

IN THE SUPREME COURT OF THE STATE OF NEVADA

SEBASTIAN MARTINEZ,)
)
Plaintiff,)
)
v.)
)
KRISTI RAE FREDIANELLI,)
)
Defendant.)
)

Case No. 69992

Electronically Filed
Apr 13 2016 08:50 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

DOCKETING STATEMENT
CIVIL APPEAL

1. Judicial District: Eighth Judicial District Court.
Department: H (Family Court)
County: Clark County
Judge: Judge T. Art Richie, Jr.
District Court Case No.: D-07-373016-P
2. Attorney filing docketing statement: Patricia A. Marr, Esq.
Telephone: (702) 353-4225
Firm: Patricia A. Marr, Ltd.
Address: 2470 St. Rose Pkwy, 106H, Henderson, NV 89074
Client: Kristi Fredianelli
3. Attorney representing Respondent: Francis Fine, Esq.
Telephone: (702) 384-8900
Firm: Fine & Price
Address: 8975 S. Pecos Rd., Ste. 5, Henderson, Nevada 89074
Client: Francis Fine, Esq.
4. Nature of Disposition:

<input type="checkbox"/> Judgment after bench trial	<input type="checkbox"/> Dismissal
<input type="checkbox"/> Judgment after jury verdict	<input type="checkbox"/> Lack of Jurisdiction
<input type="checkbox"/> Summary Judgment	<input type="checkbox"/> Failure to State a Claim
<input type="checkbox"/> Default Judgment	<input type="checkbox"/> Failure to Prosecute
<input type="checkbox"/> Grant/denial NRCP 60(b) relief	<input type="checkbox"/> Other _____
<input type="checkbox"/> Grant/denial of injunction	<input type="checkbox"/> Divorce Decree
<input type="checkbox"/> Grant/denial of declaratory relief	<input type="checkbox"/> Original <input type="checkbox"/> Modification
<input type="checkbox"/> Review of Agency determination	

1 ___ Other disposition: **Order granting judgment of attorney's fees/reduction of fees to**
2 **judgment to Appellant's counsel in the amount of \$13,701.82, in a paternity/custody action**
3 **after closure of the case and without a hearing.**

4
5 5. Does this appeal raise issues concerning any of the following?

6 ___ Child custody

7 ___ Venue

8 ___ Termination of parental rights

9 **NOT APPLICABLE**

10 6. Pending and prior proceedings in this court. List the case name and docket number of all
11 appeals or original proceedings pending or previously pending before this court which are
12 related to this appeal.

13 **NOT APPLICABLE**

14 7. Pending and prior proceedings in other courts. List the case name, number and court of all
15 pending and prior proceedings in other courts which are related to this appeal (e.g.
16 bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

17 **NOT APPLICABLE**

18 8. Nature of the action. Briefly describe the nature of the action and the result below.

19 The underlying action is a paternity action that involved issues regarding custody and
20 visitation.

21 9. Issues on appeal. State concisely the principal issue(s) in this appeal:

22 The district court ignored precedent in *Leventhal v. Black & LoBello*, 305 P.3d 907 (2013).

23 Specifically, the court entered a money judgment in the amount of \$13,701.82 against
24 Appellant in a paternity action involving custody and visitation issues upon which no charging lien
25 could attach, after the final entry of a custodial/visitation order. The district court did so after
26 vacating a scheduled hearing for Respondent's motion for reduction of fees to judgment and
27 Appellant's Opposition to the same.

28 10. Pending proceedings in this court raising the same or similar issues. If you are aware of any
 pending proceedings presently pending before this court which raises the same or similar

1 issues raised in this appeal, list the case name and docket numbers and identify the same or
2 similar issues raised:

3 **NOT APPLICABLE**

- 4 11. Constitutional issues. If this appeal challenges the constitutionality of a statute, and the
5 state, any state agency, or any officer or employee thereof is not a party to this appeal, have
6 you noticed the clerk of this court and the attorney general in accordance with NRAP 44
and NRS 30.130?

