

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Dec 29 2021 02:36 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

William Shawn Wallace,

Appellant,

vs.

Ammie Ann Wallace,

Respondent.

Supreme Court Case No. **83591**

District Court Case No. **D-20-613567-Z**

JOINT APPENDIX

VOLUME II

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Docket 83591 Document 2021-37089

Chronological Index of Joint Appendix

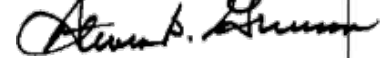
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<i>Affidavit of Resident Witness</i>	09/04/2020	I/JA0023 – JA0024
<i>Decree of Divorce</i>	09/10/2020	I/JA0027 – JA0062
<i>Notice of Entry of Decree</i>	09/11/2020	I/JA0025 – JA0062
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<i>General Financial Disclosure Form – Def.</i>	06/29/2021	I/JA0097 – JA0110
<i>Plaintiff's Opposition to Defendant's Motion to Modify Decree of Divorce and Countermotion for Attorney's Fees and Costs</i>	07/09/2021	I/JA0111 – JA0134
<i>General Financial Disclosure Form – Pltf.</i>	07/09/2021	I/JA0135 – JA0145
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<i>Notice of Hearing</i>	06/24/2021	I/JA0076

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<i>Reply to Plaintiff's Opposition to Motion to Modify Decree of Divorce and Opposition to Countermotion for Attorney's Fees and Costs</i>	07/27/2021	I/JA0146 – JA0157
<i>Transcript re: Motion Hearing August 12, 2021</i>	11/03/2021	II/JA0267 – JA0284



1 **OBJ**

2 JOHN T. KELLEHER, ESQ.
3 Nevada Bar No. 6012
4 KELLEHER & KELLEHER, LLC
5 40 South Stephanie Street, Suite 201
6 Henderson, Nevada 89012
7 Telephone (702) 384-7494
8 Facsimile (702) 384-7545
9 rngibbs@kelleherandkelleher.com
10 Attorneys for Defendant

7 **DISTRICT COURT**

8 **CLARK COUNTY, NEVADA**

9 AMMIE ANN WALLACE,

10 Plaintiff,

11 v.

12 WILLIAM SHAWN WALLACE,

13 Defendant.

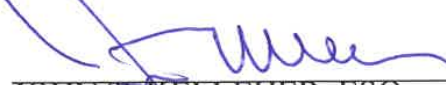
CASE NO. D-20-613567-Z
DEPT. NO. S

14 **DEFENDANT'S OBJECTION TO PLAINTIFF'S**
15 **MEMORANDUM OF FEES AND COSTS**

16 COMES NOW, Defendant William Shawn Wallace, by and through his attorney,
17 JOHN T. KELLEHER, ESQ., of the Law Offices of KELLEHER & KELLEHER, LLC.,
18 and hereby respectfully submits this Objection to Plaintiff's Memorandum of Fees and
19 Costs filed in this matter.

20 DATED this 14th day of September, 2021.

21 KELLEHER & KELLEHER, LLC

22
23 
24 JOHN T. KELLEHER, ESQ.
25 Nevada Bar No. 006012
26 40 S. Stephanie Street, Suite 201
27 Henderson, Nevada 89012
28 Attorney for Defendant William Wallace

LAW OFFICES
KELLEHER & KELLEHER LLC
40 S. STEPHANIE STREET, SUITE #201
HENDERSON, NEVADA 89012
(702) 384-7494
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I.

ISSUE

Counsel for Defendant Ammie Ann Wallace (“Ammie”) filed a Memorandum of Fees and Costs requesting attorney’s fees in the amount of \$10,300.00, a portion of which has been incurred and an additional \$3,200.00 expected to be incurred in this matter for the preparation of an Order and an additional \$400.00 for the preparation of her Memorandum of Fees and Costs. Defendant William Wallace (“William”) contends that Ammie should not be awarded the sum of \$10,300.00.

II.

HISTORY OF THE CASE

The parties were married on October 10, 2009 in Las Vegas. They have three (3) minor children of this marriage, namely William Shawn Wallace, Jr. (10), Miller Clyde Wallace (9), and Quinn Rose Wallace (6). The parties separated in August of 2017 and were divorced by a joint Decree of Divorce in September 2020.

Prior to the Decree of Divorce and for approximately six (6) months after, the parties did not follow anything close to the custodial schedule contained in the Decree of Divorce. William believed this constituted a change in circumstances and also de facto joint physical custody. While the Court disagreed with the case law presented by William’s counsel regarding a change of circumstances and de facto custody, Ammie admitted in her Opposition that the parties never followed the Decree of Divorce from August 2020 through March 2021 when she abruptly demanded a change in the custodial arrangement to the schedule in the decree. *See Plaintiff’s Opposition and Countermotion, p. 11, ll. 5-11.*

The main issue in the case was that William believed it was in the best interests of the minor children for the parties to continue following the custodial timeshare they had followed since prior to the September 2020 divorce and for six (6) months after. William filed his motion regarding custody on June 18, 2021; Ammie filed an

1 opposition and request for fees on July 9, 2021; and, the hearing was held on August 12,
2 2021. The Court denied William's motion and granted Ammie's request for fees.

3
4 **III.**

5 **LEGAL ARGUMENT**

6 Pursuant to *Miller v. Wilfong*, 121 Nev. 619, 119 P.3d 727 (2005), the Nevada
7 Supreme Court held that when deciding whether to award attorney fees in family law
8 cases, the following factors should be considered:

- 9 1. Counsel must cite a statute or rule as a legal basis for attorney's fees;
10 2. The Court must follow the four (4) factors set forth in *Brunzell v. Gold Gate*
11 *National Bank* 85 Nev. 345, 455 P.2d 31 (1969); i.e., (1) the qualities of the
12 advocate, his ability, his training, education, experience, professional standing
13 and skill; (2) the character of the work to be done: its difficulty, its intricacy, its
14 importance, time and skill required, the responsibility imposed and the
15 prominence and character of the parties where they affect the importance of the
16 litigation; (3) the work actually performed by the lawyer, the skill, time and
17 attention given to the work; (4) the result: whether the attorney was successful
18 and what benefits were derived;
19 3. The Court must consider the disparity in income of the parties pursuant to *Wright*
20 *v. Osburn*, 114 Nev. 1367, 970 P.2d 1071 (1998);
21 4. The request must be supported by affidavits or other evidence that meets the
22 factors in *Brunzell* and *Wright*.

23 **(1) *WHETHER THE COURT HAS A LEGAL BASIS TO AWARD***
ATTORNEY'S FEES

24 The Court found a basis for awarding attorney's fee as Ammie was the prevailing
25 party. However, the amount requested by Ammie should be reduced significantly as
26 discussed herein.

