

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  
Jan 20 2017 09:36 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**RESPONDENT'S / CROSS  
APPELLANT'S APPENDIX**

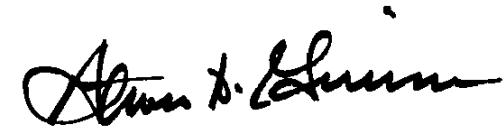
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9 **CHRONOLOGICAL LISTING**

10 Motion for Suit Fees for Appeal .....1  
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12 **ALPHABETICAL LISTING**

13 Motion for Suit Fees for Appeal .....1  
14 Notice of Appeal .....43



CLERK OF THE COURT

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

6  
7 **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

**MOTION FOR SUIT FEES FOR APPEAL**

Hearing Date: 12/15/2016

Hearing Time: 9:00am

13  
14 COMES NOW Defendant, Melissa Arcella, by and through her counsel, F. Peter James,  
15 Esq., who hereby moves this Honorable Court for suit fees to litigate the appeal from the order  
16 denying Plaintiff's request for the children to attend private school.

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1 This Motion is made and based on the papers and pleadings on file herein, the attached  
2 points and authorities, the attached affidavit(s) / declaration(s), the attached exhibit(s), and  
3 upon any oral argument the Court will entertain.


4 Dated this 3 day of November, 2016

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

10 **NOTICE OF MOTION**

11 Please take notice that the present Motion shall be heard on the 15<sup>th</sup> day of  
12 December, 2016 at the hour of 9:00 am .m. in Department T of the Eighth  
13 Judicial District Court, Family Division, located at 601 North Pecos Road; Las Vegas, Nevada  
14 89101 in courtroom 5.

15 Dated this 3 day of November, 2016

16   
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

21 ///

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1 **POINTS AND AUTHORITIES**

2 **I.**

3 **BACKGROUND**

4 Defendant, Melissa Arcella (hereinafter “Mom”), and Plaintiff, Matthew Arcella  
5 (hereinafter “Dad”), have two children together, to wit: Rachel Arcella (born May 18, 2005)  
6 (age 11) and Wade Arcella (born January 20, 2007) (age 9 ½) (hereinafter collectively “the  
7 children”). The parties have joint legal and joint physical custody of the children. (See Decree  
8 of Divorce filed September 23, 2009 at 2:10-12).

9 Dad had recently filed a motion requesting that the Court permit Rachel (and ostensibly  
10 Wade when he is in middle school) to attend Faith Lutheran Middle School, a private religious  
11 school. (See Mot. filed June 21, 2016). Mom opposed the Motion and countermoved for  
12 attorney’s fees and tangential relief. (See Opp’n filed July 19, 2016). Mom’s gross monthly  
13 income is \$12,100.00. (See Financial Disclosure Form filed November 1, 2016). Dad never  
14 filed a Financial Disclosure Form, though he is apparently very well off as he is willing to pay  
15 for two children to attend private school. Yearly per-student tuition at Faith Lutheran costs  
16 \$11,500 per academic year—costs, books, uniforms, and other fees are on top of that.<sup>1</sup> (See  
17 Faith Lutheran Middle School & High School Tuition & Financial Aid website printout,  
18 attached hereto as Ex. A).

19  
20  
21 <sup>1</sup> Dad later stated he would pay for Alexander Dawson School or for The Meadows School for  
22 the children. Alexander Dawson costs \$23,000 per child per academic year, plus other costs, books,  
23 and uniforms. (See Alexander Dawson School Tuition & Fees website printout, attached hereto as Ex.  
24 B). The Meadows School costs \$20,940 per child per academic year, plus other costs, books, and  
uniforms. (See Meadows School Tuition website printout, attached hereto as Ex. C). So, Dad has  
disposable income of at least \$46,000.00 per year to afford to send the children to private school.

1 After taking the matter under advisement, the Court denied Dad's request for the  
2 children to attend a religious private school and ordered that each party pay his / her own fees  
3 and costs. (See Order filed September 21, 2016).

4 Dad filed for rehearing of the decision. (See Mot. filed August 12, 2016). Mom  
5 opposed and again requested attorney's fees. (See Opp'n filed August 30, 2016). Mom  
6 requested \$3,049.28 in fees and costs just related to the rehearing. (See Memorandum of Fees  
7 and Costs filed October 13, 2016). The Court again denied Dad's requests, but this time it  
8 awarded Mom \$2,000 in attorney's fees for having to defend against the motion for rehearing.  
9 (See Order filed October 24, 2016; see also Minute Order issued October 20, 2016, attached  
10 hereto as Ex. D).<sup>2</sup> Dad still did not file a Financial Disclosure Form.

11 Dad has now appealed the Court's decision. (See Notice of Appeal filed October 10,  
12 2016). This leaves Mom having to spend even more money to defend against Dad's relentless  
13 pursuit of private school for the children.

## 14 II.

### 15 DISCUSSION

16 The Court should award Mom suit money to litigate the appeal Dad filed. Long-  
17 standing Nevada law supports this, as does a very recent published decision directly on point.

18 In custody matters, Nevada has a strong public policy regarding parties with money  
19 bullying the opposing party with significantly less money. See e.g. *Sargeant v. Sargeant*, 88  
20 Nev. 223, 494 P.2d 618 (1972) (where an income disparity exists, necessitous circumstances  
21 need not be shown, and suit money should be awarded so the party with less wealth does not  
22

23 \_\_\_\_\_  
24 <sup>2</sup> The official Order for this is pending with the Court.

1 have to destroy her financial position to litigate and so that the parties will be on equal footing  
2 in court); *see also Leeming v. Leeming*, 87 Nev. 530, 532, 490 P.2d 342, 343 (1971) (district  
3 courts are empowered to award suit money to litigate post-decree issues involving children  
4 when there is a disparity in income). So, going back over forty years, Nevada's public policy  
5 is to award suit money in a matter involving children when there is an income disparity.

