

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Dec 20 2021 04:22 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

LUKE HATCH,

Appellant,

Vs.

KAYCE HATCH,

Respondent

Case No.: 83307

**(FIRST) MOTION TO EXTEND TIME FOR REQUEST FOR ROUGHT
DRAFT TRANSCRIPT AND FOR FILING OF FAST TRACK
STATEMENT OPENING BRIEF AND MOTION TO STAY APPELLATE
PROCEEDINGS**

(Appeal from Judgment of Conviction)

ATTORNEY FOR APPELLANT

BRET O. WHIPPLE, ESQ.
JUSTICE LAW CENTER
1100 South 10th Street
Las Vegas, NV 89104
Phone: 702-731-0000
Fax: 702-974-4008

ATTORNEY FOR RESPONDENT

BRYON L. MILLS, ESQ.
Bar No. 6745
MILLS & ANDERSON
703 S. 8th Street
Las Vegas, NV 89101
Attorney for Plaintiff

MEMORANDUM OF POINTS AND AUTHORITIES

Appellant Luke Hatch (“Hatch”) hereby submits this following Motion to Extend Time (First) for the (1) Filing of Rough Draft Transcript Request, which was due on November 22, 2021, and (2) the filing of the Fast Track Statement Opening Brief, which is presently due December 20, 2021.

No previous extension of time as to either Filing has been granted. Appellant respectfully requests that each deadline be extended thirty (30) days so that the Rough Draft Transcript Request shall be due on December 22, 2021, and the Opening Fast Track Statement Brief shall be due on January 20, 2022.

Appellant also respectfully asks this Court to impose a Stay of Appellate proceedings. Respondent Kayce Hatch recently filed, in District Court in this matter, a Motion which would require the District Court to re-open and re-adjudicate the financial awards made in the case below. *See **Exhibit A*** – Kayce Hatch Motion filed on December 13, 2021. One of the issues Appellant Hatch intends to raise in his Fast Track Statement is the financial awards imposed below based upon an incorrect calculation of Mr. Hatch’s income. Kayce Hatch now raises, in the District Court, essentially the same issue in the opposite direction, seeking an increased financial

award based upon an allegation that Mr. Hatch perjured himself in regards to his income in the divorce trial.

As there is now a pending District Court motion which may re-open the same issue(s) now being raised on appeal, Judicial Resources would best be served by permitting the District Court to rule upon that motion (including whether it has jurisdiction to hear that motion), until this Appeal is further litigated. In sum, Appellant Luke Hatch requests that:

(1) The Rough Draft Transcript deadline be extended thirty (30) days to December 22, 2021.

(2) The Fast Track Statement Opening Brief deadline be extended thirty (30) days to January 20, 2022.

(3) This Court Stay all further proceedings, pending resolution of the newly-filed District Court motion which pertains to matters presently on appeal.

Pursuant to Nevada Rule of Appellate Procedure 3E(f) governs the Requested Extensions of time. It provides that:

“(f) Extensions of Time.

(1) Transcripts or Rough Draft Transcripts. A court reporter or recorder may request, by telephone, a 7-day extension of time for the preparation of a transcript or rough draft transcript if such preparation requires more time than is allowed under this Rule. The clerk of the Supreme Court or designated deputy may, for good cause, grant such requests by telephone or by written order.

(2) Fast Track Statements or Responses. Either party may request, by telephone, a 7-day extension of time for filing a fast track statement or response. The clerk of the Supreme Court or designated deputy may, for good cause, grant such requests by telephone or by written order.

(3) Subsequent Request for Extensions. Any subsequent request for an extension of time must be made by written motion to the court. The motion must justify the requested extension in light of the time limits provided in this Rule, and shall specify the exact length of the extension requested. Extensions of time for the filing of fast track statements and responses shall be granted only upon demonstration of extreme need or merit. Sanctions may be imposed if a subsequent motion for an extension of time is brought without reasonable grounds.”

The present extension and stay is necessitated, at least in terms of the Fast Track Statement, because there is a pending Motion to re-adjudicate the same matters which will be raised in this appeal by the District Court. *See* Exhibit A. It would be a waste of judicial resources to attempt to simultaneously litigate this Appeal while the District Court is (potentially) revisiting the Order which is presently being appealed, as the result in the District Court could (if Kayce Hatch’s motion is granted) obviate the underlying basis for this appeal. As such, the First Request to Extend time for the Fast Track Statement, and the request to Stay Appellate Proceedings, is warranted for this reason.

As it relates to the Request for Rough Draft Transcript, undersigned counsel apologizes to this Court. The Transcript should have been requested on November 22, 2021, however this deadline was inadvertently not calendared upon this case being removed from the Settlement program, and thus was overlooked. Nevertheless,

extreme need exists in this case as counsel for Appellant foresees that one transcript, that being the May 5, 2021 transcript of the divorce trial below, is necessary for appeal.