27 ///

1
2 **(2) BRUNZELL FACTORS**

3 **(i) The qualities of the advocate, his ability, his training, education,**
4 **experience, professional standing and skill.**

5 With respect to the qualities of the advocate, both parties were represented by
6 counsel in this action. While there is no question that Ms. Cooley is a highly
7 experienced family law professional, it is unreasonable that Ammie has incurred
8 attorney's fees and costs in an amount over \$10,000.00 for such a simple proceeding.
Accordingly, Ms. Cooley's fees should be reduced significantly.

9 **(ii) The character of the work to be done: its difficulty, its intricacy, its**
10 **importance, time and skill required, the responsibility imposed and the**
11 **prominence and character of the parties where they affect the importance of**
12 **the litigation**

13 With respect to factor number two (2) in the *Brunzell* factors, the work performed
14 by Ammie's counsel does not comport with her request for over \$10,000.00. This case
15 lasted for less than two (2) months, from the date of the filing through the only hearing
16 held. It involved only one court hearing, which was brief. Ammie's counsel prepared
17 one opposition. In addition, her request for the Court to award her the sum of \$3,200.00
18 for drafting the simple order from the brief hearing is particularly surprising and is
illustrative of the excessive fees based on the simplicity of the matter.

19 **(iii) The work actually performed by the lawyer, the skill, time and attention**
20 **given to the work**

21 As stated, this was a simple matter that was disposed of quickly by the Court.
22 While Ammie has presented documentation for some of the actual work performed by
23 her counsel, the documentation is not complete and requests the sum of \$3,600.00 for
work that is not accounted for on the bill presented.

24 **(iv) The result: whether the attorney was successful and what benefits were**
25 **derived**

26 Ammie was successful in this simple proceeding.

27 ///

28 ///

1
2 **(3) DISPARITY IN INCOME**

3 The Court must consider the disparity in income of the parties pursuant to *Wright*
4 *v. Osburn*, 114 Nev. 1367, 970 P.2d 1071 (1998). Pursuant to the parties' Financial
5 Disclosure Forms recently filed, Ammie earns more than \$4,000.00 per month in excess
6 of William's monthly income. In addition, she stated she has an additional monthly
7 business income in the amount of \$1,436.82. These amounts provided by Ammie put
8 her monthly income at over \$15,000.00 which is over \$5,000.00 per month more than
9 William's income. Ammie listed monthly personal expenses in the amount of \$4,382.74
10 so she has a significant amount of excess income each month. Ammie's stated income
11 does not include the child support payments. *See Plaintiff's Financial Disclosure Form,*
12 *filed July 9, 2021.*

13 Based on the large disparity in incomes between the parties, William requests
14 Ammie's attorney fees award be significantly reduced.

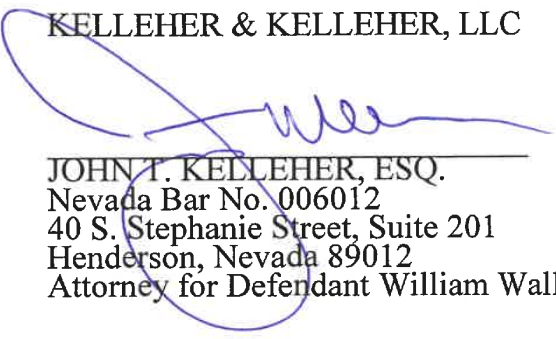
15 **IV.**

16 **CONCLUSION**

17 Based on the above analysis, Defendant William Wallace respectfully requests
18 that Plaintiff's request for an award of attorney fees be significantly reduced.

19 DATED this 14th day of September, 2021.

20 KELLEHER & KELLEHER, LLC

21
22 
23 JOHN T. KELLEHER, ESQ.
24 Nevada Bar No. 006012
25 40 S. Stephanie Street, Suite 201
26 Henderson, Nevada 89012
27 Attorney for Defendant William Wallace
28

AFFIDAVIT OF ATTORNEY JOHN T. KELLEHER, ESQ.

STATE OF NEVADA }
COUNTY OF CLARK }ss:

JOHN T. KELLEHER, ESQ., being duly sworn, states: that Affiant is an attorney at the law firm of Kelleher & Kelleher, LLC, the attorney for the Defendant William Wallace and has personal knowledge of the items contained in the above memorandum and they are true and correct to the best of this Affiant's knowledge and belief.

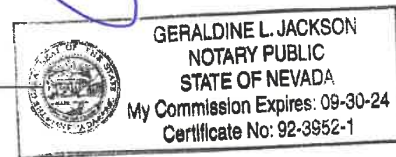


JOHN T. KELLEHER, ESQ.
Attorney for Defendant

SUBSCRIBED AND SWORN to before me
on this 14th day of September, 2021.



NOTARY PUBLIC
In and for said County and State

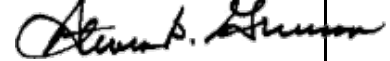


CERTIFICATE OF SERVICE

I hereby certify that on the 14 day of September, 2021, a true and correct copy of the foregoing OBJECTION TO PLAINTIFF'S MEMORANDUM OF FEES AND COSTS was served electronically via E-Service Master List of Odyssey and addressed as follows:

Shelly Booth Cooley, Esq.
THE COOLEY LAW FIRM
scooley@cooleylawlv.com
Attorney for Plaintiff


An Employee of Kelleher & Kelleher, LLC



1 **NEO**
2 **THE COOLEY LAW FIRM**
3 Shelly Booth Cooley
4 Nevada State Bar No. 8992
5 10161 Park Run Drive, Suite 150
6 Las Vegas, Nevada 89145
7 Telephone Number: (702) 265-4505
8 Facsimile Number: (702) 645-9924
9 E-mail: scooley@cooleylawlv.com
10 Attorney for Plaintiff,
11 **AMMIE ANN WALLACE**

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

9 **AMMIE ANN WALLACE,**
10
11 Plaintiff,

Case No. D-20-613567-Z
Dept No. S

11 vs.

12 **WILLIAM SHAWN WALLACE,**
13
14 Defendant

Date of Hearing: 08/12/2021
Time of Hearing: 9:15 a.m.

15
16 **NOTICE OF ENTRY OF ORDER**

17 PLEASE TAKE NOTICE that Findings of Fact, Conclusions of Law,
18 and Order were entered in the above-entitled matter on 09/09/2021. A
19 copy of said Order is attached hereto.

20 DATED this 16 day of September, 2021.

21 **THE COOLEY LAW FIRM**

22 By /s/ Shelly Booth Cooley
23 Shelly Booth Cooley
24 Nevada Bar No. 8992
25 10161 Park Run Drive, Suite 150
26 Las Vegas, Nevada 89145
27 Attorney for Plaintiff,
28 **AMMIE ANN WALLACE**

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[X] **BY ELECTRONIC SERVICE:** Pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned “In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court,” by mandatory electronic service through the Eighth Judicial District Court’s electronic filing system.

