

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

JESUS AREVALO,

Petitioner

v.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF CLARK
AND THE HONORABLE JUDGE
HOSKIN,

Respondents,

and

CATHERINE DELAO,

Real Party in Interest.

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86607-COA
Elizabeth A. Brown
D.C. No. Clerk of Supreme Court

REAL PARTY IN INTERESTS' APPENDIX

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Petitioner in Proper Person:

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N. Las Vegas, Nevada 89084
(702) 813-1829

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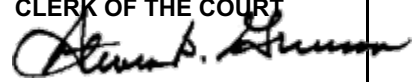
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Attorney for Defendant

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

JESUS LUIS AREVALO,
Plaintiff,

vs.

CATHERINE AREVALO,
N/K/A CATHERINE DELAO,
Defendant.

CASE NO: D-11-448514-D
DEPT. NO: E

DATE OF HEARING: 2/7/2023
TIME OF HEARING: 9:00 A.M.

**REPLY TO “PLAINTIFF’S OPPOSITION TO DEFENDANT’S
MOTION FOR INCARCERATION”**

I. INTRODUCTION

Jesus’ Opposition cites to relevant case law and statute interpretations by the Nevada Courts, but fails to meaningfully apply those to the facts of this case.

He misstates the basis of contempt for which he was found on February 7, consistently (and falsely) calling it criminal in nature. He also misstates facts as this Court opened the door for further contempt proceedings as long as counsel was appointed.

The *Reply* follows.

II. FACTS

We filed the instant *Motion* on February 17, 2023.

Counsel was appointed on February 28, 2023. This is especially relevant as any filings in this case thereafter are to be accomplished by counsel and not by Jesus in proper person. This makes the *Opposition* Jesus filed as fugitive in its entirety.¹

However, if the Court is inclined to allow the *Opposition* to stand, this *Reply* is being filed to respond to it.

III. REPLY

A. Ghost Lawyering of *Opposition*

Jesus is obviously having someone assist him with the writing of his filings. Based on previous filings, it is clear that these papers were not drafted by Jesus.

The State Bar of Nevada Standing Committee on Ethics and Professional Responsibility issued Formal Opinion No. 34 on December 16, 2006, and revised the same on June 24, 2009. In that Opinion, the committee held that:

1. “Ghost-lawyering” occurs when a member of the bar gives substantial legal assistance, by drafting or otherwise, to a party ostensibly appearing pro se, with the lawyer’s actual or constructive knowledge that the legal assistance will not be disclosed to the court.

2. “Ghost-lawyering” is unethical unless the “ghost-lawyer’s” assistance and identity are disclosed to the court by the signature of the “ghost-lawyer” under Rule 11 upon every paper filed with the court for which the “ghost-lawyer” gave “substantial assistance” to the pro se litigant by drafting or otherwise.

The Opinion goes on to establish requirements for an attorney that suspects that a pro se litigant is being assisted with filed documents. Specifically:

3. An appearing attorney’s remedy upon the suspicion or discovery that a party ostensibly appearing pro se is aided by a “ghost-lawyer”, is to move the court to exercise its discretion: (A) to require the pro se litigant to disclose whether the litigant is being assisted by a “ghost-lawyer”; (B) if so, to require the pro se litigant to disclose the identity of the “ghost-lawyer”; and (C) to require the “ghost-lawyer” to appear and sign all pleadings, motions and briefs in which the “ghost-lawyer” assisted.

¹ See, e.g., *Eby v. Johnston Law Office*, 138 Nev. ___, ___ P.3d (COA Adv. Opn No. 63, Sep 8, 2022).

1 4. An appearing attorney's obligation, when dealing with an ostensibly pro se
2 litigant assisted by a "ghost-lawyer", is to consider the pro se litigant
3 "unrepresented" for purposes of the Rules of Professional Conduct. That has
4 at least two consequences: (1) the appearing attorney's communication with
the pro se litigant is not an ex parte communication prohibited by Rule 4.2; and
(2) the communicating attorney must comply with Rule 4.3 governing
communications with "unrepresented" persons.

5 As such, we ask the Court to *Order* Jesus to disclose who is assisting him in
6 the writing of the papers he files in this Court.

7
8 **B. The Request for Incarceration Was Not Denied**

9 Jesus argues that NRCP 12(d) forbids serial motions on the same subject matter
10 once the Court denied the same. We would generally agree. However, that is not
11 what happened here.

12 We requested that Jesus be incarcerated following the last hearing. The Court
13 held that he could not be incarcerated without him being appointed an attorney. We
14 asked the Court for leave to file case law that showed that civil contempt
15 incarceration without the appointment of counsel was appropriate. That additional
16 case law was filed, but the Court determined that it was discretionary and required the
17 appointment of counsel before any incarceration would be considered. We therefore
18 requested appointment of counsel, which has occurred.

19 In other words, now that counsel has been appointed, the case can be heard on
20 our request for relief via incarceration.

21
22 **C. This Is Not Criminal Contempt**

23 Jesus was not found to be in criminal contempt of Court. This is a civil
24 contempt proceeding, to coerce compliance with prior orders.

1 Jesus cites to the *Rodriguez* case for the definitions of civil and criminal
2 contempt.² This is the proper case and the definitions are correct. However, he does
3 not apply the facts of his case to these definitions.

4 Neither the Court or Catherine is seeking to simply “punish” Jesus. Instead,
5 both are seeking to coerce his compliance with the Court’s *Orders*. If he complies,
6 then he will have purged the contempt. This is the definition of civil contempt.

7 Jesus confuses the *Order to Show Cause* with the *Order of Contempt*. There
8 is no need to have a purge clause in an *Order to Show Cause*. The requested relief
9 in Catherine’s *Motion* included our requested purge clause. Jesus even stated the
10 purge clause in his *Opposition*. At the bottom of page 3 and the top of page 4, Jesus
11 states:

12 During the hearing, Catherine's counsel argued that "Plaintiff interrupted the
13 benefits by not filling out an annual report to continue receiving benefits as he
14 was required to do. Mr. Crane further argued Plaintiff could not receive
15 benefits due to his new employment, although he could disclose the
16 employment to PERS through the referenced annual form" and "requested that
17 Plaintiff be held in contempt and or \$500.00 to be assessed for each of
18 Plaintiffs missed payments. Mr. Crane also requested 25 days of incarceration
19 for each missed payment for a total of 125 days. Mr. Crane further requested
20 for the purge amount to be set at \$2,500.00 plus the total amount of missed
21 payments. Upon inquiry of the Court, Mr. Crane maintained that the Court
22 could incarcerate Plaintiff on civil contempt without appointing Plaintiff an
23 attorney. Mr. Crane stated he could provide citations to the Court.

24 This was the purge clause we requested. The Court ordered only \$100 per
25 missed payment and reduced the payments missed to judgment. This is his purge
26 clause.

27 Of course, Jesus has not paid any of those sanctions and instead, has missed at
28 least one additional payment meaning he continues to show total contempt for this
Court’s *Orders* yet again.

² *Rodriguez v. Eighth Judicial Dist. Court ex rel. County of Clark*, 120 Nev. 798, 804-05, 102 P.3d 41, 45-46 (2004).

1 **IV. CONCLUSION**

2 Jesus' *Opposition* is again without legal or factual support as well as being a
3 fugitive document. It is clear that he is not writing these papers and should be
4 required to disclose who is writing them on his behalf.

5 The Court has already appointed counsel and the hearing for his possible
6 incarceration has been set.

7 The Court should proceed with the hearing, and if Jesus has not purged the
8 contempt, he should be incarcerated for 25 days for each missed payment of the PERS
9 Pension.

10 **DATED** this 7th day of March, 2023.

11 Respectfully Submitted By:
12 WILLICK LAW GROUP

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

DECLARATION OF ATTORNEY

1. I, Richard L. Crane, Esq., am one of the attorney's representing Catherine Delao, declare that I am competent to testify to the facts contained in the preceding filing.
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.
3. The factual averments contained in the preceding filing are incorporated herein as if set forth in full.

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.

EXECUTED this 7th day of March, 2023.

//s// Richard L. Crane
RICHARD L. CRANE, ESQ.

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the WILICK LAW GROUP and that on this 7th 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:

Christopher R. Tilman, Esq.
1211 S. Maryland Pkwy.
Las Vegas, Nevada 89104
Attorney for Plaintiff

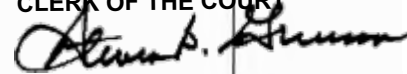
//s// Justin K. Johnson

An Employee of the WILICK LAW GROUP

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1 **MRCN**
2 **JESUS LUIS AREVALO**
3 4322 Galapagos Ave.,
4 North Las Vegas, Nevada 89084
5 (702) 813-1829
6 *Plaintiff in Proper Person*

7 **DISTRICT COURT**
8 **FAMILY DIVISION**
9 **CLARK COUNTY, NEVADA**

10 **JESUS LUIS AREVALO**
11 Plaintiff,
12 vs.
13 **CATHERINE AREVALO,**
14 Defendant.

CASE NO: D-11-448514-D

DEPT. NO: E

DATE OF HEARING:
TIME OF HEARING:

ORAL HEARING REQUESTED

16
17
18 **PLAINTIFF'S MOTION TO RECONSIDER ORDER FINDING HIM IN**
19 **CONTEMPT**

20 Plaintiff, Jesus Luis Arevalo, appearing In Proper Person, respectfully
21 submits this Motion for Reconsideration of the Order After the February 7, 2023,
22 hearing filed on February 22, 2023 and entered on March 7, 2023, in accordance
23 with NRCP 59, NRCP 56, EDCR 2.24 and EDCR 5.513.

24
25 The order is clearly erroneous because of clear mistakes of law and
26 fact and because it violates Jesus' due process rights. This motion is based on the
27
28

1 Points and Authorities below, the pleadings and papers filed, and any oral
2 argument this Court allows.

3
4 RESPECTFULLY SUBMITTED this 16th day of March, 2023.

5
6 /s/ Jesus Luis Arevalo

7 Jesus Luis Arevalo

8 *Plaintiff in Proper Person*

9
10 **POINTS AND AUTHORITIES**

11 **I. RELEVANT FACTS**

12
13 Catherine has done an excellent job confusing the key issues and
14 evidence and at times, misrepresenting the facts—so much so that the Court found
15 Jesus in contempt. Catherine filed her Motion for an Order to Show Cause on
16 November 4, 2022, requesting that “Jesus should be held in Contempt of Court for
17 failure to abide by the Court’s July 27, 2022 Amended Qualified Domestic
18 Relations Order¹,” which is directed to the Nevada PERS administrator. Catherine
19 alleged that Jesus was in violation of the following provision:
20
21
22

23
24 IT IS FURTHER ORDERED that if Jesus takes any steps to merge the
25 retirement divided herein with another retirement program of any kind, or
26 takes any action that prevents, decreases, or limits the collection by
27 Catherine of the sums to be paid hereunder; Jesus shall make payments to
28 Catherine directly in an amount sufficient to neutralize, as to Catherine, the

¹ See p. 5 at 15-22 of Defendant’s Motion for OSC filed on November 4, 2022.

1 effects of the action taken by Jesus. (*See* Qualified Domestic Relations
2 Order, page 5 lines 11 through 16)

3
4 Specifically, Catherine argued that “the Court can hold Jesus in contempt of
5 court for his allowing the PERS pension benefits to be suspended and for not
6 making the payments to Catherine “in an amount sufficient to neutralize, as to
7 Catherine, the effects of the action taken by Jesus.” (See p.7 of Defendant’s
8 Motion for OSC filed on November 4, 2022)
9
10

11 The court issued an Order to Show Cause on November 18, 2022. Jesus filed
12 his opposition on November 19, 2022, arguing, among other things, that the order
13 is not clear and that it was impossible for him to comply with it because he did not
14 have sufficient income and because he was forced to seek employment to support
15 his family and could not wait for 3 month, the amount of time that it requires PERS
16 to approve his employment in order for Jesus to keep his PERS benefits.
17
18
19

20 On February 7, 2023, the court held the Order to Show Cause hearing, and
21 found Jesus in contempt which was criminal in nature. Specifically, the Court
22 made the following findings and orders:
23
24

- 25 1. Jesus is in violation of the July 27, 2022, Amended Qualified
26 Domestic Relations Order, specifically, Page 5, Lines 11 through 16.
- 27 2. Jesus’ violation was willful.
- 28

1 3. Jesus is in contempt of Court.

2 THE COURT HEREBY ORDERS:

3 4. Jesus shall be sanctioned \$100 for each missed payment of his
4 retirement benefits to Cat.

5 5. Jesus' missed payments of retirement benefits to date shall hereby
6 be reduced to judgment. This amount shall be collectible by all legal
7 means bearing the legal rate of interest until paid in full.

8 6. The WILLICK LAW GROUP may file a supplement regarding the
9 case law surrounding the Court's capability to incarcerate a party
10 without the appointment of counsel.

11 Despite there being no purge clause in the Order to Show cause and Jesus
12 not waiving his right to counsel, the Court did not appoint counsel and proceeded
13 with the criminal contempt hearing. (See the Order from the February 7, 2023,
14 hearing.)

15
16 Later the same day, *after the hearing*, Catherine's counsel filed the
17 supplemental brief arguing that in *Lewis*, the Court held that appointment of
18 counsel even for an indigent litigant is discretionary in a *civil* contempt case where
19 incarceration is sought, so long as a purge clause is included.
20
21

22 II. ARGUMENT

23
24
25 Courts have the inherent authority to reconsider prior orders. *See* NRCP 56;
26 EDCR 2.24; *Masonry & Tile Contractors v. Jolley, Urga & Wirth*, 113 Nev. 737,
27 741, 941 P.2d 486, 489 (1997) ("[A] district court may reconsider a previously
28 decided issue if substantially different evidence is subsequently introduced or the

1 decision is clearly erroneous.”). Reconsideration is appropriate “to correct a clear
2 error of law or fact or to prevent manifest injustice.” *Max’s Seafood Cafe ex rel.*
3 *Lou-Ann, Inc. v. Quinteros*, 176 F.3d 669, 677 (3d Cir. 1999) (citation omitted); *In*
4 *re Ross*, 99 Nev. 657, 659, 668 P.2d 1089, 1091 (1983) (a petition for rehearing
5 may be sought when a controlling matter was either overlooked or misapprehended
6 by the court); *Schoon v. Troy Corp.*, 2006 Del. Ch. LEXIS 136, at *1 (Del. Ch.
7 July 24, 2006) (A court may grant reargument or reconsideration when the court
8 “overlooked or misapprehended the factual or the legal principles governing the
9 disposition of the motion.” The standard is flexible, allowing the court to grant a
10 motion for reargument or reconsideration if the “court has overlooked a decision or
11 principle of law that would have a controlling effect or the court has
12 misapprehended the law or the facts so that the outcome of the decision would be
13 affected.”).

14 The Order was clearly erroneous because it ignores the law, contains
15 findings that have no evidentiary support, and violates Jesus’ due process rights.
16 Accordingly, Jesus moves for reconsideration.
17

18 **A. The order finding Jesus in contempt was clearly erroneous because**
19 **it found Jesus in contempt of an unclear, ambiguous order.**

20 Jesus requests reconsideration of the Court's decision finding him in
21 contempt for allegedly violating the following order:
22

23 IT IS FURTHER ORDERED that if Jesus takes any steps to merge the
24 retirement divided herein with another retirement program of any kind, or
25 takes any action that prevents, decreases, or limits the collection by
26 Catherine of the sums to be paid hereunder; Jesus shall make payments to
27 Catherine directly in an amount sufficient to neutralize, as to Catherine, the
28 effects of the action taken by Jesus.

1 The Court's decision is clearly erroneous and merits reconsideration
2 because the order at issue is unclear and ambiguous, which is contrary to
3 established Nevada case law. In *McCormick v. District Court*, 106 Nev. 977, 979,
4 803 P.2d 1107, 1109 (1990). In *McCormick*, the Court held that:

5 An order must be clear and unambiguous for a contempt finding to lie. The
6 trial court must specify the act to be performed or the prohibition to be obeyed
7 with reasonable certainty so that the person against whom the order is directed
8 may know what the court requires him to do or abstain from doing.

9 In the present case, the order fails to meet this standard for the following
10 reasons:

- 11 1. Undefined terms: The order uses terms like "steps" and "action" without
12 providing clear definitions or examples of what constitutes these actions.
13 This lack of specificity has led to confusion and disagreement about what
14 actions would trigger the order's provisions.
- 15 2. Ambiguous language: The phrase "amount sufficient to neutralize, as to
16 Catherine, the effects of the action taken by Jesus" is open to interpretation.
17 It does not provide a clear formula or method for calculating the amount
18 that Jesus would be required to pay Catherine, leaving room for
19 disagreement and uncertainty.
- 20 3. Potential for subjective interpretation: The order's language allows for
21 subjective interpretations of what might "prevent, decrease, or limit"
22 Catherine's ability to collect the sums. This vagueness has led to disputes
23 and made it difficult to determine whether Jesus has violated the order.

24 Given the order's lack of clarity and the well-established legal principle that
25 an order must be clear and unambiguous for a contempt finding, and a complete
26 absence of factual findings by the court, the Court should reconsider its decision
27 to find Jesus in contempt.
28

1
2 **B. The order finding Jesus in contempt was clearly erroneous because**
3 **it found Jesus in contempt despite the fact that Catherine failed to**
4 **meet her burden of proof**

5 The Court should reconsider its contempt order on the grounds that is
6 clearly erroneous because Catherine failed to meet her burden of demonstrating
7 that Jesus had the ability to comply with the order and that the violation of the
8 order was willful, as required by Nevada case law. Moreover, the contempt order
9 lacks specific factual findings detailing how Jesus violated the order, which
10 further undermines its validity.

11 In *Rodriguez v. District Court*, 120 Nev. 789, 102 P.3d 41 (2004), the
12 Nevada Supreme Court held that "the moving party carries the burden of
13 demonstrating the other party had the ability to comply with the order, and the
14 violation of the order was willful." This principle places the burden on Catherine
15 to prove both Jesus's ability to comply with the order and the willful nature of his
16 alleged violation.

17 In the present case, the Court's contempt order does not include any specific
18 factual findings that demonstrate Jesus had the ability to comply with the order or
19 that his alleged violation was willful. The absence of such factual findings not
20 only contravenes the *Rodriguez* holding but also deprives Jesus of his due process
21 rights, as he cannot effectively defend himself or seek appropriate relief without a
22 clear understanding of the actions that led to the contempt finding.

23 In light of the Nevada Supreme Court's holdings in *Rodriguez*, and the due
24 process concerns at stake the Court should reconsider its decision to find Jesus in
25 contempt.

26 **C. The Contempt Order Must Be Reconsidered**
27
28

1 The contempt order against Jesus must be reconsidered, as it is based on an
2 clearly erroneous interpretation of the law, unsupported findings, and a violation
3 of Jesus' due process rights.

4 Catherine argued that Jesus can be held in contempt of court for allowing
5 the PERS pension benefits to be suspended and for not making payments to
6 Catherine "in an amount sufficient to neutralize, as to Catherine, the effects of the
7 action taken by Jesus." However, the law and facts of the case do not support a
8 contempt finding against Jesus.

9 First, the inability of a contemnor to obey the order (without fault on their
10 part) is a complete defense and sufficient to purge them of the contempt charged,
11 as established in *Mccormick v. Sixth Judicial District Court*, 67 Nev. 318, 326;
12 218 P.2d 939. Second, an order for civil contempt must be grounded upon one's
13 disobedience of an order that spells out the details of compliance in clear, specific,
14 and unambiguous terms so that the person will readily know exactly what duties
15 or obligations are imposed on them, as held in *Southwest Gas Corp. v. Flinkote*
16 *Co.*, 99 Nev. 127, 131, 659 P.2d 861, 864 (1983), quoting *Ex parte Slavin*, 412
17 S.W. 2d 43, 44 (Tex.1967).

18 In this case, the court entered an indemnification QDRO, which allowed
19 Catherine to collect the entirety of Jesus' disability and pension, minus 10 dollars.
20 Jesus could not support his family on 10 dollars per month, and his decision to
21 seek employment without waiting for the 3-month period for PERS's approval is
22 not a willful contempt of the unambiguous order, as argued above. Furthermore,
23 Nevada's commitment to protecting individuals' employment opportunities and
24 ensuring that people can work without undue interference, even for 3 months,
25 further supports Jesus' actions. Prohibiting Jesus from working so that Catherine
26 can collect attorney's fee her portion of pension nd the entirety of Jesus' PERS
27

1 disability benefits while Jesus is destitute and unable to provide for his family
2 constitutes undue interference, as his family's welfare is at stake.

3 Moreover, Jesus does not know how much is "sufficient to neutralize the
4 effect of his action." The contempt order is thus based on an ambiguous order,
5 which is insufficient to hold Jesus in contempt.

6 Reconsideration is appropriate to correct a clear error of law or fact or to
7 prevent manifest injustice here because The contempt order against Jesus was
8 clearly erroneous, as it ignores the law, contains findings without evidentiary
9 support, and violates Jesus' due process rights. Accordingly, Jesus respectfully
10 requests that the court reconsider the contempt order.

11 III. CONCLUSION

12
13 The court should reconsider the contempt order.
14

15
16 RESPECTFULLY SUBMITTED this 16th day of March, 2023

17
18 /s/ Jesus Luis Arevalo
19 Jesus Luis Arevalo
20 *Plaintiff in Proper Person*

21 DECLARATION OF PLAINTIFF

22
23 I declare, under penalty of perjury:

- 24
25 1. I have read the foregoing motion, and the factual averments it contains are
26 true and correct to the best of my knowledge, except as to those matters
27 based on information and belief, and as to those matters, I believe them to be
28 true. Those factual averments contained in the referenced filing are
incorporated here as if set forth in full.

1 2. Any Exhibit(s) in support of this Opposition will be filed separately in an
2 Exhibit Appendix.

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

5 RESPECTFULLY SUBMITTED this 3rd day of March, 2023.

6 /s/ Jesus Luis Arevalo
7 Jesus Luis Arevalo
8 *Plaintiff in Proper Person*

9
10 **CERTIFICATE OF SERVICE**

11
12 I hereby certify that on 16th day of March, 2023, an accurate copy of the foregoing
13 will be served by submitting electronically for filing and/or service with the Eighth
14 Judicial District Court's e-filing system and served on counsel electronically in
15 accordance with the E-service list to the following email addresses:
16

17 marshal@willicklawgroup.com

18 email@willicklawgroup.com

19 Mallory@willicklawgroup.com

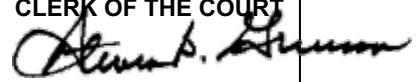
20 deptelc@clarkcountycourts.us
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Electronically Filed
3/17/2023 10:24 AM
Steven D. Grierson
CLERK OF THE COURT



Jesus Luis Arevalo, Plaintiff

vs.

Catherine Marie Arevalo, Defendant.

Case No.: D-11-448514-D

Department E

NOTICE OF HEARING

Please be advised that the Plaintiff's Motion to Reconsider Order Finding Him in Contempt in the above-entitled matter is set for hearing as follows:

Date: May 02, 2023

Time: 9:00 AM

Location: Courtroom 24
Family Courts and Services Center
601 N. Pecos Road
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Shaun Salcedo
Deputy Clerk of the Court

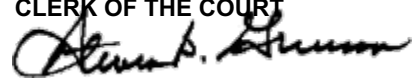
CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Shaun Salcedo
Deputy Clerk of the Court

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ATEAR

Name: _____

Address: _____

Telephone: _____

Email Address: _____

In Proper Person

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Plaintiff,

vs.

Defendant.

CASE NO.: _____

DEPT: _____

HEARING DATE: _____

TIME OF HEARING: _____

VIDEO APPEARANCE REQUEST

(Your name) _____, (☒ check one) ☒ Plaintiff
/ ☐ Defendant, requests that the following person be allowed to testify by remote court
appearance via video conference, pursuant to Rule 4 of the Nevada Supreme Court's Rules
Governing Appearance by Audiovisual Transmission Equipment: (☒ check one) ☐ Myself /
☐ Witness: _____. This request is for the hearing date and
time above for the (☒ check one):

☒ Motion Hearing

☐ Case Management Conference

☐ Trial / Evidentiary Hearing

☐ Trial Setting Conference

☒ Other: _____

The person subject to this request has executed the Consent on the next page and agrees
to be bound by the oath given by the Court Clerk, Eighth Judicial District Court and to be
subject to the jurisdiction of this Court for purposes related to this testimony.

(Your Name) _____ agrees to provide all exhibits to the
witness in advance in the same form as have been or will be submitted to the Court Clerk.

Any objection to this request must be made in writing within two (2) judicial days of
service of this request.

If the IT department wants to test and verify the functionality of the party/witness's video conference connectivity with the Court's IT department, the contact information of the party or witness for the test is:

Name: _____

Email Address: _____

Phone Number: _____

DATED (*today's date*) _____, 20__

Submitted By: (*Signature*) ▶ _____

Printed Name: _____

CONSENT

(to be signed by the person who wants to appear by video)

By making this request for Audiovisual Transmission Equipment Appearance, the undersigned agrees to be bound by the oath given by the Court Clerk over the video conference connection and to be subject to the jurisdiction of this Court for purposes related to this testimony. I certify that the video connection has been successfully tested at <http://bluejeans.com/111>, prior to submitting this application.

Pursuant to NRS 53.045, I declare under penalty of perjury that the foregoing is true and correct.