7 ☒ N/A

8 ☐ Yes

9 ☐ No

☐ If not, explain:

- 10 12. Other issues. Does this appeal involve any of the following issues?

11 ☒ Reversal of well-settled Nevada precedent (identify the case(s))

12 **The district court ignored the precedent in *Leventhal v. Black & LoBello*, 305 P.3d 907**
13 **(2013).**

14 ☐ An issue arising under the United States and/or Nevada Constitution(s)

15 ☐ A substantial issue of first impression

16 ☐ An issue of public policy

17 ☐ An issue where en banc consideration is necessary to maintain uniformity of this court's
Decisions

18 ☐ A ballot question

☐ If so, explain:

- 19 13. Assignment to the Court of Appeals or retention in the Supreme Court. Briefly set forth
20 whether the matter is presumptively retained by the Supreme Court or assigned to the Court
21 of Appeals pursuant to NRAP 17, and cite the subparagraph(s) of the Rule under which the
22 matter falls. If appellant believes that the Supreme Court should retain the case despite its
23 presumptive assignment to the Court of Appeals, identify the specific issue(s) or
24 circumstance(s) that warrant retaining the case, and include an explanation of their
importance or significance:

25 This case is a matter presumptively assigned to the Court of Appeals pursuant to NRAP
26 17(b)(2); 17(b)(5). Although the case should presumptively be assigned to the Court of Appeals,
27 counsel submits that the Supreme Court should retain the case to affirm its ruling in *Leventhal v.*
28

1 *Black & LoBello*, 305 P.3d 907 (2013) and otherwise provide clarification regarding attorney's
2 liens in paternity/custodial actions.

3 14. Trial. If this action proceeded to trial, how many days did the trial last?
4

5 **NOT APPLICABLE**

6 Was it a bench or jury trial? **NOT APPLICABLE**

7 15. Judicial disqualification. Do you intend to file a motion to disqualify or have a justice
8 recuse himself/herself from participation in this appeal? If so, which Justice?

9 **NOT APPLICABLE**

10 **TIMELINESS OF NOTICE OF APPEAL**
11

12 16. Date of notice of entry of written judgment or order appealed from. 2/17/2016
13 If no written judgment or order was filed in the district court, explain the basis for seeking
14 appellate review:

15 17. Written notice of entry of or order was served: 2/17/2016

16 Was service by

17 ☐ Delivery

18 ☒ Mail/electronic/fax

19 18. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50
20 (b) NRCP 52(b) or NRCP 59).

21 **NOT APPLICABLE**

22 (a) specify the type of motion, the date and method of service of the motion, and the date of
23 filing:

24 ☐ NRCP 50(b) Date of filing:

☐ NRCP 52(b) Date of filing:

☐ NRCP 59 Date of filing:

25 Note: motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may
26 toll the time for filing a notice of appeal. *See AA Primo Builders v. Washington*, 126 Nev.
27 ___, 245 P.3d 1190 (2010).

28 (b) Date of written entry of order resolving tolling motion:

(c) Date written notice of entry resolving tolling motion was served:

Was service by:

☐ Delivery

☐ Mail

19. Date written notice of appeal was filed: 3/14/2016

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:

NOT APPLICABLE

20. Specify statute or rule governing the time limit for filing the notice of appeal, e.g. NRAP 4(a) or other:

NRAP 4(a).

SUBSTANTIVE APPEALABILITY

21. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:

(a)

☒ NRAP 3(A)(b)(1)

☐ NRS 38.205

☐ NRAP 3(A)(b)(2)

☐ NRS 233B.150

☐ NRAP 3(A)(b)(3)

☐ NRS 703.376

☐ Other. (specify)

(b) Explain how each authority provides a basis for appeal from the judgment or order:

NRAP 3(A)(b)(1) provides that Appellant may appeal from the district court's final judgment.

22. List all parties involved in the action or consolidated actions in the district court:

(a) Parties:

Sebastian Martinez, Plaintiff

Krisi Fredianelli, Defendant

Francis Fine, Esq., former counsel for Defendant

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, e.g. formally dismissed, not served, or other:

1 Sebastian Martinez is not a party to this appeal. Defendant filed her appeal from a
2 monetary judgment entered against her in favor of her former counsel after the closure
3 of the paternity action.