The parties will not be prejudiced, and if this Court agrees that a Stay is appropriate given Kayce Hatch's newly-filed District Court motion, then any delay caused by this failure to timely request the transcripts would in essence be immaterial, as the Stay would nevertheless be justified.

Furthermore, although this is a Child Custody case, Appellant's issues on appeal do not aim to adjust custodial time of the minor children. As such, this appeal does not threaten to disrupt the lives of the children, nor subject them to any hardship if the appeal is extended or stayed. The issues on appeal will be limited to adjudicating the appropriate calculation of child support and spousal support, and those issues identified in the Case Docketing Statement, but not the child custody schedule or apportionment. For that reason, while counsel for Appellant is aware of the fact that the Rules disfavor extensions in child custody appeals, the fact that this Appeal does not target child custody apportionment or scheduling indicates that such concerns are mitigated in this case.

Finally, undersigned counsel has submitted the Request for Rough Draft Transcripts on today's date of December 20, 2021, and anticipates since only one day of hearing is requested, the Transcript shall be produced promptly.

For these reasons, Appellant respectfully requests the relief requested in this motion, such that:

(1) The Rough Draft Transcript deadline be extended thirty (30) days to December 22, 2021.

(2) The Fast Track Statement Opening Brief deadline be extended thirty (30) days to January 20, 2022.

(3) This Court Stay all further proceedings, pending resolution of the newly-filed District Court motion which pertains to matters presently on appeal.

DATED: 20th day of December, 2021.

/s/ Bret O. Whipple, Esq.
BRET O. WHIPPLE, ESQ.
JUSTICE LAW CENTER
1100 South 10th Street
Las Vegas, NV 89104
Phone: (702) 731-0000
FAX: (702) 974-4008

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the:

**FIRST MOTION TO EXTEND TIME FOR REQUEST OF ROUGH DRAFT
TRANSCRIPTS, EXTEND TIME FOR FAST TRACK STATEMENT
BRIEF, AND TO STAY PROCEEDINGS**

by virtue of e-filing with the Supreme Court:

ATTORNEY FOR RESPONDENT

BRYON L. MILLS, ESQ.

Bar No. 6745

MILLS & ANDERSON

703 S. 8th Street

Las Vegas, NV 89101

Attorney for Plaintiff

On this 20th day of December, 2021.

/s/ Bret O. Whipple

Bar No. 6168

JUSTICE LAW CENTER

1100 South Tenth Street

Las Vegas, NV 89104

Fax: 702-974-4008

**DECLARATION OF BRET O. WHIPPLE, ESQ. IN SUPPORT OF
REQUEST FOR EXTENSION OF TIME AND MOTION TO STAY
PROCEEDINGS**

1. I am an attorney licensed to practice law in the State of Nevada and I represent Appellant LUKE HATCH in this case and in the case below before the Seventh Judicial District Court – Lincoln County.
2. That on December 13, 2021, Respondent Kayce Hatch served my office with a Motion filed in the District Court which seeks to re-open matters in the divorce proceeding, including those financial matters which would otherwise be litigated during the present appeal.
3. That Ms. Hatch's motion seeks to argue that Appellant perjured himself as it relates to his income, and that the financial awards ordered by the District Court must be modified.
4. That this Direct Appeal, as stated in the Case Docketing Statement, sought to litigate primarily financial matters: the division of a marital corporation, child support amounts, and spousal support amounts.
5. That as such, the pending District Court Motion, if granted, would substantively undermine the subject matter of this appeal.

6. That Appellant thus perceives the interests of judicial economy, and the interests of the parties, to best be served by Staying/Extending this proceeding so that the District Court can rule upon the newly-filed motion.

7. That as to the extension of the Fast Track Brief, no previous extension has been requested or granted, and that I require additional time to prepare that document for several reasons, including that: (1) the newly-filed District Court motion impacts the issues to be argued on appeal; and (2) the May 5, 2021 Transcript is necessary for this appeal, and although I have obtained the JAVS recording, and have been working off of that Recording, and for these reasons a First Extension of time of only thirty (30) days is warranted.

8. That I am sensitive of the requirement that child custody appeals be decided promptly, and that for that reason extensions are disfavored, but that as noted above, none of the issues Appellant intends to raise in the Fast Track Brief would impact the child custody order, apportionment, or order, but would be limited to financial rulings between the two adult litigants.

9. That as to the request to extend time to request the transcript, I apologize to this Court, as due to a clerical error this deadline was not calendared and was thus overlooked following the removal of this matter from the Settlement Program.

10. That nevertheless extreme need exists in this case as counsel for Appellant foresees that one transcript, that being the May 5, 2021, transcript of the divorce trial below, is necessary for appeal.

11. That I do not believe the parties will be prejudiced, and if this Court agrees that a Stay is appropriate given Kayce Hatch's newly-filed District Court motion, then any delay caused by this failure to timely request the transcripts would in essence be immaterial, as the Stay would nevertheless be justified by the newly filed motion.

