

COMMISSION ON JUDICIAL SELECTION APPLICATION

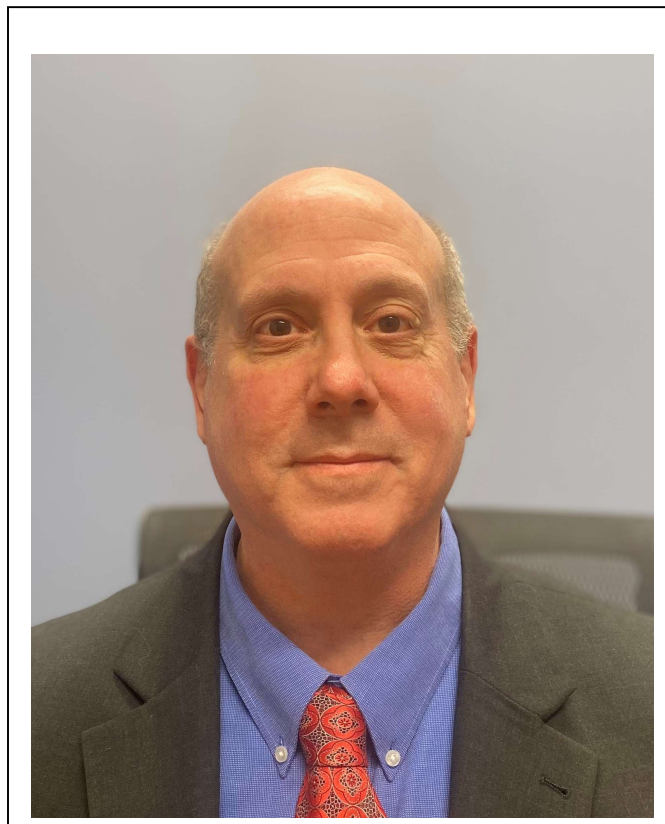
EIGHTH JUDICIAL DISTRICT
DEPARTMENT O

Replace the highlighted spaces on this page with the vacancy you seek to fill
VII, C or N

Candidates may only choose one department and may not withdraw to apply for another department within this selection period

By

Robert Cerceo



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| Personal Information |
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| 1. | Full Name | Robert Cerceo |
| 2. | Have you ever used or been known by any other legal name (including a maiden name)? If so, state name and reason for the name change and years used. | No |
| 3. | How long have you been a continuous resident of Nevada? | January 1996 |
| 4. | City and county of residence | Las Vegas, NV |
| 5. | Age | 62 |

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| Employment History |
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6. Please start with your current employment or most recent employment, self-employment, and periods of unemployment for the last 20 years preceding the filing of this Application.

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| Current or Last Employer | Naimi Cerceo Law |
| Phone | 702.901.4800 |
| Physical Address & Website | 10000 W. Charleston Blvd., Ste. 160 Las Vegas, NV 89135 www.naimicerceo.com |
| Date(s) of Employment | March 2018 to present. |
| Supervisor's Name and Title | Partner with Jason Naimi |
| Your Title | Lawyer/Partner |
| Describe Your Key Duties | Managing litigation partner for all aspects of family law cases for 6 attorneys and 6 support staff. Concurrently carry a smaller caseload of more the complex matters. Mentor associates, develop forms library, help staff formulate legal theories for cases and avenues for discovery, provide legal research as needed, and cover any gaps so the firm's output is consistent and strong across the entire caseload. |
| Reason for Leaving | Selling of partnership interest is underway to pursue other opportunities, including this judicial application process. |

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| Previous Employer | Standish Naimi Law Group, now Standish Law Group |
| Phone | 702.998.9344 |
| Address & Website | 1635 Village Center Circle, Ste. 180, Las Vegas, NV 89134 www.standishlaw.com |
| Date(s) of Employment | March 2017 to February 2018 |
| Supervisor's Name and Title | Partners Thomas Standish and Jason Naimi |

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| Your Title | Of Counsel |
| Describe Your Key Duties | Family Law Specialist for all aspects of litigation. Carry an independent caseload and assist in mentoring the associates. |
| Reason for Leaving | Start new law firm as a principal owner with Mr. Naimi. |

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| Previous Employer | Surratt Law Practice |
| Phone | 775.636.8200 |
| Address & Website | 3705 Lakeside Dr., Reno, NV 89509 www.surrattlaw.com |
| Date(s) of Employment | September 2014 to February 2017 |
| Supervisor's Name and Title | Kim Surratt, principal owner. |
| Your Title | Of Counsel |
| Describe Your Key Duties | Supervising lawyer of the Las Vegas office, main office located in Reno. Family Law Specialist for all aspects of litigation. Carry an independent caseload and assist in mentoring the associates. |
| Reason for Leaving | Las Vegas office closed. |

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| Previous Employer | Abrams Mayo Law Firm |
| Phone | 702.222.4021 |
| Address & Website | 6252 S. Rainbow Blvd., Ste. 100, Las Vegas, NV 89118 www.theabramslawfirm.com |
| Date(s) of Employment | April 2011 to August 2014 |
| Supervisor's Name and Title | Jennifer V. Abrams, principal owner. |
| Your Title | Associate |
| Describe Your Key Duties | Family Law Specialist for all aspects of litigation. |
| Reason for Leaving | Opportunity to supervise the Las Vegas office of a Reno law firm. |

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| Previous Employer | Smith Larsen and Wixom |
| Phone | 702.252.5002 |
| Address & Website | 1935 Village Center Circle, Las Vegas, NV 89134 www.slwlaw.com |
| Date(s) of Employment | January 2009 to March 2011 |
| Supervisor's Name and Title | Kent Larsen, partner |
| Your Title | Associate |
| Describe Your Key Duties | Family Law Specialist for all aspects of litigation. |

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| Reason for Leaving | The firm requested we eliminate the family law practice area upon a change in the firm's leadership and I merged my cases into Abrams Mayo. |
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| Previous Employer | Silverman Decaria and Kattelman, now Silverman Kattelman and Springgate |
| Phone | 775.322.3223 |
| Address & Website | 500 Damonte Ranch Pkwy #675, Reno, NV 89521 www.sksreno.com |
| Date(s) of Employment | August 2006 to December 2008 |
| Supervisor's Name and Title | Michael V. Kattelman, managing partner. |
| Your Title | Associate |
| Describe Your Key Duties | Family Law Specialist for all aspects of litigation. |
| Reason for Leaving | I was invited to step into then newly elected Judge Duckworth's law practice in Las Vegas with Smith Larsen and Wixom. |

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| Previous Employer | Willick Law Group |
| Phone | 702.438.4100 |
| Address & Website | 3591 E. Bonanza Rd., Ste. 200, Las Vegas, NV 89110 www.willicklawgroup.com |
| Date(s) of Employment | August 1999 to August 2006 |
| Supervisor's Name and Title | Marshal S. Willick, principal owner. |
| Your Title | Associate |
| Describe Your Key Duties | Associate attorney for all aspects of family law litigation. |
| Reason for Leaving | Pursue statewide litigation experience and move to Reno for cases in Washoe, Carson City and the rural counties. |

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| Previous Employer | Eighth Judicial District Court |
| Phone | 702.455.5200 |
| Address & Website | 601 N Pecos Rd, Las Vegas, NV 89101 www.clarkcountycourts.us |
| Date(s) of Employment | 2004 through 2006, 2009 through 2017 |
| Supervisor's Name and Title | Judge Hardcastle for Dependency, Judge Voy for Delinquency, Drug Court and Truancy, and the Presiding Judges. |
| Your Title | Pro Tem Juvenile Court Hearing Master |
| Describe Your Key Duties | Starting with the Truancy Court under Judge Voy, I later moved into the Delinquency and Drug Court dockets under Judge Voy, and then the Dependency docket under Judge Hardcastle, handling hundreds of cases over the two terms. |
| Reason for Leaving | The need to cover overflow as a Pro Tem Hearing Master has been reduced under the current organization of the Court. |

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| Educational Background |
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7. List names and addresses of high schools, colleges and graduate schools (other than law school) attended; dates of attendance; certificates or degrees awarded; reason for leaving.

