

IN THE SUPREME COURT OF THE STATE OF NEVADA

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CRISTINA A. HINDS,

S.C. No.: 84077 (consolidated with 83412)

D.C. Case No.: D-18-571065-D

Cross-Appellant/Respondent,

vs.

CRAIG A. MUELLER,

Cross-Respondent/Appellant.

CROSS-APPELLANT/RESPONDENT'S OPENING BRIEF

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NRAP 26.1 DISCLOSURE STATEMENT

The undersigned counsel of record certifies that the following are persons and entities as described in NRAP 26.1(a), and must be disclosed. These representations are made in order that the justices of this Court may evaluate possible disqualification or recusal. In the course of these proceedings leading up to this appeal, Respondent has been represented by the following attorneys:

Marshal S. Willick, Esq. of the WILICK LAW GROUP

There are no corporations, entities, or publicly-held companies that own 10% or more of Appellant's stock, or business interests.

DATED this 14th day of March, 2022.

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ROUTING STATEMENT

This case is presumptively assigned to the Court of Appeals per NRAP 17(b)(10) as it involves family law matters other than the termination of parental rights or NRS Chapter 432B proceedings. However, this Court could choose to assign this matter to the Nevada Supreme Court per NRAP 17(a)(12) as it appears to address a question of first impression as to interpretation of a rule of this Court as to which there appears to be no published authority. Specifically, whether the timeliness rule for *post*-judgment attorney's fee motions should be construed as also applying to memoranda of fees and costs filed in support of *pre*-judgment motions and, if so, the scope of that application.

STATEMENT OF THE ISSUES

1. Whether the timing limit in NRCP 54 applies to a *Memorandum of Fees and Costs* filed relating to a *pre-judgment Motion for Attorney's Fees* that is granted at trial.
2. If NRCP 54 applies at all, whether, when an order granting fees has already been made and a party is directed to file a *Memorandum* in a time shorter than 21 days, a court may extend the time to file that *Memorandum* to a time longer than the time originally set but less than 21 days.
3. Whether, a trial court may impose sanctions regardless of the timeliness of the filing of any *Memorandum* by the other party.

JURISDICTIONAL STATEMENT

Pursuant to NRS chapter 125, the Family Court in Clark County had original jurisdiction to hear Respondent's (Cristina's) *Complaint for Divorce* filed against Appellant (Craig), and to entertain any post-decree motions.

This Court is the appellate court for the district courts, and has subject matter jurisdiction to review the final decisions of those courts. Jurisdiction in this Court is pursuant to NRAP 3A(b)(8), under which an appeal may be taken from a special order after judgment, including an order awarding or refusing to award attorney's fees.

STATEMENT OF CASE

Appeal from order denying any award of attorney's fees, following prior order in which district court determined that fees were owed under both prevailing party grounds and as a sanction, Hon. Rebecca Burton, district court judge, presiding.

STATEMENT OF FACTS

Cristina Hinds (“Cristina”) filed a *Complaint for Divorce* against Craig Mueller (“Craig”) on May 16, 2018.¹ The parties are both attorneys who have practiced law for more than 15 years.² The divorce proceedings were contentious, but the details of the divorce litigation discussed in the briefing of consolidated case 83412 are of limited importance to this attorney’s fee appeal.

The divorce was settled and all material terms were agreed pursuant to EDCR 7.50.³ A *Marital Settlement Agreement* and *Divorce Decree* were subsequently written, signed, and filed in 2019.⁴ No appeal was taken. The MSA included an attorney’s fee provision relating to any post-divorce litigation over its terms:

¹ VIII RA 1384.

² VIII RA 1387.

³ *Id.*

⁴ I RA 1-20, 21-54; VIII RA 1380-1385.

Should either party bring an action to enforce or interpret this Marital Settlement Agreement, the non-prevailing party in the action shall pay the reasonable attorney's fees and costs incurred by the prevailing party in that action.⁵

The MSA was expressly “merged and incorporated into and become a part of the Decree of Divorce to the same extent as if the MSA, in its entirety, were [*sic*] set forth in this Decree.”⁶

On November 8, 2019, Christina sought contempt against Craig for his failure to pay \$427,500 property equalization and various other terms, and sought attorney fees.⁷ Craig opposed Christina's *Motion* and brought a countermotion to set aside or modify the *Decree* and MSA.⁸

⁵ I RA 10.

