

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2
3 DAVID STUCKE,
4 Appellant,
5 vs.
6 CHRISTINE STUCKE,
7 Respondent.

Supreme Court Case No.: 82723

District Ct. Case No. D-18-580621-D
Filed
Nov 29 2021 11:54 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

8
9 **COMBINED RESPONDENT'S FAST TRACK RESPONSE**
10 **AND**
11 **CROSS-APPELLANT'S FAST TRACK STATEMENT**

12 **1. Name of the Party filing this fast track response/fast track statement:**

13 Christine Stucke

14 **2. Name, law firm, address, and telephone number of attorney submitting**
15 **this fast track response/fast track statement.**

16 Fred Page, Esq.
17 Page Law Firm
18 6930 South Cimarron Road, Suite 140
19 Las Vegas, Nevada 89113
20 (702) 823-2888

21 **3. Judicial district court, and district court docket number of lower court**
22 **proceedings:**

23 Eighth Judicial District Court, Family Division, Clark County, Nevada

24 District Court Docket No. D-18-580621-D.

25 **4. Name of judge issuing judgment or order appealed from:**

26 Hon. Denise Gentile, District Court Judge, Department F
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1 **5. Length of trial or evidentiary hearing. If the order appealed from was**
2 **entered following a trial or evidentiary hearing, then how many days**
3 **did the trial or evidentiary hearing last?**

4 Approximately five days.

5 **6. Written order or judgment appealed from:**

6 Findings of Fact, Conclusions of Law, and Judgment entered February 15,
7
8 2021.

9 **7. Date that written notice of the appealed written judgement or order's**
10 **entry was served:**

11 The Notice of Entry of Order was filed February 25, 2021.

12
13 **8. If the time for filing the notice of appeal was tolled by the timely filing**
14 **of a motion listed in NRAP 4(a)(4),**

15 (a)Specify the type of motion, and the date and method of service
16 of the motion, and date of filing: Not applicable.

17 (b)Date of entry of written order resolving tolling motion: Not
18 applicable.
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20 **9. Date notice of appeal was filed:** March 25, 2021. The cross-appeal was
21 filed March 26, 2021.

22
23 **10. Specify statute or rule governing the time limit for filing the notice of**
24 **appeal, e.g., NRAP 4(a), NRS 155.190, or other:** NRAP 4(a)

25 **11. Specify the statute, rule or other authority, which grants this court**
26 **jurisdiction to review the judgment or order appealed from:**

27 NRAP 3(E)
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1 **12. Pending and prior proceedings in this court. List the case name and**
2 **docket number of all appeals or original proceedings presently or**
3 **previously pending before this court which involve the same or some of**
4 **the same parties to this appeal:**

5 Respondent/Cross-Appellant's appeal in the underlying matter.

6 **13. Proceedings raising same issues. If you are aware of any other appeal**
7 **or original proceeding presently pending before this court, which raise**
8 **the same legal disuse(s) you intend to raise e in this appeal, list the case**
9 **name(s) and docket number(s) of those proceedings:**

10 None

11 **14. Procedural history. Briefly describe the procedural history of the case**
12 **(provide citation or every assertion of fact to the appendix or record, if**
13 **any, or to the transcript or rough draft transcript:**

14 On November 28, 2018, Appellant/Cross-Respondent, David Stucke
15 (hereinafter "David"), filed his Complaint for Divorce. AA vol. 1 at STUCKE-
16 0001-0008. In the Complaint for Divorce, David alleged that he and Christine
17 were married to each other on May 28, 2016. AA vol. 1 at STUCKE-0002.

18 David further alleged in the Complaint that and Christie had two minor
19 children, Sarah Stucke, born July 22, 2016, and Orion Stucke, born March 30,
20 2018. AA vol. 1 STUCKE-0002. David also requested primary physical custody.
21 AA vol. 1 STUCKE-0002.

22 On December 13, 2018, Respondent/Cross-Appellant, Christie Stucke
23 (hereinafter "Christie"), filed her Answer and Counterclaim. AA vol. 1 at
24 STUCKE-0009-0014.
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1 On January 8, 2029, David filed his Reply. AA vol. 1 at STUCKE-0015-
2 0019.

3 On February 15, 2019, David filed a Motion to Modify Custody, for Child
4 Support, Payment of Marital Bills and Expenses, Exclusive Possession of the
5 Marital Residence, Sale of the Birkland Property, for Attorney's Fees and for
6 Related Relief. STUCKE-0020-0051.
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8 On March 13, 2019, Christie filed her Opposition and her Countermotion for
9 Financial Relief, for Return of the Server, and for Attorney's Fees. AA vol. 1.3
10 STUCKE-0194-0225.
11

12 On March 27, 2019, the hearing on the Opposition and Countermotion was
13 held. AA vol 3.2 STUCKE-0456-462. The district court ordered that the request
14 for the TPO extension, Case Management Conference, request for child support,
15 exclusive possession, were to be continued until April 17, 2019, the proceeds from
16 the sale of the Birkland residence were to be held in trust, there was to be a mutual
17 no contact order, the file server was to be copied, and Christie was to provide her
18 accounting records. AA vol. 3.2 STUCKE-0456-0462.
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20 On April 17, 2019, the continued hearing was held. AA vol. 3.2 STUCKE-
21 0463-0473. At the hearing, the district court, made the following relevant orders.
22 The parties were to continue with a mutual no contact order and Christie's request
23 to extend the TPO was denied. The district court also found that there was no
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1 reason for David to be around the West Maule house which was the house Christie
2 was occupying. AA vol. 3.2 STUCKE-0463-0473.

3 On May 6, the district court issued a Minute Order. AA vol. 3.2 STUCKE-
4 0474-0476. The district court entered the following relevant orders: the parties
5 would continue exercising joint physical and joint legal custody, the request to
6 extend the TPO was still denied, neither party would pay child support to the
7 other, both parties would be responsible for the expenses at their respective
8 residences, Christie was to refrain from conducting outside activities and business
9 activities at the parties' marital residence, there was to be no contact between the
10 parties and communications were to be maintained through Our Family Wizard.
11 AA vol. 3.2 STUCKE-0474-0476.

12 On May 27, 2019, Christie's counsel filed a Motion to Withdraw. AA vol.
13 3.2 STUCKE-0477-0504. On June 5, 2019, David's counsel filed and Opposition
14 and filed a Countermotion for Reconsideration and for an Order to Show Cause.
15 AA vol. 3.2 STUCKE-0505-0529; AA vol. 3.3 STUCKE-0530-0533.

