

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

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Mar 14 2022 04:48 p.m.
Elizabeth A. Brown
Clerk of Supreme Court
85412784077

CRAIG A. MUELLER,

Appellant,

vs.

CRISTINA A. HINDS,

Respondent.

S.C. No.:

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

RESPONDENT'S SUPPLEMENTAL APPENDIX

Attorney for Appellant:

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Attorneys for Respondent:

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APPENDIX INDEX

#	DOCUMENT	FILE STAMP DATE	PAGES
VOLUME I			
1.	Motion for Order to Show Cause why Defendant should not be held in Contempt for Violation of the Court's Orders and for Attorney's Fees and Costs.	11/8/19	RA000001 - RA000069
2.	Opposition to Motion for Order to Show Cause why Defendant should not be held in Contempt for Violation of the Court's Orders and for Attorney's Fees and Costs; Countermotion to Modify Decree of Divorce and Marital Settlement Agreement with Regard to Equalization Payment to Cristina Hinds due to Cristina Hinds' Misappropriation of Community Funds; Countermotion for Sanctions Due to Cristina Hinds Violation of Joint Preliminary Injunction; Countermotion for Attorney's Fees and for other Related Relief	11/20/19	RA000070 - RA000148
3.	Reply in Support of Motion for Order to Show Cause why Defendant should not be held in Contempt for Violation of the Court's Orders and for Attorney's Fees and Costs; Countermotion to Modify Decree of Divorce and Marital Settlement Agreement with Regard to Equalization Payment to Cristina Hinds due to Cristina Hinds' Misappropriation of Community Funds; Countermotion for Sanctions Due to Cristina Hinds Violation of Joint Preliminary Injunction; Countermotion for Attorney's Fees and for other Related Relief Mueller	11/27/19	RA000149 - RA000170

4.	Notice of Entry of Stipulated Decree of Divorce	7/29/19	RA000171 - RA000204
VOLUME II			
5.	Marital Settlement Agreement	7/28/19	RA000205 - RA000224
6.	Judgment Against Craig A. Mueller	12/26/19	RA000225 - RA000226
7.	Motion to Enforce the Parties' Stipulated Decree of Divorce and Stipulation and Order Re: Parenting Plan and Child Support; for an Order to Show Cause; and for Attorney's Fees and Costs	3/27/20	RA000227 - RA000241
8.	Exhibits to Motion to Enforce the Parties' Stipulated Decree of Divorce and Stipulation and Order Re: Parenting Plan and Child Support; for an Order to Show Cause; and for Attorney's Fees and Costs	3/27/20	RA000242 - RA000300
VOLUME III			
9.	Response to Motion to Enforce the Parties Stipulated Decree of Divorce and Stipulation and Order Re: Parenting Agreement and Child Support, for an Order to Show Cause, and for Attorney's Fees and Costs	4/17/20	RA000301 - RA000575
VOLUME IV			
10.	Reply and Opposition to "Response to Motion to Enforce the Parties' Stipulated Decree of Divorce and Stipulation and Order Re: Parenting Agreement and Child Support, for an Order to Show Cause, and for Attorney's Fees and Costs"	5/19/20	RA000576 - RA000604
11.	Notice of Entry of Order from May 28, 2020, Hearing	7/14/20	RA000605 - RA000612
12.	Notice of Entry of Order from December 13, 2019, Hearing	7/22/20	RA000613 - RA000619

13.	Defendant's Pre-Trial Memorandum	3/29/21	RA000620 - RA000719
14.	Plaintiff's Pre-Trial Memorandum	3/29/21	RA000720 - RA000742
15.	Notice of Entry of Order to Show Cause	3/31/21	RA000743 - RA000748
16.	Closing Brief	6/11/21	RA000749 - RA000764
VOLUME V			
17.	Exhibits to Closing Brief	6/11/21	RA000765 - RA000929
VOLUME VI			
18.	Defendant's Post-Trial Memorandum - Part 1	6/11/21	RA000930 - RA001147
VOLUME VII			
18.	Defendant's Post-Trial Memorandum - Part 2	6/11/21	RA001148 - RA001371
VOLUME VIII			
19.	Plaintiff's Rebuttal Brief re: Defendant's Post-Trial Memorandum	6/18/21	RA001372 - RA001376
20.	Notice of Entry of Order	7/26/21	RA001377 - RA001418
21.	Plaintiff's Memorandum of Fees and Costs	8/11/21	RA001419 - RA001464
22.	Notice of Appeal	8/16/21	RA001465 - RA001466
23.	Case Appeal Statement	8/16/21	RA001467 - RA001470
24.	Notice of Entry of Order	8/26/21	RA001471 - RA001474

VOLUME IX

25.	Plaintiff's Motion to Reconsider, Set Aside, Alter or Amend the Order Denying Attorney's Fees and Costs	9/7/21	RA001475 - RA001492
26.	Opposition to Motion to Reconsider and Counter Motion for Attorney Fees	9/20/21	RA001493 - RA001516
27.	Reply to Opposition to Defendant's Opposition to Plaintiff's Motion to Reconsider and Counter Motion for Attorney's Fees Post-Judgment	10/4/21	RA001517 - RA001521
VOLUME IX			
28.	Court Minutes	10/14/21	RA001522 - RA001523
29.	Plaintiff's Motion for Preliminary Attorney's Fees and Costs	11/1/21	RA001524 - RA001536
30.	Notice of Hearing	11/1/21	RA001537 - RA001538
31.	Writ of Execution	11/18/21	RA001539 - RA001542
32.	Defendant's Opposition to Plaintiff's Motion for Preliminary Attorney's Fees and Costs	11/22/21	RA001543 - RA001564
33.	Defendant's Opposition to Plaintiff's Writ of Execution	11/22/21	RA001565 - RA001571
34.	General Financial Disclosure Form	12/7/21	RA001572 - RA001579
35.	Notice of Hearing	12/16/21	RA001580 - RA001581
36.	Order	12/16/21	RA001582 - RA001588
37.	Estimated Cost of Transcript	12/16/21	RA001589
38.	Notice of Entry of Order	12/17/21	RA001590 - RA001596

39.	Order Denying Plaintiff's Motion to Reconsider Order Denying Attorney Fees and Costs	12/30/21	RA001597 - RA001604
40.	Notice of Entry of Order Denying Plaintiff's Motion to Reconsider Order Denying Attorney Fees and Costs	1/6/22	RA001605 - RA001615
41.	Notice of Appeal	1/6/22	RA001616 - RA001617
42.	Appellant's Case Appeal Statement	1/6/22	RA001618 - RA001622
43.	Transcript re: All Pending Motions	10/19/21	RA001623 - RA001633
44.	Certification of Transcripts Notification of Completion and Final Billing for Transcript	1/19/22	RA001634 - RA001636
45.	Final Billing for Transcripts	1/19/22	RA001637

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Divorce - Complaint

COURT MINUTES

October 14, 2021

D-18-571065-D Cristina Hinds, Plaintiff
vs.
Craig Mueller, Defendant.

October 14, 2021 10:00 AM All Pending Motions

HEARD BY: Burton, Rebecca L. COURTROOM: Courtroom 08

COURT CLERK: Ford, Diane

PARTIES PRESENT:

Cristina Hinds, Counter Defendant, Plaintiff, Present **Marshal Shawn Willick, Attorney, Present**

Craig Mueller, Counter Claimant, Defendant, Not Present **Michael J. Mcavoyamaya, Attorney, Present**

William Mueller, Subject Minor, Not Present

Elizabeth Mueller, Subject Minor, Not Present

JOURNAL ENTRIES

PLAINTIFF'S MOTION TO RECONSIDER, SET ASIDE OR AMEND THE ORDER DENYING ATTORNEY'S FEES AND COSTS...DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION RECONSIDER AND COUNTERMOTION FOR ATTORNEY'S FEES POST JUDGMENT

In the interest of public safety due to the Coronavirus pandemic, all parties that were present appeared via VIDEO CONFERENCE through the BlueJeans application.

Court noted that prior to today's hearing, the court clerk attempted to call Attorney Mcavoyamaya for him to join the meeting.

Court instructed the court clerk to call Attorney Mcavoyamaya again. Upon the court clerk calling Attorney Mcavoyamaya again, he answered and stated he would be joining the meeting now.

Attorney Lorien Cole, Bar No. 11912, appeared for Plaintiff.

Upon the Court's inquiry, Attorney Mcavoyamaya stated he was not aware that the Defendant needed to be present for today's hearing.

Court noted it had reviewed the Plaintiff's Motion for Reconsideration, Defendant's Opposition and Countermotion, Plaintiff's Reply, however, it had disregard the Defendant's Reply to the Reply pursuant to EDCR 5.502(e) without relieve of the court.

Argument by Attorney Mcavoyamaya regarding the court disregarding the Defendant's Reply to the Reply.

Argument by Attorney Willick and Attorney Cole regarding the court denying the motion for reconsideration pursuant to NRCP 54D.

COURT read FINDINGS and ORDERED the following:

1. Plaintiff's Motion for Reconsideration is DENIED.

Printed Date: 10/23/2021

Page 1 of 2

Minutes Date:

October 14, 2021

2. Defendant's Countermotion is DENIED.

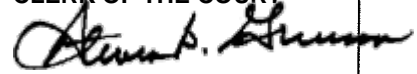
Attorney Mcavoyamaya shall prepare the Order and Attorney Willick shall sign off by November 15, 2021.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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

CRISTINA HINDS,
Plaintiff,

vs.

CRAIG A. MUELLER,
Defendant.

CASE NO: D-18-571065-D
DEPT. NO: C

DATE OF HEARING: N/A
TIME OF HEARING: N/A

ORAL ARGUMENT Yes ____ No X

**PLAINTIFF'S MOTION FOR PRELIMINARY ATTORNEY'S FEES
AND COSTS**

I. INTRODUCTION

Under NRS 125.040, a district court has jurisdiction to award attorney fees *pendente lite* for the costs of an appeal to defend a court ruling.¹ Cristina was the prevailing party on the issue Craig is appealing, and there is no time limit to make this motion under NRCP 54 or otherwise. Cristina requests the Court issue an attorney's fees order for her costs on appeal.

¹ See *Griffith v. Gonzalez-Alpizar*, 132 Nev. 392, 373 P.3d 86 (2016).

1
2 **POINTS AND AUTHORITIES**

3 **II. STATEMENT OF FACTS**

4 The parties were divorced by way of a *Stipulated Decree of Divorce* entered
5 on July 29, 2019 that incorporated the parties' *Stipulation and Order re Parenting*
6 *Agreement and Child Support*, and *Marital Settlement Agreement of Cristina Hinds*
7 *and Craig Mueller* ("MSA").

8 On November 8, 2019, Cristina brought the matter back before the Court
9 seeking contempt against Craig for his alleged failures to pay her the \$427,500
10 property equalization, among other violations of the *Stipulated Decree*.

11 Craig responded on November 20, 2019, opposing Cristina's *Motion*, and filing
12 a *Countermotion* seeking to set aside or modify the terms of the *Stipulated Decree*.
13 Ultimately, the Court set all of the parties' respective claims for an evidentiary
14 hearing set for a half-day on April 1, 2021, and one full-day on May 10, 2021.

15 At trial, Craig alleged several defenses to avoid enforcement of the property
16 equalization obligation to Cristina, including claims that Cristina violated the JPI, that
17 Cristina "fraudulently induced" Craig to sign the MSA, that the MSA omitted
18 community property by fraud or mistake, and/or Cristina "breached" the MSA making
19 Craig's performance "impossible."

20 By stipulation, the parties submitted written closing arguments on June 18,
21 2021. The Court took the matter under submission following the evidentiary hearing.

22 On July 26, 2021, the Court issued *Findings of Fact, Conclusions of Law, and*
23 *Orders* ("*Decision*"), which, among some other ancillary orders, granted Cristina's
24 requests to enter a judgment against Craig for the amounts due to her pursuant to the
25 *Stipulated Decree*, and denied Craig's *Countermotion* to set aside the *Decree*. The
26 Court also denied Craig's claim that Cristina materially breached the *Marital*
27 *Settlement Agreement*.
28

1 On August 16, Craig filed a *Notice of Appeal* and *Case Appeal Statement*.
2 Craig's *Case Appeal Statement* provides the following brief description of the nature
3 of the action:

4 Parties entered into a Marriage Settlement Agreement, ("MSA"), filed on July
5 29, 2019. Shortly after the MSA was filed, Petitioner discovered that
6 Respondent had materially breached the MSA prior to its filing by taking
7 money that was agreed to be Petitioner's from the parties' joint bank accounts.
8 Petitioner subsequently could not obtain a loan to pay Respondent the agreed
9 upon equalization payment. Respondent moved for contempt. Petitioner moved
10 to vacate the MSA due to fraud and material breach.

11 The "Nature of the Action" in Craig's *Case Appeal Statement* notes that the
12 Court ruled in Cristina's favor at trial. Therefore, Cristina was the prevailing party
13 on the issues Craig now appeals.

14 The Court's *Decision* awarded Cristina a judgment for \$380,129 against Craig,
15 not including applicable statutory interest.

16 To date, Cristina has not collected a single dollar of the \$380,129 judgment,
17 has incurred significant attorney's fees attempting to enforce this Court's orders,
18 despite being the prevailing party at trial. Craig has not made Cristina any payments
19 toward the judgment, and every effort Cristina has made to collect on the judgment
20 has been unsuccessful and frustrated by Craig.

21 Post-divorce litigation primarily concerned the ancillary matter of attorney's
22 fees from the trial, which the Court found were warranted but barred because of a
23 one-day delay in filing a memo of costs; that matter is not directly related to this.

24 Craig has retained Mr. Michael McAvoy-Amaya for the appeal from this
25 Court's *Decision*. On October 6, 2021, the Nevada Supreme Court issued a briefing
26 schedule, which requires Cristina to respond to Craig's appeal. Cristina will incur
27 additional significant fees to meet Craig on an equal footing and retain counsel for
28 the appeal, the funding of which is made particularly difficult by the fact that Craig
never paid the sums he has owed since the divorce more than two years ago.

1 This *Motion* follows.

2
3 **III. LEGAL ARGUMENT**

4 **A. Cristina Should Receive an Award of Attorney's Fees Pursuant to**
5 **Rule 54 of the Nevada Rules of Civil Procedure**

6 NRCP 54(d)(2) provides, in relevant part,

7 (2) *Attorneys Fees.*

8 (A) *Claim to Be by Motion.* A claim for attorney fees must be made
9 by motion. The district court may decide the motion despite the
existence of a pending appeal from the underlying final
judgment.

10 (B) *Timing and Contents of the Motion.* Unless a statute provides
11 otherwise, the motion must be filed no later than 20 days after
12 notice of entry of judgment is served; specify the judgment and
the statute, rule or other grounds entitling the movant to the
13 award; state the amount sought or provide a fair estimate of it;
and be supported by counsel's affidavit swearing that the fees
14 were actually and necessarily incurred and were reasonable,
documentation concerning the amount of fees claimed, and
15 points and authorities addressing appropriate factors to be
considered by the court in deciding the motion. The time for
16 filing the motion may not be extended by the court after it has
expired.

17 Here, there is no restriction on the time to request fees, because it is pursuant
18 to a *Notice of Appeal*, which has no notice of entry. Therefore, nothing limits
19 Cristina's request for preliminary fees to respond to Craig's appeal.

20 The Nevada Supreme Court recently determined in *Griffith v. Gonzalez-*
21 *Alpizar*,² that district courts have subject matter jurisdiction to award attorney's fees
22 *pendente lite* for the costs of an appeal, under NRS 125.040.

23 In analyzing the legislative history of NRS 125.040, the Supreme Court
24 focused on the phrase "suit for divorce," and concluded that appellate proceeding are
25 included under that definition, basing its decision on substantial precedent dating
26 back nearly 80 years. Specifically, the Court determined that a divorce action remains

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² 132 Nev. 392, 373 P.3d 86 (2016).

1 pending after entry of a divorce decree for purposes of enforcement, child custody
2 modifications, child support modifications, etc.

3 In this instance, it is believed that Craig is in a far superior financial position
4 given he runs a law firm, has retained counsel for this appeal, has avoided all
5 collection attempts made by Cristina, and owes her a third of a million dollars under
6 the *Decree* which awarded him very valuable property for which he has refused to
7 compensate Cristina. He has more than sufficient resources to provide Cristina with
8 a preliminary fee award on appeal. To be clear, Craig is the party challenging this
9 Court's legitimate orders and thus forcing Cristina, the prevailing party, to incur even
10 more fees defending against what we believe is a frivolous appeal.³

11 Given the issues involved on the appeal, and the probability of both substantial
12 briefing and oral argument, we believe a preliminary award of \$20,000 for
13 preliminary attorney's fees on appeal is appropriate under the circumstances. That
14 sum is highly unlikely to cover the cost of defending the appeal.

15 Further, attorney's fees may be awarded in a pre-or post-divorce motion under
16 NRS 125.150(3),⁴ and EDCR 7.60(b) provides:

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

...

- 20 (3) So multiplies the proceedings in a case as to increase
21 costs unreasonably and vexatiously.
22 (4) Fails or refuses to comply with these rules.

23
24 ³ Unfortunately, we see this quite often when one party is a far superior economic position
25 than the other. They abuse the appellate process as a financial bludgeon in the hopes that the other
26 party will simply give up and "stay down," or to further delay paying debts they know they owe.
Such behavior should not be permitted by this Court.

27 ⁴ See *Love v. Love*, 114 Nev. 572, 959 P.2d 523 (1998); *Wright v. Osburn*, 114 Nev. 1367,
970 P.2d 1071 (1998); *Halbrook v. Halbrook*, 114 Nev. 1455, 971 P.2d 1262 (1998); *Korbel v.*
28 *Korbel*, 101 Nev. 140, 696 P.2d 993 (1985); *Fletcher v. Fletcher*, 89 Nev. 540, 516 P.2d 103 (1973);
Leeming v. Leeming, 87 Nev. 530, 490 P.2d 342 (1971).