⁶ I RA 27.

⁷ VIII RA 1380.

⁸ VIII RA 1380-1381.

The trial court denied Craig's various requests and resolved some issues.⁹ All other issues were set for an Evidentiary Hearing on April 7, 2020 (subsequently rescheduled due to the pandemic to April 1, 2021).¹⁰ Cristina raised additional issues of contempt against Craig and sought additional attorney fees.¹¹

On May 28, 2020 – about a year before the Evidentiary Hearing – Cristina conceded that Craig was entitled to an offset of \$36,871 from his \$427,500 property equalization obligation to her¹² because he had not received that sum out of one of the accounts going to Cristina. The trial court warned Craig that it did not want to have an entire evidentiary hearing over \$36,872 that was conceded and resolved.¹³

⁹ VIII RA 1381.

¹⁰ *Id.*

¹¹ VIII RA 1381-1382.

¹² VIII RA 1399.

¹³ IV RA 729-730.

The case did not resolve. On April 1, 2021, at the Evidentiary Hearing, the parties stipulated that a day earlier, on March 30, Craig had paid all unreimbursed healthcare expenses and insurance premiums, the overdue payments on the 2014 Infiniti QX80, and had signed up for Our Family Wizard as ordered.¹⁴

The parties also agreed that in the years since the divorce decree had been entered, Craig had paid, and therefore would be credited, \$10,500, plus the \$36,871 Cristina kept that had been awarded to Craig from one account, against the \$427,500 property equalization he owed.¹⁵

The details of the Evidentiary Hearing litigation are set out in the consolidated case. By its conclusion, several of Craig's contempts became moot or were

¹⁴ VIII RA 1382-1383.

¹⁵ VIII RA 1383.

abandoned, leaving a number of issues to be resolved by the trial court including a decision on Cristina's multiple pre-trial motions seeking attorney's fees.¹⁶

By written order entered on July 26, 2021, the trial court denied all of Craig's requests and found that Craig still owed Cristina a net property equalization balance of \$427,500, reduced by the \$10,500 he had paid and the \$36,871 conceded by Cristina, for an outstanding sum of \$380,129 plus statutory interest.¹⁷ The trial court found that Cristina had proven by clear and convincing evidence that Craig committed 14 acts of contempt between August 2019 and January 2020, which was grounds for an award of attorney's fees as sanctions against Craig.¹⁸

The trial court entered various specific orders accordingly, including that by August 10, 2021 (15 days after the order was entered), Cristina was to file a

¹⁶ VIII RA 1383.

¹⁷ VIII RA 1401.

¹⁸ VIII RA 1410-1411.

Memorandum of Fees and Costs to include a *Brunzell Affidavit* and billing statement “consistent with the findings herein.”¹⁹ Craig was to file a response by August 25, upon the filing of which the Court would resolve attorney’s fees without further hearing.²⁰

Notice of Entry of Order was filed on July 26, 2021²¹; Craig filed a *Notice of Appeal* from the substantive orders against him on August 16.²²

On August 11, Cristina filed a *Memorandum of Fees and Costs* (“Memo”) complying with the Court’s directive to redact all billings not related to the contempt issues, etc.²³ It included an explanatory footnote that the Memo was filed a day later than August 10 because the paralegal assigned to the case was out of the office, and

¹⁹ VIII RA 1379, 1414-1416.

²⁰ VIII RA 1416.

²¹ VIII RA 1377.

²² VIII RA 1465.

²³ VIII RA 1419-1464.

requested a one-day enlargement of the court's 15-day time for submission of the Memo.²⁴

On August 25, the district court entered an order denying all attorney's fees, finding that NRCP 54(d)(2)(c) did not permit the court to extend the 15-day time limit it had originally set for the Memo.²⁵ Notice of entry was filed the next day.²⁶

²⁴ VIII RA 1419-1420. In the world of e-filing, undersigned counsel has had to increasingly rely on the technical skills of administrative staff for tasks that previously could be personally handled. That includes filings both in the district court and in this Court, in which there are file-size and other limitations that make the actual submission of documents impossible without the assistance of staff trained in the particular requirements of the multiple systems we are now required to use. Supervising such tasks has been further complicated during the pandemic because staff is working remotely from many different locations.

