

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

Appellant,

vs.

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

Respondent;

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Elizabeth A. Brown
Clerk of Supreme Court

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

APPENDIX

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ATTORNEYS FOR APPELLANT

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

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Plaintiff's Trial Exhibit 60 - 2016 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXX/AA07000
Plaintiff's Trial Exhibit 63 - Wells Fargo Business Checking #9112 titled in the name of Blue Point Development 05/29/2014 through 12/31/2014	02/14/2020	XXX/AA07001- 07002
Plaintiff's Trial Exhibit 65 - Wells Fargo Business Checking #9112 titled in the name of Blue Point Development 01/01/2015 through 12/31/2015	02/14/2020	XXX/AA07003- 07006
Plaintiff's Trial Exhibit 67 - Wells Fargo Business Checking #9112 titled in the name of Blue Point Development 01/01/2016 through 12/31/2016	02/14/2020	XXX/AA07007- 07008
Plaintiff's Trial Exhibit 69 - Wells Fargo Business Checking #9112 titled in the name of Blue Point Development 01/01/2017 through 12/31/2017	02/14/2020	XXX/AA07009- 07010
Plaintiff's Trial Exhibit 70 - Wells Fargo Business Checking #9112 titled in the name of Blue Point Development 01/01/2018 through 12/31/2018	02/14/2020	XXX/AA07011
Plaintiff's Trial Exhibit 71 - Wells Fargo Business Checking #9112 titled in the name of Blue Point Development 01/01/2019 through 04/30/19	02/14/2020	XXX/AA07012- 07013
Plaintiff's Trial Exhibit 74 - Wells Fargo Checking ending 3436 titled in the names of Thomas A. Pickens and Danka K. Michaels 07/01/2014 through 12/31/14	02/14/2020	XXX/AA07014

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

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

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Plaintiff's Trial Exhibit 101 - American Express Statements #63006 titled in the name of Thomas Pickens 12/09/14 through 12/08/15	02/14/2020	XXX/AA07248-07250
Plaintiff's Trial Exhibit 102 - American Express Statements #63006 titled in the name of Thomas Pickens 12/09/15 through 12/08/16	02/14/2020	XXXI/AA07251-07255
Plaintiff's Trial Exhibit 103 - American Express Statements #63006 titled in the name of Thomas Pickens 12/09/16 through 12/08/17	02/14/2020	XXXI/AA07256-07258
Plaintiff's Trial Exhibit 104 - American Express Statements #63006 titled in the name of Thomas Pickens 01/08/18 through 12/07/18	02/14/2020	XXXI/AA07259
Plaintiff's Trial Exhibit 105 - American Express Statements #63006 titled in the name of Thomas Pickens 12/08/18 through 05/08/19	02/14/2020	XXXI/AA07260
Plaintiff's Trial Exhibit 106 - American Express #51001 titled in the name of Blue Point Development 12/05/12 through 12/20/13	02/14/2020	XXXI/AA07261-07262
Plaintiff's Trial Exhibit 107 - American Express #51001 titled in the name of Blue Point Development 12/21/13 through 12/19/14	02/14/2020	XXXI/AA07263
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Plaintiff’s Trial Exhibit 111 - American Express #51001 titled in the name of Blue Point Development 12/21/17 through 12/20/18	02/14/2020	XXXII/AA 07686-07687
Plaintiff’s Trial Exhibit 112 - American Express #51001 titled in the name of Blue Point Development 12/21/18 through 04/19/19	02/14/2020	XXXII/AA 07688-07689
Plaintiff’s Trial Exhibit 113 - Bank of America Bank Statements #2561 titled in the name of Blue Point Development 10/29/12 through 02/28/14	02/14/2020	XXXII/AA 07690-07691
Plaintiff’s Trial Exhibit 114 - Bank of America Bank Statements #0222 titled in the name of Patience One LLC 11/01/12 through 12/31/13	02/14/2020	XXXII/AA 07692-07693
Plaintiff’s Trial Exhibit 115 - Wells Fargo Visa #0648 titled in the name of Thomas Pickens 06/06/17 through 12/08/17	02/14/2020	XXXII/AA 07694-07695
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Plaintiff’s Trial Exhibit 117 - Wells Fargo Visa #0648 titled in the name of Thomas Pickens 12/08/18 through 05/08/19	02/14/2020	XXXII/AA 07699-07700
Plaintiff’s Trial Exhibit 118 - Wells Fargo Checking #8952 titled in the name of Thomas Pickens 10/16/18 through 12/31/18	02/14/2020	XXXII/AA 07701-07702
Plaintiff’s Trial Exhibit 119 - Wells Fargo Checking #8952 titled in the name of Thomas Pickens 01/01/19 through 04/30/19	02/14/2020	XXXII/AA 07703-07704
Plaintiff’s Trial Exhibit 125 - Land Rover Financial Group statement 12/13/13 – 01/12/14	02/14/2020	XXXII/AA 07705-07706

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Plaintiff’s Trial Exhibit 127 - Southwest Pension Services – Danka Michaels. Statements 09/03/2013 and 12/31/13	02/14/2020	XXXII/AA 07708- XXXIII/AA 07769
Plaintiff’s Trial Exhibit 128 - Valic – Danka Michalecko statements 9/30/13, 12/31/13, and 9/30/15	02/14/2020	XXXIII/AA 07770-07772
Plaintiff’s Trial Exhibit 129 - Pinnacle Health Systems – Danka K. Michaels. Statements 9/30/13 and 12/31/13	02/14/2020	XXXIII/AA 07773-07778
Plaintiff’s Trial Exhibit 132 - Danka Michaels Pinnacle Health Systems Statement 7/1/15	02/14/2020	XXXIII/AA 07779-07780
Plaintiff’s Trial Exhibit 133 - Bank of the West – 2015 Porsche statement 12.2.14	02/14/2020	XXXIII/AA 07781-07841
Plaintiff’s Trial Exhibit 134 - Life Insurance Statement 11/25/15	02/14/2020	XXXIII/AA 07842-07849
Plaintiff’s Trial Exhibit 138 - Thomas Pickens UBS Retirement statements dated June 2017 and October-December 2017 (Supplemental Response to Request for Production No. 16.)	02/14/2020	XXXIII/AA 07850-07857
Plaintiff’s Trial Exhibit 144 - JP Morgan Statements, Danka K. Michaels IRA, August 31, 2019 through September 30, 2019	02/14/2020	XXXIII/AA 07858-07866
Plaintiff’s Trial Exhibit 146 - Plaintiff email dated April 3, 2014	02/14/2020	XXXIII/AA 07867-07919
Plaintiff’s Trial Exhibit 147 - Plaintiff email dated August 26, 2014	02/14/2020	XXXIII/AA 07920-07922
Plaintiff’s Trial Exhibit 148 - Plaintiff email dated May 22, 2013	02/14/2020	XXXIII/AA 07923-07930
Plaintiff’s Trial Exhibit 149 - Plaintiff email dated July 9, 2012	02/14/2020	XXXIII/AA 07931-07933

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Plaintiff’s Trial Exhibit 152 - Plaintiff email dated December 2, 2016	02/14/2020	XXXIII/AA 07999- XXXIV/AA 08018
Plaintiff’s Trial Exhibit 153 - Plaintiff email dated June 30, 2014	02/14/2020	XXXIV/AA 08019-08202
Plaintiff’s Trial Exhibit 154 - #002651 Emails between Dr. Michaels and R. Semonian	02/21/2020	XXXIV/AA 08203-08209
Plaintiff’s Trial Exhibit 155 – NV Prescription Monitoring Program	02/21/2020	XXXIV/AA 08210-08247
Plaintiff’s Trial Exhibit 156 – Request to appeal denial of unemployment benefits	02/21/2020	XXXIV/AA 08248
Defendant’s Trial Exhibit A – Plaintiff’s Response to Defendant’s First Request for Production of Documents and Tangible Things from Plaintiff (with certain attachments thereto)	02/14/2020	XXXIV/AA 08249
Defendant’s Trial Exhibit C – Documentation of \$450,000 loan taken by Danka K. Michaels, M.D., PC for tenant improvements	02/14/2020	XXXIV/AA 08250- XXXV/AA 08257
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Answer to Second Amended Complaint for Equitable Relief Under (1) the Putative Spouse Doctrine, and (2) Pursuant to Express and/or Implied Agreement to Hold Property as if the Parties Were Married Under <i>Michoff</i> ; and to Set Aside Deeds of Real Property and Assignment of L.L.C. Interest; Affirmative Defenses and Counterclaim	11/19/2018	II/AA00306-00329
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Appendix of Exhibits in Support of Defendant's Motion to Compel Discovery Responses	04/22/2019	II/AA00398-00440
Appendix of Exhibits in Support of Defendant's Motion to Dismiss	11/29/2017	I/AA00025-00044

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Appendix of Exhibits to Plaintiff's Opposition to Defendant's Motion for Summary Judgement, to Dismiss, for Protective Order and for Attorney Fees and Countermotion 1) to Dismiss or, in the Alternative, for Summary Judgement as to Defendant's Causes of Action for Intentional Misrepresentation/Fraud; Negligent Misrepresentation; Breach of Implied Covenant of Good Faith and Fair Dealing; Promissory Estoppel; Express Agreement; Implied Agreement; and Malicious Abuse of Process; (2) for Summary Judgement Setting Aside Deeds of Real Property and Assignment of LLC Interest; and (3) for Permission to Submit Points and Authorities in Excess of 30 Pages Pursuant to EDCR 5.503(e)	08/19/2019	V/AA00763-00813
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Defendant’s Trial Exhibit C – Documentation of \$450,000 loan taken by Danka K. Michaels, M.D., PC for tenant improvements	02/14/2020	XXXIV/AA 08250-XXXV/AA 08257
Defendant’s Trial Exhibit G – Records produced by Equity Title, LLC, in response to Subpoena Duces Tecum for Blue Mesa property (Affidavit and relevant documents)	02/14/2020	XXXV/AA 08258-08270
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Defendant’s Trial Exhibit M – Notice of Entry of Findings of Fact and Conclusions of Law filed on June 1, 2018 in the matter of <i>Bluepoint Development Inc. v. Patience One, LLC</i>	02/14/2020	XXXVI/AA 08572-XXXVII/AA 08867
Defendant’s Trial Exhibit N – Records evidencing attorney’s fees and expert fees paid by Defendant in this action	02/14/2020	XXXVII/AA 08868-08938
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Plaintiff Thomas Pickens General Financial Disclosure Form-Trial	02/11/2020	V/AA00955-00962

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Plaintiff's Objection to Defendant Danka K. Michaels' Memorandum of Fees and Costs	09/07/2021	XIII/AA02823-02854
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Plaintiff's Opposition to Defendant's Motion for Summary Judgement, to Dismiss, for Protective Order and for Attorney Fees and Countermotion (1) to Dismiss or, in the Alternative, for Summary Judgement as to Defendant's Causes of Action for International Misrepresentation/Fraud; Negligent Misrepresentation; Breach of Implied Covenant of Good Faith and Fair Dealing; Promissory Estoppel; Express Agreement; Implied Agreement; and Malicious Abuse of Process; (2) for Summary Judgement Setting Aside Deeds of Real Property and Assignment of LLC Interest; and (3) for Permission to Submit Points and Authorities in Excess of 30 Pages Pursuant to EDCR 5.503(e)	08/19/2019	V/AA00814-00843
Plaintiff's Rebuttal to Defendant's Closing Argument	06/15/2021	XI/AA02489-XII/AA02524
Plaintiff's Request for the Court to Take Judicial Notice Pursuant to NRS 47.130	02/10/2020	V/AA00951-00954

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Plaintiff's Request for the Court to Take Judicial Notice Pursuant to NRS 47.130	04/23/2021	XI/AA02835-02406
Plaintiff's Request for the Court to Take Judicial Notice Pursuant to NRS 47.130	04/23/2021	XI/AA02407-02424
Plaintiff's Request for the Court to Take Judicial Notice Pursuant to NRS 47.130	04/23/2021	XI/AA02425-02443
Plaintiff's Response and Opposition to Defendant's Motion to Compel Discovery Responses	05/13/2019	II/AA00496-III/AA00516
Plaintiff's Supplement to Response and Opposition to Defendant's Motion to Compel Discovery Responses	05/21/2019	III/AA00523-00527
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Plaintiff's Trial Exhibit 100 - American Express Statements #63006 titled in the name of Thomas Pickens 12/09/13 through 12/08/14	02/14/2020	XXX/AA07240-07247
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Plaintiff's Trial Exhibit 103 - American Express Statements #63006 titled in the name of Thomas Pickens 12/09/16 through 12/08/17	02/14/2020	XXXI/AA07256-07258

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Plaintiff's Trial Exhibit 106 - American Express #51001 titled in the name of Blue Point Development 12/05/12 through 12/20/13	02/14/2020	XXXI/AA07261-07262
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Plaintiff’s Trial Exhibit 116 - Wells Fargo Visa #0648 titled in the name of Thomas Pickens 12/09/17 through 12/07/18	02/14/2020	XXXII/AA 07696-07698
Plaintiff’s Trial Exhibit 117 - Wells Fargo Visa #0648 titled in the name of Thomas Pickens 12/08/18 through 05/08/19	02/14/2020	XXXII/AA 07699-07700
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Plaintiff’s Trial Exhibit 125 - Land Rover Financial Group statement 12/13/13 – 01/12/14	02/14/2020	XXXII/AA 07705-07706
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Plaintiff’s Trial Exhibit 127 - Southwest Pension Services – Danka Michaels. Statements 09/03/2013 and 12/31/13	02/14/2020	XXXII/AA 07708- XXXIII/AA 07769
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Plaintiff’s Trial Exhibit 132 - Danka Michaels Pinnacle Health Systems Statement 7/1/15	02/14/2020	XXXIII/AA 07779-07780
Plaintiff’s Trial Exhibit 133 - Bank of the West – 2015 Porsche statement 12.2.14	02/14/2020	XXXIII/AA 07781-07841
Plaintiff’s Trial Exhibit 134 - Life Insurance Statement 11/25/15	02/14/2020	XXXIII/AA 07842-07849
Plaintiff’s Trial Exhibit 138 - Thomas Pickens UBS Retirement statements dated June 2017 and October-December 2017 (Supplemental Response to Request for Production No. 16.)	02/14/2020	XXXIII/AA 07850-07857
Plaintiff’s Trial Exhibit 14 - 2010 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XV/AA03263- 03319
Plaintiff’s Trial Exhibit 144 - JP Morgan Statements, Danka K. Michaels IRA, August 31, 2019 through September 30, 2019	02/14/2020	XXXIII/AA 07858-07866
Plaintiff’s Trial Exhibit 146 - Plaintiff email dated April 3, 2014	02/14/2020	XXXIII/AA 07867-07919
Plaintiff’s Trial Exhibit 147 - Plaintiff email dated August 26, 2014	02/14/2020	XXXIII/AA 07920-07922
Plaintiff’s Trial Exhibit 148 - Plaintiff email dated May 22, 2013	02/14/2020	XXXIII/AA 07923-07930
Plaintiff’s Trial Exhibit 149 - Plaintiff email dated July 9, 2012	02/14/2020	XXXIII/AA 07931-07933
Plaintiff’s Trial Exhibit 15 - 2011 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XV/AA03320- 03372
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Plaintiff's Trial Exhibit 153 - Plaintiff email dated June 30, 2014	02/14/2020	XXXIV/AA 08019-08202
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Plaintiff's Trial Exhibit 155 – NV Prescription Monitoring Program	02/21/2020	XXXIV/AA 08210-08247
Plaintiff's Trial Exhibit 156 – Request to appeal denial of unemployment benefits	02/21/2020	XXXIV/AA 08248
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Plaintiff's Trial Exhibit 19 - 2015 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XV/AA03495- XVI/AA03543
Plaintiff's Trial Exhibit 2 - Litterae Matrimoniales (Marriage Certificate) of Thomas Pickens and Danka Katarina Oltusova dated April 7, 2002	02/14/2020	XIV/AA03084- 03096
Plaintiff's Trial Exhibit 20 - 2016 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XVI/AA03544- 03639
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Plaintiff’s Trial Exhibit 26 - 2010 1040 Income Tax Return for Danka Michaels	02/14/2020	XVIII/AA04128-04239
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Plaintiff’s Trial Exhibit 29 - 2013 1040 Income Tax Return for Danka Michaels	02/14/2020	XIX/AA04483- XX/AA04646
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Plaintiff’s Trial Exhibit 44 - 2015 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXV/AA05759- 05802
Plaintiff’s Trial Exhibit 45 - 2016 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXV/AA05803- 05934
Plaintiff’s Trial Exhibit 46 - 2017 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXV/AA005935- XXVI/AA06106
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Plaintiff's Trial Exhibit 50 - 2015 1065 Income Tax Return for Patience One LLC	02/14/2020	XXVIII/ AA06590-06672
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Plaintiff’s Trial Exhibit 60 - 2016 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXX/AA07000
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Plaintiff’s Trial Exhibit 65 - Wells Fargo Business Checking #9112 titled in the name of Blue Point Development 01/01/2015 through 12/31/2015	02/14/2020	XXX/AA07003- 07006
Plaintiff’s Trial Exhibit 67 - Wells Fargo Business Checking #9112 titled in the name of Blue Point Development 01/01/2016 through 12/31/2016	02/14/2020	XXX/AA07007- 07008
Plaintiff’s Trial Exhibit 69 - Wells Fargo Business Checking #9112 titled in the name of Blue Point Development 01/01/2017 through 12/31/2017	02/14/2020	XXX/AA07009- 07010
Plaintiff’s Trial Exhibit 7 - Affidavit of Custodian of Records and file from First American Title Company—purchase of 9517 Queen Charlotte Drive, Las Vegas, Nevada 89145 on October 7, 2004	02/14/2020	XIV/AA03137- 03150

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Plaintiff’s Trial Exhibit 74 - Wells Fargo Checking ending 3436 titled in the names of Thomas A. Pickens and Danka K. Michaels 07/01/2014 through 12/31/14	02/14/2020	XXX/AA07014
Plaintiff’s Trial Exhibit 76 - Wells Fargo Checking ending 3436 titled in the names of Thomas A. Pickens and Danka K. Michaels 01/01/2015 through 12/31/15	02/14/2020	XXX/AA07015-07016
Plaintiff’s Trial Exhibit 78 - Wells Fargo Checking ending 3436 titled in the names of Thomas A. Pickens and Danka K. Michaels 01/01/2016 through 12/31/16	02/14/2020	XXX/AA07017-07050
Plaintiff’s Trial Exhibit 79 - Wells Fargo Checking ending 3436 titled in the names of Thomas A. Pickens and Danka K. Michaels 01/01/2017 through 12/31/17	02/14/2020	XXX/AA07051
Plaintiff’s Trial Exhibit 8 - Certificate of Custodian of Records for Ticor Title of Nevada—purchase of 7608 Lowe Avenue, Las Vegas, Nevada 89131 on February 28, 2011	02/14/2020	XIV/AA03151-03164
Plaintiff’s Trial Exhibit 80 - Wells Fargo Checking ending 3436 titled in the names of Thomas A. Pickens and Danka K. Michaels 01/01/2018 through 04/30/18	02/14/2020	XXX/AA07052

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Plaintiff's Trial Exhibit 90 - American Express Statements #72004 Thomas Pickens card #73002 Danka Michaels card #72020 12/16/18 through 04/14/19	02/14/2020	XXX/AA07205-07228
Plaintiff's Trial Exhibit 93 - Lowes house summary with supporting Wells Fargo Home Mortgage #9607 (PMA #3436) titled in the names of Danka Katarina Michaels and Thomas A. Pickens 07/02/14 through 07/01/2016	02/14/2020	XXX/AA07229-07230
Plaintiff's Trial Exhibit 97 - American Express Statements #63006 titled in the name of Thomas Pickens 12/08/10 through 12/08/11	02/14/2020	XXX/AA07231
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Plaintiff's Trial Exhibit 99 - American Express Statements #63006 titled in the name of Thomas Pickens 12/08/12 through 12/08/13	02/14/2020	XXX/AA07237-07239
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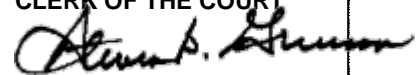
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Transcript RE: Non-Jury Trial Day 3	10/28/2021	XIII/AA02957- XIV/AA03007
Transcript RE: Non-Jury Trial Day 4	10/28/2021	XIV/AA03008- 03040
Transcript RE: Non-Jury Trial Day 5	10/28/2021	XIV/AA03041- 03054
Trial Subpoena	01/29/2020	V/AA00906- 00909
Trial Subpoena Robert Semonian	01/28/2020	V/AA00892- 00898
Trial Subpoena Shannon L. Evans, Esq.	01/28/2020	V/AA00899- 00905



1 **COMD**

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

3 Nevada Bar No. 003466

4 PECOS LAW GROUP

5 8925 South Pecos Road, Suite 14A

6 Henderson, Nevada 89074

7 Telephone: (702) 388-1851

8 Facsimile: (702) 388-7406

9 Email: Email@pecoslawgroup.com

10 Attorney for Plaintiff

11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

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

16 Plaintiff,

17 vs.

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

21 Defendant.

Case No. D-17-560737-D

Dept No. Department B

22 **COMPLAINT FOR DIVORCE**
23 **AND FOR SET ASIDE OF DEEDS OF REAL PROPERTY**
24 **AND ASSIGNMENT OF L.L.C. INTEREST**

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

...

First Claim for Relief
(Divorce)

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

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

3. Pickens and Michaels were legally married on the 7th day of April, 2002, in Bratislava, Slovakia, and ever since have been and now are husband and wife. A true and correct copy of the parties' Slovakian marriage certificate is attached hereto as Exhibit "1," and a true and correct translation of the marriage certificate is attached hereto as Exhibit "2."

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

5. There is community and jointly owned property belonging to the parties to be adjudicated by the court, including, but not limited to, Michaels' medical practice. The exact amounts and descriptions of the community and jointly owned property of the parties are unknown to Pickens at this time. Pickens prays leave of this court to amend this Complaint to insert the same when they have become known to him or at the time of trial.

1 6. There are community debts and obligations of the parties to be
2 adjudicated by the court, the exact amounts and descriptions of which are
3 unknown to Pickens at this time. Pickens prays leave of court to amend this
4 Complaint to insert the same when they have become known to him or at the time
5 of trial.

6
7 7. Pickens has certain separate property which should be confirmed to
8 him on divorce, the exact amounts and descriptions of which are unknown to
9 Pickens at this time. Pickens prays leave of court to amend this Complaint to
10 insert the same when they have become known to him or at the time of trial.

11 8. Pickens should be awarded alimony, in an amount, and for a duration,
12 that the Court considers just and equitable.

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

16
17 10. Pickens requests that this court jointly restrain the parties herein in
18 accordance with the terms of the Joint Preliminary Injunction issued herewith.

19 11. The tastes, mental dispositions, views and likes and dislikes of
20 Plaintiff and Defendant have become so widely separated and divergent that the
21 parties are incompatible to such an extent that it is impossible for them to live
22 together as husband and wife, and there is no possibility of reconciliation between
23 them.

24
25 ...

26 ...

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

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

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

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

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

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

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

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

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

17
18 19. On September 13, 2016, Michael’s directed Pickens to appear at the
19 offices of Evans & Associates and meet with Michaels and attorney Shannon
20 Evans (“Ms. Evans”). At the time of the September 13, 2016 meeting, Pickens
21 was not represented by independent counsel, nor had he the opportunity to consult
22 with independent counsel. Ms. Evans’ representative capacity at the September
23 13 meeting with both Michaels and Pickens is unclear.

24
25 20. At the September 13, 2016 meeting, Pickens and Michaels signed a
26 Grant, Bargain, Sale Deed conveying the Queen Charlotte Property from Pickens

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

7
8 21. At the September 13, 2016 meeting, Pickens and Michaels signed a
9 Grant, Bargain, Sale Deed conveying the Lowe Property from Pickens and
10 Michaels as “wife and husband as joint tenants,” to Pickens and Michaels, as
11 unmarried joint tenants. Pickens and Michaels contemporaneously signed a Grant,
12 Bargain, Sale Deed conveying the Lowe Property from Pickens and Michaels, as
13 unmarried joint tenants, to Michaels, as an “unmarried woman.” Ms. Evans,
14 and/or Evans & Associates, prepared the referenced deeds, facilitated their
15 execution, and recorded them.

16
17 22. At the September 13, 2016 meeting, Pickens and Michaels signed (as
18 the trustee of the LV Blue Trust) an Assignment and Assumption of Membership
19 Interest from the LV Blue Trust to the Mich-Mich Trust. This Assignment and
20 Assumption purported to convey the LV Blue Trust’s 50% interest in Patience
21 One, LLC, a Nevada limited liability company, to the Mich-Mich Trust, of which
22 Michaels was the trustee. Ms. Evans, and/or Evans & Associates, prepared the
23 referenced Assignment and Assumption and facilitated its execution.

24
25 23. At all times during the September 13, 2016 meeting, and at the time
26 of the execution of the deeds and the assignment of interest described in

1 paragraphs 20, 21, and 22 of this Complaint, Michaels was aware that the parties
2 were legally married, and continue to be so. Michaels stands in a fiduciary
3 relationship to Pickens, and despite that fact, did then and does now actively
4 disavow and conceal her marital relationship to Pickens for her perceived financial
5 benefit, and to Pickens' financial detriment.
6

7 24. By her extreme and outrageous conduct, Michaels seeks to
8 unlawfully divest Pickens of his legal and/or beneficial interest in his separate
9 property and the parties' joint and community property, including his allocated
10 portion of the community value of Michaels' medical practice accrued since the
11 parties 2002 marriage.

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

22 26. As a result of Michaels' actions, Pickens has been forced to incur
23 attorney's fees and costs in prosecution of this claim and is therefore entitled to an
24 award of reasonable attorney's fees and costs.
25

26 . . .

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

2 1. That the contract of marriage now and heretofore existing between
3 Plaintiff and Defendant be dissolved and that Plaintiff be granted an absolute
4 Decree of Divorce and that each of the parties hereto be restored to the status of a
5 single, unmarried person;

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

11 3. That the court equally divide the parties' community and jointly
12 owned property;

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

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

16 6. That Plaintiff be awarded alimony, in an amount, and for a duration,
17 that the Court considers just and equitable;

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

21 8. That Defendant be ordered to pay a reasonable sum to Plaintiff's
22 counsel as and for attorney's fees, together with costs of bringing this action; and
23

24
25 ...

26 ...

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

DATED this 23 day of October, 2017.

PECOS LAW GROUP

Aufnahme

Paul A. Lemcke, Esq.

Nevada Bar No. 003466

PECOS LAW GROUP

8925 South Pecos Road, Suite 14A

Henderson, Nevada 89074

(702) 388-1851

Attorney for Plaintiff

VERIFICATION

STATE OF NEVADA)
: ss.
COUNTY OF CLARK)

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

That I am Plaintiff in the above-entitled action; that I have read the foregoing "Complaint for Divorce and for Set Aside of Deeds of Real Property and Assignment of L.L.C. Interest" and know the contents thereof; that the same is true of my own knowledge, except for those matters therein contained stated upon information and belief, and as to those matters, I believe them to be true.


THOMAS A. PICKENS

SUBSCRIBED and SWORN before
me this 23 day of October, 2017.


NOTARY PUBLIC

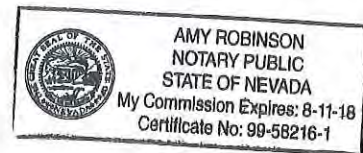


Exhibit “1”

Pro usu ecclesiastico sine tymbro • Pre cirkevné účely bez koľku

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

Districtus: Bratislava – Stred
Okres:

Nr.:
Čís.: 100/2017

Dioecesis: Bratislava
Diecéza:

LITTERAE MATRIMONIALES SOBÁŠNY LIST

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

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

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

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

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

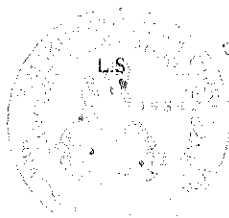
Sacerdos assistens et eius officium
Asistujúci kňaz a jeho hodnosť

P. Pius Majerovič, OP
administrator par.

Promulgationes, dispensationes
Ohlásky, oslobodenia

Observationes – Poznámky

Dátum: **01. 09. 2017**



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

AA00012

Exhibit “2”

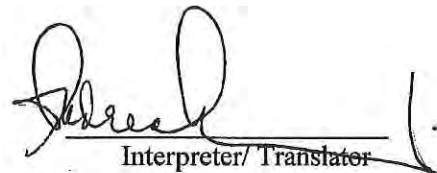
AA00013

AFFIDAVIT

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

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

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


Interpreter/Translator

STATE OF NEVADA)
COUNTY OF CLARK)

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

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



AA00014

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

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

Districtus: **Bratislava – Stred**
County:

Nr.:
No.: **100/2017**

Diocesis: **Bratislava**
Diocese:

LITTERAE MATRIMONIALES MARRIAGE CERTIFICATE

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

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

pagina – page: **78th**

nr. curr. – curr. no.: **4th**

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

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

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

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

Sacerdos assistens et eius officium
Assisting priest and his rank

P. Pius Majerovič, OP
administrator par.

Promulgationes, dispensationes
Notices, dispensations

Observationes – Comments:

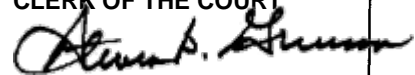
Date: **September 1, 2017**



[Signature]

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

AA00015



1 **JPI**

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

3 Nevada Bar No. 003466

4 PECOS LAW GROUP

5 8925 South Pecos Road, Suite 14A

6 Henderson, Nevada 89074

7 Telephone: (702) 388-1851

8 Facsimile: (702) 388-7406

9 Email: Email@pecoslawgroup.com

10 Attorney for Plaintiff

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

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

15 Plaintiff,

16 vs.

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

19 Defendant.

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

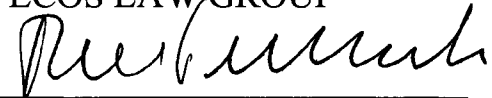
Dept No. **B**

20 **REQUEST FOR ISSUANCE OF JOINT PRELIMINARY INJUNCTION**

21 I respectfully request that the Court issue a Joint Preliminary Injunction in
22 the above entitled action pursuant to EDCR 5.517.

23 **DATED** this 24 day of October 2017.

24 PECOS LAW GROUP



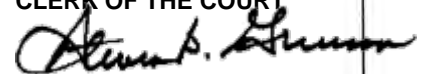
25 **Paul A. Lemcke, Esq.**

26 Nevada Bar No. 003466

8925 South Pecos Road, Suite 14A

Henderson, Nevada 89074

Attorney for Plaintiff



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

DISTRICT COURT

CLARK COUNTY, NEVADA

Thomas A. Pickens,

Plaintiff,

vs.

Danka K. Michaels,

Defendant.

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

Dept No. **B**

AFFIDAVIT OF PROCESS SERVER

Plaintiff Thomas A. Pickens, by and through his attorney Paul A. Lemcke, Esq., of PECOS LAW GROUP, respectfully submits the attached Affidavit of Process Server which provides this Court with proof of personal service of the: 1)

...

...

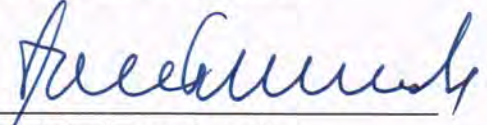
...

...

1 Summons; 2) Complaint for Divorce; and 3) Joint Preliminary Injunction in the
2 above-referenced matter upon Defendant Danka K. Michaels.

3 DATED this 2 day of November 2017.
4

5
6 PECOS LAW GROUP

7 

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

9 Nevada Bar No. 003466

10 8925 South Pecos Road, Suite 14A

11 Henderson, Nevada 89074

12 (702) 388-1851

13 Attorney for Plaintiff
14
15
16
17
18
19
20
21
22
23
24
25
26

Affidavit of Process Server

THOMAS A. PICKENS
PLAINTIFF/PETITIONER

vs. DANKA K. MICHAELS
DEFENDANT/RESPONDENT

D-17-560737-D
CASE NUMBER

I, JOHN WILKS LIC. 1092, being first duly sworn, depose and say: that I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to perform said service.

Service: I served DANKA K. MICHAELS
NAME OF PERSON / ENTITY BEING SERVED

RECEIVED DOCUMENTS
10-31-2017

with (list documents) SUMMONS, JPI & COMPLAINT FOR DIVORCE

by leaving with

☒ Residence 9517 QUEEN CHARLOTTE DR. LAS VEGAS NV 89145
NAME RELATIONSHIP / TITLE
ADDRESS CITY / STATE

☐ Business

ADDRESS

CITY / STATE

On 11-1-2017 At 7:39 P.M.
DATE TIME

Manner of Service:

☒ Personal: By personally delivering copies to the person being served; or Agent for Service

☒ Substituted at Residence: By leaving copies at the dwelling house or usual place of abode of the person being served with a member of the household over the age of 14 and explaining the general nature of the papers.

☐ Substituted at Business: By leaving, during office hours, copies at the office of the person/entity being served with the person apparently in charge thereof.

☐ Posting: By posting copies in a conspicuous manner to the front door of the property/entity being served, thereafter copies of the documents were mailed by prepaid, first class mail on _____, from _____.

