

IN THE SUPREME COURT OF THE STATE OF NEVADA

BARTHOLOMEW MAHONEY
Appellant,

vs.

BONNIE MAHONEY
Respondent.

Supreme Court No. 82412-13 Electronically Filed
Sep 22 2021 11:05 a.m.
District Court No. D-13-47783-10 Elizabeth A. Brown
Clerk of Supreme Court

APPELLANT'S APPENDIX VOLUME III

AARON D GRIGSBY
GRIGSBY LAW GROUP
A Professional Corporation
Nevada Bar No. 9043
2880 W. Sahara Ave.
Las Vegas, Nevada 89102
Phone: (702) 202-5235
aaron@grigsbylawgroup.com
Counsel for Appellant

KIMBERLY STUTZMAN
Radford J. Smith, Chartered
2470 St. Rose Parkway Suite 206
Henderson, Nevada 89014
kstutzman@radfordsmith.com
Counsel for Respondent

DOCUMENT	VOLUME NUMBER	BATE NO(S)
Notice of Entry of Decree of Divorce	I	AA000001-12
Motion to Reduce Arrearages, Interest, and Penalties to Judgment; to Modify Alimony; to Review Child Support, for Sanctions and Attorney's Fees	I	AA000013-34
Schedule of Arrears	I	AA000035-43
General Financial Disclosure Form	I	AA000044-50
Notice of Hearing	I	AA000051
Certificate of Service	I	AA000052-53
Motion to Reduce Arrearages, Interest, and Penalties to Judgment; to Modify Alimony; to Review Child Support, for Sanctions and Attorney's Fees	I	AA000054-75
Schedule of Arrears	I	AA000076-84
General Financial Disclosure Form	I	AA000085-91
Notice of Hearing	I	AA000092
Defendant's Appendix of Exhibits to her motion	I	AA000093-145
Ex Parte Request for an Order to Continue Hearing	I	AA000146-152

DOCUMENT	VOLUME NUMBER	BATE NO(S)
Notice of Rescheduling of Hearing	I	AA000153-154
Certificate of Service	I	AA000155-156
Notice of Rescheduling of Hearing	I	AA000157-158
Notice of Entry of Order Granting Ex Parte Request		
To Continue Hearing	I	AA000159-162
Certificate of Service	I	AA000163-164
Request for Submission of Motion Pursuant to		
EDCR 5.502	I	AA000165-188
Notice of Appearance of Counsel	I	AA000189-191
Opposition to Mo Motion to Reduce Arrearages, Interest, and		
Penalties to Judgment; to Modify Alimony;		
to Review Child Support, for Sanctions and		
Attorney's Fees and Countermotion to Strike Motion and		
For Attorney's Fees and Costs	I	AA000192-213
Notice of Entry of Order after August 22, 2019 Hearing	I	AA000214-218

DOCUMENT	VOLUME NUMBER	BATE NO(S)
Plaintiff's Reply in Support of her Motion to Reduce Arrearages, Interest, and Penalties to Judgment; to Modify Alimony; to Review Child Support, for Sanctions and Attorney's Fees	I	AA000219-236
Updated Schedule of Arrears	I	AA000237-242
General Financial Disclosure Form	II	AA000243-253
Notice of Entry of Order after November 13, 2019	II	AA000254-259
Affidavit of Service	II	AA000260-262
Notice of Change of Law Firm Address	II	AA000263-264
General Financial Disclosure Form	II	AA000265-276
Motion to Withdraw	II	AA000277-284
Notice of Hearing	II	AA000285
Request for Submission	II	AA000286-288
Notice of Entry of Order	II	AA000289-292
Stipulation and Order to Continue Evidentiary Hearing	II	AA000293-297
Notice of Rescheduling of Hearing	II	AA000298-299
Certificate of Service	II	AA000300-301
Amended Certificate of Service	II	AA000302-303
Order Setting Evidentiary Hearing	II	AA000304-308

DOCUMENT	VOLUME NUMBER	BATE NO(S)
Defendant's Pre-Trial Memorandum	II	AA000309-329
Defendant's List of Trial Exhibits	II	AA000330-333
Defendant's Amended List of Trial Exhibits	II	AA000334-337
Defendant's Second Amended List of Trial Exhibits	II	AA000338-341
Updated Schedule of Arrears	II	AA000342-380
General Financial Disclosure Form	II	AA000381-388
Notice of Entry of Findings of Fact, Conclusions of Law, Order and Judgment From The December 3, 2020 Evidentiary Hearing	II	AA000389-454
Defendant's Memorandum of Fees, Costs, and Disbursements and Brunzell Declaration	II	AA000455-482
Notice of Entry of Order Granting Attorney's Fees And Costs	III	AA000483-498
Transcripts: December 3, 2020	III	AA000499-540

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 21st day of September, 2021
a copy of the foregoing Appellant's Appendix Volume III was served as follows:

BY ELECTRONIC FILING TO

Kimberly Stutzman, Esq
Radford J. Smith, Chartered
2470 St. Rose Parkway Suite 206
Henderson, Nevada 89014
kstutzman@radfordsmith.com

/s/Aaron Grigsby
Employee of The Grigsby Law Group

Steven D. Grierson

1 NEO

2 RADFORD J. SMITH, CHARTERED

3 KIMBERLY A. STUTZMAN, ESQ.

4 Nevada State Bar No. 014085

5 2470 St. Rose Parkway Suite 206

6 Henderson, Nevada 89014

7 Phone: (702) 990-6448; Fax: (702) 990-6456

8 Email: kstutzman@radfordsmith.com

9 Attorneys for Defendant

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

10 BARTHOLOMEW M. MAHONEY, JR.,

11 Plaintiff,

12 vs.

13 BONNIE M. MAHONEY,

14 Defendant.

CASE NO.: D-13-477883-D
DEPT NO.: S

NOTICE OF ENTRY OF ORDER GRANTING ATTORNEY'S FEES AND COSTS

17 PLEASE TAKE NOTICE that on the 11th day of January 2021, the Honorable
18 Vincent Ochoa entered an Order Granting Attorney's Fees and Costs, a copy of which is
19 attached hereto.

20 Date this 11th day of January 2021.

21 /s/ Kimberly A. Stutzman

22 KIMBERLY A. STUTZMAN, ESQ.

23 Nevada Bar No. 014085

24 2470 St. Rose Parkway, Suite 206

25 Henderson, Nevada 89074

26 Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Radford J. Smith, Chartered ("the Firm"). I am over the age of 18 and not a party to the within action. I am "readily familiar" with firm's practice of collection and processing correspondence for mailing. Under the Firm's practice, mail is to be deposited with the U.S. Postal Service on the same day as stated below, with postage thereon fully prepaid.

I caused the foregoing document described as "NOTICE OF ENTRY OF ORDER GRANTING ATTORNEY'S FEES AND COSTS" to be served on this 11th day of January 2021, to all interested parties as follows:

☒ BY MAIL: Pursuant to NRCP 5(b), I placed a true copy thereof enclosed in a sealed envelope addressed as follows;

☒ BY ELECTRONIC SERVICE: I transmitted a copy of the foregoing document this date via the Eighth Judicial District Court's electronic filing system;

Bart Mahoney
7960 Rafael Rivera Way, #300
Las Vegas, NV 89113
bmmlv27@gmail.com
Plaintiff in Proper Person

/s/ Courtney Janson
An Employee of Radford J. Smith, Chartered

ORDR

RADFORD J. SMITH, CHARTERED
KIMBERLY A. STUTZMAN, ESQ.
Nevada Bar No. 014085
2470 St. Rose Parkway, Suite #206
Henderson, Nevada 89074
Telephone: (702) 990-6448
Facsimile: (702) 990-6456
firm@radfordsmith.com
Attorneys for Defendant

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

BARTHOLOMEW M. MAHONEY, JR.,

Plaintiff,

vs.

BONNIE M. MAHONEY,

Defendant.

CASE NO.: D-13-477883-D
DEPT NO.: S

ORDER GRANTING ATTORNEY'S FEES AND COSTS

DATE: December 3, 2020
TIME: 9:15 a.m.