²⁵ VIII RA 1473-1474.

²⁶ VIII RA 1471-1472.

Cristina filed a tolling motion to reconsider, set aside, or alter and amend the order denying attorney's fees on September 7, noting that the rule governed fee *motions* and that the fees motions were actually filed long *before* trial, and making three main arguments regarding the one-day delay in filing the Memo.²⁷

First, that the time limit rule should not be construed as applying to a *Memorandum of Fees and Costs* at all, since the plain language of the rule addressed motions.²⁸

Second, that if the rule applied at all to a Memo as opposed to a fee motion, the rule set an outside limit of 21 days, and since the court had set a 15-day limit, it could re-set it as a 16-day limit.²⁹

²⁷ VIII RA 1475, 1482-1483.

²⁸ VIII RA 1483-1487.

²⁹ VIII RA 1483-1487.

Third, that since the trial court had already found that sanctions were appropriate, it could impose those sanctions regardless of any timing issue regarding the Memo.³⁰

Craig opposed the motion, arguing that NRCP 54 applied to a Memo just as it would apply to a post-hearing motion, but never citing any actual authority holding that NRCP 54 applies to a Memo as it would to a motion.³¹ Cristina filed a *Reply*, noting the inherent authority of courts to alter their own self-imposed deadlines.³²

Nevertheless, the district court denied Cristina's motion. The written order was filed December 30, 2021.³³ That order found as a matter of fact that Cristina's ***motion*** for fees was timely made because it was filed before the evidentiary hearing.³⁴

³⁰ VIII RA 1487-1488.

³¹ VIII RA 1493-1510.

³² VIII RA 1517-1521.

³³ IX RA 1597.

³⁴ IX RA 1598, 1628.

However, the district court found that the Nevada Legislature's intent³⁵ in enacting NRCP 54 was to provide a "strict rule" in which the courts have "no discretion" to extend any deadlines once past, and since the Memo was filed a day after the trial court's original 15-day order, the trial court had no authority to extend the deadline.³⁶

The trial court recognized the inequity of its ruling, stating:

I know that it's difficult for the Court to make this ruling because I do think that the rule is strict, but the rule is strict and that's the reason for the ruling.³⁷

While the district court realized that sanctions could be issued regardless of the timing rules, the district court's interpretation of the language of the rule was that *if*

³⁵ Everyone involved below erroneously referred to the "Nevada Legislature" throughout the arguments. Of course, the Nevada Rules of Civil Procedure are not promulgated by the Legislature, but by this Court.

³⁶ IX RA 1598, 1628-1629.

³⁷ IX RA 1629.

the court set a deadline and it was missed, the court simply could not order fees as a sanction or otherwise because “the legislature has made this very strict.”³⁸

Notice of entry of the order was filed January 6, 2022; the notice of appeal was filed the same day.³⁹

³⁸ IX RA 1631-1632.

³⁹ IX RA 1605, 1616.

STANDARD OF REVIEW AND SUMMARY OF THE ARGUMENT

Questions of statutory construction, including the meaning and scope of a provision, are reviewed *de novo*⁴⁰; this Court need not defer to the trial court's construction of a statute⁴¹ or a court rule.⁴² Errors of law in applying statutes or regulations are also reviewed *de novo*.⁴³

When the plain language of a rule states that it governs *post*-divorce *motions*, the restrictions of that rule do not apply to *pre*-divorce motions, or to other filings, such as memoranda. Whenever NRCP 54 applies to filings, a trial court has inherent

⁴⁰ *City of Reno v. Reno Gazette-Journal*, 119 Nev. 55, 58, 63 P.3d 1147, 1148 (2003).

⁴¹ *See Irving v. Irving*, 122 Nev. 494, 134 P.3d 718 (2006); *Harris Associates v. Clark Co. School Dist.*, 119 Nev. 638, 81 P.3d 32 (2003).

