

IN THE SUPREME COURT OF THE STATE OF NEVADA

Matthew F. Arcella,

Appellant,

vs.

Melissa A. Arcella,

Respondent.

Electronically Filed
No. 71503 Nov 07 2016 01:38 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

DOCKETING STATEMENT

CIVIL APPEALS

GENERAL INFORMATION

All appellants not in proper person must complete this docketing statement. NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, classifying cases for en banc, panel, or expedited treatment, compiling statistical information and identifying parties and their counsel.

WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 26 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. See *KDI Sylvan Pools v. Workman*, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

1. Judicial District: Eighth

Department: T

County: Clark

Judge: Lisa Brown

District Ct. Docket No.: D-09-418160-Z

2. Attorney filing this docket statement:

Attorney: Bruce I. Shapiro, Esq.

Telephone: 702-388-1851

Firm: Pecos Law Group

Address: 8925 South Pecos Road, Suite 14A
Henderson, Nevada 89074

Client(s): Matthew F. Arcella

Attorney:

Firm:

Telephone:

Address:

Client(s):

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

3. Attorney(s) representing respondent(s):

Attorney: F. Peter James, Esq.

Telephone: Telephone: (702)
256-0087

Firm: Law Offices of F. Peter James, Esq.

Address: 3821 West Charleston Blvd., Ste 250
Las Vegas, Nevada 89102

Client(s): Melissa A. Arcella

(List additional counsel on separate sheet if necessary)

4. Nature of disposition below (check all that apply):

- ☐ Judgment after bench trial
- ☐ Judgment after jury verdict
- ☐ Summary Judgment
- ☐ Default Judgment
- ☐ Grant/Denial of NRCP 60(b) relief
- ☐ Grant/Denial of injunction
- ☐ Grant/Denial of declaratory relief
- ☐ Review of agency determination

- ☐ Dismissal
 - ☐ Lack of jurisdiction
 - ☐ Failure to state a claim
 - ☐ Failure to prosecute
 - ☐ Other
- (specify).....
- X Divorce Decree:
 - ☐ original x modification
 - x Other disposition
- (specify)Post Judgment Order

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

- X Child Custody
- ☐ Venue
- ☐ Termination of parental rights

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

None

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

None

8. Nature of action. Briefly describe the nature of the action and the results below:

This is an appeal from a post-decree order denying appellant's motion to for an order directing a minor child to attend a private middle school and granting respondent's countermotion for attorneys fees. This appeal also arises from the denial of appellant's motion for rehearing of the order denying the motion directing the child to attend a private middle school.

9. Issues on Appeal. State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

1. Did the district court abuse its discretion when it denied appellant's motion based solely on the private school's religious affiliation?
2. Did the district court abuse its discretion when it failed to make any best interests findings in its order that the child not attend private school?
3. Did the district court abuse its discretion when it failed to have the minor child interviewed regarding her scholastic preferences and conduct an evidentiary hearing on the issue of where the child would attend middle school?

10. Pending proceedings in this court raising the same or similar issues. If you are aware of any proceeding presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket number and identify the same or similar issues raised:

N/A

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

X N/A

☐ Yes

☐ No

If not, explain _____

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

- ☐ Reversal of well-settled Nevada precedent (identify the case(s))
- x An issue arising under the United States and/or Nevada Constitutions
- ☐ A substantial issue of first-impression
- x An issue of public policy
- ☐ An issue where en banc consideration is necessary to maintain uniformity of the court's decisions
- ☐ A ballot question

If so, explain:

This appeal involves the Establishment Clause of the First Amendment of the United States Constitution in that the district court based its decision solely upon the private school's religious affiliation. Based upon the First Amendment, courts of other states have held that a "religious objection" cannot dictate where a child is enrolled in school. The Nevada Supreme Court has not addressed this significant constitutional and public policy question affecting our state's domestic relations law.

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

This appeal is presumptively assigned to the Court of Appeals per NRAP 17(b)(5) because it involves an issue of family law. Respondent respectfully submits, however, that the Supreme Court should retain this case because a principal issue raised in this case involves the Establishment Clause of the First Amendment of the U.S. Constitution. Specifically, the reviewing court will be called upon to decide whether a "religious objection" can dictate whether a child is enrolled at a private school. Inasmuch as this appeal raises as a principal issue a question of first impression involving the United States or Nevada Constitutions, the appeal also raises an issue of statewide public importance regarding Nevada's domestic relations laws. Respondent, therefore, submits that this appeal should remain with this court pursuant NRAP 17(a)(13) and (14).

14. Trial. If this action proceeded to trial, how many days did the trial last? N/A

Was it a bench or jury trial? _____

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

N/A

TIMELINESS OF NOTICE OF APPEAL

16. **Date of entry of written judgment or order appealed from:** September 21, 2016, October 24, 2016 and November 1, 2016.

- (a) If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

17. **Date written notice of entry of judgment or order served:** September 21, 2016, October 25, 2016, and November 2, 2016.

Was service by:

☐ Delivery

☒ Mail/electronic/fax

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

- (a) specify the type of motion, and the date and method of service of the motion, and the date of filing: Motion for rehearing of the courts order on school enrollment entered on August 12, 2016. Served electronically on August 12, 2016.

☐ NRCP 50(b) Date of filing _____

☐ NRCP 52(b) Date of filing: August 12, 2016

☐ NRCP 59 Date of filing: August 12, 2016

Attach copies of all post-trial tolling motions.

NOTE: Motions made pursuant to NRCP 60 or motion for rehearing or reconsideration may toll the time for filing a notice of appeal. See AA Prime Builders v. Washington, 126 Nev. ___, 245 P.3d 1190(2010).

(b) Date of entry of written order resolving tolling motion: October 24, 2016

(c) Date written notice of entry of order resolving tolling motion was served : October 26, 2016

Was service by:

☐ Delivery

☐ Mail

☒ Mandatory Electronic Service

19. **Date notice of appeal filed:** October 10, 2016 and Amended Notice of Appeal was filed on November 3, 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:

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 3A(b)(1)

☐ NRS 38.205

☐ NRAP 3A(b)(2)

☐ NRS 233B.150

☐ NRAP 3A(b)(3)

☐ NRS 703.376

☐ Other (specify) _____

(b)

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

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

(a)

Parties: **Plaintiff (Appellant) Matthew F. Arcella**
Defendant (Respondent) Melissa A. Arcella

(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: **N/A**

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

Enrollment of child in private school - denied
Award of attorneys fees to Respondent - granted

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

☒ Yes

☐ No

25. If you answered "No" to question 23, complete the following: N/A

(a) Specify the claims which remain pending below:

(b) Specify the parties remaining below:

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

☐ Yes

☐ No

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

☐ Yes

☐ No

26. If you answered "No" to any part of question 24, explain the basis for seeking appellate review (*e.g.*, order is independently appealable under NRAP 3A(b)): N/A

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

- (a) The latest filed complaints, counterclaims, cross-claims, and third party claims
- (b) Any tolling motion(s) and order(s) resolving tolling motion(s)
- (c) Orders of NRCPP 41(a) dismissals 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
- (d) Any other order challenged on appeal
- (e) 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.

Matthew F. Arcella

Name of appellant

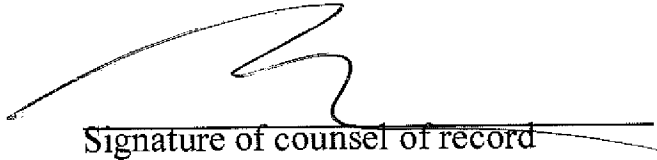
Bruce I. Shapiro, Esq.

Name of counsel of record

Date

11/17/16

Signature of counsel of record



Clark County, Nevada

State and county where signed

CERTIFICATE OF SERVICE

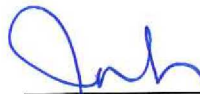
I certify that on the ____ day of November, 2016, I served a copy of this completed docketing statement upon all counsel of record:

☐ By personally serving it upon him/her; or

☒ X by mailing it by first class mail with sufficient postage prepaid to the following address:

F. Peter James, Esq.
Law Offices of F. Peter James, Esq.
3821 West Charleston Blvd., Suite 250
Las Vegas, Nevada 89102

DATED this 7th day of November, 2016.



Janine Shapiro
an employee of PECOS LAW GROUP



1141438
D-09-418160-Z

63

PSDD
ROGER A. GIULIANI, ESQ.
Nevada Bar No. 5967
500 N. Rainbow, Suite 300
Las Vegas, Nevada 89107
Telephone: (702) 388-9800
Attorney for Co-Petitioner
MATTHEW F. ARCELLA

FILED

SEP 14 11 56 AM '09

Emil A. F.
CLERK OF THE COURT

FILED

SEP 14 2009

Emil A. F.
CLERK OF THE COURT

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

In the Matter of the Joint Petition for)
Summary Decree of Divorce of,)
MATTHEW F. ARCELLA,)
Petitioner,)
MELISSA ANN ARCELLA,)
Petitioner.)

JOINT PETITION FOR
SUMMARY DECREE OF DIVORCE

Case No. D-09-418160-Z

Dept. No. Q

Petitioners, MATTHEW F. ARCELLA and MELISSA ANN ARCELLA, hereby petition this Court, pursuant to the terms of Chapter 125 of the Nevada Revised Statutes, to grant them a divorce. Petitioners respectfully show, and under oath state, to the Court as Follows:

I.

