

IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS A. PICKENS,
INDIVIDUALLY AND AS TRUSTEE
OF THE LV BLUE TRUST,

Appellant,

vs.

DR. DANKA K. MICHAELS,
INDIVIDUALLY AND AS TRUSTEE
OF THE MICH-MICH TRUST,

Respondent;

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Elizabeth A. Brown
Clerk of Supreme Court

S.C. DOCKET NO.: 83491
D.C. Case No. D-17-560737-D

APPENDIX

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ATTORNEYS FOR APPELLANT

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Plaintiff's Trial Exhibit 51 - 2016 1065 Income Tax Return for Patience One LLC	02/14/2020	XXVIII/ AA06673-06691
Plaintiff's Trial Exhibit 52 - 2008 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXVIII/ AA06692- XXIX/ AA06759
Plaintiff's Trial Exhibit 53 - 2009 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXIX/ AA06760-06832
Plaintiff's Trial Exhibit 54 - 2010 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXIX/ AA06833-06862
Plaintiff's Trial Exhibit 55 - 2011 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXIX/ AA06863-06912
Plaintiff's Trial Exhibit 56 - 2012 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXIX/ AA06913-06930
Plaintiff's Trial Exhibit 57 - 2013 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXIX/ AA06931-06962
Plaintiff's Trial Exhibit 58 - 2014 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXIX/ AA06963-06998

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Plaintiff's Trial Exhibit 63 - Wells Fargo Business Checking #9112 titled in the name of Blue Point Development 05/29/2014 through 12/31/2014	02/14/2020	XXX/AA07001- 07002
Plaintiff's Trial Exhibit 65 - Wells Fargo Business Checking #9112 titled in the name of Blue Point Development 01/01/2015 through 12/31/2015	02/14/2020	XXX/AA07003- 07006
Plaintiff's Trial Exhibit 67 - Wells Fargo Business Checking #9112 titled in the name of Blue Point Development 01/01/2016 through 12/31/2016	02/14/2020	XXX/AA07007- 07008
Plaintiff's Trial Exhibit 69 - Wells Fargo Business Checking #9112 titled in the name of Blue Point Development 01/01/2017 through 12/31/2017	02/14/2020	XXX/AA07009- 07010
Plaintiff's Trial Exhibit 70 - Wells Fargo Business Checking #9112 titled in the name of Blue Point Development 01/01/2018 through 12/31/2018	02/14/2020	XXX/AA07011
Plaintiff's Trial Exhibit 71 - Wells Fargo Business Checking #9112 titled in the name of Blue Point Development 01/01/2019 through 04/30/19	02/14/2020	XXX/AA07012- 07013
Plaintiff's Trial Exhibit 74 - Wells Fargo Checking ending 3436 titled in the names of Thomas A. Pickens and Danka K. Michaels 07/01/2014 through 12/31/14	02/14/2020	XXX/AA07014

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Plaintiff's Trial Exhibit 78 - Wells Fargo Checking ending 3436 titled in the names of Thomas A. Pickens and Danka K. Michaels 01/01/2016 through 12/31/16	02/14/2020	XXX/AA07017- 07050
Plaintiff's Trial Exhibit 79 - Wells Fargo Checking ending 3436 titled in the names of Thomas A. Pickens and Danka K. Michaels 01/01/2017 through 12/31/17	02/14/2020	XXX/AA07051
Plaintiff's Trial Exhibit 80 - Wells Fargo Checking ending 3436 titled in the names of Thomas A. Pickens and Danka K. Michaels 01/01/2018 through 04/30/18	02/14/2020	XXX/AA07052
Plaintiff's Trial Exhibit 82 - American Express Statements #72004 Thomas Pickens card #72004 Danka Michaels card #72020 12/30/10 through 12/15/11	02/14/2020	XXX/AA07053
Plaintiff's Trial Exhibit 83 - American Express Statements #72004 Thomas Pickens card #72004 Danka Michaels card #72020 12/16/11 through 12/14/12	02/14/2020	XXX/AA07054- 07057
Plaintiff's Trial Exhibit 84 - American Express Statements #72004 Thomas Pickens card #72004 Danka Michaels card #72020 12/15/12 through 12/15/13	02/14/2020	XXX/AA07058
Plaintiff's Trial Exhibit 85 - American Express Statements #72004 Thomas Pickens card #72004 Danka Michaels card #72020 12/16/13 through 12/15/14	02/14/2020	XXX/AA07059

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Plaintiff's Trial Exhibit 87 - American Express Statements #72004 Thomas Pickens card #72004 #73002 Danka Michaels card #72020 12/16/15 through 12/15/16	02/14/2020	XXX/AA07061-07092
Plaintiff's Trial Exhibit 88 - American Express Statements #72004 Thomas Pickens card #73002 Danka Michaels card #72020 12/16/16 through 12/15/17	02/14/2020	XXX/AA07093-07095
Plaintiff's Trial Exhibit 89 - American Express Statements #72004 Thomas Pickens card #73002 Danka Michaels card #72020 12/16/17 through 12/15/18	02/14/2020	XXX/AA07096-07204
Plaintiff's Trial Exhibit 90 - American Express Statements #72004 Thomas Pickens card #73002 Danka Michaels card #72020 12/16/18 through 04/14/19	02/14/2020	XXX/AA07205-07228
Plaintiff's Trial Exhibit 93 - Lowes house summary with supporting Wells Fargo Home Mortgage #9607 (PMA #3436) titled in the names of Danka Katarina Michaels and Thomas A. Pickens 07/02/14 through 07/01/2016	02/14/2020	XXX/AA07229-07230
Plaintiff's Trial Exhibit 97 - American Express Statements #63006 titled in the name of Thomas Pickens 12/08/10 through 12/08/11	02/14/2020	XXX/AA07231
Plaintiff's Trial Exhibit 98 - American Express Statements #63006 titled in the name of Thomas Pickens 12/09/11 through 12/07/12	02/14/2020	XXX/AA07232-07236

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Plaintiff's Trial Exhibit 101 - American Express Statements #63006 titled in the name of Thomas Pickens 12/09/14 through 12/08/15	02/14/2020	XXX/AA07248-07250
Plaintiff's Trial Exhibit 102 - American Express Statements #63006 titled in the name of Thomas Pickens 12/09/15 through 12/08/16	02/14/2020	XXXI/AA07251-07255
Plaintiff's Trial Exhibit 103 - American Express Statements #63006 titled in the name of Thomas Pickens 12/09/16 through 12/08/17	02/14/2020	XXXI/AA07256-07258
Plaintiff's Trial Exhibit 104 - American Express Statements #63006 titled in the name of Thomas Pickens 01/08/18 through 12/07/18	02/14/2020	XXXI/AA07259
Plaintiff's Trial Exhibit 105 - American Express Statements #63006 titled in the name of Thomas Pickens 12/08/18 through 05/08/19	02/14/2020	XXXI/AA07260
Plaintiff's Trial Exhibit 106 - American Express #51001 titled in the name of Blue Point Development 12/05/12 through 12/20/13	02/14/2020	XXXI/AA07261-07262
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Plaintiff’s Trial Exhibit 112 - American Express #51001 titled in the name of Blue Point Development 12/21/18 through 04/19/19	02/14/2020	XXXII/AA 07688-07689
Plaintiff’s Trial Exhibit 113 - Bank of America Bank Statements #2561 titled in the name of Blue Point Development 10/29/12 through 02/28/14	02/14/2020	XXXII/AA 07690-07691
Plaintiff’s Trial Exhibit 114 - Bank of America Bank Statements #0222 titled in the name of Patience One LLC 11/01/12 through 12/31/13	02/14/2020	XXXII/AA 07692-07693
Plaintiff’s Trial Exhibit 115 - Wells Fargo Visa #0648 titled in the name of Thomas Pickens 06/06/17 through 12/08/17	02/14/2020	XXXII/AA 07694-07695
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Plaintiff’s Trial Exhibit 119 - Wells Fargo Checking #8952 titled in the name of Thomas Pickens 01/01/19 through 04/30/19	02/14/2020	XXXII/AA 07703-07704
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Plaintiff’s Trial Exhibit 128 - Valic – Danka Michalecko statements 9/30/13, 12/31/13, and 9/30/15	02/14/2020	XXXIII/AA 07770-07772
Plaintiff’s Trial Exhibit 129 - Pinnacle Health Systems – Danka K. Michaels. Statements 9/30/13 and 12/31/13	02/14/2020	XXXIII/AA 07773-07778
Plaintiff’s Trial Exhibit 132 - Danka Michaels Pinnacle Health Systems Statement 7/1/15	02/14/2020	XXXIII/AA 07779-07780
Plaintiff’s Trial Exhibit 133 - Bank of the West – 2015 Porsche statement 12.2.14	02/14/2020	XXXIII/AA 07781-07841
Plaintiff’s Trial Exhibit 134 - Life Insurance Statement 11/25/15	02/14/2020	XXXIII/AA 07842-07849
Plaintiff’s Trial Exhibit 138 - Thomas Pickens UBS Retirement statements dated June 2017 and October-December 2017 (Supplemental Response to Request for Production No. 16.)	02/14/2020	XXXIII/AA 07850-07857
Plaintiff’s Trial Exhibit 144 - JP Morgan Statements, Danka K. Michaels IRA, August 31, 2019 through September 30, 2019	02/14/2020	XXXIII/AA 07858-07866
Plaintiff’s Trial Exhibit 146 - Plaintiff email dated April 3, 2014	02/14/2020	XXXIII/AA 07867-07919
Plaintiff’s Trial Exhibit 147 - Plaintiff email dated August 26, 2014	02/14/2020	XXXIII/AA 07920-07922
Plaintiff’s Trial Exhibit 148 - Plaintiff email dated May 22, 2013	02/14/2020	XXXIII/AA 07923-07930
Plaintiff’s Trial Exhibit 149 - Plaintiff email dated July 9, 2012	02/14/2020	XXXIII/AA 07931-07933

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Plaintiff’s Trial Exhibit 152 - Plaintiff email dated December 2, 2016	02/14/2020	XXXIII/AA 07999- XXXIV/AA 08018
Plaintiff’s Trial Exhibit 153 - Plaintiff email dated June 30, 2014	02/14/2020	XXXIV/AA 08019-08202
Plaintiff’s Trial Exhibit 154 - #002651 Emails between Dr. Michaels and R. Semonian	02/21/2020	XXXIV/AA 08203-08209
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Plaintiff’s Trial Exhibit 156 – Request to appeal denial of unemployment benefits	02/21/2020	XXXIV/AA 08248
Defendant’s Trial Exhibit A – Plaintiff’s Response to Defendant’s First Request for Production of Documents and Tangible Things from Plaintiff (with certain attachments thereto)	02/14/2020	XXXIV/AA 08249
Defendant’s Trial Exhibit C – Documentation of \$450,000 loan taken by Danka K. Michaels, M.D., PC for tenant improvements	02/14/2020	XXXIV/AA 08250- XXXV/AA 08257
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Appendix of Exhibits in Support of Defendant's Motion to Compel Discovery Responses	04/22/2019	II/AA00398-00440
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Appendix of Exhibits to Plaintiff's Opposition to Defendant's Motion for Summary Judgement, to Dismiss, for Protective Order and for Attorney Fees and Countermotion 1) to Dismiss or, in the Alternative, for Summary Judgement as to Defendant's Causes of Action for Intentional Misrepresentation/Fraud; Negligent Misrepresentation; Breach of Implied Covenant of Good Faith and Fair Dealing; Promissory Estoppel; Express Agreement; Implied Agreement; and Malicious Abuse of Process; (2) for Summary Judgement Setting Aside Deeds of Real Property and Assignment of LLC Interest; and (3) for Permission to Submit Points and Authorities in Excess of 30 Pages Pursuant to EDCR 5.503(e)	08/19/2019	V/AA00763-00813
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Defendant’s Trial Exhibit G – Records produced by Equity Title, LLC, in response to Subpoena Duces Tecum for Blue Mesa property (Affidavit and relevant documents)	02/14/2020	XXXV/AA 08258-08270
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Plaintiff's Objection to Defendant Danka K. Michaels' Memorandum of Fees and Costs	09/07/2021	XIII/AA02823-02854
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Plaintiff's Rebuttal to Defendant's Closing Argument	06/15/2021	XI/AA02489-XII/AA02524
Plaintiff's Request for the Court to Take Judicial Notice Pursuant to NRS 47.130	02/10/2020	V/AA00951-00954

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Plaintiff's Request for the Court to Take Judicial Notice Pursuant to NRS 47.130	04/23/2021	XI/AA02835-02406
Plaintiff's Request for the Court to Take Judicial Notice Pursuant to NRS 47.130	04/23/2021	XI/AA02407-02424
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Plaintiff’s Trial Exhibit 116 - Wells Fargo Visa #0648 titled in the name of Thomas Pickens 12/09/17 through 12/07/18	02/14/2020	XXXII/AA 07696-07698
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Plaintiff’s Trial Exhibit 132 - Danka Michaels Pinnacle Health Systems Statement 7/1/15	02/14/2020	XXXIII/AA 07779-07780
Plaintiff’s Trial Exhibit 133 - Bank of the West – 2015 Porsche statement 12.2.14	02/14/2020	XXXIII/AA 07781-07841
Plaintiff’s Trial Exhibit 134 - Life Insurance Statement 11/25/15	02/14/2020	XXXIII/AA 07842-07849
Plaintiff’s Trial Exhibit 138 - Thomas Pickens UBS Retirement statements dated June 2017 and October-December 2017 (Supplemental Response to Request for Production No. 16.)	02/14/2020	XXXIII/AA 07850-07857
Plaintiff’s Trial Exhibit 14 - 2010 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XV/AA03263- 03319
Plaintiff’s Trial Exhibit 144 - JP Morgan Statements, Danka K. Michaels IRA, August 31, 2019 through September 30, 2019	02/14/2020	XXXIII/AA 07858-07866
Plaintiff’s Trial Exhibit 146 - Plaintiff email dated April 3, 2014	02/14/2020	XXXIII/AA 07867-07919
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Plaintiff’s Trial Exhibit 149 - Plaintiff email dated July 9, 2012	02/14/2020	XXXIII/AA 07931-07933
Plaintiff’s Trial Exhibit 15 - 2011 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XV/AA03320- 03372
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Plaintiff’s Trial Exhibit 7 - Affidavit of Custodian of Records and file from First American Title Company—purchase of 9517 Queen Charlotte Drive, Las Vegas, Nevada 89145 on October 7, 2004	02/14/2020	XIV/AA03137- 03150

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Plaintiff’s Trial Exhibit 78 - Wells Fargo Checking ending 3436 titled in the names of Thomas A. Pickens and Danka K. Michaels 01/01/2016 through 12/31/16	02/14/2020	XXX/AA07017-07050
Plaintiff’s Trial Exhibit 79 - Wells Fargo Checking ending 3436 titled in the names of Thomas A. Pickens and Danka K. Michaels 01/01/2017 through 12/31/17	02/14/2020	XXX/AA07051
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Plaintiff’s Trial Exhibit 80 - Wells Fargo Checking ending 3436 titled in the names of Thomas A. Pickens and Danka K. Michaels 01/01/2018 through 04/30/18	02/14/2020	XXX/AA07052

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Plaintiff's Trial Exhibit 93 - Lowes house summary with supporting Wells Fargo Home Mortgage #9607 (PMA #3436) titled in the names of Danka Katarina Michaels and Thomas A. Pickens 07/02/14 through 07/01/2016	02/14/2020	XXX/AA07229-07230
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Transcript RE: Non-Jury Trial Day 5	10/28/2021	XIV/AA03041- 03054
Trial Subpoena	01/29/2020	V/AA00906- 00909
Trial Subpoena Robert Semonian	01/28/2020	V/AA00892- 00898
Trial Subpoena Shannon L. Evans, Esq.	01/28/2020	V/AA00899- 00905

1 In the instant case, Pickens should be granted leave to amend his complaint
2 to assert the *Michoff* claim available to him in this matter, as he formerly had no
3 expectation or anticipation of the availability of that claim to him because he
4 previously always had a good faith belief that the parties were legally married.
5
6 See Pickens' First Amended Complaint (verifying, *inter alia*, a certificated church
7 marriage, and the subsequent taking of ownership to two real properties as "wife
8 and husband, as joint tenants.") The amendment to the Complaint will not cause
9 undue delay, as the operative facts are not dissimilar from his existing claim under
10 the putative spouse doctrine. The case is not yet set for trial, discovery is ongoing,
11 and a Case Management Conference is currently set for September 10, 2018.
12 Clearly, there will be more than enough time to conduct discovery on all issues in
13 this matter, including discovery related to the newly-amended claim for relief.
14 The request for leave to amend is not based on a dilatory motive and has not been
15 brought in bad faith. Leave to amend should be granted.
16

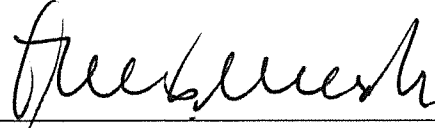
17 IV. CONCLUSION

18 Because leave to amend should be "freely given when justice so requires,"
19
20 ...
21 ...
22 ...
23 ...
24 ...
25
26

1 and there is clearly no bad faith or dilatory motive, the court should grant Pickens'
2 request for leave to file the attached Second Amended Complaint.

3 DATED this 7 day of September, 2018.

4
5 PECOS LAW GROUP

6 

7 **Paul A. Lemcke, Esq.**

8 Nevada Bar No. 003466

9 8925 S. Pecos Road, Suite 14A

10 Henderson, NV 89074

11 Attorney for Plaintiff

Exhibit “1”

1 **COMD**

2 **Paul A. Lemcke, Esq.**

3 Nevada Bar No. 003466

4 PECOS LAW GROUP

5 8925 South Pecos Road, Suite 14A

6 Henderson, Nevada 89074

7 Telephone: (702) 388-1851

8 Facsimile: (702) 388-7406

9 Email: Email@pecoslawgroup.com

10 Attorney for Plaintiff

11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

13 Thomas A. Pickens, individually,
14 and as trustee of the LV Blue Trust,

15 Plaintiff,

16 vs.

17 Danka K. Michaels, individually,
18 and as Trustee of the Mich-Mich
19 Trust,

20 Defendant.

Case No. D-17-560737-D

Dept No. B

21 **SECOND AMENDED COMPLAINT FOR**
22 **EQUITABLE RELIEF UNDER (1) THE PUTATIVE SPOUSE DOCTRINE, AND**
23 **(2) PURSUANT TO EXPRESS AND /OR IMPLIED AGREEMENT TO HOLD PROPERTY**
24 **AS IF THE PARTIES WERE MARRIED UNDER MICHOFF; AND TO SET ASIDE DEEDS**
25 **OF REAL PROPERTY AND ASSIGNMENT OF L.L.C. INTEREST**

26 COMES NOW Plaintiff **Thomas A. Pickens**, by and through his counsel of
record, **Paul A. Lemcke, Esq.**, of PECOS LAW GROUP, and for his claims for relief
against Defendant **Danka K. Michaels**, states and alleges as follows:

Allegations Common to All Claims

1
2
3 1. Thomas A. Pickens (“Pickens”) has been and now is a bona fide and
4 actual resident and domiciliary of the State of Nevada, County of Clark, and has
5 been actually and corporeally present in said State and County for more than six
6 (6) weeks prior to the commencement of this action.

7 2. Danka K. Michaels (“Michaels”) has been and now is a bona fide and
8 actual resident and domiciliary of the State of Nevada, County of Clark, and has
9 been actually and corporeally present in said State and County for more than six
10 (6) weeks prior to the commencement of this action.

11
12 3. Plaintiff, Thomas A. Pickens (“Pickens”) and Defendant, Danka K.
13 Michaels (“Michaels”) participated in a marriage ceremony in Bratislava, Slovakia
14 on April 7, 2002. A true and correct copy of the parties’ Slovakian marriage
15 certificate is attached hereto as Exhibit “1,” and a true and correct translation of
16 the marriage certificate is attached hereto as Exhibit “2.” From that date, the
17 parties lived together and held themselves out as husband and wife, until their
18 separation in the fall of 2016.

19
20 4. At all times prior to, during, and after the parties’ 2002 marriage
21 ceremony in Slovakia, Pickens maintained an unwavering, honest, and good faith
22 belief that the parties’ marriage ceremony was legally valid, enforceable, and
23 binding at the time of the ceremony, and that the parties were legally married.
24 Pickens’ good faith belief in the validity of his marriage to Michaels was
25 circumstantially supported by the parties’ mutual intent to travel to Slovakia for
26

1 the express purpose of marrying; by the certificated church wedding; by Pickens'
2 understanding and belief that the foreign marriage ceremony was regularly entered
3 into and had immediate legal force and effect; by the parties' subsequent
4 distribution of marriage announcements; by the parties' subsequent taking of
5 ownership to Nevada real property as "wife and husband as joint tenants" (and the
6 related funding of same); and by the parties' subsequent intentional actions in
7 holding themselves out as husband and wife to multiple third parties.
8

9 4. There are no minor children of the parties, neither party has adopted
10 any children during their relationship, and Michaels is not now pregnant.

11 5. There is community and/or jointly owned property belonging to the
12 parties to be adjudicated by the court through the application of equitable
13 principles, including, but not limited to, Michaels' medical practice. The exact
14 amounts and descriptions of the community and jointly owned property of the
15 parties are unknown to Pickens at this time. Pickens prays leave of this court to
16 amend this Complaint to insert the same when they have become known to him or
17 at the time of trial.
18

19 6. There are community and/or joint debts and obligations of the parties
20 to be adjudicated by the court through the application of equitable principles, the
21 exact amounts and descriptions of which are unknown to Pickens at this time.
22 Pickens prays leave of court to amend this Complaint to insert the same when they
23 have become known to him or at the time of trial.
24

25 7. Pickens has certain separate property which should be confirmed to
26 him on divorce, the exact amounts and descriptions of which are unknown to

1 Pickens at this time. Pickens prays leave of court to amend this Complaint to
2 insert the same when they have become known to him or at the time of trial.

3 8. Pickens has been required to retain the services of Paul A. Lemcke,
4 Esq. of the law office of PECOS LAW GROUP to prosecute this action and is
5 therefore entitled to reasonable attorney's fees and costs of suit.
6

7 9. Pickens requests that this court jointly restrain the parties herein in
8 accordance with the terms of the Joint Preliminary Injunction issued herewith.

9 **First Claim for Relief**
10 **(Equitable Relief Under the Putative Spouse Doctrine)**

11 10. Pickens repeats and realleges, as if fully set forth herein, the
12 allegations contained in paragraphs 1 through 9, hereinabove.

13 11. Pickens participated in the marriage ceremony in Bratislava, Slovakia
14 on April 7, 2002 with the honest and reasonable belief that that the marriage was
15 valid and binding at the time of the marriage ceremony, and that there was no
16 impediment to the marriage on the performance of that ceremony.
17

18 12. As a consequence of Pickens' good faith belief that there was no
19 legal impediment to the parties' marriage, Pickens is entitled to the protections
20 and benefits of the putative spouse doctrine, established in Nevada in *Williams v.*
21 *Williams*, 97 P.3d 1124, 120 Nev. 559 (2004). Accordingly, the division of
22 property as community property is appropriate in this action by applying the
23 equitable principles established under *Williams*.
24

25 . . .

26 . . .

Second Claim for Relief
**(Equitable Relief Under Express and/or Implied Contract
to Acquire and Hold Property as if Married)**

13. Pickens repeats and realleges, as if fully set forth herein, the allegations contained in paragraphs 1 through 12, hereinabove.

14. Since April 7, 2002, the parties maintained express and/or implied agreements that they would acquire and hold property as if they were married, including, but not limited to, the acquisition of real property intentionally titled to them as “wife and husband, as joint tenants,” the acquisition of an interest in a commercial office building through their respective trusts, and the accrual of other earnings and assets during the time that the parties were regularly and routinely holding themselves out to multiple third parties as a married husband and wife.

15. Michaels actions seek to unlawfully breach the express and/or implied agreement between the parties by divesting Pickens of his legal and/or beneficial interest in the parties’ joint and community property under established equitable principles.

16. As a result of the parties’ voluntarily and intentional conduct, an express and/or implied contract to hold their assets as though they were married was created, and Pickens is entitled to enforcement of those express and/or implied agreements, as applicable, as provided in *Western States Constr. v. Michoff*, 108 Nev. 931, 840 P.2d 1220 (1992). Accordingly, community property law applies by analogy to the division of the assets in this action.

...

Third Claim for Relief
(Set Aside of Deeds of Real Property
and Assignment of L.L.C. Interest)

17. Pickens repeats and realleges, as if fully set forth herein, the allegations contained in paragraphs 1 through 16, hereinabove.

18. On September 27, 2004, Michaels and Pickens acquired real property located at 9517 Queen Charlotte Drive, Las Vegas, Nevada, 89145-8673 (the "Queen Charlotte Property"), and took title as "wife and husband as joint tenants."

19. On February 25, 2011, Michaels and Pickens acquired real property located at 7608 Lowe Avenue, Las Vegas, Nevada, 89131 (the "Lowe Property"), and took title as "wife and husband as joint tenants."

20. On or about June 4, 2012, Pickens formed a revocable trust known as the LV Blue Trust. Pickens is the settlor and sole trustee of the LV Blue Trust. Pickens engaged Evans & Associates, a professional law corporation, to represent him in the formation of the LV Blue Trust and the preparation of related personal estate planning documents.

21. As of September 12, 2016, the LV Blue Trust owned a 50% membership interest in Patience One, LLC, a Nevada limited liability company. Patience One, LLC owns and operates a commercial office building located at 3320 North Buffalo Drive, Las Vegas, Nevada.

22. As of September 12, 2016, the Mich-Mich Trust owned the remaining 50% membership interest in Patience One, LLC, a Nevada limited liability company. Pickens is informed and believes, and thereon alleges, that Michaels is the settlor and sole trustee of the Mich-Mich Trust. Pickens is also

1 informed and believes, and thereon alleges, that Michaels engaged Evans &
2 Associates, a professional law corporation, to represent her in the formation of the
3 Mich-Mich Trust and the preparation of related personal estate planning
4 documents.

5
6 23. In 2015, Pickens had a relationship with a woman outside his putative
7 marriage to Michaels. Upon discovering this relationship, Michaels was enraged
8 and demanded that as to the Queen Charlotte Property, the Lowe Property, and the
9 ownership of Patience One, LLC, she “wanted everything in her name.”
10 Michaels’ demands were intended to influence and pressure Pickens into
11 emotional and guilt-ridden decisions that were not in his best interest. Michaels
12 coerced and intimidated Pickens into attending an appointment at Evans &
13 Associates and executing conveyances of his legal and/or beneficial interests in
14 the Queen Charlotte Property, the Lowe Property, and the ownership of Patience
15 One, LLC, to Michaels or the Mich-Mich Trust. Pickens complied with Michaels’
16 demands with the sole intention of ameliorating Michaels’ rage and restoring
17 marital peace.
18

19 24. On September 13, 2016, Michael’s directed Pickens to appear at the
20 offices of Evans & Associates and meet with Michaels and attorney Shannon
21 Evans (“Ms. Evans”). At the time of the September 13, 2016 meeting, Pickens
22 was not represented by independent counsel, nor had he the opportunity to consult
23 with independent counsel. Ms. Evans’ representative capacity at the September
24 13 meeting with both Michaels and Pickens is unclear.
25
26

1 25. At the September 13, 2016 meeting, Pickens and Michaels signed a
2 Grant, Bargain, Sale Deed conveying the Queen Charlotte Property from Pickens
3 and Michaels as “wife and husband as joint tenants,” to Pickens and Michaels, as
4 unmarried joint tenants. Pickens and Michaels contemporaneously signed a Grant,
5 Bargain, Sale Deed conveying the Queen Charlotte Property from Pickens and
6 Michaels, as unmarried joint tenants, to Michaels, as an “unmarried woman.” Ms.
7 Evans, and/or Evans & Associates, prepared the referenced deeds, facilitated their
8 execution, and recorded same.

10 26. At the September 13, 2016 meeting, Pickens and Michaels signed a
11 Grant, Bargain, Sale Deed conveying the Lowe Property from Pickens and
12 Michaels as “wife and husband as joint tenants,” to Pickens and Michaels, as
13 unmarried joint tenants. Pickens and Michaels contemporaneously signed a Grant,
14 Bargain, Sale Deed conveying the Lowe Property from Pickens and Michaels, as
15 unmarried joint tenants, to Michaels, as an “unmarried woman.” Ms. Evans,
16 and/or Evans & Associates, prepared the referenced deeds, facilitated their
17 execution, and recorded them.

19 27. At the September 13, 2016 meeting, Pickens and Michaels signed (as
20 the trustee of the LV Blue Trust) an Assignment and Assumption of Membership
21 Interest from the LV Blue Trust to the Mich-Mich Trust. This Assignment and
22 Assumption purported to convey the LV Blue Trust’s 50% interest in Patience
23 One, LLC, a Nevada limited liability company, to the Mich-Mich Trust, of which
24 Michaels was the trustee. Ms. Evans, and/or Evans & Associates, prepared the
25 referenced Assignment and Assumption and facilitated its execution.
26

1 28. At all times during the September 13, 2016 meeting, and at the time
2 of the execution of the deeds and the assignment of interest described in
3 paragraphs 25, 26, and 27 of this Complaint, Michaels was aware of Pickens' legal
4 claim to the subject properties, and continues to be so aware. Michaels stands in a
5 fiduciary relationship to Pickens, and despite that fact, did then and does now
6 actively disavow and conceal her relationship to Pickens for her perceived
7 financial benefit, and to Pickens' financial detriment.
8

9 29. By her extreme and outrageous conduct, Michaels seeks to
10 unlawfully divest Pickens of his legal and/or beneficial interest in the parties' joint
11 and community property under established equitable principles, including his
12 allocated portion of the community value of Michaels' medical practice accrued
13 since the parties 2002 marriage.
14

15 30. Pickens' execution of the multiple Grant Bargain Sale Deeds on the
16 Queen Charlotte Property and the Lowe Property, as well as his execution of the
17 Assignment and Assumption of Membership Interest from the LV Blue Trust to
18 the Mich-Mich Trust, was performed under duress and coercion and was
19 inequitable and unconscionable at the time of execution. As such, the multiple
20 Grant Bargain Sale Deeds executed by Pickens on the Queen Charlotte Property
21 and the Lowe Property, and his execution (as the trustee of the LV Blue Trust) of
22 the Assignment and Assumption of Membership Interest on Patience One, LLC,
23 should be invalidated, and immediately set aside as null and void.
24
25
26

1 31. As a result of Michaels' actions, Pickens has been forced to incur
2 attorney's fees and costs in prosecution of this claim and is therefore entitled to an
3 award of reasonable attorney's fees and costs.

4 **WHEREFORE**, Plaintiff prays for judgment as follows:

5 1. That the court invalidate – and set aside as null and void – the
6 multiple Grant Bargain Sale Deeds on the Queen Charlotte Property and the Lowe
7 Property, as wells as the Assignment and Assumption of Membership Interest on
8 Patience One, LLC executed by Plaintiff as the trustee of the LV Blue Trust;

9 3. That the court equally divide the parties' community and jointly
10 owned property, premised, alternatively, on the application of equitable principles
11 based on community property law under *Williams*, or the application of
12 community property law by analogy under *Michoff*;

13 4. That the court equally divide the parties' community debts and
14 obligations under the same principles;

15 5. That Plaintiff's separate property be confirmed to him on divorce;

16 6. That the court issue its Joint Preliminary Injunction enjoining the
17 parties pursuant to the terms stated therein, and make the same an order of the
18 court;

19 7. That Defendant be ordered to pay a reasonable sum to Plaintiff's
20 counsel as and for attorney's fees, together with costs of bringing this action; and

21 ...

22 ...

8. That Plaintiff be awarded such other and further relief as the court may deem just and proper in the premises.

DATED this _____ day of September, 2018.

PECOS LAW GROUP

Paul A. Lemcke, Esq.

Nevada Bar No. 003466

PECOS LAW GROUP

8925 South Pecos Road, Suite 14A

Henderson, Nevada 89074

(702) 388-1851

Attorney for Plaintiff

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Thomas A. Pickens, being first duly sworn, deposes and says:

THOMAS A. PICKENS

NOTARY PUBLIC

Exhibit “1”

Pro usu ecclesiastico sine tymbro • Pre cirkevné účely bez kolku

Officium paræciale
Rím. kat. farský úrad
Panny Márie Snežnej
Bratislava – Kalvária

Districtus: Bratislava - Stred
Okres :

Nr.:
Čís.: 100/2017

Dioecesis : Bratislava
Diecéza :

LITTERAE MATRIMONIALES SOBÁŠNY LIST

In libro matrimoniumhuius Officii parocchialis hanc adnotationem contieri fidedigne testor :
Svedčím, že v knihe manželstiev tunajšieho farského úradu je uvedený zápis :

Tomus – zväzok: **II.** pagina – strana: **78.** nr. curr. – bež. čís.: **4.**
dies, mensis, annus initii matrimonii:
deň, mesiac, rok prijatia sviatosti manželstva: **07. 04. 2002**

Coniuges: Manželia	maritus – manžel	uxor – manželka
Nomen, conditio, parentes Meno, zamestnanie, rodičia	PICKENS Thomas, Ivon et Ruth n. Roof	OLTUSOVÁ Danka Katarína, Eugen et Olga n. Belokostolská
Tempus et locus nativitatis Dátum a miesto narodenia	05. 10. 1956, Trumbull, Ohio, USA	26. 11. 1955, Bratislava
Locus domicilii Bydlisko	Las Pegas NV 89134 10261 Copparo PL	Belopotockého 3/C, Bratislava
Religio. status (coelebs – viduus) Náboženstvo, stav (slobodný vdovec)	gr. cath.	r. cath.

Testes – (nomen, locus domicilii)
Svedkovia – (meno, bydlisko)

Daniela Burianová, Rajecká 12, Bratislava
Eugen Oltus, Dunajská Lužná 366

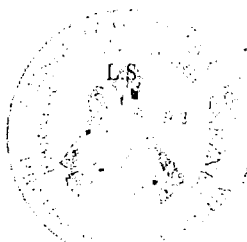
Sacredos assistens et eius officium
Asistujúci kňaz a jeho hodnosť

P. Pius Majerovič, OP
administrator par.

Promulgationes, dispensationes
Ohlášky, oslobodenia

Observationes – Poznámky

Dátum: **01. 09. 2017**



P. Chryzostom Kryštof, OP – adm.
subscriptio. functio

AA00267

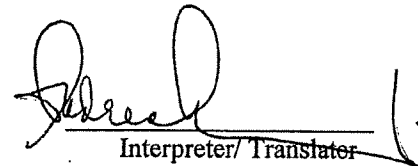
Exhibit “2”

AFFIDAVIT

I, Andrea Krlickova, duly sworn, depose and say:

1. That I am a citizen of the United States.
2. That I am presently a resident of Las Vegas, County of Clark, State of Nevada and have been so since August 1998. My business address is 9829 Iris Valley Street, Las Vegas, NV 89178.
3. That I am a native of the Slovak Republic and I am fluent in the Slovak language. That since February 2002, I have been authorized by the Eighth Judicial District Court Interpreters' Office as an Interpreter and Translator. That since March 2005, I have been granted the status of Nevada Registered Court Interpreter by the Supreme Court of Nevada, Administrative Office of the Courts and that as of March 2017, I am a Qualified ACTFL/ILR Oral Proficiency Interview (OPI) Tester in Slovak.
4. That from the above dates forward I have worked as an Interpreter and/or Translator for Municipal, Justice, District and Immigration Courts, as well as County, State and Federal agencies, private attorneys and other entities.
5. That I have obtained a formal education in the Slovak Republic and I have earned a Master's degree from the University of Pavol Jozef Šafárik, School of Law in Košice.
6. That I am a member of the American Translators Association (ATA), National Association of Judiciary Interpreters and Translators (NAJIT), American Council on the Teaching of Foreign Languages (ACTFL), Nevada Interpreters and Translators Association (NITA) and the Federal Court Clerks' Association.
7. That I have translated the Marriage Certificate (Thomas Pickens) for the Pecos LawGroup from Slovak into English.
8. That said translation is true and correct to the best of my knowledge and belief.

