

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

ERICH M. MARTIN,

Appellant,

vs.

RAINA L. MARTIN,

Respondent.

SC NO: 81810-82517
DC NO: 2021-04-19 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**RESPONDENTS'
INDEX TO
APPENDIX
VOLUME XI**

Attorneys for Appellant:

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 Respondent:

Marshal S. Willick, Esq
Nevada Bar No. 2515
Richard L. Crane, Esq.
Nevada Bar No. 9536
3591 E. Bonanza Road, Suite 200
Las Vegas, Nevada 89110
Telephone: (702) 438-4100
Facsimilie: (702) 438-5311
Email@willicklawgroup.com

APPENDIX INDEX

#	DOCUMENT	FILE STAMP DATE	PAGES
Volume I			
1.	Complaint for Divorce	02/02/2015	RA000001 - RA000006
2.	Joint Preliminary Injunction	02/03/2015	RA000007 - RA000008
3.	Summons - Domestic	02/03/2015	RA000009 - RA000010
4.	Notice of Appearance	02/13/2015	RA000011 - RA000012
5.	Acceptance of Service	02/17/2015	RA000013
6.	General Financial Disclosure Form	02/25/2015	RA000014 - RA000021
7.	Answer to Complaint for Divorce and Countermotion	02/25/2015	RA000022 - RA000029
8.	Family court Motion/Opposition Fee Information Sheet	02/25/2015	RA000030
9.	Defendant's Motion for Temporary Visitation and Child Support and Temporary Spousal Support	02/25/2015	RA000031 - RA000077
10.	Ex Parte Motion for an Order Shortening Time	03/02/2015	RA000078 - RA000079
11.	Opposition to Defendant's Motion for Temporary Visitation and Child Support and Temporary Spousal Support; and Countermotion for Visitation; and for Attorney's Fees/Sanctions and Costs	03/02/2015	RA000080 - RA000094

12.	Receipt of Copy	03/03/2015	RA000095 - RA000096
13.	NRCP 16.2 Management Conference	03/11/2015	RA000097 - RA000098
14.	General Financial Disclosure Form	03/25/2015	RA000099 - RA000109
15.	Reply to Plaintiff's Opposition to Defendant's Motion for Temporary Visitation and Child Support and Temporary Spousal Support; and Countermotion for Visitation; and for Attorney's Fees/Sanctions and Costs	03/26/2015	RA000110 - RA000118
16.	Notice of Telephonic Appearance	03/27/2015	RA000119 - RA000120
17.	Court Minutes - All pending Motions	04/01/2015	RA000121 - RA000123
18.	Order for Family Mediation Center Services	04/01/2015	RA000124
19.	Order from April 1, 2015 Hearing	05/06/2015	RA000125 - RA000129
20.	Notice of Entry of Order from April 1, 2015, Hearing	05/06/2015	RA000130 - RA000137
21.	Notice of Seminar Completion - EDCR 5.07	05/15/2015	RA000138 - RA000139
22.	Reply to Counterclaim for Divorce	05/15/2015	RA000140 - RA000142
23.	Notice of Seminar Completion - EDCR 5.07	05/26/2015	RA000143 - RA000145
24.	Receipt of Copy	05/28/2015	RA000146
25.	Receipt of Copy	06/01/2015	RA000147
26.	Court Minutes - All Pending Motions	06/02/2015	RA000148 - RA000149

27.	Order to Show Cause re: Order from June 2, 2015 Hearing	10/08/2015	RA000150 - RA000151
28.	Motion to Withdraw as Counsel of Record	10/13/2015	RA000152 - RA000157
29.	Ex Parte Motion for an Order Shortening Time	10/15/2015	RA000158 - RA000159
30.	Motion/Opposition Fee Information Sheet	10/15/2015	RA000160
31.	Defendant's Motion to Enforce Settlement Agreement, for Attorney's Fees and Costs. and for Other Related Relief	10/15/2015	RA000161 - RA000197
VOLUME II			
32.	Order Shortening Time	10/19/2015	RA000198 - RA000199
33.	Affidavit of Resident Witness	10/23/2015	RA000200 - RA000201
34.	Defendant's Affidavit in Support of Request for Summary Disposition for Decree of Divorce	10/23/2015	RA000202 - RA000203
35.	Defendant's Supplemental Exhibit in Support of Defendant's Motion to Enforce Settlement Agreement, for Attorney's Fees and Costs and for Other Related Relief	10/23/2015	RA000204 - RA000209
36.	Defendant's Ex Parte Application to Consolidate Hearings	10/23/2015	RA000210 - RA000215
37.	Notice of Entry of Order	10/26/2015	RA000216 - RA000218
38.	Order Consolidating Hearing	10/23/2015	RA000219 - RA000220
39.	Receipt of Copy	10/26/2015	RA000221
40.	Amended Affidavit of Resident Witness	10/27/2015	RA000222 - RA000223

41.	Request for Summary Disposition of Decree of Divorce	10/27/2015	RA000224
42.	Notice of Telephonic Appearance	10/27/2015	RA000225 - RA000226
43.	Court Minutes - All Pending Motions	10/28/2015	RA000227 - RA000228
44 .	Order to Withdraw as Counsel of Record	10/28/2015	RA000229 - RA000230
45.	Notice of Entry of Order to Withdraw as Counsel of Record	11/03/2015	RA000231 - RA000232
46.	Decree of Divorce	11/05/2015	RA000233 - RA000255
47.	Court Minutes - Minute Order	11/09/2015	RA000256 - RA000257
48.	Notice of Entry of Decree of Divorce	11/10/2015	RA000258 - RA000280
49.	Plaintiff's Motion for Order to Show Cause	5/26/2016	RA000281 - RA000304
50.	Certificate of Service	5/27/2016	RA000305
51.	Notice of Intent to Appear Telephonically	06/06/2016	RA000306 - RA000307
52.	Notice of Change of Address	06/28/2016	RA000308 - RA000309
53.	Substitution of Attorney	06/28/2016	RA000310 - RA000311

54.	Defendant's Opposition to Plaintiff's Motion for Order to Show Cause and Counter-motion to Clarify and/or Modify Certain Child Custody Provisions and for an Order to Show Cause as to Why Plaintiff Should Not be Held in Contempt of Court for His Willful Violation of this Court's Orders, for Sanctions, for Attorney's Fees and Related Relief	06/28/2016	RA000312 - RA000391
55.	Reply to Defendant's Opposition to Plaintiff's Motion for Order to Show Cause and Counter-motion to Clarify and/or Modify Certain Child Custody Provisions and for an Order to Show Cause as to Why Plaintiff Should Not be Held in Contempt of Court for His Willful Violation of this Court's Orders, for Sanctions, for Attorney's Fees and Related Relief	07/06/2016	RA000392 - RA000404
VOLUME III			
56.	Court Minutes - All Pending Motions	7/12/2016	RA000405 - RA000407
57.	Supplement to Defendant's Opposition to Plaintiff's Motion for Order to Show Cause and Counter-motion to Clarify and/or Modify Certain Child Custody Provisions and for an Order to Show Cause as to Why Plaintiff Should Not be Held in Contempt of Court for His Willful Violation of this Court's Orders, for Sanctions, for Attorney's Fees and Related Relief	07/12/2016	RA000408 - RA000415
58.	Order for Family Mediation Center Services	07/12/2016	RA000416
59.	Notice of Intent to Appear Telephonically	09/21/2016	RA000417 - RA000418
60.	Court Minutes - Return Hearing	09/22/2016	RA000419 - RA000420
61.	Notice of Intent to Appear Telephonically	9/22/2016	RA000421 - RA000422

62.	Plaintiff's Proposal Regarding Make-Up Parenting Time, Holiday Visitation, and Transportation Pursuant tp the Hearing on September 22, 2016	9/29/2016	RA000423 - RA000431
63.	Defendant's Proposed Holiday and Vacation Schedule	9/30/2016	RA000432 - RA000438
64.	Plaintiff's Brief for Attorney's Fees	10/03/2016	RA000439 - RA000448
65.	Motion to Terminate Alimony and for Attorney's Fees and Costs	10/06/2016	RA000449 - RA000456
66.	Order Under Submission	11/01/2016	RA000457 - RA000469
67.	Order Incident to Decree of Divorce	11/14/2016	RA000470 - RA000478
68.	Order from the July 12, 2016 Hearing	11/23/2016	RA000479 - RA000482
69.	Notice of Entry of Order	11/29/2016	RA000483 - RA000488
70.	Notice of Intent to Appear Telephonically	12/07/2016	RA000489 - RA000490
71.	Substitution of Attorneys	12/12/2016	RA000491 - RA000493
72.	Defendant's Opposition and Countermotion to Plaintiff's Motion to Terminate Alimony and for Attorney's Fees and Costs	12/28/2016	RA000494 - RA000518
73.	Certificate of Service	12/29/2016	RA000519
74.	Reply to Defendant's Opposition and Opposition to Defendant's Countermotion to Plaintiff's Motion to Terminate Alimony and for Attorney's Fees and Cost [SIC]	01/04/2017	RA000520 - RA000533
75.	Plaintiff's First Supplement	01/06/2017	RA000534 RA000536

76.	Court minutes	1/12/2017	RA000537 - RA000538
77.	Plaintiff's Memorandum of Fees and Costs	1/23/2017	RA000539 - RA000552
78.	Defendant's Opposition to Plaintiff's Memorandum of Fees and Cost	2/9/2017	RA000553 - RA000558
79.	Order to Show Cause Re: Order from January 12, 2017	3/10/2017	RA000559 - RA000560
80.	Court Minutes - Order to Show Cause	4/6/2017	RA000561 - RA000562
81.	Order from the January 12, 2017, Hearing	4/6/2017	RA000563 - RA000567
82.	Notice of Entry of Order	4/7/2017	RA000568 - RA000574
83.	Plaintiff's Memorandum of Fees and Costs	4/7/2017	RA000575 - RA000589
84.	Order Awarding Attorney's Fees and Costs	5/22/2017	RA000590 - RA000595
85.	Notice of Withdrawal of Attorney of Record	6/15/2017	RA000596 - RA000597
VOLUME IV			
86.	Notice of Entry of Order	7/13/2017	RA000598 - RA000605
87.	Writ of Execution	7/14/2017	RA000606 - RA000609
88.	Motion for Clarification and Temporary Stay	7/17/2017	RA000610 - RA000659
89.	Family Court Motion/Opposition Fee Information Sheet (NRS 19.0312)	7/17/2017	RA000660

90.	Plaintiff's Opposition to Motion for Clarification and Temporary Stay and Countermotion for Attorney's Fees and Costs	7/31/2017	RA000661 - RA000698
91.	Motion/Opposition Fee Information Sheet	7/31/2017	RA000699
92.	Certificate of Mailing	8/1/2017	RA000700 - RA000701
93.	Order Amending Award of Attorney's Fees and Costs	8/21/2017	RA000702 - RA000707
94.	Notice of Withdrawal of Counsel for Plaintiff	8/28/2017	RA000708 - RA000709
95.	Notice of Entry of Order	6/21/2018	RA000710 - RA000721
96.	Satisfaction of Judgment	6/22/2018	RA000722
97.	Family Mediation Center (FMC) Request and Order for Mediation - NRS 3.475	2/15/2019	RA000723
98.	Notice of Change of Address	6/3/2019	RA000724
99.	Defendant's Motion for Appointment of a Parenting Coordinator, Issuance of a Behavior Order, for Other Custody Orders and for Defendant's Attorney's Fees and Costs Incurred Herein, and for Related Relief	8/27/2019	RA000725 - RA000751
100.	Notice of Hearing	8/28/2019	RA000752
101.	General Financial Disclosure Form	8/28/2019	RA000753 - RA000763
VOLUME V			
102.	Appendix of Exhibits to Defendant's Motion for Appointment of a Parenting Coordinator, Issuance of a Behavior Order, for Other Custody Orders and for Defendant's Attorney's Fees and Costs Incurred Herein, and for Related Relief	8/28/2019	RA000764 - RA000863

103.	Supplemental Appendix of Exhibits to Defendant's Motion for Appointment of a Parenting Coordinator, Issuance of a Behavior Order, for Other Custody Orders and for Defendant's Attorney's Fees and Costs Incurred Herein, and for Related Relief	8/29/2019	RA000864 - RA000871
104.	Ex-Parte Application to Seal Case File	8/29/2019	RA000872 - RA000875
105.	Certificate of Service	8/30/2019	RA000876 - RA000877
106.	Order Sealing Case File	9/4/2019	RA000878 - RA000879
107.	Notice of Entry of Order Sealing File	9/9/2019	RA000880 - RA000885
108.	Notice of Withdrawal of Attorney	9/16/2019	RA000886 - RA000887
109.	Stipulation and Order to Continue Motion Hearing	9/26/2019	RA000888 - RA000891
110.	Notice of Entry of Stipulation and Order to Continue Motion Hearing	10/1/2019	RA000892 - RA000899
111.	Ex Parte Motion for Continuance	11/7/2019	RA000900 - RA000903
112.	Order Granting Continuance	11/8/2019	RA000904
113.	Notice of Entry of Order	11/8/2019	RA000905 - RA000907
114.	Countermotion to Defendant's Motion for Appointment of a Parenting Coordinator, Issuance of a Behavior Order, for Other Custody Orders and for Defendant's Attorney's Fees and Costs Incurred Herein, and for Related Relief and Motion to Modify Visitation and Nightly Phone Calls	11/26/2019	RA000908 - RA000915

115.	Reply and Opposition to Defendant's Motion for Appointment of a Parenting Coordinator, Issuance of a Behavior Order, for Other Custody Orders and for Defendant's Attorney's Fees and Costs Incurred Herein, and for Related Relief	11/26/2019	RA000916 - RA000925
116.	Notice of Intent to Appear by Communication Device	11/26/2019	RA000926 - RA000927
117.	Exhibit Appendix	11/26/2019	RA000928 - RA000958
VOLUME VI			
118.	Certificate of Mailing	11/26/2019	RA000959 - RA000960
119.	Ex-Parte Motion to Extend Time for Defendant to File Her Reply to Plaintiff's Opposition and to File Defendant's Opposition to Plaintiff's countermotion (First Request for Extension of Time)	12/2/2019	RA000961 - RA000972
120.	Order Extending Time to File Responsive Pleading	12/4/2019	RA000973 - RA000974
121.	Plaintiff's Reply in Support of Motion for Appointment of a Parenting Coordinator, Issuance of a Behavior Order, for Other Custody Orders and for Defendant's Attorney's Fees and Costs Incurred Herein, and for Related Relief and Opposition to Plaintiff's Countermotion to Modify Visitation and Nightly Phone Calls	12/6/2019	RA000975 - RA000995
122.	Appendix of Exhibits to Defendant's Reply in Support of Motion for Appointment of a Parenting Coordinator, Issuance of a Behavior Order, for Other Custody Orders and for Defendant's Attorney's Fees and Costs Incurred Herein, and for Related Relief and Opposition to Plaintiff's Countermotion to Modify Visitation and Nightly Phone Calls	12/6/2019	RA000996 - RA000999

123.	Ex Parte Motion for Continuance	12/9/2019	RA001000 - RA001003
124.	Court Minutes - All Pending Motions	12/10/2019	RA001004 - RA001006
125.	Domestic Notice to Statistically Close Case	12/11/2019	RA001007
126.	Notice of Unavailability of Counsel	12/19/2019	RA001008 - RA001009
127.	Notice of Attorney's Lien and Lien	4/20/2020	RA001010 - RA001012
128.	Motion to Reduce Attorney's Lien to Judgment	4/20/2020	RA001013 - RA001021
129.	Appendix of Exhibits to Motion to Reduce Attorney's Lien to Judgment	4/20/2020	RA001022 - RA001036
130.	Notice of Hearing	4/20/2020	RA001037
131.	Substitution of Counsel	4/24/2020	RA001038 - RA001042
132.	Motion to Enforce	5/1/2020	RA001043 - RA001060
133.	General Financial Disclosure Form	5/1/2020	RA001061 - RA001070
134.	Notice of Hearing	5/4/2020	RA001071
135.	Order After December 10, 2019, Hearing	5/8/2020	RA001072 - RA001082
136.	Notice of Entry of Order After December 10, 2019, Hearing	5/8/2020	RA001083 - RA001097
137.	Request to Extend Time to Answer	5/12/2020	RA001098 - RA001099
138.	Clerk's Notice of Nonconforming Document	5/12/2020	RA001100 - RA001102

139.	Order to Extend Time to Answer Motion	5/15/2020	RA001103 - RA001104
140.	Stipulation and Order to Continue Motion Hearing	5/18/2020	RA001105 - RA001106
141.	Response to Defendant's Motion to Enforce and Defendant's Attorney's Fees and Notice of motion for an Order to Enforce and/or Order to Show Cause Regarding Contempt and Countermotion for Contempt	5/28/2020	RA001107 - RA001119
142.	Exhibit Appendix	5/28/2020	RA001120 - RA001144
143.	Notice of Intent to Appear by Communication Device	5/28/2020	RA001145
VOLUME VII			
144.	Exhibit Appendix	6/9/2020	RA001146 - RA001185
145.	General Financial Disclosure Form	6/9/2020	RA001186 - RA001193
146.	Notice of Audio/Visual Appearance	6/9/2020	RA001194 - RA001195
147.	Reply to "Response to Defendant's Motion to Enforce and Defendant's Attorney's Fees and Notice of Motion for an order to Enforce and/or Order to Show Cause Regarding Contempt" and Opposition to "Countermotion for Contempt"	6/10/2020	RA001196 - RA001210
148.	Exhibits to Reply to "Response to Defendant's Motion to Enforce and Defendant's Attorney's Fees and Notice of Motion for an order to Enforce and/or Order to Show Cause Regarding Contempt" and Opposition to "Countermotion for Contempt"	6/10/2020	RA001211 - RA001253

149.	Notice of Appearance of Counsel	6/12/2020	RA001254 - RA001255
150.	Supplement to Plaintiff's Opposition to Defendant's Motion to Enforce and Countermotion for an Order to Show Cause for Contempt	6/15/2020	RA001256 - RA001269
151.	Court Minutes - All Pending Motions	6/16/2020	RA001270 - RA001274
152.	Request for Child Protection Services Appearance and Records	6/16/2020	RA001275
153.	Notice of Audio/Visual Appearance	6/17/2020	RA001276 - RA001277
154.	Court Minutes - Status Check	6/18/2020	RA001278 - RA001279
155.	Reply to Plaintiff's "Supplement to Plaintiff's Opposition to Defendant's Motion to Enforce and Countermotion for an Order to Show Cause for Contempt"	6/26/2020	RA001280 - RA001291
156.	Notice of Audio/Visual Appearance	7/7/2020	RA001292 - RA001293
157.	Stipulation and Order to Continue Hearing	7/15/2020	RA001294 - RA001297
158.	Order from the June 16, 2020, Hearing	07/20/2020	RA001298 - RA001304
159.	Notice of Entry of Order from the June 16, 2020, Hearing	7/22/2020	RA001305 - RA001314
160.	Order Regarding Enforcement of Military Retirement Benefits	08/11/2020	RA001315 - RA001340
VOLUME VIII			
161.	Notice of Entry of Order	8/11/2020	RA001341 - RA001366

162.	Notice of Entry of Order Incident to Decree	8/11/2020	RA001367 - RA001378
163.	Notice of Audio/Visual Appearance	8/25/2020	RA001379 - RA001380
164.	Stipulation and Order to Vacate Hearing	08/28/2020	RA001381 - RA001385
165.	Notice of Entry of Stipulation and Order to Vacate Hearing	8/28/2020	RA001386 - RA001393
166.	Notice of Withdrawal of Attorney of Record	8/31/2020	RA001394 - RA001395
167.	Notice of Appearance	9/2/2020	RA001396 - RA001397
168.	Notice of Appeal	9/9/2020	RA001398 - RA001426
169.	Case Appeal Statement	9/9/2020	RA001427 - RA001431
170.	General Financial Disclosure Form	9/30/2020	RA001432 - RA001443
171.	Motion for Attorney's Fees and Costs <i>Pendente Lite</i> and Related Relief	9/30/2020	RA001444 - RA001454
172.	Notice of Hearing	9/30/2020	RA001455
173.	Notice of Entry of Order	10/01/2020	RA001456 - RA001466
174.	Notice of Withdrawal of Plaintiff's Notice of Entry of Order	10/2/2020	RA001467 - RA001468
175.	Motion for Stay Pursuant to NRCP 62(d)	10/08/2020	RA001469 - RA001479
176.	Notice of Hearing	10/12/2020	RA001480 - RA001481

