

621679  
D-07-373016-P

ORIGINAL

63

SEBASTIAN MARTINEZ  
261 Lenape Heights  
Las Vegas, NV 89148  
(702) 858-0889  
Plaintiff in Proper Person

FILED

Nov 12 4 08 PM '09

*Earl D. Smith*  
CLERK OF SUPREME COURT

FILED

DISTRICT COURT  
CLARK COUNTY, NEVADA

DEC 11 2009

SEBASTIAN MARTINEZ,  
  
Plaintiff,  
  
vs.  
  
KRISTI RAE FREDIANELLI,  
  
Defendant.

No. 55073

CASE NO. D373016  
DEPT. NO.: Q

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *A. Ingersoll*  
DEPUTY CLERK

NOTICE OF APPEAL

COMES NOW, Plaintiff, in Proper Person, and places Defendant on notice that he intends to file an appeal in Case D373016.

Plaintiff requests a waiver of appeal bond in this matter, and authorization to proceed in Proper Person.

This appeal is specifically related to the Order after hearing of 8/26/09; filed September 21, 2009, with a Notice of Entry of Order.

DATED this 29 day of Oct, 2009.

*[Signature]*  
SEBASTIAN MARTINEZ  
Plaintiff in Proper Person

RECEIVED

DEC 11 2009

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
DEPUTY CLERK

1

09-30058

FILED

DEC 08 2009

*Allen L. Johnson*  
CLERK OF COURT

ASTA

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

SEBASTIAN MARTINEZ,

Plaintiff(s),

vs.

KRISTI RAE FREDIANELLI,

Defendant(s),

) Case No: D373016

) Dept No: Q

**CASE APPEAL STATEMENT**

1. Appellant(s): SEBASTIAN MARTINEZ

2. Judge: BRYCE DUCKWORTH

3. Appellant(s): SEBASTIAN MARTINEZ

Counsel:

Sebastian Martinez  
261 Lenape Heights  
Las Vegas, NV 89148

4. Respondent (s): KRISTI RAE FREDIANELLI

Counsel:

Michael P. Carmen, Esq.  
3551 E. Bonanza Rd., Ste. 110  
Las Vegas, NV 89110

5. Respondent's Attorney Licensed in Nevada: Yes

6. Appellant Represented by Appointed Counsel In District Court: No

7. Appellant Represented by Appointed Counsel On Appeal: N/A

1 8. Appellant Granted Leave to Proceed in Forma Pauperis: N/A

2 9. Date Commenced in District Court: April 11, 2007

3 10. Brief Description of the Nature of the Action: DOMESTIC - Paternity

4 Type of Judgment or Order Being Appealed: Dismissal

5 11. Previous Appeal: No

6 Supreme Court Docket Number(s): N/A

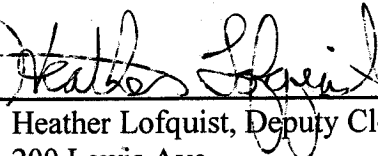
7 12. Child Custody or Visitation: Both

8 13. Possibility of Settlement: Unknown

9 Dated This 8 day of December 2009.

10 Steven D. Grierson, Clerk of the Court

11  
12 By:

  
Heather Lofquist, Deputy Clerk  
200 Lewis Ave  
PO Box 551601  
Las Vegas, Nevada 89155-1601  
(702) 671-0512

# CASE SUMMARY

## CASE No. D-07-373016-P

**In the Matter of the Petition by:**  
**Sebastian Martinez, Petitioner.**

§  
§  
§  
§  
§

Location: **Department Q**  
Judicial Officer: **Duckworth, Bryce C.**  
Filed on: **04/11/2007**  
Case Number History:  
Conversion Case Number: **D373016**

### CASE INFORMATION

**Related Cases**

T-07-104823-T (Linked - 1J1F)

T-09-115835-T (Linked - 1J1F)

**Statistical Closures**

09/21/2009 Voluntary Dismissal

Case Type: **Paternity Complaint**

Case Flags: **Order After Hearing Required**  
**Order / Decree Logged Into**  
**Department**  
**Order / Decree Logged Out of**  
**Department**  
**Proper Person Documents Mailed**  
**Appealed to the Nevada Supreme**  
**Court**

**DATE**

**CASE ASSIGNMENT**

**Current Case Assignment**

|                  |                     |
|------------------|---------------------|
| Case Number      | D-07-373016-P       |
| Court            | Department Q        |
| Date Assigned    | 01/01/2009          |
| Judicial Officer | Duckworth, Bryce C. |

### PARTY INFORMATION

**Plaintiff**      **Martinez, Sebastian**

*Lead Attorneys*  
**Pro Se** 702-858-0889

**Defendant**      **Fredianelli, Kristi Rae**




**Carman, Michael P.** 7024388060  
*Retained*

**Subject Minor**      **Flannery, Mikaella Rae**
















**DATE**

**EVENTS & ORDERS OF THE COURT**













**INDEX**

|            |                                                                                                                                                                                                                           |                   |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| 04/11/2007 |  Complaint for Paternity                                                                                                               |                   |
| 04/11/2007 | <b>Joint Preliminary Injunction</b><br>Fredianelli, Kristi Rae                                                                                                                                                            | served 04/20/2007 |
| 04/11/2007 | <b>Summons</b><br>Fredianelli, Kristi Rae                                                                                                                                                                                 | served 04/20/2007 |
| 04/25/2007 |  Proof of Personal Service of Summons & Complaint<br>Filed by: Plaintiff Martinez, Sebastian<br>For: Defendant Fredianelli, Kristi Rae |                   |
| 04/25/2007 |  Joint Preliminary Injunction<br>Filed by: Plaintiff Martinez, Sebastian<br>For: Defendant Fredianelli, Kristi Rae                     |                   |

**CASE SUMMARY**  
**CASE NO. D-07-373016-P**

|            |                                                                                                                                                                                                                                                      |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 05/21/2007 |  Motion<br>Filed by: Defendant Fredianelli, Kristi Rae<br>For: Plaintiff Martinez, Sebastian                                                                        |
| 05/21/2007 |  Notice<br><i>of Appearance of Counsel for Respondent</i>                                                                                                           |
| 05/21/2007 |  Family Court Motion Opposition Fee Information Sheet<br>Filed by: Plaintiff Martinez, Sebastian                                                                    |
| 05/21/2007 |  Domestic Relations Affidavit of Financial Condition<br>Filed by: Plaintiff Martinez, Sebastian                                                                     |
| 05/22/2007 |  Answer<br>Filed by: Defendant Fredianelli, Kristi Rae<br>Party 2: Defendant Fredianelli, Kristi Rae<br><i>AND COUNTERCLAIM FOR PETITION TO ESTABLISH PATERNITY</i> |
| 05/23/2007 |  Certificate of Mailing<br>Filed by: Plaintiff Martinez, Sebastian<br>For: Defendant Fredianelli, Kristi Rae                                                        |
| 05/24/2007 |  Certificate of Mailing<br>Filed by: Plaintiff Martinez, Sebastian<br>For: Defendant Fredianelli, Kristi Rae                                                        |
| 05/31/2007 |  Order Sealing File - Domestic<br>Filed by: Defendant Fredianelli, Kristi Rae                                                                                     |
| 06/06/2007 |  Notice of Entry<br>Filed by: Defendant Fredianelli, Kristi Rae<br><i>of Ex Parte Order to Seal Record</i>                                                        |
| 06/07/2007 |  Reply to Counterclaim<br>Filed by: Plaintiff Martinez, Sebastian<br>For: Defendant Fredianelli, Kristi Rae                                                       |
| 06/08/2007 |  Certificate of Mailing<br>Filed by: Defendant Fredianelli, Kristi Rae<br>For: Plaintiff Martinez, Sebastian                                                      |
| 06/15/2007 |  Stipulation and Order<br><i>to Continue Hearing</i>                                                                                                              |
| 06/19/2007 |  Notice<br><i>of Entry of Stipulation and Order to Continue Hearing</i>                                                                                           |
| 07/12/2007 |  Stipulation and Order<br><i>to Continue Hearing</i>                                                                                                              |
| 07/20/2007 |  Notice of Entry<br>Filed by: Plaintiff Martinez, Sebastian<br><i>of Stipulation and Order</i>                                                                    |


**CASE SUMMARY**  
**CASE NO. D-07-373016-P**


|            |                                                                                                                                                                                                                                                                                                                                                           |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 08/06/2007 |  Opposition and Countermotion<br>Filed by: Defendant Fredianelli, Kristi Rae<br>Party 2: Plaintiff Martinez, Sebastian                                                                                                                                                   |
| 08/06/2007 |  Family Court Motion Opposition Fee Information Sheet<br>Filed by: Defendant Fredianelli, Kristi Rae                                                                                                                                                                     |
| 08/08/2007 |  Receipt of Copy<br>Filed by: Defendant Fredianelli, Kristi Rae<br>Party 2: Plaintiff Martinez, Sebastian                                                                                                                                                                |
| 08/29/2007 |  Stipulation and Order<br><i>for Referral To Mediation</i>                                                                                                                                                                                                               |
| 09/05/2007 |  Notice of Entry<br>Filed by: Defendant Fredianelli, Kristi Rae<br><i>of Stipulation and Order for Referral to Mediation</i>                                                                                                                                             |
| 09/13/2007 |  Reply<br>Filed by: Plaintiff Martinez, Sebastian<br><i>Petitioner's Reply and his Opposition to the Respondent's Countermotion to Confirm Primary</i>                                                                                                                   |
| 09/17/2007 |  Certificate of Mailing<br>Filed by: Plaintiff Martinez, Sebastian<br>For: Defendant Fredianelli, Kristi Rae                                                                                                                                                             |
| 09/20/2007 |  Stipulation and Order<br><i>to Continue Hearing</i>                                                                                                                                                                                                                   |
| 09/21/2007 |  Notice of Entry<br>Filed by: Defendant Fredianelli, Kristi Rae<br><i>of Stipulation and Order to Continue Hearing</i>                                                                                                                                                 |
| 10/09/2007 |  Receipt of Copy<br>Filed by: Defendant Fredianelli, Kristi Rae<br>Party 2: Plaintiff Martinez, Sebastian                                                                                                                                                              |
| 10/09/2007 |  Response<br>Filed by: Defendant Fredianelli, Kristi Rae<br><i>Defendant's Response to Plaintiff's Reply and Opposition to Plaintiff's Countermotion</i>                                                                                                               |
| 10/09/2007 |  Affidavit of Financial Condition<br>Filed by: Defendant Fredianelli, Kristi Rae                                                                                                                                                                                       |
| 10/15/2007 | <b>Motion to Resolve Parent-Child Issues (10:30 AM)</b> (Judicial Officer: Sanchez, Gloria S)<br>Events: 05/21/2007 Motion<br><i>Pltf's Motion to Resolve Parent-Child Issues; Child Custody, Visitation; Child Support and Attorney's Fees</i><br>08/07/2007 <i>Continued to 08/21/2007 - Stipulation - Martinez, Sebastian; Fredianelli, Kristi Rae</i> |
| 10/15/2007 | <b>Opposition &amp; Countermotion (10:30 AM)</b> (Judicial Officer: Sanchez, Gloria S)<br>Events: 08/06/2007 Opposition and Countermotion<br><i>Deft's Opposition and Countermotion to Confirm Primary Custody; for Relocation; Child</i>                                                                                                                 |

**CASE SUMMARY**  
**CASE No. D-07-373016-P**

*Support and Child Support Arrears; for Payment of Medical Expenses; For Protective Order; and for Attorney's Fees and Costs*

10/15/2007 **All Pending Motions (10:30 AM)** (Judicial Officer: Sanchez, Gloria S)


10/17/2007  Petition  
*Ex Parte Petition for Appointment of Guardian Ad Litem*


10/17/2007  Petition  
*Amended Petition to Establish Paternity*


|            |                         |                   |
|------------|-------------------------|-------------------|
| 10/22/2007 | <b>Summons</b>          |                   |
|            | Fredianelli, Kristi Rae | served 12/11/2007 |


10/31/2007  Order  
*Ex Parte Order for Appointment of Guardian Ad Litem*


|            |                                         |
|------------|-----------------------------------------|
| 11/01/2007 | Motion                                  |
|            | Filed by: Plaintiff Martinez, Sebastian |
|            | For: Defendant Fredianelli, Kristi Rae  |

11/01/2007  Order Shortening Time  
Filed by: Plaintiff Martinez, Sebastian

11/05/2007  Receipt of Copy  
Filed by: Plaintiff Martinez, Sebastian  
Party 2: Defendant Fredianelli, Kristi Rae

11/06/2007  Subpoena  
Filed by: Plaintiff Martinez, Sebastian  
For: Plaintiff Martinez, Sebastian  
*Duces Tecum*

11/06/2007  Subpoena  
Filed by: Plaintiff Martinez, Sebastian  
For: Plaintiff Martinez, Sebastian  
*Deposition Subpoena Duces Tecum*


11/06/2007  Subpoena  
Filed by: Plaintiff Martinez, Sebastian  
For: Plaintiff Martinez, Sebastian  
*Deposition Subpoena Duces Tecum*

11/06/2007  Notice  
of Taking Depositions












|            |                                                                                                                                                                                  |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11/09/2007 | <b>Motion to Resolve Parent-Child Issues (2:00 PM)</b> (Judicial Officer: Sanchez, Gloria S)<br>Events: 11/01/2007 Motion<br><i>Plt's Motion to Resdolve Parent Child Issues</i> |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

11/09/2007 **Opposition & Countermotion (2:00 PM)** (Judicial Officer: Sanchez, Gloria S)  
*Def't's Opposition and Countermotion*

11/09/2007 **All Pending Motions (2:00 PM)** (Judicial Officer: Sanchez, Gloria S)












