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CLERK OF THE COURT

COMD
WEBSTER & ASSOCIATES
ANITA A. WEBSTER, ESQ.
Nevada Bar No. 1221
JEANNE F. LAMBERTSEN, ESQ.
Nevada Bar No. 9460
6882 Edna Ave.
Las Vegas, Nevada 89146
Tel No: (702) 562-2300
Fax No: (702) 562-2303
e-mail: anitawebster@embarqmail.com
e-mail: jlambertsen@embarqmail.com
Attorney for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

ROBERTA STEVENS

Plaintiff,

v.

ROBERT STEVENS,

Defendant

CASE NO.: D-16-536606-D
DEPT NO.: L

Complaint for Divorce

COMES NOW the Plaintiff ROBERTA STEVENS, by and through her attorneys, ANITA A. WEBSTER, ESQ., and JEANNE F. LAMBERTSEN, ESQ., of the law offices of WEBSTER & ASSOCIATES, as and for a Complaint for Divorce against Defendant, ROBERT STEVENS, and alleges as follows:

I.

Plaintiff, for a period of more than six weeks immediately preceding commencement of this action, has been and now is an actual, bona fide resident of the County of Clark, State of Nevada; and that during all of said period of time, Plaintiff has resided in and been physically present and domiciled in Clark County, Nevada, during which time the County of Clark, State of Nevada was the home and only home and sole place and residence of Plaintiff.

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Telephone (702) 562-2300 - Facsimile (702) 562-2303

II.

Plaintiff and Defendant were married on June 30, 2002, in Las Vegas, Nevada, and ever since have been and now are husband and wife.

III.

There are no minor children or adopted minor children of the relationship and the Plaintiff is not currently pregnant.

IV.

The parties have community property and Plaintiff requests that the community property be divided in accordance with Nevada law.

V.

That Plaintiff has separate property and requests that she be awarded her sole and separate property, free of any claim by the Defendant.

VI.

There are community debts of the parties hereto. Plaintiff requests that the community property debts be divided in accordance with Nevada law.

VII.

Plaintiff requests that Defendant hold Plaintiff harmless from the debts he incurred due to his community waste.

VIII.

That Plaintiff is in need of spousal support from Defendant.

IX.

That Defendant should pay the Plaintiff's attorney's fees and costs of suit.

X.

That Plaintiff shall retain her married name of "Stevens".

XI.

During the course of said marriage, the tastes, mental disposition, views, likes and

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dislikes of Plaintiff and Defendant have become so widely separated and divergent that the parties have become incompatible to such an extent that it is impossible for them to live together as husband and wife; that the incompatibility between Plaintiff and Defendant is so great that there is no possibility of reconciliation between them.

WHEREFORE, Plaintiff prays for a Judgment as follows:

1. For the relief requested herein above; and

2. That the contract of marriage now and heretofore existing between Plaintiff and Defendant be dissolved; that Plaintiff be granted an absolute Decree of Divorce, and that each of the parties hereto be restored to the status of a single person.

Dated this 15th day of **July, 2016**.

WEBSTER & ASSOCIATES

By: _____
ANITA A. WEBSTER, ESQ.
Nevada Bar No: 1221
JEANNE LAMBERTSEN, ESQ.
Nevada Bar No. 9460
6882 Edna Avenue
Las Vegas, Nevada 89146
(702) 562-2300
Attorneys for Plaintiff

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VERIFICATION

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

ROBERTA STEVENS, under penalties of perjury, being first duly sworn, deposes and says: That I am the Plaintiff in the above-entitled action; that I have read the foregoing Complaint for Divorce, and know the contents thereof; that the same are true of my own knowledge, except for those matters therein contained stated upon information and belief, and as to those matters, I believe them to be true.

Roberta Stevens
ROBERTA STEVENS

SUBSCRIBED and SWORN to before me
this 15th day of July, 2016

Lisa Silon
NOTARY PUBLIC

LISA SILON
NOTARY PUBLIC
STATE OF NEVADA
Appt. No. 99-32303-1
My Appt. Expires May 20, 2019

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CLERK OF THE COURT

ACOM
WEBSTER & ASSOCIATES
ANITA A. WEBSTER, ESQ.
Nevada Bar No. 1221
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e-mail: jlambertsen@embarqmail.com
Attorney for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

ROBERTA STEVENS Plaintiff, v. ROBERT STEVENS, Defendant	CASE NO.: D-16-536606-D DEPT NO.: L

Amended Complaint for Divorce

COMES NOW the Plaintiff ROBERTA STEVENS, by and through her attorneys, ANITA A. WEBSTER, ESQ., and JEANNE F. LAMBERTSEN, ESQ., of the law offices of WEBSTER & ASSOCIATES, as and for an Amended Complaint for Divorce against Defendant, ROBERT STEVENS, and alleges as follows:

I.

Plaintiff, for a period of more than six weeks immediately preceding commencement of this action, has been and now is an actual, bona fide resident of the County of Clark, State of Nevada; and that during all of said period of time, Plaintiff has resided in and been physically present and domiciled in Clark County, Nevada, during which time the County of Clark, State of Nevada was the home and only home and sole place and residence of Plaintiff.

///

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II.

Plaintiff and Defendant were married on June 30, 2002, in Las Vegas, Nevada, and ever since have been and now are husband and wife.

III.

There are no minor children or adopted minor children of the relationship and the Plaintiff is not currently pregnant.

IV.

The parties have community property and Plaintiff requests that the community property be divided in accordance with Nevada law.

V.

That Plaintiff has separate property and requests that she be awarded her sole and separate property, free of any claim by the Defendant.

VI.

There are community debts of the parties hereto. Plaintiff requests that the community property debts be divided in accordance with Nevada law.

VII.

Plaintiff requests that Defendant reimburse the community due to his community waste.

VIII.

That Plaintiff is in need of spousal support from Defendant.

IX.

That Defendant should pay the Plaintiff's attorney's fees and costs of suit.

X.

That Plaintiff shall retain her married name of "Stevens".

XI.

During the course of said marriage, the tastes, mental disposition, views, likes and

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dislikes of Plaintiff and Defendant have become so widely separated and divergent that the parties have become incompatible to such an extent that it is impossible for them to live together as husband and wife; that the incompatibility between Plaintiff and Defendant is so great that there is no possibility of reconciliation between them.

WHEREFORE, Plaintiff prays for a Judgment as follows:

1. For the relief requested herein above; and

2. That the contract of marriage now and heretofore existing between Plaintiff and Defendant be dissolved; that Plaintiff be granted an absolute Decree of Divorce, and that each of the parties hereto be restored to the status of a single person.

Dated this 3rd day of **August, 2016**.

WEBSTER & ASSOCIATES

By: _____
ANITA A. WEBSTER, ESQ.
Nevada Bar No: 1221
JEANNE LAMBERTSEN, ESQ.
Nevada Bar No. 9460
6882 Edna Avenue
Las Vegas, Nevada 89146
(702) 562-2300
Attorneys for Plaintiff

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6882 Edna Avenue • Las Vegas, Nevada 89146
Telephone (702) 562-2300 • Facsimile (702) 562-2303

VERIFICATION

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

ROBERTA STEVENS, under penalties of perjury, being first duly sworn, deposes and says: That I am the Plaintiff in the above-entitled action; that I have read the foregoing Amended Complaint for Divorce, and know the contents thereof; that the same are true of my own knowledge, except for those matters therein contained stated upon information and belief, and as to those matters, I believe them to be true.

LISA SILON
NOTARY PUBLIC
STATE OF NEVADA
Appt. No 99-32303-1
My Appt. Expires May 20, 2019

R. Stevens
ROBERTA STEVENS

SUBSCRIBED and SWORN to before me
this 2ND day of July, 2016

Lisa Silon
NOTARY PUBLIC

Law Offices of
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Telephone (702) 562-2300 • Facsimile (702) 562-2303

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am employed in the Law Offices of WEBSTER ASSOCIATES, and that on this **3rd** day of **August, 2016**, I caused the above and foregoing document entitled **Amended Complaint for Divorce,** to be served as follows:

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

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

[ ] pursuant to EDCR 7.26 to be sent via facsimile, by duly executed consent for service by electronic means;

[ ] by hand-delivery with signed Receipt of Copy.

To the attorney of record for the Defendant at his last known address indicated below:

F. Peter James, Esq.
Law Offices of F. Peter James
3821 W. Charleston Blvd., #250
Las Vegas, NV 89102

An employee of Webster & Associates

Law Offices of
WEBSTER & ASSOCIATES
6882 Edna Avenue • Las Vegas, Nevada 89146
Telephone (702) 562-2300 • Facsimile (702) 562-2303

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CLERK OF THE COURT

ACDAS
LAW OFFICES OF F. PETER JAMES, ESQ.
F. Peter James, Esq.
Nevada Bar No. 10091
Peter@PeterJamesLaw.com
3821 West Charleston Boulevard, Suite 250
Las Vegas, Nevada 89102
702-256-0087
702-256-0145 (fax)
Counsel for Defendant

DISTRICT COURT, FAMILY DIVISION
CLARK COUNTY, NEVADA

ROBERTA STEVENS, Plaintiff, vs. ROBERT STEVENS, Defendant.	CASE NO. : D-16-536606-D DEPT. NO. : L **ANSWER TO AMENDED COMPLAINT FOR DIVORCE; COUNTERCLAIM**

ANSWER TO AMENDED COMPLAINT FOR DIVORCE

COMES NOW Defendant, Robert Stevens, by and through his counsel, F. Peter James, Esq., who hereby answers the Amended Complaint for Divorce as follows:

Defendant hereby admits the allegations contained in the following paragraphs: 1, 2, 3, 4, 6, and 11.

