

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

ROBERT REYNOLDS,

Appellant,

vs.

SUSAN REYNOLDS,

Respondent.

No. 86091

Electronically Filed
Mar 09 2023 09:31 PM
Elizabeth A. Brown
Clerk of Supreme Court
DOCKETING STATEMENT
CIVIL APPEALS

GENERAL INFORMATION

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

WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

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

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

1. Judicial District Eighth Department H
County Clark Judge T. Arthur Ritchie
District Ct. Case No. D-11-448466-D

2. Attorney filing this docketing statement:

Attorney F. Peter James, Esq. Telephone 702-256-0087

Firm Law Offices of F. Peter James, Esq.

Address 3821 West Charleston Boulevard, Suite 250
Las Vegas, Nevada 89102

Client(s) Robert Reynolds, Appellant.

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

3. Attorney(s) representing respondents(s):

Attorney Ryan A. Hamlin, Esq. Telephone 702-818-1818

Firm Hamilton Law

Address 5125 South Durango Drive, C
Las Vegas, Nevada 89113

Client(s) Susan Reynolds, Respondent.

Attorney _____ Telephone _____

Firm _____

Address _____

Client(s) _____

(List additional counsel on separate sheet if necessary)

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

- | | |
|---|--|
| ☐ Judgment after bench trial | ☐ Dismissal: |
| ☐ Judgment after jury verdict | ☐ Lack of jurisdiction |
| ☐ Summary judgment | ☐ Failure to state a claim |
| ☐ Default judgment | ☐ Failure to prosecute |
| ☐ Grant/Denial of NRCP 60(b) relief | ☐ Other (specify): _____ |
| ☐ Grant/Denial of injunction | ☐ Divorce Decree: |
| ☐ Grant/Denial of declaratory relief | ☐ Original ☐ Modification |
| ☐ Review of agency determination | ☒ Other disposition (specify): <u>Motion hearing</u> |

5. Does this appeal raise issues concerning any of the following?

- ☐ Child Custody
- ☐ Venue
- ☐ Termination of parental rights

6. Pending and prior proceedings in this court. List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

Reynolds v. Reynolds District Court Case No. D-11-448466-D
Reynolds v. Reynolds Supreme Court Case No. 83473
Reynolds v. Reynolds Supreme Court Case No. 86091

7. Pending and prior proceedings in other courts. List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

Reynolds v. Reynolds (D-11-448466-D)
Eighth Judicial District Court, Family Division
Clark County, Nevada
Complaint for Divorce filed June 27, 2011

8. Nature of the action. Briefly describe the nature of the action and the result below:

The present matter involves a post-decree discovery recommendation to compel interrogatory responses and production of documents.

9. Issues on appeal. State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

Whether or not the district court erred in adopting the recommendations of the discovery commissioner and in denying Appellant's requests / granting Respondent's requests.

10. Pending proceedings in this court raising the same or similar issues. If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

None known.

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

☐ N/A

☐ Yes

☒ No

If not, explain:

12. Other issues. Does this appeal involve any of the following issues?

☐ Reversal of well-settled Nevada precedent (identify the case(s))

☐ An issue arising under the United States and/or Nevada Constitutions

☐ A substantial issue of first impression

☐ An issue of public policy

☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

☐ A ballot question

If so, explain:

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

This case is presumptively assigned to the Court of Appeals as it is a case involving family law matters other than termination of parental rights and NRS Chapter 432B proceedings. See NRAP 17(b)(10).

Appellant sees no reason for the Supreme Court to retain this case.

14. Trial. If this action proceeded to trial, how many days did the trial last? 0 _____

Was it a bench or jury trial? _____

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

TIMELINESS OF NOTICE OF APPEAL

16. Date of entry of written judgment or order appealed from January 2, 2023

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

17. Date written notice of entry of judgment or order was served January 2, 2023

Was service by:

☐ Delivery

☒ Mail/electronic/fax

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

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

☐ NRCP 50(b) Date of filing _____

☐ NRCP 52(b) Date of filing _____

☐ NRCP 59 Date of filing _____

NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See AA Primo Builders v. Washington, 126 Nev. ___, 245 P.3d 1190 (2010).

(b) Date of entry of written order resolving tolling motion _____

(c) Date written notice of entry of order resolving tolling motion was served _____

Was service by:

☐ Delivery

☐ Mail

19. Date notice of appeal filed February 1, 2023

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:

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

NRAP 4(a)

SUBSTANTIVE APPEALABILITY

21. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:

(a)

☐ NRAP 3A(b)(1)

☐ NRS 38.205

☐ NRAP 3A(b)(2)

☐ NRS 233B.150

☐ NRAP 3A(b)(3)

☐ NRS 703.376

☒ Other (specify) NRAP 3A(b)(8)

(b) Explain how each authority provides a basis for appeal from the judgment or order:

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

(a) Parties:

Susan Reynolds, Plaintiff
Robert Reynolds, Defendant

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other:

23. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.

Appellant requested that the district court reverse the hearing master and issue a protective order.

Respondent opposed the objection. The district court adopted the recommendations.

24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?

☒ Yes

☐ No

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

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)?

☐ Yes

☐ No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?

☐ Yes

☐ No

26. If you answered "No" to any part of question 25, explain the basis for seeking appellate review (*e.g.*, order is independently appealable under NRAP 3A(b)):

27. Attach file-stamped copies of the following documents:

- é The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- é Any tolling motion(s) and order(s) resolving tolling motion(s)
- é 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
- é Any other order challenged on appeal
- é 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.

Robert Reynolds
Name of appellant

F. Peter James, Esq.
Name of counsel of record

March 9, 2023
Date

/s/ F. Peter James
Signature of counsel of record

Clark County, Nevada
State and county where signed

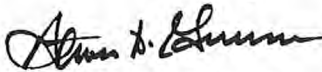
CERTIFICATE OF SERVICE

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

- ☐ By personally serving it upon him/her; or
- ☐ By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

Dated this _____ day of _____, _____

Signature


CLERK OF THE COURT

1 **COMD**
Vincent Mayo, Esq.
2 Nevada State Bar Number: 8564
The Abrams Law Firm, LLC
3 6252 South Rainbow Blvd., Suite 100
Las Vegas, Nevada 89118
4 Tel: (702) 222-4021
Fax: (702) 248-9750
5 Email: vmayo@theabramslawfirm.com
Attorney for Plaintiff

Eighth Judicial District Court
Family Division
Clark County, Nevada

8 SUSAN VICTORIA REYNOLDS,
9 Plaintiff,
10 vs.
11 ROBERT WILLIAM REYNOLDS,
Defendant.

Case No.: D- 11 - 448466 - D
Department: H

12 **COMPLAINT FOR DIVORCE; FOR PARTITION OF ASSETS ACCUMULATED PRIOR**
13 **TO MARRIAGE BASED UPON A COHABITATION / MERETRICKIOUS**
14 **RELATIONSHIP AND RELATED CLAIMS**

15 NOW INTO COURT comes Plaintiff, SUSAN VICTORIA REYNOLDS, by and
16 through her attorney, VINCENT MAYO, ESQ., of THE ABRAMS LAW FIRM, LLC, and
17 for her causes of action against Defendant, ROBERT WILLIAM REYNOLDS, complains
and alleges as follows:

18 **FIRST CAUSE OF ACTION**

19 **DIVORCE**

20 1. For more than six (6) weeks immediately preceding the commencement of
21 this action, Plaintiff has been and now is a bona fide and actual resident and domiciliary
22 of the State of Nevada, County of Clark.

23 ///

1 2. Plaintiff and Defendant were married on September 9, 2009 in Las Vegas,
2 Nevada and ever since have been and now are husband and wife.

3 3. There are no minor children of the marriage, there are no adopted children
4 of the parties, and to the best of Plaintiff's knowledge she is not currently pregnant.

5 4. Defendant should obtain and maintain medical, dental and optical
6 insurance for the Plaintiff *pendente lite*.

7 5. There are community assets of the parties hereto, the exact amounts and
8 descriptions of which are unknown to Plaintiff at this time. Plaintiff prays leave of this
9 Court to amend this Complaint to insert the same when they have become known to
10 Plaintiff or at the time of trial.

11 6. There are community debts of the parties hereto, the exact amounts and
12 descriptions of which are unknown to Plaintiff at this time. Plaintiff prays leave of this
13 Court to amend this Complaint to insert the same when they have become known to
14 Plaintiff or at the time of trial.

15 7. Plaintiff requests that this Court confirm to Plaintiff her sole and separate
16 property, the exact amounts and descriptions of which are unknown to Plaintiff at this
17 time. Plaintiff prays leave of this Court to amend this Complaint to insert the same
18 when they have become known to Plaintiff or at the time of trial.

19 8. There were assets of the parties accumulated prior to marriage during the
20 parties' cohabitation which they contracted to owned equally and which they
21 subsequently brought into the marriage as community property. Plaintiff requests these
22 assets be equitably divided between the parties pursuant to the principle set forth in
23 Carr-Bricken v. First Interstate Bank, 105 Nev. 570, 779 P.2d 967 (1989).

24 9. Plaintiff requests that this Court confirm to Defendant his sole and

1 separate debt, the exact amounts and descriptions of which are unknown to Plaintiff at
2 this time. Plaintiff prays leave of this Court to amend this Complaint to insert the same
3 when they have become known to Plaintiff or at the time of trial.

4 10. During the course of the marriage, Defendant's personal conduct has
5 resulted in the waste, erosion, dissipation, depletion, loss, and/or destruction of marital
6 assets. Among other relief, Plaintiff, in accordance with equity and justice, should be
7 awarded a greater share of the marital estate based upon Defendant's conduct which
8 has caused the waste of marital property and the loss of financial opportunities.

9 11. Given the respective financial conditions of the parties, in addition to other
10 factors, Defendant should be required to pay Plaintiff spousal support.