This matter coming on for an Evidentiary Hearing; Plaintiff, BARTHOLOMEW M. MAHONEY, JR. ("Bart"), not present and not represented; and Defendant, BONNIE M. MAHONEY ("Bonnie"), present and represented by her attorney of record, Kimberly A. Stutzman, Esq. of the law firm of Radford J. Smith, Chartered. The Court having heard the testimony of witnesses sworn in open court, having reviewed the documentary evidence

1 admitted at the Evidentiary Hearing, and having heard and considered the oral argument of
2 counsel, and good cause appearing therefore, makes the following Order Regarding
3 Attorney's Fees and Costs pursuant to the Court's direction in the Findings of Fact,
4 Conclusions of Law, Order, and Judgment filed December 24, 2020.
5

6
7 1. THE COURT HEREBY FINDS that the Plaintiff, BARTHOLOMEW M.
8 MAHONEY, ("Bart") was not present. The Court further finds that Bart was fully notified
9 about the December 3, 2020 Evidentiary Hearing.
10

11 2. THE COURT FURTHER FINDS that the parties, Plaintiff, BARTHOLOMEW
12 MAHONEY ("Bart"), age 54 and, Defendant, BONNIE MAHONEY ("Bonnie"), age 49,
13 were divorced by stipulated Decree of Divorce ("Decree") filed February 3, 2016.
14

15 3. THE COURT FURTHER FINDS that the parties have two children, BRIGITTE
16 MAHONEY ("Brigitte"), born October 29, 2001 (age 19), and SOPHIA MAHONEY
17 ("Sophia"), born June 12, 2004 (age 16).
18

19 4. THE COURT FURTHER FINDS that Nevada has both personal and subject
20 matter jurisdiction.
21

22 5. THE COURT FURTHER FINDS that, pursuant to the Court's orders in its
23 Findings of Fact, Conclusions of Law, Order and Judgment, filed December 24, 2020, Bonnie
24 is entitled to an award of Attorney's Fees and Costs as a result of prosecuting her Motion and
25 preparing for the Evidentiary Hearing.
26
27
28

1 6. THE COURT FURTHER FINDS that NRS 125.180 states as follows:

2 1. When either party to an action for divorce, makes default in paying any
3 sum of money as required by the judgment or order directing the payment
4 thereof, the district court may make an order directing entry of judgment for
5 the amount of such arrears, together with **costs and a reasonable attorney's**
6 **fee.**

7 2. The application for such order shall be upon such notice to the defaulting
8 party as the court may direct.

9 3. The judgment may be enforced by execution or in any other manner
10 provided by law for the collection of money judgments.

11 4. The relief herein provided for is in addition to any other remedy provided
12 by law.

13 [Emphasis added.]

14 7. THE COURT FURTHER FINDS that there is a statutory mandate for an
15 award of fees against a party shown to be in arrearages in child support (NRS 125B.140).
16 NRS 125B.140 states in relevant part:

17 2. Except as otherwise provided in subsection 3 and NRS 125B.012,
18 125B.142 and 125B.144:

19 (c) The court shall determine and include in its order:

20 (1) *Interest upon the arrearages* at a rate established pursuant to
21 NRS 99.040, from the time each amount became due; and

22 (2) *A reasonable attorney's fee for the proceeding,*
23 unless the court finds that the responsible parent would experience an
24 undue hardship if required to pay such amounts. *Interest continues to*
25 *accrue on the amount ordered until it is paid, and additional attorney's*
26 *fees must be allowed if required for collection.*

27 [Emphasis added.]

1 8. THE COURT FURTHER FINDS that Bart failed to pay Bonnie child support,
2 spousal support, bonuses, orthodontic expenses, and attorney fees due under the Court's
3 Decree.
4

5 9. THE COURT FURTHER FINDS that Bart's failures to pay are willful. Bart
6 is a successful businessman. Upon information and belief Bart continues to receive a
7 significant salary including yearly bonuses. There is no legitimate excuse for Bart's
8 nonpayment. He continues to live the same lifestyle he lived during the parties' marriage.
9 He continues to reside in a nice home, purchase discretionary items, take vacations, etc.
10

11 10. THE COURT FURTHER FINDS that as a result of Bart's noncompliance, he
12 unnecessarily multiplied the proceedings in this matter by failing to comply with the
13 Court's orders. Bonnie attempted to minimize the fees related to this matter by giving Bart
14 more than ample opportunity to comply with these orders and by postponing the filing of
15 her Motion in May 2019.
16
17
18
19

20 11. THE COURT FURTHER FINDS that Bart failed to appear at the Evidentiary
21 Hearing and failed provide any evidence to support his claims in his opposition.
22

23 12. THE COURT FURTHER FINDS that Bonnie seeks a judgment against Bart
24 for the fees and costs she expended in filing her Motion, preparing for the evidentiary
25 hearing, and in attempting to seek Bart's compliance with the parties' Stipulated Decree of
26 Divorce. Bonnie seeks judgment against Bart for the full amount of fees and costs she has
27
28

1 incurred.

2 13. THE COURT FURTHER FINDS that Bart multiplied these proceedings and
3
4 as a result, Bonnie has incurred attorney's fees and costs in the prosecution of this Motion.

5 14. THE COURT FURTHER FINDS that a request for an order directing another
6
7 party to pay attorney's fees must be based upon statute, rule or contractual provision. *See,*
8 *e.g., Rowland v. Lepire*, 99 Nev. 308, 662 P.2d 1332 (1983).

9 15. THE COURT FURTHER FINDS that the Eighth Judicial District Rules are
10
11 also a basis for an award of fees and a fine (a penalty above the amount of reasonable
12 attorneys and costs) based upon Bart's breach of the parties' Stipulated Decree.

13 16. THE COURT FURTHER FINDS that as stated above, EDCR 7.60 allows an
14
15 order for attorney's fees when a party multiplies the proceedings or "Fails or refuses to
16
17 comply with any order of a judge of the court." EDCR 7.60(b)(5).

18 17. THE COURT FURTHER FINDS that Bart failed to comply with the Decree
19
20 requirement that he pay child support, alimony, attorney fees, bonuses, and 30/30 health
21 insurance expenses to Bonnie. Bonnie attempted to resolve these issues with Bart to no
22 avail.

23 18. THE COURT FURTHER FINDS that NRS 125.150 pertaining to an award
24
25 for attorney's fees, states in relevant part,

26 3. Except as otherwise provided in NRS 125.141, whether or not application
27 for suit money has been made under the provisions of NRS 125.040, the court
28 may award a *reasonable attorney's fee* to either party to an action for divorce

1 if those fees are in issue under the pleadings.

2 [Emphasis added]

3 19. THE COURT FURTHER FINDS that in *Miller v. Wilfong*, 121 Nev. 619,
4 621, 119 P.3d 727, 730 (2005), the Court stated:

5
6 [I]t is within the trial court's discretion to determine the reasonable amount
7 of attorney fees under a statute or rule, in exercising that discretion, the court
8 must evaluate the factors set forth in *Brunzell v. Golden Gate National Bank*,
9 85 Nev. 345, 349, 455 P.2d 31, 33 (1969). Under *Brunzell*, when courts
10 determine the appropriate fee to award in civil cases, they must consider
11 various factors, including the qualities of the advocate, the character and
12 difficulty of the work performed, the work actually performed by the
13 attorney, and the result obtained. We take this opportunity to clarify our
14 jurisprudence in family law cases to require trial courts to evaluate
15 the *Brunzell* factors when deciding attorney fee awards. Additionally,
16 in *Wright v. Osburn*, this court stated that family law trial courts must also
17 consider the disparity in income of the parties when awarding
18 fees. Therefore, parties seeking attorney fees in family law cases must
19 support their fee request with affidavits or other evidence that meets the
20 factors in *Brunzell* and *Wright*.

21 20. THE COURT FURTHER FINDS that one of the four factors this Court must
22 review, under the above cited decisions in *Wilfong* and *Brunzell*, is the result obtained.

23 21. THE COURT FURTHER FINDS that Bonnie filed her Motion for Attorney's
24 Fees and Costs along with her Motion 9, 2019. Thus, her Motion is timely pursuant to
25 NRCP 45.

26 22. THE COURT FURTHER FINDS that Bonnie timely filed her Memorandum
27 of Fees and Costs on December 31, 2020.

28 23. THE COURT FURTHER FINDS that NRS 18.010 states in relevant part —

1 1. The compensation of an attorney and counselor for his or her services is
2 governed by agreement, express or implied, which is not restrained by law.

3 2. In addition to the cases where an allowance is authorized by specific
4 statute, the court may make an allowance of attorney's fees to a prevailing
5 party:

- 6 (a) When the prevailing party has not recovered more than \$20,000; or
7 (b) Without regard to the recovery sought, when the court finds that
8 the claim, counterclaim, cross-claim or third-party complaint or defense
9 of the opposing party was brought or maintained without reasonable
10 ground or to harass the prevailing party. The court shall liberally
11 construe the provisions of this paragraph in favor of awarding
12 attorney's fees in all appropriate situations. It is the intent of the
13 Legislature that the court award attorney's fees pursuant to this
14 paragraph and impose sanctions pursuant to Rule 11 of the Nevada
15 Rules of Civil Procedure in all appropriate situations to punish for and
16 deter frivolous or vexatious claims and defenses because such claims
17 and defenses overburden limited judicial resources, hinder the timely
18 resolution of meritorious claims and increase the costs of engaging in
19 business and providing professional services to the public.

20 3. In awarding attorney's fees, the court may pronounce its decision on the
21 fees at the conclusion of the trial or special proceeding without written motion
22 and with or without presentation of additional evidence.

23 4. Subsections 2 and 3 do not apply to any action arising out of a written
24 instrument or agreement which entitles the prevailing party to an award of
25 reasonable attorney's fees.

26 NRS 18.010 [emphasis added].

27 24. THE COURT FURTHER FINDS that NRS 18.100 states in relevant part that:

28 1. The party in whose favor judgment is rendered, and who claims costs, must
file with the clerk, and serve a copy upon the adverse party, within 5 days after
the entry of judgment, or such further time as the court or judge may grant, a
memorandum of the items of the costs in the action or proceeding, which
memorandum must be verified by the oath of the party, or the party's attorney
or agent, or by the clerk of the party's attorney, stating that to the best of his
or her knowledge and belief the items are correct, and that the costs have been
necessarily incurred in the action or proceeding.