4 23. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross
5 claims, or third party claims and the date of formal disposition of each claim.

6 Respondent Fine, Esq. asserted a claim for attorney's fees and requested that they be
7 reduced to judgment against Appellant after the closure of the paternity action.

8 24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the
9 rights and liabilities of ALL the parties to the action or consolidated action below?

10 ☒ Yes
11 ☐ No

12 25. If you answered "No" to question 24, complete the following: **NOT APPLICABLE**

13 (a) Specify the claims remaining below:

14 (b) Specify the parties remaining below:

15 (c) Did the district court certify the judgment or order appealed from as a final judgment
16 pursuant to NRCP 54(b)?

17 ☐ Yes
18 ☐ No

19 (d) Did the district court make an express determination, pursuant to NRCP 54(b), that there
20 is no just reason for delay and an express direction for the entry of judgment?

21 ☐ Yes
22 ☐ No

23 26. If you answered "No" to any part of question 25, explain the basis for seeking appellate
24 review (e.g. order is independently appealable under NRAP 3(b)(2)): **NOT APPLICABLE**

25 27. Attach file-stamped copies of the following documents:

26 The latest-filed complaint, counterclaims, cross claims, and third party complaints

27 Any tolling motion(s) and order(s) resolving tolling motion(s)

28 Orders of NRCP 41(a) dismissal formally resolving each claim, counterclaims, cross claims,
and/or third party claims asserted in the action or consolidated action below, even if not at
issue on appeal

Any other order challenged on appeal
Notices of entry for each attached order

VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Kristi Fredianelli

Patricia A. Marr, Esq.

Name of Appellant

Name of counsel of record

April 11, 2016

Date



Signature of counsel of record

Nevada, Clark County

State and county where signed

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I certify that on the 11th day of April, 2016, I served a copy of this completed docketing

____ By personally serving it upon him/her

X By mailing it first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with addresses.)

Sebastian Martinez
261 Lenape Heights Avenue
Las Vegas, Nevada 89148

Fran Fine, Esq.
8975 S. Pecos Rd., Ste. 5
Henderson, Nevada 89074

Dated this 11th day of April, 2016.

Cindy Wroble
An employee of Patricia A. Marr, Ltd.



CLERK OF THE COURT

1 NEOJ
2 THE FINE & PRICE LAW GROUP
3 FRANCES-ANN FINE, ESQUIRE
4 Nevada Bar No. 0025
5 Suite 5
6 8975 South Pecos Road
7 Henderson, Nevada 89074
8 Telephone: 702/384-8900
9 Facsimile: 702/384-6900
10 Email: fran@finepricelaw.com
11 Former Attorney for Defendant
12 Kristi R. Fredianelli
13
14

DISTRICT COURT

CLARK COUNTY, NEVADA

15 SEBASTIAN MARTINEZ,

16 Plaintiff,

17 vs.

18 KRISTI R. FREDIANELLI,

19 Defendant.

)
) CASE NO: D-07-37301b-D
) DEPT NO: H
)
)
)

) DATE OF HEARING: 2/4/2016
) TIME OF HEARING: 1:30 p.m.
)
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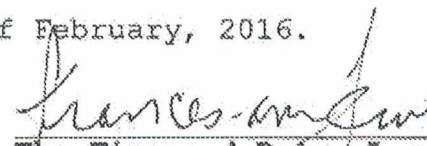
20 NOTICE OF ENTRY OF ORDER

21 TO: SEBASTIAN MARTINEZ, Plaintiff; and

22 TO: PATRICIA A. MARR, Esq. Attorney for Defendant;

23 YOU AND EACH OF YOU, WILL PLEASE TAKE NOTICE that an
24 ORDER GRANTING COUNSEL'S MOTION TO ADJUDICATE THE RIGHTS OF
25 COUNSEL, FOR ENFORCEMENT OF ATTORNEY'S LIEN AND FOR JUDGMENT OF
26 ATTORNEY'S FEES, a copy of which is attached hereto, was entered
27 and filed in the above-entitled matter on the 16th day of February,
28 2016.

