

IN THE SUPREME COURT OF THE STATE OF NEVADA

Erich M. Martin,

Appellant,

vs.

Raina L. Martin,

Respondent.

Case No.: 81810

Electronically Filed
Feb 12 2021 03:57 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Appeal from the Eighth Judicial District
Court – Family Court Division, the
Honorable Rebecca L. Burton presiding

**MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF
AND APPENDICES**

(First Request)

Marquis Aurbach Coffing

Chad F. Clement, Esq.
Nevada Bar No. 12192
Kathleen A. Wilde, Esq.
Nevada Bar No. 12522
10001 Park Run Drive
Las Vegas, Nevada 89145
Telephone: (702) 382-0711
Facsimile: (702) 382-5816
cclement@maclaw.com
kwilde@maclaw.com

Attorneys for Appellant Erich Martin

Appellant, Erich Martin (“Erich”), by and through his counsel of record, the law firm of Marquis Aurbach Coffing, hereby moves this Court pursuant to NRAP 31(b) for a 60-day extension of time to file his opening brief and corresponding appendices. The instant Motion is Erich’s first request for an extension.

Erich’s opening brief is currently due on February 16, 2021.¹ If the Court grants the instant request for a 60-day extension, Erich’s opening brief and appendices will be due on Friday, April 16, 2021. Good cause exists for extending the filing deadline because:

1. The instant appeal is likely to be consolidated with another closely related appellate matter. On January 28, 2021, the District Court entered an Order granting fees *pendente lite* to Respondent Raina Martin for anticipated expenses relating to the instant appeal. On February 12, 2021, Erich filed a Notice of Appeal challenging the Order as well as a Case Appeal Statement. *See Exhibits 1 and 2*, attached hereto. Once the new appeal is docketed, Erich will promptly file a motion to consolidate in accordance with NRAP 3(b)(2).

2. Realistically, a thirty-day extension would not be enough time to complete consolidation of the two appellate matters. Even if the parties act

¹ The November 17, 2020, Order Reinstating Briefing set the due date as ninety days from the date of the Order. Because February 15, 2021, is President’s Day, the deadline falls on the following day. *See* NRAP 26(a)(1).

promptly, Erich anticipates that the District Court will need time to prepare the relevant transcript(s). Given this Court's massive work load, it also will take some time for the Court to process the new appeal and forthcoming motion to consolidate.

3. Consolidation of the two appeals, if allowed, will save everyone – including the Court – time and resources.

4. Additionally, the requested extension is warranted because the family law attorney assisting with this matter, Rachel Tygret, is on medical leave until at least April.

5. Although Erich understands that the work load of counsel is not, of itself, compelling cause, responsible attorney Kathleen Wilde has been inundated with sizeable matters including an administrative matter where the record alone exceeds 50,000 pages.

6. The requested extension of time increases the likelihood that Erich will continue to be represented by legal counsel during the appellate proceedings. Currently, Erich is unable to pay appellate counsel's bills because the District Court ordered Erich to pay in excess of \$10,000 in a span of less than two months.²

² In addition to an ongoing child support obligation of \$1,317 a month and "indemnification" of \$850 per month to Raina, the District Court ordered Erich to pay \$5,000 for Raina's attorney's fees and \$5,918.01 for arrears.

Therefore, Erich respectfully requests a 60-day extension of time to April 16, 2021, to file his opening brief and corresponding appendices. This motion is submitted in good faith and for good cause shown in accordance with NRAP 31(b).

Dated this 12th day of February, 2021.

MARQUIS AURBACH COFFING

By: /s/ Kathleen A. Wilde, Esq.

