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CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

1 JOHN LASZLOFFY
 2 P.O. Box 476
 3 Big Bear Lake, Ca 92315
 4 Telephone: 909-878-0228
 5 E-mail lasz07@msn.com
 6 Plaintiff
 7 Pro Se

UNITED STATES DISTRICT COURT
for the
DISTRICT OF NEVADA
LAS VEGAS
Civil Division

11 JOHN LASZLOFFY,
 12 Plaintiff,
 13
 14
 15 CINDY ZORAIDA GARCIA,
 16 and DOES 1 to 20, Inclusive,
 17 Defendants.

CASE NO. 2:19-cv-01173-JAD-BNW
 MOTION FOR RECONSIDERATION
 FOR EXTENSION OF TIME TO PAY
 FILING FEES

19 Plaintiff John Laszloffy moves this Honorable Court for an Order extending the deadline
 20 for Plaintiff to pay filing fees to July 5, 2020, stating in support:

- 21 1. Plaintiff living on Social Security filed a Civil complaint filed July 5, 2019.
- 22 2. Plaintiff filed his completed (or so he thought) application for filing In forma Pauperis at
 23 the same time.
- 24 3. Plaintiff received a four (4) page letter from the Courts Clerk office that in forma pauperis
 25 applications might take several months to process. That plaintiff was not to contact the
 26 court clerks to find out his status.

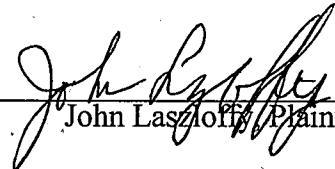


- 1 4. Plaintiff also applied and was granted permission to look up his case under Pacer.gov.
- 2 5. For many months, plaintiff once a month looked up his case with no change.
- 3 6. On 2/27/2020 the Honorable Magistrate Judge Brenda Weksler ordered the application
- 4 for in forma pauperis "Denied without prejudice".
- 5 7. The Honorable Magistrate Judge Brenda Weksler gave the plaintiff until 3/26/2020 to file
- 6 a complete in forma pauperis application or payment of filing fees.
- 7 8. Plaintiff does not understand what portion of his application is incomplete. He went over
- 8 it several times at the time of applying..
- 9 9. It wasn't until June 1, 2020 that plaintiff went over a portion of his pacer account he
- 10 didn't know existed and saw the order dated 2/27/2020.
- 11 10. Considerable legal research and time has gone into plaintiff's case (copy of partial
- 12 completion of plaintiff's MEMORANDUM OF AUTHORITIES IN SUPPORT OF
- 13 PLAINTIFF'S CAUSES OF ACTION enclosed).
- 14 11. Plaintiff has borrowed the money for filing fees and is willing to drive to Las Vegas to
- 15 pay them.
- 16 12. Should this Honorable Judge Magistrate grant an Order extending the deadline to pay
- 17 filing fees, plaintiff will within days drive to Las Vegas Federal District Court (about 31/2
- 18 hours away) and pay in person so that there can be no further mistakes.

19 WHEREFORE plaintiff moves this Honorable Court Judge Magistrate Brenda Weksler to
 20 enter an Order extending the deadline for plaintiff to pay filing fees to July 5. 2020.

21 RESPECTFULLY SUBMITTED this 6 day of June, 2020

22 IT IS ORDERED that ECF No. 9 is
 23 GRANTED. Plaintiff shall have until
 24 July 5, 2020 to pay the filing fee in
 25 this case.



 John Laszloff, Plaintiff

25 **IT IS SO ORDERED**

26 **DATED: June 09, 2020**

28 

BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

**United States District Court
District of Nevada (Las Vegas)
CIVIL DOCKET FOR CASE #: 2:19-cv-01173-JAD-BNW**

szloffy v. Garcia
signed to: Judge Jennifer A. Dorsey
referred to: Magistrate Judge Brenda Weksler
cause: 28:1332 Diversity-Fraud

Date Filed: 07/05/2019
Jury Demand: Plaintiff
Nature of Suit: 370 Fraud
Jurisdiction: Diversity

Plaintiff

John Laszloffy

represented by **John Laszloffy**
PO Box 476
Big Bear Lake, CA 92315
(909) 866-3092
PRO SE

