

1 CODE 2505  
2 Thomas Spampinato  
3 200 Sunnyside Drive  
4 Reno, Nevada 89503-3510  
5 (775) 747-2366

FILED

'99 OCT -1 P11:57

AMY HARVEY, CLERK  
BY [Signature]  
DEPUTY

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

FILED

OCT 07 1999

9 THOMAS SPAMPINATO,  
10 Plaintiff,

11 vs.

Case No. DV99-00313

12 LUZ CARMEN [SPAMPINATO] MIER Y TERAN  
13 Defendant.

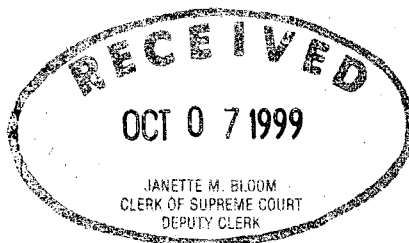
Dept. No. 5

No. 34934

14  
15 NOTICE OF APPEAL

16 COMES NOW the Plaintiff, THOMAS SPAMPINATO, in Proper Person, and hereby  
17 gives notice of his intention to appeal to the Supreme Court of Nevada from--  
18 (1) the Order Denying Plaintiff's Motion for Attorney's Fees and Costs and  
19 Sanctions entered in this action on the 27th day of August, 1999, NOTICE OF  
20 ENTRY OF ORDER having been filed and mailed to Plaintiff on the 1st day of  
21 September, 1999; and (2) the Findings of Fact, Conclusions of Law, and Decree  
22 of Divorce entered in this action on the 3rd day of September, 1999, NOTICE OF  
23 ENTRY OF ORDER having been filed and mailed to Plaintiff on the 10th day of  
24 September, 1999.

25 RESPECTFULLY SUBMITTED this 1st day of October, 1999.



Thomas Spampinato  
Thomas Spampinato  
200 Sunnyside Drive  
Reno, NV 89503-3510  
(775) 747-2366

99-09699

FILED

CODE

'99 OCT -5 A8:43

AMY HARVEY, CLERK  
BY *[Signature]*  
DEPUTY

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

THOMAS SPAMPINATO,

Plaintiff,

Vs.

CASE NO. Dv99-00313

DEPT. NO. 5

LUZ CARMEN { SPAMPINATO }  
MIER Y. TERAN,

Defendant.

CASE APPEAL STATEMENT

1. The Appellant is Thomas Spampinato.
2. The appeal is from the Order Denying Plaintiffs Motion for Attorney's Fees and Costs and Sanctions filed August 27, 1999 and Findings of Fact, Conclusions of Law and Decree of Divorce filed April 3, 1999.
3. The parties below consist of; Thomas Spampinato is the Plaintiff. Luz Carmen {Spampinato} Mier Y. Teran is the Defendant.
4. The parties herein consist of; Thomas Spampinato is the Appellant. Luz Carmen {Spampinato} Mier Y. Teran is the Respondent.
5. Counsel on appeal consist of: (For Respondent) Gamboa and Stovall, 200 Ridge Street, Suite 200, Reno, Nevada 89501-2014.
6. The Appellant was represented by Clarkson Law Offices, Ltd., in the District Court.
7. The Appellant has filed a Proper Person Notice of appeal on October 1, 1999.
8. No Order for pauperis filing was granted in this case.

1 9. A Complaint for Divorce was filed February 22, 1999.  
2  
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4 Dated, October 5, 1999.  
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AMY HARVEY, County Clerk

6 By,   
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Ruth Morgan, Deputy  
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Case No: DV99-00313 Filed: 02/22/99 Type: DIVORCE - NO CHILDREN

Title: THOMAS SPAMPINATO VS. LUZ C.S.M.Y. TERAN

At issue: 00/00/00

Dept: 5 Addl Info: SUB. TO SUP.CT. 10-5-99

Clerk: MA

Disp: 09/03/99 GRANTED

This case is exempt from purge

## ----- P A R T I E S -----

PLTF: SPAMPINATO, THOMAS

ATTY: PRO PER

Address: (JOHN R. CLARKSON)