That Co-Petitioner, MATTHEW F. ARCELLA, is now, and for more than six weeks preceding the commencement of this action has been, an actual, bona fide resident of the County of Clark, State of Nevada, and during all said period of time has been actually, physically and corporeally present, residing and domiciled in the State of Nevada.

///

CESE

12

289-

1 II.

2 That the Petitioners are incompatible in marriage.

3 III.

4 That the Petitioners have two minor children who are the issue of this marriage, born before
5 or during this marriage, have no adopted minor children, and Co-Petitioner MELISSA ANN
6 ARCELLA is not now pregnant. That Co-Petitioner, MATTHEW F. ARCELLA, resides at 1166
7 Forum Veneto, Henderson, Nevada 89052, and Co-Petitioner MELISSA ANN ARCELLA, resides
8 at 1166 Forum Veneto, Henderson, Nevada 89052.

9
10 The children of this marriage are RACHEL ELIZABETH ARCELLA, born May 18, 2005,
11 and WADE MATTHEW ARCELLA, born January 20, 2007. The parties shall have both Joint
12 Legal Custody and Joint Physical Custody of the children.

13
14 Custody of the children with the parties shall be as follows: MATTHEW F. ARCELLA shall
15 have custody of the children from Monday 8:00 a.m. through Wednesday 8:00 a.m.; MELISSA
16 ANN ARCELLA shall have custody of the children from Wednesday 8:00 a.m. to Friday 8:00 a.m.
17 The parties shall each have every other weekend (Friday 8:00 a.m. through Monday 8:00 a.m.) with
18 the minor children .

19
20 Holiday visitation, when in conflict with the above, will take precedence, and will be as follows:

21 A. In even numbered years, MELISSA ANN ARCELLA shall have the minor
22 children for the following holidays:

- 23 1. Christmas eve and Christmas Day until 12:00 p.m. (Noon);
24 2. New Year's Eve and New Year's Day until 12:00 p.m. (Noon);
25 3. Easter Sunday

26 B. In even numbered years, MATTHEW F. ARCELLA shall have Thanksgiving
27 Day as well as the following Friday.
28

1 C. In odd numbered years, MATTHEW F. ARCELLA shall have the minor
2 children for the following holidays:

- 3 1. Christmas eve and Christmas Day until 12:00 p.m. (Noon);
4 2. New Year's Eve and New Year's Day until 12:00 p.m. (Noon);
5 3. Easter Sunday.

6 D. In odd numbered years, MELISSA ANN ARCELLA shall have
7 Thanksgiving Day as well as the following Friday.

8 For the purposes of the holiday visitation schedule, a "day" shall be defined as beginning at
9 8:00 a.m. and ending at 9:00 p.m. MATTHEW F. ARCELLA will have every Father's Day and
10 MELISSA ANN ARCELLA will have every MOTHER'S DAY. Each year the Petitioners are each
11 entitled to a non-consecutive two-week uninterrupted vacation with the children upon thirty days
12 written notice to the other. Each party shall provide an itinerary as to where they will be with the
13 children.

14 That pursuant to Osbourne v. Wright, MATTHEW F. ARCELLA shall pay to MELISSA
15 ANN ARCELLA the sum of \$2,000.00 per month as for child support for the parties two (2) minor
16 children.

17 That the Petitioners both agree that neither party shall relocate out of Clark County, Nevada
18 without the express Permission from the other party.

19 The Petitioners are on notice that they are subject to the provisions of NRS 31A and 125.450
20 regarding the collection of delinquent child support payments.

21 The parties agree that MATTHEW F. ARCELLA shall maintain a policy of medical and
22 dental insurance for the benefit of the minor children at all times until the children reach the age of
23 18 years old, or if attending secondary education, until such time as said children attain the age of
24 nineteen (19) years or graduates from high school, whichever comes first, assuming said medical
25 insurance benefits are available through his employer for the purposes stated above. In the event
26 the cost of maintaining this medical insurance policy for the children should increase from its
27
28

1 present cost, the parties agree to split the cost of any increase in the medical insurance premium.
2 Additionally, any deductibles or expenses not covered by the existing or future medical insurance
3 policies shall be paid for equally between the parties.
4

5 Subject to both parties mutually agreeing to send their children or child to private school,
6 The parties agree to equally split the cost of private school tuition and costs for the minor children.

7 The Petitioners are on notice of the provisions of NRS 125C.200 which provide that:

8 "If custody has been established and the custodial parent or a parent having joint custody
9 intends to move his residence to a place outside of this state and to take the child with him, he must,
10 as soon as possible before the planned move, attempt to obtain the written consent of the other
11 parent to move the child from the state. If the noncustodial parent or the other parent having joint
12 custody refuses to give that consent, the parent planning the move shall, before he leaves the state
with the child, petition the court for permission to move the child. The failure of a parent to comply
with the provisions of this section may be considered as a factor if a change of custody is requested
by the noncustodial parent or other person have joint custody."

13 The Petitioners are on notice of the provisions of NRS 125.510 (6) which provide that:

14 PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR
15 DETECTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A
16 CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that
17 every person having a limited tight custody to a child or any parent having no right of
18 custody to the child who willfully detains, conceals or removes the child from a parent,
guardian or other person having lawful custody or a right of visitation of the child in
violation of an order of this court, or removes the child from the jurisdiction of the court
without the consent of either the court or all persons who have the right to custody or
visitation is subject to being punished for a category D felony as provided in NRS
193.130.
20

21 As provided in NRS 125.510(7), the terms of the Hague Convention of October 25, 1980,
22 adopted by the 14th Session of the Hague Conference on Private International Law, apply if a parent
23 abducts or wrongfully retains a child in a foreign country.

24 IV.

25 That the Petitioners affirmatively state that there is certain community property for the Court
26 to adjudicate, and the parties have agreed to divide it as follows:
27

28 A. To MATTHEW F. ARCELLA

1. His personal property and clothing.
2. His jewelry and property acquired prior to the parties marriage.
3. 2008 Range Rover automobile and any lease obligation remaining on this vehicle.
4. The Fidelity Bank Account and the Bank of America Bank Account. MELISSA ANN ARCELLA shall receive the sum of \$100,000.00 in total from these two combined accounts. This shall be payable by MATTHEW F. ARCELLA to MELISSA ANN ARCELLA within 10 days of the execution of the Decree of Divorce. The parties acknowledge that MATTHEW F. ARCELLA will retain the remainder of these accounts, and that this is an unequal division of these two accounts in favor of MATTHEW F. ARCELLA due to the unequal debt division between the parties as set forth herein.
5. The 100% interest in Calabrina, LLC, a Nevada Limited Liability Company, of which the community has a 25% total interest. This includes all income, assets, liabilities, and future income or assets of this company. The parties acknowledge that this portion of the Petition and future Decree of Divorce is in consideration of the secured and unsecured debt which MATTHEW F. ARCELLA will be assuming in this divorce proceeding, and MELISSA ANN ARCELLA further acknowledges that such marital settlement set forth in this proceeding voids and nullifies any of her rights which she may have or had under the Buy/Sell Agreement as stated in the Operating Agreement of Calabrini, LLC, and she further waives and relinquishes any rights which she may have had under said Buy/Sell Agreement of Calabrini LLC. This is

a material element of the terms of the parties Joint Petition for Divorce.

6. The vacant land and any interest associated therewith in 36 Augusta Canyon Drive, Las Vegas, Nevada 89141. MELISSA ANN ARCELLA shall execute a Quitclaim Deed and Declaration of Value form transferring this property to MATTHEW F. ARCELLA within ten (10) days of the filed Decree of Divorce. MATTHEW F. ARCELLA shall indemnify and hold harmless MELISSA ANN ARCELLA from the approximate \$1,080,000.00 of secured debt on this lot.
7. The marital residence located at 1166 Forum Veneto, Henderson, Nevada 89052, along with the furniture and furnishings therein. MELISSA ANN ARCELLA shall execute a Quitclaim Deed and Declaration of Value form transferring this property to MATTHEW F. ARCELLA within ten (10) days of the filed Decree of Divorce. MATTHEW F. ARCELLA shall indemnify and hold harmless MELISSA ANN ARCELLA from the secured debt on this property. MELISSA ANN ARCELLA shall have thirty (30) days from the filed Decree of Divorce to vacate this property.
8. The Golf Club Membership at Southern Highlands Golf Club.

B. To MELISSA ANN ARCELLA

1. Her personal property and clothing.
2. Her jewelry and property acquired prior to the parties marriage.
3. 2008 Prius automobile and the lease obligation thereunder.
4. The sum of \$100,000.00 from the combined Fidelity Bank Account and Bank of America Bank Account (as mentioned earlier in this document), due and

1 payable to MELISSA ANN ARCELLA within ten (10) days of the filed
2 Decree of Divorce.