16 On July 29, 2019, the district court issued a Minute Order regarding the
17 Countermotion filed by David. AA vol. 4 STUCKE-0656-0658. The district court
18 ordered that Scott Pheasant is not to be in the West Maule residence. Christie was
19 to remain in exclusive possession of the West Maule residence. An Order to Show
20 Cause was ordered issued to address a potential violation of any orders by Christie,
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1 and Christie was ordered to not close down any businesses. AA vol. 4 STUCKE-
2 0656-0658.

3 On August 19, 2019, David filed a Motion to Change Custody because he
4 alleged that Christie called him names, calling him a rapist and a pedophile. AA
5 vol. 4 STUCKE-0659-0671; AA vol. 4.2 STUCKE-0672-0673.
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7 On August 20, 2019, the Pre-Trial Conference was held. AA vol. 4.2
8 STUCKE-0700-0703. The district court ordered that the request for Child
9 Protective Services Appearance was signed and filed in open court, both parties
10 were to present to American Toxicology Institute for drug testing, Dr. John Paglini
11 was ordered to perform a custody evaluation, and the Pre-Trial Conference was
12 continued until September 17, 2019. AA vol. 4.2 STUCKE-0700-0703.
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16 On October 7, 2019, the hearing on David's Motion to Change Custody was
17 held as was the Pre-Trial Conference. AA vol. 5.1 STUCKE-0827-0839. The
18 district court ordered that the parties were to attend a co-parenting class, the
19 custodial schedule was modified while still keeping joint physical custody and a
20 standard holiday, *i.e.* equal alternating visitation schedule was ordered, and that Dr.
21 John Paglini was to conduct a custody evaluation. AA vol. 5.1 STUCKE-0827-
22 0839.
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26 On January 7, 2020, the district court held a hearing on the parties'
27 competing motions for an Order to Show Cause to issue against David from
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1 Christie and for an Order to Show Cause to issue against Christie from David.

2 There were other miscellaneous requests for relief made by David such as a request
3 for the return of a bracelet, return of a social security card, and to ensure that
4 Christie pays the bills at the West Maule house. AA vol. 5.1 STUCKE-0840-0847.
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6 On January 15, 2020, an Order to Show Cause was filed for Christie to
7 appear and show cause why she should not be held in contempt. AA vol. 5.1
8 STUCKE-0850-0851.
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10 On January 30, 2020, the hearing on the Order to Show Cause was held. AA
11 vol. 5.1 STUCKE-0852-0858. Nothing happened with the Order to Show Cause.
12 Instead, the district court ordered that Christie was under an ongoing obligation to
13 return any personal items belonging to David, that the computer server was still to
14 be copied, that David was to return Christie's tax returns to her, Christie needed to
15 file a detailed Financial Disclosure Form, that Christie was to allow the West
16 Maule house to be appraised, that David was to front the February mortgage
17 payment subject to reimbursement, and that each party would be allowed to speak
18 to the minor children each day that there were not in their respective care, and that
19 the proceeds from the sale of the Grandview residence were to be held in David's
20 counsel's trust account. AA vol. 5.1 STUCKE-0852-0858.
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1 On February 21, 2020, David filed an Emergency Motion to Allow Plaintiff
2 to Complete the Refinance of the Maule Residence and for Defendant to Vacate
3 the Residence. AA vol. 5.1 STUCKE-0859-0866.
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5 The hearing on David's Motion was held on March 10, 2020. At the
6 hearing, the Court ordered that the matter was referred out to a senior judge
7 settlement conference, and that David was permitted to complete the refinancing of
8 the West Maule property and that Christie was to execute a quitclaim deed if
9 necessary and was not waiving her community interest if she did. Christie was
10 also allowed to remain in the residence for an additional four weeks. AA vol. 5.2
11 STUCKE-0904-0905.
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15 On May 11, 2020, in proper person, Christie filed a Motion to have the
16 orders from the March 10, 2020, hearing to be set aside.
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18 On June 8, 2020, David made a request for Christie to be drug tested. AA
19 vol. 5.2 STUCKE-0906. Christie complied and she tested negative for all
20 substances. AA vol. 5.2 STUCKE-0906-0908.
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22 On June 23, 2020, Christie's Motion came on for hearing. AA vol. 5.2
23 STUCKE-0908. At the hearing, the district court apparently denied Christie's
24 Motion to set aside. AA vol. 5.2 STUCKE-0908. The district court did order
25 Christie was provide Dr. Paglini with the signed release by the end of the day
26 today. AA vol. 5.2 STUCKE-0908. The trial was set for September 14, 2020, at
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1 9:00 a.m. regarding custody, and September 17, 2020, regarding financials. AA
2 vol. 5.2 STUCKE-0908.

3 July 27, 2020, David was requested to submit to a drug test. AA vol. 5.2
4 STUCKE0-910. David tested positive for THC and for amphetamines. AA vol.
5 5.2 STUCKE-0910. As to the amphetamines, David presented with a prescription
6 which was consistent for testing positive for amphetamines. AA vol. 5.2
7 STUCKE-0910. Also on July 27, 2020, Christie was requested to submit to a drug
8 test. AA vol. 5.2 STUCKE-0911. Christie tested positive for THC in her urine but
9 not her hair. AA vol. 5.2 STUCKE-0911.
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13 On September 10, 2020, David filed his Pre-Trial Memorandum. AA vol.
14 5.2 STUCKE-0912-STUCKE-0961. On September 11, 2020, Christie filed her
15 Pre-Trial Memorandum. AA vol. 5.2 STUCKE-0962-0963; AA vol. 5.3
16 STUCKE-0964-0982.
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19 On September 14, 2020, trial commenced. AA vol. 7 STUCKE-1096. The
20 trial commenced with testimony regarding financial issues. AA vol. 7 STUCKE-
21 1096-1322; AA vol. 8 STUCKE-1322-1351. The trial started with the financial
22 issues because the custody evaluator, Dr. John Paglini, was not available until
23 September 17. AA vol. 7 STUCKE 1103. The trial date of September 17, was
24 then continued.
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1 On October 7, 2020, while waiting for the next trial date, David filed a
2 Motion to Allow John Paglini, Psy.D. to Review Newly Discovered Evidence Prior
3 to Giving Testimony at the Parties' Trial; and for Related Relief. AA vol. 5.3
4 STUCKE-0983-0996. Christie filed an Opposition. AA vol. 5.3 STUCKE-1005-
5 1016.
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8 On November 6, 2020, the district court entered its Minute Order. AA vol.
9 5.3 STUCKE-1025-1026. The district court found that just because there was a
10 gap between trial date, does not mean that because another incident occurs that the
11 district court should re-open discovery and allow new evidence to be submitted
12 without properly permitting the other side to pursue discovery in response to refute
13 any allegations David expects the district court to make. AA vol. 5.3 STUCKE-
14 1025-1026.
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18 The Court denied David's Motion, but ordered that it would allow a line of
19 questioning of the incident, if Dr. Paglini were to learn of this type of incident
20 would it change his opinion, or if he were to view such a video would it make a
21 difference, but there was no need to re-open discovery. AA vol. 5.3 STUCKE-
22 1026.
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25 December 9, 2020, was the next trial date. AA vol. 8 STUCKE-1352. Dr.
26 John Paglini testified regarding his custody evaluation. AA vol. 8 STUCKE-1358-
27 1379; AA vol. 8.2 STUCKE-1380-1455. Dr. Paglini testified from to 9:02 a.m. to
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1 12:13 p.m. AA vol. 8 STUCKE-1358-1379; AA vol. 8.2 STUCKE-1380-1455.

