

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

OLENA KARPENKO,

Appellant,

vs.

ENRIQUE SCHAERER,

Respondent.

S.C. No.:

D.C. Case No.:

Electronically Filed
May 25 2023 11:44 AM
Elizabeth A. Brown
Clerk of Supreme Court
D-21-628088-D

**DOCKETING STATEMENT -
CIVIL APPEALS**

GENERAL INFORMATION

All appellants not in proper person must complete this docketing statement. NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, classifying cases for en banc, panel, or expedited treatment, compiling statistical information and identifying parties and their counsel.

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 attach documents as requested in this statement, completely fill out the statement, or to fail to file it in a timely manner, will constitute grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

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 Moran v. Bonneville Square Assocs.*, 117 Nev. 525, 25 P.3d 898 (2001); *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: U

County: Clark Judge: Hon. Dawn R. Throne

District Ct. Case No.: D-21-628088-D

2. Attorney(s) filing this docket statement:

Attorneys: Marshal S. Willick, Esq. Telephone: (702) 438 - 4100

Firm: WILLICK LAW GROUP

Address: **3591 East Bonanza Road, Suite 200
Las Vegas, Nevada 89110-2101**

If this is a joint statement completed on behalf of 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 respondent(s):

Attorney: Edward Kainen, Esq.
Racheal H. Mastel, Esq.

Telephone: (702) 823-4900

Address: **3303 Novat Street, Suite 200**
Las Vegas, Nevada 89129

Client(s): Enrique Schaerer

(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): Post Divorce

Hearing

☐ Grant/Denial of injunction

☐ Divorce Decree:

☐ Grant/Denial of declaratory relief

☐ Original ☐ Modification

☐ Review of agency determination

☐ Other disposition (specify):

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

☐ Child custody

☐ Venue

☐ Termination of parental rights

☒ N/A

- 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:

This matter was before the Court on an original Writ Petition. Case No. 83997.

- 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:

N/A

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

Olena is appealing two decision made by the district court: Child Support Amount and Attorney's Fees.

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

- Whether the district court improperly reduced child support by misapplying the child support regulations to Enrique's income.
- Whether the district court abused its discretion in greatly reducing the attorney's fees owed to the prevailing party (Olena).

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

N/A

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

X N/A

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:

A family court matter relating to child support and fees is presumptively assigned to the Court of Appeals for resolution under NRAP 17.

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

N/A. The appeal stems for post divorce decisions. There was no trial but instead there was a motion hearing held on February 21, 2023. The Order from that hearing as to child support was filed on March 31. At the hearing, the Court directed Olena to file a Memorandum of Fees and Costs. After the briefing was complete, the Court issued the Order and Judgment for Attorney's Fees and Costs on March 23, 2023, by way of a minute Order. The official Order was entered on April 17, 2023.

- 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? N/A

TIMELINESS OF NOTICE OF APPEAL

- 16. Date of entry of written judgment or order appealed from:** March 31, 2023 and April 17, 2023

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

N/A

- 17. Date written notice of entry of judgment or order served:** April 3, 2023 and April 17, 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, and the date and method of service of the motion, and date of filing.

☐ NRCP 50(b) Date of filing _____

☐ NRCP 52(b) Date of filing _____

☐ NRCP 59 Date of filing _____

☒ N/A

NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration do not toll the time for filing a notice of appeal. *See AA Primo Builders v. Washington*, 126 Nev. 578, 245 P.3d 1190 (2010).

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

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

Was service by:

☐ Delivery

☐ Mail/electronic/fax

☒ N/A

19. Date notice of appeal was filed: April 20, 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:

☒ N/A

20. Specify statute or rule governing the time limit for filing the notice of appeal, *e.g.*, NRAP 4(a), NRS 155.190, 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),(8) ☐ NRS 38.205

☐ NRAP 3A(b)(2) ☐ NRS 233B.150

☐ NRAP 3A(b)(3) ☐ NRS 703.376

☐ Other(specify) _____

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

The Order from February 21, 2023, Hearing setting child support is a final judgment; the Order and Judgment for Attorney's Fees and Costs is an independently appealable special order after final judgment; they are the final judgments regarding Child Support and Attorney's Fees respectively.

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

(a) Parties:

- Defendant/Appellant: Olena Karpenko
- Plaintiff/Respondent: Enrique Schaerer

(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:

☒ NA

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

Child support due under the regulations; prevailing party fees, and arguments for and against both awards by the parties.

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?

X Yes (including matters for which orders were requested, but refused).

☐ No

25. If you answered “No” to question 24, complete the following: N/A

(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)):

☒ N/A

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

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims.
- Any tolling motion(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.
- Notice of entry for each attached order.

See the following attached documents:

- Exhibit 1: Complaint for Divorce filed on May 28, 2021.
- Exhibit 2: Answer and Counterclaim filed on July 2, 2021
- Exhibit 3: Defendant’s Motion for Enforcement of Child Support, Arrears, Reimbursed Medical Expenses and Attorney’s Fees filed on January 13, 2023.

- Exhibit 4: Plaintiff's Opposition to Motion for Enforcement of Child Support, Arrears, Reimbursed Medical Expenses and Attorney's Fees and Countermotion to Enforce the Requirement for Mediation filed on January 30, 2023.
- Exhibit 5: Reply to "Plaintiff's Opposition to Defendant's Motion for Enforcement of Child Support, Arrears, Reimbursed Medical Expenses and Attorney's Fees and Opposition to Countermotion to Enforce the Requirement for Mediation" filed on February 2, 2023.
- Exhibit 6: Defendant's Memorandum of Fees and Costs filed March 2, 2023.
- Exhibit 7: Plaintiff's Reply to Defendant's Memorandum of Fees and Costs filed on March 21, 2023.
- Exhibit 8: Order from February 21, 2023 filed on April 3, 2023 and its Notice of Entry of Order filed the same day.
- Exhibit 9: Order and Judgment for Attorney's Fees and Costs filed on April 17, 2023 and its Notice of Entry of Order filed the same day.

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.

Olena Karpenko

Name of appellants

Marshal S. Willick, Esq.

Name of counsel of record

//s// Marshal S. Willick

Signature of Counsel of Record

5/25/2023

Date

Nevada, Clark County

State and county where signed

CERTIFICATE OF SERVICE

Pursuant to NRAP 25(d)(1), I certify that I am an employee of the WILLICK LAW GROUP and that on this 25th day of May, 2023, documents entitled *Docketing Statement - Civil Appeals* were filed electronically with the Clerk of the Nevada Supreme Court, and therefore electronic service was made in accordance with the master service list as follows, to the attorneys listed below at the address, email address, and/or facsimile number indicated below:

Racheal H. Mastel, Esq.
Kainen Law Group
3303 Novat Street Ste. 200
Las Vegas, Nevada 89129
service@kainenlawgroup.com
racheal@kainenlawgroup.com
Attorney for Plaintiff/Respondent

//s// Justin K. Johnson
An Employee of the Willick Law Group

EXHIBIT “1”

EXHIBIT “1”

EXHIBIT “1”

Telephone: (702) 388-1851
Facsimile: (702) 388-7406
Email: Paul@pecoslawgroup.com
Attorney for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

Enrique Schaerer,

Plaintiff,

vs.

Olena Karpenko,

Defendant.

Case No.

Dept No.

COMPLAINT FOR DIVORCE

COMES NOW Plaintiff, **Enrique Schaerer** ("Enrique"), by
his attorney, **Paul A. Lemcke, Esq.**, of PECOS LAW GROUP, and for
action for divorce, complains and alleges as follows:

1. For more than six (6) weeks immediately
commencement of this action, Enrique has been and now is a bona
resident and domiciliary of the State of Nevada, County of Clark

6
7 3. Enrique and Olena were married on the 26th day of Dec
8 in Las Vegas, Nevada, and ever since have been and now are husband

9 4. There are no minor children born the issue of this marr
10 parties have not legally adopted any children.

11 5. Olena is currently pregnant with a child. Given the par
12 status, Enrique will be presumed to be the natural father of the child i
13 born during the marriage, or within 285 days of the entry of the parties

14 6. Enrique is informed and believes, and thereon alleges, th
15 the natural father of Olena's unborn child. This Court should ad
16 existence or nonexistence of the father and child relationship. On the
17 child, Enrique requests that the Court order the taking of specimens
18 identification in Nevada pursuant to NRS 126.121, and that the Cour
19 the qualifications of the experts and laboratories to be employed in
20 sampling and testing.
21

22 7. On December 21, 2020, the parties entered into a
23 Agreement (hereinafter the "Premarital Agreement) in Las Vegas. The
24 Agreement is valid, binding, and legally enforceable.
25

26 . . .

6 10. Enrique and Olena have not accumulated, nor do they
7 community or joint debts whatsoever.

8 11. Enrique and Olena each have certain separate property and
9 defined by the Premarital Agreement), and that separate property and del
10 be confirmed to each of the parties consistent with the Premarital Agreement.

11 12. Enrique and Olena entered into a mutual waiver of spousal
12 alimony, preliminary allowances, and attorney's fees as specified in pa
13 16.2 and 16.3 of the Premarital Agreement.

14 13. Neither Enrique or Olena should pay spousal support or al
15 the other party.

16 14. The tastes, mental dispositions, views and likes and dis
17 Enrique and Olena have become so widely separated and divergent that th
18 are incompatible to such an extent that it is impossible for them to live to
19 husband and wife, and there is no possibility of reconciliation between the
20

21 15. Each party should bear their attorney's fees and costs o
22 finalizing this divorce in accordance with the Premarital Agreement.

23 16. Pursuant to paragraph 19.13 of the Premarital Agreement
24 event either party seeks to litigate the Premarital Agreement, or to o
25 contest, impair, or invalidate the Premarital Agreement, or any provision
26

Enrique and Olena be dissolved, that Enrique be granted an absolute Divorce, and that each of the parties be restored to the status of an unmarried person;

2. That this Court should adjudicate the existence or nonexistence of Enrique's father and child relationship on the birth of Olena's child;

3. That on the birth of Olena's child, this Court order the taking of blood specimens for genetic identification in Nevada pursuant to NRS 126.121, and that the Court determine the qualifications of the experts and laboratories employed in the genetic sampling and testing;

4. That the terms and conditions of the Premarital Agreement be acknowledged, approved, and enforced in this divorce action;

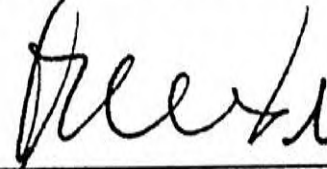
5. That the parties' separate property and separate debts be confirmed to each of them, respectively, on divorce;

6. That neither Enrique nor Olena should pay spousal support or alimony to the other;

7. That each party bear their own attorney's fees and costs of finalizing this divorce;

8. That to the extent Olena seeks to litigate the Premarital Agreement or to otherwise contest, impair, or invalidate the Premarital Agreement

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Paul A. Lemcke
Nevada Bar No.
8925 South Pecc
Henderson, Nev
Attorney for Pla

5
6 I, **Enrique Schaerer**, under penalties of perjury, declare
7 Plaintiff in the above-entitled action; that I have read the foregoing
8 Divorce" and know the contents thereof; that the same is true
9 knowledge, except for those matters therein contained stated upon my
10 belief, and as to those matters, I believe them to be true.

11 Pursuant to NRS 53.045 I declare under penalty of perjury under
12 the State of Nevada that the foregoing is true and correct.

13 5/27/2021

14 DATED this ____ day of May, 2021.

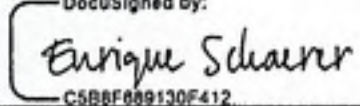
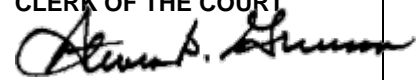
15 DocuSigned by:
16 
17 C5B8F889130F412
18 **ENRIQUE SCHAEFER**

EXHIBIT “2”

EXHIBIT “2”

EXHIBIT “2”



1 **CCAN**
2 LINDA LAY, ESQ.
3 Nevada Bar No. 12990
4 TIN HWANG, ESQ.
5 Nevada Bar No. 14063
6 **HWANG LAW GROUP LLC.**
7 2880 S. Jones Blvd., Suite 2
8 Las Vegas, Nevada 89146
9 Tel: (702) 820-0888
10 Fax: (702) 919-6376
11 E-mail: tin@hwanglawgroup.com
12 *Attorneys for Defendant,*
13 **OLENA KARPENKO**

14 **EIGHTH JUDICIAL DISTRICT COURT, FAMILY DIVISION**
15 **CLARK COUNTY, NEVADA**

16 ENRIQUE SCHAEERER,

17 Plaintiff,

18 vs.

19 OLENA KARPENKO,

20 Defendant.

Case No. D-21-628088-D
Dept. U

21 **ANSWER AND COUNTERCLAIM**

22 COMES NOW the Defendant, OLENA KARPENKO (hereinafter
23 "Defendant"), by and through her attorneys, Tin Hwang, Esq. and Linda Lay,
24 Esq., of the HWANG LAW GROUP LLC., and hereby files her ANSWER AND
25 COUNTERCLAIM to the Complaint for Divorce filed by the Plaintiff, ENRIQUE
26 SCHAEERER (hereinafter "Plaintiff"), and Defendant now responds to Plaintiff's
27 allegations as follows:
28

1 1. Defendant admits the allegations contained in Paragraph 1 of the
2 Complaint for Divorce.

3
4 2. Defendant admits the allegations contained in Paragraph 2 of the
5 Complaint for Divorce.

6
7 3. Defendant admits the allegations contained in Paragraph 3 of the
8 Complaint for Divorce.

9 4. Defendant admits the allegations contained in Paragraph 4 of the
10 Complaint for Divorce.

11
12 5. Defendant is without sufficient knowledge to answer to the allegations
13 contained in Paragraph 5 of the Complaint for Divorce; and therefore denies the
14 same.

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16 6. Defendant is without sufficient knowledge to answer to the allegations
17 contained in Paragraph 6 of the Complaint for Divorce; and therefore denies the
18 same.

19
20 7. Defendant admits the allegations contained in Paragraph 7 of the
21 Complaint for Divorce.

22
23 8. Defendant admits the allegations contained in Paragraph 8 of the
24 Complaint for Divorce.

25 9. Defendant admits the allegations contained in Paragraph 9 of the
26 Complaint for Divorce.

27
28 ///

10. Defendant admits the allegations contained in Paragraph 10 of the Complaint for Divorce.

11. Defendant admits the allegations contained in Paragraph 11 of the Complaint for Divorce.

12. Defendant admits the allegations contained in Paragraph 12 of the Complaint for Divorce.

13. Defendant admits the allegations contained in Paragraph 13 of the Complaint for Divorce.

14. Defendant admits the allegations contained in Paragraph 14 of the Complaint for Divorce.

15. Defendant admits the allegations contained in Paragraph 15 of the Complaint for Divorce.

16. Defendant admits the allegations contained in Paragraph 16 of the Complaint for Divorce.

AFFIRMATIVE DEFENSES

First Affirmative Defense (Failure to State a Claim)

17. Plaintiff has failed to state a claim upon which relief may be granted.

Second Affirmative Defense (Waiver)

18. Plaintiff has waived, and/or is estopped from pursuing his claims against Defendant.

**Third Affirmative Defense
(Unclean Hands)**

19. Plaintiff is barred from pursuing his claims against Defendant by the doctrine of unclean hands.

**Fourth Affirmative Defense
(Unconscionability)**

20. Plaintiff is barred from pursuing his claims against Defendant by the doctrine of unconscionability.

**Fifth Affirmative Defense
(Doctrine of Laches)**

21. Plaintiff is barred from pursuing his claims against Defendant by the doctrine of laches.

**Sixth Affirmative Defense
(Misrepresentation)**

22. Plaintiff is barred from pursuing his claim against Defendant because of material misrepresentation(s) of facts made by Plaintiff to Defendant.

Seventh Affirmative Defense

23. Pursuant to NRCP 11, as amended, all possible affirmative defenses may not have been stated herein, insofar as insufficient facts were not available after reasonable inquiry upon the filing of Defendant's Answer, and therefore, this answering Defendant reserves the right to amend her answer to allege additional affirmative defenses if subsequent investigation so warrants.

COUNTERCLAIM FOR DIVORCE

COMES NOW the Defendant/Counterclaimant, OLENA KARPENKO (hereinafter "OLENA" and "Defendant/Counterclaimant"), by and through her attorneys, Tin Hwang, Esq., and Linda Lay, Esq., of the HWANG LAW GROUP

1 LLC., and hereby files her Counterclaim for Divorce against the Plaintiff/Counter-
2 Defendant, ENRIQUE SCHAEERER (“ENRIQUE” and “Plaintiff/Counter-
3 Defendant”), alleging as follows:
4

5 1. That upon information and belief, for a period longer than six weeks
6 prior to the date of verification of this Complaint, ENRIQUE has been a bona fide
7 and actual resident and domiciliary of the State of Nevada.
8

9 2. That the Parties were duly and lawfully married in Las Vegas, Nevada,
10 on or about December 26, 2020, and are now and have ever since been husband and
11 wife.
12

13 3. That there are no minor children born the issue of this marriage. That
14 OLENA is currently pregnant and the expected birth is on or around July of 2021;
15 that there are no adopted minor children.
16

17 4. That the Parties entered into the *Premarital Agreement* on December 21,
18 2020, and said agreement is intended to bind the Petitioners as to the distribution of
19 their community and separate properties in accordance with NRS 123.070 and NRS
20 123.080(2).
21

22 5. That there is separately owned property of the
23 Defendant/Counterclaimant, the full extent of the Defendant’s/Counterclaimant’s
24 property is unknown to her at this time, and she prays leave of the Court to amend
25 this Complaint to insert the same when they have become known to her or at the time
26
27
28

1 of trial in this matter. Defendant/Counterclaimant requests that this Court confirm all
2 of her separate property assets upon Defendant/Counterclaimant.

3
4 6. That there may be separately owned property of the Plaintiff/Counter-
5 Defendant, the full extent of the Plaintiff's/Counter-Defendant's property is unknown
6 to Defendant/Counterclaimant at this time, and she prays leave of the Court to amend
7 this Complaint to insert the same when they have become known to her or at the time
8 of trial in this matter. Defendant/Counterclaimant requests that this Court confirm all
9 of Plaintiff's/Counter-Defendant's separate property assets upon Plaintiff/Counter-
10 Defendant.
11

12
13 7. That no alimony / spousal support should be awarded to either Parties
14 pursuant to the Premarital Agreement entered between the Parties.
15

16 8. That a name change is not necessary in this matter.

17 9. That each Party should be responsible for their own attorney's fees and
18 costs pursuant to the Premarital Agreement entered between the Parties.
19

20 10. 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
22 the Parties have become incompatible in marriage to such an extent that it is
23 impossible for them to live together as husband and wife; that the incompatibility
24 between the Plaintiff and Defendant is so great that there is no possibility of
25 reconciliation.
26

27
28 ///

WHEREFORE, the Defendant/Counterclaimant, OLENA KARPENKO,
prays for judgment against Plaintiff, ENRIQUE SCHAEERER, as follows:

1. That the contract of marriage now and therefore existing between the
Parties be dissolved and that Defendant be granted an absolute Decree of Divorce and
that each of the Parties hereto be restored to the status of single, unmarried person;

2. That the Court grant the relief requested in this Counterclaim for
Divorce; and

3. For such other relief this Court may deem just and proper in the
premises.

DATED this 2nd day of July, 2021.

Respectfully Submitted by:
HWANG LAW GROUP LLC.

/s/ Tin Hwang, Esq.

TIN HWANG, ESQ.

Nevada Bar No. 14063

2880 S. Jones Blvd., Suite 2

Las Vegas, NV 89146

Tel: (702) 820-0888

Fax: (702) 919-6376

Email: tin@hwanglawgroup.com

Attorney for Defendant/Counterclaimant,

OLENA KARPENKO

VERIFICATION

Under penalties of perjury, I declare that I am the Defendant / Counterclaimant in the instant action, that I have read the foregoing ANSWER AND COUNTERCLAIM, and know the contents thereof; that the pleading is true of my own knowledge, except for those matters therein contained stated upon information and belief, and that as to those matters, I believe them to be true.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

DATED: 07/03/2021.



OLENA KARPENKO

This document was signed by:

Olena Karpenko



Vinesign

Date

7/3/2021 12:01 AM UTC

Phone

IP Address

88.155.40.233

Confirmation

CF5420CAF02450E8ABE4BCC50F4E42FA
A3D31C55B9BFA68C7540D02865181DB4

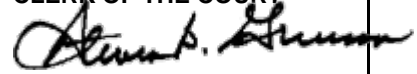


VINESIGN.COM

EXHIBIT “3”

EXHIBIT “3”

EXHIBIT “3”



MOT
WILICK LAW GROUP
MARSHAL S. WILICK, ESQ.
Nevada Bar No. 2515
3591 E. Bonanza Road, Suite 200
Las Vegas, NV 89110-2101
Phone (702) 438-4100; Fax (702) 438-5311
email@willicklawgroup.com
Attorney for Defendant

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

ENRIQUE SCHAEERER,
Plaintiff,

vs.

OLENA KARPENKO,
Defendant.

CASE NO: D-21-628088-D
DEPT. NO: U

DATE OF HEARING:
TIME OF HEARING:

ORAL ARGUMENT

Yes **X** No

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

**DEFENDANT'S MOTION FOR ENFORCEMENT OF CHILD
SUPPORT, ARREARS, REIMBURSED MEDICAL EXPENSES AND
ATTORNEY'S FEES**

Olena filed her FDF on January 13, 2023 concurrently with this *Motion*.

Defendant, Olena Karpenko through her attorneys of record, Marshal S. Willick, and Richard L. Crane, Esq., of the WILICK LAW GROUP, hereby files her

1 *Motion for Child Support, Child Support Arrears, Repayment of Medical Expenses,*
2 *and for Attorney's Fees and Costs.*

3 **I. INTRODUCTION**

4 As this Court is aware, contrary to the continued claims by Enrique, paternity
5 has been established. He is the father of the minor child that he forced to be born in
6 the Ukraine where a war rages on.

7 Since paternity has been established, the only issues remaining before this
8 Court are child support and attorney's fees. As this Court already observed, and the
9 relevant statute makes clear, only Ukraine has child custody jurisdiction.¹

10 This parties stipulated to a \$1,500 child support award to be paid in \$500
11 increments over three months. Enrique paid that, but even though it has been
12 determined he is the father, he has paid nothing further.

13 In accordance with the *Stipulation and Order* filed with this Court, we tried to
14 resolve the child support issue with opposing counsel at length, to no avail.² We now
15 must seek the aid of the Court.

16 As such, Olena is requesting the Court issue the following orders:

17 (1) Enrique be ordered to pay \$1,843.84 each month for the minor child going
18 forward.

19 (2) Child Support arrears be confirmed, and promptly paid.

20 (3) Prenatal and delivery costs for the minor child be established and paid.

21 (4) Award of Attorney Fees be made and enforced.

22
23 **POINTS AND AUTHORITIES**

24 **II. FACTS**

25 The facts relating to this motion are well known to this Court.

26
27

¹ NRS 125A.085.

28 ² EDCR 5.501.

1 The parties entered into a *Stipulation and Order* on May 13, 2022, that paused
2 litigation. That *Stipulation and Order* said:

3 IT IS FURTHER STIPULATED and AGREED that should the paternity
4 testing prove that Enrique is the father of the minor child...the parties agree
5 they will engage in private mediation to attempt in good faith to resolve
6 custody provisions and child support. The parties recognize that child custody
jurisdiction resides in the Ukraine and that any agreement the parties reach
related to custody will be a private contract until it is entered as an Order in
that Court.

7 On October 18, 2022, *Notice of DNA results* were filed with this Court
8 confirming that the Plaintiff is the biological father of the minor child.

9 Since this time, nearly four months after the confirming DNA test, Enrique has
10 not provided any child support for the minor child. Not a penny.

11 We requested Enrique provide proof of income to calculate child support and
12 received his November 9, 2022, Financial Disclosure Form.

13 On November 17, Ms. Mastel sent us a letter stating that using Enrique's FDF,
14 the child support should be \$1,107.76 per month.³

15 On November 28, we responded pointing out that the FDF that was filed was
16 suspect as he had "conveniently" gone from a \$36,000 per month job to a meager
17 \$4,000 a month job. We asked for proof of income.⁴

18 On December 9, we sent another letter to Ms. Mastel with our calculations of
19 what legal expenses and medical expenses we considered owed by Enrique along
20 with the proof of those expenditures.⁵

26 ³ See Exhibit A, letter from Ms. Mastel to our office on November 17, 2022.

27 ⁴ See Exhibit B, letter from our office to Ms. Mastel dated November 28, 2022.

28 ⁵ See Exhibit C, copy of letter from our office to Ms. Mastel dated December 9, 2022.

1 On December 20, we were served with “Plaintiff’s N.R.C.P. 16.2 Production -
2 3 and List of Witnesses.” Included in that disclosure was actual proof of Enrique’s
3 income from 2021 and 2022.⁶

4 On December 23, we sent another letter to Ms. Mastel explaining how, to our
5 knowledge, every court in Nevada performs a child support calculation. We also
6 made a demand that Enrique pay for Olena’s prior attorney’s fees (i.e., not including
7 ours).⁷

8 On December 30, Ms. Mastel responded claiming that we were not calculating
9 support correctly. This letter also indicated Enrique was seeking a “global
10 settlement.” It also misrepresented the *Stipulation and Order* that was filed in this
11 case on May 13, 2022, and stated that we should not insist on dealing with the
12 support issues (here) without dealing with custody (which can only be actually
13 resolved in Ukraine).⁸

14 On January 3, 2023, we responded to Ms. Mastel’s letter asking for any legal
15 authority that would allow a child support calculation to be done as she describes.
16 It also again requested that a child support amount of \$1,717.64 per month begin
17 immediately.⁹ We pointed out in that letter that “good faith mediation” on child
18 custody would take place in Ukraine and in accordance with Ukrainian child custody
19 law as that is the only place with jurisdiction to actually enter any mediated resolution
20 as a child custody order.

21 On January 9, we had the occasion to speak to Ms. Mastel concerning this case.
22 She did not provide any authority suggesting that her novel proposed method of
23

24 ⁶ See Exhibit D, Select pages of Enrique’s pay stubs that show income from 2021 through
25 November 2022.

26 ⁷ See Exhibit E, copy of letter from our office to Ms. Mastel dated December 23, 2022.

27 ⁸ See Exhibit F, letter from Ms. Mastel to our office dated December 30, 2022.

28 ⁹ See Exhibit G, letter from our office to Ms. Mastel dated January 3, 2023.

calculating support was correct. This phone call was in accordance with EDCR 5.501 as at the end, we agreed to disagree on how the child support was to be calculated.

We do not believe that mediation on how child support regulations in Nevada are calculated could possibly assist in this matter; any further such attempts given the positions of the parties would necessarily be “futile” and a waste of time and money on all sides.

This *Motion* follows.

III. LEGAL ARGUMENT

A. Court to Apply Nevada Child Support Regulations

As this Court is aware, Nevada has transitioned from child support statutes to child support regulations which are codified under NAC 425 *et seq.* Enrique is maintaining that the Court should not take into consideration his annual income, but only look to his greatly-reduced income following the birth of the child.

NAC 425.025 states in part:

1. “Gross income” includes, without limitation:

(a) Salary and wages, including, without limitation, money earned from overtime pay if such overtime pay is substantial, consistent and can be accurately determined.

(b) Interest and investment income, not including the principal.

...
(n) Except as otherwise provided in subsection 2, all other income of a party, regardless of whether such income is taxable.

This means that any payment, including one time bonuses, that are paid are to be considered when calculating child support. Every published, unpublished, and trial-level case known to us, when considering the income of a party whose income is not regular month to month, has averaged that party’s income for the year in question, and then divided by twelve.¹⁰

¹⁰ See, e.g., *Rodriguez v. Rodriguez*, 116 Nev. 993, 13 P.3d 415 (2000) (looking to annual income for someone whose income was concentrated in 9 months of the year); *Buchanan v. Buchanan*, 90 Nev. 209, 523 P.2d 1 (1974) (evaluating “average income” over a three-year history); *Rogers v. Rogers*, Nos. 76173 & 76758, Order Affirming in Part, Reversing in Part and Remanding

NAC 425.100 states in part:

1. Any order must be based on the obligor's earnings, income and other evidence of ability to pay.

For the Court to make that determination, it must look at Enrique's total income, not just a small snapshot in time.

Finally, NAC 425.120 states:

1. The monthly gross income of each obligor must be determined by:

(a) Stipulation of the parties; or

(b) The court, after considering all financial or other information relevant to the earning capacity of the obligor.

2. In determining the monthly gross income of each obligor, the court may direct either party to furnish financial information or other records, including, without limitation, any income tax returns.

This means to determine the actual income of an obligor, the Court can and should look to the annual pay of the obligor to include a review of tax returns. This will allow the Court to actually determine not only the average monthly income, but the obligor's earning capacity.

Here, Enrique's position that we are to only look at his income for 2021 from the date of the child's birth forward does not meet the requirements of the child support regulations. Following his line of thinking would artificially lower his income by 95% from six figures monthly to a meager \$5,416.66 per month for 2021, and \$4,333.33 per month in 2022.

This Court is required to use the Nevada regulation to calculate the support and there is no known Nevada authority that would support Enrique's position.

B. Child Support Arrears Should be Based on Enrique's Income in the Year it was Due

(Unpublished Disposition, March 26, 2020) (discussing calculation steps) (we realize that under current rules this is not citeable authority, but we have been informed by the Nevada Supreme Court that the rule is about to be changed, and the citation here is only to show that the discussion of calculation methodology is present in multiple unpublished decisions that are unlikely to be resolved differently in this case).

1 Based on the above, the Court should look at Enrique's total income for the
2 years that child support was due and calculate the support using those numbers.

3 Here, Enrique's total income for 2021 was \$1,390,637.¹¹ This amount included
4 his monthly salary and bonuses paid out throughout the year. His average monthly
5 gross income was \$115,886.42.¹² Plugging this information into the child support
6 calculator results in a child support amount of \$5,515.44 per month for 2021.¹³

7 Enrique decided to change jobs in 2022 and reduce his income by about 95%.
8 Looking at his last pay stub from his previous employer, his income that year was
9 \$281,157.¹⁴ This is added to his income from his new position through November 30,
10 of \$8,000,¹⁵ making his 2022 income through the end of November \$289,157. The
11 average income over this period was \$24,096.42 per month.¹⁶ Plugging this
12 information into the child support calculator results in a child support amount of
13 \$1,843.84 per month for 2022 through November.¹⁷

14 Placing all of this into an MLAW arrearage Calculation – and taking into
15 account the \$1,500 paid by Enrique – results in an arrearage of \$50,921.35.¹⁸ This
16 amount should be reduced to judgment collectible by all lawful means. Any future
17 missed payments – he has already missed January – should be added to this arrearage.