Defendant hereby denies the allegations contained in the following paragraphs: 7, 8, and 9.

As to the allegations contained in paragraphs 5 and 10, Defendant is without sufficient knowledge / information to either admit or deny; therefore, Defendant denies the same.

/ / /

WHEREFORE, Defendant prays that Plaintiff takes nothing by way of her Amended Complaint for Divorce.

Dated this 23 day of August, 2016

LAW OFFICES OF F. PETER JAMES
F. Peter James, Esq.
Nevada Bar No. 10091
3821 W. Charleston Blvd., Suite 250
Las Vegas, Nevada 89102
702-256-0087
Counsel for Defendant

COUNTERCLAIM FOR DIVORCE

COMES NOW, Defendant, Robert Stevens, by and through his counsel, F. Peter James, Esq., who, as and for a Counterclaim for Divorce, hereby alleges and request relief as follows:

1. That Defendant, for a period of more than six weeks immediately preceding the filing of this action, has been and now is an actual, bona fide resident of the State of Nevada, County of Clark, and has been actually physically present and domiciled in Nevada for more than six (6) weeks prior to the filing of this action.
2. That the Plaintiff and Defendant were married on or about June 30, 2002 in Las Vegas, Nevada and have been and still are husband and wife.
3. That there are no minor children the issue of the marriage, the parties have no adopted minor children the issue of the marriage, and Plaintiff (Wife) is not currently pregnant.
4. That there are community assets to be divided by the Court, the exact amounts and descriptions of which are presently unknown to Defendant. Defendant asks permission of this Court to amend this Counterclaim to insert this information when it becomes known to Defendant or at the time of trial.

5. That there are community debts to be divided by the Court, the exact amounts and descriptions of which are presently unknown to Defendant. Defendant asks permission of this Court to amend this Counterclaim to insert this information when it becomes known to Defendant or at the time of trial.

6. That there are separate assets to be confirmed by the Court, the exact amounts and descriptions of which are presently unknown to Defendant. Defendant asks permission of this Court to amend this Counterclaim to insert this information when it becomes known to Defendant or at the time of trial.

7. That, upon information and belief, there are separate debts to be confirmed by the Court, the exact amounts and descriptions of which are presently unknown to Defendant. Defendant asks permission of this Court to amend this Counterclaim to insert this information when it becomes known to Defendant or at the time of trial.

8. Upon information and belief, Plaintiff has wasted community assets / incurred debt without the knowledge and/or consent of Defendant and without benefit the marital community. The Court should reimburse Defendant for Plaintiff's waste and/or should award said debts to Plaintiff as his sole and separate debts.

9. That neither party should be awarded alimony.

10. Defendant should be awarded attorney's fees and costs.

11. That during the course of the marriage, the tastes, mental disposition, views, likes and dislikes of Plaintiff and Defendant have become so widely divergent that the parties have become incompatible in marriage to such an extent that it is impossible for them to live together as husband and wife; that the incompatibility between Plaintiff and Defendant is so great that there is no possibility of reconciliation between them.

WHEREFORE, Defendant prays for a Judgment as follows:

1. That the marriage between Plaintiff and Defendant be dissolved and that Plaintiff be granted an absolute Decree of Divorce and that each of the parties be restored to the status of a single, unmarried person;
2. That the Court grant the relief requested in this Counterclaim; and
3. For such other relief as the Court finds to be just and proper.

Dated this 23 day of August, 2016

LAW OFFICES OF F. PETER JAMES
F. Peter James, Esq.
Nevada Bar No. 10091
3821 W. Charleston Blvd., Suite 250
Las Vegas, Nevada 89102
702-256-0087
Counsel for Defendant

VERIFICATION

F. Peter James, Esq., counsel for Defendant, Robert Stevens, declares and states as follows:

I am a member in good standing of the State Bar of Nevada. I am counsel for Defendant, Robert Stevens, in this matter. I have read the foregoing Answer and upon information and belief all facts stated therein are true and correct. I am informed by Mr. Stevens that the contents contained herein are true and correct to the best of his knowledge, information, and belief. Pursuant to NRS 15.010(1), I am signing this verification on behalf of Mr. Stevens as is currently outside the State of Nevada.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 23 day of August, 2016.

F. PETER JAMES

CERTIFICATE OF SERVICE

I certify that on this 23 day of August, 2016, I caused the above and foregoing document entitled **ANSWER TO AMENDED COMPLAINT FOR DIVORCE; COUNTERCLAIM** to be served as follows:

[X] pursuant to EDCR 8.05(A), EDCR 8.05(F), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned "In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court," by mandatory electronic service through the Eighth Judicial District Court's electronic filing system;

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

[ ] pursuant to EDCR 7.26 / NEFCR 9, to be sent via facsimile / email;

to the attorney(s) / party(ies) listed below at the address(es), email address(es), and/or facsimile number(s) indicated below:

Anita A. Webster, Esq.
WEBSTER & ASSOCIATES
6882 Edna Ave.
Las Vegas, Nevada 89146
anitawebster@embarqmail.com
jlambertsen@embarqmail.com
702-562-2303 (fax)
Counsel for Plaintiff

By: _____
An employee of the Law Offices of F. Peter James, Esq., PLLC

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Steven D. Grierson
CLERK OF THE COURT

MENF
WEBSTER & ASSOCIATES
ANITA A. WEBSTER, ESQ.
Nevada Bar No. 1221
KRISTINE BREWER, ESQ.
Nevada Bar No. 8387
6882 Edna Ave.
Las Vegas, Nevada 89146
Tel No: (702) 562-2300
Fax No: (702) 562-2303
e-mail: awebster@anitawebster.com
e-mail: kbrewer@anitawebster.com
Attorney for Plaintiff, unbundled

DISTRICT COURT - FAMILY DIVISION
CLARK COUNTY, NEVADA

ROBERTA STEVENS, Plaintiff, v. ROBERT STEVENS, Defendant.	CASE NO.: D-16-536606-D DEPT NO.: A **Motion to Enforce the Decree of Divorce, for an Order to Show Cause, for Modification of Alimony and for Fees and Costs** **Oral Argument Requested**

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

NOTICE OF MOTION

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the Court will issue a Notice of Hearing with the date and time of the hearing for this motion. All parties should ensure that they are registered for e-service or that the court has their current mailing address, email address, phone number and any other

contact information. Alternatively, should you not be registered with e-service and your information is not up to date, or if you do not receive the Notice of Hearing in the next five business days, you should contact the Department directly to obtain the hearing date to ensure your presence and compliance with the Court rules.

DATED this 18 day of August, 2024.

WEBSTER & ASSOCIATES

By: _____
ANITA A. WEBSTER, ESQ.
Nevada Bar No. 1221
KRISTINE BREWER, ESQ.
Nevada Bar No. 8387
6882 Edna Ave.
Las Vegas, Nevada 89146
Attorneys for Plaintiff, unbundled

ROBERTA respectfully requests the following relief for an Order:

1. That Robert be found in Contempt for failing to pay ROBERTA the court-ordered alimony and court-ordered attorney's fees;
2. That spousal support arrears, currently in the amount of $6,809.06 for half of June 2024 and all of July 2024, be reduced to judgment, subject to interest and collectible by any lawful means;
3. That Robert pay the balance of the outstanding attorney's fees previously ordered by the court in the amount of $2,985.68, plus interest;
4. That ROBERTA have the option of garnishing Robert's wages for payment of her ongoing spousal support payments if Robert refuses to pay or that she have the option of collecting spousal support arrears, attorney's fees

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and/or ongoing spousal support from Robert's 401k's by way of a QDRO;

5. That pursuant to NRS 21.320, this court order that any property of the judgment debtor not exempt from execution, in the hands of such debtor or any other person, or due to the judgment debtor, should be applied toward the satisfaction of the judgment including from Robert's 401k as referenced herein;

6. That ROBERTA be allowed to engage in discovery pursuant to NRCP 16.21 to determine Robert's current income and assets for purposes of collecting spousal support arrears, the outstanding attorney's fees and modification of spousal support;

7. That spousal support be modified to extend the payment of alimony for the remainder of ROBERTA's life; and

8. That ROBERTA be awarded her Attorney's fees and costs necessitated by Robert's failure to pay spousal support and previously awarded attorney's fees.

POINTS AND AUTHORITIES

BACKGROUND

A. **SPOUSAL SUPPORT**: The parties' Decree of Divorce was entered on February 8, 2018. The Decree of Divorce incorporated the terms of the parties' Decree of Separate Maintenance wherein Robert was ordered to pay ROBERTA spousal support in the amount of $4,500 per month beginning November 1, 2017 and continuing for a term of seven (7) years thereafter until November 1, 2024. The Decree of Divorce states:

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> **IT IS FURTHER STIPULATED AND THEREFORE ORDERED, ADJUDGED AND DECREED** beginning November 1, 2017, ROBERT'S alimony obligation to ROBERTA will increase to $4,500.00 per month, and will continue in effect for a term of seven (7) years thereafter.

Robert stopped paying spousal support the second half of June 2024 and has paid nothing since.

B. **ENFORCEMENT OF AN AWARD OF ATTORNEY'S FEES**:

Pursuant to the Judgment entered on July 20, 2017, which was incorporated in to the parties' Decree of Divorce, ROBERTA was awarded attorney's fees and costs in the amount of $57,723.60. The Decree of Divorce entered on February 8, 2018 provides that:

> **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Judgment Re: Plaintiffs Award of Attorney Fees and Costs entered on July 20, 2017, Exhibit "2" regarding the payment of attorney's fees is incorporated herein and shall survive entry of this Decree of Divorce. Defendant has filed an appeal from this Order, which is currently pending.