6 Most recently, Nevada further spoke about this policy. Nevada has clarified the policy  
7 to award suit money *pendite lite* to include litigating an appeal involving children. *See Griffith*  
8 *v. Gonzales-Alpizar*, 132 Nev. Adv. Op. No. 38, 373 P.3d 86 (2016). In *Griffith*, the Nevada  
9 Supreme Court reaffirmed Nevada's policy for parties in matters involving children to meet  
10 each other on equal footing as to ability to pay for attorney's fees for the litigation. *Id.* The  
11 *Griffith* Court awarded the respondent in the appeal \$15,000.00 to litigate the appeal. *Id.*

12 The Court should award Mom \$15,000.00 to litigate the appeal. Mom makes  
13 \$145,200.00 per year. (*See* Financial Disclosure Form filed November 1, 2016). Dad has  
14 never filed a Financial Disclosure Form in this entire case. (*See generally* Register of Actions).  
15 Still, we can ascertain Dad's disposable income. As stated, Dad has offered to pay for the  
16 children to attend Alexander Dawson School. Alexander Dawson School costs \$23,000.00 per  
17 year for each child. (*See* Ex. B). With two children, that is \$46,000.00 per year plus other fees  
18 and costs. So, Dad has disposable income of at least \$46,000.00 per year, which is over 30%  
19 of Mom's entire gross yearly income—if you go by net income, which is more analogous,  
20 Dad's disposable yearly income of at least \$46,000.00 is nearly equal to half of Mom's annual  
21 take home pay of \$98,023.44. (*See* Tax Calculation based on \$145,200.00 per year, attached  
22 hereto as Ex. E).

1 So, as Dad has annual disposable income essentially equal to half of Mom's annual  
2 take home pay, he can clearly financially bully her in court for years. There is a reason Dad is  
3 refusing to file a Financial Disclosure Form—it is to prevent the Court from knowing just how  
4 much income disparity there is between Dad and Mom. This is the precise scenario for which  
5 cases like *Sargeant*, *Leeming*, and *Griffith* were meant.

6 For this latest round of litigation, Dad has caused Mom to incur \$7,221.66 in attorney's  
7 fees and costs. (See billing report, attached hereto as Ex. F) (\$2,212.6 + \$2,511.60 + \$853.84  
8 + \$378.04 + \$1,265.58 = \$7,221.66). With the hearing on this motion, Mom's incurred fees  
9 and costs will further increase. With the appeal, which includes a Settlement Conference,  
10 extensive briefing, and possible oral argument, the attorney's fees on appeal will likely more  
11 than double the amount Mom incurred for the district court proceedings.

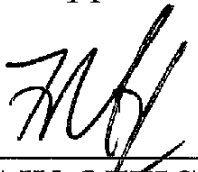
12 To even the playing field, the Court should award Mom \$15,000.00 to litigate the  
13 appeal—which is the amount the respondent in *Griffith* was awarded. This is in line with  
14 Nevada's clear public policy, as reaffirmed and extended in *Griffith*, which was filed earlier  
15 this year.

### 16 III.

### 17 CONCLUSION

18 Based on the foregoing and the documents filed (and not filed) herein, the Court should  
19 award Mom \$15,000.00 in suit fees to litigate the appeal.

20 Dated this 2 day of November, 2016

  
\_\_\_\_\_  
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

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**VERIFICATION**


I, Melissa Arcella, under penalties of perjury in accordance with the laws of the State of Nevada, declare and state:

1. That I am the Defendant in the above-entitled action; and
2. That I have read the document entitled: **MOTION FOR SUIT FEES FOR**

**APPEAL** and know the contents thereof; that the factual averments contained therein are true and correct to the best of my own knowledge, except for those matters therein stated upon information and belief, and as to those matters, I believe them to be true. I am competent and willing to testify in a court of law as to the facts stated in said document. Those factual averments contained in said document are incorporated herein as if set forth in full.

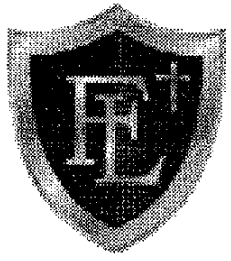
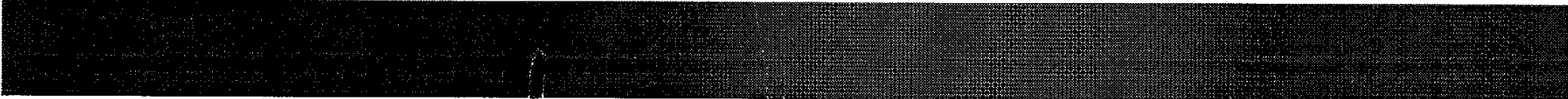
I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Dated this 02 day of November, 2016

