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15 ANDREW EARL FURER

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

15 ANDREW EARL FURER,
16
17 Plaintiff,

Case No. DV04-01626

Dept. No. 11

17 vs.

18 ELOISA BESADA FURER
19
20 Defendant.

21
22 1) RESPONSE TO ELOISA FURER'S REQUEST FOR SUBMISSION AND EX
23 PARTE MOTION TO SUBSTITUTE, ERIK FITTING CURRENTLY COUNSEL OF
24 RECORD, AND A STATEMENT IN REPLY TO THE SEPTEMBER 23, 2008
25 MOTION FOR PERMISSION TO SEEK RECONSIDERATION AND
26 MOTION FOR RECONSIDERATION OF COURT'S ORDER ENTERED
27 SEPTEMBER 23, 2008; 3) MOTION FOR APPOINTMENT OF MASTER TO
28 EVALUATE ALL OF ELOISA FURER'S PROPOSED PLEADINGS, MOTIONS,
AND OTHER PAPERS FILED IN THIS COURT TO ASSURE THEIR
COMPLIANCE WITH NEVADA LAW AND COURT RULES BEFORE THEY ARE
PERMITTED TO BE FILED AND MR. FURER REQUIRED TO INCUR FEES AND
COSTS TO RESPOND; AND 4) REQUEST FOR ATTORNEYS' FEES

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Plaintiff, Andrew Furer, hereby: 1) responds to Eloisa Furer's most recent improper filing; 2) seeks permission to file motion for reconsideration of the Court's order entered September 23, 2008; 3) moves this Court for an Order appointing a master to review any and all future papers that Eloisa Furer seeks to file with this Court to assure compliance with Nevada law, rules and procedures before filing so that Andrew Furer is not forced to continue to incur legal fees and costs to respond to her improper filings; and 4) moves this Court for an order awarding him his costs and fees.

This response and motion is brought pursuant to Local Rules 1, 12, 21, 24 and 25 and Nevada Rules of Civil Procedure 1, 11 and 12 as well as this Court's inherent equitable authority to control litigation before it and is supported by the accompanying memorandum of points and authorities and affidavit of Andrew Furer.

DATED this 29th day of Oct, 2008.

KENT R. ROBISON
ROBISON, BELAUSTEGUI,
SHARP & LOW

WOODBURN AND WEDGE

By Shawn B Meador
Shawn B Meador
Attorneys for Andrew Earl Furer

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POINTS AND AUTHORITIES

I. SUMMARY OF ELOISA FURER'S IMPROPER CONDUCT

Eloisa Furer's most recent improper, unauthorized, abusive, insulting, defamatory and threatening pleading is entirely without merit, fails to show cause why a receiver should not be appointed and is unsupported by any admissible evidence or even her own affidavit. Eloisa Furer was given 30 days to provide the documents necessary to transfer her wealth to her or to show cause why a receiver should not be appointed at her expense to accomplish the transfers for her. She offers no good cause why a receiver should not be appointed. Rather, she simply uses the opportunity to get back up on her soap box to abuse anyone and everyone who crosses her.

It is unreasonable for Eloisa Furer to continue to use the legal process and courts of the State of Nevada to exact her bitter vengeance against Andrew Furer and everyone else who disagrees with her or fails to do exactly as she demands. Once anyone disagrees with her they become the targets of her anger and false diatribes. Her current counsel, Mr. Fitting, is the object of much of her most recent scorn, just as Mr. Silverman, Ms. Unsworth, Ms. Mahan, Mr. Marks, Ms. Petroni, Ms. Throne and other of her lawyers have been subjected to such abuse in the past.

Eloisa Furer will continue to make death threats against Mr. Furer, his counsel and the Court - so long as she is permitted to do so. Eloisa Furer will continue to make false, improper and outrageous allegations against Judge Weller, Judge Schumacher, Judge Alswede, Master Cooke, the D.A., Mr. Furer, his counsel, her own counsel, Credit Suisse and everyone else who offends her - so long as she is permitted to do so.