Non-Service: After due search, careful inquiry and diligent attempts at the address(es) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s):

☐ Unknown at Address ☐ Moved, Left no Forwarding ☐ Service Cancelled by Litigant ☐ Unable to Serve in a Timely Fashion
☐ Address Does Not Exist ☐ Other _____

Service Attempts: Service was attempted on: (1) _____ (2) _____

DATE	TIME	REPORT	DATE	TIME	REPORT
(3) _____	(4) _____	(5) _____	_____	_____	_____

Description: Age 55 Sex F Race W Height 5'6" Weight 130 Hair BRN Beard _____ Glasses _____

Dated: _____

SIGNATURE OF PROCESS SERVER

SUBSCRIBED AND SWORN to before me this _____ day of _____

NOTARY PUBLIC in and for the
County of _____, State of _____

OR: THE FOLLOWING: Per NRS 53.045

(a) If executed in this State (NEVADA):

"I declare under the penalty of perjury that the foregoing is true and correct"

Executed on 11-2-2017
DATE

SIGNATURE OF PROCESS SERVER

JOHN WILKS PROCESS SERVING LIC. 1092
LAS VEGAS NV 89117
702-839-2957

AA00019

JPI

DISTRICT COURT
CLARK COUNTY, NEVADA

THOMAS A. PICKENS, PLAINTIFF

CASE NO: D-17-560737-D

VS.

DEPARTMENT B

DANKA K. MICHAELS, DEFENDANT.

JOINT PRELIMINARY INJUNCTION

Notice: This injunction is effective upon the requesting party when issued and against the other party when served. This injunction shall remain in effect from the time of its issuance until trial or until dissolved or modified by the court.

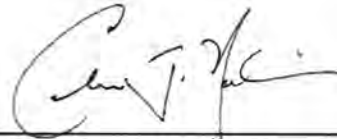
TO: Plaintiff and Defendant:

PURSUANT TO EIGHTH JUDICIAL COURT RULE 5.517, YOU, AND ANY OFFICERS, AGENTS, SERVANTS, EMPLOYEES OR A PERSON IN ACTIVE CONCERT OR PARTICIPATION WITH YOU, ARE HEREBY PROHIBITED AND RESTRAINED FROM:

1. Transferring, encumbering, concealing, selling or otherwise disposing of any of your joint, common or community property of the parties or any property which is the subject of a claim of community interest, except in the usual course of conduct or for the necessities of life or for retention of counsel for the case in which this Injunction is obtained; or cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of;
 - a. Any retirement benefits or pension plan held for the benefit (or election for benefit) of the parties or any minor child; or
 - b. Any insurance coverage, including life, health, automobile, and disability coverage;
- without the written consent of the parties or the permission of the court.

2. Molesting, harassing, stalking, disturbing the peace of or committing an assault or battery on the person of the other party or any child, stepchild, other relative or family pet of the parties.
3. Relocating any child of the parties under the jurisdiction of the State of Nevada from the state without the prior written consent of all parties with custodial rights or the permission of the court.

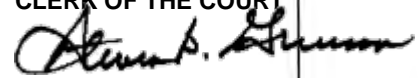
DATED this 25th day of October, 2017:



CHARLES J. HOSKIN
Presiding Judge, Family Division







1 **NOA**

Jennifer V. Abrams, Esq.

2 Nevada State Bar Number: 7575

THE ABRAMS & MAYO LAW FIRM

3 6252 South Rainbow Blvd., Suite 100

Las Vegas, Nevada 89118

4 Tel: (702) 222-4021

Fax: (702) 248-9750

5 Email: jvagroup@theabramslawfirm.com

Attorney for Defendant

Eighth Judicial District Court
Family Division
Clark County, Nevada

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

10 Plaintiff,)

11 vs.)

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

14 Defendant.)
15

16 **NOTICE OF APPEARANCE OF ATTORNEY**

17 PLEASE TAKE NOTICE that Jennifer V. Abrams, Esq., of The
18 Abrams & Mayo Law Firm, hereby appears on behalf of Defendant,
19 Danka K. Michaels, in the above entitled matter.

20 ///

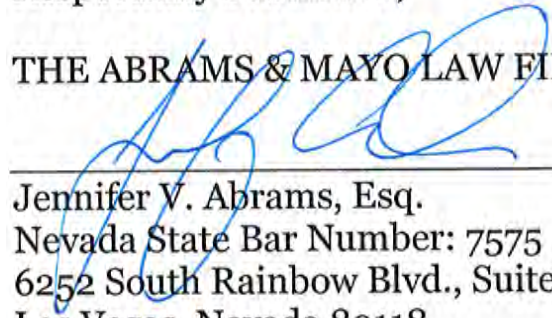
21 ///

1 All future correspondence, communications and pleadings shall be
2 directed to the aforementioned as counsel of record.

3 DATED Monday, November 27, 2017.

4 Respectfully Submitted,


5 THE ABRAMS & MAYO LAW FIRM

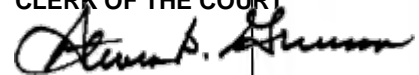
6 
7 Jennifer V. Abrams, Esq.
8 Nevada State Bar Number: 7575
6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
Attorney for Defendant

9
10 **CERTIFICATE OF SERVICE**

11 I hereby certify that the foregoing NOTICE OF APPEARANCE OF
12 ATTORNEY was filed electronically with the Eighth Judicial District
13 Court in the above-entitled matter, on Monday, November 27, 2017.
14 Electronic service of the foregoing document shall be made in
15 accordance with the Master Service List, pursuant to NEFCR 9, as
16 follows:

17 Paul A. Lemcke, Esq.
18 Attorney for Plaintiff

19 
20 An Employee of The Abrams & Mayo Law Firm



1 **EXH**

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

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

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

16 Plaintiff,)

17 vs.)

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

21 Defendant.)

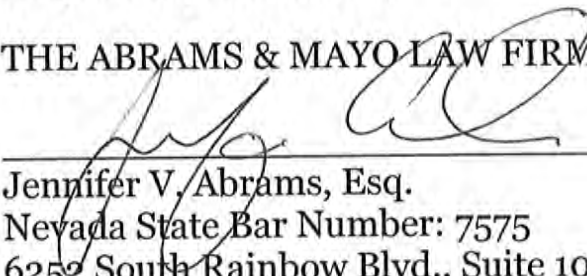
22 **APPENDIX OF EXHIBITS IN SUPPORT OF**
23 **DEFENDANT'S MOTION TO DISMISS**

Exhibit	Description
A	Declaration of Robert Semonian
B	Declaration of Shannon Evans, Esq.

C	Expert Opinion Report from Daniela Jezova, LL.M., PhD.
---	---

Respectfully Submitted,

THE ABRAMS & MAYO LAW FIRM


 Jennifer V. Abrams, Esq.
 Nevada State Bar Number: 7575
 6252 South Rainbow Blvd., Suite 100
 Las Vegas, Nevada 89118
 Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that the foregoing *Appendix of Exhibits in Support of Defendant's Motion to Dismiss* was filed electronically with the Eighth Judicial District Court in the above-entitled matter on Wednesday, November 29, 2017. Electronic service of the foregoing document shall be made in accordance with the Master Service List, pursuant to NEFCR 9, as follows:

Paul A. Lemcke, Esq.
 Attorney for Plaintiff


 An Employee of The Abrams & Mayo Law Firm

EXHIBIT A

EXHIBIT A

EXHIBIT A

1 **DECL**

Jennifer V. Abrams, Esq.

2 Nevada State Bar Number: 7575

THE ABRAMS & MAYO LAW FIRM

3 6252 South Rainbow Blvd., Suite 100

Las Vegas, Nevada 89118

4 Tel: (702) 222-4021

Fax: (702) 248-9750

5 Email: jvagroup@theabramslawfirm.com

Attorney for Defendant

Eighth Judicial District Court

Family Division

Clark County, Nevada

8 THOMAS A. PICKENS,

9 Plaintiff,

10 vs.

11 DANKA K. MICHAELS,

12 Defendant.

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

) Department: B

13
14 **DECLARATION OF ROBERT SEMONIAN**

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

18 2. I am above the age of majority and I am competent to testify
19 to the facts contained in this declaration.

20 3. I have been preparing the Federal Income Tax Returns for
21 Danka Michaels and for Thomas Pickens since at least 2004.

1 4. Since at least 2004, I have prepared each of their returns as
2 "single, unmarried," not as "married filing joint" or "married filing
3 separate."

4 5. With regards to filing status, I had lengthy discussions with
5 Thomas about this. He specifically told me that he and Danka went to
6 some European country and had a ceremony in a church but that they
7 intentionally never submitted the paperwork to legalize their marriage
8 because, he said, they were "married emotionally, not legally."

9 6. Danka confirmed the same information about the ceremony
10 and filing status.

11 7. This issue came up every year when I prepared their tax
12 returns and I spoke with Tom to decipher which deductions would be
13 reported on which tax return.

14 Dated this 29th day of November, 2017.

15 
16 _____
17 ROBERT SEMONIAN
18
19
20
21

EXHIBIT B

EXHIBIT B

EXHIBIT B

1 **DECL**

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

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

14 THOMAS A. PICKENS,

15 Plaintiff,

16 vs.

17 DANKA K. MICHAELS,

18 Defendant.

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

) Department: B

19 **DECLARATION OF SHANNON EVANS, ESQ.**

20 1. I, Shannon Evans, Esq., declare under penalty of perjury
21 under the law of the State of Nevada, pursuant to NRS 53.045, that the
foregoing is true and correct.

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

4 3. I am an attorney duly licensed to practice law in the State of
5 Nevada. I maintain offices located at Evans & Associates, 2400 S.

1 Cimarron Road, Suite 140, Las Vegas, Nevada 89117. I prepared trust
2 and related documents for Danka Michaels and for Thomas Pickens.

3 4. I prepared estate planning / trust documents for each Danka
4 Michaels and Thomas Pickens, individually. The estate planning / trust
5 documents were not prepared for these parties as husband and wife, but
6 as single individuals, as they made it very clear to me that their Church
7 ceremony deliberately did not result in a legal marriage between them.

8 5. During our discussions, Danka and Thomas each informed
9 me that they had a commitment ceremony only in Slovakia and they
10 were not legally married. The parties informed me that they always
11 knew that they were not legally married and did not intend to be legally
12 married.

13 6. In or around late 2016, the parties informed me that Thomas
14 was having a baby with a woman in Florida and that they wanted to
15 separate their assets. It was my understanding that the parties were
16 dividing their assets equitably based upon who paid for the asset. I was
17 asked to prepare deeds to effectuate their agreement and wishes.

18 ///

19 ///

20 ///

21 ///

1 7. Both parties knowingly and voluntarily signed conflict
2 waivers related to my services before the deeds were executed.

3 Dated this 29th day of November, 2017.

4 
5 _____
6 SHANNON EVANS, ESQ.
7
8
9
10
11
12
13
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16
17
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20
21

EXHIBIT C

EXHIBIT C

EXHIBIT C



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JUDr Daniela Ježová

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Firm Name: JUDr. Daniela Ježová Law office

Address: Javorinská 13
Bratislava 81103
Slovakia (Slovak Republic)

Telephone: +421 915 750 804

Email: jezova@lawyer.com

vCard: [Download](#)

Website: www.jezova.sk

Profile: Daniela is a partner and is managing a law office which deals with International and European family law. Daniela also lectures at the Comenius University law faculty in Bratislava the International and European law, she published a lot of professional articles about European and International law. Daniela studied law in Slovakia and Austria. She is a member of Slovak and Czech bar association. She is an arbiter at the American International Commercial Arbitration Court. Her law office is the winner of awards for best family law office in Slovakia.

Languages Spoken: English

Practice Areas: Adoption, Appeals, Arbitration, Child Care/Public Law, Child Custody/Residence/Visitation/Contact, Child Support, Collaborative Law, Divorce, Domestic Abuse/Violence/Protection Orders, Emergency Procedures/Injunctions, Enforcement: Child Custody, Enforcement: Child Support, Enforcement: Property Division, Enforcement: Spousal Support, Finance: Capital Provision, Finance: Insolvency, Finance: Pensions/Superannuation/Retirement and Employment Benefits, Finance: Property Issues, Finance: Trusts, Hague Convention/Child Abduction, Mediation, Modification/Variation: Child Custody, Modification/Variation: Child Support, Modification/Variation: Property Division, Modification/Variation: Spousal Support, Parentage/Paternity, Pre-nuptial/Post-nuptial Agreements, Relocation/Removal from Jurisdiction, Spousal Support/Maintenance/Alimony, Surrogacy

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In Bratislava, 28. November 2017

Delivered via e-mail: sstolz@theabramslawfirm.com

Questions:

We represent Danko Michaels, in connection with the above-referenced matter. We'd like an expert opinion letter that clearly outlines the following:

- 1. If there is a registry that can be checked, do either of these parties show up as being married in Slovakia?*
- 2. What are the rules and requirements for a valid marriage?*
- 3. Is the church ceremony and documents provided sufficient to meet the marriage requirements in Slovakia?*
- 4. Is there a valid marriage or not?*

Documents available:

Marriage certificate – date on 07.04.2002

Legal framework:

Family Act No.: 36/2005 Coll. as amended- current regulation

Family Act No.: 94/1963 Coll. as amended – old regulation

Information gathered:

1. Phone contact with Register Office – Bratislava Staré Mesto on 27.11.2017: According to the information gathered via phone the marriage is not registered in the Register Office. They also provided us information that your client is still registered as married

to previous husband (Mr. Michalicka) in the system. Firstly the divorce certificate or the death certificate has to be delivered.

2. Phone contact with special Register office for marriages of SK citizens concluded abroad. – No registration of the marriage of this case is recorded.
3. Phone contact with the Roman catholic church of Virgin Mary of the Snows on 27.11.2017: They have documents about this marriage in their database. They recognize the marriage and it was concluded on 7.04.2002 in their church. They do not have any information whether the documents were forwarded to the Register office or not.

Please note information obtained via phone are no official information, but due to the lack of time we gathered information this way. This information was needed for preparation of the answer.

Answer:

Generally speaking in Slovakia, you can conclude the marriage in church without being necessary to conclude it again before civil person. Slovakia recognizes also the catholic marriages in front of the priest (only registered religions). Roman catholic religion is registered and the marriages in roman catholic churches as possible to be concluded. The only difference between the catholic marriage and civil marriage is the procedure which needs to be followed. It seems in this case the procedure was not followed properly.

Current legal framework is effective since 1.04.2005 which is a date after the marriage was concluded. Under the Section 114 of the Act No. 36/2005 Coll. Family Act „Interim provisions“: *„Legal relationships that arose before April 1, 2005 shall be judged by the provisions of this Act. However, the formation of these legal relationships, as well as the rights and obligations arising therefrom, are judged by the present rules.“*

This means we will use for this case the old Family Act (Act No. 94/1963 Coll.) - time version of the act effective from 01.04.2002 to 30.06.2002:

Section 4a of the Act. No. 94/1963 Coll.: *„(1) A declaration of marriage shall be made by a man and a woman before the competent authority of the church, in front of a person practicing the priest registered church or religious society ("the Church form").*

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

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

The proper procedure in case of having a catholic marriage is that the engaged couple firstly (before they conclude the marriage at the church) must file an application of marriage and submit the documents under the Act No. 154/1994 Coll. at Register Offices.

In accordance with the Act No. 154/1994 Coll. the registry is a state record of the personal status of natural persons who were born, married or died in the territory of the Slovak Republic, and citizens of the Slovak Republic who were born, married or died aliens. Data on marriage are recorded in the register. Here are recorded all marriages concluded in Slovakia and there is also a special register for marriages of Slovak citizens concluded abroad.

The registry in the district of which the marriage was contracted is competent for the registration of the conclusion of the marriage.

The marriage book includes

- a) the day, month, year and place of conclusion of a marriage,
- b) name, surname, last name, date, month, year and place of birth, personal identification number and personal status of the man a woman who contracted the marriage
- c) name, surname, last name, date, month, year and place of birth of the spouse's parents,
- d) the spouses' agreement about the surname and the agreement about the surnamen of their joint children; the agreed surname will be presented in male and female form.
- e) the nationality of the spouses,
- f) the names, surnames and personal identification number of the witnesses,
- g) the day, month and year of registration.

Section 17 of the Act No. 154/1994:

„If birth, marriage and death have not been recorded within a specified time, it shall be recorded additionally. The additional registration shall be performed on official duty.“

Section 17a of the Act No. 154/1994: „After receipt of the records, the Registrar enters in the register book without undue delay; if it is necessary to determine the data to be entered, the Registrar shall register not later than two months after the notification of the birth, marriage or death notification.“

In accordance with the Act No. 154/1994 „Procedure before the conclusion of a marriage: A citizen of the Slovak Republic shall submit the following documents to the relevant registry office at least seven days before the marriage:

- a) birth certificate,
- b) a document on citizenship,
- c) residence certificate,
- d) the death certificate of the deceased spouse or marriage certificate of marriage if it is a widower or widow or a final judgment on the divorce of marriage in the case of a divorced or divorced person or a final judgment about the marriage annulment
- e) proof of personal identification number
- f) proof of identity.

The documents referred to in b), c), e and f) may be replaced by the presentation of a valid identity card or by showing its electronic identity card with an electronic chip card.

A citizen of the Slovak Republic residing abroad shall submit the document referred to in c) issued by the competent authorities of a foreign State; the document referred to in b) may be replaced by a valid passport of the Slovak Republic.

Before the marriage is concluded, the engaged couple shall complete the prescribed form; in justified cases, only one of them can do so. In the case of a marriage before a church body, the registry office will confirm the form and the engaged couple deliver it to the competent church's authority.

A record on the conclusion of a marriage shall be made.

The authority of the church before which the marriage was contracted is obliged to deliver a record of marriage within three working days of marriage to the appropriate registry office. The registry office shall make the registration into the marriage book on the basis of the abovementioned documents and the record of the marriage.

Before the marriage is concluded in the Slovak Republic, the foreigner is obliged to submit the following documents to the registry office at least 14 days before the marriage:

- a) birth certificate,
- b) proof of personal status (shall not be older than six months),
- c) a residence document,
- d) proof of nationality,
- e) a death certificate of the deceased spouse or other public document stating that the marriage has ceased to exist in the case of a widower,

f) a final judgment on the divorce of a marriage or other authentic instrument stating that the marriage is legally divorced in the case of a divorced foreigner,

g) a document proving identity.

All these documents must be legalized for the use in Slovakia.

Invalidity of the marriage:

- A marriage can not be concluded with a married man or a married woman,
- Marriage can not be concluded between ancestors and descendants and among siblings,
- The marriage can not be concluded by minor,
- A marriage can not be concluded by a person affected by a mental disorder that would result in a limitation of legal capacity
- the declaration of marriage was not made freely, seriously, definitely and comprehensibly.

Conclusion:

Currently the couple does not show as being married in Slovak register.

The marriage can be concluded by the church ceremony by itself. Generally the marriage is valid in case:

- a) None of the spouses were married at the time of the conclusion of the marriage,
- b) Spouses are not ancestors and descendants and siblings,
- c) None of the spouse were affected by mental disorder that would cause a limitation of legal capacity,
- d) Declaration of the marriage was not made freely seriously, definitely and comprehensibly by any of the spouses.

The invalidity has to be declared by the court.

The proper procedure must be followed to register the marriage officially. You can find the procedure description above.

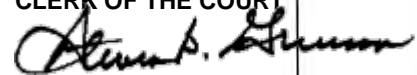
It is obvious that this marriage was/is not officially registered in Slovakia and there is some mistake of the procedure. The reasons for that might be different:

- a) The engaged couple did not follow the proper procedure before entering the marriage (filing proper forms and delivering proper documents) OR
- b) If the procedure was followed properly, the church did not deliver the minute from the marriage to the register office.

In case the a) option and its reparation deeper examination needs to be provided. The legal question here is whether the marriage was even concluded legally (does exist) as far the proper procedure was not followed and the documents were not submitted. This needs to be examined deeper.

In case the option b) applies that solution is to deliver the minute from the marriage to the registrar office now by the church. After delivering the minute the marriage should be registered.

In case you are interested in deeper examination we will need the POA from you client signed at the Slovak embassy (no apostyle needed) or in front of the US notary with apostyle to act in front of the authorities in Slovakia.



1 **MDSM**

Jennifer V. Abrams, Esq.

2 Nevada State Bar Number: 7575

THE ABRAMS & MAYO LAW FIRM

3 6252 South Rainbow Blvd., Suite 100

Las Vegas, Nevada 89118

4 Tel: (702) 222-4021

Fax: (702) 248-9750

5 Email: JVAGroup@TheAbramsLawFirm.com

Attorney for Defendant

Eighth Judicial District Court

Family Division

Clark County, Nevada

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

9 Plaintiff,

10 vs.

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

13 Defendant.

) Department: B

) Date of Hearing: 01/04/2018

) Time of Hearing: 9:00am

) Oral Argument is Requested

) ☒ YES ☐ NO

14 NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS
15 MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE
16 UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN TEN (10) DAYS OF
17 YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE
WITH THE CLERK OF THE COURT WITHIN TEN (10) DAYS OF YOUR RECEIPT
OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED
BY THE COURT WITHOUT A HEARING PRIOR TO THE SCHEDULED HEARING
DATE.

18 **MOTION TO DISMISS**

19 **COMES NOW** Defendant, Danka K. Michaels, by and through
20 her attorney of record, Jennifer V. Abrams, Esq., of The Abrams & Mayo
21 Law Firm, and hereby submits her *Motion to Dismiss*.

1 **NOTICE OF MOTION**

2 TO: THOMAS A. PICKENS, Plaintiff; and

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

5 PLEASE TAKE NOTICE that the foregoing Motion will be heard on
6 January 04, 2018 at 9:00am, in

7 Department B of the above-entitled court.

8 DATED: Wednesday, November 29, 2017.

9 Respectfully Submitted,

10 THE ABRAMS & MAYO LAW FIRM

11 
12 Jennifer V. Abrams, Esq.
13 Nevada State Bar Number: 7575
14 6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
Attorney for Defendant

15 **MEMORANDUM OF POINTS AND AUTHORITIES**

16 **I. INTRODUCTION**

17 The parties are not married. They deliberately did not legally
18 marry each other and they never intended to legally get married. They
19 have been filing their Federal Income Tax Returns as “single” individuals
20 throughout the duration of their relationship – they did not file as
21 “married filing joint” or “married filing separate” because they were not

1 married.

2 Danka and Thomas stopped living together approximately 2 years
3 ago. They divided their belongings, completely ended their relationship,
4 and went their separate ways more than one year ago. Now, Thomas is
5 attempting to seize property to which he knows he has no legitimate
6 claim. Sanctions and fees are warranted.

7 **II. FACTUAL HISTORY**

8 Plaintiff, THOMAS A. PICKENS (hereinafter referred to as
9 "Thomas"), and Defendant, DANKA K. MICHAELS, (hereinafter
10 referred to as "Danka"), met in 2000 after they each had gone through
11 prior divorces. Neither one of them had any intention of getting
12 remarried.

13 Danka, who is a physician, treated Thomas at the hospital for chest
14 pains. Thomas pursued Danka and they started dating in 2001. After
15 meeting Danka's family, the parties decided to start living together and
16 Thomas moved into Danka's home. To appease their and their family's
17 conservative values, the parties decided to have a religious ceremony to
18 commemorate their relationship and living arrangement. However, the
19 parties did not wish to get married. The parties talked at length about
20 the religious ceremony and the fact that they did not want to be legally
21 married. Based upon their conversations and agreement, the parties

1 participated in a religious ceremony in Bratislava, Slovakia on April 7,
2 2002. They intentionally did not comply with the requirements for a
3 valid marriage in Slovakia and never registered their marriage or
4 completed any of the necessary paperwork to officiate same.

5 In 2004, Danka sold her separate property home and put the
6 proceeds toward the down payment for the Queensridge property.
7 Danka put Thomas's name on this property because they were in a
8 relationship.

9 Danka also bought a rental property and an office building on
10 Buffalo and Cheyenne with funds from her separate property savings
11 accounts. Thomas did make some financial contributions to these
12 properties and his name was once on title to both of those properties as
13 well.

14 Other than the three properties mentioned above, the parties
15 substantially kept their finances separate. Danka knows very little about
16 Thomas's income, assets and finances.

17 The parties have consistently filed Federal Income Tax Returns
18 with the filing status of "single, unmarried" individuals. They did not file
19 their taxes as "married filing joint" or "married filing separate," because
20 they were not married. Please see Declaration of Robert Semonian,
21 attached hereto as Exhibit A.

1 In approximately 2011, Danka received a message from Thomas's
2 "girlfriend," Stacey, indicating that she was pregnant with Thomas's
3 child. Danka responded, "congratulations on your pregnancy." A few
4 minutes later, Stacey called Danka on the phone and they had a
5 discussion. Stacey informed Danka that she and Thomas had been living
6 together for two years, which is why Thomas hadn't been coming home.
7 Danka simply responded that it was not her problem and that Stacey
8 needed to resolve it directly with Thomas. Danka then confronted
9 Thomas with the news. Thomas seemed upset about being caught but
10 wasn't apologetic at all.

11 Danka informed Thomas that he needed to move out. She didn't
12 ask for a divorce because they were not married. They contacted their
13 estate planning attorney, Shannon Evans, Esq. to assist them with
14 dividing their belongings.¹

15
16 ¹ Shannon had previously prepared each party's individual trust
17 documents. See Declaration of Shannon Evans, Esq., attached as Exhibit
18 B. Attorney Evans prepared each party's trust as a single individual, not
19 as a married couple, because both parties confirmed to her that they
20 were not married.
21

1 Attorney Evans met with both parties simultaneously. She had
2 each party sign a conflict waiver. It was Attorney Evans' understanding
3 that the parties were dividing jointly titled assets equitably, and by
4 agreement, based upon who substantially paid for the asset. The deeds
5 for the three properties were prepared according to the instructions of
6 the parties, were being transferred to Danka because she substantially
7 paid for them, and the deeds were executed in Attorney Evans' office.
8 See Declaration of Shannon Evans, Esq., attached as Exhibit B.

9 Since the division of assets and signing of Quit Claim Deeds by
10 Thomas in late 2016, Danka opened a new account for the rental
11 property income (which was previously controlled by Thomas) and
12 began controlling the rental income. She has been doing so for nearly
13 one year now.

14 Of note is that Thomas was running his business out of one of the
15 offices in the building. After Thomas signed the Quit Claim Deed in favor
16 of Danka, he not only gave up control of the rental income from the
17 property, he also began paying her rent for his use of the office space in
18 her building.

19 Also in late 2016, the parties closed their joint account(s) and
20 Thomas terminated Danka's use of his American Express credit card that
21

1 Danka was authorized to use. Thomas packed up his belongings and
2 moved everything of his out of the home.

3 After terminating their relationship and dividing their assets, these
4 unmarried parties haven't even spoken with one another since late 2016.

5 **III. LAW AND ARGUMENT**

6 **A. Standard for Motion to Dismiss - NRCP 12(b) and** 7 **NRCP 56**

8 NRCP 12(b)(5) specifically provides that the defense of the "failure
9 to state a claim upon which relief can be granted" may be made by
10 motion. *Gull v. Hoalst*, 77 Nev. 54, 359 P.2d 383 (1961); *Schneider v.*
11 *County of Elko*, 119 Nev. 381, 75 P.3d 368, 369 (2003). For the purpose
12 of considering a 12(b)(5) motion, a court must accept the allegations of
13 the complaint as true, and draw all inferences in favor of the non-moving
14 party. *See Stockmeier v. Nevada Dep't of Corrections*, 124 Nev. 313, 183
15 P.3d 133, 135 (2008); *Snyder v. Viani*, 110 Nev. 1339, 885 P.2d 610
16 (1994); *Haertel v. Sonshine Carpet Co.*, 102 Nev. 614, 730 P.2d 428
17 (1986), *modified on rehearing on other grounds*, 104 Nev. 331, 757 P.2d
18 364 (1988); *Hansen-Neiderhauser, Inc. v. Nevada State Tax Comm'n*,
19 81 Nev. 307, 402 P.2d 480 (1965). "Dismissal is proper where the
20 allegations are insufficient to establish the elements of a claim for relief."
21 *Stockmeier v. Nevada Dep't of Corrections*, 124 Nev. 313, 183 P.3d 133,

1 135 (2008) (quoting *Hampe v. Foote*, 118 Nev. 405, 408, 47 P.3d 438,
2 439 (2002)). If the proper showing is made by the movant, a motion to
3 dismiss for failure to state a claim may be granted irrespective of the
4 type of action involved or its complexity. *See, e.g., Kaldi v. Farmers Ins.*
5 *Exch.*, 117 Nev. 273, 21 P.3d 16 (2001) (motion to dismiss granted in
6 action involving alleged wrongful termination of insurance agent, trade
7 secrets, and proprietary information).

8 If, on a motion to dismiss for failure of the pleading to state a claim
9 upon which relief can be granted, matters outside the pleading are
10 presented to and not excluded by the court, the motion shall be treated
11 as one for summary judgment and disposed of as provided in Rule 56,
12 and all parties shall be given reasonable opportunity to present all
13 material made pertinent to such a motion by Rule 56, NRCP 12(b).

14 **B. Thomas's Complaint for Divorce Must be Dismissed**
15 **Based on a Lack of Subject Matter Jurisdiction as the**
16 **Parties are not Married**

17 NRS 3.223 states that the family courts have jurisdiction over
18 matters brought pursuant to NRS 125. NRCP 12(b)(1) states that lack of
19 jurisdiction over a subject matter is grounds to dismiss or deny an
20 action.² NRS 122.030 states in relevant part:

21 ² A party can move to dismiss a case for lack of subject matter and personal
jurisdiction prior to filing a responsive pleading. *Hansen v. District Court*, 116 Nev.
650, 6 P.3d 982 (2000). When a motion to dismiss is based on a lack of jurisdiction,

1 **Documents constituting presumptive evidence**
2 **of marriage.**

3 ...
4 2. With respect to any marriage solemnized on or
5 after January 1, 1971, the original certificate and records of
6 marriage made by the judge, justice, minister or other
7 church or religious official authorized to solemnize a
8 marriage, notary public, commissioner of civil marriages or
9 deputy commissioner of civil marriages, as prescribed in this
10 chapter, and the record thereof by the county recorder or the
11 county clerk, as the case may be, or a copy or abstract of the
12 record certified by the county recorder or the county clerk, as
13 the case may be, must be received in all courts and places as
14 presumptive evidence of the fact of the marriage.

15 Thomas claims the parties were "married" in Bratislava, Slovakia,
16 but the parties' unofficial religious ceremony did not constitute a valid,
17 legal marriage. In order to conclude a marriage in Slovakia, Section 4a
18 of the Act. No. 94/1963 Coll.: requires:

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

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

26 ***

27 (4) The authority of the church before the marriage is
28 obliged to immediately deliver the minutes of marriage, indicating
29 the fact according to special regulations to the competent body
30 charged with the management of the register in the district of
31 which the marriage was contracted.

32 the trial court should scrutinize the claimed grounds for jurisdiction to ensure
33 whether or not Nevada is the proper forum in which to litigate a matter. *Vaile v.*
34 *District Court*, 118 Nev. 262, 44 P.3d 506 (2002).

1 Neither the parties nor the church registered or presented
2 anything to the Slovakia registry. This was entirely intentional and
3 deliberate as it was never the parties' intention to be legally married. See
4 Declarations of Robert Semonian and Shannon Evans, Esq. attached
5 hereto as Exhibits A and B. And, again, the "certificate" Thomas
6 presented to the Court is not a valid Slovakia marriage license.³ See also
7 Expert Opinion Report from Daniela Jezova, LL.M., PhD. who
8 concluded that there is no valid marriage between Danka Michaels and
9 Thomas Pickens, attached as Exhibit C.

10 Regarding recognition in Nevada, a foreign marriage will be
11 accepted as valid and legal in Nevada only if is legal in the foreign
12 country it was entered into and, it is not against public policy.⁴ The
13 religious ceremony performed in Slovakia did not result in a legal
14 marriage between these parties in Slovakia as explained in the Expert

15
16 ³ Thomas is well aware that the parties were never married and only attached
17 the church document to his Complaint for Divorce (something that is not usual or
18 customary) in an effort to defraud this Court and seize property from Danka to which
19 he knows he has no legitimate claim.

20 ⁴ See generally *Gonzales-Alpizar v. Griffith*, 130 Nev. Adv. Rep. 2, 317 P.3d 820
21 (2014)(wherein the Nevada Supreme Court held that a foreign order, decree or
official right will normally be extended comity by the State of Nevada if it is not
inconsistent with our public policies and valid in the country which issued it).
Further, and according to American jurisprudence, "[t]he general rule is that the
validity of a marriage is determined by the law of the place where it is contracted, or
celebrated. Thus, a marriage which is valid under the law of the state or country in
which it is contracted will generally be recognized as valid." See 52 Am. Jur. 2d
Marriage § 63 (2005). See also *Western States Const., Inc. v. Michoff*, 840 P.2d 1220
(Nev. 1992).

1 Opinion report attached hereto. The parties are not married, they never
2 were married, and there is no legal marriage for Nevada to recognize
3 under NRS 122.

4 As the parties were never married, Thomas's cause of action for a
5 divorce, as well his request for alimony, attorney's fees and any other
6 relief based on marriage, cannot stand and must be dismissed.

7 **C. Danka Should Be Awarded Attorney's Fees and Costs**

8 It is submitted that as assessment of fees is appropriate here, since
9 Thomas has obviously, and apparently deliberately, requested relief
10 beyond the subject matter jurisdiction of the Court to grant, and filed a
11 fraudulent Complaint for Divorce *knowing* that the parties were never
12 married. Given the obvious jurisdictional defect, an award of fees is
13 called for under EDCR 7.60(b):

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

17
(3) So multiplies the proceedings in a case as to
increase costs unreasonably and vexatiously.

18 (4) Fails or refuses to comply with these rules

19 Accordingly, Danka should be awarded the entirety of the fees and
20 costs she has been compelled to respond to an action that should never
21 have been filed. Danka requests an award of fees sufficient to

1 compensate her for expenses she has incurred thus far, and to deter
2 Thomas from like conduct in the future.

