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IN THE SUPREME COURT OF THE STATE OF NEVADA

OLENA KARPENKO,
Petitioner,
vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF
NEVADA, IN AND FOR TH
COUNTY OF CLARK, AND THE
HONORABLE DAWN THRONE,
DISTRICT COURT JUDGE,
Respondents, and

ENRIQUE SCHAERER; and DOES I
through X,

Real Party in Interest.

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Case No. 83997

District Court Case No:
D-21-628088-D

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NRAP 26.1 DISCLOSURE

The undersigned counsel of record certifies that the following are persons and entities as described in NRAP 26.1(a), and must be disclosed. These representations are made in order that the justices of this court may evaluate possible disqualification or recusal.

1. All parent corporations and publicly-held companies owning 10 percent or more of the party's stock: None.

2. Names of all law firms whose attorneys have appeared for the party or amicus in this case (including proceedings in the district court or before an administrative agency) or are expected to appear in this court:

Kainen Law Group, PLLC
Pecos Law Group

3. If litigant is using a pseudonym, the litigant's true name: None.

Dated this 17 day of March, 2022

By: 

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1	<u>TABLE OF CONTENTS</u>	
2	TABLE OF AUTHORITIES	iv - v
3		
4	STATEMENT OF THE CASE	1-2
5		
6	STATEMENT OF THE FACTS	2-7
7		
8	STATEMENT OF THE ISSUES	7
9		
10	SUMMARY OF THE ARGUMENT	7-10
11		
12	ARGUMENT	10-21
13	I. The Orders Related to the DNA Testing	
14	Protocol and Time-line Are Proper	10-14
15		
16	II. The Presumption of Paternity Should Not	
17	Be Applied	15- 17
18		
19	III. The Court Properly Denied the Observation	
20	of the Ukraine Consulate	17- 19
21		
22	IV. The Case Should Not Be Assigned to a	
23	Different Deparatment	20- 21
24		
25	CONCLUSION	21
26		
	CERTIFICATE OF COMPLIANCE	vii-viii
	CERTIFICATE OF SERVICE	ix

TABLE OF AUTHORITIES

Cases

1. *Cameron v. State*,

114 Nev. 1281, 968 P.2d 1169 (1998) 20-21

2. *City of Henderson v. 8th Judicial Dist. Ct.*,

137 Nev. Ad. Op. 26, 489 P.3d 908 (2021). 8

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330 F.3d 1041 (8th Cir. 2003) 19

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559 F.2d 1151 (9th Cir. 1977) 19

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123 Nev. 145, 161 P.3d 239 (2007). 11

6. *Hermanson v. Hermanson*,

110 Nev. 1400, 887 P.2d 1241 (1994) 15; 18

7. *In re Matter of William J. Raggio Family Trust*,

136 Nev. 172, 460 p.3d 969 (2020) 7-8

8. *Love v. Love*

114 Nev. 572, 959 P.2d 523 (1998) 16; 18

1	9. <i>Luciano v. Diercks</i> ,	
2	97 Nev. 637, 637 P.2d 1219 (1981)	11-12
3		
4	10. <i>Risk v. Halvorsen</i> ,	
5	936 F.2d 393 (9th Cir. 1991)	19
6		
7	11. <i>Schubert v. 8th Judicial Dist. Ct.</i> ,	
8	128 Nev. 933, 381 P.3d 660 (Table) (2012)	20-21
9		
10	12. <i>Segovia v. 8th Judicial Dist. Ct.</i> ,	
11	133 Nev. 910, 407 P.3d 783 (2017).	10
12		
13	<u>Treaties</u>	
14	<i>Vienna Convention on Consular Relations and</i>	
15	<i>Optional Protocol on Disputes, Article 5</i>	
16	21 U.S.T. 77 (1970)	9; 17-19;21
17		
18	<u>Statutes</u>	
19	NRS 52.115	14
20		
21	NRS 125.080	6; 18
22		
23	NRS 125.110	6
24		
25	NRS 126.051(2)	16
26		
	NRS 126.111	13

1	NRS 126.121(1)	12-13
2		
3	NRS 126.121(2)	13
4	NRS 126.143	13; 16
5		
6	NRS 126.211	6; 18; 19; 21
7	<u>Rules</u>	
8		
9	EDCR 5.502	18
10		
11		
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STATEMENT OF THE CASE

The parties were married in Las Vegas, Nevada, in December 2020.

