

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

\* \* \* \* \*

OLENA KARPENKO,

Appellant/Petitioner,

vs.

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

Respondents.

and

ENRIQUE SCHAEERER; and DOES I through  
X,

Real Party of Interest.

Electronically Filed  
SC NO: Dec 30 2021 08:14 a.m.  
DC NO: 21-68888-C  
Elizabeth A. Brown  
Clerk of Supreme Court

**APPELLANTS'  
INDEX TO  
APPENDIX  
DATE ORDER**

**VOLUME II**

**Attorneys for Appellant:**

Marshal S. Willick, Esq.  
Nevada Bar No. 2515  
WILICK LAW GROUP  
3591 East Bonanza Road, Suite 200  
Las Vegas, Nevada 89110-2101  
(702) 438-4100  
Email: [email@willicklawgroup.com](mailto:email@willicklawgroup.com)

**Respondent(s):**

Paul A. Lemcke, Esq.  
Pecos Law Group  
8925 South Pecos Road, Suite 14A  
Henderson, Nevada 89074  
[paul@pecoslawgroup.com](mailto:paul@pecoslawgroup.com)  
Attorney for Respondent

District Court Judge, Dawn Thorne  
Eighth Judicial District Court  
Family Courts & Services Center  
601 North Pecos Road  
Las Vegas, Nevada 89101

**APPENDIX INDEX**

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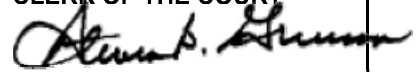
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**EXHIBIT “15”**

**EXHIBIT “15”**

**EXHIBIT “15”**



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

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

ENRIQUE SCHAEERER,  
Plaintiff,

vs.

OLENA KARPENKO,  
Defendant.

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

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

ORAL ARGUMENT

Yes **X** No       

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

**DEFENDANT'S MOTION TO RECONSIDER, SET ASIDE, ALTER  
OR AMEND THE ORDER AFTER MOTION HEARING**

**I. INTRODUCTION**

With respect to everyone involved in this case to date, some of the current provisions and requests outstanding are both a bit silly and oppressive in that they are both practically impossible, and completely unnecessary. This Court should adopt standard provisions for such international matters which will allow calm, orderly,

1 inexpensive, and conclusive orders without requiring outlandish and unnecessary  
2 expenditures of time, money, and effort on all sides.

## 3 4 **POINTS AND AUTHORITIES**

### 5 **II. FACTS**

6 The *Order After Motion Hearing* was entered in September 23, 2021. As  
7 detailed in prior filings, Enrique dangled a green card in front of Lena to machinate an  
8 “agreement” by which Olena received neither property nor support from this marriage,  
9 despite the enormous disparity in the parties’ resources. She does not challenge that  
10 result – there are no issues of property or alimony remaining before the Court. The sole  
11 issue remaining is paternity of the child.

12 There is a simple, standard means of proceeding to make the remaining  
13 determination. Neither the oppressive and invasive discovery requested by Enrique  
14 (mainly to cause expense and embarrassment) nor the requests for ridiculous (and  
15 essentially impossible) demand for international travel by mother and infant child are  
16 necessary or reasonable, as detailed below.

### 17 18 **III. ARGUMENT**

#### 19 **A. Standard for Reconsideration, and to Alter or Amend**

20 There are numerous legal grounds for the Court to reconsider its *Order After*  
21 *Motion Hearing* entered on September 23, 2021:

22 EDCR 5.512 provides

23 (a) A party seeking reconsideration and/or rehearing of a ruling (other than an  
24 order that may be addressed by motion pursuant to Rule 50(b), 52(b), 59 or  
25 60), must file a motion for such relief within 14 calendar days after service of  
26 notice of entry of the order unless the time is shortened or enlarged by order.  
A motion for reconsideration does not toll the period for filing a notice of  
appeal.

27 (b) If a motion for reconsideration and/or rehearing is granted, the court may  
28 make a final disposition without hearing, may set it for hearing or

1 resubmission, or may make such other orders as are deemed appropriate under  
2 the circumstances.

3 NRCP 59(b)(e) allows a party to file a motion to alter or amend a judgment.

4 The *Motion* is timely, having been made within the time contemplated under  
5 EDCR 5.512, Rule 59, and Rule 52(b). Accordingly, Olena requests the Court  
6 reconsider, set aside, alter, and/or amend, the *Order After Motion Hearing*.

7  
8 **B. The Order Can be Set Aside under Rule 60(b)**

9 NRCP 60(b)(1) provides that any Court order can be set aside on the basis of  
10 mistake, inadvertence, surprise, or excusable neglect. NRCP 60(b)(1) operates as a  
11 remedial rule that gives due consideration to our court system's preferences to  
12 adjudicate cases on the merits, without compromising the dignity of the court process.<sup>1</sup>  
13 District Courts are afforded wide discretion on ruling on Rule 60(b) motions.<sup>2</sup>

14 To determine whether grounds for Rule 60(b)(1) relief exists, the district court  
15 must apply four factors: 1) a prompt application to remove the judgment; 2) the absence  
16 of an intent to delay the proceedings; 3) a lack of knowledge of procedural  
17 requirements; and 4) good faith.<sup>3</sup>

18 **1. Prompt application to remove the judgment**

19 Here, we are prompt in our application to set aside the Court's *Order After*  
20 *Motion Hearing*, entered September 23, 2021, by filing this *Motion*.

21 **2. The absence of an intent to delay the proceedings**

22 Olena has been trying to get these proceedings done as quickly as possible.  
23 Olena's application to reconsider, set aside, alter or amend the *Order After Motion*  
24 *Hearing* is made in good faith.

25  
26 <sup>1</sup> *Willard v. Berry-Hinckley Indus.*, 469 P.3d 176 (2020).

27 <sup>2</sup> *Id.* See also NRCP 1.

28 <sup>3</sup> *Yochum v. Davis*, 98 Nev. 484, 486, 653 P.2d 1215, 1216 (1982).

1                               **3.     Lack of Knowledge**

2               Counsel does not want to throw anyone involved to date under the bus.  
3       However, it is clear that those dealing with this case have not been experienced in  
4       international paternity and related matters. Simple solutions have gone not just not  
5       ordered, but apparently unnoticed or requested by anyone involved; they are detailed  
6       below.

7                               **4.     Good faith**

8               This request is made in good faith.

9  
10                           **C.     A RATIONAL RESOLUTION TO THE PENDING QUESTION**

11           The only matter remaining before the Court is paternity. As a member of the  
12   International Academy of Family Lawyers for many years, and as the Nevada contact  
13   for the National Center for Missing and Exploited Children for about 20 years, I have  
14   had many opportunities to participate in analogous situations. Protocols have been  
15   developed that should be satisfactory to everyone, *if* the actual desire is to ascertain the  
16   facts, rather than to oppress and cause unnecessary distress and expense.

17           Specifically, it is essentially impossible to “fake a positive” in maternity and  
18   paternity testing. Samples can be, and everyday are, taken at accredited labs and  
19   forwarded through international package delivery to other labs, without endangering  
20   the health and safety of the parties to cases. In this case, it is a simple matter for  
21   mother and child to provide samples in the Ukraine and forward them to a Nevada  
22   testing lab to compare with that of the presumed father. It is customary for the reverse  
23   to be done as well – the father, in Nevada, should provide a sample at an accredited lab  
24   and send it by the same means to a testing laboratory in the mother’s home country for  
25   her verification (at her expense) if she chooses to do so.

26           The results in both labs should match. In the incredibly unlikely event that the  
27   results do *not* match, this Court can and should convene a hearing to design a protocol,

28

1 based on whatever appears to have gone wrong, to figure out who and what appears  
2 to have attempted to manipulate or corrupt the results.<sup>4</sup>

3 It is really that simple. The results of the paternity testing can be known within  
4 a few weeks, with minimal expense, inconvenience, risk, or doubt.

5 A indicated in the attached exhibits, it is essentially impossible for mother and  
6 child to travel internationally to the United States at this time, and it is simply  
7 unnecessary for mother, father, *or* child, to be exposed to expensive, dangerous air  
8 travel during the current pandemic in any event. Accordingly, this Court should set  
9 aside its prior orders relating to personal travel until the testing, and reporting from that  
10 testing, has been concluded.

11 For the same reason, this Court should suspend all other discovery. Allowing  
12 Enrique to pry into the details of Olena's medical records with her gynecologist is not  
13 just unnecessary, it is offensive. Should the unnecessary become "necessary" at some  
14 future time for some legitimate purpose, that can be revisited. And (as this Court has  
15 noted) all outstanding discovery relating to assets, debts, income, and any other  
16 financial matter – on either side – is irrelevant, until child support becomes necessary  
17 to calculate. Accordingly, all outstanding discovery requests should be ordered on hold  
18 until and unless the Court determines otherwise.<sup>5</sup>

19 As a matter of EDCR 5.501, the day I was hired, I put in a call to Mr. Lemcke,  
20 who was typically cordial, pleasant, and helpful. Unfortunately, matters were already  
21 in motion, including the order after hearing and Interlocutory Decree, both of which  
22 have now been noticed; as a matter of prudence, this filing is put in place so no time  
23 deadlines are exceeded. It remains my hope that I can reach accommodation with Mr.

---

24  
25  
26 <sup>4</sup> I have seen one father attempt to fraudulently manipulate such a testing regimen, by sending  
in a fake to provide "his" sample. The Court, appropriately, imposed punitive sanctions.

27 <sup>5</sup> I would rather not have to also file discovery motions which should be unnecessary, and ask  
28 this Court to issue that order, but if the Court for some reason requires me to file discovery motions  
on this point, I will reluctantly do so.

1 Lemcke to have what remains of this litigation be pursued sanely, economically,  
2 efficiently, and simply.

3 In the meantime, I have initiated efforts to assemble the information relevant to  
4 the prior orders that make any difference to the orders remaining to be issued – the  
5 birth certificate, which has been produced in discovery and filed as an exhibit here, and  
6 any other documentation that appears relevant, as quickly as possible.

7  
8 **IV. CONCLUSION**

9 Based on the above, Olena respectfully asks the Court to issue the following  
10 orders:

- 11 1. Reconsider, alter, amend and/or set aside the *Order After Motion*  
12 *Hearing*, and alter the preceding order as detailed above, for the  
13 quick, efficient and economical resolution of the only disputes  
14 remaining before the Court in accordance with NRCP 1.  
15 2. For such other and further relief this Court deems just and  
16 appropriate.

17 **DATED** this 4<sup>th</sup> day of October, 2021.

18 Respectfully submitted by:

19 WILICK LAW GROUP

20  
21 /s/ Marshal S. Willick, Esq.  
22 MARSHAL S. WILICK, ESQ.  
23 Nevada Bar No. 2515  
24 3591 E. Bonanza Road, Suite 200  
25 Las Vegas, Nevada 89110-2101  
26 (702) 438-4100  
27 Attorney for Defendant  
28



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## CERTIFICATE OF SERVICE

Pursuant to Rule 5(b), I certify that I am an employee of the WILICK LAW GROUP and that on this 4<sup>th</sup> day of October, 2021, I caused the documents entitled document to be served as follows:

- [X] Pursuant to EDCR 8.05(a), EDCR 8.05(f), Rule 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 Rule 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.
- [ ] By placing same to be deposited for mailing in the United States Mail, Certified, Return Receipt Requested, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada.

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

Paul A. Lemcke, Esq.  
PECOS LAW GROUP  
8925 South Pecos Road, Suite 14A  
Henderson, Nevada 89074  
[paul@pecoslawgroup.com](mailto:paul@pecoslawgroup.com)  
*Attorney for Plaintiff*

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

P:\wp19\KARPENKO,ODRAFTS\Motion.wpd\VI

DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA

ENRIQUE SCHAERER,  
Plaintiff,

-v.-

OLENA KARPENKO,  
Defendant,

Case No. D-21-628088-D

Department U

**MOTION/OPPOSITION  
FEE INFORMATION SHEET**

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

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

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

-Or-

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

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

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

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

☐ Other Excluded Motion (must specify) \_\_\_\_\_.

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

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

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

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

-Or-

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

-Or-

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

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

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

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

Party filing Motion/Opposition: Olena Karpenko Date: 10/4/2021

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

**EXHIBIT “16”**

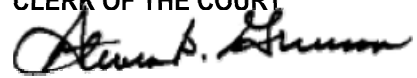
**EXHIBIT “16”**

**EXHIBIT “16”**

**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](mailto:email@willicklawgroup.com)  
Attorney for Defendant

Electronically Filed  
10/6/2021 3:01 PM  
Steven D. Grierson  
CLERK OF THE COURT



District Court, Family Division  
Clark County, Nevada

<b>ENRIQUE SCHAEERER,</b>  <b>Plaintiff,</b>  <b>vs.</b>  <b>OLENA KARPENKO,</b>  <b>Defendant.</b>	<b>Case No.: D-21-628088-D</b>  <b>Dept. No.: U</b>
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**GENERAL FINANCIAL DISCLOSURE FORM****A. Personal Information:**

1. What is your full name? (*first, middle, last*) Olena Karpenko
2. How old are you? 40
3. What is your date of birth? 09/16/1981
4. What is your highest level of education? \_\_\_\_\_

**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.  
Currently on Maternity leave

Date of Hire	Employer Name	Job Title	Work Schedule (days)	Work Schedule (shift times)
10/10/2018	Rising Jazz stars	singer, composer	daily	-
11/27/2006	Private entrep	musician	daily	-

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, completed the following information.

Prior Employer: Rising Jazz Star Date of Hire: 10/10/18 Date of Termination: 4/8/2021

OK000126

Reason for leaving: Our contract ended, and my visa expired

### Monthly Personal Income Schedule

**A. Year-to-date Income.**

As of the pay period ending September 30, 2021 my gross year to date pay is \$5,200.00\*\*

**B. Determine your Gross Monthly Income.**

**\*\*Depends on live performances**

Hourly Wage

				\$0.00				\$0.00				\$0.00
Hourly wage	X	Number of hours worked per week	=	Weekly Income	X	52 weeks	=	Annual Income	÷	12 Months	=	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:			
Social Security Income (SSI):			
Social Security Disability (SSD):			
Spousal Support:			
Child Support:			
Workman's Compensation:			
Other:			

	<b>Total Average Other Income Received</b>	<b>\$0.00</b>
--	--	---------------

<b>Total Average Gross Monthly Income (add totals from B and C above)</b>	<b>\$0.00</b>
---	---------------

**D. Monthly Deductions**

	<b>Type of Deduction</b>	<b>Amount</b>
1.	Court Ordered Child Support (Automatically deducted from paycheck):	
2.	Federal Health Savings Plan:	
3.	Federal Income Tax:	
4.	<div style="text-align: right;">Amount for you: _____</div> <div style="text-align: right;">For Opposing Party: _____</div> <div style="text-align: right;">For your Child(ren): _____</div> Health Insurance	\$0.00
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):	
<b>Total Monthly Deductions:</b>		<b>\$0.00</b>

**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?  
\$1,200.00

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

<b>Type of Business Expense</b>	<b>Frequency</b>	<b>Amount</b>	<b>12 Month Average</b>
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: Album-related expenses: studio, sound engineer, musicians, polygraphy, transporting back and forth	year	\$5,000.00	\$5,000.00
<b>Total Average Business Expenses:</b>			<b>\$5,000.00</b>

**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				
Car Loan/Lease Payment				
Cell Phone	\$20.00	X		
Child Support (if not deducted from pay)				
Clothing, Shoes, Etc. . .	\$40.00	X		
Credit Card Payments (minimum due)	\$400.00	X		
Dry Cleaning				
Electric				
Food (groceries & restaurants)	\$500.00	X		
Fuel				
Gas (for home)				
Health Insurance (if not deducted from pay)				
HOA				
Home Insurance (if not included in mortgage)				
Home Phone				
Internet/Cable & Phone	\$20.00	X		
Lawn Care				
Membership Fees				
Mortgage/Rent/Lease				
Pest Control				
Pets				
Pool Service				
Property Taxes (if not included in mortgage)				
Security				



Sewer				
Student Loans				
Unreimbursed Medical Expenses	\$300.00	X		
Water				
Other:				
<b>Total Monthly Expenses</b>	<b>\$1,280.00</b>			

### 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.	Andrii Karpenko	7/28/2021	me	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 <sup>st</sup> Child	2 <sup>nd</sup> Child	3 <sup>rd</sup> Child	4 <sup>th</sup> Child
Cellular Phone				
Child Care	\$200.00			
Clothing	\$100.00			
Education				
Entertainment				
Extracurricular & Sports				
Health Insurance (if not deducted from pay)				
Summer Camp/Programs				
Transportation Cost				
Unreimbursed Medical Expenses	\$400.00			
Vehicle				
Other:				
<b>Total Monthly Expenses</b>	<b>\$700.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

- 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
Alexy Karpenko	72	father	\$3,000.00
Natalia Karpenko	70	mother	\$750.00

### 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.					
2.					
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	
<b>TOTAL VALUE OF ASSETS</b>		<b>\$0.00</b>	<b>-</b>	<b>\$0.00</b>	<b>= \$0.00</b>

- 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.			
<b>TOTAL UNSECURED DEBT</b>		<b>\$0.00</b>	

**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	
<b>TOTAL ADDITIONAL VALUE:</b>		<b>\$0.00</b>		<b>\$0.00</b>		<b>\$0.00</b>	

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.			
<b>TOTAL UNSECURED DEBT</b>		<b>\$0.00</b>	

## 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 \$17,500 on my behalf.
3. I have a credit with my attorney has been paid in the amount of —
4. I currently owe my attorney a total of —
5. I owe my prior attorney a total of —

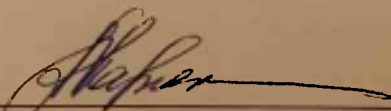
**IMPORTANT:** Read the following paragraphs carefully and initial each one.

X 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.

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

  
Signature

September 30 2021  
Date

## CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Willick Law Group and that on this 6<sup>th</sup> day of October, 2021, 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 address, e-mail address, and/or facsimile number indicated below:

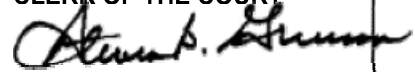
Paul A. Lemcke, Esq.  
Pecos Law Group  
8925 South Pecos Road, Suite 14A  
Henderson, Nevada 89074  
[paul@pecoslawgroup.com](mailto:paul@pecoslawgroup.com)  
*Attorney for Plaintiff*

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

**EXHIBIT “17”**

**EXHIBIT “17”**

**EXHIBIT “17”**



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

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

ENRIQUE SCHAERER,  
Plaintiff,

vs.

OLENA KARPENKO,  
Defendant.

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

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

ORAL ARGUMENT

Yes X No     

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

**DEFENDANT'S MOTION TO SET ASIDE INTERLOCUTORY  
DECREE OF DIVORCE**

**I. INTRODUCTION**

Defendant, Olena Karpenko, by and through her attorneys of the Willick Law Group, hereby requests the Court to enter an *Order* setting aside (in part) the *Interlocutory Decree of Divorce* entered in this case, and to award Olena her reasonable attorney's fees and costs.



1 **POINTS AND AUTHORITIES**

2 **II. FACTS**

3 The *Order After Motion Hearing* was entered in September 23, 2021, and  
4 *Interlocutory Decree of Divorce* was entered on September 30, 2021.

5 As a matter of EDCR 5.501, the day I was hired I put in a call to Mr. Lemcke,  
6 who was typically cordial, pleasant, and helpful. Unfortunately, matters were already  
7 in motion, including the order after hearing and *Interlocutory Decree*, both of which  
8 have now been noticed; as a matter of prudence, this filing is put in place so no time  
9 deadlines are exceeded. It remains my hope that I can reach accommodation with Mr.  
10 Lemcke to have what remains of this litigation be pursued rationally, economically,  
11 efficiently, and simply.

12 In the meantime, I have initiated efforts to assemble the information relevant  
13 to the prior orders that make any difference to the orders remaining to be issued – the  
14 birth certificate, which has been produced in discovery and filed as an exhibit to the  
15 *Motion* filed on October 4, 2021, and any other documentation that appears relevant,  
16 as quickly as possible.

17  
18 **III. ARGUMENT**

19 **A. The Order Can be Set Aside under Rule 60(b)**

20 NRCP 60(b)(1) provides that any Court order can be set aside on the basis of  
21 mistake, inadvertence, surprise, or excusable neglect. NRCP 60(b)(1) operates as a  
22 remedial rule that gives due consideration to our court system's preferences to  
23 adjudicate cases on the merits, without compromising the dignity of the court  
24 process.<sup>1</sup> District Courts are afforded wide discretion on ruling on Rule 60(b)  
25 motions.<sup>2</sup>

26  
27 <sup>1</sup> *Willard v. Berry-Hinckley Indus.*, 469 P.3d 176 (2020).

28 <sup>2</sup> *Id.* See also NRCP 1.

1 To determine whether grounds for Rule 60(b)(1) relief exists, the district court  
2 must apply four factors: 1) a prompt application to remove the judgment; 2) the  
3 absence of an intent to delay the proceedings; 3) a lack of knowledge of procedural  
4 requirements; and 4) good faith.

5 **1. Prompt application to remove the judgment**

6 Here, we are prompt in our application to set aside the *Interlocutory Decree of*  
7 *Divorce*, entered September 30, 2021, by filing this *Motion*.

8 **2. The absence of an intent to delay the proceedings**

9 Olena has been trying to get these proceedings done as quickly as possible.  
10 Olena's application to reconsider, set aside, alter or amend the Decree is made in  
11 good faith.

12 **3. Lack of Knowledge**

13 Counsel does not want to throw anyone involved to date under the bus.  
14 However, it is clear that those dealing with this case have not been experienced in  
15 international paternity and related matters. Simple solutions have gone not just not  
16 ordered, but apparently unnoticed or requested by anyone involved; they are detailed  
17 below.

18 **4. Good Faith**

19 This request is made in good faith.  
20

21 **B. A Rational Resolution to the Pending Question**

22 In this case, it is a simple matter for mother and child to provide samples in the  
23 Ukraine and forward them to a Nevada testing lab to compare with that of the  
24 presumed father. It is customary for the reverse to be done as well – the father, in  
25 Nevada, should provide a sample at an accredited lab and send it by the same means  
26 to a testing laboratory in the mother's home country for her verification (at her  
27 expense) if she chooses to do so.  
28

1 The results in both labs should match. In the incredibly unlikely event that the  
2 results do *not* match, this Court can and should convene a hearing to design a  
3 protocol, based on whatever appears to have gone wrong, to figure out who and what  
4 appears to have attempted to manipulate or corrupt the results.<sup>3</sup>

5 It is really that simple. The results of the paternity testing can be known within  
6 a few weeks, with minimal expense, inconvenience, risk, or doubt.

7 A indicated in the attached exhibits to the *Motion to Reconsider, Set Aside,*  
8 *Alter or Amended the Order After Hearing*, it is essentially impossible for mother and  
9 child to travel internationally to the United States at this time, and it is simply  
10 unnecessary for mother, father, *or* child, to be exposed to expensive, dangerous air  
11 travel during the current pandemic in any event.

12 I have reviewed the prior filings leading to the bifurcated *Decree*; respectfully,  
13 the sole exception listed to date in the Nevada Supreme Court's case law relating to  
14 bifurcated divorces – which remain “disfavored” under any circumstances – are cases  
15 in which the bifurcation was expressly stipulated, which did not happen here.

16 Specifically, the Court termed the “statutory mandate” to be “rather clear”<sup>4</sup> and  
17 held that a status-only divorce was “beyond the court’s power to enter.” In later  
18 cases, the Court used the term “disfavored,” and held that such decrees could only be  
19 entered upon stipulation of the parties to the marriage.<sup>5</sup>

---

22  
23 <sup>3</sup> I have seen one father attempt to fraudulently manipulate such a testing regimen, by sending  
in a fake to provide “his” sample. The Court, appropriately, imposed punitive sanctions.

24 <sup>4</sup> *Gojack v. Second Judicial Dist. Court*, 95 Nev. 443, 445-46, 596 P.2d 237, 239 (1979).

25  
26 <sup>5</sup> In *Smith v. Smith*, 100 Nev. 610, 691 P.2d 428, 431 (1984), the Court reviewed a case in  
27 which it concluded that the parties’ convoluted procedural conduct had effectively stipulated to a  
28 bifurcated trial, in which the status of the marriage was terminated but jurisdiction over property  
issues had been reserved. The Court added, however, that “despite our acceptance of the separate  
trials in this case, we wish to emphasize that bifurcated divorce proceedings and the problems they  
are likely to engender are disfavored and should generally be avoided.”

1 Some members of the Nevada Supreme Court have stated that they simply will  
2 not affirm *any* bifurcated divorces on appeal, whether stipulated to or not.<sup>6</sup> However,  
3 since *Gojack*, the Court has unanimously insisted that, at *minimum*, entry of a partial,  
4 or “status-only,” or bifurcated divorce be stipulated to by both parties.

5 This Court should set aside its prior orders relating to personal travel until the  
6 testing, and reporting from that testing, has been concluded. Accordingly, and while  
7 it will be of limited practical effect, given that there are no property or spousal  
8 support issues to be litigated, this Court should set aside the *Decree* until paternity  
9 has been established as a matter of compliance with Nevada Supreme Court caselaw  
10 directives.

#### 11 12 **IV. ATTORNEY FEE REQUESTS**

#### 13 ***BRUNZELL* DECLARATION**

#### 14 **A. Legal Basis**

15 “[I]t is well established in Nevada that attorney’s fees are not recoverable  
16 unless allowed by express or implied agreement or when authorized by statute or  
17 rule.”<sup>7</sup> Attorney’s fees may be awarded in a pre- or post-divorce motion/opposition  
18 under NRS 125.150.<sup>8</sup> Additionally, this Court can award attorney’s fees under EDCR  
19 7.60(b):

20 (b) The court may, after notice and opportunity to be heard, impose upon an  
21 attorney or a party any and all sanctions which may, under the facts of the case,  
be reasonable, including the imposition of fines, costs or attorney’s fees when  
22 an attorney or a party without just cause:

23 (1) Presents to the court a motion or an opposition to a motion which is  
obviously frivolous, unnecessary or unwarranted.

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24 <sup>6</sup> Ten years after *Smith*, in *Milender v. Marcum*, 110 Nev. 972, 980, 879 P.2d 748, 754  
25 (1994), two justices dissented from the decision affirming an order modifying property and alimony  
26 terms without vacating the divorce itself, complaining that it amounted to a prohibited *sua sponte*  
bifurcation of the divorce decree by the trial court.

27 <sup>7</sup> *Miller v. Wilfong*, 121 Nev. 619, 119 P.3d 727 (2005).

28 <sup>8</sup> NRS 125.150.

- 1 (2) Fails to prepare for a presentation.  
2 (3) So multiplies the proceedings in a case as to increase costs unreasonably  
3 and vexatiously.  
4 (4) Fails or refuses to comply with these rules.<sup>9</sup>

5 **B. Disparity in Income**

6 The Court must also consider the disparity in the parties' income pursuant to  
7 *Miller*<sup>10</sup> and *Wright v. Osburn*.<sup>11</sup> Therefore, parties seeking attorney fees in family  
8 law cases must support their fee request with affidavits or other evidence that meets  
9 the factors in *Brunzell*<sup>12</sup> and *Wright*.<sup>13</sup> We will provide the *Brunzell* analysis below.  
10 As to *Wright*, the holding is minimal. It specifically says:

11 The disparity in income is also a factor to be considered in the award of  
12 attorney fees.<sup>14</sup>

13 The Court did not hold that the decision of the award of attorney's fees hinged  
14 on a disparity in income, only that it is one of the many factors that must be  
15 considered, but it is hard to conceive of a case in which there is more dramatic  
16 disparity in incomes, as Enrique is independently wealthy and earns more in a month  
17 than Olena does in a year.