  
\_\_\_\_\_  
MELISSA ARCELLA

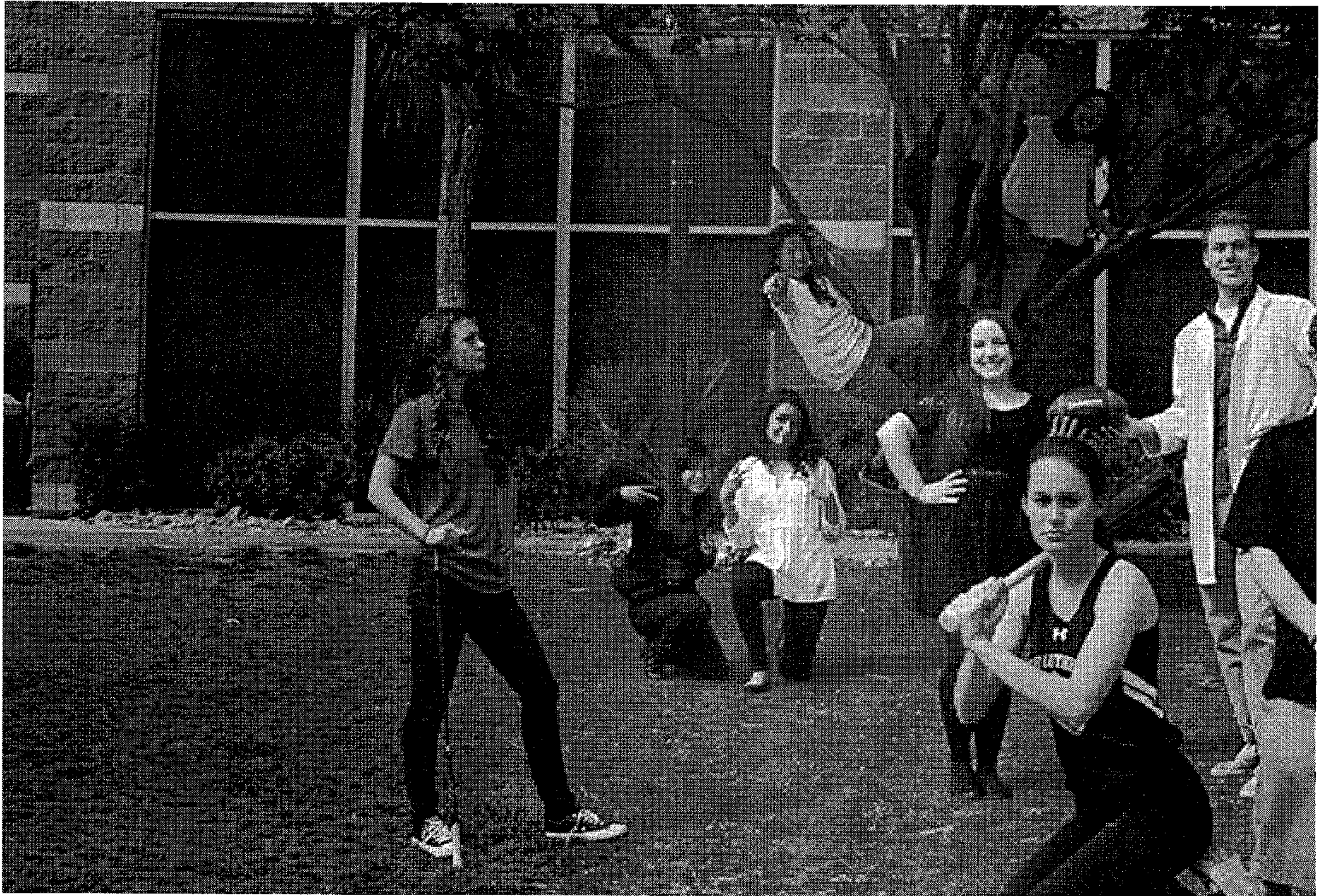


# EXHIBIT A



# FAITH LUTHERAN

MIDDLE SCHOOL & HIGH SCHOOL



# TUITION & FINANCIAL AID

## **TUITION & FEES**

Tuition for the 2016-2017 Year : \$11,500

**Textbooks and Uniforms** are purchased directly by each family according to the student's individual needs/schedule.

**Additional tuition/fees** are paid by international students and students who are part of the Mark 10:14 and resource programs. Please contact the school for more information about these programs.

## **FEES FOR 2016-2017 ADMISSIONS?**

**Application and Testing Fee (non-refundable) : \$ 50**

Due at time of application.

**Registration Fee (non-refundable) : \$500\***

Due within 30 days of acceptance before April 1st and within 14 days of acceptance after April 1st (1)

\*Apply prior to January 31st : \$100 registration fee discount

\*Apply prior to March 31st : \$50 registration fee discount

*If the registration fee is not paid within 30 days/14 days of acceptance (as applicable), the student's offer of admission will be rescinded and given to a student in the waiting pool.*

**Activity Fee Deposit (non-refundable) : \$500**

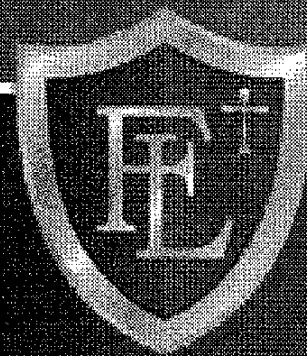
Due April 1st for all students (or within 14 days of acceptance, whichever is later).

## FINANCIAL ASSISTANCE

FINANCIAL AID APPLICATION

FINANCIAL POLICIES

Applications for financial aid are submitted annually online after January 1st for the following school year. Access the online application for financial assistance. **The application deadline is April 1st.** Applications completed with supporting documentation after April 1st are subject to funds available. If you do not qualify, you will be notified by mail within 30 days of the completed application. Applicants who qualify for assistance are notified by mail of the amount of financial assistance granted by May 15th. Volunteer hours are required for those who qualify for assistance. Financial aid is distributed according to the family chosen payment plan. It is not granted in a lump sum. Financial aid is a separate application process and the failure to be awarded financial aid is NOT grounds for reimbursement of any fees.



### CONTACT US

**Faith Lutheran Middle School & High School**  
**2015 South Hualapai**  
**Las Vegas, NV 89117**

**702.804.4400 Phone**

702.804.4488 Fax

## FAITH FAMILIES

### CRUSADER CONNECT

Request My Transcript

Hotline

Daily Announcements

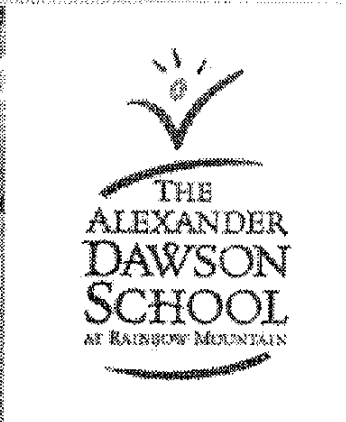
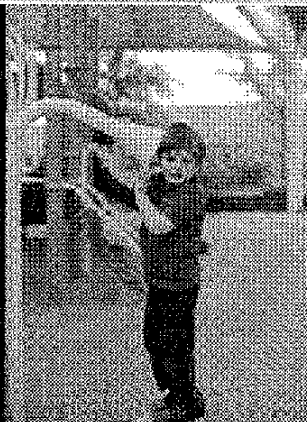
## FACULTY LINKS

Staff Access

Moodle

GO

# EXHIBIT B



TUITION & FEES

# TUITION & FEES

## THE ALEXANDER DAWSON SCHOOL AT RAINBOW MOUNTAIN LAS VEGAS, NEVADA

Our tuition and fees for the 2016-2017 school year are listed below for Early Childhood's half and full day programs, kindergarten, Lower School (grades 1-4) and Middle School (grades 5-8). The tuition includes classroom supplies, books, activities and lunch. Lunch is not included in half-day Early Childhood tuition. Additional lab and technology fees are outlined below based on grade level. Payment plans and financial aid is available to those that apply and are eligible.