11 12. Plaintiff requests that this Court jointly restrain the parties herein in
12 accordance with the terms of the Joint Preliminary Injunction issued herewith.

13 13. Plaintiff has been required to retain the services of The Abrams Law Firm,
14 LLC to prosecute this action and is therefore entitled to reasonable attorney's fees and
15 costs of suit.

16 14. Should either party unnecessarily or unreasonably cause an increase in
17 the cost of litigation, the party causing such an increase should pay one hundred
18 percent (100%) of the increase in attorney fees for both sides.

19 15. Plaintiff shall restore her maiden name of SUSAN VICTORIA HAYDEN.

20 16. During the course of said marriage, the tastes, mental disposition, views,
21 likes and dislikes of Plaintiff and Defendant have become so widely divergent that the
22 parties have become incompatible in marriage to such an extent that it is impossible for
23 them to live together as husband and wife; that the incompatibility between the Plaintiff
24 and Defendant is so great that there is no possibility of reconciliation.

**PARTITION OF ASSETS ACCUMULATED PRIOR TO MARRIAGE BASED UPON
COHABITATION / MERETRICKIOUS RELATIONSHIP**

111

1 10. The parties jointly provided for their monthly debts while cohabitating
2 together.

3 11. The parties bought property together during their cohabitation.

4 12. Defendant listed Plaintiff as a dependent on his tax returns during the
5 parties' cohabitation.

6 13. The parties pooled their financial resources and direct labor in a concerted
7 effort to acquire assets to be owned by them as if community property.

8 14. During the parties' cohabitation, Plaintiff performed household duties and
9 provided comfort and companionship to Defendant, including, but not limited to,
10 cooking, cleaning, laundering, payment of bills, maintenance, etc.

11 15. During the parties' cohabitation, business ventures were started.

12 16. Plaintiff's contributions to the community, including her financial
13 contributions and her labor in the home, allowed Defendant the freedom to develop
14 business ventures, his personal business expertise and work experience which have
15 resulted in economic gain.

16 17. Defendant represented to Plaintiff during their cohabitation / meretricious
17 relationship that he would financially support Plaintiff into the future and planned for the
18 parties to marry.

19 18. The parties eventually turned their cohabitation / meretricious relationship
20 into a marriage, thereby evidencing their prior intent to pool and own assets as
21 community property.

22 19. No premarital agreement was entered into by the parties prior to their
23 marriage.

24 ///

1 20. After the parties' separated, they commenced equally dividing assets
2 acquired prior to marriage.

3 21. The parties expressly agreed to acquire and hold property as if it was
4 community property during their cohabitation/meretricious relationship.

5 22. To whatsoever degree, proof is lacking of explicit agreement to acquire
6 and hold property as if it was community property, the parties' actions throughout the
7 past five (5) years provides a basis for the finding of an implied agreement prior to
8 marriage to acquire and hold property as if it was community property.

9 23. Pursuant to Nevada law, the community property laws apply to the parties
10 by analogy, and there is property accumulated during the parties' cohabitation /
11 meretricious relationship to be equitably divided.

12 WHEREFORE, Plaintiff, SUSAN VICTORIA REYNOLDS, prays for judgment
13 against Defendant, ROBERT WILLIAM REYNOLDS, as follows:

- 14 1. That the contract of marriage now and therefore existing between Plaintiff
15 and Defendant be dissolved and that Plaintiff be granted an absolute
16 Decree of Divorce and that each of the parties hereto be restored to the
17 status of a single, unmarried person;
- 18 2. That the Court grant the relief requested in this Complaint for Divorce;
- 19 3. That the Court grant the relief requested in this Partition of Assets
20 Accumulated Prior to Marriage Based Upon Cohabitation / Meretricious
21 Relationship; and

22 ///

23 ///

24 ///

1 4. For such other relief as the Court finds just and equitable in the premises.

2 Dated Friday, June 24, 2011.

3 Respectfully Submitted,

4 The Abrams Law Firm, LLC

5 _____
6 Vincent Mayo, Esq.

7 Nevada State Bar Number: 8564

8 6252 South Rainbow Blvd., Suite 100

9 Las Vegas, Nevada 89118

10 Tel: (702) 222-4021

11 Attorney for Plaintiff

1 VERIFICATION

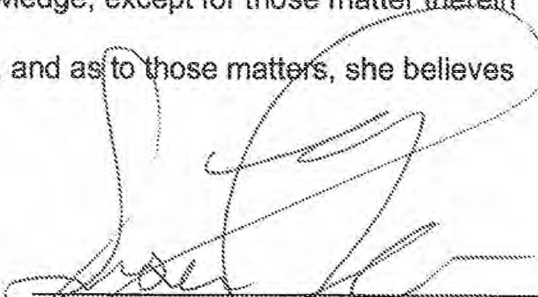
2 STATE OF NEVADA
3 COUNTY OF CLARK

} ss:

4 SUSAN VICTORIA REYNOLDS, under penalties of perjury, being first duly
5 sworn, deposes and says:

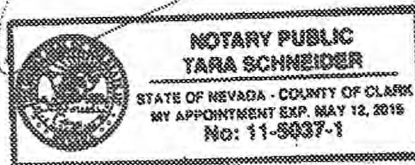
6 That she is the Plaintiff in the above entitled action; that she has read the
7 foregoing **COMPLAINT FOR DIVORCE; FOR PARTITION OF ASSETS**
8 **ACCUMULATED PRIOR TO MARRIAGE BASED UPON A COHABITATION /**
9 **MERETRICIOUS RELATIONSHIP AND RELATED CLAIMS** and knows the contents
10 thereof; that the same is true of her own knowledge, except for those matter therein
11 contained stated upon information and belief, and as to those matters, she believes
12 them to be true.

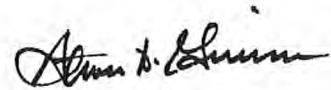
13 Dated Friday, June 24, 2011.

14 
SUSAN VICTORIA REYNOLDS

15 SUBSCRIBED and SWORN to me
16 this 24th day of June, 2011.

17 
NOTARY PUBLIC




CLERK OF THE COURT

1 ACC

2 KUNIN & CARMAN

3 Israel "Ishi" Kunin, Esq.
4 Nevada Bar No. 000286
5 Michael P. Carman, Esq.
6 Nevada Bar No. 007639
7 3551 E. Bonanza Road, Ste 110
8 Las Vegas, Nevada 89110
9 Telephone Number: (702) 438-8060
10 Fax Number: (702) 438-8077
11 Email Address: info@kunincarman.com
12 Attorneys for Defendant/Counterclaimant
13 Robert William Reynolds

9 DISTRICT COURT

10 FAMILY DIVISION

11 CLARK COUNTY, NEVADA

12 SUSAN VICTORIA REYNOLDS,)

13 Plaintiff/Counterdefendant,)

14 vs.)

15 ROBERT WILLIAM REYNOLDS,)

16 Defendant/Counterclaimant.)

CASE NO.: D-11-448466-D
DEPT. NO.: H

17 ANSWER AND COUNTERCLAIM

18 COMES NOW Defendant/Counterclaimant, Robert William Reynolds ("Robert"),
19 by and through his attorneys of record, Israel "Ishi" Kunin, Esq., and Michael P.
20 Carman, Esq. of KUNIN & CARMAN, and hereby answers Plaintiff/Counterdefendant's,
21 Susan Victoria Reynolds ("Susan"), Complaint For Divorce; for Partition of Assets
22 Accumulated Prior to Marriage Based Upon a Cohabitation / Meretricious Relationship
23 and Related Claims ("Complaint") as follows:

24 ///

KUNIN & CARMAN
3551 E. BONANZA ROAD, SUITE 110
LAS VEGAS, NEVADA 89110
(702) 438-8060
FAX: (702) 438-8077

FIRST CAUSE OF ACTION

DIVORCE

1. Answering paragraphs 1, 2, 3, 12, 14, and 16 of the First Cause of Action in Susan's Complaint, Robert admits each and every allegation contained therein.

2. Answering paragraphs 8, 10, 11, and 13 of the First Cause of Action in Susan's Complaint, Robert denies each and every allegation contained therein.

3. Answering paragraph 4 of the First Cause of Action in Susan's Complaint, to the extent that all insurance coverages in place should remain in place until the time of Divorce, Robert admits the same. To the extent that Susan may be requesting additional coverage, however, Robert denies the same.

4. Answering paragraph 5 of the First Cause of Action in Susan's Complaint, Robert admits there are community assets acquired during the marriage. To the extent that Susan's complaint may be construed as asserting additional allegations, Robert hereby denies the same.

5. Answering paragraph 6 of the First Cause of Action in Susan's Complaint, Robert admits there are community debts acquired during the marriage. To the extent that Susan's complaint may be construed as asserting additional allegations, Robert hereby denies the same.

6. Answering paragraph 7 of the First Cause of Action in Susan's Complaint, Robert admits that sole and separate property of the Plaintiff should be confirmed. To the extent that Susan's complaint may be construed as asserting additional allegations, Robert hereby denies the same.

7. Answering paragraph 9 of the First Cause of Action in Susan's Complaint, Robert admits that sole and separate property of the Defendant should be confirmed.

1 To the extent that Susan's complaint may be construed as asserting additional
2 allegations, Robert hereby denies the same.

3 8. Answering paragraph 15 of the First Cause of Action in Susan's
4 Complaint, Robert affirmatively states that there is no basis to either affirm or deny
5 such allegations. To the extent that Susan's complaint may be construed as asserting
6 any allegations to be admitted or denied, Robert hereby denies the same.

7 WHEREFORE, Robert prays that Susan take nothing by virtue of her Complaint
8 for Divorce on file herein.

9
10 **SECOND CAUSE OF ACTION**

11 **PARTITION OF ASSETS ACCUMULATED PRIOR TO MARRIAGE BASED UPON A
COHABITATION / MERETRICIOUS RELATIONSHIP**

12 1. Robert incorporates and reaffirms his answers to all preceding
13 paragraphs as if fully stated herein.