18 Here, Olena filed an FDF concurrently with this *Motion*. Enrique did not file  
19 an FDF. Olena is on maternity leave, and has a very modest current income as she  
20 is a musician and live performances are largely impossible for now due to the  
21 pandemic. She has received and is receiving neither property nor spousal support  
22 from her independently-wealthy husband. As such, it should be determined that

23 <sup>9</sup> EDCR 7.60(b).

24 <sup>10</sup> 121 Nev. 619, 119 P.3d 727 (2005).

25 <sup>11</sup> 114 Nev. 1367, 1370, 970 P.2d 1071, 1073 (1998).

26 <sup>12</sup> *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 455 P.2d 31 (1969).

27 <sup>13</sup> 114 Nev. 1367, 970 P.2d 1071 (1998).

28 <sup>14</sup> *Id.* at 1370, 970 P.2d at 1073 (1998).

1 Olena is entitled to the entirety of her fees and costs for having to defend against  
2 Enrique, and to afford counsel for this action.

3  
4 **C. Brunzell Factors**

5 With specific reference to Family Law matters, the Supreme Court has re-  
6 adopted “well-known basic elements,” which in addition to hourly time schedules  
7 kept by the attorney, are to be considered in determining the reasonable value of an  
8 attorney’s services qualities, commonly referred to as the *Brunzell* factors:<sup>15</sup>

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

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

22 The *Brunzell* factors require counsel to make a representation as to the  
23 “qualities of the advocate,” the character and difficulty of the work performed, and  
24 the work *actually* performed by the attorney.

25 <sup>15</sup> *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969).

26 <sup>16</sup> *Miller v. Wilfong*, 121 Nev. 619, 119 P. 3d 727 (2005).

27 <sup>17</sup> Awards of fees are neither automatic nor compulsory, but within the sound discretion of  
28 the Court, and evidence must support the request. *Fletcher v. Fletcher*, 89 Nev. 540, 516 P.2d 103  
(1973); *Levy v. Levy*, 96 Nev. 902, 620 P.2d 860 (1980); *Hybarger v. Hybarger*, 103 Nev. 255, 737  
P.2d 889 (1987).

1 First, respectfully, we suggest that counsel, Marshal S. Willick, is A/V rated,  
2 a peer-reviewed and certified (and re-certified) Fellow of the American Academy of  
3 Matrimonial Lawyers, and a Certified Specialist in Family Law.<sup>18</sup>

4 Marshal S. Willick, Esq., the attorney primarily responsible for drafting this  
5 document, has been practicing exclusively in the field of family law since he passed  
6 the Bar.

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

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

18 Victoria Javiel, a paralegal with the Willick Law Group, was the primary  
19 paralegal assigned to this case. She has been a paralegal for a total of eighteen years,  
20 assisting attorneys in several aspects of law.  
21  
22  
23  
24

---

25 <sup>18</sup> Per direct enactment of the Board of Governors of the Nevada State Bar, and independently  
26 by the National Board of Trial Advocacy. I was privileged (and tasked) by the Bar to write the  
27 examination that other would-be Nevada Family Law Specialists must pass to attain that status.

28 <sup>19</sup> *LVMPD v. Yeghiazarian*, 129 Nev. 760, 312 P.3d 503 (2013) citing to *Missouri v. Jenkins*,  
491 U.S. 274 (1989).

1 The work actually performed will be provided to the Court upon request by  
2 way of *Memorandum of Fees and Costs* (redacted as to confidential information)  
3 consistent with the requirements under *Love*.<sup>20</sup>

4 Accordingly, we ask the Court to enter an award for the entirety of the fees and  
5 costs attributable to the drafting and prosecution of this action.

6  
7 **V. CONCLUSION**

8 Based on the above, Olena respectfully asks the Court to issue the following  
9 orders:

- 10 1. Set aside the Decree.  
11 2. Award Olena her reasonable attorney's fees and costs.  
12 3. For such other and further relief this Court deems just and  
13 appropriate.

14 **DATED** this 7<sup>th</sup> day of October, 2021.

15 Respectfully submitted by:

16 WILICK LAW GROUP

17 

18 MARSHAL S. WILICK, ESQ.  
19 Nevada Bar No. 2515  
20 3591 E. Bonanza Road, Suite 200  
21 Las Vegas, Nevada 89110-2101  
22 (702) 438-4100  
23 Attorney for Defendant

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<sup>20</sup> *Love v. Love*, 114 Nev. 572, 959 P.2d 523 (1998).



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- EXECUTED** this 7<sup>th</sup> day of October, 2021.

*[Handwritten signature]*

MARSHAL S. WILICK, ESQ.

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## CERTIFICATE OF SERVICE

Pursuant to Rule 5(b), I certify that I am an employee of the WILLICK LAW GROUP and that on this 7TH day of October, 2021, I caused the documents entitled document to be served as follows:

- [X] Pursuant to EDCR 8.05(a), EDCR 8.05(f), Rule 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 Rule 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.
- [ ] By placing same to be deposited for mailing in the United States Mail, Certified, Return Receipt Requested, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada.

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

Paul A. Lemcke, Esq.  
PECOS LAW GROUP  
8925 South Pecos Road, Suite 14A  
Henderson, Nevada 89074  
[paul@pecoslawgroup.com](mailto:paul@pecoslawgroup.com)  
*Attorney for Plaintiff*

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

P:\wp19\KARPENKO, O\DRAFTS\00524372.WPD\VJ

DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA

ENRIQUE SCHAERER,  
Plaintiff,

-v.-

OLENA KARPENKO,  
Defendant,

Case No. D-21-628088-D

Department U

**MOTION/OPPOSITION  
FEE INFORMATION SHEET**

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

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

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

-Or-

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

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

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

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

☐ Other Excluded Motion (must specify) \_\_\_\_\_.

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

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

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

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

-Or-

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

-Or-

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

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

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

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

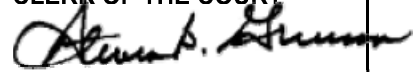
Party filing Motion/Opposition: Olena Karpenko Date: 10/7/2021

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

**EXHIBIT “18”**

**EXHIBIT “18”**

**EXHIBIT “18”**



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

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

ENRIQUE SCHAEERER,  
Plaintiff,

vs.

OLENA KARPENKO,  
Defendant.

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

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

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 FOURTEEN (14) DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN FOURTEEN (14) DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT HEARING PRIOR TO THE SCHEDULED HEARING DATE.

**DEFENDANT'S EX PARTE MOTION FOR PERMISSION FROM  
THE COURT TO GRANT UKRAINE CONSULATE TO OBSERVE  
AT THE NOVEMBER 10, 2021, HEARING**

**I. INTRODUCTION**

Defendant, Olena Karpenko, by and through her attorneys of the Willick Law Group, hereby requests the Court to enter an *Order* allowing the Consulate General

1 of Ukraine in San Francisco to observe at the November 10, 2021, hearing at 10:30  
2 a.m. via *bluejeans*.

## 3 4 **POINTS AND AUTHORITIES**

### 5 **II. FACTS**

6 Olena Karpenko is a Ukrainian citizen. The Consulate General of Ukraine in  
7 San Francisco have expressed the intention to request that Ms. Nataliia Ostapenko,  
8 Consul, attend the next hearing as an observer.<sup>1</sup> Like many countries, the Ukraine  
9 takes an interest in establishing that their citizens are being fairly treated by the civil  
10 and criminal courts of the United States.

11 Such requests are favored by the federal government and, to my knowledge,  
12 essentially universally granted when made, usually *sua sponte*. The U.S. government  
13 protests when our consular staff are not permitted to observe foreign judicial  
14 proceedings involving Americans, and it is generally considered a matter of comity.

15 We are requesting the Court to issue an order granting this request; if the Court  
16 wishes to have a hearing on this *Motion* we request that an expedited hearing be set.  
17 Either way, we ask for a rapid decision so it can be provided to Consulate General of  
18 Ukraine in San Francisco in expedited matter.

### 19 20 **III. ARGUMENT**

21 This case has been sealed.<sup>2</sup> The statutes involved gives the Court discretion,  
22 on either a written request or oral motion at hearing, to permit “any person” to attend  
23  
24  
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26

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27 <sup>1</sup> Exhibit A-Letter dated October 20, 2021.

28 <sup>2</sup> See NRS 125.080; NRS 125.110.

1 notwithstanding either the closed hearing or sealed statute rules.<sup>3</sup> No valid purpose  
2 would be served by refusing the requested observation.

3 We ask that a *Bluejeans link* be provided by the Court to: [gc\\_uss@mfa.gov.ua](mailto:gc_uss@mfa.gov.ua)  
4 for Ms. Ostapenko's presence, or provided to us to forward, ahead of the scheduled  
5 hearing.

6 This motion is filed *ex parte* due to the short time available and the high  
7 likelihood of non-opposition, or being granted *sua sponte* regardless of opposition.  
8 it is being served on opposing counsel anyway, as a matter of course.

9  
10 **IV. CONCLUSION**

11 Based on the above, Olena respectfully asks the Court to issue the following  
12 orders:

- 13 1. Granting permission for the Ukraine Consulate General in San  
14 Francisco to observe at the hearing via *bluejeans*.
- 15 2. For such other and further relief this Court deems just and  
16 appropriate.

17 **DATED** this 26<sup>th</sup> day of October, 2021.

18 Respectfully submitted by:

19 WILLICK LAW GROUP

20 

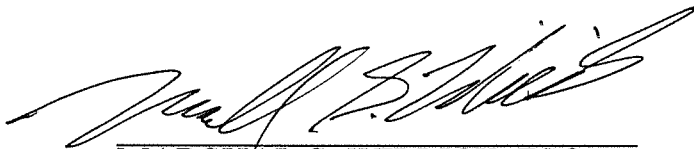
21 MARSHAL S. WILLICK, ESQ.  
22 Nevada Bar No. 2515  
23 3591 E. Bonanza Road, Suite 200  
24 Las Vegas, Nevada 89110-2101  
25 (702) 438-4100  
26 Attorney for Defendant

27 <sup>3</sup> See, e.g., Marshal Willick, <https://www.willicklawgroup.com/vol-73-closed-hearings-sealed-files-privacy-and-public-access-why-the-rules-are-the-way-they-are-and-what-they-should-be-going-forward/>, posted at <https://www.willicklawgroup.com/newsletters/>.

## DECLARATION OF MARSHAL S. WILICK

1. I, Marshal S. Willick, Esq., declare that I am competent to testify to the facts contained in the preceding filing.
2. I am the Defendant's attorneys in the above captioned case.
3. I have read the preceding filing, and it is true 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. The factual averments contained in the preceding filing are incorporated herein as if set forth in full.
4. **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.**

**EXECUTED** this 26<sup>th</sup> day of October, 2021.

  
MARSHAL S. WILICK, ESQ.



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## CERTIFICATE OF SERVICE

Pursuant to Rule 5(b), I certify that I am an employee of the WILLICK LAW GROUP and that on this 26<sup>th</sup> day of October, 2021, I caused the documents entitled document to be served as follows:

- [X] Pursuant to EDCR 8.05(a), EDCR 8.05(f), Rule 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 Rule 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.
- [ ] By placing same to be deposited for mailing in the United States Mail, Certified, Return Receipt Requested, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada.

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

Paul A. Lemcke, Esq.  
PECOS LAW GROUP  
8925 South Pecos Road, Suite 14A  
Henderson, Nevada 89074  
paul@pecoslawgroup.com  
*Attorney for Plaintiff*

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

P:\wp19\KARPENKO, O\DRAFTS\00527879.WPD/VJ

**EXHIBIT “A”**

**EXHIBIT “A”**

**EXHIBIT “A”**



**Consulate General  
of Ukraine** in San Francisco

5241 Bush Street, Suite  
402, San Francisco, CA  
94108

+1 (415) 398-0240  
+1 (415) 398-5039 (fax)  
gg\_uss@mfa.gov.ua

October 20, 2021

To: Willick Law Group

Dear Mr. Willick,

Thank you for your letter and information that you have provided.

We would like to confirm the attendance of the Consulate General of Ukraine at the hearing which will be held virtually regarding Ms. Karpenko's case on November 10, 2021.

At the same time, it is necessary to mention that the Consulate General of Ukraine is entitled to participate in the hearing only as an observer and not as a party to the dispute.

Mrs. Nataliia Ostapenko, Consul, shall participate in the hearing as an observer.

If you have any questions or if there is anything we can do for you please do not hesitate to contact us.

Kind regards,

Dmytro Kushneruk  
Consul General of Ukraine in San Francisco

DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA

ENRIQUE SCHAERER,  
Plaintiff,

-v.-

OLENA KARPENKO,  
Defendant,

Case No. D-21-628088-D

Department U

**MOTION/OPPOSITION  
FEE INFORMATION SHEET**

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

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☐ 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 \_\_\_\_\_.

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

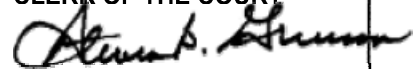
Party filing Motion/Opposition: Olena Karpenko Date: 10/26/2021

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

**EXHIBIT “19”**

**EXHIBIT “19”**

**EXHIBIT “19”**



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

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

ENRIQUE SCHAEERER,  
Plaintiff,

vs.

OLENA KARPENKO,  
Defendant.

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

DATE OF HEARING: 11/10/2021  
TIME OF HEARING: 10:30 a.m.

**SUPPLEMENTAL EXHIBITS TO  
“DEFENDANT’S MOTION TO RECONSIDER, SET ASIDE, ALTER  
OR AMEND THE ORDER AFTER MOTION HEARING”**

Defendant, Olena Karpenko, by and through her attorneys, the Willick Law Group, hereby submits the following supplemental exhibits to her “*Motion to Reconsider, Set Aside, Alter or Amend the Order After Motion Hearing*,” filed on October 4<sup>th</sup>, 2021.

- Exhibit M-Email communications from the US embassy regarding emergency visitor’s visa on September 24, 2021; Bates Stamp Nos.000040OK-000041OK.

\*\*\*\*\*

\*\*\*\*\*


\*\*\*\*\*

- 1 • Exhibit N-DNA test results for baby Andrii completed September 17,  
2 2021, in Ukraine; Bates Stamp Nos. 000042OK-000049OK.  
3

4 DATED this 26th day of October, 2021.  
5

6 Respectfully Submitted By:

7 WILICK LAW GROUP  
8

9 

10 MARSHALL S. WILICK, ESQ.  
11 Nevada Bar No. 2515  
12 3591 E. Bonanza Road, Suite 200  
13 Las Vegas, Nevada 89110-2101  
14 (702) 438-4100  
15 Attorney 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 27TH day of October, 2021, I caused the foregoing entitled document *Supplemental Exhibits to "Defendant's Motion to Reconsider, Set Aside, Alter, or Amend the Order After Motion Hearing,"* 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.
- ☐ By placing same to be deposited for mailing in the United States Mail, Certified, Return Receipt Requested, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;

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

Paul A. Lemcke, Esq.  
Pecos Law Group  
8925 South Pecos Road, Suite 14A  
[paul@pecoslawgroup.com](mailto:paul@pecoslawgroup.com)  
Attorney for Plaintiff

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

P:\wp19\KARPENKO, O\DRAFTS\00528570.WPD/vj



**EXHIBIT “M”**

**EXHIBIT “M”**

**EXHIBIT “M”**



Olena Karpenko &lt;solomia.mail@gmail.com&gt;

## Your ustraveldocs.com inquiry Case-2021- 09-24-015590510 Has Been Closed

support@ustraveldocs.com &lt;support@ustraveldocs.com&gt;

Wed, Oct 13, 2021 at 8:23 AM

To: "solomia.mail@gmail.com" &lt;solomia.mail@gmail.com&gt;

Ваше дело было обновлено. Пожалуйста, войдите в Вашу учетную запись для просмотра более подробной информации.

Date/Time Case Opened:	9/24/2021 2:57 PM
Description:	<p>Hello,</p> <p>My name is Olena Karpenko, I'm a citizen of Ukraine. My husband is an American citizen residing in the USA.</p> <p>According to the preliminary order in our divorce case held in Nevada, I should bring my baby (who is 1,5 months old now) to the USA for DNA testing.</p> <p>May I ask if we - my baby and I - are eligible for expedited service to get visitor's visas?</p> <p>If yes - please, let me know what steps should I take to follow the Court order.</p> <p>If not - what's the approximate nearest time to have our visas issued?</p> <p>Thank you.</p> <p>Respectfully, Olena Karpenko</p>
Origin:	Portal
Case Reason:	Any other query
Public Response:	<p>Dear Applicant,</p> <p>Thank you for writing to the U.S. Visa Service Desk.</p> <p>We understand that you are looking to request an urgent interview.</p> <p>If you have an emergency and need an urgent trip, please follow the instructions at <a href="https://www.ustraveldocs.com/ua_ua/ua-niv-expeditedappointment.asp">https://www.ustraveldocs.com/ua_ua/ua-niv-expeditedappointment.asp</a>. The Consular Section will only approve an expedited appointment for an interview in the event of a medical or humanitarian emergency.</p> <p>If you have an urgent matter and need to travel immediately, please follow the guidance provided at <a href="https://www.ustraveldocs.com/ua/ua-niv-expeditedappointment.asp">https://www.ustraveldocs.com/ua/ua-niv-expeditedappointment.asp</a> (for B1/B2, students, and petition-based visas) or email <a href="mailto:KyivIV@state.gov">KyivIV@state.gov</a> (for K visas) to request an emergency appointment. Please note that a request for an expedited visa appointment will only be considered in the event of a serious humanitarian emergency, and only for citizens and permanent residents of Ukraine.</p> <p>We hope this information is helpful to you.</p> <p>Please visit <a href="https://www.surveymonkey.com/s/gss_ukraine">https://www.surveymonkey.com/s/gss_ukraine</a> to share feedback on the services we provide.</p> <p>Sincerely,</p> <p>U.S. Visa Service Desk</p>

OK000160



**EXHIBIT “N”**

**EXHIBIT “N”**

**EXHIBIT “N”**



## Results of genotyposcopic testing

Date of report: **17.09.2021**

Report ID: **32585**

This research was performed on the basis of the order of **Karpenko Olena** by method of DNA testing.

1.



**Donor**

Full name: **Karpenko Andrii**

Date of birth: **28.07.2021**

Provided document: Birth Certificate Series I-BK № 785675 issued on 07.08.2021 in Ukraine

Sample: **Buccal swabs**

Collection: employee of medical center - Diana Androshchuk, with person identification by document and photo

Date of collection: **13.09.2021**

ID number of testing object: **32585-d**

Reliability and correctness of the information are provided by the customer.

The organization of the genotyposcopic testing was made by the medical genetic center «MAMA PAPA» as follows: DNA extraction, typing using the polymerase chain reaction method for microsatellite loci, fractionation of amplification products by electrophoresis, statistical calculation of probability, analysis of the obtained data, forming the conclusion of the genotyposcopic report.

**PROTOCOL OF BIOLOGICAL SAMPLES COLLECTION**  
**ПРОТОКОЛ ЗАБОРУ ЗРАЗКІВ БІОЛОГІЧНОГО МАТЕРІАЛУ**

Дата забору *Date of collection*: **13.09.21** Час забору *Time of collection*: **16:00** Номер дог. *Order #*: **32585**  
За адресою *At the address*: **м. Київ, вул. Льва Толстого, 21** *Kyiv, street L. Tolstoy, 21*  
Відібрані зразки букального епітелію для проведення молекулярно-генетичного дослідження у осіб:  
*samples of buccal epithelium were collected from the following persons:*

1. ПІБ *Full name*: **Карпенко Андрій Олексійович - Karpenko Andrii**  
Дата народження *Date of birth*: **28.07.21** Стать *Gender*: **Чоловіча - Male**  
Спорідненість *Relationship*: **Донор - Donor**  
Документ *ID document*: **Свідоцтво про народження Серія І-БК № 785675 видав Печерський відділ державної реєстрації актів цивільного стану у місті Києві Центрального міжрегіонального управління Міністерства юстиції (м. Київ) 07.08.2021 -**  
**Birth Certificate Series І-БК № 785675 issued on 07.08.2021 in Ukraine**

Після відбирання зразки букального епітелію упаковані та опечатані. Упаковки завірені підписами громадян та особою, що проводила ідентифікацію та відбір зразків.

*After collection, samples of buccal epithelium are packed and sealed. The packages have been sealed by the signatures of the participant (or his guardian) and the collector.*

Заперечень щодо методик проведення дослідження не маю.


*I have no objections to the methods of his research.*

Несу особисту відповідальність за надані на дослідження зразки біологічного матеріалу. Дозволю під час проведення дослідження витрачання зразків. Відповідно до Закону України "Про захист персональних даних" від 01.06.2010 №2291-VI, надаю дозвіл на обробку моїх персональних даних.

*I am personally responsible for the samples of biological material provided for research. I allow expenditure of samples during the research. In accordance with the Law of Ukraine "Of protection of personal data" #2291-VI dated 01.06.2010, I permit to process my personal data.*


**Акт прочитаний, інформація записана вірно. Зауважень щодо процедури відбору зразків та їх пакування не поступило.**

*The act has been read, the information is written correctly. There were no objections regarding the samples collection and packaging procedure.*

1. ПІБ *Full name*: **Карпенко Андрій Олексійович - Karpenko Andrii** Підпис *Signature*: 

Забір зразків біологічного матеріалу зробив: *Samples were collected by:*

ПІБ *Full name*: **Андрощук Діана Віталіївна - Diana Androshchuk**

Підпис *Signature* 



УКРАЇНА



**СВІДОЦТВО ПРО НАРОДЖЕННЯ**

Прізвище **Карпенко**  
ім'я **Андрій** по батькові **Олексійович**  
народився (лася) **28 липня 2021 року**  
(число, місяць і рік народження)  
**двадцять восьмого липня дві тисячі двадцять першого року**  
(цифри та слова)

Місце народження **Україна**  
(державу, область, місто, село тощо)  
**місто Київ**  
(число, місяць і рік складено відповідної актової запису №  
про що **07** числа **серпня** місяця **2021** року складено  
**3614**

Батьки  
Батько **Карпенко**  
(прізвище, ім'я, по батькові)  
**Олексій Вікторович**  
**Громадянин України**  
(громадянство)  
Мати **Карпенко**  
(прізвище, ім'я, по батькові)  
**Олена Олексіївна**  
**Громадянка України**  
(громадянство)

Місце державної реєстрації **Печерський відділ державної реєстрації актів цивільного**  
(назва органу державної реєстрації актів цивільного стану)  
**стану у місті Києві Центрального мікрорегіонального управління Міністерства**  
(назва органу державної реєстрації актів цивільного стану, що видає свідоцтво)  
**Юстиції (м. Київ)**  
**Печерський відділ державної реєстрації актів цивільного стану у місті Києві**  
(назва органу державної реєстрації актів цивільного стану)  
**Центрального мікрорегіонального управління Міністерства юстиції (м. Київ)**

Дата видачі **07** **серпня** **2021** року  
М.П. **УНЗР** **РНОКПП**  
Керівник органу державної реєстрації актів цивільного стану **В.А. Капішон**  
(підпис) (ініціал та прізвище)

Серія І-БК № **785675**

The figure consists of 11 diagrams arranged vertically, showing the evolution of a 2D lattice of particles. Each diagram represents a snapshot in time. The particles are represented by small circles, and some are highlighted in black. The diagrams show a cluster growing from a single particle into a larger, more complex shape. The growth is characterized by the addition of new particles to the existing cluster, forming a branching structure. The diagrams are labeled with numbers 1 through 11, indicating the sequence of time steps.

Іменем України Міністр закордонних справ України просить усіх, кого це може стосуватися, усіма можливими засобами полегшити поїздку пред'явника паспорта, надавати йому необхідну допомогу та захист.

HP № 130674

ПАСПОРТ  
PASSPORT

УКРАЇНА UKRAINE

Тур/Type:	Код державы/ Country code	Номер записи/ Passport No
P	UKR	FG367019

Прізвище/Surname  
**КАРПЕНКО/KARPENKO**

**ОЛЕНА/OLENA**  
Громадиця/Материна

**УКРАЇНА/UKRAINE**  
Дата народження/Date of birth

16 SEP/SEP 81  
Статья/ See Миссия народни  
36/E M. J. G. T. P. / 11

Дата выхода/ Date of issue  
22 ТРА/MAY 17

Дата закінчення строку дії/ Date of expiry  
22 TRA/MAY 27

Jamac NY Record No.  
19810916-02225

Norms and sources / Authority

8079  
Платос пред'попелу/ Hald

*Stephen*

P<UKRKARPENKO<<OLENA<<<<<<<<<<<<<<<<<<<<<<<<<<<<

F6367019<3UKR8109161F27052281981091602225<06





медико-генетичний  
центр  
**МАМА  
ПАПА**

Номер  
аналізу

32585

Примітка

Case ref.

Note

(заповнює співробітник центру)

1. ПІБ учасника:  
Name

Кокренко Андрій

2. Аналіз:  
Test

☐

Батьківство  
Paternity

☐

Інший (Other)

3. Спорідненість:  
Relationship

☐

Батько  
Alleged Father

☐

Дитина  
Child

☐

Мати  
Mother

☒

Інша (Other)  
donor/donor

4. Зразок:  
Sample

☐

Мазок з рота  
Buccal swabs

☐

Нігті  
Nails

☐

Пляма крові  
Blood stain

☐

Інший (Other)

5. Раса:  
Race

☐

Європеоїдна  
Caucasian

☐

Азіатська  
Asian

☐

Африканська  
African

☐

Інша (Other)

Заповнюється тільки для юридичних аналізів:

6. Дата народження учасника: 28.07.2021  
Date of birth of participant dd mm yyyy

7. Підпис учасника  
Signature of participant



8. ПІБ відповідального за забір  
Collector's name

Гукачук Д.В.

9. Дата забору матеріалу:  
Date of collection

13.09.2021  
dd mm yyyy

10. Підпис відповідального за забір  
Collector's signature



**DNA profile**

Donor: Karpenko Andrii

Locus	Allele size
Amelogenin	X, Y
D3S1358	16, 19
vWA	18, 18
D16S539	11, 13
CSF1PO	11, 13
TPOX	8, 11
D8S1179	12, 13
D21S11	28, 29
D18S51	17, 18
D2S441	11, 11
D19S433	13, 14
TH01	8, 9
FGA	20, 21
D22S1045	11, 14
D5S818	11, 13
D13S317	8, 9
D7S820	8, 10
SE33	18, 29.2
D10S1248	14, 15
D1S1656	12, 17
D2S1338	24, 25
D12S391	21, 22
Yindel	2
D6S1043	12, 19
DYS391	10

Date: 17.09.2021

Head of the laboratory Vikhreva M.A.



Director Saveliev D.L.






# МІНІСТЕРСТВО ОХОРОНИ ЗДОРОВ'Я УКРАЇНИ

(МОЗ України)

вул. М. Грушевського, 7, м. Київ, 01601, тел. (044) 253-61-94, E-mail: [moz@moz.gov.ua](mailto:moz@moz.gov.ua),  
web: <http://www.moz.gov.ua>, код ЄДРПОУ 00012925

## \*В И Т Я Г

відомостей з бази даних Ліцензійного реєстру МОЗ України суб'єктів  
господарювання, які провадять господарську діяльність  
з медичної практики

Реквізити ліцензіата	
<b>ТОВАРИСТВО З ОБМЕЖЕНОЮ ВІДПОВІДАЛЬНІСТЮ "МАМА ПАПА"</b>	Місцезнаходження: м.Київ, вул. Тарасівська, буд. 2/21 Ідентифікаційний код: 40652411  Рішення про видачу ліцензії від 03.11.2016 № 1168
м.Київ, вул. Тарасівська, буд. 2/21 (медичний центр)	спеціальності: організація і управління охороною здоров'я, дерматовенерологія, терапія, генетика медична, ревматологія, кардіологія, ендокринологія, неврологія, клінічна лабораторна діагностика; спеціальність молодших спеціалістів з медичною освітою: сестринська справа

*\*інформація про ліцензіата сформована з урахуванням повідомлення № 5948/0/14-20*

Директор Департаменту контролю  
якості надання медичної допомоги



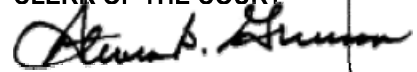
Ігор СЛОНЕЦЬКИЙ



**EXHIBIT “20”**

**EXHIBIT “20”**

**EXHIBIT “20”**



1 **OPPC**

2 **Paul A. Lemcke, Esq.**

3 Nevada Bar No. 003466

4 PECOS LAW GROUP

5 8925 South Pecos Road, Suite 14A

6 Henderson, Nevada 89074

7 Telephone: (702) 388-1851

8 Facsimile: (702) 388-7406

9 Email: [Paul@pecoslawgroup.com](mailto:Paul@pecoslawgroup.com)

10 Attorney for Plaintiff

11 **DISTRICT COURT**  
12 **CLARK COUNTY, NEVADA**

13 **Enrique Schaerer,**

14 Plaintiff,

15 vs.

