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6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

9 THOMAS BENSON,  
10  
11 Plaintiff,  
12  
13 vs.  
14 STATE OF NEVADA, et al.,  
15  
16 Defendants.

Case No. : 2:17-cv-00447-RFB-NJK

**DEFENDANTS LAS VEGAS REVIEW-  
JOURNAL AND ELI SEGALL’S MOTION  
TO STRIKE PLAINTIFF’S FUGITIVE  
“FIRST AMENDED WRIT GRANTING  
TRIAL BY JURY” (ECF No. 118)**

15 Defendants Las Vegas Review-Journal and Eli Segall (collectively, the “Review-  
16 Journal Defendants”), by and through their counsel Margaret A. McLetchie and Alina M.  
17 Shell of McLetchie Shell, LLC, hereby submit this Motion to Strike Plaintiff’s Fugitive “First  
18 Amended Writ Granting Trial by Jury.” (ECF No. 118.)

19 DATED this 29<sup>th</sup> day of September, 2017.

20 */s/ Alina M. Shell*

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**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. INTRODUCTION**

On September 22, 2017, Plaintiff Thomas Benson filed with this Court a Motion for Trial by Jury. (ECF No. 112.) That same day, Mr. Benson, operating under the false premise that he and Michaelene Jo have judicial authority, authored a “Writ Granting Trial by Jury.” (ECF No. 113.) The “writ” purported to grant Mr. Benson’s Motion for a Trial by Jury. (*Id.* at ¶ 9.) Further, the “writ” purported to schedule a trial-by-conference-call for October 5, 2017, at 7:00 PM Pacific Standard Time. (*Id.* at ¶ 10-11.) On September 27, 2017, the Review-Journal Defendants filed a motion to strike Mr. Benson’s spurious “writ.” (ECF No. 116.) In that motion, the Review-Journal noted that the “writ” was missing a page which appeared to include some sort of ultimatum if Defendants did not participate in Mr. Benson’s “trial.” (*See, e.g.*, ECF No. 113 at ¶ 18.)

On September 29, 2017, Mr. Benson filed a “First Amended Writ Granting Trial by Jury,” which is an edited version of the prior false writ. (ECF No. 118.) Significantly, this amended “writ” includes the “consequences” Defendants will face if they do not appear for Mr. Benson’s “trial”:

FOR IT IS THE ORDER OF THIS COURT that if the defendants do not participate, do not place evidence on file, or testify, the jury will be allowed to consider a default judgment and will consider granting all the relief requested by the claimant to him.

(*Id.*, ¶ 16.)

Thus, as the Review-Journal Defendants suspected, it appears that Mr. Benson intends to use this “writ” to obtain a fraudulent lien against them. The Review-Journal Defendants therefore move this Court to enter an order striking Mr. Benson’s fugitive “First Amended Writ Granting Trial by Jury.” Because of Mr. Benson’s and sovereign citizens’ well-documented propensity for using these phony writs to fool the gullible into granting fraudulent liens,<sup>1</sup> it is imperative that this Court strike his fugitive “First Amended Writ

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<sup>1</sup> *See, e.g.*, LVMPD Defendants’ Emergency Motions to Declare Plaintiff a Vexatious Litigant, Enter a Pre-Filing Injunction Order, and Strike Plaintiff’s Fugitive Writs (ECF No. 82 at p. 4:9-15.); *see also* Order Granting Motions to Strike (ECF No. 96 at p.2:16-19.