### 2016-17 TUITION & FEES

Early Childhood, Half Day	\$11,800
Early Childhood, Full Day	\$15,700
Kindergarten	\$22,300
First	\$22,300
Second	\$22,300
Third	\$22,300
Fourth	\$22,300
Fifth	\$23,000
Sixth	\$23,000
Seventh	\$23,000
Eighth	\$23,000

\* Tuition includes lunch, activities, books, and basic classroom supplies (lunch is not included for half-day Early Childhood students). There is an additional technology and lab fee for all grades that is not included in the cost of tuition:

**ECEC:**

Tech/Lab Fee - \$200

**Kindergarten-Grade 4:**

Tech/Lab Fee - \$400

**Grade 5:**

Tech/Lab Fee - \$400

**Grade 6-8:**

Tech/Lab Fee - \$475

**INQUIRE NOW**

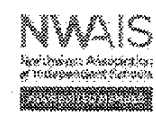
**ALEXANDER DAWSON © 2016**

10845 West Desert Inn Road | Las Vegas, NV 89135

Phone: 702.949.3600 | Fax: 702.838.1818

[Disclaimer](#)





Located in Las Vegas, Nevada, the Alexander Dawson School at Rainbow Mountain is a non-sectarian, non-profit school offering preschool through eighth grade. Students are challenged with a careful blend of core academics, world languages, fine arts, and athletics. Together, these disciplines prepare children for a thriving future.

[SITEMAP](#) 

# EXHIBIT C

# Tuition

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The Meadows School takes pride in being a community of economically diverse students and families with a commitment to education. Tuition dollars go back into the classroom to provide the best learning environment possible for our students.

## 2016 - 17 Tuition & Fees:

- Beginning School Tuition: \$9,735 half-day/\$16,000 full-day
- Lower School Tuition and Fees: \$19,040
- Middle School Tuition and Fees: \$20,940
- Upper School Tuition and Fees: \$24,805

A non-refundable deposit is required upon enrollment

## Payment Options for 2016 - 17:

At The Meadows, our philosophy is that of financial partnership with our families in the journey from enrollment to graduation. We want to work with our families to the greatest extent possible to make a Meadows education affordable and manageable, within the context of the financial realities of providing our students with truly excellent faculty and facilities. To that end, we offer several payment plan options for the 2016 - 17 academic year:

- A one-time, full payment plan, due July 15th (Tuition insurance is available.)
- A two-time 70/30 payment plan, due July 15th (70%) and February 1st (30%)
- A ten-time monthly payment plan, due beginning July 15th (Electronic withdrawal enrollment is required.)

**Note:** Tuition and fees for the 2017 - 2018 academic year will be announced by the Board of Trustees after January 1st.

# EXHIBIT D

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Joint Petition**

**COURT MINUTES**

October 20, 2016

D-09-418160-Z

In the Matter of the Joint Petition for Divorce of:  
Matthew F Arcella and Melissa Ann Arcella, Petitioners.

**October 20, 2016**

**3:05 PM**

**Minute Order**

**HEARD BY:** Brown, Lisa

**COURTROOM:** Courtroom 05

**COURT CLERK:** Hilary Moffett

**PARTIES:**

Matthew Arcella, Petitioner, not present  
Melissa Arcella, Petitioner, not present  
Rachel Arcella, Subject Minor, not present  
Wade Arcella, Subject Minor, not present

Bruce Shapiro, Attorney, not present  
F James, Attorney, not present

**JOURNAL ENTRIES**

**MINUTE ORDER - NO HEARING HELD**

On October 13, 2016, the Defendant filed her Memorandum of Fees and Costs requesting \$3,049.28 in total fees and costs. The Plaintiff filed an Opposition to Memorandum of Fees and Costs on October 18, 2016. The Opposition states that attorney's fees should not be awarded because the Defendant was not prevailing party and each party prevailed on one issue. On October 7, 2016 via a minute order, this Court already found that the Defendant was the prevailing party in this matter. Accordingly, this Court AWARDS the Defendant \$2,000 in attorney's fees to be paid by the Plaintiff. Counsel for the Defendant shall prepare an Order in accordance with this minute order.

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

PRINT DATE:	10/20/2016	Page 1 of 1	Minutes Date:	October 20, 2016
-------------	------------	-------------	---------------	------------------

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

# EXHIBIT E

### Salary Paycheck Calculator

#### Your Pay Check Results

#### Calculation Based On

<b>Monthly Gross Pay</b>	\$12,100.00	<b>Tax Year</b>	2016
<b>Federal Withholding</b>	\$2,660.73	<b>Gross Pay</b>	\$12,100.00
<b>Social Security</b>	\$595.20	<b>Gross Pay YTD</b>	\$108,900.00
<b>Medicare</b>	\$175.45	<b>Pay Frequency</b>	Monthly
<b>Nevada</b>	\$0.00	<b>Federal Filing Status</b>	Single
	\$500.00	<b># of Federal Exemptions</b>	1
		<b>Additional Federal W/H</b>	\$0.00
<b>Net Pay</b>	\$8,168.62	<b>State</b>	Nevada
		<b>Additional State W/H</b>	\$0.00
			\$500.00

New Calculation

Print Options

## Intuit Online Payroll



Calculator ©1999-2016 Symmetry Software. Powered by PaycheckCity.

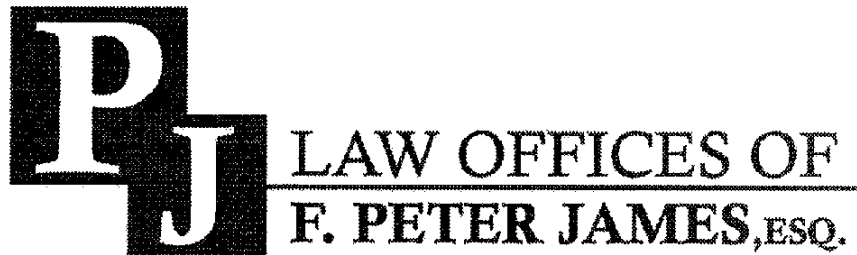
**Important Information** The calculator that is provided on this web site is only meant to provide general guidance and estimates about the payroll process. It should not be relied upon to calculate exact taxes, payroll or other financial data. It may not match your Intuit Online Payroll results precisely and is not intended to provide tax or legal advice. You should consult with a professional advisor or accountant concerning your specific concerns.







