FILED

JAN 22 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

Matthew Wright
Appellant

VS

Mandi McDonald
Respondent

No. 87513

DOCKETING STATEMENT
CIVIL APPEALS

GENERAL INFORMATION

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument and settlement conferences, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 27 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. *See* KDI Sylvan Pools v. Workman, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

RECEIVED
JAN 19 2024
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

24-02263

1. Judicial District Eighth Department Eighth

County Clark Judge Regina McConnel

District Ct. Case No. D-19-589358-D

2. Attorney filing this docketing statement: NA

Attorney _____ Telephone _____

Firm _____

Address

Client(s) _____

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

3. Attorney(s) representing respondents(s):

Attorney Amanda Roberts Telephone 702-474-7007

Firm Roberts Stoffel Law Group

Address 4411 S Pecos Rd, Las Vegas, NV 89121

Client(s) Mandi McDonald

Attorney _____ Telephone _____

Firm _____

Address

Client(s) _____

(List additional counsel on separate sheet if necessary)

4. Nature of disposition below (check all that apply):

- ☐ Judgment after bench trial
- ☐ Judgment after jury verdict
- ☐ Summary judgment
- ☐ Default judgment
- ☐ Grant/Denial of NRCP 60(b) relief
- ☐ Grant/Denial of injunction
- ☐ Grant/Denial of declaratory relief
- ☐ Review of agency determination
- ☐ Dismissal:
  - ☐ Lack of jurisdiction
  - ☐ Failure to state a claim
  - ☐ Failure to prosecute
  - ☐ Other (specify): _____
- ☐ Divorce Decree:
  - ☐ Original ☐ Modification
- ☒ Other disposition (specify): Post decree attorney fee and expert witness fee

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

- ☐ Child Custody
- ☐ Venue
- ☐ Termination of parental rights

6. Pending and prior proceedings in this court. List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal: NA

7. Pending and prior proceedings in other courts. List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (*e.g.*, bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition: NA

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

In the midst of the trail the Plaintiff stopped the proceedings and began entering into a settlement agreement with the Defendant. After negoations facilitated by the District Court Judge in open court, the Plaintiff and Defendant settled by way of settlement negotiation in open court for physical custody and most other issues on June 17 2022. The remainder of the trial issues were put on calendar for September 23rd 2022. The remainder of the issues to be decided were Legal Custody (QDRO issues, attorney fees, conditions to return to court (when Mr. Wright could petition the family court for modification of the supervised visitation which was all decided by the Honorable Judge Amy Mastin on September 23rd 2022. The case then sat for months with no final order filed by Plaintiff's attorney until June of 2023. During that time the case was judicially reassigned to department O. When the new court took over the case, a letter was sent a letter to Attorney Roberts regarding the orders from the settlement and trial being delinquent as Attorney Roberts had been ordered to draft the orders. At that time, Attorney Roberts began working with Attorney Molnar to draft the orders however the two could not agree due to discrepancies in the records and opposing orders were filed. Judge McConnell accepted the Plaintiff's orders and signed off on the decree at which point Attorney Molnar withdrew from the case. On July 6th 2023 the Plaintiff filed for an award of attorney and expert witness fees. On July 20th Defendant filed an opposition to the motion for award of attorney and expert witness fees. The Plaintiff then filed a reply to the defendants opposition on July 27th 2023. An in chambers hearing was held on August 14th 2023 and subsequently prior to the ruling the plaintiff filed a supplement for their motion on August 29th 2023 (15 days after the hearing was held) in which the defendant subsequently filed an opposition to the supplement due to the untimeliness of its file on August 30th 2023. Judge McConnell made a ruling in favor of the Plaintiff on September 11th 2023. The court made a ruling without addressing even one the defendants opposition (points authorities and caselaw) challenging the Plaintiff's legal right to be awarded attorney and expert witness fees under the NRS, Nevada Civil Rules for procedure and the EDCRs which govern this decision. Furthermore, the court did not address the defendants opposition to the plaintiffs untimely file for supplemental information which occurred AFTER the hearing date. The defendant has provided a notice of appeal on October 18, 2023, for the order granting the plaintiff relief for award of attorney and expert witness fees judgement entered on October 2nd 2023..

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

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

11. Constitutional issues. If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

☒ N/A

☐ Yes

☐ No

If not, explain:

12. Other issues. Does this appeal involve any of the following issues? NA

☐ Reversal of well-settled Nevada precedent (identify the case(s))

☐ An issue arising under the United States and/or Nevada Constitutions

☐ A substantial issue of first impression

☐ An issue of public policy

☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

☐ A ballot question

If so, explain:

13. Assignment to the Court of Appeals or retention in the Supreme Court. Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

14. Trial. If this action proceeded to trial, how many days did the trial last? Yes 5

Was it a bench or jury trial? Bench

15. Judicial Disqualification. Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?

No

TIMELINESS OF NOTICE OF APPEAL

16. Date of entry of written judgment or order appealed from October 2nd 2023

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

17. Date written notice of entry of judgment or order was served October 2nd 2023

Was service by:

☐ Delivery

☒ Mail/electronic/fax

18. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59)

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

☐ NRCP 50(b) Date of filing _____

☐ NRCP 52(b) Date of filing _____

☐ NRCP 59 Date of filing _____

NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. *See* AA Primo Builders v. Washington, 126 Nev. ____, 245 P.3d 1190 (2010).

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

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

Was service by:

☐ Delivery

☐ Mail

19. Date notice of appeal filed October 18th 2023

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:

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

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SUBSTANTIVE APPEALABILITY

21. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:

(a)

☐ NRAP 3A(b)(1) ☐ NRS 38.205

☐ NRAP 3A(b)(2) ☐ NRS 233B.150

☐ NRAP 3A(b)(3) ☐ NRS 703.376

☐ Other (specify) _____

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

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

(a) Parties:

Matthew Wright (defendant)
Mandi McDonald (plaintiff)

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other:

23. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.

24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?

☒ Yes

☐ No

25. If you answered "No" to question 24, complete the following:

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)?

☐ Yes

☐ No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?

☐ Yes

☐ No

26. If you answered "No" to any part of question 25, explain the basis for seeking appellate review (*e.g.*, order is independently appealable under NRAP 3A(b)):

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

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order

9.) Issues on Appeal

The American Rule, Prevailing Parties and Award for Attorney Fees:

Does the Nevada Supreme Court's interpretation of the American Rule based on established case law **preclude** an award of Attorney Fees when there is **no** prevailing party/the action has not proceeded to judgement (parties settled)? Does this Equally apply in full and partial settlements? Is there a prevailing party requirement for award of attorney fees under Nevada laws and statutes?

- ***(American Rule" Pardee Homes v. Wolfram, 444 P.3d 423 (Nev.2019) The American rule provides that "attorney fees may not be awarded absent a statute, rule or contract authorizing such award" See Thomas V. City of N. Las Vegas, 122 Nev. 82,90,127 P3d 1057, 1063 (2006)***
- ***NRS 18.010 (2) states: In addition to the cases where an allowance is authorized by specific statute, the court may make an allowance of attorney's fees to a prevailing party:***
- ***Homes v . Homes v. GL Constr . GL Constr., 134 Ne ., 134 Nev. Adv. Op. 60 (A . Op. 60 (Aug. 2, 2018)*** [2] ***MB Am., Inc. v. Alaska Pac. Leasing, 132 Nev. 78, 88 (2016). 3 Albios v. Horizon Cmtys.,Inc., 122 Nev. 409, 417 (2006); Smith v. Crown Fin. Servs. Of Am., 111 Nev. 277, 284 773 (1995).***
- ***in N. Nev. Homes v . Homes v. GL Constr . GL Constr., 134 Nev., 134 Nev. Adv. Op. 60 (A. Op. 60 (Aug. 2, 2018) ug. 2, 2018) That "a party to an action cannot be considered prevailing within the contemplation of NRS 18.010 where the action has not proceeded to judgment."***

NRCP 54(d)(2) as it relates to Attorney fees as sanctions and the requirement of a prevailing party in consideration of an award of attorney fees defined in Nevada Statutes

Does the **exception** given in NRCP 54(d)(2)(D) **preclude** NRCP 54(d)(2) from being a vehicle for an award of attorney fees as it relates to attorney fees for sanctionable or alleged sanctionable conduct?

- **NRCP 54(d)(2)"(D)Exceptions:** ***Rules 54(d)(2)(A) and (B) do not apply to claims for attorney fees as sanctions or when the applicable substantive law requires attorney fees to be proved at trial as an element of damages" Rule 54 - Judgments; Attorney Fees, Nev. R. Civ. P. 54***

For an award of attorney fees as it relates specifically to alleged sanctionable conduct was the plaintiff required to file a motion under to **NRCP 11(c)(2) Motion for Sanctions?**

- **NRCP 11(c)(2) Motion for Sanctions. A motion for sanctions must be made separately from any other motion and must describe the specific conduct that allegedly violates Rule 11(b).**

Is there a requirement for a "prevailing party" for an award of expert witness fees that were previously ordered by the court to be divided equally between the parties?

