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5 9950 West Cheyenne Avenue
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702-384-4012
8 702-383-0701 fax
Attorneys for Defendant
9 DARREN DAVID CHAKER aka
10 DARREN CHAKER-DELNERO

Law Offices of
OLSON CANNON GORMLEY & STOBERSKI
A Professional Corporation
9950 West Cheyenne Avenue
Las Vegas, Nevada 89129
(702) 384-4012 Fax (702) 383-0701

11 DISTRICT COURT
12 CLARK COUNTY, NEVADA

13 THOMAS C. MICHAELIDES, an individual,
14 THOMAS C. MICHAELIDES dba TCM LAW
GROUP,

CASE NO. A-18-779028-C
DEPT. NO. XXIV

15 Plaintiffs,

HEARING REQUESTED

16 v.

17 DARREN DAVID CHAKER aka DARREN
18 CHAKER-DELNERO, an individual; DOES I-
19 X, inclusive; and ROE CORPORATIONS XI
through XX,

20 Defendants.
21

22 **SUPPLEMENT TO MOTION TO SET ASIDE**

23 COMES NOW, Defendant DARREN DAVID CHAKER aka DARREN CHAKER-
24 DELNERO, by and through his counsel, OLSON CANNON GORMLEY & STOBERSKI, and
25 hereby files a Supplement to his Motion to Set Aside Default.
26

27 ...
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1 **POINTS AND AUTHORITIES**

2 **I.**

3 **INTRODUCTION**

4 Defendant filed a motion to set aside entry of default on January 28, 2020. On
5 Thursday, February 27, 2020, at 12:46 a.m., Defendant received an e-mail from an address
6 identified as “pete novak” purporting to serve a file-stamped document titled “Default
7 Judgment”. No Default Judgment nor any entry of default judgment is reflected on this
8 matter’s docket, and both the file stamp and the Court’s signature on the purported default
9 judgment appear to be cut and pasted from other pleadings.

10 This odd circumstance before the Court does not seem to fit cleanly under a specific
11 rule or defined procedure of seeking relief. To wit, Defendant is aware of the oddity of seeking
12 to strike a pleading not reflected on the docket, but he is left with no other choice but to
13 respond to a purported file stamped pleading – a default judgment, no less – that suddenly
14 appears nine months after it allegedly had been filed.

15 As such, and out of an abundance of caution, Defendant herein supplements his
16 Motion to Set Aside Default with a request to set aside any default judgment for the reasons
17 set forth in the initial motion, in particular, that this Court lacks personal jurisdiction over
18 Defendant.
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20 **II.**

21 **STATEMENT OF FACTS**

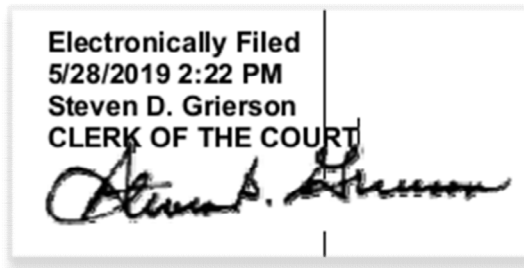
22 1. On Thursday, February 27, 2020, at 12:46 a.m., Defendant received an e-mail
23 from an unknown e-mail address which identified the sender as “pete novak”¹;

24 2. The body of the e-mail simply read, “Please Find Attached The Court Order for
25 Case A-18-779028-C Kindest Regards;”²
26

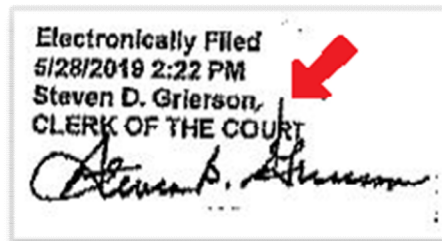
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28 ¹ Exhibit A, 02/27/2020 e-mail from ‘pete novak’.

1 3. The e-mail included an attached PDF file titled “Default Judgment”;³
2 4. As of the date of filing of the instant motion, no ‘Default Judgment’ is reflected
3 on the docket for this matter;
4 5. The file stamp on the purported ‘Default Judgment’ is precisely the same as
5 Plaintiff’s Application for Default Judgment – “5/28/2019 2:22 PM”;⁴
6 6. This file stamp makes little sense because the Court’s purported execution of
7 the document is entered as two days later - “May 30, 2019”;⁵
8 7. The file stamp appears to have been copied and pasted onto the ‘Default
9 Judgment’ from the Application for Default Judgment because of the errant artifact of
10 pleading paper on the ‘Default Judgment’ in the exact location as Plaintiff’s Application:
11

12 a. From Plaintiff’s Application for Default Judgment⁶:



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18 b. From the purported ‘Default Judgment’:



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24 8. The Court’s signature also appears to have been copy and pasted from another
25 document and does not appear to be a ‘stamp signature’ used by the Court:

26 ² *Id.*

27 ³ Exhibit B, Attachment to 02/27/2020 Novak e-mail.