This litigation has been going on now for well over four years. Eloisa Furer's fury, her anger, her bitterness and her desire to exact vengeance and revenge have not abated. The

1 extended period of time, in fact, has not even lessened or tempered her anger, bitterness and
2 quest for revenge. Her various claims are false, irrational, inconsistent, and defamatory,
3 unsupported by any evidence, and are entirely inappropriate. The Courts of Washoe County
4 simply cannot accept the risk of her anger and bitterness coupled with her irrational and
5 erratic behavior. She has not stopped and will not stop unless the Courts require her to stop.
6

7 Eloisa Furer's attacks against Andrew Furer are legendary. In email correspondence
8 she attached as Exhibit A to her improper filing, Eloisa Furer continues to refer to Mr. Furer
9 as "a complete monster" without shame or integrity. Her attacks on his counsel and on her
10 former counsel parallel the false claims she has been making for years. Her attacks on this
11 Court, however, have become even more abusive, inappropriate and troubling. Eloisa Furer
12 docs not hesitate to viciously attack Judge Weller in her pleading even though it is Judge
13 Weller whose job it is to rule on it.¹ Eloisa Furer's conduct demonstrates that she has
14 absolutely no concern that the Courts will do anything to stop her abusive, insulting and
15 inappropriate conduct. She believes that she has the right to say and do anything she wants,
16 no matter how false, abusive and threatening.
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18 Eloisa Furer, in her most recent filing, claims that Judge Weller destroyed her
19 financially. See, Request For Submission and Ex Parte Motion to Substitute, etc. (hereafter
20 "Ex Parte Motion") at p. 12. She claims that Judge Weller's decisions are "faulty, erroneous,
21 malicious, vindictive and racially motivated." Id. at p. 14. She claims that Judge Weller has
22 bankrupted her and left her "emotionally ruined forever." Id. She falsely accuses Judge
23 Weller of intimidation and harassment. Id. at 16.
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28 ¹ It appears that Eloisa Furer believes that if she is abusive enough, Judge Weller will recuse himself and that some new judge will give her what she wants. She certainly should not be rewarded for making improper claims and allegations.


1 At various places in her Ex Parte Motion, Eloisa Furer continues to make false claims
2 about some alleged conspiracy between the Court and counsel. See, e.g., Id. at pp. 16, 34, 37.
3 There is, of course, not a shred of truth to her allegations nor is there any evidence to support
4 these false allegations. She claims that Judge Weller's criminal acts are "unforgivable." See,
5 Id. at Exhibit A, email dated October 15, 2008. She repeatedly makes the irrational claim that
6 Judge Weller forced Erik Fitting on her as her lawyer. She has made it clear that she wants to
7 drive Judge Weller off the bench.

9 Eloisa Furer now claims that she is at the point of "hopelessness." Id. at p. 21. She
10 accuses Judge Weller of being a criminal who will "destroy" "more lives" if he is not stopped.
11 Id. She vows to "air her grievance against this Judge and all other individuals that had
12 corroborated against [her] . . . [and that she will] **fight for my right until my last breath.**"
13 Id. (emphasis added). When coupled with her multiple death threats these claims are
14 extremely inappropriate and concerning.

16 A review of Eloisa Furer's Ex Parte motion demonstrates that at times she blames Mr.
17 Furer for everything that has happened to her. At other points she inconsistently blames the
18 Court or Mr. Furer's counsel or her own counsel or Credit Suisse. The one consistent theme,
19 however, is her inability and unwillingness to accept any responsibility of any kind for the
20 consequences of her own decisions. Not once in over four years!²

22 Eloisa Furer implies that she will sue the County and Judge Weller. Id. at p. 36. She
23 also insists that she will hold Credit Suisse responsible for her situation. Eloisa Furer's Ex
24 parte Motion Id. at Exhibit C, email dated September 20, 2008. She insists on receiving the
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27 ² For example, Eloisa Furer signed the MSA twice, while represented by two different lawyers, after she had Mr.
28 Furer arrested and charged with assault and at a time when she, necessarily, did not impose any trust or
confidence in him. And yet, rather than accepting the terms and consequences of the contract she signed, she
blames the Court, Mr. Furer and others for the consequences of her contract.

1 benefits of the PNA. Id. at p. 37. At the same time, however, she inconsistently continues to
2 insist that the PNA is invalid. She can't have it both ways and she knows it. 

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4 In her Ex Parte Motion Eloisa Furer continues to improperly reargue and attempt to re-
5 litigate every single issue that has been decided against her. Her conduct is in violation of
6 WDCR Rule 12(8) and DCR 13(7). In the Findings of Fact entered on February 22, 2008
7 (hereafter "Findings"), this Court noted that Eloisa Furer's continued efforts to re-litigate
8 issues already decided against her was "unreasonable and contemptuous." See, Finding No.
9 16. And yet, she continues to do exactly the same thing. She has no concern that she will
10 suffer any adverse consequence for doing so.