DATED (*today's date*) _____, 20__

(*Signature of party or witness*) ▶ _____

Printed Name: _____

CERTIFICATE OF SERVICE

I, (*your name*) _____ declare under penalty of perjury under the law of the State of Nevada that I served the Audiovisual Transmission Equipment Appearance and Audiovisual Transmission Equipment Consent in the following manner:

- ☐ **Mail:** By depositing a copy in the U.S. Mail in the State of Nevada, postage prepaid, on the (*day*) _____ of (*month*) _____, 20__ addressed to:
(*Print the name and address of the person you mailed the document to*)

Name: _____

Address: _____

City/State/Zip: _____

- ☒ **Electronic:** Through the Court's electronic service system on (*date*) _____
at (*time*) _____ ☐ a.m. ☒ p.m.

DATED (*today's date*) _____, 20__

Submitted By: (*Signature*) ► _____

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

March 23, 2023

D-11-448514-D Jesus Luis Arevalo, Plaintiff
vs.
Catherine Marie Arevalo, Defendant.

March 23, 2023 10:00 AM All Pending Motions

HEARD BY: Hoskin, Charles J.**COURTROOM:** Courtroom 24**COURT CLERK:** Quentin Mansfield**PARTIES:**

Catherine Arevalo, Defendant, Counter Claimant, present	Marshal Willick, Attorney, present
Jesus Arevalo, Plaintiff, Counter Defendant, present	Pro Se
Luis Arevalo, Subject Minor, not present	
Public Copy Request, Other, not present	

JOURNAL ENTRIES

- DEFENDANT'S MOTION FOR INCARCERATION... PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR INCARCERATION

Plaintiff, Jesus Arevalo, Plaintiff's Appointed Counsel, Christopher Tilman, Esq., and Defendant, Catherine Arevalo, were present via VIDEO CONFERENCE through the BlueJeans application. Defendant's Counsel, Richard Crane, Esq., was present before the Court in proper person.

Mr. Tilman represented he had been out on vacation when his office received the appointment as Plaintiff's counsel. Mr. Tilman further represented it was his understanding the Plaintiff had alienated himself from the staff in Mr. Tilman's office. Mr. Tilman stated he could not represent Plaintiff as his appointed counsel due to the alienation of his staff. Mr. Tilman also noted Plaintiff had filed his own pleadings into the case.

PRINT DATE:	04/06/2023	Page 1 of 4	Minutes Date:	March 23, 2023
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

Upon inquiry of the Court, Plaintiff affirmed he had no objection to the Court releasing Mr. Tilman from his appointment as Plaintiff's counsel. Plaintiff provided discussion regarding his unpreparedness to proceed due to having no discussions with Mr. Tilman. Plaintiff provided further discussion regarding the date Mr. Tilman was appointed and the date he finally received contact. Plaintiff provided additional discussion regarding his dissatisfaction with the legal representation he was appointed.

The Court NOTED Plaintiff had been declared a Vexatious Litigant and would not be allowed to file pleadings without permission of the Court. The Court further NOTED Plaintiff's pleadings would be considered fugitive documents.

Mr. Crane represented the circumstances had not changed since the parties were last before the Court. Mr. Crane stated he had received no information from the Plaintiff, or Mr. Tilman, indicating benefits had been reinstated to Defendant, and also noted that no Financial Disclosure Form had been filed for Plaintiff. Mr. Crane requested to continue the hearing for 45 minutes in order for Plaintiff to appear before the Court.

Upon inquiry of the Court, Mr. Crane affirmed it was his belief Plaintiff could purge his contempt by filling out a form reinstating Defendant's benefits and by paying \$600.00 for the contempt fees at \$100.00 for each payment. Mr. Crane stated Defendant was also alternatively requesting 25 days of incarceration for six counts of contempt. Upon further inquiry of the Court, Mr. Crane stated Plaintiff was in receipt of the Public Employees' Retirement System of Nevada (PERS) Form needed to reinstate Defendant's benefits.

Plaintiff provided discussion regarding his unpreparedness to proceed due to his inability to have a conference with Mr. Tilman. Upon inquiry of the Court, Plaintiff stated he was unable to appear for a telephone conference with Mr. Tilman's office due to him working at the time. Plaintiff provided further discussion regarding his attempts to communicate with Mr. Tilman's office and Mr. Tilman himself. Plaintiff provided additional discussion regarding his understandings of civil and criminal contempt and his inability to comply with the Qualified Domestic Relations Order. Upon further inquiry of the Court, Plaintiff maintained it would constitute fraud if he filled out the form reinstating Defendant's benefits because he is currently working without approval from PERS. Upon additional inquiry of the Court, Plaintiff proposed to receive adequate legal representation from the Court if he was misunderstanding the Court due to his disability. Plaintiff provided additional discussion regarding his disability rights under the Americans with Disabilities Act (ADA).

PRINT DATE:	04/06/2023	Page 2 of 4	Minutes Date:	March 23, 2023
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

Mr. Crane provided discussion regarding the damages being suffered by Defendant and requested she be awarded attorney's fees and costs for having to further litigate the matter. Mr. Crane further reiterated his request for Plaintiff to be incarcerated.

COURT stated its FINDINGS and ORDERED the following:

1. Mr. Tilman's request to be released from his appointment as Plaintiff's counsel SHALL be GRANTED. Mr. Tilman SHALL prepare an Order releasing himself from appointment and submit to the Court for review and signature.
2. The Plaintiff has already been found to be in contempt of this Court. One of the SANCTIONS of Plaintiff's contempt SHALL be incarceration. Plaintiff SHALL have TWO (2) weeks, or not later than 04/06/2023, to provide Mr. Crane with the Public Employees' Retirement System of Nevada Form reinstating benefits to the Defendant. If Plaintiff provides Mr. Crane with the form, Plaintiff SHALL have an additional TWO (2) weeks, or not later than 04/20/2023, to have PERS review and approve the form. If at any point in time the Plaintiff does not comply with this Court's Order, a BENCH WARRANT SHALL be issued for the arrest and incarceration of the Plaintiff. There SHALL be TWENTY-FIVE (25) days for each violation with total of SIX (6) violations at the present time, in addition to the ARREARS accumulating during this time.
3. The PURGE CLAUSE for Plaintiff to avoid incarceration SHALL be the execution and effectuation of the reinstatement of benefits to the Defendant.
4. Both parties SHALL file a FINANCIAL DISCLOSURE FORM with attached paystubs within SEVEN (7) days of the hearing, or not later than 03/30/2023.
5. Mr. Crane SHALL have leave to file a Memorandum of Fees and Costs. Plaintiff SHALL have the opportunity to respond to the Memorandum of Fees and Costs.
6. The hearing scheduled for 05/02/2023 at 9:00 A.M. on Plaintiff's Motion to Reconsider Order Finding Him in Contempt hereby STANDS.
7. Mr. Crane SHALL prepare the Order and submit to the Court for review and signature.

PRINT DATE:	04/06/2023	Page 3 of 4	Minutes Date:	March 23, 2023
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: May 02, 2023 9:00 AM Motion

May 02, 2023 9:00 AM Motion

Courtroom 24

Hoskin, Charles J.

Hutcherson, Nicole

Mansfield, Quentin

PRINT DATE:	04/06/2023	Page 4 of 4	Minutes Date:	March 23, 2023
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

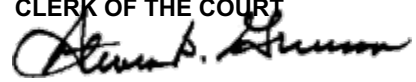
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GFDF

WILICK LAW GROUP
Marshal S. Willick, Esq.
Nevada Bar No. 2515
3591 E. Bonanza Rd., Ste. 200
Las Vegas, Nevada 89110
(702) 438-4100; Fax (702) 438-5311
email@willicklawgroup.com
Attorney for Defendant

Electronically Filed
3/29/2023 11:00 AM
Steven D. Grierson
CLERK OF THE COURT



District Court, Family Division
Clark County, Nevada

JESUS LUIS AREVALO, Plaintiff, vs. CATHERINE MARIE AREVALO Defendant.	Case No.: D-11-448514-D Dept. No.: E
--	---

GENERAL FINANCIAL DISCLOSURE FORM**A. Personal Information:**

1. What is your full name? (*first, middle, last*) Catherine Delao
2. How old are you? 46 3. What is your date of birth? 08/03/1976
4. What is your highest level of education? Some College

B. Employment Information:

1. Are you currently employed/self-employed? (☒ mark one)

☒ No
☐ Yes If yes, complete the table below. Attach an additional page if needed.

Date of Hire	Employer Name	Job Title	Work Schedule (days)	Work Schedule (shift times)

2. Are you disabled? (☒ mark one)

☒ No
☐ Yes If yes, what is the level of your disability? _____
What agency certified you disabled? _____
What is the nature of your disability? _____

C. Prior Employment: If you are unemployed or have been working at your current job for less than two years, complete the following information.

Prior Employer: Bubba Gump Date of Hire: 12/1/12 Date of Termination: 10/15/22
Reason for leaving: Bookkeeper position eliminated

Monthly Personal Income Schedule

A. Year-to-date Income.

As of the pay period ending _____ my gross year to date pay is _____

B. Determine your Gross Monthly Income.

Hourly Wage

	X		=	\$0.00	X	52 weeks	=	\$0.00	÷	12 Months	=	\$0.00
Hourly wage		Number of hours worked per week		Weekly Income				Annual Income				Gross Monthly Income

Annual Salary

\$0.00	÷	12 Months	=	\$0.00
Annual Income				Gross Monthly Income

C. Other Sources of Income

Source of Income	Frequency	Amount	12 Month Average
Annuity or Trust Income:			
Bonuses:			
Car, Housing, or Other Allowance:			
Commissions or Tips:			
Net Rental Income:			
Overtime Pay:			
Pension/Retirement Pay:**	Monthly	\$1,082.69	\$1,082.69
Social Security Income (SSI):	Monthly	\$2,483.00	\$2,483.00
Social Security Disability (SSD):			
Spousal Support:			
Child Support:			
Workman's Compensation:			
Other: Minor Child's (SSI)	Monthly	\$2,483.00	
Total Average Other Income Received			\$3,565.69

Total Average Gross Monthly Income (add totals from B and C above)	\$3,565.69
---	-------------------

* From her deceased Husband's pension.

D. Monthly Deductions

	Type of Deduction	Amount
1.	Court Ordered Child Support (Automatically deducted from paycheck):	
2.	Federal Health Savings Plan:	
3.	Federal Income Tax:	\$610.82
4.	Health Insurance Amount for you: <u>\$417.69</u> For Opposing Party: _____ For your Child(ren): _____	\$417.69
5.	Life, Disability, or Other Insurance Premiums:	
6.	Medicare:	
7.	Retirement, Pension, IRA, or 401(k):	
8.	Savings:	
9.	Social Security:	
10.	Union Dues:	
11.	Other (Type of Deduction):	
Total Monthly Deductions:		\$1,028.51

Business/Self-Employment Income and Expense Schedule**A. Business Income:**

What is your average gross (pre-tax) monthly income/revenue from self employment or businesses?

B. Business Expenses: Attach an additional page if needed.

Type of Business Expense	Frequency	Amount	12 Month Average
Advertising/Political Contributions			
Car and Truck used for business			
Commissions, wages or fees			
Business Entertainment/Travel			
Insurance			
Legal and Professional			
Mortgage or rent			
Pension and profit-sharing plans			
Repairs and maintenance			
Supplies			
Taxes and Licenses			
Utilities			
Other:			
Total Average Business Expenses:			\$0.00

Personal Expense Schedule (Monthly)

- A. Fill in the table with the amount of money **you** spend each month on the following expenses and check whether you pay the expense for you, for the other party, or for both of you.

Expense	Monthly Amount I Pay	For Me <input type="checkbox"/>	Other Party <input type="checkbox"/>	For Both <input type="checkbox"/>
Alimony/Spousal Support				
Auto Insurance	\$150.00			
Car Loan/Lease Payment				
Cell Phone	\$121.00			
Child Support (if not deducted from pay)				
Clothing, Shoes, Personal Items, Etc.	\$100.00			
Credit Card Payments (minimum due)	\$500.00			
Dry Cleaning				
Electric	\$175.00			
Food (groceries & restaurants)	\$500.00			
Fuel	\$105.00			
Gas (for home)	\$64.00			
Health Insurance (if not deducted from pay)				
HOA				
Home Insurance (if not included in mortgage)				
Home Phone				
Internet/Cable & Phone	\$90.00			
Lawn Care, House cleaning/laundry service				
Membership Fees	\$41.00			
Mortgage/Rent/Lease	\$1,500.00			
Pest Control	\$37.50			
Pets				
Pool Service	\$50.00			
Property Taxes (if not included in mortgage)				
Security				
Sewer	\$20.00			
Student Loans				
Unreimbursed Medical Expenses				
Water	\$20.00			
Other:				
Total Monthly Expenses	\$3,473.50			

Household Information

- A. Fill in the table below with the name and date of birth of each child, the person the child is living with, and whether the child is from this relationship. Attach a separate sheet if needed.

	Child's Name	Child's DOB	With whom is the child living?	Is this child from this relationship?	Has this child been certified as special needs/disabled?
1.	Luis Arevalo	8/28/2009	Both	Yes	No
2.					
3.					
4.					

- B. Fill in the table below with the amount of money you spend each month on the following expenses for each child.

Type of Expense	1 st Child	2 nd Child	3 rd Child	4 th Child
Cellular Phone				
Child Care				
Clothing	\$100.00			
Education	\$15.00			
Entertainment	\$25.00			
Extracurricular & Sports				
Health Insurance (if not deducted from pay)				
Summer Camp/Programs				
Transportation Cost	\$25.00			
Unreimbursed Medical Expenses	\$75.85			
Vehicle				
Other:				
Total Monthly Expenses	\$240.85	\$0.00	\$0.00	\$0.00

- C. Fill in the table below with the names, ages, and the amount of money contributed by all persons living in the home over the age of 18. If more than four adult household members, attach a separate sheet.

Name	Age	Person's Relationship to You (i.e., sister, friend, cousin, etc.)	Monthly Contribution

Personal Asset and Debt Chart

- A.** Complete this chart by listing all of your assets, the value of each, the amount owed on each, and whose name the asset or debt is under. If more than 15 assets, attach a separate sheet.

No.	Description of Asset and Debt Thereon	Gross Value	Total Amount Owed	Net Value	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
1.				= \$0.00	
2.				= \$0.00	
3.				= \$0.00	
4.				= \$0.00	
5.				= \$0.00	
6.				= \$0.00	
7.				= \$0.00	
8.				= \$0.00	
9.				= \$0.00	
10.				= \$0.00	
11.				= \$0.00	
12.		-		= \$0.00	
13.		-		= \$0.00	
14.		-		= \$0.00	
15.		-		= \$0.00	
TOTAL VALUE OF ASSETS		\$0.00	-	\$0.00	= \$0.00

- B.** Complete this chart by listing all of your unsecured debt, the amount owed on each account, and whose name the debt is under. If more than five unsecured debts, attach a separate sheet.

No.	Description of Credit Card or Other Unsecured Debt	Total Amount Owed	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
1.			
2.			
3.			
4.			
5.			
TOTAL UNSECURED DEBT		\$0.00	

Additional Personal Assets and Debts Chart (as necessary)

No.	Description of Asset and Debt Thereon	Gross Value		Total Amount Owed		Net Value	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
16.			-		=	\$0.00	
17.			-		=	\$0.00	
18.			-		=	\$0.00	
19.			-		=	\$0.00	
20.			-		=	\$0.00	
21.			-		=	\$0.00	
22.			-		=	\$0.00	
23.			-		=	\$0.00	
24.			-		=	\$0.00	
25.			-		=	\$0.00	
TOTAL ADDITIONAL VALUE:		\$0.00		\$0.00		\$0.00	

No.	Description of Credit Card or Other Unsecured Debt	Total Amount Owed	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
TOTAL UNSECURED DEBT		\$0.00	

CERTIFICATION

Attorney Information: *Complete the following sentences:*

1. I (*have/have not*) have retained an attorney for this case.
2. As of today's date, the attorney has been paid a total of \$122,306.77 on my behalf.
3. I have a credit with my attorney in the amount of \$993.23
4. I currently owe my attorney a total of \$0.00
5. I owe my prior attorney a total of \$0.00

IMPORTANT: Read the following paragraphs carefully and initial each one.

CD I swear or affirm under penalty of perjury that I have read and followed all instructions in completing this Financial Disclosure Form. I understand that, by my signature, I guarantee the truthfulness of the information on this Form. I also understand that if I knowingly make false statements I may be subject to punishment, including contempt of court.

_____ I have attached a copy of my three most recent pay stubs to this form.

_____ I have attached a copy of my most recent YTD income statement/P&L statement to this form, if self-employed.

CD I have not attached a copy of my pay stubs to this form because I am currently unemployed.

//s// Catherine Delao¹

March 29, 2023

Signature

Date _____

¹Catherine gave the Willick Law Group permission to e-sign this on her behalf.

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Willick Law Group and that on this

29th day of March, 2023, I caused the above and 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 litigant(s) listed below at the address, e-mail address, and/or facsimile number indicated below:

Mr. Jesus Luis Arevalo
4055 Box Canyon Falls
Las Vegas, NV 89085
wrath702@gmail.com

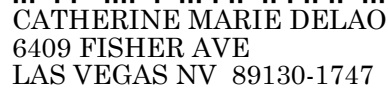
Jesus Arevalo
6935 Aliante Pkwy., Ste. 104 #286
N. Las Vegas, NV 89084

Jesus Arevalo
5612 N. Decatur Blvd., Ste. 130
P.O. Box 321
Las Vegas, NV 89031

//s// Justin K. Johnson
An Employee of the WILICK LAW GROUP



0101 BEV2A37JZ08 CCM.M72.BEV2A.R230323



RA000936

Suspect Social Security Fraud?

Please visit <http://oig.ssa.gov/r> or call the Inspector General's Fraud Hotline at 1-800-269-0271 (TTY 1-866-501-2101).

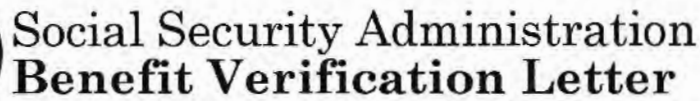
If You Have Questions**Need more help?**

1. Visit www.ssa.gov for fast, simple and secure online service.
2. Call us at **1-800-772-1213**, weekdays from 8:00 am to 7:00 pm. If you are deaf or hard of hearing, call TTY **1-800-325-0778**. Please mention this letter when you call.
3. You may also call your local office at **1-866-614-9667**.

SOCIAL SECURITY
4340 SIMMONS STREET
NORTH LAS VEGAS NV 89032

How are we doing? Go to www.ssa.gov/feedback to tell us.

Social Security Administration



0101BEV2E37VP25 CCM.M72.BEV2E.R230327

RA000938

Suspect Social Security Fraud?

Please visit <http://oig.ssa.gov/r> or call the Inspector General's Fraud Hotline at 1-800-269-0271 (TTY 1-866-501-2101).

If You Have Questions**Need more help?**

1. Visit www.ssa.gov for fast, simple and secure online service.
2. Call us at **1-800-772-1213**, weekdays from 8:00 am to 7:00 pm. If you are deaf or hard of hearing, call TTY **1-800-325-0778**. Please mention this letter when you call.
3. You may also call your local office at **1-866-614-9667**.

SOCIAL SECURITY
4340 SIMMONS STREET
NORTH LAS VEGAS NV 89032

How are we doing? Go to www.ssa.gov/feedback to tell us.

Social Security Administration



International Business Machines Corp. (IBM)

Payment Verification

Printed on: 03/23/2023 02:25 PM

DELAO, CATHERINE M

6409 FISHER AVE
LAS VEGAS, NV 89130

Plan IBM Personal Pension Plan
Payment IBM PERSONAL PENSION PLAN
(DB724265-001)
Advice Number [REDACTED]
Payment Date 03/01/2023
Gross Amount \$1,082.69
Net Amount \$600.48
Payment Status Deposited

Payment Breakdown

Description	Current	Year-to-Date
Gross Amounts		
Taxable Income	\$1,082.69	\$3,248.07
Non-Taxable Income	\$0.00	\$0.00
Total Gross Amount	\$1,082.69	\$3,248.07
Deductions		
FED TAX	\$64.52	\$201.06
HEALTHCARE	\$417.69	\$1,234.87
Total Deductions	\$482.21	\$1,435.93
Net Amount	\$600.48	\$1,812.14

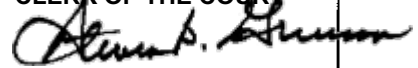
Funding Details

Fund Name	Amount
BENEFIT ADJUSTMENT	\$3.88
CORE TRUST	\$1,078.81
Total Gross Amount	\$1,082.69

The above represents your periodic pension payment. This periodic pension payment is payable for your lifetime and your beneficiaries lifetime, if applicable.

86

86



1 CHRISTOPHER R. TILMAN, ESQ.
2 Nevada Bar No. 05150
3 1211 So. Maryland Parkway
4 Las Vegas, NV 89104
5 (702) 214-4214
6 Attorney for Plaintiff

7
8 DISTRICT COURT
9 CLARK COUNTY, NEVADA
10

11 JESUS LUIS AREVALO,

12 Plaintiff,

13 vs.

14 CATHERINE MARIE AREVALO,

15 Defendant.


Case No. D-11-448514-D
Dept No. E

Date of Hearing: N/A
Time of Hearing: N/A

16 **NOTICE OF WITHDRAWAL OF COUNSEL**

17 PLEASE TAKE NOTICE that pursuant to Rule 46 of the Nevada Supreme Court Rules,
18 Christopher R. Tilman, Esq., hereby withdraws from further representation of the Plaintiff in that
19 a final determination has been made.

20 Dated this 28 day of March, 2023.

21
22 
23 CHRISTOPHER R. TILMAN, ESQ.
24 Nevada Bar No. 5150
25 1211 So. Maryland Pkwy.
26 Las Vegas, NV 89104
27 Attorney for Plaintiff
28

CERTIFICATE OF SERVICE

I hereby certify that service of this NOTICE OF WITHDRAWAL OF ATTORNEY was made via the Eighth Judicial District Court's e-filing system this 28 day of March, 2023; addressed to:

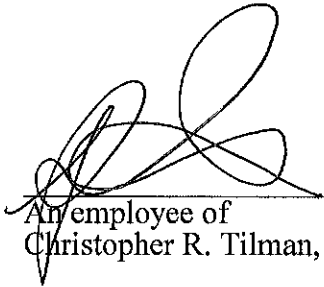
Marshal Willick
Marshal@WillickLawGroup.com

Receptionist Reception
Email@WillickLawGroup.com

Justin Johnson
Justin@WillickLawGroup.com

Jesus Arevalo
Wrath702@Gmail.com

Jesus Arevalo
Vinni702@Yahoo.com



An employee of
Christopher R. Tilman, Esq.

87

87

FILING CODE: FDF

Name: Jesus L Arevalo
Address: 4233 Galapagos Ave
N. Las Vegas, NV 89084
Phone: 702-813-1829
Email: jlrev702@yahoo.com
Attorney for _____
Nevada State Bar No. _____

Electronically Filed
4/2/2023 11:08 PM
Steven D. Grierson
CLERK OF THE COURT



8 TH Judicial District Court

Clark County, Nevada

<u>Jesus L Arevalo</u> Plaintiff, vs. <u>Catherine M Arevalo</u> Defendant.	Case No. <u>D-11-448514-D</u> Dept. <u>E</u>
--	---

GENERAL FINANCIAL DISCLOSURE FORM**A. Personal Information:**

1. What is your full name? (*first, middle, last*) Jesus Luis Arevalo
2. How old are you? 45
3. What is your date of birth? 08/14/1977
4. What is your highest level of education? High School

B. Employment Information:

1. Are you currently employed/ self-employed? (☒ check one)
☐ No
☒ Yes If yes, complete the table below. Attached an additional page if needed.

Date of Hire	Employer Name	Job Title	Work Schedule (days)	Work Schedule (shift times)
11/22/2022	Force10 Logistics	Amazon Deliveries	Saturday-Tuesday	0920-1950

2. Are you disabled? (☒ check one)

☐ No

☒ Yes

If yes, what is your level of disability? 100%

What agency certified you disabled? Dr Routman/NVPERS/LVMPD

What is the nature of your disability? PTSD

C. Prior Employment: If you are unemployed or have been working at your current job for less than 2 years, complete the following information.

Prior Employer: LVMPD Date of Hire: 02/12/2002 Date of Termination: 10/17/2013
Reason for Leaving: 100% Disability Allowance Retirement

Monthly Personal Income Schedule

A. Year-to-date Income.

As of the pay period ending 03/25/2023 my gross year to date pay is 8010.10.

B. Determine your Gross Monthly Income.

Hourly Wage

\$18.25	×	32.70	=	\$596.78	×	52	=	\$31,032.30	÷	12	=	\$2,586.03
Hourly Wage		Number of hours worked per week		Weekly Income		Weeks		Annual Income		Months		Gross Monthly Income

Annual Salary

	+	12	=	\$0.00
Annual Income		Months		Gross Monthly Income

C. Other Sources of Income.

Source of Income	Frequency	Amount	12 Month Average
Annuity or Trust Income			
Bonuses			
Car, Housing, or Other allowance:			
Commissions or Tips:			
Net Rental Income:			
Overtime Pay			
Pension/Retirement:			
Social Security Income (SSI):			
Social Security Disability (SSD):			
Spousal Support			
Child Support			
Workman's Compensation			
Other:			
Total Average Other Income Received			\$0.00

Total Average Gross Monthly Income (add totals from B and C above)	\$2,586.03
---	-------------------

D. Monthly Deductions

	Type of Deduction	Amount
1.	Court Ordered Child Support (automatically deducted from paycheck)	
2.	Federal Health Savings Plan	
3.	Federal Income Tax	
4.	Health Insurance Amount for you: _____ For Opposing Party: _____ For your Child(ren): _____	0.00
5.	Life, Disability, or Other Insurance Premiums	
6.	Medicare	38.71
7.	Retirement, Pension, IRA, or 401(k)	
8.	Savings	
9.	Social Security	165.54
10.	Union Dues	
11.	Other: (Type of Deduction) _____	
Total Monthly Deductions (Lines 1-11)		204.25

Business/Self-Employment Income & Expense Schedule

A. Business Income:

What is your average gross (pre-tax) monthly income/revenue from self-employment or businesses?
\$ _____

B. Business Expenses: Attach an additional page if needed.

Type of Business Expense	Frequency	Amount	12 Month Average
Advertising			
Car and truck used for business			
Commissions, wages or fees			
Business Entertainment/Travel			
Insurance			
Legal and professional			
Mortgage or Rent			
Pension and profit-sharing plans			
Repairs and maintenance			
Supplies			
Taxes and licenses (include est. tax payments)			
Utilities			
Other: _____			
Total Average Business Expenses			0.00

Personal Expense Schedule (Monthly)

A. Fill in the table with the amount of money **you** spend each month on the following expenses and check whether you pay the expense for you, for the other party, or for both of you.