11/09/2007  Notice

**CASE SUMMARY**  
**CASE NO. D-07-373016-P**












|            |                                                                                                                                                                                                                                                  |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <i>Plaintiff's Notice Of Taking Deposition</i>                                                                                                                                                                                                   |
| 11/09/2007 |  Stipulation and Order<br>to Continue Hearing                                                                                                                   |
| 11/14/2007 |  Notice of Entry<br>Filed by: Defendant Fredianelli, Kristi Rae<br>of Stipulation and Order to Continue Hearing                                                 |
| 11/14/2007 |  Subpoena<br>Filed by: Plaintiff Martinez, Sebastian<br>For: Plaintiff Martinez, Sebastian<br><i>Duces Tecum</i>                                                |
| 11/14/2007 |  Notice<br><i>Plaintiff's Notice of Taking Deposition of the Custodian of Records of Vons</i>                                                                   |
| 11/15/2007 |  Subpoena<br>Filed by: Plaintiff Martinez, Sebastian<br>For: Defendant Fredianelli, Kristi Rae<br><i>Duces Tecum</i>                                            |
| 11/29/2007 |  Substitution of Attorney<br>Filed by: Defendant Fredianelli, Kristi Rae                                                                                        |
| 12/03/2007 |  Stipulation and Order<br><i>For Referral To Mediation</i>                                                                                                    |
| 12/10/2007 | <b>All Pending Motions (1:30 PM) (Judicial Officer: Sanchez, Gloria S)</b>                                                                                                                                                                       |
| 12/11/2007 |  Proof of Personal Service of Summons & Complaint<br>Filed by: Plaintiff Martinez, Sebastian<br>For: Plaintiff Martinez, Sebastian<br><i>Proof of Service</i> |
| 12/14/2007 |  Stipulation and Order<br>to Continue Hearing                                                                                                                 |
| 12/18/2007 |  Notice of Entry<br>Filed by: Plaintiff Martinez, Sebastian<br>of Stipulation and Order to Continue Hearing                                                   |
| 01/22/2008 |  Notice of Attorney Lien<br>Filed by: Defendant Fredianelli, Kristi Rae                                                                                       |
| 02/05/2008 | <b>CANCELED All Pending Motions</b><br><i>Vacated - per Clerk</i><br><i>Set in error</i>                                                                                                                                                         |
| 02/05/2008 | <b>Motion to Resolve Parent-Child Issues (11:00 AM) (Judicial Officer: Sanchez, Gloria S)</b><br><i>Pltf's Motion to Resdolve Parent Child Issues</i>                                                                                            |
| 02/05/2008 | <b>Opposition &amp; Countermotion (11:00 AM) (Judicial Officer: Sanchez, Gloria S)</b><br><i>Def't's Opposition and Countermotion</i>                                                                                                            |














**CASE SUMMARY**  
**CASE NO. D-07-373016-P**

|            |                                                                                                                                                                                                                         |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 02/05/2008 | <b>All Pending Motions (11:00 AM)</b> (Judicial Officer: Sanchez, Gloria S)                                                                                                                                             |
| 02/07/2008 |  <b>Stipulation and Order</b><br><i>To Continue Hearing</i>                                                                            |
| 02/08/2008 |  <b>Notice of Entry</b><br>Filed by: Defendant Fredianelli, Kristi Rae<br><i>of Stipulation and Order to Continue Hearing</i>          |
| 03/24/2008 |  <b>Motion</b><br>Filed by: Attorney DENISE PIFER<br>For: Plaintiff Martinez, Sebastian                                                |
| 03/24/2008 |  <b>Family Court Motion Opposition Fee Information Sheet</b><br>Filed by: Plaintiff Martinez, Sebastian                                |
| 03/27/2008 |  <b>Request</b><br>Filed by: Plaintiff Martinez, Sebastian<br><i>Ex Parte Request For An Order Shortening Time</i>                     |
| 04/02/2008 |  <b>Order Shortening Time</b><br>Filed by: Plaintiff Martinez, Sebastian                                                               |
| 04/16/2008 |  <b>Receipt of Copy</b><br>Filed by: Plaintiff Martinez, Sebastian<br>Party 2: Defendant Fredianelli, Kristi Rae                       |
| 04/17/2008 |  <b>Stipulation and Order</b><br><i>to Continue Hearing</i>                                                                          |
| 04/23/2008 |  <b>Notice of Entry</b><br>Filed by: Plaintiff Martinez, Sebastian<br><i>Of Stipulation And Order To Continue Hearing</i>            |
| 05/01/2008 |  <b>Certificate of Mailing</b><br>Filed by: Plaintiff Martinez, Sebastian<br>For: Defendant Fredianelli, Kristi Rae                  |
| 07/15/2008 | <b>Motion to Resolve Parent-Child Issues (11:00 AM)</b> (Judicial Officer: Sanchez, Gloria S)<br><i>Pltf's Motion to Resdolve Parent Child Issues</i>                                                                   |
| 07/15/2008 | <b>Opposition &amp; Countermotion (11:00 AM)</b> (Judicial Officer: Sanchez, Gloria S)<br><i>Deft's Opposition and Countermotion</i>                                                                                    |
| 07/15/2008 | <b>Motion for Withdrawal (11:00 AM)</b> (Judicial Officer: Sanchez, Gloria S)<br>Events: 03/24/2008 Motion<br><i>Plaintiff's Counsel's Motion to Withdraw, to Give Notice of Perfect and Adjudicate Attorney's Lien</i> |
| 07/15/2008 | <b>All Pending Motions (11:00 AM)</b> (Judicial Officer: Sanchez, Gloria S)                                                                                                                                             |
| 07/15/2008 |  <b>Order to Show Cause</b><br>Filed by: Defendant Fredianelli, Kristi Rae                                                           |
| 07/15/2008 | <b>Judgment</b> (Judicial Officer: Sanchez, Gloria S)                                                                                                                                                                   |














**CASE SUMMARY**  
**CASE NO. D-07-373016-P**

|            |                                                                                                                                                                                                                                                                                                           |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | Judgment (\$1,053.81, In Full, Attorney Fees)                                                                                                                                                                                                                                                             |
| 07/15/2008 |  Order<br><i>Of Withdrawal Of Attorney And Judgment For Attorney's Fees</i>                                                                                                                                              |
| 07/16/2008 |  Notice of Entry<br>Filed by: Defendant Fredianelli, Kristi Rae<br><i>of Order to Show Cause</i>                                                                                                                         |
| 07/17/2008 |  Notice of Entry of Order<br><i>of Withdrawal of Attorney and Judgment for Attorney's Fees</i>                                                                                                                           |
| 08/07/2008 |  Affidavit of Service<br>Filed by: Defendant Fredianelli, Kristi Rae<br>Party 2: Plaintiff Martinez, Sebastian                                                                                                           |
| 08/18/2008 |  Opposition<br>Filed by: Plaintiff Martinez, Sebastian<br><i>Plaintiff's Opposition To Order To Show Cause</i>                                                                                                           |
| 08/19/2008 | <b>Order to Show Cause (10:45 AM)</b> (Judicial Officer: Sanchez, Gloria S)<br><i>Deft's Order To Show Cause</i>                                                                                                                                                                                          |
| 10/13/2008 | <b>Further Proceedings (11:15 AM)</b> (Judicial Officer: Sanchez, Gloria S)                                                                                                                                                                                                                               |
| 01/01/2009 | Administrative Reassignment<br><i>Reassigned from Department B to Department Q</i>                                                                                                                                                                                                                        |
| 03/26/2009 |  Motion<br>Filed by: Plaintiff Martinez, Sebastian<br>For: Defendant Fredianelli, Kristi Rae<br><i>Pltf's Motion To Establish Custody</i>                                                                              |
| 03/26/2009 |  Financial Disclosure Form<br>Filed by: Plaintiff Martinez, Sebastian                                                                                                                                                  |
| 03/26/2009 |  Family Court Motion Opposition Fee Information Sheet<br>Filed by: Plaintiff Martinez, Sebastian                                                                                                                       |
| 03/26/2009 |  Receipt of Copy<br>Filed by: Plaintiff Martinez, Sebastian<br>Party 2: Defendant Fredianelli, Kristi Rae<br><i>Plaintiff's Motion to Establish Joint Legal Primary Physical Custody; Affid of Financial condition</i> |
| 04/10/2009 |  Opposition and Countermotion<br>Filed by: Defendant Fredianelli, Kristi Rae<br>Party 2: Plaintiff Martinez, Sebastian<br><i>For Contempt and Attorney's Fees</i>                                                      |
| 04/10/2009 |  Opposition and Countermotion<br>Filed by: Defendant Fredianelli, Kristi Rae<br>Party 2: Plaintiff Martinez, Sebastian<br><i>Opposition to motion to Limit Discovery and Countermotion for Attorney Fee's</i>          |












**CASE SUMMARY**  
**CASE NO. D-07-373016-P**

|            |                                                                                                                                                                                                                                                                                                      |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 04/10/2009 |  Family Court Motion Opposition Fee Information Sheet<br>Filed by: Defendant Fredianelli, Kristi Rae                                                                                                                |
| 04/13/2009 |  Certificate of Mailing<br>Filed by: Defendant Fredianelli, Kristi Rae<br>For: Plaintiff Martinez, Sebastian<br><i>Contempt and Attorney's Fees</i>                                                                 |
| 04/13/2009 |  Certificate of Mailing<br>Filed by: Defendant Fredianelli, Kristi Rae<br>For: Plaintiff Martinez, Sebastian                                                                                                        |
| 04/20/2009 |  Receipt of Copy<br>Filed by: Plaintiff Martinez, Sebastian<br>Party 2: Defendant Fredianelli, Kristi Rae                                                                                                           |
| 04/20/2009 |  Receipt of Copy<br>Filed by: Plaintiff Martinez, Sebastian<br>Party 2: Defendant Fredianelli, Kristi Rae                                                                                                           |
| 04/20/2009 |  Reply<br>Filed by: Plaintiff Martinez, Sebastian<br><i>to Opposition and Countermotion</i>                                                                                                                         |
| 04/20/2009 |  Reply<br>Filed by: Plaintiff Martinez, Sebastian<br><i>To Oppositon and Countermotion</i>                                                                                                                          |
| 04/20/2009 |  Receipt of Copy<br>Filed by: Plaintiff Martinez, Sebastian<br>Party 2: Defendant Fredianelli, Kristi Rae                                                                                                         |
| 04/20/2009 |  Receipt of Copy<br>Filed by: Plaintiff Martinez, Sebastian<br>Party 2: Defendant Fredianelli, Kristi Rae<br><i>Reply to Opposition and Countermotion</i>                                                         |
| 04/27/2009 |  Supplemental<br>Filed by: Attorney Carman, Michael P.; Defendant Fredianelli, Kristi Rae<br><i>Exhibits in Support of Defendants Opposition and Countermotion for Contempt</i>                                   |
| 04/28/2009 | <b>Motion for Child Custody (9:00 AM)</b> (Judicial Officer: Duckworth, Bryce C.)<br><b>04/28/2009, 06/26/2009, 07/20/2009, 08/26/2009</b><br>Events: 03/26/2009 Motion<br><i>Pltf's Motion to Establish Custody, Set Specific Visitation and Child Support, Consolidate TPO and Attorney's Fees</i> |
| 04/28/2009 | <b>Opposition &amp; Countermotion (9:00 AM)</b> (Judicial Officer: Duckworth, Bryce C.)<br>Events: 04/10/2009 Opposition and Countermotion<br><i>Deft's Opposition and Countermotion for Contempt and Attorney's Fees</i>                                                                            |
| 04/28/2009 | <b>All Pending Motions (9:00 AM)</b> (Judicial Officer: Duckworth, Bryce C.)                                                                                                                                                                                                                         |
| 04/28/2009 |  Referral Order for Outsourced Evaluation Services (Judicial Officer: Duckworth, Bryce C.)                                                                                                                        |














**CASE SUMMARY**  
**CASE NO. D-07-373016-P**

|            |                                                                                                                                                                                                                                                                    |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 05/04/2009 |  Notice of Entry<br>Filed by: Defendant Fredianelli, Kristi Rae<br><i>REFERRAL ORDER FOR OUTSOURCED EVALUATION SERVICES</i>                                                       |
| 05/14/2009 |  Receipt of Copy<br>Filed by: Plaintiff Martinez, Sebastian<br>Party 2: Defendant Fredianelli, Kristi Rae<br><i>Pltf's First Request For Production Of Documents To Defendant</i> |
| 05/14/2009 |  Request<br>Filed by: Plaintiff Martinez, Sebastian<br><i>Plaintiff's First Request For Production Of Documents To Defendant</i>                                                  |
| 05/18/2009 |  Motion<br>Filed by: Plaintiff Martinez, Sebastian<br>For: Defendant Fredianelli, Kristi Rae                                                                                      |
| 05/18/2009 |  Notice<br>Filed by: Plaintiff Martinez, Sebastian<br><i>Motion To Establish Joint Legal And Primary Physical Custody</i>                                                         |
| 05/18/2009 |  Family Court Motion Opposition Fee Information Sheet<br>Filed by: Plaintiff Martinez, Sebastian                                                                                  |
| 05/18/2009 |  Receipt of Copy<br>Filed by: Plaintiff Martinez, Sebastian<br>Party 2: Plaintiff Martinez, Sebastian                                                                             |
| 05/18/2009 |  Document Filed<br>Filed by: Plaintiff Martinez, Sebastian<br><i>Clarification Of Temporary Visitation</i>                                                                      |
| 05/22/2009 |  Notice of Deposition<br>Filed by: Defendant Fredianelli, Kristi Rae<br><i>Notice Of Taking Deposition Duces Tecum</i>                                                          |
| 05/28/2009 |  Ex Parte Motion<br>Filed by: Plaintiff Martinez, Sebastian<br><i>For An Order Shortening Time</i>                                                                              |
| 05/28/2009 |  Order Shortening Time<br>Filed by: Plaintiff Martinez, Sebastian                                                                                                               |
| 05/28/2009 |  Receipt of Copy<br>Filed by: Plaintiff Martinez, Sebastian<br>Party 2: Defendant Fredianelli, Kristi Rae                                                                       |
| 05/28/2009 |  Affidavit of Service<br>Filed by: Plaintiff Martinez, Sebastian<br>Party 2: Defendant Fredianelli, Kristi Rae                                                                  |
| 06/01/2009 | <b>Motion to Clarify (10:00 AM)</b> (Judicial Officer: Duckworth, Bryce C.)<br>Events: 05/18/2009 Motion<br><i>Pltf's Motion to Clarify Time of Temporary Visitations</i>                                                                                          |














**CASE SUMMARY**  
**CASE NO. D-07-373016-P**

|            |                                                                                                                                                                                                                                                         |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 06/02/2009 |  Notice<br>Filed by: Plaintiff Martinez, Sebastian<br><i>Of Taking Deposition Duces Tecum AMENDED</i>                                                                  |
| 06/04/2009 |  Notice of Deposition<br>Filed by: Defendant Fredianelli, Kristi Rae<br><i>Notice of Taking Deposition- Nicole Mastrangelo</i>                                         |
| 06/05/2009 |  Notice of Withdrawal<br>Filed by: Plaintiff Martinez, Sebastian                                                                                                       |
| 06/08/2009 |  Certificate of Mailing<br>Filed by: Defendant Fredianelli, Kristi Rae<br>For: Plaintiff Martinez, Sebastian                                                           |
| 06/08/2009 |  Deposition Subpoena<br>Filed by: Defendant Fredianelli, Kristi Rae<br><i>Nicole Mastrangelo -</i>                                                                     |
| 06/09/2009 |  Subpoena Duces Tecum<br>Filed by: Defendant Fredianelli, Kristi Rae<br><i>Amended - Rebel Carpet Cleaning</i>                                                         |
| 06/10/2009 |  Certificate of Mailing<br>Filed by: Defendant Fredianelli, Kristi Rae<br>For: Plaintiff Martinez, Sebastian<br><i>Amended Notice Of Taking Deposition Duces Tecum</i> |
| 06/11/2009 |  Certificate of Mailing<br>Filed by: Defendant Fredianelli, Kristi Rae<br>For: Plaintiff Martinez, Sebastian; Other Fredianelli, Anthony<br><i>DVD's</i>             |
| 06/18/2009 |  Motion<br>Filed by: Plaintiff Martinez, Sebastian<br>For: Defendant Fredianelli, Kristi Rae                                                                         |
| 06/18/2009 |  Family Court Motion Opposition Fee Information Sheet<br>Filed by: Plaintiff Martinez, Sebastian                                                                     |
| 06/23/2009 |  Notice of Hearing<br>Filed by: Plaintiff Martinez, Sebastian                                                                                                        |
| 06/24/2009 | <b>Telephonic Hearing (1:30 PM)</b> (Judicial Officer: Duckworth, Bryce C.)<br><i>Requested by Judge</i>                                                                                                                                                |
| 06/26/2009 | <b>Motion (9:30 AM)</b> (Judicial Officer: Duckworth, Bryce C.)<br><b>06/26/2009, 07/20/2009, 08/26/2009</b><br>Events: 06/18/2009 Motion<br><i>Pltf's Motion Requesting Change of Child Custody Evaluation Physician Due to Economic Hardship</i>      |
| 06/26/2009 | <b>All Pending Motions (9:30 AM)</b> (Judicial Officer: Duckworth, Bryce C.)                                                                                                                                                                            |

