

COMMISSION ON JUDICIAL SELECTION APPLICATION

EIGHTH JUDICIAL DISTRICT

DEPARTMENT N

By

PAUL M. GAUDET



Personal Information

1.	Full Name	Paul M. Gaudet
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?	30 years
4.	City and county of residence	Las Vegas, Clark County
5.	Age	57

Employment History

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.

Current or Last Employer	Paul M. Gaudet, Attorney at Law
Phone	702/385-7475
Physical Address & Website	3440 E. Russell Road, Las Vegas, NV 89120
Date(s) of Employment	October, 1992 - Present
Supervisor's Name and Title	
Your Title	Sole Practitioner Attorney
Describe Your Key Duties	General trial practice focusing on Family/Domestic, Personal Injury, Juvenile, Criminal, and other civil issues. Responsible for all operations of practice, including research, drafting of pleadings, court appearances, client retention, and general administrative duties.
Reason for Leaving	None, I have maintained same employment for 30 years.

Previous Employer	
Phone	
Address & Website	
Date(s) of Employment	

Supervisor's Name and Title	
Your Title	
Describe Your Key Duties	
Reason for Leaving	

Previous Employer	
Phone	
Address & Website	
Date(s) of Employment	
Supervisor's Name and Title	
Your Title	
Describe Your Key Duties	
Reason for Leaving	

Previous Employer	
Phone	
Address & Website	
Date(s) of Employment	
Supervisor's Name and Title	
Your Title	
Describe Your Key Duties	
Reason for Leaving	

Educational Background

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.

Lutcher High School, 1910 W. Main Street, Lutcher, LA 70071, 1979-1983, High School Diploma;
Southeastern Louisiana University, 500 W. University Avenue, Hammond, LA 70402, 1983-1897, Bachelor of Science Accounting.

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

Boy Scouts; Two (2) year Varsity letterman in Baseball; All-District Baseball; Debate Team, Science Fair placings; Industrial Arts Student of the Year; Award from Beta Alpha Psi for Academic Performance in Accounting; Official for University Intramural Department.

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.

Louisiana State University, Paul M. Hebert Law Center, 202 Law Center 1 East Campus, Baton Rouge, LA 70803, Juris Doctorate awarded May 29, 1992.

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.

Maintained part-time employment as a law clerk during law school at the firm of Cave, McKay and Watson in Baton Rouge, Louisiana. Employed with that firm from May, 1990 - April, 1992.

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

Participated in various law related activities and programs while in law school, including Mock Trial, Moot Court, Trial Practice Boot Camps and general practical workshops pertaining to responsibilities of an attorney from the operational perspective of a law office.

Law Practice

12. State the year you were admitted to the Nevada Bar.

1992.

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

Not Applicable.

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.

100% of work over the last five years has involved litigation, with almost all of that work being trial courts. Do not recall having handled an appeal during the last 5 years.

16. Estimate percentage of time spent on:

Legal Discipline	Percentage of Practice
Domestic/family	70
Juvenile matters	5
Trial court civil	20
Appellate civil	
Trial court criminal	5
Appellate criminal	
Administrative litigation	
Other: Please describe	

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

20% jury trials versus 80% non-jury trials.

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.

Three (3) jury cases, Twenty (20) non-jury cases.

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

8th Judicial District Court, Clark County, Nevada

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:

Case 1
Case name and date: Bush v. State, 1996
Court and presiding judge and all counsel: 8 th Judicial District Court, Honorable Gerald Hardcastle presiding, matter appealed to the Nevada Supreme Court, Paul M. Gaudet for Bush, Frankie Sue Del Papa Attorney General, Linda Anderson Deputy Attorney General for the State
Importance of the case to you and the case's impact on you: Represented Rosemary and Alan Bush, mentally handicapped parents, in termination of parental rights action. The case impacted me by creating an appreciation for the parents and children who become products of the juvenile system, as well as the role of the State in advocating for the protection of children. This case lead to my taking on, as appointed counsel at discounted rate, what I would approximate to be well over 100 cases pending in the juvenile system over the many years of my practice advocating for the rights of parents facing termination of their parental rights.
Your role in the case: Lead counsel