1 The Nevada Legislature amended NRS 18.010, dealing with awards of
2 attorney's fees. The revised rule states that fees may be awarded:

3 (b) Without regard to the recovery sought, when the court finds that the
4 claim, counterclaim, cross-claim or third-party complaint or defense of the
5 opposing party was brought or maintained without reasonable ground or to
6 harass the prevailing party. The court shall liberally construe the provisions of
7 this paragraph in favor of awarding attorney's fees in all appropriate situations.
8 It is the intent of the Legislature that the court award attorney's fees pursuant
9 to this paragraph and impose sanctions pursuant to Rule 11 of the Nevada
10 Rules of Civil Procedure in all appropriate situations to punish for and deter
11 frivolous or vexatious claims and defenses because such claims and defenses
12 overburden limited judicial resources, hinder the timely resolution of
13 meritorious claims and increase the costs of engaging in business and
14 providing professional services to the public.⁵

15 The general provision for fees, NRS 18.010, provides the statutory guidance
16 for what type of findings would support an award. The enumerated requirements
17 include claims made "without reasonable ground or to harass the prevailing party."
18 In short, although district courts "shall liberally construe" the provisions of the statute
19 in awarding fees, the rule has been sharpened to clearly target those acting without
20 a valid basis or to harass. Given that Craig is forcing Cristina to respond to his
21 appeal, despite the Court's detailed findings and orders denying his requested relief,
22 Cristina should be awarded the requested preliminary attorney's fees and costs.

23 It is not necessary under *Griffith* to establish a likelihood of prevailing on
24 appeal, but we believe that Cristina will be the prevailing party – if she can finance
25 defense of the appeal.⁶

26
27 ⁵ See also *Trustees v. Developers Surety*, 120 Nev. 56, 84 P.3d 59 (2004) (discussing the
28 legislative intent of the quoted language).

⁶ NRS 18.010(2).

1 **B. Disparity in Income**

2 The case law requires the Court to “consider” the disparity in the parties’
3 income pursuant to *Miller*⁷ and *Wright v. Osburn*.⁸ Therefore, parties seeking
4 attorney fees in family law cases must support their fee request with affidavits or
5 other evidence that meets the factors in *Brunzell*⁹ and *Wright*.¹⁰ We will provide the
6 *Brunzell* analysis below. As to *Wright*, the holding is minimal:

7 The disparity in income is also a factor to be considered in the award of
8 attorney fees. It is not clear that the district court took that factor into
consideration.¹¹

9 The Court did not hold that the decision of the award of attorney’s fees hinged on a
10 disparity in income. Only that it is one of the many factors that must be considered.
11 Here, we believe there is a disparity in the parties’ resources, since the divorce was
12 to equally divide the marital property, but Craig kept his half, *and* the equalizing
13 payment he was supposed to pay Cristina. He has the prior joint firm, the yacht, the
14 other real property, and other assets, and Cristina was forced to start over without the
15 money she was supposed to get from the divorce.

16
17 **C. Brunzell Factors**

18 With specific reference to Family Law matters, the Court has adopted
19 “well-known basic elements,” which in addition to hourly time schedules kept by the
20 attorney, are to be considered in determining the reasonable value of an attorney’s
21 services qualities, commonly referred to as the *Brunzell*¹² factors:

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23 ⁷ 121 Nev. 619, 119 P.3d 727 (2005).

24 ⁸ 114 Nev. 1367, 1370, 970 P.2d 1071, 1073 (1998).

25 ⁹ *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 455 P.2d 31 (1969).

26 ¹⁰ 114 Nev. 1367, 970 P.2d 1071 (1998).

27 ¹¹ *Id.* at 1370, 970 P.2d at 1073 (1998).

28 ¹² 85 Nev. 345, 349, 455 P.2d 31, 33 (1969).

1. *The Qualities of the Advocate*: his ability, his training, education, experience, professional standing and skill.
2. *The Character of the Work to Be Done*: its difficulty, its intricacy, its importance, time and skill required, the responsibility imposed and the prominence and character of the parties where they affect the importance of the litigation.
3. *The Work Actually Performed by the Lawyer*: the skill, time and attention given to the work.
4. *The Result*: whether the attorney was successful and what benefits were derived.

Each of these factors should be given consideration, and no one element should predominate or be given undue weight.¹³ Additional guidance is provided by reviewing the “attorney’s fees” cases most often cited in Family Law.¹⁴

The *Brunzell* factors require counsel to make a representation as to the “qualities of the advocate,” the character and difficulty of the work performed, the work actually performed by the attorney, and the result obtained.

First, respectfully, we suggest that the supervising counsel is A/V rated, a peer-reviewed and certified (and re-certified) Fellow of the American Academy of Matrimonial Lawyers, and a Certified Specialist in Family Law.¹⁵

Lorien K. Cole, the attorney who drafted this *Motion*, is a Certified Specialist in Family Law and practices under supervising counsel.

As to the “character and quality of the work performed,” we ask the Court to find our work in this matter to have been adequate, both factually and legally; we

¹³ *Miller v. Wilfong*, 121 Nev. 619, 119 P.3d 727 (2005).

¹⁴ Discretionary Awards: Awards of fees are neither automatic nor compulsory, but within the sound discretion of the Court, and evidence must support the request. *Fletcher v. Fletcher*, 89 Nev. 540, 516 P.2d 103 (1973); *Levy v. Levy*, 96 Nev. 902, 620 P.2d 860 (1980); *Hybarger v. Hybarger*, 103 Nev. 255, 737 P.2d 889 (1987).

¹⁵ Per direct enactment of the Board of Governors of the Nevada State Bar, and independently by the National Board of Trial Advocacy. Mr. Willick was privileged (and tasked) by the Bar to write the examination that other would-be Nevada Family Law Specialists must pass to attain that status.

1 have diligently reviewed the applicable law, explored the relevant facts, and believe
2 that we have properly applied one to the other.

3 The fees charged by paralegal staff are reasonable, and compensable, as well.
4 The tasks performed by staff in this case were precisely those that were “some of the
5 work that the attorney would have to do anyway [performed] at substantially less cost
6 per hour.”¹⁶ As the Nevada Supreme Court reasoned, “the use of paralegals and other
7 nonattorney staff reduces litigation costs, so long as they are billed at a lower rate,”
8 so ““reasonable attorney’s fees’ . . . includes charges for persons such as paralegals
9 and law clerks.”

10 Mallory Yeargan, the paralegal assigned to Cristina’s case, has been a paralegal
11 for over 17 years and has provided substantial assistance to WILLYCK LAW GROUP
12 staff in a variety of family law cases.

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28 ¹⁶ *LVMPD v. Yeghiazarian*, 129 Nev. 760, 312 P.3d 503 (2013), citing to *Missouri v. Jenkins*,
491 U.S. 274 (1989).

1 **IV. CONCLUSION**

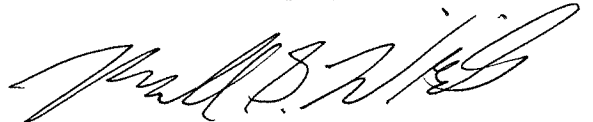
2 Based on the above, Cristina respectfully asks the Court to issue the following
3 orders:

- 4 1. Awarding Cristina *pendente lite* fees in the amount of \$20,000.
5 2. For such other and further relief this Court deems just and
6 appropriate.

7 **DATED** this 1st day of November, 2021.

8 Respectfully submitted by:

9 WILLICK LAW GROUP

10 

11 MARSHAL S. WILLICK, ESQ.
12 Nevada Bar No. 2515
13 LORIEN K. COLE, ESQ.
14 Nevada Bar No. 11912
15 3591 E. Bonanza Road, Suite 200
16 Las Vegas, Nevada 89110-2101
17 (702) 438-4100
18 Attorney for Plaintiff

[illegible]

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

EXECUTED this 1st day of November, 2021.

/s/ *Lorien K. Cole*

LORIEN K. COLE

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CERTIFICATE OF SERVICE

Pursuant to Rule 5(b), I certify that I am an employee of the WILICK LAW GROUP and that on this 1st day of November, 2021, I caused the documents entitled document to be served as follows:

- [X] Pursuant to EDCR 8.05(a), EDCR 8.05(f), Rule 5(b)(2)(D) and Administrative Order 14-2 captioned "In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court," by mandatory electronic service through the Eighth Judicial District Court's electronic filing system.
- [] By placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada.
- [] pursuant to EDCR 7.26, to be sent via facsimile, by duly executed consent for service by electronic means.
- [] Pursuant to Rule 5(b)(2)(D), by email by duly executed consent for service by electronic means.
- [] By hand delivery with signed Receipt of Copy.
- [] By First Class, Certified U.S. Mail.
- [] By placing same to be deposited for mailing in the United States Mail, Certified, Return Receipt Requested, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;

To the address, email address, and/or facsimile number indicated below:

Michael J. McAvoy-Amaya, Esq.
4539 Paseo Del Ray
Las Vegas, NV 89121
mmcavoyamayalaw@gmail.com

/s/ Mallory Yeargan

An Employee of the WILICK LAW GROUP

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DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

CRISTINA HINDS,
Plaintiff/Petitioner

-v.-

CRAIG A. MUELLER,
Defendant/Respondent

Case No. D-18-571065-D

Department C

**MOTION/OPPOSITION
FEE INFORMATION SHEET**

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

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

☐ **\$25** The Motion/Opposition being filed with this form is subject to the \$25 reopen fee.

-Or-

☒ **\$0** The Motion/Opposition being filed with this form is not subject to the \$25 reopen fee because:

☐ The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.

☐ The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.

☒ The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____.

☐ Other Excluded Motion (must specify) _____.

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

☒ **\$0** The Motion/Opposition being filed with this form is **not** subject to the \$129 or the \$57 fee because:

☐ The Motion/Opposition is being filed in a case that was not initiated by joint petition.

☐ The party filing the Motion/Opposition previously paid a fee of \$129 or \$57.

-Or-

☐ **\$129** The Motion being filed with this form is subject to the \$129 fee because it is a motion to modify, adjust or enforce a final order.

-Or-

☐ **\$57** The Motion/Opposition being filing with this form is subject to the \$57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of \$129.

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

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

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

Party filing Motion/Opposition: Willick Law Group Date: 11/1/21
/s/ Mallory Yeargan

Signature of Party or Preparer: _____

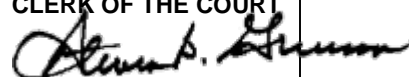
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DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
11/1/2021 3:57 PM
Steven D. Grierson
CLERK OF THE COURT



Cristina Hinds, Plaintiff
vs.
Craig Mueller, Defendant.

Case No.: D-18-571065-D

Department C

NOTICE OF HEARING

Please be advised that the Plaintiff's Motion for Preliminary Attorney's Fees and Costs in the above-entitled matter is set for hearing as follows:

Date: December 08, 2021

Time: No Appearance Required

Location: Courtroom 08
Family Courts and Services Center
601 N. Pecos Road
Las Vegas, NV 89101

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

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Cecilia Dixon
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

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

By: /s/ Cecilia Dixon
Deputy Clerk of the Court

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Cristina Hinds, Plaintiff
vs.
Craig Mueller, Defendant.

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

NOTICE OF HEARING

Please be advised that the Plaintiff's Motion for Preliminary Attorney's Fees and Costs in the above-entitled matter is set for hearing as follows:

Date: December 08, 2021

Time: 2:15 PM

Location: Courtroom 08
Family Courts and Services Center
601 N. Pecos Road
Las Vegas, NV 89101

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

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Cecilia Dixon
Deputy Clerk of the Court

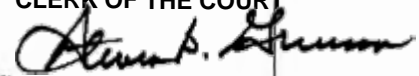
CERTIFICATE OF SERVICE

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

By: /s/ Cecilia Dixon
Deputy Clerk of the Court

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WRIT

Cristina Hinds, Esq.
Nevada Bar No 7014
600 South 8th Street
Las Vegas, Nevada 89101
(702) 940-1234
Representing herself in proper person

DISTRICT COURT

CLARK COUNTY, NEVADA

Cristina Hinds

Plaintiff(s),

-vs-

Craig Mueller

Defendant(s).

D-18-571065-D

CASE NO. ~~D-18-571065~~

DEPT. NO. C

WRIT OF EXECUTION

☐ Earnings ☒ Other Property
☐ Earnings, Order of Support

THE STATE OF NEVADA TO THE SHERIFF OF CLARK COUNTY, GREETINGS:

On August 26, 2021 a judgment, upon which there is due in United States
Currency the following amounts, was entered in this action in favor of Cristina Hinds as
judgment creditor and against Craig Mueller as judgment debtor. Interest and costs
have accrued in the amounts shown. Any satisfaction has been credited first against
total accrued interest and costs, leaving the following net balance, which sum bears

1 interest at 10% per annum, \$117.40 per day from issuance of this writ to date of levy
2 and to which sum must be added all commissions and costs of executing this Writ.
3
4

5 JUDGMENT BALANCE

5 AMOUNTS TO BE COLLECTED BY LEVY

6 Principal 380,129.00

NET BALANCE 428,493.95

7 Pre-judgment Interest _____

Fee this Writ 30.00

8 Attorney's Fee 0

Garnishment Fee 5.00

9 Costs 0

Mileage 0

10 JUDGMENT TOTAL 380,129.00

Levy Fee _____

11 Accrued Costs _____

Advertising _____

12 Accrued Interest 48,364.95

Storage _____

13 Less Satisfaction 0

Interest from _____

14 Date of Issuance _____

15 NET BALANCE 428,493.95

SUB-TOTAL _____

16 Commission _____

17 TOTAL LEVY 428,528.95

18 NOW, THEREFORE, you are commanded to satisfy the judgment for the total
19 amount due out of the following described personal property and if sufficient personal
20 property cannot be found, then out of the following described real property: MONIES
21 HELD BY MACAVOYAMAYA AND REVERO
22

23 (See below for exemptions which may apply)

24 **EXEMPTIONS WHICH APPLY TO THIS LEVY**

25 (Check appropriate paragraph and complete as necessary)

- 26 ☐ Property other than wages. The exemption set forth in NRS 21.090 or in
27 other applicable Federal Statutes may apply, consult an attorney.
28

☐ Earnings. The amount subject to garnishment and this writ shall not exceed for any one pay period the lesser of:

A. 25% of the disposable earnings due the judgment debtor for the pay period, or

B. The difference between the disposable earnings for the period and \$100.50 per week for each week of the pay period.

☐ Earnings (Judgment or Order of Support)

A Judgment was entered for amounts due under a decree or order entered on _____, 20_____, by the _____ for support of _____, for the period from _____, 20_____, through _____, 20_____, in _____ installments of \$_____.

The amount of disposable earnings subject to garnishment and this writ shall not exceed for any one pay period:

☐ A maximum of 50 percent of the disposable earnings of such judgment debtor who is supporting a spouse or dependent child other than the dependent named above;

☐ A maximum of 60 percent of the disposable earnings of such judgment debtor who is not supporting a spouse or dependent child other than the dependent named above;

☐ Plus an additional 5 percent of the disposable earnings of such judgment debtor if and to extent that the judgment is for support due for a period of time more than 12 weeks prior to the beginning of the work period of the judgment debtor during which the levy is made upon the disposable earnings.

NOTE: Disposable earnings are defined as gross earnings less deductions for Federal Income Tax Withholding, Federal Social Security Tax and Withholding for any State, County or City Taxes.

1 You are required to return this Writ from date of issuance not less than 10 days
2 or more than 60 days with the results of your levy endorsed thereon.

3 STEVEN D. GRIERSON
4 CLERK OF COURT

5 By:

6 Deputy Clerk Date

7 Submitted By:

8 *instu HWS*

9 RETURN

- 10 ☐ Not satisfied \$ _____
- 11 ☐ Satisfied in sum of \$ _____
- 12 ☐ Costs retained \$ _____
- 13 ☐ Commission retained \$ _____
- 14 ☐ Costs incurred \$ _____
- 15 ☐ Commission incurred \$ _____
- 16 ☐ Costs Received \$ _____

17 REMITTED TO \$ _____

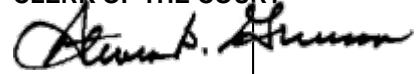
18 JUDGMENT CREDITOR

19 DOUG GILLESPIE, SHERIFF
20 CLARK COUNTY

21 By: _____
22 Deputy Date

32

32



MCAVOY AMAYA & REVERO ATTORNEYS

MICHAEL J. MCAVOYAMAYA, ESQ.

Nevada Bar No.: 14082

1100 E. Bridger

Las Vegas, Nevada 89101

Telephone: (702) 299-5083

mike@mrlawlv.com

Attorney for Defendant

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

CHRISTINA HINDS,

Plaintiff,

vs.

CRAIG MUELLER,

Defendant.

CASE NO.: D-18-571065-D
DEPT. NO: C

**DEFENDANT'S OPPOSITION TO
PLAINTIFF'S MOTION FOR
PRELIMINARY ATTORNEY'S
FEES AND COSTS**

COMES NOW, Defendant, by and through his attorney of record, MICHAEL MCAVOYAMAYA, ESQ., and hereby brings this Opposition to Plaintiff's Motion for Preliminary Attorney Fees and Costs.

This opposition is made and based upon the filings, the memorandum of points and authorities submitted herewith, and the affidavits and exhibits attached hereto.

Dated this 22nd day of November, 2021.

/s/ Michael J. Mcavaoyamaya

MICHAEL J. MCAVOYAMAYA, ESQ.

Nevada Bar No.: 14082

1100 E. Bridger

Las Vegas, Nevada 89101

Telephone: (702) 299-5083

mike@mrlawlv.com

Attorney for Defendant

I. INTRODUCTION.

A. PLAINTIFF HAS NOT PROVIDED EVIDENCE OF HER FINANCIAL CONDITION AND AS SUCH THIS COURT CANNOT AWARD ATTORNEY'S FEES PURSUANT TO NRS 125.040.