- **Rule 30 - Depositions by Oral Examination, Nev. R. Civ. P. 30 ("(C)Sanctions. The court may impose a sanction under Rule 37 against any party who does not prevail, and in favor of any party who does prevail, on a motion to set expert witness fee, provided the prevailing party** ***has engaged in a reasonable and good faith attempt at an informal resolution of any issues presented by the motion.")***

District Court Order Granting the Plaintiff Attorney and Expert Witness Fees dated the 11th of September 2023 and acceptance of untimely supplement.

- Was the trial court required to acknowledge and or respond to the legal issues addressed by the defendant in his Opposition motion to the Plaintiff's motion for an award of attorney fees Pursuant to NRCP 54(d)(2); and an award of expert witness fees and expenses in their written order signed by the Honorable Judge McConnell on the 11th day of September, 2023?
- Did the trial court error when accepting the plaintiff's supplement to their motion for award of attorney and excerpt witness fees **AFTER** the in chambers hearing held? In chambers hearing held on 08.14.2023, supplement filed on 08.29.2023 and Defendant's opposition to the untimely supplement filed on 08.30.2023.

VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

MATTHEW WRIGHT
Name of appellant

N/A
Name of counsel of record

1/16/2024
Date

Signature of counsel of record

NEVADA, CLARK
State and county where signed

CERTIFICATE OF SERVICE

I certify that on the 16TH day of JANUARY, 2024, I served a copy of this completed docketing statement upon all counsel of record:

☒ By personally serving it upon him/her; or E SERVICE efile@lvfamilylaw.com

☐ By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

Dated this 16 day of JANUARY, 2024

Signature

NEOJ

Amanda M. Roberts, Esq.
State of Nevada Bar No. 9294
ROBERTS STOFFEL FAMILY LAW GROUP
4411 S. Pecos Road
Las Vegas, Nevada 89121
PH: (702) 474-7007
FAX: (702) 474-7477
EMAIL: efiole@lvfamilylaw.com
Attorney for Plaintiff, Mandi McDonald

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

MANDI MCDONALD, Plaintiff, v. MATTHEW WRIGHT, Defendant.	Case No: D-19-589358-D Dept No: O

NOTICE OF ENTRY OF ORDER FOLLOWING PLAINTIFF'S MOTION FOR AN AWARD OF ATTORNEY FEES PURSUANT TO NRCP § 54 (d)(2); AND AN AWARD OF EXPERT WITNESS FEES AND EXPENSES

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RECEIVED
JAN 19 2024
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

PLEASE TAKE NOTICE that an Order Following Plaintiff's Motion for an Award of Attorney Fees Pursuant To NRCP § 54 (d)(2); and an Award of Expert Witness Fees and Expenses was duly entered on September 11, 2023, a copy of which is attached hereto and fully incorporated herein.

DATED this 24th day of September, 2023.

ROBERTS STOFFEL FAMILY LAW GROUP

By: Amanda M. Roberts

Amanda M. Roberts, Esq.
State Bar of Nevada No. 9294
4411 S. Pecos Road
Las Vegas, Nevada 89121
PH: (702) 474-7007
FAX: (702) 474-7477
EMAIL: efile@lvfamillaw.com
Attorney for Plaintiff, Mandi McDonald

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Roberts Stoffel Family Law Group, and on the 2nd day of October, 2023, I served by and through Wiz-Net electronic service, pursuant Clark County District Court Administrative Order 14-2 for service of documents identified in Rule 9 of the N.E.F.C.R., the foregoing Notice of Entry of Order Following Plaintiff's Motion for an Award of Attorney Fees Pursuant To NRCP § 54 (d)(2); and an Award of Expert Witness Fees and Expenses (with Order Following Plaintiff's Motion for an Award of Attorney Fees Pursuant To NRCP § 54 (d)(2); and an Award of Expert Witness Fees and Expenses attached herein), to the following:

Matthew Wright
Email: mattwrightster@gmail.com
Defendant in proper person

By: _____
Employee of Roberts Stoffel Family Law Group

Electronically Filed
09/11/2023 5:31 PM
CLERK OF THE COURT

ORDR

Amanda M. Roberts, Esq.
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EMAIL: efile@lvfamilylaw.com
Attorneys for Plaintiff, Mandi McDonald

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

MANDI MCDONALD, Plaintiff, v. MATTHEW WRIGHT, Defendant.	Case No: D-19-589358-D Dept No: O

ORDER FOLLOWING PLAINTIFF'S MOTION FOR AN AWARD OF ATTORNEY FEES PURSUANT TO *NRCP* § 54 (d)(2); AND AN AWARD OF EXPERT WITNESS FEES AND EXPENSES

THIS MATTER coming before the Court by way of Plaintiff's Motion For An Award of Attorney Fees Pursuant To *NRCP* § 54 (D)(2); and An Award of Expert Witness Fees and Expenses ("Motion"); and Defendant's Opposition to said Motion ("Opposition"); Plaintiff's Reply ("Reply"); and Plaintiff's Supplement to

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the Motion. The Court having reviewed the pleadings on file in this matter and considered the arguments, hereby finds and Orders as follows:

NOW THEREFORE,

THE COURT HEREBY FINDS the Plaintiff filed her Motion in according to *NRCP* § 54 (d)(2)(A) and

THE COURT FURTHER FINDS the Plaintiff's Motion was timely.

THE COURT FURTHER FINDS that the Plaintiff requested attorney fees pursuant to *NRS* § 125B.140 (2)(c)(2). In this matter, the Defendant owed the Plaintiff daycare arrears of $19,822.73 pursuant to the hearing on April 6, 2022 at time stamp 04:56:00; and Defendant owed Plaintiff additional daycare arrears of $5,624.00 pursuant to the hearing on September 23, 2022 at time stamp 02:49:45). Therefore, reasonable attorney fees should be granted.

THE COURT FURTHER FINDS that the Plaintiff requested attorney fees pursuant to *NRS* § 125C.250 which states, "in an action to determine legal custody, physical custody or visitation with respect to a child, the court may order reasonable fees of counsel and experts and other costs of the proceeding to be paid in proportions and at times determined by the court." In this matter, Mandi is requesting reasonable fees." The Parties were able to resolve the issues regarding finances with little assistance from the Court, the majority of the litigation centered

on issues regarding child custody and support. The District Court repeatedly deferred attorney fees in this matter. Therefore, attorney fees may be Ordered.

THE COURT FURTHER FINDS the Plaintiff requested attorney fees pursuant to *EDCR* § 5.219 (c) provides that sanctionable conduct is failing to prepare or; *EDCR* § 5.219 (d) provides that sanctionable conduct is failing to appear; and *EDCR* § 5.219 (f) provides that sanctionable conduct is failing to comply with Court Orders. Furthermore, *EDCR* § 5.102 (m)(2) provides that as a sanction the Court may award attorney fees and costs. Plaintiff argued that the Defendant's behavior was unreasonable and unnecessarily increased the costs of attorney fees including the Defendant being caught in lies which caused excessive litigation. The District Court included findings in the Findings of Fact, Conclusions of Law and Decree of Divorce that the level of conflict originates with Defendant, he lacks credibility, is oppositional, defiant, and difficult to deal with (*see* Findings of Fact, Conclusions of Law and Decree of Divorce at page 3 and 4, starting at line 18).

THE COURT FURTHER FINDS that Ms. Roberts set forth the factors under the holding of *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 455 P.2d 31 (1969), and those facts are accepted as the Court and incorporated herein by reference.

THE COURT FURTHER FIND the attorney fees and costs charged by Ms. Roberts based upon the billing statements provided total $119,619.51.

THE COURT FURTHER FINDS that Ms. Roberts' Affidavit asserts that the fees incurred were actually and necessarily incurred and reasonable.

THE COURT FURTHER FINDS that *NRS* § 125C.250 states, "in an action to determine legal custody, physical custody or visitation with respect to a child, the court may order reasonable fees of counsel and experts and other costs of the proceeding to be paid in proportions and at times determined by the court." In this matter, Dr. Ahmad was selected to conduct a psychosexual evaluation. The evaluation was conducted in two (2) parts. The first portion was completed, and the second portion completed after the Colorado criminal records were obtained. As outlined in the second portion, Defendant was not forthcoming with Dr. Ahmad until the records were obtained and he thought Dr. Ahmad was going to review the up skirting videos.

THE COURT FURTHER FINDS that the District Court Judge Ordered a psychosexual evaluation of Defendant, and he refused to cooperate in the evaluation with Dr. Ahmad so that the majority of the testing in the evaluation is inconclusive and unable to be used.