14 2. Answering paragraphs 3, 4, 6, 12, 14, 15, and 19 of the Second Cause of
15 Action in Susan's Complaint, Robert admits each and every allegation contained
16 therein.

17 3. Answering paragraphs 2, 5, 7, 8, 9, 10, 11, 13, 16, 17, 18, 21, 22, and 23
18 of the Second Cause of Action in Susan's Complaint, Robert denies each and every
19 allegation contained therein.

20 4. Answering paragraph 20 of the Second Cause of Action in Susan's
21 Complaint, Robert admits that the parties' divided their separate property owned prior
22 marriage, but denies the stated allegations to the extent that they imply that the parties
23 may have jointly acquired property prior to their marriage.

24

25

1 WHEREFORE, Robert prays that Susan take nothing by virtue of her Complaint
2 for Divorce on file herein.

3 **AFFIRMATIVE DEFENSES**

4 1. Susan's Complaint has failed to state a claim upon which relief can be
5 granted.

6 2. To the extent that Susan has alleged the existence of any oral contract,
7 she has failed to seek redress from the Court in a timely manner pursuant to Nevada's
8 Statute of Limitations.

9 3. Based upon the monies taken by Susan at the onset of this case doctrine
10 of Waiver and Estoppel prevents her from seeking further recovery.

11 4. Based upon Susan's conduct, the Doctrine of Unclean Hands prevents
12 her from seeking recovery.

13 5. As Susan has already taken substantial monies from the parties'
14 accounts, Accord and Satisfaction prevents her from seeking further recovery.

15 6. To the extent that Susan has alleged the existence of an oral contract,
16 Susan has failed to seek redress from the Court in a timely manner and her claims are
17 further barred by the doctrine of Laches.

18 7. Based upon the substantial monies removed by Susan from the parties'
19 account, the doctrine of Unjust Enrichment prevents her from seeking further recovery.

20 8. Susan's claims are barred due to the Lack of Privity between the parties.

21 9. To the extent that Susan has alleged the existence of an oral contract
22 prior to the parties' marriage, her claims are barred due to the fact that any such
23 contract is void as a matter of public policy.

10. Any alleged contract or agreement prior to the parties' marriage claimed by Susan is void and unenforceable due to lack of consideration.

11. Any alleged contract or agreement prior to the parties' marriage claimed by Susan is void and unenforceable due to the Statute of Frauds.

12. Any alleged contract or agreement prior to the parties' marriage claimed by Susan is void and unenforceable due to lack of consideration due to the vagueness or absence of one or more material terms.

13. Any alleged contract or agreement prior to the parties' marriage claimed by Susan is void and unenforceable due to her own breach.

COUNTERCLAIM

I.

Robert is now, and for the past six weeks immediately preceding the commencement of this action has been, an actual, bona fide resident of the County of Clark, State of Nevada, actually and physically present and residing therein during all of said time period.

II.

Robert and Susan were married on the 9th day of September, 2009, in Las Vegas, Nevada, and ever since have been and now are husband and wife.

III.

There are no minor children born the issue of this marriage, there are no adopted children of the parties, and to the best of Robert's knowledge, Susan is not now pregnant.

IV.

There is community property of the parties to be adjudicated by the court.

V.

There are community debts of the parties to be adjudicated by the court.

VI.

Each party should bear their own attorney's fees and costs incurred in defending this action.

VII.

Each party should provide for their own medical, dental and optical insurance coverage upon termination of this marriage.

VIII.

There is no basis for an award of spousal support to either party.

IX.

The parties are incompatible in marriage.

WHEREFORE, Robert prays for judgment as follows:

1. That the court make an equal division of the community assets;
2. That the court make an equal division of the community obligations;
3. That each party bear their own attorney's fees and costs;
4. That each party be responsible for their own medical insurance coverages; and

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KUNIN & CARMAN
3551 E. BONANZA ROAD, SUITE 110
LAS VEGAS, NEVADA 89110
(702) 438-8060
FAX: (702) 438-8077

1 5. For such other and further relief as the court may deem just and proper in
2 the premises.

3 DATED this 29th day of August, 2011.

4 KUNIN & CARMAN

5 

6
7 Israel "Ishi" Kunin, Esq.
8 Nevada Bar No. 000286
9 Michael P. Carman, Esq.
10 Nevada Bar No. 007639
11 3551 E. Bonanza Rd., Ste. 110
12 Las Vegas, Nevada 89110
13 Attorneys for Defendant/Counterclaimant
14 Robert William Reynolds
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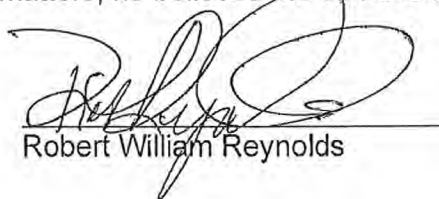
KUNIN & CARMAN
3551 E. BONANZA ROAD, SUITE 110
LAS VEGAS, NEVADA 89110
(702) 438-8060
Fax: (702) 438-8077

1 VERIFICATION

2 STATE OF NEVADA)
3) ss:
4 COUNTY OF CLARK)

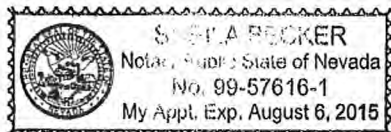
5 Robert William Reynolds, being first duly sworn, deposes and says:

6 That he is the Defendant/Counterclaimant in the above and foregoing action;
7 that he has read the Answer and Counterclaim, and knows the contents thereof; that
8 the same is true of his own knowledge, except for those matters therein stated on
9 information and belief, and as to those matters, he believes the same to be true.

10 
Robert William Reynolds

11 SIGNED and SWORN to before
12 me this 27 day of August, 2011.

13 
14 NOTARY PUBLIC



KUNIN & CARMAN
3551 E. BONANZA ROAD, SUITE 110
LAS VEGAS, NEVADA 89110
(702) 438-8060
FAX: (702) 438-8077

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of KUNIN & CARMAN, and that, on the
29th day of August, 2011, I served a true and correct copy of the above and
foregoing ANSWER AND COUNTERCLAIM, by the following means:



Placing in the U.S. Mail, with postage fully prepaid, addressed to:

Vincent Mayo, Esq.
The Abrams Law Firm, LLC
6252 South Rainbow Boulevard, Ste. 100
Las Vegas, Nevada 89118
Attorneys for Plaintiff Susan Victoria Reynolds



Facsimile Transmission, addressed to:

Vincent Mayo, Esq.
Fax No.: (702) 248-9750
Attorneys for Plaintiff Susan Victoria Reynolds



Email, addressed to:

Vincent Mayo, Esq.
vmayo@theabramslawfirm.com
Attorneys for Plaintiff Susan Victoria Reynolds



An employee of KUNIN & CARMAN

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(702) 438-8060 Office
(702) 438-8077 Facsimile

FACSIMILE COVER SHEET

To: Vincent Mayo, Esq.

Fax No.: 248-9750

From: Carol Bertha, Legal Assistant to Michael R. Carman, Esq.

Date: August 29, 2011

Re: Reynolds v Reynolds, Case No. D-11-448466-D

Document(s): Answer v Counterclaim

Number of Pages: 10 (including fax cover sheet)

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1 ORDR
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3

4 **EIGHTH JUDICIAL DISTRICT COURT**

5 **CLARK COUNTY, NEVADA**
6
7

8 SUSAN VICTORIA REYNOLDS,

Case No.: D-11-448466-D

9 Plaintiff,

10 vs.

Dept. No. H / Discovery

11 ROBERT WILLIAM REYNOLDS,

12 Defendant
13
14

15 **ORDER ON DISCOVERY COMMISSIONER'S REPORT AND**
16 **RECOMMENDATIONS**

17 The Court having reviewed the above Report and Recommendation's prepared by
18 the Discovery Commissioner and,

19 _____ No timely objection having been filed,

20 TAR After reviewing the objection to the Report and
21 Recommendation's and good cause appearing,

22 AND

23 TAR IT IS HEREBY ORDERED the Discovery Commissioner's
24 Report and Recommendations are affirmed and adopted.

25 _____ IT IS HEREBY ORDERED the Discovery Commissioner's
26 Report and Recommendations are affirmed and adopted as
27 modified in the following matter. (attached hereto)

28 _____ IT IS HEREBY ORDERED this matter is remanded to the
Discovery Commissioner for reconsideration or further action.

1 IT IS HEREBY ORDERED the Discovery Commissioner's
2 Report and Recommendations are reversed.

3 IT IS HEREBY ORDERED that a hearing on the Discovery
4 Commissioner's Report is

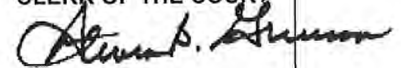
5 Set for the ____ day of _____, 2022 at ____ a.m. / p.m.

6 The Objection hearing set for
7 2/8/2023 @ 9 am is vacated.

Dated this 2nd day of January, 2023

8 

9
10 ODB E2D 0A65 0D09
11 T. Arthur Ritchie
12 District Court Judge
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DCRR

Ryan A. Hamilton, Esq.
Nevada Bar No. 11587

HAMILTON LAW

5125 S. Durango Drive
Las Vegas, Nevada 89113
(702) 818-1818
(702) 974-1139 (fax)
Ryan@HamLegal.com

*Attorney for Plaintiff,
Susan Victoria Reynolds*

EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, STATE OF NEVADA

SUSAN VICTORIA REYNOLDS,

Plaintiff(s),

vs.

ROBERT WILLIAM REYNOLDS

Defendant(s).

Case No.: D-11-448466-D

Dept No.: H

**DISCOVERY COMMISSIONER'S
REPORT AND
RECOMMENDATIONS**

Date of Hearing: October 26, 2022
Time of Hearing: 10:30 a.m.