28 ⁴ *Id.*

⁵ *Id.* [2].

⁶ Exhibit D, Plaintiff’s Application for Default Judgment.

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a. From the Order Granting Plaintiffs' Ex Parte Motion for Publication of Summons for Defendant⁶:

IT IS SO ORDERED.
DATED this 17 day of September, 2018.

Submitted By:
TCM LAW GROUP

Honorable JIM CROCKETT

b. From the purported 'Default Judgment'⁷, where the signature is not only exactly the same but the signature line also appears crooked:

IT IS SO ORDERED

Honorable JIM CROCKETT

9. Defense counsel phoned Plaintiff to inquire as to whether he drafted or filed a default judgment, but Plaintiff could not recall and requested time to look through his file. As of the filing the instant supplement, defense counsel has heard nothing further.

III.
ARGUMENT

Rule 60(b)(4) allows for relief from a "final judgment, order, or proceeding" when the "judgment is void."⁸ Defective service of process deprives a court of personal jurisdiction, and

⁶ Exhibit C, Order Granting Plaintiffs' Ex Parte Motion for Publication of Summons for Defendant.

⁷ Exhibit B.

⁸ Nev. R. Civ. P. 60(b)(4).

1 a default judgment entered by a court lacking jurisdiction is void.⁹ Defendant in this matter
2 recognizes that, according to the docket, no default judgment has been filed or entered, but out
3 of abundance of caution, Defendant herein supplements his Motion to Set Aside to also seek
4 an order setting aside any default judgment.

5 As set forth in Defendant's initial motion to set aside, Plaintiff made insufficient efforts
6 to locate and serve Defendant. Plaintiff failed to pursue other "reasonable methods . . . for
7 locating the whereabouts"¹⁰ of Defendant, including Defendant's phone number and e-mail
8 address. Even "technical compliance with NRCP 4(e)(1)(i)" may still not suffice if the plaintiff's
9 "actual efforts, as a matter of law, fall short of the due diligence requirement to the extent of
10 depriving [the defendant] of his fundamental right to due process."¹¹ Above all, the Nevada
11 Supreme Court has made clear that "it is the policy of this state that cases be heard on the
12 merits, whenever possible."¹² The Court noted that:

14 [A]n appellate court is more likely to affirm a lower court ruling
15 *setting aside* a default judgment than it is to affirm a *refusal* to do
16 so. In the former case a trial upon the merits is assured, whereas
in the latter it is denied forever.¹³

17 As such, to the extent that this Court recognizes the purported Default Judgment, Defendant
18 requests an order that the judgment is void for lack of personal jurisdiction over Defendant.

19 **IV.**

20 **CONCLUSION**

21 Defendant received an e-mail from an unknown address purporting to serve a file-
22 stamped copy of a Default Judgment. No default judgment is reflected on the Court's docket,
23

24 ⁹ *In re Estate of Black*, 132 Nev. 73, 75-76, 367 P.3d 416, 418 (2016); *Gassett v. Snappy Car Rental*, 111
25 Nev. 1416, 1420, 906 P.2d 258, 261 (1995), *superseded on other grounds by rule, as stated in In Re
Estate of Black*, 132 Nev. 73, 367 P.3d 416 (2016).

26 ¹⁰ *See Browning v. Dixon*, 114 Nev. 213, 218, 954 P.2d 741, 744 (1998), *citing Price v. Dunn*, 106 Nev.
100, 103, 787 P.2d 785, 786-87 (1990).

27 ¹¹ *Browning*, 114 Nev. at 218, 954 P.2d at 744, *citing Price*, 106 Nev. at 103, 787 P.2d at 786-87.

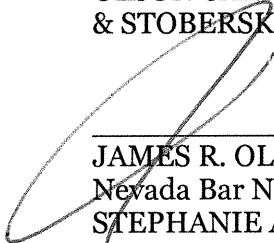
28 ¹² *Schulman v. Bonberg-Whitney Electric, Inc.*, 98 Nev. 226, 228, 645 P.2d 434 (1982) (*citing Hotel Last
Frontier v. Frontier Properties*, 79 Nev. 150, 380 P.2d 293 (1963)).