11
12 This Court found that Eloisa Furer's unreasonable and inappropriate conduct
13 substantially increased both parties' fees and costs. See, Finding No. 18. This Court found
14 that Eloisa Furer's conduct had resulted in unnecessary delay and needless increase in the
15 costs of litigation. See, Finding No. 19. This Court found that Eloisa Furer filed motions
16 without merit, failed to comply with court orders, repeatedly filed improper serial motions,
17 and improperly filed pleadings pro per while represented by counsel, contrary to local rule
18 and specific court order. See, Finding No. 19. And yet, Eloisa Furer continues to do exactly
19 the same thing now. She has no concern about any adverse consequence. Eloisa Furer will
20 stop when the Courts insist that she stop.

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22 Similarly, this Court found that Eloisa made numerous false and unsupported claims
23 and other claims that simply were not credible. See, Finding No's 22, 30, 31, 37, 38, 39, 40,
24 44 and 45. And she does exactly the same thing now with impunity in her Ex Parte Motion.

25
26 Perhaps most troubling from the perspective of the safety of Mr. Furer, his counsel,
27 this Court and others is Eloisa Furer's obsession with the Mack proceeding. See, e.g., Ex
28 Parte Motion at pp. 16, 30, Exhibit A at email dated October 1, 2008.

1 Eloisa Furer has also created and maintains a website which she has titled:
2 "renojudicialconspiracy.com." The very name of her web site speaks volumes. True and
3 correct copies of the content of her web site are attached as Exhibits 1 and 2 hereto. In
4 addition to the same litany of false claims outlined in her Ex Parte Motion, Eloisa Furer has
5 attached 137 documents which include court orders in the sealed case, exhibits,
6 correspondence and other matters, including information about Mr. Furer's bank accounts,
7 even including his account numbers. See, Exhibit 2. She has done so notwithstanding this
8 Court's Order which precludes her from harassing Mr. Furer. - Not

10 Eloisa Furer's obsession with the Mack case is again reflected in her web site. Most
11 troubling, Eloisa Furer states in her web site that: "If not for Judge Weller's abusive decision,
12 Charla Mack will [sic] still be alive." See, Exhibit A. Eloisa Furer then suggests that Judge
13 Weller was shot by Darren Mack due to his "unfair" decisions. Even an elected public
14 official who must, necessarily, have a thick skin, should not have to put up with this
15 outrageous abuse. It is entirely inappropriate for Eloisa Furer to suggest to the world that
16 Judge Weller deserved to be shot and that he caused Charla Mack's death. Eloisa Furer's
17 irrational thought process demonstrates that she poses a substantial risk to the safety of Mr.
18 Furer, his counsel and Judge Weller.

21 Eloisa Furer's do anything, say anything abusive litigation conduct is, perhaps, best
22 summarized by her own lawyer, Mr. Fitting, in an email Eloisa Furer chose to share with this
23 court. See, Ex Parte Motion, Exhibit A at email dated October 1, 2008. In his email, Mr.
24 Fitting stated: "You have no reason to contest the Order to transfer assets. In fact, your e-
25 mail below expresses that you want the asset transfer done immediately. Why would your
26 [sic] Object to an Order that you want to comply with? To me, any such Objection would be
27 frivolous. The only reason I can derive from your email is that you simply want to Object to
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1 EVERYTHING Weller does. This is not ethical and I will not be a party to irrelevant filings
2 that are made with no legal support (the mere fact that you want "vindication" against Weller
3 is NOT a valid reason to clog the judicial system) I will not submit disingenuous filings
4 just because I can. Responses will ONLY be filed if they have actual merit and legal support .
5 . . ." Mr. Fitting's insistence upon acting in an ethical way, of course, got him fired and
6 Eloisa Furer filed the pleading herself, knowing that it was legally improper.³

8 This Court has already attempted to impose modest monetary sanctions against Mrs.
9 Furer to try to reign in her abusive and inappropriate conduct. All such efforts have failed
10 entirely to achieve their goals. See, Findings 20, 43 and 45.

12 The Courts of this county, however, are not impotent to stop such abuses. See, e.g.,
13 WDCR 1(3) and 21, NRCPC 11, 37. Eloisa Furer's improper conduct will continue, and
14 apparently will continue to escalate, until the Courts tell her "no" and make her stop. It is
15 time for the Courts to wrest control of this case away from Eloisa Furer and impose
16 sufficiently severe consequences that she will sit up, take notice and stop the improper
17 behavior before it escalates to physical violence and not just threats of physical violence.