12. That I have on today December 20, 2021, submitted the Request for Rough Draft Transcript Request, and anticipate that since only one day of hearing is requested, the Transcript shall be produced promptly.

I declare under penalty of perjury of the State of Nevada that the foregoing is true and correct.

DATED: 20th day of December, 2021.

/s/ Bret O. Whipple, Esq.
BRET O. WHIPPLE, ESQ.
JUSTICE LAW CENTER
1100 South 10th Street
Las Vegas, NV 89104
Phone: (702) 731-0000
FAX: (702) 974-4008

EXHIBIT A

1 **MOT**

2 BYRON L. MILLS, ESQ.

3 Bar No. 6745

4 DANIEL W. ANDERSON, ESQ.

5 Nevada Bar No. 9955

6 MILLS & ANDERSON

7 703 S. 8th Street

8 Las Vegas NV 89101

9 Attorney for Plaintiff

10 (702) 386-0030

11 attorneys@millsnv.com

12
13 **IN THE SEVENTH JUDICIAL DISTRICT COURT**
14 **LINCOLN COUNTY, NEVADA**

15 KAYCE HATCH,

16 Plaintiff,

17 vs.

18 LUKE HATCH,

19 Defendant.

20 CV NO.: CVO200720

21 DEPT. NO.:

22
23 **PLAINTIFF'S MOTION PURSUANT TO HUNEYCUTT V.**
24 **HUNEYCUTT, TO SET ASIDE THE DECREE AND/OR FOR A NEW**
25 **TRIAL UNDER NRCP 59A OR 60B ON THE ISSUES OF ALIMONY AND**
26 **CHILD SUPPORT, OR ALTERNATIVELY FOR A MODIFICATION OF**
27 **ALIMONY AND CHLID SUPPORT.**

28 COMES NOW the Plaintiff, KAYCE HATCH, by and through her attorney,
BYRON L. MILLS, ESQ., of MILLS & ANDERSON, and pursuant to the Nevada
Revised Statutes cited hereinbelow, herby respectfully moves this Honorable Court
for the following:

- 1) For an Order of the Court pursuant to *Huneycutt v. Huneycutt*, 575 P.2d 585

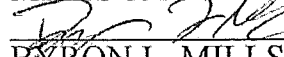
1 (1978), certifying to the Supreme Court its intention to grant the following
2 requests:

- 3 a) Setting aside the portions of the decree of divorce related to child support,
4 alimony and attorney's fees based on Defendant's false testimony regarding
5 his income at the time of trial.
- 6 b) Resetting child support and alimony based on Defendant's actual income at
7 the time of trial, and awarding attorney's fees based on the increased disparity
8 in income at the time of trial.
- 9 2) Alternatively to #1, an Order of the Court pursuant to *Huneycutt v. Huneycutt*,
10 575 P.2d 585 (1978), certifying to the Supreme Court its intention to increase
11 child support and alimony based on a change in Defendant's income of more
12 than 20% above what he represented at the time of trial.
- 13 3) For attorney's fees and costs.
- 14 4) For such other and further relief as this Court deems just and proper in the
15 premises.

16 This Motion is made and based upon the papers and pleadings on file herein,
17 Points and Authorities cited below, the Affidavit of Plaintiff, KAYCE HATCH
18 attached hereto and other supporting documentation set forth hereinbelow.

19 Dates this 16th day of Dec, 2021.

20
21 MILLS & ANDERSON

22 
BYRON L. MILLS, ESQ.

23 Bar No. 6745

DANIEL W. ANDERSON, ESQ.

24 Nevada Bar No. 9955

703 S. 8th Street

25 Las Vegas, Nevada 89101

26 Attorney for Plaintiff
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POINTS AND AUTHORITIES

I. STATEMENT OF FACTS

The Plaintiff, KAYCE HATCH (“Kayce”) and the Defendant, LUKE HATCH (“Luke”) were divorced by Decree of Divorce dated July 9, 2021. The trial was held on May 5, 2021 and the court rendered its decision on May 26, 2021 and a Decree of Divorce followed a trial held on May 26, 2021. At the time of trial Luke testified that he was employed with and received income from two sources. K.W. Legacy and Stone Mountain. When asked if he was currently working for anyone else, he responded that he was looking for additional employment, but was not currently working for anyone other than K.W. Legacy and Stone Mountain.¹ While Luke conceded at the time of trial that his income reported on his FDF of \$12,000 per month was inaccurate,² he specifically testified that he had no other sources of income beyond K.W. Legacy and Stone Mountain.