Case 2
Case name and date: Cannon v. Zakouto, 2000
Court and presiding judge and all counsel: 8 th Judicial District Court, Honorable Arthur Ritchie presiding, Paul M. Gaudet for Marina Cannon, Don Prokopius for Vitaly Zakouto
Importance of the case to you and the case's impact on you: I represented Marina Cannon in issues pertaining to protective orders, domestic violence, and contempt for violation of protective orders. Following full and fair evidentiary hearing, Vitaly Zakouto was found to be in contempt of court for violating

the TPO, and sanctioned with jail time for his contemptuous actions. Mr. Zakouto was released early from his jail sentence, and proceeded to brutally murder my client, Ms. Cannon, just around Christmas, 2000. Mr. Zakouto received two life sentences in the Nevada Department of Prisons following trial. This case, along with the Hernandez referred to in Case 3 below, impacted me both personally and professionally. Personally, these cases caused me to take notice that life is fleeting, and an individual can be gone at any moment. It lead to focus on enjoyment of the day and what life provides. Professionally, these cases caused me to take careful notice of signs of domestic violence, from both victim and perpetrator perspectives, and certainly modified the way I have consoled clients on domestic violence issues.

Your role in the case: Lead Counsel

Case 3

Case name and date: Hernandez v. Hernandez, 1998

Court and presiding judge and all counsel:

8th Judicial District Court, Honorable Diane Cynthia Steel presiding, Paul Gaudet for Fernando Hernandez, Edward Kainen for Donna Hernandez

Importance of the case to you and the case's impact on you:

I was contacted by an employee of the 8th Judicial District Court to provide service to a relative in a pending TPO case, where contact with a minor child had been suspended. I was able to gain the client, Fernando Hernandez, relief from the Order and contact with the parties' child. Some time after my representation of Mr. Fernandez, the specific time I do not recall, Mr. Fernandez brutally murdered Donna Fernandez in the presence of their young daughter. If I recall correctly, he then attempted to abscond with the child to Mexico, and was detained by authorities in either Arizona or New Mexico. Mr. Fernandez stood trial for capital murder. The criminal trial judge presiding was Honorable Sally Loehner. I was called to testify during that trial, and recall quite vividly how Mr. Fernandez was whimpering and crying in Court during testimony. Mr. Hernandez was sentenced to death to the best of my recollection. I do not know his current status through the Nevada Department of Prisons. The domestic abuse shelter in Clark County, Donna's House, was named in memory of Ms. Fernandez. The impact of this case upon me is discussed in Case 2 above.

Your role in the case: Lead Counsel

Case 4

Case name and date: State v. Whitaker 1994

Court and presiding judge and all counsel:

8th Judicial District Court, I seem to recall the Honorable Jerry Bongioveni presiding, Frank J. Cremen and Paul M. Gaudet for Larry Whitaker, District Attorney for the State

Importance of the case to you and the case's impact on you:

An approximate 20 year old father, Larry Whitaker, was accused of brutally murdering his approximate 1 month old child. Long time Las Vegas criminal attorney, Frank Cremen, requested that I serve as co-counsel for trial of the case. If I recall correctly, the State sought the death penalty against Mr. Whitaker. Case was eventually resolved by plea, with Mr. Whitaker receiving a life sentence. This case impacted me in a variety of ways. The representation occurred before I became a father. So in my personal life I gained an appreciation for my children, and every second of every day we get to spend together. From a professional perspective, I truly love working domestic cases, and this case resulted in my always being concerned for children in any family or juvenile case in which I became involved.