18 Additionally, Enrique should pay an absolute minimum of \$1,843.84 in
19 ongoing support, based on the income figures he claims. If, as we believe it should,

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21 ¹¹ See Exhibit D, Bates stamp 169OK-174OK.

22 ¹² \$1,390,637.00/12=\$115,886.42.

23 ¹³ See Exhibit H, printout from the child support calculator.

24 ¹⁴ See Exhibit D, Bates stamp 169OK-174OK.

25 ¹⁵ See Exhibit D, Bates stamp 169OK-174OK .

26 ¹⁶ \$289,157/12=\$24,096.42.

27 ¹⁷ See Exhibit I, printout from the child support calculator.

28 ¹⁸ See Exhibit J-MLAW arrearage calculation.

1 the Court holds him to his obvious earning capacity based on his historical earnings,
2 the child support payable should remain at \$5,515 for all periods. *If* this Court is
3 unwilling to hold him to his income capacity, but allow him to grossly reduce his
4 income and pay support based only on that reduced sum, then because his income is
5 so variable, child support should be adjusted annually based on his total gross income
6 from the previous year.

7 NAC 425.150 states:

8 1. Any child support obligation may be adjusted by the court in accordance
9 with the specific needs of the child and the economic circumstances of the
parties based upon the following factors and specific findings of fact:

- 10 (a) Any special educational needs of the child;
11 (b) The legal responsibility of the parties for the support of others;
12 (c) The value of services contributed by either party;
13 (d) Any public assistance paid to support the child;
14 (e) The cost of transportation of the child to and from visitation;
15 (f) The relative income of both households, so long as the adjustment does
16 not exceed the total obligation of the other party;
17 (g) Any other necessary expenses for the benefit of the child; and
18 (h) The obligor's ability to pay.

19 2. The court may include benefits received by a child pursuant to 42 U.S.C. §
20 402(d) based on a parent's entitlement to federal disability or old-age insurance
21 benefits pursuant to 42 U.S.C. §§ 401 to 433, inclusive, in the parent's gross
22 income and adjust an obligor's child support obligation by subtracting the
23 amount of the child's benefit. In no case may this adjustment require an obligee
to reimburse an obligor for any portion of the child's benefit.

24 Here, Enrique's income varies drastically from month to month. An annual
25 review and establishment of support meets the criteria established in 425.150.
26 Additionally, NRS 125B.145(4) states:

27 An order for the support of a child may be reviewed at any time on the basis
28 of changed circumstances. For the purposes of this subsection, a change of 20
percent or more in the gross monthly income of a person who is subject to an
order for the support of a child shall be deemed to constitute changed
circumstances requiring a review for modification of the order for the support
of a child.

It is clear from Enrique's historical income that his pay can – and does – vary
by an amount greater than 20 percent in any given year. Unfortunately, Olena does
not have the ability to track this information from Ukraine and thus the Court can
require him to produce his federal income tax forms each year to determine if a
change is warranted.

1 **C. Reimburse for Medical Expenses Relating to Prenatal and Delivery**
2 **Costs of Minor Child**

3 Our office provided back up information for Olena’s medical bills relating to
4 the birth of the minor child on December 9, 2022.¹⁹ As of this writing, neither Ms.
5 Mastel or Enrique has responded on how he will pay Olena these costs.

6 NRS 125B.020 states:

- 7 1. The parents of a child (in this chapter referred to as “the child”) have a duty
8 to provide the child necessary maintenance, health care, education and support.
9 2. They are also liable, in the event of the child’s death, for its funeral
10 expenses.
11 3. The father is also liable to pay the expenses of the mother’s pregnancy and
12 confinement.
13 4. The obligation of the parent to support the child under the laws for the
14 support of poor relatives applies to children born out of wedlock.

15 Enrique is responsible for the medical costs incurred by Olena during the
16 pregnancy. This amount should be reduced to judgment collectible by all lawful
17 means. The total reported is \$3,664.08 plus statutory interest from the date of the
18 birth of the child.

19 **D. Request for Attorney’s Fees and Costs From Previous Counsel**

20 Here, Olena was required to defend the accusations of Enrique from across the
21 globe. We made the request for the fees she has incurred by her previous Nevada
22 lawyer and for the lawyer she has needed in Ukraine. We have had no response to the
23 request for fees. The total owed was presented in the December 23, letter and was
24 \$8,887 as of October 18, 2021.²⁰

25
26
27 ¹⁹ See Exhibit C, letter to Ms. Mastel dated December 9, 2022.

28 ²⁰ See Exhibit E, letter to Ms. Mastel dated December 23, 2022. The detailed billing was
included in Exhibit C, letter dated December 9.

1 This is certainly a *Sargeant*²¹ case and Olena should be allowed to meet
2 Enrique – a proven millionaire – in Court on an equal footing.²² Additionally, Olena
3 has prevailed on the paternity action and is entitled to fees under NRS 18.010 as the
4 prevailing party.

5 As to any analysis under *Brunzell*, *Miller*, or *Wright*, we ask the Court to see
6 below where we justify our fees and costs. We ask that the amount of \$8,887 for
7 prior counsel’s fees be reduced to judgment as of October 18, 2021, collectible by all
8 lawful means.

9
10 **E. Our Attorney’s Fees and Costs**

11 “[I]t is well established in Nevada that attorney’s fees are not recoverable
12 unless allowed by express or implied agreement or when authorized by statute or
13 rule.” Attorney’s fees may be awarded in a pre- or post-divorce motion/opposition
14 under NRS 125.150. In addition, and because Olena has been the prevailing party in
15 this matter, she should receive an award of attorney’s fees and costs pursuant to NRS
16 18.010(2). Additionally, this Court can award attorney’s fees under EDCR 5.219
17 (Sanctionable conduct):

18 Sanctions may be imposed against a party, counsel, or other person, after notice
19 and an opportunity to be heard, for unexcused intentional or negligent conduct
20 including but not limited to:

21 (a) Presenting a position that is obviously frivolous, unnecessary, or
22 unwarranted;

23 (b) Multiplying the proceedings in a case so as to increase costs
24 unreasonably and vexatiously;

25 ²¹ *Sargeant v. Sargeant*, 88 Nev. 223, 495 P.2d 618 (1972).

26
27 ²² We do not think he will deny it, although he has chosen to file an FDF showing only
28 income and not his millions of dollars in real estate and other holdings. Presumably he will hide
behind the fig leaf that “only” paternity and child support are still remaining in issue – but on the
face of the rules, this is a *divorce* case and a full FDF should have been filed by the potential obligor.

- (c) Failing to prepare for a proceeding;
(d) Failing to appear for a proceeding;
(e) Failing or refusing to comply with these rules; or
(f) Failing or refusing to comply with any order or directive of the court.

Here, Enrique took an unsupported position that he was not the child's father, and grossly extended and multiplied proceedings, including a trip through the appellate courts, rounds of mediation, and months and months of fruitless negotiations and correspondence. He produced no proof at any time that any actions by Olena would put into question his paternity. In fact, he was the presumed father as the pregnancy occurred while the parties were cohabiting *and* were married. His position was entirely frivolous, as we pointed out years ago.

1. Disparity in Income

The Court must also consider the disparity in the parties' incomes pursuant to *Miller*²³ and *Wright v. Osburn*.²⁴ Therefore, parties seeking attorney fees in family law cases must support their fee request with affidavits or other evidence that meets the factors in *Brunzell*²⁵ and *Wright*.²⁶ We provide the *Brunzell* analysis below. As to *Wright*, the holding is minimal:

The disparity in income is also a factor to be considered in the award of attorney fees.²⁷ It is not clear that the district court took that factor into consideration.

²³ 121 Nev. 619, 119 P.3d 727 (2005).

²⁴ 114 Nev. 1367, 1370, 970 P.2d 1071, 1073 (1998).

²⁵ *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 455 P.2d 31 (1969).

²⁶ 114 Nev. 1367, 970 P.2d 1071 (1998).

²⁷ *Id.* at 1370, 970 P.2d at 1073 (1998).

1 The Court did not hold that the decision of the award of attorney's fees hinged on a
2 disparity in income. Only that it is one of the many factors that must be considered.
3 Here, however, we have proof that Enrique's income dwarf's Olena's. In fact, his
4 income per *day* since the child was born was three times what Olena makes in a
5 *month*.

6 7 **1. Brunzell Factors**

8 With specific reference to Family Law matters, the Court has adopted
9 "well-known basic elements," which in addition to hourly time schedules kept by the
10 attorney, are to be considered in determining the reasonable value of an attorney's
11 services qualities, commonly referred to as the *Brunzell*²⁸ factors:

- 12 1. *The Qualities of the Advocate*: his ability, his training, education,
13 experience, professional standing and skill.
- 14 2. *The Character of the Work to Be Done*: its difficulty, its intricacy, its
15 importance, time and skill required, the responsibility imposed and the
16 prominence and character of the parties where they affect the
17 importance of the litigation.
- 18 3. *The Work Actually Performed by the Lawyer*: the skill, time and
19 attention given to the work.
- 20 4. *The Result*: whether the attorney was successful and what benefits
21 were derived.

22 Each of these factors should be given consideration, and no one element should
23 predominate or be given undue weight.²⁹ Additional guidance is provided by
24 reviewing the "attorney's fees" cases most often cited in Family Law.³⁰
25
26

27 ²⁸ 85 Nev. 345, 349, 455 P.2d 31, 33 (1969).

28 ²⁹ *Miller v. Wilfong*, 121 Nev. 619, 119 P.3d 727 (2005).

³⁰ Discretionary Awards: Awards of fees are neither automatic nor compulsory, but within
the sound discretion of the Court, and evidence must support the request. *Fletcher v. Fletcher*, 89
Nev. 540, 516 P.2d 103 (1973); *Levy v. Levy*, 96 Nev. 902, 620 P.2d 860 (1980); *Hybarger v.*
Hybarger, 103 Nev. 255, 737 P.2d 889 (1987).

1 The *Brunzell* factors require counsel to make a representation as to the
2 “qualities of the advocate,” the character and difficulty of the work performed, the
3 work actually performed by the attorney, and the result obtained.

4 First, respectfully, we suggest that the supervising counsel is A/V rated, a
5 peer-reviewed and certified (and re-certified) Fellow of the American Academy of
6 Matrimonial Lawyers, and a Certified Specialist in Family Law.³¹

7 Marshal S. Willick, Esq., the attorney primarily responsible for litigating this
8 case, has practiced exclusively in the field of family law, and has substantial
9 experience dealing with complex family law cases.

10 As to the “character and quality of the work performed,” we ask the Court to
11 find our work in this matter to have been adequate, both factually and legally; we
12 have diligently reviewed the applicable law, explored the relevant facts, and believe
13 that we have properly applied one to the other.

14 The fees charged by paralegal staff are reasonable, and compensable, as well.
15 The tasks performed by staff in this case were precisely those that were “some of the
16 work that the attorney would have to do anyway [performed] at substantially less cost
17 per hour.”³² As the Nevada Supreme Court reasoned, “the use of paralegals and other
18 nonattorney staff reduces litigation costs, so long as they are billed at a lower rate,”
19 so “‘reasonable attorney’s fees’ . . . includes charges for persons such as paralegals
20 and law clerks.”

21 Victoria Javiel, the paralegal assigned to Olena’s case, she has been paralegal
22 for over 19 years, providing substantial assistance to WILICK LAW GROUP staff in
23 a variety of family law cases.

24
25 ³¹ Per direct enactment of the Board of Governors of the Nevada State Bar, and independently
26 by the National Board of Trial Advocacy. Mr. Willick was privileged (and tasked) by the Bar to
27 write the examination that other would-be Nevada Family Law Specialists must pass to attain that
28 status.

28 ³² *LVMPD v. Yeghiazarian*, 129 Nev. 760, 312 P.3d 503 (2013), citing to *Missouri v. Jenkins*,
491 U.S. 274 (1989).

1 The work actually performed will be provided to the Court upon request by
2 way of a *Memorandum of Fees and Costs* (redacted as to confidential information),
3 consistent with the requirements under *Love*.³³

4 Additionally, since the finding of paternity, Enrique has failed to cooperate in
5 the payment of *any* support and has forced Olena to have to file this *Motion*.

6 Accordingly, we ask the Court to enter an award for the entirety of the fees and
7 costs charged to Olena by our firm.

8
9 **IV. CONCLUSION**

- 10 1. Order for Child Support.
11 2. Order for Child Support arrears.
12 3. Medical expenses relating to prenatal and delivery costs for minor
13 child.
14 4. Award of attorney's fees and costs.

15
16 **DATED** this 13th day of January, 2023.

17 Respectfully Submitted By:
18 WILICK LAW GROUP

19 *// s // Richard L. Crane*

20 MARSHAL S. WILICK, ESQ.
21 Nevada Bar No. 2515
22 RICHARD L. CRANE, ESQ.
23 Nevada Bar No. 9536
24 3591 E. Bonanza Rd., Suite 200
25 Las Vegas, Nevada 89110
26 (702) 438-4100
27 Attorneys for Defendant

28

³³ *Love v. Love*, 114 Nev. 572, 959 P.2d 523 (1998).

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1. I, Richard L. Crane, Esq., declare that I am competent to testify to the facts contained in the preceding filing.
2. I am an attorney duly licensed to practice law in the State of Nevada; I am the principal of the WILICK LAW GROUP; and I am one of the attorneys that represent Defendant, Olena Karpenko.
3. I have read the preceding filing, and it is true to best of my knowledge, except those matters based on information and belief, and as to those matters, I believe them to be true.
4. The factual averments contained in the preceding filing are incorporated herein as if set forth in full.

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the WILICK LAW GROUP and that on this 13TH day of January, 2023, I caused the above and foregoing document to be served as follows:

- [X] Pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned "In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court," by mandatory electronic service through the Eighth Judicial District Court's electronic filing system.
- [] By placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada.
- [] Pursuant to EDCR 7.26, to be sent via facsimile, by duly executed consent for service by electronic means.
- [] By hand delivery with signed Receipt of Copy.
- [] By First Class, Certified U.S. Mail.

To the address, email address, and/or facsimile number indicated below:

Racheal H. Mastel, Esq.
KAINEN LAW GROUP
3303 Novat Street Ste. 200
Las Vegas, Nevada 89129
service@kainenlawgroup.com
racheal@kainenlawgroup.com
Attorney for Plaintiff

/s/ *Victoria Javiel*
An Employee of the WILICK LAW GROUP

P:\wp19\KARPENKO,O\DRAFTS\00599311.WPD/vj

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

ENRIQUE SCHAERER,
Plaintiff,

-v.-

OLENA KARPENKO,
Defendant,

Case No. D-21-628088-D

Department U

**MOTION/OPPOSITION
FEE INFORMATION SHEET**

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

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

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

-Or-

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

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

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

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

☐ Other Excluded Motion (must specify) _____.

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

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

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

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

-Or-

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

-Or-

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

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

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

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

Party filing Motion/Opposition: Olena Karpenko Date: 1/13/2023

Signature of Party or Preparer: Victoria Javiel at the Willick Law Group

EXHIBIT “4”

EXHIBIT “4”

EXHIBIT “4”

KAINEN LAW GROUP, PLLC
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1 **OPP**
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7 DISTRICT COURT, FAMILY DIVISION
8 CLARK COUNTY, NEVADA

9 ENRIQUE SCHAEERER,

11 Plaintiff,

12 vs.

14 OLENA KARPENKO.

15 Defendant.

CASE NO. D-21-628088-D
DEPT. U

Date of Hearing: 2/21/2023
Time of Hearing: 10:30 a.m.

17 **PLAINTIFF'S OPPOSITION TO**
18 **MOTION FOR ENFORCEMENT OF CHILD SUPPORT, ARREARS,**
19 **REIMBURSED MEDICAL EXPENSES AND ATTORNEY'S FEES**
20 **AND**
21 **COUNTERMOTION TO ENFORCE THE REQUIREMENT FOR**
22 **MEDIATION**

21 COMES NOW, Plaintiff, ENRIQUE SCHAEERER, by and through his
22 attorney, RACHEAL MASTEL, ESQ., of the KAINEN LAW GROUP, PLLC, and
23 hereby opposes Defendant's Motion for Enforcement of Child Support, Arrears,
24 Reimbursed Medical Expenses and Attorney's Fees and further moves this Court for the
25 following relief:

26 1. For an Order denying Defendant's Motion with respect to her requested
27 amount of child support, amount of child support arrears, and demand for 100%
28 reimbursement of medical expenses and attorney's fees, as specifically discussed herein;

...

2. For enforcement of the parties' Stipulation and an Order requiring mediation of the custody provisions and child support; and

3. For further relief as the Court deems appropriate, including an order establishing Father's temporary child support and child support arrearage obligation pending mediation.

This Opposition and Countermotion is made and based upon all of the pleadings and papers on file herein, the Points and Authorities set forth below, and the Declaration of Defendant being submitted herewith, as well as any oral argument the Court may adduce at the time of the hearing.

Dated this 30th day of January, 2023.

KAINEN LAW GROUP, PLLC

By: 

RACHEAL MASTEL, ESQ.
Nevada Bar No. 11646
3303 Novat Street, Suite 200
Las Vegas, NV 89129
Attorney for Plaintiff

I.

INTRODUCTION

This Court is requested to take immediate action to put a stop to the games being played in this litigation. The parties, Plaintiff, Enrique Scharer ("Father"), and Defendant, Olena Karpenka ("Mother"), are the parents of one (1) minor child, Andrii Aleksiiiovych Karpenko ("Andrii"), presently age 18 months. Parentage was proved in October 2022, through a DNA test conducted by Stipulation. There is no benefit to Andrii, nor any place in this litigation, for the personal attacks waged against Father by the language contained in Mother's Motion. As it may relate to the consideration of attorney's fees, Father will address the relevant allegations at that time.

...

...

1 That said, as parentage appears to no longer be at issue, this Court is tasked
2 with resolving the financial disputes that remain between the parties with respect to child
3 support, child support arrears and attorney's fees. There is no reason for the personal
4 attacks, and Father and his counsel request that Mother and her counsel be admonished
5 from continuing the theatrics and games that have been pervasive to date in this action.
6 If for no other reason, Andrii deserves a prompt conclusion to this litigation.

7 II.

8 POINTS AND AUTHORITIES

9 A. Factual Background

10 As this Court is aware of the background of Father and Mother's relationship
11 and short-term marriage, Father will not reiterate that information here. For multiple
12 reasons, Father appropriately questioned his paternity of Andrii. While Mother may have
13 wished this was not so, it happened, and now it is time for the litigation between Father
14 and Mother to come to a close.

15 Throughout this case, even while there were questions about paternity
16 involved, Father has always asserted that if he was the father, he desired to be an active
17 part of Andrii's life and that he would satisfy both his legal obligation to Andrii, as well
18 as what he considers to be his own personal moral obligations to Andrii. His position on
19 this has never changed. Father has always sought to do the right thing for Andrii as
20 Father desires for Andrii to be healthy, happy and most importantly, safe. For this reason
21 he has, on multiple occasions, offered to assist with Andrii's ability to leave war-torn
22 Ukraine and reside in the United States. All efforts by Father to bring Andrii to the
23 United States have been declined by Mother.

24 As agreed by Stipulation, Father paid a stipulated amount of child support -
25 \$1,500.00 - to Mother pending the results of an agreed upon paternity test. Father also
26 agreed to participate in mediation once the paternity results were known, in the hope of

27 . . .

28 . . .

1 facilitating a resolution to both the issues of child custody and child support if he were
2 proved to be Andrii's father, without a need for prolonged litigation. Specifically, and
3 admitted in the Motion, the parties Stipulated as follows:

4 IT IS FURTHER STIPULATED AND AGREED that should the
5 paternity testing prove that Enrique is the father of the minor child. . . **the**
6 **parties agree they will engage in private mediation to attempt in good**
7 **faith to resolve custody provisions and child support.** The parties
recognize that child custody jurisdiction reside in the Ukraine and that any
agreement he parties reach related to custody will be a private contract until
it is entered as an Order in that Court.

8 *Stipulation and Order*, filed May 13, 2022, page 2 (Emphasis added).

9 On November 9, 2022, just a few weeks after the date that Father's paternity
10 was confirmed, Father filed his Financial Disclosure Form informing Mother and her
11 counsel of Father's income. He stood ready and willing to pay child support.
12 Additionally, on November 17, 2022, Father's counsel sent correspondence to Mother's
13 counsel suggesting Father's child support obligation be set at \$1,107.76, based on
14 Father's income. Father requested weekly video contact with Andrii and Father's counsel
15 suggested that mediation quickly be scheduled with an experienced mediator - Ishi Kunin,
16 Radford Smith or Howard Ecker.

17 Rather than set the mediation or accept additional child support, Mother,
18 through her counsel, rejected Father's efforts to establish his child support obligation,
19 questioned Father's income and change of employment, demanded additional financial
20 disclosures, implied that Father had no right to request contact, and refused to mediate
21 any child custody issue, until after all financial matters were resolved. ***See Exhibit B to***
22 ***Motion.*** On December 20, 2022, Father's counsel voluntarily provided (though he was
23 not required to do so) additional financial documentation supporting Father's income
24 representations and again sought to schedule mediation. Father's request to resolve the
25 financial issues and set a mediation date were twice again rejected by Mother's counsel,
26 who then took the position that any mediation could only occur in Ukraine! ***See Exhibits***
27 ***E and G to Motion.***

28 . . .

1 On January 3, 2022, Mother's counsel made a demand for Father to
2 immediately begin payment of child support in the amount of \$1,717.64 per month.
3 Mother's counsel participated in a telephone conference with Father's counsel in an effort
4 to discuss the calculation of Father's child support obligation and no agreement was
5 reached.

6 The dispute to be resolved through mediation, or for this Court to resolve,
7 is as to a determination of Father's income, and the resulting child support arrears based
8 upon Father's income. Mother's counsel has taken the position that this Court must
9 calculate child support and child support arrears based upon a select calendar year's
10 income (choosing 2021 despite Andrii not even being born until the end of July of that
11 year) and not upon Father's present income as supported by Father's income statements.

12 Typically, there would be no great difference in amounts depending upon the
13 methodology employed to calculate income for the purposes of child support. Here,
14 however, Mother is seeking to saddle Father with an inequitable child support obligation
15 and more importantly, a greatly exaggerated and inequitable child support arrearage,
16 based upon income earned prior to Andrii's birth. While Father has his opinions as to
17 why, Mother's reasoning for wanting to continue to punish Father are not relevant to the
18 litigation. Though Father does want the attacks to stop.

19 B. Calculation of Child Support Must Be Based on NAC 425 and Father's Actual
20 Income During the Life of the Child

21 Father agrees that the child support regulations set forth at NAC 425 *et seq.*
22 control. Father agrees that he has a child support obligation for Andrii and desires to
23 begin paying the appropriate amount of child support. Father's gross monthly income is
24 supported by his Financial Disclosure Form as well as his income statements and
25 additional financial documents provided during this litigation. Yet, Mother and her
26 counsel prefer to ignore Father's current income and demand that child support be
27 established based upon annualized 2021 income that, as explained below, was
28 extraordinary and will not be repeated.

1 Father lost his job with his prior employer in September 2022, in large part
2 due to Mother's actions, as set forth below. Father began employment with his current
3 law firm in November 2022. Pursuant to his current employment contract, as "Of
4 Counsel", Father receives a draw of \$4,000.00 per month and is entitled to receive
5 additional earnings determined by his collections (40% of his prior months collections).
6 For 2022, Father's gross earnings, including his final fiscal year payout from his prior
7 firm, totaled \$331,657. Annualized (earnings divided by 12), this results in average gross
8 monthly income of \$27,638.08. Father *hopes* to have, but realistically may not have,
9 similar income for 2023 and beyond based upon what he has been used to collecting
10 throughout his career. For calendar year 2021, for example, excluding the extraordinary,
11 one-time collection, his annual earnings (salary plus collections) were \$178,722 (other
12 bonuses plus salary of \$78,000). At present, however, Father is brand new to his firm, and
13 has not seen those returns on investment yet, which is why Father represented his income
14 as he did on his Financial Disclosure Form and has calculated his child support, pursuant
15 to the guidelines on his actual, current, income.¹

16 Andrii was born July 28, 2021. From August through December 2021,
17 Father's gross earnings (again, excluding the extraordinary, one-time collection received
18 and allocated to him in June 2021, before Andrii's birth) totaled \$80,586 (which results
19 in average monthly earnings of \$13,431. (total earnings divided by 6).

20 None of the case law provided by Mother's counsel (including the
21 unpublished opinion that is barred from being referenced or cited, yet it is cited anyway)²
22 to support their argument that this Court must take Father's 2021 income and divide by
23 12 to determine Father's gross income for child support purposes both then and now
24 addresses a situation where a child was not alive for all 12 months of a year. This is not

25
26 ¹ Father's child support calculation included the limited amount of money he receives from the rental
27 houses he owns as well. Father is also hoping to grow his profits in that area in a way that would
increase his income as well, but presently that has not happened.

28 ² *Rodriguez v. Rodriguez*, 116 Nev. 993, 13 P.3d 415 (2000); *Buchanan v. Buchanan*, 90 Nev. 209,
523 P.2d 1 (1974); *Rogers v. Rogers*, unpublished and unable to be cited.

1 a situation where the issue is a party's varying income, as Mother attempts to portray, but
2 rather a situation where Mother's counsel seeks to impose upon Father a pre-birth child
3 support obligation, where Nevada law (and no state law) supports such an obligation.

4 NRS 125B.020 provides that the "parents of a child have a duty to provide
5 the child necessary maintenance, health care, education and support." Until a child's birth,
6 no person is a parent, nor can any person have a child support obligation. Nowhere in the
7 Motion, or in the Nevada administrative code, or in the Nevada Revised Statutes is any
8 legal authority that supports Mother's position.

9 In June 2021, prior to Andrii's birth, Father collected a once in a career,
10 extraordinary payment in a contingency-fee case in an amount over \$1 million. Based
11 upon Father's contract with his then employer, the law firm received that payment (in the
12 firm's client trust account) and allocated to Father his percentage of the collection (on the
13 law firm's accounting spreadsheet) at the time of collection. However, pursuant to the law
14 firm's customary practices, Father did not actually receive those funds into his personal
15 until the close of the fiscal year. This extraordinary collection was not at all representative
16 of any collection or fee Father has ever or will ever achieve in his career, and such a
17 payment was extraordinary for the firm and essentially amounted to a once-in-a-career
18 achievement. Yet, it is upon this fee that Mother suggests child support must be
19 established. **See Affidavit of G. Barton Mowry, enclosed as Exhibit "1," and**
20 **Declaration of Plaintiff, enclosed as Exhibit "2."**

21 Father is no longer employed by his former firm. Mother's Motion
22 acknowledges Father's belief that the actions taken by Mother (posting misinformation
23 about Father online and sending links to these online postings to Father's prior employer)
24 led to the termination of his employment. Regardless of the reason, Father's termination
25 of employment was not voluntary (Father clearly would have preferred not to leave his
26 prior law firm as under his prior employment agreement he would receive 100% of his
27 collections), and reality is Father no longer works for his prior law firm and has located
28 new employment with his current law firm. There was no "convenience" to this change.

1 Under his new employment agreement he is compensated in a \$4,000 per month draw
2 (salary equivalent of \$48,000) and 40% of his prior months collections.

3 In the absence of an agreement reached by the parties, this Court is required,
4 pursuant to NAC 425.120 to establish a child support obligation, “after considering all
5 financial or other information relevant to the earning capacity of the obligor”. In support
6 of Father’s position, Father provides this Court with his pay statements for 2021 (*See*
7 *Exhibit 3 to Opposition*), his pay statements for 2022 (*See Exhibit 4 to Opposition*), his
8 current employment contract 2022 (*See Exhibit 5 to Opposition*), and a supporting
9 Declaration from his prior employer regarding the one-time, extraordinary commission
10 earned in June 2021 (*See Exhibit 1 to Opposition*).³

11 After providing his financial information to Mother, Father undertook a
12 calculation of the appropriate support for each and every month that Andrii has been
13 alive. That chart is attached hereto as **Exhibit “6.”** The chart clearly shows that
14 (excluding the bonus earned and allocated to Father prior to Andrii’s birth - the check for
15 which was cut a couple months after his birth), the total amount of Father’s arrears
16 through November 2022 (when Father made his initial offer) is \$29,229.72. The \$1,500
17 Father has paid to date should be removed from the same, and therefore, Father’s total
18 arrears obligation is \$27,729.72.

19 Father is aware that if, in the future, there are changed circumstances and his
20 income increases or decreases by greater than 20%, he will be subject to the possibility
21 of another recalculation of his child support obligation. This is the law and Father does
22 not object to the law. Father also agrees, as suggested in the Motion, that because there
23 is a potential for his income to change, he will produce to Mother his year end W-2
24 annually, which will verify his income, and if there is a basis to modify (increase or

25 . . .

26 . . .

27
28 ³ Father previously provided his end of year pay stubs to for 2021, and his pay stubs through
November 2022 to Mother, but he was required to request additional pay stubs from his employers.
He has now received those pay stubs and is including them herein.

1 decrease) his support obligation, that this obligation should be reviewed annually for any
2 change, which he will agree to calculate and stipulate to pay. This will ensure Father is
3 not paying too much, nor too little at any point in time and Andrii is receiving proper
4 support.

5 C. Calculation of Child Support Arrears Becomes Simple Math

6 Mother and her counsel seek to establish Father's child support arrears at the
7 highest possible amount, basing her calculation off 2021 earnings received prior to
8 Andrii's birth, including the one-time, extraordinary collection. Father does not object
9 to paying child support arrears. He does object to Mother's calculation of the amount
10 owed.

11 Based upon Father's belief of his child support obligation, he expects his
12 total child support arrears through January 2023 to be \$29,943.72 ($27,729.72 + 1107 * 2$),
13 an amount that should be reduced to judgment collectible by all lawful means. Though
14 not required to do so, as Father desires to ensure Andrii is appropriately supported,
15 assuming the amount of arrears is as Father has calculated, he will agree to pay this
16 amount to Mother in full within 14 days.

17 D. Father and Mother Should Both Bear Responsibility For Prenatal and Delivery Costs

18 Mother seeks to hold Father solely responsible for 100% of the expenses
19 associated with Andrii's birth. Though NRS 125B.020(2) references a father's
20 responsibility for the expenses of the mother's pregnancy and confinement, this
21 subsection should not be read in a vacuum. Rather, when read in the entirety of NRS
22 125B.020 and the Nevada Revised Statutes Chapter 125 as a whole, this Court must apply
23 a gender neutral reading, which requires both parents to share equally in these expenses.
24 Father has no objection to paying 50% of the medical costs associated with Andrii's birth
25 - \$1,832.04, but it would inequitably provide Mother a windfall to alleviate her from all
26 responsibility for the expenses of Andrii's birth.

27 ...

28 ...