16 **Olena Karpenko,**

17 Defendant.

Case No. **D-21-628088-D**

Dept No. **U**

Date of Hearing: **November 10, 2021**

Time of Hearing: **10:30 a.m.**

18 **PLAINTIFF'S OPPOSITION TO DEFENDANT'S EX PARTE MOTION**  
19 **FOR PERMISSION FROM THE COURT TO GRANT UKRAINE CONSULATE TO**  
20 **OBSERVE AT THE NOVEMBER 10, 2021, HEARING**

21 Plaintiff **Enrique Schaerer**, by and through his attorney **Paul A. Lemcke,**  
22 **Esq.**, of PECOS LAW GROUP, objects to and opposes Defendant's *Ex Parte* motion  
23 for the following reasons:

24 1. This case is sealed by Order entered May 28, 2021. The Order  
25 provides that "...all proceedings conducted in this matter from this day forward  
26 shall be private, and that all persons shall be excluded from the court or chambers

1 wherein such proceedings take place, except the officers of this court, the parties,  
2 any witnesses, and the parties' counsel, the parents or guardian(s) of the parties,  
3 and the siblings of the parties, as provided by and pursuant to NRS 125.080.”  
4

5         2.       At present, the only litigable issue that still exists in this case is one  
6 of paternity. NRS 126.211 provides that any hearing or trial held under Nevada's  
7 statutory paternity chapter "...must be held in closed court without admittance of  
8 any person other than those necessary to the action or proceeding.”

9         3.       Olena Karpenko, through counsel, has affirmatively solicited the  
10 Ukrainian counsel in San Francisco to "attend and observe" the hearing scheduled  
11 in this case on November 20, 2021, while expressly acknowledging that  
12 "[t]echnically, the hearing is closed, and the case is sealed; both are permitted by  
13 Nevada law." See Marshal Willick's letter dated 10/13/21 to Consulate General of  
14 Ukraine, appended as Exhibit Tab "1" to the Appendix.  
15

16         4.       The letter also notes that "...[Ms. Karpenko] has come (sic) concerns  
17 that she might not be receiving equivalent treatment based on her status as a  
18 foreign national..." *Id.*  
19

20         5.       This is a private family law case that has ben whittled down to a  
21 paternity issue. It is not a murder case or any other type of criminal matter  
22 implying criminal penalties of any kind.  
23  
24  
25

6. This case is sealed by Order, and the upcoming hearing is statutorily closed by statute. Ms. Karpenko’s invitation to permit a non-party to “observe” that hearing is contrary to this Court’s order and applicable Nevada law.

7. An entirely independent concern with Ms. Karpenko's motion to permit the Ukrainian consulate in San Francisco to "attend and observe" a closed paternity hearing is the possibility that the involvement of that non-party might serve to unduly influence the Court's ruling.

Ms. Karpenko's *ex parte* motion should be denied.

DATED this 27<sup>th</sup> day of October, 2021.

PECOS LAW GROUP

Dee Ann

**Paul A. Lemcke, Esq.**

Nevada Bar No. 003466

PECOS LAW GROUP

8925 South Pecos Road, Suite 14A

Henderson, Nevada 89074

(702) 388-1851

Attorney for Plaintiff



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1 CERTIFICATE OF MAILING

2 Pursuant to NRCP 5(b), I hereby certify that the foregoing **Plaintiff's**  
3 **Opposition to Defendant's Ex Parte Motion for Permission from the Court to**  
4 **Grant Ukraine Consulate to Observe at the November 10, 2021, Hearing**  
5 in the above-captioned case was served this date as follows:

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

17 To attorney(s) /person(s) listed below at the address:

18 Marshal Willick, Esq. marshal@willicklawgroup.com  
19 Reception email@willicklawgroup.com  
20 Victoria Javiel victoria@willicklawgroup.com

21 DATED this 27<sup>th</sup> day of October 2021.

22 

23 **Allan Brown**

24 An employee of PECOS LAW GROUP

MOFI

DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA

ENRIQUE SCHAEFER  
Plaintiff/Petitioner  
v. OLENA KARPENKO  
Defendant/Respondent

Case No. D-21-628088-1  
Dept. U  
MOTION/OPPOSITION  
FEE INFORMATION SHEET

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

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

- ☐ \$25 The Motion/Opposition being filed with this form is subject to the \$25 reopen fee.  
-OR-  
☒ \$0 The Motion/Opposition being filed with this form is not subject to the \$25 reopen fee because:  
☒ The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.  
☐ The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.  
☐ The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on \_\_\_\_\_.  
☐ Other Excluded Motion (must specify) \_\_\_\_\_

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

- ☒ \$0 The Motion/Opposition being filed with this form is not subject to the \$129 or the \$57 fee because:  
☒ The Motion/Opposition is being filed in a case that was not initiated by joint petition.  
☐ The party filing the Motion/Opposition previously paid a fee of \$129 or \$57.  
-OR-  
☐ \$129 The Motion being filed with this form is subject to the \$129 fee because it is a motion to modify, adjust or enforce a final order.  
-OR-  
☐ \$57 The Motion/Opposition being filing with this form is subject to the \$57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of \$129.

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

The total filing fee for the motion/opposition I am filing with this form is:  
☐ \$0 ☐ \$25 ☐ \$57 ☐ \$82 ☐ \$129 ☐ \$154

Party filing Motion/Opposition: Enrique Schaefer Date 10/27/21

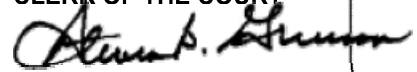
Signature of Party or Preparer Alison

OK000176

**EXHIBIT “21”**

**EXHIBIT “21”**

**EXHIBIT “21”**



1 **EXHS**

2 **Paul A. Lemcke, Esq.**

3 Nevada Bar No. 003466

4 PECOS LAW GROUP

5 8925 South Pecos Road, Suite 14A

6 Henderson, Nevada 89074

7 Telephone: (702) 388-1851

8 Facsimile: (702) 388-7406

9 Email: [Paul@pecoslawgroup.com](mailto:Paul@pecoslawgroup.com)

10 Attorney for Plaintiff

11 **DISTRICT COURT**  
12 **CLARK COUNTY, NEVADA**

13 **Enrique Schaerer,**

14 Plaintiff,

15 vs.

16 **Olena Karpenko,**

17 Defendant.

Case No. **D-21-628088-D**

Dept No. **U**

Date of Hearing: **November 10, 2021**

Time of Hearing: **10:30 a.m.**

18 **EXHIBIT APPENDIX TO PLAINTIFF'S OPPOSITION TO DEFENDANT'S EX PARTE**  
19 **MOTION FOR PERMISSION FROM THE COURT TO GRANT UKRAINE CONSULATE**  
20 **TO OBSERVE AT THE NOVEMBER 10, 2021, HEARING**

21 Plaintiff Enrique Schaerer, by and through his attorney of record Paul A.  
22 Lemcke, Esq., of Pecos Law Group submits his *Exhibit Appendix to Plaintiff's*  
23 *Opposition to Defendant's Ex Parte Motion for Permission from the Court to*  
24 *Grant Ukraine Consulate to Observe at the November 10, 2021, Hearing.*

No.	Description	Bates Label Nos.
1	Letter to Consulate General of Ukraine from Marshal S. Willick, Esq., dated October 13, 2021.	ES0004 – ES0005

DATED this 27<sup>th</sup> day of October, 2021.

PECOS LAW GROUP



**Paul A. Lemcke, Esq.**

Nevada Bar No. 003466

8925 South Pecos Road, Suite 14A

Henderson, Nevada 89074

Attorney for Plaintiff

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I hereby certify that on this 27<sup>th</sup> day of October  
3 2021, the *Exhibit Appendix to Plaintiff's Opposition to Defendant's Ex Parte*  
4 *Motion for Permission from the Court to Grant Ukraine Consulate to Observe at*  
5 *the November 10, 2021, Hearing.*, in the above-captioned case was served as  
6 follows:

- 7 ☒ pursuant to NEFCR 9, by mandatory electronic service through the  
8 Eighth Judicial District Court's electronic filing system;
- 9 ☐ pursuant to NRCP 5, by placing the same to be deposited for mailing  
10 in the United States Mail, in a sealed envelope upon which first class  
11 postage was prepaid in Las Vegas, Nevada;
- 12 ☐ pursuant to EDCR 7.26 to be sent via facsimile and/or email, by duly  
13 executed consent for service by electronic means;
- 14 ☐ by hand-delivery with signed Receipt of Copy.

15 To individual(s) listed below at the address:

16 Marshal Willick, Esq.	<u>marshal@willicklawgroup.com</u>
17 Reception	<u>email@willicklawgroup.com</u>
18 Victoria Javiel	<u>victoria@willicklawgroup.com</u>

19 

20 **Allan Brown,**  
21 An employee of PECOS LAW GROUP



# EXHIBIT 1

EXHIBIT 1

OK000180



**WILICK LAW GROUP**  
A DOMESTIC RELATIONS & FAMILY LAW FIRM  
3591 EAST BONANZA ROAD, SUITE 200  
LAS VEGAS, NV 89110-2101  
PHONE (702) 438-4100 • FAX (702) 438-5311  
WWW.WILICKLAWGROUP.COM

ATTORNEYS

MARSHALL S. WILICK \*†‡♦  
TREVOR M. CREEL  
LORIEN K. COLE ♦  
DARCY L. BOWER

\* ALSO ADMITTED IN CALIFORNIA (INACTIVE)  
† FELLOW, AMERICAN ACADEMY OF MATRIMONIAL LAWYERS  
‡ FELLOW, INTERNATIONAL ACADEMY OF FAMILY LAWYERS  
♦ NEVADA BOARD CERTIFIED FAMILY LAW SPECIALIST  
♦ BOARD CERTIFIED FAMILY LAW TRIAL ADVOCATE  
BY THE NATIONAL BOARD OF TRIAL ADVOCACY



LEGAL ASSISTANTS

DEISY MARTINEZ-VIERA  
MARY STEELE  
BRENDA GRAGEOLA  
JUSTIN K. JOHNSON  
VICTORIA JAVIEL  
MALLORY YEARGAN  
KRISTINA M. MARCUS

FIRM ADMINISTRATOR

FAITH FISH

E-MAIL ADDRESSES:  
(FIRST NAME OF INTENDED RECIPIENT)@WILICKLAWGROUP.COM

---

October 13, 2021

Consulate General of Ukraine  
530 Brush Street #402  
San Francisco, CA 94108

Re: Ukraine Visa; Nevada Family District Court-*Enrique Schaerer vs. Olena Karpenko*,  
Case No. D-21-628088-D  
Sent via email ONLY [gc\\_uss@mfa.gov.ua](mailto:gc_uss@mfa.gov.ua)

Dear Consular staff:

Our office represents Ms. Olena Karpenko a Ukraine citizen. We currently have a hearing in the Eighth Judicial District Court, Family Division, in Clark County, Nevada, regarding the above referenced case scheduled for November 10, 2021, at 10:30 a.m. [PST] for a status hearing assessing Ms. Karpenko's efforts and progress in arranging for travel to the United States for the specimen collection and the testing for genetic identification of the parties child born in the Ukraine on July 28, 2021. Those orders were entered before we entered the case.

At the status hearing, we also have pending our Motion hearing regarding a Motion to Set Aside the Court Order that was filed September 23, 2021, and a Motion to Set Aside the Interlocutory Decree of Divorce that was filed September 30, 2021.

We are under the impression, per the information provided by Ms. Karpenko from the US Embassy in Ukraine that no interviews are even being held for temporary visas. We understand only emergency appointments for urgent medical care, or to accompany a relative for urgent medical care are the only possible appointments being held. Further, Ms. Karpenko has provided medical documents stating that she and the child should not/can not travel to the United States. This is our position in requesting the Court to allow the specimen collection in Ukraine. We can provide a copy of our motion requesting relief if you wish to review it.

ES0004  
OK000181

Consulate General of Ukraine  
October 13, 2021  
Page 2

The hearing will be held by video/audio appearance, and we can provide the person of contact with the information to appear via bluejeans (a Zoom-like app used by the Nevada courts for virtual appearances). Technically, the hearing is closed and the case is sealed; both are permitted by Nevada law. For an explanation, see a recent article I wrote on the subject, posted at: <https://www.willicklawgroup.com/vol-73-closed-hearings-sealed-files-privacy-and-public-access-why-the-rules-are-the-way-they-are-and-what-they-should-be-going-forward/> (Aug. 16, 2021).

I am informed that Ms. Karpenko would like a representative of the Ukraine government to (virtually) attend and observe the hearing, since Ms. Karpenko and the child are Ukrainian citizens and she has some concerns that she might not be receiving equivalent treatment based on her status as a foreign national; it is not uncommon for embassy or consular staff to wish to observe criminal or civil proceedings involving their citizens in our court.

If this is something you would do, we can provide this letter and your confirming letter to the Court to request permission for your presence at the hearing. Motions to permit someone not a party to attend a hearing despite the closed hearing rule can be written in advance or made orally at the hearing; please advise if you require a written motion to be made in advance and, if so, please provide me some specifics as to who will be requesting to attend.

We appreciate your time and any assistance will be appreciated. Please feel free to contact our office if you have any questions.

Sincerely yours,  
WILICK LAW GROUP

A handwritten signature in black ink, appearing to read 'Marshal S. Willick', written over the typed name.

Marshal S. Willick, Esq.

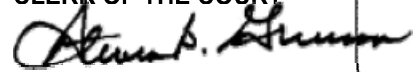
cc: Ms. Olena Karpenko  
P:\wp19\KARPENKO, O\CORRESPOND\00525527.WPD/vj

ES0005  
OK000182

**EXHIBIT “22”**

**EXHIBIT “22”**

**EXHIBIT “22”**



**OPPC**  
**Paul A. Lemcke, Esq.**  
Nevada Bar No. 003466  
PECOS LAW GROUP  
8925 South Pecos Road, Suite 14A  
Henderson, Nevada 89074  
Telephone: (702) 388-1851  
Facsimile: (702) 388-7406  
Email: [Paul@pecoslawgroup.com](mailto:Paul@pecoslawgroup.com)  
Attorney for Plaintiff

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Enrique Schaerer,**

Plaintiff,

vs.

**Olena Karpenko,**

Defendant.

Case No. **D-21-628088-D**

Dept No. **U**

Date of Hearing: **November 10, 2021**

Time of Hearing: **10:30 a.m.**

**PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION  
TO RECONSIDER, SET ASIDE, ALTER OR AMEND THE ORDER  
AFTER MOTION HEARING (ENTERED 9/23/21); AND  
FOR DECISION WITHOUT ORAL ARGUMENT**

**-and-**

**PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO SET ASIDE  
INTERLOCUTORY DECREE OF DIVORCE (ENTERED 9/30/21)**

**-and-**

**PLAINTIFF'S COUNTERMOTION FOR AN ORDER TO SHOW CAUSE WHY  
DEFENDANT SHOULD NOT BE HELD IN CONTEMPT OF THE ORDER AFTER  
MOTION HEARING ; AND FOR ATTORNEY'S FEES**

1 Plaintiff **Enrique Schaerer**, by and through his attorney **Paul A. Lemcke**,  
2 **Esq.**, of PECOS LAW GROUP, respectfully submits his consolidated Oppositions  
3 and Countermotions as specified above, and requests:

4  
5 1. That Defendant's Motion to Reconsider, Set Aside, Alter or Amend  
6 the Order After Motion Hearing (entered 9/23/21) be denied without oral  
7 argument;

8 2. That Defendant's Motion to Set Aside Interlocutory Decree of  
9 Divorce (entered 9/30/21) be denied;

10 3. For an Order to Show Cause re: Contempt against Defendant Olena  
11 Karpenko, for her continuing non-compliance with the Order After Motion  
12 Hearing; and

13 4. For an award of attorney's fees for having to respond to Defendant's  
14 baseless motions.  
15

16 These Oppositions and Countermotions are made and based on all the  
17

18 ///

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1 papers and pleadings on file herein, the Points and Authorities submitted herewith,  
2 and the argument as may be adduced at the hearing of this matter.

3 DATED this 27<sup>th</sup> day of October, 2021.

4  
5 PECOS LAW GROUP

6 

7 **Paul A. Lemcke, Esq.**

8 Nevada Bar No. 003466

9 PECOS LAW GROUP

8925 South Pecos Road, Suite 14A

Henderson, Nevada 89074

(702) 388-1851

Attorney for Plaintiff

## POINTS AND AUTHORITIES

### Introduction

Defendant Olena Karpenko (“Olena”) has now hired her *third* attorney in a span of 58 days, in the apparent expectation that Attorney #3 will now simply be able to reargue the issues previously decided by this Court, using the very same unavailing arguments that were made by Attorney #2 at the original motion hearing. *Olena is not permitted the right to serially relitigate thoroughly briefed and extensively argued motions simply because she doesn’t like the Court’s rulings.* Olena’s motions lack merit, and attorney’s fees should be imposed for having to respond to them. Olena should also be held in contempt for her non-compliance with the Court’s Order After Motion Hearing.

### Procedural Background

Plaintiff Enrique Schaerer’s originating motion was filed on August 5, 2021. The motion specifically sought, *inter alia*, the taking of specimens for genetic identification within Clark County pursuant NRS 126.121(1); to bifurcate and enter an Interlocutory Decree of Divorce based on the judicial admissions in the parties’ pleadings, while reserving jurisdiction over the paternity claim; and to compel Olena’s provision of a previously requested HIPAA release.

On September 3, 2021 – more than two full weeks after her response to Enrique’s motions was due, and only four days before the motion hearing – Olena

1 belatedly filed an opposition and counter motion. Significantly, the counter motion  
2 requested that discovery be stayed pending the results of genetic testing, and that  
3 genetic testing occur in Ukraine, or in the alternative, that genetic testing be  
4 coordinated by testing centers in the United States and Ukraine, premised on  
5 Olena's continuing physical presence in Ukraine.  
6

7 The questionable circumstances of Olena's secretly obtained flight to  
8 Ukraine, as well as the systemic risks and potential dangers of conducting *any*  
9 genetic specimen collection or testing in Ukraine, were extensively addressed in  
10 Enrique's motion. All the events central to this case occurred within Nevada, and  
11 this case has absolutely no connection to Ukraine, yet Olena suspiciously persists  
12 in attempting to place the most important issue in this case – paternity collection  
13 and testing – in Ukraine.  
14

15 At the September 7, 2021 motion hearing on Enrique's motion and Olena's  
16 counter motion, the Court entertained lengthy oral argument, and then ruled on all  
17 issues. Enrique's counsel (Mr. Lemcke) was directed to prepare the order after  
18 hearing and provide it to Olena's counsel (Jason Onello) for review and approval.  
19 On September 10, the Order After Hearing was drafted and submitted to Mr.  
20 Onello for his countersignature or proposed changes. No response from Mr.  
21 Onello was forthcoming within the seven (7) days directed by EDCR 5.522(2).  
22 The order was then submitted to the Court for entry.  
23  
24  
25



1 On September 20, 2021 the court-ordered Interlocutory Decree of Divorce  
2 was drafted and submitted to Mr. Onello for his countersignature or proposed  
3 changes. No response from Mr. Onello was forthcoming within the seven (7) days  
4 directed by EDCR 5.522(2). The Interlocutory Decree was then submitted to the  
5 Court for entry.  
6

7 On September 22, 2021, Mr. Lemcke received a phone call from Mr. Onello  
8 in which Mr. Onello cryptically stated that Olena did not “authorize” him to  
9 review and sign off on the Order After Hearing or the Interlocutory Decree. It  
10 then became abundantly clear to Mr. Lemcke that Olena’s intent was to delay the  
11 entry of the Court’s orders as long as possible.  
12

### 13 **POINTS AND AUTHORITIES**

#### 14 **Oppositions to (1) Olena’s Motion for Rehearing, et. al.,** 15 **And (2) Olena’s Motion to Set Aside Interlocutory Decree of Divorce**

16 EDCR 5.513 states:

#### 17 **Reconsideration and/or rehearing of motions.**

18 (a) A party seeking reconsideration and/or rehearing of a ruling  
19 (other than an order that may be addressed by motion pursuant to  
20 NRCP 50(b), 52(b), 59, or 60), must file a motion for such relief not  
21 later than 14 days after service of notice of entry of the order unless  
22 the time is shortened or enlarged by order. A motion for  
23 reconsideration does not toll the period for filing a notice of appeal.

24 (b) If a motion for reconsideration and/or rehearing is granted, the  
25 court may make a final disposition without hearing, may set it for  
26 hearing or resubmission, or may make such other orders as are  
deemed appropriate under the circumstances.

1       There is no right to have a matter reheard. Subject to limitations of timing  
2 and substance, a court has inherent authority to reconsider its prior orders. *Trail v.*  
3 *Faretto*, 91 Nev. 401, 403, 536 P.2d 1026, 1027 (1985). As to substance, a  
4 motion for rehearing is not a vehicle to rehash and reargue arguments that are  
5 raised, argued, and then ruled upon. Moreover, “[p]oints or contentions not raised  
6 in the original hearing cannot be maintained or considered on rehearing.”  
7 *Chowdry v. NLVH, Inc.*, 111 Nev. 560, 562, 893 P.2d 385, 387 (1995).

8  
9       Rehearing is an extraordinary remedy. While a court may reconsider a  
10 previously decided issue if substantially different evidence is subsequently  
11 introduced or the decision is clearly erroneous, bare reargument to try and get to a  
12 different result is not permissible. *Masonry and Tile Contractors Ass’n of*  
13 *Southern Nevada v. Jolley, Urga, and Wirth, Ltd.*, 113 Nev. 737, 741, 941 P.2d  
14 486, 489 (1997); see also *Moore v. City of Las Vegas*, 92 Nev. 402, 405, 551 P.2d  
15 244, 246 (1976) (“Only in very rare instances in which new issues of fact and law  
16 are raised supporting a ruling contrary to the ruling already received should a  
17 motion for rehearing be granted.”)

18  
19       As to the Order After Hearing (entered 9/23/21), Olena alternatively styles  
20 her motion for relief as an NRCP 60(b)(1) motion to set aside the order, allegedly  
21 made justifiable by “mistake, inadvertence, surprise, or excusable neglect.”  
22 Olena’s NRCP 60(b) motion effectively posits that because the Court’s Order  
23  
24  
25

1 After Hearing does not direct what she individually deems to be “simple”  
2 solutions to the paternity issue at hand, the Court should extend her a re-do.  
3 However, the so-called “simple” solutions proposed by Olena were already argued  
4 by her former counsel at the September 7 hearing and were denied. As set forth  
5 below, there was no “mistake, inadvertence, surprise, or excusable neglect”  
6 regarding the need to travel to ensure reliable DNA sampling and testing. Olena’s  
7 former counsel made effectively the same arguments at hearing on collection and  
8 testing protocols that are being advanced by her current counsel now, specifically,  
9 that travel can simply be dispensed with if the Court permits collaboration  
10 between laboratories in the United States and Ukraine. Yet after full briefing and  
11 oral argument, the Court ordered that travel for collection and testing was  
12 necessary and appropriate. There is no basis now for those orders to be  
13 reconsidered or set aside.  
14  
15

16 Olena’s 60(b) motion on the Order After Rehearing also misapplies prongs  
17 (2), (3), and (4) of the four *Yochum* factors, reaffirmed by *Willard*: “(1) a prompt  
18 application to remove the judgment [or order]; (2) the absence of an intent to delay  
19 the proceedings; (3) a lack of knowledge of procedural requirements; and (4) good  
20 faith.” *Willard*, 136 Nev. at 470, 469 P.3d at 179 (quoting *Yochum*, 98 Nev. at  
21 486, 653 P.2d at 1216). Given Olena’s continuing, outright refusal to respond to  
22 long overdue written discovery (while making no attempt to seek a protective  
23 order), and persisting in her refusal to provide elemental information on the child  
24  
25

1 as well as a basic HIPAA release directed to her OB/GYN that is *mandated* by this  
2 Court's order, Olena's compliance with the second factor (no intent to delay) and  
3 fourth factor (good faith) are highly questionable. Yet the fatal defect of the  
4 pending motions is the improper attempt to restate the third factor regarding "a  
5 lack of knowledge of procedural requirements." The motion, through slight of  
6 hand, attempts to abbreviate and twist that factor to simply "a lack of knowledge,"  
7 without connecting that lack of knowledge specifically to "procedural  
8 requirements" under the NRCP, as made clear by *Yochum* and *Willard*. Instead,  
9 the motion asserts that the Court and litigants lacked knowledge about how to  
10 conduct DNA testing in an international paternity dispute since the Court  
11 allegedly did not order, nor even consider, that Olena and child could give  
12 samples in Ukraine that could be sent for testing in the United States. Not only is  
13 this assertion demonstrably false based on the written and oral record, but it is also  
14 entirely irrelevant. The factor is not about lack of knowledge on the merits of  
15 what is at issue, nor even of alleged (but unsupported) procedural "best practices";  
16 instead; it is about lack of knowledge of NRCP's procedural "requirements," as in  
17 *Yochum* and *Willard*. Both of those cases are distinguishable in this respect since  
18 they properly focused on ignorance of NRCP's procedural requirements.

19 ///

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21 ///

## LEGAL ARGUMENT

1. This Court's rulings directing genetic collection and paternity testing within the United States – and requiring the in-person, physical presence of Enrique, Olena, and the subject minor child for the genetic collection – were not only argued and opposed by Olena's counsel at hearing, but were valid and appropriate given the serious concerns raised by Enrique about the integrity and reliability of DNA collection and testing in Ukraine.

Olena's current motion is simply a bare reargument of issues raised, argued, and ruled upon by the Court at the September 7 motion hearing. The Court's rulings were made entirely consistent with the discretion afforded it by NRS 126.121(1).<sup>1</sup> Enrique's originating motion, filed on August 5, 2021, detailed his serious concerns with the Court's potential delegation of any genetic specimen collection or testing to any laboratory in Ukraine. Those concerns are valid and remain unchanged today. The specific concerns were:

- In March 2021, in the midst of the parties' disagreements over immigration processes being pursued by Olena, Olena secretly and unilaterally made flight arrangements to leave the United States and return to the Ukraine. Despite pleas from Enrique to stay in Las Vegas, Olena subsequently returned to the Ukraine on April 8, 2021, where she has since remained. Enrique is informed and believes, and thereon alleges, that Olena's

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<sup>1</sup> NRS 126.121(1) provides, in pertinent part, that "The Court may, and shall upon motion of a party, order the mother, child, alleged father or any other person so involved to submit to one or more tests for the typing of blood or taking of specimens for genetic identification to be made by a designated person, by qualified physicians or by other qualified persons, *under such restrictions and directions as the court or judge deems proper.*" (Bold italics added.)