Your role in the case: Co-Counsel

Case 5

Case name and date: Carly v. Carly 1993

Court and presiding judge and all counsel:

8th Judicial District Court, Honorable Gloria Sanchez presiding, Paul M. Gaudet for Lydia Carly, Lynn Schoen for Douglas Carly

Importance of the case to you and the case's impact on you:

If I recall correctly, this was the first case I tried following being sworn in to practice law during October, 1992. Ms. Carly sought my services by referral to substitute in the place of another attorney with whom she was unhappy shortly before trial was set. I took on the case for a small fee, spent a considerable amount of time over the next two weeks going through the file and preparing, put on the trial, which I seem to recall taking portions of three days, and getting a judgment for primary physical custody of the parties' three (3) children for Ms. Carly, as well as support and property division. While I had always been interested in Family issues since my days in law school, putting on this case solidified in my mind that I wanted to spend my career involved with Family law issues.

Your role in the case: Lead Counsel

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.

I have served several times as a private mediator of Family cases, involving custody, support and property/debt distribution issues. I am proud to say that all of those cases, with the exception of one, resolved on the day of the mediation. I was informed by counsel that the case which did not settle on the day of the mediation actually settled a couple days following the mediation. I have enjoyed assisting parties in resolving their disputes.

I have served as a Small Claims Referee in Las Vegas Justice Court, a Truancy Judge in Clark County Juvenile Court, and a Juvenile Hearing Master in Clark County Juvenile Court. The Juvenile Hearing Master position was sort of “cookie cutter”, where a script was basically followed. The Small Claims and Truancy work were far different. I really enjoyed hearing the factual assertions behind the Small Claims actions, and rendering judgment with explanation on why I was ruling the way I did. On the Truancy work, while there is practically speaking very little which can be done in those cases, I really enjoyed listening to the allegations presented by authorities, the children, and their parents, and attempting to help the individual child with and beyond the truancy issues.

Finally, I served on the Fee Dispute Committee of the Nevada State Bar for many years. That was gratifying work. However, it always amazed me how certain attorneys would get themselves involved in financial disputes with clients over often small sums of money.

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

I could not begin to guess how many hours of pro bono work I have done over 30 years of practicing law.

Initially, I would consider the juvenile and termination of parental rights appointments as pro bono work, as those cases were limited to billings of \$75 per hour, and limited to \$1,500 in compensation without approval of excess fees. I literally tried 100 of those termination cases for a fees of \$1,500 or less. I do not recall a single time that I applied for excess fees. But I got personal and professional satisfaction out of representing the parents and children, and I know that the judges who appointed me appreciated the vigorous representation which I provided for those parents who could not afford counsel.

For years, I have donated my time to the “Ask a Lawyer” program offered through the Legal Aid Center of Southern Nevada. I enjoy participating in the program and answering questions presented by those who are in need; however I saw numerous instances of folks who could afford legal representation taking advantage of the attorney time provided through the program. I feel like I helped many people through this program.

Over the years, I have also accepted appointments for representation of individuals through Legal Aid. These cases have always been Family Court cases.

Finally, there is often the friend or former client who has a friend who can not afford legal representation. I have been there for those friends of friends throughout my career.

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.

Nevada Bar Association, member;
American Bar Association, member;
Association of Trial Lawyer's of America/American Association for Justice, member;
Nevada Justice Association, member;
The Gentleman's League, member/Secretary/Treasurer, 2016-Present.

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?

Yes I am in compliance with the CLE requirements of the State of Nevada. I could not begin to set forth all courses, seminars or institutes I have attended over the past five years to satisfy my CLE requirements. That information has all been provided to the State Bar of Nevada, and should be available through said entity if required. I try to focus on seminar topics that fall within the purview of my practice, such as seminars pertaining to trial practice and family issues. The annual Nevada Family Law Conference has served that purpose in the past. Further, with technology becoming such a large part of practicing law, I have focused on issues related to technological advances affecting the practice. Finally, with the advent of the pandemic, many courses and seminars attended over the last two years have been online, all approved by our State Bar.