1 E. Father Should Not Be Responsible For Mother's Entire Litigation Expense When
2 She Created Unnecessary Legal Fees and Costs

3 Mother seeks an award of attorneys fees for her prior counsel, her current
4 counsel and counsel in Ukraine. Mother purports the total amount due to prior counsel
5 is \$8,887, She does not indicate an amount owed to the Willick Law Group, though her
6 Financial Disclosure Form filed January 13, 2023 suggests she has paid this law firm
7 \$44,713 and owes them an additional \$25,697.98. This is a total of \$79,297.98 in legal
8 fees and costs, including improper and unwarranted interest on late payments, before any
9 consideration of whatever amount Mother alleges is additionally owed to her counsel in
10 Ukraine.

11 Compare this to Father's total fees and costs over the same period of time
12 (\$42,902.50) and it quickly can be seen that Mother has unnecessarily over litigated and
13 seeks to financially injure Father by burdening him with her legal expenses. Mother's
14 request is not only exorbitant but unjust. Contrary to the representations in the Motion,
15 Father did not extend and multiply any proceedings. He had valid concerns regarding
16 paternity and appropriately sought to resolve those concerns. In fact, this Court *shared*
17 Father's concerns, noting specifically in the Order filed September 23, 2021:

18 THE COURT FURTHER FINDS that Olena's Amended
19 Answer to Complaint and Counterclaim for Divorce, filed July
20 20, 2021, does not make any affirmative allegation that Enrique
21 is the natural father of her child.

22 THE COURT FURTHER FINDS that Olena's Amended
23 Answer to Complaint, filed July 20, 2021, generally denies
24 Enrique's specific allegation of non-paternity on the ground
25 that she is without sufficient knowledge or belief to admit or
26 deny the allegations of non-paternity.

27 If Father's questions about paternity were frivolous, as Mother claims, then apparently
28 she also believes that the Court's concerns were frivolous as well.

29 If necessary, Father respectfully requests the ability to prepare and submit
30 a supplemental brief regarding the reasons for his concerns, but he is hopeful the same
31 will not be necessary. The parties were not married at the time of Andrii's conception and
32 Mother both refused to name Father on any of her medical records related to the

1 pregnancy and did not list Father on Andrii's birth certificate. Instead, Mother included
2 the name of another man on Andrii's Ukraine birth certificate. Upon information and
3 belief, she listed her father.

4 While there is a disparity in the parties' incomes, this is due to Mother
5 choosing to leave the United States and reside in Ukraine, where, very unfortunately,
6 there is a war occurring. Mother's Financial Disclosure suggests that she either earned
7 \$9.52 total in 2022, or that she earns \$30.00 per hour. As no income statements were
8 provided, it is impossible for anyone to know what Mother's actual earnings are. But if
9 her Financial Disclosure is accurate, her expenses each month are \$665.00 (individual)
10 and \$550.00 (Andrii), a total which will be covered in the entirety by any child support
11 paid by Father, prior to Mother earning any income. To the contrary, Father has expenses
12 that exceed his monthly earnings and Father must utilize his savings to cover his
13 expenses. If anything, Father is in the inferior overall financial position.

14 For Mother to state that Father has failed to cooperate in the payment of any
15 support and has forced this litigation wholly misrepresents the reality of everything that
16 has occurred during the course of this litigation.

17 F. This Court Should Enforce The Parties Agreement to Require Custody Mediation
18 to Occur in Nevada

19 In May 2022, the parties entered into a Stipulation in which they agreed to
20 mediate custody and child support. It is apparent from the plain language of the provision,
21 that the intention was to mediate custody in Nevada. If not, there would be no
22 enforcement possible of either the agreement to mediate, or the agreement to hold the
23 same as a private contract until filed in Ukraine. After making that agreement, when the
24 time came to do so, it was suddenly represented by Mother that Ukrainian law is "so
25 different," that no private agreement as to custody could pass muster in Ukraine, and that
26 Mother's Ukrainian counsel apparently (allegedly) *insisted* that mediation must occur in
27 Ukraine, although she apparently waited seven months to make that demand. No written
28 statement from Mother's counsel has been provided. Further, Father is not aware of any

1 existing case in Ukraine - nor when it will be possible, given the incursion by Russia,
2 when such a case could proceed. Again, this was the basis for creating a private contract.

3 Further, when Father spoke with potential Ukrainian counsel to confirm that
4 the mediation would be appropriate (several months prior when he was exploring the
5 possibility of retaining counsel there) he was *encouraged* to have the mediation occur
6 here, in light of the instability in Ukraine. Father is working on getting a statement
7 regarding the same.

8 It is hard to believe that a private agreement as to the timeshare for Andrii
9 would somehow violate Ukrainian law - a timeshare would be necessary anywhere, and
10 generally contracts are encouraged and respected in most nations. There has been no
11 rational reason given why Ukraine would be different.

12 Finally, while this Court clearly cannot *decide* custody, this Court can
13 require parties to comply with their agreements, which have been stipulated and entered
14 as Orders in the Court. Therefore Father requests that the Court compel Mother to
15 participate, in good faith, in mediation, or issue sanctions and attorney's fees to Father for
16 her contempt.

17 III.

18 Conclusion

19 Based on the foregoing, Father respectfully moves this Honorable Court for
20 the following orders:

21 1. For an Order denying Defendant's Motion with respect to her requested
22 amount of child support, amount of child support arrears, and demand for 100%
23 reimbursement of medical expenses and attorney's fees, as specifically discussed herein;

24 2. For enforcement of the parties' Stipulation and an Order requiring mediation
25 of the custody provisions and child support; and

26 ...

27 ...

28 ...

1 3. For further relief as the Court deems appropriate, including an order
2 establishing Father's temporary child support and child support arrearage obligation
3 pending mediation.

4 DATED this 30th day of January, 2023.

5 KAINEN LAW GROUP, PLLC

6 By: 

7 RACHEAL H. MASTEL, ESQ.

8 Nevada Bar No. #11646

9 3303 Novat Street, Suite 200

10 Las Vegas, Nevada 89129


11 Attorneys for Plaintiff

1 **DECLARATION OF ENRIQUE SCHAEERER IN SUPPORT OF OPPOSITION**

2 I, ENRIQUE SCHAEERER, declare under penalty of perjury, under the laws of the
3 State of Nevada, that the following statements are true and correct:

4 That I am the Defendant herein; I have read the foregoing Defendant's
5 Opposition to Plaintiff's Motion for Temporary Maintenance and Preliminary Attorney
6 Fees and Costs and Related Relief and Associated Countermotion and the factual
7 averments it contains are true and correct to the best of my knowledge, except as to those
8 matters based upon information and belief, and as to those matters I believe them to be
9 true.

10 EXECUTED this 30th day of January, 2023

11
12 
13 ENRIQUE SCHAEERER
14 Plaintiff
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 30th day of January, 2023, I caused to be served the *Plaintiff's Opposition to Motion for Enforcement of Child Support, Arrears, Reimbursed Medical Expenses and Attorney's Fees and Countermotion to Enforce the Requirement for Mediation* to all interested parties as follows:

___ BY MAIL: Pursuant to NRCP 5(b), I caused a true copy thereof to be placed in the U.S. Mail, enclosed in a sealed envelope, postage fully prepaid thereon, addressed as follows:

___ BY CERTIFIED MAIL: I caused a true copy thereof to be placed in the U.S. Mail, enclosed in a sealed envelope, certified mail, return receipt requested, postage fully paid thereon, addressed as follows:

___ BY FACSIMILE: Pursuant to EDCR 7.26, I caused a true copy thereof to be transmitted, via facsimile, to the following number(s):

X BY ELECTRONIC MAIL: Pursuant to EDCR 7.26 and N.E.F.C.R. Rule 9, I caused a true copy thereof to be served via electronic mail to the following e-mail address(es):

marshal@willicklawgroup.com

victoria@willicklawgroup.com

email@willicklawgroup.com



An Employee of
KAINEN LAW GROUP, PLLC

EXHIBIT “5”

EXHIBIT “5”

EXHIBIT “5”



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Attorney for Defendant

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

ENRIQUE SCHAEERER,
Plaintiff,

vs.

OLENA KARPENKO,
Defendant.

CASE NO: D-21-628088-D
DEPT. NO: U

DATE OF HEARING: 2/21/2023
TIME OF HEARING: 10:30 a.m.

**REPLY TO
“PLAINTIFF’S OPPOSITION TO DEFENDANT’S MOTION FOR
ENFORCEMENT OF CHILD SUPPORT, ARREARS, REIMBURSED
MEDICAL EXPENSES AND ATTORNEY’S FEES AND OPPOSITION
TO COUNTERMOTION TO ENFORCE THE REQUIREMENT FOR
MEDIATION”**

I. INTRODUCTION

Enrique wants to paint a pretty picture of himself and claims without merit that Olena is “attacking” him when in fact he filed papers in two separate Courts falsely claiming the child was not his (and insulting her integrity in every way he could the whole time) to avoid any financial liability.

Enrique’s filings to date are a text book example of unreasonable and vexatious litigation, and his current statements simply defy that history. To claim as he does (at

1 3) that he “always sought to do the right thing for Andrii” after spending two years
2 labeling the child as a bastard, the child’s mother as a whore, and refusing to provide
3 support for either of them, is beyond hypocritical—it is ludicrous.

4 Olena has attempted in good faith to resolve all issues and proof was provided
5 as exhibits to her *Motion*. Enrique stated in his opposition he questioned his paternity
6 of the minor child but the truth is that even now—*months* after paternity has been
7 proven—he *still* refuses to make *any* child support payments.¹

8 If there was any kind of good faith on his part—he admits owing child support,
9 child support arrears, and at least some of the pre-natal costs—he would have made
10 some sort of payment immediately after the results of the paternity test were revealed.
11 Enrique, a multi-millionaire, has paid *NOTHING*!

12 **POINTS AND AUTHORITIES**

13 **II. STATEMENT OF FACTS**

14
15
16 The Court is well aware of the facts of this case, although they have been
17 repeatedly misrepresented by Enrique—as when he continues to rail about Olena’s
18 “secret” flight back to Ukraine—after he kicked her out of the house, told her to
19 leave, drove her to the airport himself, and denied any kind of material, legal
20 immigration, or personal support to his then very pregnant wife.²

21 Olena did not “choose” to leave the United States to go back to Ukraine, as
22 Enrique falsely claims (at 11). She was forced to do so because Enrique—again only
23

24
25 ¹ It is true, as he tries to crow about (at 3) that we got him to make a *total* of \$1,500 in child
26 support payments over the past *two years*.

27 ² As noted in prior filings, Olena texted Enrique’s father, Marcel Schaerer her departure
28 specifics three weeks in advance, shortly after Enrique demanded she leave. It is unconscionable for
Enrique to continue making material misrepresentations—in a word, lie—about things he knows full
well.

1 considering his own money—refused to sign the federal documents that guaranteed
2 he would support her if a green card were issued.

3 Olena’s visa was expiring imminently. The **only** choices were to be in
4 violation of U.S. immigration law or return to the only place she could go after being
5 abandoned by Enrique. He, and only he, created the situation.

6 For the relevant facts concerning this *Reply* we ask the Court to refer to our
7 prior filings, which are incorporated here by reference.

8 9 **III. REPLY**

10 **A. Calculation of Child Support based on NAC 425 and Father’s** 11 **Income**

12 Enrique attempts to take a novel approach to child support that has not been
13 suggested or directed by any statute, rule, or court decision to date.

14 Specifically, if he was paid \$1,000,000 the day before the minor child was
15 born, and then decided to live off of that income for the rest of the year, he asserts
16 that no child support would be due as he was “not making any money” after that birth.
17 That ludicrous proposition is Enrique’s position, which has been routinely rejected
18 by every court that has looked at seasonal employees, commission-based sellers,
19 contingency-fee earners, and everyone else who has uneven income during a year.³
20 For every case in memory, when a employee’s income consists of a base salary and
21 a variable bonus, all of that income “counts” for child support – under NAC
22 425.025(1)(a), other statutes,⁴ the cases,⁵ and common sense.

23
24 ³ In the more mundane example of a school teacher, it is **annual** income that is looked to for
25 a child born during summer vacation—a teacher would be laughed out of court for claiming that
since it was June, he had no income and should not pay child support.

26 ⁴ NRS 31A.016 defines “income” as follows: “Income includes, but is not limited to:
27 1.Wages, salaries, bonuses and commissions”

28 ⁵ See, e.g., *Kogod v. Cioffi-Kogod*, 135 Nev. ___, 439 P.3d 397 (Adv. Opn. No. 9, Apr. 25,
2019) (noting that it was periodic irregular bonuses that made the husband’s income so high).

1 Enrique further claims that because in 2021 his base pay was only \$2,500 per
2 pay period, that is what his child support should be based upon. This is not the law
3 in Nevada, and never has been.

4 It is true that we cited to the *Rogers*⁶ case among others in our *Motion*. Enrique
5 claims that this is inappropriate. But the Nevada Supreme Court has announced that
6 the rule is being altered to permit citation to any unpublished disposition by either
7 appellate court – we are simply awaiting the formal rule change, and the point to the
8 citation was not controlling authority but to point out what Nevada courts actually do
9 and say should be done in calculating child support – and we have no reason to
10 believe their next decision will be any different than their prior decisions.

11 Meantime, Enrique provides no citation to **any** case law, rule, regulation, or
12 statute that supports his strained interpretation of child support law in Nevada.

13 Notably, the decision in question and many others simply tell district courts to
14 use annual income to ensure the calculation accounted for **ANY** variation in income.
15 Prior NRS 125.B.080(3) read as follows:

16 If the parties disagree as to the amount of the gross monthly income of either
17 party, the court shall determine the amount and may direct either party to
18 furnish financial information or other records, including income tax returns for
19 the preceding 3 years. Once a court has established an obligation for support
20 by reference to a formula set forth in NRS 125B.070, any subsequent
modification or adjustment of that support, except for any modification or
adjustment made pursuant to subsection 3 of NRS 125B.070 or NRS 425.450
or as a result of a review conducted pursuant to subsection 1 of NRS
125B.145, must be based upon changed circumstances.

21 This provision was superceded by NAC 425.120 which now states:

- 22 1. The monthly gross income of each obligor must be determined by:
23 (a) Stipulation of the parties; or
24 (b) The court, after considering all financial or other information relevant to
25 the earning capacity of the obligor.
26 2. In determining the monthly gross income of each obligor, the court may
27 direct either party to furnish financial information or other records, including,
28 without limitation, any income tax returns.

⁶ *Rogers v. Rogers*, Nos. 76173 & 76758, *Order Affirming in Part, Reversing in Part and Remanding* (Unpublished Disposition, March 26, 2020).

1 Here, the only way for the Court to determine the appropriate child support
2 obligation is to look at the *total income* earned by Enrique *each year*. He admits that
3 his income fluctuates and agrees that it should be reviewed/adjusted at least annually.
4 An he has vast real estate and other holdings from which he has income and value
5 that will not show up on a W-2; Enrique should be required to show not jus his
6 current wages but his total holdings, so this Court can get a better view of his actual
7 wealth and ability to pay support.

8 Though his previous employer calls the one time bonus of over \$1,000,000 a
9 “once-in-a-lifetime” bonus, it was received in the year that the child was born and
10 proves Enrique’s ability to pay.⁷ Regardless of his dancing, what matters is that
11 Enrique got yet another million dollars after the child was born, adding to his several
12 million dollars in total assets, real estate and other holdings, and cash – while he
13 provides zero child support.

14 Also, we did not calculate the support based on an income of \$1,000,000. We
15 based it on the average of *all* of the income received in that year which is exactly
16 what the *Rogers* court required, and what essentially every district court and appellate
17 court in Nevada has done in every case for decades. As such, Enrique’s support
18 obligation is based on his flush months and his down months. He has no room to
19 complain.

20 Further, when calculating the 2022 support, we averaged the income over the
21 entire year giving Enrique the benefit of the reduced income for the calculation. This
22 should be done at least annually to ensure that Enrique—who left his former
23 employer voluntarily, by “amazing coincidence” or otherwise—pays what is owed for
24 that particular year’s income.

25 The declaration Enrique obtained from his prior employer is of interest for a
26 couple of different reasons – as to what is there, and what is *not* there.

27
28 ⁷ See NAC 425.100.

1 First, it asserts that the \$1,000,000 bonus was a “once-in-a-lifetime bonus,” but
2 does *not* state why Enrique left employment. This indicates that he was not fired –
3 as Enrique has insisted – but that he left in an attempt to reduce child support. The
4 set-up smacks of SAIDS—Suddenly Acquired Income Deficiency Syndrome.

5 Second, the employer does not say anything about any alleged receipt of a link
6 to Olena’s fundraiser email from Olena because no such thing ever happened; Oleana
7 was concerned with survival, not sabotage, and never sent anything whatsoever to
8 Enrique’s employer. It is highly doubtful that however it was received (if it actually
9 ever was, from anyone) a law firm would take a fund raiser email from an ex-wife as
10 a basis for attorney employment decisions in any event.

11 Nothing in the *Opposition* – which is massive amounts of fluff without
12 authority – supports his position on how child support should be calculated. While
13 Enrique’s rationalizations have continually shifted, his *objective*, that “the little
14 bastard” gets nothing (or at least as little of Enrique’s vast wealth as possible) for
15 food, shelter, and subsistence, has remained entirely consistent since this litigation
16 began.

17 18 **B. Calculation of Child Support Arrears**

19 Based on the above, the child support arrears are accurate based on Enrique’s
20 income in the year the child was born and was properly calculated in 2022. Ongoing
21 support is absolutely due as calculated using 2022 figures as there is no income
22 average available for 2023.

23 Since Enrique has not paid *a dime* in support beyond the stipulated \$1,500 last
24 summer, his arrearages will have blossomed to \$51,570.11 by the time this case is
25 heard.⁸ The multi-millionaire should cut a check for that sum, in full, on the date of
26 the hearing.

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⁸ Hearing Scheduled for February 21, 2023.

1 **C. Enrique Should Be Responsible for Prenatal and Delivery Costs**

2 Again, relying on a made-up and strained reading of the statute and claiming
3 it should be “gender neutral” regardless of its actual words, Enrique claims that he
4 should only bear 50% of the cost of the pre-natal expenses.

5 This is again, ludicrous. Though we acknowledge that gender identity and
6 application of rules includes gender neutral obligations when appropriate, *this* statute
7 is exceedingly clear:

8 NRS 125B.020 Obligation of parents.

- 9 1. The parents of a child (in this chapter referred to as “the child”) have a duty
10 to provide the child necessary maintenance, health care, education and support.
11 2. They are also liable, in the event of the child’s death, for its funeral
12 expenses.
13 3. The father is also liable to pay the expenses of the mother’s pregnancy and
14 confinement.
15 4. The obligation of the parent to support the child under the laws for the
16 support of poor relatives applies to children born out of wedlock.

17 This child has only one father, and only one mother. Even applying the
18 concept Enrique suggests, and not “looking at the one provision in this statute in a
19 vacuum”:

- 20 1. The parents of a child (in this chapter referred to as “the child”) have
21 a duty to provide the child necessary maintenance, health care, education
22 and support.

23 It is clear that this provision of the statute applies to both parents of a child.
24 They could be binary, non-binary, or any other identification, and this provision
25 would apply to both parents.

- 26 2. They are also liable, in the event of the child’s death, for its funeral
27 expenses.

28 This provision of the statute uses the word “they” clearly indicating that it
applies to both parents.

3. The *father* is also liable to pay the expenses of the *mother’s*
pregnancy and confinement. [Emphasis added]

1 This provision – which is germane to the case at bar – reads completely
2 differently. It identifies a mother and a father specifically. No matter how you
3 identify yourself in the realm of gender, you must be biologically male to be the
4 father, and biologically female to be the mother. The statute is not ambiguous, as
5 commentators have noticed for years,⁹ with the Nevada Legislature making no efforts
6 to change the provision. Enrique is solely responsible for the costs of pregnancy and
7 confinement of Olena. The *Opposition* cites to no authority to the contrary.

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11 **D. Enrique Should Be Responsible for Olena’s Entire Legal Fees as the**
12 **Prevailing Party**

13 The prenuptial agreement is silent as to attorney’s fees and costs as to any
14 claim made that a child of this marriage is not the child of the parties. In fact, the
15 prenup is not allowed to include any such provision; NRS 123A.050 (2) states:

16 The right of a child to support may not be adversely affected by a premarital
17 agreement.

18 Here, for no apparent reason beyond his attempt to not have to pay support,
19 Enrique pled in his *Complaint* that any minor child born was not his. Olena was
20 required to defend against this claim from the very first hearing. As such, she is
21 entitled to the entirety of her fees and costs under *all* legal theories including NRS
22 18.010, as she was the prevailing party in the action for paternity; under *Sargeant*, so
23 she could meet a proven multi-millionaire on equal footing in Court;¹⁰ and even under
24 EDCR 5.219, which includes Enrique maintaining a position that is obviously

25
26
27 ⁹ See, e.g., Bruce Shapiro, *NRS 125B.020(3) Is Antiquated, Unfair and Unconstitutional*, 26
28 Nev. Fam. L. Rep., Winter 2013, at 14.

¹⁰ *Sargeant v. Sargeant*, 88 Nev. 223, 495 P.2d 618 (1972).

1 frivolous, unnecessary, or unwarranted and his multiplying proceedings in the case
2 so as to increase costs unreasonably and vexatiously, as he has grossly done.

3 In other words, Enrique is responsible for the *entirety* of Olena's fees and costs
4 in this action, under any and every authority. Under no circumstance should the
5 Court allow him to hide behind his prenuptial agreement to avoid paying Olena's fees
6 when it was he that caused the entirety of the cost. No other argument is germane to
7 the issue of his responsibility to pay her fees and costs.

8 As to any analysis under *Brunzell*, *Miller*, or *Wright*, we ask the Court to see
9 review the underlying *Motion* that justifies our fees and costs. We ask that the
10 amount of \$8,887 for prior counsel's fees be reduced to judgment as of October 18,
11 2021, collectible by all lawful means.

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1 **IV. OPPOSITION TO COUNTERMOTION TO ENFORCE CUSTODY**
2 **MEDIATION TO OCCUR IN NEVADA**

3 **A. Prenuptial Agreement Deals With this Subject**

4 As this Court is aware, the parties entered into a prenuptial agreement prior to
5 marriage, which Enrique has fanatically insisted must be enforced. Page 15 of 26,
6 paragraph 16.4 of that Agreement states:

7 All issues regarding custody of, visitation with, and payment of support for any
8 minor children born of or adopted by the parties before or during their
9 marriage will be resolved by agreement of the parties or, if the parties are
10 unable to reach an agreement, by a court of competent jurisdiction.

11 The *Stipulation and Order* does not alter or modify this term except that the
12 parties agree that mediation can and should be used.

13 Here, the court of competent jurisdiction concerning *child support* is the
14 Nevada Court. The court of competent jurisdiction concerning *custody* is in Ukraine,
15 as this Court has already found years ago.¹¹ **Any** mediation on a topic is to be done
16 in the location that has jurisdiction over that subject matter.¹²

17 The only thing that is “apparent from the plain language” of the mediation term
18 in the *Stipulation* is that the parties will mediate. Olena is willing to do so. Since we
19 are not Ukrainian attorneys, we are unaware of any provisions in their law that would
20 be required in any mediated settlement, and we have been informed that Ukrainian
21 custody, birth certificate, naming, and other matters pertaining to custody are
22 significantly different than those here.¹³ Thus, the proper place for mediation on
23

24 ¹¹ See NRS 125A.085.

25 ¹² Had Enrique wanted Nevada to exercise full jurisdiction over both custody and support,
26 he should not have thrown Olena out and forced her to leave the United States.

27 ¹³ On information and belief, Ukraine does **not** make a determination of custody based on
28 timeshare. They make determination of the child’s residence with the goal of determining the major
caregiver. This is contrary to any law in the State of Nevada and should be left to Ukrainian counsel.

1 custody is Ukraine. It is not within the jurisdiction of this Court to order anything
2 different.

3 Any effort to insist that this Court exercise jurisdiction to regulate resolution
4 of a subject matter (child custody) over which by statute it has no jurisdiction would
5 be reversible error *per se*.

6
7 **V. CONCLUSION**

8 Based on the above, Olena respectfully requests the following orders:

- 9 1. Deny Enrique's *Countermotion* in its entirety.
10 2. Grant Olena's *Motion* in its entirety.
11 3. For such other and further relief as the Court deems just and
12 proper.

13 DATED this 6th day of February, 2023.

14 Respectfully Submitted By:
15 WILLYCK LAW GROUP

16 // s // *Richard L. Crane*

17 MARSHAL S. WILLYCK, ESQ.
18 Nevada Bar No. 2515
19 RICHARD L. CRANE, ESQ.
20 Nevada Bar No. 9536
21 3591 E. Bonanza, Suite 200
22 Las Vegas, Nevada 89110-2101
23 (702) 438-4100 Fax (702) 438-5311
24 Attorneys for Defendant
25
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2. I have read the preceding filing, and I have personal knowledge of the facts contained therein, unless stated otherwise. Further, the factual averments contained therein are true and correct to the best of my knowledge, except those matters based on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury, under the laws of the State of Nevada and the United State (NRS 53.045 and 28 U.S.C. § 1746), that the foregoing is true and correct.

// s // *Richard L. Crane*

WILLICK LAW GROUP
3591 East Bonanza Road
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY, pursuant to NRCP 5(b), that I am an employee of the
WILLICK LAW GROUP and that on this 6th day of February, 2023, I caused the
foregoing document to be served as follows:

- ☒ Pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D) and
Administrative Order 14-2 captioned "In the Administrative Matter of
Mandatory Electronic Service in the Eighth Judicial District Court," by
mandatory electronic service through the Eighth Judicial District Court's
electronic filing system.
- ☐ By placing same to be deposited for mailing in the United States Mail,
in a sealed envelope upon which first class postage was prepaid in Las
Vegas, Nevada.
- ☐ Pursuant to EDCR 7.26, to be sent via facsimile, by duly executed
consent for service by electronic means.
- ☐ By hand delivery with signed Receipt of Copy.

To the address, email address, and/or facsimile number indicated below:

Rachael H. Mastel, Esq.
Nevada Bar No. #11646
3303 Novat Street, Suite 200
Las Vegas, Nevada 89129
Attorney for Plaintiff

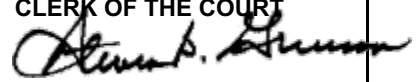
/s/ Victoria Javier
An Employee of the WILLICK LAW GROUP

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EXHIBIT “6”

EXHIBIT “6”

EXHIBIT “6”



MEMO
WILLICK LAW GROUP
MARSHAL S. WILLICK, ESQ.
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Attorneys for Defendant

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

ENRIQUE SCHAERER,
Plaintiff,

vs.

OLENA KARPENKO,
Defendant.

CASE NO: D-21-628088-D
DEPT. NO: U

DATE OF HEARING: 2/21/2023
TIME OF HEARING: 10:30 a.m.

DEFENDANT'S MEMORANDUM OF FEES AND COSTS

This *Memorandum of Fees and Costs* in the above referenced case, is provided indicating fees and costs expended by Defendant, Olena Karpenko, from September 27, 2021, through February 23, 2023. The inclusive dates start on the date when Olena retained our office to defend/prosecute the paternity action. As directed by the Court, we have redacted out \$4,232.50 for any charges that do not deal directly with the paternity action.

At the February 21, 2023, hearing, the Court ruled that Defendant was the prevailing party and an award of attorney fees was proper and this *Memorandum* is being filed as required.

1 **I. FEES INCURRED**

2 A. Marshal S. Willick, Esq., and Richard L. Crane, Esq., are the Attorneys
3 for the WILICK LAW GROUP and have produced this *Memorandum of*
4 *Fees and Costs*.

5 B. Olena's billing records in the above referenced case from September 27,
6 2021, through February 23, 2023, reflect the following time entries for
7 WILICK LAW GROUP staff, a detailed summary of which is attached as
8 **Exhibit A:**

9 C. **These fees and costs are the total billed for all services. The amount**
10 **expended on non-paternity actions will be subtracted at the end of**
11 **the calculation:**

13 Paralegal billable:	59.50	@	\$175.00	\$10,412.50
14 Associates time (Mr.				
15 Crane):	68.10	@	\$400.00	\$27,240.00
16 Associates time (Ms.				
17 Cole):	.3	@	\$400.00	\$120.00
18 Mr. Willick's billable				
19 time:	35.00	@	\$600.00	\$21,000.00
20 Mr. Willick's billable				
21 time:	22.30	@	\$650.00	\$14,495.00
22 Flat fee		@	\$50.00	\$50.00
23 TOTAL SERVICES	185.2			\$73,317.50

24
25 D. Total hours expended on issue
26 185.2 Hours

27 E. Costs

\$ 179.00

F. Fees and Costs total \$73,496.50

G. Removal of non-paternity charges of \$4,232.50.

H. **Grand Total of fees for paternity \$69,264.00**

II. ARGUMENT

Here, Enrique questioned paternity of the minor child for months before and after the child's birth. He used multiple tactics including maligning the character of his wife to avoid paternity.

Knowing that he had forced Olena to return to Ukraine – which has since become a war zone – he provided no support to her for prenatal care and in child support postpartum. He also used her inability to travel with the minor child as leverage in the paternity action falsely claiming that DNA tests from Ukraine would be tainted and even claiming that Olena's father could adulterate the sample to falsely name him as the father. None of these tactics worked and paternity was proven in October 2022.

Even after paternity was established, Enrique refused to make any good faith child support payments, forcing Olena back into court to get a minimal award of support.

As this Court is aware, the Supreme Court has found "A defendant may be considered the prevailing party for attorney's fee purposes if it succeeds on any significant issue in litigation which achieves some of the benefit sought in bringing the suit."¹ Obtaining a final DNA test in this case that proved paternity is prevailing on the most significant issue in this litigation and Olena should receive an award of the entirety of her fees and costs.

¹ See *Chowdhry v. NLVH, Inc.*, 109 Nev. 478, 485-86, 851 P.2d 459, 464 (1993).

Olena has been forced to borrow money from friends and relatives to meet Enrique on equal footing in this case. She was required to defend herself and the minor child in our courts while living in a war zone. She was unable to flee the country due to the tender age of the child and her obligations to her parents – who took her in after Enrique threw her out.

III. **BRUNZELL DECLARATION**

A. **Legal Basis**

“[I]t is well established in Nevada that attorney’s fees are not recoverable unless allowed by express or implied agreement or when authorized by statute or rule.”² Attorney’s fees may be awarded in a pre- or post-divorce motion/opposition under NRS 125.150.³ In addition, and because Olena was the prevailing party in this matter, she should receive an award of attorney’s fees and costs pursuant to NRS 18.010(2).⁴ Additionally, this Court can award attorney’s fees under EDCR 5.219:

Sanctions may be imposed against a party, counsel, or other person, after notice and an opportunity to be heard, for unexcused intentional or negligent conduct including but not limited to:

- (a) Presenting a position that is obviously frivolous, unnecessary, or unwarranted;
 - (b) *Multiplying the proceedings in a case so as to increase costs unreasonably and vexatiously;*
 - (c) *Failing to prepare for a proceeding;*
 - (d) *Failing to appear for a proceeding;*
 - (e) Failing or refusing to comply with these rules; or
 - (f) Failing or refusing to comply with any order or directive of the court.
- [Emphasis Added]

² *Miller v. Wilfong*, 121 Nev. 619, 119 P.3d 727 (2005).