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THE COURT FURTHER FINDS that Dr. Ahmad submitted an Addendum to Report Dated 05/29/2020. Therein, Dr. Ahmad noted the following in the Addendum:

- Mr. Wright presented unannounced to this examiner's office on at least three occasions leading up to this addendum, after the original report was submitted ... he was argumentative, agitated, and raised his voice when speaking with staff at the front desk.
- Mr. Wright began the interview with an admission that he had not been forthcoming during his previous appointments and had minimized the seriousness of his past criminal behavior.
- When asked if there was other information that he did not disclose during the original evaluation, he indicated that he was uncertain whether he mentioned his past substance use in his teens involving LSD, mushrooms, cocaine, and methamphetamines. Notably, this information was not provided by Mr. Wright for inclusion in the initial report.
- On the Static-99R, the new information resulted in an increase in the number of prior sexual offenses, as Mr. Wright previously indicated that this Colorado incarceration was due to one incident, and he omitted or combined the second incident with the first one in 1995.
- [T]he updated information resulted in a change in the overall risk for sexual offense recidivism, which increased from above average to well above average (comparable with a Level IVb offender), suggesting that he is at a higher risk than the typical sexual offender.
- The primary findings in reviewing the records were provided, was that there were two offenses in 1995, with a sexual component, that lead to his prison sentence in Colorado. That differed from Mr. Wright's report of one offense. While Mr. Wright was persistent in wanting to provide his perspective when he learned that these records were to be reviewed and he professed his remorse and regret, he clearly continued to minimize his past criminal behavior.
- Mr. Wright's strategy was to disclose a acknowledgement of his behaviors when he believed that his partial truth or mistruth was discovered. For instance, during the original evaluation, he

denied a history of taking upskirt photographs. Yet, when he thought this evaluator had viewed the numerous alleged upskirt and nonconsensual photographs on a flash drive provided by his ex-wife, he reviewed an admission of taking upskirt photographs ... Similarly, with respect to the 1995 offenses, throughout the original evaluation he repeatedly minimized his actions, only reported one offense, and attributed his misguided actions to intoxication. When he learned that those records were to be reviewed by this evaluator, he was persistent in wanting to explain his perspective.

- [D]espite providing additional information related to the first assault, he continued to omit relevant details related to the sequence of events leading up to the second assault, where records indicated that he was harassing the victim by phone in the days before the incident and he shut off electricity to the apartment before entering.
- While Mr. Wright reported that he wishes to accept responsibility for his past behaviors, his sincerity seems disingenuous. This was supported by his continued partial forthcomings, which was inherent in his denial until documentation surfaced that contradicted his accounts. Mr. Wright had numerous opportunities to demonstrate that he will follow through with what he says, although one cannot accept responsibility if one does not admit to past behaviors without using blame on extraneous confounding factors (e.g., intoxication).

THE COURT FURTHER FINDS that Plaintiff was charged $7,296.87 for Dr. Ahmad's services.

NOW THEREFORE,

IT IS HEREBY ORDERED that the Plaintiff is awarded the sum of $ $25,000 in attorney fees and costs from the Defendant. Said amount is reduced to judgment and shall accrue interest until paid in full.

IT IS FURTHER ORDERED that the Plaintiff is awarded the sum of $ $7,296.87 in expert fees from the Defendant. Said amount is reduced to judgment and shall accrue interest until paid in full.

IT IS SO ORDERED.

Dated this 11th day of September, 2023

1F5 9D5 17A3 834E
Regina M. McConnell
District Court Judge

Submitted this 29th day of August, 2023.

ROBERTS STOFFEL FAMILY LAW GROUP

By: Amanda M. Roberts

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EMAIL: efile@lvfamilylaw.com
Attorneys for Plaintiff, Mandi McDonald

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Mandi McDonald, Plaintiff	CASE NO: D-19-589358-D
vs.	DEPT. NO. Department O
Matthew Wright, Defendant.	

AUTOMATED CERTIFICATE OF SERVICE

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

Service Date: 9/11/2023

Kari Molnar	kari@molnarfamilylaw.com
Amanda Roberts	efile@lvfamilylaw.com
Michael Warhola	warholalaw@yahoo.com
Matthew Wright	mattwrightster@gmail.com

ELECTRONICALLY SERVED
7/21/2023 1:50 PM

Electronically Filed
7/20/2023 7:14 AM
Steven D. Grierson
CLERK OF THE COURT

OPP
MATTHEW WRIGHT
1012 San Gabriel Ave.
Henderson NV 89002
702-.274.1609
mattwrightster@gmail.com
Pro-Per

EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

MANDI MCDONALD

Plaintiff,

-vs-

Matthew Wright

Defendant

CASE NO.: D-19-589358-D

DEPT. NO. O

OPPOSITION TO PLAINTIFF'S MOTION FOR AN AWARD OF ATTORNEY FEES PURSUANT TO NRCP 54 (d)(2); AND AN AWARD OF EXPERT WITNESS FEES AND EXPENSES

Comes now the defendant, Matthew Wright, moves Pro Se in Opposition to the Plaintiff's motion for an award of attorney fees pursuant to **NRCP 54 (d)(2)** and an award of expert witness fees and expenses. Ms. McDonald's motion for award of attorney and expert fees is unfounded and unsupported by statute, rule or contract authorizing such award. Ms. McDonald's claims for attorney fees run contrary and is not supported by language in the: Nevada Revised Statutes, The Rules of Practice for the Eighth Judicial District Court of the State of Nevada as well as the Nevada Rules of Civil Procedure.

In her Motion, counsel cites **NRCP 54(D)(2)(B)(i)** as being the vehicle in which to ask a court to award attorney fees. See pg. 12 of Motion. **NRCP 54(d)(2)(B)(ii) through (v)** is then cited by counsel in an attempt to argue under what grounds counsel is seeking

such attorney fees. However, their motion does not state a basis at that point for receiving an award of attorney fees. Counsel cites **NRS 125C.250** at pg. 13 in their effort to request attorney fees. However, this section only re-states that a Court may order attorney fees in custody cases, it does not state the grounds, statute, rule or contract for such an award. Counsel then argues on pg. 14 that **EDCR sec. 5.219 (c) and EDCR sec. 5.102(m)(2)** which provides grounds to request attorney fees as sanctions for failing to follow and/or not commit a violation pursuant to **EDCR sec. 5.219(c), (d) and (f).** She then abandons that argument and fails to tie Defendants conduct to **section (c), (d) and (f)** but argues instead that his conduct "Unreasonably increased the costs of fees" for various reasons. That is **not** a ground for fees mentioned in **EDCR sec. 5.102(m)(2).**

MS MCDONALD'S CLAIMS AND REQUEST FOR AWARD OF ATTORNEY FEES ARE NOT SUPPORTED BY THE LANGUAGE IN NEV . R. CIV. P. 54 AND SHOULD BE DENIED

Ms. McDonald states she is entitled to relief under **NRCP 54 (d)(2)**. In her legal analysis within her motion at page 13 lines 1-4, Ms. McDonald parrots the requirements set forth by **NRCP 54(d)(2)(B)(ii)** ***"(ii) specify the judgment and the statute, rule, or other grounds entitling the movant to the award" Rule 54 - Judgments; Attorney Fees, Nev. R. Civ. P. 54*** Ms. McDonald, however, does **not** actually ever **specify** (emphasis added), in her own motion; the judgement and the statute, rule or other grounds entitling movant to relief. Ms. McDonald has not satisfied this requirement under the rule she is seeking relief by. As such, Ms. McDonald's requested relief for an award of attorney fees should be denied. Ms. McDonald does however clarify that she believes that her award of attorney fees is merited by Mr. Wright's conduct (sanctions for conduct) Ms. McDonald references and asserts her relief under **EDCR 5.2.19(c)(d)(f) and EDCR**

.102(m)(2) for sanctions. To further her assertion of her position of attorney fees as it relates to sanctions the totality of her motion is an argument about Mr. Wright's conduct and she feels entitled to attorney fees as a result. This position, however, is not aligned with or supported by **NRCP 54(d)(2)** in which is the specific rule that the Ms McDonald is claiming relief under. Attorney Roberts and her vastly experienced legal team (demonstrated on pages 7-11 of the plaintiff's motion for an award of attorney fees) did not perform their legal due diligence when drafting this motion for Ms. McDonald as they failed to read further down into **NRCP 54(d)(2)** they would have realized and recognized **NRCP 54(d)(2)"(D)Exceptions**: ***Rules 54(d)(2)(A) and (B) do not apply to claims for attorney fees as sanctions or when the applicable substantive law requires attorney fees to be proved at trial as an element of damages" Rule 54 - Judgments; Attorney Fees, Nev. R. Civ. P. 54***

Ms. McDonald's legal team has failed to read the entirety of rule 54 which excludes this rule as an avenue for attorney fees as sanctions. As such, Ms. McDonald does not assert any other grounds except for sanctions for conduct to justify her request for attorney fees and her requested relief for an award of attorney fees under **NRCP 54(d)(2)** should be denied in total. Moving forward with Ms. McDonald's claim considering **Exception D** would not be supported in the law and would be wasting judicial resources due to the clear exception to the rule that Ms. McDonald failed to recognize in her own filings with this court.