⁴² *Weddell v. Stewart*, 127 Nev. 645, 651, 261 P.3d 1080, 1084 (2011).

⁴³ *Moseley v. Dist. Ct.*, 124 Nev. 654, 188 P.3d 1136 (2008); *Settelmeyer & Sons v. Smith & Harmer*, 124 Nev. 1206, 197 P.3d 1051 (2008).

authority to alter any time limits it imposes, within the limitations of the rule. A trial court has inherent authority to issue a sanctions order irrespective of the filings of either party to the case.

ARGUMENT

I. NRCP 54 Governs Post-Trial Fees Motions, Not Memoranda of Fees and Costs

NRCP 54 requires that a claim for attorney's fees be made by motion, and provides that a court may decide a *postjudgment* motion for attorney fees despite the existence of a pending appeal from the underlying final judgment.

There was no *post*-judgement motion involved here. All contents described in NRCP 54(d)(2) had been provided in Cristina's pre-hearing filings, with the

exception of documentation of the sums actually expended in the litigation, which were provided in the post-hearing Memo.

As detailed above, the Memo did not require Cristina to argue for an award of fees, because that argument was already on file and was decided in the trial court's *Findings of Fact, Conclusions of Law, and Orders*, based on the terms of the MSA, and as sanctions under EDCR 7.60(b).⁴⁴ There was no further legal analysis required,

⁴⁴ Rule 7.60. Sanctions.

. . . .

(b) The court may, after notice and an opportunity to be heard, impose upon an attorney or a party any and all sanctions which may, under the facts of the case, be reasonable, including the imposition of fines, costs or attorney's fees when an attorney or a party without just cause:

(1) Presents to the court a motion or an opposition to a motion which is obviously frivolous, unnecessary or unwarranted.

(2) Fails to prepare for a presentation.

(3) So multiplies the proceedings in a case as to increase costs unreasonably and vexatiously.

nor any need to file any more motions for fees. The Memo simply recited the *amount* of fees incurred.

The first question in this appeal is whether NRCP 54 applies at all to the timing of a post-hearing memo supporting a pre-hearing motion for fees, where the trial court has already ruled that fees and sanctions are owed, and the only information missing is the precise sum of fees incurred.

This Court has held that when the language of a statute is plain and unambiguous, the court shall “give [the] language its ordinary meaning and not go beyond it.”⁴⁵ The rules of statutory construction apply to court rules.⁴⁶

(4) Fails or refuses to comply with these rules.

(5) Fails or refuses to comply with any order of a judge of the court.

⁴⁵ *Nelson v. Nelson*, 136 Nev. ___, 466 P.3d 1249 (Adv. Opn. No. 36, July 9, 2020); *City Council of Reno v. Reno Newspapers, Inc.*, 105 Nev. 886, 891, 784 P.2d 974, 977 (1989).

⁴⁶ *Weddell v. Stewart*, 127 Nev. 645, 651, 261 P.3d 1080, 1084 (2011).

In interpreting a court rule, the words used should be given their plain meaning without trying to read anything further into them,⁴⁷ because that is the best indicator of their intent.⁴⁸ When that language is clear and unambiguous, there is no room for construction and the apparent intent must be given effect.⁴⁹ Any interpretation of a statute or rule should avoid meaningless or unreasonable results.⁵⁰

Applying these rules of construction to the order below, since the plain language of the rule applies to motions, it was error to expand it to also cover

⁴⁷ *Matter of Petition of Phillip A.C.*, 122 Nev. 1284, 149 P.3d 51 (2006); *Trustees v. Developers Surety*, 120 Nev. 56, 61, 84 P.3d 59, 62 (2004).

⁴⁸ *Pub. Employees' Benefits Program v. LVMPD*, 124 Nev. 138, 147, 179 P.3d 542, 548 (2008).

⁴⁹ *Edgington v. Edgington*, 119 Nev. 577, 582-83, 80 P.3d 1282, 1286 (2003).

⁵⁰ *Harris Assocs. v. Clark County Sch. Dist.*, 119 Nev. 638, 642, 81 P.3d 532, 534 (2003).

memoranda. And the plain language of the rule stating that its timing limit “does not apply” to sanctions means exactly what it says.