2 Dr. Paglini recommended that the parties continue sharing joint physical and joint
3 legal custody. AA vol. 8.2 STUCKE-1453.
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5 David spent a significant portion of the day testifying as to why he believed
6 that Christie committed marital waste as well as his testimony regarding the
7 characterization of the Birkland and Grandview real properties. AA vol. 8.2
8 STUCKE-1458-1459; AA vol. 8.3 STUCKE-1467-1549. David also testified that
9 he and Christine entered into a domestic partnership in May 2015. AA vol. 9.2
10 STUCKE-1612.
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13 December 10, 11, and 17, 2020 were the remaining days of trial in which the
14 evidence and testimony was provided regarding financial issues involving marital
15 waste claims, income for the purpose of determining child support,
16 characterization of the West Maule, Birkland, and Grandview real properties as
17 either separate or community property as well as closing argument. AA vol. 8.2
18 STUCKE-1458 to AA vol. 12 STUCKE-2234.
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22 On February 15, 2021, the Findings of Fact, Conclusions of Law, and
23 Decree of Divorce was filed. AA vol. 5.3 STUCKE-1027-1044-; AA vol. 5.4
24 STUCKE-1045-1052.
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26 On February 25, 2021, the Notice of Entry of the Findings of Fact,
27 Conclusions of Law, and Decree of Divorce. AA vol. 6 STUCKE-1054-1082.
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1 **15. Combined Statement of facts Fast Track Response and Cross-**
2 **Appellant's Fast Track Statement. Briefly set forth the facts material**
3 **to the issues on appeal (provide citations for every assertion of fact to**
4 **the appendix or record, if any, or to the transcript or rough draft**
5 **transcript):**

6 **RESPONDENT'S FAST TRACK STATEMENT OF FACTS**

7 **Custody and Visitation Schedule:**

8 Christie and David have two minor children; the issue of the marriage, Sarah
9 Stucke, born July 22, 2016, and Orion Stucke, born March 30, 2018. AA vol. 1
10 STUCKE-0002. In his Complaint for Divorce, David requested primary physical
11 custody. AA vol. 1 STUCKE-0002. On August 20, 2019, the district court
12 ordered that the parties complete an outsourced custody evaluation. AA vol. 4.2
13 STUCKE-0700-0703. The district court reiterated the order for Dr. Paglini to
14 conduct a custody evaluation on October 7, 2019. AA vol. 5.1 STUCKE-0827-
15 0839.

16 Dr. Paglini completed his custody evaluation, produced his custody report,
17 and on December 9, 2020, Dr. John Paglini testified regarding his custody
18 evaluation and report. AA vol. 8 STUCKE-1358-1379; AA vol. 8.2 STUCKE-
19 1380-1455. Dr. Paglini testified regarding his custody evaluation and report from
20 approximately to 9:02 a.m. to 12:13 p.m. AA vol. 8 STUCKE-1358-1379; AA vol.
21 8.2 STUCKE-1380-1455. Dr. Paglini recommended that the parties continue
22 sharing joint physical and joint legal custody. AA vol. 8.2 STUCKE-1453. Dr.

1 Paglini did recommend that because Christie is more expressive that she take some
2 classes to make sure that she moderates the way in which she expresses herself.
3 AA vol. 8.2 STUCKE-1453.
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5 On February 15, 2021, the district court filed the Decree of Divorce. The
6 district court's findings and orders as it related to custody went through the
7 required factors under NRS 125C.0035(4)(a)-(l), from page 2, line 26 of the
8 Decree to page 10, line 17. AA vol. 5.3 STUCKE-1028-1036. After making
9 extensive findings and going through extensive analysis as required by NRS
10 125C.0035(4), the district court adopted Dr. Paglini's recommendations for joint
11 physical custody. AA vol. 5.3 STUCKE-1035-1036.
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15 The district court also ordered a Monday through Friday/Friday through
16 Monday visitation scheduled with David having the children Monday afternoon
17 until Friday afternoon and then Christie having the children from Friday afternoon
18 until Monday afternoon. AA vol. 5.3 STUCKE-1036. The district court also
19 ordered its standard holiday visitation schedule. AA vol. 5.3 STUCKE-1036-1037.
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22 **West Maule Residence:**

23 David testified that he signed the purchase agreement for West Maule on
24 March 20, 2015. AA vol. 7 STUCKE-1188. David testified that he and Christie
25 entered into a domestic partnership in May 2015. AA vol. 9.2 STUCKE-1612.
26 David agreed that there was no pre or postnuptial agreement entered into prior to
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1 he and Christine entering into the domestic partnership. AA vol. 9.2 STUCKE-
2 1614.

3 The West Maule residence was purchased July 28, 2015, after Christie and
4 David entered into a domestic partnership. AA vol. 9.2 STUCKE-1612. David
5 testified that work was done by both himself and Christie to the West Maule house
6 was purchased. David testified that the mortgage payments were made from the
7 checks deposited into a checking account from his employment.
8

9 The district court found and ordered as follows:
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11 COURT FURTHER FINDS that the parties stipulated on March 2020
12 that David was to purchase Christie's interest in the property, and said
13 purchase was to be based upon the stipulated value of \$500,000.
14 COURT FINDS that Christie argued that the home was worth more
15 than this amount at the time of trial, and that she should be bought out
16 at the higher value, but this COURT FINDS that the stipulation is
17 enforceable pursuant to EDCR 7.50, as consent was given by both
18 parties in the minutes for this amount to be applied to the value of the
19 property, when David is to purchase Christie's interest.

20 . . .