MS MCDONALD'S REQUEST FOR AN AWARD OF THE EXPERT FEES IS NOT SUPPORTED UNDER LAW, STATUTE OR RULE AND SHOULD BE DENIED

Ms. McDonald's request for reimbursement of expert fees should be denied in its entirety as:

1.) Costs of the expert witness were NOT deferred to trail and the trial court made an order on August 14th, 2019, ***THAT THE PARTIES WOULD EQUALLY***

DIVIDE THE COST OF THE PSYCHOLOGICAL EVALUATION. As indicated at **08/14/2019 hearing time index 10:46:29**

2.) **Rule 30** - ***Depositions by Oral Examination, Nev. R. Civ. P. 30 ("(C)Sanctions. The court may impose a sanction under Rule 37 against any party who does not prevail, and in favor of any party who does prevail, on a motion to set expert witness fee, provided the prevailing party has engaged in a reasonable and good faith attempt at an informal resolution of any issues presented by the motion.")***

3.) According to **NRCP 11(c)(2) Motion for Sanctions**. ***A motion for sanctions must be made separately from any other motion and must describe the specific conduct that allegedly violates Rule 11(b). The motion must be served under Rule 5, but it must not be filed or be presented to the court if the challenged paper, claim, defense, contention, or denial is withdrawn or appropriately corrected within 21 days after service or within another time the court sets. If warranted, the court may award to the prevailing party the reasonable expenses, including attorney fees, incurred for presenting or opposing the motion.*** In this case Ms. McDonald did **NOT** file a motion for sanctions as it related to her claims to recover her costs ordered to pay half of in the August 14th, 2019, hearing and is now attempting to lump this claim into her claim for relief under **NRCP 54(d)(2).** This is problematic as Exception **NRCP 54(d)(2) (D)Exceptions.** ***Rules 54(d)(2)(A) and (B) do not apply to claims for attorney fees as sanctions or when the applicable substantive law requires attorney fees to be proved at trial as an element of damages" Rule 54*** - Judgments; Attorney Fees, Nev. R. Civ. P. 54. Equally, since Ms. McDonald settled, in this case, she is not entitled to relief as a "prevailing party".

Ms. McDonald's claim for reimbursement or an award of her half of Dr. Ahmad's expert fees should be denied in its entirety for the following reasons:

1.) This court already made a ruling to equally divided the costs of the Psychological Evaluation at the **August 14th, 2019**, hearing at **time index 10:46:29**

2.) Rule 30 does not apply to Ms. McDonald as she is **NOT** a **"prevailing party"**

3.) Ms. McDonald did not file a separate motion for relief under **NRCP 11(c)** claims for award of attorney fees for sanctions as it related to the psychological evaluation.

4.) Exception **54(d)(2)D** disallows sanctions to be used as grounds to recoup attorney fees as such Ms. McDonald's claims for relief under 54(d)(2) are not applicable for the relief she is seeking for an award of expert witness fees.

As such, Ms. McDonald has provided no legal grounds to justify her claim for award of expert witness fees, that she was previously ordered to pay, and her request for the award should be denied in its entirety.

AMERICAN RULE AND PREVAILING PARTY REQUIREMENTS FOR AWARD OF ATTORNEY FEES

Nevada has long observed the "American Rule" where each party is responsible for their own attorney fees. The Nevada Supreme court recently affirmed Nevada's adherence to the American rule of attorney fees ***(American Rule" Pardee Homes v. Wolfram, 444 P.3d 423 (Nev.2019) The American rule provides that "attorney fees may not be awarded absent a statute, rule or contract authorizing such award" See Thomas V. City of N. Las Vegas, 122 Nev. 82,90,127 P3d 1057, 1063 (2006)***

There is consistent language within the Nevada statutes and Civil rules that make an exception to the American rule in an effort to make a ***PREVAILING*** party (emphasis added) whole again after vexatious litigation: **NRS 18.010** is the controlling statute for attorney fees and in ***NRS 18.010 (2) states: In addition to the cases where an***

allowance is authorized by specific statute, the court may make an allowance of attorney's fees to a prevailing party: Everything that follows in subsection **18.010 (2) subsections (a) and (b)** are defined to be subjected to **PREVAILING** parties only. Under the Rules of Civil Procedure for the Nev District courts: **rule 30 (h) Expert witness fees (4) (C)Sanctions**: ***The court may impose a sanction under Rule 37 against any party who does not prevail, and in favor of any party who does prevail, on a motion to set expert witness fee, provided the prevailing party has engaged in a reasonable and good faith attempt at an informal resolution of any issues presented by the motion. Under the Rules of Civil Procedure for the Nevada District courts: rule 11 (2) Motion for Sanctions A motion for sanctions must be made separately from any other motion and must describe the specific conduct that allegedly violates Rule 11(b). The motion must be served under Rule 5, but it must not be filed or be presented to the court if the challenged paper, claim, defense, contention, or denial is withdrawn or appropriately corrected within 21 days after service or within another time the court sets. If warranted, the court may award to the prevailing party the reasonable expenses, including attorney fees, incurred for presenting or opposing the motion.***

The Supreme Court of Nevada recently clarified award of attorney fees in ***N. Nev. Homes v . Homes v. GL Constr . GL Constr., 134 Ne ., 134 Nev. Adv. Op. 60 (A . Op. 60 (Aug. 2, 2018)***

Where it held that Standard of review An award for attorney's fees and costs is reviewed for abuse of discretion, and an abuse of discretion can be found when the court acts with clear disregard for guiding legal principles.[2] With regards to statutory interpretation and ambiguity, the appeal should consider the interpretation that best clarifies the legislative intent behind the statute.[3]

[2] MB Am., Inc. v. Alaska Pac. Leasing, 132 Nev. 78, 88 (2016). [3] Albios v. Horizon Cmtys.,Inc., 122 Nev. 409, 417 (2006); Smith v. Crown Fin. Servs. Of Am., 111 Nev. 277, 284 773 (1995).

From Statutes and Rules in Nevada it's clear that the legislative intent of a deviation from the "American Rule" in Nevada applies to ***PREVAILING PARTIES*** (Emphasis Added) and thus the legislative intent of requirement of being a prevailing party is equally applies to **NRCP 54(d)(2)** as well. In this instant case Mandi McDonald and Matthew Wright entered into a settlement agreement and waived conflict in open court at the **June 17th 2022 hearing (EXHIBIT 1) June 17th 2022 Stipulation and Order Waiving Conflict (Exhibit 2)** Upon entering a settlement agreement both Ms. McDonald and Mr. Wright gave up their rights to attorney fees as a prevailing party. By settling, the parties did not move forward with the completion of trial for judgement. Physical Child Custody/Visitation, in this case, was settled and stipulated by the parties devoid of judgment of this court.

The Nevada Supreme Court recently clarified ***in N. Nev. Homes v . Homes v. GL Constr . GL Constr., 134 Nev., 134 Nev. Adv. Op. 60 (A. Op. 60 (Aug. 2, 2018) ug. 2, 2018) That "a party to an action cannot be considered prevailing within the contemplation of NRS 18.010 where the action has not proceeded to judgment."*** In this case there was no judgment for physical child custody as the parties settled by way of stipulation and according to Nevada case law there is no prevailing party. Nevada statutes and rules are clear that one of the deviations from the "American Rule" has a ***prevailing party*** requirement which in this instant case Ms. McDonald nor Mr. Wright qualify as a ***prevailing party***. Child custody/visitation was stipulated to by way of settlement and did not move forward with trial for the resolution and judgment of this court (with exception to the courts specific ruling at the 09/23/2022 hearing in the case in regards to legal custody where the courts designated Ms. McDonald "primary legal custody" where Mr. Wrights legal custody rights are in tac however Ms. McDonald has primary decision making **September 23, 2022 Hearing Time Index01:54:42**). In fact, it is reference to the legal custody decision that Ms. McDonald makes reference to in her motion for Attorney fees at page 7 of 21 lines 10-23. Where, in the hearing, ultimately Judge Mastin created a "carve out" for Ms. McDonald to have "primary" legal custody

where she is designated as the decision maker however all of Mr. Wright's legal custody rights are in tac.)

September 23,2022 at Time Stamp 01:54:52. This was not a finding or a judgment as it related to physical custody and visitation time share as the parties had already stipulated an agreement on record at the 06/17/2022 hearing.

In fact, it was Ms. McDonald's attorney that initiated the settlement between the parties when on May 20th Hearing where Dr. Ahmad was being crossed examined by the defendant's attorney and Amanda Roberts abruptly asked for ***an "off the record conversation with the judge and opposing counsel in the hallway" May 20th 2022 hearing at time stamp 4:56:40***. This off-the-record conversation ultimately led to a settlement offer and negations. An attorney practicing law in the State of Nevada should be aware that by entering a settlement, their client is waiving their right to attorney fees as a ***"prevailing party"*** as established with the previously cited Nevada supreme court case law. However, the plaintiff is now moving forward in bad faith to collect attorney fees where there is no prevailing party as she initiated and agreed to settlement in this case. By engaging in that agreement Mr. Wright forwent his opportunity to put on his side of the case for the reminder of trial. More specifically, due to the timeliness of Amanda Roberts desire to settle Mr. Wright also forwent his right continue to cross examine Dr. Ahmad about what Specifically her notes from her interviews with Ms. McDonald showed that Ms. McDonald knew of Mr. Wright's status as a registered sex offender and that he had served time in prison long the parties agreed to married in 2011 and ultimately signed a contract to have children via in vitro fertilization in 2015. These are some of the issues that Mr. Wright was addressing to Dr. Ahmad on cross examination regarding the Dr's notes from Ms. McDonald's interviews directly prior to Attorney Roberts requesting an "off the record" back hallway conversation with the Judge and Counsel. Both parties do not qualify for an award of attorney fees as there are no prevailing parties and there is not statute rule or contract authorizing such award. As such Ms. McDonalds attorney fees should be rejected in whole.