Party/Attorney appearing for Plaintiff(s): SUSAN VICTORIA REYNOLDS,
Plaintiff, and RYAN A. HAMILTON, ESQ., counsel for Plaintiff

Party/Attorney appearing Defendant(s): ROBERT WILLIAM REYNOLDS,
Defendant, and F. PETER JAMES, ESQ., counsel for Defendant

On October 26, 2022, the parties to the above-captioned matter
appeared before the Honorable Discovery Commissioner Jay Young by and

1 through their counsel listed above, on Movant's Motion to Compel
2 Interrogatory Answers and Requests for Production of Documents and
3 Request for Attorney's Fees (the "Motion"). The Court reviewed the
4 Motion and Defendant's Opposition to Plaintiff's Motion to Compel (and
5 Related Relief), Countermotion, Plaintiff's Reply in Support of Plaintiff's
6 Motion to Compel and Opposition to Defendant's Countermotion, and
7 entertained oral argument made by the parties. For good cause appearing,
8 the Discovery Commissioner hereby makes the following findings and
9 recommendations:
10

11
12 **I. FINDINGS**

13 The Court noted that it has reviewed the pleadings. Attorney Ryan A.
14 Hamilton represented he does not have anything to add unless the Court has
15 any questions. The Court stated that is did not have any questions.
16

17 Attorney F. Peter James represented that the other side refers to the
18 judgment as alimony and not as property. He continued to refer to Plaintiff's
19 Motion as seeking relief under all sorts of irrelevant theories as it is a
20 property distribution. Attorney F. Peter James referred to the December
21 2016 hearing before Judge Ritchie in which the Court stated he just wanted
22 to close this case and they could domesticate this case in the other state.
23 Attorney F. Peter James stated pursuant to the Fair Collection Practices Act,
24
25
26

1 15 U.S.C. 1692i, a venue would need to be picked: go to where the contract
2 was signed or where the Defendant resides. Attorney F. Peter James further
3 stated that no one lives here in the State of Nevada. Plaintiff resides in Idaho
4 and Defendant lives in Texas. Attorney F. Peter James explains that there is
5 no property here and that a judgment has been domesticated to Texas.
6

7 Attorney F. Peter James addresses that Plaintiff has weaponized
8 discovery in the past as she divulged Defendant's deal with Facebook which
9 absolutely destroyed the deal and caused severe irritations to Facebook that
10 their private knowledge got out through Defendant's case. Attorney F. Peter
11 James stated a lot of the discovery is really something that should be done
12 in the State of Texas and that there is no reason to keep it in the State of
13 Nevada since neither party lives in the State of Nevada anymore and neither
14 side has ties to the State of Nevada.
15
16

17 Counsel for Plaintiff represented it is inaccurate that Judge Ritchie
18 was seeking to close out the case and have it go to another jurisdiction.
19

20 Counsel for Plaintiff was adamant that Judge Ritchie ruled that Plaintiff
21 could collect the judgment through all legal means. Counsel for Plaintiff
22 stated he tried to hold a Meet and Confer on this issue on multiple occasions
23 just for Counsel for Defendant to indicate that things can be done more
24 cheaply in Texas. Counsel for Plaintiff has asked Counsel for Defendant for
25
26

1 authority as to why Plaintiff could not seek discovery in the State of Nevada
2 and has not received any such authority. Counsel further noted that the Fair
3 Debt Collection Practice does not apply in this instance. Counsel for Plaintiff
4 further states Defendant simply has not responded to discovery and that
5 they have no idea what property there is and that Defendant has gone to
6 great lengths as to not pay what he was ordered to pay.
7

8 The Court noted that there was an order issued just two (2) days ago
9 by Judge Ritchie based on a motion filed by Defendant seeking relief from
10 the same judgment. The Court advised one cannot seek the Court's
11 protection and simultaneously deny that the Court has jurisdiction. The
12 Court found that Defendant has failed to participate in discovery.
13

14 Counsel for Defendant stated the timing is going to be off because
15 the Court is imposing a duty before they have an obligation to have it
16 reviewed by Judge Ritchie.
17

18 **A. MOVANT SEEKS AN AWARD OF ATTORNEY FEES**
19

20 The Motion seeks an award of attorney fees pursuant to Rule
21 37(a)(5)(A) of the Nevada Rules of Civil Procedure. Rule 37(a)(5)(A) of the
22 Nevada Rules of Civil Procedure allows for an award of fees where an
23 opposing party's non-disclosure response, or objection was not
24 substantially justified.
25
26

1 A court may not award attorney fees or costs unless authorized to do
2 so by a statute, rule, or contract. *U.S. Design & Const. Corp. v. Int'l Bhd. of*
3 *Elec. Workers*, 118 Nev. 458, 462, 50 P.3d 170, 173 (2002). Movant seeks
4 an award of reasonable attorney fees.
5

6 The court here has determined that an award of attorney fees is
7 appropriate, subject to proof, pursuant to Rule 37(a)(5)(A) preliminarily,
8 subject to substantiation because the Court found that Defendant's failures
9 to meet and confer on Plaintiff's discovery requests and that Defendant's
10 failures to respond to Plaintiff's requests were not substantially justified.
11 Having determined that the Movant is entitled to an award of fees, the
12 court next turns its attention to the amount of the award. The court
13 required Movant to provide a Memorandum of Fees and Costs consistent
14 with *Brunzell v. Golden Gate Nat. Bank*, 85 Nev. 345, 455 P.2d 31 (1969);
15 *Cadle Co. v. Woods & Erickson, LLP*; and *Miller v. Wilfong*, 121 Nev. 619,
16 119 P.3d 727. Movant's Memorandum of Fees and Costs was due on or
17 before November 2, 2022. Robert William Reynold's response thereto was
18 due November 9, 2022. The court made clear that untimely submissions
19 would not be considered. Movant filed Plaintiff's Memorandum in Support
20 of Award Attorney's Fees on November 2, 2022. Robert William Reynold's
21 did not file a response thereto.
22
23
24
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26

1 The court has great discretion regarding its decision to award fees
2 and regarding the amount of fees granted. The court's discretion is
3 "tempered only by reason and fairness." *Albios v. Horizon Communities,*
4 *Inc.*, 122 Nev. 409, 427, 132 P.3d 1022, 1034 (2006) (quoting *University of*
5 *Nevada v. Tarkanian*, 110 Nev. 581, 591, 879 P.2d 1180, 1186 (1994)).

7 "In determining the amount of fees to award, the [district] court is
8 not limited to one specific approach; its analysis may begin with any
9 method rationally designed to calculate a reasonable amount, so long as
10 the requested amount is reviewed in light of the" *Brunzell* factors. *Logan v.*
11 *Abe*, 131 Nev. 260, 266, 350 P.3d 1139, 1143 (2015) (citing *Haley v. Eighth*
12 *Judicial Dist. court*, 128 Nev. 171, 273 P.3d 855, 860 (2012) (internal
13 quotations omitted)).

16 The Supreme court in *Brunzell v. Golden Gate National Bank*, 85
17 Nev. 345, 349–50, 455 P.2d 31, 33 (1969) gave guidance on how a court is
18 to determine the reasonable value of the work performed by a movant's

19
20 counsel.¹ *Brunzell* directs courts to consider the following when
21 determining a reasonable amount of attorney fees to award:

22 (1) the qualities of the advocate: his ability, his training,
23 education, experience, professional standing and skill; (2)
24 the character of the work to be done: its difficulty, its

25 ¹ The court must determine the reasonable rates for all persons for whose time a party seeks reimbursement,
26 including partners, associates, paralegals, and law clerks, etc. See *LVMPD v. Yeghiazarian*, 129 Nev. 760, 770,
312 P.3d 503, 510 (2013).

1 intricacy, its importance, time and skill required, the
2 responsibility imposed and the prominence and character of
3 the parties where they affect the importance of the
4 litigation; (3) the work actually performed by the lawyer: the
5 skill, time and attention given to the work; (4) the result:
whether the attorney was successful and what benefits were
derived.

6 *Id.* (internal quotation marks omitted).

7 The court can follow any rational method so long as it applies the
8 *Brunzell* factors; it is not confined to authorizing an award of attorney fees
9 exclusively from billing records or hourly statements. *Logan v. Abe*, 131
10 Nev. 260, 266, 350 P.3d 1139, 1143 (2015); *Shuette v. Beazer Homes*
11 *Holdings Corp.*, 121 Nev. 837, 864, 124 P.3d 530, 549 (2005) (approving
12 awards based on a “lodestar” amount, as well as a contingency fee
13 arrangement). Although the court must “expressly analyze each factor”,
14 no single factor should be given undue weight. *Logan v. Abe*, 131 Nev.

17 260, 266, 350 P.3d 1139, 1143 (2015); *Brunzell*, 85 Nev. at 349-50, 455
18 P.2d at 33.

20 After determining the reasonable value of an attorney’s services
21 analyzing the factors established in *Brunzell*, the court must then provide
22 sufficient reasoning and findings concerning those factors in its order.
23 *Shuette v. Beazer Homes Holdings Corp.*, 121 Nev. 837, 865, 124 P.3d 530,
24 549 (2005). The court’s decision must be supported by “substantial
25

evidence”. *Logan v. Abe*, 131 Nev. 260, 266, 350 P.3d 1139, 1143 (2015).

Substantial evidence supporting a request for fees must be presented to the court by “affidavits, unsworn declarations under penalty of perjury, depositions, answers to interrogatories, [or] admissions on file”. EDCR 2.21(a). Sworn statements submitted pursuant to EDCR 2.21(a) must be sufficient to satisfy NRCP 56(e). EDCR 2.21(c). Unsworn statements of counsel and conclusory statements in pleadings not otherwise presented in compliance with EDCR 2.21(a) may not be considered by the court. The Supreme Court has confirmed that the *Brunzell* factors must be presented by affidavit or other competent evidence. *Miller v. Wilfong*, 121 Nev. 619, 624, 119 P.3d 727, 730 (2005); *Katz v. Incline Vill. Gen. Improvement Dist.*, 452 P.3d 411 (Nev. 2019), *cert. denied*, 141 S. Ct. 253, 208 L. Ed. 2d 26 (2020) (citing *Herbst v. Humana Health Ins. of Nev., Inc.*, 105 Nev.