Rutgers University, Camden College of Arts and Sciences, BA Accounting 1983
Special student for Temple University and the Philadelphia College of Performing Arts, now the University of the Arts, for their dance programs and performances in the Tri-State area. 1982-1983.

Burlington County College (NJ) Spring 1980 (introductory accounting classes after changing major from engineering)

Holy Cross High School, Delran NJ, high school diploma 1978

8. Describe significant high school and college activities including extracurricular activities, positions of leadership, special projects that contributed to the learning experience.

During high school, ran on the cross country and track teams and took classical guitar lessons as a hobby.

For undergraduate work, I commuted to college from home and worked many different part-time jobs to pay school costs and to contribute to the household income. Positions included janitorial duties at a department store, security guard at abandoned/closed industrial complexes on night shift, house painting, sheetrock hanging, teaching guitar, mall marketing interviewer, bookkeeper, managing the front desk and teaching at a ballet school, and any one-off jobs or paid performances that I could fit into my schedule. I was able to leave college with helping my parents, no school debt and owning a very used car that ran for many years.

Volunteer work during college semesters was teaching developmentally delayed adults dance movement on Wednesday evenings at the VFW Post 4914, Willingboro NJ. 1981-1983

9. List names and addresses of law schools attended; degree and date awarded; your rank in your graduating class; if more than one law school attended, explain reason for change.

Rutgers School of Law – Camden (NJ) Juris Doctor 1993. School did not issue class rankings.

10. Indicate whether you were employed during law school, whether the employment was full-time or part-time, the nature of your employment, the name(s) of your employer(s), and dates of employment.

For the first half of law school (four semesters of the evening program), I worked full time and continued the pace of multiple jobs and commuting from my parent's home. Similar to the undergraduate jobs, these were a mix of blue collar and white collar jobs. I do not recall all of the positions and dates, but the main jobs were part-time security guard on night shift for Globe Security Systems, part-time auditor for the Philadelphia Inquirer newspaper, and gas station attendant for Unocal.

For the last half of law school (three full time semesters and residing on campus), I worked only during school breaks and summers as a law clerk for a central valley California public employees labor/workers compensation firm. The clients were unions and law enforcement associations representing police officers, highway patrol, deputy sheriffs, firefighters, school teachers, university employees, and similar groups. This started in 1991 and I stayed with the firm until December 1995: Mastagni Holdstedt in Sacramento, CA (www.mastagni.com).

11. Describe significant law school activities including offices held, other leadership positions, clinics participated in, and extracurricular activities.

For two annual events, I played guitar with the Law School Follies band.

Working consumed any other available time for law school activities. I gained important skills in dealing with people through this work that have carried through to my legal career.

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| Law Practice |
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12. State the year you were admitted to the Nevada Bar.

October 1994, Bar Number 5247.

13. Name states (other than Nevada) where you are or were admitted to practice law and your year of admission.

N/A

14. Have you ever been suspended, disbarred, or voluntarily resigned from the practice of law in Nevada or any other state? If so, describe the circumstance, dates, and locations.

No

15. Estimate what percentage of your work over the last five years has involved litigation matters, distinguishing between trial and appellate courts. For judges, answer questions 16-20 for the five years directly preceding your appointment or election to the bench.

97% district court family law litigation and 3% appellate work (primarily in amicus briefs and assisting others with specific issue appellate research).

16. Estimate percentage of time spent on:

| Legal Discipline | Percentage of Practice |
|---------------------------|------------------------|
| Domestic/family | 100 |
| Juvenile matters | |
| Trial court civil | |
| Appellate civil | |
| Trial court criminal | |
| Appellate criminal | |
| Administrative litigation | |

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| Other: Please describe | |
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17. In the past five years, what percentage of your litigation matters involved cases set for jury trials vs. non-jury trials?

All bench trials since August 1999.

18. Give the approximate number of jury cases tried to a conclusion during the past five years with you as lead counsel. Give the approximate number of non-jury cases tried to a decision in the same period.

Roughly one bench trial per month. It is hard to quantify the number of trials or contested evidentiary hearings (such as custody modifications) over the past five years because I have been the litigation manager for Naimi Cerceo since March 2018. I have been involved in almost every case in the Firm with duties ranging from being copied on all daily incoming emails for the entire Firm, to taking or coaching associates in depositions, to presenting as lead counsel for trials. I have mentored the associates “shoulder to shoulder” in case management, reviewing and editing motions and oppositions, to assisting with evidentiary objections in real time at trial. The firm uses the trial and deposition formats and discovery for topic areas that I have developed over my career so we have a uniform approach to preparing and delivering at trials.

No jury trials during past five years.

19. List courts and counties in any state where you have practiced in the past five years.

Primarily, I have handled cases in Clark County. However, my caseload has taken me to appearances in 10 of the 11 judicial districts in Nevada for reduced fee and pro bono cases.

20. List by case name and date the five cases of most significance to you (not including cases pending in which you have been involved), complete the following tables:

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| Case 1 |
| Case name and date: <i>Gary Sillett v. Samaria Melissa Burton</i> , D-16-533126-C, Dept. I (Clark, 2017) |
| Court and presiding judge and all counsel: Judge Moss, Opposing Counsel Roberts Stoffel Family Law and later in <i>pro se</i> . |
| Importance of the case to you and the case’s impact on you: This was an international custody case where Father’s rights were not established until the Child was in high school. Mother had a history of many different state residences, and she evaded service for paternity and custody for 14 years. Father genuinely wanted a relationship with the Child. Unfortunately, only some contact was accomplished between Father in Australia and Child in Nevada. The case is notable for many death threats made against Father and me which resulted in intervention by police departments in both countries Interpol, Homeland Security, ATF for bomb threats, and enhanced security at the custody hearings. The almost daily barrages of remarkable and unique strings of cursing and vile |

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| pictures tested my patience, but we accomplished the best we could for the Client under very difficult conditions. |
| Your role in the case: Lead counsel for Father. |