1 motivations in seeking his cooperation in her U.S. immigration processes  
2 were fraudulent and undertaken in bad faith.<sup>2</sup>

- 3
- 4 • Ukraine has nothing to do with this litigation, other than being the place to
- 5 which Olena decided to secretly flee in April 2021. It is undeniable from
- 6 Olena's past presence in Nevada and the admissions in her pleadings that
- 7 she has submitted herself to the jurisdiction of the Nevada court with
- 8 respect to the adjudication of the paternity of her child. It is of paramount
- 9 importance that the DNA collection and paternity testing in this case be
- 10 accurate, reliable, and demonstrably compliant with chain-of-custody
- 11 protocols dictated by law. Broad societal, political, and judicial corruption
- 12 exists in Ukraine. Corruption is institutionally widespread as "a component
- 13 of [the country's] social traditions." As such, Ukraine is not a suitable or
- 14 objectively reliable situs for either DNA collection or paternity testing.
- 15
- 16 • In 2015, *The Guardian* newspaper called Ukraine "the most corrupt nation
- 17 in Europe." A 2017 poll of experts conducted by the accounting firm of
- 18 Ernst & Young found that Ukraine was considered to be the 9<sup>th</sup> most
- 19 corrupt nation in the world. Moreover, in 2020, the public service
- 20 organization Transparency International calculated their Corruption
- 21
- 22
- 23

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24 <sup>2</sup> The offhand assertion in Olena's motion that Enrique "dangled a green card in front of Olena" in some alleged  
25 scheme to "machinate" the parties' Premarital Agreement, is categorically false. It is also in direct conflict with  
26 the judicial admissions in Olena's Answer acknowledging the validity and legal enforceability of the Premarital  
Agreement.

1 Perception Index, and it found that Ukraine ranked 117<sup>th</sup> out of 180  
2 countries, which was second lowest in Europe, just behind Russia.

- 3 • Bribery in Ukraine is a rampant and accepted social phenomenon. The  
4 United States Agency for International Development (USAID) attributes  
5 the main causes of corruption in Ukraine to a weak justice system and an  
6 over-controlling, non-transparent government, combined with business-  
7 political ties and a weak civil society. The U.S. State Department's current  
8 online bilateral relations fact sheet on U.S. relations with Ukraine notes that  
9 one of the U.S. diplomatic missions in Ukraine is to "fight corruption."  
10  
11 • One rational and entirely foreseeable fear of a Ukrainian society that  
12 tolerates bribes as a regular function of "getting things done" is that DNA  
13 collection and/or paternity testing in that nation is ripe for transactional  
14 fraud. Enrique's serious concerns on that front are heightened by the fact  
15 that **Olena's father is a fetal cell biologist**, likely sophisticated in the state  
16 of the art, and he must be assumed to have a variety of contacts and  
17 personal relationships in both the natural and assisted reproductive  
18 technology space in Ukraine.<sup>3</sup>  
19  
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22 <sup>3</sup> Olena's motion for rehearing makes the entirely unsupported statement – attributed to her current counsel (Mr.  
23 Willick), who is neither a scientist nor a medical professional – that it is "essentially impossible to 'fake a positive'  
24 in maternity and paternity testing." A survey of articles and learned literature reveal that unsubstantiated  
25 conclusion is far from accurate. *See e.g. Strutin, DNA Without Warrant: Decoding Privacy, Probable Cause and*  
26 *Parenthood*, 18 Rich. J.L. & Pub. Int. 319, 351-52 (2015) ("In effect, fabricated DNA can cause the same damage  
to the accuracy and reliability of legal judgments as cross-contamination. The result is the real possibility of DNA  
theft and evidence planting. The availability of DNA samples and profiles from multiple sources only increases the  
risks."); Bolden, *DNA Fabrication, a Wake Up Call: The Need to Reevaluate the Admissibility and Reliability of*  
*DNA Evidence*, 27 Ga. St. U. L. Rev. 409, 412-13 (2011) (discussing an Israeli research study that successfully  
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1 (a) At the September 7 hearing, Olena's former counsel argued the  
2 very same issues that are now reargued in Olena's motion for  
3 rehearing, et. al. Olena did not prevail then, and she cannot  
4 prevail now.

5 At the September 7 hearing, Olena's then-counsel, Jason Onello, argued for  
6 the same inter-jurisdictional sampling and testing that Olena is *again* arguing for  
7 now. The Court expressly denied Mr. Onello's requests. See Order After Motion  
8 Hearing at 7, lines 10-13. Mr. Onello stated, "We can easily coordinate this  
9 between two labs, and I highly doubt there's issues with corruption with an  
10 American company, which is Fortune 500 company, operating in Ukraine." See  
11 9/7/21 hearing video starting at time marker 11:43. Mr. Onello went on to argue,  
12 "Consider having the test done in both Ukraine for [Defendant] and the child . . .  
13 United States for [Plaintiff], use a company that is reputable and operates in both  
14 countries . . . ." See 9/7/21 hearing video starting at time marker 13:15.

15  
16 In contemplating its ruling on the issues at hand, the Court noted: "So, then,  
17 the hard part becomes how do we get reliable DNA testing . . . . I've seen what  
18 people do – can do – with regard to the paternity testing. It's best if all three  
19 people . . . the alleged father, mom, and the child are at the same place, at the  
20 same time, same lab to give their sample. I understand there are logistical  
21

22  
23 synthesized artificial DNA); *see also* Goldstein, *The Blueprint: Critiques of the Fingerprint and Abandonment*  
24 *Paradigms to Reject an Expectation of Privacy in DNA*, 29 Touro L. Rev. 1151 (2013) ("It is essential now, in the  
25 face of potential forgery, to ensure that any DNA sample is collected through a court order and by medical  
professionals adhering to strict medical and evaluation protocols, rather than surreptitiously acquiring samples  
involuntarily left behind by a defendant."); *cf.* Knaplund, *Children of Assisted Reproduction vs. Old Dynasty*  
*Trusts: A New Approach*, 57 San Diego L. Rev. 301, 327 (2020) ("Krik Kerkorian reportedly used dental floss  
obtained from Hollywood producer Steve Bing's trash to establish that Bing, not Kerkorian, was the father of a  
child borne by Kerkorian's wife Lisa Bonder Kerkorian.").

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1 concerns with regard to that.” See 9/7/21 hearing video starting at time marker  
2 2:11. The Court also stated: “It is the collection people that are where the  
3 vulnerability is. They can be bribed to give other samples than the ones they are  
4 supposed to.” 9/7/21 hearing video starting at time marker 17:50. At the  
5 conclusion of the hearing, the Court also said, “[Defendant] is going to have to  
6 travel to get this done. I agree with Plaintiff that we’re not going to rely on a lab in  
7 the Ukraine.” 9/7/21 hearing video starting at time marker 20:57.

9 Olena is obviously hell-bent on hiring and firing lawyers until she is able to  
10 engineer a result that she perceives to serve her interests in this case.  
11 Notwithstanding that fact, Olena is not entitled to reargue and relitigate the  
12 parties’ motions heard and ruled upon by the Court on September 7, simply  
13 because Olena does not like the Court’s orders.

15 **2. Olena’s required “good faith” compliance to investigate and**  
16 **apply for the documentation necessary for travel to the United**  
17 **States, as ordered by the Court, is extremely questionable.**

18 With regard to Olena’s obligations to investigate and implement travel to  
19 the United States from Ukraine for collection and testing purposes, the Order  
20 After Motion Hearing, at page 6, beginning at line 7, reads as follows:

21 **IT IS FURTHER ORDERED** that relative to Olena’s and the minor  
22 child’s mandatory travel for the specimen collection and the testing  
23 for genetic identification ordered herein, Olena is ordered to use her  
24 good faith efforts to investigate and apply for (1) necessary American  
25 travel visas; (2) necessary Ukrainian passports; (3) a doctor’s medical  
26 clearance for the subject minor child’s travel; and (4) any and all other  
documentation necessary to travel from Ukraine to the United States.

1 Further, by the time of the next in-court status check on October 12,  
2 2021, Olena shall provide the Court and opposing counsel with  
3 documentary proof of her visa and passport applications, the request  
4 for medical clearance, and her application for any and all other  
5 documentation necessary to travel from Ukraine to the United States.

6 The October 12 status check referenced in the order was consolidated with  
7 these motion proceedings, which is set for hearing on November 10. In  
8 connection with the status check, Olena has submitted exhibits in support of the  
9 notion that she has complied with the Court's Order in "good faith." That "good  
10 faith" compliance is highly questionable.

11 (a) **Medical advisory opinions.**

12 Olena has produced Ukrainian medical advisory opinions as Exhibits "B,"  
13 "C," and "D" to her Appendix. Those opinions note her back issues (which Olena  
14 had reported to Enrique as long preexisting their relationship but otherwise  
15 manageable throughout her life), and interestingly, one opinion prohibiting airline  
16 flights for the duration of an unspecified rehabilitation period, which is an oddly  
17 specific medical opinion given that she has been ordered to travel by the Court.  
18 The Court is also reminded that in late March 2021, Olena secretly booked air  
19 travel and unilaterally traveled to Ukraine from the United States while  
20 approximately six (6) months pregnant, which suggests that Olena's alleged  
21 inability to travel is not only much exaggerated, but also entirely at her whim,  
22 whatever her solicited medical advisory opinions might otherwise represent. Of  
23  
24  
25  
26

1 her own volition, Olena felt it personally important and safe enough for her to  
2 travel from the United States to Ukraine at close to the height of the pandemic.

3 **(b) U.S. Visa applications and alternatives.**

4 Olena's submitted documents do not reflect that she has applied for  
5 humanitarian parole ("H parole") to return to the United States with the subject  
6 child. H parole permits noncitizens to enter the United States on a temporary  
7 basis for simple humanitarian reasons. One of the grounds for H parole is "to  
8 participate in civil legal proceedings in the United States." In regard to civil legal  
9 proceedings, H parole petitioners must provide evidence of the proceeding and  
10 explain why the parolee is vital to the resolve the outstanding legal issue.  
11

12 Notably, H parole is not a U.S. visa. Rather, it is a distinct, separate form of  
13 immigration relief available only where a noncitizen may not obtain a U.S. visa.  
14 Thus, the fact that the U.S. consulate in Ukraine currently conducts U.S. visa  
15 interviews only in the event of a serious humanitarian emergency has little bearing  
16 on whether or not Olena can receive H parole. In fact, since Olena apparently may  
17 not obtain a visa in the near future and since her presence in the United States with  
18 the subject child is vital to this civil proceeding, H parole is a viable option.<sup>4</sup>  
19

20 Moreover, the Department of Homeland Security (DHS), via the U.S.  
21 Citizenship and Immigration Services (USCIS), adjudicates and receives H parole  
22 petitions, which can be expedited. And, while U.S. consulates neither adjudicate  
23  
24

25 <sup>4</sup> Think of it this way: A U.S. visa is like getting a ticket to attend a football game, whereas "parole" (here, "H  
26 parole") is like asking a security guard to let a person into the stadium just to use the restroom and then to leave.  
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1 nor receive H parole petitions and do not typically offer information about H  
2 parole, they have authority to help facilitate the H parole process. *See Guidance*  
3 *on Evidence for Certain Types of Humanitarian or Significant Public Benefit*  
4 *Parole Requests*, U.S. Citizenship and Immigration Services, at  
5 [https://www.uscis.gov/humanitarian/humanitarian-parole/guidance-on-evidence-](https://www.uscis.gov/humanitarian/humanitarian-parole/guidance-on-evidence-for-certain-types-of-humanitarian-or-significant-public-benefit-parole-requests)  
6 [for-certain-types-of-humanitarian-or-significant-public-benefit-parole-requests](https://www.uscis.gov/humanitarian/humanitarian-parole/guidance-on-evidence-for-certain-types-of-humanitarian-or-significant-public-benefit-parole-requests)  
7  
8 *See* related primer appended at Tab “1” to Plaintiff’s Appendix.<sup>5</sup>

9  
10 **3. Given the direct and detailed judicial admissions in Olena’s**  
11 **Amended Answer – which document that the substantive terms**  
12 **of the parties’ divorce are entirely undisputed – there are no**  
13 **grounds for Olena to set aside the properly entered Interlocutory**  
14 **Decree of Divorce.**

15 Enrique’s originating motion, filed on August 5, 2021, itemized each and  
16 every one of the nine (9) admissions in Olena’s Amended Answer that  
17 established that **all** issues of property, debt, spousal support/alimony, and  
18 attorneys’ fees and costs otherwise at issue in the parties’ divorce were 100%  
19 resolved. See *Motion* filed 8/5/21 at 1-2. The only remaining unresolved issue in  
20 this action was the paternity of the subject minor child, over which the Court  
21 expressly reserved jurisdiction in entering the parties’ Interlocutory Decree of  
22 Divorce.

23 Olena now argues that the Interlocutory Decree of Divorce should be set  
24 aside, on the contention that the parties did not “expressly stipulate” to the entry

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25 <sup>5</sup> What is more, there is no evidence to date that Olena has even applied for a passport for the subject child, as  
26 specifically required by the relevant portion of the Order After Hearing at page 6, starting at line 7.  
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1 of the Interlocutory Decree of Divorce. It should be plain to the Court that this is  
2 a tortured attempt to manufacture a factual distinction without a legal difference.

3 As openly acknowledged in Enrique's originating motion, a district court is  
4 without jurisdiction to enter a Decree of Divorce without contemporaneously  
5 disposing of the community property of the parties. Gojack v. Second Judicial  
6 Dist. Court, 95 Nev. 443, 445, 596 P.2d 237, 239 (1979). The latter task has  
7 been entirely obviated under the unique circumstances of this case, **whereby all**  
8 **such issues have already been resolved by the parties' pleadings.** In *Gojack*,  
9 the Nevada Supreme Court's identification of problems "inevitably flowing"  
10 from interlocutory divorce decrees all focused on the possible effect of that  
11 interim decree on the post-entry characterization of the parties' property,  
12 including the ongoing accrual of community property. None of those issues exist  
13 in this case, where the parties have unequivocally acknowledged that their  
14 property rights are fixed by their Premarital Agreement.

15 Moreover, Nevada case law has continued to hold a bifurcated,  
16 interlocutory Decree of Divorce appropriate and within a court's sound discretion  
17 as long as the bifurcation is not rendered *sua sponte*, but by consent of the parties.  
18 To that point, Smith v. Smith, 100 Nev. 610, 613, 691 P.2d 428, 430-31 (1984),  
19 affirmed a bifurcation based on an initial agreement and a subsequent failure to  
20 object to same. While Olena's motion here characterizes the *Smith* bifurcation as  
21 being premised on "the parties' convoluted procedural conduct" that "effectively  
22

1 stipulated to a bifurcated trial,” Olena does not in any way seek to explain why  
2 the clear judicial admissions in her Amended Answer are not the very same  
3 “effective stipulation” to bifurcation. Indeed, it is axiomatic that when a party  
4 admits that there are quite literally no issues in a divorce to litigate, those  
5 admissions are tantamount to the necessary consent, and thereby constitute an  
6 effective stipulation to bifurcation. Olena’s motion to set aside the Interlocutory  
7 Decree of Divorce must be denied. *See also Milender v. Marcum*, 110 Nev. 972,  
8 976, 879 P.2d 748, 750 (1994) (“Great mischief may occur where, absent  
9 consideration of fraud, a marriage has been ‘absolutely’ dissolved, the parties  
10 restored to single status, and after many months of living as unmarried, single  
11 persons, the court enters an order ‘undivorcing’ the divorced parties.”).

12  
13  
14  
15 **Motion for an Order to Show Cause Why Olena**  
16 **Should Not be Held in Contempt of the Order After Motion Hearing**

17 NRS 22.010(3) defines civil contempt as “[d]isobedience or resistance to a  
18 lawful writ, order, rule or process issued by the court or judge at chambers. NRS  
19 22.100 provides that the court may impose a fine of not more than \$500.00 and/or  
20 imprisonment of not more than 25 days, on anyone found guilty of contempt.  
21 “Generally, an order for civil contempt must be grounded upon one’s disobedience  
22 of an order that spells out ‘the details of compliance in clear, specific and  
23 unambiguous terms so that such person will readily know exactly what duties or  
24 obligations are imposed on him.’” *Southwest Gas Corp. v. Flintkote Co.*, 99 Nev.

1 127, 131, 659 P.2d 861, 864 (1983), quoting *Ex parte Slavin*, 412 S.W.2d 43, 44  
2 (Tex. 1967).

3 While willfulness is without question an essential element of criminal  
4 contempt (*In re D.I. Operating Co.*, 240 F.Supp. 672 (1965); *U.S. v. Armstrong*,  
5 781 F.2d 700 (1986)), it is not necessarily an essential element of civil contempt.  
6 According to the criminal contempt statute codified at NRS 199.340(4), “willful”  
7 disobedience to the lawful process or mandate of a court constitutes contempt. In  
8 contrast, the civil contempt statute, which is applicable here and is codified at  
9 NRS 22.010(3), does not contain the modifier “willful” but, instead, defines civil  
10 contempt merely as a disobedience or resistance to an order.  
11

12 When a party is alleged to be in contempt of court, and the contempt alleged  
13 is not in the immediate presence of the court, the party alleging the contempt must  
14 submit to the court an affidavit of the facts constituting the contempt. NRS  
15 22.030(2); *see also* EDCR 5.510.  
16

17 (a) **Olena continues to refuse to produce the court-ordered HIPAA**  
18 **release for her local OB/GYN’s medical records of her treatment.**

19 Olena is in violation of the parties’ Order After Motion Hearing at page 7,  
20 beginning at line 17, which reads as follows:

21 **IT IS FURTHER ORDERED** that Enrique’s “Motion to Compel  
22 Defendant’s Provision of HIPAA Release” is GRANTED. Discovery  
23 in this action on matters relevant to the pending paternity claim has  
24 previously been opened consistent with NRCP 16.2. Within ten (10)  
25 days of this hearing (*i.e.*, on or before September 17, 2021), Olena  
shall execute and return the HIPAA release previously requested by  
Enrique, which is attached to Enrique’s Exhibit Appendix, filed  
August 5, 2021, as bates-stamped document ES0003. The execution

1 of the HIPAA release is necessary and appropriate, as there may be  
2 admissions or data in the materials sought from Olena's OB/GYN that  
3 may be relevant to the child's paternity, and Enrique is entitled to that  
discovery.

4 Olena is in open, blatant, and ongoing violation of the Court's order. Olena  
5 has continued to refused to produce the HIPAA release, which her motion for  
6 rehearing blithely characterizes – despite the existence and clear mandate of the  
7 Court's order – as "...not just unnecessary, [but] offensive." See Motion at 5, line  
8 13. If those medical records establish by admission or medical data that Enrique  
9 is not the natural father of Olena's child, paternity testing is obviously redundant.<sup>6</sup>  
10 It is also bears mention that in the wake of her continuing refusal to produce the  
11 HIPAA release for her medical records for her local Las Vegas OB/GYN, Olena  
12 makes a second, serially requested motion to suspend all discovery in the case,  
13 which has already been requested by Olena and specifically denied by the Court in  
14 its order.<sup>7</sup> See Order After Motion Hearing at 7, lines 14-15.

16 Olena's contemptuous conduct in defiantly flaunting the Court's order on  
17 the HIPAA release, and refiling motions that have already been denied, is nothing  
18 short of outrageous. Her conduct makes clear that a finding of contempt, an  
19 immediate admonishment to produce, as well as a \$500.00 fine, is necessary to  
20 force her compliance and stop her from any further disobedience to the Court's  
21 orders.

23  
24 <sup>6</sup> The HIPAA release is not only highly relevant, but also minimally intrusive since it is for a single medical  
provider for only 34 days of pregnancy-related medical records (Olena's first appointment being February 17, 2021  
and her last being March 22, 2021).

25 <sup>7</sup> Moreover, on September 13, 2021, Olena failed to raise any objection to discovery then due on September 15,  
2021. Instead, through a phone call by her counsel, Olena asked for and received a two-week extension of  
discovery until September 29, 2021, thereby waiving her right to object later.



1 (b) Olena continues to refuse to produce a court-ordered “letter or  
2 email disclosure of the child’s full name, date of birth, and place  
3 of birth.”

4 Olena is also in violation of the parties’ Order After Motion Hearing at page  
5 8, beginning at line 8, which reads as follows:

6 **IT IS FURTHER ORDERED** that Olena, through her counsel, shall  
7 immediately produce a copy of the subject minor child’s birth certificate to  
8 Enrique’s counsel, and shall further provide a letter or email disclosure of  
the child’s full name, date of birth, and place of birth.

9 Olena has produced what she represents is the child’s birth certificate. She  
10 has failed to produce the referenced letter or email disclosure, and in particular,  
11 has failed to specify the child’s exact place of birth (clarified by the Court as the  
12 “hospital”; see 9/7/21 hearing video at time marker starting at 30:01), other than to  
13 assert the child was born in Kyiv, Ukraine. Olena should be immediately  
14 admonished to provide what was ordered.  
15

16  
17 *Countermotion for Attorneys Fees*

18 As a threshold matter, Enrique opposes Olena’s ill-conceived motion for  
19 attorney’s fees. That motion is truly bizarre in its concept. It appears to be  
20 premised on the fact that after motion practice, and the Court’s resulting entry of  
21 an Order and an Interlocutory Decree of Divorce, Enrique would then not stipulate  
22 to vacate those valid and enforceable orders.<sup>8</sup>  
23  
24

25 <sup>8</sup> The motion also complains that Enrique has not filed an FDF. Again, that request was made of the Court by  
26 Olena’s former counsel at hearing and was expressly denied without prejudice pending an adjudication of paternity.  
Schaerer v. Karpenko

1 Pursuant to EDCR 7.60(b)(1) and (2), the court may assess sanctions,  
2 including attorney's fees, when a party presents to the court a motion which is  
3 obviously frivolous, unnecessary, or unwarranted. The Court should assess  
4 reasonable attorney's fees against Olena as and for the necessity of having to  
5 oppose her invalid motions for rehearing and to set aside. The Court should award  
6 the entirety of the fees and costs that are attributable to the preparation of this  
7 opposition and countermotion.  
8

9 When considering whether to award attorney's fees, the Court must  
10 evaluate the legal basis for such fees and also the factors outlined in Brunzell v.  
11 Golden Gate National Bank, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969), which are  
12 as follows:

13 (1) The qualities of the advocate: his ability, his training, education,  
14 experience, professional standing and skill; (2) the character of the  
15 work to be done: its difficulty, its intricacy, its importance, time and  
16 skill required, the responsibility imposed and the prominence and  
17 character of the parties where they affect the importance of the  
18 litigation; (3) the work actually performed by the lawyer: the skill,  
19 time and attention given to the work; (4) the result: whether the  
20 attorney was successful and what benefits were derived.

21 Each factor should be given consideration, and no one element should be  
22 given undue weight or predominate. Miller v. Wilfong, 121 Nev. 619, 119 P.3d  
23 727 (2005). The Court should also consider any disparity in income between the  
24 parties when awarding fees. *Id.* at 623, 730 (citing Wright v. Osburn, 114 Nev.  
1367, 970 P.2d 1071 (1998)).

---

25 See Order After Motion Hearing at 8, lines 12-18. At hearing, the Court stated that "...given the way [the parties]  
26 have set up their relationship with one another, and their legal rights and duties to each, I think that making  
[Enrique] file would be for the purpose of harassment." 9/7/21 hearing video starting at time marker 37:34.  
Schaerer v. Karpenko OPPC

1 With respect to the *Brunzell* factors, counsel in this case is well-qualified,  
2 and a member in good standing of the state bar since 1988. He has practiced law  
3 for 33 years, primarily in the field of family law for the last 28 years. Counsel is  
4 “Av” rated by Martindale Hubbell. He has been selected by his peers for  
5 inclusion in *The Best Lawyers in America* every year since 2005, and in *Mountain*  
6 *States Super Lawyers* every year since 2007. The opposition presented is critical  
7 to the resolution of the issues in this matter. Further, a good deal of time and skill  
8 that is particular to family law cases is required to ensure the facts present a  
9 comprehensive picture of the outstanding issues. Counsel has diligently checked  
10 facts and reviewed the law and has striven to present a concise and logical picture  
11 of the issues and what Counsel believes is an appropriate conclusion for the Court.  
12 A verification of the effort expended, in the form of the client’s monthly  
13 statements, redacted as to confidential information, will be supplied to the Court  
14 upon request.  
15  
16

### 17 CONCLUSION

18  
19 WHEREFORE, based on the foregoing, Enrique respectfully requests that  
20 this court:

21 1. Deny Defendant’s Motion to Reconsider, Set Aside, Alter or Amend  
22 the Order After Motion Hearing, without oral argument;

23 2. Deny Defendant’s Motion to Set Aside Interlocutory Decree of  
24 Divorce;  
25

3. Grant an Order to Show Cause re: Contempt against Defendant Olena Karpenko, for her continuing non-compliance with the Order After Motion Hearing; and

4. Grant an award of attorney's fees for having to respond to Defendant's baseless motions.

DATED this 27<sup>th</sup> day of October, 2021.

PECOS LAW GROUP

Александр

**Paul A. Lemcke, Esq.**  
Nevada Bar No. 003466  
PECOS LAW GROUP  
8925 South Pecos Road, Suite 14A  
Henderson, Nevada 89074  
(702) 388-1851  
Attorney for Plaintiff

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1           4.     Olena is in violation of the portion of the Order After Motion  
2 Hearing, entered September 23, 2001, at page 7, starting at line 17, which reads as  
3 follows:  
4

5           **IT IS FURTHER ORDERED** that Enrique's "Motion to Compel  
6 Defendant's Provision of HIPAA Release" is GRANTED. Discovery  
7 in this action on matters relevant to the pending paternity claim has  
8 previously been opened consistent with NRCP 16.2. Within ten (10)  
9 days of this hearing (*i.e.*, on or before September 17, 2021), Olena  
10 shall execute and return the HIPAA release previously requested by  
11 Enrique, which is attached to Enrique's Exhibit Appendix, filed  
12 August 5, 2021, as bates-stamped document ES0003. The execution  
13 of the HIPAA release is necessary and appropriate, as there may be  
14 admissions or data in the materials sought from Olena's OB/GYN that  
15 may be relevant to the child's paternity, and Enrique is entitled to that  
16 discovery.

17           To date, Olena has refused and continues to refused to produce the HIPAA  
18 release ordered by the Court.

19           5.     Olena is also also in violation of the portion of the Order After  
20 Motion Hearing, at page 8, beginning at line 8, which reads as follows:

21           **IT IS FURTHER ORDERED** that Olena, through her counsel, shall  
22 immediately produce a copy of the subject minor child's birth certificate to  
23 Enrique's counsel, and shall further provide a letter or email disclosure of  
24 the child's full name, date of birth, and place of birth.

25           Olena has produced what she represents is the child's birth certificate. She  
26 has failed to produce the referenced letter or email disclosure, and in particular,  
has failed to specify the child's exact place of birth (clarified by the Court as the  
"hospital"; *see* 9/7/21 hearing video at time marker starting at 30:01), other than

1 the disclosure in the birth certificate that the child was born in Kyiv, Ukraine.  
2 Olena should be immediately admonished to provide what was ordered.

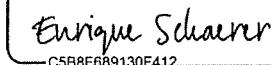
3 6. Without the production of the court-ordered materials, discovery has  
4 been intentionally impaired through non-compliance with the Court's order.  
5

6 7. I believe that a finding of contempt, an immediate admonishment to  
7 produce both unproduced documents, as well as a \$500.00 fine, is necessary to  
8 force Olena's compliance and stop her from any further disobedience of the  
9 Court's orders.

