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2 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

3 Electronically Filed
4 Nov 29 2022 05:05 PM
5 Elizabeth A. Brown
Clerk of Supreme Court

6 GINA R. DAPRA,

7 Appellant,

8 vs.

Supreme Court No. 85623

**DOCKETING STATEMENT
CIVIL APPEALS**

9 SCOTT A. ELKINS

10 Respondent.
11 _____/

GENERAL INFORMATION

12 Appellants must complete this docketing statement in compliance with NRAP 14(a). The
13 purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction,
14 identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under
15 NRAP 17, scheduling cases for oral argument and settlement conferences, classifying cases for
16 expedited treatment and assignment to the Court of Appeals, and compiling statistical
17 information.

WARNING

18
19 This statement must be completed fully, accurately and on time. NRAP14(c). The Supreme
20 Court may impose sanctions on counsel or appellant if it appears that the information provided is
21 incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely
22 manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of
23 the appeal.

24
25 A complete list of the documents that must be attached appears as Question 27 on this docketing
26 statement. Failure to attach all required documents will result in the delay of your appeal and
27 may result in the imposition of sanctions.
28

1 This court has noted that when attorneys do not take seriously their obligations under NRAP 14
2 to complete the docketing statement properly and conscientiously, they waste the valuable
3 judicial resources of this court, and making the imposition of sanctions appropriate. See *KDI*
4 *Sylvan Pools v. Workman*, 107 Nev 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab
5 dividers to separate any attached documents.

6 1. Judicial District: Second. Department: 16. County: Washoe. Judge: Honorable
7 Aimee Banales. District Ct. Case No.: DV20-01349.

8 2. **Attorney filing this docketing statement:**

9 Michael V. Kattelman, Esq.

10 775-322-3223

11 Silverman Kattelman Springgate, Chtd.

12 500 Damonte Ranch Parkway, Suite 675

13 Reno, Nevada 89521

14 Client: Gina R. Dapra.

15 3. **Attorney(s) representing respondent:**

16 Andriea A. Aden, Esq.

17 775-622-9245.

18 Law Offices of Andriea A. Aden, Esq. Chtd.

19 19 Winter St.

20 Reno, NV 89503

21 Shawn B. Meador,

22 775-688-3000

23 Woodburn and Wedge

24 6100 Neil Rd. Ste. 500

25 P.O. Box 2311

26 Reno, NV 89505

27 Client: Scott Anthony Elkins.

28 4. **Nature of disposition below (check all that apply):**

Judgment after special proceeding (award of attorney's fees and costs).

5. Does this appeal raise issues concerning any of the following: Child custody, Venue or Termination of parental rights. No, this case does not involve children.

6. Pending and prior proceedings in this court.

In the Court of Appeals of the State of Nevada, Case No. 84713-COA, See *Original Petition for Writ of Mandamus or Prohibition*, filed May 17, 2022, and *Order Denying Petition for Writ of Mandamus or Prohibition*, filed June 17, 2022.

7. Pending and prior proceedings in other courts. In the Family Division of the Second Judicial District Court of the State of Nevada, In and For the County of Washoe, Case No. DV20-01349, Department 16, divorce without children. The District Court entered its *Findings of Fact, Conclusions of Law, and Decree of Divorce* on August 26, 2021, expressly reserving for final adjudication the division of personal property: **"6. Personal Property.** The parties have not fully resolved their personal property disputes. The parties are obligated to cooperate to divide any remaining property with the Court retaining jurisdiction over the same." See page 7, lines 21-25 of the *Decree of Divorce*.

Trial with respect to the personal property issues between the parties has not been set, but a scheduling is expected to be done in the next few days.

8. Nature of the action: This is a divorce action, with bifurcated issues. Appellant avers the *Findings of Fact, Conclusions of Law, and Decree of Divorce*, create a bifurcated decree and proceedings. Appellant avers that discovery should, by law, remain ongoing as established by the *Order After Case Management Conference* entered by the trial court, which provides as to the discovery plan that, "Discovery shall close 45 days before trial." *Order After Case Management Conference*, filed March 17, 2021, page 4, line 8.

On October 4, 2022, the trial court awarded fees and costs against Appellant and to Respondent pursuant to NRS 18.010(2)(b) for issuing a subpoena, pending the setting of trial, to obtain information relating to the potential existence of undisclosed personal property. The

1 district court concluded without analysis that Appellant was proceeding without reasonable
2 grounds.

3 **9. Issues on appeal:** State concisely the principal issue(s) in this appeal:

4 Under a decree of divorce which reserves jurisdiction for resolution of personal property
5 issues, the inventory, location, and division of the entirety of the personal property remains for
6 resolution, as set forth in the *Findings of Fact, Conclusions of Law, and Decree of Divorce*.
7 Appellant avers the district court abused its power by (i) sanctioning Plaintiff under NRS
8 18.010(2)(b) by an award against her of attorney's fees and costs where discovery should be
9 continuing and remain open on the bifurcated issue of personal property, and (ii) issuing an order
10 which fails to provide a supportable analysis of a finding that Appellant is, under NRS
11 18.010(2)(b), without reasonable ground to pursue *information* from a bank account the subject
12 of the proceedings which is maintained by a party to the divorce action which contains facts as to
13 the acquisition of personal property which may remain unaccounted, pending trial on the matter.
14 The district court has abused its discretion in this bifurcated matter.

15 While the Court's *Order After Hearing* of March 22, 2022, which quashes Plaintiff's
16 subpoena, will not be ripe for appeal until after trial, the Court's instant order awarding fees and
17 costs under a special proceeding is ripe for appeal as not within the subjects and claims of the
18 initial pleadings to be resolved at the final trial concerning personal property.

19 **10. Pending proceedings in this court raising the same or similar issues.** If you are
20 aware of any proceedings presently pending before this court which raises the same or similar
21 issues raised in this appeal, list the case name and docket numbers and identify the same or
22 similar issue raised: No such proceedings are known to appellant.

23 **11. Constitutional issues.** If this appeal challenges the constitutionality of a statute, and
24 the state, any state agency, or any officer or employee thereof is not a party to this appeal, have
25 you notified the clerk of this court and the attorney general in accordance with NRAP 44 and
26 NRS 30.130? Not applicable.

27 **12. Other issues.** Does this appeal involve any of the following issues? Reversal of well-
28

1 settled Nevada Precent (identify the case (s)); An issue arising under the United States and/or
2 Nevada Constitutions; A substantial issue of first impression; An issue of public policy; An issue
3 where en banc consideration is necessary to maintain uniformity of this court's decision; A ballot
4 question. If so, explain.

5 The issue of the effect of a bifurcated decree of divorce upon discovery matters is one of
6 statewide public importance of which the Supreme Court may decide to retain the issue for
7 decision. Given the frequent request for fee awards in divorce matters under NRS 18.010(2)(b),
8 a determination of the analysis necessary for a district court to make such an award is a
9 substantial issue under due process rules.

10 **13. Assignment to the Court of Appeals or retention in the Supreme Court.** Briefly
11 set forth whether the matter is presumptively retained by the Supreme Court or assigned to the
12 Court of Appeals under NRAP 17 and cite the subparagraph(s) of the Rule under which the
13 matter falls. If appellant believes that the Supreme Court should retain the case despite its
14 presumptive assignment to the Court of Appeals, identify the specific issues(s) or
15 circumstance(s) that warrant retaining the case, and include an explanation of their importance or
16 significance:

17 The matter is presumptively assigned to the Court of Appeals pursuant to NRAP
18 17(b)(10). However, the issue of the effect of a bifurcated decree of divorce upon discovery
19 matters is one of statewide public importance of which the Supreme Court may decide to retain
20 the issue for decision pursuant to NRAP 17(a)(12). Given the frequent request for fee awards in
21 divorce matters under NRS 18.010(2)(b), a determination of the analysis necessary for a district
22 court to make such an award is a substantial issue under due process rules.

23
24 **14. Trial.** If this action proceeded to trial, how many days did the trial last: This matter
25 concerns an award of attorney's fees on a special proceeding, following motion practice.

26 **15. Judicial Disqualification.** Do you intend to file a motion to disqualify or have a
27 justice recuse him/herself from participation in this appeal? If so, which Justice?
28

1 No.

2 **TIMELINESS OF NOTICE OF APPEAL**

3 16. Date of entry of written judgment or order appealed from: October 4, 2022.

4 17. Date written notice of entry of judgment or order was served: October 4, 2022.

5
6 Service by: Electronic service via ECF system.

7 18. If the time for filing this notice of appeal was tolled by a post-judgment motion
8 (NRCP 50(b), 52 (b), or 59)

9 Not applicable.

10 19. Date notice of appeal filed: November 1, 2022.

11 20. Specify statute or rule governing the time limit for filing the notice of appeal, e.g.
12
13 NRAP 4(a) or other: NRAP 4(a)(1)

14 **SUBSTANTIVE APPEALABILITY**

15 21. Specify the statute or other authority granting this court jurisdiction to review
16 the judgment or order appealed from : NRAP 3A(b)(1), a final judgment upon a special
17 proceeding.

