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*Attorney for Appellant*  
KRISTI R. FREDIANELLI

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Apr 01 2016 09:43 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

IN THE EIGHTH JUDICIAL DISTRICT COURT  
FAMILY DIVISION  
COUNT OF CLARK STATE OF NEVADA

SEBASTIAN MARTINEZ,

Plaintiff,

v.

KRISTI R. FREDIANELLI,

Defendant.

Case No. D-07-373016-P  
Dept. No. H

**CASE APPEAL STATEMENT**

1. Name of appellant filing this case appeal statement: Kristi Fredianelli.
2. Identify the judge issuing the decision, order, of judgment appealed from: Hon. T. Arthur Ritchie, Judgment against Defendant.
3. Identify each appellant and the name and address of counsel for each appellant: Kristi Fredianelli, Appellant; counsel for Appellant: Patricia A. Marr, Esq. of Patricia A. Marr, Ltd., 2470 St. Rose Parkway Ste. 106H Henderson, Nevada 89074, Mailing

1 Address: 9484 S. Eastern Ave., #399, Las Vegas, Nevada 89123;

2 patricia@marrlawlv.com, (702) 353-4225 (telephone) (702) 912-0088 (facsimile).

3 4. Identify each respondent and the name and address of appellate counsel, if known, for  
4 each respondent (if the name of a respondent's counsel is unknown, indicate as much  
5 and provide the name and address of that respondent's trial counsel: Francis Ann Fine,  
6 Esq., Respondent; counsel for Respondent is unknown, however it is believed to be:  
7 Francis Ann Fine, Esq. of Fine and Price, 8975 S. Pecos Rd., Ste. 5, Henderson, Nevada  
8 89074, (702) 384-8900 (telephone) (702) 384-6900 (facsimile).

9 5. Indicate whether any attorney identified above in response to question 3 or 4 is not  
10 licensed to practice law in Nevada and, if so, whether the district court granted that  
11 attorney permission to appear under SCR 42 (attach a copy of any district court order  
12 granting permission): Not applicable.

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

15 7. Indicate whether appellant is represented by retained or appointed counsel on appeal:  
16 Retained.

17 8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date  
18 of entry of the district court order granting such leave: Not applicable.

19 9. Indicate the date the proceedings commenced in the district court: April 11, 2007.

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

23 Respondent Fine, Esq. ("Respondent") represented Appellant Fredianelli in the district  
24 court paternity case.

25 On October 21, 2015, Respondent filed her Notice of Withdrawal as counsel for  
Appellant.

On October 21, 2015, the final Order and Notice of Entry of Order were filed wherein  
the Court made certain orders regarding, *inter alia*, Appellant's visitation with the minor child.

1 On November 13, 2015, Respondent informed Appellant that the case was “closed” and  
2 “over” via email.

3 On November 18, 2015, Respondent filed a Notice of *Retaining Lien*.

4 On January 7, 2016, Respondent filed a Motion to Adjudicate the Rights of Counsel; for  
5 Enforcement of Attorney’s Lien and for Judgment of Attorney’s Fees wherein she requested that  
6 the district court reduce her attorney’s fees to **judgment**. In that regard, Respondent never  
7 provided a copy of her fee agreement with Appellant and Appellant alleges, *inter alia*, that the  
8 Notice of Lien was never filed and served.

9 Respondent relied upon NRS 18.015 in support of her Motion, however, *Leventhal v.*  
10 *Black & LoBello*, 305 P.3d 907 (2013) provides that a law firm that represented its client in a  
11 divorce proceeding could not enforce a charging lien **after** the entry of a final judgment. In  
12 addition to requesting relief months after the final entry of judgment, the action is notably, a  
13 paternity action that involves custody and visitation issues and thus, there was no recovery upon  
14 which a charging lien could attach.

15 On January 25, 2016, Appellant filed her Opposition to Respondent’s Motion.

16 Although Respondent’s Motion was set for hearing on February 9, 2016, the district  
17 court vacated the hearing, issued a Minute Order and entered a **money judgment** against  
18 Appellant in the amount of \$13,701.82.

19 11. Indicate whether the case has previously been the subject of an appeal to or original writ  
20 proceeding in the Supreme Court, and if so, the caption and Supreme Court docket number of the  
21 prior proceeding: Yes, Kristi Rae Fredianelli and Tony Fredianelli v. Sebastian Martinez;  
22 Docket No. 59272.

23 12. Indicate whether this appeal involves child custody or visitation: No.  
24  
25

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

3 Dated this 31<sup>st</sup> day of March, 2016.

4 PATRICIA A. MARR, LTD.

5 /s/Patricia A. Marr, Esq.

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16 *Attorney for Appellant*

17 KRISTI R. FREDIANELLI