Subsequent to the trial, Kayce discovered that Luke was working for not one, not two, but three additional companies. In addition to his work with K.W. Legacy and Stone Mountain, Luke also provides online therapy through a company known as C.A. Personal Development Management Inc.³ Luke is also listed as an instructor with the American College of Addictionology and Compulsive Disorders.⁴ Finally, Luke is listed as the “Clinical Director” for “The Change is Real Behavioral Health Services⁵. While it is currently unknown what is his income

¹ See May 26 Video Transcript at 10:19 through 10:22. Luke also testified that he was looking for employment at a similar pay rate as Stone Mountain, where he was making \$6,000 per month.

² Id at 10:38-10:41.

³ See Exhibit 1.

⁴ See Exhibit 2.

⁵ See Exhibit 3.

1 is from these sources, it is clear that Luke lied about his employment status with
2 employers other than K.W. Legacy and Stone Mountain, and that he failed to
3 disclose these additional income sources. Just to be sure that Luke did not begin
4 his employment with these providers immediately after the trial, Kayce called and
5 verified that Luke was working with the “The Change is Real” as early as
6 March 2021, prior to the parties’ trial on May 26, 2021. Upon information and
7 belief, Luke was also listed as a counselor offering services on the other two sites
8 prior to the parties’ trial date.

9 Luke failed to disclose these income sources on his Financial Disclosure
10 Form. Even worse, Luke lied under oath at trial while being directly questioned
11 about employment with any entity other than K.W. Legacy and Stone Mountain.
12 As explained below, Luke’s fraud on the Court is grounds for the Court to set aside
13 the portion of the decree related to Luke’s alimony and child support obligations
14 to Kayce and recalculate both as of the time of trial. Alternatively, Luke’s
15 additional employment income is grounds to modify both alimony and child
16 support pursuant to NRS 125.150(8) and NRS 125B.145. Finally, Kayce should be
17 awarded attorney’s fees and costs under NRCP 16.2(h) due to Luke’s deliberate
18 misrepresentation of his income on his Financial Disclosure Form.

19 II.

20 ARGUMENT

21 A. This Court Should Certify Its Intention to the Supreme Court to Grant 22 Kayce’s Motion so the Case can Be Remanded to Modify Child Support 23 and Alimony.

24 While a timely filed notice of appeal ordinarily divests the district court of
25 jurisdiction to modify any portion of the order on appeal, the Supreme Court has
26 provided a mechanism for this Court to consider and grant Kayce’s requests. This
27 is set out in the case of *Huneycutt v. Huneycutt*, 94 Nev. 79, 575 P.2d 585 (Nev.
28 1978). In *Huneycutt*, the appellant filed a motion for remand in the Supreme Court.

1 While the Supreme Court denied the direct motion for remand, it also provided the
2 procedure to seek remand for modification through the district court:

3 "motions [for modification] should be filed and heard in the district
4 court. If that court is inclined to grant relief, then it should so certify to
5 this court and, at that juncture, a request for remand would be
6 appropriate."⁶

7 Kayce submits that the Court should certify its intention to grant her 60B motion
8 or alternatively, to modify Luke's child support and alimony obligations pursuant
9 to *Huneycutt* for the reasons more fully set forth below.

10 **B. The Court Should Grant Kayce 60B Relief Due to Luke's Fraud on the**
11 **Court and False Testimony at the Time of Trial.**

12 **Rule 60. Relief From a Judgment or Order**

13 (a) **Corrections Based on Clerical Mistakes; Oversights and**
14 **Omissions.** The court may correct a clerical mistake or a mistake
15 arising from oversight or omission whenever one is found in a
16 judgment, order, or other part of the record. The court may do so on
17 motion or on its own, with or without notice. But after an appeal has
18 been docketed in the appellate court and while it is pending, such a
19 mistake may be corrected only with the appellate court's leave.

20 (b) **Grounds for Relief From a Final Judgment, Order, or**
21 **Proceeding.** On motion and just terms, the court may relieve a party
22 or its legal representative from a final judgment, order, or proceeding
23 for the following reasons:

- 24 (1) mistake, inadvertence, surprise, or excusable neglect;
- 25 (2) newly discovered evidence that, with reasonable diligence,
26 could not have been discovered in time to move for a new trial under
27 Rule 59(b);
- 28 (3) fraud (whether previously called intrinsic or extrinsic),
misrepresentation, or misconduct by an opposing party;
- (4) the judgment is void;
- (5) the judgment has been satisfied, released, or discharged; it
is based on an earlier judgment that has been reversed or vacated; or
applying it prospectively is no longer equitable; or

⁶ Id at 94 Nev 81

1 (6) any other reason that justifies relief.

2 (c) **Timing and Effect of the Motion.**

3 (1) **Timing.** A motion under Rule 60(b) must be made within
4 a reasonable time — and for reasons (1), (2), and (3) no more than 6
5 months after the date of the proceeding or the date of service of written
6 notice of entry of the judgment or order, whichever date is later. The
7 time for filing the motion cannot be extended under Rule 6(b).