586, 591, 781 P.2d 762, 765 (1989) (holding that an affidavit documenting the hours of work performed, the length of litigation, and the number of

volumes of appendices on appeal was sufficient evidence to enable the court to make a reasonable determination of attorney fees, even in the absence of a detailed billing statement); *Cooke v. Gove*, 61 Nev. 55, 57, 114 P.2d 87, 88 (1941) (upholding an award of attorney fees based on, among other evidence, two depositions from attorneys testifying about the value

1 of the services rendered)). An award that is not based on such substantial
2 evidence is subject to reversal, as the court will have no factual basis on
3 which to base its decision. *Beattie v. Thomas*, 99 Nev. 579, 668 P.2d 268
4 (1983).
5

6 In the instant matter, Movant provided the court with the following
7 sworn testimony and other evidence: Memorandum in Support of Award
8 of Attorney's Fees, Declaration of Ryan A. Hamilton in Support of
9 Memorandum in Support of Award of Attorney's Fees, and timekeeping
10 records for the time counsel spent related to the Motion to Compel.
11

12 Movant argues each *Brunzell* factor as follows:
13

14 **1. The Qualities of the Advocate**

15 The undersigned, Ryan A. Hamilton, Esq., handled the work relating
16 to the attorney's fees sought. The undersigned has been the owner and
17 managing member of Hamilton Law, LLC, since its inception in 2010. The
18 undersigned has been a licensed attorney since 2006 and is a member in
19 good standing of the Indiana, Nevada, and California bars. The
20 undersigned litigates cases in all three (3) jurisdictions.
21

22 **2. The Character of the Work**

23 The work at issue was necessary because Plaintiff needs to know
24 what assets Defendant has to satisfy her judgment against him. The work
25
26

1 was not unusually complicated, although Plaintiff did need to research
2 Defendant's somewhat novel argument that the collection activity at issue
3 may only be conducted in Texas. The work at issue did require Plaintiff to
4 pay careful attention to detail and to draft multiple pleadings.
5

6 **3. The Work Performed**

7 The motion at issue required me to conduct multiple meet-and-
8 confers with opposing counsel, perform legal research, and draft a motion
9 to compel and a reply brief. The total time I spent in performing the work
10 at issue was 5.5 hours.
11

12 **4. The Result**

13 Plaintiff prevailed completely on the issues raised in the Motion to
14 Compel. Defendant will be required to produce responsive documents and
15 information to each of the requests for which Plaintiff sought compulsion.
16

17 The information gained should be provide significant value in assisting
18 Plaintiff to enforce her judgment.
19

20 **B. SUMMARY OF FEES SOUGHT**

21 Movant provided evidence suggesting Ryan A. Hamilton, Esq. spent
22 5.5 hours at the rate of \$350.00 per hour on matters related to the
23 activities for which the court ordered an award of fees. Movant asks the
24 court for an award of \$1,925.00 in attorney fees.
25
26

1 The Court has reviewed Plaintiff's Memorandum in Support of
2 Award of Attorney's Fees, Declaration of Ryan A. Hamilton in Support of
3 Request for Fees, and counsel for Plaintiff's Time Sheet, as well as any
4 response thereto and finds:

5
6 _____ Movant has adequately addressed the factors required by
7 *Brunzell* and its progeny. Movant has detailed the qualities of the
8 advocate, the character of the work performed, the actual work performed
9 by the attorney, including skilled time and attention given to the work, and
10 the result. Movant has provided competent evidence in support of
11 Movant's request for fees.

12
13 _____ Movant has not adequately addressed the factors required
14 by *Brunzell* and its progeny. Movant has not detailed the qualities of the
15 advocate, the character of the work performed, the actual work performed
16 by the attorney, including skilled time and attention given to the work, and
17 the result sufficiently or Movant referenced the same but not by competent
18 evidence as required by the Supreme Court, depriving the court here of an
19 evidentiary upon which to grant the request.² Movant has not provided
20 sufficient competent evidence in support of Movant's request for fees.
21
22
23
24

25 _____
26 ² An award that is not based on such substantial evidence is subject to reversal, as the court will have no factual basis on which to base its decision. *Beattie v. Thomas*, 99 Nev. 579, 668 P.2d 268 (1983).

1 _____ Movant failed to file a timely Memorandum of Costs and
2 Fees, precluding an order granting the same.

3 The court finds the analysis required under *Brunzell v. Golden Gate*
4 *Nat. Bank*, 85 Nev. 345, 455 P.2d 31 (1969); *Beattie v. Thomas*, 99 Nev.
5 579, 668 P.2d 268 (1983); *Wright v. Osburn*, 114 Nev. 1367, 1370, 970
6 P.2d 1071, 1073 (1998)
7

8 _____ was satisfied. The factors addressed by those case(s),
9 prerequisite to an award of attorney fees, were set forth in the Motion with
10 specificity as addressed above.
11

12 ☒ was not satisfied. Movant failed to address disparity in income. The court
13 therefore cannot grant an award of fees. *Wright v. Osburn*, 114 Nev. 1367, 1370, 970 P.2d 1071, 1073 (1998). JV

14 The court finds the fees charged by Movant's counsel in this matter:

15 _____ were necessary to the matter and are reasonable in the
16 marketplace given the experience and qualities of the advocates in the
17 amount granted by the court.

18 _____ were not proven necessary and/or reasonable.
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1 **II. RECOMMENDATIONS**

2 IT IS THEREFORE RECOMMENDED:

3 1. This Court DOES have JURISDICTION;

4 2. The MOTION shall be GRANTED;

5 3. Defendant's OBJECTIONS to discovery responses are
6 WAIVED;

7 4. DISCOVERY that is sought is COMPELLED and should be
8 provided NO LATER THAN November 9, 2022;

9 5. In regards to the COUNTERMOTION, there is NO
10 DISCUSSION of the GOOD CAUSE standard, and moreover, there were
11 NO INDICATIONS that the GOOD CAUSE standard had been met;

12 6. This Court WILL CONSIDER an ONGOING DAILY
13 SANCTION should Defendant no COMPLY of \$200.00 per day until FULL
14 COMPLIANCE is had;

15 7. ATTORNEY'S FEES are GRANTED pursuant to 37(a)(5)(A)
16 PRELIMINARILY, subject to SUBSTANTIATION. With discussion as to
17 BRUNZELL FACTORS and disparity in income, together with REDACTED
18 BILLING STATEMENTS, from the first time Attorney Ryan A. Hamilton,
19 Esq., attempted to resolve the matter to the time the DCRR is submitted.
20 Attorney Ryan A. Hamilton, Esq., shall have until November 2, 2022, to

1 provide Attorney F. Peter James, Esq., and the Court with his
2 MEMORANDUM OF FEES AND COSTS in compliance with Cadle v.
3 Woods & Erickson, the BRUNZELL FACTORS, Wright v. Osburn, and
4 Miller v. Wilfong. Attorney Ryan A. Hamilton, Esq., shall use the form on
5 the Discovery website. Court will DETERMINE the amount. Attorney F.
6 Peter James, Esq., shall have until November 9, 2022, to file an
7 Opposition. NO LATE SUBMISSION by either party will be considered by
8 the Court;
9
10

11 8. The Court will GRANT a STAY, but in case Judge Ritchie
12 agrees with this Court, the TIMING will REMAIN THE SAME;
13

14 9. Attorney Ryan A. Hamilton, Esq., shall PREPARE the REPORT
15 AND RECOMMENDATION which shall be due by November 14, 2022;
16

17 10. STATUS CHECK regarding the Report and Recommendation
18 shall be SET for November 16, 2022, at 1:30 p.m.

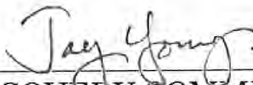
19 ~~IT IS FURTHER RECOMMENDED, consistent with the findings~~ JV

20 ~~herein, an award of attorney fees is GRANTED against Defendant Robert~~
21 ~~William Reynolds in the amount of \$1,925.00.~~

22 ~~IT IS FURTHER RECOMMENDED the award must be paid within~~ JV
23 ~~_____ days of entry of an order affirming and adopting these~~
24 ~~Recommendations.~~

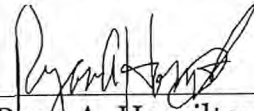
1 The Discovery Commissioner, having met with counsel for the
2 parties, discussed the issues noted above, and having reviewed any
3 materials proposed in support thereof, hereby submits the above
4 recommendations.
5

6 DATED this 13th day of December, 2022.
7

8
9 
10 DISCOVERY COMMISSIONER

11 REYNOLDS v. RENOLDS
12 CASE NO.: D-11-448466-D

13 Respectfully submitted,

14 
15
16 Ryan A. Hamilton, Esq.
Nevada Bar No. 11587

17 **HAMILTON LAW**
18 5125 S. Durango Drive
19 Las Vegas, Nevada 89113
(702) 818-1818
20 (702) 974-1139 (fax)
21 Ryan@HamLegal.com
Attorney for Plaintiff,
Susan Victoria Reynolds

22 Approved as to form and content by:

23 
24 F. Peter James, Esq.
LAW OFFICE OF F. PETER JAMES, ESQ.
25 Attorney for Defendant,
26 Robert William Reynolds

1
2
3 **EIGHTH JUDICIAL DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**
5

6
7 SUSAN VICTORIA REYNOLDS,
8 Plaintiff,

9
10 vs.