18 Explain how each authority provides a basis for appeal from the judgment or order:
19 While the Court's Order After Hearing of March 22, 2022, which quashes Plaintiff's subpoena,
20 will not be ripe for appeal until after trial, the Court's instant Order Awarding Attorney's Fees
21 and Costs (filed October 4, 2022) under a special proceeding is ripe for appeal, as it is not within
22 the subjects and claims of the initial pleadings to be resolved at the final divorce trial concerning
23 personal property. The district court affirms the order as one of finality within the order itself.

24 22. List all parties involved in the action or consolidated actions in the district court:

25 (a) Parties: Gina R. Dapra and Scott Anthony Elkins.

26 23. Give a brief description (3 to 5 words) of each party's separate claims,
27
28

1 **counterclaims, cross claims, or third-party claims and the date of formal disposition of**
2 **each claim.**

3 Appellant's complaint sought a divorce, and division and award of all community
4 property and debts. All matters were resolved by a decree of divorce, except the issue of
5 personal property was bifurcated. Respondent's counterclaim sought a divorce, and division and
6 award of all community property and debts and alimony. All matters were resolved by a decree
7 of divorce, except the issue of personal property was bifurcated. The District Court entered its
8 *Findings of Fact, Conclusions of Law, and Decree of Divorce* on August 26, 2021, expressly
9 reserving for final adjudication the division of personal property: "**6. Personal Property.** The
10 parties have not fully resolved their personal property disputes. The parties are obligated to
11 cooperate to divide any remaining property with the Court retaining jurisdiction over the same."
12 See page 7, lines 21-25 of the *Decree of Divorce*.

13 Trial with respect to the personal property issues between the parties has not been set, but
14 a scheduling is expected to be done in the next few days.

15 The Court quashed Appellant's subpoena by order of March 22, 2022.

16 Respondent moved for fees and costs on March 23, 2022.

17 Appellant Objected on April 6, 2022.

18 The district court awarded the fees and costs on October 4, 2022.

19 **24. Did the judgment or order appealed from adjudicate ALL the claims alleged**
20 **below and the rights and liabilities of ALL the parties to the action or consolidate actions**
21 **below? No.**

22 **25. If you answered "No" to question 24, complete the following:**

23 (a) Specify the claims remaining pending below:

24
25 The District Court entered its *Findings of Fact, Conclusions of Law, and Decree of*
26 *Divorce* on August 26, 2021, expressly reserving for final adjudication the division of personal
27 property: "**6. Personal Property.** The parties have not fully resolved their personal property
28

1 disputes. The parties are obligated to cooperate to divide any remaining property with the Court
2 retaining jurisdiction over the same.” See page 7, lines 21-25 of the *Decree of Divorce*.

3 (b) Specify the parties remaining below: Gina R. Dapra and Scott Anthony Elkins.

4 (c) Did the district court certify the judgment or order appealed from as final
5 judgment pursuant to NRCP 54(b)? Seemingly so. In its order of October 4, 2022,
6 the district court set forth this is a final judgment on the fees matter, stating in line with its ruling,
7 “A case must proceed to judgment in order to have a prevailing party; anything short of
8 judgment does not work for determining a prevailing party.” See Order Awarding Attorney’s
9 Fees and Costs of October 4, 2022, citing Works v. Kuhn, 103 Nev. 65, 723 P.2d 1373 (1987).

10 (d) Did the district court make an express determination, pursuant to NRCP 54(b),
11 that there is no just reason for delay and an express direction for the entry of judgment?
12 Seemingly so. In its order of October 4, 2022, the district court set forth this is a final judgment
13 on the fees matter, stating in line with its ruling, “A case must proceed to judgment in order to
14 have a prevailing party; anything short of judgment does not work for determining a prevailing
15 party.” See Order Awarding Attorney’s Fees and Costs of October 4, 2022, citing Works v.
16 Kuhn, 103 Nev. 65, 723 P.2d 1373 (1987).

17
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19 **26. If you answered “No” to any part of question 25, explain the basis for seeking**
20 **appellate review. (e.g., order is independently appealable under NRAP 3A(b)):** While the
21 Court’s Order After Hearing of March 22, 2022, which quashes Plaintiff’s subpoena, will not be
22 ripe for appeal until after trial, the Court’s instant Order Awarding Attorney’s Fees and Costs
23 under a special proceeding is ripe for appeal, as it is not within the subjects and claims of the
24 initial pleadings to be resolved at the final trial concerning personal property. The district court
25 affirms the order as one of finality within the order itself.

26
27 **27. Attached file-stamped copies of the following documents:**

- 28
- The latest filed complaint, counterclaims, cross claims, and third-party claims

- Any tolling motions(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order

VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information, and belief, and that I have attached all required documents to this docketing statement.

Gina R. Dapra
Appellant

Michael V. Kattelman, Esq.

November 29, 2022
Date


Signature of counsel of record

Nevada, Washoe County
State and county where signed

CERTIFICATE OF SERVICE

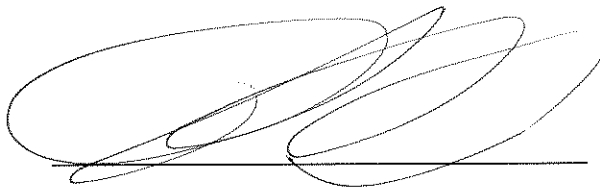
I certify that on the 29 day of Nov 2022, I served a copy of this copy of this completed docketing statement upon all counsel of record:

By mailing it by first class mail with sufficient postage prepaid to the following address(es):

Andriea Aden
Law Offices of Andriea A. Aden, Esq. Chtd.
19 Winter Street
Reno, NV 89503

Shawn Meador
Woodburn and Wedge
6100 Neil Rd. Ste. 500
P.O. Box 2311
Reno, NV 89505

Margaret Crowley
255 W. Moana Lane, Ste. 209
Reno, NV 89509

A handwritten signature in black ink, appearing to be 'J. Meador', written over a horizontal line.

1 Michael V. Kattelman (NSB#6703)
2 Silverman Kattelman Springgate, Chtd.
3 500 Damonte Ranch Parkway, Suite 675
4 Reno, Nevada 89521
5 Telephone: 775/322-3223
6 Facsimile: 775/322-3649
7 Attorneys for Plaintiff-Wife

8 **IN THE FAMILY DIVISION**
9 **OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
10 **IN AND FOR THE COUNTY OF WASHOE**

11 GINA R. DAPRA,

12 Plaintiff-Wife,

Case No.

13 vs.

Dept.

14 SCOTT A. ELKINS

15 Defendant-Husband.

16 **WIFE'S COMPLAINT FOR DIVORCE**
17 **(WITHOUT CHILDREN)**

18 **I. FIRST CLAIM FOR RELIEF – DISSOLUTION OF MARRIAGE**

19 A. Gina R. Dapra ("Wife") and Scott A. Elkins ("Husband") were married on
20 October 5, 2013 at Olympic Valley, California. The parties have no children the subject of
21 this divorce action.

22 B. **Grounds for Divorce.** Husband and Wife have conflicts which are
23 irreconcilable and which have destroyed the legitimate objects of their marriage.

24 C. Wife brings this suit to dissolve her marriage to Scott A. Elkins and for the
25 Court to issue *Findings of Fact, Conclusions of Law, Orders, Judgments, and a Decree*
26 *of Divorce.* returning Husband and Wife to the status of single persons.
27

1 D. There are no previous or pending cases in any court involving the subject
2 matter of this case.

3 E. **Jurisdiction of the Court.** Wife is a resident of the State of Nevada. For
4 a period of more than six weeks before commencement of this action, Wife has resided in
5 the State of Nevada, and now resides and is domiciled here. During all of the period of
6 residency, Wife has had, and still has, the intent to make the State of Nevada her home,
7 residence, and domicile for an indefinite period of time. For the same period of time,
8 Husband has also been a resident of the State of Nevada.
9

10 **II. SECOND CLAIM FOR RELIEF – DIVISION OF PROPERTY.**

11
12 A. **COMMUNITY PROPERTY AND DEBTS.** Community property and
13 debts exist and should be awarded pursuant to law.

14 B. **SEPARATE PROPERTY AND DEBTS.** Separate property and debts
15 exist and should be awarded pursuant to law.
16

17 1. Wife has separate property interests in the retirement and
18 investment accounts in her name.

19 C. **PARTNERSHIP PROPERTY, CONSTRUCTIVE TRUST, AND**
20 **DEBTS.** Property held in partnership between the parties, with reliance thereon, and in
21 constructive trust, and property held as and as if community property exists, and such
22 property should be awarded pursuant to law. This includes property held by the Public
23 Employees' Retirement System of Nevada.
24

25 **III. THIRD CLAIM FOR RELIEF – LITIGATION FEES AND COSTS**

26 A. Wife has retained Silverman Kattelman Springgate, Chtd., to perform legal
27
28

1 services in this divorce and she has incurred fees and costs. Wife shall retain other
2 lawyers and experts as required to prosecute and defend her claims in this litigation.
3 Awards of litigation fees and costs should be made to Wife pursuant to Nevada law.

4 **WHEREFORE**, Wife requests judgment, decree, and orders as follows:

5 1. That this marriage be dissolved and a decree of divorce granted, returning
6 Husband and Wife to the status of single persons.

7 2. That the Court adopt any settlement of the parties as reached between them
8 on the issues concerning the dissolution of their marriage, or otherwise expediently
9 resolve by trial those matters which cannot be settled between the parties.