3 In evaluating requests for reimbursement of fees and costs, the
4 District Court must evaluate the *Brunzell Factors*⁵:

- 5 1. *The Qualities of the Advocate*: his ability, his training,
education, experience, professional standing and skill.
- 6 2. *The Character of the Work to be Done*: its difficulty, its
intricacy, its importance, time and skill required, the
7 responsibility imposed and the prominence and character of
the parties where they affect the importance of the litigation.
- 8 3. *The Work Actually Performed by the Lawyer*: the skill, time
and attention given to the work.
- 9 4. *The Result*: whether the attorney was successful and what
benefits were derived.

10 Each of these factors should be given consideration, and no one element
11 should predominate or be given undue weight. *Miller v. Wilfong*, 121
12 Nev. 619, 119 P.3d 727 (2005).

13 The *Brunzell Factors* apply to this case as follows:

14 Attorney Jennifer V. Abrams graduated magna cum laude in the
15 top 4% of her law school class. She is a member in good standing of the
16 State Bar of Nevada, Clark County Bar Association, American Bar
17 Association, American Association for Justice, which is formerly the
18 Association of Trial Lawyers of America, the State Bar of California and
19 the Louisiana State Bar (both inactive). Although Attorney Abrams is
20

21 ⁵ *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969)

1 admitted to practice law in three states, she chooses to dedicate herself
2 exclusively to Las Vegas divorce and family law matters. Attorney
3 Abrams served as a member of the State Bar of Nevada Family Law
4 Executive Council for five (5) years and was the Treasurer for the section
5 for four (4) of those years. She is Certified by the State Bar of Nevada as
6 a Family Law Specialist and is a peer-reviewed and certified Fellow of
7 the American Academy of Matrimonial Lawyers. She was appointed by
8 the Nevada Supreme Court to the Family Law Rules Committee. She has
9 contributed as an author and editor to several State Bar publications,
10 including, the Family Practice Manual (second edition) and she created
11 the Detailed Financial Disclosure Form for high asset and complex
12 divorce cases which has been adopted for new cases filed after January 1,
13 2013. See ADKT 476. She was on the committee that re-wrote Section 5
14 of the Eighth Judicial District Court Rules and she re-drafted Nevada
15 Rule of Civil Procedure 16.2 and 16.205.

16 Stephanie Stolz is the current Firm Administrator / Lead Certified
17 Paralegal and began her legal career at The Abrams Law Firm nine years
18 ago. She started at the receptionist position in May 2004. While
19 working full-time for the firm, she simultaneously completed the
20 Paralegal Studies Program with special emphasis in Nevada Practices
21 and Procedures, Contract Law, and Family Law from the University of

1 Nevada Las Vegas. In 2005 she was promoted to a Certified Paralegal
2 position. In 2006 she achieved the role of Lead Certified Paralegal.
3 Stephanie was promoted to the role of Firm Administrator in 2010. In
4 addition to her Lead Certified Paralegal duties, she is responsible for
5 numerous areas of the firm's business operations including accounting
6 and vendor relationships.

7 2. *The Character of the Work to be Done:* The facts and
8 circumstances surrounding the filing of this Motion are fully
9 incorporated herein by reference. Attorney Abrams has diligently
10 reviewed the applicable law, explored the relevant facts and has properly
11 applied one to the other.

12 3. *The Work Actually Performed by the Lawyer:* Work is still
13 ongoing regarding these issues. Thus, redacted billing statements will be
14 provided prior to the hearing on this matter.

15 4. *The Result:* It is anticipated that given the clear and
16 convincing evidence that this Court lack jurisdiction and that this case
17 should be dismissed that the outcome of this hearing will be favorable to
18 Danka.

19 The work actually performed is detailed on the billing summaries,
20 which will be filed under separate cover before the hearing on this
21 matter, consistent with the requirements under Love.

1 Under either set of rules (the Rule 11 based NRS 18.010, or the
2 Family Law line of cases), we believe that an award of fees in the full
3 amount incurred is warranted in this instance.

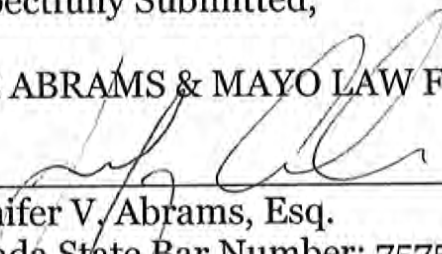
4 **IV. CONCLUSION**

5 Based on the aforementioned facts, law and analysis, the Court
6 should grant the relief requested in Defendant's Motion in its entirety.

7 DATED Wednesday, November 29, 2017.

8 Respectfully Submitted,

9 THE ABRAMS & MAYO LAW FIRM

10 
11 Jennifer V. Abrams, Esq.
12 Nevada State Bar Number: 7575
13 6252 South Rainbow Blvd., Suite 100
14 Las Vegas, Nevada 89118
15 Attorney for Defendant
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1. I, DANKA K. MICHAELS, do solemnly swear to testify herein

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

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

4. That I make this declaration in support of the foregoing

5. That I have read said Motion and hereby certify that the

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

29th day of NOVEMBER, 2017.


DANKA K. MICHAELS

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Paul A. Lemcke, Esq.
Attorney for Plaintiff

Stephanie Saff
An Employee of The Abrams & Mayo Law Firm

MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

THOMAS A. PICKENS,

Plaintiff/Petitioner

v.

DANKA K. MICHAELS,

Defendant/Respondent

Case No. D-17-560737-D

Dept. B

**MOTION/OPPOSITION
FEE INFORMATION SHEET**

Notice: Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of \$25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of \$129 or \$57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

Step 1. Select either the \$25 or \$0 filing fee in the box below.

☐ **\$25** The Motion/Opposition being filed with this form is subject to the \$25 reopen fee.

-OR-

☒ **\$0** The Motion/Opposition being filed with this form is not subject to the \$25 reopen fee because:

☒ The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.

☐ The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.

☐ The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____.

☐ Other Excluded Motion (must specify) _____.

Step 2. Select the \$0, \$129 or \$57 filing fee in the box below.

☒ **\$0** The Motion/Opposition being filed with this form is not subject to the \$129 or the \$57 fee because:

☒ The Motion/Opposition is being filed in a case that was not initiated by joint petition.

☐ The party filing the Motion/Opposition previously paid a fee of \$129 or \$57.

-OR-

☐ **\$129** The Motion being filed with this form is subject to the \$129 fee because it is a motion to modify, adjust or enforce a final order.

-OR-

☐ **\$57** The Motion/Opposition being filing with this form is subject to the \$57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of \$129.

Step 3. Add the filing fees from Step 1 and Step 2.

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

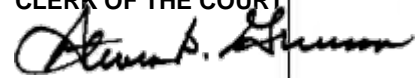
☒ \$0 ☐ \$25 ☐ \$57 ☐ \$82 ☐ \$129 ☐ \$154

Party filing Motion/Opposition: Defendant / Respondent Date 11/29/2017

Signature of Party or Preparer

Stephanie Saff

AA00061



1 **PET**

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

11 Eighth Judicial District Court
12 Family Division
13 Clark County, Nevada
14

15 THOMAS A. PICKENS, individually,) Case No.: D-17-560737-D
16 and as trustee of the LV Blue Trust,)
17) Department: B
18 Plaintiff,)
19)
20 vs.)
21)
22 DANKA K. MICHAELS,)
23 individually, and as trustee of the)
24 Mich-Mich Trust,)
25 Defendant.)

18 **PETITION TO SEAL RECORDS PURSUANT TO NRS 125.110(2)**

19 **NOW INTO COURT** comes Defendant, Danka K. Michaels, by
20 and through her attorney of record, Jennifer V. Abrams, Esq., of The
21 Abrams & Mayo Law Firm, and hereby requests that this action be
22 sealed pursuant to NRS 125.110(2), which states:
23
24

AA00062

1 1. In any action for divorce, the following papers and
2 pleadings in the action shall be open to public inspection in
the clerk's office:

3 (a) In case the complaint is not answered by the
4 defendant, the summons, with the affidavit or proof of
5 service; the complaint with memorandum endorsed thereon
6 that the default of the defendant in not answering was
entered, and the judgment; and in case where service is
made by publication, the affidavit for publication of
summons and the order directing the publication of
summons.

7 (b) In all other cases, the pleadings, the finding of the
8 court, any order made on motion as provided in Nevada
Rules of Civil Procedure, and the judgment.

9 2. All other papers, records, proceedings and evidence,
10 including exhibits and transcript of the testimony, shall,
11 upon the written request of either party to the action, filed
with the clerk, be sealed and shall not be open to inspection
12 except to the parties or their attorneys, or when required as
evidence in another action or proceeding.

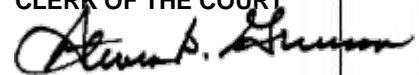
13 Accordingly, this matter shall not be open to inspection except to
14 the parties and/or their attorneys, or when required as evidence in
15 another action or proceeding.

16 Dated: Tuesday, December 12, 2017.

17
18 Respectfully Submitted,

19 THE ABRAMS & MAYO LAW FIRM

20
21 Jennifer V. Abrams, Esq.
22 Nevada State Bar Number: 7575
23 6252 South Rainbow Blvd., Suite 100
24 Las Vegas, Nevada 89118
Attorney for Defendant



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

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

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

13 Plaintiff,

14 vs.

15 **Danka K. Michaels, individually,**
16 **as as Trustee of the Mich-Mich**
17 **Trust,**

18 Defendant.

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

Dept No. **B**

Date of Hearing: **January 4, 2018**

Time of Hearing: **9:00 a.m.**


19 **EXHIBIT APPENDIX TO OPPOSITION TO DEFENDANT'S MOTION TO**
20 **DISMISS AND COUNTERMOTION FOR ATTORNEY'S FEES AND COSTS**

21 Plaintiff **Thomas A. Pickens**, by and through his attorney **Paul A. Lemcke,**
22 **Esq.**, of PECOS LAW GROUP, respectfully submits his *Exhibits to Opposition to*
23 *Defendant's Motion to Defendant's Motion to Dismiss and Countermotion for*
24 *Attorney's Fees and Costs.*

Exhibit No.	Description	Bates No.
1	Photographs from Pickens/Michaels wedding	TP0001 – TP0003
2	Pickens/Michaels wedding announcement	TP0004
3	Pickens/Michaels wedding certificate – original and translation	TP0005 – TP0007
4	Grant, Bargain Sale Deed on the Queen Charlotte property	TP0008 – TP0011
5	Grant, Bargain Sale Deed on the Lowe property	TP0012 – TP0015
6	Exemplar Statements for Wells Fargo Home Mortgage #9607	TP0016 – TP0017
7	Exemplar Statements for Wells Fargo checking account #3406	TP0018 – TP0020
8	Spreadsheet of payments on Lowe property from 7/31/14 to 8/30/16	TP0021
9	Grant, Bargain Sale Deed on Buffalo property	TP0022 – TP0027

DATED this 20th day of December 2017.

PECOS LAW GROUP



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

1 CERTIFICATE OF SERVICE


2 Pursuant to NRCP 5(b), I hereby certify that the foregoing *Exhibits to*
3 *Opposition to Defendant's Motion to Defendant's Motion to Dismiss and*
4 *Countermotion for Attorney's Fees and Costs.* in the above-captioned case was
5 served this date as follows:
6

7 ☒ pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP (b)(2)(D) and
8 Administrative Order 14-2 Captioned "In the Administrative
9 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;

10 **Jennifer V. Abrams, Esq.**

11 JVAGroup@TheAbramsLawFirm.com

12 DATED this 20th day of December 2017.

13 
14 **Allan Brown**
15 an employee of Pecos Law Group
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TP0001
AA00067



TP0002
AA00068



TP0003
AA00069



*Danka & Tom
are pleased to share the news of their
marriage that took place
on April 7th 2002 in Bratislava, Slovakia.*

Pro uss ecclesiastico sine tymbro. * Pro cirkevne účely bez kolicu

Officium parociale
Rim. kat. farský úrad
Panny Márie Snežnej
Bratislava – Kalvária

Districtus: Bratislava - Stred
Okres:

Nr.:
Čís.: 100/2017

Diocesis: Bratislava
Diecéza:

LITTERAE MATRIMONIALES SOBÁŠNY LIST

In libro matrimoniorum huius Officii parocialis hanc annotationem contuleri fidei digno testor:
Svedčím, že v knihe manželstiev tunajšieho farského úradu je uvedený zápis:

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

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

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

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

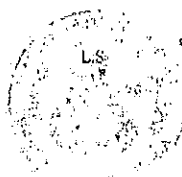
Sacerdos assistens et eius officium
Asistujúci kňaz a jeho hodnosť

P. Plus Majerník, OP
administrator par.

Promulgationes, dispensationes
Ohlasčky, oslobodenia

Observationes – Poznámky

Datum: 01. 09. 2017



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

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

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

Districtus: Bratislava – Stred
County:

NE:
No.: 100/2017

Diocesis: Bratislava
Diocese:

LITTERAE MATRIMONIALES MARRIAGE CERTIFICATE

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

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

pagina – page: 78th

nr. curr. – curr. no.: 4th

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

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

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

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

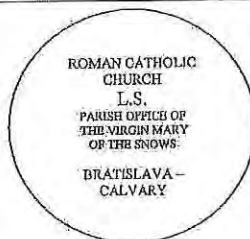
Sacerdos assistens et eius officium
Assisting priest and his rank

P. Pius Majerovič, OP
administrator par.

Promulgationes, dispensationes
Notices, dispensations

Observationes – Comments:

Date: September 1, 2017



[Signature]

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


TP0006
AA00072

AFFIDAVIT

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

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

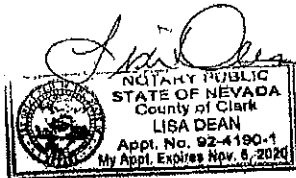
Dated at Las Vegas, Nevada, this October 9, 2017.


Interpreter/Translator

STATE OF NEVADA)
COUNTY OF CLARK)

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

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



TP0007
AA00073

20041007-0004230

Fee: \$17.00 RPTT: \$5,094.90
N/C Fee: \$0.00

10/07/2004 14:03:13
T20040110367

Requestor:
NEVADA TITLE COMPANY

Frances Deane ARO
Clark County Recorder Pgs: 4

A.P.N.: 138-31-611-007
R.P.T.T.: \$5,094.90

Escrow #04-08-1662-SAH

Mail tax bill to and when recorded mail to:
Mr. & Mrs. Thomas A. Pickens
9517 Queen Charlotte Drive
Las Vegas, NV 89145-8673

GRANT, BARGAIN, SALE DEED

THIS INDENTURE WITNESSETH, That Bradley L. Boone and Kym E. Boone, husband and wife, as joint tenants with rights of survivorship, for a valuable consideration, the receipt of which is hereby acknowledged, do hereby Grant, Bargain, Sell and Convey to Danka K. Michaels and Thomas A. Pickens, wife and husband as joint tenants, all that real property situated in the County of Clark, State of Nevada, bounded and described as follows:

SEE LEGAL DESCRIPTION ATTACHED HERETO
AND MADE A PART HEREOF AS EXHIBIT "A".

SUBJECT TO:

1. Taxes for the current fiscal year, not delinquent, including personal property taxes of any former owner, if any;
2. Restrictions, conditions, reservations, rights, rights of way and easements now of record, if any, or any that actually exist on the property.

TOGETHER WITH all singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TP0008
AA00074

IN WITNESS WHEREOF, this instrument has been executed this 27th day of Sept, 2004

Bradley L. Boone

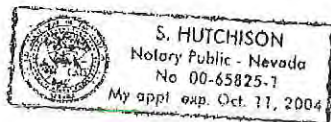
Bradley L. Boone

Kym E. Boone

Kym E. Boone

State of Nevada }
County of Clark } ss:

This instrument was acknowledged before me on Sept 27, 2004
by Bradley L. Boone and Kym E. Boone



[Signature]
NOTARY PUBLIC

My Commission Expires: _____

TP0009
AA00075

EXHIBIT "A"

PARCEL ONE (1):

LOT 73 BLOCK C OF PECCOLE WEST LOT 10- PARCEL 18-3-PHASE 1, AS SHOWN BY MAP THEREOF ON FILE IN BOOK 85, OF PLATS, PAGE 44, IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

PARCEL TWO (2):

A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND PUBLIC UTILITY PURPOSES ON, OVER AND ACROSS ALL THOSE AREAS LABELED PRIVATE STREETS AND COMMON AREAS ON THE MAP REFERENCED HEREINABOVE WHICH EASEMENT IS APPURTENANT TO PARCEL ONE (1)

ENDORSEMENT COPY

**State of Nevada
Declaration of Value**

1. Assessor Parcel Number(s)

- a) 138-31-611-007
b) _____
c) _____
d) _____

59

2. Type of Property:

- ☐ a) Vacant Land ☒ b) Sgl. Fam. Residence
☐ c) Condo/Twnhse ☐ d) 2-4 Plex
☐ e) Apt. Bldg. ☐ f) Comm'l/Ind'l
☐ g) Agricultural ☐ h) Mobile Home
☐ i) Other _____

FOR RECORDER'S OPTIONAL USE ONLY

Document/Instrument #: _____
Book: _____ Page: _____
Date of Recording: _____
Notes: _____

3. Total Value/Sales Price of Property

\$999,000.00

Deed in Lieu of Foreclosure Only (value of property) _____

Transfer Tax Value: _____

\$999,000.00

Real Property Transfer Tax Due _____

\$5,094.90

4. If Exemption Claimed:

a. Transfer Tax Exemption, per NRS 375.090,
Section: _____

b. Explain Reason for
Exemption: _____

5. Partial Interest: Percentage being transferred: 100 %

The undersigned declare(s) and acknowledges, under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, parties agree that disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month. Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature: Bradley L. Booke Capacity: GRANTOR/SELLER

Signature: Danka K. Michaels Capacity: GRANTEE/BUYER

9/30/04
SELLER (GRANTOR) INFORMATION

9/30/04
BUYER (GRANTEE) INFORMATION

(REQUIRED)

Print Name: Bradley L. Booke

Print Name: Danka K. Michaels

Address: Nine Exchange Place #20

Address: 1517 Queen Charlotte Dr.

City/State/Zip: Salt Lake City Utah 84111

City/State/Zip: Las Vegas, NV 89145

COMPANY/PERSON REQUESTING RECORDING (required if not seller or buyer)

Print Name: Nevada Title Company

Esc. #: 04-08-1662-SAH

Address: 3320 W Sahara Ave, Suite #210

City: Las Vegas

State: NV

Zip: 89102

(AS A PUBLIC RECORD THIS FORM MAY BE RECORDED/MICROFILMED)

4236

4 -1

Inst #: 201102280004081
Fees: \$16.00 N/C Fee: \$0.00
RPTT: \$663.00 Ex: #
02/28/2011 04:07:24 PM
Receipt #: 691199
Requestor:
TICOR TITLE OF NEVADA INC
Recorded By: SCA Pgs: 4
DEBBIE CONWAY
CLARK COUNTY RECORDER

APN No.: 125-16-511-008

WHEN RECORDED MAIL TO:
Dr. Danka Michaels, MD
9517 Queen Charlotte
Las Vegas, NV 89145

MAIL TAX STATEMENTS TO:
Same As Above

Escrow No. 11054523-LG

SPACE ABOVE FOR RECORDER'S USE ONLY

R.P.T.T. \$ 663.00

GRANT, BARGAIN, SALE DEED

THIS INDENTURE WITNESSETH: That Custom Estates, LLC

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, do/does hereby Grant,
Bargain, Sell and Convey to Danka Katarina Michaels amd Thomsa A. Pickens, wife and
husband as joint tenants

all that real property situated in the County of Clark, State of Nevada, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in
anywise appertaining.

SEE PAGE TWO (2) FOR SIGNATURES AND NOTARY ACKNOWLEDGEMENT

TP0012
AA00078

Title No. TT05-TT11054523

LEGAL DESCRIPTION

EXHIBIT "A"

Assessor's Parcel No: 125-16-511-008

PARCEL ONE (1):

LOT THIRTY-EIGHT (38) IN BLOCK SEVEN (7) OF FINAL MAP OF ORCHARD VALLEY AT THE ELKHORN SPRINGS CLUSTER HOMES-UNIT 6, AS SHOWN BY MAP THEREOF ON FILE IN BOOK 83 OF PLATS, PAGE 90, IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

RESERVING THEREFROM A NON-EXCLUSIVE EASEMENT FOR THE USE AND ENJOYMENT IN AND TO THE ASSOCIATION PROPERTY, AS SET FORTH IN THE MASTER DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND RESERVATION OF EASEMENTS FOR ELKHORN RECORDED MARCH 22, 1995, IN BOOK 950322 AS DOCUMENT NO 00346 AS THE SAME MAY FROM TIME TO TIME BE AMENDED AND/OR SUPPLEMENTED, IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

PARCEL TWO (2):

A NON-EXCLUSIVE EASEMENT FOR THE USE AND ENJOYMENT IN AND TO THE ASSOCIATION PROPERTY AS SET FORTH IN THE MASTER DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND RESERVATIONS OF EASEMENTS, FOIR ELKHORN RECORDED ON MARCH 22, 1995 IN BOOK 950322 AS DOCUMENT NO 00346, AS THE SAME MAY FROM TIME TO TIME BE AMENDED AND/OR SUPPLEMENTED IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA, WHICH EASEMENT IS APPURTENANT TO PARCEL ONE (1).

TP0013
AA00079

SIGNATURES AND NOTARY ACKNOWLEDGEMENT FOR GRANT, BARGAIN, SALE DEED

Custom Estates, LLC

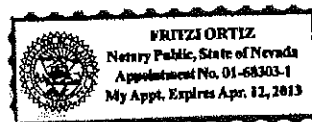
Mary Ducho CFO
By: GARY FUCHS, CEO

STATE OF NEVADA
COUNTY OF CLARK

} ss:

This instrument was acknowledged before me on, FEBRUARY 25, 2011
by GARY FUCHS

[Signature]
NOTARY PUBLIC



APPT # 01-68303-1

EXP 4/12/2013

STATE OF NEVADA
DECLARATION OF VALUE FORM

1. Assessor Parcel Number(s)

- a) 125-16-511-008
b) _____
c) _____
d) _____

2. Type of Property:

- a) ☐ Vacant Land b) ☒ Single Fam. Res
c) ☐ Condo/Twnhse d) ☐ 2-4 Plex
e) ☐ Apt. Bldg f) ☐ Comm'l/Ind'l
g) ☐ Agricultural h) ☐ Mobile Home
☐ Other _____

FOR RECORDER'S OPTIONAL USE ONLY

Book: _____ Page: _____
Date of Recording: _____
Notes: _____

3. a. Total Value/Sales Price of Property:

\$129,900.00

b. Deed in Lieu of Foreclosure Only (value of property)

(_____)

c. Transfer Tax Value:

\$129,900.00

d. Real Property Tax Due:

\$ 663.00

4. If Exemption Claimed:

- a. Transfer Tax Exemption per NRS 375.090, Section _____
b. Explain Reason for Exemption: _____

5. Partial Interest: Percentage being transferred: 100 %

The undersigned declares and acknowledges, under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the parties agree that disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month. Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature [Signature] 2/28/16
Signature [Signature] 2/28/16

Capacity Buyer
Capacity Buyer

**SELLER (GRANTOR) INFORMATION
(REQUIRED)**

Print Name: Custom Estates, LLC

Address: 5394 S. Fort Apache
City, State, Zip: W, NV 89148

**BUYER (GRANTEE) INFORMATION
(REQUIRED)**

Print Name: Danka Katarina Michaels and Thomas

A. Pickens
Address: 9517 Queen Charlotte
City, State, Zip: W, NV 89145

COMPANY/PERSON REQUESTING RECORDING (required if not seller or buy)

Print Name: Ticor Title of Nevada, Inc. Escrow: #11054523LG

Address, City, State, Zip: 2285 Corporate Circle #130 Henderson, NV 89074

AS A PUBLIC RECORD THIS FORM MAY BE RECORDED/MICROFILMED



Home Mortgage

Property address

7608 Lowe Avenue
Las Vegas, NV 89131

Account number: [REDACTED] 9607

DANKA KATARINA MICHAELS
THOMAS A PICKENS

Wells Fargo Home Mortgage

Loan summary

Original date of mortgage	2/25/11
Interest rate	5.625%
Unpaid principal balance* as of 7/31	\$18,674.07
Current monthly payment	\$731.31
Escrow balance	\$1,272.58
Interest paid year-to-date	\$2,555.52
Taxes paid year-to-date	\$591.79

*Contact Customer Service for your payoff balance.

■ This is a summary statement of your Home Mortgage account. You will continue to receive a complete periodic statement.



Home Mortgage

Property address

7608 Lowe Avenue
Las Vegas, NV 89131

Account number: [REDACTED] 9607

DANKA KATARINA MICHAELS
THOMAS A PICKENS

Wells Fargo Home Mortgage

Loan summary

Original date of mortgage	2/25/11
Interest rate	5.625%
Unpaid principal balance* as of 6/30	\$28,085.04
Current monthly payment	\$731.31
Escrow balance	\$1,170.40
Interest paid year-to-date	\$2,171.83
Taxes paid year-to-date	\$294.70

**Contact Customer Service for your payoff balance.*

■ This is a summary statement of your Home Mortgage account. You will continue to receive a complete periodic statement.



PMA[®] Premier Checking Account

Activity summary

Balance on 6/1	21,598.27
Deposits/Additions	9,495.00
Withdrawals/Subtractions	- 10,521.33
Balance on 6/30	\$20,571.94

Account number: 3436

THOMAS A PICKENS
DANKA K MICHAELS

Wells Fargo Bank, N.A. (Member FDIC)

NEVADA account terms and conditions apply

Questions about your account: 1-800-742-4932

Worksheet to balance your account and General
Statement Policies can be found towards the
end of this statement.

Interest you've earned

Interest earned this month	\$0.69
Average collected balance this month	\$21,466.60
Annual percentage yield earned	0.05%
Interest paid this year	\$5.04

Interest withheld

Interest withheld this period	\$0.24
Interest withheld this year	\$1.38

Transaction history

Date	Description	Check No.	Deposits/ Additions	Withdrawals/ Subtractions	Ending Daily Balance
Beginning balance on 6/1					21,598.27
6/6	Deposited OR Cashed Check	1058		2,170.00	19,428.27
6/6	ATM Withdrawal Authorized On 06/09 1090 N Collier Blvd Marco Island FL 0001166 ATM ID 2857F Card 4887			300.00	19,128.27
6/10	Blue Point Devel Direct Dep 160610 719064517640Uhe Pickens, Thomas A		4,747.05		23,875.32
6/13	ATM Withdrawal Authorized On 06/11 12604 Tamiami Trail Ea Naples FL 0002247 ATM ID 6358G Card 4887			300.00	
6/13	Deposited OR Cashed Check	1060		120.00	23,455.32
6/15	ATM Withdrawal Authorized On 06/14 12604 Tamiami Trail Ea Naples FL 0003139 ATM ID 6358G Card 4887			300.00	
6/15	Check	1059		500.00	22,655.32
6/16	Non-WF ATM Withdrawal Authorized On 06/16 Fbpr Frenchmansfirstbank St Thomas VI 00306168597368829 ATM ID PR229201 Card 4887			305.00	22,350.32
6/21	Check	1061		306.87	22,043.45
6/23	Bill Pay NV Energy -South On-Line XXXXXXXXXXXX59690 On 06-23			200.00	
6/23	Bill Pay Cox Home On-Line XXXXXXXXXXXX34402 On 06-23			200.00	
6/23	Bill Pay 9517 Garbage On-Line XXXXXX49896 On 06-23			200.00	
6/23	Bill Pay Queensridge Hoa On-Line Xx17Que On 06-23			303.00	
6/23	Bill Pay Las Vegas Valley On-Line XXXXX29622 On 06-23			516.22	
6/23	Bill Pay Specialized Loan On-Line XXXXX75364 On 06-23			4,400.00	16,224.23
6/24	Blue Point Devel Direct Dep 160624 69806868056Uhe Pickens, Thomas A		4,747.06		20,971.29
6/27	ATM Withdrawal Authorized On 06/26 5757 Wayne Newton Blvd Las Vegas NV 0001807 ATM ID 9974J Card 4887			300.00	20,671.29
6/29	Bill Pay NV Energy -South On-Line XXXXXXXXXXXX59690 On 06-29			100.00	20,571.29
6/30	Interest Payment		0.89		
6/30	Federal Tax Withheld			0.24	20,571.94
Ending balance on 6/30					20,571.94
Totals			\$9,495.00	\$10,521.33	



PMA[®] Premier Checking Account

Activity summary

Balance on 7/1	20,571.94
Deposits/Additions	14,171.86
Withdrawals/Subtractions	- 16,128.31
Balance on 7/31	\$18,615.49

Account number: 3436

THOMAS A PICKENS
DANKA K MICHAELS

Wells Fargo Bank, N.A. (Member FDIC)

NEVADA account terms and conditions apply

Questions about your account: 1-800-742-4932

Worksheet to balance your account and General
Statement Policies can be found towards the
end of this statement.

Interest you've earned

Interest earned this month	\$0.84
Average collected balance this month	\$19,879.41
Annual percentage yield earned	0.05%
Interest paid this year	\$5.88

Interest withheld

Interest withheld this period	\$0.23
Interest withheld this year	\$1.61

Transaction history

Date	Description	Check No.	Deposits/ Additions	Withdrawals/ Subtractions	Ending Daily Balance
Beginning balance on 7/1					20,571.94
7/1	Transfer From Nicora Sarah Ref # Ppek7Wgwb July Nicora 7608 Rent Thank You		800.00		
7/1	Bill Pay American Express On-Line XXXXXXXX51001 On 07-01			4,000.00	17,371.94
7/7	Deposited CR Cashed Check	1062		120.00	17,251.94
7/8	Blue Point Devel Direct Dep 160708 505062883862Uhe Pickens, Thomas A		4,747.05		
7/8	ATM Withdrawal Authorized On 07/07 12604 Tamiami Trail Ea Naples FL 0009742 ATM ID 6358G Card 4887			300.00	21,698.99
7/12	Deposit		2,001.86		23,700.85
7/13	ATM Withdrawal Authorized On 07/13 12604 Tamiami Trail Ea Naples FL 0001223 ATM ID 6358G Card 4887			300.00	23,400.85
7/15	Online Transfer Ref #1be5S6Vnq5 to Mortgage XXXXX9607 On 07/15/16			1,731.51	
7/15	Check	1067		305.00	21,364.54
7/20	ATM Withdrawal Authorized On 07/20 12604 Tamiami Trail Ea Naples FL 0003363 ATM ID 6358G Card 4887			300.00	21,064.54
7/21	Bill Pay NV Energy -South On-Line XXXXXXXXXXXX59690 On 07-21			200.00	
7/21	Bill Pay Cox Home On-Line XXXXXXXX34402 On 07-21			200.00	
7/21	Bill Pay Queensridge Hoa On-Line Xx17Que On 07-21			303.00	
7/21	Bill Pay Las Vegas Valley On-Line XXXXX29622 On 07-21			361.33	
7/21	Bill Pay Specialized Loan On-Line XXXX75364 On 07-21			4,400.00	15,600.21
7/22	Danka K Michaels Direct Dep 180722 513040374481G4Q Pickens, Thomas A		1,075.05		
7/22	Blue Point Devel Direct Dep 180722 769062321061Uhe Pickens, Thomas A		4,747.06		21,422.32
7/25	Online Transfer Ref #1ber6Kt85K to Business Elite Card-Control XXXXXXXXXX6796 On 07/22/16			2,500.00	18,922.32
7/26	ATM Withdrawal Authorized On 07/25 12604 Tamiami Trail Ea Naples FL 0004961 ATM ID 6358G Card 4887			300.00	18,622.32
7/27	Transfer From Nicora Sarah Ref # Ppeggh2Gg3 Nicora August 7608 Rent Thank You		800.00		19,422.32
7/28	Bill Pay NV Energy -South On-Line XXXXXXXXXXXX59690 On 07-28			507.44	18,914.88



PMA® PREMIER CHECKING ACCOUNT (CONTINUED)

Date	Description	Check No.	Deposits/ Additions	Withdrawals/ Subtractions	Ending Daily Balance
7/29	ATM Withdrawal Authorized On 07/29 10850 W Charleston Blv Las Vegas NV 0009803 ATM ID 9929E Card 4887			300.00	
7/29	Interest Payment		0.84		
7/29	Federal Tax Withheld			0.23	18,615.49
Ending balance on 7/31					18,615.49
Totals			\$14,171.86	\$16,126.31	

Summary of checks written (checks listed are also displayed in the preceding Transaction history section)

Number	Date	\$ Amount	Number	Date	\$ Amount
1062	7/7	120.00	1067 *	7/15	305.00

* Gap in check sequence.

Important Account Information

As a reminder, PMA Package monthly service fees are calculated using the combined month end balances of all qualifying accounts linked to your PMA Package relationship. If you do not meet the minimum balance requirements*, the standard monthly service fee of \$30 will be assessed to your primary checking account on the 3rd business day following month end. This fee will appear in the transaction history section for the primary checking account on your next month end statement.

*\$25,000 in any combination of qualifying linked bank deposit accounts (checking, savings, time accounts (CDs) FDIC-insured IRAs) or \$50,000 in any combination of qualifying linked bank, brokerage (available through our brokerage affiliate Wells Fargo Advisors, LLC) and credit balances (including 10% of mortgage balances, certain mortgages not eligible).