**CASE SUMMARY**  
**CASE NO. D-07-373016-P**

|            |                                                                                                                                                                                                                                                                                                              |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 06/29/2009 |  Order<br>Filed by: Defendant Fredianelli, Kristi Rae<br><i>re April 28 2009 Hearing</i>                                                                                                                                    |
| 06/30/2009 |  Answer<br>Filed by: Other Fredianelli, Anthony<br>Party 2: Other Fredianelli, Anthony<br><i>to Amended Petition to Establish Paternity and Reseveration of Right to File</i>                                               |
| 06/30/2009 |  Certificate of Mailing<br>Filed by: Other Fredianelli, Anthony<br>For: Plaintiff Martinez, Sebastian<br><i>Answer to Amended Petition to Establish Paternity</i>                                                           |
| 07/16/2009 |  Answer & Counterclaim<br>Filed by: Other Fredianelli, Anthony<br>Party 2: Plaintiff Martinez, Sebastian<br><i>Amended Answer to Amended Petition to establish Paternity and Reservation of Right to File a Couterclaim</i> |
| 07/17/2009 |  Motion<br>Filed by: Other Fredianelli, Anthony<br>For: Plaintiff Martinez, Sebastian                                                                                                                                       |
| 07/17/2009 |  Response<br>Filed by: Other Fredianelli, Anthony<br><i>Respondent's Response To Petitioner's Motion Requesting Change Of Child Custody Evaluation Physican Due To Economic Hardship</i>                                    |
| 07/17/2009 |  Family Court Motion Opposition Fee Information Sheet<br>Filed by: Other Fredianelli, Anthony                                                                                                                             |
| 07/17/2009 |  Family Court Motion Opposition Fee Information Sheet<br>Filed by: Defendant Fredianelli, Kristi Rae                                                                                                                      |
| 07/17/2009 |  Certificate of Mailing<br>Filed by: Other Fredianelli, Anthony<br>For: Plaintiff Martinez, Sebastian<br><i>Respondent response to petititoners motion requesting change of child custody</i>                             |
| 07/20/2009 | <b>All Pending Motions (10:00 AM) (Judicial Officer: Duckworth, Bryce C.)</b>                                                                                                                                                                                                                                |
| 07/20/2009 |  Certificate of Mailing<br>Filed by: Other Fredianelli, Anthony<br>For: Plaintiff Martinez, Sebastian                                                                                                                     |
| 07/20/2009 |  Receipt of Copy<br>Filed by: Other Fredianelli, Anthony<br>Party 2: Plaintiff Martinez, Sebastian                                                                                                                        |
| 07/21/2009 |  Receipt of Copy<br>Filed by: Other Fredianelli, Anthony<br>Party 2: Defendant Fredianelli, Kristi Rae                                                                                                                    |
| 07/22/2009 |  Subpoena Duces Tecum                                                                                                                                                                                                     |


**CASE SUMMARY**  
**CASE NO. D-07-373016-P**

|            |                                                                                                                                                                                                                                                       |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | Filed by: Other Fredianelli, Anthony<br><i>-Coral Academy of Science</i>                                                                                                                                                                              |
| 07/22/2009 |  Subpoena Duces Tecum<br>Filed by: Other Fredianelli, Anthony<br><i>-Green Valley Christian School</i>                                                               |
| 07/23/2009 |  Receipt of Copy<br>Filed by: Other Fredianelli, Anthony<br>Party 2: Defendant Fredianelli, Kristi Rae                                                               |
| 07/28/2009 |  Affidavit of Service<br>Filed by: Other Fredianelli, Anthony<br>Party 2: Other Fredianelli, Anthony                                                                 |
| 07/28/2009 |  Affidavit of Service<br>Filed by: Other Fredianelli, Anthony<br>Party 2: Other Fredianelli, Anthony                                                                 |
| 07/29/2009 | <b>CANCELED Return Hearing</b><br><i>Vacated - per Judge</i><br><i>Additional time needed to completed evaluation</i>                                                                                                                                 |
| 08/03/2009 |  Motion<br>Filed by: Plaintiff Martinez, Sebastian<br>For: Defendant Fredianelli, Kristi Rae                                                                         |
| 08/03/2009 |  Opposition and Countermotion<br>Filed by: Plaintiff Martinez, Sebastian<br>Party 2: Other Fredianelli, Anthony                                                    |
| 08/03/2009 |  Family Court Motion Opposition Fee Information Sheet<br>Filed by: Plaintiff Martinez, Sebastian                                                                   |
| 08/03/2009 |  Declaration Under Uniform Child Custody Jurisdiction Act<br>Filed by: Plaintiff Martinez, Sebastian                                                               |
| 08/04/2009 |  Declaration Under Uniform Child Custody Jurisdiction Act<br>Filed by: Other Fredianelli, Anthony                                                                  |
| 08/04/2009 |  Certificate of Mailing<br>Filed by: Plaintiff Martinez, Sebastian<br>For: Defendant Fredianelli, Kristi Rae<br><i>Declaration Under Uniform Child Custody Act</i> |
| 08/04/2009 |  Receipt of Copy<br>Filed by: Plaintiff Martinez, Sebastian<br>Party 2: Defendant Fredianelli, Kristi Rae<br><i>Declaration Under Uniform Child Custody Act</i>    |
| 08/04/2009 |  Family Court Motion Opposition Fee Information Sheet<br>Filed by: Plaintiff Martinez, Sebastian                                                                   |
| 08/07/2009 |  Exhibits                                                                                                                                                          |


**CASE SUMMARY**  
**CASE NO. D-07-373016-P**

Filed by: Plaintiff Martinez, Sebastian  
*1-4 Of Pltff Opps to Motion to Dismiss Due to Overcoming Presumptions*


08/07/2009

 Receipt of Copy  
Filed by: Plaintiff Martinez, Sebastian  
Party 2: Defendant Fredianelli, Kristi Rae  
*mot for contempt of court for deft willful*

08/07/2009

 Receipt of Copy  
Filed by: Plaintiff Martinez, Sebastian  
Party 2: Defendant Fredianelli, Kristi Rae  
*mot for contempt of court for deft willful violation of this courts orders regarding*


08/10/2009

 Declaration Under Uniform Child Custody Jurisdiction Act  
Filed by: Defendant Fredianelli, Kristi Rae


08/12/2009

 Supplement  
Filed by: Defendant Fredianelli, Kristi Rae  
*To Respondent Kristi Rae Fredianells Iniform Child Custody Jurisdiction and Enforcement*


08/24/2009

 Opposition and Countermotion  
Filed by: Defendant Fredianelli, Kristi Rae  
Party 2: Plaintiff Martinez, Sebastian


08/24/2009

 Certificate of Mailing  
Filed by: Defendant Fredianelli, Kristi Rae  
For: Plaintiff Martinez, Sebastian  
*deft opps and countermotion for contempt*


08/24/2009

 Family Court Motion Opposition Fee Information Sheet  
Filed by: Defendant Fredianelli, Kristi Rae


08/24/2009

 Reply  
Filed by: Other Fredianelli, Anthony  
*In Support Of Motion To Dismiss and Opposition To Countermotion*

08/24/2009

 Receipt of Copy  
Filed by: Other Fredianelli, Anthony  
Party 2: Defendant Fredianelli, Kristi Rae  
*re: Respondent's Reply in Support of Motion to Dismiss and Opposition to Countermotion to Establish Custody, Support, and Award Fees and Costs to Plaintiff*

08/24/2009

 Certificate of Mailing  
Filed by: Other Fredianelli, Anthony  
For: Plaintiff Martinez, Sebastian  
*re: Respondent's Reply in Support of Motion to Dismiss and Opposition to Coutnermotion to Establish Custody, Support and Award Fees and Costs to Plaintiff*

08/26/2009

**Motion to Dismiss (10:00 AM)** (Judicial Officer: Duckworth, Bryce C.)  
Events: 07/17/2009 Motion  
*Anthony Fredianelli's Motion to Dismiss*

08/26/2009

**Opposition & Countermotion (10:00 AM)** (Judicial Officer: Duckworth, Bryce C.)  
Events: 08/03/2009 Opposition and Countermotion  
*Pltf's Opposition and Countermotion to Establish Custody, Support and Award of Fees and Costs to Pltf*





**CASE SUMMARY**  
**CASE NO. D-07-373016-P**


08/26/2009 **All Pending Motions (10:00 AM)** (Judicial Officer: Duckworth, Bryce C.)


09/15/2009 **CANCELED Motion**  
*Vacated - per Judge*  
*case dismissed 08/26/09*


09/15/2009 **CANCELED Opposition & Countermotion**  
*Vacated - per Judge*  
*case dismissed 08/26/09*


09/21/2009  **Order**  
Filed by: Other Fredianelli, Anthony


09/30/2009  **Notice of Appearance**  
Party: Plaintiff Martinez, Sebastian


10/14/2009  **Notice of Entry of Order**  
Filed by: Plaintiff Martinez, Sebastian  
*ordr 9-21-09*


10/14/2009  **Receipt of Copy**  
Filed by: Plaintiff Martinez, Sebastian  
Party 2: Defendant Fredianelli, Kristi Rae  
*Notice of Entry of Order*


10/14/2009  **Waiver of Counsel**  
Filed by: Plaintiff Martinez, Sebastian


11/12/2009  **Family Court Motion Opposition Fee Information Sheet**  
Filed by: Plaintiff Martinez, Sebastian


11/12/2009  **Motion**  
Filed by: Plaintiff Martinez, Sebastian  
For: Defendant Fredianelli, Kristi Rae; Other Fredianelli, Anthony  
*to Reconsider Dismissal; For Order Defaulting Anthony Fredianelli, et al.*

11/12/2009  **Notice of Appeal**  
Filed by: Plaintiff Martinez, Sebastian

11/30/2009  **Opposition and Countermotion**  
Filed by: Defendant Fredianelli, Kristi Rae  
Party 2: Plaintiff Martinez, Sebastian

12/03/2009  **Opposition and Countermotion**  
Filed by: Other Fredianelli, Anthony  
Party 2: Plaintiff Martinez, Sebastian

12/03/2009  **Certificate of Mailing**  
Filed by: Plaintiff Martinez, Sebastian  
For: Defendant Fredianelli, Kristi Rae  
*REspondent's Opposition To Motion to Reconsider*

12/03/2009  **Family Court Motion Opposition Fee Information Sheet**  
Filed by: Plaintiff Martinez, Sebastian

# CASE SUMMARY

## CASE NO. D-07-373016-P

|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <i>Motion for Reconsideration</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 12/15/2009 | <b>Motion to Reconsider (11:00 AM)</b> (Judicial Officer: Duckworth, Bryce C.)<br>Events: 11/12/2009 Motion<br><i>Pltf's Motion to Reconsider Dismissal; for Order Defaulting Anthony Fredianelli for Failure to File Answer; to Confirm Jurisdiction in Nevada at Time of Filing; or in the Alternative, for Evidentiary Hearing to Confirm Jurisdiction Over Child Under UCCJEA; to Confirm Presumption of Paternity is Overcome Due to DNA Testing and Paternity Acknowledgment; Award of Fees and Costs; Temporary Visitation; Request for Extension for Service; and Related Relief</i> |
| 12/15/2009 | <b>Opposition &amp; Countermotion (11:00 AM)</b> (Judicial Officer: Duckworth, Bryce C.)<br>Events: 11/30/2009 Opposition and Countermotion<br><i>Def't's Opposition and Countermotion for Attorney's Fees</i>                                                                                                                                                                                                                                                                                                                                                                               |
| 12/15/2009 | <b>Opposition &amp; Countermotion (11:00 AM)</b> (Judicial Officer: Duckworth, Bryce C.)<br>Events: 12/03/2009 Opposition and Countermotion<br><i>Anthony Fredianelli's Opposition and Countermotion for Sanctions and Attorney's Fees</i>                                                                                                                                                                                                                                                                                                                                                   |

### DATE

### FINANCIAL INFORMATION

|                                          |               |
|------------------------------------------|---------------|
| <b>Defendant</b> Fredianelli, Kristi Rae |               |
| Total Charges                            | 104.00        |
| Total Payments and Credits               | 98.00         |
| <b>Balance Due as of 12/8/2009</b>       | <b>6.00</b>   |
| <br><b>Other</b> Fredianelli, Anthony    |               |
| Total Charges                            | 104.00        |
| Total Payments and Credits               | 0.00          |
| <b>Balance Due as of 12/8/2009</b>       | <b>104.00</b> |
| <br><b>Plaintiff</b> Martinez, Sebastian |               |
| Total Charges                            | 287.00        |
| Total Payments and Credits               | 282.00        |
| <b>Balance Due as of 12/8/2009</b>       | <b>5.00</b>   |

23

District Court  
Clark County, Nevada  
FAMILY COURT COVER SHEET  
CASE NO. **D-07-37301b-P B**  
(To be assigned by the Clerk's Office)

**PARTY INFORMATION (Please Print)**

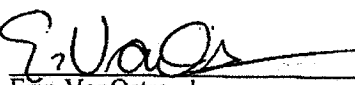
| Plaintiff/Petitioner                     | Defendant/Respondent/Co-Petitioner  |
|------------------------------------------|-------------------------------------|
| Name: Sebastian Martinez                 | Name: Kristi Rae Freadianelli       |
| Home Address: 8805 Jeffreys Street       | Home Address: 9006 Winchester Ridge |
| City, State, Zip: Las Vegas, NV 89123    | City, State, Zip: Las Vegas, Nevada |
| Mailing Address: same                    | Mailing Address: same               |
| City, State, Zip: . . .                  | City, State, Zip:                   |
| Phone No:                                | Phone No:                           |
| Social Security #:                       | Social Security #:                  |
| <b>Attorney Information</b>              | <b>Attorney Information</b>         |
| Name: Denise A. Pifer, Esq. Bar No: 5739 | Name: Bar No:                       |
| Street Address: 6885 W. Charleston Blvd. | Street Address:                     |
| City, State, Zip: Las Vegas, NV 89117    | City, State, Zip:                   |
| Phone No: (702) 240-4447                 | Phone No:                           |

