

IN THE SUPREME COURT OF THE STATE OF NEVADA

**Chalese Marie Solinger,**

Appellant,

vs.

**Louis C. Schneider, Esq.,**

Respondent.


Electronically Filed  
Dec 14 2020 02:37 p.m.  
Supreme Ct Case No. 81787  
Elizabeth A. Brown  
District Ct Case No. D-19-582245-D  
Clerk of Supreme Court

**APPELLANT'S RESPONSE TO ORDER TO SHOW CAUSE**

Appellant **Chalese Marie Solinger**, by and through her attorneys, **Jack W. Fleeman, Esq.**, and **Alicia S. Exley, Esq.**, of PECOS LAW GROUP, hereby submits her response to this Court's order to show cause as to why this appeal should not be dismissed.

DATED this 14<sup>th</sup> day of December, 2020.

PECOS LAW GROUP



**Jack W. Fleeman, Esq.**

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(702) 388-1851

Attorneys for Appellant

## **NRAP 26.1 DISCLOSURE**

The undersigned counsel of record certifies that the following are persons and entities as described in NRAP 26.1(a) and must be disclosed. These representations are made in order that the justices of this court may evaluate possible disqualification or recusal.

1. All parent corporations and publicly held companies owning 10 percent or more of the party's stock: None.

2. Names of all law firms whose attorneys have appeared for the party or amicus in this case (including proceedings in the district court or before an administrative agency) or are expected to appear in this court:

**Pecos Law Group:** Bruce I. Shapiro, Esq., Jack W. Fleeman, Esq., and Alicia S. Exley, Esq.

**Vegas west attorneys:** Kristina C. Kirigin, Esq.

**Law Offices of Louis C. Schneider, LLC:** Louis Schneider, Esq.

**The Abrams & Mayo Law Firm:** Vincent Mayo, Esq. and Jennifer V. Abrams, Esq.

**Adam Solinger, Esq.** (Appearing as a party in Proper Person)

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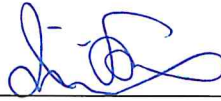
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3. If litigant is using a pseudonym, the litigant's true name: None.

DATED this 12<sup>th</sup> day of December, 2020

PECOS LAW GROUP



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## I.

### STATEMENT OF FACTS

Appellant, **Chalese Marie Solinger** (“Chalese”) initially hired Respondent, **Louis C. Schneider, Esq.** (“Mr. Schneider”) to represent her in her divorce case against **Adam Michael Solinger** (“Adam”). The divorce case became highly contentious and was set for two days of trial in October 2019.

Communications between Chalese and Mr. Schneider broke down and Chalese hired Pecos Law Group to substitute into the case as her counsel in August 2019. Chalese discovered, after hiring Pecos Law Group, that Mr. Schneider had done virtually no discovery or trial preparation. Pecos Law Group had to file to continue the trial.

In the meantime, Mr. Schneider filed a motion to adjudicate his attorney’s lien, alleging Chalese owed an outstanding \$15,425.00. Chalese, through new counsel, opposed this motion, arguing that Mr. Schneider’s fees were not reasonable and that he had not submitted a proper *Brunzell* affidavit. At the hearing on the motion, counsel argued that Chalese had not seen a billing statement from Mr. Schneider until he filed his motion to adjudicate, that Mr. Schneider was charging an inordinate amount to review standard documents, that he had filed documents that were improper and stricken, and that he charged Chalese to retain an expert that was never retained.

On October 9, 2019, after the hearing on Mr. Schneider's motion to adjudicate, the district court awarded Mr. Schneider \$10,875.00 in attorney's fees. Mr. Schneider was directed to prepare the order, but the order was not entered until August 19, 2020. *The order contains no reference to Brunzell, nor does it explain how the amount awarded was reasonable.*

Though the divorce case is still pending, Chalese feared that if she did not file a timely notice of appeal within 30 days of the order granting Mr. Schneider's motion to adjudicate, that she would waive her right to appeal the order. Chalese believes that the order granting Mr. Schneider's motion to adjudicate is the final order as to the issue of outstanding fees allegedly owed by Chalese to Mr. Schneider. The trial on the divorce and custody issues in the case is not set to begin until March 2021.