11 ROBERT WILLIAM REYNOLDS,
12 Defendant
13

Case No.: D-11-448466-D

Dept. No.: H / Discovery

14
15 **NOTICE**

16 Pursuant to NRCP 16.3(c)(2), you are hereby notified that within
17 fourteen (14) days of being served with a report, any party may file and serve
18 written objections to the recommendations. Written authorities may be filed with
19 an objection, but are not mandatory. If written authorities are filed, any other party
20 may file and serve responding party within seven (7) days after being served with
21 objections.
22
23

24 A copy of foregoing Discovery Commissioner's Report and
25 Recommendations was:
26
27
28

1 ___ Mailed to Plaintiff/Defendant on the ___ day of ___, 2022, to
2 the following address:

3 ✓ Electronically filed and served on the 14th day of Dec., 2022.

4 Ryan Hamilton, Esq.- ryan@hamlegal.com

5 Peter F. James, Esq.- Peter@PeterJamesLaw.com

6 The Discovery Commissioner's Report and Recommendation is
7
8 deemed received at the time it is e-served to a party or the party's attorney.

9
10 Alternatively, the Discovery Commissioner's Report and Recommendation is
11 deemed received three (3) days after mailing to a party or a party's attorney; or
12 three (3) days after the Clerk of the Court deposits a copy of the Report and
13 Recommendations in a folder of the party's attorney in the Clerk's Office. EDCR
14 2.34(f).

15
16 Dated this 14th day of Dec., 2022.

17
18
19
20 *Vivian A Canela*

21 _____
22 Commissioner Designee
23
24
25
26
27
28

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Susan Victoria Reynolds,
Plaintiff

CASE NO: D-11-448466-D

7 vs.

DEPT. NO. Department H

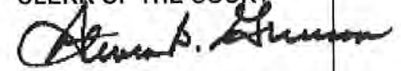
8
9 Robert William Reynolds,
Defendant.

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 1/2/2023

16 "Michael P. Carman, Esq." .	mcarman@mpclawoffice.com
17 F Peter James	peter@peterjameslaw.com
18 Ryan Hamilton	ryan@hamlegal.com
19 April Schultz	April@PeterJamesLaw.com
20 Susan Hayden	dirtyjeepgirl@yahoo.com
21 Robert Reynolds	robertwreynolds1@gmail.com
22 Daniel Tully	daniel@hamlegal.com



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*Attorney for Plaintiff,
Susan Victoria Reynolds*

EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, STATE OF NEVADA

SUSAN VICTORIA REYNOLDS,

Plaintiff,

vs.

ROBERT WILLIAM REYNOLDS,

Defendant.

Case No.: D-11-448466-D

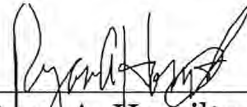
Dept. No.: H

**NOTICE OF ENTRY OF
ORDER RE: DISTRICT
COURT'S AFFIRMANCE
AND ADOPTION OF
DISCOVERY
COMMISSIONER'S REPORT
AND RECOMMENDATIONS**

NOTICE IS HEREBY GIVEN that on the 2nd day of January 2023,
an Order re: District Court's Affirmance and Adoption of Discovery
Commissioner's Report and Recommendations, was duly entered in the
above-entitled matter, a copy of which is attached hereto.

DATED this 2nd day of January 2023.

Respectfully submitted,



Ryan A. Hamilton, Esq.
Nevada Bar No. 11587

HAMILTON LAW

5125 S. Durango Drive
Las Vegas, NV 89113

(702) 818-1818

(702) 974-1139 (fax)

Ryan@HamLegal.com

*Attorney for Plaintiff,
Susan Victoria Reynolds*

CERTIFICATE OF SERVICE

I certify that I am an employee of HAMILTON LAW, LLC, and that on this 2nd day of January 2023, I caused the foregoing document, entitled

NOTICE OF ENTRY OF ORDER RE: DISTRICT COURT'S

AFFIRMANCE AND ADOPTION OF DISCOVERY

COMMISSIONER'S REPORT AND RECOMMENDATIONS was

served via first class U.S. mail to the following persons:

F. Peter James, Esq.

LAW OFFICE OF F. PETER JAMES, ESQ.

3821 W. Charleston Blvd., Suite 250

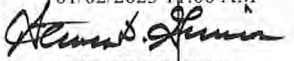
Las Vegas, Nevada 89102

Peter@PeterJamesLaw.com

*Attorney for Defendant,
Robert William Reynolds*



Employee of Hamilton Law, LLC


CLERK OF THE COURT

1 ORDER

2
3
4 **EIGHTH JUDICIAL DISTRICT COURT**

5 **CLARK COUNTY, NEVADA**

6
7
8 SUSAN VICTORIA REYNOLDS,

Case No.: D-11-448466-D

9 Plaintiff,

10 vs.

Dept. No. H / Discovery

11 ROBERT WILLIAM REYNOLDS,

12 Defendant

13
14
15 **ORDER ON DISCOVERY COMMISSIONER'S REPORT AND**
16 **RECOMMENDATIONS**

17 The Court having reviewed the above Report and Recommendation's prepared by
18 the Discovery Commissioner and,

19 _____ No timely objection having been filed,

20 TAR After reviewing the objection to the Report and
21 Recommendation's and good cause appearing,

22 AND

23 TAR IT IS HEREBY ORDERED the Discovery Commissioner's
24 Report and Recommendations are affirmed and adopted.

25 _____ IT IS HEREBY ORDERED the Discovery Commissioner's
26 Report and Recommendations are affirmed and adopted as
27 modified in the following matter. (attached hereto)

28 _____ IT IS HEREBY ORDERED this matter is remanded to the
Discovery Commissioner for reconsideration or further action.

1 IT IS HEREBY ORDERED the Discovery Commissioner's
2 Report and Recommendations are reversed.

3 IT IS HEREBY ORDERED that a hearing on the Discovery
4 Commissioner's Report is

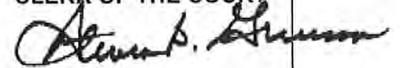
5 Set for the ____ day of _____, 2022 at ____ a.m. / p.m.

6 The Objection hearing set for
7 2/8/2023 @ 9 am is vacated.

Dated this 2nd day of January, 2023

8 

9 0DB E2D 0A65 0D09
10 T. Arthur Ritchie
11 District Court Judge
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1 **DCRR**

2 Ryan A. Hamilton, Esq.
3 Nevada Bar No. 11587

4 **HAMILTON LAW**

5 5125 S. Durango Drive
6 Las Vegas, Nevada 89113
7 (702) 818-1818
8 (702) 974-1139 (fax)
9 Ryan@HamLegal.com

10 *Attorney for Plaintiff,*
11 *Susan Victoria Reynolds*

12 **EIGHTH JUDICIAL DISTRICT COURT**

13 **FAMILY DIVISION**

14 **CLARK COUNTY, STATE OF NEVADA**

15 SUSAN VICTORIA REYNOLDS,

Case No.: D-11-448466-D

16 Plaintiff(s),

Dept No.: H

17 vs.

**DISCOVERY COMMISSIONER'S
REPORT AND
RECOMMENDATIONS**

18 ROBERT WILLIAM REYNOLDS

19 Defendant(s).

Date of Hearing: October 26, 2022
Time of Hearing: 10:30 a.m.

20 Party/Attorney appearing for Plaintiff(s): SUSAN VICTORIA REYNOLDS,
21 Plaintiff, and RYAN A. HAMILTON, ESQ., counsel for Plaintiff

22 Party/Attorney appearing Defendant(s): ROBERT WILLIAM REYNOLDS,
23 Defendant, and F. PETER JAMES, ESQ., counsel for Defendant

24 On October 26, 2022, the parties to the above-captioned matter
25 appeared before the Honorable Discovery Commissioner Jay Young by and
26

1 through their counsel listed above, on Movant's Motion to Compel
2 Interrogatory Answers and Requests for Production of Documents and
3 Request for Attorney's Fees (the "Motion"). The Court reviewed the
4 Motion and Defendant's Opposition to Plaintiff's Motion to Compel (and
5 Related Relief), Countermotion, Plaintiff's Reply in Support of Plaintiff's
6 Motion to Compel and Opposition to Defendant's Countermotion, and
7 entertained oral argument made by the parties. For good cause appearing,
8 the Discovery Commissioner hereby makes the following findings and
9 recommendations:
10
11

12 **I. FINDINGS**

13 The Court noted that it has reviewed the pleadings. Attorney Ryan A.
14 Hamilton represented he does not have anything to add unless the Court has
15 any questions. The Court stated that is did not have any questions.
16

17 Attorney F. Peter James represented that the other side refers to the
18 judgment as alimony and not as property. He continued to refer to Plaintiff's
19 Motion as seeking relief under all sorts of irrelevant theories as it is a
20 property distribution. Attorney F. Peter James referred to the December
21 2016 hearing before Judge Ritchie in which the Court stated he just wanted
22 to close this case and they could domesticate this case in the other state.
23 Attorney F. Peter James stated pursuant to the Fair Collection Practices Act,
24
25
26

1 15 U.S.C. 1692i, a venue would need to be picked: go to where the contract
2 was signed or where the Defendant resides. Attorney F. Peter James further
3 stated that no one lives here in the State of Nevada. Plaintiff resides in Idaho
4 and Defendant lives in Texas. Attorney F. Peter James explains that there is
5 no property here and that a judgment has been domesticated to Texas.
6

7 Attorney F. Peter James addresses that Plaintiff has weaponized
8 discovery in the past as she divulged Defendant's deal with Facebook which
9 absolutely destroyed the deal and caused severe irritations to Facebook that
10 their private knowledge got out through Defendant's case. Attorney F. Peter
11 James stated a lot of the discovery is really something that should be done
12 in the State of Texas and that there is no reason to keep it in the State of
13 Nevada since neither party lives in the State of Nevada anymore and neither
14 side has ties to the State of Nevada.
15
16