7608 Lowe Avenue Las Vegas NV 89131		Paid \$129,000.00 20% down Mortgage \$103,920.	
Mortgage 9607		Tom's Checking Account	BLUEPOINT'S Checking Account
Thursday, July 31, 2014	\$ 97,783.03		
Sunday, August 31, 2014	\$ 97,587.64		
Tuesday, September 30, 2014	\$ 95,916.86	\$ 1,474.47	
Friday, October 31, 2014	\$ 95,916.89		
Sunday, November 30, 2014	\$ 89,791.81	\$	5,733.09
Wednesday, December 31, 2014	\$ 89,436.34	\$ 1,466.18	
Saturday, January 31, 2015	\$ 87,257.35	\$ 2,733.09	
Saturday, February 28, 2015	\$ 87,257.35		
Tuesday, March 31, 2015	\$ 66,190.96		
Thursday, April 30, 2015	\$ 65,856.10	\$ 20,733.09	
Sunday, May 31, 2015	\$ 65,566.58	\$ 733.09	
Tuesday, June 30, 2015	\$ 65,228.79		
Friday, July 31, 2015	\$ 64,889.42		
Monday, August 31, 2015	\$ 63,595.37	\$	1,733.09
Wednesday, September 30, 2015	\$ 60,295.25	\$ 3,733.09	
Saturday, October 31, 2015	\$ 57,657.91	\$ 1,736.11	1,736.11
Monday, November 30, 2015	\$ 56,629.96	\$	1,436.11
Thursday, December 31, 2015	\$ 56,297.19	\$ 736.11	
Sunday, January 31, 2016	\$ 55,626.97	\$	1,472.22
Monday, February 1, 2016	\$ 54,950.45	\$ 1,472.22	
Thursday, March 31, 2016	\$ 49,609.81	\$	5,736.11
Saturday, April 30, 2016	\$ 45,862.69	\$ 4,472.22	
Tuesday, May 31, 2016	\$ 28,085.04	\$ 2,736.11	15,731.31
Thursday, June 30, 2016	\$ 28,085.04		
Sunday, July 31, 2016	\$ 18,674.07	\$ 1,731.31	8,462.62
Tuesday, August 30, 2016		\$	10,731.31
		\$ 43,757.09	\$ 52,771.97

Paid from Tom's BofA Account

Inst #: 201209260004397
Fees: \$21.00 N/C Fee: \$25.00
RPTT: \$8670.00 Ex: #
09/26/2012 02:55:17 PM
Receipt #: 1321654
Requestor:
FIRST AMERICAN TITLE NCS LA
Recorded By: MSH Pgs: 6
DEBBIE CONWAY
CLARK COUNTY RECORDER

A.P. # 138-10-401-001

After Recording Return To:
First American Title Insurance Company
National Commercial Services
401 E. Pratt Street, Suite 323
Baltimore, Maryland 21202
Attn: Thomas R. Barth, Esq.

mail tax statement

Patience One LLC

3320 N. Buffalo Drive

Las Vegas, NV 89129

GRANT, BARGAIN, SALE DEED

STATE OF NEVADA

§

COUNTY OF CLARK

§

BANK OF AMERICA, N.A., SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE REGISTERED HOLDERS OF BEAR STEARNS COMMERCIAL MORTGAGE SECURITIES INC., COMMERCIAL MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2000-WF1 (Grantor), whose mailing address is c/o CWC Capital Asset Management LLC, 7501 Wisconsin Avenue, Suite 500 West, Bethesda, Maryland 20814, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged from PATIENCE ONE, LLC, a Nevada limited liability company (Grantee), whose mailing address is 3320 N. Buffalo Drive, Las Vegas, Clark County, Nevada 89129, has GRANTED, BARGAINED, SOLD AND CONVEYED, and by these presents does GRANT, BARGAIN, SELL AND CONVEY, unto Grantee, the following described property:

- (i) That certain real property in Clark County, Nevada, which is described on Exhibit A attached hereto and incorporated herein by reference (the "Land");
- (ii) All buildings, structures, utility lines, utility facilities, utility improvements, street and drainage improvements, and other improvements of any kind or nature located in, on, or under the Land (all of the foregoing being referred to herein collectively as the "Improvements"); and
- (iii) All appurtenances benefiting or pertaining to the Land or the Improvements, including, without limitation, all of Grantor's right, title, and interest in and to all development and utility rights and permits benefiting the Land and all streets, alleys, rights-of-way, of easements adjacent to or benefiting the Land, and all strips or pieces of land abutting, bounding, or adjacent to the Land (all of the foregoing being referred to herein collectively as the "Appurtenances").

The Land, Improvements and Appurtenances are collectively referred to herein as the "Property".

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantee, and Grantee's successors or assigns, forever; and, subject to all of the matters set forth or referred to herein, Grantor does hereby bind itself and its successors to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof, by, through or under Grantor, but not otherwise; provided, however that this conveyance is made by Grantor and accepted by Grantee subject to: (a) all of the title exceptions and other matters listed on Exhibit B attached hereto; and (b) all standby fees, taxes and assessments by any taxing authority for the current and all subsequent years, and all liens securing the payment of any of the foregoing.

GRANTEE ACKNOWLEDGES THAT GRANTOR HAS NOT MADE AND DOES NOT MAKE ANY REPRESENTATIONS AS TO THE PHYSICAL CONDITION OF THE PROPERTY, OR ANY OTHER MATTER AFFECTING OR RELATED TO THE PROPERTY. GRANTEE EXPRESSLY AGREES THAT TO THE MAXIMUM EXTENT PERMITTED BY LAW, THE PROPERTY IS CONVEYED "AS IS" AND "WITH ALL FAULTS", AND GRANTOR EXPRESSLY DISCLAIMS, AND GRANTEE ACKNOWLEDGES AND ACCEPTS THAT GRANTOR HAS DISCLAIMED, ANY AND ALL REPRESENTATIONS, WARRANTIES OR GUARANTIES OF ANY KIND, ORAL OR WRITTEN, EXPRESS OR IMPLIED (EXCEPT AS TO TITLE AS HEREIN PROVIDED AND LIMITED) CONCERNING THE PROPERTY, INCLUDING, WITHOUT LIMITATION, (i) THE VALUE, CONDITION, MERCHANTABILITY, HABITABILITY, MARKETABILITY, PROFITABILITY, SUITABILITY OR FITNESS FOR A PARTICULAR USE OR PURPOSE OF THE PROPERTY, (ii) THE MANNER OR QUALITY OF THE CONSTRUCTION OR MATERIALS, IF ANY, INCORPORATED INTO THE CONSTRUCTION, OF ANY IMPROVEMENTS TO THE PROPERTY; AND (iii) THE MANNER OF REPAIR, QUALITY OF REPAIR, STATE OF REPAIR OR LACK OF REPAIR OF ANY SUCH IMPROVEMENTS. BY GRANTEE'S ACCEPTANCE OF THIS DEED, GRANTEE REPRESENTS THAT GRANTEE HAS MADE (i) ALL INSPECTIONS OF THE PROPERTY TO DETERMINE ITS VALUE AND CONDITION DEEMED NECESSARY OR APPROPRIATE BY GRANTEE, INCLUDING, WITHOUT LIMITATION, INSPECTIONS FOR THE PRESENCE OF ASBESTOS, PESTICIDE RESIDUES, HAZARDOUS WASTE AND OTHER HAZARDOUS MATERIALS AND (ii) INVESTIGATIONS TO DETERMINE WHETHER ANY PORTION OF THE PROPERTY LIES WITHIN ANY FLOOD HAZARD AREA AS DETERMINED BY THE U.S. ARMY CORPS OF ENGINEERS OR OTHER APPLICABLE AUTHORITY.

[SIGNATURE PAGE FOLLOWS]

EXECUTED AND DELIVERED the 17 day of September 2012.

GRANTOR:

**BANK OF AMERICA, N.A., SUCCESSOR BY
MERGER TO LASALLE BANK NATIONAL
ASSOCIATION, AS TRUSTEE FOR THE
REGISTERED HOLDERS OF BEAR STEARNS
COMMERCIAL MORTGAGE SECURITIES INC.,
COMMERCIAL MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2000-WF1 (the "Trust")**

By: CWCapital Asset Management LLC, a
Massachusetts limited liability company, solely
in its capacity as Special Servicer to the Trust

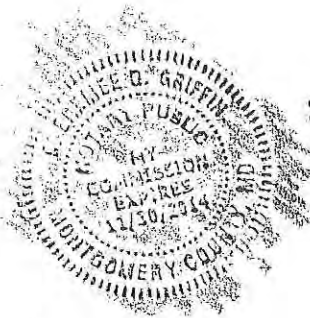
By: [Signature]
Name: Benjamin C. Miller
Title: Vice President
Date: 9/17/12

STATE OF MARYLAND §
COUNTY OF MONTGOMERY §

BEFORE ME, the undersigned, a Notary Public, on this day personally appeared Benjamin C. Miller, the Vice President of CWCapital Asset Management LLC, the special servicer to BANK OF AMERICA, N.A., SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE REGISTERED HOLDERS OF BEAR STEARNS COMMERCIAL MORTGAGE SECURITIES INC., COMMERCIAL MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2000-WF1, known to me to be the person whose name is subscribed on the foregoing instrument and acknowledged to me that same was executed for the purposes and consideration therein expressed and in the capacity therein stated as the act and deed of said entity.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 17 day of September 2012.

[Signature]
Notary Public, State of Maryland
My Commission Expires 11/30/2014



Sheremee D. Griffin
Montgomery County
Notary Public
11/30/14

Prepared by:
Quilling, Selander, Lownds, Winslett & Moser, PC
2001 Bryan Street, Suite 1800
Dallas, Texas 75201
File No. 3389.0725

EXHIBIT A

LEGAL DESCRIPTION

All that certain real property situated in the State of Nevada, County of Clark, City of Las Vegas, described as follows:

THE NORTHWEST QUARTER (NW ¼) OF THE NORTHWEST QUARTER (NW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION 10, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M.

EXCEPT THE INTEREST IN AND TO THE WEST AND NORTH THIRTY (30) FEET AS CONVEYED BY DEED RECORDED JANUARY 10, 1963 AS DOCUMENT NO. 331992 OF OFFICIAL RECORDS, CLARK COUNTY, NEVADA.

FURTHER EXCEPTING THE EASTERLY TWENTY (20) FEET OF THE WESTERLY FIFTY (50) FEET OF SAID LAND AS CONVEYED TO CLARK COUNTY BY DEED RECORDED JULY 08, 1965 AS NO. 515041 OF CLARK COUNTY, NEVADA RECORDS FOR ROADS, UTILITIES AND OTHER PUBLIC AND INCIDENTAL PURPOSES.

FURTHER EXCEPTING THAT PORTION CONVEYED TO THE CITY OF LAS VEGAS BY DEED RECORDED FEBRUARY 16, 1996 IN BOOK 960216 OF OFFICIAL RECORDS, CLARK COUNTY NEVADA RECORDS, AS DOCUMENT NO. 01486.

Exhibit A

TP0025
AA00091

EXHIBIT B

PERMITTED EXCEPTIONS

1. Water rights, claims or title to water, whether or not shown by the public records.
2. The lien of non-delinquent taxes, assessments and other usual and customary charges assessed against owner of real property in the State of Nevada.
3. Reservations and provisions as contained in the Patent from the State of Nevada, recorded July 23, 1950, in Book 62 of Deeds, Pages 349-350, as Instrument No. 345570.
4. An Easement and right-of-way for the construction, operation, maintenance, repair, renewal, reconstruction, and removal of pipelines for conducting water with the right of ingress and egress, as conveyed to Las Vegas Valley Water District, a quasi-municipal corporation, by an instrument recorded March 03, 1997, in Book 970303 as Instrument No. 00786 of Official Records, over a portion of the land.
5. An Easement and right-of-way for the construction, operation, maintenance, repair, renewal, reconstruction, and removal of pipelines for conducting water with the right of ingress and egress, as conveyed to Las Vegas Valley Water District, a quasi-municipal corporation, by an instrument recorded March 03, 1997, in Book 970303 as Instrument No. 00787 of Official Records, over a portion of the land.
6. An Easement and right-of-way for the construction, operation, maintenance, repair, renewal, reconstruction, and removal of pipelines for conducting water with the right of ingress and egress, as conveyed to Las Vegas Valley Water District, a quasi-municipal corporation, by an instrument recorded March 03, 1997, in Book 970303 as Instrument No. 00788 of Official Records, over a portion of the land.
7. An Easement and right-of-way for the construction, operation, maintenance, repair, renewal, reconstruction, and removal of pipelines for conducting water with the right of ingress and egress, as conveyed to Las Vegas Valley Water District, a quasi-municipal corporation, by an instrument recorded March 03, 1997, in Book 970303 as Instrument No. 00789 of Official Records, over a portion of the land.
8. An easement for public utilities and incidental purposes in the document recorded April 30, 1997 in Book 970430 as Instrument No. 01817 of Official Records.
9. Any facts, rights, interests or claims which would be disclosed by a correct ALTA/ACSM survey.
10. Rights of tenants under unrecorded leases.

STATE OF NEVADA
DECLARATION OF VALUE

1. Assessor Parcel Number(s)

- a) 138-10-401-001
b) _____
c) _____
d) _____

2. Type of Property

- a) ☐ Vacant Land b) ☐ Single Fam. Res.
c) ☐ Condo/Twnhse d) ☐ 2-4 Plex
e) ☐ Apt. Bldg. f) ☒ Comm'l/Ind'l
g) ☐ Agricultural h) ☐ Mobile Home
i) ☐ Other _____

FOR RECORDERS OPTIONAL USE

Book _____ Page: _____

Date of Recording: _____

Notes: _____

3. a) Total Value/Sales Price of Property: \$1,700,000.00
b) Deed In Lieu of Foreclosure Only (value of (\$ _____)
c) Transfer Tax Value: \$1,700,000.00
d) Real Property Transfer Tax Due \$8,760.00

4. If Exemption Claimed:

- a. Transfer Tax Exemption, per 375.090, Section: _____
b. Explain reason for exemption: _____

5. Partial Interest: Percentage being transferred: _____ %

The undersigned declares and acknowledges, under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the parties agree that disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month. Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature: _____

Capacity: _____

Signature: Sharon C. Bennett

Capacity: FIRST AMERICAN TITLE - AS AGENT

SELLER (GRANTOR) INFORMATION

BUYER (GRANTEE) INFORMATION

For Seller

(REQUIRED)

(REQUIRED)

Bank of America, N.A., successor
by merger to LaSalle Bank
National Association, as Trustee
for the Registered Holders of
Bear Stearns Commercial
Mortgage Securities, Inc.,
Commercial Mortgage Pass-
Through Certificates, Series

Print Name: 2000-WF1

Print Name: Patience One, LLC

c/o CWC Capital Asset Management
LLC, 7501 Wisconsin Avenue,

Address: Suite 500 West

Address: 3320 North Buffalo Drive

City: Bethesda

City: Las Vegas

State: MD Zip: 20814

State: NV Zip: 89129

COMPANY/PERSON REQUESTING RECORDING (required if not seller or buyer)

First American Title Insurance
Company National Commercial

Print Name: Services

File Number: NCS-559868-MD61 tb/

World Trade Center-Baltimore, 401 East

Address: Pratt Street, Suite 323

City: Baltimore State: MD Zip: 21202

(AS A PUBLIC RECORD THIS FORM MAY BE RECORDED/MICROFILMED)

Steven D. Grierson

MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

Thomas A. Pickens

Plaintiff/Petitioner

v. Danka K. Michaels

Defendant/Respondent

Case No. D-17-560737-D

Dept. B

MOTION/OPPOSITION
FEE INFORMATION SHEET

Notice: Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of \$25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of \$129 or \$57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

Step 1. Select either the \$25 or \$0 filing fee in the box below.

- ☐ \$25 The Motion/Opposition being filed with this form is subject to the \$25 reopen fee.
-OR-
☒ \$0 The Motion/Opposition being filed with this form is not subject to the \$25 reopen fee because:
☒ The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.
☐ The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.
☐ The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____.
☐ Other Excluded Motion (must specify) _____

Step 2. Select the \$0, \$129 or \$57 filing fee in the box below.

- ☒ \$0 The Motion/Opposition being filed with this form is not subject to the \$129 or the \$57 fee because:
☒ The Motion/Opposition is being filed in a case that was not initiated by joint petition.
☐ The party filing the Motion/Opposition previously paid a fee of \$129 or \$57.
-OR-
☐ \$129 The Motion being filed with this form is subject to the \$129 fee because it is a motion to modify, adjust or enforce a final order.
-OR-
☐ \$57 The Motion/Opposition being filing with this form is subject to the \$57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of \$129.

Step 3. Add the filing fees from Step 1 and Step 2.

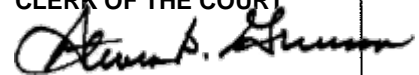
The total filing fee for the motion/opposition I am filing with this form is:

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

Party filing Motion/Opposition: Thomas A. Pickens Date 12/20/17

Signature of Party or Preparer *A. Allen*

AA00094



1 **OPPS**

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

3 Nevada Bar No. 003466

4 PECOS LAW GROUP

5 8925 South Pecos Road, Suite 14A

6 Henderson, Nevada 89074

7 Telephone: (702) 388-1851

8 Facsimile: (702) 388-7406

9 Email: Email@pecoslawgroup.com

10 Attorney for Plaintiff

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

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

16 Plaintiff,

17 vs.

18 **Danka K. Michaels, individually,**
19 **as as Trustee of the Mich-Mich**
20 **Trust,**

21 Defendant.

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

Dept No. **B**

Date of Hearing: **January 4, 2018**

Time of Hearing: **9:00 a.m.**

22 **OPPOSITION TO DEFENDANT'S MOTION TO DISMISS**

23 **AND**

24 **COUNTERMOTION FOR ATTORNEY'S FEES AND COSTS**

25 Plaintiff **Thomas A. Pickens**, by and through his attorney **Paul A. Lemcke,**
26 **Esq.,** of PECOS LAW GROUP, respectfully submits his *Opposition to Defendant's*
Motion to Defendant's Motion to Dismiss and Countermotion for Attorney's Fees

1 and Costs, and requests that this court enter orders granting him the following
2 relief:

- 3 1. Denying Defendant's *Motion to Dismiss*;
4 2. Awarding Plaintiff attorney's fees and costs;
5 3. Awarding Plaintiff such other and further relief as this court deems just and
6 proper in the premises.
7

8 This Opposition and Countermotion is made and based on all the papers
9 and pleadings on file herein, the Points and Authorities submitted herewith, and
10 the argument as may be adduced at the hearing of this matter.

11 DATED this 20th day of December, 2017.

12 PECOS LAW GROUP

13
14 

15 **Paul A. Lemcke, Esq.**

16 Nevada Bar No. 003466

17 PECOS LAW GROUP

18 8925 South Pecos Road, Suite 14A

19 Henderson, Nevada 89074

20 (702) 388-1851

21 Attorney for Plaintiff

1 **I. POINTS AND AUTHORITIES**

2 **A. STATEMENT OF RELEVANT FACTS**

3 Plaintiff **Thomas A. Pickens** ("Thomas") and Defendant **Danka K.**
4 **Michaels** ("Danka") started dating in 2001. In 2002, and directly contrary to the
5 representations in Danka's motion, the parties did, in fact, make a joint,
6 intentional, and affirmative decision to legally marry each other. The parties were
7 married at the Church of the Virgin Mary of the Snows in Bratislava, Slovakia on
8 April 7, 2002. Prior to their wedding, Thomas and Danka had to participate in
9 pre-marital preparatory classes at a local Las Vegas Roman Catholic church, as is
10 typically required for a Catholic wedding. Several of Danka's family members
11 attended the wedding in Slovakia, and dozens of photographs were taken.¹ Upon
12 Thomas and Danka's return to the United States, Danka also prepared and sent out
13 wedding announcements.²
14
15

16 As a threshold matter, despite the assertions in Danka's motion, there was
17 never any common intent or joint decision to have a non-binding ceremony –
18 religious or otherwise – in lieu of getting legally married, nor did the parties
19 intentionally fail to comply with the requirements for a valid marriage in Slovakia.
20 The parties' translated, self-identified "marriage certificate" speaks for itself.³
21

22 ¹ See photographs from the wedding attached to Plaintiff's separately-filed "Exhibit
Addendum" as exhibit "1," at TP0001-TP0003.

23 ² See a photograph of the wedding announcement attached as exhibit "2," at TP0004.

24 ³ See the original and translated marriage certificates attached as exhibit "3," at TP0005-
25 TP0007.

1 The purported expert report attached to Danka's motion itself notes that the Virgin
2 Mary of the Snows Catholic church authorities "...recognize the marriage and it
3 was concluded on 7.04.2002 in their church." Exhibit "C" to Danka's motion at
4 2 (emphasis added).. Thomas agreed to marry Danka in Slovakia because that
5 was her country of origin and it is where she wished to have their wedding, and
6 Thomas wanted to make her happy. Thomas and Danka were married, and
7 Thomas did not know then, and does not know now, the legal intricacies for
8 registering a marriage certificate in Slovakia – if any exist. Thomas was a United
9 States citizen in a foreign country, and was under the impression and
10 understanding that after the marriage was performed, it was official and would be
11 recognized as such, whether in Slovakia or elsewhere. Thomas at no time told the
12 church not to file the paperwork, nor would have had any reason to do so.

14 It is also compelling to note that Danka's arguments are belied by one
15 striking observation – a Roman Catholic Church in a socially conservative country
16 would be highly unlikely to perform a religious but non-legal marriage. For
17 example, it strains credulity to suggest that a marriage registered in the
18 ecclesiastical parish offices of the Virgin Mary of the Snows in Bratislava,
19 Slovakia would somehow be on the same footing as some non-binding
20 "commitment ceremony" performed on a beach in Hawaii. The marriage
21 certificate attached as Exhibit "3" to Exhibit Addendum attests that a "sacrament
22 of matrimony was received" by Thomas (as "husband") and Danka (as "wife") on
23 April 7, 2002. A Roman Catholic officiant would hardly have performed the
24

1 marriage ceremony at all if he believed the marriage itself to be somehow
2 incomplete or illegitimate.

3 Thomas categorically denies ever telling accountant Robert Semonian that
4 he and Danka were "married emotionally, not legally," or that they intentionally
5 never submitted the paperwork to "legalize" the marriage. See Semonian
6 affidavit, exhibit "A" to Danka's Appendix of Exhibits. The issue of asset
7 protection was an issue routinely discussed by the parties with Mr. Semonian, and
8 the status of their respective tax filings is not dispositive of their marital status.
9

10 Some 2 ½ years after the parties' marriage, on or about September 27, 2004,
11 the parties purchased the property located at 9517 Queen Charlotte Drive, Las
12 Vegas, Nevada 89145 (the "Queen Charlotte Property") and took title as "**wife**
13 **and husband as joint tenants.**"⁴ Danka made the down payment on the home,
14 and mortgage payments came out of their joint bank account.
15

16 After its purchase, the parties lived in the Queen Charlotte Property and
17 purchased a second property on or about February 25, 2011, located at 7608 Lowe
18 Avenue, Las Vegas, Nevada 89131 (the "Lowe Property"), as "**wife and husband**
19 **as joint tenants.**"⁵ Again, Danka provided the down payment for the property,
20 and the mortgage, which was taken and paid in both parties' names,⁶ was paid out
21

22 ⁴ See Grant, Bargain, Sale Deed for the Queen Charlotte Property dated September 27,
2004 attached as exhibit "4," at TP0008-TP0011.

23 ⁵ See Grant Bargain Sale Deed for the Lowe Property dated February 25, 2011 attached as
24 exhibit "5," at TP0012-TP0015.

25 ⁶ See two exemplar statements for Wells Fargo home mortgage #9607 attached as exhibit
26 "6," at TP0016-TP0017.

1 of their joint bank account⁷ as well as the checking account for Thomas's
2 business, Bluepoint.⁸ Attorney Shannon Evans prepared the deeds for both the
3 Queen Charlotte and Lowe Properties and facilitated the titling of the property as
4 "wife and husband."

5 In June 2012, Thomas formed the LV Blue Trust as settlor and sole trustee.
6 Ms. Evans was again engaged to represent him in the formation of this trust.
7 Danka formed the Mich-Mich Trust in 2010. Thomas is infomed and believes that
8 Ms. Evans prepared Danka's trust as well.
9

10 The parties, through each of their respective trusts, formed Patience One,
11 LLC, and each party's trust owned a 50% membership interest in this entity. In
12 September 2012, the parties used Patience One, LLC to purchase a commercial
13 office building located at 3320 North Buffalo Drive, Las Vegas, Nevada (the
14 "Buffalo Property").⁹
15

16 It is unknown why Danka would claim the parties separated two years ago,
17 as Thomas openly lived in the Queen Charlotte Property until the parties actually
18 separated in September 2016. Thomas travels often for work, and he had business
19 dealings in St. Thomas, U.S. Virgin Islands; Nassau, Bahamas; and Marco Island,
20 Florida in 2015 that frequently kept him in those locales for lengthy periods. It
21

22 ⁷ See two exemplar statements for joint Wells Fargo Checking account #3436 attached as
23 exhibit "7," at TP0018-TP0020.

24 ⁸ See Spreadsheet of payments for Lowe Property attached as exhibit "8," at TP0021.

25 ⁹ See Grant, Bargain, Sale Deed for the Buffalo Property dated September 17, 2012
attached as exhibit "8," at TP0022-TP0027.

1 was in Marco Island, Florida in 2015 that Thomas met Stacey Middlestat, with
2 whom he had an extramarital relationship. In early September 2016, Danka
3 learned of Thomas' involvement with Ms. Middlestat as well as the fact that Ms.
4 Middlestat was pregnant, and she was extremely upset.¹⁰ Thomas, contrary to the
5 statement in Danka's motion, was very apologetic. He agreed to do whatever
6 Danka wanted him to do in order to fix and reconcile their marriage. The parties
7 had previously visited a marriage counselor. Danka told Thomas that as to their
8 jointly owned real property, she "wanted everything in her name," and they also
9 spoke very directly about transferring the property back into both names in the
10 future – presumably, after Danka reconciled and forgave Thomas for having an
11 affair.
12

13 On or about September 13, 2016, Danka demanded Thomas meet with her
14 at Ms. Evans's office. Ms. Evans had both parties sign the paperwork to convey
15 the Queen Charlotte Property from the parties as "wife as husband as joint
16 tenants," then to the parties as "unmarried joint tenants," then to Danka as an
17 "unmarried woman."
18

19 At the same meeting, the parties signed paperwork conveying the Lowe
20 Property in the same way – from the parties as "wife and husband as joint
21 tenants," then to the parties as "unmarried joint tenants," then to Danka as an
22 "unmarried woman." Ms. Evans prepared the deeds, was present while they were
23

24 ¹⁰ Danka's motion incorrectly states that she discovered Thomas' relationship with Ms.
25 Middlestat "[i]n approximately 2011." Thomas did not meet Ms. Middlestat until 2015, and the
communications with Ms. Middlestat that are recounted at page 5 of Danka's motion did not
occur until September 2016.

1 executed, and recorded the deeds. Finally, at this meeting, the parties signed
2 paperwork to convey Thomas' trust's 50% ownership of Patience One, LLC to the
3 Mich-Mich Trust. All of this paperwork was signed by Thomas under a state of
4 extreme emotional pressure and duress, and as a means of facilitating the future of
5 his marriage.

6
7 Danka claims that the referenced property was divided between she and
8 Thomas "based upon who substantially paid for the asset." This is wholly untrue.
9 While Danka made the down payment for the Queen Charlotte and Lowe
10 Properties, the parties' bank and other financial records will establish that Thomas
11 substantially contributed not only to the parties' day-to-day living expenses over
12 their many years together, but to the mortgage payments on the Queen Charlotte,
13 Lowe, and Buffalo properties. Given Thomas' substantial financial contributions
14 to these properties, Danka's belated explanation for the transfers to her begs the
15 question of how Danka was conveyed all of these properties, in their entirety, with
16 Thomas getting nothing in return. According to Thomas's bank statements, he
17 made payments on the Lowe Property of over \$96,000.00, on a property that cost
18 a total of \$129,000.¹¹

19
20 The parties intended and always considered themselves to be legally
21 married. They had joint mortgages and joint bank accounts. Danka had – and, in
22 fact, still has – a card on Thomas's American Express account, and the parties also
23 aggregated many thousands of dollars of business expenses for each of them on
24

25 ¹¹ See Exhibits "6," "7," and "8," *infra*.

1 credit cards. Based on the foregoing facts and the following legal arguments,
2 Danka's motion should be denied.

3 **B. LEGAL ARGUMENT**

4 **1. The Complaint Should Not Be Dismissed For Failure To State A Claim.**

5
6 A complaint will not be dismissed for failure to state a claim unless it
7 appears beyond a doubt that the Plaintiff could prove no set of facts which, if
8 accepted by the trier of fact, would entitle him to relief. *Simpson v. Mars, Inc.*,
9 113 Nev. 188, 929 P.2d 966 (1997). In such a circumstance, the allegations of the
10 complaint must be accepted as true. *Hynds Plumbing & Heating Co., v. Clark*
11 *County Sch. Dist.*, 94 Nev. 776, 587 P.2d 1331 (1978).
12

13 Moreover, NRCP 12(b) governs motions to dismiss and states, in pertinent
14 part:

15
16 If, on a motion asserting the defense numbered (5) to dismiss for
17 failure of the pleading to state a claim upon which relief can be
18 granted, matters outside the pleading are presented to and not
19 excluded by the court, the motion shall be treated as one for summary
20 judgment as disposed of as provided in Rule 56, and all parties shall
21 be given reasonable opportunity to present all material made
22 pertinent to such a motion by Rule 56. (Emphasis added).

23
24 Danka's motion to dismiss relies on affidavits and a purported expert report
25 proffered outside the pleadings in this case, and therefore converts her motion
26 from one for dismissal to one for summary judgment. NRCP 56 is the applicable
rule regarding governing motions for summary judgment. When reviewing a

1 motion for summary judgment, **the court must view the evidence in a light most**
2 **favorable to the nonmoving party.** *Wood v. Safeway, Inc.*, 121 Nev. 724, 729,
3 121 P.3d 1026, 1029 (2005) (citing *Lipps v. Southern Nevada Paving*, 115 Nev.
4 497, 498, 998 P.2d 1183, 1184 (2000) (emphasis added)). Summary judgment is
5 not appropriate when there is a “genuine issue as to any material fact.” *Id.*
6 (quoting NRCP 56(c); citing *Tucker v. Action Equip. and Scaffold Co.*, 113 Nev.
7 1349, 1353, 951 P.2d 1927, 1029 (1997)).
8

9
10 The central fact that Danka has put in issue in this case is whether the
11 parties are or are not legally married. To that point, Thomas has attached copies
12 of the parties’ marriage certificate, a number of their wedding photos, and a
13 photograph of their marriage announcement. It is circumstantially clear that
14 genuine (and indeed, substantial) issues of material fact exist. Thomas has already
15 mentioned the improbability of a Catholic Church in a socially conservative
16 country performing some sort of “commitment ceremony.” Also noteworthy is
17 the proffered expert report of Daniela Jezova, which is submitted as Exhibit C to
18 Danka’s motion. First, Danka’s motion misrepresents that Ms. Jezova concludes
19 that no valid marriage exists between Thomas and Danka. Actually, Ms. Jezova’s
20 report (presuming Ms. Jezova were qualified as an expert in this case and her
21 testimony were deemed relevant and probative, which has not yet occurred) is
22 very much more equivocal and uncertain on the status of the parties’ marriage.
23 Ms. Jezova’s report states that “[t]he marriage can be concluded by the church
24
25

1 ceremony itself" (Exhibit "C" to Danka's motion at 5) and goes on to offer options
2 for further evaluation of the validity of the marriage. One of the hypothetical
3 corrective options she suggests includes the delivery of "the minute from the
4 marriage to the registrar office now by the church. After delivering the minute,
5 the marriage should be registered." *Id.* at 5. Ms. Jezova also holds out the
6 possibility that the proper procedure was followed, and the church simply did not
7 deliver the proper paperwork. *Id.* at 5. Finally, Ms. Jezova's conclusion obliquely
8 states: "The legal question here is whether the marriage was even concluded
9 legally (does exist) as far as the proper procedure was not followed and the
10 documents were not submitted. This needs to be examined deeper." *Id.* at 6.

13 Plainly, there are clearly genuine issues of material fact present here and,
14 therefore, Danka's request to dismiss under NRCP 12(b)(5) (and NRCP 56) must
15 be summarily denied.

17 **2. The Complaint Should Not Be Dismissed for Lack Of Subject Matter**
18 **Jurisdiction.**

19 Danka piggybacks an N.R.C.P. 12(b)(1) motion for dismissal for lack of
20 subject matter jurisdiction on top of her 12(b)(5) motion, definitively asserting that
21 no marriage exists, and therefore the family division has no jurisdiction in this
22 matter. As previously stated, there exists a genuine and continuing issue of
23 material fact with respect to the validity of the parties' marriage.