3 In addition, the parties acknowledge that they have a Revocable Living Trust (*THE*
4 *MATTHEW F. ARCELLA AND MELISSA A. ARCELLA REVOCABLE FAMILY TRUST*) and agree
5 that this Trust shall be dissolved and the assets within the Trust distributed pursuant to the terms of
6 this Petition and Decree of Divorce in this matter.
7

8 V.

9 That the Petitioners affirmatively state that there are certain community debts or obligations
10 for this Court to adjudicate, and the parties have agreed to divide them as follows:
11

12 A. To MATTHEW F. ARCELLA:

- 13 1. The lease obligation on the 2008 Range Rover
14 2. Any secured and/or unsecured debt obligation on the land located at 36 Augusta
15 Canyon Drive, Las Vegas, Nevada 89141, with an approximate balance due of \$1,080,000.00;
16 3. Any secured and/or unsecured debt obligation on the land located at 1166 Forum
17 Veneto, Henderson, Nevada 89052, with an approximate balance due of \$450,000.00;
18 4. The \$450,000.00 loan obligation and debt due and payable to Calabrini, LLC;

19 MATTHEW F. ARCELLA agrees to indemnify and hold harmless MELISSA ANN
20 ARCELLA from the above debts.
21

- 22 5. Any other debt incurred in his name acquired upon or subsequent to the filing of
23 the Joint Petition for Divorce.

24 B. To MELISSA ANN ARCELLA.

- 25 1. The debt obligation on the 2008 Toyota Prius automobile.
26 2. Any other debt incurred in his name acquired upon or subsequent to the filing
27 of the Joint Petition for Divorce.
28

1
2
3 VI.

4 That both Petitioners hereby waive their rights to written notice of the Decree
5 of Divorce, to appeal, to request findings of fact and conclusions of law and to move for a new trial.
6

7 VII.

8 That the Petitioners state, that as of the date of filing, every condition set forth in NRS
9 125.181 has been met.

10 VIII.

11 That the Petitioners expressly desire the Court to enter a Decree of Divorce.
12

13 IX.

14 That the Petitioners were married on March 10, 2001, in Clark County, Nevada, and are now
15 and have ever been husband and wife.

16 X.

17 That the parties are subject to 125B.145 which requires that an Order for the support of a
18 child includes notification that each person who is subject to the Order may request a review of such
19 Order every three (3) years.
20

21
22 XI.

23 That, unless advised otherwise by their accountant or tax specialist, each party shall file their
24 own separate tax returns starting with the year 2009. The parties shall each claim one minor child
25 on their taxes for tax deduction purposes, unless one of the spouses is unable to benefit from the
26 deduction, in which case, the other spouse shall be allowed to claim both upon mutual agreement
27 of the parties.
28

1 XII.

2 That each party waives their rights, interest, and community property ownership in each
3 other's retirement plans, including, but not limited to, pension plans, IRA, Keogh, Social Security
4 Benefits, and 401K plans. Additionally, each party herein waives the right to any and all
5 inheritances to which either party may now, or in the future become, entitled to. That each party
6 further waives the right, interest and community property ownership in the other's estates upon their
7 respective deaths, except in their capacity as Trustee for the minor children.
8

9
10 XIII.

11 That MELISSA ANN ARCELLA shall retain her married name of MELISSA ANN
12 ARCELLA.
13

14 XIV.

15 That MATTHEW F. ARCELLA shall pay to MELISSA ANN ARCELLA the sum of
16 \$5,666.66 per month for three (3) years as for spousal support. This spousal support obligation shall
17 commence on the first day of the first month following the filed Decree of Divorce.
18

19
20 XV.

21 That the habitual residence of the parties minor children is the State of Nevada, United
22 States.
23

24 ///

25 ///

26
27
28

XVI.

That the Parties shall submit the information required in NRS 125B.055, NRS 125.130 and NRS 125.230 on a separate form to the Court and the Welfare Division of the Department of Human Resources within ten days from the date this Decree is filed. Such information shall be maintained by the Clerk in a confidential manner and not part of the public record. The parties shall update the information filed with the Court and the Welfare Division of the Department of Human Resources within ten days should any of that information become inaccurate.

WHEREFORE, Petitioners pray that the Court enter a Decree of Divorce restoring them to the status of single, unmarried persons.

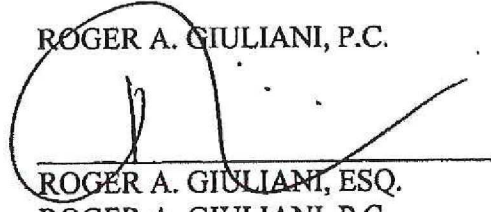

MATTHEW F. ARCELLA


MELISSA ANN ARCELLA

Submitted by:

ROGER A. GIULIANI, P.C.

By:


ROGER A. GIULIANI, ESQ.

ROGER A. GIULIANI, P.C.

Nevada Bar No. 5967

500 N. Rainbow, Suite 300

Las Vegas, Nevada 89107

(702) 388-9800


Attorney for Co-Petitioner MATTHEW F. ARCELLA

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

VERIFICATION

I, the undersigned MATTHEW F. ARCELLA, under penalties of perjury, declare that I am Co-Petitioner named in the foregoing JOINT PETITION FOR SUMMARY DECREE OF DIVORCE and know the contents thereof, that the pleading is true of my own knowledge, except to those matters stated on information and belief, and that as to such matters I believe them to be true.

DATED this 10 day of September, 2009.


MATTHEW F. ARCELLA
Co-Petitioner

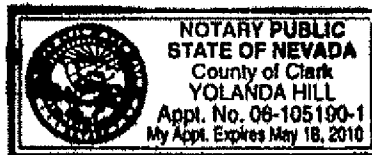
ACKNOWLEDGMENT

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

Before me, the undersigned, a Notary Public in and for said State and County, personally appeared MATTHEW F. ARCELLA, who was personally known, or proven to me, to be the person who executed the above JOINT PETITION FOR SUMMARY DECREE OF DIVORCE and VERIFICATION, and acknowledged to me that he executed the same freely, voluntarily and for purposes stated therein.

Witness my hand and official seal, this 10 day of Sept., 2009.


NOTARY PUBLIC



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

VERIFICATION

I, the undersigned MELISSA ANN ARCELLA, under penalties of perjury, declare that I am Co-Petitioner named in the foregoing JOINT PETITION FOR SUMMARY DECREE OF DIVORCE and know the contents thereof; that the pleading is true of my own knowledge, except to those matters stated on information and belief, and that as to such matters I believe them to be true.

DATED this 10 day of Sept. , 2009.

Melissa Arcella
MELISSA ANN ARCELLA
Co-Petitioner

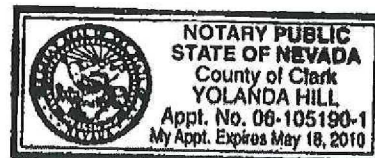
ACKNOWLEDGMENT

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

Before me, the undersigned, a Notary Public in and for said State and County, personally appeared MELISSA ANN ARCELLA, who was personally known, or proven to me, to be the person who executed the above JOINT PETITION FOR SUMMARY DECREE OF DIVORCE and VERIFICATION, and acknowledged to me that she executed the same freely, voluntarily and for purposes stated therein.

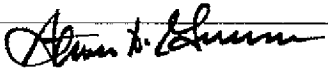
Witness my hand and official seal, this 10 day of Sept. , 2009.

Yolanda Hill
NOTARY PUBLIC



MOT

Bruce I. Shapiro, Esq.
Nevada Bar No. 004050
Paul A. Lemcke, Esq.
Nevada Bar No. 003466
PECOS LAW GROUP
8925 South Pecos Road, Suite 14A
Henderson, Nevada 89074
Telephone: (702) 388-1851
Facsimile: (702) 388-7406
Email: Email@pecoslawgroup.com
Attorneys for Co-Petitioner, Matthew F. Arcella


CLERK OF THE COURT

ELECTRONICALLY SERVED
08/12/2016 12:04:52 PM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

In the Matter of the Joint Petition for
Summary Decree of Divorce of,

Matthew F. Arcella,

Plaintiff,

vs.

Melissa A. Arcella,

Defendant.

Case No. **D-09-418160-Z**

Dept. No. **T**

Date of Hearing: September 13, 2016

Time of Hearing: 10:00 AM

NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT HEARING PRIOR TO THE SCHEDULED HEARING.

**MOTION FOR REHEARING OF THE COURT'S ORDER
ON SCHOOL ENROLLMENT ENTERED ON [AUGUST 9, 2016]**

COMES NOW Plaintiff, **Matthew F. Arcella** ("Matt"), by and through his attorney, **Bruce I. Shapiro, Esq.**, of **PECOS LAW GROUP**, and respectfully requests that this Court enter orders granting him the following relief:

1 1. For a rehearing of the matters decided in the Court's order of
2 [August 9, 2016], based on the Court's misapprehension of facts and
3 law; and

4 2. Awarding Plaintiff such other and further relief as this Court
5 deems just and proper in the premises.

6 This motion is made and based on all the papers and pleadings on file
7 herein, the Points and Authorities submitted herewith, the affidavit attached
8 hereto, and any further evidence and argument as may be adduced at the
9 hearing of this matter.