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

12 10/27/2021

13 DATED this \_\_\_\_ day of October, 2021.

14  
15 DocuSigned by:  
  
16 C5B8F689130E412  
**ENRIQUE SCHAERER**

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1 CERTIFICATE OF MAILING

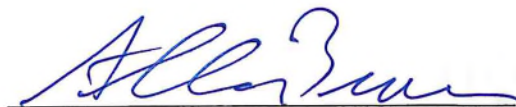
2 Pursuant to NRCP 5(b), I hereby certify that the foregoing Plaintiff's  
3 Opposition to Defendant's Motion to Reconsider, Set Aside, Alter or Amend the  
4 Order After Motion Hearing (entered 9/23/21); and For Decision Without Oral  
5 Argument -and- Plaintiff's Opposition to Defendant's Motion to Set Aside  
6 Interlocutory Decree of Divorce (entered 9/30/21) -and- Plaintiff's Countermotion  
7 for an Order to Show Cause why Defendant Should Not Be Held in Contempt of  
the Order After Motion Hearing ; and for Attorney's Fees in the above-captioned  
case was served this date as follows:

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

17  
18 To attorney(s) /person(s) listed below at the address:

19 Marshal Willick, Esq. [marshal@willicklawgroup.com](mailto:marshal@willicklawgroup.com)  
20 Reception [email@willicklawgroup.com](mailto:email@willicklawgroup.com)  
Victoria Javiel [victoria@willicklawgroup.com](mailto:victoria@willicklawgroup.com)

21 DATED this 27<sup>th</sup> day of October 2021.

22 

23 **Allan Brown**

24 An employee of PECOS LAW GROUP

MOFI

DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA

ENRIQUE SCHAEFER  
Plaintiff/Petitioner

v. OLENA KARPENKO  
Defendant/Respondent

Case No. 0.21.628088(r)

Dept. U

MOTION/OPPOSITION  
FEE INFORMATION SHEET

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

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

- ☐ \$25 The Motion/Opposition being filed with this form is subject to the \$25 reopen fee.  
-OR-  
☒ \$0 The Motion/Opposition being filed with this form is not subject to the \$25 reopen fee because:  
☒ The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.  
☐ The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.  
☐ The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on \_\_\_\_\_.  
☐ Other Excluded Motion (must specify) \_\_\_\_\_

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

- ☒ \$0 The Motion/Opposition being filed with this form is not subject to the \$129 or the \$57 fee because:  
☒ The Motion/Opposition is being filed in a case that was not initiated by joint petition.  
☐ The party filing the Motion/Opposition previously paid a fee of \$129 or \$57.  
-OR-  
☐ \$129 The Motion being filed with this form is subject to the \$129 fee because it is a motion to modify, adjust or enforce a final order.  
-OR-  
☐ \$57 The Motion/Opposition being filing with this form is subject to the \$57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of \$129.

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

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

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

Party filing Motion/Opposition: Enrique Schaefer Date 10/27/2021

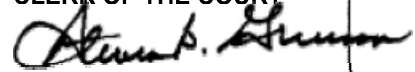
Signature of Party or Preparer Alia Zaman

OK000213

**EXHIBIT “23”**

**EXHIBIT “23”**

**EXHIBIT “23”**



1 **EXHS**

2 **Paul A. Lemcke, Esq.**

3 Nevada Bar No. 003466

4 **PECOS LAW GROUP**

5 8925 South Pecos Road, Suite 14A

6 Henderson, Nevada 89074

7 Telephone: (702) 388-1851

8 Facsimile: (702) 388-7406

9 Email: [Paul@pecoslawgroup.com](mailto:Paul@pecoslawgroup.com)

10 Attorney for Plaintiff

11 **DISTRICT COURT**  
12 **CLARK COUNTY, NEVADA**

13 **Enrique Schaerer,**

14 Plaintiff,

15 vs.

16 **Olena Karpenko,**

17 Defendant.

Case No. **D-21-628088-D**

Dept No. **U**

Date of Hearing: **November 10, 2021**

Time of Hearing: **10:30 a.m.**

18 **EXHIBIT APPENDIX TO PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION**  
19 **TO RECONSIDER, SET ASIDE, ALTER OR AMEND THE ORDER**  
20 **AFTER MOTION HEARING (ENTERED 9/23/21); AND**  
21 **FOR DECISION WITHOUT ORAL ARGUMENT**

22 **-and-**

23 **PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO SET ASIDE**  
24 **INTERLOCUTORY DECREE OF DIVORCE (ENTERED 9/30/21)**

25 **-and-**

26 **PLAINTIFF'S COUNTERMOTION FOR AN ORDER TO SHOW CAUSE WHY**  
**DEFENDANT SHOULD NOT BE HELD IN CONTEMPT OF THE ORDER AFTER**  
**MOTION HEARING ; AND FOR ATTORNEY'S FEES**



1 Plaintiff Enrique Schaerer, by and through his attorney of record Paul A.  
2 Lemcke, Esq., of Pecos Law Group submits his *Exhibit Appendix to Plaintiff's*  
3 *Opposition to Defendant's Motion to Reconsider, Set Aside, Alter or Amend the*  
4 *Order After Motion Hearing (entered 9/23/21); and For Decision Without Oral*  
5 *Argument -and- Plaintiff's Opposition to Defendant's Motion to Set Aside*  
6 *Interlocutory Decree of Divorce (entered 9/30/21) -and- Plaintiff's Countermotion*  
7 *for an Order to Show Cause why Defendant Should Not Be Held in Contempt of*  
8 *the Order After Motion Hearing ; and for Attorney's Fees.*

No.	Description	Bates Label Nos.
1	"Guidance on Evidence for Certain Types of Humanitarian or Significant Public Benefit Parole Requests"	ES0006 – ES0009

14  
15 DATED this 27<sup>th</sup> day of October, 2021.

16 PECOS LAW GROUP

17 

18 **Paul A. Lemcke, Esq.**

19 Nevada Bar No. 003466

20 8925 South Pecos Road, Suite 14A

21 Henderson, Nevada 89074

22 Attorney for Plaintiff

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I hereby certify that on this 27<sup>th</sup> day of October  
3 2021, the *Exhibit Appendix to Plaintiff's Opposition to Defendant's Motion to*  
4 *Reconsider, Set Aside, Alter or Amend the Order After Motion Hearing (entered*  
5 *9/23/21); and For Decision Without Oral Argument -and- Plaintiff's Opposition to*  
6 *Defendant's Motion to Set Aside Interlocutory Decree of Divorce (entered*  
7 *9/30/21) -and- Plaintiff's Countermotion for an Order to Show Cause why*  
8 *Defendant Should Not Be Held in Contempt of the Order After Motion Hearing ;*  
9 *and for Attorney's Fees.* in the above-captioned case was served as follows:

- 10 ☒ pursuant to NEFCR 9, by mandatory electronic service through the  
11 Eighth Judicial District Court's electronic filing system;  
12 ☐ pursuant to NRCP 5, by placing the same to be deposited for mailing  
13 in the United States Mail, in a sealed envelope upon which first class  
14 postage was prepaid in Las Vegas, Nevada;  
15 ☐ pursuant to EDCR 7.26 to be sent via facsimile and/or email, by duly  
16 executed consent for service by electronic means;  
17 ☐ by hand-delivery with signed Receipt of Copy.

18 To individual(s) listed below at the address:

19 Marshal Willick, Esq. marshal@willicklawgroup.com  
20 Reception email@willicklawgroup.com  
21 Victoria Javiel victoria@willicklawgroup.com

22 

23 **Allan Brown,**  
24 An employee of PECOS LAW GROUP

# EXHIBIT 1

EXHIBIT 1

OK000217



U.S. Citizenship  
and Immigration  
Services

Home > Humanitarian > Humanitarian Parole > Guidance on Evidence for Certain Types of Humanitarian or Significant Public Benefit Parole Requests

## Guidance on Evidence for Certain Types of Humanitarian or Significant Public Benefit Parole Requests

All [humanitarian or significant public benefit parole](#) requests must include important identity and other documents for the petitioner, the beneficiary and sponsor, as noted in [Documents to Submit in Support of All Parole Requests](#).

The below information identifies common types of parole requests as well as the evidence that may be relevant to support such requests. We provide this non-exhaustive information to help individuals understand some general factors we consider in determining whether to authorize parole for common types of requests, to assist individuals to prepare more complete packages, and to avoid requests for evidence which can cause delays. In some cases, more than one reason for parole may apply. In such cases, the petitioner should provide evidence for each of the reasons.

For focused, specific information about relevant evidence that may be submitted in support of some of the most common types of parole requests we receive, please see the information below. Click on the tabs to expand each section and see more detailed information for the noted type of parole request.

For more detailed information on eligibility for humanitarian or significant public benefit parole and on the process of applying for parole, please see [Humanitarian or Significant Public Benefit Parole for Individuals Outside the United States](#).

### Documents to Submit in Support of All Parole Requests

All parole requests should include relevant documentation supporting the request. The chart below outlines the types of documents you can submit with your parole request.

Close All Open All

All Parole Requests





Required Documentation:	Type of Documents to Submit
<b>Beneficiary</b>	<ul style="list-style-type: none"> <li>• A clear and legible copy of a government-issued identification document that shows the beneficiary's citizenship</li> </ul>
<b>Petitioner and Sponsor</b>	<ul style="list-style-type: none"> <li>• A clear and legible copy of a government-issued photo identification document that shows name and date of birth. For example: <ul style="list-style-type: none"> <li>◦ A current employment authorization document, if available;</li> <li>◦ A valid government-issued driver's license;</li> <li>◦ Passport identity page;</li> <li>◦ Form I-551, Permanent Resident Card, or</li> <li>◦ Any other official identity document.</li> </ul> </li> <li>• Evidence of valid U.S. immigration status or U.S. citizenship (such as a copy of a U.S. passport, lawful permanent resident card, or U.S. birth certificate), if any, if applicable. See <a href="#">Form I-131 instructions (PDF, 327.03 KB)</a>.</li> </ul>
<b>Sponsor</b>	<ul style="list-style-type: none"> <li>• Evidence of how the sponsor will financially support the beneficiary in the United States, including any evidence of employment, tax records, bank statements or other evidence. See <a href="#">Form I-131 instructions (PDF, 327.03 KB)</a>.</li> </ul>

## Most Common Types of of Parole Requests and Relevant Supporting Evidence

We encourage each petitioner to submit the types of evidence outlined below to support their reason for requesting parole. The list of evidence below is not exhaustive, though it is generally the type of evidence that should be provided to support these types of parole requests. However, submission of the evidence described below does not guarantee parole, and failure to submit this evidence does not mean that the request will be denied. In addition to including the relevant evidence below, each petitioner should carefully consider the specific reasons they are requesting parole and submit any other evidence they believe would support their case. Parole is discretionary and we take all of the circumstances of each case and supporting evidence into account. **Note:** Although a statement from the petitioner's representative or attorney explaining a basis for parole may be helpful in providing an overview of a petitioner's request, it is not considered evidence.

### Requests Based on Medical Reasons

The evidence submitted should be official, where applicable. Documents should be on the official letterhead of a hospital or doctor's office, be current and dated, and display the doctor's actual signature and not a stamp or signature made on the doctor's behalf.

To Receive Medical Treatment in the United States



To Be an Organ Donor to an Individual in the United States



To Reunite With Family in the United States for Urgent Humanitarian Reasons



To Care For or Otherwise Provide Support to a Seriously or Terminally Ill Relative in the United States



To Attend a Funeral or Settle the Affairs of a Deceased Relative in the United States



## Other Common Types of Parole Requests

To Come to the United States for Protection from Targeted or Individualized Harm



To Participate in Civil Legal Proceedings in the United States



### General Information for This Type of Parole Request

We have jurisdiction for parole requests to participate in civil proceedings in which all parties are privately participating in the lawsuit.


[ICE has jurisdiction \(PDF\)](#) over parole requests from individuals involved in legal proceedings where at least one party is a government entity.



### Providing Evidence

If the petitioner is seeking parole for the beneficiary so that they can participate in a hearing, trial or other legal proceeding, the petitioner should provide evidence regarding the proceeding and explain why the beneficiary's presence is necessary to help resolve outstanding legal issues. Generally, such requests are based more on significant public benefit reasons related to the efficient functioning of the U.S. judicial system.

## Examples of Relevant Evidence

- Information identifying the parties involved in the legal proceedings and their role.
- Documentation of the nature of the legal proceedings (such as the type of hearing and the role of the beneficiary in the proceeding).
- Court documents stating the date and time of the legal proceedings.

To Return to the United States After: Failing to get a travel document before departure from the United States; OR Failing to return to the United States before a travel document expired 

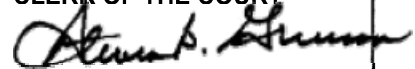
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Last Reviewed/Updated: 11/23/2016

**EXHIBIT “24”**

**EXHIBIT “24”**

**EXHIBIT “24”**



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

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

ENRIQUE SCHAEERER,  
Plaintiff,

vs.

OLENA KARPENKO,  
Defendant.

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

DATE OF HEARING: 11/10/2021  
TIME OF HEARING: 10:30 A.M.

**REPLY TO  
“PLAINTIFF’S OPPOSITION TO DEFENDANT’S EX PARTE  
MOTION FOR PERMISSION FROM THE COURT TO GRANT  
UKRAINE CONSULATE TO OBSERVE AT THE NOVEMBER 10,  
2021, HEARING”**

**I. INTRODUCTION**

It is unfortunate, but unsurprising, that Enrique does not want anyone to see or know about the repulsive things he has said and done in this case.<sup>1</sup> His current opposition is contrary to the various statutes and court rules involved, and barred by the Supremacy Clause of the United States Constitution. Our motion should have been summarily granted, and should be over Enrique’s objection.

---

<sup>1</sup> Enrique has denied paternity, impugned the integrity of Olena and the legitimacy of his child, and has sought to burden and endanger both of them by demanding wholly unnecessary and hazardous international travel which is impossible in any event, all in an effort to evade his child support obligation.

1  
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3  
4 **POINTS AND AUTHORITIES**  
5

6 **II. STATEMENT OF FACTS**

7 The Court is well aware of the facts of this case. For the relevant facts  
8 concerning this *Motion* we ask the Court to refer to the prior filings, which are  
9 incorporated here by reference.  
10

11 **III. REPLY**

12 **A. Nevada and Clark County Laws and Rules**

13 The original motion filed by Enrique purported to request both a sealed file and  
14 an advance order closing all hearings. The sealed file statute (NRS 125.110) is  
15 irrelevant to the pending motion.<sup>2</sup>

16 NRS 125.080 has been on the books since 1865. The statute only permits  
17 closed hearings in divorce trials.

18 Starting in the 1980s, local rules for the Eighth Judicial District Court (Clark  
19 County) were passed and approved by the Nevada Supreme Court governing  
20 procedure in “all domestic relations matters commenced under the provisions of Title  
21 11 of NRS” except paternity and reciprocal support cases (which had their own  
22 specialized rules) – in other words, in essentially all family court cases.

23 By 1995, the Clark County local rules included EDCR 5.02, stating that *all*  
24 family court hearings would be “private” upon the request of either party, but  
25 allowing the court to override such a request. This was always interpreted to mean  
26 the hearings would be closed.  
27

28  

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<sup>2</sup> See *Johanson v. Eighth Judicial Dist. Court of Nev.*, 124 Nev. 245, 182 P.3d 94 (2008).

1 NRS 125.080 was last updated in 2007; the amendment expanded the list of  
2 persons who could presumptively remain in a closed hearing at a divorce trial beyond  
3 court personnel, the parties, their counsel, and witnesses, to also include parents,  
4 guardians, and siblings of parties. The statute states that it applies to only “the trial  
5 and issue or issues of fact joined therein.” In other words, the statute itself is  
6 irrelevant to the upcoming motion hearing, and confers no right of closure.

7 The closed hearing local rule in Clark County was deleted from the rules in  
8 2016, based on an apparent error by the rule revision committee of that time. Some  
9 judges took the rule deletion to be a “change in policy” and stopped closing hearings  
10 except in the final trial of divorce cases, looking strictly at the language of NRS  
11 125.080.

12 The next rule revision committee noted the problem and attempted to restore  
13 the prior local rule as it had been in place previously, but when Phase One of the rule  
14 revisions went to the Supreme Court for approval in 2019, that Court altered the  
15 language to insert the words “pursuant to NRS 125.080” in the title of the rule (then  
16 EDCR 5.210), and changed the reference from “all actions filed under Title 11” to “in  
17 an action for divorce” in the rule text, although the restored rule still referred to  
18 “hearings or trial.”

19 The effect of those changes was to expand the ability in Clark County to  
20 request closed hearings from trials to include pre-trial hearings, but adding subsection  
21 (d), under which:

22 If the court determines that the interests of justice or the best interest of  
23 a child would be served, the court may permit a person to remain, observe, and  
24 hear relevant portions of proceedings notwithstanding the demand of a party  
that the proceeding be private.

25 It is obvious that both the “interests of justice” and the best interest of the  
26 infant are served by allowing his government to be assured that he is being treated  
27 fairly by the family court of Nevada.  
28

1 Further changes to the local rule have been proposed by the 2019-2021 rule  
2 revision committee, but as of this writing are still pending review and approval by the  
3 Nevada Supreme Court.

4 In short, even if the federal law set out below was not controlling (and it is),  
5 this Court should override Enrique's desire for secrecy on the basis of public policy,  
6 international comity, and the interests of justice; as Supreme Court Justice William  
7 O. Douglas once remarked about secrecy in general, "Sunlight is the best  
8 disinfectant."

9  
10 **B. Controlling Federal Law**

11 This Court, however, need not rely only upon public policy and common sense.  
12 Under the Supremacy Clause of the United States Constitution,<sup>3</sup> the treaties entered  
13 into by the United States are on par with the Constitution and supersede *any* other law  
14 or ruling of any federal or state government.

15 Article 5 of the Vienna Convention on Consular Relations,<sup>4</sup> dated April 24,  
16 1963, effective March 19, 1967, and ratified by the United States on December 24,  
17 1969, provides in part that it is the purpose of the Convention and the duty of a court  
18 to permit consular access to monitor court proceedings so as to:

19 (h) safeguard[], within the limits imposed by the laws and regulations of the  
20 receiving State, the interests of minors and other persons lacking full capacity  
21 who are nationals of the sending State, particularly where any guardianship or  
trusteeship is required with respect to such persons;

22 As Enrique admits, what remains in this case are questions of paternity and  
23 child support involving a mother and an infant who are both Ukrainian citizens – and

---

24 <sup>3</sup> Article VI, Paragraph 2 of the U.S. Constitution.

25 <sup>4</sup> Vienna Convention on Consular Relations, Apr. 24, 1963, 21 U.S.T. 77, 596 U.N.T.S. 261  
26 (entered into force Mar. 19, 1967) (entered into force for the United States Dec. 24, 1969). *See*  
27 United States Dept. of State, Consular Notification and Access; Instructions for Federal, State, and  
28 Local Law Enforcement and Other Officials Regarding Foreign Nationals in the United States and  
the Rights of Consular Officials to Assist Them (U.S. Dept. of State, Office of Legal Adviser and  
Bureau of Consular Affairs, 5<sup>th</sup> ed. Sept. 2018).



1 the government of that country has expressed an interest in being sure that its citizens  
2 are being fairly treated by the courts of this country. Refusing to allow consular  
3 access would violate the Convention, the supreme law of the land. Enrique's desire  
4 to keep secret his shameful treatment of his wife and child are not permitted by the  
5 controlling law.

6  
7 **IV. CONCLUSION**

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

- 9 1. Allow Ukrainian Consulate in San Francisco to attend and  
10 observe at the upcoming hearing.  
11 2. Deny Plaintiff's *Opposition* in its entirety.  
12 3. For such other and further relief as the Court deems just and  
13 proper, to specifically include an award of fees to Olena in this  
14 ongoing action given the extent to which Enrique is needlessly  
15 and relentlessly "multiplying the proceedings in a case as to  
16 increase costs unreasonably and vexatiously."

17 DATED this 28<sup>th</sup> day of October, 2021.

18 Respectfully Submitted By:

19 WILICK LAW GROUP

20 

21 MARSHAL S. WILICK, ESQ.  
22 Nevada Bar No. 2515  
23 3591 E. Bonanza, Suite 200  
24 Las Vegas, Nevada 89110-2101  
25 (702) 438-4100 Fax (702) 438-5311  
26 Attorneys for Defendant  
27  
28

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2. I have read the preceding filing, and I have personal knowledge of the facts contained therein, unless stated otherwise. Further, the factual averments contained therein are true and correct to the best of my knowledge, except those matters based on information and belief, and as to those matters, I believe them to be true.

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

*Paul B. Wood*

**MARSHAL S. WILICK, ESQ.**

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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY, pursuant to NRCP 5(b), that I am an employee of the  
WILICK LAW GROUP and that on this 28th day of October, 2021, I caused the  
foregoing document to be served as follows:

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

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

Paul A. Lemcke, Esq.  
Pecos Law Group  
8925 South Pecos Road, Suite 14A  
Henderson, Nevada 89074  
paul@pecoslawgroup.com  
*Attorney for Plaintiff*

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

P:\wp19\KARPENKO, O\DRAFTS\00528777.WPD/vj

**EXHIBIT “25”**

**EXHIBIT “25”**

**EXHIBIT “25”**

1 **OSC**  
2 **Paul A. Lemcke, Esq.**  
3 Nevada Bar No. 003466  
4 PECOS LAW GROUP  
5 8925 South Pecos Road, Suite 14A  
6 Henderson, Nevada 89074  
7 Telephone: (702) 388-1851  
8 Facsimile: (702) 388-7406  
9 Email: [Paul@pecoslawgroup.com](mailto:Paul@pecoslawgroup.com)  
10 Attorney for Plaintiff

11 **DISTRICT COURT**  
12 **CLARK COUNTY, NEVADA**

13 **Enrique Schaerer,**

14 Plaintiff,

15 vs.

16 **Olena Karpenko,**

17 Defendant.

Case No. **D-21-628088-D**

Dept No. **U**

Date of Hearing: \_\_\_\_\_

Time of Hearing: \_\_\_\_\_

18 **ORDER TO SHOW CAUSE**

19 THIS COURT, having reviewed Plaintiff's *COUNTERMOTION FOR AN ORDER*  
20 *TO SHOW CAUSE WHY DEFENDANT SHOULD NOT BE HELD IN CONTEMPT OF THE*  
21 *ORDER AFTER MOTION HEARING*, filed October 27, 2021, and based upon the facts  
22 set forth in the affidavit thereto, and good cause appearing therefore:

23 THE COURT HEREBY ORDERS that Defendant **Olena Karpenko** shall  
24 appear in **Department U**, in the Regional Justice Center, located at 200 Lewis  
25  
26

1 Avenue, Las Vegas, Nevada 89101, on \_\_\_\_\_ at the hour of  
2 \_\_\_\_\_ of said day or as soon thereafter as counsel may be heard, to show  
3 cause, if any she has, why she should not be held in contempt and sanctioned for  
4 each violation of the *Order After Motion Hearing* filed September 23, 2021, as  
5 Defendant may appear by BlueJeans for the Order to Show Cause hearing. The  
6 follows – in Ukraine and the Court has no proof that she is legally entitled to enter the U.S. at  
this time.

7 At page 7, beginning at line 16, through page 8, line 2, for failing to execute  
8 and return the specified HIPAA release:

9 **IT IS FURTHER ORDERED** that Enrique's "Motion to  
10 *Compel Defendant's Provision of HIPAA Release*" is GRANTED.  
11 Discovery in this action on matters relevant to the pending paternity  
12 claim has previously been opened consistent with NRCP 16.2. Within  
13 ten (10) days of this hearing (*i.e.*, on or before September 17, 2021),  
14 Olena shall execute and return the HIPAA release previously  
15 requested by Enrique, which is attached to Enrique's Exhibit  
16 Appendix, filed August 5, 2021, as bates-stamped document ES0003.  
The execution of the HIPAA release is necessary and appropriate, as  
there may be admissions or data in the materials sought from Olena's  
OB/GYN that may be relevant to the child's paternity, and Enrique is  
entitled to that discovery.

17 At 8, lines 8 through 11, for failing to provide a letter or email disclosure of  
18 the child's full name, date of birth, and place of birth:

19 **IT IS FURTHER ORDERED** that Olena, through her  
20 counsel, shall immediately produce a copy of the subject minor  
21 child's birth certificate to Enrique's counsel, and shall further provide  
22 a letter or email disclosure of the child's full name, date of birth, and  
place of birth.

23 THE COURT FURTHER ORDERS that in the event Defendant **Olena**  
24 **Karpenko** fails to show cause why she should not be held in contempt as set forth  
25 in this Order to Show Cause, sanctions may be imposed by this court without  
26

1 further participation by Defendant **Olena Karpenko** and said sanctions may  
2 include, but not be limited to, stayed incarceration, an award of attorney's fees,  
3 and other relief necessary to secure Defendant **Olena Karpenko's** compliance  
4 with orders of this Court and to ensure no further disobedience to said orders.  
5

6 THE COURT FURTHER ORDERS that if Defendant **Olena Karpenko**  
7 does not appear before this court as ordered herein, this court may grant the relief  
8 requested, and enter findings of contempt and impose sanctions including  
9 incarceration and an award of attorney's fees for her disobedience to the orders  
10 stated above.  
11

12 THE COURT FURTHER ORDERS that if Defendant **Olena Karpenko**  
13 does not appear before this court as ordered herein, this court may also issue a  
14 warrant for the arrest of Defendant **Olena Karpenko** in order to secure her  
15 presence before the court. In the event of the issuance of said warrant and the  
16 apprehension of Defendant **Olena Karpenko**, the chambers of the Honorable  
17 Dawn Throne shall be contacted immediately and arrangements made for placing  
18 this matter back on the court's calendar and securing the presence of Defendant  
19 **Olena Karpenko** before this court.  
20

21 . . .

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1 THE COURT FURTHER ORDERS that a copy of this Order to Show  
2 Cause shall be served on Defendant **Olena Karpenko** or, if represented, upon her  
3 attorney.  
4

5 Dated this 2nd day of November, 2021

6 

7 559 134 A3D3 AC08  
8 Dawn R. Throne  
9 District Court Judge

10 Respectfully submitted by:

11 PECOS LAW GROUP

12 

13 **Paul A. Lemcke, Esq.**  
14 Nevada Bar No. 003466  
15 8925 South Pecos Road, Suite 14A  
16 Henderson, Nevada 89074  
17 Attorney for Plaintiff  
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1 **CSERV**

2  
3 **DISTRICT COURT**  
4 **CLARK COUNTY, NEVADA**

5  
6 **Enrique Schaerer, Plaintiff**

**CASE NO: D-21-628088-D**

7 **vs.**

**DEPT. NO. Department U**

8 **Olena Karpenko, Defendant.**

9  
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 **Service Date: 11/2/2021**

15 **Marshal Willick**

**marshal@willicklawgroup.com**

16 **Reception Reception**

**email@willicklawgroup.com**

17 **Victoria Javiel**

**victoria@willicklawgroup.com**

18 **admin email**

**email@pecoslawgroup.com**

19 **Allan Brown**

**allan@pecoslawgroup.com**

20 **Paul Lemcke**

**paul@pecoslawgroup.com**

21  
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**OK000233**

**EXHIBIT “26”**

**EXHIBIT “26”**

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1 **OSC**  
2 **Paul A. Lemcke, Esq.**  
3 Nevada Bar No. 003466  
4 PECOS LAW GROUP  
5 8925 South Pecos Road, Suite 14A  
6 Henderson, Nevada 89074  
7 Telephone: (702) 388-1851  
8 Facsimile: (702) 388-7406  
9 Email: [Paul@pecoslawgroup.com](mailto:Paul@pecoslawgroup.com)  
10 Attorney for Plaintiff

11 **DISTRICT COURT**  
12 **CLARK COUNTY, NEVADA**

13 **Enrique Schaerer,**

14 Plaintiff,

15 vs.

