or another, that Hill's conduct incident to this eviction matter and concomitant appeal is deplorable and entirely consistent with the way Hill has comported himself throughout his 33 year career, which began with is inheriting a large scale law practice from his father, and continued on with Hill effecting the manner of a 10 year old boy entrusted with flying a 747 full of people, to this day. Add to the witness List Paul Elcano of WLS, Judge Steven Elliot, Judge Patrick Flanagan, Hale Lane/Holland and Hart's Anthony Hall and Tim Lukas, Richard Elmore, Judge Scott Pearson, Judge Peter J. Sferrazza (though he indicated on 10/22/12 that he declined the SBN's request that he testify, citing his sitting on the pending criminal prosecution in RCR2011-063341), the RJC's Bonnie Cooper and "Nevi", Chief Bailiff Michael Sexton, RMC Chief Marshal Roper and Marshal Deighton, Marshal Thompson, Marshal Coppa, WDC Van der Wal, Beatson, Hoekstra, Cheung, unnamed deputies. Further, please add Western Nevada Management's Sue King, Jared Scalise, and Park Terrace Townhomes Association attorney Gayle Kern, Esq., Roberto Puentes, Lew Taitel, the RMC's Matthew Fisk and Cassandra Jackson, Donna Ballard, Judge Howard's past legal assistant, Judge Nash Holmes legal and administrative assistant, Martin Crowley or Martin Weiner or whichever attorney it was Judge Nash Holmes was sued for wiretapping in the past, the RMC counter clerk "Daniel" and "Thom", WDC Chief Appeals Clerk Matheus, Joey Orduna Hastings, Chief Judge David Hardy, Justice Hardesty (whom was one of only three Justices signing the June 7th, 2012 temporary suspension Order, but whom recused himself from 60302 and 60317, the wrongful termination suit against Washoe Legal Services (see attached letters from WLS's Executive Director citing Judge

Linda Gardner's April 2009 Order sanctioning Coughlin as the "sole reason" for Coughlin's firing (her brother, RMC Judge William Gardner refused to recuse himself from the criminal trespass conviction mentioned in King's SCR 105 Complaint, and King admitted two weeks ago that he was unaware that the two Judge Gardners were brother and sister or related whatsoever, or that Judge Nash Holmes was a prison warden or something similar for ten years, and a lifelong prosecutor besides that (in addition to all other RMC Judges and all RMC court appointed defenders).

Also, I never received any Notice of Intent to Take Default from the SBN, and herein lodge my objection to any Order by this Panel that cites thereto. Additionally, SBN's Peters has indicated no other respondents have ever been made to pay witness subpoena fees, and further Peters and the SBN have repeatedly failed to adhere to agreements they have made with Coughlin (including the failure of the SBN to resend a certified mail copy of the SCR 105 Complaint incident to the agreement between Peters and Coughlin on or about September 11th, 2012.

-Forwarded Message Attachment-- ClosePrint Your Online Police Report T11005956 Has Been Submitted? From:

NvRenoPd@coplogic.com Sent: Wed 9/07/11 9:36 PM
To: zachcoughlin@hotmail.com Report T11005956 Has
Been Rejected? From: NvRenoPd@coplogic.com Sent:
Wed 9/07/11 10:51 PM To:

zachcoughlin@hotmail.com We're sorry the following
problem was found during review of your submitted report
T11005956: **THIS IS NOT THE FORUM FOR THIS TYPE OF
COMPLAINT HOWEVER THIS REPORT WAS PRINTED
AND PASSED ON TO THE OFFICER'S SUPERVISOR AND
IT WILL BE ADDRESSED.** Thank you, Officer WOZNIAK,

Reno Police Department Your Online Police Report T12000219
Has Been Submitted? From: NvRenoPd@coplogic.com Sent:
Sun 1/08/12 1:35 AM To:

zachcoughlin@hotmail.com Your online report has
been successfully received and the tracking number is T12000219.
Your Online Police Report T12000222 Has Been Submitted?

From: NvRenoPd@coplogic.com Sent: Sun 1/08/12 2:25 AM
To: zachcoughlin@hotmail.com Your online report has
been successfully received and the tracking number is T12000222.

Your Online Police Report T12000223 Has Been Submitted?
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To: ZACHCOUGHLIN@HOTMAIL.COM Your online

report has been successfully received and the tracking number is
T12000223. Your Online Police Report T12000283 Has Been
Submitted? From: NvRenoPd@coplogic.com Sent: Tue 1/10/12
12:29 AM To: zachcoughlin@hotmail.com Your online

report has been successfully received and the tracking number is T12000283. Your Online Police Report T12000286 Has Been Submitted? From: NvRenoPd@coplogic.com Sent: Tue 1/10/12 1:04 AM To: zachcoughlin@hotmail.com Your online report has been successfully received and the tracking number is T12000286. Your Online Police Report 120100300 Has Been Approved? From: NvRenoPd@coplogic.com Sent: Wed 1/11/12 3:09 PM To: zachcoughlin@hotmail.com 1 attachment report-120100300-0.pdf (76.4 KB) Your report has been approved report and the permanent number of the case is 120100300. Online Officer Reno Police Department Your Online Police Report 120100300 Has Been Approved? From: NvRenoPd@coplogic.com Sent: Wed 1/11/12 3:29 PM To: zachcoughlin@hotmail.com 1 attachment report-120100300-1.pdf (76.4 KB) Your report has been approved supplemental report and the permanent number of the case is 120100300. Online Officer Reno Police Department Your Online Police Report 120100300 Has Been Approved? From: NvRenoPd@coplogic.com Sent: Wed 1/11/12 3:29 PM To: ZACHCOUGHLIN@HOTMAIL.COM 1 attachment report-120100300-2.pdf (62.7 KB) Your report has been approved supplemental report and the permanent number of the case is 120100300. Online Officer Reno Police Department Your Online Police Report 120100300 Has Been Approved? From: NvRenoPd@coplogic.com Sent: Wed 1/11/12 3:32 PM To: zachcoughlin@hotmail.com 1 attachment report-120100300-3.pdf (64.5 KB) Your report has been approved supplemental report and the permanent number of the case is 120100300. Online Officer Reno Police Department Your Online Police Report 120100302 Has Been Approved? From: NvRenoPd@coplogic.com Sent: Wed 1/11/12 3:35 PM To: zachcoughlin@hotmail.com 1 attachment report-120100302-0.pdf (81.2 KB) Your report has been approved report and the permanent number of the case is 120100302. Online Officer Reno Police Department Your Online Police Report T12004553 Has Been Submitted? From: NvRenoPd@coplogic.com Sent: Fri 6/08/12 4:39 PM To: zachcoughlin@hotmail.com Your online report has been successfully received and the tracking number is T12004553. Report T12004554 Has Been Submitted? From: NvRenoPd@coplogic.com Sent: Fri 6/08/12 4:45 PM To: zachcoughlin@hotmail.com Your online report has been successfully received and the tracking number is T12004554.

Report 120103420 Has Been Approved? From:

NvRenoPd@coplogic.com Sent: Mon 6/11/12 4:10 PM
To: zachcoughlin@hotmail.com 1 attachment report-120103420-0.pdf (71.4 KB) Your report has been approved report and the permanent number of the case is 120103420. Online Officer Reno Police Department Your Online Police Report 120103420 Has Been Approved? From:

NvRenoPd@coplogic.com Sent: Mon 6/11/12 4:11 PM
To: zachcoughlin@hotmail.com 1 attachment report-120103420-1.pdf (70.9 KB) Your report has been approved supplemental report and the permanent number of the case is 120103420. Thank you for using our

online reporting system and please contact us with any suggestions you have for improving our system. Online Officer Reno Police Department Your Online Police Report T12007703 Has Been Submitted? From: NvRenoPd@coplogic.com Sent: Fri 9/21/12 8:09 PM To:

zachcoughlin@hotmail.com Your online report has been successfully received and the tracking number is T12007703. Report T12007705 Has Been Submitted? From:

NvRenoPd@coplogic.com Sent: Fri 9/21/12 8:49 PM
To: zachcoughlin@hotmail.com Your online report has been successfully received and the tracking number is T12007705. Report 120105605 Has Been Approved? From:

NvRenoPd@coplogic.com Sent: Thu 10/04/12 3:42 PM
To: zachcoughlin@hotmail.com 1 attachment report-120105605-0.pdf (10.8 KB) Your report has been approved report and the permanent number of the case is 120105605. Online Officer Reno Police Department Your Online Police Report 120105605 Has Been Approved? From: NvRenoPd@coplogic.com Sent:

Thu 10/04/12 3:54 PM To: zachcoughlin@hotmail.com 1 attachment report-120105605-1.pdf (8.6 KB) Your report has been approved supplemental report and the permanent number of the case is 120105605. Online Officer Reno Police Department

7 “SBN and or Panel will be breaking the law by holding a hearing tomorrow in violation of SCR 105(2)(c) proof attached

From: Zach Coughlin (zachcoughlin@hotmail.com)

Sent: Tue 11/13/12 3:22 PM

To: skent@skentlaw.com (skent@skentlaw.com); mike@tahoelawyer.com (mike@tahoelawyer.com); nevtelassn@sbcglobal.net (nevtelassn@sbcglobal.net); patrickk@nvbar.org (patrickk@nvbar.org); fflaherty@dlpfd.com (fflaherty@dlpfd.com); davidc@nvbar.org (davidc@nvbar.org); complaints@nvbar.org (complaints@nvbar.org);

tsusich@nvdetr.org (tsusich@nvdetr.org); je@eloreno.com (je@eloreno.com);
cvellis@bhfs.com (cvellis@bhfs.com); eifert.nta@att.net (eifert.nta@att.net); rosec@nvbar.org
(rosec@nvbar.org)

You will be criminals as of tomorrow if you hold that hearing.

SCR 105(2)(c), SBN's Index for Hearing is holding out certificates of mailing and or proofs of service on the most materials documents incident to a due process analysis (10 9 12 Notice of Intent to Take Default was recieved as returned due to insufficient postage by the SBN on 11 8 12, I declare under penalty of perjury...nrs 53.045...further, SBN only sent one envelope of that document, that returned for insufficient postage certified mail mailing on 10 9 12.

Additionally, SBN is holding out 10 12 2012 certified mailing of Notice of Hearing and Designation of Witnesses and Summary of Evidence as having a date of 10/12/12 for a constructive notice analysis, despite the USPS proof indicating the first scan in a USPS system occurred on 10/16/12.

Additionally, the SBN and Peters formally declared that the 8/23/12 mailing was returned to the SBN and that another certified mailing of the Complaint would immediately be sent out, and that the 8/23/12 certified mailing would never be offered to prove proof of service under SCR 109 or in any other manner offered as proof of service of the Complaint. Yet that is just what King has done by his Index putting that forward.

Sincerely,

Zach Coughlin

1471 E. 9th St.

Reno, NV 89512

Tel and Fax: 949 667 7402

ZachCoughlin@hotmail.com

Zach has a file to share with you on SkyDrive. To view it, click the link below.

[11 13 14 attachment proving 0204 sbn and panel fraud scr 105\(2\)\(c\).pdf](#) “

8 “RE: does Richard Hill have standing to file a grievance

From: Zach Coughlin (zachcoughlin@hotmail.com)

Sent: Sun 11/18/12 8:48 AM

To: davidc@nvbar.org (davidc@nvbar.org); fflaherty@dlpfd.com
(fflaherty@dlpfd.com); fflaherty@dylawrence.com (fflaherty@dylawrence.com)

Mr. King admits in his email below that he is departing from the SBN's stated policy of according every grievance received a case number. Further, Justice Hardesty made some comments about a Constitutional requirement in Nevada at a luncheon earlier this year respecting the fact that the Nevada Supreme Court must review every grievance

received...which would be hard to do given Mr. King, the filter/attack dog for the rich, powerful, and influential in Northern Nevada/Social Climber Extraordinaire. Further, Mr. King was sued by a close personal friend of mine, Geof Giles, Esq., and, aside from King's overt love of big banking and obvious hatred of homeowners (which is notated on the record in hearings before the legislature and elsewhere) it is inappropriate for King to have remained on my disciplinary matter...and I informed you of this long ago...

Now, this situation is a disaster for all involved in some respects. I am worried about Pat. I think we need to get him some help. Being Bar Counsel is a tough deal, all that power can really go to one's head, and I would like to be part of the intervention (what? No, I won't lead the damn thing, I couldn't possibly do that...I don't have the training or time or inclin...Oh, alright! Fine, I'll do it) so we can get our Patty back. I know for a fact his spouse is on board, and I have arranged for a bag to be packed for him and a plane ticket to Biloxi...there's a great facility there, and when Pat comes back and it's the old Patty Ice we all know and love, he will be just as welcome as the flowers in May. Who's with me? Otherwise, you are left in the rather untenable situation of trying to explain why Pat is violating SCR 121 with the Eastman in CV11-00820 prior to the filing of any Petition, why he is feeding Judge Nash Holmes the "clear and convincing evidence" ethical violation standard of proof language and instructions that she should improperly transmogrify a traffic citation trial into some newfangled "summary disciplinary hearing" scenario (and she can't even cite to the right statute when she wants to splash out with a criminal contempt conviction or, in her terms "the misdemeanor of criminal contempt" (we all know being a prosecutor isn't exactly the best training ground for building up one's aptitude for specificity or factual support, now, is it?).

It just hurts to see Pat like this...He's such a great guy "when he's right", you know? But when Dave's not there, it's like "Risky Business" up here...Patty gets out the Bob Seager out, takes them old records off the shelf... and the dress shirt/boxer shorts/white tube socks/dark lensed Ray-Bans come out too, and the next thing you know he's got some sort of dog-horse hybrid crapping all over the floors of the Northern Office of the State Bar of Nevada, he's wearin' cargo pants to Disciplinary Hearings, he's booking Judge Linda Gardner's courtroom deputy for the same hearing that involves Judge L. Gardner's ghost grievance in NG12-0435, he booking the same court reporting firm (Sunshine and Pam Longoni, and Senator Grassley would find that dba so rich, would he not?) that hung up on the phone on Coughlin and got his appeal dismissed for lack of a transcript cited to in the matter that resulted in the SCR 111(6) Petition that is the basis for the current temporary suspension of Coughlin's law license. It one thing to run this hustle on some sad 25 year old...But, why would you want to get in a throwin' stars competition with a ninja? You wouldn't. He's failing to send out Laura's 10/9/12 Affidavit, despite it being file-stamped. He's making the SBN look like lying clowns considering the announcing of the applicable SCR 105(4) procedural rules by "Clerk of Court Peters" on 9/11/12 (vis a vis deadlines not running for materials requiring service by certified mailing until the signature tag is signed by the recipient, and barring that, a remailing of such a certified mailing, and failing the requisition of a signed signature tag there, the certified mailing of a Notice of Intent to Take Default (and King and Peters, by admission on their own certificate of

mailing to the file stamped 10/9/12 NOITD only sent it by certified mail, ie, they departed from their stated and established procedural practice of sending everything two different ways (ie, certified and first class)...regardless, HERES THE KICKER...that 10/9/12 certified mailing of the NOITD was returned to the SBN and signed for by the SBN on 11/8/12, and the envelope (a large manila one with the SBN's in house red Pitney Bowes postage printing affixed to it indicating an under postage was mistakenly applied given te large manila envelope with a certified mail certificate and return receipt requested card (at least \$5.50 in postage) had only \$1.25 in postage affixed to it, which Tim, a 20 year employee of the Downtown Reno (I might have previously said Vassar, for some reason my brain was stuck on that...but it was definitely, definitely the Downtown Reno 89505 postal station) where upon a previous attempt to collect the certified mailing Tim failed to find it (who knows why, might be due to my handing him an Official Change of Address on October 5th, 2012 for my PO Box 3961 89505 address..from which I forward mail to my current 1471 E. 9th St. 89512 address) or due to his looking in "the small box" whereas that mailing was in an 8.5 x 11 inch envelope...but when I returned again on a later date, the same counter attendant, Tim, did find the 10/9/12 certified mailing of the NOITD (and Chair Echeverria doesn't seem to get this...I didn't get the NOITD until November 8th, 2012, and I only got it then in the bate stamped form is come in with the other thousands of pages of documents in the Sierra Document Processing "big box" that Chair Echeverria's 10/30/12 Order required the SBN to provide me as a consolation, apparently, to actually following the rule in SCR 105(2)(c) and allowing me inspect the materials "up to 3 days prior" to the 11/14/12 Hearing (that is a huge deal, for a variety of reasons, not least of which is the act that King continued to attempt to Supplement the Designation of Witnesses and Summary of Evidence as late as 11/7/12 (and the certified mailing signature card for that Supplemental was only signed for today, 11/16/12, and you know if Joe Garin is going to pull the old "actual notice of is not a substitute for technical compliance with service rules" card on me in 60302, that I am going there with the SBN), to wit, from SBN Ethics Committee member Joe Garin's 10/22/12 Respondent's Brief in 60302 (where Coughlin sued Washoe Legal Services, and involving NNDB member Kathleen Breckenridge, whose mess Coughlin cleaned up quite nicely on the i-864 Affidavit of Support for battered immigrant spouse issue (Breckenridge got the \$3K award of attorney's fees...I clean up what she failed to spot, and am fired shortly thereafter....). So, really, given the return receipt card was only signed for the Notice of Hearing on 10/27/12 (and the earliest it was in my box, according to USPS track and confirm was 10/22/12, despite a certificate of mailing by Peters indicating she sent it out 10/12/12...which is odd given the USPS Track & Confirm shows it was first scanned into USPS custody on 10/16/12...not so odd when you consider that upon my arriving at the SBN's Northern Office on 10/31/12 at about 4:45 pm I spoke with Peters and noticed that in the "outbox" at the front desk were a lot of letters with the green certified mail/return receipt requested placards affixed to them...and I queried Peters about them. She admitted the mail had been picked up that day at the SBN already, so those items would not go out that day, despite what the certfcate of mailing attached thereto might swear to under penalty of perjury (you are playing with people's livelihood's and Fourteenth Amendment property rights, here...)...So, it would appear that Peters signed the certificate of mailing for the Notice of Hearing (and I believe a Designation of Witnesses and Summary of Evidence requires its own

file stamping and its own certificate of mailing...and the bate stamped version of the "Disciplinary File for Zach Coughlin" indicates, in the 10/12/12 certficate of mailing, that only a Notice of Hearing was sent out (ie, not a DoWSOE along with it...regardless, SCR 105(2)(c) requires the Panel send it out and serve it in compliance with SCR 109 (as altered by SCR 105(4), which includes Peter's attestations of 9/11/12...). None of that was done correctly. Rather, King persisted in his established practice of going back on the SBN's word to cheat and gain an advantage, and in his habit of taking on the roles of the Panel or the Clerk of Court (or the Municipal Court Judge where he tells Judge Nash Holmes to be sure to put the "I find by clear and convincing evidence violations of (insert copy and pasting with zero specificity as to any factual support for such a summary ethical violation order incident to a "simple traffic citation matter" (do you get the picture, here? Its amateur hour, and he's doing it with your good name, or what's left of it by now...) various Rules of Professional Conduct so Pat can ignore Claiborne some more and rest on his laurels and SCR 111(5)....which Chair Echeverria likes himself quite a bit...only problem is that they both like to go with a lot of Richard Hill testimony about pajamas and slippers and livin' in the former home law office after eviction and "breaking and entering" some crawspace/glorified basement under the house that never had a lock at any time...not to much SCR 111(5), not relevant, puffing going on there, though, huh, Pat? Chair Echeverria?

SCR 105(2)(c) a/k/a that which Patrick O. King and Chair Echeverria used as a guide for "things to make sure we avoid providing to Respondent Coughlin so our hit piece goes off smoothly and we both get a bunch of attaboys by the McGeorge Mafia and other power brokers..." along with the ol' Bar Counsel as debt collector for Richard G. Hill, Esq. and Casey Baker, Esq. meme of "if the Panel won't sign on to my ridiculous disbarment of Coughlin request, then please be sure to require Coughlin to pay Richard G. Hill, Esq. the attorney's fees award that Coughlin's former co-worker Judge Flanagan entered against Coughlin after refusing to recuse himself, and shortly after Pat King's 3/23/12 email to Coughlin attempting to mislead Coughlin about the Department 3 "Clerk of Court' throwing a sewing circle of gossip :

"...(c) Time to conduct hearing; notice of hearing; discovery of evidence against attorney. The hearing panel shall conduct a hearing within 45 days of assignment and give the attorney at least 30 days' written notice of its time and place. The notice shall be served in the same manner as the complaint, and shall inform the attorney that he or she is entitled to be represented by counsel, to cross-examine witnesses, and to present evidence. The notice shall be accompanied by a summary prepared by bar counsel of the evidence against the attorney, and the names of the witnesses bar counsel intends to call for other than impeachment, together with a brief statement of the facts to which each will testify, all of which may be inspected up to 3 days prior to the hearing. Witnesses or evidence, other than for impeachment, which became known to bar counsel thereafter, and which bar counsel intends to use at the hearing, shall be promptly disclosed to the attorney. For good cause shown, the chair may allow additional time, not to exceed 90 days, to conduct the hearing."

The thing is, since the Panel was not even created or named by NNDB Chairman Susich until

Here's Joe "Joey Detroit" Garin's take on why the SBN did a very bad think in pushing through with that Disciplinary Hearing on 11/14/12, by analogy to 60302, of course:

"b. The District Court properly dismissed Torvinen, Breckenridge, and Sabo from the case because Plaintiff failed to provide them proper process.

A claim of insufficiency of process is a challenge to the content and form of a summons and complaint. See e.g., *Musgrave v. Squaw Creek Coal Co.*, 964 N.E.2d 891 (Ind. Ct. App. 2012). A defendant has an absolute right to demand that process be issued in a manner prescribed by law. See *MJS Enterprises, Inc. v. Superior Court*, 153 Cal.App.3d 555, 557, 200 Cal.Rptr. 286 (1984). Additionally, Nevada Rule of Civil Procedure 4(d) provides, plaintiff furnish person making copies necessary.

"The summons and complaint shall be served together. The shall the service with such as are Service shall be made by delivering a f!2J2!l. of the summons attached to a f!2J2!l. of the complaint ... " (Emphasis added). In this case, Plaintiff failed to effectuate proper process against Torvinen, Sabo, and Breckenridge because process did not comply with NRCP 4(d). With respect to Torvinen, on October 27, 2011, Plaintiff served Torvinen with 35 pages worth of documents related to the case. (Record Vol. II, 201-248). Nearly every page comprised of 9 pages scaled onto one page. Id. Accordingly, on November 15, 2011 Torvinen filed a Motion to Dismiss on the grounds that Plaintiffs service of process was untimely and insufficient under NRCP 4. Id. Torvinen argued that a copy is a reproduction of an original and that Plaintiff provided modified versions of the original that were illegible and improper. Id. On November 30, 2011, Plaintiff responded with a three sentence Opposition that stated that service was sufficient and sidestepped the issue regarding process. (Record Vol. II, 394-396). The District Court subsequently dismissed Torvinen from the case for lack of service of process. (Record Vol. IV, 1174-1160). The Court later clarified its order and found that Torvinen was dismissed for lack of process. (Record Vol. IV, 1475-1480). It adopted Torvinen's arguments that the papers provided were not a "copy" within the meaning of NRCP 4 and found Plaintiff did not effectuate proper process. Id. Likewise, Plaintiff served Breckenridge in a similar fashion. Breckenridge received a total of 89 pages worth of documents some of which related to the case and others which did not. (Record Vol. II, 286-387). The documents were also scaled down in size. Id. Some pages comprised of 9 pages to a page, while others fit 2 pages to a page. Id. On November 28, 2011, Breckenridge filed a Motion to Dismiss based on non-service of process and insufficient process. Id. Much like Torvinen, Breckenridge argued that 89 pages of condensed documents did not constitute a "copy" of a summons and complaint within the meaning of NRCP 4. Id.

In response, Plaintiff filed two perplexing oppositions presumably against her Motion, the latter of which was untimely. (Record Vol. II, 416-468; Vol. III 569-671). In the first opposition, Plaintiff dedicated two sentences to opposing Breckenridge's Motion. (Record Vol. II, 416-

468). Per the first opposition's title-Opposition to all Defendant's Motions to Dismiss and all Defendant's Motions to Quash Service, Motion for Extension of Time to Respond/Continuance; Opposition to Motion to Tax Costs Simultaneously Seeking Extensions of Time or Continuance to Respond-Plaintiff sought to do various things in two sentences. *Id.* In reality, Plaintiff failed to do anything more than make a conclusory statement that he opposed the then filed motions to dismiss. Plaintiff's second opposition while more than two sentences in length, sought to raise tangential issues that were not before the Court. (Record Vol. III, 569-671). In effect, the District Court dismissed Breckenridge from the case. (Record Vol. III, 723-725). The District Court also dismissed Sabo from the case after she filed a motion to dismiss on the grounds of insufficient process. *Id.* Specifically, Plaintiff served Sabo with only a copy of the summons, once again ignoring NRCP 4's requirements. (Record Vol. II, 250-261). Based on all the above, it is clear that the District Court properly dismissed Torvinen, Breckenridge, and Sabo from this case. Plaintiff did not truly oppose the various motions to dismiss and failed to effectuate process on the parties.

It was only after the District Court dismissed Torvinen, Breckenridge, and Sabo, that Plaintiff found a case, which he now relies on, to argue that the District Court erred in dismissing these parties (Record Vol III. 767-869). Plaintiff relies on the New York case, *McKenzie v. Amtrak M of E*, 777 F.Supp. 1119 (S.D.N.Y.

forma

1990). In *McKenzie*, a New York court denied a Motion to Dismiss for defects in process because they were attributable to court personnel. *Id.* at 1121. Specifically, the court acknowledged that generally there is a strong argument for ineffective service of process "unless a legible copy of both the summons and the Complaint are received by the defendant." *Id.* (citing *Village of Wellsville v. Atl. Richfield Co.*, 608 F.Supp. 497 (W.D.N.Y.1985); *Parker v. Mack*, 61 N.Y.2d 114, 472 N.Y.S.2d 882, 460 N.E.2d 1316 (Ct.App.1984)). The Court determined that

because court personnel in this particular jurisdiction were required to make copies for in forma pauperis litigants, and a faint copy of the complaint was made and served on the defendants, dismissal was not warranted. *Id.*

The *McKenzie* decision is not controlling and inapplicable to this case. In citing to the *McKenzie* decision, Plaintiff seeks to carve an exception into NRCP 4(a), which specifically places the responsibility to effectuate proper service of process on a plaintiff. Moreover, the circumstances in *McKenzie* were unique because that particular jurisdiction required court personnel to make copies for in pauperis litigants and serve such copies on their behalf. Plaintiff has failed to establish that court personnel in the Second Judicial District Court are required to make copies of service papers for in form pauperis applicants. That is because there is no such requirement or practice and NRCP 4(d) specifically imputes that responsibility on a plaintiff. Furthermore, Plaintiff never argued that the modifications to the service papers were the fault of court personnel. Rather, the modifications were admittedly Plaintiff's own doing. (Record Vol. III, 816). Thus, *McKenzie* is not only a non-binding decision, but it is inapposite to the rules and

overall circumstances of this case.

Overall, the District Court did not abuse its discretion in dismissing Torvinen, Breckenridge, and Sabo from the case seeing as Plaintiff provided insufficient process."

Zach Coughlin
1471 E. 9th St.
Reno, NV 89512
Tel and Fax: 949 667 7402
ZachCoughlin@hotmail.com

(NOTE: the following emails were included thereafter in their entirety):

From: PatrickK@nvbar.org
To: zachcoughlin@hotmail.com
Subject: RE: does Richard Hill have standing to file a grievance
Date: Fri, 23 Mar 2012 17:57:26 +0000

From: Zach Coughlin [mailto:zachcoughlin@hotmail.com]
Sent: Friday, March 23, 2012 10:39 AM
To: Patrick King
Subject: RE: does Richard Hill have standing to file a grievance

From: PatrickK@nvbar.org
To: zachcoughlin@hotmail.com
Subject: RE: does Richard Hill have standing to file a grievance
Date: Fri, 23 Mar 2012 17:18:34 +0000

From: Zach Coughlin [mailto:zachcoughlin@hotmail.com]
Sent: Friday, March 23, 2012 9:12 AM
To: Patrick King; cdbaker@richardhilllaw.com
Subject: does Richard Hill have standing to file a grievance"

9 **"LITIGATION HOLD NOTICE October 9th, 2012 certified mailing of Notice of Intent to take Default**

From: Zach Coughlin (zachcoughlin@hotmail.com)
Sent: Fri 11/23/12 8:37 PM
To: CC: slhofheins@uspis.gov (renee.m.brown@usps.gov); wpheister@uspis.gov (wpheister@uspis.gov); melinda.a.varszegi@usps.gov (melinda.a.varszegi@usps.gov); patrickk@nvbar.org (patrickk@nvbar.org); davidc@nvbar.org (davidc@nvbar.org); rosec@nvbar.org (rosec@nvbar.org); eifert.nta@att.net (eifert.nta@att.net); je@eloreno.com (je@eloreno.com); cvellis@bhfs.com (cvellis@bhfs.com); mike@tahoelawyer.com (mike@tahoelawyer.com); skent@skentlaw.com (skent@skentlaw.com); nevtelassn@sbcglobal.net (nevtelassn@sbcglobal.net); complaints@nvbar.org

(complaints@nvbar.org); fflaherty@dlpfd.com (fflaherty@dlpfd.com);
fflaherty@dyerlawrence.com (fflaherty@dyerlawrence.com); tsusich@nvdetr.org
(tsusich@nvdetr.org); slhofheins@uspis.gov (slhofheins@uspis.gov); slhofheins@usps.gov
(slhofheins@usps.gov)

Dear Reno Postal Inspector Renee Brown and NNDB, Panl, and SBN,

I am writing to respectfully place THE USPS, NNDB, PANEL AND SBN ON A LITIGATION HOLD NOTICE WITH RESPECT TO ANY MATERIALS RELATED TO THE ATTACHED CERTIFIED MAILING BY THE STATE BAR OF NEVADA AND OR THE NORTHERN NEVADA DISCIPLINARY BOARD OR ITS PANEL WITH RESPECT TO THE PURPORTED MAILING TO ZACH COUGHLIN AT PO BOX 3961 RENO, NV 89505 OF A NOTICE OF INTENT TO TAKE DEFAULT INCIDENT TO A PURPORTED FILING ON 8/23/12 OF A SCR 105 COMPLAINT IN SBN V ZACH COUGHLIN (NG12-0204 ET AL). I, ZACH COUGHLIN APPEARED AT THE DOWNTOWN RENO POSTAL STATION ON A NUMBER OF OCCASIONS DURING October and November of 2012 to retrieve certified mailings, though I did personally hand deliver on October 5th, 2012 a filled out Official USPS Change of Address card to change my mailing address from PO BOX 3961 Reno, NV 89505 to 1471 E. 9th St., Reno, NV 89512.

Tracking Label: 7010 2780 0003 5429 5458

The reason for this litigation hold notice is that the State Bar of Nevada has indicated a desire to levy professional discipline against me, on grounds that I dispute vigorously and in so doing has backed out of a number of representations related to the service of the Complaint, which led to the "service" of a Notice of Intent to Take Default the SBN indicates it mailed on 10/9/12. On November 5th, 2012 I again checked with counter attendant "Tim" (tall fellow whom I am told had surgery recently) and he retrieved a large manila (8.5 by 11 inch) envelope addressed to me, certified mail, RRR, from the State Bar of Nevada affixed with insufficient postage. Tim noted that it was odd that it had a postmark in the red Pitney Bowes printed manner normal to SBN mailings with a date of 10/9/12 given that it was November 5th, 2012 and that he had not retrieved or noticed it on Friday November 2nd, 2012 when I had come in and asked for the certified mailings for my PO BOX. Regardless, Tim also noted that that large certified mailing envelope was quite deficient in postage, only having \$1.25 in postage on it, for a mailing that would be at least \$5 postage insufficient. I did not have the money to make up for what the SBN failed to affix to its mailing. Tim informed me he could not release that mailing to me then, and I personally witnessed him notate on the envelope in his own handwriting the insufficiency of the postage and the fact that it was being returned to the sender. The USPS Track & Confirm shows that envelope was delivered to the State Bar of Nevada's Double R Blvd office on 11/8/12.

However, crafty SBN Bar Counsel Pat King managed to jam through a Disciplinary Hearing on

11/14/12 for a Complaint that had not been served, calling witnesses for which Notice had not been served, based upon a Notice of Hearing that failed to comply with SCR 105(2)(c) in a multitude of ways. King sought to take away my Fourteenth Amendment property right, my professional license to practice law, and thereby endanger my license to practice patent law before the United States Patent and Trademark Office (USPTO) as well under 37 CFR 11.25.

I placed Mr. King on a litigation hold notice at that with respect to the proof of the insufficiency of the postage on that envelope, and he smirked "What's a 'litigation hold notice'?" despite the fact that he has 13 Profiler references on Westlaw. Mr. King has previously claim that "Zach, things don't work out for you because you don't take responsibility for your actions". Well, I believe placing insufficient postage on a filing that he is required to serve via certified mail is an instance where Mr. King needs to take responsibility for his actions or those for whom he has a supervisory duty.

I would greatly appreciate it if the USPS would consider expediting any disagreement here between myself and the SBN, NNDB, and or Panel by having Downtown Reno Postal Station counter attendant "Tim" sign a Declaration, if possible, attesting to the matters I detailed above to the extent the comport with his recollections.

I would greatly appreciate it if you would provide me or provide some indication where I may obtain any more detailed documentation related to the above tracking label ending in 5458 and the following one for the purported certified mailing of the Complaint on 8/23/12:

Tracking Label: 7010 2780 0003 5429 5281

I appreciate the fine work you do.

Sincerely,

Zach Coughlin, JD
<http://www.nvbar.org/lawyer-detail/11245>
Patent Agent
1471 E. 9th St.
Reno, NV 89512
tel and fax: 949 667 7402

Direct Query - Intranet - "Quick" Search
Track/Confirm - Intranet Item Inquiry - Domestic
Tracking Label: 7010 2780 0003 5429 5458
Destination
Origin
Event

203/442

DELIVERED

NOTICE LEFT

- I\RRP\NL .t.T UNIT

NOTICE LEFT

ARRIVAL AT UNIT

ZIP Code: 89505

ZIP Code:

Date/Time

11/08/2012 10:28

Input Method: Scanned

Finance Number: 317289

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City: RENO

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Location

RENO, NV 89521

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11/07/2012 13:17 RENO, NV 89521

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10/10/2012 11:09 RENO, NV 89505

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10/10/2012 08: 18 RENO, NV 89503

Input Method: Scanned

EN ROUTE/PROCESSED 10/10/2012 04:51 RENO, NV 89510

Input Method: Scanned

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Quick Search (i Extensive Search

has 3 files to share with you on SkyDrive. To view them, click the links below.



10 9 12 0204 usps cert mail Notice Intent Default 11 8 12 returned to SBN.pdf



10 10 12 usps cert track 11 8 12 0204 5458 notice of intent to take default 0204 sbn.pdf



nvbar Zach Coughlin 9473 11245.pdf

Download all

“

10 **“RE: motion to dismiss attached**

From: Patrick King (PatrickK@nvbar.org) This sender is in your safe list.

Sent: Mon 10/08/12 11:39 AM
To: Zach Coughlin (zachcoughlin@hotmail.com)
Dear Mr. Coughlin,

As I have explained, the Complaint against you has been served. Your verified answer is due by Tuesday September 9, 2012. You should file a verified answer to the complaint.

Patrick King, Assistant Bar Counsel.”

“pending final disposition of disciplinary proceedings....language SCR 111(7) versus SCR 111(8) and the June 7th, 2012 Order of the NV. S. Ct.

From: Zach Coughlin (zachcoughlin@hotmail.com)

Sent: Wed 10/10/12 6:17 AM

To: tsusich@nvdecr.org; davidc@nvbar.org; laurap@nvbar.org; patrickk@nvbar.org

Dear Chairman Susich, Bar Counsel, and Clerk Peters,

I am writing formally request a bifurcation of sorts, consiering:

SCR 111(7). Suspension on certification. Upon the filing with the supreme court of a petition with a certified copy of proof of the conviction, demonstrating that an attorney has been convicted of a serious crime, the court shall enter an order suspending the attorney, regardless of the pendency of an appeal, pending final disposition of a disciplinary proceeding, which shall be commenced by the appropriate disciplinary board upon referral by the supreme court. For good cause, the court may set aside its order suspending the attorney from the practice of law.

I think Bar Counsel's argument that the "proceeding" call for in the Court's June 7th, 2012 Order (which quotes SCR 111(7) may include some SCR 105 Complaint (ie, a SBN v. Zachary B. Coughlin Complaints bringin in all sorts of matters, including pending criminal actions, and wearing pajamas, and Orders by Judges purporting to take away this or that right of Coughlin's to practice this or that in some court (an Order which Patrick King reference to me and Chief Bar Counsel Clark, and, apparently, to a client of mine in early May 2012 (the client is the only other place I have ever heard of such an unpublished "Order" purporting to have said effect) despite the dictate against Bar Counsel's doign so in SCR 121 (the SCR 11 Petition was not even filed at that point, and one has to wonder if some deal between that client, Bar Counsel, and the new attorney that client can now magically afford was worked out, with nothing said of any torts that client committed against Coughin, etc., etc., much less criminal law violations, which Coughlin just put up with).

But my point is, Bar Counsel King points ot the "pending final disposition of a disciplinary proceeding" language of SCR 111(7)...which is quoted in the Court's June 7th, 2012 ORder (though I feel Bar Counsel is taking the quote out of context and ignoring the express language of SCR 111(7) in making this argument that the "pending final disposition of the disciplinary proceedings" language in the Court's June 7th, 2012 Order entitles Bar Counsel to file a SBN v.

Coughlin Complaint deny Coughlin that afforded under SCR 111(8) (which the June 7th, 2012 Order cites to as well), and, given Coughlin's Petition in 61426, filed and served on August 13th, 2012 (the service of which was consented to or waived by Bar Counsel King and Clark where they directed Clerk Laura Peters to sign "Proof of Receipt" thereof on August 13th, 2012...), Coughlin is now entitled to an "immediate hearing" pursuant to SCR 102(4)(d), and SCR 111(10).

The Court's June 7th, 2012 Order reads, in relevant part: "Pursuant to SCR 111, temporary suspension and referral to the appropriate disciplinary board are mandatory when an attorney has been convicted of a "serious" crime, which includes theft. SCR 111 (6)-(8). Accordingly, pursuant to SCR 111 (8), we refer this matter to the appropriate disciplinary board for the institution of a formal hearing before a hearing panel in which the sole issue to be determined shall be the extent of the discipline to be imposed. Furthermore, pursuant to SCR 111(7), we hereby temporarily suspend Zachary B. Coughlin from the practice of law in Nevada, pending final disposition of the disciplinary proceedings." Note that the Order says "pending final disposition of the disciplinary proceedings" . It does not say "pending final disposition of an SCR 105 Complaint filed by SBN as the complainant (see Ching). And, in fact, SCR 111(8) clear that up further,

I give Patrick King credit for making a crafty argument, but its just not colorable. I am so used to this with Pat by now, he plays dumb in a way that screw one out of their due process, but it is clear he knows exactly what he is doing, that crafty sum'itch.

SCR 111(8): "8. Referral to disciplinary board. Upon receipt of a petition filed under subsection 4 of this rule, demonstrating that an attorney has been convicted of a serious crime, the supreme court shall, in addition to suspending the attorney in accordance with the provisions of subsection 7 of this rule, refer the matter to the appropriate disciplinary board for the institution of a formal hearing before a hearing panel in which the sole issue to be determined shall be the extent of the discipline to be imposed."

But the clearest expression of authority to defeat Bar Counsels stated goal of "combining" the Hearing required by the Court's June 7th, 2012 Order and the Supreme Court Rules with some SCR 105 (or SCR 102, natch) style SBN v. Coughlin Complaint that Bar Counsel wishes to file is found in SCR 111(7): "the court shall enter an order suspending the attorney...pending final disposition of a disciplinary proceeding, which shall be commenced by the appropriate disciplinary board upon referral by the supreme court."

And, right there, Bar Counsel's attempt to combine these affairs must fail. That's the thing, though...the phrase "commenced by the appropriate disciplinary board". It does not say "commenced by the State Bar of Nevada as a complainant, under Ching, filing an SCR 105 Complaint...It just does not say that. SCR 111(7), rather, reads "which shall e commenced by the appropriate disciplinary board".

So, to sum it up Bar Counsel's attempts combine these must fail in light of the following:

"SCR 111(8): "the supreme court shall...refer the matter to the appropriate disciplinary board for the institution of a formal hearing before a hearing panel in which the sole issue to be determined shall be the extent of the discipline to be imposed."

SCR 111(7): "the court shall enter an order suspending the attorney...pending final disposition of a disciplinary proceeding, which shall be commenced by the appropriate disciplinary board upon referral by the supreme court."

However, Bar Counsel and the Disciplinary Board should recognize the import of SCR 111(7)-(8) and refuse to allow Bar Counsel to "combine" or consolidate, or "fail to bifurcate. What Bar Counsel is thinking of is SCR 105(2):. "Commencement of formal proceedings. Formal disciplinary proceedings are commenced by bar counsel filing a written complaint in the name of the state bar. The complaint shall be sufficiently clear and specific to inform the attorney of the charges against him or her and the underlying conduct supporting the charges."

However, SCR 111(7) and SCR 105(2) are entirely different animals. In one, SCR 111(7) calls for: "the court shall enter an order suspending the attorney...pending final disposition of a disciplinary proceeding, which shall be commenced by the appropriate disciplinary board..."

In the other, it is Bar Counsel doing the "commencing" of SCR 105(2):. "Commencement of formal proceedings. Formal disciplinary proceedings are commenced by bar counsel filing a written complaint in the name of the state bar...."

The distinction and differences are revealed in the Supreme Court Rules by whom is doing the "commencing" and just what it is they are "commencing", ie, a "formal proceeding (in the case of SCR 105(2), or a "disciplinary proceeding",

There is a difference, and that difference entails bifurcating things or refusing to consolidate these affairs, and I am formally making that request upon the Board here now.

Sincerely,
Zach Coughlin”

“RE: pending final disposition of disciplinary proceedings....language SCR 111(7) versus SCR 111(8) and the June 7th, 2012 Order of the NV. S. Ct.

From: Patrick King (PatrickK@nvbar.org) This sender is in your safe list.

Sent: Wed 10/10/12 9:44 AM

To: Zach Coughlin (zachcoughlin@hotmail.com)

Cc: David Clark (DavidC@nvbar.org)

Dear Mr. Coughlin,

When you met with me and David Clark to discuss the Complaint and the process. Mr. Clark explained that since there was a conviction, “the sole issue to be determined was the extent of the discipline”. Not if you committed the crime, since that was already determined beyond a reasonable doubt. It is that context that we are reading the rule. Not that the state bar is precluded from bringing additional allegations against you. Any additional allegations that have not already resulted in criminal convictions will need to be proved by “clear and convincing” evidence. As such, at the hearing, on the issue of your criminal convictions, the only issue for the panel to decide is the appropriate discipline. However, I will be providing evidence as to the other allegations in the Complaint. The Panel will decide if the state bar has met its burden of proof as to those allegations in the complaint, other than the criminal convictions, and will decide the appropriate discipline on the totality of the case, including mitigating and aggravating factors that may be presented at the hearing.

As such, I do not intend bifurcate these proceedings. I think to do so would cause unnecessary confusion, undue time and expense and would be prejudicial to the administration of justice.

I am advised that you have not yet filed an Answer to the Complaint. I have sent you a notice of intent to proceed on a default basis. The hearing date is expected to be Wednesday November 14, 2012. I will be sending you a notice of hearing, along with a list of witness, and evidence that I intend to introduce at the hearing.

Patrick King, Assistant Bar Counsel.”

“FW: pending final disposition of disciplinary proceedings....language SCR 111(7) versus SCR 111(8) and the June 7th, 2012 Order of the NV. S. Ct.

From: Zach Coughlin (zachcoughlin@hotmail.com)

Sent: Wed 10/10/12 11:51 AM

To: tsusich@nvdecr.org; laurap@nvbar.org; davidc@nvbar.org; patrickk@nvbar.org; nvscclerk@nvcourts.nv.gov

Dear Chairman Susich and Clerk Peters,

Bar Counsel King sees himself as a the Director of this movie, placing you two in the scenes where he sees fit. Chairman Susich, it is your responsibility to comply with the Court's Order and the Supreme Court Rules, and at this point, you need to send a clear message to Bar Counsel that "the kid stays in the picture", and inform Mr. King that he is not to attempt to take your job or duties from you. Same goes for Clerk Peters, especially vis a vis her admission that King told her not to file Coughlin's Motion to Dismiss in SBN v Coughlin on September 17th, 2012, which has now gone unopposed, and therefore, shall be granted.

Sincerely,

Zach Coughlin”

“RE: pending final disposition of disciplinary proceedings....language SCR 111(7) versus SCR 111(8) and the June 7th, 2012 Order of the NV. S. Ct.

From: Laura Peters (LauraP@nvbar.org) This sender is in your safe list.

Sent: Wed 10/10/12 6:01 PM

To: Zach Coughlin (zachcoughlin@hotmail.com)

Please don't put words in my mouth, Zach. You are the one that indicated that you had not received the Complaint when we talked on the phone. Why, then, would I file in a Motion to Dismiss? I am responsible for my own actions. - Laura (aka Clerk Peters)”

“RE: pending final disposition of disciplinary proceedings....language SCR 111(7) versus SCR 111(8) and the June 7th, 2012 Order of the NV. S. Ct.

From: Zach Coughlin (zachcoughlin@hotmail.com)

Sent: Thu 10/11/12 4:56 PM

To: laurap@nvbar.org

1 attachment

1 29 2012 letter to Clerk of Court Orduna Hastings regarding Eflex rejections with attachments 41 pages total.pdf (957.8 KB)

Dear Clerk of Court Peters,

Are you sure I indicated one way or the other whether I received the Complaint? Was there some mention of August 23rd, 2012? Can Bar Counsel King actually do some legal research for once, ever? Does he have a citation to any authority or cases that says a Motion to Dismiss may not be filed unless the Respondent makes some affirmative indication to the Clerk of Court as to whether he actually received a Complaint? NRCP 5(e) makes clear the Clerk of Court and filing office of the SBN are not permitted to refuse filings. So, the September 17th, 2012 Motion to Dismiss must be filed by Clerk of Court Peters, or misconduct exists.

FACTS

Further, NRCP 5(e) holds that:

"(e) Filing With the Court Defined. The filing of pleadings and other papers with the court as required by these rules shall be made by filing them with the clerk of the court, except that the judge may permit the papers to be filed with the judge, in which event the judge shall note thereon the filing date and forthwith transmit them to the office of the clerk. A court may by local rule permit papers to be filed, signed or verified by electronic means that are consistent with technical standards, if any, that the Judicial Conference of the United States establishes. A paper signed by electronic means in compliance with the local rule constitutes a written paper presented for the purpose of applying these rules. The clerk shall not refuse to accept for filing any paper presented for that purpose solely because it is not presented in proper form as

required by these rules or any local rules or practices."

The filing officer clerk's in the 2nd Judicial District Court for Washoe County, and the managers, supervisors, and administrators regularly refuse filing in contravention of NRCPC 5(e). Further, the drop box required by WDCR 12(10) is no more. The drop box was removed about 6 months ago. The e-filing fee tripled, about six months ago, on July 1, 2011. The connection is hard to ignore. I seriously, seriously doubt the drop box was as underutilized as I have heard suggested. I would imagine the hard working, dedicated filing office staff may actually prefer having the drop box to cut down on the lines. Nonetheless, I would be surprised if the dictates of WDCR 12(10) were rendered null by any under use.

With regard to the WDC filing office/ eFlex staff refusing to file papers submitted for filing, please consider:

Sullivan v. Eighth Judicial Dist. Court In and For County of Clark, 904 P.2d 1039, 111 Nev. 1367 (Nev., 1995): "This proper person petition for a writ of mandamus seeks an order from this court directing the Eighth Judicial District Court to file petitioner's application to proceed in forma pauperis and his civil complaint. 1 On July 25, 1995, we ordered the state to file an answer to this petition. The state's answer was filed on August 11, 1995. 2 Documentation submitted by petitioner to this court establishes that petitioner submitted to the clerk of the district court for filing an application to proceed in forma pauperis and a civil complaint on May 15, 1995. Although the application for leave to proceed in forma pauperis was in proper form and was sworn to under penalty of perjury, the clerk of the district court did not file that application. 3 The failure to file the application was in violation of the clear statutory mandate that such an application be filed. NRS 12.015(1) provides that "[a]ny person ... may file an affidavit [seeking leave to proceed without payment of fees]." Further, we have repeatedly instructed the clerk of the Eighth Judicial District Court that such documents must be filed. See *Bowman v. District Court*, 102 Nev. 474, 728 P.2d 433 (1986) (clerk has a ministerial duty to accept and file documents if those documents are in proper form; clerk must not exercise any judicial discretion); *Barnes v. District Court*, 103 Nev. 679, 748 P.2d 483 (1987) (prisoner's right of access to court cannot be denied on basis of indigency); *Huebner v. State*, 107 Nev. 328, 810 P.2d 1209 (1991) (clerk must create an accurate record of all pleadings submitted for filing, whether or not the documents are actually filed); *Whitman v. Whitman*, 108 Nev. 949, 840 P.2d 1232 (1992) (clerk has no authority to return documents submitted for filing; instead, clerk must stamp documents that cannot be immediately filed "received," and must maintain such documents in the record of the case); *Donoho v. District Court*, 108 Nev. 1027, 842 P.2d 731 (1992) (the clerk of the district court has a duty to file documents and to keep an accurate record of the proceedings before the court); *Grey v. Grey*, 111 Nev. 388, 892 P.2d 595 (1995) (clerk of district court admonished for failure to keep accurate record of documents submitted for filing). Petitioner alleges that the district court has refused to file his application and has returned it with directions to provide more information regarding employment. Indeed, petitioner has attached to his petition for a writ in this court his original application as it was returned to him. Attached to the top of the document is a "post-it" note with the handwritten notation: "application denied incomplete info-employment currently." 4 The state informs us that the note was written by "the chief judge." In addition, petitioner alleges, and the allegation is apparently true, that along with his "denied" application for leave to proceed in forma

pauperis, his civil complaint was returned to him unfiled. Finally, petitioner alleges, and has attached documentation to support the allegation, that judges' law clerks often return to prisoners unfiled motions along with letters purporting to rule on the legal sufficiency of those motions. The state argues in its answer to this petition that "petitioner's application ... was denied on the basis that the address of the Petitioner which was later given to the Court by Petitioner ... did not appear to be a jail and that such information was contrary to the information shown in the application which stated that the Petitioner was in prison. The 'out of jail' address suggested an ability of the Petitioner to be employed." This vague reference to an "out of jail" address is not explained in the documents before this court. Nevertheless, the state's assertion that petitioner's application was denied is incorrect. The handwritten notation on petitioner's unfiled application clearly does not constitute a proper judicial disposition of that application. Further, the action of the clerk of the district court in returning petitioner's application and civil complaint to him unfiled is in direct violation of this court's instructions to the clerk of the district court in *Whitman v. Whitman*, 108 Nev. 949, 840 P.2d 1232 (1992). This court has several times confirmed the absolute obligation of the district courts to file documents submitted to them and to preserve the right of citizens to access to the courts, whether indigent or not. *Barnes v. District Court*, 103 Nev. 679, 748 P.2d 483 (1987); *Huebner v. State*, 107 Nev. 328, 810 P.2d 1209 (1991). Indeed, in *Donoho v. District Court*, 108 Nev. 1027, 842 P.2d 731 (1992), a case directly analogous to this case, we held that the clerk of the district court violated the rights of an indigent party when she neglected to file a motion for leave to proceed in forma pauperis and a motion for relief from a default judgment. Specifically, we stated: "[T]he clerk [of the district court] had an absolute duty to file the motion for leave to proceed in forma pauperis and to clearly stamp the date of receipt of the other documents on the documents. Further, the clerk had a duty to keep an accurate record of the case pending before the district court." *Id.* at 1029, 842 P.2d at 733 (citation omitted; emphasis added). Thus, petitioner's application for leave to proceed in forma pauperis must be filed. If, on subsequent review of the application, the district court determines that petitioner has not shown he is indigent, the district court may order petitioner to provide further information or may deny the application in an appropriately filed written order. If, on the other hand, the district court grants the application, the district court must then proceed to require the filing of petitioner's other documents and to consider them in due course. *Donoho*, 108 Nev. at 1030, 842 P.2d at 733. Of course, for statute of limitations purposes, the complaint would have to be considered filed on the date of actual receipt by the clerk of the district court. To continue the analysis, with respect to petitioner's civil complaint which he is attempting to file concurrently, the district court clerk had an absolute obligation to stamp the document "received" and to record the date on which the document was in fact received at the courthouse. See *Huebner v. State*, 107 Nev. 328, 810 P.2d 1209 (1991). This the clerk of the district court did. However, the clerk then had a duty to maintain a copy of the received document in the record of the case, whether or not the document is ever filed. *Whitman v. Whitman*, 108 Nev. 949, 840 P.2d 1232 (1992). This, the clerk neglected to do. While *Huebner* dealt with the timeliness of a notice of appeal, the rationale compelling this court's ruling in *Huebner*, that all documents must be marked received and dated, applies with equal force to a party's submission of a complaint. "The legal rights of the parties to litigation, whether acting in proper person or

through counsel, often turn on the date of receipt by the clerk of the district court of documents and pleadings." Huebner, 107 Nev. at 330, 810 P.2d at 1211. As with a notice of appeal, the untimely filing of a complaint may prevent the court from hearing the matter on its merits. It is the responsibility of the clerk of the district court to keep an accurate record of all documents submitted to her, whether or not they are filed. As in Huebner, ambiguities regarding when documents were received or filed must ultimately be resolved in favor of the party submitting them. Id. at 332, 810 P.2d at 1212. The issue presently before this court is not whether petitioner's motion for leave to proceed in forma pauperis is sufficient to establish petitioner's indigence. Further, we are not now concerned with the merits of petitioner's civil complaint. We are vitally concerned, however, with the preservation of the constitutional right of access to the courts and with the protection of the constitutional right to due process of law. A writ of mandamus is available to compel the performance of an act which the law requires as a duty resulting from an office, trust or station. NRS 34.160. The clerk of the district court has an absolute duty to file petitioner's application and to properly receive and keep a record of petitioner's complaint. Accordingly, we grant this petition for a writ of mandamus. 6 The clerk of this court shall serve a copy of petitioner's application and complaint on the clerk of the district court forthwith. The clerk of this court shall also issue a writ of mandamus compelling the clerk of the district court to file petitioner's application, and to receive petitioner's complaint. These documents will be considered to have been filed and received on May 15, 1995. ----- 1 Petitioner also seeks a writ of prohibition enjoining the district court, the clerk of the district court and her employees from denying prisoners access to the courts in the future. We deny petitioner's request for a writ of prohibition. 2 Cause appearing, we grant petitioner's proper person request for leave to file a reply to the state's answer. The clerk of this court shall file the reply, entitled "petitioner's reply to petition for writs of mandamus and prohibition," which was received by this court on August 21, 1995. 3 Although the document was entitled "application" rather than "affidavit," it was sworn to under penalties of perjury, provided information concerning petitioner's financial condition and clearly sought a judicial ruling regarding the question of whether petitioner would be allowed to proceed with a civil action without the payment of fees. Thus, any deviation as to form was not significant enough to justify the clerk's failure to file the document. The clerk of the court has no discretion to make any judicial ruling regarding the legal sufficiency of a document. When a document in proper form is submitted to the clerk, the clerk has a ministerial duty to file that document. 4 We note that petitioner is presently an inmate at the Nevada State Prison, and that his affidavit filed in this court in support of this petition states that he is currently unemployed and has no prison job. He also avers that his only asset is \$6.57 in his prison account. 5 One such letter from a law clerk to an inmate states: "Attached please find your Motions to Proceed in Forma Pauperis which you recently submitted. NRS 12.015 requires an indigent litigant to set forth 'with particularity facts concerning his income, property, and other resources ...' Your application to proceed sets forth this information very generally." "Please resubmit the Motion with a more particular statement regarding your finances and any property you own...." Although this letter does not directly deny the motion, it clearly has the effect of denying the motion without filing. Of course, like the clerk of the district court, a judge's law clerk lacks judicial authority. 6 The state represents that "the

District Court will file the Petitioner's complaint upon submittal by the petitioner." This statement was based on the state's view that we determined in our Order to Show Cause that petitioner should be allowed to proceed in forma pauperis. We, however, express no opinion regarding the merits of petitioner's application or complaint. We merely determine that the application should have been filed and judicially resolved, and the complaint should have been properly received. We note that petitioner has sent the original documents to this court, and thus may not be in a position to resubmit them. Also, for statute of limitations purposes, the documents must be considered filed as of the date of original receipt. Thus, we have determined that this petition must be granted." Another very important and instructive case is *Whitman v. Whitman*, 108 Nev. 949, 840 P.2d 1232 (Nev., 1992): "On rehearing, appellant has submitted documents that conclusively demonstrate that appellant submitted a timely notice of appeal to the clerk of the district court. Although the clerk of the district court stamped the notice of appeal "received" on December 30, 1991, the clerk did not file the notice of appeal. Instead, the clerk of the district court returned appellant's notice of appeal to appellant because it was not accompanied by a filing fee and, although the notice was accompanied by a motion for leave to proceed on appeal in forma pauperis, appellant's affidavit in support of that motion was apparently not signed. Consequently, there is no record of the submission of appellant's timely notice of appeal. We note that the clerk of the district court filed appellant's motion for leave to proceed on appeal in forma pauperis on the date of receipt, December 30, 1991, and that the district court eventually granted that motion. We have previously stated that "it is extremely important that the clerk of the district court keep an accurate record of the date of receipt of every document submitted to the clerk, regardless of whether the document is in the appropriate form. Indeed, it is a gross dereliction of duty for the clerk of the district court to neglect this ministerial duty." *Huebner v. State*, 107 Nev. 328, 330, 810 P.2d 1209, 1211 (1991) (footnote omitted). In this case, the clerk of the district court has failed to keep any record of the date of receipt of appellant's notice of appeal; instead, the clerk stamped the document "received" and returned it to appellant. The clerk of the district court had no authority to take such action. Although the clerk of the district court had no duty to file appellant's notice of appeal before appellant paid the requisite filing fee or was relieved of the duty to pay the filing fee by order of the district court, see NRS 19.013(2), the clerk had a duty to receive the document and to keep an accurate record of the case pending before the district court. Particularly in this case it was essential that the notice of appeal be retained in the record, because we have held that a notice of appeal is effective on the date of receipt by the district court clerk. See *Huebner v. State*, [108 Nev. 952] 107 Nev. 328, 810 P.2d 1209 (1991). Rather than returning the notice of appeal to appellant, the clerk of the district court should have retained the notice of appeal in the record, and should have informed appellant by letter of any perceived deficiencies in the document. 4 Appellant could then have taken whatever action was appropriate to pursue his appeal. In light of the foregoing, we conclude that appellant timely submitted to the clerk of the district court a notice of appeal from an appealable order of the district court, and that appellant's timely notice of appeal is not contained in the record due to the inappropriate action of the district court clerk. Accordingly, we grant appellant's petition for rehearing, and we proceed to address the merits of this appeal." *Id.* At 1232-1234. See, also, *Barnes v. Eighth Judicial Dist. Court of State of Nev., In and For Clark County*, 748 P.2d 483,

103 Nev. 679 (Nev., 1987).

Sincerely,
Zach Coughlin”

**“RE: Notification of Electronic Filing in IN RE: DISCIPLINE OF ZACHARY
COUGHLIN, No. 60838**

From: Zach Coughlin (zachcoughlin@hotmail.com)

Sent: Thu 10/11/12 5:05 PM

To: patrickk@nvbar.org; laurap@nvbar.org; davide@nvbar.org; tsusich@nvdecr.org;
nvscclerk@nvcourts.nv.gov

Dear Bar Counsel, Chairman Susich, and Clerk of Court Peters,

Clerk of Court Peters made representations to Coughlin on or around September 11th, 2011 that she had mailed a certified copy of a SBN v. Coughlin Complaint on or about August 23rd, 2012, but that she has received it back in the mail as unclaimed on September 10th, 2012.

Clerk Peters made representation to Coughlin that he would not be deemed "served" the Complaint by the SBN incident to any August 23rd, 2012 mailing, but that she would resend such SBN v. Coughlin Complaint sooner after the communications with Coughlin on or about September 11th, 2012, and that Coughlin would not be deemed "served" until a signed returned certified mail receipt was recieved by the SBN. Coughlin is entitled to rely upon representation made by the SBN's Clerk of Court Peters. Further, Patrick King made representations that the earliest Coughlin would be viewed as "served" an SBN v. Coughlin Complaint would be September 25th, 2012, providing Coughlin a guarantee that he had 20 days to file an Answer from that date. Now it seems Bar Counsel King is attempting to remix this situation, and potentially deem Coughlin "served" all the way back to, say, 5 days from when Clerk of Court Peters indicates she sent Coughlin via certified mail a SBN v. Coughlin Complaint or or about August 23rd, 2012. Of Course, Bar Counsel King has done no legal research to see if there exists any authority to interpret this situation or SCR 109, but merely makes it up as he goes along, contradicting himself along the well, and going back on representations made by the SBN, sullyng its image.

In anticipation of that very sort of approach, Coughlin filed a Motion to Dismiss on September 17th, 2012 (which would be timely under even the most draconian interpretations of SCR 109, even where the SBN is allowed to go back on promises and express indications detailed above, sometimes in writing, too), and Clerk of Court Peters indicated to Coughlin that Bar Counsel King forbade her from filing it, citing various specious arguments as to why NRCP 5(e) did not have to be followed by the SBN. Now, Bar Counsel King has sent a confusing email on October 8th, 2012 purporting a Verified Answer to a SBN v Coughlin Complaint to be due by "Tuesday September 9, 2012"...which is in the past....and which is less than 20 days from even the August 23rd, 2012 date the Clerk of Court Peters indicated to Coughlin she mailed, via

certified letter, a SBN v. Coughlin Complaint.

Please provide an indication of whether King's email of October 8th, 2012 contained a typo as to the due date for an Answer, and whether the SBN views that date to have already passed, and the extent to which the SBN and or the NNDB is going back on the indications by King and Clerk Peters as to when, at the earliest, such a SBN v. Coughlin Complaint would be deemed "served".

Respectfully,

Zach Coughlin

PS. I will provide my physical address, as I have indicated previously, if the SBN demands it, but given the abuse of me by local law enforcement in my crusade for civil rights and lawfulness and against prosecutorial misconduct, I have become fearful of having my physical address all that well known, plus I was adjudged a victim of domestic violence earlier this year in FV12-00187 and FV12-00188, which further supports such an arrangement. Please see my previous correspondence with offers of presenting a reasonable manner in which the SBN can readily and quickly serve me.

RE: motion to dismiss attached.

10/08/12

Reply ▼

Patrick King

Add to contacts

To Zach Coughlin

From: Patrick King (PatrickK@nvbar.org)

Sent: Mon 10/08/12 11:39 AM

To: Zach Coughlin (zachcoughlin@hotmail.com)

Dear Mr. Coughlin,

As I have explained, the Complaint against you has been served. Your verified answer is due by Tuesday September 9, 2012. You should file a verified answer to the complaint.

Patrick King, Assistant Bar Counsel.

From: Zach Coughlin [mailto:zachcoughlin@hotmail.com]

Sent: Saturday, October 06, 2012 4:36 AM

To: Patrick King; Laura Peters; tsusich@nvdecr.org

Subject: FW: motion to dismiss attached

Dear Bar Counsel,

Please note that the Motion to Dismiss that I filed in SBN v. Coughlin, on September 17th, 2012, has gone unopposed, and therefore, should be granted...Mr. King was telling me the other day: "Zach, you don't take responsibility for your actions and that is why things don't work out for you..." I wonder, does Mr. King take responsibility for his actions here, or lack thereof, in failing to oppose my Motion to Dismiss? It will be interesting to see.

Sincerely,
Zach Coughlin”

11

RE: Mr. King's assertion in his 3/16/12 letter?

From: Patrick King (PatrickK@nvbar.Org) This sender is in your safe list.

Sent: Thu 4/19/12 2:28 PM

To: zachcoughlin@hotmail.Com (zachcoughlin@hotmail.Com)

April 19, 2012 Zach Coughlin

Dear Mr. Coughlin,

A screening panel of the Northern Nevada Disciplinary Panel met on **Tuesday April 10, 2011** to address the grievances filed against you. The panel directed me to proceed to a formal disciplinary hearing. As such, I will be preparing a formal Complaint.

I understand from the e-mail below, that you do not believe you should have been found guilty of the theft at Wal-Mart and that you should not have been found in contempt of Court. However, it must concern you that you were found in contempt of Court by more than one Judge in two different trials. You wanted to know how I learned of or obtained a copy of Judge Gardner's Order after trial that was filed in 2009. It was sent to me by the clerk of the court at my request, pursuant to my investigation.

It would help me and perhaps yourself, if you would respond and explain why you were convicted of theft and why you were held in contempt of Court. You may be well served to explain what remedial measures you are taking to make sure you do not repeat the conduct complained about. I cannot give you legal advice. However **I can suggest you cooperate with Bar counsel's investigation and that you respond specifically to the allegations contained in Judge Holmes and Richard Hill's grievance letters to the office of Bar Counsel.**

Patrick King”

However, NNDB Chair Susich's 5/31/12 SCR 117 Petition in 60975 indicates a different date of meeting by the Screening Panel (“**The Screening Panel met on or about April 16, 2012, and made various findings and recommendations, including the following**”

which tends to indicate that King's presentation of 4/10/12 to the Screening Panel was not sufficient to garner the go ahead he sought to file an SCR 105 Complaint, and that, plus the fact that a number of those Exhibit included in the 23 Exhibit collection indexed at bates 01965 of the 11/7/12 3,094 page production by the SBN are dated "4/11/12 (such as the Affidavits by RMC counter clerk "Court Specialist" Cassillas, RMC Court Administrator Cassandra Jackson, RMC Marshal Scott Coppa and Matthew Thompson) in addition to the fact that the email with three attachments to King from RJC Judicial Secretary Lori Townsend is dated 4/11/12 (where Exhibit 4 to 6 appear to consist of the "Motion" in RCR2012-065630 listed amongst the file names of the pdf attachments to Townsend's 4/11/12 email to King, and where the two RJC criminal case Complaints in Exhibits 4 and 5 belong to the very cases whose case numbers are included in the file names of the other two attachments to Townsend's email), and the 23 Exhibit "collection" in the 3,094 page production of documents by King on 11/7/12 in lieu of actually complying with SCR 105(2)(c) contains materials from 4/11/12, (especially those King obtained from RJC Judicial Secretary Lori Townsend (see **bates 2178** in within the 3,094 page SBN production to Coughlin four judicial days prior to the formal hearing).

Such RJC Judicial Secretary's email to King indicates in her 4/11/12 email to King that she is attaching three separate pdf files, which may, or may not be those items listed as Exhibits 4, 5, and 6 in the Index to the 23 Exhibit presentation (and, really, there is no clear indication in such 3,094 page production that such 23 Exhibit presentation was prepared by or presented by King or the SBN, and if so, to whom it was presented, or whether such was presented by somebody else to King and the SBN. All of this obfuscation by King and the SBN is utterly unacceptable and makes laughable Chair Echeverria's allegation in the 12/14/12 FOFCOL that Coughlin "engaged in bad faith obstruction of the disciplinary process". Further, the placement of such 4/11/12 email to King by RJC Judicial Secretary Townsend occurs *within* that which King and SBN identified as the "folder" for the Judge Nash Holmes grievance which is found at bates 2702 to 2793 of the 3,094 page 11/7/12 production, within a "folder" titled "**Grievance File #NG12-0435 A: Z. Coughlin, Esq. G: Judge Dorthy (sic) Nash Holmes**".

The contents of that "**Grievance File #NG12-0435 A: Z. Coughlin, Esq. G: Judge Dorthy (sic) Nash Holmes**" are quite telling, especially when considering RJC Judge Clifton's mysteriously being transferred onto in place of Judge Lynch on 2/27/12 the very "**gross misdemeanor**" case King's complaint references at paragraphs 8 and 9 therein (ie, without any court order or some documentation of identifying under what authority former 25 year veteran of the WCDA's office as a prosecutor turned Judge Clifton was able to have himself transferred onto the RCR2012-065630 case to which RJC Judge Patricia Lynch was "randomly" assigned (also curious is the chronology given then Chief Judge Sferrazza's handling of both the summary eviction involving Hill's firm in Rev2011-001708 and the iPhone petty larceny prosecution stemming from the initial 8/20/11 arrest made just days after Hill and his firm began their vitriolic threats of Rambo-style litigation of the summary eviction from Coughlin's former home law office, and Coughlin's 2/21/12 fax to Judge Lynch complaining of the fact that she had been randomly assigned to the Verified Complaint for Illegal Lockout case Coughlin filed against Park Terrace Townhomes on 2/10/12 in Rev2012-074408, only to have Judge Sferrazza insert himself into such matter. So much for "random"

case assignments. Judge Clifton has managed to get his hooks in every single criminal case brought against Coughlin since that time, including that stemming from the ridiculous attack on Coughlin by RJC attack dog, er, Bailiff John Holguin Reyes on 5/23/13, incident to which Reyes exhibited zero lack of control in overcharging Coughlin with two felonies and two misdemeanors (his attempt to charge Coughlin with “Contempt of Court” was refused by the jail and pre-trial services) totally \$16,000 worth of bail, resulting in Coughlin's incarceration between 5/23/13 and 6/7/13.

Further, Judge Sferrazza summarily quashed Coughlin's subpoena on the very WCPD Biray Dogan, Esq. whose failure to appear on 2/14/12 at the arraignment for the very gross misdemeanor referenced in paragraphs 8 and 9 of King's Complaint (where such failure to appear is a per se violation of NRS 178.397 that King himself summarily excused in rejecting Coughlin's grievance against Dogan) during a 11/13/12 (ie, Judge Sferrazza insisted on holding a hearing on Reno City Attorney Creighton Skau's Motion to Quash Coughlins' subpoenas (where Skau fraudulently obtained Coughlin's appearance (by lying to Coughlin in alleging that Skau had been given permission by Judge Sferrazza to serve Coughlin via email notice of a hearing devoted to Skau's contention that Coughlin's subpoenas should be quashed for insufficient service, ironically, but not at all unexpectedly to anyone who has dealt with the routine Judge Sferrazza and the Reno City Attorney's Office have goin') at such 11/13/12 hearing despite such not being appropriately noticed, and notice thereof not being timely served (where other than via personal service, given the three days for mailing required for “constructive service” and the non-judicial day that was 11/12/12, it would not have been possible for the RJC/Judge Sferrazza, and RCA Skau to constructively serve notice of such “emergency” 11/13/12 hearing on Skau and Dogan's 11/8/12 Motion's to Quash (where an ex parte hearing was held without Coughlin, but with Skau and WCDA DDA Young before Sferrazza on 11/8/12).

Consider that King's 8/23/12 Complaint reads:

“7. On August 20, 2011, Respondent was arrested on a second larceny charge for stealing a cell phone. Those charges are currently pending in Reno Justice Court.

8. Respondent was again arrested on January 13, 2012, for allegedly abusing 911 services, a gross misdemeanor.

9. On February 21, 2012. Respondent filed a document entitled, Notice of Appearance Entry of Plea of Not guilty , Waiver of Arraignment, Motion to Dismiss, etc. in one of his pending criminal matters, Case No. RCR-2012 065630, City of Reno v. Zachary Coughlin. The document clearly shows Respondent's unprofessional, disruptive conduct, and lack of respect for the court and opposing counsel.”

Within the SBN's 3,094 page production, as part of the mysterious 23 Exhibit presentation or “collection” therein is:

1965 unadorned or unidentified in any way Index to Exhibits from the 23 Exhibit presentation King (?) provided to the Screening Panel at the *second* meeting thereof, upon King being informed after the 4/10/12 initial presentation to the

Screening Panel that he had not met his burden?...

- 1978 **Exh.** 4. Amended Criminal Complaint filed December 5, 2011, RJC Case No. RCR 2011-063341 (iPhone petty larceny arrest of 8/20/11)
- 1984 **Exh.** 5. Criminal Complaint filed January 23, 2012, RJC Case No. RCR 2012-065630 (1/14/12 “misuse of 911” arrest)
- 1989 **Exh.** 6. Notice of Appearance, Entry of Plea of Not Guilty, Waiver of Right to Arraignment; Motion to Dismiss filed February 21, 2012, RJC Case No. RCR 2012-065630”

Whether or not such “Exhibits” 4 through 6 represent the attachments to RJC Judicial Secretary Townsend's 4/11/12 email to King is not at all clear from a review of the 3,074 bates stamped production, nor it whether or not King contacted Townsend requesting such on his own initiative or in response to the reference to an RJC “gross misdemeanor” case Judge Holmes references in her FHE8 letter to the SBN, or whether some RJC Judge decided it necessary to take “appropriate action” and, pursuant to NCJC Canon 2, Rule 2.15 contacted the RJC. King put on absolutely no evidence of any sort that any such “appropriate action” was deemed necessary by any RJC Judge or ever so taken in the form of referring some alleged misconduct by Coughlin to the “appropriate authority” that is the SBN.

Then, consider that FHE8, RMC Judge Nash Holmes' 3/14/12 grievance letter to the SBN regarding Coughlin indicates that:

“Re: Zachary Barker Coughlin, Nevada Bar No. 9473

Dear Mr. Clark:

This letter constitutes a formal complaint of attorney misconduct and/or disability against Zachary Barker Coughlin. The accompanying **box of materials** demonstrates some of the problems with the practice of this attorney being **experienced by myself and the other three judges in Reno Municipal Court**. (NOTE: Coughlin had never once been before RMC Judge Dilworth at the time Judge Holmes wrote this, and during the 12/5/12 traffic citation trial Judge Dilworth angrily disputed such contention by Judge Holmes upon Coughlin reporting it to him, with Judge Dilworth expressly disclaiming that Judge Holmes had any authority to speak on his behalf whatsoever) **My two most recent Orders** in what should be a simple traffic citation case are self-explanatory and are included, together with copies of massive documents Mr. Coughlin has fax filed to our court **in this case**. Audio recordings of two of my hearings **in this matter** are also included. He failed to appear for the second one this past Monday.

I have another traffic case pending trial with him **that was re-assigned** (NOTE: via a 2/27/12 Order by 2012 and 2013 RMC Administrative Judge W. Gardner so transferring such case the very same day RJC Judge Clifton was mysteriously transferred on to the “gross misdemeanor” in the RJC Holmes references in FHE8) **to me** based on our Department 1 (NOTE: Judge Dilworth, Holmes fails to specify by name here, curiously) judge being **out for surgery**. **We** have **multiple addresses** for Mr. Coughlin and can't seem to locate him between cases very easily. We are setting that case for trial and attempting to serve him at

the most recent address we have (1422 E. 9th St. #2 Reno NY 89512), **although I heard today he may be living in his vehicle somewhere.** We do have an address **for his mother, however, as she recently posted part of a fine for him.**

Judge Ken Howard, Department 4, had a case on Mr. Coughlin late last year that is now on appeal to the Second Judicial District Court. Judge Bill Gardner, Department 2, also has a matter currently pending in his court with Mr. Coughlin as the defendant. **I have enclosed some copies of documents from those matters, in chronological order, simply because they appear to demonstrate that he is quickly decompensating in his mental status.** Our staff also **made you some audio tapes of Coughlin in Departments 2 and 4** (NOTE: D2 is Judge W. Gardner; D4 is Judge Howard) so you can hear for yourself how this attorney acts in court. You can see his behavior in my traffic citation case does not appear to be an isolated incident.

It is my understanding that Reno Justice Court also has a matter pending on this attorney. My Judicial Assistant was contacted by the Washoe Public Defender in February when I had Mr. Coughlin jailed for Contempt of Court and they stated that they represent him in a Gross Misdemeanor matter in RJC. I have no other information on that.

You will have the full cooperation of myself, the other judges, and the staff of Reno Municipal Court in your pursuit of this matter. Mr. Coughlin has positioned himself as a vexatious litigant in our court, antagonizing the staff and even our pro temp judges on the **most simple** traffic and misdemeanor matters. I do think this is a case of some urgency, and I apologize for taking two days **to get this package to you;** our IT person was ill and could not make the copies of the audios of Mr. Coughlin's hearings until today, and I felt it was important that the audios be included in the **materials to be considered** by the State Bar. **On February 27, 2012, Mr. Coughlin told me he was actively practicing law and had appointments with clients.** I do not know if that was true, but if so, he could be causing serious harm to the practice of law in Northern Nevada and could be jeopardizing someone's freedom or property interests."

FHE8's letter to the SBN by Judge Holmes' reads:

"The accompanying **box of materials** demonstrates some of the problems with the practice of this attorney being **experienced by myself and the other three judges in Reno Municipal Court.**" However, Coughlin had never once been before RMC Judge Dilworth at the time Judge Holmes wrote this, and during the 12/5/12 traffic citation trial Judge Dilworth angrily disputed such contention by Judge Holmes upon Coughlin reporting it to him, with Judge Dilworth expressly disclaiming that Judge Holmes had any authority to speak on his behalf whatsoever) that the 7/3/12 wrongful arrest of Coughlin in violation of Soldal v. Cook County that idiotic RPD Officer Alan Weaver and Sargent Dye committed in accord with the threats of Lt. Kevin Brown that Coughlin would be arrested for "criminal trespass" at Northwind Apartments in light of the eviction on 6/28/12 from *one* of Coughlin's *three* rentals at such Northwind complex (the 7/3/12 arrest in RMC 12 CR 12420, which resulted in

Coughlin being incarcerated from 7/3/13 to 7/21/12, preventing Coughlin from further submitting a timely notice of appeal of the criminal trespass conviction at issue in 61901 involving the very RMC Judge W. Gardner whom committed egregious judicial misconduct on 7/5/12 in raising Coughlin's bail incident to the 7/3/12 arrest for “disturbing the peace”, “failure to produce proof of insurance” (where RPD Officer Weaver indicated Coughlin's presenting a high definition pdf of his USAA insurance on a 4.8 inch smart phone screen “didn't satisfy the statute”), and for “failure to secure a load” on one's truck from a bondable \$1,415 to a cash only \$3,000.

King made to the NNDB during his second attempt to get a green light to proceed with an SCR 105 Complaint against Coughlin found at **bates stamp page 01965** of the 11/7/12 production in Exhibits 4, 5, and 6 of such 23 Exhibit presentation to the NNDB. The SBN's King presented such 23 Exhibit presentation to the NNDB Screening Panel following the 4/10/12 meeting thereof resulting in King being told he did not present a compelling enough presentation to justify proceeding to a formal disciplinary proceeding against Coughlin). Townsend's 4/11/12 email to King reads:

“From: Townsend, Lori <LTownsend@washoecounty.us> Sent: Wednesday, April 11, 2012 11:34 AM To: Patrick King Subject: Zachary Coughlin Attachments: RCR2011-065630.Pdf; RCR2011-065630-Motion.Pdf; RCR2011-063341.Pdf

Hi Patrick- Here are the two outstanding criminal cases against Mr. Coughlin in Reno Justice Court. Case number RCR 2011-063341 is set for trial on May ih at 9:00 am; Case RCR 2011-065630 is the one awaiting the results of the competency evaluation. I also included a notice/motion that he filed in the gross misdemeanor case.

I did not include a pleading entitled "Pre Trial Motions" he filed in the misdemeanor case (it is in excess of 200 pages), but if you would like to see that, I can send you a copy. He is also emailing staff members with links to his YouTube pages. Please let me know if you need anything else. «RCR2011-065630.Pdf» «RCR2011-065630-Motion.Pdf» «RCR2011-063341.Pdf» Lori,

Lori Townsend Judges' Secretary, Reno Justice Court

P. O. Box 30083 Reno, NV 89520 775-325-65501”

The bates stamped 3,094 page production fails to include the attachments listed in Townsend's 4/11/12 email (“Attachments: RCR2011-065630.Pdf; RCR2011-065630-Motion.Pdf; RCR2011-063341.Pdf”), which is completely unacceptable, and is definitely not “bar counsel work product”, and completely fails to contain any sort of correspondence from King to the RJC or its Judicial Secretary Townsend (unlike the Richard G. Hill, Esq. grievance file, which contains a letter from King to Hill acknowledging the receipt of Hill's grievance (though, again, the “enclosures” referenced therein are not to be found within the 3,094 page bates stamped SBN production to Coughlin of 11/7/12). Obviously, King heavily doctored and “arranged” the 3,094 page production in an effort to avoid the defensive collateral estoppel bar arguments availing to Coughlin in light of the failure of any RJC Judges (including both

Judge Clifton and Judge Lynch considering the 2/21/12 filing by Coughlin in the “misuse of 911” case

(NOTE: there is absolutely no support or citation presented by either the Panel or OBC that a “petty larceny” conviction “involves “fraud and dishonesty, and the balance of american jurisprudence (not to mention the mandatory authority in Claiborne) establishes that the majority viewpoint is such that the panel may not rule that a conviction conclusively establishes whether or not the crime “involves illegal conduct that evinces fraud and dishonesty” or is otherwise a “serious” crime or offense or supportive of a RPC 8.4(b)-(c) violation)

Also problematic is RMC Judge W. Gardner's statements on the record of the 4/10/12 trial he attempted to hold in violation of NRS 178.405 (he held a motion hearing anyways, in violation of the stay required therein) that he had extrajudicial knowledge of when the Screening Panel would be meeting (impermissible extra judicial knowledge permeated all of Coughlin's cases in the RMC...how exactly it is appropriate for Judge W. Gardner to go passin' 'round some three year old sanctions order by his sister that she knows full well she vacated in entering a final Decree of Divorce that excised such from the Proposed FOFCOLDOD that she ordered Springgate to prepare “consistent with” her 4/13/09 Order After Trial of 4/13/09, which did have a sanction, and which did not award alimony, where the final Decree of Divorce *did* award alimony and *did not* contain any attorney's fees sanction, is not clear at all (probably because it is so hugely inappropriate).

12 (NOTE: SBN Clerk of Court Laura Peters "Certificate Of Service" for King's file stamped 10/24/12 Opposition to Coughlin's Motion to Bifurcate, Motion to Dismiss reads: "CERTIFICATE OF SERVICE The undersigned hereby certifies that a true and correct copy of the foregoing Opposition to Respondent's Motion to Bifurcate Hearing, Motion to Dismiss was deposited in the United States Mail at Reno, Nevada, postage fully pre-paid thereon for certified and first class mail addressed to the following: Zachary B. Coughlin 1471 E. 9th St. Reno NV 89505 DATED this 24th day of October, 2012. /s/ Laura Peters, An Employee Of The State Bar Of Nevada" However, The USPS Track & Confirm Indicates That, Even Where Peters Certificate Of Mailing Lacks The Mikohn "to Go Out That Day" Language, Peters Certificate Of Mailing Is Untrue Where Such Did Not Even Go Out The Next Day 10/25/11, But Was Only Picked Up By The Usps On 10/26/12, Prejudicing Coughlin's Ability To File A Reply Thereto, Especially Where Panel Chair Echeverria, Curiously (even Though The Panel Had Only Been Designated The Previous Date, 10/30/12 By Nndb Chair Susich) Entered An Order On 10/31/11 Denying Coughlin's Motions To Bifurcate, Dismiss, And For An Order To Show Cause. The Usps Track & Confirm For Such 10/24/12 File Stamped Sbn King Opposition To Coughlin's Motion To Bifurcate, Motion To Dismiss Reveals: "your Label Number Service Status Of Your Item Date & Time Location Features 70102780000354295526 Notice Left October 27, 2012, 4:03 Pm Reno, Nv 89512 Certified Mail Arrival At Unit October 27, 2012, 6:39 Am Reno, Nv 89506 Processed Through Usps Sort Facility October 27, 2012, 4:50 Am Reno, Nv

89510 Depart Usps Sort Facility October 27, 2012 Reno, Nv 89510 Processed Through Usps Sort Facility October 26, 2012, 10:15 Pm Reno, Nv 89510" And, really, such is not all that surprising considering King's own signature on that Opposition indicates such was "Respectfully submitted on this 25 day of October, 2012 STATE BAR OF NEVADA DAVID A. CLARK, BAR COUNSEL By: /s/ Patrick O. King, Assistant Bar Counsel".)

Further, beyond the fact that both King and SBN Clerk of Court Laura Peters denied Coughlin's verbal and written requests to so "inspect" the materials to which Coughlin had a right to do so under SCR 105(2)(c) on several occasions between the 8/23/12 filing of the Complaint and "up to within three days of the hearing", if King's 10/25/12 signed (but file stamped 10/24/12, and USPS Track & Confirm proven to have been deposited for mailing on 10/26/12) Opposition to Motion to Bifurcate and Motion to Dismiss was being truthful where King purported to have no objection to Coughlin so inspecting the file ("...the State Bar of Nevada responds as follows: Zachary Coughlin may inspect the evidence that the State Bar has pertaining to his discipline matters up to three (3) days prior to the hearing, pursuant to SCR 105(2)(c). Coughlin has been sent, via both certified and first class mail, a Notice of Hearing which was accompanied by a Designation of Witnesses and Summary of Evidence prepared by bar counsel pursuant to Supreme Court Rule. To the extent that Coughlin wants to review the disciplinary files pertaining to his case, Bar Counsel has no objection."), then why would the Panel Chair's Order of 10/31/12 order something other than such (indicating, obviously, more ex parte communications between Echeverria and the SBN, not hard to believe considering their offices are within as stone's throw of each other.)

Echeverria's 10/31/12 Order remixed SCR 105(2)(c) (and, also, makes some very telling, and interesting findings regarding what Coughlin "filed" and when Coughlin filed such filings when considering the manner in which Coughlin submitting such submission for filing, and the extent to which the SBN failed to place a file stamp on Coughlin's Motion for Order to Show Cause, in addition to failing to file stamp in, or even recognize, the 9/17/12 Motion to Dismiss (with a 9 page letter to NNDB Chair Susich and the SBN's King that Echeverria would later reference in the hearing in his mistaken assertion that Coughlin did not want to bifurcate the SCR 105 "formal hearing" from the "hearing" required by the Nevada Supreme Court's 6/7/12 Order in 60838 and SCR 111(8) that the SBN excised completely from the 2/13/13 ROA in 62337) as to Coughlin's "right to inspect, up to within three days of the hearing" the permitted materials, and, in going against what King himself indicated (in an obvious bit of trickery and misdirection given the ex parte communications between Echeverria and the SBN, resulting in such 10/31/12 Order ruling otherwise), where such 10/31/12 Order reads: "The Formal Hearing in these matters is scheduled to take place on Wednesday, November 14, 2012, beginning at 9:00 at the Northern Nevada Bar Center, 9456 Double R.