1 Even if the court is inclined to consider Danka's motion as a motion to
2 dismiss under NRCP 12(b)(1), Danka is still not entitled to dismissal. A motion
3 for dismiss for lack of subject matter jurisdiction may be granted only when "a
4 lack of jurisdiction over the subject matter appears on the face of the pleading."
5 *Girola v. Rousille*, 81 Nev. 661, 408 P.2d 918 (1965); *see also Rosequist v. Int'l*
6 *Ass'n of Firefighters Local 1908*, 118 Nev. 444, 448, 49 P.3d 651, 653 (2002),
7 *overruled on other grounds by Allstate Ins. Co. v. Thorpe*, 123 Nev. 565, 573 n.
8 22, 170 P.3d 989, 995 n. 22 (2007). In short, Thomas' Complaint alleges a valid
9 and binding marriage, and jurisdiction therefore lies in the family court.
10
11

12 Setting that aside, family court judges do not lack the authority to hear cases
13 outside the scope of NRS 3.223, and family court judges even have authority to
14 preside over cases that may have been improperly filed or assigned to the family
15 court division. *Landreth v. Malik*, 127 Nev. 175, 183, 251 P.3d 163, 168 (2011).
16 In *Landreth*, the Nevada Supreme Court found that a family court judge did not
17 lack the subject matter jurisdiction to make a determination as to the ownership of
18 property between an unmarried couple. The Nevada Supreme Court stated that "a
19 judge sitting in the family division is a district court judge who retains his or her
20 judicial powers derived from the Constitution to dispose of justiciable
21 controversies." *Id.* at 187-188, 171.
22
23

24 Thomas's complaint does not indicate a lack of subject matter jurisdiction,
25 as it clearly and plainly states that the parties are married and remain husband and
26

1 wife. Danka's arguments in support of her request for dismissal for lack of
2 subject matter jurisdiction do not indicate that a family court judge would not have
3 jurisdiction over this matter. Even if the court takes Danka's arguments regarding
4 the legality of the marriage as true, the matter involves not only divorce, but the
5 disposition of real property as well. A lack of subject matter jurisdiction does not
6 appear on the face of Thomas's complaint, and a family court judge has the
7 authority to adjudicate the allegations in the complaint. Danka's request for relief
8 therefore must fail.
9

10 **II. COUNTERMOTION FOR ATTORNEY'S FEES AND COSTS**

11 Danka's motion is legally deficient and Thomas should be awarded his fees
12 for having to respond to it. Awards of attorney's fees are within the sound
13 discretion of the district court. *Fletcher v. Fletcher*, 89 Nev. 540, 516 P.2d 103
14 (1973); *Levy v. Levy*, 96 Nev. 902, 620 P.2d 860 (1980); *Hybarger v. Hybarger*,
15 103 Nev. 255, 737 P.2d 889 (1987). When considering whether to award
16 attorney's fees, the Court must evaluate the legal basis for such fees and also the
17 factors outlined in *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 349, 455
18 P.2d 31, 33 (1969), which are as follows:
19

20
21 (1) The qualities of the advocate: his ability, his training, education,
22 experience, professional standing and skill; (2) the character of the
23 work to be done: its difficulty, its intricacy, its importance, time and
24 skill required, the responsibility imposed and the prominence and
25 character of the parties where they affect the importance of the
litigation; (3) the work actually performed by the lawyer: the skill,
time and attention given to the work; (4) the result: whether the
attorney was successful and what benefits were derived.

1 Each factor should be given consideration, and no one element should be
2 given undue weight or predominate. *Miller v. Wilfong*, 121 Nev. 619, 119 P.3d
3 727 (2005). The Court should also consider any disparity in income between the
4 parties when awarding fees. *Id.* at 623, 730 (citing *Wright v. Osburn*, 114 Nev.
5 1367, 970 P.2d 1071 (1998)).
6

7 With respect to the *Brunzell* factors, counsel in this case is well-qualified,
8 and a member in good standing of the state bar since 1988. He and has practiced
9 law for 29 years, primarily in the field of family law for the last 24 years. Counsel
10 is "Av" rated by Martindale Hubbell. He has been selected by his peers for
11 inclusion in *The Best Lawyers in America* every year since 2005, and in *Mountain*
12 *States Super Lawyers* every year since 2007. The opposition presented is critical
13 to the resolution of the issues in this matter. Further, a good deal of time and skill
14 that is particular to family law cases is required to ensure the facts present a
15 comprehensive picture of the outstanding issues. Counsel has diligently checked
16 facts and reviewed the law and has striven to present a concise and logical picture
17 of the issues and what Counsel believes is an appropriate conclusion for the Court.
18 A sample of the effort expended, in the form of the client's monthly statements,
19 redacted as to confidential information, will be supplied to the Court upon request.
20
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III. CONCLUSION

WHEREFORE, based on the foregoing, Plaintiff **Thomas A. Pickens** respectfully requests that this court enter orders granting him the following relief:

1. Denying Defendant's *Motion to Dismiss*;
2. Awarding Plaintiff attorney's fees and costs;
3. Awarding Plaintiff such other and further relief as this court deems just and proper in the premises.

DATED this 20TH day of December, 2017.

PECOS LAW GROUP



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

AFFIDAVIT OF THOMAS A. PICKENS

STATE OF NEVADA)
: SS.
COUNTY OF CLARK)


1. I, **Thomas A. Pickens**, am the Plaintiff in the above entitled action. I am executing this Declaration under penalty of perjury in support of *Opposition to Defendant's Motion to Dismiss and Countermotion for Attorney's Fees and Costs*. I have personal knowledge of all matters set forth herein, except for those stated upon information and belief, and I am competent to testify thereon.

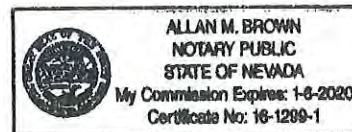
2. I have read the foregoing OPPOSITION and hereby certify that the facts set forth therein are true of my own knowledge, except for those matters therein contained stated upon information and belief, and as to those matters, I believe them to be true. I will not reiterate all of the statements made in said OPPOSITION AND COUNTERMOTION in this Affidavit; however, I do specifically incorporate those statements, as if they were set forth in full herein.

DATED this ____ day of December, 2017.


THOMAS A. PICKENS

SUBSCRIBED and SWORN TO before me this 20th day of December, 2017.


NOTARY PUBLIC in and for said
County and State



1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I hereby certify that the foregoing *Opposition to*
3 *Defendant's Motion to Defendant's Motion to Dismiss and Countermotion for*
4 *Attorney's Fees and Costs.* in the above-captioned case was served this date as
5 follows:
6

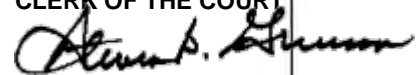
7 [X] pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP (b)(2)(D) and
8 Administrative Order 14-2 Captioned "In the Administrative
9 Matter of Mandatory Electronic Service in the Eighth Judicial
District Court," by mandatory electronic service through the
Eighth Judicial District Court's electronic filing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

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

12 DATED this 20th day of December, 2017.

13 

14 **Allan Brown**
15 an employee of Pecos Law Group
16
17
18
19
20
21
22
23
24
25



1 **OSFD**

2 Jennifer V. Abrams, Esq.

3 Nevada State Bar Number: 7575

4 THE ABRAMS & MAYO LAW FIRM

5 6252 South Rainbow Blvd., Suite 100

6 Las Vegas, Nevada 89118

7 Tel: (702) 222-4021

8 Fax: (702) 248-9750

9 Email: jvagroup@theabramslawfirm.com

10 Attorney for Defendant

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

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

16 Plaintiff,)

17 vs.)

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

21 Defendant.)

Department: B

22 **ORDER TO SEAL RECORDS PURSUANT TO NRS 125.110(2)**

23 Upon written request of Defendant, Danka K. Michaels, by and
24 through her attorney of record, Jennifer V. Abrams, Esq., of The Abrams
& Mayo Law Firm, and pursuant to NRS 125.110(2), which states:

1. In any action for divorce, the following papers and
pleadings in the action shall be open to public inspection in
the clerk's office:

(a) In case the complaint is not answered by the
defendant, the summons, with the affidavit or proof of
service; the complaint with memorandum endorsed thereon

AA00112

1 that the default of the defendant in not answering was
2 entered, and the judgment; and in case where service is
3 made by publication, the affidavit for publication of
summons and the order directing the publication of
summons.

4 (b) In all other cases, the pleadings, the finding of the
5 court, any order made on motion as provided in Nevada
Rules of Civil Procedure, and the judgment.

6 2. All other papers, records, proceedings and evidence,
7 including exhibits and transcript of the testimony, shall,
8 upon the written request of either party to the action, filed
9 with the clerk, be sealed and shall not be open to inspection
except to the parties or their attorneys, or when required as
evidence in another action or proceeding.

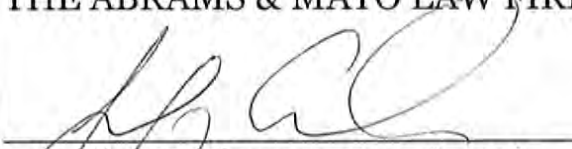
10 **THEREFORE, IT IS HEREBY ORDERED** that all documents
11 filed with the clerk in the above-entitled action except for pleadings,
12 findings of the Court, Orders made on motion as provided in the Nevada
13 Rules of Civil Procedure and any judgments, shall be and are hereby
14 sealed.

15 DATED this ^{20th} day of December, 2017.

16
17
18 THE ABRAMS & MAYO LAW FIRM


DISTRICT COURT JUDGE 

LINDA MARQUIS

19
20 
21 Jennifer V. Abrams, Esq. (7575)
22 6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
Attorney for Defendant

Steven D. Grierson

SAO

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

Eighth Judicial District Court
Family Division
Clark County, Nevada

THOMAS A. PICKENS,	)	Case No.:	D-17-560737-D
)		
Plaintiff,	)	Department:	B
)		
vs,)		
)		
DANKA K. MICHAELS,)		
)		
Defendant.)		

STIPULATION AND ORDER TO CONTINUE HEARING

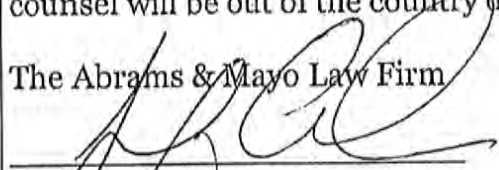
IT IS HEREBY STIPULATED AND AGREED by and between
JENNIFER V. ABRAMS, ESQ., attorney for Defendant, DANKA K.
MICHAELS and PAUL A. LEMCKE, ESQ., attorney for Plaintiff,
THOMAS A. PICKENS, in the above-entitled matter, that the hearing on
Defendant's Motion to Dismiss and Plaintiff's Opposition to Defendant's
Motion to Dismiss and Countermotion for Attorney's Fees and Costs,
currently scheduled for January 4, 2018, at 9:00 a.m., be continued to

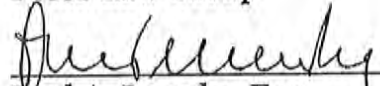
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1 the Court's next available date after January 8, 2017, as Defendant's
2 counsel will be out of the country during the week of January 4th.

3 The Abrams & Mayo Law Firm

Pecos Law Group

4 
Jennifer V. Abrams, Esq.
5 Nevada State Bar No.: 7575
6 6252 S. Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
Attorney for Defendant


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

7 **ORDER**

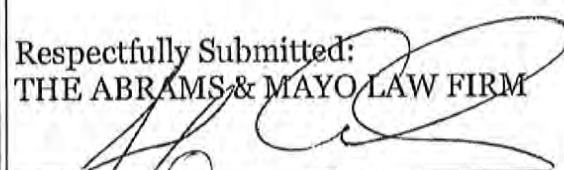
8 Based upon the stipulation of the parties,

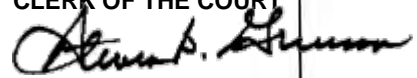
9 **IT IS HEREBY ORDERED** that the hearing on Defendant's
10 Motion to Dismiss and Plaintiff's Opposition to Defendant's Motion to
11 Dismiss and Countermotion for Attorney's Fees and Costs, currently
12 scheduled for January 4, 2018, at 9:00 a.m., is continued to the 25th
13 day of January, 2018, at 9:30 a.m.
14 Dated this 27th day of December, 2017.

15 
16 DISTRICT COURT JUDGE 

LINDA MARQUIS

17 Respectfully Submitted:
18 THE ABRAMS & MAYO LAW FIRM

19 
Jennifer V. Abrams, Esq.
20 Nevada State Bar Number: 7575
6252 South Rainbow Blvd., Suite 100
21 Las Vegas, Nevada 89118
Attorney for Defendant



1 **NTSO**

Jennifer V. Abrams, Esq.

2 Nevada State Bar Number: 7575

THE ABRAMS & MAYO LAW FIRM

3 6252 South Rainbow Blvd., Suite 100

Las Vegas, Nevada 89118

4 Tel: (702) 222-4021

Fax: (702) 248-9750

5 Email: JVAGroup@TheAbramsLawFirm.com

Attorney for Defendant

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

9 THOMAS A. PICKENS,

10 Plaintiff,

11 vs.

12 DANKA K. MICHAELS,

13 Defendant.

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

) Department: B

14
15 **NOTICE OF ENTRY OF STIPULATION AND ORDER**

16 PLEASE TAKE NOTICE that the Stipulation and Order to

17 Continue Hearing was duly entered in the above-referenced matter.

18 ///

19 ///

20 ///

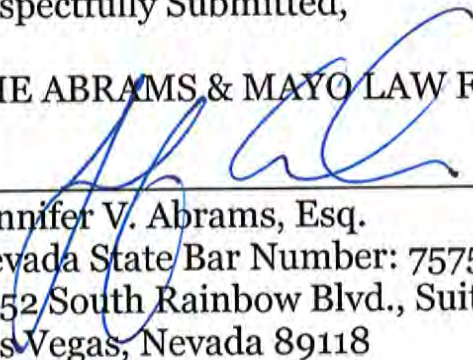
21 ///

1 A true and correct copy of said Stipulation and Order is attached hereto.

2 DATED Thursday, December 28, 2017.

3 Respectfully Submitted,

4 THE ABRAMS & MAYO LAW FIRM

5 
6 Jennifer V. Abrams, Esq.
7 Nevada State Bar Number: 7575
8 6252 South Rainbow Blvd., Suite 100
9 Las Vegas, Nevada 89118
10 Attorney for Defendant

9 **CERTIFICATE OF SERVICE**

10 I hereby certify that the foregoing NOTICE OF ENTRY OF
11 STIPULATION AND ORDER was filed electronically with the Eighth
12 Judicial District Court in the above-entitled matter, on ~~Thursday~~^{Friday},
13 December ~~28~~²⁹, 2017. Electronic service of the foregoing document shall
14 be made in accordance with the Master Service List, pursuant to NEFCR
15 9, as follows:

16 Paul A. Lemcke, Esq.
17 Attorney for Plaintiff

18 
19 An Employee of The Abrams & Mayo Law Firm
20
21

Steven D. Grierson

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

Eighth Judicial District Court
Family Division
Clark County, Nevada

8 THOMAS A. PICKENS,) Case No.: D-17-560737-D
9 Plaintiff,) Department: B
10 vs.)
11 DANKA K. MICHAELS,)
12 Defendant.)

14 **STIPULATION AND ORDER TO CONTINUE HEARING**

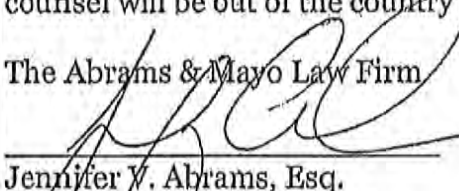
15 **IT IS HEREBY STIPULATED AND AGREED** by and between
16 JENNIFER V. ABRAMS, ESQ., attorney for Defendant, DANKA K.
17 MICHAELS and PAUL A. LEMCKE, ESQ., attorney for Plaintiff,
18 THOMAS A. PICKENS, in the above-entitled matter, that the hearing on
19 Defendant's Motion to Dismiss and Plaintiff's Opposition to Defendant's
20 Motion to Dismiss and Countermotion for Attorney's Fees and Costs,
21 currently scheduled for January 4, 2018, at 9:00 a.m., be continued to

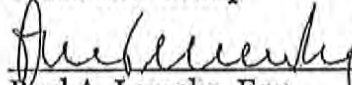
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DISTRICT COURT
DEPT B

1 the Court's next available date after January 8, 2017, as Defendant's
2 counsel will be out of the country during the week of January 4th.

3 The Abrams & Mayo Law Firm

Pecos Law Group

4 
Jennifer V. Abrams, Esq.
5 Nevada State Bar No.: 7575
6 6252 S. Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
Attorney for Defendant


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

7
8 **ORDER**

9 Based upon the stipulation of the parties,

10 **IT IS HEREBY ORDERED** that the hearing on Defendant's
11 Motion to Dismiss and Plaintiff's Opposition to Defendant's Motion to
12 Dismiss and Countermotion for Attorney's Fees and Costs, currently
13 scheduled for January 4, 2018, at 9:00 a.m., is continued to the 25th

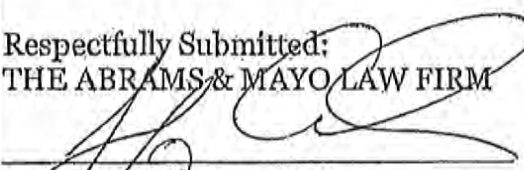
14 day of January, 2018, at 9:30 a.m.

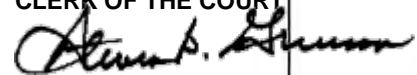
15 Dated this 27th day of December, 2017.

16 
DISTRICT COURT JUDGE 

LINDA MARQUIS

17 Respectfully Submitted:
18 THE ABRAMS & MAYO LAW FIRM

19 
Jennifer V. Abrams, Esq.
20 Nevada State Bar Number: 7575
6252 South Rainbow Blvd., Suite 100
21 Las Vegas, Nevada 89118
Attorney for Defendant



1 **NEOJ**

2 Jennifer V. Abrams, Esq.

3 Nevada State Bar Number: 7575

4 THE ABRAMS & MAYO LAW FIRM

5 6252 South Rainbow Blvd., Suite 100

6 Las Vegas, Nevada 89118

7 Tel: (702) 222-4021

8 Fax: (702) 248-9750

9 Email: jvagroup@theabramslawfirm.com

10 Attorney for Defendant

11 Eighth Judicial District Court
12 Family Division
13 Clark County, Nevada
14

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

17 Plaintiff,)

18 vs.)

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

22 Defendant.)

23 **NOTICE OF ENTRY OF ORDER TO SEAL RECORDS**

24 PLEASE TAKE NOTICE that an Order to Seal Records was duly
entered in the above-referenced matter. A true and correct copy of said

///

///

///

1 Order is attached hereto.

2 DATED Tuesday, January 02, 2018.

3 Respectfully Submitted,

4 THE ABRAMS & MAYO LAW FIRM

5 /s/ Jennifer V. Abrams, Esq. _____

6 Jennifer V. Abrams, Esq.

7 Nevada State Bar Number: 7575

8 6252 South Rainbow Blvd., Suite 100

9 Las Vegas, Nevada 89118

10 Attorney for Defendant

11

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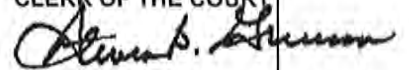
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Paul A. Lemcke, Esq.


An Employee of The Abrams & Mayo Law Firm



1 **OSFD**

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

11 Eighth Judicial District Court
12 Family Division
13 Clark County, Nevada
14

15 THOMAS A. PICKENS, individually,) Case No.: D-17-560737-D
16 and as trustee of the LV Blue Trust,)
17) Department: B
18 Plaintiff,)
19)
20 vs.)
21)
22 DANKA K. MICHAELS,)
23 individually, and as trustee of the)
24 Mich-Mich Trust,)
25 Defendant.)

26 **ORDER TO SEAL RECORDS PURSUANT TO NRS 125.110(2)**

27 Upon written request of Defendant, Danka K. Michaels, by and
28 through her attorney of record, Jennifer V. Abrams, Esq., of The Abrams
29 & Mayo Law Firm, and pursuant to NRS 125.110(2), which states:

30 1. In any action for divorce, the following papers and
31 pleadings in the action shall be open to public inspection in
32 the clerk's office:

33 (a) In case the complaint is not answered by the
34 defendant, the summons, with the affidavit or proof of
35 service; the complaint with memorandum endorsed thereon

1 that the default of the defendant in not answering was
2 entered, and the judgment; and in case where service is
3 made by publication, the affidavit for publication of
4 summons and the order directing the publication of
5 summons.

6 (b) In all other cases, the pleadings, the finding of the
7 court, any order made on motion as provided in Nevada
8 Rules of Civil Procedure, and the judgment.

9 2. All other papers, records, proceedings and evidence,
10 including exhibits and transcript of the testimony, shall,
11 upon the written request of either party to the action, filed
12 with the clerk, be sealed and shall not be open to inspection
13 except to the parties or their attorneys, or when required as
14 evidence in another action or proceeding.


15 **THEREFORE, IT IS HEREBY ORDERED** that all documents
16 filed with the clerk in the above-entitled action except for pleadings,
17 findings of the Court, Orders made on motion as provided in the Nevada
18 Rules of Civil Procedure and any judgments, shall be and are hereby
19 sealed.

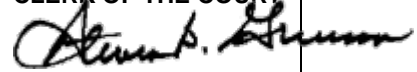
20 DATED this ²⁰ day of December, 2017.

21 THE ABRAMS & MAYO LAW FIRM

22 DISTRICT COURT JUDGE 

LINDA MARQUIS

23 
24 Jennifer V. Abrams, Esq. (7575)
6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
Attorney for Defendant



ROPP

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

Eighth Judicial District Court
Family Division
Clark County, Nevada

THOMAS A. PICKENS, individually,)	Case No.: D-17-560737-D
and as trustee of the LV Blue Trust,)	
)	Department: B
Plaintiff,)	
)	
vs.)	
)	Date of Hearing: 1/25/2018
DANKA K. MICHAELS,)	Time of Hearing: 9:30 a.m.
individually, and as trustee of the)	
Mich-Mich Trust,)	
)	
Defendant.)	

**REPLY TO OPPOSITION TO DEFENDANT'S MOTION TO
DISMISS AND OPPOSITION TO COUNTERMOTION FOR
ATTORNEY'S FEES AND COSTS**

COMES NOW Defendant, Danka K. Michaels, by and through
her attorney of record, Jennifer V. Abrams, Esq., of The Abrams & Mayo
Law Firm, and hereby submits her *Reply to Opposition to Defendant's
Motion to Dismiss and Opposition to Countermotion for Attorney's Fees
and Costs.*

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. The parties are not legally married.**

3 A more in-depth investigation of the marital status of the parties
4 was requested from Daniela Jezova, LL.M., Ph.D. The report from that
5 investigation is attached as Exhibit D. Expert Jezova concludes:

6 The marriage was not properly concluded in Slovak republic
7 and has no legal validity in Slovak republic. The marriage
8 was concluded only according to catholic law and is valid
9 only in the catholic religion. The civil law aspect was not
10 involved, the civil law procedure was not followed and is not
11 valid in civil law in Slovakia.

12 In case the marriage wants to be recognized by a foreign
13 state (even by USA) this will not be possible and therefore
14 the marriage cannot be divorced in any state.

15 She explains that the parties did not follow the proper procedure
16 to be married in Slovakia. Specifically, the parties did not deliver the
17 proper documents to the Slovak authority. Additionally, the church did
18 not deliver the “minute” to the Slovak authority. Expert Jezova explains
19 that it would not even be possible for the parties’ marriage to be
20 legalized today as it would require:

21 a) cooperation of both parties is needed b) documents has to be
dated before the marriage c) based on the statement of Slovak
ministry of interior affairs this is not even possible to proceed.¹

¹ Please see further analysis from Daniela Jezova, LL.M., Ph.D, attached as Exhibit D.

1 Furthermore, in Slovakia it is possible to have a religious ceremony and
2 religious marriage with said marriage not being legal or valid if the
3 proper procedures are not followed.

4 Danka agrees that the “marriage certificate speaks for itself.” It
5 states specifically at the top “***for church purposes***” (emphasis added)
6 and it is not signed by either party.

7 In sum, Slovakia does not recognize any marriage between these
8 parties and the only indicia of a marriage that Tom has to offer is a
9 certificate that says “for church purposes” that is not signed by either
10 party. There is simply no marriage for this Court to dissolve.

11 **II. The parties have each represented their “marital status”**
12 **to the United States Federal Government as “single”**
13 **throughout the duration of their 15-year relationship.**
14 **The doctrine of judicial estoppel prohibits Tom from now**
15 **taking a contrary position.**

16 Each of the parties has consistently represented to the United
17 States Federal Government Treasury / Internal Revenue Service on their
18 respective tax returns – under penalties of perjury - that they are single,
19 unmarried individuals.² They did not take advantage of the tax breaks

20 ² See 26 U.S.C. 7206 (any person who willfully makes and subscribes any return,
21 statement, or other document, which contains or is verified by a written declaration

1 that would have been available to them under a “married filing jointly”
2 status because they were not married. They did not file “married filing
3 separately” again, because they were not married. They filed “single,
4 unmarried” because that was their true and accurate status, single and
5 unmarried. This affirmation of their marital status, under penalty of
6 perjury, was made year, after year, after year, by each of them for nearly
7 a decade and a half. Tom is judicially estopped from now asserting
8 otherwise.³

9 **III. The parties never intended to, and did not, legally get**
10 **married.**

11 The accountant utilized by both of the parties, Robert Semonian,
12 provided a sworn Declaration stating:

13 With regards to filing status, I had lengthy discussions
14 with Thomas about this. He specifically told me that he and
15 Danka went to some European country and had a ceremony
in a church but that they intentionally never submitted the

that it is made under the penalties of perjury, and which he does not believe to be
16 true and correct as to every material matter shall be guilty of a felony and, upon
17 conviction thereof, shall be fined not more than \$100,000 or imprisoned not more
18 than 3 years, or both, together with the costs of prosecution). If Thomas is alleging
19 that he willfully subscribed to 15 years of tax returns under penalty of perjury not
20 believing that he was single, he is essentially saying that he should be fined up to \$1.5
Million and he should spend up to 45 years in jail, along with the “costs of
prosecution.”

21 ³ *Vaile v. District Court*, 118 Nev. 262, 44 P.3d 506 (2002).

1 paperwork to legalize their marriage because, he said, they
2 were “married emotionally, not legally.”

3 Thomas’ allegation that he never told the accountant that there
4 was no marriage is just not credible. The accountant necessarily needs to
5 know the marital status of the parties in order to properly prepare their
6 tax returns. Furthermore, Mr. Semonian, who has been preparing the
7 parties’ tax returns for over a decade, recalled lengthy discussions with
8 Thomas about this.

9 And while Tom denies that he ever made such a statement to Mr.
10 Semonian, the estate planning attorney utilized by both of the parties,
11 Shannon Evans, Esq., testified to essentially the same information. In
12 her Declaration, she states:

13 During our discussions, Danka and Thomas each
14 informed me that they had a commitment ceremony only in
15 Slovakia and they were not legally married. The parties
16 informed me that they always knew that they were not legally
17 married and did not intend to be legally married.

18 Tom does not deny making such statements to Attorney Shannon
19 Evans. Further, Thomas offers zero explanation as to why the trusts were
20 created by Ms. Evans as individual trusts as opposed to trusts of married
21 people.

And if he now tries to deny making such a statement to Attorney
Evans, it will be easy for this Court to weigh his credibility against two

1 long-standing professionals who (unlike Tom) do not stand to gain
2 financially by lying to this Court about the parties' marital status. In
3 other words, it's pretty obvious that Tom is lying.

4 **IV. Neither church classes, photographs, announcements,**
5 **nor deeds are sufficient create a valid marriage.**

6 Danka denies that the parties went to "pre-marital preparatory
7 classes at a local Las Vegas Roman Catholic church" as alleged by
8 Thomas. The reason for the parties' travel to Slovakia was originally to
9 attend Danka's brother's birthday party celebration. The parties did not
10 plan to have a religious ceremony in Slovakia until two days prior to the
11 trip. The parties found a priest in Las Vegas who was lackadaisical with
12 the rules to write a letter on their behalf, as they did not regularly attend
13 services or attend any preparatory classes. They also had to haggle with
14 the priest in Slovakia to get the ceremony done on short notice. There
15 were no invitations prepared, none of Thomas' friends and family were
16 in attendance and there was no wedding or ceremony in the United
17 States when the parties returned. Danka's mother, not the parties,
18 arranged for a photo service and the announcements were part of the
19 package deal.

20 / / /

21 / / /

1 As for Thomas' other allegations, they equally lack merit. His
2 attempt to deflect responsibility by alleging he just "didn't know" is not a
3 sufficient excuse and is directly contradicted by significant evidence.

4 The process of having to file some sort of paperwork following a
5 marriage ceremony in order to legalize and validate the marriage is
6 pretty standard, even here in the United States. Such a religious
7 ceremony in Clark County would likewise need to be filed with the Clark
8 County recorder. Thomas was actually married and divorced **twice**
9 prior to his relationship with Danka.

10 Even if he truly did not know that there was some "paperwork"
11 involved with legally validating and registering a marriage (which is not
12 believable as he had gone through the process before), a simple Internet
13 search, a simple telephone call, or dropping by the appropriate office
14 and inquiring about same would have alleviated any mysteries in that
15 regard. A quick Google search using the words "Slovakia marriage"
16 results in specific information and instructions for same.

17 The assertion that the marriage had to have been valid because it
18 was held in a Catholic Church would only have merit if the parties **told**
19 the Priest what they were doing. They did not. The **parties** are the ones
20 who intentionally did not comply with the requirements for a legal
21 marriage.

1 As for the deeds that Thomas points to as evidence of a “valid
2 marriage,” Ms. Evans did not prepare the Deeds when the three
3 properties were originally purchased. Those deeds were prepared by a
4 title company and the parties’ signatures do not appear on the deeds
5 themselves. And, Thomas paid Attorney Evans to have deeds prepared
6 transferring title of the properties into Danka’s name alone.

7 Regardless, the manner in which real property is titled in a deed
8 does not create a marriage.

9 **V. The parties agreed and fully executed their agreement to**
10 **divide assets equitably.**

11 When Danka and Thomas began their relationship, Thomas
12 brought debt with him. Danka paid off credit card debt to the tune of
13 approximately \$23,000 in Thomas’ ex-wife’s name. Danka purchased
14 Thomas a new wardrobe and put \$20,000 down on a new car when his
15 vehicle broke down.

16 Thomas was not continuously employed during the parties’
17 relationship. He had two separate years of unemployment early in the
18 relationship. Danka provided support. Danka also transferred \$28,000
19 to Tom so he could start his own company.

20 Eventually, Thomas’ business was established and grew to the
21 point that he completed a job for the UFC, which led to another big job.

1 Thomas received a \$1 million dollar bonus in addition to his \$50,000
2 per month revenue. Thomas took that business as part of the equitable
3 division agreed to by the parties.

4 Not only did Danka pay towards the house mortgage, she also paid
5 Thomas an employee salary of \$2,000 per month from her business
6 during their relationship and she funded Thomas' 401k, which had a
7 balance of approximately \$216,000 in September 2016. Thomas took the
8 401K as part of the equitable division agreed to by the parties.
9 Considering that Danka funded the majority of the funds towards the
10 real properties and Thomas was more than compensated for any
11 contributions he may have made by way of receiving his 401k account, it
12 absolutely made sense for Thomas to sign over title of the three
13 properties in question to Danka upon their separation.

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CONCLUSION

Based on the aforementioned facts, law and analysis, the Court should grant the relief requested in Defendant’s Motion in its entirety and the Complaint for Divorce should be dismissed.

DATED Friday, January 19, 2018.

Respectfully Submitted,

THE ABRAMS & MAYO LAW FIRM

/s/ Jennifer V. Abrams, Esq.
Jennifer V. Abrams, Esq.
Nevada State Bar Number: 7575
6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
Attorney for Defendant

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing *REPLY TO OPPOSITION TO DEFENDANT'S MOTION TO DISMISS AND OPPOSITION TO COUNTERMOTION FOR ATTORNEY'S FEES AND COSTS* was filed electronically with the Eighth Judicial District Court in the above-entitled matter, on Friday, January 19, 2018. Electronic service of the foregoing document shall be made in accordance with the Master Service List, pursuant to NEFCR 9, as follows:

Paul A. Lemcke, Esq.
Attorney for Plaintiff

/s/ Stephanie Stolz
An Employee of The Abrams & Mayo Law Firm

EXHIBIT D

EXHIBIT D

EXHIBIT D

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

In Bratislava, 12. January 2018

Delivered via e-mail: sstolz@theabramslawfirm.com

Analysis follow – up the analysis provided by our law firm dated on 28. November 2017 with following conclusion:

“Currently the couple does not show as being married in Slovak register.

The marriage can be concluded by the church ceremony by itself. Generally the marriage is valid in case:

- a) None of the spouses were married at the time of the conclusion of the marriage,*
- b) Spouses are not ancestors and descendants and siblings,*
- c) None of the spouse were affected by mental disorder that would cause a limitation of legal capacity,*
- d) Declaration of the marriage was not made freely seriously, definitely and comprehensibly by any of the spouses.*

The invalidity has to be declared by the court.

The proper procedure must be followed to register the marriage officially. You can find the procedure description above.

It is obvious that this marriage was/is not officially registered in Slovakia and there is some mistake of the procedure. The reasons for that might be different:

- a) The engaged couple did not follow the proper procedure before entering the marriage (filing proper forms and delivering proper documents) OR*
- b) If the procedure was followed properly, the church did not deliver the minute from the marriage to the register office.*

In case the a) option and its reparation deeper examination needs to be provided. The legal question here is whether the marriage was even concluded legally (does exist) as far the proper procedure was not followed and the documents were not submitted. This needs to be examined deeper.

In case the option b) applies that solution is to deliver the minute from the marriage to the registrar office now by the church. After delivering the minute the marriage should be registered.

In case you are interested in deeper examination we will need the POA from you client signed at the Slovak embassy (no apostyle needed) or in front of the US notary with apostyle to act in front of the authorities in Slovakia."

This analysis has the object to better and more clarify the results and mostly the question whether the marriage is valid in Slovak republic or not.

Documents available:

Marriage certificate – date on 07.04.2002

Legal framework:

Family Act No.: 36/2005 Coll. as amended- current regulation

Family Act No.: 94/1963 Coll. as amended – old regulation

Act No. 154/1994 Z. z. Coll. as amended

Answer:

As already mentioned in our previous analysis the marriage was concluded in church but the administrative procedure was not followed.