**DOMESTIC FILINGS (Check one box only for the type of case being filed with this cover sheet)**

| DOMESTIC                                                                                                                                                                                                      | MISC. DOMESTIC RELATIONS PETITIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                 | GUARDIANSHIP                                                                                                                                                                                                                                                                                                                               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Annulment<br><input type="checkbox"/> Divorce<br><input type="checkbox"/> Foreign Decree<br><input type="checkbox"/> Joint Petition<br><input type="checkbox"/> Separate Maintenance | <input type="checkbox"/> Adoption<br><input type="checkbox"/> Mental Health<br><input type="checkbox"/> Name Change<br><input checked="" type="checkbox"/> Paternity<br><input type="checkbox"/> Permission to Marry<br><input type="checkbox"/> Support/Custody Case<br><input type="checkbox"/> Temporary Protective Order (TPO)<br><input type="checkbox"/> Termination of Parental Rights<br><input type="checkbox"/> UIFSA<br><input type="checkbox"/> Other (identify) _____ | Guardianship of an Adult<br><input type="checkbox"/> Person<br><input type="checkbox"/> Estate<br><input type="checkbox"/> Person and Estate<br>Guardianship of a Minor<br><input type="checkbox"/> Person<br><input type="checkbox"/> Estate<br><input type="checkbox"/> Person and Estate<br><input type="checkbox"/> Guardianship Trust |

**Children involved in this case (If more than 4 children, please enter the information on the reverse side)**

|                                              |               |      |
|----------------------------------------------|---------------|------|
| Name: Mikaella Rae Flannery aka Freadianelli | DOB: 01/30/07 | SS#: |
| Name:                                        | DOB:          | SS#: |
| Name:                                        | DOB:          | SS#: |
| Name:                                        | DOB:          | SS#: |

  
Erin VanOstrand  
Legal Assistant to  
Denise A. Pifer

Date 7/11/07

Do you or any other party to this action (including minor children) have any other current case(s) or past case(s) in the Family Court of Juvenile Court in Clark County?

☐ YES ☒ NO

If Yes, complete the other side of this form.

ORIGINAL

FILED

SEP 21 2009

CLERK OF COURT

ORDER

EDWARD L. KAINEN, ESQ.  
Nevada Bar No. 5029  
DANIELLE TAYLOR, ESQ.  
Nevada Bar No. 7824  
ECKER & KAINEN, CHARTERED  
300 S. Fourth St., Suite 901  
Las Vegas, Nevada 89101  
Telephone (702) 384-1700  
Facsimile (702) 384-8150  
Email: administration@eckerkainen.com  
Attorneys for Respondent  
ANTHONY FREDIANELLI

DISTRICT COURT

CLARK COUNTY, NEVADA

SEBASTIAN MARTINEZ and  
MIKAELLA RAE FLANNERY aka  
MIKAELLA RAE FREDIANELLI, a  
minor by Nevada State  
Welfare, as Guardian ad  
Litem,

Petitioners,

vs.

KRISTI RAE FREDIANELLI  
and TONY FREDIANELLI,

Respondents.

CASE NO. D373016  
DEPT NO. Q

Date of Hearing: 08/26/09  
Time of Hearing: 10:00 a.m.

ORDER

This matter, having come on for hearing before the  
above-entitled Court on the 26<sup>th</sup> day of August, 2009, for  
Respondent's Motion to Dismiss, and for Petitioner's Countermotion  
to Establish Custody, Support, and Award of Fees and Costs to  
Plaintiff; Petitioner, SEBASTIAN MARTINEZ, being present and  
represented by CHRISTOPHER A. AARON, ESQ., in an unbundled  
capacity; Respondent, ANTHONY FREDIANELLI, being present and  
represented by EDWARD L. KAINEN, ESQ., of the law firm of ECKER &

ECKER & KAINEN CHARTERED  
A Professional Law Corporation

Fax (702) 384-8150

Los Vegas, Nevada 89101

300 South Fourth Street  
Bank of America Plaza, Suite 901

Tel (702) 384-1700

CLERK OF THE COURT

SEP 21 2009

RECEIVED

1 KAINEN, CHARTERED; and Respondent, KRISTI RAE FREDIANELLI, being  
2 present and represented by MICHAEL P. CARMAN, ESQ., of the law  
3 firm of KUNIN & CARMAN; the Court, having reviewed the pleadings  
4 on file, having heard the arguments of counsel, and being fully  
5 advised in the premises, and good cause appearing therefor, makes  
6 the following findings and orders:

7 THE COURT HEREBY FINDS that the case of Scrimmer v.  
8 Eighth Judicial Dist. Ct., 116 Nev. 507, 516, 998 P.2d 1190, 1196  
9 (2000), is the controlling case law with respect to application  
10 and interpretation of NRCP 4(i).

11 THE COURT FURTHER FINDS that, upon the Court's review of  
12 the prior hearings in this matter, it is clear that the matter of  
13 service of process has been repeatedly addressed.

14 THE COURT FURTHER FINDS that at the hearing on October  
15 15, 2007, Petitioner, Kristi Fredianelli (hereinafter "Kristi"),  
16 through her attorney, requested that this case be dismissed  
17 because Respondent, Anthony Fredianelli, (hereinafter "Tony"), was  
18 an indispensable party, but had not been named as a party to the  
19 litigation.

20 THE COURT FURTHER FINDS that, at the hearing on October  
21 15, 2007, the Court noted that for purposes of judicial economy,  
22 the case would not be dismissed. However, the Court noted that  
23 because of the child's age, time was of the essence and that Tony  
24 should be named as a party to the litigation and served as soon as  
25 possible. No specific orders for visitation were made at that  
26 time.

27 . . .

28 . . .

1 THE COURT FURTHER FINDS that, at the hearing on October  
2 15, 2007, Kristi represented that Kristi and Tony's son, Joe, was  
3 enrolled in school in San Diego, California, and that Kristi  
4 intended to return to their home in San Diego, California.

5 THE COURT FURTHER FINDS that a hearing was conducted on  
6 July 15, 2008, at which time the Court addressed the Motion to  
7 Withdraw of Denise Pifer, Esq. Petitioner, Sebastian Martinez,  
8 (hereinafter "Sebastian"), did not appear at that hearing.

9 THE COURT FURTHER FINDS that, at the hearing on July 15,  
10 2008, questions were raised by the Court about service of the  
11 Amended Petition, as well as continuing questions about subject  
12 matter jurisdiction. The Amended Petition had not been properly  
13 served on Tony at that time. The Court then issued an Order to  
14 Show Cause for Sebastian to show cause, if any he had, why the  
15 case should not be dismissed.

16 THE COURT FURTHER FINDS that at the return hearing on  
17 August 19, 2008, Sebastian appeared and indicated a desire to  
18 proceed with the litigation. The Court found that service had not  
19 been effected on Tony and again directed Sebastian to serve Tony  
20 so as to bring him into the litigation.

21 THE COURT FURTHER FINDS that this matter returned for  
22 hearing on October 13, 2008. At that time, Sebastian did not  
23 appear at the hearing. The Court noted Sebastian's obligation to  
24 serve Tony with process, and expressed frustration that service  
25 had not been effectuated and that the case was lingering. The  
26 Court considered scheduling a status check, but ultimately decided  
27 to vacate the hearing. The Court continued to await service of  
28 process on Tony by Sebastian.

1 THE COURT FURTHER FINDS that, despite settlement  
2 negotiations for possible dismissal between Kristi and Sebastian,  
3 this matter lay dormant until March 2009, at which time, Sebastian  
4 filed a Motion to establish custody and visitation, which was  
5 heard by this Court on April 28, 2009.

6 THE COURT FURTHER FINDS that on April 28, 2009, this  
7 Court implemented a visitation schedule that was a departure from  
8 the prior orders by Judge Sanchez. It was not the Court's intent  
9 to reinvent or reconstruct the prior orders entered by the Court  
10 in this matter. However, it was clear that Sebastian had some  
11 contact with the minor child.

12 THE COURT FURTHER FINDS that it was the Court's  
13 intention to move this matter forward, but did note that service  
14 had not been effectuated on Tony at that time. The Court believed  
15 Tony had constructive knowledge of the litigation, was aware of  
16 the proceedings, and that he had not interjected himself into the  
17 proceedings. The Court questioned at that time whether Tony had  
18 any interest in participating in the litigation.

19 THE COURT FURTHER FINDS that, because of the department  
20 reassignment in this matter, following the hearing on April 28,  
21 2009, the Court felt that it was important to review the video  
22 transcripts from the prior proceedings in this matter.

23 THE COURT FURTHER FINDS that Sebastian did not file a  
24 request for enlargement of the time to serve Tony pursuant to NRCP  
25 6(b)(2).

26 . . .

27 . . .

28 . . .

1 THE COURT FURTHER FINDS that the Orders by Judge Sanchez  
2 on October 13, 2008, regarding service of process could be argued  
3 to be extensions of time for service of process pursuant to NRCP  
4 4(i). On the other hand, the Court made it clear on several  
5 occasions, however, that Tony was required to be served.

6 THE COURT FURTHER FINDS that, even if the Court  
7 considered the hearing on October 13, 2008, as an extension by the  
8 Court of the time for service of process, more than 120 days  
9 elapsed between that hearing and the actual service of process  
10 upon Tony in May 2009.

11 THE COURT FURTHER FINDS that NRCP 4(i) is intended to  
12 facilitate the legal process and to ensure that cases do not  
13 languish indefinitely. This must be balanced with the Court's  
14 policy to decided a case on its merits.

15 THE COURT FURTHER FINDS that the Court is a Court of  
16 law, as well as a Court of equity.

17 THE COURT FURTHER FINDS that it is very concerned about  
18 the fact that Tony was not served for a period of over eighteen  
19 (18) months after the filing of the Amended Petition (twenty-five  
20 months from the initial Petition), despite having been directed by  
21 the Court several occasions to do so.

22 THE COURT FURTHER FINDS that an analysis of Scrimmer v.  
23 Eighth Judicial Dist. Ct., results in the following:

- 24 (1) The difficulties in locating Tony: The Court finds that  
25 no difficulties were shown. Further, no request for  
26 enlargement of time was ever made.

27 . . .

28 . . .



- (2) Tony's efforts at evading service of concealment of improper service until after the 120-day period lapsed:  
The Court finds that there has been no showing of attempts by Tony to evade service or conceal himself.
- (3) Sebastian's diligence in attempting to serve Tony: The Court finds that there was only one attempt at service of process, which attempt was previously found to have been ineffective by this Court. There does not appear to be any diligence by Sebastian herein.
- (4) Difficulties encountered by counsel: The Court finds there was not any showing of difficulties by counsel.
- (5) The running of the applicable statute of limitations:  
This factor is inapplicable in this matter.
- (6) The parties' good faith attempt to settle the litigation during the 120-day period: The Court finds that although there appears to have been settlement negotiations between Kristi and Sebastian for a dismissal of the action, there were no settlement negotiations between Sebastian and Tony.
- (7) The lapse of time between the end of the 120-day period and the actual service of process on Tony: The Court finds that whether it considers the lapse of time between the filing of the Amended Petition and the date of service, or the lapse of time between the hearing on October 18, 2008, and the date of service, the lapse of time was significant.

- 1 (8) The prejudice to Tony caused by Sebastian's delay in  
2 serving process: The Court finds that the delay caused  
3 by Sebastian in effectuating service has absolutely  
4 delayed the prosecution of this matter. The Court also  
5 understands Tony's arguments of prejudice based upon the  
6 UCCJEA and the potential application of California law.
- 7 (9) Tony's knowledge of the existence of the lawsuit: The  
8 Court finds that, although Tony was generally aware of  
9 the pending litigation between Kristi and Sebastian, he  
10 was never made specifically aware that an Amended  
11 Petition had been filed in which he had been named as a  
12 party; and
- 13 (10) Any extensions of time for service granted by the  
14 district court. The Court finds that, at best, the  
15 Court's orders in October 2008, may be argued to be an  
16 extension within which to effectuate service of process.  
17 Notwithstanding the same, and despite the expressed  
18 frustrations of Judge Sanchez with regard to Sebastian's  
19 failure to serve Tony, there was a long delay before  
20 service of process was effectuated, during which the  
21 case was dormant and languished in the system.

22 NOW, THEREFORE, based on the foregoing findings,

23 IT IS HEREBY ORDERED that, pursuant to NRCP 4(i), this  
24 matter shall be, and hereby is, dismissed in its entirety due to  
25 Petitioner's failure to effectuate service of process on the  
26 Respondent, Anthony Fredianelli.

27 . . .  
28 . . .

1 IT IS FURTHER ORDERED that based on this dismissal, the  
2 Court cannot and will not make orders with regard to the remainder  
3 of the relief requested by Petitioner and/or either Respondent.

4 IT IS FURTHER ORDERED that, based on the foregoing, all  
5 other orders entered in this matter are invalid and unenforceable.

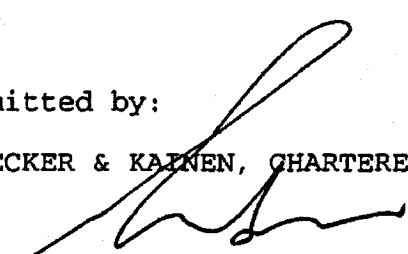
6 IT IS FURTHER ORDERED that Petitioner, Sebastian  
7 Martinez, shall be, and hereby is, ordered to pay the sum of \$500  
8 as and for attorney's fees to counsel for Respondents, Kristi  
9 Fredianelli and Anthony Fredianelli, as a result of the delay in  
10 proceeding with the hearing on today's date.

11 Dated this 14<sup>th</sup> day of September, 2009.

12   
13 DISTRICT JUDGE


14 Submitted by:

15 ECKER & KAINEN, CHARTERED

16 By:   
17 EDWARD L. KAINEN, ESQ.  
18 Nevada Bar No. 5029  
19 DANIELLE TAYLOR, ESQ.  
20 Nevada Bar No. 7824  
21 300 S. Fourth St., Suite 901  
22 Las Vegas, Nevada 89101  
23 Attorneys for Respondent  
24 ANTHONY FREDIANELLI

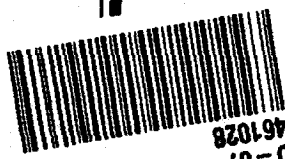
25 Approved as to Form and Content:

26 THE LAW OFFICES OF KUNIN & CARMAN

27 By:   
28 MICHAEL P. CARMAN, ESQ.  
Nevada Bar No. 7639  
3551 E. Bonanza Road, Suite 110  
Las Vegas, Nevada 89110  
Attorney for Respondent,  
KRISTI RAE FREDIANELLI

ORIGINAL

30



820197  
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KAINEN, ESQ.  
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Email: administration@eckerkainen.com  
Attorneys for Respondent  
ANTHONY FREDIANELLI

FILED

2009 OCT 14 A 10:23

*[Signature]*  
CLERK OF THE COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

SEBASTIAN MARTINEZ and )  
MIKAELLA RAE FLANNERY aka )  
MIKAELLA RAE FREDIANELLI, a )  
minor by Nevada State )  
Welfare, as Guardian ad )  
Litem, )  
  
Petitioners, )  
  
vs. )  
  
KRISTI RAE FREDIANELLI )  
and TONY FREDIANELLI, )  
  
Respondents. )

CASE NO. D373016  
DEPT NO. Q

Date of Hearing: 08/26/09  
Time of Hearing: 10:00 a.m.