10 NOTICE OF MOTION

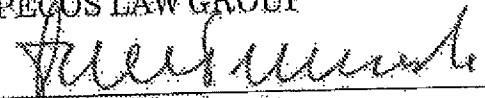
11 TO: Melissa A. Arcella, Defendant; and

12 TO: F. Peter James, Esq., attorney for Defendant;

13 PLEASE TAKE NOTICE that the undersigned will bring the above
14 and foregoing Motion on for hearing before the above-entitled Court on
15 the 13th day of September, 2016, at the hour of
16 10 o'clock a.m. of said day, in Department T of said Court.

17 DATED this 12 day of August, 2016.

18 PECOS LAW GROUP

19 

20 Bruce I. Shapiro, Esq.

21 Nevada Bar No. 004050

22 PECOS LAW GROUP

23 8925 South Pecos Road, Suite 14A

24 Henderson, Nevada 89074

25 (702) 388-1851

26 Attorneys for Plaintiff

1 POINTS AND AUTHORITIES

2 I. FACTS

3 Plaintiff Matthew Arcella ("Matthew") and Defendant Melissa Ann
4 Arcella ("Melissa") were divorced in 2009. There are two minor children of
5 this marriage: Rachel Arcella (age 11), and Wade Arcella (age 9). The parties
6 share the joint legal and joint physical custody of the minor children on a
7 2/2/3 timeshare.

8 This motion for rehearing specifically addresses this Court's order
9 ruling on Matthew's "*Motion for Order Directing that Rachel Attend Faith*
10 *Lutheran School*," filed June 21, 2016. The motion was heard on August 4,
11 2016, was taken under submission, and was then disposed of by a minute
12 order issued on August 9, 2016. The thrust of the relief requested and the
13 arguments in support of that relief may be found in Matthew's written
14 motion filed on June 21, as well as his written reply to opposition filed on
15 July 29, 2016. For purposes of economy, they need not be repeated here.

16 This Court's order found that while "it would be in Rachel's best
17 interest to attend both [Faith Lutheran and Bob Miller]," this was not
18 feasible, and that "taking into consideration [Melissa's] religious objection,"
19 the Court ordered enrollment at Bob Miller. See Minute Order attached
20 hereto as Exhibit "1," at 2. Plaintiff submits that because Melissa's
21 purported "religious objection" to Faith Lutheran was extensively
22 discredited at hearing by virtue of her inconsistent past conduct and recent
23 statement of support for Faith, the Court's order misapprehended material
24 facts and the matter should be subject to rehearing. Moreover, this Court
25

1 has misapprehended law by giving legal effect to Melissa's "religious
2 objection" as a trump card played in her favor.

3 This Court's order was also premised on a finding that "[Matthew]
4 stated that Rachel wants to go to Faith Lutheran School instead of Bob
5 Miller Middle School but no evidence of that was provided."¹ See Minute
6 Order attached hereto as Exhibit "1," at 1. In fact, the Court is reminded that
7 Matthew specifically requested that Rachel be interviewed by FMC so as to
8 avoid running directly afoul of the mandate of E.D.C.R 5.03 and N.R.C.P.
9 16.215. Matthew's support of his motion with an affidavit or declaration of
10 11-year-old Rachel would have been both a blatant ethical and rule-based
11 violation, again suggesting that this Court's order misapprehended material
12 facts and should be subject to rehearing.

13 II. ARGUMENT

14 Rehearing

15 EDCR 2.24 states:

16 **Rehearing of motions.**

17 (a) No motion once heard and disposed of may be renewed in
18 the same cause, nor may the same matters therein embraced be
19 reheard, unless by leave of court granted upon motion therefor,
after notice of such motion to the adverse parties.

20 (b) A party seeking reconsideration of a ruling of the court,
21 other than an order which may be addressed by motion pursuant
22 to NRCP 50(b), 52(b), 59 or 60, must file a motion for such relief
23 within 10 days after service of written notice of the order or
judgment unless the time is shortened or enlarged by order. A
motion for rehearing or reconsideration must be served, noticed,

24 ¹ The Court's order also oddly noted, despite an entire section of Matthew's motion papers devoted to
25 the obvious lack of methodological validity to Melissa's self-serving claim that Bob Miller was "the top-
ranked middle school in the State of Nevada," that Melissa had submitted exhibits in support of that
claim. It is unclear on this reference alone what relevance this had to the Court's decision, but it should
have been disregarded as evidence.

1 filed and heard as is any other motion. A motion for rehearing
2 does not toll the 30 day period for filing a notice of appeal from a
final order or judgment.

3 (c) If a motion for rehearing is granted, the court may make a
4 final disposition of the cause without reargument or may restore
5 it to the calendar for reargument or resubmission or may make
such other orders as are deemed appropriate under the
circumstances of the particular case.

6 A court has the inherent authority to reconsider its prior orders. *Trail*
7 *v. Faretto*, 91 Nev. 401, 403, 536 P.2d 1026, 1027 (1975). A district court may
8 reconsider a prior order if substantially different evidence is subsequently
9 introduced or the decision is clearly erroneous. *Masonry and Tile*
10 *Contractors Ass'n of Southern Nevada v. Jolley, Urga & Wirth, Ltd.*, 113 Nev.
11 737, 941 P.2d 486, 489 (1997). The court has great discretion on the question
12 of rehearing. *Harvey's Wagon Wheel, Inc. v. MacSween*, 96 Nev. 215, 217-18,
13 606 P.2d 1095, 1097 (1980) (reconsideration approved; "judge was more
14 familiar with the case by the time the second motion was heard, and he was
15 persuaded by the rationale of the newly cited authority.")

- 16
17 1. This Court's order determined that either school was suitable for
18 Rachel's enrollment based on a best interest analysis, but
19 specifically ordered enrollment at Bob Miller Middle School in
20 consideration of Melissa's "religious objection" to Faith Lutheran.
Yet Melissa's alleged "religious objection" was not only factually
debunked at hearing, but it is legally irrelevant in any event.

21 Matthew's motion papers and oral presentation at the hearing
22 established the following facts:
23
24
25

- 1 a. During the months that the parties discussed Rachel's desire to
2 attend Faith Lutheran, Melissa did not object *once* based on the
3 school's religious orientation.
- 4 b. Melissa and Matt are both registered members of the Green Valley
5 Presbyterian Church – like the Lutheran faith, a Christian
6 denomination – which also happens to be the church where they
7 were married.
- 8 c. Both of the parties' children were baptized at Green Valley
9 Presbyterian Church.
- 10 d. At Melissa's specific initiative, Rachel attended pre-school at
11 Midbar Kodesh, which is a conservative Jewish synagogue with a
12 private school curriculum and obvious religious orientation.
- 13 e. Three days after her tour of Faith Lutheran, on April 18, 2016,
14 Melissa sent Matt an email titled "School stuff" which openly
15 discussed details of their ongoing personal dialogue regarding
16 Rachel's prospective schooling enrollment. In the third paragraph
17 of that email, Melissa stated, "*I think Faith is a great school. There*
18 *are a few things that I didn't like, but there are a lot of cool*
19 *opportunities.*"

20
21 Based on the foregoing, Melissa's convenient objection to Faith
22 Lutheran's religious orientation is outrageously inconsistent with Melissa's
23 views of religious involvement and instruction which pre-dated the parties'
24 divorce, and show her religious objection was made in abject bad faith.
25

Matthew's reply and opposition (filed July 29, 2016) previously pointed out that in its regulation of child custody matters, "the sole consideration of the court is the best interest of the child." NRS 125C.0035(1). Nevada law also authorizes the Court to make any order for the education of a minor child during the course of the child's minority as appears in their best interest. NRS 125C.0045(1)(a). A preponderance of the evidence has been the standard of proof in decisions related to a child's schooling. *Mack v. Ashlock*, 112 Nev. 1062, 921 P.2d 1258 (1996). The issue here is what educational option is in Rachel's best interest.

Setting aside the Court's misapprehension of this factual issue, Melissa's counsel improperly argued at hearing that once a "religious objection" to school enrollment is interposed, the Court's inquiry must stop as a matter of law and the "religious objection" controls the Court's enrollment decision. This is insupportable nonsense. "[A parent's] religious objection, whether genuine or not, cannot be the basis of precluding the superior court from *determining* what educational placement is in the child's best interest." See *Jordan v. Rea*, 221 Ariz. 581, 590, 212 P.3d 919, 928 (Ariz.App.Div. 1 2009), citing *Hoedebeck v. Hoedebeck*, 948 P.2d 1240, 1242 (Okla.Civ.App. 1997) ("This religious argument is neither new nor rare. Any time divorced parents have different religious faiths, [the religious argument] may be made by the losing party. The fact that one parent is awarded custody of the children does not, in itself, violate the other party's religious rights.")

1 The *Jordan* court clarified the elemental basis for the holding that a

2 “religious objection” cannot dictate where a child is enrolled in school:

3 Our holding is also consistent with “the firmly established
4 principle that at all levels, at all times and in all forums, the welfare
5 and best interest of the child is of prime and overriding importance as
6 measured by the particular facts and circumstances of each case
7 before the courts.” (Citations omitted.) Of course, the “best interests
8 of the child” standard does not and cannot abrogate a fit parent’s
9 constitutional right to direct the upbringing of his or her child.
(Citations omitted.) Unless fit parents disagree, the courts have no
jurisdiction to become involved with a fit parent’s choices for the
upbringing of the child and override that paramount parental
privilege. The best-interests standard only applies to fit parents when
they are *unable* to agree. (Citations omitted, emphasis added.)