1. In any suit for divorce the court may, in its discretion, upon application by either party and notice to the other party, require either party to pay moneys necessary to assist the other party in accomplishing one or more of the following:

- See Nev. Rev. Stat. Ann. § 125.040 (emphasis added).*

Here, Plaintiff has provided no evidence of argument relating to Christina's financial condition. Rather, at best, Christina's Motion argues only that "it is believed that Craig is in a far

1 superior financial position given he runs a law firm, has retained counsel for this appeal, has
2 avoided all collection attempts made by Cristina, and owes her a third of a million dollars under
3 the *Decree* which awarded him very valuable property for which he has refused to compensate
4 Cristina.” *See* Pltf’s Mot. Prel. Atty Fees, at 5:3-10. According to Cristina, Craig “He has more
5 than sufficient resources to provide Cristina with a preliminary fee award on appeal.” *Id.*

6 Christina has, however, not supported this position with any financial disclosure, or other
7 documentation showing that she is in a superior financial position. With regards to the fact that
8 Craig “runs a law firm,” Christina also runs her own law firm, and undersigned counsel is involved
9 in a separate case where Christina is plaintiff’s counsel. *See* Complaint, *Hoff v. Halcyon, et al*,
10 attached as **Exhibit 1**, at 1. As such, there does not appear to be any reasonable basis for Christina
11 to assert that Craig is in a superior financial condition, especially considering that Christina took
12 Craig’s sole property that might have been used to pay such fees if they were warranted. *See* Order,
13 7/26/2021, at 28:12-19. Further, Christina has filed a Writ of Execution of the \$380,129.00
14 judgment. *See* Writ of Execution, attached as **Exhibit 2**, at 2. Plaintiff is seeking to collect on the
15 judgment via the Sheriff already. *Id.* Any funds Craig has able to satisfy the judgment are being
16 sought via Writ of Execution. *Id.* To award pendent lite attorney’s fees under these circumstances,
17 given Craig’s past and present inability to pay the judgment, would be an exercise in futility. In
18 any event, because Christina has failed to provide evidence of disparity in income, given she
19 currently runs her own law firm, this Court cannot effectively consider the parties’ disparities in
20 income for the purpose of granting *pendant lite* fees related to the appeal, and the request should
21 be denied.

22 **B. No Other Statutes Warrant Granting Of Attorney’s Fees.**

23 Christina also argues that NRS 125.150, NRS 18.010 and EDCR 7.60(b) as justifying
24 *pendent lite* attorney’s fees in this matter. *See* Pltf’s Mot. Prel. Atty Fees, at 5-9. NRS 125.150 are
25 post judgment attorney’s fees that have already been denied because Plaintiff missed the deadline.
26 Attorney’s fees pursuant to NRS 18.010 and EDCR 7.60 are for sanctioning a party for bad faith
27 litigation. This Court is reminded that it found that Plaintiff breached the MSA, and regardless of
28 this Court’s determination of who was the prevailing party, this Court granted Defendant an offset

1 from the money Plaintiff took that was Defendant's sole property. *See* Order, 7/26/2021, at 28:12-
2 19. As such, Defendant did not bring this action, or the appeal in bad faith and attorney's fees are
3 not awardable under either statute or rule.

4 **II. CONCLUSION.**

5 Therefore, based on the foregoing, Defendant respectfully requests this Court **DENY**
6 Plaintiff's Motion for Preliminary Attorney's Fees.

7 Dated this 22nd day of November 2021.

8
9 /s/ Michael J. Mcavoyamaya

10 _____
11 MICHAEL J. MCAVOYAMAYA, ESQ.
12 Nevada Bar No.: 14082
13 1100 E. Bridger
14 Las Vegas, NV, 89101
15 Telephone: (702) 299-5083
16 mike@mrlawlv.com
17 *Attorney for Defendant*
18
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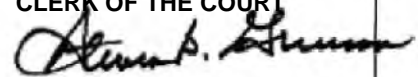
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WILLICK LAW GROUP
MARSHAL S. WILLICK, ESQ.
 Nevada Bar No. 2515
 3591 E. Bonanza Road, Suite 200
 Las Vegas, NV 89110-2101
 Phone (702) 438-4100; Fax (702) 438-5311
email@willicklawgroup.com
 Attorneys for Plaintiff

/s/ Michael J. Mcavoyamaya

RA001547

Exhibit 1



CRISTINA A. HINDS, ESQ.
Nevada Bar No. 7014
HINDS INJURY LAW LAS VEGAS LLC
600 S. Eighth Street
Las Vegas, NV 89101
(702) 940.1234 Telephone
(702) 940.1236 Facsimile
cristina@hindsinjurylawlasvegas.com
paralegal@hindsinjurylawlasvegas.com
Attorney for Plaintiffs,
WILLIAM HOFF an individual, and
GHANIMA MAASSARANI, an individual

DISTRICT COURT

CLARK COUNTY, NEVADA

WILLIAM HOFF an individual, and
GHANIMA MAASSARANI, an individual,

Plaintiffs,

vs.

CHARLES M. FOX, an individual, MEGAN
A. FOX, an individual, HALCYON SILVER,
LLC, a Nevada Limited Liability Company
dba METROPOLITAN AUTO BODY AND
PAINT, and METRO RENTAL CARS,
whose legal formation is unknown, DOES 1-
20 and ROE Corporations 1-20, inclusive,

Defendants.

CASE NO.: A-19-797540-C
DEPT NO.: 29

FIRST AMENDED COMPLAINT

COMES NOW, Plaintiffs WILLIAM HOFF an individual, and GHANIMA MAASSARANI,
and individual, by and through their attorney, CRISTINA A. HINDS, ESQ., of the law firm HINDS
INJURY LAW LAS VEGAS LLC, and hereby complain and allege as follows:

1 **PARTIES AND JURISDICTION**

- 2 1. Plaintiffs William Hoff and Ghanima Maassarani (Ms. Maassarani) are individuals who reside in
3 Las Vegas, Nevada.
- 4 2. William Hoff and Ghanima Maassarani are a married couple.
- 5 3. Plaintiffs are informed and believe that Defendant Halcyon Silver, LLC (Halcyon) is a Nevada
6 limited liability company with its principal place of business in Las Vegas, Nevada.
- 7 4. Plaintiffs are informed and believe that Halcyon is managed by two members Megan A. Fox and
8 Charles M. Fox (Defendant C. Fox).
- 9 5. Plaintiffs are informed and believe that Defendant Halcyon Silver, LLC is doing business and
10 Metropolitan Auto Body and Paint (MABP) in Las Vegas, Nevada.
- 11 6. Plaintiffs are informed and believe that MABP is in the business of auto repair and auto body shop
12 and is currently licensed by the Nevada Department of Motor Vehicles.
- 13 7. The Plaintiffs are informed and believe that Defendant US Choice Auto Systems (US Choice)
14 does not operate under any formal legal entity or DBA.
- 15 8. The Plaintiffs are informed and believe that Defendant Metro Rental Cars does not operate under
16 any legal entity.
- 17 9. The true names and capacities of DOE Defendants 1-20, inclusive, are unknown to Plaintiffs and
18 Plaintiffs therefore sue these Defendants under fictitious names pursuant to Nevada Revised
19 Statutes ("NRS") §§ 11.010, et seq. Plaintiffs are informed and believe and thereon allege that
20 each of the Defendants designated as a Doe is legally responsible for the acts and omissions
21 described herein and legally caused the injury and damages to Plaintiffs which are the subject of
22 this action.
- 23 10. The true names and capacities of ROE Defendants 1-20, inclusive, are unknown to Plaintiffs, and
24 Plaintiffs therefore sue these Defendants under fictitious names pursuant to NRS §§ 11.010, et seq.
25 and 12.010, et seq. Plaintiffs are informed and believe and thereon allege that each of the
26 Defendants designated as a ROE is legally entitled and maintains standing to bring an action for
27 the acts and omissions described herein, which legally caused the injury and damages to Plaintiffs,
28 which are the subject of this action.

26 **FACTUAL ALLEGATIONS APPLICABLE TO ALL CAUSES OF ACTION**

- 27 11. Plaintiff Ms. Massarani is the owner of a white 2017 Tesla VIN 5YJSA1E27HF210260 (White
28 Tesla) and a red Tesla (Red Tesla) VIN 5YJSA1E21HF198381. The White Tesla was purchased
as a new car for approximately \$117,642.00.

- 1 12. On or about the 17th day of October, 2018, Mr. Hoff was involved in a collision in the white Tesla
2 whereby he was rear ended by another vehicle. Generally, the white Tesla sustained damages to
3 the rear body panel and the lift gate.
- 4 13. After the accident, Mr. Hoff contacted his Tesla dealer to find an authorized Tesla repair center.
5 He was provided with the name and address of Exoticar Paintworks at 2901 S. Highland Dr. #10,
6 E. Las Vegas, NV 89109.
- 7 14. Mr. Hoff thereafter mistakenly drove to MABP located at 2901 S. Highland Dr., 3-H, Las Vegas,
8 NV 89109, which is just behind the recommended authorized Tesla auto body repair.
- 9 15. When Mr. Hoff went inside MABP on or about November 13, 2018, Mr. Hoff directly asked
10 Defendant Charles Fox if MABP was an authorized Tesla repair center.
- 11 16. Defendant C. Fox specifically stated to William Hoff that MABP was an authorized Tesla repair
12 center.
- 13 17. The parties then agreed that MABP would repair the white Tesla. Defendant C. Fox did not
14 request Mr. Hoff to sign a Work Authorization, and Mr. Hoff did not sign a written agreement.
15 Further, Mr. Hoff did not request an estimate for repairs because the car repairs were being paid
16 by the other party's insurance company as a result of the car accident.
- 17 18. At that time, Defendant C. Fox represented to Mr. Hoff that he also owned a car rental facility and
18 offered to rent the Plaintiffs a car. The Plaintiff's then rented a Jeep from Defendant C. Fox from
19 a company called US Choice Auto Rental Systems on or about November 13, 2018. Exhibit 1 is a
20 copy of said rental agreement. There is no rental fee indicated on the contract.
- 21 19. During this November 13, 2018 meeting, the parties discussed repairs to be done to the Red Tesla.
22 The Red Tesla was not present. The parties agreed that MABP would perform repairs to the Red
23 Tesla, and Mr. Hoff signed a work order on November 13, 2018. Exhibit 2 is a copy of the Work
24 Authorization, and Exhibit 3 is the invoice for said repairs.
- 25 20. After the White Tesla was being repaired at MABP, on or about December 12, 2019 Mr. Hoff
26 became aware that MABP was not an authorized Tesla repair center.
- 27 21. Mr. Hoff never brought the Red Tesla to MABP when he realized that MABP was not an
28 authorized Tesla repair center, the Red Tesla was never brought to MABP, and no work was ever
performed on the Red Tesla.
22. The repairs to the White Tesla were taking much, much longer than anticipated. Mr. Hoff directly
asked Defendant C. Fox why the repairs were taking so long, and Defendant C. Fox stated that he
was waiting for parts to arrive.

- 1 23. Mr. Hoff called Tesla directly, and Tesla stated that the parts come from California and should be
2 ready in a matter of three weeks.
- 3 24. The repairs to the White Tesla were finally completed some six (6) months later on or about May
4 14, 2019, Mr. Hoff and Ms. Maassarani returned the rental car to Defendant C. Fox on that date.
- 5 25. A check was issued by the insurance company on or about October 12, 2018 in the amount of
6 \$5,629.00 to Ms. Maassarani, who then issued a check to MABP in the same amount plus an
7 additional \$600 for painting the rims on the White Tesla as payment in full for all work performed
8 on the White Tesla.
- 9 26. MABP accepted the repair check for the full amount of the White Tesla repairs, but Defendant C.
10 Fox on behalf of MABP and/or US Choice refused to release the White Tesla because rental fees
11 in the amount of \$13,443.95 for the Jeep were owed.
- 12 27. A bill from "Metro Rental Cars" was provided to Mr. Hoff in the amount of \$13,433.95. Exhibit
13 4. The bill directs payment to be made to "Metropolitan Auto Body and Paint."
- 14 28. Mr. Hoff contacted the insurance company who refused to pay \$13,433.95 car rental bill.
- 15 29. On or about the 29th day of May, 2019, Defendant C. Fox on behalf of MABP and/or U.S. Choice
16 informed Mr. Hoff that he was selling the White Tesla for the unpaid \$13,433.95 car rental fees.
- 17 30. Mr. Hoff contacted the insurance company, who ultimately agreed to pay the rental fees in full the
18 day before the White Tesla was to be auctioned off.
- 19 31. The insurance company issued a check in the amount of \$13,433.95 directly to MABP for the
20 rental fees.
- 21 32. MABP accepted the check but refused to release the White Tesla. Defendant C. Fox told Mr. Hoff
22 that he was not going to release the White Tesla because there was still a balance owed. Defendant
23 C. Fox told Mr. Hoff that he applied the \$600.00 Mr. Hoff paid for painting the rims on the White
24 Tesla to the balance owed on the Red Tesla. Thus, Defendant C. Fox contended that he would not
25 release the White Tesla because money was still owed on the Red Tesla.
- 26 33. There was a signed Work Authorization for the Red Tesla, but no work was ever performed on
27 that car, and it was never delivered to MABP.
- 28 34. Mr. Hoff discovered that the Tesla parts Defendant C. Fox is attempting to charge him for "were
ordered on two separate occasions but were never picked up so [Tesla] had cancelled the tickets." Exhibit 5 is a copy of an email from a Mr. Dahlin Chalk at Tesla parts to Mr. Hoff explaining this.

1 35. Further, Defendant C. Fox is attempting to charge Mr. Hoff for work that was impossible to have
2 done on the red Tesla given that the Red Tesla was never in the MABP's possession. Exhibit 3 is
3 a copy of the bill for the Red Tesla which MABP is attempting to collect. It indicates a \$5.00
hazardous waste disposal fee and \$564.24 for paint that was never used.

4 36. Mr. Hoff has made numerous demands both in person and in writing to obtain the White Tesla, but
5 MABP refuses to return the White Tesla despite the fact MABP was paid in full for repairs.
6 Exhibit 7 is a copy of an email from Mr. Hoff to MABP asking for the White Tesla to be returned.
7 Exhibit 8 is a copy of the Police Contact Card from when Mr. Hoff sought assistance in getting the
White Tesla returned.

8 37. Plaintiff is informed and believes that because MABP is not an authorized Tesla repair center, and
9 it performed work on the White Tesla, the factory warranty on the White Tesla is voided. Exhibit
10 9 is a copy of the Tesla New Vehicle Limited Warranty. Page 7 specifically states that the
11 warranty, "does not cover any vehicle damage...including but not limited to Any repair, alteration
or modification of the vehicle that was made inappropriately, or the installation or use of fluids,
parts, or accessories, made by a person or facility not authorized to do so."

12 38. Plaintiff is informed and believes that Tesla will not sell frame parts to unauthorized Tesla repair
13 centers. There was frame damage to the White Tesla, and Plaintiff believes that because MABP
14 would not secure parts, MABP welded the White Tesla's aluminum frame, which Plaintiff has
15 been informed cannot be welded because it effects the structural integrity of the frame. As such,
16 Plaintiff wants MABP to pay for an inspection to ensure the repairs were done safely and
correctly.

17 **FIRST CAUSE OF ACTION**
18 **(BREACH OF CONTRACT)**

19 39. Plaintiffs reallege and incorporate the allegations of Paragraphs 1 through 38 above, inclusive, as
20 though fully set forth herein.

21 40. On or about November 13, 2018, Plaintiffs and MABP entered into an agreement for repair of the
22 White Tesla.

23 41. The Defendants allege that said work on the White Tesla has been completed.

24 42. The Plaintiff have performed all obligations under the contract for repair of said car, including
25 payment in full for repair.

26 43. All conditions precedent to the obligations of Plaintiff have been met.

27 44. Defendants breached their obligations by acts and omissions, including, but not limited to, the
28 failure and refusal to timely fulfill their obligations pursuant to the parties' car repair agreement by
releasing the vehicle.

1 45. As a direct and proximate result of said Defendants breaches of the Agreement, Plaintiffs have
2 suffered damages, in an amount to be proven at the time of trial, and in an amount in excess of
3 \$15,000, plus penalties and interest thereon at the contractual rate.

4 **SECOND CAUSE OF ACTION**
5 **(MISREPRESENTATION)**

6 46. Plaintiffs reallege and incorporate the allegations of Paragraphs 1 through 45 above, inclusive, as
7 though fully set forth herein.

8 47. Defendant C. Fox specifically represented to Mr. Hoff that MABP was an authorized Tesla repair
9 center.

10 48. Plaintiffs are informed and believe and thereon allege that a reasonable person acting in the
11 capacity of an auto body repair shop would have truthfully and accurately informed Plaintiffs of
12 the true facts that they were not authorized to repair the White Tesla.

13 49. Plaintiffs reasonably and justifiably relied upon these false representations of C. Fox. In reliance
14 upon these false representations and promises, Plaintiffs left the car at MABP to be repaired.

15 50. As a direct and proximate result of Plaintiffs' reliance upon Defendants' misrepresentations,
16 Plaintiffs have suffered substantial economic injury, including diminution in value of the car and
17 loss of warranty. Said economic injury and damages total an amount to proved at the time of trial
18 and collectively aggregate in excess of \$15,000.00.

19 51. As a direct and proximate result of Defendant breaches of duty, tortious acts, omissions,
20 statements, and wrongful conduct, Plaintiffs have suffered substantial economic injury, including
21 but not limited to the complete loss of car's warranty. Said economic injury and damages total an
22 amount to be proved at the time of trial and collectively aggregate in excess of \$15,000. Further,
23 said damages include attorneys' fees and costs recoverable pursuant to NRS 86.489.

24 52. In addition, Defendants, in engaging in the above described conduct, has been guilty of fraud and
25 oppression as those terms are used in NRS 42.005. Accordingly, Plaintiff is entitled to an award of
26 exemplary or punitive damages in an amount calculated to punish said Defendant and to make an
27 example of them.

28 **THIRD CAUSE OF ACTION**
(NEGLIGENCE)

53. Plaintiffs reallege and incorporate the allegations of Paragraphs 1 through 52 above, inclusive, as
though fully set forth herein.

54. Plaintiffs are informed and believe and thereon allege that the Defendant's conspired to make the
repairs last as long as possible so that the car rental fees would be as high as possible.