Robert filed an appeal from the award of attorney's fees which was not successful. Robert failed to pay the attorney's fees award and ROBERTA was forced to garnish Robert's wages for payment of the attorney's fees she was awarded by the court. Robert currently owes ROBERTA $2,985.68 plus interest.

C. **EXTENSION OF SPOUSAL SUPPORT**:

ROBERTA is seeking to extend her spousal support payments for the remainder of her life. ROBERTA is 71 years old. Robert is 63 years old and continues to work as a pilot. During the divorce proceedings, Robert claimed in his Financial Disclosure Form filed on April 14, 2017, that his salary as a pilot was $173,341.80. Upon information and belief, Robert suppressed his income during

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the divorce and substantially increased his income once the divorce was finalized. Upon information and belief, his income has increased by 20% since the entry of the Decree of Divorce in February 2018.

ROBERTA was a homemaker for the duration of the parties' 14 year marriage because Robert was adamant that ROBERTA not work. He wanted ROBERTA to travel with him. Robert told ROBERTA that if she didn't travel with him, he would find someone who would.

During the parties' divorce Robert claimed that ROBERTA was capable of resuming work as a full-time as a hairdresser or working in the field of cosmetology[1] to support herself after the divorce. ROBERTA's spousal support award was set for seven years. ROBERTA suffers from Spinal Stenosis. After the parties' divorce, ROBERTA was unable to withstand the rigors of standing on her feet all day to work as a hairdresser/cosmetologist.

In February 2018 when the parties' divorced, alimony was taxable. Subsequently the law was changed but ROBERTA's alimony payment is subject to taxes at the rate of $605 per month.

ROBERTA receives social security in the amount of $1,143 per month, which is insufficient for her to meet her expenses of $5,837.69 per month. ROBERTA is therefore seeking modification of alimony to extend her spousal support payment for the remainder of her life.

ROBERTA SEEKS ENFORCEMENT OF THE DECREE OF DIVORCE

Robert stopped paying ROBERTA spousal support as of the second half

[1]Roberta had a license in cosmetology but her experience was limited to hair only.

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of June 2024, even though his spousal support obligation currently extends to November 1, 2024. Robert is $6,809.06 in arrears for spousal support that was due the second half of June 2024 and July 2024. Robert advised ROBERTA he will no longer be paying her spousal support. See Texts between the parties **Exhibit "1"**

ROBERTA's counsel sent Robert an EDCR 5.501 letter on July 9, 2024, requesting that he pay ROBERTA the spousal support arrearages he owes her. Robert failed to respond to the letter, failed to pay the spousal support arrearages he owes her and has failed to pay ongoing spousal support. ROBERTA requests that arrearages in the amount of $6,809.06, plus any additional amounts that accrue prior to court, be reduced to judgment, subject to interest at the legal rate and enforceable by any lawful means.

If Robert fails to pay the arrears and fails to resume paying spousal support, ROBERTA seeks permission to garnish his wages for payment of the arrears and his ongoing spousal support obligation and/or that a QDRO be used for the collection of spousal support arrears, his ongoing spousal support payment and the outstanding fees he owes. The authority for this is the ERISA code which provides that a QDRO can be used to obtain the pension benefits of the participant if it relates to child support, alimony payments, or marital property rights of a spouse, former spouse, child, or other dependent and it is made pursuant to a state domestic relations law. (29 U.S.C. § 1056(d)(3) (B)(ii)(I) and (II)).

In Trustee of Dr. Guild of America-Producer Pension Benefits Plans v.

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Tise, 234 F.3d 415, 419 (9th Cir. 2000) the 9th Circuit Court of appeals awarded the Defendant child support arrears and an attorney's fee award to collect the child support arrears. Specifically the court stated as follows:

> The Retirement Equity Act of 1984 (REA) created an exception to ERISA's general bar on the assignment of pension plan proceeds for individuals who present QDROs to plan administrators. 29 U.S.C. § 1056(d)(3). QDROs are a subset of "domestic relations orders" ("DROs"); DROs are any orders relating "to the provision of child support, **alimony**, or marital property rights to a spouse, former spouse, child, or other dependent of a plan participant... made pursuant to a State domestic relations law." 29 U.S.C. § 1056(d)(3)(ii). ....a QDRO must specify the name and mailing address of the alternate payee and the affected plan participant, the amount or percentage of the participant's benefits to be paid or the means by which that amount will be determined, the number of payments or time period to which the order applies, and the plan to which the order applies. 29 U.S.C. § 1056(d)(3)(C). (Emphasis Added).

The court explained that the QDRO provision is an exception, not only to ERISA's rule against assignment of plan benefits, but also to ERISA's broad preemption of state law. 29 U.S.C. § 1144(b)(7). State family law can, therefore, create enforceable interests in the proceeds of a 401k.

In Blue v. UAL Corp., 160 F.3d 383, 385 (7th Cir. 1998), Robert Blue, a pilot for United Air Lines, did not make child support payments following his divorce from his former wife. A state court issued seven orders calling on United's pension plan to satisfy Mr. Blue's child support obligation. The retirement fund determined that six of these seven orders were QDROs and they disbursed more than $200,000 in response. Mr. Blue contested only that portion of the judgment allowing his former spouse's attorney's fees to be paid from his retirement funds. The Seventh Circuit upheld the distribution of proceeds from his retirement funds to pay the child support and the attorney's fees awarded as part of the collection

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efforts to secure the judgment. In the article "The Underutilization of Qualified Domestic Relations Orders in Child Support Collection Cases" the author advises that:

> Finally, it is important to remember that nothing in ERISA prevents an alternate payee from utilizing multiple QDROs to enforce multiple judgments. As an example, just because a former spouse has already received her community property share from a 401(k), that does not prevent her from coming back in the future to utilize that same 401(k) to collect on a judgment for child support, **alimony, and attorney's fees**. (Emphasis Added).

See also, M.M. v. T.M., 50 Misc.3d 565, 17 N.Y.S.3d 588, 599-600 (N.Y. Sup. Ct. 2015) wherein the court allowed the Wife to access the Husband's 401k funds not only for spousal support arrearages **but ongoing spousal support payments**. (Emphasis added).

ROBERTA REQUESTS DISCOVERY PURSUANT TO NRCP 16.21

Rule 16.21. Postjudgment Discovery in Family Law Actions

(b) Parties may conduct postjudgment discovery in family law actions when:

(2) on motion or on its own, the court, for good cause, orders postjudgment discovery.

ROBERTA seeks an order that opens discovery pursuant to NRS 21.320 to obtain Robert's tax returns, Robert's paychecks, bank accounts, 401k and other property of the judgment debtor to be applied toward the satisfaction of the spousal support arrears, remaining attorney's fees owed, ongoing spousal support payments and any additional attorney's fees awarded by this court. During the divorce proceedings, Robert claimed in his Financial Disclosure Form filed on April 14, 2017 that his salary as a pilot was $173,341.80. Upon

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information and belief, Robert deliberately suppressed his income during the divorce and substantially increased his income once the divorce was finalized. It is therefore likely that his income has increased at least 20% since entry of the Decree of Divorce.

AN ORDER TO SHOW CAUSE SHOULD ISSUE AGAINST ROBERT AND ROBERT SHOULD BE FOUND IN CONTEMPT OF COURT

Robert is willfully refusing to pay ROBERTA spousal support and he is willfully refusing to pay the balance of attorney's fees owed pursuant to the court's prior order and incorporated into the Decree of Divorce. Robert is earning a substantial income as a pilot and can easily pay his spousal support obligation to ROBERTA and the remaining outstanding attorney's fees. An Order to Show Cause should issue; Robert should be found in contempt of court and fined and ROBERTA awarded her attorney's fees necessitated by this motion.

> NRS 22.010 Acts or omissions constituting contempts. The following acts or omissions shall be deemed contempts:
>
> 1. Disorderly, contemptuous or insolent behavior toward the judge while the judge is holding court, or engaged in judicial duties at chambers, or toward masters or arbitrators while sitting on a reference or arbitration, or other judicial proceeding.
>
> 2. A breach of the peace, boisterous conduct or violent disturbance in the presence of the court, or in its immediate vicinity, tending to interrupt the due course of the trial or other judicial proceeding.
>
> 3. **Disobedience or resistance to any lawful writ, order, rule or process issued by the court or judge at chambers**.
>
> 4. Disobedience of a subpoena duly served, or refusing to be sworn or answer as a witness.
>
> 5. Rescuing any person or property in the custody of an officer by virtue of an order or process of such court or judge at chambers.

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6. Disobedience of the order or direction of the court made pending the trial of an action, in speaking to or in the presence of a juror concerning an action in which the juror has been impaneled to determine, or in any manner approaching or interfering with such juror with the intent to influence the verdict.

7. Abusing the process or proceedings of the court or falsely pretending to act under the authority of an order or process of the court.

NRS 22.100 Penalty for contempt.

1. Upon the answer and evidence taken, the court or judge or jury, as the case may be, shall determine whether the person proceeded against is guilty of the contempt charged.

2. Except as otherwise provided in NRS 22.110, if a person is found guilty of contempt, a fine may be imposed on the person **not exceeding $500 or the person may be imprisoned not exceeding 25 days, or both.**

3. **In addition to the penalties provided in subsection 2, if a person is found guilty of contempt pursuant to subsection 3 of NRS 22.010, the court may require the person to pay to the party seeking to enforce the writ, order, rule or process the reasonable expenses, including, without limitation, attorney's fees, incurred by the party as a result of the contempt.** (Emphasis Added).