STATEMENT OF FACTS

If, despite the statutory reasons listed above the court still entertains Ms. McDonalds claims for attorney fees; Mr. Wright would like to provide his perspective on attorney fees and which party caused the case to drag out and forced litigation instead of stipulation for every issue. This case was active for 49 months and as the register shows the filings have been very extensive which caused Mr. Wright close to $148,000 in legal fees paid and another approximate another $50,000 that he currently owes his attorney and cannot afford to pay. With the money paid and money owed, Mr. Wright has incurred about $200,000 in legal fees. As Mr. Wright is not claiming attorney fees, he is not filing a memorandum of costs and is using a very close approximate round number. However, if the court would require the defendant will provide all billings from his attorneys throughout this litigation. It is Mr. Wright's position that the plaintiff is not acting in good faith now and has not acted in good faith throughout this litigation. Currently Ms. McDonald is claiming relief under a statute that has a clear exception to the very specific relief she is claiming. Her Attorney's lack of fully understanding the laws and statutes is now wasting judicial resources as it has throughout this action. Historically Ms. McDonald, through her attorney has taken a non-compromising, non-negotiating stance throughout this litigation, forced the defendant to litigate every little issue in this case including but not limited to:

1.) Ms McDonald's complete uncompromising stance during this action caused Mr. Wright to need to litigate and file motions to receive incremental time share increases throughout this litigation, even literally just to get a few more hours on Father's days. **Exhibits in Support (Exhibit 4-Early Case Conference Report, Exhibit 7 October 30 2019 OAH, Exhibit 7- October 30, 2019 OAH, Exhibit 8-October 28, 2020 OAH, Exhibit 9-September 19, 2021 OAH, Exhibit 10-Our Family Wizard Communication)** whenever Mr. Wright would ask for a few more hours here or there on Our Family Wizard (OFW) Ms. McDonald's response was always "I will not negotiate on any more time" There are literally

hundreds of emails in the OFW showing that Ms. McDonald has never and will never allow Mr. Wright one more second with their minor children than has been given by the courts. Ms. McDonald would not agree to any more time informally nor through Her attorney even for holidays or special occasions. All increase in dad's time share with their children had be achieved by Mr. Wright through protracted litigation. Mr. Wright's defense was necessary and required for him to be able to maintain a bond and relationship with the parties' children.

2.) After months of non-responding to informal communication Mr. Wright had to file a motion just to sell the joint marital residence **(Exhibit 6- June 24,2020 OAH)** At that time Amanda Roberts filed a reply untimely on the day of the hearing **(#87 on this case's registration of actions**). After months of un-responded communication from Mr. Wright's attorney to Attorney Roberts and litigation, Attorney Roberts ultimately stated that she agreed that they sell the residence once the hearing started. Mr. Wright's request to sell the marital residence was ultimately granted.

3.) Mandi McDonalds Attorney, Amanda Roberts has caused significant delays in the outcome of this case including but not limited her conduct of not filing orders with this court in a timely manner. **(Exhibit 11 April 30th 2020 letter from court to Attorney Roberts, Exhibit 12 February 17, 2023 letter from court to Attorney Roberts)**. Some of these delinquent orders went on unfiled for years (literally) despite the warnings provided by this court to Attorney Roberts. This is UN-excusable neglect.....there is no reason that Mr. Wright has had to wait an entire year, eating up attorney fees to get a decree of divorce after granted by the court, no attorney is just that busy.

4.) Ms. McDonald's conduct through her Attorney Amanda Roberts, during this action drove the litigation costs up for the defendant exponentially for the defendant including but not limited to, canceling depositions the morning the deposition was to be held not responding to discovery requests (**Exhibit 3-Letter**

From Attorney Molnar to Attorney Roberts regarding Ms. McDonald's outstanding discover), misleading the court in her pleadings that she did not receive a subpoena from the defendant's employer when in fact she did **(Exhibit 5-Reply to Opposition to Motion in Limine and Opposition to Countermotion)**

Mr. Wright has literally had to fight for every second that he currently has with their children with every ounce of his being, and absolutely every penny he has had, to have a timeshare that allows his bond with his children to flourish as their father. The court should take notice of the outcome of the Early case conference report pursuant to NRCP 16.2 which was filed with this court on 08/07/2018 at 2:30 PM. **(Exhibit 4-August 6, 2019 Early Case Conference Report)** From this, Ms. McDonald's desires for long term visitation were as follows: On Page 3 Lines 4-22 Under (4) (a) (2) Ms. McDonald was seeking an order for sole legal custody, and primary physical custody with supervised visitation for defendant. Under (4) (d) the proposed custodial timeshare: The plaintiff desires for the defendant to maintain supervised visitation pursuant to the prior stipulation and order (Mr. Wright would like to point out to the court that at that time the defendant only had two hours of visitation at Donnas house on Saturdays and two hours of visitation at Donnas house on Sundays. And the plaintiffs proposed holiday and visitation schedule were both listed as "none" which could be understood that she believed that holidays would only be spent with her. Ms. McDonald refused to negotiate with Mr. Wright to provide even a second more than he had Faught for and been awarded over the course of the 49 months of this action.

Based upon Ms. McDonald's unwavering, un negotiating stance, Mr. Wright had to pursue litigation to defend his right to be in his children's lives, as a father, in a way that would allow his bond with his children to grow. This was not a frivolous or fraudulent effort on Mr. Wright's efforts have only been fighting for his rights to be a father and

spend a reasonable amount of time with their children throughout this litigation. With the agreement that Ms. McDonald and Mr. Wright entered, on June 17th 2022 as a settlement does afford Mr. Wright a time for his bond with their children to flourish including three weeks of vacation a year, shared holidays/birthdays and constant weekly interactions with his children that adds up to approximately 32 hours of time per week which is the minimum that Mr. Wright desired and desires for a time share with their minor children. This is a far cry and a huge increase from the four hours per week that the plaintiff wanted the defendant to have as a long-term outcome. Had Mr. Wright not defended himself from Ms. McDonald he would have been relegated to a few hours a week in Donna's house that Ms. McDonald was asking the courts for at the early case conference. Mr. Wright's defense was necessary to achieve the time share that dad now has with their children. The $150,000 in approximate legal fees that Mr. Wright incurred was necessary and needed to defend himself from Ms. McDonald and her desire to minimize the father's role in their children's lives. Mr. Wright understands by way of settlement he waives his right to recoup any of these legal fees however it is deplorable that, after the totality of the case and the intentional or unintentional delays of the plaintiff and her attorney have caused that Ms. McDonald would even ask the courts to award a dollar in attorney fees from Mr. Wright let alone the entirety of her legal fees in this action with her actions. Mr. Wright would also like to remind the courts that per the last FDFs filed on record the parties make about the same income. Currently, Mr. Wright as a 26% gross income child support +$750.00 for day cost per month. Neither party has the ability to pay eithers legal fees.

CONCLUSION

1.) Mandis request for award of attorney fees pursuant to **NRCP 54(d)(2)** should be **denied** in its entirety as:

a. Mandi failed comply with the requirements of **54(d)(2)(B)(ii)** and her motion did not specify the judgment and statute, rule or other grounds for entitling the movant to the award.

b. Mandi claimed relief for attorney fees award for sanctions against Mr. Wrights conduct however Rule 54 - Judgments; Attorney Fees, **Nev. R. Civ. P. 54 ("(D)Exceptions. Rules 54(d)(2)(A) and (B) do not apply to claims for attorney fees as sanctions or when the applicable substantive law requires attorney fees to be proved at trial as an element of damages")** Ms. McDonald is not entitled to attorney fees under the rule that she is claiming relief from due to this very clear exception to the rule.

2.) Mandis request for reimbursement of Dr. Ahmad's fees should be **denied** in its entirety.

a. .This court already ordered the costs of the evaluation to be split **08/14/2019 at time index 10:46:29**

b. Mandi failed to comply with requirements of **rule 11**.

c. Mandi failed to meet the requirements of reimbursement of expert witness fees as de**fined in rule 30...as she was not a "prevailing party"**

d. Rule 30 reimbursement of expert witness fees is in relation to "sanctions" See ***Nev. R. Civ. P. 30 ("(C)Sanctions*** as such exception D under **Nev. R. Civ. P. 54 ("(D)Exceptions. Rules 54(d)(2)(A) and (B) do not apply to claims for attorney fees as sanctions or when the applicable substantive law requires attorney fees to be proved at trial as an element of damages")** prohibits Ms. McDonald from being able to get reimbursement of expert witness fees by way of sanctions.

3.) Any other request for relief that Mandi has requested within this motion should be **denied** as there are no legal grounds for the relief she is seeking.

EXHIBIT LIST

1. Exhibit 1- June 17, 2022 Order after Hearing
2. Exhibit 2- June 17, 2022 Stipulation and Order Waiving Conflict
3. Exhibit 3-January 23,2022 Letter to Amanda Roberts Regarding Insufficient Discovery
4. Exhibit 4- August 6, 2019 Early Case Conference Report Pursuant to NRCP 16.3
5. Exhibit 5-March 31, 2022 Reply to Opposition to Motion in Limine and Opposition to Countermotion
6. Exhibit 6 -June 24th, 2020 Order After Hearing
7. Exhibit 7- October 30th, 2019 Order After Hearing
8. Exhibit 8- October 28th, 2020 Order After Hearing
9. Exhibit 9- September 9th, 2021 Order After Hearing
10. Exhibit 10- Our Family Wizard Communication-Entered as Plaintiffs exhibit number 91 and 92 at the September 23rd, 2022 Hearing time index 11:32:25)
11. Exhibit 11- April 30th, 2020 letter from Court to Attorney Roberts regarding outstanding orders.
12. Exhibit 12-February 17th, 2023 letter from Court to Attorney Roberts regarding outstanding orders.

