

CLERK OF THE COURT

1 **ASTA**
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

CASE APPEAL STATEMENT

18 **1. Name of the appellant filing this Case Appeal Statement:**

19 Melissa Arcella, the Defendant in the district court

20 **2. Identify the judge issuing the decision, judgment, or order appealed from:**

21 Hon. Lisa Brown, District Court Judge (Family Division), Department T

22 **3. Identify each appellant and the name and address of counsel for each appellant:**

23 Melissa Arcella, Respondent/ Cross-Appellant

24 F. Peter James, Esq.
Law Offices of F. Peter James, Esq.
3821 West Charleston Boulevard, Suite 250
Las Vegas, Nevada 89102
702-256-0087
702-256-0145 (fax)
Counsel for Respondent / Cross-Appellant

1 **4. Identify each respondent and the name and address of appellate counsel, if known,**
2 **for each respondent (if the name of a respondent's appellate counsel is unknown,**
3 **indicate as much and provide the name and address of that respondent's trial**
4 **counsel):**

5 Appellant / Cross-Respondent, Matthew Arcella

6 Bruce I Shapiro, Esq.
7 8925 South Pecos Road, Suite 14A
8 Henderson, Nevada 89074
9 702-388-1851
702-388-7406 (fax)
Counsel for Cross-Respondent / Appellant

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

14 All counsel referenced above are licensed to practice law in the State of Nevada.

15 **6. Indicate whether appellant is represented by appointed or retained counsel in the**
16 **district court:**

17 Cross-Appellant was represented by retained counsel in the district court.

18 **7. Indicate whether appellant is represented by appointed or retained counsel on**
19 **appeal:**

20 Cross-Appellant is represented by retained counsel on appeal.

21 **8. Indicate whether appellant was granted leave to proceed in forma pauperis and**
22 **the date of entry of the district court order granting such leave:**

23 Cross-Appellant was never granted leave to proceed in forma pauperis.

1 **9. Indicate the date the proceedings commenced in the district court:**

2 The Joint Petition for Summary Decree of Divorce was filed on September 14, 2009.

3 The Motion that re-opened the case was filed on June 21, 2016.

4 **10. Provide a brief description of the action and result in the district court, including**
5 **the type of judgment or order being appealed and the relief granted by the district**
6 **court:**

7 Appellant / Cross-Respondent (Dad) re-opened the divorce case by moving the lower
8 court to have the oldest child (and the youngest when he is of age) to attend a religious
9 private middle school. Cross-Appellant / Respondent (Mom) opposed the motion and
10 moved for attorney's fees and collateral relief (which is not at issue on appeal).

11 The lower court denied all requests on both sides. Dad moved for a rehearing. The
12 Court denied the rehearing and awarded Mom \$2,000 in attorney's fees.

13 Dad's appeal followed. Mom's appeal followed that,

14 **11. Indicate whether the case has previously been the subject of an appeal to or**
15 **original writ proceeding in the Supreme Court and, if so, the caption and Supreme**
16 **Court docket number of the prior proceeding:**

17 The present matter is on appeal in Case No. 71503

18 **12. Please state whether the appeal involves child custody or visitation:**

19 This appeal involves where the child attends school and attorney's fees. Neither
20 custody nor visitation are at issue.

21 ///


22 ///

23 ///

1 **13. Please state whether the appeal involves the possibility of settlement:**

2 Settlement is unlikely, but worth trying.

3 Dated this 21 day of November, 2016

4 
5 LAW OFFICES OF F. PETER JAMES
6 F. Peter James, Esq.
7 Nevada Bar No. 10091
8 3821 W. Charleston Blvd., Suite 250
9 Las Vegas, Nevada 89102
10 702-256-0087
11 Counsel for Defendant
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1 **CERTIFICATE OF SERVICE**

2 I certify that on this 21 day of November, 2016, I caused the above and foregoing
3 document entitled **CASE APPEAL STATEMENT** 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

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2
3 MATTHEW F. ARCELLA,

4 Appellant / Cross-Respondent,

5 vs.

6 MELISSA ARCELLA,

7 Respondent / Cross- Appellant.

No.: 71503

Electronically Filed
Nov 30 2016 01:25 p.m.

Elizabeth A. Brown
Clerk of Supreme Court

**NOTICE OF FILING OF CASE
APPEAL STATEMENT**

8 Please take notice that the Case Appeal Statement was filed in the lower
9 court on November 21, 2016. A copy of the same is attached hereto.

10 Dated this 29th day of November, 2016

11 */s/ F. Peter James*

12
13 LAW OFFICES OF F. PETER JAMES

F. Peter James, Esq.

Nevada Bar No. 10091

14 3821 W. Charleston Blvd., Suite 250

Las Vegas, Nevada 89102

15 702-256-0087

Counsel for Respondent / Cross-Appellant

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Pecos Law Group
Bruce I. Shapiro, Esq.

Hon. Robert E. Gaston, Ret.
3620 North Rancho Drive, Suite 115
Las Vegas, Nevada 89130
702-395-7890
702-395-8217 (fax)
Settlement Judge

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