8 Kayce's motion is timely filed as it is within six months of entry of the Decree of
9 Divorce, which did not occur in this case until July 9, 2021. Kayce submits that
10 Luke's false representations on his FDF and his false testimony at trial constitute
11 fraud and misrepresentation within the meaning of NRC 60B(3) and justice
12 requires granting Kayce relief from this Court's final orders on alimony and child
13 support. Luke's false representations about his employers and income directly
14 affected this Court's calculation of Luke's obligations both on alimony, child
15 support and attorney's fees. As such in order to accord Kayce with the relief she
16 should have received at the time of trial, the Court should set aside portions of the
17 decree related to Luke's child support, alimony and attorney's fees obligations, re-
18 open discovery to allow Kayce to subpoena his pay records from the
19 employers/companies listed above, along with his bank records, and allow
20 additional briefing on the issues of alimony, child support and fees based on the
21 results of Kayce's discovery efforts.

22 **C. Alternatively, the Court Should Review Luke's Child Support and**
23 **Alimony Obligations based on his New Additional Income.**

24 NRS 125B.145(4) states the following:

25 4. An order for the support of a child may be reviewed at any time
26 on the basis of changed circumstances. For the purposes of this
27 subsection, a change of 20 percent or more in the gross monthly income
28 of a person who is subject to an order for the support of a child shall be
deemed to constitute changed circumstances requiring a review for
modification of the order for the support of a child.

1 NRS 125.150(8) states the following:

2 8. If a decree of divorce, or an agreement between the parties which
3 was ratified, adopted or approved in a decree of divorce, provides for
4 specified periodic payments of alimony, the decree or agreement is not
5 subject to modification by the court as to accrued payments. Payments
6 pursuant to a decree entered on or after July 1, 1975, which have not
7 accrued at the time a motion for modification is filed may be modified
8 upon a showing of changed circumstances, whether or not the court has
9 expressly retained jurisdiction for the modification.

10 This Court has jurisdiction to modify Luke's child support and alimony obligations
11 pursuant to the foregoing statutes. Under both statutes, a change of 20% or more
12 in Luke's gross income constitutes a change of circumstances warranting this
13 Court's review. On the off chance that Luke was not already employed or working
14 with the three companies identified above at the time of trial, any new income he
15 is receiving from these companies since the date of trial would be grounds for a
16 change in both orders if it increased his overall income by 20% or more.⁷ The Court
17 should therefore re-open discovery to allow Kayce to subpoena his pay records
18 from the employers/companies listed above and allow additional briefing on the
19 issues of alimony and child support and alimony based on the results of Kayce's
20 discovery efforts.

21 **D. This Court Should Award Kayce Attorney's Fees Pursuant to NRS**
22 **125.150 and NRCP 16.2(h).**

23 The Court should award Kayce attorney's fees and costs associated with this
24 motion and associated with trial. Much of the fees incurred were necessitated solely
25 on Luke's misrepresentations on his Financial Disclosure Form and his perjury at

26 ⁷ Luke testified at trial that he was looking for additional employment at the same pay rate as
27 Stone Mountain, approximately \$6,000 per month. If any one of these undisclosed income
28 sources is paying Luke at that rate, his new income would be well over the 20% threshold
necessary for a support review.

1 the time of trial when he testified that he had no other income aside from K.W.
2 Legacy and Stone Mountain. Kayce has since discovered his testimony was false,
3 and that he was working with at least one of the three companies cited above as
4 early as March 2021, which was two months before the parties' trial date. The Court
5 should therefore award attorney's fees as sanctions pursuant to NRCP 16.2(h) for
6 Luke's false testimony and misrepresentations on his financial disclosure form, in
7 addition to the fees associated with this motion and further proceedings. In support
8 of Kayce's request for attorney's fees, the following is an analysis of the *Brunzell*
9 factors for the Court's consideration:

10 (1) *the advocate's qualities, including ability, training, education,*
11 *experience, professional standing, and skill;*

12 All the attorneys at Mills & Anderson regularly practice in family law and
13 regularly participate in CLE to stay current with the most recent changes in the
14 law. Mills & Anderson collectively has over 50 years of family law practice
15 experience and all three attorneys at the firm will likely be utilized at various stages
16 in the case. No disciplinary action of any kind has been taken against any of the
17 firm's lawyers during that time.

18 (2) *the character of the work to be done; and (3) the work actually*
19 *performed by the lawyer;*

20 Kayce's attorneys have prepared all the substantive pleadings in this matter,
21 researched and cited all appropriate law, with correct analysis and application of the
22 law to the facts. They have met with Kayce in consultation and will be present at
23 all hearings in this matter. The firm's actions have been in accordance to the highest
24 ethical practices and consistent with the Nevada Rules of Professional Conduct.

25 (4) *the result, whether the attorney was successful and what benefits were*
26 *derived.*

27 Kayce anticipates a successful result at hearing as her requests are consistent
28

1 with and supported by Nevada law. Kayce therefore requests an award of fees in an
2 amount to be determined following the Court's decision on the merits of her request.