Blvd., Suite B, Reno, Nevada 89521. *Several motions have been filed and are pending.* The Formal Hearing Panel Chair has had an opportunity to review and consider the following motions and responsive pleadings (NOTE: King only filed one Opposition, and, regardless, "pleadings" entail only an Answer and a Complaint or similar (such as a Demurrer, a Motion to Dismiss, a Motion for More Definite Statement, etc), not Oppositions, so Echeverria's subsequent "conclusion of law" that the allegation in King's Complaint "*could be take as admitted as a matter of default*" in view of his "finding" that Coughlin failed to file a "*responsive pleading*" is seriously undone): Therefore, IT IS HEREBY ORDERED:.. 1. Motion to Dismiss prepared September 16, 2012, and filed October 16, 2012, is DENIED. 2. Motion for Order to Show Cause Regarding Improper Attempt by Bar Counsel and, Possibly, NNDB to Delay and Obstruct Hearing Required by Courts June 7th, 2012 Order in Case No. 60838 and Coughlin's SCR 102(4)(d) Petition in Case 61426 prepared October 2, 2012, and filed October 16, 2012, is DENIED. 3. Motion to Review and Inspect Bar Records; Motion to Bifurcate Hearing; Motion to Dismiss for Complaint [sic] Failure to Sufficiently State the Charges with Specificity and Support and for Utter Failure of Bar Counsel to Perform Reasonable Investigation prepared October 15, 2012, and filed October 16, 2012, is GRANTED IN PART AND DENIED IN PART. The Office of Bar Counsel will arrange for copies of the file to be delivered to Mr. Coughlin at the address that he has provided to the State Bar at the earliest opportunity."

(NOTE: the "earliest opportunity" turned out to take another seven days, meaning such were only delivered to Coughlin four judicial days before the formal disciplinary hearing.

"HEARING - Vol. I, (Pages 6:20 to 7:6) "MR. ECHEVERRIA: **Mr. King?** **MR. KING:** As the record reflects, Mr. Coughlin was served a copy of the complaint to the address that he is mandated to provide to the State Bar. MR. COUGHLIN: I don't believe that's correct. MR. ECHEVERRIA: Please don't interrupt, Mr. Coughlin. Go ahead. **MR. KING:** Subsequently, Mr. Coughlin filed, immediately after we mailed the complaint via certified and regular mail, Mr. Coughlin filed a motion to dismiss the complaint."

HEARING - Vol. I, (Pages 302:13 to 304:15) "MR. ECHEVERRIA: I believe that all the pleadings that have been filed would be part of the panel's record that would go to the supreme court. MR. KING: Anything that's been marked as an exhibit and identified and accepted into evidence by the panel will be part of the record. And the entire transcript of the proceedings. No other documents at this time, anything that hasn't been proffered as evidence will be not admitted. MR. ECHEVERRIA: Do the pleadings go up or just that which is offered into evidence and accepted? MR. KING: To the extent that the complaint will certainly go up, everything that's in this

packet will go up. Anything that you had marked and accepted as evidence will be sent up on the record, along with the entire transcript. But to have other documents just compiled, it won't help the record, it will make it more confusing. The supreme court has better things to do. MR. VELLIS: *Pleadings filed, they don't go automatically, the whole case file doesn't go, just whatever is entered here?* MR. KING: *Correct.* (NOTE: Holy negligent hiring, training, supervision, Bar Counsel David Clark! Unbelievably, here, King is announcing his intention to attempt to excise from the ROA the documents (and Exhibits attached thereto) that Coughlin "filed" with the SBN (whether or not King and Peters have fraudulent excised any record of such from both the 12/24/12 and 2/13/13 ROA in 62337, which they absolutely have done as to *several* extremely inflammatory (yet, completely true) filings by Coughlin:

"The actual date of filing is the date upon which the paper is handed to the clerk to be filed. [Cits.]. So, where a motion for new trial has been delivered for filing to the clerk, it will be deemed filed even though that officer fails to make the proper entry of filing thereon." Brinson v. Georgia RR Bank &c. Co., 45 Ga. App. 459, 461 (165 SE 321) (1932). It is beyond the purview of the clerk to be concerned with the legal viability of a pleading presented to the clerk for filing. See Hughes v. Sikes, 273 Ga. 804 (1) (546 SE2d 518) (2001) (where clerk returned notice of appeal for supplementation); Gibbs v. Spencer Industries, 244 Ga. 450, 451 (260 SE2d 342) (1979). (Hood v. State, 651 S.E.2d 88, 282 Ga. 462 (Ga. 09/24/2007).) [emphasis added.]

"Causing a paper 'to be actually placed in the hands of the clerk of a trial court within the time prescribed by law for filing the same in [the clerk's] office is all that is, in this respect, required of a party." Gibbs v. Spencer Industries, 244 Ga. 450, 451 (260 SE2d 342) (1979). "The actual date of filing is the date upon which the paper is handed to the clerk to be filed. [Cits.]. So, where a motion for new trial has been delivered for filing to the clerk, it will be deemed filed even though that officer fails to make the proper entry of filing thereon." Brinson v. Georgia RR Bank &c. Co., 45 Ga. App. 459, 461 (165 SE 321) (1932). It is beyond the purview of the clerk to be concerned with the legal viability of a pleading presented to the clerk for filing. See Hughes v. Sikes, 273 Ga. 804 (1) (546 SE2d 518) (2001); Gibbs v. Spencer Industries, *supra*, 244 Ga. 450. [emphasis added.]

If pleadings are delivered to the clerk for filing they will be deemed filed even though the proper entry of filing is not made thereon. See Brinson v. Ga. R. Bank &c. Co., 45 Ga. App. 459, 461, *supra*; Cooper v. Nisbet, 119 Ga. 752 (1), 755 (47 S.E. 173). (05/12/78 Boston Sea Party Atlanta v. Bryant, 246 S.E.2d 350, 146 Ga. App. 294.) (See also Lavan et al. v. Philips, 362 S.E.2d 138, 184 Ga. App. 573 (10/19/87).) [emphasis added.]

"The actual date of filing is the date upon which the paper is handed to the clerk to be filed. [Cit.]" Brinson v. Ga. R. Bank &c. Co., *supra*, p. 461. (H. R. Lee Investment Corporation v. Groover, 225 S.E.2d 742, 138 Ga. App. 231 (03/19/76).) [emphasis added.]" http://www.lawlessamerica.com/index.php?option=com_content&view=article&id=510:judges-and-court-clerks-violate-the-law-

)

My pleadings, (NOTE: it is completely unclear what in the world King is trying to pull here (other than attempting to, as usual, have it both ways) by referring to “***my pleadings***” in reference to his 11/7/12 3,094 bates stamped production to Coughlin, especially where King is simultaneously seeking to keep such out of the record...which King desperately wished to do as the content of those 3,094 pages not only exculpates Coughlin on all charges, but further, indicts King to a monumental degree, Bomer style) for instance, ***as you can see by the Bates stamp numbers are thousands of pages of nonsensical e-mails and disparaging e-mails***. (NOTE: here again, King is caught prevaricating for, while Coughlin did, in fact send King and the SBN thousands of pages of emails, very, very few of them are actually included in the 3,094 bates stamped production to Coughlin by the SBN of 11/7/12 (“3,094” hereinafter) and seemingly none of the attachments Coughlin affixed thereto, which included a multitude of JAVS and FTR audio transcripts whenever available from all the matters involved in 62337, as well as the certified transcript in the criminal trespass case (which included sworn testimony by Hill and his associate, though, of course, the RMC failed to accord Coughlin his Sixth Amendment right to confront the arresting officer, as his presence was excused by Judge W. Gardner), which also included pdfs of every filing in the Joshi matter and appeal and petition for extraordinary writ cases stemming therefrom (DV08-01168 and 53833, 54844) and a great deal of other responsive, material, cooperative materials, including grievances Coughlin submitted against a number of individuals that the SBN has yet to countenance in any way (or seemingly investigate at all) (and NNDB Chair Susich, Panel members, SBN President Flaherty, assorted judges, etc.) thousands of pages of emails (one man's “nonsensical” and “disparaging” is another man's historic achievement exposing the corruption in the SBN, NNVB, and judiciary in Washoe County to a degree heretofore never done before, leveraging technology in a manner in which King still has yet to comprehend, and likely never really will: (see Coughlin's written correspondence with King and the Panel here: <http://www.scribd.com/doc/164098585/11-21-11-to-2-1-13-All-Emails-Between-Coughlin-and-State-Bar-of-Nevada>)) **I didn't think that that would add to this day or help the supreme court.** (NOTE: it certainly would undermine the implied offensive collateral estoppel-lite approach King and Echeverria cooked up here, lapped up by a callow, feckless collection of pretend lawyers on the panel; and, such would certainly be very damaging to King in bolstering Coughlins' defensive collateral estoppel arguments, in addition to exposing the choice by every single other judge at all connected to this matter to refer Coughlin in any way whatsoever to the SBN pursuant to the old Canon 3(D)(2) or its newer incarnation in NCJC Canon 2, Rule 2.15 “Responding to Attorney and Judicial Misconduct”, as there is not even a letter from NVB

Judge Beesley in the 3,094 bates stamped production by the SBN (which means either King has engaged in "bad faith obstruction of the disciplinary process" or Beesley was lying) MR. ECHEVERRIA: I think the confusion, at least I have, is whether or not the pleadings themselves, whatever file, whatever Mr. Coughlin has filed, a motion for whatever reason, are those part of the record that go up on appeal? In civil litigation, with which I'm only familiar, that does become part of the record if so designated. MR. KING: If the orders go up, pleadings that are not admitted do not go up. MR. COUGHLIN: Your Honor, if I can just interject -- MR. KING: In other words, everything Mr. Coughlin sent, oftentimes with these multiple captions where he's sending them to many people, he might caption as a pleading, it doesn't make it a pleading. It has to be something that was sent to us, filed in, and that would be a pleading. And if there was such a thing as file stamped with the supreme court, it will go up. MR. VELLIS: That is my question. It doesn't have to be necessarily be brought up here, but if it was submitted and file stamped as being submitted, then it's part of the record that goes up, whether it was mentioned here or not? MR. KING: Correct. That would be my understanding. Only if it was properly filed, timely filed, stamped in by the court."

However, King's "restatement" of the law is rather incorrect, however convenient it may make his job as a prosecutor: The clerk of a court, like the Recorder is required to accept documents filed. It is not incumbent upon him or her to judicially *determine the legal significance of the tendered documents*. In re Halladjian, 174 F. 834 (C.C.Mass.1909); United States, to Use of Kinney v. Bell, 127 F. 1002 (C.C.E.D.Pa.1904); State ex rel. Kaufman v. Sutton, 231 So.2d 874 (Fla.App.1970); Malinou v. McElroy, 99 R.I. 277, 207 A.2d 44 (1965); State ex rel. Wanamaker v. Miller, 164 Ohio St. 176, 177, 128 N.E.2d 110 (1955.).) (Daniel K. Mayers Et AL., v. Peter S. Ridley Et AL., No. 71-1418 (06/30/72, United States Court of Appeals for the DC Circuit.) [emphasis added.]

The specific allegation in Mr. Snyder's complaint is that Mr. Nolen, acting as the Circuit Court Clerk, refused to file or actually removed already filed papers from the court's docket. Under Illinois law, the clerk simply has the ministerial duty to file papers that conform to the technical rules of court. See In re Estate of Davison, 430 N.E.2d 222, 223 (Ill. App. Ct. 1981) ("Delivery alone has been held to constitute filing since the person filing has no control over the officer who receives documents. Subsequent ministerial tasks of the clerk evidence the filing of a document but are not essential to its perfection." (internal citation omitted)); Roesch-Zeller, Inc. v. Hollembeak, 124 N.E.2d 662, 664 (Ill. App. Ct. 1955) ("The duty of the clerk to file the document on the date it was presented to him was a ministerial act, the performance of which could be compelled by writ of mandamus."). (Snyder v. Nolen, 380 F.3d 279 (7th Circuit, 08/13/2004).) [emphasis added.]

The word "filed" the Act uses, is, as applied to court proceedings, a

word of art, having a long established and well understood meaning, deriving from the practice of filing papers on a string or wire. It requires of one filing a suit, merely the depositing of the instrument with the custodian for the purpose of being filed. Except where some specific statute otherwise provides, and none such is present here, it charges him with no further duty, subjects him to no untoward consequences as a result of the failure of the custodian to do his duty, by placing the instrument on the file, or as in modern practice placing his file mark on the instrument. Collected in vol. 3 Words and Phrases, First Series, pp. 2764-2770, inclusive; vol. 2 Words and Phrases, Second Series, pp. 531, 534, may be found cases from many jurisdictions, all to the same effect, that the filing of a paper is the delivery of it to the officer at his office, to be kept by him as a paper on file, and that the file mark of the officer is evidence of the filing, but it is not the essential element of the act. A paper may be filed without being marked or endorsed by the clerk, *In re Conant's Estate*, 43 Or. 530, 73 P. 1018; *Holman v. Chevaillier*, 14 Tex. 337; *Eureka Stone Co. v. Knight*, 82 Ark. 164, 100 S.W. 878; *Darnell v. Flynn*, 69 W.Va. 146, 71 S.E. 16.

Perhaps the best statement of the meaning and consequences of filing is to be found in the *Chevaillier* case, *supra*. "Though the ancient mode of filing papers has gone into disuse, the phraseology of the ancient practice is retained, in the common expressions 'to file,' 'to put on file,' 'to take off the file,' &c., from 'filum' the thread, string, or wire used in ancient practice, for connecting the papers together. The term 'file' is also used to denote the paper placed with the Clerk, and assigned by the law to his official keeping. A file is a record of the Court. (1 Litt., 112; Burr. L.D. tit. File.) It is the duty of the Clerk, when a paper is thus placed in his custody or 'filed' with him, to endorse upon it the date of its reception, and retain it in his office, subject to inspection by whomsoever it may concern; and that is what is meant by his 'filing' the paper. But where the law requires or authorizes a party to file it, it simply means that he shall place it in the official custody of the Clerk. That is all that is required of him; and if the officer omits the duty of endorsing upon it the date of the filing, that should not prejudice the rights of the party. And hence it is the common practice, where that has been omitted, for the officer, with the sanction of the Court, to make the endorsement now for then; the doing of the act now, that is, at the time when it is actually done, being allowed to operate as a substitute and equivalent for doing it then, or when it should have been done. And acts thus allowed to be done by the Clerk of the Court, with the sanction of the Court, have the same effect as if they had been done at the proper time. (1 Stra. 639; 2 Tidd's Pr. 932.) It was the filing of the affidavit and certificate by the party, under the statute, and not the endorsement of the date of their reception, or the filing by the Clerk, which was a condition precedent to the issuing of the execution in this case. The object of the motion to obtain the authority of the Court for the filing of the clerk now for then was that the Court might receive evidence of the time of the actual filing by the party, in order that the filing by the Clerk might relate back,

and take effect from that period, as though it had been done then, when it should have been done. (Milton v. United States., 105 F.2d 253 (5th Cir. 07/06/1939).) Johansson v. Towson, 177 F. Supp. 729 (M.D.Ga. 02/17/1959). [emphasis added.]

Milton v. United States, 5 Cir., 1939, 105 F.2d 253, 255. The latter case points out that all that is required on the part of a person filing a paper with an official is 'merely the depositing of the instrument with the custodian for the purpose of being filed'. (See Palcar Real Estate Co. v. Commissioner of Internal Revenue, 8 Cir., 1942, 131 F.2d 210; Schultz v. United States, Ct.Cl.1955, 132 F.Supp. 953, 955; McCord v. Commissioner of Internal Revenue, 1941, 74 App.D.C. 369, 123 F.2d 164, 165; Central Paper Co. v. Commissioner of Internal Revenue, 6 Cir., 1952, 199 F.2d 902, 904. (Johansson v. Towson, 177 F. Supp. 729 (M.D.Ga. 02/17/1959).) [emphasis added.]

"Subject: RE: pending final disposition of disciplinary proceedings....language SCR 111(7) versus SCR 111(8) and the June 7th, 2012 Order of the NV. S. Ct **From: Laura Peters (LauraP@nvbar.Org)** Sent: Wed 10/10/12 6:01 PM To: Zach Coughlin(zachcoughlin@hotmail.Com)

Please don't put words in my mouth, Zach. *You are the one that indicated that you had not received the Complaint when we talked on the phone. Why, then, would I file in a Motion to Dismiss?* I am responsible for my own actions. - Laura (aka Clerk Peters)----- From: Zach Coughlin [zachcoughlin@hotmail.Com] Sent: Wednesday, October 10, 2012 11:51 AM **To: tsusich@nvdecr.Org; Laura Peters; David Clark; Patrick King; nvscclerk@nvcourts.Nv.Gov** Subject: FW: pending final disposition of disciplinary proceedings....Language SCR 111(7) versus SCR 111(8) and the June 7th, 2012 Order of the NV. S. Ct.

Dear Chairman Susich and Clerk Peters, Bar Counsel King sees himself as a the Director of this movie, placing you two in the scenes where he sees fit. Chairman Susich, it is your responsibility to comply with the Court's Order and the Supreme Court Rules, and at this point, you need to send a clear message to Bar Counsel that "the kid stays in the picture", and inform Mr. King that ***he is not to attempt to take your job or duties from you. Same goes for Clerk Peters, especially vis a vis her admission that King told her not to file Coughlin's Motion to Dismiss in SBN v Coughlin on September 17th, 2012, which has now gone unopposed, and therefore, shall be granted.*** Sincerely, Zach Coughlin PO BOX 3961..."

The filing of a paper takes place upon the delivery of it to the officer at his office. Milton v. United States, 5th Cir. 1939, 105 F.2d 253; Poynor v. Commissioner, 5th Cir. 1936, 81 F.2d 521. When the mails are utilized for the purpose of filing an instrument, the filing takes place upon delivery at the office of the official required to receive it. Wampler v. Snyder, 1933, 62 App. D.C. 215, 66 F.2d 195. (Phinney v. Bank of Southwest National Association, 335 F.2d 266 (5th Cir. 08/05/1964).) (See also United States v. Missco Homestead

Ass'n Inc., 185 F.2d 283 (8th Cir. 11/01/1950).) (Dienstag v. St. Paul Fire & Marine Ins. Co., 164 F. Supp. 603 (S.D.N.Y. 11/18/1957); Thorndal v. Smith, Wild, Beebe & Cades, 339 F.2d 676 (8th Cir. 01/04/1965); Lone Star Producing Co. v. Gulf Oil Corp., 208 F. Supp. 85 (E.D.Tex. 07/17/1962).) [emphasis added.]

Clearly (as demonstrated by the following fax and email delivery confirmations), Coughlin filed a Motion to Dismiss on 9/17/12 (though the SBN may arguably accord such a 9/18/12 filing date, but, certainly, he 10/15/12 filing date is way off:

Sent: Mon 10/15/12 4:49 PM

To: zachcoughlin@hotmail.Com

Your Fax was successfully sent to (17753290522).

Your Fax was delivered @ 11:49:50 PM on 2012-10-15.

Voxox <noreply@voxox.Com> Tue, Sep 18, 2012 at 12:01 AM

To: renoattorney@gmail.Com

Your Fax was successfully sent to (17023852878).

Your Fax was delivered @ 07:01:30 AM on 2012-09-18.

Voxox <noreply@voxox.Com> Tue, Sep 18, 2012 at 12:01 AM

To: renoattorney@gmail.Com

Your Fax was successfully sent to (17753290522).

Your Fax was delivered @ 07:01:48 AM on 2012-09-18.

Voxox <noreply@voxox.Com> Tue, Sep 18, 2012 at 12:02 AM

To: renoattorney@gmail.Com

Your Fax was successfully sent to (17752849513).

Your Fax was delivered @ 07:02:12 AM on 2012-09-18.

Voxox <noreply@voxox.Com> Tue, Sep 18, 2012 at 12:38 AM

To: renoattorney@gmail.Com

Your Fax was successfully sent to (17752849513).

Your Fax was delivered @ 07:38:48 AM on 2012-09-18

motion to dismiss attached?

From: Zach Coughlin (zachcoughlin@hotmail.Com)

Sent: Mon 9/17/12 11:59 PM

To: patrickk@nvbar.Org; tsusich@nvdetr.Org

Attachments: 1 attachment

sbn v coughlin motion to dismiss (78.1 KB)

FW: motion to dismiss attached?

From: Zach Coughlin (zachcoughlin@hotmail.Com)

Sent: Tue 9/18/12 12:00 AM

To: davidc@nvbar.Org

Attachments: 1 attachment

sbn v coughlin motion to dismiss (78.1 KB) Motion to Dismiss SBN v.

Coughlin?

From: Zach Coughlin (zachcoughlin@hotmail.Com)

Sent: Tue 9/18/12 12:02 AM
To: tsusich@nvdecr.Org; patrickk@nvbar.Org; davidc@nvbar.Org
Attachments: 1 attachment
sbn v coughlin motion to dismiss.Pdf (78.1 KB)"

Given that SCR 105(2)(c) requires the Panel to conduct hearing within a certain time frame in relation to two specific events, the Panel and SBN have failed to comply with such rule, and Coughlin should be reinstated immediately, and both the SBN and NNDB Panel should be held in contempt.

Those two events are the giving, *by the Panel*, to Coughlin of "30 days' written notice" of the formal hearing date, which the **"hearing panel shall conduct" "within 45 days of assignment and give the attorney at least 30 days' written notice of its time and place"**. Of course, Asst. Bar Counsel King, in an attempt to gain a material advantage and in a demonstration of his **"*bad faith obstruction of the disciplinary process*"** designed to sent out the "notice of hearing" himself, allegedly sent out on 10/12/12 (though the USPS Track & Confirm indicates such was deposited with the USPS for mailing, to go out that day, per Mikohn, no sooner than 10/15/12 given the first scanning of such Certified Mail number occurred in the early morning of 10/16/12), a good 18 days before NNDB Chairman Susich's 10/30/12 Order Appointing Formal Hearing Panel was even entered, much less constructively served on Coughlin (with the SBN always making sure to avoid providing any filings or Orders to Coughlin via fax or email, as that would prevent the SBN from having a few days jump start on everything in relation to when each became aware of the various Orders). Again, SCR 105(2)(c) requires the Panel, not Asst. Bar Counsel King, to "give the attorney" the notice of hearing.

Its no wonder the went with an "Alphabetical List of Documents" in the ROA it filed on 2/13/12 (after the ROA it filed on 12/24/12 was stricken on account of it being such a trife bit of codswallop) where such "Alphabetical List of Documents" (as opposed to, say, a Docket, arranged in chronological order) does indicate that several of Coughlin's submissions were just plain not file stamped by the SBN (though purportedly included, at least in part (of course the discs attached as exhibits thereto and the massive bates stamped pdfs found thereon and transcripts of hearing the SBN felt were of no utility, and, therefore, not included amongst that transmitted, though Coughlin filed a Motion in 62337 for such to be so transmitted....BUT, TO BE CLEAR, AND THIS IS IMPORTANT: there are several of Coughlin's filings that just plain were not included at all in any way in the ROA, including the very 10/31/12)

62337 INDEX LIST OF DOCUMENTS BY PAGE NUMBER

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29-32 Notice of Intent to Proceed on a Default Bases 10/9/12
33-37 Notice of Formal Hearing; Desig. of Witn., Summ. of Evidence 10/12/12
38-39 Affidavit of Laura Peters, Custodian of Records 10/9/12
40-43 Motion to Dismiss 10/15/12 (missing 9 page fax to OBC/NNDB of 9/12/12 Exh)

43:1-10 Missing Exhibit 1, 9 page fax to OBC/NNDB of 9/12/12
 44-106 Mtn Order Show Cause, Amend. Mtn Dismiss (NF, subm. 9/17/12, 10/15/12)
 107-152 Motion to Review, Inspect, Bifurcate, Supplem. Dismiss 10/16/12
 153-156 Opp. to Respt.'s Mtn to Bifurcate Hearing, Motion to Dismiss 10/24/12
 157-158 Order Appointing Formal Hearing Panel 10/30/12
 159-162 Coughlin's Designation of Witnesses and Summary of Evidence 10/31/12
 163-165 Order 10/31/12
 165:1-
 166-176 Mtn to Quash Subp. Directed to RMC Judges and Court Staff 11/2/12
 177-195 Ex Parte Mtn to Quash Subp. Duces Tecums, Subpoenas to Compel Test. 11/3/12
 196-197 Supplemental Designation of Witnesses 11/7/12
 198-200 Order 11/7/12
 201-204 Notice of Non-Service of Intent to Take Default of Approx. Oct. 9, 2012 11/8/12
 205-216 Supplem. Rspdt. Desig. Witn./Summ. Evid., Notice Obj., Reply. Opp. Bifur, 11/8/12
 217-297 Well Would You Mtn Set Aside, Alter, Amend Order, Opp. Mtn Quash 11/8/12
 298-350 Emerg. Ex Parte Mtn to Dismiss, For More Definite Stmt, Good Cause 11/13/12
 351-352 Order 11/16/12
 353-714 Motion for New Trial, Notice of Hill and Baker's Malfeasance 11/30/12
 715-718 Amended Supple. to Respondent's Emergency Motion to Set Aside 11/30/12
 719-736 Notice of RMC's Failure File Coughlin's Timely Notice of Appeal (NF, 11/16/12)
 737-790 Post-Hearing Brief, Mtn Disqualify/Mistrial, Transcript Req, Recons Order Quashing, Bifurc, , Rule 103(7) Challenge for Cause (NF, submitted 11/16/12)
 791-796 Declaration of Zachary Barker Coughlin (NF, subm. 12/7/12)
 797-1347 Motion for Mistrial (Whopper Choked 10/9/12 Affd. Peters) (NF, subm. 12/3/12)
 1348-1371 Findings of Fact, Conclusions of Law 12/14/12
 1372 Certificate of Service by Mail of Record On Appeal 2/13/13
 1373-1698 Transcript of Hearing held 11/14/12, No Response on SCR 119 until 12/18/12
 1699-1922 Formal Hearing Exhibits 1-16 11/14/12, No Response SCR 119 until 12/18/12

18 USC 2076 - Clerk of United States District Court Whoever, being a clerk of a district court of the United States, willfully refuses or neglects to make or forward any report, certificate, statement, or document as required by law, shall be fined under this title or imprisoned not more than one year, or both.

"The actual date of filing is the date upon which the paper is handed to the clerk to be filed. [Cits.]. So, where a motion for new trial has been delivered for filing to the clerk, it will be deemed filed even though that officer fails to make the proper entry of filing thereon." *Brinson v. Georgia RR Bank &c. Co.*, 45 Ga. App. 459, 461 (165 SE 321) (1932). It is beyond the purview of the clerk to be concerned with the legal viability of a pleading presented to the clerk for filing. See *Hughes v. Sikes*, 273 Ga. 804 (1) (546 SE2d 518) (2001); *Gibbs v. Spencer Industries*, *supra*, 244 Ga. 450. [Emphasis added.]

If pleadings are delivered to the clerk for filing they will be deemed filed even though the proper entry of filing is not made thereon. See *Brinson v. Ga. R. Bank &c. Co.*, 45 Ga. App. 459, 461, *Supra*; *Cooper v. Nisbet*, 119 Ga. 752 (1), 755 (47 S.E. 173). (05/12/78

Boston Sea Party Atlanta v. Bryant, 246 S.E.2D 350, 146 Ga. App. 294.) (See also Lavan et al. V. Philips, 362 S.E.2D 138, 184 Ga. App. 573 (10/19/87).) [Emphasis added.]

"The actual date of filing is the date upon which the paper is handed to the clerk to be filed. [Cit.]" Brinson v. Ga. R. Bank &c. Co., Supra, p. 461. (H. R. Lee Investment Corporation v. Groover, 225 S.E.2D 742, 138 Ga. App. 231 (03/19/76).) [Emphasis added.] 18 U.S.C. 2071 Case Law: United States v. Conlin, 551 F.2D 534 (2nd Cir. 03/17/1977); United States v. Claypoole, 227 F.2D 752 (3rd Cir. 12/07/1955); United States v. Donner, 497 F.2D 184 (7th Cir. 05/03/1974); United States v. May, 625 F.2D 186 (8th Cir. 05/30/1980); United States v. Salazar, 455 F.3D 1022 (9th Cir. 07/24/2006); United States v. Lang, No. 02-4075 (10Th Cir. 04/21/2004). This case has some very good information -- United States v. Rosner, 352 F. Supp. 915 (S.D.N.Y. 12/14/1972). 18 U.S.C. Â§ 2071 Case Law Search Results from versuslaw.Com.

Every time Coughlin sees or thinks about Asst. Bar Counsel Patrick O. King (whom Coughlin made slip and pick his dribble up with triple the numbers of sniper fire from moral cripples being flipped at Coughlin than has ever been thrown King's way), Esq. he hears in his head that song "*Here Comes the Hotstepper*": <http://www.Youtube.Com/watch?V=w0N4twV28Mw>

62337 INDEX LIST OF DOCUMENTS BY PAGE NUMBER

(crossed with Coughlin's VOXOX confirmations of fax filing with the SBN and serving a copy thereof on Bar Counsel)

1-28 Complaint and First Designation of Hearing Panel Members 8/23/12

(NOTE: the ROA is missing the Motion to Dismiss Coughlin filing on 9/18/12, which included the 9 page letter from Coughlin to NNDB Chair Susich and the SBN attached therein as Exhibit 1: To: renoattorney@gmail.Com Your Fax was successfully sent to (17753290522). Your Fax was delivered @ 07:01:48 AM on 2012-09-18. Voxox <noreply@voxox.Com> Tue, Sep 18, 2012 at 12:02 AM)

29-32 Notice of Intent to Proceed on a Default Bases 10/9/12

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44-106 Mtn Order Show Cause, Amend. Mtn Dismiss (NF, subm. 9/17/12, 10/15/12)

107-152 Motion to Review, Inspect, Bifurcate, Supplem. Dismiss 10/16/12

(From: Voxox (noreply@voxox.Com) Sent: Mon 10/15/12 4:49 PM To: zachcoughlin@hotmail.Com Your Fax was successfully sent to (17753290522). Your Fax was delivered @ 11:49:50 PM on 2012-10-15.)

153-156 Opp. to Respt.'s Mtn to Bifurcate Hearing, Motion to Dismiss 10/24/12

157-158 Order Appointing Formal Hearing Panel 10/30/12

159-162 Coughlin's Designation of Witnesses and Summary of Evidence 10/31/12

(Sent: Wed 10/31/12 4:10 PM To: zachcoughlin@hotmail.Com Your Fax was

successfully sent to (17753290522). Your Fax was delivered @ 11:10:34 PM on 2012-10-31.
From: Voxox (noreply@voxox.Com))

(NOTE: Coughlin's 10/31/12 filing of a Motion for Summary Judgment, Pre-Hearing Memorandum of Law 44 pages long with an Exhibit 1 that included a disc attaching a multitude of filings in the cases at issue in this matter in pdf format, is missing from the ROA)

163-165 Order 10/31/12

165:1-

166-176 Mtn to Quash Subp. Directed to RMC Judges and Court Staff 11/2/12

177-195 Ex Parte Mtn to Quash Subp. Duces Tecums, Subpoenas to Compel Test. 11/3/12

196-197 Supplemental Designation of Witnesses 11/7/12

(Sent: Mon 11/05/12 12:22 PM To: zachcoughlin@hotmail.Com Your Fax was successfully sent to (17753290522). Your Fax was delivered @ 08:22:44 PM on 2012-11-05.

[https://skydrive.live.com/?cid=43084638f32f5f28&id=43084638F32F5F28%214533&Bsrc=SkyMail&Bpub=SDX.SkyD](https://skydrive.live.com/?cid=43084638f32f5f28&id=43084638F32F5F28%214533&Bsrc=SkyMail&Bpub=SDX.SkyDrive&authkey=!ALRsrfZQWBQt1Gg)

[rive&authkey=!ALRsrfZQWBQt1Gg\)](https://skydrive.live.com/?cid=43084638f32f5f28&id=43084638F32F5F28%214533&Bsrc=SkyMail&Bpub=SDX.SkyDrive&authkey=!ALRsrfZQWBQt1Gg)

From: Voxox (noreply@voxox.Com)

Sent: Mon 11/05/12 4:58 PM

To: zachcoughlin@hotmail.Com

Your Fax was successfully sent to (17753290522).

Your Fax was delivered @ 12:58:52 AM on 2012-11-06.

From: Voxox (noreply@voxox.Com)

Sent: Mon 11/05/12 3:20 PM

To: zachcoughlin@hotmail.Com

Your Fax was successfully sent to (17753290522).

Your Fax was delivered @ 11:21:00 PM on 2012-11-05.

From: Voxox (noreply@voxox.Com)

Sent: Mon 11/05/12 3:20 PM

To: zachcoughlin@hotmail.Com

Your Fax was successfully sent to (17753290522).

Your Fax was delivered @ 11:20:08 PM on 2012-11-05.

198-200 Order 11/7/12

201-204 Notice of Non-Service of Intent to Take Default of Approx. Oct.9, 2012 11/8/12

("(No Subject) From: Zach Coughlin (zachcoughlin@hotmail.com)

Sent: Tue 11/06/12 7:44 PM To: laurap@nvbar.org (laurap@nvbar.org); patrickk@nvbar.org (patrickk@nvbar.org) (attached and detailed in that email...)"

From: Voxox (noreply@voxox.Com)

Sent: Tue 11/06/12 7:37 PM

To: zachcoughlin@hotmail.Com

Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 03:37:20 AM on 2012-11-07.

205-216 Supplem.Rspdt.Desig.Witn./Summ. Evid., Notice Obj., Reply.Opp.Bifur, 11/8/12
From: Voxox (noreply@voxox.Com)
Sent: Tue 11/06/12 7:38 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 03:39:00 AM on 2012-11-07.
217-297 Well Would You Mtn Set Aside, Alter, Amend Order, Opp. Mtn Quash 11/8/12

From: Voxox (noreply@voxox.Com)
Sent: Tue 11/06/12 7:37 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 03:37:20 AM on 2012-11-07.

NOTE: the 2/13/13 ROA is missing Coughlin's 88 page Verified Answer of 11/9/12, filed in person by Coughlin just prior to 5 p.m. where the SBN had closed early: Coughlin filed such by fax prior to 5 pm by the 11/9/12 deadline imposed by the Panel Chairs 11/7/12 Order, in addition to personally delivering such to the SBN prior to 5 p.m. as well:

From: Voxox (noreply@voxox.Com)
Sent: Fri 11/09/12 4:45 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 12:45:08 AM on 2012-11-10.

From: Voxox (noreply@voxox.Com)
Sent: Mon 11/12/12 4:59 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 12:59:16 AM on 2012-11-13.

From: Voxox (noreply@voxox.Com)
Sent: Mon 11/12/12 10:30 AM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 06:30:04 PM on 2012-11-12.

From: Voxox (noreply@voxox.Com)
Sent: Sun 11/11/12 10:43 AM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 06:43:32 PM on 2012-11-11.
From: Voxox (noreply@voxox.Com)

Sent: Sun 11/11/12 8:30 AM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 04:30:54 PM on 2012-11-11.
From: Voxox (noreply@voxox.Com)
Sent: Sun 11/11/12 7:33 AM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 03:33:18 PM on 2012-11-11.

From: Voxox (noreply@voxox.Com)
Sent: Thu 11/08/12 4:47 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 12:47:10 AM on 2012-11-09

298-350 Emerg. Ex Parte Mtn to Dismiss, For More Definite Stmt, Good Cause 11/13/12

Sent: Tue 11/13/12 2:51 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 10:51:04 PM on 2012-11-13.
From: Voxox (noreply@voxox.Com)
Sent: Tue 11/13/12 2:28 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 10:28:54 PM on 2012-11-13.

351-352 Order 11/16/12

From: Voxox (noreply@voxox.Com)
Sent: Mon 11/19/12 8:16 AM (Coughlin's LITIGATION HOLD NOTICE TO SBN,
SUNSHINE LITIGATION SERVICES AND NNDB BOARD AND NNDB PANEL AND
SBN PRESIDENT FLAHERTY)
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 04:16:44 PM on 2012-11-19.

From: Voxox (noreply@voxox.Com)
Sent: Mon 11/19/12 8:10 AM

To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 04:10:26 PM on 2012-11-19.

From: Voxox (noreply@voxox.Com)
Sent: Sun 11/18/12 7:13 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 03:13:48 AM on 2012-11-19.

From: Voxox (noreply@voxox.Com)
Sent: Sun 11/18/12 8:43 AM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 04:43:52 PM on 2012-11-18.

From: Voxox (noreply@voxox.Com)
Sent: Fri 11/23/12 8:45 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 04:45:58 AM on 2012-11-24.

From: Voxox (noreply@voxox.Com)
Sent: Fri 11/23/12 8:37 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 04:37:20 AM on 2012-11-24.

From: Voxox (noreply@voxox.Com)
Sent: Fri 11/23/12 4:58 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 12:58:30 AM on 2012-11-24.

From: Voxox (noreply@voxox.Com)
Sent: Mon 11/26/12 1:11 AM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 09:11:20 AM on 2012-11-26.

353-714 Motion for New Trial, Notice of Hill and Baker's Malfeasance 11/30/12

715-718 Amended Supple. to Respondent's Emergency Motion to Set Aside 11/30/12
From: Voxox (noreply@voxox.Com)

Sent: Wed 11/28/12 6:02 AM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 02:02:10 PM on 2012-11-28.
From: Voxox (noreply@voxox.Com)
Sent: Wed 11/28/12 3:26 AM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 11:26:48 AM on 2012-11-28.

719-736 Notice of RMC's Failure File Coughlin's Timely Notice of Appeal (NF, 11/16/12)

737-790 Post-Hearing Brief, Mtn Disqualify/Mistrial, Transcript Req, Recons Order
Quashing, Bifurc, , Rule 103(7) Challenge for Cause (NF, submitted 11/16/12)

From: Voxox (noreply@voxox.Com)
Sent: Fri 11/16/12 4:47 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 12:47:54 AM on 2012-11-17.
From: Voxox (noreply@voxox.Com)

791-796 Declaration of Zachary Barker Coughlin (NF, subm. 12/7/12)

797-1347 Motion for Mistrial (Whopper Choked 10/9/12 Affd. Peters) (NF, subm. 12/3/12)

From: Voxox (noreply@voxox.Com)
Sent: Wed 12/05/12 4:13 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 12:13:24 AM on 2012-12-06.
From: Voxox (noreply@voxox.Com)
Sent: Mon 12/03/12 10:37 AM
To: zachcoughlin@hotmail.Com

Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 06:37:28 PM on 2012-12-03.
From: Voxox (noreply@voxox.Com)
Sent: Mon 12/03/12 10:32 AM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 06:32:04 PM on 2012-12-03.
From: Voxox (noreply@voxox.Com)
Sent: Fri 11/30/12 4:38 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 12:38:36 AM on 2012-12-01.

1348-1371 Findings of Fact, Conclusions of Law 12/14/12

From: Voxox (noreply@voxox.Com)
Sent: Mon 12/24/12 8:01 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 04:01:18 AM on 2012-12-25.

1372 Certificate of Service by Mail of Record On Appeal 2/13/13
1373-1698 Transcript of Hearing held 11/14/12, No Response on SCR 119 until 12/18/12
1699-1922 Formal Hearing Exhibits 1-16 11/14/12, No Response SCR 119 until 12/18/12

**Outbound fax report of Coughlin's fax filings to SBN between 9/18/12 and 12/24/12
(where SBN alleges Coughlin also submit a faxed filing on 1/17/13):**

Voxox <noreply@voxox.Com> Tue, Sep 18, 2012 at 12:38 AM
To: renoattorney@gmail.Com
Your Fax was successfully sent to (17752849513).
Your Fax was delivered @ 07:38:48 AM on 2012-09-18.

Voxox <noreply@voxox.Com> Tue, Sep 18, 2012 at 12:02 AM

To: renoattorney@gmail.Com
Your Fax was successfully sent to (17752849513).
Your Fax was delivered @ 07:02:12 AM on 2012-09-18.

Voxox <noreply@voxox.Com> Tue, Sep 18, 2012 at 12:01 AM
To: renoattorney@gmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 07:01:48 AM on 2012-09-18.

Voxox <noreply@voxox.Com> Tue, Sep 18, 2012 at 12:01 AM
To: renoattorney@gmail.Com
Your Fax was successfully sent to (17023852878).
Your Fax was delivered @ 07:01:30 AM on 2012-09-18.

“motion to dismiss attached
From: Zach Coughlin (zachcoughlin@hotmail.com)
Sent: Mon 9/17/12 11:59 PM
To: patrickk@nvbar.org; tsusich@nvdetr.org
1 attachment
sbn v coughlin motion to dismiss (78.1 KB)
Zach Coughlin”

“FW: motion to dismiss attached
From: Zach Coughlin (zachcoughlin@hotmail.com)
Sent: Tue 9/18/12 12:00 AM
To: davidc@nvbar.org
1 attachment
sbn v coughlin motion to dismiss (78.1 KB)
Zach Coughlin”

zolt

“Motion to Dismiss SBN v. Coughlin
From: Zach Coughlin (zachcoughlin@hotmail.com)
Sent: Tue 9/18/12 12:02 AM
To: tsusich@nvdetr.org; patrickk@nvbar.org; davidc@nvbar.org
1 attachment
sbn v coughlin motion to dismiss.pdf (78.1 KB)
Zach Coughlin”

From: Voxox (noreply@voxox.Com) (**NOTE: this fax contained both Coughlin's 10/15/12 file stamped Motion to Dismiss and the Motion for Order to Show Cause that the SBN failed to file stamp but that Panel Chair Echeverria's 10/31/12 Order indicates was filed on 10/16/12)**)

Sent: Mon 10/15/12 4:49 PM

To: zachcoughlin@hotmail.Com

Your Fax was successfully sent to (17753290522).

Your Fax was delivered @ 11:49:50 PM on 2012-10-15.

“LITIGATION HOLD NOTICE rev2011-001708 cv11-03628, 60331 61383

From: Zach Coughlin (zachcoughlin@hotmail.com)

Sent: Mon 10/15/12 5:03 PM

To: patrickk@nvbar.org; davidc@nvbar.org; nvscclerk@nvcourts.nv.gov
4 attachments

sbn v coughlin CASE NUMBER NG12-0204, NG-0435, NG 0434 **combined filing** 10 15 12.pdf (378.5 KB) , DistCtOrder_REDACTED cr12-1018 longoni transcript defective.pdf (141.4 KB) , rev2011-001708 opposition to coughlin's second motion to contest personal property lien merliss hill sbn.pdf (3.2 MB) , CR12-1262-3059269 transcript from criminal trespass trial testimony of richard hill and his associate before RMC Judge William Gardner.pdf (3.5 MB)

zuln

“update proof of service

From: Zach Coughlin (zachcoughlin@hotmail.com)

Sent: Wed 10/17/12 11:39 AM

To: laurap@nvbar.org

The proof of service on the documents I dropped off yesterday need to be updated to indicate the date of service was 10/16/12 to the extent the fax is not effective service.

Thanks, Zach Coughlin”

(NOTE: Coughlin, having not received the 10/9/12 Notice of Intent to Take Default due to it only being sent by one method, Certified Mailing (ie, **not copied via first class mail like every other mailing... which is so much more suspicious when considering it seems to have been purposefully affixed with insufficient postage sufficient to prevent Coughlin from being provided such by the USPS**), was under the belief (due to King's repeated assertions of such in his emails, and remember, the SBN did not mail of or in any way service the 10/9/12 Affidavit of Laura Peters on Coughlin until providing it on 11/7/12 amongst 3,094 pages of documents) that the purported "personal service" by "non-party" SBN Clerk of Court Laura Peters on Coughlin on 9/25/12 at the SBN's Officer where Coughlin was told to appear for the hearing called for in the NSCT's 6/7/12 Order in 60838 on such date, would be viewed as effective.

Should the Panel view the attempted service of 9/25/12 as effective, that would mean "20 days to file a verified answer or responsive pleading" would run on 9/16/12). Coughlin evinced a high level of honesty in his 10/17/12 email to Clerk of Court Peters indicating that the Proof of Service of his personally delivered Motion to Dismiss, file stamped 10/16/12, ought be corrected to indicate such was only "personally delivered" on 10/17/12, though the 10/15/12 fax by Coughlin for filing to the SBN did contain such Motion to Dismiss (at this point, Coughlin realized how utterly dishonest King and Peters were and was covering his bases by personally delivering a copy of filings that he also filed by fax (as was also the case with respect to Coughlin's 12/13/11 filing by email (with RMC Filing Officer Supervisor Donna Ballard written approval to do so) of a Notice of Appeal/Motion to Vacate Judgement of Conviction where Coughlin, sensing the dishonesty of Ballard and the RMC, also submitted such in a hard copy form, though, due to his indigency, the exhibits attached thereto were printed in a less legible four pages per page version, where Coughlin notated on such hard copy filings that he was expressly requesting the digital version (one page per page) that he filed by email be that which would be utilized in the record on appeal sent to the 2JDC, which, of course, it was not, and anyone who knows the RMC's Donna Ballard would have no problem believing that).

From: Voxox (noreply@voxox.Com)
Sent: Wed 10/31/12 4:10 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 11:10:34 PM on 2012-10-31.

From: Voxox (noreply@voxox.Com)
Sent: Mon 11/05/12 12:22 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 08:22:44 PM on 2012-11-05.

From: Voxox (noreply@voxox.Com)
Sent: Mon 11/05/12 3:20 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 11:20:08 PM on 2012-11-05.

From: Voxox (noreply@voxox.Com)
Sent: Mon 11/05/12 4:58 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).

Your Fax was delivered @ 12:58:52 AM on 2012-11-06.

From: Voxox (noreply@voxox.Com)
Sent: Mon 11/05/12 3:20 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 11:21:00 PM on 2012-11-05.

From: Voxox (noreply@voxox.Com)
Sent: Tue 11/06/12 7:37 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 03:37:20 AM on 2012-11-07.

From: Voxox (noreply@voxox.Com)
Sent: Tue 11/06/12 7:38 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 03:39:00 AM on 2012-11-07.

From: Voxox (noreply@voxox.Com)
Sent: Thu 11/08/12 4:47 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 12:47:10 AM on 2012-11-09.

From: Voxox (noreply@voxox.Com)
Sent: Fri 11/09/12 4:45 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 12:45:08 AM on 2012-11-10.

From: Voxox (noreply@voxox.Com)
Sent: Sun 11/11/12 7:33 AM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 03:33:18 PM on 2012-11-11.

From: Voxox (noreply@voxox.Com)
Sent: Sun 11/11/12 8:30 AM
To: zachcoughlin@hotmail.Com

Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 04:30:54 PM on 2012-11-11.

From: Voxox (noreply@voxox.Com)
Sent: Sun 11/11/12 10:43 AM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 06:43:32 PM on 2012-11-11.

From: Voxox (noreply@voxox.Com)
Sent: Mon 11/12/12 10:30 AM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 06:30:04 PM on 2012-11-12.

From: Voxox (noreply@voxox.Com)
Sent: Mon 11/12/12 4:59 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 12:59:16 AM on 2012-11-13.

From: Voxox (noreply@voxox.Com)
Sent: Tue 11/13/12 2:28 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 10:28:54 PM on 2012-11-13.

From: Voxox (noreply@voxox.Com)
Sent: Tue 11/13/12 2:51 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 10:51:04 PM on 2012-11-13.

From: Voxox (noreply@voxox.Com)
Sent: Fri 11/16/12 4:47 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 12:47:54 AM on 2012-11-17.

From: Voxox (noreply@voxox.Com)
Sent: Sun 11/18/12 8:43 AM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 04:43:52 PM on 2012-11-18.

From: Voxox (noreply@voxox.Com)
Sent: Sun 11/18/12 7:13 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 03:13:48 AM on 2012-11-19.

From: Voxox (noreply@voxox.Com)
Sent: Mon 11/19/12 8:10 AM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 04:10:26 PM on 2012-11-19.

From: Voxox (noreply@voxox.Com)
Sent: Mon 11/19/12 8:16 AM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 04:16:44 PM on 2012-11-19.

From: Voxox (noreply@voxox.Com)
Sent: Fri 11/23/12 4:58 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 12:58:30 AM on 2012-11-24.

From: Voxox (noreply@voxox.Com)
Sent: Fri 11/23/12 8:37 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 04:37:20 AM on 2012-11-24.

From: Voxox (noreply@voxox.Com)
Sent: Fri 11/23/12 8:45 PM
To: zachcoughlin@hotmail.Com

Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 04:45:58 AM on 2012-11-24.

From: Voxox (noreply@voxox.Com)
Sent: Mon 11/26/12 1:11 AM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 09:11:20 AM on 2012-11-26.

From: Voxox (noreply@voxox.Com)
Sent: Wed 11/28/12 3:26 AM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 11:26:48 AM on 2012-11-28.

From: Voxox (noreply@voxox.Com)
Sent: Wed 11/28/12 6:02 AM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 02:02:10 PM on 2012-11-28.

From: Voxox (noreply@voxox.Com)
Sent: Fri 11/30/12 4:38 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 12:38:36 AM on 2012-12-01.

From: Voxox (noreply@voxox.Com)
Sent: Mon 12/03/12 10:32 AM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 06:32:04 PM on 2012-12-03.

From: Voxox (noreply@voxox.Com)
Sent: Mon 12/03/12 10:37 AM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).

Your Fax was delivered @ 06:37:28 PM on 2012-12-03.

From: Voxox (noreply@voxox.Com)
Sent: Wed 12/05/12 4:13 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 12:13:24 AM on 2012-12-06.

From: Voxox (noreply@voxox.Com)
Sent: Mon 12/24/12 8:01 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 04:01:18 AM on 2012-12-25.

SBN King's 10/24/12 (well, it was **file stamped** that day, apparently, at least) **Opposition to Respondent's Motion to Bifurcate Hearing, Motion to Dismiss** reads: "Respondent, Zachary Coughlin ("Coughlin") filed a **motion asking to review and inspect bar records; Motion to Bifurcate Hearing and Motion to Dismiss**. (NOTE: here, King reveals the extent to which he later forces SBN Clerk of Court Peters to remove from the record the file stamped copy of the **Motion for Order to Show Cause** that she previously placed in the record on copied the NNDB Panel Chair Echeverria on, as Echeverria admits to in his 10/31/12 Order...its understandable why King would want such filing by Coughlin, essentially stricken (in a real under the table sort of way, naturally) as such filing by Coughlin completely destroys any assertion by the SBN or the NNDB Panel that Coughlin was served the Complaint, and also brings into view all the messy issues associated with Clerk of Court/Investigator/Paralegal/SBN Custodian of Records Laura Peters wearing so very many different hats in this formal disciplinary hearing setting) Patrick King, Assistant Bar Counsel, on behalf of the State Bar of Nevada responds as follows:

Zachary Coughlin **may inspect the evidence that the State Bar has pertaining to his discipline matters up to three (3) days prior to the hearing, pursuant to SCR 105(2)(c)**. Coughlin has been sent, via both certified and first class mail, a Notice of Hearing which was accompanied by a Designation of Witnesses and Summary of Evidence prepared by bar counsel pursuant to Supreme Court Rule. **To the extent that Coughlin wants to review the disciplinary files pertaining to his case, Bar Counsel has no objection.**

Coughlin's **Motions to and to Dismiss** must be denied as totally lacking in merit. Consistent with other pleading filed by Coughlin, the instant motion is twenty-seven (27) pages long including over one hundred (100) pages

of attached documents. Together the motions lacks merit and must be denied. The Complaint in this matter is sufficiently clear and specific as to inform Coughlin of the charges against him and the underlying conduct supporting the charges.

The Complaint includes two criminal convictions (NOTE: such sort of undermines the NNDB Panel's findings and conclusion premised upon the view that Coughlin sustained two “criminal contempt” convictions, no?) and a Court Order finding that by clear and convincing evidence Coughlin violated numerous rules of professional conduct. See SCR 105(2). (NOTE: funny, no mention of FHE2, Judge Flanagan's attorney's fee “sanction” (well, “presumably”, right? No mention of 2JDC Judge L. Gardner's stale, laches ridden Order being asserted as a basis for charging Coughlin with violations of “numerous rules of professional conduct”)

Coughlin had twenty (20) days to file a verified answer to the Complaint. Instead, Coughlin attempted to avoid service and now argues that the Complaint be bifurcated and or dismissed. Coughlin has been temporarily suspended by the Nevada Supreme Court as a result of a SCR 111 petition filed after appeal of a misdemeanor conviction. The Court referred the matter to a disciplinary panel of the Northern Nevada Disciplinary Board. The pending formal Complaint filed by the State Bar of Nevada was not based exclusively on the SCR 111 petition, but primarily from grievances filed with the Office of Bar Counsel.

Coughlin is misapplying the Court Order resulting from a SCR 111 petition. The Supreme Court said, regarding the criminal conviction, that the only thing to be decided is the discipline or penalty that should be imposed. The Court's position on this is consistent with the fact that Coughlin was found guilty beyond a reasonable doubt and therefore the State Bar need not prove that Coughlin committed the crimes. Coughlin would like that interpretation to mean that that State Bar may not bring multiple disciplinary charges against Coughlin in the Complaint. Clearly, Coughlin's interpretation is wrong. The Supreme Court in the same Order found that Coughlin is suspended pending a disciplinary hearing. (NOTE: the phrase “formal disciplinary hearing” as found in SCR 105, is absent King's restatement of the 6/8/12 Order in 60838). Coughlin's Motion to Dismiss, while largely unintelligible, is based on Coughlin's assertions that Bar Counsel failed to conduct an adequate investigation. See Motion page 16 ll 10- 12 where Coughlin argues as follows:

“So Coughlin has been and continued to tell King about the ridiculousness of the conviction and dismissal of the appeal in the criminal trespass matter, and King gets all spooked about his utter failure to investigate, and tries to jam through an SCR 111 filing while on the phone with Coughlin.” Motion page 16 ll 10-12.

This matter has been investigated. The Supreme Court in response to the first SCR 111 Petition suspended Coughlin pending disciplinary hearing. Coughlin has not filed an Answer to the Complaint. Coughlin's Motion to

Dismiss and Motion to Bifurcate should be denied. Respectfully submitted this 25th day of October, 2012. STATE BAR OF NEVADA DAVID A. CLARK, BAR COUNSEL By: /s/ Patrick O. King Assistant Bar Counsel Nevada Bar No. 5035 9456 Double R. Blvd. , Ste. B Reno, NV 89521

CERTIFICATE OF SERVICE The undersigned hereby certifies that a true and correct copy of the foregoing Opposition to Respondent's Motion to Bifurcate Hearing, Motion to Dismiss was deposited in the United States Mail at Reno, Nevada, postage fully pre-paid thereon for certified and first class mail addressed to the following: Zachary B. Coughlin 1471 E. 9th St. Reno NV 89505 DATED **this 24th** day of October, 2012. Laura Peters, an employee of the, State Bar of Nevada"

(NOTE: Just what does King mean by "**this matter**"? Such is especially inscrutable where King indicates, above, that he need not investigate anything, apparently, with respect to the "two criminal convictions" and "Court Order" which found "by clear and convincing evidence" this or that completely beyond the jurisdiction any municipal court judge of a limited jurisdiction court has, particularly where such "Order" is premised almost entirely on alleged conduct "outside the immediate presence" of "the court" (Chief Marshal Justin Roper admitted to Coughlin during a conversation with Coughlin that neither Marshal Harley, nor any other RMC Marshal, entered the restroom during the one restroom break in such 2/27/12 trial while Coughlin was using such restroom (bringing to mind the question of just how Judge Nash Holmes could possibly testify as she did, truthfully (HEARING - Vol. I, (Page 141:2 to 141:13) THE WITNESS: When the marshals came back from the restroom, they told me that Mr. Coughlin had, in fact, been recording the proceedings because he had disassembled a device and left parts of it in the bathroom. Or left -- disassembled parts of it, and then they discovered parts of it. In any case, when he was taken into custody and held in contempt of court at the jail, he had physically two recording devices on him, a cell phone -- either two cell phones or a cell phone and some other recording device. I assumed that was pieces of which he was messing with in the bathroom."))

(NOTE: Where King writes "grievances **filed with**" is sort of stretching it, King, no, where NG12-0435 (the 2JDC Judge L. Gardner "grievance" that King was forced to admit, ultimately was filed by the SBN, (ie, defensive collateral estoppel bar to King's attempts to character such as conclusive evidence, or even clear and convincing evidence of any violations of the rules of professional conduct, particularly where King's Complaint limited the use of such order to only that which is quoted therein, where the Panel's FOFCOL cited to portions thereof not so quoted in King's Complaint, where King failed to even do the whole Mirch-style incorporate by reference and attach a copy of such Order to the Complaint (wanna bet there is a reason why King failed to do so beyond his just being inordinately lazy? Like, such Order fails to find Coughlin in contempt, and is premised upon the view that Coughlin's "allegations" (NRCP 11 by way of NRS 7.085 involves "allegations", right, William L. Terry, Esq., not the "arguments" addressed in RPC 3.3's (then SCR 180) "meritorious claims" rule) were not "based in fact or law" where, ultimately, as admitted to in her 6/19/09 Final Decree of Divorce, 2JDC Judge L. Gardner (only after her Order gave WLS's Elcano a pretext to fire Coughlin) had to admit that some alimony, in fact, was appropriate (ie, hard to argue Coughlin

“vexatiously extended a proceeding” by failing to buy Springgate and Judge L. Gardner's hard sell of Springgate's “settlement proposal” wherein Coughlin's client was to waive any claim for alimony in exchange for some illusory agreement that Springgate's client would be responsible for the inflated medical debt, and third party unsecured credit card debt for which Springgate's client was the sole signatory (Coughlin provided the SBN all his filings in 53833 and 54844, which well detail the whole “domestic duty has priority over third party debt” basis in “fact and law” that should have prevented the ridiculous “sanction” by 2JDC Judge Gardner (especially where Coughlin referenced his ALR article research findings on point, where such is the majority viewpoint in American jurisprudence). Further, the problem with the since vacated FHE3 is that 2JDC Judge L. Gardner failed to find Coughlin in contempt and failed to refer the matter to the State Bar or take any “appropriate action” whilst, for about nine weeks allowing the FHE3 4/13/09 Order After Trial to stand wherein she walks the delicate line of attempting to sanction Coughlin under NRS 7.085 (which expressly incorporates NRCP 11) whilst gingerly tip-toeing around just what exactly were the “arguments” Coughlin made that were not “grounded in law or fact” (unless Judge L. Gardner wished to base such award of attorney's fees on NRS 7.085(1)(b), which is not a basis for her (per the “intent of the Legislature” expressly referenced in NRS 7.085(2) to “imposed sanctions pursuant to Rule 11 of the” NRCP as NRS 7.085(b) specifically limits the imposing of such sanctions (which, again, must be done “pursuant to” NRCP 11 (ie, with all the attendant due process trimmings provided therein (like the requirement Springgate failed to adhere to (and somehow Coughlin's objecting to Springgate violating Judge Gardner's own 2/25/12 Pre-Trial Order, and Springgate failing to file his Trial Statemet, and Springgate's failing to serve on Coughlin a “filing ready” sanctions motion and allowing the passing of the 21 day safe harbor period required under NRCP 11 prior to making such a motion for “sanctions” resulted only in Judge L. Gardner expounding upon her view that *Coughlin* (and Springgate (who, like Hill, gets all crabby when he is tuckered out and needs a juicebox, some orange wedges, and a 'lil nice R&R playing paddy cake in a sandbox somewhere every now and then to recharge his batteries (ironically. the Hill-Springgate beef of '98 rivaled Hagler Hearn's for sheer ferocity and bloodsport), check the transcript, did not move for “sanctions” (nor does the word “sanction” or “sanctions” appear anywhere in FHE3, and, in fact, FHE3 at page 6:21-23 merely indicates “...**Mr. Joshi requests reasonable attorney's fees be paid to his attorney, Mr. Springgate.**”, though page 7:17-22 does mention: “Mr. Joshi requested that Mr. Coughlin personally pay his attorney's fees **for 4.15 Hours of trial** at the rate of \$225 per hour pursuant to NRS 7.085. Mr. Springgate **testified** Mr. Coughlin had not conducted any discovery, had produced no evidence **regarding Ms. Joshi's community debts** (NOTE: how does that matter at all for these purposes?) other than her Financial Declaration on file, had presented no evidence regarding alimony, and had **acted** in a **vexatious and unreasonable manner in representing** (NOTE: it does not say “in extending”) Ms. Joshi in this divorce proceeding.”), he moved for an award of “attorney's fees”,...

And, *there is a difference* between the two upon reviewing the express language that made the final cut therein after hours and hours of wrangling in the Legislature (“ It is the intent of the Legislature that the court award costs, expenses and attorney's fees pursuant to this section and impose sanctions pursuant to Rule 11 of the Nevada Rules of Civil Procedure in all

appropriate situations to punish for and deter frivolous or vexatious claims and defenses

NRS 7.085(2) provides: “The court shall liberally construe the provisions of this section (NOTE: where “**this section**” is NRS 7.085(2), which, unlike NRS 7.085(1) does not apply to that which is referenced in NRS 7.085(1)(b), (from which Judge L. Gardner's short-lived FHE3 copied and pasted the language therefrom (well, sort of, considering she, at page 13:11-13 wrote: “**For all these reasons, the Court finds that Mr. Coughlin's presentation of the case and arguments in support thereof to be unfounded in fact, unwarranted by existing law (NOTE: at this point Judge L. Gardner conveniently omits the “or by an argument for changing the existing law that is made in good faith” language contained in NRS 7.085(1)(a), from which she nearly parrots the “well-grounded in fact or is not warranted by existing law” phraseology), **unreasonable, and vexatious throughout this entire proceeding.**”) where Judge L. Gardner's FHE3 contains only some of the words and language NRS 7.085(1)(a)-(b) includes (and the words she omitted therefrom or remixed are especially curious where such statute reads: “1. If a court finds that an attorney has: (a) **Filed, maintained or defended** (becomes “Coughlin's presentation of the case”) a civil action or proceeding in any court in this State and such action or defense is not well-grounded in fact or is not warranted by existing law **or by an argument for changing the existing law that is made in good faith**; or (b) Unreasonably and vexatiously extended a civil action or proceeding before any court in this State, the court shall require the attorney personally to pay the additional costs, expenses and attorney's fees reasonably incurred because of such conduct.”) evince a disturbing level of judicial misconduct in the willfully failing to apply the law sense of Canon 1, Rule 1.1 where (much like Judge Sferrazza taking far too many liberties in remixing the “**District** courts” in NV Const. Art. 6 Sec 6 to “**Nevada** courts” in his 12/20/12 Administrative Order 2012-01”) 2JDC Judge L. Gardner includes a not quite verbatim reproduction of NRS 7.085(a)-(b)'s language “(B) Unreasonably and vexatiously extended a civil action or proceeding before any court in this State,” language therein)**

FHE3, at page 13:11-13 reads: “**For all these reasons, the Court finds that Mr. Coughlin's presentation of the case and arguments in support thereof to be unfounded in fact, unwarranted by existing law, unreasonable, and vexatious throughout this entire proceeding.**”)

NRS 7.085(1)(a)-(b), however, **merely provides for an award of attorney's fees** (which is not a “**sanction**”, especially in the NRCP 11 context in which the only appearance of the word “sanction” appears in NRS 7.085, ie, in NRS 7.085(2)) in favor of awarding costs, expenses and attorney's fees in all appropriate situations. **It is the intent of the Legislature that the court award costs, expenses and attorney's fees pursuant to this section and impose sanctions pursuant to Rule 11 of the Nevada Rules of Civil Procedure in all appropriate situations** to punish for and deter frivolous or vexatious claims and defenses because such claims and defenses overburden limited judicial resources, hinder the timely resolution of meritorious claims and increase the costs of engaging in business and providing professional services to the public.”

That whole bit about “in all appropriate situations” in NRS 7.085(2) and the express provision that it “**is the intent of the Legislature that the court award costs, expenses and attorney's fees pursuant to this section and impose sanctions pursuant to Rule 11 of the Nevada Rules of Civil Procedure in all appropriate situations** to punish for and deter frivolous or vexatious claims and defenses” (note: “to punish for and deter frivolous or vexatious claims and defenses” fails to include therein situations where an attorney “extended a civil action or proceeding” as “claims and defense” do not encompass the “presentation of the case” Judge Gardner characterized the “most troubling aspect of this case”, that being “Mr. Coughlin's **rude, sarcastic and disrespectful presentation at trial** (NOTE: “**at trial**” necessarily is narrower than “extended a civil action or proceeding”); Mr. Coughlin's inability to understand a balance sheet; his failure to conduct discovery; and his lack of knowledge with regard to the rules of evidence and trial procedure. All of this was compounded with a continuously antagonistic presentation of the case that resulted in a shift from a fairly simple divorce case to a contentious divorce trial lasting an excessive amount of time.” (NOTE: none of that specified at p13:5-10 in any way speaks to the “claims and defense” for which the only “sanctions” Judge Gardner had any jurisdiction to enter pursuant to NRS 7.085, especially considering the marked emphasis in NRS 7.085(2) on “claims and defenses” and the absence of any reference to one's having “extended a civil action or proceeding” putting into stark relief the fact that the Legislature simply did not want to imbue the judiciary with a “sanction” guillotine for every time a judge grew impatient with an inexperienced attorney's allegedly demonstrating a “lack of knowledge with regard to the rules of evidence and trial procedure” or an “inability to understand a balance sheet” and where contempt procedures and Canon 2, Rule 2.15 are far more appropriate and safer (read: less likely to be abused and used for improper purposes, or purposes which might give the appearance of impropriety, such as occurred here where Springgate was a financial contributor to Judge L. Gardner's campaign in 2008 and WLS's Elcano touted to Coughlin the “big favor she owes me because of something” Elcano “did for her a long time ago” during the February 2009 conversation wherein Elcano relayed to Coughlin that in responding to a third party complaint made to him by CAAW's Joni Kaiser in connection with Coughlin's representation of Michelle Carnine in a TPO and divorce matter that Elcano had asked both Master Edmondson and Judge Linda Gardner as to whether Coughlin was performing satisfactorily in his role as a domestic violence attorney for WLS, and that both had given Coughlin's work a “thumb's up” (though, it seems, Coughlin's objecting to then Master Gardner's entering a “Consent Order” where no consent had been given by Coughlin's client in the Vaxevanis TPO extension hearing sufficient to transfer title to a vehicle where there exists no jurisdiction for a domestic master to make any such adjudication did not go over all that well...but, Elcano had received a “thumb's up” review from 2JDC Judge L. Gardner as to Coughlin's work before here just after the Carnine TPO hearing (whereupon CAAW's (which runs the 2JDC's TPO Office, which it apparently feels entitles it to calls for the head of a domestic violence attorney the don't particularly care for) Director Joni Kaiser “tried to tell me (Elcano) how to do my (his) job!” at which point Elcano did his due diligence and asked then Masters Edmondson and L. Gardner what they thought of Coughlin's work before them) and just before Coughlin's filings following the Vaxevanis v. Santiago TPO extension hearing:

See Caryn Sternlicht's approach at the hearing on the Objection to Master Linda Gardner's Recommendations in the the Santiago v. Vaxevanis TPO deal FV08-03380, where she filled in for Coughlin, whom took issue with then Master Linda Gardner making Orders in TPO's where opposing counsel was Richard Molezzo, Esq., That purported to rule on the title to vehicles...Despite NRS 33.018 Seeming to clearly lack any jurisdictional basis for her to do so, particularly where the vehicle was being given to the accused abuser, and further where that Order was seemingly later recharacterized as an "agreement" Uh, no. Further, then Master Linda Gardner was apparently rather upset that Coughlin pointed out that she seemed to be overstepping her jurisdiction a bit, outside of that accorded her in NRS 33.018 In a TPO wherein another local attorney, Richard Molezzo, Esq. lined up opposite Coughlin, in FV08-03380 - BRENDA SANTIAGO VS XRHSTOS VAXEVANIS:

http://www.ccwashoe.com/public/ck_public_qry_doct.cp_dktrpt_frames?backto=D&case_id=FV08-03380&begin_date=&end_date= .

However, CAAW's Joni Kaiser complained about Coughlin to WLS's Elcano following the

9/3/09 TPO Hearing in FV08-02021 - MICHELLE CARNINE OBO STORMY VS BRADLEY CARNINE(DM):

http://www.ccwashoe.com/public/ck_public_qry_doct.cp_dktrpt_docket_report?case_id=FV08-02021&begin_date=&end_date=

At which point Elcano asked then 2JDC Masters Edmondson and L. Gardner whether they approved of Coughlin's work before them, which Elcano indicated they did ("thumbs up" Elcano said, from both). So, between that 9/3/09 TPO hearing CAAW complained to Elcano about with respect to Coughlin's representation of Michelle Carnine, and the 10/30/08 Objection to then Master L. Gardner's Recommendation in the Brenda Santiago TPO matter, Elcano asked for a review of Coughlin work before her from then Master Gardner, whom Elcano claims gave Coughlin's performance a "thumbs up".

And, it was during Coughlin's February 2009 sit down with Coughlin (in response to WLS's Rhonda Harrison telling Coughlin "bite me" upon Coughlin asking her if she was the "hall monitor" upon Harrison asking Coughlin why he was using the upstairs restroom at WLS). However, it seems perhaps that Coughlin's filing in FV08-03380 - BRENDA SANTIAGO VS XRHSTOS VAXEVANIS, a TPO matter then Master L. Gardner presided over, a 10/30/08 Objection to then Master L. Gardner's 10/17/08 Master's Recommendation that, perhaps, some of the atmosphere surrounding the Joshi divorce trial from which FHE3 sprung (DV08-01168, trial held 3/12/09 and 3/17/09, FHE3 entered 4/13/09, Coughlin submitting written employment law based Complaint to Elcano on 4/19/09, WLS's Elcano suspending Coughlin on 4/20/09, Elcano firing Coughlin on 5/7/09, 2JDC Judge L. Gardner amending her 4/13/09 Order After Trial (FHE3) in her 6/19/09 Final Decree of Divorce therein **to award the very alimony** she characterized as a "**presentation** of the case and arguments in support thereof" sufficient to grant "Mr. Springgate's request that Mr. Coughlin personally pay Mr. Joshi 4.15 hours at the rate of \$225 per hour **for the cost of the trial**" (p13:11-13; rather than a "claim or defense" as provided by NRS 7.085(1)(a) and NRS 7.085(2) as the use of the term "presentation" decidedly references NRS 7.085(1)(b)'s "extended" much more than it could be said to refer to the "claims or defense" referenced in NRS 7.085(1)(a) and NRS

7.085(2), especially where the only jurisdiction to “issue sanctions” found anywhere in NRS 7.085 is in NRS 7.085(2), which relates solely to “claims and defense, not specifically excludes providing a basis for issuing “sanctions” for one's having “unreasonably or vexatiously extended a civil action or proceeding”, much less for one's “presentation of the case” or “arguments in support thereof”...further one's “arguments in support thereof” are distinct from the “claims or defenses” one pleads as well, and where the Legislature crafts a statutory remedy, it is to be strictly construed) made by Coughlin.

The “**Conclusions of Law**” section of Judge L. Gardner's (which was soon superseded by the 6/19/09 Final Decree of Divorce, which altered and amended FHE3 in vacating the attorney's fee award (which was not a sanction to begin with) and removing all the language cited to by the Panel from FHE3 as supporting its “recommendation”) FHE3's Order After Trial of 4/13/09 begins at p7:23. In Re Santosuosso makes clear that the “Findings of Fact” section is not “evidence” and therefore not admissible.

"Mr. Coughlin filed an Answer and Counterclaim on Ms. Joshi's behalf that included allegations unsupported by law; and filed an Opposition to the request for return of Mr. Joshi's passport without any factual or legal basis. Further, at trial, Mr. Coughlin presented almost no evidence to support Ms. Joshi's requests and claims." (P13:1-4)

"**For all these reasons**, the Court finds that Mr. Coughlin's presentation of the case and arguments in support thereof to be unfounded in fact, unwarranted by existing law, unreasonable, and vexatious throughout this entire proceeding. Based upon the foregoing, Mr. Springgate's request that Mr. Coughlin personally pay Mr. Joshi 4.15 Hours at the rate of \$225 per hour for the cost of the trial is GRANTED. Mr. Coughlin shall submit a check to Mr. Joshi in the amount of \$934 within 30 days of this Order." (P13:11-17).

The thing about the above portion of FHE3 is that it is rather odd considering the language of NRS 7.085(1)(a)-(b): “1. If a court finds that an attorney has: (a) Filed, maintained or defended a civil action or proceeding in any court in this State and such action or defense is not well-grounded in fact or is not warranted by existing law or by an argument for changing the existing law that is made in good faith; or (b) Unreasonably and vexatiously extended a civil action or proceeding before any court in this State,

the court shall require the attorney personally to pay the additional costs, expenses and attorney's fees reasonably incurred because of such conduct.”

FHE3 fails to comply with NRS 7.085(1)'s dictate that

"**For all these reasons**, the Court finds that Mr. Coughlin's **presentation of the case and arguments in support thereof** to be unfounded in fact, unwarranted by existing law, unreasonable, and vexatious throughout this entire proceeding.

Based upon the foregoing, Mr. Springgate's request that Mr. Coughlin personally pay Mr. Joshi 4.15 Hours at the rate of \$225 per hour **for the cost of the trial** is GRANTED. Mr. Coughlin shall submit a check to Mr. Joshi in the amount of \$934 within 30 days of this Order." (P13:11-17).

Simply put, FHE3 purports to base such attorney fee award (which is not, to be clear, a “sanction” particularly where such specifically references NRS 7.085(1)(b) as the basis, at least in part, for such attorney's fee award on both that which is covered by NRS 7.085(1)(a)

and (1)(b), however, the requirement that such attorney's fee award be limited to ordering "the attorney personally to pay...attorney's fees reasonably incurred because of such conduct".

The fact that Judge Gardner awarded attorney's fees only for the trial (every minute of the trial too, which does not comply with the dictate that such fees awarded be "reasonably incurred because of such conduct" where the "presentation of the case" (which is not exactly "conduct") Judge Gardner took issue with did not start at minute one of the 4.15 hour trial, and therefore, requiring Coughlin to pay an attorney fee award for those fees incurred right from minute one of the trial fails to comply with the dictates of NRS 7.085.

Where in Mirch the SBN attempt to characterize NRCP 11 and SCR 170 (what is presently RPC 3.1 "Meritorious Claims and Contentions"):

RPC Rule 3.1. **Meritorious Claims and Contentions.** A lawyer shall not **bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law.** A lawyer for the defendant in a criminal proceeding, or the respondent in a proceeding that could result in incarceration, may nevertheless so defend the proceeding as to require that every element of the case be established."

Groundless or frivolous claims For purposes of an award of attorney fees, under statute governing award of attorney fees, a claim is groundless if the allegations in the complaint are not supported by any credible evidence at trial. N.R.S. 18.010, Subd. 2(B). Bobby Berosini, Ltd. V. People for the Ethical Treatment of Animals, 1998, 971 P.2D 383, 114 Nev. 1348, Rehearing denied. Frivolousness of claim is determined as of time claim is initiated, rather than time of trial, for purposes of award of attorney fees to prevailing party when opposing party brings suit without reasonable grounds or to harass prevailing party. N.R.S. 18.010, Subd. 2(B). Barozzi v. Benna, 1996, 918 P.2D 301, 112 Nev. 635.

Claim is groundless and will justify award of attorney fees if complaint contains allegations which are not supported by any credible evidence at trial. Semenza v. Caughlin Crafted Homes, 1995, 901 P.2D 684, 111 Nev. 1089. If action is not frivolous when initiated, fact that it later becomes frivolous will not support award of fees.

Semenza v. Caughlin Crafted Homes, 1995, 901 P.2D 684, 111 Nev. 1089. Evidence To support award of attorney fees without regard to recovery sought, there must be evidence in record supporting proposition that complaint was brought without reasonable grounds or to harass other party. N.R.S. 18.010, Subd. 2(B). Semenza v. Caughlin Crafted Homes, 1995, 901 P.2D 684, 111 Nev. 1089.

NRS 7.085(2) does not allow for a "sanction" to be "issued" for one's "presentation" during a trial", but, rather, only for that which is set out in NRCP 11(b), which relates solely to where an attorney "by presenting to the court (whether by signing, filing, submitting, or later advocating) a pleading, written motion, or other paper," somehow violates NRCP 11(b)(1)-(4). As such, there may be no "sanction" pursuant to NRS 7.085 by way of NRCP 11 unless Coughlin is found to have "by presenting to the court "a pleading, written motion, or other

paper”, ie, there must be something on paper in the first place prior to any further analysis proceeding in a Rule 11 context.

As such, FHE3 is limited.

NRCP RULE 11. **SIGNING OF PLEADINGS**.

(b) **Representations to Court.** By presenting to the court (whether by signing, filing, submitting, or later advocating) a pleading, written motion, or other paper, an attorney or unrepresented party is certifying that to the best of the person’s knowledge, information, and belief, **formed after an inquiry reasonable under the circumstances**,—

(1) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(2) the **claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law**;

(3) the **allegations and other factual contentions have evidentiary support** or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief.

(c) **Sanctions.** If, **after notice and a reasonable opportunity to respond**, the court determines that subdivision (b) has been violated, the court may, subject to the conditions stated below, impose an appropriate sanction upon the attorneys, law firms, or parties that have violated subdivision (b) or are responsible for the violation.

(1) How **initiated**.

(A) By Motion. A motion for sanctions under this rule **shall** be made separately from other motions or requests and shall describe the **specific conduct alleged** to violate subdivision (b). It shall be served as provided in Rule 5, but **shall not be filed with or presented to the court unless, within 21 days after service of the motion** (or such other period as the court may prescribe), the challenged **paper, claim, defense, contention, allegation, or denial** is not withdrawn or appropriately corrected. If warranted, the court may award to the party prevailing on the motion the reasonable expenses and attorney’s fees incurred in presenting or opposing the motion. Absent exceptional circumstances, a law firm shall be held jointly responsible for violations committed by its partners, associates, and employees.

(B) On Court’s Initiative. On its own initiative, the court may enter an order describing the **specific conduct that appears to violate subdivision (b)** and directing an attorney, law firm, or party to show cause why it has not violated subdivision (b) with respect thereto.

(2) Nature of Sanction; Limitations. A sanction imposed for violation of this rule shall be limited to what is sufficient to deter repetition of such conduct or comparable conduct

by others similarly situated. Subject to the limitations in subparagraphs (A) and (B), **the sanction may consist of, or include, directives of a nonmonetary nature, an order to pay a penalty into court, or, if imposed on motion and warranted for effective deterrence**, an order directing payment to the movant of some or all of the reasonable attorney's fees and other expenses ***incurred as a direct result of the violation***.

(A) Monetary sanctions may not be awarded against a represented party for a violation of subdivision (b)(2).

(B) Monetary sanctions may not be awarded on the court's initiative unless the court issues its order to show cause before a voluntary dismissal or settlement of the claims made by or against the party which is, or whose attorneys are, to be sanctioned.

(3) Order. When ***imposing sanctions, the court shall describe the conduct determined to constitute a violation of this rule and explain the basis for the sanction imposed***.

(d) Applicability to Discovery. ***Subdivisions (a) through (c) of this rule do not apply to disclosures and discovery requests, responses, objections, and motions that are subject to the provisions of Rules 16.1, 16.2, and 26 through 37. Sanctions for refusal to make discovery are governed by Rules 26(g) and 37.***

DRAFTER'S NOTE; 2004 AMENDMENT; The rule is amended to conform to the federal rule, as amended in 1993, in its entirety. A cross-reference to Rules 26(g) and 37 was added to subsection (d) to clarify their application to discovery violations.

The excision of all of the portions of FHE3 cited to by the Panel in Judge W. Gardner's 6/19/09 Final Decree of Divorce makes clear all such portions cited by the Panel from FHE3 were vacated, and, as such, certainly provide no offensive collateral estoppel bar (much less admissible evidence) where FHE3 provided: "5. Preparation of the Decree - Mr. Springgate ***shall prepare the decree of divorce consistent with this memorandum decision***. Mr. Springgate shall tender his proposed decree to Mr. Coughlin, pursuant to WDCR 9, within 20 days from the date of this order." (P13:18-22).

272 A.D.2D 838, (N.Y. 2000) In re CAPOCCIA,: Civil findings of state courts may be preclusively applied in attorney disciplinary proceedings under doctrine of collateral estoppel. In determining whether doctrine of collateral estoppel applies, burden rests upon its proponent to demonstrate the identity and decisiveness of the issues, and its opponent has the ultimate burden of establishing the absence of a full and fair opportunity to litigate. Determinations in prior routine civil consumer collection actions that attorney, in defending the actions, had engaged in frivolous conduct by continuing to assert a position that was without a basis in law and which could not have been supported by a reasonable argument for extension, modification or reversal of existing law, resulting in repeated sanctions, awards of costs and counsel fees, or warnings for frivolous conduct, had collateral estoppel effect in subsequent attorney disciplinary proceeding. N.Y.Ct.Rules, § 130-1.1(C). Attorney who defended several routine civil consumer collection actions had full and fair opportunity to litigate issue of

whether he was subject to sanctions for engaging in frivolous conduct by asserting baseless positions, as required for determinations that he had engaged in such conduct to have collateral estoppel effect in subsequent attorney disciplinary case; attorney was on notice that sanctions were being sought, and it was foreseeable that such conduct could subject him to disciplinary action. N.Y.Ct.Rules, § 130-1.1(C). Fact that an attorney may be sanctioned or criticized once does not ipso facto constitute a disciplinary rule violation. Attorney's repeated sanctionable conduct of asserting defenses and counterclaims without making good-faith inquiry into their applicability to any given case as part of an intentional strategy to delay litigation and to harass his opponents in order to extract settlements in routine consumer collection cases violated disciplinary rules barring conduct prejudicial to the administration of justice, conduct adversely reflecting on fitness to practice law, harassing conduct, conduct involving dishonesty, fraud, deceit or misrepresentation, and knowingly advancing unwarranted claims or defenses. N.Y.Ct.Rules, §§ 1200.3 [DR 1-102], 1200.33 [DR 7-102]. (NOTE: as to FHE3 "Finding of Fact" (which is not "evidence" per *In re Santosuosso*) "5. Ms. Joshi requests spousal support. Specifically, Ms. Joshi requested spousal support "until her death or remarriage, whichever occurs first." (Answer, p. 3, Lines 5-6). The Court notes the following information has been provided and has been taken into consideration on this issue: Mr. Joshi is 51 years of age and Ms. Joshi is 46 years of age. The parties moved to the United States from Tanzania in 2001. 5 Ms. Joshi is a college graduate and has worked continuously since the parties moved to the United States. Ms. Joshi is presently employed by Raley's as a pharmaceutical technician and earned approximately \$29,500.00 In 2008. Ms. Joshi has testified she has raised the parties' children and thereby has foregone educational opportunities and has put her dreams aside. Mr. Joshi testified he is a high school graduate. Mr. Joshi is employed as a catering manager. In 20m3, Mr. Joshi earned approximately \$41,500.00 While working for two companies -American Bar and Restaurant and Sierra Sport Service. At trial, Mr. Joshi introduced his W-2 from American Bar and Restaurant reflecting earnings of \$4,157. (Trial Exhibit "C"); and his W-2 from Sierra Sport Service in the amount of \$37,504.18 (Trial Exhibit "D"). Mr. Joshi testified that business is slow and he is presently working for only one company -American Bar and Restaurant. Mr. Joshi testified he has only two weeks of work scheduled for March, 2009; and he filed for unemployment benefits in March, 2009. Mr. Joshi requested the Court consider his net income after deducting taxes, factor in the present \$600 per month he is presently paying for community debt, and set off any alimony responsibility by his assumption of an unequal distribution of community debt. Further, to protect Ms. Joshi in the event Mr. Joshi filed for bankruptcy, Mr. Joshi suggested that the court maintain jurisdiction over the issue of spousal support for five years." (FHE3 page 5:22-6:20) . FHE3 also contains the following "Conclusion of Law": "CONCLUSIONS OF LAW 1. Ongoing Support for the Adult Children's Education- Pursuant to NRS 125.510(9)(B), except where a contract providing otherwise has been executed pursuant to NRS 123.080, The obligation for care, education, maintenance and support of any minor child created by any order entered pursuant to this section ceases: (a) Upon the death of the person to whom the order was directed; or (b) When (Page 7) the child reaches 18 years of age if he is no longer enrolled in high school, otherwise, when he reaches 19 years of age. There has been no evidence presented by Ms. Joshi justifying a request for continuing support of the parties' adult children. As there has been no legal basis

presented to make such a finding, the Court denies Ms. Joshi's request that Mr. Joshi financially provide for the adult children's education." (Page 7:20-8:8).

Zold

Judge Linda Gardner's Order After Trial (SBN Exhibit 3 at the 11/14/12 formal disciplinary hearing) in DV08-01168, of 4/13/09 reads:

"A Complaint for Divorce was filed by ASHWIN JOSHI (hereinafter Mr. Joshi), by and through his attorney, JOHN P. SPRINGGATE, ESQ., on July 8, 2008. An Answer and Counterclaim was filed by BHARTI JOSHI (hereinafter 'Ms. Joshi'), by and through her attorney of record, ZACHARY B. COUGHLIN, ESQ., on July 18, 2008. Argument was heard on March 12, 2009 and March 17, 2009. Mr. Joshi was present and represented by John P. Springgate, Esq.; and Ms. Joshi, was present and represented by Zachary B. Coughlin, Esq., of Washoe Legal Services.

All testimony and arguments having been heard, all pleadings on file having been read, all exhibits, tapes, and notes having been reviewed, the Court finds and Orders as follows.

FINDINGS OF FACT

1. The parties were married May 11, 1987, in Bombay, India.

2. The parties have two children, both of whom are now adults. Although Mr. Yoshi has no obligation to support said children any longer pursuant to NRS 125.510(9)(b), Ms. Yoshi requests the financial assistance of Mr. Yoshi so as to provide for the children's continuing education. (Answer, pg. 2, lines 16-18).

The Court notes that on August 1, 2008, Mr. Joshi filed a 'Motion For Return Of Personal Property' requesting that Ms. Joshi return his passport, green card and social security card. On August 7, 2008, Ms. Joshi, by and through her attorney of record, Mr. Coughlin, filed an Opposition to the return of Mr. Joshi's passport citing case law involving minor children and their support. Ms. Yoshi filed said opposition while acknowledging the parties' children were both over eighteen years of age at the time. On August 18, 2008, Judge Schumacher ordered Ms. Joshi to immediately return Mr. Joshi's passport within five days.

3. There is community property to be divided.

In Mr. Joshi's Complaint filed July 8, 2008, he indicated there was community property and debts which should be divided by the Court.

Ms. Joshi filed an Answer and Counterclaim on July 18, 2008, indicating the parties' community property should be equitably divided, including Ms. Joshi's "women's wealth", the vehicles in each party's possession, the vehicles in their children's possession, and " the money the [Ms. Yoshi] earned while working for Legendary Luxury Camping Safari in Houston Texas which was automatically deposited in [Mr. Yoshi's] account every month for two and one-half years, [and] which [Mr. Yoshi] told [Ms. Yoshi] he would give to her." (Answer, pg. 2, lines 21-26).

