

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

ROBERT REYNOLDS,

Appellant,

vs.

SUSAN REYNOLDS

Respondent

No. 83473

Electronically Filed
Oct 13 2021 02:49 p.m.

Elizabeth A. Brown
Clerk of Supreme Court
DOCKETING STATEMENT
CIVIL APPEALS

GENERAL INFORMATION

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument and settlement conferences, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 27 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. See KDI Sylvan Pools v. Workman, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

1. Judicial District Eighth Department H
County Clark Judge T. Arthur Ritchie
District Ct. Case No. D-11-448466-D

2. Attorney filing this docketing statement:

Attorney F. Peter James, Esq. Telephone 702-256-0087
Firm Law Offices of F. Peter James, Esq.
Address 3821 West Charleston Boulevard, Suite 250
Las Vegas, Nevada 89102

Client(s) Robert Reynolds, Appellant

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

3. Attorney(s) representing respondents(s):

Attorney Ryan A. Hamilton, Esq. Telephone 702-818-1818
Firm Hamilton Law
Address 5125 South Durango Drive C
Las Vegas, Nevada 89113

Client(s) Susan Reynolds, Respondent

Attorney _____ Telephone _____
Firm _____
Address _____

Client(s) _____

(List additional counsel on separate sheet if necessary)

4. Nature of disposition below (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Judgment after bench trial | <input type="checkbox"/> Dismissal: |
| <input type="checkbox"/> Judgment after jury verdict | <input type="checkbox"/> Lack of jurisdiction |
| <input type="checkbox"/> Summary judgment | <input type="checkbox"/> Failure to state a claim |
| <input type="checkbox"/> Default judgment | <input type="checkbox"/> Failure to prosecute |
| <input checked="" type="checkbox"/> Grant/Denial of NRCP 60(b) relief | <input type="checkbox"/> Other (specify): _____ |
| <input type="checkbox"/> Grant/Denial of injunction | <input type="checkbox"/> Divorce Decree: |
| <input type="checkbox"/> Grant/Denial of declaratory relief | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Review of agency determination | <input type="checkbox"/> Other disposition (specify): _____ |

5. Does this appeal raise issues concerning any of the following?

- ☐ Child Custody
☐ Venue
☐ Termination of parental rights

6. Pending and prior proceedings in this court. List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

Reynolds v. Reynolds Supreme Court Docket No. 83473
Reynolds v. Reynolds District Court Case No. D-11-448466-D

7. Pending and prior proceedings in other courts. List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (*e.g.*, bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

Reynolds v. Reynolds (D-11-448466-D)
Eighth Judicial District Court Family Division
Clark County Nevada
Complaint for Divorce filed June 27, 2011.

8. Nature of the action. Briefly describe the nature of the action and the result below:

The present matter involves a post-decree motion requesting the set aside of a prior order. Only property issues are involved.

9. Issues on appeal. State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

Whether or not the district court erred in declining to set aside the order requested to be set aside.

10. Pending proceedings in this court raising the same or similar issues. If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

None known

11. Constitutional issues. If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

☐ N/A

☐ Yes

☒ No

If not, explain:

12. Other issues. Does this appeal involve any of the following issues?

☐ Reversal of well-settled Nevada precedent (identify the case(s))

☐ An issue arising under the United States and/or Nevada Constitutions

☐ A substantial issue of first impression

☐ An issue of public policy

☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

☐ A ballot question

If so, explain:

13. Assignment to the Court of Appeals or retention in the Supreme Court. Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

This case is presumptively assigned to the Court of Appeals as it is a case involving family law matters other than termination of parental rights and NRS Chapter 432B proceedings. See NRAP 17(b)(10).

Appellant sees no reason for the Supreme Court to retain this case.