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| Case 2 |
| Case name and date: <i>Vaile v. Vaile</i> , 118 Nev. 262, 44 P.3d 506 (Clark, 2002) |
| Court and presiding judge and all counsel: Judge Steele, Opposing Counsel Ken Roberts, Esq. |
| Importance of the case to you and the case's impact on you: This was a pro bono case, a cold call from the Mother in Oslo trying to recover parentally kidnapped children. It was my first end-to-end experience with Nevada Supreme Court filings and argument, and the federal issue eventually landed in the United States Supreme Court. I was co-counsel with Marshal Willick and filing in both Supreme Courts was a rare and wonderful experience. The case was very expensive for the firm, and Mr. Willick permitted me to continue working on it so we could get to the final result even though we were out spent by the opposing party. The lesson of hard work and not giving up in the face of financial inequality on the case remains with me today. |
| Your role in the case: Lead trial counsel and co-counsel on appeals. |

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| Case 3 |
| Case name and date: <i>Christine Barrows adv. Zachary Barrows</i> , DR-MD-18-119, Fourth Judicial District Court (Elko, 2022) |
| Court and presiding judge and all counsel: Judge Hall, Opposing Counsel Angeline Portel, Esq. |
| Importance of the case to you and the case's impact on you: It is the most recent trial that I have had in a rural county. It was a post-divorce relocation request by Mother. The trial was set for two days, and it was able to be presented in one long day. It was a strong reminder of managing a difficult case on a limited budget and creatively thinking through the evidence to streamline the trial and exhibit books, that our peers in the rural counties are exceptional judges and lawyers, and that good trial skills are generously spread over all of Nevada. |
| Your role in the case: Lead trial counsel. |

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| Case 4 |
| Case name and date: <i>State v. Phelan, Nicholson and Campbell</i> (Clark, 1996) |
| Court and presiding judge and all counsel: Judge Gates, co-counsel with Thomas D. Beatty, Steve Stein, William Terry |

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| <p>Importance of the case to you and the case's impact on you: Three Metro police officers were charged in connection with excessive use of force against a suspected casino coin thief. After the 1996/1997 trial, the officers were convicted, but they were later given a new trial when Judge Gates made a finding of fact that one of the jurors had misrepresented his criminal record during juror selection. I had a 'front row seat' with some of our best criminal defense lawyers in Clark County in a difficult case with much publicity.</p> |
| <p>Your role in the case: I took the initial call from an anonymous source alleging jury tampering and alerted Mr. Beatty and our co-counsel. I scoured the jury questionnaires and drafted the motion for a mistrial which went to the three lead counsel for final edit. The rest of my role during the case in chief was associate attorney in support of Mr. Beatty. I learned from him the great importance of small details and searching <i>dicta</i> in written opinions to unravel the issues in the case.</p> |

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| Case 5 |
| <p>Case name and date: <i>Kristy Baugh v. Andrew Baptista</i>, D-17-554713-F (Clark, 2017 and 2019)</p> |
| <p>Court and presiding judge and all counsel: Judge Brown, Opposing Counsel Rebecca Burr, Michancy Cramer and Alex Ghibaudo</p> |
| <p>Importance of the case to you and the case's impact on you: This was a post-divorce custody modification with the original court being in rural Missouri. On a limited budget, we domesticated the Missouri Decree and moved to modify custody once both parents moved to Nevada. The difficulty was aligning the Missouri findings and orders with Nevada law to provide full faith and credit, developing an approach that could modify custody from Primary under Father to Joint Physical Custody for both parents. Litigation problems included the young child's mental anguish, domestic violence threats, stepmother's interference at the Child's school, attacks against me on social media, and the threat of harm by an opposing party with a security background and guns. It was another lesson in 'staying the course' as we were outspent in order to develop the best result for the Client.</p> |
| <p>Your role in the case: Lead trial counsel.</p> |

21. Do you now serve, or have you previously served as a mediator, an arbitrator, a part-time or full-time judicial officer, or a quasi-judicial officer? To the extent possible, explain each experience.

Yes

I have worked as a: 1) Pro Tem Hearing Master for the prior Truancy Court, and for the Delinquency and Dependency dockets; 2) trained and worked as a mediator; 3) been appointed special master arbitrator for family law cases; and 4) been appointed as a *pro bono guardian ad litem* for children in high conflict cases.

After taking mediation training in the early 2000s at UNLV, I carried about a 15% mediation caseload, provided support to the Board of the Mediators of Southern Nevada, and was awarded

the 2006 Peacemaker of the Year by the Mediators of Southern Nevada. By 2014, most of my caseload shifted to trial work.

Judge Henderson initially mentored me through my early steps as a Pro Tem Master for the Truancy Court which ran for two afternoons per week for several years, ending about 2005. One of the options I developed for the subject minors was to count hourly participation in school activities as an equal exchange for teen community service, as very few businesses wanted to take on troubled teens under Court orders. Also, many truant children were identified as special needs children for IEP evaluation and that helped reduce truancy rates. As the Truancy Court wound down, I was selected as the initial lawyer for Judge Hardcastle's pilot Truancy Diversion Project in 2005.

I handled a few binding arbitration cases, essentially performing a 'private court' function. Judge Elliott, by agreement of the parties, selected me several times to act as a binding arbitrator in high conflict divorce cases. The last one I did was in 2008 and the opposing lawyers were Bill Henderson and Bryce Duckworth, both of whom are now Family Court Judges.

For Pro Tem Juvenile Court work, I was used most often for the complex cases in overflow. Under the guidance of Judge Voy and Judge Hardcastle, I was mentored and received comments to strengthen developing judicial skills and guidance to help stay on track so heavy caseload dockets did not run into overtime hours.

22. Describe any pro bono or public interest work as an attorney.

Beginning in late 1999, my participation in pro bono cases greatly expanded with Marshal Willick's mentorship. About 20% of our caseload in those years were pro bono cases, which were mostly referred by the Legal Aid Center of Southern Nevada and the National Center for Missing and Exploited Children (international child recovery cases). I have carried a strong pro bono commitment to every position since. For the last 10 years, I have focused my pro bono work in Lyon County through the Nevada Legal Services Yerington office. Very few attorneys will travel to the rural counties and I "adopted" Yerington reasoning that I can make more of an impact for indigent litigants in one location than handling cases randomly assigned around Nevada.

From 2018 through 2020, I held a monthly informal roundtable discussion over the lunch hour for any Washoe County lawyers taking on a pro bono case.

Awards include:

- 2021 Nevada Legal Services Andrew J. Puccinelli Special Recognition Award
- 2019 Nevada Legal Services Family Law Attorney
- 2018 Administration of Courts 'One Promise' Award
- 2017 Nevada Legal Services Andrew J. Puccinelli Special Recognition Award
- 2016 Nevada Legal Services Pro Bono Clinic Attorney of the Year
- 2016 State Bar of Nevada Family Law Section, Kapalka Pro Bono Award
- 2012 State Bar of Nevada - Volunteer Attorney of the Year Award
- 2006 Peacemaker of the Year, Mediators of Southern Nevada
- 2006 Clark County Bar Association Pro Bono "50 Hour Club"

2001 – 2005 Clark County Bar Association Pro Bono Honor Roll
2002 National Center for Missing and Exploited Children Award of Merit

23. List all bar associations and professional societies of which you are or have been a member. Give titles and dates of offices held. List chairs or committees in such groups you believe to be of significance. Exclude information regarding your political affiliation.