1 55. Defendants owed Plaintiff a duty of care to complete the repairs in a timely manner.

2 56. By virtue of Defendant's conduct with respect to intentionally taking months to repair the car,
3 charging rental fees not stated in the contract, and refusing to release the White Tesla, they failed
4 to fulfill their obligations to Plaintiffs, and Defendants breached their duties of care owed to
Plaintiffs.

5 57. Plaintiffs are further informed and believes and thereon alleges that Defendant Harcourt Nevada
6 breached its duties of care owed to Plaintiffs, by failing to repair the car in a reasonable manner,
7 resulting in substantial delays, all to cause exorbitant rental fees.

8 58. As a direct and proximate result of Defendants breaches of duty, tortious acts, omissions, and
9 wrongful conduct, Plaintiffs have suffered substantial economic injury. Said economic injury and
10 damages total an amount to be proved at the time of trial and collectively aggregate in excess of
the jurisdiction minimum of this Court.

11 59. As a natural and direct result of this intentional conduct and by refusing to release the White Tesla,
12 it was a natural and proximate consequence that Plaintiffs would need to seek counsel to get their
13 car back, thus an award of attorney's fees as special damages is appropriate.

14 **FOURTH CAUSE OF ACTION**
15 **(FRAUD)**

16 60. Plaintiffs reallege and incorporate the allegations of Paragraphs 1 through 59 above, inclusive, as
though fully set forth herein.

17 61. Defendants, and each of them, promised Plaintiffs, verbally, that MABP was an authorized Tesla
18 repair center.

19 62. As a result of this representation, Plaintiff left the White Tesla at MABP for repairs.

20 63. These false representations were material in nature, as the Tesla warranty is dependent upon work
21 being performed by an authorized Tesla repair center.

22 64. Plaintiffs are informed and believe and thereon allege that Defendants C. Fox and MABP knew of
23 the falsity of their representations and promises.

24 65. In making these false representations and promises, Plaintiff relief upon such statements to leave
25 the car for repair and therefore induced Plaintiffs to leave the car for repair.

26 66. Plaintiffs reasonably and justifiably relied upon these false representations made by Defendant C.
27 Fox on behalf of themselves and all Defendants.
28

1 67. As a direct and proximate result of Plaintiffs' reliance upon Defendants' fraudulent statements,
2 Plaintiffs have suffered substantial economic injury. Said economic injury and damages total an
3 amount subject to proof at the time of trial and collectively aggregate in excess of the
jurisdictional minimum of this Court.

4 68. By virtue of the above described conduct, Defendants, and each of them, engaged in deceptive
5 trade practices in the course of their business pursuant to NRS 598.0915. Accordingly, Plaintiffs
6 are victims of "consumer fraud" as that term is used in NRS 41.600, and Plaintiffs are therefore
7 entitled to an award of damages sustained, costs in this action and reasonable attorney's fees
against said Defendants.

8 69. In addition, Defendants, and each of them, in engaging in the above described conduct, have been
9 guilty of fraud and oppression as those terms are used in NRS 42.005. Accordingly, Plaintiffs are
10 entitled to an award of exemplary or punitive damages in an amount calculated to punish said
Defendants and to make an example of them.

11 **FIFTH CAUSE OF ACTION**
12 **(BREACH OF IMPLIED COVENANT OF GOOD FAITH AND FAIR DEALING)**

13 70. Plaintiffs reallege and incorporate the allegations of Paragraphs 1 through 69 above, inclusive, as
14 though fully set forth herein.

15 71. By virtue of the oral representation that MABP was an authorized Tesla repair center and the
16 agreement to repair the White Tesla, Plaintiffs and Defendant entered into special relationships
17 wherein Defendant maintained a superior and entrusted position.

18 72. Plaintiffs and Defendant therefore entered into implied covenants of good faith and fair dealing in
19 performing their respective obligations pursuant to the oral representation, Car Rental Agreement,
and Work Authorization.

20 73. Under the implied covenant of good faith and fair dealing, Defendant was required to act in a
21 manner that is faithful to the purpose of the oral representation, Car Rental Agreement and Work
22 Authorization and the justified expectations of Plaintiffs.

23 74. Defendant breached its obligations under the oral representations, Car Rental Agreement, and
24 Work Authorization by acts and omissions, including, but not limited to, the failure or refusal to
timely fulfill its obligations to repair the car.

25 75. Defendant breached its obligations under the Work Authorization by acts and omissions,
26 including, but not limited to, the failure to timely repair the car for the sole purpose of creating
27 higher car rental fees and by refusing to release the car to Plaintiffs despite the fact that MABP has
28 been paid in full.

1 76. Beginning in or about November 2018, and continuously thereafter, Plaintiffs have made repeated
2 demands on Defendant, both in writing and in person for Defendant to timely fulfill its obligations
3 by releasing the White Tesla. Notwithstanding said demands, Defendant continues to refuse or
4 has otherwise failed to timely perform its obligations under the Work Authorization by refusing to
release the White Tesla to Plaintiffs.

5 77. Defendant's continuous breaches and ongoing refusals to timely perform its obligations under the
6 Operating Agreement and were deliberate and countervene the intention and spirit of the
agreements.

7 78. By virtue of such conduct, Defendant breached its obligations and covenant of good faith and fair
8 dealing owed pursuant to the agreement to repair the car, Work Authorization and Car Rental
9 Agreement.

10 79. As a direct and proximate result of Defendants' tortious acts, omissions, and wrongful conduct,
11 Plaintiffs have suffered substantial economic injury. Said economic injury and damages total an
amount to be proved at the time of trial and collectively aggregate in excess of \$15,000.

12 80. In addition, Defendants, and each of them, in engaging in the above described conduct, have been
13 guilty of fraud and oppression as those terms are used in NRS 42.005. Accordingly, Plaintiff is
14 entitled to an award of exemplary or punitive damages in an amount calculated to punish said
Defendants and to make an example of them.

15
16 **SIXTH CAUSE OF ACTION**
(FRAUDULENT INDUCEMENT)

17 81. Plaintiffs reallege and reincorporate by reference each and every allegation contained in
18 Paragraphs 1 through 80 as if set forth herein.

19 82. In order to obtain William Hoff's business for the White Tesla repair and in order to rent Plaintiffs
20 a vehicle, Defendant C. Fox represented that MABP was an authorized Tesla repair center.

21 83. This representation was knowingly false when made and were solely made to induce Mr. Hoff to
22 leave his car for Mr. Hoff to fix.

23 84. Mr. Hoff was damaged as a direct result of MABP's inducement to get him to allow MABP to
24 repair the car.

25 85. As a direct and proximate result of Defendants' tortious acts, omissions, and wrongful conduct,
26 Plaintiffs have suffered substantial economic injury. Said economic injury and damages total an
27 amount to be proved at the time of trial and collectively aggregate in excess of \$15,000.
28

1 86. In addition, Defendants, and each of them, in engaging in the above described conduct, have been
2 guilty of fraud and oppression as those terms are used in NRS 42.005. Accordingly, Plaintiff is
3 entitled to an award of exemplary or punitive damages in an amount calculated to punish said
4 Defendants and to make an example of them.

5 **SEVENTH CAUSE OF ACTION**
6 **(CONSPIRACY)**

7 87. Plaintiffs reallege and reincorporate by reference each and every allegation contained in
8 Paragraphs 1 through 86 as if set forth herein.

9 88. Defendants, by concerted action, agreed with each other to falsely hold MABP as an authorized
10 Tesla repair center in order to obtain the Plaintiffs, to rent the Plaintiffs a vehicle, and to make
11 repairs take as long as possible to charge the most money for the rental car.

12 89. Plaintiffs were damaged as a result of this conduct.

13 90. As a direct and proximate result of Defendants' tortious acts, omissions, and wrongful conduct,
14 Plaintiffs have suffered substantial economic injury. Said economic injury and damages total an
15 amount to be proved at the time of trial and collectively aggregate in excess of \$15,000.

16 91. In addition, Defendants, and each of them, in engaging in the above described conduct, have been
17 guilty of fraud and oppression as those terms are used in NRS 42.005. Accordingly, Plaintiff is
18 entitled to an award of exemplary or punitive damages in an amount calculated to punish said
19 Defendants and to make an example of them.

20 **PRAYER FOR RELIEF**

21 WHEREFORE, Plaintiffs, and each of them, respectfully request that the Court enter judgment
22 against Defendants, and each of them, as follows:

- 23 1. For compensatory damages against Defendants in an amount to be ascertained at the time of trial;
24 2. For exemplary or punitive damages pursuant to NRS 42.005;
25 3. For damages sustained, costs in this action, and reasonable attorney's fees pursuant to NRS 41.600;

26 ///

27 ///

28 ///

1 4. For such further relief and remedy as this Court deems just and proper.

2 DATED this 5th day of July, 2019.

3 HINDS INJURY LAW LAS VEGAS LLC

4
5 /s/ Cristina A. Hinds, Esq.

6 CRISTINA A. HINDS, ESQ.

7 Nevada Bar No. 7014

8 600 South Eighth Street

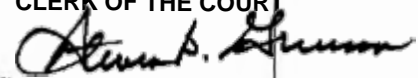
9 Las Vegas, Nevada 89101

10 *Attorney for Plaintiffs,*

11 *WILLIAM HOFF an individual, and*

12 *GHANIMA MAASSARANI, an individual*

Exhibit 2



WRIT

Cristina Hinds, Esq.
Nevada Bar No 7014
600 South 8th Street
Las Vegas, Nevada 89101
(702) 940-1234
Representing herself in proper person

DISTRICT COURT

CLARK COUNTY, NEVADA

Cristina Hinds

Plaintiff(s),

-vs-

Craig Mueller

Defendant(s).

D-18-571065-D

CASE NO. ~~D-18-571065~~

DEPT. NO. C

WRIT OF EXECUTION

☐ Earnings ☒ Other Property
☐ Earnings, Order of Support

THE STATE OF NEVADA TO THE SHERIFF OF CLARK COUNTY, GREETINGS:

On August 26, 2021 a judgment, upon which there is due in United States
Currency the following amounts, was entered in this action in favor of Cristina Hinds as
judgment creditor and against Craig Mueller as judgment debtor. Interest and costs
have accrued in the amounts shown. Any satisfaction has been credited first against
total accrued interest and costs, leaving the following net balance, which sum bears

1 interest at 10% per annum, \$117.40 per day from issuance of this writ to date of levy
2 and to which sum must be added all commissions and costs of executing this Writ.
3
4

5 JUDGMENT BALANCE

5 AMOUNTS TO BE COLLECTED BY LEVY

6 Principal 380,129.00

NET BALANCE 428,493.95

7 Pre-judgment Interest _____

Fee this Writ 30.00

8 Attorney's Fee 0

Garnishment Fee 5.00

9 Costs 0

Mileage 0

10 JUDGMENT TOTAL 380,129.00

Levy Fee _____

11 Accrued Costs _____

Advertising _____

12 Accrued Interest 48,364.95

Storage _____

13 Less Satisfaction 0

Interest from _____

14 Date of Issuance _____

15 NET BALANCE 428,493.95

SUB-TOTAL _____

16 Commission _____

17 TOTAL LEVY 428,528.95

18 NOW, THEREFORE, you are commanded to satisfy the judgment for the total
19 amount due out of the following described personal property and if sufficient personal
20 property cannot be found, then out of the following described real property: MONIES
21 HELD BY MACAVOYAMAYA AND REVERO
22

23 (See below for exemptions which may apply)

24 **EXEMPTIONS WHICH APPLY TO THIS LEVY**

25 (Check appropriate paragraph and complete as necessary)

- 26 ☐ Property other than wages. The exemption set forth in NRS 21.090 or in
27 other applicable Federal Statutes may apply, consult an attorney.
28

☐ Earnings. The amount subject to garnishment and this writ shall not exceed for any one pay period the lesser of:

A. 25% of the disposable earnings due the judgment debtor for the pay period, or

B. The difference between the disposable earnings for the period and \$100.50 per week for each week of the pay period.

☐ Earnings (Judgment or Order of Support)

A Judgment was entered for amounts due under a decree or order entered on _____, 20_____, by the _____ for support of _____, for the period from _____, 20_____, through _____, 20_____, in _____ installments of \$_____.

The amount of disposable earnings subject to garnishment and this writ shall not exceed for any one pay period:

☐ A maximum of 50 percent of the disposable earnings of such judgment debtor who is supporting a spouse or dependent child other than the dependent named above;

☐ A maximum of 60 percent of the disposable earnings of such judgment debtor who is not supporting a spouse or dependent child other than the dependent named above;

☐ Plus an additional 5 percent of the disposable earnings of such judgment debtor if and to extent that the judgment is for support due for a period of time more than 12 weeks prior to the beginning of the work period of the judgment debtor during which the levy is made upon the disposable earnings.

NOTE: Disposable earnings are defined as gross earnings less deductions for Federal Income Tax Withholding, Federal Social Security Tax and Withholding for any State, County or City Taxes.

1 You are required to return this Writ from date of issuance not less than 10 days
2 or more than 60 days with the results of your levy endorsed thereon.

3 STEVEN D. GRIERSON
4 CLERK OF COURT

5 By:

6 Deputy Clerk

Date

7 Submitted By:

8 *instu HWS*

9 RETURN

10 ☐ Not satisfied \$ _____

11 ☐ Satisfied in sum of \$ _____

12 ☐ Costs retained \$ _____

13 ☐ Commission retained \$ _____

14 ☐ Costs incurred \$ _____

15 ☐ Commission incurred \$ _____

16 ☐ Costs Received \$ _____

17 REMITTED TO \$ _____
18 JUDGMENT CREDITOR

19 DOUG GILLESPIE, SHERIFF
20 CLARK COUNTY

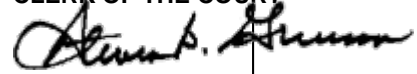
21 By:

22 Deputy

23 Date

33

33



MCAVOY AMAYA & REVERO ATTORNEYS

MICHAEL J. MCAVOYAMAYA, ESQ.

Nevada Bar No.: 14082

1100 E. Bridger

Las Vegas, Nevada 89101

Telephone: (702) 299-5083

mike@mrlawlv.com

Attorney for Defendant

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

CHRISTINA HINDS,

Plaintiff,

vs.

CRAIG MUELLER,

Defendant.

CASE NO.: D-18-571065-D
DEPT. NO: C

**DEFENDANT'S OPPOSITION TO
PLAINTIFF'S WRIT OF
EXECUTION**

COMES NOW, Defendant, by and through his attorney of record, MICHAEL MCAVOYAMAYA, ESQ., and hereby brings this Opposition to Plaintiff's Writ of Execution.

This opposition is made and based upon the filings, the memorandum of points and authorities submitted herewith, and the affidavits and exhibits attached hereto.

Dated this 22nd day of November, 2021.

/s/ Michael J. Mcavaoyamaya

MICHAEL J. MCAVOYAMAYA, ESQ.

Nevada Bar No.: 14082

1100 E. Bridger

Las Vegas, Nevada 89101

Telephone: (702) 299-5083

mike@mrlawlv.com

Attorney for Defendant

1 **DECLARATION OF MICHAEL J. MCAVOY-AMAYA, ESQ**

2 MICHAEL J. MCAVOY-AMAYA, ESQ., being first duly sworn, deposes and says:

- 3 1. I have personal knowledge of the facts set forth herein.
- 4 2. Plaintiff has filed a Writ of Execution of Judgment seeking to collect property held by myself
- 5 and my law firm, McAvoy Amaya & Revero Attorneys.
- 6 3. Unfortunately, I have no idea what property or money Plaintiff is speaking of, as neither I,
- 7 nor my firm is or was holding any monies for Defendant Craig Mueller.
- 8 4. I declare, under penalty of perjury, that the above is true and correct to the best of my
- 9 knowledge.
- 10 5. For these reasons, there does not appear to be property to obtain via this writ of execution.
- 11
- 12
- 13

14 s/ Michael J. Mcavaoyamaya

15 _____
MICHAEL J. MCAVOYAMAYA, ESQ.
16 Nevada Bar No.: 14082

17

18

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. ARGUMENT.**

3 Plaintiff has filed a Writ of Execution to recover the judgment in this matter. Plaintiff has
4 applied a 10% interest rate. *See* Pltf Writ Exec., at 2:27-3:3. NRS 17.130 provides that “When no
5 rate of interest is provided by contract or otherwise by law, or specified in the judgment, the
6 judgment draws interest from the time of service of the summons and complaint until satisfied,
7 except for any amount representing future damages, which draws interest only from the time of
8 the entry of the judgment until satisfied, at a rate equal to the prime rate at the largest bank in
9 Nevada as ascertained by the commissioner of financial institutions on January 1 or July 1, as the
10 case may be, immediately preceding the date of judgment, plus 2 percent.” Nev. Rev. Stat. Ann. §
11 17.130. The prime interest rate in the MSA was found to accrue from September 21, 2019, and the
12 Court order the interest on the present judgment to run from that date. *See* Order. 7/26/2021, at
13 10:1-9, 23:9-17. The prime interest rate from the relevant date is 5.50 percent, not 10 percent. *See*
14 Prime Interest Rate Table, attached as **Exhibit 1**, at 1.

15 Further, the Writ of Execution seeks to recover the judgment “out of the following
16 described real property: MONIES HELD BY MCAVOYAMAYA AND REVERO.” *See* Pltf Writ
17 Exec., at 3:18-22. Defendant’s counsel is holding no monies for Defendant. *See* Decl. of Counsel,
18 at 1-2. As such, there does not appear to be money for Plaintiff to collect via this writ of execution.

19 **II. CONCLUSION.**

20 Therefore, based on the foregoing, Defendant respectfully requests this Court **DENY**
21 Plaintiff’s Motion for Preliminary Attorney’s Fees.

