

Appendix A

IN THE SUPREME COURT OF THE STATE OF NEVADA

BURHAN CULCULOGLU,
Appellant,
vs.
MICHELLE L. CULCULOGLU,
Respondent.

No. 69930

FILED

JAN 13 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a pro se appeal from an order awarding attorney fees in a post-divorce decree proceeding. Eighth Judicial District Court, Family Court Division, Clark County; Linda Marquis, Judge.

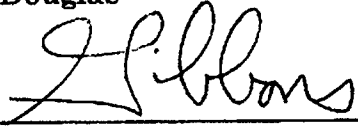
In the parties' divorce decree, appellant was ordered to pay respondent attorney fees from his retirement account within 90 days. Appellant then liquidated his retirement account without paying the attorney fees. As a result, appellant was held in contempt and ordered to pay respondent \$18,466.89 in attorney fees that she had incurred in enforcing the divorce decree. The district court specifically concluded that the attorney fees award was a further sanction for appellant's contempt. This appeal followed.

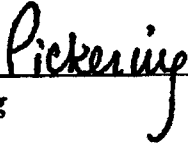
In his fast track statement, appellant failed to present any argument concerning the award of attorney fees. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (providing that this court need not consider claims that are not cogently argued or supported by relevant authority). Moreover, the district court had authority to award respondent attorney fees under NRS 22.100(3) and the court considered the reasonableness of the attorney fees

pursuant to the *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 455 P.2d 31 (1969), factors. Appellant has failed to demonstrate that the district court abused its discretion in awarding attorney fees. *Miller v. Wilfong*, 121 Nev. 619, 622, 119 P.3d 727, 729 (2005) (explaining that this court reviews an award of attorney fees for an abuse of discretion). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

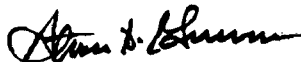

_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Pickering

cc: Hon. Linda Marquis, District Judge, Family Court Division
Burhan Culculoglu
Pecos Law Group
Eighth District Court Clerk

Appendix B


CLERK OF THE COURT

1 **ORDR**
2 **Shann D. Winesett, Esq.**
3 Nevada Bar No. 005551
4 **PECOS LAW GROUP**
5 8925 South Pecos Road, Suite 14A
6 Henderson, Nevada 89074
7 Telephone: (702) 388-1851
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9 Email: Email@pecoslawgroup.com
10 Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

8 **Michelle L. Culculoglu,**

9 Plaintiff,

10 vs.

11 **Burhan Culculoglu,**

12 Defendant.

Case No. **D-13-477039-D**

Dept No. **B**

Date of Hearing: **12/16/2015**

Time of Hearing: **11:00 a.m.**

AMENDED ORDER FROM DECEMBER 16, 2015 HEARING

15 THIS MATTER came on for hearing this 16th day of December 2015,
16 before the **Honorable Linda Marquis**, on a duly noticed evidentiary hearing
17 on this Court's order to Defendant Burhan Culculoglu entered November 19,
18 2015, directing him to show cause why this Court should not adjudicate him
19 guilty of contempt of Court and punish him accordingly for liquidating his
20 FRHI Hotels and Resorts 401(k) retirement account in violation of this
21 Court's Decree of Divorce entered on December 3, 2014. Plaintiff, **Michelle**
22 **L. Culculoglu** ("Michelle") was present and represented by and through her
23 attorney, **Shann D. Winesett, Esq.**, of the **PECOS LAW GROUP**. Defendant,
24 **Burhan Culculoglu** ("Burhan") was present and represented himself in
25 proper person. The Court being fully advised in the premises and good
26 cause appearing, makes the following findings and orders:

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1 The Court **FINDS** that at the time of the parties' divorce trial on July
2 29, 2015, this Court issued an order directing Burhan to pay attorneys fees to
3 Michelle from Burhan's RHI Hotels and Resorts 401(k) retirement account
4 (the "Retirement Account") within 90 days. The Court **FINDS** that, at the
5 time of trial, the Retirement Account contained \$144,402.28.