21 COURT FINDS the property is a community asset, acquired during
22 the parties' domestic partnership. COURT ORDERS that the David
23 shall be awarded the W. Maule home, and he shall owe Christie one-
24 half of the net equity interest in the home, as of the date of this Decree
25 of Divorce; David shall pay Christie said one-half after he deducts
26 those amounts paid on her behalf for the mortgage and the van.
27 (*COURT NOTES that David argued the property should have had a
28 *Malmquist* calculation applied to the home, as he argues 1) that he
"purchased" the property in March 2015 prior to the domestic
partnership 2) that the home was intended to be his separate property
until the parties married 3) that there would only be a small share of
the home awarded to Christie based upon these arguments. COURT
FURTHER FINDS that the Court was not provided a *Malmquist*

1 calculation for the date of trial, and was only provided Exhibits
2 attached to the Pre-Trial Memorandum with a summary of the
3 calculation, and no underlying documentation to support the figures
4 therein. A brief review of the same, show that the figures do not
5 match the mortgage statements for opening loan amount or ending
6 loan balance at time of trial.)

7 AA vol. 5.3 STUCKE-1040-1041.

8 **Marital Waste/Gambling**

9 On September 14, 2020, David spent a significant portion of the day on the
10 stand testifying as to why he believed that Christie committed marital waste. AA
11 vol. 7 STUCKE-1327; AA vol. 8 STUCKE-1328-1348. On December 9, 2020,
12 David again spent a significant portion of the day testifying as to why he believed
13 that Christie committed marital waste including introducing summaries that he
14 created. AA vol. 8.2 STUCKE-1458-1459; AA vol. 8.3 STUCKE-1467-1549.
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16 The district court found and ordered,
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18 COURT FINDS that David alleges there is marital waste in the
19 amount of thousands of dollars in excess of \$100,000. COURT
20 FINDS that David spent inordinate efforts to attempt to clarify this for
21 the Court with the various spreadsheets and financial statements
22 prepared with the information he obtained during discovery, but even
23 then it was difficult to differentiate, as during testimony, it was clear
24 that some of the statements lacked requisite information for the Court
25 to reach a reasonable conclusion (i.e. there were statements presenting
26 purported business profit, but lacked any information relating to
27 business expenses). COURT has reviewed the records prepared by
28 David, and takes into account that David is not a trained professional
in this area, but has a mathematical background. COURT FINDS that
while it appreciates the efforts expended by David in his preparation
of financial statements with the assistance of his girlfriend who is in
the accounting field, the Court cannot find that they are reliable for

1 purposes of making a finding of marital waste. While the Court CAN
2 make the finding that Christie functions in such a manner that causes
3 this Court to question all of her financial dealings - unfortunately
4 those financial dealings were not put to the test by an expert who
5 could have evaluated the records. COURT FINDS that the
6 information provided by David definitely convinced this Court that
7 Christie had access to funds in excess of what she presented to the
8 Court at the time of the interim hearings, but it is impossible for this
9 Court to discern what Christie did with the money, what money was
10 transferred between businesses, what paid for personal expenses, and
11 what was utilized by Christie for this venture of advantage gambling,
12 or just recreational gambling. COURT FINDS that Christie's
13 credibility is questionable as it pertains to her representations, as the
14 Court can plainly see that Christie continued to withdraw cash from
15 the business; she did so in gaming establishments, and then expects
16 the Court to believe she did so to pay business expenses. This Court
17 rejects such a notion. HOWEVER, the Court cannot be tasked with
18 performing its own accounting of those transactions within the
19 financial statements, to make a determination as to which transactions
20 were personal, business, gambling, without an expert forensic
21 accounting of said transactions. COURT AGREES with the
22 representations made by Christie's counsel that this Court is unable to
23 make the finding, after a review of the documents admitted into
24 evidence, to determine the actual amount of waste.

25 AA vol. 5.4 STUCKE-1045.

26 **CROSS-APPELLANT'S FAST TRACK STATEMENT OF FACTS**

27 **Birkland Property**

28 Christie and David entered into a domestic partnership in May 2015. AA
vol. 9.2 STUCKE-1612. Christie and David were married to each other on May
28, 2016. AA vol. 1 at STUCKE-0002.

David testified that the Birkland residence was purchased in April 2018,
with a friend, John Morrell. AA vol. 7 STUCKE-1226. David agreed that the

1 purchase was during the course of the marriage. AA vol. 9.2 STUCKE-1634. The
2 house was originally titled and recorded with the Clark County Recorder in David
3 and John Morrell's name only. CA 000007-000010 vol. 1.
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5 The purpose of purchasing the house was for Airbnb rentals. AA vol. 7
6 STUCKE-1227. A limited liability company was set up with John Morrell for that
7 purpose. AA vol. 7 STUCKE-1227. Initially, Christie was not included as an
8 owner on the house. AA vol. 7 STUCKE-1227.
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10 David testified that on August 3, 2018, all right, title, and interest in the
11 Birkland real property was transferred by David and John Morrell to JD
12 Investments, LLC, a New Mexico corporation. AA vol. 9.2 STUCKE-1636. CA
13 000017-000018 vol. 1. David further testified that the only two members of the
14 limited liability company were David and John Morrell. AA vol. 9.2 STUCKE-
15 1636-1637.
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19 David further agreed that the limited liability company, JD Investments,
20 LLC was created during the course of the marriage. AA vol. STUCKE-1637.
21 David further agreed and testified that there was no postnuptial agreement
22 excluding JD Investments, LLC from being community property. AA vol. 9.2
23 STUCKE-1637; AA vol. 9.2 STUCKE-1638. David testified that JD Investments,
24 LLC owned 100 percent of Birkland. AA vol. 9.2 STUCKE-1638.
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1 The terms of the settlement regarding the distribution of the proceeds of the
2 Birkland house were memorialized in a Mutual Release and Settlement Agreement
3 dated February 27, 2019. David, John, and Christine executed the Mutual Release
4 and Settlement Agreement. CA000186-000193 vol. 2.

6 When the Birkland house sold, the net proceeds were approximately
7 \$682,746.77. AA vol. 9.2 STUCKE-1638; CA 000187 vol. 2. Per the terms of the
8 agreement, John Morell received back his \$585,889.13 initial contribution. AA
9 vol. 9.2 STUCKE-1638; CA 000187 vol. 2. David received back the \$25,000
10 down payment which was being held in trust by his counsel. AA vol. 9.2
11 STUCKE-1638. CA 000188 vol. 2. John Morrell received back his one-half of the
12 remaining proceeds from the sale of the property. CA 000188 vol. 2. The net from
13 those deductions should have been \$71,857.64 ((\$682,746.77 - \$585,889.13 (John
14 Morrell's investment - \$25,636 (mortgage interest) - \$14,164.65 (John Morrell's
15 one-half share of the gain in the value of the house)). AA vol. 7 STUCKE-1245;
16 CA000188.