The Court notes the following information has been provided and has been taken into consideration on this issue:

a. "Women's Wealth" Property - The parties agreed that the parties' community interest in the "woman's wealth" jewelry (location unknown) belongs to Ms. Joshi's

Exhibit"Joshi's d. Joshi. Mr. Joshi stated that he would contact his relatives, who may have some of the property, and will request its immediate return to Ms. Joshi.

b. Mr. Joshi's Vehicle - Mr. Joshi introduced evidence that the balance on his 2005 Chevrolet Blazer is \$15,009.75 as of March 6, 2009. (Trial Exhibit "A"); and Kelley Blue Book value for the Blazer is \$10,910 (Exhibit "B"). Therefore, a deficit in the amount of approximately \$4,100.00 exists on the vehicle. At the conclusion of trial, Mr. Joshi requested that he be awarded the Chevrolet Blazer. Ms. Joshi presented no evidence on this issue. **To the Court's knowledge, Ms. Joshi conducted no discovery on this issue.**

c. Ms. Joshi's Vehicle - There was no evidence introduced regarding the value of Ms. Joshi's car.

d. Son's Vehicle - Mr. Joshi testified that his adult son is presently driving the Jeep Grand Cherokee and is making the payments for the car directly to the lender, Clear Star Financial. Both parties testified that Ms. Joshi and the parties' son are named on the title. No evidence was presented regarding the balance owed on the Jeep Grand Cherokee. Ms. Joshi presented no evidence on this issue. To the Court's knowledge, Ms. Joshi conducted no discovery on this issue.

e. Daughter's Vehicle - Mr. Joshi testified that the parties' adult daughter drives and makes payments on the Honda Accord and that title is held in the name of both Mr. Joshi and the parties' daughter. Ms. Joshi testified that she made a payment of \$6,000.00 on her credit card for said automobile and the present balance on the credit card was approximately \$5,000.00. However, Ms. Joshi presented no evidence to corroborate this contention. Ms. Joshi did not specify a date on which said debt was incurred, she did not provide evidence of any payments made on said credit card, and she did not present evidence of any credit card with a balance in the amount of \$5,000.00 remaining thereon. Ms. Joshi presented no further evidence on this issue.

e. London Bank Account - Mr. Joshi testified that that he did not know if Ms. Joshi's earnings from Tanzania were placed in a London bank account. Mr. Joshi testified he did not control Ms. Joshi's money at that time. Ms. Joshi presented no evidence that her earnings were placed in a London bank account. To the Court's knowledge, Ms. Joshi conducted no discovery on this issue. f. Community Bank Accounts - Ms. Joshi testified that she requested access to the bank accounts from Mr. Joshi, but that he would not let her see the bank statements. Further, Ms. Joshi testified that she did have her own credit and she did have access to Mr. Joshi's credit card statements. There was no further evidence presented as to the community bank accounts.

4. There is community debt to be divided. The Court notes the following information has been provided and has been taken into consideration on this issue:

a. General Credit Card Debt - Mr. Joshi testified that he owes approximately \$15,650 in credit card debt (Trial Exhibit "E"), and argued the charges were incurred for community expenses, holidays, family expenses and household expenses. Ms. Joshi presented no evidence regarding community credit card debt. b. Best Buy Credit Card Debt - Mr. Joshi stated that the parties purchased a computer and T.V. at Best Buy for approximately \$1,314.00. Mr. Joshi testified Ms. Joshi has both of these items. Mr. Joshi requested he be awarded the computer presently in Ms. Joshi's possession and that she retain the T.V. Ms. Joshi presented no evidence on this issue. c. Medical Debt - Mr. Joshi testified he owes \$6,735.00 to St. Mary's Hospital for surgery in May 2008 (Trial Exhibit "F") and \$500.00 to REMSA (Trial Exhibit "G"). At trial,

Mr. Joshi offered to pay these community debts. Ms. Joshi presented no evidence that her earnings were placed in a London bank. There was no further evidence presented as to the community bank accounts. The Court notes the following information has been provided and has been taken Mr. d. "Ms. Joshi presented no evidence on this issue. To the Court's knowledge, Ms. Joshi conducted no discovery on this issue. d. Family Debt - there are two debts owing to family members or on behalf of family members that were presented at trial. Mr. Joshi introduced evidence at trial regarding a \$5,000.00 debt to Rod and Meena Fowler (Trial Exhibit "H") in the form of a letter from Rod and Meena Fowler. The letter states that the parties owe money in the amount of \$6,000.00, which was "long overdue" by approximately six (6) years, for money loaned to Mr. Joshi's mother when she was ill. The letter references a "copy of your letter agreeing to pay us back", but did not attach a copy of said letter. At trial, Mr. Joshi testified that he did not have a copy of the referenced letter. Ms. Joshi testified that this debt was "made up." Mr. Joshi testified regarding a debt of approximately \$5,000 owing to a family member by the name of Ashik Nanaby (sp?), for buying plane tickets for the Joshi family to come to the United States in 2001. Ms. Joshi testified that she could not obtain any information regarding this debt as the other party "wanted to stay out of the divorce." At trial, Mr. Joshi offered to pay these community debts. e. General Community Debt - Mr. Joshi testified that he pays approximately \$600 per month for community debts, excluding his car and insurance. Ms. Joshi presented no evidence regarding general community debt. Mr. Joshi offered to pay the community debt in his name that he had been paying and take an unequal division of community debt. 5. Ms. Joshi requests spousal support. Specifically, Ms. Joshi requested spousal support "until her death or remarriage, whichever occurs first." (Answer, p. 3, lines 5-6). The Court notes the following information has been provided and has been taken into consideration on this issue: Mr. Joshi is 51 years of age and Ms. Joshi is 46 years of age. The parties moved to the United States from Tanzania in 2001. \$4,157. C"); Ms. Joshi is a college graduate and has worked continuously since the parties moved to the United States. Ms. Joshi is presently employed by Raley's as a pharmaceutical technician and earned approximately \$29,500.00 in 2008. Ms. Joshi has testified she has raised the parties' children and thereby has foregone educational opportunities and has put her dreams aside. Mr. Joshi testified he is a high school graduate. Mr. Joshi is employed as a catering manager. In 20m3, Mr. Joshi earned approximately \$41,500.00 while working for two companies - American Bar and Restaurant and Sierra Sport Service. At trial, Mr. Joshi introduced his W-2 from American Bar and Restaurant reflecting earnings of \$4,157. (Trial Exhibit "C"); and his W-2 from Sierra Sport Service in the amount of \$37,504.18 (Trial Exhibit "D"). Mr. Joshi testified that business is slow and he is presently working for only one company - American Bar and Restaurant. Mr. Joshi testified he has only two weeks of work scheduled for March, 2009; and he filed for unemployment benefits in March, 2009. Mr. Joshi requested the Court consider his net income after deducting taxes, factor in the present \$600 per month he is presently paying for community debt, and set off any alimony responsibility by his assumption of an unequal distribution of community debt. Further, to protect Ms. Joshi in the event Mr. Joshi filed for bankruptcy, Mr. Joshi suggested that the court maintain jurisdiction over the issue of spousal support for five years. 5. Ms. Joshi requests reasonable attorney's fees be paid to Washoe Legal Services for the services of Mr. Coughlin. Mr. Joshi requests reasonable attorney's fees be paid

to his attorney, Mr. Springgate. The Court notes the following information has been provided and has been taken into consideration on this issue: On July 18, 2008, Mr. Coughlin filed a Statement of Legal Aid Representation which states Defendant is receiving "free legal assistance" from Washoe Legal Services pursuant to NRS 12.015.

client ""CONCLUSIONS OF LAW On October 3, 2008, Judge Jordan presided over the parties' Case Management Conference. At that hearing, the parties were unable to reach a settlement. Further, on March 12, 2009, Judge Gardner conducted a Settlement Conference for approximately one and one-half hours, prior to starting the trial at approximately 3:00 pm. The parties did not agree on settlement and trial was commenced. In his closing argument at trial, Mr. Coughlin, on behalf of Ms. Joshi, stated that he did not understand and could not agree with equalizing debt when one party ended up with a nicer car. He stated that he had "crunched the numbers" and could not see it the other way. Mr. Coughlin cited an ALR article regarding community debt and stated his client "does not have much for the creditors to take." He requested that his client assume one-half the community debt and that the Court find Plaintiff's two \$5,000 debts to family members and friends as Mr. Joshi's separate debts. Mr. Coughlin stated his client is being asked to "foot the bill" for Plaintiff's debts and referenced that Ms. Joshi is a caring and committed mother. Mr. Joshi testified that he had paid Mr. Springgate \$4,000.00 since July, 2008, for attorney's fees and costs. Mr. Joshi requested that Mr. Coughlin personally pay his attorney's fees for 4.15 hours of trial at the rate of \$225 per hour pursuant to NRS 7.085. Mr. Springgate testified Mr. Coughlin had not conducted any discovery, had produced no evidence regarding Ms. Joshi's community debts other than her Financial Declaration on file, had presented no evidence regarding alimony, and had acted in a vexatious and unreasonable manner in representing Ms. Joshi in this divorce proceeding.

CONCLUSIONS OF LAW 1. Ongoing Support for the Adult Children's Education- Pursuant to NRS 125.510(9)(b), except where a contract providing otherwise has been executed pursuant to NRS 123.080, the obligation for care, education, maintenance and support of any minor child created by any order entered pursuant to this section ceases: (a) Upon the death of the person to whom the order was directed; or (b) When if Pursuant Putterman v. Putterman, a. "Women's Wealth" - The parties have agreed that the parties' Joshi's Mr. 10,910.00but Joshi's the child reaches 18 years of age if he is no longer enrolled in high school, otherwise, when he reaches 19 years of age. There has been no evidence presented by Ms. Joshi justifying a request for continuing support of the parties' adult children. As there has been no legal basis presented to make such a finding, the Court denies Ms. Joshi's request that Mr. Joshi financially provide for the adult children's education. 2. Community Property/Debt - Pursuant to NRS 125.150(1) (b) and v. 113 Nev. 606, 939 P.2d 1047 (1997), in granting a divorce, the Court shall ensure an equal disposition of the community estate, absent compelling reasons justifying an unequal distribution. The Court must make written findings as to why such a division is appropriate. a. "Women's Wealth" - The parties have agreed that the parties' community interests in the "women's wealth" belongs entirely to Ms. Joshi according to their customary beliefs, and thereby should be declared her sole and separate property. As such, Mr. Joshi is ordered to contact any and all relatives who may have this property and immediately return said property to Ms. Joshi as soon as possible. b. Mr. Joshi's Vehicle - The 2005 Chevrolet Blazer shall be

considered Mr. Joshi's sole and separate property. Mr. Joshi shall be responsible for the debt remaining thereon. As the car is worth \$10,910.00 but there is \$15,009.75 due and owing on said car, the Court will consider Mr. Joshi's assumption of this asset as an undertaking of community debt of approximately \$4,100.00. c. Ms. Joshi's Vehicle - Ms. Joshi's car shall be considered her sole and separate property. Ms. Joshi shall be responsible for any debt remaining thereon. As there was no evidence presented as to its value (either positive or negative), the Court is unable to determine a value for this community asset. d. Son's Vehicle - As the only evidence presented on this issue was the fact that the parties' adult son drives this vehicle and makes the payments thereon, this asset will not be divided among the community. h. 1. Television - J. k. e. Daughter's Vehicle - The only evidence presented on this issue was the fact that the parties' adult daughter drives this car and makes payments thereon. Ms. Joshi presented no evidence of a balance owing on the car or its fair market value. Thereby, this car will not be divided as a community asset. f. London Bank Account - there was no evidence presented to the Court verifying said bank account exists. As such, there is no factual basis to support an order dividing it as a community asset. g. Community Bank Accounts - there was no evidence presented as to the existence of community bank accounts. As such, there is no factual basis to support an order dividing it as a community asset. h. Computer - Mr. Joshi is awarded the computer purchased at Best Buy. Ms. Joshi shall deliver said computer to Mr. Springgate's office on or before Friday, April 17, 2009, at 5:00pm. 1. Television Ms. Joshi is awarded the television purchased at Best Buy. It is the Court's understanding this television is currently in Ms. Joshi's possession. J. General Credit Card Debt - The evidence presented indicates a general debt of approximately \$15,650.00 which has been expended for community purposes. Mr. Joshi agreed to be responsible for this debt at trial. As such, Mr. Joshi shall be solely and separately responsible for this debt. Best Buy Credit Card Debt - The evidence presented indicates there is a debt of approximately \$1,314.00 outstanding for the purchase of the television and computer. Mr. Joshi agreed to be responsible for this debt at trial. As such, Mr. Joshi shall be solely and separately responsible for this debt. 1. Mr. 3. Support- divorce." 196954 37,39 1. Medical Debt - As Mr. Joshi has offered to pay these debts, he shall be solely and separately responsible for the payment of \$6,735.00 to St. Mary's Hospital; and \$500.00 to Remsa. m. Family Debt - There was no documentary evidence presented as to the debt owing to Ashik Nanaby (sp?) for buying plane tickets for the Joshi family. Further, as the only evidence provided regarding the \$5,000.00 debt to Rod and Meena Fowler indicates said debt was incurred for the benefit of Mr. Joshi's mother. As Mr. Joshi has agreed to take on both of these debts, they shall henceforth be his sole and separate responsibility. n. General Community Debt - There was no evidence other than testimonial evidence to establish community debts. As Mr. Joshi has offered to pay any remaining community debt in his name that is hereafter outstanding, said debt shall be the sole and separate responsibility of Mr. Joshi. The Court notes Mr. Joshi has likely incurred an unequal distribution of the community debt in this case. The Court finds his testimonial acquiescence at trial to take on this debt is a compelling reason to make an unequal distribution of the community debt. 3. Spousal Support - The statutory mandate for alimony is that it be "just and equitable." NRS 125.150(1)(a). Alimony is an equitable award to serve the post-decree needs and rights of the former spouse. Wolff v. Wolff, 112 Nev. 1355, 929 P.2d 916 (1996). Although post-decree incomes need not

be equalized, in marriages of some duration, alimony may be used to narrow large gaps between the post-divorce earning capacities of the parties and to allow the recipient spouse to live" as nearly as possible to the station in life enjoyed before the divorce. " Shydler v. Shydler, 114 Nev. 192, 196 954 P.2d 37, 39 (1998). The individual circumstances of each case will determine the appropriate amount and length of any alimony award. Id. 8), 8) 2,458 2008, 8)(8) (8)(8)(Fees- 1998).) 18.010(the... 7.085, Pursuant to NRS 125.150(B), there are eleven (11) factors the court shall consider in awarding alimony. Ms. Joshi presented no evidence in support of her request for alimony other than her own testimonial evidence that she raised the parties' children, had foregone educational opportunities, and put her dreams on hold while married. Ms. Joshi testified that she is healthy and has always worked. There was no reference to any of the eleven factors in NRS 125.150(B) in Ms. Joshi's presentation and argument in support of an award of spousal support. The Court finds that the parties presently earn approximately the same amount, Ms. Joshi earns \$2,450 per month and Mr. Joshi earned approximately \$3,125 per month in 200B, but testified he is working substantially less in 2009 and has filed for unemployment benefits the beginning of March 2009. (See NRS 125.150(B) (a)). The parties have been married 21 years and Ms. Joshi has always been employed during that time. (See NRS 125.150(B)(d)).

Ms. Joshi obtained a college degree prior to marriage and Mr. Joshi has a high school degree. (See NRS 125.150(B)(h)). Both parties are healthy and able to work. (See NRS 125.150(B)(k)). Based upon the evidence presented and the applicable law, this Court does not believe Ms. Joshi is entitled to an award of alimony. 4. Attorney's Fees - This Court enjoys discretion to award attorney's fees in a divorce action. (See NRS 125.150(3); Love v. Love, 114 Nev. 572, 959 P.2d 523 (199B).) Also, pursuant to NRS 1B.010(2)(b), the court has authority to order attorney's fees "when the court finds that the ... defense of the opposing party was brought or maintained without reasonable ground or to harass the prevailing party." Finally, pursuant to NRS 7.0B5, if a court finds that an attorney has: (a) filed, maintained or defended a civil action or proceeding in any court in this State and such action or defense is not well-grounded in fact or is not warranted by existing law or by an argument for changing the existing law that is made in good faith; or (b) unreasonably and vexatiously extended a civil action or proceeding Mr. Joshi stating""I could discovery Coughlin before any court in this State, the court shall require the attorney personally to pay the additional costs, expenses and attorney's fees reasonably incurred because of such conduct. At trial, Mr. Springgate stated that Mr. Coughlin had conducted no discovery in this case. In addition, Mr. Coughlin failed to present one documentary piece of evidence at trial on behalf of Ms. Joshi's claims. Mr. Coughlin argued incessantly with the Court throughout trial and made sarcastic, derogatory remarks to the Court, Mr. Springgate, and Mr. Joshi throughout trial. The Court notes that there were well over 40 objections during four (4) hours of trial. Mr. Springgate's objections were well-founded and continuously sustained except in one instance. Mr. Coughlin was overruled on every objection except one and argued with the Court over most rulings. Mr. Coughlin was admonished approximately 15 times by the Court to quit arguing, to ask specific questions, to discontinue asking questions calling for a legal conclusion, and to refrain from making degrading remarks to both Mr. Joshi and Mr. Springgate. The Court notes that at one point, after an exhibit had been admitted, Mr. Coughlin could not find the copy provided by Mr. Springgate in discovery.

Mr. Coughlin demanded a copy be provided at trial, stating " am I supposed to be rifling through my papers? My understanding is that you are supposed to provide a copy." When asked if he had the copy of the document, Mr. Coughlin stated, "I do not know. I could spend my time and mental energy looking around for Mr. Springgate's document like I am his assistant, or we could ask Mr. Springgate to provide a copy at the time he is seeking admission like I believe the rule states." Mr. Coughlin **cited no rule** and then proceeded to interrupt the proceedings twice approximately five (5) minutes and twelve (12) minutes post ruling to **re-argue the point**. Mr. Springgate replied to the arguments by referencing when exactly the copy had been provided to Mr. Coughlin during discovery and where the copy could be located. The Court had to admonish Mr. Coughlin to quit arguing the point and reiterate that the exhibit had been admitted. Mr. Coughlin filed an Answer and Counterclaim on Ms. Joshi's behalf that included allegations unsupported by law; and filed an Opposition to the **request for return of Mr. Joshi's passport without any factual or legal basis**. Further, at trial, Mr. Coughlin presented **almost no evidence** to support Ms. Joshi's requests and claims. The most troubling aspect of this case was Mr. Coughlin's rude, sarcastic and disrespectful presentation at trial; Mr. Coughlin's inability to understand a balance sheet; his **failure to conduct discovery**; and his **lack of knowledge with regard to the rules of evidence and trial procedure**.

All of this was compounded with a continuously antagonistic presentation of the case that resulted in a shift from a fairly **simple** divorce case to a contentious divorce trial lasting an excessive amount of time. For all these reasons, the Court finds that Mr. Coughlin's presentation of the case and arguments in support thereof to be unfounded in fact, unwarranted by existing law, unreasonable, and vexatious throughout this entire proceeding. Based upon the foregoing, Mr. Springgate's request that Mr. Coughlin personally pay Mr. Joshi 4.15 hours at the rate of \$225 per hour for the cost of the trial is GRANTED. Mr. Coughlin shall submit a check to Mr. Joshi in the amount of \$934 within 30 days of this Order. 5. Preparation of the Decree Mr. Springgate shall prepare the decree of divorce consistent with this memorandum decision. Mr. Springgate shall tender his proposed decree to Mr. Coughlin, pursuant to WDCR 9, within 20 days from the date of this order. GOOD CAUSE APPEARING, IT IS SO ORDERED."

The February 23rd, 2009 Hearing on the Objection to Master Gardner's Recommendations that Coughlin filed (relating to Master Gardner giving a car and or that car's title to the individual Coughlin's client sought protection from, despite their apparently having a shared interest therein, and there being a legitimate dispute as to the documentation, and the fact that a TPO Hearing is not the appropriate setting for such subject matter, especially where Master Gardner lacked jurisdiction to rule as she did.

See Coughlin's 11/27/12 filing in 62104 (Docket 62104 Document 2012-37363):
"Supplemental to 11 23 12 correspondence regarding discovery in Joshi 54844, April 2009 Order sanctioning Coughlin

From: Zach Coughlin (zachcoughlin@hotmail.com)
Sent: Sun 11/25/12 1:41 AM

To: (skent@skentlaw.com) (skent@skentlaw.com); (je@eloreno.com) (je@eloreno.com);
(patrickk@nvbar.org) (patrickk@nvbar.org); (eifert.nta@att.net) (eifert.nta@att.net);
(cvellis@bhfs.com) (cvellis@bhfs.com); (jgarin@lipsonneilson.com) (jgarin@lipsonneilson.com);
(pelcano@washoelegalservices.org) (pelcano@washoelegalservices.org);
(linda.gardner@washoecounty.us) (linda.gardner@washoecounty.us)

1 attachment

03018 to 03041 Judge Linda Gardner listed by SBN King as greivant in ng12-0435 fyi prosecutorial misconduct blog smaller size.pdf (10.5 MB)

I believe I informed WLS of this previously, but I did try to have discovery send out in Joshi, but Deborah Pringle and then WLS Office Manager Robin Kunce indicated it would take something on the order of six weeks to get a check cut for anything, such as for witness fees or those associated with a subpoena duces tecum, and the Trial of March 12th, 2009 in Joshi was not far out enough to account for such an unanticipated indication from WLS as to what would be required to conduct what Judge Gardner indicated in her April 2009 Order as the sort of discovery she felt would be necessary to rebut an inference of vexatiousness for not immediately caving to Mr. Springgate's Siragusa argument. Further, it was never my understanding that either Ms. Santiago or myself "agreed" to then Master Gardner entering an Order "resolving" the dispute as to the car title in the Temporary Protection Order hearing in Santiago v. Vaxevanis.

What is interesting is that, on one hand, Mr. Elcano is being told to fire me or else by CAAW and Tahoe Women's Services for allegedly not being zealous enough in advocating their agendas, er, for the victims of domestic violence in the Carnine and Haubl matters, , Further, in early January 2009, WLS's Rhonda Harrison is saying "eat me" to Coughlin when he attempts to use the upstairs restroom at WLS. Coughlin sends a written complaint about that to Mr. Elcano, and he holds a meeting with Coughlin which results in, as Mr. Elcano testified at the Disciplinary Hearing, his "standing by my employee". It would seem true that Mr. Elcano did just that, at that time (ie, stand by his employee, Coughlin). In fact, it was during a **face to face meeting with Coughlin in February 2009 or so that Elcano told Coughlin about the appraisals of Coughlin's work by Judge Gardner and Master Edmondson, with both, essentially, giving Coughlin a "thumb's up" review** (ie, good enough work not to be fired, etc.). It was at that point that **Mr. Elcano casually mentioned that he had done something in the past for Judge Gardner** (it didn't sound as ominous coming from Paul as it does when I write it...) **and that, essentially, that was some indicia of reliability as to Judge Gardner's candor to Elcano in assessing Coughlin's work at that time, and therefore, Mr. Elcano was reinforced in his belief in his position that it would be inappropriate to let CAAW and Tahoe Women's Services, essentially, tell him who to fire or not.**

But the irony is that I was fired, according to Mr. Elcano's letters to me of May 1, 2009 and May 7, 2009 because of the April 13th, 2009 Order by Judge Linda Gardner finding my conduct at trial to be vexatious. It is inaccurate and overly convenient to now attempt to remix that assessment, as Mr. Elcano did in his testimony on 11/14/12 to indicate my advocacy was merely 'incompetent'. Further, testimonial evidence is evidence, as such, Judge Gardner's Order is inaccurate to the extent it suggests no evidence was put on as to, say a Tonopah formula approach is determining the alimony question. Whereas Judge Gardner found I advocated too zealously on behalf of a battered woman (to the point of vexatiousness, no less), Tahoe Women's Services and CAAW had, in close proximity and previous to Judge L. Gardner's April 2009 Order, complained that I did not advocate strenuously enough, apparently (Mr. Elcano has refused to release those writings to me).

Tahoe Women's Services (which apparently changed its name to something less gender polarizing upon Coughlin's critique thereof, as it is now known as Crisis Intervention Services)

provided a written complaint about Coughlin's performance to Elcano in FV08-02254 - PAOLA C. PEREZ HAUBL VS. ANDREW A. CRAIG. Coughlin hereby requests, again, a copy thereof.

Likewise, the Committee to Aid Abused Women (CAAW) (no name change as of yet) complaint in writing to Elcano about Coughlin with respect to his representation of Michelle Carnine in a TPO and or divorce matter. Coughlin hereby requests a copy of any written complaints submitted by anyone with respect to either of those Carnine matters:

CASE NO. FV08-02021 MICHELLE CARNINE OBO STORMY VS. BRADLEY CARNINE

CASE NO. DV08-01532 MICHELLE CARNINE VS. BRADLEY CARNINE

The funny thing is, for prosecutors (and see Judge Gardner's apparent "FYI" correspondence to the State Bar of Nevada's Pat King in NG12-0435, date stamping indicating Judge Linda Gardner as the grievant, and the blog entry related to prosecutorial misconduct being taken note of place directly after the date stamped folder name listing Judge L. Gardner as the grievant in that 0435 case...with both Judge L. Gardner and her brother, RMC Judge W. Gardner being lifelong prosecutors before taking the bench, like most judges in Washoe County, though they are two of the rare exceptions who did not go to McGeorge).

Some might say the District Attorney and Reno City Attorney Offices influence as prosecutors extends to the District, Justice, and Municipal Courts to an impermissible extent...and now, with the firing of Coughlin from Washoe Legal Services, and the entering into the Early Case Resolution (ECR) contract between the WCDA's Office and WLS to deliver some sort of approach that some say violates the Sixth Amendment, local legal aid is impermissibly influenced by local prosecutors, so much so that, regardless of what the legislature may enact (often in response to the tireless advocacy by those such as WLS's Jon Sasser, especially regarding AB226 in the landlord tenant context along with Coughlin's Boyd School of Law early, unaccredited days, classmates, Assemblymen William Horne and Jason Frierson, in conjunction with Tik Segerblom). A quick look at a retaliatory arrest and eviction of Coughlin this year reveals a disturbing pattern of the local judiciary being overly influenced by the prosecutor's office, and taking a markedly laissez faire approach to prosecutorial misconduct, in marked contrast to the seemingly overly aggressive approach by lifelong prosecutor's turned judges RMC Judge Nash Holmes, RMC Judge Kenneth Howard, RMC Judge William Gardner, and Second Judicial District Court Judge Linda Gardner in "protecting the public" from the work of one Zachary Barker Coughlin, Esq. (whom has held himself out as an attorney who takes on cases of prosecutorial and police misconduct...a type of attorney whom the SBN's Patrick O. King seems to have carved out a specialty in prosecuting, right, James Andre Boles, Esq, the attorney whom has most consistently sued local law enforcement for wrongful arrest and other police misconduct, just now being harassed by the SBN in In Re the Discipline of James Andre Boles, Esq.? Is SBN Bar Counsel Patrick O. King, Esq. putting in work for prosecutors and police alike?):

<http://caseinfo.nvsupremecourt.us/public/caseView.do?csIID=29336>

Further, during the numerous retaliatory prosecutions this year of Coughlin, a multitude of prosecutorial misconduct has been apparent, including DDA Zach Young (McGeorge '04) making argument in filings with the Reno Justice Court in RCR2011-063341 that alleged communications between ECOMM/911 dispatch and the RPD in relation to the arrest of 8/20/11 (the one that started the entire 16 month ordeal off) that contained communications from dispatch to the RPD of "a possible fight", which DDA Young and RPD Officer Nick Duralde (whose wife, Jessica Duralde was working that night at a 911 dispatcher and whose voice may be on the tapes only released by Reno City Attorney Skau on 11/13/12 incident to an Emergency Hearing on Motions to Quash Coughlin's

subpoenas (and, really, Judge Sferrazza admitted later that the hearing was also based on Motion to Quash that were not even filed, but rather just a sua sponte overall intention by Judge Sferrazza, the longest tenured Mayor in Reno's history, a former Chairman, Vice-Chairman and Washoe County Commissioner from 1998-2007, to Quash pretty much every subpoena Coughlin drafted in any way related to anyone in government).

The prosecutorial misconduct has been detailed at length in Coughlin's filing with the Nevada Supreme Court this year, save, perhaps the new instances where DDA Young's assertions of dispatch alerting RPD Officers of "a possible fight" prior to their arriving to respond on 8/20/11 (and the utility thereof incident to the Hearing on Coughlin's Motion to Suppress) has been thoroughly disproved by City Attorney Skau's only finally releasing those tapes on 11/13/12, after he secured Coughlin's attendane at a Hearing on his Motion to Quash Subpoenas by alleging the court had granted him the power to effect service thereof by emailing Coughlin (and Coughlin SBN form Disciplinary Hearing was held the next day 11/14/12, where Judge Linda Gardner's bailiff was assigned to the affair, the same bailiff present at the April 12th, and 17th, 2009 Trial dates in the Joshi matter that became 60302 and 54844. Judge Gardner's brother also refused to recuse himself from the criminal trespass prosecution of Coughlin incident to an arrest at his former home law office. Coughlin has detailed the prosecutorial misconduct of City Attorney's Roberts (in 60838) and Hazlett-Stevens (in 61901) in addition to that of DDA Zach Young (three different prosecutions, each one more retaliatory than the last) and the multitude of violations of the stay required by NRS 178.405 (in consideration of NRS 5.071, especially).

Sincerely,

Zach Coughlin
1471 E. 9th St.
Reno, NV 89512
Tel and Fax: 949 667 7402
ZachCoughlin@hotmail.com”

And in case anyone it wondering, if Coughlin is returned his law license in Nevada, no, he will not continue to go against the grain as he apparently has thus far in his career, at least at certain times, but will dutifully cower in fear of all the vindictive and bullying members of the judiciary like most every other attorney puttin' in work these

days for the legal system, er, for their clients, er, well, you get the idea until such times as he possesses the sort of Ocean Spray levels of juice to get away with actin a fool on the order of magnitude of a John P. Springgate, Richard G. Hill, or Paul Elcano, whereupon he will throw Motley Crue no brown M&M's rider mandate levels of tantrums sufficient to honor his Hale Lane, er, Holland & Hart roots (you don't know from fun until you have kicked it with a guy who wrestled for the Citadel, seriously, some Eastern European WAC school tennis hall of famer who would marry someone just because they happened to have the same last name as a named partner, and a bevy of USC grads during the crest of the obnoxious Leinart/Bush years. Put it this way: when Patricia Halstead is the “nice one”, yer in the jungle, baby, and yer gonna dieeeeeeeeeeeeeee!!!

(and, under Breliant Judge Gardner's “adjudicatory boundaries” were limited to the referenced NRS 7.085, particularly where such FHE3 contained nothing in the way of a reference to the court's “inheret authority” or WDCR 21, much less NRS 18.010(2)(b))

anywhere in NRS 7.085 must necessarily related (given the “and imposed” “ make clear that a judge finding that an attorney simply “unreasonably and vexatiously extended a civil action or proceeding before any court in this State” (much less that “Mr. Coughlin's presentation of the case” (p13:11) “resulted in a shift from a fairly simple divorce case to a contentious divorce trial lasting an excessive amount of time” (p13:9-10) is simply not an “appropriate situation” for her to “impose sanctions” give the fact that NRS 7.085(2) specifically includes the language in NRS 7.085(1)(a) where it fails to so include the language in NRS 7.085(1)(b)

(B) Unreasonably and vexatiously extended a civil action or proceeding before any court in this State,

NRS 7. 085. Payment of additional costs, expenses and attorney's fees by attorney who files, maintains or defends certain civil actions or extends civil actions in certain circumstances

1. If a court finds that an attorney has:

(a) Filed, maintained or defended a civil action or proceeding in any court in this State and such action or defense is not well-grounded in fact or is not warranted by existing law or by an argument for changing the existing law that is made in good faith; or

(b) Unreasonably and vexatiously extended a civil action or proceeding before any court in this State,

the court shall require the attorney personally to pay the additional costs, expenses and attorney's fees reasonably incurred because of such conduct.

2. The court shall liberally construe the provisions of this section in favor of awarding costs, expenses and attorney's fees in all appropriate situations. It is the intent of the Legislature that the court award costs, expenses and attorney's fees pursuant to this section and impose sanctions pursuant to Rule 11 of the Nevada Rules of Civil Procedure in all appropriate situations to punish for and deter frivolous or vexatious claims and defenses because such claims and defenses overburden limited judicial resources, hinder the timely resolution of meritorious claims and increase the costs of engaging in business and providing professional services to the public.

(See 60302, 60317) Coughlin actually just grew tired of the double standard Elcano subjected Coughlin to daily at WLS (Sternlicht can behave in as outrageously offensive and caustic manner as she please...Coughlin needs to follow a dress code, whip up a Petition to challenge the Board of Equalization's ruling that non-profit WLS must pay its for profit landlord's property taxes in the days preceding the very trial from which 2JDC Judge L. Gardner's FHE3 Order stems, etc., and the minute Coughlin voices any annoyance with not being given the raise promised upon his being employed at WLS for one years time (where Coughlin had been employed 18 months by that point), WLS, rather than address the reasons behind WLS President Kathleen Breckenridge ordering and obtaining a copy of the FV09-00886 TPO hearing wherein Coughlin, representing a, gasp, *male* victim of domestic violence (see 60302, 60317 for details on Sternlicht declaring to an assembly of dv victims (that

included two men) at a clinic that “men cannot be victims of domestic violence” for an idea of why WLS would prefer to jump on the pretextual “Judge L. Gardner's 4/13/09 Order After Trial entitles us to fire you”-train, instead of address WLS Breckenridge's obtaining a copy of the recording (as noted in the docket in such case) of the 3/12/09 TPO hearing prior to the entry of such FHE3 Order by 2JDC Judge Gardner (the docket notes that Breckenridge, apparently in response to Complaints by the same CAAW run 2JDC TPO office, that Coughlin sued in 60317, obtained a copy of such TPO hearing wherein Coughlin represented a male victim of domestic violence whom was beaten with an alarm clock swung repeatedly from its cord, on 4/10/09, compared to the 4/13/09 entry date of Judge L. Gardner's FHE3 Order After Trial).

And, actually, hey, 3/12/09, that's the same day as the first day of trial in the DV08-01168 divorce trial wherein John Springsnake, er, John Springgate, Esq., himself “violated procedural rules” in failing to have his “more than ten exhibits indexed, bound, and tabbed”, and provide a copy of such to Coughlin, prior to the trial (as required by Judge L. Gardner's 2/25/09 Pre-Trial Order), in addition to failing to abide by NRCP 11's requirement that a “filing ready” 21 day safe harbor motion be served on Coughlin prior to Springgate moving for NRS 7.085 sanctions (which Springgate did, in his *closing arguments*, during the second day of the divorce trial in DV08-01168, which occurred on 3/17/09, (ie, two judicial days apart were the two trial dates in that divorce case, contrary to WLS Elcano sworn testimony and his “not in the heat of battle” commentary in his termination letter to Coughlin of 5/7/09 (HEARING - Vol. I, (Page 112:1 to 112:8) And one of the things that was relevant there is that this hearing took place in two sections; I want to say they were a week or ten days apart. And the conduct and the criticisms of the conduct by the judge in the first hearing, Mr. Coughlin came back and behaved exactly the same way in the second hearing, he had not heeded anything the judge had told him...”), where such three year old Order was provided to him by RMC Judge Nash Holmes upon her receiving it from RMC Administrative Judge W. Gardner, whom admitted to Coughlin, finally, during RMC Judge W. Gardner refused to recuse himself from the criminal trespass trial stemming from Hill's burglary of Coughlins' former home law office and Hill's concomitant false statements to a police officer to effect a wrongful arrest (see 61901), failed to disclose 2JDC Judge L. Gardner is his sister despite prompting on during a 2/2/12 hearing in that criminal trespass case, violated NRS 178.405 on during the 4/10/12 trial and hearing he held, wherein, finally, after serious prompting, he disclosed his that 2JDC Judge L. Gardner is his sister, though he did indicate that it was “the first time I have hear of that” upon being informed that RMC Judge Nash Holmes had passed the very Order by his sister that RMC Judge Gardner admitted to taking from his sister and distributing to his fellow RMC Judges, on to the SBN), King was forced to admit (and Clerk of Court/Investigator Peters shady and sneaky commentary during a 10/15/12 conversation with Coughlin is absolutely hysterical in this regard, as is King's during the 3/26/12 in person meeting with Coughlin, the 7/10/12 in person

meeting with Coughlin, the 8/13/12 in person meeting with Coughlin and Bar Counsel David Clark, and the conversation between King and Coughlin in June 2012, and 10/12/12 and 10/15/12...if only there was a verbatim transcript of such conversations...would that not be interesting, right?)

13 HEARING - Vol. I, (Pages 244:16 to 270:11)

MR. ECHEVERRIA: Let me ask you a question, sir. On August 23rd the State Bar sent by certified mail and first class mail a copy of the complaint. You were offered 20 days to respond. The rules require a response or an answer verified within 20 days. That apparently didn't arrive.

I then entered an order granting you until Friday, February 9th -- I'm sorry, November 9th at 5:00 P.M. to file a verified answer or response.

Do you claim to have filed such a verified answer or response?

MR. COUGHLIN: I'm not sure. I believe that calls for a legal conclusion. I don't know that I know exactly what technically a verified answer response means. I think a motion to dismiss might qualify as that.

MR. ECHEVERRIA: Do you understand what a verified response is?

MR. COUGHLIN: It's something I would like to do more research on. I would imagine it involves a declaration or maybe an affidavit. But then that gets into the extent to which pro se for self-representing parties -- and Judge Nash Holmes purported to do this, where she tried to make those representing themselves be subject to sworn testimony to one extent or another, although she was very --

MR. ECHEVERRIA: We're not talking about Nash Holmes here. I'm asking you if you claim to have filed a verified response or answer to the complaint.

MR. COUGHLIN: To answer that I would have to know how one is able to file something. And that's involved representation by Clerk Peters and Mr. King and the Bar that, I believe, have been gone back on.

MR. ECHEVERRIA: Sir, I'd like you to focus on whether or not you believe you filed a verified answer or response to the complaint.

MR. COUGHLIN: At all? At any time?

MR. ECHEVERRIA: Yes. Prior to November 9th,

which is --

MR. COUGHLIN: If I can just --

MR. ECHEVERRIA: -- two months and a couple weeks after the complaint. In that interim did you file anything that you would call a verified answer or response?

MR. COUGHLIN: And you're sua sponte asking me this?

MR. ECHEVERRIA: I'm asking it.

MR. COUGHLIN: And that's taking up my time to put on my case, as I had hoped to put it on.

MR. ECHEVERRIA: I'm asking you at the start of your case, apparently, because you just proffered something you filed on November 13th. I'm interested in learning whether you believe --

MR. COUGHLIN: I think I --

MR. ECHEVERRIA: -- you have complied with the supreme court rule that requires the respondent in a compliant by the State Bar to file a verified answer or response to the complaint. Have you done so?

MR. COUGHLIN: I believe I have.

MR. ECHEVERRIA: What pleading is that?

MR. COUGHLIN: I believe various different pleadings could be characterized as such.

MR. ECHEVERRIA: Which ones?

MR. COUGHLIN: I would like to look into that more.

MR. ECHEVERRIA: Do you still have confusion as to what verified means?

MR. COUGHLIN: I think it's something that can mean different things in different settings. So I'm not sure who we're talking about, who it means what to.

Then I think that goes a large extent to how the procedural rules apply here. Because if you file a motion to dismiss, and it winds up jamming you up for time. And Mr. King is able to manipulate this process such that he's the one who picks the hearing date. He is the one who sets up the notice of hearing way before the panel is even empaneled. Then I get jammed up or the chairman who is ruling on things before I even have an opportunity to file a reply to his opposition.

And then one, I'll testify under penalty of perjury I didn't get the notice of intent to take default.

I'll testify that I went to the United States Post Office and attempted to pick up on at least -- on multiple occasions. On one occasion a Tim at the Vassar station in downtown Reno apparently couldn't find the envelope. The next time I went back, he did find the envelope that had a postmark date of 10-9-12, October 9th, 2012, and it had postage of about 1.25. It was a certified mailing upon information and belief it was the notice of intent to take default.

I'll note that in the file that was given to me by Mr. King this certificate of mailing on that document indicates it was sent by only one method, certified mail. Where I believe every other document's been sent, if you look at the certificates of mailing attached at the end of the documents has been sent in two -- by two methods, first class mail and certified mail.

So it's a little strange that notice of intent to take default -- maybe this is some kind of old school Bar counsel trick. I don't know. But it was only sent by one method, certified mail. So I go to pick it up once, the guy doesn't find it. I go the next week, and this is the guy Tim --

MR. ECHEVERRIA: How did you know to pick it up?

MR. COUGHLIN: Because I got the little slip.

MR. ECHEVERRIA: Okay.

MR. COUGHLIN: And then the next time he did find it. And right before he gave it to me he noticed that it only has -- it's a large manila envelope, he noticed it only has \$1.25 postage on it. That means it's insufficient postage, and he won't give it to me unless I pay the difference, which is like some five dollars that I don't have. So it gets sent back.

I check the USPS and confirm for that number, and Mr. King and the State Bar received it on November 9th. Mr. King's been very, very evasive about this, and I believe very dishonest.

I saw Tim notate the insufficiency of postage. Yesterday Mr. King told me he didn't see anything about insufficiency of postage on the envelope. And the whole point is I never got notice of intent to take default.

MR. ECHEVERRIA: You replied to it.

MR. COUGHLIN: What's that?

MR. ECHEVERRIA: You replied to it.

MR. COUGHLIN: I replied to your orders.

MR. ECHEVERRIA: No, you replied before I entered the order. You replied and provided your own witness list that parroted the witness list --

MR. COUGHLIN: I think it's probably -- sorry.

MR. ECHEVERRIA: -- that parroted the witness list that the State Bar proffered, you filed your own.

MR. COUGHLIN: I think I was replying to the witness list, the DowSoE.

MR. ECHEVERRIA: And that came with the notice of intent to take default.

MR. COUGHLIN: No. The DowSoE -- along with the DowSoE they sent a notice of hearing. Yeah, notice of hearing. And this is pursuant to SCR 1052(c). It says the panel after being empaneled shall provide at least 30 days from when it, the panel, not Bar counsel, serves the DowSoE and the notice of hearing by the same method in which the complaint is served. Which under SCR 109 can be by certified mail.

Although I don't believe it can be when, and I'll testify under penalty of perjury on the phone, if not also in writing, Clerk Peters told me I could rely on the fact, I could bank on it that the State Bar of Nevada would not assert that 8-23-12 certified mailing would be proffered as affecting service of the complaint on me in any way at any time.

At that time on the phone, I'm swearing this under penalty of perjury, she said we are going to send it out to you again, the certified mailing.

I actually undertook a lot of research in this regard, because there is case law that says when the Bar -- not in this jurisdiction. But when the Bar sends you a certified mailing, I think they can say within three days you are served, whether you ever picked it up or not, you know. So I was worried about that, you know.

But I called and talked to Clerk Peters. And I believe when a court, particularly a clerk of court, makes an express explicit representation to you that you can rely on something, that you're entitled to, you know. And I think it's -- it doesn't set a good precedent for the State Bar to essentially be pulling the rug out from

under people like me.

At that time on, I believe it was September 11th, she said, oh, I got back that certified mailing of the complaint. That was, I guess, sent 8-23, the date that it's stamped, the complaint. She got it back. She said it was returned as undelivered or something. And I said you think Pat is going to try to take a default? This or that? And she said definitively, no, we'll not do that. You are not served -- she said, I believe, and I would like to check my notes, but she said you're not served until we get that signature on the thing. And if we don't get the signature on the thing after the second time we're going to mail it to you, then we'll send out for service a notice of intent to take default. And only upon that not being picked up would, I guess, a default be taken.

So I felt completely entitled to rely upon that. However, Mr. King, and this is found in Laura Peters' affidavit I found in the file that I have only six days to review.

Mr. King has coyly prevented me from accessing this file since March. Yes, he gave me some audio, and I appreciate that. I don't appreciate the extent to which he's preventing me from getting it into the record here today. Particularly where it's something really disgusting going on. Where the judge is saying something that's just not true. It's just not true.

Penalty of perjury, it is completely false for her to say that she asked me if I was recording or had a recording device at any time prior to the one bathroom break. That's just not true.

There was a bathroom break. And immediately after I got back from that bathroom break she starts interrogating me sua sponte about recording.

I should say -- I would like to play it for you to know exactly what was said, exactly what my response was --

MR. ECHEVERRIA: Mr. Coughlin, we have already addressed that issue. So now we're on -- I have been trying to determine from you whether you believe you have filed a verified answer or response to the complaint at any time. And you indicated you'll have to research that issue, and I'll afford you that opportunity. Because,

quite frankly, I have not seen anything that you filed that has been verified.

So let's go on with your next witness. I'm affording you the opportunity of putting on a case --

MR. COUGHLIN: I would like to testify in a narrative.

MR. ECHEVERRIA: I'm sorry. I keep talking --

MR. COUGHLIN: I'm sorry, sir. I really am. I'm sorry. I don't mean to do it. That is a hallmark of ADD, sir. It is.

MR. ECHEVERRIA: So we have not conducted this hearing as a default hearing, in deference to you.

MR. COUGHLIN: I appreciate that.

MR. ECHEVERRIA: So now I'm asking you to proffer your next evidence.

MR. COUGHLIN: I'd like to just testify in the narrative, if I may, sir.

MR. ECHEVERRIA: You want to testify?

MR. COUGHLIN: First can I admit into evidence these materials?

MR. ECHEVERRIA: Which materials?

MR. COUGHLIN: The thing I tried to file, the ex parte emergency motion with the DVDs attached.

MR. ECHEVERRIA: Which ex parte motion?

MR. COUGHLIN: The one that bears -- well, two of them. One that bears a file stamp of October 31st, the prehearing motion to dismiss, summary judgment, memorandum of law, which I believe could be --

MR. ECHEVERRIA: Is that the one with the handwritten caption?

MR. COUGHLIN: Yes, sir.

MR. ECHEVERRIA: What appears to be an appeal from the State of Nevada versus -- I'm sorry?

MR. COUGHLIN: I filed this. I prepared this to be basically a motion for a new trial in the trespass case. But I've been operating on little sleep preparing for a petty larceny trial, preparing for this. And I started to get scared that I wasn't getting something in the record on this.

And so I just said, you know what, you're crossing that out, and you're filing this in the State Bar so you get something.

So I think this could be characterized as a

verified response. And I do appreciate the extent -- I believe you made a law of the case now that you're not talking a default on me here.

And I believe -- I'd like to look at my records more, but I believe I was told I could fax file at least, if not also e-mail file by Clerk Peters.

MR. ECHEVERRIA: What you filed with the State Bar is one thing. You asked me earlier if I had consented to being served by e-mail, and I have not. You asked, and I have -- nor have I consented to being served by fax. I believe all documents that you need to file should be filed with the State Bar, and then they can provide them to us.

But you've attempted to file, and you've indicated you've had little time to work on this, but you have attempted to fax to my office in excess of 700 pages of documents. That's quite a lot of documents that, at least from my experience, requires a lot of time to prepare. So I take it a little bit disingenuously that you're complaining about a lack of time.

MR. COUGHLIN: No, that's not what I meant, sir. I'm sorry. I didn't mean to interrupt you. I spent all my time on this. I didn't mean it like that.

MR. ECHEVERRIA: Unfortunately, you haven't deemed it necessary to file a verified answer or response that I can identify as a verified answer or response. You have filed documents entitled, Wow, Would You Look At That. You filed --

MR. COUGHLIN: Can I ask what Mr. King is doing right now?

MR. ECHEVERRIA: -- in response to this --

MR. COUGHLIN: Is this appropriate, Mr. King, during my case for you to be walking around handing out pamphlets?

MR. KING: To the extent, Mr. Coughlin -- if you don't mind, Mr. Chairman -- to the extent you're making representations of what the State Bar said --

MR. COUGHLIN: You've been breaking me down all day for not following process, and he just gets up and is doing that, and you don't say anything.

MR. KING: The e-mail you say Mr. King --

MR. COUGHLIN: -- slamming me all day.

MR. KING: If I can make the record,

Mr. Chairman. A letter that was faxed to me --

MR. COUGHLIN: I object.

MR. KING: -- Mr. Coughlin, which says, Mr. King, this is the first I've heard of you wanting a physical address for me, in contravention of Rule 79 which requires that he provide an address.

MR. ECHEVERRIA: Let's address that after Mr. Coughlin makes his point, which I'm trying to get him to do succinctly, but which I'm failing at.

I'm interested now, do you have any further evidence to offer in your case?

MR. COUGHLIN: Yes.

MR. ECHEVERRIA: What is it?

MR. COUGHLIN: I would like to submit these materials I prepared into evidence. If it's a case of you feel I haven't verified them, and I think some of that might be due to the difficulty inherent to self-representation where -- it's like Mr. King isn't filing things under penalty of perjury. And I gather that the client needs to sign a verification --

MR. ECHEVERRIA: The rule is very specific that says the attorney against whom a grievance is made and a complaint is filed, the attorney, that attorney, must file a verified response.

MR. COUGHLIN: If I hire David Grundy to represent me, then I still have to sign something that attaches to David Grundy the answer he files for me saying I verify yes that the factual assertions in here are true?

MR. ECHEVERRIA: Yes.

MR. KING: Objection. Hypothetical.

MR. COUGHLIN: Okay. I'll do that right now.

MR. ECHEVERRIA: No. I'm asking if you filed that. And you've indicated, one, you're not sure what verified means. And two, that you need to research it.

So what is your next piece of evidence you intend to offer, sir?

MR. COUGHLIN: I intend to take these materials that I have already filed and say I declare under penalty of perjury, NRS 53.045, that the assertions herein are true and correct to the best of my knowledge, except for those materials based on information and belief.

MR. ECHEVERRIA: And a verification cannot be

made on information and belief. So is everything in there true and correct?

MR. COUGHLIN: If I had hired David Grundy, I don't think that would be the standard. Because David Grundy could stand in my stead and sign it under NRCP 11.

MR. KING: No, he couldn't.

MR. ECHEVERRIA: What is the next piece you have to offer, Mr. Coughlin?

MR. COUGHLIN: You know what though? This stuff is true, you know. Some of it's opinion, you know. But do you think you file this much stuff if you are lying? You know. Do I strike you as somebody who would lie a lot or do I strike you as somebody that doesn't have much of a filter and maybe tells the truth too much?

MR. ECHEVERRIA: What's your next piece of evidence?

MR. COUGHLIN: You're not letting me admit this either?

MR. ECHEVERRIA: You still haven't identified, because I have seen at least three documents entitled an ex parte motion, and you haven't identified which one it is yet.

MR. COUGHLIN: Ex parte motion. Okay.

MR. KING: I would object on two grounds.

MR. ECHEVERRIA: Let's identify what it is he's offering. I still don't know.

MR. COUGHLIN: I would like to offer this one that has a file stamp of October 31st, 2012, prehearing motion to dismiss summary judgment, memorandum of law. I'll interlineate verified response.

MR. KING: Don't change it now, Mr. Coughlin.

MR. COUGHLIN: I'll get a --

MR. KING: It's already stamp filed. I don't want you to alter a file copy.

MR. COUGHLIN: -- a new file stamp on it.

MR. ECHEVERRIA: You have just added some writing to that document that was lodged with the State Bar on October 31?

MR. COUGHLIN: Yeah.

MR. ECHEVERRIA: It's the one dated September 12th?

MR. COUGHLIN: No. I really don't see you nitpicking Pat King like this. And Pat King violated

every aspect of SCR 1052(c). Every aspect. And I don't see you nitpicking him a bit.

MR. ECHEVERRIA: It will serve you better if you did not exhibit such anger and contempt for the panel.

I'm trying to identify, sir, because I have seen at least two filings that are the handwritten iteration of the caption that the original caption is in a State court proceeding wherein you're a defendant where you have handwritten in ex parte motion. I've seen two of those.

I'm interested in having you identify which one you are now offering, because the two are slightly different.

MR. COUGHLIN: I'm offering the one I'm offering today.

MR. ECHEVERRIA: We don't know which one that is.

MR. COUGHLIN: It's the one that I'm offering today.

MR. ECHEVERRIA: So identify it for us, please.

MR. COUGHLIN: Okay.

MR. ECHEVERRIA: You haven't shown it to us.

MR. COUGHLIN: One second, please, sir.

MR. KING: I realize Mr. Coughlin has not identified the document to the satisfaction of the chair yet. But I would object on the grounds that there appears to be a disk attached to the back that should definitely not come in, because there is no foundation for it whatsoever.

And ex parte motions are not necessary in these proceedings, because we're right here at the State Bar trying to find out what his responses are. And for him to suggest he's filing ex parte documents to the chair of the panel to avoid the State Bar is inappropriate.

And lastly, I think it's a great concern that Mr. Coughlin is adding. Instead of creating a new document or asking for leave to file a new document is apparently interlineating or adding to the document that's already been proffered and stamped. So I don't know what it was originally. Now I know he's added to it, but it's not the same document anymore.

MR. COUGHLIN: It a new document I'm filing

right now. That's new. It's different and new. It might be substantially similar to one previously filed, but it's new.

MR. KING: For those reasons I would object.

MR. ECHEVERRIA: Mr. Coughlin, would you ask the court reporter to please mark it and make it part of the record.

MR. COUGHLIN: Yes, sir. I apologize.

MR. KING: Can I ask the disk be removed?

MR. ECHEVERRIA: It hasn't been admitted yet. Doesn't matter. He's offering it. I want it to be part of the record.

MR. COUGHLIN: I want the disk too.

MR. ECHEVERRIA: The next issue is whether it will be admitted.

(Exhibit 14 marked.)

MR. ECHEVERRIA: Mr. Coughlin, let me understand this. You've added some handwriting to this from something you had previously filed?

MR. COUGHLIN: I attempted to use something. I believe that's a copy of what was previously filed. And I attempted to notate that. I'm not attempting to mislead anybody. I think I wrote something about it being new. I scratched out the file stamp, and then I changed the title of the document, and I redated it and signed it and put a verification, what I believe should suffice as a verification. And I would be happy to further verify it if this court would be so kind as to give me an education of what it might like to see in that regard.

MR. ECHEVERRIA: I have had an opportunity to review this document in an earlier form. It seems to address the underlying issues as to whether or not the conviction on the various orders by the court -- I think this one addresses Judge Holmes' order.

To me this is a document that was used to -- originally entitled Notice Of Errata And Revised Supplemental Motion For New Trial, Or Alternatively Supplemental Motion To Vacate Judgment Or Conviction Or In The Alternative Motion For Arrest Of Judgment that appears to have been filed in the underlying case.

It appears that Mr. Coughlin is now attempting to refile that document which addresses issues of the underlying case in this current State Bar proceeding, and

therefore, unless panel members disagree, I would rule this document as irrelevant to the proceedings as it constitutes an attempt to obtain a new trial or vacation of an earlier judgment.

MR. COUGHLIN: No, it --

MR. ECHEVERRIA: That's my ruling, sir.

MR. COUGHLIN: All right.

MR. ECHEVERRIA: But it is part of the record.

MR. COUGHLIN: I thought you just ruled you weren't accepting it.

MR. ECHEVERRIA: It's part of the record.

It's just not admitted into evidence. But you can argue to the supreme court that I committed error.

It's now 3:36 or so, and I want to afford both sides the opportunity to present a final argument.

MR. COUGHLIN: So --

MR. ECHEVERRIA: Do you have any additional evidence?

MR. COUGHLIN: So the amount of time today went from 9:00 o'clock to 2:30 for Mr. King, and you gave me an hour?

MR. ECHEVERRIA: No. I'm giving you 15 minutes -- the ruling was it was 30 minutes per witness, 15 minutes per each side. I'm giving you the opportunity to present your next evidence.

MR. COUGHLIN: Okay. I would like to present -- give me one second, please. I would like to move into evidence a declaration.

MR. ECHEVERRIA: Let's have the reporter mark it.

(Exhibit 15 marked.)

MR. ECHEVERRIA: I believe -- did you just handwrite some information on this?

MR. COUGHLIN: That's attorney-client privilege.

MR. ECHEVERRIA: You did it in the presence of the panel. I saw you writing on some document, Mr. Coughlin. Was this --

MR. COUGHLIN: I don't think that's been proven.

MR. ECHEVERRIA: -- was this the document that you were writing on?

MR. COUGHLIN: I've been writing on lot of

stuff today.

MR. ECHEVERRIA: When did you file this document?

MR. COUGHLIN: I'm just giving that to you right now. I don't see a file stamp.

MR. ECHEVERRIA: You haven't filed it yet?

MR. COUGHLIN: I don't see a file stamp on it.

MR. ECHEVERRIA: I'm asking, did you file this with the State Bar? This is a pleading.

MR. COUGHLIN: That's a declaration.

MR. ECHEVERRIA: It's a pleading in a case entitled State Bar of Nevada, Petitioner, versus Zach Coughlin, reference in cases NG12-0204, NG-0435, and NG-0434. The caption of the document I have seen. I believe it was stuck under my door at my office last night.

MR. COUGHLIN: That's a different one.

MR. ECHEVERRIA: A different one?

MR. COUGHLIN: Yeah.

MR. ECHEVERRIA: Did you serve this one on anybody?

MR. COUGHLIN: That's a whole new thing.

MR. ECHEVERRIA: No. You've completely written on this. I'm just trying to understand what you are attempting to offer here.

MR. COUGHLIN: If you change one blade of grass, it's a different field, a different ball game.

MR. ECHEVERRIA: So this is a document that you want now entitled Declaration. And what is that word? Verified response? And this is what you are offering as your verified response to the State Bar's complaint?

MR. COUGHLIN: It's what I'm offering into evidence right now.

MR. ECHEVERRIA: Mr. King, any comment?

MR. KING: I haven't seen that. I'm sorry. First of all, I will object to it, and I would strongly -- I believe it's extremely inappropriate for Mr. Coughlin to have written on this document, and then to have suggested he doesn't acknowledge your question, but he just wrote on this particular document.

MR. COUGHLIN: I don't know that that's what I said. I've written on a lot of things today. Well, maybe not that many things.

MR. KING: The document purports to be similar to other irrelevant pleadings that have been filed in the past, essentially incoherent.

Of great concern to me is that attached to the document again purport to be disks that Mr. Coughlin has created or handwritten on. And in addition, for him to have essentially altered a document in an attempt to proffer it as some sort of motion or evidence today I think is objectionable and should be refused.

MR. COUGHLIN: Altered?

MR. KING: I don't know what it says, actually.

MR. ECHEVERRIA: Would you ask the court reporter to mark this document as the next.

(Exhibit 16 marked.)

MR. ECHEVERRIA: Because of the unusual circumstances presented by this, unless panel members disagree, I'm going to admit both Exhibits 15 and 16, because I think the manner -- and Exhibit 16 I will identify, first of all, as a document that I received a phone call at about 7:00 o'clock last night, that was a document shoved under my door at my office. It bears a file stamp with the State Bar of November 13th, 2012.

MR. COUGHLIN: There's no file stamp on that.

MR. ECHEVERRIA: I'm sorry?

MR. COUGHLIN: I'm asking --

MR. ECHEVERRIA: I'm showing you Exhibit 16. It has a file stamped copy that was shoved under my door.

MR. COUGHLIN: Did I give you the wrong one?

MR. ECHEVERRIA: Exhibit 16 will speak for itself.

I'm going to admit Exhibits 15 and 16, because I think they bear relevancy on the issue of competency, candor with the tribunal.

15 and 16 are admitted, Mr. Coughlin. Next?

(Exhibits 15 and 16 admitted into evidence.)

MR. COUGHLIN: I would like --

MR. VELLIS: Are those admitted with the transcript or tape on the back? Because I think Mr. King had objected to the tapes.

MR. KING: I don't have the capability, nor do I want to make copies of the disks so I will have to ask how that gets accomplished. To the extent it's going to

be made part of the record that goes to the supreme court, Laura will make copies. Do you want her to make copies of those documents now?

MR. ECHEVERRIA: I'm admitting these for the limited purpose, not for the truth of what's in here --

MR. KING: I totally understand.

MR. ECHEVERRIA: -- or admitting the disk as evidence itself. But I'm admitting the two documents, because I believe it goes to the credibility of this witness in terms of what he told us he was altering today.

MR. COUGHLIN: Altering?

MR. ECHEVERRIA: I'm sorry, Mr. Coughlin?

MR. COUGHLIN: Altering?

MR. ECHEVERRIA: Yes, altering.

MR. COUGHLIN: What are you purporting that I told you?

MR. ECHEVERRIA: The record will speak for itself --

MR. COUGHLIN: -- get out of the room.

MR. ECHEVERRIA: -- this panel writes its decision, I will explain my reasoning for it. But I'm trying to do it now.

You filed with the State Bar yesterday a pleading that is, in my opinion, virtually identical to the one you say today was not filed, that you handwrote on, and then changed it from the pleading that you originally filed it as, to a verified -- attempted to change it to a verified response.

I believe the fact that you did that -- I'm not admitting them for the truth of anything in there. I'm admitting it because I think it bears on the issue as to the competency and the ability to represent people in a tribunal.

MR. COUGHLIN: Why can't I admit --

MR. ECHEVERRIA: I'm not arguing with you, Mr. Coughlin, I'm explaining my decision. We're not going to argue. Do you have any other evidence to present?

MR. COUGHLIN: I would like to preserve for the record that I am seeking to have it admitted for the truth, presented it for the truth of the matter. I imagine most courts can either believe it not believe it. But to say we're not going to admit it.

MR. ECHEVERRIA: I'm admitting it for the --

MR. COUGHLIN: No. You said you are admitting it for a more limited purpose.

MR. ECHEVERRIA: Yes.

MR. COUGHLIN: And I'm saying I would like to admit it for the truth of the matter asserted.

MR. ECHEVERRIA: I'm going to overrule that objection."

14 The essential feature of the process by which the proceeding is begun is that it notify the attorney of the nature of the charge against him or her.[3] To this end, the notice should be reasonably specific.[4] In addition, notice of the charge should be given sufficiently in advance of the time for presenting a defense to permit proper preparation of a showing in opposition.[5] An attorney disciplinary committee should, as a matter of due process, notify an attorney that the committee will consider prior disciplinary actions against the attorney in deciding what sanction to impose.[6] [FN3] U.S.—*Matter of Klein*, 407 F. Supp. 570 (S.D. N.Y. 1976). Wyo.—*Mendicino v. Whitchurch*, 565 P.2D 460 (Wyo. 1977). Proper notice given Ala.—*In re Griffith*, 283 Ala. 527, 219 So. 2D 357 (1969). Fla.—*The Florida Bar v. Curry*, 211 So. 2D 169 (Fla. 1968). [FN4] U.S.—*Matter of Klein*, 407 F. Supp. 570 (S.D. N.Y. 1976). [FN5] U.S.—*In re Los Angeles County Pioneer Soc.*, 217 F.2D 190 (9th Cir. 1954). Notice timely U.S.—*In re Sarelas*, 360 F. Supp. 794 (N.D. Ill. 1973), *Aff'd*, 497 F.2D 926 (7th Cir. 1974). S.C.—*In re Mixson*, 258 S.C. 408, 189 S.E.2D 12 (1972). [FN6] U.S.—*Sexton v. Arkansas Supreme Court Committee on Professional Conduct*, 730 F. Supp. 285 (W.D. Ark. 1990). Requirements of statutes or rules of procedure for disciplinary proceedings with respect to form and service of notice should be observed. U.S.—*Schwebel v. Orrick*, 153 F. Supp. 701 (D. D.C. 1957), *Order aff'd*, 251 F.2D 919 (D.C. Cir. 1958). W.Va.—*Committee on Legal Ethics of West Virginia State Bar v. Scherr*, 149 W. Va. 721, 143 S.E.2D 141 (1965). Attorney received sufficient notice of disciplinary charges and was afforded opportunity to be heard, as required by due process; complaint and all relevant notices were sent by regular mail to official roster address provided by attorney and items were not returned by postal service, complaint set forth factual circumstances upon which alleged misconduct was based and specific rules of professional conduct that attorney was accused of violating, and attorney was afforded opportunity to respond, but chose not to do so. U.S.C.A. Const.Amend. 14. *State ex rel. Oklahoma Bar Ass'n v. Haave*, 2012 OK 92, 290 P.3D 747 (Okla. 2012). Where the respondent had full notice of a disciplinary proceeding and acknowledged the notice by his abortive attempts to resign from the bar, the disciplinary proceeding would go forward notwithstanding that the respondent, to whom notice was mailed, had not been served with process, in the sense that the papers had not been put into his hand. N.Y.—*Matter of Nixon*, 53 A.D.2D 178, 385 N.Y.S.2D 305 (1st Dep't 1976). Fair notice and opportunity for hearing Before a court exercises its inherent power to sanction an attorney, it must provide fair notice and an opportunity for a hearing on the record. Kan.—*Knutson Mortg. Corp. V. Coleman*, 24 Kan. App. 2D 650, 951 P.2D 548 (1997). Single affidavit from process server, stating that individuals, including a family member of attorney, present at various addresses at which service of notice of attorney investigative inquiry was attempted had not been forthcoming as to attorney's whereabouts

did not constitute clear and convincing evidence that attorney had deliberately evaded knowledge of the inquiry. In re Owusu, 886 A.2D 536 (D.C. 2005). Attorney in disciplinary proceedings was not entitled to have deemed-admitted order vacated and the matter remanded for a hearing based upon his claim that he did not receive service of the formal charges or the various pleadings and notices in the case, where service of the formal charges was properly attempted at attorney's primary registration statement address, and attorney admitted that he vacated the office where his primary registration address was located and neglected to update his primary registration address. Sup.Ct.Rules, Rule 19, Lawyer Disciplinary Enforcement Rule, § 8(C), 8 LSA-R.S. In re Boyer, 26 So. 3D 139 (La. 2010). Amendment at close of hearing Amending a disciplinary complaint at the close of a hearing to add an additional charge deprives the attorney of a meaningful opportunity to respond and therefore violates the attorney's right to due process. Iowa—Committee on Professional Ethics and Conduct of the Iowa State Bar Ass'n v. Wenger, 454 N.W.2D 367 (Iowa 1990). Due process rights violated The disciplinary board violated an attorney's procedural due process rights by using its procedural rules to add new charges, after the record was closed. Ohio—Disciplinary Counsel v. Simecek, 83 Ohio St. 3D 320, 1998 -Ohio-92, 699 N.E.2D 933 (1998). It is necessary that the attorney be fairly and specifically informed of the charges against him or her.[4] The constitutional guarantee of due process will prevent a court from finding violations of attorney disciplinary rules that have not been charged in the complaint against the attorney.[5] However, no due process violation occurs by reason of the fact that specific misconduct is omitted from the bar's complaint, so long as the attorney has received sufficient notice of the nature and extent of the disciplinary charges.[6] Amendments. Amendments to the complaint in a disciplinary proceeding should be allowed, provided that an opportunity of meeting any new matter therein alleged is given to the respondent.[7] Where an attorney has been made aware of alleged facts relative to a count in a disciplinary proceeding prior to the issuance of a notice to show cause and, at the time of an amendment to include the count he or she is offered additional time to prepare a defense but refuses it, it is not an abuse of discretion to accept the amendment by which the additional count is included.[8] If a default has been entered against the respondent, resulting in a deemed admission of the facts and charges in the complaint, the hearing board may nevertheless require an amendment of the complaint if it is insufficient under the civil rules.[9] Issues, proof, and variance. Ordinarily, an attorney can be tried only on the charges contained in the complaint.[10] However, while proof of acts not charged generally will not justify disciplinary action,[11] an attorney cannot complain where the matter was fully covered by testimony and the attorney had every opportunity to present his or her evidence and did so. [12] [FN4] U.S.—Committee on Professional Ethics and Grievances of Virgin Islands Bar Ass'n v. Johnson, 447 F.2D 169 (3d Cir. 1971). Ark.—Weems v. Supreme Court Committee on Professional Conduct, 257 Ark. 673, 523 S.W.2D 900 (1975). Kan.—State v. Turner, 217 Kan. 574, 538 P.2D 966, 87 A.L.R.3D 337 (1975). La.—Louisiana State Bar Ass'n v. Hamilton, 343 So. 2D 985 (La. 1977). Md.—Bar Ass'n of Baltimore City v. Cockrell, 270 Md. 686, 313 A.2D 816 (1974). Pa.—Office of Disciplinary Counsel v. Campbell, 463 Pa. 472, 345 A.2D 616 (1975). Tex.—Rey v. State, 512 S.W.2D 40 (Tex. Civ. App. El Paso 1974), writ refused n.R.E. Va.—Seventh Dist. Committee of Virginia State Bar v. Gunter,

212 Va. 278, 183 S.E.2D 713 (1971). [FN5] Ohio—Cuyahoga Cty. Bar Assn. V. Judge, 96 Ohio St. 3D 467, 2002 -Ohio-4741, 776 N.E.2D 21 (2002). Due process rights violated The disciplinary board violated an attorney's procedural due process rights by using its procedural rules to add new charges, after the record was closed. Ohio—Disciplinary Counsel v. Simecek, 83 Ohio St. 3D 320, 1998 -Ohio-92, 699 N.E.2D 933 (1998). [FN6] Fla.—The Florida Bar v. Nowacki, 697 So. 2D 828 (Fla. 1997). Allegation sufficient An allegation in a petition for discipline that an attorney improperly permitted his client's direct appeal to be dismissed was sufficient to put the attorney on notice that all of his decisions and actions regarding the dismissal of the appeal, including the timing and communication of such matters to his client, would be subject to scrutiny by the Board of Bar Overseers. Mass.—In re Abbott, 437 Mass. 384, 772 N.E.2D 543 (2002). [FN7] U.S.—Coughlan v. U.S., 16 Alaska 407, 236 F.2D 927 (9th Cir. 1956). Leave to amend properly granted A bar association, which filed a complaint in an attorney disciplinary proceeding alleging that an attorney committed fraud by acquiring a series of temporary liquor permits for her client, would be granted leave to amend the complaint to comply with the requirement that a fraud claim be stated with particularity, after a motion to strike was granted. Ohio— Columbus Bar Assn. V. Dougherty, 99 Ohio St. 3D 147, 2003 -Ohio-2672, 789 N.E.2D 621 (2003). Amendment at close of hearing Amending a disciplinary complaint at the close of a hearing to add an additional charge deprives the attorney of a meaningful opportunity to respond and therefore violates the attorney's right to due process. Iowa— Committee on Professional Ethics and Conduct of the Iowa State Bar Ass'n v. Wenger, 454 N.W.2D 367 (Iowa 1990). [FN8] Cal.—Tomlinson v. State Bar, 13 Cal. 3D 567, 119 Cal. Rptr. 335, 531 P.2D 1119 (1975). [FN9] Colo.—People v. Richards, 748 P.2D 341 (Colo. 1987). [FN10] U.S.—Matter of Abrams, 521 F.2D 1094 (3d Cir. 1975). Ill.—In re Doyle, 144 Ill. 2D 451, 163 Ill. Dec. 515, 581 N.E.2D 669 (1991). Iowa—Committee on Professional Ethics and Conduct of Iowa State Bar Ass'n v. Crary, 245 N.W.2D 298 (Iowa 1976). Wyo.—Mendicino v. Whitchurch, 565 P.2D 460 (Wyo. 1977). [FN11] Mich.—In re Corace (State Report Title: State Bar v. Corace), 390 Mich. 419, 213 N.W.2D 124 (1973). Findings of misconduct within scope of accusations A referee's report, which recommended that an attorney be found guilty of specific instances of misconduct that were not charged in the bar's complaint, did not violate the attorney's due process rights, where the referee's report referenced conduct that was within the scope of the bar's accusations, and the defendant was properly and adequately notified of the nature and extent of the charges against him. Fla.—The Florida Bar v. Solomon, 711 So. 2D 1141 (Fla. 1998). [FN12] Pa.—In re Disbarment Proceedings, 321 Pa. 81, 184 A. 59 (1936). The SBN and NNDB Panel's failure to abide by SCR 105(2) and 105(2)(c) was extremely prejudicial to Coughlin's defense, by design. Cal.—Taylor v. State Bar, 11 Cal. 3D 424, 113 Cal. Rptr. 478, 521 P.2D 470 (1974). The passage of time in itself is neither a denial of due process nor a jurisdictional defect (Yokozeki v. State Bar (1974) 11 Cal. 3D 436, 449 [113 Cal.Rptr. 602, 521 P.2D 858]; Taylor v. State Bar (1974) 11 Cal. 3D 424, 434 [113 Cal.Rptr. 478, 521 P.2D 470]), absent a showing of specific prejudice (Caldwell v. State Bar (1975) 13 Cal. 3D 488, 496 [119 Cal.Rptr. 217, 531 P.2D 785]). The SBN/Panel's defects are not merely directory or limited to failing to accord Coughlin's the time periods provided by SCR 105 or

SCR 110, rather, the prejudicial nature thereof extends to where the SBN simply failed to ever provide that required by SCR 105 to Coughlin irrespective of failing to do so in a timely manner. Additionally, Coughlin was obviously prejudiced by the surprise appearance of NVB Judge Beesley and Elcano as with appropriate Notice both would have been confronted with the filings in the matters they testified so vaguely to, sufficient to reveal both of their testimonies to be completely devoid of credibility, though certainly not lacking in McGeorge Class of 1977 school spirit.

- 15 (Where special statutes have been enacted, or rules of court adopted for the regulation of the proceedings, they normally must be observed as far as the steps to be taken have been prescribed.[1] Such proceedings may be governed exclusively by the statutes or rules specifically covering them.[2]. Failure of board to follow its procedural rules The Board of Disciplinary Appeals failed to follow its own procedural rules, where an attorney received the petition only 11 days before the hearing and only 17 days before the Board issued its decision disbaring him and, thus, the attorney was denied proper notice and opportunity to be heard, where the Board rules required a 20-day notice of the hearing. Tex.—Matter of Waugh, 932 S.W.2D 487 (Tex. 1996). Construction of rules State bar rules must be construed in such a way as not only to vest in various grievance committees the proper authority to carry out the purpose of the rules, but also to protect members of the legal profession against unwarranted prosecution, harassment, or other abuses of power. Tex.—Galindo v. State, 535 S.W.2D 923 (Tex. Civ. App. Corpus Christi 1976). [FN2] Ohio—Smith v. Kates, 46 Ohio St. 2D 263, 75 Ohio Op. 2D 318, 348 N.E.2D 320 (1976). S.C.—In re Mixson, 258 S.C. 408, 189 S.E.2D 12 (1972). Statutory minimum standards Legislative standards for conduct of disciplinary proceedings are but minimum standards which must be applied, and the state supreme court retains inherent power to require additional standards if it is not satisfied that the legislative qualifications are sufficient. Cal.—Emslie v. State Bar, 11 Cal. 3D 210, 113 Cal. Rptr. 175, 520 P.2D 991 (1974). [FN3] U.S.—In re Ming, 469 F.2D 1352 (7th Cir. 1972). Conn.—Application of Courtney, 162 Conn. 518, 294 A.2D 569 (1972). As to the inherent power of the courts to regulate the conduct of attorneys, generally, see §§ 5, 37. Inherent power Supreme court retains inherent power to control disciplinary procedure at any step. Cal.—Emslie v. State Bar, 11 Cal. 3D 210, 113 Cal. Rptr. 175, 520 P.2D 991 (1974). However, because of their quasi-criminal nature, disciplinary proceedings must accord the respondent the essentials of due process of law.[8] Thus, the respondent must be given reasonable notice of the proceedings, and an opportunity to be heard in defense.[9] Appointment Of Counsel For Attorney Facing Disciplinary Charges, 86 A.L.R. 4Th 1071. [FN8] U.S.—In re Ruffalo, 390 U.S. 544, 88 S. Ct. 1222, 20 L. Ed. 2D 117 (1968); In re Ming, 469 F.2D 1352 (7th Cir. 1972). General rules invoked to insure compliance Cal.—Emslie v. State Bar, 11 Cal. 3D 210, 113 Cal. Rptr. 175, 520 P.2D 991 (1974). Due process shown Lawyers received sufficient due process before temporary suspensions, where each lawyer received notice of the grounds for seeking his temporary suspension and was afforded both a hearing before a single justice of the Supreme Judicial Court, at which facts were presented, and a hearing before the full court prior to effectiveness of an order directing his temporary suspension. Mass.—Matter of Ellis, 425 Mass. 332, 680 N.E.2D 1154 (1997). [FN9] § 93. In exercising discretion to grant a

continuance in attorney disciplinary proceedings, the hearing officer may consider the necessity of prompt disposition of the litigation; the needs of the moving party; the possible prejudice to the adverse party; the prior history of the litigation; any conditions imposed in the continuances previously granted; and any other matters that have a material bearing on the exercise of the discretion vested in the hearing officer. In re Disciplinary Proceeding Against Sanai, 167 Wash. 2D 740, 225 P.3D 203 (2009).)

As to Panel Chair Echeverria's coy avoidance here of the fact that SCR 105(2)(c) was violated in every possible way, as was SCR 105(2), consider King's continued "bad faith obstruction" of Coughlin's right to inspect the "**summary prepared by bar counsel of the evidence against the attorney**", and the *evidence itself*, of the "*names of the witnesses bar counsel intends to call for other than impeachment*", and of the "**brief statement of the facts to which each will testify**"

"Records

From: Patrick King (PatrickK@nvbar.org) This sender is in your safe list.

Sent: Thu 11/01/12 9:03 AM

To: zachcoughlin@hotmail.com (zachcoughlin@hotmail.com)

Cc: David Clark (DavidC@nvbar.org)

Good Morning Mr. Coughlin,

Your disciplinary file is being sent to the printer to be copied. I am having the documents bates stamped and the printing company will mail them to you.

Formal proceedings are taking place at the state bar office **so you will not be permitted in the building.**"

"RE: Records

From: Zach Coughlin (zachcoughlin@hotmail.com)

Sent: Thu 11/01/12 4:43 PM

To: Patrick King (patrickk@nvbar.org); fflaherty@dlpfd.com (fflaherty@dlpfd.com); davidc@nvbar.org (davidc@nvbar.org); complaints@nvbar.org (complaints@nvbar.org); tsusich@nvdetr.org (tsusich@nvdetr.org); JE@ELORENO.com (je@eloreno.com); cvellis@bhfs.com (cvellis@bhfs.com)

Dear Mr. King,

I am writing to formally complain about your, once again, reneging on an offer you have made to allow me access to certain materials.

Please explain your repeated misrepresentations to me regarding the "access" you will allow me to the materials I am entitled to view, and those you have made offers in writing to me to allow me to view and or review.

I think you might find that the attached video of Sargent Lopez pretty much vitiates the criminal trespass conviction (and that conviction, and all of Judge Nash Holmes orders are void in light of their violation of NRS 178.405 vis a vis NRS 5.010 and the admission in Judge Nash Holmes March 14th, 2012 letter to the SBN, and beyond that In re Oliver and the fact that

Judge Nash Holmes admits on the record to be basing her Order's upon conduct not committed in her "immediate presence" (an allegation of having a RMC Marshals look "Peeping Tom" style through a bathroom stall doesn't cut it)... Interesting that you have chosen to subpoena your former Attorney General's coworker Dan Wong rather than City Attorney Ormaas (given her presence at the 2/27/12 11 TR26800 Trial from which the "summary criminal contempt" order stems, and the allegations of her and that RMC Marshal Harley (whom violated the "courthouse sanctuary" doctrine in one of the worst ways imaginable with his barging in on a plea bargain session to "personally serve" a Notice of Order to Show Cause on behalf of Richard G. Hill (and the 11 tr 26800 case involved traffic citations immediately after RPD Tarter told Coughlin to leave Hill's office, albeit without his wallet, keys, client's files, or state issued identification....) then to have the same WCSO Deputy Machen who lied about personally serving the lockout order on Coughlin (in the eviction involving Hill) again lie in his 3 7 2012 Affidavit attesting to have served the notice of the 3 23 12 ORder to Show Cause hearing (the one RMC Marshal Harley served for him, then got all jumpy and whispering in Ormaas's, and, apparently while Coughlin was in the restroom, made allegations to Judge Nash Holmes (and afterwards incident to the SITA) seeking to cover up his misconduct and that of Ormaas. Claiborne is not going to allow you to feign ignorance, Mr. King, nor is the proof of receipt of all my emails and writings and media. Have fun reviewing it all.

Regardless, its not "summary contempt" if all essential elements of the allegation, under any iteration of NRS 22 are not alleged to have occurred in the "immediate presence" of the Judge...where, as here, that is not the case, those RMC Marshal are going to have to sign their names to affidavits like the big boys they strut around acting like they are, behaving in a menacing and intimidating manner that is wholly inconsistent with traditional notions of the type of comportment required of officers of the court.

Again, today, you have reverted to your old tricks. I want everything, not just that which you or Clerk/Investigator Peters deem "related" to the SCR 105 "Complaint" (which has three case numbers on it ng12-0204, ng12-0434, and ng12-0435). Both you and Peters get real evasive when it comes times to answer for who submitted or filed the ng12-0435 grievance consisting of a three year old Order by Family Court Judge Linda Garnder, yet which bares a file stamp of March 15th, 2012 by the SBN...then there is Judge Linda Gardner's brother, RMC Judge William Gardner refusing to recuse himself from the criminal trespass case, resulting in a conviction

Mr. King, one of of our recent discussion you promised to send me something in writing informing me as to who exactly was on the screening panel. You have failed to uphold that promise as well. Further, you and Clerk/Investigator Peters have remained evasive and contradictory respecting who filed NG12-0435, when, and under what circumstances it came to be a grievance. I think you will find that a review of the hearings you finally provided in 11 CR 26405 (April 10th and May 8th, 2012) will yield some really interesting statements on the record by Keith Loomis, Esq. (your Minden associate) and Judge William Gardner of the RMC (brother to Family Court Judge Linda Garnder, whose 2009 sanctions order was file stamped

by the SBN on March 15th, 2012 and is now called NG12-0435, though neither you nor Peters will say anything all that sensible about the genesis of that grievance, etc. Judge Gardner makes some pretty curious statements respecting the competency analysis, the decision to plow ahead with a Trial Setting on March 7th, 2012 for April 10th, 2012 (interesting considering Coughlin filed the Notice of Appeal of the final, appealable "summary criminal contempt" conviction on that same date, March 7th, 2012 that now forms part of the basis for Judge Nash Holmes ng12-0434 "decompensating" grievance, incident to her March 14th, 2012 letter to the SBN....you might want to have Judge Gardner's statements on the record from 4/10/12 and 5/8/12 and Loomis's transcribed, as your possession of the audio thereof arguably puts a Claiborne-esque duty upon you to inquire as to the candor and veracity of some of those statements, especially vis a vis the "meetings" Gardner's being the RMC's "Administrative Judge", etc., etc. Further, you have refused to allow me access to a number of materials that neither you nor Peters deem "part of the complaint" (the SCR SBN v Coughlin complaint...though to the extent one or more of ng12-0204, ng12-0434, 0435 mention the RMC, arguably, I am entitled to anything at all related to me, whether submitted by the WCSO, RMC, City of Reno, City of Reno Marshals, etc.

Patrick King (PatrickK@nvbar.org) Add to contacts 3/27/12 To: zachcoughlin@hotmail.com From: Patrick King (PatrickK@nvbar.org) This sender is in your safe list. Sent: Tue 3/27/12 9:24 AM To: zachcoughlin@hotmail.com (zachcoughlin@hotmail.com) March 27, 2012 Dear Mr. Coughlin, Perhaps you are not fully aware of your behavior. At our brief meeting yesterday I perceived you as very hostile and even threatening. Under those circumstances I felt it better to terminate the meeting. If it was not your intent to appear hostile or to attempt to intimidate me then you might consider how I perceived your conduct. I had intended to try to listen to you and determine how my office could best help you address the grievances that I have received. You said you did not have time and simply wanted to argue about your receipt of e-mail or mail. I did not say that I did not care if you received the information I sent to you, I said I did not care how you received it, so long as you received it. I do care that you receive the information that I send to you. As I attempted to explain, I will be meeting with a panel to have them make a determination about the grievances that have been made against you by Mr. Hill and the Judge from Department 3 that you read at my office. I have asked for a written response to those grievances. In response I received many e-mails with attachments. I will soon be sharing the grievances with a disciplinary panel and will advise them of your responses to date. I will keep you advised of the panel's determination. Sincerely, Patrick King Actions Zach Coughlin (zachcoughlin@hotmail.com) 3/26/12 To: patrickk@nvbar.org, glennm@nvbar.org, davidc@nvbar.org Dear Mr. King, This correspondence is sent to confirm that I visited the Double R Blvd. offices of the State Bar of Nevada today and attempted to be provided access to the various "other different judges" grievances that I, prior to last Friday, was completely unaware of. I have sent you several written correspondences detailing the tampering and other problems with my USPS mail incident to the two domestic

abuser attacks I have been subject to since approximately 1/1/12, and ask that you copy my on all correspondences or document production via email and fax. Today, you showed me a two page letter from Judge Nash Holmes. Did you interpret it to be a "grievance"? How is that designation arrived at? You refused to identify the names of any other judges from whom you have received any other similar such materials and further refused to allow me to view and such items. I asked for a copy of the large box of documents, and other FOIA request materials and you refused. Further, you told me you didn't care I received anything you sent me and stated that I did not have a right to review such complaint letters, grievances, or other materials, prior to being questioned by you and before any such meeting. I informed you that I am considering different attorneys to represent me right now, and indicated I need these materials to prepare for any future meeting with you. My records incidate that your letter of 3/16/12 is inaccurate to the extent it indicates that I was copied on that letter via email on that date. Please let me know if you received any sort of "return to sender" letter for that mailing. Sincerely, Zach Coughlin, Esq., PO BOX 60952, RENO, NV, 89506, tel: 775 338 8118, fax: 949 667 7402; ZachCoughlin@hotmail.com Nevada Bar No: 9473 © 2012 Microsoft Terms Privacy Developers English (United States)

From: Patrick King (PatrickK@nvbar.org)

Sent: Mon 4/02/12 3:57 PM

To: zachcoughlin@hotmail.com

Dear Mr. Coughlin, I have opened 3 disciplinary files against you. They are identified by number below: NG12-0204 Zachary B. Coughlin, Esq. Bar No. 9473 (2005) Mr. Hill NG12-0435 Zachary B. Coughlin, Esq. Bar No. 9473 (2005) Judge Holmes NG12-0434 Zachary B. Coughlin, Esq. Bar No. 9473 (2005) Judge Gardner You have received the grievance from Mr. Hill and also the grievance from Judge Holmes. The Grievance from Judge Gardner relates to her "Order After Trial" in the case of Ashwin Joshi v Barti Joshi, Case Number DV08-01168, wherein she describes your conduct at pages 12 and 13. I have received certified copies of the contempt orders, a certified copy of the conviction at Wal-Mart, and an incident report from Marshals Thompson and Coppa regarding your conduct on March 22, 2012. I also have the recordings of the court proceedings at issue. At this time, I do not expect to be providing you with any additional information. If you have additional information that you want me to be made aware of in response to the grievances identified above please feel free to mail them to me.

Sincerely, Patrick King, Assistant Bar Counsel

From: Patrick King (PatrickK@nvbar.org) This sender is in your safe list.

Sent: Thu 4/19/12 2:28 PM

To: zachcoughlin@hotmail.com (zachcoughlin@hotmail.com)

April 19, 2012
Zach Coughlin

Dear Mr. Coughlin,

A screening panel of the Northern Nevada Disciplinary Panel met on Tuesday April 10, 2011 to address the grievances filed against you. The panel directed me to proceed to a formal disciplinary hearing. As such, I will be preparing a formal Complaint.

I understand from the e-mail below, that you do not believe you should have been found guilty of the theft at Wal-Mart and that you should not have been found in contempt of Court. However, it must concern you that you were found in contempt of Court by more than one Judge in two different trials. You wanted to know how I learned of or obtained a copy of Judge Gardner's Order after trial that was filed in 2009. It was sent to me by the clerk of the court at my request, pursuant to my investigation.

It would help me and perhaps yourself, if you would respond and explain why you were convicted of theft and why you were held in contempt of Court. You may be well served to explain what remedial measures you are taking to make sure you do not repeat the conduct complained about. I cannot give you legal advice. However I can suggest you cooperate with Bar counsel's investigation and that you respond specifically to the allegations contained in Judge Holmes and Richard Hill's grievance letters to the office of Bar Counsel.

Patrick King

Zach has [fff28&page=browse&resid=43084638FFF!4054&sc=Photos&authkey=!AIJNhKfoPCfi316 files](http://www.flickr.com/photos/zachcoughlin/43084638FFF/4054&sc=Photos&authkey=!AIJNhKfoPCfi316_files) to share with you on SkyDrive. To view them, click the links below.