6 The Court **FINDS** that the foregoing attorneys fees award was reduced
7 to writing and entered as this Court's Findings of Fact, Conclusions of Law
8 and Decree of Divorce entered on December 3, 2014 ("the Decree"). The
9 Court **FINDS** that the Decree confirmed this Court's award of attorneys fees
10 against Burhan in the amount of \$60,645.53 and specifically provided:

11 **IT IS FURTHER ORDERED ADJUDGED and DECREED**
12 that the foregoing attorneys fees award is in the nature of
13 support and that this Court has the authority under NRS
14 125.150(4) to order that the attorneys fees award be paid
15 from Burhan's RHI Hotels and Resorts 401(k) retirement
 account (the " RHI 401(k) Account") administered through
 Mass Mutual Financial Group. **IT IS THEREFORE**
 ORDERED that within 90 days, the foregoing attorneys fees
 award shall be paid to Michelle from Burhan's RHI 401(k)
 Account.

16 See Decree at 6:1-13. The Court further **FINDS** that with regard to Burhan's
17 claim that his ex-wife had a purported interest in the 401(k), the Decree
18 provided as follows:

19 This Court recognizes that Burhan claims that his ex-wife
20 has an interest in his RHI 401(k) Account. Burhan,
21 however, must prove that such an interest exists. To the
22 extent that there is no such claim of Burhan's ex-wife
23 acknowledged or enforceable against the administrator of
 the RHI 401(k), then the whole account is available for
 purposes of payment of the award to Michelle. (Time
 Stamp: October 15, 2014, at 9:41:40).

24 See Decree at entered on December 3, 2014 at 6:1-13.

25 The Court further **FINDS** that this Court's order was clear that it
26 intended that the Retirement Account would be used for the payment of
Burhan's attorneys fees obligation. Nonetheless, the Court **FINDS** that

1 Burhan intentionally withdrew all of the money from the account and paid
2 none of it to Michelle. The Court further FINDS that Burhan provided no
3 proof that his previous ex-wife had any claim to the Retirement Account
4 which was "acknowledged or enforceable against the administrator of the
5 [Retirement Account]" as required by this Court's order. The Court FINDS,
6 in fact, that Burhan provided no proof whatsoever as to what he did with the
7 funds he withdrew from the Retirement Account much less that he gave any
8 portion of such funds to previous ex-wife.

9 The Court FINDS, however, that Burhan liquidated the entire
10 retirement account. The Court further FINDS and Burhan freely admits that
11 he retained \$15,000.00 of the liquidated funds for himself. The Court further
12 FINDS and Burhan also admits that Burhan made no voluntary payments to
13 Michelle even from the portion of the Retirement Account to which his
14 previous ex-wife has no claim. Now, after having liquidated the Retirement
15 Account, and allegedly spending the money, Burhan claims that he has no
16 ability to comply with this Court's order directing him to pay attorneys fees.

17 Having conducted an evidentiary hearing and having taken testimony
18 from both parties, the Court FINDS that it does not trust Burhan as his
19 behavior to this point has been difficult for the Court to comprehend. The
20 Court FINDS that Burhan's behavior relative to the Retirement Account has
21 been devious and has shown a disregard of the Court's orders especially
22 when Defendant sat silent in court on January 29, 2015, while Judge Steele
23 and counsel were discussing the Retirement Account. The Court FINDS that
24 Defendant wasted the Court's time and the time of all other parties relative
25 to the Retirement Account which Burhan knew no longer existed.

26 The Court FINDS that Burhan intentionally violated this Court's order
and is in contempt of court. The Court further FINDS that Burhan failed to
pay the attorneys fees as ordered by the Court and intentionally created a

1 situation in which he could argue that compliance with the order was
2 impossible.

3 **IT IS HEREBY ORDERED ADJUDGED AND DECREED** that
4 Defendant Burhan Culculoglu be and, hereby is found in contempt of this
5 Court and sentenced to 25 days in the Clark County Detention Center. This
6 sentence shall be stayed for a period of 6 months as set forth herein.

7 **IT IS FURTHER ORDERED** that Burhan make a good faith attorneys
8 fees payment to Plaintiff's counsel, Shann D. Winesett, Esq., of the Pecos
9 Law Group, each and every month beginning December 16, 2015. Burhan is
10 hereby **ADMONISHED** that it will be inappropriate for Burhan to return to
11 Court in 6 months claiming that he does not have a job and could not afford
12 to make monthly good faith payments to counsel. While the Court
13 understands that Burhan is not working right now, Burhan is further
14 **ADMONISHED** that the Court expects Burhan to get a job and that he needs
15 to be working. **IT IS FURTHER ORDERED** that if, in 6 months, Burhan has
16 not made a good faith payment to Plaintiff's counsel's office every month
17 relative to the above referenced attorneys fees obligation, Defendant Burhan
18 Culculoglu shall be remanded immediately to the Clark County Detention
19 Center for 25 days.