22 Dated this 22nd day of November 2021.

23
24 /s/ Michael J. Mcavoyamaya

25 _____
26 MICHAEL J. MCAVOYAMAYA, ESQ.
27 Nevada Bar No.: 14082
28 1100 E. Bridger
Las Vegas, NV, 89101
Telephone: (702) 299-5083
mike@mrlawlv.com
Attorney for Defendant

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WILLICK LAW GROUP
MARSHAL S. WILLICK, ESQ.
 Nevada Bar No. 2515
 3591 E. Bonanza Road, Suite 200
 Las Vegas, NV 89110-2101
 Phone (702) 438-4100; Fax (702) 438-5311
email@willicklawgroup.com
 Attorneys for Plaintiff

/s/ Michael J. Mcavoyamaya

RA001568

Exhibit 1

PRIME INTEREST RATE

NRS 99.040(1) requires:

*"When there is no express contract in writing fixing a different rate of interest, interest must be allowed at a rate equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1, or July 1, as the case may be, immediately preceding the date of the transaction, plus 2 percent, upon all money from the time it becomes due,"**

Following is the prime rate as ascertained by the Commissioner of Financial Institutions:

January 1, 2021	3.25%	July 1, 2021	3.25%
January 1, 2020	4.75%	July 1, 2020	3.25%
January 1, 2019	5.50%	July 1, 2019	5.50%
January 1, 2018	4.50%	July 1, 2018	5.00%
January 1, 2017	3.75%	July 1, 2017	4.25%
January 1, 2016	3.50%	July 1, 2016	3.50%
January 1, 2015	3.25%	July 1, 2015	3.25%
January 1, 2014	3.25%	July 1, 2014	3.25%
January 1, 2013	3.25%	July 1, 2013	3.25%
January 1, 2012	3.25%	July 1, 2012	3.25%
January 1, 2011	3.25%	July 1, 2011	3.25%
January 1, 2010	3.25%	July 1, 2010	3.25%
January 1, 2009	3.25%	July 1, 2009	3.25%
January 1, 2008	7.25%	July 1, 2008	5.00%
January 1, 2007	8.25%	July 1, 2007	8.25%
January 1, 2006	7.25%	July 1, 2006	8.25%
January 1, 2005	5.25%	July 1, 2005	6.25%
January 1, 2004	4.00%	July 1, 2004	4.25%
January 1, 2003	4.25%	July 1, 2003	4.00%
January 1, 2002	4.75%	July 1, 2002	4.75%
January 1, 2001	9.50%	July 1, 2001	6.75%
January 1, 2000	8.25%	July 1, 2000	9.50%
January 1, 1999	7.75%	July 1, 1999	7.75%
January 1, 1998	8.50%	July 1, 1998	8.50%
January 1, 1997	8.25%	July 1, 1997	8.50%
January 1, 1996	8.50%	July 1, 1996	8.25%
January 1, 1995	8.50%	July 1, 1995	9.00%
January 1, 1994	6.00%	July 1, 1994	7.25%
January 1, 1993	6.00%	July 1, 1993	6.00%
January 1, 1992	6.50%	July 1, 1992	6.50%
January 1, 1991	10.00%	July 1, 1991	8.50%
January 1, 1990	10.50%	July 1, 1990	10.00%
January 1, 1989	10.50%	July 1, 1989	11.00%
January 1, 1988	8.75%	July 1, 1988	9.00%
January 1, 1987	Not Available	July 1, 1987	8.25%

* Attorney General Opinion No. 98-20:

If clearly authorized by the creditor, a collection agency may collect whatever interest on a debt its creditor would be authorized to impose. A collection agency may not impose interest on any account or debt where the creditor has agreed not to impose interest or has otherwise indicated an intent not to collect interest. Simple interest may be imposed at the rate established in NRS 99.040 from the date the debt becomes due on any debt where there is

no written contract fixing a different rate of interest, unless the account is an open or store accounts as discussed herein. In the case of open or store accounts, interest may be imposed or awarded only by a court of competent jurisdiction in an action over the debt.

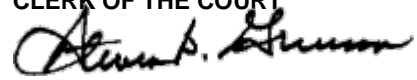
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GFDF

WILICK LAW GROUP
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 (702) 438-4100; Fax (702) 438-5311
email@willicklawgroup.com
 Attorney for Plaintiff

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 Steven D. Grierson
 CLERK OF THE COURT



District Court, Family Division
 Clark County, Nevada

CRISTINA HINDS Plaintiff, vs. CRAIG A. MUELLER Defendant.	Case No.: D-18-571065-D Dept. No.: C
--	---

GENERAL FINANCIAL DISCLOSURE FORM

A. Personal Information:

1. What is your full name? (*first, middle, last*) Cristina Ann Hinds
2. How old are you? 48
3. What is your date of birth? 6/7/1973
4. What is your highest level of education? Master's Degree

B. Employment Information:

1. Are you currently employed/self-employed? (☒ mark one)

☐ No
☒ Yes

If yes, complete the table below. Attach an additional page if needed.

Date of Hire	Employer Name	Job Title	Work Schedule (days)	Work Schedule (shift times)
4/2019	Hinds Injury Law	Attorney/Owner	Monday-Friday	8:30-4:00

2. Are you disabled? (☒ mark one)

☒ No
☐ Yes

If yes, what is the level of your disability? _____
 What agency certified you disabled? _____
 What is the nature of your disability? _____

C. Prior Employment: If you are unemployed or have been working at your current job for less than two years, completed the following information.

Prior Employer: Mueller/Hinds Assoc. Date of Hire: 2/2006 Date of Termination: 3/2019
 Reason for leaving: Partnership dissolved

Monthly Personal Income Schedule

A. Year-to-date Income.

As of the pay period ending _____ my gross year to date pay is _____

B. Determine your Gross Monthly Income. (See business income/expenses below)

Hourly Wage

	X		=	\$0.00	X	52 weeks	=	\$0.00	÷	12 Months	=	\$0.00
Hourly wage		Number of hours worked per week		Weekly Income				Annual Income				Gross Monthly Income

Annual Salary

\$0.00	÷	12 Months	=	\$0.00
Annual Income				Gross Monthly Income

C. Other Sources of Income

Source of Income	Frequency	Amount	12 Month Average
Annuity or Trust Income:			
Bonuses:			
Car, Housing, or Other Allowance:			
Commissions or Tips:			
Net Rental Income:	Monthly		\$1,000.00
Overtime Pay:			
Pension/Retirement Pay:			
Social Security Income (SSI):			
Social Security Disability (SSD):			
Spousal Support:			
Child Support:	Monthly		\$2,330.00
Workman's Compensation:			
Other:			
Total Average Other Income Received			\$3,330.00

Total Average Gross Monthly Income (add totals from B and C above)	\$3,330.00
---	-------------------

D. Monthly Deductions

	Type of Deduction	Amount
1.	Court Ordered Child Support (Automatically deducted from paycheck):	
2.	Federal Health Savings Plan:	
3.	Federal Income Tax:	
4.	<div> <div>Amount for you: \$42.28</div> <div>Health Insurance For Opposing Party: _____</div> <div>For your Child(ren): \$51.54</div> </div>	\$93.82
5.	Life, Disability, or Other Insurance Premiums:	
6.	Medicare:	
7.	Retirement, Pension, IRA, or 401(k):	
8.	Savings:	
9.	Social Security:	
10.	Union Dues:	
11.	Other (Type of Deduction):	
Total Monthly Deductions:		\$93.82

Business/Self-Employment Income and Expense Schedule**A. Business Income:**

What is your average gross (pre-tax) monthly income/revenue from self employment or businesses?
\$26,706.00

B. Business Expenses: Attach an additional page if needed.

Type of Business Expense	Frequency	Amount	12 Month Average
Advertising/Political Contributions	Monthly	\$1,990.64	\$1,990.64
Car and Truck used for business	Monthly	\$760.25	\$1,990.64
Commissions, wages or fees	Monthly	\$5,157.74	\$5,157.74
Business Entertainment/Travel	Monthly	\$1,194.57	\$1,194.57
Insurance	Monthly	\$791.47	\$791.47
Legal and Professional	Monthly	\$240.78	\$240.78
Mortgage or rent	Monthly	\$325.00	\$325.00
Pension and profit-sharing plans			
Repairs and maintenance	Monthly	\$1,678.67	\$1,678.67
Supplies	Monthly	\$889.67	\$889.67
Taxes and Licenses	Monthly	\$233.05	\$233.05
Utilities	Monthly	\$1,388.85	\$1,388.85
Other: Office/Computer Expenses	Monthly	\$272.49	\$272.49
Total Average Business Expenses:			\$16,153.57

Personal Expense Schedule (Monthly)

- A.** Fill in the table with the amount of money **you** spend each month on the following expenses and check whether you pay the expense for you, for the other party, or for both of you.

Expense	Monthly Amount I Pay	For Me <input type="checkbox"/>	Other Party <input type="checkbox"/>	For Both <input type="checkbox"/>
Alimony/Spousal Support				
Auto Insurance	\$233.00	X		
Car Loan/Lease Payment	\$423.00	X		
Cell Phone	\$250.00	X		
Child Support (if not deducted from pay)				
Clothing, Shoes, Etc. . .	\$300.00	X		
Credit Card Payments (minimum due)	\$1,200.00	X		
Dry Cleaning	\$50.00	X		
Electric	\$290.00	X		
Food (groceries & restaurants)	\$1,500.00	X		
Fuel	\$150.00	X		
Gas (for home)	\$50.00	X		
Health Insurance (if not deducted from pay)				
HOA	\$750.00	X		
Home Insurance (if not included in mortgage)				
Home Phone	\$25.00	X		
Internet/Cable & Phone	\$175.00	X		
Lawn Care	\$180.00	X		
Membership Fees				
Mortgage/Rent/Lease	\$2,835.85	X		
Pest Control	\$78.00	X		
Pets	\$300.00	X		
Pool Service	\$180.00	X		
Property Taxes (if not included in mortgage)	\$633.79	X		
Security	\$120.00	X		
Sewer	\$16.67	X		
Unreimbursed Medical Expenses	\$500.00	X		
Water	\$450.00	X		
Other:				
Total Monthly Expenses	\$10,690.31			

Household Information

- A. Fill in the table below with the name and date of birth of each child, the person the child is living with, and whether the child is from this relationship. Attach a separate sheet if needed.

	Child's Name	Child's DOB	With whom is the child living?	Is this child from this relationship?	Has this child been certified as special needs/disabled?
1.	Elizabeth Mueller	5/19/06	Mother	Yes	Dyslexia
2.	William Mueller	9/21/07	Mother	Yes	No
3.					
4.					

- B. Fill in the table below with the amount of money you spend each month on the following expenses for each child.

Type of Expense	1 st Child	2 nd Child	3 rd Child	4 th Child
Cellular Phone		\$160.00		
Child Care				
Clothing	\$250.00	\$250.00		
Education	\$300.00	\$300.00		
Entertainment	\$175.00	\$175.00		
Extracurricular & Sports	\$57.00	\$57.00		
Health Insurance (if not deducted from pay)				
Summer Camp/Programs	\$120.00	\$120.00		
Transportation Cost				
Unreimbursed Medical Expenses	\$160.00	\$160.00		
Vehicle				
Other:				
Total Monthly Expenses	\$1,062.00	\$1,222.00	\$0.00	\$0.00

- C. Fill in the table below with the names, ages, and the amount of money contributed by all persons living in the home over the age of 18. If more than four adult household members, attach a separate sheet.

Name	Age	Person's Relationship to You (i.e., sister, friend, cousin, etc.)	Monthly Contribution

Personal Asset and Debt Chart

- A.** Complete this chart by listing all of your assets, the value of each, the amount owed on each, and whose name the asset or debt is under. If more than 15 assets, attach a separate sheet.

No.	Description of Asset and Debt Thereon	Gross Value		Total Amount Owed		Net Value	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
1.			-		=	\$0.00	
2.			-		=	\$0.00	
3.			-		=	\$0.00	
4.			-		=	\$0.00	
5.			-		=	\$0.00	
6.			-		=	\$0.00	
7.			-		=	\$0.00	
8.			-		=	\$0.00	
9.			-		=	\$0.00	
10.			-		=	\$0.00	
11.			-		=	\$0.00	
12.			-		=	\$0.00	
13.			-		=	\$0.00	
14.			-		=	\$0.00	
15.			-		=	\$0.00	
TOTAL VALUE OF ASSETS		\$0.00	-	\$0.00	=	\$0.00	

- B.** Complete this chart by listing all of your unsecured debt, the amount owed on each account, and whose name the debt is under. If more than five unsecured debts, attach a separate sheet.

No.	Description of Credit Card or Other Unsecured Debt	Total Amount Owed	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
1.			
2.			
3.			
4.			
5.			
TOTAL UNSECURED DEBT		\$0.00	

CERTIFICATION

Attorney Information: Complete the following sentences:

1. I (*have/have not*) _____ have _____ retained an attorney for this case.
2. As of today's date, the attorney has been paid a total of _____ \$81,104.61 _____ on my behalf.
3. I have a credit with my attorney in the amount of _____
4. I currently owe my attorney a total of \$ _____
5. I owe my prior attorney a total of _____

IMPORTANT: Read the following paragraphs carefully and initial each one.

- _____ X I swear or affirm under penalty of perjury that I have read and followed all instructions in completing this Financial Disclosure Form. I understand that, by my signature, I guarantee the truthfulness of the information on this Form. I also understand that if I knowingly make false statements I may be subject to punishment, including contempt of court.
- _____ I have attached a copy of my three most recent pay stubs to this form.
- _____ I have attached a copy of my most recent YTD income statement/P&L statement to this form, if self-employed.
- _____ I have not attached a copy of my pay stubs to this form because I am currently unemployed.

/s/ Cristina Hinds¹

12/6/21

Signature

Date

¹Ms. Hinds gave the Willick Law Group permission in writing to e-sign on her behalf.

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Willick Law Group and that on this 7th day of December, 2021, I caused the above and foregoing document to be served as follows:

- ☒ Pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned "In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court," by mandatory electronic service through the Eighth Judicial District Court's electronic filing system;
- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- ☐ pursuant to EDCR 7.26, to be sent via facsimile, by duly executed consent for service by electronic means;
- ☐ by hand delivery with signed Receipt of Copy.

To the litigant(s) listed below at the address, e-mail address, and/or facsimile number indicated below:

Michael J. McAvoy-Amaya, Esq.
1100 E. Bridger Ave.
Las Vegas, NV 89101
mike@mrlawlv.com
Attorney for Defendant

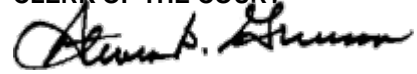
/s/ Mallory Yeargan

An Employee of the WILICK LAW GROUP

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DISTRICT COURT
CLARK COUNTY, NEVADA

Cristina Hinds, Plaintiff
vs.
Craig Mueller, Defendant.

D-18-571065-D
Department C

NOTICE OF HEARING

Please be advised that the above-entitled matter has been scheduled for **Status Check re: Past Due Order from 10/14/2021 Hearing** to be heard by the Honorable Rebecca L. Burton at the Family Courts and Services Center, 601 N. Pecos Rd., Las Vegas, Nevada, on the **20th day of January, 2022** at the hour of **11:00 AM** in **Department C, Courtroom 08**. The hearing will be conducted by audio/visual appearances. YOUR PRESENCE IS NECESSARY.

DISTRICT JUDGE REBECCA L. BURTON

By: /s/ Lourdes Child
Lourdes Child
Judicial Executive Assistant
Department C

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CERTIFICATE OF SERVICE

I hereby certify that on the above file stamp date:

☒ I mailed, via first-class mail, postage fully prepaid, the foregoing NOTICE OF HEARING to:

Marshal Shawn Willick , Esq.
3591 E. Bonanza Rd. Suite 200
Las Vegas, NV 89110

Michael J. McAvoyamaya, Esq.
4539 Paseo Del Ray
Las Vegas, NV 89121

/s/ Lourdes Child
Lourdes Child
Judicial Executive Assistant
Department C

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1 ORDR

2 DISTRICT COURT, FAMILY DIVISION

3 CLARK COUNTY, NEVADA

4 CHRISTINA HINDS,)

5 Plaintiff,)

6 vs.)

7 CRAIG MUELLER,)

8 Defendant.)

CASE NO. D-18-571065-D

DEPT NO. C

Date of Hearing: 12/08/2021

IN-CHAMBERS

9
10 ORDER

11 THIS MATTER having come before the Court on Plaintiff, Christina
12 Hinds (“Christina”)’s *Plaintiff’s Motion for Preliminary Attorney’s Fees*
13 *and Costs*; and on Defendant, Craig Mueller (“Craig”)’s *Defendant’s*
14 *Opposition to Plaintiff’s Motion for Preliminary Attorney’s Fees and Costs*;
15 Christina is represented by Attorneys Marshal Willick and Lorien Cole, and
16 Craig is represented by Attorney Michael MacAvoyamaya; the Court having
17 reviewed the pleadings and papers on file in this case and good cause
18 appearing therefor,

19 COURT FINDS that on July 26, 2021, the Court issued its *Findings of*
20 *Fact, Conclusions of Law, and Orders.*

21 Page 1 of 5

1 COURT FINDS that on August 16, 2021, Craig filed a *Notice of Appeal*
2 and a *Case Appeal Statement*.

3 COURT FINDS that on November 1, 2021, Christina filed this request
4 for attorney fees *pendent lite* to defend against the appeal. Christina is
5 requesting fees in the amount \$20,000.

6 COURT FINDS that NRS 125.040 states:

7 1. In any suit for divorce the court may, in its discretion,
8 upon application by either party and notice to the other party,
9 require either party to pay moneys necessary to assist the other
10 party in accomplishing one or more of the following:

11 (a) To provide temporary maintenance for the other
12 party;

13 (b) To provide temporary support for children of the
14 parties; or

15 (c) To enable the other party to carry on or defend such
16 suit.

17 2. The court may make any order affecting property of the
18 parties, or either of them, which it may deem necessary or
19 desirable to accomplish the purposes of this section. Such orders
20 shall be made by the court only after taking into consideration
21 the financial situation of each of the parties.