14. Trial. If this action proceeded to trial, how many days did the trial last? 0 _____

Was it a bench or jury trial? _____

15. Judicial Disqualification. Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?

TIMELINESS OF NOTICE OF APPEAL

16. Date of entry of written judgment or order appealed from June 8, 2021

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

17. Date written notice of entry of judgment or order was served Jul 30, 2021

Was service by:

☐ Delivery

☒ Mail/electronic/fax

18. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59)

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

☐ NRCP 50(b) Date of filing _____

☐ NRCP 52(b) Date of filing _____

☐ NRCP 59 Date of filing _____

NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See AA Primo Builders v. Washington, 126 Nev. ___, 245 P.3d 1190 (2010).

(b) Date of entry of written order resolving tolling motion _____

(c) Date written notice of entry of order resolving tolling motion was served _____

Was service by:

☐ Delivery

☐ Mail

19. Date notice of appeal filed August 30, 2021

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:

20. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a) or other

NRAP 4(a)

SUBSTANTIVE APPEALABILITY

21. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:

(a)

☐ NRAP 3A(b)(1)

☐ NRS 38.205

☐ NRAP 3A(b)(2)

☐ NRS 233B.150

☐ NRAP 3A(b)(3)

☐ NRS 703.376

☒ Other (specify) NRAP 3A(b)(8)

(b) Explain how each authority provides a basis for appeal from the judgment or order:

The order appealed from is a special order after final judgment and is not an order granting a motion to set aside.

22. List all parties involved in the action or consolidated actions in the district court:

(a) Parties:

Susan Reynolds, Plaintiff
Robert Reynolds, Defendant

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other:

23. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.

Appellant requested that the district court set aside an order regarding property. Respondent opposed the motion. The district court denied the claim.

24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?

☒ Yes

☐ No

25. If you answered "No" to question 24, complete the following:

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)?

☐ Yes

☐ No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?

☐ Yes

☐ No

26. If you answered "No" to any part of question 25, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):

27. Attach file-stamped copies of the following documents:

- ☐ The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- ☐ Any tolling motion(s) and order(s) resolving tolling motion(s)
- ☐ Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- ☐ Any other order challenged on appeal
- ☐ Notices of entry for each attached order

VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Robert Reynolds
Name of appellant

F. Peter James, Esq.
Name of counsel of record

October 13, 2021
Date

/s/ F. Peter James
Signature of counsel of record

Clark County, Nevada
State and county where signed

CERTIFICATE OF SERVICE

I certify that on the 11th day of October, 2021, I served a copy of this completed docketing statement upon all counsel of record:


- ☐ By personally serving it upon him/her; or
- ☐ By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

Dated this 11th day of October, 2021

Signature

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Ryan Hamilton, Esq.
Counsel for Respondent



CLERK OF THE COURT

1 **COMD**
Vincent Mayo, Esq.
2 Nevada State Bar Number: 8564
The Abrams Law Firm, LLC
3 6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
4 Tel: (702) 222-4021
Fax: (702) 248-9750
5 Email: vmayo@theabramslawfirm.com
Attorney for Plaintiff

6 Eighth Judicial District Court
Family Division
7 Clark County, Nevada

8 SUSAN VICTORIA REYNOLDS,

9 Plaintiff,

10 vs.

11 ROBERT WILLIAM REYNOLDS,

12 Defendant.

Case No.: D- 11 - 448466 - D

Department: H

13 **COMPLAINT FOR DIVORCE; FOR PARTITION OF ASSETS ACCUMULATED PRIOR**
TO MARRIAGE BASED UPON A COHABITATION / MERETRICIOUS
14 **RELATIONSHIP AND RELATED CLAIMS**

15 NOW INTO COURT comes Plaintiff, SUSAN VICTORIA REYNOLDS, by and
16 through her attorney, VINCENT MAYO, ESQ., of THE ABRAMS LAW FIRM, LLC, and
17 for her causes of action against Defendant, ROBERT WILLIAM REYNOLDS, complains
and alleges as follows:

18 **FIRST CAUSE OF ACTION**

19 **DIVORCE**

20 1. For more than six (6) weeks immediately preceding the commencement of
21 this action, Plaintiff has been and now is a bona fide and actual resident and domiciliary
22 of the State of Nevada, County of Clark.
23
24 ///

1 2. Plaintiff and Defendant were married on September 9, 2009 in Las Vegas,
2 Nevada and ever since have been and now are husband and wife.