1 2. The party in whose favor judgment is rendered shall be entitled to recover
2 the witness fees, although at the time the party may not actually have paid
3 them. Issuance or service of subpoena shall not be necessary to entitle a
4 prevailing party to tax, as costs, witness fees and mileage, provided that such
5 witnesses be sworn and testify in the cause.

6 3. It shall not be necessary to embody in the memorandum the fees of the
7 clerk, but the clerk shall add the same according to the fees of the clerk fixed
8 by statute.

9 4. Within 3 days after service of a copy of the memorandum, the adverse party
10 may move the court, upon 2 days' notice, to retax and settle the costs, notice
11 of which motion shall be filed and served on the prevailing party claiming
12 costs. Upon the hearing of the motion the court or judge shall settle the costs.

13 25. THE COURT FURTHER FINDS that in the instant matter, Bonnie is the
14 prevailing party. Therefore, she should be awarded her attorney's fees and costs.

15 26. THE COURT FURTHER FINDS that Moreover, the Eighth Judicial District
16 Rules are also a basis for an award of fees and a fine (a penalty above the amount of
17 reasonable attorneys and costs) based upon Bart's breach of the Court's Decree.

18 27. THE COURT FURTHER FINDS that EDCR 7.60 states:

19 (a) If without just excuse or because of failure to give reasonable attention to
20 the matter, no appearance is made on behalf of a party on the call of a calendar,
21 at the time set for the hearing of any matter, at a pre-trial conference, or on
22 the date of trial, the court may order any one or more of the following:

23 (1) Payment by the delinquent attorney or party of costs, in such
24 amount as the court may fix, to the clerk or to the adverse party.

25 (2) Payment by the delinquent attorney or party of the reasonable
26 expenses, including attorney's fees, to any aggrieved party.

27 (3) Dismissal of the complaint, cross-claim, counter-claim or motion
28 or the striking of the answer and entry of judgment by default, or the
granting of the motion.

(4) Any other action it deems appropriate, including, without
limitation, imposition of fines.

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

5 (1) Presents to the court a motion or an opposition to a motion which
6 is obviously frivolous, unnecessary or unwarranted.

7 (2) *Fails to prepare for a presentation.*

8 (3) *So multiplies the proceedings in a case as to increase costs*
9 *unreasonably and vexatiously.*

10 (4) Fails or refuses to comply with these rules.

11 (5) Fails or refuses to comply with any order of a judge of the court.

12 [Emphasis added.] Here, Bart did not appear for the Evidentiary Hearing. Thus, he failed
13 to prepare for the presentation. He also failed to cooperate in the proceeding. Bonnie was
14 forced to serve seven subpoenas as follows: Wells Fargo, JP Morgan Chase, First Republic
15 Bank, Wynn Las Vegas, Southern Glazer's Wine and Spirits, Golden Entertainment, and
16 Resorts World Las Vegas.

17 28. THE COURT FURTHER FINDS that Bart refused to comply with the parties'
18 Stipulated Decree requiring that he pay child support, alimony, attorney fees, and health
19 insurance to Bonnie. Bonnie attempted to resolve these issues with Bart, but he refused

20 29. NRS 125.150 pertaining to an award for attorney's fees, states in relevant part,
21

22 3. Except as otherwise provided in NRS 125.141, whether or not application
23 for suit money has been made under the provisions of NRS 125.040, the court
24 may award a *reasonable attorney's fee* to either party to an action for divorce
25 if those fees are in issue under the pleadings.

26 [Emphasis added]

27 30. In *Miller v. Wilfong*, 121 Nev. 619, 621, 119 P.3d 727, 730 (2005), the Court
28 stated:

1 [I]t is within the trial court's discretion to determine the reasonable amount
2 of attorney fees under a statute or rule, in exercising that discretion, the court
3 must evaluate the factors set forth in *Brunzell v. Golden Gate National Bank*,
4 85 Nev. 345, 349, 455 P.2d 31, 33 (1969). Under *Brunzell*, when courts
5 determine the appropriate fee to award in civil cases, they must consider
6 various factors, including the qualities of the advocate, the character and
7 difficulty of the work performed, the work actually performed by the
8 attorney, and the result obtained. We take this opportunity to clarify our
9 jurisprudence in family law cases to require trial courts to evaluate
10 the *Brunzell* factors when deciding attorney fee awards. Additionally,
11 in *Wright v. Osburn*, this court stated that family law trial courts must also
12 consider the disparity in income of the parties when awarding
13 fees. Therefore, parties seeking attorney fees in family law cases must
14 support their fee request with affidavits or other evidence that meets the
15 factors in *Brunzell* and *Wright*.

16 *Miller v. Wilfong*, 121 Nev. 619, 623-24, 119 P.3d 727, 730 (2005).

17 31. Bonnie seeks reimbursement of his attorney's fees and costs in this matter and
18 as the prevailing party under the criteria set forth in *Miller v. Wilfong*, 121 Nev. 619, 119
19 P.3d 727 (2005).

20 32. With regard to fees, the Supreme Court has adopted "well known basic
21 elements," which in addition to hourly time schedules kept by the attorney, are to be
22 considered in determining the reasonable value of an attorney's services qualities,
23 commonly referred to as the *Brunzell* factors.¹

24 1. *Quality of the Advocate*: his ability, his training, education, experience,
25 professional standing and skill. This factor logically addresses the rate at which counsel
26 charges for services. A skilled and experienced attorney can justify an hourly rate greater
27

28 ¹ *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 455 P.2d 31, 33 (1969).

1 than an attorney with less skill and experience. A party may contend that a rate is either
2 reasonable or excessive in the market based upon the education, skill and experience of an
3 attorney, or lack thereof.
4

5 Radford J. Smith, Chartered, is A/V rated firm. The attorneys have litigated almost
6 every aspect of Nevada family law during the course of their respective careers. Its senior
7 attorney, and the lead attorney in the present case, Kimberly A. Stutzman, Esq. (formerly
8 Kimberly A. Medina, KAM on the Bill History) is a graduate of the Golden Gate University
9 School of Law. She received a Specialization Certificate in Family Law and Intellectual
10 Property upon graduation. She exclusively practices family law in the four years that she
11 has been licensed in Nevada. She is also licensed in the state of California. Her rate of \$300
12 per hour is reasonable based on her qualifications, experience, and quality of work
13 performed in this matter.
14
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16
17

18 2. *The Character of the Work to be Done* – its difficulty, its intricacy, its
19 importance, time and skill required, the responsibility imposed and the prominence and
20 character of the parties where they affect the importance of the litigation. The “character
21 of the work” goes to whether the fee charged was commensurate to the “difficulty, intricacy
22 and importance” of the issues raised. Bonnie incurred the fees addressed above due to
23 Bart’s actions and his failure to comply with basic court orders as well as the parties’
24 *stipulated* Decree of Divorce. Bonnie’s counsel worked diligently to prosecute her Motion,
25
26
27
28

1 reviews thousands of pages of Bart's financial records that had to be subpoenaed in order
2 to seek Bart's compliance in this case.

3
4 3. *The Work Actually Performed by the Lawyer* – the skill, time and attention
5 given to the work. Bonnie's counsel submits that the work done in this case was performed
6 in a competent and professional matter. The fees incurred were necessary, reasonable, and
7 commensurate to the work performed. Bonnie submitted her Billing History with her
8 Memorandum of Fees and Costs.

9
10
11 4. *The Result:* Whether the attorney was successful and what benefits were
12 derived.

13
14 Based on the foregoing, Bonnie was successful in the prosecution of her Motion.
15 Thus, she is the prevailing party. Bonnie incurred costs in the amount of \$1,339.80 and
16 attorney's fees in the amount of \$24,185.00 for a total of \$25,524.80.

17
18 **ORDER**

19
20 NOW, THEREFORE, based on the foregoing findings, IT IS HEREBY ORDERED,
21 ADJUDGED AND DECREED THAT:

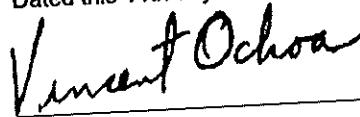
22 1. THE COURT HEREBY ORDERS that Bonnie's Motion for Attorney's Fees
23 and Costs filed with her *Motion to Reduce Arrearages, Interest, and Penalties to Judgment,*
24 *to Modify Alimony; to Review Child Support, for Sanctions and Attorney's Fees and Costs on*
25 *May 9, 2019* shall be GRANTED.

1 2. THE COURT FURTHER ORDERS that Bart shall pay Bonnie
2 \$ 1,339.80 as and for her COSTS. This amount is REDUCED TO
3 JUDGMENT and collectible by all legal means.
4

5 3. THE COURT FURTHER ORDERS that Bart shall pay Bonnie
6 \$ 22,000 as and for her ATTORNEY'S FEES. This amount is
7 REDUCED TO JUDGMENT and collectible by all legal means.
8

9 **IT IS ORDERED.**

Dated this 11th day of January, 2021



279 2D1 DA87 DDCB
Vincent Ochoa
District Court Judge

10
11
12
13
14 *Respectfully submitted by:*

15 RADFORD J. SMITH, CHARTERED

16 /s/ Kimberly A. Stutzman
17 KIMBERLY A. STUTZMAN, ESQ.
18 Nevada Bar No. 014085
19 2470 St. Rose Parkway, Suite 206
20 Henderson, Nevada 89074
21 (702) 990-6448
22 Attorneys for Defendant
23
24
25
26
27
28

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
5
6 Bartholomew M Mahoney,
7 Plaintiff

CASE NO: D-13-477883-D

8 vs.