3 **III.**

4 **CONCLUSION**

5 Based upon the above and foregoing, Plaintiff respectfully requests that this
6 Court enter the following Orders:

- 7 1. For an Order of the Court pursuant to *Huneycutt v. Huneycutt*, 575 P.2d 585
8 (1978), certifying to the Supreme Court its intention to grant the following
9 requests:
- 10 a) Setting aside the portions of the decree of divorce related to child support,
11 alimony and attorney's fees based on Defendant's false testimony regarding
12 his income at the time of trial.
- 13 b) Resetting child support and alimony based on Defendant's actual income at
14 the time of trial, and awarding attorney's fees based on the increased disparity
15 in income at the time of trial.
- 16 2. Alternatively to #1, an Order of the Court pursuant to *Huneycutt v. Huneycutt*,
17 575 P.2d 585 (1978), certifying to the Supreme Court its intention to increase child
18 support and alimony based on a change in Defendant's income of more than 20%
19 above what he represented at the time of trial.
- 20 3. For attorney's fees and costs.

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22 ///

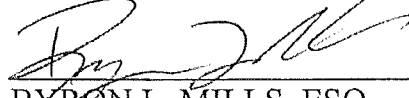
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24 ///

1 4. For such other and further relief as this Court deems just and proper in the
2 premises.

3 DATED this 15th day of Dec, 2021.

4 MILLS & ANDERSON

5 

6 BYRON L. MILLS, ESQ.

7 Nevada Bar No. 6745

8 DANIEL W. ANDERSON, ESQ.

9 Nevada Bar No. 9955

10 703 S. 8th Street

11 Las Vegas NV 89101

12 Attorney for Plaintiff

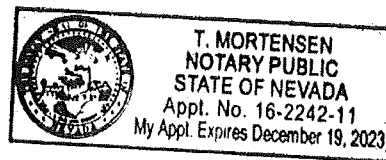
STATE OF NEVADA)
) ss:
COUNTY OF LINCOLN)

1. I have provided all of the information, dates and incidents for use in this Motion and state under oath that the information contained therein and which I have read, corrected and approved, is true and correct to the best of my knowledge.
2. Based on my knowledge, belief and information and as though repeated herein by my affidavit, I incorporate the facts and incidents of the motion as though fully reprinted in this affidavit.

FURTHER AFFIANT SAYETH NAUGHT.

UGHT,
○
KAYCE HATCH

NOTARY PUBLIC in and for Said
County of Lincoln, State of Nevada



1 EXH
2 BYRON L. MILLS, ESQ.
3 Bar No. 6745
4 MILLS & ANDERSON
5 703 South Eighth Street
6 Las Vegas NV 89101
7 Attorney for Plaintiff
(702) 386-0030
attorneys@millsnv.com

8 IN THE SEVENTH JUDICIAL DISTRICT COURT
9 LINCOLN COUNTY, NEVADA

10 KAYCE HATCH,)

11 Plaintiff,)

12 vs.)

CV NO.: CV 0200720

DEPT. NO.:

13 LUKE HATCH,)

14 Defendant.)

15
16
17 EXHIBIT APPENDIX TO PLAINTIFF'S MOTION PURSUANT TO
18 HUNEYCUTT V. HUNEYCUTT, TO SET ASIDE THE DECREE AND/OR
19 FOR A NEW TRIAL, ET. AL.

20 Plaintiff, KAYCE HATCH, by and through her attorney, BYRON L.
21 MILLS, ESQ. of MILLS & ANDERSON hereby submits and files her Exhibit
22 Appendix to the Motion.

23

EXHIBIT	BATE NO.	DESCRIPTION
24 1	1-2	Luke's profile from C.A. Personal Development...
25 2	3-4	Luke's profile from American College of 26 Addictionology...

27 ///

EXHIBIT	BATE NO.	DESCRIPTION
3	5	Luke's profile from Change is Real, Behavioral Health Services

Submitted by:

MILLS & ANDERSON

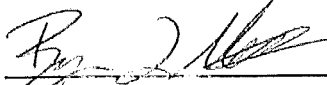
 12/10/21
 BYRON L. MILLS, ESQ. DATED
 Nevada Bar 6745
 703 S. 8TH STREET
 LAS VEGAS, NEVADA 89101

EXHIBIT “1”



C.A. Personal Development Management Inc.
Invest In YOU!

Why C.A.P.D.M.I.

More

Schedule and Pay Ho



Get to Know Luke!

LUKE HATCH, LCSW

Available to Book:

TUESDAYS: 8am - 10am AND 1pm - 3pm

Mr. Hatch is a Licensed Clinical Social Worker, a Certified Addictionologist, and an expert in working with adults, adolescents and their families.

Mr. Hatch received his Bachelor of Science degree in Psychology/Communications at Southern Utah University and a Master's degree in Social Work from the University of Utah. He has worked in mental health since the year 2000.