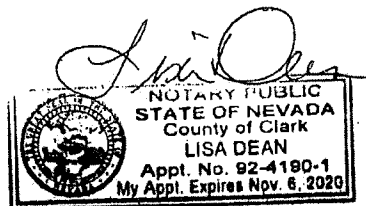
Dated at Las Vegas, Nevada, this October 9, 2017.


Interpreter/Translator

STATE OF NEVADA)
COUNTY OF CLARK)

Signed and sworn to, before me, a Notary Public, this Oct 9, 2017.

Notary Public in and for said
Clark County and State of Nevada.



AA00269

Pro usu ecclesiastico sine tymbro • For church purposes there is no revenue stamp

Officium paraeciale
Roman Catholic Parish Office of
Virgin Mary of the Snows
Bratislava – Calvary

Districtus: Bratislava – Stred
County:

Nr.:
No.: 100/2017

Diocesis: Bratislava
Diocese:

LITTERAE MATRIMONIALES MARRIAGE CERTIFICATE

In libro matrimoniumhuius Officii parocchialis hanc adnotationem contieri fidedigne testor :
I hereby testify that there is a record in the Book of Marriages of the local Parish Office :

Tomus – volume: **II**
dies, mensis, annus initii matrimonii:

pagina – page: **78th**

nr. curr. – curr. no.: **4th**

Day, month, year when the sacrament of matrimony was received: **April 7, 2002**

Coniuges: Spouses	maritus – husband	uxor - wife
Nomen, conditio, parentes Name, occupation, parents	PICKENS Thomas, Ivon et. Ruth n. Roof	OLTUSOVÁ Danka Katarína, Eugen et. Olga n. Belokostolská
Tempus et locus nativitatis Date and place of birth	October 5, 1956, Trumbull, Ohio, USA	November 26, 1955, Bratislava
Locus domicilii Domicile	Las Vegas, NV 89134 10261 Copparo PL	Belopotockého 3/C, Bratislava
Regilio, status (coelebs – viduus) Religion, status (single widower)	gr. cath.	r. cath.

Testes – (nomen, locus domicilii)
Witnesses – (name, domicile)

Daniela Burianová, Rajecká 12, Bratislava
Eugen Oltus, Dunajská Lužná 366

Sacerdos assistens et eius officium
Assisting priest and his rank

P. Pius Majerovič, OP
administrator par.

Promulgationes, dispensationes
Notices, dispensations

Observationes – Comments:

Date: **September 1, 2017**



[Signature]

P. Chryzostom Kryštof, OP – adm.
subscriptio, functio

AA00270

Steven D. Grierson

MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

Thomas A. Pickens

Plaintiff/Petitioner

v.

Danka K. Michaels

Defendant/Respondent

Case No. D.17.560737-17

Dept. 13

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: Thomas A. Pickens Date 9/7/18

Signature of Party or Preparer

Thomas A. Pickens

AA00271

September 10, 2018

STEVEN D. GRIERSON
CLERK OF THE COURT

BY

Carol Foley

DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

CMO

Thomas A. Pickens, Plaintiff

Case No.: D-17-560737-D

vs.

Department B

Danka K. Michaels, Defendant.

CASE AND TRIAL MANAGEMENT ORDER

This matter having come on for a hearing on 9/10/2018 in the Family Division, Department B, of the Eighth Judicial District Court, County of Clark. This Case and Trial Management Order sets forth significant dates and times for future proceedings in this case. It is the responsibility of the attorneys, or the litigants (when appearing in proper person), to comply with the following deadlines and to appear for the following required proceedings:

Trial Date: May 09, 2019 at 9:00 AM

Calendar Call: April 11, 2019 at 10:00 AM

Pre-Trial Memorandum/Brief due date: April 29, 2019

Discovery Due Date: April 9, 2019

Other deadlines are contained herein.

Plaintiff, Thomas Pickens, was ☐ present in Proper Person ☐ not present ☒ present and represented by Counsel, and Defendant, Danka Michaels, was ☒ present in Proper Person ☐ not present ☐ present and represented by Counsel, and the Court being fully advised in the premises, both as to subject matter as well as the parties thereto, and that jurisdiction is proper in Nevada, and good cause appearing, the court makes the following findings:

1 The nature of this action is a Complaint for Divorce; Petition. In the above stated
2
3 action all claims for relief and all defenses asserted are contained within the Complaint, filed
4 October 24, 2017 and the Answer and Counterclaim, filed May 02, 2018 which are
5 incorporated herein by reference.

6 **Discovery Plan:**

7 The parties shall participate in the discovery process in good faith and may utilize all
8 discovery methods, consistent with NRCP 16.2.

9 Within 60 days of this Order, the parties shall submit a list of names of individuals
10 who are likely to possess discoverable information regarding this action, consistent with NRCP
11 16.2(a)(2)(A), and a list of all documents provided at or as a result of the Case Management
12 Conference consistent with NRCP 16.2(a)(2)(B).
13

14 Each party may designate witnesses as long as the other party receives sufficient
15 notice of this designation to allow discovery relating to the witness. All witnesses must be
16 designated by March 25, 2019.
17

18 The deadline for the parties in this case to file a motion to amend the pleadings or
19 add parties is March 25, 2019. The deadline for the parties to disclose the identity of any
20 expert witnesses who will testify at trial is February 8, 2019. If a party designates an expert
21 witness, the other party may designate an expert within fourteen (14) days of the initial
22 disclosure. The deadline for the parties to file dispositive motions and motions in limine is
23 April 9, 2019.

24 Discovery will close on April 9, 2019.

25 Counsel or proper person litigants are to provide the following to opposing
26 counsel/proper person litigant: witness lists, exhibit lists, and any other discover items sought
27
28

1 to be introduced at Trial. Failure to provide the foregoing may result in such exhibits or
2 evidence being excluded or other appropriate court-imposed sanctions.
3


4 Each party's Pre-Trial Memorandum shall be filed on or before April 29, 2019, and a
5 copy of the same is to be hand-delivered to the Judge's chambers and served on opposing
6 counsel the same day. The Pre-Trial memorandum shall substantially comply with the form
7 attached hereto including the Marital Balance Sheet. **Failure to submit the Pre-Trial**
8 **Memorandum on or before this date, absent the Court's approval, may result in the trial**
9 **date being vacated and the matter rescheduled in ordinary course and/or sanctions.**
10

11 Any and all Exhibits and Witness Lists must be delivered to chambers at least one
12 (1) judicial day prior to trial for marking.

13 **Trial is set for May 09, 2019 at 9:00 AM.** Absent stipulation of the parties (and
14 good cause appearing therefore), no continuances will be granted to either party unless written
15 application is made to the Court, served upon opposing counsel, and a hearing held prior to
16 trial. If this matter settles, please advise the Court as soon as possible.
17

18 IT IS HEREBY ORDERED that the above-stated findings are hereby adopted and
19 confirmed as an order of this Court.

20 DATED this 10th day of September, 2018.

21 
22 LINDA MARQUIS
23 District Judge
24 Department B
25
26
27
28

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

September 10, 2018

D-17-560737-D	Thomas A. Pickens, Plaintiff vs. Danka K. Michaels, Defendant.
---------------	--

September 10, 2018	2:00 PM	Case Management Conference
-----------------------	---------	-------------------------------

HEARD BY: Marquis, Linda

COURTROOM: Courtroom 07

COURT CLERK: Carol Foley

PARTIES:

Danka Michaels, Defendant, Counter Claimant, present	Jennifer Abrams, Attorney, present
Thomas Pickens, Plaintiff, Counter Defendant, present	Paul Lemcke, Attorney, present

JOURNAL ENTRIES

- CASE MANAGEMENT CONFERENCE

Mr. Lemcke noted he recently filed a Motion For Leave To File Second Amended Complaint that is set for hearing 10/16/18. Discussion regarding the motion. Court noted if there is not an opposition to the motion, Ms. Abrams may file a non-opposition or counsel may submit a stipulation.

Ms. Abrams requested a trial date today.

Counsel advised more than one day may be required for trial.

COURT ORDERED,

Calendar Call and Non-Jury Trial SET. Case and Trial Management Order FILED IN OPEN COURT.

PRINT DATE:	09/13/2018	Page 1 of 2	Minutes Date:	September 10, 2018
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

AA00275

Court noted counsel may jointly contact the department and request a referral for a Judicial Settlement Conference or a Senior Judge Settlement Conference if they are interested in a settlement conference.

4/11/19 10:00 AM CALENDAR CALL

5/9/19 9:00 AM NON-JURY TRIAL - DAY 1

5/10/19 9:00 AM NON-JURY TRIAL - DAY 2

INTERIM CONDITIONS:

FUTURE HEARINGS:

October 16, 2018 10:00 AM Motion to Amend
Courtroom 07
Marquis, Linda
Prescott, Michelle

April 11, 2019 10:00 AM Calendar Call
Courtroom 07
Marquis, Linda
Prescott, Michelle

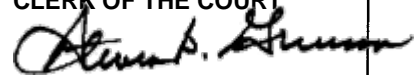
May 09, 2019 9:00 AM Non-Jury Trial
Courtroom 07
Marquis, Linda

May 10, 2019 9:00 AM Non-Jury Trial
Courtroom 07
Marquis, Linda
Prescott, Michelle

PRINT DATE:	09/13/2018	Page 2 of 2	Minutes Date:	September 10, 2018
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

AA00276



COS
Paul A. Lemcke, Esq.
Nevada Bar No. 003466
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Henderson, Nevada 89074
Telephone: (702) 388-1851
Facsimile: (702) 388-7406
Email: Email@pecoslawgroup.com
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

Thomas A. Pickens, individually,
and as trustee of the LV Blue Trust,

Plaintiff,

vs.

Danka K. Michaels, individually,
and as trustee of the Mich-Mich
Trust,

Defendant.

Case No. **D-17-560737-D**

Dept No. **B**

Date of Hearing: **N/A**

Time of Hearing: **N/A**

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that the foregoing "MOTION FOR
LEAVE TO FILE SECOND AMENDED COMPLAINT" in the above-captioned case was
served this date as follows:


☒ pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP (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;

- 1
- 2 [] by placing the same to be deposited for mailing in the United
- 3 States Mail, in a sealed envelope upon which first class postage was
- 4 [] pursuant to EDCR 7.26 to be sent via facsimile, by duly executed
- 5 consent for service by electronic means;
- 6 [] by hand-delivery with signed Receipt of Copy.
- 7

8 To attorney(s) /person(s) listed below at the address:

9 **Jennifer V. Abrams, Esq.**
10 JVAGroup@TheAbramsLawFirm.com

11 DATED this 10th day of September 2018.

12 

13 **Allan Brown**

14 An employee of PECOS LAW GROUP

15

16

17

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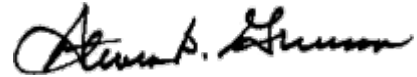
21

22

23

24

25



1 **SAO**
2 **Paul A. Lemcke, Esq.**
3 Nevada Bar No. 003466
4 PECOS LAW GROUP
5 8925 South Pecos Road, Suite 14A
6 Henderson, Nevada 89074
7 Telephone: (702) 388-1851
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9 Email: Email@pecoslawgroup.com
10 Attorney for Plaintiff

11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 **Thomas A. Pickens**, individually,
14 and as trustee of the LV Blue Trust,

15 Plaintiff,

16 vs.

17 **Danka K. Michaels**, individually,
18 and as trustee of the Mich-Mich
19 Trust,

20 Defendant.

Case No. **D-17-560737-D**
Dept No. **B**

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

21 **STIPULATION AND ORDER**
22 **GRANTING LEAVE TO FILE SECOND AMENDED COMPLAINT,**
23 **AND VACATING MOTION HEARING**

24 Plaintiff **Thomas A. Pickens** ("Thomas"), by and through his attorney, Paul
25 A. Lemcke, Esq., of the Pecos Law Group, and Defendant **Danka K. Michaels**
26 ("Danka"), by and through her attorney, Jennifer V. Abrams, of Abrams & Mayo,

✓
Pickens v. Michaels

1

SAO for Leave to File 2nd Amended Complaint

RECEIVED
OCT 01 2018
DEPT. B

1 hereby stipulate and agree that Thomas shall be granted leave to amend his First
2 Amended Complaint in this action, and shall be authorized to file and serve the
3 proposed Second Amended Complaint appended as Exhibit "1" to Thomas'
4 *Motion for Leave to File Second Amended Complaint* (the "Motion"), filed on
5 September 7, 2018.
6

7 The parties further stipulate and agree that Danka's consent to the instant
8 amendment in no way constitutes an endorsement of the recitation of events or
9 allegations contained in the Motion.
10

11 The parties further stipulate and agree that the hearing on the Motion,
12 scheduled for Tuesday, October 16, 2018, at 10:00 a.m., shall be VACATED.

13 DATED this 1st day of ~~Sept~~ ^{October} 2018


DATED this 26th day of Sept. 2018

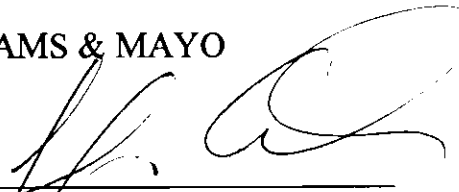
14 Submitted by:

Approved as to form and content by:

15 PECOS LAW GROUP

ABRAMS & MAYO

16 
17


18

18 **Paul A. Lemcke, Esq.**
19 Nevada Bar No. 003466
20 8925 South Pecos Road, Suite 14A
21 Henderson, Nevada 89074
(702) 388-1851
Attorney for Plaintiff

Jennifer V. Abrams, Esq.
Nevada Bar No. 007575
6252 S. Rainbow Blvd., #100
Las Vegas, Nevada 89118
(702) 222-4021
Attorney for Defendant

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ORDER

BASED ON A READING of the foregoing stipulation of the parties in the above-captioned matter, and good cause appearing therefore,

IT IS HEREBY ORDERED that the terms and conditions of the above Stipulation are adopted and ratified by the Court, and the same is entered as the Order of this Court.

DATED this 4th day of ~~September~~ ^{October} 2018.



DISTRICT JUDGE

LINDA MARQUIS

Submitted by:

PECOS LAW GROUP



Paul A. Lemcke, Esq.

Nevada Bar No. 003466

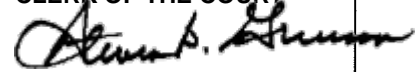
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Henderson, Nevada 89074

(702) 388-1851

Attorney for Plaintiff



1 **NTSO**
2 **Paul A. Lemcke, Esq.**
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4 PECOS LAW GROUP
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6 Henderson, Nevada 89074
7 Telephone: (702) 388-1851
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9 Email: Email@pecoslawgroup.com
10 Attorney for Plaintiff

8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 **Thomas A. Pickens**, individually,
11 and as trustee of the LV Blue Trust,

12 Plaintiff,

13 vs.

14 **Danka K. Michaels**, individually,
15 and as trustee of the Mich-Mich
16 Trust,

17 Defendant.

Case No. **D-17-560737-D**
Dept No. **B**

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

18 **NOTICE OF ENTRY OF STIPULATION AND ORDER**

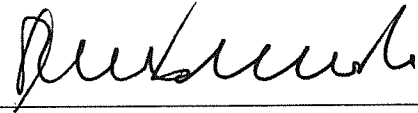
19
20 TO: Jennifer V. Abrams, Esq., attorney for Defendant.

21 YOU WILL PLEASE TAKE NOTICE that a STIPULATION AND ORDER
22 GRANTING LEAVE TO FILE SECOND AMENDED COMPLAINT, AND VACATING MOTION
23 HEARING was entered in the above-captioned case on the 8th day of October 2018
24
25

1 by filing with the Clerk. A true and correct copy of said STIPULATION AND ORDER
2 is attached hereto and made a part hereof.

3 DATED this 10 day of October 2018.

4
5 PECOS LAW GROUP

6 

7 **Paul A. Lemcke, Esq.**

8 Nevada Bar No. 003466

9 8925 S. Pecos Rd., Suite 14A

10 Henderson, Nevada 89074

11 Attorney for Plaintiff

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I hereby certify that the foregoing "STIPULATION
3 AND ORDER" in the above-captioned case was served this date as follows:

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

15 To attorney(s) /person(s) listed below at the address:

16 **Jennifer V. Abrams, Esq.**
17 JVAGroup@TheAbramsLawFirm.com

18 DATED this 10th day of October 2018.

19 

20 **Allan Brown**

21 An employee of PECOS LAW GROUP

Steven D. Grierson

1 **SAO**
2 **Paul A. Lemcke, Esq.**
3 Nevada Bar No. 003466
4 **PECOS LAW GROUP**
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8 Facsimile: (702) 388-7406
9 Email: Email@pecoslawgroup.com
10 Attorney for Plaintiff

8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 **Thomas A. Pickens, individually,**
11 **and as trustee of the LV Blue Trust,**

12 **Plaintiff,**

13 **vs.**

14 **Danka K. Michaels, individually,**
15 **and as trustee of the Mich-Mich**
16 **Trust,**

17 **Defendant.**

Case No. **D-17-560737-D**
Dept No. **B**

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

18
19 **STIPULATION AND ORDER**
20 **GRANTING LEAVE TO FILE SECOND AMENDED COMPLAINT,**
21 **AND VACATING MOTION HEARING**

22 Plaintiff **Thomas A. Pickens** ("Thomas"), by and through his attorney, Paul
23 A. Lemcke, Esq., of the Pecos Law Group, and Defendant **Danka K. Michaels**
24 ("Danka"), by and through her attorney, Jennifer V. Abrams, of Abrams & Mayo,

25
26 ✓ *Pickens v. Michaels*

1

SAO for Leave to File 2nd Amended Complaint

RECEIVED

OCT 11 2018

DEPT. B
AA00285

1 hereby stipulate and agree that Thomas shall be granted leave to amend his First
2 Amended Complaint in this action, and shall be authorized to file and serve the
3 proposed Second Amended Complaint appended as Exhibit "1" to Thomas'
4 *Motion for Leave to File Second Amended Complaint* (the "Motion"), filed on
5 September 7, 2018.
6

7 The parties further stipulate and agree that Danka's consent to the instant
8 amendment in no way constitutes an endorsement of the recitation of events or
9 allegations contained in the Motion.
10

11 The parties further stipulate and agree that the hearing on the Motion,
12 scheduled for Tuesday, October 16, 2018, at 10:00 a.m., shall be VACATED.

13 DATED this 1st day of ~~Sept~~ OCTOBER 2018

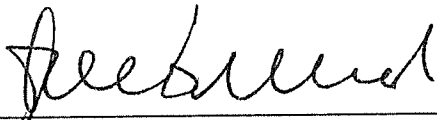
DATED this 26th day of Sept. 2018

14 Submitted by:

Approved as to form and content by:

15 PECOS LAW GROUP

ABRAMS & MAYO

16 
17


18

18 **Paul A. Lemcke, Esq.**
19 Nevada Bar No. 003466
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21 Henderson, Nevada 89074
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Attorney for Plaintiff

Jennifer V. Abrams, Esq.
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(702) 222-4021
Attorney for Defendant

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ORDER

BASED ON A READING of the foregoing stipulation of the parties in the above-captioned matter, and good cause appearing therefore,

IT IS HEREBY ORDERED that the terms and conditions of the above Stipulation are adopted and ratified by the Court, and the same is entered as the Order of this Court.

DATED this 4th day of ~~September~~ ^{October} 2018.

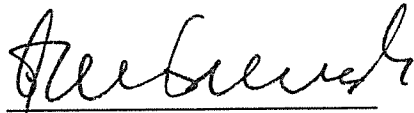


DISTRICT JUDGE

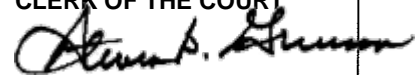
LINDA MARQUIS

Submitted by:

PECOS LAW GROUP



Paul A. Lemcke, Esq.
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PECOS LAW GROUP
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Henderson, Nevada 89074
(702) 388-1851
Attorney for Plaintiff



1 **COMD**

2 **Paul A. Lemcke, Esq.**

3 Nevada Bar No. 003466

4 PECOS LAW GROUP

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6 Henderson, Nevada 89074

7 Telephone: (702) 388-1851

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9 Email: Email@pecoslawgroup.com

10 Attorney for Plaintiff

11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

13 Thomas A. Pickens, individually,
14 and as trustee of the LV Blue Trust,

15 Plaintiff,

16 vs.

17 Danka K. Michaels, individually,
18 and as Trustee of the Mich-Mich
19 Trust,

20 Defendant.

Case No. D-17-560737-D

Dept No. B

21 **SECOND AMENDED COMPLAINT FOR**
22 **EQUITABLE RELIEF UNDER (1) THE PUTATIVE SPOUSE DOCTRINE, AND**
23 **(2) PURSUANT TO EXPRESS AND /OR IMPLIED AGREEMENT TO HOLD PROPERTY**
24 **AS IF THE PARTIES WERE MARRIED UNDER MICHOFF; AND TO SET ASIDE DEEDS**
25 **OF REAL PROPERTY AND ASSIGNMENT OF L.L.C. INTEREST**

26 COMES NOW Plaintiff **Thomas A. Pickens**, by and through his counsel of
record, **Paul A. Lemcke, Esq.**, of PECOS LAW GROUP, and for his claims for relief
against Defendant **Danka K. Michaels**, states and alleges as follows:

...

Allegations Common to All Claims

1
2
3 1. Thomas A. Pickens ("Pickens") has been and now is a bona fide and
4 actual resident and domiciliary of the State of Nevada, County of Clark, and has
5 been actually and corporeally present in said State and County for more than six
6 (6) weeks prior to the commencement of this action.

7 2. Danka K. Michaels ("Michaels") has been and now is a bona fide and
8 actual resident and domiciliary of the State of Nevada, County of Clark, and has
9 been actually and corporeally present in said State and County for more than six
10 (6) weeks prior to the commencement of this action.

11
12 3. Plaintiff, Thomas A. Pickens ("Pickens") and Defendant, Danka K.
13 Michaels ("Michaels") participated in a marriage ceremony in Bratislava, Slovakia
14 on April 7, 2002. A true and correct copy of the parties' Slovakian marriage
15 certificate is attached hereto as Exhibit "1," and a true and correct translation of
16 the marriage certificate is attached hereto as Exhibit "2." From that date, the
17 parties lived together and held themselves out as husband and wife, until their
18 separation in the fall of 2016.

19
20 4. At all times prior to, during, and after the parties' 2002 marriage
21 ceremony in Slovakia, Pickens maintained an unwavering, honest, and good faith
22 belief that the parties' marriage ceremony was legally valid, enforceable, and
23 binding at the time of the ceremony, and that the parties were legally married.
24 Pickens' good faith belief in the validity of his marriage to Michaels was
25 circumstantially supported by the parties' mutual intent to travel to Slovakia for
26

1 the express purpose of marrying; by the certificated church wedding; by Pickens'
2 understanding and belief that the foreign marriage ceremony was regularly entered
3 into and had immediate legal force and effect; by the parties' subsequent
4 distribution of marriage announcements; by the parties' subsequent taking of
5 ownership to Nevada real property as "wife and husband as joint tenants" (and the
6 related funding of same); and by the parties' subsequent intentional actions in
7 holding themselves out as husband and wife to multiple third parties.
8

9 4. There are no minor children of the parties, neither party has adopted
10 any children during their relationship, and Michaels is not now pregnant.

11 5. There is community and/or jointly owned property belonging to the
12 parties to be adjudicated by the court through the application of equitable
13 principles, including, but not limited to, Michaels' medical practice. The exact
14 amounts and descriptions of the community and jointly owned property of the
15 parties are unknown to Pickens at this time. Pickens prays leave of this court to
16 amend this Complaint to insert the same when they have become known to him or
17 at the time of trial.
18

19 6. There are community and/or joint debts and obligations of the parties
20 to be adjudicated by the court through the application of equitable principles, the
21 exact amounts and descriptions of which are unknown to Pickens at this time.
22 Pickens prays leave of court to amend this Complaint to insert the same when they
23 have become known to him or at the time of trial.
24

25 7. Pickens has certain separate property which should be confirmed to
26 him on divorce, the exact amounts and descriptions of which are unknown to

1 Pickens at this time. Pickens prays leave of court to amend this Complaint to
2 insert the same when they have become known to him or at the time of trial.

3 8. Pickens has been required to retain the services of Paul A. Lemcke,
4 Esq. of the law office of PECOS LAW GROUP to prosecute this action and is
5 therefore entitled to reasonable attorney's fees and costs of suit.

6
7 9. Pickens requests that this court jointly restrain the parties herein in
8 accordance with the terms of the Joint Preliminary Injunction issued herewith.

9 **First Claim for Relief**
10 **(Equitable Relief Under the Putative Spouse Doctrine)**

11 10. Pickens repeats and realleges, as if fully set forth herein, the
12 allegations contained in paragraphs 1 through 9, hereinabove.

13 11. Pickens participated in the marriage ceremony in Bratislava, Slovakia
14 on April 7, 2002 with the honest and reasonable belief that that the marriage was
15 valid and binding at the time of the marriage ceremony, and that there was no
16 impediment to the marriage on the performance of that ceremony.

17
18 12. As a consequence of Pickens' good faith belief that there was no
19 legal impediment to the parties' marriage, Pickens is entitled to the protections
20 and benefits of the putative spouse doctrine, established in Nevada in *Williams v.*
21 *Williams*, 97 P.3d 1124, 120 Nev. 559 (2004). Accordingly, the division of
22 property as community property is appropriate in this action by applying the
23 equitable principles established under *Williams*.

24
25 . . .

26 . . .

Second Claim for Relief
**(Equitable Relief Under Express and/or Implied Contract
to Acquire and Hold Property as if Married)**

13. Pickens repeats and realleges, as if fully set forth herein, the allegations contained in paragraphs 1 through 12, hereinabove.

14. Since April 7, 2002, the parties maintained express and/or implied agreements that they would acquire and hold property as if they were married, including, but not limited to, the acquisition of real property intentionally titled to them as “wife and husband, as joint tenants,” the acquisition of an interest in a commercial office building through their respective trusts, and the accrual of other earnings and assets during the time that the parties were regularly and routinely holding themselves out to multiple third parties as a married husband and wife.

15. Michaels actions seek to unlawfully breach the express and/or implied agreement between the parties by divesting Pickens of his legal and/or beneficial interest in the parties’ joint and community property under established equitable principles.

16. As a result of the parties’ voluntarily and intentional conduct, an express and/or implied contract to hold their assets as though they were married was created, and Pickens is entitled to enforcement of those express and/or implied agreements, as applicable, as provided in *Western States Constr. v. Michoff*, 108 Nev. 931, 840 P.2d 1220 (1992). Accordingly, community property law applies by analogy to the division of the assets in this action.

...

Third Claim for Relief
(Set Aside of Deeds of Real Property
and Assignment of L.L.C. Interest)

17. Pickens repeats and realleges, as if fully set forth herein, the allegations contained in paragraphs 1 through 16, hereinabove.

18. On September 27, 2004, Michaels and Pickens acquired real property located at 9517 Queen Charlotte Drive, Las Vegas, Nevada, 89145-8673 (the "Queen Charlotte Property"), and took title as "wife and husband as joint tenants."

19. On February 25, 2011, Michaels and Pickens acquired real property located at 7608 Lowe Avenue, Las Vegas, Nevada, 89131 (the "Lowe Property"), and took title as "wife and husband as joint tenants."

20. On or about June 4, 2012, Pickens formed a revocable trust known as the LV Blue Trust. Pickens is the settlor and sole trustee of the LV Blue Trust. Pickens engaged Evans & Associates, a professional law corporation, to represent him in the formation of the LV Blue Trust and the preparation of related personal estate planning documents.

21. As of September 12, 2016, the LV Blue Trust owned a 50% membership interest in Patience One, LLC, a Nevada limited liability company. Patience One, LLC owns and operates a commercial office building located at 3320 North Buffalo Drive, Las Vegas, Nevada.

22. As of September 12, 2016, the Mich-Mich Trust owned the remaining 50% membership interest in Patience One, LLC, a Nevada limited liability company. Pickens is informed and believes, and thereon alleges, that Michaels is the settlor and sole trustee of the Mich-Mich Trust. Pickens is also

1 informed and believes, and thereon alleges, that Michaels engaged Evans &
2 Associates, a professional law corporation, to represent her in the formation of the
3 Mich-Mich Trust and the preparation of related personal estate planning
4 documents.

5 23. In 2015, Pickens had a relationship with a woman outside his putative
6 marriage to Michaels. Upon discovering this relationship, Michaels was enraged
7 and demanded that as to the Queen Charlotte Property, the Lowe Property, and the
8 ownership of Patience One, LLC, she “wanted everything in her name.”
9 Michaels’ demands were intended to influence and pressure Pickens into
10 emotional and guilt-ridden decisions that were not in his best interest. Michaels
11 coerced and intimidated Pickens into attending an appointment at Evans &
12 Associates and executing conveyances of his legal and/or beneficial interests in
13 the Queen Charlotte Property, the Lowe Property, and the ownership of Patience
14 One, LLC, to Michaels or the Mich-Mich Trust. Pickens complied with Michaels’
15 demands with the sole intention of ameliorating Michaels’ rage and restoring
16 marital peace.
17

18 24. On September 13, 2016, Michael’s directed Pickens to appear at the
19 offices of Evans & Associates and meet with Michaels and attorney Shannon
20 Evans (“Ms. Evans”). At the time of the September 13, 2016 meeting, Pickens
21 was not represented by independent counsel, nor had he the opportunity to consult
22 with independent counsel. Ms. Evans’ representative capacity at the September
23 13 meeting with both Michaels and Pickens is unclear.
24
25
26

1 25. At the September 13, 2016 meeting, Pickens and Michaels signed a
2 Grant, Bargain, Sale Deed conveying the Queen Charlotte Property from Pickens
3 and Michaels as “wife and husband as joint tenants,” to Pickens and Michaels, as
4 unmarried joint tenants. Pickens and Michaels contemporaneously signed a Grant,
5 Bargain, Sale Deed conveying the Queen Charlotte Property from Pickens and
6 Michaels, as unmarried joint tenants, to Michaels, as an “unmarried woman.” Ms.
7 Evans, and/or Evans & Associates, prepared the referenced deeds, facilitated their
8 execution, and recorded same.
9

10 26. At the September 13, 2016 meeting, Pickens and Michaels signed a
11 Grant, Bargain, Sale Deed conveying the Lowe Property from Pickens and
12 Michaels as “wife and husband as joint tenants,” to Pickens and Michaels, as
13 unmarried joint tenants. Pickens and Michaels contemporaneously signed a Grant,
14 Bargain, Sale Deed conveying the Lowe Property from Pickens and Michaels, as
15 unmarried joint tenants, to Michaels, as an “unmarried woman.” Ms. Evans,
16 and/or Evans & Associates, prepared the referenced deeds, facilitated their
17 execution, and recorded them.
18

19 27. At the September 13, 2016 meeting, Pickens and Michaels signed (as
20 the trustee of the LV Blue Trust) an Assignment and Assumption of Membership
21 Interest from the LV Blue Trust to the Mich-Mich Trust. This Assignment and
22 Assumption purported to convey the LV Blue Trust’s 50% interest in Patience
23 One, LLC, a Nevada limited liability company, to the Mich-Mich Trust, of which
24 Michaels was the trustee. Ms. Evans, and/or Evans & Associates, prepared the
25 referenced Assignment and Assumption and facilitated its execution.
26

1 28. At all times during the September 13, 2016 meeting, and at the time
2 of the execution of the deeds and the assignment of interest described in
3 paragraphs 25, 26, and 27 of this Complaint, Michaels was aware of Pickens' legal
4 claim to the subject properties, and continues to be so aware. Michaels stands in a
5 fiduciary relationship to Pickens, and despite that fact, did then and does now
6 actively disavow and conceal her relationship to Pickens for her perceived
7 financial benefit, and to Pickens' financial detriment.
8

9 29. By her extreme and outrageous conduct, Michaels seeks to
10 unlawfully divest Pickens of his legal and/or beneficial interest in the parties' joint
11 and community property under established equitable principles, including his
12 allocated portion of the community value of Michaels' medical practice accrued
13 since the parties 2002 marriage.
14

15 30. Pickens' execution of the multiple Grant Bargain Sale Deeds on the
16 Queen Charlotte Property and the Lowe Property, as well as his execution of the
17 Assignment and Assumption of Membership Interest from the LV Blue Trust to
18 the Mich-Mich Trust, was performed under duress and coercion and was
19 inequitable and unconscionable at the time of execution. As such, the multiple
20 Grant Bargain Sale Deeds executed by Pickens on the Queen Charlotte Property
21 and the Lowe Property, and his execution (as the trustee of the LV Blue Trust) of
22 the Assignment and Assumption of Membership Interest on Patience One, LLC,
23 should be invalidated, and immediately set aside as null and void.
24
25
26

1 31. As a result of Michaels' actions, Pickens has been forced to incur
2 attorney's fees and costs in prosecution of this claim and is therefore entitled to an
3 award of reasonable attorney's fees and costs.

4 **WHEREFORE**, Plaintiff prays for judgment as follows:

5 1. That the court invalidate – and set aside as null and void – the
6 multiple Grant Bargain Sale Deeds on the Queen Charlotte Property and the Lowe
7 Property, as wells as the Assignment and Assumption of Membership Interest on
8 Patience One, LLC executed by Plaintiff as the trustee of the LV Blue Trust;

9 3. That the court equally divide the parties' community and jointly
10 owned property, premised, alternatively, on the application of equitable principles
11 based on community property law under *Williams*, or the application of
12 community property law by analogy under *Michoff*;

13 4. That the court equally divide the parties' community debts and
14 obligations under the same principles;

15 5. That Plaintiff's separate property be confirmed to him on divorce;

16 6. That the court issue its Joint Preliminary Injunction enjoining the
17 parties pursuant to the terms stated therein, and make the same an order of the
18 court;

19 7. That Defendant be ordered to pay a reasonable sum to Plaintiff's
20 counsel as and for attorney's fees, together with costs of bringing this action; and

21 ...

22 ...

8. That Plaintiff be awarded such other and further relief as the court may deem just and proper in the premises.

DATED this 15 day of October, 2018.

PECOS LAW GROUP

Решунка

Paul A. Lemcke, Esq.