16 **Olena Karpenko,**

17 Defendant.

Case No. **D-21-628088-D**

Dept No. **U**

Date of Hearing: 11/10/2021

Time of Hearing: 10:30AM

18 AMENDED

19 **ORDER TO SHOW CAUSE**

20 THIS COURT, having reviewed Plaintiff's *COUNTERMOTION FOR AN ORDER*  
21 *TO SHOW CAUSE WHY DEFENDANT SHOULD NOT BE HELD IN CONTEMPT OF THE*  
22 *ORDER AFTER MOTION HEARING*, filed October 27, 2021, and based upon the facts  
23 set forth in the affidavit thereto, and good cause appearing therefore:

24 THE COURT HEREBY ORDERS that Defendant **Olena Karpenko** shall  
25 appear in **Department U**, in the Regional Justice Center, located at 200 Lewis  
26

1 Avenue, Las Vegas, Nevada 89101, on NOVEMBER 10, 2021 at the hour of  
2 10:30AM of said day or as soon thereafter as counsel may be heard, to show  
3 cause, if any she has, why she should not be held in contempt and sanctioned for  
4 each violation of the *Order After Motion Hearing* filed September 23, 2021, as  
5 Defendant may appear by BlueJeans for the Order to Show Cause hearing. The  
6 follows – Court will not require Defendant to appear in person because Defendant is  
currently in Ukraine and the Court has no proof that she is legally entitled to enter  
the U.S. at this time.

7 At page 7, beginning at line 16, through page 8, line 2, for failing to execute  
8 and return the specified HIPAA release:

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10 *Compel Defendant's Provision of HIPAA Release*" is GRANTED.  
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13 ten (10) days of this hearing (*i.e.*, on or before September 17, 2021),  
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22 a letter or email disclosure of the child's full name, date of birth, and  
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23 **THE COURT FURTHER ORDERS** that in the event Defendant **Olena**  
24 **Karpenko** fails to show cause why she should not be held in contempt as set forth  
25 in this Order to Show Cause, sanctions may be imposed by this court without  
26

1 further participation by Defendant **Olena Karpenko** and said sanctions may  
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11

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14 warrant for the arrest of Defendant **Olena Karpenko** in order to secure her  
15 presence before the court. In the event of the issuance of said warrant and the  
16 apprehension of Defendant **Olena Karpenko**, the chambers of the Honorable  
17 Dawn Throne shall be contacted immediately and arrangements made for placing  
18 this matter back on the court's calendar and securing the presence of Defendant  
19 **Olena Karpenko** before this court.  
20

21 . . .

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1 THE COURT FURTHER ORDERS that a copy of this Order to Show  
2 Cause shall be served on Defendant **Olena Karpenko** or, if represented, upon her  
3 attorney.  
4

5 Dated this 2nd day of November, 2021

6 

7 **DE9 E45 6EFB BE5E**  
8 **Dawn R. Throne**  
9 **District Court Judge**

10 Respectfully submitted by:

11 PECOS LAW GROUP

12 

13 **Paul A. Lemcke, Esq.**  
14 Nevada Bar No. 003466  
15 8925 South Pecos Road, Suite 14A  
16 Henderson, Nevada 89074  
17 Attorney for Plaintiff  
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1 **CSERV**

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3 **DISTRICT COURT**  
4 **CLARK COUNTY, NEVADA**

5  
6 **Enrique Schaerer, Plaintiff**

**CASE NO: D-21-628088-D**

7 **vs.**

**DEPT. NO. Department U**

8 **Olena Karpenko, Defendant.**

9  
10 **AUTOMATED CERTIFICATE OF SERVICE**

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17 **Victoria Javiel**

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19 **Allan Brown**

**allan@pecoslawgroup.com**

20 **Paul Lemcke**

**paul@pecoslawgroup.com**

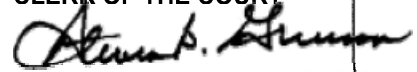
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**EXHIBIT “27”**

**EXHIBIT “27”**

**EXHIBIT “27”**





1 **NEOJ**  
2 **Paul A. Lemcke, Esq.**  
3 Nevada Bar No. 003466  
4 **PECOS LAW GROUP**  
5 8925 South Pecos Road, Suite 14A  
6 Henderson, Nevada 89074  
7 Telephone: (702) 388-1851  
8 Facsimile: (702) 388-7406  
9 Email: [Paul@pecoslawgroup.com](mailto:Paul@pecoslawgroup.com)  
10 Attorney for Plaintiff

11 **DISTRICT COURT**  
12 **CLARK COUNTY, NEVADA**

13 **Enrique Schaerer,**

14 Plaintiff,

15 vs.

16 **Olena Karpenko,**

17 Defendant.

Case No. **D-21-628088-D**

Dept No. **U**

Date of Hearing: n/a

Time of Hearing: n/a

18 **NOTICE OF ENTRY OF ORDER**

19 TO: Olena Karpenko, Defendant; and

20 TO: Marshal Willick, Esq., attorney for Defendant.

21 YOU WILL PLEASE TAKE NOTICE that AMENDED ORDER TO SHOW  
22 CAUSE was entered in the above-captioned case on the 2<sup>nd</sup> day of November

23 ///

24 ///

25 ///

1 2021, by filing with the clerk. A true and correct copy of said ORDER is attached  
2 hereto and made a part hereof.

3 DATED this 2nd day of November, 2021.

4  
5 PECOS LAW GROUP

6 

7 **Paul A. Lemcke, Esq.**

8 Nevada Bar No. 003466

9 8925 South Pecos Road, Suite 14A

10 Henderson, Nevada 89074

11 Attorney for Plaintiff


1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I hereby certify that on this 2<sup>nd</sup> day of November  
3 2021, the **Notice of Entry of Order**, in the above-captioned case was served as  
4 follows:

- 5 ☒ pursuant to NEFCR 9, by mandatory electronic service through the  
6 Eighth Judicial District Court's electronic filing system;
- 7 ☐ pursuant to NRCP 5, by placing the same to be deposited for mailing  
8 in the United States Mail, in a sealed envelope upon which first class  
9 postage was prepaid in Las Vegas, Nevada;
- 10 ☐ pursuant to EDCR 7.26 to be sent via facsimile and/or email, by duly  
11 executed consent for service by electronic means;
- 12 ☐ by hand-delivery with signed Receipt of Copy.

13 To individual(s) listed below at the address:

14 Marshal Willick, Esq. marshal@willicklawgroup.com  
15 Reception email@willicklawgroup.com  
16 Victoria Javiel victoria@willicklawgroup.com

17   
18 **Allan Brown,**  
19 An employee of PECOS LAW GROUP  
20  
21  
22  
23  
24  
25  
26

*Alanna S. Quinn*  
CLERK OF THE COURT

1 **OSC**  
2 **Paul A. Lemcke, Esq.**  
3 Nevada Bar No. 003466  
4 PECOS LAW GROUP  
5 8925 South Pecos Road, Suite 14A  
6 Henderson, Nevada 89074  
7 Telephone: (702) 388-1851  
8 Facsimile: (702) 388-7406  
9 Email: [Paul@pecoslawgroup.com](mailto:Paul@pecoslawgroup.com)  
10 Attorney for Plaintiff

8 **DISTRICT COURT**  
9 **CLARK COUNTY, NEVADA**

10 **Enrique Schaerer,**

11 Plaintiff,

12 vs.

13 **Olena Karpenko,**

14 Defendant.

Case No. **D-21-628088-D**

Dept No. **U**

Date of Hearing: 11/10/2021

Time of Hearing: 10:30AM

15 AMENDED

16 **ORDER TO SHOW CAUSE**

17  
18  
19 THIS COURT, having reviewed Plaintiff's *COUNTERMOTION FOR AN ORDER*  
20 *TO SHOW CAUSE WHY DEFENDANT SHOULD NOT BE HELD IN CONTEMPT OF THE*  
21 *ORDER AFTER MOTION HEARING*, filed October 27, 2021, and based upon the facts  
22 set forth in the affidavit thereto, and good cause appearing therefore:

23 THE COURT HEREBY ORDERS that Defendant **Olena Karpenko** shall  
24 appear in **Department U**, in the Regional Justice Center, located at 200 Lewis  
25  
26

1 Avenue, Las Vegas, Nevada 89101, on NOVEMBER 10, 2021 at the hour of  
2 10:30AM of said day or as soon thereafter as counsel may be heard, to show  
3 cause, if any she has, why she should not be held in contempt and sanctioned for  
4 each violation of the *Order After Motion Hearing* filed September 23, 2021, as  
5 Defendant may appear by BlueJeans for the Order to Show Cause hearing. The  
6 follows – Court will not require Defendant to appear in person because Defendant is  
currently in Ukraine and the Court has no proof that she is legally entitled to enter  
the U.S. at this time.

7 At page 7, beginning at line 16, through page 8, line 2, for failing to execute  
8 and return the specified HIPAA release:

9 **IT IS FURTHER ORDERED** that Enrique's "Motion to  
10 *Compel Defendant's Provision of HIPAA Release*" is GRANTED.  
11 Discovery in this action on matters relevant to the pending paternity  
12 claim has previously been opened consistent with NRCP 16.2. Within  
13 ten (10) days of this hearing (*i.e.*, on or before September 17, 2021),  
14 Olena shall execute and return the HIPAA release previously  
15 requested by Enrique, which is attached to Enrique's Exhibit  
16 Appendix, filed August 5, 2021, as bates-stamped document ES0003.  
The execution of the HIPAA release is necessary and appropriate, as  
there may be admissions or data in the materials sought from Olena's  
OB/GYN that may be relevant to the child's paternity, and Enrique is  
entitled to that discovery.

17 At 8, lines 8 through 11, for failing to provide a letter or email disclosure of  
18 the child's full name, date of birth, and place of birth:

19 **IT IS FURTHER ORDERED** that Olena, through her  
20 counsel, shall immediately produce a copy of the subject minor  
21 child's birth certificate to Enrique's counsel, and shall further provide  
22 a letter or email disclosure of the child's full name, date of birth, and  
place of birth.

23 **THE COURT FURTHER ORDERS** that in the event Defendant **Olena**  
24 **Karpenko** fails to show cause why she should not be held in contempt as set forth  
25 in this Order to Show Cause, sanctions may be imposed by this court without  
26

1 further participation by Defendant **Olena Karpenko** and said sanctions may  
2 include, but not be limited to, stayed incarceration, an award of attorney's fees,  
3 and other relief necessary to secure Defendant **Olena Karpenko's** compliance  
4 with orders of this Court and to ensure no further disobedience to said orders.  
5

6 THE COURT FURTHER ORDERS that if Defendant **Olena Karpenko**  
7 does not appear before this court as ordered herein, this court may grant the relief  
8 requested, and enter findings of contempt and impose sanctions including  
9 incarceration and an award of attorney's fees for her disobedience to the orders  
10 stated above.  
11

12 THE COURT FURTHER ORDERS that if Defendant **Olena Karpenko**  
13 does not appear before this court as ordered herein, this court may also issue a  
14 warrant for the arrest of Defendant **Olena Karpenko** in order to secure her  
15 presence before the court. In the event of the issuance of said warrant and the  
16 apprehension of Defendant **Olena Karpenko**, the chambers of the Honorable  
17 Dawn Throne shall be contacted immediately and arrangements made for placing  
18 this matter back on the court's calendar and securing the presence of Defendant  
19 **Olena Karpenko** before this court.  
20

21 ...

22 ...

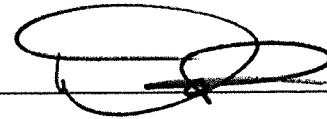
23 ...

24 ...

25 ...

1 THE COURT FURTHER ORDERS that a copy of this Order to Show  
2 Cause shall be served on Defendant **Olena Karpenko** or, if represented, upon her  
3 attorney.  
4

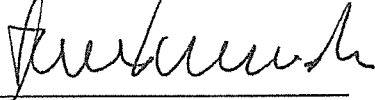
5 Dated this 2nd day of November, 2021

6 

7  
8 **DE9 E45 6EFB BE5E**  
**Dawn R. Throne**  
**District Court Judge**

9 Respectfully submitted by:

10 PECOS LAW GROUP

11 

12 **Paul A. Lemcke, Esq.**  
13 Nevada Bar No. 003466  
14 8925 South Pecos Road, Suite 14A  
Henderson, Nevada 89074  
Attorney for Plaintiff

1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
4

5  
6 Enrique Schaerer, Plaintiff

CASE NO: D-21-628088-D

7 vs.

DEPT. NO. Department U

8 Olena Karpenko, Defendant.  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 11/2/2021

15 Marshal Willick

marshal@willicklawgroup.com

16 Reception Reception

email@willicklawgroup.com

17 Victoria Javiel

victoria@willicklawgroup.com

18 admin email

email@pecoslawgroup.com

19 Allan Brown

allan@pecoslawgroup.com

20 Paul Lemcke

paul@pecoslawgroup.com  
21  
22  
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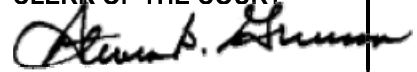
OK000246



**EXHIBIT “28”**

**EXHIBIT “28”**

**EXHIBIT “28”**



**RPLY**  
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**

ENRIQUE SCHAEERER,  
Plaintiff,

vs.

OLENA KARPENKO,  
Defendant.

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

DATE OF HEARING: 11/10/2021  
TIME OF HEARING: 10:30 A.M.

**REPLY TO  
“PLAINTIFF’S OPPOSITION TO DEFENDANT’S MOTION TO  
RECONSIDER, SET ASIDE, ALTER OR AMEND THE ORDER  
AFTER MOTION HEARING (ENTERED 9/23/2021); AND FOR  
DECISION WITHOUT ORAL ARGUMENT”**

**-and-**

**REPLY TO “PLAINTIFF’S OPPOSITION TO DEFENDANT’S  
MOTION TO SET ASIDE INTERLOCUTORY DECREE OF  
DIVORCE (ENTERED 9/30/2021)”**

**-and-**

**DEFENDANT’S OPPOSITION TO PLAINTIFF’S  
“COUNTERMOTION FOR AN ORDER TO SHOW CAUSE WHY  
DEFENDANT SHOULD NOT BE HELD IN CONTEMPT OF THE  
ORDER AFTER MOTION HEARING; AND FOR ATTORNEY’S  
FEES”**

1     **I.     INTRODUCTION**

2             We appreciate that for the wealthy and more powerful, the best defense is often  
3     a good offense, but Enrique’s position makes it to “offensive,” without good cause,  
4     and the level of hysteria throughout his filings is unwarranted.

5             I appreciate that prior counsel were not particularly experienced or  
6     knowledgeable regarding international paternity and custody cases, but there is not  
7     much I can do about the history other than point it out and attempt to put the  
8     remainder of this matter on a rational and efficient path for resolution – even if that  
9     means arguing against Enrique’s efforts to establish falsehoods as “fact” by brunt of  
10    oppressive litigation tactics.

11  
12                             **POINTS AND AUTHORITIES**

13  
14     **II.    STATEMENT OF FACTS**

15             The Court is well aware of the facts of this case, although they have been  
16     repeatedly misrepresented by Enrique – as when he continues to rail about Olena’s  
17     “secret” flight back to Ukraine – after he kicked her out of the house, told her to  
18     leave, and denied any kind of material, legal immigration, or personal support to his  
19     pregnant wife.<sup>1</sup> For the relevant facts concerning this *Motion* we ask the Court to  
20     refer to our prior filings, which are incorporated here by reference.

21  
22  
23  
24  
25             

---

<sup>1</sup> It is pretty academic, really, but I have seen the text message from Olena to Enrique’s father,  
26     Marcel Schaerer, of Olena’s planned departure three weeks in advance – and shortly after Enrique  
27     demanded she leave. *And Enrique drove her to the airport.* The cloak and dagger assertions at page  
28     3 regarding prior counsel are unnecessary – Olena was in the Ukraine, and Mr. Onello had no  
   information, and no knowledge of what to do; there was no “intent to delay” – just counsel unable  
   to figure out what to do to properly represent his client.

1     **III.   REPLY**

2             **A.    Plaintiff’s Opposition to Set Aside Interlocutory Decree of Divorce**

3             Essentially, Enrique’s arguments are procedural; he has no desire to have this  
4     Court focus on and truthfully resolve the actual substance – paternity, and support,  
5     as that would not be good for his litigation strategy. There is nothing “extraordinary”  
6     about the Court acknowledging the current state of the world (Covid especially), and  
7     the realities of the availability of visas, etc.

8             And the stated intention to compel international travel by invoking a non-  
9     existent “emergency” to seek “parole” from visa requirements is absurd on its face.  
10    There is no emergency – and Enrique’s desire to oppress Olena and cause financial  
11    and health damage to Olena (who is unvaccinated)<sup>2</sup> and his own infant son (who  
12    cannot be vaccinated) does not constitute one. The child’s doctor has requested that  
13    the infant not travel.

14            We wholeheartedly agree that it is necessary to “ensure reliable DNA  
15    sampling.” But the indisputable fact is that it is *impossible* to fake a positive DNA  
16    test, and simply having both labs do the same test resolves all problems without the  
17    resort to ridiculous international travel orders.

18            The only party with a motive to fake anything is Enrique, so we wholeheartedly  
19    agree that as strict of identification verification as possible be stressed by the labs on  
20    **both** ends to prevent Enrique from sending in a decoy or otherwise attempting to  
21    thwart positive DNA identification of paternity.<sup>3</sup>

22            This is not a “re-hash” – no one involved in this litigation to date has  
23    apparently ever had one of these cases before, and none is member of the  
24

---

25                   <sup>2</sup> She avoided vaccinations during pregnancy, and since then has been advised against them  
26    due to illnesses since giving birth. She lives with two elderly, *also* unvaccinated people who are in  
27    high-risk groups by age and illness.

28                   <sup>3</sup> If for *any* reason the rational and simple methodology proves unworkable, the testing could  
  be deferred until the pandemic is less of a concern, but there seems no legitimate reason to do so.

1 International Academy of Family Lawyers who do so with some frequency. It is  
2 therefore not terribly surprising that the completely unnecessary demands by Enrique  
3 – despite the enormous cost, danger, and impracticality – were seized upon as  
4 opposed to a rational, economical, and essentially fool-proof alternative that is readily  
5 available:

- 6 – Have samples collected where each party lives, using *strict* identification  
7 verification.<sup>4</sup>
- 8 – Have those samples exchanged, to labs in each location.
- 9 – Have the two labs cross-check each other's results.

10 Enrique's paranoid ravings (at 9-10) about "artificial DNA" are beyond  
11 ridiculous, and nowhere does he assert any rational reason how or why the suggested  
12 protocol will not produce the desired certainty. Again, the only substantial danger is  
13 that he manages to submit a fake sample, so *both* labs should take photographs,  
14 carefully compare I.D.s, and otherwise strong measures to avoid fraud.

15 And the request to set aside the *Decree* until after paternity and support are  
16 determined came from me, not from Olena, as a matter of adherence to the declared  
17 policies and case law from the Nevada Supreme Court and the court rules, which  
18 experience has proven are there for a reason. I can detail them upon request, but  
19 ignoring the anti-bifurcation directives of *Gojack* has previously caused multiple  
20 years of absolutely unnecessary litigation.<sup>5</sup>

---

22 <sup>4</sup> If Enrique's hysterical and histrionic claims about Ukrainian DNA labs were given *any*  
23 credence, it would be relatively simple – and a lot cheaper – to have a representative from any  
24 accredited lab in Germany or elsewhere in Europe fly to the Ukraine, take the specimens while  
25 videotaping the process, and then do the test in another lab. This is the protocol that should be used  
*if* Enrique somehow manages to deceive the test to avoid paternity. Again, it is impossible to fake  
a positive.

26 <sup>5</sup> There was no "stipulation" to bifurcate, and Mr. Lemcke's desire to claim that one was  
27 "effectively" made is sophistry. A similar claim by a lawyer led to about three years of unnecessary  
28 appellate litigation in one case I was called in to clean up. See *Liebert v. Liebert*, Supreme Court  
Nos. 47827 & 47867, on appeal from District Court Case No. D282975. The case spawned years  
of litigation in several forums in two States, involving many of the "numerous problems inevitably

1 **IV. OPPOSITION TO COUNTERMOTION**

2 The pending Order to Show Cause is likewise heavy-handed over-litigation.  
3 All requested records have been provided by Olena, and all have either already been  
4 produced in discovery or are being held by counsel pending resolution of the motion  
5 to reconsider. The complaint in the *Reply* that they do not “like” the way the hospital  
6 recorded information on the child’s birth certificate is difficult to understand as  
7 anything other than making noise for its own sake.<sup>6</sup>

8 The unwarranted arrogance of the independently-wealthy attorney husband to  
9 demand fees from his essentially unemployed wife who he denied any kind of  
10 property or support pretty much speaks for itself.

11  
12 **V. CONCLUSION**

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

- 14 1. The Order entered September 23, 2021 be set aside.  
15 2. Grant Defendant’s Motion to set aside Decree entered on  
16 September 30, 2021.  
17 3. Deny Plaintiff’s Countermotion in its entirety.  
18 4. For such other and further relief as the Court deems just and  
19 proper, to specifically include an award of fees to Olena in this  
20 ongoing action given the extent to which Enrique is needlessly  
21  
22  
23

24  
25 flowing” from such an order, just as the Nevada Supreme Court had warned could happen in *Gojack*.  
26 The Nevada Family Court judge – once apprised of what had happened over three years due to the  
27 off-the-cuff “status-only” *Decree*, stated in open court that he would never, ever, be again persuaded  
to bifurcate another case under any circumstances.

28 <sup>6</sup> The document speaks for itself; the place in question is obvious – Adonis hospital, Kyiv, Ukraine.

1 and relentlessly “multiplying the proceedings in a case as to  
2 increase costs unreasonably and vexatiously.”

3 DATED this 3<sup>rd</sup> day of November, 2021.

4 Respectfully Submitted By:

5 WILICK LAW GROUP

6 

7 MARSHAL S. WILICK, ESQ.  
8 Nevada Bar No. 2515  
9 3591 E. Bonanza, Suite 200  
10 Las Vegas, Nevada 89110-2101  
11 (702) 438-4100 Fax (702) 438-5311  
12 Attorneys for Defendant  
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2. I have read the preceding filing, and I have personal knowledge of the facts contained therein, unless stated otherwise. Further, the factual averments contained therein are true and correct to the best of my knowledge, except those matters based on information and belief, and as to those matters, I believe them to be true.

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

November, 2021

**MARSHAL S. WILICK, ESQ.**



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## CERTIFICATE OF SERVICE

**I HEREBY CERTIFY**, pursuant to NRCP 5(b), that I am an employee of the  
WILICK LAW GROUP and that on this 3rd day of November, 2021, I caused the  
foregoing document to be served as follows:

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

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

Paul A. Lemcke, Esq.  
Pecos Law Group  
8925 South Pecos Road, Suite 14A  
Henderson, Nevada 89074  
paul@pecoslawgroup.com  
*Attorney for Plaintiff*

//s//Justin K. Johnson

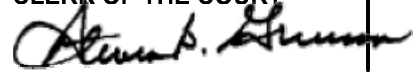
An Employee of the WILICK LAW GROUP

P:\wp19\KARPENKO, O\DRAFTS\00529677.WPD/vj

**EXHIBIT “29”**

**EXHIBIT “29”**

**EXHIBIT “29”**



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

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

ENRIQUE SCHAEERER,  
Plaintiff,  
  
vs.  
  
OLENA KARPENKO,  
Defendant.

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

DATE OF HEARING: 11/10/2021  
TIME OF HEARING: 10:30 a.m.

**SUPPLEMENTAL EXHIBIT TO  
“DEFENDANT’S EX PARTE MOTION FOR PERMISSION FROM  
THE COURT TO GRANT UKRAINE CONSULATE TO OBSERVE  
AT THE NOVEMBER 10, 2021, HEARING”**

Defendant, Olena Karpenko, by and through her attorneys, the WILICK LAW GROUP, hereby submits the following supplemental exhibit to her “*Defendant’s Ex Parte Motion for Permission from the Court to Grant Ukraine Consulate to Observe at the November 10, 2021, Hearing,*” filed on October 26<sup>th</sup>, 2021.

- Exhibit O - Letter from the Consulate General of Ukraine in San Francisco to the Court.

(Bates Stamp Nos.000050OK)

DATED this 10th day of November, 2021.

Respectfully Submitted By:

WILLICK LAW GROUP

// s // Richard L. Crane, Esq. 9536

MARSHAL S. WILLICK, ESQ.  
Nevada Bar No. 2515  
3591 E. Bonanza Road, Suite 200  
Las Vegas, Nevada 89110-2101  
(702) 438-4100  
Attorney for Defendant

## CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the WILICK LAW GROUP and that on this 10th day of November, 2021, I caused the foregoing entitled document *Supplemental Exhibit to "Defendant's Ex Parte Motion for Permission from the Court to Grant Ukraine Consulate to Observe at the November 10, 2021, Hearing,"* 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.
- ☐ By placing same to be deposited for mailing in the United States Mail, Certified, Return Receipt Requested, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;

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

Paul A. Lemcke, Esq.  
Pecos Law Group  
8925 South Pecos Road, Suite 14A  
[paul@pecoslawgroup.com](mailto:paul@pecoslawgroup.com)  
Attorney for Plaintiff

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

P:\wp19\KARPENKO,ODRAFTS\00530708.WPD\jj

**EXHIBIT “O”**

**EXHIBIT “O”**

**EXHIBIT “O”**



**Consulate General  
of Ukraine in San Francisco**

530 Bush Street, Suite  
402, San Francisco, CA  
94108

+1 (415) 398-0240  
+1 (415) 398-5039 (fax)  
gfc\_uss@mfa.gov.ua

November 09, 2021

**To: District Court Clark County, Nevada**

RJC Courtroom 05D  
Regional Justice Center  
200 Lewis Ave.  
Las Vegas, NV 89101

Case No.: D-21-628088-D

The Consulate General of Ukraine in San Francisco has the honour to address you on the following issue.

The Consulate General of Ukraine in San Francisco was informed by Ms. Olena Karpenko regarding the denying of the Consulate General of Ukraine to attend the hearing in the Eighth Judicial District Court, Family Division, in Clark County, Nevada which will be held on November 10, 2021.

According to the paragraph B Article 3 Vienna Convention on Diplomatic Relations 1961, the functions of a diplomatic mission consist, inter alia, in: protecting in the receiving State the interests of the sending State and of its nationals, within the limits permitted by international law, so we would like to attend the hearing only to support of Ms. Karpenko.

In this regard the Consulate General kindly requests the allow Consul Nataliia Ostapenko, to attend the hearing as an observer.

It is worth mentioning that the Consulate General of Ukraine in San Francisco is not a party to the dispute.

The Consulate General would highly appreciate your kind consideration the attendance of the Consulate General in the hearing.

**Kind regards,**

**Dmytro Kushneruk**  
**Consul General of Ukraine in San Francisco**

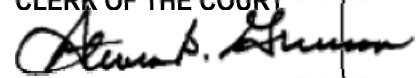


**EXHIBIT “30”**

**EXHIBIT “30”**

**EXHIBIT “30”**





1 **MOT**

2 **Paul A. Lemcke, Esq.**

3 Nevada Bar No. 003466

4 PECOS LAW GROUP

5 8925 South Pecos Road, Suite 14A

6 Henderson, Nevada 89074

7 Telephone: (702) 388-1851

8 Facsimile: (702) 388-7406

9 Email: [Paul@pecoslawgroup.com](mailto:Paul@pecoslawgroup.com)

10 Attorneys for Plaintiff

11 **DISTRICT COURT**  
12 **CLARK COUNTY, NEVADA**

13 **Enrique Schaerer,**

14 Plaintiff,

15 vs.