Nevada Bar No. 12192
Kathleen A. Wilde, Esq.
Nevada Bar No. 12522
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorneys for Appellant

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF AND APPENDICES** was filed electronically with the Nevada Supreme Court on the 12th day of February, 2021. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Marshal S. Willick, Esq.
Willick Law Group
3591 E. Bonanza Road, Suite 200
Las Vegas, NV 89110
Willicklawgroup.com
Attorney for Respondent

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

N/A



An employee of Marquis Aurbach Coffing

Exhibit “1”

Notice of Appeal
(Feb. 12, 2021)

MARQUIS AURBACH COFFING
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

Electronically Filed
2/12/2021 2:01 PM
Steven D. Grierson
CLERK OF THE COURT



1 **Marquis Aurbach Coffing**
2 Chad F. Clement, Esq.
3 Nevada Bar No. 12192
4 Kathleen A. Wilde, Esq.
5 Nevada Bar No. 12522
6 10001 Park Run Drive
7 Las Vegas, Nevada 89145
8 Telephone: (702) 382-0711
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10 cclement@maclaw.com
11 kwilde@maclaw.com
12 *Attorneys for Erich M. Martin*

DISTRICT COURT—FAMILY DIVISION
CLARK COUNTY, NEVADA

10 Erich M. Martin,
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13 vs.
14 Raina L. Martin,
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Plaintiff,
Defendant.

Case No.: D-15-509045-D
Dept. No.: Q

NOTICE OF APPEAL

Plaintiff, Erich M. Martin, by and through his attorneys of record, the law firm of Marquis Aurbach Coffing, hereby appeals to the Supreme Court of Nevada the Order from the January 12, 2021, Hearing, filed on January 26, 2021. The Notice of Entry for the Order was filed on January 28, 2021, and is attached hereto as **Exhibit 1**.

Dated this 12th day of February, 2021.

MARQUIS AURBACH COFFING

By: /s/ Kathleen A. Wilde
Chad F. Clement, Esq.
Nevada Bar No. 12192
Kathleen A. Wilde, Esq.
Nevada Bar No. 12522
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorneys for Erich M. Martin

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **NOTICE OF APPEAL** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 12th day of February, 2021. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:¹

John Kelleher	hjuilfs@kelleherandkelleher.com
Erich Martin	emartin2617@gmail.com
Richard L Crane	richard@willicklawgroup.com
Matthew H. Friedman, Esq.	mfriedman@fordfriedmanlaw.com
Justin Johnson	Justin@willicklawgroup.com
Tracy McAuliff	tracy@fordfriedmanlaw.com
Christopher B. Phillips, Esq.	cphillips@fordfriedmanlaw.com
Reception	email@willicklawgroup.com
Gary Segal, Esq.	gsegal@fordfriedmanlaw.com
"Samira C. Knight, Esq. "	Samira@tklawgroupnv.com
John Kelleher	kelleherjt@aol.com
Samira Knight	Samira@TKLawgroupnv.com
Tarkanian Knight	Info@Tklawgroupnv.com

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

N/A


An employee of Marquis Aurbach Coffing

¹ Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).

EXHIBIT “1”



1 **NEOJ**
2 **WILICK LAW GROUP**
3 **MARSHAL S. WILLICK, ESQ.**
4 Nevada Bar No. 2515
5 3591 E. Bonanza Road, Suite 200
6 Las Vegas, NV 89110-2101
7 Phone (702) 438-4100; Fax (702) 438-5311
8 email@willicklawgroup.com
9 Attorney for Defendant

8 **DISTRICT COURT**
9 **FAMILY DIVISION**
10 **CLARK COUNTY, NEVADA**

11 **ERICH MARTIN,**
12 **Plaintiff,**

13 **vs.**

14 **RAINA MARTIN,**
15 **Defendant.**

CASE NO: D-15-509045-D
DEPT. NO: Q

16
17 **NOTICE OF ENTRY OF ORDER FROM THE JANUARY 12, 2021,**
18 **HEARING**

19 **TO: ERICH MARTIN, Plaintiff.**

20 **TO: KATHLEEN A. WILDE, ESQ., Attorney for Plaintiff.**

21 **PLEASE TAKE NOTICE** that an *Order from the January 12, 2021, Hearing*
22 **was duly entered in the above action on the 26th day of January, 2021, a true and**

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correct copy of which is attached herein.