3 3. There are no minor children of the marriage, there are no adopted children
4 of the parties, and to the best of Plaintiff's knowledge she is not currently pregnant.

5 4. Defendant should obtain and maintain medical, dental and optical
6 insurance for the Plaintiff *pendente lite*.

7 5. There are community assets of the parties hereto, the exact amounts and
8 descriptions of which are unknown to Plaintiff at this time. Plaintiff prays leave of this
9 Court to amend this Complaint to insert the same when they have become known to
10 Plaintiff or at the time of trial.

11 6. There are community debts of the parties hereto, the exact amounts and
12 descriptions of which are unknown to Plaintiff at this time. Plaintiff prays leave of this
13 Court to amend this Complaint to insert the same when they have become known to
14 Plaintiff or at the time of trial.

15 7. Plaintiff requests that this Court confirm to Plaintiff her sole and separate
16 property, the exact amounts and descriptions of which are unknown to Plaintiff at this
17 time. Plaintiff prays leave of this Court to amend this Complaint to insert the same
18 when they have become known to Plaintiff or at the time of trial.

19 8. There were assets of the parties accumulated prior to marriage during the
20 parties' cohabitation which they contracted to owned equally and which they
21 subsequently brought into the marriage as community property. Plaintiff requests these
22 assets be equitably divided between the parties pursuant to the principle set forth in
23 Carr-Bricken v. First Interstate Bank, 105 Nev. 570, 779 P.2d 967 (1989).

24 9. Plaintiff requests that this Court confirm to Defendant his sole and

1 separate debt, the exact amounts and descriptions of which are unknown to Plaintiff at
2 this time. Plaintiff prays leave of this Court to amend this Complaint to insert the same
3 when they have become known to Plaintiff or at the time of trial.

4 10. During the course of the marriage, Defendant's personal conduct has
5 resulted in the waste, erosion, dissipation, depletion, loss, and/or destruction of marital
6 assets. Among other relief, Plaintiff, in accordance with equity and justice, should be
7 awarded a greater share of the marital estate based upon Defendant's conduct which
8 has caused the waste of marital property and the loss of financial opportunities.

9 11. Given the respective financial conditions of the parties, in addition to other
10 factors, Defendant should be required to pay Plaintiff spousal support.

11 12. Plaintiff requests that this Court jointly restrain the parties herein in
12 accordance with the terms of the Joint Preliminary Injunction issued herewith.

13 13. Plaintiff has been required to retain the services of The Abrams Law Firm,
14 LLC to prosecute this action and is therefore entitled to reasonable attorney's fees and
15 costs of suit.

16 14. Should either party unnecessarily or unreasonably cause an increase in
17 the cost of litigation, the party causing such an increase should pay one hundred
18 percent (100%) of the increase in attorney fees for both sides.

19 15. Plaintiff shall restore her maiden name of SUSAN VICTORIA HAYDEN.

20 16. During the course of said marriage, the tastes, mental disposition, views,
21 likes and dislikes of Plaintiff and Defendant have become so widely divergent that the
22 parties have become incompatible in marriage to such an extent that it is impossible for
23 them to live together as husband and wife; that the incompatibility between the Plaintiff
24 and Defendant is so great that there is no possibility of reconciliation.

1 **SECOND CAUSE OF ACTION**

2 **PARTITION OF ASSETS ACCUMULATED PRIOR TO MARRIAGE BASED UPON**
3 **COHABITATION / MERETRICKIOUS RELATIONSHIP**

4 1. Plaintiff incorporates and realleges all preceding paragraphs as if fully
5 stated herein.