16 **Olena Karpenko,**

17 Defendant.

Case No. **D-21-628088-D**

Dept. No. **U**

**ORAL ARGUMENT**  
**REQUESTED: YES**

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

24 **PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**  
25 **ON THE ISSUE OF PATERNITY**

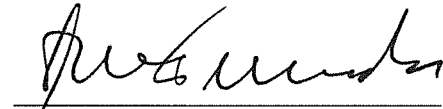
26 Plaintiff, **Enrique Schaerer**, by and through his attorney, **Paul A. Lemcke, Esq.** of PECOS LAW GROUP, moves this Court for summary judgment on the issue of paternity, based on Defendant Olena Karpenko's failure to answer "*Plaintiff's*"

1 *First Request for Admissions to Defendant,”* which was served pursuant to NRCP  
2 36 on August 16, 2021. The failure to answer thereby conclusively admits, *inter*  
3 *alia*, that Enrique is not the biological or natural father of Olena’s child.  
4

5 This motion is made and based upon all the papers and pleadings on file  
6 herein, the attached Points and Authorities, and any other evidence and argument  
7 as may be adduced at the hearing of this matter.

8 DATED this 24 day of November, 2021.  
9

10 PECOS LAW GROUP

11   
12

13 **Paul A. Lemcke, Esq.**  
14 Nevada Bar No. 003466  
15 PECOS LAW GROUP  
16 8925 South Pecos Road, Suite 14A  
17 Henderson, Nevada 89074  
18 Attorney for Plaintiff  
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1 **POINTS AND AUTHORITIES**

2 **FACTS**

3 On May 28, 2021, Plaintiff Enrique Schaerer (“Enrique”) filed a Complaint  
4 that alleged, in relevant part, that he is not the biological or natural father of a  
5 child that Defendant Olena Karpenko (“Olena”) was then pregnant with.  
6

7 On July 2, 2021, Olena filed an Answer obliquely stating that she was  
8 “without sufficient knowledge” to answer Enrique’s claim of non-paternity, and  
9 thereby denied same. Olena also filed a Counterclaim that did not specifically  
10 allege Enrique’s paternity.

11 On July 20, 2021, after Enrique informally requested a more definite  
12 statement from Olena regarding paternity, Olena filed an Amended Answer that,  
13 yet again, stated that she was “without sufficient knowledge” to answer Enrique’s  
14 claim of non-paternity.

15 On August 16, 2021, Enrique electronically served his “*First Request for*  
16 *Admissions to Defendant*” (“RFA”) on Olena by and through her counsel of  
17 record, Tin Hwang, Esq. See Exhibit “1” to Enrique’s Appendix, filed herewith.<sup>1</sup>  
18 Pursuant to NRCP 36(a)(3), the answers to the RFA were due within thirty (30)  
19 days of service, or no later than September 15, 2021.  
20

21 On August 31, 2021, Jason Onello, Esq. of Robbins & Onello, LLP  
22 formally substituted into this action as Olena’s new counsel of record, in the place  
23 and stead of Tin Hwang, Esq.  
24

25 <sup>1</sup> Enrique contemporaneously served a first set of interrogatories and a request for production of  
26 documents. They were never responded to either, and Enrique reserves the right to seek additional  
discovery sanctions as to those requests.

1 On September 13, 2021, Mr. Onello's office solicited a two (2) week  
2 extension of time from Enrique's counsel within which to respond to all  
3 outstanding discovery, including the RFA. The extension request was granted,  
4 and the extension was memorialized in an email from Enrique's counsel to Mr.  
5 Onello that same date. *See* Exhibit "2" to Enrique's Appendix. The confirming  
6 email to Mr. Onello specified that the discovery "shall now be due on Thursday,  
7 September 29." *Id.*

9 No written answers or objections to the RFA were ever served. Request for  
10 Admission No. 1 in the RFA specifically requested: "**Admit Enrique is not the**  
11 **biological or natural father of your child born in or around July of 2021.**"

12 (Emphasis added.) NRCP 36(a)(3) states:

13 **Time to Respond; Effect of Not Responding.** A matter is admitted unless,  
14 within 30 days after being served, the party to whom the request is directed  
15 serves on the requesting party a written answer or objection addressed to the  
16 matter and signed by the party or its attorney. A shorter or longer time for  
responding may be stipulated to under Rule 29 or be ordered by the court.

17 Accordingly, Olena's failure to respond to the RFP by September 29, 2021  
18 serves to admit that Enrique is not the biological or natural father of her child, and  
19 that admission is conclusively established under the terms of NRCP 36(a)(7).  
20 NRCP 36(a)(7) states:

21 **Effect of an Admission. Withdrawing or Admitting It.** A matter  
22 admitted under this rule is conclusively established unless the court, on  
23 motion, permits the admission to be withdrawn or amended. Subject to  
24 Rule 16(d)-(e), the court may permit withdrawal or amendment if it would  
25 promote the presentation of the merits of the action and if the court is not  
defending the action on the merits. An admission under this rule is not an

1 admission for any other purpose and cannot be used against the party in any  
2 other proceeding.

3  
4 **II. LEGAL ARGUMENT**

5 **A. ENRIQUE SHOULD BE GRANTED SUMMARY JUDGMENT ON**  
6 **THE ISSUE OF PATERNITY.**

7 NRCP 56(a) allows a party to move for summary judgment. Enrique moves  
8 for summary judgment on his claim for the adjudication of the existence or  
9 nonexistence of the father and child relationship, having contemporaneously  
10 alleged that he is not the father of Olena's child. See Enrique's Complaint for  
11 Divorce, filed May 28, 2021, at paragraph 6. Under NRCP 56(a), the court shall  
12 grant summary judgment if the movant shows that there is no genuine issue as to  
13 any material fact and the movant is entitled to judgment as a matter of law.  
14

15 On a motion for summary judgment, facts that are not genuinely disputed  
16 may be established by admissions. NRCP 56(c)(1)(A). As previously stated, the  
17 sanction for failure to serve timely answers or objections to the request for  
18 admissions is that all matters in the request are deemed admitted. Moreover, "it is  
19 well-settled that unanswered requests for admission may be properly relied upon  
20 as a basis for granting summary judgment." *Estate of Adams v. Fallini*, 132 Nev.  
21 814, 820, 386 P.3d 621, 625 (2016); see also *Wagner v. Carex Investigations &*  
22 *Security, Inc.*, 93 Nev. 627, 630, 572 P.2d 921, 923 (1977) ("It is settled in this  
23 jurisdiction that such admissions may properly serve as the basis for summary  
24  
25  
26

1 judgment against the party who has failed to serve a timely response.”), citing  
2 Graham v. Carson-Tahoe Hosp., 91 Nev. 609, 540 P.2d 105 (1975).<sup>2</sup>

3 Request for Admission No. 1 in Enrique’s unanswered RFA specifically  
4 requested this admission: “**Admit Enrique is not the biological or natural**  
5 **father of your child born in or around July of 2021.**” (Emphasis added.)  
6 Olena’s failure to respond to Enrique’s RFA therefore serves to conclusively  
7 admit the ultimate issue central to the paternity claim, specifically, that Enrique is  
8 not the biological or natural father of her child. Such an admission “leave[s] no  
9 room for conflicting inferences, and [it is] dispositive of the case.” Wagner, 93  
10 Nev. at 631. Summary judgment in Enrique’s favor on his paternity claim is both  
11 necessary and appropriate.  
12

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24 <sup>2</sup> In noting that an admission under NRCP 36(b) is conclusively established unless the Court permits  
25 withdrawal or amendment of the admission, Wagner also points out that this language “was intended to  
26 clarify that in form and substance a Rule 36 admission is comparable to an admission in pleadings or a  
stipulation drafted by counsel for use at trial, rather than to an evidentiary admission of a party, and  
therefore is not rebuttable by contradictory testimony of the admitting party.” Wagner, 93 Nev. at 631-32,  
572 P.2d at 924 (internal quotation marks omitted).

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**III. CONCLUSION**

WHEREFORE, Enrique respectfully requests summary judgment on the final issue of paternity and, with summary judgment on that final issue, entry of a final divorce decree to bring these proceedings to a conclusion.

DATED this 24 day of November, 2021.

PECOS LAW GROUP



**Paul A. Lemcke, Esq.**  
Nevada Bar No. 003466  
PECOS LAW GROUP  
8925 South Pecos Road, Suite 14A  
Henderson, Nevada 89074  
Attorney for Plaintiff

STATE OF NEVADA )  
 ) ss.  
COUNTY OF CLARK )

1. I am an attorney duly licensed to practice law in the State of Nevada and before this Honorable Court. I am the attorney of record for Plaintiff, Enrique Schaerer, in the above-entitled action. I have personal knowledge of the facts contained herein and I am competent to testify thereto.

Paul A. Lemcke, Esq.

NOTARY PUBLIC in and for said  
County and State





1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I hereby certify that the foregoing "PLAINTIFF'S"  
3 MOTION FOR SUMMARY JUDGMENT ON THE ISSUE OF PATERNITY" in  
4 the above-captioned case was served this date as follows:

5 ☒ pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP (b)(2)(D) and  
6 Administrative Order 14-2 Captioned "In the Administrative  
7 Matter of Mandatory Electronic Service in the Eighth Judicial  
8 District Court," by mandatory electronic service through the  
9 Eighth Judicial District Court's electronic filing system;

10 ☐ by placing the same to be deposited for mailing in the United  
11 States Mail, in a sealed envelope upon which first class postage was  
12 prepaid in Las Vegas, Nevada;

13 ☐ pursuant to EDCR 7.26 to be sent via **facsimile**, by duly executed  
14 consent for service by electronic means;

15 ☐ by hand-delivery with signed Receipt of Copy.

16 To attorney(s)/person(s) listed below at the address:

17 Marshal Willick, Esq. marshal@willicklawgroup.com

18 Reception email@willicklawgroup.com

19 Victoria Javiel victoria@willicklawgroup.com

20 DATED this 24 day of November 2021.

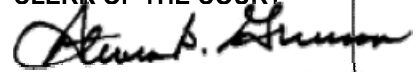
21 

22 **Allan Brown,**  
23 An Employee of PECOS LAW GROUP

**EXHIBIT “31”**

**EXHIBIT “31”**

**EXHIBIT “31”**



1 **EXHS**

2 **Paul A. Lemcke, Esq.**

3 Nevada Bar No. 003466

4 PECOS LAW GROUP

5 8925 South Pecos Road, Suite 14A

6 Henderson, Nevada 89074

7 Telephone: (702) 388-1851

8 Facsimile: (702) 388-7406

9 Email: [Paul@pecoslawgroup.com](mailto:Paul@pecoslawgroup.com)

10 Attorney for Plaintiff

11 **DISTRICT COURT**  
12 **CLARK COUNTY, NEVADA**

13 **Enrique Schaerer,**

14 Plaintiff,

15 vs.

16 **Olena Karpenko,**

17 Defendant.

Case No. **D-21-628088-D**

Dept No. **U**

Date of Hearing:

Time of Hearing:

18 **EXHIBIT APPENDIX TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**  
19 **ON THE ISSUE OF PATERNITY**

20 Plaintiff Enrique Schaerer, by and through his attorney of record Paul A.  
21 Lemcke, Esq., of Pecos Law Group submits his *Exhibit Appendix to Plaintiff's*  
22 *Motion for Summary Judgment on the Issue of Paternity.*

23 ///

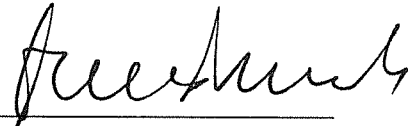
24 ///

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No.	Description	Bates Label Nos.
1	Plaintiff's First Request for Admissions to Defendant	ES0010 – ES0016
2	Email from Mr. Lemcke to Mr. Onello dated September 13, 2021	ES0017

DATED this 24 day of November, 2021.

PECOS LAW GROUP



**Paul A. Lemcke, Esq.**

Nevada Bar No. 003466

8925 South Pecos Road, Suite 14A

Henderson, Nevada 89074

Attorney for Plaintiff


1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I hereby certify that on this 24 day of November  
3 2021, the *Exhibit Appendix to Plaintiff's Motion for Summary Judgment on the*  
4 *Issue of Paternity* in the above-captioned case was served as follows:

- 5 ☒ pursuant to NEFCR 9, by mandatory electronic service through the  
6 Eighth Judicial District Court's electronic filing system;
- 7 ☐ pursuant to NRCP 5, by placing the same to be deposited for mailing  
8 in the United States Mail, in a sealed envelope upon which first class  
9 postage was prepaid in Las Vegas, Nevada;
- 10 ☐ pursuant to EDCR 7.26 to be sent via facsimile and/or email, by duly  
11 executed consent for service by electronic means;
- 12 ☐ by hand-delivery with signed Receipt of Copy.

13 To individual(s) listed below at the address:

14 Marshal Willick, Esq. marshal@willicklawgroup.com  
15 Reception email@willicklawgroup.com  
16 Victoria Javiel victoria@willicklawgroup.com

17   
18 **Allan Brown,**  
19 An employee of PECOS LAW GROUP  
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# EXHIBIT 1

EXHIBIT 1

OK000272

1 **ADMS**  
2 **Paul A. Lemcke, Esq.**  
3 Nevada Bar No. 003466  
4 **PECOS LAW GROUP**  
5 8925 South Pecos Road, Suite 14A  
6 Henderson, Nevada 89074  
7 Tel: (702) 388-1851  
8 Fax: (702) 388-7406  
9 Email: [Paul@pecoslawgroup.com](mailto:Paul@pecoslawgroup.com)  
10 Attorney for Plaintiff

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

14 **Enrique Schaerer,**

15 Plaintiff,

16 vs.

17 **Olena Karpenko,**

18 Defendant.

Case No. **D-21-628088-D**

Dept. No. **U**

19 **PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS TO DEFENDANT**

20 TO: **Olena Karpenko, Defendant; and**

21 TO: **Linda Lay, Esq., and Tin Hwang, Esq., attorneys for Defendant:**

22 Plaintiff, Enrique Schaerer ("Enrique"), by and through his attorney, Paul  
23 A. Lemcke, Esq., of PECOS LAW GROUP, requests that pursuant to Nevada Rules of  
24 Civil Procedure, Rule 36, within thirty (30) days of service of this request,  
25 Defendant Olena Karpenko make the following Admissions for this action only

1 and subject to all pertinent objections to admissibility which may be interposed at  
2 the trial. As to each Request for Admission, if in good faith, only a part of said  
3 statement should be denied, specify so much as true and deny only the remainder.  
4

5 **ADMISSIONS**

6 **ADMISSION NO. 1:**

7 Admit Enrique is not the biological or natural father of your child born in or  
8 around July of 2021 ("your child").

9 **ADMISSION NO. 2:**

10 Admit you conceived your child through artificial means, including but not  
11 limited to at-home insemination, intrauterine insemination, *in vitro* fertilization, or  
12 any other artificial means of insemination.

13 **ADMISSION NO. 3:**

14 Admit you had sexual intercourse with a man, or men, other than Enrique at  
15 any time(s) from September through November of 2020.

16 **ADMISSION NO. 4:**

17 Admit you conceived your child through a man other than Enrique.  
18

19 **ADMISSION NO. 5:**

20 Admit you took medication in 2020 to promote your fertility, including but  
21 not limited to promoting ovulation.

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1 **ADMISSION NO. 6:**

2 Admit you consulted in 2020, either in person or via electronic means, with  
3 a doctor or doctors, including an obstetrician-gynecologist or the like in Ukraine,  
4 for the purpose of getting pregnant.  
5

6 **ADMISSION NO. 7:**

7 Admit you tracked your ovulation in 2020 for the purpose of getting  
8 pregnant.

9 **ADMISSION NO. 8:**

10 Admit you ovulated between October 24, 2020 and November 1, 2020.

11 **ADMISSION NO. 9:**

12 Admit the first day of your last menstrual period before your recent  
13 pregnancy was October 10, 2020 through October 18, 2020.

14 **ADMISSION NO. 10:**

15 Admit you conceived your child for the purpose of getting Enrique to marry  
16 you.  
17

18 **ADMISSION NO. 11:**

19 Admit you married Enrique for the purpose of getting him to file an  
20 immigration petition on your behalf, including but not limited to a petition that  
21 would help you get, or could result in your getting, a green card or some other  
22 form of lawful permanent resident ("LPR") status.

23 **ADMISSION NO. 12:**

24 Admit you told Enrique that he was the father of your child.  
25  
26

1 **ADMISSION NO. 13:**

2 Admit you told members of Enrique's family that he was the father of your  
3 child.

4 **ADMISSION NO. 14:**

5 Admit you repeatedly asked Enrique to sign an I-864 Affidavit of Support  
6 on your behalf and/or in support of an immigration petition on your behalf.

7 **ADMISSION NO. 15:**

8 Admit that, on or about March 22, 2021, Enrique emailed a formal letter to  
9 Nazanin Nodjoumi, copying you, that stated, in words or effect, that Enrique was  
10 revoking any signature on, and withdrawing any authority to proceed with, the I-  
11 864 Affidavit of Support.

12 **ADMISSION NO. 16:**

13 Admit that Enrique informed you that he would be sending the above  
14 March 22, 2021 letter to Nazanin Nodjoumi before Enrique emailed the letter to  
15 Nazanin Nodjoumi, copying you.

16 **ADMISSION NO. 17:**

17 Admit that, on or about March 23, 2021, you purchased, directly or  
18 indirectly through another person(s), a one-way return ticket to Ukraine.

19 **ADMISSION NO. 18:**

20 Admit you did not tell Enrique about the above one-way return ticket to  
21 Ukraine until on or about March 31, 2021.

22 ///

1 **ADMISSION NO. 19:**

2 Admit you told Enrique you purchased the above one-way return ticket to  
3 Ukraine a day or two before March 31, 2021.

4 **ADMISSION NO. 20:**

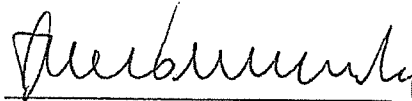
5 Admit you told Enrique that Nazanin Nodjoumi was your immigration  
6 attorney.

7 **ADMISSION NO. 21:**

8 Admit, at the time you told Enrique that Nazanin Nodjoumi was your  
9 immigration attorney, you knew Nazanin Nodjoumi was not an attorney.

10 DATED this 16 day of August 2021.

11  
12 PECOS LAW GROUP

13  
14 

15 **Paul A. Lemcke, Esq.**  
16 Nevada Bar No. 003466  
17 8925 South Pecos Road, Suite 14A  
18 Henderson, Nevada 89074  
19 Attorney for Plaintiff

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I hereby certify that the foregoing "PLAINTIFF'S"  
3 FIRST REQUEST FOR ADMISSIONS TO DEFENDANT" in the above-captioned case  
4 was served this date as follows:

5 ☒ in the above-captioned case via electronic service pursuant to NEFCR  
6 9 and EDCR 7.26, addressed as follows:

7 ☐ by placing the same to be deposited for mailing in the United  
8 States Mail, in a sealed envelope upon which first class postage was  
prepaid in Las Vegas, Nevada;

9 ☐ pursuant to EDCR 7.26 to be sent via **facsimile**, by duly executed  
10 consent for service by electronic means;

11 ☐ by hand-delivery with signed Receipt of Copy.

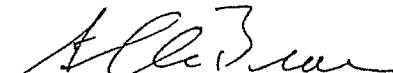
12 To attorney(s) listed below at the address:

13 [asiana@hwanglawgroup.com](mailto:asiana@hwanglawgroup.com)

14 [tin@hwanglawgroup.com](mailto:tin@hwanglawgroup.com)

15 [linda@hwanglawgroup.com](mailto:linda@hwanglawgroup.com)

16 DATED this 16<sup>th</sup> day of August 2021.

17 

18 Allan Brown,

19 An Employee of PECOS LAW GROUP  
20  
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26

Allan Brown

From: efilimgmail@tylerhost.net  
Sent: Monday, August 16, 2021 4:28 PM  
To: Allan Brown  
Subject: Notification of Service for Case: D-21-628088-D, \*\*\*\*\* for filing Service Only,  
Envelope Number: 8393883



## Notification of Service

Case Number: D-21-628088-D

Case Style: \*\*\*\*\*

Envelope Number: 8393883

This is a notification of service for the filing listed. Please click the link below to retrieve the submitted document.

Filing Details	
Case Number	D-21-628088-D
Case Style	*****
Date/Time Submitted	8/16/2021 4:27 PM PST
Filing Type	Service Only
Filing Description	Plaintiff's 1st Request for Admissions to Defendant
Filed By	Allan Brown
Service Contacts	: admin email (email@pecoslawgroup.com) Allan Brown (allan@pecoslawgroup.com) Paul Lemcke (paul@pecoslawgroup.com) : Asiana Landingin (asiana@hwanglawgroup.com) Tin Hwang (tin@hwanglawgroup.com) Linda Lay (linda@hwanglawgroup.com)

Document Details	
Served Document	<a href="#">Download Document</a>

# EXHIBIT 2

EXHIBIT 2

OK000280

**Paul Lemcke**

---

**From:** Paul Lemcke  
**Sent:** Monday, September 13, 2021 10:56 AM  
**To:** jason@robbinsandonellolaw.com  
**Cc:** admin@robbinsandonellolaw.com  
**Subject:** Schaerer v. Karpenko; Request for Discovery Extension

Hi Jason,

Per your office's request today, this is to confirm that my client is extending your client a two week extension of time on the requests for admissions, first set of interrogatories, and request for production of documents that would otherwise be due on Thursday, September 15. That discovery shall now be due on Thursday, September 29.

Separately, at last Tuesday's hearing the Court ordered that your client to immediately provide the subject minor child's birth certificate, and an email or letter from you specifying the child's name, date of birth, and place of birth. We are almost a week past the hearing and the information has not been received. When can we expect that to occur?

Thanks - Paul

*Paul Lemcke, Esq.* || Attorney at Law

8925 S. Pecos Road, Suite 14A  
Henderson, Nevada 89074



P: (702) 388-1851

F: (702) 388-7406

E: [PAUL@PECOSLAWGROUP.COM](mailto:PAUL@PECOSLAWGROUP.COM)

This e-mail, and any attachments thereto, is intended only for the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please immediately notify me by return e-mail and permanently delete the original and any copy of this e-mail message and any printout thereof.

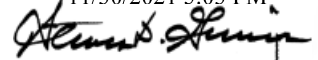
To ensure compliance with requirements imposed by the U.S. Internal Revenue Service, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of avoiding U.S. tax penalties.

**EXHIBIT “32”**

**EXHIBIT “32”**

**EXHIBIT “32”**



  
CLERK OF THE COURT

**ORDR**

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

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

ENRIQUE SCHAEERER,  
Plaintiff,

vs.

OLENA KARPENKO,  
Defendant.

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

DATE OF HEARING: 11/10/2021  
TIME OF HEARING: 10:30 A.M.

**ORDER FROM THE NOVEMBER 10, 2021, HEARING**

This matter came on for hearing at the above date and time before the Honorable Dawn R. Throne, District Court Judge, Family Division via *bluejeans* and Plaintiff, Enrique Schaerer, was present via audio and visual and represented by Paul A. Lemcke, Esq., of Pecos Law Group and Defendant, Olena Karpenko, was present via audio and visual and represented by Richard L. Crane, Esq., of the WILICK LAW GROUP.

The Court, having set this matter for status check, and Defendant's *Motion to Reconsider, Set Aside, Alter, or Amend the Order from Motion Hearing*, and Defendant's *Motion to Set Aside Interlocutory Decree of Divorce, Plaintiff's Countermotion for Attorney's Fees and Order to Show Cause*, having reviewed the papers and pleadings on file herein, made the following findings and orders:

1                   **THE COURT HEREBY FINDS:**

2           1. Defendant's *Motions* are timely.

3           2. Defendant's *Pleadings* and *Motions* which indicate there are no property or  
4 other financial issues remaining is implied consent to the entry of the *Interlocutory*  
5 *Decree of Divorce* and the Court is not going to set aside the *Interlocutory Decree of*  
6 *Divorce*.

7           3. Attorney for Defendant, Mr. Crane has made a record that this Court has denied  
8 the request for Consulate General of Ukraine to be present to observe at this hearing  
9 on behalf of Olena Karpenko. Mr. Crane informed the Court that a United States  
10 Treaty exists and she is entitled to that attendance since she is a foreign national; the  
11 Court has denied the request. Plaintiff's counsel made a record that his *Opposition*  
12 stands and paternity matters are a closed matter. The Plaintiff's counsel and the  
13 Plaintiff do not consent to the Consulate to appear in this matter.

14           4. Plaintiff's counsel requests the letter from Consulate General of Ukraine filed  
15 with the Court this morning be stricken.

16           5. In regards to the Defendant's *Motion for Reconsideration*. The Court has  
17 trouble forcing Defendant to fly to United States before the child is cleared medically  
18 able to fly, which could be at 6 months old. At the same time, the Court agrees the  
19 best scenario is for a face- to-face collection and testing with all parties to be present  
20 at the same testing facility.

21           6. The Court is most concerned with fairness to both parties and reliability in a  
22 testing result. There are lots of points where human error or intentional misconduct  
23 can enter into paternity testing and reporting. Each point of human interaction can  
24 set that up. It is within the Court's jurisdiction to order Defendant to come back to  
25 the U.S. if she wants to prove that Plaintiff is the father of her child. Defendant did  
26 not leave Nevada until she was pregnant, and the child was conceived in the State of  
27 Nevada.

28

1       7. The Court has suggested the possibility that a middle ground may exist if there  
2 is a neutral third-party Country wherein the parties can make arrangements to meet  
3 together for face-to-face collection and testing and to cooperate and agree on a  
4 designated location, date, and time.

5       8. Plaintiff's request for attorney's fees is deferred but a Financial Disclosure  
6 Form will have to be filed if financials are still an issue at the status hearing.

7       **THE COURT HEREBY ORDERS:**

8       1. The Court has stricken (#46) the letter from Consulate filed November 10,  
9 2021, however, Defendant's counsel can put a cover letter on the letter and file it as  
10 an exhibit.

11       2. The Court has denied Consulate General of Ukraine to be present to observe  
12 at this hearing on behalf of Olena Karpenko due to the case being sealed.

13       3. The Court has deferred *Defendant's Motion to Reconsider, Set Aside, Alter, or*  
14 *Amend the Order from Motion Hearing.* The Court is willing to reconsider its prior  
15 order if the parties offer up a persuasive testing and collection protocol in a neutral  
16 third-party Country, and a status hearing will be scheduled.

17       4. The Court has denied *Defendant's Motion to Set Aside Interlocutory Decree*  
18 *of Divorce.*

19       5. The Court has already made an *Order*, subject to reservation of rights, that  
20 Plaintiff is to pay for the costs for traveling expenses for Olena and the child for DNA  
21 testing.

22       6. The Court has continued the matter relating to an *Order to Show Cause.*

23       7. The Court's previous order stands that a HIPAA release executed by Defendant  
24 (Bates-stamped document ES003), shall be executed by Defendant and provided to  
25 Plaintiff's counsel to obtain the relevant medical file in the possession of Defendant's  
26 Nevada OB/GYN. The executed release shall be provided by November 10, 2021 at  
27 5:00 p.m. to Plaintiff's counsel.

8. Plaintiff and Defendant's request for attorney's fees are *deferred*.

9. The WILICK LAW GROUP is to prepare the order from today and submit to Mr. Lemcke for review and signature.

10. Status hearing set for January 18, 2022, at 11:00 a.m., to address potential travel for DNA collection and testing, whether to the U.S. or a third-party country.