The legal question we needed to examine was whether the marriage is valid in case that the proper civil and legal documents and procedure was not followed.

We have information that both parties did not have any intention to conclude the marriage. This information is not proved and it is only a statement of one party. In our legal system, such intentions should be proved by written affidavit of both parties involved. If such an affidavit would be possible to get nowadays we will recommend that to sign to get the legal certainty about the intention and the legal consequences.

A – Mistakes in the proper procedure

The proper procedure which should be followed was that the parties should register the marriage at the civil authority before having the church ceremony.

The wife should file following documents to the Slovak authority:

- a) birth certificate,
- b) a document on citizenship,
- c) residence certificate,
- d) the death certificate of the deceased spouse or marriage certificate of marriage if it is a widower or widow or a final judgment on the divorce of marriage in the case of a divorced or divorced person or a final judgment about the marriage annulment
- e) proof of personal identification number
- f) proof of identity.

The man should file following documents to Slovak authority:

- a) birth certificate,
- b) proof of personal status (shall not be older than six months),
- c) a residence document,
- d) proof of nationality,
- e) a death certificate of the deceased spouse or other public document stating that the marriage has ceased to exist in the case of a widower,
- f) a final judgment on the divorce of a marriage or other authentic instrument stating that the marriage is legally divorced in the case of a divorced foreigner,
- g) a document proving identity.

The engaged couple shall complete the prescribed form before they start the church ceremony.

We already concluded that the proper procedure was not followed. The wife also declared that it was not followed intentionally as far none of the parties had an intention to marry.

It is obvious that the minute from the church ceremony was not delivered to the Slovak authority – in case that was intentional it shows again the intention of the parties not to enter into the marriage.

Today it is not even possible to legalize such a marriage as far a) cooperation of both parties is needed b) documents has to be dated before the marriage c) based on the statement of Slovak ministry of interior affairs this is not even possible to proceed.

B – Catholic marriage and its validity in Slovak republic

Based on the Slovak law in case of catholic marriage the proper procedure has to be followed in civil law.

To understand the background the Slovak republic in the past and history had a special provision about the catholic marriages and that was that parties had to had two ceremonies – one was before the church and priest and the second one was before the public authority. Than Slovak republic decided to simplify the procedure of religious marriages in the way that two ceremonies are not necessary any more. The different procedures for the marriage religious and the civil marriage is still valid. This means that in case of religious marriage the marriage is not valid automatically without following a different procedure of the civil law.

This leads us to the conclusion that the marriage is not valid in civil law in case the proper civil procedure is not followed. In case only the religious procedure is followed the marriage is valid only in the religious

Some countries do not have different procedures for religious marriages and for civil marriages. Slovak republic has. This means in case of religious marriage both procedures need to be followed properly to valid conclusion of the marriage in catholic and civil world.

Conclusion:

The marriage was not properly concluded in Slovak republic and has no legal validity in Slovak republic. The marriage was concluded only according to catholic law and is valid only in the catholic religion. The civil law aspect was not involved, the civil law procedure was not followed and is not valid in civil law in Slovakia.

In case the marriage wants to be recognized by a foreign state (even by USA) this will not be possible and therefore the marriage cannot be divorced in any state.

For any further legal issues in the future we advise to sign an affidavit of both involved parties in front of the notary stating that they did not have any intention to conclude the marriage which show that they did not provide proper documentation needed for valid conclusion of the marriage.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

January 25, 2018

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

January 25, 2018 9:30 AM All Pending Motions

HEARD BY: Marquis, Linda**COURTROOM:** Courtroom 07**COURT CLERK:** Michelle Prescott**PARTIES:**

Danka Michaels, Defendant, present
Thomas Pickens, Plaintiff, present

Jennifer Abrams, Attorney, present
Paul Lemcke, Attorney, present

JOURNAL ENTRIES

- PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO DISMISS AND COUNTERMOTION FOR ATTORNEY'S FEES AND COSTS . . . DEFENDANT'S MOTION TO DISMISS . . . DEFENDANT'S REPLY TO OPPOSITION TO DEFENDANT'S MOTION TO DISMISS AND OPPOSITION TO COUNTERMOTION FOR ATTORNEYS' FEES AND COSTS

Court called the case. Further inquiry is a resolution has been reached.

Mr. Lemcke requested a close hearing. Son could be a possible witness. Counsel stated the motion fails as a matter of law no answer filed, only to request for summary. Items in support of marriage consist of a certificate of marriage dated 4/7/02 in Bratislava, Slovakia, photo's of wedding, copies of announcement and joint title of property owned for twelve years. Mr. Lemcke request attorney fees.

Ms. Abrams stated person in court is Defendant's son. Counsel stated two expert reports were provided in support of the Parties not being registered for marriage in Bratislava, Slovakia. Parties have for fifteen years filed single tax returns; estate planning was for single estates. Counsel no marriage took place and divorce action should be dismissed. Defendant is still married to a first

PRINT DATE:	01/26/2018	Page 1 of 2	Minutes Date:	January 25, 2018
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

AA00142

husband.

Hearing is CLOSED.

Mr. Lemcke and Ms. Abrams argued motion to dismiss complaint.

COURT ORDERED:

This matter shall be TAKEN UNDER ADVISEMENT;

CHAMBER CALENDAR set 2/26/2018 for DECISION;

MINUTES SHALL SUFFICE

FUTURE HEARINGS:

February 26, 2018 11:57 PM Decision
Courtroom 07
Marquis, Linda
Prescott, Michelle

PRINT DATE:	01/26/2018	Page 2 of 2	Minutes Date:	January 25, 2018
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

AA00143

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

February 23, 2018

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

February 23, 2018 7:00 AM Minute Order

HEARD BY: Marquis, Linda

COURTROOM: Courtroom 07

COURT CLERK: Michelle Prescott

PARTIES:

Danka Michaels, Defendant, not present
Thomas Pickens, Plaintiff, not present

Jennifer Abrams, Attorney, not present
Paul Lemcke, Attorney, not present

JOURNAL ENTRIES

- MINUTE ORDER: NO HEARING HELD AND NO APPEARANCES
RE: D-17-560737-D

NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to ensure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c), this Court can consider a motion and issue a decision on the papers at any time without a hearing.

This matter is currently under advisement.

All temporary orders shall STAND.

This matter shall be placed on Department B s Chamber s Calendar for March 05, 2018.

A copy of these minutes shall be provided to all Parties.

PRINT DATE:	02/23/2018	Page 1 of 2	Minutes Date:	February 23, 2018
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AA00144

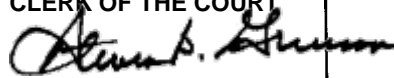
FUTURE HEARINGS:

March 05, 2018 11:57 PM Decision
Courtroom 07
Marquis, Linda
Prescott, Michelle

PRINT DATE:	02/23/2018	Page 2 of 2	Minutes Date:	February 23, 2018
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

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1
2 **ORDR**

3 **DISTRICT COURT**

4 **FAMILY COURT DIVISION**

5 **CLARK COUNTY, NEVADA**

7 THOMAS A. PICKENS,)
8)
9 Plaintiff,) Case No.: D-17-560737-D
10 vs.) Dept. No.: B
11)
12 DANKA K. MICHAELS,)
)
)
)
13 Defendant.)

14 **ORDER**

15 ***Procedural History***

16 On October 24, 2017, Plaintiff, Thomas A. Pickens, filed a Complaint for
17 Divorce and for Set Aside of Deeds of Real Property and Assignment of L.L.C.
18 Interest. On November 02, 2017, Plaintiff by and through his Counsel of Record,
19 Paul Lemcke, Esq., filed an Affidavit of Service providing the Court with proof
20 of personal service of the Complaint for Divorce, Summons, and Joint
21 Preliminary Injunction upon Defendant, Danka Michaels.
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24 Thereafter, on November 29, 2017, Defendant by and through her Counsel
25 of Record, Jennifer Abrams, Esq., filed a Motion to Dismiss this action for
26 Plaintiff's failure to state a claim upon which relief can be granted. Plaintiff filed
27 his Opposition to Defendant's Motion to Dismiss and Countermotion for
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LINDA MARQUIS
DISTRICT JUDGE

FAMILY DIVISION, DEPT. B
LAS VEGAS, NV 89101

AA00146

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2 Attorney's Fees and Costs on December 20, 2017. Defendant later filed her
3 Reply to Plaintiff's Opposition to Defendant's Motion to Dismiss and
4 Opposition to Countermotion for Attorney's Fees and Costs on January 19, 2018.
5
6 A hearing for the above motion was originally scheduled for January 04, 2018;
7 however, the Parties filed a Stipulation and Order to Continue Hearing until
8 January 25, 2018.
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10 At the Motion Hearing on January 25, 2018, Plaintiff was present in
11 Court and represented by Counsel of Record, Paul Lemcke, Esq. Defendant was
12 also present in Court and represented by Counsel of Record, Jennifer Abrams,
13 Esq. After receiving oral arguments from Counsel, the Court stated that a formal
14 written order would be issued. The instant Order follows.
15

16 ***Findings of Fact***
17

18 The Parties met and began a relationship with one another in 2001.¹ On or
19 about April 07, 2002, the Parties had a religious wedding ceremony at the
20 Church of the Virgin Mary of the Snows in Bratislava, Slovakia.² After the
21 ceremony in Bratislava, Slovakia, neither Party submitted any formal documents
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25 ¹ See Defendant's Motion to Dismiss, filed November 29, 2017, at pg. 3. See also
26 Plaintiff's Opposition to Defendant's Motion to Dismiss and Countermotion for
27 Attorney's Fees and Costs, filed December 20, 2017, at pg. 3.

28 ² See Defendant's Motion to Dismiss, filed November 29, 2017, at pg. 4. See also
Plaintiff's Opposition to Defendant's Motion to Dismiss and Countermotion for
Attorney's Fees and Costs, filed December 20, 2017, at pg. 3.

1
2 to the Slovakian registry to register their marriage in the country.³ Plaintiff stated
3 that at the time of the wedding ceremony, he was unaware that any paperwork
4 needed to be filed with the Slovakian registry.⁴
5

6 Since the beginning of their relationship, the Parties have filed their
7 income tax returns as single persons.⁵ However, on or about September 27, 2004,
8 the Parties purchased the property located at 9517 Queen Charlotte Drive, Las
9 Vegas, Nevada 89145 (Parcel #: 138-31-611-007) as Husband and Wife as joint
10 tenants.⁶ Thereafter, on or about February 28, 2011, the Parties purchased the
11 property located at 7608 Lowe Ave, Las Vegas, Nevada 89131 (Parcel #: 125-
12 16-511-008) as Husband and Wife and Joint Tenants.⁷
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18 ³ See *Defendant's Reply to Opposition to Defendant's Motion to Dismiss and*
19 *Opposition to Countermotion for Attorney's Fees and Costs*, filed January 19,
20 2018, at pg. 2. See also *Plaintiff's Opposition to Defendant's Motion to Dismiss*
21 *and Countermotion for Attorney's Fees and Costs*, filed December 20, 2017, at
22 pg. 4.

23 ⁴ See *Plaintiff's Opposition to Defendant's Motion to Dismiss and Countermotion*
24 *for Attorney's Fees and Costs*, filed December 20, 2017, at pg. 4.

25 ⁵ See *Defendant's Motion to Dismiss*, filed November 29, 2017, at pg. 4. See also
26 *Plaintiff's Opposition to Defendant's Motion to Dismiss and Countermotion for*
27 *Attorney's Fees and Costs*, filed December 20, 2017, at pg. 5. See also
28 *Defendant's Reply to Opposition to Defendant's Motion to Dismiss and*
Opposition to Countermotion for Attorney's Fees and Costs, filed January 19,
2018, at pg. 3.

⁶ See *Defendant's Motion to Dismiss*, filed November 29, 2017, at pg. 4. See also
Plaintiff's Opposition to Defendant's Motion to Dismiss and Countermotion for
Attorney's Fees and Costs, filed December 20, 2017, at pg. 5.

⁷ See *Id.*

1
2 In 2010, Defendant formed the Mich-Mich Trust, as a single woman, and
3 in 2012 Plaintiff formed the LV Blue Trust, as a single man, through the use of
4 Attorney Shannon Evans.⁸ On May 09, 2012, Defendant formed Patience One,
5 LLC and purchased an office building located at 3320 N. Buffalo Drive, Las
6 Vegas, Nevada 89129 (Parcel #: 138-10-401-001).⁹ The Parties separated and
7 transferred both of the abovementioned residential properties to Defendant,
8 Danka Michaels, an unmarried woman on October 07, 2016.¹⁰

11 ***Conclusions of Law***

12
13 Plaintiff filed his Complaint on October 24, 2017, and stated the following
14 claims for relief: (1) Divorce, and (2) Set Aside the Deeds of Real Property and
15 Assignment of L.L.C. Interest.

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17 Marriage is a civil contract, to which the consent of the parties capable in
18 law of contracting is essential, but not sufficient.¹¹ In Nevada, marriage also

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20 ⁸ See to Defendant's Motion to Dismiss, filed November 29, 2017, Exhibit D. See
21 also Plaintiff's Opposition to Defendant's Motion to Dismiss and Countermotion
22 for Attorney's Fees and Costs, filed December 20, 2017, at pg. 6.

23 ⁹ See Defendant's Motion to Dismiss, filed November 29, 2017, at pg. 4. See also
24 Plaintiff's Opposition to Defendant's Motion to Dismiss and Countermotion for
25 Attorney's Fees and Costs, filed December 20, 2017, at pg. 6.

26 ¹⁰ See Defendant's Motion to Dismiss, filed November 29, 2017, at pg. 6. See also
27 Plaintiff's Opposition to Defendant's Motion to Dismiss and Countermotion for
28 Attorney's Fees and Costs, filed December 20, 2017, at pg. 6. See also
Defendant's Reply to Opposition to Defendant's Motion to Dismiss and
Opposition to Countermotion for Attorney's Fees and Costs, filed January 19,
2018, at pg. 8.

¹¹ See NRS 122.010.

1 requires solemnization as authorized under Nevada Law.¹² Foreign marriages
2 will be deemed valid in the State of Nevada if they are recognized as valid by the
3 laws of the foreign state where the parties were married and are not void by
4 statute.¹³ Absent Nevada authority on the validity of foreign marriages, the Court
5 looks to other jurisdictions for guidance on this issue. When evidence suggests
6 that the parties were lawfully married, it raises the presumption that the marriage
7 was valid to the law of the foreign state or country where it occurred.¹⁴ The
8 burden lies on the Plaintiff, the party raising the validity of the marriage, to
9 provide the Court with the laws or customs of marriage of the jurisdiction where
10 the Parties were allegedly married.¹⁵

11 In the present case, the Parties do not allege that they were married in the
12 State of Nevada and agree that they participated in a religious marriage
13 ceremony at the Church of the Virgin Mary of the Snows in Bratislava,
14 Slovakia.¹⁶ The Parties, through their pleadings and oral argument at the hearing
15 on January 25, 2018, do not allege to have delivered the statement or minutes of
16 their marriage to the register's office in Slovakia.

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¹² *Id.*

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¹³ *See Loughran v. Loughran*, 292 U.S. 216, 223, 54 S.Ct. 684, 687 (1934).

25
¹⁴ *See Tshiani v. Tshiani*, 208 Md. App. 43, 52, 56 A.3d 311, 316 (2012), aff'd,
26 436 Md. 255, 81 A.3d 414 (2013)

27
¹⁵ *Id.*

28
¹⁶ *See Defendant's Motion to Dismiss*, filed November 29, 2017, at pg. 4. *See also Plaintiff's Opposition to Defendant's Motion to Dismiss and Countermotion for Attorney's Fees and Costs*, filed December 20, 2017, at pg. 3.

1
2 The Parties have cohabitated for a substantial period of time; however,
3 Nevada does not recognize common law marriage and has a strong public policy
4 in “encouraging legal marriage,” affirming the finding that these Parties do not
5 have a valid marriage in the State of Nevada.¹⁷ The Family Division of the
6 Eighth Judicial District Court has jurisdiction over divorce, custody, and
7 guardianship proceedings.¹⁸
8
9

10 Defendant further argues that since the parties do not have a valid
11 marriage in Nevada, this Court does not have jurisdiction to rule on the matters
12 before it and the case should be dismissed pursuant to NRCP 12(b)(1). However,
13 in addition to having jurisdiction to matters specifically enumerated in NRS
14 3.223, Judges sitting in the Family Division of the Eighth Judicial District Court
15 have the “authority to preside over matters outside the family court division’s
16 jurisdiction.”¹⁹ An Eighth Judicial District Court Judge sitting in Family Court
17 properly exercises jurisdiction when it hears matters regarding the division of
18 property between unmarried parties who maintained a meretricious relationship,
19 even if the matter was improperly filed or assigned to the family court division.²⁰
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24 A judge’s function on evaluating a motion for summary judgment is not
25 “to weigh the evidence and determine the truth of the matter but to determine

26 ¹⁷ See *Hay v. Hay*, 100 Nev. 196, 199, 678 P.2d 672, 674 (1984)

27 ¹⁸ See NRS 3.223

28 ¹⁹ See *Landreth v. Malik*, 127 Nev. 175, 177, 251 P.3d 163, 164 (2011)

²⁰ See *Hay v. Hay*, 100 Nev. 196, 199, 678 P.2d 672, 674 (1984).

1
2 whether there is a genuine issue for trial.”²¹ Courts will seldom grant a
3 petitioner’s request for summary judgment when there is an evidentiary basis on
4 which a reasonable jury can find for the non-moving party.²²
5

6 In Defendant’s Motion to Dismiss, Defendant states that pursuant to
7 NRCP 56, the Motion shall also be treated as a Motion for Summary Judgment.
8 However, summary judgment is only appropriate when based on the papers and
9 pleadings on file; the Court finds no genuine issue of fact.²³ In their pleadings,
10 Plaintiff and Defendant put into issue the ownership of multiple properties and
11 trusts acquired during the Parties’ 14 year relationship. Therefore, a question of
12 material fact still exists in this matter as to Plaintiff’s second cause of action and
13 summary judgment is not appropriate.
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16

17 Moreover, Defendant argues that since the parties were not validly married
18 under the laws of Slovakia and no valid marriage exists in the State of Nevada,
19 Plaintiff’s Complaint for divorce fails to state a claim for which relief can be
20 granted and must be dismissed pursuant to NRCP 16(b)(5). Plaintiff’s first cause
21 of action in its Complaint filed October 24, 2017, is for divorce. However, this
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23

24 ²¹See *Salazar-Limon v. City of Houston, Tex.*, 137 S. Ct. 1277, 1280, 197 L. Ed.
25 2d 751 (2017)

26 ²² See *Celotex Corp. v. Catrett*, 477 U.S. 317, 106 S. Ct, 2548, 91 L.Ed. 2d 265
27 (1986); See also *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 106 S. Ct, 2505,
28 91 L.Ed 2d 202 (1986).

²³ *Id.*

1
2 Court does not have sufficient evidence and information to determine that the
3 ceremony performed at the Church of the Virgin Mary of the Snows in
4 Bratislava, Slovakia, did not constitute a valid marriage under the laws of
5 Slovakia. Therefore, this Court cannot make a finding that the Parties do not
6 have a valid marriage in Nevada absent an Evidentiary Hearing.
7

8
9 Plaintiff's second cause of action in its Complaint asks the Court to
10 invalidate the Deeds of Real Property and Assignment of Interests for the
11 residential properties and corporation acquired during the relationship and
12 transferred to Defendant after the relationship ended. Plaintiff's second cause of
13 action requests relief and division of property as the Parties were married at the
14 time the property was acquired. Since this issue rests on the issue of whether a
15 valid marriage exists between the parties, the Court cannot the make a decision
16 with regard to property distribution absent an Evidentiary Hearing.
17

18
19 *Order*

20
21 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that
22 Defendant's Motion to Dismiss Plaintiff's Complaint for lack of subject matter
23 jurisdiction is DENIED.
24

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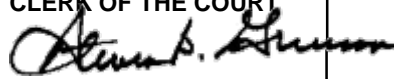
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IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
Defendant's Motion for Summary Judgment pursuant to NRCP 59 is DENIED.

DATED this 9th day of March, 2018.



DISTRICT COURT JUDGE
LINDA MARQUIS



1 NEO

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4 ***

5 Thomas A. Pickens, Plaintiff,
6 vs.
7 Danka K. Michaels, Defendant.

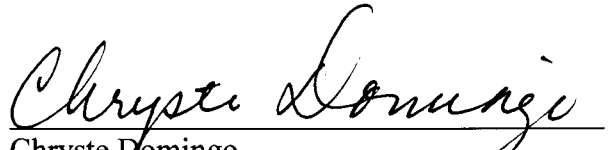
Case No.: D-17-560737-D
Department B

8 **NOTICE OF ENTRY OF ORDER**

9 TO ALL INTERESTED PARTIES:

10 PLEASE TAKE NOTICE that an Order was entered in the above-entitled matter
11 on March 12, 2018, a true and correct copy of which is attached hereto.

12 Dated this 12th day of March, 2018.

13 
14 Chryste Domingo
15 Judicial Executive Assistant to the
16 HONORABLE LINDA MARQUIS

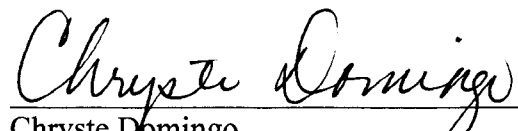
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20 **CERTIFICATE OF SERVICE**

21 I hereby certify that on the above file stamped date:

22 ☒ E-Served pursuant to NEFCR 9 on March 12, 2018, or placed in the folder(s) located in
23 the Clerk's Office of, the following attorneys:

24 Paul A. Lemcke, Esquire

25 Jennifer V. Abrams, Esquire

26 
27 Chryste Domingo
28 Judicial Executive Assistant to the
HONORABLE LINDA MARQUIS



1
2 **ORDR**

3 **DISTRICT COURT**

4 **FAMILY COURT DIVISION**

5 **CLARK COUNTY, NEVADA**

6
7 THOMAS A. PICKENS,)

8)
9 Plaintiff,)

10 vs.)

Case No.: D-17-560737-D

Dept. No.: B

11 DANKA K. MICHAELS,)

12 Defendant.)

13 **ORDER**

14 ***Procedural History***

15
16 On October 24, 2017, Plaintiff, Thomas A. Pickens, filed a Complaint for
17 Divorce and for Set Aside of Deeds of Real Property and Assignment of L.L.C.
18 Interest. On November 02, 2017, Plaintiff by and through his Counsel of Record,
19 Paul Lemcke, Esq., filed an Affidavit of Service providing the Court with proof
20 of personal service of the Complaint for Divorce, Summons, and Joint
21 Preliminary Injunction upon Defendant, Danka Michaels.
22

23
24 Thereafter, on November 29, 2017, Defendant by and through her Counsel
25 of Record, Jennifer Abrams, Esq., filed a Motion to Dismiss this action for
26 Plaintiff's failure to state a claim upon which relief can be granted. Plaintiff filed
27 his Opposition to Defendant's Motion to Dismiss and Countermotion for
28

LINDA MARQUIS
DISTRICT JUDGE

FAMILY DIVISION, DEPT. B
LAS VEGAS, NV 89101

AA00156

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2 Attorney's Fees and Costs on December 20, 2017. Defendant later filed her
3 Reply to Plaintiff's Opposition to Defendant's Motion to Dismiss and
4 Opposition to Countermotion for Attorney's Fees and Costs on January 19, 2018.
5
6 A hearing for the above motion was originally scheduled for January 04, 2018;
7 however, the Parties filed a Stipulation and Order to Continue Hearing until
8 January 25, 2018.
9

10 At the Motion Hearing on January 25, 2018, Plaintiff was present in
11 Court and represented by Counsel of Record, Paul Lemcke, Esq. Defendant was
12 also present in Court and represented by Counsel of Record, Jennifer Abrams,
13 Esq. After receiving oral arguments from Counsel, the Court stated that a formal
14 written order would be issued. The instant Order follows.
15

16
17 ***Findings of Fact***

18 The Parties met and began a relationship with one another in 2001.¹ On or
19 about April 07, 2002, the Parties had a religious wedding ceremony at the
20 Church of the Virgin Mary of the Snows in Bratislava, Slovakia.² After the
21 ceremony in Bratislava, Slovakia, neither Party submitted any formal documents
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24

25 ¹ See Defendant's Motion to Dismiss, filed November 29, 2017, at pg. 3. See also
26 Plaintiff's Opposition to Defendant's Motion to Dismiss and Countermotion for
Attorney's Fees and Costs, filed December 20, 2017, at pg. 3.

27 ² See Defendant's Motion to Dismiss, filed November 29, 2017, at pg. 4. See also
28 Plaintiff's Opposition to Defendant's Motion to Dismiss and Countermotion for
Attorney's Fees and Costs, filed December 20, 2017, at pg. 3.

1
2 to the Slovakian registry to register their marriage in the country.³ Plaintiff stated
3 that at the time of the wedding ceremony, he was unaware that any paperwork
4 needed to be filed with the Slovakian registry.⁴
5

6 Since the beginning of their relationship, the Parties have filed their
7 income tax returns as single persons.⁵ However, on or about September 27, 2004,
8 the Parties purchased the property located at 9517 Queen Charlotte Drive, Las
9 Vegas, Nevada 89145 (Parcel #: 138-31-611-007) as Husband and Wife as joint
10 tenants.⁶ Thereafter, on or about February 28, 2011, the Parties purchased the
11 property located at 7608 Lowe Ave, Las Vegas, Nevada 89131 (Parcel #: 125-
12 16-511-008) as Husband and Wife and Joint Tenants.⁷
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18 ³ See *Defendant's Reply to Opposition to Defendant's Motion to Dismiss and*
19 *Opposition to Countermotion for Attorney's Fees and Costs*, filed January 19,
20 2018, at pg. 2. See also *Plaintiff's Opposition to Defendant's Motion to Dismiss*
21 *and Countermotion for Attorney's Fees and Costs*, filed December 20, 2017, at
22 pg. 4.

23 ⁴ See *Plaintiff's Opposition to Defendant's Motion to Dismiss and Countermotion*
24 *for Attorney's Fees and Costs*, filed December 20, 2017, at pg. 4.

25 ⁵ See *Defendant's Motion to Dismiss*, filed November 29, 2017, at pg. 4. See also
26 *Plaintiff's Opposition to Defendant's Motion to Dismiss and Countermotion for*
27 *Attorney's Fees and Costs*, filed December 20, 2017, at pg. 5. See also
28 *Defendant's Reply to Opposition to Defendant's Motion to Dismiss and*
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⁶ See *Defendant's Motion to Dismiss*, filed November 29, 2017, at pg. 4. See also
Plaintiff's Opposition to Defendant's Motion to Dismiss and Countermotion for
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⁷ See *Id.*

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2 In 2010, Defendant formed the Mich-Mich Trust, as a single woman, and
3 in 2012 Plaintiff formed the LV Blue Trust, as a single man, through the use of
4 Attorney Shannon Evans.⁸ On May 09, 2012, Defendant formed Patience One,
5 LLC and purchased an office building located at 3320 N. Buffalo Drive, Las
6 Vegas, Nevada 89129 (Parcel #: 138-10-401-001).⁹ The Parties separated and
7 transferred both of the abovementioned residential properties to Defendant,
8 Danka Michaels, an unmarried woman on October 07, 2016.¹⁰
9

11 ***Conclusions of Law***

12 Plaintiff filed his Complaint on October 24, 2017, and stated the following
13 claims for relief: (1) Divorce, and (2) Set Aside the Deeds of Real Property and
14 Assignment of L.L.C. Interest.
15

16 Marriage is a civil contract, to which the consent of the parties capable in
17 law of contracting is essential, but not sufficient.¹¹ In Nevada, marriage also
18
19

20 ⁸ See to Defendant's Motion to Dismiss, filed November 29, 2017, Exhibit D. See
21 also Plaintiff's Opposition to Defendant's Motion to Dismiss and Countermotion
22 for Attorney's Fees and Costs, filed December 20, 2017, at pg. 6.

23 ⁹ See Defendant's Motion to Dismiss, filed November 29, 2017, at pg. 4. See also
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25 Attorney's Fees and Costs, filed December 20, 2017, at pg. 6.

26 ¹⁰ See Defendant's Motion to Dismiss, filed November 29, 2017, at pg. 6. See also
27 Plaintiff's Opposition to Defendant's Motion to Dismiss and Countermotion for
28 Attorney's Fees and Costs, filed December 20, 2017, at pg. 6. See also
Defendant's Reply to Opposition to Defendant's Motion to Dismiss and
Opposition to Countermotion for Attorney's Fees and Costs, filed January 19,
2018, at pg. 8.

¹¹ See NRS 122.010.

1 requires solemnization as authorized under Nevada Law.¹² Foreign marriages
2 will be deemed valid in the State of Nevada if they are recognized as valid by the
3 laws of the foreign state where the parties were married and are not void by
4 statute.¹³ Absent Nevada authority on the validity of foreign marriages, the Court
5 looks to other jurisdictions for guidance on this issue. When evidence suggests
6 that the parties were lawfully married, it raises the presumption that the marriage
7 was valid to the law of the foreign state or country where it occurred.¹⁴ The
8 burden lies on the Plaintiff, the party raising the validity of the marriage, to
9 provide the Court with the laws or customs of marriage of the jurisdiction where
10 the Parties were allegedly married.¹⁵

11 In the present case, the Parties do not allege that they were married in the
12 State of Nevada and agree that they participated in a religious marriage
13 ceremony at the Church of the Virgin Mary of the Snows in Bratislava,
14 Slovakia.¹⁶ The Parties, through their pleadings and oral argument at the hearing
15 on January 25, 2018, do not allege to have delivered the statement or minutes of
16 their marriage to the register's office in Slovakia.

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¹² *Id.*

¹³ *See Loughran v. Loughran*, 292 U.S. 216, 223, 54 S.Ct. 684, 687 (1934).

¹⁴ *See Tshiani v. Tshiani*, 208 Md. App. 43, 52, 56 A.3d 311, 316 (2012), aff'd,
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¹⁶ *See Defendant's Motion to Dismiss*, filed November 29, 2017, at pg. 4. *See also Plaintiff's Opposition to Defendant's Motion to Dismiss and Countermotion for Attorney's Fees and Costs*, filed December 20, 2017, at pg. 3.

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2 The Parties have cohabitated for a substantial period of time; however,
3 Nevada does not recognize common law marriage and has a strong public policy
4 in “encouraging legal marriage,” affirming the finding that these Parties do not
5 have a valid marriage in the State of Nevada.¹⁷ The Family Division of the
6 Eighth Judicial District Court has jurisdiction over divorce, custody, and
7 guardianship proceedings.¹⁸
8
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10 Defendant further argues that since the parties do not have a valid
11 marriage in Nevada, this Court does not have jurisdiction to rule on the matters
12 before it and the case should be dismissed pursuant to NRCP 12(b)(1). However,
13 in addition to having jurisdiction to matters specifically enumerated in NRS
14 3.223, Judges sitting in the Family Division of the Eighth Judicial District Court
15 have the “authority to preside over matters outside the family court division’s
16 jurisdiction.”¹⁹ An Eighth Judicial District Court Judge sitting in Family Court
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18 property between unmarried parties who maintained a meretricious relationship,
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4 which a reasonable jury can find for the non-moving party.²²
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6 In Defendant’s Motion to Dismiss, Defendant states that pursuant to
7 NRCP 56, the Motion shall also be treated as a Motion for Summary Judgment.
8 However, summary judgment is only appropriate when based on the papers and
9 pleadings on file; the Court finds no genuine issue of fact.²³ In their pleadings,
10 Plaintiff and Defendant put into issue the ownership of multiple properties and
11 trusts acquired during the Parties’ 14 year relationship. Therefore, a question of
12 material fact still exists in this matter as to Plaintiff’s second cause of action and
13 summary judgment is not appropriate.
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16 Moreover, Defendant argues that since the parties were not validly married
17 under the laws of Slovakia and no valid marriage exists in the State of Nevada,
18 Plaintiff’s Complaint for divorce fails to state a claim for which relief can be
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20 of action in its Complaint filed October 24, 2017, is for divorce. However, this
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24 ²¹ See *Salazar-Limon v. City of Houston, Tex.*, 137 S. Ct. 1277, 1280, 197 L. Ed.
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5 Slovakia. Therefore, this Court cannot make a finding that the Parties do not
6 have a valid marriage in Nevada absent an Evidentiary Hearing.
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9 Plaintiff's second cause of action in its Complaint asks the Court to
10 invalidate the Deeds of Real Property and Assignment of Interests for the
11 residential properties and corporation acquired during the relationship and
12 transferred to Defendant after the relationship ended. Plaintiff's second cause of
13 action requests relief and division of property as the Parties were married at the
14 time the property was acquired. Since this issue rests on the issue of whether a
15 valid marriage exists between the parties, the Court cannot the make a decision
16 with regard to property distribution absent an Evidentiary Hearing.
17

18
19 *Order*

20
21 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that
22 Defendant's Motion to Dismiss Plaintiff's Complaint for lack of subject matter
23 jurisdiction is DENIED.
24

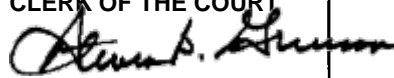
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IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
Defendant's Motion for Summary Judgment pursuant to NRCP 59 is DENIED.

DATED this 9th day of March, 2018.


DISTRICT COURT JUDGE
LINDA MARQUIS



ORDR

DISTRICT COURT

FAMILY COURT DIVISION

CLARK COUNTY, NEVADA

THOMAS A. PICKENS,)	
)	
Plaintiff,	)	Case No.: D-17-560737-D
vs.	)	Dept. No.: B
)	
DANKA K. MICHAELS,)	
)	
Defendant.)	