## **II.**

### **ARGUMENT**

The order to show cause states that "the order is not a final judgment because it does not resolve any claims asserted in the complaint for divorce." Attorney's fees were at issue in the complaint. Further, Chalese posits that if only orders resolving claims specifically asserted in a complaint were appealable, it would leave a multitude of legal matters unable to be appealed at all. The adjudication of an attorney's lien by a client's own counsel would, presumably, never be an issue

contained in a complaint. Further, post-judgment orders, especially in family law, are frequently appealed even if they do not resolve claims asserted in an original complaint.

The Court references *Lee v. GNLV Corp.*<sup>1</sup> in its order to show cause. While the *Lee* Court stated that a final judgment “has been described as one that disposes of the issues presented in the case, determines the costs, and leaves nothing for the future consideration of the court,”<sup>2</sup> that is not the end of the Court’s analysis. The Court also observed that it “has customarily adopted the view that the finality of a district court’s order depends not so much on its label as an ‘order’ or a ‘judgment,’ but on what the ‘order’ or ‘judgment’ substantively accomplishes.”<sup>3</sup>

This idea of appealability was also discussed before the *Green* decision, in *Valley Bank of Nevada v. Ginsburg*,<sup>4</sup> in which the Court stated that its “functional view of finality” aims to advance “the rule’s main objective: promoting judicial economy by avoiding the specter of piecemeal appellate review.”<sup>5</sup>

The Court concluded that a final, appealable judgment is “one that disposes of the issues presented in the case ... and leaves nothing for the future consideration

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<sup>1</sup> 116 Nev. 424, 996 P.2d 416 (2000)

<sup>2</sup> *Id.* at 426, 417.

<sup>3</sup> *Id.* at 427, 417.

<sup>4</sup> 110 Nev. 440, 874 P.2d 729 (1994).

<sup>5</sup> *Id.* at 444, 733.

of the court.”<sup>6</sup> Based on other Nevada case law, the adjudication of an attorney’s lien is appealable.<sup>7</sup>

Chalese does not anticipate that the divorce trial will involve any discussion of the prior attorney’s lien, except that the district court stayed execution of the judgment until after the trial. Other than a writ, which would be available if this court determines this is not an appealable order, Chalese has no other opportunity to contest this order in the district court. Chalese, therefore, believes that the order of attorney’s fees in favor of her previous counsel is a “final order” as to the attorney’s lien issue with Mr. Schneider. It disposed of the issue of Mr. Schneider’s attorney’s lien, leaving nothing as to that lien for the future consideration of the court. The order substantively accomplishes the award of fees to Mr. Schneider owed by Chalese.

Further, though there are still pending issues before the district court pertaining to issues of child custody, property division, alimony, etc., the issue of Mr. Schneider’s fees is, essentially, collateral to those other issues.

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<sup>6</sup> *Id.* at 445, 733 (quoting *Alper v. Posin*, 77 Nev. 328, 330, 363 P.2d 502, 503 (1961)).

<sup>7</sup> *See e.g., Leventhal v. Black & LoBello*, 129 Nev. 472, 305 P.3d 907 (2013) (discussing “a law firm’s charging lien for fees against its former client under NRS 18.015”).

### III.

#### CONCLUSION

For the foregoing reasons, Appellant **Chalese Marie Solinger**, by and through her attorneys, **Jack W. Fleeman, Esq.**, and **Alicia S. Exley, Esq.**, of PECOS LAW GROUP, hereby submits her response to this Court's order to show cause as to why this appeal should not be dismissed.

DATED this 14<sup>th</sup> day of December, 2020

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Attorneys for Appellant



### **CERTIFICATE OF MAILING**

The foregoing "APPELLANT'S RESPONSE TO ORDER TO SHOW CAUSE" in the above-captioned matter was served this date by mailing a true and correct copy thereof, via first class mail, postage prepaid and addressed as follows:

Louis C. Schneider, Esq.  
430 South 7<sup>th</sup> Street  
Las Vegas, NV 89101

Adam Solinger  
7290 Sea Anchor Ct.  
Las Vegas, NV 89131

**DATED** this 14<sup>th</sup> day of December, 2020



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**Allan Brown**

an Employee of Pecos Law Group