OK000002. Five months later, on May 28, 2021, Enrique filed his Complaint for Divorce. **OK000001.** At the time, Olena was pregnant, but had not given birth.

OK000002. Enrique's Complaint alleged that he was not the father of the minor child. **OK000002.** On August 5, 2021, Enrique filed a Motion to address the financial aspects of the divorce in accordance with the Premarital Agreement, and to have genetic testing done for the purposes of determining paternity.

OK000036. Olena opposed the same and requested that the genetic testing be done in Ukraine, where she had relocated while pregnant. **OK000065.** The district court issued an Order on September 23, 2021, finding that there were "potential vulnerabilities in accurate and credible DNA collection and paternity testing exist[ing] in Ukraine," and ordered that the specimen collection and testing for paternity be done in the United States. **OK000075 - 000083.** The Order also required Enrique to pay for Olena's travel. **OK000080 - 000081.** An Interlocutory Decree, resolving all financial issues between the parties (except for the potential for child support), was entered on September 30, 2021. **OK000098 - 000104.** On October 4, 2021, Olena filed a Motion to Reconsider,

1 to suspend discovery into her medical records and to have the DNA testing be
2 done in Ukraine. **OK000117 - 000124**. A second Motion, to set aside the
3 Interlocutory Decree, was filed October 7, 2021. **OK000136**. Olena also filed,
4 Ex Parte, a third Motion to have the Ukraine Consulate Observe the Hearing.
5 **OK000148**. Enrique opposed the two Motions to set aside. **OK000183**. Enrique
6 also opposed the Motion to have the Ukraine Consulate participate. **OK000171**.
7 The district court held a hearing on November 10, 2021, and denied the Motions
8 for participation of the Consulate and to set aside the Interlocutory Decree, and
9 deferred the Motion to reconsider where the DNA testing should be done.
10 **OK000282 - 000285**. Enrique filed a Motion for Summary Judgment on
11 Paternity on November 24, 2021. **OK000260**. The hearing on the Motion for
12 Summary Judgment and the reconsideration of the location of the DNA testing
13 was held on February 22, 2022.

20 **STATEMENT OF FACTS**

21 Enrique and Olena were married in December 2020, approximately
22 one month after Olena told Enrique she was pregnant. **OK0000040**. Outside of
23 that one fact, however, Olena's factual representations are inaccurate. In
24 February, 2021, Enrique bought a new house in which to live with Olena and the
25
26

1 coming baby, to fit Olena's specifications. **ES0105; ES0131-0134.** The parties
2 clearly still loved with each other. **ES0086-0158.** Enrique tried to be helpful in
3 Olena's green card process; however, when he was given the affidavit of support,
4 stating that he would ensure that Olena was supported indefinitely, he stated he
5 was uncomfortable signing such an open-ended contract. **ES0107; 0094-0103.**
6
7 Olena was aware, and, Enrique, Olena, and her immigration division manager
8 discussed other options for Olena to seek her green card on her merit, rather than
9 their marriage. **ES0107; 0094-0103.**
10
11

12
13 With respect to the Premarital Agreement, Olena cannot claim duress in
14 this *Writ*. She did not challenge the validity of the Prenuptial Agreement in the
15 district court, in fact she *affirmatively* agreed the same was valid and stipulated
16 to a financial division based on the same. **OK0000016; 0000026.** Olena was
17 represented by her own independent counsel throughout the entirety of the
18 litigation, and when she executed the Premarital Agreement.
19
20
21