[] **BY MAIL:** Pursuant to EDCR 7.26(a)(1), by depositing a copy of the same in a sealed envelope in the United States Mail, Postage Pre-Paid to the last known address of each of the parties, at Las Vegas, Nevada.

[] **BY FACSIMILE TRANSMISSION:** Pursuant to EDCR 7.26(a)(3), via facsimile transmission. Attached is a copy of the Facsimile Transmittal Form, along with the Fax Call Report, confirming the facsimile transmission.

[] **BY HAND DELIVERY:** By hand delivery with signed Receipt of Copy.

John T. Kelleher, Esq.
Kelleher & Kelleher, LLC
40 S. Stephanie St., Suite 201
Henderson, NV 89012
Attorneys for Defendant

Page 2 of 2

1 | ORDER

2 |
3 |
4 | **EIGHTH JUDICIAL DISTRICT COURT**
5 | **FAMILY DIVISION**
6 | **CLARK COUNTY, NEVADA**

7 | AMMIE ANN WALLACE,

8 | Plaintiff,

9 | vs.

10 | WILLIAM SHAWN WALLACE,

11 | Defendant.

Case No.:

D-20-613567-Z

Dept. No.:

S

Date of Hearing: 08/12/2021

Time of Hearing: 9:15 a.m.

12 |
13 | **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND**
14 | **ORDER**

15 | This matter having come on for hearing on the 12th day of August,
16 | 2021; Plaintiff, Ammie Ann Wallace (Ammie) being present and
17 | represented by Shelly Booth Cooley of The Cooley Law Firm via video;
18 | Defendant, William Shawn Wallace (William) being present and
19 | represented by John T. Kelleher of Kelleher & Kelleher via video. The
20 | Court having considered the papers and pleadings on file herein, as well
21 | as the argument of counsel and the parties, and after taking the matter
22 | under advisement, FINDS and ORDERS as follows.
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1 guidelines established by the Administrator of the Division of Welfare
2 and Supportive Services or has been stipulated to by the parties with
3 the required certifications and disclosures required by the guidelines.”
4

5 Decree at 4:14-20.

6 That pursuant to the Petition, the parties share joint legal custody
7 of the children, to wit: William Shawn Wallace, Jr., date of birth:
8 06/24/2010, age 11; Miller Clyde Wallace, date of birth: 05/15/2012, age
9 9; and, Quinn Rose Wallace, date of birth: 01/18/2015, age 6. Petition at
10 4:17-19.
11

12 That pursuant to the Petition:

13 9. **Physical Custody.** The Petitioners agree that
14 primary physical custody of the children should be granted
15 to AMMIE ANN WALLACE. The Petitioners agree that
16 WILLIAM SHAWN WALLACE should have custody of the
17 children Monday through Friday, from 3:30 p.m. (or after
18 school if school is in session), through 6:30 p.m. The
19 Petitioners agree that weekends, defined as Friday at 6:30
20 p.m. to Sunday at 6:30 p.m., should be alternated: Mother’s
21 weekend is 09/11/2020. Father’s weekend is 09/04/2020.

22 Petition at 6:13-23. The parties agreed to a comprehensive Holiday
23 Visitation Schedule outlined in the Petition. Petition at 6:24-8:24.
24

25 That pursuant to the Petition:

...

...

1 **11. Parties' Incomes.**

2 AMMIE ANN WALLACE's gross monthly income is
3 \$8,583.

4 WILLIAM SHAWN WALLACE's gross monthly income
is \$10,000.00.

5 **12. Child Support.** The child support calculation
6 would require WILLIAM SHAWN WALLACE to pay \$2,080
7 per month in child support. The Petitioners agree to set child
8 support at a different amount. Accordingly, WILLIAM
9 SHAWN WALLACE shall pay child support to AMMIE ANN
WALLACE in the amount of \$1,000.00 per month (\$333.33
10 per child) pursuant to NAC 425.140(2) and NAC 425.150.
11 The parties certify that the basic needs of the children are
12 met or exceeded by the stipulated child support obligation.
13 The child support obligation for each particular child is
14 terminated beginning on the first day of the month following
the date on which the child reaches 18 years of age or, if the
child is still in high school, the first day of the month
following the date on which the child graduates from high
school or reaches 19 years of age, whichever comes first.

15 Petition at 9:4-27.

16 That a Consent to Self-Representation was filed in this matter on
17 09/04/2020, wherein William acknowledged that Shelly Booth Cooley
18 and The Cooley Law Firm represent Ammie, do not and will not
19 represent him, will at all times look out for Ammie's interests, not
20 William's, have not given him legal advice, have urged him to obtain his
21 own counsel to give him advice, and notwithstanding the suggestion to
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1 obtain his own counsel to give him advice, William decided to represent
2 himself.

3 That on 06/18/2021, William filed his Motion to Modify Decree of
4 Divorce. That Motion requested that the Court modify custody, deny
5 any claim for “back child support,” and recalculate child support.
6

7 That Ammie filed her Opposition and Countermotion for
8 Attorneys’ Fees and Costs on 07/09/2021.

9 That William filed his Reply and Exhibits on 07/27/2021. That
10 Ammie filed her Exhibits to Opposition on 08/09/2021.
11

12 At the 08/12/2021 hearing, the matter came before the Court and
13 the matter was taken under advisement.

14 That on September 8, 2021, Ammie filed her Memorandum of Fees
15 and Costs seeking an award in the sum of \$10,300.00 pursuant to NRS
16 18.010 and EDCR 7.60(b). Included in the Memorandum was the
17 required Brunzell v. Golden Gate Nat’l Bank, 85 Nev. 345, 455 P.2d 31
18 (1969) analyses. Additionally, attorney-client invoices were submitted
19 in support of Ammie’s Memorandum. In support of her request, Ammie
20 contends that she prevailed in the post-judgment proceedings.
21
22

23 . . .

24 . . .
25

Conclusions of Law

Custody

Before the Court can change custody, a hearing must be held in order to assure all parties' rights are protected. Weise v. Granata, 110 Nev. 1410 (1994); Moser v. Moser, 108 Nev. 572 (1992). However, a hearing is not required if the moving party fails to demonstrate "adequate cause" in the affidavits and points and authorities for a change in custody. Rooney v. Rooney, 109 Nev. 540, 853 P.2d 123 (1993). Specifically, the Rooney Court stated:

Nevada statutes and case law provide district courts with broad discretion concerning child custody matters. Given such discretion in this area, we hereby adopt an "adequate cause" standard. That is, we hold that a district court has the discretion to deny a motion to modify custody without holding a hearing unless the moving party demonstrates "adequate cause" for holding a hearing. "Adequate cause" requires something more than allegations which, if proven, might permit inferences sufficient to establish grounds for a custody change. "Adequate cause" arises where the moving party presents a prima facie case for modification. To constitute a prima facie case it must be shown that: (1) the facts alleged in the affidavits are relevant to the grounds for modification; and (2) the evidence is not merely cumulative or impeaching.