The apparent intent to encourage prompt adjudication of attorney’s fees claims would not be served where the decision to award those fees had already been made and the precise total at issue was submitted weeks prior to any response being required by the opposing party. It would be unreasonable to find that an 11-hour delay in the availability of the employee who knew how to electronically submit the document would cause denial of fees and sanctions already determined to be appropriate in law and equity.

This Court has gone out of its way in recent years to eliminate technicalities that create traps for the unwary or lead to unjust results, which is why it ameliorated

the “premature notice of appeal” situation by amending NRAP 4(a)(6), and abolished the special appearance doctrine to avoid accidental “general appearances.”⁵¹

In fact, the Court’s general direction to the district courts in interpreting the civil procedures is not to consider them “strict,” but to construe, administer, and employ them “to secure the just, speedy, and inexpensive determination of every action and proceeding.” That objective is not served by expanding the scope of a rule to cover items not mentioned in the rule, and then finding that the language is so “strict” that it eliminates the trial court’s power to make an equitable order.

⁵¹ *Fritz Hansen A/S v. Eighth Judicial Dist. Court*, 116 Nev. 650, 6 P.3d 982 (2000).

II. Whenever NRC 54 Does Apply to Filings, a Trial Court Has Inherent Authority to Alter Any Time Limits it Imposes, Within the Limitations of the Rule

The trial court's *Findings, Conclusions, and Orders* **granted** Cristina's four motions for attorney's fees and invited Counsel to submit a *Memorandum of Fees and Costs* that detailed the *amount* of fees and costs actually incurred through the end of the case.

Specifically, the Court granted Cristina's Motions for Attorney's Fees because:

1) she was successful in obtaining enforcement of the property equalization obligation; 2) the plain language of the MSA awarded prevailing party fees to the party enforcing or interpreting the MSA; and 3) sanctions against Craig were appropriate pursuant to EDCR 7.60(b).⁵²

⁵² VIII RA 1413-1414.

No further motions were required, only a Memo setting forth the sums actually incurred, which the trial court indicated should be filed with attached billing statements by August 10, 2021, 15 days after the entry of the *Decision and Order*.

As detailed above, the Memo was filed less than 12 hours after the time specified.

The second question presented in this appeal is whether, if the timing rules of NRCP 54 apply at all to the filing of such a memo, a trial court has authority to change a 15-day deadline to a 16-day deadline, when the outer limit of the rule is 21 days. As detailed above, the trial court found that the rule did apply to memos, and that it was powerless to change its order under NRCP 60(b) once made, because NRCP 54(d) was so “strict.”

The 11-hour delay in actual submission of the Memo did not prejudice the other party in any way – he still had another full two weeks to review and respond to the Memo.⁵³

This Court has repeatedly spoken of the “inherent authority” of trial courts to make orders governing timing and other processes of hearings and trials, within the outer limits of the rules governing those procedures.⁵⁴ The multiple cases concerning the scope of that “inherent authority” indicate that it exists whenever a statute, court rule, or case does not expressly and specifically dictate otherwise,⁵⁵ including the

⁵³ VIII RA 1416.

⁵⁴ *See, e.g., Young v. Nev. Title Co.*, 103 Nev. 436, 441, 744 P.2d 902, 904 (1987); *see also* NRCP 16(c)(2)(M) (district court may establish a reasonable time limit on the time allowed to present evidence).

⁵⁵ *In re Water Rights of the Humboldt River*, 118 Nev. 901, 59 P.3d 1226, 1229 (2002); *Halverson v. Hardcastle*, 123 Nev. 245, 163 P.3d 428 (2007) (a trial court has the inherent authority to construe its orders and judgments).

authority to reconsider and alter its prior orders so as to reach and decide the merits of an issue.⁵⁶

In other words, a court can *always* reconsider its own self-imposed deadlines upon good cause, in equity, and to provide justice, within the limits of the rules and statutes. Here, the outer limit provided by NRCP 54(d) is 21 days.