ORDER

Procedural History

On October 24, 2017, Plaintiff, Thomas A. Pickens, filed a Complaint for Divorce and for Set Aside of Deeds of Real Property and Assignment of L.L.C. Interest. On November 02, 2017, Plaintiff by and through his Counsel of Record, Paul Lemcke, Esq., filed an Affidavit of Service providing the Court with proof of personal service of the Complaint for Divorce, Summons, and Joint Preliminary Injunction upon Defendant, Danka Michaels.

Thereafter, on November 29, 2017, Defendant by and through her Counsel of Record, Jennifer Abrams, Esq., filed a Motion to Dismiss this action for Plaintiff's failure to state a claim upon which relief can be granted. Plaintiff filed his Opposition to Defendant's Motion to Dismiss and Countermotion for

LINDA MARQUIS
DISTRICT JUDGE

FAMILY DIVISION, DEPT. B
LAS VEGAS, NV 89101

AA00165

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2 Attorney's Fees and Costs on December 20, 2017. Defendant later filed her
3 Reply to Plaintiff's Opposition to Defendant's Motion to Dismiss and
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5
6 A hearing for the above motion was originally scheduled for January 04, 2018;
7 however, the Parties filed a Stipulation and Order to Continue Hearing until
8 January 25, 2018.
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10 At the Motion Hearing on January 25, 2018, Plaintiff was present in
11 Court and represented by Counsel of Record, Paul Lemcke, Esq. Defendant was
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13 Esq. After receiving oral arguments from Counsel, the Court stated that a formal
14 written order would be issued. The instant Order follows.
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11 *Conclusions of Law*

12 Plaintiff filed his Complaint on October 24, 2017, and stated the following
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10 the Parties were allegedly married.¹⁵

11 In the present case, the Parties do not allege that they were married in the
12 State of Nevada and agree that they participated in a religious marriage
13 ceremony at the Church of the Virgin Mary of the Snows in Bratislava,
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15 on January 25, 2018, do not allege to have delivered the statement or minutes of
16 their marriage to the register's office in Slovakia.

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¹² *Id.*

¹³ *See Loughran v. Loughran*, 292 U.S. 216, 223, 54 S.Ct. 684, 687 (1934).

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5 have a valid marriage in the State of Nevada.¹⁷ The Family Division of the
6 Eighth Judicial District Court has jurisdiction over divorce, custody, and
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10 Defendant further argues that since the parties do not have a valid
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13 in addition to having jurisdiction to matters specifically enumerated in NRS
14 3.223, Judges sitting in the Family Division of the Eighth Judicial District Court
15 have the "authority to preside over matters outside the family court division's
16 jurisdiction."¹⁹ An Eighth Judicial District Court Judge sitting in Family Court
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18 property between unmarried parties who maintained a meretricious relationship,
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25
26 ¹⁷ See *Hay v. Hay*, 100 Nev. 196, 199, 678 P.2d 672, 674 (1984)

27 ¹⁸ See NRS 3.223

28 ¹⁹ See *Landreth v. Malik*, 127 Nev. 175, 177, 251 P.3d 163, 164 (2011)

²⁰ See *Hay v. Hay*, 100 Nev. 196, 199, 678 P.2d 672, 674 (1984).

1
2 whether there is a genuine issue for trial.”²¹ Courts will seldom grant a
3 petitioner’s request for summary judgment when there is an evidentiary basis on
4 which a reasonable jury can find for the non-moving party.²²
5

6 In Defendant’s Motion to Dismiss, Defendant states that pursuant to
7 NRCP 56, the Motion shall also be treated as a Motion for Summary Judgment.
8 However, summary judgment is only appropriate when based on the papers and
9 pleadings on file; the Court finds no genuine issue of fact.²³ In their pleadings,
10 Plaintiff and Defendant put into issue the ownership of multiple properties and
11 trusts acquired during the Parties’ 14 year relationship. Therefore, a question of
12 material fact still exists in this matter as to Plaintiff’s second cause of action and
13 summary judgment is not appropriate.
14
15
16

17 Moreover, Defendant argues that since the parties were not validly married
18 under the laws of Slovakia and no valid marriage exists in the State of Nevada,
19 Plaintiff’s Complaint for divorce fails to state a claim for which relief can be
20 granted and must be dismissed pursuant to NRCP 16(b)(5). Plaintiff’s first cause
21 of action in its Complaint filed October 24, 2017, is for divorce. However, this
22
23

24 ²¹See *Salazar-Limon v. City of Houston, Tex.*, 137 S. Ct. 1277, 1280, 197 L. Ed.
25 2d 751 (2017)

26 ²² See *Celotex Corp. v. Catrett*, 477 U.S. 317, 106 S. Ct. 2548, 91 L.Ed. 2d 265
27 (1986); See also *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 106 S. Ct. 2505,
28 91 L.Ed 2d 202 (1986).

²³ *Id.*

1
2 Court does not have sufficient evidence and information to determine that the
3 ceremony performed at the Church of the Virgin Mary of the Snows in
4 Bratislava, Slovakia, did not constitute a valid marriage under the laws of
5 Slovakia. Therefore, this Court cannot make a finding that the Parties do not
6 have a valid marriage in Nevada absent an Evidentiary Hearing.
7

8
9 Plaintiff's second cause of action in its Complaint asks the Court to
10 invalidate the Deeds of Real Property and Assignment of Interests for the
11 residential properties and corporation acquired during the relationship and
12 transferred to Defendant after the relationship ended. Plaintiff's second cause of
13 action requests relief and division of property as the Parties were married at the
14 time the property was acquired. Since this issue rests on the issue of whether a
15 valid marriage exists between the parties, the Court cannot the make a decision
16 with regard to property distribution absent an Evidentiary Hearing.
17

18
19 *Order*

20
21 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that
22 Defendant's Motion to Dismiss Plaintiff's Complaint for lack of subject matter
23 jurisdiction is DENIED.
24

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26 ///

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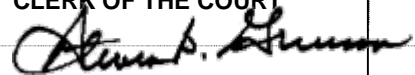
IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
Defendant's Motion for Summary Judgment pursuant to NRCP 59 is DENIED.

DATED this 9th day of March, 2018.


DISTRICT COURT JUDGE
LINDA MARQUIS

LINDA MARQUIS
DISTRICT JUDGE

FAMILY DIVISION, DEPT. B
LAS VEGAS, NV 89101



1 **COMD**

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

3 Nevada Bar No. 003466

4 **PECOS LAW GROUP**

5 8925 South Pecos Road, Suite 14A

6 Henderson, Nevada 89074

7 Telephone: (702) 388-1851

8 Facsimile: (702) 388-7406

9 Email: Email@pecoslawgroup.com

10 Attorney for Plaintiff

11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

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

16 Plaintiff,

17 vs.

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

21 Defendant.

Case No. D-17-560737-D

Dept No. B

22 **FIRST AMENDED COMPLAINT FOR DIVORCE;**
23 **FOR SET ASIDE OF DEEDS OF REAL PROPERTY**
24 **AND ASSIGNMENT OF L.L.C. INTEREST; AND FOR ALTERNATIVE**
25 **EQUITABLE RELIEF UNDER THE PUTATIVE SPOUSE DOCTRINE**

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

...

First Claim for Relief
(Divorce)

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

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

3. Pickens and Michaels were legally married on the 7th day of April, 2002, in Bratislava, Slovakia, and ever since have been and now are husband and wife. A true and correct copy of the parties' Slovakian marriage certificate is attached hereto as Exhibit "1," and a true and correct translation of the marriage certificate is attached hereto as Exhibit "2."

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

5. There is community and jointly owned property belonging to the parties to be adjudicated by the court, including, but not limited to, Michaels' medical practice. The exact amounts and descriptions of the community and jointly owned property of the parties are unknown to Pickens at this time. Pickens prays leave of this court to amend this Complaint to insert the same when they have become known to him or at the time of trial.

1 6. There are community debts and obligations of the parties to be
2 adjudicated by the court, the exact amounts and descriptions of which are
3 unknown to Pickens at this time. Pickens prays leave of court to amend this
4 Complaint to insert the same when they have become known to him or at the time
5 of trial.
6

7 7. Pickens has certain separate property which should be confirmed to
8 him on divorce, the exact amounts and descriptions of which are unknown to
9 Pickens at this time. Pickens prays leave of court to amend this Complaint to
10 insert the same when they have become known to him or at the time of trial.

11 8. Pickens should be awarded alimony, in an amount, and for a duration,
12 that the Court considers just and equitable.

13 9. Pickens has been required to retain the services of Paul A. Lemcke,
14 Esq. of the law office of PECOS LAW GROUP to prosecute this action and is
15 therefore entitled to reasonable attorney's fees and costs of suit.
16

17 10. Pickens requests that this court jointly restrain the parties herein in
18 accordance with the terms of the Joint Preliminary Injunction issued herewith.

19 11. The tastes, mental dispositions, views and likes and dislikes of
20 Plaintiff and Defendant have become so widely separated and divergent that the
21 parties are incompatible to such an extent that it is impossible for them to live
22 together as husband and wife, and there is no possibility of reconciliation between
23 them.
24

25 ...

26 ...

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

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

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

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

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

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

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

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

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

17
18 19. On September 13, 2016, Michael’s directed Pickens to appear at the
19 offices of Evans & Associates and meet with Michaels and attorney Shannon
20 Evans (“Ms. Evans”). At the time of the September 13, 2016 meeting, Pickens
21 was not represented by independent counsel, nor had he the opportunity to consult
22 with independent counsel. Ms. Evans’ representative capacity at the September
23 13 meeting with both Michaels and Pickens is unclear.

24
25 20. At the September 13, 2016 meeting, Pickens and Michaels signed a
26 Grant, Bargain, Sale Deed conveying the Queen Charlotte Property from Pickens

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

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

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

25 23. At all times during the September 13, 2016 meeting, and at the time
26 of the execution of the deeds and the assignment of interest described in

1 paragraphs 20, 21, and 22 of this Complaint, Michaels was aware that the parties
2 were legally married, and continue to be so. Michaels stands in a fiduciary
3 relationship to Pickens, and despite that fact, did then and does now actively
4 disavow and conceal her marital relationship to Pickens for her perceived financial
5 benefit, and to Pickens' financial detriment.
6

7 24. By her extreme and outrageous conduct, Michaels seeks to
8 unlawfully divest Pickens of his legal and/or beneficial interest in his separate
9 property and the parties' joint and community property, including his allocated
10 portion of the community value of Michaels' medical practice accrued since the
11 parties 2002 marriage.

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

22 26. As a result of Michaels' actions, Pickens has been forced to incur
23 attorney's fees and costs in prosecution of this claim and is therefore entitled to an
24 award of reasonable attorney's fees and costs.
25

26 . . .

Third Claim for Relief
(Equitable Relief Under the Putative Spouse Doctrine)

27. Pickens repeats and realleges, as if fully set forth herein, the allegations contained in paragraphs 1 through 26, hereinabove.

28. To the extent, and in the hypothetical event, that the parties' asserted marriage on the 7th day of April, 2002, is ultimately adjudicated to be void or unenforceable by this Court due to a legal impediment, Pickens participated in the marriage ceremony with the honest and reasonable belief that that the marriage was valid and binding at the time of the marriage ceremony.

29. As a consequence of Pickens' good faith belief that there was no legal impediment to the parties' marriage, Pickens is entitled to the protections and benefits of the putative spouse doctrine, established in Nevada in *Williams v. Williams*, 97 P.3d 1124, 120 Nev. 559 (2004). Accordingly, common law community property principles apply by analogy to the division of property acquired during a putative marriage.

WHEREFORE, Plaintiff prays for judgment as follows:

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

2. That the court invalidate – and set aside as null and void – the multiple Grant Bargain Sale Deeds on the Queen Charlotte Property and the Lowe

1 Property, as well as the Assignment and Assumption of Membership Interest on
2 Patience One, LLC executed by Plaintiff as the trustee of the LV Blue Trust;

3 3. That the court equally divide the parties' community and jointly
4 owned property;

5 4. That the court equally divide the parties' community debts and
6 obligations;

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

8 6. That Plaintiff be awarded alimony, in an amount, and for a duration,
9 that the Court considers just and equitable;

10 7. That the court issue its Joint Preliminary Injunction enjoining the
11 parties pursuant to the terms stated therein, and make the same an order of the
12 court;

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

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

17 DATED this 22 day of March, 2018.

18
19
20 PECOS LAW GROUP

21 

22 **Paul A. Lemcke, Esq.**

23 Nevada Bar No. 003466

24 PECOS LAW GROUP

25 8925 South Pecos Road, Suite 14A

26 Henderson, Nevada 89074

(702) 388-1851

Attorney for Plaintiff

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


THOMAS A. PICKENS

Ally Brun
NOTARY PUBLIC

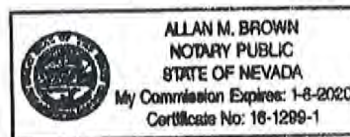


Exhibit “1”

Pro usu ecclesiastico sine tymbro • Pre cirkevné účely bez kolkú

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

Districtus: Bratislava - Stred
Okres :

Nr.:
Čís.: 100/2017

Dioecesis : Bratislava
Diecéza :

LITTERAE MATRIMONIALES SOBÁŠNY LIST

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

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

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

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

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

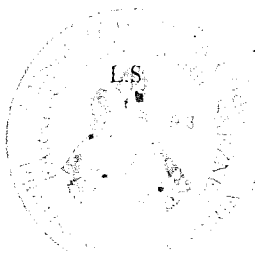
Sacerdos assistens et eius officium
Asistujúci kňaz a jeho hodnosť

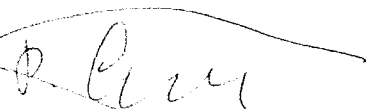
P. Pius Majerovič, OP
administrator par.

Promulgationes, dispensationes
Ohlášky, oslobodenia

Observationes – Poznámky

Dátum: **01. 09. 2017**




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

AA00185

Exhibit “2”


AA00186

AFFIDAVIT

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

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

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


Interpreter/Translator

STATE OF NEVADA)
COUNTY OF CLARK)

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

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



AA00187

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

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

Districtus: **Bratislava – Stred**
County:

Nr.:
No.: **100/2017**

Diocesis: **Bratislava**
Diocese:

LITTERAE MATRIMONIALES

MARRIAGE CERTIFICATE

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

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

pagina – page: **78th**

nr. curr. – curr. no.: **4th**

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

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

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

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

Sacredos assistens et eius officium
Assisting priest and his rank

P. Pius Majerovič, OP
administrator par.

Promulgationes, dispensationes
Notices, dispensations

Observationes – Comments:

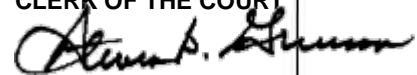
Date: **September 1, 2017**



[Signature]

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

AA00188



1 **ACO**

Jennifer V. Abrams, Esq.

2 Nevada State Bar Number: 7575

THE ABRAMS & MAYO LAW FIRM

3 6252 South Rainbow Blvd., Suite 100

Las Vegas, Nevada 89118

4 Tel: (702) 222-4021

Fax: (702) 248-9750

5 Email: JVAGroup@TheAbramsLawFirm.com

Attorney for Defendant

Eighth Judicial District Court

Family Division

Clark County, Nevada

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

9 Plaintiff,)

Department: B

10 vs.)

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

13 Defendant.)

14
15 **ANSWER TO FIRST AMENDED COMPLAINT FOR DIVORCE;**
16 **FOR SET ASIDE OF DEEDS OF REAL PROPERTY AND**
17 **ASSIGNMENT OF L.L.C. INTEREST; AND FOR ALTERNATIVE**
18 **EQUITABLE RELIEF UNDER THE PUTATIVE SPOUSE**
19 **DOCTRINE;**
20 **AFFIRMATIVE DEFENSES AND COUNTERCLAIM**

21 **NOW INTO COURT** comes Defendant, DANKA K. MICHAELS,
by and through her attorney of record, JENNIFER V. ABRAMS, ESQ., of
THE ABRAMS & MAYO LAW FIRM, and hereby answers Plaintiff's First

1 Amended Complaint for Divorce; For Set Aside of Deeds of Real
2 Property and Assignment of L.L.C. Interest; And for Alternative
3 Equitable Relief Under the Putative Spouse Doctrine and submits her
4 Affirmative Defenses and Counterclaim.

5 **ANSWER TO COMPLAINT**

6 **First Claim for Relief**

7 **(Divorce)**

8 1. Defendant/Counter-claimant admits the allegations
9 contained in paragraphs 1 and 2 of Plaintiff/Counter-defendant's
10 Complaint.

11 2. Defendant/Counter-claimant denies the allegations
12 contained in paragraphs 3, 5, 6, 8, 9 and 10 of Plaintiff/Counter-
13 defendant's Complaint.

14 3. In response to paragraph 4 of Plaintiff/Counter-defendant's
15 Complaint, Defendant/Counter-claimant admits that there are no minor
16 children of the parties, neither party has adopted any children and
17 Defendant/Counter-claimant is not now pregnant. Defendant/Counter-
18 claimant denies the remaining allegations contained therein.

19 4. In response to paragraph 7 of Plaintiff/Counter-defendant's
20 Complaint, Defendant/Counter-claimant admits that Plaintiff/Counter-
21 defendant has property which should be confirmed to him.

1 Defendant/Counter-claimant denies the remaining allegations contained
2 therein.

3 5. In response to paragraph 11 of Plaintiff/Counter-defendant's
4 Complaint, Defendant/Counter-claimant admits that the tastes, mental
5 dispositions, views and likes and dislikes of Plaintiff/Counter-defendant
6 and Defendant/Counter-claimant have become so widely separated and
7 divergent that the parties are incompatible to such an extent that it is
8 impossible for them to live together and there is no possibility of
9 reconciliation between them. Defendant/Counter-claimant denies the
10 remaining allegations contained therein.

11 **Second Claim for Relief**

12 **(Set Aside of Deeds of Real Property and**

13 **Assignment of L.L.C. Interest)**

14 6. In response to paragraph 12 of Plaintiff/Counter-defendant's
15 Complaint for Divorce, Defendant/Counter-claimant's incorporates her
16 answers to paragraphs 1 through 11 above as if set forth herein.

17 7. Defendant/Counter-claimant admits the allegations
18 contained in paragraphs 16, 17, 20 and 21 of Plaintiff/Counter-
19 defendant's Complaint.

20 ///

21 ///

1 8. Defendant/Counter-claimant denies the allegations
2 contained in paragraphs 23, 24, 25 and 26 of Plaintiff/Counter-
3 defendant's Complaint.

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

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

18 11. In response to paragraph 15 of Plaintiff/Counter-defendant's
19 Complaint, Defendant/Counter-claimant is without sufficient
20 information to form a belief as to the truth or falsity of the allegations
21

1 contained therein. The allegations are therefore denied with proof
2 demanded at Trial.

3 12. In response to paragraph 18 of Plaintiff/Counter-defendant's
4 Complaint, Defendant/Counter-claimant admits that Plaintiff/Counter-
5 defendant was romantically and sexually involved with a woman other
6 than Defendant/Counter-claimant. Defendant/Counter-claimant denies
7 the remaining allegations contained therein.

8 13. In response to paragraph 19 of Plaintiff/Counter-defendant's
9 Complaint, Defendant/Counter-claimant admits that Plaintiff/Counter-
10 defendant and Defendant/Counter-claimant met on or about September
11 13, 2016 at the offices of Evans & Associates. Defendant/Counter-
12 claimant denies the remaining allegations contained therein.

13 14. In response to paragraph 22 of Plaintiff/Counter-defendant's
14 Complaint, Defendant/Counter-claimant admits that at the meeting on
15 or about September 13, 2016, the Defendant/Counter-claimant, as
16 trustee of the LV Blue Trust, voluntarily and willingly signed paperwork
17 transferring the LV Blue Trust's 50% interest in Patience One, LLC, a
18 Nevada limited liability company, to the Mich-Mich Trust.
19 Defendant/Counter-claimant also admits that at the direction of both
20 Plaintiff/Counter-defendant and the Defendant/Counter-claimant, Ms.
21 Evans and/or Evans & Associates prepared said paperwork.

1 Defendant/Counter-claimant is without sufficient information to form a
2 belief as to the truth or falsity of the remaining allegations contained
3 therein. The remaining allegations are therefore denied with proof
4 demanded at Trial.

5 **Third Claim for Relief**

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

7 15. In response to paragraph 27 of Plaintiff/Counter-defendant's
8 Complaint for Divorce, Defendant/Counter-claimant incorporates her
9 answers to paragraphs 1 through 26 above as if set forth herein.

10 17. In response to paragraph 28 of Plaintiff/Counter-defendant's
11 Complaint, Defendant/Counter-claimant admits that the religious
12 ceremony on April 7, 2002 is void and unenforceable as a "marriage"
13 due to legal impediments. Defendant/Counter-claimant denies the
14 remaining allegations contained therein.

15 18. Defendant/Counter-claimant denies the allegations
16 contained in paragraph 29 Plaintiff/Counter-defendant's Complaint.

17 **AFFIRMATIVE DEFENSES**

18 **FIRST AFFIRMATIVE DEFENSE**

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

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SECOND AFFIRMATIVE DEFENSE

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

THIRD AFFIRMATIVE DEFENSE

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

FOURTH AFFIRMATIVE DEFENSE

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

FIFTH AFFIRMATIVE DEFENSE

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

SIXTH AFFIRMATIVE DEFENSE

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

SEVENTH AFFIRMATIVE DEFENSE

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

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EIGHTH AFFIRMATIVE DEFENSE

Plaintiff/Counter-defendant should not be allowed to recover the relief requested in the First Amended Complaint For Divorce, etc. because he would be unjustly enriched.

NINTH AFFIRMATIVE DEFENSE

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

TENTH AFFIRMATIVE DEFENSE

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

ELEVENTH AFFIRMATIVE DEFENSE

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

TWELVTH AFFIRMATIVE DEFENSE

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

THIRTEENTH AFFIRMATIVE DEFENSE

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

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GENERAL ALLEGATIONS

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

///

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

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

10 **DECLARATORY RELIEF UNDER NRS 122**

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

13 7. Plaintiff/Counter-defendant is falsely representing to this
14 Honorable Court that the parties were/are legally married, with
15 knowledge and/or belief that his claim is false.

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

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1 9. Plaintiff/Counter-defendant is falsely representing to this
2 Honorable Court that there are community assets of the parties, with
3 knowledge and/or belief that his claim is false.

4 10. Defendant/Counter-claimant seeks Declaratory Relief to
5 prevent and prohibit Plaintiff/Counter-defendant from further
6 attempting to harass, extort money from, and inflict emotional distress
7 upon Defendant/Counter-claimant.

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

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

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

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

20 (4) The authority of the church before the marriage is
21 obliged to immediately deliver the minutes of marriage, indicating
the fact according to special regulations to the competent body

1 charged with the management of the register in the district of
2 which the marriage was contracted. [Emphasis added].

3 13. Neither of the parties nor the church registered or presented
4 anything to the Slovakia registry regarding the religious ceremony.

5 14. The parties' religious ceremony was not intended to and did
6 not constitute a valid, legal marriage in Slovakia.

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

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

15 **INTENTIONAL MISREPRESENTATION / FRAUD**

16 17. Defendant/Counter-claimant incorporates and realleges all
17 relevant preceding paragraphs as if fully stated herein.

18 18. Plaintiff/Counter-defendant made representations to
19 Defendant/Counter-claimant and third parties that while the parties
20 were in a relationship, they were not married and each held their
21

1 respective assets and incomes separately with neither having nor gaining
2 any interest or right in that of the other.

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

7 20. Plaintiff/Counter-defendant's representations were of
8 material importance to Defendant/Counter-claimant.

9 21. Plaintiff/Counter-defendant's representations were and/or
10 his contradictory representations in his First Amended Complaint For
11 Divorce, etc. are false.

12 22. Plaintiff/Counter-defendant knew that his representations
13 were false at the time he made them.

14 23. Plaintiff/Counter-defendant intended for
15 Defendant/Counter-claimant to rely on his representations.

16 24. Defendant/Counter-claimant relied on Plaintiff/Counter-
17 defendant representations to her detriment.

18 25. Defendant/Counter-claimant properly, justifiably and in
19 good faith relied on Plaintiff/Counter-defendant representations to her
20 detriment.

21 / / /

1 26. That Plaintiff/Counter-defendant's conduct was calculated,
2 intentional, willful, oppressive, malicious, and therefore,
3 Defendant/Counter-claimant is entitled to punitive damages.

4 27. As a result of Plaintiff/Counter-defendant's actions,
5 Defendant/Counter-claimant has suffered, and continues to suffer
6 damages in excess of \$10,000.00.

7 **NEGLIGENT MISREPRESENTATION**

8 28. Defendant/Counter-claimant incorporates and realleges all
9 relevant preceding paragraphs as if fully stated herein.

10 29. Plaintiff/Counter-defendant's made assurances and
11 representations to Defendant/Counter-claimant, as set forth herein.

12 30. Plaintiff/Counter-defendant's assurances and/or
13 representations as set forth herein, were negligently made.

14 31. Plaintiff/Counter-defendant's assurances and/or
15 representations, as set forth herein, constitute misrepresentations.

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

19 33. As a result of Plaintiff/Counter-defendant's
20 misrepresentations, Defendant/Counter-claimant has suffered, and
21 continues to suffer damages in excess of \$10,000.00.

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

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

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

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

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

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

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

3 **PROMISSORY ESTOPPEL**

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

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

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

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

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

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

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

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

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

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

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

19 **EXPRESS AGREEMENT**

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

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

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

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

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

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

19 **IMPLIED AGREEMENT**

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

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

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

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

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

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

17 **MALICIOUS ABUSE OF PROCESS**

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

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

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

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

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

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

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

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

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

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

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

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

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

5 DATED Friday, April 20, 2018.

6 Respectfully Submitted,

7 THE ABRAMS & MAYO LAW FIRM

8 
9 Jennifer V. Abrams, Esq.

10 Nevada State Bar Number: 7575

11 6252 South Rainbow Blvd., Suite 100

12 Las Vegas, Nevada 89118

13 Tel: (702) 222-4021

14 Attorney for Defendant

1 **VERIFICATION**

2 STATE OF NEVADA)
3) SS:
4 COUNTY OF CLARK)

5 DANKA K. MICHAELS, under penalties of perjury, being first duly
6 sworn, deposes and says:

7 That she is the Defendant/Counter-claimant in the above entitled
8 action; that he has read the foregoing **ANSWER TO AMENDED**
9 **COMPLAINT AND COUNTERCLAIM** and knows the contents
10 thereof; that the same is true of his own knowledge, except for those
11 matter therein contained stated upon information and belief, and as to
12 those matters, he believes them to be true.

13 Dated this 2 day of May, 2018.

14 
DANKA K. MICHAELS

15 SUBSCRIBED and SWORN to me
16 this 2nd day of May, 2018.

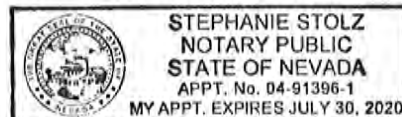
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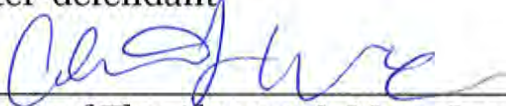
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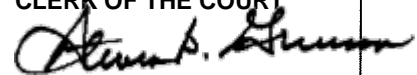


1 **CERTIFICATE OF SERVICE**

2 I hereby certify that the foregoing **ANSWER TO AMENDED**
3 **COMPLAINT, AFFIRMATIVE DEFENSES AND**
4 **COUNTERCLAIM** was filed electronically with the Eighth Judicial
5 District Court in the above-entitled matter, on Wednesday, May 02,
6 2018. Electronic service of the foregoing document shall be made in
7 accordance with the Master Service List, pursuant to NEFCR 9, as
8 follows:

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

11 
An Employee of The Abrams & Mayo Law Firm



1 **RPLY**

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

3 Nevada Bar No. 003466

4 PECOS LAW GROUP

5 8925 South Pecos Road, Suite 14A

6 Henderson, Nevada 89074

7 Telephone: (702) 388-1851

8 Facsimile: (702) 388-7406

9 Email: Email@pecoslawgroup.com

10 Attorney for Plaintiff

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

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

15 Plaintiff,

16 and

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

20 Defendant.

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

Dept No. **B**

21 **REPLY TO DEFENDANT'S COUNTERCLAIM**

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

- 25 1. Deny for lack of information and belief, specifically as to the
26 definition of "[a]t all relevant times." Admit that Defendant is
currently an actual and bona fide resident of the County of Clark,

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State of Nevada, and has been physically present in said county and state prior to filing her counterclaim.

2. Admit.
3. Admit.
4. Admit.
5. Deny.
6. Deny.
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8. Deny.
9. Deny.
10. Deny.
11. Deny for lack of information and belief.
12. Deny for lack of information and belief.
13. Deny for lack of information and belief.
14. Deny for lack of information and belief.
15. Deny for lack of information and belief.
16. Deny.
17. Deny.
18. Deny.
19. Deny.
20. Deny for lack of information and belief.

- 1 21. Deny.
- 2 22. Deny.
- 3 23. Deny for lack of information and belief.
- 4 24. Deny for lack of information and belief.
- 5 25. Deny for lack of information and belief.
- 6 26. Deny.
- 7 27. Deny.
- 8 28. Deny.
- 9 29. Deny for lack of information and belief.
- 10 30. Deny for lack of information and belief.
- 11 31. Deny.
- 12 32. Deny.
- 13 33. Deny.
- 14 34. Deny.
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- 16 36. Deny.
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- 21 41. Deny.
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| 1 | 42. | Deny. |
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| 13 | 54. | Deny. |
| 14 | 55. | Deny. |
| 15 | 56. | Deny. |
| 16 | 57. | Deny. |
| 17 | 58. | Deny. |
| 18 | 59. | Deny. |
| 19 | 60. | Deny. |
| 20 | 61. | Deny. |
| 21 | 62. | Deny. |
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1 63. Admit.

2 64. Deny.

3 65. Deny.

4 66. Deny.

5 67. Deny.

6 68. Deny.

7 69. Deny.

8
9 **FIRST AFFIRMATIVE DEFENSE**

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

14 **SECOND AFFIRMATIVE DEFENSE**

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

19 **THIRD AFFIRMATIVE DEFENSE**

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

22 **FOURTH AFFIRMATIVE DEFENSE**

23 Defendant/Counterclaimant's claims are barred under the doctrine of
24 unclean hands.
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FIFTH AFFIRMATIVE DEFENSE

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

SIXTH AFFIRMATIVE DEFENSE

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

SEVENTH AFFIRMATIVE DEFENSE

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

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1 CERTIFICATE OF SERVICE

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

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

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


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

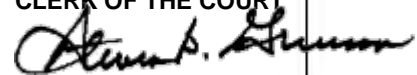
15 ☐ by hand-delivery with signed Receipt of Copy.

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

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

19 DATED this 30th day of May 2018.

20 
21 **Allan Brown,**
22 An Employee of PECOS LAW GROUP
23
24
25
26



LIST

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

Eighth Judicial District Court
Family Division
Clark County, Nevada

THOMAS A. PICKENS,	)	Case No.:	D-17-560737-D
)		
Plaintiff,	)	Department:	B
)		
vs.)		
)		
DANKA K. MICHAELS,)		
)		
Defendant.)		
)		

PLAINTIFF, DANKA K. MICHAELS' INITIAL

EXPERT WITNESS LIST

TO: THOMAS A. PICKENS, Plaintiff;

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

COMES NOW the Defendant, DANKA K. MICHAELS, by and
through her attorney of record, JENNIFER V. ABRAMS, ESQ., of THE

1 ABRAMS & MAYO LAW FIRM, and hereby submits her Initial Expert
2 Witness List.

- 3 1. JUDr. Daniela Ježová, LL.M., PhD.
4 Javorinská 13
5 Bratislava 81103
6 Slovakia (Slovak Republic)
7 Tel: +421 915 750 804
8 Email: jezova@e-pravnik.sk

Ms. Ježová will testify regarding the law in Slovakia and the fact that there is not a valid marriage between Plaintiff and Defendant. Ms. Ježová's credentials are attached hereto as Exhibit A.

- 9 2. Any and all expert witnesses relied upon by the Plaintiff that
10 are properly disclosed.
11 3. Any and all rebuttal expert witnesses as necessary.

12 Defendant reserves the right to supplement this list as additional
13 information and expert witnesses become available.

14 DATED: Wednesday, July 11, 2018.

15 Respectfully Submitted,

16 THE ABRAMS & MAYO LAW FIRM

17 /s/ Jennifer V. Abrams, Esq.
18 Jennifer V. Abrams, Esq.
19 Nevada State Bar Number: 7575
20 6252 South Rainbow Blvd., Suite 100
21 Las Vegas, Nevada 89118
Attorney for Defendant

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Paul A. Lemcke, Esq.
Attorney for Plaintiff



An Employee of The Abrams & Mayo Law Firm

EXHIBIT A

EXHIBIT A

EXHIBIT A



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JUDr Daniela Ježová

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Firm Name: JUDr. Daniela Ježová Law office

Address: Javorinská 13
Bratislava 81103
Slovakia (Slovak Republic)

Telephone: +421 915 750 804

Email: jezova@lawyer.com

vCard: [Download](#)

Website: www.jezova.sk

Profile: Daniela is a partner and is managing a law office which deals with International and European family law. Daniela also lectures at the Comenius University law faculty in Bratislava the International and European law, she published a lot of professional articles about European and International law. Daniela studied law in Slovakia and Austria. She is a member of Slovak and Czech bar association. She is an arbiter at the American International Commercial Arbitration Court. Her law office is the winner of awards for best family law office in Slovakia.