6 2. The Court has jurisdiction to hear the claims made in this Second Cause
7 of Action in accordance with Nevada law, specifically under, but not limited to, Landreth
8 v. Malik, 125 Nev. Adv. Op. No. 61, 251 P.3d 163 (2011) and Barelli v. Barelli, 113 Nev.
9 873, 878, 944 P.2d 246, 249 (1997).

10 3. Plaintiff is an actual and bona fide resident of Clark County, Nevada, and
11 has been physically present in said County and State for more than six (6) weeks prior
12 to the filing of this Complaint.

13 4. Defendant is a bona fide resident of Clark County, Nevada.

14 5. In 2006, the parties moved in together and they began to cohabitate in a
15 meretricious relationship. They resided together continuously for approximately three
16 (3) years prior to their marriage on September 9, 2009 in Las Vegas, Nevada.

17 6. Since 2006 and up through their marriage, the parties have continuously
18 lived together in the same residence.

19 7. The parties held each other out as general partners and involved in a
20 committed relationship during their cohabitation.

21 8. Plaintiff financially supported Defendant during their cohabitation.

22 9. The parties pooled their assets during their cohabitation, including but not
23 limited to having joint financial accounts.

24 ///

1 10. The parties jointly provided for their monthly debts while cohabitating
2 together.

3 11. The parties bought property together during their cohabitation.

4 12. Defendant listed Plaintiff as a dependent on his tax returns during the
5 parties' cohabitation.

6 13. The parties pooled their financial resources and direct labor in a concerted
7 effort to acquire assets to be owned by them as if community property.

8 14. During the parties' cohabitation, Plaintiff performed household duties and
9 provided comfort and companionship to Defendant, including, but not limited to,
10 cooking, cleaning, laundering, payment of bills, maintenance, etc.

11 15. During the parties' cohabitation, business ventures were started.

12 16. Plaintiff's contributions to the community, including her financial
13 contributions and her labor in the home, allowed Defendant the freedom to develop
14 business ventures, his personal business expertise and work experience which have
15 resulted in economic gain.

16 17. Defendant represented to Plaintiff during their cohabitation / meretricious
17 relationship that he would financially support Plaintiff into the future and planned for the
18 parties to marry.

19 18. The parties eventually turned their cohabitation / meretricious relationship
20 into a marriage, thereby evidencing their prior intent to pool and own assets as
21 community property.

22 19. No premarital agreement was entered into by the parties prior to their
23 marriage.

24 ///

1 20. After the parties' separated, they commenced equally dividing assets
2 acquired prior to marriage.

3 21. The parties expressly agreed to acquire and hold property as if it was
4 community property during their cohabitation/meretricious relationship.

5 22. To whatsoever degree, proof is lacking of explicit agreement to acquire
6 and hold property as if it was community property, the parties' actions throughout the
7 past five (5) years provides a basis for the finding of an implied agreement prior to
8 marriage to acquire and hold property as if it was community property.

9 23. Pursuant to Nevada law, the community property laws apply to the parties
10 by analogy, and there is property accumulated during the parties' cohabitation /
11 meretricious relationship to be equitably divided.

12 WHEREFORE, Plaintiff, SUSAN VICTORIA REYNOLDS, prays for judgment
13 against Defendant, ROBERT WILLIAM REYNOLDS, as follows:

14 1. That the contract of marriage now and therefore existing between Plaintiff
15 and Defendant be dissolved and that Plaintiff be granted an absolute
16 Decree of Divorce and that each of the parties hereto be restored to the
17 status of a single, unmarried person;

18 2. That the Court grant the relief requested in this Complaint for Divorce;

19 3. That the Court grant the relief requested in this Partition of Assets
20 Accumulated Prior to Marriage Based Upon Cohabitation / Meretricious
21 Relationship; and

22 ///

23 ///

24 ///

1 4. For such other relief as the Court finds just and equitable in the premises.

