UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

RAYE THERESA ZAMMIT, Plaintiff(s), v. RICHARD SOLOMONS, et al., Defendant(s).	Case No. 2:21-cv-00738-JAD-NJK **Order Dismissing Action**
TANYA RENEE ROBERSON, Plaintiff(s), v. FRANK GIUNTA, Defendant(s).	Case No. 2:21-cv-00740-JAD-NJK **Order Dismissing Action**
AARON JOHN DEVRIES, et al., Plaintiff(s), v. JASON MIKKELSEN, Defendant(s).	Case No. 2:21-cv-00741-JAD-NJK **Order Dismissing Action**
ALESA LYN HART, Plaintiff(s), v. DAVID SIMON, et al., Defendant(s).	Case No. 2:21-cv-00742-JAD-NJK **Order Dismissing Action**
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ALESA LYN HART, Plaintiff(s), v. PELICAN PLAZA MANAGEMENT COMPANY, LLC, et al., Defendant(s).	Case No. 2:21-cv-00744-JAD-NJK **Order Dismissing Action**
BARBARA J. STRUTHERS, Plaintiff(s), v. MORTON SCHAPIRO, et al., Defendant(s).	Case No. 2:21-cv-00745-JAD-NJK **Order Dismissing Action**
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STEVEN WAYNE SWEDBERG, Plaintiff(s), v. KEITH E. SMITH, et al., Defendant(s).	Case No. 2:21-cv-00878-JAD-NJK **Order Dismissing Action**
SHELLEY MICHELLE WRIGHT, Plaintiff(s), v. MARK B. ROSENBERG, et al., Defendant(s).	Case No. 2:21-cv-00879-JAD-NJK **Order Dismissing Action**
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JAMES MARTIN WOLF, Plaintiff(s), v. RICHARD SOLOMONS, et al., Defendant(s).	Case No. 2:21-cv-00895-JAD-NJK **Order Dismissing Action**

These 133 cases were filed by Hank Falstad, an architect who identifies himself as a specialist in building construction that complies with the Americans with Disabilities Act. Though Falstad purports to be acting as the attorney for each of these individual plaintiffs, he isn't one. For each case, he also failed to pay the filing fee required to initiate a civil action in this court. Because non-lawyers may not file cases on behalf of others in federal court[1] and because these cases were all improperly commenced, this court issued an order in each case that gave each named plaintiff until June 7, 2021, to file a proper complaint signed on their own behalf or by a licensed attorney authorized to practice law in this court, and to pay the filing fee. No such action was taken, so the magistrate judge recommends that I dismiss these actions without prejudice. She also recommends in the first-filed of these cases, *Zammit v. Solomons*,

[1] *See* ECF No. 4 in each case (collecting authorities).

that Mr. Falstad be declared a vexatious litigant, limiting his ability to file future actions in such an unauthorized representative capacity.[2]

Falstad filed an objection to that report and recommendation for "all 140 cases filed in the first week in May 2021."[3] That objection fails to address any of the concerns or issues that the magistrate judge raised in her recommendations. Falstad also filed a supplemental objection.[4] It similarly skirts any issue relevant to the magistrate judge's recommendations. Instead, Falstad demands rulings on these cases within 30 days, and he threatens to file another "100 per month in 2021, 300 in 2022[,] and 500 in 2023."[5] None of the named plaintiffs has filed a complaint in response to the court's order. No filing fee has been paid, and no application to proceed in forma pauperis has been submitted.

When a party objects to a magistrate judge's report and recommendation on a dispositive issue, the district court must conduct a de novo review of the challenged findings and recommendations.[6] The district judge "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge," "receive further evidence," or "recommit the matter to the magistrate judge with instructions."[7] Having considered Falstad's objection and supplemental objection, and after a de novo review, I overrule the objections and adopt in full the magistrate judge's reports and recommendations. Falstad's objections do not identify any error in the magistrate judge's very narrow R&Rs. They offer instead a rambling exposition on "Who is Hank Falstad."[8] And they reiterate his beliefs about the ADA, its history, and how he has "designed these cases" to set up a "Federal Civil Rights Court" here in Las

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[2] *See Zammit v. Solomons et al.*, 2:21-cv-00738-JAD-NJK, ECF No. 18 (vexatious-litigant report and recommendation).