ROBERTA REQUESTS THAT SPOUSAL SUPPORT BE MODIFIED

ROBERTA seeks a modification of her spousal support award to extend her receipt of spousal support for the remainder of her life. When a party seeks modification of spousal support, NRS 125.150(8) directs the court to analyze **any factors "the court considers relevant**," including changes to the income of the spouse who is ordered to pay alimony." NRS 125.150(8), (12) (emphasis added); see Siragusa v. Siragusa, 108 Nev. 987, 994-96, 843 P.2d 807, 812-13 (1992) (concluding that a paying spouse's discharged property settlement obligation, was a "changed circumstance" for purposes of modifying alimony).

Pursuant to NRS 125.150 (12), in considering alimony modifications "a

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change of 20% or more in the gross monthly income of a spouse who is ordered to pay alimony shall be deemed to constitute changed circumstances requiring a review for modification of the payments of alimony", including any of the following factors set forth in NRS 125.150(9)

(a) **The financial condition of each spouse**: Upon information and belief, since the parties' divorce six ½ years ago. Robert has continued to work as a pilot and earn a six figure income. Upon information and belief, he suppressed his income during the divorce and substantially increased his income post divorce. ROBERTA suffers from Spinal Stenosis After the parties' divorce, ROBERTA was unable to withstand the rigors of standing on her feet all day to work as a hairdresser. She is currently dependant on the spousal support she receives from Robert plus social security of $1,143 per month.[2] She is unable to meet her monthly expenses without ongoing spousal support payments from Robert.

(b) **The nature and value of the respective property of each spouse**

The parties equally divided the proceeds from the sale of the marital residence and Robert's 401k. But Robert has been able to continue contributing to his 401k and accumulating savings ROBERTA has not been able to contribute to a 401k or accumulate significant savings and used the proceeds realized from the sale of the parties' house toward her housing

ROBERTA's alimony payments are taxed since the parties were divorced

[2]Roberta has an investment account but given her life expectancy she cannot access the account until after age 72 and her monthly payout will be limited to $2.000 subject to taxes which is not enough to allow her to meet her monthly expenses.

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in February 2018. One year later on January 1, 2019, the IRS law changed and alimony is no longer taxable. Therefore, Robert is able to deduct his alimony payments and ROBERTA has to pay taxes of approximately $7,300 per year.

(c) **The contribution of each spouse to any property held by the spouses pursuant to NRS 123.030**. The parties' assets and debts were divided at the time of the divorce in 2018. ROBERTA contributed to the down payment of the parties' marital residence. She was only partially reimbursed for her down payment at the time of the divorce.

(d) **The duration of the marriage**: The parties were married for 14 years.

(e) **The income, earning capacity, age and health of each spouse**: Robert is 8 years younger than ROBERTA. Upon information and belief, Robert is in good health and has been earning a six figure income for the last six years. ROBERTA is 71 years old, suffers from spinal stenosis and has not worked for the last six ½ years. She depends on the spousal support she receives from Robert and her social security benefits to pay her monthly expenses[3].

(f) **The standard of living during the marriage**: During the parties' marriage Robert earned a six figure income as a pilot and the parties enjoyed a comfortable lifestyle which included living in a nice house, eating out and traveling. Robert is still able to maintain this lifestyle. ROBERTA is not able to maintain this lifestyle without ongoing spousal support from Robert.

(g) **The career before the marriage of the spouse who would receive the**

[3]Roberta has an investment account but given her life expectancy she cannot access the account until after age 72 and her monthly payout will be limited to $2,000 subject to taxes which is not enough to allow her to meet her monthly expenses.

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alimony: ROBERTA worked as a hair stylist prior to parties' marriage but during the parties' 14 year marriage, Robert insisted that she not work so they could travel. ROBERTA suffers from Spinal Stenosis. After the parties' divorce, ROBERTA was unable to withstand the rigors of standing on her feet all day to work as a hairdresser/cosmetologist.

(h) **The existence of specialized education or training or the level of marketable skills attained by each spouse during the marriage**:

ROBERTA was a home maker during the parties' marriage and didn't receive any specialized training. It is likely, that as a pilot, Robert received additional training during the marriage.

(i) **The contribution of either spouse as homemaker**: At Robert's insistence, ROBERTA didn't work so she would be available to travel with Robert during his time off. ROBERTA maintained the parties' household which benefitted Robert and allowed him to travel as a pilot while ROBERTA was taking care of the parties' pets, bills, house maintenance and repairs and day to day tasks.

(j) **The award of property granted by the court in the divorce, other than child support and alimony, to the spouse who would receive the alimony**:

Both parties received comparable amounts from the sale of their home and investments, but Robert continued to earn a six figure income and was able to increase his savings and retirement contributions, whereas ROBERTA was unable to do so. She used the proceeds from the sale of the marital residence for her housing.

(k) **The physical and mental condition of each party as it relates to the**

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financial condition, health and ability to work of that spouse:

Upon information and belief, Robert is healthy, has continued working as a pilot, and continues to make a six figure income, allowing him to continue contributing to his 401k and accumulating savings, whereas ROBERTA has not been able to do so and has not worked. Upon information and belief, Robert was suppressing his income during the divorce and substantially increased his income post divorce.

In Kogod v. Cioffi-Kogod, 135 Nev. 64, 75, 439 P.3d 397, 406 (2019) the court explained that after considering the factors listed in NRS 125.150(9), and any other relevant circumstances, "our case law makes clear that a district court may award alimony to ensure that an economically powerless spouse receives sufficient support to meet his or her needs. See Gilman v. Gilman, 114 Nev. 416, 423-24, 956 P.2d 761, 765 (1998) ("The Nevada legislature created spousal support awards to, inter alia, keep recipient spouses off the welfare rolls.")."

In this instance, if ROBERTA's spousal support is not extended, the legislative goal of alimony will not be met, because ROBERTA will be left without sufficient funds to meet her day to day living expenses while Robert is able to live comfortably with his lifestyle unchanged from when the parties were married.

In summary, the circumstances that have changed since the parties' divorce include the following:

1. Robert's income having likely increased significantly post divorce and likely more than 20%. Pursuant to NRS 125.150 a 20% increase in Robert's income mandates that this court review his spousal support obligation to

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ROBERTA.

2. Following the divorce, ROBERTA has had to incur attorney fees and costs to enforce the Decree of Divorce and ensure payment of the fees she was granted. ROBERTA has had to expend fees on an ongoing basis to garnish Robert's income since he failed to pay the attorney's fees award and ROBERTA had to previously bring a motion to enforce on August 23, 2017 following entry of the Decree of Separate Maintenance and is now having to bring another motion to enforce since Robert is not paying her ongoing spousal support award and fees. This has cut into the few savings she has

3. Robert argued during the parties' divorce that ROBERTA can return to work but ROBERTA was unable to return to hairdressing given the physical rigor required to stand on her feet all day. Therefore, for the last 6 ½ years, ROBERTA has relied on her alimony payment and social security to meet her expenses.

4. While both parties realized funds from the sale of their home, ROBERTA had to use the proceeds from the sale of the parties' home for her housing. Robert, on the other hand, could continue to contribute to and grow his 401k and savings account while ROBERTA was unable to do so.

5. When ROBERTA was awarded alimony in 2018, alimony was taxable. The law changed in 2019 and alimony awarded in 2019 and thereafter is no longer taxable, but ROBERTA's alimony remains taxable to her. Robert realizes a tax deduction for the alimony he pays ROBERTA while ROBERTA realizes $7,260 less in income from her spousal support award due to the taxes she

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pays.

6. Following entry of the parties' Decree of Divorce, the rate of inflation significantly increased the cost of day to day living expenses which has further contributed to ROBERTA lacking the necessary funds to adequately support herself and meet her ongoing expenses for the rest of life. The cumulative inflation rate between 2018 and 2024 is 24.92%. **Exhibit "2."**
7. If ROBERTA's spousal support payments are not extended, ROBERTA is left without sufficient funds to pay her monthly living expenses while Robert is able to live comfortably from his earnings, and when he retires, he will be able to continue to live comfortably from his 401k, savings and social security payments and still have enough funds to pay ROBERTA spousal support

ROBERTA seeks modification of her spousal support award to extend her spousal support payment for the remainder of her life based on the changed circumstances set forth herein above

ROBERTA IS ENTITLED TO AN AWARD ATTORNEY'S FEES

ROBERTA is entitled to an award of attorney's fees Robert has stopped paying spousal support in violation of the Decree of Divorce and has failed to pay the remainder of the attorney's fees previously ordered by the court ROBERTA was forced to garnish Robert's wages in order to obtain payment of the attorney's fees previously awarded by the court ROBERTA's counsel sent Robert an EDCR 5.501 letter on July 9, 2024, asking him to resume paying alimony and the outstanding attorney's fees Robert failed to respond to the letter, failed to resume paying spousal support, failed to pay the spousal support

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arrears and failed to pay the remaining outstanding attorney's fees ROBERTA's counsel also sent Robert a letter asking for modification of alimony to extend spousal support for the remainder of ROBERTA's life. Robert failed to respond and instead stopped paying alimony altogether.