¹³ *Hotel Last Frontier*, 79 Nev. at 155-56, 380 P.2d at 295 (emphasis in original); *Yochum v. Davis*, 98
Nev. 484, 487, 653 P.2d 1215, 1217 (1982).

1 and aspects of the purported Default Judgment are clearly copied and pasted from other
2 documents. Although no default judgment appears to have been entered in this case,
3 Defendant herein supplements his Motion to Set Aside Default to include this purported
4 default judgment and to alert the Court to the existence of this fabricated document.

5 DATED this 24 day of March, 2020.

6 OLSON CANNON GORMLEY
7 & STOBERSKI

8
9 
10 JAMES R. OLSON, ESQ.
11 Nevada Bar No. 000116
12 STEPHANIE A. BARKER, ESQ.
13 Nevada Bar No. 3176
14 BRANDON P. SMITH, ESQ.
15 Nevada Bar No. 010443
16 9950 West Cheyenne Avenue
17 Las Vegas, NV 89129
18 Attorney for Defendant
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A Professional Corporation
9950 West Cheyenne Avenue
Las Vegas, Nevada 89129
(702) 384-4012 Fax (702) 383-0701

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that on this 24th day of March, 2020, I sent via e-mail a true and
3 correct copy of the above and foregoing **SUPPLEMENT TO MOTION TO SET ASIDE** on
4 the Clark County E-File Electronic Service List (or, if necessary, by U.S. Mail, first class,
5 postage pre-paid), upon the following:

6 Thomas C. Michaelides, Esq.
7 TCM Law Group
8 2620 Regatta Drive, Suite 219
9 Las Vegas, NV 89128
10 702-462-6161
11 702-413-6255 fax
12 tcm@tcmlawgroup.com
13 Attorney for Plaintiff

/s/Jane Hollingsworth

14 _____
15 An Employee of OLSON CANNON GORMLEY
16 & STOBERSKI

17
18
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28
Low Offices of
OLSON CANNON GORMLEY & STOBERSKI
A Professional Corporation
9950 West Cheyenne Avenue
Las Vegas, Nevada 89129
(702) 384-4012 Fax (702) 383-0701

EXHIBIT A

----- Forwarded message -----

From: **pete novak** <pnovak23@gmail.com>

Date: Thu, Feb 27, 2020 at 12:46 AM

Subject: Court Order

To: <darrenchaker@gmail.com>

Please Find Attached The Court Order for Case A-18-779028-C
Kindest Regards.

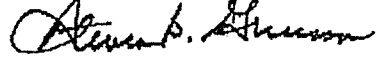
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Darren Chaker
1140 Wall Street, #77
La Jolla, CA 92038

Confidentiality Notice: This message, along with any attachments and/or replies thereto, are covered by the Electronic Communications Privacy Act, 18 U.S.C. Sections 2510-2521, and are may be legally privileged. The information contained in this electronic e-mail and any accompanying attachment(s) is intended only for the use of the intended recipient and may be confidential and/or privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying, or retransmission of this message is in violation of 18 U.S.C. 2511(1) of the ECPA and is strictly prohibited. If you have received this communication in error, please immediately notify the sender by return e-mail, and delete the original message and all copies from your system. Thank you.

EXHIBIT B

Electronically Filed
5/28/2019 2:22 PM
Steven D. Grierson,
CLERK OF THE COURT



1 **MOT**
TCM LAW GROUP
2 THOMAS C. MICHAELIDES, ESQ.
Nevada Bar No. 5425
3 2620 Regatta Drive, Suite 219
Las Vegas, Nevada 89128
4 Telephone: (702) 462-6161
Facsimile: (702) 413-6255
5 tcm@tcmlawgroup.com
6 *Attorney for Plaintiff*

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

10 THOMAS C. MICHAELIDES, an
11 individual, THOMAS C. MICHAELIDES
dba TCM LAW GROUP.

12 Plaintiff,

13 vs.

14 DARREN CHAKER, an individual;
15 DOES I-X, inclusive; and ROE
16 CORPORATIONS XI through XX

17 Defendant.

CASE NO. A-18-779028-C

DEPARTMENT: XXIV

19 **DEFAULT JUDGMENT**

20 Upon the application of Default Judgment filed by THOMAS C. MICHAELIDES, ESQ., of
21 the TCM LAW GROUP, based upon the Default of Defendant filed with this Court on November 15,
22 2018. The Court having reviewed the papers and pleading on file, now therefore:

24 **THE COURT FINDS:** that the TCM LAW GROUP and Thomas C. Michaelides, Esq. has been
25 defamed and held in a false light by Defendant's false statements which consisted of causing an offending
26 report to appear online.

