

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

KIRK ROSS HARRISON
Appellant,

vs.

VIVIAN MARIE LEE HARRISON,
Respondent.

No. 72880

DOCKETING STATEMENT
CIVIL APPEALS

Electronically Filed
May 12 2017 01:16 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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 Q
County Clark Judge Bryce Duckworth
District Ct. Case No. D443611

2. Attorney filing this docketing statement:

Attorney Robert L. Eisenberg, Esq. Telephone 775-786-6868
Firm Lemons, Grundy & Eisenberg
Address 6005 Plumas St., Third Floor
Reno, Nevada 89509

Client(s) Kirk Ross Harrison

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 respondents(s):

Attorney Radford Smith, Esq. Telephone 702-990-6448
Firm Radford J. Smith, Chartered
Address 64 North Pecos Road, Suite 700
Las Vegas, Nevada 89074

Client(s) Vivian Marie Lee Harrison

Attorney Gary Silverman Telephone 775-322-3223
Firm Silverman, Decaria & Kattelman, Chtd.
Address 6140 Plumas Street, Suite 200
Reno, Nevada 89519

Client(s) Vivian Marie Lee Harrison

(List additional counsel on separate sheet if necessary)

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

- | | |
|---|---|
| <input type="checkbox"/> Judgment after bench trial | <input type="checkbox"/> Dismissal: |
| <input type="checkbox"/> Judgment after jury verdict | <input type="checkbox"/> Lack of jurisdiction |
| <input type="checkbox"/> Summary judgment | <input type="checkbox"/> Failure to state a claim |
| <input type="checkbox"/> Default judgment | <input type="checkbox"/> Failure to prosecute |
| <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief | <input type="checkbox"/> Other (specify): _____ |
| <input type="checkbox"/> Grant/Denial of injunction | <input checked="" type="checkbox"/> Divorce Decree: |
| <input type="checkbox"/> Grant/Denial of declaratory relief | <input checked="" type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Review of agency determination | <input checked="" type="checkbox"/> Other disposition (specify): <u>Orders on motions</u> |

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

- ☒ 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:

Kirk Ross Harrison v. Vivian Marie Lee Harrison (Financial Issues)
Supreme Court No. 66072

Kirk Ross Harrison v. Vivian Marie Lee Harrison (Custody)
Supreme Court No. 66157

Vivian Marie Lee Harrison v. Kirk Ross Harrison (Custody)
Supreme Court No. 70727

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 the action. Briefly describe the nature of the action and the result below:

This is a divorce action involving custody of minor children and financial issues. A Decree of Divorce was entered by the District Court on October 31, 2013, followed by post-decree motions. This appeal only involves orders relating to custody.

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

Whether the district court erred in its rulings dealing with the custody issue of teenage discretion.

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

None.

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?

☒ 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))

☐ An issue arising under the United States and/or Nevada Constitutions

☐ A substantial issue of first impression

☒ An issue of public policy

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

☐ A ballot question

If so, explain: Harrison vs. Harrison, 376 P.3d 173 (2016)

See attached sheet.

13. Trial. If this action proceeded to trial, how many days did the trial last? 0

Was it a bench or jury trial? N/A

14. 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?

No.

TIMELINESS OF NOTICE OF APPEAL

15. Date of entry of written judgment or order appealed from March 16, 2017

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

16. Date written notice of entry of judgment or order was served March 16, 2017

Was service by:

☐ Delivery

☒ Mail/electronic/fax

17. 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, the date and method of service of the motion, and the date of filing.

☐ NRCP 50(b) Date of filing _____

☐ NRCP 52(b) Date of filing _____

☐ NRCP 59 Date of filing _____

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

(b) Date of entry of written order resolving tolling motion _____

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

Was service by:

☐ Delivery

☐ Mail

18. Date notice of appeal filed April 14, 2017

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:

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

NRAP Rule 4(a).

SUBSTANTIVE APPEALABILITY

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

(a)

- | | |
|--|---------------------------------------|
| <input type="checkbox"/> NRAP 3A(b)(1) | <input type="checkbox"/> NRS 38.205 |
| <input type="checkbox"/> NRAP 3A(b)(2) | <input type="checkbox"/> NRS 233B.150 |
| <input type="checkbox"/> NRAP 3A(b)(3) | <input type="checkbox"/> NRS 703.376 |
| <input checked="" type="checkbox"/> Other (specify) <u>NRAP 3A(b)(7) and (8)</u> | |
-

(b) Explain how each authority provides a basis for appeal from the judgment or order:
The subject order is an order dealing with child custody (NRAP 3A(b)(7)) and/or a special order after final judgment (NRAP 3A(b)(8)).

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

(a) Parties:

Plaintiff, Kirk Ross Harrison
Defendant, Vivian Marie Lee Harrison

(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

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

There were multiple claims and issues in the divorce, but this appeal docket only deals with custody issues involving the teenage discretion provision. There are only two parties in the case, and the order being appealed resolved the custody issue as to both of those parties.

23. 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

24. If you answered "No" to question 23, complete the following:

(a) Specify the claims remaining pending below:

As noted in the notice of appeal, there are other rulings by the District Court which are currently pending and this appeal will be supplemented as soon as a written order is entered. This order is anticipated to address the following pending motions: See attached Sheet

(b) Specify the parties remaining below:
Plaintiff, Kirk Ross Harrison
Defendant, Vivian Marie Lee Harrison

(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

25. 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)):

NRCP 54(b) only deals with judgments that resolve fewer than all the parties. The order in this case resolved the child custody issue as to both parties. Thus, no Rule 54(b) determination was necessary.