DATED the 16 day of February, 2016.

29 
30 The Fine and Price Law Group
31 FRANCES-ANN FINE, ESQUIRE
32 Nevada Bar No. 0025
33 Former Attorney for Defendant

1 CERTIFICATE OF SERVICE

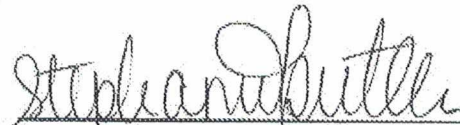
2 I hereby certify that service of the foregoing NOTICE OF
3 ENTRY OF ORDER, was made on the 17th day of February, 2016, at
4 Henderson, Nevada, by copy of same being delivered as indicated to
5 the individuals listed below:

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

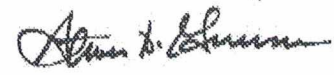
X Via E-Filing
X Via U.S. Mail,
postage prepaid
Via Facsimile
Via Email

8 and

9 Patricia A. Marr, Esq.
10 2470 St. Rose Parkway Suite 106
11 Henderson, Nevada 89074
12 Attorney for Defenant



13 An Employee of The Fine & Price Law Group


CLERK OF THE COURT

ORDER
The Fine & Price Law Group
FRANCES- ANN FINE, ESQUIRE
Nevada Bar No. 0025
8975 South Pecos Road, Suite 5
Henderson, Nevada 89074
Telephone: 702/384-8900
Facsimile: 702/384-6900
Movant

DISTRICT COURT
CLARK COUNTY, NEVADA

SEBASTIAN MARTINEZ,

Plaintiff,

vs.

KRISTI FREDIANELLI,

Defendant.

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

Hearing Date: 02/04/2016
Hearing Time: 1:30 p.m.

ORDER GRANTING COUNSEL'S MOTION TO ADJUDICATE THE RIGHTS OF
COUNSEL, FOR ENFORCEMENT OF ATTORNEY'S LIEN AND FOR JUDGMENT OF
ATTORNEY'S FEES

THIS MATTER having come before the Court on Motion to
Adjudicate the Rights of Counsel, for Enforcement of Attorney's
Lien and for Judgment of Attorney's Fees; the Court having reviewed
all papers and pleadings on file herein, and good cause appearing,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
Counsel's Motion to Adjudicate the Rights of Counsel, for
Enforcement of Attorney's Lien and for Judgment of Attorney's Fees
is hereby GRANTED.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
judgment is entered in favor of The Fine & Price Law Group, and
against Kristi Fredianelli, in the amount of Thirteen Thousand
Seven Hundred One Dollars & 82/100 (\$13,701.82), together with
interest thereon at the contractual rate of interest of 12%,
compounded monthly, and all post judgment costs. Said amount is

Other
☐ Dismissed - Want of Prosecution
☐ Involuntary (Statutory) Dismissal
☐ Default Judgment
☐ Transferred
☐ Disposed After Trial Start
☐ Judgment Reached by Trial
☐ Other Trial Dispositions:
☐ Settled/Withdrawn
☐ Without Judicial Conf/Htg
☐ With Judicial Conf/Htg
☐ By ADR

FEB 10 2016

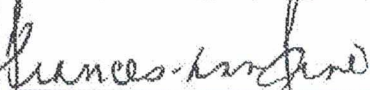
1 hereby reduced to judgment and collectable by any and all lawful
2 means.

3 DATED this 11 day of February, 2016.

4
5 
6 DISTRICT COURT JUDGE *Kp*

7 Respectfully submitted by:
8 The Fine and Price Law Group

T ART RITCHIE, JR.

9 
10 FRANCES-ANN FINE Esq.
11 Nevada Bar No. 0025
12 8975 S. Pecos Rd. Ste 5
13 Henderson, Nevada 89074
14 (702) 384-8900
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