

EXHIBIT "1"

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1 CODE

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3
4 IN THE FAMILY DIVISION
5 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
6 IN AND FOR THE COUNTY OF WASHOE
7

8 ALEXANDER FALCONI,

9 Plaintiff,

Case No. FV08-03200

10 vs.

Dept. No. 13

11 [REDACTED] ANN [REDACTED]

12 Defendant.
13 _____/

14 ORDER DENYING MOTION FOR SUPPLEMENTARY
15 PROCEEDING IN THE AID OF EXECUTION;
16 ORDER GRANTING ATTORNEY'S FEES

17 The Court reviewed Mr. Falconi's Motion for Supplementary Proceedings in the
18 Aid of Execution, submitted January 12, 2005. It now finds and orders as follows:

19 Findings of Fact

20 1. Mr. Falconi states on November 4, 2014, the Court ordered a wage
21 assignment against Ms. [REDACTED] for a child support obligation and ordered Ms. [REDACTED] to
22 make payments of \$50.00 per month. Mr. Falconi alleges Ms. [REDACTED] failed to make her
23 \$50.00 payment on the judgments as ordered, as of December 12, 2014. Mr. Falconi states
24 he is entitled to examine Ms. [REDACTED] as a judgment debtor before a judge or domestic
25 master. Consequently, Mr. Falconi requests an Order requiring Ms. [REDACTED] to appear
26 before the Discovery Commissioner to be examined as a judgment debtor.

27 2. Ms. [REDACTED] objects and responds, stating she provided Mr. Falconi's counsel a
28 check for \$50.00 on December 23, 2014. Ms. [REDACTED] states the Motion should be dismissed
as the Motion was filed to harass her. Ms. [REDACTED] alleges she is current on her judgment

1 payments and will continue to remain current. Ms. [REDACTED] also requests attorney's fees for
2 having to file a response to this Motion.

3 3. Mr. Falconi replies, stating he was not properly served with the response.
4 Additionally, Mr. Falconi states that as a judgment creditor, he is entitled to examine Ms.
5 [REDACTED] as a judgment debtor. Moreover, Mr. Falconi states Ms. [REDACTED] did not pay her
6 \$50.00 obligation until after he filed his Motion. Mr. Falconi also objects to Ms. [REDACTED]
7 request for attorney's fees.

8 Conclusions of Law

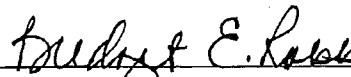
9 1. "A judgment creditor, at any time after the judgment is entered, is entitled to
10 an order from the judge of the court requiring the judgment debtor to appear and answer
11 upon oath or affirmation concerning his or her property, before the judge or a master
12 appointed by the judge." See NRS 21.270(1)(a).

13 2. NRS 21.270(1)(a) presupposes that there is an actual need for this
14 information. In the present case, the November 4, 2014, Order was not entered until
15 December 8, 2014. Mr. Falconi's Motion for Supplementary Proceedings in the Aid of
16 Execution was filed on December 12, 2014. Mr. Falconi did not even permit Ms. [REDACTED] a
17 week after the Order was entered to make her \$50.00 payment on the judgment as ordered.
18 Moreover, the Court established a payment schedule which is subject to enforcement if
19 necessary. The Motion was unnecessary and Ms. [REDACTED] was forced to respond.

20 3. Ms. [REDACTED] request for attorney's fees is GRANTED pursuant to NRS
21 18.010(2)(b). Ms. [REDACTED] counsel shall prepare and submit a Wilfong affidavit within ten
22 days of notice of entry of this order for the fees expended responding to this Motion. Mr.
23 Falconi shall have ten days from submission of the affidavit to submit an objection as to
24 the reasonableness of the fees.

25 **IT IS SO ORDERED.**

26 Dated: January 24, 2015.

27 
28 District Judge

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify on the 24 day of January, 2015, I electronically filed the foregoing with the Clerk of Court by using the ECF system which will send a notice of electronic filing of the document to:

RAYMOND E. OSTER, ESQ.

CERTIFICATE OF MAILING

Pursuant to NRCp 5(b), I certify I am an employee of the Second Judicial District Court, and on the 24 day of January, 2015, I deposited for mailing, first class postage pre-paid, at Reno, Nevada, a true and correct copy of the foregoing document addressed to:

CAFFARATTI, ESQ.


Judicial Assistant