177.	Ex Parte Application for a Order Shortening Time	10/12/2020	RA001482 - RA001484
178.	Plaintiff's Opposition to Defendant's Motion for Attorney's Fees and Costs <i>Pendente Lite</i> and Related Relief	10/12/2020	RA001485 - RA001542
179.	Order Shortening Time	10/12/2020	RA001543 - RA001545
180.	Notice of Entry of Order Shortening Time	10/12/2020	RA001546 - RA001550
VOLUME IX			
181.	Reply to "Plaintiff's Opposition to Defendant's Motion for Attorney's Fees and Costs <i>Pendente Lite</i> and Related Relief"	10/22/2020	RA001551 - RA001559
182.	Opposition to "Motion for Stay Pursuant to NRCP 62(d)" and Countermotion for Attorney's Fees and Costs	10/22/2020	RA001560 - RA001572
183.	Notice of Audio/Visual Appearance	10/26/2020	RA001573 - RA001574
184.	Reply in Support of Motion to Stay Pursuant to NRCP 62(d) and Opposition to Countermotion for Attorney's Fees and Costs	10/27/2020	RA001575 - RA001585
185.	Court Minutes - All Pending Motions	11/3/2020	RA001586 - RA001587
186.	Motion to Modify Child Support and to Reprimand Erich for His Failure to Follow Custody Provisions	11/18/2020	RA001588 - RA001604
187.	Exhibits to Motion to Modify Child Support and to Reprimand Erich for His Failure to Follow Custody Provisions	11/18/2020	RA001605 - RA001631
188.	General Financial Disclosure Form	11/18/2020	RA001632 - RA001639

189.	Notice of Hearing	11/23/2020	RA001640
190.	Request for Transcripts of Proceedings	11/25/2020	RA001641 - RA001643
191.	Estimated Cost of Transcript(s)	11/25/2020	RA001644
192.	Opposition to Motion to Modify Child Support and to Reprimand Erich for His Failure to Follow Custody Provisions and Countermotion for Modification of Orders Regarding Julie Martin, Admonishment Against Incivility, and for Attorney's Fees	12/10/2020	RA001645 - RA001665
193.	General Financial Disclosure Form	12/11/2020	RA001666 - RA001678
194.	Reply to "Opposition to Motion to Modify Child Support and to Reprimand Erich for His Failure to Follow Custody Provisions" and Opposition to "Countermotion for Modification of Orders Regarding Julie Martin, Admonishment Against Incivility, and for Attorney's Fees"	12/17/2020	RA001679 - RA001691
195.	Transcript re: All Pending motions - Thursday, January 12, 2017	12/24/2020	RA001692 - RA001706
196.	Transcript re: All Pending Motions - Tuesday, June 2, 2015	12/24/2020	RA001707 - RA001710
197.	Transcript re: All Pending Motions - Tuesday, September 22, 2016	12/24/2020	RA001711 - RA001759
VOLUME X			
198.	Transcript re: All Pending Motions - Wednesday, October 28, 2015	12/24/2020	RA001760 - RA001772
199.	Transcript re: All Pending Motions - Tuesday, June 16, 2020	12/24/2020	RA001773 - RA001826
200.	Final Billing for Transcripts	12/24/2020	RA001827
201.	Receipt of Copy	12/24/2020	RA001828

202.	Notice of Rescheduling of Hearing	12/31/2020	RA001829 - RA001830
203.	Order from the November 3, 2020, Hearing	12/31/2020	RA001831 - RA001840
204.	Court Minutes - All Pending Motions	1/12/2021	RA001841 - RA001843
205.	Order from the January 12, 2021, Hearing	1/26/2021	RA001844 - RA001848
206.	Notice of Entry of Order from the November 3, 2020, Hearing	1/28/2021	RA001849 - RA001861
207.	Notice of Entry of Order from the January 12, 2021, Hearing	1/28/2021	RA001862 - RA001869
208.	General Financial Disclosure Form	2/10/2021	RA001870 - RA001887
209.	Motion for Voluntary Increase of Child Support. Discontinuation of Discovery, and Attorney's Fees	2/10/2021	RA001888 - RA001918
210.	Notice of Hearing	2/11/2021	RA001919
211.	Ex Parte Application for an Order Shortening Time	2/11/2021	RA001920 - RA001922
212.	Order Shortening Time	2/12/2021	RA001923
213.	Notice of Entry of Order Shortening Time	2/12/2021	RA001924 - RA001926
214.	Notice of Appeal	2/12/2021	RA001927 - RA001937
215.	Case Appeal Statement	2/12/2021	RA001938 - RA001942

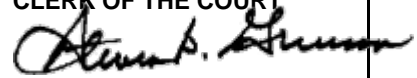
216.	Opposition to <i>Motion for Voluntary Increase of Child Support. Discontinuation of Discovery, and Attorney's Fees</i> and Countermotion for Attorney's Fees and Costs and Related Relief as to Possible Rule 11 Sanctions	2/17/2021	RA001943 - RA001962
VOLUME XI			
217.	Exhibits to Opposition to <i>Motion for Voluntary Increase of Child Support. Discontinuation of Discovery, and Attorney's Fees</i> and Countermotion for Attorney's Fees and Costs and Related Relief as to Possible Rule 11 Sanctions	2/17/2021	RA001963 - RA001976
218.	Reply in Support of <i>Motion for Voluntary Increase of Child Support. Discontinuation of Discovery, and Attorney's Fees</i> and Opposition to Countermotion for Attorney's Fees and Costs and Related Relief as to Possible Rule 11 Sanctions	2/24/2021	RA001977 - RA001991
219.	Amended Notice of Appeal	3/8/2021	RA001992 - RA002034
220.	Motion to Strike Amended Notice of Appeal	3/9/2021	RA002035 - RA002042
221.	Notice of Hearing	3/10/2021	RA002043
222.	Order	3/15/2021	RA002044 - RA002048
223.	Notice of Entry of Order	3/16/2021	RA002049 - RA002055
224.	Certification of Transcripts Notification of Completion	4/5/2021	RA002056
225.	Transcript re: All Pending Motions - Tuesday, November 3, 2020	4/5/2021	RA002057 - RA002081
226.	Transcript re: All Pending Motions - Tuesday, January 12, 2021	4/5/2021	RA002082 - RA002098
227.	Receipt of Copy	4/5/2021	RA002099

228.	Final Billing for Transcripts	4/5/2021	RA002100
------	-------------------------------	----------	----------

P:\wp19\MARTIN,R\APPENDIX\00504719.WPD92\jj

217

217



EXHS
WILICK LAW GROUP
MARSHAL S. WILICK, 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: C

DATE OF HEARING: 3/23/2021
TIME OF HEARING: 9:00 am

**EXHIBITS TO OPPOSITION TO
MOTION FOR VOLUNTARY INCREASE OF CHILD SUPPORT,
DISCONTINUATION OF DISCOVERY AND ATTORNEY'S FEES
AND
COUNTERMOTION FOR ATTORNEY'S FEES AND COSTS AND
RELATED RELIEF AS TO POSSIBLE RULE 11 SANCTIONS**

Defendant, Raina Martin, by and through her attorneys, the WILICK LAW GROUP, submits the attached documents as *Exhibits* to her *Opposition to "Motion for Voluntary Increase of Child Support, Discontinuation of Discovery and Attorney's fees" and Countermotion for Attorney's Fees and Costs and Related Relief as to possible Rule 11 Sanctions* filed February 12, 2021.

Exhibit A. Copy of letter from Ms. Wilde received on February 8.

(Bate Stamps Nos. 000050RM - 000052RM)

1 **Exhibit B.** Copy of letter to Ms. Wilde sent on February 8.

2 **(Bate Stamps Nos. 000053RM - 000054RM)**

3 **Exhibit C.** Email from Richard Crane sent to Ms. Rachel Tygret on
4 December 28, 2020.

5 **(Bate Stamps Nos. 000055RM)**

6 **Exhibit D.** Child Support Calculation

7 **(Bate Stamps Nos. 000056RM)**

8
9 **DATED** this 17th day of February, 2021.

10 WILICK LAW GROUP

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

12 MARSHAL S. WILICK, ESQ.
13 Nevada Bar No. 2515
14 RICHARD L. CRANE, ESQ.
15 Nevada Bar No. 9536
16 3591 E. Bonanza Road, Suite 200
17 Las Vegas, Nevada 89110-2101
18 (702) 438-4100
19 Attorneys for Defendant
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the WILICK LAW GROUP and that on this 17th day of February, 2021, I caused the 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.

To the litigant(s) and attorney(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
Attorneys for Plaintiff

//s//Justin K. Johnson

Employee of the WILICK LAW GROUP

P:\wp19\MARTIN,R\DRAFTS\00482970.WPD\jj

EXHIBIT “A”

EXHIBIT “A”

EXHIBIT “A”



DIRECT LINE: (702) 207-6065
DIRECT FAX: (702) 382-5816
EMAIL: KWILDE@MACLAW.COM

ALBERT G. MARQUIS
PHILLIP S. AURBACH
AVECE M. HIGBEE
TERRY A. COFFING
SCOTT A. MARQUIS
JACK CHEN MIN JUAN
CRAIG R. ANDERSON
TERRY A. MOORE
GERALDINE TOMICH
NICHOLAS D. CROSBY
TYE S. HANSEEN
DAVID G. ALLEMAN
CODY S. MOUNTEER
CHAD F. CLEMENT
CHRISTIAN T. BALDUCCI

JARED M. MOSER
MICHAEL D. MAUPIN
KATHLEEN A. WILDE
JACKIE V. NICHOLS
RACHEL S. TYGRET
JORDAN B. PEEL
JAMES A. BECKSTROM
COLLIN M. JAYNE
ALEXANDER K. CALAWAY
SUSAN E. GILLESPIE

JOHN M. SACCO [RET.]
LANCE C. EARL
WILLIAM P. WRIGHT
BRIAN R. HARDY
JENNIFER L. MICHELI
OF COUNSEL

February 8, 2021

Via electronic service

Richard L. Crane, Esq.
Willick Law Group
359 E. Bonanza Road, Suite 200
Las Vegas, NV 89110

Re: Updated VA Compensation and child support calculation
Erich Martin v. Raina Martin; Case No. D-15-509045-D
Our File No. 16211-1

Dear Mr. Crane:

I am in receipt of your letter dated February 1, 2021, and the three sets of written discovery that were served within minutes of the same.

Candidly, I find it difficult to understand why your client is opposed to stipulated child support in an amount greater than what she requested in her November 2020 motion. Although I certainly understand the importance of candor to the Court, the documentation from the Department of Veterans Affairs confirms that my client's statements regarding his gross income were accurate at the time. As for attorney's fees, both of clients could have saved money if child support was jointly addressed. Yet, even if motion practice were warranted by the passage of time, I still do not see how prolonged, excessive discovery and more motion practice will help with your client's expenses.

So, before I file a motion with the Court to address a voluntary increase of child support and discontinuation of discovery, I would like to again urge a rational, joint resolution of this issue. Including the raise that Erich received effective January 29, 2021, we would like to stipulate to a monthly child support obligation of \$1,529.99. I anticipate that you will be "skeptical" of Erich's raise, so, supporting documentation is attached.

Based on Erich's updated gross monthly income of \$16,249.76, the calculation is as follows:

- First \$6,000 at 16% = \$960
- \$6,000 to \$10,000 at 8% = \$320
- \$6,249.76 (above \$10,000) at 4% = \$249.99

Richard L. Crane, Esq.
February 8, 2021
Page 2

Again, because child support is a statutory matter subject to a straight-forward calculation, there is no reason for litigation. Accordingly, I remain optimistic that we can jointly resolve this issue without prolonged litigation. To this end, please let me know by the end of the day tomorrow, February 9, 2021, if you and your client are amenable to a stipulation that updates Erich's child support obligation without the need for discovery and other wasteful proceedings

I appreciate your attention to this matter and look forward to hearing from you.

Sincerely,

MARQUIS AURBACH COFFING

A handwritten signature in cursive script that reads "Kathleen Wilde".

Kathleen A. Wilde, Esq.

KAW
CC: Mr. Justin Johnson, Mr. Erich Martin.
Attachments: letter from Jeff Kirtland.

2021 National Defense Annual Compensation Statement

January 15, 2021

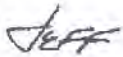
Erich Martin
Manager

Dear Erich,

Our total rewards strategy is designed to attract and retain high performing talent with a philosophy of setting compensation based on an individual's skills, experience, contribution, prevailing market and economic conditions, and internal equity.

As a result of the recent Annual Compensation Review, your annualized Salary will be increased to \$142,201.80 effective January 29, 2021.

Sincerely,



Jeff Kirtland
Sr. Mgr.

000052RM
RA001969

EXHIBIT “B”

EXHIBIT “B”

EXHIBIT “B”

WILICK LAW GROUP

A DOMESTIC RELATIONS & FAMILY LAW FIRM
3591 EAST BONANZA ROAD, SUITE 200
LAS VEGAS, NV 89110-2101
PHONE (702) 438-4100 • FAX (702) 438-5311
WWW.WILICKLAWGROUP.COM

ATTORNEYS

MARSHALL S. WILICK *†‡❖®
TREVOR M. CREEL
LORIE K. COLE ❖
DARCY L. BOWER

* ALSO ADMITTED IN CALIFORNIA (INACTIVE)
† FELLOW, AMERICAN ACADEMY OF MATRIMONIAL LAWYERS
‡ FELLOW, INTERNATIONAL ACADEMY OF FAMILY LAWYERS
❖ NEVADA BOARD CERTIFIED FAMILY LAW SPECIALIST
® BOARD CERTIFIED FAMILY LAW TRIAL ADVOCATE
BY THE NATIONAL BOARD OF TRIAL ADVOCACY



LEGAL ASSISTANTS

DEISY MARTINEZ-VIERA
MARY STEELE
BRENDA GRAGEOLA
JUSTIN K. JOHNSON
VICTORIA JAVIEL
MALLORY YEARGAN
KRISTINA M. MARCUS

FIRM ADMINISTRATOR

FAITH FISH

E-MAIL ADDRESSES:

[FIRST NAME OF INTENDED RECIPIENT]@WILICKLAWGROUP.COM

February 8, 2021

Kathleen A. Wilde, Esq.
MARQUIS AURBACH COFFING
10001 park Run Drive
Las Vegas, Nevada 89145

Re: *Martin v. Martin*, Case # D-15-509045-D
Sent via e-serve only

Dear Ms. Wilde:

I am in receipt of your letter dated February 8, 2021.

Based on the continuing changing landscape of your client's claimed income and the false FDF that remains on file, you should not be surprised at all that we are moving forward with discovery. I would find it difficult to believe an attorney not pursuing the real information since that which has been provided is anything but accurate or supported.

As to your offered support, we can see how you came up with your numbers, but none of it is supported by any documentation. Before we can stipulate to a child support amount we would need to see a new FDF with all of the income supported by pay stubs or other proof of income. At a minimum, we should see a current (from this year) CRSC statement, any Retiree Account Statements (RAS) from DFAS, at least one pay stub showing the new income, and a statement from the VA showing the amount he is receiving.

Additionally, we already have the subpoena issued to the VA and they have acknowledged receipt. We want to see what that subpoena produces and will copy you with the results.

000053RM
RA001971

Kathleen A. Wilde, Esq.
February 8, 2021
Page 2

As a side note, the documents that you produced from the VA do not say anything of substance. They do not say what the debt was, how much was owed and whether they were withholding his VA disability as a result.

If they were withholding his VA disability to pay a debt, he was actually still receiving the benefit, it was just being consumed by his debt to the government. As such, it should have still been included on the FDF and his answer to Judge Duckworth was still false.

If you can wait until the subpoena is responded to and can get an updated FDF on file, we may be able to resolve the child support issue. If you feel you must file a *Motion* before doing those things, we will be pointing out all of the above to Judge Duckworth and will again ask for fees.

My client has not renewed her offer for a global settlement, but if you were to accept her terms from that offer, I can see if she is interested in entertaining the same.

Sincerely,
WILLICK LAW GROUP

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

cc: Ms. Raina Martin

P:\wp19\MARTIN,R\CORRESPOND\00482046.WPD

000054RM
RA001972

EXHIBIT “C”

EXHIBIT “C”

EXHIBIT “C”

Justin Johnson

Subject: FW: [External] Martin v. Martin - Follow Up [IWOV-iManage.FID1122036]

From: Richard Crane

Sent: Monday, December 28, 2020 3:46 PM

To: Rachel S. Tygret <rtygret@maclaw.com>

Subject: RE: [External] Martin v. Martin - Follow Up [IWOV-iManage.FID1122036]

Rachel,

As a professional courtesy, I advise you to check those paystubs and compare them to the FDF that is filed. They do not match. Also, he has not included his VA Disability in his income which was included in the first FDF he filed.

So, no, he did not forge his paystubs, he just lied about his income. Simple math proves his lies.

I have nothing against you personally and I find it amazing that you take all of this personally. I am sorry that you have had your feeling hurt here. However, I have been dealing with your client since last Summer and he has proved to be a liar time and again. He has also wasted huge amounts of time and money on worthless attempts at settlement. We just won't put up with it anymore.

The Court knows what your client makes. She will review the Reply and see where he has lied about his income. You can support him right off the cliff if you want, but you can't say that I didn't warn you.

Richard

EXHIBIT “D”

EXHIBIT “D”

EXHIBIT “D”

MLAW Child Support Calculator

Calculation Results:

Raina Martin

Monthly Support Owed: \$0.00

Adj Support: \$0.00

Calc Support: \$0.00

Rate Brackets:

Obligees: 0

Offsets:

\$0.00 Primary Custodian

Erich Martin

Monthly Support Owed: \$1,568.00

Adj Support: \$1,568.48

Calc Support: \$1,568.48

Rate Brackets:

0.16 at 6000 = 960

0.08 at 4000 = 320

0.04 of 7212 = 288.48

Obligees: 1

[← Return to Parent Info](#)[Disclaimer](#)

©2021 Willick Law Group. Design by Brydan Solutions Inc.

v1.2.8

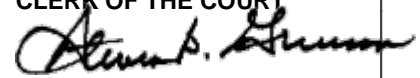
000056RM

RA001976

11/11/2021, 1:43 PM

218

218



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

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

Erich M. Martin,

Plaintiff,

vs.

Raina L. Martin,

Defendant.

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

Hearing Date: March 12, 2021
Hearing Time: Chambers

14 **REPLY IN SUPPORT OF MOTION FOR VOLUNTARY INCREASE OF CHILD**
15 **SUPPORT, DISCONTINUATION OF DISCOVERY, AND ATTORNEY'S FEES and**
16 **OPPOSITION TO COUNTERMOTION FOR ATTORNEY'S FEES AND COSTS AND**
17 **RELATED RELIEF AS TO POSSIBLE RULE 11 SANCTIONS**

18 Plaintiff Erich M. Martin, by and through his attorneys of record, Chad F. Clement, Esq.
19 and Kathleen A. Wilde, Esq., of the law firm Marquis Aurbach Coffing, hereby files his Reply in
20 Support of Motion for Voluntary Increase of Child Support, Discontinuation of Discovery, and
21 Attorney's Fees and Opposition to Defendant Raina L. Martin's Countermotion for Attorney's
22 Fees and Costs and Related Relief as to Possible Rule 11 Sanctions.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 This pleading is made and based upon the pleadings and papers on file herein, the
2 following points and authorities, and any argument allowed by the Court at the time of hearing.

3 Dated this 24th day of February, 2021.

4 MARQUIS AURBACH COFFING

5
6 By: /s/ Kathleen Wilde

7 Chad F. Clement, Esq.

8 Nevada Bar No. 12192

9 Kathleen A. Wilde, Esq.

10 Nevada Bar No. 12522

11 10001 Park Run Drive

12 Las Vegas, Nevada 89145

13 Attorneys for Erich M. Martin

14 **MEMORANDUM OF POINTS AND AUTHORITIES**

15 **I. INTRODUCTION**

16 Erich Martin ("Erich") has a simple goal for this litigation: resolve disagreements
17 regarding the parties' respective rights and obligations with as little expense and drama as
18 possible.

19 In requesting an *increase* of child support, Erich *volunteered* information regarding his
20 updated gross income to ensure that Nathan receives the support to which he is entitled. One
21 would think that Raina Martin ("Raina") would appreciate Erich's efforts. Instead, Raina and/or
22 her counsel want to punish Erich and even his counsel for their "egregious" efforts to *increase*
23 child support and eliminate the costs of wasteful discovery.