NOTICE OF ENTRY OF ORDER

TO: SEBASTIAN MARTINEZ, Petitioner; and  
TO: MIRIAM E. RODRIGUEZ, attorney for Petitioner:

PLEASE TAKE NOTICE that, on the 21<sup>st</sup> day of September,  
2009, the Honorable Bryce C. Duckworth entered an Order, a copy of  
which is attached hereto.

DATED this 14<sup>th</sup> day of October, 2009

ECKER & KAINEN CHARTERED

By: *[Signature]*  
EDWARD L. KAINEN, ESQ.  
Nevada Bar No. 5029  
300 S. Fourth Street, #901  
Las Vegas, Nevada 89101  
Attorneys for Respondent,  
Tony Fredianelli

a

ECKER & KAINEN CHARTERED  
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Bank of America Plaza, Suite 901  
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Tel (702) 384-1700 Fax (702) 384-8150

**ORDR**

EDWARD L. KAINEN, ESQ.  
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Email: administration@eckerkainen.com  
Attorneys for Respondent  
ANTHONY FREDIANELLI

**FILED**  
**SEP 21 2009**  
*John L. L...*  
CLERK OF COURT

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

SEBASTIAN MARTINEZ and  
MIKAELLA RAE FLANNERY aka  
MIKAELLA RAE FREDIANELLI, a  
minor by Nevada State  
Welfare, as Guardian ad  
Litem,

Petitioners,

vs.

KRISTI RAE FREDIANELLI  
and TONY FREDIANELLI,

Respondents.

CASE NO. D373016  
DEPT NO. Q

Date of Hearing: 08/26/09  
Time of Hearing: 10:00 a.m.

**ORDER**

This matter, having come on for hearing before the  
above-entitled Court on the 26<sup>th</sup> day of August, 2009, for  
Respondent's Motion to Dismiss, and for Petitioner's Countermotion  
to Establish Custody, Support, and Award of Fees and Costs to  
Plaintiff; Petitioner, SEBASTIAN MARTINEZ, being present and  
represented by CHRISTOPHER A. AARON, ESQ., in an unbundled  
capacity; Respondent, ANTHONY FREDIANELLI, being present and  
represented by EDWARD L. KAINEN, ESQ., of the law firm of ECKER &

1 KAINEN, CHARTERED; and Respondent, KRISTI RAE FREDIANELLI, being  
2 present and represented by MICHAEL P. CARMAN, ESQ., of the law  
3 firm of KUNIN & CARMAN; the Court, having reviewed the pleadings  
4 on file, having heard the arguments of counsel, and being fully  
5 advised in the premises, and good cause appearing therefor, makes  
6 the following findings and orders:

7 THE COURT HEREBY FINDS that the case of Scrimmer v.  
8 Eighth Judicial Dist. Ct., 116 Nev. 507, 516, 998 P.2d 1190, 1196  
9 (2000), is the controlling case law with respect to application  
10 and interpretation of NRCP 4(i).

11 THE COURT FURTHER FINDS that, upon the Court's review of  
12 the prior hearings in this matter, it is clear that the matter of  
13 service of process has been repeatedly addressed.

14 THE COURT FURTHER FINDS that at the hearing on October  
15 15, 2007, Petitioner, Kristi Fredianelli (hereinafter "Kristi"),  
16 through her attorney, requested that this case be dismissed  
17 because Respondent, Anthony Fredianelli, (hereinafter "Tony"), was  
18 an indispensable party, but had not been named as a party to the  
19 litigation.

20 THE COURT FURTHER FINDS that, at the hearing on October  
21 15, 2007, the Court noted that for purposes of judicial economy,  
22 the case would not be dismissed. However, the Court noted that  
23 because of the child's age, time was of the essence and that Tony  
24 should be named as a party to the litigation and served as soon as  
25 possible. No specific orders for visitation were made at that  
26 time.

1 THE COURT FURTHER FINDS that, at the hearing on October  
2 15, 2007, Kristi represented that Kristi and Tony's son, Joe, was  
3 enrolled in school in San Diego, California, and that Kristi  
4 intended to return to their home in San Diego, California.

5 THE COURT FURTHER FINDS that a hearing was conducted on  
6 July 15, 2008, at which time the Court addressed the Motion to  
7 Withdraw of Denise Pifer, Esq. Petitioner, Sebastian Martinez,  
8 (hereinafter "Sebastian"), did not appear at that hearing.

9 THE COURT FURTHER FINDS that, at the hearing on July 15,  
10 2008, questions were raised by the Court about service of the  
11 Amended Petition, as well as continuing questions about subject  
12 matter jurisdiction. The Amended Petition had not been properly  
13 served on Tony at that time. The Court then issued an Order to  
14 Show Cause for Sebastian to show cause, if any he had, why the  
15 case should not be dismissed.

16 THE COURT FURTHER FINDS that at the return hearing on  
17 August 19, 2008, Sebastian appeared and indicated a desire to  
18 proceed with the litigation. The Court found that service had not  
19 been effected on Tony and again directed Sebastian to serve Tony  
20 so as to bring him into the litigation.

21 THE COURT FURTHER FINDS that this matter returned for  
22 hearing on October 13, 2008. At that time, Sebastian did not  
23 appear at the hearing. The Court noted Sebastian's obligation to  
24 serve Tony with process, and expressed frustration that service  
25 had not been effectuated and that the case was lingering. The  
26 Court considered scheduling a status check, but ultimately decided  
27 to vacate the hearing. The Court continued to await service of  
28 process on Tony by Sebastian.

1 THE COURT FURTHER FINDS that, despite settlement  
2 negotiations for possible dismissal between Kristi and Sebastian,  
3 this matter lay dormant until March 2009, at which time, Sebastian  
4 filed a Motion to establish custody and visitation, which was  
5 heard by this Court on April 28, 2009.

6 THE COURT FURTHER FINDS that on April 28, 2009, this  
7 Court implemented a visitation schedule that was a departure from  
8 the prior orders by Judge Sanchez. It was not the Court's intent  
9 to reinvent or reconstruct the prior orders entered by the Court  
10 in this matter. However, it was clear that Sebastian had some  
11 contact with the minor child.

12 THE COURT FURTHER FINDS that it was the Court's  
13 intention to move this matter forward, but did note that service  
14 had not been effectuated on Tony at that time. The Court believed  
15 Tony had constructive knowledge of the litigation, was aware of  
16 the proceedings, and that he had not interjected himself into the  
17 proceedings. The Court questioned at that time whether Tony had  
18 any interest in participating in the litigation.

19 THE COURT FURTHER FINDS that, because of the department  
20 reassignment in this matter, following the hearing on April 28,  
21 2009, the Court felt that it was important to review the video  
22 transcripts from the prior proceedings in this matter.

23 THE COURT FURTHER FINDS that Sebastian did not file a  
24 request for enlargement of the time to serve Tony pursuant to NRCP  
25 6(b)(2).

26 . . . ly decided  
27 . . .  
28 . . .



1 THE COURT FURTHER FINDS that the Orders by Judge Sanchez  
2 on October 13, 2008, regarding service of process could be argued  
3 to be extensions of time for service of process pursuant to NRCP  
4 4(i). On the other hand, the Court made it clear on several  
5 occasions, however, that Tony was required to be served.

6 THE COURT FURTHER FINDS that, even if the Court  
7 considered the hearing on October 13, 2008, as an extension by the  
8 Court of the time for service of process, more than 120 days  
9 elapsed between that hearing and the actual service of process  
10 upon Tony in May 2009.

11 THE COURT FURTHER FINDS that NRCP 4(i) is intended to  
12 facilitate the legal process and to ensure that cases do not  
13 languish indefinitely. This must be balanced with the Court's  
14 policy to decide a case on its merits.

15 THE COURT FURTHER FINDS that the Court is a Court of  
16 law, as well as a Court of equity.

17 THE COURT FURTHER FINDS that it is very concerned about  
18 the fact that Tony was not served for a period of over eighteen  
19 (18) months after the filing of the Amended Petition (twenty-five  
20 months from the initial Petition), despite having been directed by  
21 the Court several occasions to do so.

22 THE COURT FURTHER FINDS that an analysis of Scrimmer v.  
23 Eighth Judicial Dist. Ct., results in the following:

- 24 (1) The difficulties in locating Tony: The Court finds that  
25 no difficulties were shown. Further, no request for  
26 enlargement of time was ever made.

27 . . .  
28 . . .

- 1 (2) Tony's efforts at evading service of concealment of  
2 improper service until after the 120-day period lapsed:  
3 The Court finds that there has been no showing of  
4 attempts by Tony to evade service or conceal himself.
- 5 (3) Sebastian's diligence in attempting to serve Tony: The  
6 Court finds that there was only one attempt at service  
7 of process, which attempt was previously found to have  
8 been ineffective by this Court. There does not appear  
9 to be any diligence by Sebastian herein.
- 10 (4) Difficulties encountered by counsel: The Court finds  
11 there was not any showing of difficulties by counsel.
- 12 (5) The running of the applicable statute of limitations:  
13 This factor is inapplicable in this matter.
- 14 (6) The parties' good faith attempt to settle the litigation  
15 during the 120-day period: The Court finds that although  
16 there appears to have been settlement negotiations  
17 between Kristi and Sebastian for a dismissal of the  
18 action, there were no settlement negotiations between  
19 Sebastian and Tony.
- 20 (7) The lapse of time between the end of the 120-day period  
21 and the actual service of process on Tony: The Court  
22 finds that whether it considers the lapse of time  
23 between the filing of the Amended Petition and the date  
24 of service, or the lapse of time between the hearing on  
25 October 18, 2008, and the date of service, the lapse of  
26 time was significant.
- 27 . . .  
28 . . .

- 1 (8) The prejudice to Tony caused by Sebastian's delay in  
2 serving process: The Court finds that the delay caused  
3 by Sebastian in effectuating service has absolutely  
4 delayed the prosecution of this matter. The Court also  
5 understands Tony's arguments of prejudice based upon the  
6 UCCJEA and the potential application of California law.
- 7 (9) Tony's knowledge of the existence of the lawsuit: The  
8 Court finds that, although Tony was generally aware of  
9 the pending litigation between Kristi and Sebastian, he  
10 was never made specifically aware that an Amended  
11 Petition had been filed in which he had been named as a  
12 party; and
- 13 (10) Any extensions of time for service granted by the  
14 district court. The Court finds that, at best, the  
15 Court's orders in October 2008, may be argued to be an  
16 extension within which to effectuate service of process.  
17 Notwithstanding the same, and despite the expressed  
18 frustrations of Judge Sanchez with regard to Sebastian's  
19 failure to serve Tony, there was a long delay before  
20 service of process was effectuated, during which the  
21 case was dormant and languished in the system.

22 NOW, THEREFORE, based on the foregoing findings,

23 IT IS HEREBY ORDERED that, pursuant to NRCP 4(i), this  
24 matter shall be, and hereby is, dismissed in its entirety due to  
25 Petitioner's failure to effectuate service of process on the  
26 Respondent; Anthony Fredianelli.

27 . . .

28 . . .

1 IT IS FURTHER ORDERED that based on this dismissal, the  
2 Court cannot and will not make orders with regard to the remainder  
3 of the relief requested by Petitioner and/or either Respondent.

4 IT IS FURTHER ORDERED that, based on the foregoing, all  
5 other orders entered in this matter are invalid and unenforceable.

6 IT IS FURTHER ORDERED that Petitioner, Sebastian  
7 Martinez, shall be, and hereby is, ordered to pay the sum of \$500  
8 as and for attorney's fees to counsel for Respondents, Kristi  
9 Fredianelli and Anthony Fredianelli, as a result of the delay in  
10 proceeding with the hearing on today's date.

11 Dated this 14 day of SEP, 2009.

**BRYCE C. DUCKWORTH**

12  
13 \_\_\_\_\_  
DISTRICT JUDGE

14 Submitted by:

15 ECKER & KAINEN, CHARTERED

16  
17 By: \_\_\_\_\_

18 EDWARD L. KAINEN, ESQ.  
19 Nevada Bar No. 5029  
20 DANIELLE TAYLOR, ESQ.  
21 Nevada Bar No. 7824  
22 300 S. Fourth St., Suite 901  
23 Las Vegas, Nevada 89101  
24 Attorneys for Respondent  
25 ANTHONY FREDIANELLI

26 Approved as to Form and Content:

27 THE LAW OFFICES OF KUNIN & CARMAN

28 By: \_\_\_\_\_

29 MICHAEL P. CARMAN, ESQ.  
30 Nevada Bar No. 7639  
31 3551 E. Bonanza Road, Suite 110  
32 Las Vegas, Nevada 89110  
33 Attorney for Respondent,  
34 KRISTI RAE FREDIANELLI

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Paternity Complaint**

**COURT MINUTES**

**October 15, 2007**

D-07-373016-P

In the Matter of the Petition by:  
Sebastian Martinez, Petitioner.

**October 15, 2007 10:30 AM**

**All Pending Motions**

**HEARD BY:** Sanchez, Gloria S

**COURTROOM:** Courtroom 07

**COURT CLERK:**

**PARTIES:**

Anthony Fredianelli, Other,  
not present  
Kristi Fredianelli, Defendant,  
Counter Claimant, present  
Mikaella Flannery, Subject  
Minor, not present  
Sebastian Martinez, Plaintiff,  
Counter Defendant, present

Edward Kainen, Attorney, not  
present  
Bruce Shapiro, Attorney,  
present  
  
Pro Se

**JOURNAL ENTRIES**

- Tammy Kozohara, Court Clerk

PLAINTIFF'S MOTION TO RESOLVE PARENT-CHILD ISSUES, CHILD CUSTODY, VISITATION,  
CHILD SUPPORT AND ATTORNEY'S FEES...DEFENDANT'S OPPOSITION AND  
COUNTERMOTION TO CONFIRM PRIMARY CUSTODY, FOR RELOCATION, CHILD SUPPORT  
AND CHILD SUPPORT ARREARS, FOR PAYMENT OF MEDICAL EXPENSES, FOR PROTECTIVE  
ORDER AND FOR ATTORNEY'S FEES AND COSTS

Ms. Pifer requested a CLOSED HEARING. COURT SO ORDERED.