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

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 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
- Any other order challenged on appeal
- Notices of entry for each attached order

VERIFICATION

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

Kirk Ross Harrison
Name of appellant

Robert L. Eisenberg, Esq.
Name of counsel of record

May 12, 2017
Date

Robert L. Eisenberg
Signature of counsel of record

Nevada, Washoe County
State and county where signed

CERTIFICATE OF SERVICE

I certify that on the 12 day of May, 2017, I served a copy of this completed docketing statement upon all counsel of record:

- ☐ By personally serving it upon him/her; or
- ☒ By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

Settlement Judge Ara Shirinian
10651 Capesthorne Way
Las Vegas, Nevada 89135

This docketing statement was filed electronically with the Clerk of the Nevada Supreme Court and therefore electronic service was made in accordance with the master service list as follows:

Radford J. Smith	(rsmith@radfordsmith.com)
Gary R. Silverman	(silverman@silverman-decaria.com)
Kirk Harrison	(kharrison@harrisonresolution.com)

DATED this 12 day of May, 2017

Mike Slupina

Attachment to docketing statement

Answer to Question 12:

Whether custody provisions which empower minor children to order their parents to make modifications to custody or weekly modifications to the custody schedule, which orders from their minor children the parent must obey without question or discussion, should be void as against public policy, when it is known that such provisions (1) negate or substantially diminish all other parental authority over the minor children by that parent, (2) foreseeably destroy the relationship between that parent and the minor children, (3) motivate one parent to alienate the other parent from the minor children so the minor children are incited and motivated to utilize their teenage discretion power, (4) place the minor children at substantial risk of having low self-esteem, significant episodes of depression, and being unable to have a trusting relationship with anyone for the rest of their lives, and; (5) in practice, are utilized to wrongfully obtain *de facto* primary custody. In addition, there is overwhelming evidence that parents are not being properly advised that teenage discretion provisions which typically only provide, “the child will have teenage discretion to exercise visitation with the other parent” empower the child to issue an order to a parent, which the parent must obey without question or discussion.

Answer to Question 24:

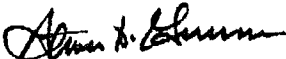
Claims remaining pending below, which are awaiting a written order from the district court: (1) Plaintiff’s Motion for Reunification Therapy for Minor Children and Father, filed July 26, 2016; (2) Plaintiff’s Motion for Reconsideration, or, in the alternative, Motion for Huneycut Certification; Motion to Amend Findings or Make Additional Findings, and; Motion to Alter, Amend, and Clarify Order, filed August 30, 2016; (3) Plaintiff’s Motion for an Order to Show Cause Why Defendant should not be Held in Contempt for Knowingly and Intentionally Violating Section 5 of the Stipulation and Order Resolving Parent/Child Issues and This Court’s Order of October 1, 2015, filed August 30, 2016; (4) Plaintiff’s Motion for an Order to Nullify and Void Expert Report, filed September 28, 2016, (5) Plaintiff’s Motion for New Expert Recommendation in lieu of Discovery and Evidentiary Hearing, filed December 29, 2016, and; (6) Defendant’s Request for Sanctions, filed January 31, 2017.

Question 26

Question 26

Attachments for Question 26:

1. Complaint, filed March 18, 2011
2. Answer/Counterclaim, filed November 23, 2011
3. Order, filed March 15, 2017
4. Notice of entry re #3, served March 16, 2017


CLERK OF THE COURT

1 COMD

2 Howard Ecker, Esq.
3 Nevada Bar No. 1207
4 Andrew L. Kynaston, Esq.
5 Nevada Bar No. 8147
6 ECKER & KAINEN, CHARTERED
7 300 S. Fourth St., Suite 901
8 Las Vegas, Nevada 89101
9 (702) 384-1700
10 (702) 384-8150 (Fax)
11 adminstration@eckerkainen.com
12 Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

10 KIRK ROSS HARRISON,
11 Plaintiff,
12 vs.

CASE NO. D-11-443611-D
DEPT NO. I

13 VIVIAN MARIE LEE HARRISON,
14 Defendant.

Date of Hearing: N/A
Time of Hearing: N/A

COMPLAINT FOR DIVORCE

16 COMES NOW, Plaintiff, KIRK ROSS HARRISON, and states his
17 cause of action against Defendant, VIVIAN MARIE LEE HARRISON, as
18 follows:

19 I.

20 That Plaintiff is a resident of the State of Nevada, and
21 for a period of more than six weeks before commencement of this
22 action has resided and been physically present and domiciled
23 therein, and during all of said period of time, Plaintiff has had,
24 and still has, the intent to make said State of Nevada, his home,
25 residence and domicile for an indefinite period of time.
26

27

28

ECKER & KAINEN CHARTERED
A Professional Law Corporation

300 South Fourth Street
Bank of America Plaza, Suite 901
Las Vegas, Nevada 89101
Tel (702) 384-1700
Fax (702) 384-8150

II.

That Plaintiff and Defendant were intermarried in the City of Las Vegas, State of Nevada, on or about November 5, 1982, and are husband and wife.

III.

That there are two (2) minor children the issue of said marriage, to wit: EMMA BROOKE HARRISON, born June 26, 1999; and RYLEE MARIE HARRISON, born January 24, 2003. The parties also have three (3) adult children.

IV.

That the parties are fit and proper persons to have the joint legal custody of said minor children.

V.

That Plaintiff be awarded the primary physical care, custody and control of the minor children herein.

VI.

That the Court should retain jurisdiction to make an appropriate award of child support.

VII.

That such child support shall be payable through wage assignment pursuant to NRS Chapter 31A, should any child support obligation become over thirty (30) days delinquent, to the extent such child support is ordered.

VIII.

That Plaintiff will maintain the cost of major medical insurance coverage for the minor children herein, with the parties equally dividing all medical, dental (including orthodontic), psychological and optical expenses of said minor children not

1 covered by insurance, until such time as each child, respectively,
2 (1) becomes emancipated, or (2) attains the age of eighteen (18)
3 years, the age of majority, unless each child is still attending
4 secondary education when each child reaches eighteen (18) years of
5 age, in which event said medical coverage shall continue until
6 each child, respectively, graduates from high school, or attains
7 the age of nineteen (19) years, whichever event first occurs.

