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IN THE SUPREME COURT OF THE STATE OF NEVADA

SEBASTIAN MARTINEZ,

Appellant,

vs.

KRISTI RAE FREDIANELLI; ANTHONY
FREDIANELLI; and MIKAELLA RAE
FLANNERY, AKA MIKAELLA RAE
FREDIANELLI, A MINOR, BY NEVADA
WELFARE, AS GUARDIAN AD LITEM,

Respondents.

Electronically Filed
No. 55073
Oct 19 2010 09:19 a.m.
Tracie K. Lindeman

RESPONSE TO ORDER OF OCTOBER 15, 2010

Respondents Kristi and Anthony Fredianelli hereby respond to the court's order of October 15, 2010.

Representation by Counsel

On July 21, 2010, Robert Eisenberg filed a notice of association of counsel, indicating that he would be representing respondent Kristi Fredianelli. As this court's October 15, 2010 order recognizes, Eisenberg's subsequent filings indicated that he also represents respondent Anthony Fredianelli, but the court's docket did not indicate such representation.

Eisenberg has now filed another notice of association of counsel, indicating that he will also be representing respondent Anthony Fredianelli in this appeal. In other words, Eisenberg represents Kristi and Anthony Fredianelli in the appeal.

Anthony Fredianelli's Response to Proper Person Statement

The court's October 15, 2010 order requires Anthony Fredianelli to file a response to the proper person statement not later than October 22, 2010. This portion of the court's order was premised upon the understanding that Eisenberg's response to the proper person statement was only on behalf of respondent Kristi Fredianelli. As indicated in footnote 1 of the response, the response was being submitted as a joint response on behalf of both respondents. Now that Eisenberg has formally entered his appearance as counsel on behalf of Anthony Fredianelli, we believe this satisfies the court's order relating to Anthony Fredianelli's response. In other words, the previous response was filed on behalf

1 of Kristi and Anthony, and attorney Eisenberg has now clarified, on the record, that he represents both
2 of these respondents in this appeal.

3 Response by Mikealla Fredianelli

4 Finally, the court's order of October 15, 2010, indicates that respondent Mikaella Fredianelli,
5 a minor child, has not filed a response to the proper person statement. The order directs such a response
6 to be filed not later than October 22, 2010.

7 The record reflects that on October 17, 2007, appellant's attorney filed an amended petition to
8 establish paternity. 2 ROA 269. The amended petition listed the petitioners [i.e., the plaintiffs] as
9 follows: "Sebastian Martinez and Mikaella Rae Flannery aka Mikaella Rae Fredianelli, a minor by
10 Nevada State Welfare, as Guardian Ad Litem." On the same day, appellant's attorney also filed an ex
11 parte petition for the appointment of a guardian ad litem, seeking the appointment of Nevada State
12 Welfare. 2 ROA 274. On October 31, 2007, the district court issued an order appointing Nevada State
13 Welfare as Mikaella's guardian ad litem. 2 ROA 277. Nevada State Welfare never filed an appearance
14 in the district court proceedings, and we presume the agency does not intend to file anything in this
15 appeal.

16 DATED: Oct. 14, 2010
17 Robert L. Eisenberg
18 ROBERT L. EISENBERG (# 0950)
19 LEMONS, GRUNDY & EISENBERG
20 6005 Plumas Street, Suite 300
21 Reno, NV 89519
22 775-786-6868
23 Email: rle@lge.net
24 ATTORNEYS FOR RESPONDENTS

DATED: _____

25 See Attached
26 EDWARD KAINEN (# 5029)
27 ECKER & KAINEN
28 300 S. Fourth Street, Suite 901
Las Vegas, NV 89101
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Email: ed@eckerkainen.com
ATTORNEYS FOR ANTHONY FREDIANELLI

DATED: _____

29 See Attached
30 MICHAEL P. CARMAN (# 7639)
31 KUNIN & CARMAN
32 3551 E. Bonanza Road, Suite 100
33 Las Vegas, Nevada 89110
34 702-438-8060
35 Email: mcarman@kunincarman.com
36 ATTORNEYS FOR KRISTI FREDIANELLI

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16 DATED: _____

16 DATED: 10-18-10


17 ROBERT L. EISENBERG (# 0950)
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ATTORNEYS FOR KRISTI FREDIANELLI

1
2
3 **CERTIFICATE OF MAILING**

4 Pursuant to NRAP 25, I certify that I am an employee of Lemons, Grundy & Eisenberg
5 and that on this date I caused to be deposited for mailing at Reno, Nevada, a true copy of the
6 foregoing addressed to:

7 Sebastian Martinez
8 261 Lenape Heights
9 Las Vegas, Nevada 89148

10 Michael P. Carman
11 Kunin & Carman
12 3551 E. Bonanza Road
13 Suite 100
14 Las Vegas, Nevada 89110

15 Edward Kainen
16 Ecker & Kainen
17 300 S. Fourth Street
18 Las Vegas, Nevada 89101

19 DATED this 18 day of Oct, 2010.

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