22 Olena left for Ukraine on good terms with Enrique. They spoke regularly
23 after, and he was clearly supportive of her and the baby the entire time. **ES0114-**
24 **0124; 0142-0156.** When it became apparent that Olena was not returning, and
25 Enrique believed she was not working on trying to come back to their marriage,
26

1 and that she had lied to him about the paternity of the minor child, he finally gave
2 up and filed his Complaint for Divorce.
3

4 It should be noted, Enrique is *not* listed as the father on either the minor
5 child's birth certificate, or even on the medical forms Olena filled out in Nevada
6 while still married to him, and living in the United States.¹ **ES0090-0092; 0109.**

7 Without getting into all of the details of the pleadings and facts, which are not
8 necessary to the argument itself, Enrique would note that Olena has
9 misrepresented the allegations, particularly as to what he argued and alleged
10 regarding her relocating to Ukraine and her green card application. Notably,
11 Enrique never said that Olena left in secret, merely that she made her plan to
12 leave *and* flight arrangements without his knowledge (including buying the
13 tickets themselves). **OK0000040; 000187.**

14 Enrique made arguments and provided offers of proof to support his
15 positions as to the need for DNA testing to be completed in the United States.
16

17 **OK0000044- 0000046.** The district court reviewed the same, as well as the
18

19
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25 ¹
26 Another man is listed on the birth certificate. Further, while Enrique is listed
as the "emergency contact" on the forms in Nevada, Olena did not list him or
anyone else as the father on those forms.

1 counter arguments by Olena, and made its ruling. **OK0000077; 0000079-**
2 **0000081.** The same is true with respect to his request for the HIPAA release, on
3
4 which the district court also ruled. **OK0000081-0000082.** Enrique wanted to
5 know if Olena had ever disclosed to her doctors that someone else was the father,
6
7 *or alternatively - if she had actually even listed him as the father.* **OK000203.**
8 Given that Enrique did receive documents in discovery that show she did not list
9 him as the father and listed someone else as the father, the district court's finding
10 that the information was relevant is understandable, as was Enrique's request for
11
12 the same.
13

14 Olena, upon retaining Marshal Willick to replace her prior counsel, filed
15
16 to have the Order on DNA testing and the HIPAA release reconsidered.
17 **OK000117.** The Motion set forth Olena's proposal for testing, based on protocols
18
19 represented by Mr. Willick as being "standard." **OK000120-000121.** Enrique
20 pointed out in his Opposition that Olena's Motion was simply rehashing the
21
22 arguments that her prior counsel had previously made. **OK000189-000190;**
23 **000195.** Enrique also reiterated his concerns as to the reliability of DNA
24
25 sampling and testing in Ukraine. **OK000192-000194.** Enrique also provided
26

1 offers of proof as to how Olena could legally travel to the U.S. for testing.

2 **OK000198-000199.**

3
4 Olena also requested that the district court allow the Ukraine Cosulate to
5 observe the upcoming hearing. **OK000148.** Enrique relied on NRS 126.211 in
6
7 objecting to Olena's request for the Consul to attend the hearing. **OK000172.** In
8
9 her reply, Olena ignores NRS 126.211 entirely, addressing NRS 125.110 and
10 125.080, as well as the *Vienna Convention on Consular Relations and Optional*
11 *Protocol on Disputes* ("Vienna Convention") to justify the request for the
12
13 appearance by the Consul. **OK000223 - 000226.**

14
15 A hearing was held on November 10, 2021, at which time the district court
16 denied the request for the Ukraine Consulate to be present for the hearing and
17
18 deferred the Motion to reconsider the testing, for the parties to be able to provide
19 "persuasive testing and collection protocol in a neutral third-party country."
20
21 **OK000284.** The Order also affirmed the prior Order regarding the HIPAA
22 release. **OK000284.**

23
24 On November 24, 2021, Enrique filed a Motion for Summary Judgment.
25
26 **OK000260.** The basis for the same was Olena's failure to respond to the Request

1 for Admissions, which included a request to admit that Enrique was not the father
2 of the minor child. **OK000260; 000263.**

3
4 The deferred hearing on the DNA testing, and the hearing on the Motion
5 for Summary Judgment were consolidated and heard on February 22, 2022.
6
7 However, before they were, this *Petition* was filed.