³ NRS 125.150.

⁴ NRS 18.010(2).

1 **B. Disparity in Income**

2 The Court must also consider the disparity in the parties' income pursuant to
3 *Miller*⁵ and *Wright v. Osburn*.⁶ Therefore, parties seeking attorney fees in family law
4 cases must support their fee request with affidavits or other evidence that meets the
5 factors in *Brunzell*⁷ and *Wright*.⁸ We provide the *Brunzell* analysis below. As to
6 *Wright*, the holding is minimal:

7 The disparity in income is also a factor to be considered in the award of
8 attorney fees.⁹ It is not clear that the district court took that factor into
9 consideration.

10 The Court did not hold that the decision of the award of attorney's fees hinged on a
11 disparity in income, only that it is one of the many factors that must be considered.

12 Here, Olena's FDF filed January 13, 2023, showed she does not make enough
13 income for her expenses.

14 Further, Enrique's filed FDF, shows he has a monthly income that is equivalent
15 to Olena's annual income.

16 **C. Brunzell Factors**

17 With specific reference to Family Law matters, the Court has adopted
18 "well-known basic elements," which in addition to hourly time schedules kept by the
19
20

21 _____
22 ⁵ 121 Nev. 619, 119 P.3d 727 (2005).

23 ⁶ 114 Nev. 1367, 1370, 970 P.2d 1071, 1073 (1998).

24 ⁷ *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 455 P.2d 31 (1969).

25 ⁸ 114 Nev. 1367, 970 P.2d 1071 (1998).

26 ⁹ *Id.* at 1370, 970 P.2d at 1073 (1998).
27

attorney, are to be considered in determining the reasonable value of an attorney's services qualities, commonly referred to as the *Brunzell*¹⁰ factors:

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

Each of these factors should be given consideration, and no one element should predominate or be given undue weight.¹¹ Additional guidance is provided by reviewing the "attorney's fees" cases most often cited in Family Law.¹²

The *Brunzell* factors require counsel to make a representation as to the "qualities of the advocate," the character and difficulty of the work performed, the work actually performed by the attorney, and the result obtained.

First, respectfully, we suggest that the supervising counsel is A/V rated, a peer-reviewed and certified (and re-certified) Fellow of the American Academy of Matrimonial Lawyers, and a Certified Specialist in Family Law.¹³

¹⁰ 85 Nev. 345, 349, 455 P.2d 31, 33 (1969).

¹¹ *Miller v. Wilfong*, 121 Nev. 619, 119 P.3d 727 (2005).

¹² Discretionary Awards: Awards of fees are neither automatic nor compulsory, but within the sound discretion of the Court, and evidence must support the request. *Fletcher v. Fletcher*, 89 Nev. 540, 516 P.2d 103 (1973); *Levy v. Levy*, 96 Nev. 902, 620 P.2d 860 (1980); *Hybarger v. Hybarger*, 103 Nev. 255, 737 P.2d 889 (1987).

¹³ Per direct enactment of the Board of Governors of the Nevada State Bar, and independently by the National Board of Trial Advocacy. Mr. Willick was privileged (and tasked) by the Bar to write the examination that other would-be Nevada Family Law Specialists must pass to attain that status.

1 Marshals S. Willick, Esq., and Richard L. Crane, Esq., are the attorneys
2 primarily responsible for litigating this case, and have practiced exclusively in the
3 field of family law, and have substantial experience dealing with complex family law
4 cases.

5 As to the “character and quality of the work performed,” we ask the Court to
6 find our work in this matter to have been adequate, both factually and legally; we
7 have diligently reviewed the applicable law, explored the relevant facts, and believe
8 that we have properly applied one to the other.

9 The fees charged by paralegal staff are reasonable, and compensable, as well.
10 The tasks performed by staff in this case were precisely those that were “some of the
11 work that the attorney would have to do anyway [performed] at substantially less cost
12 per hour.”¹⁴ As the Nevada Supreme Court reasoned, “the use of paralegals and other
13 nonattorney staff reduces litigation costs, so long as they are billed at a lower rate,”
14 so “‘reasonable attorney’s fees’ . . . includes charges for persons such as paralegals
15 and law clerks.”

16 Victoria Javiel, paralegal with the WILICK LAW GROUP, was primarily the
17 paralegal on this case. She has been a paralegal for a twenty years, and has assisted
18 attorneys in complex family law cases for several years.

19 The work performed by the WILICK LAW GROUP attorneys was successful and
20 resulted in achieving success for our client on all issues. Olena prevailed entirely.

21 A proposed *Order Awarding Attorney’s Fees and Costs* has been attached as
22 Exhibit “B”. We respectfully request that Olena receive an award of her actual
23 attorney’s fees and costs.

24
25
26 ¹⁴ *LVMPD v. Yeghiazarian*, 129 Nev. 760, 312 P.3d 503 (2013), citing to *Missouri v.*
27 *Jenkins*, 491 U.S. 274 (1989).

1 **IV. CONCLUSION**

2 Based on the forgoing, Olena requests that the court order payment of fees and
3 costs in the amount of \$69,264.00, plus statutory interest from the date ordered to the
4 date it is paid.

5 **DATED** this 2nd day of March, 2023.

6 Respectfully Submitted By:
7 WILICK LAW GROUP

8 *// s // Richard L. Crane*

9 MARSHAL S. WILICK, ESQ.
10 Nevada Bar No. 2515
11 RICHARD L. CRANE, ESQ.
12 Nevada Bar No. 9536
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14 Las Vegas, Nevada 89110-2101
15 Attorneys for Defendant
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DECLARATION OF ATTORNEY

1. I, Richard L. Crane, Esq., declare that I am competent to testify to the facts contained in the preceding filing.
2. I am an attorney duly licensed to practice law in the State of Nevada; I am employed by the WILICK LAW GROUP; and I am one of the attorneys representing the Defendant, Olena Karpenko.
3. I have personal knowledge of the above costs and disbursements expended, and the items contained in the above memorandum are true and correct to the best of my knowledge and belief. In addition, said disbursements have been necessarily incurred and paid in this action.

I declare under penalty of perjury, under the laws of the State of Nevada and the United States (NRS 53.045 and 28 U.S.C. § 1746), that the foregoing is true and correct.

EXECUTED this 2nd day of March, 2023.

// s // Richard L. Crane

RICHARD L. CRANE, ESQ.

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the WILICK LAW GROUP and that on this 2nd day of March, 2023, I served a copy of the foregoing entitled document to be served as follows:

- ☒ Pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned "In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court," by mandatory electronic service through the Eighth Judicial District Court's electronic filing system.
- ☐ By placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada.
- ☐ Pursuant to EDCR 7.26, to be sent via facsimile, by duly executed consent for service by electronic means.
- ☐ Pursuant to NRCP 5(b)(2)(D), by email by duly executed consent for service by electronic means.
- ☐ By hand delivery with signed Receipt of Copy.
- ☐ By First Class, Certified U.S. Mail.

To the following at the address, email address, and/or facsimile number indicated below:

Racheal H. Mastel, Esq.
Kainen Law Group
3303 Novat Street Ste. 200
Las Vegas, Nevada 89129
service@kainenlawgroup.com
racheal@kainenlawgroup.com
Attorney for Plaintiff

—
/s/ Victoria Javiel
An Employee of the WILICK LAW GROUP

EXHIBIT “A”

EXHIBIT “A”

EXHIBIT “A”

Willick Law Group
 3591 E. Bonanza Rd., Suite 200
 Las Vegas, Nevada 89110-2101
 Web page: www.willicklawgroup.com
 Billing Q&A faith@willicklawgroup.com

February 23, 2023

Ms. Olena Karpenko
 13 Suvorova Street, Apt. 131
 Kyiv, Ukraine 01010
 EMAIL: helenarpen@gmail.com

File Number: 21-074.PATERNITY

RE: Karpenko v Schaerer, Enrique R.
 D-21-628088-D Dept U

Statement of Account for Services Rendered Through February 23, 2023

Professional Services

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Monday, September 27, 2021			
FF	File opening charge (as per retainer agreement).		50.00
VJ	Review information and open new matter. NO CHARGE	0.10	N/C
VJ	Review Ms. Fish's email to Olena with email address confirmation. NO CHARGE	0.10	N/C
VJ	Schedule interoffice conference. NO CHARGE	0.10	N/C
Tuesday, September 28, 2021			
VJ	Introduction email to client and Financial Disclosure Form to be filled out and returned	0.10	17.50
VJ	Review detailed email from Olena. NO CHARGE	0.20	N/C
VJ	Review pleadings and timelines and pending matters for interoffice conference with Mr. Willick. Update address file. NO CHARGE	0.40	N/C
VJ	Review Mycaseportal and download documents.	0.30	52.50
VJ	Review and respond to Email from Olena.	0.10	17.50
VJ	Review Order from September 23 hearing. NO CHARGE	0.10	N/C
VJ	Calendar return hearing and all reminders and deadlines.	0.10	17.50
VJ	Draft Notice of Appearance and pass to Mr. Willick.	0.10	17.50
VJ	Review email from Orlena and download marked up version. NO CHARGE	0.10	N/C
VJ	Review Mr. Willick's reply email to Olena. NO CHARGE	0.10	N/C
VJ	Review Mr. Willick's email to Orlena regarding his conversation with counsel. NO CHARGE	0.10	N/C
VJ	MyCase portal. Countersigned retainer agreement. NO CHARGE	0.10	N/C
VJ	E-sign certificate of Service and e-file Notice of Appearance.	0.10	17.50
VJ	Add attorney staff to eserve list. NO CHARGE	0.10	N/C
VJ	Review confirmation of Notice of Appearance filed. NO	0.10	N/C

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
	CHARGE		
RLC	Telephone Conference with attorney Lemcke after various emails.	0.60	240.00
Wednesday, September 29, 2021			
VJ	Download and save and e-file Substitution of Attorney.	0.10	17.50
MSW	Initial office conference with relevant staff. Give assignments.	0.30	180.00
VJ	Draft Substitution of Attorney and pass to Mr. Willick.	0.10	17.50
VJ	Convert Substitution of Attorney into PDF and email to Olena for signature.	0.10	17.50
VJ	Telephone Conference with Mr. Onello's office requesting status of a Substitution of Attorney.	0.10	17.50
VJ	Review and respond to Email from Olena regarding her e-signature on a substitution of attorney. NO CHARGE	0.10	N/C
VJ	Review and respond to Email from Mr. Onello's office with signed Substitution of attorney and forward to staff to provide to Mr. Willick for signature.	0.10	17.50
VJ	Initial office conference with relevant staff.	0.30	52.50
Thursday, September 30, 2021			
VJ	Send email to Court with Notice of Appearance and Substitution of Attorney requesting access to file.	0.10	17.50
VJ	File Maintenance. Prepare pleading index and download additional pleadings not provided by Onello. NO CHARGE	0.50	N/C
VJ	Review drop link from Mr. Onello and download documents.	0.50	87.50
VJ	Review and respond to Email from Court granting access to Odyssey. NO CHARGE	0.10	N/C
VJ	Review Odyssey. NO CHARGE	0.10	N/C
VJ	Follow up with Olena for Financial Disclosure Form and calendar reminder.	0.10	17.50
VJ	Draft Motion for Reconsideration and pass to Mr. Willick.	0.60	105.00
VJ	Review additional uploaded document from Olena to portal and download and save.	0.10	17.50
VJ	Review and respond to Email from Olena and download and save signed Financial Disclosure Form. Forward copy to Mr. Willick.	0.10	17.50
VJ	MyCase portal. Review filed Interlocutory Decree of Divorce. Download and save and forward to Mr. Willick. NO CHARGE	0.10	N/C
VJ	Update Pleading index NO CHARGE	0.10	N/C
Friday, October 1, 2021			
VJ	Review filed Notice of Decree. NO CHARGE	0.10	N/C
VJ	Draft Financial Disclosure Form based on information provided by Olena.	0.20	35.00
VJ	Discussion with Mr. Willick and calendar reminder [REDACTED] [REDACTED] NO CHARGE	0.10	N/C

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Saturday, October 2, 2021			
MSW	Review and Revise proposed Motion for Reconsideration after review and annotation of all prior filings; emails with/to Mr. Lemcke and otherwise (start).	0.60	360.00
Sunday, October 3, 2021			
MSW	Review entire file; work on Motion and note to Lemcke; circulate both for comments. Instructions to staff.	2.10	1,260.00
Monday, October 4, 2021			
VJ	Per Mr. Willick send note to Olena regarding her Financial Disclosure Form. Review notes and missing information.	0.20	35.00
VJ	Respond to Mr. Willick. NO CHARGE	0.10	N/C
VJ	Review Mr. Willick's email to Olena regarding Motion and observation and review of file. Proof read Motion. Review citations and forward information to Mr. Willick and Mr. Crane. NO CHARGE	0.80	N/C
VJ	Draft Initial Disclosures of Documents and Bates Stamp and provide to Mr. Willick.	1.00	175.00
VJ	Prepare Bates List.	0.10	17.50
VJ	Review statute and discuss with staff and calendar deadline to file Motion to amend or alter decree NO CHARGE	0.20	N/C
VJ	Draft Exhibits to Motion and group together and provide to Mr. Willick. Send email to Olena regarding disclosures we have.	0.50	87.50
VJ	MyCase portal review and download and save additional document uploaded by Olena. NO CHARGE	0.10	N/C
VJ	Bates Stamp additional documents received and update Bates list and 16.21 disclosures. NO CHARGE	0.20	N/C
VJ	Review email from Olena and download and save additional disclosure documents. Edit Bates list, and 16.21 disclosures and Exhibits. Group exhibits together.	0.40	70.00
VJ	Review reply email regarding Financial Disclosure Form and forward to Mr. Willick. NO CHARGE	0.10	N/C
VJ	Review email from Mr. Willick and add article as disclosure. Bates Stamp article and update Bates list and pass to Mr. Willick.	0.20	35.00
VJ	Per Mr. Willick add additional exhibits to Motion and Bates Stamp disclosure relating to efforts to get visa.	0.20	35.00
VJ	Edit 16.21 disclosure. E-sign and convert to PDF and group with disclosures and e-serve.	0.50	87.50
VJ	Draft Motion cover sheet.	0.10	17.50
VJ	Edit exhibits and Motion and e-sign and convert to PDF. Group with Motion coversheet.	0.30	52.50
VJ	Edit Exhibit and group exhibits with exhibit cover and add exhibit sheets. E-sign and convert to PDF and e-file Exhibits and Motion. Update calendar.	0.50	87.50
VJ	Review confirmation of Motion and Exhibits filed. NO CHARGE	0.10	N/C

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
MSW	Review and respond to Emails. Directions re: filing, final edits to documents, send letter to Mr. Lemcke, etc.	1.10	660.00
Tuesday, October 5, 2021			
VJ	Review confirmation of 16.21 disclosures eserved to Mr. Lemcke. NO CHARGE	0.10	N/C
VJ	Review Mr. Willick's email to Mr. Lemcke and forward to Olena. NO CHARGE	0.10	N/C
VJ	Review email from Mr. Lemcke and download and save HIPAA release he provided to Mr. Willick. NO CHARGE	0.10	N/C
VJ	Review Olena's email regarding Financial Disclosure Form and edit Financial Disclosure Form and pass to Mr. Willick. NO CHARGE	0.20	N/C
VJ	Review email from Olena regarding HIPAA release and forward to Mr. Willick to respond. NO CHARGE	0.10	N/C
VJ	Telephone Conference with Court per Mr. Willick's email to request a time in the morning. Send email to Clerks. NO CHARGE	0.10	N/C
VJ	Review and respond to Email Clerk regarding Notice of Hearing and forward a copy of clerk's response to Mr. Willick. NO CHARGE	0.10	N/C
VJ	Review Notice of Hearing. Calendar hearing and all reminders and deadlines.	0.20	35.00
VJ	Additional time actually expended on this matter, but not charged to Client as directed by Marshal Willick. Update notes while out of the office for hearing. NO CHARGE	0.10	N/C
VJ			
MSW	Review and respond to Emails.	0.20	120.00
Wednesday, October 6, 2021			
VJ	Review and respond to Email from Olena regarding two hearings. NO CHARGE	0.10	N/C
VJ	Follow up with Olena for tax declaration to finalize Financial Disclosure Form	0.10	17.50
VJ	Telephone Conference with Court to see about moving up the status hearing. Telephone call to Mr. Lemcke's office; left voice message and forward update to Mr. Willick.	0.10	17.50
VJ	Review and respond to Email from Olena regarding moving up the status hearing.	0.10	17.50
VJ	Review and respond to Email from Court regarding moving up status hearing. Forward response to Mr. Willick. NO CHARGE	0.10	N/C
VJ	Draft Stipulation and Order and pass to Mr. Crane.	0.20	35.00
VJ	Convert Stipulation into PDF and email to Mr. Lemcke.	0.10	17.50
VJ	Telephone call with Mr. Lemcke and telephone call to department to inform them of the Stipulation.	0.10	17.50
VJ	Download and save signed Stipulation from Mr. Lemcke. NO CHARGE	0.10	N/C
VJ	Convert Stipulation into Word. Submit Stipulation and Order to	0.20	35.00

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
	the Court with signature page combined to Stipulation.		
VJ	Calendar potential hearing moved up. Send note to staff regarding conflict on Mr. Willick's calendar. NO CHARGE	0.10	N/C
VJ	Review and respond to Email from Olena regarding tax declarations and download and save 2019-2020 tax declarations and forward to Mr. Willick.	0.10	17.50
VJ	Review reply email from Olena regarding the hearings. NO CHARGE	0.10	N/C
VJ			
VJ	E-sign Certificate of Service. Convert Financial Disclosure Form into PDF and group with signature page from Olena and e-file.	0.10	17.50
VJ	Review confirmation of Financial Disclosure Form filed and update calendar reminder. NO CHARGE	0.10	N/C
MSW			
RLC	Edit and sign Stipulation and Order to change hearing time.	0.10	40.00
Thursday, October 7, 2021			
VJ	Review and respond to Email from Olena regarding her review of the Motion to set aside Decree and forward information to Mr. Willick. NO CHARGE	0.10	N/C
VJ			
VJ			
VJ			
VJ			
VJ	Update calendar reminder. NO CHARGE	0.10	N/C
VJ	Review email from Court with bluejeans link. Update calendar and send email to Olena with link information. NO CHARGE	0.10	N/C
VJ	Review Olena's email confirming receipt of bluejeans link for upcoming hearing. NO CHARGE	0.10	N/C
VJ			
VJ		0.30	52.50
Friday, October 8, 2021			
VJ	Review email from Olena and forward to Mr. Willick regarding Consulate for Ukraine and update address file. NO CHARGE	0.10	N/C
VJ	Review Mr. Willick's email to Olena regarding consulate appearing. NO CHARGE	0.10	N/C
VJ	Review and and prepare hearing outline for Mr. Willick and pass.	0.80	140.00
VJ	Review Odyssey. NO CHARGE	0.10	N/C
VJ	Review court's email regarding combining hearings and forward to Mr. Willick. NO CHARGE	0.10	N/C
VJ	Discussion with Mr. Willick regarding combining hearings and respond to Court JEA.	0.10	17.50

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
MSW	Review and respond to Emails.	0.10	60.00
Monday, October 11, 2021			
VJ	Review Odyssey NO CHARGE	0.10	N/C
VJ	Review Mr. Lemcke's reply email to Court confirming he agrees move all hearings until November 10 NO CHARGE	0.10	N/C
VJ	Review Mr. Lemcke's email to Mr. Willick regarding extension. Calendar updates NO CHARGE	0.10	N/C
VJ	Review Odyssey and update calendar and all reminders and deadlines.	0.20	35.00
VJ	Send email to Olena regarding hearing continued	0.10	17.50
VJ	Edit Hearing outline.	0.10	17.50
VJ	Review filed Stipulation and Order. NO CHARGE	0.10	N/C
VJ	Draft Notice of Entry of Stipulation Order and Certificate of Service, and pass to Mr. Willick.	0.20	35.00
VJ	Review Olena's email regarding consul to appear and forward information to Mr. Willick. NO CHARGE	0.10	N/C
VJ	Review and respond to Email from Olena regarding contact information for consulate NO CHARGE	0.10	N/C
MSW	Review and respond to Emails.	0.20	120.00
Tuesday, October 12, 2021			
VJ	Review Ukraine consulate contact information for letter. Update address file. Draft letter to Consulate and forward to Mr. Willick. NO CHARGE	0.70	N/C
VJ	E-sign Certificate of Service. Download and save signed Notice of Entry of Order and e-file.	0.20	35.00
VJ	Review confirmation of Notice of Entry of Stipulation filed. NO CHARGE	0.10	N/C
Wednesday, October 13, 2021			
VJ	Review mycaseportal and download email communications from US Embassy and Olena.	0.10	17.50
VJ	Bates stamp new disclosure. Draft supplemental disclosure and update Bates list and pass to Mr. Willick.	0.30	52.50
VJ	Review Mr. Willick's email to Consulate with letter regarding appearance. NO CHARGE	0.10	N/C
VJ	MyCase portal. Letter to Consulate. NO CHARGE	0.10	N/C
VJ	E-sign and save Mr. Willick's signed second disclosures. E-serve second disclosures.	0.10	17.50
VJ	Review confirmation of eserved second disclosures. NO CHARGE	0.10	N/C
MSW	Review and respond to Emails. Review/revise and send letter to embassy.	0.60	360.00
Monday, October 18, 2021			
VJ	Review email from Olena with outline of her case and download and save. NO CHARGE	0.10	N/C

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
VJ	Review Mr. Willick's reply email to Olena [REDACTED] [REDACTED] NO CHARGE	0.10	N/C
MSW	Review and respond to Emails.	0.20	120.00
Wednesday, October 20, 2021			
VJ	Review letter from Consulate of Ukraine and download and save. Review Mr. Willick's reply email. NO CHARGE	0.10	N/C
VJ	MyCase portal. Letter from Consulate. NO CHARGE	0.10	N/C
MSW	Review and respond to Emails [REDACTED]	0.10	60.00
Thursday, October 21, 2021			
VJ	Download and save correspondence from Mr. Robbins with refund of retainer. NO CHARGE	0.10	N/C
Friday, October 22, 2021			
VJ	Review and respond to Email from Olena [REDACTED] [REDACTED] NO CHARGE	0.10	N/C
VJ	Review email from Olena confirming receipt of letter from Mr. Onello. NO CHARGE	0.10	N/C
VJ	Review email from Mr. Willick to Olena regarding DNA testing. NO CHARGE	0.10	N/C
VJ	Review notes and drafting Motion for allow for observer. NO CHARGE	0.50	N/C
MSW	Review and respond to Emails.	0.20	120.00
Monday, October 25, 2021			
VJ	Review Mr. Willick's reply email to Olena [REDACTED] [REDACTED] NO CHARGE	0.10	N/C
VJ	Download and save from MyCase portall the DNA testing and forward to Mr. Willick NO CHARGE	0.10	N/C
VJ	Review legal notes and add in to Motion and pass to Mr. Willick.	0.20	35.00
VJ	Send detailed message to Mr. Johnson for his attendance at upcoming hearing. Update calendar adding him to attend at hearing. NO CHARGE	0.20	N/C
VJ	Review Mr. Willick's reply and instructions and edit Motion and pass back	0.30	52.50
MSW	Review and respond to extensive series of Emails.	0.60	360.00
MSW	Additional time actually expended on this matter, but not charged to Client as directed by Marshal Willick. NO CHARGE	1.00	N/C
Tuesday, October 26, 2021			
VJ	Review Mr. Willick's emails to Olena [REDACTED] [REDACTED]. Save case law into attorney notes. NO CHARGE	0.10	N/C
VJ	Draft Motion cover sheet and e-sign.	0.10	17.50
VJ	E-sign Certificate of Service and group with Motion and exhibit sheet and exhibit and file Ex Parte Motion for Permission for	0.20	35.00

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
	Consulate to observe and efile.		
VJ	Review confirmation of Ex Parte Motion filed and served. NO CHARGE	0.10	N/C
VJ	Bates Stamp DNA testing and update Bates List. Draft second supplemental disclosure and pass to Mr. Willick.	0.30	52.50
VJ	Draft Supplemental Exhibit to the Court and pass to Mr. Willick.	0.30	52.50
MSW	Review and Revise Motion re: observer; associated emails.	0.40	240.00
Wednesday, October 27, 2021			
VJ	E-sign Certificate of Service and eserve Third disclosure.	0.10	17.50
VJ	E-sign Certificate of Service and group exhibits to Supplemental Exhibit to Motion to Reconsider and e-file and eserve.	0.20	35.00
VJ	Review confirmation of Third Supplemental eserved and Supplemental Exhibits filed and eserved. NO CHARGE	0.10	N/C
VJ	Review email from Mr. Lemcke and Mr. Willick's reply regarding cop you the letter sent to Consulate. NO CHARGE	0.10	N/C
VJ	Review filed Opposition to Ex Parte Motion. NO CHARGE	0.10	N/C
VJ	Draft Reply to Opposition and pass to Mr. Willick.	0.30	52.50
VJ	Proof read Reply and forward to Mr. Willick suggested changes. NO CHARGE	0.20	N/C
MSW	Review and respond to Emails; some legal research and draft Reply.	1.90	1,140.00
Thursday, October 28, 2021			
VJ	E-sign Certificate of Service and e-file Reply to Opposition to Ex Parte Motion to Grant Permission for Consulate to Observe.	0.10	17.50
VJ	Review confirmation of Reply filed. NO CHARGE	0.10	N/C
VJ	Review Olena's email regarding opposition filed. NO CHARGE	0.10	N/C
VJ			
Monday, November 1, 2021			
VJ	Review email from Olena NO CHARGE	0.10	N/C
VJ	Review Odyssey. NO CHARGE	0.10	N/C
Tuesday, November 2, 2021			
MSW	Review and Revise Opposition (brief continuation); associated emails and instructions to staff.	0.20	120.00
JJ	Review the Portal and download and save al the documents uploaded by the client.	1.10	192.50
Wednesday, November 3, 2021			
VJ	Review filed Reply. NO CHARGE	0.10	N/C
VJ	Review email from Olena regarding uploaded document. NO CHARGE	0.10	N/C
VJ	Review Order and Notice of Entry of Order to Show Cause. NO CHARGE	0.10	N/C

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
VJ	Review Mr. Willick's reply email to Olena regarding the Order to Show Cause and HIPAA release. NO CHARGE	0.10	N/C
VJ	Proof read reply filed. NO CHARGE	0.10	N/C
VJ	MyCase portal. Download and save signed HIPAA release. NO CHARGE	0.10	N/C
MSW	[REDACTED]		
JJ	Discuss the case with Mr. Willick. NO CHARGE	0.10	N/C
JJ	[REDACTED]		
Thursday, November 4, 2021			
JJ	Look into the file and discuss the HIPAA release with Mr. Willick. NO CHARGE	0.20	N/C
JJ	Review the previous orders and report my findings to Mr. Willick: Any Outstanding Issues.	0.60	105.00
JJ	Read the record to see if the information about the Visas is in the record. NO CHARGE	0.60	N/C
Friday, November 5, 2021			
MSW	Telephone Conference with department re: means of getting order re: consul before next Wednesday. Associated emails.	0.30	180.00
Monday, November 8, 2021			
MSW	Review and respond to Emails. Calls to state department, etc.	1.10	660.00
Tuesday, November 9, 2021			
JJ	Discuss and prepare for the hearing in department U be reading and sending relevant documents to attorney staff for their review after a short office conference.	0.80	140.00
MSW	Review and respond to Emails. Hearing prep., review of filings, outlining.	0.70	420.00
Wednesday, November 10, 2021			
MSW	[REDACTED]		
RLC	[REDACTED]		
RLC	[REDACTED]		
JJ	Prepare the letter to the court from the Consulate to be filed as a supplemental exhibit. Efile the same.	0.30	52.50
JJ	[REDACTED]		
JJ	Follow emails between the client and Marshal. NO CHARGE	0.50	N/C

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Thursday, November 11, 2021			
MSW	Review and respond to Emails.	0.10	60.00
Friday, November 12, 2021			
MSW	Review and respond to Emails. Review settlement proposal. Trial team meeting to discuss all travel, testing, and filing options.	0.40	240.00
JJ	Read the client's statement and relay my findings to attorney staff.	1.20	210.00
JJ	Send the email and attachment received from opposing counsel to the client for comment and response.	0.10	17.50
Saturday, November 13, 2021			
MSW	Review and respond to Emails.	0.20	120.00
Sunday, November 14, 2021			
VJ	Review email from Mr. Lemcke and Mr. Willick's email to Olena in response. NO CHARGE	0.20	N/C
VJ	Review correspondence from Consulate to Court and Mr. Willick. NO CHARGE	0.10	N/C
VJ	Review additional emails from Mr. Willick and Olena. NO CHARGE	0.10	N/C
VJ	Review supplemental exhibit filed. NO CHARGE	0.10	N/C
VJ	Review Court's minute order denying consulate to appear at hearing. NO CHARGE	0.10	N/C
VJ	Review email from Mr. Willick and Dr. Kriegler with Paternity locations. NO CHARGE	0.10	N/C
VJ	Review filed Reply to Opposition to Motion for Reconsideration. NO CHARGE	0.10	N/C
VJ	Review Court's email with bluejeans link. NO CHARGE	0.10	N/C
Monday, November 15, 2021			
VJ	Review filed Supplement, email to Consulate from Mr. Crane and emails from Olena. NO CHARGE	0.20	N/C
VJ	Review eserved signed HIPAA release. NO CHARGE	0.10	N/C
VJ	Download and save signed statement and review staff emails. NO CHARGE	0.10	N/C
VJ	██ NO CHARGE	0.10	N/C
VJ	Telephone Conference with Olena and Mr. Willick.	0.60	105.00
VJ	Review email from Mr. Willick to Olena with case laws for review per discussion. NO CHARGE	0.10	N/C
VJ	Review Mr. Willick's reply email to Olena regarding zoom meeting. NO CHARGE	0.10	N/C
VJ	Review Mr. Willick's email to Mr. Lemcke with update and forward copy to Olena. NO CHARGE	0.10	N/C
MSW	Zoom call with Olena to go over all options. Follow up emails and instructions to staff.	0.90	540.00