[3] *See id.* at ECF No. 19 (objection).

[4] *See id.* at ECF No. 20 (supplemental objection).

[5] *Id*. at 2.

[6] Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1)(B); Local Rule IB 3-2(b) (requiring a district judge to review de novo only the portions of a report and recommendation addressing a case-dispositive issue that a party objects to).

[7] 28 U.S.C. § 636(b)(1).

[8] *See Zammit v. Solomons et al.*, 2:21-cv-00738-JAD-NJK, ECF No. 19 at 1.

Vegas, where he lives. In this new system, "Justice Clarence Thomas needs to represent the Supreme Court as the longest sitting Justice."[9]

Despite Falstad's objections, all of the fatal defects with these cases remain uncured. Because he is not an attorney, the law does not permit him to file lawsuits on behalf of others.[10] But he continues to believe that he may—and should—champion these cases in a representative capacity. Federal Rule of Civil Procedure 11(a) requires a complaint initiating a case to be signed by the plaintiff herself of by her attorney, but the complaints in these cases are signed by Falstad. And the filing fees for these scores of cases remain unpaid. Falstad offers no reason why these defects should not result in the dismissal of all of these actions. Even more, Falstad's objections further bolster the magistrate judge's recommendation that he be declared a vexatious litigant subject to a prefiling injunction because they confirm that he fully intends to continue to engage in—and even ramp up exponentially—his unauthorized practice of law on a mass scale.[11]

IT IS THEREFORE ORDERED that **the Magistrate Judge's Report and Recommendation to dismiss each of these 133**[12] **cases is ADOPTED in its entirety**, and Falstad's Objection and Supplemental Objection to that Report and Recommendation are OVERRULED. These cases are DISMISSED without prejudice for failure to pay the filing fee or file an application to proceed in forma pauperis, and for failure of the named plaintiffs to file a properly signed complaint as required by FRCP 11(a), all in violation of the court's order. **The Clerk of Court is directed to ENTER JUDGMENT ACCORDINGLY and CLOSE THESE CASES.**

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[9] *See id.*, ECF No. 20 at 2.

[10] 28 U.S.C. § 1654; *see also Simon v. Hartford Life, Inc.*, 546 F.3d 661, 664–65 (9th Cir. 2008) (collecting cases regarding prohibition of non-lawyers representing others); Nev. Rev. Stat. § 7.285 (addressing the unauthorized practice of law in Nevada).

[11] Indeed, several of his named plaintiffs have already reached out the court to have their cases dismissed, emphasizing that they never authorized him to sue on their behalf. *See Zammit v. Solomons et al.*, 2:21-cv-00738-JAD-NJK, ECF No. 18 at 2–3 (collecting cases).

[12] This order does not address *Alyesa Lyn Hart v. Mary Dillon*, Case No. 2:21-cv-00750-APG-NJK, which has been assigned to another district judge.

IT IS FURTHER ORDERERED **that the magistrate judge's Report and Recommendation for Hank Falstad to be declared a vexatious litigant** [*Zammit v. Solomons et al.*, 2:21-cv-00738-JAD-NJK, ECF No. 18] **is ADOPTED in its entirety**, and Falstad's objections thereto [*Zammit v. Solomons et al.*, 2:21-cv-00738-JAD-NJK, ECF Nos. 19, 20] are OVERRULED. IT IS HEREBY ORDERED that **Hank Falstad is declared a vexatious litigant**. The Clerk of Court is directed not to accept for filing any complaint submitted by Mr. Falstad that is not signed by the named plaintiff or a licensed attorney for the named plaintiff, or with which no filing fee is submitted or an application to proceed in forma pauperis is submitted for contemporaneous filing, unless he first obtains leave from a judge of this court. Before Mr. Falstad may initiate such an action, he must first file a motion for leave to file a complaint. Mr. Falstad must submit a copy of this vexatious-litigant order and a copy of the proposed complaint with any such motion. If the court does not grant Mr. Falstad written permission to file such a complaint within 30 days of the date of such motion, permission will be deemed denied.

IT IS FURTHER ORDERED that Falstad's **motions for attorney's fees are DENIED** because he is not an attorney, these cases have now been dismissed, and the court in its discretion finds that the requested award is not warranted.

U.S. District Judge Jennifer A. Dorsey
Dated: August 17, 2021