DEPT. NO. Department S

9 Bonnie M Mahoney, Defendant.

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 1/11/2021

15 "Roger Giuliani, Esq." .

rgiuliani@att.net

16 Aaron Grigsby

aaron@grigsbylawgroup.com

17 Kimberly Stutzman

kstutzman@radfordsmith.com

18 Courtney Janson

cJanson@radfordsmith.com

19 Firm RJS

firm@radfordsmith.com

FILED

JUN 14 2021

Alison L. Sullivan
CLERK OF COURT

1 TRANS

2
3 ORIGINAL

4
5 EIGHTH JUDICIAL DISTRICT COURT

6 FAMILY DIVISION

7 CLARK COUNTY, NEVADA

8
9 BARTHOLOMEW M. MAHONEY,)

10 Plaintiff,)

11 vs.)

12 BONNIE M. MAHONEY,)

13 Defendant,)

CASE NO. D-13-477883-D

DEPT. S

APPEAL NO. 82412

APPEAL NO. 82413

14
15 BEFORE THE HONORABLE VINCENT OCHOA
16 DISTRICT COURT JUDGE

17 TRANSCRIPT RE: EVIDENTIARY HEARING

18 THURSDAY, DECEMBER 3, 2020

19 APPEARANCES:

20 (Participants appearing virtually)

21 The Defendant:
22 For the Defendant:

BONNIE M. MAHONEY
KIMBERLY STUTZMAN, ESQ.
2470 St. Rose Parkway,
Suite 206
Henderson, Nevada 89074
(702) 583-6867

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24
D-13-477883-D MAHONEY 12/03/2020 TRANSCRIPT
VERBATIM REPORTING & TRANSCRIPTION, LLC (520) 303-7356

I N D E X O F W I T N E S S E S

PLAINTIFF'S WITNESSES:

DIRECT CROSS REDIRECT RECROSS

(None presented)

DEFENDANT'S WITNESSES:

BONNIE M. MAHONEY

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* * * * *

I N D E X O F E X H I B I T S

DEFENDANT'S EXHIBITS:

ADMITTED

NO.

B - Plaintiff's Personal Income/Earnings

32

C - Schedule of Arrears

8

E - Chase Subpoena Response

37

F - Wells Fargo Subpoena Response

22

G - Bank Statement

18

H - Affidavit of Custodian of Records

15

I - Resorts World Subpoena Response

24

J - Golden Entertainment Subpoena Response

26

R - Orthodontist Bills

27

Z - Orthodontist Bill

29

EE - Text Messages

30

GG - The Wynn Subpoena Response

26

1 LAS VEGAS, NEVADA

THURSDAY, DECEMBER 3, 2020

2 PROCEEDINGS

3 (THE PROCEEDINGS BEGAN AT 09:28:18)

4
5 THE COURT: Madam Clerk.

6 THE CLERK: We are on the record.

7 THE COURT: Okay. This is Judge Ochoa conducting an
8 evidentiary hearing on a -- on the case of Mahoney, Jr. versus
9 Mahoney D-13-477883-D. Could we have introduction of Counsel,
10 please?

11 MS. STUTZMAN: Thank you, Your Honor. Kimberly
12 Stutzman, Bar number 14085 for the Defendant, Bonnie Mahoney
13 who is appearing via BlueJeans.

14 THE COURT: Okay. Is Mr. Mahoney present or his
15 attorney?

16 THE DEFENDANT: No.

17 MS. STUTZMAN: He does not have an attorney, and no
18 he's not present.

19 THE COURT: Was he aware of today's date, and do you
20 know why he's not here today or have any reason to know why?

21 MS. STUTZMAN: I don't have any reason to know why
22 he is not here, but we have provided him with the -- all of
23 our exhibits and our pre-trial. He received the ordering
24 scheduling the evidentiary hearing that scheduled it for today

1 at ni -- 9:15, Your Honor.

2 THE COURT: Okay, I have reviewed your pre-trial
3 memo. I think it would be safe to make some kind of record
4 under oath, and for the record, this matter was scheduled to
5 start at 9:15; it is now 9:30. Apparently, all proper notice
6 was given to the Plaintiff, and he was involved in this case
7 for a period of time; is that correct, Counselor?

8 MS. STUTZMAN: Through his attorney, Aaron Grigsby,
9 but he has not physically or telephonically appeared at a
10 hearing.

11 THE COURT: Okay, so I'll let you -- let me first
12 ask you, how you do you propose to proceed today so we can
13 have a record and conclude this case?

14 MS. STUTZMAN: So I can walk through a brief
15 testimony with my client that goes over the schedule of
16 arrears. I would request that we admit the exhibits that I
17 have provided to the Court to support the Bates numbers on
18 that schedule of arrears that supports his bank records and
19 his work records, and then I did have a couple of housekeeping
20 on the schedule of arrears to correct some of the balances if
21 we want to go through that trial transparency.

22 THE COURT: Okay, as far as exhibits, you need to go
23 through them one by one, the ones you would want as we go
24 through the testimony, and then --

1 MS. STUTZMAN: Okay.

2 THE COURT: -- the schedule of arrears we'll go over
3 as well.

4 MS. STUTZMAN: Okay.

5 THE COURT: So let's swear your client in first, and
6 then we'll proceed.

7 THE CLERK: Ma'am, raise your right hand. You do
8 solemnly affirm the testimony you're about to give in this
9 action shall be the truth, the whole truth, nothing but the
10 truth under pains and penalty of perjury?

11 THE DEFENDANT: I do.

12 THE CLERK: Okay, thank you. Put your hand down.

13 THE COURT: You might need to move a little closer
14 to your mic as you testify. Thank you.

15 BONNIE MAHONEY
16 called as a witness on her own behalf, having been first duly
17 sworn, did testify upon her oath as follows on:

18 DIRECT EXAMINATION

19 BY MS. STUTZMAN:

20 Q All right, Bonnie, can you please state your name
21 for the record?

22 A Bonnie Mahoney.

23 Q And where do you currently reside?

24 A 507 Venado Vista Drive, La Canada, CA 91011.

1 Q Are you currently employed?

2 A Not.

3 Q To your knowledge, is Bart currently employed?

4 A I believe he is.

5 Q All right, and then -- let's see.

6 MS. STUTZMAN: Am I able to share the screen, Your
7 Honor?

8 THE COURT: I don't know what that means, but yes, I
9 guess. What -- what do you mean by share?

10 MS. STUTZMAN: So that we can all see the exhibit
11 that I'm going to pull up.

12 THE COURT: Well I see, and I see Bonnie Mahoney
13 right now on the screen.

14 MS. STUTZMAN: If you have the exhibit in front of
15 you, then --

16 THE COURT: Yeah, I have the --

17 MS. STUTZMAN: -- that's okay.

18 THE COURT: -- exhibits here. Which one are you
19 referring to?

20 MS. STUTZMAN: So I'm going to --

21 THE COURT: Cause those three packets --

22 MS. STUTZMAN: -- first -- I'm going to first refer
23 to Exhibit C, the schedule of arrears.

24 THE COURT: Okay, I have the schedule of arrears

1 out.

2 BY MS. STUTZMAN:

3 Q Bonnie, are you able to pull that up on your phone
4 as well?

5 A I'm afraid that if I try to pull up my files I may
6 lose the app -- the BlueJean app.

7 MS. STUTZMAN: Okay, let me see.

8 THE COURT: I have what's marked Exhibit A. Okay, I
9 see this on-line. Is that the Court doing that or is that the
10 attorney?

11 MS. STUTZMAN: I shared my screen. Is everyone able
12 to see that schedule of arrears?

13 THE COURT: Yes.

14 THE DEFENDANT: You don't see it -- okay.

15 BY MS. STUTZMAN:

16 Q Bonnie - are you able to --

17 THE COURT: I see a cover page.

18 Q Well, are you able to see that?

19 A Yes.

20 Q The first page with the filing date. Okay. Okay,
21 do you recognize this document?

22 A Yes, Ma'am.

23 Q Is this the document that you prepared with the help
24 of my office regarding the unpaid monies from Bart?

1 A Yes.

2 Q And then if you can flip through it, does this look
3 like a true and correct copy of the copy that was filed with
4 the Court?

5 A Based on what I received earlier, yes. I am not
6 able to flip through your screen.

7 Q Oh, sorry, that's true.

8 (PAUSE)

9 A Yes, this is the -- this is what I signed and what
10 we agreed on.

11 Q Okay, great. Let's see. All right, so move to
12 admit Exhibit C, Your Honor.

13 THE COURT: Exhibit C is your pre-trial amended
14 schedule?

15 MS. STUTZMAN: Exhibit C is the updated schedule of
16 arrears that was filed on November 30th, Your Honor.

17 THE COURT: Madam Clerk, do you have that Exhibit C?

18 THE CLERK: Yes, I have it.

19 THE COURT: Okay, it will be admitted.

20 (DEFENDANT'S EXHIBIT C ADMITTED)

21 MS. STUTZMAN: Thank you.

22 BY MS. STUTZMAN:

23 Q So, Bonnie, I'm going to bring your attention to the
24 first schedule, so I'm gonna scroll down a few pages. Sorry

1 if I'm making anyone dizzy with this. So this is the child
2 support and spousal support spreadsheet; is that correct?