Mr. Shapiro requested that the Court dismiss Mr. Martinez's Petition to establish Paternity for procedural defects.

After further arguments by counsel, COURT ORDERED, the following:

Ms. Pifer is directed to file an Amended Petition naming Defendant's husband and child as Parties and to send an Order appointing a Guardian Ad Litem (GAL) for the child.

Court noted, for judicial economy and to conserve the Parties' financial resources, it would not be prudent to dismiss the Petition as the Parties would incur additional filing fees and the case would be linked to this Department and it would still have to hear the issues on the merits. However, the Court is concerned that the alleged biological father, the Plaintiff, needs to have frequent contact with this infant child; therefore, the Court will GRANT an Order Shortening Time (OST) from Ms. Pifer on Plaintiff's Motion. The Court clarified that Plaintiff must serve Defendant's husband with the OST but does not have to wait twenty (20) days from service of Paternity Petition to have a Hearing on the OST.

Mr. Shapiro does not feel ethically that he can represent Defendant's husband and that Defendant provided an address for service to Ms. Pifer for her husband of 3728 Bayonne Street, San Diego, CA 92109.

#### **INTERIM CONDITIONS:**

#### **FUTURE HEARINGS:**

*Canceled: December 10, 2007 1:30 PM Motion to Resolve Parent-Child Issues*

*Canceled: December 10, 2007 5:30 PM Motion to Resolve Parent-Child Issues*

*Canceled: December 10, 2007 1:30 PM Opposition & Countermotion*

*Canceled: December 10, 2007 5:45 PM Opposition & Countermotion*

*Canceled: February 05, 2008 11:00 AM All Pending Motions*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Clerk*

*Sanchez, Gloria S*

*Courtroom 07*

*Canceled: April 16, 2008 10:30 AM Motion to Resolve Parent-Child Issues*

*Canceled: April 16, 2008 10:30 AM Opposition & Countermotion*

*Canceled: April 16, 2008 10:30 AM Motion for Withdrawal*

*Canceled: June 18, 2008 10:30 AM Motion for Withdrawal*

*Canceled: June 05, 2009 9:00 AM Motion for Child Custody*

*Reason: Vacated - per Judge*

*Courtroom 03*

*Duckworth, Bryce C.*

*Canceled: June 05, 2009 9:00 AM Opposition & Countermotion*

*Reason: Vacated - Moot*

*Courtroom 03*

*Duckworth, Bryce C.*

*Canceled: June 05, 2009 9:00 AM Motion to Clarify*

*Canceled: July 29, 2009 11:00 AM Return Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Courtroom 03*

*Duckworth, Bryce C.*

*Canceled: September 15, 2009 10:00 AM Motion*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Courtroom 03*

*Duckworth, Bryce C.*

*Canceled: September 15, 2009 10:00 AM Opposition & Countermotion*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Courtroom 03*

*Duckworth, Bryce C.*

*December 15, 2009 11:00 AM Motion to Reconsider*

*Courtroom 03*

*Duckworth, Bryce C.*

*December 15, 2009 11:00 AM Opposition & Countermotion*

*Courtroom 03*

*Duckworth, Bryce C.*

*December 15, 2009 11:00 AM Opposition & Countermotion*

*Courtroom 03*

*Duckworth, Bryce C.*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Paternity Complaint**

**COURT MINUTES**

**November 09, 2007**

D-07-373016-P

In the Matter of the Petition by:  
Sebastian Martinez, Petitioner.

**November 09,  
2007**

**2:00 PM**

**All Pending Motions**

**HEARD BY:** Sanchez, Gloria S

**COURTROOM:** Courtroom 07

**COURT CLERK:**

**PARTIES:**

Anthony Fredianelli, Other,  
not present  
Kristi Fredianelli, Defendant,  
Counter Claimant, not present  
Mikaella Flannery, Subject  
Minor, not present  
Sebastian Martinez, Plaintiff,  
Counter Defendant, Guardian  
Ad Litem, not present

Edward Kainen, Attorney, not  
present  
Michael Carman, Attorney, not  
present  
  
Pro Se

**JOURNAL ENTRIES**

- PLTF'S MOTION TO RESOLVE PARENT CHILD ISSUES...DEFT'S OPPOSITION AND  
COUNTERMOTION

COURT CLERK, KIMBERLY JONES

Per Stipulation and Order, matter CONTINUED.

**INTERIM CONDITIONS:**

|             |            |              |               |                  |
|-------------|------------|--------------|---------------|------------------|
| PRINT DATE: | 12/08/2009 | Page 4 of 36 | Minutes Date: | October 15, 2007 |
|-------------|------------|--------------|---------------|------------------|



**FUTURE HEARINGS:**

*Canceled: December 10, 2007 1:30 PM Motion to Resolve Parent-Child Issues*

*Canceled: December 10, 2007 5:30 PM Motion to Resolve Parent-Child Issues*

*Canceled: December 10, 2007 1:30 PM Opposition & Countermotion*

*Canceled: December 10, 2007 5:45 PM Opposition & Countermotion*

*Canceled: February 05, 2008 11:00 AM All Pending Motions*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Clerk*

*Sanchez, Gloria S*

*Courtroom 07*

*Canceled: April 16, 2008 10:30 AM Motion to Resolve Parent-Child Issues*

*Canceled: April 16, 2008 10:30 AM Opposition & Countermotion*

*Canceled: April 16, 2008 10:30 AM Motion for Withdrawal*

*Canceled: June 18, 2008 10:30 AM Motion for Withdrawal*

*Canceled: June 05, 2009 9:00 AM Motion for Child Custody*

*Reason: Vacated - per Judge*

*Courtroom 03*

*Duckworth, Bryce C.*

*Canceled: June 05, 2009 9:00 AM Opposition & Countermotion*

*Reason: Vacated - Moot*

*Courtroom 03*

*Duckworth, Bryce C.*

*Canceled: June 05, 2009 9:00 AM Motion to Clarify*

*Canceled: July 29, 2009 11:00 AM Return Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Courtroom 03*

*Duckworth, Bryce C.*

*Canceled: September 15, 2009 10:00 AM Motion*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Courtroom 03*

*Duckworth, Bryce C.*

*Canceled: September 15, 2009 10:00 AM Opposition & Countermotion*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Courtroom 03*

*Duckworth, Bryce C.*

*December 15, 2009 11:00 AM Motion to Reconsider*

Courtroom 03  
Duckworth, Bryce C.

December 15, 2009 11:00 AM Opposition & Countermotion  
Courtroom 03  
Duckworth, Bryce C.

December 15, 2009 11:00 AM Opposition & Countermotion  
Courtroom 03  
Duckworth, Bryce C.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Paternity Complaint**

**COURT MINUTES**

**December 10, 2007**

D-07-373016-P

In the Matter of the Petition by:  
Sebastian Martinez, Petitioner.

**December 10, 2007 1:30 PM**

**All Pending Motions**

**HEARD BY:** Sanchez, Gloria S

**COURTROOM:** Courtroom 07

**COURT CLERK:** Kathleen Boyle

**PARTIES:**

Anthony Fredianelli, Other,  
not present  
Kristi Fredianelli, Defendant,  
Counter Claimant, not present  
Mikaella Flannery, Subject  
Minor, not present  
Sebastian Martinez, Plaintiff,  
Counter Defendant, Guardian  
Ad Litem, not present

Edward Kainen, Attorney, not  
present  
Michael Carman, Attorney, not  
present  
  
Pro Se

**JOURNAL ENTRIES**

- Court Clerk: Kathy Boyle

**PLTF'S MOTION TO RESOLVE PARENT CHILD ISSUES...DEFT'S OPPOSITION AND  
COUNTERMOTION**

Prior to today's hearing, counsel submitted a Stipulation and Order requesting this matter be  
CONTINUED. COURT ORDERED, MATTER CONTINUED.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: December 10, 2007 1:30 PM Motion to Resolve Parent-Child Issues*

*Canceled: December 10, 2007 5:30 PM Motion to Resolve Parent-Child Issues*

*Canceled: December 10, 2007 1:30 PM Opposition & Countermotion*

*Canceled: December 10, 2007 5:45 PM Opposition & Countermotion*

*Canceled: February 05, 2008 11:00 AM All Pending Motions*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Clerk*

*Sanchez, Gloria S*

*Courtroom 07*

*Canceled: April 16, 2008 10:30 AM Motion to Resolve Parent-Child Issues*

*Canceled: April 16, 2008 10:30 AM Opposition & Countermotion*

*Canceled: April 16, 2008 10:30 AM Motion for Withdrawal*

*Canceled: June 18, 2008 10:30 AM Motion for Withdrawal*

*Canceled: June 05, 2009 9:00 AM Motion for Child Custody*

*Reason: Vacated - per Judge*

*Courtroom 03*

*Duckworth, Bryce C.*

*Canceled: June 05, 2009 9:00 AM Opposition & Countermotion*

*Reason: Vacated - Moot*

*Courtroom 03*

*Duckworth, Bryce C.*

*Canceled: June 05, 2009 9:00 AM Motion to Clarify*

*Canceled: July 29, 2009 11:00 AM Return Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Courtroom 03*

*Duckworth, Bryce C.*

*Canceled: September 15, 2009 10:00 AM Motion*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Courtroom 03*

*Duckworth, Bryce C.*

*Canceled: September 15, 2009 10:00 AM Opposition & Countermotion*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Courtroom 03*

*Duckworth, Bryce C.*

December 15, 2009 11:00 AM Motion to Reconsider  
Courtroom 03  
Duckworth, Bryce C.

December 15, 2009 11:00 AM Opposition & Countermotion  
Courtroom 03  
Duckworth, Bryce C.

December 15, 2009 11:00 AM Opposition & Countermotion  
Courtroom 03  
Duckworth, Bryce C.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Paternity Complaint**

**COURT MINUTES**

February 05, 2008

D-07-373016-P

In the Matter of the Petition by:  
Sebastian Martinez, Petitioner.

**February 05, 2008    11:00 AM**

**All Pending Motions**

**HEARD BY:**    Sanchez, Gloria S

**COURTROOM:**    Courtroom 07

**COURT CLERK:**

**PARTIES:**

|                                                                                        |                                          |
|----------------------------------------------------------------------------------------|------------------------------------------|
| Anthony Fredianelli, Other,<br>not present                                             | Edward Kainen, Attorney, not<br>present  |
| Kristi Fredianelli, Defendant,<br>Counter Claimant, not present                        | Michael Carman, Attorney, not<br>present |
| Mikaella Flannery, Subject<br>Minor, not present                                       |                                          |
| Sebastian Martinez, Plaintiff,<br>Counter Defendant, Guardian<br>Ad Litem, not present | Pro Se                                   |

|                        |
|------------------------|
| <b>JOURNAL ENTRIES</b> |
|------------------------|

- PLTF'S MOTION TO RESOLVE PARENT-CHILD ISSUES...DEFT'S OPPOSITION AND  
COUNTERMOTION

COURT CLERK, KIMBERLY JONES

Per Stipulation and Order, matter will be reset.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: February 05, 2008 11:00 AM All Pending Motions  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Clerk  
Sanchez, Gloria S  
Courtroom 07*

*Canceled: April 16, 2008 10:30 AM Motion to Resolve Parent-Child Issues*

*Canceled: April 16, 2008 10:30 AM Opposition & Countermotion*

*Canceled: April 16, 2008 10:30 AM Motion for Withdrawal*

*Canceled: June 18, 2008 10:30 AM Motion for Withdrawal*

*Canceled: June 05, 2009 9:00 AM Motion for Child Custody  
Reason: Vacated - per Judge  
Courtroom 03  
Duckworth, Bryce C.*

*Canceled: June 05, 2009 9:00 AM Opposition & Countermotion  
Reason: Vacated - Moot  
Courtroom 03  
Duckworth, Bryce C.*

*Canceled: June 05, 2009 9:00 AM Motion to Clarify*

*Canceled: July 29, 2009 11:00 AM Return Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge  
Courtroom 03  
Duckworth, Bryce C.*

*Canceled: September 15, 2009 10:00 AM Motion  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge  
Courtroom 03  
Duckworth, Bryce C.*

*Canceled: September 15, 2009 10:00 AM Opposition & Countermotion  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge  
Courtroom 03  
Duckworth, Bryce C.*

*December 15, 2009 11:00 AM Motion to Reconsider  
Courtroom 03  
Duckworth, Bryce C.*

*December 15, 2009 11:00 AM Opposition & Countermotion  
Courtroom 03  
Duckworth, Bryce C.*

D-07-373016-P

December 15, 2009 11:00 AM Opposition & Countermotion  
Courtroom 03  
Duckworth, Bryce C.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Paternity Complaint**

**COURT MINUTES**

**July 15, 2008**

D-07-373016-P

In the Matter of the Petition by:  
Sebastian Martinez, Petitioner.

**July 15, 2008**

**11:00 AM**

**All Pending Motions**

**HEARD BY:** Sanchez, Gloria S

**COURTROOM:** Courtroom 07

**COURT CLERK:** Kim Jones

**PARTIES:**

Anthony Fredianelli, Other,  
not present  
Kristi Fredianelli, Defendant,  
Counter Claimant, present  
Mikaella Flannery, Subject  
Minor, not present  
Sebastian Martinez, Plaintiff,  
Counter Defendant, Guardian  
Ad Litem, not present

Edward Kainen, Attorney, not  
present  
Michael Carman, Attorney,  
present  
  
Pro Se

**JOURNAL ENTRIES**

- DENISE PIFER'S MOTION TO WITHDRAW AND ADJUDICATE ATTORNEY LIEN...PLTF'S  
MOTION TO RESOLVE PARENT CHILD ISSUES...DEFT'S OPPOSITION AND COUNTERMOTION

Denise Pifer, Esq., present for Plaintiff. Ms. Pifer stated she has received no objection to her motion to withdraw. Mr. Carman stated he has no opposition. There being appropriate service and no opposition, COURT ORDERED, Ms. Pifer's motion to withdraw is GRANTED and the attorney's lien in the amount of \$1,053.81 is REDUCED TO JUDGMENT. Ms. Pifer left the Courtroom.

Statement by Mr. Carman. COURT ORDERED, Mr. Carman is to prepare an Order To Show Cause

why this case should not be dismissed. Mr. Carman requested Defendant be allowed to return to California. COURT ADVISED, there has never been a substantive hearing on the merits and there are no substantive orders in effect. Matter set for an Order To Show Cause and Defendant does not have to be present at the OSC hearing. If Plaintiff appears at the hearing, another hearing date will be set and Defendant's husband would have to be noticed.