# EXHIBIT F



# INVOICE

Invoice # 627  
Date: 08/03/2016  
Due Upon Receipt

3821 West Charleston Boulevard, Suite 250  
Las Vegas, Nevada 89102  
Phone: 702-256-0087  
Fax: 702-256-0145  
Email: Peter@PeterJamesLaw.com

Melissa Arcella  
90 Sea Holly Way  
Henderson, Nevada 89074

## 00180-Arcella

### Arcella adv. Arcella

#### Services

Type	Attorney	Date	Quantity	Rate	Total
Service	FPJ	06/27/2016	0.10	\$350.00	\$35.00
Draft : Draft Notice of Appearance of Counsel					
Service	CO	06/27/2016	0.10	\$100.00	\$10.00
E-File : Format and finalize Notice of Appearance for e-filing, including e-filing the same					
Service	FPJ	07/18/2016	5.70	\$350.00	\$1,995.00
Draft : Draft Opposition to Motion [Regarding Faith Lutheran], including review of motion, identifying issues, researching relevant law, and review of notes from client in preparation of the same					
Service	BM	07/19/2016	0.10	\$160.00	\$16.00
Draft : Draft client revisions to Opposition					
Service	BM	07/19/2016	0.10	\$160.00	\$16.00
Review : Review FDF and prepare paystubs					
Service	BM	07/19/2016	0.10	\$100.00	\$10.00
E-File : Format and finalize General Financial Disclosure Form for e-filing, including e-filing the same					
Service	BM	07/19/2016	0.10	\$100.00	\$10.00

E-File : Format and finalize Opposition to Motion for an Order Directing that Rachel Attend Faith Lutheran School and for Attorney's Fees; Countermotion for e-filing, including e-filing the same

**Services Subtotal \$2,092.00**

**Expenses**

Type	Date	Quantity	Rate	Total
Expense	06/27/2016	1.00	\$3.50	\$3.50
Reimbursable expense : E-filing fee for Notice of Appearance				
Expense	07/19/2016	1.00	\$3.50	\$3.50
Reimbursable expense : E-filing fee for General Financial Disclosure Form				
Expense	07/19/2016	1.00	\$3.50	\$3.50
Reimbursable expense : E-filing fee for Opposition to Motion for an Order Directing that Rachel Attend Faith Lutheran School and for Attorney's Fees; Countermotion				
Expense	07/19/2016	1.00	\$25.00	\$25.00
Reimbursable expense : Court Fee for Opposition to Motion for an Order Directing that Rachel Attend Faith Lutheran School and for Attorney's Fees; Countermotion				
<b>Expenses Subtotal</b>				<b>\$35.50</b>

**Subtotal \$2,127.50**

**In-House Cost Charge (copies, faxes, postage, etc.) (4.0%) \$85.10**

**Total \$2,212.60**

**Payment (08/03/2016) -\$2,212.60**

**Balance Owing \$0.00**

**Statement of Account**

Outstanding Balance	New Charges	Amount in Trust	Payments Received	<b>Total Credit</b>
( \$0.00	+ \$2,212.60	)- ( \$787.40	+ \$2,212.60	)= <b>\$787.40</b>

**Detailed Statement of Account**

**Current Invoice**

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
627	08/03/2016	\$2,212.60	\$2,212.60	\$0.00

**IOLTA**

Date	Type	Description	Matter	Receipts	Payments	Balance
06/27/2016			00180-Arcella		\$3,000.00	\$3,000.00
08/03/2016		Payment for invoice #627	00180-Arcella	\$2,212.60		\$787.40
<b>IOLTA Balance</b>					<b>\$787.40</b>	

**Operating Account**

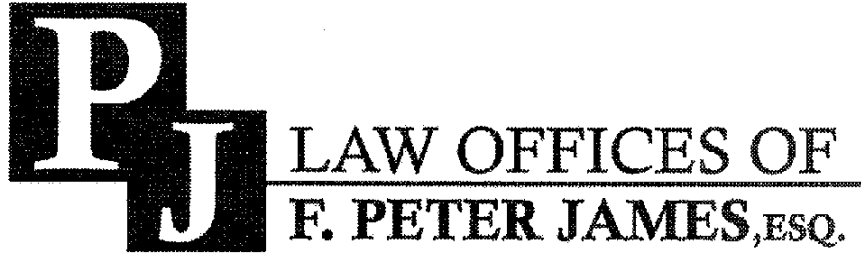
Date	Type	Description	Matter	Payments
08/03/2016		Payment for invoice #627	00180-Arcella	\$2,212.60
<b>Total Account Balance</b>				<b>\$787.40</b>

Please make all amounts payable to: Law Offices of F. Peter James, Esq., PLLC

Payment is due upon receipt.

You may remit credit card payments here: <https://secure.lawpay.com/pages/law-offices-of-f-peter-james-esq-llc/trust>

Should you have any questions regarding this matter, please do not hesitate to contact me. 2.0% compound annual interest will be charged every 30 days.



**INVOICE**

Invoice # 652  
Date: 08/30/2016  
Due Upon Receipt

3821 West Charleston Boulevard, Suite 250  
Las Vegas, Nevada 89102  
Phone: 702-256-0087  
Fax: 702-256-0145  
Email: Peter@PeterJamesLaw.com

Melissa Arcella  
90 Sea Holly Way  
Henderson, Nevada 89074

**00180-Arcella**

**Arcella adv. Arcella**

Type	Attorney	Date	Quantity	Rate	Total
Service	FPJ	08/04/2016	1.30	\$350.00	\$455.00
Court : Attend motion hearing, including preparation time, meeting with client prior to hearing to discuss case issues, a long argument, and meeting with client after hearing to discuss outcome (Court took matter under advisement) and to discuss options if there is an adverse ruling					
Service	FPJ	08/22/2016	0.40	\$350.00	\$140.00
Draft : Draft proposed Order from August 9, 2016 hearing, including review of hearing minutes in preparation of the same; Prepare correspondence to opposing counsel regarding forwarding the proposed Order for signature					
Service	FPJ	08/30/2016	5.20	\$350.00	\$1,820.00
Draft : Draft Opposition to Motion for Reconsideration / Countermotion, including reviewing cases cited by opposing side and researching relevant law					