3 A Yes, ma'am.

4 MS. STUTZMAN: Okay, so for the record, I'm going to
5 correct a couple of cells for -- for the Court. On August
6 2016, the amount paid was thirty -- 3,220 rather than the
7 1,220.

8 THE COURT: How much was paid then?

9 MS. STUTZMAN: \$3,220.00.

10 THE COURT: Okay.

11 MS. STUTZMAN: And then the next month was September
12 2016, and that amount was 5,320, and then -- oops. Okay, and
13 then on the next page of that spreadsheet for June 2018, the
14 amount paid was 5,350. On November 2019, the amount paid was
15 2,183.

16 THE COURT: So was -- is that a lesser amount than
17 what you have?

18 MS. STUTZMAN: It is. It is, and then in December
19 2019, it was 2,182 so I was off by a dollar, and then one last
20 correction was in November 2020 he had paid 500, and then so
21 far we don't have a record of December so that should be zero.

22 THE COURT: November of 2020 you have 1,091, and you
23 said the correct amount is?

24 MS. STUTZMAN: Five-hundred.

1 THE COURT: Okay, so on column two at the bottom
2 under totals, what would be the new total.

3 MS. STUTZMAN: I have that figure. Let me pull it
4 up. In column B, this one instead of 267 -- okay should still
5 be -- okay. Then column C should be 242 -- 352, and then the
6 next column should be 25,360, so then the -- what is this.
7 The interest which is this 3,700 figure should be changed to
8 \$3,133.50, and then the penalties are 4,000 -- or no,
9 \$3,293.29 so then the total sum due right here should change
10 to \$31,786.80.

11 THE COURT: 31,000 and what?

12 MS. STUTZMAN: 786 dollars and 80 cents.

13 THE COURT: Okay.

14 MS. STUTZMAN: And I can send the updated
15 spreadsheet to the Clerk if that's helpful.

16 THE COURT: Okay, that would be an amended Exhibit
17 C?

18 MS. STUTZMAN: Yes.

19 THE COURT: Is that -- is that correct?

20 MS. STUTZMAN: Yes.

21 THE COURT: Okay, so if we can get that in within
22 the next 24 hours.

23 MS. STUTZMAN: Absolutely.

24 BY MS. STUTZMAN:

1 Q Okay, so Bonnie other than those corrections -- well
2 with those corrections, is this spreadsheet true to the best
3 of your knowledge of the combined child support and alimony
4 that you received from Bart?

5 A To the best of my knowledge, yes.

6 Q So I'm going to scroll to the next chart. What
7 chart is this here; can you see it?

8 A I believe it has to do with the attorney fees that
9 he was supposed to pay me.

10 Q And to the best of your knowledge, has Bart paid you
11 the total sum of \$10,000 owed to you?

12 A No.

13 Q And on your review of this chart, is this an
14 accurate representation of the funds that he has paid to you?

15 A I believe it is based on my records.

16 Q And what is the total amount that he still owes per
17 this chart?

18 A I can't exactly read this chart, but I believe it --
19 with interest it came out to 6,000-something.

20 Q So in Exhibit C, the attorney fee spreadsheet, of
21 the 10,000 owed, per your records, it shows that he's paid
22 5,105; is that correct?

23 A I'm sorry, I'm a little slow today. It --
24 approximately. I -- I -- I -- I don't know the exact sums,

1 I'm sorry.

2 Q Okay, so I'll represent that per your chart, he's
3 paid a total of five -- \$4,895, and he owes 5,105; does that
4 sound correct?

5 A That sounds correct.

6 Q And then with interest, he -- that is about
7 \$1,523.78; is that correct to your knowledge?

8 A To my knowledge, yes.

9 Q So that means the total due is \$6,628.78; is that
10 correct?

11 A That sounds correct.

12 Q And to your recollect -- to -- to your recollection,
13 have you attempted to resolve this issue with Bart and seek
14 re-payment for these attorney fees?

15 A Yes, via text and emails, I have asked him
16 repeatedly. Also reminded him about our divorce decree that
17 everything was to be sent via his employment into my bank
18 account so that we didn't have to handle these issues
19 repeatedly with me asking him to pay, and --

20 Q So regarding his employment, what did you -- what
21 did you mean by that? What do you need his employment records
22 for?

23 A Well, to my knowledge he was supposed to have a
24 direct payment into my bank account for child support,

1 alimony, and attorney fees so that I wouldn't have to ask him
2 on the 5th and I believe the 25th -- something in the 20's --
3 he was supposed to make payments so I wouldn't have to ask him
4 -- make everything simple, and he would not pay me on time.
5 He would pay me minimal amounts. He would say that he didn't
6 have money, that the IRS was going to garnish his taxes. He
7 would numerous times tell me that he couldn't pay me.

8 Q Okay, was he supposed to pay you anything else other
9 than the child support, alimony, and attorney fees?

10 A His bonuses once a year if --

11 Q When if ever did you ask for his -- or let's say
12 this. When was he per the decree to provide the W-2
13 information to you?

14 A To the best of my knowledge, beginning 2015 as soon
15 as the divorce hearing were to -- I'm sorry I don't know exact
16 terminology for it -- was finalized, that W-2s starting then
17 for four years was to be submitted to me, and I was supposed
18 to receive 25 percent of any bonuses he was to receive, and --

19 Q Okay, so did he ever provide -- when if ever did he
20 provide his bonus information to you?

21 A He's never provided his bonuses nor his W-2 nor any
22 type of employment status. I would have to inquire and
23 investigate to find out where he was wor --

24 Q Did you do so for this litigation?

1 A No, I did not have money to keep paying for an
2 attorney. I had to borrow money to retain the -- my current
3 attorney, so.

4 Q Right, but through this litigation there were
5 subpoenas that were sent out.

6 A Oh, you --

7 Q Do you recall that?

8 A Yes, once I retained you, you were able to assist me
9 with moving forward; yes, I'm subpoenaing his W-2s from his
10 workplace and from him, yes.

11 Q Prior to the subpoenas -- you might have already
12 said this, but did you ever ask him for that W-2 information?

13 A I did via text and emails as well.

14 Q Did the decree require you to ask him to provide
15 that?

16 A Not to my knowledge.

17 Q All right, so let's move on to the next spreadsheet
18 which is a cover page for the next couple of spreadsheets.
19 So, to your knowledge, where did Bart work in 2015?

20 A Southern Wine and Spirits.

21 Q And did you receive a subpoena from Southern Wine
22 and Spirits, a subpoena response?

23 A I believe we did. I believe the only people we did
24 not receive, or refused to participate was Wynn (ph).

1 MS. STUTZMAN: Well - all right, Your Honor, I'm
2 going to move to Exhibit H. This is the Southern Wine and
3 Spirits subpoena.

4 Q Bonnie, do you recall receiving a copy of this
5 subpoena from our office?

6 A I did.

7 Q To the best of your knowledge, does it look like a
8 true and correct copy of the subpoena response we received?

9 A I believe it is.

10 Q Okay, let's -- and then if you flip to -- I'm going
11 to flip for you guys, to Defendant Exhibit H, Bates number
12 1498, this is the affidavit of custodian of records of
13 Southern Wine and Spirits, correct?

14 A Yes.

15 MS. STUTZMAN: Your Honor, I move to admit Exhibit
16 H.

17 THE COURT: Exhibit H will be admitted.

18 (DEFENDANT'S EXHIBIT H ADMITTED)

19 MS. STUTZMAN: Thank you.

20 Q I'm going to move back to Exhibit C. Bonnie, I mean
21 what if any bonuses did you -- were learned from this Southern
22 Wine and Spirits subpoena; to your knowledge did he receive
23 one?

24 A I -- I don't know how to answer that. I -- I -- I--

1 I -- I'm confused with a lot of the responses. I -- I --

2 Q No problem, so let's turn to page -- back to Exhibit

3 H. We're going to flip to page -- it's 1511. All right, can

4 you see -- so this Bates 1511. Can you see this page okay on

5 your end?

6 A Yes, ma'am.

7 Q Does he have a bonus on this pay-stub?

8 A Yes, ma'am.

9 Q What amount is that year-end bonus?

10 A I believe it --

11 Q If you can read it,

12 A \$28,764.

13 Q And per the decree, did Bart provide you this

14 information before April 15th of the following year?

15 A He has never disclosed this amount.

16 Q Okay, all right, so then let's flip to -- okay.

17 MS. STUTZMAN: Court's indulgence. Okay. One more

18 second. Let me find the right Bates number for this, Your

19 Honor. All right, we'll have to come back to that second

20 bonus for Southern Wine and Spirits. All right, so let's move

21 on.