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19 II. THE EX PARTE MOTION IS IMPROPER AND WITHOUT MERIT

20 Erik Fitting is Eloisa Furer's counsel of record. He has not withdrawn, has not filed a
21 motion to withdraw and no substitution of counsel has been filed. Eloisa Furer acknowledges
22 that Mr. Fitting is "Currently Counsel of Record" in the caption of her Ex Parte Motion. This

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28 ³ This Court may recall that Mr. Marks got fired when he insisted that Eloisa Furer comply with the Court's
Orders regarding car insurance and the filing of a joint brief.

1 is not Eloisa Furer's first time at the rodeo. Having changed counsel more than 10 times in
2 the past four years, she clearly is aware of Court Rules and process for doing so. She filed the
3 Ex Parte Motion pro per because her counsel of record refused to do so and advised her that it
4 was improper and unethical.
5

6 Pursuant to WDCR 23(1) Eloisa Furer may not appear on her own behalf without
7 court permission. She has not sought nor obtained court permission to appear on her own
8 behalf while she has counsel of record. Her Ex Parte Motion was filed in direct violation of
9 this Rule. This Court should not empower Eloisa Furer to file motions pro per when her own
10 lawyer - her current counsel of record - has told her the motion is improper and unethical.
11

12 Eloisa Furer is fully aware of and familiar with Rule 23. She has repeatedly violated
13 the Rule and has repeatedly been admonished for violating this Rule. In fact, this Court has
14 gone so far as to enter a specific Order precluding Mrs. Furer from filing pro per pleadings
15 while represented by counsel. See, Order Dated March 23, 2006; see also, Finding No. 19.
16 Eloisa Furer simply believes that she is above Court Rules and Orders and unlike all other
17 litigants can do whatever she wants because, thus far, it has worked for her and she has been
18 permitted to continue doing so. Surely this Court will not recognize and give credence to a
19 document she has filed in direct violation of Court Rule and Order.
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21 Eloisa Furer is not above the law. If she wants to continue to engage in hardball
22 litigation the Court must require her to strictly comply with Court Rules and Orders. If Eloisa
23 Furer wants to play lawyer because she has driven off or fired every lawyer who was foolish
24 enough to get involved in her representation she must be required to strictly comply with all
25 Court Rules and Orders just as counsel would be required to do. There is no "vicious, bitter
26 litigant" exception to the Rules.
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1 Eloisa Furer attempted to file her motion on an ex parte basis. There is no lawful basis
2 for her to do so. See, WDCR 17. She sought, improperly, to submit the motion without
3 response. See WDCR 12.

4
5 Eloisa Furer made numerous false, outrageous and scandalous claims in her improper
6 Ex Parte Motion. She did not offer any admissible evidence to support her false claims. Her
7 Motion is without merit. See, WDCR 12(1); DCR 13(5) and (6); NRCP 11(b).

8 Eloisa Furer's improper pro per Ex Parte Motion fails to offer any good cause why a
9 receiver should not be appointed at her expense. Eloisa Furer has had since late February to
10 accomplish the transfer of her wealth to her. Despite the passage of approximately eight
11 months, she has not provided Mr. Furer with a single transfer document. Eloisa Furer has
12 time to set up and operate a defamatory, insulting and threatening web site but has not taken
13 the time to comply with this Court's Orders and Decree.⁴ Her conduct and behavior should
14 not be rewarded.

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16 III. RECONSIDERATION OF REMEDY

17 On July 2, 2008, after over four months of inaction, Mr. Furer filed his Motion to
18 Enforce Decree or, in the Alternative, to Hold Eloisa Furer in Contempt of Court for Failing
19 to Comply with Decree. In his Motion, Mr. Furer argued that Eloisa Furer should have ten
20 days to: 1) provide appropriate transfer documents; 2) consent to appointment of receiver at
21 her own expense to accomplish the transfers; or 3) waive and abandon her interest in the
22 various assets. If Eloisa Furer did not provide the documents or consent to appointment of
23 receiver, Mr. Furer argued that waiver should be automatically selected by default.
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27 ⁴ Reading between the lines of the email correspondence between Eloisa Furer and her current counsel, which
28 she attached to her most recent filing, it appears that she may blame her lawyer for not accomplishing the
transfers. As noted in multiple prior filings, Eloisa Furer is bound by the conduct of her lawyers. If she has
complaints against her own lawyers her remedy is against her lawyers, not against Mr. Furer and the court.