8 9 **STATEMENT OF ISSUES**

10 1. The district court did not err in its Orders related to the DNA testing
11 protocol and no extraordinary *Writ* relief is necessary due to either the Orders or
12 the time-line.

13
14 2. The district court did not err in refusing to apply the presumption of
15 paternity.

16
17 3. The district court did not err in denying Olena's request for the
18 Ukraine Consulate to appear and observe.

19
20 4. There has been no judicial bias and there is no basis to reassign this
21 case to a different department.

22 23 **SUMMARY OF THE ARGUMENT**

24
25 Enrique does not deny that a *Writ* is the proper vehicle for addressing these
26 issues. "Writ relief is an extraordinary remedy that is only available if a petitioner

1 does not have a plain, speedy and adequate remedy in the ordinary course of law.
2
3 The issuance of a writ of mandamus or prohibition is purely discretionary with
4 this court." *In re Matter of William J. Raggio Family Trust*, 136 Nev. 172, 175,
5 460 P.3d 969, 972 (2020), internal citations omitted. Enrique agrees that the
6
7 decisions in this case, as to how to complete the DNA testing and whether to
8
9 allow the Consul to attend hearings would be made moot prior by the entry of a
10 Final Order, and any potential resulting harm would have already occurred by
11 that point. That said, Enrique believes that the district court's Orders were within
12
13 its discretion.

14 "In the context of writ petitions, this court reviews district court orders for
15
16 an arbitrary or capricious abuse of discretion. However we review questions of
17
18 law de novo, even in the context of writ petitions." *City of Henderson v. 8th*
19 *Judicial Dist. Ct.*, 137 Nev. Ad. Op. 26, 489 P.3d 908, 910 (2021), internal
20
21 citations omitted.

22 Although reliable DNA sampling and testing should be done immediately,
23
24 that argument is not proper as a basis for this *Writ*. The district court has already
25 Ordered that the testing is to be done as soon as possible. Very unfortunately, it
26 appears that Olena cannot get the testing done in the Ukraine at present, in light

1 of the ongoing Russian invasion. In fact, at this point, it appears the only way for
2 the testing to be done immediately would be for Olena to leave the Ukraine.
3

4 Further, the claimed standard of practice "recommended" in the abstract
5 by a third-party organization is not binding on the district court. Nor is the
6 district court required to allow the DNA testing to be done in Ukraine. The
7 district court made the necessary findings of fact to make its Orders that the
8 district court made the necessary findings of fact to make its Orders that the
9 testing is to be done in the United States, and there is no reason for this Court to
10 interfere with that Order. Where the testing is done is at the discretion of the
11 district court, the court did not abuse its discretion in Ordering the same to take
12 place in the United States.
13
14
15

16 There is no basis for *Writ* relief as to the presumption of paternity as there
17 is an adequate and speedy remedy at law, to wit: the ability to file an appeal upon
18 conclusion of the case. *Writ* relieve is unnecessary.
19

20 Finally, there is no requirement that the Ukraine Consulate be involved.
21 Paternity cases are sensitive cases and sealed. Third party involvement is not
22 typical and it is not required by U.S. law. Article 5 of the Vienna Convention
23 does not *require* the district court to allow the Consul to participate and the
24 district court did not abuse its discretion in denying that request.
25
26

1 Nothing in the decisions of the district court evinces a bias against Ukraine
2 or Ukrainians. Frankly, nothing in the litigation supports Olena's narrative about
3 Enrique and his allegations either. The reality is that Olena simply does not like
4 the outcome in the district court and has new counsel who are willing and able
5 to try a new and different tactic to get her the result she wants.
6
7

8 ARGUMENT

9 10 I. The Orders Related to the DNA Testing Protocol and Time-line Are 11 Proper

