

ORDR

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**EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA**

XXXXXXXXXXXXXXXXXX
Plaintiff,
vs.
XXXXXXXXXXXXXXXXXX
Defendant.

CASE NO. D-25-XXXXXX-P
DEPT. S

Date of Hearing: 12/5/2025
Time of Hearing: 9:00 a.m.

ORDER FOR ATTORNEY'S FEES AND COSTS

THIS MATTER having previously come before the Court on
December 5, 2026 for an Evidentiary Hearing; with Plaintiff, XXXXX
XXXXXXXXXX (hereinafter referred to as "XXX" or "Father"), appearing
personally in Pro Per; and Defendant XXXXXXXXXXXXX (hereinafter
referred to as "XXXX" or "Mother"), and her counsel, BRANDON K.

1 LEAVITT, ESQ., of the LEAVITT FAMILY LAW GROUP, appearing
2 personally; the Court having reviewed the pleadings, hearing argument
3 of counsel and the parties, and being fully advised in the premises, the
4 Court hereby issues the following Findings and Orders:

5 **THE COURT HEREBY FINDS** that awards of attorney fees and
6 costs are authorized by statute, as a sanction under NRS 125C.250, and
7 by rule, as a result of frivolous claims, multiplying proceedings to
8 increase costs vexatiously, failing to comply with EDCR, and failing or
9 refusing to comply with any order or directive of the court under EDCR
10 5.219. Attorney fees are also authorized as a result of failure to attempt
11 to resolve issues before a motion is filed under EDCR 5.501; and as being
12 the prevailing party under NRS 18.010.

13 **THE COURT FURTHER FINDS** that [REDACTED] was the prevailing
14 party in this action. [REDACTED]'s requests for joint legal custody, joint
15 physical custody, holiday and visitation schedule, imputation of income
16 to [REDACTED], and an award of child support were all granted over the course
17 of this litigation. This Court also found it appropriate to award [REDACTED]
18 her attorney's fees and costs for having to engage in extensive litigation
19 in order to gain [REDACTED]'s compliance and protect the best interests of their
20 minor child.

1 **THE COURT FURTHER FINDS** that, pursuant to the *Findings*
2 *of Fact, Conclusions of Law, Decision and Order*, filed herein on
3 February 5, 2026, [REDACTED] was ordered to submit a Memorandum of Fees
4 *and Costs*, including redacted billing statements and a *Brunzell* analysis
5 in an Affidavit/Declaration.

6 **THE COURT FURTHER FINDS** that [REDACTED] filed her
7 *Memorandum of Fees and Costs* on February 26, 2026, indicating that
8 [REDACTED] incurred a total of \$ **67,747.02**.

9 **THE COURT FURTHER FINDS** that [REDACTED] did not file an
10 Objection to [REDACTED]'s Memorandum.

11 **THE COURT FURTHER FINDS** that having determined that
12 [REDACTED] is entitled to an award of attorney's fees, the Court next turns its
13 attention to the amount of the award and sufficiency of the proof
14 provided.

15 The Court has great discretion regarding its decision to award fees
16 and the amount of fees granted. The Court's discretion is "tempered only
17 by reason and fairness." *Albios v. Horizon Communities, Inc.*, 122 Nev.
18 409, 427, 132 P.3d 1022, 1034 (2006) (quoting *University of Nevada v.*
19 *Tarkanian*, 110 Nev. 581, 591, 879 P.2d 1180, 1186 (1994)).

20 "In determining the amount of fees to award, the [district] court is
21 not limited to one specific approach; its analysis may begin with any

1 method rationally designed to calculate a reasonable amount, so long as
2 the requested amount is reviewed in light of the *Brunzell* factors.” *Logan*
3 *v. Abe*, 131 Nev. 260, 266, 350 P.3d 1139, 1143 (2015) (citing *Haley v.*
4 *Eighth Judicial Dist. Court*, 128 Nev. 171, 273 P.3d 855, 860 (2012)
5 (internal quotations omitted)).

6 The Supreme Court in *Brunzell v. Golden Gate National Bank*, 85
7 Nev. 345, 349–50, 455 P.2d 31, 33 (1969), gave guidance on how a court
8 is to determine the reasonable value of the work performed by a movant’s
9 counsel. Furthermore, the Court must determine the reasonable rates for
10 all persons for whose time a party seeks reimbursement, including
11 partners, associates, paralegals, and law clerks, etc. *See LVMPD v.*
12 *Yeghiazarian*, 129 Nev. 760, 770, 312 P.3d 503, 510 (2013). *Brunzell*
13 directs courts to consider the following when determining a reasonable
14 amount of attorney fees to award:

15 (1) the qualities of the advocate: his ability, his training,
16 education, experience, professional standing and skill; (2)
17 the character of the work to be done: its difficulty, its
18 intricacy, its importance, time and skill required, the
19 responsibility imposed and the prominence and character
20 of the parties where they affect the importance of the
21 litigation; (3) the work actually performed by the lawyer:
the skill, time and attention given to the work; (4) the
result: whether the attorney was successful and what
benefits were derived.