17 Counsel for Plaintiff represented it is inaccurate that Judge Ritchie
18 was seeking to close out the case and have it go to another jurisdiction.
19

20 Counsel for Plaintiff was adamant that Judge Ritchie ruled that Plaintiff
21 could collect the judgment through all legal means. Counsel for Plaintiff
22 stated he tried to hold a Meet and Confer on this issue on multiple occasions
23 just for Counsel for Defendant to indicate that things can be done more
24 cheaply in Texas. Counsel for Plaintiff has asked Counsel for Defendant for
25
26

1 authority as to why Plaintiff could not seek discovery in the State of Nevada
2 and has not received any such authority. Counsel further noted that the Fair
3 Debt Collection Practice does not apply in this instance. Counsel for Plaintiff
4 further states Defendant simply has not responded to discovery and that
5 they have no idea what property there is and that Defendant has gone to
6 great lengths as to not pay what he was ordered to pay.
7

8 The Court noted that there was an order issued just two (2) days ago
9 by Judge Ritchie based on a motion filed by Defendant seeking relief from
10 the same judgment. The Court advised one cannot seek the Court's
11 protection and simultaneously deny that the Court has jurisdiction. The
12 Court found that Defendant has failed to participate in discovery.
13

14 Counsel for Defendant stated the timing is going to be off because
15 the Court is imposing a duty before they have an obligation to have it
16 reviewed by Judge Ritchie.
17

18 **A. MOVANT SEEKS AN AWARD OF ATTORNEY FEES**
19

20 The Motion seeks an award of attorney fees pursuant to Rule
21 37(a)(5)(A) of the Nevada Rules of Civil Procedure. Rule 37(a)(5)(A) of the
22 Nevada Rules of Civil Procedure allows for an award of fees where an
23 opposing party's non-disclosure response, or objection was not
24 substantially justified.
25
26

1 A court may not award attorney fees or costs unless authorized to do
2 so by a statute, rule, or contract. *U.S. Design & Const. Corp. v. Int'l Bhd. of*
3 *Elec. Workers*, 118 Nev. 458, 462, 50 P.3d 170, 173 (2002). Movant seeks
4 an award of reasonable attorney fees.
5

6 The court here has determined that an award of attorney fees is
7 appropriate, subject to proof, pursuant to Rule 37(a)(5)(A) preliminarily,
8 subject to substantiation because the Court found that Defendant's failures
9 to meet and confer on Plaintiff's discovery requests and that Defendant's
10 failures to respond to Plaintiff's requests were not substantially justified.

11 Having determined that the Movant is entitled to an award of fees, the
12 court next turns its attention to the amount of the award. The court
13 required Movant to provide a Memorandum of Fees and Costs consistent
14 with *Brunzell v. Golden Gate Nat. Bank*, 85 Nev. 345, 455 P.2d 31 (1969);
15

16 *Cadle Co. v. Woods & Erickson, LLP*; and *Miller v. Wilfong*, 121 Nev. 619,
17 119 P.3d 727. Movant's Memorandum of Fees and Costs was due on or
18

19 before November 2, 2022. Robert William Reynold's response thereto was
20 due November 9, 2022. The court made clear that untimely submissions
21 would not be considered. Movant filed Plaintiff's Memorandum in Support
22 of Award Attorney's Fees on November 2, 2022. Robert William Reynold's
23 did not file a response thereto.
24
25
26

1 The court has great discretion regarding its decision to award fees
2 and regarding the amount of fees granted. The court's discretion is
3 "tempered only by reason and fairness." *Albios v. Horizon Communities,*
4 *Inc.*, 122 Nev. 409, 427, 132 P.3d 1022, 1034 (2006) (quoting *University of*
5 *Nevada v. Tarkanian*, 110 Nev. 581, 591, 879 P.2d 1180, 1186 (1994)).

7 "In determining the amount of fees to award, the [district] court is
8 not limited to one specific approach; its analysis may begin with any
9 method rationally designed to calculate a reasonable amount, so long as
10 the requested amount is reviewed in light of the" *Brunzell* factors. *Logan v.*
11 *Abe*, 131 Nev. 260, 266, 350 P.3d 1139, 1143 (2015) (citing *Haley v. Eighth*
12 *Judicial Dist. court*, 128 Nev. 171, 273 P.3d 855, 860 (2012) (internal
13 quotations omitted)).

16 The Supreme court in *Brunzell v. Golden Gate National Bank*, 85
17 Nev. 345, 349–50, 455 P.2d 31, 33 (1969) gave guidance on how a court is
18 to determine the reasonable value of the work performed by a movant's

19
20 counsel.¹ *Brunzell* directs courts to consider the following when
21 determining a reasonable amount of attorney fees to award:

22 (1) the qualities of the advocate: his ability, his training,
23 education, experience, professional standing and skill; (2)
24 the character of the work to be done: its difficulty, its

25 ¹ The court must determine the reasonable rates for all persons for whose time a party seeks reimbursement,
26 including partners, associates, paralegals, and law clerks, etc. See *LVMPS v. Yeghiazarian*, 129 Nev. 760, 770,
312 P.3d 503, 510 (2013).

1 intricacy, its importance, time and skill required, the
2 responsibility imposed and the prominence and character of
3 the parties where they affect the importance of the
4 litigation; (3) the work actually performed by the lawyer: the
5 skill, time and attention given to the work; (4) the result:
6 whether the attorney was successful and what benefits were
7 derived.

8 *Id.* (internal quotation marks omitted).

9 The court can follow any rational method so long as it applies the
10 *Brunzell* factors; it is not confined to authorizing an award of attorney fees
11 exclusively from billing records or hourly statements. *Logan v. Abe*, 131
12 Nev. 260, 266, 350 P.3d 1139, 1143 (2015); *Shuette v. Beazer Homes*
13 *Holdings Corp.*, 121 Nev. 837, 864, 124 P.3d 530, 549 (2005) (approving
14 awards based on a “lodestar” amount, as well as a contingency fee
15 arrangement). Although the court must “expressly analyze each factor”,
16 no single factor should be given undue weight. *Logan v. Abe*, 131 Nev.

17 260, 266, 350 P.3d 1139, 1143 (2015); *Brunzell*, 85 Nev. at 349-50, 455
18 P.2d at 33.

19 After determining the reasonable value of an attorney’s services
20 analyzing the factors established in *Brunzell*, the court must then provide
21 sufficient reasoning and findings concerning those factors in its order.
22 *Shuette v. Beazer Homes Holdings Corp.*, 121 Nev. 837, 865, 124 P.3d 530,
23 549 (2005). The court’s decision must be supported by “substantial
24
25
26

evidence”. *Logan v. Abe*, 131 Nev. 260, 266, 350 P.3d 1139, 1143 (2015).

Substantial evidence supporting a request for fees must be presented to the court by “affidavits, unsworn declarations under penalty of perjury, depositions, answers to interrogatories, [or] admissions on file”. EDCR 2.21(a). Sworn statements submitted pursuant to EDCR 2.21(a) must be sufficient to satisfy NRCP 56(e). EDCR 2.21(c). Unsworn statements of counsel and conclusory statements in pleadings not otherwise presented in compliance with EDCR 2.21(a) may not be considered by the court. The Supreme Court has confirmed that the *Brunzell* factors must be presented by affidavit or other competent evidence. *Miller v. Wilfong*, 121 Nev. 619, 624, 119 P.3d 727, 730 (2005); *Katz v. Incline Vill. Gen. Improvement Dist.*, 452 P.3d 411 (Nev. 2019), *cert. denied*, 141 S. Ct. 253, 208 L. Ed. 2d 26 (2020) (citing *Herbst v. Humana Health Ins. of Nev., Inc.*, 105 Nev.

586, 591, 781 P.2d 762, 765 (1989) (holding that an affidavit documenting the hours of work performed, the length of litigation, and the number of volumes of appendices on appeal was sufficient evidence to enable the court to make a reasonable determination of attorney fees, even in the absence of a detailed billing statement); *Cooke v. Gove*, 61 Nev. 55, 57, 114 P.2d 87, 88 (1941) (upholding an award of attorney fees based on, among other evidence, two depositions from attorneys testifying about the value

1 of the services rendered)). An award that is not based on such substantial
2 evidence is subject to reversal, as the court will have no factual basis on
3 which to base its decision. *Beattie v. Thomas*, 99 Nev. 579, 668 P.2d 268
4 (1983).
5

6 In the instant matter, Movant provided the court with the following
7 sworn testimony and other evidence: Memorandum in Support of Award
8 of Attorney's Fees, Declaration of Ryan A. Hamilton in Support of
9 Memorandum in Support of Award of Attorney's Fees, and timekeeping
10 records for the time counsel spent related to the Motion to Compel.
11 Movant argues each *Brunzell* factor as follows:
12

13 **1. The Qualities of the Advocate**
14

15 The undersigned, Ryan A. Hamilton, Esq., handled the work relating
16 to the attorney's fees sought. The undersigned has been the owner and
17 managing member of Hamilton Law, LLC, since its inception in 2010. The
18 undersigned has been a licensed attorney since 2006 and is a member in
19 good standing of the Indiana, Nevada, and California bars. The
20 undersigned litigates cases in all three (3) jurisdictions.
21
22

23 **2. The Character of the Work**
24

25 The work at issue was necessary because Plaintiff needs to know
26 what assets Defendant has to satisfy her judgment against him. The work

1 was not unusually complicated, although Plaintiff did need to research
2 Defendant's somewhat novel argument that the collection activity at issue
3 may only be conducted in Texas. The work at issue did require Plaintiff to
4 pay careful attention to detail and to draft multiple pleadings.
5

6 **3. The Work Performed**

7 The motion at issue required me to conduct multiple meet-and-
8 confers with opposing counsel, perform legal research, and draft a motion
9 to compel and a reply brief. The total time I spent in performing the work
10 at issue was 5.5 hours.
11