DEF: MIER Y TERAN, LUZ CARMEN SPAMPINATO

ATTY: GAMBOA, THEODORE DAVID

## ----- P R O C E E D I N G S -----

| Dept           | Sched.    | Time            | Notice    | Event                                    |
|----------------|-----------|-----------------|-----------|--|
| 1. 5           | 05/26/99  | 4:00 PM         | 00/00/00  | SETTLEMENT CONFERENCE                    |
| Pri: 2         | Clerk: CE | Reporter:       |           | Est. Dur.: 00: 1: 0                      |
| Disposition -  | Clk: CE   | 05/25/99        |           | (BUMPED BY FIRST SET )                   |
| 2. 5           | 06/30/99  | 9:30 AM         | 00/00/00  | CONTESTED - TRIAL                        |
| Pri: 2         | Clerk: CE | Reporter: VIDEO |           | Est. Dur.: 00: 2:30                      |
| Trial - Start: | 00/00/00  | End: 00/00/00   | Time: 0.2 | Total: 0.2                               |
| Disposition -  | Clk: OK   | 06/30/99        |           | (HEARD/DIVORCE GRANTED )                 |
| 3. 5           | 07/01/99  | 10:22 PM        | 00/00/00  | MOTION SUBMITTED PENDING DECISION        |
|                |           |                 |           | MOTION FOR ORDER SHORTENING TIME TO      |
|                |           |                 |           | RESPOND TO MOTION TO COMPEL DISCOVERY    |
| Pri: 9         | Clerk: JB | Reporter:       |           | Est. Dur.: 00: 0: 0                      |
| Disposition -  | Clk: CE   | 06/30/99        |           | (ORDER ENTERED )                         |
| 4. 5           | 07/01/99  | 10:22 PM        | 00/00/00  | MOTION SUBMITTED PENDING DECISION        |
|                |           |                 |           | ORDER SHORTENING TIME TO RESPOND         |
|                |           |                 |           | TO MOTION FOR SANCTIONS                  |
| Pri: 9         | Clerk: CP | Reporter:       |           | Est. Dur.: 00: 0: 0                      |
| Disposition -  | Clk: CE   | 06/30/99        |           | (ORDER ENTERED )                         |
| 5. 5           | 07/12/99  | 10:22 PM        | 00/00/00  | MOTION SUBMITTED PENDING DECISION        |
|                |           |                 |           | MOTION TO COMPEL DISCOVERY               |
| Pri: 9         | Clerk: JB | Reporter:       |           | Est. Dur.: 00: 0: 0                      |
| Disposition -  | Clk: CE   | 08/27/99        |           | (ORDER ENTERED )                         |
| 6. 5           | 07/12/99  | 10:22 PM        | 00/00/00  | MOTION SUBMITTED PENDING DECISION        |
|                |           |                 |           | MOTION FOR SANCTIONS RE: TRIAL STATEMENT |
| Pri: 9         | Clerk: JB | Reporter:       |           | Est. Dur.: 00: 0: 0                      |
| Disposition -  | Clk: CE   | 08/27/99        |           | (ORDER ENTERED )                         |
| 7. 5           | 08/04/99  | 10:22 PM        | 00/00/00  | MOTION SUBMITTED PENDING DECISION        |
|                |           |                 |           | MOTION FOR ATTORNEY FEES & COSTS         |
| Pri: 9         | Clerk: CP | Reporter:       |           | Est. Dur.: 00: 0: 0                      |
| Disposition -  | Clk: CE   | 08/27/99        |           | (DENIED )                                |
| 8. 5           | 08/18/99  | 10:22 PM        | 00/00/00  | MOTION SUBMITTED PENDING DECISION        |
|                |           |                 |           | PROPOSED FINDINGS, CONCLUSIONS, DECREE   |
| Pri: 9         | Clerk: JB | Reporter:       |           | Est. Dur.: 00: 0: 0                      |

Case No: DV99-00313 Filed: 12/29/99 Type: DIVORCE - NO CHILDREN  
 Title: THOMAS SPAMPINATO VS. LUZ C.S.M.Y. TERAN  
 At Issue: 00/00/00

## P R O C E E D I N G S

Dept Sched. Time Notice Event  
 9. 5 09/01/99 10:22 PM MOTION SUBMITTED PENDING DECISION

10. Pri: 9 Clerk: CP Reporter: 10/05/99 0:00 AM 00/00/00 CASE SUBMITTED TO SUPREME COURT (SUB)  
 Pri: 9 Clerk: RM Reporter: Est. Dur.: 00:00:00  
 COURT COSTS (THEODORE GAMBOA)  
 DEFT. MOTION FOR ATTORNEY FEES &  
 DEFT. MOTION SUBMITTED PENDING DECISION