DATED this 28th day of January, 2021.

WILLICK LAW GROUP

// s // Richard L. Crane, Esq.

MARSHAL S. WILLICK, ESQ.
Nevada Bar No. 2515
RICHARD L. CRANE, ESQ.
Nevada Bar No. 9536
3591 East Bonanza Road, Suite 200
Las Vegas, Nevada 89110-2101
Attorneys for Defendant

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the WILLICK LAW GROUP and that on this 28th day of January, 2021, I caused the above and foregoing document to be served as follows:

- Pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 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, to be sent via facsimile, by duly executed consent for service by electronic means.
- by hand delivery with signed Receipt of Copy.
- by First Class, Certified U.S. Mail.

To the person(s) listed below at the address, email address, and/or facsimile number indicated:

CHAD F. CLEMENT, ESQ.
KATHLEEN A. WILDE, ESQ.
Marquis Aurbach Coffing
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorney for Plaintiff

/s/Justin K. Johnson

An Employee of the WILLICK LAW GROUP

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Alvin S. Martin
CLERK OF THE COURT

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ORDER
WILICK LAW GROUP
MARSHAL S. WILLICK, ESQ.
Nevada Bar No. 2515
3591 E. Bonanza Road, Suite 200
Las Vegas, NV 89110-2101
Phone (702) 438-4100; Fax (702) 438-5311
email@willicklawgroup.com
Attorney for Defendant

**DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA**

ERICH MARTIN,
Plaintiff,
vs.
RAINA MARTIN,
Defendant.

CASE NO: D-15-509045-D
DEPT. NO: Q
DATE OF HEARING: 1/12/2021
TIME OF HEARING: 10:00 am

ORDER FROM THE JANUARY 12, 2021, HEARING

This matter came on for a hearing at the above date and time before the Honorable Bryce Duckworth, District Court Judge, Family Division. Defendant, Raina Martin, was present by video and was represented by and through her attorney, Richard L. Crane, Esq., of the WILICK LAW GROUP, and Plaintiff, Erich Martin, was present by video and represented by and through his attorney, Kathleen A. Wilde of MARQUIS AURBACH COFFING.

The Court, having reviewed the pleadings and papers filed herein and entertaining argument from both sides, made the following findings and orders:

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THE COURT HEREBY FINDS:

1. This case is appropriate to be heard by the District Court as the issues raised are ancillary to the issues brought up on appeal.
2. Mr. Crane represented that CRSC pay is always accompanied by VA Disability Pay. The Court asked Mr. Martin directly if he was receiving VA Disability pay in addition to his CRSC pay. Mr. Martin replied that he was not receiving any VA disability pay.
3. Based on Mr. Martin's response, the Court finds that the Plaintiff's monthly income to be used in the calculation of Child Support is \$13,022.16.
4. Based on Mr. Crane's request, discovery will be opened on the issue of VA Disability Pay.
5. Should Discovery result in there being VA Disability Pay that was not disclosed on the Plaintiff's Financial Disclosure Form, the amount of child support shall be recalculated appropriately.
6. The Court does not have its own standard Behavioral Order Language, but will accept any added and stipulated language.
7. Any previous financial Orders made by this Court's predecessor are still considered due and enforceable under the Court's contempt powers.
8. As the Child Support is up for review based on over three years having passed, attorney's fees will not be awarded to either party.

IT IS HEREBY ORDERED:

1. As of November 18, 2020, Child Support is set at \$1,317 per month. Erich is to transmit the full amount to Raina on the first of every month. ~~After the 5th, any payments not made by then shall be considered late and interest shall be applied.~~
2. Discovery regarding the VA Disability Pay issue is open as of the January 12, 2021, and shall remain open for 60 days.

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3. The Parties shall bear their own attorney's fees.

4. Mr. Crane is to draft the Order from today's hearing. Ms. Wilde is to review as to form and content.

DATED this ____ day of _____, 2021.

