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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  
“WRIT GRANTING TRIAL BY JURY”  
(ECF No. 113)**

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 “Writ  
18 Granting Trial by Jury.” (ECF No. 113.)

19 DATED this 27<sup>th</sup> day of September, 2017.

20 */s/ Margaret A. McLetchie*

21 MARGARET A MCLETCHIE, Nevada Bar No. 10931  
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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.) This “writ” purports to grant Mr. Benson’s Motion for a Trial by Jury. (*Id.* at ¶ 9.) Further, this “writ” purports to schedule a trial-by-conference-call for October 5, 2017, at 7:00 PM Pacific Standard Time. (*Id.* at ¶ 10-11.) This “writ,” which appears to be missing at least one page, attempts to issue an ultimatum toward Defendants before abruptly stopping.<sup>1</sup> Defendants Eli Segall and Las Vegas Review-Journal now move to strike Mr. Benson’s fugitive “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>2</sup> it is imperative that this Court strike his fugitive “Writ Granting Trial by Jury” with all deliberate speed.

**II. ARGUMENT**

As this Court has already noted in its June 27, 2017 Order Granting Defendants’ previous motion to strike improper filing, District Courts have the authority to strike improper filings under their inherent power to control their dockets. *See* Order Granting Motions to Strike (ECF No. 96 at p. 1:21-22) (citing *ReadyTransp., Inc. v. AAR Mfg., Inc.*, 627 F.3d 402, 404 (9th Cir. 2010)). In deciding whether to strike a filing, “courts consider whether striking the filing would further the overall resolution of the action, and whether the filer has a history of excessive and repetitive filing that have complicated proceedings.” Order Granting Motions to Strike (ECF No. 96 at p. 1:24-2:1) (citing *Jones v. Skolnik*, 2015

<sup>1</sup> “FOR IT IS THE ORDER OF THIS COURT that if the defendants do not partici- [sic]” (*Id.* at ¶ 18.)

<sup>2</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 WL 685228, at \*2 (D. Nev. Feb. 18, 2015)) (internal quotations omitted). Additionally,  
2 courts consider whether failure to strike material would prejudice the moving party. Order  
3 Granting Motions to Strike (ECF No. 96 at p. 2:1-2:4) (citing *Roadhouse v. Las Vegas Metro*  
4 *Police Dept.*, 290 F.R.D. 535, 543 (D. Nev. 2013)).

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

18 There is also prejudice to Defendants in allowing this material to remain on the  
19 docket. As the Court has already stated, "litigants can use such documents to obtain bogus  
20 liens on their litigation opponents." Order Granting Motions to Strike (ECF No. 96 at p. 2:17-  
21 2:18) (internal citations omitted). Additionally, should Defendants decline to participate in  
22 Mr. Benson's trial-by-conference-call on October 5, 2017, this "Writ Granting Trial by Jury"  
23 opens the door for Mr. Benson to file yet more bogus orders against Defendants, which in  
24 turn may allow Mr. Benson to obtain bogus liens on Defendants. To prevent these prejudicial  
25 outcomes, Mr. Benson's fugitive writ must be stricken from the docket.

### 26 III. CONCLUSION

27 Mr. Benson's litigation is an attempt to hijack the machinery of justice. Allowing  
28 the phony orders from Mr. Benson's imaginary courtroom to stand risks to subject

1 Defendants to fraudulent liens and other prejudice. Therefore, Defendants Segall and the Las  
2 Vegas Review-Journal respectfully request that this Court strike Mr. Benson’s “Writ  
3 Granting Trial by Jury” (ECF No. 113) as quickly as possible.  
4

5 Respectfully submitted this 27<sup>th</sup> day of September 2017.  
6

7 */s/ Margaret A. McLetchie*

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**CERTIFICATE OF SERVICE**

1  
2 I hereby certify that on this 27<sup>th</sup> day of September, 2017, I did serve, via Case  
3 Management/Electronic Case Filing, a true and correct copy of the above and foregoing  
4 DEFENDANTS LAS VEGAS REVIEW-JOURNAL AND ELI SEGALL’S MOTION TO  
5 STRIKE PLAINTIFF’S FUGITIVE “WRIT GRANTING TRIAL BY JURY” (ECF No.  
6 113) to counsel of record in this case and mailed by First Class United States Mail, postage  
7 fully prepaid to the following:

8  
9 Thomas Benson  
10 c/o 9030 West Sahara Ave. 617  
11 Las Vegas, NV 89117

12 */s/ Pharan Burchfield*  
13 \_\_\_\_\_  
14 EMPLOYEE of McLetchie Shell LLC  
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