Expense	Monthly Amount I Pay	For Me 	Other Party 	For Both 
Alimony/Spousal Support				
Auto Insurance	248.18			
Car Loan/Lease Payment	212.00			
Cell Phone	45.00			
Child Support (not deducted from pay)				
Clothing, Shoes, Etc...				
Credit Card Payments (minimum due)	364.00			
Dry Cleaning				
Electric	84.88			
Food (groceries & restaurants)	895.62			
Fuel	154.00			
Gas (for home)	130.73			
Health Insurance (not deducted from pay)	222.00			
HOA				
Home Insurance (if not included in mortgage)	15.11			
Home Phone				
Internet/Cable	55.00			
Lawn Care				
Membership Fees	29.99			
Mortgage/Rent/Lease				
Pest Control				
Pets				
Pool Service				
Property Taxes (if not included in mortgage)				
Security				
Sewer	111.98			
Student Loans				
Unreimbursed Medical Expense				
Water				
Other: Loan	162.30			
Total Monthly Expenses	2,730.79			

Household Information

- A. Fill in the table below with the name and date of birth of each child, the person the child is living with, and whether the child is from this relationship. Attached a separate sheet if needed.

	Child's Name	Child's DOB	Whom is this child living with?	Is this child from this relationship?	Has this child been certified as special needs/disabled?
1 st	Luis J Arevalo	08/28/09	Both	Yes	
2 nd	Avianna V. Arevalo	04/09/16	Me	No	
3 rd	Asher C. Arevalo	12/26/22	Me	No	
4 th	Aaliyah E. Glogovsky	03/30/07	Me	No	

- B. Fill in the table below with the amount of money you spend each month on the following expenses for each child.

Type of Expense	1 st Child	2 nd Child	3 rd Child	4 th Child
Cellular Phone	45.00			
Child Care				
Clothing	60.00	30.00	30.00	
Education				
Entertainment	25.00	10.00		
Extracurricular & Sports				
Health Insurance (if not deducted from pay)	20.00			
Summer Camp/Programs				
Transportation Costs for Visitation	30.00			
Unreimbursed Medical Expenses	55.00			
Vehicle				
Other:				
Total Monthly Expenses	20,215.00 235.00	40.00	30.00	0.00

- C. Fill in the table below with the names, ages, and the amount of money contributed by all persons living in the home over the age of eighteen. If more than 4 adult household members attached a separate sheet.

Name	Age	Person's Relationship to You (i.e. sister, friend, cousin, etc...)	Monthly Contribution
Veronica M. Sell	39	Spouse	

Personal Asset and Debt Chart

A. Complete this chart by listing all of your assets, the value of each, the amount owed on each, and whose name the asset or debt is under. If more than 15 assets, attach a separate sheet.

Line	Description of Asset and Debt Thereon	Gross Value	Total Amount Owed	Net Value	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
1.		\$	- \$	= \$ 0.00	
2.		\$	- \$	= \$ 0.00	
3.		\$	- \$	= \$ 0.00	
4.		\$	- \$	= \$ 0.00	
5.		\$	- \$	= \$ 0.00	
6.		\$	- \$	= \$ 0.00	
7.		\$	- \$	= \$ 0.00	
8.		\$	- \$	= \$ 0.00	
9.		\$	- \$	= \$ 0.00	
10.		\$	- \$	= \$ 0.00	
11.		\$	- \$	= \$ 0.00	
12.		\$	- \$	= \$ 0.00	
13.		\$	- \$	= \$ 0.00	
14.		\$	- \$	= \$ 0.00	
15.		\$	- \$	= \$ 0.00	
Total Value of Assets (add lines 1-15)		\$ 0.00	- \$ 0.00	= \$ 0.00	

B. Complete this chart by listing all of your unsecured debt, the amount owed on each account, and whose name the debt is under. If more than 5 unsecured debts, attach a separate sheet.

Line #	Description of Credit Card or Other Unsecured Debt	Total Amount owed	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
1.		\$	
2.		\$	
3.		\$	
4.		\$	
5.		\$	
6.		\$	
Total Unsecured Debt (add lines 1-6)		\$ 0.00	

CERTIFICATION

Attorney Information: Complete the following sentences:

1. I (have/have not) HAVE NOT retained an attorney for this case.
2. As of the date of today, the attorney has been paid a total of \$_____ on my behalf.
3. I have a credit with my attorney in the amount of \$_____.
4. I currently owe my attorney a total of \$_____.
5. I owe my prior attorney a total of \$_____.

IMPORTANT: Read the following paragraphs carefully and initial each one.

JLA I swear or affirm under penalty of perjury that I have read and followed all instructions in completing this Financial Disclosure Form. I understand that, by my signature, I guarantee the truthfulness of the information on this Form. I also understand that if I knowingly make false statements I may be subject to punishment, including contempt of court.

JLA I have attached a copy of my 3 most recent pay stubs to this form.

_____ I have attached a copy of my most recent YTD income statement/P&L statement to this form, if self-employed.

_____ I have not attached a copy of my pay stubs to this form because I am currently unemployed.

/s/ Jesus Luis Arevalo
Signature

04/02/2023
Date

CERTIFICATE OF SERVICE

I hereby declare under the penalty of perjury of the State of Nevada that the following is true and correct:

That on (date) April 2, 2023, service of the General Financial Disclosure Form was made to the following interested parties in the following manner:

☐ Via 1st Class U.S. Mail, postage fully prepaid addressed as follows:

☒ Via Electronic Service, in accordance with the Master Service List, pursuant to NEFCR 9, to:
File Via Odyssey Efile/Eservive

☐ Via Facsimile and/or Email Pursuant to the Consent of Service by Electronic Means on file
herein to: _____

Executed on the 02 day of April, 2023.

/s/ Jesus Luis Arevalo
Signature

Earnings Statement

AREVALO, JESUS

Pay Date: 03/31/2023
 Period Start: 03/19/2023
 Period End: 03/25/2023

Company: 0YL82 - FORCE 10 LOGISTICS LLC
 1200 E ALEXANDER ROAD
 NORTH LAS VEGAS NV 89030 (702) 670-0495

Emp #: A09O
 Dept: 00004 - Driver
 Pay Basis: Hourly

	Rate	Hours/Units	Current Period	Year To Date	
Earnings					
Regular	18.25	36.90	673.43	7752.07	
Overtime Hours (Weighted)	27.62	0.00	0.00	24.03	
Non Discretionary Incentive 9			0.00	25.00	
Peak W48-51 5th/6th BON RT			0.00	50.00	
Quality Bonus			0.00	120.00	
Rescue			0.00	39.00	
Gross		36.90	673.43	8010.10	
W/H Taxes					
Federal W/H(M)			0.00	0.00	
Medicare			9.77	116.15	
Social Security			41.76	496.63	
Deductions					
Net Pay			621.90	7397.32	Voucher No. 458898525DD
Net Pay Distribution					
Direct Deposit Net Check			621.90	7397.32	A/C:0222
Employee Benefits, Allowances, and Other					
			Current Period	Year To Date	YTD Taken Available
PTO Hours			1.48	26.50	0.00 26.50

Voucher No. 458898525DD

FORCE 10 LOGISTICS LLC
 9205 W Russell Rd STE 240
 Las Vegas, NV 89148
 (702) 670-0495
 Dept: 00004

DATE: 03/31/2023

Net Pay:

621.90

Six Hundred Twenty One And 90/100 Dollars

AREVALO, JESUS
 4233 GALAPAGOS AVE
 NORTH LAS VEGAS, NV 89084

VOLUME V

For Record Purposes Only
****NON-NEGOTIABLE****

Earnings Statement

AREVALO, JESUS

Pay Date: 03/24/2023

Period Start: 03/12/2023

Period End: 03/18/2023

Company: 0YL82 - FORCE 10 LOGISTICS LLC

1200 E ALEXANDER ROAD

NORTH LAS VEGAS NV 89030 (702) 670-0495

Emp #: A09O

Dept: 00004 - Driver

Pay Basis: Hourly

	Rate	Hours/Units	Current Period	Year To Date
Earnings				
Regular	18.25	39.10	713.58	7078.64
Overtime Hours (Weighted)	27.62	0.00	0.00	24.03
Non Discretionary Incentive 9			0.00	25.00
Peak W48-51 5th/6th BON RT			0.00	50.00
Quality Bonus			20.00	120.00
Rescue			0.00	39.00
Gross		39.10	733.58	7336.67
W/H Taxes				
Federal W/H(M)			0.00	0.00
Medicare			10.64	106.38
Social Security			45.48	454.87
Deductions				
Net Pay			677.46	6775.42
Net Pay Distribution				
Direct Deposit Net Check			677.46	6775.42
Employee Benefits, Allowances, and Other				
PTO Hours			1.56	25.03
				0.00
				25.03

FORCE 10 LOGISTICS LLC
9205 W Russell Rd STE 240
Las Vegas, NV 89148
(702) 670-0495
Dept: 00004

DATE: 03/24/2023

Voucher No. 457197591DD

Net Pay:

Six Hundred Seventy Seven And 46/100 Dollars

AREVALO, JESUS
4233 GALAPAGOS AVE
NORTH LAS VEGAS, NV 89084

VOLUME V

For Record Purposes Only
NON-NEGOTIABLE

677.46

RA000952

Earnings Statement

AREVALO, JESUS

Pay Date:03/17/2023

Period Start:03/05/2023

Period End:03/11/2023

Company: 0YL82 - FORCE 10 LOGISTICS LLC

1200 E ALEXANDER ROAD

NORTH LAS VEGAS NV 89030 (702) 670-0495

Emp #: A090

Dept: 00004 - Driver

Pay Basis: Hourly

	Rate	Hours/Units	Current Period	Year To Date	
Earnings					
Regular	18.25	29.11	531.26	6365.06	
Overtime Hours (Weighted)	27.62	0.00	0.00	24.03	
Non Discretionary Incentive 9			0.00	25.00	
Peak W48-51 5th/6th BON RT			0.00	50.00	
Quality Bonus			0.00	100.00	
Rescue			0.00	39.00	
Gross		29.11	531.26	6603.09	
W/H Taxes					
Federal W/H(M)			0.00	0.00	
Medicare			7.70	95.74	
Social Security			32.94	409.39	
Deductions					
Net Pay			490.62	6097.96	Voucher No. 455638361DD
Net Pay Distribution					
Direct Deposit Net Check			490.62	6097.96	A/C:0222
Employee Benefits, Allowances, and Other					
PTO Hours			1.16	23.46	YTD Taken 0.00 Available 23.46

Voucher No. 455638361DD

FORCE 10 LOGISTICS LLC
9205 W Russell Rd STE 240
Las Vegas, NV 89148
(702) 670-0495
Dept: 00004

DATE: 03/17/2023

Net Pay: 490.62

Four Hundred Ninety And 62/100 Dollars

AREVALO, JESUS
4233 GALAPAGOS AVE
NORTH LAS VEGAS, NV 89084

VOLUME V

For Record Purposes Only
NON-NEGOTIABLE

Pay Date:03/10/2023

Period Start:02/26/2023

Period End:03/04/2023

Company: 0YL82 - FORCE 10 LOGISTICS LLC

1200 E ALEXANDER ROAD

NORTH LAS VEGAS NV 89030 (702) 670-0495

Emp #: A090

Dept: 00004 - Driver

Pay Basis: Hourly

	Rate	Hours/Units	Current Period	Year To Date
Earnings				
Regular	18.25	10.44	190.53	5833.80
Overtime Hours (Weighted)	27.62	0.00	0.00	24.03
Non Discretionary Incentive 9			0.00	25.00
Peak W48-51 5th/6th BON RT			0.00	50.00
Quality Bonus			0.00	100.00
Rescue			11.50	39.00
Gross		10.44	202.03	6071.83
W/H Taxes				
Federal W/H(M)			0.00	0.00
Medicare			2.93	88.04
Social Security			12.52	376.45
Deductions				
Net Pay			186.58	5607.34
Net Pay Distribution				
Direct Deposit Net Check			186.58	5607.34
Employee Benefits, Allowances, and Other				
PTO Hours			0.42	22.30
				0.00
				22.30

FORCE 10 LOGISTICS LLC

9205 W Russell Rd STE 240

Las Vegas, NV 89148

(702) 670-0495

Dept: 00004

Voucher No. 453716033DD

DATE: 03/10/2023

Net Pay:

One Hundred Eighty Six And 58/100 Dollars

AREVALO, JESUS

4233 GALAPAGOS AVE

NORTH LAS VEGAS, NV 89084

VOLUME V

For Record Purposes Only

NON-NEGOTIABLE

186.58

RA000954

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Heather S. Hume

CLERK OF THE COURT

BNCH
WILLICK LAW GROUP
MARSHAL S. WILLICK, 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**

JESUS LUIS AREVALO,
Plaintiff,

vs.

CATHERINE AREVALO
n/k/a CATHERINE DELAO,
Defendant.

CASE NO: D-11-448514-D
DEPT. NO: E

DATE OF HEARING:
TIME OF HEARING:

BENCH WARRANT

TO: THE STATE OF NEVADA

TO: Any Sheriff, Constable, Marshal, Policeman or Peace Officer within this State:

This matter having come on for hearing on the 23rd day of March, 2023, in the Family Division, Department E of the Eighth Judicial District Court, County of Clark; and the Court being fully advised in the premises, both as to subject matter as well as to the parties thereto, and that jurisdiction is proper in Nevada, and good cause appearing therefore;

IT APPEARING to the Court that the Plaintiff JESUS AREVALO was heretofore ordered to appear before the above entitled Court on the 23rd day of

1 March, 2023, on the charge of CONTEMPT OF COURT for failure to abide by the
2 court order relating to Order filed July 27, 2022, and having failed to personally
3 appear at said time, and having been found guilty of CONTEMPT OF COURT for
4 failing to produce the required form that would reinstate Nevada PERS pension
5 benefits to his ex-wife Catherine Delao after causing those payments to be suspended
6 by Nevada PERS (6 instances);

7 NOW, THEREFORE, YOU ARE COMMANDED TO ARREST and deliver
8 said person into the custody of the Sheriff of Clark County.

9 IT IS FURTHER ORDERED that Department E of the District Court Family
10 Division is to be notified within 72 hours of Jesus Arevalo's arrest so that an
11 expedited hearing may be set before the Honorable Charles Hoskin. There shall be
12 no depopulation release. Jesus has the ability to purge this contempt by filing the
13 required paperwork with Nevada PERS to restart the pension benefits to Catherine
14 Delao, and those benefits must be actually reinstated.

15 THE COURT HEREBY FINDS that Jesus Arevalo is in Contempt of Court.

16 THE COURT FURTHER FINDS, that Jesus Arevalo is sentenced to 150 days
17 incarceration in Clark County Detention Center unless the purge clause above is
18 completed in full.

19 THIS WARRANT MAY BE SERVED AT ANY HOUR OF THE DAY OR
20 NIGHT.

Dated this 11th day of April, 2023

21 Dated this  of April, 2023

22
23
24 District Court Judge **630-532-5350 D148**
Charles J. Hoskin
District Court Judge

CC

25 Bail Amount: Purge Contempt

26 Charge: Contempt of Court

P:\wp19\DELAO,C\DRAFTS\00604294.WPD/rhc

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Jesus Luis Arevalo, Plaintiff

CASE NO: D-11-448514-D

7 vs.

DEPT. NO. Department E

8 Catherine Marie Arevalo,
9 Defendant.

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 4/11/2023

15 Marshal Willick

marshal@willicklawgroup.com

16 Reception Reception

email@willicklawgroup.com

17 Justin Johnson

Justin@willicklawgroup.com

18 Jesus Arevalo

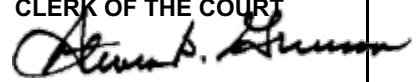
wrath702@gmail.com

19 Jesus Arevalo

vinni702@yahoo.com

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OPPC
WILICK LAW GROUP
MARSHAL S. WILICK, ESQ.
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email@willicklawgroup.com
Attorney for Defendant

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

JESUS LUIS AREVALO,
Plaintiff,

vs.

CATHERINE AREAVLAO, K/N/A
CATHERINE DELAO,
Defendant.

CASE NO: D-11-448514-D
DEPT. NO: E

DATE OF HEARING: 5/2/2023
TIME OF HEARING: 9:00 am

**OPPOSITION TO
“PLAINTIFF’S MOTION TO RECONSIDER ORDER FINDING HIM
IN CONTEMPT”**

I. INTRODUCTION

Defendant, Catherine Delao, by and through her attorneys of the Willick Law Group hereby submits her Opposition to “Plaintiff’s Motion to Reconsider Order Finding Him in Contempt” filed on March 17, 2023.

1 Due to Jesus' attitudes and behaviors inside and out of Court, Catherine also
2 requests this Court make the May 2, 2023, Hearing "in person" appearances only.¹
3

4 POINTS AND AUTHORITIES

5 II. FACTS

6 The Court is overly familiar with the facts of this case. As such, we direct the
7 Court to any of Catherine's previous *Motion* or *Opposition* filings for a rendition of
8 previous facts in this case. More specifically, we point to Catherine's *Motion for an*
9 *Order to Show Cause*, filed on November 4, 2022, for the facts surrounding the
10 current issues before the Court. We will only recite any facts regarding actions that
11 have taken place since the last hearing.

12 Jesus filed his "*Plaintiff's Motion to Reconsider Order Finding Him in*
13 *Contempt*" on March 17, 2023, despite not having authorization from the Court to do
14 so.

15 This matter came back before the Court on a continued hearing on Catherine's
16 *Motion for an Order to Show Cause* and on her *Motion for Incarceration* on March
17 23, 2023 at 10:00 am.

18 At the hearing, the Court made findings that all of Jesus' filing were fugitive
19 as it did not grant him permission to file the same.

20 As the hearing on his *Motion* is set for May 2, 2023, and does not appear to be
21 vacated, despite that finding, this *Opposition* follows.²
22
23
24
25

26 ¹ The Option for Bluejeans appearance should not be offered. If Mr. Arevalo wants to attend
27 this hearing, he should be forced to attend in person.

28 ² We originally were informed that no *Opposition* was necessary. Since the hearing remains
on calendar, and in an abundance of caution, we file this document.

1 **III. OPPOSITION**

2 **A. The Order Finding Jesus in Contempt Was Proper**

3 Jesus was required to keep the pension benefits flowing to Catherine to pay
4 down his debt and to provide a financial replacement for the life insurance he refused
5 to obtain.

6 Jesus admitted to not filing the correct form that would have allowed the
7 benefits to continue to flow to Catherine. Though given ample opportunity to comply
8 with this Court's orders, he still has not produced the form.

9 Additionally, he has complained that he can't file the form as he had not
10 requested permission from Nevada PERS to obtain other employment. He has
11 produced no record of his attempt to make that request even though he has known
12 that we were seeking a contempt finding since November 2022. This brings into
13 question his desire to actually comply with this Court's *Orders*.

14 Lastly, though he has been properly noticed by the Court before each of the last
15 two hearings, Jesus has refused to personally appear at his contempt hearings as
16 required by EDCR Rule 5.517(b) which states:

17 Even if represented by counsel, a party must attend a hearing if required by
18 rule, statute, or court order, and at: case management conferences; contempt
19 hearings directed against that party; returns from mediation; and hearings on
20 preliminary motions relating to custody, child, or spousal support; temporary
21 possession of a residence and protective orders, unless otherwise directed by
22 the court.

23 Here, the Court has never granted Jesus authority to appear by any other means
24 other than personally for the contempt proceedings.

25 This Court has found that Jesus is in contempt of its *Orders* and even given the
26 chance to either explain what he would do to resolve the issue and given the time to
27 resolve the issues, he has steadfastly refused to comply. All of this was used in the
28 determination by the Court that Jesus was in contempt.

1 **B. The Order Was Not Unclear Or Ambiguous**

2 Jesus now argues that the *Order* to which he is being held in contempt was
3 unclear or ambiguous. He is wrong.

4 Jesus knew exactly what he was supposed to do to avoid a charge of contempt.
5 He was to keep the pension payments in pay status. The *Order* was clear on that
6 point. He tries – unsuccessfully – to claim that terms within the *Order* were
7 undefined and thus were ambiguous. However, the Supreme Court has held in
8 *Rogers*:

9 The rules of statutory construction are straightforward: “It is well settled in
10 Nevada that words in a statute should be given their plain meaning unless this
11 violates the spirit of the act.” *McKay v. Bd. of Supervisors*, 102 Nev. 644, 648,
12 730 P.2d 438, 441 (1986). “[N]o part of a statute should be rendered nugatory,
13 nor any language turned to mere surplusage, if such consequences can properly
14 be avoided.” *Paramount Ins. v. Rayson & Smitley*, 86 Nev. 644, 649, 472 P.2d
15 530, 533 (1970) (quoting *Torreyson v. Board of Examiners*, 7 Nev. 19, 22
16 (1871)). When a statute’s language is clear and unambiguous, “there is no
17 room for construction, and the courts are not permitted to search for its
18 meaning beyond the statute itself.” *State v. Jepsen*, 46 Nev. 193, 196, 209 P.
19 501, 502 (1922), cited in *Charlie Brown Constr. Co. v. Boulder City*, 106 Nev.
20 497, 503, 797 P.2d 946, 949 (1990).

21 We are not dealing with a statute, but we are dealing with language that is clear
22 on its face. Jesus argues that the language is ambiguous, but provides no other
23 interpretation as to what the language could mean. As such, the plain meaning is to
24 be applied and is clear as to the intent of the *Order*.

25 **C. Catherine Met Her Burden of Proof**

26 Jesus cites to *Rodriguez* for the proposition that Catherine had the burden of
27 proof at that contempt hearing.³ However, Catherine’s burden ended at the issuing
28 of the *Order to Show Cause*. It became Jesus’ burden at the actual contempt hearing
to prove he was not in contempt of Court.

³ *Rodriguez v. District Court*, 120 Nev. 789, 102 P.3d 41 (2004).

1 As discussed above, it was difficult for Jesus to meet his burden as he was
2 clearly in contempt for failing to appear at either of the OSC hearings. Additionally,
3 it was always within his power to comply with the Court's *Orders*.

4 Jesus has argued ad nauseum, that he had to work to support his family and he
5 could not work and draw the pension at the same time without getting permission
6 from Nevada PERS.

7 Jesus was aware that we were seeking contempt charges against him in
8 November 2022. He has produced nothing to show that he has made any request to
9 work since that time. It is clear that this is just Jesus' way of further depriving
10 Catherine of her pension benefits that he has deemed his sole and separate property.
11 In other words – he holds this Court's orders in total contempt.

12 Jesus finally argues that he does not know how much is “sufficient to neutralize
13 the effect of his actions.” This is, of course, completely untrue. He states in his
14 *Motion* that he knows that 100% of his PERS pension minus \$10 is owed to
15 Catherine. That is the amount needed to neutralize the effect of his actions. It could
16 not be clearer.

17 18 **IV. COUNTERMOTION**

19 **A. All Future Hearings Dealing With Jesus' Contempt Should Be In** 20 **Person**

21 It has become clear that Jesus has no intentions of appearing in person, despite
22 the Court's direct Orders to the contrary. As such, we ask the Court to not have a
23 Bluejeans application running for the next hearing on this case. That way, all
24 interested parties will be required to attend the hearing.

25 26 **B. Attorney's Fees**

27 Jesus has filed this *Motion* without the permission of the Court as is required
28 since he has been deemed a vexatious litigant. Since the hearing has not been

1 vacated, Catherine was required to file this *Opposition*. Jesus can't prevail on his
2 request and thus it is frivolous on its face. Catherine should be awarded the entirety
3 of her fees for having to oppose this *Motion* and for having to attend the hearing.
4

5 **1. Legal Basis**

6 “[I]t is well established in Nevada that attorney’s fees are not recoverable
7 unless allowed by express or implied agreement or when authorized by statute or
8 rule.”⁴ Attorney’s fees may be awarded in a pre- or post-divorce motion/opposition
9 under NRS 125.150.⁵ In addition, and because we believe that Catherine will be the
10 prevailing party in this matter, she should receive an award of attorney’s fees and
11 costs pursuant to NRS 18.010(2).⁶ Additionally, this Court can award attorney’s fees
12 under EDCR 5.219 (Sanctionable conduct):

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

15 *(a) Presenting a position that is obviously frivolous, unnecessary, or*
16 *unwarranted;*

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

18 (c) Failing to prepare for a proceeding;

19 (d) Failing to appear for a proceeding;

20 *(e) Failing or refusing to comply with these rules; or*

21 *(f) Failing or refusing to comply with any order or directive of the*
22 *court.* [Emphasis Added]

23 Jesus has presented a position that is not supported by fact or law. It is
24 frivolous on its face. Additionally, he has not complied with the rules of the Court
25

26 ⁴ *Miller v. Wilfong*, 121 Nev. 619, 119 P.3d 727 (2005).

27 ⁵ NRS 125.150.

28 ⁶ NRS 18.010(2).