07.20.2023

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Electronically Filed
7/6/2023 2:56 PM
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CLERK OF THE COURT

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DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

MANDI MCDONALD, Plaintiff, v. MATTHEW WRIGHT, Defendant.	Case No: D-19-589358-D Dept No: O ***No Oral Argument Requested***

NOTICE OF MOTION AND MOTION FOR AN AWARD OF ATTORNEY FEES PURSUANT TO *NRCP* § 54 (d)(2); AND AN AWARD OF EXPERT WITNESS FEES AND EXPENSES. DECLARATION OF PLAINTIFF; AND DECLARATION OF AMANDA M. ROBERTS, ESQ.

TO: Defendant, Matthew Wright, in proper person.

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 A HEARING PRIOR TO THE SCHEDULED HEARING DATE.

COMES NOW the Plaintiff, Mandi McDonald, by and through her attorney, Amanda M. Roberts Esq., of Roberts Stoffel Family Law Group, and hereby moves the Court for the following:

1. Mandi hereby requests an award of attorney fees pursuant to *NRCP* § 54 (d)(2)(A);

2. Mandi requests an Order for reimbursement of expert witness fees and expenses; and

3. Any and all related relief the Court deems just and proper.

DATED this 6th day of July, 2023.

ROBERTS STOFFEL FAMILY LAW GROUP

By: /s/ Amanda M. Roberts, Esq.

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Attorney for Plaintiff, Mandi McDonald

I.
Exhibits

Attached to the companion filing, please find the following Exhibits in support of the requests made herein:

Exhibit "1"- Mandi's Retainer Agreement with Roberts Stoffel Family Law Group;

Exhibit "2"- Mandi's billing statements from Roberts Stoffel Family Law Group, redacted to protect attorney-client privilege when appropriate; and

Exhibit "3"- Proof of payment to Dr. Ahmad.

II.
Statement of Facts

The Parties, Mandi McDonald ("Mandi" or "Plaintiff") and Matthew Wright ("Matthew" or "Defendant"), were married on September 10, 2011, and subsequently divorced by way of Finding of Fact, Conclusions of Law and Decree of Divorce filed on June 12, 2023 (Notice of Entry filed June 15, 2023). The Parties have three (3) minor children to wit:

- Minor children:
  - Avabelle Wright, born March 9, 2016;
  - Allison Wright, born July 3, 2018; and
  - Madison Wright, born July 3, 2018.

In this matter, the main issue before the Court dealt with legal and physical custody of the minor children. The procedural history of the case is extensive and

to reduce the length of the Motion, the procedural history is brief; however, Mandi requests the Court review the procedural history of the case in issuing a decision.

On May 10, 2019, Mandi filed a Complaint for Divorce seeking sole legal custody and primary physical custody of the minor children. The filing happened after domestic violence occurred resulting in criminal charges and a Protection Order. Matthew was also arrested on the Las Vegas Strip following an incident of up skirting. As the Court will understanding, up skirting was a major issue that resulted in significant litigation costs.

On June 5, 2019, Matthew filed an Answer and Counterclaim requesting joint legal custody and joint physical custody. Matthew subsequently filed a Motion seeking temporary Orders for joint legal and physical custody, after entering into a Stipulation and Order for supervised visitation. Through the initial Motion practice, Mandi raised issues regarding the domestic violence, alcohol abuse and Matthew's criminal history (*Mandi alleged she was not fully informed of the extent of the criminal history and discovered information after Matthew vacated the marital residence*). In his Reply, Matthew admitted to alcohol abuse (page 5, lines 1 through 5), but alleged the issue was under control and he was presently sober; he admitted to being arrested for filming women without their consent at the Bellagio Fountain (page 5, lines 14 through 20); and admitted going to prison without addressing specific crimes, but claimed that the information was "well

known to Mom" and had been "fully disclosed" before the marriage (pages 6 through 7, starting at line 16).

Ultimately, the Court Ordered that Matthew would have a psychosexual evaluation completed by Dr. Ahmad. There were two (2) phases and those reports were incorporated into the Findings of Fact and Conclusions of Law. Mandi requests the Court review those reports because of the extent of Matthew's misinformation or failure to disclose to Dr. Ahmad which increased the litigation time and costs. Moreover, on April 6, 2022 at 03:28:52, Matthew admitted he was not truthful with Dr. Ahmad regarding his up skirting behavior which was a major component of the litigation.

At Trial in this matter, Matthew testified on direct examination by Amanda M. Roberts, Esq., and the following relevant issues were determined through his testimony:

- On April 6, 2022 at time stamp 02:55:07, Matthew admitted that he had not made a full disclosure to Mandi of the criminal background and she did not have all of the information when the Parties had children. At time stamp 03:21:19, Matthew testified that Mandi knew the charges, but not the extent of criminal cases.
- On April 6, 2022 at time stamp 03:05:10, Matthew admitted to treatment during incarceration by Dr. Atwell. Although a release was

provided during this litigation, Matthew refused to sign it so Dr. Atwell's records to be obtained because his Counsel said it was too broad.

- During the litigation, Mandi located a flash drive which was produced through discovery. On April 6, 2022, at time stamp 03:39:22, Matthew admitted to lying during testimony and to the Court about making the videos stating he lied to remain in the lives of the children. In response to that statement, the Court stated, Do you recognize by being dishonest with the Court it is not the way to do it? If every time you say something, the records contradict your testimony. It is not getting you where you want to be. Truly accepting some responsibility is how you get where you want to be. I don't think you understand what that means. I think it is important for you to hear that from me. Your lying and the fact of lying has more of an impact than the content of what is in here.
- In some of the videos of up skirting, they appear to be shot at the South Premium Outlet. Matthew claimed that it was not him in the videos. However, on April 6, 2022 at time stamp 04:59:33 the video showed Matthew's face. When asked if it was him, Matthew stated "I

can't tell." In response, the Judge stated that she would take judicial notice that Mr. Wright's face is on the screen in the video.

- This video contradicted Matthew's testimony that he only took videos between Flamingo and Desert Inn (April 6, 2022 at time stamp 11:09:50).

As a result of Matthew's testimony, the Judge made the following relevant findings:

> THE COURT FURTHER FINDS that the level of conflict originates with Mr. Wright. (September 23, 2022 at Time Stamp: 11:43:30)
>
> THE COURT FURTHER FINDS that Mr. Wright lacks credibility. (September 23, 2022 at Time Stamp: 11:44:02)
>
> THE COURT FURTHER FINDS that Mr. Wright is oppositional. (September 23, 2022 at Time Stamp: 11:44:05)
>
> THE COURT FURTHER FINDS that Mr. Wright is defiant. (September 23, 2022 at Time Stamp: 11:44:07)
>
> THE COURT FURTHER FINDS that Mr. Wright is difficult to deal with. (September 23, 2022 at Time Stamp: 11:44:09)[1]

Roberts Stoffel Family Law Group maintains billing software through Pro Law. That billing software denotes each employee of the firm based upon initials.

[1] Pages 3 through 4, starting at line 18.

As the case started in 2019 and did not finalize until 2023, approximately seventeen (17) employees assisted on the case. The information for those employees is outlined herein:

a. Attorney, Amanda M. Roberts, Esq., is denoted by "AMR." Ms. Roberts is the managing partner of Roberts Stoffel Family Law Group. Ms. Roberts' qualifications are outlined in detail herein.

b. Attorney, Gary Zernich, Esq., is denoted by "GZ." Mr. Zernich has been practicing law in the State of Nevada since 2001. Mr. Zernich owned his own practice and worked for firms with expertise in the area of family law. Mr. Zernich focuses his practice primarily in the area of family law.

c. Attorney, Lynn Hughes, Esq., is denoted by "LH." Mr. Hughes has practiced law in the State of Nevada since 1997. Mr. Hughes has set pro tem and worked on the Guardianship Commission. Mr. Hughes practices primarily in the area of family law.

d. Attorney, Kristine Bernhardt, Esq., is denoted by "KB." Ms. Bernhardt was a paralegal for Melvin Grimes, Esq., and then left to pursue her desire to become a lawyer. Upon graduating from law school, Ms. Bernhardt was admitted to the State Bar of Nevada on

April 12, 2021. Ms. Bernhardt was considered a Junior Associate with the firm.

e. Paralegal, Colleen O'Brien, is denoted by "CO". Mrs. O'Brien has worked in the legal field for approximately fourteen (14) years. Mrs. O'Brien is the paralegal to Attorney. Mrs. O'Brien started as a file clerk and worked through various stages in the legal field to become a successful paralegal.

f. Paralegal, Shayna Hall, is denoted "SH." Ms. Hall has worked for Roberts Stoffel Family Law Group since 2016. Ms. Hall has obtained her associate degree in paralegal studies during this litigation. Ms. Hall has moved from legal assistant to paralegal during the time she has been with the firm.

g. Paralegal, Melissa DeJonge is denoted by "MD." She has worked in the legal filed since 2007. Mrs. DeJonge is the paralegal to the partner, Jason P. Stoffel, Esq., of Roberts Stoffel Family Law Group. Mrs. DeJonge began started as a file clerk and worked through various stages in the legal field to become a successful paralegal.