12
13 Neither the district court, nor Enrique, object to reliable DNA testing being
14 done as quickly as possible. In fact, Enrique would prefer the testing be done
15 sooner rather than later. *However*, the purpose of a *Writ*, is to "compel the
16 performance of an act that the law requires as a duty resulting from an office,
17 trust or station, or to control an arbitrary or capricious exercise of discretion."
18
19 *Segovia v. 8th Judicial Dist. Ct.*, 133 Nev. 910, 912, 407 P.3d 783, 785 (2017).
20
21 Alternatively, "a writ of prohibition is appropriate when a district court acts
22 without or in excess of its jurisdiction." *Id.*, at 911-912.
23

24 ...

25 ...

1 The district court has not *prevented*, or in fact made any orders to delay,
2 the DNA testing. The "delay" which exists has resulted from ancillary concerns -
3 to wit: Olena's apparent unwillingness or purported inability to enter the United
4 States. Incidentally, in response to those concerns, the district court actually
5 ordered the parties to attempt to find a solution that could include a neutral third-
6 party country, which may have allowed for easier travel for Olena. **OK000283-**
7 **000284.** There is no basis for *Writ* relief on this issue. Any and all delays in DNA
8 testing are the result of Olena's or her counsel's actions, not the district court's
9 decisions or discretion.

14 Olena has alleged that she cannot legally enter the United States at this
15 time. She provided an email which she claimed supported her allegation. In
16 response, Enrique provided evidence of a viable alternative path for her to enter
17 the United States. The appellate courts, "leave witness credibility determinations
18 to the district court," including the resolution of conflicting evidence. *Ellis v.*
19 *Carucci*, 123 Nev. 145, 152, 161 P.3d 239, 244 (2007). Therefore, whether Olena
20 had a reasonable path to returning expeditiously to the United States for testing
21 was a determination for the trial court to make. While the district court did not
22 make a specific finding on that fact, given that the topic was clearly discussed
23
24
25
26

1 and argued before the district court, the court's finding and Order that testing
2 should occur in the United States, reasonably implies that the district court
3
4 determined Olena had a path to return to the U.S. for the DNA testing. *See*
5 *Luciano v. Diercks*, 97 Nev. 637, 639-640, 637 P.2d 1219, 1220 (1981). Given
6
7 the conflicting evidence, there is no basis for this Court to find that the district
8
9 court's Order is impossible to achieve.

10 Further, NRS 126.121(1) requires the district court to Order DNA testing
11
12 whenever requested by a party in a Paternity action. *However*, the statute leaves
13 to the discretion of the district court the "restrictions and directions" which the
14
15 district court "deems proper" for the testing itself. The district court heard
16
17 argument and offers of proof as to how to perform the testing and issued its
18
19 ruling. Doing so was well within its discretion, and given that conflicting
20
21 evidence was offered, this Court should not overrule that decision.

22 While the district court had the discretion to evaluate the proposal set forth
23
24 by Olena as being a claimed "standard of practice," for international family law
25
26 cases, the district court is not required to adopt that standard especially when the
same is in dispute as being reasonable under the circumstances. The district court
had the opportunity to consider the option and specifically chose not to adopt it.

1 Absent an Order from this Court that the standard should be adopted across the
2 state, the district court is not bound by any recommendation. In addition, given
3 the discretion given to the district court by the legislature in NRS 126.121(1), any
4 adoption of such a standard as a rule would improperly infringe upon that
5 discretion.
6
7