8 IX.

9 That neither party is entitled to alimony from the other
10 party herein.

11 X.

12 That there is community property of the parties herein
13 to be adjudicated by the Court, the full nature and extent of
14 which is unknown to Plaintiff at this time, and Plaintiff prays
15 leave of the Court to amend this Complaint when additional
16 information becomes available.

17 XI.

18 That there are no community debts of the parties herein
19 to be adjudicated by the Court.

20 XII.

21 That there exists separate property of the parties to be
22 confirmed to each party, the full nature and extent of which is
23 unknown to Plaintiff at this time, and Plaintiff prays leave of
24 the Court to amend this Complaint when additional information
25 becomes available.

26 XIII.

27 That Defendant has engaged in an individual act or
28 course of actions which, individually or together, have

1 constituted marital waste, and therefore Plaintiff should be
2 compensated for the loss and enjoyment of said wasted community
3 asset(s).

4 XIV.

5 That Plaintiff requests this Court to jointly restrain
6 the parties herein in accordance with the terms of the Joint
7 Preliminary Injunction issued herewith.

8 XV.

9 That Plaintiff has been required to retain the services
10 of ECKER & KAINEN, CHARTERED, to prosecute this action, and is
11 therefore entitled to reasonable attorney's fees and costs of
12 suit.

13 XVI.

14 That the parties hereto are incompatible in marriage.

15 WHEREFORE, Plaintiff prays judgment as follows:

16 1. That the bonds of matrimony now and heretofore
17 existing between Plaintiff and Defendant be dissolved; that
18 Plaintiff be granted an absolute Decree of Divorce; and that each
19 of the parties hereto be restored to the status of a single,
20 unmarried person;

21 2. That the parties be awarded joint legal custody of
22 the minor children herein;

23 3. That Plaintiff be awarded the primary physical
24 care, custody and control of the minor children herein;

25 4. That the Court retain jurisdiction to enter an
26 appropriate award of child support.

27 5. That child support be paid through wage assignment
28 pursuant to NRS Chapter 31A, should payment of any child support

1 obligation be thirty (30) days delinquent, to the extent child
2 support is ordered;

3 6. That Plaintiff be ordered to provide the cost of
4 major medical insurance coverage for the minor children herein,
5 with the parties equally dividing all medical, dental (including
6 orthodontic), psychological or optical expenses of said minor
7 children not covered by insurance, until such time as each child,
8 respectively, (1) becomes emancipated, or (2) attains the age of
9 eighteen (18) years, the age of majority, unless each child is
10 still attending secondary education when each child reaches
11 eighteen (18) years of age, in which event said medical coverage
12 and payment of the children's noncovered medical expenses shall
13 continue until each child, respectively, graduates from high
14 school, or attains the age of nineteen (19) years, whichever event
15 first occurs;

16 7. That neither party be required to pay the other
17 spousal support;

18 8. That this Court make an equitable division of the
19 community assets;

20 9. That this Court confirm to each party his or her
21 separate property;

22 10. That Defendant reimburse Plaintiff for one-half of
23 the amounts and/or values of all community and jointly held
24 property which she has wasted and/or dissipated;

25 11. That this Court issue its Joint Preliminary
26 Injunction enjoining the parties pursuant to the terms stated
27 therein;

28

1 12. That Defendant be ordered to pay a reasonable sum
2 to Plaintiff's counsel as and for attorney's fees, together with
3 the cost of bringing this action;

4 13. For such other and further relief as the Court may
5 deem just and proper in the premises.

6 DATED this 18th day of March, 2011

7 ECKER & KAINEN, CHARTERED

8 By: 

9 EDWARD L. KAINEN, ESQ.
10 Nevada Bar No. 5029
11 300 S. Fourth Street, #901
12 Las Vegas, Nevada 89101
13 Attorneys for Plaintiff
14
15
16
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28

VERIFICATION

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

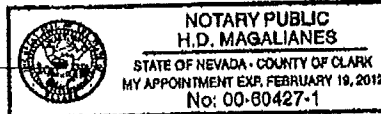
KIRK ROSS HARRISON, being first duly sworn, deposes and says:

That I am the Plaintiff herein; that I have read the foregoing Complaint for Divorce and the same is true of my own knowledge, except for those matters which are therein stated upon information and belief, and as to those matters, I believe them to be true.

Kirk R. Harrison
KIRK ROSS HARRISON

SUBSCRIBED AND SWORN to before me
this 18th day of March, 2011.

H. D. Magalianes
NOTARY PUBLIC in and for said
County and State



1 ANSW
2 RADFORD J. SMITH, CHARTERED
3 RADFORD J. SMITH, ESQ.
4 Nevada Bar No. 002791
5 64 N. Pecos Road, Suite 700
6 Henderson, Nevada 89074
7 Telephone: (702) 990-6448
8 Facsimile: (702) 990-6456
9 rsmith@radfordsmith.com

FILE COPY
NOV 28 2011

7 GARY R. SILVERMAN, ESQ.
8 SILVERMAN, DECARIA, & KATTLEMAN
9 Nevada State Bar No. 000409
10 6140 Plumas St. #200
11 Reno, NV 89519
12 Telephone: (775) 322-3223
13 Facsimile: (775) 322-3649
14 Email: silverman@silverman-decaria.com

15 Attorneys for Defendant/Counterclaimant

16 **DISTRICT COURT**
17 **CLARK COUNTY, NEVADA**

18 KIRK ROSS HARRISON,
19 Plaintiff/
20 Counterdefendant,

CASE NO.: D-11-443611-D
DEPT NO.: Q

FAMILY DIVISION

21 V.
22 VIVIAN MARIE LEE HARRISON,
23 Defendant/
24 Counterclaimant

25 **ANSWER TO COMPLAINT FOR DIVORCE**
26 **AND COUNTERCLAIM FOR DIVORCE**

27 COMES NOW, Defendant/Counterclaimant, VIVIAN MARIE LEE HARRISON, by and
28 through her attorneys RADFORD J. SMITH, ESQ., of the law offices of RADFORD J. SMITH,
CHARTERED, and GARY R. SILVERMAN, ESQ., of the law offices of SILVERMAN, DECARIA, &

