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11 **BEFORE THE NEVADA COMMISSION ON JUDICIAL DISCIPLINE**

12 **STATE OF NEVADA**

13 IN THE MATTER OF THE HONORABLE,
14 MICHELE FIORE, Justice of the Peace,
15 Pahrump Township Justice Court, Nye
16 County, State of Nevada,

17 Respondent.

Case No.: 2025-108-P

Hearing: October 19-22, 2026
Las Vegas, Nevada

18 **MOTION TO STRIKE MOTION TO DISMISS FOR**
19 **VIOLATION OF DUE PROCESS**

20 COMES NOW Thomas J. Donaldson, Special Counsel for the Nevada Commission on
21 Judicial Discipline (“Commission” or “NCJD”), and hereby moves for an order from the
22 Commission striking Respondent’s Motion to Dismiss for Violation of Due Process (“Motion”),
23 filed on September 29, 2026, but *not* served on Special Counsel via email as falsely certified on the
24 Certificate of Service. Motion, p. 17. The instant motion is made pursuant to PRJDC 38.2,
25 NRCP 11 and the Commission’s Prehearing Order dated May 12, 2026, and based upon the
26 following memorandum of points and authorities and the pleadings and papers on file herein.

27 **Memorandum of Points and Authorities**

28 On September 29, 2026, Special Counsel received an email message from the Commission
staff that Respondent filed the Motion that is “over 500 pages.” The Commission gave Special
Counsel access to the Motion, which has a Certificate of Service “certif[ying]” that “on the 29th day
of September, 2026,” the Motion was served on Special Counsel and the Commission via electronic
means (email) and U.S. Mail. Motion, p. 17. However, Special Counsel did *not* receive an email

1 from Respondent's counsel regarding the Motion on September 29, 2026.¹ Special Counsel has *not*
2 received the Motion from Respondent by any other means as required by the Commission's
3 Prehearing Order. Prehearing Order, p. 3 at lines 15-17.

4 The Prehearing Order states in pertinent part:

5 All pleadings, including accompanying legal memoranda, submitted in support of any
6 motion shall be limited to: *fifteen (15) pages* in length for the opening motion. . . .
These limitations are exclusive of exhibits.

7 *Id.*, p. 1 at lines 23-25 (emphasis supplied).

8 The body of Respondent's Motion is sixteen (16) pages in length (and the total length with
9 exhibits is a whopping 527 pages) and, hence, filed in violation of the Commission's Prehearing
10 Order. *Id.*; Motion, p. 16. Therefore, the Commission should strike Respondent's latest Motion.

11 Alternatively, the Commission may strike page sixteen (16) of Respondent's Motion and then
12 summarily strike (or deny) the Motion. Every pleading, written motion, and other paper *must be*
13 *signed* by at least one attorney of record in the attorney's name. NRCP 11(a). The court (or
14 Commission) *must strike an unsigned paper* unless the omission is promptly corrected after being
15 called to the attorney's attention. *Id.*

16 Page sixteen (16) of the Motion contains Respondent's prayer for relief, "Judge Fiore
17 respectfully requests that the Commission dismiss the First Amended Formal Statement of
18 Charges[.]" and the signature line of Respondent's counsel. Thus, if the Commission strikes
19 "fugitive" page sixteen (16), no relief is requested, the Motion violates NRCP 11(a) and the Motion
20 must be stricken, unless timely corrected by Respondent.

21 Conclusion

22 Although Special Counsel has not yet had hours available to review all 527 pages of
23 Respondent's latest Motion, the Motion *must be stricken* pursuant to NRCP 11(a) and the
24 Commission's Prehearing Order. Alternatively, based upon a cursory review of the Motion, it
25 appears that Respondent is once again simply regurgitating her "due process argument" that the

26
27 ¹ Respondent's counsel did copy Special Counsel on two (2) email messages sent to the
28 Commission on September 29, 2026, with her Unopposed Motion for Lay Witnesses Jason H. Gunnell and
Maryian Ausiello to Testify Remotely and Reply in Support of Motion for Expert Keith Fisher to Testify
Remotely attached.

1 Commission has already rejected in its Order Denying Motion to Dismiss dated July 31, 2026, in this
2 matter. Thus, the Commission would be justified in denying Respondent's Motion *sua sponte*
3 alleviating the need for Special Counsel to expend time and resources opposing another one of
4 Respondent's motions that appears to lack merit. Clearly, Respondent's legal contentions are better
5 suited for the Nevada Supreme Court. However, Special Counsel will file an opposition to the
6 Motion if directed to do so by the Commission, *i.e.*, in the unlikely event that the instant motion is
7 denied.

8 DATED this 30th day of September, 2026.

9 MESSING ADAM JASMINE & SHORE, LLP

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11 By: /s/ Thomas J. Donaldson
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19 Special Counsel for the Nevada
20 Commission on Judicial Discipline
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that a true and correct copy of this MOTION TO STRIKE MOTION TO
3 DISMISS FOR VIOLATION OF DUE PROCESS was sent via electronic mail addressed to:

4 Paola M. Armeni, Esq.
5 Clark Hill, PLLC
6 1700 S. Pavillion Center Dr., Ste. 500
7 Las Vegas, NV 89135
8 parmeni@clarkhill.com

9 Dated this 30th day of September, 2026.

10 By: Kelly Gilbert
11 Kelly Gilbert
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