NRS 22.100 provides for attorney's as follows:

> 3. In addition to the penalties provided in subsection 2, if a person is found guilty of contempt pursuant to subsection 3 of NRS 22.010, the **court may require the person to pay to the party seeking to enforce the writ, order, rule or process the reasonable expenses, including, without limitation, attorney's fees, incurred by the party as a result of the contempt.** (Emphasis Added)

NRS 18.010(2):

> (a) When the prevailing party has not recovered more than $20,000; or
> (b) Without regard to the recovery sought, when the court finds that the claim, counterclaim, cross-claim or third-party complaint or defense of the opposing party was brought or maintained without reasonable ground or to harass the prevailing party. **The court shall liberally construe the provisions of this paragraph in favor of awarding attorney's fees in all appropriate situations.** It is the intent of the Legislature that the court award attorney's fees pursuant to this paragraph and impose sanctions pursuant to Rule 11 of the Nevada Rules of Civil Procedure in all appropriate situations to punish for and deter frivolous or vexatious claims and defenses because such claims and defenses overburden limited judicial resources, hinder the timely resolution of meritorious claims and increase the costs of engaging in business and providing professional services to the public. (Emphasis Added).

Pursuant to EDCR 5.219, sanctions may be imposed against a party, counsel, or other person, after notice and an opportunity to be heard, for unexcused intentional or negligent conduct, including but not limited to

(a) Presenting a position that is obviously frivolous, unnecessary or unwarranted.
(b) Multiplying the proceedings in a case so as to increase costs unreasonably and vexatiously;
(c) Failing to prepare for a proceeding;

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(d) Failing to appear for a proceeding;
(e) Failing or refusing to comply with these rules; or
(f) **Failing or refusing to comply with any order or directive of the court.** (Emphasis Added)

Wright v. Osburn, 114 Nev. 1367, 970 P.2d 1071 (1998). Disparity in income is a factor to be considered in awarding attorney fees

Hornwood v. Smith Food King, attorney fees should be awarded to the prevailing party if they succeed on a significant number of issues. This court has held that "[a] plaintiff may be considered the prevailing party for attorney's fee purposes if it succeeds on any significant issue in litigation which achieves some of the benefit is sought in bringing the suit." Hornwood v. Smith's Food King, 105 Nev. 188, 192, 772 P.2d 1284 (1989) (quoting Women's Federal S & L Ass'n. v Nevada Nat. Bank, 623 F.Supp. 469, 470 (D.Nev.1985)

Awards of attorney fees are within the sound discretion of the Court. *See* Love v. Love, 959 P.2d 523, 114 Nev. 572 (1998), Fletcher v. Fletcher, 89 Nev 540, 542-43, 516 P.2d. 103,104 (1973), Leeming v. Leeming, 87 Nev. 530, 532, 490 P.2d 342, 343 (1971), and Halbrook v. Halbrook, 114, Nev. 1455, 971 P.2d 1262 (1998).

Pursuant to Brunzell v. Golden Gate Nat'l Bank, 85 Nev. 345 (1969), the Court should take into consideration the following factors when determining an award of attorneys' fees (1) The qualities of the advocates. Ms. Webster has been practicing law for over 40 years; the law firm's practice is dedicated to family law. Ms. Webster was a member of Law Review in Law School. She has taught seminars and written articles for publication in legal journals Ms Webster has also received 40 hours of mediation training and Collaborative law

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Training; Ms. Brewer has been practicing law over 20 years and has over 19 years of litigation experience. Her focus has been on Family Law since 2004 She has received 40 hours of mediation training as well as training to be a Certified Family Coordinator. Ms. Brewer served on the Family Law Executive Council for the Nevada Family Bar Section from 2011 - 2016 She has taught seminars on continuing legal education with a focus on child custody, domestic violence and temporary orders of protection She has consistently volunteered for the Legal Aid Center of Southern Nevada representing abused and/or neglected children as well as participating in the Ask-A-Lawyer Program; (2) The character and difficulty of the work performed: The intricacy, importance, time and skill required to prepare this pleading required family law experience and skill. (3) The work actually performed by the attorney and legal assistants: many hours were spent by counsel in legal fees not including the time spent by the legal assistants; We ask leave of this court to file a Memorandum of Fees and Costs should the court grant this request for fees and costs; (4) The result obtained is unknown but this pleading demonstrates that Robert's failure to abide by this court's orders is causing ROBERTA to incur attorney's fees and costs for which she should be reimbursed

CONCLUSION

ROBERTA respectfully requests the following relief for an Order:

1. That Robert be found in Contempt for failing to pay ROBERTA the court-ordered alimony and court-ordered attorney's fees
2. That spousal support arrears, currently in the amount of $6,809.06 for half of

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June 2024 and all of July 2024, be reduced to judgment, subject to interest and collectible by any lawful means.

3. That Robert pay the balance of the outstanding attorney's fees previously ordered by the court in the amount of $2,985.68, plus interest,

4. That ROBERTA have the option of garnishing Robert's wages for payment of her ongoing spousal support payments if Robert refuses to pay or that she have the option of collecting spousal support arrears, attorney's fees and/or ongoing spousal support from Robert's 401k's by way of a QDRO.

5. That pursuant to NRS 21.320, this court order that any property of the judgment debtor not exempt from execution, in the hands of such debtor or any other person, or due to the judgment debtor, should be applied toward the satisfaction of the judgment including from Robert's 401k as referenced herein;

6. That ROBERTA be allowed to engage in discovery pursuant to NRCP 16.21 to determine Robert's current income and assets for purposes of collecting spousal support arrears, outstanding attorney's fees and modification of spousal support;

7. That alimony be modified to extend the payment of alimony for the remainder of ROBERTA's life; and

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8. That ROBERTA be awarded her Attorney's fees and costs necessitated by Robert's failure to pay spousal support and previously awarded attorney's fees.

Dated: August 1st, 2024.

WEBSTER & ASSOCIATES

ANITA A. WEBSTER, ESQ.

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Certificate of Service

Pursuant to NRCP 5(b), I certify that I am employed in the Law Offices of WEBSTER & ASSOCIATES, and that on this 15th day of August, 2024, I caused the above and foregoing to be served as follows:

[x] U.S. Mail, postage prepaid from Las Vegas, Nevada;

[x] by mandatory electronic service through the Eighth Judicial District Court's electronic filing system;

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

Robert O. Stevens
7502 War Admiral Court
Las Vegas, Nevada 89113
Address on file

Robert O. Stevens
6428 Tamber Bay Road
Las Vegas, NV 89118
Last known address

Robert O. Stevens
7048 Steele Canyon Street
Las Vegas, Nevada 89118
Address on Assessor's page

Robert O. Stevens
Boulder City RV Resort, Unit 1
857 Pelican Way
Boulder City, Nevada 89005

Wings4uo2@yahoo.com

An employee of Webster & Associates

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DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

Roberta Stevens,
Plaintiff/Petitioner

v.
Robert Stevens,
Defendant/Respondent

Case No. D-16-536606-D

Dept. A

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: Plaintiff Date 8/1/24

Signature of Party or Preparer 

ELECTRONICALLY SERVED
10/16/2024 2:30 PM

Electronically Filed
10/16/2024 2:29 PM
CLERK OF THE COURT

ORDR
WEBSTER & ASSOCIATES
ANITA A. WEBSTER, ESQ.
Nevada Bar No. 1221
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e-mail: kbrewer@anitawebster.com
Attorney for Plaintiff, unbundled

DISTRICT COURT - FAMILY DIVISION
CLARK COUNTY, NEVADA

ROBERTA STEVENS, Plaintiff, v. ROBERT STEVENS, Defendant.	CASE NO.: D-16-536606-D DEPT NO.: A **Order from the October 2, 2024 Hearing**

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This matter having come before the court on October 2, 2024, for Plaintiff's Motion to Enforce the Decree of Divorce, for an order to Show Cause, for Modification of Alimony and for Fees and Costs; Defendant's Opposition to the Motion to Enforce and Countermotion; Defendant's Motion to Correct Clerical Error and Countermotion; Plaintiff's Opposition to the Motion to Correct Clerical Error; and each party's Replies to the respective Oppositions, Plaintiff, ROBERTA STEVENS (hereinafter "ROBERTA"), by and through counsel, ANITA A. WEBSTER, ESQ., of the law firm of WEBSTER & ASSOCIATES and Defendant, ROBERT STEVENS (hereinafter "ROBERT"), appearing by and through, F. PETER JAMES, ESQ., of the LAW OFFICES OF F. PETER JAMES,

Case Number: D-16-536606-D

ESQ., the Court having heard the argument of counsel, finds and orders the following:

Argument by Counsel and Discussion. The Court Reiterated the Uncontested Facts of the Case.