22 The amount that was deposited into David's counsel's trust account was
23 \$57,056.99. CA 000616 vol. 4. The amount that was deposited into the trust
24 account for David's counsel was \$25,000 which was the down payment made by
25 David, \$17,892.34 which was rental income owed to John Morrell, and \$14,164.65
26 which as one-half of the gain on the Birkland property. CA 000188 vol. 2.
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1 The district court found that,

2 that the property [Birkland] was purchased for the business purpose of
3 rental through AirBnb and the property was transferred into an entity
4 called JD Investments, LLC, which was created during the marriage,
5 but COURT FINDS that because the entity was created for the
6 purpose of the partnership entered into by David and Mr. Morrell.
7 COURT FINDS that Christie argues that because the entity was
8 opened during the marriage, and the property already owned by David
9 was transferred into the entity, that this transmutes the property
10 BACK to being a community asset because the entity was formed
11 during the community. COURT FINDS that this shift in the titling of
12 the asset from David as an individual, as his sole and separate
13 property to an entity where the ownership interest is held by David,
14 does not change the character of the separate property, but merely a
15 vehicle for the two owners of the property to take advantage of the
16 protections afforded by the LLC; the entity would be utilized to
17 manage the expenses, document their business arrangement and
18 ownership percentages of the property, the agreement for distribution
19 of profits related to their ownership, as well as being able to deduct
20 the expenses and utilize the tax benefits associated with holding the
21 property in an LLC. This is no different than transferring property to a
22 family trust for estate planning purposes, and the property is identified
23 by the trust as separate property asset. The character of the separate
24 property asset does not change because a trustor takes advantage of
25 the estate planning vehicle.

26 AA vol. 5.3 STUCKE-1041-1042.

27 No testimony was provided nor were any exhibits admitted into evidence
28 during the course of the trial in which David claimed that the transferring of the
Birkland real property was an estate planning vehicle.

29 **Grandview Property**

30 The Grandview property was purchased on October 16, 2017. Christie
31 signed a quitclaim deed on the Grandview property on October 30, 2017. David

1 testified that he made contributions to a TIAA-CREF account before he and
2 Christie were married to each other. AA vol. 9.1 STUCKE-1594-1595. David
3 testified that he took out a loan from the TIAA-CREF account in order to purchase
4 the Grandview residence. AA vol. 9.1 STUCKE-1595. David further testified that
5 he took out the loan for the down payment on the Grandview residence during the
6 course of the marriage in October 2017, and that the loan amount was
7 approximately \$9,000. AA vol. 9.1 STUCKE-1595
8
9

10 The district court found and ordered as follows:
11

12 COURT FINDS that another home was purchased during the
13 marriage, in October 2017, at Grandview. COURT FINDS title is held
14 by David as a married man, as his sole and separate property. COURT
15 FINDS takes judicial notice of the fact that in Nevada, in order for a
16 married man to obtain title in real property as his sole and separate
17 property, the wife must sign a deed relinquishing all right, title and
18 interest in the said property, as escrow will not close without her
19 waiver of her community property interest. COURT FINDS that the
20 title of the property for the Grandview residence was vested in David,
21 a married man, as his sole and separate property. Any and all interest
22 in the monies put into the home for down payment as of the date of
23 the purchase would have been waived at the time of the transaction.
24 COURT FINDS that there was testimony from David that the money
25 utilized to purchase the residence were from separate property
26 sources. COURT FINDS that while David was only able to trace some
27 of the funds which were utilized to purchase the home, his testimony
28 and the tracing of which only confirms that the intent was for the
property to be David's separate property. COURT FINDS that there
was no credible evidence of a credit problem or other reason as to
why the home would be put into David's name solely, but still
intended to be community property. COURT FINDS that there was no
evidence presented at the time of trial that any additional community
monies were used to satisfy the debt on the residence, that would have
created a claim for community interest. Further, COURT FINDS that

1 if the down payment were in excess of \$80,000 and the sales proceeds
2 were less than the down payment in the amount of \$63,077.55, then
3 the entirety of the proceeds from the Grandview residence should be
awarded to David. IT IS SO ORDERED.

4 AA vol. 5.3 STUCKE-1043.

5
6 **16. Issues on appeal for Cross-Appellant. State concisely the principal**
7 **issues(s) in this appeal.**

8 1. Whether the district court erred in concluding that the 7211 Birkland real
9 property acquired during the course of the marriage was David's separate
10 property.
11

12 2. Whether the district court erred in concluding that the 3740 Grandview
13 Place real property acquired during the course of the marriage was
14 David's separate property.
15
16

17 **17. Legal argument for, including authorities:**

18 **General standards of review**

19 District court decisions concerning divorce proceedings are reviewed for an
20 abuse of discretion. *See Doan v. Wilkerson*, 130 Nev. 449, 453, 327 P.3d 498, 501
21 (2014). "An abuse of discretion occurs when no reasonable judge could reach a
22 similar conclusion under the same circumstances." *Leavitt v. Siems*, 130 Nev. 503,
23 509, 330 P.3d 1, 5 (2014).
24
25
26

27 Findings of fact and conclusions of law, supported by substantial evidence,
28 will not be set aside unless clearly erroneous. *See e.g. Sheehan & Sheehan v.*

1 *Nelson Malley and Co.*, 121 Nev. 1025, 1031, 923 P.2d 569, 573 (1996). Where
2 the trial court, sitting without a jury, makes a determination predicated upon
3 conflicting evidence, that determination will not be disturbed on appeal where
4 supported by substantial evidence. *See Trident Constr. Corp. v. West Elec, Inc.*,
5 105 Nev. 423, 427, 776 P.2d 1239, 1241 (1989). Substantial evidence has been
6 defined as that which a reasonable mind might accept as adequate to support a
7 conclusion. *See State Empl. Security Dept. v. Hilton Hotels*, 102 Nev. 606, 608,
8 729 P.2d 497, 498 (1986).

9 The Court will not reweigh credibility of witnesses on appeal as that duty
10 rests within the trier of fact's sound discretion. *See Castle v. Simmons*, 120 Nev.
11 98, 103, 86 P.3d 1042, 1046 (2004); *see also Bisch v. LVMPD*, 129 Nev. 328, 342,
12 302 P.3d 1108, 1118 (2013). The Court will also not reweigh evidence. *See Bisch*,
13 129 Nev. at 342, 302 P.3d at 1118).