(Internal Citations omitted.) Id. at 124-125. The Court FINDS William fails to establish in his affidavit and points and authorities "adequate cause" to require a hearing.

1 This Court may make an order at any time during the minority of
2 the child for the custody, care, education, maintenance, and support of
3 the minor children as appears in their best interests. NRS
4 125C.0045(1)(a). In custody matters, the polestar for judicial decisions
5 is the best interest of the children. NRS 125C.0035 and Schwartz v.
6 Schwartz, 107 Nev. 378, 812 P.2d 1268, 1272 (1991). Nevada statutes
7 and case law provide that the district court has broad discretion
8 concerning child custody matters. Rooney v. Rooney, 109 Nev. 540, 853
9 P.2d 123 (1993). The foundation of all custody determinations lies in the
10 particular facts and circumstances of each case. Arnold v. Arnold, 95
11 Nev. 951, 604 P.2d (1979).

12 In his Motion to Modify Decree of Divorce, William is seeking to
13 modify the award of primary physical custody to Ammie, to an award of
14 joint physical custody to the parties pursuant to Truax v. Truax, 874
15 P.2d 10, 110 Nev. 437 (1994). William maintains that he is entitled to a
16 change of custody because the parties never followed the Decree and
17 followed a joint timeshare from August 2020 through March 2021.

18 Ammie maintains that she has had primary physical custody of the
19 children since the parties' separation in October 2017 (and since the
20 divorce) and that the test for modifications of primary physical custody
21

1 is Ellis v. Carucci, 123 Nev. 145, 161 P.3d 239 (2007). Ammie
2 acknowledges that the parties followed a “flexible timeshare” as both
3 parties were working from home and the children were participating in
4 distance learning from August 2020 to March 2021, until the children
5 returned to in-person learning, and the parties resumed following the
6 timeshare outlined in the Decree, the timeshare the parties had been
7 following since their separation in August, 2017.

8
9 Pursuant to Rivero v. Rivero, 125 Nev. 410, 216 P.3d 213 (2009):

10
11 When considering whether to modify a physical custody
12 arrangement, the district court must first determine what type of
13 physical custody arrangement exists because different tests apply
14 depending on the district court’s determination. A modification to
15 a joint physical custody arrangement is appropriate if it is in the
16 child's best interest. NRS 125.510(2). In contrast, a modification to
17 a primary physical custody arrangement is appropriate when
18 there is a substantial change in the circumstances affecting the
19 child and the modification serves the child's best interest. Ellis,
20 123 Nev. at 150, 161 P.3d at 242.

21
22 “If a parent has physical custody less than 40 percent of the time, then
23 that parent has visitation rights and the other parent has primary
24 physical custody.” Id. at 226. The parties stipulated in the Decree of
25 Divorce that Ammie would have primary physical custody of their
children and William would have custody of the children Monday
through Friday, from 3:30 p.m. (or after school if school is in session),

1 through 6:30 p.m. The parties alternated the weekends. According to
2 the parties' custody agreement in the Decree, Ammie had primary
3 physical custody and William had visitation, the Decree of Divorce
4 described an approximately 80/20 (alternating weekends) timeshare,
5 and the Decree labeled the arrangement as primary physical
6 custody/visitation rights.
7

8 Reviewing the facts in the light most favorable to William, the
9 parties shared joint physical custody from August 2020, through March
10 2021, and they have been following the timeshare in the Decree since
11 April 2021, when the children returned to in-person schooling. Pursuant
12 to Rivero, the district court should calculate the time during which a
13 party has physical custody of a child over one calendar year. Id. at 225.
14 "Calculating the timeshare over a one-year period allows the court to
15 consider weekly arrangements." Id. Calculating the time during which
16 each party had physical custody of the children between August 2020,
17 and August 2021, William had custody of the children approximately
18 30% of the parenting time and Ammie had custody of the children
19 approximately 70% of the parenting time. Reviewing the evidence in the
20 light most favorable to William, the Court FINDS the parties' custody
21 arrangement was one of primary physical custody.
22
23
24
25

1 When a parent is seeking to modify an award of primary physical
2 custody, as William is seeking, the correct standard is Ellis v. Carucci,
3 123 Nev. 145 (2007), where the Nevada Supreme Court concluded that
4 a modification of primary physical custody is warranted only when (1)
5 there has been a substantial change in circumstances affecting the
6 welfare of the child, and (2) the modification serves the best interest of
7 the child.
8

9 In his affidavit and points and authorities, William does not allege
10 that there has been a substantial change in circumstances affecting the
11 welfare of the children. Rather, William asserts that he is entitled to a
12 “change of custody...because the parties never followed the Decree of
13 Divorce.” Reply at 6:19-21. However, in his Reply, William admits that
14 the parties began following the timeshare in the Decree in “spring of
15 2021.” Reply at 6:18. Reviewing the facts in the light most favorable to
16 William as William addressed the best interest factors outlined in NRS
17 125C.0035(4) in his moving papers, the modification of custody would
18 serve the child's best interest. However, William did not satisfy both
19 elements of Ellis v. Carucci.
20
21
22

23 Pursuant to Rooney, “to constitute a prima facie case it must be
24 shown that: (1) the facts alleged in the affidavits are relevant to the
25

1 grounds for modification; and (2) the evidence is not merely cumulative
2 or impeaching.” In this matter, the facts alleged in William’s affidavits
3 are not relevant to the grounds for modification as they do not satisfy
4 both elements of Ellis v. Carucci, and the evidence is merely cumulative
5 or impeaching.
6

7 Pursuant to Rooney v. Rooney, the Court FINDS there is no
8 adequate cause to hold an evidentiary hearing or trial regarding
9 William’s Motion to Modify Decree of Divorce and William’s motion is
10 denied.
11

12 **Child Support**

13 William cites to no law (statutory or caselaw) to support his
14 request that the Court deny Ammie’s claim for “back child support”
15 (which she is pursuing through the Family Support Division) or that the
16 Court recalculate child support.
17

18 Pursuant to EDCR 2.20(c),

19 A party filing a motion must also serve and file with it a
20 memorandum of points and authorities in support of each ground
21 thereof. The absence of such memorandum may be construed as
22 an admission that the motion is not meritorious, as cause for its
denial or as a waiver of all grounds not so supported.