1 by failing to appear at the last two hearings and he has also disobeyed this Court's
2 *Orders* concerning the Nevada PERS Pension and the life insurance policy.

3 Catherine is entitled to sanctions equal to the fees and costs to oppose this
4 *Motion*.

5 6 **2. Disparity in Income**

7 The Court must also consider the disparity in the parties' incomes pursuant to
8 *Miller*⁷ and *Wright v. Osburn*.⁸ Therefore, parties seeking attorney fees in family law
9 cases must support their fee request with affidavits or other evidence that meets the
10 factors in *Brunzell*⁹ and *Wright*.¹⁰ We provide the *Brunzell* analysis below. As to
11 *Wright*, the holding is minimal:

12 The disparity in income is also a factor to be considered in the award of
13 attorney fees. It is not clear that the district court took that factor into
consideration.¹¹

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

16 Here, Jesus has all but declared that he will not pay Catherine any of the
17 money awarded to her in this case. He now believes that the Court will allow him to
18 slide here as well. Monetary sanctions and the threat of incarceration are the only
19 tools the Court has remaining.

20 21 **C. Brunzell Factors**

22
23
24 ⁷ 121 Nev. 619, 119 P.3d 727 (2005).

25 ⁸ 114 Nev. 1367, 1370, 970 P.2d 1071, 1073 (1998).

26 ⁹ *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 455 P.2d 31 (1969).

27 ¹⁰ 114 Nev. 1367, 970 P.2d 1071 (1998).

28 ¹¹ *Id.* at 1370, 970 P.2d at 1073 (1998).

1 With specific reference to Family Law matters, the Court has adopted
2 “well-known basic elements,” which in addition to hourly time schedules kept by the
3 attorney, are to be considered in determining the reasonable value of an attorney’s
4 services qualities, commonly referred to as the *Brunzell*¹² factors:

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

15 Each of these factors should be given consideration, and no one element should
16 predominate or be given undue weight.¹³ Additional guidance is provided by
17 reviewing the “attorney’s fees” cases most often cited in Family Law.¹⁴

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

21 First, respectfully, we suggest that the supervising counsel is A/V rated, a
22 peer-reviewed and certified (and re-certified) Fellow of the American Academy of
23 Matrimonial Lawyers, and a Certified Specialist in Family Law.¹⁵

24 ¹² 85 Nev. 345, 349, 455 P.2d 31, 33 (1969).

25 ¹³ *Miller v. Wilfong*, 121 Nev. 619, 119 P.3d 727 (2005).

26 ¹⁴ Discretionary Awards: Awards of fees are neither automatic nor compulsory, but within
27 the sound discretion of the Court, and evidence must support the request. *Fletcher v. Fletcher*, 89
28 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).

¹⁵ 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

1 Richard L. Crane, Esq., the attorney primarily responsible for litigating this
2 case, has practiced exclusively in the field of family law since he was licensed in
3 2005, and has been under the direct tutelage of supervising counsel, and has
4 substantial experience dealing with complex family law 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.”¹⁶ 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 Justin K. Johnson, paralegal with the WILICK LAW GROUP, was primarily the
17 paralegal on this case. Justin earned a Certificate of Achievement in Paralegal
18 Studies and was awarded an Associates of Applied Science Degree in 2014 from
19 Everest College. He has been a paralegal for a total of nine years; assisting attorney’s
20 in several aspects of law.

21 The work actually performed will be provided to the Court upon request by
22 way of a *Memorandum of Fees and Costs* (redacted as to confidential information),
23 consistent with the requirements under *Love*.¹⁷

24
25
26 status.

27 ¹⁶ *LVMPD v. Yeghiazarian*, 129 Nev. 760, 312 P.3d 503 (2013), citing to *Missouri v. Jenkins*,
28 491 U.S. 274 (1989).

¹⁷ *Love v. Love*, 114 Nev. 572, 959 P.2d 523 (1998).

1 **V. CONCLUSION**

2 Based on the foregoing, Catherine requests this Court make the following
3 findings and Orders:

- 4 1. Deny Jesus' Motion in its entirety.
- 5 2. Grant Catherine Attorney's Fees for having to respond to his
6 frivolous Motion.
- 7 3. Any further relief the Court finds just and proper.

8 **DATED** this 13th day of April, 2023

9 Respectfully Submitted By:

10 WILLICK LAW GROUP

11 *// s // Richard L. Crane*

12 _____
13 MARSHAL S. WILLICK, ESQ.
14 Nevada Bar No. 2515
15 RICHARD L. CRANE, ESQ.
16 Nevada Bar No. 9536
17 3591 E. Bonanza, Suite 200
18 Las Vegas, Nevada 89110-2101
19 (702) 438-4100 Fax (702) 438-5311
20 Attorneys for Defendant

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2. I have read the preceding filing, and I have 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 (NRS 53.045 and 28 U.S.C. § 1746), that the foregoing is true and correct.

//s// *Richard L. Crane*

RICHARD L. CRANE, ESQ.

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Willick Law Group and that on this 13th day of April, 2023, I caused the above and foregoing document entitled 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.
- ☐ by First Class, Certified U.S. Mail.

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

Mr. Jesus Luis Arevalo
4055 Box Canyon Falls
Las Vegas, NV 89085
wraith702@gmail.com

Jesus Arevalo
6935 Aliante Pkwy., Ste. 104 #286
N. Las Vegas, NV 89084

Jesus Arevalo
5612 N. Decatur Blvd., Ste. 130
P.O. Box 321
Las Vegas, NV 89031

//s// Justin K. Johnson

An Employee of the Willick Law Group

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DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

JESUS LUIS AREVALO,
Plaintiff/Petitioner

-v.-

CATHERINE AREVALO
n/k/a CATHERINE DELAO,
Defendant/Respondent

Case No. D-11-448514-D

Department E

**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.

<p><input checked="" type="checkbox"/> \$25 The Motion/Opposition being filed with this form is subject to the \$25 reopen fee.</p> <p>-Or-</p> <p><input type="checkbox"/> \$0 The Motion/Opposition being filed with this form is not subject to the \$25 reopen fee because:</p> <p><input type="checkbox"/> The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.</p> <p><input type="checkbox"/> The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.</p> <p><input type="checkbox"/> 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 _____.</p> <p><input type="checkbox"/> Other Excluded Motion (must specify) _____.</p>

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

<p><input checked="" type="checkbox"/> \$0 The Motion/Opposition being filed with this form is not subject to the \$129 or the \$57 fee because:</p> <p><input checked="" type="checkbox"/> The Motion/Opposition is being filed in a case that was not initiated by joint petition.</p> <p><input type="checkbox"/> The party filing the Motion/Opposition previously paid a fee of \$129 or \$57.</p> <p>-Or-</p> <p><input type="checkbox"/> \$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.</p> <p>-Or-</p> <p><input type="checkbox"/> \$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.</p>
--

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

<p>The total filing fee for the motion/opposition I am filing with this form is:</p> <p><input type="checkbox"/> \$0 <input checked="" type="checkbox"/> \$25 <input type="checkbox"/> \$57 <input type="checkbox"/> \$82 <input type="checkbox"/> \$129 <input type="checkbox"/> \$154</p>

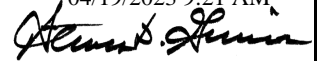
Party filing Motion/Opposition: Willick Law Group Date: 4/13/2023

Signature of Party or Preparer: /s/ Justin K. Johnson

P:\wp19\DELAO,C\RAFTS\00521510.WPD\jj

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CLERK OF THE COURT

ORDER

WILLICK LAW GROUP
MARSHAL S. WILLICK, 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**

JESUS LUIS AREVALO,
Plaintiff,

vs.

CATHINE AREVALO,
N/K/A CATHERINE DELAO,
Defendant.

CASE NO: D-11-448514-D
DEPT. NO: E

DATE OF HEARING: 3/23/2023
TIME OF HEARING: 10:00 am

ORDER AFTER THE MARCH 23, 2023, HEARING

This matter came on for a return hearing at the above date and time before the
Honorable Charles Hoskin, District Court Judge, Family Division, on

- (1) *Defendant's Motion For: Order to Show Cause Why Plaintiff Should Not Be Held in Contempt of Court for Failure to Abide by the Court's July 27, 2022, Amended Qualified Domestic Relations Order and Attorney's Fees and Costs;*
- (2) *Plaintiff's Opposition to "Defendant's Motion For: Order to Show Cause Why Plaintiff Should Not Be Held in Contempt of Court for Failure to Abide by the Court's July 27, 2022, Amended Qualified Domestic Relations Order and Attorney's Fees and Costs; and*
- (3) *Defendant's Reply to Plaintiff's Opposition to Defendant's Motion for Order to Show Cause Why Plaintiff Should Not be Held in Contempt of Court for Failure to Abide by the Court's July 27, 2022, Amended Qualified Domestic Relations Order and Attorney's Fees and Costs.*

1 Defendant, Catherine Delao, (“Cat”), was present audiovisually via BlueJeans,
2 and represented by her counsel, Richard L. Crane, Esq., who appeared in the court
3 room, and Marshal S. Willick, Esq., who appeared via BlueJeans, of the WILICK
4 LAW GROUP, and Plaintiff, Jesus Luis Arevalo, (“Jesus”), was present audiovisually
5 via BlueJeans, and represented by his court appointed attorney, Christopher Tilman,
6 Esq., who appeared via BlueJeans.

7 The Court, having reviewed the papers and pleadings on file herein, and good
8 cause appearing, made the following findings and orders:

9
10 **THE COURT HEREBY FINDS:**

11 1. Mr. Tilman represented he had been out on vacation when his office
12 received the appointment as Jesus’ counsel. Mr. Tilman further represented it was his
13 understanding that Jesus had alienated himself from the staff in Mr. Tilman’s office.
14 Mr. Tilman stated he could not represent Jesus as his appointed counsel due to the
15 alienation of his staff. Mr. Tilman also noted Jesus had filed his own pleadings into
16 the case.

17 2. Upon inquiry of the Court, Jesus affirmed he had no objection to the
18 Court releasing Mr. Tilman from his appointment as his counsel. Jesus provided
19 discussion regarding his unpreparedness to proceed due to having no discussions with
20 Mr. Tilman. Jesus provided further discussion regarding the date Mr. Tilman was
21 appointed and the date he finally received contact. Jesus provided additional
22 discussion regarding his dissatisfaction with the legal representation he was
23 appointed.

24 3. The Court noted Jesus has been declared a Vexatious Litigant and would
25 not be allowed to file pleadings without permission of the Court. The Court further
26 noted that Jesus’ pleadings would be considered fugitive documents.

27 4. Mr. Crane represented the circumstances had not changed since the
28 parties were last before the Court. Mr. Crane stated he had received no information

1 from Jesus, or Mr. Tilman, indicating Catherine's benefits had been reinstated, and
2 also noted that no Financial Disclosure Form had been filed for Jesus.

3 5. Upon inquiry of the Court, Mr. Crane affirmed it was his belief that Jesus
4 could purge his contempt by filling out a form reinstating Catherine's benefits and by
5 paying the contempt fees at \$100.00 for each missed benefit payment. Mr. Crane
6 stated Catherine was also alternatively requesting 25 days of incarceration for each
7 count of contempt.

8 6. Upon further inquiry of the Court, Mr. Crane stated Jesus was in receipt
9 of the Public Employees' Retirement System of Nevada (PERS) Form needed to
10 reinstate Catherine's benefits.

11 7. Mr. Crane provided discussion regarding the damages being suffered by
12 Catherine and requested she be awarded attorney's fees and costs for having to
13 further litigate the matter. Mr. Crane further reiterated his request for Jesus to be
14 incarcerated until he cooperates.

15 8. The fact that Jesus did not appear in the courtroom is another violation
16 of this Court's Orders.

17 9. The Court is cognizant of the litigation that has occurred in this case.
18 This is evident by the fact that Jesus has been declared a vexatious litigant.
19 Notwithstanding that declaration, Jesus continues to believe that he's above it, that
20 he can do what he wants when he wants. The Court believes it has given him every
21 opportunity to avoid the circumstance that he finds himself. A review of this case and
22 hearings would indicate that someone might think that the Court had a bias against
23 Catherine, given as much leeway and assistance and efforts that it has to try and keep
24 Jesus in a position to avoid this circumstance. Notwithstanding all of those efforts
25 that the Court has put in place, we are still here.

26 10. The Court has asked Jesus to provide some information on how to
27 correct the situation, and we talk in circles with regard to that circumstance, which
28 is frustrating to the Court because it feel like once again, it is bending over backwards

1 trying to avoid what is likely inevitable in this case, that the only thing that's going
2 to motivate Jesus to do what needs to be done to follow these court orders is serve jail
3 time. So, the Court has already found him in contempt. One of the sanctions of that
4 contempt will be incarceration.

5 11. The Court will give Jesus two weeks to provide the form that he needs
6 to provide. If the form is provided, Jesus will have another two weeks before the
7 bench warrant is effectuated to have PERS review the form and approve it.

8 12. If at any point in time Jesus does not comply with this court order, then
9 the bench warrant will issue for his arrest and incarceration. It'll be 25 days for each
10 violation, currently up to six as of the hearing, in addition to the arrears that are
11 accumulating during that time.

12 13. The purge clause in this case will be the same thing that the Court is
13 using to keep Jesus out of jail, and prior to the bench warrant, which is executing and
14 effectuating the reinstatement of the benefits in this case that existed as prior court
15 orders.

16 14. Both of the parties will be required to file a new Financial Disclosure
17 Form.

18 15. Catherine may file a Memorandum of Fees and Costs. Jesus will be able
19 to review that memo before the Court finalizes it.
20

21 **THE COURT HEREBY ORDERS:**

22 1. Mr. Tilman's request to be released from his appointment as Jesus'
23 counsel shall be granted. Mr. Tilman shall prepare an Order releasing himself from
24 the appointment and submit the same to the Court for review and signature.

25 2. Jesus has already been found to be in contempt of this Court. One of the
26 sanctions of Jesus' contempt shall be incarceration.

27 3. Jesus shall have two (2) weeks, or not later than April 6, 2023, to provide
28 Mr. Crane with the Public Employees' Retirement System of Nevada Form reinstating

benefits to Catherine. If Jesus provides Mr. Crane with the form, Jesus shall have an additional two (2) weeks, or not later than April 20, 2023, to have PERS review and approve the form.

4. If at any point in time Jesus does not comply with this Court's Order, a bench warrant shall be issued for the arrest and incarceration of Jesus. There shall be twenty-five (25) days for each violation with total of six (6) violations at the present time, in addition to the arrears accumulating during this time.

5. The purge clause for Jesus to avoid incarceration shall be the execution and effectuation of the reinstatement of benefits to Catherine.

6. Each party will have seven days from today's hearing, or not later than March 30, 2023, to file an updated financial disclosure form.

7. Mr. Crane may submit a memorandum of fees and costs expressing the fees expended in this case for the Court's consideration. Jesus will have the opportunity to review that memo prior to Court finalizing the issue of attorney's fees on this matter.

8. As Jesus has been declared a Vexatious Litigant, any unauthorized documents are considered fugitive documents. This includes Plaintiff's Motion to Reconsider the Order Finding Him in Contempt filed on March 17, 2023.

9. The Willick Law Group shall prepare the *Order* from today's hearing.

Dated this 19th day of April, 2023

Cheng J. Yeh

QM

33D 0DD 7AA5 3E41
Charles J. Hoskin
District Court Judge

Respectfully Submitted By:
WILLICK LAW GROUP

// s // *Richard L. Crane*

MARSHAL S. WILLICK, ESQ.
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RICHARD L. CRANE, ESQ.
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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Jesus Luis Arevalo, Plaintiff

CASE NO: D-11-448514-D

7 vs.

DEPT. NO. Department E

8 Catherine Marie Arevalo,
9 Defendant.

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 4/19/2023

15 Marshal Willick

marshal@willicklawgroup.com

16 Reception Reception

email@willicklawgroup.com

17 Justin Johnson

Justin@willicklawgroup.com

18 Jesus Arevalo

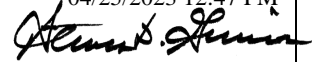
wrath702@gmail.com

19 Jesus Arevalo

vinni702@yahoo.com

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CLERK OF THE COURT

ORDR

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

Jesus Luis Arevalo,
Plaintiff

Case No.: D-11-448514-D
Dept.: E

v.

Scheduled Hearing: May 2, 2023

Catherine Marie Arevalo,
Defendant

ORDER

This Court having reviewed this file FINDS that Plaintiff filed *Plaintiff's Motion to Reconsider Order Finding Him in Contempt* on March 17, 2023. The Defendant filed *Opposition to Plaintiff's Motion to Reconsider Order Finding Him in Contempt* on April 13, 2023. Pursuant to NRCP 1 and EDCR 1.10, the procedure in District Courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 5.502(e)(3), this Court can consider a motion and issue a decision on the papers at any time without a hearing.

THE COURT FINDS that the Plaintiff was declared vexatious on March 23, 2021, and is required to obtain permission prior to filing a motion before the Court. However, his most recent *Motion* was nevertheless filed

1 into this case, and set for a hearing on May 2, 2023 at 9:00 a.m. As such, the
2 Motion is void.
3

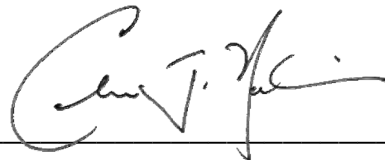
4 THE COURT FINDS that the parties were last before this Court for a
5 hearing on March 23, 2023. In the resulting *Order*, filed April 19, 2023, the
6 Court made a clear determination of the issues at hand, most of which have
7 been raised again by the Plaintiff in his *Motion to Reconsider*, and found
8 Plaintiff in contempt for his violations of this Court's orders.
9

10 THE COURT FURTHER FINDS that Plaintiff's *Motion to*
11 *Reconsider* is an attempt to re-litigate issues previously decided and resolved
12 by the Court. Notwithstanding the void nature of Plaintiff's *Motion*, such
13 requests are either untimely and the Court is without ability to consider, or
14 the requests have already been resolved.
15

16 NOW, THEREFORE, THIS COURT ORDERS that the hearing set
17 on May 2, 2023 at 9:00 a.m. on the matter shall be VACATED.
18 Furthermore, the Defendant filed a *Countermotion* to an improperly filed
19 *Motion*, and as a result, all relief requested in the Defendant's
20 *Countermotion* is also DENIED.
21

22 IT IS SO ORDERED
23

24 Dated this 25th day of April, 2023
25

26 
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se

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Jesus Luis Arevalo, Plaintiff

CASE NO: D-11-448514-D

7 vs.

DEPT. NO. Department E

8 Catherine Marie Arevalo,
9 Defendant.

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 4/25/2023

15 Marshal Willick

marshal@willicklawgroup.com

16 Reception Reception

email@willicklawgroup.com

17 Justin Johnson

Justin@willicklawgroup.com

18 Jesus Arevalo

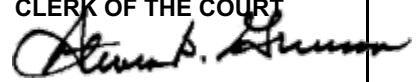
wrath702@gmail.com

19 Jesus Arevalo

vinni702@yahoo.com

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MOT
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email@willicklawgroup.com
Attorney for Defendant

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

JESUS LUIS AREVALO,
Plaintiff,

vs.

CATHERINE AREVALO N/K/A
CATHERINE DELAO,
Defendant.

CASE NO: D-11-448514-D
DEPT. NO: E

ORAL ARGUMENT

Yes ____ No X

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

**MOTION FOR
ATTORNEY'S FEES AND COSTS *PENDENTE LITE*
AND RELATED RELIEF**

1 **I. INTRODUCTION**

2 Under NRS 125.040, a district court has jurisdiction to award attorney fees
3 *pendente lite* for the costs of an appeal or the response to a writ application.¹
4 Catherine requests the Court do so in this matter. Jesus' refusal to comply with Court
5 *Orders* and issues that he caused has cost Catherine enormous sums of money, while
6 he continues to abuse the legal process and not pay her *any* of the money he owes.

7 Catherine filed her most recent FDF on March 29, 2023, and there has been no
8 material change in her financial situation within the preceding 6 months.²

9 If the Court decides to hold a hearing on this matter, we respectfully request
10 that there be no video appearances allowed. Jesus has used that manner in which to
11 appear to avoid facing the Court directly and the option should be closed to him for
12 any future litigation.

13
14 **POINTS AND AUTHORITIES**

15 **II. STATEMENT OF FACTS**

16 The Court is well aware of the facts in this case. Jesus has been an
17 obstructionist and holds this Court and all of its decisions in utter contempt. He was
18 ordered to cooperate in obtaining an insurance policy; he refused. He was told that
19 if he did not cooperate, his pension payments would be directed to make up for the
20 missing policy; he ignored the orders. When the QDRO was entered, he sabotaged
21 the pension so no sums were paid under it. He was ordered to pay fees and various
22 arrears; he refused. he was told he had to comply or he would face jail time for his
23 obstruction and refusal; he ignored those orders. Contempt and an arrest warrant
24 were issued; he still refuses to comply with *Orders* and is now facing jail time as a
25 result of his entirely voluntary and easily avoidable actions.

26
27

¹ See *Griffith v. Gonzales-Alpizar*, 132 Nev. 392, 373 P. 3d 86 (2016).

28 ² See EDCR 5.507(f).

1 His writ petition to the Nevada Court of Appeals misrepresents every aspect
2 of this case; the filing continues to blame everyone but himself for the situation he
3 alone has created.

4 Jesus filed his Writ Petition and Emergency Motion with the Supreme Court
5 on May 19, 2023. It was transferred from the Supreme Court to the Nevada Court of
6 Appeals on June 1, 2023.

7 On the same date, the Court of Appeals ordered a response. The response to
8 the Writ and Emergency Motion will cost Catherine a minimum of \$20,000 to defend.

9 This *Motion* follows.

10 11 **III. LEGAL ARGUMENT**

12 **A. Catherine Should Receive an Award of *Pendente Lite* Costs for** 13 **Defending This Writ and Motion**

14 This Court has deemed Jesus a vexatious litigant based on his frivolous filings
15 and misrepresentation of the facts in every document that he produces.
16 Unfortunately, his actions have cost Catherine over \$130,000 just to obtain orders
17 that Jesus has ignored.

18 Jesus has now been found in contempt of this Court's *Orders* even after being
19 given numerous opportunities to comply.³

20 Now, Jesus again attempts to delay the inevitable, celebrating that he continues
21 to cost Catherine lots of attorney's fees while he still pays nothing and walks free
22 even though this Court has issued a bench warrant for his arrest.

23 This Court has bent over backward for Jesus, and noted on the record that it has
24 done so. He has been allowed to thwart any attempt to collect fees and the PERS

25
26 ³ "The Court believes it has given him every opportunity to avoid the circumstance that he
27 finds himself. A review of this case and hearings would indicate that someone might think that the
28 Court had a bias against Catherine, given as much leeway and assistance and efforts that it has to try
and keep Jesus in a position to avoid this circumstance.

1 pension benefits while thumbing his nose at the Court. The time for giving him any
2 further consideration has long passed. He should be required to pay for the privilege
3 to take any of this before the Court of Appeals.

4 In *Griffith v. Gonzales-Alpizar*,⁴ the Nevada Supreme Court determined that
5 district courts have jurisdiction to award attorney's fees *pendente lite* for the costs of
6 an appeal the other party is forced to defend. It is especially relevant when the party
7 is defending the Court's decision.

8 In *Martin*,⁵ citing *Griffith*, the Supreme Court found:

9 Attorney fees awarded under NRS 125.040(1)(c) are "*pendente lite*" because
10 they cover fees in an ongoing divorce suit. See *Pendente Lite*, *Black's Law*
11 *Dictionary* (11th ed. 2019) ("During the proceeding or litigation; in a manner
12 contingent on the outcome of litigation."). We review an award of *pendente*
13 *lite* attorney fees for an abuse of discretion. See *Griffith*, 132 Nev. at 395, 373
14 P.3d at 89. "[A]n award of attorney fees in divorce proceedings will not be
15 overturned on appeal unless there is an abuse of discretion by the district
16 court." *Miller v. Wilfong*, 121 Nev. 619, 622, 119 P.3d 727, 729 (2005).

17 In analyzing the legislative history of NRS 125.040, the Supreme Court
18 focused on the phrase "suit for divorce," and concluded that appellate proceedings
19 growing out of a divorce case are included under that definition, basing its decision
20 on substantial precedent dating back nearly 80 years. Specifically, the Court
21 determined that a divorce action remains "pending" after entry of a divorce decree for
22 purposes of enforcement, child custody modifications, child support modifications,
23 etc.

24 Here, Catherine sought to enforce the terms of the *Decree* and thus is entitled
25 to fees *Pendente Lite* to defend the decision doing so.

26 Though *Griffith* speaks to the relative incomes of the parties as something that
27 needs to be considered by the Court, that one factor is not dispositive as to whether
28 the Court can award fees. On the merits, we have no confidence that Jesus has been

26 ⁴ *Griffith v. Gonzales-Alpizar*, 132 Nev. 392, 373 P. 3d 86 (2016).

27 ⁵ *Martin v. Martin*, 138 Nev. ___, ___ P.3d ___ (Adv. Opn. No. 78, Dec. 1, 2022). Full
28 disclosure: this case has been decided, however no remittitur has issued as Erich Martin has
indicated a desire to appeal this case to the United States Supreme Court.

1 any more honest in his reporting of income than he has been in any other aspect of
2 this case. Even if he has been, the Supreme Court went on in *Martin*, again citing to
3 *Griffith* to say:

4 “a party need not show necessitous circumstances in order to receive an award
5 of attorney fees under NRS 125.040.”⁶

6 In other words, as long as this Court makes the appropriate findings to support
7 its award, it will not be disturbed on appeal.