Nevada Bar No. 003466

PECOS LAW GROUP

8925 South Pecos Road, Suite 14A

Henderson, Nevada 89074


(702) 388-1851

Attorney for Plaintiff

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Thomas A. Pickens, being first duly sworn, deposes and says:


THOMAS A. PICKENS

 ALLAN M. BROWN
NOTARY PUBLIC
STATE OF NEVADA
My Commission Expires: 1-6-2020
Certificate No: 16-1269-1

Ally Brun
NOTARY PUBLIC

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I hereby certify that the foregoing "SECOND
3 AMENDED COMPLAINT" in the above-captioned case was served this date as
4 follows:

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

16 To attorney(s) /person(s) listed below at the address:

17 **Jennifer V. Abrams, Esq.**
18 JVAGroup@TheAbramsLawFirm.com

19 DATED this 15th day of October 2018.

20 

21 **Allan Brown**
22 An employee of PECOS LAW GROUP

Exhibit “1”

Pro usu ecclesiastico sine tymbro • Pre cirkevné účely bez kolkú

Officium parœiale
Rím. kat. farský úrad
Panny Márie Snežnej
Bratislava – Kalvária

Districtus: Bratislava - Sred
Okres :

Nr.:
Čís.: 100/2017

Dioecesis : Bratislava
Diecéza :

LITTERAE MATRIMONIALES SOBÁŠNY LIST

In libro matrimoniumhuius Officii parocchialis hanc adnotationem contieri fidedigne testor :
Svedčím, že v knihe manželstiev tunajšieho farského úradu je uvedený zápis :

Tomus – zväzok: **II.** pagina – strana: **78.** nr. curr. – bež. čís.: **4.**
dies, mensis, annus initii matrimonii:
deň, mesiac, rok prijatia sviatosti manželstva: **07. 04. 2002**

Coniuges: Manželia	maritus – manžel	uxor - manželka
Nomen, conditio, parentes Meno, zamestnanie, rodičia	PICKENS Thomas, Ivon et Ruth n. Roof	OLTUSOVÁ Danka Katarína, Eugen et Olga n. Belokostolská
Tempus et locus nativitatis Dátum a miesto narodenia	05. 10. 1956, Trumbull, Ohio, USA	26. 11. 1955, Bratislava
Locus domicilii Bydlisko	Las Pegas NV 89134 10261 Copparo PL	Belopotockého 3/C, Bratislava
Religio. status (coelebs – viduus) Náboženstvo, stav (slobodný vdovec)	gr. cath.	r. cath.

Testes – (nomen, locus domicilii)
Svedkovia – (meno, bydlisko)

Daniela Burianová, Rajecká 12, Bratislava
Eugen Oltus, Dunajská Lužná 366

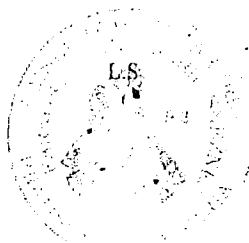
Sacerdos assistens et eius officium
Asistujúci kňaz a jeho hodnosť

P. Pius Majerovič, OP
administrator par.

Promulgationes, dispensationes
Ohlásky, oslobodenia

Observationes – Poznámky

Dátum: **01. 09. 2017**



P. Chryzostom Kryštof, OP – adm.
subscriptio. functio

AA00302

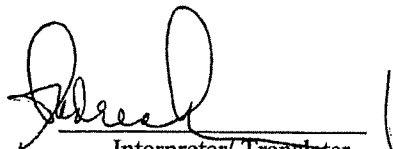
Exhibit “2”

AFFIDAVIT

I, Andrea Krlickova, duly sworn, depose and say:

1. That I am a citizen of the United States.
2. That I am presently a resident of Las Vegas, County of Clark, State of Nevada and have been so since August 1998. My business address is 9829 Iris Valley Street, Las Vegas, NV 89178.
3. That I am a native of the Slovak Republic and I am fluent in the Slovak language. That since February 2002, I have been authorized by the Eighth Judicial District Court Interpreters' Office as an Interpreter and Translator. That since March 2005, I have been granted the status of Nevada Registered Court Interpreter by the Supreme Court of Nevada, Administrative Office of the Courts and that as of March 2017, I am a Qualified ACTFL/ILR Oral Proficiency Interview (OPI) Tester in Slovak.
4. That from the above dates forward I have worked as an Interpreter and/or Translator for Municipal, Justice, District and Immigration Courts, as well as County, State and Federal agencies, private attorneys and other entities.
5. That I have obtained a formal education in the Slovak Republic and I have earned a Master's degree from the University of Pavol Jozef Šafárik, School of Law in Košice.
6. That I am a member of the American Translators Association (ATA), National Association of Judiciary Interpreters and Translators (NAJIT), American Council on the Teaching of Foreign Languages (ACTFL), Nevada Interpreters and Translators Association (NITA) and the Federal Court Clerks' Association.
7. That I have translated the Marriage Certificate (Thomas Pickens) for the Pecos LawGroup from Slovak into English.
8. That said translation is true and correct to the best of my knowledge and belief.

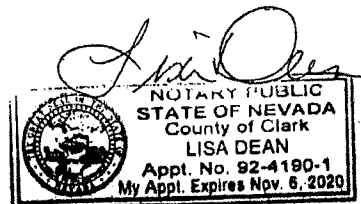
Dated at Las Vegas, Nevada, this October 9, 2017.


Interpreter/Translator

STATE OF NEVADA)
COUNTY OF CLARK)

Signed and sworn to, before me, a Notary Public, this Oct 9, 2017.

Notary Public in and for said
Clark County and State of Nevada.



AA00304

Pro usu ecclesiastico sine tymbro • For church purposes there is no revenue stamp

Officium paraecciale
Roman Catholic Parish Office of
Virgin Mary of the Snows
Bratislava – Calvary

Districtus: Bratislava – Stred
County:

Nr.:
No.: 100/2017

Diocesis: Bratislava
Diocese:

LITTERAE MATRIMONIALES MARRIAGE CERTIFICATE

In libro matrimoniumhuius Officii parocchialis hanc adnotationem contieri fidedigne testor :
I hereby testify that there is a record in the Book of Marriages of the local Parish Office :

Tomus – volume: II
dies, mensis, annus initi matrimonii:

pagina – page: 78th

nr. curr. – curr. no.: 4th

Day, month, year when the sacrament of matrimony was received: April 7, 2002

Coniuges: Spouses	maritus – husband	uxor - wife
Nomen, conditio, parentes Name, occupation, parents	PICKENS Thomas, Ivon et. Ruth n. Roof	OLTUSOVÁ Danka Katarína, Eugen et. Olga n. Belokostolská
Tempus et locus nativitatis Date and place of birth	October 5, 1956, Trumbull, Ohio, USA	November 26, 1955, Bratislava
Locus domicilii Domicile	Las Vegas, NV 89134 10261 Copparo PL	Belopotockého 3/C, Bratislava
Regilio, status (coelebs – viduus) Religion, status (single widower)	gr. cath.	r. cath.

Testes – (nomen, locus domicilii)
Witnesses – (name, domicile)

Daniela Burianová, Rajecká 12, Bratislava
Eugen Oltus, Dunajská Lužná 366

Sacerdos assistens et eius officium
Assisting priest and his rank

P. Pius Majerovič, OP
administrator par.

Promulgationes, dispensationes
Notices, dispensations

Observationes – Comments:

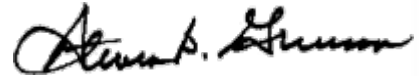
Date: September 1, 2017



[Signature]

P. Chryzostom Kryštof, OP – adm.
subscriptio, functio

AA00305



1 **ACO**

Jennifer V. Abrams, Esq.

2 Nevada State Bar Number: 7575

THE ABRAMS & MAYO LAW FIRM

3 6252 South Rainbow Blvd., Suite 100

Las Vegas, Nevada 89118

4 Tel: (702) 222-4021

Fax: (702) 248-9750

5 Email: JVAGroup@TheAbramsLawFirm.com

Attorney for Defendant

Eighth Judicial District Court

Family Division

Clark County, Nevada

8 THOMAS A. PICKENS, individually,) Case No.: D-17-560737-D
and as trustee of the LV Blue Trust,)

9 Plaintiff,)
10)
11)

vs.)
12)
13)

DANKA K. MICHAELS,)
12 individually, and as trustee of the)
Mich-Mich Trust,)
13)

Defendant.)
14)

Department: B

15 **ANSWER TO SECOND AMENDED COMPLAINT FOR**
16 **EQUITABLE RELIEF UNDER (1) THE PUTATIVE SPOUSE**
17 **DOCTRINE, AND (2) PURSUANT TO EXPRESS AND/OR**
18 **IMPLIED AGREEMENT TO HOLD PROPERTY AS IF THE**
19 **PARTIES WERE MARRIED UNDER MICHOFF; AND TO SET**
20 **ASIDE DEEDS OF REAL PROPERTY AND ASSIGNMENT OF**
21 **L.L.C. INTEREST;**
AFFIRMATIVE DEFENSES AND COUNTERCLAIM

20 **NOW INTO COURT** comes Defendant, DANKA K. MICHAELS,
21 by and through her attorney of record, JENNIFER V. ABRAMS, ESQ., of

1 THE ABRAMS & MAYO LAW FIRM, and hereby answers Plaintiff's
2 Second Amended Complaint for Equitable Relief Under (1) The Putative
3 Spouse Doctrine, and (2) Pursuant to Express and/or Implied
4 Agreement to Hold Property as if the Parties were Married Under
5 *Michoff*; and to Set Aside Deeds of Real Property and Assignment of
6 L.L.C. Interest and submits her Affirmative Defenses and Counterclaim,

7 **ANSWER TO COMPLAINT**

8 **Allegations Common to All Claims**

9 1. In response to paragraph 1 of Plaintiff/Counter-defendant's
10 Complaint, Defendant/Counter-claimant is without sufficient
11 information to form a belief as to the truth or falsity of the allegations
12 contained therein. The allegations are therefore denied with proof
13 demanded at Trial.

14 Defendant/Counter-claimant admits the allegations contained in
15 paragraph 2 of Plaintiff/Counter-defendant's Complaint.

16 2. Defendant/Counter-claimant denies the allegations
17 contained in paragraphs 3, 4 (first number four in the Complaint), 5, 6, 8
18 and 9 of Plaintiff/Counter-defendant's Complaint.

19 3. In response to paragraph 4 (second number four in the
20 Complaint) of Plaintiff/Counter-defendant's Complaint,
21 Defendant/Counter-claimant admits that there are no minor children of

1 the parties together, neither party has adopted any children and
2 Defendant/Counter-claimant is not now pregnant. Defendant/Counter-
3 claimant denies the remaining allegations contained therein.

4 4. In response to paragraph 7 of Plaintiff/Counter-defendant's
5 Complaint, Defendant/Counter-claimant admits that Plaintiff/Counter-
6 defendant has property which should be confirmed to him.
7 Defendant/Counter-claimant denies the remaining allegations contained
8 therein.

9 **First Claim for Relief**

10 **(Equitable Relief Under the Putative Spouse Doctrine)**

11 5. In response to paragraph 10 of Plaintiff/Counter-defendant's
12 Complaint, Defendant/Counter-claimant's incorporates her answers to
13 paragraphs 1 through 9 above as if set forth herein.

14 6. Defendant/Counter-claimant denies the allegations
15 contained in paragraphs 11 and 12 of Plaintiff/Counter-defendant's
16 Complaint.

17 ///

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21 ///

1 **Second Claim for Relief**

2 **Equitable Relief Under Express and/or Implied Contract to**
3 **Acquire and Hold Property as if Married)**

4 7. In response to paragraph 13 of Plaintiff/Counter-defendant's
5 Complaint, Defendant/Counter-claimant's incorporates her answers to
6 paragraphs 1 through 12 above as if set forth herein.

7 8. In response to paragraph 14 of Plaintiff/Counter-defendant's
8 Complaint, Defendant/Counter-claimant admits that the parties have
9 held property titled as "wife and husband as joint tenants."

10 Defendant/Counter-claimant denies the remaining allegations contained
11 therein.

12 9. Defendant/Counter-claimant denies the allegations
13 contained in paragraphs 15 and 16 of Plaintiff/Counter-defendant's
14 Complaint.

15 **Third Claim for Relief**
16 **(Set Aside of Deeds of Real Property and**
17 **Assignment of L.L.C. Interest)**

18 10. In response to paragraph 17 of Plaintiff/Counter-defendant's
19 Complaint for Divorce, Defendant/Counter-claimant's incorporates her
20 answers to paragraphs 1 through 16 above as if set forth herein.

21 / / /

1 11. Defendant/Counter-claimant admits the allegations
2 contained in paragraphs 21, 22, 25 and 26 of Plaintiff/Counter-
3 defendant's Complaint.

4 12. Defendant/Counter-claimant denies the allegations
5 contained in paragraphs 28, 29, 30 and 31 of Plaintiff/Counter-
6 defendant's Complaint.

7 13. In response to paragraph 18 of Plaintiff/Counter-defendant's
8 Complaint, Defendant/Counter-claimant admits that on or about
9 September 27, 2004, Plaintiff/Counter-defendant and
10 Defendant/Counter-claimant acquired real property located at 9517
11 Queen Charlotte Drive, Las Vegas, Nevada 89145 and that title said:
12 "wife and husband as joint tenants." Defendant/Counter-claimant
13 denies the remaining allegations contained therein.

14 14. In response to paragraph 19 of Plaintiff/Counter-defendant's
15 Complaint, Defendant/Counter-claimant admits that on or about
16 February 25, 2011, Plaintiff/Counter-defendant and Defendant/Counter-
17 claimant acquired real property located at 7608 Lowe Avenue, Las
18 Vegas, Nevada 89131 and that title said: "wife and husband as joint
19 tenants." Defendant/Counter-claimant denies the remaining allegations
20 contained therein.

21 ///

1 15. In response to paragraph 20 of Plaintiff/Counter-defendant's
2 Complaint, Defendant/Counter-claimant is without sufficient
3 information to form a belief as to the truth or falsity of the allegations
4 contained therein. The allegations are therefore denied with proof
5 demanded at Trial.

6 16. In response to paragraph 23 of Plaintiff/Counter-defendant's
7 Complaint, Defendant/Counter-claimant admits that Plaintiff/Counter-
8 defendant was romantically and sexually involved with a woman other
9 than Defendant/Counter-claimant. Defendant/Counter-claimant denies
10 the remaining allegations contained therein.

11 17. In response to paragraph 24 of Plaintiff/Counter-defendant's
12 Complaint, Defendant/Counter-claimant admits that Plaintiff/Counter-
13 defendant and Defendant/Counter-claimant met on or about September
14 13, 2016 at the offices of Evans & Associates. Defendant/Counter-
15 claimant denies the remaining allegations contained therein.

16 18. In response to paragraph 27 of Plaintiff/Counter-defendant's
17 Complaint, Defendant/Counter-claimant admits that at the meeting on
18 or about September 13, 2016, the Defendant/Counter-claimant, as
19 trustee of the LV Blue Trust, voluntarily and willingly signed paperwork
20 transferring the LV Blue Trust's 50% interest in Patience One, LLC, a
21 Nevada limited liability company, to the Mich-Mich Trust.

1 Defendant/Counter-claimant also admits that at the direction of both
2 Plaintiff/Counter-defendant and the Defendant/Counter-claimant, Ms.
3 Evans and/or Evans & Associates prepared said paperwork.
4 Defendant/Counter-claimant is without sufficient information to form a
5 belief as to the truth or falsity of the remaining allegations contained
6 therein. The remaining allegations are therefore denied with proof
7 demanded at Trial.

8 **AFFIRMATIVE DEFENSES**

9 **FIRST AFFIRMATIVE DEFENSE**

10 Plaintiff/Counter-defendant's Complaint failed to state a claim
11 upon which relief can be granted.

12 **SECOND AFFIRMATIVE DEFENSE**

13 Plaintiff/Counter-defendant has waived and/or is estopped from
14 pursuing his claims against Defendant/Counter-claimant.

15 **THIRD AFFIRMATIVE DEFENSE**

16 Plaintiff/Counter-defendant is barred from pursuing his claims
17 against Defendant/Counter-claimant by the doctrine of unclean hands.

18 **FOURTH AFFIRMATIVE DEFENSE**

19 Plaintiff/Counter-defendant is barred from pursuing his claims
20 against Defendant/Counter-claimant by the doctrine of laches.

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FIFTH AFFIRMATIVE DEFENSE

To the extent that Plaintiff/Counter-defendant has alleged any type of damages, he has failed to mitigate any damages to him.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff/Counter-defendant’s claims are barred due to the lack of privity between the parties.

SEVENTH AFFIRMATIVE DEFENSE

The claims have been brought without any reasonable grounds and/or to harass Defendant/Counter-claimant.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiff/Counter-defendant should not be allowed to recover the relief requested in the *Second Amended Complaint for Equitable Relief Under (1) The Putative Spouse Doctrine, and (2) Pursuant to Express and/or Implied Agreement to Hold Property as if the Parties Were Married Under Michoff; And to Set Aside Deeds of Real Property and Assignment of L.L.C. Interest* because he would be unjustly enriched.

NINTH AFFIRMATIVE DEFENSE

Defendant/Counter-claimant did not breach any duties owed to Plaintiff/Counter-defendant.

///
///
///

1 **TENTH AFFIRMATIVE DEFENSE**

2 Plaintiff/Counter-defendant's causes of action are barred in whole
3 or in part by operation of the doctrines of ratification, accord and
4 satisfaction.

5 **ELEVENTH AFFIRMATIVE DEFENSE**

6 Any alleged contract or agreement claimed by Plaintiff/Counter-
7 defendant is void and unenforceable due to lack of consideration.

8 **TWELVTH AFFIRMATIVE DEFENSE**

9 Any alleged contract or agreement claimed by Plaintiff/Counter-
10 defendant is void and unenforceable due to the Statute of Frauds.

11 **THIRTEENTH AFFIRMATIVE DEFENSE**

12 Any alleged contract or agreement claimed by Plaintiff/Counter-
13 defendant is void and unenforceable due to the lack of consideration due
14 to the vagueness or absence of one or more material terms.

15 **COUNTERCLAIM**

16 **NOW INTO COURT** comes Defendant/Counter-claimant,
17 DANKA K. MICHAELS, by and through her attorney of record,
18 JENNIFER V. ABRAMS, ESQ., of THE ABRAMS & MAYO LAW FIRM,
19 and for her causes of action against Plaintiff/Counter-defendant,
20 THOMAS A. PICKENS, complains and alleges as follows:

21 ///

GENERAL ALLEGATIONS

1
2 1. At all relevant times, Defendant/Counter-claimant is an
3 individual and an actual and bona fide resident of the County of Clark,
4 State of Nevada, and having been physically present in said County and
5 State prior to filing this Counterclaim.

6 2. Upon information and belief, at all times relevant herein, the
7 Plaintiff/Counter-defendant, an individual, was a resident of Clark
8 County, Nevada.

9 3. On or about October 24, 2017, Plaintiff/Counter-defendant
10 filed a *Complaint for Divorce and for Set Aside of Deeds of Real*
11 *Property and Assignment of L.L.C. Interest*, in Nevada asserting causes
12 of action, which include, but are not limited to, divorce, and
13 Defendant/Counter-claimant moved to dismiss the same.

14 4. On or about March 22, 2018, Plaintiff/Counter-defendant
15 filed an *Amended Complaint for Divorce; For Set Aside of Deeds of Real*
16 *Property and Assignment of L.L.C. Interest; And for Alternative*
17 *Equitable Relief Under the Putative Spouse Doctrine*, in Nevada
18 asserting causes of action, which include, but are not limited to, divorce
19 and putative spouse.

20 5. On or about October 15, 2018, Plaintiff/Counter-defendant
21 filed his *Second Amended Complaint for Equitable Relief Under (1) The*

1 *Putative Spouse Doctrine, and (2) Pursuant to Express and/or Implied*
2 *Agreement to Hold Property as if the Parties Were Married Under*
3 *Michoff; And to Set Aside Deeds of Real Property and Assignment of*
4 *L.L.C. Interest, in Nevada asserting causes of action, which include, but*
5 *are not limited to, putative spouse.*

6 6. Defendant/Counter-claimant has been required to retain the
7 services of The Abrams & Mayo Law Firm to prosecute this action and is
8 therefore entitled to reasonable attorney's fees and costs of suit.

9 **DECLARATORY RELIEF UNDER NRS 122**

10 7. Defendant/Counter-claimant incorporates and realleges all
11 relevant preceding paragraphs as if fully stated here.

12 8. Plaintiff/Counter-defendant is falsely representing to this
13 Honorable Court that the parties held themselves out as husband and
14 wife, with knowledge and/or belief that his claim is false.

15 9. Plaintiff/Counter-defendant is falsely representing to this
16 Honorable Court that he maintained a good faith belief that the religious
17 ceremony performed by the parties was intended to and/or resulted in a
18 valid marriage, with knowledge and/or belief that his claim is false.

19 10. Plaintiff/Counter-defendant is falsely representing to this
20 Honorable Court that there are community assets of the parties, with
21 knowledge and/or belief that his claim is false.

1 11. Defendant/Counter-claimant seeks Declaratory Relief to
2 prevent and prohibit Plaintiff/Counter-defendant from further
3 attempting to harass, extort money from, and inflict emotional distress
4 upon Defendant/Counter-claimant.

5 12. Pursuant to NRS 122 and related Nevada law, certain
6 formalities and registries are required of individuals before a valid
7 marriage will be recognized in the State of Nevada. Specifically, a
8 foreign marriage will be recognized as valid and legal in Nevada if is
9 valid and legal in the foreign country where it was entered and not
10 against public policy.

11 13. In order to conclude a marriage in Slovakia, Section 4a of the
12 Act. No. 94/1963 Coll.: requires:

13 (1) A declaration of marriage shall be made by a man and a
14 woman before the competent authority of the church, in front of a
15 person practicing the priest registered church or religious society
16 ("the Church form").

15 (2) A marriage in a church form is contracted in a church or
16 other appropriate place designated by the rules of the church or
religious society for religious rites or religious acts.

17 (4) The authority of the church before the marriage is
18 obliged to immediately deliver the minutes of marriage, indicating
19 the fact according to special regulations to the competent body
charged with the management of the register in the district of
which the marriage was contracted. [Emphasis added].

20 ///

21 ///

1 14. Neither of the parties nor the church registered or presented
2 anything to the Slovakia registry regarding the religious ceremony.

3 15. The parties' religious ceremony was not intended to and did
4 not constitute a valid, legal marriage in Slovakia.

5 16. In addition to Slovakian law that does not recognize a valid
6 or legal marriage between the parties, there is U.S. case law affirming
7 that the parties' Slovakian ceremony is not a legally recognized marriage.

8 17. Based upon the fact that the parties' religious ceremony did
9 not constitute a valid, legal marriage in Slovakia, and therefore, does not
10 constitute a valid, legal marriage in the United States or the State of
11 Nevada, this Court should enter a declaratory judgment that the parties
12 are not now and were never legally married.

13 **INTENTIONAL MISREPRESENTATION / FRAUD**

14 18. Defendant/Counter-claimant incorporates and realleges all
15 relevant preceding paragraphs as if fully stated herein.

16 19. Plaintiff/Counter-defendant made representations to
17 Defendant/Counter-claimant and third parties that while the parties
18 were in a relationship, they were not married and each held their
19 respective assets and incomes separately with neither having nor gaining
20 any interest or right in that of the other.

21 ///

1 20. Plaintiff/Counter-defendant made representations to
2 Defendant/Counter-claimant and third parties that during the time the
3 parties were terminating their relationship in 2016, they fairly divided
4 any and all jointly titled assets and/or joint ventures.

5 21. Plaintiff/Counter-defendant's representations were of
6 material importance to Defendant/Counter-claimant.

7 22. Plaintiff/Counter-defendant's representations were and/or
8 contradictory representations in his First and Second Amended
9 Complaint, etc. are false.

10 23. Plaintiff/Counter-defendant knew that his representations
11 were false at the time he made them.

12 24. Plaintiff/Counter-defendant intended for
13 Defendant/Counter-claimant to rely on his representations.

14 25. Defendant/Counter-claimant relied on Plaintiff/Counter-
15 defendant representations to her detriment.

16 26. Defendant/Counter-claimant properly, justifiably and in
17 good faith relied on Plaintiff/Counter-defendant representations to her
18 detriment.

19 27. That Plaintiff/Counter-defendant's conduct was calculated,
20 intentional, willful, oppressive, malicious, and therefore,
21 Defendant/Counter-claimant is entitled to punitive damages.

1 28. As a result of Plaintiff/Counter-defendant's actions,
2 Defendant/Counter-claimant has suffered, and continues to suffer
3 damages in excess of \$10,000.00.

4 **NEGLIGENT MISREPRESENTATION**

5 29. Defendant/Counter-claimant incorporates and realleges all
6 relevant preceding paragraphs as if fully stated herein.

7 30. Plaintiff/Counter-defendant's made assurances and
8 representations to Defendant/Counter-claimant, as set forth herein.

9 31. Plaintiff/Counter-defendant's assurances and/or
10 representations as set forth herein, were negligently made.

11 32. Plaintiff/Counter-defendant's assurances and/or
12 representations, as set forth herein, constitute misrepresentations.

13 33. Defendant/Counter-claimant properly, justifiably and in
14 good faith relied on Plaintiff/Counter-defendant's assurances /
15 representations / misrepresentations to her detriment.

16 34. As a result of Plaintiff/Counter-defendant's
17 misrepresentations, Defendant/Counter-claimant has suffered, and
18 continues to suffer damages in excess of \$10,000.00.

19 ///

20 ///

21 ///

1 **BREACH OF IMPLIED COVENANT OF GOOD FAITH AND**
2 **FAIR DEALING**

3 35. Defendant/Counter-claimant incorporates and realleges all
4 relevant preceding paragraphs as if fully stated herein.

5 36. Implied in every contract is a covenant by all parties to act in
6 good faith, in an open, honest and fair manner regarding their dealings
7 with each other. Plaintiff/Counter-defendant's actions constitute a
8 breach of his covenant of good faith and fair dealing with
9 Defendant/Counter-claimant.

10 37. Plaintiff/Counter-defendant breached the covenant of good
11 faith and fair dealing with Defendant/Counter-claimant by failing to
12 proceed on the basis of trust, in a fair manner and good faith to permit
13 Defendant/Counter-claimant to realize the benefits afforded to her
14 under the agreement.

15 38. As a result of Plaintiff/Counter-defendant's breach of the
16 implied covenant of good faith and fair dealing, Defendant/Counter-
17 claimant has suffered damages in excess of \$10,000.00.

18 39. Defendant/Counter-claimant is informed and believes and
19 thereby alleges that Plaintiff/Counter-defendant's acts were intentional
20 and conducted in an unfair, wrongful, and bad faith manner with a
21 conscious indifference to Defendant/Counter-claimant's rights and

1 interests, thereby entitling Defendant/Counter-claimant to punitive
2 damages in excess of \$10,000.00.

3 **PROMISSORY ESTOPPEL**

4 40. Defendant/Counter-claimant incorporates and realleges all
5 relevant preceding paragraphs as if fully stated herein.

6 41. Plaintiff/Counter-defendant made promises to
7 Defendant/Counter-claimant, which included promises that even though
8 the parties resided together during their relationship they would have no
9 claims to each other's property or income and that their division of
10 jointly titled assets was final and binding.

11 42. That Defendant/Counter-claimant relied on
12 Plaintiff/Counter-defendant promises in her decisions and actions
13 throughout the course of the relationship and thereafter.

14 43. Defendant/Counter-claimant relied upon Plaintiff/Counter-
15 defendant's promises to her detriment. Specifically, Plaintiff/Counter-
16 defendant is now using the parties' past relationship in support of his
17 frivolous litigation.

18 44. Plaintiff/Counter-defendant made promises to
19 Defendant/Counter-claimant during the time the parties were
20 terminating their relationship in 2016 that they were fairly and
21

1 conclusively dividing any and all jointly held assets and/or joint
2 ventures.

3 45. That, in reliance upon Plaintiff/Counter-defendant's
4 promises, the parties signed paperwork dividing jointly titled assets
5 equitably, and by agreement, based upon who substantially paid for the
6 asset.

7 46. Defendant/Counter-claimant relied upon Plaintiff/Counter-
8 defendant's promises to her detriment.

9 47. That it was unconscionable for Plaintiff/Counter-defendant
10 to break the promises that were so important to Defendant/Counter-
11 defendant and that she relied so heavily upon.

12 48. That Plaintiff/Counter-defendant's violation of his promises
13 to Defendant/Counter-claimant was calculated, intentional, willful,
14 oppressive, malicious, and therefore, Defendant/Counter-claimant is
15 entitled to punitive damages.

16 49. That based upon Plaintiff/Counter-defendant's violation of
17 his promise, Defendant/Counter-claimant is entitled to damages in
18 excess of \$10,000.00.

19 **EXPRESS AGREEMENT**

20 50. Defendant/Counter-claimant incorporates and realleges all
21 relevant preceding paragraphs as if fully stated herein.

1 51. Plaintiff/Counter-defendant and Defendant/Counter-
2 claimant agreed through their direct and express representations that
3 that they would enter into a relationship but that they would have no
4 claims against the other's property or income.

5 52. Plaintiff/Counter-defendant and Defendant/Counter-
6 claimant agreed through their direct and express representations that
7 during the time the parties were terminating their relationship in 2016
8 that they had fairly and conclusively divided any and all jointly titled
9 assets and/or joint ventures.

10 53. That during said times, the parties took affirmative action to
11 abide by this express agreement.

12 54. That Plaintiff/Counter-defendant's breach of the parties'
13 agreement was calculated, intentional, willful, oppressive, malicious,
14 and therefore, Defendant/Counter-claimant is entitled to punitive
15 damages.

16 55. That based upon Plaintiff/Counter-defendant's breach of the
17 parties implied agreement, Defendant/Counter-claimant is entitled to
18 damages in excess of \$10,000.00.

19 **IMPLIED AGREEMENT**

20 56. Defendant/Counter-claimant incorporates and realleges all
21 relevant preceding paragraphs as if fully stated herein.

1 57. Plaintiff/Counter-defendant and Defendant/Counter-
2 claimant agreed through their conduct and actions that that they would
3 remain in a relationship together but that they would have no claims
4 against the other's property or income.

5 58. Plaintiff/Counter-defendant and Defendant/Counter-
6 claimant agreed through their conduct and actions that during the time
7 the parties were terminating their relationship in 2016 that they had
8 fairly and conclusively divided any and all jointly titled assets and/or
9 joint ventures.

10 59. That during said times, the parties took affirmative action to
11 abide by this implied agreement.

12 60. Plaintiff/Counter-defendant did knowingly and willfully
13 breach the parties' agreement.

14 61. That based upon Plaintiff/Counter-defendant's breach of the
15 parties' implied agreement, Defendant/Counter-claimant is entitled to
16 damages in excess of \$10,000.00.

17 **MALICIOUS ABUSE OF PROCESS**

18 62. Defendant/Counter-claimant incorporates and realleges all
19 relevant preceding paragraphs as if fully stated herein.

20 63. Defendant/Counter-claimant incorporates all prior claims as
21 if specifically set forth herein.

1 64. Plaintiff/Counter-defendant instituted and is pursuing
2 litigation against Defendant/Counter-claimant.

3 65. Plaintiff/Counter-defendant's litigation against
4 Defendant/Counter-claimant is brought with an ulterior purpose other
5 than resolving a legal dispute.

6 66. Plaintiff/Counter-defendant's litigation against
7 Defendant/Counter-involves a willful act in the use of the legal process
8 not proper in the regular conduct of the proceeding.

9 67. Plaintiff/Counter-defendant's litigation is brought in bad
10 faith.

11 68. Plaintiff/Counter-defendant's litigation is frivolous.

12 69. Plaintiff/Counter-defendant's litigation is brought without
13 good cause.

14 70. That based upon Plaintiff/Counter-defendant's baseless and
15 frivolous litigation, Defendant/Counter-claimant is entitled to damages
16 in excess of \$10,000.00

17 WHEREFORE, Defendant/Counter-claimant prays for judgment
18 as follows:

- 19 1. For a declaration that the parties were never legally married;
20 2. For actual damages in excess of \$10,000.00;
21 3. For punitive damages in excess of \$10,000.00;

1 4. That Defendant/Counter-claimant be awarded attorney's
2 fees; and

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

5 DATED Monday, November 19, 2018.

6 Respectfully Submitted,

7 THE ABRAMS & MAYO LAW FIRM

8 /s/ Jennifer V. Abrams, Esq.
Jennifer V. Abrams, Esq.
9 Nevada State Bar Number: 7575
6252 South Rainbow Blvd., Suite 100
10 Las Vegas, Nevada 89118
Tel: (702) 222-4021
11 Attorney for Defendant
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1. I, DANKA K. MICHAELS, do solemnly swear to testify herein

3. That I am above the age of majority and I am competent to

to the facts contained in this declaration.

4. That I have read the foregoing *Answer to Second Amended*

6. I declare under penalty of perjury under the law of the State

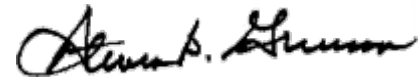
this _____ day of _____, 2018.

To be Supplemented

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Paul A. Lemcke, Esq.
Attorney for Plaintiff/Counter-defendant

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21



1 **DECL**

2 Jennifer V. Abrams, Esq.
3 Nevada State Bar Number: 7575
4 THE ABRAMS & MAYO LAW FIRM
5 6252 South Rainbow Blvd., Suite 100
6 Las Vegas, Nevada 89118
7 Tel: (702) 222-4021
8 Fax: (702) 248-9750
9 Email: JVAGroup@TheAbramsLawFirm.com
10 Attorney for Defendant

11 Eighth Judicial District Court
12 Family Division
13 Clark County, Nevada

14 THOMAS A. PICKENS, individually,) Case No.: D-17-560737-D
15 and as trustee of the LV Blue Trust,)

16 Plaintiff,)

17 vs.)

18 DANKA K. MICHAELS,)
19 individually, and as trustee of the)
20 Mich-Mich Trust,)

21 Defendant.)

22
23 **DECLARATION OF DANKA K. MICHAELS IN SUPPORT OF**
24 **ANSWER TO SECOND AMENDED COMPLAINT FOR**
25 **EQUITABLE RELIEF UNDER (1) THE PUTATIVE SPOUSE**
26 **DOCTRINE, AND (2) PURSUANT TO EXPRESS AND/OR**
27 **IMPLIED AGREEMENT TO HOLD PROPERTY AS IF THE**
28 **PARTIES WERE MARRIED UNDER MICHOFF; AND TO SET**
29 **ASIDE DEEDS OF REAL PROPERTY AND ASSIGNMENT OF**
30 **L.L.C. INTEREST;**
31 **AFFIRMATIVE DEFENSES AND COUNTERCLAIM**

1 **DECLARATION OF DANKA K. MICHAELS**

2 1. I, DANKA K. MICHAELS, do solemnly swear to testify herein
3 to the truth, the whole truth and nothing but the truth.


4 2. That I am the Defendant in the above-entitled action.

5 3. That I am above the age of majority and I am competent to
6 testify to the facts contained in this declaration.

7 4. That I have read the foregoing *Answer to Second Amended*
8 *Complaint for Equitable Relief Under (1) The Putative Spouse Doctrine,*
9 *and (2) Pursuant to Express and/or Implied Agreement to Hold*
10 *Property as if the Parties Were Married Under Michoff; And to Set*
11 *Aside Deeds of Real Property and Assignment of L.L.C. Interest;*
12 *Affirmative Defenses and Counterclaim* and know the contents thereof;
13 that the same is true of my own knowledge, except for those matters
14 therein contained stated upon information and belief, and as to those
15 matters, I believe them to be true.