## A C T I O N S

| Date           | Action   | Dept FC           |
|----------------|--|-------------------|
| 1. 02/22/99    | DIVORCE COMPLAINT<br>CK#1748   | 5 MA              |
| Fees- 02/22/99 | Rec #: 042300 Type: CK Fee:  | 150.00 #Def/copy: |
| 2. 02/22/99    | SUMMONS ISSUED   | 5 MA              |
| 3. 03/01/99    | SUMMONS FILED (LUZ CARMEN SPAMPINATO MIER Y  | 5 GO              |
| 4. 03/16/99    | ANSWER - DIVORCE CK#3253<br>TERAN SERVED 2/24/99)  | 5 TP              |
| Fees- 03/16/99 | Rec #: 043284 Type: CK Fee:  | 78.00 #Def/copy:  |
| 5. 04/07/99    | NOTICE TO APPEAR AND SETTLEMENT CONFERENCE &<br>TRIAL  | 5 SA              |
| 6. 04/14/99    | APPLICATION FOR SETTING<br>NOTICE OF CASE CONFERENCE   | 5 GO              |
| 7. 04/14/99    | FINANCIAL DECLARATION  | 5 SC              |
| 8. 04/15/99    | (THOMAS SPAMPINATO)<br>FINANCIAL DECLARATION   | 5 GO              |
| 9. 04/21/99    | (LUZ CARMEN SPAMPINATO MIER-TERAN)<br>FINANCIAL DECLARATION                                      | 5 GO              |
| 10. 05/18/99   | PLTF'S CASE CONFERENCE REPORT  | 5 TP              |
| 11. 05/21/99   | PLTF'S REQ. FOR ADMISSIONS   | 5 GO              |
| 12. 05/26/99   | NOTICE TO APPEAR & SET SETTLEMENT CONFERENCE   | 5 MA              |
| 13. 06/04/99   | CORRECTION TO PLTF'S REQ. FOR ADMISSION  | 5 SC              |
| 14. 06/15/99   | ORDER REGARDING PRE-TRIAL PROCEDURE  | 5 RA              |
| 15. 06/21/99   | MOTION TO COMPEL DISCOVERY WITH POINTS &<br>AUTHORITIES  | 5 TP              |
| 16. 06/21/99   | EX-PARTE MOTION FOR ORDER SHORTENING TIME TO<br>RESPOND TO MOTION TO COMPEL DISCOVERY WITH PT    | 5 TP              |
| 17. 06/21/99   | REQUEST FOR SUBMISSION<br>DEFT'S TRIAL STATEMENT   | 5 TP              |
| 18. 06/23/99   | PLAINTIFF'S TRIAL STATEMENT  | 5 SC              |
| 19. 06/23/99   | MOTIN FOR SANCTIONS RE: TRIAL STATEMENT WITH<br>P&A  | 5 TP              |
| 20. 06/28/99   | EX-PARTE MOTION FOR SANCTIONS RE: TRIAL<br>STATEMENT WITH P&A                                    | 5 MA              |
| 21. 06/28/99   | REQUEST FOR SUBMISSION   | 5 MA              |
| 22. 06/28/99   | REQUEST FOR SUBMISSION   | 5 MA              |
| 23. 06/28/99   | ** REQ FOR SUB - ORDER SHORTENING TIME TO RESPOND<br>TO MOTION FOR SANCTIONS RE: TRIAL STATEMENT | 5 CP              |
| 24. 06/29/99   | ORDER DENYING EX PARTE MTN FOR ORDER SHORTENING<br>TIME TO RESPOND TO MOTION TO COMPEL DISC      | 5 CE              |
| 25. 07/01/99   | ** REQ FOR SUB - MOTION FOR ORDER SHORTENING TIME<br>TO RESPOND TO MOTION TO COMPEL (CLARKSON)   | 5 JB              |

Case No: DV99-00313 Filed: 02/22/99 Type: DIVORCE - NO CHILDREN  
 Title: THOMAS SPAMPINATO VS. LUZ C.S.M.Y. TERAN At Issue: 00/00/00

## A C T I O N S

| Date         | Action   | Dept FC |
|--------------|--|---------|
| 26. 07/07/99 | VERIFIED MOTION FOR ATTORNEY FEES & COURT COSTS  | 5 SA    |
| 27. 07/09/99 | REQUEST FOR SUBMISSION (2)   | 5 SA    |
| 28. 07/12/99 | REQUEST FOR SUB - MOTION TO COMPEL DISCOVERY   | 5 JB    |
| 29. 07/12/99 | REQUEST FOR SUB - MOTION FOR SANCTIONS RE: TRIAL STATEMENT (CLARKSON)                      | 5 JB    |
| 30. 07/12/99 | PLAINTIFF'S MOTION FOR ATTORNEY'S FEES AND COSTS AND SANCTIONS                             | 5 MA    |
| 31. 07/20/99 | OPPOSITION TO DEFENDANT'S VERIFIED MOTION FOR ATTORNEY'S FEES & COURT COSTS                | 5 CH    |
| 32. 07/23/99 | DEF'T'S OPPOSITION TO MOTION FOR ATTORNEY'S FEES & COSTS & SANCTIONS                       | 5 SC    |
| 33. 08/03/99 | PLTFF'S REPLY TO DEF'T'S OPPOSITION TO MOTION FOR ATTYS FEES & COSTS & SANCTIONS           | 5 SC    |
| 34. 08/03/99 | REQUEST FOR SUBMISSION   | 5 TP    |
| 35. 08/03/99 | REQUEST FOR SUB - MOTION FOR ATTORNEY FEES & COSTS   | 5 CP    |
| 36. 08/04/99 | NOTICE OF PROPOSED SUBMISSION OF FINDINGS OF FACT, CONCLUSIONS OF LAW, & DECREE OF DIVORCE | 5 TP    |
| 37. 08/06/99 | CERTIFICATE OF SERVICE   | 5 SC    |
| 38. 08/18/99 | REQUEST FOR SUBMISSION   | 5 TP    |
| 39. 08/18/99 | REQUEST FOR SUB - FINDINGS, CONCLUSIONS, DECREE (CLARKSON)                                 | 5 JB    |
| 40. 08/25/99 | AFFIDAVIT OF RESIDENT WITNESS  | 5 TP    |
| 41. 08/27/99 | ORDER DENYING PLAINTIFF'S MOTION FOR ATTORNEY'S FEES AND COSTS AND SANCTIONS               | 5 CE    |
| 42. 09/01/99 | REQUEST FOR SUBMISSION   | 5 SC    |
| 43. 09/01/99 | REQUEST FOR SUB - DEF'T VERIFIED MOTION FOR ATTORNEY FEES & COURT COSTS                    | 5 CP    |
| 44. 09/01/99 | NOTICE OF ENTRY OF ORDER FINDINGS, CONCLUSION & DECREE                                     | 5 SC    |
| 45. 09/03/99 | ** DOCKETED - SEE JUDGMENT SECTION   | 5 CH    |
| 46. 09/03/99 | NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSION OF LAW & DECREE OF DIVORCE                 | 5 KM    |
| 47. 09/10/99 | SUBSTITUTION OF COUNSEL FOR PLTF (PRO PER FOR JOHN R. CLARKSON)                            | 5 SC    |
| 49. 10/01/99 | NOTICE OF APPEAL FILED   | 5 ML    |
| 50. 10/04/99 | PROOF OF SERVICE   | 5 RM    |
| 51. 10/04/99 | CASE APPEAL STATEMENT  | 5 RM    |
| 52. 10/04/99 | CERTIFICATE OF CLERK   | 5 RM    |
| 53. 10/04/99 | CERTIFICATE OF TRANSMITTAL   | 5 RM    |