1 KATTLEMAN, and sets forth her Answer to the Complaint for Divorce of Plaintiff, and her
2 Counterclaim for Divorce as follows:

3 **ANSWER TO COMPLAINT FOR DIVORCE**

- 4
- 5 1. Defendant denies all material allegations not specifically admitted herein.
- 6 2. Defendant admits all material allegations contained in Paragraphs I, II, III, IV, VI, VII,
7 VIII, XIV and XVI of the Complaint for Divorce.
- 8 3. Defendant denies the allegations contained in Paragraphs V, IX, XI, XIII and XV of the
9 Complaint.
- 10 4. Answering Paragraph X, Defendant admits that there is community property of the
11 parties herein to be adjudicated by the Court, but denies all remaining allegations contained in said
12 paragraph.
- 13 5. Answering Paragraph XII, Defendant is without sufficient information and knowledge to
14 form a belief as to those allegations and on this basis, denies the same.

15
16 **COUNTERCLAIM FOR DIVORCE**

- 17
- 18 1. For more than six weeks immediately preceding the commencement of this action,
19 Defendant/Counterclaimant has been, and now is, a resident of the County of Clark, State of Nevada.
- 20 2. That Defendant/Counterclaimant and Plaintiff/Counterdefendant were married in the City
21 of Las Vegas, State of Nevada, on or about November 5, 1982, and have ever since been husband and
22 wife.
- 23 3. The parties have two minor children born the issue of this marriage, namely, EMMA
24 BROOKE HARRISON, born June 26, 1999; and RYLEE MARIE HARRISON, born January 24, 2003.
25 The parties also have three adult children. The parties have not adopted any children, and VIVIAN is not
26 pregnant.
27
28

- 1 4. That the parties should be awarded joint legal custody of the minor children.
- 2 5. That Defendant/Counterclaimant should be awarded primary physical custody of the
- 3 minor children, subject to the rights of specific visitation of Plaintiff/Counterdefendant.
- 4 6. That Plaintiff/Counterdefendant should be ordered to pay child support for the minor
- 5 children, pursuant to NRS 125B.070 *et. seq.*, until such time as each child, respectively, reaches the age
- 6 of eighteen (18) years, graduates from high school, or otherwise emancipates, whichever occurs later,
- 7 but in any event no later than the age of nineteen (19) years.
- 8 7. That Plaintiff/Counterdefendant should be ordered to provide medical and dental
- 9 insurance for the minor children, with the parties equally dividing all deductibles and other expenses not
- 10 reimbursed by insurance, until such time as each child, respectively, reaches the age of eighteen (18)
- 11 years, graduates from high school, or otherwise emancipates, whichever occurs later, but in any event no
- 12 later than the age of nineteen (19) years.
- 13 8. That there is community property of the parties to be equitably divided by this court, the
- 14 full value and extent of which has not been determined at this time.
- 15 9. That there are community debts and/or obligations of the parties to be equitably divided
- 16 by this Court, the full extent of which has not been determined at this time.
- 17 10. That there is separate property belonging to the Defendant/Counterclaimant, which
- 18 property should be confirmed to Defendant/Counterclaimant as her separate property.
- 19 11. That there are separate debts and/or obligations of the Plaintiff/Counterdefendant, which
- 20 debts and/or obligations should be confirmed to Plaintiff/Counterdefendant as his separate debt.
- 21 12. That Defendant/Counterclaimant is entitled to receive, and Plaintiff/Counterdefendant is
- 22 capable of paying, alimony and/or spousal support in a reasonable amount and for a reasonable period.
- 23
- 24
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1 13. That Defendant/Counterclaimant has been required to retain the services of counsel in
2 this matter, and is therefore entitled to an award of attorney's fees and costs incurred as a result.

3 14. That the parties are now incompatible in marriage, such that their likes, dislikes, and
4 tastes have become so widely divergent that they can no longer live together as husband and wife.
5

6 WHEREFORE, Defendant/Counterclaimant prays judgment as follows:

7 1. That Plaintiff/Counterdefendant take nothing by way of his Complaint for Divorce;

8 2. That the bonds of matrimony now and previously existing between Plaintiff/Counter-
9 defendant and Defendant/Counterclaimant be forever and completely dissolved, and that each party be
10 restored to the status of an unmarried person;
11

12 3. That the parties be awarded joint legal custody of the minor children, EMMA BROOKE
13 HARRISON, born June 26, 1999; and RYLEE MARIE HARRISON, born January 24, 2003;

14 4. That Defendant/Counterclaimant be awarded primary physical custody of the minor
15 children, subject to the rights of specific visitation of Plaintiff/Counterdefendant;
16

17 5. That Plaintiff/Counterdefendant be ordered to pay child support for the minor children,
18 pursuant to NRS 125B.070 *et. seq.*, until such time as each child, respectively, reaches the age of
19 eighteen (18) years, graduates from high school, or otherwise emancipates, whichever occurs later, but
20 in any event no later than the age of nineteen (19) years;
21

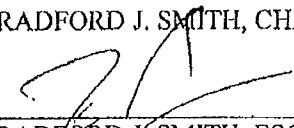
22 6. That Plaintiff/Counterdefendant should be ordered to provide medical and dental
23 insurance for the minor children, with the parties equally dividing all deductibles and other expenses not
24 reimbursed by insurance, until such time as each child, respectively, reaches the age of eighteen (18)
25 years, graduates from high school, or otherwise emancipates, whichever occurs later, but in any event no
26 later than the age of nineteen (19) years.
27

28 7. For an equitable division of community property of the parties;

- 1 8. For an equitable division of the community debts and/or obligations of the parties;
- 2 9. That Defendant/Counterclaimant's separate property be confirmed to her, free of all
- 3 claims by Plaintiff/Counterdefendant;
- 4 10. That Plaintiff/Counterdefendant's separate debt be confirmed to him and that Plaintiff/
- 5 Counterdefendant be required to indemnify and hold Defendant/Counterclaimant harmless from those
- 6 obligations;
- 7 11. For an award of alimony and/or spousal support in a reasonable amount and for a
- 8 reasonable duration;
- 9 12. For an award of Defendant/Counterclaimant's attorney's fees and costs incurred herein;
- 10 13. For such other and further relief as the court finds just in the premises.