16 6. I declare under penalty of perjury under the law of the State
17 of Nevada, pursuant to NRS 53.045, that the foregoing is true and
18 correct.

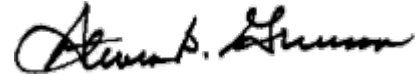
19 Dated this 19th day of NOVEMBER, 2018.

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DANKA K. MICHAELS

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Paul A. Lemcke, Esq.
Attorney for Plaintiff/Counter-defendant

AA00332



ORDR

Jennifer V. Abrams, Esq.
Nevada State Bar Number: 7575
THE ABRAMS & MAYO LAW FIRM
6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
Tel: (702) 222-4021
Fax: (702) 248-9750
Email: JVAGroup@TheAbramsLawFirm.com
Attorney for Defendant

Eighth Judicial District Court
Family Division
Clark County, Nevada

THOMAS A. PICKENS, individually,) Case No.: D-17-560737-D
and as trustee of the LV Blue Trust,)

Plaintiff,)

Department: B

vs.)

DANKA K. MICHAELS,)
individually, and as trustee of the)
Mich-Mich Trust,)

Defendant.)

ORDER AFTER HEARING OF SEPTEMBER 10, 2018

This matter coming on for hearing on the on the 10th day of
September 2018, before the Honorable Linda Marquis, for the Case
Management Conference. Plaintiff, THOMAS A. PICKENS (hereinafter
referred to as "Plaintiff"), having appeared by and through his attorney of
record, PAUL A. LEMCKE, ESQ., of PECOS LAW GROUP, and
Defendant, DANKA K. MICHAELS (hereinafter referred to as

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1 "Defendant"), having appeared personally and by and through her
2 attorney of record, JENNIFER V. ABRAMS, ESQ., of THE ABRAMS &
3 MAYO LAW FIRM, the Court having reviewed the papers and pleadings
4 on file, having listened to the representations and arguments of counsel,
5 and good cause appearing,

6 **THE COURT HEREBY FINDS** that after previous motion
7 practice in this action, Plaintiff filed a First Amended Complaint, which
8 triggered the setting of a new Case Management Conference. The Court
9 is now inclined to set a trial date, and counsel concurred.

10 **THE COURT NOTES** Mr. Lemcke's representation that Plaintiff
11 has filed a Motion for Leave to File Second Amended Complaint (the
12 "Motion"), and that through the exercise of due diligence in the discovery
13 process, it appears that while the parties went through a church wedding
14 in Slovakia, the marriage was not registered with Slovakian civil
15 authorities as legally required by Slovakian law. As such, the putative
16 Second Amended Complaint no longer contains a claim for divorce, but
17 adds an equitable claim for relief under *Michoff*, to the existing equitable
18 claim under the putative spouse doctrine.

19 ...

20 ...

21 ...

1 **THE COURT FURTHER NOTES** that if there is not an
2 opposition to the Motion, Attorney Abrams may file a notice of non-
3 opposition or counsel may submit a stipulation granting the requested
4 relief.

5 **THE COURT FURTHER NOTES** that Defendant's claim for an
6 award of attorney's fees is deferred to trial.

7 **IT IS HEREBY ORDERED** that counsel may jointly contact the
8 department and request a referral for a Judicial Settlement Conference or
9 a Senior Judge Settlement Conference if they are interested in a
10 settlement conference.

11 **IT IS FURTHER ORDERED** that a Case and Trial Management
12 Order was filed this date in open Court.

13 **IT IS FURTHER ORDERED** that the Calendar call shall be set
14 for April 11, 2019 at 10:00 a.m.

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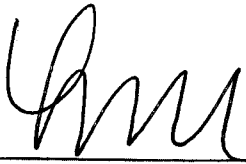
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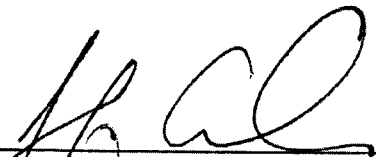
1 **IT IS FURTHER ORDERED** that trial shall be set for May 9,
2 2019 at 9:00 a.m. and May 10, 2019 at 9:00 a.m.

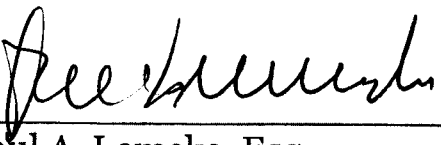
3 Dated this 7th day of December, 2018.

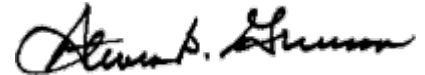
4
5 
6 DISTRICT COURT JUDGE
 LINDA MARQUIS

7 THE ABRAMS & MAYO LAW FIRM

PECOS LAW GROUP

8 
9 Jennifer V. Abrams, Esq.
10 Nevada State Bar No.: 7575
6252 S. Rainbow Blvd., Suite 100
11 Las Vegas, Nevada 89118
Attorney for Defendant

8 
9 Paul A. Lemcke, Esq.
10 Nevada State Bar No.: 3466
8925 S. Pecos Road, Suite 14A
11 Henderson, Nevada 89074
Attorney for Plaintiff



1 **RPLY**

2 **Paul A. Lemcke, Esq.**
3 Nevada Bar No. 003466
4 PECOS LAW GROUP
5 8925 South Pecos Road, Suite 14A
6 Henderson, Nevada 89074
7 Telephone: (702) 388-1851
8 Facsimile: (702) 388-7406
9 Email: Email@pecoslawgroup.com
10 Attorney for Plaintiff

11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 **Thomas A. Pickens**, individually,
14 and as trustee of the LV Blue Trust,

15 Plaintiff,

16 and

17 **Danka K. Michaels**, individually,
18 and as trustee of the Mich-Mich
19 Trust,

20 Defendant.

Case No. **D-17-560737-D**

Dept No. **B**

21 **REPLY TO DEFENDANT'S COUNTERCLAIM**

22 COMES NOW Plaintiff, **Thomas A. Pickens**, by and through his attorney,
23 **Paul A. Lemcke, Esq.**, of PECOS LAW GROUP, and hereby replies to the
24 allegations (by paragraph) in Defendant's Counterclaim for Divorce (filed on
25 November 19, 2018) as follows:

- 26
1. Deny for lack of information and belief, specifically as to the
definition of "[a]t all relevant times." Admit that Defendant is

1 currently an actual and bona fide resident of the County of Clark,
2 State of Nevada, and has been physically present in said county and
3 state prior to filing her counterclaim.
4

5 2. Admit.

6 3. Admit.

7 4. Admit.

8 5. Admit.

9 6. Deny.

10 7. Deny.

11 8. Deny.

12 9. Deny.

13 10. Deny.

14 11. Deny.

15 12. Deny for lack of information and belief.

16 13. Deny for lack of information and belief.

17 14. Deny for lack of information and belief.

18 15. Deny for lack of information and belief.

19 16. Deny for lack of information and belief.

20 17. Deny for lack of information and belief.

21 18. Deny.

22 19. Deny.

- 1 20. Deny.
- 2
- 3 21. Deny for lack of information and belief.
- 4
- 5 22. Deny.
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- 7 23. Deny.
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- 9 24. Deny for lack of information and belief.
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- 11 25. Deny for lack of information and belief.
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- 13 26. Deny for lack of information and belief.
- 14
- 15 27. Deny.
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- 17 28. Deny.
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- 19 29. Deny.
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- 21 30. Deny for lack of information and belief.
- 22
- 23 31. Deny for lack of information and belief.
- 24
- 25 32. Deny.
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33. Deny.
34. Deny.
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1	41.	Deny.
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8	48.	Deny.
9	49.	Deny.
10	50.	Deny.
11	51.	Deny.
12	52.	Deny.
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17	57.	Deny.
18	58.	Deny.
19	59.	Deny.
20	60.	Deny.
21	61.	Deny.
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1 62. Deny.

2 63. Deny.

3 64. Admit.

4 65. Deny.

5 66. Deny.

6 67. Deny.

7 68. Deny.

8 69. Deny.

9 70. Deny.

10
11
12 **FIRST AFFIRMATIVE DEFENSE**

13 N.R.C.P. 8(e) specifically permits Plaintiff/Counterdefendant to plead
14 claims for relief alternately or hypothetically, regardless of consistency, and
15 whether based on legal grounds or on equitable grounds, or both.

16
17 **SECOND AFFIRMATIVE DEFENSE**

18 At the time and place of marriage alleged in his Complaint for Divorce, *et*
19 *al.*, Plaintiff/Counterdefendant acted in absolute good faith, and with a just and
20 reasonable belief in the sanctity and legality of said marriage.

21 **THIRD AFFIRMATIVE DEFENSE**

22 Defendant/Counterclaimant is equitably estopped from asserting the claims
23 set forth in her Counterclaim.

24
25 . . .

1 **FOURTH AFFIRMATIVE DEFENSE**

2 Defendant/Counterclaimant's claims are barred under the doctrine of
3 unclean hands.

4 **FIFTH AFFIRMATIVE DEFENSE**

5 By reason of her own actions, Defendant/Counterclaimant has waived and
6 relinquished the claims set forth in her Counterclaim.

7 **SIXTH AFFIRMATIVE DEFENSE**

8 Defendant/Counterclaimant has been unjustly enriched, to the injury and
9 detriment of Plaintiff/Counterdefendant, and is therefore not entitled to legal or
10 equitable relief herein.

11 **SEVENTH AFFIRMATIVE DEFENSE**

12 As to Defendant/Counterclaimant allegations of a "contract," "agreement"
13 or "covenant" between she and Plaintiff/Counterdefendant, no such agreement
14 exists, whether in writing or otherwise.

15 **EIGHTH AFFIRMATIVE DEFENSE**

16 As to Defendant/Counterclaimant allegations of a "contract," "agreement"
17 or "covenant" between she and Plaintiff/Counterdefendant, if such an agreement
18 were to have existed, there would have been a complete failure of consideration
19 barring relief thereunder.

20 ...

21 ...

WHEREFORE, Plaintiff prays that Defendant take nothing by way of her Counterclaim, and that Plaintiff be awarded reasonable attorney's fees in defense of same.

DATED this 12 day of December 2018.

PECOS LAW GROUP

Heckler

Paul A. Lemcke, Esq.
Nevada Bar No. 003466
8925 South Pecos Road, Suite 14A
Henderson, Nevada 89074
Telephone: (702) 388-1851
Facsimile: (702) 388-7406
Email: Email@pecoslawgroup.com
Attorney for Plaintiff

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I hereby certify that the foregoing "REPLY TO
3 DEFENDANT'S COUNTERCLAIM" in the above-captioned case was served this date
4 as follows:

5 ☒ pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP (b)(2)(D) and
6 Administrative Order 14-2 Captioned "In the Administrative
7 Matter of Mandatory Electronic Service in the Eighth Judicial
8 District Court," by mandatory electronic service through the
9 Eighth Judicial District Court's electronic filing system;

10 ☐ by placing the same to be deposited for mailing in the United
11 States Mail, in a sealed envelope upon which first class postage was
12 prepaid in Las Vegas, Nevada;

13 ☐ pursuant to EDCR 7.26 to be sent via **facsimile**, by duly executed
14 consent for service by electronic means;

15 ☐ by hand-delivery with signed Receipt of Copy.

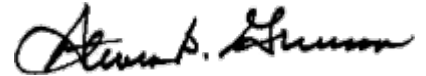
16 To attorney(s) listed below at the address:

17 **Jennifer V. Abrams, Esq.**
18 JVAGroup@TheAbramsLawFirm.com

19 DATED this 12th day of December 2018.

20 

21 **Allan Brown,**
22 An Employee of PECOS LAW GROUP
23
24
25
26



1 **NEOJ**

2 **Paul A. Lemcke, Esq.**

3 Nevada Bar No. 003466

4 PECOS LAW GROUP

5 8925 South Pecos Road, Suite 14A

6 Henderson, Nevada 89074

7 Telephone: (702) 388-1851

8 Facsimile: (702) 388-7406

9 Email: Email@pecoslawgroup.com

10 Attorney for Plaintiff

11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 **Thomas A. Pickens**, individually,
14 and as trustee of the LV Blue Trust,

15 Plaintiff,

16 vs.

17 **Danka K. Michaels**, individually,
18 and as trustee of the Mich-Mich
19 Trust,

20 Defendant.

Case No. **D-17-560737-D**

Dept No. **B**

Date of Hearing: **N/A**

Time of Hearing: **N/A**

21 **NOTICE OF ENTRY OF ORDER**

22 TO: Jennifer V. Abrams, Esq., attorney for Defendant.

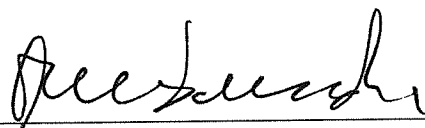
23 YOU WILL PLEASE TAKE NOTICE that ORDER AFTER HEARING OF
24 SEPTEMBER 10, 2018 was entered in the above-captioned case on the 11th day of

25 ...

1 December 2018 by filing with the Clerk. A true and correct copy of said ORDER is
2 attached hereto and made a part hereof.

3 DATED this 17 day of December 2018.

4
5 PECOS LAW GROUP

6 

7 **Paul A. Lemcke, Esq.**

8 Nevada Bar No. 003466

9 8925 S. Pecos Rd., Suite 14A

10 Henderson, Nevada 89074

11 Attorney for Plaintiff

1 CERTIFICATE OF SERVICE


2 Pursuant to NRCP 5(b), I hereby certify that the foregoing "ORDER AFTER
3 HEARING OF SEPTEMBER 10, 2018" in the above-captioned case was served this
4 date as follows:

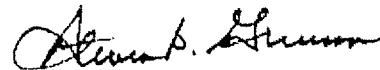
- 5 ☒ pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP (b)(2)(D) and
6 Administrative Order 14-2 Captioned "In the Administrative
7 Matter of Mandatory Electronic Service in the Eighth Judicial
8 District Court," by mandatory electronic service through the
9 Eighth Judicial District Court's electronic filing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

16 To attorney(s) /person(s) listed below at the address:

17 **Jennifer V. Abrams, Esq.**
18 JVAGroup@TheAbramsLawFirm.com

19 DATED this 17th day of December 2018.

20 
21 **Allan Brown**
22 An employee of PECOS LAW GROUP
23
24
25



ORDER

Jennifer V. Abrams, Esq.
Nevada State Bar Number: 7575
THE ABRAMS & MAYO LAW FIRM
6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
Tel: (702) 222-4021
Fax: (702) 248-9750
Email: JVAGroup@TheAbramsLawFirm.com
Attorney for Defendant

Eighth Judicial District Court
Family Division
Clark County, Nevada

THOMAS A. PICKENS, individually,) Case No.: D-17-560737-D
and as trustee of the LV Blue Trust,)

Plaintiff,)

Department: B

vs.)

DANKA K. MICHAELS,)
individually, and as trustee of the)
Mich-Mich Trust,)

Defendant.)

ORDER AFTER HEARING OF SEPTEMBER 10, 2018

This matter coming on for hearing on the on the 10th day of
September 2018, before the Honorable Linda Marquis, for the Case
Management Conference. Plaintiff, THOMAS A. PICKENS (hereinafter
referred to as "Plaintiff"), having appeared by and through his attorney of
record, PAUL A. LEMCKE, ESQ., of PECOS LAW GROUP, and
Defendant, DANKA K. MICHAELS (hereinafter referred to as

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1 “Defendant”), having appeared personally and by and through her
2 attorney of record, JENNIFER V. ABRAMS, ESQ., of THE ABRAMS &
3 MAYO LAW FIRM, the Court having reviewed the papers and pleadings
4 on file, having listened to the representations and arguments of counsel,
5 and good cause appearing,

6 **THE COURT HEREBY FINDS** that after previous motion
7 practice in this action, Plaintiff filed a First Amended Complaint, which
8 triggered the setting of a new Case Management Conference. The Court
9 is now inclined to set a trial date, and counsel concurred.

10 **THE COURT NOTES** Mr. Lemcke’s representation that Plaintiff
11 has filed a Motion for Leave to File Second Amended Complaint (the
12 “Motion”), and that through the exercise of due diligence in the discovery
13 process, it appears that while the parties went through a church wedding
14 in Slovakia, the marriage was not registered with Slovakian civil
15 authorities as legally required by Slovakian law. As such, the putative
16 Second Amended Complaint no longer contains a claim for divorce, but
17 adds an equitable claim for relief under *Michoff*, to the existing equitable
18 claim under the putative spouse doctrine.

19 ...

20 ...

21 ...

1 **THE COURT FURTHER NOTES** that if there is not an
2 opposition to the Motion, Attorney Abrams may file a notice of non-
3 opposition or counsel may submit a stipulation granting the requested
4 relief.

5 **THE COURT FURTHER NOTES** that Defendant's claim for an
6 award of attorney's fees is deferred to trial.

7 **IT IS HEREBY ORDERED** that counsel may jointly contact the
8 department and request a referral for a Judicial Settlement Conference or
9 a Senior Judge Settlement Conference if they are interested in a
10 settlement conference.

11 **IT IS FURTHER ORDERED** that a Case and Trial Management
12 Order was filed this date in open Court.

13 **IT IS FURTHER ORDERED** that the Calendar call shall be set
14 for April 11, 2019 at 10:00 a.m.

15 ...

16
17 ...

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19 ...

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21 ...

1 **IT IS FURTHER ORDERED** that trial shall be set for May 9,
2 2019 at 9:00 a.m. and May 10, 2019 at 9:00 a.m.

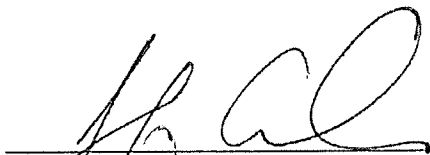
3 Dated this 7th day of December, 2018.

4 

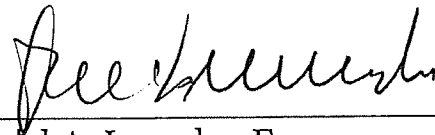
5 _____
6 DISTRICT COURT JUDGE
LINDA MARQUIS *LM*

7 THE ABRAMS & MAYO LAW FIRM

PECOS LAW GROUP

8 

9 _____
10 Jennifer V. Abrams, Esq.
11 Nevada State Bar No.: 7575
6252 S. Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
Attorney for Defendant

8 

9 _____
10 Paul A. Lemcke, Esq.
11 Nevada State Bar No.: 3466
8925 S. Pecos Road, Suite 14A
Henderson, Nevada 89074
Attorney for Plaintiff

Steven D. Grierson

MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

Thomas A. Pickens

Plaintiff/Petitioner

v. Danka K. Michaels

Defendant/Respondent

Case No. D-17-560737-D

Dept. B

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) Not to w/d as Attorney

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.

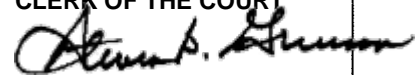
The total filing fee for the motion/opposition I am filing with this form is:

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

Party filing Motion/Opposition: Thomas A. Pickens Date 1/8/19

Signature of Party or Preparer *Allyson*

AA00352



1 **MOT**

2 **Paul A. Lemcke, Esq.**

3 Nevada Bar No. 003466

4 PECOS LAW GROUP

5 8925 South Pecos Road, Suite 14A

6 Henderson, Nevada 89074

7 Telephone: (702) 388-1851

8 Facsimile: (702) 388-7406

9 Email: Email@pecoslawgroup.com

10 Attorneys for Plaintiff

11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 **Thomas A. Pickens**, individually,
14 and as trustee of the LV Blue Trust,

15 Plaintiff,

16 vs.

17 **Danka K. Michaels**, individually,
18 and as trustee of the Mich-Mich
19 Trust,

20 Defendant.

Case No. **D-17-560737-D**

Dept No. **B**

Date of Hearing: **03/04/2019**

Time of Hearing:

No Appearance Required

Oral Argument Requested: NO

21 **NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE**
22 **COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN TEN (10) DAYS OF**
23 **YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT**
24 **WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING**
25 **GRANTED BY THE COURT WITHOUT HEARING PRIOR TO THE SCHEDULED HEARING.**

26 **MOTION TO WITHDRAW AS ATTORNEY OF RECORD FOR PLAINTIFF**

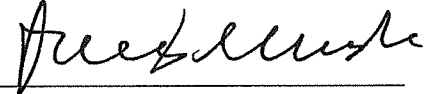
Paul A. Lemcke, Esq., of PECOS LAW GROUP, respectfully requests that
this court allow him to withdraw as attorney of record for Plaintiff, **Thomas A.**
Pickens.

...

1 This motion is made and based on all the papers and pleadings on file
2 herein, the Points and Authorities submitted herewith, and the affidavits attached
3 hereto.

4 DATED this 8 day of January 2019.

6 PECOS LAW GROUP

7 

8 **Paul A. Lemcke, Esq.**

9 Nevada Bar No. 003466

8925 South Pecos Road, Suite 14A

Henderson, Nevada 89074

(702) 388-1851

Attorney for Plaintiff

11 **NOTICE OF MOTION**

12 TO: **Thomas A. Pickens**, Plaintiff;

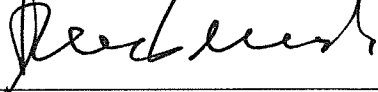
13 TO: **Danka K. Michaels**, Defendant; and

14 TO: **Jennifer V. Abrams, Esq.**, Attorney for Defendant:

15 PLEASE TAKE NOTICE that the undersigned will bring the above and
16 foregoing motion before the above-entitled Court on the 4th day of
17 March, 2019, at the hour of No Appearance Required o'clock of said day,
18 in Department B of said Court.

19 DATED this 8 day of January 2019.

21 PECOS LAW GROUP

22 

23 **Paul A. Lemcke, Esq.**

24 Nevada Bar No. 003466

8925 South Pecos Road, Suite 14A

Henderson, Nevada 89074

(702) 388-1851

POINTS AND AUTHORITIES

EDCR 7.40 states:

Rule 7.40. Appearances; substitutions; withdrawal or change of attorney.

(a) When a party has appeared by counsel, the party cannot thereafter appear on the party's own behalf in the case without the consent of the court. Counsel who has appeared for any party must represent that party in the case and shall be recognized by the court and by all parties as having control of the case. The court in its discretion may hear a party in open court although the party is represented by counsel.

(b) Counsel in any case may be changed only:

(1) When a new attorney is to be substituted in place of the attorney withdrawing, by the written consent of both attorneys and the client, which must be filed with the court and served upon all parties or their attorneys who have appeared in the action, or

(2) *When no attorney has been retained to replace the attorney withdrawing, by order of the court, granted upon written motion, and*

(i) *If the application is made by the attorney, the attorney must include in an affidavit the address, or last known address, at which the client may be served with notice of further proceedings taken in the case in the event the application for withdrawal is granted, and the telephone number, or last known telephone number, at which the client may be reached and the attorney must serve a copy of the application upon the client and all other parties to the action or their attorneys, or*

(ii) If the application is made by the client, the client must state in the application the address at which the client may be served with notice of all further proceedings in the case in the event the application is granted, and the telephone number, or last known telephone number, at which the client may be reached and must serve a copy of the application upon the client's attorney and all other parties to the action or their attorneys.

(c) No application for withdrawal or substitution may be granted if a delay of the trial or of the hearing of any other matter in the case would result.

(Emphasis added).

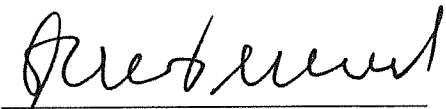
1 Paul A. Lemcke, Esq., an attorney with Pecos Law Group, has been counsel
2 of record for Plaintiff Thomas A. Pickens in this matter. Plaintiff and his counsel
3 have encountered personal and professional differences in the case, and the
4 continued representation of Plaintiff by Mr. Lemcke is no longer workable or
5 advisable.
6

7 In the event this motion is granted, Plaintiff can be served with respect to
8 further proceedings at his last known address: **4514 Blue Mesa Way, Las Vegas,**
9 **NV 89129. Telephone: (725) 221-6617.**

10 THEREFORE, Paul A. Lemcke, Esq. of Pecos Law Group respectfully
11 requests this court to grant him permission to withdraw from this case as
12 Plaintiff's attorney of record.
13

14 DATED this 8 day of January 2019.

15 PECOS LAW GROUP

16 

17 **Paul A. Lemcke, Esq.**

18 Nevada Bar No. 003466

19 8925 South Pecos Road, Suite 14A

20 Henderson, Nevada 89074

21 (702) 388-1851

22 Attorney for Plaintiff
23
24
25
26

AFFIDAVIT OF PAUL A. LEMCKE, ESQ.

STATE OF NEVADA)
)ss:
COUNTY OF CLARK)

Paul A. Lemcke, Esq. first being duly sworn, deposes and says:

1. I am an attorney duly licensed to practice in the State of Nevada. I am a member of the PECOS LAW GROUP. I make this Affidavit on behalf of myself and the PECOS LAW GROUP in support of its "Motion to Withdraw as Attorney of Record for Plaintiff." I have personal knowledge of the matters contained in this affidavit, and the facts in the motion above, and am competent to testify as to the same.

2. I am counsel of record for Plaintiff Thomas A. Pickens in this matter. Mr. Pickens and I have encountered personal and professional differences in the case, and my continued representation of Plaintiff is no longer workable or advisable.


3. That in the event this motion is granted, Plaintiff can be served at his last known address: **4514 Blue Mesa Way, Las Vegas, NV 89129. Telephone: (725) 221-6617.**

4. That allowing PECOS LAW GROUP to withdraw from representing Plaintiff can be accomplished without any material adverse effect on the interests of Plaintiff.

...

5. That I respectfully request that this court grant the motion to withdraw as attorney of record for Plaintiff herein.

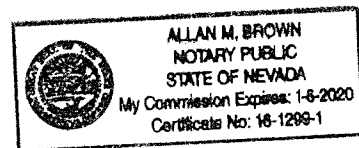
DATED this 8 day of January 2019.

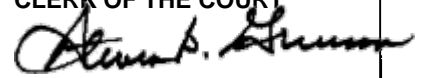

PAUL A. LEMCKE, ESQ.

SUBSCRIBED and SWORN to before
me this 8th day of January 2019.

Allen Y. Brown

NOTARY PUBLIC in and for said
County and State





COS
Paul A. Lemcke, Esq.
Nevada Bar No. 003466
PECOS LAW GROUP
8925 South Pecos Road, Suite 14A
Henderson, Nevada 89074
Telephone: (702) 388-1851
Facsimile: (702) 388-7406
Email: Email@pecoslawgroup.com
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

Thomas A. Pickens, individually,
and as trustee of the LV Blue Trust,

Plaintiff,

vs.

Danka K. Michaels, individually,
and as trustee of the Mich-Mich
Trust,

Defendant.

Case No. **D-17-560737-D**

Dept No. **B**

Date of Hearing:

Time of Hearing:

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that the foregoing "MOTION TO

...

...

...

...

...

1 WITHDRAW AS ATTORNEY OF RECORD FOR PLAINTIFF" in the above-captioned case
2 was served this date as follows:

3 ☒ pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP (b)(2)(D) and
4 Administrative Order 14-2 Captioned "In the Administrative
5 Matter of Mandatory Electronic Service in the Eighth Judicial
6 District Court," by mandatory electronic service through the
7 Eighth Judicial District Court's electronic filing system;

8 Jennifer V. Abrams Email JVAGroup@TheAbramsLawFirm.com


9 ☒ by placing the same to be deposited for mailing in the United
10 States Mail, in a sealed envelope upon which first class postage was
11 prepaid in Las Vegas, Nevada;

12 **Thomas A. Pickens**
13 4514 Blue Mesa Way
14 Las Vegas, Nevada 89129
15 Plaintiff

16 ☐ pursuant to EDCR 7.26 to be sent via **facsimile**, by duly executed
17 consent for service by electronic means;

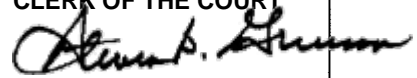
18 ☐ by hand-delivery with signed Receipt of Copy.

19 DATED this 9th day of January 2019.

20 

21 **Allan Brown**

22 An employee of PECOS LAW GROUP



1 **ORD**

2 **Paul A. Lemcke, Esq.**

3 Nevada Bar No. 003466

4 PECOS LAW GROUP

5 8925 South Pecos Road, Suite 14A

6 Henderson, Nevada 89074

7 Telephone: (702) 388-1851

8 Facsimile: (702) 388-7406

9 Email: Email@pecoslawgroup.com

10 Attorney for Plaintiff

11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

13 **Thomas A. Pickens**, individually,
14 and as trustee of the LV Blue Trust,

15 Plaintiff,

16 vs.

17 **Danka K. Michaels**, individually,
18 and as trustee of the Mich-Mich
19 Trust,

20 Defendant.

Case No. **D-17-560737-D**

Dept. No. **B**

Date of Hearing: N/A

Time of Hearing: N/A

21 **ORDER GRANTING WITHDRAWAL AS ATTORNEY OF RECORD**
22 **FOR PLAINTIFF**

23 THIS CAUSE having come before the Court by way of the "*Motion to*
24 *Withdraw as Attorney of Record for Plaintiff*" filed by Paul A. Lemcke, Esq., of
25 PECOS LAW GROUP on January 8, 2019, which was timely served on Plaintiff and
26 counsel for Defendant on January 9, 2018; it having been brought to the Court's
attention, pursuant to E.D.C.R. 2.23(a) and E.D.C.R. 2.23(b), that no timely

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JAN 29 2019
DEPT. B

1 opposition to the motion has been timely filed within the prescribed response time;
2 the Court noting that pursuant to E.D.C.R. 2.23(c), it may consider the motion on
3 its merits at any time with or without oral argument; and the Court having
4 considered the motion and finding good cause therefore,
5

6 **IT IS HEREBY ORDERED** that the "*Motion to Withdraw as Attorney of*
7 *Record for Plaintiff*" filed by Paul A. Lemcke, Esq. of the PECOS LAW GROUP is
8 hereby GRANTED.

9 **IT IS FURTHER ORDERED** that all further notices in this matter be sent
10 to Plaintiff Thomas A. Pickens, in proper person, at his last known address: **4514**
11 **Blue Mesa Way, Las Vegas, NV 89129. Phone: (725) 221-6617.**

12 DATED this 5th day of February, 2019.
13
14

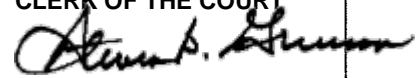
15 
16 _____
17 DISTRICT COURT JUDGE
18 LINDA MARQUIS

19 Submitted by:

20 PECOS LAW GROUP

21 
22 _____

23 **Paul A. Lemcke, Esq.**
24 Nevada Bar No. 003466
25 PECOS LAW GROUP
26 8925 South Pecos Road, Suite 14A
Henderson, Nevada 89074
(702) 388-1851
Attorney for Plaintiff



1 **NEOJ**

2 **Paul A. Lemcke, Esq.**

3 Nevada Bar No. 003466

4 PECOS LAW GROUP

5 8925 South Pecos Road, Suite 14A

6 Henderson, Nevada 89074

7 Telephone: (702) 388-1851

8 Facsimile: (702) 388-7406

9 Email: Email@pecoslawgroup.com

10 Attorney for Plaintiff

11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 **Thomas A. Pickens**, individually,
14 and as trustee of the LV Blue Trust,

15 Plaintiff,

16 vs.

17 **Danka K. Michaels**, individually,
18 and as trustee of the Mich-Mich
19 Trust,

20 Defendant.

Case No. **D-17-560737-D**

Dept No. **B**

Date of Hearing: **N/A**

Time of Hearing: **N/A**

21 **NOTICE OF ENTRY OF ORDER**

22 TO: Jennifer V. Abrams, Esq., attorney for Defendant;

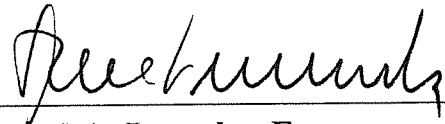
23 TO: Thomas A. Pickens, Plaintiff.

24 YOU WILL PLEASE TAKE NOTICE that ORDER GRANTING
25 WITHDRAWAL AS ATTORNEY OF RECORD FOR PLAINTIFF was entered in the above-

1 captioned case on the 5th day of February 2019 by filing with the Clerk. A true and
2 correct copy of said ORDER is attached hereto and made a part hereof.

3 DATED this 6th day of February 2019.
4

5 PECOS LAW GROUP

6 
7

8 **Paul A. Lemcke, Esq.**

9 Nevada Bar No. 003466

10 8925 S. Pecos Rd., Suite 14A

11 Henderson, Nevada 89074

12 Attorney for Plaintiff
13
14
15
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25

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I hereby certify that the foregoing "MOTION TO
3 WITHDRAW AS ATTORNEY OF RECORD FOR PLAINTIFF" in the above-captioned case
4 was served this date as follows:

5 ☒ pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP (b)(2)(D) and
6 Administrative Order 14-2 Captioned "In the Administrative
7 Matter of Mandatory Electronic Service in the Eighth Judicial
8 District Court," by mandatory electronic service through the
9 Eighth Judicial District Court's electronic filing system;

10 Jennifer V. Abrams Email JVAGroup@TheAbramsLawFirm.com

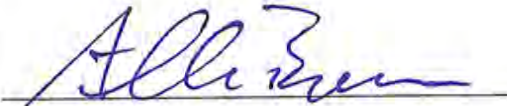
11 ☒ by placing the same to be deposited for mailing in the United
12 States Mail, in a sealed envelope upon which first class postage was
13 prepaid in Las Vegas, Nevada;

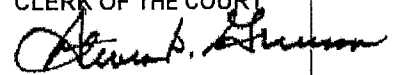
14 **Thomas A. Pickens**
15 4514 Blue Mesa Way
16 Las Vegas, Nevada 89129
17 Plaintiff

18 ☐ pursuant to EDCR 7.26 to be sent via **facsimile**, by duly executed
19 consent for service by electronic means;

20 ☐ by hand-delivery with signed Receipt of Copy.

21 DATED this 6th day of February 2019.

22 
23 **Allan Brown**
24 An employee of PECOS LAW GROUP



1 **ORD**

2 **Paul A. Lemcke, Esq.**

3 Nevada Bar No. 003466

4 **PECOS LAW GROUP**

5 8925 South Pecos Road, Suite 14A

6 Henderson, Nevada 89074

7 Telephone: (702) 388-1851

8 Facsimile: (702) 388-7406

9 Email: Email@pecoslawgroup.com

10 Attorney for Plaintiff

11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

13 **Thomas A. Pickens, individually,**
14 **and as trustee of the LV Blue Trust,**

15 **Plaintiff,**

16 **vs.**

17 **Danka K. Michaels, individually,**
18 **and as trustee of the Mich-Mich**
19 **Trust,**

20 **Defendant.**

Case No. **D-17-560737-D**

Dept. No. **B**

Date of Hearing: N/A

Time of Hearing: N/A

21 **ORDER GRANTING WITHDRAWAL AS ATTORNEY OF RECORD**
22 **FOR PLAINTIFF**

23 THIS CAUSE having come before the Court by way of the "Motion to
24 *Withdraw as Attorney of Record for Plaintiff*" filed by Paul A. Lemcke, Esq., of
25 PECOS LAW GROUP on January 8, 2019, which was timely served on Plaintiff and
26 counsel for Defendant on January 9, 2018; it having been brought to the Court's
attention, pursuant to E.D.C.R. 2.23(a) and E.D.C.R. 2.23(b), that no timely

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JAN 29 2019
DEPT. B

1 opposition to the motion has been timely filed within the prescribed response time;
2 the Court noting that pursuant to E.D.C.R. 2.23(c), it may consider the motion on
3 its merits at any time with or without oral argument; and the Court having
4 considered the motion and finding good cause therefore,
5

6 **IT IS HEREBY ORDERED** that the "*Motion to Withdraw as Attorney of*
7 *Record for Plaintiff*" filed by Paul A. Lemcke, Esq. of the PECOS LAW GROUP is
8 hereby GRANTED.