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
JJ	Discuss the case with Ms. Javiel. NO CHARGE	0.20	N/C
Tuesday, November 16, 2021			
VJ	Review email from Olena to Mr. Willick regarding DNA testing. NO CHARGE	0.10	N/C
Wednesday, November 17, 2021			
VJ	Download and save hearing video from Court Odyssey for the November 10, 2021 hearing.	0.10	17.50
VJ	MyCase portal. November 14, 2021 hearing video	0.10	0.00
VJ	Review Mr. Willick's email response to Olena. NO CHARGE	0.10	N/C
VJ	Trial team meeting.	0.50	87.50
VJ	Draft letter to Olena per Mr. Willick and pass to Mr. Crane.	0.60	105.00
VJ	Brief review of hearing video.	0.10	17.50
VJ	Review email from Mr. Lemcke requesting status. NO CHARGE	0.10	N/C
MSW	Review and respond to Emails. Office conference as to all alternatives. Detailed instructions to staff.	0.30	180.00
RLC	Draft letter to client.	0.80	320.00
Thursday, November 18, 2021			
VJ	Review hearing video, and draft Order from November 10 hearing. Draft cover letter to Mr. Lemcke with proposed order and pass to Mr. Crane.	1.30	227.50
MSW	Review and respond to Emails.	0.10	60.00
Friday, November 19, 2021			
RLC	Review and edit draft Order and cover letter to opposing counsel.	0.30	120.00
VJ	Calendar reminder for response from Counsel on the proposed Order from November 10, 2021 hearing. NO CHARGE	0.10	N/C
VJ	Convert cover letter into PDF and Order from November 10, 2021 hearing. Group together and eserve to Mr. Lemcke.	0.20	35.00
VJ	Review Mr. Willick's letter to Olena regarding case. Download and save. NO CHARGE	0.10	N/C
VJ	Upload letter from Mr. Willick to Olena into MyCase portal. NO CHARGE	0.10	N/C
MSW	Review and respond to Emails.	0.50	300.00
Saturday, November 20, 2021			
MSW	Review and respond to Emails.	0.20	120.00
Monday, November 22, 2021			
VJ	Send hearing video to Mr. Lemcke from November 10, 2021 hearing.	0.10	17.50
VJ	Additional time actually expended on this matter, but not charged to Client as directed by Marshal Willick. Zip folder of hearing video 2 to Mr. Lemcke. NO CHARGE	0.20	N/C
VJ	Review and respond to Email from Mr. Lemcke's office	0.10	N/C

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
	confirming receipt of proposed order. NO CHARGE		
Tuesday, November 23, 2021			
VJ	Review Mr. Lemcke's email with suggested changes to the Order. NO CHARGE	0.10	N/C
VJ	Review email from Mr. Lemcke regarding HIPAA produced and review file and documents regarding date provided in HIPAA for expiration date and provide comments to Mr. Willick. NO CHARGE	0.10	N/C
VJ	Forward emails to Olena and review Mr. Willick's reply email. NO CHARGE	0.10	N/C
VJ	Review email from Olena and download new version of signed HIPAA. Forward to Mr. Willick and respond to Olena's email.	0.10	17.50
VJ	Review Mr. Crane's email to Mr. Lemcke with updated HIPAA release. NO CHARGE	0.10	N/C
VJ	Discussion with Mr. Crane regarding next step and producing discovery.	0.10	17.50
VJ	Review Mr. Willick's reply email to Mr. Lemcke and forward to Olena regarding settlement and moving forward. NO CHARGE	0.10	N/C
VJ	Review documents produced by Olena and review if the documents have already been produced and provide information to Mr. Willick.	0.10	17.50
VJ	Review Mr. Crane's email to Mr. Lemcke with modified Order. NO CHARGE	0.10	N/C
VJ	Draft fourth supplemental discovery. Bates Stamp disclosures and update Bates list. Draft Supplemental Exhibit to Court and forward both to Mr. Willick and Mr. Crane.	0.30	52.50
MSW	Review and respond to Emails. Office conference with trial team; instructions to staff.	0.80	480.00
Wednesday, November 24, 2021			
VJ	Review filed Motion and Exhibits from Mr. Lemcke. NO CHARGE	0.10	N/C
VJ	Review emails regarding discovery responses and forward emails to staff regarding Mr. Willick's request to have discovery on hold NO CHARGE	0.10	N/C
VJ	Calendar hearing and all reminders and deadlines.	0.20	35.00
Monday, November 29, 2021			
VJ	Shell Opposition and pass to Mr. Willick	0.40	70.00
MSW	Review and respond to Emails.	0.10	60.00
Tuesday, November 30, 2021			
VJ	Discussion with Mr. Johnson regarding Writ of Mandamus. Review Supreme Court rules and prepare guideline. NO CHARGE	0.40	N/C
VJ	Review file and send note to Mr. Willick and Mr. Crane regarding outstanding matters.	0.20	35.00

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
VJ	From Olena's updated statement. Review, cut and paste and draft Declaration and insert new statement into Declaration and pass to Mr. Willick.	0.20	35.00
VJ	Draft letter to Court with direct submission of Order from November 10, 2021 hearing and pass to Mr. Crane. Convert email from Mr. Lemcke as PDF version to attach as exhibit.	0.20	35.00
VJ	Redact and save Mr. Lemcke's email to attach to letter to Judge.	0.10	17.50
VJ	Review email from Mr. Crane to Mr. Lemcke with proposed order. NO CHARGE	0.10	N/C
VJ	Submit Order from the November 10, 2021 hearing to the Court.	0.10	17.50
VJ	Review confirmation from Mr. Lemcke with signed Order, download and save. NO CHARGE	0.10	N/C
Wednesday, December 1, 2021			
VJ	Review filed Order from November 10, 2021 hearing. NO CHARGE	0.10	N/C
VJ	Draft Notice of Entry of Order and Certificate of Service and pass to Mr. Crane.	0.20	35.00
VJ	Send note to Mr. Johnson and calendar reminder. NO CHARGE	0.10	N/C
VJ		0.10	N/C
VJ	Review filed Stipulation and Order. NO CHARGE	0.10	N/C
VJ	Update calendar with hearing moved per stipulation and all reminders and deadlines.	0.10	17.50
VJ	Review filed Notice of Entry of Orders. NO CHARGE	0.10	N/C
JJ	Review and respond to Emails. NO CHARGE	0.10	N/C
Thursday, December 2, 2021			
VJ	Send information to Mr. Johnson regarding disregarding Notice of Entry of Order. NO CHARGE	0.10	N/C
MSW	Review and respond to Emails.	0.10	60.00
JJ	Review and respond to Emails. NO CHARGE	0.10	N/C
Monday, December 6, 2021			
VJ	Review Mr. Willick's email to Olena [REDACTED] NO CHARGE	0.10	N/C
Wednesday, December 8, 2021			
VJ	Calendar Appeal deadline if appealing November 10, 2021 order- entered on Dec 1, 2021 and all reminders.	0.10	17.50
Thursday, December 9, 2021			
VJ	Review initial disclosures produced by Mr. Lemcke. NO CHARGE	0.10	N/C
Monday, December 13, 2021			
VJ	Review and respond to Emails from Olena with update that she is providing updated statement and provide deadline date.	0.10	17.50

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Tuesday, December 14, 2021			
RLC	Complete draft of Rule 11 Motion and Opposition to Motion for Summary Judgment.	3.70	1,480.00
Wednesday, December 15, 2021			
VJ	Draft Opposition cover sheet.	0.10	17.50
VJ	E-sign Opposition cover sheet and convert to PDF and group with Motion for filing and efile.	0.20	35.00
VJ	E-sign certificate of service and e-serve Motion for Rule 11 Sanction.	0.10	17.50
VJ	Calendar reminder to file Motion Rule 11. NO CHARGE	0.10	N/C
VJ	Review confirmation of service of Motion for Rule 11 sanction. NO CHARGE	0.10	N/C
VJ	Review confirmation of Opposition filed. NO CHARGE	0.10	N/C
MSW	Review and Revise Opposition and Rule 11 Motion. Related emails. Conference with Mr. Crane.	0.70	420.00
Friday, December 17, 2021			
VJ	Send email to Mr. Willick regarding samples of DNA we received. NO CHARGE	0.10	N/C
VJ	Review disclosures and review information received from her OBGYN and relay information to Mr. Crrane.	0.80	140.00
VJ	Per Mr. Willick schedule trial team meeting. NO CHARGE	0.10	N/C
MSW	Review and respond to Emails. Office conferences with staff.	0.20	120.00
Monday, December 20, 2021			
VJ	Review email from Olena and download and save statement and exhibits regarding updated version of declaration. NO CHARGE	0.10	N/C
VJ	Review email for deadline extension to answer opposition. Per Mr. Crane, forward signed Stipulation and Order to Mr. Lemcke.	0.10	17.50
MSW	Office conference with trial team.	0.30	180.00
Tuesday, December 21, 2021			
VJ	Review filed Stipulation and Order regarding date for reply. NO CHARGE	0.10	N/C
Wednesday, December 22, 2021			
MSW	Review and respond to Emails.	0.60	360.00
Thursday, December 23, 2021			
VJ	Update calendar reminder. NO CHARGE	0.10	N/C
Tuesday, December 28, 2021			
VJ	Review Ms. Fish's email to Olena [REDACTED] NO CHARGE	0.10	N/C

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Wednesday, December 29, 2021			
VJ	Draft Notice of Filing Petition and forward to Mr. Willick.	0.20	35.00
VJ	E-sign Certificate of Service to Notice of Filing and e-file and e-serve.	0.20	35.00
Thursday, December 30, 2021			
VJ	Review filed first supplemental disclosure. NO CHARGE	0.10	N/C
Monday, January 3, 2022			
VJ	Review supplemental filing from Mr. Lemcke. NO CHARGE	0.10	N/C
VJ	File review and forward information to Mr. Johnson regarding Motion filing. NO CHARGE	0.10	N/C
Wednesday, January 5, 2022			
JJ	Proof read the Motion and provide notes to attorney staff.	0.50	87.50
JJ	Prepare and file the Motion as directed. Calendar the hearing dates.	0.60	105.00
VJ	Review filed Reply. NO CHARGE	0.10	N/C
VJ	Review confirmation of Motion Rule 11 Sanctions filed. NO CHARGE	0.10	N/C
VJ	Calendar reminders and deadlines relating to Motion for Rule 11 sanctions that was filed.	0.20	35.00
Friday, January 7, 2022			
VJ	[REDACTED] NO CHARGE	0.10	N/C
VJ	Review email from Olena to Mr. Willick regarding reply of allegations. NO CHARGE	0.10	N/C
VJ	Review timeline regarding HIPAA release and forward information to Mr. Crane and Mr. Willick, per Mr. Willick for oral argument. NO CHARGE	1.00	N/C
MSW	Review and respond to Emails. Review Reply to our Opposition, etc. Legal research re [REDACTED]	0.60	360.00
Sunday, January 9, 2022			
MSW	Review and respond to Emails.	0.20	120.00
Monday, January 10, 2022			
VJ	Review email from Orlena regarding DNA. NO CHARGE	0.10	N/C
VJ	Follow up with Mr. Willick regarding phone conference with Mr. Alvera per Orlena NO CHARGE	0.10	N/C
VJ	Telephone Conference with Mr. Artan's office and leave voice message	0.10	17.50
VJ	Follow up email to Mr. Artan and update address file. Forward copy of sent email to Olena	0.10	17.50
VJ	Review Mr. Willick's email to Mr. Lemcke regarding ethics notice NO CHARGE	0.10	N/C
VJ	Download from portal documents uploaded by Olena. Forward	0.20	35.00

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
	to Mr. Willick.		
VJ	Review email from Olena to Mr. Willick regarding the most recent Reply to Opposition NO CHARGE	0.10	N/C
VJ	Respond to Mr. Artan regarding appointment for conference call with Mr. Willick NO CHARGE	0.10	N/C
MSW	Review and respond to Emails.	0.70	420.00
Tuesday, January 11, 2022			
VJ	[REDACTED] NO CHARGE	0.10	N/C
VJ	Review prior emails regarding Michael Artan from Olena and forward to Mr. Willick and Mr. Crane for conference call.	0.10	17.50
VJ	F [REDACTED] NO CHARGE	0.10	N/C
MSW	Review and respond to Emails. Office conference on testing possibilities; phone conference with Mr. Artan.	0.60	360.00
MSW	Office conference with all relevant staff on recent developments.	0.20	120.00
RLC	Attend zoom call [REDACTED]	0.30	120.00
Wednesday, January 12, 2022			
VJ	[REDACTED]	0.10	17.50
VJ	[REDACTED] NO CHARGE	0.10	N/C
VJ	Review Olena's email regarding upcoming hearing and questions pending for response of ongoing case to Mr. Willick. NO CHARGE	0.10	N/C
Thursday, January 13, 2022			
VJ	Review letter from Mr. Lemcke regarding Olena's defamatory statements. Forward to Mr. Crane and Mr. Willick.	0.10	17.50
VJ	MyCase portal. Letter from Mr. Lemcke. NO CHARGE	0.10	N/C
VJ	Review meeting set up for interoffice conference. NO CHARGE	0.10	N/C
VJ	Review email from court with bluejeans link. Update calendar and send link via email to Olena.	0.10	17.50
VJ	Review the gofund links addressed in Mr. Lemcke's letter. NO CHARGE	0.10	N/C
VJ	Review email from Court to continue hearing until February. Forward to Mr. Willick and Mr. Crane. Review Mr. Willick's email and calendar reminder for response tomorrow.	0.10	17.50
VJ	Review email from Mr. Lemcke to Court regarding rescheduling of hearing and date Enrique is available. Forward to Mr. Willick and Mr. Crane. NO CHARGE	0.10	N/C
VJ	Review Mr. Willick's reply email to Olena regarding pending issues and will be discussed at trial meeting today. NO CHARGE	0.10	N/C

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
VJ	Trial team meeting, and provide notes to Mr. Crane and Mr. Willick.	0.70	122.50
VJ	Review Mr. Willick's reply email to Court and the Court's reply regarding continuing the upcoming hearing. NO CHARGE	0.10	N/C
VJ	Review Olena's email regarding Mr. Lemcke's letter regarding defamation. NO CHARGE	0.10	N/C
MSW	Review and respond to Emails. Office conference with trial team. Begin notes to Olena and Mr. Lemcke.	0.70	420.00
RLC	Zoom meeting [REDACTED]	0.50	200.00
Friday, January 14, 2022			
VJ	Review mycaseportal notification of new document uploaded by Olena. Retrieve, download and save and forward to Mr. Willick.	0.10	17.50
VJ	Review Mr. Willick's reply email to Court regarding date for rescheduling and review the Court's reply email. NO CHARGE	0.10	N/C
VJ	[REDACTED] NO CHARGE	0.10	N/C
VJ	Review Mr. Willick's email to Court confirming date to combine hearings. NO CHARGE	0.10	N/C
VJ	Review confirmation from Court of rescheduling hearing. Update calendar and all reminders and deadlines.	0.10	17.50
VJ	Review Odyssey. NO CHARGE	0.10	N/C
VJ	Update calendar regarding Motion hearing also continued. Update reminders and deadlines.	0.10	17.50
VJ	Review Notice of Rescheduling, download and save. Forward copy to Olena.	0.10	17.50
VJ	MyCase portal. Upload Notice of Rescheduling. NO CHARGE	0.10	N/C
VJ	Edit Fourth supplemental disclosure and update. Forward to Mr. Willick and Mr. Crane.	0.30	52.50
VJ	Draft Supplemental disclosure. Bates Stamp additional documents, update Bates list and pass to Mr. Willick and Mr. Crane.	0.30	52.50
VJ	Review Mr. Willick's email to Olena regarding an email with more information will be provided. NO CHARGE	0.10	N/C
VJ	Review Mr. Willick's detailed email to Olena regarding posts and status. NO CHARGE	0.10	N/C
VJ	Review email from Olena regarding request for hearing to be held earlier and forward to Mr. Willick. NO CHARGE	0.10	N/C
VJ	[REDACTED] NO CHARGE	0.10	N/C
VJ	Review Olena's email [REDACTED] NO CHARGE	0.10	N/C
VJ	Review Mr. Willick's reply regarding rescheduling time. Forward to Olena. NO CHARGE	0.10	N/C
MSW	Review and respond to Emails.	1.20	720.00
MSW	Additional time actually expended on this matter, but not	1.50	N/C

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
	charged to Client as directed by Marshal Willick. NO CHARGE		
Tuesday, January 18, 2022			
VJ	[REDACTED]s [REDACTED] NO CHARGE	0.10	N/C
VJ	Review Mr. Willick's email in response to Olena regarding Writ link. NO CHARGE	0.10	N/C
VJ	Download Olena's updated affidavit per her email to Mr. Willick and forward to Mr. Willick.	0.10	17.50
Wednesday, January 19, 2022			
VJ	Bates stamp Attorney Ukraine's declaration. Update Bates list, Disclosure and supplemental exhibit to Court and pass to Mr. Willick.	0.30	52.50
MSW	Discovery, productions, and associated emails.	0.10	60.00
Thursday, January 20, 2022			
VJ	Review Court registry for status of court case. NO CHARGE	0.10	N/C
VJ	Draft Reply and pass to Mr. Willick.	0.20	35.00
VJ	Review update from Olena and Mr. Willick's reply email. NO CHARGE	0.10	N/C
MSW	Review and respond to Emails.	0.10	60.00
Friday, January 21, 2022			
VJ	Draft discovery responses; Interrogatories, Admission, and review file for some responses and forward to Olena for further reply and signature.	1.30	227.50
VJ	Draft Request for Production of Documents and pass all discovery to Mr. Willick and Olena.	1.00	175.00
VJ	Review email from Olena and Mr. Willick regarding discovery responses. NO CHARGE	0.10	N/C
VJ	Discussion with Mr. Willick regarding discovery responses.	0.10	17.50
VJ	Edit Discovery responses and pass to Mr. Willick.	0.20	35.00
VJ	Review email from Olena and resend interrogatories. NO CHARGE	0.10	N/C
VJ	Review Olena's email for edits and review Mr. Willick's email with updated version. NO CHARGE	0.10	N/C
VJ	Review email from Olena with information for interrogatories and forward to Mr. Willick. NO CHARGE	0.10	N/C
VJ	[REDACTED]	0.20	35.00
VJ	Provide information to Mr. Willick regarding disclosure information. NO CHARGE	0.20	N/C
MSW	Review and Revise Reply re: Rule 11. Directions to staff on discovery and other matters. Substantive review and editing of discovery.	2.70	1,620.00
MSW	Additional time actually expended on this matter, but not charged to Client as directed by Marshal Willick. NO CHARGE	2.00	N/C

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
LKC	Researched and edited the issue of admission discovery requests past the 30 day deadline, edited results and sent to Marshal for his brief.	0.30	120.00
Monday, January 24, 2022			
MSW	Review and respond to Emails. Review/revise discovery and amend motion filings. Confer with and instructions to staff.	0.50	300.00
VJ	Edit Responses per Olena and convert to PDF and forward final responses to Olena for review and signature.	0.20	35.00
VJ	Review emails from Olena and Mr. Willick regarding discovery drafts. NO CHARGE	0.10	N/C
VJ	Review Mr. Willick's email to Olena with proposed Reply for review and review Mr. Crane's email. NO CHARGE	0.10	N/C
VJ	Proof read reply. NO CHARGE	0.20	N/C
VJ	Edit Admissions and convert to PDF and review and respond to email from Olena.	0.10	17.50
VJ	Download and save signed Interrogatories. NO CHARGE	0.10	N/C
VJ	Download prior US visas from Olena. Bates Stamp. Update Bates list and fourth disclosure.	0.30	52.50
VJ	E-sign Discovery responses and e-serve. E-sign Certificate of Service for fourth supplemental disclosure. Group with disclosures and e-serve.	0.50	87.50
VJ	E-sign Reply and efile.	0.20	35.00
VJ	Download and save Reply. NO CHARGE	0.10	N/C
VJ	MyCase portal. Reply to Opposition NO CHARGE	0.10	N/C
VJ	Download e-served discovery. NO CHARGE	0.10	N/C
VJ	Review update email from Mr. Willick to Olena. NO CHARGE	0.10	N/C
Tuesday, January 25, 2022			
VJ	Review billing and respond to Ms. Fish. NO CHARGE	0.10	N/C
Wednesday, February 2, 2022			
VJ	Review Olena's update and calendar reminder of visa interview in July.	0.10	17.50
Tuesday, February 8, 2022			
VJ	Review email from Olena as update to Mr. Willick. NO CHARGE	0.10	N/C
Friday, February 11, 2022			
VJ	Schedule zoom meeting with attorney staff for upcoming hearing. NO CHARGE	0.10	N/C
VJ	Review email from Olena and download and save photos.	0.10	17.50
VJ	Review email from Mr. Willick to Olena regarding photo disclosures. NO CHARGE	0.10	N/C

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Monday, February 14, 2022			
VJ	Review Olena's email with update. NO CHARGE	0.10	N/C
VJ	Review email from Olena with update and Mr. Willick's reply email. Download and save Embassy update from website.	0.10	17.50
Tuesday, February 15, 2022			
VJ	Review email from Olena with update regarding Ukrainian situation. NO CHARGE	0.10	N/C
Friday, February 18, 2022			
VJ	Meeting with staff; not held. NO CHARGE	0.10	N/C
Sunday, February 20, 2022			
MSW	Hearing prep (start).	0.10	60.00
Tuesday, February 22, 2022			
VJ	Review email from Olena with update regarding situation in Ukraine and review Mr. Willick's reply email. NO CHARGE	0.10	N/C
VJ	Request hearing video from today's hearing from the Court.	0.10	17.50
MSW	Prepare for and attend hearing in Dept. U.	2.00	1,200.00
MSW	Additional time actually expended on this matter, but not charged to Client as directed by Marshal Willick. NO CHARGE	1.50	N/C
RLC	Attend hearing with MSW on Paternity matter including Opposition request for Summary Judgment and our request for Rule 11 Sanctions.	1.00	400.00
Wednesday, February 23, 2022			
VJ	Review Olena's response to Mr. Crane and review Odyssey. NO CHARGE	0.10	N/C
VJ	Discussion with Mr. Crane regarding yesterday's hearing. NO CHARGE	0.10	N/C
VJ	Review email from Court and download and save hearing video from February 22, 2022 hearing.	0.10	17.50
VJ	MyCase portal. Hearing video from February 22, 2022 hearing. NO CHARGE	0.10	N/C
MSW	Review and respond to Emails.	0.10	60.00
Thursday, February 24, 2022			
VJ	Review Mr. Willick's reply email to Olena regarding the February 23, hearing. NO CHARGE	0.10	N/C
VJ	Review Court registry for court minutes; nothing available. NO CHARGE	0.10	N/C
VJ	Review Olena's email with update regarding Ukraine situation and review Mr. Willick's reply email. NO CHARGE	0.10	N/C
Friday, February 25, 2022			
VJ	Review hearing video NO CHARGE	2.00	N/C
VJ	Start draft Stipulation and Order.	0.10	17.50

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Monday, February 28, 2022			
VJ	Review email from Olena regarding current situation in Ukraine and review Mr. Willick's reply email. NO CHARGE	0.10	N/C
VJ	Review Odyssey for Court minutes. NO CHARGE	0.10	N/C
VJ	Finalize draft Stipulation and Order and pass to Mr. Willick.	0.40	70.00
VJ	Draft letter with potential paternity labs and forward to Mr. Willick.	0.10	17.50
MSW	Review and Revise proposed stip and order and proposed letter to Lemcke (start); related emails.	0.50	300.00
MSW	Additional time actually expended on this matter, but not charged to Client as directed by Marshal Willick. NO CHARGE	0.50	N/C
Tuesday, March 1, 2022			
VJ	Schedule zoom meeting for meeting with staff. NO CHARGE	0.10	N/C
VJ	Review filed Substitution of Attorneys and update address file.	0.10	17.50
VJ	Staff meeting regarding Stipulation, and update letter with Enrique's new attorney.	0.20	35.00
VJ	Review email from Olena to Enrique with photos of child. NO CHARGE	0.10	N/C
MSW	Review and Revise stip and order and letter, continued; office conference with trial team.	0.70	420.00
MSW	Additional time actually expended on this matter, but not charged to Client as directed by Marshal Willick. NO CHARGE	1.00	N/C
RLC	Meeting with MSW and VJ on our letter to Opposition counsel and S&O.	0.30	120.00
Wednesday, March 2, 2022			
VJ	Edit Stipulation and pass back to Mr. Willick.	0.10	17.50
VJ	Search labs and call labs for detailed information and provide to Mr. Willick. Update letter to counsel. NO CHARGE	1.30	N/C
VJ	Second call to DDC per Mr. Crane. Telephone Conference with DDC and relay information to Mr. Crane.	0.30	52.50
VJ	Review email from Olena with update. NO CHARGE	0.10	N/C
VJ	Group cover letter and Stipulation and Order and eserve letter to Mr. Kainen.	0.20	35.00
VJ	Review confirmation of eserve of Mr. Willick's letter to Ms. Provost. NO CHARGE	0.10	N/C
RLC	Phone call with Vicki concerning DNA testing further conversation with MSW.	0.30	120.00
MSW	Review and Revise letter to new counsel as cover for stip and order. Brief conference with attorney Mastel.	0.60	360.00
MSW	Additional time actually expended on this matter, but not charged to Client as directed by Marshal Willick. NO CHARGE	0.60	N/C
Thursday, March 3, 2022			
VJ	Review Mr. Willick's email to Olena with update regarding brief conversation with Ms. Provost. NO CHARGE	0.10	N/C

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
MSW	Review and respond to Emails. Extensive conversation with Ms. Mastel; follow up emails.	0.60	360.00
MSW	Additional time actually expended on this matter, but not charged to Client as directed by Marshal Willick. NO CHARGE	1.00	N/C
Friday, March 4, 2022			
VJ	Review Mr. Willick's update email to Olena regarding his conversation with Ms. Mastel and review Olena's reply email. NO CHARGE	0.10	N/C
VJ	Review current update from Olena. NO CHARGE	0.10	N/C
Sunday, March 6, 2022			
MSW	Review and Revise stipulation per conversation with Ms. Mastel; circulate and send. Associated emails.	0.30	180.00
Monday, March 7, 2022			
VJ	Review update emails from Olena and Mr. Willick's reply email. NO CHARGE	0.10	N/C
Tuesday, March 8, 2022			
VJ	Review update from Olena to Mr. Willick regarding conditions in Ukraine. NO CHARGE	0.10	N/C
Wednesday, March 9, 2022			
VJ	Telephone Conference with DC corporate office regarding packets to Ukraine. Email Mr. Willick an update.	0.20	35.00
VJ	Review update from Olena. NO CHARGE	0.10	N/C
RLC	Complete review and edit of proposed S&O.	0.60	240.00
MSW	Review appellate filings from other side; review revised stip and order and draft cover letter to Ms. Mastel with explanation. Instructions to staff.	0.90	540.00
Thursday, March 10, 2022			
VJ	Review Mr. Willick's email to Ms. Mastel with edited Stipulation and Order NO CHARGE	0.10	N/C
MSW	Review and respond to Emails.	0.20	120.00
Monday, March 14, 2022			
VJ	Review email from Olena and Mr. Willick's [REDACTED] [REDACTED] NO CHARGE	0.10	N/C
Wednesday, March 16, 2022			
VJ	Download correspondence and proposed order from Mr. Kainen's office. Calendar reminder to submit order or request for changes.	0.10	17.50
VJ	Review supplemental exhibits filed by Mr. Kainen's office. NO CHARGE	0.10	N/C
MSW	Review and respond to Emails.	0.30	180.00

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Thursday, March 17, 2022			
VJ	Review Olena's email and download and save documents. Review Mr. Crane's reply email. NO CHARGE	0.10	N/C
VJ	Order transcript from February 22, 2022 hearing. NO CHARGE	0.10	N/C
VJ	Review Mr. Willick's email to Olena regarding recent filings from Enrique. NO CHARGE	0.10	N/C
VJ	Download and save transcript from February 22, 2022 hearing.	0.10	17.50
VJ	Edit transcript provided. Compare order and provide comments to Mr. Willick. Review Odyssey and download minutes.	0.40	70.00
VJ	MyCase portal. Court minutes from February 22, 2022 hearing. NO CHARGE	0.10	N/C
Monday, March 21, 2022			
VJ	Review update from Olena. NO CHARGE	0.10	N/C
VJ	File review and respond to Mr. Willick. NO CHARGE	0.10	N/C
VJ	Review Odyssey. NO CHARGE	0.10	N/C
VJ	Review Mr. Crane's email to Mr. Willick with proposed changes to order. NO CHARGE	0.10	N/C
RLC	Review order and draft changes to be made.	0.50	200.00
Tuesday, March 22, 2022			
VJ	Proof read cover letter to Ms. Mastel. NO CHARGE	0.10	N/C
VJ	Convert cover letter to Ms. Mastel and eserve request for changes to proposed order. NO CHARGE	0.10	N/C
VJ	Review confirmation of eserved letter to Ms. Mastel.	0.10	0.00
Thursday, March 24, 2022			
VJ	Review Olena's email regarding request for changes sent to Ms. Mastel. Download map of location. NO CHARGE	0.10	N/C
RLC	Respond to client on reason for language in Order.	0.10	40.00
Friday, March 25, 2022			
VJ	Review email from Olena . NO CHARGE	0.10	N/C
Saturday, March 26, 2022			
MSW	Review and respond to Emails re: trial and appellate court matters (striking medical records; delay on Reply); instructions to staff.	0.40	260.00
Wednesday, March 30, 2022			
VJ	Review Mr. Willick's reply email to Olena regarding affidavit from doctor. NO CHARGE	0.10	N/C
VJ	Download documents provided by Olena.	0.10	17.50
VJ	Review Mr. Leavitt's email and calendar premediation conference call.	0.10	17.50
VJ	Review Ms. Mastel's email confirming she will initiate the calls. NO CHARGE	0.10	N/C

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
MSW	Review and respond to Emails.	0.20	120.00
Tuesday, April 5, 2022			
VJ	Review email from Olena with update. NO CHARGE	0.10	N/C
Wednesday, April 6, 2022			
VJ	Review letter from Court following up on past due submission of Order from February 22, 2022 hearing, and forward comments to Mr. Willick. NO CHARGE	0.10	N/C
Thursday, April 7, 2022			
VJ	[REDACTED]. NO CHARGE	0.10	N/C
Friday, April 8, 2022			
VJ	[REDACTED]. NO CHARGE	0.10	N/C
VJ	[REDACTED] NO CHARGE	0.10	N/C
Monday, April 11, 2022			
VJ	Review detailed response from Olena [REDACTED] NO CHARGE	0.20	N/C
Tuesday, April 12, 2022			
VJ	Review Olena's email and Mr. Willick's [REDACTED] NO CHARGE	0.10	N/C
Wednesday, April 13, 2022			
VJ	[REDACTED] NO CHARGE	0.10	N/C
Friday, April 15, 2022			
VJ	[REDACTED] NO CHARGE	0.10	N/C
Monday, April 18, 2022			
VJ	Review and respond to Email from Olena. NO CHARGE	0.10	N/C
Thursday, April 21, 2022			
RLC	Complete revisions to Stip and Order.	1.10	440.00
VJ	Send note to Mr. Willick regarding status of Ms. Mastel sending proposed order to court. NO CHARGE	0.10	N/C
Sunday, April 24, 2022			
MSW	Review and Revise Order from hearing, stip and order, and cover letter to Mastel; associated emails.	0.90	585.00
MSW	Additional time actually expended on this matter, but not charged to Client as directed by Marshal Willick. NO CHARGE	0.90	N/C