23 William failed to file a memorandum of points and authorities in
24 support of his request the Court deny Ammie’s claim for “back child
25

1 support” or that the Court recalculate child support. The Court will
2 construe the absence of such memorandum as an admission that
3 William’s request is not meritorious and as cause for its denial.
4

5 **Attorneys’ Fees**

6 The Court is required to review elements mandated by Brunzell v.
7 Golden Gate Nat’l Bank, 85 Nev. 345, 455 P.2d 31 (1969) related to
8 Ammie’s attorney, Shelly Booth Cooley. First, as to qualities of the
9 advocate, the Court FINDS attorney Cooley has been licensed to
10 practice law for over seventeen years. The Court FINDS that attorney
11 Cooley is a licensed attorney specializing in the practice of domestic
12 relations. Next, as to character of work completed, the Court FINDS
13 this matter related to William’s underlying post-judgment motion.
14 With respect to work actually performed, as noted herein, this case
15 involved review of the underlying proceedings and understanding
16 applicable law. With respect to the result, the Court FINDS Ammie
17 was the prevailing party pursuant to NRS 18.010.
18
19

20 The Court FINDS that Ammie is entitled to an award of attorneys’
21 fees and costs pursuant to EDCR 7.60(b), as William’s Motion is
22 frivolous, unnecessary, and unwarranted, multiples the proceedings in
23 a case as to increase costs unreasonably and vexatiously and failed to
24
25

1 comply with court rules. Pursuant to EDCR 5.501, William did not
2 attempt to resolve the issues in dispute with Ammie prior to filing his
3 Motion and his Motion was filed in violation of EDCR 5.501. Pursuant
4 to Rooney v. Rooney, there is no adequate cause to hold an evidentiary
5 hearing or trial regarding William's Motion to Modify Decree of Divorce.
6 Pursuant to EDCR 2.20(c), William failed to file a memorandum of
7 points and authorities in support of his child support requests, which
8 may be construed as an admission that the motion is not meritorious
9 and as cause for its denial.
10
11

12 The Court is required to consider the parties' respective income as
13 set forth in Miller v. Wilfong, 121 Nev. 619, 119 P.3d 727 (2005). The
14 Court FINDS, on 07/09/2021, Ammie filed a Financial Disclosure Form
15 (FDF) listing total average gross monthly income (GMI) of \$14,183.34,
16 which comports with the attached payroll statements. The Court
17 FINDS, on 06/29/2021, William filed a FDF listing his GMI as
18 \$10,000.00. However, William provided a 06/15/2021 Earnings
19 Statement listing a year to date (YTD) income of \$60,902.91. The Court
20 FINDS that 06/15/2021 was 25 weeks into 2021. Therefore, the Court
21 FINDS that William's actual GMI was \$10,556.52 (\$60,902.91 YTD
22 income for 2021/25 weeks into the year = \$2,436.12 per week income X
23
24
25

1 52 weeks in a year = \$126,678.24 annual income/12 months in a year =
2 \$10,556.52 actual GMI). Accordingly, the Court FINDS an income
3 disparity exists between the parties in Ammie's favor. Specifically,
4 Ammie earns approximately \$3,626.82, or 26%, per month more than
5 William (\$14,183.34 Ammie's GMI - \$10,556.52 William's GMI =
6 \$3,626.82 difference).

8 The Court FINDS Ammie's request for an award of attorneys' fees
9 and costs in the total sum of \$ 7,500.00 is reasonable based on the
10 underlying procedural stance of the case, based on the pleadings before
11 this Court and the Court's final orders. However, this Court is required
12 to take into consideration the parties' respective financial positions
13 when granting any award.
14

15 **Decision**

16
17 IT IS THERFORE ORDERED, ADJUDGED AND DECREED that
18 William's Motion to Modify Decree of Divorce is denied.

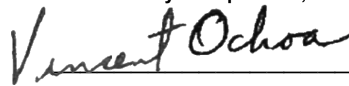
19 IT IS FURTHER ORDRED, ADJDUGED AND DECREED that
20 Ammie's Countermotion for attorneys' fees and costs shall be granted in
21 the sum of \$ 7,500.00, plus interest at the legal rate, said
22 amount ordered reduced to judgment. That said judgment is hereby
23
24
25

1 entered in favor of Ammie and against William. That said judgment is
2 collectible using any legal means.
3
4

5 **Order**

6 IT IS SO ORDERED.
7

8 Dated this 9th day of September, 2021

9 A handwritten signature in black ink that reads "Vincent Ochoa". The signature is written in a cursive style with a horizontal line extending from the end of the name.

10 9C8 0B0 8AC9 0E06
11 Vincent Ochoa
12 District Court Judge
13
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25

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 In the Matter of the Joint Petition
for Divorce of:

CASE NO: D-20-613567-Z

7 DEPT. NO. Department S

8 Ammie Ann Wallace and
William Shawn Wallace

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 9/9/2021

15 John Kelleher

hjuilfs@kelleherandkelleher.com

16 Shelly Cooley

scooley@cooleylawlv.com

FILED

NOV 03 2021

Sharon A. Hoffman
CLERK OF COURT

COPY

EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

IN THE MATTER OF THE JOINT
PETITION FOR DIVORCE OF:

AMMIE ANN WALLACE

Plaintiff,

and

WILLIAM SHAWN WALLACE,

Defendant.

CASE NO. D-20-613567-Z

DEPT. S

APPEAL NO. 83591

BEFORE THE HONORABLE VINCENT OCHOA
DISTRICT COURT JUDGE

TRANSCRIPT RE: MOTION HEARING
MATTER TAKEN UNDER ADVISEMENT

THURSDAY, AUGUST 12, 2021

1 APPEARANCES:

2 The Plaintiff: AMMIE ANN WALLACE
3 For the Plaintiff: SHELLY B. COOLEY, ESQ.
4 The Cooley Law Firm
5 10161 Park Run Drive, #150
6 Las Vegas, Nevada 89145
7 (702) 265-4505
8 The Defendant: WILLIAM SHAWN WALLACE
9 For the Defendant: JOHN T. KELLEHER, ESQ.
10 Kelleher & Kelleher, LLC
11 40 S. Stephanie Street, #201
12 Henderson, Nevada 89012
13 (702) 384-7494
14
15
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1 LAS VEGAS, NEVADA

THURSDAY, AUGUST 12, 2021

2 P R O C E E D I N G S

3 (THE PROCEEDINGS BEGAN AT 9:18:37)

4

5 (All parties appear via video conference)

6 THE COURT: -- Wallace versus Wallace. I read the
7 documents. I really appreciate the stories you guys told me.
8 Too bad you guys didn't agree, but it's both for a good
9 (indiscernible). I saw --

10 THE PLAINTIFF: I'm not hearing anything.

11 UNIDENTIFIED VOICE: I think you froze.

12 THE COURT: We'll start with the Plaintiff
13 introductions of the parties.

14 MR. KELLEHER: Good morning, Your Honor. John
15 Kelleher, bar number 6012, on behalf of Mr. William Wallace,
16 Your Honor. He is present by video.