25. Do you have Professional Liability Insurance or do you work for a governmental agency?

I do not maintain professional liability insurance, and I have never worked for a governmental agency.

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.

Before law school, I worked as and auditor and accountant for Hertz Penske Trucking out of Brea, California. I maintained that employment position from the time of my college graduation in 1987 through my commencement of law school in 1989.

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
- b. the nature of your duties
- c. the extent of your involvement in the administration or management of the business
- d. the terms of your service
- e. the percentage of your ownership

a. The Gentleman's League is a non-profit organization which raises money for primarily veteran's and children's groups in Clark County, Nevada.

b. I serve as the Secretary/Treasure of the organization, with my duties including coordination of meetings, coordination of fund raising events, and other administrative functions.

c. I serve as the Secretary/Treasurer, which covers the extent of my involvement in the administration and management of the non-profit organization.

d. I have no contract pertaining to the terms of my service, although I have served as secretary/treasurer for approximately six (6) years, and have no intent of ceasing that service at this point.

e. I have no ownership interest, as it is a non-profit corporation.

26. 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.

Not applicable. Have never served as an executor, trustee or in any other fiduciary capacity.

<p>Civic Professional & Community Involvement</p>

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

No.

Have you been a candidate for such an office?

Yes.

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

I ran for Family Court Judge, Department L, during 2014.

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

I am very proud of my involvement in The Gentleman's League, detailed above. I assisted in the start up of that philanthropic organization, and feel that it has done good things for our community, particularly regarding children and veterans causes.

Up until Covid, I participated several times a month feeding the Veterans through a local organization. We have not resumed that activity since Covid.

I enjoy working with children, and have served as a little league coach, softball coach, soccer coach, and karate instructor for several years, 2001-2019. I started a travel softball team during approximately 2010, and enjoyed that endeavor for years until my daughter aged out.

I volunteered through the State Bar "Trial of the Century" program, putting on the trial of Goldilocks at a variety of elementary schools, 2015-2020. It was always interesting to see the faces of the children during the program, and more interesting to hear their questions during and following the presentation.

My youngest child needed community service hours to graduate from High School. He and I went to Mexico through a program offered by the Crossroads Church to spend a weekend building homes in Tijuana. We went there to accumulate his community service hours. Little did I realize beforehand the satisfaction he and I would get from that activity which provided homes to the poor.

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

While I have often thought about teaching classes to High School, Junior College or College students, teaching is not something I have taken on at this point in my career.

However, I believe that part of being an attorney is "teaching" my clients on the various issues that pertain to their cases. I pride myself in my ability to speak to an everyday person, without legalizing, and have the person that I am speaking with or advising understand. I often tell folks I have happy clients, not because every issue is won, but because the clients know what to expect when we leave the Courthouse. That is a result of teaching.

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

I have no military service.

My work with The Gentleman's League has been set forth above.

I am a patriotic, tax paying, law abiding US citizen, which I feel constitutes my service to my Country.

I am a member of the St. Viator Church community.

I make yearly charitable contributions and provide a variety of charitable services to a number of churches above and beyond St. Viator, as well as Goodwill, Donna's House, The Gentleman's League, Girl Scouts, Boy Scouts, and many other charitable organizations.

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

My children gave me a little statue a couple years ago for Father's Day. It is in the form of an Oscar, and reads "Best Dad". That is the honor/award that I am most proud of.

Additionally, I was the member of a business networking group many years ago when I was a young attorney. I was awarded an award for being one of the best members of the group pertaining to referrals that I made. Members of our local group told me I was nominated because when I made a referral, it was a real referral and not junk. I was proud of that award.

Besides those, having a jury return a verdict in favor of my client has been the greatest form of recognition I have experienced in my career.

32. 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.

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

None.