1 Granting Trial by Jury” with all deliberate speed.

2 **II. ARGUMENT**

3 As this Court has already noted in its June 27, 2017 Order Granting Defendants’  
4 previous motion to strike improper filing, District Courts have the authority to strike  
5 improper filings under their inherent power to control their dockets. *See* Order Granting  
6 Motions to Strike (ECF No. 96 at p. 1:21-22) (citing *ReadyTransp., Inc. v. AAR Mfg., Inc.*,  
7 627 F.3d 402, 404 (9th Cir. 2010)). In deciding whether to strike a filing, “courts consider  
8 whether striking the filing would further the overall resolution of the action, and whether the  
9 filer has a history of excessive and repetitive filing that have complicated proceedings.”  
10 Order Granting Motions to Strike (ECF No. 96 at p. 1:24-2:1) (citing *Jones v. Skolnik*, 2015  
11 WL 685228, at \*2 (D. Nev. Feb. 18, 2015)) (internal quotations omitted). Additionally,  
12 courts consider whether failure to strike material would prejudice the moving party. Order  
13 Granting Motions to Strike (ECF No. 96 at p. 2:1-2:4) (citing *Roadhouse v. Las Vegas Metro*  
14 *Police Dept.*, 290 F.R.D. 535, 543 (D. Nev. 2013)).

15 Mr. Benson has a history of excessive and repetitive filing that has unnecessarily  
16 complicated these proceedings. Indeed, this Court has already stricken five of Mr. Benson’s  
17 improper filings in the instant litigation. *See* Order Granting Motions to Strike (ECF No. 96  
18 at p. 2:20-2:21). Much like the orders stricken by this Court on June 27, 2017, Mr. Benson’s  
19 September 22, 2017 “Writ Granting Trial by Jury” is styled to resemble an order issued by a  
20 court. It is marked with a seal identifying it as a document from the “Court of Record” of the  
21 “Continental United States of America Superior Court.” (ECF No. 113 at p. 6). It is even  
22 “signed” by Michaelene Jo, the “Chief Justice superior court of the united States of America  
23 (unincorporated) [sic].” (*Id.*) These entities have no legal authority anywhere but in the  
24 imaginations of Mr. Benson and his cohorts. It should go without saying that these attempts  
25 at usurping the authority of the District Court (and its officials), no matter how fantastical,  
26 are improper and serve no purpose in furthering the resolution of this action. They merely  
27 waste this Court’s valuable time.

28 ///

1 There is also prejudice to Defendants in allowing this material to remain on the  
2 docket. As the Court has already stated, “litigants can use such documents to obtain bogus  
3 liens on their litigation opponents.” Order Granting Motions to Strike (ECF No. 96 at p. 2:17-  
4 2:18) (internal citations omitted). Additionally, should Defendants decline to participate in  
5 Mr. Benson’s trial-by-conference-call on October 5, 2017, this “Writ Granting Trial by Jury”  
6 opens the door for Mr. Benson to file yet more bogus orders against Defendants, which in  
7 turn may allow Mr. Benson to obtain bogus liens on Defendants. To prevent these prejudicial  
8 outcomes, Mr. Benson’s fugitive writ must be stricken from the docket.

9 **III. CONCLUSION**

10 Mr. Benson’s litigation is an attempt to hijack the machinery of justice. Allowing  
11 the phony “writs” and “orders” from Mr. Benson’s imaginary courtroom to stand risks to  
12 subject Defendants to fraudulent liens and other prejudice. Therefore, the Review-Journal  
13 Defendants respectfully request that this Court strike Mr. Benson’s “First Amended Writ  
14 Granting Trial by Jury” (ECF No. 118) as quickly as possible.

15 Respectfully submitted this 29<sup>th</sup> day of September 2017.

16 */s/ Alina M. Shell*

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 29<sup>th</sup> day of September, 2017, I did serve, via Case Management/Electronic Case Filing, a true and correct copy of the above and foregoing DEFENDANTS LAS VEGAS REVIEW-JOURNAL AND ELI SEGALL’S MOTION TO STRIKE PLAINTIFF’S FUGITIVE “FIRST AMENDED WRIT GRANTING TRIAL BY JURY” (ECF No. 118) to counsel of record in this case and mailed by First Class United States Mail, postage fully prepaid to the following:

Thomas Benson  
c/o 9030 West Sahara Ave. 617  
Las Vegas, NV 89117

Thomas Benson  
ID # 02540455  
Clark County Detention Center  
330 South Casino Center Blvd.  
Las Vegas, NV 89101

/s/ Pharan Burchfield  
EMPLOYEE of McLetchie Shell LLC

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