Defendant

Andy Zoraida Garcia

Date Filed	#	Docket Text
7/05/2019		Case randomly assigned to Judge Jennifer A. Dorsey and Magistrate Judge Brenda Weksler. (MR) (Entered: 07/08/2019)
7/05/2019	<u>1</u>	APPLICATION for Leave to Proceed in forma pauperis by Plaintiff John Laszloffy. (Attachments: # <u>1</u> Complaint, # <u>2</u> Exhibits, # <u>3</u> Civil Cover Sheet, # <u>4</u> Summons, # <u>5</u> Cover Letter) (MR) Modified on 7/8/2019 to restrict access to <u>1</u> -2 per LR IC 6-1 (MR). (Entered: 07/08/2019)
7/08/2019	<u>2</u>	ADVISORY LETTER to litigant. (MR) (Entered: 07/08/2019)
7/17/2019	<u>3</u>	MOTION for Pro Se Litigant to File Electronically by Plaintiff John Laszloffy. (JM) (Entered: 07/18/2019)
8/23/2019	<u>4</u>	MOTION for Pro Se Litigant to File Electronically, filed by Plaintiff John Laszloffy. (Attachments: # cover letter) (ADR) (Entered: 08/23/2019)
1/02/2020	<u>5</u>	MOTION for Leave to File to File Amended Complaint, filed by Plaintiff John Laszloffy. (Attachments: # <u>1</u> Exhibit) (ADR) Modified on 1/6/2020 to correct filed date (ADR). (Main Document 5 replaced on 1/6/2020) (ADR). (Entered: 01/03/2020)
2/05/2020	<u>6</u>	NOTICE of Change of Email Address by Plaintiff John Laszloffy. (ADR) (Entered: 02/05/2020)
2/27/2020	<u>7</u>	ORDER. IT IS ORDERED that <u>1</u> plaintiff's Application to Proceed in forma pauperis is DENIED without prejudice. File a complete application to proceed in forma pauperis or Payment of filing fees due 3/26/2020. IT IS FURTHER ORDERED that <u>5</u> plaintiff's motion to file an amended complaint is DENIED without prejudice. IT IS FURTHER ORDERED that <u>3</u> plaintiff's first motion to file electronically is GRANTED. By 3/13/20 plaintiff must file a written certification that she has completed the CM/ECF tutorial. IT IS FURTHER ORDERED that <u>4</u> plaintiff's second motion to file electronically is DENIED as moot. Signed by Magistrate Judge Brenda Weksler on 2/20/2020. (Copies have been distributed pursuant to the NEF - ADR) (Entered: 02/28/2020)

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8 **UNITED STATES DISTRICT COURT**
9 **for the**
10 **DISTRICT OF NEVADA**
11 **LAS VEGAS**
12 **Civil Division**

11 JOHN LASZLOFFY,
12 Plaintiff,

13 v.

14 CINDY ZORAIDA GARCIA,
15 and DOES 1 to 20, Inclusive,
16 Defendants.

CASE NO. 2:19-cv-01173-JAD-BNW

17 **MEMORANDUM OF AUTHORITIES IN SUPPORT OF PLAINTIFF'S CAUSES OF ACTION**

18 In diversity cases, federal courts must apply the substantive law of the forum state.
19 *Kabatoff v. Safeco Ins. Co. of America*, 627 F.2d 207, 209 (9th Cir. 1980); *King v. Penrod Co.*,
20 652 F. Supp. 1331, 1333 (D.Nev. 1987). In this instant case, Nevada is the forum state because
21 all the defendants' allegedly tortious conduct occurred in Nevada.

22 "Federal courts ordinarily follow state law in determining the bounds of their jurisdiction
23 over persons." *Daimler AG v. Bauman*, 571 U.S. ___, ___, 134 S.Ct. 746, 753, ___ L.Ed.2d ___
24 (2014).