## J U D G M E N T S

Dept FC Date Time Judgment  
 1. 5 KM 09/03/99 10:42AM DECREE OF DIVORCE  
 PLAINTIFF PAY TO DEFENDANT \$1,000.00 FOR ALIMONY  
 PLUS \$1,500.00 ALREADY PAID BY PLAINTIFF TO  
 DEFENDANT PURSUANT TO EXTENDED ORDER FOR  
 PROTECTION AGAINST DOMESTIC VIOLENCE IS DEEMED

10/04/99 16:54

PAGE:

4

Case No: DV99-00313 Filed: 02/22/99 Type: DIVORCE - NO CHILDREN

Title: THOMAS SPAMPINATO

VS. LUZ C.S.M.Y. TERAN

At issue: 00/00/00

----- J U D G E M E N T S -----

| Dept | FC | Date | Time | Judgment   |
|------|----|------|------|--|
|      |    |      |      | PLUS \$1,500.00 ALREADY PAID BY PLAINTIFF TO<br>DEFENDANT PURSUANT TO EXTENDED ORDER FOR<br>PROTECTION AGAINST DOMESTIC VIOLENCE IS DEEMED<br>TO BE ALIMONY. |

Appeal: 00/00/00 Judgmt: 00/00/00

Satisfaction: 00/00/00 0:00 M

ORIGINAL

CODE: 2840

FILED

By Amy H. [Signature] Deputy Clerk

27, 1999

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

THOMAS SPAMPINATO,

Plaintiff,

vs.

Case No. DV99-00313

LUZ CARMEN SPAMPINATO MIER Y  
TERAN,

Dept No. 5

Defendant.

**ORDER DENYING PLAINTIFF'S MOTION FOR  
ATTORNEY'S FEES AND COSTS AND SANCTIONS**

Having read Plaintiff's Motion for Attorney's Fees and Costs and Sanctions, Defendant's Opposition to motion for Attorney's Fees and Costs and Sanctions, and Plaintiff's Reply to Defendant's Opposition, the Court finds and orders as follows:

Findings of Fact

The contested divorce trial in this case was held on June 30, 1999. The Court ordered that if attorney's fees were to be sought, a motion had to be submitted within ten days or the matter would not be considered. Plaintiff, Thomas Spampinato (Mr. Spampinato), filed a Motion for Attorney's Fees pursuant to Nevada Revised Statutes 125.150(3) and a request for sanctions against both Defendant, Luz Carmen Spampinato Mier Y Teran (Ms. Teran), and her attorney, Theodore Gamboa, pursuant to Nevada Rules of Civil Procedure 11.



1 Mr. Spampinato alleges that Ms. Teran and her attorney willfully ignored several  
2 requests for discovery, lied under oath in discovery responses and at trial, and, as a  
3 result, caused Mr. Spampinato to incur additional attorney's fees to address these  
4 problems. Mr. Spampinato lists nine separate reasons that he should be entitled to  
5 attorney's fees and sanctions. They are as follows: 1) Ms. Teran lied, up until the date  
6 of trial, by insisting there was community property; 2) Ms. Teran stated in her answer  
7 that there were community debts when, in fact, there were not; 3) Ms. Teran and her  
8 attorney made baseless allegations that Mr. Spampinato's income was community  
9 income; 4) Ms. Teran and her attorney failed to make a good faith effort to settle the  
10 case; 5) Ms. Teran and her attorney never provided any of the documents demanded  
11 by Mr. Spampinato in the Plaintiff's Case Conference Production Demand pursuant to  
12 NRCP 16.1(b); 6) Ms. Teran and her attorney never provided a written list of witnesses  
13 as required by NRCP 16.1; 7) Ms. Teran's Trial Statement did not comply with the  
14 requirements of Washoe District Court Rule 5(1); 8) Ms. Teran lied under oath about  
15 using the \$1,500, that Mr. Spampinato was ordered to pay her, to secure an apartment;  
16 and 9) Ms. Teran lied under oath about her present home address. Mr. Spampinato  
17 claims that, as a result of these abuses, he had to incur needless attorney's fees and  
18 should, therefore, be awarded attorney's fees/costs and Ms. Teran and Mr. Gamboa  
19 should be sanctioned.

