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IN THE FAMILY DIVISION  
IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE

ANDREW E. FURER, Case No. FV04-04071  
Applicant, Dept. No. 2

vs.

ELOISA BESADA FURER  
Adverse Party.

**OPPOSITION TO ELOISA FURER'S EX PARTE MOTION TO QUASH  
THIS COURT'S CRUEL AND UNJUST ORDERS DATED DECEMBER 3,  
2008, ETC.**

At 11:44 p.m. on December 30, 2008, Eloisa Furer filed what purports to be an Ex Parte Motion to quash this Court's Order Dated December 3, 2008, which required her to surrender herself to the Washoe County Jail on December 10, 2008, to serve 10 days of the 40 day jail sentence. Notwithstanding Mrs. Furer's actual knowledge of this Court's Order prior to December 10, 2008, Mrs. Furer did not surrender herself to jail as ordered. See, Notice of Inability to Effectuate Service filed December 23, 2008.

1 Ms. Furer's current diatribe is procedurally improper, unsupported by  
2 affidavit or other admissible evidence, is substantively without merit and is yet  
3 another of many examples of her improper abuse of process of the Washoe County  
4 Courts. Ms. Furer clearly feels at liberty to make false, disparaging and defamatory  
5 allegations against not only her former husband and his counsel, but also against her  
6 own former counsel and, most importantly, against various judicial officers of this  
7 County. See, e.g., Ms. Furer's Ex Parte Motion at pp. 5, 6, 7 and 8. Her improper  
8 conduct cannot be countenanced.  
9

10 Mr. Furer disagrees with virtually all of the unsupported claims,  
11 allegations and other statements in Ms. Furer's improper motion other than her  
12 suggestion that the Court review her website, renojudicialconspiracy.com. Her  
13 false and vicious website demonstrates the improper means Ms. Furer continues to  
14 employ to pursue her vendetta against Mr. Furer, Judge Weller, counsel and anyone  
15 else she perceives as standing in her way. The extraordinary decree of personal  
16 animus reflected in her website is yet more evidence that her death threats must be  
17 taken seriously because she poses a danger to the physical safety of Mr. Furer and  
18 others.  
19

20 Ms. Furer's Ex Parte motion is procedurally improper. See, WDCR 12.  
21 She cites no evidence of any factual circumstances or legal authority which would  
22 support the filing of an ex parte motion. Nor does such evidence or legal authority  
23 exist. Ms. Furer has been represented by more than twelve lawyers, including some  
24 of the most respected in the state.<sup>1</sup> She has been dissatisfied with virtually all of  
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28 <sup>1</sup> Including Mr. Silverman, Ms. Petroni, Mr. Marks, etc.

1 them at one time or another and has had fee disputes with many of them. However,  
2 if she elects to proceed pro per because, in her opinion, her lawyers don't represent  
3 her properly, she must do so in compliance with Court Rules and Orders, just as all  
4 other litigants are required to comply with Rules and Orders.  
5

6 Ms. Furer's Ex Parte motion is unsupported by any admissible evidence  
7 contrary to relevant Court Rules. See, WDCR 12; DCR 13(6). The absence of any  
8 authority for the relief she seeks may be deemed an admission that her motion lacks  
9 merit. See, DCR 13(2). Her motion, therefore, should be summarily denied.  
10

11 Ms. Furer improperly attempts to reargue the merits of her entire divorce.  
12 Ms. Furer's current motion regarding the sanction of imprisonment arising out of  
13 her contemptuous conduct in making death threats contrary to the specific terms of  
14 the Extended Protection Order is not the appropriate procedural vehicle to reargue  
15 the merits of the Furers' divorce.