24 A prolonged response to Raina's ugly accusations would simply fan the flames.
25 Accordingly, Erich urges the Court to cut through the drama and stick with the straight-forward
26 issues for which the Court's guidance is needed. Specifically, and as explained below, the Court
27 should order increased child support based on Erich's current gross income. Discovery should
28 be discontinued because of subsequent events which resolved the VA Disability Pay issue.
Neither party should be sanctioned or punished. But, if Raina insists on a discovery dispute
and/or Rule 11 dispute, reasonable fees should be awarded to Erich to compensate for wasted
resources.

II. CLARIFICATION OF "FACTS."

Raina's Opposition / Counter-motion includes a variety of allegations, half-truths, and facts that have little to the controversy before the Court. Rather than following her down the proverbial rabbit hole, Erich offers the following quick points:

- Erich receives combat related special compensation ("CRSC") and disability benefits.
- Erich has long had a portion of his benefits garnished for child support.
- Despite Raina's arguments to the contrary, Erich does not owe money to the VA. *See* January 25, 2021, letter at page 2.
- On December 4, 2020, the Department of Veterans Affairs mailed a letter to Erich which indicated that he was ineligible to receive certain benefits and would be subject to a garnishment of previously distributed benefits.
- Based on the letter, Erich's December 11, 2020, Financial Disclosure Form listed a reduction in gross income related to a reduction in his military benefits.
- On January 25, 2021, *i.e.*, two weeks after the January 12, 2021, hearing, the Department of Veterans Affairs sent a subsequent letter which indicated that it had made an error.
- After the hearing, Raina's counsel purportedly called the VA and requested information regarding Erich's benefits. *See* Opposition at page 4, lines 9-10.
- Although the VA allegedly disclosed the information that counsel requested, Raina served the Department with a comprehensive subpoena duces tecum.
- Erich did not oppose the subpoena because he understands that the errors and adjustments common to the VA appear odd to outsiders.¹
- After rejecting Erich's proposal for *increased* child support, Raina served Erich with three sets of discovery requests.

¹ The many problems with the Department of Veterans Affairs are a topic a frequent discussion. Random discontinuations and garnishments are also common. *See, e.g.,* <https://www.militarytimes.com/news/pentagon-congress/2019/03/20/should-veterans-have-to-pay-for-vas-benefits-errors/> (stating that "up to 200,000 overpayment notifications are sent out to veterans and their families each year."); see also <https://www.washingtonexaminer.com/nine-major-veterans-affairs-failures> (discussing 4,201 veterans who received "mistaken death notices" and other mishaps).

- Rather than embarking on a full-blown a discovery dispute, Erich proposed a complete discontinuation of discovery.
- When Erich's motion was set for chambers consideration on March 12, 2021, his counsel requested a modest extension for the discovery responses due on March 3, 2021.
- Raina and/or her counsel denied the request.²

III. LEGAL ARGUMENT – REPLY

A. **CHILD SUPPORT SHOULD BE INCREASED TO \$1,529.99 PER MONTH.**

Nearly seven pages of Raina's Opposition are dedicated to various numbers and calculations that are fenagled in an obvious attempt to create confusion. Along with these numbers, the Opposition includes colorful accusations and insults directed at both Erich and his counsel. Erich sees no need to dignify such nastiness with a response. Instead, Erich maintains – as he has for months – that child support is a straight-forward matter.

In her November 2020, Motion to Modify Child Support, Raina requested an increase to \$1,512.88 a month. In doing so, Raina noted that Erich's gross monthly salary was \$11,504 and that his military benefits were \$5,163.00 for a total of \$16,667. Notably, Raina's gross figure accounted for the child support that everyone knows is garnished from Erich's pay. Raina also acknowledged Erich's Court-ordered obligation to pay \$845.43 for indemnification.³

After the confusion with the Department of Veterans Affairs was resolved, Erich proposed that child support should be set at \$1,529.99 per month. His updated gross monthly salary is \$11,850 and his updated military benefits are \$5,245.04 for a total of \$17,095.04. Both increases make sense. After all, military benefits are subject to an annual cost-of-living increase that typically appears in January.

///

///

///

² Raina and/or her counsel similarly rejected a proposal that the parties could jointly move to consolidate the interrelated appeals in Supreme Court of Nevada case numbers 81810 and 82517.

³ These payments are currently made to counsel's trust account.

1 As Erich explained in his motion, Erich also received a raise at work following his annual
2 review. Accordingly, by the end of January 2021,⁴ his gross income increased from \$16,667 to
3 \$17,095.

4 In turn, \$17,095 minus the \$845.43 for indemnification equals an adjusted monthly
5 income of \$16,249.57. Based on Erich's gross monthly income, his support obligation is
6 calculated as follows:

- 7 • 16% of the first \$6,000 = \$960.00
- 8 • 8% of the next \$4,000 = \$320.00
- 9 • 4% of the last \$6,249.57 = \$249.99

10 For a total of **\$1,529.99**. See NAC 425.140(1).

11 Thus, despite all of the drama and confusion that Raina attempts to advance, the
12 *increased* child support proposed in Erich's motion is correct.

13 **B. DISCOVERY IS NO LONGER NEEDED.**

14 During the January 12, 2021, hearing, the Court granted Raina's request for discovery
15 regarding the "VA Disability Pay issue." Given the December 2020 notification from the
16 Department of Veterans Affairs and the seemingly random change to Erich's benefits, the
17 Court's decision made sense.

18 In the month after the hearing, the issue regarding Erich's benefits was addressed on
19 multiple fronts. First, in response to Erich's own inquiry, the VA recognized that it made a
20 mistake. As is typical, the VA did not see fit to explain why the mistake happened. Perhaps the
21 letter was simply sent to the wrong veteran. Or, perhaps the VA's system had a random IT-type
22 glitch. But, regardless of the reason, the issue was later resolved. And, upon receiving the
23 January 2021 letter, Erich promptly submitted the documentation to Raina's counsel along with a
24 proposal for a stipulated increase to child support.

25 ///

26 ///

27 ⁴ Again, the changes in question took place *after* the December 2020 financial disclosure form and
28 January 12, 2021, hearing.

1 Second, the VA Disability Pay issue was addressed through Mr. Crane's call to the VA.
2 While the VA's willingness to disclose sensitive information is, itself, a matter of concern, the
3 call should have answered Mr. Crane's questions.

4 Third, Raina served the VA with a comprehensive subpoena duces tecum. Mr. Crane
5 represented that the VA acknowledged receipt of the subpoena, so, it appears that a response is
6 forthcoming.

7 At this point, further discovery will do nothing to address the VA Disability Pay issue.
8 After all, the VA is the best source of information. Raina already received the letters from
9 December 2020 and January 2021. The VA's response is already underway. So, asking Erich
10 for his take on what the VA did or did not do adds nothing to the discussion.

11 At the same time, questions and request for admissions regarding past financial
12 disclosures, bank accounts, etc. have nothing to do with the matter presently before the Court,
13 namely, how much should Erich pay each month for child support. Raina's rejection of the
14 proposed stipulation and her Opposition further confirm that the discovery requests have little to
15 do with calculating child support. Instead, the point of discovery, as she sees it, is to conduct a
16 witch-hunt with the hope of proving that Erich "lied" or otherwise engaged in misconduct. Such
17 efforts are improper.

18 Indeed, as Erich has said on many occasions, there is no legitimate reason to escalate the
19 tensions between the parties or to waste Court resources with petty spats. Likewise, there is no
20 legitimate reason to waste money on a discovery dispute which centers on non-issues. Both
21 Erich and Raina have plenty of other expenses and families who certainly could put the money to
22 better uses. So, instead of allowing the continued fishing expedition, the Court should
23 discontinue discovery effective immediately.

24 **C. NEITHER SANCTIONS NOR OTHER "PUNISHMENTS" ARE**
25 **WARRANTED.**

26 Throughout her Opposition / Countermotion, Raina makes repeated references to
27 punishment and vindication. The Opposition also notes that Erich should apologize for creating
28

1 “extra work.” In a preview of things to come, the Opposition also suggests that Raina will be
2 pushing for Rule 11 sanctions against Erich’s counsel.

3 Each of these assertions is improper.

4 On the best of days, divorce litigation is stressful. The end of relationships, division of
5 families, and emotionally-charged issues are inherently difficult. No one “wins” in the
6 conventional sense, though parties certainly can make choices to ease the process. Against this
7 backdrop, Raina’s efforts to “punish” Erich make an already difficult situation worse. Indeed,
8 while the parties should be working together – especially for the sake of their son – petty
9 disputes senselessly make it more difficult to resolve disputes.

10 As Raina’s request for an apology, Erich is sincerely sorry that modifying child support
11 has turned into such a production. Like many – if not most – veterans, Erich is also sorry that the
12 Department of Veterans Affairs is riddled with issues. But, while the questions relating to his
13 benefits certainly made things more difficult, Erich did not “create work.” In fact, Erich
14 proposed a stipulation to reduce the work for everyone involved.

15 Finally, the attacks directed toward Erich’s legal counsel are simply unacceptable. Rule
16 11 sanctions are not a tactic. Litigation is not personal, at least not for the attorneys. The Oath
17 of Attorney in Nevada specifies that attorneys will behave in a civil, professional manner. And,
18 in the Covid-19 era, courtesy, patience, and understanding are all the more importance. So,
19 while it should go without saying, baseless threats of Rule 11 sanctions are simply shameful.

20 **D. ERICH SHOULD BE AWARDED MODEST ATTORNEY FEES TO**
21 **COMPENSATE FOR RAINA’S WASTEFUL TACTICS.**

22 Consistent with his goal of straight-forward, low drama dispute resolution, Erich is not a
23 fan of tit-for-tat attorney fee requests. As Erich sees it, both parties are lucky to have great jobs
24 at a time when many Americans are struggling. The cost of legal representation is a luxury that
25 many people cannot afford. But, in this case, both parties have the resources to pay for excellent,
26 well-established attorneys.

27 Given their resources, Erich should pay for his attorney(s) and Raina should pay for hers.
28 Erich said as much in his motion and this approach is consistent with the American Rule.

1 Unfortunately – and as predicted – Raina again moved for attorney’s fees. Her
2 Opposition also foreshadowed that a request for Rule 11 type sanctions is in the pipeline. Given
3 Raina’s refusal to allow a modest extension for Erich’s discovery responses, a discovery dispute
4 is also likely in the upcoming month. In fact, Raina’s Opposition even outlines how the dispute
5 is likely to unfold. Thus, a straight-forward increase of child support seemingly paved the way
6 for months of litigation.

7 At every turn, Erich’s attempts to be reasonable have been rejected and met with insults
8 and threats. So, in light of Raina’s steadfast rejection of joint, amicable solutions to common
9 problems, Erich submits that an award of fees may be warranted to compensate for the needless
10 waste of resources.

11 Again, Erich would prefer collaboration to competing requests for attorneys’ fees. But,
12 given the proliferation of senseless litigation, Erich respectfully requests **\$2,750.00** for the
13 attorney’s fees related to his motion and the instant pleading. See **Exhibit 1** (Declaration of
14 counsel). Erich also requests leave to file a supplemental fee request once the discovery and
15 Rule 11 issues are resolved.

16 **IV. LEGAL ARGUMENT – OPPOSITION TO COUNTERMOTION**

17 Here, Raina’s Countermotion argues that Raina is entitled to attorney’s fees because her
18 counsel responded to Erich’s motion and because Raina essentially wants to make Erich pay.
19 Raina does not – and cannot – demonstrate that Erich’s motion was frivolous, vexatious,
20 harassing, or otherwise improper. Instead, Raina relies on the Court’s general discretion to
21 award attorney’s fees under NRS 125.150 with the implication being that the Court should grant
22 attorney’s fees because it can.

23 Although the Court’s discretion is not in dispute, there is a big difference between “can”
24 and “should.” So, in the same way that “[a] woman is not entitled to alimony just because she
25 has been [a man’s] wife,” *Fausone v. Fausone*, 75 Nev. 222, 224, 338 P.2d 68, 69 (1959), a party
26 to a divorce case is not entitled to fees just because he or she incurred some litigation expense.

27 Indeed, while Raina seems to believe that any litigation is grounds for fees under NRS
28 18.010(2), “[w]hat matters is whether the proceedings were initiated or defended ‘with improper

1 motives or without reasonable grounds.” *In re 12067 Oakland Hills, Las Vegas, Nevada 89141*,
2 134 Nev. 799, 804, 435 P.3d 672, 677 (Nev. Ct. App. 2018) (quoting *Bobby Berosini, Ltd. v.*
3 *People for the Ethical Treatment of Animals*, 114 Nev. 1348, 1354, 971 P.2d 383, 387 (1998)).
4 Raina’s annoyance with litigation is not enough to demonstrate that the motion in question was
5 groundless, frivolous, vexatious, or brought with the intent to harass. *See Bower v. Harrah’s*
6 *Laughlin, Inc.*, 125 Nev. 470, 493, 215 P.3d 709, 726 (2009). In fact, Raina’s position is all the
7 more bizarre because she essentially argues that Erich’s request for a voluntary *increase* of child
8 support was improper and vexatious.

9 Thus, the Court should deny Raina’s Countermotion as improper and lacking merit.

10 **V. CONCLUSION**

11 For the foregoing reasons and the reasons stated in Motion for Voluntary Increase of
12 Child Support, Discontinuation of Discovery, and Attorney’s Fees, Erich respectfully submits
13 that this Court should enter an order regarding updated child support and discontinue discovery
14 regarding the VA Disability Pay issue. In light of Raina’s continuous efforts to escalate
15 litigation and create drama, Erich also requests \$2,750 for his attorney’s fees. Further, because
16 Erich’s motion was brought in good faith to address an issue of importance, the Court should
17 deny the counter-motion in which Raina seeks, once again, to punish Erich.

18 Dated this 24th day of February, 2021.

19
20 MARQUIS AURBACH COFFING

21
22 By: /s/ Kathleen Wilde
23 Chad F. Clement, Esq.
24 Nevada Bar No. 12192
25 Kathleen A. Wilde, Esq.
26 Nevada Bar No. 12522
27 10001 Park Run Drive
28 Las Vegas, Nevada 89145
Attorneys for Erich M. Martin

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **REPLY IN SUPPORT OF MOTION FOR VOLUNTARY INCREASE OF CHILD SUPPORT, DISCONTINUATION OF DISCOVERY, AND ATTORNEY'S FEES and OPPOSITION TO COUNTERMOTION FOR ATTORNEY'S FEES AND COSTS AND RELATED RELIEF AS TO POSSIBLE RULE 11 SANCTIONS** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 24th day of February, 2021. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:⁵

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 McAuliffe	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

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

⁵ 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).

Suzanne Boggs

From: Kathleen A. Wilde
Sent: Wednesday, February 24, 2021 12:44 PM
To: Suzanne Boggs
Subject: FW: [External] Draft reply / opposition to counter motion [IWOV-iManage.FID1122036]
Attachments: image001.jpg
Categories: Red Category

Here is the approval email.



MARQUIS AURBACH
COFFING

Kathleen A. Wilde, Esq.

10001 Park Run Drive
Las Vegas, NV 89145
t | 702.207.6065
f | 702.382.5816
kwilde@maclaw.com
maclaw.com



Please consider the environment before printing this e-mail!

DO NOT read, copy or disseminate this communication unless you are the intended addressee. This e-mail communication contains confidential and/or privileged information intended only for the addressee. If you have received this communication in error, please call us (collect) immediately at (702) 382-0711 and ask to speak to the sender of the communication. Also please e-mail the sender and notify the sender immediately that you have received the communication in error. Thank you. Marquis Aurbach Coffing - Attorneys at Law

From: Erich Martin <emartin2617@gmail.com>
Sent: Wednesday, February 24, 2021 12:34 PM
To: Kathleen A. Wilde <kwilde@maclaw.com>
Subject: Re: [External] Draft reply / opposition to counter motion [IWOV-iManage.FID1122036]

Kathleen,

I absolutely concur with this document and authorize you sign on my behalf for submission to the Court, please.

Respectfully,

Erich

On Wed, Feb 24, 2021, 1:07 PM Kathleen A. Wilde <kwilde@maclaw.com> wrote:

Please find attached a copy of the reply / opposition that we are finalizing for filing. Please let me know if you have any concerns or proposed revisions.



Kathleen A. Wilde, Esq.

10001 Park Run Drive

Las Vegas, NV 89145

t | 702.207.6065

f | 702.382.5816

kwilde@maclaw.com

maclaw.com



Please consider the environment before printing this e-mail!

DO NOT read, copy or disseminate this communication unless you are the intended addressee. This e-mail communication contains confidential and/or privileged information intended only for the addressee. If you have received this communication in error, please call us (collect) immediately at (702) 382-0711 and ask to speak to the sender of the communication. Also please e-mail the sender and notify the sender immediately that you have received the communication in error. Thank you. Marquis Aurbach Coffing - Attorneys at Law

EXHIBIT “1”

(Declaration of Kathleen Wilde, Esq.)

DECLARATION OF KATHLEEN A. WILDE, ESQ.,
REGARDING ATTORNEYS' FEES

KATHLEEN A. WILDE, ESQ., deposes and says under penalty of perjury:

1. I am an attorney at law duly licensed to practice before all courts of the State of Nevada and an associate with the law firm of Marquis Aurbach Coffing.

2. Along with Chad F. Clement, Esq. and Rachel S. Tygret, Esq., I am counsel of record for Erich M. Martin in this matter.

3. Although I am an associate, I am the responsible attorney and primary billing attorney for Mr. Martin.

4. I have personal knowledge of the facts stated herein, except for those stated upon information and belief, and as to those, I believe them to be true. I am competent to testify as to the facts stated herein in a court of law and will so testify if called upon.

5. My current, standard hourly rate is \$275 an hour.

6. I billed Mr. Martin for the following activities which relate to the Motion for Voluntary Increase of Child Support, Discontinuation of Discovery, and Attorney's Fees and opposition to Ms. Martin's Counter-motion:

Activity	Hours	Monetary cost
Prepare and serve letter to Richard Crane regarding child support and EDCR 5.501 compliance.	0.4	\$110.00
Draft motion for voluntary increase of child support and to discontinue discovery.	5.5	\$1512.50
Analyze responsive letter from Richard Crane; email Mr. Martin regarding the same.	0.2	\$55.00
Revise motion to include additional details regarding discovery requests and new section on attorney fees.	1.6	\$440.00
Read and analyze Raina's opposition and counter-motion for fees / Rule 11 sanctions.	0.5	\$137.50
Begin drafting reply in support of motion to increase child support, etc., and opposition to Raina's counter-motion.	3.3	\$907.50

Confer with Mr. Martin regarding reply / opposition to countermotion	0.2	\$55.00
Finish drafting reply in support of motion to increase child support, etc., and opposition to Raina's countermotion.	3.1	\$852.50
Draft declaration regarding attorney's fees	0.4	\$110.00
Confer with CFC regarding reply / opposition to countermotion.	0.2	\$0 (no charge)
Revise and finalize reply / opposition to countermotion.	0.4	\$110.00

7. These entries total \$4,345.00 (15.8 hours)

8. Although billed to Mr. Martin, I omitted entries specific to the order shortening time.

9. Mr. Martin's reply requests only \$2,750 for attorney's fees. The request is lower than the fees I billed because Mr. Martin remains interested in compromise.

10. If the Court requires any additional information or documentation, MAC will gladly submit a supplemental memorandum.

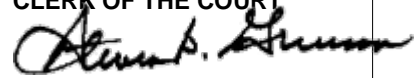
Pursuant to NRS 53.045, I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Dated this 24th day of February, 2021.

Kathleen A. Wilde

219

219



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 Erich M. Martin

DISTRICT COURT—FAMILY DIVISION
CLARK COUNTY, NEVADA

Erich M. Martin,

Plaintiff,

vs.

Raina L. Martin,

Defendant.

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

AMENDED NOTICE OF APPEAL¹

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 November 3, 2020, Hearing. *See Exhibit 1.* Erich Martin also challenges the Order from the January 12, 2021, Hearing, filed on January 26, 2021, in which the District Court substantively upheld the Order from the November 3, 2020, Hearing. *See Exhibit 2.*

///

///

///

¹ The initial notice of appeal listed the January 12, 2021, order which upheld and confirmed the award of fees pendente lite. The original order regarding fees pendente lite from November 3, 2020, was inadvertently omitted, though the case appeal statement correctly stated that the issue on appeal started with the November 3, 2020, order. The instant amended notice of appeal seeks to clarify and correct the omission.