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Tuesday, April 26, 2022			
JJ	Draft an email to opposing counsel [REDACTED] [REDACTED]	0.20	35.00
Wednesday, April 27, 2022			
VJ	Review confirmation of filing Order from the February 22, 2022 hearing. NO CHARGE	0.10	N/C
Thursday, April 28, 2022			
VJ	Review email from Ms. Mastel with Stipulation revised for review and consideration. NO CHARGE	0.10	N/C
Monday, May 2, 2022			
VJ	Review email from Olena stating embassy has cancelled her Visa appointment, download and save. Update Calendar.	0.10	17.50
VJ	Review Mr. Willick's emails to Settlement Judge and to Olena. NO CHARGE	0.10	N/C
VJ	Review Mr. Willick's email to Olena and respond regarding hair samples provided. NO CHARGE	0.10	N/C
VJ	Review Mr. Willick's email to Ms. Mastel responding to Stipulation and Order draft. NO CHARGE	0.10	N/C
VJ	Pursuant to Mr. Willick send email to Olena regarding hair samples in our position. NO CHARGE	0.10	N/C
MSW	Review and respond to Emails.	0.60	390.00
MSW	Additional time actually expended on this matter, but not charged to Client as directed by Marshal Willick. NO CHARGE	0.50	N/C
Wednesday, May 4, 2022			
VJ	Review Olena's email and Mr. Willick's reply email. NO CHARGE	0.10	N/C
Thursday, May 5, 2022			
VJ	Review email from Ms. Mastel with revised Stipulation and Order and executed Stipulation, and download and save. NO CHARGE	0.10	N/C
Friday, May 6, 2022			
VJ	Review filed Notice of Entry of Order for the February 22, 2022 order. NO CHARGE	0.10	N/C
VJ	Review Olena's reply email to Mr. Willick regarding changes to Stipulation and Order NO CHARGE	0.10	N/C
RLC	Review Stipulation and Order on Mediation and provide coments to Marshal.	0.30	120.00
Saturday, May 7, 2022			
MSW	Review and respond to Emails.	0.20	130.00

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Monday, May 9, 2022			
VJ	Download signed Stipulation and Order and email to Court.	0.10	17.50
VJ	Review Mr. Willick's emails to Olena regarding changes and proposed email to Ms. Mastel and review Mr. Willick's second email to Olena in response. NO CHARGE	0.10	N/C
VJ	Review filed Stipulation and Order. NO CHARGE	0.10	N/C
VJ	Draft Notice of Entry of Stipulation and Order and pass to Mr. Willick for signature.	0.20	35.00
VJ	Esign Notice of Entry of Stipulation and Certificate of Service and convert to PDF and group with Order and efile.	0.20	35.00
VJ	Review confirmation of Notice of Entry of Stipulation and Order filed. NO CHARGE	0.10	N/C
Thursday, May 12, 2022			
VJ	Review Ms. Mastel's email to Mr. Willick with revised Stipulation. NO CHARGE	0.10	N/C
VJ	Review Olena's update to Mr. Willick with documents, download and save. [REDACTED] [REDACTED]. Review Mr. Willick's reply email. NO CHARGE	0.10	N/C
Friday, May 13, 2022			
VJ	Review filed Stipulation and Order. NO CHARGE	0.10	N/C
Tuesday, May 17, 2022			
VJ	Review filing of Notice of Entry of Stipulation and Order. NO CHARGE	0.10	N/C
VJ	Review filed Notice of Entry of Stipulation and Order. NO CHARGE	0.10	N/C
Wednesday, May 18, 2022			
VJ	Review email from Olena [REDACTED] NO CHARGE	0.10	N/C
VJ	Review Mr. Willick's reply email to Olena [REDACTED] [REDACTED] NO CHARGE	0.10	N/C
Monday, May 23, 2022			
VJ	[REDACTED] [REDACTED] NO CHARGE	0.10	N/C
Tuesday, May 24, 2022			
VJ	[REDACTED] [REDACTED] NO CHARGE	0.10	N/C
MSW	Review and respond to Emails.	0.10	65.00
Friday, May 27, 2022			
VJ	Review Olena's forwarded email from Enrique. Forward email to Ms. Fish regarding his request on how to send child support	0.10	N/C

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
	payments to Willick. NO CHARGE		
VJ	Review and respond to Emails regarding order striking error pleading.	0.10	0.00
VJ	Review and respond to Emails. NO CHARGE	0.10	N/C
Tuesday, May 31, 2022			
VJ	Review email from Olena with update. Download update from postal carrier from Olena. NO CHARGE	0.10	N/C
MSW	Review and respond to Emails.	0.10	65.00
Wednesday, June 1, 2022			
VJ	Review email from Mr. Willick to Ms. Mastel with update and status of child support payment. NO CHARGE	0.10	N/C
VJ	Review update email from Enrique to Olena regarding child support payment he stated was sent. NO CHARGE	0.10	N/C
VJ	Review additional reply email from Olena to Mr. Willick and Mr. Willick's response regarding child support. NO CHARGE	0.10	N/C
Friday, June 3, 2022			
VJ	Review confirmation of child support payment, download and save. Review Mr. Willick's reply email. NO CHARGE	0.10	N/C
Monday, June 6, 2022			
VJ	[REDACTED] NO CHARGE	0.10	N/C
VJ	[REDACTED] NO CHARGE	0.10	N/C
Thursday, June 9, 2022			
VJ	Review email from Olena confirming status. NO CHARGE	0.10	N/C
Wednesday, June 15, 2022			
VJ	Review Olena's email with update regarding carrier and strict no flight zone. NO CHARGE	0.10	N/C
VJ	Review Mr. Willick's reply regarding carrier and status. Review Olena's reply email. NO CHARGE	0.10	N/C
VJ	Review letter from Kainen's office, download and save. Review Mr. Willick's email and respond regarding samples.	0.10	17.50
MSW	Review and respond to Emails.	0.10	65.00
Monday, June 20, 2022			
MSW	Review and respond to Emails (all correspondence re: property and DNA testing; circulate for comments).	1.60	1,040.00
MSW	Additional time actually expended on this matter, but not charged to Client as directed by Marshal Willick. NO CHARGE	0.50	N/C
RLC	Review of MSW's proposed letter to the other side.	0.10	40.00

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Tuesday, June 21, 2022			
MSW	Review and Revise letter to Mastel and send.	0.30	195.00
Monday, June 27, 2022			
VJ	Review Olena's email with some ideas for organizing DNA testing. NO CHARGE	0.10	N/C
Tuesday, June 28, 2022			
VJ	Review Mr. Willick's email to Olena in response to organizing the DNA testing. NO CHARGE	0.10	N/C
VJ	Review response from Olena to Mr. Willick. NO CHARGE	0.10	N/C
MSW	Review and respond to Emails.	0.10	65.00
Wednesday, June 29, 2022			
VJ	Review Mr. Willick's reply email to Olena. Review Mr. Willick's email to Ms. Mastel requesting status ad providing protocol for testing, and forward to Olena. NO CHARGE	0.10	N/C
MSW	Review and respond to Emails.	0.20	130.00
Sunday, July 3, 2022			
MSW	Review and respond to Emails.	0.20	130.00
Tuesday, July 5, 2022			
VJ	Review email from Ms. Mastel with update and status that some Olena's items are still in his possession. NO CHARGE	0.10	N/C
Friday, July 8, 2022			
VJ	Review email from Olena following up on response from opposing counsel, and review Mr. Willick's reply email. NO CHARGE	0.10	N/C
MSW	Review and respond to Emails.	0.30	195.00
Monday, July 11, 2022			
VJ	Review Olena's email with suggested sample taking NO CHARGE	0.10	N/C
VJ	[REDACTED] NO CHARGE	0.10	N/C
Wednesday, July 13, 2022			
VJ	Review Mr. Willick's reply email to Olena and Olena's reply. NO CHARGE	0.10	N/C
VJ	Review Olena's email to Enrique. NO CHARGE	0.10	N/C
MSW	Review and respond to Emails.	0.20	130.00
Thursday, July 14, 2022			
MSW	Review and respond to Emails.	0.20	130.00

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Friday, July 15, 2022			
VJ	[REDACTED] NO CHARGE	0.10	N/C
Sunday, July 17, 2022			
MSW	Review and respond to Emails.	0.60	390.00
Monday, July 18, 2022			
VJ	Review Mr. Willick's detailed email regarding testing and what can't be done sent to Ms. Mastel. NO CHARGE	0.20	N/C
VJ	Review update from Olena regarding labs paternity testing. NO CHARGE	0.10	N/C
Wednesday, July 20, 2022			
VJ	Review Mr. Willick's email to Olena regarding response pending from Ms. Mastel. NO CHARGE	0.10	N/C
MSW	Review and respond to Emails.	0.20	130.00
Friday, July 22, 2022			
VJ	Review email from Ms. Provost regarding DNA testing update and forward to Olena for comments.	0.10	17.50
VJ	Review Mr. Willick's reply email to Ms. Provost. NO CHARGE	0.10	N/C
MSW	Review and respond to Emails.	0.10	65.00
Monday, July 25, 2022			
VJ	Review Olena's update to Mr. Willick regarding video conference of testing NO CHARGE	0.10	N/C
MSW	Review and respond to Emails.	0.10	65.00
Tuesday, July 26, 2022			
VJ	Review and respond to Emails from Olena, review file and forward email and order again to Olena.	0.10	17.50
VJ	Review and respond to Email from Olena regarding courtesy copies. NO CHARGE	0.10	N/C
MSW	Review and respond to Emails.	0.20	130.00
Wednesday, July 27, 2022			
VJ	Review email from Ms. Mastel regarding waiving observer and forward email to Olena. NO CHARGE	0.10	N/C
Thursday, July 28, 2022			
VJ	Review email from Olena to Enrique with link for child's birthday video. NO CHARGE	0.10	N/C
Friday, July 29, 2022			
VJ	Review email from Olena regarding testing update. Calendar testing. NO CHARGE	0.10	N/C

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Tuesday, August 2, 2022			
RLC	Email to Opposing Counsel concerning zoom link for DNA testing participation.	0.50	200.00
VJ	Discussion with Mr. Crane regarding setting up zoom for DNA testing. Review Mr. Crane's email to Olena. NO CHARGE	0.10	N/C
VJ	Schedule zoom meeting for DNA testing.	0.10	17.50
VJ	Review Mr. Crane's emails to Ms. Mastel and her response regarding recording DNA testing. NO CHARGE	0.10	N/C
VJ	Review email from Olena regarding notice of testing and may need reschedule. NO CHARGE	0.10	N/C
VJ	Review email from Olena to Enrique with video of child's first birthday. NO CHARGE	0.10	N/C
VJ	Review child's You-Tube video. NO CHARGE	0.10	N/C
Wednesday, August 3, 2022			
VJ	[REDACTED] NO CHARGE	0.10	N/C
VJ	Review confirmation from Ms. Mastel of the zoom link. NO CHARGE	0.10	N/C
VJ	[REDACTED] NO CHARGE	0.10	N/C
VJ	[REDACTED] NO CHARGE	0.10	N/C
RLC	Review and respond to client email [REDACTED]	0.10	40.00
Thursday, August 4, 2022			
VJ	Review email from Olena sent to Mr. Crane and forward a copy to Mr. Willick. NO CHARGE	0.10	N/C
VJ	Review Mr. Crane's email to Olena regarding DNA testing and forward copy to Mr. Willick. NO CHARGE	0.10	N/C
RLC	Review email from client and respond.	0.20	80.00
Friday, August 5, 2022			
VJ	Review email from Olena regarding testing to Mr. Crane. NO CHARGE	0.10	N/C
VJ	Send email to Olena to confirm zoom link.	0.10	17.50
VJ	Send email to Olena to confirm zoom login for recording for DNA testing.	0.10	17.50
VJ	Review email from Mr. Crane and review Ms. Mastel's reply email regarding DDC case number. NO CHARGE	0.10	N/C
VJ	Send email to Olena to provide DDC case number.	0.10	17.50
MSW	Review and respond to Emails.	0.30	195.00
Monday, August 8, 2022			
VJ	Download DNA testing zoom meeting and provide to attorney staff	0.10	17.50

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
VJ	MyCase portal DNA zoom video NO CHARGE	0.10	N/C
VJ	Review email from Olena regarding testing NO CHARGE	0.10	N/C
Tuesday, August 9, 2022			
VJ	Review mycaseportal and download her Ukraine attorney's version provided by Olena for video recording and forward to Mr. Willick	0.20	35.00
VJ	Review DDC case information from Olena and updated address file regarding number	0.10	17.50
Wednesday, August 10, 2022			
VJ	Review email from Olena and regarding testing for blood type, download and save	0.10	17.50
Thursday, August 11, 2022			
VJ	Send note to attorney staff as follow up since the DNA testing. NO CHARGE	0.10	N/C
VJ	Draft letter to Ms. Mastel per Mr. Willick with update regarding testing and pass to Mr. Willick.	0.20	35.00
Saturday, August 13, 2022			
MSW	Review and Revise letter to Racheal re: Enrique's testing. Send.	0.20	130.00
Monday, August 15, 2022			
VJ	Review Mr. Willick's letter to Ms. Mastel with update regarding DNA testing. NO CHARGE	0.10	N/C
Tuesday, August 16, 2022			
VJ	Review email from Olena from Deputy director at Mama Papa DNA and immigration attorney hired by Enrique. NO CHARGE	0.10	N/C
VJ	[REDACTED] NO CHARGE	0.10	N/C
MSW	Review and respond to Emails.	0.30	195.00
RLC	Review of email and research [REDACTED] Sent email to MSW.	0.30	120.00
Wednesday, August 17, 2022			
VJ	Review and respond to Email from Olena with another copy of the August 13 letter to Ms. Mastel.	0.10	17.50
VJ	MyCase portal. Latest correspondence to Ms. Mastel and from Ms. Mastel to portal. NO CHARGE	0.10	N/C
VJ	Review update email from Ms. Mastel and forward to Olena. NO CHARGE	0.10	N/C
Thursday, August 18, 2022			
VJ	Review email from Olena regarding pregnancy test at First Choice and review Mr. Willick's response and instructions. NO	0.10	N/C

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
	CHARGE		
VJ	Telephone Conference with First Choice pregnancy Services.	0.10	17.50
VJ	Provide update to Mr. Willick and Olena regarding medical records.	0.10	17.50
VJ	Draft HIPAA release and pass to Mr. Willick.	0.20	35.00
VJ	Convert HIPAA into PDF and email to Olena.	0.10	17.50
VJ	Review update from Ms. Mastel and Mr. Willick's reply.	0.10	N/C
	Forward information to Olena with update regarding when Enrique to test. NO CHARGE		
VJ	Review and respond to Email from Olena and download and save signed HIPAA.	0.10	17.50
VJ	Send email to Paternity testing with HIPAA release. Calendar reminder.	0.10	17.50
VJ	Review and respond to Email from Paternity test confirming receipt of authorization to release information.	0.10	17.50
MSW	Review and respond to Emails.	0.10	65.00
MSW	Review and Revise HIPAA release after email traffic. Instructions to staff.	0.20	130.00
Sunday, August 21, 2022			
MSW	Review and respond to Emails.	0.20	130.00
Monday, August 22, 2022			
VJ	Review several emails from Mr. Carr to Mama Papa testing [REDACTED] NO CHARGE	0.20	N/C
VJ	Review Mr. Willick's email to Ms. Mastel regarding Mr. Carr's involvement again. NO CHARGE	0.10	N/C
VJ	Convert Mr. Carr's communications into PDF and save correspondence into email. NO CHARGE	0.10	N/C
VJ	Save tracking information of DNA sample sent to lab and forward information to Mr. Willick and Olena.	0.10	17.50
VJ	Calendar week reminder when Enrique is getting tested.	0.10	17.50
VJ	Review confirmation from Olena confirming update. NO CHARGE	0.10	N/C
Tuesday, August 23, 2022			
VJ	Review Affidavit from Olena and download and save. NO CHARGE	0.10	N/C
VJ	Review Mr. Crane's comments to Mr. Willick regarding Olena's affidavit. NO CHARGE	0.10	N/C
VJ	Send follow up to First Choice Pregnancy Services for records.	0.10	17.50
VJ	Review and respond to Email from First Choice Pregnancy and download records and forward to Mr. Willick and Olena.	0.10	17.50
VJ	Review and respond to Email from Olena. Send email First Choice Pregnancy to confirm that was full file.	0.20	35.00
VJ	Review and respond to Email from First Choice Pregnancy and download additional documents and forward to Olena and Mr. Willick.	0.10	17.50

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
VJ	Review Mr. Crane, Mr. Willick, and Ms. Mastel's emails regarding Mr. Carr's communications with Mama Pappa lab. NO CHARGE	0.10	N/C
VJ	MyCase portal. Letter to Mamma Papa lab. NO CHARGE	0.10	N/C
VJ	Forward emails to Olena sent to Ms. Mastel from Mr. Willick and Mr. Crane regarding Mr. Carr. NO CHARGE	0.10	N/C
MSW	Review and respond to Emails after brief office conference.	0.20	130.00
RLC	Draft letter to Mama Papa DNA lab in Ukraine directing them to stop corresponding with Mr. Chris Carr. Copy of letter sent to client and to Rachael Mastel.	0.40	160.00
Wednesday, August 24, 2022			
VJ	Review email from Olena and respond regarding records from First Choice Pregnancy. NO CHARGE	0.10	N/C
Friday, August 26, 2022			
VJ	Review update from Ms. Mastel regarding correspondence from Mr. Carr and review Mr. Willick's reply. NO CHARGE	0.10	N/C
Tuesday, September 6, 2022			
VJ	Review Olena's email for status of Enrique schedule testing. NO CHARGE	0.10	N/C
VJ	Review Mr. Willick's email to Ms. Mastel for status of Enrique's testing. Forward copy to Olena. NO CHARGE	0.10	N/C
VJ	Calendar 90 day deadline for sample DNA testing to be good and Enrique status of testing.	0.10	17.50
MSW	Review and respond to Emails.	0.10	65.00
Thursday, September 8, 2022			
VJ	Review email from Ms. Mastel with update regarding Enrique testing. NO CHARGE	0.10	N/C
VJ	Review Mr. Crane's email to Ms. Mastel in response to status of testing and forward to Olena. NO CHARGE	0.10	N/C
VJ	Review Olena's email confirming update. NO CHARGE	0.10	N/C
RLC	Send email to Rachael Mastel to find out when Enrique will be DNA tested.	0.10	40.00
Friday, September 9, 2022			
VJ	Review Ms. Mastel's email with Enrique's date, time, location for testing. Set up zoom link and calendar.	0.20	35.00
VJ	Forward Olena a copy of the confirmation of testing from Ms. Mastel. NO CHARGE	0.10	N/C
VJ	Review Mr. Willick's response to Olena regarding moving any testing date scheduled by Enrique. NO CHARGE	0.10	N/C
VJ	Review Mr. Crane's email to Olena. NO CHARGE	0.10	N/C
VJ	Review Olena's emails with update from DDC. NO CHARGE	0.10	N/C
MSW	Review and respond to Emails.	0.10	65.00

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Monday, September 12, 2022			
VJ	Review email from Olena confirming testing facility has information. NO CHARGE	0.10	N/C
VJ	Review and respond to Email with zoom link for Enrique's DNA testing.	0.10	17.50
VJ	Review email from Olena and Mr. Willick's reply regarding multiple observer. NO CHARGE	0.10	N/C
VJ	Review and respond to Email Olena confirming receipt of zoom link for testing. NO CHARGE	0.10	N/C
VJ	Review email from Mr. Crane and Mr. Willick to Olena. NO CHARGE	0.10	N/C
Tuesday, September 13, 2022			
VJ	Review Olena's email regarding friend at attendance for testing. NO CHARGE	0.10	N/C
VJ	Review email from Olena with witness photo, download and save. Review questions, download and update calendar. Relay update to Mr. Willick.	0.10	17.50
VJ	Review and respond to Email from Olena regarding calendar entry. NO CHARGE	0.10	N/C
Wednesday, September 14, 2022			
MSW	Review and respond to Emails. Instructions to staff.	0.20	130.00
Friday, September 16, 2022			
RLC	Attend and record DNA test of Enrique.	1.30	520.00
Saturday, September 17, 2022			
VJ	Download from cloud-Zoom DNA testing.	0.10	17.50
Tuesday, September 20, 2022			
VJ	MyCase portal. Review testing, update name and upload Zoom testing of Enrique DNA testing.	0.10	17.50
Friday, October 7, 2022			
VJ	Telephone Conference with DDC for status. DDC said to reach out to Mama Papa and send email.	0.30	52.50
VJ	Update address file. NO CHARGE	0.10	N/C
VJ	Telephone Conference with Benjamin at DNA center and left message for status.	0.10	17.50
VJ	Review and respond to Email from Maryna at Mama Papa status of results.	0.10	17.50
VJ	Telephone Conference with AAA DNA testing to confirm if Enrique paid the fee.	0.10	17.50
VJ	Review and respond to Email Maryna at Mama Papa regarding fee.	0.10	17.50
VJ	Review Mr. Crane's response to Maryna regarding fee. NO CHARGE	0.10	N/C

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
VJ	Review email from DDC and respond to Mama Papa regarding confusion.	0.10	17.50
Tuesday, October 11, 2022			
VJ	Review Olena's update and Mr. Willick's response. NO CHARGE	0.10	N/C
VJ	Send email to Maryna for update from Mama Papa facility.	0.10	17.50
VJ	Review response from Mama Papa testing and forward to Mr. Willick for comment. NO CHARGE	0.10	N/C
VJ	Review Mr. Crane's email to Ms. Mastel regarding Mama Papa facility's email regarding Enrique attempting a new test. Forward email to Olena. NO CHARGE	0.10	N/C
VJ	Review Mr. Willick's email to Ms. Mastel regarding testing and forward a copy to Olena. NO CHARGE	0.10	N/C
MSW	Review and respond to Emails.	0.10	65.00
Wednesday, October 12, 2022			
VJ	Review and respond to Email from Olena regarding her receipt of information. NO CHARGE	0.10	N/C
Thursday, October 13, 2022			
VJ	Review Ms. Mastel's email to Mr. Willick with update on testing and Enrique paying. Forward email to Olena. NO CHARGE	0.10	N/C
VJ	Review email from Olena regarding why only Enrique gets the link. Send email to Mr. Willick. NO CHARGE	0.10	N/C
Friday, October 14, 2022			
VJ	Send note to Mr. Willick and Mr. Crane regarding no secure link to results provided. NO CHARGE	0.10	N/C
VJ	Review emails from Mr. Crane and Ms. Mastel's reply regarding results. NO CHARGE	0.10	N/C
VJ	Review Mr. Crane's email to Olena to see about access to results. NO CHARGE	0.10	N/C
VJ	Send email to Mama Papa facility for results.	0.10	17.50
VJ	Telephone Conference with DDC and relay update to Mr. Crane and Mr. Willick.	1.10	192.50
VJ	Send email to DNA corporate office for DDC. Forward a copy of the email to Olena.	0.10	17.50
VJ	Review Ms. Mastel's email regarding the secure link. NO CHARGE	0.10	N/C
VJ	Review response from Corporate to contact DDC. NO CHARGE	0.10	N/C
VJ	Review Mr. Crane's emails to Olena with update. NO CHARGE	0.10	N/C
VJ	Review Mr. Crane's email to Ms. Mastel for secure link for results. NO CHARGE	0.10	N/C
RLC	Multiple emails and phone calls to try and get results of the DNA Testing.	0.60	240.00

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Monday, October 17, 2022			
RLC	Review DNA test, email with Opposing Counsel and numerous emails with client.	0.70	280.00
VJ	Review and respond to Email from Mama Papa facility regarding results still pending	0.10	17.50
VJ	Review forwarded email and correspondence from Olena with letter from Mama Papa facility and download and save. NO CHARGE	0.10	N/C
VJ	Review email from Ms. Mastel with DNA results, go to link and download results. Forward a copy to Olena.	0.20	35.00
VJ	Review emails from Ms. Mastel and Mr. Crane regarding DNA results and forward to Olena NO CHARGE	0.10	N/C
VJ	Review Olena's email from Enrique NO CHARGE	0.10	N/C
VJ	Review Mr. Crane's email to Olena regarding child support NO CHARGE	0.10	N/C
VJ	Review file and Stipulations and orders. NO CHARGE	0.10	N/C
VJ	Review Mr. Crane's email regarding responding to Enrique NO CHARGE	0.10	N/C
MSW	Review and respond to Emails; multiple office conference re: paternity results. [REDACTED]	0.70	455.00
Tuesday, October 18, 2022			
VJ	Proof read notice of DNA results and send note to Mr. Crane. NO CHARGE	0.10	N/C
VJ	Review Olena's email and Mr. Willick's response regarding potential call with Ukraine attorney. NO CHARGE	0.10	N/C
VJ	Edit Notice. Esign Certificate of Service to Notice and convert to PDF and efile.	0.30	52.50
RLC	Draft Notice of DNA results.	0.70	280.00
MSW	Review and respond to Emails. Review/revise notice.	0.20	130.00
Wednesday, October 19, 2022			
VJ	Review Odyssey. NO CHARGE	0.10	N/C
Thursday, October 20, 2022			
VJ	Schedule zoom meeting for Ukrainian attorney and Mr. Willick.	0.10	17.50
VJ	Review update from Olena regarding Mama Papa facility. NO CHARGE	0.10	N/C
Tuesday, October 25, 2022			
VJ	Review email from Olena and download note regarding mediation. NO CHARGE	0.10	N/C
Wednesday, October 26, 2022			
VJ	Calendar reminder-3 weeks since requested Financial Disclosure Form from Enrique.	0.10	17.50

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Thursday, October 27, 2022			
VJ	Review note from Olena after meeting with counsel. NO CHARGE	0.10	N/C
MSW	Zoom conference with Ukraine attorney and staff after review of preparatory letter; instructions and related emails.	1.50	975.00
RLC	Prepare for and attend zoom meeting with client and her Ukrainian attorney.	1.30	520.00
Saturday, October 29, 2022			
MSW	Review and respond to Emails.	0.20	130.00
Monday, October 31, 2022			
VJ	Review email from Olena [REDACTED] NO CHARGE	0.10	N/C
Wednesday, November 2, 2022			
VJ	Review Olena's email regarding miscellaneous items. NO CHARGE	0.10	N/C
VJ	Review email from Olena and Mr. Willick's reply to miscellaneous items. NO CHARGE	0.10	N/C
MSW	Review and respond to Emails.	0.20	130.00
Monday, November 7, 2022			
VJ	Review Mr. Crane's email to Ms. Mastel for status of Financial Disclosure Form and review her response. Forward update to Olena. NO CHARGE	0.10	N/C
RLC	Draft email to Raschael Mastel on status of FDF.	0.10	40.00
Tuesday, November 8, 2022			
VJ	Review Mr. Crane's email regarding Financial Disclosure Form status to Olena. NO CHARGE	0.10	N/C
RLC	Conversation with MSW and email to client.	0.20	80.00
Wednesday, November 9, 2022			
VJ	Review Enrique's filed Financial Disclosure Form. NO CHARGE	0.10	N/C
Friday, November 11, 2022			
MSW	Review and respond to Emails (re: FDF).	0.30	195.00
Wednesday, November 16, 2022			
VJ	Download expenses and documents uploaded to portal and forward to Mr. Willick	0.30	52.50
VJ	Review email from Olena. NO CHARGE	0.10	N/C
VJ	Draft FDF and pass to Mr. Crane	0.20	35.00

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Thursday, November 17, 2022			
VJ	Review letter from Kainen's law Group regarding child support. Download correspondence and email a copy to Olena.	0.10	17.50
VJ	MyCase portal. Letter from Kainen Law Group. NO CHARGE	0.10	N/C
MSW	Review and respond to Emails.	0.10	65.00
Saturday, November 19, 2022			
MSW	Review and respond to Emails.	0.20	130.00
Monday, November 21, 2022			
VJ	Review Mr. Willick's reply email to Olena. NO CHARGE	0.10	N/C
Wednesday, November 23, 2022			
VJ	Draft response letter to Ms. Mastel and pass to Mr. Crane.	0.40	70.00
RLC	Review of letter from Rachael Mastel and the filed Financial Disclosure Form for Enrique. Drafted letter in response and sent to MSW for edit.	1.10	440.00
Sunday, November 27, 2022			
MSW	Review and Revise proposed letter to opposing counsel; related emails.	0.30	195.00
Monday, November 28, 2022			
VJ	Convert letter to Ms. Mastel into PDF and eserve regarding Enrique's Financial Disclosure Form.	0.10	17.50
VJ	Proof read final letter to Ms. Mastel and directions from attorney staff. NO CHARGE	0.10	N/C
VJ	Review confirmation of eserved letter to Ms. Mastel. NO CHARGE	0.10	N/C
VJ	Calendar reminder to receive information from Enrique or proceed with filing Motion.	0.10	17.50
VJ	Review Olena's reply to letter to Ms. Mastel. NO CHARGE	0.10	N/C
RLC	Execute letter to Rachael Mastel.	0.10	40.00
Tuesday, December 6, 2022			
VJ	Discussion with attorney staff regarding deadline tomorrow for response from Ms. Mastel.	0.10	17.50
Thursday, December 8, 2022			
VJ	Review voice message from Ms. Mastel's office requesting extension to respond to letter and forward to Mr. Willick and Mr. Crane for confirmation.	0.10	17.50
VJ	Discussion with Mr. Crane with direction. NO CHARGE	0.10	N/C
VJ	Draft letter to Ms. Mastel with enclosure of medical bills and attorney fees.	0.20	35.00
VJ	Send email to Ms. Fish for billing. NO CHARGE	0.10	N/C
VJ	File review, group medical and attorney fees together into PDF and pass to Mr. Crane.	0.30	52.50

