

Marquis Aurbach

Chad F. Clement, Esq.

Nevada Bar No. 12192

10001 Park Run Drive

Las Vegas, Nevada 89145

Telephone: (702) 382-0711

Facsimile: (702) 382-5816

cclement@maclaw.com

Attorneys for Appellant Erich Martin

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Elizabeth A. Brown
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IN THE SUPREME COURT OF THE STATE OF NEVADA

ERICH M. MARTIN,

Appellant,

vs.

RAINA L. MARTIN,

Respondent.

Case No. 81810

Appeal from the Eighth Judicial District
Court, the Honorable Rebecca L. Burton
Presiding

ERICH M. MARTIN,

Appellant,

vs.

RAINA L. MARTIN,

Respondent.

Case No. 82517

Appeal from the Eighth Judicial District
Court, the Honorable Rebecca L. Burton
Presiding

REPLY IN SUPPORT OF MOTION FOR STAY OF REMITTITUR
PENDING PETITION FOR WRIT OF CERTIORARI

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Appellant Erich Martin (Erich), by and through his counsel of record, previously moved this Court for a stay of issuance of remittitur in Nevada Supreme Court Case Nos. 81810 and 82517, pursuant to NRAP 41(b)(3), for a period of 120 days pending Erich's writ of certiorari to the Supreme Court of the United States.

Respondent Raina Martin (Raina) filed a response to the motion. In her response, Raina essentially did not oppose the substantive relief Erich requested in his motion—a stay of issuance of remittitur pending his writ of certiorari—but asserted that the stay should be conditioned upon this Court requiring Erich to continue making payments of Raina's share of the pension benefits into his counsel's trust account.

In general, Erich does not oppose this request and does not oppose this Court conditioning the stay upon Erich's compliance with the district court's November 3, 2020, order. Erich does, however, oppose Raina's characterization of the order and effort to require something greater than what is stated in, and required by, the November 3 order.

Specifically, Raina argues that the district court's order requires Erich to make his monthly payment and provide an accounting of the same (via his counsel) *by the 5th day of each month*. The order, however, definitively *does not state nor require that*. Rather, the order simply requires Erich to make “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 . . ." and that his counsel is "to provide the monthly account statement to Raina's attorney within five days of the payment where the monies were deposited." Thus, the November 3 order *does not require* the monthly payment to be made and reported by the 5th day of every month. This issue is material because Raina's counsel has, and continues to, book and calculate the payment as due by the 5th of the month, and has, and continues to, unilaterally attempt to accrue interest from that date until the monthly payment is made into the trust account and assert that the interest must be paid, even though the November 3 order does not require the payment and accounting by the 5th of the month. And, Raina continues to threaten contempt sanctions in connection therewith. It also presents timing and logistical issues.

Accordingly, Erich's position is that the stay can be conditioned upon his continued compliance with the November 3 order, but nothing more and nothing less should be ordered. Erich continues to comply with the November 3 order and Raina continues to be fully secured by his continued monthly payments.

Dated this 19th day of May, 2023.

MARQUIS AURBACH

By /s/ Chad F. Clement
Chad F. Clement, Esq.
Nevada Bar No. 12192
Attorneys for Appellant Erich Martin

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **REPLY IN SUPPORT OF MOTION FOR STAY OF REMITTITUR PENDING PETITION FOR WRIT OF CERTIORARI** was filed electronically with the Nevada Supreme Court on the 19th day of May, 2023. Electronic Service of the foregoing document shall be made in accordance with the Master Service List.

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

Richard Crane, Esq.
Willick Law Group
3591 E. Bonanza Road, Suite 200
Las Vegas, NV 89110
Willicklawgroup.com
Attorney for Respondent, Raina L. Martin

/s/ Leah Dell

an employee of Marquis Aurbach