1 The Notices of Entry for both orders were filed on January 28, 2021, and are attached
2 hereto as **Exhibits 3 and 4.**

3 Dated this 8th day of March, 2021.

4 MARQUIS AURBACH COFFING

5 By: /s/ Kathleen A. Wilde

6 Chad F. Clement, Esq.
7 Nevada Bar No. 12192
8 Kathleen A. Wilde, Esq.
9 Nevada Bar No. 12522
10 10001 Park Run Drive
11 Las Vegas, Nevada 89145
12 *Attorneys for Erich M. Martin*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **AMENDED NOTICE OF APPEAL** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 8th day of March, 2021. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:²

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

/s/ Leah Dell
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).

Exhibit 1

ORDR

WILICK LAW GROUP
MARSHAL S. WILICK, 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: C

DATE OF HEARING: 11/3/2020
TIME OF HEARING: 9:00 am

ORDER FROM THE NOVEMBER 3, 2020, HEARING

This matter came on for a hearing at the above date and time before the Honorable Rebecca Burton, 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 and filed herein and entertaining argument from both sides, made the following findings and orders as follows:

THE COURT HEREBY FINDS:

1. The Court has subject matter jurisdiction over this case, personal jurisdiction over the parties and child custody subject matter jurisdiction.¹
2. If a Stay is to preserve the *Status Quo* then it would be not needed because Erich would still be making the monthly payments to Raina. That is the *Status Quo*, that is the Order of the Court.²
3. The *Decree of Divorce* is the *Status Quo* that Erich is trying to change. The Court enforced the *Decree of Divorce* and Erich has appealed the Court's enforcement.³
4. The Court has reviewed NRAP 8(c) and went through the factors and the object of the appeal. The Court finds that the object of the appeal ^{if a stay is not granted -(RLB)} for a few months might be defeated, but, the Court is not persuaded that the value of the appeal would be significantly reduced if Erich continued to make a few months of payments. In the big picture what we're looking at is the possibility of forty years or more of these payments.⁴
5. That real object of this appeal is that these payments will go on for many years.⁵
6. Neither party is going to suffer irreparable or serious injury if the stay is denied or the stay is granted.⁶

¹Time Stamp 9:03:06 - 9:03:17

²Time Stamp 9:03:23 - 9:03:39

³Time Stamp 9:03:40 - 9:03:49

⁴Time Stamp 9:03:59 - 9:04:37

⁵Time Stamp 9:04:54 - 9:05:10

⁶Time Stamp 9:05:12 - 9:05:31

- 1 7. \$20,000 is not an unreasonable estimate as to the benefits payable during the
2 pendency of the appeal.⁷ She will -(RLB)
- 3 8. The consequences to Raina are greater because her income is smaller. ~~They~~¹¹
4 have to pay out funds to maintain her position while paying attorney's fees.
5 She'll have to pay out funds to obtain her judgment.⁸
- 6 9. Erich can better afford to pay out funds to obtain his judgment after the fact,
7 if we're looking to collect monies after the fact.⁹
- 8 10. Covid has really made everybody's income uncertain. There is a lot less
9 predictability. Erich recently lost his job in March of 2020, I know Raina's
10 income has been reduced because of her ~~production~~ ^{reduction} -(RLB) of hours caused by Covid
11 so, there are some collection issues there, in that regard.¹⁰
- 12 11. Concerning whether Erich will likely prevail, the Court would like to think it's
13 reasoning is sound, of course, recognizing that the issue is unresolved. Again,
14 the Court did expect that this appeal would occur.¹¹
- 15 12. The Court didn't make the decision it did off the top of it's head. It spent a
16 considerable amount of time doing legal research and reviewing the law. The
17 last cases that the Court cited were from a couple of months ago or less.¹²
- 18 13. NRCP 62(d)(2) states a party is entitled to a stay by providing a bond.¹³

21 ⁷Time Stamp 9:05:57 - 9:06:03

22 ⁸Time Stamp 9:06:03 - 9:06:14

23 ⁹Time Stamp 9:06:16 - 9:06:23

24 ¹⁰Time Stamp 9:06:37 - 9:07:07

25 ¹¹Time Stamp 9:07:09 - 9:07:24

26 ¹²Time Stamp 9:07:25 - 9:07:48

27 ¹³Time Stamp 9:08:00 - 9:08:06

14. The Court is inclined to grant the stay, but require Erich to pay however he wishes to do that.¹⁴
15. The Court likes Raina's idea of Erich continuing to pay the monthly payments into an attorney's trust account. That is a good reasonable approach.¹⁵
16. ~~I think that really is a good approach to it.~~ Because then we won't have any over payments or under payments and we're not going to have collection issues at the end of the day and the funds are there.¹⁶
17. The Court would like confirmation going from Ms. Wilde to Mr. Crane that those monthly payments are being made.¹⁷
18. The Court did go through the factors about a bond and will put its thoughts about the matter on the record.¹⁸
19. The Collection Process is not complex but it would be easier for Erich than it would be for Raina, ~~but the Court does take note of that issue, as it was the Court involved when there was the spousal support issue.~~¹⁹
20. The time to obtain collection is going to depend on how cooperative everybody is. If it would be enforced, then of course there will be a motion and there's going to be a hearing and there's going to be a potential trial and arguments about how much the money is going to be, although that's probably not likely and there's not likely to be an appeal from that but that's always possible.²⁰

¹⁴Time Stamp 9:16:51 - 9:16:58

¹⁵Time Stamp 9:17:00 - 9:17:10

¹⁶Time Stamp 9:17:20 - 9:17:33

¹⁷Time Stamp 9:17:11 - 9:17:20

¹⁸Time Stamp 9:17:33 - 9:17:45

¹⁹Time Stamp 9:17:47 - 9:18:07

²⁰Time Stamp 9:18:07 - 9:18:28

21. Again, collections might be difficult on both sides just because of Covid.²¹
22. We have two professionals here. A dental hygienist and a retired military member who is in a management position now. We have two professionals who make very nice incomes and neither party is destitute by any means. They are fortunate to have the jobs that they do and to make the incomes that they are in light of Covid right now when a lot of people are hurting.²²
23. The Court is going to require the monthly payment be made. That will avoid any additional costs. The monthly payment makes sense and will be sitting there, then there will be no collection issues at the end of the day.²³
24. Erich needs to go ahead and pay the arrearages already reduced to judgment.²⁴
25. The Court really wants Erich to begin making payments toward that judgment. Counsel is to talk about that and come up with a reasonable payment in addition to the regular monthly payment to start paying on that judgment. The Court would like it paid in no less than a year. You can use that as a kind of rule of thumb there but I want counsel to talk about it.²⁵
26. If he wants to pay for a bond he can but it will be the \$20,000 that's been requested because that is a reasonable amount.²⁶
27. In considering the *Motion* for attorney's fees, the Court takes into consideration both parties financial circumstances. Even though Nevada follows the American rule which means everyone pays their own legal fees, the Court recognizes that Erich's income currently is about three times as high as

²¹Time Stamp 9:18:28 - 9:18:37

²²Time Stamp 9:18:36 - 9:19:05

²³Time Stamp 9:19:05 - 9:19:28

²⁴Time Stamp 9:20:17 - 9:20:42

²⁵Time Stamp 9:22:26-9:22:56

²⁶Time Stamp 9:22:56 - :9:23:11

1 Raina's income but Raina's expenses are reduced by her domestic partner and
2 his very large income.²⁷

3 28. When you balance out the household incomes, they are fairly equivalent.
4 They are not wildly apart. The Court realizes that Raina's domestic partner is
5 not obligated to pay anything for these proceeding.²⁸

6 29. The Court is granting the stay and it would be appropriate because of the very
7 large disparity of incomes between the two parties who are part of this process
8 to have Erich contribute something toward Raina's attorney's fees because this
9 is all, at the end of the day, going to effect her greater financially, who makes
10 less money then Erich does. She has been effected by Covid more than Erich
11 who is still making his full time income. Raina has reduced income.²⁹

12 30. The Court is not inclined to grant all of the attorney fees.³⁰ The Court does not
13 want anybody being destitute by this, but Erich should pay something so he
14 will contribute \$5,000 to her attorney's fees.³¹

15 31. The Court does want him to pay the \$5,000. He has 30 days to get that done.³²

16 *****

17 *****

18 *****

19 *****

20 *****

21

22

23 ²⁷Time Stamp 9:25:31 - 9:26:00

24 ²⁸Time Stamp 9:26:19 - 9:26:32

25 ²⁹Time Stamp 9:26:39 - 9:27:29

26 ³⁰Time Stamp 28:16 - 9:28:22

27 ³¹Time Stamp 9:28:53 - 9:29:05

28 ³²Time Stamp 9:30:35 - 9:30:44

IT IS HEREBY ORDERED:

1. The Stay is granted as long as Erich either makes the ordered monthly payments of \$845.43, plus any applicable cost of living adjustment, during the pendency of the appellate proceedings to an Attorney's Trust Fund or if he purchases a supersedeas bond of \$20,000.
2. Erich's attorney is to provide the monthly account statement to Raina's attorney within five days of the payment where the monies were deposited.
3. If Erich decides to make the monthly payments as described above, the \$5,918.01 in arrears already reduced to judgment shall also be deposited into the same account as the monthly payments. This amount will continue to accumulate statutory interest until deposited.
4. If Erich purchases a supersedeas bond of \$20,000, the \$5,918.01 in arrears already reduced to judgment is still due and will continue to accumulate statutory interest.
5. Raina's request for attorney's fees is granted. Erich is to contribute \$5,000 to her attorney's fees.

6. The \$5,000 is due within 30 days from the date of the hearing.

DATED this _____ day of _____, 2020.

Dated this 31st day of December, 2020

Rebecca L. Burton

9FA 342 8532 734 **DISTRICT COURT JUDGE**

Rebecca L. Burton
District Court Judge

Dated this 21 day of December, 2020
Respectfully Submitted By:

Dated this _____ day of _____, 2020
Approved as to Form and Content
By:

WILLICK LAW GROUP

MARQUIS AURBACH COFFING

//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
(702) 438-4100; Fax (702) 438-5311
Attorneys for Defendant

CHAD F. CLEMENT, ESQ.
Nevada Bar No. 12192
KATHLEEN A. WILDE, ESQ.
Nevada Bar No. 12522
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711; Fax (702) 382-5816
Attorneys for Plaintiff

P:\wp19\MARTIN,R\DRAFTS\00467670.WPD\jj

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Erich M Martin, Plaintiff

CASE NO: D-15-509045-D

7 vs.

DEPT. NO. Department C

8 Raina L Martin, Defendant.
9

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: 12/31/2020

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

20 Matthew Friedman, Esq.

mfriedman@fordfriedmanlaw.com

21 Justin Johnson

Justin@willicklawgroup.com

22 Tracy McAuliff

tracy@fordfriedmanlaw.com

23 Kathleen Wilde

kwilde@maclaw.com

24 Gary Segal, Esq.

gsegal@fordfriedmanlaw.com

25
26 Javie-Anne Bauer

jbauer@maclaw.com

27
28
RA002004

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Richard Crane	richard@willicklawgroup.com
Erich Martin	emartin2617@gmail.com
Lennie Fraga	lfraga@maclaw.com
Christopher Phillips, Esq.	cphillips@fordfriedmanlaw.com
Rachel Tygret	rtygret@maclaw.com
Cally Hatfield	chatfield@maclaw.com

Exhibit 2

ORDR

WILICK LAW GROUP
MARSHAL S. WILICK, 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:

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.

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

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

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 E. Bonanza Rd., Suite 200
Las Vegas, Nevada 89110
(702) 438-4100; Fax (702) 438-5311
Attorneys for Defendant

P:\wp19\MARTIN,R\DRAFTS\00477161.WPD\jj

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

A78 3BB B21C BEB6
MARQUIS ALTBACH CUFFING
Bryce C. Duckworth
District Court Judge

Signature Refused

CHAD F. CLEMENT, ESQ.
Nevada Bar No. 12192
KATHLEEN A. WILDE, ESQ.
Nevada Bar No. 12522
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711; Fax (702) 382-5816
Attorneys for Plaintiff

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Erich M Martin, Plaintiff

CASE NO: D-15-509045-D

7 vs.

DEPT. NO. Department Q

8 Raina L Martin, Defendant.
9

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

20 Matthew Friedman, Esq.

mfriedman@fordfriedmanlaw.com

21 Justin Johnson

Justin@willicklawgroup.com

22 Tracy McAuliff

tracy@fordfriedmanlaw.com

23 Kathleen Wilde

kwilde@maclaw.com

24 Gary Segal, Esq.

gsegal@fordfriedmanlaw.com

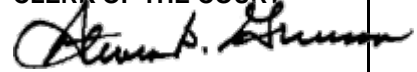
25 Richard Crane

richard@willicklawgroup.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Erich Martin	emartin2617@gmail.com
Lennie Fraga	lfraga@maclaw.com
Christopher Phillips, Esq.	cphillips@fordfriedmanlaw.com
Rachel Tygret	rtygret@maclaw.com
Cally Hatfield	chatfield@maclaw.com
Suzanne Boggs	sboggs@maclaw.com

Exhibit 3



NEOJ
WILLICK 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

**NOTICE OF ENTRY OF ORDER FROM THE NOVEMBER 3, 2020,
HEARING**

TO: ERICH MARTIN, Plaintiff.

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

PLEASE TAKE NOTICE that an *Order from the November 3, 2020, Hearing*
was duly entered in the above action on the 31st day of December, 2020, a true and

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the WILICK 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 WILICK LAW GROUP

P:\wp19\MARTIN,R\DRAFTS\00479643.WPD\jj

ORDR

WILICK LAW GROUP
MARSHAL S. WILICK, 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: C

DATE OF HEARING: 11/3/2020
TIME OF HEARING: 9:00 am

ORDER FROM THE NOVEMBER 3, 2020, HEARING

This matter came on for a hearing at the above date and time before the Honorable Rebecca Burton, 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 and filed herein and entertaining argument from both sides, made the following findings and orders as follows:

THE COURT HEREBY FINDS:

1. The Court has subject matter jurisdiction over this case, personal jurisdiction over the parties and child custody subject matter jurisdiction.¹
2. If a Stay is to preserve the *Status Quo* then it would be not needed because Erich would still be making the monthly payments to Raina. That is the *Status Quo*, that is the Order of the Court.²
3. The *Decree of Divorce* is the *Status Quo* that Erich is trying to change. The Court enforced the *Decree of Divorce* and Erich has appealed the Court's enforcement.³
4. The Court has reviewed NRAP 8(c) and went through the factors and the object of the appeal. The Court finds that the object of the appeal ^{if a stay is not granted -(RLB)} for a few months might be defeated, but, the Court is not persuaded that the value of the appeal would be significantly reduced if Erich continued to make a few months of payments. In the big picture what we're looking at is the possibility of forty years or more of these payments.⁴
5. That real object of this appeal is that these payments will go on for many years.⁵
6. Neither party is going to suffer irreparable or serious injury if the stay is denied or the stay is granted.⁶

¹Time Stamp 9:03:06 - 9:03:17

²Time Stamp 9:03:23 - 9:03:39

³Time Stamp 9:03:40 - 9:03:49

⁴Time Stamp 9:03:59 - 9:04:37

⁵Time Stamp 9:04:54 - 9:05:10

⁶Time Stamp 9:05:12 - 9:05:31

- 1 7. \$20,000 is not an unreasonable estimate as to the benefits payable during the
2 pendency of the appeal.⁷ She will -(RLB)
- 3 8. The consequences to Raina are greater because her income is smaller. ~~They~~¹¹
4 have to pay out funds to maintain her position while paying attorney's fees.
5 She'll have to pay out funds to obtain her judgment.⁸
- 6 9. Erich can better afford to pay out funds to obtain his judgment after the fact,
7 if we're looking to collect monies after the fact.⁹
- 8 10. Covid has really made everybody's income uncertain. There is a lot less
9 predictability. Erich recently lost his job in March of 2020, I know Raina's
10 income has been reduced because of her ~~production~~ ^{reduction} -(RLB) of hours caused by Covid
11 so, there are some collection issues there, in that regard.¹⁰
- 12 11. Concerning whether Erich will likely prevail, the Court would like to think it's
13 reasoning is sound, of course, recognizing that the issue is unresolved. Again,
14 the Court did expect that this appeal would occur.¹¹
- 15 12. The Court didn't make the decision it did off the top of it's head. It spent a
16 considerable amount of time doing legal research and reviewing the law. The
17 last cases that the Court cited were from a couple of months ago or less.¹²
- 18 13. NRCP 62(d)(2) states a party is entitled to a stay by providing a bond.¹³

21
22 ⁷Time Stamp 9:05:57 - 9:06:03

23 ⁸Time Stamp 9:06:03 - 9:06:14

24 ⁹Time Stamp 9:06:16 - 9:06:23

25 ¹⁰Time Stamp 9:06:37 - 9:07:07

26 ¹¹Time Stamp 9:07:09 - 9:07:24

27 ¹²Time Stamp 9:07:25 - 9:07:48

28 ¹³Time Stamp 9:08:00 - 9:08:06

14. The Court is inclined to grant the stay, but require Erich to pay however he wishes to do that.¹⁴
15. The Court likes Raina's idea of Erich continuing to pay the monthly payments into an attorney's trust account. That is a good reasonable approach.¹⁵
16. ~~I think that really is a good approach to it.~~ Because then we won't have any over payments or under payments and we're not going to have collection issues at the end of the day and the funds are there.¹⁶
17. The Court would like confirmation going from Ms. Wilde to Mr. Crane that those monthly payments are being made.¹⁷
18. The Court did go through the factors about a bond and will put its thoughts about the matter on the record.¹⁸
19. The Collection Process is not complex but it would be easier for Erich than it would be for Raina, ~~but the Court does take note of that issue, as it was the Court involved when there was the spousal support issue.~~¹⁹
20. The time to obtain collection is going to depend on how cooperative everybody is. If it would be enforced, then of course there will be a motion and there's going to be a hearing and there's going to be a potential trial and arguments about how much the money is going to be, although that's probably not likely and there's not likely to be an appeal from that but that's always possible.²⁰

¹⁴Time Stamp 9:16:51 - 9:16:58

¹⁵Time Stamp 9:17:00 - 9:17:10

¹⁶Time Stamp 9:17:20 - 9:17:33

¹⁷Time Stamp 9:17:11 - 9:17:20

¹⁸Time Stamp 9:17:33 - 9:17:45

¹⁹Time Stamp 9:17:47 - 9:18:07

²⁰Time Stamp 9:18:07 - 9:18:28

21. Again, collections might be difficult on both sides just because of Covid.²¹
22. We have two professionals here. A dental hygienist and a retired military member who is in a management position now. We have two professionals who make very nice incomes and neither party is destitute by any means. They are fortunate to have the jobs that they do and to make the incomes that they are in light of Covid right now when a lot of people are hurting.²²
23. The Court is going to require the monthly payment be made. That will avoid any additional costs. The monthly payment makes sense and will be sitting there, then there will be no collection issues at the end of the day.²³
24. Erich needs to go ahead and pay the arrearages already reduced to judgment.²⁴
25. The Court really wants Erich to begin making payments toward that judgment. Counsel is to talk about that and come up with a reasonable payment in addition to the regular monthly payment to start paying on that judgment. The Court would like it paid in no less than a year. You can use that as a kind of rule of thumb there but I want counsel to talk about it.²⁵
26. If he wants to pay for a bond he can but it will be the \$20,000 that's been requested because that is a reasonable amount.²⁶
27. In considering the *Motion* for attorney's fees, the Court takes into consideration both parties financial circumstances. Even though Nevada follows the American rule which means everyone pays their own legal fees, the Court recognizes that Erich's income currently is about three times as high as

²¹Time Stamp 9:18:28 - 9:18:37

²²Time Stamp 9:18:36 - 9:19:05

²³Time Stamp 9:19:05 - 9:19:28

²⁴Time Stamp 9:20:17 - 9:20:42

²⁵Time Stamp 9:22:26-9:22:56

²⁶Time Stamp 9:22:56 - :9:23:11

1 Raina's income but Raina's expenses are reduced by her domestic partner and
2 his very large income.²⁷

3 28. When you balance out the household incomes, they are fairly equivalent.
4 They are not wildly apart. The Court realizes that Raina's domestic partner is
5 not obligated to pay anything for these proceeding.²⁸

6 29. The Court is granting the stay and it would be appropriate because of the very
7 large disparity of incomes between the two parties who are part of this process
8 to have Erich contribute something toward Raina's attorney's fees because this
9 is all, at the end of the day, going to effect her greater financially, who makes
10 less money then Erich does. She has been effected by Covid more than Erich
11 who is still making his full time income. Raina has reduced income.²⁹

12 30. The Court is not inclined to grant all of the attorney fees.³⁰ The Court does not
13 want anybody being destitute by this, but Erich should pay something so he
14 will contribute \$5,000 to her attorney's fees.³¹

15 31. The Court does want him to pay the \$5,000. He has 30 days to get that done.³²

16 *****

17 *****

18 *****

19 *****

20 *****

21

22

23 ²⁷Time Stamp 9:25:31 - 9:26:00

24 ²⁸Time Stamp 9:26:19 - 9:26:32

25 ²⁹Time Stamp 9:26:39 - 9:27:29

26 ³⁰Time Stamp 28:16 - 9:28:22

27 ³¹Time Stamp 9:28:53 - 9:29:05

28 ³²Time Stamp 9:30:35 - 9:30:44

IT IS HEREBY ORDERED:

1. The Stay is granted as long as Erich either makes the ordered monthly payments of \$845.43, plus any applicable cost of living adjustment, during the pendency of the appellate proceedings to an Attorney's Trust Fund or if he purchases a supersedeas bond of \$20,000.
2. Erich's attorney is to provide the monthly account statement to Raina's attorney within five days of the payment where the monies were deposited.
3. If Erich decides to make the monthly payments as described above, the \$5,918.01 in arrears already reduced to judgment shall also be deposited into the same account as the monthly payments. This amount will continue to accumulate statutory interest until deposited.
4. If Erich purchases a supersedeas bond of \$20,000, the \$5,918.01 in arrears already reduced to judgment is still due and will continue to accumulate statutory interest.
5. Raina's request for attorney's fees is granted. Erich is to contribute \$5,000 to her attorney's fees.