COURT NOTES that after the court prepared and entered a Decree of Separate Maintenance providing that spousal support would begin on November 1, 2017, and continue for seven (7) years, ROBERT filed an appeal that did not contest that decision or allege that the court was mistaken. VT: 11:17:00

COURT FINDS that during the time that Defendant was preparing his appeal for attorney fees, there were several opportunities for Defendant and his counsel to review the Decree of Separate Maintenance and if there were any errors in the Decree of Separate Maintenance, those should have been brought to the attention of the initial Judge in this matter, Judge Elliot. VT: 11:17:45

COURT FURTHER FINDS that more than seven (7) years have passed and the parties have been performing based on the Decree of Separate Maintenance and have been acting on the terms of the Decree of Separate Maintenance, and there was no indication that there was any error in the Decree of Separate Maintenance. VT: 11:18:08

COURT FURTHER FINDS that if there is any ambiguity in the record, and in looking at the record where Mr. James says one thing but the Judge says another thing, this Court then looks at the written order. The fact that both parties had a chance to submit their proposed Decrees of Separate Maintenance and the Judge made a judicial decision to prepare her own Decree of Separate

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Maintenance, then that's the decision that the Court made after having reviewed the record and having looked at the case history analysis. VT: 11:18:24

COURT FURTHER FINDS that this Court does not believe there was clerical error or a simple mistake by Judge Elliott. Judge Elliott had the opportunity to look at both parties' proposed Decrees of Separate Maintenance and the Findings, and the Court decided to create its own order. The Court did not mistakenly state "November" in the place of "June," when she clearly had both competing Decrees of Separate Maintenance where one Decree of Separate Maintenance says "June" and the other says "November". VT: 11:18:48

COURT FURTHER FINDS that the Decree of Separate Maintenance, was entered 7/14/2017, therefore more than seven years have elapsed. Should this have been a true mistake, or that ROBERT or his counsel thought was a mistake of the Court, then it should have been brought to the Court's attention in the past seven years and not have waited until now. The Court agrees with Ms. Webster in that too much time has elapsed and the parties have been performing based upon the Decree of Separate Maintenance and at this point, the Court agrees that ROBERT had an opportunity to bring this to the Court's attention and didn't bring it to the Court's attention. ROBERT delayed in bringing this challenge to the Decree of Separate Maintenance and this inexcusable delay does constitute acquiescence on the party challenging it, and it has been more than seven years, both parties have been performing on it and this inclusive deadline is prejudicial to the other party at this point, especially considering the fact that the other party

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is seeking to modify, which she has every right to modify the spousal support. VT: 11:19:10

COURT FURTHER FINDS that not only does Laches apply, but there is also estoppel that applies in this case in that ROBERT is estopped from asserting this challenge at this point because this Court does not find it was a clerical mistake. It was a true judicial decision that Judge Elliott made after having reviewed both parties' submissions of the Decree of Separate Maintenance, the findings and making a decision to create her own findings. If this were a case where Judge Elliott just signed one party's Decree, then perhaps that should have been brought before the court. But, this is a case where the judge took her time, and sitting as a Judge, this Court recognizes that it's much easier to just sign the presented orders. For a judge to actually take the time to create their own order takes much conscious effort on behalf of the Court to review the record, review the findings, review their own notes and make their own determinations - so the Court does not find that this was a clerical error. VT: 11:20:25

COURT FURTHER FINDS that the Honorable Judge Elliot made a judicial decision by reviewing the record and reviewing the facts and her notes and the parties' testimony and JAVS tapes. VT: 11:21:17

COURT FURTHER FINDS that in this case, ROBERT is estopped because he knew as of July 14, 2017, when the Decree of Separate Maintenance was duly entered, that spousal support would continue seven years from November 2017. He did not do anything to bring it to the Court's attention at the time that Judge

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Elliott was sitting on the bench, nor did he do anything to bring it on the record in the form of a motion. As a matter of fact, this Decree of Separate Maintenance was then incorporated into the Decree of Divorce which was duly entered more than six months later, and there was nothing that was done by ROBERT's side to bring any reported clerical error to the Court's attention. VT: 11:21:30

COURT FURTHER FINDS that ROBERT intended by his conduct and by acquiescing that there be reliance on the terms of the Decree of Separate Maintenance and he is therefore estopped from claiming there was any error because he acted upon the Decree of Separate Maintenance for the last seven years with the Decree of Separate Maintenance being incorporated into the Decree of Divorce. Therefore, he is estopped from asserting any ignorance or clerical mistakes based on the fact that the Court does not find that there was any clerical error or mistake. VT: 11:22:07

COURT FURTHER FINDS that ROBERTA had no reason to believe that ROBERT would be filing this Motion to correct the purported clerical mistake more than seven years after the Decree of Separate Maintenance was prepared by the Court and signed, filed and entered. VT: 11:22:33

COURT FURTHER FINDS that ROBERTA has detrimentally relied on the conduct of ROBERT and his inaction of filing any motions to correct a purported clerical error or mistake when he knew or should have known about this purported mistake on or about July 2017, and definitely prior to when this Decree of Separate Maintenance was incorporated into the Decree of Divorce on February 2, 2018. VT: 11:22:55

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IT IS HEREBY ORDERED that based on this Court's review of the record as well as the papers and pleadings herein, the Court does hereby deny the Motion to Correct a Clerical Error and hereby moves forward with Ms. Webster's Motion to Enforce the Decree as well as Modify the Decree to extend spousal support. VT: 11:23:35

COURT FURTHER NOTES that ROBERT's counsel has indicated that ROBERT is not currently employed by Net Jets due to being in rehab for a DUI due to alcohol. He indicates that ROBERT's income right now, while in rehab is disability income of $60,000 per year. VT: 11:24:16

DISCUSSION by ROBERT that the Federal Aviation Administration (FAA) will take ROBERT's need for medical time off for at least one year and it will be a year to a year and a half before he goes back to work. ROBERT reports he has been in an inpatient rehab for 5 days and will go back for 23 more days after this court hearing. The Court asked and ROBERT confirmed that he will be in rehab for a year to a year and a half depending on the medical professionals. VT: 11:26:09.

IT IS FURTHER ORDERED that there should be no disparaging remarks about ROBERT's decision to go into rehab. VT: 11:25:20

IT IS FURTHER ORDERED that ROBERT will pay the $1,873 to ROBERTA in past due attorney fees by way of Paypal within 7 days from the date of this hearing. VT: 11:27:40

COURT FURTHER NOTES that spousal support is due to retire November 2024. VT: 11:30:40

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Telephone (702) 562-2801 • Facsimile (702) 562-2811

IT IS FURTHER ORDERED that ROBERT will continue to pay ongoing spousal on the 5th and 20th day of the month by way of Paypal for October and November 2024 and ROBERT will pay the arrears for alimony to ROBERTA by way of Paypal on the 5th and 20th of each month until paid in full for the months of June 2024, July 2024, August 2024 and September 2024, by paying on the 5th and 20th day of each month until the arrears are paid off. VT: 11:27:54 VT: 11:29:21

IT IS FURTHER ORDERED that given that Mr. James has conceded that his client will pay the $1,873 within 7 days, the Court will award limited attorney fees to ROBERTA. Ms. Webster may submit a *Brunzell* analysis. VT: 11:28:56

COURT FURTHER NOTES that it is not prepared to make an end-date determination for the extension of the spousal support to ROBERTA at this time. The Court recognizes that ROBERT is in rehab but also recognizes that ROBERTA has a medical condition. The Court does not currently have enough information to determine how long to extend spousal support, and therefore will open discovery and set this matter for a continued court date. VT: 11:30:01

IT IS FURTHER ORDERED that ROBERT shall file a Financial Disclosure Form within 7 days from the date of this hearing. VT: 11:31:20

IT IS FURTHER ORDERED that discovery is open for both parties for 60 days, equal parody. Both parties can request the same type of documentation. The parties may request from one another: bank statements, venmo, paypal, cash app and any other form of application where they may accept money, tax returns and reasons/proof of availability or non-availability to work, and HIPAA

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will apply. VT: 11:32:18 and VT: 11:33:41

IT IS FURTHER ORDERED that the Court will give an hour setting, with each party getting a half hour to present their side of the argument for the length of time for the extension of spousal support. The return hearing on the Motion for Spousal Support is set for December 19, 2024, at 9:00 a.m. VT:11:34:19

IT IS FURTHER ORDERED that each party will file their supplemental briefs one week before the hearing on December 12, 2024, with any proposed arguments for or against the time limit for extension of spousal support. The parties and counsel will appear in person in case the Court wishes to take testimony. The court will not allow testimony from a person not appearing in person. VT: 11:36:09

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WEBSTER & ASSOCIATES
6882 Edna Avenue • Las Vegas, Nevada 89146
Telephone (702) 562-2800 • Facsimile (702) 562-2803

IT IS FURTHER ORDERED that Ms. Webster will prepare the order and Mr. James will review and countersign. VT: 11:37:29

Dated this 16th day of October, 2024



AE5 BB5 E90C 9441
Mari D. Parlade
District Court Judge

DATED: October 15, 2024

Submitted by:
WEBSTER & ASSOCIATES

ANITA A. WEBSTER, ESQ.
Nevada Bar No. 1221
KRISTINE BREWER, ESQ.
Nevada Bar No. 8387
6882 Edna Avenue
Las Vegas, NV 89146
702-562-2300
Attorney for Plaintiff, unbundled

DATED: October 14, 2024

Approved as to form and content by:
LAW OFFICES OF F. PETER JAMES, ESQ.

F. PETER JAMES, ESQ.
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3821 West Charleston Blvd., Ste. 250
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CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Roberta Stevens, Plaintiff vs. Robert Stevens, Defendant.	CASE NO: D-16-536606-D DEPT. NO. Department A

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: 10/16/2024

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Peter James .	Peter@PeterJamesLaw.com
Anita Webster	awebster@anitawebster.com
F Peter James	peter@peterjameslaw.com
April Schultz	April@PeterJamesLaw.com
Roberta Stevens	zcurly1@gmail.com
Robert Stevens	wings4uo2@yahoo.com

Electronically Filed
10/16/2024 2:59 PM
Steven D. Grierson
CLERK OF THE COURT

NEO
WEBSTER & ASSOCIATES
ANITA A. WEBSTER, ESQ.
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Attorney for Plaintiff, unbundled

DISTRICT COURT - FAMILY DIVISION
CLARK COUNTY, NEVADA

ROBERTA STEVENS, Plaintiff, v. ROBERT STEVENS, Defendant.	CASE NO.: D-16-536606-D DEPT NO.: A **Notice of Entry of Order from the October 2, 2024 Hearing**

PLEASE TAKE NOTICE that an Order was entered in the above-entitled action on the 16th day of October, 2024, a copy of which is attached.

Dated this 16 day of October, 2024.