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

Yes.

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

Yes.

35. List avocational interests and hobbies.

I guess one could consider my children hobbies. They are the primary focus of my life. I am looking forward to grandchildren, and know those little bundles of joy will become my passion.

My mother is 83 years of age, and while she is slowing down, I try to see her as often as possible.

I love fishing, and try to get out to enjoy that along with the great outdoors as often as possible. Fishing is great relaxation for me. A bad day on the water is just about as good as a good day at anything else.

I also enjoy horses, and have owned several thoroughbreds that race across the country.

I enjoy most sports, baseball, football, and golf just to name a few. I am passionate about the LSU Tiger athletic programs, and have been a New Orleans Saints fan since I was a small lad. I try to attend a game for each football program yearly.

I read.

I travel as often as possible, domestically and internationally.

Philanthropy is a passion, with The Gentleman's League helping to fulfill that passion.

Conduct

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

Yes.

37. 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.

Yes. Convicted of reckless driving in Henderson Municipal Court related to offense of December 10, 2010. Case closed. Details of circumstances: My wife passed away during 2010. I went through a tough period following her passing where I made an idiotic decision to get behind the wheel of a vehicle after consuming alcohol. Charged with DUI, reduced to reckless driving, sentence complied with, and case closed. I made a mistake, took responsibility for my mistake, and moved on from that mistake.

38. 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.

39. 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.

No.

40. 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.

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

No.

42. 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?

Never been a debtor in Bankruptcy Court.

43. 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

44. 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.

Not applicable.

45. 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).

46. 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.

I am a thirty (30) year practicing attorney who has tried several hundred cases to conclusion. I have an in depth understanding of our Rules of Civil Procedure, Rules of Evidence and Local Court Rules. I am organized, efficient, and punctual; all traits that I believe a good jurist must possess. I listen and communicate effectively. I am ready and willing to make decisions and render judgment, as I believe that is the primary obligation of judge, particularly a judge hearing Family issues.

47. 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 Points and Authorities from a Motion in filed before the Family Court.

Statement of Paul M. Gaudet

I am Paul M. Gaudet. I moved to the State of Nevada immediately upon completion of law school in April, 1992. I concluded my final exams quite early in the semester, and I chose not to wait weeks to participate in my law school's commencement exercises during May, 1992. I was ready to relocate and get situated in Nevada, begin preparation for the bar exam, and embark on my legal career. I am not one to sit around; I have been referred to as a "go-bot". I get things done.

Nevada is the place I started my law practice, opened my business, and raised my family. Nevada is HOME. While it may sound a bit altruistic, I feel that my application for Family Court Judge in Department N is my way of giving something back to the community which has provided so much to my family over the past 30 years.

This leads to one of the things which I believe sets me apart from other applicants. I have had a rewarding career. I do not need a job. I do not need a pension plan. I do not need insurance. I do not need any benefit associated with being a Judge of the Family Court. I am applying for this judicial position for what I believe are the right reasons. Residents of Clark County and litigants in Family Court deserve a jurist who is competent, experienced, hard-working, efficient, thoughtful, considerate, polite, open-minded, and analytical. Someone who is willing and capable to make tough decisions to move them on at very difficult points in their lives. I view tenure on the Family Court bench as a privilege and form of service to my community, not as a job from which financial benefit is to be gained.

I have met wonderful people during my 30 year residence in Clark County and career as an attorney: friends, fellow parents, a variety of clients, attorneys, judges, court staff, employees, court reporters, etc. I apply for this position to serve the members of our great community.

Another thing which sets me apart from my peers is my 30 years of experience as a trial

attorney, with the majority of that experience being derived before our Family Court. I do not have the specific number of trials and/or evidentiary hearings that I have conducted before the Family Court, but I would estimate that number to be far in excess of 400. I started my law practice during 1992, just prior to the commencement of our Family Court. I actually practiced for a brief time before the Family Court Hearing Masters at the start of my career. Following the initial election of the Family Court Judges, where I recall all of the Hearing Masters being successful in election bids, our first Family Court Bench was sworn, all 6 Departments. That occurred in early 1993. My legal practice has been focused on the Family Court ever since, with the Court growing considerably, now consisting of 26 Departments.

