

REC'D & FILED

Case No. 95-02093D

Dept. No. II

'97 JUN -2 P2:38

ALAN GLOVER
BY L. Hanson CLERK
DEPUTY

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY

MARY ELLEN SALBY,

Plaintiff,

vs.

CHARLES RAY SALBY,

Defendant.

ORDER FOR SANCTIONS
AND JUDGMENT

This matter having come before the Court on the Court's own initiative pursuant to Rule 11 of the Nevada Rules of Civil Procedure, as a result of the motion to dismiss for want of jurisdiction filed by defendant, CHARLES RAY SALBY on May 22, 1997, and the Court's ruling thereon on May 22, 1997.

The Court finds that defendant filed his answer and counterclaim on March 20, 1996, which was signed by RONALD F. CAULEY, ESQ., attorney for defendant and authorized by defendant, CHARLES RAY SALBY. Paragraph I, page 2 of the counterclaim alleges and represents as follows:

I.

"That the parties were both bona fide residents and domiciliaries of the State of Nevada prior to the filing of the original Divorce Complaint herein, and co-habited as husband and wife within the State of Nevada, at 4706 Aquifer Way, Carson City, Nevada, for

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a period of time in excess of six (6) weeks prior to said filing."

The Court notes that NRCPC 11 states in part:

The signature of an attorney or party constitutes a certificate by that attorney or party that he or she has read the pleading, motion or other paper; that to the best of his or her knowledge, information and belief, formed after reasonable inquiry under the circumstances obtaining at the time of signature, that it is well grounded in fact and is warranted by existing law . . . and that it is not interposed for any improper purpose such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. . . . If a pleading, motion, or other paper is signed in violation of this rule, the court, upon motion or upon its own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion or other paper, including a reasonable attorney fee."

The Court finds that defendant's answer and counterclaim were signed in violation of NRCPC 11 and that because of the dismissal of this action at this juncture in the proceeding as a result of defendant's motion to dismiss for want of jurisdiction, plaintiff has incurred expenses, fees and costs pursuing this action. Therefore, pursuant to NRCPC 11, sanctions are imposed upon defendant, CHARLES RAY SALBY, and his counsel, RONALD F. CAULEY, ESQ., and defendant, CHARLES RAY SALBY, and his counsel, RONALD F. CAULEY, ESQ., are ordered to pay all the costs, fees and expenses incurred by plaintiff to date, including her travel costs for attending the trial and her deposition, all costs and expenses incurred by plaintiff in the prosecution of this action, all accountant's fees incurred by plaintiff to date and all

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1 plaintiff's attorney's fees incurred to date and judgment shall
2 be entered against defendant and his counsel in said amount.

3 Based upon the Verified Memorandum of Costs, Fees and
4 Disbursements filed by plaintiff on May 30, 1997, defendant,
5 CHARLES RAY SALBY, and his counsel, RONALD F. CAULEY, ESQ., are
6 ordered to pay to plaintiff, MARY ELLEN SALBY, costs, fees and
7 expenses as follows:

8	1. Travel costs and expenses	\$ 1,065.00
9	2. Filing Fees, reporting costs, and miscellaneous	\$ 1,492.24
10	3. Expert accounting witness fees	\$ 6,450.00
11	4. Attorney's Fees	<u>\$16,962.96</u>
12	TOTAL JUDGMENT	<u>\$25,970.20</u>

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14 Good cause appearing therefor,
15 IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that
16 judgment be entered jointly and severally, against defendant,
17 CHARLES RAY SALBY, and defendant's attorney, RONALD F. CAULEY,
18 ESQ., in the sum of \$25,970.20, plus interest thereon at the
19 statutory rate until paid in full.

20 DATED this 2nd day of June, 1997.

21
22 Michael E. Fudi
23 DISTRICT JUDGE

24 REQUESTED BY
25 Allison et al
26 IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

27 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.

SEAL!

28 '97 JUN -3 P4:47

Date: June 3, 1997
ALAN BLOVER, City Clerk and Clerk of the
Judicial District Court and the State of Nevada,
and for Carson City

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LINDA SLATER
RECORDER

\$ 9.00 PAID K2 DEPUTY

3 Allison et al Deputy