Dated this 26th day of January, 2021


DISTRICT COURT JUDGE *JK*

Dated this 22nd day of January, 2021
Respectfully Submitted By:

Dated this ____ day of _____, 2021
Approved as to Form and Content
By:

WILLICK LAW GROUP

A78 3BB B21C BEB6
BYCE C. DUCKWORTH
District Court Judge

// s // Richard L. Crane, Esq.

Signature Refused

MARSHAL S. WILLICK, ESQ.
Nevada Bar No. 2515
RICHARD L. CRANE, ESQ.
Nevada Bar No. 9536
3591 E. Bonanza Rd., Suite 200
Las Vegas, Nevada 89110
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Attorneys for Defendant

CHAD F. CLEMENT, ESQ.
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Attorneys for Plaintiff

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1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
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6 Erich M Martin, Plaintiff

CASE NO: D-15-509045-D

7 vs.

DEPT. NO. Department Q

8 Raina L Martin, Defendant.

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10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 1/26/2021

15 "Samira C. Knight, Esq. "	Samira@tklawgroupnv.com
16 Chad Clement	cclement@maclaw.com
17 Reception Reception	email@willicklawgroup.com
18 Samira Knight	Samira@TKLawgroupnv.com
19 Tarkanian Knight	Info@Tklawgroupnv.com
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21 Justin Johnson	Justin@willicklawgroup.com
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24 Gary Segal, Esq.	gsegal@fordfriedmanlaw.com
25 Richard Crane	richard@willicklawgroup.com

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Cally Hatfield

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Suzanne Boggs

sboggs@maclaw.com

Exhibit “2”

Case Appeal Statement
(Feb. 12, 2021)

MARQUIS AURBACH COFFING
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

Electronically Filed
2/12/2021 2:04 PM
Steven D. Grierson
CLERK OF THE COURT


1 **Marquis Aurbach Coffing**
2 Chad F. Clement, Esq.
3 Nevada Bar No. 12192
4 Kathleen A. Wilde, Esq.
5 Nevada Bar No. 12522
6 10001 Park Run Drive
7 Las Vegas, Nevada 89145
8 Telephone: (702) 382-0711
9 Facsimile: (702) 382-5816
10 cclement@maclaw.com
11 kwilde@maclaw.com
12 *Attorneys for Erich M. Martin*

DISTRICT COURT—FAMILY DIVISION
CLARK COUNTY, NEVADA

10	Erich M. Martin,		Case No.:	D-15-509045-D
11		Plaintiff,	Dept. No.:	Q
12	vs.			
13	Raina L. Martin,			
14		Defendant.		

CASE APPEAL STATEMENT

17 Plaintiff, Erich M. Martin, by and through his attorneys of record, Marquis Aurbach
18 Coffing, hereby files this Case Appeal Statement.

- 19 1. Name of appellant filing this Case Appeal Statement:
20 Erich M. Martin
- 21 2. Identify the Judge issuing the decision, judgment, or order appealed from:
22 The Honorable Rebecca L. Burton, Dept. C of the Eighth Judicial District Court.¹
- 23 3. Identify each appellant and the name and address of counsel for each appellant:
24 **Appellant:**
25 Erich M. Martin

27 ¹ Shortly after Judge Burton issued the order in question, the case was reassigned to the Honorable Judge
28 Bryce C. Duckworth. See Eighth Judicial District Court Administrative Order 20-25.

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Counsel for Appellant:
Chad F. Clement, Esq.
Kathleen A. Wilde, Esq.
Marquis Aurbach Coffing
10001 Park Run Drive
Las Vegas, NV 89145

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

Respondent:
Raina L. Martin

Counsel for Respondent:
Marshal S. Willick, Esq.
Richard L. Crane, Esq.
Willick Law Group
3591 E. Bonanza Road, Suite 200
Las Vegas, NV 89110

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

N/A

6. Indicate whether appellant was represented by appointed or retained counsel in the district court:

Appellant retained counsel for most of the District Court proceedings.

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

Retained.

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

N/A.