14 "The policy in favor of finality and certainty underlying NRCP 60(b) applies
15 equally, and some might say especially, to a divorce proceeding." *Doan*, 130 Nev.
16 at 453, 327 P.3d at 501.

17 **RESPONDENT'S FAST TRACK RESPONSE**

18 **A. The District Court did not Abuse its Discretion when Ignoring the 19 *Malmquist* Formula in Distribution of the West Maule Property**

20 David claims that the West Maule property was purchased via short sale
21 prior to the parties' domestic partnership when he signed a purchase agreement.
22

1 Fast Track Statement at page 19, lines 18-19. The assertion by David is
2 contradicted by the record when David admitted that a purchase could fall out of
3 escrow. AA 9.2 STUCKE-1622. The parties were domestically partnered in May
4 2015. AA vol. 9.2 STUCKE-1612. The West Maule house was purchased July
5 28, 2015.
6

7
8 David claims that he contributed his separate funds towards the purchase,
9 repairs, and improvements of West Maule prior to moving into the residence. Fast
10 Track Statement at page 19, lines 25-26. The assertion by David is contradicted by
11 the record. The West Maule house was not purchased until July 28, 2015. CA
12 000002-000005 vol. 1. The record reflects from David's testimony that any repairs
13 were done after David and Christie moved into the West Maule house. AA vol.
14 9.2 STUCKE-1622-1623. The record contains no reference that any repairs or
15 improvements were done prior to the house being purchased.
16
17
18

19 David claims that he paid \$23,400 down on the West Maule house from in
20 his separate funds paid prior to the domestic partnership. Fast Track Statement at
21 page 20, lines 2-4. David fails to provide any reference to the record. The record
22 contradicts David. AA vol. 9.2 STUCKE-1618-1621.
23
24

25 David apparently tries to tries to claim that because the parties were
26 domestic partners that they really did not hold West Maule as community property.
27 Fast Track Statement at page 21, line 5, to page 22, line 2. David's position is
28

1 contradicted by Chapter 122A. Nevada Revised Statute 122A.200(1)(a) provides,
2 “Domestic partners have the same rights, protections and benefits, and are subject
3 to the same responsibilities, obligations and duties under law, whether derived
4 from statutes, administrative regulations, court rules, government policies,
5 common law or any other provisions or sources of law, as are granted to and
6 imposed upon spouses.” No further argument should be required.
7

9 Finally, David tries to claim that the district court should have applied the
10 Malmquist formula and ignored the Malmquist calculation. Fast Track Statement
11 at page 22, lines 16-26. The district court’s response in the Decree of Divorce
12 should be sufficient. The district court stated,
13

14
15 (*COURT NOTES that David argued the property should have had a
16 *Malmquist* calculation applied to the home, as he argues 1) that he
17 “purchased” the property in March 2015 prior to the domestic
18 partnership 2) that the home was intended to be his separate property
19 until the parties married 3) that there would only be a small share of
20 the home awarded to Christie based upon these arguments. COURT
21 FURTHER FINDS that the Court was not provided a *Malmquist*
22 calculation for the date of trial, and was only provided Exhibits
23 attached to the Pre-Trial Memorandum with a summary of the
24 calculation, and no underlying documentation to support the figures
25 therein. A brief review of the same, show that the figures do not
26 match the mortgage statements for opening loan amount or ending
27 loan balance at time of trial.)
28

AA vol. 5.3 STUCKE-1041.

The district court’s decision should be affirmed.

1 **B. The District Court did not Abuse its Discretion in Failing to Find a**
2 **Marital Waste Claim Against Christie.**

3 David spent the better portion of two days, September 14, 2020, and
4 December 9, 2020, providing testimony as to why he believed that Christie
5 committed including introducing summaries he created. AA vol. 7 STUCKE-
6 1327; AA vol. 8 STUCKE-1328-1348. AA vol. 8.2 STUCKE-1458-1459; AA vol.
7 8.3 STUCKE-1467-1549.
8

9 There is no requirement for the district court to conduct its own investigation
10 based upon the document provided by David. The district court found and ordered,
11

12 COURT FINDS that David alleges there is marital waste in the
13 amount of thousands of dollars in excess of \$100,000. COURT
14 FINDS that David spent inordinate efforts to attempt to clarify this
15 for the Court with the various spreadsheets and financial statements
16 prepared with the information he obtained during discovery, but even
17 then it was difficult to differentiate, as during testimony, it was clear
18 that some of the statements lacked requisite information for the Court
19 to reach a reasonable conclusion (i.e. there were statements
20 presenting purported business profit, but lacked any information
21 relating to business expenses). COURT has reviewed the records
22 prepared by David, and takes into account that David is not a trained
23 professional in this area, but has a mathematical background.
24 COURT FINDS that while it appreciates the efforts expended by
25 David in his preparation of financial statements with the assistance of
26 his girlfriend who is in the accounting field, the Court cannot find
27 that they are reliable for purposes of making a finding of marital
28 waste. While the Court CAN make the finding that Christie functions
 in such a manner that causes this Court to question all of her financial
 dealings - unfortunately those financial dealings were not put to the
 test by an expert who could have evaluated the records. COURT
 FINDS that the information provided by David definitely convinced
 this Court that Christie had access to funds in excess of what she
 presented to the Court at the time of the interim hearings, but it is

1 impossible for this Court to discern what Christie did with the
2 money, what money was transferred between businesses, what paid
3 for personal expenses, and what was utilized by Christie for this
4 venture of advantage gambling, or just recreational gambling.
5 COURT FINDS that Christie's credibility is questionable as it
6 pertains to her representations, as the Court can plainly see that
7 Christie continued to withdraw cash from the business; she did so in
8 gaming establishments, and then expects the Court to believe she did
9 so to pay business expenses. This Court rejects such a notion.
10 HOWEVER, the Court cannot be tasked with performing its own
11 accounting of those transactions within the financial statements, to
12 make a determination as to which transactions were personal,
13 business, gambling, without an expert forensic accounting of said
14 transactions. COURT AGREES with the representations made by
15 Christie's counsel that this Court is unable to make the finding, after
16 a review of the documents admitted into evidence, to determine the
17 actual amount of waste.

18 AA vol. 5.4 STUCKE-1045.

19 David's failure of the marital waste claim is not Christie's perceived lack of
20 credibility, but rather that David failed to meet his burden of proof even though he
21 pursued his marital waste claim over two days of trial. David fails to provide any
22 specifics, even though there is two days of testimony and exhibits being submitted
23 as to how the district court may have erred. The district court should be affirmed.