10 3. That interim property orders be awarded from the date of the filing of this
11 Complaint for Divorce.

12 4. That community property, separate property, and debts be awarded and
13 distributed pursuant to the parties' agreements and/or Nevada law.

14 5. That litigation fees and costs be awarded pursuant to Nevada law.

15 6. For such other and further relief as this Court deems just and proper.

16 Under NRS 239B.030 the undersigned affirms the preceding contains no social
17 security number.

18 DATED: This 29 day of September, 2020.

19 SILVERMAN KATTELMAN SPRINGGATE, CHTD.

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Michael V. Kattelman
Attorneys for Plaintiff, Gina Dapra

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3 VERIFICATION

4 STATE OF NEVADA)
5 : ss
6 COUNTY OF WASHOE)

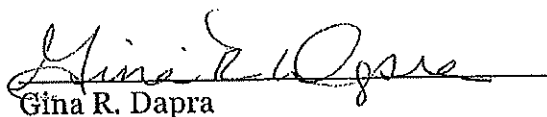
7 COMES NOW, Gina R. Dapra, being first duly sworn under penalty of perjury and
8 deposes and says:

9 1. I am the Plaintiff herein.

10 2. I make this verification of my own personal knowledge, information and
11 belief.

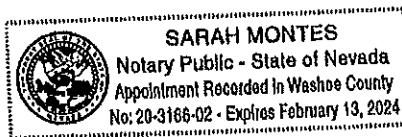
12 3. I have read the foregoing Complaint for Divorce and know the contents
13 thereof, and the same is true of my own knowledge, except those matters therein stated
14 upon information and belief, and as to those matters I believe them to be true.

15 4. I do hereby swear under penalty of perjury that the assertions set forth in
16 this Verification are true.

17
18 
Gina R. Dapra

19 Subscribed and sworn to before me
20 this 29th day of September, 2020,
21 by Gina R. Dapra.

22
23 
24 Notary Public



1 Law Offices of Andriea A. Aden, Esq., Chtd.
2 Andriea A. Aden, Esq. (Bar No. 11035)
3 andriea@adenlaw.net
4 Mikyla J. Miller, Esq. (Bar No. 12042)
5 mikyla@adenlaw.net
6 243 Stewart St.
7 Reno, Nevada 89501
8 (775) 622-9245
9 Attorney for Scott Elkins

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IN THE FAMILY DIVISION
OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

GINA R. DAPRA,

Plaintiff,

vs.

SCOTT A. ELKINS,

Defendant.

Case No. DV20-01349

Dept. No. 2

**ANSWER TO WIFE'S COMPLAINT FOR DIVORCE WITH CHILDREN AND
COUNTERCLAIM**

Defendant, SCOTT A. ELKINS, by and through his counsel, Andriea A. Aden, Esq., of the Law Offices of Andriea A. Aden, Esq., Chtd., hereby files his Answer to Wife's Complaint for Divorce with Children and Counterclaim.

ANSWER

I. FIRST CLAIM FOR RELIEF-DISSOLUTION OF MARRIAGE

- A. Defendant admits the allegations contained in paragraph I.A of the Complaint.
B. Defendant admits the allegations contained in paragraph I.B of the Complaint.
C. Defendant admits the allegations contained in paragraph I.C of the Complaint.
D. Defendant admits the allegations contained in paragraph I.D of the Complaint.
E. Defendant admits the allegations contained in paragraph I.E of the Complaint.

II. SECOND CLAIM FOR RELIEF-DIVISION OF PROPERTY

- A. Defendant admits the allegations contained in paragraph II.A of the Complaint.

1 B. Defendant admits the allegations contained in paragraph II.B of the Complaint as
2 it relates to separate property and debts existing and should be awarded pursuant to law.

3 B1. Defendant denies the allegations contained in paragraph II.B(1) of the
4 Complaint.

5 C. Defendant admits the allegations contained in paragraph II.C of the Complaint.

6 **III. THIRD CLAIM FOR RELIEF-LITIGATION FEES AND COSTS**

7 A. Defendant denies the allegations contained in paragraph III.A of the Complaint

8 **AFFIRMATIVE DEFENSES**

9 **FIRST AFFIRMATIVE DEFENSE**

10 The Complaint on file herein fails to state a claim or cause of action against this
11 Defendant upon which relief can be granted.

12 **SECOND AFFIRMATIVE DEFENSE**

13 Plaintiff has failed to mitigate her damages, and to the extent of such failure, is
14 precluded from recovery herein.

15 Defendant presently has insufficient knowledge or information upon which to form a
16 belief as to whether he may have additional, and as yet unstated, affirmative defenses available.
17 Accordingly, Defendant reserves the right to assert additional affirmative defenses in the event
18 discovery indicates that they are appropriate.

19 WHEREFORE, Defendant moves the Court to deny Plaintiff all relief requested in her
20 Complaint, and instead grant Defendant the relief requested in his Counterclaim.

21 **COUNTERCLAIM**

22 Defendant, SCOTT A. ELKINS, by and through his counsel, Andriea A. Aden, Esq.,
23 alleges and complains of Plaintiff, GINA R. DAPRA, as follows:

24 1. That Defendant is now and for a period of more than six (6) weeks immediately
25 preceding the commencement of this action has been an actual, bona fide resident of, and
26 domiciled in, the State of Nevada.
27
28

1 2. That Plaintiff and Defendant were married in Olympic Valley, CA on or about
2 October 5, 2013 and ever since that time have been and still now are husband and wife.

3 3. That there no minor children born the issue of this marriage. To the best of
4 Defendant's knowledge, Plaintiff is not now pregnant.

5 4. That the parties have community and separate property assets and debts that
6 should be divided by the Court in accordance with Nevada law.

7 5. That Plaintiff be ordered to pay Defendant alimony to be determined pursuant to
8 Nevada law.

9 6. That Defendant reserves the right to assert a marital waste claim against Plaintiff
10 should discovery reveal a basis therefor.

11 7. That Defendant reserves the right to assert a marital tort claim against Plaintiff
12 should discovery reveal a basis therefor.

13 8. That Defendant reserves the right to assert a breach of fiduciary duty claim
14 against Plaintiff should discovery reveal a basis therefor.

15 9. That Plaintiff and Defendant have conflicts in personalities and dispositions so
16 deep as to be irreconcilable, which render it impossible for the parties to continue a normal
17 marital relationship with each other and, as a result, incompatibility exists of such a character as
18 to destroy the legitimate objects of matrimony and to render it impossible for Plaintiff and
19 Defendant to live together as a married couple.
20

21 WHEREFORE, Defendant, SCOTT A. ELKINS, moves the Court as follows:

22 1. That Defendant be granted a Decree of Divorce, dissolving the bonds of
23 matrimony now and heretofore existing between himself and Plaintiff, and restoring each of the
24 parties to the status of unmarried persons based upon grounds of irreconcilable differences.

25 2. That there are no minor children born the issue of this marriage, and to the best
26 of Defendant's knowledge, Plaintiff is not now pregnant.

27 3. That the parties have community and separate property assets and debts that
28 should be divided by the Court in accordance with Nevada law.

1 4. That Plaintiff be ordered to pay Defendant alimony to be determined pursuant to
2 Nevada law.

3 5. That the Court recognize the Defendant's right to assert a marital waste claim
4 against Plaintiff be preserved should discovery reveal a basis thereof.

5 6. That the Court recognize the Defendant's right to assert a marital tort claim
6 against Plaintiff be preserved should discovery reveal a basis therefor.

7 7. That the Court recognize the Defendant's right to assert a breach of fiduciary
8 duty claim against Plaintiff be preserved should discovery reveal a basis therefor.

9 8. That Plaintiff and Defendant have conflicts in personalities and dispositions so
10 deep as to be irreconcilable, which render it impossible for the parties to continue a normal
11 marital relationship with each other and, as a result, incompatibility exists of such a character as
12 to destroy the legitimate objects of matrimony and to render it impossible for Plaintiff and
13 Defendant to live together as a married couple.

14 9. For such other and further relief as the Court may deem proper

15 **Affirmation pursuant to NRS 239B.030.** The undersigned affirms that the preceding
16 document does not contain the social security number of any person.


17 DATED this 4th day of December, 2020.

18
19
20 Law Offices of Andriea A. Aden, Esq.
21 19 Winter Street
22 Reno, Nevada 89503
23 (775) 622-9245

24 /s/ Andriea A. Aden, Esq.
25 Andriea A. Aden, Esq.
26 Attorney for Scott A. Elkins
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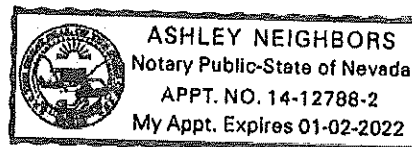
That I am the Defendant in the above-entitled action. That I have read the foregoing
ANSWER TO WIFE'S COMPLAINT FOR DIVORCE WITH CHILDREN AND
COUNTERCLAIM and know the contents thereof; that the same is true of my own knowledge,
except as to those matters which are therein stated upon information and belief, and as to those
matters I believe them to be true.


SCOTT A. ELKINS

STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

SUBSCRIBED AND SWORN to before me this 4th day of December 2020
by SCOTT A. ELKINS.