2 Dated Friday, June 24, 2011.

3 Respectfully Submitted,

4 The Abrams Law Firm, LLC

5 
6 _____
7 Vincent Mayo, Esq.
8 Nevada State Bar Number: 8564
9 6252 South Rainbow Blvd., Suite 100
10 Las Vegas, Nevada 89118
11 Tel: (702) 222-4021
12 Attorney for Plaintiff

1 VERIFICATION

2 STATE OF NEVADA
3 COUNTY OF CLARK

} ss:

4 SUSAN VICTORIA REYNOLDS, under penalties of perjury, being first duly
5 sworn, deposes and says:

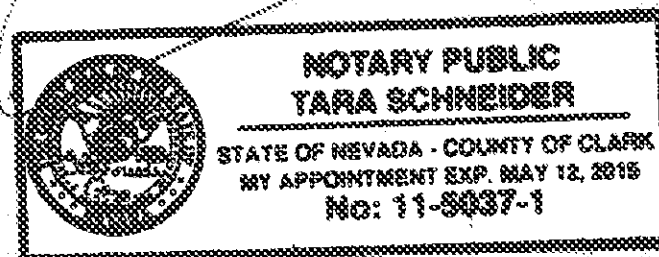
6 That she is the Plaintiff in the above entitled action; that she has read the
7 foregoing **COMPLAINT FOR DIVORCE; FOR PARTITION OF ASSETS**
8 **ACCUMULATED PRIOR TO MARRIAGE BASED UPON A COHABITATION /**
9 **MERETRICIOUS RELATIONSHIP AND RELATED CLAIMS** and knows the contents
10 thereof; that the same is true of her own knowledge, except for those matter therein
11 contained stated upon information and belief, and as to those matters, she believes
12 them to be true.

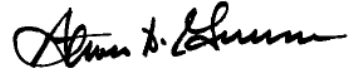
13 Dated Friday, June 24, 2011.

14 
SUSAN VICTORIA REYNOLDS

15 SUBSCRIBED and SWORN to me
16 this 24th day of June, 2011.

17 
NOTARY PUBLIC





CLERK OF THE COURT

1 **ACC**

2 KUNIN & CARMAN

3 Israel "Ishi" Kunin, Esq.
4 Nevada Bar No. 000286
5 Michael P. Carman, Esq.
6 Nevada Bar No. 007639
7 3551 E. Bonanza Road, Ste 110
8 Las Vegas, Nevada 89110
9 Telephone Number: (702) 438-8060
10 Fax Number: (702) 438-8077
11 Email Address: info@kunincarman.com
12 Attorneys for Defendant/Counterclaimant
13 Robert William Reynolds

8 **DISTRICT COURT**

9 **FAMILY DIVISION**

10 **CLARK COUNTY, NEVADA**

11 SUSAN VICTORIA REYNOLDS,)

12)
13 Plaintiff/Counterdefendant,)

CASE NO.: D-11-448466-D

DEPT. NO.: H

14 vs.)

15 ROBOT WILLIAM REYNOLDS,)

16 Defendant/Counterclaimant.)

17 **ANSWER AND COUNTERCLAIM**

18 COMES NOW Defendant/Counterclaimant, Robert William Reynolds ("Robert"),
19 by and through his attorneys of record, Israel "Ishi" Kunin, Esq., and Michael P.
20 Carman, Esq. of KUNIN & CARMAN, and hereby answers Plaintiff/Counterdefendant's,
21 Susan Victoria Reynolds ("Susan"), Complaint For Divorce; for Partition of Assets
22 Accumulated Prior to Marriage Based Upon a Cohabitation / Meretricious Relationship
23 and Related Claims ("Complaint") as follows:

24 ///

KUNIN & CARMAN
3551 E. BONANZA ROAD, SUITE 110
LAS VEGAS, NEVADA 89110
(702) 438-8060
FAX: (702) 438-8077

1 **FIRST CAUSE OF ACTION**

2 **DIVORCE**

3 1. Answering paragraphs 1, 2, 3, 12, 14, and 16 of the First Cause of Action
4 in Susan's Complaint, Robert admits each and every allegation contained therein.