Mr. Hatch spent 5 years working with juvenile sex offenders and adjudicated adolescents. He has worked extensively with substance abuse and spent time working with people on probation at a facility in Salt Lake City. He spent 7 years working with adolescents and families at a Residential Treatment Center in Southern Utah. He also provided community in-service training on preventing sexual abuse for the Head Start program for many

PLT ^{7 years} 1

Through the years, Luke has worked with literally thousands of youth and families in multiple roles in treatment programs including as line staff, staff supervisor, therapist and has led in administration as a Program Director and Executive Director. These experiences have given him incredible insight into what it takes to operate a successful program and to produce change in adolescents.

Other experience includes working in Youth Corrections, addiction treatment, assisted living for individuals with intellectual disabilities, sexual offender treatment, anger management, family therapy, spousal and marriage counseling and counseling for depression and anxiety. He was raised in Nevada in a ranching family. In 2012 he cofounded a residential program on a working cattle ranch.

~~~~~  
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Available To Book:
TUESDAYS: 8am - 10am AND 1pm - 3pm

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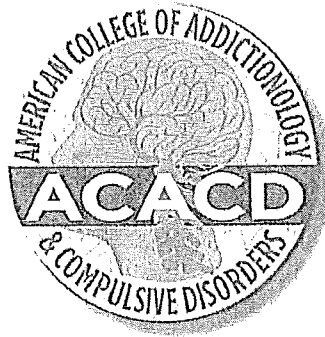


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PLT 002

EXHIBIT "2"

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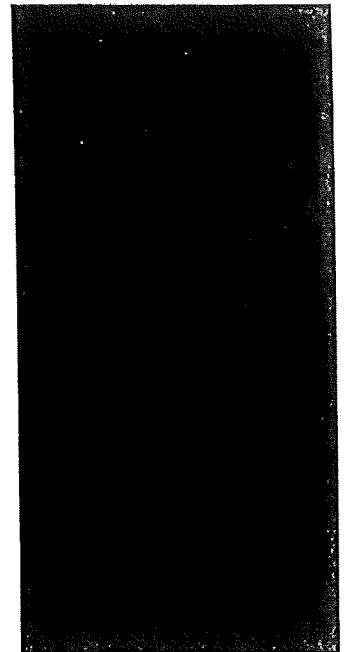
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We have brought together some of the leading experts in the field of addiction, diagnosis, treatment, management, research, funding, and recovery. All have years of experience in their fields of expertise and are members of the post graduate faculty of the American College of Addictionology & Compulsive Disorders.

Luke Hatch, LCSW, C. Ad.

Executive Director/Founder KW Legacy Ranch, a new state of the art adolescent clinical residential treatment program that incorporates the Stages of Change Model and uses a working cattle ranch as its therapeutic model. Former Executive Director of Turn-About Ranch, Utah. Appeared on Dr. Phil show in 2010 & set up the referral network. Spent 5 years working with juvenile sex offenders & adjudicated adolescents; 7 years working with adolescents & families at a residential treatment center in Utah; & provided community in-service training preventing sexual abuse for the Head Start program. Specialist in youth corrections, addiction treatment assisted living for individuals with intellectual disabilities, sexual offender treatment, anger management, family therapy, marriage counseling & counseling for depression and anxiety.

Carmine Pecoraro, Psy.D., CAP, C.Ad., DACACD

Doctorate of Psychology with specialty in Neuropsychology and Clinical Psychology; Master of Science in Counseling Psychology; Master of Science Degree in Psychology; over 25 years in the field of counseling; Certified Addiction Professional; Internationally Certified Drug and Alcohol Counselor; President of the American College of Addictionology & Compulsive Disorders; Associate Professor and Coordinator of the Master's Program in Mental Health Counseling, Springfield College, Tampa Campus; Nationally Certified Gambling Counselor II; private practices in Fort Lauderdale and Tampa Bay, FL.

Christina A. Cauffield, Psy.D.

Clinical Psychologist with an Internship and Post-Doctoral Residency at Harvard Medical School in Geriatric Neuropsychology. She is a Governor Appointee on the State of Florida Substance Abuse and Mental Health Corp., and is a Co-Chair on Florida's Optimal Aging and Mental Health Board. She also serves on the Executive Committees of Florida Council on Aging, Brain Injury Association of Florida, and Smart Justice of Florida. Clinical expertise in substance abuse, trauma, recovery, integrated health and brain disease disorders.

Phillip Diaz, MSW, LLD, DACACD

Former White House Office of National Drug Control Policy Assistant Deputy Director, responsible for 17 Federal Agencies and a 1.5 billion dollar budget, directing Drug Prevention Policy and International Demand Reduction, 1989-91; Former Development Officer, Nova Southeastern University; Former Governmental Affairs Officer for Recovery Network and faculty at over 10 institutions; Partner and Family Therapist for Lifescape Solutions Recovery Center in Delray Beach, FL, over 30 years developing governmental and private enterprise ventures for business, state and federal agencies, projects and grants and other opportunities; holds many awards, 2 from the Executive of Office of the President; co-author of 7 books.