3. The court may make orders pursuant to this section
concurrently with orders pursuant to NRS 125C.0055.

COURT FINDS that “NRS 125.040 grants district courts subject
matter jurisdiction to award attorney fees pendent lite for the costs of an
appeal.” A party need not show necessitous circumstances in order to
receive an award of attorney fees under NRS 125.040. *Griffith v. Gonzales-*
Alpizar, 132 Nev. 392, 395, 373 P.3d 86, 88-89 (2016). The Court must

1 also consider the disparity in income of the parties when awarding fees in a
2 family law matter. *Wright v. Osburn*, 114 Nev. 1367, 1370, 970 P.2d 1071,
3 1073 (1998), *Miller v. Wilfong*, 121 Nev. 619, 119 P.3d 727 (2005).

4 COURT FINDS that is difficult to ascertain the parties' current gross
5 monthly income. On July 29, 2019, the parties filed their *Stipulation and*
6 *Order Re: Parenting Agreement and Child Support*. Pursuant to that
7 agreement, the parties stipulated that Craig is to pay to Christina child
8 support in the amount of \$2,330 each month for two minor children. The
9 agreement represented that "[t]he amount of [Craig]'s child support
10 obligation as established herein represents the presumptive maximum for
11 [Craig]'s gross monthly income and complies with the provisions of NRS
12 125B." Nevada child support law at that time (from July 1, 2019 through
13 June 30, 2020) provided that if the obligor's gross monthly income is at
14 least \$14,816 but less than "no limit," the presumptive maximum was
15 \$1,165 per child. Since that sum x 2 children = \$2,330, it is logical that as
16 of July 29, 2019, Craig's gross monthly income was at least \$14,816. The
17 agreement does not make clear Christina's gross monthly income.

18 ////

19 ////

20 ////

1 COURT FINDS that on December 7, 2021, Christina filed an updated
2 *General Financial Disclosure Form*¹ which represents that since April
3 2019, Christina has been self-employed through her own law firm.
4 Christina represents that her gross monthly personal income from her law
5 firm is \$11,782.82 (\$26,706 gross business less \$14,923.18 business
6 expenses). Christina also receives \$1,000 rental income. With child
7 support, Christina's total income is \$15,112.82 which more than meets her
8 personal expenses in the amount of \$12,974.31 per month.

9 At the evidentiary hearing that resulted in the order on appeal, Craig
10 testified that he earns more than \$4,000 each month and earns \$4,000 in a
11 single week. At \$4,000 per week, Craig's gross monthly income would be
12 \$17,333, which is consistent with the level of income Craig was earning at
13 the time the parties filed their *Stipulation and Order* on July 29, 2019.
14 Neither party provided credible documentation to support their current
15 income. It appears that the parties' current income is substantially the
16 same. The Court takes into consideration, however, that the subject of this
17 appeal concerns enforcement of the principal sum in an amount exceeding
18 \$380,000 that Craig owes Cristina as an equalization of community

19 Page 4 of 5


20 _____
21 ¹ Craig argues disingenuously that Cristina did not file an updated *General Financial Disclosure Form* when she filed her *Motion*, but Craig chose not to file his own *General Financial Disclosure Form* when he filed his *Opposition* then inexplicably blamed Cristina for not representing Craig's financial circumstances.

1 property. Since Craig holds his share of community property and Cristina's
2 share of community property, Craig's financial circumstances substantially
3 exceeds Cristina's means. Accordingly, the Court concludes that Craig is in
4 a superior financial position and should bear some of Cristina's legal fees
5 for the appeal.

6 COURT FINDS that Christina also moves this Court to award her
7 attorney fees pursuant to NRS 125.150(4), EDCR 7.60(b), and NRS 18.010.
8 With regard to NRS 125.150(4), the Court has by this order considered NRS
9 125.040 which provides a similar basis for fees and cost. Because the
10 appeal is not before this Court, this Court does not have the ability to make
11 the determination that Craig's appeal is vexatious, fails to comply with the
12 rules, brought unreasonably, or brought to harass Cristina under EDCR
13 7.60(b) or NRS 18.010 in order to support an award attorney fees to
14 Christina.

15 NOW, THEREFORE, IT IS HEREBY ORDERED that Christina is
16 awarded the sum of \$10,000.00 as and for her *pendent lite* attorney fees
17 and costs from Craig which sum is hereby reduced to judgment collectable
18 by any and all legal means.

Dated this 16th day of December, 2021



F0A 9C9 3D50 5DCB
Rebecca L. Burton
District Court Judge

Page 5 of 5

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Cristina Hinds, Plaintiff

CASE NO: D-18-571065-D

7 vs.

DEPT. NO. Department C

8 Craig Mueller, Defendant.
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 12/16/2021

15 Lorien Cole lorien@willicklawgroup.com

16 Reception Reception email@willicklawgroup.com

17 Mallory Yeargan Mallory@willicklawgroup.com

18 Craig Mueller craig@craigmuellerlaw.com

19 Dawn Throne dawn@thronehauser.com

20 Radford Smith rsmith@radfordsmith.com

21 John Schaller johns@craigmuellerlaw.com

22 Lynn Shoen Lynn@craigmuellerlaw.com

23 Craig Mueller electronicservice@craigmueller.law.com

24 Michael Mcavoyamaya mmcavoyamayalaw@gmail.com

25 Susie Ward susie@craigmuellerlaw.com
26
27
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JOEL SELIK

Joel@SelikLaw.com

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FILED

DEC 16 2021

Sherry Justice
CLERK OF COURT

EOT

COPY

EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

CRISTINA HINDS,) CASE NO. D-18-571065-D
Plaintiff,) DEPT. C
vs.) APPEAL NO. 83412
CRAIG MUELLER,)
Defendant.)

SEALED

ESTIMATED COST OF TRANSCRIPT(S)

The office of Transcript Video Services received a request for transcript estimate from Willick Law Group on December 15, 2021, for the following proceedings in the above-captioned case:

OCTOBER 14, 2021

for original transcript and one copy.

The estimated cost for the transcript is \$45.00 for a 30-day turnaround or \$60.00 for a four-day turnaround. Payment in the amount of **\$45.00 or \$60.00** must be paid directly to **VERBATIM REPORTING & TRANSCRIPTION** prior to work commencing on the transcript. Please call Verbatim Reporting & Transcription to make deposit payment (281) 724-8600 or (520) 303-7356.

DATED this 16th day of December, 2021.

Sherry Justice
Sherry Justice
Transcript Video Services

Transcript ESTIMATE amount of _____ Direct Pay Invoice # _____

Received this _____ day of _____, 2021.

This is only an **estimate**. Upon completion of transcript(s), a balance may be due, or you may receive a refund of your deposit if overpayment is greater than \$15.00.

NOTE: STATUTORY FEES ARE SUBJECT TO CHANGE PER LEGISLATIVE SESSION.

ITEMS LEFT BEYOND NINETY DAYS ARE SUBJECT TO DISPOSAL WITHOUT REFUND.

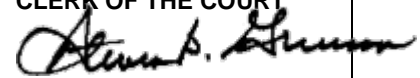
COUNTY RETENTION POLICY APPROVED BY INTERNAL AUDIT.

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NEO

Electronically Filed
12/17/2021 8:58 AM
Steven D. Grierson
CLERK OF THE COURT



**DISTRICT COURT
CLARK COUNTY, NEVADA**

* * *

Cristina Hinds, Plaintiff
vs.
Craig Mueller, Defendant.

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

NOTICE OF ENTRY OF ORDER

Please take notice that an ORDER was entered in the foregoing
action and the following is a true and correct copy thereof.

Dated: December 17, 2021

/s/ Lourdes Child
Lourdes Child
Judicial Executive Assistant
Department C

NEO

CERTIFICATE OF SERVICE

I hereby certify that on the above file stamp date:

☒ I mailed, via first-class mail, postage fully prepaid, the foregoing
NOTICE OF ENTRY OF ORDER to:

Marshal Shawn Willick, Esq.
3591 E. Bonanza Rd., Suite 200
Las Vegas, NV 89110

Michael J. Mcavoyamaya, Esq.
4539 Paseo Del Ray
Las Vegas, NV 89121

/s/ Lourdes Child
Lourdes Child
Judicial Executive Assistant
Department C

1 ORDR

2 DISTRICT COURT, FAMILY DIVISION

3 CLARK COUNTY, NEVADA

4 CHRISTINA HINDS,)

5 Plaintiff,)

6 vs.)

7 CRAIG MUELLER,)

8 Defendant.)

CASE NO. D-18-571065-D

DEPT NO. C

Date of Hearing: 12/08/2021

IN-CHAMBERS

9
10 ORDER

11 THIS MATTER having come before the Court on Plaintiff, Christina
12 Hinds (“Christina”)’s *Plaintiff’s Motion for Preliminary Attorney’s Fees*
13 *and Costs*; and on Defendant, Craig Mueller (“Craig”)’s *Defendant’s*
14 *Opposition to Plaintiff’s Motion for Preliminary Attorney’s Fees and Costs*;
15 Christina is represented by Attorneys Marshal Willick and Lorien Cole, and
16 Craig is represented by Attorney Michael MacAvoyamaya; the Court having
17 reviewed the pleadings and papers on file in this case and good cause
18 appearing therefor,

19 COURT FINDS that on July 26, 2021, the Court issued its *Findings of*
20 *Fact, Conclusions of Law, and Orders.*

21 Page 1 of 5

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10 party in accomplishing one or more of the following:

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12 party;

13 (b) To provide temporary support for children of the
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18 parties, or either of them, which it may deem necessary or
19 desirable to accomplish the purposes of this section. Such orders
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concurrently with orders pursuant to NRS 125C.0055.

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20 *Alpizar*, 132 Nev. 392, 395, 373 P.3d 86, 88-89 (2016). The Court must

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3 1073 (1998), *Miller v. Wilfong*, 121 Nev. 619, 119 P.3d 727 (2005).

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10 obligation as established herein represents the presumptive maximum for
11 [Craig]'s gross monthly income and complies with the provisions of NRS
12 125B." Nevada child support law at that time (from July 1, 2019 through
13 June 30, 2020) provided that if the obligor's gross monthly income is at
14 least \$14,816 but less than "no limit," the presumptive maximum was
15 \$1,165 per child. Since that sum x 2 children = \$2,330, it is logical that as
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17 agreement does not make clear Christina's gross monthly income.

18 ////

19 ////

20 ////

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2 *General Financial Disclosure Form*¹ which represents that since April
3 2019, Christina has been self-employed through her own law firm.
4 Christina represents that her gross monthly personal income from her law
5 firm is \$11,782.82 (\$26,706 gross business less \$14,923.18 business
6 expenses). Christina also receives \$1,000 rental income. With child
7 support, Christina's total income is \$15,112.82 which more than meets her
8 personal expenses in the amount of \$12,974.31 per month.

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10 testified that he earns more than \$4,000 each month and earns \$4,000 in a
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14 Neither party provided credible documentation to support their current
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19 Page 4 of 5


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3 exceeds Cristina's means. Accordingly, the Court concludes that Craig is in
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5 for the appeal.

6 COURT FINDS that Christina also moves this Court to award her
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8 With regard to NRS 125.150(4), the Court has by this order considered NRS
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10 appeal is not before this Court, this Court does not have the ability to make
11 the determination that Craig's appeal is vexatious, fails to comply with the
12 rules, brought unreasonably, or brought to harass Cristina under EDCR
13 7.60(b) or NRS 18.010 in order to support an award attorney fees to
14 Christina.

15 NOW, THEREFORE, IT IS HEREBY ORDERED that Christina is
16 awarded the sum of \$10,000.00 as and for her *pendent lite* attorney fees
17 and costs from Craig which sum is hereby reduced to judgment collectable
18 by any and all legal means.

Dated this 16th day of December, 2021



F0A 9C9 3D50 5DCB
Rebecca L. Burton
District Court Judge

Page 5 of 5

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ORDR

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

CHRISTINA HINDS,

Plaintiff,

vs.

CRAIG MUELLER,

Defendant.

CASE NO.: D-18-571065-D
DEPT. NO: C

**ORDER DENYING PLAINTIFF'S MOTION TO RECONSIDER ORDER DENYING
ATTORNEY FEES AND COSTS**

THIS MATTER having come before the Court on October 14, 2021, at 10:00 am.; Plaintiff, Christina Hinds ("Christina"), is represented by Attorney Marshal Willick and Attorney Lorien Cole, and Defendant, Craig Mueller ("Craig"), is represented by Attorney Michael MacAvoyamaya; the Court having reviewed the pleadings and papers on file in this case and good cause appearing therefor,

COURT FINDS that in its *Findings of Fact, Conclusions of Law, and Order* filed on July 26, 2021, the Court ordered:

IT IS FURTHER ORDERED that no later than August 10, 2021, Christina shall file a *Memorandum of Fees and Costs* to include a *Brunzell Affidavit* and accompanied by her attorney's billing statement which shall expressly set out only those attorney fees and costs consistent with the findings herein. No later than August 25, 2021, Craig shall be entitled to file a response, together with his own attorney's billing statement for comparison purposes. The matter shall be continued to the Court's In-Chambers calendar on August 25, 2021 for decision without further hearing.

COURT FINDS that on August 11, 2021, Christina untimely filed her *Plaintiff's Memorandum of Fees and Costs*.

1 COURT FINDS that Cristina's motion for attorney's fees was timely made because
2 they were made prior to the evidentiary hearing. The issue is that the Court set a deadline
3 to submit the *Memorandum of Fees and Costs* to August 10, 2021 and Cristina filed it late
4 on August 11, 2021.

5 COURT FINDS that on August 25, 2021, the Court denied Plaintiff's request for
6 attorney fees and costs because the Court's July 26, 2021 order expressly directed the
7 memorandum be filed "No later than August 10, 2021," and Plaintiff filed the
8 memorandum on August 11, 2021.

9 COURT FINDS that, as it previously ruled, NRCP 54(d)(2)(C) provides that "[t]he
10 court may not extend the time for filing the motion after the time has expired." NRCP
11 54(d)(2)(C) indicates the Nevada Legislature's intent to not extend the deadlines.

12 COURT FINDS that the Nevada Legislature made NRCP 54(d)(2)(C) a strict rule
13 to place requests for attorney fees and costs into a category of legal matters for which the
14 Courts have no discretion to excuse untimeliness or extend deadlines once the deadline
15 has passed.

16 COURT FINDS that Plaintiff's request to reconsider the prior order denying
17 Plaintiff's request for fees and costs and to amend the July 26, 2021 judgment pursuant
18 to NRCP 52, NRCP 59, NRCP 60 and EDCR 5.512 fails to identify sufficient basis for
19 reconsideration of the Court's August 25, 2021 order and the July 26, 2021 order.

20 NOW, THEREFORE, IT IS HEREBY ORDERED that Defendant's Reply to the
21 Reply filed by Plaintiff was stricken pursuant to EDCR 5.502(e), as it was filed without
22 leave of Court.

1 NOW, THEREFORE, IT IS FURTHER ORDERED that Plaintiff's request to
2 reconsider the Court's prior order denying her request for attorney fees and costs is
3 denied.

4 IT IS HEREBY FUTHER ORDERED that Defendant's request for attorney's fees
5 and costs for having to respond to the Motion for Reconsideration is denied.
6

7 Dated this ___ day of October 2021,

8
9
10 3BA 450 CC72 5F7C
Rebecca L. Burton
District Court Judge

11 Respectfully submitted by:

Dated this 30th day of December, 2021

Rebecca L. Burton

12
13 WILICK LAW GROUP

368 BB9 1E61 9B0F
Rebecca L. Burton
District Court Judge

14 /s/ Marshal S. Willick

15 MARSHAL S. WILICK, ESQ.

16 Nevada Bar No. 2515

17 LORIEN K. COLE, ESQ.

18 Nevada Bar No. 11912

19 3591 E. Bonanza Road, Suite 200

20 Las Vegas, Nevada 89110-2101

(702) 438-4100

Attorney for Plaintiff

21 MCAVOY AMAYA & REVERO ATTORNEYS

22 /s/ Michael J. Mcavaoyamaya

23 MICHAEL J. MCAVOYAMAYA, ESQ.

24 Nevada Bar No.: 14082

25 1100 E. Bridger

26 Las Vegas, Nevada 89101

27 Telephone: (702) 299-5083

mike@mrlawlv.com

Attorney for Defendant



Michael McavoyAmaya <mike@mrlawlv.com>

Order updated

3 messages

Lorien Cole <lorien@willicklawgroup.com>
To: Michael McavoyAmaya <mike@mrlawlv.com>
Cc: Mallory Yeargan <mallory@willicklawgroup.com>

Tue, Dec 14, 2021 at 4:44 PM

How is this?

Thanks,

-Lorien



Lorien K. Cole, Esq.

Willick Law Group

Certified Specialist in Family Law

3591 E. Bonanza Road, Ste. 200

Las Vegas, NV 89110-2101

ph. 702/438-4100 x 127

fax 702/438-5311

e-mail: Lorien@willicklawgroup.com

main website: www.willicklawgroup.com

QDRO website: www.qdromasters.com



Order from the October 14 Hearing (00536040x7A582).docx
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Michael McavoyAmaya <mike@mrlawlv.com>
To: Lorien Cole <lorien@willicklawgroup.com>
Cc: Mallory Yeargan <mallory@willicklawgroup.com>

Tue, Dec 14, 2021 at 5:10 PM

Here is the final order we were just discussing with the signature blocks. Let me know if you approve and I will submit for signature.

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(g) Appeal Disposition, Full Briefing, or Calendaring.

- (1) Based solely upon review of the transcripts or rough draft transcripts, fast track statement, fast track response, and any

VOLUME IX

RA001600

other documents filed with the court, the court may resolve the matter or direct full briefing.

(2) A party may seek leave of the court to remove an appeal from the fast track program and direct full briefing. The motion must demonstrate that the specific issues raised in the appeal are complex and/or too numerous for resolution in the fast track program. If the moving party is represented by counsel, the movant must attach a written waiver from the client certifying that counsel has discussed the implications of full briefing and that the client waives expeditious resolution of the appeal.