22 BY MS. STUTZMAN:

23 Q Where else did Bart work after Southern Wine and

24 Spirits?

1 A My memory's not telling me correctly, but I know he
2 worked for Thomas Keller, the Wynn, and the Resorts World. I
3 don't know the exact order which came first, if it was Thomas
4 Keller or Wynn.

5 Q Okay, so then let's look to --

6 A I believe it was the Wynn.

7 Q All right, so we're going to flip to Exhibit G. Can
8 you see this, Bonnie?

9 A Yes, I'm zooming in on it.

10 Q Okay, can you tell what this document is?

11 A I'm assuming it's Bart's bank statements, one of his
12 bank statements.

13 Q Okay, can you see the top where it says First
14 Republic?

15 A Yes, ma'am.

16 Q Did you have to subpoena as well?

17 A Yes.

18 Q -- this bank record?

19 A Yes, as far as I'm aware, Bart and I only shared a
20 Wells Fargo, and then from then on he never really never told
21 me what bank --

22 Q Okay.

23 A -- account.

24 Q Okay, and I'm going to scroll through this, and let

1 me know if this looks like a true and correct copy of the
2 subpoena that you received back from First Republic. Does
3 this look the same?

4 A Yes, ma'am.

5 MS. STUTZMAN: Okay, I move to admit Exhibit G.

6 THE COURT: Exhibit G will be admitted.

7 (DEFENDANT'S EXHIBIT G ADMITTED)

8 BY MS. STUTZMAN:

9 Q So I'm going to move to Bates number 1461 in Exhibit
10 G. Actually -- actually I'm gonna go to 1450. Apparently
11 it's loading still. Okay, all right, 1450. Do you see the
12 first entry on that -- the deposits and credits --

13 A The --

14 Q -- the amount? What amount is that?

15 A \$5,277.20.

16 Q Okay, does that sound about right for the income
17 that Bart earns?

18 A At that time, yes, possibly. I'm not sure cause we
19 weren't --

20 Q Okay, right. So we're going to flip to 1461. So do
21 you see the -- the check on this page?

22 A Yes, ma'am.

23 Q And who is that from?

24 A It's from the Shamus Group which is Thomas Keller's

1 organization.

2 Q And that was who -- one of the places Bart worked
3 for, correct?

4 A Correct.

5 Q And then, what is the amount there for?

6 A 15,000.

7 Q Do you believe that this is one of the bonuses he
8 received?

9 A I do.

10 Q So then we're going to flip to 1465 -- 1465. You
11 see that check from Shamus and Peabody?

12 A For \$2,105.

13 Q Do you believe that that was an additional bonus he
14 received from them as well?

15 A To the best of my knowledge because it's lesser
16 (sic) than his 5,000 that we assumed he was making.

17 Q Did Bart ever give you information of this bonus?

18 A He did not.

19 Q Did Bart ever give you information regarding his
20 \$15,000 bonus?

21 A He did not.

22 Q All right, we're going to move to page 1468; do you
23 see the check on there from Thomas Keller?

24 A For \$80? I see a deposit of \$80.

1 Q No, 1468? It should be on your screen.
2 A I do not see.
3 THE COURT: We -- we have \$80 ATM cash.
4 MS. STUTZMAN: On Defendant 1468?
5 THE DEFENDANT: And we're at 1467 right now.
6 MS. STUTZMAN: Oh, okay, well maybe it's taking a
7 minute to update. Does the screen now show these -- these
8 check stubs --
9 THE COURT: We're still --
10 MS. STUTZMAN: -- and the deposit --
11 THE COURT: -- at 1467.
12 MS. STUTZMAN: Is it updated now?
13 THE COURT: Not right now.
14 MS. STUTZMAN: What about now?
15 THE DEFENDANT: Mine has not.
16 MS. STUTZMAN: Okay, let me -- okay. Is 1468 up
17 now?
18 THE DEFENDANT: It is not on mine. And, now, I just
19 lost your screen altogether.
20 MS. STUTZMAN: Is it back up?
21 THE DEFENDANT: No --
22 THE COURT: We have the -- we have everyone. We
23 don't have the exhibits though --
24 MS. STUTZMAN: Okay.

1 THE COURT: -- on the screen.
2 MS. STUTZMAN: Okay, it's still pending, so okay
3 we'll -- let me come back to that. Okay.
4 THE COURT: Now, we have the checks up.
5 MS. STUTZMAN: Okay, great. Perfect.
6 BY MS. STUTZMAN:
7 Q All right, so do you see the -- not the deposit slip
8 but the check on that page?
9 A Where --
10 Q \$4,646.45?
11 A Yes.
12 Q And who is that from?
13 A That one again is from Thomas Keller Restaurant
14 Group.
15 Q And do you believe that that is another bonus that
16 he received?
17 A To the best of my knowledge, it seems to be a bonus.
18 Q Did Bart ever give you information regarding this
19 bonus?
20 A He did not.
21 Q Okay, so we're going to -- okay, we're going to flip
22 back to Exhibit -- I'm going to go to Exhibit F. Okay, and
23 Bonnie can you tell what this exhibit says so far?
24 A It's Wells Fargo subpoena.

1 Q All right, and you had to subpoena the documents,
2 correct?

3 A I do (sic).

4 Q All right, does this -- while I scroll through, does
5 this look like the subpoena response that we received from
6 Wells Fargo?

7 A Yes, Fargo.

8 MS. STUTZMAN: So I would move to admit Exhibit F,
9 Your Honor.

10 THE COURT: Okay, Exhibit F will be admitted.

11 (DEFENDANT'S EXHIBIT F ADMITTED)

12 MS. STUTZMAN: Okay, so we're going to scroll to
13 page -- to Bates number 1047. Okay, give it a second to fully
14 load.

15 THE COURT: Counselor, I just wanted to let you
16 know, I know you have put a lot of time into this case, and
17 you can proceed any way you would like, but right now there is
18 no one here to oppose your request.

19 MS. STUTZMAN: Okay.

20 THE COURT: But I -- I agree with what you're doing
21 that maybe it might be important for future reference to set a
22 good and complete record, but I'll let you proceed the way you
23 would like.

24 MS. STUTZMAN: Okay, thank you, and I agree, I -- I

1 think it's important that we have the documents to support my
2 charge with the Bates numbers to the subpoena responses we
3 received, but it seems to be slow on the screen share, so that
4 means Ms. Mahoney won't see them but if -- I don't know if the
5 Court or the Clerk are able to review these in front of them
6 without the screen share if that might move things along a
7 little faster.

8 THE COURT: Well, we have something from Wells Fargo
9 on the screen now.

10 MS. STUTZMAN: Yes, okay, so we're gonna scroll
11 through -- the reason the Bates aren't in chronological -- in
12 fact, yet let me get to the Bates 1047 which will be a
13 cashier's check to Mr. Mahoney. Okay, almost there.

14 Q Okay, do you see this Bates number 1047, this check?

15 A Yes, Ma'am.

16 Q And then what is the amount for?

17 A I believe it's \$58,554.08.

18 Q And who is this from; can you see?

19 A Southern Wine and Spirits.

20 Q Do you believe that this is a bonus he received?

21 A I do.

22 Q Did he ever provide you with this information?

23 A He did not.

24 Q Okay. All right, so then I'm going to stay in the

1 same exhibit to page 1053. Okay, and do you see this check?

2 A The cashier's check for \$10,000.

3 Q Yes, do you believe that this is another bonus he
4 received?

5 A I -- I don't know who this is from. I don't know
6 where he received that money. I don't -- I don't know. I
7 apologize.

8 Q Okay. So for your best guess, do you -- do you
9 think it's a bonus or no.

10 A My best guess, I would assume, it was a bonus.

11 Q To your knowledge, has Bart ever opposed the -- the
12 spreadsheet we have provided?

13 A He has not.

14 Q And to the best of your knowledge, has he provided a
15 contrary spreadsheet regarding his payments and bonuses?

16 A He has not.

17 Q All right, so then we're going to move to Exhibit --
18 Exhibit I. This is the Resorts World subpoena. Bonnie does
19 this -- to the best of your knowledge, does this look like the
20 subpoena you received from Bart's current employer, Resorts
21 World?

22 A Yes, it does.

23 MS. STUTZMAN: All right. Move to admit Exhibit I,
24 Your Honor.

1 THE COURT: Exhibit I will be admitted.

2 (DEFENDANT'S EXHIBIT I ADMITTED)

3 Q So, on Exhibit I, we're going to go to Bates number
4 1724. This is Bart's pay stub. Bonnie, do you see a bonus to
5 Bart on this pay stub?

6 A My eyes don't work very well on these screens.

7 Q Okay, let me blow it up a little bit easier. Does
8 that make it better to see?

9 A Oh I do see it, thank you. The bonus listed on here
10 was \$25,000 currently and then year-to-date was \$50,000.

11 Q Did he ever give you notice of this bonus?

12 A He did not.

13 Q And he never gave you notice of the other \$25,000
14 that he received that year, correct?

15 A He did not.

16 Q All right, so then let's flip to the same Exhibit,
17 page 1756. Okay, do you see this pay stub from Resorts World?

18 A I do.

19 Q Is there a bonus on there to Bart?

20 A The bonus is \$80,354.49.

21 Q So I think that's an -- 84 dollars, but yeah. Did
22 he ever provide that information to you.

23 A He did not.

24 Q And -- okay. Now, I'm going to go to Exhibit J.

1 This is the subpoena from Golden Entertainment. So on page
2 1799, do you see the certificate of custodian of records?

3 A Yes.

4 MS. STUTZMAN: Move to admit Exhibit J, Your Honor.

5 THE COURT: Exhibit J will be admitted.

6 (DEFENDANT'S EXHIBIT J ADMITTED)

7 Q So then we're going to flip to Bates 1863 in Exhibit
8 J. All right, this is a pay stub for Bart. Bonnie, do you
9 see a bonus on that check to Bart?