16 Many of the unsupported factual contentions contained in Ms. Furer's  
17 outline of complaints about the divorce are demonstrably false. For example, Ms.  
18 Furer claims that Mr. Furer's counsel was disqualified from acting as Mr. Furer's  
19 counsel but was then improperly allowed to later act as his counsel. In reality, in  
20 the divorce proceeding Ms. Furer claimed that counsel had a disqualifying conflict  
21 of interest. Following an evidentiary hearing the court found that her complaint  
22 was without merit. However, at that time Ms. Furer insisted that she would call Mr.  
23 Furer's counsel as a witness during the phase of the bifurcated trial regarding the  
24 validity of the parties' Agreements. The trial court, therefore, held that counsel  
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1 could not act as trial counsel during that phase of the trial.<sup>2</sup> However, counsel could  
2 not legitimately be called as a witness in the following phase of the trial regarding  
3 the legal consequences under the Agreement, and therefore, counsel was not  
4 disqualified from acting as trial counsel in that phase of the proceeding.<sup>3</sup>

5  
6 Ms. Furer also falsely claims that the trial court wrongfully awarded Mr.  
7 Furer 95% of the parties' estate. Her claim is entirely without merit. The trial court  
8 simply upheld the Marital Settlement Agreement that Ms. Furer signed twice while  
9 represented by two different lawyers. There is no finding that either of her lawyers  
10 failed to represent her properly in connection with the Marital Settlement  
11 Agreement. Nor did Ms. Furer allege that they failed to represent her properly in  
12 connection with the negotiation and execution of the MSA.

13  
14 Similarly, many of the claims and allegations Ms. Furer makes regarding  
15 this Court's Contempt Order are demonstrably false and without merit. For  
16 example, she claims that Judge Weller forced her lawyer, Erik Fitting, on her and  
17 that Judge Weller "sat on" her motion to associate out-of-state counsel for an  
18 unreasonable period of time. She is wrong. Mr. Fitting voluntarily made an  
19 appearance on her behalf. Mr. Fitting then filed a motion to associate out-of-state  
20 counsel (in the divorce proceeding, not the EPO proceeding) but did so improperly.  
21 He then failed to submit the motion. The legal consequence, then, was that Mr.

22  
23  
24 <sup>2</sup> Counsel believes that calling Mr. Furer's lawyer as a witness was a ploy to try to get counsel off  
25 the case and not based on any thoughtful decision that counsel's testimony would be helpful to her  
26 case. In her current pleading she asks the court to throw counsel off the case. She cites no authority  
27 in support of this request.

28 <sup>3</sup> Because these issues are not directly relevant to substance of her motion counsel has elected not to  
burden the court with copies of all of the documents which support these factual contentions.  
Counsel represents that, consistent with Rule 11 his characterizations are accurate. If the court  
believes that it is necessary or would be helpful to have the supporting documents counsel will be  
happy to supplement this Opposition.

1 Fitting was her counsel of record by having made a voluntary appearance and the  
2 ruling on the motion regarding out-of-state counsel was delayed because it was not  
3 properly submitted.<sup>4</sup> And, although Mr. Fitting did not formally file an appearance  
4 in the EPO proceeding until the day of the contempt hearing, he appeared at and  
5 represented Ms. Furer at the depositions that were taken in preparation for the  
6 contempt hearing in the EPO action. Her complaints are without merit.  
7

8 Ms. Furer complains that Master Cooke has a disqualifying conflict of  
9 interest. She failed, however, to file an appropriate and timely motion to seek  
10 Master Cooke's disqualification. Furthermore, this Court rejected Master Cooke's  
11 ultimate recommendation and, following its review of the record, entered the order  
12 of imprisonment at issue. Therefore, even if Master Cooke had a conflict, which  
13 she does not, it would be a problem of no consequence because this Court made the  
14 ultimate decision, not Master Cooke.<sup>5</sup>  
15

16 Ms. Furer claims that after the contempt hearing in July she was driving  
17 around the block to find a parking spot and saw Master Cooke come out of Kent  
18 Robison's office.<sup>6</sup> The clear implication of this claim is to suggest that Master  
19 Cooke and Mr. Robison were having improper ex parte communications about the  
20 case. This Court may take judicial notice that Mr. Robison's office is on  
21 Washington Street, well beyond any normal distance to park to walk to the court  
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24 <sup>4</sup> Interestingly, out-of-state counsel has never been heard from again. One can only surmise that he  
25 quickly determined that he did not want to represent Ms. Furer and therefore made no further  
attempt to associate as her counsel.