6. The \$5,000 is due within 30 days from the date of the hearing.

DATED this _____ day of _____, 2020.

Dated this 31st day of December, 2020

Rebecca L. Burton

9FA 342 8532 734 **DISTRICT COURT JUDGE**

Rebecca L. Burton
District Court Judge

Dated this 21 day of December, 2020
Respectfully Submitted By:

Dated this _____ day of _____, 2020
Approved as to Form and Content
By:

WILLICK LAW GROUP

MARQUIS AURBACH COFFING

//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
(702) 438-4100; Fax (702) 438-5311
Attorneys for Defendant

CHAD F. CLEMENT, ESQ.
Nevada Bar No. 12192
KATHLEEN A. WILDE, ESQ.
Nevada Bar No. 12522
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711; Fax (702) 382-5816
Attorneys for Plaintiff

P:\wp19\MARTIN,R\DRAFTS\00467670.WPD\jj

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Erich M Martin, Plaintiff

CASE NO: D-15-509045-D

7 vs.

DEPT. NO. Department C

8 Raina L Martin, Defendant.
9

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: 12/31/2020

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

20 Matthew Friedman, Esq.

mfriedman@fordfriedmanlaw.com

21 Justin Johnson

Justin@willicklawgroup.com

22 Tracy McAuliff

tracy@fordfriedmanlaw.com

23 Kathleen Wilde

kwilde@maclaw.com

24 Gary Segal, Esq.

gsegal@fordfriedmanlaw.com

25
26 Javie-Anne Bauer

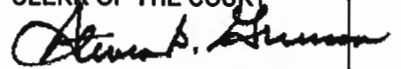
27 jbauer@maclaw.com
28

RA002024

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Richard Crane	richard@willicklawgroup.com
Erich Martin	emartin2617@gmail.com
Lennie Fraga	lfraga@maclaw.com
Christopher Phillips, Esq.	cphillips@fordfriedmanlaw.com
Rachel Tygret	rtygret@maclaw.com
Cally Hatfield	chatfield@maclaw.com

Exhibit 4



1 **NEOJ**
2 **WILICK LAW GROUP**
3 **MARSHAL S. WILICK, 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
10

11 **DISTRICT COURT**
12 **FAMILY DIVISION**
13 **CLARK COUNTY, NEVADA**
14

15 **ERICH MARTIN,**
16 **Plaintiff,**

17 **vs.**

18 **RAINA MARTIN,**
19 **Defendant.**

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

20 **NOTICE OF ENTRY OF ORDER FROM THE JANUARY 12, 2021,**
21 **HEARING**

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

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

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

26 *****

27 *****

28 *****

1 correct copy of which is attached herein.

2 **DATED** this 28th day of January, 2021.

3 WILICK LAW GROUP

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

5 MARSHAL S. WILICK, ESQ.

6 Nevada Bar No. 2515

7 RICHARD L. CRANE, ESQ.

8 Nevada Bar No. 9536

9 3591 East Bonanza Road, Suite 200

10 Las Vegas, Nevada 89110-2101

11 Attorneys for Defendant

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the WILICK 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 WILICK LAW GROUP

P:\wp19\MARTIN,R\DRAFTS\00479646.WPD\j

ORDR
WILICK LAW GROUP
MARSHAL S. WILICK, 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:

1 **THE COURT HEREBY FINDS:**

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

21
22 **IT IS HEREBY ORDERED:**

- 23 1. As of November 18, 2020, Child Support is set at \$1,317 per month. Erich is
24 to transmit the full amount to Raina on the first of every month. ~~After the 5th,~~
25 ~~any payments not made by then shall be considered late and interest shall be~~
26 ~~applied.~~
- 27 2. Discovery regarding the VA Disability Pay issue is open as of the January 12,
28 2021, and shall remain open for 60 days.

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 *gk*

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

WILICK LAW GROUP

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

MARSHAL S. WILICK, ESQ.
Nevada Bar No. 2515
RICHARD L. CRANE, ESQ.
Nevada Bar No. 9536
3591 E. Bonanza Rd., Suite 200
Las Vegas, Nevada 89110
(702) 438-4100; Fax (702) 438-5311
Attorneys for Defendant

P:\wp19\MARTIN, R\DRAFTS\00477161.WPD\jj

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

A78 3BB B21C BEB6
MARQUIS A. TRUBACH COFFING
Bryce C. Duckworth
District Court Judge

Signature Refused

CHAD F. CLEMENT, ESQ.
Nevada Bar No. 12192
KATHLEEN A. WILDE, ESQ.
Nevada Bar No. 12522
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711; Fax (702) 382-5816
Attorneys for Plaintiff

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 Erich M Martin, Plaintiff

CASE NO: D-15-509045-D

7 vs.

DEPT. NO. Department Q

8 Raina L Martin, Defendant.
9

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

20 Matthew Friedman, Esq.

mfriedman@fordfriedmanlaw.com

21 Justin Johnson

Justin@willicklawgroup.com

22 Tracy McAuliff

tracy@fordfriedmanlaw.com

23 Kathleen Wilde

kwilde@maclaw.com

24 Gary Segal, Esq.

gsegal@fordfriedmanlaw.com

25 Richard Crane

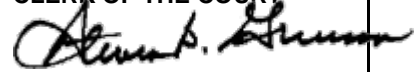
richard@willicklawgroup.com
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Erich Martin	emartin2617@gmail.com
Lennie Fraga	lfraga@maclaw.com
Christopher Phillips, Esq.	cphillips@fordfriedmanlaw.com
Rachel Tygret	rtygret@maclaw.com
Cally Hatfield	chatfield@maclaw.com
Suzanne Boggs	sboggs@maclaw.com

220

220



MOT
WILLICK 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: C

DATE OF HEARING:
TIME OF HEARING:

ORAL ARGUMENT

Yes x No

NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT HEARING PRIOR TO THE SCHEDULED HEARING DATE.

MOTION TO STRIKE AMENDED NOTICE OF APPEAL

I. INTRODUCTION

Erich attempts to confer Subject Matter Jurisdiction on this and the Supreme Court as to the appeal of an *Order* outside the time frame in which an appeal can be taken.

The case law and rules are clear that once 30 days have passed from the date of entry of an *Order*, the Supreme Court is without jurisdiction to entertain the

1 appeal. Nothing this Court, nor any of the appellate Courts can do to cure their
2 failure to appeal the correct order. In fact, there is no provision for an “Amended
3 Notice of Appeal” in the rules or statutes that would convey subject matter
4 jurisdiction on any Court to hear an appeal that was noticed more than 30 days prior.
5

6 **POINTS AND AUTHORITIES**

7 **II. FACTS**

8 Erich Martin (Erich) filed a *Notice of Appeal* (81810) on September 9, 2020,
9 from the *Order Regarding Enforcement of Military Retirement Benefits* filed on
10 August 11, 2020, and the *Notice of Entry of Order* filed the same date.

11 On September 20, 2020, Raina Martin (Raina) filed a *Motion for Attorney’s*
12 *Fees Pendente Lite and Related Relief*.

13 After Erich filed an *Opposition* to this *Motion* on October 12, 2020, District
14 Court Judge Rebecca Burton held a hearing on November 3, 2020, and issued an
15 *Order* from that hearing which was filed on December 31, 2020. The *Order* was
16 properly noticed on January 28, 2021. This *Order* included an award of Attorney’s
17 *Fees Pendente Lite* for \$5,000.¹

18 At the first of the year, the case was administratively reassigned from Judge
19 Burton to this Court, as part of the re-assignment of cases attendant to the 6 new
20 departments of family court becoming active.

21 On January 12, 2021, this Court held a hearing on Raina’s *Motion to Modify*
22 *Child Support*. The *Order* from that hearing was filed January 26, 2021, and the
23 *Notice of Entry* was filed on January 28, 2021. That *Order* had nothing to do with
24 and did not mention the *Pendente Lite* award.
25
26

27 ¹ See *Order from the November 3, 2020, Hearing* filed December 31, 2020 and *Notice of*
28 *Entry of Order from the November 3, 2020, Hearing* filed January 28, 2021.

1 On February 12, 2021, Erich filed a *Notice of Appeal* of the *Order* from the
2 January 12 hearing (82517).

3 The same day (February 12), Erich filed a *Case Appeal Statement*, which
4 indicated that he had appealed the \$5,000 *Pendente Lite* fee award. He hadn't.

5 On March 8, a week after the deadline for filing an appeal, Erich attempts to
6 modify or amend the Notice of Appeal to confer jurisdiction to appeal an order that
7 is substantially unappealable.

8 This *Motion* follows.

9
10 **III. MOTION**

11 **A. The Court Lacks Subject matter Jurisdiction**

12 A respondent may file a motion to dismiss to challenge the jurisdiction of the
13 appellate court to hear an appeal.² Specifically NRAP 4 provides that a motion that
14 challenges an appeal as untimely should attach file-stamped copies of essential
15 portions of the trial court record, including the judgment, notice of entry of judgment
16 and the notice of appeal.³ Raina has attached the required documents to her *Motion*
17 *to Dismiss* filed last week with the Supreme Court.

18 Except as otherwise provided by rule or statute, a notice of appeal must be filed
19 no later than 30 days after the date that written notice of entry of the judgment or
20 order appealed from is served.⁴ The timely filing of a notice of appeal is
21 jurisdictional and is essential to perfecting an appeal.⁵

22
23 ² See NRAP 14(f).

24 ³ See *Notice of Appeal* filed February 12.

25 ⁴ See NRAP 4(a)(1).

26 ⁵ NRAP 3(a)(1); see, e.g., *Walker v. Scully*, 99 Nev. 45, 46, 657 P.2d 94, 94-95 (1983)
27 (appellate court lacks jurisdiction to entertain an untimely appeal); *Zugel v. Miller*, 99 Nev. 100, 101,
28 659 P.2d 296, 297 (1983) (the timely filing of an appeal is jurisdictional). An appeal must be filed
within 30 days after service of written notice of entry of the judgment or order appealed from. See

1 Here, the *Order* that awarded the *Pendente Lite* award was filed on December
2 30, 2020, and *Notice of Entry* was filed on January 28, 2021. A timely *Notice of*
3 *Appeal* of that *Order* was due no later than March 1, 2021.⁶

4 A party must serve formal written notice of the judgment's entry to start the
5 30-day appeal period running.⁷ Thus, a file-stamped copy of the order transmitted to
6 the parties by the court clerk does not trigger the 30-day period.⁸

7 Since the issue allegedly being appealed from is not contained in the *Order* that
8 was actually appealed, the Court lacks jurisdiction to provide any relief and that
9 appeal must be dismissed.

10 The Supreme Court held in *In re Estate of Miller*,⁹ that the burden is on the
11 Appellant to show proper jurisdiction. Since they appear to have appealed the wrong
12 *Order*, and the time for correcting the deficiency has passed, the Supreme Court lacks
13 jurisdiction to proceed and this Court should strike any attempt to allow the appeal
14 to go forward.¹⁰

15 The time to appeal cannot be extended by an appellate court, a district court,
16 or a stipulation between parties.¹¹ Only if a tolling motion is filed can the time be

17
18 _____
19 NRAP 4(a). This requirement is jurisdictional; an untimely appeal may not be considered. *Culinary*
20 *Workers v. Haugen*, 76 Nev. 424, 357 P.2d 113 (1960); *Rogers v. Thatcher*, 70 Nev. 98, 255 P.2d
21 731 (1953).

22 ⁶ Thirty days following the *Notice of Entry* on January 28, would put the due date for the
23 *Notice of Appeal* on Saturday, February 27. As such the due date is extended to Monday March 1.

24 ⁷ See NRAP 4(a)(1).

25 ⁸ See *In re Duong*, 118 Nev. 920, 922, 59 P.3d 1210, 1211-12 (2002); see also NRCP 58
26 (distinguishing the terms "entry of judgment" and "notice of entry of judgment").

27 ⁹ See *In re Estate of Miller*, 111 Nev. 1, 5, 888 P.2d 433, 435 (1995).

28 ¹⁰ See *Swan v. Swan*, 106 Nev. 464, 469, 796 P.2d 221, 224 (1990), which delineates this
Court's ability to act.

¹¹ See *Walker v. Scully*, 99 Nev. 45, 46, 657 P.2d 94, 94-95 (1983); NRAP 26(b)(1)(A).

1 extended.¹² Since the time for filing a tolling motion has also passed, the time cannot
2 be extended.¹³

3 Here, Erich filed no tolling motion and has not timely appealed any *Order* that
4 concerns *Pendente Lite* fees.

5 Erich attempts to now involve this Court in his attempt to circumvent the rules
6 that clearly state that his appeal is without merit due to a lack of subject matter
7 jurisdiction. He provides no reason why this Court should entertain any such *Notice*.

8 9 **IV. CONCLUSION**

10 Based on the foregoing, Raina requests this Court to:

- 11 1. Strike Erich's *Amended Notice of Appeal*.
- 12 2. Grant any other relief this court may deem appropriate.

13 Dated this _9th ___ day of March, 2021.

14 Respectfully submitted,

15 WILICK LAW GROUP

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

17 **MARSHAL S. WILICK, ESQ.**
18 Nevada Bar No. 2515
19 **RICHARD L. CRANE, ESQ.**
20 Nevada Bar No. 9536
21 3591 E. Bonanza Road, Suite 200
22 Las Vegas, Nevada 89110-2101
23 (702) 438-4100; Fax (702) 438-5311
24 Attorneys for Defendant

25 ¹² See NRAP 4(a)(4) (listing tolling motions).

26 ¹³ The 30-day period is extended by a timely filing of a motion for new trial or for judgment
27 n.o.v. See NRAP 4(a). In order to be timely, these motions must be filed within 28 days after
28 service of written notice of entry of the judgment. See NRCP 50(d). Untimely motions for new trial
or judgment n.o.v. must be denied. *Hunter v. Sutton*, 45 Nev. 427, 195 P. 342 (1922); *Yates v.*
Behrend, 280 F.2d 64 (D.C. Cir. 1960); cf. *Oelsner v. Charles C. Meek Lumber Co.*, 92 Nev. 576,
555 P.2d 217 (1976). Likewise, untimely motions for new trial or for judgment n.o.v. do not toll the
30-day period in which a notice of appeal must be filed. See NRAP 4(a).

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2. I have read the preceding *Motion*, and I have personal knowledge of the facts contained therein, unless stated otherwise. Further, the factual averments contained therein are true and correct to the best of my knowledge, except those matters based on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of Nevada (NRS 53.045 and 28 U.S.C. § 1746), that the foregoing is true and correct.

EXECUTED this 9th day of March, 2021.

RICHARD L. CRANE, ESQ.

P:\wp19\MARTIN,R\DRAFTS\00486900.WPD\jj

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the WILICK LAW GROUP and that on this 9th day of March, 2021, I caused the foregoing document to be served as follows:

- [X] 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.

To the litigant(s) and attorney(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
Attorneys for Plaintiff

//s//Justin K. Johnson

Employee of the WILICK LAW GROUP

P:\wp19\MARTIN,R\DRAFTS\00486900.WPD\jj

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

ERICH MARTIN,
Plaintiff/Petitioner

-v.-

RAINA MARTIN,
Defendant/

Case No. D-15-509045-D

Department Q

**MOTION/OPPOSITION
FEE INFORMATION SHEET**

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

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

- ☐ **\$25** The Motion/Opposition being filed with this form is subject to the \$25 reopen fee.
-Or-
☒ **\$0** The Motion/Opposition being filed with this form is not subject to the \$25 reopen fee because:
☐ The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.
☐ The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.
☐ The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____.
☐ Other Excluded Motion (must specify) _____.

Step 2. Select the \$0, \$129 or \$57 filing fee in the box below.

- ☒ **\$0** The Motion/Opposition being filed with this form is **not** subject to the \$129 or the \$57 fee because:
☒ The Motion/Opposition is being filed in a case that was not initiated by joint petition.
☐ The party filing the Motion/Opposition previously paid a fee of \$129 or \$57.
-Or-
☐ **\$129** The Motion being filed with this form is subject to the \$129 fee because it is a motion to modify, adjust or enforce a final order.
-Or-
☐ **\$57** The Motion/Opposition being filing with this form is subject to the \$57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of \$129.

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

The total filing fee for the motion/opposition I am filing with this form is:

☒ **\$0** ☐ **\$25** ☐ **\$57** ☐ **\$82** ☐ **\$129** ☐ **\$154**

Party filing Motion/Opposition: Willick Law Group Date: 3/9/2021

Signature of Party or Preparer: /s/Justin K. Johnson

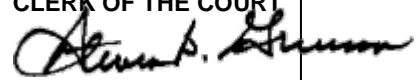
221

221

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Electronically Filed
3/10/2021 8:15 AM
Steven D. Grierson
CLERK OF THE COURT



Erich M Martin, Plaintiff
vs.
Raina L Martin, Defendant.

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

NOTICE OF HEARING

Please be advised that the Defendant's Motion to Strike Amended Notice of Appeal in the above-entitled matter is set for hearing as follows:

Date: April 14, 2021
Time: 9:00 AM
Location: Courtroom 21
Family Courts and Services Center
601 N. Pecos Road
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Juanito Nasarro
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Juanito Nasarro
Deputy Clerk of the Court

222

222

CLERK OF THE COURT

CLARK COUNTY, NEVADA

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

Plaintiff filed a Motion for Voluntary Increase of Child Support, Discontinuation of Discovery, and Attorney’s Fees (Feb. 10, 2021) (hereinafter “Plaintiff’s Motion”). Plaintiff’s Motion is set on this Court’s March 12, 2021 Chamber Calendar. Defendant filed an Opposition to Motion for Voluntary Increase of Child Support, Discontinuation of Discovery and Attorney’s Fees and Countermotion for Attorney’s Fees and Costs and Related Relief as to Possible Rule 11 Sanctions (Feb. 17, 2021) (hereinafter Defendant’s “Countermotion”). Plaintiff filed a Reply in Support of Motion for Voluntary Increase of Child Support, Discontinuation of Discovery, and Attorney’s Fees and Opposition to Countermotion for Attorney’s Fees and Costs and Related Relief as to Possible Rule 11 Sanctions (Feb. 24, 2021). Defendant also filed

1 a Motion to Strike Amended Notice of Appeal (Mar. 9, 2021) (hereinafter “Defendant’s
2 Motion”).