17 MS. COOLEY: Shelly Cooley, bar number 8992, on
18 behalf of Aimee Wallace, Plaintiff, who is present --

19 THE COURT: Thank you.

20 MS. COOLEY: -- via BlueJeans as well.

21 THE COURT: Okay. I see everyone's present on
22 video. Defendant's motion, opposition by Plaintiff, and
23 there's a reply. (Indiscernible) decree of divorce in this
24 case. I've read the documents, but you can make your record.

1 MR. KELLEHER: Thank you, Your Honor. Both parties
2 admit in their pleadings that they followed a joint physical
3 custody arrangement from August of 2020 through the very end
4 of March of 2021. During those eight months, Your Honor, and
5 six months after the filing of the divorce decree in this
6 case, they were sharing joint physical/joint legal custody
7 with my client having the children on at least an equal basis,
8 if not the majority of the time on some of those weeks.

9 In fact, Your Honor, there's no question that the
10 two months prior to August of 2020 that the Defendant in the
11 case -- I'm sorry, the Plaintiff in the case, Your Honor,
12 Ms. Wallace -- was down in Texas taking care of an ill family
13 member, and my client had the kids exclusively in her care --
14 in his care.

15 So, Your Honor, what we're saying is this, is that
16 suddenly no request, no issues, my client is exercising the
17 arrangement that they had been arranging -- been doing for
18 many, many months, and then suddenly at the end of March she
19 says, well, now the kids are going to be with me and you're
20 going to get every other weekend, and you can come and be a
21 babysitter and pick up the kids for their extracurricular
22 activities, and that's going to be that, right, and goes to
23 the DA's Office, even though she had not asked for any child
24 support prior to that.

1 So what we're asking, Your Honor, is that it's been
2 very, very hard on the children. His oldest, William Wallace,
3 has been sending him messages saying that Mom gets angry if he
4 asks to speak to Dad. Dad has been a hands-on parent the
5 entire time. And he signed this thing, Your Honor, with the
6 understanding that they were going to -- that it was just
7 something that you have to put into the court. This was his
8 first go-around. They had been separated since 2017 and had a
9 joint physical arrangement since that time.

10 So we're asking the Court, Your Honor, to have the
11 schedule be what they were doing all the way up through the
12 beginning of April of this year, in 2021.

13 As far as other issues go, Your Honor, they spend
14 nine pages maligning my client in their opposition, but then
15 on page 11 they admit -- they admit that the schedule was
16 exactly as he outlined it in his motion.

17 So this Court always acts in the best interest of
18 the children. That's what the Court's mandate is. We believe
19 that if you look at the timing of the case, Your Honor, that
20 this divorce decree that he signs she waits until the six
21 months expires. Right? Well, we're not looking to set aside
22 the divorce decree. What we're looking to do, Your Honor, is
23 for the best interest of the kids and what they have been
24 doing all along. We think it's curious that all of a sudden,

1 you know, after six months runs out, oh, now I want to enforce
2 this agreement that everyone agrees no one was doing before,
3 during or after this divorce in any way, shape or form.

4 Also, Your Honor, they file -- they file what they
5 claim are exhibits, right, to a -- to their opposition which
6 was filed a month before, three days before the hearing. And
7 they're a bunch of exhibits that are irrelevant, and they
8 don't even correspond to the opposition. Really what it is,
9 is it's really trying to get some kind of reply to reply on
10 the case, and we'd ask that you strike it.

11 But in any case, Your Honor, if, you know, if you
12 have specific questions for me, Your Honor, I'm happy to
13 answer them because there's arguments in there that my client
14 wasn't working. In fact, he was working, and we provided you
15 in August of 2017 his W2. But for a period of time, he was a
16 stay-at-home father with the kids in 2017 while he looked for
17 work.

18 So unless the Court has questions, Your Honor, we're
19 asking to go back to the custodial schedule that was in place
20 up until April of 2021. And if necessary, Your Honor, we're
21 asking that you interview the children. Quinn is obviously
22 young, but the two oldest ones -- or all three -- you could
23 ask them what the timeshare is and what their relationship is
24 with their father and with their mother in this case. And we

1 believe that it's going to be exactly what we've told the
2 Court and what actually the Plaintiff admits, which is that
3 they were doing this timeshare.

4 And I leave you with this, Your Honor. There's
5 absolutely no good reason posited by -- that's the thing
6 that's so strange. There's 11 pages of -- I'm sorry, nine
7 pages of nastiness to him. Right? But there's never any
8 explanation as to why -- any good reason as to why we'd put in
9 a draconian schedule in April when all along we're doing a
10 joint physical schedule, Your Honor, for all those months both
11 before and during and after the actual decree goes in. So
12 with that, why don't we leave it to you.

13 THE COURT: Thank you.

14 Ms. Cooley, your reply to their big question is that
15 -- you can go ahead, but I guess their big issue is that this
16 is the way we've always done it, ignore the decree of divorce,
17 continue to do what we have always done.

18 MS. COOLEY: Thank you, Your Honor. I'm a bit blown
19 away. Dad keeps referring to our opposition saying that we
20 admit that the parties followed a joint physical timeshare.
21 He keeps referring to page 11. Page 11 says: From August of
22 2020 through March of 2021, the parties followed a flexible
23 timeshare. Both Ammie and William were working from home.
24 William was renting a home near Ammie's residence, and the

1 children went between the parties' homes freely during the
2 day. The parties did what was necessary to remain employed
3 and care for the children. However, when the children
4 returned to in-person learning in March 2021, the parties
5 resumed following the timeshare outlined in the decree, the
6 same timeshare they had been following since their separation
7 in August 2017.

8 The parties were not sharing joint physical custody.
9 They've never shared joint physical custody of these children.
10 And just because Dad keeps repeating the same refrain and
11 referring to the same page in the opposition that doesn't
12 support what Dad is saying does not make it true.

13 The reason we went into the history that we did in
14 the opposition is while my client absolutely, absolutely
15 admits that Dad is an involved, good dad, he is unstable.
16 He's had housing situations; he's had job situations. So they
17 agreed to follow this schedule at the time of their separation
18 in August of 2017 because they wanted to ensure that the
19 children had the same place to sleep when they were coming
20 home from school and when they were going to school. That is
21 the basis of this timeshare, Your Honor. It's not draconian.
22 This is exactly what the parties had been following for three
23 years, and this is what they -- they reverted back to this
24 schedule once they went back to in-person learning.

1 Dad signed a consent to self-representation, Your
2 Honor. I'm sure you were not unfamiliar with these documents
3 in the divorce. I represented Ammie in the divorce, and I
4 only represented Ammie. The consent to self-representation
5 filed 9/4/2020, Dad acknowledged that he should have got legal
6 advice, but he chose not to.