20 **IT IS FURTHER ORDERED** that a return hearing is scheduled in this
21 matter for June 7, 2016, at 10:30 a.m. **IT IS FURTHER ORDERED** that, at the
22 return hearing the Court will examine receipts to be produced by Burhan
23 showing the good faith payments he is required to make pursuant to this
24 Order.

25 **IT IS FURTHER ORDERED** that Burhan is sanctioned in the amount
26 of \$500.00 per NRS 22.100(2). **IT IS FURTHER ORDERED** that this \$500.00
sanction be reduced to judgment against Defendant Burhan Culculoglu and

1 in favor of Plaintiff Michelle Culculoglu. **IT IS FURTHER ORDERED** that
2 this judgment is collectible by any lawful means.

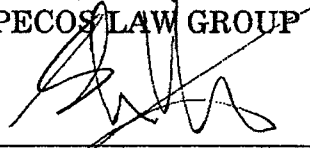
3 **IT IS FURTHER ORDERED** that all attorneys fees Michelle has
4 incurred relative to the enforcement of the Court's order and this contempt
5 proceeding shall be paid by Burhan. In this regard, **IT IS FURTHER**
6 **ORDERED** that Defendant Burhan Culculoglu shall pay to Plaintiff Michelle
7 Culculoglu \$3,971.25 in attorneys fees as a further sanction for Burhan's
8 contempt of court in this matter. **IT IS FURTHER ORDERED** that said
9 attorneys fees be, and hereby are, reduced to judgment against Defendant
10 Burhan Culculoglu and in favor of Plaintiff Michelle Culculoglu. **IT IS**
11 **FURTHER ORDERED** that this judgment is collectible by any lawful means.

12 **IT IS FURTHER ORDERED** that Plaintiff's counsel will submit a
13 billing memorandum and *Brunzell* affidavit so that the Court can assess the
14 attorneys fees Michelle has incurred in these enforcement proceedings and
15 thereby insert an appropriate attorneys fees award into this Order.

16 **DATED** this 3rd day of February, 20 16

17 
18 **TRICT COURT JUDGE** MC

19 Submitted by:
20 **PECOS LAW GROUP**

21 
22 **Shann D. Winesett, Esq.**
23 Nevada Bar No. 005551
24 PECOS LAW GROUP
25 8925 South Pecos Road, Suite 14A
26 Henderson, Nevada 89074
(702) 388-1851
Attorney for Plaintiff

Appendix C

IN THE SUPREME COURT OF THE STATE OF NEVADA

BURHAN CULCULOGLU,
Appellant,
vs.
MICHELLE L. CULCULOGLU,
Respondent.

No. 69930

FILED

JUL 28 2017

ORDER DENYING REHEARING

Rehearing denied. NRAP 40(c).

It is so ORDERED.¹

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

Douglas, J.
Douglas

Gibbons, J.
Gibbons

Pickering, J.
Pickering

cc: Hon. Linda Marquis, District Judge, Family Court Division
Burhan Culculoglu
Throne & Hauser
Eighth District Court Clerk

¹In light of this order, we also deny both of appellant's January 19, 2017, motions, his June 12, 2017, motion, and his June 21, 2017, motion. We grant, however, respondent's June 22, 2017, countermotion for leave to file an amended Certificate of Compliance for her answer to the petition for rehearing.

17-25094

Appendix D

IN THE SUPREME COURT OF THE STATE OF NEVADA

BURHAN CULCULOGU,
Appellant,
vs.
MICHELLE L. CULCULOGU,
Respondent.

No. 69930

FILED

OCT 23 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING EN BANC RECONSIDERATION

Having considered the petition on file herein, we have concluded that en banc reconsideration is not warranted. NRAP 40A. Accordingly, we

ORDER the petition DENIED.

Cherry, C.J.
Cherry

Douglas, J.
Douglas

Gibbons, J.
Gibbons

Pickering, J.
Pickering

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

cc: Hon. Linda Marquis, District Judge, Family Court Division
Burhan Culculoglu
Throne & Hauser
Eighth District Court Clerk

Appendix E

IN THE SUPREME COURT OF THE STATE OF NEVADA

BURHAN CULCULOGLU,
Appellant,
vs.
MICHELLE L. CULCULOGLU,
Respondent.