Matthew McCoy, D.C., DACS(C), DACACD

Director of Research, Life University, Marietta, Georgia; Professor in Clinical and Chiropractic Sciences. Developer and Lead Instructor for the Clinical Rounds and Case Study Program at Life University. President, Foundation for Vertebral Subluxation Research. Editor, Journal of Pediatric, Maternal & Family Health.

Ed McGowan, MPA

CEO, Concept House, Miami; 20 years of government & senior level management experience developing and managing behavioral health & human service programs, i.e., V.P. Strategic Planning/ResCare/Lockheed Martin/Calif/Indiana/New York City & Arizona's TANF Program; Subject Expert for USAID-Baghdad & Basra; Assistant Mayor, City of New York, Social Services and Behavioral Health Programs

Matthew Glissen, M.S., D.H.L., J.D., C.Ad.

Founder and President, Village South Inc., Village South Institute of Human Resources Inc., Miami FL; Consultant to U.S. Department of Justice; Office of Juvenile & Delinquency Programs, Washington, D.C. and other Federal Agencies; Consultant to U.S. Department of Health & Human Services; Center for Substance Abuse Treatment and Center for Substance Abuse Prevention, Therapeutic Communities of America; Adjunct Professor, University of Miami; Addiction Training Program, Initial appointee to the National Advisory Council of the Center for


EXHIBIT “3”



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LUKE HATCH

LCSW, C.Ad / Clinical Director

Luke Hatch is a Licensed Clinical Social Worker, a certified addictionologist, and an expert in working with adults, adolescents and their families. He received his BS in Psychology/Communications at Southern Utah University and an MSW from the University of Utah. He has worked in mental health since the year 2000. He spent 5 years working with juvenile sex offenders and adjudicated adolescents. He has worked extensively with substance abuse and spent time working with people on probation at a facility in Salt Lake City. He spent 7 years working with adolescents and families at a Residential Treatment Center in Southern Utah. He also provided community in-service training on preventing sexual abuse for the Head Start program for many years. Through the years, Luke has worked with literally thousands of youth and families in multiple roles in treatment programs including as line staff, staff supervisor, therapist and has led in administration as a Program Director and Executive Director. These experiences have given him incredible insight into what it takes to operate a successful program and to produce change in adolescents. Other experience includes working in Youth Corrections, addiction treatment, assisted living for individuals with intellectual disabilities, sexual offender treatment, anger management, family therapy, spousal and marriage counseling and counseling for depression and anxiety. He was raised in Nevada in a ranching family. In 2012 he co founded a residential program on a working cattle ranch.



Let's Chat!

PLT 5

EXHIBIT B

Case No.: CV-0200720

IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF LINCOLN

* * * * *

KAYCE HATCH,

PLAINTIFF,

vs.

LUKE HATCH,

DEFENDANT.

REQUEST FOR PRODUCTION OF ROUGH DRAFT TRANSCRIPTS

TO: COURT REPORTER, LINCOLN COUNTY

COMES NOW, Defendant LUKE HATCH, by and through his attorney, BRET O. WHIPPLE, ESQ. of JUSTICE LAW CENTER and moves this Honorable Court pursuant to that the certified court reporter for the Seventh Judicial District Court, Lincoln County, prepare the ROUGH DRAFT TRANSCRIPT, from the hearing in the above matter which took place on May 5, 2021, beginning at 9:29 a.m. and concluding at 3:55:26 p.m. Defendant respectfully requests that the Rough Draft Transcript be prepared for all proceedings which took place on the above date.

DATED this 20th day of December, 2021.


BRET O. WHIPPLE, ESQ.
Nevada Bar No. 6168

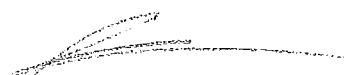
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AFFIRMATION
PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that this document does not contain the Social Security number of any person.

DATED this 20th day of December, 2021.

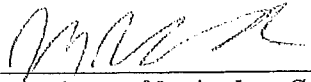

BRET O. WHIPPLE, ESQ.
Nevada Bar No. 6168
JUSTICE LAW CENTER
1100 S. 10th Street
Las Vegas, NV 89104
Attorneys for Appellant

CERTIFICATE OF SERVICE

I hereby Certify that on this 20th day of December, 2021 I served the foregoing
Request for Transcripts via U.S. prepaid first class mail, addressed as follows:

Byron L. Mills, Esq.
703 S. 8th Street
Las Vegas, NV 89101
attorney@millsnv.com
Counsel for Kayce Hatch
Via U.S. mail

Court Reporter – Seventh Judicial District Court
181 North Main Street, Suite 208
Pioche, NV 89043
Vis U.S. mail


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