[EMAILS TO PATRICKK@NVBAR.ORG PATRICK KING BAR COUNSEL.pdf](#)

[emails from ZachCoughlin@hotmail.com to Patrick King patrickk@nvbar.org since 3 23 12.pdf](#)

[emails since 3 23 12 from patrickk@nvbar.org Patrick King Bar Counsel State Bar of Nevada.pdf](#)

[5 4 09 attachment to wlc elcano email gardner 26405 01955 60302 ltrCoughlin2ndDraft.pdf](#)

[5 7 09 termination letter from wls elcano linda gardner zachcoughlin040709.pdf](#)

[5 6 09 email from wls ed elcano 26405 60302 garnder 01955 10896 60302 26800 60317 54844.pdf](#)

[11TR26800 RMC 022712 031412_20120312-1033_01cd003b8f0851d0.mp3](#)

[11CR26405 050812 Loomis_20120508-1104_01cd2d0a627f5f90.mp3](#)

[11TR26800 RMC 022712 031412_20120227-1507_01ccf5618f76c460.mp3](#)

[3 16 12 ng12-0434 SBN King letter containing RMC Judge Nash Homes 3 14 12 grievance against Coughlin and ng12-0435 linda gardner sanction from 4 10 09 26800 00696 54844.pdf](#)

[2 14 12 SBN KING LETTER WITH HILL GRIEVANCE ATTACHED RCR2011-063341 RPD RMC 11 CR 00696 WCSO SUSICH ME.pdf](#)

[11cr26405 puentes 041012_20120410-0903_01cd16f8c3aa49b0.mp3](#)

[rpd sargent lopez i have a question for you 11 cr 26405 00696 26800.wmv](#)

[2 27 12 and 3 8 12 Affidavits of Service by WCSO Machen in 1708 and 03628 26800 00696 marshal harley.pdf](#)

[rerevised exhibit 1 26405 61901 WITH BATES NUMBERING.pdf](#)

[12-32685 10 15 12 scr 111\(4\) in re coughlin petition criminal trespass conviction 61901 26405 1708 26800 12420 hill sbn.pdf](#)

[Download all HYPERLINK "https://skydrive.live.com/redir.aspx?cid=43084638f32f5f28&page=downloadaszip&resid=43084638F32F5F28!4054&authkey=!AIJNhKfoPCfii3Y&Bpub=SDX.SkyDrive&Bsrc=SkyMail"](#)

""SBN still has not provided Coughlin access to the materials he is entitled to to prepare for 11/14/12 Hearing

From: Zach Coughlin (zachcoughlin@hotmail.com)

Sent: Fri 11/02/12 10:36 PM

To: skent@skentlaw.com (skent@skentlaw.com); mike@tahoelawyer.com (mike@tahoelawyer.com); nevtelassn@sbcglobal.net (nevtelassn@sbcglobal.net); patrickk@nvbar.org (patrickk@nvbar.org); fflaherty@dlpfd.com (fflaherty@dlpfd.com); davide@nvbar.org (davide@nvbar.org); complaints@nvbar.org (complaints@nvbar.org); tsusich@nvdetr.org (tsusich@nvdetr.org); je@eloreno.com (je@eloreno.com); cvellis@bhfs.com (cvellis@bhfs.com)

33 attachments

all emails to loomis 26405 12420 26800 00696 065630 063341.pdf (779.8 KB) , 2 28 12 Contempt Order Nash 26800 26405 065630 00696 063341 bf size reduced.pdf (449.9 KB) , 11cr26405 puentes 041012_20120410-0903_01cd16f8c3aa49b0.mp3 (5.1 MB) , NvRenoPd@coplogic.com rpd police reports by coughlin 063341 duralde carter lopez sifre 1708 26405 26800.htm (145.0 KB) , rpd carter police report 11 cr 26405 puentes loomis 1708 merliss rmc gardner cr12-0376 mh12-0032 650630 063341 rpd lopez carter police report 11 13 12-2.pdf (6.3 MB) , 3 3 12 attached to loomis email and filed in rmc final motion to dismiss 11 cr 26405 26800 065630 063341.pdf (442.6 KB) , goodnight jgoodnight@washoecounty.us 5 2 12 email regarding hazlett loomis mhc 178.405 063341 26405.htm (16.3 KB) , all emails from keith loomis keithloomis@earthlink.net between 2 27 12 and 8 10 12 26405 26800 00696 063341 065630.htm (322.8 KB) , 3 7 12 rmc 11 cr 26405 loomis gardner 178.405 Coughlin Trial Setting 26800 00696 063341 065630.pdf (321.4 KB) , 8 9 12 Loomis second Motion to withdraw 12 cr 12420 rmc see also 26405.pdf (229.2 KB) , State Bar Of Nevada nvbar casey baker 1708 26405.htm (42.7 KB) , 5 6 09 email from wls ed elcano 26405 60302 garnder 01955 10896 60302 26800 60317 54844 dd.pdf (15.3 KB) , 11 16 2011 email from reno city attorney roberts.htm (16.3 KB) , WCSO Beckman, Debi Campbell, Cummings, Hodge Statements on property seized from Reno Attorney by Reno Munic Court Judge Nash Holmes.pdf (150.3 KB) , ZachCoughlin@hotmail.com emails to puentes@aol.com.pdf (222.1 KB) , pam roberts on her duty.pdf (812.0 KB) , Patrick King sbn grievance letter of 3 16 12 and Judge Nash Holmes greivance of 3 14 12 rmc 11 TR 26800.pdf (575.8 KB) , proof of clandestine status conference on 2 27 12 dogan young nash holmes schroeder rcr2012-065630 rjc rmc rpd weso wcpd wcda - Copy.pdf (1644.4 KB) , proof of faxing notice of appeal to both rmc gardner and reno city attorney hazlett-stevens.pdf (14.5 KB) , proof picture of personally delivering notice of appeal to city of reno hazlett 6 27 12 in cr12-1262 11 cr 26405.pdf (43.9 KB) , records request and subpoena to RSIC.pdf (71.2 KB) , records request to rsic police.pdf (65.8 KB) , rmc 12 cr 12420 Loomis motion to withdraw as counsel 8 9 12 City of Reno v Coughlin.pdf (926.9 KB) , Motion for Continuance to Reno City Atty Roberts RMC.pdf (448.9 KB) , ORDER RELEASING PROPERTY 11 TR 26800 3 30 12 nash rmc rjc rpd weso king clark marked as recd back by rmc 4 13 12 return to sender pthoa hy.pdf (287.1 KB) , letter to bar counsel regarding rmc and reno city attorney complaints with loomis emails.pdf (329.3 KB) , ex 1 to motion to set aside dismissal cr12-1262.pdf (2.5 MB) , CR12-1262-3093668 (Opposition to Mtn ...).pdf (92.5 KB) , CR12-1262-3117150 (Ord Dismiss Appeal Remand).pdf (73.9 KB) , CR12-1262-3119416 (Exhibit 1).pdf (2.7 MB) , 6 28 12 email to hazlett stevens showing what was served notice of appeal 11 cr 26405 cr12-1262.pdf (12.8 KB) , 12 14 11 fax to Puentes re WCSO Affidavit of Service REV2011-001708.pdf (24.9 KB) , 5 6 09 email from elcano wls stating his decision is limited to hearing conduct before judge linda gardner rmc 26405 26800 60302.htm (10.3 KB)

Dear Panel Members and Bar Counsel,

I called Mr. King (he directed me to call Panel Chair Echeverria) today to seek

clarification regarding an earlier approval he relayed to me from Chief Bar Counsel David Clark, wherein Mr. Clark advised me that I, even though I am a temporarily suspended attorney, have been given permission by the Office of Bar Counsel to issue subpoenas in connection with this disciplinary matter (ng12-0204, ng12-0434, ng12-0435...odd, can't recall a single other "case" in all my legal research that had three case numbers....especially where an Order Denying a Motion to Bifurcate was issued, even before the 5 days for me to file a Reply to the Opposition (given NRCP is expressly applicable to these matters under the SCR's)...Am I going to find out that my filings are "too long" under a view that assumes this is "one case" even though there are "three grievance case numbers" in the caption, and where each "grievance" is fairly rambling?

And where the SBN's King purports this hearing to involve that which the N. S. Ct. Ordered to occur in response to its temporary suspension Order incident to the SCR 111 Petition for the petty larceny of a "candy bar and some cough drops" (ie, the Court order that matter, 60838, referred to the Board for a "hearing at which the sole issue to be determined" would be my punishment for that which was noticed and adjudicated in the 60838 SCR 111 Petition.

I believe you are all now violating Nevada Law in persisting in your denial of my right to such a hearing wherein the "sole issue" is such, but rather trying to jam me up with this "combo hearing" that seeks to encompass a great deal of disparate claims (many of which are pending criminal charges, and therefore, entirely outside of your jurisdiction at this point, and your deigning to address them interferes with the orderly administration of justice in those pending criminal prosecutions, as evinced by Judge Sferrazza's refusal to testify at the November 14th, 2012 Hearing...which is problematic considering Judge Sferrazza presided over the civil summary eviction matter in RJC Rev2011-001708 that is intimately connect to ALL THREE of the grievances included in King's reckless, negligent, compromised SCR 105 "Complaint". For instance:

NG12-0204: Richard G. Hill's January 14th, 2012 letter to Bar Counsel King (whom he had just worked on the Milsner v. Carstarphen matter with
(<http://law.justia.com/cases/nevada/supreme-court/2012/51631.html>)

Today, King admitted to being unaware of who Casey Baker, Esq. is. King also admitted to not having read any of my filings in any of these connected matters, only to then suggest an analogy along the lines of if a woman is raped a lot, she is probably a whore and deserves it or wanted it, given the sheer mathematical improbability of any one woman getting raped over and over, and how King just doesn't get paid enough to stick his nose into some gangbang, what with the chances of getting himself involved in doing the right thing where it is just so much easier to sit back and pretend that the Claiborne decision (explicated extensively in my attached August 13th, 2012 Petition) does not permit Bar Counsel to just throw its hands up and suggest that a Muni Court conviction (even, in RMC 11 CR 26405, presided over by the brother of the judge whose sanctions Orders is before you in NG12-0435, and where the brother refused to recuse himself from that criminal trespass conviction incident to the lies and or attempts to mislead a tribunal by Casey Baker, Esq. and Richard G. Hill at the June 18th, 2012 criminal trespass trial

incident to the civil eviction from Coughlin's former law office in RJC Rev2011-001708.

Asst. Bar Counsel King also admitted that he had failed to even view the video taped admission by RPD Sargent Lopez that she, Hill, Merliss, and RPD Officer Carter lied in order to effectuate the wrongful arrest leading to Coughlin's conviction by the brother of the sister whose 2009 sanctions Order against Coughlin only became a grievance on March 14th, 2012 (apparently King adopts Ching as to whom can be an SCR 105 complainant, and therefore within the statute of limitations, when it comes to Gardner's April 2009 Order, but not when it involves misconduct by a Chairman of the Character and Fitness Committee of the SBN, Spearmint Rhino owner Kevin Kelly, Esq., whom also owns a Las Vegas Strip Club that gives cabbies \$10 million dollars a year to funnel tourists to it's doors from the airport, and the misconduct of Peter Christiansen, Jr. and Mike Sanft, and others incident to Coughlin's application for admission in Nevada, including that of then Director of Admissions Patrice Eichmann, made all the more feasible by the conduct of Mike Smiley Rowe, Esq. and the fraudulent conduct of Mark Tratos and Mary LaFrance) when RMC Judge Nash Holmes (in response to prompting by the SBN) passed that three year old Order (attorneys get sanctioned all the time, such orders do not become grievances as a matter of course, and the SBN has admitted it keeps no central record of any such grievances) on to Bar Counsel after receiving it from her co-RMC Judge, and the brother of the family court judge issuing the sanction order...at right about the time that Coughlin filed that March 7th, 2012 Notice of Appeal (and there is plenty of case law to establish that a "summary criminal conviction" is a final appealable Order, and the RMC is fraudulently conspiring with transcriptionist Pam Longoni to violate NRS 189.010-030 by demanding payment up front for such transcripts by indigent criminal defendants, and Longoni and the RMC's fraud in that regard resulted in Judge Elliot denying Coughlin's appeal of the Wal-Mart candy bar petty larceny conviction in cr11-2064, wherein Judge Elliot actually cites to a civil statute related to transcript preparation to justify the RMC's fraud, seen elsewhere in CR12-1018, further the RMC "lost" Coughlin's Notice of Appeal of the 11 cr26405 criminal trespass conviction appeal (despite Coughlin having digital confirmation of the receipt of that fax by the RMC, and where RMC Rules allows service thereof via that means upon both the Court and the City Attorney (and Hazlett-Stevens lied about that as well, in addition to the lies he told respecting whether the City Attorney had received anything from the RSIC following Coughlin's Wal-Mart arrest) in the "summary criminal contempt" Order stemming from the traffic citation (California roll) trial connected to Coughlin reporting the admissions of bribery by Richard Hill (RPD Officer Carter stated as much during the November 13th, 2011 criminal trespass arrest, now part of the SCR 105 Complaint, incorporated by reference, one must suppose, by Hill's NG12-0204 grievance) to the Sargent who retaliated against Coughlin by issuing three traffic citations, for Coughlin so reporting such admissions by the arresting officer in the trespass matter to the Sargent who issued the traffic citations to Coughlin incident to Coughlin going to Hill's office to retrieve his keys, wallet, client's files, and government issued identification after being release from 3 days in jail incident to the wrongful criminal trespass arrest.

Mr. King is beyond incorrect is stating that he will be able to simply point to a

criminal conviction and declare that no inquiry into the legitimacy of that conviction may be made. There is a wealth of case law and precedent that holds otherwise, and Mr. King has previously been made aware of that. This is true especially where the convictions at issue completely fail to evince even baseline level of regard for traditional notions of due process. Simply put, some might say the members of this Panel ought think rather hard before tying their reputations to the mast that is the extremely low bar required to get a conviction in the Reno Municipal Court these days....and further, the Panel would be well advised to avoid letting Mr. King lead it down that primrose path wherein one believes they will be entitled to merely accept a municipal court conviction as conclusive proof of misconduct or otherwise rule irrelevant any inquiry into the circumstances attendant to such a matter. This will be particularly true where Mr. King seeks to, in his SCR 105 Complaint, allege matters not even charged in that Municipal Court criminal trespass prosecution.

How Mr. King will be able to allege his RPC 3.8 violating allegations respecting "breaking and entering" or "broken locks" are **relevant or admissible** where Coughlin's dissection of the illegitimacy of the Walmart candy bar petty larceny conviction (supposedly part of the SCR 105 Complaint....and mentioned in Hill's NG12-0204 grievance...which brings to mind the question...what of matters not mentioned in any of the three grievance numbers? How are they eligible for inclusion in some SCR 105 'Complaint' that lacks a unique case number of its own?) Regardless, it is November 2nd, 2012 and my defense has been irreversibly prejudiced by the refusal of Bar Counsel to allow me to access the materials at the SBN that are my right to under the SCR, thus bringing the legitimacy of the entire November 14th, 2012 hearing into doubt, to which any argument that I should be made to fit the bill for Bar Counsel's bungling and fraudulent failure to follow the rules applicable to this matter, in addition to its own written attestations, is entirely unsupportable.

Regardless, Richard G. Hill, Esq.'s hench man, Casey Baker, Esq., now that the heat is on and he and Hill's avarice driven misdeeds are finally facing the oversight they deserve, has now suddenly fled back to Kentucky:
<http://www.nvbar.org/lawyer-detail/11271>

It was Baker whom Hill used to file the November 21st, 2011 and January 20th, 2012 filings in RJC Rev2011-001708 and the appeal thereof in CV11-03628 to make the allegations that Hill himself knew unwise to make in his own regard within a sworn Declaration...So, despite Hill, not Baker, having the eye witness knowledge of such events (like whether the RPD identified themselves as law enforcement and issued to Coughlin a lawful warning to leave at the risk of a criminal trespass citation or arrest prior to the landlord kicking down the door to a quasi "basement" under the property that Baker's own testimony at the June 18th, 2012 trespass trial admits lacked any sort of exterior lock, and thus would require no "breaking of any sort" of the type both Susich and King suddenly felt the need to allege when considering how terribly compromised their 60975 Petition and the instant SCR 105 "combo-grievances" (kind of like a "due process value meal" that Pat King is serving up, and asking this Board to co-sign...which, apparently the Chairman

finds fitting....what's next, are you going to have lawyers dress up in Hot Dog on a Stick employee uniforms (you know, rainbow colors, the spinning thing atop the hat, etc.) too? Is that how little the property right of a law license (case law declares it as much under the Fourteenth Amendment, and any willful deprivation thereof by this Board, including a deprivation of the due process required to impinge thereupon, can subject the members of this Board the 42 USC Sec. 1983 liability, especially where, as her, what appears to be a coordinated effort to obstruct justice and proceed impermissibly under color of law for the self interested aims of those leveraging such positions is apparent. RICO.

I am writing to request confirmation of what I believe Mr. Clark has previously rule, ie, that I, as an indigent respondent herein, am not required to pay witnesses any sort of "witness fee" in issuing and or serving subpoenas and subpoens duces tecums upon them in connection with the November 14th, 2011 Hearing in this matter. I feel Hill's then associate Casey Baker, Esq's testimony will be particular necessary to this hearing (especially where Hill admits himself that he was not present at the purported November 1st, 2011 "lockout" in the eviction matter (and the service of an receipt by the WCSO with respect to any such lockout Order is of material relevance, as NRS 40.253 requires such an Order be carried out "within 24 hours of receipt" thereof...and Baker's testimony at the June 18th, 2012 criminal trespass trial, in combination with previous statements by the Washoe County Sheriff's Office (and please add these individuals and matters to my designation fo witnesses and summary of evidence to be presented) Supervisor Liz Stuchell, Roxy Silve, Deputy Machen, and administrators, supervisors, and clerks at the Reno Justice Court (RJC) add up to the fact that it was Hill, Baker, and the WCSO, and RPD that were trespassing, not Coughlin, at Coughlin's former home law office.

Attached it the video taped admission by RPD Sargent Lopez respecting the lies by her, RPD Officer Carter, Hill, Merliss, and Baker leading to Coughlin's arrest and conviction for criminal trespass. Keith Loomis will need to answer for his failure to fulfill the Sixth Amendment in that regard, in addition to the content of the unapproved and impermissible "meeting" with RMC Judge Gardner and City of Reno Prosecutor wherein, upon information and belief, an "approach" to handling the criminal trespass trial of Coughlin was "developed" shortly before the April 10th, 2012 Trial date in that criminal trespass matter (a Trial date which violated Nevada law, anyways, in that it was set and held during the pendency of an Order for Competency Evaluation of Coughlin in violation of NRS 178.405 and NRS 5.010). Any trier of fact that wishes to attempt to pull the wool over Coughlin's eyes, make incongruous and patently compromised, often sua sponte relevancy rulings, or otherwise cook up a due process value meal may wish to ask RMC Judge Gardner how the recent filings by Coughlin in 61901 and the RMC 11 CR 26405 are tasting right about now. Or get Judge Howard's input with respect to the analysis of his work in 60838.

And Judge Nash Holmes may be able to provide some insight as to how that approach served her, particularly where her "criminal summary contempt" order was made during the pendency of an Order for Competency Evaluation, and cites to alleged conduct committed outside her immediate presence (and that's the thing about "summary adjudications"....the are so arbitrary and devoid of due process that the requirements

attendant thereto must be strictly adhered to....so when Judge Nash Holmes in here Orders in 11 TR 26800 of 2/28/12 and 3/12 3/13, and 3/13/12 refers to some RMC Marshal allegedly peering, Peeping Tom style, through a bathroom stall wherein Coughlin was during a restroom break within that trial, her Order fails to adhere to the dictate that each element of any conduct she deigns to summarily rule upon be committed in her "immediate presence"...otherwise, someone would have to sign an Affidavit like a grown up, and Coughlin would be entitled to a hearing, and likely appointed counsel under the Sixth Amendment before some Bar Counsel like King could attempt to prop up any such "conviction" in an attempt to lend it an air of respectability, especially where that Marshal Harley (whom King conveniently has failed to subpoena) had his own self interested reasons for seeking to discredit Coughlin (RMC Marshal Harley violated the "courthouse sanctuary" rule and contributed to an appearance of impropriety where he served Coughlin an Order to Show Cause incident to one of Hill's fraudulent Motions seeking to abuse process in hopes of remaining competitive with an actual attorney like Coughlin (rather than a known hack like Hill whom inherited a law practice from his father and who legion of local attorneys accuse of unnecessarily running up fees on his clients by purposefully overcomplicating litigations and engendering an adversarial stance amongst litigants designed to line Hill's pockets, and those of, apparently, even his legal assistants, whom drive \$130,000 Mercedes v12 SL-600 sport coupe convertibles to crack inspections of law offices incident to impermissible summary evictions of commercial tenants where Hill chose to proceed under a No Cause Eviction Notice (along with Baker) rather than a Non Payment Notice, and therein committed a "wrong site surgery" (in a litigation sense, to borrow some of the parlance of the landlord, Dr. Merliss's field, wherein he is a Neurosurgeon/Neurologist in Chico, CA, apparently armed with enough money to choose to run up \$60,000, as of April 2012 in fees of Hill and Baker in these matters rather than settle with Coughlin for the \$1,500 Coughlin offered him).

Please add to the witness list all the individuals mentioned in the various filings I have provided you, including, but not limited to RPD Officers Duralde, Rosa, Alaksa, Weaver, Look, Travis Warren, and Leedy, RPD Sargent Tarter, Lopez, Sifre, Oliver Miller, Dye, and Bradshaw, Hill's Associate Casey Baker, Sheri Hill, and to be determined members of Hill's staff (particularly those with knowledge of any matters connected to the receipt of either of the Eviction Orders by the WCSO in the eviction matter, WCPD Jim Leslie, Biray Dogan, Joe Goodnight, Walmart Thomas Frontino and ASM John Ellis, and a yet to be determined AP Associate whom, along with Ellis, made express threats to retaliate against Coughlin with abuse of process similar to the petty larceny candy bar conviction in 60838 that currently forms the only basis for the suspension of Coughlin's law license and for which this Panel and the SBN are violating Nevada law in persisting in refusing to follow the dictates of both the Supreme Court Rules of Nevada and the Court's June 7th, 2012 Order in 60838, but rather, like Clerk/"reluctant" Investigator Peters, are allowing themselves to be led down that primrose path that Pat King finds to be pleasurable to take the unwitting along in his social climbing and life of ease and comfort, devoid of honor or integrity, approach to life...

Also, to the extent then Panel considers a pending criminal prosecution up for

inquiry in a disciplinary proceeding, included in potential witness call may call are Nicole Watson, Lucy Byington, Nate Zarate, Cory Goble, the individual whose phone number is 7753786673, Colton Templeton, Robert Dawson, Nick Duralde, Ron Rosa, Thomas Alaksa, Savannah Montgomery, Linda Gray, Kelly Odom, Kariann Beechler, RPD Officer Schaur and any others present at arrest of 1/14/12 for "misuse of emergency communications", and of the 5-6 officers whom, along with RPD Duralde pulled Coughlin over upon his release from jail on 1/13/12 for the 1/12/12 "jaywalking" arrest made upon the fraudulent assertions of Richard Hill, RJC Judge Jack Schroeder (whom evicted Coughlin from Park Terrace and granted Hill the protection order incident to the jaywalking arrest and who yelled "do you want to go to jail" at Coughlin at the extension hearing when Coughlin broached the topic of Hill's abuse of process, and whom wrongfully granted the 6/27/12 Eviction Order in RJC Rev2012-001048 despite the deficient 5 day notice listing the wrong court to file a tenan'ts affidavit (a requirement under NRS 40.253, and despite Coughlin's numerous calls and 6/26/12 email to the RJC, SJC, RPD and WCSO, also Jeff Nichols and Peter Eastman and Paul Freitag, Esq. (involved in SBN King's impermissilbe disclosures and slanderous statements concerning Coughlin and the NVB (which King also made to his boss in front of Coughlin, David Clark, and which have proven to be baseless, despite King ticking such off amongst the top 2 reasons for the SCR 105 Complaint he alleged he would hurriedly throw together upon Coughlin serving King, the SBN, Clark and Peters the August 13th, 2012 filing in 60838 and 61426, now before the N. S. Ct.).

Also, Richard Cornell, Tom Hall, Geof Giles, and Michael Lehrners, Judge Joe Van Walraven and others all whom have indicated, to one degree or another, that Hill's conduct incident to this eviction matter and concomitant appeal is deplorable and entirely consistent with the way Hill has comported himself throughout his 33 year career, which began with is inheriting a large scale law practice from his father, and continued on with Hill effecting the manner of a 10 year old boy entrusted with flying a 747 full of people, to this day. Add to the witness List Paul Elcano of WLS, Judge Steven Elliott, Judge Patrick Flanagan, Hale Lane/Holland and Hart's Anthony Hall and Tim Lukas, Richard Elmore, Judge Scott Pearson, Judge Peter J. Sferrazza (though he indicated on 10/22/12 that he declined the SBN's request that he testify, citing his sitting on the pending criminal prosecution in RCR2011-063341), the RJC's Bonnie Cooper and "Nevi", Chief Bailiff Michael Sexton, RMC Chief Marshal Roper and Marshal Deighton, Marshal Thompson, Marshal Coppa, WDC Van der Wal, Beatson, Hoekstra, Cheung, unnamed deputies. Further, please add Western Nevada Management's Sue King, Jared Scalise, and Park Terrace Townhomes Association attorney Gayle Kern, Esq., Roberto Puentes, Lew Taitel, the RMC's Matthew Fisk and Cassandra Jackson, Donna Ballard, Judge Howards past legal assistant, Judge Nash Holmes legal and administrative assistant, Martin Crowley or Martin Weiner or whichever attorney is was Judge Nash Holmes was sued for wiretapping in the past, the RMC counter clerk "Daniel" and "Thom", WDC Chief Appeals Clerk Matheus, Joey Orduna Hastings, Chief Judge David Hardy, Justice Hardesty (whom was one of only three Justices signing the June 7th, 2012 temporary suspension Order, but whom recused himself from 60302 and 60317, the wrongful termination suit against

Washoe Legal Services (see attached letters from WLS's Executive Director citing Judge Linda Gardner's April 2009 Order sanctioning Coughlin as the "sole reason" for Coughlin's firing (her brother, RMC Judge William Gardner refused to recuse himself from the criminal trespass conviction mentioned in in King's SCR 105 Complaint, and King admitted two weeks ago that he was unaware that the two Judge Gardners were brother and sister or related whatsoever, or that Judge Nash Holmes was a prison warden or something similar for ten years, and a lifelong prosecutor besides that (in addition to all other RMC Judges and all RMC court appointed defenders).

Also, I never received any Notice of Intent to Take Default from the SBN, and herein lodge my objection to any Order by this Panel that cites thereto. Additionally, SBN's Peters has indicated no other respondents have ever been made to pay witness subpoena fees, and further Peters and the SBN have repeatedly failed to adhere to agreements they have made with Coughlin (including the failure of the SBN to resend a certified mail copy of the SCR 105 Complaint incident to the agreement between Peters and Coughlin on or about September 11th, 2012..."

"RE: SBN still has not provided Coughlin access to the materials he is entitled to to prepare for 11/14/12 Hearing

From: Zach Coughlin (zachcoughlin@hotmail.com)
Sent: Fri 11/02/12 11:45 PM
To: patrickk@nvbar.org (patrickk@nvbar.org); davidc@nvbar.org (davidc@nvbar.org); complaints@nvbar.org (complaints@nvbar.org)

From: zachcoughlin@hotmail.com
To: skent@skentlaw.com; mike@tahoelawyer.com; nevtelassn@sbcglobal.net; patrickk@nvbar.org; fflaherty@dlpfd.com; davidc@nvbar.org; complaints@nvbar.org; tsusich@nvdetr.org; je@eloreno.com; cvellis@bhfs.com
Subject: SBN still has not provided Coughlin access to the materials he is entitled to to prepare for 11/14/12 Hearing
Date: Fri, 2 Nov 2012 22:36:46 -0700

Dear Panel Members and Bar Counsel,

I called Mr. King (he directed me to call Panel Chair Echeverria) today to seek clarification regarding an earlier approval he relayed to me from Chief Bar Counsel David Clark, wherein Mr. Clark advised me that I, even though I am a temporarily suspended attorney, have been given permission by the Office of Bar Counsel to issue subpoenas in connection with this disciplinary matter (ng12-0204, ng12-0434, ng12-0435...odd, can't recall a single other "case" in all my legal research that had three case numbers....especially where an Order Denying a Motion to Bifurcate was issued, even before the 5 days for me to file a Reply to the Opposition (given NRCP is expressly applicable to these matters under the SCR's)... (NOTE: the entirety of that email is then included therein)"

NOTE: is ia particularly telling the extent to which the Panel completely glosses

over all the due process deprivations and violations of SCR 105(2), and SCR 105(2)(c) here, in addition to its failure to “conclude” as a “matter of law” that Coughlin was “served” the Complaint (thus hoping to avoid all the messy fraud issues related to King and SBN Clerk of Court Peters misconduct). Further, the Panel went out of its way to attempt to prevent Coughlin, at the outset of the hearing, from putting on the record that he was appearing to contest jurisdiction, including for lack of service of process, in addition to the multitude of SCR 105(2)(c) deficiencies, not to mention to impermissible consolidating of the “formal hearing” required by SCR 111(8) and the “formal disciplinary proceedings” required for an SCR 105 complaint.

Further, if the 8/23/12 Affidavit of Mailing by Clerk of Court Laura Peters attached to the 8/23/12 Complaint in King's FHE1 is truthful and correct, and King's presentation of it not a violation of RPC 3.1, 3.3, 3.4, and 8.1, then why would King write the following:

“RE: citation to legal authority?”

From: Patrick King (PatrickK@nvbar.org) This sender is in your safe list.
Sent: Tue 9/25/12 10:49 AM
To: Zach Coughlin (zachcoughlin@hotmail.com)
Cc: David Clark (DavidC@nvbar.org)

September 25, 2012

Good Morning Mr. Coughlin,

This morning you were served with the Disciplinary Complaint, for Case No: NG12-0204, NG12-0435 and NG 12-0434.

A verified Response or Answer to this Complaint must be filed with the Office of Bar Counsel, State Bar of Nevada, 9456 Double R. Blvd, Ste. B, Reno, Nevada 89521 within 20 days. The Procedure regarding service is addressed in SCR 109.

The reason I have requested your physical address is to facilitate our ability to contact you. The mail that was sent to you via certified mail was returned to the State Bar as unclaimed.

Patrick King, Assistant Bar Counsel”

“RE: Notification of Electronic Filing in IN RE: DISCIPLINE OF ... COUGHLIN, No. 60838

From: Patrick King (PatrickK@nvbar.org) This sender is in your safe list.
Sent: Mon 10/08/12 9:42 AM
To: Zach Coughlin (zachcoughlin@hotmail.com)
Important !!!

Dear Mr. Coughlin

Please understand that **you were personally served with the Complaint on September 25, when you came to office of the state bar**, in Reno. As such, you are required to file a verified answer to that Complaint within 20 days from the date you were served.

If you fail to Answer the Complaint, I will move the matter forward to a Formal Disciplinary Panel on a default basis. If that occurs the panel will accept all of the allegations in the Complaint as true. **In your latest e-mail you acknowledge the Complaint by**

asserting that it is “combo package.” I encourage you to file your answer to the Complaint.
Patrick King, Assistant Bar Counsel.”

“RE: Notification of Electronic Filing in IN RE: DISCIPLINE OF Z...COUGHLIN, No. 60838

From: Patrick King (PatrickK@nvbar.org) This sender is in your safe list.
Sent: Mon 10/08/12 9:56 AM
To: Zach Coughlin (zachcoughlin@hotmail.com); David Clark (DavidC@nvbar.org);
Laura Peters (LauraP@nvbar.org); barcounseloversightcommission@gmail.com
(barcounseloversightcommission@gmail.com); tsusich@nvdetr.org (tsusich@nvdetr.org)

Mr. Coughlin was served with the Complaint by regular and by certified mail. In an abundance of caution Mr. Coughlin was personally served with the Complaint on September 25, 2012 when he came to the office of the state bar. Mr. Coughlin has not yet filed a verified Answer to the Complaint.

Patrick King, Assistant Bar Counsel”

“RE: motion to dismiss attached

From: Patrick King (PatrickK@nvbar.org) This sender is in your safe list.
Sent: Mon 10/08/12 11:39 AM
To: Zach Coughlin (zachcoughlin@hotmail.com)
Dear Mr. Coughlin,

As I have explained, the Complaint against you has been served. Your verified answer is due by Tuesday September 9, 2012. You should file a verified answer to the complaint.

Patrick King, Assistant Bar Counsel.”

“RE: pending final disposition of disciplinary **proceedings....language SCR 111(7) versus SCR 111(8) and the June 7th, 2012 Order of the NV. S. Ct.**

From: Zach Coughlin (zachcoughlin@hotmail.com)
Sent: Thu 10/11/12 4:56 PM
To: laurap@nvbar.org
1 attachment

1 29 2012 letter to Clerk of Court Orduna Hastings regarding Eflex rejections with attachments 41 pages total.pdf (957.8 KB)

Dear Clerk of Court Peters,

Are you sure I indicated one way or the other whether I received the Complaint? Was there some mention of August 23rd, 2012? Can Bar Counsel King actually do some legal research for once, ever? Does he have a citation to any authority or cases that says a Motion to Dismiss

may not be filed unless the Respondent makes some affirmative indication to the Clerk of Court as to whether he actually received a Complaint? NRCP 5(e) makes clear the Clerk of Court and filing office of the SBN are not permitted to refuse filings. So, the September 17th, 2012 Motion to Dismiss must be filed by Clerk of Court Peters, or misconduct exists.

FACTS

Further, NRCP 5(e) holds that:

"(e) Filing With the Court Defined. The filing of pleadings and other papers with the court as required by these rules shall be made by filing them with the clerk of the court, except that the judge may permit the papers to be filed with the judge, in which event the judge shall note thereon the filing date and forthwith transmit them to the office of the clerk. A court may by local rule permit papers to be filed, signed or verified by electronic means that are consistent with technical standards, if any, that the Judicial Conference of the United States establishes. A paper signed by electronic means in compliance with the local rule constitutes a written paper presented for the purpose of applying these rules. The clerk shall not refuse to accept for filing any paper presented for that purpose solely because it is not presented in proper form as required by these rules or any local rules or practices."

The filing officer clerk's in the 2nd Judicial District Court for Washoe County, and the managers, supervisors, and administrators regularly refuse filing in contravention of NRCP 5(e). Further, the drop box required by WDCR 12(10) is no more. The drop box was removed about 6 months ago. The eFiling fee tripled, about six months ago, on July 1, 2011. The connection is hard to ignore. I seriously, seriously doubt the drop box was as underutilized as I have heard suggested. I would imagine the hard working, dedicated filing office staff may actually prefer having the drop box to cut down on the lines. Nonetheless, I would be surprised if the dictates of WDCR 12(10) were rendered null by any under use.

With regard to the WDC filing office/ eFlex staff refusing to file papers submitted for filing, please consider:

Sullivan v. Eighth Judicial Dist. Court In and For County of Clark, 904 P.2d 1039, 111 Nev. 1367 (Nev., 1995): "This proper person petition for a writ of mandamus seeks an order from this court directing the Eighth Judicial District Court to file petitioner's application to proceed in forma pauperis and his civil complaint. 1 On July 25, 1995, we ordered the state to file an answer to this petition. The state's answer was filed on August 11, 1995. 2 Documentation submitted by petitioner to this court establishes that petitioner submitted to the clerk of the district court for filing an application to proceed in forma pauperis and a civil complaint on May 15, 1995. Although the application for leave to proceed in forma pauperis was in proper form and was sworn to under penalty of perjury, the clerk of the district court did not file that application. 3 The failure to file the application was in violation of the clear statutory mandate that such an application be filed. NRS 12.015(1) provides that "[a]ny person ... may file an affidavit [seeking leave to proceed without payment of fees]." Further, we have repeatedly instructed the clerk of the Eighth Judicial District Court that such documents must be filed. See Bowman v. District Court, 102 Nev. 474, 728 P.2d 433 (1986) (clerk has a ministerial duty to accept and file documents if those documents are in proper form; clerk must not exercise any

judicial discretion); *Barnes v. District Court*, 103 Nev. 679, 748 P.2d 483 (1987) (prisoner's right of access to court cannot be denied on basis of indigency); *Huebner v. State*, 107 Nev. 328, 810 P.2d 1209 (1991) (clerk must create an accurate record of all pleadings submitted for filing, whether or not the documents are actually filed); *Whitman v. Whitman*, 108 Nev. 949, 840 P.2d 1232 (1992) (clerk has no authority to return documents submitted for filing; instead, clerk must stamp documents that cannot be immediately filed "received," and must maintain such documents in the record of the case); *Donoho v. District Court*, 108 Nev. 1027, 842 P.2d 731 (1992) (the clerk of the district court has a duty to file documents and to keep an accurate record of the proceedings before the court); *Grey v. Grey*, 111 Nev. 388, 892 P.2d 595 (1995) (clerk of district court admonished for failure to keep accurate record of documents submitted for filing). Petitioner alleges that the district court has refused to file his application and has returned it with directions to provide more information regarding employment. Indeed, petitioner has attached to his petition for a writ in this court his original application as it was returned to him. Attached to the top of the document is a "post-it" note with the handwritten notation: "application denied incomplete info-employment currently." 4 The state informs us that the note was written by "the chief judge." In addition, petitioner alleges, and the allegation is apparently true, that along with his "denied" application for leave to proceed in forma pauperis, his civil complaint was returned to him unfiled. Finally, petitioner alleges, and has attached documentation to support the allegation, that judges' law clerks often return to prisoners unfiled motions along with letters purporting to rule on the legal sufficiency of those motions. The state argues in its answer to this petition that "petitioner's application ... was denied on the basis that the address of the Petitioner which was later given to the Court by Petitioner ... did not appear to be a jail and that such information was contrary to the information shown in the application which stated that the Petitioner was in prison. The 'out of jail' address suggested an ability of the Petitioner to be employed." This vague reference to an "out of jail" address is not explained in the documents before this court. Nevertheless, the state's assertion that petitioner's application was denied is incorrect. The handwritten notation on petitioner's unfiled application clearly does not constitute a proper judicial disposition of that application. Further, the action of the clerk of the district court in returning petitioner's application and civil complaint to him unfiled is in direct violation of this court's instructions to the clerk of the district court in *Whitman v. Whitman*, 108 Nev. 949, 840 P.2d 1232 (1992). This court has several times confirmed the absolute obligation of the district courts to file documents submitted to them and to preserve the right of citizens to access to the courts, whether indigent or not. *Barnes v. District Court*, 103 Nev. 679, 748 P.2d 483 (1987); *Huebner v. State*, 107 Nev. 328, 810 P.2d 1209 (1991). Indeed, in *Donoho v. District Court*, 108 Nev. 1027, 842 P.2d 731 (1992), a case directly analogous to this case, we held that the clerk of the district court violated the rights of an indigent party when she neglected to file a motion for leave to proceed in forma pauperis and a motion for relief from a default judgment. Specifically, we stated: "[T]he clerk [of the district court] had an absolute duty to file the motion for leave to proceed in forma pauperis and to clearly stamp the date of receipt of the other documents on the documents. Further, the clerk had a duty to keep an accurate record of the case pending before the district court." *Id.* at 1029, 842 P.2d at 733 (citation omitted; emphasis added). Thus, petitioner's application for leave to proceed in forma pauperis must be

filed. If, on subsequent review of the application, the district court determines that petitioner has not shown he is indigent, the district court may order petitioner to provide further information or may deny the application in an appropriately filed written order. If, on the other hand, the district court grants the application, the district court must then proceed to require the filing of petitioner's other documents and to consider them in due course. *Donoho*, 108 Nev. at 1030, 842 P.2d at 733. Of course, for statute of limitations purposes, the complaint would have to be considered filed on the date of actual receipt by the clerk of the district court. To continue the analysis, with respect to petitioner's civil complaint which he is attempting to file concurrently, the district court clerk had an absolute obligation to stamp the document "received" and to record the date on which the document was in fact received at the courthouse. See *Huebner v. State*, 107 Nev. 328, 810 P.2d 1209 (1991). This the clerk of the district court did. However, the clerk then had a duty to maintain a copy of the received document in the record of the case, whether or not the document is ever filed. *Whitman v. Whitman*, 108 Nev. 949, 840 P.2d 1232 (1992). This, the clerk neglected to do. While *Huebner* dealt with the timeliness of a notice of appeal, the rationale compelling this court's ruling in *Huebner*, that all documents must be marked received and dated, applies with equal force to a party's submission of a complaint. "The legal rights of the parties to litigation, whether acting in proper person or through counsel, often turn on the date of receipt by the clerk of the district court of documents and pleadings." *Huebner*, 107 Nev. at 330, 810 P.2d at 1211. As with a notice of appeal, the untimely filing of a complaint may prevent the court from hearing the matter on its merits. It is the responsibility of the clerk of the district court to keep an accurate record of all documents submitted to her, whether or not they are filed. As in *Huebner*, ambiguities regarding when documents were received or filed must ultimately be resolved in favor of the party submitting them. *Id.* at 332, 810 P.2d at 1212. The issue presently before this court is not whether petitioner's motion for leave to proceed in forma pauperis is sufficient to establish petitioner's indigence. Further, we are not now concerned with the merits of petitioner's civil complaint. We are vitally concerned, however, with the preservation of the constitutional right of access to the courts and with the protection of the constitutional right to due process of law. A writ of mandamus is available to compel the performance of an act which the law requires as a duty resulting from an office, trust or station. NRS 34.160. The clerk of the district court has an absolute duty to file petitioner's application and to properly receive and keep a record of petitioner's complaint. Accordingly, we grant this petition for a writ of mandamus. 6 The clerk of this court shall serve a copy of petitioner's application and complaint on the clerk of the district court forthwith. The clerk of this court shall also issue a writ of mandamus compelling the clerk of the district court to file petitioner's application, and to receive petitioner's complaint. These documents will be considered to have been filed and received on May 15, 1995. ----- 1 Petitioner also seeks a writ of prohibition enjoining the district court, the clerk of the district court and her employees from denying prisoners access to the courts in the future. We deny petitioner's request for a writ of prohibition. 2 Cause appearing, we grant petitioner's proper person request for leave to file a reply to the state's answer. The clerk of this court shall file the reply, entitled "petitioner's reply to petition for writs of mandamus and prohibition," which was received by this court on August 21, 1995. 3 Although the document was entitled "application" rather than "affidavit," it was sworn to under penalties of perjury,

provided information concerning petitioner's financial condition and clearly sought a judicial ruling regarding the question of whether petitioner would be allowed to proceed with a civil action without the payment of fees. Thus, any deviation as to form was not significant enough to justify the clerk's failure to file the document. The clerk of the court has no discretion to make any judicial ruling regarding the legal sufficiency of a document. When a document in proper form is submitted to the clerk, the clerk has a ministerial duty to file that document. 4 We note that petitioner is presently an inmate at the Nevada State Prison, and that his affidavit filed in this court in support of this petition states that he is currently unemployed and has no prison job. He also avers that his only asset is \$6.57 in his prison account. 5 One such letter from a law clerk to an inmate states: "Attached please find your Motions to Proceed in Forma Pauperis which you recently submitted. NRS 12.015 requires an indigent litigant to set forth 'with particularity facts concerning his income, property, and other resources ...' Your application to proceed sets forth this information very generally." "Please resubmit the Motion with a more particular statement regarding your finances and any property you own...." Although this letter does not directly deny the motion, it clearly has the effect of denying the motion without filing. Of course, like the clerk of the district court, a judge's law clerk lacks judicial authority. 6 The state represents that "the District Court will file the Petitioner's complaint upon submittal by the petitioner." This statement was based on the state's view that we determined in our Order to Show Cause that petitioner should be allowed to proceed in forma pauperis. We, however, express no opinion regarding the merits of petitioner's application or complaint. We merely determine that the application should have been filed and judicially resolved, and the complaint should have been properly received. We note that petitioner has sent the original documents to this court, and thus may not be in a position to resubmit them. Also, for statute of limitations purposes, the documents must be considered filed as of the date of original receipt. Thus, we have determined that this petition must be granted." Another very important and instructive case is *Whitman v. Whitman*, 108 Nev. 949, 840 P.2d 1232 (Nev., 1992): "On rehearing, appellant has submitted documents that conclusively demonstrate that appellant submitted a timely notice of appeal to the clerk of the district court. Although the clerk of the district court stamped the notice of appeal 'received' on December 30, 1991, the clerk did not file the notice of appeal. Instead, the clerk of the district court returned appellant's notice of appeal to appellant because it was not accompanied by a filing fee and, although the notice was accompanied by a motion for leave to proceed on appeal in forma pauperis, appellant's affidavit in support of that motion was apparently not signed. Consequently, there is no record of the submission of appellant's timely notice of appeal. We note that the clerk of the district court filed appellant's motion for leave to proceed on appeal in forma pauperis on the date of receipt, December 30, 1991, and that the district court eventually granted that motion. We have previously stated that 'it is extremely important that the clerk of the district court keep an accurate record of the date of receipt of every document submitted to the clerk, regardless of whether the document is in the appropriate form. Indeed, it is a gross dereliction of duty for the clerk of the district court to neglect this ministerial duty.' *Huebner v. State*, 107 Nev. 328, 330, 810 P.2d 1209, 1211 (1991) (footnote omitted). In this case, the clerk of the district court has failed to keep any record of the date of receipt of appellant's notice of appeal; instead, the clerk stamped the

document "received" and returned it to appellant. The clerk of the district court had no authority to take such action. Although the clerk of the district court had no duty to file appellant's notice of appeal before appellant paid the requisite filing fee or was relieved of the duty to pay the filing fee by order of the district court, see NRS 19.013(2), the clerk had a duty to receive the document and to keep an accurate record of the case pending before the district court. Particularly in this case it was essential that the notice of appeal be retained in the record, because we have held that a notice of appeal is effective on the date of receipt by the district court clerk. See *Huebner v. State*, [108 Nev. 952] 107 Nev. 328, 810 P.2d 1209 (1991). Rather than returning the notice of appeal to appellant, the clerk of the district court should have retained the notice of appeal in the record, and should have informed appellant by letter of any perceived deficiencies in the document. 4 Appellant could then have taken whatever action was appropriate to pursue his appeal. In light of the foregoing, we conclude that appellant timely submitted to the clerk of the district court a notice of appeal from an appealable order of the district court, and that appellant's timely notice of appeal is not contained in the record due to the inappropriate action of the district court clerk. Accordingly, we grant appellant's petition for rehearing, and we proceed to address the merits of this appeal." *Id.* At 1232-1234. See, also, *Barnes v. Eighth Judicial Dist. Court of State of Nev., In and For Clark County*, 748 P.2d 483, 103 Nev. 679 (Nev., 1987).

Sincerely,
Zach Coughlin"

"RE: Notification of Electronic Filing in IN RE: DISCIPLINE OF ZACHARY COUGHLIN, No. 60838

From: Zach Coughlin (zachcoughlin@hotmail.com)

Sent: Thu 10/11/12 5:05 PM

To: patrickk@nvbar.org; laurap@nvbar.org; davidc@nvbar.org; tsusich@nvdetr.org; nvscclerk@nvcourts.nv.gov

Dear Bar Counsel, Chairman Susich, and Clerk of Court Peters,

Clerk of Court Peters made representations to Coughlin on or around September 11th, 2011 that she had mailed a certified copy of a SBN v. Coughlin Complaint on or about August 23rd, 2012, but that she has received it back in the mail as unclaimed on September 10th, 2012. Clerk Peters made representation to Coughlin that he would not be deemed "served" the Complaint by the SBN incident to any August 23rd, 2012 mailing, but that she would resend such SBN v. Coughlin Complaint sooner after the communications with Coughlin on or about September 11th, 2012, and that Coughlin would not be deemed "served" until a signed returned certified mail receipt was recieved by the SBN. Coughlin is entitled to rely upon representation made by the SBN's Clerk of Court Peters. Further, Patrick King made representations that the earliest Coughlin would be viewed as "served" an SBN v. Coughlin Complaint would be September 25th, 2012, providing Coughlin a guarantee that he had 20 days to file an Answer

from that date. Now it seems Bar Counsel King is attempting to remix this situation, and potentially deem Coughlin "served" all the way back to, say, 5 days from when Clerk of Court Peters indicates she sent Coughlin via certified mail a SBN v. Coughlin Complaint or or about August 23rd, 2012. Of Course, Bar Counsel King has done no legal research to see if there exists any authority to interpret this situation or SCR 109, but merely makes it up as he goes along, contradicting himself along the well, and going back on representations made by the SBN, sullyng its image.

In anticipation of that very sort of approach, Coughlin filed a Motion to Dismiss on September 17th, 2012 (which would be timely under even the most draconian interpretations of SCR 109, even where the SBN is allowed to go back on promises and express indications detailed above, sometimes in writing, too), and Clerk of Court Peters indicated to Coughlin that Bar Counsel King forbade her from filing it, citing various specious arguments as to why NRCP 5(e) did not have to be followed by the SBN. Now, Bar Counsel King has sent a confusing email on October 8th, 2012 purporting a Verified Answer to a SBN v Coughlin Complaint to be due by "Tuesday September 9, 2012"...which is in the past....and which is less than 20 days from even the August 23rd, 2012 date the Clerk of Court Peters indicated to Coughlin she mailed, via certified letter, a SBN v. Coguhlin Complaint.

Please provide an indication of whether King's email of October 8th, 2012 contained a typo as to the due date for an Answer, and whether the SBN views that date to have already passed, and the extent to which the SBN and or the NNDB is going back on the indications by King and Clerk Peters as to when, at the earliest, such a SBN v. Coughlin Complaint would be deemed "served".

Respectfully,

Zach Coughlin

PS. I will provide my physical address, as I have indicated previously, if the SBN demands it, but given the abuse of me by local law enforcement in my crusade for civil rights and lawfulness and against prosecutorial misconduct, I have become fearful of having my physical address all that well known, plus I was adjudged a victim of domestic violence earlier this year in FV12-00187 and FV12-00188, which further supports such an arrangment. Please see my previous correspondence with offers of presenting a reasonable manner in which the SBN can readily and quickly serve me.

Continuances: Attorney was not entitled to continuance of second hearing date in attorney disciplinary proceedings to obtain counsel, on basis that second hearing was reset for January 4, not later in the month, and attorney not able to find new counsel because no one wanted to work on his case over the holidays, where attorney stated on the record that he needed no more than one week's notice of the continued hearing, and was aware from

November 17 that he needed to find counsel immediately, attorney was notified no later than December 6 of new hearing date, and even from December 6, attorney had four weeks to obtain new counsel and to prepare for the continued hearing. In re Discipline of Schaefer, 2001, 25 P.3d 191, 117 Nev. 496, modified on denial of rehearing 31 P.3d 365, certiorari denied 122 S.Ct. 1072, 534 U.S. 1131, 151 L.Ed.2d 974.

The facts of this case obviously required a continuance, which Coughlin sought on numerous occasions, but which was denied, as was the case with Coughlin's filings seeking to be granted additional time to file a "verified answer or response" should the Panel determine that Coughlin had yet to do so (where Coughlin maintains that he had filed, more than once, just such a "verified answer or response" or the functional equivalent thereof: See ROA at:

201-204 Notice of Non-Service of Intent to Take Default of Approx. Oct.9, 2012 11/8/12
205-216 Supplem.Rspdt.Desig.Witn./Summ. Evid., Notice Obj., Reply.Opp.Bifur, 11/8/12
217-297 Well Would You Mtn Set Aside, Alter, Amend Order, Opp. Mtn Quash 11/8/12
(NOTE: Coughlin submitted for filing, just prior to 5 p.m., on 11/9/12 a "Verified Answer or Response" that was 88 pages long and contained an exhibit that the SBN has chosen to leave out of the ROA completely or in any way alert the NSCT of, one that even further than had already been done, denied all the allegations in the Complaint).

298-350 Emerg. Ex Parte Mtn to Dismiss, For More Definite Stmt, Good Cause 11/13/12

353-714 Motion for New Trial, Notice of Hill and Baker's Malfeasance 11/30/12

715-718 Amended Supple. to Respondent's Emergency Motion to Set Aside 11/30/12

719-736 Notice of RMC's Failure File Coughlin's Timely Notice of Appeal (NF, 11/16/12)

737-790 Post-Hearing Brief, Mtn Disqualify/Mistrial, Transcript Req, Recons Order Quashing, Bifurc, , Rule 103(7) Challenge for Cause (NF, submitted 11/16/12)

791-796 Declaration of Zachary Barker Coughlin (NF, subm. 12/7/12)

797-1347 Motion for Mistrial (Whopper Chocked 10/9/12 Affd. Peters) (NF, subm. 12/3/12)

Further, the ROA is, for no acceptable reason, missing the documents Coughlin properly submitted for filing on 10/31/12, 11/9/12, 12/17/12, 1/3/13, and 1/17/13,

Also, the fraud of the SBN and Panel is on full display where the ROA of 2/13/13 is missing pages 7 and 8 of the transcript where such details such importance matters as King's admitting the forcing the clerk to unfile Coughlin's the Motion to Dismiss Coughlin filed "immediately after" the SBN "mailed the complaint via certified and regular mail" and Coughlin's entering a special appearance, and therefore not waiving his rights to a dismissal for insufficient service of process the missing portions (for context, the portion of the transcript immediately preceding the pages the SBN purposefully and fraudulently removed from the ROA relates to service of the Complaint (HEARING - Vol. I, (Page 6:21 to 6:25) MR. KING: As the record reflects, Mr. Coughlin was served a copy of the complaint to the address that he is mandated to provide to the State Bar. MR. COUGHLIN: I don't believe that's correct. MR. ECHEVERRIA: Please don't interrupt,...") (NOTE: King's statement, "as the record reflects" certainly is interesting when considering the 10/9/12 Affidavit of Laura Peters that is included in the ROA, but which was not served on Coughlin until four judicial days prior to the hearing, in a box of 3,094 other pages of documentation, especially where King's statement "served a copy of the complaint to the address that he is mandated to provide" certainly refers to SCR 109 service via USPS Certified Mail, rather than the attempt at forcing the SBN Clerk

of Court Peters to “personally serve” Coughlin the Complaint on 9/25/12 at the SBN's Northern Officer upon Coughlin being duped into showing up for a hearing that Clerk of Court Peters admits she noticed Coughlin on and which she admits was on calendar (such events of 9/25/12 being detailed both in Coughlin's 10/16/12 Motion for Order To Show Cause and the 10/9/12 Affidavit of Laura Peters)):

HEARING - Vol. I, (Pages 7:1 to 8:25) “(PANEL CHAIR ECHEVERRIA) ...Mr. Coughlin. Go ahead. MR. KING: Subsequently, Mr. Coughlin filed, immediately after we mailed the complaint via certified and regular mail, Mr. Coughlin filed a motion to dismiss the complaint. MR. ECHEVERRIA: I think his argument here is that he wasn't notified that Judge Beesley would be a potential witness. MR. KING: We sent a supplemental notice to Mr. Coughlin that we intended to call Judge Beesley. MR. COUGHLIN: I'm sorry. If I can just interject quickly. MR. ECHEVERRIA: Mr. Coughlin. MR. COUGHLIN: -- before the proceeding -- MR. ECHEVERRIA: Mr. Coughlin. MR. COUGHLIN: Yes, sir. MR. ECHEVERRIA: Please don't interrupt. MR. COUGHLIN: May I record the proceedings? MR. KING: I'm handing, with the chairman's permission, a copy of the supplemental notice. In addition, as I indicated, the purpose of calling Mr. Beesley is to assist the panel to understand Mr. Coughlin's conduct in his court, and also as a potential rebuttal witness. Unfortunately, Judge Beesley is in Las Vegas and is only available between 9:00 and 9:30. So what I would ask the panel to do is to allow, as an offer of proof, allow Judge Beesley to testify. And then if the panel subsequently determines for some reason that it's not appropriate, rebuttal testimony -- MR. COUGHLIN: I'm sorry. I need to enter, this is a special (NOTE: Coughlin said “...special appearance to contest jurisdiction, personal, subject matter, and authority”) -- MR. ECHEVERRIA: Mr. Coughlin. MR. COUGHLIN: -- I need to submit that for the record. MR. ECHEVERRIA: Please don't interrupt. MR. COUGHLIN: I need to submit that for the record. MR. ECHEVERRIA: You'll get your opportunity. (NOTE: under some authority, a litigants failure to *immediately, at the outset, indicate the limited nature of their appearance waives any such rights*) MR. KING: Judge Beesley, my name is Patrick King. I represent the State Bar of Nevada in a disciplinary hearing involving Zach Coughlin. Did you understand that that was the matter in which you were going to testify to this morning? JUDGE BEESLEY: Yes. MR. ECHEVERRIA: Just a second, Mr. King. Let me state on the record that because of the time constraints, I'm going to rule that we can take the...”

(NOTE: so, two very, very important issues were addressed in those two pages of the transcript which the SBN purposefully excised from the 2/13/13 ROA.

At some point, when a broken clock has never, ever been right, one is entitled to accuse the clock of something funny. Such pages 7 and 8 of the 332 page transcript should be included in the ROA between pages 1378 and 1379 therein (King and Clerk Peters also took out a 60 page Word Index at the back of such transcript that is of enormous utility to one whom cares about the truth, rather than accomplishing the goals on their agenda, no matter what the truth is, like King and Clark seek to do). Also missing from the transcript of the formal hearing of 11/14/12, are pages 31 and 32 therefrom (which

should have appeared in the ROA between pages 1400 and 1401, where such pages also include key material conveniently removed by the SBN, where such read:

“HEARING - Vol. I, (Page 259:2 to 259:9) MR. KING: I would object on two grounds.

MR. ECHEVERRIA: Let's identify what it is he's offering. I still don't know. MR.

COUGHLIN: I would like to offer this one that has a file stamp of October 31st, 2012, prehearing motion to dismiss summary judgment, memorandum of law. I'll interlineate

verified response. MR. KING: Don't change it now, Mr. Coughlin...." King's "don't change it now" is quite rich when considering all the "true and correct" copies of documents he submitted in his Exhibit 1 "packet and in other exhibits (FHE's 2,3,4, 5, 6, 7 (not sure about 8), 9, 10, 11, 12, 13 (though, the ROA should be stricken or the SBN made to correct it where the new bates stamping is so conveniently place in such

2/13/13 ROA in a position and manner that obscures completely (ie, its not just written over atop thereof, but a strip the entire width of each page is superimposed over and text previously there leaving only a 16 point font four digit bolded bates stamping where previously, in many instances, was the bates stamping on the items King included in his FHE1 Packet, and on, upon information and belief, the exhibit listed above (certainly, if King had a bates stamped reference somehow proving he provided Coughlin the 2/14/12 letter from Judge Nash Holmes to the SBN in the 3,094 page production delivered to Coughlin only four judicial days prior to the 11/14/12 hearing, it would do little to establish some RPC 8.1 violation by Coughlin, but it would be more than King managed to get into evidence, it seems, sufficient to provide evidence to support the contention the SBN made in its Complaint, which is not only vague, but untrue where such reads, at ROA 1: **“2. Respondent was advised of the grievances via U.S. mail, e-mail and by a brief meeting with Mr. King at the State Bar Office in Reno. Respondent *did not cooperate with the investigation* and rather than *respond to the grievances as requested*, Respondent sent non-responsive and disparaging e-mails.”** One,

Coughlin denied each and every allegation in the Complaint, in some instances, on numerous occasions, in documents submitted for filing with the SBN. That being the case, the SBN and Panel are not entitled to rely upon King's Complaint as “evidence” sufficient to meet the “clear and convincing evidence” burden of proof. So, without King even seeking to admit any letter he purports to have sent to Coughlin requesting Coughlin to respond to Judge Nash Holmes' grievance, or some “grievance” by 2JDC Judge L. Gardner, er, by King, er, by...um... “oh, never mind about that one, now that you caught me lying about whether or not it was a grievance “received” from Judge L. Gardner herself, and now that the shadiness of Judge Nash Holmes forwarding Judge L. Gardner's three year old sanctions order in FHE3 to the SBN after Judge L. Gardner provided such to her *brother*, RMC Judge W. Gardner (where both Judge Nash Holmes and W. Gardner admit W. Gardner provided such extra-judicial information to all the other RMC Judges (including those like K. Howard, whom still is presiding over RMC 11 CR 22176 (which begat 60838) and needs to adjudicate the very 2/21/12 Motion for New Trial by Coughlin that even further than Coguhlin's multiple other filings with the RMC (including a filing in the very 11 TR 26800 traffic citation case on 1/9/12 in which Judge Nash Holmes professed to have such difficulty “locating” Coughlin and only

managed to mail one copy of such dubious 2/28/12 Order to an address from which she knew Coughlin had been wrongfully evicted on 11/1/11, involving the very Richard G. Hill, Esq., whom she references in such 2/28/12 Order and to whom she referred on the record during the 2/27/12 trial when she threatened Coughlin: “if you say Richard G. Hill's name one more time you are going to jail!”, which is rather interesting when considering the 2/28/12 Order purports Coughlin to have

Bates 620-621 of the 11/7/12 3,094 page production email from Coughlin to SBN King of 4/16/12 Subject: Mr. King's assertion in his 3/16/12 letter wherein Coughlin writes: “Anyway, ***I deny guilt on each and every allegation made against me by Hill, Judge Nash Holmes, and whoever else has filed a grievance or complaint and also with respect to any criminal charge against me, including that which resulted in a conviction in 11 CR 22176, which, I think will ultimately reveal was replete with prosecutorial misconduct, lying by the Wal-Mart loss prevention associate, and lying by the two RSIC police officers, in addition to abuse of discretion and other errors by Judge Howard....In addition, Mr. King now informs me that he has opened a grievance on behalf of Judge Linda M. Gardner, Incident to a Order for Sanctions she entered in April 2009. Mr. King has refused to indicate to me who submitted this Order for Sanctions or otherwise provided it to Bar Counsel as a Complaint or Grievance or otherwise.***” Therein Coughlin further details to extended delays (due to the USPS, Western Nevada Management, Gayle Kern, Esq.'s wrongfully interfering with Coughlin's right to receive his own mail and that born of the domestic violence directed against Coughlin by his former housemates at 1422 E. 9th St. #2 detailed in the two Temporary Protection Orders Coughlin obtained against them in FV12-00187, FV12-00187) receiving the 3/16/12 correspondence from the SBN's King found at bates 2793 (King's 3/16/12 letter to Coughlin indicating the OBC “has received several grievances concerning your conduct as a lawyer...I will make available for your review and inspection the supporting documents and audio recordings”)

Page 1736 of the 2/13/13 ROA is enormously problematic considering there is no indication such was attached to the 10/9/12 Notice of Intent to Take Default, and it is extremely prejudicial to allow for the inclusion of (not to mention the presentation of it to the Panel) of such a fugitive document, is not an affidavit, its not even signed, and its not sworn, and it goes to one of the very biggest issue of the case, one that affects the legitimacy of the entire case, the 12/14/12 FOFCOL, and the holding of a formal disciplinary hearing on 11/14/12, ie, whether the Complaint was ever properly served).

Of course, Coughlin's Motion for Order to Show Cause (which the SBN had to include in the ROA because Echeverria's 10/31/12 Order referred to it and denied it (otherwise, such would not have even been included in the ROA. As it stands, King ordered Clerk of Court Peters to simply not file stamp it), which Echeverria gave a 10/16/12 date of filing, describes nearly verbatim the insufficiency of service of process problems that motivated King and Peters to excise pages 7 and 8 from the version of the transcript of the 11/14/12 formal disciplinary hearing included in the 2/13/13 ROA, where such Motion reads (see ROA 49-50):

“7. Coughlin appeared at the northern office the State Bar for the calendared, agreed upon, noticed, and set September 25, 2012 Hearing notice to him and the NNDB's Chairman Susich and required by this Court's June 7th, 2012 Order and SCR 111(8). While Coughlin sat waiting in the lobby out walked Clerk of Court Peters and Bar Counsel Patrick King, King holding a stack of papers then handing them to Clerk Peters, and King whom greeted Coughlin and entered a conversation that when approximately like this :

“**King:** Zach. Clerk Peters: I am supposed to hand you this Complaint. **King:** You're served (motioning to Clerk Peters to hand Coughlin the stack of papers). You are officially served. She's the Court Clerk. You're served. Coughlin: Aw.. I think one has to be served by a non-party under SCR 109. **King:** No, you're served, she's the Clerk of Court, so take it. She's serving you, you are officially served and so I will issue a default judgment against you if you don't accept it. Peters: I mailed it out. Coughlin: Is my hearing going to be held right now? **King:** First, take this. Coughlin: What about my Hearing that's what I'm here for right now. **King:** First, take this. Coughlin I think you actually can't serve people when they are showing up for a Hearing. King yes I can absolutely can. Coughlin: I have cases that say you can't. **King:** I absolutely can. Things don't go your way because you don't accept responsibility (King grabs the stack of papers from Peters and attempt to insert them into Coughlin's suit jacket after pulling the middle button on Coughlin's blazer away from Coughlin's torso, whereupon King gives up on that approach). I'll drop it at your feet here your served (King bends down and places the stack of papers on top of Coughlin dress shoes). Coughlin: you are a party though it has to be a non-party that's the law **King:** Zach. Don't play games! Coughlin: It's not a game, Pat, it's the law. Peters: Zach, please? Coughlin: Where is my hearing? **King:** Hi Paula where you witness that I'm serving or that rather Laura is serving Zach Coughlin with the Complaint. Paula: Sure? (Looking bewildered beyond all measure). King Here is this, take it, take it, Zach. Coughlin: We go to have my hearing today? **King:** First order of business is for you to accept the Complaint Coughlin: For you may be Pat, but you're not the one who hasn't had a law license last four months over a candy bar so... King are going to take the complaint it's a formal complaint I'm been a default you him him. You can pretend you didn't get it else is take a default Coughlin: Pat, I filed a motion to dismiss. Seems like you are trying to put Clerk of Court Peters in kind of a bad spot. **King:** No, you haven't filed it it's been rejected, Coughlin: By who, the prosecutor? The prosecutor rejected it, Pat? King: Listen the Clerk of Court Peters rejected it because it doesn't say what it's dismissing. You are not even acknowledging that you have been served so take the Complaint and then you can answer it. You're been served right now Coughlin: well I guess you're free to argue that, that you a party that is serving me. **King:** No, the Court Clerk is serving you. Your at the State Bar office being served with a Complaint Coughlin: I I've got cases this the you can serve a criminal defendant when they show up to a civil proceeding **King:** This is State Bar. Coughlin: Oh, I get it. We're playin' prison rules,

huh? Like in that movie The Cable Guy when Jim Carrey is playing pickup ball and says "Oh, we're playing prison rules,huh?" To the guys who just fouled him so hard? *I guess, we are "playin' 'prison rules'" down here at the State Bar, huh?* Are we going to have my hearing today? Because the Hearing is limited in scope and purpose, right? **King:** Zach, listen to the Court Clerk. Coughlin: Okay. **Peters: when you and I talked about the date for September 25th that was a tentative thing. I have not formally noticed that. I never did.** **King:** Because you did not answer the Complaint...Because you did not answer the Complaint by me explain Mr. Coughlin the suspension that you received from the Supreme Court which is their Order so if ya have a problem with the Supreme Court... Coughlin: I did with the SCR 102(4)(d) Petition? Why didn't you answer that, Pat? Now, I win on that on default, too? **King:** That's the Supreme Court... They suspended you pending...Pending a disciplinary Complaint which is what that is (motioning to a stack of papers King had earlier laid at Coughlin's feet)."

“HEARING - Vol. I, (Pages 247:10 to 252:18) Then I think that goes a large extent to how the procedural rules apply here. Because if you file a motion to dismiss, and it winds up jamming you up for time. And Mr. King is able to manipulate this process such that he's the one who picks the hearing date. He is the one who sets up the notice of hearing way before the panel is even empaneled. Then I get jammed up or the chairman who is ruling on things before I even have an opportunity to file a reply to his opposition. And then one, I'll testify under penalty of perjury I didn't get the notice of intent to take default. I'll testify that I went to the United States Post Office and attempted to pick up on at least -- on multiple occasions. On one occasion a Tim at the Vassar station in downtown Reno apparently couldn't find the envelope. The next time I went back, he did find the envelope that had a postmark date of 10-9-12, October 9th, 2012, and it had postage of about 1.25. It was a certified mailing upon information and belief it was the notice of intent to take default. I'll note that in the file that was given to me by Mr. King this certificate of mailing on that document indicates it was sent by only one method, certified mail. Where I believe every other document's been sent, if you look at the certificates of mailing attached at the end of the documents has been sent in two -- by two methods, first class mail and certified mail. So it's a little strange that notice of intent to take default -- maybe this is some kind of old school Bar counsel trick. I don't know. But it was only sent by one method, certified mail. So I go to pick it up once, the guy doesn't find it. I go the next week, and this is the guy Tim -- MR. ECHEVERRIA: How did you know to pick it up? MR. COUGHLIN: Because I got the little slip. MR. ECHEVERRIA: Okay. MR. COUGHLIN: And then the next time he did find it. And right before he gave it to me he noticed that it only has -- it's a large manila envelope, he noticed it only has \$1.25 Postage on it. That means it's insufficient postage, and he won't give it to me unless I pay the difference, which is like some five dollars that I don't have. So it gets sent back. I check the USPS and confirm for that

number, and Mr. King and the State Bar received it on November 9th. Mr. King's been very, very evasive about this, and I believe very dishonest. I saw Tim notate the insufficiency of postage. Yesterday Mr. King told me he didn't see anything about insufficiency of postage on the envelope. And the whole point is I never got notice of intent to take default. MR. ECHEVERRIA: You replied to it. MR. COUGHLIN: What's that? MR. ECHEVERRIA: You replied to it. MR. COUGHLIN: I replied to your orders. MR. ECHEVERRIA: No, you replied before I entered the order. You replied and provided your own witness list that parroted the witness list -- MR. COUGHLIN: I think it's probably -- sorry. MR. ECHEVERRIA: -- that parroted the witness list that the State Bar proffered, you filed your own. MR. COUGHLIN: I think I was replying to the witness list, the DowSoE. MR. ECHEVERRIA: And that came with the notice of intent to take default. MR. COUGHLIN: No. The DowSoE -- along with the DowSoE they sent a notice of hearing. Yeah, notice of hearing. And this is pursuant to SCR 1052(c). It says the panel after being empaneled shall provide at least 30 days from when it, the panel, not Bar counsel, serves the DowSoE and the notice of hearing by the same method in which the complaint is served. Which under SCR 109 can be by certified mail. Although I don't believe it can be when, and I'll testify under penalty of perjury on the phone, if not also in writing, Clerk Peters told me I could rely on the fact, I could bank on it that the State Bar of Nevada would not assert that 8-23-12 certified mailing would be proffered as affecting service of the complaint on me in any way at any time. At that time on the phone, I'm swearing this under penalty of perjury, she said we are going to send it out to you again, the certified mailing. I actually undertook a lot of research in this regard, because there is case law that says when the Bar -- not in this jurisdiction. But when the Bar sends you a certified mailing, I think they can say within three days you are served, whether you ever picked it up or not, you know. So I was worried about that, you know. But I called and talked to Clerk Peters. And I believe when a court, particularly a clerk of court, makes an express explicit representation to you that you can rely on something, that you're entitled to, you know. And I think it's -- it doesn't set a good precedent for the State Bar to essentially be pulling the rug out from under people like me. At that time on, I believe it was September 11th, she said, oh, I got back that certified mailing of the complaint. That was, I guess, sent 8-23, the date that it's stamped, the complaint. She got it back. She said it was returned as undelivered or something. And I said you think Pat is going to try to take a default? This or that? And she said definitively, no, we'll not do that. You are not served -- she said, I believe, and I would like to check my notes, but she said you're not served until we get that signature on the thing. And if we don't get the signature on the thing after the second time we're going to mail it to you, then we'll send out for service a notice of intent to take default. And only upon that not being picked up would, I guess, a default be taken. So I felt completely entitled to rely upon that. However, Mr. King, and this is found in Laura Peters' affidavit I found in the file that I have only six days to review. Mr. King has coyly prevented me from accessing this file since

March. Yes, he gave me some audio, and I appreciate that. I don't appreciate the extent to which he's preventing me from getting it into the record here today. **Particularly where it's something really disgusting going on. Where the judge is saying something that's just not true. It's just not true.** Penalty of perjury, it is completely false for her to say that she asked me if I was recording or had a recording device at any time prior to the one bathroom break. That's just not true. There was a bathroom break. And immediately after I got back from that bathroom break she starts interrogating me sua sponte about recording. I should say -- **I would like to play it for you to know exactly what was said, exactly what my response was --...**"

"(No Subject)

From: Zach Coughlin (zachcoughlin@hotmail.com)

Sent: Tue 11/06/12 7:44 PM

To: laurap@nvbar.org (laurap@nvbar.org); patrickk@nvbar.org (patrickk@nvbar.org)

Dear Bar Counsel King and Clerk of Court/Investigator Peters and Chairman Echeverria,

There is a big problem with respect to when the State Bar of Nevada actually sent the Respondent, Coughlin the Designation of Witnesses and Summary of Evidence (DoWSOE) (and Coughlin has yet to received a file stamped version of that DowSoE. Further, Coughlin has never received any Notice of Intent to Take Default (NoITD) from the SBN. As such, the notice and other procedural safeguards attendant to the Hearing set for 11/14/12 are severely deficient. This is just the 13th chime of the clock, and I have had as many "get right with Jesus" (or any other number of nondenominational Saviors) talks with Bar Counsel King and Clerk Peters as anyone deserves. Add to that this new thing where first Bar Counsel says, as required by SCR 105(2)(c)'s:

"The notice shall be accompanied by a summary prepared by bar counsel of the evidence against the attorney, and the names of the witnesses bar counsel intends to call for other than impeachment, together with a brief statement of the facts to which each will testify, all of which may be inspected up to 3 days prior to the hearing. "

See, it doesn't say, in SCR 105, Bar Counsel can puff on about the Respondent's right to inspect, then pull the carpet out from under Respondent's feet suddenly and claim to be "copying" only certain things, and refusing to allow inspection of others (even where the SCR 105 Complaint specifically invokes such non copied materials), and then cut short the time up to which Respondnet may inspect. Let's say Bar Counsel did copy and provide those materials on October 31st, 2012. Okay, well SCR 105 allows Coughlin to go to the SBN and inspect "up to 3 days prior"...so Coughlin may go to the SBN tomorrow, October 7th, 2012 and inspect, no? And any refusal by the SBN is a violation of SCR 105, right? Please advise in writing.

Please see Supreme Court Rule (SCR) 119(2), which holds that Bar Counsel and the Panel's failure to follow these rules "may result in contempt of the appropriate disciplinary board or hearing panel having jurisdiction..." Please note there has already been a Motion for Order to Show Cause filed against Bar Counsel and or the Board or Panel in 60838 and 61426. Additionally, please be aware that SCR 119(3) holds: 3. Other rules of procedure. Except as otherwise provided in these rules, the Nevada Rules of Civil Procedure and the Nevada Rules of Appellate Procedure apply in disciplinary cases.

In that regard, the decision on the motion to bifurcate displayed a clear lack of regard for procedural safeguards in that it was issued prior to the expiration of five judicial days from the constructive service upon Coughlin, under NRCP 6(e) of Bar Councils October 24th, 2012 alleged mailing. The term "alleged" is used do to a recent visit to the SBN on October 31st, 2012 at around 4:45 pm when I saw in the SBN outgoing mail box two certified letter to myself that Clerk of Court Peters admitted would not be picked up that day by the regular postal carrier to the SBN, despite what they certificates of mailing therein might state. It is particularly troubling to me that the Notice of Hearing did not have the Designation of Witnesses and Summary of Evidence included with it, and therefore, my right to have the DoWSOE 30 days prior to the hearing, and to receive it from the Panel, along with the Notice of Hearing, rather than have Bar Counsel try to jam me up with less than the required notice (and jam the Panel up to for the matter, though there has been little indication so far that the Panel cares or has much an intent to do anything more than let Bar Counsel King lead them down the same primrose path that Clerk Peters can tell you about...). It is a path that Richard G. Hill, Esq. often takes people down too...

I would be very interest to know who was on the screening Panel...which Bar Counsel King promised to tell me, though, like most all of Pat's promises, he has broken...could it have been David Hamilton, Esq.? Richard G. Hill's best friend, David Hamilton? Was it WCDA Mary Kandaras? The one included in the correspondences about my smartphone and micro sd data card being searched and or seized illegally and or outside any lawful search incident to arrest given the hand of an booking it into Coughlin's property on 2/27/12, only for the RMC Marshals to return on 2/28/12 (at the soonest) to take it back to Judge Nash Holmes? What's next, Judges showing up in our bedrooms reading our diaries out of the blue?

It is my understanding that Chief Bar Counsel David Clark gave me permission to issue subpoenas and granted me indigent status as to witness fees...if this is not within the power of Bar Counsel or is otherwise against the Orders of the Panel or Board, please let me know very soon. Please See SCR 110 and in that regard, I am requesting a prehearing conference for the purpose of gathering admissions from Bar

Counsel and narrowing the issues, and in that regard, I recently sent Bar Counsel and at least Panel Chair Echeverria materials related to what I see as a frivolous issue, the ghostwriting allegations vis a vis Board Member Shelly O'Neill's client, John Gessin.

Further, I believe there is a conflict here with Bar Counsel King, for a variety of reasons that I have voiced to President of the State Bar of Nevada Flaherty, in that light:

Rule 120. Costs; bar counsel conflict or disqualification

2. If, for any reason, bar counsel is disqualified or has a conflict of interest, the board of governors shall appoint an attorney, ad hoc, to act in the place of bar counsel.

Zach Coughlin

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0204 notice of non service of purported notice of intent to take default.pdf

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The extremely apparent behind the scenes voodoo, Inside Baseball, shenanigans engaged in between Washoe Legal Services, 2JDC Judge L. Gardner, Springgate, and the 2JDC Filing Office's Michelle Purdy (whom manages to keep a straight face when alleging that Coughlin somehow twists her words) is especially evident upon reviewing the circumstances surrounding Coughlin's timely 5/20/09 Reply to Springgate's 5/13/09 Opposition to Coughlin's 4/30/09 Motion for Reconsideration, etc.:

NOTE by Coughlin: despite having a 5/20/09 filing stamped date, which made timely Coughlin's Reply to Springgate's 5/13/09 Opposition to Coughlin's Motion for Reconsideration, Judge Gardner's 5/21/09 Order Denying Coughlin's Motion actually has a numerically prior eflex number assigned to it, owing to the 2JDC originally rejecting Coughlin's filing just long enough to sneak Judge L. Gardner's 5/21/09 Order through, to wit, eflex: DV08-01168-1079627 (Ord Denying ...).Pdf DV08-01168-1083206 (Reply...).Pdf).pdf DV08-01168-1083206 (Reply...).pdf

How all this influence peddling and abusing the power in one's position by failing to

abide by the duties inherent thereto is much different from taking bribes is not readily apparent to most. However, what is clear is that a long line of former Washoe County District Attorney's Office prosecutors turned judges have brought the same dirth of prosecutorial ethics they culled in their years there to their time on the bench, and they usually seem to be surrounded by filing office clerks who augment their, uh, approach.

Witness former WCDA's Office prosecutor turned RJC Chief Judge Pearson's dropping on Coughlin (via courthouse service by Deputy Augustin Medina, naturally, where RJC Chief Bailiff Sexton, and Reyes have obstructed Coughlin and Coughlin's agent's ability to serve Motions to Disqualify on RJC Judge Pearson, Clifton, and Sferrazza (a handy trick the not too original RMC Administrative Judge W. Gardner (whom copied verbatim Judge Sferrazza's especially specious 12/20/12 Administrative Order 2012-01 in his very own Administrative Order 2013-01, followed suit with in obstructing on multiple occasions, including on 5/1/13, 5/2/13, 5/13/13, and 8/14/13 Coughlin's attempts to serve Motions to Disqualify in the wretched abuse of process that is RCA Dan Wong's dual prosecutions of Coughlin in 13 CR 3913, and 3914 for dubious allegations that Coughlin allegedly submitting documents for filing with SBN Clerk of Court Peters somehow violated the specious Workplace Harassment Protection Orders granted the SBN on 12/20/12 and 1/14/13 in RCP2012-000607 (Clerk of Court Peters adopts the same fraudulent approach taken by RMC Clerk Donna Ballard, RJC Clerk's Christine Erickson, Cathy Wood, and Robbin Baker, and the 2JDC's Michelle Purdy and former 2JDC Clerk turned Fernley Municipal Court Judge Lori Matheus in admitting to destroying documents she purports to believe Coughlin submitted for filing).

Further, *Clerk of Court Peters has now committed perjury* in furtherance of the fraudulent attempts to obstruct justice she and Asst. Bar Counsel King have undertaken in their abuse of process within the Workplace Harassment Protection Order in RCP2012-000607 (RJC Judge Sferrazza, in a 7/29/13 Order denying Coughlin's NRS 33.270(9) Motion to Modify or Dissolve such EPO added to his spree owhere Peters lied in her sworn testimony on the record at the 1/4/13 extension hearing in contradicting the statements she made to the RPD respecting the purported attempt by Coughlin to have a "third party" submit a NRCP 52, 59, etc. Motion on the final day of of the ten day deadline to submit such a filing pursuant to the 12/14/12 FOFCOL by Chair Echeverria in the "trial court" portion of the matter now on appeal 62337. Consider the statements attributed to the SBN's Clerk of Court Laura Peters in RPD Detective Thomas Yturbide's police report Narrative concerning the 1/3/13 purported attempt by Coughlin to have a third-party submit a document for filing with the SBN's Clerk of Court just prior to 5 p.m. on the final day to timely submit a NRCP 52 or 59 Motion in connection with the 12/14/12 FOFCOL in the matter now on appeal in 62337. (Matter of Yengo, 72 N.J. 425 Note: Reno Justice Court Judge David Clifton's ordering \$10k bail for suspended attorney Zach Coughlin on 2/12/12 IN RCR2012-065630 for allegedly being late to court for the vindictive prosecution against Coughlin for "misuse of 911 services" where Coughlin had been arrested on 2/1/13, vindictively by Dept Alt. Sentencing, spent five days in jail, obtained Order for Competency Evalu on 2/5/13, which Clifton violated, arrerrested wrongfully again on 2/8/13 (alleged violat. Of epo SBN obtained from Pearson, where RPD Detective Yturbide

wilfully overcharged Coughlin with a felony and gross misdemeanor where both alleged violations were specifically identified as mere simple misdemeanors on the TPO and EPO Yturbide himself possessed and claims to have been a "detective" conducting an "investigation" relative to. RJC Judges Clifton and Pearson both admit to directly appointing their favorite rope a dope, R. Bruce Lindsay, Esq. To Coughlin's cases, in violation of Canon 2 Rule 2.13 ("Administrative Appointments) as so thoroughly criticized in the 2006 L.A. Times article on the subject.) Detective Yturbide wrote:

"Narrative: Extended Order is valid until 2359 hours on 01-04-2014 FOLLOW-UP DETAILS: On 01-25-2013 I was assigned the original case for 13-100306. During my investigation I determined the above information about the Protection Order through court records. After speaking with the witness Laura Peters, who works for the State Bar of Nevada at 9456 Double R Blvd. #B, I found that Zachary violated the order on two separate occasions.

On 01-03-2013 at about **1700 hours** as Laura was closing the office at the above location an unknown male individual contacted her through the front glass door which faces to the south of the building. The male **asked to file a document with the office** and he was denied due to the hour and the office **closing. The male said nothing else,** but **placed the document through the mail slot.** Laura picked up the document and saw it was a motion by Zachary Coughlin representing himself in a case that **he believes is being handled by this office.** Laura **knew** this to be a violation of the above listed order as she has had previous contact with Zachary and knew of the existing order.

Later that same night as **Laura** was leaving the above office **she saw the unknown male get in to a vehicle that she knew was own by Zachary Coughlin.** Laura knew this as she has had previous contacts with Zachary and this vehicle. **Laura said she saw the unknown male get in as a passenger of this vehicle, but did not see the driver.**

This corroborated that this **motion was being filed** on behalf of Zachary by an **agent** of his.

In the temporary order it states that, **"It is further ordered that you, the Adverse Party (Zachary Coughlin), are prohibited, either directly or through an agent, from contacting, intimidating, using, attempting to use, or threatening the use of physical force, or otherwise interfering in any way with the employer, an employee of the employer while the employee is performing his duties of employment and any person while the person is present at the workplace of the employer, including, but not limited to, in person, by telephone, through the mail, through electronic mail (e-mail), facsimile (fax), or through another person."**

Zachary violated this by having an **agent contact** the office located at 9456 Double R Blvd.

While speaking with Laura she told me she had already attended the hearing for the extension of the protection order and had received the extension on the protection

order until 01-04-2014.

Laura went on to tell me that on the morning of 01-17-2013 when she came in to work at about 0700 hours there was a fax being printed from the fax machine that was supposed to be 371 pages. Laura saw that the cover page was addressed from "zachcoughlin" and canceled the rest of the fax and unplugged the machine. Laura knew this was a violation to the extended protection because of the following.

In the Extended Order for Protection Against Harassment in the Workplace it states, "the Adverse Party (Zachary Coughlin), are prohibited, either directly or through an agent, from contacting, intimidating, using, attempting to use, or threatening the use of physical force, or otherwise interfering in any way with the employer, an employee of the employer while the employee is performing his duties of employment and any person while the person is present at the workplace of the employer, including, but not limited to, in person, by telephone, through electronic mail (e-mail), facsimile (fax), or through another person. Adverse Party may submit documents to the State Bar only through the U.S. Mail but those documents must not contain threats or other intimidating statements.

While referring to the extended protection order it is a violation for Zachary to have sent a facsimile (fax) to the State Bar of Nevada located at 9456 Double R. Blvd. Zachary could have mailed this to the office utilizing the U.S. Mail and it would not have been a violation of the protection order.

After the two above mentioned violations, one for the temporary order and one for the extended protection order, Laura advised that there was also a phone call from a subject representing themselves as Zachary Coughlin on 01-30-2013. I have not been able to identify this subject positively as Zachary Coughlin.

Attached with this report are copies of the restraining orders and the affidavits of service. Copies of these were also booked in to evidence along with the documents dropped off by the unknown male subject at the State Bar of Nevada on 01-03-2013 and a copy of the facsimile 2013. Also booked in to evidence are copies of condensed

transcript and findings of fact and conclusion of law for the State Bar of Nevada Northern Nevada Disciplinary Board cases concerning Zachary Coughlin.

SUMMARY: On 01-03-2013 Zachary Coughlin violated the temporary protection order served against him as documented above. On 01-17-2013 Zachary Coughlin **violated the extended protection order** served against him as documented above.

CASE UPDATE: On 02-08-2013 Officers Waddle and Wilson of the Reno Police Department contacted Zachary at his residence at 1471 E. 9th St. and arrested

him on the above listed charges. NFD"

In contrast to the statements attributed to Peters in RPD Detective Yturbide's police report regarding the 1/3/13 purported attempt by Coughlin to file a NRCP 52 or 59 Motion with the SBN on the final day to timely file such a motion in connection with the 12/14/12 FOFCOL, consider Peters testimony of 1/4/13:

“COURT: (9:36:40 a.m., transcript available here: ... and she can testify from where she is there at the counsel table

KING: So you up in sworn can you state your name and occupation please,

PETERS: Laura **Peters** *paralegal* with the State Bar of Nevada at the Reno office,

KING: And, could you describe what occurred last *night*.