12 **4. The Result**

13 Plaintiff prevailed completely on the issues raised in the Motion to
14 Compel. Defendant will be required to produce responsive documents and
15 information to each of the requests for which Plaintiff sought compulsion.
16

17 The information gained should be provide significant value in assisting
18 Plaintiff to enforce her judgment.
19

20 **B. SUMMARY OF FEES SOUGHT**

21 Movant provided evidence suggesting Ryan A. Hamilton, Esq. spent
22 5.5 hours at the rate of \$350.00 per hour on matters related to the
23 activities for which the court ordered an award of fees. Movant asks the
24 court for an award of \$1,925.00 in attorney fees.
25

1 The Court has reviewed Plaintiff's Memorandum in Support of
2 Award of Attorney's Fees, Declaration of Ryan A. Hamilton in Support of
3 Request for Fees, and counsel for Plaintiff's Time Sheet, as well as any
4 response thereto and finds:
5

6 _____ Movant has adequately addressed the factors required by
7 *Brunzell* and its progeny. Movant has detailed the qualities of the
8 advocate, the character of the work performed, the actual work performed
9 by the attorney, including skilled time and attention given to the work, and
10 the result. Movant has provided competent evidence in support of
11 Movant's request for fees.
12

13 _____ Movant has not adequately addressed the factors required
14 by *Brunzell* and its progeny. Movant has not detailed the qualities of the
15 advocate, the character of the work performed, the actual work performed
16 by the attorney, including skilled time and attention given to the work, and
17 the result sufficiently or Movant referenced the same but not by competent
18 evidence as required by the Supreme Court, depriving the court here of an
19 evidentiary upon which to grant the request.² Movant has not provided
20 sufficient competent evidence in support of Movant's request for fees.
21
22
23
24

25 _____
26 ² An award that is not based on such substantial evidence is subject to reversal, as the court will have no factual basis on which to base its decision. *Beattie v. Thomas*, 99 Nev. 579, 668 P.2d 268 (1983).

1 _____ Movant failed to file a timely Memorandum of Costs and
2 Fees, precluding an order granting the same.

3 The court finds the analysis required under *Brunzell v. Golden Gate*
4 *Nat. Bank*, 85 Nev. 345, 455 P.2d 31 (1969); *Beattie v. Thomas*, 99 Nev.
5 579, 668 P.2d 268 (1983); *Wright v. Osburn*, 114 Nev. 1367, 1370, 970
6 P.2d 1071, 1073 (1998)
7

8 _____ was satisfied. The factors addressed by those case(s),
9 prerequisite to an award of attorney fees, were set forth in the Motion with
10 specificity as addressed above.
11

12 ☒ was not satisfied. Movant failed to address disparity in income. The court
13 therefore cannot grant an award of fees. *Wright v. Osburn*, 114 Nev. 1367, 1370, 970 P.2d 1071, 1073 (1998). JV

14 The court finds the fees charged by Movant's counsel in this matter:

15 _____ were necessary to the matter and are reasonable in the
16 marketplace given the experience and qualities of the advocates in the
17 amount granted by the court.

18
19 _____ were not proven necessary and/or reasonable.
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1 **II. RECOMMENDATIONS**

2 IT IS THEREFORE RECOMMENDED:

3 1. This Court DOES have JURISDICTION;

4 2. The MOTION shall be GRANTED;

5 3. Defendant's OBJECTIONS to discovery responses are
6 3. Defendant's OBJECTIONS to discovery responses are
7 WAIVED;

8 4. DISCOVERY that is sought is COMPELLED and should be
9 4. DISCOVERY that is sought is COMPELLED and should be
10 provided NO LATER THAN November 9, 2022;

11 5. In regards to the COUNTERMOTION, there is NO
12 DISCUSSION of the GOOD CAUSE standard, and moreover, there were
13 NO INDICATIONS that the GOOD CAUSE standard had been met;

14 6. This Court WILL CONSIDER an ONGOING DAILY
15 SANCTION should Defendant no COMPLY of \$200.00 per day until FULL
16 COMPLIANCE is had;

17 7. ATTORNEY'S FEES are GRANTED pursuant to 37(a)(5)(A)
18 PRELIMINARILY, subject to SUBSTANTIATION. With discussion as to
19 BRUNZELL FACTORS and disparity in income, together with REDACTED
20 BILLING STATEMENTS, from the first time Attorney Ryan A. Hamilton,
21 Esq., attempted to resolve the matter to the time the DCRR is submitted.
22 Attorney Ryan A. Hamilton, Esq., shall have until November 2, 2022, to
23 Attorney Ryan A. Hamilton, Esq., shall have until November 2, 2022, to
24 Attorney Ryan A. Hamilton, Esq., shall have until November 2, 2022, to
25 Attorney Ryan A. Hamilton, Esq., shall have until November 2, 2022, to
26

1 provide Attorney F. Peter James, Esq., and the Court with his
2 MEMORANDUM OF FEES AND COSTS in compliance with Cadle v.
3 Woods & Erickson, the BRUNZELL FACTORS, Wright v. Osburn, and
4 Miller v. Wilfong. Attorney Ryan A. Hamilton, Esq., shall use the form on
5 the Discovery website. Court will DETERMINE the amount. Attorney F.
6 Peter James, Esq., shall have until November 9, 2022, to file an
7 Opposition. NO LATE SUBMISSION by either party will be considered by
8 the Court;
9
10

11 8. The Court will GRANT a STAY, but in case Judge Ritchie
12 agrees with this Court, the TIMING will REMAIN THE SAME;
13

14 9. Attorney Ryan A. Hamilton, Esq., shall PREPARE the REPORT
15 AND RECOMMENDATION which shall be due by November 14, 2022;
16

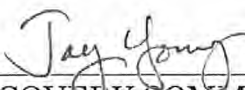
17 10. STATUS CHECK regarding the Report and Recommendation
18 shall be SET for November 16, 2022, at 1:30 p.m.

19 ~~IT IS FURTHER RECOMMENDED, consistent with the findings~~
20 ~~herein, an award of attorney fees is GRANTED against Defendant Robert~~
21 ~~William Reynolds in the amount of \$1,925.00.~~

22 ~~IT IS FURTHER RECOMMENDED the award must be paid within~~
23 ~~_____ days of entry of an order affirming and adopting these~~
24 ~~Recommendations.~~
25

1 The Discovery Commissioner, having met with counsel for the
2 parties, discussed the issues noted above, and having reviewed any
3 materials proposed in support thereof, hereby submits the above
4 recommendations.
5

6 DATED this 13th day of December, 2022.
7
8

9 
10 DISCOVERY COMMISSIONER

11 REYNOLDS v. RENOLDS
12 CASE NO.: D-11-448466-D

13 Respectfully submitted,

14 
15 Ryan A. Hamilton, Esq.
16 Nevada Bar No. 11587

17 **HAMILTON LAW**
18 5125 S. Durango Drive
19 Las Vegas, Nevada 89113
20 (702) 818-1818
21 (702) 974-1139 (fax)
22 Ryan@HamLegal.com
23 Attorney for Plaintiff,
24 Susan Victoria Reynolds

25 Approved as to form and content by:

26 
F. Peter James, Esq.
LAW OFFICE OF F. PETER JAMES, ESQ.
Attorney for Defendant,
Robert William Reynolds

1
2
3 **EIGHTH JUDICIAL DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**
5
6

7 SUSAN VICTORIA REYNOLDS,
8 Plaintiff,
9

10 vs.

11 ROBERT WILLIAM REYNOLDS,
12 Defendant
13
14

Case No.: D-11-448466-D

Dept. No.: H / Discovery

15 **NOTICE**

16 Pursuant to NRCP 16.3(c)(2), you are hereby notified that within
17 fourteen (14) days of being served with a report, any party may file and serve
18 written objections to the recommendations. Written authorities may be filed with
19 an objection, but are not mandatory. If written authorities are filed, any other party
20 may file and serve responding party within seven (7) days after being served with
21 objections.
22
23

24 A copy of foregoing Discovery Commissioner's Report and
25 Recommendations was:
26
27
28

1 Mailed to Plaintiff/Defendant on the _____ day of _____, 2022, to
2 the following address:

3 ☒ Electronically filed and served on the 14th day of Dec., 2022.

4 Ryan Hamilton, Esq.- ryan@hamlegal.com

5 Peter F. James, Esq.- Peter@PeterJamesLaw.com

6 The Discovery Commissioner's Report and Recommendation is
7 deemed received at the time it is e-served to a party or the party's attorney.

8 Alternatively, the Discovery Commissioner's Report and Recommendation is
9 deemed received three (3) days after mailing to a party or a party's attorney; or
10 three (3) days after the Clerk of the Court deposits a copy of the Report and
11 Recommendations in a folder of the party's attorney in the Clerk's Office. EDCR
12 2.34(f).

13 Dated this 14th day of Dec., 2022.

14
15
16
17
18
19
20 *Vivian A Canela*

21 _____
22 Commissioner Designee
23
24
25
26
27
28

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 Susan Victoria Reynolds,
7 Plaintiff

CASE NO: D-11-448466-D

8 vs.

DEPT. NO. Department H

9 Robert William Reynolds,
10 Defendant.

11 **AUTOMATED CERTIFICATE OF SERVICE**
12

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

15 Service Date: 1/2/2023

16 "Michael P. Carman, Esq." .

mcarman@mpclawoffice.com

17 F Peter James

peter@peterjameslaw.com

18 Ryan Hamilton

ryan@hamlegal.com

19 April Schultz

April@PeterJamesLaw.com

20 Susan Hayden

dirtyjeepgirl@yahoo.com

21 Robert Reynolds

robertwreynolds1@gmail.com

22 Daniel Tully

daniel@hamlegal.com
23
24
25
26
27
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