9 **IT IS FURTHER ORDERED** that all further notices in this matter be sent
10 to Plaintiff Thomas A. Pickens, in proper person, at his last known address: **4514**
11 **Blue Mesa Way, Las Vegas, NV 89129. Phone: (725) 221-6617.**

12 DATED this 5th day of February, 2019.
13
14

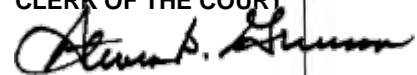
15 
16 _____
17 DISTRICT COURT JUDGE
LINDA MARQUIS

18 Submitted by:

19 PECOS LAW GROUP
20

21 
22 _____

23 **Paul A. Lemcke, Esq.**
Nevada Bar No. 003466
PECOS LAW GROUP
24 8925 South Pecos Road, Suite 14A
Henderson, Nevada 89074
25 (702) 388-1851
26 Attorney for Plaintiff



1 **NTTD**

Jennifer V. Abrams, Esq.

2 Nevada State Bar Number: 7575

THE ABRAMS & MAYO LAW FIRM

3 6252 South Rainbow Blvd., Suite 100

Las Vegas, Nevada 89118

4 Tel: (702) 222-4021

Fax: (702) 248-9750

5 Email: JVAGroup@TheAbramsLawFirm.com

Attorney for Defendant

Eighth Judicial District Court
Family Division
Clark County, Nevada

9 THOMAS A. PICKENS,

10 Plaintiff,

11 vs.

12 DANKA K. MICHAELS,

13 Defendant.

) Case No.: D-17-560737-D

) Department: B

14
15 **NOTICE OF TAKING VIDEOTAPED DEPOSITION**

16 TO: THOMAS A. PICKENS, 4514 Blue Mesa Way, Las Vegas, Nevada
17 89129, Plaintiff, in Proper Person;

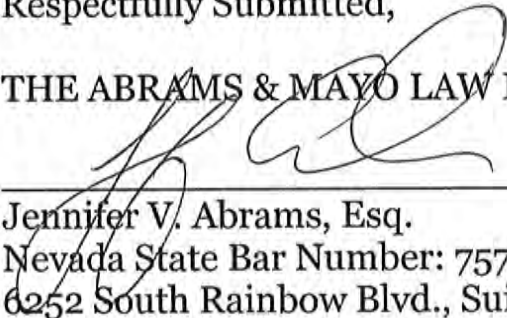
18 PLEASE TAKE NOTICE that at 10:00 a.m. on March 7, 2019, at
19 the office of THE ABRAMS & MAYO LAW FIRM, 6252 South Rainbow
20 Boulevard, Suite 100, Las Vegas, Nevada 89118, the Defendant in the
21 above-entitled action will take the videotaped deposition of the Plaintiff,

1 THOMAS A. PICKENS, upon oral examination, pursuant to Rule 26 of
2 the Nevada Rules of Civil Procedure, before a Notary Public, or before
3 some other officer authorized by law to administer oaths. Oral
4 examination will continue from day to day until completed.

5 DATED Friday, February 15, 2019.

6 Respectfully Submitted,

7 THE ABRAMS & MAYO LAW FIRM

8 
9 _____
10 Jennifer V. Abrams, Esq.
11 Nevada State Bar Number: 7575
12 6252 South Rainbow Blvd., Suite 100
13 Las Vegas, Nevada 89118
14 Attorney for Defendant
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on Friday, February 15, 2019, service of the
3 above NOTICE OF TAKING VIDEOTAPED DEPOSITION was made to
4 the following interested parties, as set forth below:

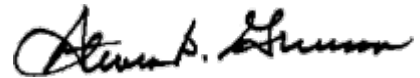
5 Via 1st Class U.S. Mail, postage fully prepaid, addressed to:

6 Thomas A. Pickens
7 4514 Blue Mesa Way
8 Las Vegas, Nevada 89129
9 Plaintiff, in Proper Person

10 And via email to:

11 Thomas A. Pickens
12 Email: Tpickens@msn.com

13 
14 _____
15 An Employee of The Abrams & Mayo Law Firm
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1 **WTLT**

Jennifer V. Abrams, Esq.

2 Nevada State Bar Number: 7575

THE ABRAMS & MAYO LAW FIRM

3 6252 South Rainbow Blvd., Suite 100

Las Vegas, Nevada 89118

4 Tel: (702) 222-4021

Fax: (702) 248-9750

5 Email: JVAGroup@TheAbramsLawFirm.com

Attorney for Defendant

Eighth Judicial District Court

Family Division

Clark County, Nevada

8 THOMAS A. PICKENS, individually,) Case No.: D-17-560737-D
and as trustee of the LV Blue Trust,)

9 Plaintiff,)

) Department: B

10 vs.)

11 DANKA K. MICHAELS,)
12 individually, and as trustee of the)
Mich-Mich Trust,)

13 Defendant.)

14
15 **DEFENDANT'S WITNESS LIST (NON-EXPERT)**

16 TO: THOMAS A. PICKENS, Plaintiff.

17 **COMES NOW** the Defendant, Danka K. Michaels, by and
18 through her attorney of record, Jennifer V. Abrams, Esq., of The
19 Abrams & Mayo Law Firm, and hereby submits her Witness List.

20 ///

21 ///

1 1. Danka K. Michaels, Defendant
2 c/o Jennifer V. Abrams, Esq.
3 The Abrams & Mayo Law Firm
 6252 South Rainbow Blvd., Suite 100
 Las Vegas, Nevada 89118

4 Ms. Michaels will testify regarding the facts and
 circumstances of the relationship.

5 2. Thomas A. Pickens, Plaintiff
6 4514 Blue Mesa Way
 Las Vegas, Nevada 89129

7 Mr. Pickens will testify regarding the facts and
8 circumstances of the relationship.

9 3. Robert Semonian
10 The Semonian Group, Inc.
 3230 S Valley View Blvd., Ste 110
 Las Vegas, NV 89102
 805-659-5344

11 Mr. Semonian will testify regarding the facts and
12 circumstances of the parties' tax returns.

13 4. Shannon Evans, Esq.
14 Evans & Associates
 2400 S. Cimarron Road, Suite 140
15 Las Vegas, Nevada 89117
 Tel: (702) 699-7333

16 Ms. Evans will testify as to the facts and circumstances of
17 the parties' estate planning/trust documents.

18 5. Todd Kilde
 1621 Country Road
19 Fergus, MN 56537

20 Mr. Kilde will testify as to his knowledge of parties'
 relationship, Plaintiff's financial schemes and his affair.

21 ///

1 6. Sarah Nicora
2 153 Santiago Ave.
3 Redwood City, CA 94061

4 Ms. Nicora will testify as to her knowledge of the parties'
5 relationship, her time as Plaintiff's assistant and the secrets
6 Plaintiff made her keep during her employment.

7 7. Art Zargaryan
8 6426 Cameron Park Street
9 Las Vegas, NV 89166

10 Mr. Zargaryan will testify as to his knowledge of the parties'
11 relationship and Plaintiff's arrest in Florida.

12 8. Rich Wolf
13 4575 Dean Martian Drive, #2307
14 Las Vegas, Nevada 89103

15 Mr. Wolf will testify as to his knowledge of the parties'
16 relationship and Plaintiff's arrest in Florida.

17 9. Sheila Mazzeo
18 11640 N. 27th Street, #C307
19 Phoenix, AZ 85028

20 Ms. Mazzeo will testify as to her knowledge of the parties'
21 relationship.

 10. Tamela Kahle
 9549 Verde Park Circle
 Las Vegas, NV 89129

 Ms. Kahle will testify as to her knowledge of the parties'
 relationship.

 11. Scott Hatcher
 9549 Verde Park Circle
 Las Vegas, NV 89129

1 Mr. Hatcher will testify as to his knowledge of the parties'
2 relationship.

- 3 12. Jennifer Quinn
4 1633 Plata Pico Drive
5 Las Vegas, NV 89128

6 Ms. Quinn will testify as to her knowledge of the parties'
7 relationship.

- 8 13. Shannon Newman
9 7608 Lowe Ave.
10 Las Vegas, NV 89131

11 Ms. Newman will testify as to her knowledge of the parties'
12 relationship.

- 13 14. Any and all witnesses relied upon by the Plaintiff, which are
14 properly disclosed.

- 15 15. Any and all rebuttal witnesses as necessary.

16 Defendant reserves the right to supplement this list as additional
17 information and witnesses become available.

18 DATED: Wednesday, February 20, 2019.

19 Respectfully Submitted,

20 THE ABRAMS & MAYO LAW FIRM

21 /s/ Jennifer V. Abrams, Esq.

Jennifer V. Abrams, Esq.

Nevada State Bar Number: 7575

6252 South Rainbow Blvd., Suite 100

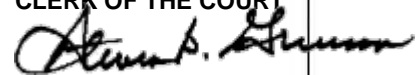
Las Vegas, Nevada 89118

Attorney for Defendant

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Thomas Pickens
4514 Blue Mesa Way
Las Vegas, Nevada 89129

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1 **NTTD**

Jennifer V. Abrams, Esq.

2 Nevada State Bar Number: 7575

THE ABRAMS & MAYO LAW FIRM

3 6252 South Rainbow Blvd., Suite 100

Las Vegas, Nevada 89118

4 Tel: (702) 222-4021

Fax: (702) 248-9750

5 Email: JVAGroup@TheAbramsLawFirm.com

Attorney for Defendant

6
Eighth Judicial District Court
Family Division
Clark County, Nevada
7
8

9 THOMAS A. PICKENS,

10 Plaintiff,

11 vs.

12 DANKA K. MICHAELS,

13 Defendant.

) Case No.: D-17-560737-D

) Department: B

14
15 **AMENDED NOTICE OF TAKING VIDEOTAPED DEPOSITION**

16 TO: THOMAS A. PICKENS, 4514 Blue Mesa Way, Las Vegas, Nevada
17 89129, Plaintiff, in Proper Person;

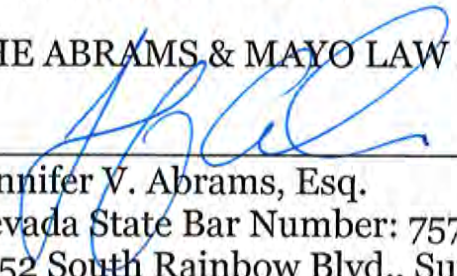
18 PLEASE TAKE NOTICE that at **12:00 p.m.** on March 7, 2019, at
19 the office of THE ABRAMS & MAYO LAW FIRM, 6252 South Rainbow
20 Boulevard, Suite 100, Las Vegas, Nevada 89118, the Defendant in the
21 above-entitled action will take the videotaped deposition of the Plaintiff,

1 THOMAS A. PICKENS, upon oral examination, pursuant to Rule 26 of
2 the Nevada Rules of Civil Procedure, before a Notary Public, or before
3 some other officer authorized by law to administer oaths. Oral
4 examination will continue from day to day until completed.

5 DATED Tuesday, March 05, 2019.

6 Respectfully Submitted,

7 THE ABRAMS & MAYO LAW FIRM

8 
9 Jennifer V. Abrams, Esq.
10 Nevada State Bar Number: 7575
11 6252 South Rainbow Blvd., Suite 100
12 Las Vegas, Nevada 89118
13 Attorney for Defendant
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1 **CERTIFICATE OF SERVICE**


2 I hereby certify that on Tuesday, March 05, 2019, service of the
3 above AMENDED NOTICE OF TAKING VIDEOTAPED DEPOSITION
4 was made to the following interested parties, as set forth below:

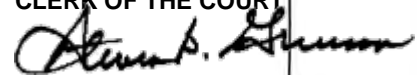
5 Via 1st Class U.S. Mail, postage fully prepaid, addressed to:

6 Thomas A. Pickens
7 4514 Blue Mesa Way
8 Las Vegas, Nevada 89129
Plaintiff, in Proper Person

9 And via email to:

10 Thomas A. Pickens
11 Email: Tpickens@msn.com

12 
13 _____
14 An Employee of The Abrams & Mayo Law Firm
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1 **NTTD**

Jennifer V. Abrams, Esq.

2 Nevada State Bar Number: 7575

THE ABRAMS & MAYO LAW FIRM

3 6252 South Rainbow Blvd., Suite 100

Las Vegas, Nevada 89118

4 Tel: (702) 222-4021

Fax: (702) 248-9750

5 Email: JVAGroup@TheAbramsLawFirm.com

Attorney for Defendant

Eighth Judicial District Court
Family Division
Clark County, Nevada

9 THOMAS A. PICKENS,

) Case No.: D-17-560737-D

10 Plaintiff,

) Department: B

11 vs.

12 DANKA K. MICHAELS,

13 Defendant.

15 **SECOND AMENDED NOTICE OF TAKING**

16 **VIDEOTAPED DEPOSITION**

17 TO: THOMAS A. PICKENS, 4514 Blue Mesa Way, Las Vegas, Nevada
18 89129, Plaintiff, in Proper Person;

19 PLEASE TAKE NOTICE that at **1:30 p.m.** on March 7, 2019, at
20 the office of THE ABRAMS & MAYO LAW FIRM, 6252 South Rainbow
21 Boulevard, Suite 100, Las Vegas, Nevada 89118, the Defendant in the

1 above-entitled action will take the videotaped deposition of the Plaintiff,
2 THOMAS A. PICKENS, upon oral examination, pursuant to Rule 26 of
3 the Nevada Rules of Civil Procedure, before a Notary Public, or before
4 some other officer authorized by law to administer oaths. Oral
5 examination will continue from day to day until completed.

6 DATED Tuesday, March 05, 2019.

7 Respectfully Submitted,

8 THE ABRAMS & MAYO LAW FIRM

9 /s/ Jennifer V. Abrams, Esq.

10 Jennifer V. Abrams, Esq.

11 Nevada State Bar Number: 7575

12 6252 South Rainbow Blvd., Suite 100

13 Las Vegas, Nevada 89118

14 Attorney for Defendant
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CERTIFICATE OF SERVICE

I hereby certify that on Tuesday, March 05, 2019, service of the
above SECOND AMENDED NOTICE OF TAKING VIDEOTAPED
DEPOSITION was made to the following interested parties, as set forth
below:

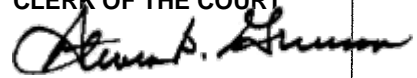
Via 1st Class U.S. Mail, postage fully prepaid, addressed to:

Thomas A. Pickens
4514 Blue Mesa Way
Las Vegas, Nevada 89129
Plaintiff, in Proper Person

And via email to:

Thomas A. Pickens
Email: Tpickens@msn.com

/s/ Chantel Wade
An Employee of The Abrams & Mayo Law Firm



NOA
BLACK & LOBELLO
Michele Touby LoBello, Esq.
Nevada Bar No. 5527
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
Telephone No.: 702-869-8801
Facsimile No.: 702-869-2669
Email: mlobello@blacklobello.law
Attorneys for Plaintiff,
THOMAS A. PICKENS

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

THOMAS A. PICKENS,

Plaintiff

vs.

DANKA K. MICHAELS,

Defendant

CASE NO.: D-17-560737-D

DEPT. B

NOTICE OF APPEARANCE

Michele Touby LoBello and the law firm of Black & LoBello, hereby files a
Notice of Appearance in the above-referenced matter. The undersigned will appear
and represent THOMAS A. PICKENS, Plaintiff, in this matter.

DATED this 8TH day of March, 2019.

BLACK & LOBELLO



Michele Touby LoBello, Esq.,
Nevada State Bar No. 5527
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
Attorneys for Plaintiff,
THOMAS A. PICKENS

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of BLACK & LOBELLO and that on the _____ day of March, 2019, I caused the above and foregoing document entitled **Notice of Appearance** to be served as follows:

- ☐ 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; and
- ☒ pursuant to N.E.F.C.R. 9, to be sent via electronic service;
- ☐ pursuant to EDCR 7.26, to be sent via facsimile;
- ☒ by email to
- ☐ hand delivered

to the party or their attorney(s) listed below at the address and/or facsimile number indicated below:

Jennifer V. Abrams, Esq.
The Abrams & Mayo Law Firm
6252 South Rainbow Blvd., #100
Las Vegas, NV 89118
Email: JVAGroup@TheAbramsLawFirm.com
Attorney for Defendant

and that there is regular communication by mail between the place of mailing and the place(s) so addressed.


An Employee of Black & LoBello


CLERK OF THE COURT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

* * * *

THOMAS A. PICKENS, PLAINTIFF	CASE NO.: D-17-560737-D
VS.	DEPARTMENT J
<u>DANKA K. MICHAELS, DEFENDANT.</u>	

NOTICE OF DEPARTMENT REASSIGNMENT

NOTICE IS HEREBY GIVEN that the above-entitled action has been randomly reassigned to Judge Rena G. Hughes.

☒ This reassignment follows the filing of Peremptory Challenge of Judge Vincent Ochoa.

☐ This reassignment is due to the recusal of Judge Vincent Ochoa. See minutes in file.

☐ This reassignment is due to:

ANY TRIAL DATE IS VACATED AND WILL BE RESET BY THE NEW DEPARTMENT.

Any motions or hearings presently scheduled in the FORMER department will be heard by the NEW department as set forth below.

PLEASE INCLUDE THE NEW DEPARTMENT NUMBER ON ALL FUTURE FILINGS.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/Danielle Coulter
Danielle Coulter, Deputy Clerk of the Court

AA00384

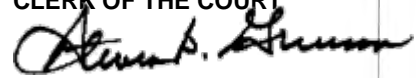
CERTIFICATE OF MAILING

I hereby certify that: on this the 11th day of March, 2019

☒ I placed a copy of the foregoing Clerk's Notice of Department Reassignment in the appropriate attorney folder located in the Clerk of the Court's Office:

Michele Touby Lobello
Jennifer V. Abrams

/s/Danielle Coulter
Danielle Coulter, Deputy Clerk of the Court



PCHLG

BLACK & LOBELLO

Michele Touby LoBello

Nevada Bar No. 5527

10777 West Twain Avenue, Suite 300

Las Vegas, Nevada 89135

Telephone Number: 702-869-8801

Fax Number: 702-869-2669

Email Address: mlobello@blacklobello.law

Attorneys for Plaintiff,

THOMAS A. PICKENS, individually,

and as trustee of the LV Blue Trust,

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

THOMAS A. PICKENS, individually,
and as trustee of the LV Blue Trust,

Plaintiff

vs.

DANKA K. MICHAELS, individually,
and as trustee of the Mich-Mich Trust,

Defendant.

CASE NO.: D-17-560737-D

DEPT. NO.: S

PEREMPTORY CHALLENGE OF JUDGE

Plaintiff, THOMAS A. PICKENS, individually, and as trustee of the LV Blue Trust, by and through his attorneys of record, Michele Touby LoBello, and the law firm of BLACK & LOBELLO, pursuant to SCR 48.1, hereby exercises his right to enter a Peremptory Challenge of the Honorable Vincent Ochoa, and asks that, pursuant to that Rule, the matter be transferred by random selection to another Court.

///

///

BLACK & LOBELLO

10777 W. Twain Avenue, 3rd Floor
Las Vegas, Nevada 89135
702-869-8801 FAX: 702-869-2669

1 This notice is accompanied by an electronic payment in the amount of
2 \$450.00.

3 RESPECTFULLY SUBMITTED this 11TH day of March, 2019.

4 **BLACK & LOBELLO**

5 

6 Michele Touby LoBello

7 Nevada State Bar No. 5527

8 10777 West Twain Avenue, Suite 300

9 Las Vegas, Nevada 89135

10 Attorneys for Plaintiff,

11 THOMAS A. PICKENS, individually,
12 and as trustee of the LV Blue Trust,

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of BLACK & LOBELLO and that on the 11 day of March, 2019, I caused the above and foregoing document entitled **PEREMPTORY CHALLENGE OF JUDGE**, to be served as follows:

- ☐ 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; and
- ☒ pursuant to N.E.F.C.R. 9, to be sent via electronic service;
- ☐ pursuant to EDCR 7.26, to be sent via facsimile;
- ☒ by email to
- ☐ hand delivered

to the party or their attorney(s) listed below at the address and/or facsimile number indicated below:

Jennifer V. Abrams, Esq.
The Abrams & Mayo Law Firm
6252 South Rainbow Blvd., #100
Las Vegas, NV 89118
Email: JVAGroup@TheAbramsLawFirm.com
Attorney for Plaintiff
DANKA K. MICHAELS, individually,
and as trustee of the Mich-Mich Trust

and that there is regular communication by mail between the place of mailing and the place(s) so addressed.



An Employee of Black & LoBello

EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

Thomas A. Pickens, Plaintiff
vs.
Danka K. Michaels, Defendant.

Case No.: D-17-560737-D
Department: J

Trial Date: September 09, 2019
(Day 2) September 10, 2019
Trial Time: 9:00 a.m.
(Day 2) 9:00 a.m.

CASE MANAGEMENT ORDER - DOMESTIC

TO COUNSEL AND LITIGANTS IN PROPER PERSON: This Order sets forth critical dates and times for the Trial scheduled in this case. It is the responsibility of the attorneys for the litigants or the self-represented litigants to meet the deadlines and to appear for the following required proceedings.

NOW THEREFORE, IT IS HEREBY ORDERED:

- (A) This is an action for: Divorce.
- (B) Stipulations of the parties, if any: Provide to Court in writing before trial.
- (C) Interim orders of the Court: As entered.
- (D) Timelines for trial:
 - 1. Trial date and time: September 09, 2019 at 9:00 a.m. (Day 2) September 10, 2019 at 9:00 a.m. (2 Full Days)
 - 2. Forty-five (45) days prior to trial, no additional non-expert witnesses may be named.

1 (E) Discovery closes: Twenty days before Trial on August 20,
2 2019.

3 (F) No additional motions to amend the pleadings or add parties
4 to the case beyond this date: Forty-five days before Trial on
5 July 26, 2019.

6 (G) No dispositive motions beyond this date: Thirty days before
7 Trial on August 10, 2019.

8 (H) Additional orders of the Court: **COPIES OF EXHIBITS**
9 **MUST BE PROVIDED IN WRITTEN FORM TO THE**
10 **OPPOSING PARTY NO LATER THAN TEN (10)**
11 **DAYS BEFORE TRIAL. PARTIES ARE TO PROVIDE**
12 **THREE (3) SETS OF EXHIBITS IN WRITTEN FORM**
13 **IN BINDERS TO THE COURT TEN (10) DAYS**
14 **BEFORE TRIAL. EXHIBITS MUST BE INDEXED**
15 **AND INDIVIDUALLY NUMBERED AT THE**
16 **BOTTOM, RIGHT SIDE CORNER. INDEX FORM IS**
17 **ATTACHED HERETO.**

18 **IT IS HEREBY FURTHER ORDERED:**

19 1. A Current Financial Disclosure Form: must be filed and
20 served ten (10) days before Trial. The three (3) most recent paycheck
21 stubs must be attached.

22 2. Pre-Trial Memorandum, Final Witness List and List of
23 proposed Trial Exhibits (NOT THE EXHIBITS) must be filed and
24 served no later than ten (10) days before Trial. The Pre-Trial
25 Memorandum must conform with EDCR 5.524.

26 3. Meet and Confer: litigants and/or counsel must meet no
27 later than five (5) calendar days before trial to arrive at stipulations
28 regarding the admissibility and exchange of proposed exhibits, and the
names and addresses of all potential witnesses to be called at trial
pursuant to EDCR 5.524.

4. Expert Witnesses: disclosure of expert witnesses must be
made pursuant to NRCP 16.2(d)(5).


1 **IT IS HEREBY FURTHER ORDERED** that Counsel or self-
2 represented litigants are to provide copies of proposed Exhibits,
3 marked, tabbed and organized in a three-ringed binder to the Court no
4 later than ten (10) days prior to Trial. **Plaintiffs shall mark their**
5 **proposed Exhibits by numbers; Defendants shall mark their**
6 **proposed Exhibits by letters.** In addition, each page of the proposed
7 exhibits shall be sequentially numbered at the bottom right side of the
8 page.

9 **IT IS HEREBY FURTHER ORDERED** that failure by
10 counsel or litigants to meet the requirements of EDCR 5.524, the above
11 deadlines, or NRCP 16.2 may result in sanctions, including exclusion of
12 witnesses, exclusion of exhibits, reasonable expenses and/or attorneys'
13 fees incurred due to noncompliance with this Order.

14 **IT IS HEREBY FURTHER ORDERED** that this case will be
15 tried in such order as the Court directs. Requests for continuances
16 shall be in writing and served upon opposing counsel or self-
17 represented party, and a hearing shall be held on the merits at least
18 TEN (10) days prior to the time of trial. Sanctions may be imposed if
19 undue delay is exercised in bringing motions to continue or any other
20 action that will disturb the trial date. For good cause shown, where
21 both counsel or parties stipulate, and where the Court does not
22 disagree, the Court has the discretion to grant an oral request for a
23 continuance.

24 **IT IS HEREBY FURTHER ORDERED** that if this case is
25 settled during the pendency of this action, counsel or self-represented
26 parties shall exercise due diligence in advising the department and the
27 clerk by providing a Stipulation and Order to that effect, so that any
28 future hearing dates can be vacated.

DATED this 20th day of March, 2019


Rena G. Hughes, District Court Judge

1 **CERTIFICATE OF SERVICE**

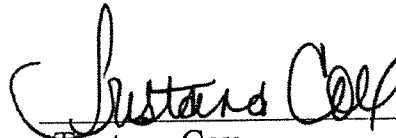
2 I hereby certify that on the above file stamp date:

3 ☒ I have e-served pursuant to NEFCR 9 and or placed a copy of the
4 foregoing CASE MANAGEMENT ORDER in the appropriate attorney
5 folder located in the Clerk of the Court's Office of:

6 Michele Touby Lobello, Esq.

7 Jennifer V. Abrams, Esq.

8
9 ☐ I have e-served pursuant to NEFCR 9 and or mailed, via first-class
10 mail, postage fully prepaid the foregoing CASE MANAGEMENT
11 ORDER to:

12 

13 Tristana Cox
14 Judicial Executive Assistant, Dept. J

SAMPLE
CASE NAME
CASE NUMBER
PLAINTIFF'S EXHIBITS

	DOCUMENT	Offered	Admitted	Objection
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Please use additional pages and numbers if necessary.

SAMPLE
CASE NAME
CASE NUMBER
DEFENDANT'S EXHIBITS

	DOCUMENT	Offered	Admitted	Objection
A				
B				
C				
D				
E				
F				
G				
H				
I				
J				
K				
L				
M				
N				

Please use additional pages and letters if necessary.

1 **NOTC**

2 **Paul A. Lemcke, Esq.**

3 Nevada Bar No. 003466

4 **PECOS LAW GROUP**

5 8925 South Pecos Road, Suite 14A

6 Henderson, Nevada 89074

7 Telephone: (702) 388-1851

8 Facsimile: (702) 388-7406

9 Email: Email@pecoslawgroup.com

10 **DISTRICT COURT**
11 **CLARK COUNTY, NEVADA**

12 **Thomas A. Pickens**, individually,
13 and as trustee of the LV Blue Trust,

14 Plaintiff,

15 vs.

16 **Danka K. Michaels**, individually,
17 and as trustee of the Mich-Mich
18 Trust,

19 Defendant.

Case No. **D-17-560737-D**

Dept. No. **S**

20 **NOTICE OF ATTORNEY'S LIEN**

21 TO: **Thomas A. Pickens**, Plaintiff;

22 TO: **Michelle T. LoBello, Esq.**, Attorney for Plaintiff;

23 TO: **Danka K. Michaels**, Defendant; and

24 TO: **Jennifer V. Abrams, Esq.**, Attorney for Defendant;

You and Each of You Will Please Take Notice that Paul A. Lemcke, Esq., of the law office of **PECOS LAW GROUP**, prior counsel for Plaintiff **Thomas A. Pickens**, and pursuant to the provisions of NRS. 18.015, hereby asserts a lien for attorney's fees upon the claim, demand, or cause of action of Plaintiff upon which the above-entitled action was instituted. This lien attaches to any judgment, decree, or order awarding money or property entered in this action, and to any money or property which is recovered on account of this action. The lien is in the total amount of \$5,290.44, the same being the fees due for the legal services rendered by the said law firm to the Plaintiff in this action. The said attorney's fees represent the amount billed and agreed upon by the Plaintiff and the undersigned attorney, and the same is for the services rendered and itemized on billing statements previously provided to Plaintiff.

DATED this 5 day of April, 2019.

PECOS LAW GROUP

Free Records

Paul A. Lemcke, Esq.

Nevada Bar No. 003466

PECOS LAW GROUP

8925 South Pecos Road, Suite 14A

Henderson, Nevada 89074

(702) 388-1851

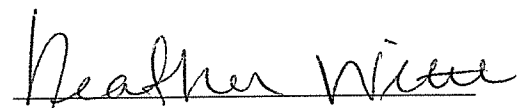
CERTIFICATE OF MAILING

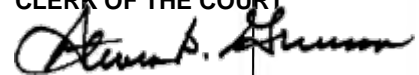
I HEREBY CERTIFY that on the 5th day of April, 2019, I served a true and correct copy of the "Notice of Attorney's Lien" in the above-captioned case by mailing a true and correct copy of said documents being enclosed in sealed envelopes via "Certified Mail-Return Receipt Requested" via first class mail, with postage fully prepaid, and addressed as follows:

Thomas Pickens
4514 Blue Mesa Way
Las Vegas, NV 89129
Plaintiff

Jennifer V. Abrams, Esq.
6252 South Rainbow Blvd. #100
Las Vegas, Nevada 89118
Attorney for Defendant

Michelle T. LoBello, Esq.
10777 W. Twain Ave., #300
Las Vegas, Nevada 89135
Attorney for Plaintiff


Heather Witte,
an employee of Pecos Law Group



1 **EXH**

Jennifer V. Abrams, Esq.
Nevada State Bar Number: 7575
THE ABRAMS & MAYO LAW FIRM
6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
Tel: (702) 222-4021
Fax: (702) 248-9750
Email: jvagroup@theabramslawfirm.com
Attorney for Defendant

Eighth Judicial District Court
Family Division
Clark County, Nevada

THOMAS A. PICKENS, individually,) Case No.: D-17-560737-D
and as trustee of the LV Blue Trust,)
Plaintiff,) Department: B
vs.)
DANKA K. MICHAELS,)
individually, and as trustee of the)
Mich-Mich Trust,)
Defendant.)

**APPENDIX OF EXHIBITS IN SUPPORT OF DEFENDANT'S
MOTION TO COMPEL DISCOVERY RESPONSES**

Exhibit	Description
1	Defendant's First Requests for Production of Documents and Tangible Things from Plaintiff
2	Letter from Attorney Abrams to Attorney Lemcke dated January 23, 2019
3	E-mail to Tom dated February 12, 2019

1	4	Letter mailed and e-mailed to Tom dated February 20, 2019
2	5	Confirmation e-mail from Attorney Abrams to Tom dated March 4, 2019
3	6	E-mail from Attorney Abrams to Tom dated March 6, 2019
4	7	E-mail from Attorney Abrams to Attorney LoBello dated March 29, 2019

6 Dated this 22nd day of April, 2019.

7 Respectfully Submitted,

8 THE ABRAMS & MAYO LAW FIRM

9 /s/ Jennifer V. Abrams, Esq.

10 Jennifer V. Abrams, Esq.

11 Nevada State Bar Number: 7575

12 6252 South Rainbow Blvd., Suite 100

13 Las Vegas, Nevada 89118

14 Attorney for Defendant

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Michele T. LoBello, Esq.
Attorney for Plaintiff

/s/ Chantel Wade
An Employee of The Abrams & Mayo Law Firm

EXHIBIT 1

EXHIBIT 1

EXHIBIT 1

REQT

Jennifer V. Abrams, Esq.
Nevada State Bar Number: 7575
THE ABRAMS & MAYO LAW FIRM
6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
Tel: (702) 222-4021
Fax: (702) 248-9750
Email: JVAGroup@TheAbramsLawFirm.com
Attorney for Defendant

Eighth Judicial District Court
Family Division
Clark County, Nevada

THOMAS A. PICKENS, individually,)	Case No.: D-17-560737-D
and as trustee of the LV Blue Trust,)	
) Department: B
Plaintiff,)	
)
vs.)	
)
DANKA K. MICHAELS,)	
individually, and as trustee of the)	
Mich-Mich Trust,)	
)
Defendant.)	

**DEFENDANT'S FIRST REQUEST FOR PRODUCTION OF
DOCUMENTS AND TANGIBLE THINGS FROM PLAINTIFF**

TO: THOMAS A. PICKENS, Plaintiff; and

TO: PAUL A. LEMCKE, ESQ., 8925 S. Pecos Road, Suite 14A,
Henderson, Nevada 89074, Attorney for Plaintiff.

PLEASE TAKE NOTICE that Defendant, DANKA K.
MICHAELS, requests pursuant to Rules 26 and 34 of the Nevada Rules
of Civil Procedure, that Plaintiff, THOMAS A. PICKENS, produce and

1 permit her to inspect and to copy the following documents that Plaintiff,
2 THOMAS A. PICKENS, or any of his agents, servants, employees,
3 representatives or attorneys may have in their possession, custody or
4 control.

5 PRELIMINARY STATEMENT

6 The following preliminary statements and definitions apply to each
7 of the Requests for Production of Documents, set forth hereinafter and
8 are deemed to be incorporated therein:

9 DEFINITIONS

10 A. "Person" means any individual, corporation, partnership,
11 association, business trust, municipality, or any other organized entity.

12 B. "Document" or "documents" means any kind of written or graphic
13 manner, however produced or reproduced, or in any kind or description,
14 whether sent or received or neither, including originals, copies, and
15 drafts, including both sides thereof, and including, but not limited to,
16 papers, books, letters, photographs, objects, tangible things,
17 correspondence, telegrams, cables, telex messages, memoranda, notes,
18 notations, work, papers, transcripts (including trial and deposition
19 transcripts), pleadings, minutes, reports and recordings of telephone or
20 other conversations of interviews or of conferences or other meetings,
21 affidavits, statements, summaries, opinions, reports, studies, analyses,

1 evaluations, contracts, agreements, journals, statistical records, desk
2 calendars, appointment books, diaries, lists, tabulations, sound
3 recordings, computer printouts, data processing input and output,
4 microfilms, computer discs or other memory elements, and all other
5 records kept by electronic, photographic, or mechanical means, and
6 things similar to any of the foregoing, however denominated by you.

7 C. "Tangible thing" means any material inanimate object or living
8 organism other than human and also includes any human being or part
9 thereof displaying relevant information communicable in any manner
10 other than the verbal testimony of that human being.