8 Here, *every* dollar awarded to Catherine in this Court has been due to Jesus’
9 actions. His continuous refusal to comply with payment orders, his refusal to
10 cooperate in getting a life insurance policy, his refusal to appear at hearings in person
11 as directed by the Court. All of this has just increased costs and frivolously wasted
12 time and money.

13 Now we are forced – yet again – to defend the proper orders of this Court in the
14 appellate courts of Nevada. Jesus should be required to pay for Catherine’s defense.

15 Given the issues involved in this Writ, and the potential need for substantial
16 briefing on the subjects, and the possibility of oral argument on this issue, we believe
17 a preliminary award of \$20,000⁷ is appropriate under the circumstances.

18 The Court’s evaluation of this motion should include not only the above
19 argument, but should also consider the probabilities of prevailing. We do not see
20 Jesus prevailing since his entire argument is based on fabricated facts that we are
21 (again) required to correct before the Court of Appeals.

22 At the risk of stating the obvious, this Court has already made extensive
23 findings in its decision that support Catherine’s position. While nothing is ever
24 guaranteed, our evaluation is that there was no error in this Court’s analysis and that
25 Jesus will not prevail on appeal.

26
27 ⁶ *Supra*.

28 ⁷ Our records indicate that this is the very least an appeal of this type *ever* costs to process;
typical sums incurred are much higher, and often exceed six figures.

1 The award of \$20,000 does not include the sums incurred for having to file and
2 litigate this *Motion*; \$20,000 is the bare minimum sum expected to be incurred in
3 prospective costs as required by NRS 125.040 and *Griffith v. Gonzales-Alpizar*.
4 Actual costs will almost certainly be higher.

5 There is no requirement to provide an analysis of the *Brunzell*⁸ factors for a
6 request for *Pendente Lite* fees. The Nevada Supreme Court dealt with this in *Martin*
7 as well:

8 Further, we conclude that the district court was not required to apply the
9 Brunzell factors because Brunzell requires analysis of attorneys' services
10 provided in the past. See 85 Nev. 345, 349, 455 P.2d 31, 33 (1969). In
11 contrast, here the district court was considering prospective appellate work to
12 award attorney fees. See *Griffith*, 132 Nev. at 395, 373 P.3d at 88
13 (distinguishing a decision addressing attorney fees for a previous matter rather
14 than a prospective appeal as was properly within the scope of NRS 125.040);
15 *Levinson v. Levinson*, 74 Nev. 160, 161, 325 P.2d 771, 771 (1958) (observing
16 that attorney fees awarded pursuant to NRS 125.040 contemplate prospective
17 expenses and should not reflect the attorneys' work already performed or
18 expenses already incurred).

15 **B. Requested Findings**

16 To aid the Court in making findings to support the award of fees the following
17 is provided to be included in an *Order* awarding the entirety of the \$20,000 pendente
18 fee award.

- 19 1. That Jesus has filed a Writ of Mandamus concerning the *Order*
20 entered on April 19, 2023.
- 21 2. That Jesus did cause Catherine's PERS benefits to be suspended
22 by failing to complete a yearly recertification form.
- 23 3. That Jesus Seeks in his Writ Petition to have the QDRO set aside.
24 The *Order* for the indemnification QDRO was a final order after
25 judgment and is unappealable as it was not appealed within 30
26 days of its entry.

27
28 ⁸ *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 455 P. 2d 31 (1969).

4. That Jesus still has not produced a copy of the form that would reinstate benefits to Catherine though the Court gave him additional time to do so.
5. That Jesus has not shown that he has requested permission from Nevada PERS to be employed while receiving his benefits. Jesus has been on notice that contempt would be sought over this issue since November 2022, and he still has done nothing to alleviate the situation.
6. That Jesus' actions have severely impacted the income of Catherine and his purpose appears to be solely to harass and injure.
7. That Jesus has refused to obey any *Order* of this Court and has cost Catherine tens of thousands of dollars in wasted attorney's fees and wasted precious judicial time.
8. As such, the Court finds that Jesus should be responsible for the fees and costs for Catherine to defend the current *Orders* issued by the Court in any action before the Nevada Appellate Courts.
9. That \$20,000 is a reasonable *pendente fee* award to allow Catherine to proceed in the Appellate Courts.
10. That Catherine shall be awarded \$20,000 in *Pendente fees* and this amount should be reduced to judgment collectible by all lawful means.

1 **IV. CONCLUSION**

2 Based on the above, Catherine respectfully requests the Court issue the
3 following orders:

- 4 1. Awarding Catherine *pendente lite* fees to defend against Jesus'
5 action in the Nevada Appellate Courts in the amount of \$20,000.
6 2. For such other and further relief as the Court deems just and
7 proper.

8 **DATED** this 6th day of June, 2023.

9 Respectfully Submitted By:
10 WILICK LAW GROUP

11 /s/ Richard L. Crane

12 MARSHAL S. WILICK, ESQ.
13 Nevada Bar No. 2515
14 RICHARD L. CRANE, ESQ.
15 Nevada Bar No. 9536
16 3591 E. Bonanza Road, Suite 200
17 Las Vegas, Nevada 89110-2101
18 (702) 438-4100
19 Attorneys for Defendant
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CERTIFICATE OF SERVICE

Pursuant to NRCp 5(b), I certify that I am an employee of the Willick Law Group and that on this 6th day of June, 2023, I caused the above and foregoing document entitled 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;
- [X] 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.
- [X] by email to wrath702@gmail.com.

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

Mr. Jesus Luis Arevalo
4055 Box Canyon Falls
Las Vegas, NV 89085
wrath702@gmail.com

Jesus Arevalo
6935 Aliante Pkwy., Ste. 104 #286
N. Las Vegas, NV 89084

Jesus Arevalo
5612 N. Decatur Blvd., Ste. 130
P.O. Box 321
Las Vegas, NV 89031

/s/ Justin K. Johnson

An Employee of the Willick Law Group

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DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

JESUS LUIS AREVALO,
Plaintiff/Petitioner

-v.-

CATHERINE AREVALO
n/k/a CATHERINE DELAO,
Defendant/Respondent

Case No. D-11-448514-D

Department E

**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.

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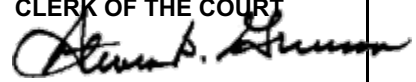
Party filing Motion/Opposition: Willick Law Group Date: June 6, 2023

Signature of Party or Preparer: /s/ Justin K. Johnson

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

JESUS LUIS AREVALO,
Plaintiff,

vs.

CATHINE AREVALO,
N/K/A CATHERINE DELAO,
Defendant.

CASE NO: D-11-448514-D
DEPT. NO: E

DATE OF HEARING: 6/22/2022
TIME OF HEARING: 10:00 am

**TRANSCRIPT OF PROCEEDINGS
RE: HEARING HELD JUNE 22, 2022**

Defendant, Catherine Delao, by and through her attorney, Marshal S. Willick, Esq., of the WILICK LAW GROUP, hereby submits the Rev.com transcription of the hearing held in this matter on June 22, 2022.

DATED this 6th day of June, 2023.

WILICK LAW GROUP

/s/ Richard L. Crane

MARSHAL S. WILICK, 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 6th day of June, 2023, I caused the above and 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.
- ☐ By First Class, Certified U.S. Mail.
- ☒ By Email to wrath702@gmail.com.

To the person(s) listed below at the address, email address, and/or facsimile number indicated:

Mr. Jesus Luis Arevalo
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/s/ Justin K. Johnson

An Employee of the WILICK LAW GROUP

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Judge Hoskin: This looks like a lot to break up. All right. We are on the record. 448514. Mr. Willick.

Marshal Willick: Good morning, your honor. Marshal Willick, 2515, for Catherine Delao who I believe is present, but I do not see on video at the moment. With me also is Richard Crane, bar number...

Richard Crane: 9536, your honor.

Judge Hoskin: All right. Thank you. Sir?

Jesus Arevalo: Good morning, your honor, Jesus Arevalo, pro se.

Judge Hoskin: All right. And we are on today on defendant's motion, which I have reviewed. I did review the response that was filed, as well as the supplemental documentation that was permitted, or provided to the court, and then the reply in this case. So Mr. Willick, it is your motion, just initially so you kind of have an idea where I'm at. I was under the impression that I entered an indemnification QDRO, or authorized one, some time ago, but this appears to be something different or beyond what I previously ordered. So if you can touch on that in your argument, that'll be helpful.

Marshal Willick: Sure. And I'll leave summary out because I think the court's already heard everything. I don't believe this is anything different than you've already ordered. The reason for the request was that we need a physical signature on the order to effectuate your... It was a conditional order. You said that if he gets the insurance in place, we don't need the indemnification QDRO, but if he doesn't, then we'll leave the indemnification QDRO to self-fund the survivorship interest. So we delayed long enough for the insurance agent to contact him repeatedly, asking for cooperation and securing the insurance policy. There is no insurance policy. If you look at the reply, you'll see that, well, he's going to claim that the guy never called, even though the insurance agent claims that he left multiple messages, but he has the fellow's name. So... What? I'm sorry, did you ask a question?

Judge Hoskin: No.

Marshal Willick: Oh, I'm sorry. I heard something. That he had the insurance agent's name. So if it was true that the insurance agent had not successfully left a message or hadn't contacted him, even though he says he did, that he could simply call the insurance agent and secure the insurance policy. But that's been months at this point. The reply was filed April 14th. So we haven't heard from the insurance agent that Mr. Arevalo has ever contacted him to put the insurance in place. We therefore need the court's signature on the indemnification QDRO as ordered, as the condition for its entry has materialized. I have Mr. Crane here because he has a better command of the numbers and such, and I don't know if that's what your question might've gone to.

Judge Hoskin: No, the question had more to do with, I thought that I'd already authorized this, but it makes sense to me, your argument that it was a conditional based upon you getting the broker and him trying to obtain the insurance and avoid the utilization of the identification QDRO. So that portion of it was lost on me, and I appreciate you clarifying.

Marshal Willick: Very good, your honor. Unless you have other questions, I'll submit it on the basis of the paper.

Judge Hoskin: Well, the other question that I have, and I'm assuming that it'll come out in the plaintiff's argument, has to do with, he's indicating that he doesn't believe that what is being collected under the indemnification QDRO is appropriate under NRS 286. So he's indicating that there's fees on there, and perhaps it doesn't allow for fees. At least my review of 286.6703 indicates that someone other than me makes that determination, but certainly if you want to touch on that.

Marshal Willick: Well, frankly, your honor, no, I would dispute that you actually make that determination if PERS will not independently do anything. They will simply follow court orders. It works a little bit like bankruptcy, in the area of indemnification. If you remember the old bankruptcy cases relating to fees, where attorney's fees are involved, the fees take on the character of the debt to which they attach. So if fees were being sought for purposes of collection of alimony, they were as collectible, despite a bankruptcy intervening, as the alimony, which is a domestic support obligation, and therefore collectible, despite of bankruptcy filing. When you're dealing with an indemnification QDRO, it's exactly the same rule. You follow all those cases, and we cited them in the earlier round. I don't have them right in front of me, but they're in the thing that you're remembering from before, that's where all that case law is, which says that...

Judge Hoskin: And maybe I didn't say it correctly, but I'm looking at subsection three of 286.6703, and it indicates that the executive officer shall determine whether the judgment entitles the alternate payee to receive that allowance. So my understanding was there's another officer that takes a look at my order to verify that it's appropriate, and you're indicating to me that they don't do that.

Marshal Willick: I believe it's simply a technical review for sufficiency, but Mr. Crane is much more familiar with the administrator and what they do and don't do, and with court permission, I'd ask him to address that question.

Judge Hoskin: Mr. Crane.

Richard Crane: Yes, your honor. Yeah, your honor. When an indemnification QDRO is sent in, the only thing they look for is that it does meet the requirements of 286, and every QDRO has to be approved by the executive officer. Of course, he delegates that authority to somebody else to make that approval. And we have already sent this QDRO in for preapproval and it has already been preapproved.

So that means once it's signed, it's going to be accepted. As far as collection, the citation to 286 that Mr. Arevalo cited to, it basically just means that they won't take any independent action to collect any arrearages or fees or whatever else. It has to be in order of the court, and it has to be in the form of either a dollar amount or a percentage. And in this case, we're seeking 100% minus \$10.

Judge Hoskin: Okay. All right. Thank you. Sir, what'd you like to tell me?

Jesus Arevalo: Yes, sir. I lost my video, but I can still hear you, so I can still continue. I'll touch on this first, if that's okay, and then there's other things I'd like to add, if I may.

Judge Hoskin: I don't understand what you're asking me, so go ahead and tell me what you need to.

Jesus Arevalo: Okay. Do you want me to touch on the indemnification QDRO first, or do you want me to go into some other issues that I have with all of this?

Judge Hoskin: Well, you can present whatever you need to present. As I indicated, it was my understanding that I already authorized the indemnification QDRO if you weren't able to get the insurance after they provided a broker, so if you want to touch on that.

Jesus Arevalo: Okay, I'll touch on that first and then I'll go into the other things.

Judge Hoskin: Okay.

Jesus Arevalo: Now, you're absolutely correct. What you actually ordered was an indemnification QDRO. However, looking at the November 3rd, 2021 order, you are absolutely correct that in here, you also stipulated that you were not going to put a percentage on it or a dollar amount, that PERS has rules. And that it is absolutely correct. PERS does have rules. I am familiar with the case where Mr. Willick had one that says that alternate payees are allowed to leave their payments to next of kin. He's tried to write QDROs like that before and send it up to PERS, and PERS has denied it. So PERS does deny QDROs when they don't meet 286. They don't just have you write it up, sign it, and accept it. The other issue is 286.6703, 13.11 policy, which Mr. Willick misquoted. It says, if a judgment, decree, or order indicates that arrearage are owed by the member or retired employee to an alternate payee, the System will not participate in collecting of arrears. Arrangements for payment must be made between the two parties.

Jesus Arevalo: On that note, also, when it comes to PERS, PERS is actually labeled as a trust fund. Trust funds that a disability payment are coming from are not supposed to be garnished. But the other thing is, I was talking to PERS and they said, on its face, that the QDRO that it submitted looks to be within compliance. However, they did not receive any court order with your orders on it, like you are obviously asking the question. Mr. Willick didn't send in the copy of the order

that says that you were not going to put a percentage on it or a dollar amount, that that was up to PERS.

Jesus Arevalo: Now, that being said, I would like to move on to some other things, if I may. Little bit of history of this case that I discovered. December 2013. Back, back, back, when this case was active with Duckworth. Catherine and Vince Mayo came after me for full custody, and they used my disability to do so. In that motion, 128, 2014, they gave an exhibit of the Las Vegas Review-Journal saying that I am receiving disability pay. In February 26th, 2014, we had the order from Judge Duckworth. He recognized my motion. The motion was to review and reduce child support due to plaintiff's disability. He recognized it, and in doing so, set child support to zero.

Jesus Arevalo: Current case, back in January 29th of 2020, when Willick filed his first motion, he reviewed the whole case file. Page six of Willick's motion, he acknowledges that he reviewed that motion that clearly says plaintiff's disability, yet he doesn't write the word disability. He stays away from it. Also on that, page 13 and 14, Willick gives an exhibit again, the same exhibit from the Las Vegas Review-Journal back in 2013, saying that I am receiving disability pay. But again, in his motion on 13 and 14, he stays away from the word disability, or disability pay. Then if you move to Willick's motion, page 11, he states a very clear case. Rohlfig versus District Court. DCR 18 1, DCR-5, EDCR-7.1B.

Jesus Arevalo: He also said in there that, because of that case, I don't get a redo, when I asked for a online class versus the [inaudible 00:11:20] class. So with Willick's own words, I'd like to know why he got a redo of not recognizing my disability when Judge Duckworth did, and why he got a redo and was allowed to do the QDRO when Mike Levy was ordered to do it. Also, the next argument you've probably heard before, because it was in front of you in February. Christopher Reahm versus Stephanie Reahm, case number D-15-508183-D. Now, there is a big difference between disability and service retirement.

Judge Hoskin: Sir, are you arguing that we can't attach it because it's a disability?

Jesus Arevalo: Correct.

Judge Hoskin: Okay. Wouldn't PERS make that determination, rather than me?

Jesus Arevalo: Actually it's through the court. You made that determination with Christopher Reahm, and you ruled that it was a disability and you just wanted more information from PERS.

Judge Hoskin: Right.

Jesus Arevalo: With my supplemental-

Judge Hoskin: I don't understand your argument. If my domestic relations order is not qualified by PERS, then it's not effectuated. So it's not for me to make that determination as to what your benefits are. PERS does that.

Jesus Arevalo: Well, when it comes to the state of Nevada, when it comes to disability, powers via powers case law states that disability retirement is my sole and separate property. You have other case laws from...

Judge Hoskin: Yes. It is. Of course, it's your sole and separate property. That's not the question. The question is, can we execute on it, based upon other court orders? That's the question.

Jesus Arevalo: According to case law, you're not supposed to be able to, because it's an award for disability that is not a service retirement. I have not reached the age of 60. And according to case law from Nevada and from other states, it is a award for disability. She's not allowed any payment until I reach service age, and it switches from disability payment...

Judge Hoskin: But we're talking two separate issues. You're arguing that I don't have an ability to distribute it under community property law, not that you can't execute on it. Those are two different issues that is distinguishable in the case law that you're citing.

Jesus Arevalo: Okay. Well, what happened was PERS was implementing the QDRO inconsistent with the terms of the court order and Nevada law. I've been waving my hands up and down since August, saying this is a disability, and now Duckworth back in 2014 already recognized this as a disability. So why did we not recognize Duckworth's order that I'm disabled and do a service retirement QDRO, and not an-

Judge Hoskin: I thought I just explained that.

Jesus Arevalo: Okay. You had a question, I'm sorry.

Judge Hoskin: I said, I thought I just explained that. Disability changes if I'm able to distribute those funds. It doesn't change the fact that you can execute on those funds. It's two different issues.

Jesus Arevalo: Okay. Well, the funds shouldn't be distributed. They were distributed incorrectly, and not in accordance with the terms of the court order and Nevada law.

Judge Hoskin: Are you talking about a preexisting order or are you talking about what we're talking about today?

Jesus Arevalo: I'm talking about the current QDRO that's in place and the indemnification QDRO.

Judge Hoskin: Okay.

Jesus Arevalo: Because these are disability payments. These are not service retirement. This is an award for disability. I got hurt on the job.

Judge Hoskin: Yes.

Jesus Arevalo: I was not fully vested. And if I wasn't disabled, I would be getting no money. I wouldn't even be eligible for a service retirement, and there would be no QDRO in place.

Judge Hoskin: But where you seem to be losing my point that is, if PERS doesn't qualify it, then it doesn't become effective, even if I sign off on it.

Jesus Arevalo: Well, like Crane and Willick were kind of saying, [inaudible 00:15:17] the NRS is in place. And when PERS makes decisions, unless they actually catch something, they assume that, on its face value, that the QDRO complies. And I just have this talk with Ian Carr from the Nevada Attorney General's Office who oversees PERS.

Judge Hoskin: I hope you're not-

Jesus Arevalo: Now the other thing-

Judge Hoskin: I hope you're not right. I hope that PERS takes more than a cursory review over the funds that they have to deal with, but go ahead.

Jesus Arevalo: It's happened many times. And see, the problem with that is, what happened when the first QDRO was submitted, PERS did not know... Well, they do know because my file says disability all over it.

Judge Hoskin: Right. PERS would know.

Jesus Arevalo: But when you send up a QDRO, you're supposed to send up all the permanent information also to make that QDRO, and Willick purposely withheld the information that I was disabled to get his client more money than she was entitled to, which is under NRS 286.820, which is a gross misdemeanor, withholding information.

Judge Hoskin: Okay. So what about the life insurance broker issue? Did you want to talk about that?

Jesus Arevalo: Yeah. The life insurance broker issue. I got [inaudible 00:16:29] email that he sent me. He said, "Hey, you should have gotten contact from two people by now." Okay. I got a call from a lady from 800 number that I believe was from Zurich. Talked to her, complied with her. Never heard anything else. I was CC'd in an email between Catherine, Chris Lopez, and a couple other people. That

was back in January. Never got a phone call. Recently about a month ago, I talked to Chris Lopez and called his office, asked, "Look, I looked up my T-Mobile account. I ran your cell number and your office number. I didn't see anywhere where you called." He goes, "Well, I called the number that was provided. Maybe it was the right number. Maybe it wasn't."

Jesus Arevalo: I asked him, I said, "Well, why didn't you email me? I mean, what's going on?" And then me and him had a talk and I complied with everything he said. And he said he was going to talk to Catherine and see what she wanted to do as far as the next step. He did also tell me that he was asked by Willick to have him sign something saying that I didn't qualify for a life insurance policy. Now I know that's hearsay, but that's the conversation I had with Chris.

Judge Hoskin: So you haven't been in contact with any of the brokers that they have provided?

Jesus Arevalo: Yes, I have. They had someone from Zurich call me and I talked to them, complied. I reached out to Chris after Willick accused me in this first motion saying that I didn't return his calls. Checked my phone records, no phone calls from his office phone, no phone calls from his cell phone through T-Mobile. I had T-Mobile back in December. I pulled up all my numbers online, went through them all. And that's when I told Chris, I said, "Look, I don't have any calls from your office showing up on my call list from the T-Mobile company. I don't have any from your cell phone." And that's when he goes, "Well, you know what? I called a number that was provided. Maybe it was the wrong number." And I asked him, I said, "You have my email. I mean, you could have emailed me." As far as I remember, the court put it upon Catherine to have these people contact me and do the legwork. I was waiting on them. I complied with the first person. I told Chris-

Judge Hoskin: Well, wouldn't you be motivated when you know that I've already authorized them to take all of your income? Wouldn't that be more motivating to you to try and make [inaudible 00:18:43]?

Jesus Arevalo: Yeah, I did. I reached out two times before to two other insurance companies and was denied.

Judge Hoskin: In six months? Right? Six months.

Jesus Arevalo: Yeah.

Judge Hoskin: I put that order in place.

Jesus Arevalo: Yeah, but I complied. They're telling me I didn't comply. I complied with both people I talked to.

Judge Hoskin: What did you comply with? What did you do?

Jesus Arevalo: They ran me through the questionnaire and they told me they'd get back with me. Chris told me he was going to check with Catherine to see what other steps she wanted to take, moving forward. This was last month. Never got a phone call back.

Judge Hoskin: And nobody's gotten back with you since?

Jesus Arevalo: No one's gotten back with me since. Catherine didn't send any emails, Willick didn't send any emails. I talked to him last month and I explained everything. I said, "I'm willing to 100% cooperate. What do you want to do?" He said, "Well, I got to call Catherine and see what she wants to do."

Judge Hoskin: I see. Okay. Anything else, sir?

Jesus Arevalo: Yeah. The other thing that we're missing here is, like I said, this is a disability retirement. It's not a-

Judge Hoskin: No, anything else? Anything else? You've already made that argument. Is there anything else?

Jesus Arevalo: Well, it's kind of surprising to me that I'm not allowed the same protection as Christopher Reahm in a case that was back in February. Judge Duckworth already recognized I'm disabled. Judge Duckworth already made certain orders, or in-

Judge Hoskin: Sir, you've already made this argument. Is there anything else? I've got other cases starting. What else do you have?

Jesus Arevalo: Okay, well, let's talk about the life insurance, since I am not unable to get it. There is an NRS 286.665. If Catherine does have a QDRO in place and I die, under 286.665, she can still collect her money without a life insurance policy.

Judge Hoskin: Yeah, but you're re-arguing an issue that was decided years ago, sir. I don't have the ability to go back and redo that.

Jesus Arevalo: Okay. Well, there was a mistake made with the Duckworth, making an order saying that, recognizing I'm disabled. And now we have a mistake with a QDRO that's being improperly applied because I'm on disability, so.

Judge Hoskin: Be sure and reach out to PERS then and advise them that they're improperly doing their job, because I think they'd probably want to know that.

Jesus Arevalo: Okay. So why is this court not recognizing I'm disabled? Because disability money is protected.

Judge Hoskin: Sir, I thought I explained this. I-

Jesus Arevalo: Well, yeah, you did. But what's-

Judge Hoskin: I-

Jesus Arevalo: ... the legal basis for collecting disability money? I'm not in any arrears of child support. The only way you can collect on disability, social security, or any pension disability is if you're in arrears for child support. I'm not in arrears for child support. PERS will not allow you to collect for attorney fees, arrears, or judgments-

Judge Hoskin: Great. You told me that PERS is going to fix it, so why am I even concerned about it?

Jesus Arevalo: Well, because PERS likes to involve the judges and wants the judges to recognize the law. I've had this conversation with PERS. PERS and the judges and the courts are supposed to work together.

Judge Hoskin: No. No.

Jesus Arevalo: But legislative [inaudible 00:21:35]-

Judge Hoskin: I'm not allowed to work with PERS, sir. I make determinations, and then the executive director takes a look at it and determines whether it's appropriate. We do not work together.

Jesus Arevalo: Okay. So I guess my last question would be, what's the difference between the Christopher Reahm versus Stephanie Reahm case, and my case?

Judge Hoskin: I have no idea what you're talking about.

Jesus Arevalo: It's a case that was in front of you back in February 2nd of 2022.

Judge Hoskin: Yes, sir. I understand. It's a case that's in front of me. What does that have to do with you?

Jesus Arevalo: It's the same situation. He ended up disabled-

Judge Hoskin: It's not the same situation.

Jesus Arevalo: Absolutely, it is.

Judge Hoskin: Okay.

Jesus Arevalo: After I got divorced, I ended up disabled.

Judge Hoskin: All right. Thank you, sir. Mr. Willick, anything else?

Marshal Willick: I don't think so, unless you have any other questions.

Judge Hoskin: The only question I have has to do with the life insurance broker issues. It sounds like you've found two that have reached out, and have you received any word back from either one of them?