20 Ms. Teran filed a very brief response in Opposition to Plaintiff's Motion for  
21 Attorney's Fees, Costs, and Sanctions. Ms. Teran alleges that, due to the very short  
22 duration of this marriage (54 days), discovery was not warranted. Ms. Teran and her  
23 attorney claim that Mr. Spampinato and Mr. Clarkson caused the excessive attorney's  
24 fees that Mr. Spampinato incurred by trying to bury Ms. Teran in paperwork and  
25 needless motions. Finally, Ms. Teran alleges that Mr. Spampinato incurred excessive  
26 attorney's fees due to his failure to make a good faith effort to settle.

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Mr. Spampinato relies upon both NRCP 11 and NRCP 37(b)(2) as bases for awarding attorney's fees and sanctions. NRCP 11 provides that a signature on any pleading by a party or an attorney constitutes a certification that the information contained therein is accurate, warranted and is not submitted for an improper purpose. NRCP 11 also provides that a violation of this rule shall result in an appropriate sanction including attorney's fees and costs.

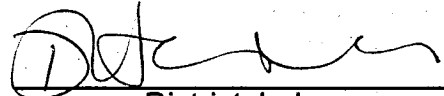
The Court concludes that Ms. Teran and Mr. Gamboa's alleged actions do not rise to the level of Rule 11 violations requiring sanctions. Ms. Teran may have mistakenly believed there were community property and debts to be divided.

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4 Based upon the forgoing, Plaintiff's Motion for Attorney's Fees and Costs and  
5 Sanctions is denied.  
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7 **IT IS SO ORDERED.**

8 Date: August 26, 1999

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District Judge  
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court, and that on the 30th day of August, 1999, I deposited for mailing at Reno, Nevada, a true copy of the attached document, addressed to:

John R. Clarkson, Esq.  
560 East Plumb Lane  
Reno, NV 89502

Theodore G. Gamboa, Esq.  
Gamboa & Stovall  
200 Ridge Street, Suite 200  
Reno, NV 89501



C. Elder

ORIGINAL

CODE 1745

99 SEP -3 10:42

AMY HAYES CLERK

IN THE FAMILY DIVISION

OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

THOMAS SPAMPINATO,

SS #050-26-0085

Plaintiff,

vs.

Case No. DV99-00313

LUZ CARMEN SPAMPINATO MIER Y  
TERAN,

Dept. No. 5

SS #530-87-1893

Defendant.

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

This case having come before the above-entitled Court for hearing on June 30, 1999, Plaintiff appearing personally and by and through his attorney, John R. Clarkson, Esq., of the Clarkson Law Office, Ltd., and the Defendant appearing personally and by and through her attorney, Theodore D. Gamboa, Esq., of Gamboa & Stoval, and it appearing to the satisfaction of the Court that the Court has jurisdiction of the subject matter of the action and of the Parties, and witnesses having been sworn and testimony having been introduced, and the cause having thereupon been submitted to the Court for decision, the Court makes the following Findings of Fact:

**FINDINGS OF FACT**

1. Plaintiff is a resident of the State of Nevada and for a period of more than six weeks immediately preceding commencement of this action has been and now is a bona fide resident of and domiciled in the County of Washoe, State of Nevada, and during all of this period, Plaintiff has had, and still has, the intent to make the State of Nevada his home, residence, and domicile for an indefinite period of time.

1           2.     The Parties last cohabited in the County of Washoe, State of Nevada.

2           3.     The Parties are incompatible in their marriage.

3           4.     Plaintiff and Defendant were married in a civil ceremony at Reno, Washoe County,  
4 Nevada, on October 25, 1998.

5           5.     There are no minor children of the relationship of the Parties born before or during  
6 the marriage or adopted by the Parties during the marriage.

7           6.     Plaintiff is age 65 years. Plaintiff is retired. Plaintiff receives \$1,852.40 per month  
8 in Social Security and retirement/pension benefits. None of the income received by Plaintiff during  
9 the Parties' marriage was community income.

10          7.     Defendant earns \$70.00 per week.

11          8.     Plaintiff claimed that the Parties had an oral agreement whereby Defendant would  
12 be responsible for her share of the household expenses. Plaintiff is not entitled to be reimbursed for  
13 the household expenses in the amount of \$1,982.54 he paid for Defendant and her two daughters,  
14 because any such agreement was not in writing.

15          9.     Defendant should not be required to reimburse Plaintiff the \$1,500.00 he paid to her  
16 to obtain an apartment pursuant to the *Extended Order for Protection Against Domestic Violence*  
17 issued against Defendant in Case No. CV99-00382, Thomas Spampinato, Applicant, vs. Luz Carmen  
18 Spampinato Mier Y Teran, Respondent, in the Family Division in the Second Judicial District Court  
19 of the State of Nevada, in and for the County of Washoe, because Defendant has essentially  
20 complied with the purpose of the \$1,500.00.