h. Paralegal, Jeanette Lacker is denoted by "JL." She has worked in the legal field for approximately thirty (30) years. Ms. Lacker is an

advanced certified paralegal by NALA. Ms. Lacker is the paralegal to the partner, Amanda M. Roberts, Esq., of Roberts Stoffel Family Law Group.

i. Paralegal, Holli Miller, is denoted by "HM." Ms. Miller has worked for Roberts Stoffel Family Law Group for approximately ten (10) years and she has worked in the legal field for approximately twenty (20) years. Ms. Miller primarily worked in the area of family law throughout her career in the legal field.

j. Paralegal, Jennifer Souza, is denoted by "JS." Mrs. Souza has worked in the legal field since 1997, and she has worked for Roberts Stoffel Family Law Group for approximately four and half (4 ½) years. Mrs. Souza was the paralegal who assisted Attorney Lynn Hughes.

k. Paralegal, Chance Knod, is denoted by "CK." Mr. Knod was the paralegal to Melvin Grimes, Esq. Prior to joining the firm, Mr. Knod was in the military and served in the JAG program. Mr. Knod commenced working for Roberts Stoffel Family Law Group on March 14, 2022.

l. Paralegal, Arline Rodriguez, is denoted by "AR." She has worked in the legal field since February 16, 2021. Arline has an Associate Degree in paralegal studies from College of Southern Nevada.

m. Legal assistant, Heather Fleig, is denoted by "HF." Ms. Fleig started as an intern through Northwest Career College, and then was hired as an employed. Ms. Fleig commenced working for Roberts Stoffel Family Law Group on July 13, 2021.

n. Legal assistant/collection specialist, Marilyn McLaughlin, is denoted by "MM." Mrs. McLauglin has worked in the legal field since 2007, and has worked on and off for Attorney's since 2010. Mrs. McLaughlin focuses most of her work at Attorney's office in collections and legal assistant work.

o. Legal assistant, Angie Esau, is denoted by "AE." Mrs. Esau has worked in the legal field since 2018. Mrs. Esau started as a backup receptionist, then transitioned to a file clerk and is now a legal assistant with the firm.

p. Legal assistant, Kris Jolly, is denoted by "KJ." Ms. Jolly has worked in the legal field for approximately fourteen (14) months. Ms. Jolly was the firm's receptionist and moved into the position of legal assistant.

Furthermore, filings with the Eighth Judicial District Court are completed using an online portal. There is a charge by the Court to upload documents. The fee per document is $3.50; however, Attorney bills at $6.00 per filing rather than $3.50 to take into consideration the interest charged on the credit card and paper costs. Attorney does not require staff to maintain a paper log and bill clients per page for paper in the case.

In this matter, Mandi has been billed $119,619.51 for attorney fees and costs. Mandi is requesting that the Court grant the entire amount to be awarded. Mandi alleges that the request is made in good faith.

III.
Legal Analysis

A. *Mandi's request for attorney fee should be granted.*

NRCP § 54 (d)(2)(B)(i) provides that the request for attorney fees must be made by Motion within twenty-one (21) days of the Notice of Entry of Finding of Fact, Conclusions of Law and Decree of Divorce ("Notice of Entry of Order"). Here, the Notice of Entry of Order was filed on June 15, 2023; therefore, pursuant to *NRCP* § 6 (a)(1)(A) the deadline for Mandi to file her Motion is July 6, 2023. As such, Mandi's request filed herein is timely.

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Further, *NRCP* § 54 (d)(2)(B)(ii) through (v) provides in relevant party that a Motion for attorney fees shall specify the judgment and the statute, rule, or other grounds entitling the movant to the award; state the amount sought or provide a fair estimate of it; and be supported by counsel's affidavit swearing that the fees were actually and necessarily incurred and were reasonable, documentation concerning the amount of fees claimed, and points and authorities addressing appropriate factors to be considered by the court in deciding the motion.

Additionally, pursuant to NRS 125B.140 (2)(c)(2), when arrears are determined there should be an award of reasonable attorney fees. In this matter, despite there being a Court Order, Matthew refused to pay the daycare expenses. The Nevada Administrative Code, outlines under the child support section that daycare costs fall under support for children. In this matter, Matthew owed Mandi the sum of $5,623.00 in daycare arrears.

NRS 125C.250 states, "in an action to determine legal custody, physical custody or visitation with respect to a child, the court may order reasonable fees of counsel and experts and other costs of the proceeding to be paid in proportions and at times determined by the court." In this matter, Mandi is requesting reasonable fees. As the Court will see from review of the billing statements, the majority of the litigation centered on issues of custody.

Moreover, *EDCR* § 5.219 (c) provides that sanctionable conduct is failing to prepare or; *EDCR* § 5.219 (d) provides that sanctionable conduct is failing to appear; and *EDCR* § 5.219 (f) provides that sanctionable conduct is failing to comply with Court Orders. Furthermore, *EDCR* § 5.102 (m)(2) provides that as a sanction the Court may award attorney fees and costs. In this matter, Mandi would argue that Matthew's behavior unreasonably and unnecessarily increased the costs of attorney fees. Repeatedly, Matthew was caught in lies and it forced excessive litigation. The video record and findings of the Court support this conclusion.

B. *Mandi's application of the Brunzell factors to support an award of attorney fees.*[2]

Thus, the Court must then consider the factors set forth in *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 455 P.2d 31 (1969). According the Brunzell Factors are as follows:

1. The quality of advocacy;[3]
2. The character of the work to be done;[4]
3. The work actually performed by the lawyer;[5] and
4. The results obtained.

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[2] An Affidavit of Counsel was filed separately in this matter.
[3] When considering the quality of the advocacy the Court should look at the attorney's ability, training, education, professional standing, and skill.
[4] When considering the character of the work to be done the Court should look at the difficulty, intricacy, importance, time, skill required, the responsibility imposed, and the character of the Party when they have a relevancy to the litigation.
[5] When considering the work performed the Court should consider the skill, time, and attention given to the work.

Quality of Advocacy

Mandi's Counsel has been practicing law since 2005 and focuses her practice area primarily in the area of family law, and she is in good standing with the State Bar of Nevada. Mandi's Counsel participated in a weekly radio show geared at the Clark County community, focused on issues relative to family law.

Yearly, Mandi's Counsel attends continuing legal education classes to stay abreast of changes in the area of family law. Through a practice primarily in family law, Mandi's Counsel has drafted countless Motions, argued before the District Court and Hearing Master on issues related to domestic violence/custody/divorce/ adoption/termination of parental rights, brought and defended individuals at Trials and Evidentiary Hearings. Mandi's Counsel has sat pro tem for the Domestic Violence Hearing Master, has been appointed as a parenting coordinator by various Judges and acted as a guardian ad litem. Additionally, Mandi's Counsel has taken cases on Appeal to the Supreme Court of Nevada.

Character of Work Done

Due to the fact that Mandi's Counsel practices primarily in the area of family law, she has regularly dealt with issues involved in violations of terms of Family Court related Orders, custody disputes and relocation, child support enforcement, arrears, and wage assignments.

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Work Performed

Mandi's Counsel maintains a billing system through a program called Pro Law. This matter was not a complicated divorce matter. The issues were straightforward and should have resolved, but for Edward's refusal to comply with Court Orders. Attempts were made to settle with reasonable terms which were rejected by Edward. Moreover, due to Edward's belief he was entitled to Mandi's pre-marital real property and real property purchased during the marriage with her Dad for which is released his interest, extra attorney fees and costs were incurred in this matter.

C. *Mandi's request for reimbursement of the expert fees for Dr. Ahmad.*

NRS 125C.250 states, "in an action to determine legal custody, physical custody or visitation with respect to a child, the court may order reasonable fees of counsel and experts and other costs of the proceeding to be paid in proportions and at times determined by the court." In this matter, Dr. Ahmad was selected to conduct a psychosexual evaluation. The evaluation was conducted in two (2) parts. The first portion was completed, and second portion completed after the Colorado criminal records were obtained. As outlined in the second portion, Matthew was not forthcoming with Dr. Ahmad until the records were obtained and he thought Dr. Ahmad was going to review the up skirting videos.

Mandi was billed $8,421.87 for Dr. Ahmad's services, with $1,125.00 being accounted for fees charged by Roberts Stoffel Family Law Group. Mandi is requesting that the Court award her reimbursement in the sum of $7,296.87 in regard to Dr. Admad's services.

IV.
Conclusion

Therefore, based upon the foregoing, Mandi requests this Court to enter an Order:

1. Granting Mandi's request for an award of attorney fees pursuant to *NRCP* § 54(d)(2);
2. Granting Mandi's request for reimbursement of Dr. Ahmad's fees; and
3. Any and all relief the Court deems proper and just.

DATED this 6th day of July, 2023.

ROBERTS STOFFEL FAMILY LAW GROUP

By: /s/ Amanda M. Roberts, Esq.

Amanda M. Roberts, Esq.
State Bar of Nevada No. 9294
4411 South Pecos Road
Las Vegas, Nevada 89121
PH: (702) 474-7007
FAX: (702) 474-7477
EMAIL: efile@lvfamilylaw.com
Attorneys for Plaintiff, Mandi McDonald

DECLARATION OF COUNSEL IN ACCORDANCE WITH *EDCR* § 5.102 (a)

I, Amanda M. Roberts, Esq., declare under penalty of perjury under the laws of the State of Nevada that the foregoing statements are true and correct:

1. I am an attorney duly licensed before all Courts in the State of Nevada, employed by Roberts Stoffel Family Law Group and make statements contained in this Declaration, of my own firsthand knowledge unless stated upon information and belief, as to those statements, I believe them to be true.