8 It should be noted, that Enrique never threatened to withhold support, but
9 paying the same is predicated on *being* the father. In fact, NRS 126.143 only
10 requires setting support *after* a trial on paternity is set. The district court has not
11 set a trial; but it has indicated that it may set that trial (and simply proceed
12 without the DNA evidence) in the near future. That said, the statutes also
13 encourage the district court to resolve the matter *without* a formal trial. NRS
14 126.111. The parties have testified via their affidavits, and provided offers of
15 proof. The district court is permitted to proceed without a DNA test (NRS
16 126.121(2)), and make findings based on the facts before it. In light of the same,
17 it would be inequitable to require Enrique to pay child support at this time.
18
19 Further, the payment of support is not properly the subject of a *Writ*. Such an
20 order is appealable, and Olena would be able to recover (should the district court
21 decide it is appropriate), support for the months she did not receive the same. The
22
23
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1 arguments Olena makes about child support are nothing more than an attempt to
2 color the court's perception of Enrique. But the fact is, there is a genuine question
3 about whether Enrique is the father (and it reasonably appears he is not), and
4 therefore child support is premature, if it even proves to be appropriate at all.
5

6
7 With respect to the district court's opinion as to the validity of the birth
8 certificate, NRS 52.115 governs the same. At the time the district court's Order
9 with respect to maternity testing was entered, the birth certificate had not been
10 provided to the district court. **OK000077; OK000165**. Under NRS 52.115, the
11 birth certificate provided to the district court by Olena was not attested to
12 pursuant to the statute. Therefore, the district court was under no obligation to
13 find the same accurate. There is no "offence to common decency;" Olena's claim
14 is simply an attempt to emotionally manipulate the Court into disregarding the
15 law.
16

17
18 Equally importantly, at this point, Olena will have to leave Ukraine for
19 DNA testing, or the same will be unavoidably delayed by the Russian invasion.
20
21 Therefore, this point is entirely moot.
22

23 ...
24

25 ...
26

1 **II. The Presumption of Paternity Should Not Be Applied**

2 There is nothing in the record to support the fact that the district court is
3
4 not applying the presumption of paternity because Olena is a foreigner. Further
5
6 the presumption effects the burden of proof, it is not a conclusion. In fact, the
7
8 case of *Hermanson v. Hermanson*, 110 Nev. 1400, 887 P.2d 1241 (1994), is
9
10 directly on point.

11 In *Hermanson*, the parties married when the mother was six months
12
13 pregnant. She contended that the putative father was *not* the biological father, and
14
15 he contended that he was. The district court ordered blood tests, which provided
16
17 proof that the putative father was not the father. Thereafter, the district court
18
19 applied equitable adoption principles to find the putative father was the legal
20
21 father. The Supreme Court reversed, finding that the application of equitable
22
23 adoption was not proper, and that the marital presumption "is a *rebuttable*
24
25 presumption" and therefore reversed the finding that the putative father was the
26
27 legal father. *Id.* It is worth noting that these claims arose during a divorce action,
28
29 and the Supreme Court found that NRS 126 applied.

30 ...

1 Here, the parties married *after* Olena was already pregnant. Enrique
2 contends he is not the father, and the district court noted that Olena's denial of his
3 claim was "qualified," "not absolute." Although there is a rebuttable presumption,
4 the DNA tests have not been provided to date. *However*, evidence does exist that
5 Enrique is not the father. **ES0090-0092; 0109**. Therefore, the case continues to
6 proceed under NRS 126, and pursuant to NRS 126.143, temporary support may
7 not be ordered until a trial is set. This is not a procedural gimmick, unless, of
8 course, the gimmick was created by the legislature, which hardly seems like a
9 justifiable argument.

14 Reliable and credible evidence exists that Enrique is not the father, other
15 than the DNA evidence. However, the district court is encouraged to resolve
16 paternity actions in informal hearings, and NRS 126.051(2) sets forth that DNA
17 testing is conclusive evidence, and therefore could rebut the presumption.² The
18 district court has acted reasonably and within its discretion by attempting to have
19 the DNA testing completed. *If* the testing is not completed, and the district court

24 ²

25 Enrique acknowledges this Court has stated that DNA testing does not require
26 the district court to find the presumption rebutted, but it is sufficient evidence
to do so, should the district court choose. *Love v. Love*, 114 Nev. 572, 577-
578, 959 P.2d 523, 527 (1998).