PETERS: *Last night at a little bit after five* another employee and I were leaving the building and *a man came walking up to the door just as we were about to lock it he had its some paperwork from Zach and to Zach's credit he didn't come himself he sent somebody he was waiting at the end of the driveway but he had some paperwork with and the guys said I want to file this and I said you're not going to file it and I threw it on the floor because he was try to stuff into the door* and then we just left we just locked it *and he left too*.

KING: Your Honor, *I consider that to be a direct violation of the order* because, number one, it's that *same intimidating approach of coming after hours when it's dark* waiting for the women to be leaving the building, or still securing it. *And, he was in the car at the time, is that correct?*

PETERS: *Yes*.

KING: Zach Coughlin was. So, it's not like he arranged to have it delivered by a third-party, *which would still be a violation*. It says in the Order that “you are prohibited from either directly or *through an agent* from *contacting...*”. And, *I have explained to Mr. Coughlin that he has no reason to contact us*. He “shall not contact” us. It's a violation of the order to not come to the office. I told them especially repeatedly to realize what you're doing coming to the office *after hours* and his comment is “*you are prosecuting me*”. So, it's an attempt on his part, I guess, *to intimidate me from doing my job so on behalf of the staff* and for *our* protection, *I* would ask that the court extend the Order.

COURT (RJC Chief Judge Scott Pearson): Does he have, you touched on this briefly, but, *does he have any legitimate reason or does he have any right to file documents with your office?*

KING: Well, *I would take the same approach that the justice court did*. They

acknowledge that it's open to the public and that people have certain rights to file certain documents or to avail themselves of the court system. We are not a court, we are a nonprofit organization, and he does not have a right to do anything, other than the fact that, as a member of the bar, he is currently suspended, as the court now knows, attorneys have a duty to file documents with the State Bar, a duty to notify us of his current address, things such as that, and to pay dues and he is not precluded from doing that by us. I would ask the court to only allow Mr. Coughlin to submit any required documents by US mail and no other method. The document that the court saw this morning that he dropped off at the office included a CD videotape that is approximately 100 pages. That document was e-mailed to me as well, and then he faxes or attempts to fax, the Court Clerk has ordered him and has written to him indicating not to, not to fax, not e-mail you're not allowed to (9:45:58 a.m.), as well as the Panel Chair saying don't e-mail. If you want her to testify she can.

(NOTE by Coughlin: That's not true Peters only e-mailed Coughlin expressing her position that Coughlin is not permitted to file documents via email, and Peters was noticeably silent in both that email and in her 10/9/12 Affidavit of Laura Peters with respect to whether she ever expressed to Coughlin that he was permitted to file documents via facsimile, especially where Coughlin was making an enormous deal of her and the SBN/NNDB's fraudulent reneging on that, much to Coughlin's prejudice)

COURT: No, that's fine, I just wanted to make sure. (NOTE: Apparently "making sure" to Judge Pearson means refusing to hear any actual sworn testimony to support an attorney's hearsay assertions).

KING: And, so, I do think it would be appropriate for the Order to allow Mr. Coughlin to file or serve required documents via US mail."

Whereas RPD Detective Yturbide's police report indicates: "On 01-03-2013 at about 1700 hours as Laura was closing the office at the above location an unknown male individual contacted her through the front glass door which faces to the south of the building. The male asked to file a document with the office and he was denied due to the hour and the office closing. The male said nothing else, but placed the document through the mail slot. Laura picked up the document and saw it was a motion by Zachary Coughlin representing himself in a case that he believes is being handled by this office. Laura knew this to be a violation of the above listed order as she has had previous contact with Zachary and knew of the existing order.

Later that same night as Laura was leaving the above office she saw the unknown male get in to a vehicle that she knew was own by Zachary Coughlin. Laura knew this as she has had previous contacts with Zachary and this vehicle. Laura said she saw the unknown male get in as a passenger of this vehicle, but did not see the driver.

This corroborated that this motion was being filed on behalf of Zachary

by an agent of his..."

Peters sworn testimony at the 1/4/13 Workplace Harassment TPO extension hearing demonstrates what an utter liar Peters is:

"**PETERS:** Laura Peters paralegal with the State Bar of Nevada at the Reno office,

KING: And, could you describe what occurred last night.

PETERS: Last night at a little bit after five another employee and I were leaving the building and a man came walking up to the door just as we were about to lock it he had its some paperwork from Zach and to Zach's credit he didn't come himself he sent somebody he was waiting at the end of the driveway but he had some paperwork with and the guys said I want to file this and I said you're not going to file it and I threw it on the floor because he was try to stuff into the door and then we just left we just locked it and he left too.

KING: Your Honor, I consider that to be a direct violation of the order because, number one, it's that same intimidating approach of coming after hours when it's dark waiting for the women to be leaving the building, or still securing it. And, he was in the car at the time, is that correct?

PETERS: Yes".

Laura Peters knows when to sing for her supper, and Asst. Bar Counsel King need only call the tune.

Note, under King, and RCA Chief Criminal Deputy Dan's interpretation of RJC Judge Pearson's 12/20/12 TPO, Coughlin was not even permitted to file documents between being allegedly served such Order by an RJC Bailiff on 12/26/12 during one of the convenient for the RJC weekly probation check ins Coughlin has been subjected to since November 2012, within the DAS check in booth in the area it shares with the RJC, and the 1/4/13 extension hearing.

Loathsome RCA Wong indicates to Coughlin that he feels Coughlin need have sought to have such 12/20/12 TPO modified or dissolved pursuant to NRS 33.270(9) at some point between the alleged service at approximately 3:00 pm on 12/26/12 and the 1/3/13 deadline for filing any such NRCP 52 or 59 Motion in relation to the 12/14/12 FOFCOL. Coughlin, though not having been served any such SBN TPO, heard rumors of such a SBN TPO and called the RJC requesting an emergency Motion to Modify teleconference with the SBN seeking clarification as to whether Coughlin faced arrest for filing documents, even, in the formal disciplinary matter for which a 12/14/12 FOFCOL had just been entered where deadlines for filing a post-"decision" motion, etc. are governed by SCR 119(3) and SCR 105(4). Judge Pearson indicated to Coughlin that he would not modify the SBN's TPO and hung up on Coughlin after indicating that he had set the matter for an extension hearing on

NRS 33.270 Requirements for issuance of temporary or extended order; expiration; right to challenge temporary order; award of costs and attorney's fees to prevailing party; interlocutory appeal of extended order....

"...(9). Upon 2 days' notice to an employer who obtained a temporary order for protection against harassment in the workplace without notice or on such shorter notice to the employer as the court may prescribe, the person who allegedly committed the harassment may appear and move the dissolution or modification of the temporary order for protection against harassment in the workplace. Upon the filing of such a motion, the court shall proceed to hear and determine the motion as expeditiously as the ends of justice require. At the hearing, the court may dissolve, modify or extend the order."

While Judge Pearson denied Coughlin's motion to clarify or modify the 12/20/12 TPO sufficient to enable Coughlin to be able to timely file a motion in the vein of NRCP 52 or 59 within 10 days of the 12/14/12 FOFCOL, Judge Sferrazza, a a really shaky looking signature, entered an Order on 7/29/13 that denied outright Coughlin's Motion to Modify the SBN's EPO without even affording Coughlin the hearing required by NRS 33.270(9)'s "Upon the filing of such a motion, the court shall proceed to hear". That is, Judge Sferrazza just simply refused to give Coughlin any hearing whatsoever. And that is typical of Judge Sferrazza's approach to jurisdictional mandates and requirements...that is, they simply do not exist when he is on the bench. He does whatever he feels like doing. For instance, while NRS 40.253(6) requires the landlord to have filed an unlawful detainer affidavit *prior* to the court holding a summary eviction hearing, Judge Sferrazza excused landlord Merliss's failure to so file such an affidavit or even show up to the 10/13/11 summary eviction hearing now at issue in 61383 before the Nevada Supreme Court, and instead proceeded to sua sponte interrogate Coughlin with regard to whether he had "paid your rent" in a no-cause summary eviction case. Further, in the iPhone petty larceny trial in RCR2011-063341, Judge Sferrazza, despite plainly being confronted with Shepp v. State, and Staab, indicated that a "receiving stolen property" charge could be supported where the prosecution alleges an alleged thief to have received the fruits of his own larceny *from himself*. Precedent and legislative reductions of the will of the people to black letter law are but minor annoyances along with way to Judge Sferrazza accomplishing his agenda.

Really, in the Reno Justice Court, there is but one rule, NJCRCP Rule 1, interpreted in a manner wherein the interests of justice and judicial economy, or "literal interpretation would work an injustice" language therein is applied in a manner which really means "whatever the judges of the Reno Justice Court want to do, they shall do, because keeping them happy and furthering their agenda is the only "interest of justice" they are interested in". And, sometimes, some might say, that involves being rather vindictive, whilst, at other times (and, to be fair, sometimes this occurs in conjunction with one another) that involves placating the District Attorney's Officer, local law enforcement, and, of course, their own tempermental and insecure Bailiffs at every turn. And, it usually works out pretty good for Richard G. Hill, Esq., too.

So, on August 14th, 2013, with his having set an artificially far out from the

10/14/13 trial date in RCR2013-072675 (the prosecution of Coughlin for, again NRS 199.280 incident to RJC Bailiff John Holguin Reyes scoring some points by attacking Coughlin in response to Coughlin's 5/23/13 filing with the RJC seeking copies of sensitive filing that are allegedly freely available in the public record) of 8/19/13 for Coughlin to submit pre-trial motions therein, and despite 2JDC Judge Stiglich setting a status conference in no less than six cases involving Coughlin for 10 am on 8/19/13 as well, Judge Pearson, in a completely burdensome and prejudicial approach, shifted the bill for the resources associated with the WCDA's Office vindictive and haphazard approach to prosecuting Coughlin everytime it needs some leverage for the various civil liabilities in could face incident to law enforcement misconduct (usually in relation to WCDA's Officer ADA Phil Lipparelli admitting to Coughlin during a conversation on 4/12/13 that Lipparelli full well countenances the burglaries on tenant's that the WCSO undertakes in its current approach to conducting lockouts in summary evictions...though sometimes in relation to the Washoe County jail giving an attorney like Coughlin's personal property, such as his smart phone or a data card, to Municipal Court Judge Nash Holmes, then seeking to cover that up, where no warrant or court order exists allowing for such a confiscation and violation of Coughlin's Fourth Amendment rights.).

Chief Judge Pearson's recent "Administrative Order 2013-06" relates to Coughlin's cases almost as much as his 3/22/13 Administrative Order 2013-02 related to Coughlin's cross-examinations and arguments made during the 3/19/13 trial date in RCR2013-065630, where such 3/22/13 Administrative Order 2013-02 essentially announced, nearly 18 months after the law went into effect, AB226 and the concomitant major changes to the way summary evictions are done in Nevada (with NRS 40.253(3)(b)(1) being a particularly bone of contention in the 7/31/12 hearing on Coughlin's Motions in Rev2012-001048 before Judge Pearson incident to a 6/14/12 5 Day Unlawful Detainer Notice that listed Sparks Justice Court as the court, pursuant to the requirement to list the court in NRS 40.253(3)(b)(1), in which Coughlin must file a Tenant's Answer or Affidavit within 5 days. Coughlin so submitted a Tenant's Answer to Sparks Justice Court within 5 judicial days of the quasi-constructive service of such Notice on 6/14/12 (Nevada Court Services failed to mail such to Coughlin in any way, though it did post a copy of the Notice to the door of the "dwelling unit or apartment" that Northwinds Apartments rented Coughlin upon NCS being unable to gain entry in its attempts to burglarize Coughlins' rental and commit a trespass in hopes of effecting personal service of such 5 Day Notice on Coughlin.

At such 7/31/12 hearing, Judge Pearson practiced law on behalf of Northwind's Apartments to whatever extent was necessary to fill in the gaps where he also permitted an unauthorized practioner of law, Nevada Court Services Jeff Chandler, to cross the bar and make arguments on behalf of his "client", and out of state corporation, in violation of NRC 11. Judge Pearson roundly rejected Coughlin's NRS 40.253(b)(1) arguments relative to the 5 Day Notice being deficient for the purposes of obtainin a summary removal order from the Reno Justice Court where it listed the Sparks Justice Court as the place for Coughlin to file a Tenant's Answer or Affidavit. Apparently, in Judge Scott Pearsons courtroom, unauthorized practitioner's of law have a net to fall in to save them when they commit "malpractice".

Anyways, Judge Pearsons's 8/14/13 Administrative Order 2013-06 is noteworthy where it purports to subject Coughlin to the threat of imprisonment of up to 25 days for each violation of it order applying JCRRT 10 to "ALL DOCUMENTS SUBMITTED BY ZACHARY BARKER COUGHLIN TO THE RENO JUSTICE COURT" whether such are submitted by Coughlin the tenant in a "landlord tenant matter" where JCRRT 2 clearly states that JCRRT 10 does not apply to "landlord tenant matters" and NJCRCP 81, and 83 place bright line restrictions on Judge Pearson where the legislature has enacted a specific statutory scheme in a setting such as those landlord tenants affairs covered by NRS 40 and NRS 118A. Further, Judge Pearsons attempts to abuse the contempt power by, essentially, violating the spirit of WDCR 18 (no ticky tack civil law procedural rules that violate NRCP 5(e) anyways where someone's liberty is at stake, ie, in a criminal case):

WDCR Rule 18: **"Papers which do not comply with rules. Except in criminal cases and writs arising from criminal cases**, filing office personnel shall refuse to file any document or pleading which is not properly signed by all persons, or which does not comply with these rules, Nevada Rules of Civil Procedure, the District Court Rules, or applicable statutes."

Judge Pearsons AO13-06 is further interesting where, despite Pearson and his fellow lifelong prosecutor turned Judge, Judge Clifton's insistence (along with Sferrazza) that Coughlin is not able to issue his own subpoenas given the temporary suspension of his law license (Coughlin's law license with the USPTO is not temporarily suspended, and Coughlin can issue subpoenas in that context, it would seem, which extends to the defense of any disciplinary investigation ongoing therein in G2033). However, Coughlin is representing himself in a number of criminal cases in the RJC where the court appointed conflict counsel that Judge Clifton (and Judge Pearson) admits he directly appointed himself, in an apparent violation of Canon 2 Rule 2.13's "Administrative Appointments" language given the fallout from the 2006 L.A. Times articles on such appointments, R. Bruce Lindsay, Esq., whom threatened to murder Coughlin on 3/14/13 upon Coughlin pointing out that Lindsay's announcing his failure to appear at Coughlin's 3/19/13 trial in RCR2013-065630 would be, according to Judge Clifton's approach with Coughlin's allegedly being late to court on 2/12/13, direct contempt of court, whether Lindsay was appointed to represent Coughlin in such trial (Judge Clifton would say no) or whether Lindsay agreed to appear as co-counsel and did so in fact appear (the RJC's Criminal Division Clerk Robbin Baker and Lindsay's office's Diana Simms play it pretty fast and loose with those appearances as attorney or record...and sometimes there is fallout to that, and Judge Clifton should not be permitted to will that away with a dismissive glare). Anyways, where the RJC judges take the position that Coughlin may not issue his own subpoenas, Judge Pearson's AO13-06 applies to Coughlin protions of JCRRT 10 that only apply to "attorneys".

Whereas JCRRT 10 reads: "B. No original pleading or paper may be amended by making erasures or interlineations thereon, or by attaching slips thereto, except by leave of court. C. The following information shall appear upon the first page of every paper presented for filing: (1) The name, Nevada State Bar identification number, address and telephone

number of the attorney and of any associated attorney appearing for the party filing the paper; whether such attorney appears for the plaintiff, defendant, or other party; or the name, address and telephone number of a party appearing in proper person, shall be set forth to the left of center of the page beginning at line 1 and shall be single spaced. The space to the right of center shall be reserved for the filing marks of the clerk. NAME BAR NUMBER ADDRESS CITY, STATE, ZIP CODE TELEPHONE NUMB"

Also interesting is Judge Pearson's attempts to apply JCRRT 11(G) (rebranded as (m) of the "PROCEDURAL RULES FOR ALL DOCUMENTS SUBMITTED BY ZACHARY BARKER COUGHLIN TO THE RENO JUSTICE COURT") to even Coughlin's summary eviction cases. Such attempt to apply JCRRT 11(G) therein by Judge Sferrazza has now become quite a big issue in 61383, the appeal of the initial horrifically handled by Judge Sferrazza and the RJC, summary eviction from Coughlin's former home law office in Rev2011-001708 (well, actually, the precursor sister case, Rev2011-001492 might be considered the "initial" one, especially given the favorable NRS 118A.510(e) analysis such provides to Coughlin), where Judge Sferrazza "entered" a Post-It Note Order atop one of Coughlin's filings (though such was never, like, actually mailed to Coughlin or the opposing party or file stamped, etc...) that purported to either deny Coughlin's Motion for Stay or just plain fail to adjudicate it based upon Judge Sferrazza's contention that JCRRT 11(G) applied in landlord tenant matters.

Las Vegas has a JCRLV Rule 40 that just so limits the number of motions for stay, and motions to vacate in an eviction case that a tenant can file. However, to get that Rule 20 on the books, the Justice Court for Las Vegas Township had to, and did, comply with NV JCRCP, which required such proposed rule be published and then approved by the Nevada Supreme Court. (the ghost of Lippis reminds us all of the ills of allowing courts of limited jurisdiction free reign to decide just how much due process tenant's are to be afforded, r.i.p)

So, where Judge Pearson's AO13-06 purports to enact a rule applicable only to Coughlin (where such analog in JCRRT 11(G) does not apply to anyone else in a "landlord tenant matter" per JCRRT 2), such is violative of Nev. Const. Art. 4 Sect. 21, where it reads: "(m) No motion once heard and disposed of shall be renewed in the same cause, nor shall the same matters therein embraced be reheard, unless by leave of the Court."

This echoes Judge Sferrazza's approach as revealed from the transcript of the 11/7/11 hearing before him in Rev2011-001708: "(10:06 AM)...

Judge: ...*I have already denied the motion for stay which once made cannot be made again to the court* you can address that to the District Court Sir. But, what I am willing to consider this morning is what I indicated previously is the **deposit** of \$2275 With the Court's. And, since Mr. Coughlin this was your motion I will allow you to argue first and then we will hear from Mr. Baker his response..."

And, really, the wording of JCRLV Rule 40 addresses a lot of the problems that occurred in the summary eviction's Coughlin was subjected to, especially vis a vis the Motion to Stay, and the RJC's failure to properly adjudicate them, the RJC Clerks refusal to accept Coughlin's supersedeas bonds, etc., etc. (not to mention the failure to timely transmit the ROA

to the district court, or in any way comply with SCR 10, 11, applicable in light of NRS 40.400).

Similarly, Judge Sferrazza responded to Coughlin's 11/2/11 Verified Complaint for Illegal Lockout in response to landlord Merliss's attorneys Baker and Hill, along with the WCSO burglarizing Coughlin's property, by scrawling out on a Post-It Note "Order" that was never served on either party and only uncovered upon the transmission of the incredibly deficient Record on appeal some seven weeks later "11/3/11 This needs to be transmitted to the District Ct. He appealed. PS".

Actually, under Nevada law, the justice court needs to give Coughlin a hearing within 3 days of his filing a Verified Complaint for Illegal Lockout, period. Whether or not Coughlin appealed the matter would not change that. Judge Sferrazza knows not whether Hill and or Baker told Coughlin they were charging him the same \$900 "full rental value" for the time after their burglary (which the rebrand as a "lockout") that previously entitled Coughlin to "full use and occupancy" sufficient to create a new lease, or otherwise withdraw the eviction, and, regardless, even were that not the case, an illegal lockout is an illegal lockout, and just because Judge Sferrazza may think "ah, what's the difference if they did the lockout too soon, you were going to be locked out soon enough" does not vitiate Coughlin's rights under NRS 118A.390(1)(a),(5)(a)-(b)..

A similar Post It Note Order (unserved, of course) by Judge Sferrazza was affixed atop the 12/22/11 Notice of Posting Supersedeas Bond as Set By Statute, Where is My Stay filing by Coughlin, which the RJC still refuses to transmit to the 2JDC and fraudulently failed to include in either the 1/4/12 or 4/1/13 Supplementals so transmitted. That 12/22/11 Post It Note Order by Judge Sferrazza misapplies the plenary NRS 40.380 standard to the appeal of a summary eviction where NRS 40.385 has not "within 10 days" requirement, where such Post It Note Order reads: "12/22/11 the stay was denied an no bond was posted within 10 days. Defendnat needs to have District Court address this on appeal. PS". Such "ruling" is especially rich given Judge Sferrazza's order at the conclusion of the 10/25/11 summary eviction proceeding where he rebranded the \$2,275 he impermissibly required Coughlin to deposit as a NRS 118A.355(5) "rent escrow" deposit as Coughlin's "bond on appeal". One, the RJC retaining that \$2,275 was plenty sufficient a "deposit" where NRS 40.385 required only \$250 be deposited by Coughlin to obtain a stay. Two, even had NRS 40.380 been applicable, such involves "twice the judgment", and where there was no money judgment against Coughlin in the "no cause summary eviction proceeding" that Judge Sferrazza kept trying to turn into a non-payment of rent summary eviction, the required "deposit" would have been twice of nothing.

JCRLV Rule 40. Motions to stay in eviction cases.

(a) **A tenant in an eviction case may only file 1 motion to stay or 1 motion to vacate per case, on a form approved by the court.**

(b) **Upon the filing of a motion to stay under subsection (a), any pending eviction order shall be stayed until further order of the court.**

(c) A motion to stay **will be reviewed by the court within 1 judicial day...**

[Added; effective August 11, 2010.]"

Now, why would the Justice Court of Las Vegas Township need go to the trouble to publish and get approved by the Nevada Supreme Court JCRLV Rule 40 when it already has a nearly identical analog to JCRR Rule 11(G) in JCRLV Rule 11(f): "(f) **No motion once heard and disposed of shall be renewed in the same cause, nor shall the same matters therein embraced be reheard, unless by leave of the court.**"?

NV JCRCP RULE 81. APPLICABILITY IN GENERAL

(a) **To What Proceedings Applicable.** **These rules do not govern procedure and practice in any special statutory proceeding insofar as they are inconsistent or in conflict with the procedure and practice provided by the applicable statute.** Where the applicable statute provides for procedure under the former statutes governing civil actions, such procedure shall be in accordance with these rules.

(b) **Chief Justices of the Peace.** Rule 84, relating to chief justices of the peace, shall apply to all proceedings in the justice courts, **whether criminal, civil or otherwise.**"

NRS 40.400 Rules of practice: "The provisions of NRS, Nevada Rules of Civil Procedure and Nevada Rules of Appellate Procedure relative to civil actions, appeals and new trials, so far as they are not inconsistent with the provisions of NRS 40.220 to 40.420, inclusive, apply to the proceedings mentioned in those sections"

Michael Jordan had to deal with the "Jordan Rules". NV JCRCP does not allow the RJC to subject Zachary Barker Coughlin alone, in violation of Nevada Constitution Article 4 Section 21 to the "PROCEDURAL RULES FOR ALL DOCUMENTS SUBMITTED BY ZACHARY BARKER COUGHLIN TO THE RENO JUSTICE COURT".

NV JCRCP RULE 83. RULES BY JUSTICE COURTS: "Each justice or justice court in a township **...by action of a majority of the justices thereof, may from time to time make and amend the rules governing its practice not inconsistent with these rules.** **Copies of rules and amendments so made by any justice court shall upon their promulgation be furnished to the Supreme Court, but shall not become effective until after approval by the Supreme Court and publication.** In all cases not provided for by these rules the justice courts may regulate their practice in any manner not inconsistent with these rules."

And the RJC further violates NV JCRCP 83 where it ignores NRS 40.385's setting the amount required to get a stay by making the supersedeas bond \$250, per statute, in Judge Sferrazza's admission, during the 11/7/11 hearing, that the RJC always makes such supersedeas bond "three times the monthly rent" (which also brings to mind the question, why didn't Coughlin get a stay if Judge Sferrazza had the RJC hold on to Coughlin's \$2,275 as Coughlin's "bond on appeal" between October 25th, 2011 until such money was finally returned to Coughlin (most of which he had to use to put up his bail for the criminal trespass arrest he sustained at his former home law office in the meantime) on 11/15/12. It seems Judge Sferrazza was trying to find a way to get that \$2,275 to Hill and his client, and did not realize there is no "appeal bond" in an appeal of a summary eviction, and that the only thing he could

be referring to as a "bond on appeal" was a supersedeas bond...and upon figuring out that there was no possible way to award Hill and his client the rent escrow deposit Sferrazza wrongfully ordered pursuant to NRS 118A.355(5) in a no-cause summary eviction, even where the tenant set out in excruciating detail that he, if at all, invoked only NRS 118A.360, and never did invoke NRS 118A.355(5), and that was only because Coughlin completely hammered it home with his analogy to JCRLV Rule 44 vis a vis the "local rule" referenced in NRS 118A.355(5), which had no applicability anyways, but, hey, its Sferrazza, so whaddyagonnado? Are you getting an idea of a what a, uh, *fluid* approach Judge Sferrazza (and add to that Clifton and Pearson) have to jurisdictional principles in their RJC day to day activities)?

"Judge: well I did specifically enter an order saying that you were to be evicted no later than 5 PM October 31 I changed it to say that no earlier. I did review this but the last paragraph provides the sums currently on deposit with the court in the amount of \$2275 are the property of the landlord but shall not immediately be released to him. I am going to modify that that the \$2275... And I will explain this... There is no rent due in this case, this was not an action for nonpayment of rent so I do think it was inappropriate for the court to order that that money go to the landlord. The court had no jurisdiction over that. And so I am going to order that it be surrendered to Mr. Coughlin. With respect to the appeal, I am going to order that's if the stay is granted by the District Court that the bond amount shall be three times the rents which is \$2700. The District Court could amend that if they wish but that is what we always charge in this court. Three months rent. So, if the District Court wishes to modify that that's fine but you'll get your money back and you can proceed with the appeal however you wish. I did grant you an informal pauperis which I believe applies to the filing fees for the appeal. All right?

Plaintiff: may I just request clarification Your Honor. So if I understand correctly, the court is modify the order to reflect that the \$2,275 currently on the deposit is going to Mr. Coughlin, that it's going to be released. However, if Mr. Coughlin ever appeals this case and wants to stay, he needs to post a supersedeas bond in an amount of three months worth of rent

Judge: \$2700.

Plaintiff: \$2700, that would be a supersedeas bond, understood."

One really has to question whether or not Judges Pearson, Clifton, and Sferrazza (as they have seen fit to group each other as a triumvirate in both of these embarrassing Administrative Orders) have any conception of how slippery a slope the concept of making up different sets of rules for different litigants truly is.

NV JCRCP RULE 84. CHIEF JUSTICES OF THE PEACE...

"(b) Responsibilities. The chief justice of the peace in a township shall:

(1) Be responsible for the administration of court rules and regulations...

(5) Oversee all administrative and clerical work and functions of the court as set forth in NRS Chapter 4.

(6) Call and preside over meetings with the other justices of that township, ... to discuss and set policy on procedures, planning, caseload distribution, judicial training, vacations, court improvements, personnel and any other matters of benefit or concern to the

court."

The opinion in Lippis is instructive with respect to Coughlin's criticisms of the manner in which the RJC and WCSO's approach avoiding NRS 40.253(5)'s requirement that the tenant have "receipt" of the summary removal order for at least 24 hours prior to the WCSO conducting a lockout. Just as "JCRCP 106 is... **violative of article 4, section 21, which provides that "all laws shall be general and of uniform operation throughout the State"**" (noting "There is no reason why parties to landlord-tenant law suits should be denied the right of appeal, while all other justices' courts' litigants are allowed to exercise this right."), so too, is the refusal by the WCSO, WCDA, RJC, RPD, etc. to follow NRS 40.253(5)'s "directing the sheriff to remove the tenant within twenty-four hours of receipt of the order" language where every other county in Nevada manages to.

JCRRT Rule 11 also does not apply to "landlord tenant matters" per JCRRT 2 (and if the RJC wishes to change its rules, it must cease doing an end run around the requirements of NV JCRCP 84 or otherwise enforcing unwritten "house rules" like it has in the past) to ALL of Coughlin's cases (including the multitude of summary eviction based landlord tenant matters (which begat the very wrongful criminal prosecutions of Coughlin that the RJC is now citing to in attempts to buttress its judicial misconduct in seeking to enforce now two specious Administrative Orders against Coughlin whilst a fifth criminal prosecution of Coughlin by the WCDA's office in the RJC is set for trial on 10/14/13 incident to an alleged violation of such initial Administrative Order of dubious legality by Coughlin on 5/23/13, for which the out of control RJC Bailiff John Reyes (whose wife file a domestic violence protection order against him, alleges he suffers from severe depression and is "off his medications" and becomes hostile and violent when such is the case, and the Sheriff's deputies have been out to the Reyes home in the past to respond to at least one domestic disturbance (also, Coughlin filed a Stalking/Harassment TPO application against Reyes in RCP2012-000070 on 2/15/12, just prior to the 5/2/12 TPO application by Cathy A. Reyes)

The increased due to the RJC Judges own misconduct and failure to abide by Nevada law, and countenancing of the burglaries the WCSO conducts instead of according tenants the "24 hours" from the tenant's "receipt" of a summary removal order prior to the WCSO effecting a lockout...all of which the RJC and WCDA now wish Coughlin to foot the bill for or otherwise make Coughlin atone for their own sins)

IN THE ADMINISTRATIVE MATTER OF: DOCUMENTS SUBMITTED BY ZACHARY BARKER COUGHLIN, **ADMINISTRATIVE ORDER 2013-06** contains some really rich moments:

WHEREAS, ZACHARY BARKER COUGHLIN is a party to several cases in this Court; and

WHEREAS, ZACHARY BARKER COUGHLIN regularly submits documents to the Court which fail to include a case number in the caption **or list multiple cases in the caption**; and

WHEREAS, ZACHARY BARKER COUGHLIN regularly submits documents to the Court which fail to include a certificate of service or clearly state an exception to the ex parte rule; and (this is really rich where there is no opposing party in these Administrative Order "cases", further, the initial 12/20/12 Admin Order *required* Coughlin to do just this to even get a copy of an order or some filing, and now, Judge Pearson, in a fraudulent attempt to get around the fact that the JCRRT Rule 11(A), requires a "proof of service" for "Motions", not for the "Request for Audio Copy of Proceedings" that the 8/5/13 "Notice of Document Received but Not Considered by the Court" had attached, served by Howden...so, now, realizing that JCRRT Rule 11(a) doesn't apply to such ministerial requests, Judge Pearson adds to his 8/14/13 Admin Order: "2. ZACHARY BARKER COUGHLIN shall not request a copy of a document or transcript without first filing a Motion which complies with the attached Rules. Any such motion must be supported by an affidavit of COUGHLIN which must address the basis for the request, why simply viewing the document is not sufficient and whether the document has been previously provided to him".

How Coughlin could (and why he should have to is a whole nother story) submit a motion just to request an audio transcript where "Any such motion must be supported by an affidavit of COUGHLIN which must address the basis for the request, why simply viewing (NOTE: what does that mean as to "hearing" a audio transcript?) the document (NOTE: recording?) is not sufficient and whether the document has been previously provided to him".

The requirement that Coughlin "address the basis for the request" echoes Judge Pearsons instructions to Coughlin at a 6/16/13 hearing in RCR2011-063341 where he indicated Coughlin would need to explain why he wanted a copy of something before decision on whether or not to provide (even for purchase) Coughlin with a copy of such a document or recording in the public record would be permitted. That is proposterous. Judge Pearsons seems to have spent too long being the only one who gets to decide (or know the basis for his decision) whether to release Brady material and is applying that approach where it has no business in the judiciary as to ministerial matters. The answer to Pearson and Clifton's current quandry is not to limit Coughlin's access to items in the public record, but rather, to avoid violatin NRS 178.405, especially via impermissible extra-judicial communications, in addition to ceasing the improper administrative appointments, especially those involving R. Bruce Lindsay, Esq

The RJC failed to serve a copy of Judge Sferrazza's 7/29/13 Orders denying Coughlin's Motions to Modify, etc. the Workplace EPOs in RCP2012-000607 and RCP2012-000599, and now is refusing to even allow Coughlin to purchase copies of such, furhter the RJC will not indicate to Coughlin whether it will issue the subpoena on Bailiff Reyes wives Cathy A. Reyes that Coughlin submitted, and other such subpoenas, like the one on former RJC Chief Civil Clerk now Sparks Justice Court Clerk Karen Stancil whom was one of the last RJC non-Bailiff employees Coughlin spoke to prior to the implementation of the 12/20/12 Administrative Order 2012-01. Coughlin discussed with

Stancil the circumstances of the 6/28/12 eviction in Rev2012-001048 and concomitant arrest in RCR2012-067980 where the RJC, despite at least two phone calls between Stancil and Coughlin and one 6/26/12 email from Coughlin to Stancil and RJCWeb@washoecounty.us (which was at one point within the file in 1048, underneath the docket on the left hand side, but which upon Coughlin's reviewing such on 8/1/13 was no longer to be found) alerting the RJC to the jurisdictional deficiencies in the 6/14/12 5 Day Notice of Unlawful Detainer allegedly "personally served" on Coughlin by Nevada Court Serves, which listed, pursuant to NRS 40.253(3)(b)(1), the very Sparks Justice Court with which Coughlin submitted a Tenant's Answer (Motion to Dismiss) for filing on 6/26/12 at noon, which the SJC failed to file, where the RJC's Judge Schroeder then entered a Lockout Order on 6/27/12 despite the deficiency in the Notice. Upon Coughlin, on 8/1/13, attempting to file a Verified Complaint for Illegal Lockout as to a rental at "Northwinds Apartments" with the same Karen Stancil, now a counter clerk at the Sparks Justice Court, Stancil refused such document for filing, in a non-ministerial rejection of such, by noting that "Northwinds Apartments" is located within the confines of Reno, no Sparks.

Rule 11. Motions: Procedure for making motions; affidavits; renewal, rehearing of motions.

A. All motions shall contain proof of the service of the same....

F. Factual contentions involved in any pre-trial or post-trial motion shall be initially presented and heard upon affidavits. Oral testimony may be received at a hearing with the approval of the court, or the court may set the matter for a hearing at a time in the future and allow oral examination of the affiants to resolve factual issues shown by the affidavits to be in dispute.

(NOTE: where was DDA Young's "Affidavit" in his Opposition to Coughlin's Motion to Suppress of 2/21/12 or in Young's ex parte 11/26/12 emergency Motion to Prohibit Coughlin from faxing? Also, Biray Dogan's 11/8/13 Motion to Quash contains a Certificate of Service that is not only fraudulent (Coughlin was never sent any such fax and can prove it), but regardless, Coughlin never consented, in writing, to the WCPD pursuant to NRCP 5(b)(2) to be so served electronically), and similar to that is Reno City Attorney Skau's fraudulence (perhaps in conjunction with Judge Sferrazza) in obtaining Coughlin's appearance at an insufficiently noticed 11/13/12 hearing in RCr2011-063341 by alleging Sferrazza had "authorized service by email")

WHEREAS, ZACHARY BARKER COUGHLIN regularly submits documents to the Court which are copies of documents previously filed with the Court that have been redacted or edited; (NOTE: what does the WCDA's Office do when it recycles the same petty larceny criminal complaint over and over? Further, so what, what's wrong with not reinventing the wheel? Coughlin is not attempting to pull the wool over anyone's eyes here in any way, so what does this have to do with anything? This is like complaining that Coughlin does not use the right eggshell white type of printing paper).

WHEREAS, ZACHARY BARKER COUGHLIN regularly submits documents to

the Court which are not legible or otherwise fail to **clearly state the relief requested**; (NOTE: the WCDA's Office Complaints failing to ever "clearly state" the facts supporting the charges has never seemed to be much of a problem) and

WHEREAS, ZACHARY BARKER COUGHLIN **regularly requests copies of transcripts or documents from the Court which have been previously provided**; (even if that were true, which it is not, the RJC is now attempting to prevent Coughlin from obtaining copies even where he would pay money for them).

WHEREAS, several of the types of documents referenced above are attached hereto; and (it is interesting that Pearson attaches a simple, ministerial at best "Request for Audio Copy of Proceedings" by Coughlin, which the RJC's own unsigned, unattributed 8/5/13 round of ridiculous "Notice of Document Received but Not Considered By The Court", uh...well, they are on pleading paper, and have a caption, they just lack a signature by a judge, whilst also failing to have an indication as to whom such Notice should attributed or otherwise indicate whom it was that made the more than ministerial decision to go about suddenly rejecting Coughlin's filings, refusing to place file stamps on them, in many cases, weeks after Coughlin submitted them for filing, especially where Judge Pearson then drops this new Administrative Order on Thursday 8/14/13 (after weeks of the RJC refusing to indicate to Coughlin if his filings were being file stamped, refusing to even provide Coughlin's copies of any "received" stamped cover page of his submissions, and refusing to allow Coughlin to view, or even purchase copies of the dockets in his cases, even in his criminal cases), where he had put in place a Monday, 8/19/13 deadline for Coughlin to file his pre-trial motions for a trial set for 10/14/13, where Nevada law under NRS 174.450 accordsa "fifteen days prior to trial" deadline for Coughlin to file such pre-trial motions. Also, its Judge Elliott's former Administrative Assistant taking over for Lori Townsend, which is arguably another conflict requiring removing the RJC from all of Coughlin's cases considering Judge Elliott's gross misconduct in so many of Coughlin's cases in the last 18 months. Regardless, the "Certificate of Mailing" for such 8/5/13 "Notices" is signed by Howden, and indicates "a true copy of the attached document" was provided to WCDA DDA Young by "interoffice mail", which seems a bit off.

WHEREAS, filings by pro se petitioners, "however inartfully pleaded, " are held "to less stringent standards than formal pleadings drafted by lawyers. " Haines v. 404 U.S. 519, 520, 92 S. Ct. 594, 30 L. Ed. 2D 652 (1972); and (NOTE: this is interesting, as if Coughlin is not a "lawyer" as Judges Pearson, and Clifton alternately indicates he is or isn't, depending on the utility to their agenda either characterization provides in the various instances in which they so choose to make it, then the application of this new set of procedural rules applicable only to Coughlin (applying to Coughlin a more stringent set of procedural rules than applies to anyone else in "landlord tenant matters" or "criminal cases" by Pearson's Administrative Order essentially attempting to reduce to a new set of rules or an "Order" that which Coughlin had been arguing is tantamount to criminal misconduct by the RJC Bailiff and Clerks (ie, applying JCRRT 10 and 11 to Coughlin in "criminal cases" and "landlord tenant matters" where JCRRT 2 is quite clear that neither JCRRT 10 nor 11 apply to Coughlin, or anyone else, in those settings).

WHEREAS, ***frivolous or vexatious claims and defenses*** overburden limited judicial resources (NOTE: maybe, but probably not as much as Judges Gone Wild legislating away all the protections to tenant's rights the Legislature reduced into black letter law, as a manifestation of the will of the people, largely motivated by a recognition of the enormous societal cost to the very approach to summary evictions that the RJC continues to insist upon...also, clearly RCR2012-067980 was a "frivolous claim" brought by the WCDA's Office...so where is WCDA DDA Z. Young's own special set of procedural rules?), **hinder the timely resolution of meritorious claims and increase the costs of engaging in business and providing professional services to the public**; and WHEREAS, the citizens of this community have a right to a just, speedy, and inexpensive determination of every action and this right is infringed ***if the Court allows a case, civil or criminal, to consume more than its reasonable share of the Court's time***. See, United 93 F.Supp. 190, 191 (D. Mass.1950)("The Court has obligations to other parties who have cases to be heard."); And

WHEREAS, courts possess the inherent power (NOTE: well, Judge Pearson clearly was taking notes when Coughlin pointed out the fraudulent misstatement by Judge Sferrazza in the initial Admin Order of 12/20/12 vis a vis it purporting NV Const Art 6 Sec 6 to apply to "Nevada's courts" versus "District Courts"...and really, these new citations to Joran and Chambers have no applicability to "courts of limited jurisdiction" because, right along with that "limited jurisdiction" is an incredibly limited "inherent power" possessed that in no way justifies the judicial hot mess that this new Administrative Order 2013-06 is...some might say a tad more constructive approach would consist of ceasing to coddle immature and irrational bailiffs, avoid playing the limit the County's civil liability game with the WCDA's Office, and send out the sort of clarion call to local law enforcement of the sort that the exclusionary rule does by ceasing to tolerate or enable all these stupid, ego driven arrests and harassment of Coughlin and others, and the system-wide burglarizing of tenant's homes, offices, and other rentals) to manage proceedings and exercise reasonable control of the conduct of those who appear before them. See, Chambers v. 501 U.S. 32 (1991) And Jordan v. State ex rel. Of Motor Vehicles & Pub. 110 P.3D 30, 44 (2005), abrogated on other grounds by Buzz LLC v. Of N. Las 181 P.3D 670 (2008); and WHEREAS, ZACHARY BARKER COUGHLIN was admitted to the Nevada State Bar on March 25, 2005 and later suspended on June 7, 2012;

WHEREAS, this Court has previously ***found*** in Administrative Order 2012-01 that v. ZACHARY BARKER COUGHLIN has ***repeatedly caused a disturbance in the filing office of the Reno Justice Court***, disrupted the orderly business of the Court and overburdened the limited judicial resources of this Court thereby hindering the timely resolution of meritorious claims and increasing the costs of engaging in business and providing professional services to the public; and

WHEREAS, ZACHARY BARKER COUGHLIN has been the subject of disciplinary hearings before the State Bar of Nevada Northern Nevada Disciplinary Board wherein the Board ***found*** Mr. Coughlin "committed multiple violations of the Rules of Professional conduct" and that Mr. Coughlin ***engaged in bad faith obstruction of the disciplinary process***"; and (NOTE: actually, and the the SBN's TPO Application to Pearson

contained a complete copy of the it, the 12/14/12 FOFCOL contains no such "finding" but does contain somewhat similar language in the "Decision and Recommendation" section, where such reads: "Fifth, the record clearly and convincingly establishes that Coughlin engaged in a bad faith obstruction of the disciplinary process by failing to file the pleading required by SCR 105(2) and instead filing several lengthy, irrelevant and nonsensical pleadings, mostly pleadings filed in other matters, and refiled in the disciplinary action under a similar but different caption. In some instances, Coughlin simply crossed out the case name and hand wrote the names of the parties in the disciplinary proceeding."

One, that is a ridiculous statement, as if that were true, every single attorney who ever defaulted in a disciplinary matter would be said to have "engaged in bad faith obstruction of the disciplinary process" merely by "failing to file the pleading *required* by SCR 105(2)(c) (saying such is "required" is taking it a bit far, its like saying one is "required" to answer a lawsuit...one might face the spectre of a default being entered if they don't, but they are hardly "required" in the general sense of the term to file an Answer. SCR 105(2)(c) in no way provides for such a "establish(ing)" of "bad faith obstruction of the disciplinary process" (the fact they are saying that and the RJC is repeating is makes one have no respect at all for either, really, some might say,) where such rule reads: "A copy of the complaint shall be served on the attorney and it shall direct that a verified response or answer be served on bar counsel within 20 days of service; the original shall be filed with bar counsel's office. The time to respond may be extended once by the chair for not more than 20 days for good cause or upon stipulation of the parties. In the event the attorney fails to plead, the charges shall be deemed admitted; provided, however, that an attorney who fails to respond within the time provided may thereafter obtain permission of the appropriate disciplinary board chair to do so, if failure to file is attributable to mistake, inadvertence, surprise, or excusable neglect.")

WHEREAS, ZACHARY BARKER COUGHLIN has been a party in both civil and criminal matters before this Court including cases before the *Honorable Peter Sferrazza, the Honorable Scott Pearson, and the Honorable David Clifton* wherein Mr. Coughlin *has been admonished* for failing to follow the Court's orders and directives; and WHEREAS, ZACHARY BARKER COUGHLIN is currently the Subject of an Extended Order for Protection against Harassment in the Workplace requested by the Washoe County Public Defender's Office, his previous counsel in several cases before this Court; and ,

WHEREAS, ZACHARY BARKER COUGHLIN is currently the subject of an Extended Order for Protection Against Harassment in the Workplace requested by the State Bar of Nevada *based upon Mr. Coughlin's harassing and disruptive behavior with employees and officers of the State Bar*; and

WHEREAS, to protect the peaceful and effective operation of this Court, IT IS HEREBY ORDERED:

1. ZACHARY BARKER COUGHLIN shall not submit a document to this Court which does not comply with the attached PROCEDURAL RULES FOR ALL DOCUMENTS SUBMITTED BY ZACHARY BARKER COUGHLIN TO THE RENO JUSTICE COURT.

2. ZACHARY BARKER COUGHLIN shall not request a copy of a document or

transcript without first filing a Motion which complies with the attached Rules. Any such motion must be supported by an affidavit of COUGHLIN which must address the basis for the request, why simply viewing the document is not sufficient and whether the document has been previously provided to him.

3. Any violation of this Order may be considered contempt of court and punished pursuant to NRS Chapter 22 by a fine of up to \$500 and/or incarceration for up to 25 days in the Washoe County Detention Facility. (NOTE: so what now, Coughlin is going to have Chief Bailiff Michael Sexton do an encore of his 2/12/13 threats to Coughlin (made in a holding cell shortly after Coughlin had been taken into custody for allegedly being late to court) where Sexton taunted Coughlin that "you still have those 5 individual violations of the Administrative Order hanging over your head...that's 25 days in jail for each violation..."). There is no way Coughlin should be subjected to the threat that every time he files some Request for Audio Copy of Proceeding that some RJC Bailiff will either arrest him or serve an Order to Show cause like Judge Pearson's shameful 2/25/13 OSC in connection with the 12/20/12 Admin Order that Pearson subsequently put through a round of musical case numbers that assisted the RJC in avoiding processing Coughlin's appeal thereto and in fraudulently foisting Bruce Lindsay on Coughlin as his "sole counsel" in settings where Coughlin never assented to such, resulting in more of Coughlin's filing being rejected, Lindsay bilking the system, and Pearson and Clifton violating Canon 2, Rule 2.13 per the "Administrative Appointments" sections...and really, what is this new Admin Order in response to? Coughlin's requesting to be provide, even once, a copy of the audio transcript of the 2/5/13 hearings in RCR2012-065630 (or "trial"), both portions, and the interlude in RCR2011-063341 occurring shortly after the impermissible extra-judicial communications between Judges Pearson and Clifton at issue in CR13-0552. "The cover up is worse than the crime" comes to mind. The RJC and its Bailiffs playing the "blame it on Wendy" whom they allege is alleging already provided Coughlin copies of such hearings (finally the RJC caved and provided at least some of the afternoon portion of the 3/19/13 trial in RCR2013-065630 after months of Coughlin hounding it for such) And really, why not just tell the Bailiff's to leave Coughlin the hell alone, quit co-signing all the WCDA's Office bs prosecutions and harassment of Coughlin, dump the probations, and these Admin Orders, and see what sort of jurisdiction was retained where Coughlin filed tolling motions, and get this ship righted..

3. This Order is effective upon personal service upon Mr. Coughlin.

Dated this of August, 14th, 2013. /s/ Judge Scott Pearson, Chief Justice of the Peace (NOTE: thereafter Judge Pearson's Order includes a slightly modified, tailored to Coughlin version of JCRRT 10)"

The RJC has further, by way of a "Notice of Document Received But Not Considered by the Court" that is file stamped 8/22/13, and which contains a Certificate of Mailing by former 2JDC Judge Elliot's former Judicial Assistant Heidi Howden indicating such was mailed on 8/22/13 (despite the envelope it arrived in bearing a postmark of 8/26/13) refused to transmit Coughlin's Notices of Appeal of RJC Judge Sferrazz'a 7/29/13 Order's denying Coughlin's Motions to Modify/Dissolve the specious Workplace Harassment EPO's RJC Chief

Judge Pearson granted the SBN and "Washoe County" in RCP2012-000607 and RCP2012-000599, both of which have caused a terribly prejudicial impact to Coughlin's ability to, say, personally serve (or have such done) a subpoena on WCPD's Dogan, Leslie, Goodnight, etc., much less the SBN (which is rather pressing considering the 8/28/13 trial date in the RMC for the dual prosecutions of Coughlin for alleged violations of the dubious TPO/EPO granted by RJC Chief Judge Pearson to the SBN.

Chief Judge Pearson's recent 8/14/13 (time of filing stamped as 11:13 a.m.) Administrative Order 2013-06 (which lacks a case number, much like the 12/20/12 Administrative Order 2012-01 the Judge Pearson subsequently assigned a criminal case number, RCR2013-071437 to, in a display of a judge making a prosecutor's charging decision") reads:

" IN THE ADMINISTRATIVE MATTER OF: DOCUMENTS SUBMITTED BY
ZACHARY BARKER COUGHLIN,

ADMINISTRATIVE ORDER 2013-06

WHEREAS, ZACHARY BARKER COUGHLIN is a party to several cases in this Court; and

WHEREAS, ZACHARY BARKER COUGHLIN regularly submits documents to the Court which fail to include a case number in the caption or list multiple cases in the caption; and

WHEREAS, ZACHARY BARKER COUGHLIN regularly submits documents to the Court which fail to include a certificate of service or clearly state an exception to the ex parte rule; and

WHEREAS, ZACHARY BARKER COUGHLIN regularly submits documents to the Court which are copies of documents previously filed with the Court that have been redacted or edited;

WHEREAS, ZACHARY BARKER COUGHLIN regularly submits documents to the Court which are not legible or otherwise fail to clearly state the relief requested; and

WHEREAS, ZACHARY BARKER COUGHLIN regularly requests copies of transcripts or documents from the Court which have been previously provided;

WHEREAS, several of the types of documents referenced above are attached hereto; and

WHEREAS, citizens, whether or not indigent, have a constitutional right to access to the courts with the protection of due process of law; and

WHEREAS, filings by pro se petitioners, "however inartfully pleaded, " are held "to less stringent standards than formal pleadings drafted by lawyers. " Haines v. 404 U.S. 519, 520, 92 S. Ct. 594, 30 L. Ed. 2D 652 (1972); and

WHEREAS, "a litigant's right to access the courts in proper person and with in forma pauperis status is not without limits", See Jordan v. State ex rel. Of Motor Vehicles &

Pub. 110 P.3D 30, 44 (2005), abrogated on other grounds by Buzz LLC v. Of N. Las 181 P.3D 670 (2008); and

WHEREAS, pro se litigants must comply with procedural rules. King v. Atiyeh, F.2D 565, 567 (9th Cir. 1987);

WHEREAS, **frivolous or vexatious claims and defenses overburden limited judicial resources, hinder the timely resolution of meritorious claims and increase the costs of engaging in business and providing professional services to the public;** and

WHEREAS, the citizens of this community have a right to a just, speedy, and inexpensive determination of every action and this right is infringed if the Court allows a case, civil or criminal, to consume more than its reasonable share of the Court's time. See, United 93 F.Supp. 190, 191 (D. Mass.1950)("The Court has obligations to other parties who have cases to be heard."); And 814 States v. United States Shoe

WHEREAS, courts possess the inherent power to manage proceedings and exercise reasonable control of the conduct of those who appear before them. See, Chambers v. 501 U.S. 32 (1991) And Jordan v. State ex rel. Of Motor Vehicles & Pub. 110 P.3D 30, 44 (2005), abrogated on other grounds by Buzz LLC v. Of N. Las 181 P.3D 670 (2008); and

WHEREAS, ZACHARY BARKER COUGHLIN was admitted to the Nevada State Bar on March 25, 2005 and later suspended on June 7, 2012;

WHEREAS, this Court has previously **found** in Administrative Order 2012-01 that v. ZACHARY BARKER COUGHLIN has **repeatedly caused a disturbance in the filing office of the Reno Justice Court**, disrupted the orderly business of the Court and overburdened the limited judicial resources of this Court thereby hindering the timely resolution of meritorious claims and increasing the costs of engaging in business and providing professional services to the public; and

WHEREAS, ZACHARY BARKER COUGHLIN has been the subject of disciplinary hearings before the State Bar of Nevada Northern Nevada Disciplinary Board wherein the Board found Mr. Coughlin "committed multiple violations of the Rules of Professional conduct" and that Mr. Coughlin "engaged in bad faith obstruction of the disciplinary process"; and

WHEREAS, ZACHARY BARKER COUGHLIN has been a party in cases before the Reno Municipal Court including cases before the Honorable Dorothy Nash Holmes and the Honorable Kenneth Howard wherein Mr. Coughlin was held in contempt of court for failing to follow the Court's orders and directives; and

WHEREAS, ZACHARY BARKER COUGHLIN has been a party in both civil and criminal matters before this Court including cases before the **Honorable Peter Sferrazza, the Honorable Scott Pearson, and the Honorable David Clifton** wherein Mr. Coughlin **has been admonished** for failing to follow the Court's orders and directives; and WHEREAS, ZACHARY BARKER COUGHLIN is currently the Subject of an Extended Order for Protection against Harassment in the Workplace requested by the Washoe County Public Defender's Office, his previous counsel in several cases before this Court; and ,

WHEREAS, ZACHARY BARKER COUGHLIN is currently the subject of an Extended Order for Protection Against Harassment in the Workplace requested by the State Bar of Nevada **based upon Mr. Coughlin's harassing and disruptive behavior with employees and officers of the State Bar**; and

WHEREAS, to protect the peaceful and effective operation of this Court, IT IS HEREBY ORDERED:

1. ZACHARY BARKER COUGHLIN shall not submit a document to this Court which does not comply with the attached **PROCEDURAL RULES FOR ALL DOCUMENTS SUBMITTED BY ZACHARY BARKER COUGHLIN TO THE RENO JUSTICE COURT**.

2. ZACHARY BARKER COUGHLIN shall not request a copy of a document or transcript **without first filing a Motion** which complies with the attached Rules. **Any such motion must be supported by an affidavit of COUGHLIN which must address the basis for the request, why simply viewing the document is not sufficient and whether the document has been previously provided to him.**

3. Any violation of this Order may be considered contempt of court and punished pursuant to NRS Chapter 22 by a **fine of up to \$500 and/or incarceration for up to 25 days** in the Washoe County Detention Facility.

3. This Order is effective **upon personal service** upon Mr. Coughlin.

Dated this of August, 14th, 2013. /s/ Judge Scott Pearson, Chief Justice of the Peace (NOTE: thereafter Judge Pearson's Order includes a slightly modified, tailored to Coughlin version of JCRRT 10)

PROCEDURAL RULES FOR ALL DOCUMENTS SUBMITTED BY ZACHARY BARKER COUGHLIN TO THE RENO JUSTICE COURT All documents submitted by Zachary Barker Coughlin must meet the following rules: (a) All pleadings and papers presented for filing must be flat, unfolded, firmly bound together at the top, on white paper of standard quality, not less than 16-lb. Weight and 8 1/2 by 11 inches in size. All papers shall be typewritten or prepared by some other process that will produce clear and permanent copies equally legible to printing. The print size shall not be more than 12 points. Carbon or photocopies may not be filed. Only one side of the paper may be used. (B) All papers presented for filing, receiving, or lodging with the clerk shall be prepunched with 2 holes, centered 2 3/4 inches apart and 1 1/2 inch to 5/8 inch from the top edge of the paper. All original papers shall be stamped ORIGINAL between the punched holes in red ink. The lines on each page must be double spaced. Pages must be numbered consecutively at the bottom. Lines of pages must be numbered in the left margin. (C) No original pleading or paper shall be amended by making erasures or interlineations thereon, or by attaching slips thereto, except by leave of the Court. (D) The following information shall appear upon the first page of every paper presented for filing: (1) Mr. Coughlin's name, address, and telephone number shall be set forth to the left of center of the page beginning at line 1 and shall be single spaced. The space to the right of center shall be reserved for the filing marks of the clerk. NAME ADDRESS CITY, STATE,

ZIP CODE TELEPHONE NUMBER

3) The name of the action or proceeding shall appear below the title of the Court in the space to the left of center at line 9, e.G.: JOHN DOE, } Plaintiff, } vs. } RICHARD ROE, } Defendant. }

(4) In the space to the right of center at lines 11 and 12 shall appear the case number and the department number as follows: Case No.: RJC 2000 -00000 (Example) Dept. No.: 1 (Example)

(5) The title of the pleading, motion, or other document must be typed or printed on the page directly below the names of the parties to the action or proceeding. The title must be sufficient in description to apprise the respondent and clerk of the nature of the document filed, or the relief sought, e.G.: Defendant's Motion for Summary Judgment Against Plaintiff John Doe; Plaintiff's Motion to Compel Answers to Interrogatories.

(E) A pleading may not be filed listing multiple case numbers in the caption. Each filing must be of an original pleading meeting each of these rules.

(F) All exhibits attached to pleadings or papers must be 8 1/2 by 11 inches in size. Exhibits which are smaller must be affixed to a blank sheet of paper of the appropriate size. Exhibits which are larger than 8 1/2 by 11 inches must be reduced to 8 1/2 by 11 inches or must be folded so as to appear 8 1/2 by 11 inches in size. All exhibits attached to pleadings or papers must clearly show the exhibit number at the bottom or on the right side. Copies of exhibits must be clearly legible and not unnecessarily voluminous. Original documents must be retained for introduction as exhibits at the time of a hearing or at the time of trial rather than attached to pleadings.

(G) When a decision of the Supreme Court of the State of Nevada is cited, the citation to Nevada Reports must be given together with the citation to West's Pacific Reporter and the year of the decision. When a decision of an appellate court of any other state is cited, the citation to West's Regional Reporter System must be given together with the state and year of the decision. When a decision of the United States Supreme Court is cited, the United States Reports citation and year of decision must be given. When a decision of the court of appeals or of a district court or other court of the United States has been reported in the Federal Reporter System, that citation, court, and year of decision must be given.

(H) All motions shall contain proof of the service of the same.

(I) Every motion or opposition thereto shall be accompanied by a memorandum of legal authorities and any exhibits in support of or in opposition to the motion.

(J) Except as permitted by the presiding judge, legal memoranda in support of a motion, opposition, or reply shall not exceed 10 pages, exclusive of exhibits.

(K) Factual contentions involved in any pretrial or post-trial motion shall be initially presented by Coughlin through an affidavit. Oral testimony may be received at a hearing with the approval of the Court, or the Court may set the matter for a hearing at a time in the future and allow oral examination of the affiant to resolve factual issues shown by the affidavits to be in dispute.

(L) Any affidavit shall identify the affiant, the party on whose behalf it is submitted, and the motion or application to which it pertains and shall be served and filed with the motion, or opposition to which it relates. Affidavits shall contain only factual, evidentiary matter, shall conform with the requirements of NRCP 56(e), and shall avoid mere general conclusions or argument. Affidavits substantially defective in these respects may be stricken, wholly or in part.

(M) No motion once heard and disposed of shall be renewed in the same cause, nor shall the same matters therein embraced be reheard, unless by leave of the Court

(N) Coughlin must file a request for submission if he wishes the Court to consider the

merits of his motion. (O) Coughlin shall not file a request for submission of a motion unless the motion was served on the opposition and they have been afforded at least 10 days to respond. (P) Decision shall be rendered without oral argument unless oral argument is ordered by the Court, in which event the individual court department shall set a date and time for hearing. (Q) All discovery motions shall include the affidavit of Coughlin establishing that after consultation with opposing counsel, he has been unable to resolve the matter""

Then Chief Judge Sferrazza entered an "Administrative Order 2012-01 In re Zachary Coughlin" file stamped 12/20/12 at 4:38 p.m., which purported that Coughlin had been "admonished by Judges including soon to be ***RJC Chief Judge Pearson***, despite such not being at all true. At such point Coughlin's sole interactions with Judge Pearson consisted of a 7/31/12 and 10/2/12 landlord tenant matter hearing in Rev2012-001048 and Rev2012-078432. While Judge Pearson did commit gross judicial misconduct in both hearings, willfully exceeding his jurisdictional where completely inappropriate, whilst also failing to embrace his jurisdiction where he had a duty to, Coughlin was in no way "admonished". Interestingly, Chief Judge Pearson indicated to Coughlin during a 6/16/13 status conference in a trumped up probation violation charge that the WCDA's Office had the Department of Alternative Sentencing make against Coughlin incident to an unlawful warrantless arrest of Coughlin after 7 p.m. in his own home by DAS Officers Wickman and Ramos in violation of NRS 171.136, in an attempt to intimidate and silence Coughlin, that he, Judge Pearson, had never had any of Coughlin's landlord tenant cases, when, in fact, his presiding over two just such cases had an extremely prejudicial impact on Coughlin's defense of his formal disciplinary matter and other associated cases. Judge Pearson is fond of smiling to one's face while maintaining the status quo, letting Judge Clifton run amuck, and just generally benefitting from giving local law enforcement everything they want, and they want it all.

Though having been served the arguably more ridiculous Workplace Harassment TPO the same WCDA Watts-Vial that fraudulently obstructed Coughlin's SCR 110 subpoenas on 2JDC clerks, judges, and the 2JDC Custodian of Records obtained for "Washoe County" in RCP2012-000599 where involved a TPO Application WCPD Jim Leslie admits to filing for himself, where such was actually filed by Watts-Vial (with both trying to massage there way around the problems associated with the requirement in NRS 33.250, .270 that the employer (the WCPD is not "employed" by Washoe County) file for such TPO on behalf of an employee (ie, the employee may not file for a Workplace Harassment TPO on their own behalf, though, obviously, King's language above admits that is just what he did where King asserted "*so on behalf of the staff*" and for ***our*** protection, ***I*** would ask that the court extend the Order".

However, just like with Jim Leslie filling out the application himself for a Workplace Harassment Protection Order (and WCDA Watts-Vial attempted to pass off his filing of such Workplace TPO Application as a filing by WCPD Leslie, to get around the odious conflicts of interest that Watts-Vial knows full well make his conduct tantamount to professional misconduct), Laura Peters actually filled out the Workplace TPO Application in her own handwriting, only to use white out to obscure her signature and have King add his over it upon the SBN realizing that an employee cannot apply for such a Workplace TPO on their

own behalf, at which point King decided to go with the “the women are afraid” angle, though it was Peters whom pushed the TPO Application idea from the beginning upon her growing very uncomfortable with the extent to which Coughlin was well documenting and exposing the fraudulent conduct she was engaged in (vis a vis the fraudulent submission in FHE1 by King of Peters 8/23/12 Affidavit of Service of the Complaint, and failure to serve on Coughlin in a timely manner the odd 10/9/12 Affidavit of Laura Peters place in the formal hearing file <http://www.scribd.com/doc/163691392/11-7-12-0204-62337-Index-to-Bates-Stamped-3-200-Page-Scr-105-2-c-Production-by-Sbn-With-Scribd-Link> <http://www.scribd.com/doc/163691036/11-7-12-0204-62337-Bates-1-to-3-094-State-Bar-of-Nevada-Excuse-for-Failing-to-Obey-SCR-105-2-c> amongst other pleadings (though, again, in the 11/7/12 3,094 page SCR 105(2)(c) violating production of documents to Coughlin, the bates stamping on such 10/9/12 Affidavit of Laura Peters places such *after* the 10/31/12 Order by Chair Echeverria, where such filings within the Formal Hearing Pleadings file contained filin1213fdd4-6772-46ac-879e-38c493def809general69329gs in chronological This message was intended for zachcoughlin@hotmail.com. Want to control which emails you receiveorder, and the bates stamps on such identified Peters 10/9/12 file stamped This message was intended for zachcoughlin@hotmail.com. Want to control which emails you receivefrom Voxox? Get Voxox: <http://download.voxox.com> and adjust your Notifications in theSettings/Preferences window. Voxox by TelCentris, Inc. is located at 10180 Telesis Ct., San Diego, CA92109.Affidavit of Laura Peters as the last filing in such file, where the bates stamped 10/31/12 Order is immediately preceding such 10/9/12 Affidavit of Laura Peters.

Consider King's contradictory statements as reported by Coughlin in the 10/16/12 file stamped Motion for Order To Show Cause (Coughlin provided a verbatim transcript of the interactions between King, Peters, and Coughlin therein at pages 5-8), **wherein King disclaims any control of the “Court Clerk” in response to Coughlin's accusation that King ordered her not to file Coughlins' 9/17/12 Motion to Dismiss** (which King admitted to receiving at the time, only he did not admit it to be an actual “Motion to Dismiss” because “it doesn't say what it's seeking to have dismissed”), with King's 9/25/12 email to Coughlin, wherein King purports to be the one whom decides how the SBN's Clerk of Court may have filings submitted and or what qualifies as service of such filings on the SBN, along with King's contradictory statements on the record in the transcript from the 11/14/12 formal disciplinary hearing.

While the 11/7/12 production of 3,094 bates stamped pages by the SBN contains some of Coughlin's faxes to the SBN, it noticeably fails to contain any record of Coughlin's filing of a Motion to Dismiss via facsimile on 9/17/12.

OUTBOUND FAX REPORTS, VOXOX showing filings by Coughlin with the Clerk of Court of the State Bar of Nevada (NOTE: the SBN's fax number is 1775329-0552, the times of delivery are according to a time zone 8 hours ahead of PST, though the times indicated for when Voxox sent such confirmation emails indicate the correct time at which such faxes were sent (notice the time sent of the emails and the time notated as when the fax was delivered are always eight hours apart):

Outbound fax report

From: Voxox (noreply@voxox.Com)
Sent: Mon 12/24/12 8:01 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 04:01:18 AM on 2012-12-25.

From: Voxox (noreply@voxox.Com)
Sent: Wed 12/05/12 4:13 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 12:13:24 AM on 2012-12-06.

From: Voxox (noreply@voxox.Com)
Sent: Mon 12/03/12 10:37 AM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 06:37:28 PM on 2012-12-03.

From: Voxox (noreply@voxox.Com)
Sent: Mon 12/03/12 10:32 AM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 06:32:04 PM on 2012-12-03.

From: Voxox (noreply@voxox.Com)
Sent: Fri 11/30/12 4:38 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 12:38:36 AM on 2012-12-01.

From: Voxox (noreply@voxox.Com)
Sent: Wed 11/28/12 6:02 AM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 02:02:10 PM on 2012-11-28.

From: Voxox (noreply@voxox.Com)
Sent: Wed 11/28/12 3:26 AM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 11:26:48 AM on 2012-11-28.

From: Voxox (noreply@voxox.Com)
Sent: Mon 11/26/12 1:11 AM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 09:11:20 AM on 2012-11-26.

From: Voxox (noreply@voxox.Com)
Sent: Fri 11/23/12 8:45 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 04:45:58 AM on 2012-11-24.

From: Voxox (noreply@voxox.Com)
Sent: Fri 11/23/12 8:37 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 04:37:20 AM on 2012-11-24.

From: Voxox (noreply@voxox.Com)
Sent: Fri 11/23/12 4:58 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 12:58:30 AM on 2012-11-24.

From: Voxox (noreply@voxox.Com)
Sent: Mon 11/19/12 8:16 AM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 04:16:44 PM on 2012-11-19.

From: Voxox (noreply@voxox.Com)
Sent: Mon 11/19/12 8:10 AM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 04:10:26 PM on 2012-11-19.

From: Voxox (noreply@voxox.Com)
Sent: Sun 11/18/12 7:13 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 03:13:48 AM on 2012-11-19.

From: Voxox (noreply@voxox.Com)
Sent: Sun 11/18/12 8:43 AM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 04:43:52 PM on 2012-11-18.

From: Voxox (noreply@voxox.Com)
Sent: Fri 11/16/12 4:47 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 12:47:54 AM on 2012-11-17.

From: Voxox (noreply@voxox.Com)
Sent: Tue 11/13/12 2:51 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 10:51:04 PM on 2012-11-13.

From: Voxox (noreply@voxox.Com)
Sent: Tue 11/13/12 2:28 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 10:28:54 PM on 2012-11-13.

From: Voxox (noreply@voxox.Com)
Sent: Mon 11/12/12 4:59 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 12:59:16 AM on 2012-11-13.

From: Voxox (noreply@voxox.Com)
Sent: Mon 11/12/12 10:30 AM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 06:30:04 PM on 2012-11-12.

From: Voxox (noreply@voxox.Com)
Sent: Sun 11/11/12 10:43 AM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 06:43:32 PM on 2012-11-11.

From: Voxox (noreply@voxox.Com)
Sent: Sun 11/11/12 8:30 AM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 04:30:54 PM on 2012-11-11.

From: Voxox (noreply@voxox.Com)
Sent: Sun 11/11/12 7:33 AM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 03:33:18 PM on 2012-11-11.

From: Voxox (noreply@voxox.Com)
Sent: Fri 11/09/12 4:45 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 12:45:08 AM on 2012-11-10.

From: Voxox (noreply@voxox.Com)
Sent: Thu 11/08/12 4:47 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 12:47:10 AM on 2012-11-09.

From: Voxox (noreply@voxox.Com)
Sent: Tue 11/06/12 7:38 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 03:39:00 AM on 2012-11-07.

From: Voxox (noreply@voxox.Com)
Sent: Tue 11/06/12 7:37 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 03:37:20 AM on 2012-11-07.

From: Voxox (noreply@voxox.Com)
Sent: Mon 11/05/12 4:58 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 12:58:52 AM on 2012-11-06.

From: Voxox (noreply@voxox.Com)
Sent: Mon 11/05/12 3:20 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 11:21:00 PM on 2012-11-05.

From: Voxox (noreply@voxox.Com)
Sent: Mon 11/05/12 3:20 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 11:20:08 PM on 2012-11-05.

From: Voxox (noreply@voxox.Com)
Sent: Mon 11/05/12 12:22 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 08:22:44 PM on 2012-11-05.

From: Voxox (noreply@voxox.Com)
Sent: Wed 10/31/12 4:10 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 11:10:34 PM on 2012-10-31.

From: Voxox (noreply@voxox.Com)
Sent: Mon 10/15/12 4:49 PM
To: zachcoughlin@hotmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 11:49:50 PM on 2012-10-15.

Voxox <noreply@voxox.Com> Tue, Sep 18, 2012 at 12:01 AM
To: renoattorney@gmail.Com
Your Fax was successfully sent to (17023852878).
Your Fax was delivered @ 07:01:30 AM on 2012-09-18.

Voxox <noreply@voxox.Com> Tue, Sep 18, 2012 at 12:01 AM
To: renoattorney@gmail.Com
Your Fax was successfully sent to (17753290522).
Your Fax was delivered @ 07:01:48 AM on 2012-09-18.

Voxox <noreply@voxox.Com> Tue, Sep 18, 2012 at 12:02 AM
To: renoattorney@gmail.Com
Your Fax was successfully sent to (17752849513).
Your Fax was delivered @ 07:02:12 AM on 2012-09-18.

Voxox <noreply@voxox.Com> Tue, Sep 18, 2012 at 12:38 AM
To: renoattorney@gmail.Com
Your Fax was successfully sent to (17752849513).

Your Fax was delivered @ 07:38:48 AM on 2012-09-18 (NOTE:, this represents Coughlin's 9/17/12 Motion to Dismiss)

“RE: citation to legal authority? **From: Patrick King** (PatrickK@nvbar.Org) Sent: Tue 9/25/12 11:34 AM To: Zach Coughlin (zachcoughlin@hotmail.Com) **Cc: David Clark** (DavidC@nvbar.Org); Laura Peters (LauraP@nvbar.Org) 9-25-2012

Dear Mr. Coughlin, **Please be advised that the State Bar of Nevada will not accept or file any documents submitted by you via e-mail.** Further, if you intend to send or serve me with a copy of a document **it will not be accepted if sent via e-mail.** Sincerely, Patrick King, Assistant Bar Counsel.”

“RE: **Motion to Dismiss** SBN v. Coughlin **From: Laura Peters** (LauraP@nvbar.Org) Sent: Wed 9/26/12 11:54 AM To: 'Zach Coughlin' (zachcoughlin@hotmail.Com) I never said that you could file items via e-mail – I don’t make those calls. **I have to file documents in so you have to serve them here. I want to cooperate with you but I can’t change the procedural requirements.** Laura -----From: Zach Coughlin [mailto:zachcoughlin@hotmail.Com] Sent: Monday, September 24, 2012 2:50 PM To: Laura Peters; Patrick King; David Clark; tsusich@nvdetr.Org Subject: FW: Motion to Dismiss SBN v. Coughlin

Dear Clerk of the Court of the State Bar of Nevada Peters, **Please note the forwarded Motion to Dismiss** SBN v Coughlin filed on September 17th, 2012 (I also will forward the one I sent just prior to midnight of the 17th, of September 2012. Please let me know anything I should know about the Hearing tomorrow, September 25th, 2012 on and only on the matters limited to those set forth in the NV. S. Ct Order of June 7th, 2012 in 60383 and pursuant to my SCR102(4)(3) Petition 61426.

Please make sure Bar counsel is aware of the extent to which you previously guaranteed me that no service of any Complaint in SBN v. Coughlin sent by certified mail would be deemed effectuated by the SBN where based merely upon the return to sender of the first attempt to so serve me under SCR 109 such a Complaint, which you indicated you had just received as returned to sender on September 10th, 2012, and where you further indicated that I could serve any filings on my behalf thereafter upon the SBN via electronic means including fax or email....----- From: zachcoughlin@hotmail.Com To: tsusich@nvdetr.Org; patrickk@nvbar.Org; davidc@nvbar.Org Subject: **Motion to Dismiss** SBN v. Coughlin Date: Tue, 18 Sep 2012 00:02:54 -0700 Zach Coughlin”

“HEARING - Vol. I, (Pages 6:20 to 7:6) “MR. ECHEVERRIA: **Mr. King? MR. KING: As the record reflects, Mr. Coughlin was served a copy of the complaint** to the address that he is mandated to provide to the State Bar. MR. COUGHLIN: I don't believe that's correct. MR. ECHEVERRIA: Please don't interrupt, Mr. Coughlin. Go ahead. **MR. KING: Subsequently, Mr. Coughlin filed, immediately after we mailed the complaint via certified and regular mail, Mr. Coughlin filed a motion to**

dismiss the complaint.”

11/14/12 FORMAL DISCIPLINARY HEARING - Vol. I, (Pages 302:13 to 304:15) “MR. ECHEVERRIA: I believe that all the pleadings that have been filed would be part of the panel's record that would go to the supreme court. MR. KING: Anything that's been marked as an exhibit and identified and accepted into evidence by the panel will be part of the record. And the entire transcript of the proceedings. No other documents at this time, anything that hasn't been proffered as evidence will be not admitted. MR. ECHEVERRIA: Do the pleadings go up or just that which is offered into evidence and accepted? MR. KING: To the extent that the complaint will certainly go up, everything that's in this packet will go up. Anything that you had marked and accepted as evidence will be sent up on the record, along with the entire transcript. But to have other documents just compiled, it won't help the record, it will make it more confusing. The supreme court has better things to do. MR. VELLIS: Pleadings filed, they don't go automatically, the whole case file doesn't go, just whatever is entered here? MR. KING: Correct. My pleadings, for instance, as you can see by the Bates stamp numbers are thousands of pages of nonsensical e-mails and disparaging e-mails. I didn't think that that would add to this day or help the supreme court. MR. ECHEVERRIA: I think the confusion, at least I have, is whether or not the pleadings themselves, whatever file, whatever Mr. Coughlin has filed, a motion for whatever reason, are those part of the record that go up on appeal? In civil litigation, with which I'm only familiar, that does become part of the record if so designated. MR. KING: If the orders go up, pleadings that are not admitted do not go up. MR. COUGHLIN: Your Honor, if I can just interject -- MR. KING: In other words, everything Mr. Coughlin sent, oftentimes with these multiple captions where he's sending them to many people, he might caption as a pleading, it doesn't make it a pleading. It has to be something that was sent to us, filed in, and that would be a pleading. And if there was such a thing as file stamped with the supreme court, it will go up. MR. VELLIS: That is my question. It doesn't have to be necessarily be brought up here, but if it was submitted and file stamped as being submitted, then it's part of the record that goes up, whether it was mentioned here or not? MR. KING: Correct. That would be my understanding. Only if it was properly filed, timely filed, stamped in by the court.

16 It is not quite clear how the RMC is able to contract out its court appointed defense counsel to attorney's maintaining private practices (including the very Taitel whom was appointed to represent Coughlin in the criminal trespass case in 26405 (61901) where Coughlin was attempting to sue Taitel, and, arguably, Taitel himsel in CV11-03051 incident to the same wrongful summary eviction from which such criminal trespass prosecution issued). Public defenders, private practice prohibited, see NRS 180.010, 180.030, And 260.040.

 The RMC's Judge Howard had no jurisdiction to deny Coughlin's 10/26/11 Application for Court Appointed counsel where such contained a sworn declaration by Coughlin indicating Coughlin's yearly income was \$10,000 and that he had little to no

money to his name, and had been ordered evicted the day before. Judge Stiglich has so far denied Coughlin the appointment of co-counsel in any of the criminal matters wherein Coughlin is a party before her, and denied Coughlin's Motion for Preparation of Transcript at Public Expense in CR13-0011, and so far in CR13-0614, even though 0614 represents the appeal of what in *In Re Beckett* (at least, though substantially different factual circumstances at issue therein) was deemed a SCR 111(6) "serious" offense conviction per NRS 199.280)

"The Supreme Court will appoint counsel and fix fees whenever such orders appear necessary to the proper exercise of its appellate function. N.R.S. 7.125, Subd. 3(B), 7.145, Subd. 1. *Brackenbrough v. State*, 1976, 553 P.2D 419, 92 Nev. 460." District court abused its discretion by awarding attorney fees to appointed counsel in amount lower than that mandated by statute without explicitly determining that amount of time claimed by counsel was unreasonable, and without stating its reasons for reduction in fees. N.R.S. 7.125, Subd. 1. *Digesti v. Third Judicial Dist. Court In and For County of Lyon*, 1993, 853 P.2D 118, 109 Nev. 532. Supreme Court will only review lower court's decision regarding court-appointed counsel's claim for excess fees in extraordinary circumstances. *Wood v. State*, 1997, 951 P.2D 601, 113 Nev. 1455.

Trial court's denial of attorney's motion seeking fees in excess of statutory maximum for representing prisoner on appeal of denial of petition for postconviction relief could be reviewed by Supreme Court by properly documented petition for extraordinary relief. N.R.S. 7.125, Subd. 4. *Beury v. State*, Eighth Judicial Dist. Court, 1991, 812 P.2D 774, 107 Nev. 363, Subsequent mandamus proceeding 826 P.2D 956, 108 Nev. 219.

17 It is important to note that on that very day, 2/27/12, RJC Judge (and former 25 year prosecutor for the WCDA's Office) Clifton was mysteriously transferred onto the RCR2012-65630 case King references in his Complaint in alleging Coughlin's filing therein of 2/21/12 (which RJC Judicial Secretary Lori Townsend emailed King, apparently in response to King's writing her requesting a copy of the cases Judge Nash Holmes referenced in her FHE8 3/14/12 written grievance letter to the SBN, wherein Judge Nash Holmes alleges that the WCPD's Office called her "Judicial Assistant", purportedly to simply indicate that it was representing Coughlin on a "gross misdemeanor" in the RJC (the only gross misdemeanor Coughlin has ever been charged with was the "misuse of 911" case in RJC RCR2012-065630). It seems rather plausible (though the WCPD absolutely refuses to explain Judge Nash Holmes' statements respecting it's calling her judicial assistant on 2/27/12, and RJC Judge Sferrazza summarily quashed Coughlin's subpoena on Dogan (whom was also subpoenaed for the 11/14/12 formal disciplinary hearing and failed to appear) that Dogan (whom indicated on 11/27/12 that he had never spoken with Judge Nash Holmes during a Mardsen-lite hearing before Judge Clifton) then proceeded to refuse to answer Coughlin's question as to whether he had ever spoken with Judge Nash Holmes' Judicial Assistant Marilyn Tognoni (where, of course, Judge Clifton allowed Dogan's non-response upon ruling that such matter was irrelevant, in a marked *laissez faire* approach to ensuring competent representation by defense counsel in contrast to Judge Holmes' 3/14/12 grievance against Coughlin to the SBN resulting in Coughlin being charged with alleged RPC violation as to duties the SBN alleges Coughlin owes to *himself*).

Where Judge Clifton (whom current RJC Chief Judge Pearson indicates receives

at least half of the criminal cases docketed in the RJC to ensure the WCDA's Office's approach is smeared all over everything, er, just because, really, no reason given...which the Interim Suspension in Halverson indicated might not be all that acceptable (in referencing a similar redistribution of cases by then Chief Judge Hardcastle which is reminiscent of current 2JDC Chief Judge Hardy's 6/11/13 Order moving nearly all of Coughlin's cases in the 2JDC into Judge Elliott's replacement in Department 8, Judge Stiglich (kind of skews the jurisprudence in Washoe County where former 25 year veteran prosecutor for the WCDA's Office Clifton is assigned at least half of the criminal cases docketed therein, where the people elect six different justices of the peace and are entitled to get a more diversified approach, especially where such is a limited jurisdiction court) was mysteriously transferred onto that 065630 case on 2/27/12 (the file in the RJC contains nothing more to explain Judge Clifton's mysteriously being transferred on to 065630 on 2/27/12 besides the following:

"Kinkead, Catherine From: Baker, Robbin Sent: To: Monday, February 27, 2012 8:55 AM Kinkead, Catherine Subject: FW Coughlin RCR2012-065630 Importance: High **Robbin Baker Re 0 Justice Court Deputy Court Clerk (775) 325-6535 (775) 325-6510 (fax) From: Dogan, Biray Sent: Friday, February 24, 2012 2:49 PM To: Baker, Robbin Cc: Young, Zach Subject: FW: Coughlin RCR2012-065630 Importance: High

Hi Robbin,

The State and defense have agreed to continue this case out 30 days for another MSC. Thank you, b. -----From: Sent: To: Subject: Young, Zach Friday, February 24, 2012 12:07 PM Dogan, Biray RE: Coughlin Because this is the first MSC setting, I am okay with a 30 day continuance. I will NSN next set as well for MSC. Thanks, Zach -----From: Dogan, Biray Sent: Thursday, February 23, 2012 1:07 PM To: Young, Zach Subject: Coughlin The MSC is Monday. Coughlin wants to get his case continued. What sayeth you? (NOTE thereon such page containing all the above emails is hand interlineated "#1 (crossed out) #5 Transfer D5 Clifton case MSC 3/29/12 @1:30 p.m.)"

NOTE: in the RJC such 065630 case is listed in the docket (prima facie evidence of fact pursuant to NRS 4.240) As assigned to Department 1's Judge Lynch. Judge Clifton is in Department 5. Coughlin had contacted WCPD Dogan on 2/18/12 to indicate a conflict between the setting of the trial in the RMC 11 TR 26800 at 1:00 pm on 2/27/12 and the Mandatory Status Conference in the RJC in 065630 at 1:30 p.M. Rather than owning up to his violatin of NRS 178.397 In failing to appear at the 2/14/12 arraignment of a gross misdemeanor, Dogan retaliated against Coughlin by successfully obtaining an Order For Competency Evaluation from RJC Judge Clifton file stamped 1:31 pm on 2/27/12, where Dogan further retaliated against Coughlin by willfully disobeying Coughlin's order to Dogan to refrain from identifying in any way into the record in the district court matter necessitated by such NRS 178.405 Order For Competency Evaluation in a gross misdemeanor, the indentity of the medications Coughlin takes or anything relative to Coughlin's medical or mental health care. Of course, Dogan proceeded to, minutes after Coughlin expressly warned him not to, announce into the record

that Coughlin was on Adderall in violation of the HIPAA rights th WCPD and Lakes Crossing touted incident to having Coughlin summarily incarcerated for eight days between 4/19/12 and 4/26/12 upon DDA Young violating NRS 178.405 Yet again in moving for such in arguing Coughlin had not divulged sufficient information to Lake's Crossing in the context of its hugely invasive competency evaluation, which includes something akin to a search incident to arrest, and where Lake's doctors Bill Davis and Sally Farmer refused Coughlin's request to be permitted to tape record the evaluation, and insisted on a full body search of Coughlin to ensure that Coughlin be prevented from carrying any recording devices on his person incident to the 4/18/12 competency evaluation that Lake's Davis and Farmer abruptly stormed out of, only to then file a lied filled 4/18/12 letter with the 2JDC and Judge Elliott in CR12-0376).).

18 HEARING - Vol. I, (Page 162:4 to 162:7) "MR. COUGHLIN: The thing is, anything that would tend to rebut the inference of guilt, you always rule it's not relevant. So I'm wondering what's the point of calling me then?"

HEARING - Vol. I, (Pages 60:23 to 62:4) BY MR. COUGHLIN: Q Did Sergeant Lopez, the female sergeant? A She may have, but I don't recall. Q Did you have a video camera with you? A We had Dr. Merliss's phone. Q Did you take 14 videos that you propounded to the Reno city attorney that day? MR. KING: Objection. Relevance. THE WITNESS: We gave them what we had. The number I don't recall. BY MR. COUGHLIN: Q Was there some reason -- you seem to have video of every moment of that day, except for this announcing themselves as law enforcement. Is that what you're testifying to right now? A Mr. Coughlin -- MR. ECHEVERRIA: Mr. Coughlin, the issue here is whether or not you're competent to be an attorney and should continue in the practice of law. You're focusing on a rather minor detail, and I would like you to focus on the broader issues. MR. COUGHLIN: It's not just competency, it's candor. MR. ECHEVERRIA: You've indicated you want to impeach him. The issue is Mr. Hill has testified that the police identified themselves. You say something different. I've asked you for an offer of proof. You've laid the foundation. Let's proceed. MR. COUGHLIN: It also goes to -- MR. ECHEVERRIA: Please proceed, Mr. Coughlin. You would do yourself some good if you will focus on the issues, if you will."

HEARING - Vol. I, (Pages 72:3 to 75:5) BY MR. COUGHLIN: Q Mr. Hill, is it somewhat incongruous for you to assert to this panel that I completely lack competency, and yet you ran up, counting the trial court \$20,000 you asked for, and the \$42,000 you were ultimately awarded in that appellate court? MR. KING: Objection. Argumentative and irrelevant. MR. ECHEVERRIA: Sustained. MR. COUGHLIN: I think it goes to his credibility. MR. ECHEVERRIA: I'm sorry? MR. COUGHLIN: Your Honor, I think it goes to his credibility to the extent that he's saying, well, Mr. Coughlin is so baseless and vexatious, yet I was able to bill 60 grand for it. To me it's like, well, at some point if somebody's arguments are so worthless and so unsupported, shouldn't you be able to bring it home for less than 60 grand for a summary eviction? MR. KING: Mr. Chairman, if I could respond by pointing out the fact that the order from Judge Flanagan, which has been admitted, suggests that that was -- that those fees were generated because of Mr. Coughlin's vexatious conduct. And that the fees were reasonable and were awarded against Mr. Coughlin, not one cent of which has been paid. So I think any suggestion to the contrary is

irrelevant, because Judge Flanagan's order is to be accepted by the panel. MR. COUGHLIN: Your Honor, if I can quickly counter that. I don't know that's actually pled in your complaint, Mr. King, or included amongst one of the three grievances. The extent to which -- am I here today because this like Judge Gardner's sanctions coming up two years later? Am I here today on Judge Flanagan's sanction? Is he a grievant and accorded a case number too? MR. KING: Mr. Chairman, I was responding to his question. MR. ECHEVERRIA: I believe you're here today to measure all of your conduct as a practicing lawyer. So I'd like to move on. If you have further questions of Mr. Hill, please ask them. I've now afforded you in excess of 20 minutes. I'll give you another five. MR. COUGHLIN: So we're not here today based on what's been noticed? MR. ECHEVERRIA: We're not here today to relitigate orders that have been filed that you have appealed, and that you have lost. MR. COUGHLIN: I'm not asking -- I'm asking what is it limited to? Because it sounds like from what you just said it's not limited. MR. ECHEVERRIA: I don't intend to impose any limits on you in terms of what you attempt to proffer as evidence. I will rule on what you proffer as evidence. MR. COUGHLIN: I'm saying what he's limited to, your Honor. MR. ECHEVERRIA: The issue here, sir, as I understand the supreme court's order with respect to your conviction of theft, and the issues here with respect to the other grievances that have been filed against you are to the extent as to what, if any, should be the punishment that you should sustain as a result of your conduct. MR. COUGHLIN: Yet this is entered into evidence. MR. ECHEVERRIA: This is what? MR. COUGHLIN: This order has been entered into evidence. MR. ECHEVERRIA: Exhibit 2 has. MR. COUGHLIN: But it's not pled in any complaint. Judge Flanagan's not a grievant. I wasn't noticed that that was the purpose of this hearing to some extent today. MR. ECHEVERRIA: You were noticed that the issue of your conviction of trespass was an issue, that your handling of that case was an issue, and it's relevant as to that."