7 The fact that Dad didn't understand, allegedly --
8 because he certainly has been able to reach out to
9 Mr. Kelleher, who is an extremely competent attorney. Dad
10 could have availed himself of Mr. Kelleher's services at the
11 time of the decree but chose not to. And the reason, Your
12 Honor, is because this is the schedule that the parties were
13 following.

14 My client has had and continues to have primary
15 physical custody of the children. Dad wants to be involved in
16 their extracurricular activities, which my client is
17 absolutely fine with. This is why Dad is able to pick the
18 kids up from school every day and keep them. He gives them to
19 my client at 6:30. My client feeds them dinner, finishes up
20 any necessary homework, does bedtime routine, and then they do
21 that for the school schedule.

22 Now, I think it is important that we go into the
23 standard for changing custody. Dad seems to absolutely gloss
24 over that detail, Your Honor, and it's incredible. First Dad

1 claims that Truax (phonetic) is the standard for changing
2 custody when we have a primary physical custody that's been
3 established pursuant to a court order. The standard is Ellis
4 vs. Carucci. And Dad doesn't even attempt to address those
5 factors in his motion, Your Honor. He doesn't meet the
6 standard. He doesn't address the factors. There is no
7 adequate cause for a hearing.

8 We're requesting that this -- that Dad's motion be
9 denied outright and that the parties follow the schedule that
10 they've been following since 2017.

11 Additionally, Your Honor, there's been no change in
12 circumstances impacting the welfare of the children. Dad
13 didn't address it, but I can tell you that there has been no
14 change in circumstances. The children are thriving
15 physically, developmentally, emotionally, and academically in
16 the primary care of my client. There have been no change of
17 circumstances, and the children's best interest would not be
18 served by a change of custody.

19 The parties agreed that my client would have primary
20 physical custody. And because that's in the decree, William
21 has to overcome the presumption that that award, that the
22 award of primary physical custody, is not in my client -- or
23 is not in the children's best interests, which he can't do.
24 He doesn't allege it in his motion; he doesn't allege it in

1 his reply. This motion should be denied on his moving paper.

2 With regard to child support, Dad isn't entitled to
3 modify child support. That was agreed to in September of
4 2010. Exhibit 4 and -- let's see. Let's see. Exhibit 3 and
5 4 are the parties' exchanges regarding the child support
6 agreement, Your Honor. Dad actually did initially start
7 paying child support, and then he just stopped, as he
8 typically does, Your Honor. Again, the reason why we went
9 into the nine pages that we did is because Dad is -- he's
10 unstable. He doesn't do anything with regularity.

11 With regard to his request to waive back child
12 support, Your Honor, there's absolutely no basis in law for --
13 to grant that request. That's a Rule 11 violation to even
14 make that request, Your Honor. There's no basis in law;
15 there's no basis in fact. I am absolutely floored that that
16 request was even made, Your Honor. It should not be granted.

17 My client is seeking an award of attorney's fees for
18 having to defend against this obviously frivolous and
19 unnecessary motion. Dad doesn't meet his standard in the
20 moving papers. She's entitled to an award of attorney's fees
21 pursuant to NRS 18.010 and EDCR 7.60(b). Nothing further to
22 add at this time.

23 THE COURT: Thank you.

24 Mr. Kelleher --

1 MR. KELLEHER: Your Honor, just in response, if I --
2 I'm sorry.

3 THE COURT: I'll give you time to reply, but
4 everything I know and everything you know and everything
5 Ms. Cooley knows about the Nevada family law you're asking me
6 to ignore in this motion.

7 MR. KELLEHER: Well, I'm not, Your Honor, if I may,
8 because they're applying a standard, and we cited to the right
9 cases and to the standard in this -- to this Court. It's on
10 our page 7. Right? We -- in Rivero, the court held when
11 considering whether to modify a physical custody arrangement,
12 the District Court must first determine what type of physical
13 custody arrangement exists, because there's different tests to
14 apply depending on the District Court's determination.

15 There's no question -- and they don't deny it. Like
16 if you hear how clever they word it, two months prior to
17 August of 2020, so even in this -- even in the summer of 2020,
18 going back to June, right, June and July Mother is not even in
19 the state of Nevada. She's not even here. She's down in
20 Texas with a family member. The kids are solely, one hundred
21 percent, in his care, and they do not deny that. They've
22 supplied nothing to the Court. They admit --

23 THE COURT: That was before the divorce and that's
24 before he agreed to this.

1 MR. KELLEHER: Right. But what I'm saying, Your
2 Honor, is they've never followed the schedule. Right? They
3 never followed the schedule from before they did the decree,
4 once the decree was entered, and months after the decree they
5 didn't follow it. And under Rivero, it says very specifically
6 -- and I can give you the language -- is we don't care what
7 you call it. What we look at is what were the parties doing,
8 right? That's what they're trying to have you not, I guess --

9 THE COURT: But in Rivero I thought they said that
10 we don't care what you call it, but that's before there's an
11 order. In this, there is an order --

12 MR. KELLEHER: No, no, no. You look -- well, that's
13 how you change it. What I'm saying is you have an order that
14 they, one, never followed before they entered it and never
15 followed it after they entered it until six months went by.
16 And then apparently she must have thought there was some
17 advantage to her after the six months and now says, well, now
18 I'm going to enforce it. And he promptly filed a motion with
19 the Court.

20 And the Court in these cases, Your Honor, always has
21 to look at what's in the best interest of the children. The
22 Court has to do that. And the children are coming to him,
23 like they're horrified with this schedule. Horrified.
24 They've never done that kind of schedule.

1 And even in the divorce decree, Your Honor, like the
2 things that he signed, they're claiming he's unstable. But in
3 the divorce decree, they're claiming that she only makes \$8583
4 a month and he makes 10,000 a month. That's truthful. So
5 they have him making more than her. But when we filed the
6 FDFs in the case, right, here we are a few months later, low
7 and behold she makes 14,000 plus. She actually makes more
8 than him. There's literally no instability with him in any
9 way, shape or form, Your Honor. It's ridiculous.

10 He had the kids totally in his care for months,
11 months of the summer of 2020 when she wasn't even in the state
12 of Nevada. He's worked since 2017. And really, Your Honor,
13 the applicable case here is Rivero. When someone comes in,
14 and you can come in at any time, you look at what the schedule
15 has been. And they clearly admit, right, they clearly admit
16 -- although they try and word it on page 9 -- 9 of their
17 opposition, right, nine pages in they say, yeah, that's true.
18 We didn't follow the schedule. We were not following the
19 schedule in that decree of divorce that was done in 2020. We
20 did not follow it.