11 D. "In your possession" or "under your control" means the documents
12 or tangible things in your actual possession; documents or tangible
13 things in your custody or possession, although located elsewhere;
14 documents or tangible things in your care, custody and control, although
15 in the possession of your attorneys, accountants, agents, or employees,
16 and all documents or tangible things, wherever located, as to which you
17 have the right of possession.

18 E. "You" or "your" means the Plaintiff and all other persons acting or
19 purporting to act on his or her behalf.

20 F. The term "and" means and/or and the term "or" means and/or.

21

1 G. The term "concerning" means relating to, referring to, describing,
2 evidencing or constituting.

3 H. "Including" shall be interpreted so as to expand the meaning or
4 interpretation of a term or question and shall not be interpreted in a
5 restrictive manner.

6 I. The use of the singular form of any word includes the plural and
7 vice versa.

8 J. "Address" means street number and street name, office or suite
9 number, city or town, state and zip code.

10 INSTRUCTIONS

11 A. **Document Production.** You are requested to produce the
12 documents listed below and tangible things in your possession or under
13 your control to be inspected, sampled, photographed, tested, and/or
14 copied.

15 The documents and tangible things are to be produced at THE
16 ABRAMS & MAYO LAW FIRM, 6252 South Rainbow Blvd., Suite 100,
17 Las Vegas, Nevada 89118, on or before the thirtieth (30th) day following
18 the date of service of this Request for
19 Production.

1 B. **Duty to Supplement.** These requests are continuing and require
2 supplementary responses if further information and/or documents are
3 obtained following the service of your Responses to these Requests.

4 C. **Previously Disclosed Documentation.** To the extent a specific
5 document has already been disclosed by you responsive to the below
6 requests, reference to the prior disclosures is acceptable. However, if
7 there exists documentation in addition to those previously disclosed in
8 response to the requests, said documentation must be produced.

9 D. **Claim of Privilege.** If any document is withheld under claim of
10 privilege, please identify the document for which there is a claim of
11 privilege as follows:

12 A full description thereof, including without limitation:

- 13 a. The date it bears;
- 14 b. The name of each person who prepared it or participated in
15 any way in its preparation;
- 16 c. The name of each person who signed it;
- 17 d. The name of each person to whom it, or a copy of it was
18 addressed;
- 19 e. The name of each person who presently has custody of it or a
20 copy of it;
- 21 f. Its subject matter and its substance; and,

1 g. What basis there is for this claim of privilege.

2 **REQUEST NO. 1:**

3 Produce copies of all documents supporting each and every
4 allegation set forth in your SECOND AMENDED COMPLAINT FOR EQUITABLE
5 RELIEF UNDER (1) THE PUTATIVE SPOUSE DOCTRINE, AND (2) PURSUANT TO
6 EXPRESS AND/OR IMPLIED AGREEMENT TO HOLD PROPERTY AS IF THE
7 PARTIES WERE MARRIED UNDER *MICHOFF*; AND TO SET ASIDE DEEDS OF
8 REAL PROPERTY AND ASSIGNMENT OF L.L.C. INTEREST.

9 **REQUEST NO. 2:**

10 Produce copies of all educational degrees and achievements you
11 acquired including, but not limited to college degree(s) and transcripts.
12 Please include documents supporting the claims that you have a degree
13 in psychology or have any other mental health training.

14 **REQUEST NO. 3:**

15 Produce copies of all documents pertaining to any criminal history
16 you have including, but not limited to, any and all restraining orders, DUI's,
17 or other citations or arrests including, but not limited to, any restraining
18 order, complaint, trespass, arrest etc. that occurred in Florida.

19 **REQUEST NO. 4:**

20 Produce copies of any and all information related to all businesses
21 you own or in which you have an interest, including, but not limited to, the

1 source of funds used to start each business, proof of licensing, Operating
2 Agreements and Bylaws, and profit and loss statements for the last five (5)
3 years.

4 **REQUEST NO. 5:**

5 In an Affidavit signed by you on May 24, 2018, attached hereto as
6 Exhibit 1, you allege that "During a business trip to Florida for
7 Bluepoint, Jakub racked up a \$200 bar tab, which the company had to
8 pay for." Please produce copies of all documents supporting your claim
9 including, but not limited to, the billing statement for said alleged
10 charge(s).

11 **REQUEST NO. 6:**

12 In an Affidavit signed by you on May 24, 2018, attached hereto as
13 Exhibit 1, you allege that Jakub "would not show up for work. He would
14 leave early. He left whenever he wanted. As a result, my other employees
15 actually wrote a letter to me and threatened to all quit if Jakub was not
16 fired." Please produce copies of all documents supporting your
17 allegations including, but not limited to, time entries, payroll stubs, any
18 notices that were issued to Jakub, and a copy of the "letter" wherein all
19 of your other employees allegedly "threatened to quit" if "Jakub was not
20 fired."

21 / / /

1 **REQUEST NO. 7:**

2 In an Affidavit signed by you on May 24, 2018, attached hereto as
3 Exhibit 1, you allege that "Jakub would drop Lukas off with me and
4 Jakub's mother to babysit. Jakub would be gone for hours." Please
5 produce any and all evidence to support your allegations.

6 **REQUEST NO. 8:**

7 In an Affidavit signed by you on May 24, 2018, attached hereto as
8 Exhibit 1, you allege that "Jakub was drinking and driving all the time.
9 He was driving himself when he was going out nightly and drinking for
10 hours." Please produce any and all evidence to support your allegations.

11 **REQUEST NO. 9:**

12 Please produce any and all evidence to support your claim that Dr.
13 Michaels' medical practice is community, quasi-community, and/or jointly
14 owned property.

15 **REQUEST NO. 10:**

16 Please produce any and all evidence that you represented to anyone
17 at Evans & Associates that you and Dr. Michaels were married.

18 **REQUEST NO. 11:**

19 Please produce any and all evidence that you represented to anyone
20 at The Semonian Group, Inc. that you and Dr. Michaels were married.

21 ///

1 **REQUEST NO. 12:**

2 Please produce and all evidence in support of your allegation that
3 you were under duress and coercion at the time you executed the
4 documents in the office of Evans & Associates.

5 **REQUEST NO. 13:**

6 Produce a recent credit report for yourself.

7 **REQUEST NO. 14:**

8 Produce any and all documents that you intend to use at any
9 hearing or at the time of trial.

10 **REQUEST NO. 15:**

11 Produce any and all documents reflecting your income from
12 January 1, 2016 through the present, whether cash, check payment, or
13 any other form of compensation for services, including, but not limited
14 to, your pay check stubs, documentation regarding tips, bonuses,
15 commissions, deferred compensation, reimbursed business expenses,
16 W-2's, 1099s, dividends, interest, proceeds from sale of property, any
17 and all employment contracts signed by you as an employee,
18 independent contractor or subcontractor, and any verbal or written
19 promises of future compensation, including but not limited to, bonuses,
20 commissions, or stocks/notes for service.

21 / / /

1 **REQUEST NO. 16:**

2 Produce all documentation regarding each retirement, investment,
3 profit sharing, health savings plan, Deferred Compensation Account,
4 IRA, Keogh, 401K, pension plan, mutual funds, and stocks and bonds
5 accounts in which you have or had an interest in from January 1, 2016
6 through the present, whether vested or unvested, whether under your
7 name or an alias or other individual entity or with or to another
8 individual, including but not limited to, all benefit statements, most
9 recent year-end or quarterly benefit statements, and Plan benefits
10 booklet.

11 **REQUEST NO. 17:**

12 Produce any and all documents relating to monies you are entitled
13 to receive, including but not limited to notes, promissory notes, bills,
14 statements, or invoices, evidencing any current or past accounts
15 receivable. Please include a list of individuals to whom you have loaned
16 money, whether by verbal or written commitment, from January 1, 2016
17 through the present.

18 **REQUEST NO. 18:**

19 If you have been contributing to the payment of expenses for
20 anyone or providing anyone funds from January 1, 2016, please provide
21 all documentation regarding your contributions, including, but not

1 limited to, bank statements, receipts, cancelled checks, cash receipts,
2 and copies of all bills that you have been contributing payments towards
3 from January 1, 2016 through the present.

4 **REQUEST NO. 19:**

5 Produce copies of all complaints filed on your behalf in which you
6 have sought damages, including those arising out of contractual
7 obligations and personal injuries, which you have or will have a
8 favorable gain, from January 1, 2014 through the present.

9 **REQUEST NO. 20:**

10 Produce copies of all complaints filed against you, either
11 individually or in a corporate capacity, civil or criminal, from January 1,
12 2014 through the present.

13 **REQUEST NO. 21:**

14 Produce all documentation for any business interest in your
15 name or for your benefit but held by someone else or another
16 entity, including but not limited to buy / sell agreements, articles of
17 incorporation, corporation formation documents and by-laws, including,
18 amendments, and any agreements, including, operating and/or
19 partnership agreements, between you or any business you have an interest
20 in and any business or any affiliate, bank and credit card statements,
21 financial statements, general ledgers, income statements, balance sheets,

1 cash flow statements, accounts receivable, aged accounts receivable,
2 check registers, cash registers, insurance payment registers, debt or
3 liabilities registers, as well as the other documentation like appraisals on
4 specific assets, employment contracts, key man life insurance policies,
5 copies of business plans, lease agreements, brochures for the business,
6 etc., for 2012 through the present. If the businesses' activity is recorded
7 electronically (i.e. Quicken/QuickBooks), please provide an electronic
8 copy. If a password is needed to open the records, please provide the
9 password.

10 **REQUEST NO. 22:**

11 Produce all bank account statements for all accounts since January
12 1, 2016, whether held in your name individually, in the name of a
13 business, trust, or other entity, in which you have an interest, jointly
14 with any other person, in which you have a beneficial interest, in which
15 you have a Power of Attorney, or in which you have signing authority.

16 **REQUEST NO. 23:**

17 Produce any and all documents relating to any real property which
18 you have an interest in, along with the date of acquisition, source of
19 funds used to purchase, current encumbrances thereon and the current
20 market value of each such piece of real property.

21 / / /

1 **REQUEST NO. 24:**

2 Produce any and all documents relating to any real property which
3 you rent/lease from a third party, or a third party rent/leases from you,
4 along with all lease/rental contracts/agreements, source of funds used to
5 purchase, etc.

6 **REQUEST NO. 25:**

7 Produce any and all documents detailing the attorney's fees, expert
8 fees, and costs, incurred by you in this action, to date. This request
9 includes, but is not limited to, all billing statements from your attorney
10 reflecting fees and costs incurred and all payments made by you or on
11 your behalf to your attorney.

12 **REQUEST NO. 26:**

13 Produce information or intake sheets from every doctor office,
14 every loan application, every life insurance application and every other
15 form, application or document you completed wherein you were asked to
16 represent your marital status, from January 2002 to the present.

17 **REQUEST NO. 27:**

18 Produce all credit account statements for all accounts since
19 January 1, 2016, whether held in your name individually, in the name of
20 a business, trust, or other entity, which you charged against or paid
21 towards.

1 If you do not currently know the answer to any Request for
2 Production of Documents, you are required to supplement your
3 responses as soon as possible.

4 DATED Thursday, November 08, 2018.

5 Respectfully Submitted,

6 THE ABRAMS & MAYO LAW FIRM

7 /s/ Jennifer V. Abrams, Esq. _____
8 Jennifer V. Abrams, Esq. (7575)
9 6252 South Rainbow Blvd., Suite 100
10 Las Vegas, Nevada 89118
11 Tel: (702) 222-4021
12 Fax: (702) 248-9750
13 Attorney for Defendant
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Paul A. Lemcke, Esq.
Attorney for Plaintiff

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EXHIBIT 1

EXHIBIT 1

EXHIBIT 1

1 **AFFT**

Michael Burton, Esq.

2 Nevada Bar Number 14351

McFARLING LAW GROUP

3 6230 W. Desert Inn Road

Las Vegas, NV 89146

4 (702) 565-4335 phone

(702) 732-9385 fax

5 eservice@mcfarlinglaw.com

Attorney for Plaintiff,

6 Monika Subertova

7 **EIGHTH JUDICIAL DISTRICT COURT**

8 **FAMILY DIVISION**

9 **CLARK COUNTY, NEVADA**

10 **MONIKA SUBERTOVA,**

11 Plaintiff,

12 vs.

13 **JAKUB MICHALECKO,**

14 Defendant.

Case Number: D-13-478142-D

Department: C

15 **AFFIDAVIT OF THOMAS PICKENS IN SUPPORT OF PLAINTIFF MONIKA**
16 **SUBERTOVA**

17 I, Thomas Pickens, declare under penalty of perjury, under the laws of the State of Nevada
18 and the United States (NRS 53.045 and 28 USC § 1746), that the following is true and correct to
19 the best of my knowledge and information.

- 20 1. I am the former father-in-law of the Plaintiff, Monika Subertova, and stepfather of the
21 Defendant, Jakub Michalecko, in the above-noted case.

- 1 2. I have personal knowledge of the facts contained in this Affidavit, save those stated upon
2 information and/or belief, and as to those matters, I believe them to be true. I am competent
3 and willing to testify in a court of law as to the facts contained in this Affidavit.
- 4 3. I met Jakub's mother, Danka, around 2000-2001. We married in Slovakia and our
5 relationship ended in 2016.
- 6 4. While married to Danka, I had significant interaction with Jakub.
- 7 5. Jakub worked for my company, Bluepoint Development, as a Project Engineer from 2015
8 to 2016.
- 9 6. While working for me, Jakub's work ethic was very poor. He took advantage of being my
10 stepson. He would not show up for work. He would leave early. He left whenever he
11 wanted. As a result, my other employees actually wrote a letter to me and threatened to all
12 quit if Jakub was not fired. Jakub stopped working for me when I separated from his mother.
- 13 7. Jakub was arrested for DUI around November, 2017. I know this because Jakub called me
14 to bail him out. This was after I had separated from his mother. Jakub never thanked me
15 or reimbursed me for the cost of the bail.
- 16 8. When I was married to Jakub's mother, Jakub was very open and told us how he would go
17 out nightly drinking at bars with his friends. Based on my observations, Jakub does not
18 just drink one or two drinks; he drinks a lot. When he was working for me at Bluepoint
19 Development, there were many mornings that it was obvious that Jakub had been out
20 drinking the night before. During a business trip to Florida for Bluepoint, Jakub racked up
21 a \$200 bar tab, which the company had to pay for.
- 22 9. Whenever Lukas was visiting Jakub, Jakub would drop Lukas off with me and Jakub's
23 mother to babysit. Jakub would be gone for hours.
- 24

1 10. I am aware that Jakub was drinking and driving all the time. He was driving himself when
2 he was going out nightly and drinking for hours.

3 EXECUTED this 24 of May, 2018.

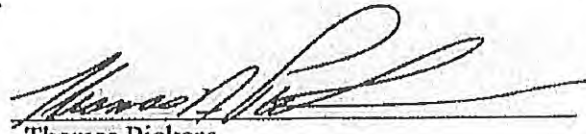
4 
5 Thomas Pickens

EXHIBIT 2

EXHIBIT 2

EXHIBIT 2



†† Jennifer V. Abrams, Esq.
† Vincent Mayo, Esq.
6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
P. 702.222.4021 F. 702.248.9750
www.TheAbramsLawFirm.com

Wednesday, January 23, 2019

Paul A. Lemcke, Esq.
8925 S. Pecos Road, Suite 14A
Henderson, Nevada 89074

Re: Thomas A. Pickens v. Danka K. Michaels
Case Number: D-17-560737-D

Dear Mr. Lemcke:

You were served with Defendant's First Request for Production of Documents and Tangible Things from Plaintiff. After a review of the documents you produced in response to request, the following documents are either missing, or need to be supplemented:

1. Request number 2: Copies of all educational degrees and achievements- you stated Plaintiff does not possess the requested documentation, please state what documents responsive to this request exist and where they can be located. Further, your client should be able to readily access such documentation and produce it, as required.
2. Request number 5: Copies supporting your claim that Jakub racked up a \$200 bar tab- you stated this is not relevant to the subject matter involved, however, this request goes to credibility which is relevant in this case.
3. Request number 6: Documents supporting your claim that Jakub would not show up for work, would leave early or leave whenever he wanted and that other employees threatened to quit if Jakub wasn't fired- you stated this is not relevant to the subject matter involved, however, this request goes to credibility which is relevant in this case.

† Board Certified Family Law Specialist

* Fellow of the American Academy of Matrimonial Lawyers; Admitted in Nevada, California, and Louisiana

4. Request number 7: Evidence to support your claim that Jakub would leave Lukas with you and Dr. Michaels and be gone for hours- you stated this is not relevant to the subject matter involved, however, this request goes to credibility which is relevant in this case.
5. Request number 8: Evidence to support your claim that Jakub was drinking and driving all the time- you stated this is not relevant to the subject matter involved, however, this request goes to credibility which is relevant in this case.
6. Request number 10: Evidence that you represented to anyone at Evans & Associates that you and Dr. Michaels were married- you stated Plaintiff does not possess the requested documentation, please state what documents responsive to this request exist and where they can be located. Further, your client should be able to readily access such documentation and produce it, as required.
7. Request number 11: Evidence that you represented to anyone at the Semonian Group, Inc. that you and Dr. Michaels were married- you stated Plaintiff does not possess the requested documentation, please state what documents responsive to this request exist and where they can be located. Further, your client should be able to readily access such documentation and produce it, as required.
8. Request number 13: A recent credit report- you stated Plaintiff does not possess the requested documentation, however this can easily be obtained once a year, for free online. Please obtain and disclose your recent credit report.
9. Request number 15: Documents reflecting your income- you stated Plaintiff does not possess the requested documentation, please state what documents responsive to this request exist and where they can be located. Further, your client should be able to readily access such documentation and produce it, as required.

10. Request number 16: Documentation regarding each retirement, investment, profit sharing, health savings, deferred comp account, IRA Keogh, 401K, pension, Mutual funds, and stocks and bonds- you stated Plaintiff does not possess the requested documentation, please state what documents responsive to this request exist and where they can be located. Further, your client should be able to readily access such documentation and produce it, as required.

Accordingly, please produce the requested information by February 7, 2019, at 12:00 p.m.

Should you fail to provide the requested documents, or information where the documents can be located, we will file a motion seeking to hold you in contempt of court for your failure.

As always, should you have any questions or comments, please do not hesitate to call.

Sincerely,

THE ABRAMS & MAYO LAW FIRM

/s/ Jennifer V. Abrams, Esq.

Jennifer V. Abrams, Esq.

cc: Dr. Danka K. Michaels
Mr. Paul A. Lemcke, Esq.

EXHIBIT 3

EXHIBIT 3

EXHIBIT 3

Chantel Wade

From: Stephanie Stolz
Sent: Tuesday, February 12, 2019 5:06 PM
To: Tpickens@msn.com
Cc: Jennifer Abrams; Chantel Wade
Subject: Thomas A. Pickens v. Danka K. Michaels
Attachments: Ltr to OC dated 1-23-19.pdf

This email is being sent at the instruction of Attorney Abrams -

Good afternoon,

On January 23, 2019, our office reached to your prior counsel regarding the deficiencies in your discovery responses. Please see attached correspondence for your reference. We requested that you provide your complete responses by no later than February 7, 2019, at 12:00 p.m. As of this date, we have yet to receive complete responses from you. Accordingly, we have scheduled a telephone conference for Thursday, February 14, 2019, at 11:00 a.m. Attorney Abrams will be calling you at (725) 221-6617. Please plan on being available.

This email is being written pursuant to NRCP 16.2, NRCP 26, EDCR 5.602 and EDCR 5.501.

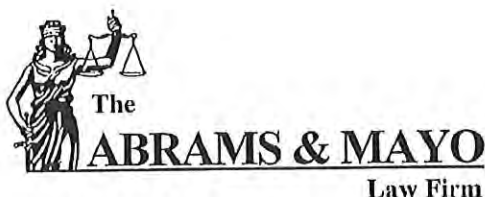
Sincerely,

Stephanie Stolz, CP
Firm Administrator
Certified Paralegal
THE ABRAMS & MAYO LAW FIRM
6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
Tel: (702) 222-4021
Fax: (702) 248-9750
www.TheAbramsLawFirm.com

EXHIBIT 4

EXHIBIT 4

EXHIBIT 4



† Jennifer V. Abrams, Esq.

† Vincent Mayo, Esq.

6252 South Rainbow Blvd., Suite 100

Las Vegas, Nevada 89118

P. 702.222.4021 F. 702.248.9750

www.TheAbramsLawFirm.com

Wednesday, February 20, 2019

Via Email & U.S. Mail

Thomas A. Pickens
4514 Blue Mesa Way
Las Vegas, Nevada 89129
Via Email: Tpickens@msn.com

Re: Thomas A. Pickens v. Danka K. Michaels
Case Number: D-17-560737-D

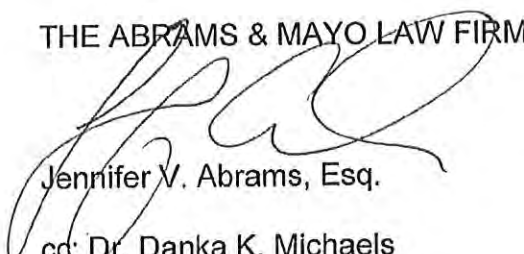
Dear Mr. Pickens:

This is a follow up to our correspondence dated January 23, 2019 and email dated February 12, 2019, wherein we requested complete discovery responses from you and then set a telephone conference to address your failure to provide same. Copies of both communications are attached hereto for your reference. As a courtesy to you, I am making one final attempt to discuss this matter with you prior to filing a Motion to Compel and seeking an award of attorney's fees for your failure to cooperate. Therefore, I have set a telephone conference for Monday, March 4, 2019, at 1:00 p.m. I will try you on both telephone numbers that I have for you, to wit: (725) 221-6617 and (702) 604-0038. If this date and time does not work for you, or there is a better telephone number to reach you at, please contact my office immediately to reschedule and/or provide said number. Your failure to answer my call on said date and time will be deemed as your refusal to participate in the discovery conference and an admission that you have no intention of cooperating.

This correspondence is being written pursuant to NRCP 16.2, NRCP 26, EDCR 5.602 and EDCR 5.501. As always, should you have any questions or comments, please do not hesitate to call.

Sincerely,

THE ABRAMS & MAYO LAW FIRM


Jennifer V. Abrams, Esq.

cc: Dr. Danka K. Michaels

† Board Certified Family Law Specialist

* Fellow of the American Academy of Matrimonial Lawyers; Admitted in Nevada, California, and Louisiana

AA00428



The
ABRAMS & MAYO
Law Firm

†† Jennifer V. Abrams, Esq.
† Vincent Mayo, Esq.
6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
P. 702.222.4021 F. 702.248.9750
www.TheAbramsLawFirm.com

Wednesday, January 23, 2019

Paul A. Lemcke, Esq.
8925 S. Pecos Road, Suite 14A
Henderson, Nevada 89074

Re: Thomas A. Pickens v. Danka K. Michaels
Case Number: D-17-560737-D

Dear Mr. Lemcke:

You were served with Defendant's First Request for Production of Documents and Tangible Things from Plaintiff. After a review of the documents you produced in response to request, the following documents are either missing, or need to be supplemented:

1. Request number 2: Copies of all educational degrees and achievements- you stated Plaintiff does not possess the requested documentation, please state what documents responsive to this request exist and where they can be located. Further, your client should be able to readily access such documentation and produce it, as required.
2. Request number 5: Copies supporting your claim that Jakub racked up a \$200 bar tab- you stated this is not relevant to the subject matter involved, however, this request goes to credibility which is relevant in this case.
3. Request number 6: Documents supporting your claim that Jakub would not show up for work, would leave early or leave whenever he wanted and that other employees threatened to quit if Jakub wasn't fired- you stated this is not relevant to the subject matter involved, however, this request goes to credibility which is relevant in this case.

† Board Certified Family Law Specialist
* Fellow of the American Academy of Matrimonial Lawyers; Admitted in Nevada, California, and Louisiana

4. Request number 7: Evidence to support your claim that Jakub would leave Lukas with you and Dr. Michaels and be gone for hours- you stated this is not relevant to the subject matter involved, however, this request goes to credibility which is relevant in this case.
5. Request number 8: Evidence to support your claim that Jakub was drinking and driving all the time- you stated this is not relevant to the subject matter involved, however, this request goes to credibility which is relevant in this case.
6. Request number 10: Evidence that you represented to anyone at Evans & Associates that you and Dr. Michaels were married- you stated Plaintiff does not possess the requested documentation, please state what documents responsive to this request exist and where they can be located. Further, your client should be able to readily access such documentation and produce it, as required.
7. Request number 11: Evidence that you represented to anyone at the Semonian Group, Inc. that you and Dr. Michaels were married- you stated Plaintiff does not possess the requested documentation, please state what documents responsive to this request exist and where they can be located. Further, your client should be able to readily access such documentation and produce it, as required.
8. Request number 13: A recent credit report- you stated Plaintiff does not possess the requested documentation, however this can easily be obtained once a year, for free online. Please obtain and disclose your recent credit report.
9. Request number 15: Documents reflecting your income- you stated Plaintiff does not possess the requested documentation, please state what documents responsive to this request exist and where they can be located. Further, your client should be able to readily access such documentation and produce it, as required.

10. Request number 16: Documentation regarding each retirement, investment, profit sharing, health savings, deferred comp account, IRA Keogh, 401K, pension, Mutual funds, and stocks and bonds- you stated Plaintiff does not possess the requested documentation, please state what documents responsive to this request exist and where they can be located. Further, your client should be able to readily access such documentation and produce it, as required.

Accordingly, please produce the requested information by February 7, 2019, at 12:00 p.m.

Should you fail to provide the requested documents, or information where the documents can be located, we will file a motion seeking to hold you in contempt of court for your failure.

As always, should you have any questions or comments, please do not hesitate to call.

Sincerely,

THE ABRAMS & MAYO LAW FIRM

/s/ Jennifer V. Abrams, Esq.

Jennifer V. Abrams, Esq.

cc: Dr. Danka K. Michaels
Mr. Paul A. Lemcke, Esq.

Chantel Wade

From: Stephanie Stolz
Sent: Tuesday, February 12, 2019 5:06 PM
To: Tpickens@msn.com
Cc: Jennifer Abrams; Chantel Wade
Subject: Thomas A. Pickens v. Danka K. Michaels
Attachments: Ltr to OC dated 1-23-19.pdf

This email is being sent at the instruction of Attorney Abrams -

Good afternoon,

On January 23, 2019, our office reached to your prior counsel regarding the deficiencies in your discovery responses. Please see attached correspondence for your reference. We requested that you provide your complete responses by no later than February 7, 2019, at 12:00 p.m. As of this date, we have yet to receive complete responses from you. Accordingly, we have scheduled a telephone conference for Thursday, February 14, 2019, at 11:00 a.m. Attorney Abrams will be calling you at (725) 221-6617. Please plan on being available.

This email is being written pursuant to NRCP 16.2, NRCP 26, EDCR 5.602 and EDCR 5.501.

Sincerely,

Stephanie Stolz, CP
Firm Administrator
Certified Paralegal
THE ABRAMS & MAYO LAW FIRM
6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
Tel: (702) 222-4021
Fax: (702) 248-9750
www.TheAbramsLawFirm.com

EXHIBIT 5

EXHIBIT 5

EXHIBIT 5

Stephanie Stolz

From: Jennifer Abrams
Sent: Monday, March 04, 2019 1:45 PM
To: Tpickens@msn.com
Cc: Stephanie Stolz
Subject: Pickens v. Michaels

Tom,

It was a pleasure speaking with you today. Thank you for taking my call. As we discussed, I am agreeable to the two-week extension of time you requested to respond to the discovery deficiencies set forth in my letter dated January 23, 2019 and I look forward to receiving documentation from you then.

The only part of our conversation that I wish to reiterate here is that I represent Dr. Michaels and I am an advocate for her interests. As I explained, I am very careful when discussing matters with an unrepresented litigant - I cannot and will not give you any legal advice, I asked that you not rely upon my representations, and I encouraged you to retain independent legal counsel.

Lastly, you asked me to send you my address where your deposition will be held on Thursday. We are on South Rainbow Blvd between Russell and the 215. The address is:

THE ABRAMS & MAYO LAW FIRM
6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118

Sincerely,

Jennifer V. Abrams, Esq.
Board Certified Family Law Specialist
Fellow of the American Academy of Matrimonial Lawyers
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EXHIBIT 6

EXHIBIT 6

EXHIBIT 6

Stephanie Stolz

From: Jennifer Abrams
Sent: Wednesday, March 06, 2019 6:12 PM
To: thomas@tpickens.com
Cc: Stephanie Stolz
Subject: Pickens v. Michaels
Attachments: Pickens v. Michaels

Tom,

I am responding, as promised, to your request of today to continue your deposition scheduled for tomorrow afternoon at 1:30 pm. Just to re-cap: You asked to continue tomorrow's deposition because you are in the process of retaining a lawyer. I offered to see if I could move the deposition to Friday but you said you have an appointment with the lawyer (who you referred to as "Michelle") on Friday. I then offered to see if I could move the deposition to Monday but you indicated that Monday would not work for you. While we were on the phone together, I went through my calendar to look for an alternative date and informed you that my calendar is slammed for the next few weeks and my next available ½ day wouldn't be until March 21st in the afternoon. You asked if I would be willing to move the deposition to March 21st. I told you that I would need to get back with you on that as I was concerned about delaying the deposition for that long.

We have various deadlines coming up at the end of March and beginning of April. This case was filed on October 24, 2017 (almost a year-and-a-half ago) and we need resolution. I will also note that you knew more than two months ago that Paul Lemcke was going to withdraw as your counsel. While I sincerely wish I could accommodate your request, I would not be able to do so without prejudice to my client.

I look forward to seeing you tomorrow at 1:30 pm for your deposition.

On another note, you told me today that you no longer use your tpickens@msn.com email address. Attached please find my March 4, 2019 email to you at that address.

Sincerely,

Jennifer V. Abrams, Esq.
Board Certified Family Law Specialist
Fellow of the American Academy of Matrimonial Lawyers
THE ABRAMS & MAYO LAW FIRM
6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
Tel: (702) 222-4021
Fax: (702) 248-9750
www.TheAbramsLawFirm.com

Stephanie Stolz

From: Jennifer Abrams
Sent: Monday, March 04, 2019 1:45 PM
To: Tpickens@msn.com
Cc: Stephanie Stolz
Subject: Pickens v. Michaels

Tom,

It was a pleasure speaking with you today. Thank you for taking my call. As we discussed, I am agreeable to the two-week extension of time you requested to respond to the discovery deficiencies set forth in my letter dated January 23, 2019 and I look forward to receiving documentation from you then.

The only part of our conversation that I wish to reiterate here is that I represent Dr. Michaels and I am an advocate for her interests. As I explained, I am very careful when discussing matters with an unrepresented litigant - I cannot and will not give you any legal advice, I asked that you not rely upon my representations, and I encouraged you to retain independent legal counsel.

Lastly, you asked me to send you my address where your deposition will be held on Thursday. We are on South Rainbow Blvd between Russell and the 215. The address is:

THE ABRAMS & MAYO LAW FIRM
6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118

Sincerely,

Jennifer V. Abrams, Esq.
Board Certified Family Law Specialist
Fellow of the American Academy of Matrimonial Lawyers
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Las Vegas, Nevada 89118
Tel: (702) 222-4021
Fax: (702) 248-9750
www.TheAbramsLawFirm.com

EXHIBIT 7

EXHIBIT 7

EXHIBIT 7

Stephanie Stolz

From: Stephanie Stolz
Sent: Friday, March 29, 2019 11:56 AM
To: Michele T. LoBello (mlobello@blacklobello.law)
Cc: 'Heather Ritchie'; J Abrams (jabrams@theabramslawfirm.com)
Subject: FW: Pickens v. Michaels
Attachments: Ltr to OC dated 1-23-19.pdf; Email to OP dated 2-12-19 re Ltr to OC dated 1-23-19.pdf

Good morning,

This email is being sent pursuant to Attorney Abrams' instruction -

Your client's supplemental discovery responses were due to our office no later than March 18, 2019 (after providing extensions for same). A copy of our correspondence to prior counsel is attached, as well as two emails to your client (one attached and one below) discussing same. We have been accommodating to your client in this regard. Understanding that you may not be aware of this deadline, we are reaching out once again in order to resolve this discovery issue. Accordingly, please provide your client's supplemental discovery responses within one week. If you cannot make this deadline, or wish to discuss this further, please let us know.

We thank you for your time and attention to this matter. This email is being written pursuant to EDCR 5.602 and EDCR 5.501.

Sincerely,

Stephanie Stolz, CP
Firm Administrator
Certified Paralegal
THE ABRAMS & MAYO LAW FIRM
6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
Tel: (702) 222-4021
Fax: (702) 248-9750
www.TheAbramsLawFirm.com

From: Jennifer Abrams <jabrams@theabramslawfirm.com>
Sent: Monday, March 04, 2019 1:45 PM
To: Tpickens@msn.com
Cc: Stephanie Stolz <sstolz@theabramslawfirm.com>
Subject: Pickens v. Michaels

Tom,

It was a pleasure speaking with you today. Thank you for taking my call. As we discussed, I am agreeable to the two-week extension of time you requested to respond to the discovery deficiencies set forth in my letter dated January 23, 2019 and I look forward to receiving documentation from you then.

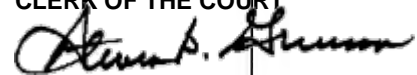
The only part of our conversation that I wish to reiterate here is that I represent Dr. Michaels and I am an advocate for her interests. As I explained, I am very careful when discussing matters with an unrepresented litigant - I cannot and will not give you any legal advice, I asked that you not rely upon my representations, and I encouraged you to retain independent legal counsel.

Lastly, you asked me to send you my address where your deposition will be held on Thursday. We are on South Rainbow Blvd between Russell and the 215. The address is:

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6252 South Rainbow Blvd., Suite 100
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Sincerely,

Jennifer V. Abrams, Esq.
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Fellow of the American Academy of Matrimonial Lawyers
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1 **MCOM**

Jennifer V. Abrams, Esq.

2 Nevada State Bar Number: 7575

THE ABRAMS & MAYO LAW FIRM

3 6252 South Rainbow Blvd., Suite 100

Las Vegas, Nevada 89118

4 Tel: (702) 222-4021

Fax: (702) 248-9750

5 Email: jvagroup@theabramslawfirm.com

Attorney for Defendant

6 Eighth Judicial District Court

7 Family Division

Clark County, Nevada

8 THOMAS A. PICKENS, individually,) Case No.: D-17-560737-D
9 and as trustee of the LV Blue Trust,)

10 Plaintiff,)

11 vs.)

12 DANKA K. MICHAELS,)
13 individually, and as trustee of the)
Mich-Mich Trust,)

14 Defendant.)

) Department: B

) HEARING REQUESTED

15 NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS
16 MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE
17 UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN TEN (10) DAYS OF
YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE
WITH THE CLERK OF THE COURT WITHIN TEN (10) DAYS OF YOUR RECEIPT
OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED
BY THE COURT WITHOUT A HEARING PRIOR TO THE SCHEDULED HEARING
DATE.