License

1994 State Bar of Nevada, Bar Number 5247
1994 United States District Court, District of Nevada
1997 United States Court of Appeals for the Ninth Circuit
1998 Supreme Court of the United States

Specialization

American Academy of Matrimonial Attorneys, Fellow from 2014 to present; Nevada Chapter President 2018 and 2019, and holding the Vice President, Treasurer and Secretary positions leading into the top position.

International Academy of Matrimonial Lawyers, Fellow from 2008 to present.

Board Certified Family Law Specialist, State Bar of Nevada, from 2008 to present, second attorney admitted to the program.

Bar Memberships

American Bar Association
Washoe County Bar Association

Committee Positions

American Academy of Matrimonial Attorneys (“AAML”), contributing editor for the national examination. 2020-2022.

Family Law Section Executive Council, State Bar of Nevada from 2007 to 2015; Chair 2011 to 2012 and Vice Chair 2009-2010.

Family Law Section, Lead drafter for the state specialization test, State Bar of Nevada, 2008 to 2011.

Nevada Family Law Report, Editor for State Bar of Nevada, 2006 to 2010.

Mediators of Southern Nevada, Inc., Board of Directors, 2006 to 2009.

Outsource Mediation Committee, Eighth Judicial District Court, 2004 to 2006.

Senior Citizens Law Project, Advisory Board, City of Las Vegas, 2003 to 2006.

24. List all courses, seminars, or institutes you have attended relating to continuing legal education during the past five years. Are you in compliance with the continuing legal education requirements applicable to you as a lawyer or judge?

I am in compliance with all CLE and Certified Family Law Specialist requirements. The following are the courses taken and taught for the past five years:

2022

EDCR 5 Update: New Rule Approved
Clark County Bar Association

Family Law 101
Nevada Legal Services
Preparer of materials and co-presenter.

Boundaries and Communication
State Bar of Nevada
CLE-4460-2222, AAMH hours

2021

Relocation – the Moving Parts
Nevada Legal Services
Preparer of materials and co-presenter.

How to Calculate Child Support and Working with the District Attorney’s Office for Collection
Preparer of materials and co-presenter.

2021 Annual Meeting and CLE, Chicago, Ill
American Academy of Matrimonial Lawyers (“AAML”)

Family Law Updates 2021
State Bar of Nevada

Debate on Reciprocity
State Bar of Nevada

Hot Topics in Business and Finance
State Bar of Nevada

Back to the Future: New NRCP Amendments Catching Up with Yesterday’s FRCP
State Bar of Nevada

How Social Media Evidence Can Win Your Case
State Bar of Nevada

Deposition Preparation and Strategies
State Bar of Nevada

Summary Judgment – Best Practices
State Bar of Nevada

How to Thrive in the Age of Millennials, the Post-COVID Era, and Shifting Legal Landscape
State Bar of Nevada

Strategies and Consideration of NRCP 30(b) Depositions
State Bar of Nevada

Tips for Avoiding Disputes and Defending Your Fees
State Bar of Nevada

Civility Lawyering for Justice
State Bar of Nevada

Creative Custody and Visitation Schedules
State Bar of Nevada

Effective Holiday Schedules
State Bar of Nevada

Judicial Joint Legal Custody Decision Making
State Bar of Nevada

2021 State and Federal Supreme Court Updates
State Bar of Nevada

Do You Really Understand the Attorney/Client Privilege?
State Bar of Nevada

Immigration 101: Family-Based Immigration and Deportation Defense
State Bar of Nevada

Minor Guardianships in Nevada
State Bar of Nevada

Bar Exam Participation Survey
State Bar of Nevada

2021 Pro Bono Credits
Nevada Legal Services-Reno

2020

31st Annual Family Law Conference
State Bar of Nevada

Advanced Family Law
State Bar of Nevada

Drug and Alcohol Abuse: the 800 Pound Gorilla
State Bar of Nevada

Family Court 2020: the New Child Support Regulations
State Bar of Nevada

The Six Steps to Creating an Ethical and Efficient Family Law Firm
State Bar of Nevada

Nevada Family Law Case Update
State Bar of Nevada

2020 Pro Bono Credits
Nevada Legal Services-Reno

2019

30th Annual Family Law Conference
State Bar of Nevada

2019 Annual Meeting and CLE, Chicago, Ill
American Academy of Matrimonial Lawyers (“AAML”)

2018

29th Annual Family Law Conference
State Bar of Nevada

2018 Annual Meeting and CLE, Chicago, Ill
American Academy of Matrimonial Lawyers (“AAML”)

25. Do you have Professional Liability Insurance or do you work for a governmental agency?
National Liability & Fire Insurance Company, 11411 So. Highlands Pkwy. Ste. 320, Las Vegas,
NV 89141.

Business & Occupational Experience

26. Have you ever been engaged in any occupation, business, or profession other than a judicial officer or the practice of law? If yes, please list, including the dates of your involvement with the occupation, business, or profession.

I held a variety of blue collar and white collar positions in the 1980s, the best experiences being as an Inventory Manager for the Defense Logistics Agency Troop Support based at the Naval Aviation Supply base in Philadelphia (1984-1987) and managing and teaching at the South Jersey Academy of Ballet, a feeder school for professional companies (1981-1986). I have been engaged only in law offices since 1991, first as a law clerk, and then as an attorney from 1994 to present.

27. Do you currently serve or have you in the past served as a manager, officer, or director of any business enterprise, including a law practice? If so, please provide details as to:
a. the nature of the business – Naimi Cerceo Law since March 2018 to present.

- b. the nature of your duties - Lawyer.
- c. the extent of your involvement in the administration or management of the business – Managing the litigation team and Jason Naimi managing business affairs.
- d. the terms of your service – Partner with Jason Naimi.
- e. the percentage of your ownership – 50%.

Cerceo Law is an active Nevada corporation but performs no current business functions. I own 100%.

28. List experience as an executor, trustee, or in any other fiduciary capacity. Give name, address, position title, nature of your duties, terms of service and, if any, the percentage of your ownership.

I have acted as a Special Administrator without a fee for two different estates of deceased friends. Each matter resolved without filings beyond the basic steps to resolve the estate and distribute assets to the families. *In the Matter of the Estate of Samuel Stone*, 04P051510, Dept. 26; *In the Matter of the Estate of Nan Marie Yoder*, 08P062508, Dept. 26.

Civic Professional & Community Involvement

29. Have you ever held an elective or appointive public office in this or any other state?

Yes

Pro Tem Juvenile Court Hearing Master for the Eighth Judicial District Court, as mentioned above.

Have you been a candidate for such an office?

No

If so, give details, including the offices involved, whether initially appointed or elected, and the length of service. Exclude political affiliation.

30. State significant activities in which you have taken part, giving dates and offices or leadership positions.

As detailed in Question number 23:

American Academy of Matrimonial Attorneys (“AAML”), contributing editor for the national examination. 2020-2022.

Family Law Section Executive Council, State Bar of Nevada from 2007 to 2015; Chair 2011 to 2012 and Vice Chair 2009-2010.

