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KATHERINE J. BOWLING, CLERK RECORDER

**ORDER GRANTING IN PART DEFENDANT'S MOTION FOR ATTORNEY'S FEES
AND COSTS**

DRAFT

RECORDED

JUL - 8 2022

WHITE PINE CO. CLERK

SEVENTH JUDICIAL DISTRICT COURT
GARY D. FAIRMAN
DISTRICT JUDGE
DEPARTMENT 2
WHITE PINE, LINCOLN AND EUREKA COUNTIES
STATE OF NEVADA



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Case No. CV-1108116

FILED

2022 JUL -8 AM 11:50

WHITE PINE COUNTY CLERK
BY TA

IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF
NEVADA, IN AND FOR THE COUNTY OF WHITE PINE.

DWAYNE REYNOLDS,

Plaintiff,

vs.

JENNA ROSEVEAR
n/k/a JENNA TRUJILLO,

Defendant.

ORDER GRANTING IN PART
DEFENDANT'S MOTION FOR
ATTORNEY'S FEES AND COSTS

On October 4, 2021, petitioner, Dwayne Reynolds ("Dwayne"), pro se, filed an ex parte emergency motion regarding children. On October 6, 2021, the court entered an order setting evidentiary hearing on ex parte motion regarding children for November 17, 2021. At the November 17th hearing, respondent, Jenna Trujillo ("Jenna"), appeared in person with her counsel, Dennis M. Leavitt. Dwayne also appeared in person with his counsel, Brandon Leavitt. Mr. Dennis Leavitt advised the court that Jenna was prepared to go forward with the evidentiary hearing. Mr. Brandon Leavitt told the court that he had been retained on November 14, 2021, and requested a continuance for the evidentiary



1 hearing as he was not prepared to proceed with the hearing having just been retained to
2 represent Dwayne. Other issues concerning the parties were presented to the court
3 resulting in an order entered November 30, 2021. The evidentiary hearing was continued
4 to January 12, 2022.¹ Subsequent to the hearing the court advised Mr. Dennis Leavitt to
5 submit an affidavit of fees and costs.

6 On April 1, 2022, the evidentiary hearing was held and the court entered interim
7 orders and set a status hearing for May 18, 2022. At the April 1 hearing the court
8 instructed Mr. Dennis Leavitt that he may submit a request for attorney's fees.² On April
9 7, 2022, Jenna filed defendant's affidavit of fees and costs to which Dwayne filed an
10 opposition on May 25, 2022. Jenna filed a reply on June 9, 2022. The court has reviewed
11 the pleadings and finds that no further briefing or oral argument is required.³

12 DISCUSSION

13 Mr. Leavitt's affidavit of fees with the attached statement includes fees and costs for
14 the order to show cause hearing regarding contempt on October 21, 2021. Although a
15 considerable number of issues have been resolved, the case has not been concluded.
16 The court has reviewed Mr. Leavitt's fees and costs with reference to the initial hearing
17 scheduled for November 17, 2021, which was continued. Jenna incurred attorney's fees
18 and costs in preparation for and travel to Ely from Las Vegas by her attorney for the purpose
19 of the hearing. Upon review of Mr. Leavitt's statement for November, 2021, the court finds
20 the following attorney's fees to have been needlessly incurred by Jenna for a hearing that
21 could have been avoided by communication from Mr. Brandon Leavitt to the court and Mr.
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25 ¹ November 30, 2021, order at pg. 7.

26 ² See order after April 1, 2022, hearing at 3.

³ 7JDCR7(11).



1 Dennis Leavitt: November 15, 2021, \$1,140.00; November 15, 2021, \$282.50; November
2 15, 2021, \$52.50; November 18, 2021, \$4,037.50 for a total of \$5,212.50. The court finds
3 that the sum of \$5,512.50 to be reasonable under the *Brunzell*⁴ factors with respect to the
4 character of the work, the number of hours billed for service, and counsel's experience.
5 The court declines as premature entering any further orders concerning Jenna's request to
6 be awarded additional fees and costs and will address Jenna's request to have the
7 remaining attorney's fees and costs upon the conclusion of the present pending matters.
8 The court further finds that Jenna's costs for her counsel's transportation and lodging
9 expense for the November 17, 2021 hearing are appropriate to be reimbursed to her or Mr.
10 Dennis Leavitt.
11

12 Good cause appearing,

13 IT IS HEREBY ORDERED that Jenna's affidavit of fees and costs is GRANTED in
14 part.

15 IT IS HEREBY FURTHER ORDERED that Jenna be awarded the sum of \$5,512.50
16 for attorney's fees together with counsel's transportation and lodging expense for the
17 hearing scheduled for November 17, 2021.
18

19 Dated this 8 day of July, 2022.

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22 DISTRICT COURT JUDGE
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⁴ *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 455 P.2d 31 (1969).

COPY

CERTIFIED COPY

The document to which this certificate is attached is a full, true, and correct copy of the original on file and of record in my office.

DATE: February 29, 2024

Nichole Stephey, Clerk of the Seventh
Judicial District Court in and for the
County of White Pine, State of Nevada.

By: Hannah C. Warner
Deputy Clerk