NOTARY PUBLIC



CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Law Offices of Andria A. Aden, Esq., Chtd., over the age of 18, and that on the date set forth below, I served a true copy of:

- **ANSWER TO WIFE'S COMPLAINT FOR DIVORCE WITH CHILDREN AND COUNTERCLAIM**

on the parties below by Electronic Service via ECF System:

Michael V. Kattelman, Esq.
Silverman, Kattelman, Springgate, Chtd.
500 Damonte Ranch Parkway, Suite 675
Reno, NV 89521

DATED this 4th day of December, 2020.

/s/ Ashley Neighbors
Ashley Neighbors

Michael V. Kattelman (NSB#6703)
Silverman Kattelman Springgate, Chtd.
500 Damonte Ranch Parkway, Suite 675
Reno, Nevada 89521
Telephone: 775/322-3223
Facsimile: 775/322-3649
Attorneys for Plaintiff-Wife

**IN THE FAMILY DIVISION
OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE**

GINA R. DAPRA,

Plaintiff-Wife,

Case No. DV20-01349

vs.

Dept. 2

SCOTT A. ELKINS

Defendant-Husband.

**WIFE'S ANSWER TO HUSBAND'S COUNTERCLAIM
(WITHOUT CHILDREN)**

As to Husband's claims "1, 2, 3, 4, and 9," admitted.

As to Husband claims "5, 6, 7, and 8," denied.

WHEREFORE, Wife requests judgment, decree, and orders as follows:

1. That Counterclaimant take nothing by way of his Counterclaim.
2. That this marriage be dissolved and a decree of divorce granted, returning Husband and Wife to the status of single persons.
3. That the Court adopt any settlement of the parties as reached between them on the issues concerning the dissolution of their marriage, or otherwise expediently resolve by trial those matters which cannot be settled between the parties.

1 4. That community property, separate property, and debts be awarded and
2 distributed pursuant to the parties' agreements and/or Nevada law.

3 5. That litigation fees and costs be awarded pursuant to Nevada law.

4 6. For such other and further relief as this Court deems just and proper.

5 Under NRS 239B.030 the undersigned affirms the preceding contains no social
6 security number.
7

8 DATED: This 9th day of December, 2020.

9 SILVERMAN KATTELMAN SPRINGGATE, CHTD.

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11 Michael V. Kattelman
12 Attorneys for Plaintiff, Gina Dapra
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____Placing an original or true copy thereof in a sealed envelope, postage prepaid for collection and mailing in the United States Mail at Reno, Nevada addressed to:

X Electronically, VIA E-FLEX:

Dated this 10TH day of December, 2020.

Lindy A. McQuirk

IN THE FAMILY DIVISION
OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

GINA R. DAPRA,

Plaintiff,

vs.

SCOTT A. ELKINS,

Defendant.

Case No. DV20-01349

Dept. No. 16

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECREE OF DIVORCE

This matter having come before the Court on April 5, 2021 and April 30, 2021, for a Settlement Conference, Plaintiff, GINA R. DAPRA (hereinafter "Dr. Dapra" or "Wife"), appearing with her counsel, Michael Kattelman, Esq. via electronic means, and Defendant, SCOTT A. ELKINS (hereinafter "Mr. Elkins" or "Husband"), appearing with his counsel, Andriea A. Aden, Esq. via electronic means. The parties have come to certain agreements regarding the dissolution of their marriage, the division of community property, the Court having reviewed the pleadings and papers on file herein, the requirements of Chapter 125 NRS having been satisfied, and the Court being fully advised in the premises, the Court hereby enters the following Decree of Divorce:

///

FINDINGS OF FACT

1
2 1. That for more than six (6) weeks immediately preceding the commencement of
3 this action, Plaintiff, GINA R. DAPRA, has been and now is a bona fide resident of the State of
4 Nevada, having been physically present therein during all of said time, and having had and now
5 having the intention to make the aforesaid State her domicile.
6

7 2. That the parties were lawfully joined in marriage in Olympic Valley, CA on or
8 about October 5, 2013, and ever since that time have been, and still now are, Husband and Wife.

9 3. That there no minor children born the issue of this marriage and Wife is currently
10 not pregnant.
11

12 4. That the parties have become and continue to be, incompatible in marriage and no
13 reconciliation is possible, and the parties are entitled to a Decree of Divorce.

CONCLUSIONS OF LAW

14
15 1. The Court finds it has jurisdiction over the subject matter of this action and
16 personal jurisdiction over the parties.
17

18 2. The Court finds the agreement set forth below is equitable and approves it as
19 consistent with Nevada law.

20 3. The Court finds that the parties are incompatible in marriage and, no
21 reconciliation is possible, and the parties are entitled to a Decree of Divorce.

22 NOW THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED that as the
23 parties are incompatible in marriage, they are hereby granted an absolute and final Decree of
24 Divorce; that the bonds of matrimony existing between the parties be dissolved; and that the
25 parties are restored to the status of single, unmarried persons, nunc pro tunc to April 30, 2021.
26

27 All issues of spousal support and community property and debts have been resolved
28

1 pursuant to the agreement of the parties as set forth herein.

2 **I. DIVISION OF ASSETS AND DEBT**

3 Attached hereto as Exhibit 1 is a Marital Balance Sheet outlining the parties agreed upon
4 division of the community and separate assets and debts, and is described in detail herein.

5
6 **1. Bank Accounts**

7 Each party shall retain all bank accounts held in their respective name as outlined in
8 Exhibit 1, save and except Husband shall receive \$50,000 (without gains or losses, or interest)
9 from the Greater Nevada Credit Union account ending (6302). This money shall be transferred
10 immediately upon the Notice of Entry of Decree.

11 Husband shall also retain the following joint bank accounts and may remove Wife from
12 the same or close the accounts: US Bank checking (5101), US Bank savings (6449), and US
13 Bank savings (4101). Wife shall cooperate if needed to remove her name from these accounts or
14 close these accounts.

15
16 **2. Investment Accounts**

17 *Charles Schwab Acct. x0897*: This is a community property account. This account shall
18 be equally divided upon the date of severance, which shall occur immediately upon the Notice of
19 Entry of Decree. Neither party shall withdraw any additional funds from this account until
20 severance. No fees shall be paid out of this account except for fees related to this account.

21
22 *Charles Schwab Acct. x7204*: Wife shall retain this account as her sole and separate
23 property.

24
25 *Charles Schwab Acct. x0377*: This is a community property account. This account shall
26 be equally divided as outlined on the marital balance sheet with Husband to receive no less than
27 \$6,827 from this account, which shall occur immediately upon the Notice of Entry of Decree.

28

1 **3. *Business Interests:***

2 Wife shall retain any and all interest she has in Northern Nevada Emergency Physicians
3 as her sole and separate property.

4 **4. *Real Property:***

5 *4265 Basque Lane, Reno, Nevada:* It is agreed this property is to be sold and listed for
6 sale as soon as possible. The parties shall mutually agree upon a realtor. If the parties are unable
7 to agree upon a realtor, the matter shall be submitted to Judge Banales upon both parties filing a
8 brief to the court no later than Friday, May 7, 2021.

9 The parties agree to follow the recommendations of the realtor with respect to list price,
10 etc., subject to the parties agreeing otherwise. The parties shall in good faith listen to the
11 recommendation of the realtor as to repairs or improvements to be made to the property for sale
12 purposes. If the parties cannot agree on a repair or improvement to be made to the real property
13 for sale purposes, the Second Judicial District Court reserves jurisdiction to resolve the repair or
14 improvement issue(s) between the parties, which can be managed by a short conference with the
15 Court which can be set by counsel by way of a telephone call to the Court. The parties shall
16 equally pay the costs of all agreed upon, or Court ordered, repair or improvements to the real
17 property for its sale, and all costs of sale of the property. The parties shall cooperate to sign any
18 and all paperwork necessary to list the property for sale and during the escrow process to finalize
19 the sale.

20 Wife shall remain in the residence and shall continue to have exclusive possession of the
21 residence until it is sold or she chooses to vacate. Wife shall be responsible to pay for all normal
22 living expenses related to the residence until it is sold, which is distinct from the repairs and
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1 improvements as set forth above. Mr. Elkins will return the garage door opener to the back
2 detached garage.

3 The Second Judicial District Court shall retain jurisdiction over all matters regarding the
4 sale, management, and payments with respect to the residence until it is sold.

5 Upon sale, the parties shall equally split the net proceeds, subject to the equalization
6 payment outlined herein.

7
8 *2470 Sorrento Lane, Sparks, Nevada:* Husband shall retain this property as his sole and
9 separate property and any liabilities and encumbrances associated therewith and he shall
10 indemnify Wife from the same.

11 **5. Vehicles**

12
13 *2012 Wildwood 5th Wheel:* It is agreed that this will be sold and the proceeds equally
14 split. This vehicle is currently in Wife's possession. Mr. Elkins shall list the RV for sale. Both
15 parties shall cooperate to assist to sell the vehicle as soon as possible, including accommodating
16 any showings of the RV. Should Husband request to present at the showing, upon notice to Wife,
17 Husband may access the vehicle on the Basque property for purposes of sale, with both he and
18 the potential buyers entering and exiting the Basque property by way of the back gate. The
19 parties shall also mutually agree on the sales price.