21 So this Court, Your Honor, can look under the case
22 law. And we would never mislead the Court in any way, shape
23 or form. We would never do that. And, in fact, Your Honor,
24 when you have situations where someone hasn't asked for child

1 support, and she wasn't, right, and you have a schedule that's
2 different than what they were doing and he thinks there's an
3 agreement, the Court could absolutely go back. But he's
4 paying child support, so that order is kind of -- is sort of a
5 separate issue.

6 The main issue here, Your Honor, is the custody of
7 the children and the schedule for these kids. And they're
8 very, very upset, Your Honor, with the schedule as it stands.
9 And her own statements, Your Honor, belie her position.
10 Because what she's basically telling the Court is he's fine to
11 be with the kids three hours a day, right, pick the kids up
12 like he's a babysitter, if you look at the schedule she wants
13 to foist on him. He's fine to come and pick up the kids, do
14 baseball with them, you know. He's coached these kids in
15 baseball throughout their lives, which they don't deny.
16 Right? But then you can only have every other weekend. And
17 they never did that, Your Honor. They didn't do it.

18 And I'll be really clear, Your Honor. If that had
19 been the schedule, they wouldn't have gotten along from 2017
20 all the way through this divorce decree. Right? That's why
21 he trusted her. He didn't have counsel. He thought, okay,
22 that means I'm going to have to pick up on the days that are
23 -- like every day I'm going to be required to pick up from
24 school. But he didn't think that that truncated his other

1 time. Right?

2 That's the issue here, Your Honor. It's like, look,
3 from 2017 to 2020, when they're not living together, they had
4 a schedule, and it was not this schedule, no way, shape or
5 form. So we're asking, Your Honor, that the applicable case
6 here is Rivero. Rivero says that you look at what the parties
7 are actually doing and what they've been doing. And that's
8 not what is in that decree. And they don't deny that, and my
9 client clearly has stated that.

10 And also, Your Honor, the Court has to act in what
11 is in the children's best interest. And it's not in the best
12 interest to have what amounts to a parentectomy in this case.
13 If you read the Mosley vs. Figerillo (phonetic) case, it says
14 that having a dad on an every other weekend schedule is equal
15 to a parentectomy. So we're asking, rather, the Court grant
16 our motion in full in this case, and if necessary, to
17 interview the children. If it's necessary, we can ask these
18 kids -- they're old enough -- as to what the schedule was like
19 even years ago. And it was not this schedule.

20 THE COURT: Okay.

21 MS. COOLEY: Your Honor, I need to address Rivero
22 very quickly. It's an --

23 MR. KELLEHER: Well, respectfully, we're going to
24 ask that you deny that. You get a -- there's a motion, an

1 opposition, and then a, you know, a response.

2 THE COURT: I'm going to take the case under
3 advisement. I thank you. I'll try to get a decision out in
4 the next seven days. I may call one of the attorneys to -- if
5 there's an order, to do the order with findings.

6 MR. KELLEHER: Thank you, Your Honor.

7 THE COURT: Depending on how I decide the case. Is
8 that okay with both sides?

9 MS. COOLEY: It's your courtroom, Your Honor.

10 THE COURT: Okay. I know, but I try to make sure,
11 you know, we try to reduce friction as much as possible.

12 MR. KELLEHER: Thank you, Your Honor.

13 MS. COOLEY: Thank you, Your Honor.

14 THE COURT: Thank you. Have a good day.

15 MS. COOLEY: You too.

16 THE COURT: Stay safe, everyone.

17 MS. COOLEY: Bye-bye.

18 (PROCEEDINGS CONCLUDED AT 9:38:40)

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

/s/ Lee Ann Nussbaum
LEE ANN NUSSBAUM, CET
Certified Electronic Transcriber

REGISTER OF ACTIONS

CASE NO. D-20-613567-Z

In the Matter of the Joint Petition for Divorce of: Ammie Ann Wallace
and William Shawn Wallace

§
§
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§

Case Type: **Divorce - Joint Petition**
Subtype: **Joint Petition Subject Minor(s)**
Date Filed: **09/04/2020**
Location: **Department S**
Cross-Reference Case Number: **D613567**
Supreme Court No.: **83591**

PARTY INFORMATION

Petitioner **Wallace, Ammie Ann *Now Known***
As Olsen, Ammie Ann

Lead Attorneys
Shelly B. Cooley
Retained
7022654505(W)

Petitioner **Wallace, William Shawn**

John T. Kelleher
Retained
702-384-7494(W)

Subject Minor **Wallace, Miller Clyde**

Subject Minor **Wallace, Quinn Rose**

Subject Minor **Wallace, William Shawn, Jr.**

EVENTS & ORDERS OF THE COURT

08/12/2021 **All Pending Motions** (9:15 AM) (Judicial Officer Ochoa, Vincent)

Minutes

08/12/2021 9:15 AM

- DEFENDANT'S MOTION O MODIFY DECREE OF DIVORCE...PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO MODIFY DECREE OF DIVORCE AND COUNTERMOTION FOR ATTORNEY'S FEES AND COSTS Attorney Shelly Cooley appeared by audiovisual with Plaintiff (Mom). Attorney John Kelleher appeared by audiovisual with Defendant (Dad). Arguments regarding Custody. COURT ORDERED, as follows: Matter UNDER ADVISEMENT. Decision will be issued in one week. This Court may call upon one of the attorneys to prepare the proposed findings of facts.

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REGISTER OF ACTIONS

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Subject Minor **Wallace, William Shawn, Jr.**

EVENTS & ORDERS OF THE COURT

08/12/2021 **Minute Order** (11:00 AM) (Judicial Officer Ochoa, Vincent)

Minutes

08/12/2021 11:00 AM

- MINUTE ORDER FROM CHAMBERS NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Co-Petitioner, William Wallace, filed Defendant s Motion to Modify Decree of Divorce on June 18, 2021. Petitioner, Ammie Wallace, filed Plaintiff s Opposition and Countermotion on July 9, 2021. The matter came before the Court on August 18, 2021, and the matter was taken under advisement at the hearing. The Court Orders the following: 1. Mr. Wallace s (Co-Petitioner/Defendant) Motion to Modify Decree of Divorce is denied. 2. Ms. Wallace s (Petitioner/Plaintiff) Countermotion for attorney s fees shall be granted. Ms. Wallace s attorney, Shelly Booth Cooley, Esq., shall file a Brunzell Affidavit and relevant billing statements. 3. Ms. Wallace's attorney, Shelly Booth Cooley, Esq., shall prepare the order. The Order shall contain detailed findings including the facts of the case and an analysis of the relevant law. The portion of the order awarding attorney s fees shall include a discussion of the applicable statute, which party is the prevailing party, and why the actions may be considered vexatious or without merit. The specific amount of attorney s fees shall be left blank. The proposed order shall be submitted in PDF and Word format. A copy of the Minute Order shall be provided to both parties.

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