3 This Court has reviewed and considered the papers on file and finds as follows:

4 This Court’s Order From the January 12, 2021, Hearing (Jan. 26, 2021) was
5 appealed. *See* Notice of Appeal (Feb. 12, 2021). Plaintiff’s Motion seeks a “voluntary
6 increase” in the amount of child support ordered in the Order From the January 12,
7 2021, Hearing (Jan. 26, 2021). In light of the appeal, however, this Court is divested
8 of jurisdiction to entertain the relief sought by both parties. Although this Court would
9 be inclined to entertain and grant the relief requested therein (specifically, the increase
10 in child support),¹ this Court lacks jurisdiction to do so. *See Huneycutt v. Huneycutt*, 94
11 Nev. 79, 575 P.2d 585 (1978) and *Foster v. Dingwall*, 126 Nev. 49, 228 P.3d 453
12 (2010). This Court further would be inclined to allow the completion of discovery by
13 way of the subpoenas issued for information related specifically to Plaintiff’s income
14 (purportedly from the Veterans Administration and the Defense Finance and
15 Accounting Service), but suspend all other discovery. Finally, this Court declines to
16 entertain the relief sought by way of Defendant’s Motion.
17
18
19

20 . . .

21 . . .

22 . . .
23

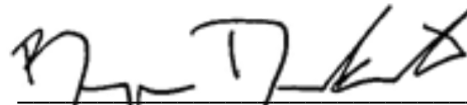
24
25 ¹The precise amount of the increase in child support remains in dispute, with a
26 difference of \$38.49 per month. In this regard, Plaintiff’s Motion requests that child
27 support be increased to \$1,529.99 per month. Defendant argues that the child support
should be set at \$1,568.48 per month.

1 Accordingly, and good cause appearing therefore,

2 It is hereby ORDERED that the Court DECLINES to entertain the relief sought
3 by way of Plaintiff's Motion, Defendant's Motion and Defendant's Countermotion.
4

5 It is further ORDERED that the hearing scheduled for April 14, 2021 is
6 VACATED.
7

8 **Dated this 15th day of March, 2021**

9 

10 BRYCE C. DUCKWORTH
11 DISTRICT COURT JUDGE
DEPARTMENT Q

12 **9C9 01E F16D 0DAE**
13 **Bryce C. Duckworth**
14 **District Court Judge**
15
16
17
18
19
20
21
22
23
24
25
26
27

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Erich M Martin, Plaintiff

CASE NO: D-15-509045-D

7 vs.

DEPT. NO. Department Q

8 Raina L Martin, Defendant.
9

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: 3/15/2021

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

20 Matthew Friedman, Esq.

mfriedman@fordfriedmanlaw.com

21 Justin Johnson

Justin@willicklawgroup.com

22 Tracy McAuliff

tracy@fordfriedmanlaw.com

23 Kathleen Wilde

kwilde@maclaw.com

24 Gary Segal, Esq.

gsegal@fordfriedmanlaw.com

25 Richard Crane

richard@willicklawgroup.com

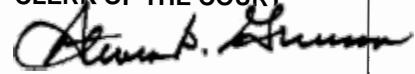
26
27
28
RA002047

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Erich Martin	emartin2617@gmail.com
Lennie Fraga	lfraga@maclaw.com
Christopher Phillips, Esq.	cphillips@fordfriedmanlaw.com
Rachel Tygret	rtygret@maclaw.com
Cally Hatfield	chatfield@maclaw.com
Suzanne Boggs	sboggs@maclaw.com

223

223



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
kwilde@maclaw.com
Attorney for Erich M. Martin

DISTRICT COURT—FAMILY DIVISION

CLARK COUNTY, NEVADA

Erich M. Martin,

Plaintiff,

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

vs.

Raina L. Martin,

Defendant.

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that an Order was entered in the above-captioned matter on the
15th day of March, 2021, a copy of which is attached hereto.

Dated this 16th day of March, 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
Attorney for Erich M. Martin

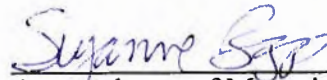
CERTIFICATE OF SERVICE

I hereby certify that the foregoing **NOTICE OF ENTRY OF ORDER** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 16th day of March, 2020. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:¹

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 McAuliffe	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

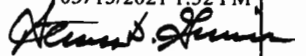
I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

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).


CLERK OF THE COURT

1 ORDR

2
3
4 DISTRICT COURT

5 CLARK COUNTY, NEVADA

6
7 ERICH M. MARTIN,)

8 Plaintiff,)

9 v.)

CASE NO. D-15-509045-D

DEPT NO. Q

10 RAINA L. MARTIN,)

11 Defendant.)

12
13 ORDER

14 Plaintiff filed a Motion for Voluntary Increase of Child Support, Discontinuation
15 of Discovery, and Attorney's Fees (Feb. 10, 2021) (hereinafter "Plaintiff's Motion").
16 Plaintiff's Motion is set on this Court's March 12, 2021 Chamber Calendar. Defendant
17 filed an Opposition to Motion for Voluntary Increase of Child Support,
18 Discontinuation of Discovery and Attorney's Fees and Countermotion for Attorney's
19 Fees and Costs and Related Relief as to Possible Rule 11 Sanctions (Feb. 17, 2021)
20 (hereinafter Defendant's "Countermotion"). Plaintiff filed a Reply in Support of
21 Motion for Voluntary Increase of Child Support, Discontinuation of Discovery, and
22 Attorney's Fees and Opposition to Countermotion for Attorney's Fees and Costs and
23 Related Relief as to Possible Rule 11 Sanctions (Feb. 24, 2021). Defendant also filed
24
25
26
27

1 a Motion to Strike Amended Notice of Appeal (Mar. 9, 2021) (hereinafter “Defendant’s
2 Motion”).

3 This Court has reviewed and considered the papers on file and finds as follows:

4 This Court’s Order From the January 12, 2021, Hearing (Jan. 26, 2021) was
5 appealed. *See* Notice of Appeal (Feb. 12, 2021). Plaintiff’s Motion seeks a “voluntary
6 increase” in the amount of child support ordered in the Order From the January 12,
7 2021, Hearing (Jan. 26, 2021). In light of the appeal, however, this Court is divested
8 of jurisdiction to entertain the relief sought by both parties. Although this Court would
9 be inclined to entertain and grant the relief requested therein (specifically, the increase
10 in child support),¹ this Court lacks jurisdiction to do so. *See Huneycutt v. Huneycutt*, 94
11 Nev. 79, 575 P.2d 535 (1978) and *Foster v. Dingwall*, 126 Nev. 49, 228 P.3d 453
12 (2010). This Court further would be inclined to allow the completion of discovery by
13 way of the subpoenas issued for information related specifically to Plaintiff’s income
14 (purportedly from the Veterans Administration and the Defense Finance and
15 Accounting Service), but suspend all other discovery. Finally, this Court declines to
16 entertain the relief sought by way of Defendant’s Motion.
17
18
19

20 . . .

21 . . .

22 . . .

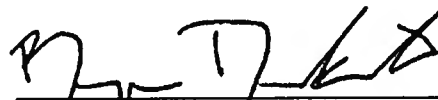
23
24
25 ¹The precise amount of the increase in child support remains in dispute, with a
26 difference of \$38.49 per month. In this regard, Plaintiff’s Motion requests that child
27 support be increased to \$1,529.99 per month. Defendant argues that the child support
should be set at \$1,568.48 per month.

1 Accordingly, and good cause appearing therefore,

2 It is hereby ORDERED that the Court DECLINES to entertain the relief sought
3 by way of Plaintiff's Motion, Defendant's Motion and Defendant's Countermotion.
4

5 It is further ORDERED that the hearing scheduled for April 14, 2021 is
6 VACATED.
7

8 Dated this 15th day of March, 2021

9 

10 BRYCE C. DUCKWORTH
11 DISTRICT COURT JUDGE
DEPARTMENT Q

12 9C9 01E F16D 0DAE
13 Bryce C. Duckworth
14 District Court Judge
15
16
17
18
19
20
21
22
23
24
25
26
27

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 Erich M Martin, Plaintiff

CASE NO: D-15-509045-D

7 vs.

DEPT. NO. Department Q

8 Raina L Martin, Defendant.
9

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: 3/15/2021

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

20 Matthew Friedman, Esq.

mfriedman@fordfriedmanlaw.com

21 Justin Johnson

Justin@willicklawgroup.com

22 Tracy McAuliff

tracy@fordfriedmanlaw.com

23 Kathleen Wilde

kwilde@maclaw.com

24 Gary Segal, Esq.

gsegal@fordfriedmanlaw.com

25 Richard Crane

richard@willicklawgroup.com
26
27
28

1	Erich Martin	emartin2617@gmail.com
2		
3	Lennie Fraga	lfraga@maclaw.com
4	Christopher Phillips, Esq.	cphillips@fordfriedmanlaw.com
5	Rachel Tygret	rtygret@maclaw.com
6	Cally Hatfield	chatfield@maclaw.com
7	Suzanne Boggs	sboggs@maclaw.com
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		

224

224

1 ORIGINAL

2 EIGHTH JUDICIAL DISTRICT COURT

3 FAMILY DIVISION

4 CLARK COUNTY, NEVADA

FILED

APR 05 2021

Sherry Justice
CLERK OF COURT

5 ERICH M. MARTIN,) CASE NO. D-15-509045-D
6 Plaintiff,) DEPT. Q
7)
8 vs.) NV SUPREME CT. APPEAL NO.
9) 82517 & 81810
10)
11 RAINA L. MARTIN,) SEALED
12 Defendant.)

13 CERTIFICATION OF TRANSCRIPTS NOTIFICATION OF COMPLETION

14 The Office of Transcript Video Services received a request
15 for transcript and one copy, for the purposes of appeal from
16 Kathleen A. Wilde, Esq., on March 8, 2021 for the following
17 proceedings in the above-captioned case:

18 November 3, 2020; January 12, 2021

19 I do hereby certify that copies of the transcript requested
20 in the above-captioned case were submitted to be filed with the
21 Eighth Judicial District Court on April 5, 2021, and ordering
22 party was notified April 5, 2021.

23 DATED this 5th day of April, 2021.

24 *Sherry Justice*
25 Sherry Justice
Transcription Video Services

EIGHTH JUDICIAL DISTRICT COURT - TRANSCRIPT VIDEO SERVICES
601 N. Pecos Road, Las Vegas, Nevada 89101 (702) 455-4977

RA002056

225

225

FILED

APR 05 2021

Adam L. Blum
CLERK OF COURT

1 **TRANS**

2
3 **COPY**

4
5 **EIGHTH JUDICIAL DISTRICT COURT**

6 **FAMILY DIVISION**

7 **CLARK COUNTY, NEVADA**

8
9 ERICH M. MARTIN,)

10 Plaintiff,)

CASE NO. D-15-509045-D

11 vs.)

DEPT. Q

12 RAINA L. MARTIN,)

APPEAL NO. 82517

13 Defendant.)

(SEALED)

14
15 BEFORE THE HONORABLE REBECCA L. BURTON
DISTRICT COURT JUDGE

16 TRANSCRIPT RE: ALL PENDING MOTIONS

17 TUESDAY, NOVEMBER 3, 2020

18 APPEARANCES:

19 The Plaintiff:
For the Plaintiff:

ERICH M. MARTIN (Tel.)
KATHLEEN WILDE, ESQ. (Tel.)
10001 Park Run Dr.
Las Vegas, Nevada 89145
(702) 207-6065

22 The Defendant:
For the Defendant:

23 RAINA L. MARTIN (Tel.)
RICHARD L. CRANE, ESQ. (Tel.)
3591 E. Bonanza Rd., #200
Las Vegas, Nevada 89110
(702) 438-4100

24

D-15-509045-D MARTIN 11/03/20 TRANSCRIPT (SEALED)
VERBATIM REPORTING & TRANSCRIPTION, LLC (520) 303-7356

1 LAS VEGAS, NEVADA

TUESDAY, NOVEMBER 3, 2020

2 **P R O C E E D I N G S**

3 (THE PROCEEDINGS BEGAN AT 9:01:08)

4

5 THE CLERK: Yes, we are, Your Honor.

6 THE COURT: Okay. Thank you. All right. This is
7 case D-15-509045-D, Erich Martin versus Raina Martin.
8 Counsel, state your appearances, please. Let's start with
9 Counsel for Erich.

10 MS. WILDE: Good morning, Your Honor. Kathleen
11 Wilde, bar number 12522, on behalf of Erich Martin.

12 THE COURT: Thank you. And is Erich Martin present?

13 MR. MARTIN: I am, Your Honor.

14 THE COURT: Okay. Great. You can hear us. Thank
15 you. Counsel for Raina? You're on mute. You're on mute, Mr.
16 Crane.

17 MR. CRANE: Sorry about that, Your Honor. Richard
18 Crane, 9536, on behalf of Defendant Raina Martin.

19 THE COURT: Okay. Thank you. All right. We're
20 here because Raina -- or I'm sorry. Erich has filed a motion
21 for stay subsequent to this notice of appeal and Raina's filed
22 an opposition and countermotion. And the Court has also
23 considered Raina's motion for attorney's fees and Erich's
24 opposition to that. The Court has reviewed those documents as

1 well. It's set for a -- an in chambers calendar tomorrow, but
2 it's already been fully briefed. So if you want to argue
3 about that, you can go ahead and do that as well.

4 The Court has reviewed Raina's motion for fees on
5 appeal and her financial disclosure form, Erich's motion for a
6 stay for a light bond, Erich's opposition to the motion for
7 attorney fees on appeal, Raina's reply to the attorney fees on
8 appeal, Raina's opposition to the motion to stay. That's
9 right. Assuming I haven't missed anything. There aren't any
10 other documents that have been file, are there?

11 MR. CRANE: I'm not aware of any, Your Honor.

12 THE COURT: No. Okay. All right. The Court has
13 subject matter jurisdiction over this case, personal
14 jurisdiction over the parties. And although this doesn't
15 involve the child right now, the Court as child custody
16 subject matter jurisdiction.

17 Erich has filed a motion for a stay. You know, the
18 Court considered it and in -- in one regard it seems kind of
19 odd to the Court because if the stay is to preserve the status
20 quo, then it would be not needed because Erich would still be
21 making the monthly payments to Raina. That's the status quo.
22 That's the order of the Court. The decree of divorce is the
23 status quo that Erich's trying to change. The Court enforced
24 the decree of divorce and Erich has appealed the Court's

1 enforcement of that. So by seeking a stay, Erich is sort of
2 asking the Court to bless his contempt going forward.

3 The Court has reviewed NRAP 8(c) and went through
4 the factors and the object of the appeal. I -- I don't think
5 it would be -- well, I suppose if a stay wasn't granted, then
6 object of the appeal maybe for a few months might be defeated,
7 but the Court is not persuaded that the value of the appeal
8 would be significantly re -- reduced if Erich continued to pay
9 a few months of payments because in the big picture -- really
10 at the big picture what we're looking at is a possibility of
11 maybe 30 years or more of these payments. And that's the big
12 picture. And I know that that's -- I know that this is really
13 significant in this case and -- and I did anticipate an appeal
14 on this case and that's why I took a lot of time in -- in
15 drafting the order because I knew it was a -- a -- issue of
16 great interest. That hasn't been resolved by a Nevada Supreme
17 Court.

18 And that's -- and that really is the object of this
19 appeal is whether these payments are gone for many, many years
20 and -- I mean, I did the math. We're looking at, you know,
21 \$400,000 or more. So we're looking at possibly if it goes to
22 40 years or -- but, you know, potentially would be a lot of
23 money.

24 The -- in the -- Erich, I don't think either party

1 is going to suffer irreparable or serious injury if the stay
2 is denied or if the stay is -- is granted. In the short term
3 over here, we are looking at about roughly \$10,000. I think
4 Mr. Crane's estimate of that is probably fairly accurate.

5 I don't know if any appeal is going to be finished
6 in six months and I don't even think it's going to be finished
7 in a year. This is probably something that's going to go on
8 for probably a couple of years. Both of you I -- I think have
9 done a lot of appeals. So you tell me. But the ones that --
10 that -- cases that have been appealed that were done by this
11 Court, it -- it has taken -- and even custody ones take about
12 a year. So it -- it's going to take awhile. So I don't think
13 that \$20,000 is an unreasonable estimate here.

14 But the consequences to Raina is greater because her
15 income is smaller. They'll have to pay out funds to maintain
16 her position by paying attorney's fees. She'll have to pay
17 out funds to obtain her judgment. Erich can better afford to
18 pay off funds to obtain his judgment after the fact if we're
19 looking at trying to collect monies after the fact. It would
20 be easier for Erich to pay out the funds assuming his income
21 remains the same.

22 In there, it's -- we kind of get to the little bit
23 of a wrinkle here because one of the issues the Court looks at
24 is, you know, collection issues under COVID has really made a

1 -- thrown a monkeywrench into everybody's incomes these days
2 and it's made everything really very uncertain. So there's
3 kind of a lot of less predictability. I know that Erich
4 recently -- so he recently lost his job in March of 2020. I
5 know Raina's income has been reduced because of her production
6 and hours caused by COVID. So, you know, collection -- and
7 there's some collection issues there in that regard.

8 Will Erich likely prevail? I -- the Court would
9 like to think that its reasoning is sound, of course, but I do
10 recognize that the issue is unresolved. And, again, I did
11 expect that this appeal would -- or I -- I -- the Court
12 didn't, you know, make the decision it did off the top of its
13 head, but I spent a considerable amount of time doing legal
14 research and reviewing things before and reviewing the -- the
15 law it was coming about kind of, you know, very rapidly. I
16 think a couple of the last cases that I cited were from a
17 couple of months ago and one from maybe just a few weeks ago.
18 So I -- I know that this area relies kind of -- is developing
19 now across the United States.

20 And so I recognize all that and then I see NRCP
21 62(d) (2) says a party's entitled to a stay by providing a
22 bond. So I -- I want to hear from both of you as to your
23 thoughts about -- I know that Erich had argued that this was
24 kind of a matter of right so long as there was some kind of

1 security. And I know he's arguing that he really shouldn't
2 have to provide a lot of security because it's really not a
3 big deal.

4 So let me hear from both of you on -- on -- that's
5 kind of where -- where I kind of left off here. So Counsel,
6 can you go ahead?

7 MS. WILDE: Oh, there. Thank you, Your Honor. I --
8 I believe that the points on finances is one that we really
9 definitely need to address because it's important to every
10 time we're, you know, before the Court as well as when we're
11 looking at the stay. So for us, we believe that a very low
12 amount is needed for a bond or an alternative security form.
13 For example, if we did a payment to an attorney trust account,
14 we think that would be a decent way to do security as well.

15 But the finances here have been grossly understated
16 when it comes to Raina's financial disclosures because they do
17 not include her registered domestic partner who is the
18 equivalent of a spouse. And then there's also just a
19 proportionality of the needs of the household compared to how
20 much each party is making where Erich is providing both for
21 his future as a disabled veteran and also for a bunch of kids.

22 So overall while we recognize enforcement isn't fun
23 for anyone, we believe that a low bond is appropriate because
24 there's not going to be as big of a problem with enforcement

1 for Erich as there was historically with Raina -- or pardon
2 me, Ms. Martin. Historically when there was a need to recover
3 money from Ms. Martin as was the case after she took alimony
4 payments while in a domestic partnership, using a writ of
5 execution didn't work, using a writ of garnishment didn't
6 work. There still was the outstanding problem of her other
7 attorney who has not been paid. By contrast with Erich, even
8 though he has been doing so under protest, he has been making
9 the monthly payments and there is less of a concern about him
10 being able to make payments if in fact the Appellate Court
11 comes back, you know, six months, a year from now, and says
12 okay, no, this is going to be affirmed.

13 So we would recommend a bond in the range of, you
14 know, 5,000 or less. And the reason being is just because of
15 those stability factors. Plus as noted, neither party is in a
16 financial predicament where the funds are really eminently
17 needed. This may be a matter of comfort for things like the
18 dry cleaning and the motorbikes and whatnot that have been
19 demonstrated through our recent filings. But this is not
20 putting food on the table. This is not utilities. And so
21 long as there's just, you know, some token amount that's
22 consistent with at least having a bond for purposes of this
23 rule which is as noted, NRCP 62, that should be adequate to
24 preserve the status quo.

1 And I understand the argument that the status quo
2 is, you know, kind of what the Court has ordered. But when
3 we're looking at the context of Rule 62, the status quo is
4 neither party coming out-of-pocket because of the challenges
5 of recovering if the Court goes one way or another. And the
6 idea is to preserve so that no one is paying out
7 out-of-pocket. And the citations on that were in our reply.