26 <sup>5</sup> Ms. Furer has figured out that claiming a judicial officer has a conflict can be used to get a new  
27 judge. After Judge Schumacher entered orders that Ms. Furer did not like she claimed that Judge  
Schumacher had a conflict. Judge Schumacher simply recused herself to avoid any appearance of  
conflict. Following an evidentiary hearing, however, Ms. Furer's underlying factual claims  
regarding the conflict were found to be without merit.

28 <sup>6</sup> She accuses law enforcement officers of wrongdoing as well.

1 house.<sup>7</sup> More importantly, to the best of Mr. Robison's knowledge, Master Cooke  
2 has never been in his firm's office building. He has certainly never met with her at  
3 his office. He has not had any ex parte communications with Master Cooke about  
4 this or any other case. Mr. Robison and Mr. Furer waited at the courthouse that day  
5 until the initial contempt order was issued. See, Affidavit of Kent Robison.  
6

7 Ms. Furer now complains, in effect, that this Court too has a disqualifying  
8 conflict of interest and, without citation to any evidence whatsoever, claims that this  
9 Court's representations about conversations with Mr. Furer's counsel, Master  
10 Cooke and Judge Weller are untrue. This Court's Order dated October 29, 2008,  
11 required Ms. Furer to file her Opposition to Mr. Furer's objection to the Master's  
12 Recommendation by November 10, 2008. She failed to do so. Similarly, the  
13 October 29<sup>th</sup> Order gave Ms. Furer until November 10<sup>th</sup> to seek to disqualify this  
14 Court if she deemed doing so appropriate. She failed to do so. She cites no  
15 authority which would allow her to now come back and raise these issues at this  
16 time.  
17

18 Ms. Furer, without citation to any evidence, claims that there was some  
19 conspiracy between this Court and Mr. Furer's counsel regarding the timing of  
20 these various orders. This Court has actual knowledge that her complaint is entirely  
21 untrue and without merit.<sup>8</sup> Ms. Furer's claims in this regard, like many of the other  
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24  
25 <sup>7</sup> Was she really driving by his office in an attempt to stalk him and Mr. Furer?

26 <sup>8</sup> Ms. Furer complains that Mr. Furer's counsel knew that she was in Europe during the time in  
27 question. Mr. Furer's counsel had notice of what Ms. Furer said. Counsel, however, does not  
28 always have confidence that the things Ms. Furer says are true. Nor did counsel set the time  
deadlines. Again, if Ms. Furer wants to act as her own lawyer she must comply with the Rules.  
There is no rule that says the litigation comes to a halt because Ms. Furer elects to travel to Europe.  
If she was going to be out of town she needed to make arrangements for someone to cover for her,  
just as a lawyer would in similar circumstances.

1 untrue claims and allegations in her motion, are made in violation of Rule 11 of the  
2 Nevada Rules of Civil Procedure.  
3

4 Ms. Furer apparently convinces herself that if any judicial officer does not  
5 rule in the exact manner she demands that judicial officer must be engaged in an  
6 unlawful conspiracy with Mr. Furer's counsel. But just because she may believe it  
7 does not make it true. Nor does it allow her, consistent with Rule 11, to make  
8 claims that are unsupported by any admissible evidence.  
9

10 Ms. Furer [REDACTED] that she was improperly removed from Master Cooke's [REDACTED]  
11 courtroom for trying to make a few thoughtful statements is belied by the transcript  
12 of the hearing. She was repeatedly warned about her behavior before she was [REDACTED]  
13 removed from the courtroom. Nor is this the first time Ms. Furer has been ejected  
14 from a courtroom. Judge Weller was repeatedly forced to have her removed from [REDACTED]  
15 the courtroom due to her improper emotional outbursts. Ms. Furer apparently  
16 believes that she has a legal right to yell and scream at judicial officers with  
17 impunity. Ms. Furer refuses to comply with rules and courtroom decorum but then  
18 complains when she suffers the consequences of her improper conduct. Ms. Furer  
19 contends that she was not told she could not leave the court house. However, it  
20 cannot be disputed that her own counsel called her on the phone from the court  
21 room imploring her to return at Master Cooke's direction.  
22