13 Dated this 22 day of November, 2011.

14 RADFORD J. SMITH, CHARTERED

15 

16 _____
RADFORD J. SMITH, ESQ.
17 Nevada State Bar No. 002791
18 64 N. Pecos Road, Suite 700
19 Henderson, Nevada 89074
20 Attorney for Defendant/
21 Counterclaimant

VERIFICATION


STATE OF NEVADA }
COUNTY OF CLARK } ss:

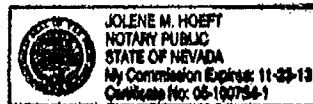
VIVIAN MARIE LEE HARRISON, having been duly sworn, deposes and says;

That I am the Defendant/Counterclaimant in the above referenced matter; that I have read the foregoing Answer to Complaint for Divorce and Counterclaim for Divorce, and that the same is true and correct to the best of my own knowledge, except for those matters stated upon information and belief, and for those matters, I believe them to be true.


VIVIAN MARIE LEE HARRISON

Subscribed and Sworn before me
this 22 day of November, 2011.


NOTARY PUBLIC in and for
the State of Nevada



Alvin L. Blum

CLERK OF THE COURT

1
2 ORDR

3
4 DISTRICT COURT
5 CLARK COUNTY, NEVADA

6
7 KIRK ROSS HARRISON,)

8 Plaintiff,)

9 v.)

CASE NO. D-11-443611-D
DEPT NO. Q

10 VIVIAN MARIE LEE HARRISON,)

11 Defendant.)
12
13

14 ORDER

15 This matter comes before this Court on Plaintiff's Motion for New Expert
16 Recommendation in Lieu of Discovery and Evidentiary Hearing (Dec. 29, 2016)
17 (hereinafter referred to as Plaintiff's "Motion"). This Court also reviewed and
18 considered Defendant's Opposition to Plaintiff's Motions Filed December 29, 2016;
19 Request for Sanctions (Jan. 31, 2017) (hereinafter referred to as Defendant's
20 "Opposition"), and Plaintiff's Reply Regarding Plaintiff's Motion for New Expert
21 Recommendation in Lieu of Discovery and Evidentiary Hearing (Jan. 31, 2017)
22 (hereinafter referred to as Plaintiff's "Reply").
23
24

25 The only remaining issue to be determined by this Court regarding Plaintiff's
26 Motion is Plaintiff's request that this Court strike the "teenage discretion" provision
27 of the parties' Stipulation and Order Resolving Parent/Child Issues (Jul. 11, 2012).
28

RYCE C. DUCKWORTH
DISTRICT JUDGE

FAMILY DIVISION, DEPT. Q
43 VEGAS, NEVADA 89101

1
2 Moreover, this Court took under advisement the issue of attorney's fees associated with
3 Plaintiff's Motion and the underlying evidentiary proceedings that concluded on
4 February 1, 2017. These issues are ancillary to the issues currently on appeal.
5 Specifically, although the teenage discretion provision was the topic of a prior appeal,
6 this provision is not the subject of the current appeal.
7

8 Due to specific factual assertions raised in Plaintiff's Reply, this Court expressly
9 authorized and directed Defendant on February 1, 2017 to submit a responsive
10 affidavit to these factual aspects. Specifically, the Court gave the following specific
11 direction:
12

13 Here's what I'm inclined to do. With respect to the Motion in regards
14 to the teenage discretion provision, I am going to take that under
15 advisement and issue a written decision. . . . What I'm looking for, given
16 the fact that there are some very specific factual allegations *about what*
17 *happened in the past week with respect to Rylee*, I want an affidavit submitted
on Defendant's behalf *with respect to those specific items of this past week*
in regards to the teenage discretion provision.

18 February 1, 2017 Videotape of hearing at 17:46 – 17:47 (emphasis supplied).

19 Defendant thereafter filed Defendant's Supplemental Declaration in Opposition
20 to Plaintiff's Motions Filed December 29, 2016; Request for Sanctions (Feb. 13, 2017)
21 (hereinafter referred to as Defendant's "Supplemental Declaration"). This Court did
22 not authorize the filing of any additional papers, nor did either party seek leave to file
23 any additional papers associated with the remaining issues before the Court.¹
24
25

26
27 ¹To say that the filing of papers in this matter has been extreme would be a gross
28 understatement – particularly after the entry of the parties' Decree of Divorce (Oct. 31,
2013). Since the initiation of this matter with the filing of the Complaint for Divorce
(Mar. 18, 2011), 30 motions have been filed. This does not include counter-motions

1
2 Defendant's Supplemental Declaration exceeded the scope of the Court's
3 direction, which in turn spawned more filings and litigation. Defendant presciently
4 predicted in her Supplemental Declaration that her statements "will only continue to
5 fuel Kirk's campaign to denigrate me, and to engage me and our children in expensive,
6 unproductive, and damaging litigation." Thus, it should not have come as a surprise
7 to Defendant that her Supplemental Declaration that went well beyond what the Court
8 had authorized, created a deluge of more filings. Since the February 1, 2017
9 proceedings, the following additional fugitive papers have been filed:
10