WEBSTER & ASSOCIATES

ANITA A. WEBSTER, ESQ.
Attorney for Plaintiff, unbundled

Law Offices of
WEBSTER & ASSOCIATES
6882 Edna Avenue • Las Vegas, Nevada 89146
Telephone (702) 562-2300 • Facsimile (702) 562-2303

Certificate of Service

Pursuant to NRCP 5(b), I certify that I am employed in the Law Offices of WEBSTER & ASSOCIATES, and that on this 16th day of October, 2024, I caused the above and foregoing document to be served as follows:

[X] by mandatory electronic service through the Eighth Judicial District Court's electronic filing system;

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

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

F. Peter James, Esq.
Peter@peterjameslaw.com
April@peterjameslaw.com

An employee of Webster & Associates

Law Offices of
WEBSTER & ASSOCIATES
6882 Edna Avenue • Las Vegas, Nevada 89146
Telephone (702) 562-2300 • Facsimile (702) 562-2303

ELECTRONICALLY SERVED
10/16/2024 2:30 PM

Electronically Filed
10/16/2024 2:29 PM
CLERK OF THE COURT

ORDR
WEBSTER & ASSOCIATES
ANITA A. WEBSTER, ESQ.
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e-mail: kbrewer@anitawebster.com
Attorney for Plaintiff, unbundled

DISTRICT COURT - FAMILY DIVISION
CLARK COUNTY, NEVADA

ROBERTA STEVENS, Plaintiff, v. ROBERT STEVENS, Defendant.	CASE NO.: D-16-536606-D DEPT NO.: A **Order from the October 2, 2024 Hearing**

Law Offices of
WEBSTER & ASSOCIATES
6882 Edna Avenue • Las Vegas, Nevada 89146
Telephone (702) 562-2300 • Facsimile (702) 562-2303

This matter having come before the court on October 2, 2024, for Plaintiff's Motion to Enforce the Decree of Divorce, for an order to Show Cause, for Modification of Alimony and for Fees and Costs; Defendant's Opposition to the Motion to Enforce and Countermotion; Defendant's Motion to Correct Clerical Error and Countermotion; Plaintiff's Opposition to the Motion to Correct Clerical Error; and each party's Replies to the respective Oppositions, Plaintiff, ROBERTA STEVENS (hereinafter "ROBERTA"), by and through counsel, ANITA A. WEBSTER, ESQ., of the law firm of WEBSTER & ASSOCIATES and Defendant, ROBERT STEVENS (hereinafter "ROBERT"), appearing by and through, F. PETER JAMES, ESQ., of the LAW OFFICES OF F. PETER JAMES,

Case Number: D-16-536606-D

ESQ., the Court having heard the argument of counsel, finds and orders the following:

Argument by Counsel and Discussion. The Court Reiterated the Uncontested Facts of the Case.

COURT NOTES that after the court prepared and entered a Decree of Separate Maintenance providing that spousal support would begin on November 1, 2017, and continue for seven (7) years, ROBERT filed an appeal that did not contest that decision or allege that the court was mistaken. VT: 11:17:00

COURT FINDS that during the time that Defendant was preparing his appeal for attorney fees, there were several opportunities for Defendant and his counsel to review the Decree of Separate Maintenance and if there were any errors in the Decree of Separate Maintenance, those should have been brought to the attention of the initial Judge in this matter, Judge Elliot. VT: 11:17:45

COURT FURTHER FINDS that more than seven (7) years have passed and the parties have been performing based on the Decree of Separate Maintenance and have been acting on the terms of the Decree of Separate Maintenance, and there was no indication that there was any error in the Decree of Separate Maintenance. VT: 11:18:08

COURT FURTHER FINDS that if there is any ambiguity in the record, and in looking at the record where Mr. James says one thing but the Judge says another thing, this Court then looks at the written order. The fact that both parties had a chance to submit their proposed Decrees of Separate Maintenance and the Judge made a judicial decision to prepare her own Decree of Separate

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Maintenance, then that's the decision that the Court made after having reviewed the record and having looked at the case history analysis. VT: 11:18:24

COURT FURTHER FINDS that this Court does not believe there was clerical error or a simple mistake by Judge Elliott. Judge Elliott had the opportunity to look at both parties' proposed Decrees of Separate Maintenance and the Findings, and the Court decided to create its own order. The Court did not mistakenly state "November" in the place of "June," when she clearly had both competing Decrees of Separate Maintenance where one Decree of Separate Maintenance says "June" and the other says "November". VT: 11:18:48

COURT FURTHER FINDS that the Decree of Separate Maintenance, was entered 7/14/2017, therefore more than seven years have elapsed. Should this have been a true mistake, or that ROBERT or his counsel thought was a mistake of the Court, then it should have been brought to the Court's attention in the past seven years and not have waited until now. The Court agrees with Ms. Webster in that too much time has elapsed and the parties have been performing based upon the Decree of Separate Maintenance and at this point, the Court agrees that ROBERT had an opportunity to bring this to the Court's attention and didn't bring it to the Court's attention. ROBERT delayed in bringing this challenge to the Decree of Separate Maintenance and this inexcusable delay does constitute acquiescence on the party challenging it, and it has been more than seven years, both parties have been performing on it and this inclusive deadline is prejudicial to the other party at this point, especially considering the fact that the other party

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is seeking to modify, which she has every right to modify the spousal support. VT: 11:19:10

COURT FURTHER FINDS that not only does Laches apply, but there is also estoppel that applies in this case in that ROBERT is estopped from asserting this challenge at this point because this Court does not find it was a clerical mistake. It was a true judicial decision that Judge Elliott made after having reviewed both parties' submissions of the Decree of Separate Maintenance, the findings and making a decision to create her own findings. If this were a case where Judge Elliott just signed one party's Decree, then perhaps that should have been brought before the court. But, this is a case where the judge took her time, and sitting as a Judge, this Court recognizes that it's much easier to just sign the presented orders. For a judge to actually take the time to create their own order takes much conscious effort on behalf of the Court to review the record, review the findings, review their own notes and make their own determinations - so the Court does not find that this was a clerical error. VT: 11:20:25

COURT FURTHER FINDS that the Honorable Judge Elliot made a judicial decision by reviewing the record and reviewing the facts and her notes and the parties' testimony and JAVS tapes. VT: 11:21:17

COURT FURTHER FINDS that in this case, ROBERT is estopped because he knew as of July 14, 2017, when the Decree of Separate Maintenance was duly entered, that spousal support would continue seven years from November 2017. He did not do anything to bring it to the Court's attention at the time that Judge

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Elliott was sitting on the bench, nor did he do anything to bring it on the record in the form of a motion. As a matter of fact, this Decree of Separate Maintenance was then incorporated into the Decree of Divorce which was duly entered more than six months later, and there was nothing that was done by ROBERT's side to bring any reported clerical error to the Court's attention. VT: 11:21:30

COURT FURTHER FINDS that ROBERT intended by his conduct and by acquiescing that there be reliance on the terms of the Decree of Separate Maintenance and he is therefore estopped from claiming there was any error because he acted upon the Decree of Separate Maintenance for the last seven years with the Decree of Separate Maintenance being incorporated into the Decree of Divorce. Therefore, he is estopped from asserting any ignorance or clerical mistakes based on the fact that the Court does not find that there was any clerical error or mistake. VT: 11:22:07

COURT FURTHER FINDS that ROBERTA had no reason to believe that ROBERT would be filing this Motion to correct the purported clerical mistake more than seven years after the Decree of Separate Maintenance was prepared by the Court and signed, filed and entered. VT: 11:22:33

COURT FURTHER FINDS that ROBERTA has detrimentally relied on the conduct of ROBERT and his inaction of filing any motions to correct a purported clerical error or mistake when he knew or should have known about this purported mistake on or about July 2017, and definitely prior to when this Decree of Separate Maintenance was incorporated into the Decree of Divorce on February 2, 2018. VT: 11:22:55

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IT IS HEREBY ORDERED that based on this Court's review of the record as well as the papers and pleadings herein, the Court does hereby deny the Motion to Correct a Clerical Error and hereby moves forward with Ms. Webster's Motion to Enforce the Decree as well as Modify the Decree to extend spousal support. VT: 11:23:35

COURT FURTHER NOTES that ROBERT's counsel has indicated that ROBERT is not currently employed by Net Jets due to being in rehab for a DUI due to alcohol. He indicates that ROBERT's income right now, while in rehab is disability income of $60,000 per year. VT: 11:24:16

DISCUSSION by ROBERT that the Federal Aviation Administration (FAA) will take ROBERT's need for medical time off for at least one year and it will be a year to a year and a half before he goes back to work. ROBERT reports he has been in an inpatient rehab for 5 days and will go back for 23 more days after this court hearing. The Court asked and ROBERT confirmed that he will be in rehab for a year to a year and a half depending on the medical professionals. VT: 11:26:09.