**Subtotal \$2,415.00**

**In-House Cost Charge (copies, faxes, postage, etc.) (4.0%) \$96.60**

**Total \$2,511.60**

**Payment (08/30/2016) -\$787.40**

**Balance Owing \$1,724.20**

**Statement of Account**

Outstanding Balance	New Charges	Amount in Trust	Payments Received	<b>Total Amount Outstanding</b>
( \$0.00	+ \$2,511.60	)-( \$0.00	+ \$787.40	)= <b>\$1,724.20</b>

**Detailed Statement of Account**

**Current Invoice**

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
652	08/30/2016	\$2,511.60	\$787.40	\$1,724.20
<b>Outstanding Balance</b>				<b>\$1,724.20</b>
<b>Amount in Trust</b>				<b>\$0.00</b>
<b>Total Amount Outstanding</b>				<b>\$1,724.20</b>

**IOLTA**

Date	Type	Description	Matter	Receipts	Payments	Balance
06/27/2016			00180-Arcella		\$3,000.00	\$3,000.00
08/03/2016		Payment for invoice #627	00180-Arcella	\$2,212.60		\$787.40
08/30/2016		Payment for invoice #652	00180-Arcella	\$787.40		\$0.00
<b>IOLTA Balance</b>					<b>\$0.00</b>	

**Operating Account**

Date	Type	Description	Matter	Payments
08/03/2016		Payment for invoice #627	00180-Arcella	\$2,212.60
08/30/2016		Payment for invoice #652	00180-Arcella	\$787.40
<b>Total Account Balance</b>				<b>\$0.00</b>

Please make all amounts payable to: Law Offices of F. Peter James, Esq., PLLC

Payment is due upon receipt.

You may remit credit card payments here: <https://secure.lawpay.com/pages/law-offices-of-f-peter-james-esq-llc/trust>

Should you have any questions regarding this matter, please do not hesitate to contact me. 2.0% compound annual interest will be charged every 30 days.





**INVOICE**

Invoice # 714  
Date: 10/03/2016  
Due Upon Receipt

3821 West Charleston Boulevard, Suite 250  
Las Vegas, Nevada 89102  
Phone: 702-256-0087  
Fax: 702-256-0145  
Email: Peter@PeterJamesLaw.com

Melissa Arcella  
231 Spectacular Street  
Henderson, NV 89052

**00180-Arcella**

**Arcella adv. Arcella**

**Services**

Type	Attorney	Date	Quantity	Rate	Total
Service	CO	08/30/2016	0.10	\$100.00	\$10.00
E-File : Format and finalize Filing fee for Opposition to Motion for Rehearing of the Court's Order on School Enrollment Order [August 9, 2016]; Countermotion for e-filing, including e-filing the same					
Service	FPJ	09/13/2016	2.10	\$350.00	\$735.00
Court : Attend hearing on Motion for Reconsideration, including preparation time, meeting with client prior to hearing to discuss case issues, meeting with opposing counsel prior to hearing to discuss settlement, and meeting with client after hearing to discuss outcome (under advisement) and moving forward					
Service	CO	09/14/2016	0.10	\$160.00	\$16.00
Draft : Notice of Change of Address					
Service	CO	09/14/2016	0.10	\$100.00	\$10.00
E-File : Format and finalize Notice of Change of Address for e-filing, including e-filing the same					
Service	CO	09/21/2016	0.10	\$100.00	\$10.00
E-File : Format and finalize Order from the August 4, 2016 hearing for e-filing, including e-filing the same					
Service	CO	09/21/2016	0.10	\$160.00	\$16.00
Draft : Notice of Entry of Order for the August 4, 2016 Order					

Service	CO	09/21/2016	0.10	\$100.00	\$10.00
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E-File : Format and finalize Notice of Entry of Order for the August 4, 2016 Order for e-filing, including e-filing the same

**Services Subtotal \$807.00**

**Expenses**

Type	Date	Quantity	Rate	Total
Expense	08/30/2016	1.00	\$3.50	\$3.50
Reimbursable expense : Filing fee for Opposition to Motion for Rehearing of the Court's Order on School Enrollment Order [August 9, 2016]; Countermotion				
Expense	09/14/2016	1.00	\$3.50	\$3.50
Reimbursable expense : E-filing fee for Notice of Change of Address				
Expense	09/21/2016	1.00	\$3.50	\$3.50
Reimbursable expense : E-filing fee for Order from the August 4, 2016 hearing				
Expense	09/21/2016	1.00	\$3.50	\$3.50
Reimbursable expense : E-filing fee for Notice of Entry of Order for the August 4, 2016 Order				
<b>Expenses Subtotal</b>				<b>\$14.00</b>

**Subtotal \$821.00**

**In-House Cost Charge (copies, faxes, postage, etc.) (4.0%) \$32.84**

**Total \$853.84**

**Statement of Account**

Outstanding Balance	New Charges	Amount in Trust	Payments Received	<b>Total Amount Outstanding</b>
( \$0.00	+ \$853.84	)- ( \$0.00	+ \$0.00	= <b>\$853.84</b>

**Detailed Statement of Account**

**Current Invoice**

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
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714	10/03/2016	\$853.84	\$0.00	\$853.84
			<b>Outstanding Balance</b>	<b>\$853.84</b>
			<b>Amount in Trust</b>	<b>\$0.00</b>
			<b>Total Amount Outstanding</b>	<b>\$853.84</b>

**IOLTA**

Date	Type	Description	Matter	Receipts	Payments	Balance
06/27/2016			00180-Arcella		\$3,000.00	\$3,000.00
08/03/2016		Payment for invoice #627	00180-Arcella	\$2,212.60		\$787.40
08/30/2016		Payment for invoice #652	00180-Arcella	\$787.40		\$0.00
09/14/2016		CC Payment	00180-Arcella		\$1,724.20	\$1,724.20
09/26/2016		Payment for invoice #652	00180-Arcella	\$1,724.20		\$0.00
					<b>IOLTA Balance</b>	<b>\$0.00</b>

**Operating Account**

Date	Type	Description	Matter	Payments	
08/03/2016		Payment for invoice #627	00180-Arcella	\$2,212.60	
08/30/2016		Payment for invoice #652	00180-Arcella	\$787.40	
09/26/2016		Payment for invoice #652	00180-Arcella	\$1,724.20	
				<b>Total Account Balance</b>	<b>\$0.00</b>

Please make all amounts payable to: Law Offices of F. Peter James, Esq., PLLC

Payment is due upon receipt.