1 *Brunzell*, 85 Nev. at 349–50, 455 P.2d at 33 (Internal quotation marks
omitted.).

2 In addition to the ***Brunzell*** factors, the Court must evaluate the
3 disparity of income between parties in family law matters. *Wright v.*
4 *Osburn*, 114 Nev. 1367, 1370, 970 P.2d 1071, 1073 (1998).

5 The Court can follow any rational method so long as it applies the
6 *Brunzell* factors; it is not confined to authorizing an award of attorney
7 fees exclusively from billing records or hourly statements. *See Logan*, 131
8 Nev. at 266, 350 P.3d at 1143; *see also Shuette v. Beazer Homes Holdings*
9 *Corp.*, 121 Nev. 837, 864, 124 P.3d 530, 549 (2005) (approving awards
10 based on a “lodestar” amount, as well as a contingency fee arrangement).
11 Although the Court must “expressly analyze each factor,” no single factor
12 should be given undue weight. *Logan*, 131 Nev. at 266, 350 P.3d at 1143;
13 *Brunzell*, 85 Nev. at 349–50, 455 P.2d at 33.

14 After determining the reasonable value of an attorney’s services by
15 analyzing the factors established in *Brunzell*, the Court must then
16 provide sufficient reasoning and findings concerning those factors in its
17 order. *Shuette v. Beazer Homes Holdings Corp.*, 121 Nev. 837, 865, 124
18 P.3d 530, 549 (2005). The Court’s decision must be supported by
19 “substantial evidence.” *Logan*, 131 Nev. at 266, 350 P.3d at 1143.
20 Substantial evidence supporting a request for fees must be presented to
21

1 the court by affidavits, unsworn declarations under penalty of perjury,
2 depositions, answers to interrogatories, [or] admissions on file. *See*
3 *Board of Trustees v. Durable Developers*, 102 Nev. 401, 409, 24 P.2d
4 736, 742 (1986). Unsworn statements of counsel and conclusory
5 statements in pleadings not otherwise presented in compliance with
6 EDCR 2.21(a) may not be considered by the Court.

7 The Supreme Court has confirmed that the *Brunzell* factors must
8 be presented by affidavit or other competent evidence. *Miller v. Wilfong*,
9 121 Nev. 619, 624, 119 P.3d 727, 730 (2005); *see also Katz v. Incline Vill.*
10 *Gen. Improvement Dist.*, 452 P.3d 411 (Nev. 2019), *cert. denied*, 141 S.
11 Ct. 253, 208 L. Ed. 2d 26 (2020) (*citing Herbst v. Humana Health Ins.*
12 *of Nev., Inc.*, 105 Nev. 586, 591, 781 P.2d 762, 765 (1989) (holding that
13 an affidavit documenting the hours of work performed, the length of
14 litigation, and the number of volumes of appendices on appeal was
15 sufficient evidence to enable the court to make a reasonable
16 determination of attorney fees, even in the absence of a detailed billing
17 statement); *Cooke v. Gove*, 61 Nev. 55, 57, 114 P.2d 87, 88 (1941)
18 (upholding an award of attorney fees based on, among other evidence,
19 two depositions from attorneys testifying about the value of the services
20 rendered)). An award that is not based on such substantial evidence is
21 subject to reversal, as the Court will have no factual foundation on which

1 to base its decision. *Beattie v. Thomas*, 99 Nev. 579, 589, 668 P.2d 268,
2 274 (1983).

3 In the instant matter, [REDACTED] provided the Court with the
4 testimonial statement of Brandon K. Leavitt, Esq., in the form of a
5 Declaration signed and filed on February 26, 2026, that was included
6 with the *Memorandum of Attorney's Fees and Costs*. Counsel further
7 provided evidence in the form of redacted billing statements upon which
8 the Court relied in adjudicating this matter.

9 Counsel argues each *Brunzell* factor as follows:

10 **1. The Qualities of the Advocate.**

11 i. Attorney Brandon K. Leavitt.

12 Attorney Brandon K. Leavitt is an “AV” Rated attorney by
13 Martindale-Hubbel.com and admitted to practice law in two (2) States.
14 Attorney Leavitt has been practicing law since 2010 in Las Vegas.
15 Attorney Leavitt focuses his practice on complex and post-divorce related
16 matters. While putting himself through law school, Attorney Leavitt
17 worked for a Fortune 100 company as a law clerk. After graduating from
18 law school with distinction, Attorney Leavitt served as law clerk to the
19 current Presiding Judge Charles J. Hoskin from April 2009 to June 2010.