(HEARING - Vol. I, (Pages 320:15 to 321:2) MR. ECHEVERRIA: I'm really sorry, Mr. Coughlin. But I would like you to assist the panel in following our directions. I've asked you to address, one, whether or not you're competent to continue to practice law. Two, **how should we deal with the supreme court's mandate that we are to consider the nature and intent of punishment as a result of that theft conviction and other misconduct**, and if you believe punishment is warranted, what the nature of that punishment should be. *If we can focus on those issues, it would help this panel do its job a lot better than trying to understand Mr. Harris' situation or some other lawyer's situation*. Could you focus on that for me, please?"). Mega-hypocrites like Echeverria really do not like confronting the incongruity of their money plays approach to life and law. However, SCR 123(3) and the Laub decision hold otherwise.

Note, there again Echeverria admits to the fact that he perpetually sought, all throughout this matter, to misapply SCR 111(8) and the N. S. Ct's 6/7/12 Order in 60838 to eviscerate the requirement under Schaeffer that King must prove each individual act of misconduct Coughlin was alleged to have committed by "clear and convincing evidence" via the introduction of admissible evidence (where none of the "expert testimony" was admissible as none of the witnesses were experts, none of the Orders were admissible (save the portions of the two municipal court convictions that actually qualify as "evidence" (see

In Re Santosuosso's ruling that "findings of fact" are inadmissible). Every single time Coughlin offered any evidence or testimony that went to defending against the myriad of vaguely formed and unsupported by any actual admissible evidence allegations of misconduct made by King, Echeverria ruled such testimony or evidence offered by Coughlin was "inadmissible" or "irrelevant" in light of his contention that King did not need to prove Coughlin committed any such misconduct (well over an above limiting such narrowing to SCR 111(5)'s "a conviction is conclusive proof that the Respondent committed the crime"...which itself is far from establishing "conclusively" that either the petty larceny or criminal trespass convictions at issue in the only two SCR 111 Petitions King filed involving Coughlin are "serious" offenses, or that the circumstances attendant to such convictions and that alleged acts underlying such were "conclusively" irrelevant, immaterial, or inadmissible).

Chair Echeverria's constantly ruled as irrelevant or inadmissible any testimony or evidence Coughlin offered in any way connected to (however tangentially, even) the criminal trespass conviction or surrounding circumstances thereof (whether or not offered to dispute the validity of the conviction or question whether such is conclusive proof of Coughlin's guilt with respect to such crime). While Echeverria refused to countenance Coughlin's arguments that N. S. Ct.'s decision to refrain from referring the matter of the SCR 111(4) Petition in 61901 to a disciplinary panel provides a defensive collateral estoppel bar to any attempt to characterize such criminal trespass conviction as a basis for permanently disbaring Coughlin on any of the myriad of scattershot allegations that King and the Panel purport such criminal trespass conviction or the circumstances surrounding such purport to provide support for the recommendation to permanently disbar Coughlin.

The lack of any such SCR 111(8) referral (and King's own defining his Petition in 61901 as one) arguably precludes pleading such conviction for criminal trespass at all as supporting an allegation of a violation of RPC 8.4(a)-(d), (much less that sua sponte attempts by Echeverria to graft such criminal trespass conviction and the testimony by Richard G. Hill, Esq., as to the "surrounding circumstances" thereof that Echeverria ruled to be admissible (of course, only so far as such "evidence" favored King's case) with respect to such criminal trespass conviction. As to such criminal trespass conviction, Echeverria, again, sua sponte, argued such provided support for and notice-pleading to Coughlin that FHE2 (the "prevailing party attorney's fee award" "*sanction*" by the district court in the appeal of the summary eviction Hill's *associate* handled

Hill's *associate*, Casey D. Baker, Esq., handled (solely appeared) both justice court summary eviction actions threatened days prior to Coughlin's initial 8/20/11 iPhone arrest, on through to the district court's 3/30/12 Order denying the appeal of such, all the way until August of 2012 whereupon Hill appeared in such matter to defend against Coughlin's NRCP 60 motions. Such a late arrival to the party hardly makes Hill a material witness (much less qualified to testify about such) with respect to those matters wherein *his associate* appeared). Indeed, Hill constantly attempted to have it both ways, at once purporting to be an expert witness, yet an "interested party" or at least the attorney for an "interested party" (with respect to the summary eviction cases and appeal of one of them given Hill arguably (Ching notwithstanding (so confusing the RPC 4.2 analysis there) *is* an

interested party given King identified Hill as the grievant in “NG12-0204”...and where Judge Holmes was listed as the grievant in “NG12-0434”, and Judge L. Gardner the grievant in “NG12-0435” that leaves no case number for Judge Beesley or the still to be identified by anyone “justice court judge” that King testified had filed a grievance against Coughlin (talk about a gang bang, wow, nobody runs a train on someone quite like Washoe County runs a train on someone, right?)

- 19 The thing is defensive collateral estoppel applies to all of the SBN's allegations of misconduct, especially with respect to FHE2, 3, 4 (Judge Holmes had her bite at the apple in her 2/28/12 Order summarily finding Coughlin in contempt (which, by its very summary nature precludes an offensive collateral estoppel application) and is estopped from taking another swing at the plate as to anything Coughlin allegedly did in court during the 2/27/12 trial in FHE5, her 3/12/12 Order, which itself is void and an example of Judge Holmes' constant judicial misconduct where such was either a willful violation of NRS 178.405 Or an example of Judge Holmes (whom purported to be some sort of quasi-expert on mental illness issues from a legal standpoint in her testimony) utter incompetence in apparently being completely unaware of the requirement (and duty she has) that she not proceed to hold a trial where the defendant's competency is in question (and FHE8 is hilarious in that regard where within two sentences Judge Holmes admits she feels Coughlin is "quickly decompensating" mentally, but that she is, also, attempting to "set for trial" the "other" (a traffic citation case is not a "criminal matter") criminal matter before her (the one that was transferred under extremely suspicious circumstances to her on 2/27/12, the same day of the trial wherein Coughlin's alleged conduct was addressed in FHE4) FHE10 (which merely ruled that Coughlin's IFP was denied and did not making any "finding" or "conclusion" that Coughlin had engaged in any misconduct whatsoever) It appears that the majority of other jurisdictions apply offensive collateral estoppel, generally, in bar discipline cases. See, e.G., In re Segal, 719 N.E.2D 480, 485 (Mass. 1999) ([G]eneral rules of collateral estoppel govern [bar discipline cases].); Office of Disciplinary Counsel v. Kiesewetter, 889 A.2D 47, 54 (Pa. 2005) (Attorney collaterally estopped in bar discipline case on basis of federal court's civil judgment for fraud established by clear and convincing evidence); In re Capoccia, 709 N.Y.S.2D 640, 642.48 (N.Y. App. Div. 2000) (Attorney collaterally estopped in bar discipline case on basis of sanctions in sixteen state cases and one federal case for failure to follow rules of court); In re Caranchini, 956 S.W.2D 910, 912.14 (Mo. 1997) (Non-mutual offensive collateral estoppel applied in bar discipline case on basis of federal court sanctions for same activity); In re Bruzga, 712 A.2D 1078, 1079 (N.H. 1998) (Holding that, in future cases, offensive collateral estoppel may be used in bar discipline proceedings when a prior proceeding employed a burden of proof equaling or exceeding the clear and convincing burden governing bar discipline proceedings); cf. In re Owens, 532 N.E.2D 248, 252 (Ill. 1988) (Declining to give offensive collateral estoppel effect to factual findings underlying a state court's judgment for fraud established by clear and convincing evidence, but noting that it "can more confidently rely on a criminal conviction as resting on accurate factual findings. Where "an attorney who has been found guilty of a criminal offense . . . Has been so found only after he has made every reasonable effort to cast doubt on his guilt.); But cf. In re Strong, 616 P.2D 583, 587 (Utah 1980) (declining to give offensive collateral estoppel effect to factual findings underlying a federal court's judgment for fraud because to do so would be contrary to the obvious intent of a Utah statute "that requires the Board to make its own findings based upon [its own] evidentiary hearing,. But concluding that the record in the prior civil proceeding would be admissible as evidence where relevant in

disbarment hearing).

20 Defending Lawyers in Disciplinary Proceedings, 31 AMJUR TRIALS 633.: "...Sec. 48.

Evidentiary considerations: The rules of evidence for civil jury trials, with slight variations, generally apply to attorney-discipline proceedings.[7] However, it has also been said that, at disciplinary hearings, the rules of evidence are "relaxed,"[8] and considerable latitude is allowed the accused attorney to bring in evidence of good moral character, particularly on the issue of mitigation.[9]

Exhibits should be readied for quick and easy introduction into evidence by organizing them and offering them for marking for identification at the beginning of the hearing or at the pre-hearing conference.[10] Such exhibits include time sheets,[11] carbon or duplicate original of the contract of employment,[12] photocopies of all or part of the former client's file where appropriate,[13] **correspondence with the complainant and others**,[14] telephone logs and messages,[15] **judicial records of related court proceedings**,[16] any pertinent public records[17] and **official investigation reports**,[18] and documents and hospital records where pertinent.[19] Writings used to refresh memory[20] are not marked, but they should be ready for offering to witnesses who need assistance in recalling events.

The burden of proof is, of course, on the attorney assuming the prosecution role.[21] As for the sufficiency of the proof of misconduct against an attorney, the courts are in agreement that the criminal standard of proof beyond a reasonable doubt does not apply,[22] but they do not agree on whether a preponderance of the evidence is sufficient or whether the proof must be clear and convincing.[23]

Section 48 Footnotes:

[FN7] ABA Standards for Lawyer Discipline, Standard 8.32. 7 Am. Jur. 2D, Attorneys at Law § 94. Subpoena for attendance of witness at disciplinary hearing, 2 Am. Jur. Pleading and Practice Forms, Attorneys at Law, Form 297–298. [FN8] Emslie v. State Bar of California (1974) 11 Cal 3d 210, 113 Cal Rptr 175, 520 P2d 991. [FN9] Committee on Legal Ethics v. Pietranton (1957) 143 W Va 11, 99 SE2d 15 .Admissibility and sufficiency of evidence in attorney disciplinary proceedings, 7 Am. Jur. 2D, Attorneys at Law §§ 94, 95. [FN10] Foundation for Admission of Secondary Evidence, 35 Am. Jur. Proof of Facts 2d 147; Foundation for Offering Business Records and Evidence, 34 Am. Jur. Proof of Facts 2d 509; Admissibility of Computerized Business Records, 14 Am. Jur. Proof of Facts 2d 173.

[FN11] [] Admissibility of business records. Business records and books, and entries therein, are generally admissible if kept in the ordinary course of business and if properly authenticated. Under modern statutes, and under Rule 803(6) of the Federal Rules of Evidence, it generally is not necessary that the person actually making the records testify, if the custodian or other qualified witness testifies to the identity and mode of preparation of the records. See 30 Am. Jur. 2D, Evidence §§ 937, 950. [FN12] [] Admissibility of carbon copies of documents. Many courts have held that a carbon copy of a document ranks as a duplicate original when signed or otherwise executed with all necessary formalities. In many cases an unsigned or unexecuted carbon copy of a document has also been regarded as an original, which may be admitted in evidence without explanation as to why the first, or "ribbon" copy of the instrument has not been produced. Other courts, however, have indicated that carbon copies normally will not be regarded as duplicate originals, but must be considered as secondary evidence, with

respect to which the usual rules as to the necessity and sufficiency of explaining nonproduction of the original are applicable. See Am. Jur. 2D, Evidence §§ 487, 488.

[FN13] [] Admissibility of photocopy of document. Statutes in most states provide for the admissibility, as though they were originals, of photographic copies of business and public records made and kept in the regular course of business. See 29 Am. Jur. 2D, Evidence § 490; 3 Jones on Evidence (6th ed.) § 17:13. For photocopies not qualifying for admission under such statutes, some courts may follow the liberal view adopted by the Federal Rules of Evidence, whereby a copy of a document produced by photographic or equivalent means may be deemed an original if it was intended to have the effect of an original by the person executing or issuing it (Fed R Evid 1001), and, still more broadly, a duplicate of a document is admissible to the same extent as an original unless there is a genuine question as to the authenticity of the original, or unless it would be unfair to admit the duplicate in lieu of the original (Fed R Evid 1003).

[FN14] [] Admissibility of letters. A letter between parties to an action and relevant to the issues of the case is admissible in evidence, provided there is competent proof of its authenticity. The authenticity of a letter is usually proved by establishing its identity as the letter of the person by whom it purports to be written. This is usually shown by establishing the genuineness of the signature on the letter, but may be proved by other facts and circumstances sufficiently indicating its authenticity. See 29 Am. Jur. 2D, Evidence §§ 878–880. [FN15] Foundation for Telephone Conversation, 36 Am. Jur. Proof of Facts 2d 605. [FN16] [] Proof of prior court proceeding. In a case in which a matter litigated in a prior court proceeding is relevant to a disputed issue of fact, counsel should take appropriate action to bring the relevant aspects of the prior proceeding to the attention of the trier of fact. Depending on the circumstances and the rules of the particular jurisdiction, these matters may be the subject of judicial notice, or they may be proved by properly authenticated documentary evidence of the prior proceeding. A court will take judicial notice of its own records in the immediate case before it, including all prior proceedings in the same case (29 Am. Jur. 2D, Evidence § 57). The courts ordinarily do not take judicial notice of the proceedings or record in another case, however, even though the cause was tried in the same court, related to the controversy under consideration, and between the same parties (29 Am. Jur. 2D, Evidence § 58). Thus, the manner of proof of the prior proceeding would depend on whether it is considered as being part of the same case. If it is not part of the same case, the relevant portions of the record and judgment in the prior proceeding should be properly authenticated and offered in evidence. For discussion of authentication and admission of judicial records, see 30 Am. Jur. 2D, Evidence §§ 973–990.

[FN17] [] Records and reports of public officials. Under an exception to the hearsay rule, records and reports prepared by public officials pursuant to a duty imposed by law, or required by the nature of their offices, are generally admissible as proof of the facts stated therein, even though they are not verified or authenticated by the person who actually made the entries. The facts stated in the documents, however, must have been within the personal knowledge or observation of the recording official or his subordinates. Reports based on general investigations and on second-hand information are not ordinarily admissible as public records. Other records which have been held inadmissible under this exception to the hearsay

rule are records concerning causes and effects, or those involving the exercise of judgment and discretion, the expression of opinions, or the drawing of conclusions. See 30 Am. Jur. 2D, Evidence § 991. [FN18] [] Official investigative reports. Reports made by public officials regarding the cause of an accident or other occurrence resulting in property damage are not ordinarily admissible in evidence (see 7 Am. Jur. 2D, Evidence § 1002). Nevertheless it is recognized in some jurisdictions that the factual findings reported by a public agency as the result of an investigation it has made pursuant to authority granted by law may be admitted, despite their character as hearsay, unless the sources of information or other circumstances indicate lack of trustworthiness (see Fed R Evid 803(8)). [FN19] [] Admissibility of hospital records or medical reports. Hospital records or medical reports may qualify for admission under the business records or the past recollection recorded exceptions to the hearsay rule, or under specific statutes relating to such records. For hospital records, either the physician or some authorized agent of the hospital must verify that the records were made in the regular course of business. See 40 Am. Jur. 2D, Hospitals and Asylums § 43: 2 Jones on Evidence (6th ed.) § 12:12.

[FN20] [] Use of writing to refresh memory of witness. A writing or memorandum made at or about the time of the occurrence that is recorded may be used to refresh the memory of a witness. However, it may not be read to the jury or introduced in evidence by the party using it unless it qualifies as past recollection recorded. See 29 Am. Jur. 2D, Evidence §§ 876, 877. [FN21] ABA Standards for Lawyer Discipline, Standard 8.38. [FN22] ABA Standards for Lawyer Discipline, Standard 8.40. See, *Re Mayberry* (1936) 295 Mass 155, 3 NE2d 248, 105 ALR 976; *Maddy v. First Dist. Committee of State Bar* (1964) 205 Va 652, 139 SE2d 56. [FN23] 7 Am. Jur. 2D, Attorneys at Law § 95." ***Defending Lawyers in Disciplinary Proceedings***, 31 AMJUR TRIALS 633.

21 *Berke v. Chattanooga Bar Ass'n*, 436 S.W.2D 296 Tenn. App., 1968 If issues as to overcharges for usury and attorney's fees and fraudulent transfer of title are raised in prior civil proceeding, final decree therein will be conclusive upon the issues and will be admissible in subsequent disbarment proceeding to show conclusion of such issues. Supreme Court Rules, rule 38; T.C.A. § 29-308(1, 5).

State ex rel. Nebraska State Bar Ass'n v. Gudmundsen, 16 N.W.2D 474 Neb., 1944

A finding in civil action that attorney was guilty of conduct justifying his disbarment is not conclusive on such question in action to disbar him, but his culpability must be established therein by clear preponderance of evidence, and evidence taken at trial of civil action is admissible for such purpose.

In re Noell, 96 S.W.2D 213 Mo.App., 1936 Statement, made by attorney's counsel on appeal to Board of Tax Appeals on matter of deducting business expenses from gross income, that attorney secured business through information received from employees of companies and paid employees for information, though not conclusive upon attorney, held admissible in disbarment proceeding as made in attorney's presence and as corroborating charge that attorney spent money to obtain law business. R.S.1939, § 13328 (V.A.M.S. § 484.190).

In re Santosuosso, 62 N.E.2D 105 Mass., 1945 A judgment at law or final decree in equity resting upon finding that attorney has been guilty of corrupt conduct in civil case was not conclusive as to unfitness as a member of the bar in a proceeding by way of inquiry into

alleged misconduct. *The Florida Bar v. Bennett*, 276 So.2D 481 Fla.,1973 Results of a civil suit are not necessarily conclusive of disciplinary action; there must be proof of a breach of the Code of Professional Responsibility for Attorneys before discipline will result.

State ex rel. Nebraska State Bar Ass'n v. Gudmundsen, 16 N.W.2D 474 Neb.,1944

A finding in civil action that attorney was guilty of conduct justifying his disbarment is not conclusive on such question in action to disbar him, but his culpability must be established therein by clear preponderance of evidence, and evidence taken at trial of civil action is admissible for such purpose.

Committee on Professional Ethics v. Wright, 178 N.W.2D 749 Iowa,1970

Conclusions reached by jury and affirmation by Supreme Court in prior civil case involving attorney and client were not binding or conclusive on issues examined in attorney disciplinary proceeding, but the parties could introduce the entire transcript of the prior case in which attorney was a party.

The Florida Bar v. Bennett, 276 So.2d 481 (Fla.,1973) Results of a civil suit are not necessarily conclusive of disciplinary action; there must be proof of a breach of the Code of Professional Responsibility for Attorneys before discipline will result.

As to issue preclusion or collateral estoppel in civil actions, generally, see C.J.S., Judgments §§ 779 to 802. Doctrine of offensive collateral estoppel Under the doctrine of offensive collateral estoppel, court orders imposing sanctions on an attorney and holding him in contempt for representing clients on claims resolved in a class action barred the attorney from claiming in a disciplinary proceeding that his clients were not members of the class or had validly opted out, where the Board of Bar Overseers had no reason to join the contempt proceedings and the attorney had a full and fair opportunity to challenge the validity of the contempt orders. Mass.—*In re Cohen*, 435 Mass. 7, 753 N.E.2D 799 (2001).

The summary nature of both the contempt orders in FHE4, FHE5, and FHE10 all deprived Coughlin of any such "full and fair opportunity to challenge" the validity of such, to say nothing of the violations of the mandatory stays under NRS 178.405.

Determinations in prior proceedings: In some jurisdictions, a prior conviction of a criminal offense may conclusively establish guilt of the offense charged in attorney disciplinary proceedings.[17] Likewise, a foreign jurisdiction's adjudication of guilt may be deemed conclusive proof of guilt of the attorney misconduct charged.[18] The burden then falls upon the attorney to demonstrate why the foreign judgment is not valid or why the state should not accept it and impose sanctions based thereon.[19] While a judgment in a civil proceeding to which the respondent was a party may be conclusive that he or she performed particular acts having particular civil consequences,[20] the result in the civil action is not conclusive in a disciplinary proceeding in establishing that the respondent's conduct was such, under the circumstances, as justifies disciplinary action.[21] Moreover, the issue of what discipline is appropriate is not concluded by a determination in a prior proceeding, even when it is conclusive of misconduct on the part of the attorney.[22]

[FN17] N.J.—*In re Boylan*, 162 N.J. 289, 744 A.2D 158 (2000). Mass.—*Matter of Concemi*, 422 Mass. 326, 662 N.E.2D 1030 (1996). Consideration of underlying conduct not precluded A conviction does not preclude consideration of the actual conduct itself for the purpose of determining the appropriate discipline to be accorded an attorney. Ill.—*In re*

Ciardelli, 118 Ill. 2D 233, 113 Ill. Dec. 94, 514 N.E.2D 1006 (1987). [FN18] Fla.—The Florida Bar v. Mogil, 763 So. 2D 303 (Fla. 2000). Unsupported finding disregarded A finding by a board, in an out-of-state disciplinary proceeding, that the respondent had charged an excessive fee would be disregarded in a disciplinary proceeding within the state, where no basis for supporting the finding could be found. Mo.—In re Weiner, 530 S.W.2D 222, 81 A.L.R.3D 1272 (Mo. 1975), Supplemented, 547 S.W.2D 459 (Mo. 1977). Burden of showing infirmity of foreign proceeding The burden of showing that the respondent was denied due process and that there was an infirmity of proof in the foreign disbarment proceeding is on the accused attorney. Neb.—State ex rel. Nebraska State Bar Ass'n v. Dineen, 235 Neb. 363, 455 N.W.2D 178 (1990). [FN19] § 100. [FN20] Tenn.—Berke v. Chattanooga Bar Ass'n, 58 Tenn. App. 636, 436 S.W.2D 296 (1968). [FN21] Iowa—Committee on Professional Ethics v. Wright, 178 N.W.2D 749 (Iowa 1970). Tenn.—Tennessee Bar Ass'n v. Berke, 48 Tenn. App. 140, 344 S.W.2D 567 (1960). [FN22] Tenn.—Berke v. Chattanooga Bar Ass'n, 58 Tenn. App. 636, 436 S.W.2D 296 (1968).)

(NOTE: he Supreme Court on review of a decision of the Board of Governors recommending suspension of an attorney from the practice of law was required to consider and weigh the evidence and to reach conclusions and decision independently and irrespective of the findings and recommendations of the local administrative committee and the Board of Governors but should give due consideration and accord persuasive force to such findings and recommendations. Copren v. State Bar, 64 Nev. 364, 183 P.2d 833 (1947)).

In re SANTOSUOSSO, 318 Mass. 489, 62 N.E.2d 105, 161 A.L.R. 892 (1945): “We are unwilling to attach such conclusive effect to a judgment at law or a final decree in equity, based upon alleged corrupt conduct on the part of a defendant attorney, where the judgment or final decree entered rests upon findings that the attorney has been guilty of corrupt conduct. It may be observed that this was the position taken by the single justice in the present case in connection with his action in overruling the demurrer to the respondent’s answer. We concur therein. But we are of opinion that the evidence in the proceeding in equity in question is admissible in an inquiry such as the present, and like any other evidence is to be given such weight as the single justice shall deem ****108** proper, when considered together with all other evidence that the respondent may produce at the hearing, in the course of which he must be heard with full opportunity to present all relevant evidence that he may wish to adduce.

The foregoing view finds support in such cases as In re Lacy, 234 Mo.App. 71, 112 S.W.2d 594; In re Pate, 232 Mo.App. 478, 119 S.W.2d 11; State v. Gudmundsen, Neb., 16 N.W.2d 474; Werner v. State Bar, 24 Cal.2d 611, 150 P.2d 892, and Fairfield County Bar v. Taylor, 60 Conn. 11, 22 A. 441, 13 L.R.A. 767. See also Matter of Becker, 229 App.Div. 62, 65-66, 241 N.Y.S. 369; Id., 255 N.Y. 233, 174 N.E. 461; Wigmore on Evidence, 3d Ed., § 4(7). In the Gudmundsen case the court, after stating that there had been some doubt as to the admission of evidence such as that offered in the present proceeding, said: ***494** ‘It is thought, however, that this question should no longer remain in doubt. It is therefore the holding of this court that the finding in a civil action that an attorney at law has been guilty of conduct justifying disbarment is not conclusive on the same question when presented for determination in an action for disbarment; that notwithstanding the finding in the civil action the culpability of the attorney must be established in the disbarment action by a clear preponderance of the

evidence. For this purpose the evidence taken at the trial of the civil action and all other competent evidence is admissible' (page 476 of 16 N.W.2d). In the Lacy case, stressing that the right of an attorney to continue in the practice of law is dependent upon his remaining a fit and safe person to exercise the privilege and to uphold the integrity, dignity and purity of the courts, the court held that the proceeding was neither a criminal nor a civil one but was sui generis, a proceeding to protect the court and the public and not to punish, and that the inquiry should not be limited or circumscribed by the strict rules of evidence.

In the Werner case the transcript of the evidence in a criminal case bearing on the alleged misconduct of an attorney was held admissible in evidence in proceedings for his disbarment. In the Taylor case a judgment had been obtained against an attorney, whose disbarment was sought, by a party whose case was based on allegations that Taylor had defrauded him. In disbarment proceedings against Taylor the court held that the hearing of the case was not a trial in the ordinary sense and that the judgment was admissible in support of the allegation of the presentment that it existed. It is true that there is authority to the effect that disbarment proceedings are governed by the same rules of law as are strictly legal proceedings, and that evidence such as that contained in the record offered in evidence in the present case is not admissible. See People v. Amos, 246 Ill. 299, 92 N.E. 857, 138 Am.St.Rep. 239, and cases cited in 5 Am.Jur., Attorneys at Law, ss. 293, 294. The question was left open by this court in Matter of Keenan, 287 Mass. 577, 584, 192 N.E. 65, 96 A.L.R. 679. In now deciding the issue, for the reasons already advanced based upon the requirements of public policy and the necessity *495 for preserving the integrity of the courts and the safety of the public, in all the circumstances we choose to follow those authorities that hold such evidence admissible rather than those that cleave to the strict rules of evidence applicable in adversary proceedings at law and in equity.

We are of opinion, however, that the findings of material facts made by the judge in the suit in question in the Superior Court, which are included in the record sought to be introduced in evidence in the present inquiry, are not admissible for the reason that they are not evidence but merely constitute the substance of the conclusions made by the judge from the evidence and are the foundation upon which the decree rests. Smith v. Smith, 222 Mass. 102, 109 N.E. 830; Sidlow v. Gosselin, 310 Mass. 395, 396-397, 38 N.E.2d 665. When a judge makes a report of facts under the statute, 'he does not make a report of the evidence but recites certain facts which he considered as material and which in his opinion formed the basis of his decision. It is * * * a statement of facts in the mind of the judge when his decision was made, which, when included in the record, puts the case in proper form for hearing on the appeal.' Plumer v. Houghton & Dutton Co., 277 Mass. 209, 214, 178 N.E. 716, 718. It not only should not contain a report of the evidence, but it is not evidence. Sidlow v. Gosselin, 310 Mass. 395, 396-397, 38 N.E.2d 665. The suit in equity in question was finally determined on the merits in Boston v. Santosuosso, 307 Mass. 302, 30 N.E.2d 278. The present proceeding is not a suit in equity. It is an independent proceeding, and owing to its nature we think that the record in question is **109 admissible only to the extent of the evidence therein contained, and that the findings of fact of the judge included in the record are not admissible. See In re O'Brien, 95 Vt. 167, 178, 113 A. 527, 14 A.L.R. 859.")

But, see, Bar Counsel v. Board of Bar Overseers, 647 N.E.2D 1182, 1184+ , Mass.

(1995): Collateral estoppel should be applied to bar discipline cases to same extent that it applies to civil cases. *COLLATERAL ESTOPPEL AS A BASIS FOR ATTORNEY DISCIPLINE: THE NEXT STEP*, 5 Geo. J. Legal Ethics 1, 33.

CJS Attorney & Client § 101. Admissibility of evidence , 45k53(1), 53(2)

“The rules and principles concerning the admissibility of evidence in civil proceedings generally are applicable to disbarment proceedings, and to be admissible the evidence must be relevant, competent, and material. Principles applicable to the admissibility of evidence in civil actions usually are applicable in disciplinary proceedings,[1] while rules of the criminal law as to admissibility of evidence are not applicable.[2] However, where the hearing in a disciplinary proceeding is conducted without a jury, as is often the case, the strict application of rules of evidence is not critical.[3] The tribunal presiding over a disciplinary proceeding has a duty to consider all admissible evidence.[4] The person charged should be permitted to avail himself or herself of all the recognized competent evidence that would tend to disprove such charge and vindicate his or her character.[5] Irrelevant and immaterial testimony is not admissible, however.[6] Where the basis for a disbarment proceeding is a continuous course of conduct, conduct throughout a reasonable period may be shown.[7]

[FN1] Ala.—Ex parte Montgomery, 244 Ala. 91, 12 So. 2D 314 (1943). Ill.—In re Melin, 410 Ill. 332, 102 N.E.2D 119 (1951). As to the admissibility of evidence in civil actions, generally, see C.J.S., Evidence §§ 197 to 245. [FN2] Cal.—Herron v. State Bar of Cal., 24 Cal. 2D 53, 147 P.2D 543 (1944). As to the nature of a disciplinary proceeding as civil, rather than criminal, see § 90. [FN3] Mass.—In re Welansky, 319 Mass. 205, 65 N.E.2D 202 (1946). N.Y.—In re Shufer, 12 A.D.2D 208, 209 N.Y.S.2D 545 (1st Dep't 1961). Rules invoked only to insure fairness Cal.—Emslie v. State Bar, 11 Cal. 3D 210, 113 Cal. Rptr. 175, 520 P.2D 991 (1974). [FN4] Cal.—Emslie v. State Bar, 11 Cal. 3D 210, 113 Cal. Rptr. 175, 520 P.2D 991 (1974). [FN5] Cal.—Allen v. State Bar of Cal., 218 Cal. 19, 21 P.2D 107 (1933). Ill.—In re Donaghy, 393 Ill. 621, 66 N.E.2D 856 (1946). Tex.—Smith v. State, 490 S.W.2D 902 (Tex. Civ. App. Corpus Christi 1972), writ refused n.R.E., (Apr. 25, 1973). [FN6] Cal.—Most v. State Bar, 67 Cal. 2D 589, 63 Cal. Rptr. 265, 432 P.2D 953 (1967). N.Y.—In re Goldstein, 236 A.D. 233, 258 N.Y.S. 548 (1st Dep't 1932). Political bias In a disciplinary hearing, evidence concerning political prejudice among individuals who had not adversely testified against the attorney who was the subject of the proceeding was properly excluded. Ind.—Matter of Wireman, 270 Ind. 344, 367 N.E.2D 1368 (1977). [FN7] Mo.—Leimer v. Hulse, 352 Mo. 451, 178 S.W.2D 335 (1944).

An exception to the general rule which excludes evidence of transactions other than those involved in the charge, is that evidence of similar derelictions is admissible to show scienter, where proof of criminal or fraudulent intent is essential to sustain the charge.[8] On the other hand, evidence of similar transactions is properly rejected where they are remote in time and the attorney's intent with respect to them is doubtful.[9] Where proof that an attorney was convicted of a crime is conclusive **of his or her guilt thereof**, such proof renders other evidence on the question inadmissible.[15] On the other hand, **where a conviction is not conclusive with respect to the sanction to be imposed in the disciplinary proceeding, evidence is admissible to explain or mitigate the significance of the conviction,[16] to show the character of the crime,[17] and what sanction, if any, should be imposed.[18]**

Documentary evidence; recordings. *Documentary evidence is admissible in a disciplinary proceeding as in other proceedings, where it is properly identified and is competent, relevant, and material.*[19] In the absence of a proper foundation, or where they are incompetent, irrelevant, or immaterial, documents are not admissible, however.[20]

[FN8] Okla.—State ex rel. Oklahoma Bar Ass'n v. Hatcher, 1949 OK 175, 201 Okla. 683, 209 P.2D 873 (1949). [FN9] Colo.—People ex rel. Kent v. Denious, 118 Colo. 342, 196 P.2D 257 (1948) (overruled on other grounds by, Adrian v. People, 770 P.2D 1243 (Colo. 1989)). [FN10] Ga.—Thomas v. State, 91 Ga. App. 804, 87 S.E.2D 239 (1955). N.J.—In re Mischlich, 60 N.J. 590, 292 A.2D 23 (1972). Okla.—State ex rel. Oklahoma Bar Ass'n v. Scanland, 1970 OK 94, 475 P.2D 373 (Okla. 1970). Community An attorney in disbarment proceedings was limited, in relation to character evidence as to his reputation for honesty and fair dealing, to evidence of lawyers in the legal community, which could include the entire state. Vt.—In re Wright, 131 Vt. 473, 310 A.2D 1, 92 A.L.R.3D 639 (1973). [FN11] Wis.—State v. Beaudry, 53 Wis. 2D 148, 191 N.W.2D 842 (1971). [FN12] La.—Louisiana State Bar Ass'n v. Sackett, 234 La. 762, 101 So. 2D 661 (1958). Ohio—Ohio State Bar Ass'n v. Moore, 45 Ohio St. 2D 57, 74 Ohio Op. 2D 84, 341 N.E.2D 302 (1976). As to criminal convictions as grounds for disciplinary proceedings, generally, see § 72. [FN13] Ohio—Toledo Bar Ass'n v. Lichota, 15 Ohio St. 2D 217, 44 Ohio Op. 2D 192, 239 N.E.2D 45 (1968). Evidence with respect to punishment Any competent evidence should be received which will assist in determining what disciplinary sanction, if any, will serve the public interest and at the same time assure the respondent fairness. N.Y.—Levy v. Association of the Bar of City of New York, 37 N.Y.2D 279, 372 N.Y.S.2D 41, 333 N.E.2D 350 (1975). [FN14] § 102. [FN15] Ark.—Supreme Court Committee on Professional Conduct v. Jones, 255 Ark. 1069, 499 S.W.2D 619 (1973). La.—Louisiana State Bar Ass'n v. Hamilton, 343 So. 2D 985 (La. 1977). [FN16] Mich.—In re Sauer, 390 Mich. 449, 213 N.W.2D 102, 76 A.L.R.3D 1054 (1973). N.Y.—Levy v. Association of the Bar of City of New York, 37 N.Y.2D 279, 372 N.Y.S.2D 41, 333 N.E.2D 350 (1975). [FN17] N.Y.—Levy v. Association of the Bar of City of New York, 37 N.Y.2D 279, 372 N.Y.S.2D 41, 333 N.E.2D 350 (1975). [FN18] Cal.—In re Kirschke, 16 Cal. 3D 902, 129 Cal. Rptr. 780, 549 P.2D 548 (1976). Ill.—In re Andros, 64 Ill. 2D 419, 1 Ill. Dec. 325, 356 N.E.2D 513 (1976). La.—Louisiana State Bar Ass'n v. Tunis, 352 So. 2D 623 (La. 1977). N.J.—In re Mischlich, 60 N.J. 590, 292 A.2D 23 (1972). N.Y.—Levy v. Association of the Bar of City of New York, 37 N.Y.2D 279, 372 N.Y.S.2D 41, 333 N.E.2D 350 (1975). [FN19] Md.—In re Lombard, 242 Md. 202, 218 A.2D 208 (1966). Nonresidence of client In proceedings against an attorney who was charged with fraud in connection with procuring a divorce for a client who was a nonresident, a letter written by the client and received by the attorney was admissible to establish that the attorney knew or, by exercise of reasonable diligence, could have known that the client was a nonresident. Va.—Campbell v. Third Dist. Committee of Va. State Bar, 179 Va. 244, 18 S.E.2D 883 (1942). Receipt of letter Cal.—Sodikoff v. State Bar, 14 Cal. 3D 422, 121 Cal. Rptr. 467, 535 P.2D 331 (1975). [FN20] U.S.—In re Echeles, 430 F.2D 347 (7th Cir. 1970).”

In re Owens, 125 Ill.2d 390, 125 Ill.2d 390, 532 N.E.2d 248 (1988): “More recently, however, a substantial change has occurred in the application of collateral estoppel: elimination of the mutuality requirement. Under the mutuality doctrine, neither party could use

a prior factual finding as an estoppel against the other unless both parties were bound by the judgment. (See In re Hutul (1973), 54 Ill.2d 209, 296 N.E.2d 332.) The mutuality requirement was removed in Illinois State Chamber of Commerce v. Pollution Control Board (1979), 78 Ill.2d 1, 7, 34 Ill.Dec. 334, 398 N.E.2d 9. This change has broadened the use of collateral estoppel considerably, and has also called into question the prudence of allowing collateral estoppel to be used *offensively* as readily as it is used *defensively*.

As the United States Supreme Court has noted, offensive use of collateral estoppel does not always foster judicial economy and fairness in the way that defensive use of collateral estoppel typically does. Defensive use of collateral estoppel precludes a plaintiff from relitigating issues by switching adversaries, and thus gives a plaintiff an incentive to try and join all defendants in the first action. By contrast, offensive use of collateral estoppel creates the opposite incentive. As stated by the United States Supreme Court:

“Since a plaintiff will be able to rely on a previous judgment against a defendant but will not be bound by that judgment if the defendant wins, the plaintiff has every incentive to adopt a ‘wait and see’ attitude, in the hope that the first action by another plaintiff will result in a favorable judgment. [Citations.] Thus offensive use of collateral estoppel will likely increase rather than decrease the total amount of litigation, since potential plaintiffs will have everything to gain and nothing to lose by not intervening in the first action.” Parklane Hosiery Co. v. *399 Shore (1979), 439 U.S. 322, 330, 99 S.Ct. 645, 651, 58 L.Ed.2d 552, 561.

Although this consideration does not directly apply to this disciplinary case, it cautions against the unrestricted use of offensive collateral estoppel generally.

A second argument against the unrestrained offensive use of collateral estoppel is one of fairness. If a defendant in an initial action issued for relatively minimal damages and has no reason to foresee future suits involving the same subject matter, he may have little incentive to vigorously litigate the suit. This places him in a difficult predicament if a later suit occurs and involves potential liability infinitely larger than that involved in the first suit. Also, as pointed out in Parklane Hosiery, allowing offensive collateral estoppel may be unfair to a defendant if the judgment relied upon as a basis for collateral estoppel is itself inconsistent with one or more previous judgments in favor of the defendant, or if the second action affords the ****252 ***567** defendant procedural opportunities unavailable in the first action, opportunities that could readily cause a difference in the result obtained. Parklane Hosiery, 439 U.S. at 330, 99 S.Ct. at 651, 58 L.Ed.2d at 561.

The above considerations indicate to us that courts must be more cautious in allowing collateral estoppel to be used offensively than in allowing it to be used defensively. In our view, in ordinary civil cases, circuit courts must have broad discretion to ensure that application of offensive collateral estoppel is not fundamentally unfair to the defendant, even though the threshold requirements for collateral estoppel are otherwise satisfied. The threshold requirements, as set forth in Illinois State Chamber of Commerce v. Pollution Control Board (1979), 78 Ill.2d 1, 7, 34 Ill.Dec. 334, 398 N.E.2d 9, are: (1) the issue decided in the prior adjudication is identical with the one presented in the suit in question, (2) there was a final judgment on ***400** the merits in the prior adjudication, and (3) the party against whom estoppel is asserted was a party or in privity with a party to the prior adjudication.

We turn now to the specific question whether factual findings based on “clear and convincing evidence” in an ordinary civil case may form a basis for collateral estoppel in a disciplinary action. The Administrator emphasizes that, in accordance with *In re Scott* (1983), 98 Ill.2d 9, 16, 74 Ill.Dec. 51, 455 N.E.2d 81, an attorney’s conviction of a crime involving moral turpitude is conclusive evidence of guilt and is grounds for imposing discipline. (See *In re Callas* (1980), 82 Ill.2d 6, 14, 44 Ill.Dec. 304, 411 N.E.2d 273; 107 Ill.2d R. 761.) The Administrator argues that for collateral estoppel purposes in a disciplinary case, a civil adjudication of fraud is analogous since “the standard of proof in those proceedings is equal or greater than the standard of proof required in Illinois attorney discipline proceedings.” Accordingly, in the Administrator’s view, there is no reason to preclude giving collateral estoppel effect in the instant case to the factual questions previously decided.

Although this court necessarily relies upon the assistance of the Hearing and Review Boards in enforcing the Code, it is the responsibility of this court to determine what conduct is disciplinable and to determine the severity of discipline in a particular case. This ultimate responsibility never shifts, and it is not without hesitation that this court will relegate the fact-finding function to proceedings outside of formal disciplinary proceedings. With regard to proceedings for crimes involving moral turpitude, there is ample justification for doing so, for several reasons. First, the burden of proof in such cases is extremely high, higher than is the burden of proof in a disciplinary proceeding. Second, although both a civil fraud action and a criminal charge involving moral turpitude are serious, the gravity of such a criminal charge, both in terms of damage to one’s reputation and threat *401 to one’s liberty and livelihood, is on a level which simply cannot meaningfully be compared to a civil proceeding. For these reasons, this court can be better assured that an attorney who has been found guilty of a criminal offense involving moral turpitude has been so found only after he has made every reasonable effort to cast doubt on his guilt, and thus this court can more confidently rely on a criminal conviction as resting on accurate factual findings.

We will not, however, go beyond permitting the conclusive use of a criminal conviction and begin giving offensive collateral estoppel effect in a disciplinary proceeding to factual findings in a civil fraud action. *The risk of unfairly imposed discipline is too great, and the economy to be gained too minimal, to warrant such an abridgement of the disciplinary process.*

For the foregoing reasons, respondents are certainly entitled to an evidentiary hearing on the underlying facts of the complaint.” *In re Owens*, 125 Ill.2d 390, 125 Ill.2d 390, 532 N.E.2d 248 (1988).

In re Strong, 616 P.2d 583, 587 (Utah 1980) (declining to give offensive collateral estoppel effect to factual findings underlying a federal court ¶ es judgment for fraud because to do so would be contrary to the obvious intent of a Utah statute that requires the Board to make its own findings based upon [its own] evidentiary hearing, but concluding that the record in the prior civil proceeding would be admissible as evidence where relevant in disbarment hearing).

(NOTE: HEARING - Vol. I, (Pages 221:7 to 222:9) MR. ECHEVERRIA: I'm going to require you to lay a foundation for whatever it is you proffer. MR. COUGHLIN: Yes, sir. I provided to this court and the Bar true and accurate copies of the official audio transcripts.

And in some instances the pleadings have gone in typed out things. In one instance for at least probably 80 percent of the summary eviction I took advantage of a free trial. MR. ECHEVERRIA: I'm focusing on what you're proffering now. MR. COUGHLIN: Yes, sir. MR. ECHEVERRIA: This is a transcript of the trial for your traffic citation? MR. COUGHLIN: Yes, sir. MR. ECHEVERRIA: The one that Judge Holmes issued an order finding you in contempt? MR. COUGHLIN: Yes. MR. ECHEVERRIA: Did you appeal it? MR. COUGHLIN: I tried to. She wouldn't let me. MR. ECHEVERRIA: And it's a final order? MR. COUGHLIN: I did the research on that, but she is saying -- I don't know what she is saying. But *she is not letting me appeal it*. MR. ECHEVERRIA: **We know what she said in her order. So I'm not going to entertain an inquiry into the conduct of the trial on your traffic citation itself. That issue has been litigated.**”).

(NOTE: HEARING - Vol. I, (Pages 77:12 to 78:4) BY MR. COUGHLIN: Q Mr. Hill, what rules of procedure apply in a summary eviction? MR. KING: Objection. Relevance. MR. ECHEVERRIA: Sustained. MR. COUGHLIN: Well, he got to testify as to how he's worked so much on this case, and he had to bill so much. And I would just like to know if he knows what **rules of procedure** go to. MR. ECHEVERRIA: Sustained. Next question. MR. COUGHLIN: So it was relevant when he was talking about all that, but when I want to ask him about that, it's not relevant. MR. ECHEVERRIA: **You're asking a specific question about what rule of procedure. That's irrelevant in this hearing.** Proceed. MR. COUGHLIN: But -- MR. ECHEVERRIA: Proceed, Mr. Coughlin.”)

(HEARING - Vol. I, (Page 235:8 to 235:17) sustained the objection. MR. COUGHLIN: I'd like to play a copy of a video I took of Sergeant Lopez admitting certain things with respect to the criminal trespass. MR. ECHEVERRIA: Mr. King? MR. KING: I would object to the extent that Mr. Coughlin is trying to suggest in any way that he wasn't guilty of the criminal trespass, because he was convicted and exhausted his appeal rights. And to retry that I think shouldn't occur here....HEARING - Vol. I, (Pages 62:5 to 64:21) BY MR. COUGHLIN: Q Who served the eviction notice -- no. How did the eviction notice get from the justice court to the sheriff's? MR. KING: Objection. Beyond the scope of direct, and irrelevant. MR. ECHEVERRIA: Mr. Coughlin, I'm going to sustain. Let's address the issues -- MR. COUGHLIN: Can I make an offer of proof? MR. ECHEVERRIA: -- this panel has been asked to look at. The issue as to whether or not you were properly in that residence building, the issue as to whether you were trespassing has all been litigated. That's not the function of this panel. This panel is to determine, by supreme court order, what, if any, punishment you should be subject to. I'd like you to focus on that issue. Please proceed. MR. COUGHLIN: Whether the punishment under Claiborne is binding authority upon you entails more than a cursory, receiving a certified conviction in the mail from a clerk of court, and not undertaking any diligent inquiry in that regard. MR. ECHEVERRIA: You're focusing on some very minor details as to who said what at the time -- do you admit you were behind the barricaded door? MR. COUGHLIN: I would like to make an offer of proof, your Honor. MR. ECHEVERRIA: Please do so. I'll give you two minutes. MR. COUGHLIN: Have you read anything I filed in this case? MR. ECHEVERRIA: I've read quite a bit of it. I'm not sure it helps you. MR. COUGHLIN: If that order was stale, it's Mr. Hill -- MR. ECHEVERRIA: What's the offer of proof? MR. COUGHLIN: It's that if I can demonstrate that that order was stale, it would be

Mr. Hill who was trespassing, not me. And that entails finding out -- and the sheriff has been very unhelpful in this regard. And Mr. Hill and his associate testified, perhaps to their detriment, that the trespass trial as to when that lockout order was -- MR. ECHEVERRIA: What's the offer of proof? You're testifying. Tell me what the proof is. MR. COUGHLIN: The important thing is the law in Nevada says within 24 hours of the sheriff receiving that eviction order they've got to do the lockout. MR. ECHEVERRIA: That's all been litigated, hasn't it? Didn't you raise these issues below? MR. COUGHLIN: In which context? MR. ECHEVERRIA: In the trespass conviction. MR. COUGHLIN: Yes. MR. ECHEVERRIA: Okay. Let's focus on the issues here, which, as I understand it, are to focus on what, if any, punishment you should be subject to with respect to -- MR. COUGHLIN: What's all this living in the basement stuff have to do with that? Jesus. This is Richard Hill in a nutshell. Prejudicial nonsense. Hearsay. Character assassination. And then you try to rebut it, and this is not the issue, it's not relevant. Nothing he says is relevant. MR. ECHEVERRIA: I didn't say that. It is relevant. Your conviction is relevant. You're trying to relitigate -- MR. COUGHLIN: He's talking about slippers --")

(NOTE: while both the RCA prosecutor Hazlett-Stevens and Hill continuously alleged Coughlin was arrested on 11/13/11 for criminal trespass at his former home law office in his "pajamas" wearing "slippers" the very videos of such arrest filmed by Hill and his landlord neurologist client, Merliss, reveal such allegations to be complete and utter lies. Coughlin is seen in such wearing sweat pants and a tee-shirt. Videos taken of Coughlin at scene and time of 11/13/11 custodial arrest for trespassing in RMC 11 CR 26405 by Hill and his client Merliss demonstrating Hill and Hazlett-Stevens lying about "pajamas" and "slippers" (note to mention how irrelevant and prejudicial allusions to such are, in violatino of RPC 3.5 and 4.4) <http://www.youtube.com/watch?v=Eh2xyc-9cg0>)

(HEARING - Vol. I, (Pages 76:5 to 77:11) BY MR. COUGHLIN: Q Did you, Mr. Hill, or anyone else there that day, either the sergeant or the officer or your client, the landlord, did anyone that day issue me a warning, trespass warning, to leave the premises? MR. KING: Objection. Relevance. He was convicted. MR. ECHEVERRIA: The relevance, sir? MR. COUGHLIN: Well, it goes to the legitimacy of the conviction. Plus, it goes to -- MR. ECHEVERRIA: You've already litigated that. Sustained. Next question. MR. COUGHLIN: I'm not offering proof, just the legitimacy of the conviction. MR. ECHEVERRIA: That's what you just said, and I sustained the objection. MR. COUGHLIN: It was a multifaceted basis for that. MR. ECHEVERRIA: What's the rest of it? MR. COUGHLIN: That it goes to impeach Mr. Hill's credibility. MR. ECHEVERRIA: How so? MR. COUGHLIN: If he's standing behind this assertion that I demonstrated a lack of candor or fairness to opposing counsel, even where he knows that no one issued a warning to leave, then I believe it would impeach his credibility, and it would bear on the extent to which I have been unfairly accused of a multitude of sins which have been either pled or not pled in Mr. King's complaint MR. ECHEVERRIA: Anything further? MR. COUGHLIN: No, sir. MR. ECHEVERRIA: Sustained. Next question.").

HEARING - Vol. I, (Pages 72:3 to 75:5) BY MR. COUGHLIN: Q Mr. Hill, is it somewhat incongruous for you to assert to this panel that I completely lack competency, and yet you ran up, counting the trial court \$20,000 you asked for, and the \$42,000 you were ultimately

awarded in that appellate court? MR. KING: Objection. Argumentative and irrelevant. MR. ECHEVERRIA: Sustained. MR. COUGHLIN: I think it goes to his credibility. MR. ECHEVERRIA: I'm sorry? MR. COUGHLIN: Your Honor, I think it goes to his credibility to the extent that he's saying, well, Mr. Coughlin is so baseless and vexatious, yet I was able to bill 60 grand for it. To me it's like, well, at some point if somebody's arguments are so worthless and so unsupported, shouldn't you be able to bring it home for less than 60 grand for a summary eviction? MR. KING: Mr. Chairman, if I could respond by pointing out the fact that the order from Judge Flanagan, which has been admitted, suggests that that was -- that those fees were generated because of Mr. Coughlin's vexatious conduct. And that the fees were reasonable and were awarded against Mr. Coughlin, not one cent of which has been paid. So I think any suggestion to the contrary is irrelevant, because Judge Flanagan's order is to be accepted by the panel. MR. COUGHLIN: Your Honor, if I can quickly counter that. I don't know that's actually pled in your complaint, Mr. King, or included amongst one of the three grievances. The extent to which -- am I here today because this like Judge Gardner's sanctions coming up two years later? Am I here today on Judge Flanagan's sanction? Is he a grievant and accorded a case number too? MR. KING: Mr. Chairman, I was responding to his question. MR. ECHEVERRIA: I believe you're here today to measure all of your conduct as a practicing lawyer. So I'd like to move on. If you have further questions of Mr. Hill, please ask them. I've now afforded you in excess of 20 minutes. I'll give you another five. MR. COUGHLIN: So we're not here today based on what's been noticed? MR. ECHEVERRIA: We're not here today to relitigate orders that have been filed that you have appealed, and that you have lost. MR. COUGHLIN: I'm not asking -- I'm asking what is it limited to? Because it sounds like from what you just said it's not limited. MR. ECHEVERRIA: I don't intend to impose any limits on you in terms of what you attempt to proffer as evidence. I will rule on what you proffer as evidence. MR. COUGHLIN: I'm saying what he's limited to, your Honor. MR. ECHEVERRIA: The issue here, sir, as I understand the supreme court's order with respect to your conviction of theft, and the issues here with respect to the other grievances that have been filed against you are to the extent as to what, if any, should be the punishment that you should sustain as a result of your conduct. MR. COUGHLIN: Yet this is entered into evidence. MR. ECHEVERRIA: This is what? MR. COUGHLIN: This order has been entered into evidence. MR. ECHEVERRIA: Exhibit 2 has. MR. COUGHLIN: But it's not pled in any complaint. Judge Flanagan's not a grievant. I wasn't noticed that that was the purpose of this hearing to some extent today. MR. ECHEVERRIA: **You were noticed that the issue of your conviction of trespass was an issue, that your handling of that case was an issue, and it's relevant as to that.**”). Funny, everytime Coughlin went anywhere near a topic at all connected to the “criminal convictions” Panel Chair Echeverria (often sua sponte) jumped in with his whole “we are not here to relitigate” off-base, fraudulent misapplication of a hazy hint of offensive collateral estoppel line of argument...however, no such applications (non-mutual, apparently) was availing to Coughlin upon it becoming apparent to Echeverria that King had goofed up the 8/23/12 Complaint so bad (and, to be fair, King may have actually purposefully avoided mentioning (much less notice-pleading) in any way the 6/25/12 Order awarding attorney's fees based upon a void application of the “prevailing party” attorney fee award in NRS 69.050 given the stench of graft its association with Richard G. Hill, Esq., inevitably carried, not to

mention the awkward fact of King's 8/30/12 email to Coughlin attaching the very 8/28/12 Order by the same 2JDC Judge Flanagan that *conclusively* establishes the FHE2 was not a sanction.

Further, Coughlin was not permitted the "fifteen minutes per witness" to cross-examine *himself* upon King calling Coughlin in King's case in chief: HEARING - Vol. I, (Pages 209:20 to 210:2) MR. KING: Mr. Coughlin, I'm going to say that my questioning of you is concluded. I'm sure the chair will give you a chance to answer, but I don't want it to be in the form of an answer to my question. So I thank you. I have no further questions of Mr. Coughlin. I'm not done with my case, because I want to make a statement. But if the panel has any questions...

HEARING - Vol. I, (Page 211:4 to 211:16) MR. ECHEVERRIA: I actually think that's argument, Mr. King. MR. KING: I thought I might have to do that in my case. MR. ECHEVERRIA: Do you have any other evidence? MR. KING: With that said, I have no other evidence. MR. COUGHLIN: You're seeking to amend your complaint here today about my conduct today? Is this like a summary disciplinary proceeding now? MR. ECHEVERRIA: Mr. Coughlin, the State Bar has rested. You may call your next witness....

HEARING - Vol. I, (Pages 212:25 to 213:5) MR. ECHEVERRIA: Mr. Coughlin, let's take a recess until 2:30. It's now 20 minutes after 2:00. And we'll offer you an opportunity -- MR. COUGHLIN: I would like the -- MR. ECHEVERRIA: I'm sorry. I didn't mean to talk while you interrupted. Go ahead and interrupt. (NOTE: there Coughlin made his case for cross-examining himself and being accorded fifteen minutes to do so, as was the case with all witnesses, though not fully captured by the transcript)...

HEARING - Vol. I, (Page 213:7 to 213:18) MR. ECHEVERRIA: For that we'll take a break until 2:30 according to the State Bar clock. (Recess taken.) MR. ECHEVERRIA: Let the record reflect the panel is present, reconvening at 2:31. Mr. Coughlin, are you prepared to proceed with your portion of the case? MR. COUGHLIN: Yes. MR. ECHEVERRIA: Go ahead. Do you have a witness? MR. COUGHLIN: I'm going to go ahead and put on my case. Judge Nash Holmes lied today."

HEARING - Vol. I, (Page 214:1 to 214:11) MR. COUGHLIN: I'm going to put on some evidence right now. This is the audio from the trial, Judge Nash Holmes' deal. MR. ECHEVERRIA: Do you have a copy for us? MR. COUGHLIN: Yes, I do. MR. ECHEVERRIA: Do you have a transcript? MR. COUGHLIN: The audio transcript? MR. ECHEVERRIA: I don't know what you are offering, so I would like to see a transcript. MR. COUGHLIN: The official audio from the muni court..."HEARING - Vol. I, (Page 214:17 to 214:24) MR. ECHEVERRIA: Which proceeding is this? MR. COUGHLIN: The traffic case that she testified to today where she said, I asked you if you were recording, and then you got all sneaky, and then you wanted to go to the bathroom. And I want to show this and show whether or not the going to the bathroom occurred before the sua sponte interrogation about the recording, and we'll see how truthful Judge Nash Holmes will be..." HEARING - Vol. I, (Pages 239:15 to 240:1) What Mr. Coughlin is attempting to do is to steer you back to whether or not he was guilty of the crimes of which he was convicted, and to show you that perhaps somebody within the arrest process either did or didn't follow all of their procedures, which are irrelevant to this proceeding. And so I would just say that because the video excerpts that he intends to play are suspect, and there's nobody to testify that they're the complete or accurate

videos other than Mr. Coughlin himself. I think they're irrelevant, and in this case would be highly prejudicial, plus a waste of time...." Then Echeverria stumbles all over himself in excused King's lying that he had was seeking to adit a certified copy of FHE3 when what he offered bore no such certification, only for Echeverria to excuse such alleging Elcano's testimony was able to authenticate such FHE3, only to then refuse to allow Coughlin to testify to authenticate the audio transcript he obatined from the RMC (via subterfuge involving his mother upon Coughlin's second attempt to so obtain such transcript of the 2/27/12 and 3/12/12 trial dates in 11 TR 26800 being met with an onslaught of RMC functionaries Affidavits ("Court Specialist" Daniel Casillas, Marshals Scott Coppa and Matthew Thompson, Court Administrator Cassandra Jackson, Filing Officer Supervisor Donna Ballard, counter clerk Vanessa Garcia all responded with Affidavits detailing Coughlin's 3/22/12 attempts to file a Records Request for such from the RMC and the ensuing harassment of Coughlin by the RMC's bouncers, er, Marshals...Funny thing, the FHE3 that Elcano purported to lay a foundation for or authenticate differs from the eFlex version actually served electronically on Coughlin by the 2JDC on 4/13/09 in that FHE3 includes a footer identifying such as "a copy of the order on file in the Second Judicial District Court where the eFlex version contained no such footer...So would not Echeverria's argument that Coughlin could not be sure as to whether what he obtained (through his mother) from the RMC was was she obtained from the RMC herself (never mind that she ultimately testified as to that) apply to Elcano's wrongfully purputing that FHE3 was what he and WLS received directly from the 2JDC, when clearly, such is not the case, in consideration of the additional footer therein? Further, it just gets ridiculous when Echeverria excuses the lack of a certification for FHE3 by allowing Elcano to provide foundation and authentication for such, but then insisting that Coughlin's mother was unable to do so as to the audio transcript obtained from the RMC in light of such lacking a "certification". Echeverria is just flat out a corrupt joke, period: HEARING - Vol. I, (Pages 222:6 to 223:12) MR. ECHEVERRIA: We know what she said in her order. So I'm not going to entertain an inquiry into the conduct of the trial on your traffic citation itself. That issue has been litigated. And if you are offering portions of that transcript without a foundation, without a witness here to tell us that what you are about to play is an official part of the transcript, without an official written transcript that is easily obtained, I'm going to sustain the objection. MR. COUGHLIN: Did he have a witness to say the order was such and such? MR. ECHEVERRIA: Yes. It's called a certification. MR. COUGHLIN: He got orders that weren't certified into the record today. Mr. Elcano -- MR. ECHEVERRIA: He laid a separate foundation for them. I'm giving you an opportunity to lay a foundation for what you are about to play. MR. COUGHLIN: Okay. MR. ECHEVERRIA: I'm not going to take it on your word. MR. COUGHLIN: Why not? MR. ECHEVERRIA: Because the law requires a foundation to be laid. Independent. MR. COUGHLIN: Independent of what I can lay for it? MR. ECHEVERRIA: Right. I want something from the court that says this is an official transcript. MR. COUGHLIN: My objection, I believe I am able to lay a foundation. I'll testify under oath this is an official copy of the audio transcript in that case."

HEARING - Vol. I, (Pages 240:23 to 243:2) MR. ECHEVERRIA: Let's return to the video that you claim to have taken that you now intend to proffer. Is it a video of your arrest that ultimately led to your conviction for criminal trespass? MR. COUGHLIN: Not the one of

the admission by Sergeant Lopez. MR. ECHEVERRIA: What is it that you intend to play of Sergeant Lopez? MR. COUGHLIN: A video where I'm asking her some stuff about police misconduct. MR. ECHEVERRIA: Police misconduct. That's not an issue here. MR. COUGHLIN: Incident to the Richard Hill deal. MR. ECHEVERRIA: I'll rule it as irrelevant. Proceed. MR. COUGHLIN: Okay. Can I play a video where, incident to the Walmart conviction, it shows that I did give my driver's license to the officer, the tribal officer, and that given that his testimony at trial was that the only reason he was allowed to effectuate an arrest was my lack of giving him my driver's license. MR. ECHEVERRIA: That is not an issue for this panel to determine. The supreme court specifically directed that the only issues with respect to that conviction was the nature and extent of punishment. We're not going to relitigate your conviction for theft. MR. COUGHLIN: So the -- MR. ECHEVERRIA: Next, Mr. Coughlin. MR. COUGHLIN: Can I enter my objection? MR. ECHEVERRIA: Pardon? MR. COUGHLIN: Can I enter my objection or basis for my objection? MR. ECHEVERRIA: Basis for your objection to your own? MR. COUGHLIN: Wanting to put that in an offer of proof, I guess. Something like that. Have you read the Claiborne case? MR. ECHEVERRIA: Yes. MR. COUGHLIN: Does that have any applicability here? MR. ECHEVERRIA: I'm governed by the case that the supreme court decided with respect to Zachary Barker Coughlin in which they tell us that the only issue that this panel is to determine is what the nature and extent of the punishment is flowing from your conviction for theft. We're not to address the underlying issues involving that conviction. MR. COUGHLIN: How are you addressing so many issues completely divorced from that Walmart theft case? How did you do that today? MR. ECHEVERRIA: Mr. Coughlin, I'm dealing with one issue at a time. You have proffered a videotape that the supreme court tells us is not relevant. Proceed with your next witness."

HEARING - Vol. I, (Page 71:10 to 71:20) MR. ECHEVERRIA: I believe the issue that this panel has to determine is what the degree, if any, of punishment should be for the conduct that you have alleged to have been involved with, in terms of candor to the court, candor to counsel, candor to witnesses, competency to practice law. MR. COUGHLIN: Including -- MR. ECHEVERRIA: I believe those are the issues that this panel should focus on. But I do not intend to in any way limit what you think should be important."

HEARING - Vol. I, (Pages 119:17 to 122:15) BY MR. COUGHLIN: Q What's your understanding with respect to the position taken by me in that trial vis-a-vis the majority viewpoint of law on setting off or offsetting domestic duties like alimony or child support with third-party debts in a property settlement or debt settlement context? A I'm still not sure I understand the question. But there were no children, as I recall, so child custody had no issue in it. And in terms of the offset, I don't know what law you proffered. Q Well, a duty like alimony. A domestic duty. MR. ECHEVERRIA: To me that's an incomplete question. What's the complete question? MR. COUGHLIN: I guess I'm trying to ascertain Mr. Elcano's awareness of the position. BY MR. COUGHLIN: Q What's your understanding of the permissibility of setting off a debt with a duty, a domestic duty? MR. KING: Objection. Irrelevant. MR. ECHEVERRIA: Sustained. MR. COUGHLIN: Did you say relevancy? May I respond to it, your Honor? Just to the extent Mr. Elcano is here today purporting to critique my work in that regard, I think it is relevant to ascertain whether or not he has any sort of conception of permissibility of setting off a domestic duty, like alimony, with some debt. My

point. MR. ECHEVERRIA: Are you finished? MR. COUGHLIN: Yeah. And I didn't end it very well, but I didn't want to give away what I feel the answer is or the majority viewpoint of American law. MR. ECHEVERRIA: The objection is sustained. Mr. Coughlin, it's now 11:41. You have five more minutes. MR. COUGHLIN: Okay. Really? The relevancy objection is sustained. He gets to testify as to how clueless I am. And this when I ask to see if he has any sort of knowledge in this area, it's not relevant? MR. ECHEVERRIA: He's testified on a number of issues as to your competency, your demeanor in the courtroom, your conduct toward witnesses, toward judges, your ability to follow the judge's directions. MR. COUGHLIN: They are all relevant when he was talking about them. MR. ECHEVERRIA: Those issues are, sir. Whether or not he knows the intricacies of some fine point of law to me is irrelevant. Now, if you have some questions to address to Mr. Elcano, please do so, and let's not argue. MR. COUGHLIN: Okay. BY MR. COUGHLIN: Q Mr. Elcano, for you to have any sort of legitimate informed bases for the opinion you proffered here today with respect to my competency incident to my work in that Joshi case, wouldn't you need to know whether or not a domestic duty is accorded greater significance and protection in the law than is a third-party debt -- A No. Q -- therein? It's not permissible to do essentially what Judge Gardner tried to force on my client, which is accept a settlement, whereby a setoff is made whereby my client waived her alimony in exchange for Mr. Springgate's client saying he set it off by the debts, by taking them on, even though they could never get at her anyway because he was the sole signatory. MR. ECHEVERRIA: Is there a question there, Mr. Coughlin? THE WITNESS: I don't understand. MR. ECHEVERRIA: Or is that a statement? MR. COUGHLIN: It is a statement. I think -- MR. ECHEVERRIA: Then ask a -- MR. COUGHLIN: He's talking about things he doesn't know about."

Some people are stuck on stupid. Others are stuck on their ex. Chair Echeverria is stuck on skipping past the part of due process where the determination of guilt is made and cruising right on to the sentencing phase, even where there is absolutely no basis for an offensive collateral estoppel or SCR 111(5) application, to wit:

HEARING - Vol. I, (Pages 177:23 to 180:22) MR. ECHEVERRIA: Mr. Coughlin, excuse me. Do you remember the question? THE WITNESS: Yes. MR. ECHEVERRIA: What was the question? THE WITNESS: Did I receive this. MR. ECHEVERRIA: And the answer? THE WITNESS: I'm working my way through it mentally as to how I got this. MR. KING: If I'm not mistaken, we're past that. You said you did receive it. He doesn't recall how. And my follow-up question was: Did you respond to the allegations by Judge Holmes that are contained in that letter, and by the accompanying documents? MR. ECHEVERRIA: Mr. Coughlin, if you could focus on answering that question, that would be helpful to the panel. THE WITNESS: One, this letter is not to me. I would like to read it. Again, that's where the notice part of due process is key, you know. If I was noticed on the idea that I didn't respond to this -- and I'll enter my objection. I would like to see where (NOTE: in terms of where along the way Coughlin failed to cooperate or respond, with specific factual allegations as to just when and how such was requested of Coughlin, and as to what, exactly, rather than the conclusory allegation by King (whom was not sworn to testify, and where Coughlins' subpoena on King was quashed) in his complaint and any argument made at the hearing, as King's 4/19/12 email to Coughlin certainly should excuse Coughlin from any allegation that he failed

to respond to anything with respect to FHE3 and NG12-0435, the grievance “received” from 2JDC Judge Linda Gardner, according to King's 4/2/12 email to Coughlin, where such 4/19/12 email from King to Coughlin reads: “**However I can suggest you cooperate with Bar counsel’s investigation and that you respond specifically to the allegations contained in Judge Holmes and Richard Hill’s grievance letters to the office of Bar Counsel.**” However, nothing in Judge Holmes' “grievance letter” (FHE8) references the FHE3 Order (and the use of the term “Order” in FHE3's “Order After Trial” necessarily demonstrates that the “finality” requirement is missing sufficient to warrant any offensive collateral estoppel approach that King never really argued for (rather, King either completely whiffed on the collateral estoppel issue, or fraudulently sought to misapply SCR 111(5)'s “a conviction is conclusive proof of guilt” to even *orders in civil proceedings* wherein Coughlin was not even a *party*) by 2JDC Judge Gardner that had already been vacated) in the complaint it says Mr. Coughlin **failed to respond or cooperate with Bar counsel.** It might. I'd just like to be sure. Where does it say where -- was I noticed the import of today was going to include, the relevant inquiry today that I have been put on notice for, was going to include the idea that I didn't appropriately respond to this? So if I go to the complaint, I'm just wondering where in the complaint might I be put on notice that I would be expected to know when I got this today, and respond intelligently in that regard. (Exhibit 9 marked.) MR. KING: Mr. Chairman, may I move on? MR. ECHEVERRIA: You may. THE WITNESS: May I answer as best as I can remember then? MR. ECHEVERRIA: If you will answer the question, it would be helpful. But these rambling discourses are not helpful. THE WITNESS: They're not winning any points on notice and due process? MR. ECHEVERRIA: This is a preliminary investigation. **Bar rules require attorneys to cooperate with the preliminary investigation. As I understand, Mr. King is trying to establish whether or not you did so. That's an issue that I believe is relevant to the determination of the degree of punishment, if any, that should flow to you as a result of your conduct. So, Mr. King, move on, please.** MR. KING: Thank you. THE WITNESS: Your Honor, can I just quickly attempt to more thoroughly address that issue? MR. ECHEVERRIA: I think you've been afforded adequate opportunity to do so. How you choose to respond is up to you. Mr. King, next question, please. MR. KING: Thank you. THE WITNESS: That's the whole notice thing. You're asking me to answer a question based upon a two-page letter where I haven't been noticed on the idea that I will be asked to. And then if I don't -- if I'm working through it, you're cutting me off, not letting me put it in the record. MR. ECHEVERRIA: Mr. King, you cited in one of your pleadings a request that all issues pending before you be heard at one hearing. There was a letter you sent to the state Bar that you quote in one of your pleadings. THE WITNESS: I requested that? MR. ECHEVERRIA: Yes, sir. THE WITNESS: You haven't read my pleadings. My whole point was bifurcating, how ridiculous it is to glom all these together. I'm so glad you just said that on the record.”

Chair Echeverria, bless his heart, just can't help himself, he continually admits, right on the record, that he cannot be bothered with adjudicating whether or not Coughlin is guilty...but, given that apparently all those stogie breaks tuckered him out or something, he rather decided to skip straight to the sentencing phase (perhaps owing to his boyhood infatuation with his “chum” Elcano and those moments they shared together in college at Stanford in the anything goes late 1960's that they both have apparently seemed to be able to

drive away into the furthest recesses of their subconsciousnesses (just as Elcano attempted to sell the yarn that he was unaware of the 6/19/09 final Decree of Divorce's ultimately excising the sanction Elcano fired Coughlin over on 5/14/09 from the 4/13/09 Order After Trial where such also amended FHE3 to award the very alimony which Judge L. Gardner told Coughlin's client, Mrs. Joshi "don't listen to your attorney!" after hissing "Shut Up!" at Coughlin upon Coughlin pointing out to Ms. Joshi some of the BK 523a5 and 523a15 issues that Springgate happened to gloss over in the hard sell of his proposed marital settlement agreement made just before trial on 3/12/09) as both seemed to have just 'bout broke their backs climbing up that mountain atop of which would be such memories?)

HEARING - Vol. I, (Page 228:3 to 228:10) BY MR. COUGHLIN: Q Mom, did you have to buy an audio of the trial with that Judge Nash Holmes? A Did I have to buy an audio? Q Yeah. Did you buy a copy of the proceeding? A Yes. Q Did you give it to me? A Oh, God. I think so. " HEARING - Vol. I, (Page 229:1 to 229:15) BY MR. COUGHLIN: Q Mom, was it an official copy? A I don't know. Q Did you go to the court and say I want a copy of the proceeding, and you paid the money they asked you to pay? A I don't know that it was official or not. But I requested a copy, yes. I would assume it would be official. I was requesting it in the courthouse. Q And you filled out whatever form it was they made you fill out, and paid whatever money it was they wanted right? A Yes. MR. COUGHLIN: I would like to move to admit that into evidence." HEARING - Vol. I, (Page 231:16 to 231:25) R. KING: I have no questions of the mother, but I would think it was patently clear when the direct question was, did you give me the official copies, she said I don't know. And that's how it was left. And Mr. Coughlin does not have the official copies which would be identified on the disk by the court as an official copy. Since he does not have them or they are -- whatever he has downloaded on the record may not be the official one, I would still object." HEARING - Vol. I, (Pages 232:13 to 233:8) MR. ECHEVERRIA: Anything further to offer in terms of laying a foundation? MR. COUGHLIN: Penalty of perjury, I'm going to play an official copy of it. MR. ECHEVERRIA: No. MR. COUGHLIN: I've given you the opportunity to go review the stuff to your heart's content if I'm lying. MR. ECHEVERRIA: Playing it doesn't lay a foundation. We need a foundation laid.

MR. COUGHLIN: Foundation is -- MR. ECHEVERRIA: Do you have anything further to offer? MR. COUGHLIN: -- I, Zach Coughlin, under penalty of perjury, this is the official transcript, audio transcript. MR. ECHEVERRIA: What do you base that on? MR. COUGHLIN: That the court gave it to us. MR. ECHEVERRIA: No, the court didn't. MR. COUGHLIN: This is just amazing. Okay. Let's move on." Compare Echeverria's approach to Coughlin attempts to introduce into evidence the record of the traffic citation trial from 2/27/12 and 3/12/12 to Echeverria's bending over backwards to help King and Elcano get FHE3 admitted into evidence: HEARING - Vol. I, (Pages 99:4 to 100:15) MR. COUGHLIN: Well, he said it was certified. So my objection is, let's see the proof. Did you get it from Joey or Gina Hastings or did you get it from the clerk of court of the muni court? MR. ECHEVERRIA: Mr. Coughlin. I'm not going to entertain questions between and among the lawyers. If you have a question, direct it to the panel or the witness. The objection is this lacks foundation? MR. COUGHLIN: No. That this certification hadn't been proved or even spoken to besides -- MR. ECHEVERRIA: Is it your position -- MR. COUGHLIN: -- certified. MR. ECHEVERRIA: --

position that only legal documents can be admitted that are certified? MR. COUGHLIN: Well, I didn't make a position on that. My position is he said it was certified. So I'm contesting that. MR. ECHEVERRIA: Is this certified? MR. KING: Let me get the clerk to bring the certification copies, unless she gave them to you already, which I understood she did. Did she bring you copies?

MR. ECHEVERRIA: This particular one is not certified. Do you have one that's certified? MR. KING: I have already introduced -- the copies do not show that it's certified. MR. COUGHLIN: Your Honor, if I can quickly interject for the record, I mean that not disrespectful. MR. ECHEVERRIA: Are we on the record? Are you getting this, Ms. Reporter? THE COURT REPORTER: Yes. MR. ECHEVERRIA: Go ahead. MR. KING: Mr. Chairman, I'll lay -- I understood, and since this has been filed with the courts that we have certified copies. Since the copy I gave you is not certified, I'm going to lay a foundation a different way and withdraw the representation that the copy I gave is a certified copy." HEARING - Vol. I, (Page 105:8 to 105:16) Mr. King, proceed to lay the foundation for Exhibit 3. BY MR. KING: Q Exhibit 3. Thank you. You just testified that this is the order that emanated from the hearing you heard? A Yes. Q And why were you concerned about this particular order?" HEARING - Vol. I, (Pages 112:10 to 116:11) MR. KING: I very much appreciate your testimony and candor. I'll pass the witness. MR. ECHEVERRIA: Thank you, Mr. King. Mr. Coughlin, it's now 11:31. You have 15 minutes. MR. COUGHLIN: Yes, sir. Thank you. MR. KING: I apologize. I meant to have this admitted. Did I lay a proper foundation? I would move for Exhibit 3 to be admitted. MR. ECHEVERRIA: Any objection now, sir? MR. COUGHLIN: I didn't hear the foundation. I'm sorry. MR. ECHEVERRIA: The foundation was Mr. Elcano attended the hearing, reviewed this order, and determined it to be -- This is a true and correct copy of the order that you looked at following the hearing? THE WITNESS: Yes. The one that was transmitted to us by the judge. MR. COUGHLIN: Transmitted just by the judge? THE WITNESS: We have a copy of it in our file. MR. COUGHLIN: Transmitted to you? THE WITNESS: Washoe Legal Services. I checked it with my order. It appears to be the same order.

MR. COUGHLIN: But you're not saying how it was transmitted to the State Bar? MR. ECHEVERRIA: I'm interested in how it was transmitted. I'm interested in if this is a true and correct copy of the order issued by Judge Gardner in the Joshi case -- MR. COUGHLIN: You mentioned he attended trial. He didn't attend the trial. MR. KING: He said he -- MR. COUGHLIN: You said he attended the trial. But he didn't attend the trial. MR. ECHEVERRIA: Mr. Elcano testified he attended the hearing. THE WITNESS: No, I reviewed the tape of the hearing. I wasn't at the hearing. But in the family court they are on tape. MR. ECHEVERRIA: I'm focused on whether or not this is a true and correct copy of the order issued by Judge Gardner. And have you determined this to be the true and correct copy? THE WITNESS: Yes. It's the order I relied on. MR. ECHEVERRIA: It will be admitted. (Exhibit 3 admitted.) MR. ECHEVERRIA: Go ahead, Mr. Coughlin. MR. COUGHLIN: One thing, your Honor, with respect to the received stamp on it. That's something that was on the order. MR. ECHEVERRIA: Pardon me? MR. COUGHLIN: See the received? MR. ECHEVERRIA: Right. MR. COUGHLIN: That's State Bar. MR. ECHEVERRIA: Right. MR. COUGHLIN: Put that there. MR. ECHEVERRIA: Right. MR. COUGHLIN: So it's not

really a copy of the order. It has something that was not on the order. MR. ECHEVERRIA: Okay. Overruled. Is that your objection? MR. COUGHLIN: It has a funny 5 on it. It's one day after Judge Gardner submitted hers. It seems kind of funny, like ghost reading is going on, because we don't know who submitted this. Who submitted it, Pat? MR. VELLIS: Mr. Elcano, do you have another copy of the order that you received from the court after the hearing that you compared this one to? I think you said you did? THE WITNESS: I compared it to it. Mine has two blank spots in it though, two short areas, but otherwise they seem to be verbatim and end on the same pages. MR. VELLIS: Is there a stamp from the State Bar on the one that you got from the court?

MR. COUGHLIN: You didn't get this from Joey or Gina Hastings -- MR. ECHEVERRIA: Mr. Coughlin, I'm not going to permit questions among the attorneys. That's improper. MR. COUGHLIN: Yes, sir. MR. ECHEVERRIA: So if you have a question, you need to address it to the panel. MR. COUGHLIN: It's improper to say it's certified when it's not. THE WITNESS: The copy I reviewed is filed electronically by Howard Conyers, the clerk of the court. MR. VELLIS: And there's no stamp from the State Bar on the one that you reviewed? THE WITNESS: No. MR. VELLIS: That's the one you received from the court? THE WITNESS: Yes. MR. VELLIS: And that one is the same as the one that's been admitted, Exhibit 3? THE WITNESS: Save and except two blank spots that are the fault of the copier. MR. ECHEVERRIA: Mr. Coughlin, it's admitted. Proceed." HEARING - Vol. I, (Page 106:1 to 106:6) MR. COUGHLIN: -- whether they're filed or not, whether they will accept, who controls who, who the clerk of court has independence from. I don't know what's being done by anybody, what I need to do for a subpoena, whether I have to pay witness fees, or whether the certified mailing of August 23rd is going to be used --"

Also, Echeverria insisted on eating up most of Coughlin's case in chief with his sua sponte interrogation of Coughlin regarding that which the SBN's King fraudulently steered away from in King's case in chief, ie, the fraudulent Affidavit of Service of the Complaint dated 8/23/12 by SBN "employee Laura Peters". It is just so obvious that King and Echeverria gameplanned their whole approach to this hearing *extensively*. Every weak aspect of King's case, Echeverria took the bit in his mouth and excused King from making the uncomfortable, fraudulent arguments he was left with (this is especially true where Echeverria, in violation of the adjudicatory boundaries he was limited to, per Breliant, in light of King's failure to argue Coughlins' SCR 110 subpoenas were not "properly issued" (King failed to make such argument because he knows damn well that Coughlin sought a clarification in that regard from NNDB Board Chair Susich, NNDB Panel Chair Echeverria, King and Bar Counsel Clark and all referred Coughlin to Clark, and King relayed to Coughlin Clark's announcement that, despite the temporary suspension, Coughlin was, in fact, permitted to issue his own SCR 110 subpoenas...regardless, Echeverria then carefully based his granting King's 11/2/12 Motions to Quash such subpoenas on the idea that they were not "properly issued", and, perhaps, laid off the "judges cannot be questioned about their mental processes" line or reasoning/citation in King's Motion just enough to allow Judges Beesley and Nash Holmes to testify to just that, there "mental processes" in making rulings in the matters involving Coughlin that they presided over and in taking Canon 2, Rule 2.15 "appropriate action" (formerly Canon 3(D) (2)...see Mirch and the line of argument that the differences in SCR 180 (Now RPC 3.3

meritorious claims) and NRCP 11 prevented an application of offensive collateral estoppel, nevermind the differing burden of proof in disciplinary matters and civil actions, much less “traffic citation” trials (a “citation” is not really a “criminal matter” is it? Its more of an administrative matter, a “citation”, etc. Such “citation” was punishable only by a fine.

So, King was afforded from 9:00 am to 2:30 pm to put on his case in chief and Coughlin was limited to putting his case in chief on from 2:30 pm to 4:45 pm. Such is patently unfair. That is a disparity of five and half hours for King to two and a quarter hours for Coughlin, and any suggestion that “lengthy objections” during King's case in chief permit such a disparity is completely exposed by the egregiously lengthy objections by King, and even moreso the sua sponte objections by Panel Chair Echeverria (alleging every ridiculous rationale for ruling anything Coughlin offered into evidence as inadmissible) during Coughlin's case in chief.

Committee on Professional Ethics v. Wright, 178 N.W.2D 749 Iowa, 1970
Conclusions reached by jury and affirmation by Supreme Court in prior civil case involving attorney and client were not binding or conclusive on issues examined in attorney disciplinary proceeding, but the parties could introduce the entire transcript of the prior case in which attorney was a party.

All of the admissibility arguments and objections further relate to Coughlin's right to, in fact, attack the legitimacy of the conviction:

In re Disciplinary Proceedings Against Carroll, 726 N.W.2D 246 45I(C)Discipline 45k59.1Punishment; Disposition 45k59.18K. Reciprocal discipline; effect of other discipline. Wis., 2007 Reciprocal discipline identical to that imposed by the Supreme Court of Iowa, which revoked attorney's license, was required for attorney's conviction of second-degree felony theft and his fraudulent conversion of funds belonging to municipal arts council, absent any claim that Iowa proceeding deprived attorney of due process or was so lacking in proof that finding of misconduct could not be accepted as final, or that misconduct justified substantially different discipline in Wisconsin. U.S.C.A. Const. Amend. 14; SCR 22.20. Turton v. State Bar of Texas, 775 S.W.2D 712 Tex. App. San Antonio, 1989.

Final judgment convicting attorney of crime involving moral turpitude is cause for attorney's suspension or disbarment; plea of guilty is conclusive evidence of the commission of the offense, but does not answer question of whether crime, or circumstances of its commission, involved moral turpitude. V.T.C.A., Government Code § 81.078; State Bar Rules, V.T.C.A., Government Code Title 2, Subtitle G App., Art. 10, §§ 7(8), 26(B, G). In re Mostman, 765 P.2D 448 Cal., 1989 Attorney's plea of guilty is conclusive evidence that he committed all acts necessary to constitute the offense, but question of whether the crime, or the circumstances of its commission, involved moral turpitude for disciplinary purposes is one of law to be resolved by the Supreme Court upon independent examination of the record. West's Ann. Cal. Bus. & Prof. Code §§ 6101(a, e), 6102(d). In re Ciardelli, 514 N.E.2D 1006 Ill., 1987 While conviction for crimes involving moral turpitude is conclusive evidence that discipline is warranted, it does not preclude consideration of actual conduct itself for purpose of determining appropriate discipline to be accorded attorney, but in presenting evidence in disciplinary hearing to show nature of attorney's conduct, which may be relevant to determining discipline to be imposed, attorney may not be permitted to impeach factual

allegations of charges to which he pleaded guilty. *State ex rel. Oklahoma Bar Ass'n v. Jones*, 566 P.2D 130 Okla.,1977.

In summary type disciplinary proceedings, copy of indictment or information and judgment and sentence of conviction are conclusive evidence of commission of crime involving moral turpitude and are sufficient for discipline, coming within framework of show cause proceeding; at this point, burden shifts to charged member, who may seek hearing with right to submit brief and evidence to explain his conduct or seek mitigation. Rules Creating and Controlling the Oklahoma Bar Ass'n, art. 10, § 4(A, b), 5 O.S.A. C. 1 Appendix 1. In re Andros, 356 N.E.2D 513 Ill.,1976 Conviction of crime involving moral turpitude is conclusive evidence that grounds for imposing discipline upon an attorney exist, but it does not prevent consideration of other evidence for purpose of determining appropriate disciplinary action.

In re Disciplinary Proceedings Against Carroll, 726 N.W.2D 246 45I(C)Discipline 45k59.1Punishment; Disposition 45k59.18K. Reciprocal discipline; effect of other discipline. Wis.,2007 Reciprocal discipline identical to that imposed by the Supreme Court of Iowa, which revoked attorney's license, was required for attorney's conviction of second-degree felony theft and his fraudulent conversion of funds belonging to municipal arts council, absent any claim that Iowa proceeding deprived attorney of dueprocess or was so lacking in proof that finding of misconduct could not be accepted as final, or that misconduct justified substantially different discipline in Wisconsin. U.S.C.A. Const.Amend. 14; SCR 22.20. *Turton v. State Bar of Texas*, 775 S.W.2D 712 Tex.App.San.Antonio,1989 Final judgment convicting attorney of crime involving moral turpitude is cause for attorney's suspension or disbarment; plea of guilty is conclusive evidence of the commission of the offense, but does not answer question of whether crime, or circumstances of its commission, involved moral turpitude. V.T.C.A., Government Code § 81.078; State Bar Rules, V.T.C.A., Government Code Title 2, Subtitle G App., Art. 10, §§ 7(8), 26(B, G). In re Mostman, 765 P.2D 448 Cal.,1989 Attorney's plea of guilty is conclusive evidence that he committed all acts necessary to constitute the offense, but question of whether the crime, or the circumstances of its commission, involved moral turpitude for disciplinary purposes is one of law to be resolved by the Supreme Court upon independent examination of the record. West's Ann.Cal.Bus. & Prof.Code §§ 6101(a, e), 6102(d).