- 11 (1) Plaintiff's Supplement to Plaintiff's Reply Regarding Plaintiff's Motion
12 for New Expert Recommendation in Lieu of Discovery and Evidentiary
13 Hearing (Feb. 13, 2017) (hereinafter referred to as "Plaintiff's
14 Supplement");
- 15 (2) Defendant's Motion to Strike Plaintiff's Pleading Titled "Plaintiff's
16 Supplement to Plaintiff's Reply Regarding Plaintiff's Motion for New
17 Expert Recommendation in Lieu of Discovery and Evidentiary Hearing"
18 and Motion for Sanctions and Fees (Feb. 15, 2017) (hereinafter referred
19 to as "Defendant's Motion to Strike");
- 20 (3) Plaintiff's Opposition to Defendant's Motion to Strike Plaintiff's Pleading
21 Titled "Plaintiff's Supplement to Plaintiff's Reply Regarding Plaintiff's
22 Motion for New Expert Recommendation in Lieu of Discovery and
23 Evidentiary Hearing" and Motion for Sanctions and Fees (Mar. 6, 2017)
24 (hereinafter referred to as "Plaintiff's Opposition to Motion to Strike");
25 and

26 filed by both parties. 20 of these motions were filed by Plaintiff. Since the entry of
27 the parties' Decree of Divorce (Oct. 31, 2013), 17 motions have been filed, 14 by the
28 Plaintiff. Of the three post-Decree of Divorce (Oct. 31, 2013) motions filed by
Defendant, one of the motions was Defendant's Request to File Supplemental
Information in Support of Motion for Attorney's Fees; in the Alternative, Supplemental
Motion for Attorney's Fees (Jan. 15, 2014). On average, Plaintiff has filed a motion
once every three months since the entry of the Decree of Divorce (Oct. 31, 2013).

1
2 (4) Plaintiff's Motion to Strike Defendant's Supplemental Declaration in
3 Opposition to Plaintiff's Motion Filed December 29, 2016; Reply to
4 Supplemental Declaration, and Opposition to Request for Sanctions (Feb.
5 17, 2017) (hereinafter referred to as "Plaintiff's Motion to Strike").

6 Defendant's Motion to Strike is set on this Court's March 16, 2017 Chamber
7 Calendar. Plaintiff's Opposition to Motion to Strike is set for a hearing on this Court's
8 calendar on April 4, 2017, at 10:00 a.m. Plaintiff's Motion to Strike is set for a hearing
9 on this Court's calendar on March 21, 2017, at 10:00 a.m. These four papers are
10 unnecessary and superfluous to the Court's determination and should be stricken from
11 the record. Moreover, the following paragraphs of Defendant's Supplemental
12 Declaration should be stricken as exceeding the scope of the Court's direction: 3
13 through 13, 19 through 22, 27 through 29, and 31 through 34. The hearings
14 associated with the papers referenced above should be vacated.
15

16 The teenage discretion provision at issue is set forth in the parties' Stipulation
17 and Order Resolving Parent/Child Issues (Jul. 11, 2012). This detailed provision has
18 been the subject of frequent discussion and debate in this matter, as well as repeated
19 requests by Plaintiff to eliminate the provision entirely. This Court has noted at prior
20 hearings that, absent an agreement, the Court *generally* will not entertain teenage
21 discretion or the appointment of a parenting coordinator. However, this Court also
22 *generally* defers to the stipulated decisions of two fit parents. Because fit parents should
23 be presumed to be acting in the best interest of their children, deference should be
24 afforded to allow parents the ability to parent their children without government
25 interference. In this regard, two fit parents have the decision-making right to stipulate
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2 to granting teenage discretion to their children and appointing a parenting coordinator.
3 The Nevada Supreme Court affirmed this Court's refusal to eliminate both the teenage
4 discretion provision and the Order for Appointment of Parenting Coordinator (Oct. 29,
5 2013). *Harrison v. Harrison*, 132 Nev. Adv. Op. No. 56 (2016).
6

7 Given the frequency at which the issue of teenage discretion has been litigated,
8 the temptation exists for this Court to simply eliminate this provision. Indeed, the
9 Court questioned the Defendant at the February 1, 2017 hearing as to whether it
10 might be worth eliminating teenage discretion to minimize the seemingly endless
11 litigation. This Court notes that it does not appear that the similarly challenged Order
12 for Appointment of Parenting Coordinator (Oct. 29, 2013) is being followed by the
13 parties. Although the parenting coordinator order is not the subject of Plaintiff's
14 Motion (presumably because there is no parenting coordinator), this Court is not
15 inclined to entertain a request to eliminate the teenage discretion provision when the
16 parties are not abiding by the terms of the Order for Appointment of Parenting
17 Coordinator (Oct. 29, 2013). The parties' daughter, Rylee, attained the age of 14 on
18 January 24, 2017, thus triggering the teenage discretion provision. At the time Plaintiff
19 filed his Motion, Rylee had not attained the age upon which the teenage discretion
20 provision is triggered. The facts cited by Plaintiff in his papers are not sufficient for
21 this Court to yet again revisit or strike this provision and his request should be denied.
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26 With respect to the issue of attorney's fees, Defendant is entitled to an award
27 of fees pursuant to EDCR 7.60 and NRS 18.010 in regards to Plaintiff's Motion. This
28 issue has been re-litigated and re-litigated. The Nevada Supreme Court has upheld the

1
2 teenage discretion provision. Defendant is entitled to an award of attorney's fees for
3 the time spent in responding to Plaintiff's Motion. The amount should be mitigated
4 by her failure to abide by this Court's direction with the filing of her Supplemental
5 Declaration (i.e., the time spent in preparing her Supplemental Declaration should not
6 be considered by the Court).
7

8 This Court has considered the factors set forth in *Brunzell v. Golden Gate National*
9 *Bank*, 85 Nev. 345, 455 P.2d 31 (1969), with the exception of work actually
10 performed. Thus, Defendant should file and serve an appropriate memorandum
11 pursuant to *Brunzell* to enable the Court to ascertain the work actually performed. The
12 Defendant should thereafter submit a proposed Order for fees (leaving a blank therein).
13 The *Brunzell* memorandum should be filed by March 29, 2017. The *Brunzell*
14 memorandum should be limited to the time devoted to responding to Plaintiff's
15 Motion. Plaintiff may file and serve a response to Defendant's memorandum on or
16 before April 12, 2017. Plaintiff's response should be limited to addressing Defendant's
17 assertions regarding the time spent and fees associated with her *Brunzell* memorandum.
18
19

20 With respect to the evidentiary proceedings, this Court is not inclined to award
21 either party with attorney's fees. Although the ultimate relief sought by Plaintiff was
22 not granted, this Court is not inclined to reward Defendant with an award of attorney's
23 fees when Plaintiff has lost custodial time with the parties' daughter, Brooke. The
24 evidence demonstrated that Defendant was not as proactive as she could have been
25 with respect to the scheduling of counseling appointments for Brooke (choosing to
26 leave such scheduling almost entirely up to Brooke). The Court ultimately ordered the
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1
2 continuation of counseling through Dr. Ali. Each party should bear their own
3 attorney's fees and costs.