**IT IS SO ORDERED.**

Dated this 30th day of November, 2021



AFB E88 FD86 ED9D  
Dawn R. Throne  
District Court Judge

Respectfully Submitted By:

WILICK LAW GROUP

Approved to form and Content By:

PECOS LAW GROUP



//s// Richard L. Crane, Esq.  
~~MARSHAL S. WILICK, ESQ.~~  
Nevada Bar No. 2515  
RICHARD L. CRANE, ESQ.  
Nevada Bar No. 9536  
3591 E. Bonanza Road, Suite 200  
Las Vegas, Nevada 89110-2101  
Attorneys for Defendant

PAUL A. LEMCKE, ESQ.  
Nevada Bar No. 3466  
8925 South Pecos Road, Suite 14A  
Henderson, Nevada 89074  
paul@pecoslawgroup.com  
Attorney for Plaintiff

P:\wp19\KARPENKO,ODRAFTS\00531888.WPD/vj

1 **CSERV**

2  
3 **DISTRICT COURT**  
4 **CLARK COUNTY, NEVADA**

5  
6 **Enrique Schaerer, Plaintiff**

**CASE NO: D-21-628088-D**

7 **vs.**

**DEPT. NO. Department U**

8 **Olena Karpenko, Defendant.**

9  
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 **Service Date: 11/30/2021**

15 **Marshal Willick**

**marshal@willicklawgroup.com**

16 **Reception Reception**

**email@willicklawgroup.com**

17 **Victoria Javiel**

**victoria@willicklawgroup.com**

18 **admin email**

**email@pecoslawgroup.com**

19 **Allan Brown**

**allan@pecoslawgroup.com**

20 **Paul Lemcke**

**paul@pecoslawgroup.com**

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**OK000286**

**EXHIBIT “33”**

**EXHIBIT “33”**

**EXHIBIT “33”**

*Heather S. Linn*  
CLERK OF THE COURT

1 **SAO**

2 **Paul A. Lemcke, Esq.**

3 Nevada Bar No. 003466

4 PECOS LAW GROUP

5 8925 South Pecos Road, Suite 14A

6 Henderson, Nevada 89074

7 Telephone: (702) 388-1851

8 Facsimile: (702) 388-7406

9 Email: [Paul@pecoslawgroup.com](mailto:Paul@pecoslawgroup.com)

10 Attorney for Plaintiff

11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

13 **Enrique Schaerer,**

14 Plaintiff,

15 vs.

16 **Olena Karpenko,**

17 Defendant.

Case No. **D-21-628088-D**

Dept No. **U**

Date of Hearing: **12/29/21**

Time of Hearing: **9:30 a.m.**

18 **STIPULATION AND ORDER**  
19 **TO CONTINUE HEARING ON PLAINTIFF'S**  
20 **MOTION FOR SUMMARY JUDGMENT**

21 Plaintiff **Enrique Schaerer**, by and through his attorney, Paul A. Lemcke,  
22 Esq., of PECOS LAW GROUP, and Defendant **Olena Karpenko**, by and through her  
23 attorney, Marshal S. Willick, Esq., of WILICK LAW GROUP, hereby stipulate and  
24 agree to the following:

- 25 1. The motion hearing on Plaintiff's Motion for Summary Judgment

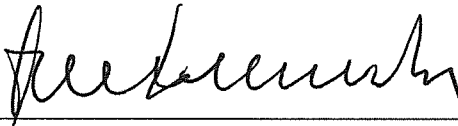
1 currently scheduled for Thursday, December 29, 2021, at 9:30 a.m., shall be  
2 continued to the same date previously set by the Court for a status check to  
3 address potential travel for DNA collection and testing, on **Tuesday, January 18,**  
4 **2022, at 11:00 a.m.**, thereby consolidating the motion hearing and the status  
5 check on the same date and time.  
6

7 2. Additionally, the parties agree that Olena's *Opposition* to the Motion  
8 for Summary Judgment shall be due not later than December 17, 2021.

9 Dated this 1<sup>st</sup> day of Dec., 2021. Dated this 1<sup>st</sup> day of Dec., 2021.

10 PECOS LAW GROUP

WILLICK LAW GROUP

11  
12 

13 **Paul A. Lemcke, Esq.**  
14 Nevada Bar No. 3466  
15 8925 South Pecos Road, Ste. 14A  
16 Henderson, Nevada 89074  
Attorney for Plaintiff

// s // Richard L. Crane, Esq. 9536

**Marshal S. Willick, Esq.**  
Nevada Bar No. 2515  
3591 East Bonanza Road, #200  
Las Vegas, Nevada 89110  
Attorney for Defendant

17  
18  
19  
20  
21 **ORDER**

22 **BASED ON A READING** of the foregoing stipulation of the parties in the  
23 above-captioned matter, and good cause appearing therefore,

24 ///

25 ///



**IT IS HEREBY ORDERED** the motion hearing on Plaintiff's Motion for Summary Judgment currently scheduled for Thursday, December 29, 2021, at 9:30 a.m., shall be continued to the same date previously set by the Court for a status check to address potential travel for DNA collection and testing, on **Tuesday, January 18, 2022, at 11:00 a.m.**, before the above-entitled court. This consolidates the motion hearing and the status check on the same date and time.

**IT IS FURTHER ORDERED** that Defendant's *Opposition to Motion for Summary Judgment* is now due on December 17, 2021.

Dated this 1st day of December, 2021



**F29 DC6 E2C4 D832**  
**Dawn R. Throne**  
**District Court Judge**

Submitted by:

PECOS LAW GROUP

Rebecca

**Paul A. Lemcke, Esq.**

Nevada Bar No. 003466

8925 South Pecos Road, Suite 14A

Henderson, Nevada 89074

Attorney for Plaintiff

## Paul Lemcke

---

**From:** Richard Crane <richard@willicklawgroup.com>  
**Sent:** Wednesday, December 1, 2021 11:33 AM  
**To:** Paul Lemcke; Marshal Willick  
**Subject:** RE: Schaerer v. Karpenko  
**Attachments:** 00533619.DOC

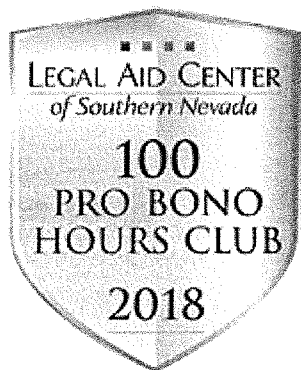
Paul,

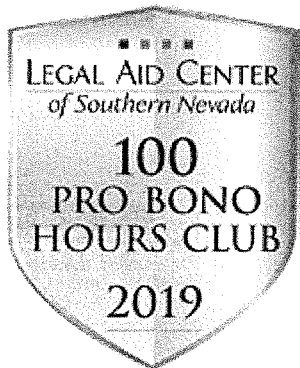
We agree. Additionally, I have edited the S&O to include an extension on when our Opposition to the Motion for summary judgment is due. I have it now due no later than December 17. I have signed the Stip and if you agree, you can sign and file.

BR



**Rick Crane, Esq.**  
**Willick Law Group**  
A Domestic Relations & Family Law Firm  
3591 East Bonanza Road, Suite 200  
Las Vegas, Nevada 89110-2101  
Phone: (702) 438-4100, ext. 115  
Fax: (702) 438-5311  
Web: [www.willicklawgroup.com](http://www.willicklawgroup.com)  
[View Our Newsletters](#)





**From:** Paul Lemcke <Paul@pecoslawgroup.com>  
**Sent:** Wednesday, December 01, 2021 10:44 AM  
**To:** Marshal Willick <marshal@willicklawgroup.com>  
**Cc:** Richard Crane <richard@willicklawgroup.com>  
**Subject:** Schaerer v. Karpenko

Good morning, Marshal.

The motion hearing on my client's motion for summary judgment has been scheduled on 12/29/21 at 9:30 a.m. I will be in Florida on that date for a family trip, so I would propose that we stipulate to move that hearing to the same date as the 1/18/22 status check in Dept. U. If this is agreeable, I have taken the liberty of preparing a stipulation to continue, which is attached here for your review. Please advise.

Regards - Paul

*Paul Lemcke, Esq.* || Attorney at Law

8925 S. Pecos Road, Suite 14A  
Henderson, Nevada 89074



P: (702) 388-1851

F: (702) 388-7406

E: [PAUL@PECOSLAWGROUP.COM](mailto:PAUL@PECOSLAWGROUP.COM)

This e-mail, and any attachments thereto, is intended only for the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please immediately notify me by return e-mail and permanently delete the original and any copy of this e-mail message and any printout thereof.

To ensure compliance with requirements imposed by the U.S. Internal Revenue Service, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of avoiding U.S. tax penalties.

1 **CSERV**

2  
3 **DISTRICT COURT**  
4 **CLARK COUNTY, NEVADA**

5  
6 **Enrique Schaerer, Plaintiff**

**CASE NO: D-21-628088-D**

7 **vs.**

**DEPT. NO. Department U**

8 **Olena Karpenko, Defendant.**

9  
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 **Service Date: 12/1/2021**

15 **Marshal Willick**

**marshal@willicklawgroup.com**

16 **Reception Reception**

**email@willicklawgroup.com**

17 **Victoria Javiel**

**victoria@willicklawgroup.com**

18 **admin email**

**email@pecoslawgroup.com**

19 **Allan Brown**

**allan@pecoslawgroup.com**

20 **Paul Lemcke**

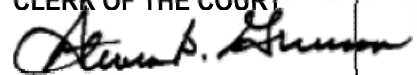
**paul@pecoslawgroup.com**

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**EXHIBIT “34”**

**EXHIBIT “34”**

**EXHIBIT “34”**



1 **NEOJ**

2 **Paul A. Lemcke, Esq.**

3 Nevada Bar No. 003466

4 PECOS LAW GROUP

5 8925 South Pecos Road, Suite 14A

6 Henderson, Nevada 89074

7 Telephone: (702) 388-1851

8 Facsimile: (702) 388-7406

9 Email: [Paul@pecoslawgroup.com](mailto:Paul@pecoslawgroup.com)

10 Attorney for Plaintiff

11 **DISTRICT COURT**  
12 **CLARK COUNTY, NEVADA**

13 **Enrique Schaerer,**

14 Plaintiff,

15 vs.

16 **Olena Karpenko,**

17 Defendant.

Case No. **D-21-628088-D**

Dept No. **U**

Date of Hearing: n/a

Time of Hearing: n/a

18 **NOTICE OF ENTRY OF ORDER**

19 TO: Olena Karpenko, Defendant; and

20 TO: Marshal Willick, Esq., attorney for Defendant.

21 YOU WILL PLEASE TAKE NOTICE that ORDER FROM THE NOVEMBER  
22 10, 2021, HEARING was entered in the above-captioned case on the 30<sup>th</sup> day of

23 ///

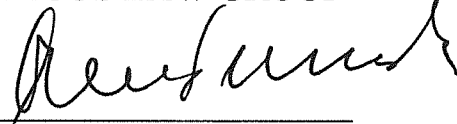
24 ///

25 ///

1 November 2021, by filing with the clerk. A true and correct copy of said ORDER  
2 is attached hereto and made a part hereof.

3 DATED this 1<sup>st</sup> day of December, 2021.  
4

5 PECOS LAW GROUP

6 

7 **Paul A. Lemcke, Esq.**

8 Nevada Bar No. 003466

9 8925 South Pecos Road, Suite 14A

10 Henderson, Nevada 89074

11 Attorney for Plaintiff  
12  
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1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I hereby certify that on this 19<sup>th</sup> day of December  
3 2021, the **Notice of Entry of Order**, in the above-captioned case was served as  
4 follows:

- 5 ☒ pursuant to NEFCR 9, by mandatory electronic service through the  
6 Eighth Judicial District Court's electronic filing system;
- 7 ☐ pursuant to NRCP 5, by placing the same to be deposited for mailing  
8 in the United States Mail, in a sealed envelope upon which first class  
9 postage was prepaid in Las Vegas, Nevada;
- 10 ☐ pursuant to EDCR 7.26 to be sent via facsimile and/or email, by duly  
11 executed consent for service by electronic means;
- 12 ☐ by hand-delivery with signed Receipt of Copy.

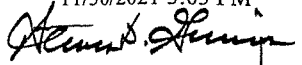
13 To individual(s) listed below at the address:

14 Marshal Willick, Esq. marshal@willicklawgroup.com  
15 Reception email@willicklawgroup.com  
16 Victoria Javiel victoria@willicklawgroup.com

17 

18 **Allan Brown,**  
19 An employee of PECOS LAW GROUP



  
 CLERK OF THE COURT
**ORDR**

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

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

ENRIQUE SCHAERER,  
 Plaintiff,

vs.

OLENA KARPENKO,  
 Defendant.

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

DATE OF HEARING: 11/10/2021  
 TIME OF HEARING: 10:30 A.M.

**ORDER FROM THE NOVEMBER 10, 2021, HEARING**

This matter came on for hearing at the above date and time before the Honorable Dawn R. Throne, District Court Judge, Family Division via *bluejeans* and Plaintiff, Enrique Schaerer, was present via audio and visual and represented by Paul A. Lemcke, Esq., of Pecos Law Group and Defendant, Olena Karpenko, was present via audio and visual and represented by Richard L. Crane, Esq., of the WILICK LAW GROUP.

The Court, having set this matter for status check, and Defendant's *Motion to Reconsider, Set Aside, Alter, or Amend the Order from Motion Hearing*, and Defendant's *Motion to Set Aside Interlocutory Decree of Divorce, Plaintiff's Countermotion for Attorney's Fees and Order to Show Cause*, having reviewed the papers and pleadings on file herein, made the following findings and orders:

1                   **THE COURT HEREBY FINDS:**

2           1. Defendant's *Motions* are timely.

3           2. Defendant's *Pleadings* and *Motions* which indicate there are no property or  
4 other financial issues remaining is implied consent to the entry of the *Interlocutory*  
5 *Decree of Divorce* and the Court is not going to set aside the *Interlocutory Decree of*  
6 *Divorce*.

7           3. Attorney for Defendant, Mr. Crane has made a record that this Court has denied  
8 the request for Consulate General of Ukraine to be present to observe at this hearing  
9 on behalf of Olena Karpenko. Mr. Crane informed the Court that a United States  
10 Treaty exists and she is entitled to that attendance since she is a foreign national; the  
11 Court has denied the request. Plaintiff's counsel made a record that his *Opposition*  
12 stands and paternity matters are a closed matter. The Plaintiff's counsel and the  
13 Plaintiff do not consent to the Consulate to appear in this matter.

14           4. Plaintiff's counsel requests the letter from Consulate General of Ukraine filed  
15 with the Court this morning be stricken.

16           5. In regards to the Defendant's *Motion for Reconsideration*. The Court has  
17 trouble forcing Defendant to fly to United States before the child is cleared medically  
18 able to fly, which could be at 6 months old. At the same time, the Court agrees the  
19 best scenario is for a face- to-face collection and testing with all parties to be present  
20 at the same testing facility.

21           6. The Court is most concerned with fairness to both parties and reliability in a  
22 testing result. There are lots of points where human error or intentional misconduct  
23 can enter into paternity testing and reporting. Each point of human interaction can  
24 set that up. It is within the Court's jurisdiction to order Defendant to come back to  
25 the U.S. if she wants to prove that Plaintiff is the father of her child. Defendant did  
26 not leave Nevada until she was pregnant, and the child was conceived in the State of  
27 Nevada.

28

1       7. The Court has suggested the possibility that a middle ground may exist if there  
2 is a neutral third-party Country wherein the parties can make arrangements to meet  
3 together for face-to-face collection and testing and to cooperate and agree on a  
4 designated location, date, and time.

5       8. Plaintiff's request for attorney's fees is deferred but a Financial Disclosure  
6 Form will have to be filed if financials are still an issue at the status hearing.

7       **THE COURT HEREBY ORDERS:**

8       1. The Court has stricken (#46) the letter from Consulate filed November 10,  
9 2021, however, Defendant's counsel can put a cover letter on the letter and file it as  
10 an exhibit.

11       2. The Court has denied Consulate General of Ukraine to be present to observe  
12 at this hearing on behalf of Olena Karpenko due to the case being sealed.

13       3. The Court has deferred *Defendant's Motion to Reconsider, Set Aside, Alter, or*  
14 *Amend the Order from Motion Hearing.* The Court is willing to reconsider its prior  
15 order if the parties offer up a persuasive testing and collection protocol in a neutral  
16 third-party Country, and a status hearing will be scheduled.

17       4. The Court has denied *Defendant's Motion to Set Aside Interlocutory Decree*  
18 *of Divorce.*

19       5. The Court has already made an *Order*, subject to reservation of rights, that  
20 Plaintiff is to pay for the costs for traveling expenses for Olena and the child for DNA  
21 testing.

22       6. The Court has continued the matter relating to an *Order to Show Cause.*

23       7. The Court's previous order stands that a HIPAA release executed by Defendant  
24 (Bates-stamped document ES003), shall be executed by Defendant and provided to  
25 Plaintiff's counsel to obtain the relevant medical file in the possession of Defendant's  
26 Nevada OB/GYN. The executed release shall be provided by November 10, 2021 at  
27 5:00 p.m. to Plaintiff's counsel.

28

1 8. Plaintiff and Defendant's request for attorney's fees are *deferred*.

2 9. The WILICK LAW GROUP is to prepare the order from today and submit to Mr.  
3 Lemcke for review and signature.

4 10. Status hearing set for January 18, 2022, at 11:00 a.m., to address potential  
5 travel for DNA collection and testing, whether to the U.S. or a third-party country.

6 **IT IS SO ORDERED.**

7

Dated this 30th day of November, 2021

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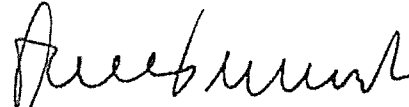
AFB E88 FD86 ED9D  
Dawn R. Throne  
District Court Judge

Respectfully Submitted By:

WILICK LAW GROUP

Approved to form and Content By:

PECOS LAW GROUP



//s// Richard L. Crane, Esq.  
MARSHAL S. WILICK, ESQ.  
Nevada Bar No. 2515  
RICHARD L. CRANE, ESQ.  
Nevada Bar No. 9536  
3591 E. Bonanza Road, Suite 200  
Las Vegas, Nevada 89110-2101  
Attorneys for Defendant

PAUL A. LEMCKE, ESQ.  
Nevada Bar No. 3466  
8925 South Pecos Road, Suite 14A  
Henderson, Nevada 89074  
paul@pecoslawgroup.com  
Attorney for Plaintiff

P:\wp19\KARPENKO, ODRAFTS\00531888.WPD/vj

1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
4

5  
6 Enrique Schaerer, Plaintiff

CASE NO: D-21-628088-D

7 vs.

DEPT. NO. Department U

8 Olena Karpenko, Defendant.  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

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18 admin email

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19 Allan Brown

allan@pecoslawgroup.com

20 Paul Lemcke

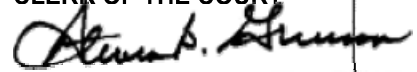
paul@pecoslawgroup.com  
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**EXHIBIT “35”**

**EXHIBIT “35”**

**EXHIBIT “35”**



1 **NTSO**  
2 **Paul A. Lemcke, Esq.**  
3 Nevada Bar No. 003466  
4 **PECOS LAW GROUP**  
5 8925 South Pecos Road, Suite 14A  
6 Henderson, Nevada 89074  
7 Telephone: (702) 388-1851  
8 Facsimile: (702) 388-7406  
9 Email: [Paul@pecoslawgroup.com](mailto:Paul@pecoslawgroup.com)  
10 Attorney for Plaintiff

11 **DISTRICT COURT**  
12 **CLARK COUNTY, NEVADA**

13 **Enrique Schaerer,**

14 Plaintiff,

15 vs.

16 **Olena Karpenko,**

17 Defendant.

Case No. **D-21-628088-D**

Dept No. **U**

Date of Hearing: n/a

Time of Hearing: n/a

18 **NOTICE OF ENTRY OF STIPULATION AND ORDER**

19 TO: Olena Karpenko, Defendant; and

20 TO: Marshal Willick, Esq., attorney for Defendant.

21 YOU WILL PLEASE TAKE NOTICE that STIPULATION AND ORDER TO  
22 CONTINUE HEARING ON PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT was  
23 entered in the above-captioned case on the 1<sup>st</sup> day of December 2021, by filing  
24

25 ///

26 ///

1 with the clerk. A true and correct copy of said STIPULATION AND ORDER is  
2 attached hereto and made a part hereof.

3 DATED this 1<sup>st</sup> day of December, 2021.  
4

5 PECOS LAW GROUP

6 

7 **Paul A. Lemcke, Esq.**

8 Nevada Bar No. 003466

9 8925 South Pecos Road, Suite 14A

10 Henderson, Nevada 89074

11 Attorney for Plaintiff  
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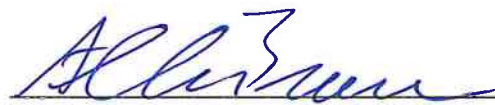
1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I hereby certify that on this 1<sup>st</sup> day of December  
3 2021, the **Notice of Entry of Stipulation and Order**, in the above-captioned case  
4 was served as follows:

- 5 ☒ pursuant to NEFCR 9, by mandatory electronic service through the  
6 Eighth Judicial District Court's electronic filing system;
- 7 ☐ pursuant to NRCP 5, by placing the same to be deposited for mailing  
8 in the United States Mail, in a sealed envelope upon which first class  
9 postage was prepaid in Las Vegas, Nevada;
- 10 ☐ pursuant to EDCR 7.26 to be sent via facsimile and/or email, by duly  
11 executed consent for service by electronic means;
- 12 ☐ by hand-delivery with signed Receipt of Copy.

13 To individual(s) listed below at the address:

14 Marshal Willick, Esq. marshal@willicklawgroup.com  
15 Reception email@willicklawgroup.com  
16 Victoria Javiel victoria@willicklawgroup.com

17   
18 **Allan Brown,**  
19 An employee of PECOS LAW GROUP  
20  
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*Heather L. Smith*  
CLERK OF THE COURT

1 **SAO**  
2 **Paul A. Lemcke, Esq.**  
3 Nevada Bar No. 003466  
4 PECOS LAW GROUP  
5 8925 South Pecos Road, Suite 14A  
6 Henderson, Nevada 89074  
7 Telephone: (702) 388-1851  
8 Facsimile: (702) 388-7406  
9 Email: [Paul@pecoslawgroup.com](mailto:Paul@pecoslawgroup.com)  
10 Attorney for Plaintiff

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

11 **Enrique Schaerer,**

12 Plaintiff,

13 vs.

14 **Olena Karpenko,**

15 Defendant.

Case No. **D-21-628088-D**

Dept No. **U**

Date of Hearing: **12/29/21**

Time of Hearing: **9:30 a.m.**

17 **STIPULATION AND ORDER**  
18 **TO CONTINUE HEARING ON PLAINTIFF'S**  
19 **MOTION FOR SUMMARY JUDGMENT**

20 Plaintiff **Enrique Schaerer**, by and through his attorney, Paul A. Lemcke,  
21 Esq., of PECOS LAW GROUP, and Defendant **Olena Karpenko**, by and through her  
22 attorney, Marshal S. Willick, Esq., of WILICK LAW GROUP, hereby stipulate and  
23 agree to the following:

- 24  
25 1. The motion hearing on Plaintiff's Motion for Summary Judgment

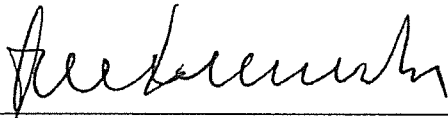
1 currently scheduled for Thursday, December 29, 2021, at 9:30 a.m., shall be  
2 continued to the same date previously set by the Court for a status check to  
3 address potential travel for DNA collection and testing, on Tuesday, January 18,  
4 2022, at 11:00 a.m., thereby consolidating the motion hearing and the status  
5 check on the same date and time.  
6

7 2. Additionally, the parties agree that Olena's *Opposition* to the Motion  
8 for Summary Judgment shall be due not later than December 17, 2021.

9 Dated this 1<sup>st</sup> day of Dec., 2021. Dated this 1<sup>st</sup> day of Dec., 2021.

10 PECOS LAW GROUP

WILLICK LAW GROUP

11  
12 

// s // Richard L. Crane, Esq. 9536

13 **Paul A. Lemcke, Esq.**  
14 Nevada Bar No. 3466  
15 8925 South Pecos Road, Ste. 14A  
16 Henderson, Nevada 89074  
Attorney for Plaintiff

**Marshal S. Willick, Esq.**  
Nevada Bar No. 2515  
3591 East Bonanza Road, #200  
Las Vegas, Nevada 89110  
Attorney for Defendant

17  
18  
19  
20  
21 **ORDER**

22 **BASED ON A READING** of the foregoing stipulation of the parties in the  
23 above-captioned matter, and good cause appearing therefore,

24 ///

25 ///

**IT IS FURTHER ORDERED** that Defendant's *Opposition to Motion for Summary Judgment* is now due on December 17, 2021.



**F29 DC6 E2C4 D832**  
**Dawn R. Throne**  
**District Court Judge**

Rebecca

OK000306

## Paul Lemcke

---

**From:** Richard Crane <richard@willicklawgroup.com>  
**Sent:** Wednesday, December 1, 2021 11:33 AM  
**To:** Paul Lemcke; Marshal Willick  
**Subject:** RE: Schaerer v. Karpenko  
**Attachments:** 00533619.DOC

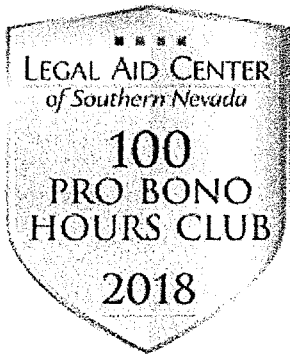
Paul,

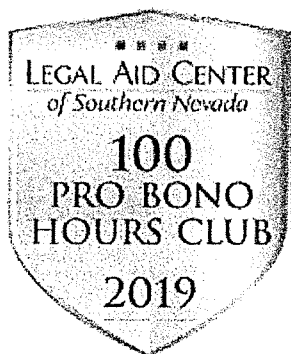
We agree. Additionally, I have edited the S&O to include an extension on when our Opposition to the Motion for summary judgment is due. I have it now due no later than December 17. I have signed the Stip and if you agree, you can sign and file.

BR



**Rick Crane, Esq.**  
**Willick Law Group**  
A Domestic Relations & Family Law Firm  
3591 East Bonanza Road, Suite 200  
Las Vegas, Nevada 89110-2101  
Phone: (702) 438-4100, ext. 115  
Fax: (702) 438-5311  
Web: [www.willicklawgroup.com](http://www.willicklawgroup.com)  
[View Our Newsletters](#)





**From:** Paul Lemcke <Paul@pecoslawgroup.com>  
**Sent:** Wednesday, December 01, 2021 10:44 AM  
**To:** Marshal Willick <marshal@willicklawgroup.com>  
**Cc:** Richard Crane <richard@willicklawgroup.com>  
**Subject:** Schaerer v. Karpenko

Good morning, Marshal.

The motion hearing on my client's motion for summary judgment has been scheduled on 12/29/21 at 9:30 a.m. I will be in Florida on that date for a family trip, so I would propose that we stipulate to move that hearing to the same date as the 1/18/22 status check in Dept. U. If this is agreeable, I have taken the liberty of preparing a stipulation to continue, which is attached here for your review. Please advise.

Regards - Paul

*Paul Lemcke, Esq.* || Attorney at Law

8925 S. Pecos Road, Suite 14A  
Henderson, Nevada 89074



P: (702) 388-1851

F: (702) 388-7406

E: [PAUL@PECOSLAWGROUP.COM](mailto:PAUL@PECOSLAWGROUP.COM)

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1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 Enrique Schaerer, Plaintiff

CASE NO: D-21-628088-D

7 vs.

DEPT. NO. Department U

8 Olena Karpenko, Defendant.  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 12/1/2021

15 Marshal Willick

marshal@willicklawgroup.com

16 Reception Reception

email@willicklawgroup.com

17 Victoria Javiel

victoria@willicklawgroup.com

18 admin email

email@pecoslawgroup.com

19 Allan Brown

allan@pecoslawgroup.com

20 Paul Lemcke

paul@pecoslawgroup.com

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OK000309