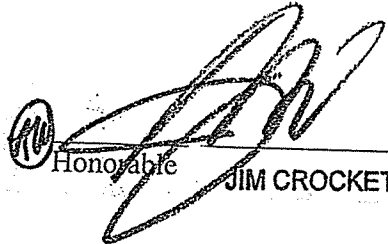
1 **THE COURT FURTHER FINDS:** that Defendant caused the offending report, which was
2 false, to appear online in several websites, one specifically known as Rip-Off Report and others unknown
3 to date, and said false statement identified in the Complaint.

4 **THE COURT FURTHER FINDS:** that the offending report caused TCM LAW and Thomas C.
5 Michaelides, Esq. to be seen in a bad, false and negative light and was seen by prospective online clients of
6 TCM LAW.

7 **THE COURT FURTHER FINDS:** that the offending report, consisting of defamatory and
8 libelous statements, are hereby found to be false, and has disparaged Plaintiffs business.

9 **NOW IT IS HEREBY ORDERED, ADJUDGED AND DECREED:** that the offending report
10 that appeared on-line in several websites pertaining to TCM LAW and attorney THOMAS C.
11 MICHAELIDES, including, but not limited to Rip-Off Report, should be removed by any necessary means
12 necessary.
13

14 IT IS SO ORDERED

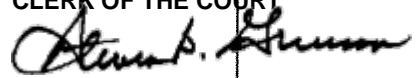
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17 
18 HONORABLE JIM CROCKETT

19 DATED this 30th day of May, 2019.

20 **THE TCM LAW GROUP**

21 /s/ Thomas C. Michaelides
22 THOMAS C. MICHAELIDES, ESQ.
23 Nevada Bar No. 5425
24 2620 Regatta Drive, Suite 219
25 Las Vegas, Nevada 89128
26 Telephone: (702) 462-6161
27 Facsimile: (702) 413-6255
28 tcm@tcmlawgroup.com
 Attorney for Plaintiff

EXHIBIT C



1 **ORDR**

2 THOMAS C. MICHAELIDES, ESQ.
3 Nevada Bar No. 5425
4 2620 Regatta Drive #219
5 Las Vegas, Nevada 89128
6 Telephone: (702) 462-6161
7 Facsimile: (702) 413-6255
8 info@tcmlawgroup.com
9 *Attorney for Plaintiff*

7 **DISTRICT COURT**

8 **CLARK COUNTY, NEVADA**

9 THOMAS C. MICHAELIDES, an individual,
10 Plaintiff,

Case No.: A-18-779028-C
Dept. No.: XXIV

11 vs.

12 DARREN DAVID CHAKER, an individual,
13 Defendants.

14
15
16 **ORDER GRANTING PLAINTIFFS' EXPARTE MOTION FOR**
17 **PUBLICATION OF SUMMONS FOR DEFENDANT**

18 The Court having considered Plaintiff's Ex-Parte Motion for Publication of Summons for
19 Defendant DARREN DAVID CHAKER to N.R.C.P. 6(b) and 4(e)(1)(i) and the Court having
20 reviewed the papers, pleadings on file herein, it appears to the satisfaction of the Court, and the
21 Court finds, that Defendant, DARREN DAVID CHAKER, cannot be found within the State of
22 Nevada, and that Summons cannot be served upon Defendant in person within the State of
23 Nevada; and it further appearing from the Affidavit and from the Complaint filed herein, the
24 Court herein finds that a cause of action exists in favor of Plaintiff and against the Defendant;
25 that Defendant is a necessary and proper party, and the last-known address of the Defendant was
26 1140 Wall Street #77, LaJolla, CA 92037 and it further appearing that Las Vegas Legal News is
27
28

1 a newspaper published in the City Las Vegas, State of Nevada, and is the newspaper most likely
2 to give notice to the Defendant of the pendency of this suit;

3
4 **NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED**
5 that Summons in the suit be served on the Defendant herein, by publication in the above-named
6 newspaper, and that said publication be made for a period of once per week for five (5)
7 consecutive weeks;

