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IN THE SUPREME COURT OF THE STATE OF NEVADA

CHALESE MARIE SOLINGER,

Appellant,

vs.

LOUIS C. SCHNEIDER, ESQ.,

Respondent.

SUPREME COURT NO.: 81787

District Court Case No.: D-19-582245-D
Electronically Filed
Jan 04 2021 05:09 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

REPLY TO APPELLANT'S RESPONSE TO ORDER TO SHOW CAUSE

COMES NOW, LOUIS SCHNEIDER, ESQ. of the LAW OFFICES OF LOUIS C. SCHNEIDER, LLC, and hereby submits Reply to Appellant's Response to Order to Show Cause. This Reply is made and based upon the attached Memorandum of Points and Authorities

Dated this 4th day of January, 2021.

Respectfully submitted:

/s/ Louis C. Schneider

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MEMORANDUM OF POINTS AND AUTHORITIES

I.

Statement of Relevant Facts/Relevant Procedural History

The Appellant hired the Respondent as her counsel in the underlying district court case. Appellant's current counsel substituted into the district court case in August 2019 after the Appellant failed to timely pay attorney's fees to the Respondent. In addition, communication between Appellant and Respondent had broken down such that the Respondent could no longer represent the Appellant.

Respondent filed a motion to adjudicate attorney's lien on August 23, 2019. At the hearing on Respondent's motion on October 19, 2019, the district court issued an order granting the Respondent \$10,875.00 for attorney's fees. The district court also ordered that judgment on that order was stayed pending resolution at trial. *See Order From The Hearing Held October 19, 2019, entered on August 19, 2020.* At the October 19, 2019 hearing, the district court also held in abeyance its decision as to whether the Appellant or the martial community as a whole was responsible for pay the attorney's fees due to Respondent. *Id.*

The Appellant, in her Appellant's Response to Order to Show Cause, claims that the Respondent did not represent the Appellant in a manner that justified his claim for attorney's fees, and she disputes the amount of fees owed. These arguments, couched as statements of fact, are not relevant to the issue of jurisdiction, and therefore will not be addressed in this pleading. Suffice it to say that the Respondent competently and

1 diligently represented the Appellant. The district court clearly agreed that the
2 Respondent's legal representation of the Appellant was competent and diligent, as
3 evidenced by the district court's order awarding the Respondent attorney's fees, after the
4 district court had read the written opposition, and heard oral argument, to Respondent's
5 motion for attorney's fees.
6

7 The underlying district court case is a divorce case. Trial to resolve the issues in
8 the divorce case is scheduled for March 2021. As will be discussed in Section II below, a
9 final order has not been issued in the underlying district court case.
10

11 II.

12 Legal Argument

13 The Appellant claims that the order adjudicating attorney's lien is a final judgment,
14 pursuant to NRAP 3A(b)(1). However, the Supreme Court is correct in its assertion, made
15 in its Order to Show Cause entered November 16, 2020, that the order adjudicating
16 attorney's lien is not a final judgment, because it does not resolve any claims asserted in
17 the complaint for divorce.
18

19 The Nevada Supreme Court defines a final judgment as follows: "...a final
20 judgment is one that disposes of all the issues presented in the case, and leaves nothing
21 for the future consideration of the court, except for post-judgment issues such as attorney's
22 fees and costs. A post-judgment order awarding attorney's fees and/or costs may be
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1 appealed as a special order made after final judgment, pursuant to NRAP 3A(b)(2).” *Lee*
2 v. *GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000).¹

3 Here, all the issues presented in the underlying case, which are the claims asserted
4 in the complaint for divorce in district court case D-19-582245-D, have not been disposed
5 of, because trial on the merits of the case is not scheduled until March 2021. As this
6 Honorable Court pointed out in the order to show cause, the order adjudicating attorney’s
7 fees does not resolve any of the claims asserted in the complaint for divorce.
8

9 The Appellant argues that the labeling of an order does not determine whether it is
10 a final judgment, but what the order or judgment substantively accomplishes determines
11 its finality, citing *Lee*, 116 Nev. 424, 996 P.2d 416 (2000) and *Valley Bank of Nevada vs.*
12 *Ginsburg*, 110 Nev. 440, 878 P.2d 729 (1994). The Appellant also quotes *Valley Bank of*
13 *Nevada*, stating, “...the rule's main objective: promoting judicial economy by avoiding
14 the specter of piecemeal appellate review.”
15

16 An appeal from the judgment for attorney’s fees entered on August 19, 2020 allows
17 precisely what the rule is trying to avoid – piecemeal appellate review. The Respondent’s
18 execution of the judgment for attorney’s fees was stayed by the district court until after
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25 ¹ The Appellant quotes *Lee* in reciting the definition of a final judgment, stating that a
26 final judgment “has been described as one ‘that disposes of the issues presented in the
27 case, determines the costs, and leaves nothing for the future consideration of the court.’”
28 However, this definition of a final judgment is incorrect. It was rejected by the Nevada
Supreme Court in its analysis in *Lee* and clarified with the definition cited by the
Respondent.

1 the trial in this case; a trial which will produce a decree of divorce, which is the final
2 judgment in the underlying case. In addition, the question of exactly who is responsible
3 for payment of the adjudicated attorney's fees is still an open question, to be resolved at
4 trial.²

6 The definition of a final order is clear, as correctly cited *supra* by the Respondent.
7 The judgment for attorney's fees is not a final judgment, because it does not resolve and
8 dispose of the claims asserted in the decree of divorce. Thus, the Court should dismiss the
9 appeal for lack of jurisdiction.

12 Dated this 4th day of January, 2021.

14 Respectfully submitted:

16 /s/ Louis C. Schneider

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25 ² The order entered on August 19, 2020 states the mechanism of how the attorney's fees
26 are to be paid – who owes what to whom – but it leaves open for determination at trial the
27 issue of whether the marital community or the Appellant is ultimately responsible to pay
28 the attorney's fees.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 4th day of January, 2021 a true and correct copy of the foregoing **REPLY TO APPELLANT'S RESPONSE TO ORDER TO SHOW CAUSE** was served via the Supreme Court's electronic filing service system (eflex) and sent via first class mail, postage prepaid and addressed as follows:

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