In re Ciardelli, 514 N.E.2D 1006 Ill.,1987 While conviction for crimes involving moral turpitude is conclusive evidence that discipline is warranted, it does not preclude consideration of actual conduct itself for purpose of determining appropriate discipline to be accorded attorney, but in presenting evidence in disciplinary hearing to show nature of attorney's conduct, which may be relevant to determining discipline to be imposed, attorney may not be permitted to impeach factual allegations of charges to which he pleaded guilty.

State ex rel. Oklahoma Bar Ass'n v. Jones, 566 P.2D 130 Okla.,1977 In summary type disciplinary proceedings, copy of indictment or information and judgment and sentence of conviction are conclusive evidence of commission of crime involving moral turpitude and are sufficient for discipline, coming within framework of show cause proceeding; at this point, burden shifts to charged member, who may seek hearing with right to submit brief and evidence to explain his conduct or seek mitigation. Rules Creating and Controlling the Oklahoma Bar Ass'n, art. 10, § 4(A, b), 5 O.S.A. C. 1 Appendix 1. In re Andros, 356 N.E.2D

513 Ill.,1976 Conviction of crime involving moral turpitude is conclusive evidence that grounds for imposing discipline upon an attorney exist, but it does not prevent consideration of other evidence for purpose of determining appropriate disciplinary action.

In re Bogart, 511 P.2D 1167 Cal.,1973, Record of attorney's convictions was conclusive evidence of guilt in disciplinary proceedings; it was unnecessary that proof be presented that he had committed crimes however, the facts and circumstances of crime were relevant to determine appropriate discipline. West's Ann.Bus. & Prof.Code, §§ 6101, 6102(b). In re Urias, 418 P.2D 849 Cal.,1966 In attorney disciplinary proceeding, record of attorney's conviction of grand theft would be conclusive evidence of guilt, but Supreme Court could examine transcript of the trial to apprise itself of facts surrounding the crimes. West's Ann.Bus. & Prof.Code, § 6101.

In re Keogh, 267 N.Y.S.2D 87 N.Y.App.Div.2.Dept.,1965 Legislative grant of discretionary power to court to determine fitness of attorney convicted of a misdemeanor does not impose upon court an obligation to permit relitigation of facts and law upon which guilt has already been adjudicated beyond a reasonable doubt by another court of competent jurisdiction; in such case the judgment of conviction, while not conclusive evidence of attorney's unfitness to practice law, may be regarded by court as conclusive proof of his guilt of crime charged.

Attorney Grievance Com'n of Maryland v. Wingerter, 929 A.2D 47 Md.,2007 While rule providing that, in an attorney disciplinary proceeding, a final judgment of conviction is conclusive evidence of the guilt of the crime charged does not preclude attorney offering evidence to establish that no sanction should be imposed, that does not give license, however, to attorney to prove that his conviction was not justified and, on that basis, to argue for no sanction. Md.Rule 16-771(g). SCR 111(6) speaks only to temporary suspension, it does not provide that conviction of a crime which includes amongst its elements "theft" will ultimately be deemed a "serious" crime for the purposes of determining the nature and extent of a Respondent's punishment or the admissibility of evidence speaking to the circumstances of such conviction or criminal act.

Matter of Wines, 660 P.2D 454 Ariz.,1983 Since proof of a conviction of an attorney is conclusive evidence of guilt, hearing before local administrative committee on disciplinary charge involving conviction of misdemeanor is limited to determining whether crime involves moral turpitude and what discipline committee shall recommend. 17A A.R.S. Sup.Ct.Rules, Rule 29(d).

In re Rothrock, 154 P.2D 392 Cal.,1944 Whether an attorney has been convicted of a crime involving moral turpitude, within the statute requiring transmission of the record to the Supreme Court for disbarment proceedings, is a question of law which the Supreme Court must decide, and, if the conviction on the face of the record shows moral turpitude, the record is conclusive. West's Ann.Bus. & Prof.Code, §§ 6100-6102.

In re Petal, 30 So.3D 728 La.,2010 When attorney disciplinary proceedings involve an attorney who has been convicted of a crime, the conviction is conclusive evidence of guilt, and the sole issue presented is whether attorney's crimes warrant discipline, and if so, the extent thereof; the discipline to be imposed depends on the seriousness of the offense and the extent of the aggravating and mitigating circumstances. Sup.Ct.Rules, Rule 19, Lawyer Disciplinary Enforcement Rule, § 19(E), 8 LSAR. S.

Office of Disciplinary Counsel v. Troback, 383 A.2D 952 Pa.,1978 While a certificate of conviction of a crime by an attorney is conclusive evidence of commission of that crime in any disciplinary proceeding based upon that conviction, Supreme Court may and should examine underlying facts involved in criminal charge to weigh impact of conviction upon measure of discipline.

22 HEARING - Vol. I, (Pages 119:17 to 122:15) BY MR. COUGHLIN: Q What's your understanding with respect to the position taken by me in that trial vis-a-vis the majority viewpoint of law on setting off or offsetting domestic duties like alimony or child support with third-party debts in a property settlement or debt settlement context? A I'm still not sure I understand the question. But there were no children, as I recall, so child custody had no issue in it. And in terms of the offset, I don't know what law you proffered. Q Well, a duty like alimony. A domestic duty. MR. ECHEVERRIA: To me that's an incomplete question. What's the complete question? MR. COUGHLIN: I guess I'm trying to ascertain Mr. Elcano's awareness of the position. BY MR. COUGHLIN: Q What's your understanding of the permissibility of setting off a debt with a duty, a domestic duty? MR. KING: Objection. Irrelevant. MR. ECHEVERRIA: Sustained. MR. COUGHLIN: Did you say relevancy? May I respond to it, your Honor? Just to the extent Mr. Elcano is here today purporting to critique my work in that regard, I think it is relevant to ascertain whether or not he has any sort of conception of permissibility of setting off a domestic duty, like alimony, with some debt. My point. MR. ECHEVERRIA: Are you finished? MR. COUGHLIN: Yeah. And I didn't end it very well, but I didn't want to give away what I feel the answer is or the majority viewpoint of American law. MR. ECHEVERRIA: The objection is sustained. Mr. Coughlin, it's now 11:41. You have five more minutes. MR. COUGHLIN: Okay. Really? The relevancy objection is sustained. He gets to testify as to how clueless I am. And this when I ask to see if he has any sort of knowledge in this area, it's not relevant? MR. ECHEVERRIA: He's testified on a number of issues as to your competency, your demeanor in the courtroom, your conduct toward witnesses, toward judges, your ability to follow the judge's directions. MR. COUGHLIN: They are all relevant when he was talking about them. MR. ECHEVERRIA: Those issues are, sir. Whether or not he knows the intricacies of some fine point of law to me is irrelevant. Now, if you have some questions to address to Mr. Elcano, please do so, and let's not argue. MR. COUGHLIN: Okay. BY MR. COUGHLIN: Q Mr. Elcano, for you to have any sort of legitimate informed bases for the opinion you proffered here today with respect to my competency incident to my work in that Joshi case, wouldn't you need to know whether or not a domestic duty is accorded greater significance and protection in the law than is a third-party debt -- A No. Q -- therein? It's not permissible to do essentially what Judge Gardner tried to force on my client, which is accept a settlement, whereby a setoff is made whereby my client waived her alimony in exchange for Mr. Springgate's client saying he set it off by the debts, by taking them on, even though they could never get at her anyway because he was the sole signatory. MR. ECHEVERRIA: Is there a question there, Mr. Coughlin? THE WITNESS: I don't understand. MR. ECHEVERRIA: Or is that a statement? MR. COUGHLIN: It is a statement. I think -- MR. ECHEVERRIA: Then ask a -- MR. COUGHLIN: He's talking about things he doesn't know about.”)

23 "bar grievance against Richard Hill, Casey Baker, and Keith Loomis, Roberto Puentes, Lew Taitel

From: Zach Coughlin (zachcoughlin@hotmail.com)
Sent: Thu 10/18/12 8:02 AM
To: laurap@nvbar.org; patrick@nvbar.org; rosec@nvbar.org; glennm@nvbar.org; davidc@nvbar.org; tsusich@nvdetr.org; complaint@nvbar.org; complaints@nvbar.org; shornsby@nvdetr.org

From: zachcoughlin@hotmail.com
To: laurap@nvbar.org; patrick@nvbar.org; rosec@nvbar.org; glennm@nvbar.org; davidc@nvbar.org; tsusich@nvdetr.org; complaint@nvbar.org; complaints@nvbar.org; shornsby@nvdetr.org
Subject: LITIGATION HOLD NOTICE rev2011-001708 cv11-03628, 60331 61383, SBN v. Coughlin CASE NUMBER NG12-0204, NG-0435, NG 0434
Date: Wed, 17 Oct 2012 16:59:57 -0700

Dear Office of Bar Counsel, Investigator Peters, Chairman Susich, et al,

Please find important attachments supporting the assertions herein here:
<https://skydrive.live.com/redir?resid=43084638F32F5F28!3587>

Please don't try to old "my IT guy said I couldn't open it, because of viruses and stuff". That is no more plausible an excuse for reviewing materials material to your investigation than would be suggesting your fear of "anthrax" potentially being mailed to you prevents you from opening your paper mail... You have my personal guarantee that there is no virus or other harmful items in any emails I send you or any paper mail, either, for that matter. I submit these materials respectfully and ask you to consider how being wrongfully incarcerated ten times in one year following a divorce of sorts would affect our tone, behavior, or personality.

Loomis refused to advocate at all on my behalf, refused to subpoena material percipient witness Merliss, and refused to make argument directed to issue I provided wealth of support on, ie, the invalidity of the eviction order where the lockout occurred outside of the "within 24 hours of receipt" window in the statue, and where technical service requirements were not met, vis a vis NRS 40.400, NRCPP 6(e), and NRCPP 5(b)(2), and where Loomis acted on matter during pendency of Competency Evaluation in cr12-0376.

Also, will you please have the NG- grievance or case numbers for all of the grievances and complaints I have filed this year provided to me in writing, including the new grievances found herein against Richard G. Hill, Casey Baker, and Christopher Hazlett-Stevens?

note: please forward this written correspondence on to Bar Counsel King and Investigator/Clerk of Court Peters in light of their apparent and sudden, somewhat technical "issues" with emails from Coughlin, which in no way is interpreted as providing indications that they now seek to sully the SBN's image by attempting to add Coughlin to their blocked sender list or otherwise prevent any further duty accruing on their part to actually investigate Coughlin's claims, in some manner that at least a colorable argument can be made that the SBN treats Coughlin's and others allegation with anywhere near the urgency it treats those of Judge Nash Holmes or Richard G. Hill, Esq. (in contrast to the whole "attack dog for the rich and powerful" image, some might say, the SBN has built up....

It is ironic, that Hill and Baker's own writing in their November 21st, 2011 Opposition to Coughlin's November 16th, 2011 Motion to Contest Personal Property lien may now be used against them, in light of the staleness, voidness, and invalidity of the October 25th, 2011 and October 27th, 2011 Eviction Decision and Order and Findings of Fact, Conclusions of Law and Order for Summary Eviction in RJC Rev2011-001708. See Williams v Nagel, 643 N.E. 2d 816 and Wolf-Lillie, 504 F. Supp 1. Baker wrote on Hill's behalf:

"Here, Coughlin filed his first motion pursuant to NRS 118A-460 on November 16,2011. That motion was timely. However, when the court attempted to set the hearing, Coughlin refused to cooperate or communicate with the court to get the hearing on calendar, despite repeated requests from Merliss' counsel that he do so. As a sole and direct result of Mr. Coughlin's refusal to cooperate with the court to set his own hearing, that hearing never happened. The 10 days in which to hold the hearing under NRS 40.253(8) have now expired. Mr. Coughlin's motion is stale, and the relief he seeks is now time-barred. Because he abandoned that motion, it was, effectively, denied."

To Baker's November 21st, 2011 Opposition (how clever, Baker writes it so he can make reckless allegations that aren't true in it that Hill would not be so free to make, given he was there during the November 12th, 2011 arrest), is attached the signed, sworn, November 21st, 2011 Declaration of Richard Hill, which reveals at the least an intent to mislead the tribunal by Hill, and also reveals Hill and Merliss contributed to a false arrest to a material extent. That Declaration reads:

"4. On October 27, 2011, this court signed a summary eviction order, and on November 1, 2011, the Washoe County Sheriffs Department served that order. The notice was posted on the door of the home by the Washoe County Sheriffs Department in the manner customary in Washoe County for evictions. The locks on the front door and back door were changed, and we retained all keys to the home.

5. After that date, I began to notice that it looked like somebody had been getting into the home. On approximately November 4,2011, I became concerned about the home and its contents. I entered it and was able to confirm that "somebody" had been getting in. I thought I had secured the means of entry being used by whoever it was that was getting in. However, on later visits to the home, it was clear that the home was still being surreptitiously accessed.

-
6. On November 13, 2011, Dr. Merliss came to Reno because he wanted to inspect the home. Upon entry, it was clear that somebody had again accessed the home.
 7. We tried to enter the basement and found the door was barricaded, not locked, from the inside. We were concerned that whoever had been accessing the home was inside, so we called the police.
 8. When the police arrived, they agreed with us that it was very likely that somebody was barricaded in the basement. The police tried to coax the person to come out, but without success.
 9. When the police declined to break down the door, Dr. Merliss did so. The police looked inside and discovered the defendant, Zachary Coughlin, and his dog.
 10. Coughlin came out peacefully, went upstairs and was placed under arrest by the police for trespassing.
 11. After Coughlin was taken to jail, Dr. Merliss and I tried to videotape the contents of the basement where Coughlin had been hiding. It was too dark to effectively videotape, but we were able to ascertain that Coughlin and his dog have been living in the basement of the home for quite some time, likely even before the lockout. I observed that Coughlin had a bed set up. He had several computer monitors. He had a store of both food and water. He had electric space heaters.
 12. Since the eviction order was served, my associate, Mr. Baker, and I had sent numerous emails to Coughlin, in which we both repeatedly made it clear to him that he was not to be at the home without our prior permission. No such permission was given. Mr. Coughlin had no reason to possibly think he was permitted on the property. We had tried to coax him to cooperate on getting his possessions out, without success, or even a response.
 13. As a result of Mr. Coughlin's break-ins, Dr. Merliss has incurred a bill of \$1,060 with a licensed contractor to secure the premises. That does not include the cost of the door that was broken in order to get Coughlin out. That does not include the numerous hours of me and my staff to deal with Mr. Coughlin's repeated break-ins at the home.
 14. I am no expert, but I believe Mr. Coughlin is what is called a "hoarder." He has many car seats throughout the house. He has many dead televisions. He has a box of car window servo motors. The attic, which can only be accessed through a very narrow opening, is full of items, including dead electronic devices.
 15. We have found drugs at the home. We found a bag of what looks like marijuana on the kitchen counter. I found a crack pipe. The contractor found what he said was a large quantity of pills.
 16. Mr. Coughlin has been harassing and stalking me, and possibly, my staff. On November 15, 2011, he burst into my office and created a scene. Then, he was parading up and down the sidewalk across the street with a video camera screaming obscenities at me and my staff."

Now, if one reads that Declaration by Hill, then watches the videos Hill took of the moments before, during, and after Coughlin's arrest for criminal trespass on November 13th, 2011...well, one must conclude Hill and Merliss lied, and broke the law, resulting in profound

reputational damage to Coughlin and vast damage to his family and career. They should do time for this, period. Where, in that Declaration, so soon after the arrest it is almost an "excited utterance" is Susich or Kings allegation of "breaking and entering" and the "locks being broken"? Why wouldn't Hill just say that in the Declaration if it was true? Where is the video of the basement that Hill mentions attempting to take. There wasn't one provided in the materials Hill gave to the city attorney, which were discovered to Coughlin. Why doesn't Hill correct his client when he lies, in front of the police, just before the handcuffing moment, in response to Coughlin's query as to who exactly, in anyone, had told Coughlin to leave, or issued a "warning". That basement was fixed up to be, basically, a studio apartment addition to the main floor for over a year before the eviction, and Hill admits this appears to be the case in another filing. Hill misleads the court above where he fails to mention the numerous times Coughlin indicated he had added Hill to his "blocked senders list" and or indicated he did not consent to any form of electronic service or notice of anything, and where Baker was on vacation in early November. The video's Hill took title Zach's arrest 0007-0014, found at the above link, show particularly well the fraud and criminal conduct by Merliss and Hill including lying to effectuate a false arrest and criminal trespass and invasion of privacy.

What is actually stolid, invalid, void, null, expired, or otherwise ineffective is the October 25th and 27th Summary Eviction Orders by Judge Sferrazza in light of the WCSO's admission that on November 1st, 2011 (allegedly at 4:30 pm), Deputy Machen broke into Coughlin's former home law office with Hill or Baker in tow (and probably one of those lawyers legal assistant/videographers whom drive a new Mercedes SL-600 convertible coup....the kind with a V-12 engine...that's right, a V-12, \$130,000 new, three times the engine found in Coughlin's four banger 1996 Honda Accord LX (at least its not a DX, right?) with 110,000 miles on it):

All the case cited below are relevant, and most are terrible, for Hill, Baker and Merliss, in addition to making the criminal trespass conviction extremely suspect:

Iorio, 410 NYS 2d 195
Russell v Kalian, 414 A.2d 462
Burhams, 89 P.3d 629
Roswick, 231 BR 841
Hammond, 515 SE 2d 182
Albert, 490 NYS 2d 951
26405 and 03628 trespass case:

unused, untimely eviction warrant needs to be reissued, Green, 344 SE 2d 507,

Woods 19 NYS 2d 683, Regan 425 NYS 2d 725, Iorio, 410 NYS 2d 195, Russell v Kalian, 414 A.2d 462: expired warrant for eviction no good

Leese v Horne, 47 P.2d 316, Burhams, 89 P.3d 629, Roswick, 231 BR 841, Hammond, 515 SE 2d 182, Albert, 490 NYS 2d 951, O'Brien v. U.S., 444 A.2d 946, State v. MEarnar, 786 A.2d

141 (01), Canavan v. State 38 So. 3d 885, Jordan V. State, 802 So. 2d 1180 (01), State v. Ash, 12 SW 3d 800 (TN '99). Jordan v. State 110 P.3d at 47, Williams v. Nagel 643 NE 2d 816, Koenig, 742 P.2d 649, Nelson, 909 NE 2 642, claim of right O'banion 519 SE 2d 819, Bean 465 P.2d 1441

attorney charged with "summary criminal contempt" one reported decision ever, In Re Kunstler. 606 NYS 2d 607.

Can't join in same proceeding a disbarment and contempt proceeding: Dickerson v. State 179 SW 324.

Judge Nash Holmes continues to refuse to allow Coughlin to appeal the "summary criminal contempt" Order, even though, given the incarceration was served, it is a finally appealable order, see Gilman 275 V. Comm 474, 657 SE 2d 474.

Bifurcate disciplinary matters:

In re Porep (Nev. 1941) 111 P.2d 533, In re Kaemmer, 178 SW 2d 474, Terrell v. Miss. Bar 635 So 2d 1377, Matt of Briggs 502 NE 2d 879, In Re Hines 482 A. 2 378, triem 929 P.2d 634, Smith 85 P. 524, In re Finsh 27 A. 3d 401, In re Character, 950 NE 2 177, Toledo v. Cook 88 NE 2d 973('07), Cohn, 151 SW 3d 477 ('04), In re Crandell, 754 NW 2 501, In re Cobb, 838 NE 2d 1197, In RE Ginsberg 690 NW 2d 539, North Carolina Bar v. Rogers, 596 SE 2d 337. Snyder 792 A. 2d 515

joinder/prejudice to Coughlin, 259 P.2d 7, In Re Richardson 692 A. 2d 427

26405 and 03628 trespass case:

unused, untimely eviction warrant needs to be reissued, Green, 344 SE 2d 507,

Woods 19 NYS 2d 683, Regan 425 NYS 2d 725, Iorio, 410 NYS 2d 195, Russell v Kalian, 414 A.2d 462: expired warrant for eviction no good

Leese v Horne, 47 P.2d 316, Burhams, 89 P.3d 629, Roswick, 231 BR 841, Hammond, 515 SE 2d 182, Albert, 490 NYS 2d 951, O'Brien v. U.S., 444 A.2d 946, State v. MEarnar, 786 A.2d 141 (01), Canavan v. State 38 So. 3d 885, Jordan V. State, 802 So. 2d 1180 (01), State v. Ash, 12 SW 3d 800 (TN '99). Jordan v. State 110 P.3d at 47, Williams v. Nagel 643 NE 2d 816, Koenig, 742 P.2d 649, Nelson, 909 NE 2 642, claim of right O'banion 519 SE 2d 819, Bean 465 P.2d 1441..."

24 *actually exposes the Nev. Const. Art. 4 Sec 21 violations that the judiciary in Washoe County and Reno have been countenancing in doing much more than turning a blind eye to the state sponsored burglaries by the Washoe County Sheriff's Office in failing to*

accord tenants the “24 hours from” the tenant’s “receipt of the” (summary removal) “order” prior to the WCSO conducting a lockout incident to a summary eviction, where page 16 thereof (which, again, was excised by either the RMC in providing such to the SBN, or by the SBN, but clearly not by Coughlin in faxing such to the RMC as the fax headers and pagination therein tell the tale and lock the SBN and RMC in a finger pointing contest where such excised page 16 reads:

“This whole business about “The court may thereupon issue an order directing the sheriff or constable of the county to remove the tenant within 24 hours after receipt of the order...” Is inapplicable to this situation, where an Order Granting Summary Eviction was signed by October 27th, 2011. That language is only found in situations inapplicable to the current one. NRS 40.253(3)(B)(2), and NRS 40.253(5)(A) are the only sections of NRS 40 where this “within 24 hours” language occurs, and those situations only apply where, in: 40.253(3)(B)(2): “ 3. A notice served pursuant to subsection 1 or 2 must: ...(B) Advise the tenant: (2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to remove the tenant within 24 hours after receipt of the order” and 40.253(5)(A): “5. Upon noncompliance with the notice: (a) The landlord or the landlord’s agent may apply by affidavit of complaint for eviction to the justice court of the township in which the dwelling, apartment, mobile home or commercial premises are located or to the district court of the county in which the dwelling, apartment, mobile home or commercial premises are located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to remove the tenant within 24 hours after receipt of the order.” The way these summary eviction proceedings are being carried out in Reno Justice Court presently shocks the conscience and violates Nevada law. There is not basis for effectuating a lockout the way WCSO’s Deputy Machem did in this case. The above two sections containing the “within 24 hours of receipt” language are inapplicable, as those situations do not invoke the present circumstances, where the Tenant did file an Affidavit and did contest this matter to a degree not often seen. To require Nevada’s tenants to get up and get out “within 24 hours” of “receipt of the order” (what does that even mean? The use of terms like “rendition”, “rendered”, “notice of entry”, “pronounced”, is absent here, and this “receipt of the order” language is something rarely found elsewhere in Nevada law-see attached DMV statutory citations, and in employment law litigations where one must file a Complaint within 90 days of “receipt” of a Right To Sue Letter, a situation which follows NRCP 5(b), and NRCP 6(e) in imputing receipt of such a letter, when actual receipt is not shown, by applying a “constructive notice” standard that relies upon the days for mailing extension of time for items served in the mailing, etc.). In Abraham v. Woods Hole Oceanographic Institute, 553 F.3D 114 (1st Cir. 2009), The record did not reflect when the plaintiff received his right-to-sue letter. The letter was issued on November 24, 2006. The court calculated that the 90-day period commenced on November 30, 2006, based on three days for mailing after excluding Saturdays and Sundays.”

Meanwhile, at bates 703 Page 17 of Coughlin's 3/5/12 Motion to Dismiss in 26405 and at bates 724 an illegible reproduction of page 39 of 40 page fax to RMC from Coughlin with WCSO Stuchell's admission that Deputy Machen's Affidavit of Service is incorrect where it alleges Coughlin was "personally served" where version included by King in 4/16/12 23 Exhibit presentation to NNDB Screening Panel excised such page.

25 "Date: Wed, 14 Dec 2011 16:26:47 -0800

From: RoperJ@reno.gov

To: ZachCoughlin@hotmail.com

Subject: Message left on 12/13/2011

Mr. Coughlin,

I received your message that you left on my phone on December 13, 2011 in regards to a complaint against Marshal Menzel. The Marshal Division takes all citizen complaints seriously and investigates all complaints received in writing or verbally. However, I would need more information from you prior to moving forward with an investigation. I encourage you to come to the court to obtain a statement form, or contact me directly should you wish to pursue this matter. As to your request to obtain a copy of Marshal Menzel's personnel file, I am unable to provide that to you without a valid subpoena or warrant.

You also stated you were attempting to obtain a copy of your Judgement of Conviction from Dept. 4, specifically Veronica Lopez, you can reach her at 326-6673. I am aware that a copy of your Judgement of Conviction was provided to you and booked into your property on the night you were arrested. You are entitled to another copy should you wish.

Thank you, Justin Roper Chief Marshal/Department of Alternative Sentencing,
Reno Municipal Court 775- 334-1254"

"Subject: RE: Message left on 12/13/2011

From: Zach Coughlin (zachcoughlin@hotmail.com)

Sent: Wed 12/14/11 6:52 PM

To: roperj@reno.gov; fiskg@reno.gov; ballardd@reno.gov;
renomunirecords@reno.gov

Dear Chief Marshal Roper, and the RMC,

Thank you for your quick reply. I actually requested a copy of some documentation related to my complaints about both incidents with Marshal Menzel be placed in his employment or personnel file, not that you provide me a copy of his file. I would like one, or a copy of any complaints against any Marshals, but I realize a subpoena would likely be required to have any chance at that. Negligent Training, Hiring, Supervision.

I never received a copy of the Contempt Finding and Guilty Verdict/Judgment/Order or whatever from the 11 30, 2011 Trial before Judge Howard in 11 CR22176 2I, though "Veronica" (no one will tell me her last name, but she works closely with the RMC Judges) said the only "service" of those Orders that was ever attempted on me occurred while I was handcuffed, after which point some Marshals (I did not catch their

names and they manhandled me roughly into handcuffs, refusing to even let me save my notes on my laptop at the sudden conclusion of Judge Howards Order and Contempt finding. This is truly reprehensible to not even let me save my damn notes and act like I was some perp who just knocked of a god damn liquor store with a firearm. Some people need to get a grip inside. Please place a copy of this written complaint against whatever Marshals were involved in that in their employment/personnel files as well. Please provide me a copy of any complaints you have received against any Marshals.

I would like a copy of the 11 30, 2011 Order and the audio of the Trial. I believe you have a duty to find out what those Marshals did with this document that "Veronica" alleges they attempted to serve on me, though, even 14 days after the Trial, the "docket" in the RMC filing office still contains no Order, no mention of an Order, and certainly no Proof of Service of anything of the sort, nor have they responded to any of my documentation requests or a request of the audio of the Trial of 11 30, 2011, despite an exigent need for such to prepare Relief from Judgment Motions that have deadlines of 10-20 days from "service" of the "Order", and who knows how that will be measure. Why it was necessary to cost the public a bunch of overtime pay for the 5 or so Marshalls, and who knows how many court staff to stay until nearly 9pm on 11 30, 2011 to complete this "Trial", and how it was such a damn emergency, especially where Richard Hill was able to get a continuance because he was going to be on vacation in the trespass case against me 11 CR 22185 2I, despite the fact that Lew Taitel never receive my consent to such a Motion for Continuance, and further Taitel was arguably conflicted out of representing me considering his "association" with Nevada Court Services and the torts the committed against me, which resulted in a lawsuit being filed against them, or at least an IPF Petition and Proposed Complaint in District Court, prior to Taitel's appointment and representation. If the RMC can afford all that damn overtime for everyone, why couldn't it appoint me a defense attorney in RMC 11 CR 22176, especially where Judge Howard ruled, not 20 minutes into Trial that he was finding me in Contempt of Court and would decide the sentence (which obviously included a possibility of incarceration) at the conclusion of the Trial?

Further M. Menzel clearly bumped Donna Ballard out of the way in his zeal to establish dominance of me, a person who was providing absolutely no resistance at the time. Menzel went on to start order me to leave the premises after my conversation with Ballard and the file clerk was done. Duh, Menzel, it was 5:00 pm or so "closing time" what do you think I am going to do, hang out and chill with you guys? Look at the Notice of Hearing or Docket in RMC 11 CR22176 2I (I am also hereby requesting a copy of the audio or video of the hearing from the RMC) and the hand written interlineations I made on the document M. Menzel provided me in court on 10 11, 2011, where I mention the problems associated with asking questions about my Sixth Amendment Right to Counsel where only the possibility of jail time exists. I asked Menzel at that time a question about the process and he got very angry, threatening, and insulting with me, then later, criticized my appearance before Judge Gardner, I believe he said I was "sarcastic" and or rude to the Judge in the same way I had been to Menzel himself. I submit that citizens trying to access justice should not be taken as a personal affront to RMC employees like Menzel, and that he needs to strongly consider how he comes across to the public when he acts the way he does, and

carries a firearm, color of law, a badge, and apparently, the blessing of the RMC in carrying out behavior that seems more fitting for a nightclub bouncer than a Marshal. Further, the video played at arraignments is overly hostile and threatening in my opinion, especially the parts where Judge Gardner makes statements on the "extremely" poor choice it would be to represent one's self pro se and all these tones and words used that make it sound like pro se defendants will be punished for not either copping a plea or going with one of the "four former prosecutors" who are now drawing a paycheck from the RMC/Citizenry to fulfill the Sixth Amendment. I am something completely other than impressed with the work done by Lew Taitel, Esq. for me in RMC 11 CR 22185 2I, in that regard. Why shouldn't defendants in the RMC, after viewing the arraignment video and receiving representation like that which I received from Taitel, feel like lambs being led to slaughter? Baah, baaaaaaaah! Two other Marshals were there yesterday when Menzel was berating me, I would like their names, please.

Now, just awhile ago, "RMC Court Transcriptionist Pam Longoni" called me on the phone ("while driving" according to Ms. Longoni) and informed me that the RMC must permit her access to the audio files, and that, while she is linked into "their system" (meaning the RMC's), the RMC must take some additional step to allow Ms. Longoni to access the audio files and continue with the process of tending ot a request for a Transcript on Appeal. I was told by a female RMC counter clerk that I would not ever be provided a copy of the audio recording of the 11 30, 2011 Trial, but that I may purchase from Ms. Longoni an official transcript, and that "appeal transcripts are billed at \$4.10 per page" etc. and that a substantial deposit would be required, and that "No Transcript is considered to be official ordered, and commencement of transcription will not begin, until receipt of the required deposit..." I asked Ms. Longoni to inform me of everything I must do or pay to have the transcript deemd officialy ordered and she informed me that she could not tell me that, despite the apparent hard and fast deadlines applied to ordering, officially, such a transcript, with the RMC in an Appeal context, until the RMC allowed Ms. Longoni to access the RMC "system" and view/hear the audio of the 11 30, 2011 Trial in 11 CR22176 2I. Ms. Longoni angrily hung up the phone on me and is now not returning my calls and has failed to respond to my request that she inform me, in writing, as to where to send money or a deposit or anything else required for the transcript. I have yet to receive a fax from the RMC's "Veronica" (whose last name has repeatedly been denied to me) despite her angry assurances on the phone on 12 12, 2011 that she would finally hae the RMC attempt to appropriately (or almost appropriately) serve me a copy of the Contempt Finding and Guilty Order stemming from the 11 30, 2011 Trial in RMC 11 CR 22176 2I. Please have this request and communication reiterated to whoever it concerns at the RMC, and have such a copy of those documents emailed, faxed, and mailed in the US Postal Service mail immediately. Further, please do the same with respect to the audio of the 11 30, 2011 Trial in RMC 11 CR 22176 2I, and of course I will pay a reasonable cost for the cd to the extent my IFP is not granted. The RJC and Washoe District Court charge about \$30 per cd. The also provide copies of the dockets in cases without demanding a subpoena force them to first. Please ask the gentleman Ms. Ballard saw me working with yesterday what he said in that regard about providing me a copy of anything, much less the docket in either RMC 11

CR 22176 2I or RMC 11 CR 22185 2I.

I believe I am entitled to a copy of the audio recording quickly, whether or not a transcript has been officially ordered, for the purposes of appeal or for any other purposes. I believe in something called "transparency" in government. Sunshine.

Let me ask you a question: If a Judge told you to jump off a bridge, would you? It is my belief that Judge Howard ordered everyone to clear the courtroom, including a female, shortly after my 11 20, 2011 Trial began and it became clear that I was not going to lay down meekly for the Court, or for Wal-Mart, or for the Reno City Attorney. 2 million of my people starved to death during a "Great Famine" between 1848-1850 in Ireland, despite being surrounded by water and fish, where the English were arresting Irishmen who attempted to save their families and their own live's by fishing. I will be fishing here, gentleman. Deal with it. I want that recording, for, among many other reasons, to see if Judge Howard merely asked those who might be called as witnesses to leave or whether he demanded every member of the public leave before he sent me off to Guantanamo, er, I mean the Washoe County Detention Facility after the Military Tribunal, er, the Trial in RMC. Interestingly, while at the Washoe County Detention Facility, I have been made to strip naked while being videotaped, wear a green dress for days on end, go without a toothbrush for days, refused any opportunity to make phone calls to protect my clients cases from prejudice, forced to spread apart my buttocks and allow an overly long look at my anus by Sheriff's Deputies, and further, I was forced to submit to a position on my knees in the immediate vicinity of two Sheriff's Deputies crotches in some sadistic forced simulation of performing oral sex upon those men. Rico/Negligent Hiring, Training, Supervision, 42 USC Sec. 1983 Deprivation of Civil Rights Under Color of State Law, etc., etc. Qui Tam, Whistleblower. Mr. Roper, I doubt a Federal Court Judge would require that I have come obtained a Statement From you to complain about any Marshal's conduct. I am pretty sure this and my other correspondences have placed you on notice.

Sincerely,

Zach Coughlin, Esq. 817 N. Virginia St. #2 Reno, NV 89501 tel: 775 229-6737 fax: 949 667 7402 ZachCoughlin@hotmail.com Nevada Bar No: 9473"

26 Judge Linda Gardner's Findings of Fact, Conclusions of Law, and Decree of Divorce (FOFCOLDOD) in DV08-01168 of 6/19/09 held:

2JDC Judge Gardner's 6/19/09 final Decree of Divorce excised only from Springgate's 5/21/09 Proposed Decree the attorney's fees award detailed in paragraph six of **Springgate's Proposed Decree**, (the language Judge L. Gardner excised therefrom read: "6. **ATTORNEY'S FEES**: The Court has the discretion to award attorney's fees in a divorce action, pursuant to NRS 125.150(3), and Love v. Love, 114 Nev. 572, 959 P.2d 523 (1998). There is further authority for fees pursuant to NRS 18.010(2)(B), and NRS 7.085. **Based on the above and foregoing, former counsel for the Defendant is ordered to pay attorney's fees in the amount of \$934.00 within thirty (30) days of this Order and Decree.**").

Instead, Judge L. Gardner's 6/19/09 final Decree of Divorce operated to amend and or supersede her 4/13/09 Order After Trial (the 11/14/12 formal disciplinary hearings NG12-0435, FHE3) to not contain vacate any such attorney fee award (and all the language the SBN King's quoted therefrom in his 4/13/09 Complaint) where such final Decree reads: "**Findings of**

Fact, Conclusions of Law, and Decree of Divorce ...9. The Court adopts, as Findings of Fact, each and every Conclusion of Law below, which by this reference are expressly incorporated herein. CONCLUSIONS OF LAW

4. COMMUNITY PROPERTY/DEBT.

B) Mr. Joshi's Vehicle: The 2005 Chevrolet Blazer **shall be considered as Plaintiff's sole and separate property and Plaintiff shall be responsible for the debt remaining thereon**. Since the car is worth about \$10,910.00 and there is \$15,009.75 due and owing on the vehicle, Mr. Joshi's assumption of this asset is to be considered as an undertaking of community debt of approximately \$4,100.00.

C) Ms. Joshi's car shall be considered as her sole and separate property and she shall be responsible for any debt remaining thereon. **Since no evidence was presented to the Court as to the value of the auto, either positive or negative, there is no value for this community asset**.

D) Son's Vehicle: This vehicle **is not considered as an asset** and will not be divided among the community.

E) Daughter's Vehicle: This vehicle is not considered **as an asset** and will not be divided among the community. (NOTE: Coughlin elicited testimony from Mrs. Joshi with respect to Mrs. Joshi being liable or cosigning for the daughters vehicle, which arguably is supportive of the alimony claim)...

J) **General Credit Card Debt**: There is **general debt** of approximately \$15,650.00 **which has been expended for community purposes**. Mr. Joshi has agreed to be responsible for this debt and the same **shall be considered** as his sole and separate responsibility. ...

L) **Medical Debt**: There is a debt due to St. Mary's Hospital for **\$6,735.00** and a debt to REMSA for \$500.00. Mr. Joshi has agreed to be responsible for these debts and the same shall be considered as his sole and separate responsibility. ...

N) General **Community Debt**: There **was no evidence to establish community debt**. Mr. Joshi **agreed to take the remaining community debt in his name** that is outstanding and the debt shall be his sole and separate responsibility. It should be noted that Mr. Joshi has likely incurred an unequal distribution of the community debt of the parties and the Court finds his testimony to be a compelling reason for making an unequal distribution of the community debt.

5. **Spousal Support**: The Court has found that Mr. Joshi is 51 and Ms. Joshi is 46; **the parties earn roughly equivalent amounts; the parties have been married 21 years but Ms. Joshi has always been employed during that time**; Ms. Joshi has a college degree; both parties are able to work; and after consideration of the net income, deduction of taxes, and **the amount paid in community debt** by Mr. Joshi, **an award of alimony in the amount of one dollar** (\$1.00) shall be awarded to Ms. Joshi pursuant to NRS 125.150, Wolff v. Wolff, 112 Nev. 1355, 929 P.2d 196, and Shydler v. Shydler, 194 Nev. 192, 196, 954 P.2d 37, 39 (1988).... IT IS SO ORDERED."

The **only other difference** between Springgate's Proposed Decree and the final Decree of Divorce Judge L. Gardner entered is found in paragraph 5: "5. **SPOUSAL**

SUPPORT: The Court has found that Mr. Joshi is 51 and Ms. Joshi is 46 and the parties earn roughly equivalent amounts and that, after consideration of net income, deduction of taxes, including the amount paid on paying off community debt, as set forth above, and in light of the fact the parties have been married for twenty-one (21) years and Ms. Joshi has always been employed during that time, inclusive of the fact that she obtained a college degree prior to marriage, both parties being healthy and able to work, **the Court does not believe that Ms. Joshi is entitled to an award of alimony**, pursuant to NRS 125.15(1)(A), Wolff v. Wolff, 112 Nev. 1355, 929 P.2d 196 (1996), and Shydler v. Shydler, 194 Nev. 192, 196, 954 P.2d 37, 39 (1988).

Witness the alterations to Springgate's Proposed Decree above in the final Decree of Divorce Judge L. Gardner ultimately entered: “5. **Spousal Support**: The Court has found that Mr. Joshi is 51 and Ms. Joshi is 46; the parties earn roughly equivalent amounts; **the parties have been married 21 years but Ms. Joshi has always been employed during that time**; Ms. Joshi has a college degree; both parties are able to work; and after consideration of the net income, deduction of taxes, and the amount paid in community debt by Mr. Joshi, an award of alimony in the amount of one dollar (\$1.00) shall be awarded to Ms. Joshi pursuant to NRS 125.150, Wolff v. Wolff, 112 Nev. 1355, 929 P.2d 196, and Shydler v. Shydler, 194 Nev. 192, 196, 954 P.2d 37, 39 (1988)”

However, **Judge L. Gardner's final Decree of Divorce would up highlighting the fact that Coughlin did, in fact, put on evidence supportive of an alimony claim**, the fact that the parties had been married 21 years, (where, at least under the “Tonopah formula” is over twice the ten years rule of thumb so commonly predictive in family court of whether there will be an award of at least some, or rehabilitative alimony, especially where there are children of the marriage. Judge L. Gardner's final Decree of Divorce altered the language in Springgate's Proposed Decree in a manner which accentuates such fact (which Coughlin argument during trial and direct examination of his client, Ms. Joshi, established, in Coughlin's making argument for an award of alimony that was, in fact, based in fact and law (in addition to Coughlin's insightful invocation of an ALR article providing support for the position that Springgate's proposed settlement was largely a chimera were a domestic duty is accorded greater protection under the law than unsecured third party credit card debt (“J) General Credit Card Debt: There is general debt of approximately \$15,650.00 which has been expended for community purposes. Mr. Joshi has agreed to be responsible for this debt and the same shall be considered as his sole and separate responsibility.” (and where Mr. Joshi's have a selection of credit cards in his name only, and for which only he had the Duluth Model “power and control” (how do you like that, CAAW? TWS? CIS?) to monitor or incur charges under, and for which there was no “documentary evidence” (where FHE3 originally criticized Coughlin for putting on only “testimonial evidence” to support the claim for alimony...which is similar to FHE3 alleging Coughlin “conducted no discovery” (which was not litigated, and where WLS and Elcano completely obstructed Coughlin's ability to disprove such, including refusing to allow Coughlin to access his former coughlinz@washoelegalservices.org email account or MS Outlook files) especially where Coughlin is not in privity with Ms. Joshi) where Springgate's retort to Coughlin's inquiring as to just what discovery Springgate himself conducted was met with the specious response that “I did my discovery in the 16.1” (see Springgate email to

Coughlin to support the blanket assertion that such “***J. General Credit Card Debt***” (which Judge L. Gardner stops short of “finding” to be “community debt” (especially where her final Decree specifically indicates “***there was no evidence to establish community debt***”; ***where such decision only underscores the legitimacy of the arguments Coughlin made during the trial*** respecting the attenuated chances any such unsecured third party credit card creditors, especially where such “general credit card debt” was divided amongst a number of cards such that no one account was sufficiently large to expect an extensive litigation proving some “doctrine of the necessities” basis for holding Mrs. Joshi personally liable for the credit card accounts for which her husband was the sole signatory sufficient to justify Coughlin joining Judge Gardner and Springgate’s immediately-before-the-trial-“Settlement Conference” (apparently, according to Springgate, a CMC counts as a second “settlement conference”) hard sell to his client, Mrs. Joshi seeking her approval, essentially, foregoing her right to appeal any adverse decision by Judge Gardner, especially as to her alimony claim (Mrs. Joshi was adamant at the time, that even a Siragusa, jurisdictional reservation was not satisfactory, and that she needed some actual, liquid, alimony...(see 54844, 53833... “shut up” and “don’t listen to your attorney” were said).

It is very interesting to compare the dates and individual listed in the various Certificates of Services in the Joshi matter post Coughlin’s suspension from WLS on 4/20/09 (the day after his written complaint to Elcano of a hostile work environment and other issues) incident to Judge L. Gardner’s work in FHE3, particularly with respect to the final Decree of Divorce and the impact thereof as to the Order After Trial presented at the formal disciplinary hearing as FHE3.

“REQUEST FOR SUBMISSION It is hereby requested that the Findings of Fact, Conclusions of Law, and Decree of Divorce being filed concurrently herewith be submitted to the Court for decision. **Additionally, counsel for Defendant has reviewed the decree and approved it as conforming with the Court’s Order.** DATED this 1L day of May, 2009. /s/ John P. Springgate, Esq. CERTIFICATE OF SERVICE Pursuant to NRCP 5(b), I hereby certify that I am an employee of THE LAW OFFICES OF JOHN SPRING GATE, and that on this date I personally served at Reno, Nevada, a true copy of the within FOR fully addressed to: Marc Ashley, Esq. Washoe Legal Services 299 S. Arlington Avenue Reno, NV 89501 X for mailing by first class mail, postage prepaid Dated this 21st day of May, 2009. /s/ Linda A. Knowlden”.

“From: Zach Coughlin [mailto:zachcoughlin@hotmail.com] Sent: Thursday, May 28, 2009 10:46 AM To: Marc Ashley; Deborah Pringle; Caryn Sternlicht Subject: FW: WDCR 9 Proposed Final Decree, RE: discovery requests Dear Washoe Legal Services, Please see my concerns in the emails below. The proposed Decree submitted by Mr. Springgate presents real problems for Ms. Joshi. Specifically the debt distribution is in no way referred to as being characterized as in lieu of alimony or given any similar treatment. There is a wealth of authority, some of which I have provided and some of which is contained in my emails to Mr. Springgate during the pre-trial phase of the Joshi litigation that spells out why this is disadvantageous to Ms. Joshi. Bankruptcy law specifically 532a(15) could potentially see Mr.

Joshi, upon the requisite showing, be discharged of the debt distributed in the decree and not forced to pay alimony. Sincerely, Zach Coughlin, Esq. (NOTE: thereafter Coughlin included his email to Springgate: ““WDCR 9 Proposed Final Decree, RE: discovery requests? From:

Zach Coughlin (zachcoughlin@hotmail.com) Sent: Sun 5/24/09 7:19 PM To: springgatelaw@sbcglobal.net Hi Jon, Have you submitted a Final Decree or Findings of Fact yet? Will you be providing me a copy. Apparently, I am not able to access efile for this case, so I assume that means you could not serve me such a document via efile. Do you intend to assert that I am not entitled to a copy of the proposed order, pursuant to WDCR 9? If I am, I have 5 days to object to it, etc...**I know we previously discussed language for bankruptcy concerns in our settlement discussion, but I feel it is important for the final order to specify what is for what so that any 523-a-15 or 523-a-5 issues do not become problematic**; granted she is WLS's client...**However, to the extent that the Final Decree spells out the sanctions, I believe I am entitled to 5 days to review any proposed Final Decree prior to your submitting it.** ...Can you respond to my earlier question, see below, **regarding whether you ever sent any discovery requests to Ms. Joshi?** Sincerely, Zach Coughlin.... “”

“RE: WDCR 9 Proposed Final Decree, RE: discovery requests? From: Marc Ashley (mashley@washoelegalservices.org) Sent: Thu 6/04/09 3:19 PM To: zachcoughlin@hotmail.com; Deborah Pringle (dpringle@washoelegalservices.org); Caryn Sternlicht (csternlicht@washoelegalservices.org) Zach, Sorry for the delay in getting back to you on this. I’ve been out of the office and this is my first day back. When summarizing the evidence in her order, the judge did mention that Mr. Joshi suggested that maintenance be kept open for 5 years as protection against his default on the debts he was ordered to pay. However, when she got to that portion of her order concerning maintenance, she specifically denied maintenance after reviewing relevant factors such as the parties’ relative ages, earning capacities and state of their health. Springgate recalls discussing the award of \$1 per year maintenance for 5 years so it could be revised to account for any default on his client’s part and also has said that he thought the provision was going to be part of the order. However, he feels that the clause cannot be included in light of the judge’s plain statement that maintenance is denied (I would assume also because it doesn’t benefit his client), **so the final decree was submitted as originally proposed. We have filed a motion to amend it on the basis of mistake or inadvertence.** Marc Ashley Staff Attorney Washoe Legal Services 299 S. Arlington Ave.” (NOTE: WLS's Ashley failed to provide Coughlin any copy of the Motion to Amend he references in his email, and the Certificate of Service on such Motion to Amend of 5/27/09 by WLS's Ashley does not list Coughlin amongst those to whom it was mailed)

WLS's Ashley's 5/27/09 **Motion to Correct Proposed Decree** somewhat incorporated the legal analysis Coughlin email to WLS on 5/26/09, where such reads: “MOTION TO CORRECT PROPOSED DECREE BHARTI JOSHI, Defendant/Counterclaimant, by her attorneys, Washoe Legal Services by Marc Ashley, objects to the form of the Findings of Fact, Conclusions of Law, and Decree of Divorce and moves that it be corrected because key provisions have been omitted through mistake, inadvertence or excusable neglect, as more fully set forth in the attached Memorandum of Points and Authorities. ...DATED this 26th day of May, 2009. /S/ Marc Ashley, Esq., Washoe Legal Services.

MEMORANDUM OF POINTS AND AUTHORITIES NRCP Rule 60 allows a Court to relieve a party from the terms of a final judgment, order or other proceeding on the grounds of mistake, inadvertence or excusable neglect. **Defendant in this case contends that the final decree was to have contained certain provisions to protect her in case Plaintiff fails to pay the indebtedness he has been ordered to pay. These debts are in Defendant's name and they will be asserted against her if he does not pay or files bankruptcy. Specifically, in its Order After Trial, page 6 lines 18-20, the Court notes that "to protect Ms. Joshi in the event Mr. Joshi filed for bankruptcy, Mr. Joshi suggested that the court maintain jurisdiction over the issue of spousal support for five years." It was Defendant's understanding that this was to be done through an award of maintenance of One Dollar (\$1.00) Per year for five years. If Plaintiff ceased paying the debts, she would then be able to request maintenance to offset the added payments.**

In discussing the form of the decree with Plaintiff's attorney, he was likewise of this understanding and maintained that the \$1.00 Per year language would be in the final decree. However, in preparing the final papers he noticed that the court denied maintenance altogether at page 11, lines 17-18, so did not include the expected language. **Accordingly, Defendant moves the court to amend the order to include an award of maintenance in the amount of One Dollar (\$1.00) Per year for five years, so Defendant will have recourse to protect her credit if Plaintiff defaults on the debts in her name. The debt on the car which is titled in Plaintiff's name and their daughter is also in Defendant's personal name. Defendant was of the understanding that Plaintiff was also to re-title the car in the name of Defendant and their daughter, and Defendant moves for amendment of the order to accomplish this.** Dated this 26th day of May, 2009. /S/ Marc Ashley, Esq.

CERTIFICATE OF SERVICE BY MAIL Pursuant to NRCP 5(b), I hereby certify that I am an employee of Washoe Legal Services, and that on th.. Day of May, 2009, I served the foregoing: MOTION TO CORRECT PROPOSED DECREE by depositing with the United States Postal Service, postage prepaid, at Reno, Nevada, a true and correct copy of the within document addressed to: Law Offices of John P. Springgate, Esq. 203 South Arlington Avenue Reno, NV 89501 /s/ Deborah Pringle, CP An employee of Washoe Legal Services"

So, where Springgate, the 2JDC, and WLS did not see fit to include Coughlin on numerous Certificates of Service (or, indeed serve him such documents, never mind WLS utterly failing to defend Coughlin, support him in having the 4/13/09 Order After Trial vacated, or allow him access to his email to Mrs. Joshi and others (including WLS employees whom Coughlin would need obtain checks from to send out discovery, etc., or those that prove Coughlin did in fact extensively research the issues involved in that case prior to taking the positions he took at trial), and the 2JDC removed Coughlin from the list of individuals able to access such case on eFlex, unless Coughlin paid an \$88 real party in interest first appearance fee (which WLS refused to pay on Coughlin's behalf), and Coughlin was not allowed to "appeal" the Order After Trial in that he is not considered a "party" (or in privity, really per Albany v. Arcata) it would hardly be just to absolve the SBN of its duty to investigate such "grievance" (the SBN was provided all the filings in DV08-01168 by Coughlin, in addition to all of those on file in 53833 and 54844 (as were all the members of the Panel) beyond simple taking such FHE3 from Judge Nash Holmes in her "box of materials" she collected and

submitted along with FHE8, her 3/14/12 grievance letter to the SBN and monkeying with the “date received” stamp the SBN affixed thereon to (as if such really throws one off a whole lot) indicate such was “received 3/15/12” with the “5” in “15” going through many, uh, *changes*, over the months and through the various iterations thereof. Further, both SBN Clerk of Court Peters, and King made statements and writing despite WDCR 9 requiring that Springgate had to have served “on any parties to the action and affected by the judgment” (so, Coughlin's not being “a party” entitles the Court, Springgate, and WLS to let Coughlin continue to litigate an appeal and then a Petition for Writ all the while being unaware that 2JDC Judge Gardner had entered an Order on 6/19/09 which vitiated completely the 4/13/09 attorney fee sanction.

It is entirely clear why Judge L. Gardner, Springgate, and WLS did not want Coughlin to be aware of the 6/19/09 Decree, specifically to the extent that the changes from the Order After Trial to the final Decree completely undermine WLS's rationale proffered for firing Coughlin, which rested entirely, (“sole reason” according to Elcano) upon Judge L. Gardner's since 4/13/09 Order After Trial, where Elcano, on behalf of WLS (see 60302, 60317) made the decision to terminate Coughlin employment, announcing such to Coughlin on 5/7/09, making the 6/19/09 date of entry of the final Decree of Divorce incredibly convenient for all involved except Coughlin...just so long as Coughlin does not become aware of the entry of such final Decree on 6/19/09, and so long as he is not aware of the extent to which the changes between the two completely vacate the sanctions, and, in doing so, eviscerate WLS's rationale for terminating Coughlin.

“From: zachcoughlin@hotmail.com To: springgatelaw@sbcglobal.net Subject: **discovery requests** Date: Mon, 18 May 2009 09:43:17 -0700 Hi John, Do you have any record of sending any discovery requests to Bharti Joshi? If so, could you indicate what they were and when and provide a copy? Sincerely, Zach Coughlin, Esq.”

Re: WDCR 9 Proposed Final Decree, RE: discovery requests From: John Springgate (springgatelaw@sbcglobal.net) . Sent: Tue 5/26/09 5:14 PM To: zachcoughlin@hotmail.com 1 attachment 20090526171158758.pdf (345.0 KB) 1. The proposed order was filed May 21. I have attached a copy via pdf. I kept it very sparse on the sanctions. 2. The bankruptcy concerns are not your issue, she is not your client. 3. I did my discovery in the 16.1.”

Coughlin's conduct therein, is made all the more understandable given the complaints to Elcano by then named “Tahoe Women's Services” upon Coughlin failing to satisfy “advocate” Cecilia Gonzalez's standard as to just how much he should have exhorted his then client Paula Haubl to proceed at the extension hearing for the order of protection she obtained against her husband, where Mrs. Haubl was extremely conflicted in that regard, and where Haubl actually spoke with and wrote to Elcano praising Coughlin's representation of her incident to Elcano conducting an investigation in response to TWS's written complaint against Coughlin, which Elcano refused to provide to Coughlin).

Such brings to mind the question, then how was Springgate's use of discovery, presentation of various forms of “evidence” (testimonial, documentary, or otherwise) sufficient to avoid a sanction, not to mention his “knowledge of procedural rules and rules of evidence” where Springgate, not Coughlin violated Judge L. Gardner's Pre-Trial order respecting the requirement to provide Coughlin a copy of the “more than ten exhibits” that Springgate offered,

“prior to trial” in a form that is “bound, tabbed, and indexed” (ironically, Springgate's violation of such procedural order (Judge Gardner's FHE3 takes Coughlin to task where he objected to such “then failed to cite to a specific rule”, despite there being no specific rule, but rather, such being law of the case incident to the Pre-Trial Order that Coughlin, not Springgate, complied with).

Indeed, Judge L. Gardner's Order of 7/15/09 further explained: “**Insofar as ... the award of attorney's fees,...the Court did not intend the award of attorney's fees to be included in the Decree of Divorce....**On May 13, 2009, a Motion to Strike was filed by John P. Springgate, Esq., alleging ... **there was no final judgment entered in this matter yet as the Order After Trial had not been memorialized into a Findings of Fact, Conclusions of Law, Judgment and Decree of Divorce**”.”

Given that, the stipulation to an Amended Decree between Springgate and WLS on 7/22/09, and **Judge L. Gardner entering an Order adopting such on 7/23/09**, along with Judge L. Gardner excising from Springgate's Proposed Decree the attorney fee award included therein.

Of course 2JDC Judge L. Gardner is annoyed with WLS's Elcano (like many people) incident to his taking her Order After Trial and using it for that which it was never intended. Regardless, Springgate's invocation of NRS 18.010(2)(b) is more than misguided, and clearly fails to support any view that the FHE3, 4/13/09 Order After Trial by 2JDC Judge L. Gardner is till at all operative (which it is not, clearly), especially where such was premised upon an original order that did not provide for alimony where the final Decree of Divorce indeed did so award alimony:

“102k194.44 k. Bad Faith or Meritless Litigation. Most Cited Cases Defendant did not bring or maintain counterclaims without reasonable ground, as would support statutory award of attorney fees to plaintiffs in their action for breach of contract; defendant was successful in his counterclaim for breach of contract, as reflected in supplemental judgment allowing him an offset against plaintiffs' judgment for loans that one plaintiff did not repay to defendant, and while defendant was not successful on his other counterclaims, he presented some evidence and testimony to factually and legally support them. West's NRSA 18.010(2)(b). Halls v. Phillips Slip Copy, 2010 WL 3838487 (Nev. 2010). In light of our decision to reverse in part the district court's grant of summary judgment in favor of respondents, we conclude that any award of attorney fees and costs under NRC 18.010(2)(b) is premature, and thus, the award must be reversed. Kahn, 121 Nev. at 479-80, 117 P.3d at 238 (reversing an entire fee award made under NRS 18. 010(2)(b) when a summary judgment was reversed in part and affirmed in part on appeal). Nev.,2010. Edwards v. National Credit Adjusters, LLC Slip Copy, 2010 WL 3838693 (Nev.)”

Further, had no alimony award ultimately been entered, Springgate's client would have arguably obtained a recovery exceeding \$20,000, therefore taking such out of the purview of NRS 18.010(2)(b).

But really, basically what happened was Coughlin filed his docketing statement in 53833 with the attachment thereto, and 2JDC Judge L. Gardner decided she did not need any of that, and that this was Springgate's and Elcano/WLS's problem now, and she undid her 4/13/09 sanctions Order by entering

“Additional Case Information” listed for original 11/14/11 date of bench trial indication: **“3 city witnesses had appeared for bench trial...DEFENDANT WAS IN CUSTODY AT TIME AND DATE OF BENCH TRIAL; DEFENDANT WAS TRANSPORTED BUT NOT BROUGHT INTO COURT...BAIL FORFEITURE CANCELLED”** where such references RMC Judge Howard's having revoked Coughlin's bail, setting it at \$1,000 where such is normally \$360.00 on 11/14/12 upon Howard allegedly believing Coughlin failed to appear. However, this 11/15/11 Notice Setting Trial proves that Howard was aware that Coughlin did not fail to appear, incident to which the “BAIL FORFEITURE CANCELLED”, however, in denying the Motion for Continuance Coughlin submitted on 11/29/11 (where this 11/15/11 Notice Setting the Trial Date was not appropriately served on Coughlin in that it was mailed to the very “121 River Rock St.” address from which Coughlin had informed the RMC he had been wrongfully summarily evicted via his 10/26/11 “Application and Affidavit for Appointment of Legal Defender” thereof (as such the 11/30/11 Trial violated Coughlin's due process rights and the Judgment of Conviction and Order Punishing Summary Contempt are void.

(further evidence of the fact that 22176 was so patently devoid of due process as to render such conviction invalid is demonstrated where Coughlin filed on 11/29/11 a Subpoena commanding the appearance of a certain Wal-Mart employee/manager, whom failed to appear, where no continuance was granted in light of such and where no contempt procedures were thereafter followed; further, RMC Judge Howard's 12/22/11 Appeal Bond Order is inconsistent with his 10/27/11 Order Denying Appointment of Legal Defender and 12/15/11 Order Denying Defendant's Motion to Proceed In Forma Pauperis, Motion for Publication of Transcript at Public Expense, Motion to Vacate, and Recusal, etc. where such 12/22/11 Appeal Bond Order applies the \$360 (no \$100.00 credit given to Coughlin for serving two days in jail on such charge, in a departure from the usual custom and practice in the RMC, where such departure was also demonstrated by Judge W. Gardner in the criminal trespass case where Coughlin served three days in jail (typically given \$100.00 credit per day spent in jail as an offset of the normal bail schedule, which for criminal trespass in the RMC at such time amounted to a \$310.00 fine, where Judge W. Gardner converted the entirety of the \$310.00 bail (as set by the RMC Bail Schedule) Coughlin posted on 11/15/11, and attempted to mislead in announcing he was giving Coughlin credit for “three days time served” (while technically a misdemeanor may result in up to \$1,000 fine, Judge W. Gardner's departure from the RMC's own bail schedule and usual custom and practices is yet another marked example of his wholly unprofessional and patent bias on full display, as though the appearance of impropriety (at best) that his insisting on remaining on such case is possibly balanced by anything to be gained by his remaining on it other than his maintaining a fine position to exact a vindictive revenge on Coughlin incident to Judge W. Gardner's sister's FHE3 Order being the subject of a mandamus petition by Coughlin, even where WLS had announced it had fired Coughlin solely in response to 2JDC Judge Linda Gardner's Order...such conflicted, biased, base, vindictive, piling on is an embarrassment to the judiciary (at which time Coughlin was forced to pay a cash bail on the three charges (8/20/11 iphone petty larceny arrest in the RJC RCR2011-063341, 9/9/11 Wal-Mart candy bar petty larceny arrest in the RMC in 11 CR 22716, and 11/13/11 criminal trespass arrest in the RMC in

11 CR 26405) totaling \$1,350, which Coughlin repaid to his then client Peter Eastman (Coughlin was literally forced to engage in such arrangement with his client to avoid prejudicing Eastman and other client's affairs where RMC Judge Howard committed judicial misconduct in denying Coughlin any stay whatsoever of the shameful and ridiculous summary incarceration he order on 11/30/11) upon Eastman putting up the \$1,350 to bail Coughlin out on all three charges, where Coughlin was informed by the RMC that the \$2,275 he was wrongfully forced to deposit under a fraudulent application of NRS 118A.355(5) in a no-cause summary eviction where even had Judge Sferrazza had any right to inquire into rent owing, and even had any testimony or evidence been offered in that regard where the landlord failed to appear at the 10/13/11 summary eviction proceeding at which such rent escrow deposit order was made, NRS 118A.360 and other basis (including an express "proportionate reduction of rent" provision in the lease applicable to a variety of circumstances availing thereunder) more than off-set any such rent amount Judge Sferrazza deemed owed).

Upon Eastman bailing him out on 11/15/11, Coughlin drove straight to the Postal Station where the Certified Mailing the RJC utilized to return Coughlin such \$2,275 rent escrow deposit was signed for and retrieved. However, cashing such check was made more difficult by Hill withholding Coughlin's wallet (and identification therein). However, Coughlin cashed such check and paid Eastman that same day all the amount Eastman put up for the cash only bail (\$1,350) (where, subsequently, upon the \$465.00 bail required at such time for the 8/20/11 iPhone arrest in the RJC in RCR2011-065630 being ordered returned, in December 2012, Eastman realized a windfall in receiving such back less charges for "witness fees" that RJC Judge Sferrazza placed upon Coughlin despite his having failed to grant a continuance to Coughlin or institute contempt procedures upon material witness Nichole Watson failing to comply with Coughlin's lawfully issued subpoena properly served pursuant to NRS 174.345). The transcript of the 11/19/12 trial date in the iPhone petty larceny trial further reveals the egregious judicial misconduct Judge Sferrazza (whom Eastman claims to have been a tribal court bailiff for and where Coughlin filed a Motion in the RJC on 11/27/12 that the RJC failed to transmit in the ROA in the appeal thereof in CR12-2025 that moves to disqualify Judge Sferrazza based on the information Eastman had only just revealed to Coughlin that month (at which time Eastman and Coughlin also discussed the SBN's violations of SCR 121, which was apparent in early March 2012 upon Eastman accusing Coughlin of having been "banned from filing anything in the bankruptcy court) the substance of which was Eastman had been told "by friends in the courthouse" (Eastman is a former WCSO Deputy whom left such position in approximately 2009 to become an insurance salesman), that Judge Sferrazza "had it in for" Coughlin and was "out to get" Coughlin, in addition to the allegation by Eastman that Judge Sferrazza has a terrible problem with alcohol and that Eastman, on many occasions, was forced to drive a too inebriated to drive home Judge Sferrazza home after a day spent intoxicated adjudicating matters in the tribal courts, where Eastman was his bailiff at times.

RJC Judge Pearson, upon becoming Chief Judge in January 2013 (though, inappropriately, then 2012 Chief Judge Sferrazza's shameful 12/20/12 Administrative Order 2012-01 lists Judges Clifton, Sferrazza, and Pearson as having previously "admonished" Coughlin ("WHEREAS, ZACHARY BARKER COUGHLIN has been a party in both civil and criminal matters before this Court including cases before the Honorable Peter Sferrazza, the

Honorable Scott Pearson, and the Honorable David Clifton wherein Mr. Coughlin has been admonished for failing to follow the Court's orders and directive; “” such Order reads at page 1:10-14 thereof) (which is patently untrue as to Judge Pearson, as the only appearance Coughlin had up to that date of 12/20/12 before Pearson were a 7/31/12 hearing incident to a wrongful summary eviction in RCR2012-001048 (where, troublingly, the 10/10/12 89 page document Coughlin submitted for filing (which is “filing” technically) is not in the RJC's file more is such notated in the NRS 4.240 docket for such in the RJC, though the RJC absolutely was provided such for filing via the manner in which it holds itself out as accepting filings and has previously accepted filings by: “Outbound fax report From: Voxox (noreply@voxox.Com) This sender is in your safe list. Sent: Wed 10/10/12 12:31 PM To: zachcoughlin@hotmail.Com Hi zachcoughlin, Your Fax was successfully sent to 4ba59639-c27b-4b42-9ed8-cf4e3de3a37dgeneral693298 (1775**3256715**). Your Fax was delivered @ 07:31:18 PM on 2012-10-10” <http://www.scribd.com/doc/164813352/7-30-13-0204-62337-67980-1048-Ocr-RJC-Docket-as-of-Where-Coughlin-s-6-26-12-Email-to-RJC-and-Stancil-Was-Removed-From-Underneath-by-RJC-a9>) wherein Judge Pearson misstated Nevada law in allowing an unauthorized practitioner of law do far more than file and serve a “landlord's affidavit” in a summary eviction matter (<http://www.youtube.com/watch?v=m4h01ZfdTD4> <http://www.scribd.com/doc/164806512/8-21-12-0204-067980-1048-12420-Grievance-Against-NCS-to-SBN-Faxed-and-Emailed> <http://www.scribd.com/doc/164806199/4-12-12-Fax-to-SBN-OBC-Complaints-Grievance-FOIA-NRS-239-Screening-Panel-and-Kern-Attached-to-9-8-12-and-4-16-12-Email-Too-0204> <http://www.scribd.com/doc/164805975/3-19-12-0204-374-Email-to-Nvbar-Bar-Grievance-Reporting-About-Kern-and-Wnm> <http://www.scribd.com/doc/164811477/9-22-12-0204-62337-Rev2012-078432-Verified-Complaint-for-Illegal-Lockout-Against-Superior-Storage-LLC-9-22-12-Coughlin-v-Superior-Storage-LLC-Et-Al-1>), and a 10/2/12 hearing incident to Coughlin's 9/22/12 Verified Complaint for Expedited Relief from Illegal Lockout (where Judge Pearson countenanced the attorney misconduct of Coughlin's former co-worker at Holland & Hart where Rick Elmore, Esq., appears to have violated RPC 3.5A where his client snuck threw a summary eviction proceeding without notifying or serving Coughlin notice thereof in any way) and an uneventful 2/21/12 arraignment (where Dogan's failure to appear in violation of NRS 178.397 on 2/14/12 (a subject of Coughlin's 2/21/12 Motion to Dismiss in the RJC in RCR2012-065630 that is referenced as an example of Coughlin's incompetence in King's Complaint and which was emailed to King by RJC Judicial Secretary Lori Townsend on 4/11/12) (interestingly, during a 6/16/13 status conference incident to an allegation that Coughlin violated his probation in RCR2011-063341 by being the subject of an attack and wrongful arrest by RJC Bailif John Reyes on 5/23/13, Judge Pearson countered Coughlin's assertion that Dogan's 2/14/12 failure to appear for a gross misdemeanor arraignment where he was already listed as attorney of record violated NRS 178.397, which Judge Pearson dismissed as “not a critical stage” of the proceedings. Judge Pearson, as far as Coughlin knows, has failed to report the misconduct of either Dogan or Judge Sferrazza in violation of his Canon 2, Rule 2.15 obligation.

<http://www.scribd.com/doc/164806503/7-18-13-0204-62337-Email-to-2JDC-Clerk-Hastings-Records-of-Any-Grievance>

Further, Dogan and the WCPD's Officer fraudulently asserted that it faxed Coughlin

a Motion to Quash Subpoena in RCR2011-063341 on 11/7/12 where Coughlin never, at any time, received a fax of such from Dogan or the WCPD (or anyone). Regardless, Coughlin had never at any time provided Dogan either verbal nor written permission to serve him via facsimile, and the ugly irony of Judge Sferrazza Quashing Coughlin's subpoena on Dogan (whilst abusing his contempt power yet another time in threatening to have Coughlin "taken out of the room" incident to his ruling thereon if Coughlin did not "sit down" (where Coughlin had been presenting argument in opposition on such motion to Quash, and had not been told to sit down or cease so presenting argument up to that point, ie, such was an utterly unnecessary and ridiculous display of the intemperance and bullying which Judge Sferrazza carries out his judicial duties).

TRANSCRIPT OF PROCEEDINGS - Vol. I, (Pages 4:2 to 13:8) RENO, NEVADA, MONDAY, NOVEMBER 19, 2012, 9:15 A.M. **^.^** THE COURT: We're ready to go. What we're going to do first is supposedly remaining objections to the subpoenas. I have previously ruled on the motions for mistrial which was denied. The subpoenas, I ruled that with the exception of the attached subpoenas, all other subpoenas were either improperly served, improperly issued, unduly burdensome, were for witnesses or matters irrelevant to the trial and the merits in this case or did not specify what documents, if any, were being subpoenaed in the case of the Subpoenas Duces Tecum. So the following subpoenas are the only ones that are going to be honored today. The one for Nicole Watson, is Nicole Watson here? Okay. Was she served? Did you pay her or not witness fee? MR. COUGHLIN: Your Honor, you told me that was either waived or deferred. THE COURT: I did not say that. I said if you presented proof to me that I ordered that it be waived or deferred, I would consider that. I reviewed everything you furnished me; I did not see such a document. MR. COUGHLIN: I believe I have an audio recording on the record that we discussed my indigency. THE COURT: Well, I don't want to hear what you believe; do you have it cued up? MR. COUGHLIN: No, I don't. THE COURT: All right. I'm not going to do anything on that. Lucy Byington? I gave you until last Thursday to give me that. Lucy Byington. MR. COUGHLIN: I'll just enter for the record, your Honor, that I had a Bar disciplinary -- a full-day hearing. THE COURT: I understood that, but I gave you additional time so you could get that. MR. COUGHLIN: And Mr. Skau, I would like to preserve for the record, he lied to the court asserting that he was given I believe authority to serve me by e-mail for a hearing -- THE COURT: He was not -- MR. COUGHLIN: That's what he represented to me. THE COURT: And that was an additional service to make sure that you got it, sir. MR. COUGHLIN: That's not his representation. THE COURT: Colton Templeton? Okay. Mr. Templeton is here so we will honor that subpoena. Robert Dawson? Okay. Any proof that he was offered a witness fee or that I waived it? MR. COUGHLIN: I believe he hung up on me and you did waive it, it's on the record, your Honor. I've got the C D, your Honor. I'll testify under penalty of perjury that you did. THE COURT: Well, you'll have an opportunity later today. Sir, sit down. MR. COUGHLIN: I just need to correct for perjury's sake, your Honor, that I believe you reserved the right to make me pay it later if it wasn't outright waived. THE COURT: Austin Lichty? All right. Mr. Lichty is here so we will proceed with him. Any other subpoenas I've already ruled on? And I know Mr. Dogan is here, but I believe I ruled on your subpoena as well it was, if it was among those that I previously ruled on. THE WITNESS: Your Honor, am I free to leave?

MR. COUGHLIN: Your Honor, I do not believe anybody presented a subpoena on his behalf. Certainly the City Attorney doesn't represent the public defender. THE COURT: All right. Mr. Dogan, tell me why you want the subpoena quashed? MR. DOGAN: Your Honor, I filed a motion to quash the subpoena that was served upon me by Mr. Coughlin. There was no response, it's an admission that my motion is worthy. Also I have no knowledge of the facts -- MR. COUGHLIN: Your Honor, can we have him sworn if he's going to testify? THE COURT: Wait a second, sir. You sit down, he's an attorney. You are not, come on. Mr. Dogan? MR. DOGAN: Your Honor, I'm not a percipient witness. I have no personal knowledge of the -- THE COURT: I'm just trying to find your motion. You said you did file a motion with the court? MR. DOGAN: That's correct, your Honor. THE COURT: Do you know what date it was? MR. DOGAN: About two weeks ago, I believe. THE COURT: Okay. I have one from Mr. Skau. MR. YOUNG: Your Honor, I have a copy of Mr. Dogan's motion, if you would like to see it? THE COURT: I would but I'm sure it's in here. MR. YOUNG: It was filed stamped of November 7th, and I would was served a copy of this so that's how I have a copy. MR. YOUNG: Motion to Quash Subpoena Duces Tecum filed stamped November 7, 2012, at 10:24. THE COURT: I do have it, it was one of the first ones -- it is in the order. What it responds is that the material requested by the Subpoena Duces Tecum was previously furnished to Mr. Coughlin and further, that Mr. Dogan does not have that and I granted that motion.

MR. COUGHLIN: Your Honor, I was never served that. THE COURT: Never served what? MR. COUGHLIN: Well, I never received that. THE COURT: Well, sir, according to this, it was mailed to you or faxed. MR. COUGHLIN: It was faxed? THE COURT: And the subpoena you served him with wasn't about -- sir, on top of that, the subpoena you served him with wasn't a valid subpoena. MR. COUGHLIN: I'm going to note for the record that my attorney, Brian Dogan, is smirking at me menacingly. THE COURT: I would say it's not menacingly. MR. COUGHLIN: I think he's changed his expression since you -- MR. YOUNG: Your Honor, could we move on? THE COURT: I think he has smiled, and there's no rule against smiling. Anyhow, sir, that subpoena is quashed for the reasons stated in the motion but for the further reason that the document that you served him with was not a valid subpoena. MR. YOUNG: For the record, I'm showing Mr. Coughlin a copy of the motion. MR. COUGHLIN: Your Honor, just for the record, I believe notice an opportunity to be heard dictates -- THE COURT: You had notice and opportunity to be heard, sir, and I've ruled and we're done. THE WITNESS: I was not served this, your Honor, and even if he did fax it which I don't believe is accurate, that's not appropriate service. THE COURT: Sir, I furnished you everything in this file, and you had the opportunity to review it. MR. COUGHLIN: When you did furnish me everything in this file? THE COURT: At the last hearing we had in this case. MR. COUGHLIN: No, you didn't. You printed off a docket sheet. THE COURT: Yes, which shows -- MR. COUGHLIN: That's not everything in the file. THE COURT: No but it listed everything in the file. Sir, I'm not going to argue with you. If you have something to add, go ahead and add it. Add it right now -- MR. COUGHLIN: You furnished me everything in the file? THE COURT: No. I furnished you a list of everything that was in the file. MR. COUGHLIN: Okay, that was October 22nd. This is November 7th. THE COURT: I understand but you were given extra time to respond to the subpoenas. The issue

before me was that I had quashed everything pending the review, and you were given an opportunity to show me proof that those were valid subpoenas. You had that subpoena or if you didn't have the subpoena, it never existed, sir. Did you not -- MR. COUGHLIN: You ruled on --

THE COURT: Did you not purportedly serve Mr. Dogan with a subpoena? MR. COUGHLIN: I didn't personally. THE COURT: No, but did you draft it up? MR. COUGHLIN: That doesn't notice to me that he filed a motion to quash. THE COURT: I'm not talking about the motion to quash. I was ruling on all the subpoenas that you had attempted to serve or served and I told you that. MR. COUGHLIN: I wasn't noticed that the hearing would be about that. THE COURT: Yes. You were noticed that by Thursday, you were to furnish me with all your points and authorities, all of your evidence that those were valid subpoenas, every subpoena, including that one even, if you hadn't made a motion. MR. COUGHLIN: Even if I hadn't made a motion? THE COURT: Even if he had not made a motion to quash it. There were lots of people who didn't make motions to quash their subpoenas. MR. COUGHLIN: You quashed it because -- THE COURT: Because they were either -- I told you directly that you would have to present proof that they were subpoenas validly issued by the court and properly served. As to the subpoenas that you furnished me with the documentation you furnished me, I found that those attached to my order were the only ones that were either validly served or properly executed. Now, the problem is in addition to that, I reserve ruling on whether or not the witness fees were properly proffered. You were given an opportunity to present that to me, and you still haven't done that. Anyhow, Mr. Dogan's subpoena is quashed. MR. COUGHLIN: If I could just do an offer of proof for the record. He has refused to tell me much in the way of his communications with Dorothy Nash Holmes. MR. YOUNG: I object, your Honor. THE COURT: That's irrelevant to this case and I have -- it's irrelevant. Sit down or you will be escorted out of the room, Mr. Coughlin. Mr. Dogan, you're free to go. All right. Are we ready to go Mr. Coughlin? Not Mr. Coughlin, Mr. Young?"

TRANSCRIPT OF PROCEEDINGS in RCR2011-063341 of 11/19/12- Vol. I, (Pages 21:19 to 28:4) MR. COUGHLIN: I'll call Officer Duralde. THE COURT: I'm sorry? MR. COUGHLIN: I'll call Officer Duralde. THE COURT: Okay. Where is the subpoena? MR. COUGHLIN: I believe I had to give it to you, your Honor, and then I couldn't get it back in time to serve the rest of them on Friday because I called the court and asked for them but the order wasn't ready, that was after delivering them to the court on Wednesday I believe. THE COURT: Sir, I will allow you to come up here and look at these. Mr. Young can go through them one at a time. Show them to Mr. Young as you go through them because -- MR. COUGHLIN: And just on that note, I don't see Ms. Watson here. THE COURT: I think I already called her. MR. COUGHLIN: But you didn't quash her subpoena, sir. MR. YOUNG: Your Honor, we shouldn't have any discussions at the bench. This is just for him to review the subpoenas. THE COURT: This is just for you to identify the subpoenas that you claim were properly issued and served. I believe this might -- MR. YOUNG: I would ask that we don't have any conversations at the side bar, it needs to be recorded. THE COURT: You, sir, just show me the subpoena that you claim was served. These are the ones you've already been furnished. MR. COUGHLIN: You say I've been furnished meaning? THE COURT: These are the ones that are attached that I said were

properly served, but I was reserving ruling on whether or not you had proffered the witness fee as required by -- these are all attached to the order, sir.

MR. COUGHLIN: Yes, sir, and I think I was given that order this morning. THE COURT: Well, you were sent it last Friday by your preferred method of service. MR. COUGHLIN: I'm not seeing any of the officers in here. THE COURT: These are Subpoenas Duces Tecum in which no documents were specified. MR. COUGHLIN: That one doesn't say Subpoena Duces Tecum I don't believe. THE COURT: These weren't served. MR. COUGHLIN: I believe they were. THE COURT: There's a Subpoena Duces Tecum with no documents specified. MR. COUGHLIN: There was the matter of this inclusion in what was mailed was set forth all the R P D case numbers that was I was requesting. THE COURT: What about them? MR. COUGHLIN: It says exactly what specific documentation I'm requesting. THE COURT: Well, I'm sorry, sir, it's not attached to this. It's not filed with the court, as required by the rules, and I've already ruled on it. MR. COUGHLIN: Okay. And all these were -- well, this one wasn't because I couldn't get it back from the court after delivering on Wednesday one day after my State Bar hearing where they were going to disbar me. THE COURT: You didn't deliver these to the court on Wednesday. They were delivered Thursday at almost 5:00 o'clock. I waited for them to come in. MR. COUGHLIN: Was the 14th Wednesday? I know it was the day after the 14th. THE COURT: The 15th was Thursday. MR. COUGHLIN: Okay, yes, sir. I'm sorry, I was mistaken in that regard. But the R P D ones that are the Subpoenas Duces Tecum ones, they would be right here. Savannah Montgomery, dispatcher, Ron Rossa and Alexa and Mr. Weese, it's my understanding those were appropriately served under N R S-174.345, And I've not seen any of those witnesses here today. I would move for a continuance. THE COURT: Well, where is the one for Officer Duralde? The same problem, Officer Duralde is not in here by the way. MR. COUGHLIN: My understanding is that I included that in the envelope. I don't want to misspeak. I don't believe he was served the original but his was on --

THE COURT: The bottom line is that you have the right requested order to show cause if you show proof and you proffered them the witness fee. MR. COUGHLIN: Your Honor, you told me I didn't have to proffer them the witness fee. THE COURT: I did not tell you that. You told me I told you that. MR. COUGHLIN: Yes, I've asserted that under oath. THE COURT: Okay. MR. COUGHLIN: And it's not been rebutted by Mr. Young who was there I believe. THE COURT: I'm sorry? MR. COUGHLIN: It's not been rebutted by Mr. Young. THE COURT: It's been rebutted by me. I said that you had to furnish me proof by Thursday. You have not, the transcript. MR. COUGHLIN: A typed-out transcript? THE COURT: No. All you had to do was refer to the line of the audio. I told you all that. I'm not going to waste any more time. MR. COUGHLIN: And earlier you asked me if I had it keyed up. If I had it keyed up now, can I show it to you? THE COURT: If you have it keyed up, yes. MR. COUGHLIN: Or I can show it to you later? THE COURT: You can show it to me later but right now, you need to proceed with your trial, sir. We've been here for almost a half hour and as far as I'm concerned, you've accomplished nothing. MR. COUGHLIN: And, your Honor, the last point of issue would be that I was finally given the materials that Mr. Leslie refused to give me, even though he had subpoenaed them from ECOM on October 3rd, and those materials include the dispatch recordings between Reno P D and ECOM and I believe it

demonstrates misconduct in that Mr. Young has asserted to this court, in filings and through argument and by eliciting testimony, that -- I believe it's the basis for a mistrial that the information from dispatch was that there was a possible fight. I have those recordings. There's no indication of a possible fight being communicated to the Reno P D either in the dispatch log or in the recordings. MR. YOUNG: I would object to that being untimely, and there's no basis for it other than his statements.

THE COURT: Well, I don't even know what he's asking for so it's denied. MR. COUGHLIN: I have the audio recording between dispatch and the Reno P D. The whole point of the suppression hearing which you reserved the right to retain -- enter a ruling on still is that part of the basis -- the main basis for the pat down and the probable cause to do the search incident to arrest is that Mr. Young had repeatedly had said, possible fight, dispatch told him possible fight, disturbance, possible fight and it was just drilled into the record over and over again. THE COURT: That's not what I recall, sir, but you'll be able to argue that, that's a fact that I will need to rule on in determining your guilt or innocence. So let's move on."

Consider the violation of Coughlin's right to cross-examine Duralde in the context of Judge Sferrazza violating NRS 178.405 in the following from the 9/5/12 trial date in 063341:

"TRANSCRIPT OF PROCEEDINGS - Vol. I, (Pages 46:18 to 48:18) THE COURT: Well, we can have him examined again, but I do want to finish with this witness. He's been here multiple times. He's on the stand, and I believe that at least Mr. Leslie you can question him. So if you have any questions. BY MR. LESLIE: Q Yes. Officer, do you have any relation to the dispatcher that dispatched you to the scene in this case? A I don't recall who the dispatcher was but my wife is a dispatcher. Q And to your knowledge, was she involved in this case? A No. Q Okay, very well. Did you notice any inconsistencies when you arrived on scene between what the different witnesses were telling you had happened? A Not that I remember. Q Do you recall any inconsistency between Mr. Goble and Mr. Zarate, one saying that Mr. Coughlin had allegedly taken the phone from some third party that nobody knows who they are and then the other saying that Mr. Coughlin just picked the phone up directly from where it was lying? A It was my impression, at the time of the case, I don't have any recollection of the third party. I was later reading Mr. Zarate's statement and noticed that a third party was listed in it but at the time, I didn't have knowledge of that. Q I don't have any further questions. THE COURT: Mr. Young, any further questions? MR. YOUNG: No, your Honor. THE COURT: Okay. You're free to go. In light of the conduct of these proceedings and everything that's happened herein, I do believe there's at least a question as to Mr. Coughlin's competency going all the way back to the initial offer and what happened on the first day when we were here for the better part of an hour and a half. So I reluctantly will order another competency evaluation but this time, I am going to ask both counsel to provide the evaluator with any documentation or anything else they might have with respect to his competency and ask the evaluator to review his prior competency hearings, especially the one at NAMS when he went there and it's my understanding the same thing happened there as well."

RJC Judge Sferrazza's 11/8/12 Order in RCR2011-063341 reads: "EX PARTE EMERGENCY ORDER PENDING HEARING This matter has come before the Court based upon the following circumstances: A. The Reno City Attorney's Office ("RCAO") represents a

number of City of Reno employees who have been named in subpoenas. The RCAO contacted Court personnel on November 7, 2012 to request a time to appear for an order shortening time regarding a motion to quash and for protective order. Due to the proximity of the trial date in this matter, November 19, 2012, the Court directed the RCAO to file and serve its substantive motion and provide notice that the matter would be heard on November 8, 2012 at 9:00 am. The City of Reno filed its motion on November 7, 2012. B. At the hearing on this matter on November 8, 2012, Deputy City Attorney Craig Skau appeared on behalf of the RCAO and the City employees requesting protective relief. Zack Young was present in court. Mr. Coughlin did not appear. Mr. Skau represented that he was under the belief that the Public Defender's office represented ... Coughlin, that the Public Defender was served believing this was service upon Mr. Coughlin, that he learned Mr. Coughlin represented himself this morning and attempted to call and left a voice mail message with a phone number believed to be Mr. Coughlin's at 8:30 this morning. C. The Court is advised that the Public Defender, Jeremy Bosler and the City of Reno Chief Criminal Deputy City Attorney, Dan Wong, may also have received subpoenas and filed requests for relief similar to the RCAO's requests. . The Court read the RCAO's motion in preparation for the hearing. Due to the absence of notice to Mr. Coughlin, no argument was received on the merits of the motion. 11/3, 2012. TltACE v 4. -2- However, the Court finds that the RCAO's motion and supporting materials present a sufficient evidentiary basis to issue this Order. The Court deeming itself sufficiently informed and good cause appearing therefore, IT IS HEREBY ORDERED as follows: 1. A hearing on the merits of these matters is hereby set before this Court for 9:00 a.M. On November Oral presentations shall be limited to 10 minutes each. The Clerk shall notify Mr. Bosler and Mr. Wong of the hearing. 2. Any subpoena not properly issued by the clerk or otherwise not properly issued in accordance with NRS 174.305 Is hereby quashed. Any subpoena not personally served by a non-party or otherwise properly served in accordance with NRS 174.345 Is hereby quashed. The Court reserves its ruling on any other grounds such as relevancy or undue burden until the 12 hearing on the merits. 3. A protective order is hereby granted pursuant to ICRCP Rule 26(c), effective until the hearing on this matter on November 13, 2012, to the effect that upon service of this Order on Defendant Zachary Barker Coughlin, Defendant Coughlin shall not thereafter issue or cause to be issued or serve or attempt to serve or cause to be served any subpoena or subpoena duces tecum in this case unless he has first presented the proposed subpoena or subpoena duces tecum to the Court. For the Court's review regarding adequacy, relevancy and necessity of the subpoena or subpoena duces tecum, and sufficiency of the proposed method of service. Counsel from the Reno City Attorney's Office is directed to promptly attempt to 21 serve a copy of this Order and the RCAO's motion and any supplements by personal service upon Zachary Barker Coughlin at the address in the Court's file, 1471 E. 9Th Street, Reno, NV 89512, with a copy mailed to said address. Service shall also be attempted by email at "zachcoughlin@hotmail.Com" Dated this 8th day of November, 2012. /S/ Peter J. Sferrazza, Justice of the Peace""

11/19/12 transcript from 063341 reveals further the misconduct of both Judge Sferrazza and DDA Zachary Norman Young, Esq.: "TRANSCRIPT OF PROCEEDINGS - Vol. I, (Pages 205:2 to 217:3) NATHANIEL ZARATE EXAMINATION BY MR. COUGHLIN: Q Good afternoon, Mr. Zarate. Thank you for being here today, sir. I'm going

to -- let me ask you do you recall on the night in question, August 20, 2011, someone who you might have referred to earlier as "the man with the sixpack" holding the iPhone and offering it up to people in the park? MR. YOUNG: Your Honor, objection hearsay, it's the truest definition of hearsay, as I've objected to already. MR. COUGHLIN: And, your Honor, if I could just quickly offer a counter to that? THE COURT: Well, you can just ask him the question if he recalls -- you said, "That you testified to earlier." You asked him to recite testimony from a prior proceeding. MR. COUGHLIN: Oh -- THE COURT: I guess you can ask him the question if he saw someone hold up a phone. BY MR. COUGHLIN: Q Yeah. Did you see did someone hold up a phone that night? A Yes. Q He offered it up to the people in the park? MR. YOUNG: Your Honor, again I would object to that as hearsay. THE COURT: All right. Well, I'm going to overrule that because it was asked before and answered by this witness I believe. If not, it was answered by the officer, one or the other, because I heard that testimony and I have no way of knowing it except for that. MR. COUGHLIN: Yes, sir. BY MR. COUGHLIN: Q Mr. Zarate, will you answer that, please? A Yes, there was a man holding up the phone. Q Did the man say something to the effect of, "Somebody claim this phone or I'm going to throw it in the river." MR. YOUNG: Your Honor, I'm going to object to that. I know for a fact that has not been introduced in evidence and again, there's no -- I have not heard an exception to the hearsay rule provided by Mr. Coughlin and that very again clearly is hearsay. MR. COUGHLIN: And, your Honor, may I just offer a hearsay exception? THE COURT: What's the hearsay exception? MR. COUGHLIN: I would say one, didn't exist in mental, emotion or physical condition would apply as would present sense impression -- THE COURT: All right. I'm going to overrule the objection. Go ahead.