10 Having established that the best-interests standard applies to a
11 dispute about an educational placement and that the superior court
12 may not rule out a placement in a private religious school simply
because it is a private religious school, we now turn to the [statutory]
factors which should be applied...

13 *Jordan*, 221 Ariz. at 590, 212 P.3d at 928.²

14 It also bears mention that if prevailing law permitted this Court to
15 disqualify Rachel from attendance at Faith Lutheran based exclusively on
16 her mother’s “religious objection,” Matthew would have long before offered
17 up other excellent private middle schools – the Meadows School and
18 Alexander Dawson School among them – as enrollment options. Faith
19 Lutheran was both an excellent school and the option preferred by Rachel.
20 Matthew feels strongly that private school enrollment is in Rachel’s best
21 interest.
22

23
24
25 ² For context purposes only, Arizona’s child custody statutes permit an Arizona court to consider, *inter*
26 *alia*, both the parents’ and the child’s wishes as to school enrollment in its rendering of enrollment
decisions.

1 In summary, this Court's ruling on Rachel's school enrollment in no
2 way implies that the Court is "forcing" religious beliefs on Melissa over her
3 objection. When school enrollment is disputed by parents who share joint
4 legal custody, NRS 125C.0045(1)(a) requires that the Court's enrollment order
5 be made based on the best interest of the child, and not on which parent
6 interposes a "religious objection."

7
8 **2. If the Court's believes that evidence of the minor child's school**
9 **preference is important, it should again order an interview.**

10 Matthew's motion papers openly represented that Rachel *wants* to
11 attend Faith Lutheran, and he unequivocally encouraged a child interview.
12 Matthew did not attempt to support that representation with an affidavit or
13 declaration of the minor child because doing so would have been a blatant
14 violation of both E.D.C.R. 5.03 (prohibiting children's involvement in
15 litigation issues) and N.R.C.P. 16.215 (which now defines the terms and
16 conditions of child testimony). In view of those rules, doing otherwise would
17 have also amounted to an ethical violation by Matthew's counsel.
18 Nevertheless, this Court's order thought it relevant that "no evidence of
19 [Rachel's intent] was provided" in Matthew's motion. See Minute Order at 1.

20 Again, as the Court appears to think it is important, Rachel should be
21 interviewed by a functionary of the Family Mediation Center to assess the
22 basis for her wishes, and render a report to the Court. See E.D.C.R. 5.13.

23 ...

24 ...

25 ...

1 **III. CONCLUSION**

2 For all of the foregoing reasons, rehearing should be granted relative
3 to this Court's order of [August 9, 2016], and the Court should order Rachel
4 enrolled at Faith Lutheran's middle school.

5 DATED this 12 day of August, 2016.

6 PECOS LAW GROUP

7 

8 **Bruce I. Shapiro, Esq.**

9 Nevada Bar No. 004050

10 Paul A. Lemcke, Esq.

11 Nevada Bar No. 003466

12 8925 S. Pecos Rd., Suite 14A

13 Henderson, Nevada 89074

14 Attorneys for Co-Petitioner

15 Matthew F. Arcella

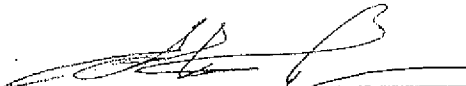
AFFIDAVIT OF MATTHEW F. ARCELLA

STATE OF NEVADA)
 : ss.
COUNTY OF CLARK)


Matthew F. Arcella, being first duly sworn, deposes and states:

1. That Affiant is the Plaintiff in the above-entitled action and competent to testify to the matters contained herein; that he makes this affidavit in support of his foregoing Motion for Rehearing.

2. That Affiant has read the foregoing Motion for Rehearing and hereby certifies that the facts set forth in the Points and Authorities attached thereto are true of his own knowledge, except for those matters therein contained stated upon information and belief, and as to those matters, he believes them to be true. Affiant incorporates these facts into this Affidavit as though fully set forth herein.


MATTHEW F. ARCELLA

SUBSCRIBED and SWORN to before me
this 12th day of August, 2016.


NOTARY PUBLIC in and for said
County and State

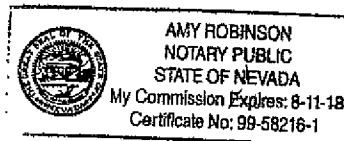


Exhibit "1"

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition**COURT MINUTES****August 09, 2016**

D-09-418160-Z In the Matter of the Joint Petition for Divorce of:
 Matthew F Arcella and Melissa Ann Arcella, Petitioners.

August 09, 2016 9:15 AM Minute Order

HEARD BY: Brown, Lisa**COURTROOM:** Courtroom 05**COURT CLERK:** Hilary Moffett**PARTIES:**

Matthew Arcella, Petitioner, not present	Paul Lemcke, Attorney, not present
Melissa Arcella, Petitioner, not present	F James, Attorney, not present
Rachel Arcella, Subject Minor, not present	
Wade Arcella, Subject Minor, not present	

JOURNAL ENTRIES

MINUTE ORDER - NO HEARING HELD

On June 21, 2016, Mr. Arcella filed his Motion for Order Directing that Rachel Attend Faith Lutheran School; and for Attorney's Fees. On July 19, 2016, Ms. Arcella filed her Opposition to Motion for an Order Directing that Rachel Attend Faith Lutheran School and For Attorney's Fees; Countermotion. Mr. Arcella filed his Reply to Opposition to Motion for Order Directing that Rachel Attend Faith Lutheran School, and for Attorney's Fees; and Opposition to Plaintiff's Countermotion on July 29, 2016. This Court heard the matter on August 4, 2016.

Each party presented their position regarding where the minor child, Rachel Arcella, should attend school in the upcoming school year. Mr. Arcella wishes that Rachel attend Faith Lutheran, while Ms. Arcella wishes that Rachel attend Bob Miller Middle School, the school that she is zoned for. Ms. Arcella attached exhibits to her Opposition that demonstrated Bob Miller Middle School is the number one middle school in Nevada. Mr. Arcella stated that Rachel wants to go Faith Lutheran School instead of Bob Miller Middle School but no evidence of this was provided. Moreover, Ms. Arcella stated that she has a strong religious objection to Rachel attending Faith Lutheran and that

PRINT DATE:	08/09/2016	Page 1 of 2	Minutes Date:	August 09, 2016
-------------	------------	-------------	---------------	-----------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

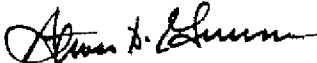
Faith Lutheran provides a theology class that each student must take every year. Moreover, Ms. Arcella stated that Faith Lutheran's stated main objective was salvation of the students. This Court finds that it would be in Rachel's best interest to attend both schools. However, this is not feasible. Therefore, taking into consideration Ms. Arcella's religious objection, this Court ORDERS that Rachel attend Bob Miller Middle School for the upcoming school year. Each party will bear their own attorney's fees.

Clerk's note: A copy of this Minute Order will be emailed to Attorneys Lemcke and James. (hm)

PRINT DATE:	08/09/2016	Page 2 of 2	Minutes Date:	August 09, 2016
-------------	------------	-------------	---------------	-----------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

1 **COS**
2 **Bruce I. Shapiro, Esq.**
3 Nevada Bar No. 004050
4 PECOS LAW GROUP
5 8925 South Pecos Road, Suite 14A
6 Henderson, Nevada 89074
7 Telephone: (702) 388-1851
8 Facsimile: (702) 388-7406
9 Email: Email@pecoslawgroup.com
10 Attorney for Co-Petitioner, Matthew F. Arcella


CLERK OF THE COURT

7 **DISTRICT COURT**
8 **CLARK COUNTY, NEVADA**

10 In the Matter of the Joint Petition for
11 Summary Decree of Divorce of,

12 **Matthew F. Arcella,**

13 Petitioner,

14 vs.

15 **Melissa Ann Arcella,**

16 Petitioner.

Case No. **D-09-418160**

Dept. No. **T**

Date of Hearing: **09/13/2016**

Time of Hearing: **10:00 a.m.**

18 **CERTIFICATE OF SERVICE**

19 I HEREBY CERTIFY that the "MOTION FOR REHEARING OF THE COURT'S
20 ORDER ON SCHOOL ENTROLLMENT ENTERED ON [AUGUST 9, 2016]" in the
21 above-captioned matter was served this date as follows:

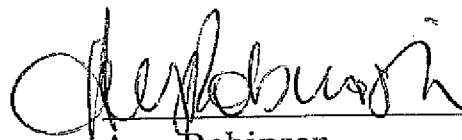
22 [X] pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP (b)(2)(D) and
23 Administrative Order 14-2 Captioned "In the Administrative
24 Matter of Mandatory Electronic Service in the Eighth Judicial
District Court," by mandatory electronic service through the
Eighth Judicial District Court's electronic filing system;

25 To attorney(s) /person(s) listed below at the address:

1 **Law Offices of F. Peter James, Esq., PLLC**

2	Name	Email	Select
3	Beth Meyer	<u>beth@peterjameslaw.com</u>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
4	Colleen O'Brien	<u>colleen@peterjameslaw.com</u>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
5	Peter James	<u>Peter@PeterJamesLaw.com</u>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>

6
7 DATED this 12 day of August, 2016.