25 In applying Nevada's substantive law, "[T]he task of this court is to approximate state
26 law as closely as possible." *Truck Ins. Exchange v. Tetzlaff*, 683 F.Supp. 223, 227 (DS.Nev.
27

1 1988) (citing *Gee v. Tennaco, Inc.* 615 F.2d 847, 861 (9th Cir. 1980)). If Nevada's high court has
2 not decided a particular issue, "this Court must predict how the state high court would resolve it."
3 *Id.* (citing *Dimidowich v. Bell & Howell*, 803 F.2d 1482 (9th Cir. 1986), modified, 810 F.2d. 1517
4 (9th Cir. 1987)). Furthermore, this Court must apply Nevada law as it is, not as it ought to be.
5 *Klingebiel v. Lockheed Aircraft Corp.*, 494 F.2d 345, 346-47 (9th Cir. 1974; *Southern Pacific*
6 *Transp. Co. v. United States*, 462 F.Supp. 1227, 1233 (E.D.Cal. 1978). This Court is not free to
7 predict possible changes in the law. *Moore v. R.G. Indus., Inc.* 789 F.2d 1326, 1327 (9th Cir.
8 1986). Nor are we free to engraft upon prior state decisions exceptions or modifications that have
9 not been adopted by the state courts. See *Stancil v. Mergenthaler Linotype Co.*, 589 F.Supp. 78,
10 81 (D.Haw. 1984); See also *Day & Zimmermann, Inc. V. Chalioner*, 423 U.S. 3, 4, 96 S.CXt.
11 167, 168, 46 L.Ed.2d 3 (1975).

12 FIRST CAUSE OF ACTION

- 13 1. Deceit; Fraud and Extortion
- 14 2. [70]"Fraud" means an intentional misrepresentation, deception or concealment of a material
15 fact known to the person with the intent to deprive another person of his rights or
16 property or to otherwise injure another person." *Bongiovi v. Sullivan*, 122 Nev. Adv. Op.
17 52 - Nevada Supreme Court, 2006. Cited by 88.
- 18 3. "Fraud means an intentional misrepresentation, deception or concealment of a material
19 fact known to the person with the intent to deprive another person of his or her rights or
20 property or to otherwise injure another person." Nev. Rev. Stat. 42.001(2)
- 21 4. "Fraud, deceit and defraud are not limited to common-law fraud or deceit." Nev. Rev.
22 Stat. 90.245.
- 23 5. "Whenever an intent to defraud: (1) Shall be made an element of an offense, it shall be
24 sufficient if an intent to defraud any person, association or body politic or corporation,
25 whatever." Nev. Rev. Stat.' 193.040(1).
- 26 6. "'Insurance fraud" defined. "Insurance fraud" means knowingly and willfully:" (2)

1 “Presenting or causing to be presented any statement as a part of, or in support of, a claim
2 for payment or any other benefits under a policy of insurance issued pursuant to this title,
3 if the person who presents or causes the presentation of the statement conceals or omits
4 facts, or contains false or misleading information concerning any fact material to that
5 claim.” Nev. Rev. Stat. 686A.2815(2).

6 SECOND CAUSE OF ACTION

7 7. Emotional Distress; Depression; Loss of Sleep

8 8. He said that he had suffered mentally and emotionally ... allegedly made about other
9 doctors, Sullivan correctly argues that the statements were introduced to show Bongiovi's
10 mental state, such as ... Sullivan also testified that the incident had a profound emotional
11 impact on him ... Bongiovi v. Sullivan, 122 Nev. Adv. Op. 52 - Nevada Supreme Court,
12 2006. Cited by 88.

13 9. “Emotional difficulties, too, can be compensated.” How to Win Your Personal Injury
14 Claim. 9th Edition, Page 174. See plaintiff’s complaint exhibit 5.

15 THIRD CAUSE OF ACTION

16 10. Loss of Reputation

17 11. [48]General damages are those that are awarded for “loss of reputation, shame,
18 mortification and hurt feelings.” [49]General damages are presumed upon proof of the
19 defamation alone because the proof establishes amount for present and future injury to the
20 plaintiff’s reputation and “because of the impossibility of affixing an exact monetary
21 amount for present and future injury to the plaintiff’s reputation, wounded feelings and
22 humiliation, loss of business, and any consequential physical illness or pain. Bongiovi v.
23 Sullivan, 122 Nev. Adv. Op. 52 - Nevada Supreme Court, 2006. Cited by 88.

24 FORTH CAUSE OF ACTION

25 12. Conspiracy to Intimidate: Defamation: Libel; Slander

26 13. If two or more persons conspire to injure, oppress, threaten, or intimidate any person in
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any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; 18 U.S.C §241.

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JUN - 8 2020	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
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U.S. District Court
Honorable Judge Magistrate
Brenda Wekler
333 Las Vegas Boulevard South, Room 1334
Las Vegas, Nv 89101

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