

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE SUPREME COURT OF THE STATE OF NEVADA

OLENA KARPENKO,
Appellant,
vs.
THE EIGHTH JUDICIAL
DISTRICT COURT OF THE
STATE OF NEVADA, IN AND
FOR THE COUNTY OF CLARK,
AND THE HONORABLE DAWN
THRONE, DISTRICT COURT
JUDGE,
Respondents,
and
ENRIQUE SCHAERER; and
DOES I through X,
Real Parties in Interest

Electronically Filed
CASE NO. 83170920220206 p.m.
Elizabeth A. Brown
District Court Case No. Clerk of Supreme Court
D-21-628008-C

**MOTION TO DIVERT MATTER TO SUPREME COURT SETTLEMENT
PROGRAM AND TO SUSPEND BRIEFING**

Real Party in Interest, Enrique Schaerer, and Petitioner, Olena Karpenko, are in the process of addressing Paternity in the District Court listed as Respondent herein. The pending *Writ* has arisen from decisions issued in that matter. During the preceding week, Enrique has retained new counsel to assist him with addressing both the underlying District Court case as well as this *Writ*. In a recent discussion, counsel for Petitioner, Mr. Marshal Willick, Esq., and undersigned counsel, Ms. Racheal H. Mastel, Esq, discussed the potential for settlement in this matter. Both Mr. Willick and Ms. Mastel agreed that

1 the parties would be interested in resolving the litigation, which would include resolving
2 the issues directly related to the *Writ* itself.

3
4 Both counsel believe that mediation with a skilled mediator who has a background
5 in family law would be of great benefit to this case. As such, both counsel are requesting
6 that the Court enter an Order diverting this matter to the Supreme Court Settlement
7 Program pursuant to NRAP 16.
8

9
10 While Ms. Mastel understands that, generally, NRAP 16 is used to resolve appeals,
11 the purpose of the program is to assist in the resolution of matters on the appellate court
12 docket without litigation. As such, and given that is the goal of the parties and their
13 counsel in this instance, undersigned counsel believes that it would be of great benefit,
14 if the Court would permit and Order participation in that program.
15

16 Presently, this Court has ordered Enrique to answer the *Writ*. That Answer is due
17 March 16, 2022. Should this Court be inclined to divert the parties to the Settlement
18 Program, Enrique requests, and Mr. Willick does not object, that, pursuant to NRAP
19 16(a)(1), this Court suspend the briefing, including Enrique's Answer, while the parties
20 participate in Mediation.
21

22 ...

23 ...

24 ...

1 NRAP 27(e) CERTIFICATE

2 1. The telephone numbers and office addresses for all counsel and
3 unrepresented parties in this matter are:
4

5 MARSHAL WILLICK, ESQ.
6 (702) 438-4100
7 3591 E. Bonanza Road, Suite 200
8 Las Vegas, Nevada 89110.
9 District Court and Appellate Court Counsel for Petitioner

10 RACHEAL H. MASTEL, ESQ.
11 (702)823-4900
12 3303 Novat Street, Suite 200,
13 Las Vegas, Nevada 89129.
14 District Court and Appellate Court Counsel for Real Party in
15 Interest

16 There are no unrepresented parties in this appeal.

17 2. Because this is a Motion for Diversion to the Settlement Program and
18 Suspension of Briefing, all counsel and litigants will be notified via service
19 of this Motion to the counsel listed above. Counsel will be served via the
20 Court's electronic filing system.

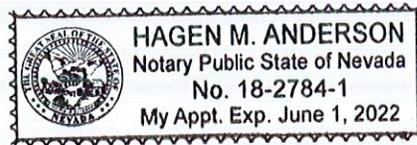
21 

22 RACHEAL H. MASTEL, ESQ.

23 SUBSCRIBED AND SWORN to before me
24 this 9 day of March, 2022.

25 

26 NOTARY PUBLIC in and for said
27 County and State



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

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 9th day of March, 2022, I caused to be served the *Motion to Divert Matter to Supreme Court Settlement Program and Suspend Briefing* to all interested parties as follows:

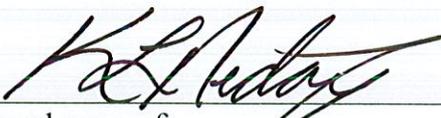
___ BY MAIL: Pursuant to NRCP 5(b), I caused a true copy thereof to be placed in the U.S. Mail, enclosed in a sealed envelope, postage fully prepaid thereon, addressed as follows:

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

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

X BY ELECTRONIC MAIL: Pursuant to NRAP 25(c) and NEFCR Rule 9, I caused a true copy thereof to be served via electronic mail, via the Supreme Court Electronic Filing System.

Marshal Willick, Esq.


An Employee of
KAINEN LAW GROUP, PLLC