18 **DEFENDANT'S MOTION TO COMPEL DISCOVERY**
19 **RESPONSES**

20 NOW INTO COURT comes Defendant, Danka K. Michaels, by and
21 through her attorney of record, Jennifer V. Abrams, Esq., of The Abrams

1 & Mayo Law Firm, and hereby submits her *Motion to Compel Discovery*
2 *Responses*.

3 This Motion is made and based upon the attached Points and
4 Authorities, the Affidavit and Exhibits in support, all papers and
5 pleadings on file herein, and any oral argument adduced at the hearing
6 of this matter.

7 **MEMORANDUM OF POINTS AND AUTHORITIES**

8 **I. FACTUAL BACKGROUND**

9 Plaintiff, THOMAS A. PICKENS (“Tom”) and Defendant DANKA
10 K. MICHAELS (“Danka”) were never legally married, and they do not
11 have any children.

12 Tom originally filed his *Complaint for Divorce and for Set aside of*
13 *Deeds of Real Property and Assignment of LLC Interest* on October 24,
14 2017. After his expert conceded that the parties were not in fact legally
15 married Tom filed his *First Amended Complaint for Divorce; for Set*
16 *Aside of Deeds of Real Property and Assignment of LLC Interest; and*
17 *for Alternative Equitable Relief Under the Punitive Spouse Doctrine* on
18 March 18, 2018. Then, on October 15, 2018 Tom filed his *Second*
19 *Amended Complaint for Equitable Relief under (1) The Putative Spouse*
20 *Doctrine, and (2) Pursuant to Express and/or Implied Agreement to*
21

1 *Hold Property as if the Parties Were Married Under Michoff; and to*
2 *Set Aside Deeds of Real Property and Assignment of LLC Interest.*

3 Due to the nature of the case and Tom's claims, discovery was
4 required. On November 8, 2018 Danka electronically served Tom,
5 through his then-counsel Attorney Lemcke, with *Defendant's First*
6 *Requests for Production of Documents and Tangible Things from*
7 *Plaintiff*. Please see Exhibit "1." Tom's responses were received on
8 December 31, 2018, fifty-three days after being served with the Requests.
9 However, Tom's responses were severely deficient. Therefore, the
10 undersigned sent a deficiency letter to Attorney Lemcke on January 23,
11 2019.¹ After not receiving additional documents by the requested
12 deadline of February 7th, an e-mail was sent to Tom², who was no longer
13 represented by counsel, containing the deficiency letter sent on January
14 23, 2019. For good measure, the letter was also mailed to Tom on
15 February 20, 2019.³

16 On March 4, 2019 Attorney Abrams and Tom had a telephone
17 conference. Attorney Abrams agreed to give Tom a two-week extension
18

19 _____
20 ¹ Please see letter from Attorney Abrams dated January 23, 2019 attached hereto as Exhibit 2.

² Please see e-mail to Tom dated February 12, 2019 attached hereto as Exhibit 3.

21 ³ Please see letter mailed to Tom dated February 20, 2019 attached hereto as Exhibit 4.

1 on the discovery responses still due.⁴ After being informed that Tom
2 received the e-mail, but no longer used that e-mail address regularly,
3 Attorney Abrams forwarded the same correspondence to his new e-mail
4 address.⁵

5 Upon learning that Tom retained Attorney Michele LoBello, the
6 March 4, 2019 correspondence to Tom, the January 23, 2019 deficiency
7 letter, and the February 23, 2019 e-mail were all sent to Attorney
8 LoBello on March 29, 2019,⁶ eleven days after the extended deadline
9 agreed upon between Tom and Attorney Abrams, and still no documents
10 were received. Understanding that Attorney LoBello would need time to
11 catch up with the case, another week extension was offered and a lengthy
12 telephone conference about the case, including discovery, was held on
13 Sunday March 31st.

14 Despite each extension and reminder, to date we have not received
15 a single supplementary document. This Motion follows.

16 **II. LAW AND ARGUMENT**

17 **A. TOM SHOULD BE COMPELLED TO RESPOND TO** 18 **DANKA'S DISCOVERY REQUESTS**

19 ⁴ Please see confirmation e-mail from Attorney Abrams to Tom dated March 4, 2019
attached hereto as Exhibit 5.

20 ⁵ Please see e-mail from Attorney Abrams to Tom dated March 6, 2019 attached
hereto as Exhibit 6.

21 ⁶ Please see e-mail from Attorney Abrams to Attorney LoBello dated March 29, 2019
attached hereto as Exhibit 7.

1 NRCP 34 states in relevant part:

2 (a) In General. A party may serve on any other party a
request within the scope of Rule 26(b):

3 (1) to produce and permit the requesting party or its
representative to inspect, copy, test, or sample the following items
4 in the responding party's possession, custody, or control:

5 (A) any designated documents or electronically stored
information—including writings, drawings, graphs, charts,
6 photographs, sound recordings, images, and other data or data
compilations—stored in any medium from which information can
be obtained either directly or, if necessary, after translation by the
7 responding party into a reasonably usable form; or

8 (B) any designated tangible things; or

9 (2) to permit entry onto designated land or other property
possessed or controlled by the responding party, so that the
requesting party may inspect, measure, survey, photograph, test,
or sample the property or any designated object or operation on it.

10 (b) Procedure.

(1) Contents of the Request. The request:

11 (A) must describe with reasonable particularity each item or
category of items to be inspected;

12 (B) must specify a reasonable time, place, and manner for
the inspection and for performing the related acts; and

13 (C) may specify the form or forms in which electronically
stored information is to be produced.

14 (2) Responses and Objections.

15 (A) Time to Respond. The party to whom the request is
directed must respond in writing within 30 days after being
served. A shorter or longer time may be stipulated under Rule 29
16 or be ordered by the court.

17 NRCP 37 states:

18 (a) Motion for Order Compelling Disclosure or Discovery. A
party, upon reasonable notice to other parties and all persons
19 affected thereby, may apply for an order compelling disclosure or
discovery as follows:

20 ***

21 (A) If a deponent fails to answer a question propounded or
submitted under Rules 30 or 31, or a corporation or other entity

1 fails to make a designation under Rule 30(b)(6) or 31(a), or a party
2 fails to answer an interrogatory submitted under Rule 33, or if a
3 party, in response to a request for inspection submitted under Rule
4 34, fails to respond that inspection will be permitted as requested
5 or fails to permit inspection as requested, the discovering party
6 may move for an order compelling an answer, or a designation, or
7 an order compelling inspection in accordance with the request.
The motion must include a certification that the movant has in
good faith conferred or attempted to confer with the person or
party failing to make the discovery in an effort to secure the
information or material without court action. When taking a
deposition on oral examination, the proponent of the question may
complete or adjourn the examination before applying for an order.

8 (4) Expenses and Sanctions.

9 (A) If the motion is granted or if the disclosure or
10 requested discovery is provided after the motion was filed, the
11 court shall, after affording an opportunity to be heard, require the
12 party or deponent whose conduct necessitated the motion or the
13 party or attorney advising such conduct or both of them to pay to
14 the moving party the reasonable expenses incurred in making the
motion, including attorney's fees, unless the court finds that the
motion was filed without the movant's first making a good faith
effort to obtain the disclosure or discovery without court action, or
that the opposing party's nondisclosure, response or objection was
substantially justified, or that other circumstances make an award
of expenses unjust.

15 (B) If the motion is denied, the court may enter any
16 protective order authorized under Rule 26(c) and shall, after
17 affording an opportunity to be heard, require the moving party or
18 the attorney filing the motion or both of them to pay to the party or
deponent who opposed the motion the reasonable expenses
incurred in opposing the motion, including attorney's fees, unless
the court finds that the making of the motion was substantially
justified or that other circumstances make an award of expenses
unjust.

19 (C) If the motion is granted in part and denied in part, the
20 court may enter any protective order authorized under Rule 26(c)
21 and may, after affording an opportunity to be heard, apportion the
reasonable expenses incurred in relation to the motion among the
parties and persons in a just manner.

(b) Failure of Party to Attend at Own Deposition or Serve Answers to Interrogatories or Respond to Request for Inspection. If a party or an officer, director, or managing agent of a party or a person designated under Rule 30(b)(6) or 31(a) to testify on behalf of a party fails (1) to appear before the officer who is to take the deposition, after being served with a proper notice, or (2) to serve answers or objections to interrogatories submitted under Rule 33, after proper service of the interrogatories, or (3) to serve a written response to a request for inspection submitted under Rule 34, after proper service of the request, the court in which the action is pending on motion may make such orders in regard to the failure as are just, and among others it may take any action authorized under subparagraphs (A), (B), and (C) of subdivision (b)(2) of this rule. Any motion specifying a failure under clause (2) or (3) of this subdivision shall include a certification that the movant has in good faith conferred or attempted to confer with the party failing to answer or respond in an effort to obtain such answer or response without court action. In lieu of any order or in addition thereto, the court shall require the party failing to act or the attorney advising that party or both to pay the reasonable expenses, including attorney's fees, caused by the failure, unless the court finds that the failure was substantially justified or that other circumstances make an award of expenses unjust. The failure to act described in this subdivision may not be excused on the ground that the discovery sought is objectionable unless the party failing to act has applied for a protective order as provided by Rule 26(c).

EDCR 2.34(d) states:

(d) Discovery motions may not be filed unless an affidavit of moving counsel is attached thereto setting forth that after a discovery dispute conference or a good faith effort to confer, counsel have been unable to resolve the matter satisfactorily. A conference requires either a personal or telephone conference between or among counsel. Moving counsel must set forth in the affidavit what attempts to resolve the discovery dispute were made, what was resolved and what was not resolved, and the reasons therefor. If a personal or telephone conference was not possible, the affidavit shall set forth the reasons. If the responding counsel fails to answer the discovery, the affidavit shall set forth

1 what good faith attempts were made to obtain compliance. If, after
2 request, responding counsel fails to participate in good faith in the
3 conference or to answer the discovery, the court may require such
4 counsel to pay to any other party the reasonable expenses,
5 including attorney's fees, caused by the failure. When a party is not
6 represented by counsel, the party shall comply with this rule.

7 EDCR 5.602. Discovery disputes, conferences, motions, stays.

8 (a) Unless otherwise ordered, all discovery disputes (except
9 disputes presented at a pretrial conference or at trial) must first be
10 heard by the discovery hearing master.

11 (b) Upon reasonable notice, the discovery hearing master
12 may direct the parties to appear for a conference with the hearing
13 master concerning any discovery dispute. Unless otherwise
14 directed, points and authorities need not be filed prior to a
15 conference noticed by the hearing master. Counsel may not
16 stipulate to vacate or continue a conference without the hearing
17 master's consent.

18 (c) The hearing master may shorten or extend any of the
19 times for any discovery motion.

20 (d) A discovery motion must set forth that after a discovery
21 dispute conference or a good-faith effort to confer, counsel were
unable to resolve the matter satisfactorily, detailing what attempts
to resolve the dispute were made, what was resolved and what was
not resolved, and why. A conference requires either a personal or
telephone conference between or among the parties; if a personal
or telephone conference was not possible, the motion shall set
forth the reasons. Such a motion must be supported by affidavit.

(e) If the responding party failed to answer discovery, the
motion shall set forth what good-faith attempts were made to
obtain compliance. If, after request, the responding party fails to
participate in good faith in the conference or to answer the
discovery, the court may require such party to pay to any other
party the reasonable expenses, including attorney fees, caused by
the failure.

(f) The hearing master may stay any disputed discovery
proceeding pending resolution by the judge.

(g) Following the hearing of any discovery motion, the
hearing master must prepare and file a report with a
recommendation for the court's order. The hearing master may

1 direct counsel to prepare the hearing master's report, including
2 findings and recommendations. The clerk of the court or the
3 discovery hearing master designee shall forthwith serve a copy of
4 the report on all parties. The report is deemed received 5 calendar
5 days after the clerk of the court or discovery hearing master
6 designee places a copy in the attorney's folder in the clerk's office
7 or 5 calendar days after mailing to a party or the party's attorney.
8 Within 7 calendar days after being served with a copy, any party
9 may serve and file specific written objections to the
10 recommendations with a courtesy copy delivered to the office of
11 the discovery hearing master. Failure to file a timely objection may
12 result in an automatic affirmance of the recommendation. All time
13 periods set forth in this rule are inclusive of the 3 days provided by
14 EDCR 8.06(a) and NRCP 6(e) (i.e., 2 or 4 days, plus 3 days after
15 service).

16 (h) Papers or other materials submitted for the discovery
17 hearing master's in camera inspection must be accompanied by a
18 captioned cover sheet complying with Rule 7.20 that indicates it is
19 being submitted in camera. All in camera submissions must also
20 contain an index of the specific items submitted. A copy of the
21 index must be furnished to all other parties. If the in camera
materials consist of documents, counsel must provide to the
hearing master an envelope of sufficient size into which the in
camera papers can be sealed without being folded.

1 In the instant case, Tom has failed to provide complete discovery
2 responses in violation of NRCP 34, EDCR 2.34 and EDCR 5.602. Tom
3 has failed to do so despite the fact that he has had more than five months
4 to provide complete responses and there have been numerous requests
5 for him to provide said responses/documentation.

6 Tom's willful refusal to cooperate with discovery - and the
7 subsequent wasting of Danka's time and money to obtain same - cannot

1 continue. Danka therefore respectfully requests that this Honorable
2 Court order Tom to provide complete discovery responses immediately.

3 **B. DANKA SHOULD BE AWARDED ATTORNEY'S**
4 **FEES AND COSTS**

5 It is painfully clear that Danka had no other option but to file this
6 Motion in order to receive complete responses to the discovery requests
7 that she properly propounded. Danka should not have had to incur the
8 costs of constantly trying to get an opposing party to do what the law
9 requires them to do. Therefore, Danka respectfully asks that she be
10 awarded attorney's fees and costs associated with this Motion. In
11 addition to the cases where an allowance of fees is authorized by specific
12 statute, the Court may make an allowance of attorney's fees to a
13 prevailing party under NRS 18.010 and EDCR 7.60. The parties must
14 also identify the legal basis for the award, and the District Court must
15 evaluate the *Brunzell* factors for the attorney and their support staff:²

16 1. *The Qualities of the Advocate:* his ability, his training,
17 education, experience, professional standing and skill.

18 a. Attorney Jennifer V. Abrams

19 Attorney Jennifer V. Abrams graduated *magna cum laude* in the
20 top 4% of her law school class. She is a member in good standing of the
21 State Bar of Nevada, Clark County Bar Association, American Bar

1 Association, American Association for Justice, which is formerly the
2 Association of Trial Lawyers of America, the State Bar of California and
3 the Louisiana State Bar (both inactive). Although Attorney Abrams is
4 admitted to practice law in three states, she chooses to dedicate herself
5 exclusively to Las Vegas divorce and family law matters. Attorney
6 Abrams served as a member of the State Bar of Nevada Family Law
7 Executive Council for five (5) years and was the Treasurer for the section
8 for four (4) of those years. She is Certified by the State Bar of Nevada as
9 a Family Law Specialist and is a peer-reviewed and certified Fellow of
10 the American Academy of Matrimonial Lawyers. She was appointed by
11 the Nevada Supreme Court to the Family Law Rules Committee. She has
12 contributed as an author and editor to several State Bar publications,
13 including, the Family Practice Manual (second edition) and she created
14 the Detailed Financial Disclosure Form for high asset and complex
15 divorce cases which has been adopted for new cases filed after January 1,
16 2013. *See* ADKT 476. She was on the committee that re-wrote Section 5
17 of the Eighth Judicial District Court Rules and she re-drafted Nevada
18 Rule of Civil Procedure 16.2 and 16.205.

19 b. Certified Paralegal Stephanie Stolz

20 Stephanie Stolz is the current Firm Administrator / Lead Certified
21 Paralegal and began her legal career at The Abrams Law Firm eleven

1 years ago. She started at the receptionist position in May 2004. While
2 working full-time for the firm, she simultaneously completed the
3 Paralegal Studies Program with special emphasis in Nevada Practices
4 and Procedures, Contract Law, and Family Law from the University of
5 Nevada Las Vegas. In 2005 she was promoted to a Certified Paralegal
6 position. In 2006 she achieved the role of Lead Certified
7 Paralegal. Stephanie was promoted to the role of Firm Administrator in
8 2010. In addition to her Lead Certified Paralegal duties, she is
9 responsible for numerous areas of the firm's business operations
10 including accounting and vendor relationships. In 2017, Mrs. Stolz
11 obtained the prestigious Certified Paralegal (CP) designation from the
12 National Association of Legal Assistants (NALA).

13 c. Certified Paralegal Julie Schoen

14 Certified Paralegal Julie Schoen joined The Abrams & Mayo Law
15 Firm in 2014. Prior to joining the Firm, Ms. Schoen was employed by the
16 local office of a national medical malpractice litigation law firm in an
17 executive level support capacity. In this role, she assisted in the defense
18 of several Las Vegas-area hospitals and medical clinics from various
19 types of lawsuits. She completed the Certified Paralegal Studies
20 Program at the University of Nevada Las Vegas in 2015 with special
21 emphasis in Contract Law and Tort Law and is also a certified legal

1 transcriptionist. Ms. Schoen's volunteer work focuses on her dedication
2 to our nation's armed forces, where she has served as an Army Family
3 Readiness Group Leader. This role included being a liaison and advisor
4 to families of service members who are deployed throughout the world.

5 2. *The Character of the Work to Be Done:* the difficulty, the
6 intricacy, the importance, time and skill required, the responsibility
7 imposed and the prominence and character of the parties where they
8 affect the importance of the litigation. Ms. Abrams has diligently
9 reviewed the applicable law, explored the relevant facts and has properly
10 applied one to the other.

11 3. *The Work Actually Performed by the Lawyer:* the skill, time
12 and attention given to the work. Work is still ongoing regarding these
13 issues. Thus, redacted billing statements can be provided upon request.

14 4. *The Result:* whether the attorney was successful and what
15 benefits were derived. It is anticipated that, given the facts of matter,
16 that Tom will be ordered to provide complete responses to Danka's
17 discovery requests and will be sanctioned for his conduct.

18 Each of these factors should be given consideration, and no one
19 element should predominate or be given undue weight.⁷

20
21 ⁷ *Miller v. Wilfong*, 121 Nev. 619, 119 P. 3d 727 (2005).

1 Danka is willing to provide any additional Memorandum of Fees
2 and Costs that the Court requests. Tom should therefore be ordered to
3 pay \$3,500 in attorney's fees and sanctions to Danka for having to bring
4 forth the instant motion, draft correspondence, attend a hearing on the
5 matter and likely draft the resulting Report and Recommendations.

6 **III. CONCLUSION**

7 Based upon the foregoing, Danka respectfully requests an order for
8 the relief requested herein and any other relief the Court deems just and
9 proper.

10 Dated Monday, April 22, 2019.

11 Respectfully Submitted:

12 THE ABRAMS & MAYO LAW FIRM

13 /s/ Jennifer V. Abrams, Esq.
14 Jennifer V. Abrams, Esq.
15 Nevada State Bar Number: 7575
16 6252 South Rainbow Blvd., Suite 100
17 Las Vegas, Nevada 89118
18 Attorney for Defendant
19
20
21

1 **AFFIDAVIT OF JENNIFER V. ABRAMS, ESQ.**

2 STATE OF NEVADA)
)
3 COUNTY OF CLARK) ss:

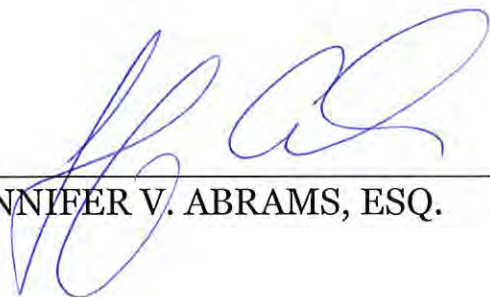
4 JENNIFER V. ABRAMS, ESQ., being first duly sworn, deposes and
5 states that:

- 6 1. I am the Defendant's counsel in the above-entitled action.
- 7 2. I am above the age of majority and I am competent to testify
8 to the facts contained in this affidavit.
- 9 3. That I make this affidavit in support of the foregoing
10 *Defendant's Motion to Compel Discovery Responses.*
- 11 4. That I have read said Motion and hereby certify that the
12 facts set forth in the Points and Authorities attached thereto are true of
13 my own knowledge, except for those matters therein contained stated
14 upon information and belief, and as to those matters, I believe them to
15 be true. I incorporate said facts into this Affidavit as if set forth in full
16 herein.
- 17 5. I have made good faith efforts to resolve this discovery issue
18 with the Plaintiff himself and through his counsel, consisting of sending
19 several correspondences to no avail.
- 20 6. Specifically, on January 23, 2019, a letter was sent to Mr.
21 Lemcke detailing the deficiencies in Tom's discovery responses. A follow

1 up e-mail was sent to Tom on February 12, 2019 and mailed on February
2 20, 2019. A telephone conference was held between Tom and I on March
3 4, 2019 with a confirming correspondence being sent on the same day
4 and a follow up email being sent on March 6, 2019 to a new e-mail
5 address Tom provided. Finally, an e-mail with the letter and e-mail
6 correspondence was sent to Tom's new counsel, Ms. LoBello on March
7 29, 2019 with an additional week extension offered, all of which were
8 requesting complete discovery responses in compliance with EDCR 2.34
9 and 5.602. Despite the foregoing, and the fact that it has been more
10 than five months since the discovery was propounded, Tom has not
11 provided the additional requested information/documentation. Tom has
12 left Danka with no other option other than to file this Motion to Compel.

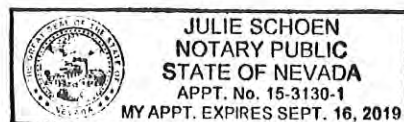
13 7. I therefore have made good faith efforts to resolve this
14 discovery dispute prior to filing this Motion.

15 Dated this 22nd day of April, 2019.

16
17 
JENNIFER V. ABRAMS, ESQ.

18 SUBSCRIBED AND SWORN to before
19 me this 22nd day of April, 2019.

20 
NOTARY PUBLIC



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Michele T. LoBello, Esq.
Attorney for Plaintiff

/s/ Chantel Wade
An Employee of The Abrams & Mayo Law Firm

MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

THOMAS A. PICKENS

Plaintiff/Petitioner

v.

DANKA K. MICHAELS

Defendant/Respondent

Case No. D-17-560737-D

Dept. J

**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: Defendant/Respondent Date 04/22/2019

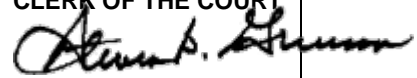
Signature of Party or Preparer

Julie Schen

AA00458

DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
4/22/2019 1:08 PM
Steven D. Grierson
CLERK OF THE COURT



Thomas A. Pickens, Plaintiff
vs.
Danka K. Michaels, Defendant.

Case No.: D-17-560737-D
Department J

NOTICE OF HEARING

Please be advised that the Defendant's Motion to Compel Discovery Responses in the above-entitled matter is set for hearing as follows:

Date: May 22, 2019
Time: 1:30 PM
Location: Courtroom 12
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

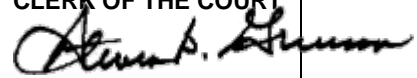
By: /s/ Aisha Sherman
Deputy Clerk of the Court

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/ Aisha Sherman
Deputy Clerk of the Court

AA00459



WTLT
Jennifer V. Abrams, Esq.
Nevada State Bar Number: 7575
THE ABRAMS & MAYO LAW FIRM
6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
Tel: (702) 222-4021
Fax: (702) 248-9750
Email: JVAGroup@TheAbramsLawFirm.com
Attorney for Defendant

Eighth Judicial District Court
Family Division
Clark County, Nevada

THOMAS A. PICKENS, individually,)	Case No.: D-17-560737-D
and as trustee of the LV Blue Trust,)	
Plaintiff,)	Department: B
vs.)	
DANKA K. MICHAELS,)	
individually, and as trustee of the)	
Mich-Mich Trust,)	
Defendant.)	

DEFENDANT'S SUPPLEMENTAL WITNESS LIST (NON-
EXPERT)

TO: THOMAS A. PICKENS, Plaintiff.

TO: Michele T. LoBello, Esq., 10777 West Twain Ave., Suite 300, Las
Vegas, Nevada 89135

///

///

COMES NOW the Defendant, Danka K. Michaels, by and through her attorney of record, Jennifer V. Abrams, Esq., of The Abrams & Mayo Law Firm, and hereby submits her Supplemental Witness List.

1. Danka K. Michaels, Defendant
c/o Jennifer V. Abrams, Esq.
The Abrams & Mayo Law Firm
6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118

Ms. Michaels will testify regarding the facts and circumstances of the relationship.

2. Thomas A. Pickens, Plaintiff
4514 Blue Mesa Way
Las Vegas, Nevada 89129

Mr. Pickens will testify regarding the facts and circumstances of the relationship.

3. Robert Semonian
The Semonian Group, Inc.
3230 S Valley View Blvd., Ste 110
Las Vegas, NV 89102
805-659-5344

Mr. Semonian will testify regarding the facts and circumstances of the **parties'** tax returns.

4. Shannon Evans, Esq.
Evans & Associates
2400 S. Cimarron Road, Suite 140
Las Vegas, Nevada 89117
Tel: (702) 699-7333

Ms. Evans will testify as to the facts and circumstances of the **parties'** estate planning/trust documents.

1 5. Todd Kilde
2 1621 Country Road
3 Fergus, MN 56537

4 Mr. Kilde will testify as to his knowledge of **parties'**
5 relationship, Plaintiff's financial schemes and his affair.

6 6. Sarah Nicora
7 153 Santiago Ave.
8 Redwood City, CA 94061

9 Ms. Nicora will testify as to her knowledge of the parties'
10 relationship, her time as Plaintiff's assistant and the secrets
11 Plaintiff made her keep during her employment.

12 7. Art Zargaryan
13 6426 Cameron Park Street
14 Las Vegas, NV 89166

15 Mr. Zargaryan will testify as to his knowledge of the parties'
16 relationship and Plaintiff's arrest in Florida.

17 8. Rich Wolf
18 4575 Dean Martian Drive, #2307
19 Las Vegas, Nevada 89103

20 Mr. Wolf will testify as to his knowledge of the parties'
21 relationship and Plaintiff's arrest in Florida.

 9. Sheila Mazzeo
 11640 N. 27th Street, #C307
 Phoenix, AZ 85028

 Ms. Mazzeo will testify as to her knowledge of the parties'
 relationship.

 10. Tamela Kahle
 9549 Verde Park Circle
 Las Vegas, NV 89129

1 Ms. Kahle will testify as to her knowledge of the parties'
2 relationship.

3 11. Scott Hatcher
4 9549 Verde Park Circle
5 Las Vegas, NV 89129

6 Mr. Hatcher will testify as to his knowledge of the parties'
7 relationship.

8 12. Jennifer Quinn
9 1633 Plata Pico Drive
10 Las Vegas, NV 89128

11 Ms. Quinn will testify as to her knowledge of the parties'
12 relationship.

13 13. Shannon Newman
14 7608 Lowe Ave.
15 Las Vegas, NV 89131

16 Ms. Newman will testify as to her knowledge of the parties'
17 relationship.

18 14. Dara Lesmeister
19 8985 Catfish Stream Ave.
20 Las Vegas, Nevada 89178

21 Ms. Lesmeister will testify as to her knowledge of
the parties' relationship.

15. Any and all witnesses relied upon by the Plaintiff, which are
properly disclosed.

16. Any and all rebuttal witnesses as necessary.

19 / / /

20 / / /

21 / / /

1 Defendant reserves the right to supplement this list as additional
2 information and witnesses become available.

3 DATED: Wednesday, April 24, 2019.

4 Respectfully Submitted,

5 THE ABRAMS & MAYO LAW FIRM

6 /s/ Jennifer V. Abrams, Esq.

7 Jennifer V. Abrams, Esq.

8 Nevada State Bar Number: 7575

6252 South Rainbow Blvd., Suite 100

Las Vegas, Nevada 89118

9 Attorney for Defendant

10 CERTIFICATE OF SERVICE

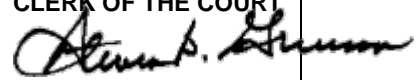
11 I hereby certify that the foregoing **DEFENDANT'S**
12 SUPPLEMENTAL WITNESS LIST (NON-EXPERT) was filed
13 electronically with the Eighth Judicial District Court in the above-
14 entitled matter on Wednesday, April 24, 2019. Electronic service of the
15 foregoing document shall be made in accordance with the Master
16 Service List, pursuant to NEFCR 9, as follows:

17 Michele T. LoBello, Esq.

18 Attorney for Plaintiff

19 /s/ Chantel Wade

20 An Employee of The Abrams & Mayo Law Firm



NOTC
Jennifer V. Abrams, Esq.
Nevada State Bar Number: 7575
THE ABRAMS & MAYO LAW FIRM
6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
Tel: (702) 222-4021
Fax: (702) 248-9750
Email: JVAGroup@TheAbramsLawFirm.com
Attorney for Defendant

Eighth Judicial District Court
Family Division
Clark County, Nevada

THOMAS A. PICKENS, individually,)	Case No.: D-17-560737-D
and as trustee of the LV Blue Trust,)	
) Department: B
Plaintiff,)	
)
vs.)	
)
DANKA K. MICHAELS,)	
individually, and as trustee of the)	
Mich-Mich Trust,)	
)
Defendant.)	

NOTICE OF UNAVAILABILITY OF COUNSEL

TO: ALL PARTIES IN INTEREST

NOTICE IS HEREBY GIVEN that Jennifer V. Abrams, Esq. of The Abrams & Mayo Law Firm, counsel to Defendant Danka K. Michaels, will be unavailable during the period of time beginning June 1, 2019 and concluding June 18, 2019. Attorney Abrams will be out of the jurisdiction, and will not have access to cellular telephone signal, internet access, or

1 other usual means of service and communication. Accordingly, during
2 this time, Attorney Abrams will be unavailable for the purpose of receiving
3 or responding to any notice or moving papers, responding to
4 correspondence, appearing at any hearing or deposition, etc.

5 DATED Wednesday, May 08, 2019.

6 Respectfully Submitted,

7 THE ABRAMS & MAYO LAW FIRM

8 /s/ Jennifer V. Abrams, Esq.

9 Jennifer V. Abrams, Esq.

10 Nevada State Bar Number: 7575

6252 South Rainbow Blvd., Suite 100

11 Las Vegas, Nevada 89118

Attorney for Defendant

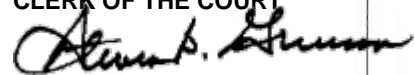
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing *Notice of Unavailability of Counsel* was filed electronically with the Eighth Judicial District Court in the above-entitled matter, on Wednesday, May 08, 2019. Electronic service of the foregoing document shall be made in accordance with the Master Service List, pursuant to NEFCR 9, as follows:

Michele T. LoBello, Esq.

/s/ Chantel Wade
An Employee of The Abrams & Mayo Law Firm



EXHB

BLACK & LOBELLO
Michele Touby LoBello, Esq.
Nevada Bar No. 5527
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
Telephone No.: 702-869-8801
Facsimile No.: 702-869-2669
Email: mlobello@blacklobello.law
Attorneys for Plaintiff,
THOMAS A. PICKENS

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

THOMAS A. PICKENS,

Plaintiff

vs.

DANKA K. MICHAELS,

Defendant;

and related Counterclaims.

CASE NO.: D-17-560737-D

DEPT. S

Date of Hearing: May 22, 2019

Time of Hearing: 1:30 p.m.

**APPENDIX OF EXHIBITS TO PLAINTIFF'S RESPONSE AND
OPPOSITION TO DEFENDANT'S MOTION TO COMPEL DISCOVERY
RESPONSES**

Plaintiff, THOMAS A. PICKENS ("Thomas"), by and through his attorneys of record, Michele Touby LoBello and the law firm of BLACK & LOBELLO, hereby submits the attached documents as Exhibits to his PLAINTIFF'S RESPONSE AND OPPOSITION TO DEFENDANT'S MOTION TO COMPEL DISCOVERY RESPONSES, filed on May 13, 2019.

1. Plaintiff's First Request for Production of Documents from Defendant, eserved January 9, 2019, Bates Numbered TP-OPP-0001 to TP-OPP-0010;

1 2. Plaintiff's Responses to Defendant's First Request for Production of
2 Documents and Tangible Things from Plaintiff, dated December 21, 2018,
3 Bates Numbered TP-OPP-0011 to TP-OPP-0025.

4 RESPECTFULLY SUBMITTED this 13TH day of May, 2019.

5 BLACK & LOBELLO

6 

7 Michele Touby LoBello, Esq.,

8 Nevada State Bar No. 5527

9 10777 West Twain Avenue, Suite 300

10 Las Vegas, Nevada 89135

11 Attorneys for Plaintiff,

12 THOMAS A. PICKENS

CERTIFICATE OF SERVICE

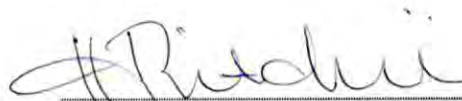
Pursuant to NRCP 5(b), I certify that I am an employee of BLACK & LOBELLO and that on the 13 day of May, 2019, I caused the above and foregoing document entitled **APPENDIX OF EXHIBITS TO PLAINTIFF'S RESPONSE AND OPPOSITION TO DEFENDANT'S MOTION TO COMPEL DISCOVERY RESPONSES** to be served as follows:

- ☐ 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; and
- ☒ pursuant to N.E.F.C.R. 9, to be sent via electronic service;
- ☐ pursuant to EDCR 7.26, to be sent via facsimile;
- ☒ by email to
- ☐ hand delivered

to the party or their attorney(s) listed below at the address and/or facsimile number indicated below:

Jennifer V. Abrams, Esq.
The Abrams & Mayo Law Firm
6252 South Rainbow Blvd., #100
Las Vegas, NV 89118
Email: JVAGroup@TheAbramsLawFirm.com
Attorney for Defendant

and that there is regular communication by mail between the place of mailing and the place(s) so addressed.



An Employee of Black & LoBello

1 **RPOD**

2 **Paul A. Lemcke, Esq.**

3 Nevada Bar No. 003466

4 PECOS LAW GROUP

5 8925 South Pecos Road, Suite 14A

6 Henderson, Nevada 89074

7 Telephone: (702) 388-1851

8 Facsimile: (702) 388-7406

9 Email: Email@pecoslawgroup.com

10 Attorney for Plaintiff

11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 **Thomas A. Pickens**, individually,
14 and as trustee of the LV Blue Trust,

15 Plaintiff,

16 vs.

17 **Danka K. Michaels**, individually,
18 and as trustee of the Mich-Mich
19 Trust,

20 Defendant.

Case No. **D-17-560737-D**

Dept No. **B**

Date of Hearing: **N/A**

Time of Hearing: **N/A**

21 **PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS FROM**
22 **DEFENDANT**

23 TO: Danka K. Michaels, Defendant; and

24 TO: Jennifer V. Abrams, Esq., attorney for Defendant.

25 REQUEST IS HEREBY MADE UPON YOU pursuant to Rule 34 of the
26 Nevada Rules of Civil Procedure, for the production of the following documents

1 at the law office of Pecos Law Group, 8925 South Pecos Road, Suite 14A,
2 Henderson, Nevada, 89074, within thirty (30) days of service.