5 2. Answering paragraphs 8, 10, 11, and 13 of the First Cause of Action in
6 Susan's Complaint, Robert denies each and every allegation contained therein.

7 3. Answering paragraph 4 of the First Cause of Action in Susan's Complaint,
8 to the extent that all insurance coverages in place should remain in place until the time
9 of Divorce, Robert admits the same. To the extent that Susan may be requesting
10 additional coverage, however, Robert denies the same.

11 4. Answering paragraph 5 of the First Cause of Action in Susan's Complaint,
12 Robert admits there are community assets acquired during the marriage. To the extent
13 that Susan's complaint may be construed as asserting additional allegations, Robert
14 hereby denies the same.

15 5. Answering paragraph 6 of the First Cause of Action in Susan's
16 Complaint, Robert admits there are community debts acquired during the marriage. To
17 the extent that Susan's complaint may be construed as asserting additional allegations,
18 Robert hereby denies the same.

19 6. Answering paragraph 7 of the First Cause of Action in Susan's Complaint,
20 Robert admits that sole and separate property of the Plaintiff should be confirmed. To
21 the extent that Susan's complaint may be construed as asserting additional allegations,
22 Robert hereby denies the same.

23 7. Answering paragraph 9 of the First Cause of Action in Susan's Complaint,
24 Robert admits that sole and separate property of the Defendant should be confirmed.
25

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1 To the extent that Susan's complaint may be construed as asserting additional
2 allegations, Robert hereby denies the same.

3 8. Answering paragraph 15 of the First Cause of Action in Susan's
4 Complaint, Robert affirmatively states that there is no basis to either affirm or deny
5 such allegations. To the extent that Susan's complaint may be construed as asserting
6 any allegations to be admitted or denied, Robert hereby denies the same.

7 WHEREFORE, Robert prays that Susan take nothing by virtue of her Complaint
8 for Divorce on file herein.

9
10 **SECOND CAUSE OF ACTION**

11 **PARTITION OF ASSETS ACCUMULATED PRIOR TO MARRIAGE BASED UPON A
COHABITATION / MERETRICIOUS RELATIONSHIP**

12 1. Robert incorporates and reaffirms his answers to all preceding
13 paragraphs as if fully stated herein.

14 2. Answering paragraphs 3, 4, 6, 12, 14, 15, and 19 of the Second Cause of
15 Action in Susan's Complaint, Robert admits each and every allegation contained
16 therein.

17 3. Answering paragraphs 2, 5, 7, 8, 9, 10, 11, 13, 16, 17, 18, 21, 22, and 23
18 of the Second Cause of Action in Susan's Complaint, Robert denies each and every
19 allegation contained therein.

20 4. Answering paragraph 20 of the Second Cause of Action in Susan's
21 Complaint, Robert admits that the parties' divided their separate property owned prior
22 marriage, but denies the stated allegations to the extent that they imply that the parties
23 may have jointly acquired property prior to their marriage.

1 WHEREFORE, Robert prays that Susan take nothing by virtue of her Complaint
2 for Divorce on file herein.

3 **AFFIRMATIVE DEFENSES**

4 1. Susan's Complaint has failed to state a claim upon which relief can be
5 granted.

6 2. To the extent that Susan has alleged the existence of any oral contract,
7 she has failed to seek redress from the Court in a timely manner pursuant to Nevada's
8 Statute of Limitations.

9 3. Based upon the monies taken by Susan at the onset of this case doctrine
10 of Waiver and Estoppel prevents her from seeking further recovery.

11 4. Based upon Susan's conduct, the Doctrine of Unclean Hands prevents
12 her from seeking recovery.

13 5. As Susan has already taken substantial monies from the parties'
14 accounts, Accord and Satisfaction prevents her from seeking further recovery.

15 6. To the extent that Susan has alleged the existence of an oral contract,
16 Susan has failed to seek redress from the Court in a timely manner and her claims are
17 further barred by the doctrine of Laches.