10 A There's a bonus of \$25,000.

11 Q Did he ever provide this information to you?

12 A He did not.

13 Q Okay. All right, so then I'm going to move to
14 Exhibit GG. So this is the subpoena response from The Wynn.
15 Bonnie, do you see the affidavit of custodian of records from
16 The Wynn?

17 A I do.

18 MS. STUTZMAN: Move to admit Exhibit GG.

19 THE COURT: Exhibit GG will be admitted.

20 (DEFENDANT'S EXHIBIT GG ADMITTED)

21 Q Okay, so we're going to flip to Bates number 2167.
22 Okay, all right I'm gonna make this bigger since it's very
23 small. Bonnie, do you see a bonus on there to Bart?

24 A I can't really read the screen.

1 Q Well, let me make it a little bit bigger.

2 A That bonus right there, it says bonus type \$40,000.

3 Q Yes.

4 A Yes.

5 Q Let me scroll back to that page; I lost it. Okay,
6 did he ever provide you information of this bonus?

7 A He did not.

8 Q All right, so then I'm gonna flip to 2174. Do you
9 see that he received a bonus on that pay period?

10 A Yes, again for \$40,000.

11 Q Did he ever provide you information of that bonus?

12 A He did not.

13 MS. STUTZMAN: Okay. Okay, so I think that covers
14 the other spreadsheet, Your Honor, so we're gonna move on to
15 Exhibit -- we're going to go to Exhibit R. I don't know how
16 to rotate this.

17 Q Okay, I apologize, but if you tilt your head, can
18 you see what this is, Bonnie?

19 A Yes it's Brigitte's orthodontist bills.

20 MS. STUTZMAN: Okay, move to admit Exhibit R, Your
21 Honor.

22 THE COURT: Exhibit R will be admitted.

23 (DEFENDANT'S EXHIBIT R ADMITTED)

24 Q And Brigitte's orthodontist bills -- tell me about

1 her -- her -- I'm assuming it's her braces, correct?

2 A Right, she had originally braces and then because of
3 the bent jaw structure, he had it made into something a little
4 more aggressive.

5 Q Okay, and in your decree there's a 30-30 rule to
6 your knowledge, correct?

7 A Right.

8 Q And you provided the proof of payment to Bart?

9 A I did. I actually discussed all of her treatments
10 with him prior to signing a contract with the orthodontist.
11 He agreed, but then he didn't --

12 Q He never reimbursed you for these fees?

13 A He did not.

14 Q But did he reimburse you \$200 for the initial \$400
15 deposit?

16 A He did not.

17 Q And then did he reimburse you \$100 for the \$200
18 every month?

19 A He did not. He made no payments towards her
20 orthodontist.

21 Q How many months did you have to pay that \$200?

22 A I believe it was for two-and-a-half years, to best
23 of my knowledge. I don't remember the exact time.

24 Q About 30 months?

1 A Yes.

2 Q Okay, so 30 months of 1,000 -- or \$100 is \$3,000

3 Bart should reimburse you, correct?

4 A I believe so, yes.

5 Q Plus the 200 for the initial deposit?

6 A Right.

7 Q And he has not paid you anything, correct?

8 A He has not.

9 Q Okay, let's move to Exhibit -- Exhibit Z. Is this

10 the bill for the orthodontist?

11 A Yes, ma'am.

12 MS. STUTZMAN: I move to admit Exhibit Z.

13 THE COURT: What letter is it?

14 MS. STUTZMAN: Z as in zebra.

15 THE COURT: Exhibit Z will be admitted.

16 (DEFENDANT'S EXHIBIT Z ADMITTED)

17 BY MS. STUTZMAN:

18 Q Bonnie, did you provide this bill to Bart?

19 A I did.

20 Q All right, and then -- well, then, let's move to

21 Exhibit EE. You indicated that you texted him to seek

22 payment, correct?

23 A Correct.

24 Q Is Exhibit EE -- are these your text messages to

1 Bart?

2 A Nothing's --

3 Q Oh, pardon. Yeah, that was my fault.

4 A Yes, ma'am.

5 MS. STUTZMAN: Move to admit Exhibit EE.

6 THE COURT: Exhibit EE will be admitted.

7 (DEFENDANT'S EXHIBIT EE ADMITTED)

8 Q All right, and -- okay, so Bonnie if -- if you're
9 unemployed, what if any financial struggles have you
10 experienced since the decree of divorce?

11 A I was borrowing money to pay for my children's
12 tuition, to pay our -- our rents -- when I could pay our
13 rents, any type of bills I had, I had to borrow money.

14 Q Has Bart's non-payment caused you to incur credit
15 card debt?

16 A Yes, credit card debt and a lot of overdraft
17 charges.

18 Q Has Bart's non-payment caused you to liquidate any
19 savings you had?

20 A Yes, I had a minimal 401K, and I had to cash that
21 in; though, it wasn't that much, but I had to sell whatever I
22 owned, that I could sell.

23 Q Has Bart's non-payment ever caused you to risk
24 eviction from your home?

1 A Yes, I was -- I was evicted because I was behind on
2 my rent for over six months.

3 MS. STUTZMAN: Okay, so I think, Your Honor, the
4 last thing I need to address is the modification of child
5 support.

6 Q So -- so Bonnie, you filed a motion to modify child
7 support in May 2019; do you recall that?

8 A Yes.

9 Q Okay, and since that time, to your knowledge, there
10 has been no order yet modifying that amount?

11 A No, no.

12 THE COURT: What was the date of that motion?

13 MS. STUTZMAN: May 9th, 2019.

14 BY MS. STUTZMAN:

15 Q And then Bonnie, to your knowledge, did Bart oppose
16 the modification of child support?

17 A I honestly don't know. I don't know. I --

18 Q Okay.

19 A -- believe so.

20 MS. STUTZMAN: So I'll -- I'll represent to the
21 Court that in his opposition filed August 21st, 2019, three
22 months later, on page -- I believe 14 -- yes, page 14
23 beginning at line -- between seven and eight, section 11, he
24 conceded to the review of child support every three years.

1 THE COURT: What amount are you requesting as child
2 support based upon your motion?

3 MS. STUTZMAN: Based upon --

4 THE COURT: Or your --

5 MS. STUTZMAN: -- my motion --

6 THE COURT: -- or the new information?

7 MS. STUTZMAN: Yes, so he earned, per his FDF which
8 is Exhibit B, Your Honor. If you could flip to Exhibit B --
9 let me pull that up.

10 THE COURT: Has that been admitted?

11 MS. STUTZMAN: No, not yet. I move to admit Exhibit
12 B, Your Honor.

13 THE COURT: Exhibit B will be admitted.

14 (DEFENDANT'S EXHIBIT B ADMITTED)

15 Q Mister -- Bonnie, do you remember receiving this
16 from Mr. Mahoney?

17 THE COURT: She can't see it.

18 MS. STUTZMAN: Oh.

19 THE DEFENDANT: His attorney possibly.

20 BY MS. STUTZMAN:

21 Q Do you see it now -- everybody?

22 A The personal income, yes.

23 Q What is his gross monthly income, if you can read
24 that?

1 A His monthly income would be \$22,916.

2 Q And are you asking this Court to modify his child
3 support obligation retro-active to the date you filed your
4 motion?

5 A I would like to do so, yes.

6 Q So for two children -- so you have two kids,
7 correct?

8 A I do.

9 Q And how old is Brigitte?

10 A Brigitte is 19.

11 Q When did she turn 19?

12 A October 29th, 2020.

13 Q When did she graduate high school?

14 A August -- middle of August of 2020.

15 Q Did part (sic) -- did Bart stop paying her child
16 support when she turned 18 in October 2019?

17 A Bart actually stopped paying child support for her
18 earlier, right about then.

19 Q Okay, oh I think in our chart he had stopped paying
20 around January; does that sound correct?

21 A I -- probably, yes. He -- yes.

22 Q But --

23 A Yes.

24 Q -- he decided to stop paying you her portion of the

1 support, correct?

2 A Yes.

3 Q There was no agreement between you two?

4 A There was no agreement, and he never answered my
5 questions as to why he stopped paying.

6 MS. STUTZMAN: Okay, so per our new formula, Your
7 Honor, we would like to use the \$22,916.40 for two children
8 beginning June 1st through until Brigitte graduated.