24 **C. The District Court Did Not Err When It Awarded Joint Physical**
25 **Custody, Despite the Court's Adverse Findings Against Christine**

26 David alleges error because the district court awarded joint physical custody.
27 Fast Track Statement at page 25, line 26, to page 29, line 17.

28 This Court has held that when deciding issues pertaining to the custody of
children, the court's paramount consideration should always be the welfare of the

1 child. *Culbertson v. Culbertson*, 91 Nev. 230, 533 P.2d 768 (1975). Furthermore,
2 this Court has acknowledged that the foundation of all custody determinations lies
3 in the particular facts and circumstances of each case. *Arnold v. Arnold*, 95 Nev.
4 951, 604 P.2d 109 (1979).

6 Trial courts enjoy broad discretionary powers in determining questions of
7 child custody, and the Nevada Supreme Court will not disturb the trial court's
8 determination absent a clear abuse of discretion. *Primm v. Lopes*, 109 Nev. 502,
9 853 P.2d 103 (1993). It is even presumed on appeal that a trial court has properly
10 exercised its judicial discretion in determining the best interests of the children.
11 *Howe v. Howe*, 87 Nev. 595, 491 P.2d 38 (1971).

15 Dr. Paglini clearly testified that recommended that the parties continue
16 sharing joint physical and joint legal custody. AA vol. 8.2 STUCKE-1453. The
17 district court's stepped its way through the required factors under NRS
18 125C.0035(4)(a)-(l), from page 2, line 26 of the Decree to page 10, line 17. AA
19 vol. 5.3 STUCKE-1028-1036. After making extensive findings and going through
20 extensive analysis as required by NRS 125C.0035(4), the district court adopted Dr.
21 Paglini's recommendations for joint physical custody. AA vol. 5.3 STUCKE-
22 1035-1036.

26 The court is entitled to exercise its discretion. There was no error on the part
27 of the district court.
28

1 **D. The District Court Did Not Err When It Issued Its Visitation**
2 **Schedule**

3 David complains about the visitation schedule. Fast Track Statement at page
4 29, line 19, to page 31, line 6. Under NRS 125C.0045, a district court may enter
5 orders at any time during a child's minority as appears in their best interest. *See*
6 *also, Culbertson, supra*. David claims Christine should be punished because he
7 claims that Christie is unstable, engages in alienation, and has violent tendencies.
8

9 What David is asking for runs contrary to long standing Nevada law. In
10 *Sims v. Sims*, 109 Nev. 1146, 865 P.2d 328 (1993), this Court held that a court may
11 not use changes of custody as a sword to punish parental misconduct; disobedience
12 of court orders is punishable in other ways citing to *Dagher v. Dagher*, 103 Nev.
13 26, 28 n.3, 731 P.2d 1329, 1330 n. 3 (1987).
14
15
16

17 **E. The Court Did Not Abuse Its Discretion by Failing to Levy a Child**
18 **Support Obligation to Respondent**

19 David complains that the district court abused its discretion by failing to
20 impute income to Christine. Fast Track Statement at page 31, line 8, to page 32,
21 line 33. David fails to include any Financial Disclosure Forms as part of his
22 appellate appendix. That failure should negate David's complaints at the outset.
23
24

25 David fails to cite to any Nevada case regarding imputation of income, *i.e.*
26 *Minnear v. Minnear*, 107 Nev. 495, 814 P.2d 85 (1991); *see also Rosenbaum v.*
27 *Rosenbaum*, 86 Nev. 550, 471 P.2d 254 (1970), albeit those cases deal with
28

1 obligors who were willfully underemployed. David admits that NAC 425.125
2 permits district courts to impute income to those that are underemployed. The
3 statute is inapplicable to Christie because there was no claim that she was
4 underemployed.
5

6 David has failed to provide a factual or legal basis for an abuse of discretion.
7
8 Accordingly, the district court's decision should be affirmed.

9 **CROSS-APPELLANT'S FAST TRACK STATEMENT**

10
11 **A. Whether the district court erred in concluding that the 7211**
12 **Birkland real property acquired during the course of the marriage**
13 **was David's separate property.**

14 There is no factual dispute that the Birkland real property was acquired
15 during the course of the domestic partnership and marriage. AA vol. 9.2
16 STUCKE-1612; AA vol. 1 at STUCKE-0002; AA vol. 9.2 STUCKE-1634.
17
18 There is also no factual dispute that the Birkland was transferred from being in
19 David and John Morrell's name to JD Investments, LLC. AA vol. 7 STUCKE-
20 1226; CA 000007-000010 vol. 1.
21

22 There is also no factual dispute that on August 3, 2018, all right, title, and
23 interest in the Birkland real property was transferred by David and John Morrell to
24 JD Investments, LLC, a New Mexico corporation. AA vol. 9.2 STUCKE-1636.
25 CA 000017-000018 vol. 1. It further undisputed that the limited liability
26 company, JD Investments, LLC was created during the course of the marriage.
27
28

1 AA vol. STUCKE-1637. There is no dispute that there was no postnuptial
2 agreement excluding JD Investments, LLC from being community property. AA
3 vol. 9.2 STUCKE-1637; AA vol. 9.2 STUCKE-1638. Further, JD Investments,
4 LLC owned 100 percent of Birkland. AA vol. 9.2 STUCKE-1638.
5

6 The terms of the settlement regarding the distribution of the proceeds of the
7 Birkland house were memorialized in a Mutual Release and Settlement Agreement
8 dated February 27, 2019. David, John, and Christine executed the Mutual Release
9 and Settlement Agreement. CA000186-000193 vol. 2.
10
11

12 There is no basis in the record for the district court finding that the changing
13 ownership does not change the character of the property or that the transfer was an
14 estate planning vehicle. AA vol. 5.3 STUCKE-1041-1042. No testimony was
15 provided nor were any exhibits admitted into evidence during the course of the trial
16 in which David claimed that the transferring of the Birkland real property was an
17 estate planning vehicle.
18
19

20 Per NRS 123.130, all property acquired after marriage is presumed to be
21 community property unless there is a pre or post-nuptial agreement, the property
22 was acquired by gift, award of personal injury damages, or acquired by gift or
23 devise, and the rents issues and profits thereof. *See Peters v. Peters*,¹ (all property
24
25
26
27

28 ¹ 92 Nev. 687, 557 P.2d 713 (1976)

1 acquired after marriage is considered to be community property under NRS
2 123.220 and that presumption can only be overcome by clear and convincing
3 evidence); *Todkill v. Todkill*,² (same); *Carlson v. McCall*,³ (the burden is on the
4 person claiming it as separate property to overcome this presumption by proof
5 sufficiently clear and satisfactory to prove the correctness of such a claim); *Lake v.*
6 *Bender*,⁴ (property acquired during marriage is community property and property
7 acquired prior to marriage is separate property).