I would put my grasp of our procedural, evidentiary and local rules up against anyone. Same with regard to applicable statutory and case authorities pertaining to divorce, annulment, custody, child support, property division, and juvenile issues that go before the Family Court. That may sound arrogant, but I have that sort of confidence in my legal abilities. My confidence was derived from my parents, my family, the academic institutions I attended, the academic instructors who I was fortunate to study under, my 2 year career as an accountant before attending law school, and my legal mentors, including judges that I have appeared before. I honestly believe that sort of confidence is required to be an effective trial attorney.

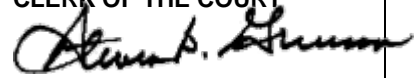
I have put on many, many bench and jury trials/evidentiary hearings. I have drafted complaints, answers, discovery, motions, pretrial memos, jury instructions, orders and judgments. I have conducted depositions. I have conducted direct and cross examinations. I have prepared exhibits. I have prepared witnesses, including experts, to testify. I have picked juries. I have made objections, articulating the basis for those objections. I have given opening statements, and made closing arguments. I have had to pursue execution on judgments. I have seen how what I believe

to be “good” judges conduct themselves in courtrooms; and I have seen how what I believe to be “bad” judges conduct themselves in courtrooms. I can not say that every minute of my legal practice has been a joy. But I can say that every minute of my practice has given me a greater appreciation for the law. I love the practice of law.

Finally, I think many of my life experiences set me apart from my peers seeking appointment. I have gone through a divorce, and would never want my children to have involvement with Family Court. I was remarried, provided for a blended family, and dealt with the inherent issues of blended families. I am a widower, having lost my second wife during 2010. I was at the Route 91 massacre, with my buddy shot next to me as we attempted to avoid the volleys of gunfire. I have experienced murders in cases in which I have been involved, including the death of a client and very young child. I have basked in the glory of winning trials. And yes, I have tasted defeat in losing trials. I often tell clients that bad things happen to good people. The real question is whether we repeat the actions that lead to bad things happening. One thing I am not is a victim.

If given the opportunity to serve as Judge in Department N of the Family Court, I promise that my experience as a trial attorney will be utilized to administer justice for the residents of Clark County in a competent, efficient, and courteous manner. I will take the bench timely (I do not understand why that concept is so difficult), and be prepared for the issues that come before me (Again, preparation should not be a difficult process). I will render timely, thoughtful, and concise decisions. And finally, I will make every attempt to be a District Court Judge that the people of Clark County can be proud of.

Thanks for considering my application for Judge of Department N of the Family Court.



1 MOT
2 PAUL M. GAUDET, ESQ.
3 Nevada Bar No. 4612
4 3440 E. Russell Road
5 Las Vegas, Nevada 89120
6 702-385-7475
7 pmglawyer@netscape.net
8 Attorney for Roseanna Ardolino

7 DISTRICT COURT
8 FAMILY DIVISION
9 CLARK COUNTY, NEVADA

10 ROSEANNA ARDOLINO,)

11 Plaintiff,)

12 vs.)

13 MAURIZIO ARDOLINO,)

14 Defendant.)

Case No.: D-21-639165-D

Dept. No.:

Oral Argument Requested:

X

Yes

No

15
16
17
18 **MOTION FOR EXCLUSIVE POSSESSION OF RESIDENCE AND**
19 **PRELIMINARY AWARD OF ATTORNEY'S FEES**

20 NOTICE: YOU MAY FILE A WRITTEN RESPONSE TO THIS MOTION WITH
21 THE CLERK OF THE COURT AND PROVIDE THE UNDERSIGNED WITH A
22 COPY OF YOUR RESPONSE WITHIN 14 DAYS OF YOUR RECEIPT OF THIS
23 MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF
24 THE COURT WITHIN 14 DAYS OF YOUR RECEIPT OF THIS MOTION MAY
25 RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT
26 WITHOUT A HEARING PRIOR TO THE SCHEDULED HEARING DATE.