(3) If the court orders an appeal to be fully briefed, the parties are not required to file transcript request forms pursuant to Rule 9(a) unless otherwise ordered. If a party's brief cites to a transcript not previously filed in the court, that party shall cause a supplemental transcript to be prepared and filed in the district court and the court under Rule 9 within the time specified for filing the brief in the court's briefing order. If a represented party's brief cites to documents not previously filed in the court, that party shall file and serve an appropriately documented supplemental appendix with the brief. In accordance with Rule 30, pro se parties shall not file an appendix, but when the court's review of the record is necessary in a pro se appeal, the court may direct that the complete record be transmitted as provided in Rule 11(a)(2).

(4) Subject to extensions, and if the court does not order full briefing, the court shall dispose of all fast track child custody appeals within 90 days of the date the fast track response is filed.

Michael J. McAvoy-Amaya, Esq.

Attorney - Partner

NV Bar 14082



1100 E. Bridger Ave. | Las Vegas NV, 89101

O: 833.675.2958 | C: 702.299.5083 | F: 702.995.7137

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Order from the October 14 Hearing FINAL.docx

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Lorien Cole <lorien@willicklawgroup.com>

To: Michael McavoyAmaya <mike@mrlawlv.com>

Cc: Mallory Yeargan <mallory@willicklawgroup.com>, Marshal Willick <marshal@willicklawgroup.com>

Tue, Dec 14, 2021 at 5:38 PM

Hi Michael,

Order is approved, although its three different colors, so I assume you are going to fix that?

Also, I talked to Marshal and he said the fast-track briefing IS the briefing. So that's good news!

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[REDACTED]
1100 E. Bridger Ave. | Las Vegas NV, 89101

O: 833.675.2958 | **C:** 702.299.5083 | **F:** 702.995.7137

www.MRIlawLV.com

[REDACTED]

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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Cristina Hinds, Plaintiff

CASE NO: D-18-571065-D

7 vs.

DEPT. NO. Department C

8 Craig Mueller, Defendant.
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 12/30/2021

15 Lorien Cole	lorien@willicklawgroup.com
16 Reception Reception	email@willicklawgroup.com
17 Mallory Yeargan	Mallory@willicklawgroup.com
18 Craig Mueller	craig@craigmuellerlaw.com
19 Dawn Throne	dawn@thronehauser.com
20 Radford Smith	rsmith@radfordsmith.com
21 John Schaller	johns@craigmuellerlaw.com
22 Lynn Shoen	Lynn@craigmuellerlaw.com
23 Craig Mueller	electronicservice@craigmueller.law.com
24 Michael Mcavoyamaya	mmcavoyamaya@gmail.com
25 Susie Ward	susie@craigmuellerlaw.com
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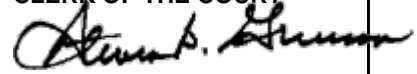
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JOEL SELIK

Joel@SelikLaw.com

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1 **NEOJ**
2 **WILICK LAW GROUP**
3 **MARSHAL S. WILICK, ESQ.**
4 Nevada Bar No. 2515
5 3591 E. Bonanza Road, Suite 200
6 Las Vegas, NV 89110-2101
7 Phone (702) 438-4100; Fax (702) 438-5311
8 email@willicklawgroup.com
9 Attorney for Plaintiff
10
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18

10 **DISTRICT COURT**
11 **FAMILY DIVISION**
12 **CLARK COUNTY, NEVADA**

13 **CRISTINA HINDS,**
14 **Plaintiff,**

15 **vs.**

16 **CRAIG A. MUELLER,**
17 **Defendant.**

CASE NO: D-18-571065-D
DEPT. NO: C

DATE OF HEARING: N/A
TIME OF HEARING: N/A

19 **NOTICE OF ENTRY OF**
20 **ORDER DENYING PLAINTIFF'S MOTION TO RECONSIDER**
21 **ORDER DENYING ATTORNEY FEES AND COSTS**

22 **TO: CRAIG A. MUELLER, Defendant; and**

23 **TO: MICHAEL MCAVOYAMAYA, ESQ., Attorney for Defendant.**

24 **PLEASE TAKE NOTICE** that the *Order Denying Plaintiff's Motion to*
25 *Reconsider Order Denying Attorney Fees and Costs* was duly entered in the above

26 *****

27 *****

28 *****

1 action on the 30th day of December, 2021, a true and correct copy of which is attached
2 herein.

3 **DATED** this 6th day of January, 2022.

4 WILICK LAW GROUP

5 *//s//Marshal S. Willick*

6 MARSHAL S. WILICK, ESQ.
7 Nevada Bar No. 2515
8 LORIEN K. COLE, ESQ.
9 Nevada Bar No. 11912
10 3591 East Bonanza Road, Suite 200
11 Las Vegas, Nevada 89110-2101
12 Attorneys for Plaintiff
13
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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 6th day of January, 2022, I caused the above and foregoing document to be served as follows:

- ☒ Pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned "In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court," by mandatory electronic service through the Eighth Judicial District Court's electronic filing system.
- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada.
- ☐ pursuant to EDCR 7.26, to be sent via facsimile, by duly executed consent for service by electronic means.
- ☐ by hand delivery with signed Receipt of Copy.
- ☐ by First Class, Certified U.S. Mail.

To the person(s) listed below at the address, email address, and/or facsimile number indicated:

Michael J. McAvoy-Amaya, Esq.
4539 Paseo Del Ray
Las Vegas, NV 89121
mmcavoyamayalaw@gmail.com
Attorney for Defendant

//s// Justin K. Johnson

An Employee of the WILICK LAW GROUP

P:\wp19\HINDS\C\DRAFTS\00540036.WPD\jj

ORDR

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

CHRISTINA HINDS,

Plaintiff,

vs.

CRAIG MUELLER,

Defendant.

CASE NO.: D-18-571065-D
DEPT. NO: C

**ORDER DENYING PLAINTIFF'S MOTION TO RECONSIDER ORDER DENYING
ATTORNEY FEES AND COSTS**

THIS MATTER having come before the Court on October 14, 2021, at 10:00 am.; Plaintiff, Christina Hinds ("Christina"), is represented by Attorney Marshal Willick and Attorney Lorien Cole, and Defendant, Craig Mueller ("Craig"), is represented by Attorney Michael MacAvoyamaya; the Court having reviewed the pleadings and papers on file in this case and good cause appearing therefor,

COURT FINDS that in its *Findings of Fact, Conclusions of Law, and Order* filed on July 26, 2021, the Court ordered:

IT IS FURTHER ORDERED that no later than August 10, 2021, Christina shall file a *Memorandum of Fees and Costs* to include a *Brunzell Affidavit* and accompanied by her attorney's billing statement which shall expressly set out only those attorney fees and costs consistent with the findings herein. No later than August 25, 2021, Craig shall be entitled to file a response, together with his own attorney's billing statement for comparison purposes. The matter shall be continued to the Court's In-Chambers calendar on August 25, 2021 for decision without further hearing.

COURT FINDS that on August 11, 2021, Christina untimely filed her *Plaintiff's Memorandum of Fees and Costs*.

1 COURT FINDS that Cristina's motion for attorney's fees was timely made because
2 they were made prior to the evidentiary hearing. The issue is that the Court set a deadline
3 to submit the *Memorandum of Fees and Costs* to August 10, 2021 and Cristina filed it late
4 on August 11, 2021.

5 COURT FINDS that on August 25, 2021, the Court denied Plaintiff's request for
6 attorney fees and costs because the Court's July 26, 2021 order expressly directed the
7 memorandum be filed "No later than August 10, 2021," and Plaintiff filed the
8 memorandum on August 11, 2021.

9 COURT FINDS that, as it previously ruled, NRCP 54(d)(2)(C) provides that "[t]he
10 court may not extend the time for filing the motion after the time has expired." NRCP
11 54(d)(2)(C) indicates the Nevada Legislature's intent to not extend the deadlines.

12 COURT FINDS that the Nevada Legislature made NRCP 54(d)(2)(C) a strict rule
13 to place requests for attorney fees and costs into a category of legal matters for which the
14 Courts have no discretion to excuse untimeliness or extend deadlines once the deadline
15 has passed.

16 COURT FINDS that Plaintiff's request to reconsider the prior order denying
17 Plaintiff's request for fees and costs and to amend the July 26, 2021 judgment pursuant
18 to NRCP 52, NRCP 59, NRCP 60 and EDCR 5.512 fails to identify sufficient basis for
19 reconsideration of the Court's August 25, 2021 order and the July 26, 2021 order.

20 NOW, THEREFORE, IT IS HEREBY ORDERED that Defendant's Reply to the
21 Reply filed by Plaintiff was stricken pursuant to EDCR 5.502(e), as it was filed without
22 leave of Court.

1 NOW, THEREFORE, IT IS FURTHER ORDERED that Plaintiff's request to
2 reconsider the Court's prior order denying her request for attorney fees and costs is
3 denied.

4 IT IS HEREBY FUTHER ORDERED that Defendant's request for attorney's fees
5 and costs for having to respond to the Motion for Reconsideration is denied.
6

7 Dated this ___ day of October 2021,

8
9
10 3BA 450 CC72 5F7C
Rebecca L. Burton
District Court Judge

11 Respectfully submitted by:

Dated this 30th day of December, 2021

Rebecca L. Burton

12
13 WILICK LAW GROUP

368 BB9 1E61 9B0F
Rebecca L. Burton
District Court Judge

14 /s/ Marshal S. Willick

15 MARSHAL S. WILICK, ESQ.

16 Nevada Bar No. 2515

17 LORIEN K. COLE, ESQ.

18 Nevada Bar No. 11912

19 3591 E. Bonanza Road, Suite 200

20 Las Vegas, Nevada 89110-2101

(702) 438-4100

Attorney for Plaintiff

21 MCAVOY AMAYA & REVERO ATTORNEYS

22 /s/ Michael J. Mcavaoyamaya

23 MICHAEL J. MCAVOYAMAYA, ESQ.

24 Nevada Bar No.: 14082

25 1100 E. Bridger

26 Las Vegas, Nevada 89101

27 Telephone: (702) 299-5083

mike@mrlawlv.com

Attorney for Defendant



Michael McavoyAmaya <mike@mrlawlv.com>

Order updated

3 messages

Lorien Cole <lorien@willicklawgroup.com>
To: Michael McavoyAmaya <mike@mrlawlv.com>
Cc: Mallory Yeargan <mallory@willicklawgroup.com>

Tue, Dec 14, 2021 at 4:44 PM

How is this?

Thanks,

-Lorien



Lorien K. Cole, Esq.

Willick Law Group

Certified Specialist in Family Law

3591 E. Bonanza Road, Ste. 200

Las Vegas, NV 89110-2101

ph. 702/438-4100 x 127

fax 702/438-5311

e-mail: Lorien@willicklawgroup.com

main website: www.willicklawgroup.com

QDRO website: www.qdromasters.com



Order from the October 14 Hearing (00536040x7A582).docx
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Michael McavoyAmaya <mike@mrlawlv.com>
To: Lorien Cole <lorien@willicklawgroup.com>
Cc: Mallory Yeargan <mallory@willicklawgroup.com>

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VOLUME IX

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Michael J. McAvoy-Amaya, Esq.

Attorney - Partner

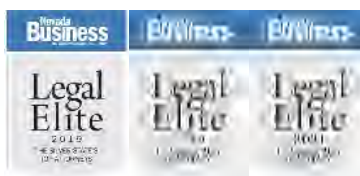
NV Bar 14082



1100 E. Bridger Ave. | Las Vegas NV, 89101

O: 833.675.2958 | C: 702.299.5083 | F: 702.995.7137

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Order from the October 14 Hearing FINAL.docx

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To: Michael McavoyAmaya <mike@mrlawlv.com>

Cc: Mallory Yeargan <mallory@willicklawgroup.com>, Marshal Willick <marshal@willicklawgroup.com>

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[Redacted]

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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Cristina Hinds, Plaintiff

CASE NO: D-18-571065-D

7 vs.

DEPT. NO. Department C

8 Craig Mueller, Defendant.
9

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12 Court. The foregoing Order was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

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16 Reception Reception email@willicklawgroup.com

17 Mallory Yeargan Mallory@willicklawgroup.com

18 Craig Mueller craig@craigmuellerlaw.com

19 Dawn Throne dawn@thronehauser.com

20 Radford Smith rsmith@radfordsmith.com

21 John Schaller johns@craigmuellerlaw.com

22 Lynn Shoen Lynn@craigmuellerlaw.com

23 Craig Mueller electronicservice@craigmueller.law.com

24 Michael Mcavoyamaya mmcavoyamayalaw@gmail.com

25 Susie Ward susie@craigmuellerlaw.com
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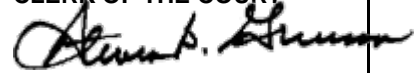
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JOEL SELIK

Joel@SelikLaw.com

41

41



1 **NOA**
2 WILICK LAW GROUP
3 MARSHAL S. WILICK, ESQ.
4 Nevada Bar No. 2515
5 3591 E. Bonanza Road, Suite 200
6 Las Vegas, NV 89110-2101
7 Phone (702) 438-4100; Fax (702) 438-5311
8 email@willicklawgroup.com
9 Attorneys for Plaintiff

6 **DISTRICT COURT**
7 **FAMILY DIVISION**
8 **CLARK COUNTY, NEVADA**

9 CRISTINA HINDS,
10
11 Plaintiff,

12 vs.

13 CRAIG A. MUELLER
14 Defendant.

CASE NO: D-18-571065-D
DEPT. NO: C

DATE OF HEARING:
TIME OF HEARING:

15 **NOTICE OF APPEAL**

16
17 NOTICE is hereby given that Plaintiff, Cristina Hinds, hereby appeals to the
18 Supreme Court of the State of Nevada from the *Order Denying Plaintiff's Motion to*
19 *Reconsider Order Denying Attorney Fees and Costs* entered in this action on 30th
20 day of December, 2021.

21 DATED this 6th day of January, 2022.

22
23 WILICK LAW GROUP

24
25 /s/Marshal S. Willick
26 MARSHAL S. WILICK, ESQ.
27 Nevada Bar No. 2515
28 3591 E. Bonanza Road, Suite 200
Las Vegas, NV 89110-2101
(702) 438-4100
Attorneys for Plaintiff/Appellant

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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 6th day of January, 2022, I caused the above and foregoing document to be served as follows:

- [X] Pursuant to EDCR 8.05(a), EDCR 8.05(f), Rule 5(b)(2)(D) and Administrative Order 14-2 captioned "In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court," by mandatory electronic service through the Eighth Judicial District Court's electronic filing system.
- [] By placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada.
- [] pursuant to EDCR 7.26, to be sent via facsimile, by duly executed consent for service by electronic means.
- [] Pursuant to Rule 5(b)(2)(D), by email by duly executed consent for service by electronic means.
- [] By hand delivery with signed Receipt of Copy..
- [] By placing same to be deposited for mailing in the United States Mail, Certified, Return Receipt Requested, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;

To the following at the address, email address, and/or facsimile number indicated below:

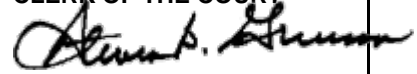
Michael J. McAvoy-Amaya, Esq.
4539 Paseo Del Ray
Las Vegas, NV 89121
mmcavoyamayalaw@gmail.com

/s/Justin K. Johnson
An Employee of the WILICK LAW GROUP

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ASTA
WILICK LAW GROUP
MARSHAL S. WILICK, ESQ.
Nevada Bar No. 2515
3591 E. Bonanza Road, Suite 200
Las Vegas, NV 89110-2101
Phone (702) 438-4100; Fax (702) 438-5311
email@willicklawgroup.com
Attorney for Plaintiff

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

CRISTINA HINDS,
Plaintiff,

vs.

CRAIG A. MUELLER,
Defendant.

CASE NO: D-18-571065-D
DEPT. NO: C

DATE OF HEARING:
TIME OF HEARING:

APPELLANT'S CASE APPEAL STATEMENT

Pursuant to Rule 3(f)(3) of the Nevada Rules of Appellate Procedure, Plaintiff/Appellant, Cristina Hinds, by and through her attorney, Marshal S. Willick, Esq., of the WILICK LAW GROUP, hereby submits her Case Appeal Statement.

1. Name of Appellant filing this Case Appeal Statement:

a. Cristina Hinds

2. Identify the Judge issuing the decision, judgment, or order appealed from, the District Court Case Number, and the caption of the District Court case:

a. The Honorable Rebecca L. Burton, Eighth Judicial District Court Judge, Family Division, Case No. D-18-571065-D, Cristina Hinds v. Craig A. Mueller.

3. Identify each Appellant and the name and address of counsel for each Appellant:

a. Appellant: Cristina Hinds

b. Counsel for Appellant: Marshal S. Willick Esq.
Nevada Bar No. 2515
WILICK LAW GROUP
3591 E. Bonanza Road Suite 200
Las Vegas, Nevada 89110

4. Identify each Respondent and the name and address of appellate counsel, if known, for each Respondent (if the name of a Respondent's appellate counsel is unknown, indicate as much and provide the name and address of that Respondent's trial counsel):

a. Respondent: Craig A. Mueller

b. Counsel for Respondent: Michael J. McAvoy-Amaya,
Esq.
Nevada Bar No. 14082
4539 Paseo Del Ray
Las Vegas, NV 89121

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission):

a. All counsel referenced above are licensed to practice law in the State of Nevada.

6. Indicate whether Appellant was represented by appointed or retained counsel in the district court:

- a. Appellant was represented by retained counsel, Marshal S. Willick, Esq., during the district court proceedings. See Number 3.
- b. Respondent was represented by retained counsel, Michael McAvoy-Amaya, Esq., during the district court proceedings. See Number 4.

1 **7. Indicate whether Appellant is represented by appointed or retained**
2 **counsel on appeal:**

- 3 a. Appellant has retained Marshal S. Willick, Esq., to represent her
4 in the Appeal proceedings.

5 **8. Indicate whether Appellant was granted leave to proceed in forma**
6 **pauperis, and the date of entry of the district court order granting**
7 **such leave:**

- 8 a. N/A

9 **9. Indicate the date the proceedings commenced in the district court**
10 **(e.g., date complaint, indictment, information, or petition was filed):**

- 11 a. These are post-judgment proceedings. The parties were divorced
12 by Decree filed July 29, 2019. Christina filed a
13 contempt/enforcement motion on November 8, 2019; eventually
14 this led to a Decision filed July 26, 2021. Motions were filed
15 relating to attorney's fees before and after that Decision, leading
16 to this appeal.