8 So I -- I don't want to go over the topics that the
9 Court wanted, but that's kind of big picture.

10 THE COURT: Okay. I appreciate that clarification.
11 What -- no, what -- what you didn't answer for me is that the
12 idea of the stay is a matter of right. Tell me about that.

13 MS. WILDE: The language in NRCP 62 provides that so
14 long as there is either a bond or an appropriate security
15 which is a matter of the Court's discretion, a stay issue.
16 It's not a question of whether a stay will issue, but it's a
17 matter of the stay will issue once that bond or that security
18 is in place. As similar with the case law that we cited in
19 our motion, that typically both in Nevada and in federal
20 courts, the idea is that a stay pending appeal is very
21 typical. We do this, you know, always pretty much in civil
22 cases. We do this regularly anytime there's any type of a --
23 a judgment just so that the parties are not chasing after
24 money that they may have paid incorrectly. Preserving the

1 status quo is based on not having anyone come out-of-pocket.
2 And so it's a little bit different than, you know, a status
3 quo when the -- the conventional sense that yes, the Court's
4 order currently is status quo until an Appellate Court at such
5 time says okay, no, this is -- this is a firm order versus the
6 status quo.

7 But the idea for a stay is specifically so that no
8 one is out-of-pocket while the appeal is pending. And
9 frankly, you know, we're hoping that we have a great day today
10 in the NRAP 16 settlement conference. You know, that -- that
11 would be even better. But the idea is just to keep everyone
12 at -- at ground zero type levels of payment so that there's no
13 chasing money that was paid and trying to recover money that
14 was wrongly paid.

15 By contrast, if the Court affirms, then the ability
16 to get the payment is based on the judgment. It's based on
17 execution of the judgment. So it's a more difficult process
18 to pull money back after it was already given. It's very
19 similar to the issue that happened with alimony where Erich
20 continued making payments pursuant to the alimony order when
21 he should not have had to do so because of the non-disclosed
22 domestic partnership. And then when the Court said hey, wait
23 a minute, that's not fair, we should not have a person who has
24 the legal equivalent of a -- a of a spouse collecting alimony

1 payments, then trying to rack that money back in and trying to
2 get it back. It took something like 10 months.

3 It was an awful process. It was an expensive
4 process. It was full of a lot of deceit and a lot of
5 mischief. And that was, you know, kind of a good reason why
6 we were concerned that if we make payments, you know, each
7 month and we pay -- grant to the Court's order during the
8 pendency of the appeal, good luck getting that money back. So
9 that's the concerns that preserving the status quo in this
10 case would be just that no one is coming out-of-pocket. And
11 then if the Court affirms, there's already a judgment. The
12 execution is an easy process.

13 THE COURT: Thank you. Thank you, Counsel.

14 MS. WILDE: Thank you.

15 THE COURT: Mr. Crane?

16 MR. CRANE: Good morning, Your Honor. Your Honor, a
17 -- a couple of things. First of all, a stay is not a matter
18 of right. If it was, then everyone requested one would get
19 one and the Supreme Court wouldn't have to deal with the
20 request at all. You don't have to grant a stay today. They
21 can make their request and I expect they probably will make
22 their request to the Supreme Court if you deny their stay.

23 As far as their limited bond that they were talking
24 about, a \$5,000, that doesn't even cover the arrearages that

1 you have awarded and reduced to judgment. So that -- that's
2 -- it -- that's over \$6,000 at this point.

3 You know, the -- the bond that -- that we believe is
4 -- is proper here is probably closer to that \$20,000 that we
5 talked about. That covers a year's worth of payments plus the
6 arrearages that exist and interest on that money because we
7 fully expect that you're going to be affirmed on this matter.

8 It -- it's interesting that -- that Counsel mentions
9 that he's been paying this under protest. Yes, he writes a
10 little note on the -- on the note line on his wife's check.
11 He doesn't even write it out of his own account. Writes it
12 out of his wife's account and makes a note that this is his
13 disability income which of course is untrue. And also -- and
14 with this last check actually put somebody else's name on the
15 check making it uncashable.

16 So this is the kind of mischief that's going on.
17 It's not even -- you know, that -- that's not the case. But
18 as far as the matter of right, the matter of right is you put
19 up a bond that secures the -- the actual debt that will exist
20 and then you can have a -- a stay. If you're going to put up
21 something alternative, for instance, paying into a trust
22 account, it should be the exact amount that needs to be paid
23 every month and that can be paid into a trust account.

24 We're not going to object to that if that's what the

1 Court orders. We do believe it's Raina's money. We believe
2 that Raina should get it and she should also get interest on
3 that money. So even if the money is paid into a trust
4 account, it should receive the statutory interest. And we
5 also would look for -- for the arrearages to be paid into that
6 trust account as well. So it still comes out to be about that
7 \$20,000 that he could obtain a bond for just as easily.

8 We believe the Court -- Court understands the status
9 quo argument perfectly. The status quo was he agreed to pay
10 it. He was paying it. The Court ordered that he continued to
11 pay it and he stopped. And that was -- you know, so he
12 created a status quo that they want to keep where the actual
13 status quo is the payments continue to come.

14 If the Court's got any other questions, I'll gladly
15 answer them.

16 THE COURT: All right. No, the Court doesn't have
17 any other questions. But what the Court's inclined to do is
18 to grant the stay but to require him to -- to require Erich to
19 pay however he wishes to do that, whether he wants to put -- I
20 -- I like the idea of continuing to pay the monthly payment
21 into a -- into his attorney's trust account. I think that
22 that would be -- that's a good reasonable approach to it. I
23 -- I would like to have confirmation going from Counsel from
24 -- Ms. Wilde to Mr. Crane that those monthly payments are

1 being made. Okay. And I think that really is a good --
2 that's a good approach to it because then we won't have any
3 overpayments or under payments and we're not going to have
4 collection issues at the end of the day and the funds were
5 there, because I did look on -- I -- I did as well look -- go
6 through the factors about a bond and I guess I'll put that in
7 my thoughts about that on the record as well.

8 The -- the collection process is not complex, but I
9 think that it would be easier for Erich. That would be for
10 Raina. But the Court does take note of that issue. I was the
11 Court that was involved when there was this spousal support
12 issue. I -- I didn't know that it took months to collect, but
13 there was resistance to that.

14 The -- the time to obtain collection, well, it's
15 going to depend on how cooperative everybody is, but if it --
16 you know, if it has to be forced, then of course there's going
17 to be a motion and there's going to be a hearing and then
18 there's going to be a potential trial if there's arguments
19 about how much the money ought to be, although that's probably
20 not likely. And it's probably not likely to be an appeal from
21 that, but that's always possible.

22 Again, the confidence regarding collection, that
23 might be difficult on both sides just because of COVID. I
24 don't think -- I -- I think otherwise -- I mean, I have two

1 professionals here, a dental hygienist and I -- and I have
2 retired military who's working in management position now.
3 And I have two professionals who do make very nice incomes.
4 And I don't think again either of these parties certainly is
5 destitute by any means and they are -- they do have -- they're
6 fortunate to have the jobs that they do and to continue to
7 make the incomes that they are in light of COVID right now
8 when a lot of people are hurting.

9 So I -- I am going to require -- I -- I like that
10 idea. I'm going to require the month -- the monthly payment
11 to be made. That will avoid any additional cost or having to,
12 you know, find the cost of -- of supersedeas bond and all
13 that. I think making the monthly payments makes sense. Those
14 monies will be sitting there. And then we will have no
15 collection issues at the end of the day.

16 Okay. Just provide a statement to Mr. Crane
17 regarding that. On a monthly basis just so that he can keep
18 track. I don't know how you track funds that are in your
19 trust account. Do you -- I know when I used to do it a long
20 time ago I would have a monthly statement be the -- it would
21 reflect payments as if somebody was, you know, paying
22 attorney's fees. So if you set up something like that so that
23 you have a record of the payments that are coming in, then you
24 can provide a copy of that to Mr. Crane on a monthly basis so

1 that he can just track -- track that and make sure that those
2 funds are there. Would that be acceptable, Mr. Crane?

3 MR. CRANE: Yes, Your Honor. It does still leave
4 the arrearage issues, nearly \$6,000 that you've already
5 reduced to judgment. We would like that placed into that
6 account as well.

7 THE COURT: Ah. I think -- yeah, that -- that needs
8 to be -- that needs to happen as well. He needs to go ahead
9 and pay that. Whether you -- you know, I don't know what his
10 ultimate financial circumstances are right now as far as
11 savings that he has or anything like that. I looked on his
12 last filed financial disclosure form and that was filed in
13 June. And it didn't show because it was post divorce
14 proceedings. It didn't show -- you know, it doesn't show
15 savings and assets and things of that sort. So I have no idea
16 what that is. Does he have the ability to pay the judgment?
17 Ms. Wilde, do you know?

18 MS. WILDE: I think it would be -- I think it would
19 be difficult at this point, but, you know, if that's the
20 Court's order, we'll try to figure something out. The concern
21 is that not only is it a savings matter, but with Erich's
22 permanent disability and medical issues and going into
23 surgeries and a lot of medical treatment. That's an ongoing
24 difficult issue plus, you know, caring for his family. So I

1 think that's going to be one of the -- the bigger reasons
2 frankly that we are pursuing a bond.

3 And of course we don't know rule what the Court's
4 going to rule on attorney's fees, but if we were to be hit
5 with both the arrears and attorney's fees, either pendente
6 lite or as the sanction that's sought in this case, I don't
7 know that that would be doable.

8 THE COURT: Okay. It's running through my head and
9 now I'm -- now it's escaping me. Oh --

10 MR. CRANE: It --

11 THE COURT: -- it was --

12 MR. CRANE: It --

13 THE COURT: I -- I know -- I -- I know that he had
14 -- he -- he put in his paperwork the various kind of medical
15 issues that he had, but there was no -- I have received no
16 testimony or -- or anything like that with regard to, you
17 know, surgeries and -- and things of that sort. I -- I really
18 don't know. I think that was in the argument paperwork for
19 the decision that's on appeal. But I don't believe that I've
20 ever heard testimony or took testimony and know anything about
21 what his actual medical condition is and what that's costing
22 him.

23 MS. WILDE: We did provide a verification on that,
24 Your Honor, but if we -- if the Court was open to a -- you

1 know, say for example confidential information, she -- I think
2 that's something we can also do. It's just not something
3 obviously that we want, you know, out in the world.

4 THE COURT: Well, of course, but -- and I'm not --
5 what I really want to do is to have him start making payments
6 toward that judgment. So look, why don't Counsel talk about
7 that and come up with -- with a reasonable payment in addition
8 to the regular monthly payment to start paying on that
9 judgment. Okay. It -- I would -- the Court would like it
10 paid in no less than a year. Okay. So you can kind of use
11 that as some kind of a rule of thumb there, but why don't
12 Counsel talk about it? Because, again, I don't really have a
13 lot of information about what his -- what his resources are
14 for that.

15 If he wants to pay -- to pay for a bond, he can, but
16 it'll be the \$20,000 that's been requested because I do think
17 that's a reasonable amount. I -- I think that's actually a
18 light estimate because I think that this case probably is
19 going to go on for like two years than it is one year. That's
20 been my experience.

21 Okay. So moving on to attorney's fees, Ms. Wilde,
22 what was -- what was Erich's fee to retain your firm to -- for
23 the appeal?

24 MS. WILDE: Our retainer was \$5,000, Your Honor.

1 THE COURT: 5,000. Okay.

2 MS. WILDE: And -- and I will say honestly normally
3 our firm charges a whole lot more than that, but given the
4 importance of the issues before the courts and to the state of
5 Nevada and to a lot of veterans, this was something that we
6 were interested in -- in taking on really for that reason.

7 THE COURT: All right. Mr. Crane, I'm going to let
8 you argue this.

9 MR. CRANE: Your Honor, just for clarification, was
10 that a \$5,000 retainer or was that a \$5,000 flat fee?

11 MS. WILDE: That is a \$5,000 retainer. If I were to
12 do a flat fee in a typical case, frankly or even a retainer in
13 a typical case, it would be much higher, but we're at a \$5,000
14 retainer. And, again, as I said before, I'm hoping that today
15 the NRAP 16 conference is awesome and we don't even have to
16 worry about what the bill would cost because we can actually
17 get this whole thing resolved and bring some peace to
18 everybody involved in this whole case. That would be great.

19 THE COURT: Okay. Mr. Crane?

20 MR. CRANE: So, Your Honor, what -- what we have
21 done is we've done a stepped flat fee, \$10,000 to get us
22 through today which is the settlement conference and an
23 additional \$10,000 to take us through the appeal. So the
24 \$20,000 that we requested is the exact amount that she's going

1 to go out-of-pocket if this continues on beyond today.

2 THE COURT: Okay.

3 MS. WILDE: Well, I suppose we should clarify too.
4 There were two separate fee issues. The one was the pendente
5 lite and then the other one is the countermotion for fees
6 which was essentially based as a -- a -- by punishment or a
7 sanction of sorts for pursuing the stay. So there's two
8 separate issues although I think they both turn on some
9 overlapping matters. But if we're talking about the appeal,
10 you know, we're transitioning to that. The factors I think
11 are a little bit different.

12 THE COURT: All right. I -- in considering the
13 motion for attorney fees, I do take into consideration both
14 parties' financial circumstances. I know that Nevada follows
15 the American rule which means everybody pays their own legal
16 fees. And I do recognize that Erich's income currently is
17 about three times as high as Raina's income, but Raina's
18 expenses are reduced by her domestic partnership and his very
19 large income. He -- she doesn't dispute that, does she?

20 MR. CRANE: No, Your Honor. She does not, but that
21 there's also -- they were completely clear as to how much
22 money the spouse of Erich is bringing in because they have her
23 income but she also has a child support award that's coming
24 in. So there is -- there is money on that side as well.

1 THE COURT: Okay. Well, when you balance out the
2 household incomes, I think they're fairly equivalentish.
3 They're not wildly apart. I do realize that Raina's domestic
4 partnership isn't obligated to pay anything for these
5 proceedings.

6 But I am granting the stay and I think it would be
7 appropriate because of the very large disparity of incomes
8 between the two parties who are part of this process to have
9 Erich contribute something toward Raina's attorney's fees
10 because again this is all at the end of the day and affect her
11 probably greater financially the process. Raina makes less
12 money than Erich does and it has been affected by COVID right
13 now more than Erich. He's still making his full-time income.
14 Raina is -- has reduced income. I'm not certain whether at
15 this point she can start increasing it going back to
16 full-time. Is that what she's trying to do, do you know?

17 MR. CRANE: Yes, Your Honor. But with COVID it's
18 not a -- it's not a guarantee especially with it spiking now
19 in Nevada. Working in obviously oral hygiene is a dangers
20 profession just to begin with when it comes to COVID. So we
21 have absolutely no idea where Erich on the other hand has
22 guaranteed income of over \$60,000 a year. And that's after
23 paying her her share. And that's the taxable equivalent is
24 like \$65,000 and that's if he's in the 20 percent tax bracket.

1 THE COURT: And I understand that. He's making over
2 16,000 a month right now and that's without considering the
3 tax effects. So he's probably making closer to 17,000 or
4 maybe more a month. And so his income really is significantly
5 more than hers. I'm not inclined to grant, you know, all of
6 the attorney fees. I don't think that he should pay all of
7 that. This issue still is really very uncertain. Despite the
8 work that I put into it, it -- it's still -- I don't know. I
9 -- I don't know if I'm right. I would like to think I am, but
10 again, I don't know. So it is still something that's still
11 being sorted out by courts all over the place in the United
12 States. So it may just take another 30 something years to get
13 the United States Supreme Court how this case is going to get
14 it there. But nevertheless, it is an issue of great
15 importance.

16 I don't want anybody being destitute by this. I do
17 think that Erich should pay something. And I'm going to add
18 \$5,000 to contribute toward her attorney's fees.

19 MR. CRANE: And when will that be payable, Your
20 Honor?

21 THE COURT: Again, I -- I don't know what his
22 resources are. He's paid his attorney \$5,000 right now. You
23 have -- you already received the 10, right --

24 MR. CRANE: No, Your Honor.

1 THE COURT: -- Mr. Crane?
2 MR. CRANE: Not yet.
3 THE COURT: Oh --
4 MR. CRANE: No.
5 THE COURT: -- you haven't even received the 10 --
6 MR. CRANE: No, she's on a payment plan.
7 THE COURT: She's on a payment plan for that. Okay.
8 MR. CRANE: Yes, Your Honor.
9 THE COURT: All right. You know what --
10 MS. WILDE: As far as --
11 THE COURT: -- I'm going to --
12 MS. WILDE: Oh, as far as this -- as far as this --
13 the 16,000 number is nowhere near what we're dealing with. I
14 don't know how -- how Mr. Crane came up with that one, but
15 that's certainly not where we're at. And frankly with COVID,
16 I think everybody's uncertain every which way. Everything is
17 uncertain right now --
18 THE COURT: His 16 something thousand --
19 MS. WILDE: -- now.
20 THE COURT: -- a month comes from his financial
21 disclosure form. His job is 11,500 and something a month and
22 then we add the other 5,000 and it's like 5100 or something.
23 That's the disability pay or the -- now it's combat pay. And
24 now we have the -- so that 16,600 plus we the tax -- you know,

1 the \$5100 that's coming in without having to pay income taxes
2 on that. So -- so it's at least 16 -- well, it certainly is
3 at least 16,600 at least. At least. To her, 5,000 and
4 something thousand forty-five -- I don't know, something over
5 5,000. So, again, it is -- it's -- it's at least three times
6 that he's making than she is.

7 Anyway, so I do want him to pay the 5,000. I'm
8 going to give him 30 days to get that done. Okay. Any
9 questions? Good luck in your settlement conference today.
10 Okay.

11 MR. CRANE: We thank you for your time, Your Honor.

12 THE COURT: All right. Mr. Crane --

13 MS. WILDE: Thank you.

14 MR. CRANE: -- you are to provide the order. You're
15 going to prepare it. Actually, no. You know what? Do you
16 want one order from this or two?

17 MR. CRANE: I -- I think one order will do it unless
18 Ms. Wilde says -- believes it to be something else.

19 THE COURT: All right. Then Ms. Wilde, you will get
20 to --

21 MS. WILDE: I --

22 THE COURT: -- (indiscernible) --

23 MS. WILDE: I (indiscernible) for two, but yeah, I
24 think we can just work it out between ourselves and just

1 circulate -- circulate drafts for a proposed order, you know,
2 consistent with the local rules --

3 THE COURT: All right.

4 MS. WILDE: -- on that.

5 THE COURT: I'm going to have you start. You have
6 two weeks to get it to Mr. Crane who has two weeks to get it
7 back to you so you can submit it to the court.

8 MS. WILDE: Great.

9 THE COURT: All right. Good luck.

10 MS. WILDE: Thank you.

11 THE COURT: Bye.

12 MR. CRANE: Thank you, Your Honor.

13 (PROCEEDINGS CONCLUDED AT 9:31:34)

14 * * * * *

15 ATTEST: I do hereby certify that I have truly and
16 correctly transcribed the digital proceedings in the above-
17 entitled case to the best of my ability.

18 
19

20
21 _____
22 Adrian N. Medrano
23
24

226

226

FILED

APR 05 2021

John J. Martin
CLERK OF COURT

1 TRANS

2
3 ORIGINAL

4
5 EIGHTH JUDICIAL DISTRICT COURT

6 FAMILY DIVISION

7 CLARK COUNTY, NEVADA

8
9 ERICH M. MARTIN,)

10 Plaintiff,)

CASE NO. D-15-509045-D

11 vs.)

DEPT. Q

12 RAINA L. MARTIN,)

APPEAL NO. 82517

13 Defendant.)

(SEALED)

14
15 BEFORE THE HONORABLE BRYCE C. DUCKWORTH
DISTRICT COURT JUDGE

16 TRANSCRIPT RE: ALL PENDING MOTIONS

17 TUESDAY, JANUARY 12, 2021

18 APPEARANCES:

19 The Plaintiff: ERICH M. MARTIN (Tel.)
20 For the Plaintiff: KATHLEEN WILDE, ESQ. (Tel.)
10001 Park Run Dr.
Las Vegas, Nevada 89145
21 (702) 207-6065

22 The Defendant: RAINA L. MARTIN (Tel.)
23 For the Defendant: RICHARD L. CRANE, ESQ. (Tel.)
3591 E. Bonanza Rd., #200
Las Vegas, Nevada 89110
24 (702) 438-4100

1 LAS VEGAS, NEVADA

TUESDAY, JANUARY 12, 2021

2 P R O C E E D I N G S

3 (THE PROCEEDINGS BEGAN AT 10:30:37)

4
5 THE COURT: We are on the record in the Martin
6 matter, D-15-509045-D. Please confirm your appearances.