23 Ms. Furer argues that there is no evidence that she has ever engaged in any  
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1 act of domestic violence.<sup>9</sup> And yet, three different Extended Protection Orders have  
2 been issued against her by two different judicial officers following three different  
3 evidentiary hearings. Each EPO was based on separate situations of Ms. Furer's  
4 inappropriate conduct. Making death threats are acts of domestic violence.  
5

6 Ms. Furer contends that she is not violent but that her mouth is. She fails  
7 to appreciate that death threats constitute domestic violence and that she – and no  
8 one else – has control over her violent mouth. She has the ability to control her  
9 mouth if she chooses to do so. Ms. Furer was specifically ordered not to make  
10 death threats. Notwithstanding those Orders, she made more death threats. It is not  
11 okay to threaten your former husband, his counsel or the court – even if there were  
12 no order precluding such threats. Her argument that she was upset when she made  
13 the statement in question is no defense. It is contempt of court to make death  
14 threats when there is a specific order saying you may not make such threats. She  
15 has continued to make insulting, disparaging and threatening statements because, to  
16 date, she has borne no adverse consequence as a result.  
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26 <sup>9</sup> She continues to allege that Mr. Furer criminally battered her. But, she fails to acknowledge that  
27 the criminal charges that were filed against him were dismissed with prejudice. In prior pleadings  
28 regarding this issue she has alleged that the District Attorneys' office, Judge Alswede and Judge  
Stienhiemer were all engaged in some conspiracy against her which resulted in the dismissal of the  
criminal charges.


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Ms. Furer falsely claims that this Court's finding of contempt and order sentencing her to forty days of imprisonment (with 30 suspended) is based solely on claims she made to the effect that she would "get" Andy. This Court knows that is not true. It is, however, telling evidence of her thought process. She latches on to some small piece of information and twists and contorts it to meet her needs. The testimony presented at the hearing from employees of Credit Suisse was that Ms. Furer made multiple specific death threats against Mr. Furer, his counsel and the Judge in addition to the generic "I'll get Andy" comments. The Credit Suisse employees were sufficiently concerned that they contacted security, had Mr. Furer and his counsel warned about the threats and had security measures implemented at their own office to protect against her.

Ms. Furer complains about her own lawyer calling Judge Weller to warn him that Ms. Furer was coming to Reno and that he was concerned for the Judge's safety. Former Judge Lueck is yet another of Ms. Furer's former lawyers who she accuses of wrongdoing. However, no part of the contempt order was based on anything she said or did that led her lawyer, Mr. Lueck to have this concern for Judge Weller's safety. His concerns, however, once again demonstrate that Ms. Furer's threats must be taken seriously.

Finally, Ms. Furer attempts to make a due process claim, arguing that she was entitled to notice and an opportunity to be heard. Ms. Furer received notice when a copy of the March 25, 2008, Contempt Motion was served on her. Ms. Furer had an opportunity to be heard at the evidentiary hearing scheduled in connection with the contempt motion. Ms. Furer has no due process right to speak

1 out of turn, to yell, scream and make abusive statements in court. Furthermore,  
2 even though her own conduct and failure to heed Master Cooke's admonitions  
3 resulted in her being ejected from the courtroom, her counsel remained and made  
4 arguments on her behalf. Thereafter, she had yet another opportunity to be heard as  
5 set forth in this Court's October 29<sup>th</sup> Order. Ms. Furer cites no legal authority that  
6 she was deprived of her right to notice or to be heard.  
7

8 Notwithstanding multiple opportunities to do so since the contempt  
9 motion was filed last March, Ms. Furer has offered absolutely no admissible or  
10 credible evidence that the witnesses' sworn testimony that Ms. Furer made specific  
11 death threats is untrue. Ms. Furer had notice and an opportunity to be heard. There  
12 was no denial of due process. Furthermore, to the extent she believed there was any  
13 due process violation, she was required by this Court's Order to file her brief in that  
14 regard by no later than November 10, 2008. She did not do so. 