8
9 

10 Amy Robinson

11 an employee of Pecos Law Group
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Allan Brown

From: Heather Olson
Sent: Friday, August 12, 2016 12:13 PM
To: Allan Brown
Subject: FW: Service Notification of Filing Case(In the Matter of the Joint Petition for Divorce of: Matthew F Arcella and Melissa Ann Arcella, Petitioners.) Document Code:(Service Only) Filing Type:(SO) Repository ID(8479468)

Heather Olson | Legal Assistant
PECOS LAW GROUP
8925 SOUTH PECOS ROAD, SUITE 14A
HENDERSON, NEVADA 89074
PHONE: (702) 388-1851
FAX: (702) 388-7406
EMAIL: HEATHER@PECOSLAWGROUP.COM

This e-mail, and any attachments thereto, is intended only for the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please immediately notify me by return e-mail and permanently delete the original and any copy of this e-mail message and any printout thereof.

To ensure compliance with requirements imposed by the U.S. Internal Revenue Service, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of avoiding U.S. tax penalties.

-----Original Message-----

From: no-reply@tylerhost.net [<mailto:no-reply@tylerhost.net>]
Sent: Friday, August 12, 2016 1:06 PM
To: Heather Olson
Subject: Service Notification of Filing Case(In the Matter of the Joint Petition for Divorce of: Matthew F Arcella and Melissa Ann Arcella, Petitioners.) Document Code:(Service Only) Filing Type:(SO) Repository ID(8479468)

This is a service filing for Case No. D-09-418160-Z, In the Matter of the Joint Petition for Divorce of: Matthew F Arcella and Melissa Ann Arcella, Petitioners.

This message was automatically generated; do not reply to this email. Should you have any problems viewing or printing this document, please call (800)297-5377.

Submitted: 08/12/2016 12:12:52 PM

Case title: In the Matter of the Joint Petition for Divorce of: Matthew F Arcella and Melissa Ann Arcella, Petitioners.
Document title: Motion for Rehearing of the Court's Order on School Enrollment Entered on [August 9, 2016]
Document code: Service Only Filing Type: SO
Repository ID: 8479468
Number of pages: 15
Filed By: Pecos Legal Services

To download the document, click on the following link shown below or copy and paste it into your browser's address bar.

<https://wiznet.wiznet.com/clarknv/SDSubmit.do?code=3ba41828617f77549d236394d7cbddda3e09ac0c3ceadf2639ad772b321680501149f0b0d7ea62d917adc93b44f8471e>

This link will be active until 08/22/2016 12:12:52 PM.

Service List Recipients:

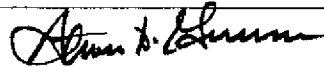
Law Offices of F. Peter James, Esq., PLLC
Beth Meyer
Colleen O'Brien
Peter James

Pecos Law Group
Pecos Law Group

Non Consolidated Cases

EFO \$3.50 EFS \$5.50
SO \$3.50

3BA41828617F77549D236394D7CBDDDA3E09AC0C3CEADF2639AD772B321680501149F0B0D7EA62D9EE9147B3CCAD7
0530C8269D970C9C358
mail.tylerhost.net



CLERK OF THE COURT

1 **NEOJ**
2 **LAW OFFICES OF F. PETER JAMES, ESQ.**
3 F. Peter James, Esq.
4 Nevada Bar No. 10091
5 Peter@PeterJamesLaw.com
6 3821 West Charleston Boulevard, Suite 250
7 Las Vegas, Nevada 89102
8 702-256-0087
9 702-256-0145 (fax)
10 Counsel for Defendant

6 **DISTRICT COURT, FAMILY DIVISION**
7 **CLARK COUNTY, NEVADA**

8 **MATTHEW F. ARCELLA,**

9 Plaintiff,

10 vs.

11 **MELISSA A. ARCELLA,**

12 Defendant.

CASE NO. : D-09-418160-Z

DEPT. NO. : T

NOTICE OF ENTRY OF ORDER

Hearing Date: August 4, 2016

Hearing Time: 9:15 a.m.

13
14 Please take notice that the attached Order was entered on September 21, 2016.

15 Dated this 21 day of September, 2016



17 **LAW OFFICES OF F. PETER JAMES**
18 F. Peter James, Esq.
19 Nevada Bar No. 10091
20 3821 W. Charleston Blvd., Suite 250
21 Las Vegas, Nevada 89102
22 702-256-0087
23 Counsel for Defendant
24

CERTIFICATE OF SERVICE

I certify that on this 21 day of September, 2016, I caused the above and foregoing document entitled **NOTICE OF ENTRY OF ORDER** to be served as follows:

☒ pursuant to EDCR 8.05(A), EDCR 8.05(F), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned "In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court," by mandatory electronic service through the Eighth Judicial District Court's electronic filing system;

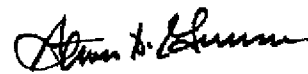
☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;

☐ pursuant to EDCR 7.26 / NEFCR 9, to be sent via facsimile / email; to the attorney(s) / party(ies) listed below at the address(es), email address(es), and/or facsimile number(s) indicated below:

Bruce I. Shapiro, Esq.
8925 South Pecos Road, Suite 14A
Henderson, Nevada 89074
Email@pecoslawgroup.com
702-388-1851
Counsel for Plaintiff

By:


An employee of the Law Offices of F. Peter James, Esq., PLLC



CLERK OF THE COURT

ORDER
LAW OFFICES OF F. PETER JAMES, ESQ.
F. Peter James, Esq.
Nevada Bar No. 10091
Peter@PeterJamesLaw.com
3821 West Charleston Boulevard, Suite 250
Las Vegas, Nevada 89102
702-256-0087
702-256-0145 (fax)
Counsel for Defendant

**DISTRICT COURT, FAMILY DIVISION
CLARK COUNTY, NEVADA**

MATTHEW F. ARCELLA,
Plaintiff,

vs.

MELISSA A. ARCELLA,
Defendant.

CASE NO. : D-09-418160-Z
DEPT. NO. : T

ORDER

Hearing Date: August 4, 2016
Hearing Time: 9:15 a.m.

This matter came before the Court on the 4th day of August, 2016 on Plaintiff's Motion for Order Directing that Rachel Attend Faith Lutheran School; and for Attorney's Fees and upon Defendant's Opposition and Countermotion. Paul Lemcke, Esq. appeared with Plaintiff, Matthew Arcella. F. Peter James, Esq. appeared with Defendant, Melissa Arcella. The Honorable Lisa Brown presided over the matter.

On June 21, 2016, Plaintiff filed his Motion for Order Directing that Rachel Attend Faith Lutheran School; and for Attorney's Fees. On July 19, 2016, Defendant filed her Opposition and Countermotion. On July 29, 2016, Plaintiff filed his Reply. The Court heard the matter on August 4, 2016.

RECEIVED

AUG 24 2016

**FAMILY COURT
DEPARTMENT T**

1 Each party presented his/her position regarding where the minor child, Rachel Arcella
2 (hereinafter "the child"), should attend school in the upcoming school year. Plaintiff wishes
3 that the child attend Faith Lutheran, while Defendant wishes that Rachel attend Bob Miller
4 Middle School—the school for which Defendant is zoned. Defendant attached exhibits to her
5 Opposition that demonstrated that Bob Miller Middle School is the number one middle school
6 in Nevada. Plaintiff stated that the child wants to go to Faith Lutheran School instead of Bob
7 Miller Middle School, but no evidence of this was provided. Moreover, Defendant stated that
8 she has a strong religious objection to the child attending Faith Lutheran and that Faith
9 Lutheran provides a theology class that each student must take every year. Moreover,
10 Defendant stated that Faith Lutheran's stated main objective was salvation of the students.

11 The Court finds that it would be in the child's best interest to attend both schools.
12 However, this is not feasible.

13 Therefore, taking into consideration Defendant's religious objection:

14 **IT IS HEREBY ORDERED** that the child attend Bob Miller Middle School for the
15 upcoming school year.

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24

1 IT IS FURTHER ORDERED that each party shall bear his/her own attorney's fees
2 and costs.

3 IT IS SO ORDERED.


4 Dated this 19 ^{September} day of ~~August~~, 2016

5
6
7 Respectfully submitted by:

8 
9
10 LAW OFFICES OF F. PETER JAMES
11 F. Peter James, Esq.
12 Nevada Bar No. 10091
13 3821 W. Charleston Blvd., Suite 250
14 Las Vegas, Nevada 89102
15 702-256-0087
16 Counsel for Defendant


DISTRICT COURT JUDGE
LISA M. BROWN

Approved as to form and content by:


PECOS LAW GROUP
Bruce I. Shapiro, Esq.
Nevada Bar No. 4050
Paul A. Lemcke, Esq.
Nevada Bar No. 3466
8925 South Pecos Road, Suite 14A
Henderson, Nevada 89074
702-388-1851
Counsel for Plaintiff

Heather Olson

From: no-reply@tylerhost.net
Sent: Thursday, September 22, 2016 8:16 AM
To: Heather Olson
Subject: Service Notification of Filing Case(In the Matter of the Joint Petition for Divorce of: Matthew F Arcella and Melissa Ann Arcella, Petitioners.) Document Code:(NEOJ) Filing Type:(EFS) Repository ID(8612134)

This is a service filing for Case No. D-09-418160-Z, In the Matter of the Joint Petition for Divorce of: Matthew F Arcella and Melissa Ann Arcella, Petitioners.