20 . . .

21 . . .

1 After working with Judge Hoskin, Attorney Leavitt started and
2 managed several offices, and was lead counsel who supervised a large
3 team of legal professionals for the nation's largest domestic litigation law
4 firm. Attorney Leavitt has been recognized by his peers for his knowledge
5 and expertise in domestic law matters and was selected by Super Lawyers
6 magazine as a 2014, 2015, 2016, 2017, 2018, 2019, 2020 and 2021 Rising
7 Star in the area of Family law. Furthermore, Attorney Leavitt was
8 selected by the National Academy of Family Law Attorney's Top 10 Under
9 Age 40 in 2019 for his expertise in Family Law matters. Moreover,
10 Attorney Leavitt was selected by Vegas, Inc. Magazine as a Top Lawyer in
11 the area of Family Law for 2021. Lastly, Attorney Leavitt was selected as
12 a Mountain States SuperLawyer by SuperLawyer's Magazine in 2022,
13 2023, 2024 and 2025 in the area of Family Law.

14 ii. Attorney Elizabeth Ellison

15 Attorney Elizabeth Ellison has been practicing law for ten (10)
16 years in Las Vegas. Attorney Ellison focuses her practice on family law
17 matters, including custody, divorce, child support and property division.
18 Attorney Ellison has worked to maintain her skills in family law by
19 attending the Family Law Conference as well as the Advanced Family
20 Law CLE each year.

21 ...

1 iii. Attorney Samantha J. Mentzel

2 Attorney Mentzel represented [REDACTED] from January 29, 2025 to
3 July 18, 2025. Attorney Mentzel earned her J.D. at William S. Boyd
4 School of Law. She received an academic scholarship to William S. Boyd
5 School of Law and actively participated in the Nevada Justice
6 Association, Phi Alpha Delta (law honorary), Organizations of Women
7 Law Students, and Second Amendment Society.

8 Attorney Mentzel worked throughout college and law school in Las
9 Vegas, while attending classes full time including positions with the Clark
10 County Probate Commissioner and the Hon. Judge Bill Henderson. Prior
11 to starting her own firm, she worked for one of the most esteemed family
12 law firms in Las Vegas, handling cases involving difficult and complex
13 marital litigation. Attorney Mentzel is a licensed member of the State Bar
14 of Nevada for over twelve (12) years and focuses her practice exclusively
15 on family law.

16 iv. Paralegal Kimberly Bryant.

17 Mrs. Bryant, the certified paralegal assigned to this matter, is a
18 graduate and former instructor of the UNLV Paralegal Certificate
19 Program. Mrs. Bryant has been a practicing paralegal assisting attorneys
20 since July 2020 and employed with the Leavitt Family Law Group since
21 April 2021. Mrs. Bryant is responsible for “some of the work that the

1 attorney would have to do anyway [performed] at substantially less cost
2 per hour.” As the Nevada Supreme Court reasoned, “the use of paralegals
3 and other non-attorney staff reduces litigation costs, so long as they are
4 billed at a lower rate,” so “reasonable attorney’s fees’ . . . includes charges
5 for persons such as paralegals and law clerks.” Leavitt Family Law Group
6 maintains and supervises support staff in assisting with the necessary
7 activities and tasks for litigation. The fees charged are reasonable, and
8 compensable, as well.

9 **2. The Character of the Work to Be Done.**

10 The difficulty, the intricacy, the importance, time and skill
11 required, the responsibility imposed and the prominence and character
12 of the parties where they affect the importance of the litigation. Attorneys
13 Leavitt, Ellison, and Mentzel have diligently reviewed the applicable law,
14 explored the relevant facts, and have properly applied one to the other.
15 Attorney Leavitt was required to attend and conduct the trial on his
16 client’s behalf due to the unreasonable relief that JOHN sought.

17 **2. The Work Actually Performed by the Lawyer.**

18 The skill, time and attention given to the work. Attorney Mentzel
19 and her staff completed 35 hours on XXXXX’s behalf. Attorney Leavitt
20 and his staff completed 204.8 hours on XXXXX’s behalf, including 10.5
21

1 hours that was not billed to XXXXX. Redacted billing statements were
2 provided to the Court for review and consideration.

3 **3. The Result.**

4 Whether the attorney was successful and what benefits were
5 derived. XXXXX's requests for joint physical custody, joint legal custody,
6 holiday and visitation schedule, imputation of income to XXXX and an
7 award of child support to XXXXX were granted. This Court also found it
8 appropriate to award XXXXX her attorney's fees and costs for having to
9 engage in extensive litigation in order to gain XXXX's compliance and
10 protect the best interests of their minor child.