1 9. Indicate the date the proceedings commenced in the district court (e.g., date
2 complaint indictment, information, or petition was filed):

3 The Complaint for Divorce was filed on February 2, 2015.

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

7 Erich and Raina Martin married on April 1, 2002. Erich filed for divorce
8 in 2015, and on November 5, 2015, the District Court signed a Decree of Divorce
(the "Decree") on the basis of irreconcilable differences.

9 The Decree provided, in relevant part, that Raina that Raina is entitled to
10 "one-half (1/2) of the marital interest in the [sic] Erich's military retirement
11 pursuant to the time rule established in Nevada Supreme Court cases *Gemma v.*
12 *Gemma*, 105 Nev. 458, 778 P.2d 429 (1989), and *Fondi v. Fondi*, 106 Nev. 856,
13 802 P.3d 1264 (1990)." "Should Erich select to accept military disability
14 payments," the Decree provides that "Erich shall reimburse Raina for any amount
15 of that her share of the pension is reduced due to the disability status."

16 Erich retired from the military in 2019. The Defense Finance and
17 Accounting Service ("DFAS") made two payments to Raina before Erich waived
18 his retirement pay and opted for full disability under Combat Related Special
19 Compensation.

20 On May 1, 2020, Raina filed a Motion to Enforce in which she argued for
21 "permanent alimony in the amount she would be receiving as her share of the
22 military retirement plus any future cost of living adjustments." In its August 11,
23 2020 Order Regarding Enforcement of Military Retirement Benefits, the District
24 Court granted Raina's motion and ruled that Erich must personally pay Raina
25 \$845.43 every month plus cost-of-living adjustments – for all time – as well as
26 arrears for the payments that were not made in 2020.

27 Erich timely filed an appeal challenging the Order Regarding Enforcement
28 of Military Retirement Benefits. See case number 81810. In the District Court,
Raina then moved for attorneys' fees pendente lite for the costs of the
forthcoming appeal. Over Erich's objection, the District Court awarded Raina
\$5,000. The instant appeal challenges the award of fees pendente lite.

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

Erich M. Martin v. Raina L. Martin, case number 81810 (appeal challenging
August 11, 2020 Order Regarding Enforcement of Military Retirement Benefits).

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12. Indicate whether this appeal involves child custody or visitation:

N/A.

13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:

This is a family law matter, rather than a traditional civil case. Although Erich and undersigned counsel remain open to settlement, the NRAP 16 process in case number 81810 was no successful. So, it is unlikely that the present matter can be resolved.

Dated this 12th day of February, 2021.

MARQUIS AURBACH COFFING

By: /s/ Kathleen A. Wilde
Chad F. Clement, Esq.
Nevada Bar No. 12192
Kathleen A. Wilde, Esq.
Nevada Bar No. 12522
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorneys for Erich Martin

MARQUIS AURBACH COFFING
10001 Park Run Drive
Las Vegas, Nevada 89145
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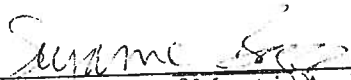
CERTIFICATE OF SERVICE

I hereby certify that the foregoing CASE APPEAL STATEMENT was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 12th day of February, 2021. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:²

Erich Martin	emartin2617@gmail.com
Richard L Crane	richard@willicklawgroup.com
Matthew H. Friedman, Esq.	mfriedman@fordfriedmanlaw.com
Justin Johnson	Justin@willicklawgroup.com
Tracy McAuliff	tracy@fordfriedmanlaw.com
Christopher B. Phillips, Esq.	cphillips@fordfriedmanlaw.com
Reception	email@willicklawgroup.com
Gary Segal, Esq.	gsegal@fordfriedmanlaw.com
"Samira C. Knight, Esq."	Samira@tklawgroupnv.com
Samira Knight	Samira@TKLawgroupnv.com
Tarkanian Knight	Info@Tklawgroupnv.com
Erich Martin	emartin2617@gmail.com
Richard L Crane	richard@willicklawgroup.com

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

N/A


An employee of Marquis Aurbach Coffing

² Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).