17 **10. Provide a brief description of the nature of the action and result in**
18 **the district court, including the type of judgment or order being**
19 **appealed and the relief granted by the district court:**

- 20 a. The Decision found "The Court would find it appropriate to
21 award Cristina attorney fees and costs as sanctions for having to
22 bring this matter before the Court which likely motivated Craig's
23 compliance" and awarded Christina "an award of her reasonable
24 attorney fees and costs that she incurred only after her concession
25 that Craig is entitled to an offset in the amount of \$36,871" and
26 "attorney fees and costs pursuant to EDCR 7.60(b) concerning the
27 matters Craig brought into compliance just two days before the
28 Evidentiary Hearing." Christina was directed to file a Memo of

1 Fees and Costs reflecting her expenses by August 10, 2021. She
2 filed that Memo on August 11 and on that basis the district court
3 denied all fees.
4
5

6 **11. Indicate whether the case has previously been the subject of an**
7 **appeal to or original writ proceeding in the Supreme Court and, if**
8 **so, the caption and Supreme Court docket number of the prior**
9 **proceeding:**

- 10 a. Currently pending is Case No. 83412, which is Craig's appeal
11 from the Decision. It was errantly assigned to Fast Track
12 although it involves no custody issues, but only the contempt and
13 financial orders.

14 **12. Indicate whether this Appeal involved child custody or visitation:**

- 15 a. No. This Appeal involves attorney's fees from the same
16 proceeding as No. 83412.

17 **13. If this is a civil case, indicate whether this Appeal involves the**
18 **possibility of settlement:**

- 19 a. Ms. Hinds believes that this case will not settle, but it is always
20 possible.

21 DATED this 6th day of January, 2022.
22

23 WILLYCK LAW GROUP

24
25 /s/Marshal S. Willick
26 MARSHAL S. WILLYCK, ESQ.
27 Nevada Bar No. 2515
28 3591 E. Bonanza Road, Suite 200
Las Vegas, NV 89110-2101
(702) 438-4100
Attorneys for Plaintiff/Appellant

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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 6th day of January, 2022, I caused the above and foregoing document to be served as follows:

- [X] Pursuant to EDCR 8.05(a), EDCR 8.05(f), Rule 5(b)(2)(D) and Administrative Order 14-2 captioned "In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court," by mandatory electronic service through the Eighth Judicial District Court's electronic filing system.
- [] By placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada.
- [] pursuant to EDCR 7.26, to be sent via facsimile, by duly executed consent for service by electronic means.
- [] Pursuant to Rule 5(b)(2)(D), by email by duly executed consent for service by electronic means.
- [] By hand delivery with signed Receipt of Copy..
- [] By placing same to be deposited for mailing in the United States Mail, Certified, Return Receipt Requested, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;

To the following at the address, email address, and/or facsimile number indicated below:

Michael J. McAvoy-Amaya, Esq.
4539 Paseo Del Ray
Las Vegas, NV 89121
mmcavoyamayalaw@gmail.com

/s/Justin K. Johnson
An Employee of the WILICK LAW GROUP

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1 TRANS

COPY

FILED

JAN 19 2022

Debra A. Hoffman
CLERK OF COURT

5 EIGHTH JUDICIAL DISTRICT COURT

6 FAMILY DIVISION

7 CLARK COUNTY, NEVADA

9 CRISTINA HINDS,)

10 Plaintiff,)

11 vs.)

12 CRAIG MUELLER,)

13 Defendant.)

CASE NO. D-18-571065-D

DEPT. C

APPEAL NO. 83412

(SEALED)

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

17 TRANSCRIPT RE: ALL PENDING MOTIONS

18
19 THURSDAY, OCTOBER 14, 2021

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APPEARANCES:

The Plaintiff:	CRISTINA HINDS (Tel.)
For the Plaintiff:	MARSHAL WILLOCK, ESQ. (Tel.)
	LORIEN COLE, ESQ. (Tel.)
	3591 E. Bonanza Rd., #200
	Las Vegas, Nevada 89110
	(702) 438-4100
 The Defendant:	 NOT PRESENT
For the Defendant:	MICHAEL MCAVOYAMAYA, ESQ. (Tel.)
	1100 E. Bridger Ave.
	Las Vegas, Nevada 89
	(833) 675-2958

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LAS VEGAS, NEVADA THURSDAY, OCTOBER 14, 2021

P R O C E E D I N G S

(THE PROCEEDINGS BEGAN AT 10:14:20)

THE CLERK: Okay. We're on the record.

THE COURT: Okay. Good morning. This is case D-18-571065-D, Cristina Hinds versus Craig Mueller. And I -- I see that (indiscernible) Michael Mcavoyamaya (indiscernible). Mute your microphone. Okay. He's not present. I have prior to bringing you all over the Court's Clerk noted that he wasn't presented and contacted his office. Counsel -- or I mean, Ms. Clerk, why don't you give him one more call.

THE CLERK: Okay.

THE COURT: And he didn't answer. So we're going to try one more time.

(PAUSE)

THE CLERK: Hi, this is Diane with Judge Burton and I'm calling you regarding the Mueller case which has a hearing today at 10:00 o'clock. Okay. Thank you. Bye. He's logging in right now. He was in a prior meeting.

(PAUSE)

THE COURT: Clerk, is he logging in now?

1 THE CLERK: That's what he said. I'm just waiting
2 for him to appear.

3 (PAUSE)

4 (COURT RECESSED AT 10:19 AND RESUMED AT 10:20)

5 THE CLERK: We are on the record.

6 THE COURT: Good morning. This is case
7 D-18-571065-D, Cristina Hinds versus Craig Mueller. Counsel
8 -- Counsel for Ms. Hinds, please state your appearance.

9 MR. WILLOCK: Good morning, Your Honor. Oh, sorry.
10 Marshal Willock, 2515, Lorien Cole, 11912, for Cristina Hinds
11 who is also present with us today on BlueJeans.

12 THE COURT: Okay. Thank you. Ms. Hinds, can you
13 hear us?

14 THE PLAINTIFF: Yes, I can. Thank you very much.

15 THE COURT: Okay. Thank you. All right. Counsel
16 for Mr. Mueller?

17 MR. MCAVOYAMAYA: Yes, Michael Mcavoyamaya, 14082,
18 for Mr. Mueller for Defendant.

19 THE COURT: Okay. Where's your client at?

20 MR. MCAVOYAMAYA: This -- I -- I was not aware that
21 he needed to be here today for -- for a -- a hearing on -- on
22 the attorney's fees for this particular motion in any event.

23 THE COURT: All right. The Court has reviewed the
24 -- Ms. Hinds' motion to reconsider. The Court has reviewed

1 Mr. Mueller's opposition. The Court has reviewed Ms. Hinds'
2 reply. The Court has disregarded Mr. Mueller's reply to the
3 reply because that paper is not permitted under EDCR 5.502E
4 without leave of the Court.

5 Does anybody have anything they really want to add
6 outside of the documents or the argument that has already been
7 -- the points and authorities that's already -- that's already
8 been provided to the Court?

9 MR. WILLICK: I believe that it's set forth in
10 writing. If there's any confusion, of course, we'll answer
11 any questions about what anything stated meant. But otherwise
12 I believe we've -- we put it all in writing. Unless Ms. Cole
13 thinks I've missed something.

14 MS. COLE: Not that wasn't in the papers. We can go
15 through point-by-point some of the highlights, but if the
16 Court has already reviewed and --

17 THE COURT: I reviewed it.

18 MS. COLE: Perfect.

19 THE COURT: Okay. Mr. Mcavoyamaya --

20 MR. MCAVOYAMAYA: I agree -- I agree with the
21 exception of the -- our opposition was also a countermotion
22 which is why there was a -- a reply.

23 THE COURT: Yeah, but you're not allowed to do that
24 unless there is -- that's what the rule says, is that you

1 can't do that unless you get leave of the Court.

2 MR. MCAVOYAMAYA: Even when you're -- you're
3 replying to your own motion though? It is a -- there's a
4 countermotion there. So it is an opposition and
5 countermotion. So we filed a reply.

6 THE COURT: Okay. I can read the motion -- the
7 rule, but I'm pretty certain that's what it says.

8 MR. MCAVOYAMAYA: You -- you cannot file -- file a
9 surreply to somebody else's motion, but we are filing an
10 opposition and then a motion ourselves which means then there's
11 an opposition and we file a reply to the motion itself.

12 MR. WILLICK: Yeah, that rule was changed, Mike.
13 The current rule in 5.502E says that absent leave of -- leave
14 or direction of the Court, no reply to an opposition to a
15 countermotion shall be filed.

16 MR. MCAVOYAMAYA: Okay.

17 THE COURT: Okay. So that rather specifically
18 addresses that. Okay. The Court finds that the motion that
19 was filed for attorney fee that -- Ms. Hinds' request for
20 attorney fees was timely made because it was made actually
21 repeatedly prior to the evidentiary hearing. The issue is
22 that the Court requested additional information and set a
23 deadline. And the Court had looked for guidance pursuant to
24 NRCP 54D. And for whatever reason the legislature has made

1 that a very strict rule that says that the Court isn't to
2 expand its deadlines which is why the Court ruled the way it
3 did.

4 So the issue for the Court -- to me is is the Court
5 to enforce its own order imposing a deadline for further
6 information. And, again, the legislature said look, this is
7 for whatever reason they have imposed a very strict rule that
8 says that the deadlines are the deadlines and with regard to
9 attorney fee issues and we're not to be expanding them. And
10 so the Court is not going to grant the request to reconsider.
11 I know that it's difficult for the Court to make this ruling
12 because I do think that the rule is strict, but the rule is
13 strict and that's the reason for the ruling.

14 MR. WILLICK: I presume you've -- you've gone
15 through each of the grounds that we set out whether the
16 authority applies, whether you can reconsider and set aside
17 your earlier order setting the shorter deadline and whether or
18 not the Court wishes to sua sponte or upon request issue a
19 sanction?

20 THE COURT: I don't understand the last thing you
21 just said.

22 MR. WILLICK: Sure. And I'm sorry if I was cryptic.
23 Our motion was on mul -- multiple grounds. We asked for
24 reconsideration which is what you just responded to. We also

1 asked for an order under 60B modifying your earlier order
2 which set the deadline in the first place on the theory that
3 if you reset the deadline from 15 to 16 days that our
4 submission was timely. And no authority was cited by either
5 side saying the Court can or can't set aside or modify its
6 order setting a deadline as long as you're within the 21 day
7 deadline of 54D.

8 Our third ground was even if you decide that we did
9 not comply with the Court's order and you're not going to
10 reconsider and the deadline can't be reset; even though, it
11 was set at an earlier order shorter than 21 days, the Court
12 can sua sponte or upon request issue a sanction for bad faith
13 litigation. And since the Court had previously said that it
14 was going to do that, we had asked you to set a sanction in
15 the form of attorney's fees which is within the Court's
16 authority under the case law. So I -- I'm -- I'm not arguing
17 with you. I'm just saying that you didn't really address
18 these other two grounds.

19 THE COURT: All right. Well, the -- with regard to
20 the sanction, I -- I do recognize that the rule says that you
21 don't need to comply with all of the deadlines and whatnot,
22 all the specifics of -- of NRCP 54D when it's a sanction. I
23 recognize that. But, again, it kind of goes back to the Court
24 set a deadline and the deadline wasn't met and that's

1 basically the reason why the Court is making a ruling again
2 based on the fact that -- that particular rule really is very
3 strict.

4 MS. COLE: If I may. I think the Court said in its
5 order that the attorney's fees were going to be issued as a
6 sanction under EDCR 7.60.

7 THE COURT: They are. And it kind of comes out to
8 then we end up with a slippery slope of how long do we wait.

9 MS. COLE: Right, but there's a specific exception
10 in 54D for sanctions. Says it -- that that deadline does not
11 apply to sanctions.

12 THE COURT: Well, I wasn't imposing the 21 day
13 deadline because the Court had -- the Court's determining that
14 the motion itself was filed timely. The req -- or the request
15 for fees was filed timely because it was filed in the motion
16 and in the replies. It was repeatedly requested. So it's --
17 it's -- the motion itself was timely. The request for fees is
18 timely. It's the request for additional information, the
19 memorandum of fees and costs, which wasn't timely. Again, I'm
20 taking my cue from the rule itself under 54D that makes it
21 very strict about not extending deadlines. And --

22 MS. COLE: But that's in re -- reference to filing a
23 motion though, not filing a memorandum and especially carves
24 out an exception for sanctions.

1 THE COURT: Yeah, I understand that, but I've just
2 answered that. I've taken my guidance from the rule itself
3 that we -- for whatever reason the legislature has made this
4 very strict and they want the -- they want these things done
5 without continuances. This is the way that I see it. Have I
6 answered your questions or is there more?

7 MR. MCAVOYAMAYA: I'm fine.

8 THE COURT: Mr. Willick, have I answered your
9 questions?

10 MR. WILLICK: Well, I'm not sure you actually
11 answered the question. You've given us a ruling at -- but I
12 -- I think we were speaking past one another. But I -- I
13 think I understand what you said and the short version is that
14 you are going to, based on your reading of the rule, say that
15 it even prevents the Court from sua sponte issuing a sanction.
16 It -- even though the motion was timely, and even though the
17 earlier order set a deadline within 21 days you're going to
18 say that you feel that you couldn't or shouldn't because of
19 the way the rule is phrased. I -- I'm -- I'm not altogether
20 sure there was much more to what you said. I'm not trying to
21 -- to downgrade what you said. I think that's what you said.

22 THE COURT: Right. And -- well, because basically
23 the request is saying that, you know, the Court has set an
24 order with a time frame and you're asking the Court to

1 disregard its orders and that becomes rather a slippery slope
2 for the Court is to disregard its orders, particularly, in an
3 area where the legislature has said that the Court isn't to
4 extend the deadlines. Okay. So that's the Court's ruling.

5 MR. WILLICK: I understand, Your Honor. And I thank
6 you for your time. Unless you have anything else, I presume
7 Mr. Mcavoyamaya will draft for our review.

8 THE COURT: And his countermotion by the way is
9 denied.

10 MR. MCAVOYAMAYA: Okay.

11 THE COURT: Thank you.

12 MR. MCAVOYAMAYA: Thank you.

13 MR. WILLICK: Thank you for the time, Your Honor.

14 (PROCEEDINGS CONCLUDED AT 10:31:12)

15 * * * * *

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

19
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22 _____
23 Adrian N. Medrano
24

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COPY

EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

FILED

JAN 19 2022

Sharon A. Quinn
CLERK OF COURT

CHRISTINA HINDS,) CASE NO. D-18-571065-D
Plaintiff,) DEPT. C
)
vs.) NV SUPREME CT. APPEAL NO.
) 83412 & 84077
CRAIG MUELLER,)
Defendant.) SEALED

CERTIFICATION OF TRANSCRIPTS NOTIFICATION OF COMPLETION

The Office of Transcript Video Services received a request for transcript and one copy, for the purposes of appeal from Willick Law Group on December 14, 2021 for the following proceedings in the above-captioned case:

OCTOBER 14, 2021

I do hereby certify that copies of the transcript requested in the above-captioned case were submitted to be filed with the Eighth Judicial District Court on January 19, 2022, and ordering party was notified January 19, 2022.

DATED this 19th day of January 2022.

Maria Balagtas
Maria Balagtas, Law Office Assistant II
Transcription Video Services

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

COOBY

EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

FILED

JAN 19 2022

Heather A. Spencer
CLERK OF COURT

CHRISTINA HINDS,) CASE NO. D-18-571065-D
Plaintiff,) DEPT. C
)
vs.) NV SUPREME CT. APPEAL NO.
) 83412 & 84077
CRAIG MUELLER,)
Defendant.) SEATED

FINAL BILLING FOR TRANSCRIPTS

The office of Transcript Video Services filed transcripts for Willick Law Group on January 19, 2022 for the following proceedings in the above-captioned case:

OCTOBER 14, 2021

Original transcript and one copy were requested.

The transcript total is 11 pages, for a final cost of \$43.68. A deposit in the amount of \$45.00 was received on December 17, 2021. A refund of \$1.32 will be process to the credit card provide directly to **Verbatim Reporting and Transcription.**

DATED this 19th day of January, 2022.

Maria Balagtas
Maria Balagtas, Law Office Assistant II
Transcription Video Services

Balance of Paid in Full Check # _____ CC# 21-2397 CASH _____ CLERK _____

Received by: _____ this _____ day of _____, 2022.

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

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

COPY

EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

CHRISTINA HINDS,) CASE NO. D-18-571065-D
Plaintiff,) DEPT. C
)
vs.) NV SUPREME CT. APPEAL NO.
) 83412 & 84077
CRAIG MUELLER,)
Defendant.) SEALED

RECEIPT OF COPY

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

OCTOBER 14, 2021

Were filed January 19, 2022 for Willick Law Group is hereby
acknowledged this _____ day of _____, 2022.

BY _____
Willick Law Group
3591 E. Bonanza Rd., Ste. 200
Las Vegas, NV. 89110

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

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EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

FILED

JAN 19 2022

Heather A. Johnson
CLERK OF COURT

CHRISTINA HINDS,) CASE NO. D-18-571065-D
Plaintiff,) DEPT. C
)
vs.) NV SUPREME CT. APPEAL NO.
) 83412 & 84077
CRAIG MUELLER,)
Defendant.) SEATED

FINAL BILLING FOR TRANSCRIPTS

The office of Transcript Video Services filed transcripts for Willick Law Group on January 19, 2022 for the following proceedings in the above-captioned case:

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DATED this 19th day of January, 2022.

Maria Balagtas
Maria Balagtas, Law Office Assistant II
Transcription Video Services

Balance of Paid in Full Check # _____ CC# 21-2397 CASH _____ CLERK _____

Received by: Mallory Yeargan this 20th day of January, 2022.

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

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