Editor for the State Bar of Nevada Family Law Section *Family Practice Manual*, 3rd Ed. 2013.

Family Law Section, Lead Drafter for the state specialization test, State Bar of Nevada, 2008 to 2011.

Nevada Family Law Report, Editor for State Bar of Nevada, 2006 to 2010.

Mediators of Southern Nevada, Inc., Board of Directors, 2006 to 2009.

Outsource Mediation Committee, Eighth Judicial District Court, 2004 to 2006.

Senior Citizens Law Project, Advisory Board, City of Las Vegas, 2003 to 2006.

31. Describe any courses taught at law schools or continuing education programs. Describe any lectures delivered at bar association conferences.

Family Law 101, author and co-presenter for Nevada Legal Services CLE presented live in Reno, and simulcast to Las Vegas. (2022)

Relocation – the Moving Parts, author and presenter for Nevada Legal Services CLE presented statewide via Zoom. (2021)

How to Calculate Child Support and Working with the District Attorney’s Office for Collection, author and co-presenter for Nevada Legal Services CLE presented statewide via Zoom. (2021)

Uncommon Law: A Comparative Look at New Jersey and Nevada’s Family Law Cases and Statutes, author and presenter for the New Jersey State Bar Association’s Mid-Year Meeting (Las Vegas, October 2012).

Hague Convention Regarding International Child Abduction, contributing author for Nevada Family Law Practice Manual, §1.101 - 1.109 (2003 Ed.); §1.104 - 1.119 (2008 Ed.); and, 2013 Ed. has been submitted and is expected to be published in March 2013.

Family Law at Ely Conference 2012, as Chair of the Section developed the course and master of ceremonies for State Bar of Nevada (Ely, March 2012).

Business Valuations, presenter for both Clark County (CCBA, Las Vegas course) and Washoe County (WCBA, Reno course), January and February 2012.

Family Law 101, author and presenter for Nevada Legal Services for National Pro Bono Week (Reno, October 2011 and October 2012).

Family Law at Ely Conference 2010 and 2011, Paralegal Training Course, as Vice Chair of the Section developed the course and presented for State Bar of Nevada (Ely, March 2009 and 2010).

Tax for Family Law, coauthor and presenter, State Bar of Nevada (Ely, March 2008).

What Standards of Value Apply in Business Valuations? Fair Market or Marital Value and the Question of Discounts When the Close Held Business Is Not Sold, author, Nevada Family Law Report, Vol. 20, Issue 4, Fall 2007.

Division of Retirement Benefits, author, Nevada Family Law Report, Vol. 20, Issue 1, Winter 2006.

Business Valuation Approaches and Methods Boiled Down - the Basics, author, Nevada Family Law Report, Vol. 19, Issue 4, Winter 2006.

Civility: a Litigator’s Guide to “Lift Up That Button,” coauthor with Michael V. Kattelman, Nevada Lawyer, Vol. 14, Issue 11, November 2006.

Can the Family Court Ever Hear Civil Division Court Matters: Marital Torts and the Selective Expansion of Subject Matter Jurisdiction, coauthor with Marshal S. Willick, Nevada Lawyer, Vol. 14, Issue 8, August 2006.

17th Annual Family Law Conference in Ely: A Treasure of Information for the Practitioner, author, Nevada Lawyer, Vol. 14, Issue 6, June 2006.

Frequently Asked Tax Questions by Divorce Clients, author, Clark County *Communique*, Vol. 27, Number 3, March 2006.

What Judges Want You to Know about Nevada Family Court, coauthor and panel moderator (Las Vegas, September 2005).

A Pro Bono Challenge, author, Clark County *Communique*, Vol. 12, Number 8, August 2005.

Legal Information for Family Law Mediators, author and presenter for Eighth Judicial District Court Mediation Program, sponsored by the SALTMAN CENTER FOR CONFLICT RESOLUTION AT UNIVERSITY OF NEVADA - LAS VEGAS and WILLIAM S. BOYD SCHOOL OF LAW, and the Mediators of Southern Nevada, Inc. (Las Vegas, January 2005).

Pensions in Nevada Divorce Law, coauthor and presenter (Las Vegas, October 2004).

The Division of a Family-Owned Business, or Partnership Interest in a Business, coauthor with Marshal S. Willick for the *Family Law Council of Community Property States* (Madison, WI, March 2004).

Complex Divorce Issues for the Nevada Practitioner, coauthor and presenter (Las Vegas and Reno, January 2004).

Complex Divorce Issues for the Nevada Practitioner, coauthor and presenter Las Vegas, NV, January 2003.

Ten Commonly Missed Aspects to Community Property Valuation and Distribution, coauthor with Marshal S. Willick, Clark County *Communique*, Vol. 23, Number 6, June 2002.

Child Custody and Shared Parenting in Nevada, coauthor and presenter (Las Vegas, April 2002).

Matrimonial Agreements: Requirements for Validity, coauthor and presenter at the *Family Law Counsel of Community Property States* (New Orleans, LA, March 2002).

32. List educational, military service, service to your country, charitable, fraternal and church activities you deem significant. Indicate leadership positions.

In 2022, I paid the legal fees for a musician from Ukraine to help obtain a visa to be able to leave the war zone and teach to teach a guitar course in Austria. For the past three years I have collected and donated musical instruments to the Yerrington Middle and High Schools to help keep its arts program moving forward as funding has been reduced.

33. List honors, prizes, awards, or other forms of recognition.

2021 Nevada Legal Services Andrew J. Puccinelli Special Recognition Award
2019 Nevada Legal Services Family Law Attorney
2018 Administration of Courts 'One Promise' Award
2017 Nevada Legal Services Andrew J. Puccinelli Special Recognition Award
2016 Nevada Legal Services Pro Bono Clinic Attorney of the Year
2016 State Bar of Nevada Family Law Section, Kapalka Pro Bono Award
2012 State Bar of Nevada - Volunteer Attorney of the Year Award
2006 Peacemaker of the Year, Mediators of Southern Nevada
2006 Clark County Bar Association Pro Bono "50 Hour Club"
2001 – 2005 Clark County Bar Association Pro Bono Honor Roll
2002 National Center for Missing and Exploited Children Award of Merit

34. Have you at any time in the last 12 months belonged to, or do you currently belong to, any club or organization that in practice or policy restricts (or restricted during the time of your membership) its membership on the basis of race, religion, creed, national origin or sex? If so, detail the name and nature of the club(s) or organization(s), relevant policies and practices, and whether you intend to continue as a member if you are selected for this vacancy.

No

35. List books, articles, speeches and public statements published, or examples of opinions rendered, with citations and dates.

In addition to the lectures and publications stated in Question 31, I have participated in the following Nevada appeals:

Ogawa v. Ogawa, 125 Nev. 660, 221 P.3d 699 (2009). Prevailed on appeal. Nevada Supreme Court relied on Amicus Brief in finding no application of the Hague Convention to an international child custody dispute.