26 COMES NOW Plaintiff, ROSEANNA ARDOLINO, by and through her
27 attorney, Paul M. Gaudet, Esq., who moves the Court for the following relief:

- 28 1. An award of exclusive possession of the residence located at 7766

Paul M. Gaudet
Attorney At Law
6671 S. L.V. Blvd.,
Suite 210, PMB 54
Las Vegas, NV 89119

Phone (702)385-7475

1 Vista Sunrise Drive, Las Vegas, Nevada 89149;

2 2. An award of preliminary attorney's fees; and

3
4 3. For such other and further relief as the Court deems appropriate.

5 This Motion is made and based upon the Points and Authorities which follow, all
6 papers and pleadings filed with the Court, and any argument entertained by the
7 Court during the hearing of this matter.
8

9 Dated this 8th day of December, 2021.

10
11 /s/ Paul M. Gaudet
12 PAUL M. GAUDET, ESQ.
13 3440 E. Russell Road
14 Las Vegas, Nevada 89120
15 Attorney for Plaintiff

16 **POINTS AND AUTHORITIES**

17 **I. Factual History of the Parties**

18 The parties were married on August 22, 2014. The marriage spans a period of
19 7 years.
20

21 Plaintiff, hereinafter referred to as Roseanna, is 63 years of age. She is employed
22 by Clark County as a payroll timekeeper in the Department of Finance. She has been
23 with the County for approximately 4 years. Unfortunately, Plaintiff has a history of
24 stroke and other debilitating medical issues. She has been out of work since November
25 12, 2021 as a result of neck surgery and loss of limb usage.
26
27

28 Defendant, hereinafter referred to as Mario, is 58 years of age. He has received

1 Social Security Disability since approximately 2015 as a result of a heart condition.
2 Mario started an antique business during 2020, selling collectibles from The JV Swap
3 Meet in Bullhead City, Arizona. That lead to his opening a brick and mortar location
4 during April, 2021. The business is known as Charlotte's Collectibles and Treasures,
5 which is operated from 825 Hancock Road, Bullhead City.
6
7

8 At primary issue in this case is the real property and residence located at 7766
9 Vista Sunrise Drive, Las Vegas, Nevada 89149. This home was purchased by
10 Roseanna's father, Bruno Pella, during March, 2010, utilizing his Veteran's mortgage
11 financing benefit. Mr. Pella placed Roseanna on title by Quitclaim Deed recorded on
12 November 16, 2018. Title was vested as follows:
13
14

15 Bruno Pella, a Widower and Roseanna Ardolino, a married woman as her sole
16 and separate property.

17 Mr. Pella passed away on September 16, 2020. Roseanna caused an Affidavit of Death
18 of Joint Tenant to be recorded on May 11, 2021, which effectively placed the property
19 in her name alone.
20

21 Roseanna sought to refinance the property during 2021. Her income was not
22 sufficient to qualify for a loan. But she was able to qualify when Mario's \$1,800 per
23 month Social Security Disability income was included. To facilitate the refinance,
24 Mario's name was placed on title to the property. The financing went forward as of
25 May 26, 2021.
26
27

28 Upon starting the business at the swap meet in Bullhead City, Mario began

1 spending less and less time in Las Vegas. Since opening the brick and mortar location
2 of Charlotte's Collectibles and Treasures during April, 2021, his time spent in Las
3 Vegas has been approximately a day per week, and sometimes two days per week.

4
5 Ultimately, Mario began a dating relationship with another woman.