9 Q When did she graduate high school?

10 A August of 2020.

11 MS. STUTZMAN: So we would like to use that amount
12 which is \$6,000 at 22 percent which is 1,320; plus \$4,000 at
13 11 percent which is 440; plus \$12,916.40 which is \$774.98
14 which comes to a total of \$2,534.98 for child support from
15 June 1st --

16 THE COURT: Okay, wait --

17 MS. STUTZMAN: 2019 --

18 THE COURT: So --

19 MS. STUTZMAN: Yep.

20 THE COURT: -- I'm gonna order child support
21 \$2,534.98 from June 1st until August 1st of 2020. June 1st of
22 2019, correct?

23 MS. STUTZMAN: Correct --

24 THE COURT: Through August 1st of 2020, and then

1 we're gonna set another amount after August 1st.

2 MS. STUTZMAN: Yes, and that amount for one child
3 would be 6,000 at 16 percent which is 960; 4,000 at eight
4 percent which is 320; and then \$12,916.40 at four percent
5 which is 516; and so that would be for one child as of
6 September 1st \$1,796.66.

7 THE COURT: Okay, so the new child support for one
8 child starting August 1st, 2020 is \$1,796.

9 MS. STUTZMAN: Correct.

10 THE COURT: I'm going to require that there be a
11 wage assignment to collect all child support from June 1st of
12 2019 until the oldest child graduates from high school, so
13 there will be a wage assignment to collect this directly, and
14 you can --

15 MS. STUTZMAN: Okay

16 THE COURT: -- get the wa -- get the judgment -- get
17 the order, prepare the order also on the wage assignment, and
18 then you can give that to the -- your client and she can try
19 to collect it through California or through Nevada DA Office.

20 MS. STUTZMAN: Okay, and then -- so lastly -- so
21 part of the -- if we update the Exhibit C that you said in 24
22 hours to the amended amount, that means the total for the
23 bonuses he owes is 135 -- well let me -- let me -- let me back
24 up. All right, okay, so because he did not pay the 35 -- or

1 by the April 15th deadline, the 35 percent of the bonus should
2 be triggered, and that would mean -- here it is -- for the
3 bonuses on page three of Exhibit C, the 35 percent of the
4 bonuses is reflected in this chart on page three, so that
5 would mean a total that he owes Bonnie -- or with interest is
6 in section nine on page four, so the total bonus monies owed
7 to Bonnie including interest is \$135,169.16, and we would like
8 that to be reduced to judgment and collectible by all legal
9 means as well.

10 THE COURT: Okay, this 135 -- just what is it, is it
11 -- it's what she's entitled to as her part of the bonuses; is
12 that correct?

13 MS. STUTZMAN: Correct, Your Honor, and in Exhibits
14 --

15 THE COURT: So related to the bonus payment, I'm
16 going to reduce to judgment \$135,169.16, and that can be
17 recovered by any legal means.

18 MS. STUTZMAN: Okay, and then for the attorney fees
19 owed, Your Honor. Let me just pull that up. Bart owes a
20 total of \$5,105 plus the interest that has accrued at
21 \$1523.78, so the total he owes for the unpaid attorney fees
22 from the decree of divorce is \$6,628.78, and we would like
23 that to be reduced to judgment as well.

24 THE COURT: So I'm going to reduce the attorney's

1 fees that have already accrued in the amount of \$6,628. I'm
2 gonna drop the -- it's just \$6,628. There will be an order
3 that he owes that amount in arrears. That will be reduced to
4 judgment, and it can be collected by any legal means.

5 MS. STUTZMAN: And per the -- when I -- I'll submit
6 the updated schedule of arrears which I adjusted the \$2,534
7 and the -- through to August and then -- well to July is the
8 last month for that amount, and then beginning in August, I
9 started the 1,796.66. So if we're going through the DA, I --
10 I'll still submit this amended chart, but then the total
11 including interest and penalties -- and the penalties drop off
12 as of February 1st, Your Honor, the total sum due for unpaid
13 support which is combined -- he did not distinguish one or the
14 other in his transfers -- is a total sum of \$35,209.40 (sic).

15 THE COURT: Okay, by support you mean what, child
16 support, alimony?

17 MS. STUTZMAN: So, as you can see in the -- I don't
18 think I admitted it. If I could admit Exhibit -- okay, it is
19 -- Exhibit E is Chase's response. This is a subpoena response
20 from Chase, Your Honor. I'll move to admit that into evidence
21 as well.

22 THE COURT: Exhibit E --

(DEFENDANT'S EXHIBIT E ADMITTED)

23 MS. STUTZMAN: Correct.
24

1 THE COURT: Now, how long is it?

2 MS. STUTZMAN: Exhibit is 645 pages, and it goes
3 throughout his deposits from 20 -- 2015 to I believe February
4 2020, and it shows -- and I'll represent as an offer of proof,
5 Your Honor, in this large subpoena response, it shows that he
6 transfers money and it's not distinguished as alimony or child
7 support until the alimony ended in September 2019, and then --

8 THE COURT: So this support amount that you're
9 asking for is a combination for alimony and child support,
10 correct?

11 MS. STUTZMAN: Correct. Correct.

12 THE COURT: And that -- and that amount is \$35,290?

13 MS. STUTZMAN: And 40 cents, but yes, Your Honor.

14 THE COURT: And 40 cents. Okay, for support,
15 \$35,290.40 will be reduced to judgment, and you need to
16 prepare an order plus the judgment, and that is collectible by
17 any legal means, and by going to the DA, I didn't say I was
18 ordering her to go to the DA, I'm just saying you can go
19 through the DA to collect some of these --

20 MS. STUTZMAN: Correct.

21 THE COURT: -- amounts, and that would be probably
22 less expensive for her.

23 MS. STUTZMAN: Right, absolutely, and then since we
24 are wrapping up cause I don't have much left unless you'd like

1 to ask her any questions, we would just request our fees, and
2 our invoices are Exhibit FF, but I will -- these are not
3 updated through the preparation for today, so if I could
4 reserve the request -- I would like to request fees but
5 provide a memorandum of fees and costs with the entire amount
6 that I would like to receive from Mr. Mahoney, and I think our
7 fees are maybe nearing 20,000, Your Honor.

8 THE COURT: Okay, so the ballpark figure is around
9 20,000, and can I give you two weeks -- would that be
10 sufficient to get the exact -- the exact amount plus the
11 affidavit, or do you need more --

12 MS. STUTZMAN: Absolutely.

13 THE COURT: -- time?

14 MS. STUTZMAN: Nope, two weeks is perfect.

15 THE COURT: Okay, so get that to me in two weeks. I
16 do intend to review it, but I -- I'm inclined because of what
17 has been presented here today without any opposition, to grant
18 most of those attorney's fees for preparation for today's
19 hearing.

20 MS. STUTZMAN: Okay, thank you, Your Honor, and then
21 one last request is the -- the unpaid orthodontist fees, Your
22 Honor. I don't -- I don't have a chart, but from her
23 testimony I believe that was 3200 that Bart needed to
24 reimburse Ms. Mahoney.

1 THE COURT: That's \$3,200?
2 MS. STUTZMAN: Correct, for the braces.
3 THE COURT: Okay, and that's under the 30-30 rule?
4 MS. STUTZMAN: Correct.
5 THE COURT: So the unreimbursed dental expenses in
6 the amount of 3,200 will also be reduced to judgment.
7 MS. STUTZMAN: Thank you, Your Honor.
8 THE COURT: And I think the most important part is
9 that the -- there is a wage assignment at least for child
10 support arrears and child support, so that would help.
11 MS. STUTZMAN: Okay.
12 THE COURT: Anything else?
13 MS. STUTZMAN: I think we've covered it. Bonnie, is
14 there anything else that you can think of?
15 THE DEFENDANT: No, thank you for your time.
16 MS. STUTZMAN: Thank you, Your Honor, I'll prepare
17 the order.
18 THE COURT: Okay.
19 THE DEFENDANT: Thank you.
20 THE COURT: Hopefully, this will try to get this
21 back on track again.
22 MS. STUTZMAN: Sounds good.
23 THE COURT: Everything's been reduced to judgment,
24 and some of them there's wage assignments for, so hopefully

1 this will help everyone --

2 MS. STUTZMAN: Okay.

3 THE COURT: -- get back on track with the decree of
4 divorce. Thank you.

5 MS. STUTZMAN: All right, thank you --

6 THE COURT: Have a good day.

7 MS. STUTZMAN: -- Your Honor. You too.

8 THE CLERK: Counsel, when would you submit that
9 amended C?

10 THE COURT: Can I have the orders in about two weeks
11 for everything?

12 MS. STUTZMAN: Two weeks is fine, and I will submit
13 -- I will submit amended C to the Clerk today.

14 THE CLERK: Okay, thank you.

15 THE COURT: Thank you very much, have a --

16 MS. STUTZMAN: Thank you.

17 THE COURT: -- good day.

18 MS. STUTZMAN: You too.

19 THE DEFENDANT: Thank you.

20 THE CLERK: Directly to me, okay -- Counsel?

21 MS. STUTZMAN: Sounds good.

22 THE CLERK: All right, thanks.

23 MS. STUTZMAN: And -- and this is Yvette, right?

24 THE CLERK: Yes.

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MS. STUTZMAN: Okay, I'll send it out e --

(PROCEEDINGS CONCLUDED AT 10:40:54)

* * * * *

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/ Wendy L. Hagstrom
Wendy L. Hagstrom
Electronic Transcriber