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
VJ	Download billing. NO CHARGE	0.10	N/C
VJ	Review and redact billing.	0.90	157.50
VJ	Update spreadsheet and group together together and forward to Mr. Crane and Mr. Willick.	0.10	17.50
Friday, December 9, 2022			
VJ	Review Ms. Mastel's email for extension and review Mr. Crane's response. NO CHARGE	0.10	N/C
VJ	Convert letter to Ms. Mastel into PDF and attach exhibits and eserve.	0.20	35.00
VJ	MyCase portal. Letter to Ms. Mastel with medical expenses and attorney fees. NO CHARGE	0.10	N/C
RLC	Respond to Opposition Counsel on extension in response to our letter.	0.10	40.00
RLC	Complete review of billings and edit cover letter to Opposition Counsel.	0.50	200.00
Friday, December 16, 2022			
VJ	Review Mr. Crane's email to Ms. Mastel following up NO CHARGE	0.10	N/C
RLC	Review of the case status and email to Opposition Counsel.	0.40	160.00
Tuesday, December 20, 2022			
VJ	Review Olena's email for status. Forward to Mr. Crane and Mr. Willick. NO CHARGE	0.10	N/C
VJ	Review Mr. Crane's email to Ms. Mastel for status. NO CHARGE	0.10	N/C
VJ	MyCase portal. Review file and upload prior hearing videos to portal. NO CHARGE	0.10	N/C
VJ	Review and respond to Email Olena with update.	0.10	17.50
VJ	Review supplemental disclosures filed by Ms. Mastel. NO CHARGE	0.10	N/C
RLC	Review of Discovery Docs from Enrique.	1.30	520.00
Wednesday, December 21, 2022			
RLC	Respond to email from client discussing discovery provided by Enrique.	0.30	120.00
Thursday, December 22, 2022			
VJ	Review email from Olena and Mr. Willick's response to her review of supplemental disclosures. NO CHARGE	0.10	N/C
MSW	Review and Revise proposed response to Mastel.	0.90	585.00
RLC	Research facts of the Decree and the Prenup and then draft response to Ms. Mastel's settlement letter. Phone call with MSW.	1.80	720.00

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Friday, December 23, 2022			
RLC	Review email from client and respond point to point. Also, added actual fees language to our letter to Opposition Counsel.	0.60	240.00
VJ	Review response letter to Ms. Mastel that was sent to Olena for review. NO CHARGE	0.20	N/C
VJ	Additional time actually expended on this matter, but not charged to Client as directed by Marshal Willick. NO CHARGE	0.10	N/C
VJ	Convert letter to Ms. Mastel into PDF and group with exhibits and eserve.	0.20	35.00
MSW	Brief research into imputation of income for support purposes.	0.20	130.00
Friday, December 30, 2022			
MSW	Review and respond to Emails.	0.10	65.00
Saturday, December 31, 2022			
MSW	Review/annotate letter from Mastel; forward with instructions to staff.	0.10	65.00
Tuesday, January 3, 2023			
MSW	Office conference with Mr. Crane re: all issues.	0.20	130.00
MSW	Review and Revise proposed reply note. Instructions to staff.	0.50	325.00
VJ	Review response letter from Kainen's law group, download and save. Review email that paralegal was not copied on.	0.10	17.50
VJ	MyCase portal. Letter from Kainen regarding 16.2 disclosure. NO CHARGE	0.10	N/C
VJ	Review email from Olena with comments to Ms. Mastel's email and save attachment. Review Mr. Willick's reply email. NO CHARGE	0.10	N/C
VJ	Convert response letter to Ms. Mastel into PDF and eserve.	0.10	17.50
VJ	Proof read response letter to Ms. Mastel. NO CHARGE	0.10	N/C
RLC	Review letter from Opposition Counsel and respond to email from MSW.	0.30	120.00
RLC	Complete draft of letter to Ms. Mastel concerning child support, fees and custody. Final review and execute same.	0.90	360.00
Wednesday, January 4, 2023			
MSW	Email to atty. Mastel after voicemail.	0.10	65.00
Monday, January 9, 2023			
MSW	Telephone Conference with Ms. Mastel and Mr. Crane.	0.50	325.00
Tuesday, January 10, 2023			
VJ	Draft Motion cover sheet.	0.10	17.50
VJ	Draft Motion and pass to Mr. Crane.	1.10	192.50
RLC	Phone call with Opposition Counsel concerning agreement on child support and Mediation of Child Custody.	0.50	200.00

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Wednesday, January 11, 2023			
VJ	Discussion with staff regarding Motion. NO CHARGE	0.10	N/C
VJ	Proof read Motion. NO CHARGE	0.30	N/C
VJ	Send email to Olena for review of Motion and updated Financial Disclosure Form.	0.10	17.50
VJ	Retrieve, exhibits. Draft Exhibits to Motion. Bates Stamp exhibits and update Motion.	0.80	140.00
VJ	Update Bates List.	0.20	35.00
VJ	Review and respond to Email Olena regarding draft Motion.	0.10	17.50
MSW	Review and Revise motion for support and fees.	0.90	585.00
RLC	Complete draft of Motion for fees.	2.80	1,120.00
Thursday, January 12, 2023			
VJ	Review email from Olena with executed Financial Disclosure Form and download and save and approval for filing Motion.	0.10	17.50
Friday, January 13, 2023			
VJ	Proof read Motion and send comment to Mr. Crane. NO CHARGE	0.20	N/C
VJ	Esign Motion, Motion coversheet, Exhibits for child support and convert to PDF and group with exhibits. Efile Motion, Exhibits and Financial Disclosure Form.	0.30	52.50
VJ	Update Financial Disclosure Form	0.10	17.50
VJ	Review Notice of Hearing and calendar reminder and all deadlines.	0.20	35.00
VJ	Email Olena hearing information.	0.10	17.50
VJ	Review conflict on attorney staff calendar and send email. NO CHARGE	0.10	N/C
RLC	Make final changes and review of Motion and execute same.	0.30	120.00
Tuesday, January 17, 2023			
VJ	Review filing fee and respond to Ms. Fish. NO CHARGE	0.10	N/C
VJ	Review reply email from Olena confirming receipt of Motion hearing NO CHARGE	0.10	N/C
Friday, January 27, 2023			
VJ	Review note from Ms. Steele regarding Ms. Mastel call requesting an extension file Opposition and send note to Mr. Crane and Mr. Willick. NO CHARGE	0.10	N/C
VJ	Review Mr. Willick's reply email to Ms. Mastel confirming extension and calendar reminder. NO CHARGE	0.10	N/C
MES	Telephone Conference with opposing counsel's office, sent information to Victoria, and office conference with Marshal and Rick.	0.30	52.50
MSW	Review and respond to Emails.	0.10	65.00

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Tuesday, January 31, 2023			
VJ	Review filed Opposition and Countermotion. NO CHARGE	0.20	N/C
VJ	Calendar reply due date and reminder.	0.10	17.50
VJ	Draft Reply and pass to Mr. Crane.	0.60	105.00
Wednesday, February 1, 2023			
VJ	Review email from Olena : [REDACTED] Enrique's opposition	0.10	17.50
Thursday, February 2, 2023			
VJ	Review calendar and update. NO CHARGE	0.10	N/C
VJ	Telephone Conference with Women center and left message for authorization form to be faxed. Send update to Olena.	0.20	35.00
Friday, February 3, 2023			
RLC	Complete draft of Reply to Opposition and Opposition to Countermotion.	3.50	1,400.00
MSW	Review and Revise Reply.	2.40	1,560.00
Saturday, February 4, 2023			
MSW	Review and Revise Reply after Olena comments; related emails.	0.40	260.00
Monday, February 6, 2023			
VJ	Review comments from Mr. Willick, Mr. Crane and Olena regarding draft Reply. NO CHARGE	0.10	N/C
VJ	Esign Certificate of Service and efile Reply.	0.20	35.00
VJ	Efiling error. NO CHARGE	0.10	N/C
VJ	Efile Reply.	0.10	17.50
MSW	Review and Revise Reply after further notes between Olena and trial team.	0.10	65.00
Tuesday, February 7, 2023			
VJ	Telephone Conference with Women center. Leave message and respond to Olena's email.	0.10	17.50
Tuesday, February 14, 2023			
VJ	Telephone Conference with Records at Meadow's Women Centre. Left another message.	0.10	17.50
VJ	Draft HIPAA and email to Olena.	0.10	17.50
VJ	Review and respond to Email and download and save signed HIPAA.	0.10	17.50
VJ	Draft cover letter to Meadows Women center with HIPAA release and pass to Mr. Crane.	0.20	35.00
VJ	Convert letter to Meadows Women center into PDF and attach HIPAA release. Draft fax cover and forward to front desk to fax.	0.10	17.50
RLC	Review and edit letter to Women's health Center for copies of records.	0.20	80.00

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Wednesday, February 15, 2023			
VJ	Download fax confirmation of HIPAA sent to Meadows Women center.	0.10	17.50
VJ	Review Court's email with bluejeans link for upcoming hearing. Update calendar and send link information to Olena.	0.10	17.50

Summary of Services

LKC	Lorien K. Cole	0.30 hrs @ 400.00	\$ 120.00
FF	Faith Fish	Flat fees	\$ 50.00
JJ	Justin Johnson	7.50 hrs @ 175.00	\$ 1,312.50
JJ	Justin Johnson	1.80 hrs @ 0.00	N/C
MES	Mary Steele	0.30 hrs @ 175.00	\$ 52.50
MSW	Marshal S. Willick	35.00 hrs @ 600.00	\$ 21,000.00
MSW	Marshal S. Willick	11.00 hrs @ 0.00	N/C
MSW	Marshal S. Willick	18.90 hrs @ 650.00	\$ 12,285.00
RLC	Rick L. Crane	34.10 hrs @ 400.00	\$ 13,640.00
VJ	Victoria Javiel	50.90 hrs @ 0.00	N/C
VJ	Victoria Javiel	49.20 hrs @ 175.00	\$ 8,610.00

Total Professional Services

\$ 57,070.00

Costs and Disbursements

<u>Date</u>	<u>Description</u>	<u>Amount</u>
09/28/21	Efiling of document(s): Notice of Appearance	3.50
09/29/21	Efiling of document(s): Substitution of Attorney	3.50
10/04/21	Efiling of document(s): Motion to Reconsider; Exhibits to Motion	3.50
10/06/21	Efiling of document(s): General Financial Disclosure Form	3.50
10/07/21	Efiling of document(s): Motion to Set Aside Interlocutory Decree of Divorce	3.50
10/12/21	Efiling of document(s): Notice of Entry of Stipulation and Order	3.50
10/26/21	Efiling of document(s): Defendant's Ex Parte Motion for Permission from the Court to Grant Ukraine Consulate to Observe at the November 10, 2021, Hearing	3.50
10/27/21	Efiling of document(s): Supplemental Exhibits to Motion to Reconsider	3.50
10/28/21	Efiling of document(s): Reply [Ukraine Consulate]	3.50
11/03/21	Efiling of document(s): Reply [Reconsideration] & [Set Aside] & Opposition to Countermotion for Order to Show Cause	3.50
11/10/21	Efiling of document(s): Letter from the Consulate General of Ukraine	3.50
11/10/21	Efiling of document(s): Supplemental Exhibit to Motion	3.50
12/15/21	Efiling of document(s): Opposition to Motion for Summary Judgment	3.50
12/29/21	Efiling of document(s): Notice of Filing of Petition for Writ	3.50
01/05/22	Efiling of document(s): Motion for NRCP Rule 11 Sanctions	3.50
01/24/22	Efiling of document(s): Reply [Motion for NRCP 11 Sanctions]	3.50
05/09/22	Efiling of document(s): Notice of Entry of Stipulation and Order	3.50
10/18/22	Efiling of document(s): Notice of DNA results	3.50
01/13/23	Efiling of document(s): Motion for Enforcement of Child Support etc	3.50

<u>Date</u>	<u>Description</u>	<u>Amount</u>
01/17/23	Court clerk: filing fee from 1/13/22	25.00
02/06/23	Efiling of document(s): Reply [enforcement of child support]	3.50
	Total Costs and Disbursements	<u>\$ 95.00</u>
Interest Charge		\$ 1,079.52
TOTAL NEW CHARGES		<u>\$ 58,244.52</u>

PAYMENTS AND CREDITS

10/11/21	Applied from Retainer to fee charges	-5,195.00
10/11/21	Applied from Retainer to cost charges	-17.50
10/25/21	Applied from Retainer to fee charges	-1,007.50
10/25/21	Applied from Retainer to cost charges	-3.50
11/10/21	Applied from Retainer to fee charges	-5,465.00
11/10/21	Applied from Retainer to cost charges	-17.50
11/24/21	Applied from Retainer to fee charges	-5,737.50
11/24/21	Applied from Retainer to cost charges	-3.50
12/10/21	Applied from Retainer to fee charges	-435.00
12/27/21	Applied from Retainer to fee charges	-2,805.00
12/27/21	Applied from Retainer to cost charges	-3.50
01/10/22	Applied from Retainer to fee charges	-657.50
01/10/22	Applied from Retainer to cost charges	-7.00
01/25/22	Applied from Retainer to fee charges	-2,920.02
01/25/22	Applied from Retainer to cost charges	-3.50
02/10/22	Applied from Retainer to fee charges	-3,014.98
02/25/22	Applied from Retainer to fee charges	-1,790.00
03/10/22	Applied from Retainer to fee charges	-2,937.50
03/25/22	Applied from Retainer to fee charges	-645.00
04/11/22	Applied from Retainer to fee charges	-197.52
	Total Payments and Credits	<u>\$-32,863.52</u>

Retainer Account

Retainer Balance Forward		\$ 0.00
09/23/21	Initial (partial) retainer received via direct wire deposit from Lolita Ryklin.	5,000.00
09/27/21	Initial (balance) retainer received via credit card using direct link	2,500.00
10/11/21	Applied from Retainer to fee charges	-5,195.00
10/11/21	Applied from Retainer to cost charges	-17.50
10/20/21	Retainer received via check from Robbins & Onello firm re retainer refund	813.00
10/25/21	Applied from Retainer to fee charges	-1,007.50
10/25/21	Applied from Retainer to cost charges	-3.50
10/28/21	Retainer received via direct wire deposit from Lolita Ryklin.	5,500.00
11/10/21	Applied from Retainer to fee charges	-5,465.00

11/10/21	Applied from Retainer to cost charges	-17.50
11/23/21	Retainer received via credit card using direct link	5,800.00
11/24/21	Applied from Retainer to fee charges	-5,737.50
11/24/21	Applied from Retainer to cost charges	-3.50
12/10/21	Applied from Retainer to fee charges	-435.00
12/20/21	Retainer received via credit card using direct link	2,000.00
12/20/21	Transfer funds from Paternity matter to Writ to pay accrued charges to date	-647.50
12/27/21	Transfer remaining funds from Paternity matter to Writ to pay toward new charges this cycle	-275.00
12/27/21	Applied from Retainer to fee charges	-2,805.00
12/27/21	Applied from Retainer to cost charges	-3.50
01/05/22	Retainer received via direct wire transfer from L Ryklin	10,000.00
01/10/22	Retainer received via credit card using direct link	1,550.00
01/10/22	Transfer funds from Paternity matter to Writ to pay charges	-10,511.98
01/10/22	Applied from Retainer to fee charges	-657.50
01/10/22	Applied from Retainer to cost charges	-7.00
01/14/22	Retainer received via credit card using direct link from Anna Kouchnerov	1,000.00
01/14/22	Retainer received via credit card using direct link	1,550.00
01/25/22	Applied from Retainer to fee charges	-2,920.02
01/25/22	Applied from Retainer to cost charges	-3.50
01/30/22	Retainer received via credit card using direct link from I Podlasov	3,000.00
01/31/22	Retainer received via credit card using direct link from R Dorn	1,000.00
01/31/22	Retainer received via credit card using direct link from A Kouchnerov	1,000.00
02/04/22	Retainer received via credit card using direct link	1,000.00
02/06/22	Retainer received via credit card using direct link from A Kouchnerov	1,300.00
02/07/22	Retainer received via credit card using direct link	700.00
02/10/22	Transfer funds from Paternity matter to Writ to pay charges	-35.00
02/10/22	Applied from Retainer to fee charges	-3,014.98
02/11/22	Retainer received via credit card using direct link from Kazimirov	1,000.00
02/25/22	Applied from Retainer to fee charges	-1,790.00
03/10/22	Transfer funds from Paternity matter to Writ to pay charges	-52.50
03/10/22	Applied from Retainer to fee charges	-2,937.50
03/25/22	Transfer funds from Paternity matter to Writ to pay charges	-327.50
03/25/22	Applied from Retainer to fee charges	-645.00
04/11/22	Applied from Retainer to fee charges	-197.52

New Retainer Account Balance	\$ 0.00
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SUMMARY OF ACCOUNT

Balance Forward	\$ 0.00
Total New Charges	58,244.52
Payments, credits, and/or retainer used	-32,863.52

TOTAL AMOUNT DUE	\$ 25,381.00
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PREBILL FOR 21-074.PATERNITY PREPARED 02/23/23 FOR ACTIVITY THROUGH 02/23/23

Ms. Olena Karpenko
13 Suvorova Street, Apt. 131
Kyiv, Ukraine 01010
EMAIL: helenarpen@gmail.com

RE: Karpenko v Schaerer, Enrique R.
D-21-628088-D Dept U

Home Phone: (702)
Business Phone: (702)
Fax Number: (702)
Cell Phone: (702)

Email: helenarpen@gmail.com
ORIGINATING ATTY: MSW
Responsible Atty: MSW
Paralegal: VJ

Hourly Rate using Rate Schedule 23. Statement Format 1
Simple interest at APR of 18.00% will be charged on amounts past due 30 days
Retainer Funds will be applied against all charges
Client must maintain minimum balance of \$7500.00 in Retainer Account

File Opened 09/27/21. Last Billed 02/16/23 for Activity through 02/16/23
Last Payment: 04/11/22 - \$197.52

Previous Balance Due \$ 25,381.00

Ref #	Date	Atty	Description	Hours	Rate	Amount
721749	02/16/23	VJ	Review email from Olena [REDACTED] [REDACTED] NO CHARGE	0.10		N/C
721753	02/16/23	VJ	Review Mr. Willick's response to Olena regarding situation [REDACTED] [REDACTED]'s NO CHARGE	0.10		N/C
721810	02/16/23	MSW	Review and respond to Emails. (ES)	0.20	650	130.00
721816	02/20/23	MSW	Hearing prep., including review of calculations and editing of outline for hearing. Related emails.	0.40	650	260.00
722013	02/20/23	RLC	Complete draft of Hearing Outline and two MLAW Calcs for MSW.	0.80	400	320.00
721961	02/21/23	VJ	Review Mr. Crane's hearing outline. Download and save MLAW calculations for support and pregnancy. NO CHARGE	0.20		N/C
721966	02/21/23	VJ	Discussion with Mr. Crane for upcoming hearing. NO CHARGE	0.10		N/C
721977	02/21/23	VJ	Attend and assist at hearing with Mr. Willick. Calendar court's reminders and deadlines. (HRG)	1.50	175	262.50
721979	02/21/23	VJ	Request hearing video from today's hearing.	0.10	175	17.50
722205	02/21/23	MSW	Prepare for and attend hearing in Dept. U.;	2.80	650	1,820.00

			attendant follow up, emails, and instructions re: deadlines, calculations, and related items. (PREPH)			
722157	02/22/23	VJ	Review Mr. Willick's email to Ms. Mastel with updated arrears for pre-natal care and forward a copy to Olena. NO CHARGE	0.10		N/C
722175	02/22/23	VJ	Download hearing video from February 21, 2023 hearing.	0.10	175	17.50
722176	02/22/23	VJ	Request rev.com transcript from February 21, 2023 hearing. Upload videos and process request.	0.20	175	35.00
722186	02/22/23	VJ	Draft letter to Ms. Mastel with Olena's bank information and counsel in Ukraine.	0.20	175	35.00
722302	02/23/23	VJ	Download rev.com transcripts from February 21, 2023 hearing.	0.20	175	35.00
722303	02/23/23	VJ	Group transcripts together and save as PDF version.	0.10	175	17.50
722304	02/23/23	VJ	Draft cover page for Court filing of Transcripts for February 21, 2023 hearing pass to Mr. Crane.	0.10	175	17.50
722305	02/23/23	VJ	Review transcript, edit some typos. NO CHARGE	1.10		N/C
722306	02/23/23	VJ	Review Mr. Crane's email to Olena [REDACTED] [REDACTED] NO CHARGE	0.10		N/C

Summary of Services

MSW	Marshal S. Willick	3.40 hrs	@ 650.00	\$	2,210.00
RLC	Rick L. Crane	0.80 hrs	@ 400.00	\$	320.00
VJ	Victoria Javiel	1.80 hrs	@ 0.00		N/C
VJ	Victoria Javiel	2.50 hrs	@ 175.00	\$	437.50

Total Professional Services

8.50

\$ 2,967.50

Costs and Disbursements

722149	02/22/23	REV	Rev.com: transcription of hearing held on 2/21/23		84.00
<u>Total Costs and Disbursements</u>					\$ 84.00

Interest Charge

Interest Charge on past due balance of \$20,405.48	\$ 70.44
Percentage Rate: 18.00 percent	
Days in Billing Cycle: 7	

TOTAL NEW CHARGES \$ 3,121.94

PAYMENTS AND CREDITS

Total Payments and Credits		\$ 0.00
Retainer Account		
Retainer Balance Forward		\$ 0.00
02/23/23	Applied from Retainer to cost charges	0.00
New Retainer Account Balance		\$ 0.00

Please remit an additional \$7500.00 to replenish your retainer account balance

SUMMARY OF ACCOUNT

Balance Forward	\$ 25,381.00
Total New Charges	3,121.94
Payments, credits, and/or retainer used	0.00
Additional Retainer Due	\$ 7,500.00

TOTAL AMOUNT DUE	\$ 36,002.94
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Aged Balance	Current	Over 30	Over 60	Over 90	Total
Fees	6835.00	6602.50	1652.50	12139.98	27229.98
Costs	112.50	3.50	0.00	7.00	123.00
Interest	342.15	213.81	156.52	437.48	1149.96
TOTAL	7289.65	6819.81	1809.02	12584.46	28502.94

Total Hours to Date	217.50
Total Fees Case to Date	60,037.50
Total Costs Case to Date	179.00
Total Interest Case to Date	1,149.96
Total Payments Case to Date	32,863.52

INTEREST WILL BE CHARGED ON PAST DUE AMOUNTS
AT THE RATE OF 18.00 PERCENT

Email addresses: [staff member's first name]@willicklawgroup.com
Be well; stay safe.

EXHIBIT “B”

EXHIBIT “B”

EXHIBIT “B”

1 **ORDR**

2 WILICK LAW GROUP
3 MARSHAL S. WILICK, ESQ.
4 Nevada Bar No. 2515
5 3591 E. Bonanza Road, Suite 200
6 Las Vegas, NV 89110-2101
7 Phone (702) 438-4100; Fax (702) 438-5311
8 email@willicklawgroup.com
9 Attorneys for Defendant

10 **DISTRICT COURT**
11 **FAMILY DIVISION**
12 **CLARK COUNTY, NEVADA**

13 ENRIQUE SCHAEERER,

14 Plaintiff,

15 vs.

16 OLENA KARPENKO,

17 Defendant.

CASE NO: D-21-628088-D
DEPT. NO: U

DATE OF HEARING: 2/21/2023
TIME OF HEARING: 10:30 a.m.

18 **ORDER FOR ATTORNEY'S FEES AND COSTS**

19 The Honorable Dawn R. Throne, District Court Judge, issued an *Order* on the
20 above date and time, wherein Defendant, Olena Karpenko, was the prevailing party.

21 The Court, having reviewed the papers and pleadings on file herein, hereby
22 issues the following findings and orders.

23 **THE COURT HEREBY FINDS:**

- 24 1. Olena was the prevailing party on paternity issue.
- 25 2. A copy of the *Memorandum of Fees and Costs* was properly served upon
26 Plaintiff.
- 27 3. Pursuant to *Miller v. Wilfong*, 121 Nev. 619, 119 P.3d 727 (2005),
28 Attorney's *Request for Attorney's Fees and Costs* filed in this case was supported by
reference to this Court's *Orders* and by the factors outlined in *Brunzell v. Golden*
Gate National Bank, 85 Nev. 345, 455 P.2d 31 (1969), as the *Memorandum*

specifically referenced the qualities of the advocate, the character and difficulty of the work performed, the work actually performed by the WILICK LAW GROUP, and the result obtained.

4. Olena was the prevailing party for the purpose of an award of attorney's fees and costs pursuant to NRS 18.010.

THE COURT HEREBY ORDERS:

1. Based on the above findings, it is appropriate to award Olena's attorney's fees and costs in the amount \$_____. Said amount is hereby reduced to judgment and made collectible by any and all lawful means.

IT IS SO ORDERED

Respectfully Submitted By:

WILICK LAW GROUP

// s // Richard L. Crane

MARSHAL S. WILICK, ESQ.

Nevada Bar No. 2515

RICHARD L. CRANE, ESQ.

Nevada Bar No. 9536

3591 E. Bonanza Road, Suite 200

Las Vegas, Nevada 89110-2101

Attorneys for Defendant

P:\wp19\KARPENKO,O\DRAFTS\00606760.WPD\vj

EXHIBIT “7”

EXHIBIT “7”

EXHIBIT “7”



1 **RPLY**
2 RACHEAL H. MASTEL, ESQ.
3 Nevada Bar No. #11646
4 KAINEN LAW GROUP, PLLC
5 3303 Novat Street, Suite 200
6 Las Vegas, Nevada 89129
7 PH: (702) 823-4900
8 FX: (702) 823-4488
9 Service@KainenLawGroup.com
10 Attorneys for Plaintiff

7 DISTRICT COURT, FAMILY DIVISION
8 CLARK COUNTY, NEVADA

9 ENRIQUE SCHAEERER,

11 Plaintiff,

12 vs.

14 OLENA KARPENKO.

15 Defendant.

CASE NO. D-21-628088-D
DEPT. U

Date of Hearing:
Time of Hearing:

17 **PLAINTIFF'S REPLY TO DEFENDANT'S MEMORANDUM OF FEES AND COSTS**

18 COMES NOW, Plaintiff, ENRIQUE SCHAEERER, by and through his attorney,
19 RACHEAL H. MASTEL, ESQ., of the KAINEN LAW GROUP, PLLC, and opposes
20 *Defendant's Memorandum of Fees and Costs.*

21 DATED this 21 day of March, 2023.

24 KAINEN LAW GROUP, PLLC

25 By:

26 RACHEAL H. MASTEL, ESQ.
27 Nevada Bar No. 11646
28 3303 Novat Street, Suite 200
Las Vegas, Nevada 89129
Attorney for Plaintiff

KAINEN LAW GROUP, PLLC
3303 Novat Street, Suite 200
Las Vegas, Nevada 89129
702.823.4900 • Fax 702.823.4488
www.KainenLawGroup.com

I.

POINTS AND AUTHORITIES

This Court awarded Olena attorney's fees for prevailing on the paternity action between the parties. Olena seems to believe that the same was awarded because Enrique's position, that he was potentially not the father of the minor child was unreasonable. Yet, this Court even found that a valid question as to whether Enrique was the father existed, based on Olena's own statements to the Court. Further, prior to retaining Willick Law Group, Olena made overtures to Enrique to drop the paternity claim, further solidifying his belief that he was not the minor child's father. **See Exhibit "1."**

Enrique's actions were never intended to "malign" Olena, but her actions had left him with a genuine question regarding paternity, as this Court even noted.¹ Further, Enrique never forced Olena to return to the Ukraine. This issue has been litigated, and is frankly irrelevant to most of the issues here. However, the reality is Olena chose to return to Ukraine despite other immigration avenues open to her when Enrique did not agree to sign the paperwork for a spousal visa. She returned to Ukraine on April 8, 2021. The minor child was born July 28, 2021. This Court entered an Order directing Olena to appear in the United States for Paternity testing in September 2021. The current invasion of Ukraine began in February 2022. Olena had nearly five months after the Court's Order, to arrange travel to the United States for paternity testing.

This Court also noted concerns with the paternity testing occurring in Ukraine. But, rather than abide by the Court Order, Olena simply switched counsel and chose to fight to do the testing in Ukraine. Ultimately, *that* was what caused the delays in this case, not Enrique. Further, Olena addressed several other post divorce issues in this matter, including taking a *Writ*, not only on the testing protocols, but also on this Court's decision not to allow an observer from the Ukrainian Consulate at the hearings.

¹ In addition to her refusal to admit paternity in her pleadings, she failed to list Enrique on her medical records as the father, and failed to have him listed on the birth certificate. Evidence regarding the same has been previously provided to this Court.

1 That too caused delays, and increased costs. Olena's counsel also engaged in
2 communication to resolve "outstanding personal property issues," which were
3 specifically related to the parties' divorce, and *not* paternity. These charges are reflected
4 on the billing statements provided by Olena as her Exhibit "A." Certainly, the charges
5 related to the Motion to have a member of the Ukrainian Consulate attend the hearing,
6 the *Writ*, and all time related to discussing the property issues should not be counted
7 towards the amount spent on the paternity action. Further, given the number of issues set
8 forth herein, which were *not* directly related to the paternity case, the many charges
9 which simply say things such as "review and respond to emails," are insufficient to be
10 an appropriate basis for fees, given the disparate claims, not all of which are part and
11 parcel of the paternity matter. Finally, there is a charge on December 22, 2022 for Mr.
12 Crane, to research a Decree and Prenup, et al. That time charge was related to a separate
13 case which Mr. Crane and Ms. Mastel have been litigating.

14 Pursuant to the above, Enrique believes that, at a minimum, \$16,057.50 of
15 the charges billed by Willick Law Group should be discounted. Attached as **Exhibit "2"**
16 is a copy of Willick Law Group's billing statements, with those charges which cannot
17 be attributed to the paternity action, and its attendant child support issue, highlighted.

18 Given the above, the *most* which Olena could appropriately request from
19 this Court should be \$53,206.50. However, in reviewing the billing, it is apparent that
20 the delays which existed and resulted in increased litigation were Olena's. Pursuant to
21 the billing statements, Olena sought and was able to even secure a Visa appointment with
22 the US Embassy. While the appointment was ultimately canceled, there is no explanation
23 as to *why* it was cancelled, nor was the same ever disclosed. Those charges date from
24 approximately February 2, 2022 and continue for several months. There is also no
25 explanation as to why Olena did not simply take a vacation for a couple of weeks - via
26 her passport - to the United States for testing during the five month period *before* the
27 invasion.

28 ...

1 The billing statements also show that Olena was able to send samples to the
2 United States, which were held in the possession of her attorney.

3 In other words, the billing statements themselves offer proof that Olena
4 could have complied with this Court's Order to come to the United States for testing.
5 Instead of doing so, however, she filed Motions, and even a *Writ*, on the principle that
6 she shouldn't be required to test in the United States. Then, even after Enrique agreed
7 to have the testing completed in Ukraine, it took her three months to schedule and
8 complete that testing. In contrast, Olena complained that Enrique was causing delays
9 because it took him approximately one month to test, a portion of which time the US lab
10 was waiting to receive Olena and the minor child's samples. It was Olena who created
11 the question of paternity by her own actions. It was Olena who created the delays. It was
12 Olena who increased fees.