20
21 The Second Judicial District Court shall retain Jurisdiction over all matters regarding the
22 sale of the recreational vehicle until it is sold.

23
24 *2011 Chevy Camaro:* Husband shall retain this vehicle as his sole and separate property,
25 with all debts and liabilities thereon.

26
27 *2012 Chevy Duramax HD 2500:* Husband shall retain this vehicle as his sole and separate
28 property, with all debts and liabilities thereon.

1 2014 Range Rover, VIN SALWR2WF7EA393934: Wife shall retain this vehicle as her
2 sole and separate property, with all debts and liabilities thereon.

3 2004 Jeep Wrangler (salvaged title): Husband shall retain this vehicle as his sole and
4 separate property, with all debts and liabilities thereon.

5 1967 Ford Mustang: Husband shall retain this vehicle as his sole and separate property,
6 with all debts and liabilities thereon.

7 1967 Chevy Camaro (the yellow Camaro), VIN 124377L122050: Wife shall retain this
8 vehicle as her sole and separate property, with all debts and liabilities thereon.

9 1943 MJ Military Jeep: Wife shall retain this vehicle as her sole and separate property,
10 with all debts and liabilities thereon.

11 1970 Chevy Camaro (the birthday Camaro): Husband shall retain this vehicle as his sole
12 and separate property, with all debts and liabilities thereon.

13 1967 Mercury Cougar: Husband shall retain this vehicle as his sole and separate
14 property, with all debts and liabilities thereon.

15 1982 Jeep Scrambler: Husband shall retain this vehicle as his sole and separate property,
16 with all debts and liabilities thereon.

17 1969 Ford Mustang: Husband shall retain this vehicle as his sole and separate property,
18 with all debts and liabilities thereon.

19 1993 Honda CVR 600 F2 Motorcycle: Husband shall retain this vehicle as his sole and
20 separate property, with all debts and liabilities thereon.

21 1966 Ford Thunderbird: Husband shall retain this vehicle as his sole and separate
22 property, with all debts and liabilities thereon.

1 1967 Chevy Camaro (white): Husband shall retain this vehicle as his sole and separate
2 property., with all debts and liabilities thereon

3 1968 Chevy Camaro: Husband shall retain this vehicle as his sole and separate property,
4 with all debts and liabilities thereon.

5 1994 GMC Pick-Up K2500: Husband shall retain this vehicle as his sole and separate
6 property, with all debts and liabilities thereon.

7 1968 Mercury Cougar: Husband shall retain this vehicle as his sole and separate
8 property, with all debts and liabilities thereon.

9 Volkswagen Sandrail: Husband shall retain this vehicle as his sole and separate property,
10 with all debts and liabilities thereon.

11 2019 Subaru Impreza: This vehicle is in the possession of Mr. Elkins' daughter and he
12 does not have title to this vehicle, nonetheless it was identified and agreed that Husband shall
13 retain this vehicle as his sole and separate property, to the extent he has any interest, with all
14 debts and liabilities thereon.

15 In regards to all vehicles, should the party not receiving the vehicle have any items, such
16 as keys, or documents related to this vehicle in their possession, they shall return those items or
17 documents to the party receiving the vehicle, if and when such item is found.

18
19
20
21 **6. Personal Property**

22 The parties have not fully resolved their personal property disputes. The parties are
23 obligated to cooperate to divide any remaining personal property with the Court retaining
24 jurisdiction over the same.

25
26 //

27 //

1 **7. *Life Insurance and Disability Policies***

2 Wife shall retain all life insurance and disability policies as her sole and separate
3 property.

4 **8. *Retirement Account***

5 *Nevada Public Employees' Retirement System Benefits:* Husband shall retain his PERS
6 as his sole and separate property, except that Wife retains any and all death beneficiary benefits
7 to which she is entitled.

8 *Charles Schwab Roth IRA Acct. x1953:* Wife shall retain this account as her sole and
9 separate property.

10 *Fidelity 401(k) Acct. x3857:* Wife shall retain this account as her sole and separate
11 property.

12 *Charles Schwab IRA Acct. x1609:* Wife shall retain this account as her sole and separate
13 property.

14 **9. *Debts***

15 Each party shall retain all debt held in their respective name as outlined in Exhibit 1. The
16 parties have no jointly held debt, other than the 2020 taxes, addressed herein, and the mortgage
17 related to Basque lane, which will be satisfied upon the sale of the residence.

18 **10. *Income Taxes***

19 The parties shall file jointly for tax year 2020, and the parties have now signed and filed
20 their 2020 tax return. As a result of the equalization payment from Wife to Husband being
21 finalized at \$1170,000 (without interest) as detailed below, Wife shall be responsible to pay any
22 and all tax debt owed for 2020 on income and assets disclosed at the time of the divorce.
23
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1 The parties shall file separate taxes thereafter. For the calendar year 2021, the parties
2 shall file separate federal income tax returns, without respect to the laws of community property
3 and this decree shall be treated as a decree of separate maintenance from January 1, 2021, for tax
4 filing purposes. Each party shall report his or her separate income on his or her own income tax
5 return and shall be entitled to the income taxes withheld, estimated payments and any other tax-
6 related payments made by him or her attributable to his or her income, and the deductions,
7 exemptions, credits attributable to his or her income/property. For the calendar year 2021 and
8 thereafter, both parties are entitled to all tax deductions and credits associated with the payments
9 they have individually made towards real property and to all business deductions associated with
10 their respective business.
11

12 Except as otherwise specified in this Agreement, each party shall pay any capital gains
13 taxes, income taxes or other taxes, interest, penalties, costs, assessments, fees or charges of any
14 sort, kind or nature resulting from his/her transfer, sale, liquidation or other disposition of any
15 asset, property, interest or right he/she receives, owns or controls under this Agreement, or which
16 he/she utilizes or borrows to pay any obligation he/she owes under this Agreement, or which is
17 incurred in connection with or pertains to any property, asset, business or other interest he/she
18 receives under this Agreement.
19

20 Any tax obligations owed from the sale of Basque lane shall be equally split between the
21 parties based upon the parties each receiving one-half of the net proceeds. Husband is not subject
22 to a greater tax obligation as a result of the equalization payment paid from Wife's half of the net
23 proceeds.
24

25 The division of community property set forth herein is intended to be a non-taxable
26 transfer between spouses pursuant to section 1041 of the Internal Revenue Code.
27
28

1 Neither counsel for Wife nor Husband provided any tax advice regarding any and all past
2 or future tax obligations owed.

3 **11. Equalization Payment**

4 Based upon the agreement outlined herein, it is agreed that Husband shall receive an
5 equalization payment in the sum of \$170,000 to be paid out of Wife's one-half of the net
6 proceeds from the home, to be paid to Husband at close of escrow of Basque Lane.
7

8 Husband waives any and all claims to any legal interest on the amount owed, and the
9 \$170,000 amount owed is not subject to any increase or decrease in any way.

10 **12. Attorney's Fees**

11 Each party shall be responsible to pay any and all outstanding attorney's fees owed from
12 the date of the settlement conference. Attorney's fees up to the date of the Settlement Conference
13 were equalized as shown on line 16 of Exhibit 1.
14

15 **13. Execution of Documents**

16 The parties shall execute any and all documents necessary to transfer the asset and debts
17 as outlined here.
18

19 **14. Unadjudicated Assets**

20 Both parties affirmed this is all assets and debts they are aware of, both community and
21 separate. Husband further confirmed under oath he is not in possession of nor does he own any
22 cryptocurrency.
23

24 If any community property of the parties is later discovered/found to exist and was not
25 listed herein and such property comes to the attention of either party after the execution of this
26 Decree, the discovering party shall notify the other party forthwith as to the existence of
27 additional assets and forthwith invoke the jurisdiction of the Court for the property's division
28

1 pursuant to NRS 125.150. The parties acknowledge that if it is proven that a party intentionally
2 omitted or intentionally failed to disclose a material asset in this divorce process, such asset can
3 be awarded by the Court entirely to the other party. The Court shall reserve jurisdiction over
4 assets not listed in this Decree for the limited purpose of enforcing this provision.
5

6 **II. ALIMONY**

7 Neither party shall receive alimony and the Court hereby terminates jurisdiction over the
8 same.

9 **III. RESOLUTION OF ALL CLAIMS**

10 This Decree constitutes resolution of all claims that were raised or could have been
11 raised by either party by way of the Complaint for Divorce or Counter-Claim for Divorce,
12 except for the division or award of unknown or undisclosed assets or property as set forth above.
13

14 **IV. WIFE'S NAME**

15 Wife never changed her surname and shall continue to be known as GINA DAPRA.

16 **V.** The Court canvassed the parties and each has acknowledged their understanding and
17 agreement to all of the terms of their settlement agreement, and that each has done so voluntarily
18 and without duress from any outside source or party or from the other party.
19

20 **VI. NUNC PRO TUNC**

21 The parties' Decree of Divorce is effective, Nunc Pro Tunc, to April 30, 2021.

22 **IT IS SO ORDERED.**

23
24 DATED August 25, 2021.