8/19/08 10:45 AM DEFT'S ORDER TO SHOW CAUSE

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: June 05, 2009 9:00 AM Motion for Child Custody*

*Reason: Vacated - per Judge*

*Courtroom 03*

*Duckworth, Bryce C.*

*Canceled: June 05, 2009 9:00 AM Opposition & Countermotion*

*Reason: Vacated - Moot*

*Courtroom 03*

*Duckworth, Bryce C.*

*Canceled: June 05, 2009 9:00 AM Motion to Clarify*

*Canceled: July 29, 2009 11:00 AM Return Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Courtroom 03*

*Duckworth, Bryce C.*

*Canceled: September 15, 2009 10:00 AM Motion*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Courtroom 03*

*Duckworth, Bryce C.*

*Canceled: September 15, 2009 10:00 AM Opposition & Countermotion*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Courtroom 03*

*Duckworth, Bryce C.*

*December 15, 2009 11:00 AM Motion to Reconsider*

*Courtroom 03*

*Duckworth, Bryce C.*

*December 15, 2009 11:00 AM Opposition & Countermotion*

*Courtroom 03*

*Duckworth, Bryce C.*

*December 15, 2009 11:00 AM Opposition & Countermotion*

D-07-373016-P

Courtroom 03  
Duckworth, Bryce C.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Paternity Complaint**

**COURT MINUTES**

**August 19, 2008**

D-07-373016-P

In the Matter of the Petition by:  
Sebastian Martinez, Petitioner.

**August 19, 2008**

**10:45 AM**

**Order to Show Cause**

**DEFT'S ORDER TO  
SHOW CAUSE**

**HEARD BY:** Sanchez, Gloria S

**COURTROOM:** Courtroom 07

**COURT CLERK:** Kim Jones

**PARTIES:**

Anthony Fredianelli, Other,  
not present  
Kristi Fredianelli, Defendant,  
Counter Claimant, not present  
Mikaella Flannery, Subject  
Minor, not present  
Sebastian Martinez, Plaintiff,  
Guardian Ad Litem, Counter  
Defendant, present

Edward Kainen, Attorney, not  
present  
Michael Carman, Attorney,  
present  
  
Pro Se

**JOURNAL ENTRIES**

- Plaintiff stated he wants to pursue custody and he agrees that he is the biological father of the child. Further stated he took a DNA test that shows he is the father. COURT ORDERED, Mr. Carman is to confer with Defendant to see if she will stipulate that Plaintiff is the biological father. FURTHER, Plaintiff is to serve the presumptive father and if he will sign a statement that he is not pursuing any relief, that issue will be over. COURT ORDERED, matter continued for Plaintiff to serve Defendant's spouse. Plaintiff is to bring a copy of the DNA test results to Court next date.

Plaintiff requested visitation be set up. Mr. Carman stated if Plaintiff will contact him, he will set

some visitation up. Further stated he will advise Plaintiff of Defendant's address. COURT SO ORDERED. Mr. Carman requested attorney fees be awarded. COURT ORDERED, issue of fees is DEFERRED. Court provided Plaintiff with a blank Affidavit of Financial Condition and he is to fill it out and bring it back to Court next date. If Plaintiff is the biological father, financial issues will be addressed next date.

10/13/08 11:15 AM FURTHER PROCEEDINGS

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: June 05, 2009 9:00 AM Motion for Child Custody  
Reason: Vacated - per Judge  
Courtroom 03  
Duckworth, Bryce C.*

*Canceled: June 05, 2009 9:00 AM Opposition & Countermotion  
Reason: Vacated - Moot  
Courtroom 03  
Duckworth, Bryce C.*

*Canceled: June 05, 2009 9:00 AM Motion to Clarify*

*Canceled: July 29, 2009 11:00 AM Return Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge  
Courtroom 03  
Duckworth, Bryce C.*

*Canceled: September 15, 2009 10:00 AM Motion  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge  
Courtroom 03  
Duckworth, Bryce C.*

*Canceled: September 15, 2009 10:00 AM Opposition & Countermotion  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge  
Courtroom 03  
Duckworth, Bryce C.*

*December 15, 2009 11:00 AM Motion to Reconsider  
Courtroom 03  
Duckworth, Bryce C.*

*December 15, 2009 11:00 AM Opposition & Countermotion  
Courtroom 03  
Duckworth, Bryce C.*

*December 15, 2009 11:00 AM Opposition & Countermotion  
Courtroom 03*

Duckworth, Bryce C.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Paternity Complaint****COURT MINUTES**

October 13, 2008

D-07-373016-P

In the Matter of the Petition by:  
Sebastian Martinez, Petitioner.

**October 13, 2008****11:15 AM****Further Proceedings****HEARD BY:** Sanchez, Gloria S**COURTROOM:** Courtroom 07**COURT CLERK:** Kathy Prock**PARTIES:**

|                                                                                        |                                         |
|----------------------------------------------------------------------------------------|-----------------------------------------|
| Anthony Fredianelli, Other,<br>not present                                             | Edward Kainen, Attorney, not<br>present |
| Kristi Fredianelli, Defendant,<br>Counter Claimant, not present                        | Michael Carman, Attorney,<br>present    |
| Mikaella Flannery, Subject<br>Minor, not present                                       |                                         |
| Sebastian Martinez, Plaintiff,<br>Counter Defendant, Guardian<br>Ad Litem, not present | Pro Se                                  |

|                        |
|------------------------|
| <b>JOURNAL ENTRIES</b> |
|------------------------|

- Court noted Plaintiff is not present and it is now 11:23 AM. Further, this hearing is to determine whether Defendant stipulated to paternity. The biological father has been confirmed. Mr. Carman stated they proposed a time share for Plaintiff and he has been having visitation. Further, they are not disputing Plaintiff's paternity. Mr. Carman stated Defendant would stipulate to paternity and he is still hopeful the matter will settle. Court noted Plaintiff has not served the presumptive father.

Based on the non-appearance of Plaintiff today and at the last hearing, COURT ORDERED, matter OFF CALENDAR and this will give Plaintiff the opportunity to serve the presumptive father and re-notice the matter.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: June 05, 2009 9:00 AM Motion for Child Custody*

*Reason: Vacated - per Judge*

*Courtroom 03*

*Duckworth, Bryce C.*

*Canceled: June 05, 2009 9:00 AM Opposition & Countermotion*

*Reason: Vacated - Moot*

*Courtroom 03*

*Duckworth, Bryce C.*

*Canceled: June 05, 2009 9:00 AM Motion to Clarify*

*Canceled: July 29, 2009 11:00 AM Return Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Courtroom 03*

*Duckworth, Bryce C.*

*Canceled: September 15, 2009 10:00 AM Motion*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Courtroom 03*

*Duckworth, Bryce C.*

*Canceled: September 15, 2009 10:00 AM Opposition & Countermotion*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Courtroom 03*

*Duckworth, Bryce C.*

**December 15, 2009 11:00 AM Motion to Reconsider**

**Courtroom 03**

**Duckworth, Bryce C.**

**December 15, 2009 11:00 AM Opposition & Countermotion**

**Courtroom 03**

**Duckworth, Bryce C.**

**December 15, 2009 11:00 AM Opposition & Countermotion**

**Courtroom 03**

**Duckworth, Bryce C.**



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Paternity Complaint**

**COURT MINUTES**

**April 28, 2009**

D-07-373016-P

In the Matter of the Petition by:  
Sebastian Martinez, Petitioner.

**April 28, 2009**

**9:00 AM**

**All Pending Motions**

**HEARD BY:** Duckworth, Bryce C.

**COURTROOM:** Courtroom 03

**COURT CLERK:** Rae Packer

**PARTIES:**

Anthony Fredianelli, Other,  
not present

Kristi Fredianelli, Defendant,  
Counter Claimant, present

Mikaella Flannery, Subject  
Minor, not present

Sebastian Martinez, Plaintiff,  
Guardian Ad Litem, Counter  
Defendant, present

Edward Kainen, Attorney, not  
present

Michael Carman, Attorney,  
present

Pro Se

**JOURNAL ENTRIES**

- PLTF'S MOTION TO ESTABLISH CUSTODY, SET SPECIFIC VISITATION AND CHILD SUPPORT, CONSOLIDATE TPO AND ATTORNEY'S FEES...DEFT'S OPPOSITION AND COUNTERMOTION FOR CONTEMPT AND ATTORNEYS' FEES

This matter heard CONCURRENTLY with T-09-115835-T, in which matter the Temporary Protection Order was EXTENDED to 06/05/09, to be further addressed at an EVIDENTIARY HEARING in that case. Atty P. Ross, Bar #9901, appeared with Plaintiff in an UNBUNDLED capacity. COURT NOTED, some pleadings in this matter contained incorrect captions.

COURT FINDS, PATERNITY should be established through DNA testing and Defendant's husband has raised the child to date. Court reviewed statutes governing whether or not Defendant's husband is an indispensable party to these proceedings. Atty Carman cited previous Orders from Judge Sanchez, wherein Defendant's husband would be an indispensable party and should be served with pleadings by Plaintiff.

COURT FURTHER FINDS, Plaintiff has STIPULATED to PATERNITY and has been exercising VISITATION. At the last hearing, Plaintiff was Ordered to serve Defendant's husband as the presumptive father, but this has not been done.

Argument regarding historical VISITATION, Atty Carman's request for a psychological evaluation of Plaintiff, Defendant's claim that her husband intends to assert his rights, and the parties' historical living arrangements. Parties STIPULATED to having the maternal grandmother provide SUPERVISION for Plaintiff's VISITATION.

COURT FINDS, there is concern that Defendant's husband has not voluntarily appeared in any proceedings. These parties were twice referred to MEDIATION and there has been a prima facie showing of PATERNITY. There is no suggestion in Defendant's ANSWER that any other party is asserting PATERNITY.

COURT ORDERED:

1. Parties REFERRED to Dr. Paglini for an OUTSOURCED CUSTODY EVALUATION. The parties shall equally divide the costs of the EVALUATION and reimbursement is DEFERRED to a later date. Defendant's husband can be part of the CUSTODY EVALUATION and should appear. This Court shall determine the extent of Defendant's husband's involvement in the CUSTODY EVALUATION at the EVIDENTIARY HEARING set for 06/05/09 in the T case. RETURN DATE SET.
2. Defendant's husband shall be served with Plaintiff's Petition and Amended Petition forthwith.
3. Plaintiff shall have TEMPORARY SUPERVISED VISITATION Saturdays 10:00 AM to 4:00 PM and Wednesdays 2:00 PM to 6:00 PM with the child's maternal grandmother, Beverly Flannery, providing SUPERVISION. Contact information for Beverly Flannery shall be provided to Atty Ross forthwith.
4. Both Motions from today's proceedings are CONTINUED and shall be heard with the EVIDENTIARY HEARING on 06/05/09 set in the T case.
5. Defendant shall file an updated Financial Disclosure Form (FDF) forthwith.
6. CHILD SUPPORT and ATTORNEY FEES are DEFERRED to RETURN.

Atty Carman shall prepare an Order from these proceedings; Atty Ross shall approve as to form and content. Counsel shall ensure the correct captions are used in future pleadings.

CONTINUED TO: 06/05/09 9:00 AM ALL PENDING MOTIONS

07/29/09 11:00 AM RETURN: OUTSOURCED CUSTODY EVALUATION

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: June 05, 2009 9:00 AM Motion for Child Custody*

*Reason: Vacated - per Judge*

*Courtroom 03*

*Duckworth, Bryce C.*

*Canceled: June 05, 2009 9:00 AM Opposition & Countermotion*

*Reason: Vacated - Moot*

*Courtroom 03*

*Duckworth, Bryce C.*

*Canceled: June 05, 2009 9:00 AM Motion to Clarify*

*Canceled: July 29, 2009 11:00 AM Return Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Courtroom 03*

*Duckworth, Bryce C.*

*Canceled: September 15, 2009 10:00 AM Motion*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Courtroom 03*

*Duckworth, Bryce C.*

*Canceled: September 15, 2009 10:00 AM Opposition & Countermotion*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Courtroom 03*

*Duckworth, Bryce C.*

*December 15, 2009 11:00 AM Motion to Reconsider*

*Courtroom 03*

*Duckworth, Bryce C.*

*December 15, 2009 11:00 AM Opposition & Countermotion*

*Courtroom 03*

*Duckworth, Bryce C.*

*December 15, 2009 11:00 AM Opposition & Countermotion*

*Courtroom 03*

*Duckworth, Bryce C.*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Paternity Complaint**

**COURT MINUTES**

**June 01, 2009**

D-07-373016-P

In the Matter of the Petition by:  
Sebastian Martinez, Petitioner.

**June 01, 2009**

**10:00 AM**

**Motion to Clarify**

**HEARD BY:** Duckworth, Bryce C.

**COURTROOM:** Courtroom 03

**COURT CLERK:** Rae Packer

**PARTIES:**

Anthony Fredianelli, Other,  
not present

Edward Kainen, Attorney,  
present

Kristi Fredianelli, Defendant,  
Counter Claimant, present

Michael Carman, Attorney,  
present

Mikaella Flannery, Subject

Minor, not present

Sebastian Martinez, Plaintiff,  
Guardian Ad Litem, Counter

Pro Se

Defendant, present

**JOURNAL ENTRIES**

- This matter heard CONCURRENTLY with T-09-115835-T, in which matter the TPO was CONTINUED in effect to 06/26/09.

Colloquy regarding Atty Kainen's representation of Anthony Fredianelli and Mr. Fredianelli's standing in this matter. Counsel agreed the Court previously found Mr. Fredianelli would be permitted inclusion in the proceedings.

Atty Carman stated this matter cannot go forward and prove Plaintiff's violation of the existing TPO without the testimony of the private investigator, Mr. Hal Debecker, who is out of town. Plaintiff

alleged he has not been provided tapes as requested. Atty Carman stated he is getting the tapes together for Plaintiff and they still have time to provide this information under the rules of Discovery. Plaintiff stated he does not want to go forward with the evaluation by Dr. Paglini due to the cost and would like a less expensive evaluator. Atty Carman alleged missed VISITATION has been the result of miscommunication; he did not contact Plaintiff as he thought Plaintiff was still represented by Atty Ross. Plaintiff stated he has no attorney at present and requested make up time of two (2) hours. Atty Carman stated make up time can be worked out through Mrs. Flannery (Defendant's mother), who has been providing assistance with VISITATION arrangements. Atty Kainen stated all he has been served with is the original complaint and amended complaint.

**COURT ORDERED:**

1. As Plaintiff does not have counsel at this time, Atty Carman may communicate directly with him.
2. All evidence shall be exchanged before the EVIDENTIARY HEARING.
3. The current VISITATION schedule remains in place.
4. Plaintiff's Motion on calendar 06/05/09 is CONTINUED to the EVIDENTIARY HEARING in T-09-115835-T set for 06/26/09 at 9:30 AM.
5. The 07/29/09 Return for the OUTSOURCED EVALUATION on CUSTODY is VACATED.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: June 05, 2009 9:00 AM Motion for Child Custody*

*Reason: Vacated - per Judge*

*Courtroom 03*

*Duckworth, Bryce C.*

*Canceled: June 05, 2009 9:00 AM Opposition & Countermotion*

*Reason: Vacated - Moot*

*Courtroom 03*

*Duckworth, Bryce C.*

*Canceled: June 05, 2009 9:00 AM Motion to Clarify*

*Canceled: July 29, 2009 11:00 AM Return Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Courtroom 03*

*Duckworth, Bryce C.*

*Canceled: September 15, 2009 10:00 AM Motion*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*  
*Courtroom 03*  
*Duckworth, Bryce C.*

*Canceled: September 15, 2009 10:00 AM Opposition & Countermotion*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*  
*Courtroom 03*  
*Duckworth, Bryce C.*

December 15, 2009 11:00 AM Motion to Reconsider  
Courtroom 03  
Duckworth, Bryce C.