18 7. Based upon the substantial monies removed by Susan from the parties'
19 account, the doctrine of Unjust Enrichment prevents her from seeking further recovery.

20 8. Susan's claims are barred due to the Lack of Privity between the parties.

21 9. To the extent that Susan has alleged the existence of an oral contract
22 prior to the parties' marriage, her claims are barred due to the fact that any such
23 contract is void as a matter of public policy.

10. Any alleged contract or agreement prior to the parties' marriage claimed by Susan is void and unenforceable due to lack of consideration.

11. Any alleged contract or agreement prior to the parties' marriage claimed by Susan is void and unenforceable due to the Statute of Frauds.

12. Any alleged contract or agreement prior to the parties' marriage claimed by Susan is void and unenforceable due to lack of consideration due to the vagueness or absence of one or more material terms.

13. Any alleged contract or agreement prior to the parties' marriage claimed by Susan is void and unenforceable due to her own breach.

COUNTERCLAIM

I.

Robert is now, and for the past six weeks immediately preceding the commencement of this action has been, an actual, bona fide resident of the County of Clark, State of Nevada, actually and physically present and residing therein during all of said time period.

II.

Robert and Susan were married on the 9th day of September, 2009, in Las Vegas, Nevada, and ever since have been and now are husband and wife.

III.

There are no minor children born the issue of this marriage, there are no adopted children of the parties, and to the best of Robert's knowledge, Susan is not now pregnant.

IV.

There is community property of the parties to be adjudicated by the court.

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V.

There are community debts of the parties to be adjudicated by the court.

VI.

Each party should bear their own attorney's fees and costs incurred in defending this action.

VII.

Each party should provide for their own medical, dental and optical insurance coverage upon termination of this marriage.

VIII.

There is no basis for an award of spousal support to either party.

IX.

The parties are incompatible in marriage.

WHEREFORE, Robert prays for judgment as follows:

1. That the court make an equal division of the community assets;
2. That the court make an equal division of the community obligations;
3. That each party bear their own attorney's fees and costs;
4. That each party be responsible for their own medical insurance coverages; and

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KUNIN & CARMAN
3551 E. BONANZA ROAD, SUITE 110
LAS VEGAS, NEVADA 89110
(702) 438-8060
FAX: (702) 438-8077

1 5. For such other and further relief as the court may deem just and proper in
2 the premises.

3 DATED this 29th day of August, 2011.

4 KUNIN & CARMAN

5 
6

7 Israel "Ishi" Kunin, Esq.
8 Nevada Bar No. 000286
9 Michael P. Carman, Esq.
10 Nevada Bar No. 007639
11 3551 E. Bonanza Rd., Ste. 110
12 Las Vegas, Nevada 89110
13 Attorneys for Defendant/Counterclaimant
14 Robert William Reynolds
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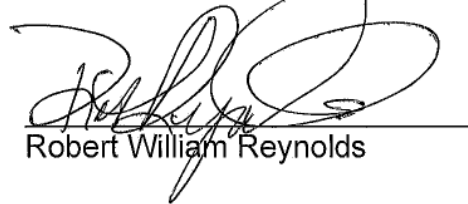
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LAS VEGAS, NEVADA 89110
(702) 438-8060
FAX: (702) 438-8077

VERIFICATION

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

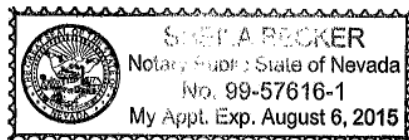
Robert William Reynolds, being first duly sworn, deposes and says:

That he is the Defendant/Counterclaimant in the above and foregoing action;
that he has read the Answer and Counterclaim, and knows the contents thereof; that
the same is true of his own knowledge, except for those matters therein stated on
information and belief, and as to those matters, he believes the same to be true.


Robert William Reynolds

SIGNED and SWORN to before
me this 29 day of August, 2011.