8
9 The Birkland house was presumptively community property as the property
10 was owned by a community entity. The district court should be reversed and
11 Christie should be awarded one-half of the proceeds that were awarded to David.
12
13

14
15 **B. Whether the district court erred in concluding that the 3740**
16 **Grandview Place real property acquired during the course of the**
17 **marriage was David's separate property.**

18 The Grandview property was purchased during the course of the marriage on
19 October 16, 2017. CA 000020-000024. Christie signed a quitclaim deed on the
20 Grandview property on October 30, 2017. David testified that he made the down
21 payment from contributions to a TIAA-CREF account before he and Christie were
22
23

24
25 ² 88 Nev. 231, 495 P.2d 629 (1972)

26 ³ 70 Nev. 437, 271 P.2d 1002 (1954)

27 ⁴ 18 Nev. 361, 7 P. 74 (1885)
28

1 married to each other. AA vol. 9.1 STUCKE-1594-1595. However, after the
2 Grandview property was purchased, the record is absent that David did not pay
3 down the mortgage with funds after purchase acquired by the parties through their
4 mutual efforts or David's or Christie's employment. Instead, the district court
5 found,
6

7
8 COURT FINDS that there was no evidence presented at the time of
9 trial that any additional community monies were used to satisfy the
10 debt on the residence, that would have created a claim for community
11 interest. Further, COURT FINDS that if the down payment were in
12 excess of \$80,000 and the sales proceeds were less than the down
13 payment in the amount of \$63,077.55, then the entirety of the
14 proceeds from the Grandview residence should be awarded to David.
15 IT IS SO ORDERED.

16 AA vol. 5.3 STUCKE-1043.

17 It is not Christie's burden to show that the property was community
18 property, it was David's burden to show that the property was not community
19 property. As stated, under NRS 123.220 the property is community property and
20 that presumption can only be overcome by clear and convincing evidence); *Todkill*,
21 *supra*, *McCall*, *supra*.

22
23 It is submitted that the district court committed error by shifting that burden
24 to Christie after the Grandview house was purchased and the community began
25 making payments to the mortgage.
26
27
28

1 **18. Issues of first impression or of public interest. Does this appeal present**
2 **a substantial legal issue of first impression in this jurisdiction or one affecting**
3 **an important public interest: Yes _____ No X If so, explain:**
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1 **VERIFICATION AS TO FAST TRACK RESPONSE**

2 1. I hereby certify this Fast Track Response complies with the
3 formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP
4 32(a)(5) and the type style requirements of NRAP 32(a)(6).
5

6 [X] This fast track statement has been prepared in a proportionally
7 spaced typeface using [Word 2013 in 14 point, Times New Roman
8 Font; or
9

10 [] This fast track statement has been prepared in a monospaced
11 typeface using [state name and version of word processing program]
12 with [state number of characters per inch and name of type style]
13
14

15 2. I further certify that this fast track statement complies with the
16 page- or type volume limitations of NRAP 3E(e)(2) because it is either:
17

18 [X] Proportionally spaced, has a typeface of 14 points or more, and
19 contains 3013 words; or
20

21 [] Monospaced, has 10.5 or fewer characters per inch, and contains
22 _____ word or _____ lines of text; or
23

24 [] does not exceed _____ pages.
25

26 3. Finally, I recognize that under NRAP 3E I am responsible for
27 timely filing a Fast Track Response and that the Supreme Court of Nevada may
28 impose sanction for failing to timely file a fast track statement, or failing to raise

1 material issues or arguments in the fast track statement. I therefore certify that the
2 information provided in this Fast Track Response is true and complete to the best
3 of my knowledge, information, and belief.
4

5 DATED this 29th day of November 2021

6 PAGE LAW FIRM
7

8 
9 FRED PAGE, ESQ.

10 Nevada Bar No. 6080

11 6930 South Cimarron Road, Suite 140

12 Las Vegas, Nevada 89113

13 (702) 823-2888

14 Attorney for Respondent/Cross-
15 Appellant
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1 **VERIFICATION AS TO CROSS-APPELLANT'S FAST TRACK**
2 **STATEMENT**

3 1. I hereby certify this Cross-Appellant's Fast Track Statement complies with
4 the formatting requirements of NRAP 32(a)(4), the typeface requirements of
5 NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6).
6

7 [X] This fast track statement has been prepared in a proportionally
8 spaced typeface using [Word 2013 in 14 point, Times New Roman
9 Font; or
10

11 [] This fast track statement has been prepared in a monospaced
12 typeface using [state name and version of word processing program]
13 with [state number of characters per inch and name of type style]
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15

16 2. I further certify that this fast track statement complies with the
17 page- or type volume limitations of NRAP 3E(e)(2) because it is either:
18

19 [X] Proportionally spaced, has a typeface of 14 points or more, and
20 contains 2,085 words; or
21

22 [] Monospaced, has 10.5 or fewer characters per inch, and contains
23 _____ word or _____ lines of text; or
24

25 [] does not exceed _____ pages.

26 3. Finally, I recognize that under NRAP 3E I am responsible for
27 timely filing a Cross-Appellant's Fast Track Statement and that the Supreme Court
28

1 of Nevada may impose sanction for failing to timely file a fast track statement, or
2 failing to raise material issues or arguments in the fast track statement. I therefore
3 certify that the information provided in this Cross-Appellant's Fast Track
4 Statement is true and complete to the best of my knowledge, information, and
5 belief.
6

7
8 DATED this 29th day of November 2021

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10
11 
12 FRED PAGE, ESQ.

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15 Las Vegas, Nevada 89113

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17 Attorney for Respondent/Cross-
18 Appellant
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1 **ROUTING STATEMENT – REFERRAL TO THE COURT OF APPEALS**

2
3 This case is presumptively assigned to the Court of Appeals per NRAP
4 17(b)(5), as the issues relate to Chapter 125. Because this case raises issues of
5 statewide public importance, the Supreme Court may wish to hear it. NRAP
6 17(a)(14).
7

8 DATED this 29th day of November 2021
9

10 Respectfully submitted,
11 PAGE LAW FIRM

12
13 

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I further certify that on November 29, 2021, I served a true and correct copy of the above and foregoing **RESPONDENT'S FAST TRACK RESPONSE AND CROSS-APPELLANT'S FAST TRACK STATEMENT**. via e-service and U.S.

Rosenblum Law Offices
376 East Warm Springs Road, Suite 140
Las Vegas, Nevada 89119
Attorney for Appellant/Cross-Respondent

An employee of Page Law Firm