25 
26 SR DISTRICT JUDGE

27 DV20-01349
28

EXHIBIT INDEX

Dapra vs. Elkins

Case No. DV20-01349

Exhibit Number	Description	Number of Pages
1	Marital Balance Sheet	5

EXHIBIT “1”

EXHIBIT “1”

MARITAL BALANCE SHEET

Dapra/Elkins

DOM: 10/5/2013

		VALUED BY	VALUE DATE	PROPERTY VALUE	COMMUNITY		SEPARATE	
					HUSBAND	WIFE	HUSBAND	WIFE

ASSETS:**CASH AND CASH EQUIVALENTS**

1	Husband's GNCU Accounts - x6842 (on combined statement)		3/31/2021	\$7,128	\$7,128			
2	Husband's GNCU Accounts - x8401 (on combined statement)		3/31/2021	498	498			
3	Husband's GNCU Accounts - x1497 (on combined statement)		3/31/2021	30,962			30,962	
4	Great Nevada Credit Union x6301 (on combined statement) Gina R Dapra		3/31/2021	1,010		1,010		
5	GNCU x 1637 Checking (on combined statement) Gina R Dapra		3/31/2021	\$2,415		\$2,415		
6	Great Nevada Credit Union x1645 (on combined statement) Gina R Dapra		3/31/2021	597		597		
7	Great Nevada Credit Union x6302 (on combined statement) Gina R Dapra		3/31/2021	135,023	50,000	85,023		
8	Reno City Employees Fed. CU x795 Scott Elkins Teri Taylor		3/31/2021	10	10			
9	First Independent Bank - Savings x8778 Gina R Dapra Gina R Dapra Trust DTD 4/10/2008		3/31/2021	8,730		8,730		
10	U.S. Bank x5101 - Checking Joint Scott A Elkins Gina R Dapra		4/8/2021	1,455	1,455			
11	U.S. Bank x6449 - Savings Scott A Elkins Gina R Dapra		4/8/2021	525	525			
12	U.S. Bank x4101 Scott A Elkins Gina R Dapra		4/15/2021	1,485	1,485			
13	Husband's Unaccounted for income							
14	Unaccounted for income - W since July 2020							
15	Missing funds from GNCU - 6302							
16	Equalizing Attorney's fees				\$29,500	\$57,525		
Subtotal				189,839	90,602	155,300	30,962	0

INVESTMENTS

MARITAL BALANCE SHEET

Dapra/Elkins

DOM: 10/5/2013

			VALUED BY	VALUE DATE	PROPERTY VALUE	COMMUNITY		SEPARATE	
						HUSBAND	WIFE	HUSBAND	WIFE
17	Charles Schwab TOD x0897 Gina R Dapra Designated Bene Plan/TOD			3/31/2021	366,735	183,368	183,368		
18	Charles Schwab x7204 Gina R Dapra TTEE Gina R Dapra Trust U/A DTD 4/10/2008			3/31/2021	178,086				178,086
19	Charles Schwab x0377 - Joint Gina R Dapra & Scott Elkins JT Ten			3/31/2021	13,654	6,827	6,827		
Subtotal					558,475	190,195	190,195	0	178,086

OTHER INTERESTS

20	Northern Nevada Emergency Physicians						X		
	Employment entities						X		
Subtotal					0	0	0	0	0

REIMBURSEMENT

20(a)	Tax - Sale of North Cactus Hills				0	0			
Subtotal					0	0	0	0	0

MARITAL BALANCE SHEET

Dapra/Elkins

DOM: 10/5/2013

		VALUED BY	VALUE DATE	PROPERTY VALUE	COMMUNITY		SEPARATE	
					HUSBAND	WIFE	HUSBAND	WIFE

REAL PROPERTY, INCLUDING LEASES; WATER RIGHTS; ETC.

21	4265 Basque Lane, Reno, Nevada 89519 (FMV)	Appraisal	3/12/2021	1,775,000	887,500	887,500		
22	2470 Sorrento Lane, Sparks, Nevada (FMV)	Appraisal	3/12/2021	545,000	100,000		445,000	
	Subtotal			2,320,000	987,500	887,500	445,000	0

AUTOS & ALL OTHER VEHICLES

23	2012 Wildwood 5th Wheel x1768	Estimates		16,170	8,085	8,085		
24	2011 Chevrolet Camaro SS vin 62051	Estimates		14,425	7,828		6,597	
25	2012 Chevrolet Duramax VIN 8642	Estimates		26,300	26,300			
26	2014 Land Rover Range Rover Sport I VIN3934		1/14/2021	31,608		31,608		
27	2004 Jeep Wrangler TJ Sport	Estimates		13,000	13,000			
28	1967 Mustang (Cobra Engine)	Estimates		47,000	47,000			
29	1967 Chevrolet Camaro VIN 2050	Estimates		29,000				29,000
30	1943 Military Jeep vin 9614	Estimates		1,000		1,000		
31	1970 Chevrolet Camaro	Estimate		25,200			25,200	
32	1967 Mercury Cougar			TBD				
33	1982 Jeep Scrambler			TBD				
34	1969 Ford Mustang			TBD				
35	1993 Honda CVR 600 F2 Motorcycle			TBD				
36	1966 Ford Thunderbird			TBD				
37	1967 Chevy Camaro (white)			TBD				
38	1966 Chevy Camaro			TBD				
39	1994 GMC Pick-Up K2500			TBD				
40	1968 Mercury Cougar			TBD				
41	Volkswagon Sandrail			TBD				
42	2019 Subaru Impreza	Amount paid for purchase		23,751	23,751			
	Subtotal			227,454	125,964	40,693	31,797	29,000

PERSONAL PROPERTY, INCLUDING INTELLECTUAL PROPERTY; TRADEMARKS; PATENTS; ETC.

43	H's personal property			TBD				
44	W's personal property			TBD				
	Subtotal			0	0	0	0	0

CASH VALUE OF LIFE INSURANCE

45	Metropolitan Life Insurance Co. x7093 Disability policy							X
----	---	--	--	--	--	--	--	---

MARITAL BALANCE SHEET

Dapra/Elkins

DOM: 10/5/2013

			VALUED BY	VALUE DATE	PROPERTY VALUE	COMMUNITY		SEPARATE	
						HUSBAND	WIFE	HUSBAND	WIFE
46	Tansamerica Premier Life Insurance Co. x0872 (formerly WRL Life Insurance Co. x0872)								X
47	The Standard Disability Policy								X
Subtotal					0	0	0	0	0

RETIREMENT ACCOUNTS

48	Public Employee Retirement System Account (PERS) (Husband)	Potential Community Credit			180,000	180,000			
49	Charles Schwab - Roth IRA x1953 Gina R Dapra			3/31/2021	90,157		68,105		22,053
50	Fidelity 401(k) (Wife) Gina Rae Dapra			3/31/2021	1,438,278		577,080		861,198
51	Charles Schwab -x1609 IRA Non-Deduct Contributory			1/31/2021	0		0		
Subtotal					1,708,435	180,000	645,185	0	883,251
TOTAL ASSETS					5,004,204	1,574,260	1,918,873	507,759	1,090,337

LIABILITIES:

LONG TERM DEBT

52	Specialized Loan Servicing (fka Shellpoint Mortgage x4696) 4265 Basque Lane, Reno, Nevada 89519 (Debt)			4/7/2021	944,009	472,005	472,005		
53	PNC Bank Mortgage on 2470 Sorrento Lane, Sparks, Nevada (FMV)			3/18/2021	268,585			268,585	
Subtotal					1,212,594	472,005	472,005	268,585	0

ALL OTHER LIABILITIES: CREDIT CARDS; FEES; STORE ACCOUNTS; PERSONAL LOANS; CAR LOANS; ETC.

54	Bank of America Visa x9305			4/6/2021	2,387	X			
55	Greater NV CU Master Card x6993 Scott Elkins			3/18/2021	0	X			
56	American Express x1009			4/9/2021	95	X			
57	American Express Gold Card x21004 Gina Dapra			3/29/2021	0		0		
58	USAA Visa x1424 Gina Dapra			4/15/2021	0		0		

MARITAL BALANCE SHEET

Dapra/Elkins

DOM: 10/5/2013

			VALUED BY	VALUE DATE	PROPERTY VALUE	COMMUNITY		SEPARATE	
						HUSBAND	WIFE	HUSBAND	WIFE
59	American Airlines American Advantage Citi x1248 Gina Dapra			1/15/2021	0		0		
	Citi Visa Gina Dapra Duplicate of line 55				0		0		
60	Current year tax liability				TBD		X		
61	Outstanding attorneys fees Husband					X			
62	Outstanding attorneys fees Wife						X		
	Subtotal				2,482	0	0	0	0
TOTAL LIABILITIES					1,215,076	472,005	472,005	268,585	0
NET EQUITY					3,789,127	1,102,256	1,446,868	239,174	1,090,337
EQUALIZING NOTE						170,000	-170,000		
EQUALIZED EQUITY						1,272,256	1,276,868		

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I certify that on August 26, 2021, I electronically filed a true and correct copy of the foregoing with the Clerk of Court by using the ECF system which will send a notice to:

ANDRIEA ADEN, ESQ. for SCOTT ELKINS
MICHAEL KATTELMAN, ESQ. for GINA DAPRA

Diana Z...