You may remit credit card payments here: <https://secure.lawpay.com/pages/law-offices-of-f-peter-james-esq-llc/trust>

Should you have any questions regarding this matter, please do not hesitate to contact me. 2.0% compound annual interest will be charged every 30 days.



**INVOICE**

Invoice # 748  
Date: 10/13/2016  
Due Upon Receipt

3821 West Charleston Boulevard, Suite 250  
Las Vegas, Nevada 89102  
Phone: 702-256-0087  
Fax: 702-256-0145  
Email: Peter@PeterJamesLaw.com

Melissa Arcella  
231 Spectacular Street  
Henderson, NV 89052

**00180-Arcella**

**Arcella adv. Arcella**

**Services**

Type	Attorney	Date	Quantity	Rate	Total
Service	FPJ	10/13/2016	0.50	\$350.00	\$175.00
Draft : Draft Order from September 13, 2016 hearing and the resulting minute order, including review of said minute order in preparation of the same					
Service	FPJ	10/13/2016	0.50	\$350.00	\$175.00
Draft : Draft Memorandum of Fees and Costs, including review of billing statements in preparation of the same					
Service	CO	10/13/2016	0.10	\$100.00	\$10.00
E-File : Format and finalize Memorandum of Fees and Costs for e-filing, including e-filing the same					
<b>Services Subtotal</b>					<b>\$360.00</b>

**Expenses**

Type	Date	Quantity	Rate	Total
Expense	10/13/2016	1.00	\$3.50	\$3.50
Reimbursable expense : E-filing fee for Memorandum of Fees and Costs				
<b>Expenses Subtotal</b>				<b>\$3.50</b>

Subtotal \$363.50  
 In-House Cost Charge (copies, faxes, postage, etc.) (4.0%) \$14.54  
 Total \$378.04

**Statement of Account**

Outstanding Balance    New Charges    Amount in Trust    Payments Received    **Total Amount Outstanding**  
 (     \$853.84     +     \$378.04     ) - (     \$0.00     +     \$0.00     ) = **\$1,231.88**

**Detailed Statement of Account**

**Other Invoices**

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
714	10/03/2016	\$853.84	\$0.00	\$853.84

**Current Invoice**

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
748	10/13/2016	\$378.04	\$0.00	\$378.04

**Outstanding Balance     \$1,231.88**  
**Amount in Trust                 \$0.00**  
**Total Amount Outstanding     \$1,231.88**

**IOLTA**

Date	Type	Description	Matter	Receipts	Payments	Balance
06/27/2016			00180-Arcella		\$3,000.00	\$3,000.00
08/03/2016		Payment for invoice #627	00180-Arcella	\$2,212.60		\$787.40
08/30/2016		Payment for invoice #652	00180-Arcella	\$787.40		\$0.00
09/14/2016		CC Payment	00180-Arcella		\$1,724.20	\$1,724.20
09/26/2016		Payment for invoice #652	00180-Arcella	\$1,724.20		\$0.00

**IOLTA Balance                    \$0.00**

**Operating Account**

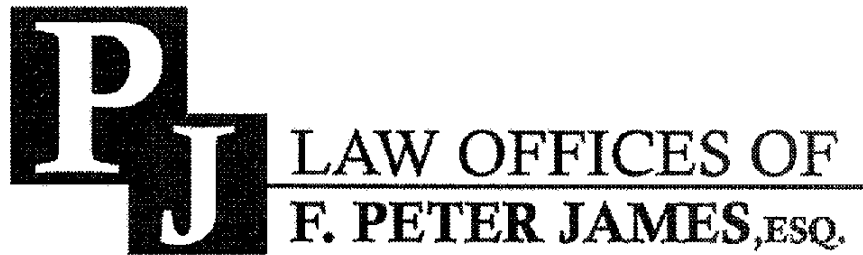
<b>Date</b>	<b>Type</b>	<b>Description</b>	<b>Matter</b>	<b>Payments</b>
08/03/2016		Payment for invoice #627	00180-Arcella	\$2,212.60
08/30/2016		Payment for invoice #652	00180-Arcella	\$787.40
09/26/2016		Payment for invoice #652	00180-Arcella	\$1,724.20
<b>Total Account Balance</b>				<b>\$0.00</b>

Please make all amounts payable to: Law Offices of F. Peter James, Esq., PLLC

Payment is due upon receipt.

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Should you have any questions regarding this matter, please do not hesitate to contact me. 2.0% compound annual interest will be charged every 30 days.



# INVOICE

Invoice # 778  
Date: 10/25/2016  
Due Upon Receipt

3821 West Charleston Boulevard, Suite 250  
Las Vegas, Nevada 89102  
Phone: 702-256-0087  
Fax: 702-256-0145  
Email: Peter@PeterJamesLaw.com

Melissa Arcella  
231 Spectacular Street  
Henderson, NV 89052

## 00180-Arcella

### Arcella adv. Arcella

#### Services

Type	Attorney	Date	Quantity	Rate	Total
Service	FPJ	10/20/2016	0.30	\$350.00	\$105.00
Review : Review correspondence from opposing counsel regarding meeting and conferring as to a Joint Appendix on appeal; Research Nevada Rules of Appellate Procedure regarding what must be included in an appendix; Prepare correspondence to opposing counsel regarding the same					
Service	FPJ	10/20/2016	0.70	\$0.00	\$0.00
Conference : NO CHARGE Conference with client regarding appeal issues, including sending a confirming email					
Service	FPJ	10/21/2016	0.10	\$350.00	\$35.00
Review : Review Notice of Referral to Settlement Program and Suspension of Rules; Review Receipt for Documents					
Service	FPJ	10/24/2016	0.50	\$350.00	\$175.00
Draft : Draft Order Awarding Attorney's Fees, including review of hearing minutes in preparation of the same					
Service	BM	10/24/2016	0.10	\$100.00	\$10.00
E-File : Format and finalize Order for e-filing, including e-filing the same					
Service	BM	10/24/2016	0.10	\$100.00	\$10.00
E-File : Format and finalize Notice of Entry of Order for e-filing, including e-filing the same					

Service	FPJ	10/25/2016	2.50	\$350.00	\$875.00
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Draft : Draft Motion for Suit Fees for Appeal, including review of case history and researching relevant law in preparation of the same