Languages Spoken: English

Practice Areas: Adoption, Appeals, Arbitration, Child Care/Public Law, Child Custody/Residence/Visitation/Contact, Child Support, Collaborative Law, Divorce, Domestic Abuse/Violence/Protection Orders, Emergency Procedures/Injunctions, Enforcement: Child Custody, Enforcement: Child Support, Enforcement: Property Division, Enforcement: Spousal Support, Finance: Capital Provision, Finance: Insolvency, Finance: Pensions/Superannuation/Retirement and Employment Benefits, Finance: Property Issues, Finance: Trusts, Hague Convention/Child Abduction, Mediation, Modification/Variation: Child Custody, Modification/Variation: Child Support, Modification/Variation: Property Division, Modification/Variation: Spousal Support, Parentage/Paternity, Pre-nuptial/Post-nuptial Agreements, Relocation/Removal from Jurisdiction, Spousal Support/Maintenance/Alimony, Surrogacy

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JUDr. Daniela Ježo

a d v o k

JUDr. Daniela Ježová, LL.M.

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We are Professionals

"Luck relies on chance, labor on character" Richard Cobden

Legal advisory managed by:

JUDr. Daniela Ježová, LL.M., PhD.

attorney at law in Slovakia registred in:
Slovak Bar Association
Czech Bar Association

Education:

PhD. - Comenius Univesity, Law Faculty - European and International Law
LL.M. - Vienna Univesity, Law Faculty - European and International Business Law
JUDr. - Trnava University, Law Faculty - Civil Law
Mgr. - Comenius University, Law faculty - general law

Experiences:

She specializes in **European and international law** in her practice and also in her professional publications. She regularly participates in national and international conferences, where she takes an active role with contributions and thus she keeps informed about new developments and legal trends. She regularly deals with cases with international and European elements. She has experience working in an international environment.

She has a special relationship to **family law**, which includes divorce, parental rights and obligation to minor children, visitation rights with minor children, paternity, alimony, splitting assets after divorce (property of spouses). Her aim is to reach an agreement which leads to the satisfaction of all parties (win-win situation). Divorce is such an important event in life than marriage and it is needed to pay special attention to it.

She has experience with **real estate law**, whether relating to the sale, purchase a house, apartment, land lease and representing developers with the full implementation of projects, apartments, office space, shopping centers. Buying and selling property is decision, which greatly affects the lives of everyone. It is very important that the contractual documentation protects buyers and sellers. Real estate agencies often provide very simple contracts without providing sufficient legal protection against the occurrence of future problems.

She has extensive experience in representing clients before courts in **litigations and arbitrations**. Court proceedings require long practice and advocate specific characteristics and experience. It is necessary to react fast, to know the relevant jurisprudence in other similar cases.



She has experience in debt collection, contract law, international law and European law, employment law.

Languages:

English, German, Slovak, Czech

Leave your problems to us

"Thanks for your help and best of luck. You do a very good job, just wanted to let you know. I know it is your job, but you manage to bridge the gap between the factual/legal and the emotional/shocking very well. Thank you."
Richard Holmes, Great Britain

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Our mission

We provide legal service with passion.

The success of our client is our success.

Professionality, flexibility, satisfaction, individual legal solutions.

Global power and solutions through our partners all over the world.

Membership in international networks



Recommend 274

JUDr. Daniela Ježová, LL.M.

Law office

Slovakia seat:

Javorinská 13, 811 03 Bratislava

Czech Republic seat:

Palackého 1, 110 00 Praha

+421 915 750 804

jezova@lawyer.com

www.jezova.sk

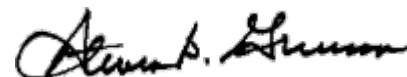
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DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA
DECLARATION OF SERVICE

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CLERK OF THE COURT



THOMAS A. PICKENS

Case No :D-17-560737

Plaintiff/Petitioner,
vs.
DANKA K. MICHAELS

Defendant/Respondent,

STATE OF NEVADA,
COUNTY OF CLARK ss.:

SUBPOENA DUCES TECUM Received by NOW! Services, Inc. on 07/11/2018 with instructions to serve **FIRST AMERICAN TITLE COMPANY c/o Registered Agent: CSC Services of Nevada, Inc. at 2215 B- Renaissance Drive, Las Vegas, Ne89119.**

I, **Mike Nettles**, being duly sworn says: That at all times herein affiant was and is a citizen of the United States, over 18 years of age, not a party to or interested in the proceeding in which this affidavit is made.

I am authorized to serve this process in the circuit/county it was served in.

On **07/11/2018 at 8:30 AM**, deponent served the within **SUBPOENA DUCES TECUM** on **FIRST AMERICAN TITLE COMPANY c/o Registered Agent: CSC Services of Nevada, Inc. at 2215 B- Renaissance Drive, Las Vegas, Ne89119** in the manner indicated below:

By personally delivering and leaving a true copy of this process with **Frances Gutierrez**, pursuant to NRS 14.020 as a person of suitable age and discretion at the above address, which is the address of the Resident Agent as shown on the current certificate of designation filed with the Secretary of State.

A description of the **Defendant(s)**, or other person served on behalf of the **Defendant(s)** is as follows:

Sex	Color of skin/race	Color of hair	Age(Approx)	Height(Approx)	Weight(Approx)
Female	Brown	Black	30's	5'07	150
Other Features:					

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Executed this 12 day of July, 2018.

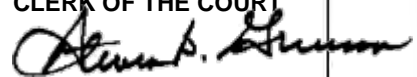
No Notary is required per NRS 53.045.



X Mike Nettles
Mike Nettles
License#: 1361
NOW! Services, Inc.
3210 W. Charleston Blvd., Ste. 3
Las Vegas, NV 89102
(702) 669-7378

Client File No: DANKA K. MICHAELS

AA00230



Paul A. Lemcke, Esq.
Nevada Bar No. 3466
PECOS LAW GROUP
8925 South Pecos Road, Suite 14A
Henderson, Nevada 89074
Telephone: (702) 388-1851
Facsimile: (702) 388-7406
Email: Email@pecoslawgroup.com
Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

Plaintiff,

vs.

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

Defendant.

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

Dept No.: **B**

JOINT EARLY CASE CONFERENCE REPORT
PURSUANT TO N.R.C..P 16.2(i)(2)

The parties, Plaintiff **Thomas A. Pickens**, by and through his attorney,
Paul A. Lemcke, Esq. of PECOS LAW GROUP, and Defendant **Danka K.**
Michaels, by and through her attorney **Jennifer V. Abrams, Esq.**, of ABRAMS &
MAYO, hereby submit their Joint Early Case Conference Report as follows:

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1 Plaintiff has filed an action for divorce; to set aside deeds of real property
2 and an assignment of LLC interest; and for alternative equitable relief under the
3 putative spouse doctrine, along with a request for attorney's fees and costs.

4 Defendant has filed a counterclaim asserting claims for declaratory relief
5 under NRS Chapter 122; for intentional misrepresentation and fraud; for negligent
6 misrepresentation; for breach of an implied covenant of good faith and fair
7 dealing; for promissory estoppel; for express agreement; for implied agreement;
8 for malicious abuse of process, along with a request for attorney's fees and costs.
9

10 **5. IF CUSTODY IS AT ISSUE IN THE CASE, THE PROPOSED CUSTODIAL**
11 **TIMESHARE AND PROPOSED HOLIDAY, SPECIAL DAY, AND VACATION**
12 **SCHEDULE.**

13 Not applicable. The parties have no children.

14 **6. A WRITTEN LIST OF ALL DOCUMENTS PROVIDED AT OR AS A RESULT**
15 **OF THE CASE CONFERENCE, TOGETHER WITH ANY OBJECTION THAT THE**
16 **DOCUMENT IS NOT AUTHENTIC OR GENUINE. THE FAILURE TO STATE ANY**
17 **OBJECTION TO THE AUTHENTICITY OR GENUINENESS OF A DOCUMENT**
18 **CONSTITUTES A WAIVER OF SUCH OBJECTION AT A SUBSEQUENT HEARING OR**
TRIAL. FOR GOOD CAUSE, THE COURT MAY PERMIT THE WITHDRAWAL OF A
WAIVER AND THE ASSERTION OF AN OBJECTION.

19 **Plaintiff's Production:** At the case conference, Plaintiff produced the
20 following documents via initial disclosure:

21 1. Documents produced ancillary to Plaintiff's Opposition to
22 Defendant's Motion to Dismiss, in the Exhibit Appendix filed December 20, 2017,
23 bates label nos. TP0001 – TP0027;
24
25
26

1 2. Chain of title, with applicable deeds for 9517 Queen Charlotte Drive,
2 Las Vegas, Nevada 89145, bates label nos. TP0028 – TP0043;

3 3. Chain of title, with applicable deeds for 7608 Lowe Avenue, Las
4 Vegas, Nevada 89131, bates label nos. TP0044 – TP00059.

5 **Defendant's Production:** At the case conference, Defendant's counsel
6 indicated that Defendant's initial disclosures were in process. Defendant's First
7 Set of 16.2 Disclosures and List of Witnesses was served on June 28, 2018.

8 7. **A WRITTEN LIST OF ALL DOCUMENTS NOT PROVIDED UNDER RULE**
9 **16.2(D), TOGETHER WITH THE EXPLANATION AS TO WHY EACH DOCUMENT WAS**
10 **NOT PROVIDED.**

11 Not applicable.

12 8. **FOR EACH ISSUE, A STATEMENT OF WHAT INFORMATION AND/OR**
13 **DOCUMENTS ARE NEEDED, ALONG WITH A PROPOSED PLAN AND SCHEDULE OF**
14 **ANY ADDITIONAL DISCOVERY.**

15 The threshold issue in this case is the disputed ceremony, which was
16 undertaken and performed in 2002 in a foreign jurisdiction (Bratislava, Slovakia).
17 The parties have each consulted with legal experts in Slovakia regarding certain
18 formation issues surrounding the ceremony. Defendant's expert previously lodged
19 a report ancillary to Defendant's initial motion practice in the case. Plaintiff's
20 consulting expert is currently investigating the facts related to the parties'
21 interactions (as applicable) with the Slovakian civil marriage authorities and
22 ecclesiastical authorities, to assess exactly what occurred up to the conduct of the
23 parties' church ceremony. The parties' legal counsel have agreed to confer after
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1 this investigative effort is completed and determine if some of the case issues can
2 be streamlined consistent with the findings. There is an expectation that this is
3 likely to occur within thirty (30) days of the case conference.

4 The parties and their counsel were in agreement that attorney's fees and
5 costs should not be spent unnecessarily and that a discovery plan should be
6 tailored between counsel to fit the objective needs of the case.

8 **9. LIST OF THE PROPERTY (INCLUDING PETS, VEHICLES, REAL ESTATE,
9 RETIREMENT ACCOUNTS, PENSIONS, ETC.) THAT EACH LITIGANT SEEKS TO BE
10 AWARDED IN THIS ACTION.**

11 To be subject to further determination.

12 **10. LIST OF WITNESSES EXCHANGED IN ACCORDANCE WITH RULE
13 16.2(D)(5) AND (D)(6).**

14 Plaintiff and Defendant are in agreement as to the following witnesses:

- 15 1. **Thomas A. Pickens**
16 c/o Pecos Law Group
17 8925 S. Pecos Rd., Suite 14A
Henderson, Nevada 89074
702.388.1851

18 Mr. Pickens is the Plaintiff, and is expected to testify as to the facts and
19 circumstances of this case.

- 20 2. **Danka K. Michaels**
21 c/o The Abrams & Mayo Law Firm
22 6252 S. Rainbow Blvd., Suite 100
23 Las Vegas, Nevada 89118
24 702.222.4021

1 Ms. Michaels is the Defendant, and is expected to testify as to the facts and
2 circumstances of this case.

3 3. **Shannon Evans, Esq.**
4 2400 S. Cimarron Rd., #140
5 Las Vegas, Nevada 89117

6 Ms. Evans is expected to testify as to her attorney-client representation of
7 Danka Michaels and/or events occurring on or around September 13, 2016.

8 4. **Robert Semonian, CPA**
9 4572 Telephone Rd.
10 Ventura, California 93003
805.6595344

11 Mr. Semonian is expected to testify as to his interactions as the accountant
12 of one or both parties.

13 Discovery is ongoing, and Plaintiff and Defendant each reserve their right
14 to amend this witness list as circumstances warrant.
15

16 **11. ISSUES PREVENTING IMMEDIATE GLOBAL RESOLUTION OF THE CASE**
17 **ALONG WITH A DESCRIPTION OF WHAT ACTION IS NECESSARY TO RESOLVE EACH**
18 **ISSUE IDENTIFIED.**

19 See section 8 above. The parties have conferred and there is no expectation
20 that the case can be the subject of an immediate global resolution.

21 **12. LITIGATION BUDGET.**

22 To be subject to further determination.

23 ...

24 ...

1 **13. PROPOSED TRIAL DATES.**

2 To be subject to further determination.

3
4 Approved and submitted by:

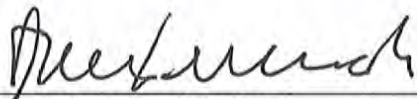
Approved by:

5 Dated this 13 day of June, 2018.

Dated this 9th day of June, 2018.

6 PECOS LAW GROUP

THE ABRAMS & MAYO LAW
FIRM

7
8 



9 **Paul A. Lemcke, Esq.**
10 Nevada Bar No. 3466
11 8925 South Pecos Road, Suite 14A
12 Henderson, Nevada 89074
13 Attorney for Plaintiff

Jennifer V. Abrams, Esq.
Nevada Bar No. 7575
6252 S. Rainbow Blvd. #100
Las Vegas, Nevada 89118
Attorney for Defendant

14 **CERTIFICATE OF SERVICE**

15 I HEREBY CERTIFY that the "JOINT EARLY CASE CONFERENCE REPORT
16 PURSUANT TO NRCP 16.2(i)(2)" in the above-captioned case were served this day,
17 by and through Wiz-Net Electronic Service, pursuant to Clark County District
18 Court Administrative Order 14-2 for service of documents identified in Rule 9 of
19 the N.E.F.C.R.

20
21 **Jennifer V. Abrams, Esq.**
22 JVAGroup@TheAbramsLawFirm.com

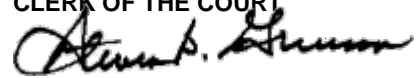
23 DATED this 13th day of July, 2018.

24 

25 **Allan Brown**
26 an employee of Pecos Law Group

**DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA
DECLARATION OF SERVICE**

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CLERK OF THE COURT



THOMAS A. PICKENS

Case No : **D-17-560737**

Plaintiff/Petitioner,

vs.

DANKA K. MICHAELS

Defendant/Respondent,

STATE OF NEVADA,
COUNTY OF WASHOE ss.:

SUBPOENA DUCES TECUM Received by NOW! Services, Inc. on 07/11/2018 with instructions to serve **TICOR TITLE OF NEVADA, INC. c/o Registered Agent: The Corporation Trust Company of Nevada at 701 S. Carson St, Ste. 200, Carson City, NV89701.**

I, **Suzanna Morlan**, being duly sworn says: That at all times herein affiant was and is a citizen of the United States, over 18 years of age, not a party to or interested in the proceeding in which this affidavit is made.

I am authorized to serve this process in the circuit/county it was served in.

On **07/11/2018 at 1:32 PM**, deponent served the within **SUBPOENA DUCES TECUM** on **TICOR TITLE OF NEVADA, INC. c/o Registered Agent: The Corporation Trust Company of Nevada at 701 S. Carson St, Ste. 200, Carson City, NV89701** in the manner indicated below:

By personally delivering and leaving a true copy of this process with **Macie Tuell**, pursuant to NRS 14.020 as a person of suitable age and discretion at the above address, which is the address of the Resident Agent as shown on the current certificate of designation filed with the Secretary of State.

A description of the **Defendant(s)**, or other person served on behalf of the **Defendant(s)** is as follows:

Sex	Color of skin/race	Color of hair	Age(Approx)	Height(Approx)	Weight(Approx)
Female	White	Brown	20's	5'05	125
Other Features:					


I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Executed this 13th day of July, 2018.

No Notary is required per NRS 53.045.

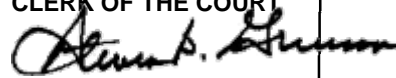


22632

X 
Suzanna Morlan
License# 1361; Registration No.: R-073135
NOW! Services, Inc.
3210 W. Charleston Blvd., Ste. 3
Las Vegas, NV89102
(702) 669-7378

Client File No: DANKA K. MICHAELS

AA00238



CMCN

DISTRICT COURT
CLARK COUNTY, NEVADA

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

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

**ORDER SETTING CASE MANAGEMENT CONFERENCE
AND DIRECTING COMPLIANCE WITH NRCP 16.2**

TO ALL PARTIES AND/OR THEIR ATTORNEYS:

Please be advised that, in accordance with NRCP 16.2, the above-entitled matter has been scheduled for a Case Management Conference to be heard by the **Honorable Linda Marquis**, at the Family Courts and Services Center, located at 601 North Pecos Road, Las Vegas, Nevada, on September 10, 2018, at 2:00 PM, in Department B. Pursuant to NRCP 16.2(c)(I), each party's attendance and participation is **required**.

Pursuant to EDCR 5.401, **IT IS HEREBY ORDERED** that each party file and serve a brief at least five (5) calendar days prior to the scheduled NRCP16.2 Case Management Conference. The brief shall include, if relevant, the following:

- (a) A statement of jurisdiction.
- (b) If custody is at issue in the case, a proposed custodial timeshare, and a proposed holiday, special day and vacation schedule.
- (c) For each issue in the case, a statement of what information, documents, witnesses, and experts are needed.
- (d) A list of the property (including pets, vehicles, real estate, retirement accounts, pensions, etc.) the litigant seeks to be awarded in the action.
- (e) Identification of each specific issue preventing immediate global resolution of the case, along with a description of what action is necessary to resolve each issue identified.
- (f) A litigation budget.
- (g) Proposed trial dates.

Furthermore, pursuant to NRCP 16.2, **IT IS FURTHER ORDERED** that:

- (1) Each party file and serve on the other parties the appropriate court-approved Financial Disclosure Form no later than thirty (30) days after service of the answer to the complaint. Failure to complete, file or serve the Financial Disclosure Form in

1 conformance with NRCP 16.2(b) may result in the imposition of sanctions pursuant
2 to NRCP 16.2(b)(2)(I), including:

- 3 (A) An order treating the party's failure as a contempt of court, which may
4 include the allowable monetary fine or jail time;
- 5 (B) An order refusing to allow the disobedient party to support or oppose
6 designated claims or defenses, or prohibiting that party from introducing
7 designated matter in evidence; or
- 8 (C) An order requiring the disobedient party to pay the opposing party's
9 reasonable expenses, including attorney's fees and costs, caused by the
10 failure.

11 (2) Each party provide to the other party the initial disclosures mandated by NRCP
12 16.2(b)(3) no later than the time required for the filing of the appropriate Financial
13 Disclosure Form. Such initial disclosures shall include the following information
14 and documentation:

- 15 (A) Evidence Supporting Financial Disclosure Form (and if not documentary
16 evidence exists, a written explanation supporting the information provided
17 on the Form);
- 18 (B) Evidence of Property, Income and Earnings as to Both Parties, including
19 copies of the following:
 - 20 (i) Bank and Investment Statements – monthly and periodic for the
21 period commencing six (6) months prior to the service of the
22 summons and complaint;
 - 23 (ii) Credit Card and Debt Statements – all months for the period
24 commencing six (6) months prior to the service of the summons and
25 complaint;
 - 26 (iii) Real Property – deeds, deeds of trust, purchase agreements, escrow
27 documents, settlement sheets, and all documents that disclose
28 ownership, legal description, purchase price and encumbrances of all
real property;
 - (iv) Property Debts – monthly or periodic statements showing balances
owing on mortgages, notes, liens, and encumbrances for the period
commencing six (6) months prior to the service of the summons and
complaint, or if no monthly or quarterly statements are available, the
most recent statements;
 - (v) Loan Applications – signed within twelve (12) months prior to the
service of the summons and complaint;
 - (vi) Promissory Notes – copies of all promissory notes under which a
party either owes money or is entitled to receive money;
 - (vii) Deposits – for all monies held for the benefit of either party;
 - (viii) Receivables – for all monies due to either party from individuals or
entities;
 - (ix) Retirement and Other Assets – monthly or period statements
showing the value of all pension, retirement, stock option and
annuity balances in which any party has or had an interest for the
period commencing six (6) months prior to the service of the

- 1 summons and complaint, or if no monthly or quarterly statements are
2 available, the most recent statements;
3 (x) Insurance – monthly or periodic statements showing the cash
4 surrender value, face value and premiums charges for all life
5 insurance policies in which any party has or had an interest for the
6 period commencing six (6) months prior to the service of the
7 summons and complaint, or if no monthly or quarterly statements are
8 available, the most recent statements;
9 (xii) Values – documents that may assist in identifying or valuing any
10 item of real or personal property in which any party has or had an
11 interest for the period commencing six (6) months prior to the
12 service of the summons and complaint, including documents that the
13 party may rely upon in placing a value on said property;
14 (xiii) Tax Returns – personal and business tax returns, balance sheets,
15 profit and loss statements, and documents assisting in identifying or
16 valuing any business for the last two (2) completed calendar or fiscal
17 years for any business or entity in which any party has or had an
18 interest in the past twelve (12) months;
19 (xiv) Proof of Income – proof of income from all sources, including W-2
20 forms, 1099 forms and K-1 forms, for the past two (2) completed
21 calendar years and year-to-date information for the period
22 commencing six (6) months prior to the service of the summons and
23 complaint;
24 (xv) Personality – list of all items of personal property with a value
25 exceeding Two Hundred (\$200) dollars.

26 (3) Each party will comply with all other provisions of NRCP 16.2.
27
28

Dated this 31st day of July, 2018.



JUDGE LINDA MARQUIS
District Court, Department B

CERTIFICATE OF SERVICE

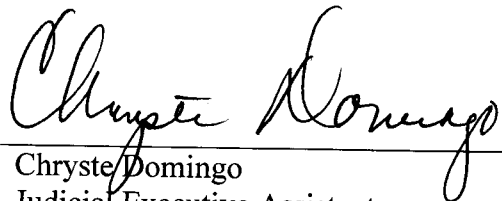
I hereby certify that on the above file stamped date, I caused a copy of the foregoing Order Setting NRCP 16.2 Case Management Conference to be:

☒ E-Served pursuant to NEFCR 9 on July 31, 2018, or placed in the folder(s) located in the Clerk's Office of, the following attorneys:

Paul A. Lemcke, Esquire

Jennifer V. Abrams, Esquire

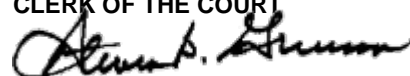
☐ E-Served pursuant to NEFCR 9 on July 31, 2018, or mailed postage prepaid addressed to the following litigants in Proper Person:



Chryste Domingo
Judicial Executive Assistant
Department B

**DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA
DECLARATION OF SERVICE**

Electronically Filed
8/3/2018 4:04 PM
Steven D. Grierson
CLERK OF THE COURT


THOMAS A. PICKENS

Case No :D-17-560737

Plaintiff/Petitioner,

vs.

DANKA K. MICHAELS

Defendant/Respondent,

STATE OF NEVADA,
COUNTY OF CLARK

ss.:

SUBPOENA DUCES TECUM Received by NOW! Services, Inc. on 08/01/2018 with instructions to serve **ROBERT SEMONIAN, THE SEMONIAN GROUP, INC c/o Registered Agent: Tina M. Walls, Esq. at 8861 W. Sahara Ave. #220, Las Vegas, NV89117.**

I, **Mike Nettles**, being duly sworn says: That at all times herein affiant was and is a citizen of the United States, over 18 years of age, not a party to or interested in the proceeding in which this affidavit is made.

I am authorized to serve this process in the circuit/county it was served in.

On **08/02/2018 at 2:10 PM**, deponent served the within **SUBPOENA DUCES TECUM** on **ROBERT SEMONIAN, THE SEMONIAN GROUP, INC c/o Registered Agent: Tina M. Walls, Esq. at 8861 W. Sahara Ave. #220, Las Vegas, NV89117** in the manner indicated below:

By personally delivering and leaving a true copy of this process with **Pat Lawrence**, pursuant to NRS 14.020 as a person of suitable age and discretion at the above address, which is the address of the Resident Agent as shown on the current certificate of designation filed with the Secretary of State.

A description of the **Defendant(s)**, or other person served on behalf of the **Defendant(s)** is as follows:

Sex	Color of skin/race	Color of hair	Age(Approx)	Height(Approx)	Weight(Approx)
Female	Caucasian	Red/Brown	50's	5'05	130
Other Features:					

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Executed this 3 day of August, 2018.

No Notary is required per NRS 53.045.



23077

X

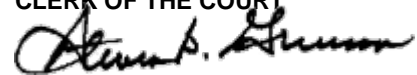

Mike Nettles
License#: 1361
NOW! Services, Inc.
3210 W. Charleston Blvd., Ste. 3
Las Vegas, NV89102
(702) 669-7378

Client File No: DANKA K. MICHAELS

AA00243

**DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA
DECLARATION OF SERVICE**

Electronically Filed
8/3/2018 4:04 PM
Steven D. Grierson
CLERK OF THE COURT



THOMAS A. PICKENS

Case No : **D-17-560737**

Plaintiff/Petitioner,

vs.

DANKA K. MICHAELS

Defendant/Respondent,

STATE OF NEVADA,
COUNTY OF CLARK ss.:

SUBPOENA DUCES TECUM Received by NOW! Services, Inc. on 08/01/2018 with instructions to serve **SHANNON L. EVANS, LTD c/o Registered Agent: Evans and Associates at 2400 S. Cimarron Rd. #140, Las Vegas, NV89117.**

I, **Mike Nettles**, being duly sworn says: That at all times herein affiant was and is a citizen of the United States, over 18 years of age, not a party to or interested in the proceeding in which this affidavit is made.

I am authorized to serve this process in the circuit/county it was served in.

On **08/02/2018 at 10:25 AM**, deponent served the within **SUBPOENA DUCES TECUM** on **SHANNON L. EVANS, LTD c/o Registered Agent: Evans and Associates at 2400 S. Cimarron Rd. #140, Las Vegas, NV89117** in the manner indicated below:

By personally delivering and leaving a true copy of this process with **Taylor Murphy**, pursuant to NRS 14.020 as a person of suitable age and discretion at the above address, which is the address of the Resident Agent as shown on the current certificate of designation filed with the Secretary of State.

A description of the **Defendant(s)**, or other person served on behalf of the **Defendant(s)** is as follows:

Sex	Color of skin/race	Color of hair	Age(Approx)	Height(Approx)	Weight(Approx)
Female	Caucasian	Brown	30's	5'07	170
Other Features:					

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Executed this 2 day of August, 2018.

No Notary is required per NRS 53.045.

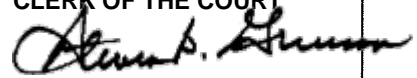


23076

X *Mike Nettles*
Mike Nettles
License#: 1361
NOW! Services, Inc.
3210 W. Charleston Blvd., Ste. 3
Las Vegas, NV89102
(702) 669-7378

Client File No: DANKA K. MICHAELS

AA00244



Paul A. Lemcke, Esq.
Nevada Bar No. 3466
PECOS LAW GROUP
8925 South Pecos Road, Suite 14A
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Telephone: (702) 388-1851
Facsimile: (702) 388-7406
Email: Email@pecoslawgroup.com
Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

Plaintiff,

vs.

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

Defendant.

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

Dept No.: **B**

Date of Hearing: **October 16, 2018**

Time of Hearing: **10:00 AM**

Oral Argument Requested: Yes

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

MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT

COMES NOW Plaintiff, **Thomas A. Pickens**, by and through his counsel of record, **Paul A. Lemcke, Esq.**, of Pecos Law Group, and hereby requests leave of the Court to file a Second Amended Complaint, pursuant to Nevada Rules of

1 Civil Procedure 15, to assert an additional claim for equitable relief pursuant to an
2 express and/or implied agreement between the party litigants to acquire and hold
3 property as if they were married.
4

5 In accordance with Eighth Judicial District Court Rule 2.30, a copy of the
6 proposed pleading is attached at Exhibit "1."¹

7 Dated this 7 day of September, 2018.

8 PECOS LAW GROUP

9 

10 **Paul A. Lemcke, Esq.**
11 Nevada Bar No. 003466
12 8925 S. Pecos Road Suite 14A
13 Henderson, Nevada 89074
14 702.388.1851
15 Attorney for Plaintiff
16
17
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19
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22
23

24 ¹ Per E.D.C.R. 5.208(b), the proposed Second Amended Complaint excises Plaintiff's previous cause of
25 action for divorce; amends and replaces that cause of action with a series of allegations common to all
26 claims; and adds a new cause of action – an additional equitable claim for relief asserting an express
and/or implied agreement to acquire and hold property as if the parties were married.

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TO: Jennifer V. Abrams, ESQ., attorney for Defendant.

PLEASE TAKE NOTICE that Plaintiff, Thomas A. Pickens will bring the above and foregoing **MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT** on for hearing on the 16th day of October, 2018, at 10:00 a.m. in Dept. B of the Family Court, or as soon thereafter as counsel can be heard.

DATED this 7 day of September, 2018.

PECOS LAW GROUP

Free lunch

Paul A. Lemcke, Esq.

Nevada Bar No. 003466

8925 S. Pecos Road, Suite 14A

Henderson, NV 89074

Attorney for Plaintiff

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 This action was filed by Plaintiff Thomas A. Pickens as an action for
4 divorce, and to set aside of deeds of real property and an assignment of LLC
5 interest. After the denial of a motion to dismiss Plaintiff's action, Plaintiff filed a
6 First Amended Complaint on March 22, 2018, which added a claim for equitable
7 relief under the putative spouse doctrine. Plaintiff's First Amended Complaint
8 was filed as a matter of right.
9

10 Plaintiff now seeks leave to amend his existing complaint to seek an
11 additional equitable claim for relief asserting an express and/or implied agreement
12 to acquire and hold property as if the parties were married. Leave to file the
13 proposed second amended complaint should be granted.
14

15 **II. STATEMENT OF FACTS**

16 Plaintiff, Thomas A. Pickens ("Pickens") and Defendant, Danka K.
17 Michaels ("Michaels") participated in a marriage ceremony in Bratislava, Slovakia
18 on April 7, 2002. Since that date, the parties lived together and held themselves
19 out as husband and wife, until their separation in 2016. During the marriage, the
20 parties acquired real property together, as "husband and wife, as joint tenants."
21 They also each acquired one-half of a commercial office building through their
22 respective trusts. The ownership interests in both real properties and the
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1 commercial building were later transferred to Michaels, which remains an
2 outstanding issue in this case.

3 Pickens filed his initial Complaint for Divorce and for Set Aside of Deeds
4 of Real Property and Assignment of LLC Interest on October 24, 2017. Personal
5 service was effectuated. Michaels filed a Motion to Dismiss on November 29,
6 2017, alleging that the parties' marriage was not legally binding or effective.
7 Said motion was ultimately denied by the Court in its Order dated March 9, 2018.

8 Pickens filed his First Amended Complaint for Divorce; For Set Aside of
9 Deeds of Real Property and Assignment of LLC Interest; and for Alternative
10 Equitable Relief under the Putative Spouse Doctrine on March 22, 2018. The
11 First Amended Complaint was filed as a matter of right. Michaels filed her
12 Answer to the First Amended Complaint on May 2, 2018.

13 Pickens retained expert assistance in Bratislava, Slovakia (the law firm of
14 Ficek & Ficekova) to vet Michael's claimed legal defense to Pickens' discrete
15 claim that the parties were legally married. After further investigation, the facts
16 since confirmed by Ficek & Ficekova are that a church marriage ceremony was
17 indeed performed, but there is no record of Michaels' and Pickens' marriage under
18 the local civil registry in Bratislava. The civil record controls the legal recognition
19 of the marriage under Slovak law. In view of that finding – and while the precise
20 reason why that civil registration of the parties' marriage does not exist in
21 Slovakia remains an issue for determination – Pickens now seeks to assert an

1 additional claim for equitable relief, specifically, a claim for enforcement of an
2 implied and/or express contract between the parties to acquire and hold property
3 as if they were married, pursuant to the holding in Western States Constr., Inc. v.
4 Michoff, 108 Nev. 931, 540 P.2d 1220 (1992).

6 III. ARGUMENT

7 A. The Court Should Grant Pickens Request for Leave to File Second 8 Amended Complaint.

9 NRCP 15(a) Provides:

10 (a) *Amendments*. A party may amend the party's pleading
11 once as a matter of course at any time before a responsive
12 pleading is served or, if the pleading is one to which no
13 responsive pleading is permitted and the action has not been
14 placed upon the trial calendar, the party may so amend at
15 any time within 20 days after it is served. Otherwise a party
16 may amend the party's pleading only by leave of court or
17 by written consent of the adverse party; **and leave shall be
freely given when justice so requires**. A party shall plead
in response to an amended pleading within the time
remaining for response to the original pleading or within 10
days after service of the amended pleading, whichever
period may be the longer, unless the court otherwise orders.

18 Emphasis added.

19 The court has discretion to grant or deny leave to amend a complaint, but
20 outright refusal to grant leave without a justifying reason for denial constitutes an
21 abuse of discretion under the Nevada Rules of Civil Procedure. *Adamson v.*
22 *Bowker*, 85 Nev. 115, 450 P.2d 796 (1969). Leave should be freely given to a
23 movant unless it is determined to be brought in bad faith or for any dilatory
24 motive. *Cohen v. Mirage Resorts, Inc.*, 119 Nev. 1, 23, 62 P.23d 720, 735 (2003).