1 This Court rejected the relief requested and, on September 23, 2008, ordered that
2 Eloisa Furer would have thirty (30) days to provide the transfer documents or show cause why
3 a receiver should not be appointed at her expense.⁵ She did not provide any transfer
4 documents. And, as noted in section II above, has not shown good cause why a receiver
5 should not be appointed at her expense.
6

7 In the meantime, however, Eloisa Furer now claims that she is bankrupt, living in fear
8 of being homeless, unable to pay counsel and broke. She claims that she is now forced to sell
9 her Las Vegas home and has it listed for sale. But, she has offered absolutely no evidence in
10 support of any of these claims. She received \$3 million at the time of separation and used
11 about \$1.3 of that money to purchase the Las Vegas home. She received substantial monthly
12 support during the divorce proceeding. But she had no mortgage or car payments. She has
13 not demonstrated what she did with all the money she received or that she is genuinely
14 impoverished. However, if there is any truth to her claims of poverty, she does not have
15 liquid funds to pay the receiver even if one is appointed without selling one of her real
16 properties.⁶
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18 As a practical matter, who could this Court appoint as a receiver who would be willing
19 to work with Eloisa Furer and subject himself or herself to Eloisa Furer's wrath and threats to
20 sue when she claims she can't pay the receiver for his or her time? The receiver would have
21 to be empowered to sell Eloisa Furer's assets to pay the fees.
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27 ⁵ If she had cause for why a receiver should not be appointed she should have identified that cause in an
opposition to Mr. Furer's motion. She should not be given yet another chance to create delay and run up the
costs and fees.

28 ⁶ In addition to her Las Vegas residence she received condominiums in Manila and Paris under the terms of the
MSA.

1 Therefore, pursuant to WDCR 12(8) and DCR 13(7), Andrew Furer asks this Court for
2 permission to move this Court to reconsider its September 23rd decision. Mr. Furer moves
3 this Court for an Order that requires Eloisa Furer to deliver the proper transfer documents to
4 Mr. Furer within 5 days – she has already had about 8 months to obtain the documents. And
5 if she does not, her failure should be treated as a waiver and abandonment of the assets.
6

7 IV. APPOINTMENT OF MASTER

8 Eloisa Furer has demonstrated time and time again that she has no regard for Court
9 Rules, Orders, Statutes or procedures. Whenever her own counsel will not file something she
10 demands she simply files it herself, contrary to Court Rule and Order, and then fires the
11 lawyer who told her she had to comply with Rules and Orders. Dan Marks is a classic
12 example of this dynamic as this Court may recall. See also, Finding No's. 16, 17 and 19.
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14 Enough is enough. This Court has no ability to make Eloisa Furer maintain a
15 relationship with counsel or to follow her counsel's advice. This Court does, however, have
16 the ability to make Eloisa Furer comply with Court Rules and Orders. Mr. Furer should not
17 have to continue to incur massive legal fees as a result of Eloisa Furer's unreasonable and
18 contemptuous conduct. Cf. Finding No's. 16, 18 and 19. See also, WDCR 21 and NRC
19 Rule 11.
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21 This Court has jurisdiction to refer any appropriate matter to a Court Master or to a
22 Master appointed from the Bar. See, WDCR 24(2); 25(1).⁷ This Court should immediately
23 enter an Order that requires Eloisa Furer to submit any proposed pleading, motion or other
24 documents she seeks to file with the Court to the designated Master. The Master should then
25 review and evaluate the proposed filing to determine whether it complies with Court Rules
26 and Orders, including but not limited to Rule 11 of the Nevada Rules of Civil Procedure.
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28 If there is any cost or expense associated with appointment of the Master Eloisa Furer should bear such costs.

1 The Master would also be charged with reviewing whether the proposed filing is
2 procedurally proper, whether the factual claims are supported by admissible evidence,
3 whether her proposed filing is an improper attempt to reargue matters that have already been
4 decided or which are issues on appeal. The Master would determine whether the proposed
5 filing is presented for proper purposes and not to cause delay and needless increase in the cost
6 of litigation, and to decide whether the proposed filing contains any redundant, immaterial,
7 impertinent, scandalous or threatening claims and allegations.
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9 Eloisa Furer should not be permitted to file any pleading, motion or other document
10 without first obtaining written consent from the Master that the filing is proper. Mr. Furer
11 should not have to incur one more dime of legal fees responding Eloisa Furer's improper
12 filings and should not have to respond to any filing that is not pre-approved for filing by the
13 Master.
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15 V. LEGAL FEES AND COSTS

16 Eloisa Furer should be ordered to reimburse Mr. Furer for all legal fees and costs he
17 has incurred in connection herewith.
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19
20 DATED this 29 day of Oct, 2008.

21 KENT R. ROBISON
22 ROBISON, BELAUSTEGUI,
23 SHARP & LOW

24 WOODBURN AND WEDGE
25 By Shawn B Meador
26 Shawn B Meador
27 Attorneys for Andrew Earl Furer
28