No. 69930

FILED

APR 26 2017

ELIZABETH A. CROWN
CLERK OF SUPREME COURT
BY *Amulco*
DEPUTY CLERK

ORDER DIRECTING ANSWER TO
PETITION FOR REHEARING

Appellant has petitioned this court for rehearing of the Order of Affirmance entered by a panel of this court on January 13, 2017. Having reviewed the petition, it appears that an answer will assist the court in resolving the issues presented. Specifically, respondent should address the impact *Lewis v. Lewis*, 132 Nev., Adv. Op. 46, 373 P.3d 878, 880-81 (2016), has on this matter.

Appellant argues that the district court violated his constitutional right to counsel when he appeared pro se at a contempt hearing and the court held him in criminal contempt by sentencing him to 25 days in jail without an opportunity to purge the contempt.¹ Appellant also contends that because the attorney fees were a sanction for his contempt they are void because they were a product of an unlawful order. Thus, respondent should address (1) whether the attorney fees were imposed as a sanction for appellant's contempt; and (2) if they were

¹We note that because appellant concedes that he has already served the 25-day jail sentence, his challenge to that sentence is moot. *Personhood Nev. v. Bristol*, 126 Nev. 599, 602, 245 P.3d 572, 574 (2010).

imposed as a contempt sanction, should they be reversed because the contempt was unlawful under *Lewis*. Respondent shall have 15 days from the date of this order within which to file and serve an answer to the petition. See NRAP 40.

It is so ORDERED.²

Douglas, A.C.J.

cc: Burhan Culculoglu
Pecos Law Group

²We defer ruling on both of appellant's January 19, 2017, motions.

Appendix F

IN THE SUPREME COURT OF THE STATE OF NEVADA

BURHAN CULCULOGLU,
Appellant,
vs.
MICHELLE L. CULCULOGLU,
Respondent.

No. 69930

FILED

AUG 16 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING MOTION

Appellant's pro se motion for leave to file a reply to the fast track response is denied. The fast track rules do not provide for a reply.

It is so ORDERED.

1. J. J. J., A.C.J.

cc: Burhan Culculoglu
Pecos Law Group

Appendix G

IN THE SUPREME COURT OF THE STATE OF NEVADA

BURHAN CULCULOGU,
Appellant,
vs.
MICHELLE L. CULCULOGU,
Respondent.

No. 69930

FILED

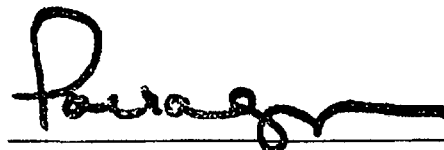
SEP 16 2016

ORDER OF LIMITED REMAND

FRANCIE K. LINDEMAN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

This is an appeal from a district court order awarding attorney fees as a sanction for contempt. Respondent has filed a "Motion for Limited Remand," requesting that this court remand this matter to the district court for the limited purpose of allowing the district court to enter an amended judgment adjusting the amount of fees. Attached to the motion is an order from the district court certifying that if the matter were remanded, the court would be inclined to grant respondent's motion to alter or amend the judgment on the fees and deny appellant's countermotion for related relief. Appellant has filed an untimely opposition. Cause appearing, we grant the motion and remand this matter to the district court for the limited purpose of allowing the district court to enter its order. *See Huneycutt v. Huneycutt*, 94 Nev. 79, 575 P.2d 585 (1978); *see also Foster v. Dingwall*, 126 Nev. 49, 228 P.3d P.3d 453 (2010) (clarifying the remand procedure set forth in *Huneycutt*). The district court shall have 30 days from the date of this order to enter its written decision and to transmit a certified copy of that decision to this court. Any party aggrieved may file an amended notice of appeal from the new order.

It is so ORDERED.

 C.J.

cc: Hon. Linda Marquis, District Judge, Family Court Division
Burhan Culculoglu
Pecos Law Group
Eighth District Court Clerk

Appendix H

IN THE SUPREME COURT OF THE STATE OF NEVADA

BURHAN CULCULOGLU,
Appellant,
vs.
MICHELLE L. CULCULOGLU,
Respondent.