4 Based on the foregoing Findings of Fact and Conclusions of Law, and good cause
5 appearing therefor,
6

7 It is hereby ORDERED that Plaintiff's Motion is DENIED.

8 It is further ORDERED that Defendant's Motion to Strike, Plaintiff's Motion
9 to Strike, Plaintiff's Opposition to Defendant's Motion to Strike, and Plaintiff's
10 Supplement are STRICKEN.
11

12 It is further ORDERED that paragraphs 3 through 13, 19 through 22, 27
13 through 29, and 31 through 34 are stricken from Defendant's Supplemental
14 Declaration.
15

16 It is further ORDERED that Defendant shall submit a memorandum of fees and
17 costs pursuant to *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 455 P.2d 31
18 (1969), by March 29, 2017. It is further ORDERED that Defendant's *Brunzell*
19 memorandum shall be limited to the fees associated with her response to Plaintiff's
20 Motion and shall not re-argue the issues addressed herein (including the award of fees).
21 Rather, it shall provide the Court with information pertaining to the amount of time
22 actually spent in responding to Plaintiff's Motion. It is further ORDERED that
23 Plaintiff may submit a response thereto by April 12, 2017. It is further ORDERED
24 that Plaintiff's response shall be limited to the fees identified in Defendant's *Brunzell*
25 memorandum.
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It is further ORDERED that the hearings scheduled for March 21, 2017 at 10:00 a.m., and April 4, 2017 at 10:00 a.m. are VACATED.

DATED this 15th day of March, 2017.



BRYCE C. DUCKWORTH
DISTRICT COURT JUDGE
DEPARTMENT Q

E-SERVED

MAR 16 2017

Alvin D. Quinn

CLERK OF THE COURT

NEOJ

DISTRICT COURT

CLARK COUNTY, NEVADA

KIRK ROSS HARRISON,

Plaintiff,

v.

VIVIAN MARIE LEE HARRISON,

Defendant.

CASE NO. D-11-443611-D

DEPT NO. Q

NOTICE OF ENTRY OF ORDER

TO: ALL PARTIES AND/OR THEIR ATTORNEYS

Please take notice that an Order has been entered in the above-entitled matter, a copy of which is attached hereto. I hereby certify that on the above file stamped date, I caused a copy of this Notice of Entry of Order to be:

☒ E-Served pursuant to NEFCR 9 on the following attorneys:

Edward Kainen, Esq.
Thomas Standish, Esq.

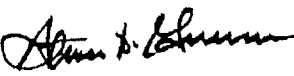
Radford J. Smith, Esq.
Gary Silverman, Esq.

/s/ Kimberly Weiss

Kimberly Weiss
Judicial Executive Assistant
Department Q

RYCE C. DUCKWORTH
DISTRICT JUDGE

FAMILY DIVISION, DEPT. Q
LAS VEGAS, NEVADA 89101


CLERK OF THE COURT

ORDR

DISTRICT COURT
CLARK COUNTY, NEVADA

KIRK ROSS HARRISON,
Plaintiff,
v.
VIVIAN MARIE LEE HARRISON,
Defendant.

CASE NO. D-11-443611-D
DEPT NO. Q

ORDER

This matter comes before this Court on Plaintiff's Motion for New Expert Recommendation in Lieu of Discovery and Evidentiary Hearing (Dec. 29, 2016) (hereinafter referred to as Plaintiff's "Motion"). This Court also reviewed and considered Defendant's Opposition to Plaintiff's Motions Filed December 29, 2016; Request for Sanctions (Jan. 31, 2017) (hereinafter referred to as Defendant's "Opposition"), and Plaintiff's Reply Regarding Plaintiff's Motion for New Expert Recommendation in Lieu of Discovery and Evidentiary Hearing (Jan. 31, 2017) (hereinafter referred to as Plaintiff's "Reply").

The only remaining issue to be determined by this Court regarding Plaintiff's Motion is Plaintiff's request that this Court strike the "teenage discretion" provision of the parties' Stipulation and Order Resolving Parent/Child Issues (Jul. 11, 2012).

RYCE C. DUCKWORTH
DISTRICT JUDGE

FAMILY DIVISION, DEPT. Q
45 VEGAS, NEVADA 89101

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2 Moreover, this Court took under advisement the issue of attorney's fees associated with
3 Plaintiff's Motion and the underlying evidentiary proceedings that concluded on
4 February 1, 2017. These issues are ancillary to the issues currently on appeal.
5 Specifically, although the teenage discretion provision was the topic of a prior appeal,
6 this provision is not the subject of the current appeal.
7

8 Due to specific factual assertions raised in Plaintiff's Reply, this Court expressly
9 authorized and directed Defendant on February 1, 2017 to submit a responsive
10 affidavit to these factual aspects. Specifically, the Court gave the following specific
11 direction:
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14 to the teenage discretion provision, I am going to take that under
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17 *happened in the past week with respect to Rylee*, I want an affidavit submitted
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in regards to the teenage discretion provision.