Marshal Willick: The last word I received is as recited in the reply from April, indicating that they had received no contact. I mean, the insurance broker's in the business of writing insurance policies.

Judge Hoskin: Yes.

Marshal Willick: I presume if he had the information he needed, I would've received a proposed policy by now.

Judge Hoskin: Okay. All right, Mr. Arevalo, do you still have any contact information from either of those brokers?

Jesus Arevalo: Yes, I do. I have Chris. I have the email from Chris Lopez, and that's how I got ahold of him, when I was told that he tried to call me.

Judge Hoskin: And how long ago was that?

Jesus Arevalo: That was last month.

Judge Hoskin: Okay.

Jesus Arevalo: Less than 30 days, I talked to him.

Judge Hoskin: And you reached out? Oh, you did talk to him?

Jesus Arevalo: Yeah. I reached out to him. I had a conversation with him.

Judge Hoskin: And then what happened? You didn't follow up?

Jesus Arevalo: He told me he wanted to get back with Catherine and he'd get back in contact with me, see what she wanted to do.

Judge Hoskin: Okay.

Jesus Arevalo: Because I told him, I'll comply 100%.

Judge Hoskin: Well, here's my problem with this. Notwithstanding your disability argument with just so the record is clear. The court's finding is that I don't make those findings that if, essentially we're executing on judgements that are in place, that happens outside of the court system. Certainly NRS 286.6703 indicates that the executive officer will determine whether it's appropriate, and certainly, I'm not

an expert, but if it's a disability payment, it changes some of the abilities to access that. It also changes the court's ability to divide it, and apply other circumstances. But PERS is in charge of those funds and has the ability to make those determinations. And I have every confidence that that branch of government is doing the job that they're assigned to do to make that determination. The only thing that's before me today is whether or not there has been compliance with my offer to allow you to obtain a life insurance policy, instead of taking money out of your PERS.

Judge Hoskin: That order was put in place six months ago. I would've assumed that you'd be motivated to try and not have the indemnification QDRO that I previously authorized, six months ago, go into place, and would be doing everything within your power to cooperate. I'm not hearing that that's what's been going on to this point in time. So it's not a new request for me to authorize the indemnification QDRO. That request was resolved six months ago. I don't believe that there was an appeal on that issue, so that issue appears to be a valid order without challenge at this point in time. Certainly the question is whether it's appropriate to garnish that. That is not a determination that the court's making. My determination is that the money is owed, and the indemnification QDRO was granted last hearing, like I said, six months ago. Well, the last hearing where we made that determination, we did a hearing that we continued.

Judge Hoskin: So, moving forward, the issue that I resolved six months ago had to do with the life insurance. I'm disappointed with the lack of progress on that. So what I'm doing, Mr. Willick, is I'm allowing 14 days to get that policy in place. I'm putting now the onus back on the plaintiff to reach out to the individual that he contacted with before to follow up and make sure that happens. If it doesn't happen in 14 days, I expect the indemnification QDRO to be submitted for a signature, for me to be able to process that through, and then allow PERS to make a determination as to whether it's appropriate to apply that under NRS 286, moving forward.

Marshal Willick: Very good, your honor. Do you wish a written order to that effect, in addition to the QDRO, that says those things?

Judge Hoskin: Yes, and I would like an order with the findings that I've put on the record today, with regard to the prior determinations and the fact that they appear to be valid orders, and the determination with regard to the life insurance being put in place. And me authorizing additional time to make that happen, prior to the submission of the QDRO. I would expect all that to be in that order.

Marshal Willick: Very good, your honor. We'll submit that order immediately, but we will not send in the indemnification QDRO until two weeks from today has passed.

Judge Hoskin: And if the life insurance policy gets put in place, then we won't be signing the QDRO.

Marshal Willick: Very good. And with court permission, we'll notify the court if we get notice that a life insurance policy is in place in the correct amount.

Judge Hoskin: That would be helpful. Thank you.

Jesus Arevalo: Yeah. I have one question.

Judge Hoskin: Yes, sir.

Jesus Arevalo: Because I need clarification of something.

Judge Hoskin: Yes.

Jesus Arevalo: You said the court controls distribution of community property when it comes to disability.

Judge Hoskin: No.

Jesus Arevalo: [inaudible 00:27:26].

Judge Hoskin: Well, yes, but not in this case.

Jesus Arevalo: Why not?

Judge Hoskin: There's no community property in this case.

Jesus Arevalo: How is that?

Judge Hoskin: Because community property was resolved years ago. You were divorced-

Jesus Arevalo: Yes, [inaudible 00:27:35].

Judge Hoskin: ... in 2013, there hasn't been community property since 2013.

Jesus Arevalo: Yes. And Duckworth, in 2014, said that all my money is disability, and set my child support to zero. But now that we know that I'm on disability, how are we going after all my disability money to satisfy judgments for her on a community property award?

Judge Hoskin: It's not a community property award. That was resolved back in 2013.

Jesus Arevalo: Okay. Yeah. And the life insurance policy is simply a community property award. And in 2014, Duckworth agreed on a judgment that-

Judge Hoskin: Sir, you can continue argue the same things over and over again. It's not going to change my order.

Jesus Arevalo: I don't see why you're taking my disability, going to leave me with \$10 a month to raise three kids.

Judge Hoskin: I'm not taking your disability.

Jesus Arevalo: Are you serious?

Judge Hoskin: Your choices have taken your disability, sir, not mine.

Jesus Arevalo: So you're telling me, 100%, you're taking my disability.

Judge Hoskin: That is not what I'm telling you.

Jesus Arevalo: [inaudible 00:28:27].

Judge Hoskin: I'm telling you, you should have complied with the order with regard to the life insurance policy many, many years ago. I have given you more opportunities to comply with that order than probably any other litigant that's ever appeared in front of me, and not withstanding all those opportunities, you're still not in place. You understood six months ago when I told you what was going to happen if you did not make that happen. And here we are. So I don't need you to continue to argue stuff that we've argued and resolved in the past. That's where we are today. Thank you.

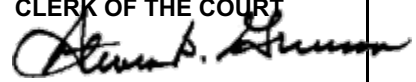
Jesus Arevalo: It's not resolved. It's illegal. I'm on disability.

Judge Hoskin: Thank you.

Jesus Arevalo: Yeah. And...

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

JESUS LUIS AREVALO,
Plaintiff,

vs.

CATHINE AREVALO,
N/K/A CATHERINE DELAO,
Defendant.

CASE NO: D-11-448514-D
DEPT. NO: E

DATE OF HEARING: 2/7/2023
TIME OF HEARING: 9:00 am

**TRANSCRIPT OF PROCEEDINGS
RE: HEARING HELD FEBRUARY 7, 2023**

Defendant, Catherine Delao, by and through her attorney, Marshal S. Willick, Esq., of the WILICK LAW GROUP, hereby submits the Rev.com transcription of the hearing held in this matter on February 7, 2023.

DATED this 6th day of June, 2023.

WILICK LAW GROUP

/s/ Richard L. Crane

MARSHAL S. WILICK, 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 6th day of June, 2023, I caused the above and 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.
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- ☐ By hand delivery with signed Receipt of Copy.
- ☐ By First Class, Certified U.S. Mail.
- ☒ By Email to wrath702@gmail.com.

To the person(s) listed below at the address, email address, and/or facsimile number indicated:

Mr. Jesus Luis Arevalo
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An Employee of the WILICK LAW GROUP

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1
2 JUDGE HOSKIN: All right, we are on the
3 record. 448514 Arevalo. Mr. Crane?

4 MR. CRANE: Good morning, Your Honor. Richard
5 Crane, 9536, on behalf of Catherine Delau. I believe
6 Marshal Willick, 2515, is also present. And we also
7 have Justin Johnson, the case manager.

8 JUDGE HOSKIN: All right.

9 BAILIFF: Marshal Willick is [inaudible
10 00:00:23].

11 JUDGE HOSKIN: I don't see Mr. Willick. Mr.
12 Arevalo?

13 MR. AREVALO: I'm here. I'm running a fever.
14 I'm sick today, but I'm still here.

15 JUDGE HOSKIN: Can you tell me your name?

16 MR. AREVALO: Jesus Arevalo here pro se.

17 JUDGE HOSKIN: All right. We are on today, at
18 least we were supposed to be on today, for an order to
19 show cause to permit the plaintiff to appear and
20 demonstrate why he shouldn't be held in contempt of
21 court orders. That order was entered back in November
22 requiring in person according to local rules, and Mr.
23 Willick appears to be in person, who evidently
24 understands the rules. So sir, why aren't you present

1 in my courtroom today pursuant to court order?

2 MR. AREVALO: I started running a fever
3 yesterday about 101.9. And I still got a fever today
4 about 100, and I got cold and flu-like symptoms.

5 JUDGE HOSKIN: I see. Okay. Well, certainly,
6 I will hear argument with regard to that
7 situation/reality as we move forward here. The concern
8 I have at this point, and I'm not sure Mr. Willick or
9 Mr. Crane is going to be addressing this, the order to
10 show cause that was signed back in November doesn't
11 specifically reference any court order, at least that I
12 can interpret, that to have the plaintiff held in
13 contempt. So if we can get some clarification for the
14 Court on that, that'll be very beneficial before I hear
15 from the -- from the plaintiff.

16 MR. WILLICK: Very good, Your Honor. Mr. --
17 with -- with the Court permission, Mr. Crane who has
18 been exposed to COVID and therefore can't appear
19 personally, would lead.

20 JUDGE HOSKIN: All right. Thank you. Mr.
21 Crane?

22 MR. CRANE: Yes, Your Honor. The -- the order
23 that actually Mr. Arevalo has violated is the -- the
24 order entered by the Court, the QDRO that was entered

1 into the -- entered by the Court that specifically
2 stated that he was not to do anything to interrupt the
3 payments of the benefits to our client. And I can -- I
4 can pull that order up and read the exact provisions,
5 but I believe it's also in our affidavit, our detailed
6 affidavit, states that as well. He specifically did
7 not fill out the annual report that he's required to do
8 that says that he is eligible to continue to receive
9 those benefits. I don't know if the Court is going to
10 entertain any of the supplement that was filed by Mr.
11 Arevalo, I think it was filed Saturday, if I'm not
12 mistaken, but I'm not sure if there was permission
13 granted to file a supplement in this case or not.

14 JUDGE HOSKIN: The permission was granted for
15 him to file his -- his request for video appearance,
16 but I don't believe that I gave permission for other
17 filings.

18 MR. CRANE: Yes, Your Honor. He -- he claims
19 not, not to reference directly to that, but he claims
20 that he actually has found other employment. He's not
21 produced any proof of that. He's not filed into FDF
22 that shows that. And claims that because of that new
23 employment, he can't draw the benefits from PERS
24 anymore. But he does not tell us whether or not he's

1 filed the request with PERS to continue to keep that
2 job while receiving the benefits, which is a simple
3 form that's filled out annually, required annually, by
4 somebody in Mr. Arevalo's situation.

5 Actually, for any retiree from PERS, if you're
6 going to take on a role that basically repeats the --
7 the business that you're doing, that you're actually
8 retired from, PERS has the ability to be able to turn
9 off the benefits. And they have currently suspended
10 his benefits because he's refused to sign the form.

11 JUDGE HOSKIN: All right. So the -- the order
12 you want him held in contempt of is the QDRO?

13 MR. CRANE: That's correct, Your Honor.

14 JUDGE HOSKIN: The QDRO that --

15 MR. WILLICK: Your Honor?

16 JUDGE HOSKIN: -- puts responsibilities --

17 MR. WILLICK: Jesus just put a message that he
18 lost audio.

19 JUDGE HOSKIN: Anyway. I don't have audio
20 from him, so I'm not sure that it makes a lot of
21 difference. So the -- the QDRO that directs the plan
22 administrator to take action is the one you'd like me
23 to hold the plaintiff in contempt of?

24 MR. CRANE: Yes, and there's -- but there's

1 provisions within that QDRO that specifically address
2 Mr. Arevalo, as well, that says that he's not to take
3 any specific action that -- that stops the payments,
4 which is exactly what he's done here.

5 JUDGE HOSKIN: I see. And this is the
6 original QDRO or the most recent indemnification QDRO
7 that we're referring to?

8 MR. CRANE: His indemnification QDRO, Your
9 Honor.

10 MR. WILLICK: The current one --

11 MR. CRANE: Though, I believe the provision
12 appears in both, but this is the most recent.

13 JUDGE HOSKIN: Okay. All right. Thank you.
14 Sir, what would you like to tell me?

15 MR. AREVALO: Can you guys hear me?

16 JUDGE HOSKIN: Yes.

17 MR. AREVALO: Okay. Audio's going in and out.
18 Okay. Let me see if I can --

19 JUDGE HOSKIN: That's why I have you here in
20 person. These are important hearings, sir.

21 MR. AREVALO: Okay. Well, I'm sorry I'm sick.
22 I -- you know. Okay. Well, I am working again, okay?
23 I'm working seasonal for Amazon. I mean, I didn't do
24 an affidavit or financial because I didn't think I had

1 to, but let me see if I can click on the video here.
2 My badge from Amazon. And see, the problem is this, I
3 didn't take myself out of retirement status. The Court
4 and that QDRO that Mr. Willick wrote did.

5 And I can use an example of the exhibit that
6 they used. If you look at the exhibit they used, you
7 can see that I filled out for a job back in 2018 on the
8 third month, 13th day, 2018. It didn't get approved
9 until June 21st of that same year. No prospective
10 employer's going to wait three months for somebody to
11 be employed. After that QDRO was written, I was left
12 \$10 a month. I had to go seek immediate employment.

13 Now, that same form that he listed as an
14 exhibit, it says right in there, I believe the third
15 line, "A disabled retired employee who seeks
16 reemployment must apply for and receive board approval
17 prior to returning to any type of employment, either
18 public or private, or the disability of that benefit
19 will be suspended." So if I am unable to follow the
20 laws of disability to receive my disability payments, I
21 can't receive them. It'd be fraud, and I'd be
22 prosecuted. The other thing is NRS286 says the QDRO's
23 only valid when you are in retirement status.

24 I am no longer in retirement status, and it's

1 not due to my own will. I got four kids I got to
2 support. \$10 a month doesn't do it. My wife just had
3 a baby. She's on leave without pay. I mean, we've
4 been hitting food banks as it is, and I don't know
5 where I'm going to pay rent or where rent's coming from
6 this month.

7 JUDGE HOSKIN: So your -- your -- your
8 response is that you had no choice but to violate the
9 Court order?

10 MR. AREVALO: No, I didn't violate the Court
11 order. I went back to work. The -- the contempt --
12 the contempt is not willful. By law of disability with
13 PERS, if I don't fill out the form and wait three
14 months to get approved, they won't allow me to go back
15 to work. They'll suspend the disability. I mean, I --

16 JUDGE HOSKIN: Okay. So you did that. You
17 did that.

18 MR. AREVALO: I had to go back to work because
19 I was left destitute.

20 JUDGE HOSKIN: No, no, no. Did you fill out
21 the form? Did you do what you were supposed to do?

22 MR. AREVALO: I couldn't. I couldn't wait
23 three months. No, I did not. I seeked immediate
24 employment because I was destitute with \$10 left.

1 JUDGE HOSKIN: Okay. So that -- that sounds
2 like a willful violation. What part am I missing?

3 MR. AREVALO: You're missing that the rules of
4 disability don't allow me to stay on there and collect
5 \$10 a month. You -- you -- you're telling me that this
6 court expects me to be homeless and not feed my kids
7 and -- and live off of 10 bucks a month?

8 JUDGE HOSKIN: No.

9 MR. AREVALO: No person --

10 JUDGE HOSKIN: I expect you to follow my court
11 order, sir. That's what I expect. I've given you so
12 many opportunities to have a different result other
13 than your \$10 a month and you've chosen not to take
14 advantage of those opportunities. So all I'm requiring
15 is that you follow my court order, and today's hearing
16 is to make a determination as to, one, are you in
17 violation of the Court order? And two, is it a willful
18 violation? So that's what I'm focusing on now.

19 MR. AREVALO: It is not willful. It's in the
20 best interest of the children for me to go back to work
21 and feed my kids. The Court left me destitute.

22 JUDGE HOSKIN: Okay. Well, the way you
23 explained it to me, and -- and maybe I didn't
24 understand it correctly, you indicated to me you were

1 well aware and have been since 2018 that you have to
2 fill out a form and get approval before you can go back
3 to work, but you didn't do that.

4 MR. AREVALO: It's impossible to go back to
5 work because it's a three-month waiting period for them
6 to approve you. No employer's going to wait for you
7 for three months.

8 JUDGE HOSKIN: I -- I -- I beg to differ.
9 There are many employers that it takes longer than
10 three months to make that happen. But that being said,
11 help me understand why the fact that you did it in a
12 way that stops the payments as not being a willful
13 violation of my court order.

14 MR. AREVALO: Am I supposed to be homeless?
15 My kids are supposed to eat. I can't wait three months
16 to feed my kids. I would've been out on the street.
17 My wife just had a baby. She's on maternity leave
18 without pay because she's a contract nurse. She's not
19 working for an actual company where she's allowed
20 maternity leave with pay. We have no income. I mean,
21 I -- I don't understand how this court would want me to
22 sit on my butt for three months, six months, with \$10 a
23 month and be homeless --

24 JUDGE HOSKIN: Okay. You --

1 MR. AREVALO: -- and not be able to --

2 JUDGE HOSKIN: -- you seem to be --

3 MR. AREVALO: -- support my kids.

4 JUDGE HOSKIN: -- you seem to be analyzing

5 outside of what I'm analyzing. My only analysis at

6 this point is, is there a clear order? Did you violate

7 that order? And if you did, was the violation willful?

8 Those are the -- the standards that I have to look at

9 at this point in time. You're asking me to look

10 outside of that, and that's why I'm trying to make sure

11 that I understand your argument.

12 So okay, let me -- let me approach it a

13 different way, and maybe -- maybe this will make more

14 sense. What you're indicating to me is that the

15 defendant in this action isn't entitled to the funds

16 that were previously awarded because of your actions or

17 no?

18 MR. AREVALO: No, that's not what I'm saying.

19 JUDGE HOSKIN: Okay. Isn't that the logical

20 resolution of how you've chosen to take these steps?

21 MR. AREVALO: No, I didn't choose to take

22 these steps. I was forced to take these steps.

23 JUDGE HOSKIN: No, sir. That is not true.

24 MR. AREVALO: I mean, the -- it's very true.

1 The defendant just bought a half a million dollar house
2 and put down \$75,000 from her own personal bank
3 account. I'm hitting food banks, we have no income,
4 and I had to go back to work. In the best interest of
5 the children, you left me destitute and I was forced to
6 go back to work.

7 JUDGE HOSKIN: No, sir.

8 MR. AREVALO: By the laws of --

9 JUDGE HOSKIN: Sir, I will -- I won't let you
10 make incorrect statements on the record. We have had -
11 -

12 MR. AREVALO: They are not incorrect. They're
13 true.

14 JUDGE HOSKIN: -- so many hearings in this
15 case where I've given you each and every time an
16 opportunity to avoid this exact scenario, and I
17 presumed that you understanding that this was a
18 potential scenario would've motivated you to follow
19 court orders that existed at the time. You have made
20 choices to bring you here. Not me, you.

21 MR. AREVALO: This court's made choices not to
22 read the NRS pertaining to disability and our
23 retirement. It's a disability retirement. It's not a
24 service retirement.

1 JUDGE HOSKIN: Sir, that is a -- that is a
2 determination that was made long ago. You've had
3 opportunities to take that up to a higher court to have
4 them see if they agree with you. That has not been the
5 case. So those orders are valid and stand. While I
6 disagree with you --

7 MR. AREVALO: How is being disabled --

8 JUDGE HOSKIN: Oh, my goodness.

9 MR. AREVALO: -- not protected by federal law?
10 Seriously? You're violating federal law by saying I'm
11 not -- I'm not disabled.

12 JUDGE HOSKIN: Then --

13 MR. AREVALO: Are you seriously violating my
14 ADA rights right now?

15 JUDGE HOSKIN: -- then feel free to -- to take
16 that issue up, sir. We've had this conversation
17 numerous times.

18 MR. AREVALO: And as a judge, if you see
19 there's a mistake, you can amend a motion.

20 JUDGE HOSKIN: There's not a mistake.

21 MR. AREVALO: I sent you-all the
22 documentation.

23 JUDGE HOSKIN: That's the problem, sir.
24 There's not a mistake. We've given you every --

1 MR. AREVALO: It is a mistake.

2 JUDGE HOSKIN: -- opportunity to cure your
3 contempt and you continue to violate court orders. I'm
4 not quite sure what it is you'd like me to do. Would
5 you like me to just --

6 MR. AREVALO: Okay, how about you --

7 JUDGE HOSKIN: -- wash away the prior court
8 orders? What would you like me to do?

9 MR. AREVALO: I'd like you to acknowledge that
10 I'm disabled. It's in the subpoena that Willick got.
11 He actually violated HIPAA and got my medical records
12 in my -- in that subpoena that the Court has. It has
13 the doctor report from Dr. Norton where I am deemed 100
14 percent disabled. That was from -- from an October or
15 September subpoena.

16 JUDGE HOSKIN: And what does that have to do
17 with what's pending before me today?

18 MR. AREVALO: I am disabled. There's laws to
19 disability with a disability allowance. You guys are
20 treating this like it's a service retirement.

21 JUDGE HOSKIN: No, sir. No, that is not --
22 that is not the correct analysis of what's gone on at
23 this point in time. Mr. Crane, anything else?

24 MR. CRANE: Your Honor, we -- we would like

1 to, you know, just reiterate the fact that we'd like to
2 have Mr. Arevalo held in contempt. We believe that
3 \$500 per missed payment should be assessed, which right
4 now is at \$2,500. We also ask for 25 days of
5 incarceration for each missed payment for 125 days with
6 the purge amount being the \$2,500 plus the back
7 payments that are missed.

8 JUDGE HOSKIN: Well, you understand that I
9 cannot incarcerate him under current law without
10 appointing him an attorney. Are you still requesting
11 incarceration as one of your sanctions?

12 MR. CRANE: Your Honor, I -- I think I have
13 some -- some case law that I can produce in a briefing
14 to the Court that says that that's not -- that's not
15 true. That you actually can incarcerate him on civil
16 contempt without appointing him an attorney. That is a
17 -- that is an optional thing under the Supreme Court
18 laws -- or Supreme Court cases.

19 JUDGE HOSKIN: Yeah. It's not my
20 understanding.

21 MR. CRANE: I can produce that if the Court so
22 desires.

23 JUDGE HOSKIN: Yeah. My concern here,
24 honestly, Mr. Crane is, I -- I'm not -- still not

1 convinced that there's a clear order that he violated,
2 a specific order that he violated. Certainly, he's
3 taken steps to thwart the intent of the QDRO. It's the
4 contempt side of it that I'm having a hard time
5 wrapping my head around that it's a clear order.

6 MR. WILLICK: May I briefly address that?

7 JUDGE HOSKIN: Yeah, let me -- let me finish -
8 -

9 MR. WILLICK: I'm sorry.

10 JUDGE HOSKIN: -- the -- the -- the statement,
11 that it's a clear order in order to get me to the
12 willful violation. Certainly, based upon what I've
13 heard today, the actions were willful. There may be a
14 justifiable reason for it, but certainly, this is a
15 path that the plaintiff has paved and created to get us
16 to this point in time, not one that the courts or the
17 law has created. Mr. Willick?

18 MR. WILLICK: Excuse me for interrupting.

19 JUDGE HOSKIN: No, that's fine.

20 MR. WILLICK: As explained in our filing, and
21 I realized it was months ago, the Court order in
22 question says to take no action to interrupt the flow
23 of payments, and if you do, to make them up by other
24 sources. And he did neither of those. What our motion

1 suggests is that the failure to act constitutes an
2 action, and that's the legal determination for you to
3 make when you're examining the contempt sanction. Is a
4 failure to do something an action? I think we gave you
5 a couple of -- I'm sorry, it's been a few months. I
6 don't have it in front of me.

7 JUDGE HOSKIN: Right.

8 MR. WILLICK: But I think we gave you a couple
9 of cites that not doing something is doing something,
10 if that makes any sense.

11 JUDGE HOSKIN: And so the allegation that he's
12 not doing what?

13 MR. WILLICK: He's -- he's not filling out the
14 form, which would call the -- call for the payments to
15 continue because those payments would go to my client
16 rather than to him.

17 JUDGE HOSKIN: Is it possible to cure that --

18 MR. WILLICK: Yes.

19 JUDGE HOSKIN: -- currently?

20 MR. WILLICK: He can -- I think he can fill
21 out the form at any time and submit it and it'll be in
22 front of her.

23 JUDGE HOSKIN: Have you done that, sir?

24 MR. AREVALO: That would be fraud. Because

1 I'm working and I have not -- I have not been able to
2 wait the three-month period for them to approve it.

3 JUDGE HOSKIN: I'm sorry. You can't fill out
4 the form?

5 MR. AREVALO: If I were to fill out the form,
6 it would be fraud because I'm already back to work, I
7 didn't wait the three-month waiting period. And they'd
8 want me to quit and wait three months and the job would
9 be gone, and then we'd be homeless, wouldn't be able to
10 feed my kids. And then we're in a big, different
11 situation.

12 JUDGE HOSKIN: Okay. And what about the
13 plaintiff? We don't -- I'm sorry, the defendant. We
14 don't care about the defendant and what she's entitled
15 to?

16 MR. AREVALO: She's taken perfectly good care
17 of herself and my son when he's with her. She just
18 bought a half a million dollar house and just wrote a
19 check for \$75,000 for a down payment on a conventional
20 loan. It's not like she's hurting. I'm hitting food
21 banks. My wife's not working. I can show you where I
22 had to borrow money from my mom to pay rent.