Mason v. Cuisenaire, 122 Nev. 43, 47, 128 P.3d 446, 448 (2006). Prevailed on appeal. Coauthored with Marshal Willick. Nevada Supreme Court affirmed the award of prospective child support, and the award of retrospective child support, and remanded for resolution of the survivor's benefits issues, as we requested. Unfortunately, the opposing party died during the pendency of the case, and the Court therefore declined to address the contradiction in Nevada case law regarding partition of omitted military retirement benefits.

Vaile v. Dist. Ct., 118 Nev. 262, 44 P.3d 506 (2002). Prevailed on appeal. Coauthored with Marshal S. Willick. Succeeded in having the Nevada Supreme Court issue a Writ of Mandamus requiring the lower court to return the minor children to our client in Norway under the Hague Convention on the Civil Aspects of International Child Abduction, and declaring that the provisions in the divorce decree adjudicating custody and visitation were entered without subject matter jurisdiction and therefore void. This matter was also handled in the United States Supreme Court as we defended the Writ of Certiorari request.

36. During the past ten years, have you been registered to vote?

Yes

Have you voted in the general elections held in those years?

Yes

37. List avocational interests and hobbies.

Classical Guitar.

| |
|---------|
| Conduct |
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38. Have you read the Nevada Code of Judicial Conduct and are you able to comply if appointed?

Yes

39. Have you ever been convicted of or formally found to be in violation of federal, state or local law, ordinance or regulation? Provide details of circumstances, charges, and dispositions.

No

40. Have you ever been sanctioned, disciplined, reprimanded, found to have breached an ethics rule or to have acted unprofessionally by any judicial or bar association discipline commission, other professional organization or administrative body or military tribunal? If yes, explain. If the disciplinary action is confidential, please respond to the corresponding question in the confidential section.

No

41. Have you ever been dropped, suspended, disqualified, expelled, dismissed from, or placed on probation at any college, university, professional school or law school for any reason including scholastic, criminal, or moral? If yes, explain.

Yes

Scholastic: The unfortunate side of working as much as I did during school, in order to finish college with no student loans and only a modest debt for law school and to financially contribute to my parents' household, my grades at the start of school were low and I was placed on academic probation. In both undergraduate and law school, the academic probation was lifted as my grades improved, aided by finding more steady employment positions, such as the law clerk position in 1991. Family circumstances did not permit a different choice on working during school.

42. Have you ever been refused admission to or been released from any of the armed services for reasons other than honorable discharge? If yes, explain.

No

43. Has a lien ever been asserted against you or any property of yours that was not discharged within 30 days? If yes, explain.

No

44. Has any Bankruptcy Court in a case where you are or were the debtor, entered an order providing a creditor automatic relief from the bankruptcy stay (providing in rem relief) in any present or future bankruptcy case, related to property in which you have an interest?

No

45. Are you aware of anything that may require you to recuse or disqualify yourself from hearing a case if you are appointed to serve as a member of the judiciary? If so, please describe the circumstances where you may be required to recuse or disqualify yourself.

No

Other

46. If you have previously submitted a questionnaire or Application to this or any other judicial nominating commission, please provide the name of the commission, the approximate date(s) of submission, and the result.

No

47. In no more than three pages (double spaced) attached to this Application, provide a statement describing what you believe sets you apart from your peers, and explains what education, experience, personality or character traits you possess, or have acquired, that you feel qualify you as a supreme court justice. In so doing, address appellate, civil (including family law matters), and criminal processes (including criminal sentencing).

See attached.

48. Detail any further information relative to your judicial candidacy that you desire to call to the attention of the members of the Commission on Judicial Selection.

Although rigorous, I enjoyed my experiences as a Pro Tem Hearing Master.

49. Attach a sample of no more than ten pages of your original writing in the form of a decision, "points and authorities," or appellate brief generated within the past five years, which demonstrates your ability to write in a logical, cohesive, concise, organized, and persuasive fashion.

See attached.

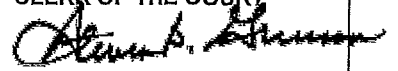
Personal Statement

Simply stated, I like to work, to think about the law and its impact on my clients. I have enjoyed my Pro Tem Hearing Master opportunities. A chance to serve our community as a District Court Judge would be very engaging and an honor.

I have been lucky in my life to have mentors at important junctures, a few adults who have shown me the value of hard work, dedication to strive to perform at the highest levels, to keep an open mind to corrections and new ideas, that the accumulation of wealth is not the answer to life's many questions, and to earn and appreciate the life I have been given. I have embraced these lessons and have applied them to our profession. Where I have been able to serve others in a pro bono capacity, I have done so willingly and with pride. Although I did not come to the law until my 30s, the pathway to the law through different jobs and meeting people of 'many walks of life' seems to have prepared me for each phase of my career.

It is never easy to boast of my own accomplishments, but I have worked in AV rated law firms since the start of my career, and I have been tasked from the very start on representing clients with complex litigation matters. This led me to leadership positions in the Family Law Section, working with the Publications Staff at the State Bar, and being the editor for the Family Law Practice Manual (3rd Ed., 2013). In addition to state District/Family Courts, I have appeared in the appellate courts for the State of Nevada and the Federal District Court of Nevada (USDC and USBC), Ninth Circuit Bankruptcy Appellate Panel (BAP), and civil cases before the Ninth Circuit in San Francisco and the United States Supreme Court. I have taught many CLEs, and I am especially proud of the growth of the associates I have supervised and trained. Very few of the other applicants before this panel have this level of experience.

Working in Family Law litigation has provided a balance of listening, ever refining writing skills, standing in Court for clients who need an advocate during their most difficult moments, teaching and learning from peers in CLEs, and mentoring for younger counterparts. The daily measure of success has been "Have I been a good lawyer today?" and I can answer positively if I am present and attentive to the tasks at hand. I wish to bring that to the Bench.



BRIEF

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Attorneys for Plaintiff

DISTRICT COURT, FAMILY DIVISION

CLARK COUNTY, NEVADA

[REDACTED]

Plaintiff,

vs.

[REDACTED]

Defendant.

CASE NO: D [REDACTED]

DEPT. NO.: [REDACTED]

TRIAL DATE: [REDACTED]

TRIAL TIME: [REDACTED]

PLAINTIFF'S TRIAL MEMORANDUM

COMES NOW, Plaintiff [REDACTED], by and through her attorneys of record, Robert Cerceo, Esq. [REDACTED] of Naimi & Cerceo, and hereby submits her Trial Memorandum on the subject of contract formation.

Has an all-encompassing contract between separating and divorcing spouses been formed from the aggregate of communications between the parties and their later hired attorneys? No. Without judicial intervention, there is no enforceable agreement between the parties and no third party or outside entity can discern a divisional property right. Without an affirmative step by this Court declaring a viable and enforceable agreement on all terms, then the matter must proceed to a trial on the merits on all issues.

Essentially, this first phase of the case is Wife's dispositive request that an all-encompassing contract between the parties has never been formed. Husband must prove

[REDACTED]

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1 the opposite, that such a contract exists. The standards of proof are different. Nor can
2 this Court “blue pencil” an agreement into existence, including Husband’s ‘11th hour’
3 pretrial memorandum request to modify his position on the “merger” term; the “meeting
4 of the minds” must exist between the parties and not be forced upon either side by the
5 Court.