21          10.    Defendant admitted that there is no community or joint property.

22          11.    Defendant admitted that there are no community debts or obligations.

23          12.    All personal property in Plaintiff's possession is Plaintiff's sole and separate property.

24          13.    All personal property in Defendant's possession is Defendant's sole and separate  
25 property, except the crystal stemware and the magazines.

26          14.    Plaintiff is entitled to have the crystal stemware, the magazines, the engagement ring,  
27 and the wedding band returned to him by Defendant.

28          15.    However, Defendant represented to the Court that she neither has, nor has any

1 knowledge of the whereabouts of Plaintiff's crystal stemware, Plaintiff's magazines, the engagement  
2 ring, or the wedding band. The Court warns Defendant that if it is ever proven otherwise, Defendant  
3 will be held in contempt of Court.

4 16. The Court is extremely disturbed by Defendant's testimony that the engagement ring  
5 and wedding band were lost. The Court does not find such testimony convincing. Such testimony  
6 is more than the Court can swallow. The Court is not convinced that Defendant lost the engagement  
7 ring and wedding band.

8 17. The Court heard conflicting testimony regarding Defendant's employment status at  
9 the time of the marriage, and whether she quit her job because of marriage or got married because  
10 she had no job.

11 18. Despite the very short term of this marriage, Nevada case law supports an award of  
12 alimony if the Defendant changed her employment based upon promises by Plaintiff, and her  
13 financial situation deteriorated as a result thereof. Nevada case law would support Plaintiff ~~perhaps~~  
14 being obligated to help Defendant if her situation deteriorated because of promises Plaintiff made.  
15 There are a lot of different considerations in alimony, many of which do not apply here because of  
16 the shortness of the marriage -- literally not even two (2) months of actually living together.  
17 Defendant did not prove that her situation deteriorated because of promises by Plaintiff.

18 19. But Nevada law has in it the idea that there are certain responsibilities people take  
19 on by virtue of marrying ~~whether they married to assist someone to obtain immigration status,~~  
20 ~~whether they married out of love, or for whatever reason.~~

21 20. Most of Defendant's <sup>employment</sup> problems are due to her immigration status. The Court is not  
22 convinced that Defendant lost her job based on promises by Plaintiff, in part because of Defendant's  
23 testimony about the engagement ring and wedding band. In other words, the Court is not convinced  
24 of Defendant's truthfulness. Defendant's situation has much more to do with immigration issues  
25 than a deterioration with respect to marriage.

26 21. The Court deems the \$1,500.00 already ready paid to Defendant by Plaintiff pursuant  
27 to the *Extended Order for Protection Against Domestic Violence* against Defendant in Case No.  
28 CV99-00382, Thomas Spampinato, Applicant, vs. Luz Carmen Spampinato Mier Y Teran,

1 Respondent, to obtain an apartment, ~~and the sum of \$1,227.95 for the engagement ring and wedding~~  
2 ~~band "lost" by Defendant,~~ to be alimony.

3 22. In addition to the above deemed amounts, Plaintiff should pay to Defendant the  
4 modest additional sum of \$1,000.00, ~~which is not anywhere near what Defendant is seeking,~~ by July  
5 4, 1999, for alimony, based upon Nevada law that tells the Court that if there is a huge gap in the  
6 Parties' lifestyle that the Court is to at least require some modest assistance.

7 23. Defendant desires to be restored to her former name of LUZ CARMEN MIER Y  
8 TERAN.

9 24. The Court reserves jurisdiction as to the issue of attorney's fees and costs. If  
10 attorney's fees and costs are to be sought by either Party, that Party shall file a motion within ten  
11 (10) days of the Trial held on June 30, 1999, otherwise the issue will be closed.

#### 12 CONCLUSIONS OF LAW

13 From the foregoing Findings of Fact, the Court makes the following Conclusions of Law:

14 1. The Court has jurisdiction of the subject matter of the action and of the Parties.

15 2. Plaintiff is entitled to a Decree of Divorce, forever dissolving the bonds of matrimony  
16 now and heretofore existing between Plaintiff and Defendant, releasing each of the Parties from the  
17 obligations thereof and restoring each of the Parties to the status of a single, unmarried person.

18 3. Defendant is entitled to be restored to her maiden name of LUZ CARMEN MIER Y  
19 TERAN.

#### 20 DECREE OF DIVORCE

21 NOW, THEREFORE, by reason of the Findings of Fact and Conclusions of Law aforesaid,

22 IT IS ORDERED, ADJUDGED AND DECREED as follows:

23 1. Plaintiff is granted an absolute Decree of Divorce, forever dissolving the bonds of  
24 matrimony now and heretofore existing between the Parties, restoring each of them to the status of  
25 a single, unmarried person.

26 2. Plaintiff is not entitled to be reimbursed for the household expenses in the amount  
27 of \$1,982.54 he paid for Defendant and her two daughters.