13 As for the child support issue, Olena did not specifically prevail on the
14 same. The Court ordered child support arrears far closer to what Enrique argued was
15 appropriate, *and* did not utilize either party's calculations for ongoing support. Enrique
16 timely prepared and filed his FDF, which was complicated by determining the rental
17 income and expenses, as well as the change in his income and the details of his new
18 employment contract. Enrique then made a good faith offer on child support. The parties
19 attempted to resolve the matter through correspondence and telephone calls over the
20 course of a few weeks before agreeing that they would need the Court's assistance. All
21 told, it took the parties' a little over four months to negotiate and appear before the
22 Court. Approximately one month of that time was spent collecting payment information
23 for disclosure, and preparing the financial disclosure form. The rules generally provide
24 approximately 45 days to provide that information at the outset of a case - Enrique took
25 less than 30 days to prepare his FDF, and approximately 45 days to provide the records
26 requested by Olena. The time frame was reasonable. However, that means the parties had
27 the information necessary to negotiate child support for approximately one month prior
28 to the filing of the Motion. Enrique's offer was refused, and the response did not suggest

1 that Olena would credit any sum less than what she requested as being towards child
2 support for those months. Given the disparity in how the support was calculated, and the
3 fact that the entire negotiation, from filing the FDF to the filing of the Motion
4 approximately two months later, Enrique believed it was reasonable (and less "messy")
5 to allow the Court to make the determination and then he would comply with the Court's
6 Order. Incidentally, the arrears have already been paid, and were paid within days of the
7 hearing, and Enrique is current on his child support.

8 Enrique's actions in this matter are completely justified. Olena created the
9 question of paternity; she created the delays (on principle and not from necessity); and
10 she created this conflict. There were valid differences in the way the parties calculated
11 child support. While Enrique recognizes that there was a disparity of income, and Olena
12 ultimately prevailed on the question of paternity, she should not be rewarded for causing
13 exorbitant fees by her actions. Therefore, Enrique believes that this Court should award
14 Olena no more than \$10,000 in fees, if the Court awards her anything at all.

15 CONCLUSION

16 Based on the foregoing, Plaintiff requests that this Court deny Defendant's
17 Request for fees *in toto*, or alternatively to award her a nominal sum of no more than
18 \$10,000.

19 DATED this 21 day of March, 2023.

20 KAINEN LAW GROUP, PLLC

21 By: 

22 RACHEAL H. MASTEL, ESQ.

23 Nevada Bar No. 11646

24 3303 Novat Street, Suite 200

25 Las Vegas, Nevada 89129

26 Attorney for Plaintiff

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21st day of March, 2023, I caused to be Served *Plaintiff's Reply to Defendants's Memorandum of Fees and Costs* to all interested parties as follows:

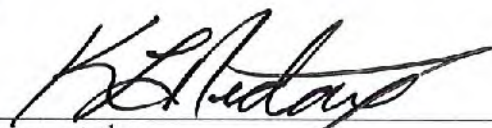
___ BY MAIL: Pursuant to NRCP 5(b), I caused a true copy thereof to be placed in the U.S. Mail, enclosed in a sealed envelope, postage fully prepaid thereon, addressed as follows:

___ BY CERTIFIED MAIL: I caused a true copy thereof to be placed in the U.S. Mail, enclosed in a sealed envelope, certified mail, return receipt requested, postage fully paid thereon, addressed as follows:

___ BY FACSIMILE: Pursuant to EDCR 7.26, I caused a true copy thereof to be transmitted, via facsimile, to the following number(s):

X BY ELECTRONIC MAIL: Pursuant to EDCR 7.26 and N.E.F.C.R. Rule 9, I caused a true copy thereof to be served via electronic mail, via Odyssey eFileNV, to the following e-mail address(es):

marshal@willicklawgroup.com
victoria@willicklawgroup.com
email@willicklawgroup.com



Employee at the
KAINEN LAW GROUP, PLLC

EXHIBIT “8”

EXHIBIT “8”

EXHIBIT “8”



1 **NOE**
2 RACHEAL H. MASTEL, ESQ.
3 Nevada Bar No. #11646
4 KAINEN LAW GROUP, PLLC
5 3303 Novat Street, Suite 200
6 Las Vegas, Nevada 89129
7 PH: (702) 823-4900
8 FX: (702) 823-4488
9 Service@KainenLawGroup.com
10 Attorneys for Plaintiff

7 DISTRICT COURT, FAMILY DIVISION
8 CLARK COUNTY, NEVADA

9 ENRIQUE SCHAERER,
10
11 Plaintiff,

12 vs.

13 OLENA KARPENKO.

14 Defendant.
15
16

CASE NO. D-21-628088-D
DEPT. U

Date of Hearing: 2/21/2023
Time of Hearing: 10:30 a.m.

17 **NOTICE OF ENTRY OF ORDER FROM FEBRUARY 21, 2023 HEARING**

18 TO: OLENA KARPENKO, Defendant; and

19 TO: MARSHAL WILLICK, ESQ., Attorney for Defendant:

20 PLEASE TAKE NOTICE that on the 31st day of March, 2023, the
21 Honorable Dawn R. Throne entered an *Order from February 21, 2023 Hearing*, a copy
22 of which is attached hereto.

23 DATED this 3 day of April, 2023.

24 KAINEN LAW GROUP, PLLC

25
26 By: 

27 RACHEAL H. MASTEL, ESQ.
28 Nevada Bar No. #11646
3303 Novat Street, Suite 200
Las Vegas, Nevada 89129
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 3RD day of April, 2023, I caused to be served the *Notice of Entry of Order from February 21, 2023 Hearing* to all interested parties as follows:

____ BY MAIL: Pursuant to NRCP 5(b), I caused a true copy thereof to be placed in the U.S. Mail, enclosed in a sealed envelope, postage fully prepaid thereon, addressed as follows:

____ BY CERTIFIED MAIL: I caused a true copy thereof to be placed in the U.S. Mail, enclosed in a sealed envelope, certified mail, return receipt requested, postage fully paid thereon, addressed as follows:


____ BY FACSIMILE: Pursuant to EDCR 7.26, I caused a true copy thereof to be transmitted, via facsimile, to the following number(s):

X BY ELECTRONIC MAIL: Pursuant to EDCR 7.26 and NEFCR Rule 9, I caused a true copy thereof to be served via electronic mail, via Wiznet, to the following e-mail address(es):

marshal@willicklawgroup.com

victoria@willicklawgroup.com

email@willicklawgroup.com


An Employee of
KAINEN LAW GROUP, PLLC

Heather S. Kainen

CLERK OF THE COURT

ORDR

RACHEAL MASTEL, ESQ.

Nevada Bar No. 11646

KAINEN LAW GROUP, PLLC

3303 Novat Street, Suite 200

Las Vegas, Nevada 89129

PH: (702) 823-4900

FX: (702) 823-4488

Service@KainenLawGroup.com

Attorney for Plaintiff

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

ENRIQUE SCHAEERER,

Plaintiff,

vs.

OLENA KARPENKO,

Defendant.

CASE NO. D-21-628088-D
DEPT. U

Date of Hearing: 2-21-2023
Time of Hearing: 10:30 a.m.

ORDER FROM FEBRUARY 21, 2023 HEARING

This matter having come before the Court via Bluejeans for a hearing on Defendant's Motion for Enforcement Of Child Support, Arrears, Reimbursed Medical Expenses And Attorney's Fees and Plaintiff's Countermotion to Enforce the Requirement For Mediation; and Plaintiff ENRIQUE SCHAEERER (hereinafter "Plaintiff") appearing via BlueJeans, and his attorney RACHEAL MASTEL, ESQ., of the KAINEN LAW GROUP, PLLC, appearing via BlueJeans, and Defendant, OLENA KARPENKO (hereinafter "Defendant") appearing via BlueJeans, and her attorneys, MARSHAL WILICK, ESQ., of WILICK LAW GROUP, appearing





1 via BlueJeans; and the Court having reviewed all of the pleadings on file herein, and
2 having entertained argument by Counsel, hereby makes the following Findings and
3 Orders:

4 **THE COURT HEREBY FINDS** there is no reason why it should not enforce
5 the Stipulation and Order entered on May 13, 2022. It is very clear that the parties
6 agreed to do private mediation regarding child custody and child support but agrees
7 with Mr. Willick that it doesn't mean it's the same mediation. In terms of the
8 mediation relating to custody, this Court has no jurisdiction over custody matters.
9 The only Court with any jurisdiction to enter any orders relating to custody of this
10 child is in Ukraine.

11 **THE COURT FURTHER FINDS** that the Court is inclined to enforce the
12 Stipulation and Order because the child custody and visitation and contact costs are
13 directly related to the Child Support. The Court can't enter a final child support
14 Order if it doesn't know how much either parent is going to be spending to facilitate
15 visitation.

16 **THE COURT FURTHER FINDS** that it can enter a temporary Order, which
17 it is inclined to do, and set a temporary child support obligation and require the
18 Defendant to participate in the private mediation. The Court believes that Plaintiff
19 is going to have to retain an attorney in the Ukraine and see if things resolve through
20 mediation.

21 **THE COURT FURTHER FINDS** on the child support issue itself, there
22 seems to be a factual dispute as to what Plaintiff's actual income is. The Court has
23 read Plaintiff's contract and understands it takes time to get the billing fees, get them
24 billed, then collected. With regard to Plaintiff's income in 2021, just like overtime,
25 the Court does not include bonuses that are one-time extraordinary, so the Court
26 finds that using the nine months before he got that, that Plaintiff's gross monthly
27 income in 2021 was \$36,239.67, plus rental income, so gross monthly income for
28



1 2021 was \$40,086.67. That means child support was \$2,483.00 per month times six,
2 totaling constructive arrears of \$14,898.00.

3 **THE COURT FURTHER FINDS** that in 2022, the Court used Plaintiff's
4 normal gross monthly income of the first nine months, which was \$23,429.75, and
5 added the rental income, results in a gross monthly income for child support
6 purposes of \$27,276.75. This results in child support for 2022 of \$1,971.00 times 12
7 months, or constructive arrears for 2022 of \$23,652.00.

8 **THE COURT FURTHER FINDS** that there remains a factual in dispute as
9 to what income the Court should be using for Plaintiff's current child support
10 obligation. Plaintiff's income has gone down because he is definitely not getting the
11 same amount of return on his billings under the new firm with the 40% contract, but
12 the Court does not have enough evidence to make a final Order now. For temporary
13 child support for purposes of 2023, the Court is going to impute that Plaintiff can
14 make \$15,000.00 per month under his 40% contract scenario, plus his rental income,
15 and for purposes of setting a temporary support obligations for 2023, will set his
16 gross income at \$18,847.00. That results in child support in the amount of
17 \$1,634.00. This amount is subject to change based upon getting more data on what
18 Plaintiff is actually making in 2023.

19 **THE COURT FURTHER FINDS** with regard to the birthing costs, Plaintiff
20 has offered to pay half of the total amount and Defendant has requested the Plaintiff
21 pay the entire amount. The statute as written is unconstitutional and the Court would
22 only make Plaintiff pay half, as there is no basis to make a father only pay the entire
23 amount when parents are equal, what if it's a case where the child has two mothers,
24 then nobody has to pay the birthing expenses? As written, it's not constitutional and
25 therefore Plaintiff should pay half of those expenses. Both parties are responsible
26 for the costs of having their child born. The birthing costs are be reduced to
27
28



1 Judgment, with interest from October 18, 2022 based on the date the DNA test
2 results were received.

3 **THE COURT FURTHER FINDS** that the \$37,000.00 in child support
4 arrears through December 31, 2022 are reduced to Judgment, and start the legal
5 interest rate today.

6 **THE COURT FURTHER FINDS** that the ongoing child support of
7 \$1,634.00 shall begin for February 2023, payable before the end of the month. It
8 really is a matter of whether the Court is going to adjust that going forward, subject
9 to getting more information regarding what Plaintiff's income really is this year, and
10 the Court can modify, January, February, March up or down, or based upon what the
11 evidence shows.

12 **THE COURT FURTHER FINDS** that Defendant is the prevailing party, so
13 she is entitled to reasonable fees and costs as to the paternity issue, not on the divorce
14 fees. The Court has received billing statements from Mr. Willick to be able to
15 calculate that amount, but will allow Mr. Willick to submit a formal Memo, if
16 Defendant wants to do that, and include this time for today.

17 **THE COURT FURTHER FINDS** that it will Order as ongoing, because his
18 income is in-flux because of the change of jobs, for Plaintiff to provide a copy of his
19 2023 W-2 and what his net rental income was for 2023, by February 15, 2024.

20 **THE COURT FURTHER FINDS** that if Plaintiff ever has visitation
21 expenses, that will be a change of circumstances, subject to modification, because
22 that is a downward adjustment that the Court can consider. The Court has no idea
23 how much that would be, both in terms of costs of actual travel between here and
24 there and how often, and all of those things. There is no way to address a downward
25 adjustment this time.

26 **THE COURT FURTHER FINDS** that on the issue of discovery and
27 Plaintiff's assets and debts, that it is not relevant, so long as Plaintiff complies with
28



1 the Court's orders regarding child support arrears, ongoing child support and
2 birthing expenses. If Plaintiff does not satisfy the arrears, and satisfy the award of
3 attorney's fees, then it becomes a Judgment-Debtor issue and then the Court would
4 believe that the Defendant and counsel are entitled to know exactly where his bank
5 accounts are, and how much are in them.

6 **THE COURT FURTHER FINDS** that as long as Plaintiff has provided the
7 tax returns showing whatever dividend income he has coming in, interest income,
8 Schedule E on rental income or if he has them in an LLC, then the K-1's for those
9 LLC's. As long as Plaintiff has produced all of the documents regarding his income
10 and sources of income, his assets and debts themselves are not really relevant, until
11 it comes to collection.

12 **THE COURT FURTHER FINDS** that the parties stipulated on the record to
13 bifurcate the due dates of the child support arrears and the prenatal and delivery costs
14 from the attorney's fees.

15 **THE COURT FURTHER FINDS** that it will be \$37,000.00 for child
16 support arrears through December 31, 2022, which gives the Plaintiff credit for the
17 \$1500.00, which all parties agree that he has already paid, that will bear interest from
18 October 18, 2022, until paid in full.

19 **THE COURT FURTHER FINDS** that Defendant will have until March 7,
20 2023 to file their Memorandum of Fees and Costs with supporting documents, and
21 March 21, 2023 for Plaintiff's response to the Memorandum of Fees and Costs. The
22 Court will schedule a Chambers Hearing for March 22, 2023.

23 **THE COURT FURTHER FINDS** to be clear, the 2023 support for January,
24 February and going forward, the Court is setting a temporary support of \$1,634.00.

25 **THE COURT FURTHER FINDS** that the child support would be due at the
26 end of the month. Plaintiff can pay partial payments twice per month if he wants.
27
28



1 **THE COURT FURTHER FINDS** that it will set a status check for July 18,
2 2023, at 11:00 a.m. regarding Plaintiff's income, temporary child support and
3 outcome of mediation.

4 **NOW THEREFORE,**

5 **IT IS HEREBY ORDERED** that Defendant is awarded from Plaintiff,
6 \$38,500.00 in constructive child support arrears for 6 months in 2021 and all through
7 December 31, 2022, less \$1,500.00, which Plaintiff has already paid to Defendant,
8 making the amount of constructive child support arrears \$37,000.00, with legal
9 interest dating back from October 18, 2022, this amount is reduced to Judgment
10 collectible by all legal means.

11 **IT IS FURTHER ORDERED** that Plaintiff shall pay to the Defendant,
12 temporary child support in the amount of \$1,634.00 per month, commencing the end
13 of February 2023 and every month thereafter, said amount is set without prejudice
14 and is retroactively modifiable, subject to change based upon getting more data on
15 what Plaintiff is making in 2023. Plaintiff may pay the child support amount in two
16 installments if he chooses, with the total paid by the end of each month.

17 **IT IS FURTHER ORDERED** that the parties are put on notice of the
18 following statutory notices:

19 NOTICE IS HEREBY GIVEN that the parent having the
20 child support obligation is subject to NAC 425.025 and NRS
21 31A.010 through 31A.350, inclusive, regarding the
22 immediate withholding or assignment of wages, commissions
23 or bonuses for payment of child support, whether current or
24 delinquent.

25 ...

26 ...

27 ...

28



1 NOTICE IS HEREBY GIVEN that pursuant to NRS
2 125B.145 and NAC 425.170, either party may request that the
3 Court review the child support obligation every three years or
4 upon changed circumstances.

5 NOTICE IS HEREBY GIVEN that pursuant to NAC 425.165
6 and NRS425.620, if the order pertains to more than one child
7 and does not allocate a specific amount of the total child
8 support obligation to each child, and if you want to adjust the
9 amount of child support established in this order, you MUST
10 file a motion to modify the order with or submit a stipulation
11 to the court. If a motion to modify the order is not filed or a
12 stipulation is not submitted, the child support obligation
13 established in this order will continue until such time as all
14 children who are the subject of this order reach 18 years of
15 age or, if the youngest child who is subject to this order is still
16 in high school when he or she reaches 18 years of age, when
17 the child graduates from high school or reaches 19 years of
18 age, whichever comes first. Unless the parties agree otherwise
19 in a stipulation, any modification made pursuant to a motion
20 to modify the order will be effective as of the date the motion
21 was filed.

22 **IT IS FURTHER ORDERED** that Plaintiff is to provide a copy of his 2023
23 W-2 and what his net rental income was for 2023 by February 15, 2024.

24 **IT IS FURTHER ORDERED** that Defendant is the prevailing party and is
25 entitled to reasonable fees and costs as to the paternity issue, not divorce fees and
26 costs.



1 **IT IS FURTHER ORDERED** that Plaintiff's assets and debts are not
2 relevant, so long as Plaintiff can satisfy the arrears and attorney's fees quickly to
3 avoid it becoming a Judgment-Debtor issue. There is to be no additional discovery
4 as to Plaintiff's assets and debts at this time.

5 **IT IS FURTHER ORDERED** that Plaintiff is to produce documents
6 regarding his income and sources of income for 2023 as referenced earlier in this
7 Order.

8 **IT IS FURTHER ORDERED** that Plaintiff shall pay half of the birthing
9 expenses, together with legal interest dating back from October 18, 2022, this
10 amount is reduced to Judgment collectible by all legal means.

11 **IT IS FURTHER ORDERED** that Defendant has until March 7, 2023 to file
12 her Memorandum of Fees and Costs together with supporting documents. Plaintiff's
13 response to Defendant's Memorandum of Fees and Costs is due March 21, 2023.
14 The Court is scheduling a Chamber's hearing for March 22, 2023, on its decision on
15 Defendant's attorney's fees and costs.

16 **IT IS FURTHER ORDERED** that the Court is enforcing the Stipulation and
17 Order regarding mediation as it is written.

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IT IS FURTHER ORDERED that a status check is set for July 18, 2023, at 11:00 a.m. on the outcome of mediation, Plaintiff's income and child support.

IT IS FURTHER ORDERED that Ms. Mastel prepare the Order for today.
Dated this 31st day of March, 2023


MLQ

128 AF4 8B9F 572B
Dawn R. Throne
District Court Judge

Respectfully submitted by:

KAINEN LAW GROUP, PLLC

Approved as to form and content:

WILICK LAW GROUP



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Las Vegas, Nevada 89129
Attorneys for Plaintiff

/s/ Richard Crane, Esq.

MARSHAL WILICK, ESQ.
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Attorney for Defendant

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Kolin L. Niday

From: Richard Crane <richard@willicklawgroup.com>
Sent: Wednesday, March 29, 2023 3:32 PM
To: Racheal Mastel
Cc: Marshal Willick; Victoria Javiel; Kolin L. Niday
Subject: RE: Schaerer

Racheal,

Please esign the Order with my name. Bar no. 9536.

On the attorney's fees, I think we need to wait for an actual Order to be entered rather than acting on the minute Order. Are you drafting that Order? Let me know.

BR



Rick Crane, Esq.
Willick Law Group
A Domestic Relations & Family Law Firm
3591 East Bonanza Road, Suite 200
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Phone: (702) 438-4100, ext. 115
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[View Our Newsletters](#)



1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 Enrique Schaerer, Plaintiff

CASE NO: D-21-628088-D

7 vs.

DEPT. NO. Department U

8 Olena Karpenko, Defendant.
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 3/31/2023

15 Racheal Mastel

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16 Katherine Provost

katherine@kainenlawgroup.com

17 Service KLG

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18 Marshal Willick

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19 Reception Reception

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20 Victoria Javiel

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21 Kolin Niday

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22 Richard Crane

richard@willicklawgroup.com

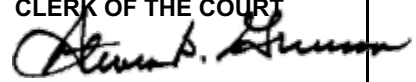
23 Dana Taylor

dana@kainenlawgroup.com
24
25
26
27
28

EXHIBIT “9”

EXHIBIT “9”

EXHIBIT “9”



1 **NEOJ**
2 **WILICK LAW GROUP**
3 **MARSHAL S. WILICK, ESQ.**
4 Nevada Bar No. 2515
5 3591 E. Bonanza Road, Suite 200
6 Las Vegas, NV 89110-2101
7 Phone (702) 438-4100; Fax (702) 438-5311
8 email@willicklawgroup.com
9 Attorneys for Defendant

10
11
12
13 **DISTRICT COURT**
14 **FAMILY DIVISION**
15 **CLARK COUNTY, NEVADA**

16 **ENRIQUE SCHAEERER,**
17
18 **Plaintiff,**
19
20 **vs.**
21
22 **OLENA KARPENKO,**
23
24 **Defendant.**

CASE NO: D-21-628088-D
DEPT. NO: U

DATE OF HEARING: N/A
TIME OF HEARING: N/A

25
26
27
28 **NOTICE OF ENTRY OF ORDER**

TO: ENRIQUE SCHAEERER, Plaintiff.

TO: RACHEAL H. MASTEL, ESQ. Attorney for Plaintiff.

PLEASE TAKE NOTICE that the *Order and Judgment for Attorney's Fees and Costs*, was duly entered in the above action on the 17th day of April, 2023, a true and

1 correct copy of which is attached.

2 DATED this 17th day of April, 2023

3 WILICK LAW GROUP

4 *// s // Richard L. Crane*

5

MARSHAL S. WILICK, ESQ.
6 Nevada Bar No. 2515
7 RICHARD L. CRANE, ESQ.
8 Nevada Bar No. 9536
9 3591 E. Bonanza Road, Suite 200
10 Las Vegas, NV 89110-2101
11 (702) 438-4100
12 Attorney for Defendant
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the WILICK LAW GROUP and that on this 17TH day of April, 2023, I caused the above and foregoing entitled document *Notice of Entry of Order*, to be served as follows:

- [x] Pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned "In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court," by mandatory electronic service through the Eighth Judicial District Court's electronic filing system.
- [] By placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada.
- [] Pursuant to EDCR 7.26, to be sent via facsimile, by duly executed consent for service by electronic means.
- [] By hand delivery with signed Affidavit of Service.

To the address, email address, and/or facsimile number indicated below:

Racheal H. Mastel, Esq.
Kainen Law Group
3303 Novat Street Ste. 200
Las Vegas, Nevada 89129
service@kainenlawgroup.com
racheal@kainenlawgroup.com
Attorney for Plaintiff

/s/ Victoria Javiel
An Employee of the WILICK LAW GROUP

P:\wp19\KARPENKO,O\DRAFTS\00614023.WPD\VJ

Heather S. Linn
CLERK OF THE COURT

ORDR

WILICK LAW GROUP
MARSHAL S. WILICK, ESQ.
Nevada Bar No. 2515
3591 E. Bonanza Road, Suite 200
Las Vegas, NV 89110-2101
Phone (702) 438-4100; Fax (702) 438-5311
email@willicklawgroup.com
Attorneys for Defendant

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

ENRIQUE SCHAEERER,
Plaintiff,

vs.

OLENA KARPENKO,
Defendant.

CASE NO: D-21-628088-D
DEPT. NO: U

DATE OF HEARING: 3/23/2023
TIME OF HEARING: 3:00 p.m.

ORDER AND JUDGMENT FOR ATTORNEY'S FEES AND COSTS

The Honorable Dawn R. Throne, District Court Judge, issued a *Minute Order* on March 23, 2023.

This matter came on for a hearing on February 21, 2023, *Defendant's Motion for Enforcement of Child Support, Arrears, Reimbursed Medical Expenses, and Attorney's Fees; and Plaintiff's Opposition to Motion for Enforcement of Child Support, Arrears, Reimbursed Medical Expenses and Attorney's Fees*. At that hearing, Defendant's counsel was given until March 7, 2023, to file a *Memorandum of Fees and Costs*, and Plaintiff's counsel until March 21, 2023, to oppose.

On March 2, 2023, Defendant filed her *Memorandum of Fees and Costs*. On March 21, 2023, Plaintiff filed his *Reply to Defendant's Memorandum of Fees and Costs*.

1 The Court, having reviewed the papers and pleadings on file herein, hereby
2 issues the following findings and orders.

3
4 **THE COURT HEREBY FINDS:**

5 1. That when awarding attorney's fees in a family law case, the Court must
6 first determine that an applicable rule or statute authorizes the award of attorney's
7 fees and costs. In this case, the award of reasonable attorney's fees and costs to
8 Defendant is warranted pursuant to NRS 18.0010(2) solely as the prevailing party on
9 the issue of paternity. However, Defendant is not entitled to have Plaintiff pay for the
10 extraordinary fees and costs she incurred as a result of her own litigation choices.

11 2. **THE COURT FURTHER FINDS** that Plaintiff is not responsible for
12 the fees and costs associated with Defendant's unilateral choices, including, but not
13 limited to, her choice to leave the United States on a whim and return to Ukraine.
14 This then caused both parties significant fees and costs dealing with the logistical
15 issues involved in obtaining reliable DNA testing from parties in separate countries.
16 Defendant's choice to make Plaintiff question paternity with her communications to
17 him directly and her *Answer* to his *Complaint* on that issue, her choice not to comply
18 with the Court's initial order requiring her and the child to travel to the United States,
19 at Plaintiff's sole expense, in order to complete legally defensible DNA testing, her
20 choice to incur fees and costs to fight to have representative from the Ukraine
21 Consulate observe hearings, her choice to attempt to set aside the *Decree of Divorce*
22 and her choice to file a *Petition for Writ of Mandamus or Prohibition* with the
23 Nevada Supreme Court.

24 3. **THE COURT FURTHER FINDS** that Plaintiff is also not responsible
25 for the fees and costs incurred by Defendant to litigate the proper calculation of child
26 support arrears and Plaintiff's current gross monthly income because both parties
27 presented reasonable legal and factual arguments on these issues that required
28 resolution by the Court and neither party can be considered the prevailing party on

1 these issues. Due to changes in Plaintiff's employment, there is a legitimate dispute
2 regarding what his gross monthly income will be for 2023 for child support purposes.

3 4. Next, when awarding fees, the Court must consider the *Brunzell factors*
4 AND must consider the disparity in the parties' income pursuant to *Wright v. Osburn*,
5 114 Nev. 1367, 970 P.3d 1071 (1998). See also, *Miller. Wilfong*, 121 Nev. 619, 622,
6 119 P.3d 727, 729 (2005).

7 5. With regard to the *Brunzell factors*, the Court **FINDS** as follows:

8 6. Qualities of the Advocate: Marshal S. Willick, Esq., and Richard L.
9 Crane, Esq., are the attorneys primarily responsible for litigating this case. They both
10 have practiced exclusively in the field of family law and have substantial experience
11 dealing with complex family law cases. The rate counsel charged Defendant in this
12 case is consistent with rates charged by Family law attorneys in Clark County,
13 Nevada with their level of experience and expertise.

14 7. Character of the Work to Be Done: This case was more complex than the
15 average paternity and child support matter due to the parties residing in different
16 countries and the involved jurisdictional issues. Counsel has reviewed the applicable
17 law, explored the relevant facts. Child support and arrearages are not that complex
18 for a very experienced family law attorney.

19 8. Work Actually Performed by the Attorney: The work completed by
20 counsel in this case included preparing an *Opposition and Countermotion to*
21 *Plaintiff's Motion for Summary Judgment*, preparing a *Motion and Reply to Plaintiff's*
22 *Opposition Regarding Child Support Arrears* and ongoing child support, preparing
23 exhibit appendices, representing Defendant at three hearings, and preparing the
24 *Memorandum of Fees and Costs*.

25 9. Result obtained: Counsel was able to successfully assist Defendant in
26 obtaining an *Order* for paternity testing.

27 10. With regard to the disparity of the income of the parties and how it
28 impacts the award of attorney's fees and costs to Defendant, Defendant filed her latest

1 *General Financial Disclosure Form* (FDF) on January 13, 2023, listing a gross
2 monthly income (GMI) of \$1,170. However, she lives in Ukraine and her monthly
3 living expenses for her and the minor child are only \$1,215. At the hearing on
4 February 21, 2023, this court found that Plaintiff's GMI for 2023 is set at \$18,847.
5 The Court therefore *finds* that Plaintiff earns more than sixteen times what Defendant
6 earns. Therefore, the *disparity in income* favors Defendant, who is receiving the
7 award of attorney's fees and costs, and Plaintiff has the ability to pay the reasonable
8 attorney's fees and costs that Defendant incurred in establishing paternity.

9
10 **THE COURT HEREBY ORDERS:**

11 1. Based on the above findings, it is hereby ordered that Plaintiff, Enrique
12 Schaerer, is ordered to pay Defendant, Olena Karpenko, the amount of \$13,706.50 for
13 attorney's fees and costs.

14 2. **IT IS FURTHER ORDERED** that Plaintiff shall have 30 days from
15 March 23, 2023, to pay this amount in full to Defendant or said award is reduced to
16 judgment against Plaintiff and shall accrue interest at the legal interest rate from
17 March 23, 2023, until paid in full. Said judgment shall be collectible by all lawful
18 means.

19 3. **IT IS FURTHER ORDERED** that the hearing set on Chamber's
20 Calendar for March 22, 2023, shall be vacated.

21 *****

22 *****

23 *****

24 *****

25 *****

26 *****

1 4. A copy of the court minutes shall be provided to both parties. Counsel
2 for Defendant is ordered to prepare an *Order and Judgment with Findings* consistent
3 with this *Minute Order*.

4 **IT IS SO ORDERED**

Dated this 17th day of April, 2023



JVH

582 0D4 B61E CD42
Dawn R. Throne
District Court Judge

10 Respectfully Submitted By:

11 WILICK LAW GROUP

12 /s/ *Richard L. Crane, Esq.*

13 MARSHAL S. WILICK, ESQ.
14 Nevada Bar No. 2515
15 RICHARD L. CRANE, ESQ.
16 Nevada Bar No. 9536
17 3591 E. Bonanza Road, Suite 200
18 Las Vegas, Nevada 89110-2101
19 Attorneys for Defendant

Approved to Form and Content By:

KAINEN LAW GROUP, PLLC



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27 P:\wp19\KARPENKO, O\ DRAFTS\00611703.WPD\vj

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Enrique Schaerer, Plaintiff

CASE NO: D-21-628088-D

7 vs.

DEPT. NO. Department U

8 Olena Karpenko, Defendant.
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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12 Court. The foregoing Order was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 4/17/2023

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