6 **The different burdens of persuasion and the burdens of proof for the parties.**

7 In common parlance, the burdens of persuasion and proof terms are often confused and
8 freely interchanged. However, every Family Law case has these two distinct parts for
9 this Court to assess. The *Burden of Persuasion* is the obligation of a party to introduce
10 enough evidence which persuades the Court to the required degree of belief that a
11 proposition is true. The *Burden of Proof* is the standard that a party seeking to prove a
12 fact must satisfy to have that particular fact legally established.

13 For Wife, her burden of persuasion as the movant is for the dismissal of
14 Husband’s counterclaim under NRCP 12(b). Her burden of proof is by a
15 *Preponderance of the Evidence*.¹ “[P]reponderance of the evidence’ merely refers to
16 ‘[t]he greater weight of the evidence.’”²

17 Husband’s burden of persuasion is that the aggregate of the communications
18 results in a martial contract resolving the case. His burden of proof is the higher
19 standard of by *Substantial Evidence*. “Substantial evidence is evidence which a
20 reasonable mind might accept as adequate to support a conclusion.”³

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23 ¹ *Irving v. Irving*, 122 Nev. 494, 497, 134 P.3d 718, 720 (2006).

24 ² *McClanahan v. Raley’s, Inc.*, 117 Nev. 921, 925-26, 34 P.3d 573, 576 (2001).

25 ³ *Bombardier Trans. (Holdings) USA v. Nev. Labor Comm’r., the Int’l Union of Elevator Contrs. And*
26 *Clark County*, 135 Nev. Adv. Opn. 3 at page 9 (January 17, 2019), citing to *Schepcoff v. State Indus.*
27 *Ins. Sys.*, 109 Nev. 322, 325, 849 P.2d 271, 273 (1993), see *Kogod v. Cioffi-Kogod*, 135 Nev. Adv.
28 Opn. No. 9 at page 20, 439 P3d. 397 (April 25, 2019), *Sierra Pac. Indus. v. Wilson*, 135 Nev. Adv.
Opn. 13 at page 4, (May 22, 2019), citing to *Bacher v. Office of the State Eng’r*, 122 Nev. 1110, 1121,
146 P.3d 793, 800 (2006), *City Plan Dev., Inc. v. State, Office of Labor Comm’r*, 121 Nev. 419, 426,
117 P.3d 182, 187 (2005).

1 The side by side comparison is ‘the greater weight of the evidence’ to be
2 presented by Wife against ‘what a reasonable mind might accept as adequate to support
3 a conclusion’ to be presented by Husband.

4 **The Court cannot “fill in” or “blue pencil,” terms to formulate a contract.**
5 In *Golden Rd. Motor Inn, Inc. v. Islam*, the NVSC has stated that it has “long refrained
6 from reforming or ‘blue penciling’ private parties’ contracts.” Essentially, the NVSC
7 has long refused to create new contracts for the parties which, under well settled rules
8 of construction, it has no power to do. This Court is not permitted to modify or vary the
9 terms of an unambiguous agreement, and as such, this Court does not have the power
10 to modify certain sections and keep other sections.⁴

11 **The main cases cited by Husband do not support his claim.**

12 *Grisham v. Grisham*⁵: Husband and wife presented a draft PSA with
13 interlineations to the Court, and then the matter was set into the record by a prove-up
14 consistent with Court Rules. A “clean copy” was then circulated between counsel with
15 one party eventually refusing to sign. The aggrieved party stated under oath that he
16 reviewed the PSA, understood it fully and agreed to its terms. Reduced to its most
17 fundamental principle, *Grisham* stands for the proposition that stipulations in the
18 presence of the Court are generally held to be binding, especially when acted upon or
19 entered into the Court record. *Grisham* at 683.

20 The *Grisham* Court made clear that “A valid contract cannot exist when material
21 terms are lacking or are insufficiently certain and definite” for the Court to “ascertain
22 what is required of the respective parties” and to “compel compliance” if necessary.
23 *Grisham* at 685, citing to *May v. Anderson* at 672.

24 Unlike the instant matter, the full settlement was reduced to writing and the
25 parties canvassed under oath by the Court and counsel. Here, there exists only a

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27 ⁴ *Golden Rd. Motor Inn, Inc. v. Islam*, 132 Nev. Adv. Op. 49, 376 P.3d 151, 156 (2016).

28 ⁵ 128 Nev. 679, 289 P.3d 230 (2012)

1 collection of communications. Also, the parties have been at odds on the merger clauses
2 during a period of time when Husband was making no payments of “agreed upon”
3 monthly sum (inferring no meeting of the minds).

4 *Anderson v. Sanchez*⁶: The parties participated in mediation and signed a
5 memorandum of understanding (“MOU”). There was a later disagreement over the
6 character/ownership of a home placed in trust for husband’s disabled adult sister. The
7 NVSC determined that the parties had no shared misconception of a vital fact
8 concerning the property.

9 In the instant matter, Husband and Wife have been polar at all times on the issue
10 of merger. There has been no fact of mistake by agreeing, or not, to this term. There
11 has never been an agreement on this term.

12 *Phung v. Doan*⁷, Unpublished Opinion and subject to the limitations of NRAP
13 36(c)(2) where it cannot be used as a precedent: The parties participated in mediation,
14 but no MOU was prepared. However, the next day, the attorneys entered into a
15 stipulation to vacate the upcoming hearings, and each counsel stated that the parties had
16 a “stipulated resolution of all matters.” The decision was based on the standard of
17 substantial evidence.

18 In the instant matter, Wife’s counsel signed no stipulations, and she made clear
19 there was no final agreement, including the merger issue.

20 *May v. Anderson*⁸: The underlying facts of this opinion are grounded in a
21 personal injury case with multiple defendants and communications between counsel on
22 a global resolution, and specifically, a release of liability against the plaintiffs. The
23 main issue was whether or not any terms were “inconsequential to the formation of a
24 settlement.” The matter was assessed using the standard of substantial evidence.

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26 ⁶ 132 Nev. 357, 373 P.3d 860 (2016)

27 ⁷ 420 P.3d 1029(May 10, 2016)

28 ⁸ 121 Nev. 668, 119 P.3d 1254 (2005)

1 The *May* Court stated “However, what is an essential release term necessarily
2 varies with the nature and complexity of the case.” *May* at 670. As this relates to
3 “merger” in the instant matter, a priority of Wife has been enforceability of terms,
4 especially in light of Husband unilaterally stopping the \$2,000 monthly payment. And
5 this concern is currently “brought home” by Husband unilaterally moving vast sums of
6 money from joint access into his sole name. At least twice, Husband has acted
7 unilaterally and against the negotiations, and against the JPI.

8 *Anderson v. Anderson*⁹: This is a very short opinion with little reported detail.
9 The dispute between the spouses was a sum of about \$55,000. The NVSC made its
10 decision upon substantial evidence, but it did not define this standard of proof. The
11 Court noted that the unequal distribution of community property to the wife was offset
12 by the husband receiving greater sums of Social Security and a car value. While not
13 stated, the inference is that the monetary difference of the parties would be resolved by
14 the passage of time and Husband would eventually “catch up.”