23 JUDGE HOSKIN: Again, sir, what does that have
24 to do with the orders that are already entered in this

1 case that you had ample opportunity to solve? This
2 could have been so simple --

3 MR. AREVALO: Solved how?

4 JUDGE HOSKIN: -- had you just done what you
5 were asked to do, but you want to fight. You enjoy the
6 fight is the only thing I can figure out.

7 MR. AREVALO: No, I don't. You guys don't
8 recognize that this is a disability. That is federally
9 protected. You guys are expecting a disabled person to
10 sit here, not feed his kids, not take care of my child,
11 who I have with her half the time. What is the best
12 interest of the children here? You guys are
13 overlooking that and overlooking my disability.

14 JUDGE HOSKIN: I -- I'm -- I'm -- I'm -- I
15 know that you don't want to hear this, sir, but best
16 interest of the children is not the analysis that I
17 have before me today.

18 MR. AREVALO: So the best interest of the
19 children, according to the Court, is me to quit my job,
20 live off of \$10 a month when my wife's not working, and
21 wait three months to maybe or maybe not get a job
22 through PERS when they approve me in three months, if
23 the job is still there?

24 JUDGE HOSKIN: No.

1 MR. AREVALO: Because that's what happened
2 with -- and that's what happened with Coca-Cola with
3 that form. Look at it. It's an exhibit. I filled out
4 the form in March. I got approved in June. The job
5 was gone. I'm not qualified to do any -- any job. I
6 don't have an education. I'm not the star employer --
7 employee that people are looking for that's got a high
8 education. I can only do manual labor jobs and they're
9 not -- they're not going to hold a job for three months
10 for me. This was not willful. I had no other choice.
11 I got to feed my kids. I got to have a roof over their
12 head.

13 JUDGE HOSKIN: Okay. As I've indicated
14 previously, it -- it -- this -- this decision may or
15 may not be willful. The path that you've created to
16 get you to this point to make this decision is
17 completely on your shoulders. That was choices that
18 you made to get you to this point in time. All right.
19 With regard to what's pending before me today, I just
20 went back through and looked at the original motion. I
21 don't see a specific reference to a -- to a court order
22 or a QDRO at that point in time.

23 So what I'm going to do is I'm going to allow
24 the defendant to supplement to indicate how a proper

1 notice of a specific order has been provided to the
2 plaintiff in order to allow me to get to making a
3 contempt determination. Certainly, Mr. Arevalo, I will
4 allow you to respond to that once that is submitted
5 before I make a final determination with regard to
6 this. Just everybody needs to be concerned --
7 concerned.

8 Everybody needs to understand my concern, and
9 that is that we have a clear order and that we're --
10 we're following that to get us to that point in time.
11 Potentially, we may have a notice problem, and it may
12 be that my skim of that motion didn't indicate to me
13 that what the order was and that was specifically
14 referenced. If it was, I just need that in the motion
15 so that I -- or in the brief so that I can make that
16 determination as I move forward.

17 Certainly, I'll accept argument with regard to
18 the lack of personal appearance, notwithstanding the
19 existence of a court order requiring that as part and
20 parcel of what I'm doing today, whether it be fees
21 and/or sanctions with regard to the issues that have
22 happened to this point in time. But what I'm looking
23 for is specifics and specific notice so that I can be
24 comfortable that I'm complying with the statute in

1 making that determination. Questions or concerns or
2 clarifications?

3 MR. WILLICK: For the purpose of everybody who
4 might have to show up in the future, the reason I was a
5 little late is I was wandering around the courthouse
6 trying to find the courtroom. The signs are no longer
7 correct. We are --

8 JUDGE HOSKIN: Still have not been fixed.

9 MR. WILLICK: No.

10 JUDGE HOSKIN: All right.

11 MR. WILLICK: So just --

12 JUDGE HOSKIN: I appreciate that.

13 MR. WILLICK: -- for -- for purposes of our
14 video record, notice to everyone else online, we are
15 downstairs past the clerk's office in courtroom 24.

16 JUDGE HOSKIN: All right, let me make a note
17 here to talk to the signage. All right. I appreciate
18 that.

19 MR. WILLICK: I apologize for being tardy. I
20 --

21 JUDGE HOSKIN: No, that's fine. It's fine.
22 I'm glad that you're here. All right. Any
23 clarification questions, Mr. Arevalo?

24 MR. AREVALO: Let me clarify for the record

1 that I am disabled, have been since 2013. I am
2 invoking my American Disability Act rights. I am
3 requiring audio/video appearance because it's a
4 trigger, and my PTSD isn't doing well right now, all
5 future appearances be by video --

6 JUDGE HOSKIN: Oh, my goodness.

7 MR. AREVALO: And that the Court --

8 JUDGE HOSKIN: All right, sir --

9 MR. AREVALO: And that the Court --

10 JUDGE HOSKIN: Sir, perhaps -- here's -- stop.
11 That -- that -- there's nothing pending before me that
12 is relevant to what you just said.

13 MR. AREVALO: Yes, there is.

14 JUDGE HOSKIN: If you review the order that I
15 entered yesterday, it very specifically indicates that
16 your video appearance requested provided no basis for
17 your inability to appear as ordered. If you want to
18 provide --

19 MR. AREVALO: I e-mailed you.

20 JUDGE HOSKIN: -- basis and -- and request
21 that in a proper manner, I'm happy to consider it. But
22 spouting off --

23 MR. AREVALO: Okay. What I'm -- what I'm --

24 JUDGE HOSKIN: -- at the end of a hearing does

1 not get you there.

2 MR. AREVALO: Okay. Then I need direction.
3 Where on that form does it give me a space to fill out
4 why? Because I e-mailed you that information. Is
5 there an additional form here I need?

6 JUDGE HOSKIN: Sir, you haven't e-mailed me
7 anything. I'm not allowed to take things by e-mail.

8 MR. AREVALO: I e-mailed your department.

9 JUDGE HOSKIN: Well, that's different.

10 MR. AREVALO: And I e-mailed the ADA --

11 JUDGE HOSKIN: And that sounds like ex parte
12 communication. Sir, I cannot give you legal advice.

13 MR. AREVALO: Okay. Well, I'll [inaudible
14 00:23:20] to somebody who --

15 JUDGE HOSKIN: My suggestion is that you
16 talked to somebody who can and properly submit that,
17 and I'm happy to consider it. What I considered was
18 what you submitted.

19 MR. AREVALO: I did, I contacted the ADA
20 liaison for family court, and they told me --
21 instructed me to do exactly what I did.

22 JUDGE HOSKIN: Great.

23 MR. AREVALO: e-mailed your office with the
24 details and filled out the -- the form.

1 JUDGE HOSKIN: All right.

2 MR. AREVALO: On that form, there's no space
3 to put why. They just -- that's just a form to fill
4 out.

5 JUDGE HOSKIN: And you received -- you
6 received -- sir, just because it's a form does not mean
7 that it's sufficient. I -- I --

8 MR. AREVALO: Okay, so you tell me what's
9 sufficient.

10 JUDGE HOSKIN: -- I entered an order based on
11 what was before me. If you want to try and put
12 something else before me, feel free. I'll consider it.

13 MR. AREVALO: Okay. So you're telling me you
14 want me to do a motion along with the audio/video
15 appearance is what you're instructing me?

16 JUDGE HOSKIN: No, sir. I'm not telling you
17 anything. I'm telling you that there are specific
18 rules and -- and requirements in this state for certain
19 hearings to be held in person. That's what I'm telling
20 you. You have not overcome that with anything that's
21 been submitted to me at this point, and that decision
22 had been made.

23 MR. AREVALO: Okay. So being disabled, I'm
24 asking again, I'm asking the Court's instructions, how

1 would I properly submit that then?

2 JUDGE HOSKIN: All right. I'll tell you once
3 again, I cannot give you legal advice.

4 MR. AREVALO: Okay. Well, I'll just contact a
5 federal ADA, then.

6 JUDGE HOSKIN: All right.

7 MR. AREVALO: Because you guys are violating
8 my ADA rights.

9 JUDGE HOSKIN: Well, great. I -- I appreciate
10 --

11 MR. AREVALO: Yeah, great.

12 JUDGE HOSKIN: -- you continuing to make
13 statements on the record that are not pending before
14 the Court. I'm not sure how that benefits you or the
15 Court, but I appreciate that.

16 MR. AREVALO: Violation of --

17 JUDGE HOSKIN: The Court --

18 MR. AREVALO: -- civil rights. I'm disabled,
19 documented.

20 JUDGE HOSKIN: Well, okay.

21 MR. AREVALO: Well --

22 JUDGE HOSKIN: The Court will end up preparing
23 the order from today once I get the briefing and I've
24 had an opportunity to review that. How long would you

1 like?

2 MR. WILLICK: Mr. Crane, can we get that in
3 within seven days?

4 MR. CRANE: Absolutely. Unless Your Honor
5 wants to actually review it at present in the documents
6 that are already provided to the Court.

7 JUDGE HOSKIN: In the motion?

8 MR. CRANE: In the motion. In the affidavit
9 that's attached, it identifies the actual order that
10 was -- it -- it's Paragraph 3 of the affidavit. And
11 not only does it provide the -- the name of the order,
12 it provides the page number and line numbers and then a
13 direct quote from that order. And then also, we have a
14 certificate of service attached to the QDRO, so he was
15 properly served with that QDRO. So all of that is what
16 we'll be producing to the Court if necessary. And we
17 can certainly do that within seven days, as --

18 JUDGE HOSKIN: You know, if I didn't --

19 MR. CRANE: -- Mr. Willick indicated.

20 JUDGE HOSKIN: And I appreciate that, Mr.
21 Crane. I didn't make it all the way down to the
22 declaration to find that. So sir, in the QDRO filed in
23 July, it indicates that if you take any steps to limit
24 the collection of the sums to be paid here under, then

1 you will make payments to her directly in amount
2 sufficient to neutralize the effects of the actions
3 that you took. So with regard to that specific
4 requirement, is there anything else I need to know?

5 MR. AREVALO: I didn't take any steps. And a
6 QDRO per NRS286 is not valid unless you're in
7 retirement status, which I am no longer in retirement
8 status, not due to my own free will.

9 JUDGE HOSKIN: Okay. It -- it appears as
10 though you taking steps to become reemployed did limit
11 the collection of the sums, correct?

12 MR. AREVALO: Under the constitution, am I not
13 allowed to make a living? Am I not allowed to feed my
14 kids and support my children?

15 JUDGE HOSKIN: See, I -- it -- it's
16 interesting how conversations work. Typically, one
17 person asks a question and the other one answers the
18 question, rather than responding with a question.

19 MR. AREVALO: I know. I feel like you're
20 being -- I'm being coerced at this point under 12203B
21 US code 42.

22 JUDGE HOSKIN: Coerced? How is you --

23 MR. AREVALO: Yeah. You're --

24 JUDGE HOSKIN: -- how are you being coerced?

1 MR. AREVALO: Coercing me into answering
2 something that's going to leave me liable, and I'm not
3 liable.

4 JUDGE HOSKIN: I see. All right. Then the
5 finding the Court is making today, based upon no
6 contrary information being provided to the Court, is
7 that the plaintiff is in violation of that specific
8 provision of the July 27, 2022 amended qualified
9 domestic relations order, specifically on Page 5, Lines
10 11 through 16, as a result of the plaintiff taking
11 action which limited the collection and his failure to
12 make payments directly to neutralize those actions.

13 So as far as the specific court order, there
14 is a violation. The violation is willful. So there is
15 a contempt finding. I still -- I'm still of the
16 opinion that I can't incarcerate him unless I appoint
17 him an attorney to be able to represent him with regard
18 to the current case law. Certainly, I would appreciate
19 information to the contrary because that has been my
20 understanding since that case came down with regard --
21 I want to say it's -- well, I don't want to -- I don't
22 recall specifically the name of the case. Lewis or
23 Davis would be my -- would be what's coming to mind.

24 So I'm not sure we can get to a cure provision

1 at this point in time absent additional payments being
2 made. So what I'm going to ask, Mr. Crane, is that you
3 prepare me an order making the contempt finding. I'm
4 going to sanction \$100 for each missed payment, and
5 then I need a judgment for the payments that have been
6 missed to date collected by any lawful means and
7 bearing interest at the legal rate. I'm just -- as far
8 as compliance, I'm not sure that we're there yet.

9 Certainly, if it continues, a request for
10 further contempt to give me an opportunity to provide
11 counsel on his behalf so that we can take further steps
12 or further sanctions if that's the desire. All the
13 Court is trying to do is to make sure that orders are
14 followed. It's been a fight in this case from the very
15 beginning. Should not have been this difficult. But
16 certainly, this is the reality and the facts that we're
17 presented with to get us to this point in time.

18 The hope is that perhaps there can be some
19 kind of a resolution so we don't have to continue to
20 come back and deal with these issues again and again
21 and again, but that appears to be where we are at this
22 point.

23 MR. AREVALO: You know, I agree with the Court
24 that this is a waste of the Court's time, and if we had

1 just sit down in a settlement and everyone recognize
2 I'm disabled, this could all end. Because where is it
3 going to end if we keep coming back? Me with being
4 homeless and no money living on the streets? I mean,
5 you guys are basically abusing a disabled individual.
6 I have no money. I have nothing. I don't own
7 anything. My net worth is like negative \$300,000.

8 I mean, if you guys want to sit down for a
9 settlement and come to something reasonable where I can
10 move on with my life, then I'm agreeable to that. But
11 if we keep going forward, all that's going to happen is
12 I'm going to end up homeless. I'm already separated
13 from my current wife. We're living as roommates so I
14 can help raise the kids. That's what this has done to
15 my life.

16 JUDGE HOSKIN: All right. Thank you. Mr.
17 Crane, prepare me an order from today. We'll close the
18 case once we get that order.

19 MR. CRANE: Your Honor, may I ask permission
20 to file a supplement on the issue of whether or not you
21 have to appoint attorney for a civil contempt?

22 JUDGE HOSKIN: Certainly, you can file -- you
23 can submit that.

24 MR. CRANE: Thank you, Your Honor.

1 JUDGE HOSKIN: Thank you. All right.

2 MR. CRANE: Thank you, Your Honor.

3 JUDGE HOSKIN: Thank you. Thank you for your
4 appearance, Mr. Willick.

5 MR. AREVALO: I'll be following a federal
6 complaint, as well, just so you know.

7 JUDGE HOSKIN: I appreciate you continuing to
8 put things on the record that don't have anything to do
9 what we're doing, but thank you, sir.

10 MR. AREVALO: All my ADA rights are being
11 violated, civil rights violation. That's on the
12 record. Thank you very much.

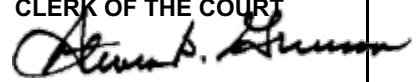
13 JUDGE HOSKIN: Great. Thank you.

14 MR. WILLICK: Thank you for the time.

15 (HEARING CONCLUDED)
16

95

95



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

JESUS LUIS AREVALO,
Plaintiff,

vs.

CATHINE AREVALO,
N/K/A CATHERINE DELAO,
Defendant.

CASE NO: D-11-448514-D
DEPT. NO: E

DATE OF HEARING: 3/23/2023
TIME OF HEARING: 10:00 am

**TRANSCRIPT OF PROCEEDINGS
RE: HEARING HELD MARCH 23, 2023**

Defendant, Catherine Delao, by and through her attorney, Marshal S. Willick, Esq., of the WILICK LAW GROUP, hereby submits the Rev.com transcription of the hearing held in this matter on March 23, 2023.

DATED this 6th day of June, 2023.

WILICK LAW GROUP

/s/ Richard L. Crane

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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 6th day of June, 2023, I caused the above and 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.
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- ☐ By First Class, Certified U.S. Mail.
- ☒ By Email to wrath702@gmail.com.

To the person(s) listed below at the address, email address, and/or facsimile number indicated:

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1
2 JUDGE HOSKIN: All right, we are on the
3 record, 448514. Counsel, your appearance?

4 RICHARD L. CRANE, ESQ.: Good morning, Your
5 Honor. Richard Crane, 9536 on behalf of Catherine
6 Delau, the defendant in this matter. Also with me is
7 Justin Johnson, case manager.

8 JUDGE HOSKIN: Thank you. Mr. Tillman?

9 CHRISTOPHER TILLMAN: Good morning, Your
10 Honor. Christopher Tillman, 5150 on -- I am up for
11 appointment, apparently, for Mr. Arevalo, and I have
12 some representations to make if the Court allows.

13 JUDGE HOSKIN: Certainly. Sir? Mr. Arevalo?

14 JESUS AREVALO: Yes, sir. I'm here.

15 JUDGE HOSKIN: Do you have video?

16 JESUS AREVALO: Yes, I do.

17 JUDGE HOSKIN: Would you like to go ahead and
18 turn that on? Can you explain to me -- well, give me
19 your appearance, please.

20 JESUS AREVALO: Jesus Arevalo, pro se.

21 JUDGE HOSKIN: Okay. Mr. Tillman, you had
22 some representations?
23
24

1 CHRISTOPHER TILLMAN: Your Honor, when I got
2 the appointment, I was out for spring break on
3 vacation, and Mr. Arevalo has alienated two-thirds of
4 my staff. The other third was gone as well. So I
5 don't know exactly what happened, but it was enough for
6 both of my employees to say, basically, "We can't
7 represent this guy." He is, you know, he -- he just
8 has gone a little AWOL on both of them, so to speak.
9 Now, he then filed his own pleadings, which is fine,
10 but that tells me [inaudible 00:01:48] representation
11 either. Now, Your Honor, you know I love to take these
12 cases and, you know, I'm -- you know, I do criminal
13 defense work and -- and CPS work. I -- I've been, you
14 know, I've been treated like that before by clients,
15 but when your staff says they're going to mutiny, you
16 know, you -- you kind of have to say, "Look, I -- I --
17 I got to decline this one with all due respect."

18 JUDGE HOSKIN: Okay. All right. And it -- it
19 appears as though, although the filings weren't
20 approved, that -- that he feels the same way with
21 regard to the representation. So I'm assuming, sir,
22 that you're -- you're okay with me releasing Mr.
23 Tillman?
24

1 JESUS AREVALO: Yes, sir.

2 JUDGE HOSKIN: All right. Understanding that
3 I did satisfy what I needed to do with regard to
4 appointing counsel, right?

5 JESUS AREVALO: Well, I mean, according to his
6 staff, they didn't get his -- they didn't get my
7 contact information until March 15th. And like he
8 said, he was out of town and wasn't even able to have a
9 consult with me until the 20th, which was three days
10 before this court date. So I mean, I don't know if the
11 Court did send him all the information with appropriate
12 time to prepare or if that is actually what happened.
13 So I'm really not satisfied with how this whole legal
14 representation went down.

15 JUDGE HOSKIN: Well, I -- I'm not sure that --
16 that your satisfaction is one of the factors that I
17 have to consider with regard to this. What I'm trying
18 to do is assist you in this process to provide you with
19 every opportunity, as I have throughout this case since
20 it became assigned to me, give you every opportunity to
21 do the right thing, so to get us to that point. So Mr.
22 Tillman, you are released from your responsibility. If
23 you can submit an order to that effect, then that'll
24 make sure that the record is clean as we move forward

1 here. Thank you.

2 CHRISTOPHER TILLMAN: I will. Thank you, Your
3 Honor.

4 JUDGE HOSKIN: All right. With regards to the
5 -- initially the posture of this case, sir, you're
6 aware that you've been declared vexatious, correct?

7 JESUS AREVALO: Yes, I am.

8 JUDGE HOSKIN: And you're aware that based
9 upon that you're not permitted to file motions in this
10 case without permission of the Court, correct?

11 JESUS AREVALO: I sent them to you first, Your
12 Honor. There was a time constraint.

13 JUDGE HOSKIN: There was a what?

14 JESUS AREVALO: Time constraint. Last thing I
15 wanted to do was give it to you, and then two days
16 later you say, "Hey, well, it looks good, but you're
17 outside the 10 days."

18 JUDGE HOSKIN: So you're just going to defy my
19 court orders and do what you want?

20 JESUS AREVALO: No, sir. I was trying to
21 follow the time rule and your orders.

22 JUDGE HOSKIN: I see. All right. Well, with
23 that understanding, certainly I will deal with those,
24 what I would consider fugitive documents as part of

1 what we're doing here today. Mr. Crane, you did file a
2 motion as a result of the filing of that motion. I
3 appointed counsel, notwithstanding your -- your brief.
4 I still believe that airing on the side of caution and
5 having counsel appointed whenever jail time is being
6 considered is the preferred method according to the
7 appellate courts of this state to get us to that point
8 in time. Certainly this is a continuation of the order
9 to show cause hearing. I expected the -- the plaintiff
10 to be present in Court today for this. He chose to
11 file another fugitive document late last night to try
12 and get out of it, the same document he filed back in
13 February. And I entered an order denying that because
14 it did not contain the sufficient information that was
15 necessary in order to have me grant it. But he filed
16 the same document again. So with all that being
17 considered, what else would you like me to know?

18 RICHARD L. CRANE, ESQ.: Your Honor, nothing
19 has changed since the last time that we were here, and
20 we have not received any kind of information either
21 from Mr. Arevalo or from Mr. Tillman that would
22 indicate that he's attempting to reinstate the benefits
23 to -- to our client, Cat Delau. And as such, we -- we
24 haven't even seen an FDF file. So we don't know where

1 he works. We don't know what his income is. We can't
2 do any of the things that we -- we could do to possibly
3 alleviate some of the damage that's been caused. I
4 guess, Your Honor, I -- I -- I have to say we -- we
5 could continue this for 45 minutes and have him appear
6 or however you want to approach this. I -- I'm -- I'm
7 good with however you want to proceed, Your Honor.

8 JUDGE HOSKIN: All right. And just so I'm
9 clear with the relief that's being requested, you
10 believe he's being able to purge his contempt by
11 filling out a form?

12 RICHARD L. CRANE, ESQ.: Filling out a form
13 and paying the -- the contempt fees, which the Court
14 has already ordered at \$100 per missed payment, which
15 now is at \$600, and the money that has been lost. Now
16 that's, again, it's up to the Court, but we were asking
17 for at least six counts of contempt at 25 days each.

18 JUDGE HOSKIN: Understand, but I'm -- what I'm
19 looking for is -- is --

20 RICHARD L. CRANE, ESQ.: The purge. Yes, Your
21 Honor.

22 JUDGE HOSKIN: The purge and that would be the
23 -- the completion of the form to reinstate the
24 benefits?

1 RICHARD L. CRANE, ESQ.: And the benefits
2 actually being reinstated. Yes, Your Honor.

3 JUDGE HOSKIN: Well, correct.

4 RICHARD L. CRANE, ESQ.: Yes, Your Honor.

5 JUDGE HOSKIN: And do you have that form? Has
6 that form been provided to him? Where are we with that
7 process?

8 RICHARD L. CRANE, ESQ.: He actually is in
9 receipt of that form, Your Honor. We don't have that.
10 That's a PERS form that's sent to him personally.

11 JUDGE HOSKIN: Okay.

12 RICHARD L. CRANE, ESQ.: We have copies of
13 ones he's filled out in the past. That's all we have.

14 JUDGE HOSKIN: I see. All right. Anything
15 else, Mr. Crane?

16 RICHARD L. CRANE, ESQ.: No, Your Honor.

17 JUDGE HOSKIN: All right. Thank you. Sir?

18 JESUS AREVALO: I wasn't ready to proceed
19 today. I had no conference with my appointed Counsel,
20 and that's -- that's part of the problem. Mr. Crane is
21 saying that they haven't received anything. He was out
22 of town. He wasn't even going to call me and have a
23 phone conference until the 20th, which was two days
24 ago. So my best --

1 JUDGE HOSKIN: Did you have that phone
2 conference?

3 JESUS AREVALO: No, we did not.

4 JUDGE HOSKIN: I see. Okay. Go ahead.

5 JESUS AREVALO: I didn't have any phone
6 conference with them. I had a secretary from his
7 office call me and wanted to set the phone conference
8 for the 20th.

9 JUDGE HOSKIN: And you didn't appear to that
10 or -- or what happened?

11 JESUS AREVALO: I was working. I have to work
12 to pay my bills and feed my kids.

13 JUDGE HOSKIN: I see.

14 JESUS AREVALO: I asked them if they -- I
15 could -- they -- okay. They called me on the 15th,
16 which was a Wednesday. I was off that day. I asked
17 them, I said, "Hey, I'm off today, Thursday and Friday.
18 Can you get ahold of them and have them call you back
19 today, Thursday or Friday?" They didn't call me back.
20 I had called them back on the 16th, about 2:45 p.m. I
21 asked them again. I said, "Hey, you know, is he going
22 to call me back today or tomorrow, Friday? Because my
23 next set of days off aren't until Wednesday, Thursday,
24 Friday, and I can't afford to miss work on Monday."

1 She said that she would set it up for
2 Wednesday the day before the hearing. And then I asked
3 her, "Well," I said, "since it's so close and I don't
4 think that's adequate time to prepare for a hearing, is
5 he going to file a motion for continuance? And I also
6 have a time sensitive motion for reconsideration for
7 him to file since you guys are saying you're
8 representing me. Is he going to be able to do any of
9 this?" And that's when another staff member jumped on
10 and started yelling at me, told me that, "We can't do
11 anything until Monday. The courts just gave us your
12 information this week." And that's where it went from
13 there.

14 JUDGE HOSKIN: Okay.

15 JESUS AREVALO: So I was forced to do --

16 JUDGE HOSKIN: Just so you know, sir, I'm less
17 interested in your issues with representation than I am
18 with regard to -- to your contempt. So if we could
19 brief -- I gave you an opportunity. Mr. Tillman's been
20 appointed in numerous cases on these same issues. I've
21 never had a problem in the past. So --

22 JESUS AREVALO: So him being appointed less
23 than a week before the court case and want to speak
24 with me two days before the case is proper legal

1 representation?