7 MR. CRANE: Good morning, Your Honor.

8 MS. WILDE: Good morning.

9 MR. CRANE: Richard Crane, 9536, on behalf of
10 Defendant Raina Martin. Also present with me is Justin
11 Johnson, the case manager. And Raina Martin is present.

12 MS. WILDE: Good morning, Your Honor. Kathleen
13 Wilde, bar number 12522, present on behalf of Plaintiff Erich
14 Martin who is also present today.

15 THE COURT: Okay. Let me have the parties confirm
16 their appearances. I don't see them visually, but I believe
17 they're participating. There we have -- okay, we have the
18 Plaintiff. Ma'am, go ahead and state your name. Or the
19 Defendant.

20 MS. MARTIN: My name is Raina Martin.

21 THE COURT: Okay. And Mr. Martin, do we have you
22 just by audio? If you can state your name. Mr. Martin, are
23 you there?

24 MR. MARTIN: Yes, this is Erich Martin --

1 THE COURT: Okay.

2 MR. MARTIN: -- Your Honor.

3 THE COURT: Okay. Good morning. All right. This
4 is the time set for hearing on Defendant's motion to modify
5 child support and -- and to reprimand the Plaintiff, the
6 opposition and countermotion, and there is a reply as well.
7 Let me start by asking are there any stipulations to report
8 on?

9 MR. CRANE: No, Your Honor. Nothing has been
10 stipulated to.

11 THE COURT: Okay. I've had a chance to review the
12 papers. Part of this, it -- this -- this is a child support
13 modification primarily. And looking -- and this is a case
14 that ultimately was transferred to this Court from Department
15 C. I understand that the matter is up on appeal, but I do
16 find preliminarily that the issue that's before the Court is
17 ancillary to the issues that are on appeal. So I do find it
18 is appropriate for the Court to proceed as it relates to those
19 issues pertaining to the papers that have been filed with the
20 Court.

21 The controlling order with respect to child support
22 is the decree of divorce that was entered in 2015. So this
23 clearly is subject to a three year review. There -- the --
24 the -- there is discussion in the paperwork about the income

1 and how the Court should calculate support. Some of this ties
2 into an earlier financial disclosure form, specifically a
3 financial disclosure form that appears to have been filed this
4 last summer back in June of 2020 that listed gross monthly
5 income of \$11,504 per month, disability income of \$5,163 per
6 month.

7 And -- and so -- and I know there's been discussion
8 in the paperwork about how that income has been characterized,
9 the -- the Plaintiff was alleging that part of the income that
10 had been reported related to income from a spouse. That
11 certainly does -- isn't clear from the original financial
12 disclosure form. It appears to be a salary and disability
13 payout. I don't see any -- any reference to -- to income from
14 another individual. So that's where I'm at.

15 I will say in running that calculation through the
16 -- the child support calculator, and this is before any
17 offsets and I know that's part of the discussion as well. The
18 amount that -- that I came up with was \$1,463. But that does
19 not -- I -- I want to be clear on that. That does not take
20 into account the -- the amount that the Plaintiff is paying to
21 the Defendant of \$845.43. So I would have to take that into
22 account and make that calculation.

23 So Mr. Crane, it is -- it is your motion. Anything
24 you wanted to add beyond what's in the papers?

1 MR. CRANE: Your Honor, it -- it looks like you --
2 you've -- you've read everything. You understand what's going
3 on. The FDF that was recently filed, it was a blatant attempt
4 by Mr. Martin to -- to conceal income. He dropped his -- his
5 annual salary by -- just about \$10,800, something like that.
6 And he also didn't claim any of his V.A. disability money
7 which is a significant difference in his -- in his income.

8 You are correct and they did make a claim that we
9 were taking into account his wife's income. That is not true.
10 We did not -- we did not do that. And we did do the
11 calculation taking into account what he's supposed to be
12 paying to Ms. Martin every month as well. And our calculation
13 came up a little higher than yours, Your Honor. So I -- you
14 know, I'm going to, you know, obviously bow to your discretion
15 on that, but we came up with the -- a little over \$1500 when
16 you take into account his actual income. And his actual
17 income is reflected on his pay stubs which show that he
18 actually makes a hundred and thirty-eight thousand dollars a
19 yea, not a hundred and twenty-seven as he indicated on the
20 FDF.

21 So I don't really need to add anything more, Your
22 Honor. It's a straight deal here. As far as offsets, there
23 is nothing to offset. All of his claims for offset aren't --
24 aren't real. His -- he doesn't pay anything for his medical.

1 At least for the child, he pays nothing for the medical. He's
2 on TRICARE standard. If he actually Raina in getting an I.D.
3 card for the child, there would be the ability to be able to
4 access TRICARE medical at no cost.

5 And then travel -- as far as travel is concerned,
6 he's refused to exercise travel. And as such, he shouldn't
7 get an offset for that either. He also claims to be spending
8 some god awful amount of money, 600 and some dollars per month
9 on this child. And we see none of that, that he's not
10 spending a hundred dollars a month on clothes for the child.
11 He's not paying for any educational expenses. In fact, we
12 have to fight with him to pay the \$50 that he owes for glasses
13 for the child. So none of that is relevant and there should
14 be no offset.

15 THE COURT: All right. Let me hear from Ms. Wilde.

16 MS. WILDE: Thank you, Your Honor. I do agree that
17 this is largely -- you're just a -- a calculation matter. The
18 -- the documents largely speak for themselves. The pay stubs
19 coupled with the Veterans documents that Mr. Martin is
20 currently receiving.

21 Just as a quick aside, he's been sending me text
22 messages. I guess he was kicked out of the outbreak room and
23 has been trying to get back in. But I think we're okay while
24 he works on that, just kind of continuing our discussion

1 because this really is just an application of a
2 straightforward administrative and legal standard to the facts
3 as stated through the pay stubs. We had a little bit
4 different number on the gross income of close to 13,000 a
5 month just based on the pay stubs before us.

6 The summer as we understand it was Mr. Martin was
7 attempting to use the form during an proper person. I
8 honestly don't know how he did it or what he did with that
9 because he was not with us at the time. But we know that
10 there were definitely errors in there. And they appear to be
11 just good faith errors from -- from an in proper person
12 litigant. He didn't really quite get how to do the form.
13 But, you know, the -- the core number that we came up with
14 based on the gross income we thought was about \$1399, roughly
15 1400. And the reason that we had urged some discretionary
16 redactions under NAC 425.150 was based on in part the gross
17 reduction for the indemnification that everybody agrees is
18 going to Ms. Martin.

19 On health insurance which is a pretty standard
20 reduction, there is about a hundred and ten dollars per month
21 being paid toward the child's health insurance. And that
22 based on what Mr. Martin is paying. And then we just put a
23 little blip. It was a very small amount, just a hundred and
24 fifty based on other children in the home. We all know I

1 think that children are quite expensive. And just the whole
2 reason that we came up with the 1100 for monthly child support
3 took into consideration that having three other minor children
4 in the home is an expense that adds up.

5 With respect to travel, we did not claim expenses
6 based on travel in light of civil unrest, in light of COVID,
7 everything else going on in the world. We just don't want to
8 put the minor child at risk. We don't want any potential
9 problems whatsoever. As we noted, his best interest is always
10 might be first. So that's not something we're even looking at
11 right now.

12 And then just also a quick note. You know, the
13 spouse's income, I think that got resolved already now that
14 we've had a corrected filing, but we do defer to the Court
15 knowing that this is a matter of discussion and a pretty
16 straightforward application of the law as it's stated in our
17 administrative code.

18 THE COURT: Let me ask you in that regard. Because
19 what I -- in looking at the -- and I note that the June 2020
20 financial disclosure form, it does not appear to have any
21 payroll statements attached thereto unless I missed something.
22 There do appear to be statements attached to the more recent
23 filing that accompany this motion. The -- the CRSC pay
24 statement dated December 1, 2020 reflects an amount of

1 \$2,363.96.

2 Mr. Crane, I'm -- I'm assuming you've seen that. Is
3 -- is that -- and that appears to be part of the corrected
4 amount that's listed in the financial disclosure form.

5 Mr. Crane Yes, Your Honor. A couple -- a couple of things.
6 That -- that is the money that he receives the combat related
7 to special compensation betting, but it does not include his
8 V.A. disability. And when he filled out his original form
9 back in June, he included those added together which means his
10 disability pay is somewhere around \$5,300 per month. He left
11 out his V.A. disability money which is separate from the
12 combat related special compensation.

13 Additionally, if you look at the pay stubs that are
14 attached, those pay stubs indicate that he's paid every two
15 weeks. And if you do the calculation, his June filing of an
16 FDF was actually correct. And this one is the one that is not
17 correct. It drops his income significantly. And it -- it
18 actually indicates that he makes about \$15,000 a month
19 including the \$2800 that his wife adds to his income, but his
20 total expenditures on this FDF are over 22,8 -- 800 -- excuse
21 me, \$22,300 which means he's running a \$6,000 deficit every
22 single month. And we know that these numbers aren't real
23 because there's no way that anybody could, you know, have an
24 unsustainable, you know, expenditure versus income like that.

1 THE COURT: Okay. Does -- does the Defendant
2 acknowledge that -- that there are other children in the
3 Plaintiff's home that might be a basis for the Court to make
4 -- make some type of an offset or adjustment?

5 MR. CRANE: There are other children in the home,
6 but the mother is working. The mother also receives child
7 support for those children. So there should be no downward
8 deviation. These are not --

9 THE COURT: They're not --

10 MR. CRANE: -- his children.

11 THE COURT: -- his children. Well, let me --

12 MR. CRANE: Not his children.

13 THE COURT: Ms. -- Ms. -- will they in that -- does
14 the Defendant acknowledge -- or Plaintiff acknowledge that
15 these are not his children? They're his wife's children?

16 MS. WILDE: We acknowledge that they're not
17 biologically his children. That is true. They're certainly
18 being cared for and, you know, that is a community effort as a
19 married couple, but they're biologically not his children.
20 That's true.

21 THE COURT: And is there -- is -- Mr. Crane has
22 indicated that there's a separate V.A. disability benefit that
23 is not included in this more recent financial disclosure form.
24 Is that accurate?

1 MS. WILDE: I don't believe that's accurate, Your
2 Honor. We base this off of the documentation we received from
3 Mr. Martin. And of course, he reviewed everything and signed
4 off that everything was accurate. It's my understanding that
5 the difference from summer to regard to now largely
6 attributable to taking off Mr. Martin's current
7 (indiscernible) from which is, you know, roughly the 2800 that
8 Mr. Crane mentioned coupled with some downturns in income
9 based on COVID and other issues that have been going on. I
10 believe that is accurate, but if it's not, I would have to
11 have Mr. Martin correct me because that would be
12 (indiscernible) personally whether that's correct.

13 THE COURT: Mr. -- Mr. Martin, are you back with us?

14 MR. MARTIN: I am and those are correct, Your Honor.

15 THE COURT: So is -- is there separate and apart
16 from this CRSC payment, is there a V.A. disability that
17 you're --

18 MR. MARTIN: No.

19 THE COURT: -- receiving?

20 MR. MARTIN: No, Your Honor.

21 THE COURT: You don't receive any other benefits
22 other than this -- this amount that's reflected as \$2,363.95?

23 MR. MARTIN: No, Your Honor.

24 THE COURT: Okay. Ms. --

1 MR. MARTIN: And -- and Ms. Wilde has properly
2 stated that -- that COVID has caused a downturn. And that's
3 obviously the same too for my exwife Raina Martin whose salary
4 was reduced by \$30,000 within the last few months apparently
5 from her previous financial disclosure filing in Dec --
6 December of 2019.

7 THE COURT: All right. Mr. Crane, do you -- is
8 there -- do -- do you have information? I'm new to this case,
9 so is there documentation that you have that would suggest
10 that there is a separate V.A. disability benefit apart from
11 what I'm looking at?

12 MR. CRANE: Your Honor, as an officer -- as an
13 officer of the court, I have -- I have to make the -- the
14 offer because I don't have discovery on this. And if we
15 require it, we will do discovery on this. But when a -- a
16 military member is disabled, there is a V.A. disability,
17 always. The combat related special compensation is a payment
18 that comes from the Defense Finance and Accounting Service in
19 lieu of receiving benefits of actual retired pay which leads
20 us back to the original case which you don't need to worry
21 about obviously because that's what's on appeal.

22 But the combat related special compensation is not
23 in lieu of a Veteran's disability. So the Veteran's
24 disability is payable. And if you look at his June FDF, you

1 will see that under disability he lists income of over \$5,000
2 which means that his V.A. disability is about \$2900 a month.
3 It -- like as I said, you know, I can tell you that this is
4 what happened. I would ask the Court if there's a question to
5 it that we open discovery and we find this out.

6 And obviously if we discover that Mr. Martin is
7 misrepresenting his -- you know, that he's -- whether he's
8 receiving V.A. disability that he of course be sanctioned for
9 doing so. But every person that is disabled from the military
10 that files for and receives CSRC is also receiving a V.A.
11 disability.

12 THE COURT: Okay. Here -- here's what I'm inclined
13 to do based on the -- the papers are on file with the Court.
14 The -- the amount -- one moment. So here's -- here's what I'm
15 inclined to do. In terms of child support, again, I do find
16 that it's properly before the Court. There's been a dispute
17 as it relates to income. What I'm inclined to do is I'm --
18 I'm accepting the amount that's been offered in terms of the
19 -- the CRSC payment that the Defendant has -- or the Plaintiff
20 has offered based on the documentation attached to his
21 financial disclosure form.

22 I am going to allow discovery during the next 60
23 days. The Defendant is allowed to pursue discovery to
24 determine if there is a separate V.A. disability amount as Mr.

1 Crane has indicated that he believes that that does exist. We
2 don't have any documentation to support that, but based on the
3 explanation that's been offered, I'm satisfied that their
4 discovery is appropriate. So that may be pursued.

5 But I'm -- I'm making a calculation today based on
6 the representation from Mr. Martin that that is the extent of
7 the benefits he receives from the federal government as it
8 relates to any disability pay. So using that amount but
9 relying on the amount based on my -- my review of the payroll
10 statements and the amount of income that's being earned, I
11 calculate the Defendant's income -- or the Plaintiff's income,
12 excuse me, at \$13,860.09 per month. And that's again relying
13 on the CRSC payment.

14 Deducting the amount of \$845.43 which is referenced
15 in the paperwork as the amount that -- that the Plaintiff is
16 contractually bound to pay -- pay to the Defendant. The
17 resulting income amount that I'm showing is \$13,022.66. That
18 under the regulations results in a child support amount of
19 \$1,317 per month. I'm inclined to make that the order of the
20 Court. That would be effective pursuant to Rema Shiodi (ph).
21 The motion was filed on November 18th. So it would be
22 effective in December moving forward. That would be the new
23 amount.

24 Both parties have -- have made statements or -- or

1 requests regarding the issues relating to civility and
2 admonishments. I'm -- I'm not going to meddle into that
3 micromanagement of this case at this point. I certainly
4 welcome to the extent Counsel are -- are able to craft some
5 type of behavioral order language, I would welcome that. I
6 don't have my own behavioral order language, but if there's a
7 language that you can stipulate to and include as part of the
8 order from today, I certainly would welcome receiving that
9 moving forward. But beyond that, I'm not inclined to grant
10 any further relief.

11 I'm not inclined to make any award of fees because
12 there -- there doesn't appear to have been much discussion.
13 Both parties acknowledge that child support was reviewable and
14 should have been reviewed but there was not any discussion
15 leading up to these proceedings. So each party is to bear
16 their own fees and costs.

17 Again, discovery will remain open for 60 days to
18 allow the -- the Plaintiff to explore the issue as it relates
19 to any additional disability pay. And then to the extent it
20 is different than what's been represented, obviously that
21 perhaps becomes a bigger issue for the Court to look at in the
22 future if it needs to be revisited.

23 So Mr. Crane, if you'll prepare the order and submit
24 that to Ms. Wilde for review and signature.

1 MR. CRANE: And Your Honor, as it is discovered that
2 -- that he has misrepresented his income, I take it that the
3 child support that you're ordering today will be retroactive
4 again back to December if it's modified?

5 THE COURT: That is correct.

6 MR. CRANE: And --

7 THE COURT: Okay.

8 MR. CRANE: -- Your Honor, there was one other
9 thing. There is one other thing that -- it's an order from
10 Judge Burton that Mr. Martin was to pay the \$5,000 in pendente
11 lite fees within 30 days of the last hearing. He's paid \$750.
12 Can you let him know that that money is due immediately, the
13 full amount is due immediately, to save me having to do
14 collection actions to collect attorney's fees.

15 THE COURT: Well, it is -- it is due. I'm -- I -- I
16 have no problem reiterating that whatever orders that Judge
17 Burton issued are the orders of the court. Those are
18 controlling in nature and enforceable through the Court's
19 contempt powers. So whatever needs to be paid should be paid.
20 Okay?

21 MS. WILDE: Yeah --

22 THE COURT: All right.

23 MS. WILDE: -- that's not an issue, Your Honor.
24 He's been making the payments as he can, but we absolutely

1 know that that is due per the Court's order and he has been
2 working on that.

3 THE COURT: Okay. All right. I appreciate your
4 appearances. Thank you.

5 MS. WILDE: Thank you, Your Honor.

6 MR. CRANE: Thank you, Your Honor.

7 (PROCEEDINGS CONCLUDED AT 10:51:27)

8 * * * * *

9 ATTEST: I do hereby certify that I have truly and
10 correctly transcribed the digital proceedings in the above-
11 entitled case to the best of my ability.

12

13

Adrian Medrano

14

15

Adrian N. Medrano

16

17

18

19

20

21

22

23

24

227

227

ORIGINAL

EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

FILED

APR 05 2021

Kathleen A. Wilde
CLERK OF COURT

ERICH M. MARTIN,) CASE NO. D-15-509045-D
Plaintiff,) DEPT. Q
vs.) NV SUPREME CT. APPEAL NO.
82517 & 81810
RAINA L. MARTIN,) SEALED
Defendant.)

RECEIPT OF COPY

RECEIPT OF COPY of Transcripts and Certification of the
following proceeding in the above-captioned case:

November 3, 2020; January 12, 2021

Were filed April 5, 2021 for Kathleen A. Wilde, Esq., is
hereby acknowledged this 5th day of April, 2021.

BY

Kathleen Wilde
Kathleen A. Wilde, Esq.
10001 Park Run Dr.
Las Vegas, NV. 89145

EIGHTH JUDICIAL DISTRICT COURT - TRANSCRIPT VIDEO SERVICES
601 N. Pecos Road, Las Vegas, Nevada 89101 (702) 455-4977

RA002099

228

228

ORIGINAL

FILED

EIGHTH JUDICIAL DISTRICT COURT

APR 05 2021

FAMILY DIVISION

Sherry A. Justice
CLERK OF COURT

CLARK COUNTY, NEVADA

ERICH M. MARTIN,) CASE NO. D-15-509045-D
Plaintiff,) DEPT. Q
VS.) NV SUPREME CT. APPEAL NO.
82517 & 81810
RAINA L. MARTIN,) SEALED
Defendant.)

FINAL BILLING FOR TRANSCRIPTS

The office of Transcript Video Services filed transcripts for Kathleen A. Wilde, Esq., on April 5, 2021 for the following proceedings in the above-captioned case:

November 3, 2020; January 12, 2021

Original transcript and one copy were requested.

The transcript total is 42 pages, for a final cost of \$166.78. A deposit in the amount of \$170.00 was received on March 10, 2021. The balance of \$4.78 was paid on April 5, 2021 directly to Verbatim Reporting and Transcription.

DATED this 5th day of April, 2021.

Sherry Justice
Sherry Justice
Transcription Video Services

Balance of Paid in Full Check # CC# 21-497 CASH CLERK

Received by: *Kathleen Wilde* this 5 day of April, 2021.

ITEMS LEFT BEYOND NINETY DAYS ARE SUBJECT TO DISPOSAL WITHOUT REFUND.
COUNTY RETENTION POLICY APPROVED BY INTERNAL AUDIT.

EIGHTH JUDICIAL DISTRICT COURT - TRANSCRIPT VIDEO SERVICES
601 N. Pecos Road, Las Vegas, Nevada 89101 (702) 455-4977

RA002100