Administrative Assistant

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5 IN THE FAMILY DIVISION
6 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE
8

9 GINA R. DAPRA,

Case No. DV20-01349

10 Plaintiff,

Dept. No. 16

11 vs.

12 SCOTT A. ELKINS,

13 Defendant.
14 _____/

15 **ORDER AFTER HEARING**

16 This matter came before the Court on March 21, 2022, for hearing pursuant to the
17 Order Setting Hearing filed January 14, 2022. The hearing was conducted remotely
18 through Zoom in accordance with Administrative Order 2022-03. Plaintiff, Gina Dapra
19 (hereafter "Wife") was present with counsel, Michael Kattelman, Esq. Defendant, Scott
20 Elkins, (hereafter "Husband") was present with counsel, Andriea Aden, Esq.

21 At issue is whether Plaintiff's *Notice of Subpoena Duces Tecum* filed December 8,
22 2021 to Greater Nevada Credit Union ("GNCU") is appropriate under the Court's
23 reservation of jurisdiction as to personal property as specified in the parties' settlement on
24 April 30, 2021.

25 At the hearing, Plaintiff's Counsel stated that a review of the
26 GNCU statements and withdrawals was necessary to finalize the personal property
27 disbursement.

28 Defendant's Counsel stated that Plaintiff had sent a subpoena to GNCU prior to
settlement, that the GNCU account was specifically addressed at settlement, and that a

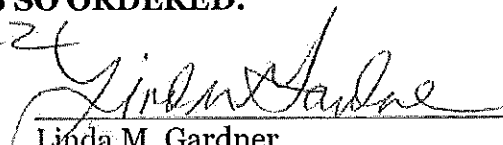
1 motion to conduct post-discovery discovery must be filed prior to sending a subpoena to
2 GNCU.

3 The Court has reviewed all papers and pleadings on file, considered the arguments
4 of Counsel, and now finds and orders as follows:

- 5 1. A subpoena duces tecum was sent to GNCU prior to the parties' settlement on
6 April 30, 2021; accordingly, Plaintiff had the opportunity to examine the GNCU
7 statements prior to settlement.
- 8 2. Final Settlement between the parties was put on the record April 30, 2021
9 wherein the Court retained jurisdiction over all remaining personal property
10 issues. The Court finds that the parties' GNCU account was adjudicated at
11 settlement and is not within the purview of unresolved personal property.
- 12 3. Defendant's Motion for Protective Order from the *Subpoena Duces Tecum* filed
13 December 8, 2021 to Greater Nevada Credit Union is GRANTED.
- 14 4. The Supreme Court of Nevada has held that parties seeking attorney's fees in
15 family law cases must support their request with affidavits or other evidence that
16 satisfy the factors delineated in the prior *Brunzell v. Golden Gate National*
17 *Bank* and *Wright v. Osburn* decisions. *Miller v. Wilfong*, 121 Nev. 619, 624, 119 P.3d
18 727, 730 (2005). The Court is inclined to grant attorney's fees and costs to
19 Defendant for the filing of the Objection to Subpoena and Motion for Protective
20 Order. Counsel for Defendant shall submit a Brunzell and Wilfong affidavit.

21 **GOOD CAUSE APPEARING, IT IS SO ORDERED.**

22 Dated: *March 22, 2022*

23 
24 Linda M. Gardner
25 Senior District Judge
26
27
28

1 **CERTIFICATE OF SERVICE**

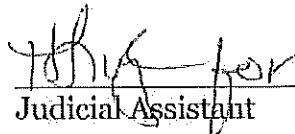
2 Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial
3 District Court, and that on 3/22, 2022, I deposited for mailing, first class postage pre-
4 paid, at Reno, Nevada, or via e-filing, a true and correct copy of the foregoing document
5 addressed to:

6
7 Michael Kattelman, Esq.
8 Andriea Aden, Esq.
9 Via Electronic Filing

10 ***Attention***

11
12 **AS OF OCTOBER 18TH, 2018**, Electronic Filing is **MANDATORY** for all cases,
13 including Family Law cases. **Therefore, copies will only be sent electronically.**

14 Husband should contact the Second Judicial District Court Resource Center at **775-328-**
15 **3110 ext. 5** or visit **<https://wcefex.washoecourts.com>** to sign up for a free e-flex
16 account.

17
18 
19 Judicial Assistant

1 CODE: 2530
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6 IN THE FAMILY DIVISION
7 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8 IN AND FOR THE COUNTY OF WASHOE
9

10 GINA R. DAPRA,

11 Plaintiff,

Case No. DV20-01349

12 vs.

Dept. No. 16

13 SCOTT A. ELKINS,

14 Defendant.
15 _____/

16 **NOTICE OF ENTRY OF ORDER**
17

18 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the **ORDER**
19 **AFTER HEARING**, was entered and filed in the above-entitled matter on March 22,
20 2022, a copy of which is attached hereto as Exhibit "1".

21 DATED: March 22, 2022
22

23 /s/ H. Lujan

24 Court Clerk
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court in and for the County of Washoe, and that on March 22, 2022, I deposited in the county mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, or via e-filing, a true copy of the foregoing document addressed as follows:

ELECTRONIC FILING:

Michael Kattelman, Esq.
Andriea Aden, Esq.

/s/ H. Lujan
Court Employee

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EXHIBIT 1

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6 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE
8

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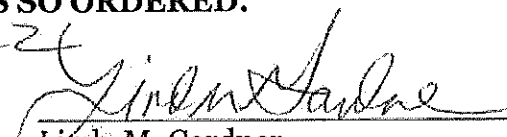
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- 14 4. The Supreme Court of Nevada has held that parties seeking attorney's fees in
15 family law cases must support their request with affidavits or other evidence that
16 satisfy the factors delineated in the prior *Brunzell v. Golden Gate National*
17 *Bank* and *Wright v. Osburn* decisions. *Miller v. Wilfong*, 121 Nev. 619, 624, 119 P.3d
18 727, 730 (2005). The Court is inclined to grant attorney's fees and costs to
19 Defendant for the filing of the Objection to Subpoena and Motion for Protective
20 Order. Counsel for Defendant shall submit a Brunzell and Wilfong affidavit.

21 **GOOD CAUSE APPEARING, IT IS SO ORDERED.**

22 Dated: *March 22, 2022*


Linda M. Gardner
Senior District Judge

1 **CERTIFICATE OF SERVICE**

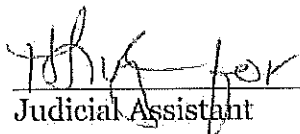
2 Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial
3 District Court, and that on 3/22, 2022, I deposited for mailing, first class postage pre-
4 paid, at Reno, Nevada, or via e-filing, a true and correct copy of the foregoing document
5 addressed to:

6
7 Michael Kattelman, Esq.
8 Andriea Aden, Esq.
9 Via Electronic Filing

10 ***Attention***

11
12 **AS OF OCTOBER 18TH, 2018, Electronic Filing is MANDATORY for all cases,**
13 **including Family Law cases. Therefore, copies will only be sent electronically.**

14 Husband should contact the Second Judicial District Court Resource Center at **775-328-**
15 **3110 ext. 5** or visit **<https://wccflex.washoecourts.com>** to sign up for a free e-flex
16 account.

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18 
19 Judicial Assistant

IN THE FAMILY DIVISION
IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

GINA R. DAPRA,

Plaintiff,

Case No. DV20-01349

vs.

Dept. No. 16

SCOTT ANTHONY ELKINS,

Defendant.

ORDER AWARDING ATTORNEY'S FEES AND COSTS

Before the Court is Defendant, SCOTT ELKINS' ("Mr. Elkins") *Brunzell/Wilfong Affidavit of Andriea A. Aden, Esq. in Support of Request for Attorney's Fees Pursuant to March 22, 2022, Order After Hearing*, filed on March 23, 2022. Pursuant to the March 22, 2022 *Order After Hearing*, the Court opined it was inclined to grant attorney's fees and costs to Mr. Elkins and directed his counsel to submit the appropriate affidavit.

On April 6, 2022, Plaintiff, GINA DAPRA ("Ms. Dapra"), through counsel filed an *Objection*. Mr. Elkins' *Response and Request for Submission* were filed on April 8, 2022.

On May 19, 2022, Ms. Dapra filed a *Notice of Writ* to the Supreme Court of Nevada, appealing the March 22, 2022, *Order After Hearing*. On May 25, 2022, this Court entered an *Order Holding Submission in Abeyance Pending Appeal*.

An *Order Denying Petition for Writ of Mandamus or Prohibition* was entered on June 17, 2022, and jurisdiction was returned to this Court by *Notice in Lieu of Remittitur*

1 filed on July 13, 2022. The *Affidavit* was resubmitted on August 10, 2022, and is now before
2 this Court for decision.

3 Law

4 Pursuant to *First Interstate Bank of Nevada v. Green*, “[a]ttorney’s fees are not
5 recoverable in Nevada unless authorized by statute, rule, or agreement between the parties.
6 101 Nev. 113, 116, 694 P.2d 496, 498 (1985) (citing *Locken v. Locken*, 98 Nev. 369, 650 P.2d
7 803 (1982)).