No. 69930

FILED

MAY 11 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

**ORDER GRANTING IN PART AND DENYING IN PART MOTION TO
DISMISS, DENYING MOTION TO WITHDRAW AS COUNSEL, AND
GRANTING EXTENSION, IN PART, TO FILE FAST TRACK
RESPONSE**

This is a pro se appeal from an order finding appellant in contempt and imposing sanctions and awarding attorney fees, an order approving a stipulation between the parties regarding child abduction issues, and an order to show cause. Respondent has moved to dismiss the appeal in its entirety. Appellant opposes the motion, and respondent has filed a reply. Appellant has also filed a motion to strike respondent's reply on the ground that it fails to address appellant's arguments in his opposition, but only repeats the same arguments raised in her original motion. We decline to strike the reply, and we deny appellant's request to file a response to the reply.

Having considered the motion to dismiss, the opposition, and reply, we grant the motion in part and deny it in part.

This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule. *Taylor Constr. Co. v. Hilton Hotels*, 100 Nev. 207, 678 P.2d 1152 (1984). Because this court has jurisdiction over special orders after final judgment such as an award of attorney fees, we deny the motion to dismiss as to appellant's challenge to

the award of attorney fees entered in the "Amended Order From December 16, 2015, Hearing." See *Lee v. GNLV Corp.*, 116 Nev. 424, 996 P.2d 416 (2000). However, no appeal lies from an order imposing sanctions and holding a party in contempt. *Pengilly v. Rancho Santa Fe Homeowners*, 116 Nev. 678, 649, 5 P.3d 569, 571 (2000). Accordingly, we dismiss the appeal of the Amended Order to the extent that appellant challenges the sanctions and contempt.

As to the order entered November 13, 2015, approving the parties' stipulation regarding NRS chapter 125D child abduction issues, it appears that appellant is not an aggrieved party with standing to appeal. See NRAP 3A(a); *Valley Bank of Nevada v. Ginsburg*, 110 Nev. 440, 874 P.2d 729 (1994); *Los Angeles & S.L.R. Co. v. Umbaugh*, 61 Nev. 214, 123 P.2d 224 (1942) ("no appeal will lie from a consent order or judgment"). Accordingly, we dismiss the appeal from the order entered November 13, 2015.

In addition, appellant challenges the district court's "Order to Show Cause Regarding Liquidation of Retirement Account," entered September 23, 2015. An order to show cause is not a final, appealable judgment. See *Lee v. GNLV*, at 426, 996 P.2d at 417 ("[A] final judgment has been described as one 'that disposes of the issues presented in the case, determines the costs, and leaves nothing for the future consideration of the court.'"). Accordingly, we dismiss the appeal from the September 23, 2015, order to show cause.

Finally, to the extent appellant seeks to appeal from the order regarding child custody entered September 28, 2015, with written notice of entry served on appellant via electronic mail on October 1, 2015, the notice of appeal was filed more than thirty days after service of written notice of

entry of the judgment or order. See NRAP 4(a)(1); NRAP 26(c). While the notice of appeal is timely as to the "Amended Order From December 16, 2015, Hearing," that order is not a final judgment, as appellant argues; it addresses matters subsequent and collateral to the custody issues that were resolved by the prior order. Accordingly, we dismiss any challenge to the order entered September 28, 2015.

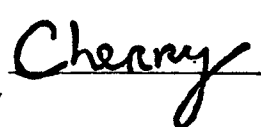
This appeal may proceed on appellant's challenge to the award of \$33,971.25 in attorney fees entered on February 3, 2016.

Respondent's counsel has filed a motion to withdraw. The motion does not comply with NRAP 46(e)(3) because it was not served on respondent. We deny the motion without prejudice to counsel's right to file a motion to withdraw that complies with the rules of appellate procedure.

Respondent has filed a motion for a 60-day extension of time to file the fast track response. Respondent fails to demonstrate extreme need or merit warranting a 60-day extension. NRAP 3E(f)(3). However, it does appear that a short extension is necessary. Respondent shall have until June 6, 2016, to file and serve the fast track response.

It is so ORDERED.


_____, J.
Douglas


_____, J.
Cherry


_____, J.
Gibbons

cc: Burhan Culculoglu
Pecos Law Group
Michelle L. Culculoglu