NOTARY PUBLIC



CERTIFICATE OF SERVICE

I hereby certify that I am an employee of KUNIN & CARMAN, and that, on the 29th day of August, 2011, I served a true and correct copy of the above and foregoing ANSWER AND COUNTERCLAIM, by the following means:

☒ Placing in the U.S. Mail, with postage fully prepaid, addressed to:

Vincent Mayo, Esq.
The Abrams Law Firm, LLC
6252 South Rainbow Boulevard, Ste. 100
Las Vegas, Nevada 89118
Attorneys for Plaintiff Susan Victoria Reynolds

☒ Facsimile Transmission, addressed to:

Vincent Mayo, Esq.
Fax No.: (702) 248-9750
Attorneys for Plaintiff Susan Victoria Reynolds

☐ Email, addressed to:

Vincent Mayo, Esq.
vmayo@theabramslawfirm.com
Attorneys for Plaintiff Susan Victoria Reynolds



An employee of KUNIN & CARMAN

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(702) 438-8077 Facsimile

FACSIMILE COVER SHEET

To: Vincent Mayo, Esq.

Fax No.: 248-9750

From: Carol Better, Legal Asst. to Michael P. Carman, Esq.

Date: August 29, 2011

Re: Reynolds v Reynolds, Case No. D-11-448466-D

Document(s): Answer v Counterclaim

Number of Pages: 10 (including fax cover sheet)

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1 ORDER

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3
4
5 **DISTRICT COURT**
6 **FAMILY DIVISION**
7 **CLARK COUNTY, NEVADA**
8
9

10 SUSAN REYNOLDS,)
11 Plaintiff,) CASE NO. D-11-448466-D
12) DEPT. NO. "H"
13 vs.)
14)
15 ROBERT REYNOLDS,) **DECISION AND ORDER**
16 Defendant.)
17 _____)

18 Date of Hearing: N/A Time of Hearing: N/A

19 This decision and order concerns Robert Reynolds' motion to set aside the
20 Order that was filed on June 8 2021, following the April 15, 2021, evidentiary
21 hearing. The motion to set aside was filed on June 9, 2021. A Notice of Hearing
22 was filed on June 22, 2021, setting the motion for hearing on August 3, 2021, at
23 10 a.m. The court reviewed the motion, the opposition, and the reply to
24 opposition prior to the hearing. The court made findings and conclusions on the
25
26
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28

1 record at the hearing on April 15, 2021, and the Order filed on June 8, 2021,
2 accurately reflects the court's decision. The court concludes that the motion to
3 set aside lacks merit and should be denied. If Mr. Reynolds believes that the
4 judgment is not supported by sufficient proof, or that the court made errors, the
5 matter can be appealed. Robert Reynolds' motion was reviewed pursuant to
6 EDCR 2.23 (c), which provides, in part:
7

8
9 (c) The judge may consider the motion on the merits at any time
10 with or without oral argument, and grant or deny it.
11

12 Therefore,
13

14 **IT IS HEREBY ORDERED** that Robert Reynolds' motion to set aside the
15 Order filed on June 9, 2021, is denied.
16

17 **IT IS FURTHER ORDERED** that the hearing scheduled for August 3,
18 2021, at 10a.m. is vacated.
19

20 Dated this 30th day of July, 2021

21 
22

23 3C9 685 BAE1 E623
24 T. Arthur Ritchie
25 District Court Judge
26
27
28

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Susan Victoria Reynolds,
7 Plaintiff

CASE NO: D-11-448466-D

8 vs.

DEPT. NO. Department H

9 Robert William Reynolds,
10 Defendant.

11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 7/30/2021

16 "Michael P. Carman, Esq." .

mcarman@mpclawoffice.com

17 Ryan Hamilton

ryan@hamlegal.com

18 Susan Hayden

dirtyjeepgirl@yahoo.com

19 Robert Reynolds

robertwreynolds1@gmail.com

20 Ashley Burkett

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21 Daniel Tully

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22 Bailey Donnell

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23 Christen Earle

christen@buchmillerlaw.com

24 Kelly Terrell

kelly@buchmillerlaw.com

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