2 JUDGE HOSKIN: It was appointed 30 days before
3 the case, sir.

4 JESUS AREVALO: That's not what they told me.
5 They just called me on the 15th and told me that's when
6 they got my contact information.

7 JUDGE HOSKIN: I don't -- I don't -- again,
8 this is not part of what I'm considering today. I did
9 what I needed to do. I appointed competent counsel to
10 give you an opportunity to avoid jail time. Didn't
11 work out for whatever reason. I'm not having a hearing
12 on why it didn't work out. That's not of concern to me
13 at this stage. Of concern to me at this stage --

14 JESUS AREVALO: Okay. So I guess I'm asking--

15 JUDGE HOSKIN: -- that's been of concern to me
16 since I -- this case landed in my lap and that is
17 trying to get you to comply with court orders. I feel
18 like I've probably bent over backwards in this case to
19 try and assist you in this process and give you every
20 opportunity. And still here we are.

21 JESUS AREVALO: Okay, well, would --

22 JUDGE HOSKIN: We found you in contempt months
23 ago and assumed that based upon that finding, you would
24 take some action to correct the contemptuous behavior

1 and to put yourself in a position where you wouldn't be
2 in contempt. The fact that you didn't talk to an
3 attorney doesn't put me in any better position with
4 regard to the fact that you still haven't filled out
5 the form that you should have filled out before the --
6 the service or the -- the -- the benefits were
7 terminated.

8 JESUS AREVALO: Okay. You're telling me that
9 you appointed him 30 days before. He only contacted me
10 on the 15th. I mean, I -- I don't know who dropped the
11 ball, where the lack of communication was, but I don't
12 see how that's ethical or professional on his point. I
13 mean, if you guys are telling me you sent him my
14 information 30 days ago, so that means what, I file a
15 complaint against him for not doing his job? Because
16 I'm in the middle here.

17 JUDGE HOSKIN: Which part of I don't need to
18 hear any more about it did you miss?

19 JESUS AREVALO: Okay, well, I kind of think
20 that's a violation of my Sixth Amendment. I'm allowed
21 legal representation.

22 JUDGE HOSKIN: Your Fifth Amendment?

23 JESUS AREVALO: He never contacted me. Sixth
24 Amendment. Legal representation.

1 JUDGE HOSKIN: You're not entitled to legal
2 representation in a civil action, sir. This is a
3 separate kind of an issue where jail time is being
4 considered for your contemptuous behavior, a specific
5 request for that. Technically, I could follow Mr.
6 Crane's initial argument and indicate that you don't
7 need counsel, but I didn't do that. Again, I bent over
8 backwards, appointed you Counsel, and you decided that
9 -- that that wasn't the way that you wanted it to be,
10 and you wanted different counsel. But that's not how
11 this process works. So please focus on why it is that
12 you're still in contempt.

13 JESUS AREVALO: Okay, well let's go back to my
14 understanding. My understanding of civil contempt is
15 to try to gain compliance.

16 JUDGE HOSKIN: Correct. And you haven't
17 complied.

18 JESUS AREVALO: Then when you throw somebody
19 in -- then when you want to throw somebody in jail,
20 that is the definition of criminal contempt.

21 JUDGE HOSKIN: That's not, by the way.

22 JESUS AREVALO: Okay, well that's -- that's
23 what I've been reading. And let's talk about this
24 order that he has. Once my disability money was taken,

1 it made it impossible for me to comply with the QDRO
2 order because once you take 100 percent of my money,
3 you can't live off of 10 bucks a month. And under the
4 14th Amendment of Liberty, I have a constitutional
5 right to earn a living without limitations. I don't --
6 I can't wait three months to get a job. So you stated
7 last time in this court case that you believe there is
8 a reason behind it even though you thought it was
9 willful. There is a reason behind it. The order has
10 to be able -- I have to be able to comply with the
11 order that when my disability money was taken, I was no
12 longer able to comply with that order. It wasn't my
13 fault.

14 JUDGE HOSKIN: So why haven't you filled out
15 the form that I -- we discussed last time we were
16 together?

17 JESUS AREVALO: Because when I fill out the
18 form, it would constitute fraud.

19 JUDGE HOSKIN: No. No, sir.

20 JESUS AREVALO: Yes.

21 JUDGE HOSKIN: I'm not asking you to commit
22 fraud. I'm asking you to fill out a form.

23 JESUS AREVALO: If I fill out the form, it is
24 fraud because I'm working. I didn't follow the process

1 of filling out the paperwork to get approval from PERS
2 to go back to work, and I would be held liable to pay
3 back all that money which I am not receiving along with
4 getting prosecuted for fraud.

5 JUDGE HOSKIN: So what is it that you expect
6 me to do in order to enforce the orders?

7 JESUS AREVALO: I mean, I can pay the \$100
8 that you sanctioned. I mean if that's -- that's the
9 purge clause. I can pay that \$100 --

10 JUDGE HOSKIN: It's not the purge clause, sir.
11 Reinstating her benefits is the purge clause. We had
12 this conversation.

13 JESUS AREVALO: I can't reinstate her benefits
14 unless -- unless I decide not to work. And if I decide
15 not to work, that's a limit on my 14th Amendment
16 liberty --

17 JUDGE HOSKIN: Are you able to work if you're
18 in jail?

19 JESUS AREVALO: No.

20 JUDGE HOSKIN: Well, that's the next step.

21 JESUS AREVALO: Okay, well, again, I'm
22 disabled, and 42 US Code 12203B, you're coercing me and
23 threatening me with jail time, and you want me to
24 commit a crime of fraud.

1 JUDGE HOSKIN: That's not what I said.

2 JESUS AREVALO: That's what I'm telling you.
3 You need to read the NRS 286 when it comes to
4 disability allowance retirement. This is not a service
5 retirement. This court needs to educate themselves on
6 what the difference is.

7 JUDGE HOSKIN: I find it a little
8 disrespectful that you would presume that I haven't
9 reviewed it and that you haven't listened every time
10 we've talked about this. You've had opportunities to
11 take this up and have somebody else see if they agree
12 with your analysis, and that hasn't been the case. The
13 order stands. How is it that you would like me to
14 enforce my order, or should I just turn my back on the
15 fact that she's entitled to these benefits and your --
16 the steps that you have taken, affirmative steps that
17 you have taken have deprived her of that? What about
18 her rights? We don't care?

19 JESUS AREVALO: No, I do. Her fair rights,
20 yes, absolutely.

21 JUDGE HOSKIN: Then what are you -- what are
22 you proposing to do about it, sir? I'm trying to find
23 an out that doesn't involve you going to jail, but
24 you're not providing it to me.

1 JESUS AREVALO: Okay. What I'm proposing is
2 this. Okay, the last legal representation that you
3 tried to appoint, something got messed up, okay? I
4 don't know whose end it was, whether it was Tillman's
5 end or the Court's end. Who knows? I'm not privy to
6 the e-mails. And when you sent him my information --

7 JUDGE HOSKIN: Sir, you received a copy of the
8 order appointing.

9 JESUS AREVALO: Yes. But there was no time on
10 it as far as when he was appointed. He's telling me he
11 wasn't appointed until the 15th. You're telling me he
12 was appointed a month earlier. So I would like
13 adequate legal representation reappointed by the courts
14 so that I can --

15 JUDGE HOSKIN: To what end? What is it that
16 you're missing in this process?

17 JESUS AREVALO: I'm not missing anything.
18 Apparently I need a lawyer because you think I'm
19 missing something. I'm -- if I'm not understanding,
20 then you're right. You need to appoint me an attorney
21 that's actually going to contact me with enough time to
22 sit down and go over the case with me and see what's
23 going on and explain it, and then come to Court and
24 represent me.

1 JUDGE HOSKIN: All right. Anything else from
2 you, sir?

3 JESUS AREVALO: Because obviously --
4 obviously, I'm disabled. If you want to go to the
5 subpoena that was --

6 JUDGE HOSKIN: I hate to break it to you, but
7 that's not obvious.

8 JESUS AREVALO: Okay, well then you know I do
9 have rights under the ADA. You know, if you want to
10 read that --

11 JUDGE HOSKIN: You continue to tell me you
12 have rights under the ADA, but you never provide me any
13 information with regard to it. The fact that you're
14 not present in court today is another violation.

15 JESUS AREVALO: Okay. The Court was put on
16 notice back in 2014 under the Honorable Judge Bryce
17 Duckworth. He acknowledged my disability. He actually
18 acknowledged my disability rights. When this case was
19 reassigned to you, disability was written all over my
20 FDFs. You were told I was disabled. Mr. Willick even
21 told you I was disabled with an exhibit he used the
22 first time that he filed in this case in 2020. So how
23 is it that I'm not telling you about my disability
24 rights? How is it this Court doesn't know about the

1 ADA, Title I and Title II?

2 JUDGE HOSKIN: What?

3 JESUS AREVALO: How is it that this Court
4 doesn't know about the American Disability Act and my
5 rights? You guys know --

6 JUDGE HOSKIN: What makes you think I'm not
7 aware of the ADA?

8 JESUS AREVALO: Okay, then why am I being
9 treated as a normal service retirement?

10 JUDGE HOSKIN: Because that's the orders that
11 are in place. I don't need to go back and redo orders
12 that Judge Duckworth put in place. We've had this
13 conversation so many times.

14 JESUS AREVALO: No. That's not -- that's the
15 -- okay, so you're acknowledging that I'm disabled.

16 JUDGE HOSKIN: No.

17 JESUS AREVALO: You're acknowledging that you
18 -- that --

19 JUDGE HOSKIN: Sir, that is nothing before me
20 today. I don't know why you --

21 JESUS AREVALO: It doesn't have to be -- it
22 doesn't have to be before you. You're not a doctor.

23 JUDGE HOSKIN: What's before me is there are
24 orders that need to be enforced. That's it.

1 JESUS AREVALO: Okay. You just said that you
2 know about the ADA, but yet you're enforcing orders
3 that are not in accordance with a disability allowance
4 retirement.

5 JUDGE HOSKIN: I'm enforcing valid orders of
6 the Court.

7 JESUS AREVALO: Okay. Which are? And do they
8 fall in line with my ADA rights? Because if they
9 violate under Title II, I can go federal and sue the
10 Court.

11 JUDGE HOSKIN: Good luck. We've had this
12 conversation.

13 JESUS AREVALO: I'm just asking --

14 JUDGE HOSKIN: I don't know why you insist on
15 making the same arguments over and over and over again
16 and not taking steps that should be taken if you want
17 to enforce those rights.

18 JESUS AREVALO: I did. I enacted them back in
19 2014, and I -- I reenacted them last time we were in
20 Court. How has that not enacting my disability rights?
21 I've been talking to several advocates. I've done
22 everything I'm supposed to do in this Court to let you
23 guys know I'm disabled. The reason why I'm upset is
24 because I'm being treated as I'm not disabled because

1 it's an invisible disability. You guys don't seem to
2 recognize PTSD and anxiety and panic attacks.

3 JUDGE HOSKIN: What -- what -- when have I not
4 recognized? What are you talking about?

5 JESUS AREVALO: You're not recognizing it
6 because you're treating my retirement as a normal
7 service retirement.

8 JUDGE HOSKIN: No, I'm not.

9 JESUS AREVALO: Okay. Then why are we having
10 this problem? Because there's rule of law under NRS
11 286 that guides disability and you're not looking into
12 that.

13 JUDGE HOSKIN: That's because I don't have to
14 look into it because orders are already in place. Res
15 judicata is in place. You had an opportunity to take
16 these determinations up on appeal. You've failed to
17 perfect those rights. So those orders are valid and
18 enforceable. You want to continue to talk like they're
19 not, but they are.

20 JESUS AREVALO: Okay. So I mean whatever --
21 however you guys are -- are clearly these case with the
22 dispositions, it's telling the Supreme Court they don't
23 have jurisdiction. So maybe as pro se, maybe I should
24 have hired an attorney.

1 JUDGE HOSKIN: Is -- is that what you're going
2 to do? The question that's still pending is --

3 JESUS AREVALO: No, I'd like -- I'd like to
4 have appointed --

5 JUDGE HOSKIN: -- how is it that I can protect
6 her rights and not throw you in jail? That's the
7 question that I have. And you haven't answered it.
8 You keep coming back to that -- that I'm not
9 recognizing your disability, which I'm not quite sure
10 has anything to do with the question that I'm asking
11 you.

12 JESUS AREVALO: Okay, well --

13 JUDGE HOSKIN: You haven't answered the
14 question. Or should I go back to Mr. Crane and let him
15 explain it?

16 JESUS AREVALO: The answer to the question is
17 she's entitled to something that's reasonable,
18 absolutely. We were married for three years. That's
19 it. And you -- and my retirement is treated as a
20 service retirement, not a disability allowance
21 retirement. That was missed. That was never discussed
22 when the QDRO was made. You know, Mr. Willick writes
23 several legal dissertations on disability, and he
24 completely ignored it and skipped it. And this Court,

1 it just went past everybody. I mean, I have no problem
2 paying what she's entitled to once I get back on my
3 feet and try to get something built back up. But right
4 now, you're right. I need a proper attorney appointed
5 with the proper amount of time to sit down so we can
6 work this out and make sure she's covered and that I
7 don't go to jail. I absolutely agree.

8 JUDGE HOSKIN: But you don't even -- you don't
9 have any respect for this Court. You don't follow any
10 of my orders. You file documents without approval of
11 the Court. You don't show up to court when you're
12 supposed to be in court. You try at -- in the middle
13 of the night last night to file something to keep you
14 from being here. So when you have no respect for me,
15 why is it that I'm supposed to continue to bend over
16 backwards for you?

17 JESUS AREVALO: It wasn't that I don't have
18 any respect for you. I had not talked to my attorney,
19 okay? My attorney had not talked to me one bit.

20 JUDGE HOSKIN: What is that? You could have
21 talked to him on the 20th. You told me that, and you
22 didn't.

23 JESUS AREVALO: He was -- he was supposed to
24 call me. He didn't call me.

1 JUDGE HOSKIN: I see. So this and --

2 JESUS AREVALO: And I -- and I was [inaudible
3 00:21:20].

4 JUDGE HOSKIN: You're not at fault -- you're
5 not at fault for any of this. This --

6 JESUS AREVALO: Okay. No, I am at fault
7 because I had to work. It didn't line up with my
8 schedule. But how is him calling me a week before
9 court adequate? I would like the Court to -- to
10 appoint somebody that's going to represent me and call
11 me the minute you guys appoint him, which is 30 days
12 out, so we can sit down and go over this and finally
13 put this all to rest.

14 JUDGE HOSKIN: How?

15 JESUS AREVALO: I don't know. I need to talk
16 to an attorney. And I'm not trying to disrespect the
17 Court with the things I filed, but I was trying to
18 preserve -- I was trying to preserve my rights since I
19 had never talked to an attorney that supposedly
20 represented me. He wasn't even listed on my e-file
21 until, I want to say, last Thursday. And then he
22 removed himself yesterday. So if he was appointed to
23 me a month ago, and I think I remember reading Mr.
24 Crane's reply, he put it on March 7th that he knew I

1 was represented, but I didn't know I was represented
2 until the 15th. How is that possible? I never got any
3 notice of service that he filed into my case as my
4 legally represented attorney.

5 JUDGE HOSKIN: Mark -- or February 28th was
6 the order appointing Counsel. And you received a copy
7 of that.

8 JESUS AREVALO: Okay, well -- well, you said
9 you were appointing Counsel but there was no name on
10 there.

11 JUDGE HOSKIN: Of course there was. He filled
12 -- he submitted the order.

13 JESUS AREVALO: Who did?

14 JUDGE HOSKIN: Tillman.

15 JESUS AREVALO: I never got a copy of it.

16 JUDGE HOSKIN: Well, that -- that's a you
17 problem, sir.

18 JESUS AREVALO: And so he -- so him not
19 calling me after he got appointed in February, he waits
20 until March 15th?

21 JUDGE HOSKIN: Well --

22 JESUS AREVALO: That's -- that's a, that's an
23 ethics violation on his part.

1 JUDGE HOSKIN: No, sir, because you were on
2 notice that you had Counsel and you didn't bother to
3 reach out to Counsel. Why is that Counsel's fault?

4 JESUS AREVALO: Nobody served me notice of who
5 my Counsel was.

6 JUDGE HOSKIN: You received a copy of
7 everything that's filed in this case.

8 JESUS AREVALO: I -- I did not. Show me proof
9 of service. I did not. I've been checking all month
10 long. I've been checking.

11 JUDGE HOSKIN: Thank you, sir. Mr. Crane?

12 RICHARD L. CRANE, ESQ.: Yes, Your Honor. My
13 -- my client obviously is -- is suffering the -- the
14 damages caused by this, the attorney's fees that rack
15 up every time we have to come in here, all of that as
16 well. I don't have an answer to the Court beyond
17 incarceration. The last time Mr. Arevalo was
18 threatened with incarceration by Judge Duckworth, he
19 came through at the last -- at the 11th hour, purged
20 the contempt, and didn't have to go to jail. So
21 apparently that is the leverage point that it takes.

22 JUDGE HOSKIN: All right. I'm -- I'm
23 cognizant of the litigation that's occurred in this
24 case. That should be evident by the fact that I've

1 declared the plaintiff a vexatious litigant.
2 Notwithstanding that declaration, the plaintiff
3 continues to believe that he's above it, that he can do
4 what he wants when he wants. As I've indicated, I
5 believe I've given him every opportunity to avoid the
6 circumstance that he finds himself in currently. I
7 think a review of this case and hearings would indicate
8 to me that somebody reviewing this case would probably
9 think that I had a bias against the defendant, given as
10 much leeway and assistance and efforts that I've put in
11 to try and keep the plaintiff in a position to avoid
12 the circumstance that we're in now.

13 And not withstanding all of those efforts that
14 I've put in place, we are still here. I've asked him
15 to provide me with some information on how to correct
16 the situation, and we talk in circles with regard to
17 that circumstance, which is frustrating to the Court
18 because I feel like once again, I'm bending over
19 backwards trying to avoid what is likely inevitable in
20 this case, that the only thing that's going to motivate
21 him to do what needs to be done to follow these court
22 orders is serve jail time. So I am -- I've already
23 found him in contempt. One of the sanctions of that
24 contempt will be incarceration.

1 I am going to give him two weeks to provide
2 you with the form that he needs to provide you in order
3 to allow that happen -- allow that to happen. If he
4 provides that form, I'm going to allow an additional
5 two weeks before the bench warrant is effectuated to
6 have the -- the PERS take a look at it, make sure
7 they're approving it and move from there. If at any
8 point in time he doesn't comply with this court order,
9 then the bench warrant will issue for his arrest and
10 incarceration. It'll be 25 days for each violation. I
11 think we're up to six at this point in time.

12 RICHARD L. CRANE, ESQ.: Correct, Your Honor.

13 JUDGE HOSKIN: In addition to the -- in
14 addition to the -- the arrears that are accumulating
15 during that time. The purge clause in this case will
16 be the same thing that I'm using to keep him out of
17 jail, and prior to the bench warrant is executing and
18 effectuating the reinstatement of the benefits in this
19 case that exist as prior court orders res judicata need
20 to be complied with. This Court has very little
21 ability beyond what I'm doing at this point in time to
22 make sure my orders are effectuated. Again, I believe
23 that I've delayed this as long as it possibly can be
24 delayed. I've taken every step that I could take to

1 avoid this reality. But without cooperation from the -
2 - from the plaintiff, then this is not a circumstance
3 that I think we can avoid. I think I'm giving him
4 additional opportunities with these two weeks and two
5 weeks to avoid going to jail. Certainly I don't want
6 to deprive him of an ability to provide for his family,
7 but I also have a -- a responsibility to make sure
8 court orders are enforced and to consider the rights of
9 the defendant in this case as we move forward. I
10 believe that's what I had before me today, unless
11 there's something you believe that I've left out?

12 RICHARD L. CRANE, ESQ.: Your Honor, if we
13 could also get a updated FDF with attached pay stubs so
14 that we know where he's working, what he's making, all
15 of that as well?

16 JUDGE HOSKIN: Sir, can you file the new
17 financial disclosure form?

18 JESUS AREVALO: Can we get one on her as well?
19 I'll do that.

20 JUDGE HOSKIN: I'm sorry. Can you get one on
21 her as well? Is there a -- a financial issue you're
22 looking for from her?

23 JESUS AREVALO: Yes. You -- you had
24 recognized back when she wasn't completely honest with

1 her FDF that she owes me child support that would put
2 her in about 20 grand in arrears in child support that
3 she owes me to date.

4 JUDGE HOSKIN: So how soon --

5 JESUS AREVALO: And I'll [inaudible 00:28:01]
6 that.

7 JUDGE HOSKIN: How soon can you get that
8 financial disclosure form filed, sir?

9 JESUS AREVALO: Probably within the next 48
10 hours.

11 JUDGE HOSKIN: All right. I'm going to give
12 you seven days to make that happen. We'll have your
13 client file a new one, too. It looks like she hasn't
14 filed one in -- in quite a period of time. So we'll
15 have both of them filed. Certainly there's no
16 financial issue to that point in time. But given that
17 we haven't had a financial disclosure form that's been
18 filed in quite some time, I think that's probably
19 appropriate.

20 RICHARD L. CRANE, ESQ.: Yes, Your Honor. And
21 may I file a Memorandum of Fees and Costs?

22 JUDGE HOSKIN: You may.

23 RICHARD L. CRANE, ESQ.: Thank you, Your
24 Honor.

1 JUDGE HOSKIN: Certainly, Mr. Arevalo, you'll
2 have an opportunity to respond to that Affidavit of
3 Fees and Costs before I -- I finalize that. Questions
4 for me at this point, sir?

5 JESUS AREVALO: Yes. I want -- I want to make
6 it perfectly clear because, like I said, I'm disabled
7 and sometimes I don't really, you know, maybe -- maybe
8 it is my fault, maybe I'm not really understanding. So
9 I want to get clarification. Okay. So you want me to
10 sign that form that says to reinstate her benefits, I
11 have to wait -- I have to provide PERS with where I
12 want to work and wait for them to approve the job in
13 order to reinstate her benefits, which means I would
14 have to quit my job and wait three months for any
15 income or pay? Because we went over that form last
16 time. It says right there on the form, if I don't go
17 through the process of asking for approval for a job
18 for PERS, they will suspend my account. So you're --
19 basically, if I sign that, you're telling me I have to
20 quit my job for three months, wait for them to approve,
21 and I can't work for three months in order to purge the
22 situation.

23 JUDGE HOSKIN: I'm -- I'm -- I'm -- the order
24 is that you comply with my court orders to reinstate

1 her benefits.

2 JESUS AREVALO: And if -

3 JUDGE HOSKIN: You want to couch it in other
4 terms. Those aren't terms that I couched it in. I
5 thought my order was fairly clear. I'm not really
6 understanding which part of it you don't understand
7 other than you don't agree with it.

8 JESUS AREVALO: Okay. What -- what I don't
9 understand and I'm not -- I'm not saying I don't agree.
10 What I don't understand is the way the QDRO is written
11 now when I'm disabled, you guys are asking me to either
12 commit fraud or you're denying me --

13 JUDGE HOSKIN: I'm not. Just so the record's
14 clear for probably the fifth time today, I'm not asking
15 you to commit fraud. I'm asking you to fill out the
16 form that -- that reinstates her benefits because your
17 -- your unilateral actions terminated her benefits.
18 And I'm asking you --

19 JESUS AREVALO: That would -- and that --

20 JUDGE HOSKIN: -- to cure that or go to jail.
21 You can go to jail if you'd like, sir.

22 JESUS AREVALO: If we sign and that results --
23 results in fraud and me getting prosecuted, then what
24 do I do?

1 JUDGE HOSKIN: I'm not asking you to commit
2 fraud, sir. I don't know which part of that that you
3 don't understand.

4 JESUS AREVALO: Okay, so if I get a letter
5 from PERS, and they say that would be fraud, then what?
6 Then I have to quit my job, and I'm denied my 14th
7 Amendment right?

8 JUDGE HOSKIN: Sir, do you have questions with
9 regard to my order today?

10 JESUS AREVALO: Yeah, because your order's not
11 -- not clear.

12 JUDGE HOSKIN: Okay.

13 JESUS AREVALO: In order for an order to be
14 followed, it has to be clear.

15 JUDGE HOSKIN: When -- when it's -- when it's
16 -- Mr. Crane's going to prepare that order and submit
17 it. My determination today is that my order is crystal
18 clear. It's no different than it was in our -- during
19 our February hearing that you haven't bothered to
20 comply with, which indicates to me you have no
21 intention of complying with it. So maybe you will
22 comply with it after you go to jail. I don't think
23 it's difficult to understand. You've made this
24 argument before. I've made my -- my order clear. So

1 we'll go from there. Hopefully you're not going to be
2 in contempt of this order as well, but time will tell.

3 JESUS AREVALO: Okay. Well, I mean, I guess
4 we'll see.

5 JUDGE HOSKIN: Thank you, sir. Thank you, Mr.
6 Crane.

7 BAILIFF: That concludes the hearing for
8 today.

9 RICHARD L. CRANE, ESQ.: Thank you so much,
10 Your Honor.

11 (HEARING CONCLUDED)
12

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

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Steven D. Grierson
CLERK OF THE COURT



Jesus Luis Arevalo, Plaintiff

vs.

Catherine Marie Arevalo, Defendant.

Case No.: D-11-448514-D

Department E

NOTICE OF HEARING

Please be advised that the Motion for Attorney's Fees and Costs Pendente Lite and Related Relief in the above-entitled matter is set for hearing as follows:

Date: July 21, 2023

Time: In Chambers

Location: No Appearance Necessary
Family Courts and Services Center
601 N. Pecos Road
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Luz Leal Santillan
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Luz Leal Santillan
Deputy Clerk of the Court