**Services Subtotal \$1,210.00**

**Expenses**

Type	Date	Quantity	Rate	Total
Expense	10/24/2016	1.00	\$3.50	\$3.50
Reimbursable expense : E-filing fee for Order				
Expense	10/24/2016	1.00	\$3.50	\$3.50
Reimbursable expense : E-filing fee for Notice of Entry of Order				

**Expenses Subtotal \$7.00**

**Subtotal \$1,217.00**

**In-House Cost Charge (copies, faxes, postage, etc.) (4.0%) \$48.68**

**Total \$1,265.68**

**Statement of Account**

Outstanding Balance	New Charges	Amount in Trust	Payments Received	<b>Total Amount Outstanding</b>
( \$378.04	+ \$1,265.68	) - ( \$853.84	+ \$0.00	) = <b>\$789.88</b>

**Detailed Statement of Account**

**Other Invoices**

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
748	10/13/2016	\$378.04	\$0.00	\$378.04

**Current Invoice**

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
778	10/25/2016	\$1,265.68	\$0.00	\$1,265.68



**Outstanding Balance**      **\$1,643.72**  
**Amount in Trust**            **\$853.84**  
**Total Amount Outstanding**      **\$789.88**

**IOLTA**

Date	Type	Description	Matter	Receipts	Payments	Balance
06/27/2016			00180-Arcella		\$3,000.00	\$3,000.00
08/03/2016		Payment for invoice #627	00180-Arcella	\$2,212.60		\$787.40
08/30/2016		Payment for invoice #652	00180-Arcella	\$787.40		\$0.00
09/14/2016		CC Payment	00180-Arcella		\$1,724.20	\$1,724.20
09/26/2016		Payment for invoice #652	00180-Arcella	\$1,724.20		\$0.00
10/14/2016			00180-Arcella		\$853.84	\$853.84
<b>IOLTA Balance</b>					<b>\$853.84</b>	

**Operating Account**

Date	Type	Description	Matter	Payments
08/03/2016		Payment for invoice #627	00180-Arcella	\$2,212.60
08/30/2016		Payment for invoice #652	00180-Arcella	\$787.40
09/26/2016		Payment for invoice #652	00180-Arcella	\$1,724.20

**Merchant Account**

Date	Type	Description	Matter	Payments
10/18/2016		Payment for invoice #714	00180-Arcella	\$853.84
<b>Total Account Balance</b>				<b>\$853.84</b>

Please make all amounts payable to: Law Offices of F. Peter James, Esq., PLLC

Payment is due upon receipt.

You may remit credit card payments here: <https://secure.lawpay.com/pages/law-offices-of-f-peter-james-esq-llc/trust>

Should you have any questions regarding this matter, please do not hesitate to contact me. 2.0% compound annual interest will be charged every 30 days.



MOFI

DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA

MATTHEW ARCELLA  
Plaintiff/Petitioner  
v.  
MELISSA ARCELLA  
Defendant/Respondent

Case No. D-09-418160-Z  
Dept. T

**MOTION/OPPOSITION  
FEE INFORMATION SHEET**

**Notice:** Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of \$25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of \$129 or \$57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

**Step 1.** Select either the \$25 or \$0 filing fee in the box below.

<input checked="" type="checkbox"/> <b>\$25</b> The Motion/Opposition being filed with this form is subject to the \$25 reopen fee. -OR- <input type="checkbox"/> <b>\$0</b> The Motion/Opposition being filed with this form is not subject to the \$25 reopen fee because: <input type="checkbox"/> The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered. <input type="checkbox"/> The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order. <input type="checkbox"/> The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____. <input type="checkbox"/> Other Excluded Motion (must specify) _____.
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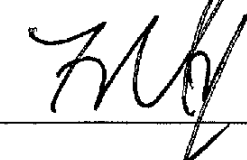
**Step 2.** Select the \$0, \$129 or \$57 filing fee in the box below.

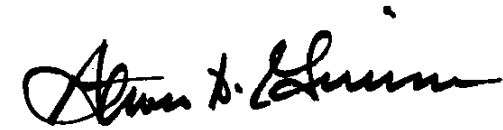
<input checked="" type="checkbox"/> <b>\$0</b> The Motion/Opposition being filed with this form is not subject to the \$129 or the \$57 fee because: <input type="checkbox"/> The Motion/Opposition is being filed in a case that was not initiated by joint petition. <input checked="" type="checkbox"/> The party filing the Motion/Opposition previously paid a fee of \$129 or \$57. -OR- <input type="checkbox"/> <b>\$129</b> The Motion being filed with this form is subject to the \$129 fee because it is a motion to modify, adjust or enforce a final order. -OR- <input type="checkbox"/> <b>\$57</b> The Motion/Opposition being filing with this form is subject to the \$57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of \$129.
--

**Step 3.** Add the filing fees from Step 1 and Step 2.

The total filing fee for the motion/opposition I am filing with this form is: <input type="checkbox"/> \$0 <input checked="" type="checkbox"/> \$25 <input type="checkbox"/> \$57 <input type="checkbox"/> \$82 <input type="checkbox"/> \$129 <input type="checkbox"/> \$154
--

Party filing Motion/Opposition: Melissa Arcella via F. Peter James, Esq. Date 11-2-2016

Signature of Party or Preparer 



CLERK OF THE COURT

1 **NOAS**  
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,

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

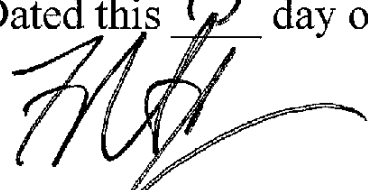
**NOTICE OF APPEAL**

10 vs.

11 MELISSA A. ARCELLA,  
12 Defendant.

13  
14 Notice is hereby given that Defendant, Melissa Arcella, hereby appeals to the Supreme  
15 Court of Nevada from the Order entered on September 21, 2016.

16 Dated this 15 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

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**CERTIFICATE OF SERVICE**

I certify that on this 15 day of November, 2016, I caused the above and foregoing document entitled **NOTICE OF APPEAL** to be served as follows:

pursuant to EDCR 8.05(A), EDCR 8.05(F), NRCR 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: COBNIEN  
An employee of the Law Offices of F. Peter James, Esq., PLLC