This message was automatically generated; do not reply to this email. Should you have any problems viewing or printing this document, please call (800)297-5377.

Submitted: 09/21/2016 03:03:35 PM

Case title: In the Matter of the Joint Petition for Divorce of: Matthew F Arcella and Melissa Ann Arcella, Petitioners.
Document title: Notice of Entry of Order
Document code: NEOJ Filing Type: EFS
Repository ID: 8612134
Number of pages: 5
Filed By: Law Offices of F. Peter James

To download the document, click on the following link shown below or copy and paste it into your browser's address bar.
<https://wiznet.wiznet.com/clarknv/SDSubmit.do?code=2ffcf27a78e7b10b237d2dbe8c5f0d2c0c126df792512596bb7f1a71adc6418efcb2b6d8008c4097471ebd61a9b9e223>

This link will be active until 10/01/2016 03:03:35 PM.

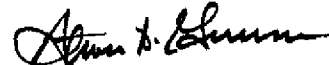
Service List Recipients:
Law Offices of F. Peter James, Esq., PLLC
Beth Meyer
Colleen O'Brien
Peter James

Pecos Law Group
Pecos Law Group

Non Consolidated Cases
EFO \$3.50EFS \$5.50
SO \$3.50

2FFCF27A78E7B10B237D2DBE8C5F0D2C0C126DF792512596BB7F1A71ADC6418EFCB2B6D8008C409723897ABA20597
A1F454AFCABDBD1944

mail.tylerhost.net



CLERK OF THE COURT

1 NEOJ
2 LAW OFFICES OF F. PETER JAMES, ESQ.
3 F. Peter James, Esq.
4 Nevada Bar No. 10091
5 Peter@PeterJamesLaw.com
6 3821 West Charleston Boulevard, Suite 250
7 Las Vegas, Nevada 89102
8 702-256-0087
9 702-256-0145 (fax)
10 Counsel for Defendant

**DISTRICT COURT, FAMILY DIVISION
CLARK COUNTY, NEVADA**

8 MATTHEW F. ARCELLA,

9 Plaintiff,

10 vs.

11 MELISSA A. ARCELLA,


12 Defendant.

CASE NO. : D-09-418160-Z
DEPT. NO. : T

NOTICE OF ENTRY OF ORDER

13
14 Please take notice that the attached Order was entered on October 24, 2016.

15 Dated this 25 day of October, 2016



17 LAW OFFICES OF F. PETER JAMES
18 F. Peter James, Esq.
19 Nevada Bar No. 10091
20 3821 W. Charleston Blvd., Suite 250
21 Las Vegas, Nevada 89102
22 702-256-0087
23 Counsel for Defendant
24

1 CERTIFICATE OF SERVICE

2 I certify that on this 7th day of October, 2016, I caused the above and foregoing
3 document entitled **NOTICE OF ENTRY OF ORDER** to be served as follows:

4 ☒ pursuant to EDCR 8.05(A), EDCR 8.05(F), NRCP 5(b)(2)(D) and
5 Administrative Order 14-2 captioned "In the Administrative Matter of
6 Mandatory Electronic Service in the Eighth Judicial District Court," by
7 mandatory electronic service through the Eighth Judicial District Court's
8 electronic filing system;

9 ☐ by placing same to be deposited for mailing in the United States Mail, in a
10 sealed envelope upon which first class postage was prepaid in Las Vegas,
11 Nevada;

12 ☐ pursuant to EDCR 7.26 / NEFCR 9, to be sent via facsimile / email;
13 to the attorney(s) / party(ies) listed below at the address(es), email address(es), and/or facsimile
14 number(s) indicated below:

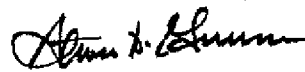
15 Bruce I. Shapiro, Esq.
16 8925 South Pecos Road, Suite 14A
17 Henderson, Nevada 89074
18 Email@pecoslawgroup.com
19 702-388-1851
20 Counsel for Plaintiff

21 By: 

22 An employee of the Law Offices of F. Peter James, Esq., PLLC
23
24

ORIGINAL

Electronically Filed
10/24/2016 03:01:59 PM



CLERK OF THE COURT

ORDR

LAW OFFICES OF F. PETER JAMES, ESQ.

F. Peter James, Esq.

Nevada Bar No. 10091

Peter@PeterJamesLaw.com

3821 West Charleston Boulevard, Suite 250

Las Vegas, Nevada 89102

702-256-0087

702-256-0145 (fax)

Counsel for Defendant

**DISTRICT COURT, FAMILY DIVISION
CLARK COUNTY, NEVADA**

MATTHEW F. ARCELLA,

Plaintiff,

vs.

MELISSA A. ARCELLA,

Defendant.

CASE NO. : D-09-418160-Z

DEPT. NO. : T

ORDER

Hearing Date: September 13, 2016

Hearing Time: 10:00 a.m.

This matter came before the Court on the 13th day of September, 2016 on Plaintiff's Motion for Rehearing and upon Defendant's Opposition and Countermotion. Bruce I. Shapiro, Esq. appeared with Plaintiff, Matthew F. Arcella. F. Peter James, Esq. appeared with Defendant, Melissa A. Arcella. The Honorable Lisa Brown presided over the matter.

The Court heard argument and took the matter under advisement. A minute order issued.

The Court, having read the papers and pleadings on file herein, having heard argument, being well advised in the premises, and for sufficient cause shown, hereby finds and orders as follows:

RECEIVED

OCT 14 2016

**FAMILY COURT
DEPARTMENT T**

1 **IT IS HEREBY ORDERED** that Plaintiff's request for a rehearing is DENIED.
2 Plaintiff had requested a rehearing on this Court's Order that the minor child, Rachel Arcella,
3 attend Bob Miller Middle School based on this Court's purported misapprehensions of facts
4 and law. Plaintiff neither presented substantially different evidence that would warrant
5 reconsideration, nor was the decision clearly erroneous. Plaintiff offered more private schools
6 for consideration during the Motion hearing. These newly-offered schools were not included
7 in the original Motion; therefore, this Court cannot rule on this issue.

8 **IT IS FURTHER ORDERED** that Defendant's requests for week on / week off
9 visitation and for an Order to Show Cause are hereby DENIED. Defendant's initial Opposition
10 and Countermotion requested these the same. These requests were inadvertently omitted from
11 the original minute order.

12 **IT IS FURTHER ORDERED** that Defendant shall file a Memorandum of Fees and
13 Costs for the Court to consider in an award of attorney's fees and costs. Defendant was the
14 prevailing party. Plaintiff shall have 10 days after receipt or service to file an Opposition to
15 said Memorandum. The Court will issue a minute order regarding the same.

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24


1 **IT IS FURTHER ORDERED** that Mr. James shall prepare an order in accordance
2 with this minute order.

3 **IT IS SO ORDERED.**

4 Dated this 19 day of October, 2016

5
6 
DISTRICT COURT JUDGE
LISA M. BROWN 

7 Respectfully submitted by:

8 
9 LAW OFFICES OF F. PETER JAMES
F. Peter James, Esq.
10 Nevada Bar No. 10091
3821 W. Charleston Blvd., Suite 250
11 Las Vegas, Nevada 89102
702-256-0087
12 Counsel for Defendant
13
14
15
16
17
18
19
20
21
22
23
24

Heather Olson

From: no-reply@tylerhost.net
Sent: Wednesday, October 26, 2016 9:27 AM
To: email
Subject: Service Notification of Filing Case(In the Matter of the Joint Petition for Divorce of: Matthew F Arcella and Melissa Ann Arcella, Petitioners.) Document Code:(NEOJ) Filing Type:(EFS) Repository ID(8730244)

This is a service filing for Case No. D-09-418160-Z, In the Matter of the Joint Petition for Divorce of: Matthew F Arcella and Melissa Ann Arcella, Petitioners.

This message was automatically generated; do not reply to this email. Should you have any problems viewing or printing this document, please call (800)297-5377.

Submitted: 10/26/2016 08:08:01 AM

Case title: In the Matter of the Joint Petition for Divorce of: Matthew F Arcella and Melissa Ann Arcella, Petitioners.
Document title: Notice of Entry of Order
Document code: NEOJ Filing Type: EFS
Repository ID: 8730244
Number of pages: 5
Filed By: Law Offices of F. Peter James

To download the document, click on the following link shown below or copy and paste it into your browser's address bar.
<https://wiznet.wiznet.com/clarknv/SDSubmit.do?code=a76f6bd39c4de5da8c2b5d2a925bd08a538683b5934b80ed1fa75f169efd64e2ddc6a3bd7b83bef66f583a4325384844>

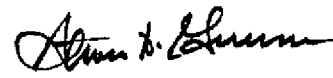
This link will be active until 11/05/2016 08:08:01 AM.