3
4 I. INSTRUCTIONS AND DEFINITIONS

5 A. INSTRUCTIONS

6 1. In producing the below-listed documents you are requested to furnish
7 all documents known or available to you regardless of whether these documents
8 are possessed directly by you or your employers, agents, accountants, employees,
9 representatives, investigators, or by your attorneys or their agents, employees,
10 representatives or investigators.
11

12 2. Each paragraph and subparagraph hereof and the definitions herein
13 are to be construed independently, and not by or with reference to any other
14 paragraph or subparagraph or definition herein for purposes of limiting the scope
15 of any particular request for the production of documents wherein made or the
16 subject matter thereof.
17

18 3. In producing the below-listed documents you are to indicate the
19 paragraph of the particular request in response to which each document is
20 produced.
21

22 4. If any of these documents cannot be produced in full, you are to
23 produce documents to the extent possible, specifying whatever information,
24 knowledge or belief you do have concerning the unproduced portion.
25

1 5. If any document requested was at one time in existence but is no
2 longer in existence, please so state, specifying for each such document: the type
3 of document; the types of information contained therein; the date upon which the
4 document was destroyed or ceased to exist; the circumstances under which it was
5 destroyed or ceased to exist; the identity of all persons having knowledge of the
6 circumstances under which it was destroyed or ceased to exist; and the identity of
7 all persons having knowledge or persons who had knowledge of the contents
8 thereof.
9

10
11 6. If any document is withheld from production under claim of
12 privilege, please so state, specifying for each such document a full description
13 thereof, including, without limitation, the date it bears; the name of each person
14 who prepared it or participated in any way in preparing it; the name of each
15 person who signed it; the name of each person to whom it or a copy of it was
16 addressed; the name of each person who presently has custody of it or a copy of
17 it; its subject matter and its substance; and what basis there is for the claim of
18 privilege.
19

20 7. This request is a continuing one. If after producing the documents
21 requested, you obtain or become aware of any further documents responsive to
22 these requests, you are required to immediately produce such additional
23 documents.
24
25

8. All documents are to be produced in the form and in the same order within each file in which they existed prior to production, and the file folders, boxes or other containers or bindings in which such documents are found are to be produced intact, including the title, labels or other description of each such folder, box or other binding or container.

B. DEFINITIONS

For the purposes of these requests the following terms shall have the meaning indicated.

1. “You” and “yours” shall refer to Danka K. Michaels, personally, as well as any of her agents, servants, employees, representatives or attorneys.

2. "Documents" shall mean and include all written, graphic, or other recorded matter, however produced or reproduced, including non-identical copies; preliminary, intermediate and final drafts; writings, records and recordings of every kind and description, whether inscribed by hand or by mechanical, electronic, microfilm, photographic or other means, as well as audio (such as tape recordings) or visual reproductions of all statements, conversations or events, and further including, without limitation, address books, appointment books, calendars, communications, letters of intent, memoranda of any type, microfilm, minutes of any sort (including, without limitation, those of any board of directors or management or executive or finance committees), movies, notes, notebooks, opinions, organizational charts, photographs, press clippings or releases,

1 publications, procedures, reports of any kind, statistical analyses, ledgers,
2 invoices, vouchers, books of account, studies of any kind, summaries, tabulations,
3 telegrams, teletype, telex and facsimile messages.

4
5 II. REQUESTS FOR PRODUCTION

6 REQUEST NO. 1:

7 Please produce copies of all documents which support (1) all claims for
8 relief in Defendant's Counterclaim, filed on or about November 19, 2018; and (2)
9 the affirmative defenses interposed in Defendant's Answer to Second Amended
10 Complaint, filed on or about November 19, 2018, to include rebuttal and
11 impeachment documents, or which are otherwise relevant to any of the cross-
12 allegations in this divorce action.
13

14 REQUEST NO. 2:

15
16 Please produce copies of all motor vehicle titles and/or motor vehicle
17 registrations on each and every automobile currently titled to, and/or registered to
18 Thomas A. Pickens, the LV Blue Trust, or Blue Point Development, relative to
19 any motor vehicle that you now drive, control, store, or otherwise possess. The
20 requested documentation includes, but is not limited to, the title and registration
21 on the 2015 Porsche Cayenne twin turbo automobile.
22

23 . . .
24
25
26

1 REQUEST NO. 3:

2 Please produce copies of all written documentation evidencing,
3 corroborating, or confirming that you and/or Thomas A. Pickens held yourselves
4 out to third parties as husband and wife, at any time during the period spanning
5 from April 7, 2002, to the present date. Such written documentation is intended to
6 include, but is not limited to: third-party correspondence, whether in the form of a
7 letter, email, or memorandum; loan applications; credit applications; spousal
8 consents of any kind related to any legal purpose; joint tax filings; or
9 administrative filings.
10
11

12 REQUEST NO. 4:

13 Please produce copies of all correspondence with the applicable church
14 authority related to the scheduling arrangements and conduct of the religious
15 ceremony at the Church of the Virgin Mary of the Snows in Bratislava, Slovakia
16 on April 7, 2002.
17

18 REQUEST NO. 5:

19 Please produce copies of any documentation evidencing, corroborating, or
20 confirming any application for the registration of the religious ceremony at the
21 Church of the Virgin Mary of the Snows in Bratislava, Slovakia on April 7, 2002,
22 with Slovakian civil authorities.
23
24
25

1 REQUEST NO. 6:

2 Please produce copies of all correspondence related to the scheduling
3 arrangements and conduct of the post-ceremony reception held at the Radisson
4 Blu Carlton Hotel in Bratislava, Slovakia on April 7, 2002.
5

6 REQUEST NO. 7:

7 Please produce copies of all documentation, including but not limited to
8 correspondence, purchase receipts, and photographs of the rings that were
9 exchanged at the religious ceremony at the Church of the Virgin Mary of the
10 Snows in Bratislava, Slovakia on April 7, 2002.
11

12 REQUEST NO. 8:

13 Please produce copies of any documentation which supports any assertion
14 that Thomas A. Pickens did not have an honest and reasonable belief that the
15 religious ceremony conducted at the Church of the Virgin Mary of the Snows in
16 Bratislava, Slovakia on April 7, 2002, was a valid marriage at the time of the
17 ceremony.
18

19 . . .

20 . . .

21 . . .

22 . . .

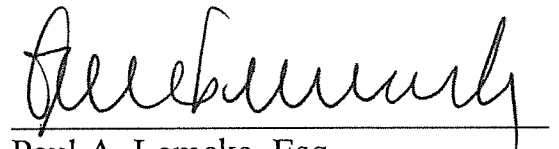
23 . . .

1 REQUEST NO. 9:

2 Please produce copies of all *joint* financial statements which have been
3 prepared on behalf of you and Thomas A. Pickens, or for any business entity in
4 which you have claimed a joint interest, during the period from April 7, 2002, to
5 the present date.
6

7 DATED this 9 day of January 2019.

8 PECOS LAW GROUP

9
10 

11 Paul A. Lemcke, Esq.
12 Nevada Bar No. 003466
13 8925 S. Pecos Rd., Suite 14A
14 Henderson, Nevada 89074
15 Attorney for Plaintiff
16
17
18
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20
21
22
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24
25

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that the foregoing "PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS FROM DEFENDANT" in the above-captioned case was served this date as follows:

- ☒ pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP (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 the 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 attorney(s) /person(s) listed below at the address:

Jennifer V. Abrams, Esq.
JVAGroup@TheAbramsLawFirm.com

DATED this 9th day of January 2019.



Allan Brown
An employee of PECOS LAW GROUP

Allan Brown

From: efilingmail@tylerhost.net
Sent: Wednesday, January 9, 2019 4:50 PM
To: Allan Brown
Subject: Notification of Service for Case: D-17-560737-D, Thomas A. Pickens, Plaintiffvs.Danka K. Michaels, Defendant. for filing Service Only, Envelope Number: 3677516

Notification of Service

Case Number: D-17-560737-D

Case Style: Thomas A. Pickens, Plaintiffvs.Danka K. Michaels, Defendant.

Envelope Number: 3677516

This is a notification of service for the filing listed. Please click the link below to retrieve the submitted document.

Filing Details	
Case Number	D-17-560737-D
Case Style	Thomas A. Pickens, Plaintiffvs.Danka K. Michaels, Defendant.
Date/Time Submitted	1/9/2019 4:49 PM PST
Filing Type	Service Only
Filing Description	Plaintiff's First Request for Production of Documents from Defendant
Filed By	Allan Brown
Service Contacts	Thomas A. Pickens: Paul Lemcke (email@pecoslawgroup.com) Allan Brown (allan@pecoslawgroup.com) Paul Lemcke (paul@pecoslawgroup.com) Danka K. Michaels: Jennifer Abrams (JVAGroup@TheAbramsLawFirm.com)

Document Details	
Served Document	Download Document
This link is active for 30 days.	

1 **RESP**

Paul A. Lemcke, Esq.

2 Nevada Bar No. 003466

PECOS LAW GROUP

3 8925 South Pecos Road, Suite 14A

Henderson, Nevada 89074

4 Telephone: (702) 388-1851

Facsimile: (702) 388-7406

5 Email: Email@pecoslawgroup.com

Attorney for Plaintiff

7 **DISTRICT COURT**

8 **CLARK COUNTY, NEVADA**

9 **Thomas A. Pickens, individually,**
10 **and as trustee of the LV Blue**
11 **Trust,**

12 Plaintiff,

13 vs.

14 **Danka K. Michaels, individually,**
15 **and as Trustee of the Mich-Mich**
16 **Trust,**

Defendant.

Case No. D-17-560737-D

Dept No. B

17 **PLAINTIFF'S RESPONSES TO DEFENDANT'S FIRST REQUEST FOR PRODUCTION OF**
18 **DOCUMENTS AND TANGIBLE THINGS FROM PLAINTIFF**

19 Plaintiff **Thomas A. Pickens**, by and through his counsel of record, **Paul A.**
20 **Lemcke, Esq.**, of PECOS LAW GROUP, hereby responds to Defendant's First
21 Request for Production of Documents and Tangible Things as follows:

22 . . .

1 **REQUEST NO. 1:**

2 Produce copies of all documents supporting each and every allegation set
3 forth in your SECOND AMENDED COMPLAINT FOR EQUITABLE RELIEF UNDER (1)
4 THE PUTATIVE SPOUSE DOCTRINE, AND (2) PURSUANT TO EXPRESS AND/OR IMPLIED
5 AGREEMENT TO HOLD PROPERTY AS IF THE PARTIES WERE MARRIED UNDER
6 *MICHOFF*; AND TO SET ASIDE DEEDS OF REAL PROPERTY AND ASSIGNMENT OF LLC
7 INTEREST.

8 **RESPONSE TO REQUEST NO. 1:**

9 See the documents produced in Plaintiff's Initial Disclosures, served June 1,
10 2018. See also responses to Requests 2-26, *infra*. See also the emails relating to
11 multiple representations made by the parties to third parties as to their marital
12 status, bates label nos. TP000060 – TP000107, appended at Tab 1 hereto.

13 **REQUEST NO. 2:**

14 Produce copies of all educational degrees and achievements you acquired
15 including, but not limited to college degree(s) and transcripts. Please include
16 documents supporting the claims that you have a degree in psychology or have
17 any other mental health training.

18 **RESPONSE TO REQUEST NO. 2:**

19 Plaintiff does not possess the requested documentation.

20 **REQUEST NO. 3:**

21 Produce copies of all documents pertaining to any criminal history you have
22 including, but not limited to, any and all restraining orders, DUI's, or other

1 citations or arrests including, but not limited to, any restraining order, complaint,
2 trespass, arrest etc. that occurred in Florida.

3 **RESPONSE TO REQUEST NO. 3:**

4 No such documents exist.

5 **REQUEST NO. 4:**

6 Produce copies of any and all information related to all businesses you own
7 or in which you have an interest, including, but not limited to, the source of funds
8 used to start each business, proof of licensing, Operating Agreements and Bylaws,
9 and profit and loss statements for the last five (5) years.

10 **RESPONSE TO REQUEST NO. 4:**

11 See the business entity information and U.S. Corporation Income Tax
12 Return for Blue Point Development, Inc. for 2012-2016, bates label nos.
13 TP000108 – TP000181, appended at Tab 4. Plaintiff does not possess the
14 remaining requested documentation that is requested.

15 **REQUEST NO. 5:**

16 In an Affidavit signed by you on May 24, 2018, attached hereto as Exhibit
17 1, you allege that “During a business trip to Florida for Bluepoint, Jakub racked up
18 a \$200 bar tab, which the company had to pay for.” Please produce copies of all
19 documents supporting your claim including, but not limited to, the billing
20 statement for said alleged charge(s).

21 **RESPONSE TO REQUEST NO. 5:**

22 The referenced Affidavit was offered in a legal action styled as Subertova v.
Michalecko, with regard to factual matters completely outside the ambit of this

1 legal action. As such, the requested discovery is not relevant to the subject matter
2 involved in the pending action, and is not reasonably calculated to lead to the
3 discovery of admissible evidence in the pending action. Plaintiff therefore objects
4 and declines to respond to Request No. 5 on that basis. No otherwise responsive
5 materials are being withheld on the basis of that objection.

6 **REQUEST NO. 6:**

7 In an Affidavit signed by you on May 24, 2018, attached hereto as Exhibit
8 1, you allege that Jakub “would not show up for work. He would leave early. He
9 left whenever he wanted. As a result, my other employees actually wrote a letter to
10 me and threatened to all quit if Jakub was not fired.” Please produce copies of all
11 documents supporting your allegations including, but not limited to, time entries,
12 payroll stubs, any notices that were issued to Jakub, and a copy of the “letter”
13 wherein all of your other employees allegedly “threatened to quit” if “Jakub was
14 not fired.”

15 **RESPONSE TO REQUEST NO. 6:**

16 The referenced Affidavit was offered in a legal action styled as Subertova v.
17 Michalecko, with regard to factual matters completely outside the ambit of this
18 legal action. As such, the requested discovery is not relevant to the subject matter
19 involved in the pending action, and is not reasonably calculated to lead to the
20 discovery of admissible evidence in the pending action. Plaintiff therefore objects
21 and declines to respond to Request No. 6 on that basis. No otherwise responsive
22 materials are being withheld on the basis of that objection.

...

1 **REQUEST NO. 7:**

2 In an Affidavit signed by you on May 24, 2018, attached hereto as Exhibit
3 1, you allege that “Jakub would drop Lukas off with me and Jakub’s mother to
4 babysit. Jakub would be gone for hours.” Please produce any and all evidence to
5 support your allegations.

6 **RESPONSE TO REQUEST NO. 7:**

7 The referenced Affidavit was offered in a legal action styled as Subertova v.
8 Michalecko, with regard to factual matters completely outside the ambit of this
9 legal action. As such, the requested discovery is not relevant to the subject matter
10 involved in the pending action, and is not reasonably calculated to lead to the
11 discovery of admissible evidence in the pending action. Plaintiff therefore objects
12 and declines to respond to Request No. 7 on that basis. No otherwise responsive
13 materials are being withheld on the basis of that objection.

14 **REQUEST NO. 8:**

15 In an Affidavit signed by you on May 24, 2018, attached hereto as Exhibit
16 1, you allege that “Jakub was drinking and driving all the time. He was driving
17 himself when he was going out nightly and drinking for hours.” Please produce
18 any and all evidence to support your allegations.

19 **RESPONSE TO REQUEST NO. 8:**

20 The referenced Affidavit was offered in a legal action styled as Subertova v.
21 Michalecko, with regard to factual matters completely outside the ambit of this
22 legal action. As such, the requested discovery is not relevant to the subject matter
involved in the pending action, and is not reasonably calculated to lead to the

1 discovery of admissible evidence in the pending action. Plaintiff therefore objects
2 and declines to respond to Request No. 8 on that basis. No otherwise responsive
3 materials are being withheld on the basis of that objection.

4 **REQUEST NO. 9:**

5 Please produce any and all evidence to support your claim that Dr.
6 Michaels' medical practice is community, quasi-community, and/or jointly owned
7 property.

8 **RESPONSE TO REQUEST NO. 9:**

9 See the business entity information for Danka Michaels, M.D., P.C., bates
10 label nos. TP000182 – TP000185, appended at Tab 9.

11 **REQUEST NO. 10:**

12 Please produce any and all evidence that you represented to anyone at
13 Evans & Associates that you and Dr. Michaels were married.

14 **RESPONSE TO REQUEST NO. 10:**

15 Plaintiff does not possess the requested documentation.

16 **REQUEST NO. 11:**

17 Please produce any and all evidence that you represented to anyone at The
18 Semonian Group, Inc. that you and Dr. Michaels were married.

19 **RESPONSE TO REQUEST NO. 11:**

20 Plaintiff does not possess the requested documentation.

21 . . .

22 . . .

. . .

1 **REQUEST NO. 12:**

2 Please produce any and all evidence in support of your allegation that you
3 were under duress and coercion at the time you executed the documents in the
4 office of Evans & Associates.

5 **RESPONSE TO REQUEST NO. 12:**

6 See the Costco Pharmacy pharmacist statement certifying the drugs and
7 medicines dispensed to Plaintiff during the span from May 8, 2012 through and
8 including the date of execution of the subject documents, bates label nos.
9 TP000186 – TP000188, appended at Tab 12.

10 **REQUEST NO. 13:**

11 Produce a recent credit report for yourself.

12 **RESPONSE TO REQUEST NO. 13:**

13 Plaintiff does not possess the requested documentation.

14 **REQUEST NO. 14:**

15 Produce any and all documents that you intend to use at any hearing or at
16 the time of trial.

17 **RESPONSE TO REQUEST NO. 14:**

18 See Response to Request No. 1.

19 **REQUEST NO. 15:**

20 Produce any and all documents reflecting your income from January 1,
21 2016 through the present, whether cash, check payment, or any other form of
22 compensation for services, including, but not limited to, your pay check stubs,
documentation regarding tips, bonuses, commissions, deferred compensation,

1 reimbursed business expenses, W-2's, 1099s, dividends, interest, proceeds from
2 sale of property, any and all employment contracts signed by you as an employee,
3 independent contractor or subcontractor, and any verbal or written promises of
4 future compensation, including but not limited to, bonuses, commissions, or
5 stocks/notes for service.

6 **RESPONSE TO REQUEST NO 15:**

7 Plaintiff does not currently possess the documents that are requested (his
8 last two filed federal income tax returns). Plaintiff is obtaining them, however,
9 and will timely supplement his response.

10 **REQUEST NO. 16:**

11 Produce all documentation regarding each retirement, investment, profit
12 sharing, health savings plan, Deferred Compensation Account, IRA Keogh, 401K,
13 pension plan, mutual funds, and stocks and bonds accounts in which you have or
14 had an interest in from January 1, 2016 through the present, whether vested or
15 unvested, whether under your name or an alias or other individual entity or with or
16 to another individual, including but not limited to, all benefit statements, most
17 recent year-end or quarterly benefit statements, and Plan benefits booklet.

18 **RESPONSE TO REQUEST NO 16:**

19 Plaintiff does not possess the requested documentation. Plaintiff had a
20 single retirement account that was liquidated ancillary to the purchase of his home
21 in 2017, and he will search for the statements predating liquidation, and if located,
22 will timely supplement his response.

...

1 **REQUEST NO. 17:**

2 Produce any and all documents relating to monies you are entitled to
3 receive, including but not limited to notes, promissory notes, bills, statements, or
4 invoices, evidencing any current or past accounts receivable. Please include a list
5 of individuals to whom you have loaned money, whether by verbal or written
6 commitment, from January 1, 2016 through the present.

7 **RESPONSE TO REQUEST NO. 17:**

8 No such documents exist.

9 **REQUEST NO. 18:**

10 If you have been contributing to the payment of expenses for anyone or
11 providing anyone funds from January 1, 2016, please provide all documentation
12 regarding your contributions, including, but not limited to, bank statements,
13 receipts, cancelled checks, cash receipts, and copies of all bills that you have been
14 contributing payments towards from January 1, 2016 through the present.

15 **RESPONSE TO REQUEST NO. 18:**

16 No such documents exist.

17 **REQUEST NO. 19:**

18 Produce copies of all complaints filed on your behalf in which you have
19 sought damages, including those arising out of contractual obligations and
20 personal injuries, which you have or will have a favorable gain, from January 1,
21 2014 through the present.

22 **RESPONSE TO REQUEST NO. 19:**

No such documents exist.

1 **REQUEST NO. 20:**

2 Produce copies of all complaints filed against you, either individually or in
3 a corporate capacity, civil or criminal, from January 1, 2014 through the present.

4 **RESPONSE TO REQUEST NO. 20:**

5 No such documents exist.

6 **REQUEST NO. 21:**

7 Produce all documentation for any business interest in your name or for
8 your benefit but held by someone else or another entity, including but not limited
9 to buy/sell agreements, articles of incorporation, corporation formation documents
10 and by-laws, including, amendments, and any agreements, including, operating
11 and/or partnership agreements, between you or any business you have an interest
12 in and any business or any affiliate, bank and credit card statements, financial
13 statements, general ledgers, income statements, balance sheets, cash flow
14 statements, accounts receivable, aged accounts receivable, check registers, cash
15 registers, insurance payment registers, debt or liabilities registers, as well as the
16 other documentation like appraisals on specific assets, employment contracts, key
17 man life insurance policies, copies of business plans, lease agreements, brochures
18 for the business, etc., for 2012 through the present. If the businesses' activity is
19 recorded electronically (i.e. Quicken/QuickBooks), please provide an electronic
20 copy. If a password is needed to open the records, please provide the password.

21 **RESPONSE TO REQUEST NO. 21:**

22 See the documents appended at Tab 21, including Blue Point Development
Amex statements (#51001) from 12/20/12 to 11/19/17, bates label nos. TP000189

1 – TP000961; Blue Point Development Wells Fargo business checking statements
2 (#9112) from 5/29/14 to 12/31/17, bates label nos. TP000962 – TP001172; Blue
3 Point Development Bank of America business checking statements (#2561) from
4 10/29/12 to 2/28/14 (missing January 2014) bates label nos. TP001173 –
5 TP001238; Blue Point Development compiled financials as of 12/31/10, 12/31/11,
6 7/31/12, 6/30/13, and 11/30/13, bates label nos. TP001239 – TP001253. Plaintiff
7 is obtaining updated bank account statements and will timely supplement his
8 response.

9 **REQUEST NO. 22:**

10 Produce all bank account statements for all accounts since January 1, 2016,
11 whether held in your name individually, in the name of a business, trust, or other
12 entity, in which you have an interest, jointly with any other person, in which you
13 have a beneficial interest, in which you have a Power of Attorney, or in which you
14 have signing authority.

15 **RESPONSE TO REQUEST NO. 22:**

16 See the Wells Fargo PMA Premier Checking Account statements (#3436 –
17 joint account Pickens/Michaels) from 7/1/14 through 10/31/17, bates label nos.
18 TP001254 – TP001571, appended at Tab 22. Plaintiff is obtaining updated bank
19 account statements for his personal checking account at Wells Fargo for the range
20 dates requested and will timely supplement his response.

21 **REQUEST NO. 23:**

22 Produce any and all documents relating to any real property which you have
an interest in, along with the date of acquisition, source of funds used to purchase,

1 current encumbrances thereon and the current market value of each such piece of
2 real property.

3 **RESPONSE TO REQUEST NO. 23:**

4 See the documents produced in Plaintiff's Initial Disclosures, served June 1,
5 2018, regarding the Lowe and Queen Charlotte properties, and Defendant's
6 Second Set of 16.2 Disclosures regarding Plaintiff's purchase of 4514 Blue Mesa
7 Way in Las Vegas. See also the documents appended at Tab 23, including Wells
8 Fargo Home Mortgage statements on the Lowe property from 8/1/14 through July
9 2016, bates label nos. TP001572 – TP001596; summary and photographs of the
10 funds paid in renovation of the Lowe property, bates label nos. TP001597 –
11 TP001636; documentation and emails regarding interior design project at Queen
12 Charlotte property by Interiors by Debbie Miller, LLC, bates label nos. TP001637
13 – TP001651; Wells Fargo Home Mortgage statements on Blue Mesa property
14 from 6/1/17 through 4/30/18, bates label nos. TP001652 – TP001680; and the
15 limited documentation available as to Patience One, LLC for 2012 and 2013,
16 including a Financial Package, 2012 and 2013 tax returns, corporate financials
17 (6/30/13 to 12/31/13), and Bank of America business checking statements (#0222)
18 from 11/1/12 to 12/31/13, bates label nos. TP001681 – TP002123.

19 **REQUEST NO. 24:**

20 Produce any and all documents relating to any real property which you
21 rent/lease from a third party, or a third party rent/leases from you, along with all
22 lease/rental contracts/agreements, sources of funds used to purchase, etc.

...

1 **RESPONSE TO REQUEST NO. 24:**

2 No such documents exist.

3 **REQUEST NO. 25:**

4 Produce any and all documents detailing the attorney's fees, expert fees,
5 and costs, incurred by you in this action, to date. This request includes, but is not
6 limited to, all billing statements from your attorney reflecting fees and costs
7 incurred and all payments made by you or on your behalf to your attorney.

8 **RESPONSE TO REQUEST NO. 25:**

9 See attorney billing and payment summary, bates label no. TP002124,
10 attached at Tab 25.

11 **REQUEST NO. 26:**

12 Produce information or intake sheets from every doctor office, every loan
13 application, every life insurance application and every other form, application or
14 document you completed wherein you were asked to represent your marital status,
15 from January 2002 to the present.

16 **RESPONSE TO REQUEST NO. 26:**

17 See the draft Personal Financial Statements (Wells Fargo Bank Business
18 Banking), bates label nos. TP002125 – TP002140 appended hereto as Tab 26.

19 **REQUEST NO. 27:**

20 Produce all credit account statements for all accounts since January 1, 2016,
21 whether held in your name individually, in the name of a business, trust, or other
22 entity, which you charged against or paid toward.

...

1 **RESPONSE TO REQUEST NO. 27:**

2 See the documents appended at Tab 27, including Thomas A. Pickens'
3 personal American Express statements (#72004) from 12/15/10 to 11/14/17, bates
4 label nos. TP002141 – TP003033; and Thomas A. Pickens' personal Blue Sky
5 from American Express statements (#61000, changed to #63006 with 10/8/13
6 statement) from 12/8/10 to 11/7/17, bates label nos. TP003034 – TP003787.
7 Plaintiff is obtaining updated credit account statements and will timely supplement
8 his response.

9 DATED this 2/ day of December 2018.

10 PECOS LAW GROUP

11 

12 **Paul A. Lemcke, Esq.**

13 Nevada Bar No. 003466

14 PECOS LAW GROUP

15 8925 South Pecos Road, Suite 14A

16 Henderson, Nevada 89074

17 (702) 388-1851

18 Attorney for Plaintiff

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I hereby certify that the foregoing "PLAINTIFF'S"
3 RESPONSES TO DEFENDANT'S FIRST REQUEST FOR PRODUCTION OF
4 DOCUMENTS AND TANGIBLE THINGS FROM PLAINTIFF" in the above-
5 captioned case was served this date as follows:

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

17 To attorney(s) /person(s) listed below at the address:

18 **Jennifer V. Abrams, Esq.**
19 ABRAMS & MAYO
20 6252 S. Rainbow Blvd., #100
21 Las Vegas, Nevada 89118

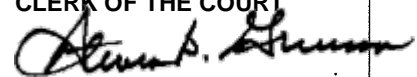
22 JVAGroup@TheAbramsLawFirm.com

DATED this 21st day of December 2018.



Allan Brown

An employee of PECOS LAW GROUP



OPPS

BLACK & LOBELLO
Michele Touby LoBello, Esq.
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10777 West Twain Avenue, Suite 300
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Email: mlobello@blacklobello.law
Attorneys for Plaintiff,
THOMAS A. PICKENS

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

THOMAS A. PICKENS,

Plaintiff

CASE NO.: D-17-560737-D
DEPT. S

vs.

Date of Hearing: May 22, 2019
Time of Hearing: 1:30 p.m.

DANKA K. MICHAELS,

Defendant;

and related Counterclaims.

**PLAINTIFF'S RESPONSE AND OPPOSITION TO DEFENDANT'S
MOTION TO COMPEL DISCOVERY RESPONSES¹**

Plaintiff, Thomas A. Pickens ("Tom"), by and through his counsel of record, Michele Touby LoBello and Black & LoBello, hereby files his Response and Opposition to Defendant's Motion to Compel Discovery Responses. While Tom does not dispute that he should be required to provide some of the additional information sought by Defendant, Danka K. Michaels ("Danka"), the case

¹ Counsel for Defendant, Jennifer Abrams, agreed to an extension of time for time to file this Response and Opposition, and accordingly, the same is timely filed.

1 background provided herein demonstrates that he is not attempting to withhold
2 information but rather, he understood that the case was about to settle and that
3 additional discovery was not necessary.

4 This Opposition is made and based upon the accompanying Points and
5 Authorities, the accompanying Affidavit of Counsel for Plaintiff, the accompanying
6 Appendix of Exhibits, the papers and pleadings on file herein, and any oral argument
7 presented at the hearing of this matter.

8 RESPECTFULLY SUBMITTED this 13th day of May, 2019.

9 BLACK & LOBELLO

10 

11 Michele Touby LoBello, Esq.

12 Nevada State Bar No. 5527

13 10777 West Twain Avenue, Suite 300

14 Las Vegas, Nevada 89135

15 Attorneys for Plaintiff,

16 THOMAS A. PICKENS

17 **MEMORANDUM OF POINTS AND AUTHORITIES**

18 **I. INTRODUCTION**

19 This action was filed by Plaintiff Thomas A. Pickens as an action for divorce,
20 and to set aside Deeds of real property and an assignment of LLC interest. After the
21 denial of a motion to dismiss Plaintiff's action, Plaintiff filed a First Amended
22 Complaint on March 22, 2018, which added a claim for equitable relieve under the
23 putative spouse doctrine. Plaintiff's First Amended Complaint was file as a matter
24 of right.

25 On September 7, 2018, Plaintiff filed a MOTION FOR LEAVE TO FILE
26 SECOND AMENDED COMPLAINT to assert an additional claim for equitable
27 relief pursuant to an express and/or implied agreement between the party litigants to
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1 acquire and hold property as if they were married. A Hearing was scheduled for
2 October 16, 2018; however, a Stipulation and Order Granting Leave to File Second
3 Amended Complaint, and Vacating Motion Hearing, was entered on October 8,
4 2018.

5 On January 9, 2019, Tom served Danka with his First Request for Production
6 of Documents from Defendant (see **Exhibit "1"** to the accompanying Appendix of
7 Exhibits). Interestingly, Danka never provided formal written responses, and she
8 has produced very little information responsive to these Requests. Undersigned
9 counsel never pursued compelling responses as up until recently, she thought this
10 matter would be settled, as set forth in more detail below.

11 In the meantime, Tom does not dispute that Danka served her discovery
12 requests, and as Danka admits, Tom provided lengthy, voluminous responses
13 through his former counsel. It is unknown why such responses were not timely. In
14 the meantime, following the ECDR 5.602 efforts outlined by Danka's counsel in her
15 Motion, Danka took the deposition of Tom on March 7, 2019. Tom was not
16 represented by counsel.

17 During the deposition, the parties had lengthy settlement discussions and a
18 settlement offer was presented to Tom by Danka through her counsel. Tom indicated
19 he needed to take some time to think about the proposal and consult new counsel.
20 He had one major fear that was precluding him from accepting Danka's offer.
21 Specifically, at the outset of this matter, Tom understood that certain asset transfers
22 he had made to Danka in 2016 would subject him to approximately \$2.4 Million or
23 more (up to \$3 Million) in gift taxes.

24 Tom consulted counsel the following day and determined he would retain new
25 counsel. He did so the following week, and he started with the goal of having his
26 new counsel get up to speed and review the file, the evidence and the law, to
27 determine whether Danka's settlement proposal was acceptable. Due to the volume
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1 of the file, and the numerous counterclaims filed by Danka, this initial review and
2 evaluation of the case took several weeks.

3 On March 31, 2019, following initial, but not complete, review and evaluation
4 of the matter, undersigned counsel had a telephone conference with opposing
5 counsel regarding an overview of the case and settlement possibilities. Notably, this
6 extensive telephonic discussion of the case occurred after the date of the written
7 5.602 request for Tom to supplement his discovery which was sent again to Ms.
8 LoBello on March 29, 2019. During the March 31, 2019 call, it was reiterated to
9 undersigned counsel that the original settlement offer proposed to Tom by Danka
10 during his March 7, 2019 deposition was still open. Opposing counsel encouraged
11 undersigned counsel to work toward settlement.

12 During the March 31, 2019 call, *the outstanding discovery was not even*
13 *discussed*. Rather, the party's counsel agreed they would have a joint telephone
14 conference with the parties' former accountant, Robert Semonian, to discuss the
15 issue of the gift tax impact on the financial settlement in hopes of hammering that
16 out. Again, the parties were pursuing settlement, not discovery, at that point.

17 Prior to the telephone conference with Mr. Semonian, Danka filed her Motion
18 to Compel on April 22, 2019. The joint telephone conference with Mr. Semonian
19 occurred on April 25, 2019. During this call, there was a new, positive development.
20 Mr. Semonian advised that due to changes in the tax laws, the tax ramifications of
21 the transactions at issue would not be nearly as excessive and punitive as originally
22 believed. Mr. Semonian represented that they would be very minimal tax
23 consequence to Tom, likely \$15,000 or less, rather than the \$2.4 Million he had
24 originally discussed with Tom. Obviously, at the conclusion of this telephone call,
25 there could be no dispute that the parties were focused on settlement, rather than
26 discovery and litigation.

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1 Undersigned counsel advised opposing counsel that following this positive
2 telephone call with the parties' former accountant, she would meet with Tom as soon
3 as possible and provide a counteroffer in hopes of finally resolving the case. A
4 settlement looked very likely at that point, as Danka and her attorney were both
5 aware that the primary basis for the filing of the action was related to the significant
6 gift tax consequence both parties originally anticipated would result from transfers
7 of property interests from Tom to Danka.

8 Following the April 25th call, undersigned counsel had an in person, lengthy
9 meeting with her client to review the overview of the case and to discuss the original
10 settlement proposal tendered to Tom by Danka during his deposition in March. This
11 meeting occurred on April 30, 2019. That same day, undersigned counsel relayed
12 to Danka's counsel the good news that the parties likely had a settlement.
13 Specifically, counsel indicated that all terms proposed by Danka would be
14 acceptable assuming an independent accountant verified the information provided
15 by the former accountant.

16 Undersigned counsel followed up with opposing counsel the following day,
17 via email, on May 1, 2019, in light of the pending Motion to Compel. Undersigned
18 counsel specifically stated: "I wanted to check in as the Opposition to the Motion
19 to Compel is due tomorrow. May we extend that one week to give time to finish our
20 settlement?" Danka's attorney agreed.

21 Unfortunately, a week passed, and undersigned counsel followed up with
22 opposing counsel regarding the status of the settlement. Ms. Abrams and Ms.
23 LoBello had a discussion regarding settlement negotiations on May 8, 2019. During
24 that call, undersigned counsel learned that *there would be no settlement*, at least not
25 at that point. The specifics cannot be discussed. Accordingly, Ms. Abrams agreed
26 to allow Tom and his counsel until Monday, May 13, 2019, to file this Response and
27 Opposition, and to supplement discovery, based upon the fact that during the
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