1 finds a trial is necessary, *then* the legislature has directed that temporary child
2 support issue. Not before. There has been no gimmick, no delay, and no bias
3 against Olena as a "foreign national." The law is being applied to her as it is
4 applied to everyone.
5

6
7 Further, the district court had amended its Order, *prior to the filing of the*
8 *Writ*, to set a status check and allow the parties to provide evidence of a testing
9 and collection protocol in a neutral third party country. **OK000284**. Therefore,
10 it is abundantly clear that *no one* is trying to prevent the completion of the
11 paternity testing. The district court, relying on the arguments, affidavits and
12 offers of proof expressed valid concerns about the testing protocols
13 (OK0000077; 000283), and when the testing did not occur as Ordered, even
14 attempted to facilitate a different means of testing so that the same could occur
15 expeditiously.
16
17
18
19

20 **III. The Court Properly Denied the Observation of the Ukraine Consulate**

21
22 Olena's belief that Article 5 of the *Vienna Convention on Consular*
23 *Relations and Optional Protocol on Disputes*, 21 U.S.T. 77 (1970) ("Vienna
24 Convention") requires the district court to allow the Ukraine Consulate to appear
25 and observe is wrong.
26

1 First, Olena's reliance on NRS 125.080 and EDCR 5.502 are misplaced.
2 The appropriate statute is NRS 126.211, which states:
3

4 Any hearing or trial held under this chapter ***must*** be
5 held in closed court *without the admittance of any*
6 *person other than those necessary to the action or*
7 *proceeding...*

8 Emphasis added.

9 The case is a paternity case, even if set forth in the context of a divorce.
10

11 *See Hermanson, supra;*

12 , *supra*. The applicable statute is NRS 126.211. Therefore, only if the Vienna
13 Convention supercedes the statute is the presence of the Consul appropriate.
14

15 Olena relies on subsection (h) of Article 5 of the Vienna convention for her
16 argument. Enrique acknowledges that other subsections also apply to the
17 Consulate's assistance in legal matters. ***However***, as with subsection (h), those
18 provisions all specifically set forth that the Consular functions are limited by the
19 "laws and regulations of the receiving state." *Vienna Convention*, Article 5,
20 subsection (h).
21
22
23
24

25 ...

26 ...

1 Federal law does not grant a *carte blanche* under the Vienna convention.
2 Consuls attempting to appear and assist foreign nationals under Article 5 have
3 been denied because they lacked standing under the FRCP. *DuPree v. U.S.*, 559
4 F.2d 1151 (9th Cir. 1977). They have been denied the ability to file a wrongful
5 death action where the same was not in accordance with state law, despite the
6 convention's authority to allow them to safeguard the interests of foreign
7 nationals (subsection (g)) and arranging representation (subsection (i)). *Consul*
8 *General of Repub. of Indonesia v. Bill's Rentals, Inc.*, 330 F.3d 1041 (8th Cir.
9 2003). *See also, Risk v. Halvorsen*, 936 F.2d 393 (9th Cir. 1991), distinguishing
10 between consular functions which are subject to the laws and regulations of the
11 receiving state and those which are not. Article 5 subsection (h), like subsections
12 (g) and (i), are subject to the laws of the receiving state, in this case Nevada.
13 Therefore, NRS 126.211 is wholly applicable. The Ukraine Consulate is not
14 entitled to appearance, unless they are "necessary to the action or proceeding."
15 In light of the letter of the Consul, that they would only attend to "observe," the
16 district court correctly applied the law in denying the request to have the Consul
17 appear. **OK000154; 000259.**

18 ...

1 **IV. The Case Should Not Be Assigned to a Different Department**

2 Nothing in the record shows that the district court has denigrated Ukraine.
3
4 *Offers of Proof* were made at the outset of the matter, which the district court
5 found credible, and which came from credible sources, that there were concerns
6
7 about potential corruption in Ukraine and other circumstances unique to the case,
8
9 which may lead to flaws in the testing. This is factual, not a bigoted denigration.
10
11 Further, Olena is being held to the exact same standard to which any American
12
13 citizen would be held. The district court has operated within its discretion, based
14
15 on the facts before it and the determinations of credibility.