2. I am over the age of eighteen (18) years old and I am competent to testify as to the matters contained within the Declaration.

3. I am the attorney ("Attorney") for the Plaintiff, Mandi McDonald ("Mandi").

4. I have read the foregoing Motion, and I can certify and attest that the facts contained therein are true of Declarant's own knowledge, except for those matters stated upon information and belief, and as to those matters, Declarant believes them to be true.

5. Declarant incorporates all the facts of the Motion, into this declaration as though fully set forth herein.

6. Taking into consideration the number of hours expended by Roberts Stoffel Family Law Group for services provided related to the issues presented herein, Mandi hereby requests attorney fees and costs be awarded herein, in her

favor. Said amount should be reduced to judgment and collectable by any and all legal means necessary until paid in full.

Dated this 6th day of July, 2023.

/s/ Amanda M. Roberts, Esq.
Amanda M. Roberts, Esq.

DECLARATION OF MANDI MCDONALD

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

1. I am the Plaintiff in the above-entitled action and am competent to testify to the matters contained herein. Declarant makes this declaration in support of his Motion.

2. I have read the foregoing Motion, and I can certify and attest that the facts contained therein are true of Declarant's own knowledge, except for those matters stated upon information and belief, and as to those matters, Declarant believes them to be true.

3. Declarant incorporates all the facts of the Motion, into this declaration as though fully set forth herein.

FURTHER DECLARANT SAYETH NAUGHT.

Dated this 6th day of July, 2023.

Mandi McDonald

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Roberts Stoffel Family Law Group, and on the 10th day of July, 2023, I served by and through Wiz-Net electronic service, pursuant Clark County District Court Administrative Order 14-2 for service of documents identified in Rule 9 of the N.E.F.C.R., the foregoing Notice of Motion and Motion for an Award of Attorney Fees Pursuant to *NRCP* § 54 (D)(2); and an Award of Expert Witness Fees and Expenses. Declaration of Plaintiff; and Declaration of Amanda M. Roberts, Esq., to the following:

Matthew Wright
Email: mattwrightster@gmail.com
Defendant in proper person

By: _____
Employee of Roberts Stoffel Family Law Group

Motion for Attorney Fees 051523

Final Audit Report 2023-07-06

Created:	2023-07-06
By:	Shayna Hall (shayna@lvfamilylaw.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAA2WQgIqjvirF5_UQfqTYUlwZ4kY8KA6BM

"Motion for Attorney Fees 051523" History

Document created by Shayna Hall (shayna@lvfamilylaw.com)
2023-07-06 - 6:20:46 PM GMT- IP address: 192.48.218.45

Document emailed to Mandi McDonald (mandi0717@gmail.com) for signature
2023-07-06 - 6:21:09 PM GMT

Email viewed by Mandi McDonald (mandi0717@gmail.com)
2023-07-06 - 7:15:38 PM GMT- IP address: 205.174.30.159

Document e-signed by Mandi McDonald (mandi0717@gmail.com)
Signature Date: 2023-07-06 - 7:16:24 PM GMT - Time Source: server- IP address: 205.174.30.159

Agreement completed.
2023-07-06 - 7:16:24 PM GMT

Adobe Acrobat Sign

MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

MANDI MCDONALD
Plaintiff/Petitioner

MATTHEW WRIGHT
Defendant/Respondent

Case No. D-19-589358-D

Dept. O

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: Employee at Robert Stoffel Family Law Group Date 07/06/2023

Signature of Party or Preparer /s/ Shayna Hall

PI
S

SUPP
Amanda M. Roberts, Esq.
State Bar of Nevada No. 9294
ROBERTS STOFFEL FAMILY LAW GROUP
4411 S. Pecos Road
Las Vegas, Nevada 89121
PH: (702) 474-7007
FAX: (702) 474-7477
EMAIL: efile@lvfamilylaw.com
Attorney for Plaintiff, Mandi McDonald

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

MANDI MCDONALD, Plaintiff, v. MATTHEW WRIGHT, Defendant.	Case No: D-19-589358-D Dept No: O ***No Oral Argument Requested***

SUPPLEMENTAL TO PLAINTIFF'S MOTION FOR AN AWARD OF ATTORNEY FEES PURSUANT TO NRCP 54 (d)(2); AND AN AWARD OF EXPERT WITNESS FEES AND EXPENSES.

STATE OF NEVADA)
ss.
COUNTY OF CLARK)

I, Amanda M. Roberts, Esq., declare under penalty of perjury under the laws of the State of Nevada that the foregoing statements are true and correct:

1. I am an attorney duly licensed before all Courts in the State of Nevada, employed by Roberts Stoffel Family Law Group and make statements contained in

this Declaration, of my own firsthand knowledge unless stated upon information and belief, as to those statements, I believe them to be true.

2. I am over the age of eighteen (18) years old and I am competent to testify as to the matters contained within the Declaration.

3. I am the attorney ("Attorney") for the Plaintiff, Mandi McDonald ("Mandi").

4. I have read the foregoing Motion, and I can certify and attest that the facts contained therein are true of Declarant's own knowledge, except for those matters stated upon information and belief, and as to those matters, Declarant believes them to be true.

5. Declarant incorporates all the facts of the Motion, into this declaration as though fully set forth herein.

6. The fees incurred were actually and necessarily incurred and reasonable.

7. Taking into consideration the number of hours expended by Roberts Stoffel Family Law Group for services provided related to the issues presented herein, Mandi hereby requests attorney fees and costs be awarded herein, in her

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favor. Said amount should be reduced to judgment and collectable by any and all legal means necessary until paid in full.

Dated this 29th day of August, 2023.

Amanda M. Roberts

Amanda M. Roberts, Esq.

Subscribed and Sworn to before me
on this 29th day of August, 2023.

Jeanette Lacker

Notary Public in and for
said County and State

JEANETTE M. LACKER
NOTARY PUBLIC
STATE OF NEVADA
APPT. NO. 21-1621-01
MY APPT. EXPIRES MARCH 16, 2025

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Roberts Stoffel Family Law Group, and on the 29th day of August, 2023, I served by and through Wiz-Net electronic service, pursuant Clark County District Court Administrative Order 14-2 for service of documents identified in Rule 9 of the N.E.F.C.R., the foregoing Supplemental To Plaintiff's Motion For An Award Of Attorney Fees Pursuant To NRCP 54 (d)(2); And An Award Of Expert Witness Fees And Expenses, to the following:

Matthew Wright
Email: mattwrightster@gmail.com
Defendant in proper person

By: _____
An Employee of Roberts Stoffel
Family Law Group

OPP

MATTHEW WRIGHT
1012 San Gabriel Ave.
Henderson NV 89002
702-.274.1609
mattwrightster@gmail.com
Pro-Per

EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

MANDI MCDONALD

Plaintiff,

-vs-

Matthew Wright

Defendant

CASE NO.: D-19-589358-D

DEPT. NO. O

OPPOSITION TO PLAINTIFF'S SUPPLEMENT TO MOTION FOR AN AWARD OF ATTORNEY FEES PURSUANT TO NRCP 54 (d)(2); AND AN AWARD OF EXPERT WITNESS FEES AND EXPENSES

Comes now the defendant, Matthew Wright, moves Pro Se in Opposition to the Plaintiff's supplement to motion for an award of attorney fees pursuant to **NRCP 54** (d)(2):and an award of expert witness fees and expenses.

Plaintiffs supplemental motion is untimely (8 days after the hearing date) and should not be accepted. ***EDCR 2.20 (i) states: A memorandum of points and authorities that consists of bare citations to statutes, rules, or case authority does not comply with this rule and the court may decline to consider it. Supplemental briefs will only be permitted if filed within the original time limitations of paragraphs (d), (e), or (g), or by order of the court.***

Plaintiffs supplemental motion does not comply with the original time limitations of subparagraphs (d),(e) or (g). The supplement was filed (8) calendar days AFTER the hearing occurred without justification of excusable neglect of why the supplement is being filed after the hearing date.

Further ***Nev. Justice. Ct. R. Civ. P. 15 (a) states: A party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served or, if the pleading is one to which no responsive pleading is permitted and the action has not been placed upon the trial calendar, the party may so amend it at any time within 21 days after it is served. Otherwise, a party may amend the party's pleading only by leave of court or by written consent of the adverse party; leave must be freely given when justice so requires. A party must plead in response to an amended pleading within the time remaining for response to the original pleading or within 14 days after service of the amended pleading, whichever period may be the longer, unless the court otherwise orders***

Attorney Roberts is acting in bad faith, taking advantage of the defendant's pro-per status hoping that the defendant will not know the rules or will not have the resources to reply. For these reasons listed within, the defendant prays that the court not accept the plaintiffs supplement to her motion as it was filed AFTER the hearing date, allowing the defendant no judicial time or ability to reply to the supplemental information.

08/30/2023

Matthew Wright
1012 San Gabriel Ave
Henderson NV 89002
mattwrightster@gmail.com