18 February 1, 2017 Videotape of hearing at 17:46 – 17:47 (emphasis supplied).
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20 Defendant thereafter filed Defendant's Supplemental Declaration in Opposition
21 to Plaintiff's Motions Filed December 29, 2016; Request for Sanctions (Feb. 13, 2017)
22 (hereinafter referred to as Defendant's "Supplemental Declaration"). This Court did
23 not authorize the filing of any additional papers, nor did either party seek leave to file
24 any additional papers associated with the remaining issues before the Court.¹
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27 ¹To say that the filing of papers in this matter has been extreme would be a gross
28 understatement – particularly after the entry of the parties' Decree of Divorce (Oct. 31,
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(Mar. 18, 2011), 30 motions have been filed. This does not include counter-motions

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30 Defendant, one of the motions was Defendant's Request to File Supplemental
31 Information in Support of Motion for Attorney's Fees; in the Alternative, Supplemental
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33 once every three months since the entry of the Decree of Divorce (Oct. 31, 2013).

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6 Defendant's Motion to Strike is set on this Court's March 16, 2017 Chamber
7 Calendar. Plaintiff's Opposition to Motion to Strike is set for a hearing on this Court's
8 calendar on April 4, 2017, at 10:00 a.m. Plaintiff's Motion to Strike is set for a hearing
9 on this Court's calendar on March 21, 2017, at 10:00 a.m. These four papers are
10 unnecessary and superfluous to the Court's determination and should be stricken from
11 the record. Moreover, the following paragraphs of Defendant's Supplemental
12 Declaration should be stricken as exceeding the scope of the Court's direction: 3
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20 hearings that, absent an agreement, the Court *generally* will not entertain teenage
21 discretion or the appointment of a parenting coordinator. However, this Court also
22 *generally* defers to the stipulated decisions of two fit parents. Because fit parents should
23 be presumed to be acting in the best interest of their children, deference should be
24 afforded to allow parents the ability to parent their children without government
25 interference. In this regard, two fit parents have the decision-making right to stipulate
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9 Court questioned the Defendant at the February 1, 2017 hearing as to whether it
10 might be worth eliminating teenage discretion to minimize the seemingly endless
11 litigation. This Court notes that it does not appear that the similarly challenged Order
12 for Appointment of Parenting Coordinator (Oct. 29, 2013) is being followed by the
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14 Motion (presumably because there is no parenting coordinator), this Court is not
15 inclined to entertain a request to eliminate the teenage discretion provision when the
16 parties are not abiding by the terms of the Order for Appointment of Parenting
17 Coordinator (Oct. 29, 2013). The parties' daughter, Rylee, attained the age of 14 on
18 January 24, 2017, thus triggering the teenage discretion provision. At the time Plaintiff
19 filed his Motion, Rylee had not attained the age upon which the teenage discretion
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21 this Court to yet again revisit or strike this provision and his request should be denied.
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5 Declaration (i.e., the time spent in preparing her Supplemental Declaration should not
6 be considered by the Court).
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8 This Court has considered the factors set forth in *Brunzell v. Golden Gate National*
9 *Bank*, 85 Nev. 345, 455 P.2d 31 (1969), with the exception of work actually
10 performed. Thus, Defendant should file and serve an appropriate memorandum
11 pursuant to *Brunzell* to enable the Court to ascertain the work actually performed. The
12 Defendant should thereafter submit a proposed Order for fees (leaving a blank therein).
13 The *Brunzell* memorandum should be filed by March 29, 2017. The *Brunzell*
14 memorandum should be limited to the time devoted to responding to Plaintiff's
15 Motion. Plaintiff may file and serve a response to Defendant's memorandum on or
16 before April 12, 2017. Plaintiff's response should be limited to addressing Defendant's
17 assertions regarding the time spent and fees associated with her *Brunzell* memorandum.
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21 With respect to the evidentiary proceedings, this Court is not inclined to award
22 either party with attorney's fees. Although the ultimate relief sought by Plaintiff was
23 not granted, this Court is not inclined to reward Defendant with an award of attorney's
24 fees when Plaintiff has lost custodial time with the parties' daughter, Brooke. The
25 evidence demonstrated that Defendant was not as proactive as she could have been
26 with respect to the scheduling of counseling appointments for Brooke (choosing to
27 leave such scheduling almost entirely up to Brooke). The Court ultimately ordered the
28

1
2 continuation of counseling through Dr. Ali. Each party should bear their own
3 attorney's fees and costs.

4 Based on the foregoing Findings of Fact and Conclusions of Law, and good cause
5 appearing therefor,
6

7 It is hereby ORDERED that Plaintiff's Motion is DENIED.

8 It is further ORDERED that Defendant's Motion to Strike, Plaintiff's Motion
9 to Strike, Plaintiff's Opposition to Defendant's Motion to Strike, and Plaintiff's
10 Supplement are STRICKEN.
11

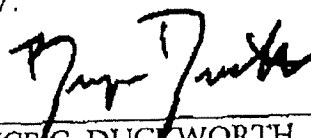
12 It is further ORDERED that paragraphs 3 through 13, 19 through 22, 27
13 through 29, and 31 through 34 are stricken from Defendant's Supplemental
14 Declaration.
15

16 It is further ORDERED that Defendant shall submit a memorandum of fees and
17 costs pursuant to *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 455 P.2d 31
18 (1969), by March 29, 2017. It is further ORDERED that Defendant's *Brunzell*
19 memorandum shall be limited to the fees associated with her response to Plaintiff's
20 Motion and shall not re-argue the issues addressed herein (including the award of fees).
21 Rather, it shall provide the Court with information pertaining to the amount of time
22 actually spent in responding to Plaintiff's Motion. It is further ORDERED that
23 Plaintiff may submit a response thereto by April 12, 2017. It is further ORDERED
24 that Plaintiff's response shall be limited to the fees identified in Defendant's *Brunzell*
25 memorandum.
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It is further ORDERED that the hearings scheduled for March 21, 2017 at 10:00 a.m., and April 4, 2017 at 10:00 a.m. are VACATED.

DATED this 15th day of March, 2017.



BRYCE C. DUCKWORTH
DISTRICT COURT JUDGE
DEPARTMENT Q