16 The district court did not violate the Vienna Convention. No comments
17
18 were made as to the personal representations of Olena, or her status as a foreign
19
20 national. In fact, the district court even clarified that its sole concerns were
21
22 ensuring the reliability of testing. **OK000283**. The district court's actions, as
23
24 addressed herein, were perfectly reasonable given the circumstances. "Remarks
25
26 made by a judge in the context of a court proceeding are not considered
indicative of improper bias or prejudice unless they should that the judge has
closed his or her mind to the presentation of all evidence." *Schubert v. 8th
Judicial Dist. Ct.*, 128 Nev. 933, 381 P.3d 660 (Table)(2012), quoting *Cameron*

1 v. *State*, 114 Nev. 1281, 1283, 968 P.2d 1169, 1171 (1998). Making decisions
2 based on conflicting evidence is not "closing one's mind" to the evidence. Nor is
3
4 applying the law as the court understands it. There is no basis for disqualifying
5
6 the district court on remand.

7 **CONCLUSION**

8
9 Based on the foregoing, Enrique respectfully requests that this Court
10 decline to grant the relief requested by Olena in this matter, and specifically find
11 that the district court acted properly within its discretion in setting the parameters
12 of the DNA testing and in declining to set temporary child support, and properly
13 analyzed the Vienna Convention with respect to NRS 126.211.
14
15

16
17
18 By: 

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21 Attorney for Real Party in Interest
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CERTIFICATE OF COMPLIANCE

1
2 1. I hereby certify that this Answer complies with the formatting
3 requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5)
4 and the type style requirements of NRAP 32(a)(6) because this appellate brief has
5 been prepared in a proportionally spaced typeface using Word Perfect X5 in 14-
6 point Times New Roman style;
7

8 2. I further certify that this appellate brief complies with the page- or
9 type-volume limitations of NRAP 21(d) and NRAP 32(a)(7)(A) because,
10 excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is
11 proportionately spaced, has a typeface of 14 points or more, and contains 4247
12 words;
13

14 3. Finally, I hereby certify that I have read this appellate brief, and to the
15 best of my knowledge, information and belief, it is not frivolous or interposed for
16 any improper purpose. I further certify that this brief complies with all applicable
17 Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which
18 requires every assertion in the brief regarding matters in the record to be
19 supported by appropriate references to page and volume number, if any, of the
20 transcript or appendix where the matter relied upon is to be found. I understand
21

22
23 . . .

24
25 . . .

26 . . .

1 that I may be subject to sanctions in the event that the accompanying brief is not
2 in conformity with the requirements of the Nevada Rules of Appellate Procedure.

3 Dated this 17 day of March, 2022.

4
5
6 By:

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17th day of March, 2022, I caused to be served the ***Real Party in Interest's Answer*** to all interested parties as follows:

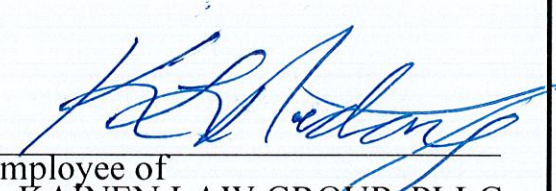
____ BY MAIL: Pursuant to NRCP 5(b), I caused a true copy thereof to be placed in the U.S. Mail, enclosed in a sealed envelope, postage fully prepaid thereon, addressed as follows:

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____ BY FACSIMILE: Pursuant to EDCR 7.26, I caused a true copy thereof to be transmitted, via facsimile, to the following number(s):

X BY ELECTRONIC MAIL: Pursuant to EDCR 7.26 and NEFCR Rule 9, I caused a true copy thereof to be served via electronic mail, via Wiznet, to the following e-mail address(es):

Marshal Willick


An Employee of
KAINEN LAW GROUP, PLLC