6
7 The relationship between the parties has soured to the point of near constant
8 threats by Mario toward Roseanna should she pursue a divorce. The primary threat
9 asserted by Mario is that he will take Roseanna's home from her because his name is
10 now on title. Most of the threats occur by telephone call and text, although Mario has
11 appeared at the home on one occasion during the last 6 weeks.

12
13 Roseanna fears for her safety. She is in no condition, medically, physically, or
14 emotionally, to deal with the threats and attempted control of Mario. She simply wants
15 to be left alone by him, with the divorce moved forward in an amicable fashion.

16
17 **II. Legal Authority**

18
19 Rule 5.402. CMC/ECE proceedings provides at section c(4) that the court may
20 also address, and if possible resolve, temporary possession and control of property,
21 including residences and vehicles.

22
23 NRS 125.040 Orders for support and cost of suit during pendency of action.

24
25 1. In any suit for divorce the court may, in its discretion, upon application by either
26 party and notice to the other party, require either party to pay moneys necessary to
assist the other party in accomplishing one or more of the following:

- 27 (a) To provide temporary maintenance for the other party;
28 (b) To provide temporary support for children of the parties; or
c To enable the other party to carry on or defend such suit.

1 2. The court may make any order affecting property of the parties, or either of
2 them, which it may deem necessary or desirable to accomplish the purposes of this
3 section. Such orders shall be made by the court only after taking into consideration the
4 financial situation of each of the parties.

5 3. The court may make orders pursuant to this section concurrently with orders
6 pursuant to NRS 125C.0055.

7 Mario's threats regarding the residence clearly demonstrate senseless attempts
8 to control Roseanna. He has effectively abandoned the residence for nearly a year,
9 although he does maintain personal items and clothing therein.

10 Roseanna seeks an Order of the Court confirming to her exclusive possession
11 of the Vista Sunrise residence, and preventing Mario from entering into the home or
12 coming into contact with Roseanna.

13 Finally, Roseanna has little money with which to pursue a contested divorce. She
14 has been able to remit to her attorney an initial retainer to get this matter moving.
15 However, she will almost certainly require additional funds in order to confirm her
16 separate property interest in the residence, determine the value of Charlotte's
17 Collectibles and Treasures, and distribute a 2017 Harley Davidson motorcycle which
18 is owned free and clear as a result of the refinance of the residence which occurred
19 during 2021. Roseanna has no idea the revenue or income driven by the business, as
20 Mario has never disclosed this information.

21 A wife is entitled to be on the same footing as a husband from an attorney's fees
22 perspective when involved in divorce litigation. Sargeant v. Sargeant, 495 P.2d 618
23 (1972).
24
25
26
27
28

1 Roseanna respectfully request a preliminary award of attorney's fees in the
2 amount of \$3,500.
3

4 **III. Conclusion**

5 Based upon the foregoing, along with the Financial Disclosure Form filed by
6 Roseanna, Roseanna respectfully request that the relief which she seeks by way of this
7 Motion be granted.
8

9 Dated this 8th day of December, 2021.
10

11 /s/ Paul M. Gaudet
12 PAUL M. GAUDET, ESQ.
13 3440 E. Russell Road
14 Las Vegas, Nevada 89120
15 Attorney for Plaintiff
16
17
18
19
20
21
22
23
24
25
26
27

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

DECLARATION OF ROSEANNA ARDOLINO

ROSEANNA ARDOLINO, declares under penalty of perjury, pursuant to NRS 53.045, that the foregoing is true and correct:

- 1. That she is the Plaintiff in the above-entitled action;
- 2. That she has read the foregoing Motion and knows the contents thereof;
- 3. That the factual allegations set forth in the Motion are true of her own

knowledge except for those matters therein stated on information and belief and as to those matters, she believes them to be true.

/s/ Roseanna Ardolino
ROSEANNA ARDOLINO