15  
16 In reality, Ms. Furer believes that her conduct is justified because of what  
17 she perceives to be her mistreatment by Mr. Furer, his counsel, her various former  
18 counsel and the various judicial officers who have ruled against her and she is  
19 making every effort to convince this Court that her conduct was justified. But, her  
20 belief that her conduct is justified is not a legal defense to the contempt charges.  
21 She made specific death threats notwithstanding specific Court Order precluding  
22 her from making death threats. Mr. Furer, his counsel and Judge Weller should not  
23 have to spend one second worrying about whether Ms. Furer would follow through  
24 with her threats.  
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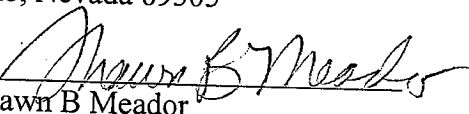
Ms. Furer's motion is filed in violation of Court Rules. Her various false, defamatory and disparaging statements are unsupported by admissible evidence and are filed in violation of Rule 11 of the Nevada Rules of Civil Procedure. Ms. Furer offers no legal authority in support of the relief she seeks.

Ms. Furer's Ex Parte Motion should be denied. Ms. Furer should be required to pay the legal fees and costs that Mr. Furer has incurred as a result of her wrongful motion. A bench warrant should be issued for Ms. Furer's arrest to assure her compliance with this Court's Order.

The undersigned affirms that this document DOES NOT contain the social security number of any person.

DATED this 8 day of Jan, 2009.

WOODBURN AND WEDGE  
6100 Neil Road, Suite 500  
Post Office Box 2311  
Reno, Nevada 89505

By   
Shawn B Meador  
Attorneys for Applicant  
Andrew Earl Furer

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the law offices of Woodburn and Wedge, 6100 Neil Rd., Suite 500, Reno, Nevada 89511, that I am over the age of 18 years, and that I served the attached document(s) described as follows:

OPPOSITION TO ELOISA FURER'S EX PARTE MOTION TO QUASH THIS COURT'S CRUEL AND UNJUST ORDERD DATED DECEMBER 3, 2008, ETC.

on the party set forth below by:

- Placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United States Mail, at Reno, Nevada, postage prepaid, following ordinary business practices.
- Personal delivery.
- Facsimile (FAX).
- Federal Express or other overnight delivery.

addressed as follows:

Eloisa B. Furer  
9812 Winter Palace  
Las Vegas, NV 89145

Dated this 8 day of Jan., 2009.

Vicki Sayer  
Vicki Sayer

IN THE FAMILY DIVISION OF THE SECOND JUDICIAL DISTRICT COURT  
OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE

\*\*\*

Andrew Furer  
Applicant  
vs.  
Eloisa Furer  
Adverse Party

FAMILY COURT MOTION/OPOSITION NOTICE (REQUIRED)
CASE NO. <u>FV04-04071</u>
DEPT. NO. <u>2</u>

**NOTICE:** THIS MOTION/OPOSITION NOTICE MUST BE ATTACHED AS THE LAST PAGE to every motion or other paper filed pursuant to chapter 125, 125B or 125C of NRS and to any answer or response to such a motion or other paper.

A. Mark the CORRECT ANSWER with an X.		YES	NO
1. Has a final decree or custody order been entered in this case? If <u>yes</u> , then continue to Question 2. If <u>no</u> , you do not need to answer any other questions.			X
2. Is this a motion or an opposition to a motion filed to change a final order? If <u>yes</u> , then continue to Question 3. If <u>no</u> , you do not need to answer any other questions.			
3. Is this a motion or an opposition to a motion filed only to change the amount of child support?			
4. Is this a motion or an opposition to a motion for reconsideration or a new trial <u>and</u> the motion was filed within 10 days of the Judge's Order?			
IF the answer to Question 4 is YES, write in the <u>filing date</u> found on the front page of the Judge's Order.		Date	
B. If you answered NO to either Question 1 or 2 or YES to Question 3 or 4, you are <u>exempt</u> from the \$25.00 filing fee. However, if the Court later determines you should have paid the filing fee, your motion will <u>not</u> be decided until the \$25.00 fee is paid.			

I affirm that the answers provided on this Notice are true.

Date: 1/5/09

Signature:

Shawn Meador

Print Name:

SHAWN MEADOR

Print Address:

WOODBURN AND WEDGE  
6100 NEI Rd #500

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