IT IS FURTHER ORDERED that there should be no disparaging remarks about ROBERT's decision to go into rehab. VT: 11:25:20

IT IS FURTHER ORDERED that ROBERT will pay the $1,873 to ROBERTA in past due attorney fees by way of Paypal within 7 days from the date of this hearing. VT: 11:27:40

COURT FURTHER NOTES that spousal support is due to retire November 2024. VT: 11:30:40

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6882 Lake Avenue • Las Vegas, Nevada 89146
Telephone (702) 562-2801 • Facsimile (702) 562-2811

IT IS FURTHER ORDERED that ROBERT will continue to pay ongoing spousal on the 5th and 20th day of the month by way of Paypal for October and November 2024 and ROBERT will pay the arrears for alimony to ROBERTA by way of Paypal on the 5th and 20th of each month until paid in full for the months of June 2024, July 2024, August 2024 and September 2024, by paying on the 5th and 20th day of each month until the arrears are paid off. VT: 11:27:54 VT: 11:29:21

IT IS FURTHER ORDERED that given that Mr. James has conceded that his client will pay the $1,873 within 7 days, the Court will award limited attorney fees to ROBERTA. Ms. Webster may submit a *Brunzell* analysis. VT: 11:28:56

COURT FURTHER NOTES that it is not prepared to make an end-date determination for the extension of the spousal support to ROBERTA at this time. The Court recognizes that ROBERT is in rehab but also recognizes that ROBERTA has a medical condition. The Court does not currently have enough information to determine how long to extend spousal support, and therefore will open discovery and set this matter for a continued court date. VT: 11:30:01

IT IS FURTHER ORDERED that ROBERT shall file a Financial Disclosure Form within 7 days from the date of this hearing. VT: 11:31:20

IT IS FURTHER ORDERED that discovery is open for both parties for 60 days, equal parody. Both parties can request the same type of documentation. The parties may request from one another: bank statements, venmo, paypal, cash app and any other form of application where they may accept money, tax returns and reasons/proof of availability or non-availability to work, and HIPAA

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Telephone: (702) 562-2881 • Facsimile: (702) 562-2913

will apply. VT: 11:32:18 and VT: 11:33:41

IT IS FURTHER ORDERED that the Court will give an hour setting, with each party getting a half hour to present their side of the argument for the length of time for the extension of spousal support. The return hearing on the Motion for Spousal Support is set for December 19, 2024, at 9:00 a.m. VT:11:34:19

IT IS FURTHER ORDERED that each party will file their supplemental briefs one week before the hearing on December 12, 2024, with any proposed arguments for or against the time limit for extension of spousal support. The parties and counsel will appear in person in case the Court wishes to take testimony. The court will not allow testimony from a person not appearing in person. VT: 11:36:09

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Telephone (702) 562-2800 • Facsimile (702) 562-2803

IT IS FURTHER ORDERED that Ms. Webster will prepare the order and Mr. James will review and countersign. VT: 11:37:29

Dated this 16th day of October, 2024



AE5 BB5 E90C 9441
Mari D. Parlade
District Court Judge

DATED: October 15, 2024

Submitted by:
WEBSTER & ASSOCIATES

ANITA A. WEBSTER, ESQ.
Nevada Bar No. 1221
KRISTINE BREWER, ESQ.
Nevada Bar No. 8387
6882 Edna Avenue
Las Vegas, NV 89146
702-562-2300
Attorney for Plaintiff, unbundled

DATED: October 14, 2024

Approved as to form and content by:
LAW OFFICES OF F. PETER JAMES, ESQ.

F. PETER JAMES, ESQ.
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Attorney for Defendant

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CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Roberta Stevens, Plaintiff vs. Robert Stevens, Defendant.	CASE NO: D-16-536606-D DEPT. NO. Department A

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: 10/16/2024

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Peter James .	Peter@PeterJamesLaw.com
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F Peter James	peter@peterjameslaw.com
April Schultz	April@PeterJamesLaw.com
Roberta Stevens	zcurly1@gmail.com
Robert Stevens	wings4uo2@yahoo.com

ELECTRONICALLY SERVED
10/28/2024 9:27 AM

Electronically Filed
10/28/2024 9:26 AM
CLERK OF THE COURT

JUDG
WEBSTER & ASSOCIATES
ANITA A. WEBSTER, ESQ.
Nevada Bar No. 1221
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Attorney for Plaintiff, unbundled

DISTRICT COURT - FAMILY DIVISION
CLARK COUNTY, NEVADA

ROBERTA STEVENS, Plaintiff, v. ROBERT STEVENS, Defendant.	CASE NO.: D-16-536606-D DEPT NO.: A HEARING DATE: 10/2/24 **JUDGMENT FOR ATTORNEY FEES BASED ON PLAINTIFF'S MEMO OF FEES AND COSTS**

This matter having come before the Court October 2, 2024, for Plaintiff's Motion to Enforce the Decree of Divorce, for an order to Show Cause, for Modification of Alimony and for Fees and Costs; Defendant's Opposition to the Motion to Enforce and Countermotion; Defendant's Motion to Correct Clerical Error and Countermotion; Plaintiff's Opposition to the Motion to Correct Clerical Error; and each party's Replies to the respective Oppositions, the Court having considered the papers and pleadings on file, having heard argument of counsel, finds an award of attorneys' fees and cost is reasonable based on NRS 22.100; NRS 18.010(2), NRS 125.180, EDCR 5.219, EDCR 5.102(m), disparity in the parties' income pursuant to Wright v. Osburn, 114 Nev. 1367, 970 P2d 1071

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Telephone (702) 562-2300 • Facsimile (702) 562-2303

Case Number: D-16-536606-D

(1998) and the Brunzell factors.

IT IS HEREBY ORDERED that attorney fees and costs are awarded to the Plaintiff in the amount of $ 21,799.41 .

IT IS HEREBY FURTHER ORDERED that this amount is reduced to Judgment subject to interest on the unpaid balance at the interest rate pursuant to NRS 99.040 and is collectible by any lawful means.

Dated this 28th day of October, 2024

893 BE5 6EC1 B645
Mari D. Parlade
District Court Judge

Submitted by:
WEBSTER & ASSOCIATES

ANITA A. WEBSTER, ESQ.
Attorney for Plaintiff, unbundled

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CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Roberta Stevens, Plaintiff vs. Robert Stevens, Defendant.	CASE NO: D-16-536606-D DEPT. NO. Department A

AUTOMATED CERTIFICATE OF SERVICE

This automated certificate of service was generated by the Eighth Judicial District Court. The foregoing Judgment 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: 10/28/2024

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Roberta Stevens	zcurly1@gmail.com
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NEO
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Attorney for Plaintiff, unbundled

DISTRICT COURT - FAMILY DIVISION
CLARK COUNTY, NEVADA

ROBERTA STEVENS, Plaintiff, v. ROBERT STEVENS, Defendant.	CASE NO.: D-16-536606-D DEPT NO.: A **Notice of Entry of Judgment for Attorney Fees Based on Plaintiff's Memo of Fees and Costs**

PLEASE TAKE NOTICE that an Order was entered in the above-entitled action on the 28th day of October, 2024, a copy of which is attached.

Dated this 28th day of October, 2024.

WEBSTER & ASSOCIATES

ANITA A. WEBSTER, ESQ.
Attorney for Plaintiff, unbundled

Law Offices of
WEBSTER & ASSOCIATES
6882 Edna Avenue • Las Vegas, Nevada 89146
Telephone (702) 562-2300 • Facsimile (702) 562-2303

Certificate of Service

Pursuant to NRCP 5(b), I certify that I am employed in the Law Offices of WEBSTER & ASSOCIATES, and that on this 28TH day of October, 2024, I caused the above and foregoing document to be served as follows:

[X] by mandatory electronic service through the Eighth Judicial District Court's electronic filing system;

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

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

F. Peter James, Esq.
Peter@peterjameslaw.com
April@peterjameslaw.com

An employee of Webster & Associates

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ELECTRONICALLY SERVED
10/28/2024 9:27 AM

Electronically Filed
10/28/2024 9:26 AM
CLERK OF THE COURT

JUDG
WEBSTER & ASSOCIATES
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Attorney for Plaintiff, unbundled

DISTRICT COURT - FAMILY DIVISION
CLARK COUNTY, NEVADA

ROBERTA STEVENS, Plaintiff, v. ROBERT STEVENS, Defendant.	CASE NO.: D-16-536606-D DEPT NO.: A HEARING DATE: 10/2/24 **JUDGMENT FOR ATTORNEY FEES BASED ON PLAINTIFF'S MEMO OF FEES AND COSTS**

This matter having come before the Court October 2, 2024, for Plaintiff's Motion to Enforce the Decree of Divorce, for an order to Show Cause, for Modification of Alimony and for Fees and Costs; Defendant's Opposition to the Motion to Enforce and Countermotion; Defendant's Motion to Correct Clerical Error and Countermotion; Plaintiff's Opposition to the Motion to Correct Clerical Error; and each party's Replies to the respective Oppositions, the Court having considered the papers and pleadings on file, having heard argument of counsel, finds an award of attorneys' fees and cost is reasonable based on NRS 22.100; NRS 18.010(2), NRS 125.180, EDCR 5.219, EDCR 5.102(m), disparity in the parties' income pursuant to Wright v. Osburn, 114 Nev. 1367, 970 P2d 1071

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Case Number: D-16-536606-D

(1998) and the Brunzell factors.

IT IS HEREBY ORDERED that attorney fees and costs are awarded to the Plaintiff in the amount of $ 21,799.41 .

IT IS HEREBY FURTHER ORDERED that this amount is reduced to Judgment subject to interest on the unpaid balance at the interest rate pursuant to NRS 99.040 and is collectible by any lawful means.

Dated this 28th day of October, 2024

893 BE5 6EC1 B645
Mari D. Parlade
District Court Judge

Submitted by:
WEBSTER & ASSOCIATES

ANITA A. WEBSTER, ESQ.
Attorney for Plaintiff, unbundled

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CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Roberta Stevens, Plaintiff vs. Robert Stevens, Defendant.	CASE NO: D-16-536606-D DEPT. NO. Department A

AUTOMATED CERTIFICATE OF SERVICE

This automated certificate of service was generated by the Eighth Judicial District Court. The foregoing Judgment 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: 10/28/2024

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