28 3. Defendant shall not be required to reimburse Plaintiff the \$1,500.00 he paid to her



1 to obtain an apartment pursuant to the *Extended Order for Protection Against Domestic Violence*  
2 issued against Defendant in Case No. CV99-00382, Thomas Spampinato, Applicant, vs. Luz Carmen  
3 Spampinato Mier Y Teran, Respondent, in the Family Division in the Second Judicial District Court  
4 of the State of Nevada, in and for the County of Washoe, because Defendant has essentially  
5 complied with the purpose of the \$1,500.00.

6 4. There is no community or joint property.

7 5. There are no community debts or obligations.

8 6. All property in Plaintiff's possession is confirmed as Plaintiff's sole and separate  
9 property.

10 7. All property in Defendant's possession, except the crystal stemware and magazines,  
11 is confirmed as Defendant's sole and separate property.

12 8. Plaintiff is entitled to have the crystal stemware, the magazines, the engagement ring,  
13 and the wedding band returned to him by Defendant. The Court warns Defendant that if it is ever  
14 proven that Defendant has the crystal stemware, the magazines, the engagement ring, or the wedding  
15 band, or has knowledge of their whereabouts, Defendant will be held in contempt of Court.

16 9. The \$1,500.00 already paid by Plaintiff to Defendant pursuant to the *Extended Order*  
17 *for Protection Against Domestic Violence* against Defendant, ~~and the sum of \$1,227.95 for the~~  
18 ~~engagement ring and wedding band,~~ <sup>is</sup> are deemed to be alimony.

19 10. Plaintiff shall pay to Defendant the modest additional sum of \$1,000.00 to Defendant  
20 for alimony, by July 4, 1999.

21 11. Defendant is restored to her former name of LUZ CARMEN MIER Y TERAN.

22 12. The Court reserves jurisdiction as to the issue of attorney's fees and costs. If either  
23 Party wishes to seek attorney's fees and costs, that Party shall file a motion within ten (10) days of  
24 the Trial held on June 30, 1999, otherwise the issue shall be closed.

25 DATED this 30 day of Aug, 1999.

26   
27 DISTRICT JUDGE  
28

DOCKET  
9-13-99  
DATE  
INITIALS Shi

6/30

FILED

2540  
THEODORE D. GAMBOA, ESQUIRE  
Nevada State Bar No.: 669  
200 Ridge Street, Suite #200  
Reno, Nevada 89501  
(775) 329-4111  
Attorneys for Defendant

99 SEP -1 P12:56

AMY HARVEY QUERK  
BY *[Signature]*  
DEPUTY

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

THOMAS SPAMPINATO,

Plaintiff,

- vs -

Case No.: DV99-00313

LUZ CARMEN SPAMPINATO  
MIER Y TERAN,

Dept. No.: 5

Defendant.

NOTICE OF ENTRY OF ORDER

TO: Plaintiff above-named and his counsel of record: John R. Clarkson, Esquire,  
560 East Plumb Lane, Reno, Nevada 89502:

PLEASE TAKE NOTICE that the above-entitled Court entered an Order Denying  
Plaintiff's Motion for Attorney's Fees and Costs and Sanctions on the 26th day of August,  
1999.

DATED this 31 day of August, 1999.

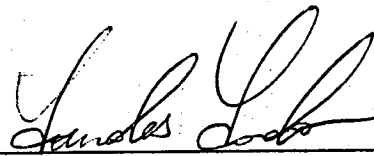
GAMBOA & STOVALL  
200 Ridge Street, Suite #200  
Reno, Nevada 89501

BY: *[Signature]*  
THEODORE D. GAMBOA  
Attorneys for Defendant

CERTIFICATE OF MAILING

Pursuant to *N.R.C.P. 5(b)*, I certify that I am an employee of the Law Offices  
of GAMBOA & STOVALL, and that on this 1st day of September, 1999, I deposited for  
mailing at the Reno Postal Service in Reno, Nevada a true copy of the within document  
addressed to:

JOHN R. CLARKSON, ESQUIRE  
CLARKSON LAW OFFICE, LTD.  
560 East Plumb Lane  
Reno, Nevada 89502



---



ORIGINAL

99 SEP 10 P4:42

AMY HARVEY, CLERK  
BY S. L. Crawford  
DEPUTY

CODE 2530  
John R. Clarkson, Esq.  
Nevada Bar # 02825  
Clarkson Law Office, Ltd.  
560 E. Plumb Lane  
Reno, Nevada 89502  
Telephone: (775) 324-1111  
Attorney for: Plaintiff

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

THOMAS SPAMPINATO,

Plaintiff,

vs.

Case No. DV99-00313

LUZ CARMEN SPAMPINATO MIER Y  
TERAN,

Dept. No. 5

Defendant.

**NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECREE  
OF DIVORCE**

TO: The Defendant, LUZ CARMEN SPAMPINATO MIER Y TERAN, and Theodore D. Gamboa,  
Esq., of Gamboa & Sandoval, her attorney of record.

PLEASE TAKE NOTICE that *Findings of Fact, Conclusions of Law, and Decree of Divorce* was  
entered in the above-entitled matter on September 3, 1999. A copy of the *Findings of Fact, Conclusions  
of Law, and Decree of Divorce* is enclosed herewith.