December 15, 2009 11:00 AM Opposition & Countermotion  
Courtroom 03  
Duckworth, Bryce C.

December 15, 2009 11:00 AM Opposition & Countermotion  
Courtroom 03  
Duckworth, Bryce C.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Paternity Complaint**

**COURT MINUTES**

**June 24, 2009**

D-07-373016-P

In the Matter of the Petition by:  
Sebastian Martinez, Petitioner.

**June 24, 2009**

**1:30 PM**

**Telephonic Hearing**

**HEARD BY:** Duckworth, Bryce C.

**COURTROOM:** Courtroom 11

**COURT CLERK:** Rae Packer

**PARTIES:**

Anthony Fredianelli, Other,  
not present  
Kristi Fredianelli, Defendant,  
Counter Claimant, not present  
Mikaella Flannery, Subject  
Minor, not present  
Sebastian Martinez, Plaintiff,  
Counter Defendant, Guardian  
Ad Litem, not present

Edward Kainen, Attorney,  
present  
Michael Carman, Attorney,  
present  
  
Pro Se

**JOURNAL ENTRIES**

- Atty J. Riccio, Bar #10971, also present. Atty Riccio is representing Plaintiff in companion case T-09-115835-T.

COURT stated, the investigator employed in this matter is Hal DeBecker, Jr. and this Court must disclose that this individual was previously represented by this Court in a private matter. This telephone conference is solely to make this disclosure and allow counsel the opportunity to make any OBJECTION or Request for Recusal prior to TRIAL.

Attys Carman and Kainen had no OBJECTION to Mr. DeBecker's appearance. Atty Riccio stated NO

OBJECTION to Mr. DeBecker in the T case; however, Plaintiff is representing himself in the D case. Therefore, Atty Riccio stated he will contact Plaintiff immediately and advise Atty Carman prior to 5:00 PM today whether Plaintiff WAIVE CONFLICT.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: July 29, 2009 11:00 AM Return Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge  
Courtroom 03  
Duckworth, Bryce C.*

*Canceled: September 15, 2009 10:00 AM Motion  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge  
Courtroom 03  
Duckworth, Bryce C.*

*Canceled: September 15, 2009 10:00 AM Opposition & Countermotion  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge  
Courtroom 03  
Duckworth, Bryce C.*

December 15, 2009 11:00 AM Motion to Reconsider  
Courtroom 03  
Duckworth, Bryce C.

December 15, 2009 11:00 AM Opposition & Countermotion  
Courtroom 03  
Duckworth, Bryce C.

December 15, 2009 11:00 AM Opposition & Countermotion  
Courtroom 03  
Duckworth, Bryce C.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Paternity Complaint**

**COURT MINUTES**

**June 26, 2009**

D-07-373016-P

In the Matter of the Petition by:  
Sebastian Martinez, Petitioner.

**June 26, 2009**

**9:30 AM**

**All Pending Motions**

**HEARD BY:** Duckworth, Bryce C.

**COURTROOM:** Courtroom 13

**COURT CLERK:** Rae Packer

**PARTIES:**

Anthony Fredianelli, Other,  
not present

Kristi Fredianelli, Defendant,  
Counter Claimant, present

Mikaella Flannery, Subject  
Minor, not present

Sebastian Martinez, Plaintiff,  
Guardian Ad Litem, Counter  
Defendant, present

Edward Kainen, Attorney,  
present

Michael Carman, Attorney,  
present

Pro Se

**JOURNAL ENTRIES**

- PLTF'S MOTION TO ESTABLISH CUSTODY, SET SPECIFIC VISITATION, AND CHILD SUPPORT, CONSOLIDATE TPO AND ATTORNEY'S FEES...PLTF'S MOTION REQUESTING CHANGE OF CHILD CUSTODY EVALUATION PHYSICIAN DUE TO ECONOMIC HARDSHIP

COURT FINDS, Atty Kainen was not served. COURT ORDERED, MATTERS CONTINUED. Atty Kainen shall be provided with copies of pleadings prior to CONTINUANCE DATE. Formal service is not necessary. The parties shall communicate through counsel and agree on an evaluator more economical to the parties.

CONTINUED TO: 07/20/09 10:00 AM ALL PENDING MOTIONS

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: July 29, 2009 11:00 AM Return Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge  
Courtroom 03  
Duckworth, Bryce C.*

*Canceled: September 15, 2009 10:00 AM Motion  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge  
Courtroom 03  
Duckworth, Bryce C.*

*Canceled: September 15, 2009 10:00 AM Opposition & Countermotion  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge  
Courtroom 03  
Duckworth, Bryce C.*

December 15, 2009 11:00 AM Motion to Reconsider  
Courtroom 03  
Duckworth, Bryce C.

December 15, 2009 11:00 AM Opposition & Countermotion  
Courtroom 03  
Duckworth, Bryce C.

December 15, 2009 11:00 AM Opposition & Countermotion  
Courtroom 03  
Duckworth, Bryce C.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Paternity Complaint**

**COURT MINUTES**

**July 20, 2009**

D-07-373016-P

In the Matter of the Petition by:  
Sebastian Martinez, Petitioner.

**July 20, 2009**

**10:00 AM**

**All Pending Motions**

**HEARD BY:** Duckworth, Bryce C.

**COURTROOM:** Courtroom 03

**COURT CLERK:** Rae Packer

**PARTIES:**

Anthony Fredianelli, Other,  
present

Kristi Fredianelli, Defendant,  
Counter Claimant, present

Mikaella Flannery, Subject  
Minor, not present

Sebastian Martinez, Plaintiff,  
Guardian Ad Litem, Counter  
Defendant, present

Edward Kainen, Attorney,  
present

Michael Carman, Attorney,  
present

Pro Se

**JOURNAL ENTRIES**

- PLTF'S MOTION REQUESTING CHANGE OF CHILD CUSTODY EVALUATION PHYSICIAN  
DUE TO ECONOMIC HARDSHIP...PLTF'S MOTION TO ESTABLISH CUSTODY, SET SPECIFIC  
VISITATION AND CHILD SUPPORT, CONSOLIDATE TPO AND ATTORNEY'S FEES

Atty Kainen stated the Court previously Ordered he was to be served with all Motions for this case  
and he was not served with today's Motion until late afternoon 07/15/09. Further, this Court was  
also to address a STATUS CHECK on VISITATION today.

COURT FINDS, Atty Kainen was not properly served.

Attys Kainen and Carman further argued JURISDICTION and alleged Defendant has always been a California resident. Argument and review of prior findings and orders and allegations of problems with VISITATION.

COURT FURTHER FINDS, the issue of JURISDICTION must be resolved before this Court can make any further Orders. It is unclear whether the previous Court permitted Defendant to relocate to California or whether she was and is a California resident.

**COURT ORDERED:**

1. MATTERS CONTINUED. JURISDICTION shall be further addressed at RETURN.
2. Until RETURN, Plaintiff shall have SUPERVISED VISITATION every Saturday from 9:30 AM to 4:30 PM. Defendant shall identify a new SUPERVISOR and counsel shall advise Plaintiff.
3. Plaintiff shall file a Response to the Motion to Dismiss by 08/03/09.
4. All three parties shall file a UCCJEA DECLARATION by 08/03/09.

The Court Minutes shall serve as an Order from these proceedings.

CONTINUED TO: 08/26/09 10:00 AM ALL PENDING MOTIONS

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: July 29, 2009 11:00 AM Return Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Courtroom 03*

*Duckworth, Bryce C.*

*Canceled: September 15, 2009 10:00 AM Motion*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Courtroom 03*

*Duckworth, Bryce C.*

*Canceled: September 15, 2009 10:00 AM Opposition & Countermotion*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Courtroom 03*

*Duckworth, Bryce C.*

December 15, 2009 11:00 AM Motion to Reconsider  
Courtroom 03  
Duckworth, Bryce C.

December 15, 2009 11:00 AM Opposition & Countermotion  
Courtroom 03  
Duckworth, Bryce C.

December 15, 2009 11:00 AM Opposition & Countermotion  
Courtroom 03  
Duckworth, Bryce C.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Paternity Complaint**

**COURT MINUTES**

**August 26, 2009**

D-07-373016-P

In the Matter of the Petition by:  
Sebastian Martinez, Petitioner.

**August 26, 2009**

**10:00 AM**

**All Pending Motions**

**HEARD BY:** Duckworth, Bryce C.

**COURTROOM:** Courtroom 11

**COURT CLERK:** Rae Packer

**PARTIES:**

Anthony Fredianelli, Other,  
present

Edward Kainen, Attorney,  
present

Kristi Fredianelli, Defendant,  
Counter Claimant, present

Michael Carman, Attorney,  
present

Mikaella Flannery, Subject

Minor, not present

Sebastian Martinez, Plaintiff,

Pro Se

Guardian Ad Litem, Counter

Defendant, present

**JOURNAL ENTRIES**

- PLTF'S MOTION REQUESTING CHANGE OF CHILD CUSTODY EVALUATION PHYSICIAN  
DUE TO ECONOMIC HARDSHIP...PLTF'S MOTION TO ESTABLISH CUSTODY, SET SPECIFIC  
VISITATION AND CHILD SUPPORT, CONSOLIDATE TPO AND ATTORNEY'S FEES...PLTF'S  
OPPOSITION AND COUNTERMOTION TO ESTABLISH CUSTODY, SUPPORT, AND AWARD OF  
FEES AND COSTS TO PLTF...ANTHONY FREDIANELLI'S MOTION TO DISMISS

Atty C. Aaron, Bar #9489, appeared with Plaintiff in an UNBUNDLED capacity.

COURT NOTED, this matter was on calendar for 10:00 AM. Atty Aaron was delayed in another

hearing downtown causing this matter to be delayed until 11:30 AM. This Court will address opposing counsel's request for fees as a result of this delay.

COURT STATED, the JURISDICTIONAL issues have to be addressed before this Court can go any further on the issues. Court further cited it's review of videotapes of prior hearings in the previous Court and summarized those Findings and Orders.

COURT FINDS, any Orders from this Court are INVALID if this Court determines it did not have JURISDICTION and the Scrimmer case is the case to look to in determining JURISDICTION.

COURT FINDS, the previous Court Ordered Anthony Fredianelli was to be properly brought into the case.

COURT FINDS, Plaintiff failed to appear at the 10/13/08 hearing.

COURT FINDS, Anthony Fredianelli had knowledge of the existence of the litigation but did not have specific knowledge that he was a party to the litigation and prejudice to Defendant was caused by Plaintiff's delay in serving Anthony Fredianelli. There has been a long delay in having this matter resolved and it languished for some time.

COURT FINDS, there were no difficulties in locating Anthony Fredianelli and there was no request to extend the time to serve Anthony Fredianelli. Plaintiff made only one (1) attempt to serve Anthony Fredianelli and that was found to be ineffective by the previous Court; therefore, there was no due diligence on Plaintiff's part to serve Anthony Fredianelli and Anthony Fredianelli did not attempt to evade service. There was a significant lapse of time between the 120 day period required to serve Anthony Fredianelli and the actual service of Anthony Fredianelli.

COURT FINDS, there were no difficulties encountered by counsel and no settlement discussions.

COURT ORDERED:

1. Pursuant to NRCP 4(i), Anthony Fredianelli's MOTION TO DISMISS is GRANTED. This Court does not have JURISDICTION to enter relief.
2. Attys Carman and Kainen are awarded a total of \$500.00 ATTORNEY FEES for the delay in calling this matter today.
3. All other Motions and Countermotions on today's calendar are DISMISSED.
4. The Motion and Opposition/Countermotion on this Court's calendar 09/15/09 at 10:00 AM shall be VACATED.

Atty Kainen shall prepare an Order from these proceedings; Attys Aaron and Carman shall approve

as to form and content.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: September 15, 2009 10:00 AM Motion*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Courtroom 03*

*Duckworth, Bryce C.*

*Canceled: September 15, 2009 10:00 AM Opposition & Countermotion*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Courtroom 03*

*Duckworth, Bryce C.*

December 15, 2009 11:00 AM Motion to Reconsider

Courtroom 03

Duckworth, Bryce C.

December 15, 2009 11:00 AM Opposition & Countermotion

Courtroom 03

Duckworth, Bryce C.

December 15, 2009 11:00 AM Opposition & Countermotion

Courtroom 03

Duckworth, Bryce C.





EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE  
**NOTICE OF DEFICIENCY**  
ON APPEAL TO NEVADA SUPREME COURT



SEBASTIAN MARTINEZ  
261 LENAPE HEIGHTS  
LAS VEGAS, NV 89148

DATE: December 8, 2009  
CASE: D373016

RE CASE: SEBASTIAN MARTINEZ vs. KRISTI RAE FREDIANELLI

NOTICE OF APPEAL FILED: November 12, 2009

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

PLEASE NOTE: DOCUMENTS NOT TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee
  - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☒ \$24 – District Court Filing Fee (Make Check Payable to the District Court)
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)
  - NRAP 7: Bond For Costs On Appeal in Civil Cases
- ☐ Case Appeal Statement
  - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

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NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (2) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT  
DOCKET ENTRIES; CIVIL COVER SHEET; ORDER; NOTICE OF ENTRY OF ORDER; DISTRICT  
COURT MINUTES; NOTICE OF DEFICIENCY

SEBASTIAN MARTINEZ,

Plaintiff(s),

vs.

KRISTI RAE FREDIANELLI,

Defendant(s),

Case No: D373016

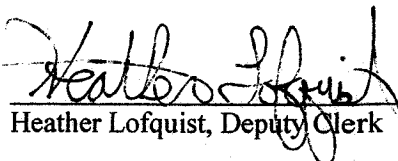
**SEALED**

Dept No: Q

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 8 day of December 2009.

Steven D. Grierson, Clerk of the Court

  
Heather Lofquist, Deputy Clerk

**SUPREME COURT OF THE STATE OF NEVADA  
OFFICE OF THE CLERK**

SEBASTIAN MARTINEZ,  
Appellant,  
vs.  
KRISTI RAEFREDIANELLI,  
Respondent.

**Supreme Court No. 55073**  
District Court Case No. D373016

**RECEIPT FOR DOCUMENTS**

TO: Sebastian Martinez  
Kunin & Carman and Michael P. Carman  
Steven D. Grierson , District Court Clerk

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

12/11/09      Filing Fee due.

12/11/09      Filed Certified Copy of proper person Notice of Appeal.  
(Pilot program civil appeals order and documents mailed to proper person appellant.)

DATE: December 11, 2009

Tracie Lindeman, Clerk of Court