Service List Recipients:
Law Offices of F. Peter James, Esq., PLLC
Beth Meyer
Colleen O'Brien
Peter James

Pecos Law Group
Pecos Law Group

Non Consolidated Cases
EFO \$3.50EFS \$5.50
SO \$3.50

A76F6BD39C4DE5DA8C2B5D2A925BD08A538683B5934B80ED1FA75F169EFD64E2DDC6A3BD7B83BEF6D542A76E6138F57A40FE1A2CE2D7C51E


CLERK OF THE COURT

1 **NEOJ**
2 LAW OFFICES OF F. PETER JAMES, ESQ.
3 F. Peter James, Esq.
4 Nevada Bar No. 10091
5 Peter@PeterJamesLaw.com
6 3821 West Charleston Boulevard, Suite 250
7 Las Vegas, Nevada 89102
8 702-256-0087
9 702-256-0145 (fax)
10 Counsel for Defendant

**DISTRICT COURT, FAMILY DIVISION
CLARK COUNTY, NEVADA**

8 MATTHEW F. ARCELLA,

9 Plaintiff,

10 vs.

11 MELISSA A. ARCELLA,

12 Defendant.

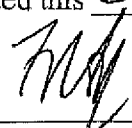
CASE NO. : D-09-418160-Z

DEPT. NO. : T

NOTICE OF ENTRY OF ORDER

13
14 Please take notice that the attached Order Awarding Attorney's Fees was entered on
15 November 1, 2016.

16 Dated this 2 day of November, 2016

17 
18 LAW OFFICES OF F. PETER JAMES
19 F. Peter James, Esq.
20 Nevada Bar No. 10091
21 3821 W. Charleston Blvd., Suite 250
22 Las Vegas, Nevada 89102
23 702-256-0087
24 Counsel for Defendant

1 **CERTIFICATE OF SERVICE**

2 I certify that on this 2 day of November, 2016, I caused the above and foregoing
3 document entitled **NOTICE OF ENTRY OF ORDER** to be served as follows:

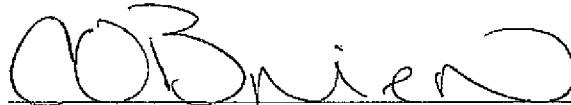
4 ☒ pursuant to EDCR 8.05(A), EDCR 8.05(F), NRCP 5(b)(2)(D) and
5 Administrative Order 14-2 captioned "In the Administrative Matter of
6 Mandatory Electronic Service in the Eighth Judicial District Court," by
7 mandatory electronic service through the Eighth Judicial District Court's
8 electronic filing system;

9 ☐ by placing same to be deposited for mailing in the United States Mail, in a
10 sealed envelope upon which first class postage was prepaid in Las Vegas,
11 Nevada;

12 ☐ pursuant to EDCR 7.26 / NEFCR 9, to be sent via facsimile / email;
13 to the attorney(s) / party(ies) listed below at the address(es), email address(es), and/or facsimile
14 number(s) indicated below:

15 Bruce I. Shapiro, Esq.
16 8925 South Pecos Road, Suite 14A
17 Henderson, Nevada 89074
18 Email@pecoslawgroup.com
19 702-388-1851
20 Counsel for Plaintiff

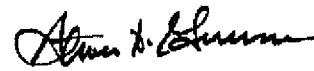
21 By:

22 

23 An employee of the Law Offices of F. Peter James, Esq., PLLC
24

ORIGINAL

Electronically Filed
11/01/2016 10:05:08 AM



CLERK OF THE COURT

1 **ORDG**

2 LAW OFFICES OF F. PETER JAMES, ESQ.

3 F. Peter James, Esq.

4 Nevada Bar No. 10091

5 Peter@PeterJamesLaw.com

6 3821 West Charleston Boulevard, Suite 250

7 Las Vegas, Nevada 89102

8 702-256-0087

9 702-256-0145 (fax)

10 Counsel for Defendant

11 **DISTRICT COURT, FAMILY DIVISION**
12 **CLARK COUNTY, NEVADA**

13 **MATTHEW F. ARCELLA,**

14 **Plaintiff,**

15 **vs.**

16 **MELISSA A. ARCELLA,**

17 **Defendant.**

CASE NO. : D-09-418160-Z

DEPT. NO. : T

**ORDER AWARDING ATTORNEY'S
FEES**

18 A minute order was entered on October 20, 2016 regarding Defendant's request for
19 attorney's fees stemming from a Motion for Rehearing filed by Plaintiff. A copy of said
20 Minute Order is attached hereto. The matter was heard on September 13, 2016. A minute
21 order regarding the substantive issues was filed on October 7, 2016. Said minute order directed
22 Defendant to file a Memorandum of Fees and Costs and for Plaintiff to file a brief in opposition
23 of the same. Defendant filed his Memorandum of Fees and Costs on October 13, 2016.
Plaintiff filed his brief opposing the same on October 18, 2016.

The Court, having read the papers and pleadings on file herein, being well advised in
the premises, and for sufficient cause shown, hereby finds and orders as follows:

Non-Trial Dispositions:

- | | |
|--|--|
| <input type="checkbox"/> Other | <input type="checkbox"/> Settled/Withdrawn: |
| <input type="checkbox"/> Dismissed - Want of Prosecution | <input type="checkbox"/> Without Judicial Conf/Hrg |
| <input type="checkbox"/> Involuntary (Statutory) Dismissal | <input checked="" type="checkbox"/> With Judicial Conf/Hrg |
| <input type="checkbox"/> Default Judgment | <input type="checkbox"/> By ADR |
| <input type="checkbox"/> Transferred | |
- Trial Dispositions:
- | | |
|---|--|
| <input type="checkbox"/> Disposed After Trial Start | <input type="checkbox"/> Judgment Reached by Trial |
|---|--|

1 **THE COURT HEREBY FINDS** that an award of attorney's fees from Plaintiff to
2 Defendant in the amount of \$2,000.00 is fair and reasonable. The Court analyzed the *Brunzell*
3 / *Wilfong* factors in determining the award of fees. As to the qualities of the advocate, Mr.
4 James' legal acumen warrants an hourly rate of \$350.00 per hour. The character of the work
5 performed was taken into account, as was the work performed by counsel himself. The billing
6 statements detail what work Mr. James performed and what work a paralegal performed, which
7 was done at a lower rate. The Court also reviewed the Financial Disclosure Form filed by
8 Defendant on July 19, 2016 and took note that Plaintiff has not filed a Financial Disclosure
9 Form. The result also weighed in as to the amount awarded. Mr. James requested \$3,049.28
10 in fees and costs. (See Memorandum of Fees and Costs filed October 13, 2016). The award
11 is for \$2,000.00, which the Court deems fair and reasonable. The Court had previously found
12 that Defendant was the prevailing party.


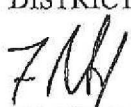
13 Therefor,

14 **IT IS HEREBY ORDERED** that Plaintiff shall pay Defendant attorney's fees in the
15 amount of \$2,000.00.

16 **IT IS SO ORDERED.**

17 Dated this 25 day of October, 2016

20 Respectfully submitted by:

18
19 
DISTRICT COURT JUDGE
LISA M. BROWN 24
21 
LAW OFFICES OF F. PETER JAMES
F. Peter James, Esq.
Nevada Bar No. 10091
3821 W. Charleston Blvd., Suite 250
Las Vegas, Nevada 89102
Counsel for Defendant

Heather Olson

From: no-reply@tylerhost.net
Sent: Wednesday, November 02, 2016 11:51 AM
To: Email
Subject: Service Notification of Filing Case(In the Matter of the Joint Petition for Divorce of: Matthew F Arcella and Melissa Ann Arcella, Petitioners.) Document Code:(NEOJ) Filing Type:(EFS) Repository ID(8751246)

This is a service filing for Case No. D-09-418160-Z, In the Matter of the Joint Petition for Divorce of: Matthew F Arcella and Melissa Ann Arcella, Petitioners.

This message was automatically generated; do not reply to this email. Should you have any problems viewing or printing this document, please call (800)297-5377.

Submitted: 11/02/2016 08:08:28 AM

Case title: In the Matter of the Joint Petition for Divorce of: Matthew F Arcella and Melissa Ann Arcella, Petitioners.
Document title: Notice of Entry of Order
Document code: NEOJ Filing Type: EFS
Repository ID: 8751246
Number of pages: 4
Filed By: Law Offices of F. Peter James

To download the document, click on the following link shown below or copy and paste it into your browser's address bar.

<https://wiznet.wiznet.com/clarknv/SDSubmit.do?code=8337c89a93f15b378a250bf60ebc8eb01fb9cf592cd19530435fc50d1b530a866948df98ca6648daf96866176a3f9f03>

This link will be active until 11/12/2016 08:08:28 AM.

Service List Recipients:

Law Offices of F. Peter James, Esq., PLLC
Beth Meyer
Colleen O'Brien
Peter James

Pecos Law Group
Pecos Law Group

Non Consolidated Cases
EFO \$3.50EFS \$5.50
SO \$3.50

8337C89A93F15B378A250BF60EBC8EB01FB9CF592CD19530435FC50D1B530A866948DF98CA6648DABAF5F53FBA5C41
C9A6671E0048D102D2
mail.tylerhost.net