15 The instant matter has a disparity of about \$3.6 million, a difference greater than
16 the full sum to be received by Wife under the aggregate of communications being
17 proffered as the PSA. The case does not appear to enlighten matters, save for the review
18 by substantial evidence.

19 **Husband cannot make his *prima facie* case and the matter must proceed to**
20 **a trial on all issues.** Nevada has a basic underlying policy that cases should be tried
21 on the merits, which is heightened in cases involving domestic relation matters.¹⁰

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25 ⁹ 107 Nev. 570, 816 P.2d 463 (1991)

26 ¹⁰ *Lesley v. Lesley*, 113 Nev. 727, 941 P.2d 451 (1997), *Kahne v. Orme*, 108 Nev. 510, 835 P.2d 790
(1992).

27 *See Bechan v. Scott*, 92 Nev. 633, 555 P.2d 1230 (1976), *Lake v. Bender*, 18 Nev. 361, 372, 4 P. 74
28 (1885).

1 “Nevada’s...underlying policy that cases should be decided on the merits...is
2 heightened in cases involving domestic relations matters.”¹¹

3 The evidence at trial will show that Wife required a “time is of the essence”
4 execution of the PSA, that merger of the PSA into the Decree was material to her and
5 that nonmerger was material to Husband, and that the merger issue has been a hotly
6 debated term between counsel. The evidence will also show that Husband failed to
7 conform to the alleged terms, meaning there was no agreement on all issues by Husband
8 unilaterally stopping the monthly payment to Wife of \$2,000 (the later catch-up does
9 not eliminate the fact of noncompliance with alleged terms and the inference that no
10 final agreement had been reached). The evidence will also show Husband’s disregard
11 for the JPI in this case by him unilaterally moving vast sums of community property
12 into his sole name and resulting in no further access by Wife; the mutuality of contract
13 rights and duties are not at the whim of one side when a contract is in existence.

14 **This Court holds the power to summarily dismiss any proposed all-**
15 **encompassing settlement which does not conform to the Nevada Legislature’s**
16 **mandate in the law for and equal distribution of assets and debts.** Nevada’s
17 legislative mandate for divorcing couples is for an equal division of community
18 property, unless a compelling reason exists to do otherwise, and in those instances, to
19 make findings of fact. NRS 125.150(1)(b) states:

20 Except as otherwise provided in NRS 125.155 and 125.165, and unless the action
21 is contrary to a premarital agreement between the parties which is enforceable
22 pursuant to chapter 123A of NRS:

23 1. In granting a divorce, the court:

24 *****

25 (b) *Shall, to the extent practicable, make an equal disposition of the*
26 *community property of the parties*, including, without limitation, any community

27 ¹¹ *Hotel Last Frontier v. Frontier Prop.*, 79 Nev. 150, 380 P.2d 293 (1963), *Price v. Dunn*, 106 Nev.
28 100, 787 P.2d 785 (1990).

1 property transferred into an irrevocable trust pursuant to NRS 123.125 over
2 which the court acquires jurisdiction pursuant to NRS 164.010, except that the
3 court may make an unequal disposition of the community property in such
4 proportions as it deems just if the court finds a compelling reason to do so and
5 sets forth in writing the reasons for making the unequal disposition.
6 [Emphasis added.]

7 All martial settlement agreements which come before the Court must also be
8 assessed to conform to Nevada’s public policy on contracts, or it must be rejected:

9 “All contracts the purpose of which is to create a situation which tends to operate
10 to the detriment of the public interest are against public policy and void whether
11 in a particular case the purpose of the contract is effectuated.”¹²

12 As this applies to the instant case (and contrary to Husband’s litigation position),
13 spouses are not “free to contract anything” and the onus of this Court, and with its
14 present and continuing jurisdictional powers, is to enforce the laws of Nevada.¹³ As a
15 matter of law, property divorces are based upon *equal distributions* of property and
16 debt, and any differential from this standard must be specifically confirmed by this
17 Court with a finding of fact stating the compelling circumstances.

18 NRS 125.150(1)(b) starts the parties at “equal.” By comparison, case law states
19 the “compelling reason” for an unequal division of community property in the
20 “community waste” cases is by “compelling reasons.” This term is not defined in the
21 statute or the leading community waste cases of *Lofgren*, *Putterman* and *Kogod*.¹⁴
22 However, it is a greater burden than a preponderance of the evidence standard, and it is

23 ¹² *Western Cab Company v. Kellar*, 90 Nev. 240, 245, 523 P.2d 842, 845 (1974).

24 ¹³ No matter which procedural pathway a case takes, this Court is bound to exercise its jurisdictional
25 power and allow or disallow a settlement. It makes no difference at the “approval stage” whether a
26 case arrives for judicial review by direct submission, prove up, or settlement mid-trial. The final
27 orders require this Court’s approval and signature before it becomes an order. NRC 58(b)(1).

28 ¹⁴ See *Kogod v. Cioffi-Kogod*, 135 Nev. Adv. Opn. No. 9. 439 P3d. 397 (April 25, 2019), *Putterman*
v. Putterman, 113 Nev. 606, 939 P.2d 1047 (1997), *Lofgren v. Lofgren*, 112 Nev. 1282, 926 P.2d 296
(1996).

1 possibly by a clear and convincing standard, such as it is for fraud and similarly styled
 2 cases.

3 The evidence will show without dispute that Husband's purported final
 4 agreement will result in an unequal distribution of property and debts of \$6.4 million to
 5 Husband and \$2.8 million to Wife. This results in an unequal distribution of wealth to
 6 Husband in the sum of about \$3.6 million (changes in market forces may change these
 7 totals).

8 The evidence will also show that the draft *Decree of Separation* and the draft
 9 "unmerged" *Property Settlement Agreement do not* show any values. Upon a direct
 10 submission to the Court, this Court would never be able to discern the resulting vast
 11 inequity between the parties. Therefore, this Court must summarily reject Husband's
 12 proposal for an unequal distribution of assets and debts and set the matter over for a full
 13 trial on the merits for property, debt, alimony, and attorney's fees no matter the
 14 existence, or not, of a purported all-encompassing contact arising from the aggregate of
 15 communications between the parties and their counsel.

16 DATED this 29th day of November 2022.

17 NAIMI & CERCEO

18
 19 By: /s/ Robert Cerceo
 Robert Cerceo, Esq.
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 Lianna L. Urfalyan, Esq.
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that on this 29th day of November 2022, I served a copy of *Plaintiff's Trial Memorandum* as follows:

pursuant to EDCR 8.05(a), EDCR 8.05 (f), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned "in the Administrative Matter of Mandatory Electronic Service in Eighth Judicial District Court," by mandatory electronic service through the Eighth Judicial District Court' electronic filing system; and/or

pursuant to EDCR 8.05(a) and NRCP 5(b)(2)(D), because the individual listed is not registered with the Court's **mandatory** e-service system, via electronic mail or facsimile; and/or

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

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

[REDACTED]

[REDACTED]

/s/ Holly Thielke
An employee of Naimi & Cerceo