11 **5. Disparity in Income.**

12 Per XXXXX's Financial Disclosure Form filed March 11, 2025, her
13 monthly gross income is \$3,588.00 . XXXX filed his General Financial
14 Disclosure Form (FDF) on November 20, 2025. XXXX's FDF is replete
15 with inaccuracies and deficiencies, specifically regarding his income, as
16 confirmed by XXXX's testimony and the Exhibits admitted during the e
17 Evidentiary Hearing.

18 XXXX testified that he was unaware that he received a K1 and a W2,
19 but admitted that his FDF filed on March 13, 2025, and his W2 forms,
20 admitted as Exhibit 1, reflected W2 income paid to him by Capital Tint.

21 XXXX testified that he also received regular disbursements from his

1 business Capital Tint but could not state a regular amount. XXXX further
2 testified that his FDF inaccurately reported his rental income at \$1,440
3 per month when it is actually \$3,850 per month, as reported on his FDF
4 filed on March 13, 2025.

5 XXXX's 2024 W-2 reflects annual income of \$82,000. His Schedule
6 K reflects income of \$145,072 for the same year, for a combined income
7 of approximately **\$225,072**.

8 Therefore, conservatively XXXX actually makes approximately
9 \$18,756 per month. Clearly, the disparity of income between the parties
10 is great and XXXX has the ability to pay an appropriate award of fees.

11 **THE COURT FURTHER FINDS** that, in consideration of the
12 factors set forth in *Brunzell v. Golden Gate National Bank*, 85 Nev. 345,
13 349, 455 P.2d 31, 33 (1969), XXXX's attorneys' hourly rate of \$450.00
14 to \$500.00 is reasonable in light of their experience, and in this
15 jurisdiction for family law attorneys with their level of experience.
16 Additionally, the amount of time XXXX's attorney expended in having
17 to address XXXX's multiple violations of the Court's orders, frivolous
18 filings to XXXX, and gamesmanship through the relief sought leading up
19 to and during the *Evidentiary Hearing* was reasonable under the
20 circumstances. Counsel's work in this matter was more than adequate,
21 both factually and legally, and the Court finds that Counsel has diligently

1 reviewed the applicable law, explored the relevant facts, and properly
2 applied one to the other.

3 **THE COURT FURTHER FINDS** that [REDACTED] is seeking a total
4 award of **\$67,747.02** as and for attorney fees and costs. Upon the
5 Court's review of Counsel's submitted billing statements, all of the
6 charges shown on the submitted billing statements were reasonably and
7 necessarily incurred in this action.

8 [REDACTED] has adequately addressed the factors required by Brunzell
9 and its progeny. Counsel has detailed the qualities of the advocate(s), the
10 character of the work performed, the actual work performed by the
11 attorney, including skilled time and attention given to the work, and the
12 result. Counsel has provided competent evidence in support of their
13 request for fees.

14 In this case, the analysis required pursuant to the authority
15 identified herein above as well as *Brunzell v. Golden Gate Nat. Bank*, 85
16 Nev. 345, 455 P.2d 31 (1969); *Beattie v. Thomas*, 99 Nev. 579, 668 P.2d
17 268 (1983); and *Wright v. Osburn*, 114 Nev. 1367, 1370, 970 P.2d 1071,
18 1073 (1998) was satisfied. The factors addressed by the relevant authority
19 that are a prerequisite to an award of attorney fees, were set forth in the
20 *Memorandum of Attorney's Fees and Costs* with specificity as addressed
21 above.

1 The fees charged by counsel for [REDACTED] in this action were
2 necessary to the matter and were reasonable in the marketplace given the
3 experience and qualities of the advocate(s).

4 **NOW THEREFORE,**

5 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED**

6 that Defendant, [REDACTED], is hereby awarded the sum of
7 \$ \$52,000.000 as and for attorney's fees ~~and costs~~, payable by
8 Plaintiff, [REDACTED]. Said sum shall be reduced to judgment and
9 shall be collectable by any and all legal and lawful means. The Judgment
10 shall accrue the rate of interest according to the legal rate of interest per
11 NRS 99.040 until paid in full.

12 Dated this 23rd day of March, 2026

13 

14 C35 792 3B72 9940
Vincent Ochoa
District Court Judge

15 Respectfully submitted by:

16 LEAVITT FAMILY LAW GROUP

17 /s/ Brandon K. Leavitt, Esq.

18 BRANDON K. LEAVITT, ESQ.

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19 2520 St. Rose Pkwy., Ste. 101

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20 *Attorneys for Defendant*