BY MR. COUGHLIN: Q You may answer, sir. A To which question? Q Did somebody hold the phone up and say, "I'm going to throw it in the river if somebody doesn't claim it," or something substantially similar? A I don't remember that that man specifically said, "I'm going to throw it in the river." Q Did he say anything like that? A I don't remember him saying anything like that. Q Do you recall Nicole Watson admitting to hearing that? MR. YOUNG: Your Honor, now we're at like two levels of hearsay. THE COURT: That is sustained. This witness can answer what he heard-- MR. YOUNG: Mr. Coughlin knows what hearsay is and throughout this entire day, he has attempted to elicit almost nothing but hearsay. THE COURT: That's fine but that prior question the one that he answered I think is an exception but this one is not and it's double hearsay on top of it, sir. MR. COUGHLIN: Okay, your Honor, it's not offered to prove the truth of the matter asserted, it's offered -- THE COURT: I don't care. I'm sustaining it. BY MR. COUGHLIN: Q Okay. Do you recall seeing me with some cameras and recording equipment about a week after the arrest? MR. YOUNG: Objection relevance. THE COURT: What's the relevance? MR. COUGHLIN: One, I believe it goes to exculpatory material in the sense that if someone -- if Mr. Zarate heard me ask that question and heard someone admit to hearing the man say he's going to throw it in the river -- THE COURT: I sustain the objection. MR. COUGHLIN: Okay. Can I ask Mr. Zarate to authenticate a recording that was made with him present in which his voice is on? THE COURT: You may. MR. YOUNG: Your Honor, if this is a video taken a week after the incident which he was referring to, I would object to that. THE COURT: If it's a week after, then I sustain the objection. If it was contemporaneous with the incident, I

will allow it. MR. COUGHLIN: Well, it was a week after the incident -- THE COURT: So the objection is sustained, it's not relevant to this charge today, sir. MR. COUGHLIN: So if individuals have percipient knowledge of the events on the night of the arrest a week later a videotape describing the arrest, that's not relevant or the events involved therein? THE COURT: The arrest is not the issue, it's whether or not you stole the cell phone.

MR. COUGHLIN: The actions incident to the arrest or resulting in the arrest. If they are testifying or not testifying but commenting a week later on videotape knowing they're being recorded as to what actions were involved in the arrest and what precipitated what, that's not relevant. THE COURT: Sir, tell me specifically what -- you can make me an offer of proof, a very brief one, as to what is allegedly on this video that deals with the arrest on the night of the incident. MR. COUGHLIN: Yes, sir, and I'll just note quickly I reviewed the tape of the October 22nd hearing date and at the 48-minute mark of this second file on that, you note that I will be afforded the right to waive witness fees for subpoenas and therein, I suggest that my properly serving Nicole Watson incident to N R S-174.345 -- THE COURT: Well, actually that is proper service but it's not one that she has to obey because it's by mail. So if she doesn't get it and if she didn't sign for it, then it's not evidence that she was served, it may comply with the technicality of statute but it doesn't give me the power to order him to be here or to issue a warrant for her non-appearance. MR. COUGHLIN: But I do believe it provides a basis for a continuance. THE COURT: No, sir, not unless you made a proper motion based upon that. MR. COUGHLIN: And I'm making that now, sir. THE COURT: It's denied. MR. COUGHLIN: Well, as to your prompting me to issue an offer of proof, this recording and I have a video of it and an audio of it as well, you might remember Mr. Templeton referencing that I carried multiple devices, will show Mr. Zarate standing next to Ms. Watson when Ms. Watson admits to hearing the man with the six-pack hold the iPhone up and threaten to throw it in the river if someone didn't claim it immediately. MR. YOUNG: How Mr. Coughlin does not see that as hearsay is beyond me. THE COURT: All right. You're saying that Ms. Watson said that on the video? MR. COUGHLIN: Yes, sir, with Mr. Zarate there. Further, I think it's relevant to the extent that Mr. Zarate then clearly appears to dissuade her from further contradicting what he allegedly told the police that night and I believe therein is indicated a motive on his part to cover up the extent to which his statements to the police resulted in my arrest. THE COURT: All right. I'm going to sustain the objection. Go ahead.

MR. COUGHLIN: I would just note for the record, your Honor, I do believe I complied with the record as far as serving Ms. Watson. THE COURT: I believe you complied except that you did not provide for the witness fee, but you've indicated that I waived it which I still haven't seen or heard even. If I had, the evidence is that she is no longer here so I don't know what -- MR. COUGHLIN: Well, she wasn't here today. THE COURT: No, she is no longer in this community. MR. COUGHLIN: No, she is. I confirmed that she's a student at McQueen High School. THE COURT: Well, according to the testimony earlier today -- MR. COUGHLIN: I don't recall any. THE COURT: There was testimony today that she is no longer here. MR. COUGHLIN: By Mr. Lichty, I recall him saying that he wasn't aware -- he hadn't talked to her in a year. THE COURT: And he also indicated that he believed she had moved. MR. COUGHLIN: I don't recall that. I believe he indicated he didn't know what was her current state. THE COURT: Okay. Let me look at the -- actually, I don't have one for her,

but I assume that you have a certificate for her; do you have it with you? MR. COUGHLIN: I provided it to the court, your Honor. THE COURT: Well, the one that I had did not show it. MR. COUGHLIN: Would it be all right, your Honor, could I review it quickly? THE COURT: Well, it doesn't matter right now. I am ruling that what she would have testified both to would have been hearsay and also probably not relevant to whether or not it was a theft. I know your argument that somehow this was found property but what some third party did or didn't do is not going to be at issue in this case when we finish it. MR. COUGHLIN: So if the phone was going to be in the river but for someone's intervention, that's not bearing on the fact of whether or not comparing someone walking --

THE COURT: If someone said that, I don't know number one that they did because it's hearsay as objected to by Mr. Young. So I'm sustaining his objection as to hearsay but even if it wasn't hearsay, the bottom line is I don't know number one, if the person would have done that or not. I don't know how they came into possession of the cell phone. Thirdly, you did claim the phone from that person, according to what I've heard. MR. COUGHLIN: But if you had heard all those things from me, then you perhaps would reconsider allowing this excited utterance or present-sense impression? THE COURT: Okay. I will allow you to argue it, all right. You can argue anything you want, but the bottom line is the evidence will be what I decide on and that is not evidence that the hearsay testimony of someone who's not here and even if they were here, it would still be hearsay. MR. COUGHLIN: Yes, sir, your Honor, and if it's not offered to prove the truth of the matter asserted but rather to demonstrate a bias or motive on this witnesses' part to shush anybody who's suggesting something that is countered what he told the police in which effected a wrongful arrest --

THE COURT: It still is sustained. I think it's, at best, marginally relevant on some tangential issue to this case which is whether or not -- and I've told you this three times, whether or not you did willfully and unlawfully steal, take and carry away the personal property of another, that's one count. Then the other count is whether on or about the 20th day of August, you did willfully and unlawfully possess or withhold stolen goods. All right? MR. COUGHLIN: If I could just quickly -- maybe this isn't the right time but if I could just quickly indicate, your Honor, I respectfully I believe it goes to the willfulness aspect and the aspect of another. If something is going to be in the river, I think it's one, it's no longer -- THE COURT: You're done, all right. I've already ruled on it twice now. MR. COUGHLIN: And perhaps it's just my experience, your Honor -- THE COURT: Perhaps it is but the bottom line is I have ruled and you can proceed. MR. COUGHLIN: Granted but isn't there a negative -- THE COURT: I guess I'm not getting through to you. MR. COUGHLIN: I'm sorry, your Honor. THE COURT: I have denied -- I have sustained the objection and denied your request for a continuance to bring in this witness, all right. Go ahead. MR. COUGHLIN: Yes, sir and your Honor, I'm not able to preserve for the record why I -- THE COURT: You already have preserved for the record, I think it's quite apparent. I understand what your argument is. MR. COUGHLIN: And I'm just wondering if this winds up in a conviction if the appellate court might view it that way. THE COURT: Well, I don't know what the appellate court would do if you are convicted. MR. COUGHLIN: Yes, sir, your Honor, neither do I."

"11/19/12 in 063341: TRANSCRIPT OF PROCEEDINGS - Vol. I, (Pages 235:7 to 240:20) MR. COUGHLIN: Thank you, Mr. Zarate. THE COURT: Do you have any other

witnesses? MR. COUGHLIN: Yes, sir, and I have the citation and the audio keyed up for where you told me you would waive the witness fees, it's the 48-minute mark of file two on October 22nd. I'm sorry, your Honor, you might have already told me you ruled on this, but I would like to call Nicole Watson and Robert Dawson, but they failed to appear -- and I'm sorry, if you've already ruled on this, your Honor. I've been not getting much sleep lately. Even though the Bar hearing was last week there's been a lot of post hearing work associated with it. THE COURT: Well, they are not here but anyhow, let me hear what you have on the tape. You can play that. I'll allow you to. MR. COUGHLIN: Can I play the tape of Nicole Watson? THE COURT: No, of my order. MR. COUGHLIN: Oh yes, sir. You said it was cued up and ready to go. MR. COUGHLIN: Yes, sir. There we go. (The tape was played.) THE COURT: Okay, sir, what I was talking about is I would waive the service costs by the sheriff which we can do through the in forma pauperis. We have no means of waiving the witness fees or providing the witness fees. We have no fund for that, but we do have the ability to order the sheriff to serve a subpoena without payment. Now, I don't even know if you file the motion for in forma of pauperis to waive any service fee.

MR. COUGHLIN: I believe I filed a motion for in forma pauperis and -- THE COURT: You filed a motion for in forma pauperis but whether you filed one since that date covering the service fees but be that as it may, I did not waive the witness fee. In fact, I specifically said the contrary if you listen to it. MR. COUGHLIN: I believe I heard you verbatim say waive the witness fees. THE COURT: And by that I meant the service fees but okay. If you listen to that again, you'll hear what I said. MR. COUGHLIN: Okay, your Honor. I believe I reasonably relied upon a reasonable interpretation that in fact it was not -- THE COURT: Well, a reasonable interpretation when I said the court has no funds to pay witnesses? MR. COUGHLIN: Well, I believe that goes to where you later said, "But I may defer that and make you pay them later." THE COURT: Yeah. I said I may defer it. MR. COUGHLIN: No. I believe you said, "I may make you pay it later." But you were definitely it seemed to me being rather charitable to me, sir, and allowing me to attempt to get the truth out there even though I'm indigent. THE COURT: But the problem is this, sir, a witness does not have to respond absent a witness fee being advanced. MR. COUGHLIN: Well, sir, I don't have to show up for Mr. City Attorney Skau's e-mailing me notice of a hearing. THE COURT: You didn't have to show up. MR. COUGHLIN: Well, he told me you said I did so I did. THE COURT: No. What I said was I wanted to make sure you were served one way or the other. So I said that in addition to serving you by regular service, that he attempt to get ahold of you by e-mail because I do know that's how you communicate with the court. MR. COUGHLIN: And he seems to have interpreted that to authorize service --

THE COURT: Well, it doesn't matter. So you wouldn't have been here so you wouldn't have had any say at all. I would have just granted the order without the say. MR. COUGHLIN: Well, typically that's where the courthouse sanctuary comes in. You say, "Well, I wouldn't have been here because you didn't have personal jurisdiction and you couldn't drag me into the state." THE COURT: Sir, I didn't drag you into the state. I gave you an opportunity to argue against a motion which was made properly. In addition, I gave you a chance to respond by last Thursday. So as far as I'm concerned, the response was, to some extent, okay and to some extent, it was nonresponsive but to the extent it was responsive, I did order that

those subpoenas I would reserve ruling on and we are now at that point. I am finding, as a matter of fact, that I did not authorize you to serve subpoenas without proffering the witness fees. I did indicate that we had no funds to pay them but that I would allow you to serve them without costs. The bottom line is I did rule that these people were served, but I am finding that they were not proffered the witness fees. By your own testimony you indicated that you did not include a check for these people. MR. COUGHLIN: Your Honor, may I play that portion again? THE COURT: No, you may not. I already heard it. You will have whatever argument you have is reserved for the future. MR. YOUNG: Your Honor, one thing just for purposes of the record that I would like to put on the record. With respect to the motion to continue by Mr. Coughlin due to Ms. Watson's non-appearance here, one of the requirements to get a continuance is to show that the testimony or purported testimony would have some bearing on the case and from everything that we've heard from Mr. Coughlin and the attempts to get Ms. Watson's testimony or what she should say in, are what you would object to as hearsay anyway and it would not be coming in. So in addition to everything you're saying, there's no basis to continue to get her here. THE COURT: I already ruled on that. MR. YOUNG: I just want that on the record. MR. COUGHLIN: And to the extent Mr. Young has made an argument, if I may indicate, your Honor, one of the elements is from another if something is about to be thrown in a trash can it's arguably no one's anymore. THE COURT: Well, you'll be able to argue that. The only thing I'm ruling on right now is I'm denying your continuance to bring in these witnesses, the two witnesses. MR. COUGHLIN: Yes, sir."

Consider the following from the 10/22/12 hearing date in 063341 (iPhone case): "HEARING, (Pages 49:20 to 52:16) THE DEFENDANT: I understand, your Honor, and if I could just quickly address the extent to which Mr. Young has purported case law allows you to consider other matters beyond this proceeding and this analysis, I would object to the extent that I was -- THE COURT: I'm considering this matter, sir. THE DEFENDANT: Well, but previously on the record, you've referenced eviction matters. THE COURT: I did and I will tell you this, you don't even need to go any further because I'm going to grant your request. However, I'm going to appoint Mr. Leslie as standby counsel. If you disrupt the proceedings in any way, not only will I hold you in contempt but I will have him finish the trial; do you understand that? THE DEFENDANT: Yes, sir. THE COURT: And I will further order if you prepare a proper motion In Forma Pauperis that you'll be able to subpoena witnesses without expense and --

THE DEFENDANT: Your Honor, if I could just interject, would that extend to Subpoena Duces Tecum as well? THE COURT: It will except we have no fund to pay for the witness fees so that is -- I will enable you to subpoena witnesses. I don't know how we compensate them. THE DEFENDANT: I would imagine the Washoe County Public Defender has some means of doing that. MR. LESLIE: If he's going to represent himself, he doesn't dip into our public funds. THE DEFENDANT: You haven't spent a dime on me yet. THE COURT: Sir, I am going to allow you to subpoena witnesses, and you need to get cracking on that so you get it done. THE DEFENDANT: It's my understanding that's a right of mine as a criminal defendant to be able to subpoena witnesses. THE COURT: It is, the only thing I'm allowing you to subpoena them without advancing the fees. THE DEFENDANT: Okay. THE COURT: I may, at a later point, order that you pay those fees but in the meantime, I will allow

you to subpoena witnesses without advancing the fees.

THE DEFENDANT: All right, yes, sir, and your Honor, I would just preserve my objection that the Washoe County Public Defender should have to pay. THE COURT: It's not an objection, sir. THE DEFENDANT: Or make a motion that the Washoe County Public Defender's -- THE COURT: Well, you can make a written motion separately from today's proceeding. MR. LESLIE: So now I get to litigate with him? Seriously, your Honor, is that what we're doing? THE COURT: No. In fact, on reconsideration, you cannot do that. THE DEFENDANT: I'm sorry, your Honor what? THE COURT: You cannot argue as to the Public Defender paying the fees. You're choosing to represent yourself. THE DEFENDANT: Yes, sir, your Honor. THE COURT: So at a later point in time, I will determine your financial ability to pay the witness fees. THE DEFENDANT: Yes, sir, and would that also extend to the Subpoena Duces Tecum fees as well? THE COURT: Yes."

From the 11/19/12 trial date in 063341: "TRANSCRIPT OF PROCEEDINGS - Vol. I, (Pages 252:16 to 257:1) MR. COUGHLIN: Why, can I put the police report in evidence? MR. YOUNG: I would object to that. THE COURT: No. The police report they can't even put in evidence. You could have cross-examined on the police report. MR. COUGHLIN: I can't put the police report in evidence? THE COURT: No. MR. COUGHLIN: I can't? It completely contradicts testimony by all of these witnesses. THE COURT: Well, sir, that is something you cannot do. MR. COUGHLIN: It's a business -- MR. YOUNG: Your Honor, we've wasted another five minutes. We still don't have an answer whether he wants to testify or not. MR. COUGHLIN: You can't put a police report in evidence? THE COURT: I just told you you can't. Stop asking me. MR. COUGHLIN: Can I testify to what it says? THE COURT: No. MR. COUGHLIN: I'm sorry, I'm not experienced -- THE COURT: Well, then you should have had an attorney represent you, sir. MR. COUGHLIN: Well, he wouldn't have put it into evidence. THE COURT: Well, he couldn't, he knows that. If it's a prior inconsistent statement, it can be used for cross-examination. MR. COUGHLIN: Well, that's where I'm hamstrung by the fact that I did get a return receipt requested for Officer Duralde and I believe those other officers and I do have a verbatim by you indication on the record of October 22nd that you were waiving witness fees, not service fees by the sheriff. You made no mention of service fees. You said witness fees and I reasonably relied upon that. MR. YOUNG: Your Honor, because Mr. Coughlin is representing himself, he has a duty of candor to the court. That is a complete waste of time, and I would ask that you ask Mr. Coughlin whether he wants to testify or not, have him give you an answer. If he fails to give you an answer, hold him in contempt. THE COURT: Well, I'm not going to hold him in contempt. I'm just going to conclude the trial, sir. MR. YOUNG: However you want to do it because he's wasting everyone's time.

THE COURT: Do you want to testify or not? MR. COUGHLIN: I do, your Honor but -- THE COURT: Okay, then take the stand. MR. COUGHLIN: And I'll just preserve for the record the fact that I feel like I was just -- THE COURT: Either take the stand or we conclude the trial. MR. YOUNG: For the record, the implication he just made I'm not coercing him, it's totally his right. MR. COUGHLIN: You're asking to put me in jail again like you did at the competency hearing. MR. YOUNG: That has nothing to do with whether he has the right to exercise his right to testify or not. THE COURT: I did not agree with Mr. Young. I told you that if you do not testify, we will conclude the trial. We're not going to put you in jail for not

testifying. However, if I convict you, you may go to jail but that's a different story, all right? MR. COUGHLIN: Yes, sir, your Honor. THE COURT: All right. Please raise your right hand. (The witness was sworn.) THE COURT: Okay. Go ahead, sit down and proceed. MR. COUGHLIN: Your Honor, to the extent I'm testifying and that enables me to play videos, should I grab them? THE COURT: I didn't say it enables to play videos. If you -- first of all, you need to testify to what you're proffering because I will give you some latitude since you are the attorney and the witness but you will need to testify as to something relevant to this case, it's admissible. MR. COUGHLIN: Okay. So the whole argument thing was we have to get him to testify. THE COURT: It's not an argument, sir. MR. COUGHLIN: By Mr. Young. THE COURT: I don't care about argument. I've already told you if you want to step down, I'm not going to force you to testify but once you start, you will be subject to cross-examination. MR. COUGHLIN: Right but once I start, I also get to -- there's some good that goes along with it, things that people might view as bad. I actually welcome the cross-examination -- THE COURT: Well, I don't want to argue anymore; are you going to start or not? MR. COUGHLIN: Yes. Respectfully, your Honor. I think that means I can bring up my materials, as I'm functioning in a dual role. THE COURT: No. You are not going to read your materials.”

Then, consider the 11/13/12 improperly noticed hearing in 063341: “MOTION HEARING - Vol. I, (Pages 12:6 to 22:6) MR. COUGHLIN: Yes, your Honor, I guess it was my understanding I didn't think I was supposed to serve the original on the parties. THE COURT: No but you need to file them with the court. MR. COUGHLIN: Okay, and I've been told the fax is an original and I believe by this court and I believe those have been faxed in. THE COURT: No, sir, I never told you a fax is an original. MR. COUGHLIN: No, not by you, sir. I mean by the administrator, Ms. Baker. Your Honor, I believe there's something pertinent to point out here is that under N R S-174.375, I believe service in a misdemeanor trial can be effectuated by certified mailing, and there have been uncertified mailings here that I think might kind of make all these arguments mute. I would imagine Mr. Skau's clients have received those by this point. I think the legibility issues are off base. I believe these are largely typed and are materials that were served incident to these -- explicate the basis -- THE COURT: Do you have copies of any of the ones or the originals actually because you've said they've been served. So you have the originals to file with the court? MR. COUGHLIN: Well, I believe I faxed the originals.

THE COURT: How could you fax an original, sir? MR. COUGHLIN: Well, I've been told by this court, not by you, your Honor, that a fax is an original. THE COURT: No, it's not. MR. COUGHLIN: Well, we've kind of gone around about this over the last year. THE COURT: You can't have a seal of a court on the fax. MR. COUGHLIN: I've maintained these documents, your Honor, in the event that that's necessary to bring the exact -- THE COURT: Well, it will be necessary if you show up to court for trial and you're expecting people to be here, if you haven't paid them their witness fee. MR. COUGHLIN: Well, you waived the witness fee, your Honor. THE COURT: No, I didn't waive the witness fee. MR. COUGHLIN: On 10/22, at the October 22 hearing? THE COURT: I don't believe I waived any witness fee. THE WITNESS: We talked about my indigency. THE COURT: Well, we may have talked about your indigency to proceed and represent yourself. You chose to do that. The court has no fund to pay witness fees. The public defender does but you chose not to use the public

defender. MR. COUGHLIN: Well, they wouldn't issue any subpoenas, your Honor, and that brings up some more questions here. Apparently, on the third -- THE COURT: Okay. Let's go back to what you originally said. You said 174.375 Allows service by certified mail. MR. COUGHLIN: Yes, sir and it brings up the question -- THE COURT: It's not in there, but 174.375 Talks about subpoena -- MR. COUGHLIN: 345, I'm sorry.

THE COURT: 345? MR. COUGHLIN: Yeah, and the public defender served a subpoena or you know, I know 305 says it's the prosecutor and the court can issue subpoenas yet, I was produced all these subpoenas by the public defender that they just seem to draw up on their own letterhead, I don't know why. They didn't mail them out. Instead we wander around for a year talking about how we're going to get Nicole Watson served. Well, about just use 174.345 And mail it to her. Mr. Bony and it appears Mr. Skau and Mr. -- I don't know about Mr. Wong but they keep citing to these civil rules. THE COURT: Sir, have you filed the certificates of mailing with the court? MR. COUGHLIN: I filed -- I faxed something in an attempt to file. THE COURT: Well, you're here today. It says, "If a Subpoena is served by mail, a Certificate of Mailing must be filed with the court within two days after the subpoena is mailed." MR. COUGHLIN: In the general sense certificate of mailing, yes, that's the case with my mother having signed a certificate of mailing. Now, if you're referring to the green slips, I guess that's certified mail I'm thinking of. THE COURT: Well, it has to be served by registered or certified mail, return receipt requested from that person. If a subpoena is served by mail, a certificate of the mailing must be filed with the court, that's a certificate of mailing. The green receipts will have to be filed with the court eventually on that day if a person doesn't show up. But you will need to file the certificate of mailing with the original subpoena. MR. COUGHLIN: I believe that was done, your Honor. THE COURT: Downstairs?

MR. COUGHLIN: Yes, it was faxed in. THE COURT: No. You can't fax in -- I've been through this with you. I have no way of knowing, at this point, if what you served these people with was a subpoena issued out of this court. You're telling me that you have the embossed signature of Lindsey Oberman on these subpoenas? MR. COUGHLIN: On the ones that have her signatures, yes, those are embossed. Now, it was my understanding subsequently that a subpoena was crafted -- THE COURT: You can't just copy one of those and use it as a subpoena. MR. COUGHLIN: No, sir, it was my understanding anything else that was served did not have any sort of attempt to hijack Lindsey Oberman's signature and this court's embossing, it was more of an attorney issued subpoena I believe that you granted me the right to do on October 22nd. THE COURT: You are not an attorney right now, sir. Your own documents you wrote on them that you are not -- MR. COUGHLIN: I think that shows a careflessness on my part. THE COURT: Well, yes, it's careflessness but you cannot issue a subpoena nor did this court ever give you authority to do so. I did not give you authority to issue subpoenas. MR. COUGHLIN: I need to check the tape of the hearing, your Honor, but to some extent whatever was served along with the ones that bear Lindsey Oberman's signature could be viewed as explicating what is asked for in those ones that do bear the embossing -- THE COURT: Well, this is what I'm going to order you to do, sir. I'm going to order that you file with the court, no later than today, any subpoenas that you served or you claim you served together with the relevant reason, it can be a one-page document, as to why you believe this particular person is necessary to be here for the trial of a theft of a cell phone. MR.

COUGHLIN: Your Honor, I have an unbifurcated hearing trial, disciplinary panel tomorrow, it's unbifurcated. I've been getting about two hours of sleep a night for the last three weeks preparing for it. Can we move the response or the filing that you've just ordered until the day after this trial tomorrow so that would be Thursday?

THE COURT: I'll do Thursday but sir, I will make a ruling on Thursday as to whether or not any of those people need to appear and it will be based on whatever written documentation -- MR. COUGHLIN: The scape orders -- are you going to rule on whether the scape orders need to appear? THE COURT: If they were properly served. He's not representing them. MR. COUGHLIN: So that's why I'm asking -- THE COURT: Because based on the documents I've seen so far, I have a serious question about who you've subpoenaed. If they were parties to what happened on that day, then yes, I will allow you to subpoena them, but I want that in writing that they were there on that day. MR. COUGHLIN: No, that's not the standard, your Honor, it's is it calculated to yield admissible evidence. Being there on that day -- THE COURT: Admissible evidence is not a fight that you had with someone on a different day; all right? MR. COUGHLIN: Well, if there's a coordinated effort to discredit me or ruin me or make it so that the City's liability or municipalities liability is distinguished, I think that does bear. THE COURT: That might bear on the civil action you have against the City. MR. COUGHLIN: I think it bears in a criminal matter. THE COURT: Well, I don't care what you think, sir, it's what I decide. So you will furnish that. If you don't furnish it, then your subpoenas will not be honored. MR. COUGHLIN: Yes, sir. Your Honor, may I have an opportunity to present citation to authority to support that point that it is relevant and does bear in that circumstance? THE COURT: Absolutely but I'm not going to read through 100 pages, it will be one page per subpoena, all right? MR. COUGHLIN: Yes, sir. THE COURT: And serve a copy on him so those that deal with him which is the City people not your witnesses. The witnesses that were skateboarders, he's not representing them. MR. COUGHLIN: Yes, sir. Can we approach the topic that given it's become material relevance of these dispatch tapes between R P D and the officers and one of the officers Duralde's wife is a dispatcher and I mean that's somewhat of a conflict. I've not been provided these tapes. The public defender subpoenaed them on October 3rd. They've refused to provide me what was propounded, and I believe a continuance of the hearing itself might be necessary.

THE COURT: There's not going to be any continuance but sir, do you know if the dispatch tapes were ever furnished through the public defender? MR. SKAU: I do not know that. What I can add to that discussion, your Honor, is that the City of Reno was improperly served with documents that did request a huge amount of documents that were absolutely unintelligible and way beyond any -- THE COURT: What were the documents that were prepared for him to pick up? MR. SKAU: Yes. What we did is we found out -- our office found out what this trial was about, and we got the dispatch tapes that were related to that under what we considered a public records request since there was defective service of the subpoena. So we did advise Mr. Coughlin that he could pick those up upon payment of the fee for the copying of them that is the normal public records request policy. So those are at our front office. I think it's \$107. With payment of that, he is more than welcome to get those dispatches. MR. COUGHLIN: I believe that was represented as a subpoena fee."

RJC Judge Sferrazza's 11/16/12 Order reads: "ORDER With the exception of the

attached subpoenas, all other subpoenas were either improperly served, improperly issued, unduly burdensome, were for witnesses or matters irrelevant to the trial on the merits in this case, or did not specify what documents, if any, were being subpoenaed. The attached subpoenas were validly issued and served by mail, all other subpoenas are hereby quashed. The Defendant will need to present proof at trial that the attached subpoenas were properly served with copies of the original certificates from the post office, as well as proof of payment of the witness fees or, in the alternative, proof that the Court ordered that the witness fees be waived. ~ DATED this 16th day of November, 2012 /s/ Peter J. Sferrazza Justice of the Peace" (such order was faxed to Coughlin, though it is far from clear that such satisfies the service requirements of such an order on Coughlin, and the prejudice to Coughlin of, at that late stage of the game (11/16/12) such an ORDER being entered with respect to what subpoenas will and will not be quashed at the 11/19/12 Trial, is obvious, and disturbing, especially with respect to Judge Sferrazza's inconsistent, misleading (at best) statements and rulings with respect to whether Coughlin had to pay witness fees, and if so, when, especially considering the WCDA's Officer admits it never pays witness fees until after one has testified.

RJC Judge Sferrazza's 11/16/12 Order, as to such, it was faxed to Coughlin, though it is far from clear that such satisfies the service requirements of such an order on Coughlin, and the prejudice to Coughlin of, at that late stage of the game (11/16/12) such an ORDER being entered with respect to what subpoenas will and will not be quashed at the 11/19/12 Trial, is obvious, and disturbing, especially with respect to Judge Sferrazza's inconsistent, misleading (at best) statements and rulings with respect to whether Coughlin had to pay witness fees, and if so, when, especially considering the WCDA's Officer admits it never pays witness fees until after one has testified. From 11/13/12 hearing in 63341: MOTION HEARING - Vol. I, (Pages 13:24 to 14:21) THE COURT: Well, it will be necessary if you show up to court for trial and you're expecting people to be here, if you haven't paid them their witness fee. MR. COUGHLIN: Well, you waived the witness fee, your Honor. THE COURT: No, I didn't waive the witness fee. MR. COUGHLIN: On 10/22, at the October 22 hearing? THE COURT: I don't believe I waived any witness fee. THE WITNESS: We talked about my indigency. THE COURT: Well, we may have talked about your indigency to proceed and represent yourself. You chose to do that. The court has no fund to pay witness fees. The public defender does but you chose not to use the public defender.

MR. COUGHLIN: Well, they wouldn't issue any subpoenas, your Honor, and that brings up some more questions here." MOTION HEARING - Vol. I, (Page 33:3 to 33:19) THE COURT: What there is in effect is no new subpoenas are going to be issued by this court without my review. If you happen to have subpoenas which I don't know how you got them but if you happen to have blank subpoenas that are not filled in that are under seal of the court, then I can't stop you from serving them, but the other issue still exists was witness fee proffered and all that. So if you actually want somebody to appear, then I would hand them the subpoena with a witness fee and have it done by a third party. MR. COUGHLIN: All right but I believe I'm entitled to rely upon your ruling as rendered on October 22, 2013. THE COURT: Well, I don't have the ruling. You haven't presented that to me yet. If I waive the subpoena fee, then that's a different story." (NOTE: then Judge Sferrazza's statements on the transcript of 11/13/12 with respect to "service fees" reveal completely the extent to which he keeps making it up as he goes

along and changing it every time he gets cornered, its completely ridiculous, when considering his statements regarding "service fees" on the 11/19/12 transcript in 063341.

The 11/13/12 portion: "MOTION HEARING - Vol. I, (Pages 37:21 to 39:24) THE COURT: Saying what? MR. COUGHLIN: I need to check my records but some people are saying, "Well, if you have a witness fee waiver, then you need to show us the order." THE COURT: Correct and it will be right on the subpoena, sir, and you will need to present to me a subpoena and I will issue it and I will sign on there that it is valid without service of the witness fee, otherwise the subpoena itself will not be effective. MR. YOUNG: All right. There's just some to question confusion with respect to -- THE COURT: Well, I don't know what's confusing about that. The only confusion I have is whether or not I ordered that you do it without a witness fee, all right, that's the only confusion I have because otherwise, it is required by statute. MR. COUGHLIN: Witness fee or subpoena fee in the case of a Subpoena Duces Tecum. Then there's this issue of service fees. THE COURT: Yes. Service fees would have to be specifically ordered that they be waived, that has not been done in this case, whether I said it orally or not. If you're having the sheriff serve it -- MR. COUGHLIN: No, I mean like a processing fee or something. Mr. Skau here his office is saying they want \$80.00. THE COURT: He's saying under the Open Meeting Law, they're entitled to the cost of the copies. MR. COUGHLIN: They're charging me for their time. THE COURT: They're charging you for the cost of the copies. MR. COUGHLIN: No. It says in their invoice it says "Processing fee" or something. Mr. Skau make a comment on that. THE COURT: Sir, you know, this is ridiculous argument. He's already said they will be furnished to you without cost. So now you're wasting everyone's time for no reason. MR. COUGHLIN: But it's come up in other circumstances and it's -- THE COURT: I don't care about other circumstances. This is the case. Now, sir, just so we're clear, there will be no further subpoenas served until they've been issued by me and approved by me. You will need a statement of relevance and proof that they can be served without a witness fee, if that's what you said I ordered. MR. COUGHLIN: Yes, sir. THE COURT: And then I "..."

MOTION HEARING - Vol. I, (Pages 41:1 to 42:22) the statute -- THE COURT: You told me it was already filed by fax but I don't even see that, sir. But I'm extending for two days for you to file a Certificate of Mailing from today which would be Thursday with any documentation that you have to issue subpoenas. I've ordered the clerks not to issue any subpoenas to you without my reviewing them, and the only subpoena that will be effective without a witness fee will be one signed by me. MR. COUGHLIN: Yes, sir. THE COURT: And that only assumes number one, that you provide me proof that I actually said that and it has to be served by a third party if it's not within the ten days. MR. COUGHLIN: Yes, sir, and if I can just preserve -- the court has sanctuary argument with respect to any service. THE COURT: The court has sanctuary -- THE WITNESS: Well, it's my understanding I came here today to somewhat contest the notice and service of the order for this hearing or the motion and it seems as though it's purported that I'm being served because I'm here and the court house sanctuary doctrine says -- THE COURT: Sir, you know what, I'm telling you even if you weren't served, you could show up for trial and I'm not going to honor the subpoenas, if they weren't valid, even if he hadn't filed a motion; understood? MR. COUGHLIN: Yes, sir, your Honor. THE COURT: So the motion is almost irrelevant to the extent that you served an

invalid subpoena or invalidly served a valid subpoena, this court is not going to order that it be honored. So if you expect people to show up for your trial, then it's in your interest to make sure they're properly served. Independent of his having filed a motion, I had already looked at these because you attempted to file them with the court, and you had loose documents that are faxed in from you on 11/7. There are -- there's a number of pages. I told them not to file them with the court because they weren't validly filed. You need to have the documentation to support these and we have a fax which was filed on 11/7, 13 pages.""

11/19/12 063341 TRANSCRIPT OF PROCEEDINGS - Vol. I, (Pages 28:8 to 30:16) MR. COUGHLIN: Actually, I'll call Nicole Watson. THE COURT: Is Nicole Watson here? MR. YOUNG: She is not, your Honor. THE COURT: All right. MR. COUGHLIN: I would move for a continuance, sir. THE COURT: Denied. MR. YOUNG: Your Honor, based on the motion to continue, I can't imagine what she should have to offer this court that's of substance that's necessary under Hillbustos. So unless I hear otherwise, I would also oppose the continuance. THE COURT: Well, the continuance is denied. You did not present the proof that I requested on Thursday, sir. MR. COUGHLIN: With respect to witness fees? THE COURT: Yes. MR. COUGHLIN: Oh, I offered to pay them. THE COURT: You offered to pay them. Then you proffered her the witness fee? MR. COUGHLIN: I couldn't verify whether or not it was her on the phone. THE COURT: No. When you delivered the subpoena, sir, did the person that delivered the subpoena have a check from you? MR. COUGHLIN: It was mailed. THE COURT: Well, did you enclose the check with the mailing? MR. COUGHLIN: I don't believe so. THE COURT: All right. Well then, sit down and call your next witness. MR. COUGHLIN: Yes, sir. So if I can just clarify, sir, it seems like you pulled aside one of the subpoenas and said you were reserving ruling on those until I show you the payment proof? THE COURT: Yes. Those are the ones that I -- those are the ones, based on the records, that I found to be relevant, that they were properly subpoenaed with a subpoena issued by this court and that they were properly served by mail. However, I reserve ruling on whether or not the service was completed because of the requirement that they be proffered the witnesses fee. All right. So go ahead. MR. COUGHLIN: That differs markedly from -- THE COURT: No, it doesn't differ from what I told you at the last court date, sir. I told you to submit that to me by Thursday. MR. YOUNG: Your Honor, you have asked Mr. Coughlin no less than five times to call his first witness; can we move on. It's quarter to 10:00. This is taking a while. THE COURT: All right. Go ahead."

So, not only did Judge Sferrazza deny Coughlin his constitutionally protected right to cross-examine Officer Duralde, he did so while violating NRS 178.405's stay upon his Ordering a Competency Evaluation (never mind the fact that WCPD Leslie had interjected the question of Coughlin's competency prior thereto):

TRANSCRIPT OF PROCEEDINGS - Vol. I, (Pages 42:3 to 48:18) RENO, NEVADA, WEDNESDAY, SEPTEMBER 5, 2012, 1:30 P.M. *. THE COURT: Okay. This is the case of State V Zachary Coughlin, and we are back on the record in Case '06. You were sworn. Will you take the stand. MR. LESLIE: Your Honor, I don't believe I have any further questions. I've conferred with Mr. Coughlin and I can't get any straight answers from him about any additional materials. I have no further questions at this time. THE WITNESS: Your Honor, earlier did you indicate that I would have an opportunity to confer with Mr. Leslie at the

conclusion of his cross? THE COURT: You did. MR. COUGHLIN: No, I didn't, sir. MR. LESLIE: I'm happy to take five more minutes, if the court please, to afford Mr. Coughlin the time he requests. THE COURT: I will give you five more minutes and that's it, Mr. Coughlin, because we had an intervening period of almost 10 minutes before lunch. MR. COUGHLIN: Mr. Leslie refused to meet with me. THE COURT: You were out in the hallway with him.

MR. COUGHLIN: No, your Honor, I wasn't. MR. LESLIE: Anyway, your Honor, if you want to take five minutes, it will probably take 15 minutes to argue the point or we can take the five minutes. THE COURT: All right. I will give you the five minutes but that's it. (A recess was taken.) THE COURT: The record will reflect that Mr. Coughlin was given an opportunity to consult with counsel. MR. COUGHLIN: No sir, your Honor, I wasn't. THE COURT: No, that is the record that -- if you want to do it in court with me present, we can do that. MR. COUGHLIN: Do what, your Honor? THE COURT: Consult with him. You just went outside to consult with him. MR. COUGHLIN: No. I went outside and Mr. Leslie wouldn't meet me out there and then Bailiff Sexton ordered me to meet him in the hallway where witnesses -- THE COURT: All right. I'm not going to play any more games, Mr. Coughlin. You can talk to him right here. I will ask Mr. Young and the other people in the courtroom who are not court personnel to step outside, and I'll give you four minutes. MR. YOUNG: I'll leave right now, your Honor.

THE COURT: I'm going to make a record as well, your Honor, with regard to the client competency. (A recess was taken.) THE COURT: All right. We are ready to proceed in. The court, during the recess, I did personally observe Mr. Coughlin talking to his counsel, although I did not listen to anything or hear anything, but I believe that there has been an attempt to communicate with Mr. Coughlin and we will proceed. MR. LESLIE: Your Honor, if I may, it's my belief that Mr. Coughlin is not legally competent to proceed at this time. I'm going to make a motion for the court's determination of whether Mr. Coughlin should be examined by a psychiatrist to determine if he's legally competent. THE COURT: Well, I believe he was already examined. MR. LESLIE: I believe he was. THE COURT: And he was determined to be competent. So at this point, the motion will be denied and -- I shouldn't say that. I will give you a chance to argue further. I don't think there's been any change in circumstances -- MR. LESLIE: Well, I think it's just based on the record as a whole. I think for the -- to a large extent, it's the observations the court has made of his behavior and his reasoning and mental state. Yeah. I'm just raising the issue. I had a question in my mind. THE COURT: I have a question in my mind, but I'm not a psychiatrist and I've tried to have him examined on multiple occasions in different cases and he indicates --

MR. LESLIE: Okay. THE COURT: The District Court ruling is he's competent based on the psychiatric evaluation. I don't know if it was an actual psychiatrist. MR. YOUNG: There was two separate ones, your Honor. There was a competency evaluation in this case and then there was -- where he met with one, I don't know if it was a social worker or otherwise but one individual and there was, in a separate case, a competency evaluation where he met with two separate doctors. In all evaluations, he was found competent. I don't know if there's been a change between then and now or if it's just Mr. Coughlin's behavior that's posing the difficulties, but certainly -- it's not my call what to do. Since it's been raised, I'll defer to the court if you feel like it's appropriate to conduct a brief hearing again. I'll step out and you can

ask any questions just so you can determine whether it's warranted or not. THE COURT: Well, we can have him examined again, but I do want to finish with this witness. He's been here multiple times. He's on the stand, and I believe that at least Mr. Leslie you can question him. So if you have any questions. BY MR. LESLIE: Q Yes. Officer, do you have any relation to the dispatcher that dispatched you to the scene in this case? A I don't recall who the dispatcher was but my wife is a dispatcher. Q And to your knowledge, was she involved in this case? A No. Q Okay, very well. Did you notice any inconsistencies when you arrived on scene between what the different witnesses were telling you had happened? A Not that I remember. Q Do you recall any inconsistency between Mr. Goble and Mr. Zarate, one saying that Mr. Coughlin had allegedly taken the phone from some third party that nobody knows who they are and then the other saying that Mr. Coughlin just picked the phone up directly from where it was lying? A It was my impression, at the time of the case, I don't have any recollection of the third party. I was later reading Mr. Zarate's statement and noticed that a third party was listed in it but at the time, I didn't have knowledge of that. Q I don't have any further questions. THE COURT: Mr. Young, any further questions? MR. YOUNG: No, your Honor.

THE COURT: Okay. You're free to go. In light of the conduct of these proceedings and everything that's happened herein, I do believe there's at least a question as to Mr. Coughlin's competency going all the way back to the initial offer and what happened on the first day when we were here for the better part of an hour and a half. So I reluctantly will order another competency evaluation but this time, I am going to ask both counsel to provide the evaluator with any documentation or anything else they might have with respect to his competency and ask the evaluator to review his prior competency hearings, especially the one at NAMS when he went there and it's my understanding the same thing happened there as well."

28 (FHE2 never was a sanction, FHE3 was superseded by the Final Decree, which excised and superseded such sanction and ultimately awarded the very alimony FHE3 purported Coughlin to have litigated vexatiously for seeking for his client):

B. Amendment and Correction 3. Procedure and Relief Topic Summary References
Correlation Table s 388. Operation and effect, in general West's Key Number Digest West's Key Number Digest, Judgment k 330 West's Key Number Digest, Judgment k 331 Generally, an amendment or correction of a judgment gives the judgment the same effect as though the defects necessitating the amendment had never existed. Since the amendment of a judgment is merely perfected evidence of what existed from the time the judgment was pronounced,[1] as between the parties, the amendment or correction relates back to the original judgment and becomes a part of it, and gives the judgment the same effect as though the defects or mistakes had never existed.[2] However, it usually does not make a new judgment or confer any new or additional rights,[3] although any substantive modification of a judgment constitutes an opening of the judgment,[4] and a change materially affecting a judgment and the rights of the parties against whom it is rendered and involving the exercise of judicial discretion does amount to a new judgment.[5] Generally, an amendment leaves the original judgment effective and unimpaired.[6] Where the court strikes part of a judgment, the remaining portion stands, so that the court need not enter a new judgment with the stricken part omitted.[7] An order amending a clerical error in a judgment does not supersede the judgment or incorporate it into

the order, and the clerk's act in correcting the judgment pursuant to that order is ministerial and does not affect the materiality or finality of the judgment or order.[8] An amendment or correction of a judgment is binding on those parties who were afforded an opportunity to be heard,[9] but an amendment or modification changing the rights of the parties fixed by a former judgment is not binding on a party in interest who was not afforded such an opportunity.[10] CUMULATIVE SUPPLEMENT Cases: Any change in a judgment made during the trial court's plenary power is treated as a modified or reformed judgment that implicitly vacates and supersedes the prior judgment, unless the record indicates a contrary intent. SLT Dealer Group, Ltd. v. AmeriCredit Financial Services, Inc., 336 S.W.3d 822 (Tex. App. Houston 1st Dist. 2011). [END OF SUPPLEMENT]

----- [FN1] Okla.-Gaines v. Gaines, 1944 OK 142, 194 Okla. 343, 151 P.2d 393 (1944). [FN2] Ark.-T.J. Moss Tie Co. v. Miller, 169 Ark. 657, 276 S.W. 586 (1925). Conn.-Coxe v. Coxe, 2 Conn. App. 543, 481 A.2d 86 (1984). Ill.-First Bank of Oak Park v. Rezek, 179 Ill. App. 3d 956, 128 Ill. Dec. 806, 535 N.E.2d 20 (1st Dist. 1989). Okla.-Gaines v. Gaines, 1944 OK 142, 194 Okla. 343, 151 P.2d 393 (1944). As to amendments nunc pro tunc, see s 389. [FN3] Cal.-McConville v. Superior Court within and for Los Angeles County, 78 Cal. App. 203, 248 P. 553 (2d Dist. 1926). Okla.-Mason v. Slonecker, 1923 OK 695, 92 Okla. 227, 219 P. 357 (1923). [FN4] Conn.-Commissioner of Transp. v. Rocky Mountain, LLC, 277 Conn. 696, 894 A.2d 259 (2006). As to the effect of opening a judgment, see s 470. [FN5] Cal.-McConville v. Superior Court within and for Los Angeles County, 78 Cal. App. 203, 248 P. 553 (2d Dist. 1926). [FN6] Cal.-McConville v. Superior Court within and for Los Angeles County, 78 Cal. App. 203, 248 P. 553 (2d Dist. 1926). [FN7] Ind.-Elliott v. Gardner, 113 Ind. App. 47, 46 N.E.2d 702 (1943). [FN8] Cal.-McConville v. Superior Court within and for Los Angeles County, 78 Cal. App. 203, 248 P. 553 (2d Dist. 1926). [FN9] Iowa-Samek v. Taylor, 203 Iowa 1064, 213 N.W. 801 (1927). Pa.-Altoona Trust Co. v. Fockler, 311 Pa. 426, 165 A. 740 (1933). [FN10] N.Y.-Emmet v. Runyon, 139 A.D. 310, 123 N.Y.S. 1026 (2d Dep't 1910). Westlaw. (c) 2013 Thomson Reuters. No Claim to Orig. U.S. Govt. Works. CJS JUDGMENTS s 388

Consent judgment may supersede pleadings Ill.-City of Marseilles v. Radke, 287 Ill. App. 3d 757, 223 Ill. Dec. 181, 679 N.E.2d 125 (3d Dist. 1997).

In fact, John Springgate, Esq., agreed to a Consent Decree in the)

(NOTE: tellingly, the Panel fails to identify either contempt order as a “criminal conviction” in this RPC 8.4(b) context, which is counter the characterizations of such the Panel makes elsewhere. Given this admission by the Panel that such contempt orders are not “convictions” of “crimes”, the SCR 111(5) approach falls apart, and the SBN is stuck with meeting a clear and convincing evidence burden of proof that it completely failed to even attempt to meet. At this point, the SBN probably wishes the transcripts and or audio recordings it has sought so desperately to exclude (where Coughlin fully wanted to pick them apart, conduct much more extension cross-examinations of everyone involved, and all those whom he subpoenaed, and fully expose their systemic, fraudulent, reprehensible misconduct (particularly that of the City of Reno Marshals), Judge Howard, Judge Nash Holmes, Judge W. Gardner, etc., etc. The RJC and 2JDC decided not to join the party King threw, and for good reason. The RMC either was not smart enough to do that, or had to deal with the rash, imprudent, acts

of judicial conduct that it had already committed to record (60838 (abuse of the contempt power, misconduct in willfully violating Canon 1 Rule 1.1 in failing to abide by the Indigent Defense Order), 61901 (failure to recuse where either per se required, or overwhelmingly indicated, violations of NRS 178.405, ridiculously biased approach throughout the case (not right to confront the arresting officer even), the RMC's Lisa Gardner trashing the timely notice of appeal Coughlin filed on 6/28/12, and, like in the case resulting in 60838, the RMC willingly and knowingly countenance a multitude of instances of misconduct by City of Reno prosecutors and the contract based court appointed defense counsel the RMC or City of Reno employs), and Judge Nash Holmes' hysterical offensive, etc.

HEARING - Vol. I, (Page 130:4 to 130:25) (Exhibit 4 marked.) BY MR. **King**: Q I'm holding in my hand an order that was signed by you dated the 28th of February, 2012, in the matter of 11 TR, which I assume stands for traffic, 26800 21. And it's an order finding the defendant in contempt of court and imposing sanctions. Do you recall executing such an order? A Yes, I did. I wrote it myself, and I signed it, and I found him in contempt, in direct contempt during the proceeding, and right after that did the order. Q I'm reading from Page 3 of your order, which is the final page that has your signature on it before the service, certificate of service. But in that final paragraph it says, "The court finds that the defendant's actions were intentional and done in utter disregard and contempt for the court, and in the presence of the court, for purposes of disrupting and delaying the proceedings and dishonoring the rule of law and this court, and constitute the misdemeanor of criminal contempt, a violation of NRS 22.010. Good cause appearing therefore, the following sanctions are imposed." HEARING - Vol. I, (Page 147:12 to 147:21) Q Is it proper for you to call something summary criminal contempt when you cite to a civil contempt statute? A I don't know what is proper in your book, Mr. Coughlin. I know that the behavior that I saw, I know that I held you in contempt, I held a precise -- you committed direct contempt in front of me in my court -- Q Criminal contempt or civil contempt? A -- I held you in contempt on the spot, and then I went and wrote the order.

HEARING - Vol. I, (Pages 148:8 to 151:1) BY MR. COUGHLIN: Q Judge, did your order characterize it as misdemeanor criminal contempt? A I do not have my order in front of me, so you can consult my order. I believe it was misdemeanor contempt. I believe it was criminal, direct criminal contempt. MR. COUGHLIN: I'll note on Page 3 at line 14 it says, Misdemeanor of criminal contempt, a violation of NRS 22.010. MR. ECHEVERRIA: Which order are you referring to, Mr. Coughlin? MR. COUGHLIN: February 28th order. Page 3, line 14. MR. **King**: I think it's Exhibit No. 4. MR. ECHEVERRIA: Okay. BY MR. COUGHLIN: Q Judge, is NRS 22.010 a civil contempt statute? MR. **King**: Objection. THE WITNESS: Mr. Coughlin, you can consult the statutes. I don't have my books right in front of me. NRS identifies in Chapter 22 contempt. And the Reno Municipal Code has sections relating that or incorporating those sections into the Reno Municipal Code. Either way, what you did in front of me was direct contempt, and I held you in direct contempt, and you went to jail for five days because of it. BY MR. COUGHLIN: Q Is it permissible for a judge to call a civil contempt statute a criminal contempt statute, vis-a-vis -- this is 22.010, a civil contempt statute. And the law in Nevada does have NRS 199 -- I believe it's 240 -- which is the criminal contempt statute. Is it permissible for you to cite to a -- easier to meet civil contempt statute, and then

recharacterize it as criminal contempt? MR. **King**: Objection. THE WITNESS: Mr. Coughlin, I'm not going to argue the law with you. You have the statutes there. You can consult them yourself. BY MR. COUGHLIN: Q On Page 3 at line 4, sub .9 -- MR. ECHEVERRIA: Which exhibit, sir? MR. COUGHLIN: Exhibit 4, your Honor. BY MR. COUGHLIN: Q You wrote, defendant lying to the court in response to direct questions posed by the court. What were the lies in your vague order that lacks any specificity to support a summary contempt finding, what were those lies that you failed to elucidate in your order? MR. ECHEVERRIA: Mr. Coughlin, that question is argumentative. Do you want to rephrase it? MR. COUGHLIN: Sure. BY MR. COUGHLIN: Q What were you referring to when you wrote, "Defendant lying to the court in response to direct questions"? A Well, it would be explained in the order there. I don't remember everything at this time because I don't have it in front of me. But I do believe that you lied about or misrepresented that you were not recording, because I believe you probably were. I don't know. I believe you probably were. At the same time there were things that you and the prosecutor were arguing about with regard to discovery. And she disagreed with you and said you were lying to her about that. And there were other items that you went back and forth about that appeared to me that you were not totally honest about...."

HEARING - Vol. I, (Pages 151:7 to 153:15) BY MR. COUGHLIN: Q When you say, alternately you were probably lying. And then you put in your order, "I find by clear and convincing evidence that he lied," is that ambiguous there? How do you reconcile that? A How do I reconcile what? Q The fact that your order says you find by clear and convincing evidence? A Because that's what I wrote. I did find by clear and convincing evidence. I found by absolutely convincing evidence that you were behaving improperly in court, as you are now, apparently. Q You're saying you found by clear and convincing evidence that a licensed attorney lied to the court. And then you characterize that as probably, well, I kind of think he was. I think he was, because I know some unattributed hearsay that I'm going to base it on. I'm going to get the order I think is wrong about the bathroom break. I'm not going to have a marshal sign an affidavit. *Then I'm going to remix a criminal contempt statute with a summary contempt statute and pick and choose and make it as retaliatory as I possibly can. Isn't that a fair characterization of your approach as a judge?* (NOTE: In re Whitney, 14 Cal.4Th 1 Note: We also accept the commission's conclusion that Judge Whitney's refusal to appoint counsel to assist indigent defendants at the arraignment constituted willful misconduct in office, but conclude the remaining acts constituted, at most, conduct prejudicial to the administration of justice (See Adams v. Commission on Judicial Performance (1995) 10 Cal.4Th 866, 877-878 [42 Cal.Rptr.2D 606, 897 P.2D 544]; Gubler v. Commission on Judicial Performance (1984) 37 Cal.3D 27, 46-47, 59 [207 Cal.Rptr. 171, 688 P.2D 55. Kloepper v. Commission on Judicial Performance (1989) 49 Cal.3D 826, 838-863, 264 Cal.Rptr. 100, 782 P.2D 239 [willful and prejudicial misconduct for failing to protect the rights of defendants, and abuses of power involving contempt procedure, orders to show cause, and bench warrants]; Cannon v. Commission on Judicial Qualifications, supra, 14 Cal.3D 678, 693-694, 122 Cal.Rptr. 778, 537 P.2D 898 [failure to follow the law regarding contempt procedures].)) MR. ECHEVERRIA: Judge, you don't need to answer that question. That was way out of line, and extremely argumentative. THE WITNESS: Thank you. MR. ECHEVERRIA: Do you want to ask a legitimate question, Mr. Coughlin? BY MR. COUGHLIN: Q What basis do you have to

assert in your order that defendant lying to the court in response to direct questions posed by the court with regard to his recording the proceedings? A The opinion is self-explanatory. I do not have it in front of me, Mr. Coughlin. You have access to the tapes and the opinion. And I stand by what I wrote, and I stand by the proceedings that day. Q But it's kind of hard to pick inconsistencies in your testimony today and those materials when you refuse to testify now, isn't it? MR. ECHEVERRIA: Argumentative, Mr. Coughlin. You are not assisting yourself here. MR. COUGHLIN: I'm asking her. It's a question. MR. ECHEVERRIA: No. MR. COUGHLIN: Is that not true that she is subverting the legal process by refusing to testify instead of saying, well, read the order and read -- listen to the recording, and therefore she is not subjecting herself to putting forth any further inconsistencies. MR. ECHEVERRIA: Mr. Coughlin, the time for argument is later, not now. MR. COUGHLIN: Okay. So I'm objecting. It's nonresponsive. BY MR. COUGHLIN: Q What was your basis -- MR. ECHEVERRIA: That objection is overruled."

NOTE: Judge Nash Holmes' assertion that she "right after that" (summarily finding Coughlin in contempt at 4:00 pm on 2/27/12) "did the order" is not quite accurate, is it, where FHE 4 is file stamped 2/28/12, with 3:47 p.m. Indicated as the time of filing. Houston and the body of summary contempt jurisprudence place a high burden on entering such orders nearly immediately after summarily incarcerating one (ie, Judge Nash Holmes does not get twenty four hours to have her Marshals go down to the Washoe County Jail and pull some strings and get Coughlin's personal property (the smart phone and micro sd card of a practicing attorney, and his cell phone) released to them (which both the RMC and WCSO have since lied about in attempting to cover such up, but, darn it, Deputy Hodge told the truth to Coughlin on 3/19/12, and people are just going to have to deal with that, and someone needs to explain the erasing of all the data on those items prior to their being returned to Coughlin (causing massive damages to Coughlin's life and practice), and the extent to which such being done has prejudiced Coughlin's ability to defend himself (can't exactly offer into evidence the micro sd card or smart phone to prove that Coughlin did not, in any way, lie to Judge Nash Holmes in response to her enormously inappropriate sua sponte interrogation of him immediately *after* the one restroom break on that trial date, and, contrary to Echeverria's fraudulent attempts to find that Coughlin failed to deny such accusations, Coughlin most certainly did, in fact, he has denied each and every accusation made in King's piffle ridden Complaint.

The fact that Echeverria and the SBN have clumsily sought to make disappear the filings Coughlin submitted on 10/31/12, 11/9/12), 1/3/13, 1/17/13, and others only further underscores the extent to which all involved, except for Coughlin, in this disciplinary matter are enormously immoral, corrupt, and, in many ways, rather inept. Laughable is weasel Clark Vellis talking himself out of his guilty conscience stemming from being such a willing participant in the gang bang King and Echeverria put on on 11/14/12, where he obviously relies on some attenuated and vague conception that a busy Nevada Supreme Court will catch anything important that he might have missed in the filings included in that which would be transmitted with the ROA (where Kent missed such because he admitted not to looking at things, and not caring to, then he and King got caught lying about whether the SBN had provided copies to each Panel member of the discs Coughlin attached as exhibits to his various filings, and Vellis, laughably, swallows down King's nonsensical explanation of

just what will be included in the ROA, and just how such determination are come to).

29 Actually, in the Ninth Circuit, per Lopez-Pastrana, shoplifting or petty larceny is not a “***serious***” crime: U.S. v. Lopez-Pastrana, 244 F.3d 1025 (9th Cir. 2001): “We vacate the sentence and remand for resentencing on the grounds that Lopez-Pastrana’s prior conviction for shoplifting should not have been counted in determining his criminal history category....In 1993, Defendant was convicted of violating Reno Municipal Code S 8.10.045 (1998) (shoplifting) (NOTE: such provision of the Reno Municipal Code has since merged together with the crime Coughlin was convicted of, misdemeanor petty larceny under RMC 8.10.040) after he attempted to steal a wallet valued at \$19 from a local department store. He was fined \$200 and sentenced to sixteen hours of community service (NOTE: Coughlin was fined \$360.00 and was not sentenced to any community service requirement or other probation whatsoever)....We *review de novo* a district court’s determination that a prior conviction should be counted for criminal history purposes under the Sentencing Guidelines. United States v. Sandoval, 152 F.3d 1190, 1191 (9th Cir. 1998). (NOTE: as such, the Nevada Supreme Court should review any Panel (or its own of 6/7/12 or the text of SCR 111(6), though, to be clear, such only speaks to whether a temporary suspension is in order, not to whether any convictions for offenses listed in SCR 111(6) are “serious”) determination that *any* of those the Panel purport to be “serious” offense “criminal convictions” are, in fact, “serious”)

The issue squarely presented by this case, therefore, is whether a ***minor shoplifting offense*** is “similar to” any listed offense. As discussed below, we hold that it is ***similar to the offense of insufficient funds check***...First, we turn to the question of what is meant by “similar to” as used in U.S.S.G. § 4A1.2(c)(1). We then compare Lopez-Pastrana’s ***shoplifting conviction*** to the enumerated offense of “insufficient funds check.” Finally, we conclude that the two offenses are similar for the purpose of calculating a defendant’s criminal history score.

A. “Similar To” as used in § 4A1.2(c) We have articulated two separate tests for determining whether a particular offense is “similar to” an offense listed in § 4A1.2(c). In United States v. Martinez (Clyde), 905 F.2d 251 (9th Cir.1990), we explained the rationale for excluding the listed offenses: they “***offer no basis for predicting future significant criminal activity by the defendant; the conduct they involve is not uniformly criminalized, and when it is, the penalty is usually light.***” *Id.* at 253. Under the Martinez (Clyde) test, an offense must “offer a more substantial basis for predicting future criminal activity than do the ***minor***” ***listed offenses*** before it may be counted towards a defendant’s criminal history score. United States v. Sandoval, 152 F.3d at 1192. In essence, this test defines “similar to” on the basis of the underlying *seriousness* of the offense.² In United States v. Martinez (Carlos), 69 F.3d 999 (9th Cir.1995), however, we chose not to apply the Martinez (Clyde) test and instead defined “similar to” with reference only to “***whether the activity underlying [the prior offense] is similar to the activities underlying the listed offenses.***” Martinez (Carlos), 69 F.3d at 1000 (citing Martinez (Clyde), 905 F.2d at 255-256 (Wallace J., concurring)).³

Under *either* of these approaches, Lopez-Pastrana’s conviction for ***shoplifting*** is similar to an insufficient funds check offense and therefore ***excluded*** under U.S.S.G. § 4A1.2(c)(1).⁴

B. Martinez (Clyde): “seriousness of the offense” test. Applying the Martinez

(Clyde) “seriousness of the offense” test, we hold that shoplifting is no more indicative of future criminal behavior than is passing a bad check....

The core question under Martinez (Clyde) is **whether the offense at issue “offer[s] [a] basis for predicting future significant criminal activity.”** 905 F.2d at 253. *If so*, the prior offense “is significant for sentencing purposes” ... Id. at 254. Society’s interest in punishing the offense is, of course, relevant to this question. Also relevant is the level of punishment imposed for a violation. Application of these two “factors” alone, however, does not conclude the inquiry. Other similarities between the prior offense and the listed offenses may also assist in assessing whether inclusion of the prior offense “would more likely distort than improve the process for · determining an appropriate sentence.” Id. at 253; See United States v. Kemp, 938 F.2d 1020, 1023 (9th Cir.1991) (Martinez (Clyde) analysis includes a comparison of the elements of the listed offense and the prior offense)....we take a common sense approach which relies on all possible factors of similarity, including a comparison of punishments imposed for the listed and unlisted offenses, the perceived seriousness of the offense as indicated by the level of punishment, the elements of the offense, the level of culpability involved, and the degree to which the commission of the offense indicates a likelihood of recurring criminal conduct. United States v. Hardeman, 933 F.2d 278, 281 (5th Cir.1991).

Both shoplifting and insufficient funds check are punished under the same provision of Nevada law. N.R.S. § 205.0832. The penalty for the two crimes is identical and depends entirely on the value of the property taken. N.R.S. § 205.0835. This **indicates that the two offenses are perceived as equally serious.** In the present case, the defendant received a minimal sentence of 16 hours of community service and a \$200 fine. The actual punishment imposed, therefore, “places [the shoplifting conviction] in an arguably lesser category” than the listed offense of insufficient funds check.⁵ United States v. Almodovar, 1996 WL 114930, *5 (E.D.Pa.1996).

In addition, the two offenses share many of the same elements. There are four distinct ways to violate the Reno shoplifting ordinance. Each subsection of the ordinance defines shoplifting in a slightly different manner. For example, both concealing merchandise and altering the labels on merchandise are equally punishable as shoplifting if done with the intent to deprive the owner of the property. R.M.C. § 8.10.045(a)(2), (a)(3) (1998). Despite these minor variations, the essential elements of a shoplifting violation under the Reno Municipal Code are 1) willfully 2) taking possession of merchandise with 3) the intent to deprive the owner of the value of that property. Similarly, a person commits theft by passing a bad check under Nevada Law if he “knowingly · draws or passes a check, and in exchange obtains property or services, if he knows that the check will not be paid when presented.” N.R.S. § 205.0832.

Both offenses require willfulness. Both offenses require the conversion of the property of another. And both offenses require the specific intent to deprive the owner of the value of that property. The two offenses are similar. See United States v. Sanders, 205 F.3d 549, 553 (2nd Cir.2000) (“fare-beating” (i.e. entering the subway without paying) is “similar to” insufficient funds check because the two offenses share elements and are subject to equally lenient punishments).

C. Martinez (Carlos): ?“conduct” test? We reach the same conclusion after applying the Martinez (Carlos) “conduct” test to Appellant's shoplifting conviction. Unlike the Martinez (Clyde) test, the Martinez (Carlos) test does not require analysis of the defendant's prior offense to determine if it is predictive of future criminal behavior. Rather, the Martinez (Carlos) test focuses only on whether the conduct underlying the defendant's prior offense is “akin to the conduct underlying any of the listed offenses.” Sandoval, 152 F.3d at 1192 (applying the Martinez (Carlos) test).

In Martinez (Carlos), we applied the “conduct” test to the offense of vandalism. Vandalism, “by definition, involves the malicious defacement, destruction or damage to the property of another.” Martinez (Carlos), 69 F.3d at 1001. We held that vandalism was not “similar to” the offenses listed in U.S.S.G. § 4A1.2(c)(2) because vandalism is not a victimless crime and because vandalism involves malicious intent.⁶ Id. at 1000-01.

Under the Martinez (Carlos) test, therefore, a prior offense is “similar to” a listed offense if the elements of the prior offense are similar to the elements necessary to prove one of the enumerated offenses.⁷ This test overlaps, but is more narrow than, the Martinez (Clyde) test. Whereas similar elements may be considered under Martinez (Clyde) to ascertain whether the prior offense offers any “basis for predicting future significant criminal activity,” such a comparison constitutes the entirety of the Martinez (Carlos) test.

As indicated above, the conduct underlying Lopez-Pastrana's conviction for shoplifting is similar to the conduct that underlies an insufficient funds check offense as defined by Nevada law.⁸ (fn8: 8. The dissent concludes that the “trespassory taking” necessary for shoplifting is “simply different” from the fraudulent taking underlying an “insufficient funds check” offense. Dissent at 1035-36. We do not believe this distinction overrides the considerable similarities between the offenses. We note, however, that to the extent a bad check offense contains the additional element of deception, it is arguably more serious than the shoplifting offense at issue here.) Compare R.M.C. § 8.10.045 (1998) with N.R.S. 205.0832(9).

Our decision in *United States v. Sandoval* provides further support for today's order. In *Sandoval*, we applied the Martinez (Carlos) “conduct” test and held that petty theft was not similar to any of the offenses listed in § 4A1.2(c)(2). *Sandoval*, 152 F.3d at 1192. We based this holding on the fact that none of the offenses listed in § 4A1.2(c)(2) involve “taking another's property with the intent to deprive that person of the property.” Id. This cannot be said of those offenses listed in § 4A1.2(c)(1), the provision at issue in this case. Insufficient funds check is a form of stealing. The implication of *Sandoval*, therefore, is that petty theft (like shoplifting) is similar to other minor theft offenses (like insufficient funds check). The district court erred in including this offense when calculating Lopez-Pastrana's criminal history score....In conclusion, shoplifting and insufficient funds check offenses share similar elements, similar penalties, and similar underlying conduct. The offenses are therefore “similar” within the meaning of U.S.S.G. § 4A1.2(c)(1) and Lopez-Pastrana's shoplifting sentence should not have been included in his criminal history calculation. ...II. Under Nevada law, shoplifting is petit larceny....Defendant pleaded guilty to “shoplifting” under Reno Municipal Code § 8.10.045 (1998). At the time, shoplifting was a subset of petit larceny (essentially, petit larceny in a store), the elements of which

were set out in Reno Municipal Code § 8.10.040 (1998).”

30Further, the filings in 60838, 61402, and 61901, 53833, 54844, 60331, 61383, CV11-03628, DV08-01168, CV11-01955, CV11-01896, 60302, 60317, 11 CR 22176, 60630, CR11-2065, 11 CR 26405, CR12-1262, RCR2011-063341, RCR2012-065630, RCR2012-067980 (and Rev2012-001048, Rev2012-000374, Rev2011-001708, Rev2012-074408, Rev2012-078432, Rev2012-001082, 1083, 1167, 1168 etc., etc.), 12 CR 12420, RCP2012-000018, 11 TR 26800, 12 CR 00696, CR12-0376, 63342, 63041, 62821, 62104, 60975 that Coughlin attached as exhibits to FHE15 and as exhibits to previous filings in this matter (its not like the SBN said when it provided all the “bates stamped” documents King was constantly referencing, and further, Coughlin submitted his Exhibits (many of which included discs with bates stamped collection of materials on pdf's that numbered in the thousands of pages, of including complete ROAs or records in the various matters involved herein, in addition to police reports establishing the enormous wave of law enforcement and judicial misconduct that has been directed at Coughlin, typically in the name of refusing to apply NRS 171.136, 171.1266, 174.345, and NRS 40.254, NRS 40.253(5)(a)'s dicates in accord with NV Const. Art. 4 Sec. 21 against the WCSO, RPD, Richard G. Hill, Esq., Gayle Kern, Esq., Nevada Court Services, the Reno City Attorney's Officer, WCDA's Officer, RMC, RJC, ECOMM, RSIC, Wal-Mart, etc, etc...its a real *family* thang with all those grounds) (whether the SBN filed such or not, or whether the SBN transmitted such Exhibits attached as discs by Coughlin to his submission, or whether the SBN purposefully scanned/copied Coughlin's printed out exhibits in a manner sufficient to render them illegible or barely legible...) all make abundantly clear the multitude of arguments and authority in support of Coughlin's contention that there are no aggravating factors herein, and there exists a plentiful bounty of mitigating factors, all supported by clear and convincing evidence by Coughlin. Such filings include (but are not limited to) (note a “Y” means such filing is notated as “Pending” on the docket in the NSCT):

Relevant to everything in 62337 overall:

61462:

08/13/2012 Petition for Dissolution of Temporary Suspension Pursuant to Supreme Court Rule 102(4); and/or alternatively, SCR 111(7) Petition to Show Good Cause For the Court To Set Aside Its Order Temporarily Suspending Attorney from the Practice of Law. (Pending? Y) 12-25416

62104: (where the SBN represents the “fact finder” in 62337 NNDB, interestingly (conflict, much?))

11/14/2012 Filed Petition for Writ of Mandamus Petition for Writ of Mandamus Ordering SBN and Panel to Comply With SCR 105(2)(c)Y 12-36053

11/27/2012 Filed Motion for Extension of Time IFP NRAP 24 Filing Fee. Y 12-37363

11/28/2012 Filed Notice of failure to included the attachment now herein included in previous filing of this motion for extension of time to pay filing fee or show good cause why hasn't been and or apply for ifp fee waiver nrap 24. Y 12-37502

08/28/2013 Filed Motion to Proceed in Forma Pauperis w/Exhibits. Y 13-25467

63342:

06/11/2013 Filed Proper Person Petition for Writ of Mandamus or Prohibition and Motion to Proceed in Forma Pauperis and Declaration of Support thereof; Motion for Release. Y 13-

16975

06/11/2013 Filed Proper Person Motion to Proceed in Forma Pauperis and Declaration in Support thereof for this Petition for Writ of Mandamus or Other Appropriate Relief. 13-16977

07/16/2013 Filed Order Granting Motion and Waiving Filing Fee. No filing fee is due for this peititon. 13-20822

07/18/2013 Filed Notice. Y 13-21068

07/24/2013 Filed Motion to Amend Petition for Extraordinary Writ. Y 13-21712

07/24/2013 Filed Exhibits to Motion. 13-21715

63041:

04/18/2013 Notice of Appeal Documents - Notice of Appeal/Proper Person Fast Track Filed Notice of Appeal/Proper Person Fast Track. Filed certified copy of proper person notice of appeal. (Fast track notice issued to trial counsel.) 13-11526

04/18/2013 Notice/Outgoing - Notice to Request Rough Draft Transcripts Issued Notice to Request Rough Draft Transcripts. Due date: 10 days. 13-11528

05/14/2013 Order/Procedural - Order Filed Order Redesignating Appeal. This appeal was inadvertently docketed in this court as a fast track appeal. This appeal should have been docketed as a proper person appeal. The parties shall disregard the briefing notices issued by this court on April 18, 2013. This appeal shall proceed as a proper person appeal.

13-14170 05/23/2013 Order/Dispositional - Order Dismissing Appeal Filed Order Dismissing Appeal. "ORDER this appeal DISMISSED." SNP13-MG/MD/NS

13-15271 06/17/2013 Remittitur - Remittitur Issued Remittitur.

13-17743 06/17/2013 Case Status Update - Remittitur Issued/Case Closed Remittitur Issued/Case Closed 06/19/2013 Other - Returned

Unfiled Document Returned unfiled untimely motion to proceed IFP on rehearing and rehearing petition submitted via E-Flex by Zachary Coughlin.

Relevant to the Wal-Mart petty larceny conviction at issue in 60838 resulting in referral to NNDB:

60838:

06/11/2012 Motion for Leave to File Opposition or to Show Cause why Temporary Suspension is not in Order. 12-18155

06/18/2012 Motion for Leave to File Amended or Supplemental Opposition or Motion to Set Aside, Alter, Amend Suspension. 12-18962

8/13/12:? why is there not a filing in 60838 for this date of that filed in 61462 at that time in 2012-25416)

10/05/2012 Motion for Order to Show Cause or Contempt Order Against Bar Counsel and NND 12-31434 (and note, the Nevada Supreme Court Clerks too early remittitur and beyond ministerial refusal to file other documents in 60838 has resulted in a Petition for Writ against it in 63822 filed 8/19/13 see Documents of 08/19/13 Y 13-24376, 08/20/2013, 13-24459 and 13-24460, 08/28/2013, 13-25463)

60630:

04/10/2012 Notice of Appeal Documents - Notice of Appeal/Proper Person Filed. 12-11344

06/14/2012 Notice of Appeal Documents - Case Appeal Statement Filed. 12-18642

06/14/2012 Notice of Appeal Documents - Case Appeal Statement Filed.12-18745

06/18/2012 Filed Notice of Intent to File Opening Brief. 12-18956

63822:

08/19/2013 Filed Motion To Proceed In Forma Pauperis to file Petition for Writ Respectfully Against the Clerk's Office, Whom Coughlin Has Much Good Feeling Towards. Y 13-24376

08/20/2013 Filed Exhibits (copies). Exhibits: p1p1 continuation of exhibit 1. 13-24459

08/20/2013 Filed Exhibits (copies). Exhibits: p7. 13-24460

08/28/2013 Filed Notice with Exhibits. 13-2546

Relevant to NG12-0204 and NG12-0434 Richard G. Hill, Esq. and Judge Holmes grievances (FHE4, 5, 8, 9) and the criminal trespass conviction at issue in 61901 (FHE13), and the summary eviction matter and appeals thereof involving Hill (FHE2):

60331:

Docket Entries

Date	Type/Subtype	Description	Pending?	Document
02/29/2012	Filing Fee -	Filing Fee due		Filing Fee due.
02/29/2012	Notice of Appeal Documents -	Notice of Appeal	Filed	Notice of Appeal. Appeal docketed in the Supreme Court this day. (TRANSFERRED TO DOCKET NO. 61383 PER ORDER FILED 4/24/13).
	Order/Incoming -	District Court Order	Filed	District court order. Copy of Order Denying Motion to Proceed In Forma Pauperis filed in district court on 3/8/2012 and Case Appeal Statement or, Pled in the alternative, Motion for Extension of Time to Correct Deficiencies in Appeal Papers. (TRANSFERRED TO DOCKET NO. 61383 PER ORDER FILED 4/24/13).
		12-07771		
04/09/2012	Motion - Motion	Filed	Amended Case Appeal Statement and Request for Extension of Time to Pay Filing Fee and Bring Filings into Compliance with Various Rules. (TRANSFERRED TO DOCKET NO. 61383 PER ORDER FILED 4/24/13).	
		12-11204		
04/13/2012	Notice of Appeal Documents -	Case Appeal Statement	Filed	Case Appeal Statement. (TRANSFERRED TO DOCKET NO. 61383 PER ORDER FILED 4/24/13).
		12-11964		
08/27/2012	Motion - Motion	Filed	Appellant's Motion to Continue In Forma Pauperis or For Extension of Time to Pay Filing Fee. (TRANSFERRED TO DOCKET NO. 61383 PER ORDER FILED 4/24/13).	
		12-26942		
08/27/2012	Brief - Opening Brief	Received Appellant's Opening Brief (via E-Flex). (FILED PER ORDER OF 4/24/13).	11/09/2012	Notice/Incoming - Notice Received document entitled "Submission of appendix and notice of RJC's failure to file Notice of Appeal of 12/20/11 order on 12/26/11." ().(FILED PER ORDER OF 4/24/13).
11/20/2012	Order/Procedural -	Order	Filed	Order. This court notes that the motion filed in this court does not comport with the requirements of NRAP 24, and the motion is denied. On September 6, 2012, appellant paid the filing fee. This appeal may therefore proceed.
		12-36867		
04/24/2013	Order/Dispositional -	Order to Administratively Close Docket	Filed	

Order. Docket No. 60331 was erroneously docketed, and is hereby administratively closed in favor of Docket No. 61383. The clerk of this court shall transfer all documents filed in Docket No. 60331 to Docket No. 61383. Further, the filing fee paid in Docket No. 60331 shall be applied to Docket No. 61383. Accordingly, appellant's motion for reconsideration in Docket No. 61383 is granted and that appeal is reinstated. Nos. 60331/61383. Case Closed/No Remittitur Issued. 13-11976

04/24/2013 Brief - Opening Brief Filed Appellant's Opening Brief. (TRANSFERRED TO DOCKET NO. 61383 PER ORDER FILED 4/24/13). 13-11983

04/24/2013 Notice/Incoming - Notice Filed Submission of Appendix and Notice of Posting bond on Appeal with Hill. (TRANSFERRED TO DOCKET NO. 61383 PER ORDER FILED 4/24/13). 13-11984

61383:

07/31/2012 Filed Notice of Appeal/Proper Person Pilot Program. Filed certified copy of proper person notice of appeal. 12-24129

11/07/2012 Filed Order Dismissing Appeal. To date, appellant has not paid the filing fee or otherwise responded to this court's notice. Accordingly, cause appearing, this appeal is dismissed. 12-35194

11/19/2012 Filed Notice of Improper Dismissal of Appeal, Motion for Reconsideration or to Reinstate Appeal, or Alter or Amend Judgment of Court Clerk. 12-36656

01/07/2013 Filed Submission of appendix and notice of RJC's failure to file Notice of Appeal of 12/20/11 order on 12/26/11. 13-00443

04/24/2013 Filed Order Docket No. 60331 was erroneously docketed, and is hereby administratively closed in favor of Docket No. 61383. The clerk of this court shall transfer all documents filed in Docket No. 60331 to Docket No. 61383. Further, the filing fee paid in Docket No. 60331 shall be applied to Docket No. 61383. Accordingly, appellant's motion for reconsideration in Docket No. 61383 is granted and that appeal is reinstated. Nos. 60331/61383. 13-11982

04/24/2013 Filed Notice of Appeal. (TRANSFERRED FROM DOCKET NO. 60331 PER ORDER FILED 4/24/13). 13-11997; Filed Amended Case Appeal Statement and Request for Extension of Time to Pay Filing Fee and Bring Filings into Compliance with Various Rules. (TRANSFERRED FROM DOCKET NO. 60331 PER ORDER FILED 4/24/13). 13-12009, 13-12010, 13-12016

04/24/2013 Filed Appellant's Opening Brief. (TRANSFERRED FROM DOCKET NO. 60331 PER ORDER FILED 4/24/13). 13-12020

04/24/2013 Filed Submission of Appendix and Notice of Posting bond on Appeal with Richard G. Hill. (TRANSFERRED FROM DOCKET NO. 60331 PER ORDER FILED 4/24/13). 13-12021

05/15/2013 Filed Opposition to Motion to Dismiss Appeal and Stay Briefing Schedule. 13-14300

05/15/2013 Filed Exhibits Part 1. 13-14301

05/15/2013 Filed Exhibits part 2. 13-14302

05/15/2013 Filed Opposition to Motion to Dismiss Appeal and Stay Briefing Schedule with Fonts corrected. 13-14303

05/17/2013 Filed Notice of Attaching Meta-Record on appeal to this Notice and Request that it be Made Publicly Accessible via this Court's Case Management System. 13-14587

05/17/2013 Filed Exhibits to Notice of MROA. 13-14589

05/20/2013 Filed Reply to Opposition [sic] to Motion to Dismiss and Motion to Stay Briefing Schedule. 13-14858

05/21/2013 Filed Exhibits (copies). Exhibits: v2p1p4 13-14931, v2p6p1 13-14933, v2p8 13-14939, v3p5 13-14940, v4p2 13-14941, v5p8 13-14944, v6p4p8and9 13-14945, v7p1 13-14946, v7p5p1 13-14947

05/21/2013 Filed Notice of filing amended notice of appeal. 13-14952

05/22/2013 Filed Exhibits (copies). Exhibits: v8p1 13-1504, v8p6to8 13-15043, v10p2 13-15044, v13p1 13-15045, v15 13-15046

05/28/2013 Order/Dispositional - Order Dismissing Appeal Filed Order Dismissing Appeal. "ORDER this appeal DISMISSED." Fn1[Respondent's April 26, 2013, motion seeking to dismiss this appeal for lack of jurisdiction on other grounds and his April 26, 2013, motion to strike are denied as moot. *To the extent that respondent seeks attorney fees based on the motion to dismiss this appeal, that request is denied.* We further deny as moot other requests for relief pending in this matter.] SNP13-MG/MD/NS. 13-15587

06/07/2013 Returned, unfiled, Petition for Rehearing. (Submitted without required filing fee.)

06/10/2013 Filed Motion to proceed IFP for NRAP 40 and 40A.; Petition for En Banc Reconsideration and Petition for Rehearing. 13-16815

06/10/2013 Filed Motion and Emergency Notice. 13-16816

06/13/2013 Filed Declaration of Zachary Coughlin. 13-17328

06/21/2013 Filed Order Granting Motion to Waive Fee for Rehearing. Appellant's Petition for rehearing will be filed without the payment of the fee. 13-18288

06/25/2013 Received e-mail from Zachary Coughlin stating that he tried to submit his rehearing petition via e-flex on 6/24/13, but the system was down.

06/26/2013 Filed Amendment or Supplemental, or Request to Submit Such as to the Petition for Rehearing; or, in the Alternative, Motion to Consider Viewing this Appeal as a Petition for Extraordinary Writ, Such as a Petition for Writ of Mandamus, Prohibition or Certiorari.

Y 13-18762

07/08/2013 Filed Declaration of Zachary Coughlin. 13-19741

07/12/2013 Filed Motion to Treat as Writ. Y 13-20381

07/15/2013 Filed Declaration of Zachary Barker Coughlin in Support of Motion to Hold in Contempt All Those Herein Detailed as Deserving and for Extraordinary Intervention. Y 13-20581

08/28/2013 Filed Motion for Stay NRS 40.385 w/Exhibits.Y 13-25466

Relevant to NG12-0435 2JDC Judge L. Gardner "grievance" FHE3 and Elcano's testimony:

53833:

05/20/2009 Filed Certified Copy of Notice of Appeal/Settlement. Notice Re Settlement Conference Program and Suspension of Rules mailed to all counsel. (The requesting of transcripts and briefing are stayed pursuant to NRAP 16(a)(1). Docketing Statement Form

mailed to counsel for appellant(s).) 09-12480

05/20/2009 Filed Certified Copy of Notice of Appeal. Second notice of appeal filed on 5/12/09. 09-12482

05/20/2009 Filed Certified Copy of Notice of Appeal/Amended/Supplemental. 09-12483

05/20/2009 Filed Certified Copy of Notice of Appeal/Amended/Supplemental. Second Amended Notice of Appeal; or Alternatively Petition for Writ of Mandamus or Other Extraordinary Writ. 09-12484

06/04/2009 Petitioner's Motion to Treat Second Amended Notice of Appeal or Pled in the Alternative Petition for Writ of Mandamus as a Petition for Writ of Mandamus Only and Not a Notice of Appeal. 09-14032

09/09/2009 Filed Order. as to appellant Zachary Coughlin. Fn1[the clerk shall amend the caption accordingly]. Mr. Coughlin was not a party to the proceedings below and thus cannot personally appeal from the district court's order. We deny Mr. Coughlin's motion to treat second amended notice of appeal as a petition for writ of mandamus only and not a notice of appeal. This denial is without prejudice to Mr. Coughlin's right to file an original writ petition with this court. The settlement judge reports that appellant Bharti Joshi and respondent Ashwin Joshi have agreed to a settlement. Appellant: 15 days to file stipulation or motion to dismiss. 09-21850

54844:

10/28/2009 Filed Petition for Writ. Petition for Writ of Mandamus 09-26305

60302 (disqualifications: Hardesty): add all filings therein by Coughlin

60317 (very relevant to Judge Elliott's rampant misconduct in FHE12,13, CV11-01955, CR11-2064, CR12-1262, CR12-0376, CR13-0614, and that by his replacement in Department 10, Judge Sattler (see 63041, CR13-0552, where Sattler sits on WLS's Board of Directors and may at the time of Coughlin's firing (similarly, Judge Hascheff signed the probable cause review incident to Coughlin's 5/23/13 arrest in RCR2013-072675, resulting in Coughlin's fourteen day incarceration where Judge Hascheff was a member of the Board of Directors of WLS at the time of Coughlin's firing on 5/14/09): Add all of Coughlin's filings therein to this list