It is true that rule states that NRCP 54(d) provides that a court cannot extend “the time for filing” a motion after it has expired. This Court should construe that language as referring to 21 day outer limit of the rule, not any shorter time indicated by a trial court, and hold that it is within the inherent authority of a court to alter an order calling for filing in 15 days to an order calling for that filing in 16 days, because

⁵⁶ *Trail v. Faretto*, 91 Nev. 401, 403, 536 P.2d 1026, 1027 (1975); *Divorce. of Child & Family Servs. v. Eighth Judicial Dist. Court*, 120 Nev. 445, 451, 92 P.3d 1239, 1243 (2004) (recognizing that courts may reconsider decisions set forth in a minute order and issue a different written judgment).

no public policy could be served by telling a trial court that it is not free to reset its own administrative timing deadlines in the interest of justice.

III. A Trial Court Has Inherent Authority to Issue a Sanctions Order Irrespective of the Filings of Either Party to the Case

As noted above, NRCP 54 contains an explicit provision that the rule's timing limits are inapplicable to sanction orders:

(D) Exceptions. Rules 54(d)(2)(A) and (B) do not apply to claims for attorney fees as sanctions or when the applicable substantive law requires attorney fees to be proved at trial as an element of damages.

Sanctions orders do not require any motion at all, or any submission showing the fees actually incurred by the other party, and when issued are reviewed under the

abuse of discretion standard,⁵⁷ with the only meaningful limiting factor being that the sanctions imposed must be proportionate to a litigant's misconduct.⁵⁸

The trial court's *Findings, Conclusions, and Orders* detailed that sanctions against Craig were warranted by his extensive bad faith litigation, his repeated and multiple violations of court orders, and the fact that he only complied with some orders on the eve of trial after ignoring them for years.⁵⁹

Since no motion or fee summary was required at all for the imposition of those sanctions, the trial court's finding that the "strict language" of NRCP 54(d) prevented

⁵⁷ *Bahena v. Goodyear Tire & Rubber Co.*, 126 Nev. 243, 249, 235 P.3d 592, 596 (2010); *Young v. Johnny Ribeiro Bldg., Inc.*, 106 Nev. 88, 92, 787 P.2d 777, 779 (1990).

⁵⁸ *Emerson v. Eighth Judicial Dist. Court*, 127 Nev. 672, 681, 263 P.3d 224, 230 (2011) (*quoting Heinle v. Heinle*, 777 N.W.2d 590, 602 (N.D. 2010)).

⁵⁹ VIII RA 1410-1411, 1414.

it from granting a sanctions order⁶⁰ was legal error. Even if this Court decides to construe the rule as applying to memos as well as motions, and decides that the trial court was somehow unable to alter its 15-day order to a 16-day order, the order denying sanctions should be reversed and remanded for entry of sanctions against Craig.

CONCLUSION

This Court should review the proper construction of NRCP 54(d) *de novo*, and hold that it is inapplicable to *pre*-divorce motions or to other filings such as memoranda, under its plain language. The Court should provide guidance to the trial courts by holding that whenever NRCP 54 does apply, a trial court has inherent authority to alter any time limits it imposes, within the limitations of the rule. And

⁶⁰ IX RA 1631-1632.

this Court should re-affirm that a trial court has inherent authority to issue a sanctions order irrespective of the filings of either party to the case.

The decision of the district court denying an award of fees and sanctions should be reversed and remanded for entry of an award of fees to Cristina and sanctions against Craig.

Dated this 14th day of March, 2022.

Respectfully submitted,
WILICK LAW GROUP

//s//*Marshal S. Willick*
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Attorney for Cross-Appellant

CERTIFICATE OF COMPLIANCE

1. I hereby certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because:

☒ This brief has been prepared in a proportionally spaced typeface using Corel WordPerfect Office 2021, Standard Edition in font size 14, and the type style of Times New Roman; or

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2. I further certify that this brief complies with the page or type-volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is either:

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3. Finally, I hereby certify that I have read this appellate brief, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

DATED this 14th day of March, 2022.

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the WILICK LAW GROUP and that on this 14th day of March, 2022, documents entitled *Respondent's Opening Brief* were filed electronically with the Clerk of the Nevada Supreme Court, and therefore electronic service was made in accordance with the master service list as follows, to the attorneys listed below at the address, email address, and/or facsimile number indicated below:

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