DATED this 9<sup>th</sup> day of September, 1999.

Clarkson Law Office, Ltd.  
Attorneys for THOMAS SPAMPINATO

By J. R. Clarkson  
John R. Clarkson, Esq.  
560 E. Plumb Lane  
Reno, Nevada 89502  
Telephone: (775) 324-1111

1 CERTIFICATE OF MAILING

2 Pursuant to NRCp 5(b), I certify that I am employee of the Clarkson Law Office, Ltd., am over  
3 the age of 18 years, and that on the 10<sup>th</sup> day of September, 1999, I placed in an envelope, postage fully  
4 prepaid, and deposited for mailing in the United States Post Office at Reno, Nevada, a true copy of the  
5 *Notice of Entry of Findings of Fact, Conclusions of Law, and Decree of Divorce*, and a true copy of the  
6 *Findings of Fact, Conclusions of Law, and Decree of Divorce*, addressed as follows:

7 Mr. Theodore D. Gamboa  
8 Gamboa & Stovall  
9 200 Ridge Street, Suite 200  
Reno NV 89501-2014

10 DATED this 10<sup>th</sup> day of September, 1999.

11   
12 Barbara A. Kaltenbach

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

6/30/99

HONORABLE  
DEBORAH E.  
SCHUMACHER  
DEPT. NO. 5  
O. Krahn  
(Clerk)  
Video

CONTESTED DIVORCE TRIAL

Plaintiff was present with counsel, John R. Clarkson, Esq. Defendant was present with counsel, Theodore David Gamboa Esq. Also present was Marco Contreras, interpreter for the Defendant. Mr. Clarkson informed the Court that the parties have agreed there is no community property to be divided by the parties. There is no written agreement concerning reimbursement of expenses during the marriage, there will be no reimbursement by the Plaintiff for anything on behalf of the Defendant. The parties stipulated to accept the Court's admonishment regarding crystal stemware and magazines that need to be returned to the Defendant if those items are in her possession, as well as the diamond engagement ring and wedding band which the defendant claims were lost.

Respective parties were sworn to testify.

Luz C. Mier Y. Teran Spampinato, previously sworn, called and testified; cross examined. Plaintiff's Exhibits 1 and 2 were marked for identification; offered into evidence and admitted without objection.

***Court ordered that if the Plaintiff seeks attorney's fees, the matter must be submitted on pleadings by counsel Gamboa.***

Thomas Spampinato, previously sworn, called by counsel for the Plaintiff and testified; cross examined, redirect examined and examined by the Court.

***Court instructed counsel Clarkson to submit an Affidavit of Residence Witness to the Court. COURT ORDERED: If attorney's fees are to be sought, a request is to be submitted to the Court within ten days or the issue will be considered closed. Court entered an order granting the parties a decree of divorce. The Defendant is returned to the use of her former name.***

***Provisions as previously stated are incorporated in the decree. Stemware, magazines and lost engagement and wedding ring are to be returned to the Plaintiff if located. Court made a finding that the Defendant is representing that she neither has nor has knowledge of the items and indicating that the Court award her those items. Court noted that \$1,500 was paid under the TPO and \$1,200 in the form of the engagement and wedding ring and because the Court is not convinced it was lost, the Plaintiff is ordered to pay an additional \$1,000 to the Defendant by July 4, 1999. Attorney's fees are reserved.***

FILED

'99 OCT -5 A9:05

AMY HARVEY, CLERK

BY

DEPUTY

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

THOMAS SPAMPINATO,

Plaintiff,

Vs.

LUZ CARMEN {SPAMPINATO}  
MIER Y. TERAN,

Defendant.

CASE NO. DV99-00313

DEPT. NO. 5

CERTIFICATE OF TRANSMITTAL

I hereby certify that the enclosed Notice of Appeal and other required documents (certified copies) were delivered to the Second Judicial District Court mail-room system for transmittal to the Nevada State Supreme Court.

Dated, October 5, 1999.

AMY HARVEY, County Clerk

By

Ruth Morgan, Deputy

1 CODE

'99 OCT -5 A9:12

FILED  
AMY HARVEY, CLERK  
BY *[Signature]*  
DEPUTY

2  
3  
4  
5 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
6 IN AND FOR THE COUNTY OF WASHOE  
7

8 THOMAS SPAMPINATO,  
9

Plaintiff,

10 Vs.

11 LUZ CARMEN {SPAMPINATO}  
12 MIER T. TERAN,  
13

Defendant.  
14 \_\_\_\_\_ /

CASE NO. DV99-00313

DEPT. NO. 5

15 CERTIFICATE OF CLERK  
16

17 I hereby certify that the enclosed documents are certified copies of the original pleadings  
18 on file with the Second Judicial District Court, in Accordance with the Revised Rules of  
19 Appellate Procedure Rule D(1).  
20  
21

22  
23 Dated, October 5, 1999.

24 AMY HARVEY, County Clerk

25 By *[Signature]*  
26 Ruth Morgan, Deputy  
27  
28