8
9 **IT IS FURTHER ORDERED** that a copy of the Summons and a copy of the
10 Complaint be deposited in the United States Post Office, enclosed in an envelope upon which
11 the postage is fully prepaid, addressed to the Defendant at 1140 Wall Street #77, LaJolla, CA
12 9203;

13 ///

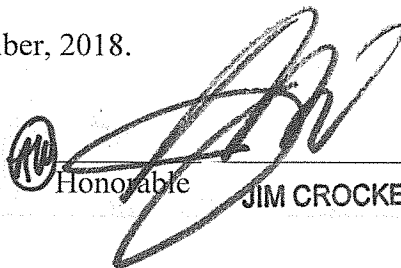
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1 **IT IS FURTHER ORDERED** that due service of a copy of the Summons and
2 Complaint on the Defendant in the State of Nevada shall be equivalent to complete service by
3 publication and deposited in the United States Post Office, that such process may be served
4 upon the Defendant as prescribed by statute.

5 **IT IS SO ORDERED.**

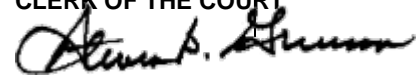
6 DATED this 17 day of September, 2018.

7
8 
9 Honorable **JIM CROCKETT**

9 Submitted By:
10 TCMLAW GROUP

11 
12 **THOMAS C. MICHAELIDES, ESQ.**
13 Nevada Bar No. 5425
14 2620 Regatta Drive #219
15 Las Vegas, Nevada 89128
16 Telephone: (702) 462-6161
17 Facsimile: (702) 413-6255
18 tcm@tcmlawgroup.com
19 *Attorneys for Plaintiff*
20
21
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EXHIBIT D



1 APPL
2 TCM LAW GROUP
3 THOMAS C. MICHAELIDES, ESQ.
4 Nevada Bar No. 5425
5 2620 Regatta Drive, Suite 219
6 Las Vegas, Nevada 89128
7 Telephone: (702) 462-6161
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9 tcm@tcmlawgroup.com
10 *Attorney for Plaintiff*

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IN THE EIGHTH JUDICIAL DISTRICT COURT

OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF CLARK

THOMAS C. MICHAELIDES, an
individual, THOMAS C. MICHAELIDES
dba TCM LAW GROUP,

Plaintiffs,

vs.

DARREN CHAKER, an individual;
DOES I-X, inclusive; and ROE
CORPORATIONS XI through XX

Defendants.

Case No.: A-18-779028-C
Dept. No.: XXIV

**APPLICATION FOR ENTRY OF DEFAULT JUDGMENT AGAINST
DEFENDANT, DARREN CHAKER**

COMES NOW Plaintiff, THOMAS C. MICHAELIDES, by and through his Attorney of
Record, THOMAS C. MICHAELIDES of The TCM Law Group, and hereby makes this
Application for the Entry of Default Judgment against Defendant, DARREN CHAKER. This
Application is made and based upon Nevada Rules of Civil Procedure, Rule 55 the attached
Exhibits, all other pleadings, papers, and documents on file with the Court in this action, such
further documentary evidence as the Court may deem appropriate.

Plaintiff as a result of this action and based on Defendant's failure to appear in this
action, seeks the following Default Judgment from this Court:

1. That the Court finds that the claims made by the Defendants are not meritorious.
2. That the TCM LAW GROUP and Thomas C. Michaelides, Esq. has been defamed and held in a false light by Defendant's false statements which consisted of causing an offending report to appear online.
3. That Defendant caused the offending report, which was false, to appear online in several websites, one specifically known as Rip-Off Report and others unknown to date, and said false statement identified in the Complaint.
4. That the offending report, consisting of defamatory and libelous statements, went directly to TCM LAW's representation of Defendant in his child custody complaint brought against Susan Adcock, dated December 8, 2015. The offending report, as a result of this judgment, is hereby found to be false, and has disparaged Plaintiffs business.
5. That the offending report caused TCM LAW and Thomas C. Michaelides, Esq. to be seen in a bad, false and negative light and was seen by prospective online clients of TCM LAW.
6. That Defendant Chaker be held liable for a money judgment in the amount of \$15,001.00 for attorney fees and costs.

DATED this 28th day of May, 2019.

Respectfully submitted:

TCM LAW GROUP

By: /s/ Thomas C. Michaelides

THOMAS C. MICHAELIDES, ESQ.

Nevada Bar No. 5425

2620 Regatta Drive, Suite 219

Las Vegas, Nevada 89128

Telephone: (702) 462-6161

Facsimile: (702) 413-6255

tcm@tcmlawgroup.com

Attorney for Plaintiff