8 Accordingly, the parties in this matter must have grounds for attorney’s fees
9 pursuant to statute or rule. In this case, NRS 18.010(2)(b) provides, “the Court may make
10 an allowance of attorney’s fees to a prevailing party: (a) When the prevailing party has not
11 recovered more than \$20,000; or (b) without regard to the recovery sought, when the court
12 finds that the claim, counterclaim, cross-claim, or third-party complaint or defense of the
13 opposing party was brought or maintained without reasonable ground or to harass the
14 prevailing party.”

15 “A party can prevail under NRS 18.010, if it succeeds on any significant issue in
16 litigation which achieves some of the benefit it sought in bringing suit.” *Valley Electric*
17 *Ass’n v. Overfield*, 121 Nev. 7, 10, 106 P.3d 1198, 1200 (2005). A case must proceed to
18 judgment in order to have a prevailing party; anything short of judgment does not work for
19 determining a prevailing party. *Works v. Kuhn*, 103 Nev. 65, 723 P.2d 1373 (1987).
20 Similarly, “NRS 18.010 appears to contemplate the award of attorney’s fees following a ‘trial
21 or special proceeding.’” *Clark County v. Blanchard Const. Co*, 98 Nev. 488, 492, 653 P.2d
22 1217 (1982).

23 NRS 18.010(2)(b) and NRCP 11 authorize the district court to grant an award of
24 attorney fees as sanctions against a party who pursues a claim without reasonable ground.

25 We have consistently recognized that “[t]he decision to award attorney fees is within
26 the [district court’s] sound discretion...and will not be overturned absent a ‘manifest abuse
27 of discretion.’” *Edwards v. Emperor’s Garden Rest.*, 122 Nev. 317, 330, 130 P.3d 1280,
28 1288 (2006).

1
2 NRS 18.010 governs the instances in which attorney fees are awarded, and states the
3 following:

4 The Court shall liberally construe the provisions of this paragraph in favor of
5 awarding attorney's fees in all appropriate situations. It is the intent of the
6 Legislature that the court award attorney's fees pursuant to this paragraph and
7 impose sanctions pursuant to Rule 11 of the Nevada Rules of Civil Procedure
8 in all appropriate situations to punish for and deter frivolous or vexatious
9 claims and defenses because such claims and defenses overburden limited
judicial resources, hinder the timely resolution of meritorious claims and
increase the costs of engaging in business and providing professional services
to the public.

10 NRS. 18.010(2)(b); *Campanna v. Orth*, 134 Nev. 888, 895, 432 P.3d 726, 734 (2018).

11 **ORDER**

12 Based upon the foregoing, the Court finds and orders as follows:

13 Qualities of the Advocate

14 In consideration of the information presented in the *Affidavit of Counsel in Support*
15 *of Attorney's Fees*, the Court finds Ms. Andriea Aden, Esq. is a practicing member of the
16 Nevada Bar, and has been practicing family law exclusively since 2010. Ms. Aden, Esq. is a
17 certified family law specialist, and bills at \$375.00/hour, based upon her education and
18 experience. Ms. Aden, Esq. contends another attorney in her practice, and paralegal have
19 also expended time in this case.

20 The additional attorney that worked on this case was Mikyla Miller, Esq., who
21 became licensed to practice in 2010, and began working in family law in 2012. Ms. Miller,
22 Esq., is in good standing to practice law in Nevada, and was employed with Ms. Aden, Esq.,
23 from June 2018, until recently, as Ms. Miller, Esq. has begun her own family law practice.
24 Ms. Miller, Esq., billed at \$325.00/hour for her work in this case.

25 Ashley Neighbors, a paralegal, has worked in the legal field since 2008, and began
26 working as a family law paralegal in 2012. Ms. Neighbors holds an Associates Degree, and
27 a Paralegal Certificate. Ms. Neighbors has been employed with Ms. Aden, Esq., since
28

1 October, 2019, but previously worked with Ms. Aden, Esq. at a different law firm for five
2 years. Ms. Neighbor's work was billed at \$180.00/hour.

3 Considering Ms. Aden, Esq., Ms. Miller, Esq., and Ms. Neighbor's experience, as well
4 as the general billing rates for family lawyers, and paralegals in Washoe County / Northern
5 Nevada, the Court finds these rates are reasonable.

6 Character of the Work Performed

7 Ms. Aden, Esq., Ms. Miller, Esq., and Ms. Neighbors conducted office and phone
8 conferences, as well as spent time drafting and reviewing documents pertinent to the case.
9 Ms. Aden, Esq., prepared for and appeared at the Motion to Quash and Motion for
10 Protective Order hearing conducted on March 21, 2022. Preparation included drafting the
11 Motion to Quash and Motion for Protective Order, a Reply thereto, and a Rule 11 Sanctions
12 letter.

13 The Work Actually Performed by the Lawyer

14 Ms. Aden, Esq. attached billing statements as *Exhibit 3* to the *Affidavit*, which reflect
15 the work performed. The billing statements reflect several hours of email and document
16 review, as well as conferencing and corresponding with the client, and Ms. Miller, Esq.
17 about the case. Additionally, Ms. Aden, Esq. appeared on behalf of Mr. Elkins at the hearing
18 on the subpoena, which she spent time preparing her client for, and composing arguments,
19 and strategy.

20 The Results Obtained for the Client

21 Ms. Aden, Esq. was successful in quashing Ms. Dapra's subpoena.

22 Disparity in Income

23 This court must also consider the disparity in income when awarding fees. *Wright*
24 *v. Osburn*, 114 Nev. 1367, 970 P.2d 1071 (1998). The parties' respective financial disclosures
25 on file illustrate an income disparity; however, both parties have the ability to pay attorney's
26 fees and the disparity in monthly income does not impact the Court's award of fees to Mr.
27 Elkins.

1 After a review of the *Affidavit*, and *Objection*, the Court finds it appropriate to award
2 a portion of the attorney's fees sought by Mr. Elkins. Accordingly, this Court **ORDERS** Ms.
3 Dapra to pay attorney's fees regarding the filing of the objection to the subpoena, and the
4 Motion for Protective Order, incurred between December 8, 2021 and March 21, 2022, in
5 the amount of \$4,074.00 in labor and \$40.33 in expenses for a total of \$4,114.33.

6 This amount does not include the redacted items, contested in the April 6, 2022,
7 *Objection*, as the Court is unable to conclude that the work performed is related to the
8 objection to the subpoena and Motion for Protective Order, which was the limited scope for
9 which fees were granted.

10 Ms. Dapra shall pay the amount by delivering a cashier's check, or money order
11 made payable to Mr. Elkins or his legal counsel on or before November 1, 2022.

12 **IT IS SO ORDERED.**

13 Dated: October 4, 2022

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Aimee Banales
District Judge

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Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court, and that on October 4, 2022, I electronically filed a true and correct copy of the foregoing document with the Clerk of the Court by using the ECF system, which will send notice to:

MICHAEL KATTELMAN, ESQ. for GINA R. DAPRA

Administrative Assistant

1 Law Offices of Andriea A. Aden, Esq., Chtd.
2 Andriea A. Aden, Esq. (Bar No. 11035)
3 andriea@adenlaw.net
4 19 Winter Street
5 Reno, Nevada 89503
6 (775) 622-9245
7 Attorney for Scott Elkins

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IN THE FAMILY DIVISION
OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

GINA R. DAPRA,

Plaintiff,

vs.

SCOTT A. ELKINS,

Defendant.

Case No. DV20-01349

Dept. No. 16

NOTICE OF ENTRY OF ORDER

TO: Plaintiff, GINA R. DAPRA, and her counsel, Michael V. Kattelman, Esq.:

YOU WILL PLEASE TAKE NOTICE that the *Order Awarding Attorney's Fees and Costs* was entered on October 4, 2022 in the above-entitled matter. A copy of the Order is attached hereto as Exhibit 1.

Affirmation pursuant to NRS 239B.030. The undersigned affirms that the preceding document does not contain the social security number of any person.

DATED this 4th day of October, 2022.

Law Offices of Andriea A. Aden, Esq., Chtd.
19 Winter St.
Reno, NV 89503
(775) 622-9245

/s/ Andriea A. Aden, Esq.
Andriea A. Aden, Esq.
Attorney for Scott Elkins

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Law Offices of
3 Andriea A. Aden, Esq., Chtd., over the age of 18, and that on the date set forth below, I served a
4 true copy of:

5
6 • NOTICE OF ENTRY OF ORDER

7
8 on the party(ies) below by Electronic Service via ECF System to:

9 Michael V. Kattelman, Esq.
10 Silverman, Kattelman, Springgate, Chtd.
11 500 Damonte Ranch Parkway, Suite 675
12 Reno, NV 89521

13 DATED this 4th day of October, 2022.

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15 /s/ Ashley Neighbors
16 Ashley Neighbors
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EXHIBIT INDEX

Elkins vs. Elkins

Case No. DV20-01349

Exhibit Number	Description	Number of Pages
1	<i>Order Awarding Attorney's Fees and Costs</i>	6

FILED
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Clerk of the Court
Transaction # 9294813

EXHIBIT “1”

EXHIBIT “1”

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6 IN THE FAMILY DIVISION
7 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8 IN AND FOR THE COUNTY OF WASHOE
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11 Plaintiff,

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12 **IT IS SO ORDERED.**

13 Dated: October 4, 2022

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Aimee Banales
District Judge

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