

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

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Electronically Filed  
Mar 13 2024 06:48 PM  
Elizabeth A. Brown  
Clerk of Supreme Court

SARAH JANEEN ROSE,  
Appellant,

vs.

DAVID JOHN ROSE,  
Respondent.

**S.C. No.: 88221**  
**D.C. No.: D-17-547250-D**

**CASE APPEAL STATEMENT**

**1. Name of appellant filing this case appeal statement:**

David John Rose.

**2. Identify the judge issuing the decision, judgment, or order appealed from:**

The Hon. Charles J. Hoskin, District Court, Eighth Judicial District Court.

**3. Identify each appellant and the name and address of counsel for each appellant:**

Appellant: David John Rose.

Counsel for Appellant: Shelley Lubritz, Esq.  
Nevada Bar No. 5410  
LAW OFFICE OF SHELLEY LUBRITZ,  
PLLC  
375 East Warm Springs Rd., Suite 104  
Las Vegas, Nevada 89119

**4. Identify each respondent and the name and address of appellate counsel, if known, for each Respondent:**

Respondent: Sarah Janeen Rose

Counsel for Respondent: Racheal H. Mastel, Esq.  
Nevada Bar No. 11646  
KAINEN LAW GROUP  
3303 Novat Street, Suite 200  
Las Vegas, Nevada 89129

**5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42:**

All counsel referenced herein are licensed to practice law in the State of Nevada.

**6. Indicate whether appellant was represented by appointed or retained counsel in the district court:**

Appellant was represented in District Court by retained counsel, Shelley Lubritz, Esq.

**7. Indicate whether appellant is represented by appointed or retained counsel on appeal:**

Appellant is represented by retained counsel, Shelley Lubritz, Esq.

**8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:**

Appellant was not granted leave to proceed in forma pauperis.

**9. Indicate the date the proceedings commenced in the district court:**

Appellant commenced this Case in the District Court on February 22, 2017, by the filing of a Complaint for Divorce.

**10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:**

The parties were divorced by a *Stipulated Decree of Divorce* filed and entered on April 11, 2018. Appellant appeals the *Second Amended Order After Hearing and Judgment (September 27, 2023)* filed in the District Court on November 14, 2023 and entered on January 29, 2024.

Sr. Judge Cynthia Dianne Steel filed the *Findings of Fact, Conclusions of Law and Order* on January 31, 2022, in which, among other matters, Appellant was awarded his attorney's fees. Specifically, Sr. Judge Steel wrote:

FURTHER ORDERED that David is awarded his attorney fees in this matter upon filing a Memorandum of Fees and Costs for review by the Court pursuant to NRCP Rule 54.

Appellant filed *Plaintiff's Memorandum of Fees and Costs and Brunzell Affidavit of Shelley Lubritz, Esq.* on February 2, 2022. Appellant filed an *Errata to Plaintiff's Memorandum of Fees and Costs and Brunzell Affidavit of Shelley Lubritz, Esq.* on February 15, 2022. Respondent filed a *Notice of Appeal* on February 15, 2022. An *Order of Affirmance* was filed on April 27, 2023. Respondent filed a

*Petition for Rehearing* on May 15, 2023. An *Order Denying Rehearing on May 31, 2023*.

Appellant filed *Plaintiff's [sic] for an Award of Attorney's Fees and Costs Pursuant to Nevada Rule of Civil Procedure 54 on July 24, 2024* as ordered by Sr. Judge Steel in the January 31, 2022 *Findings of Fact, Conclusions of Law and Order. The Second Amended Order After Hearing and Judgment (September 27, 2023)* was filed on November 14, 2024. Judge Charles J. Hoskin awarded Appellant attorney's fees in the amount of \$20,896.50 and not the \$50,206.84 documented through billing statements attached to the *Plaintiff's Memorandum of Fees and Costs and Brunzell Affidavit of Shelley Lubritz, Esq.* filed on February 2, 2022.

Appellant contends that the Hon. Charles J. Hoskin exceeded his authority in awarding Appellant attorney's fees and costs in an amount less than \$50,206.84. Sr. Judge Steel retired prior to the conclusion of the Appeal filed by Respondent. As such, no other District Court Judge has the intimate knowledge of the parties, the witnesses' live testimony, the witnesses' body language and tenor while testifying, and the issues tried before Sr. Judge Steel in the two (2) day evidentiary hearing.

**11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding:**

This case was previously the subject of an appeal with the caption *Sarah Janeen Rose, Appellant v. David John Rose, Respondent*; Docket No. 84295.

**12. Indicate whether this appeal involves child custody or visitation:**

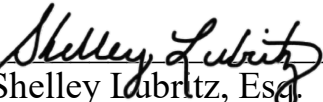
This appeal does not involve child custody or visitation.

**13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:**

Yes.

Dated this 13<sup>th</sup> day of March, 2024.

LAW OFFICE OF SHELLEY LUBRITZ, PLLC

By:  \_\_\_\_\_  
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*Attorney for Appellant*  
*David John Rose*

## CERTIFICATE OF SERVICE

I certify on the 13<sup>th</sup> day of March, 2024, pursuant to N.E.F.R. 7, I caused the **CASE APPEAL STATEMENT** to be filed electronically with the Clerk of the Nevada Supreme Court. Pursuant to N.E.F.R. 9, notice of an electronically filed document by the Court “shall be considered as valid and effective service of the document” on the below listed persons who are registered users.

RACHEAL H. MASTEL, ESQ.  
NEVADA BAR NO. 11646  
3303 NOVAT STREET, SUITE 200  
LAS VEGAS, NEVADA 89129  
ATTORNEY FOR APPELLANT

Dated this 13<sup>th</sup> day of March, 2024.

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