

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

ERICH M. MARTIN,

Appellant,

vs.

RAINA L. MARTIN,

Respondent.

Case No. 81810

Consolidated with: Electronically Filed  
Mar 21 2022 05:58 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Case No. 82517

Appeal from the Eighth Judicial District  
Court, the Honorable Rebecca L. Burton  
Presiding

ERICH M. MARTIN,

Appellant,

vs.

RAINA L. MARTIN,

Respondent.

**APPELLANT'S SUPPLEMENTAL OPENING BRIEF**

**Marquis Aurbach**

Chad F. Clement, Esq.

Nevada Bar No. 12192

Kathleen A. Wilde, Esq.

Nevada Bar No. 12522

10001 Park Run Drive

Las Vegas, Nevada 89145

Telephone: (702) 382-0711

Facsimile: (702) 382-5816

cclement@maclaw.com

kwilde@maclaw.com

*Attorneys for Appellant, Erich M. Martin*

MAC:16211-001 4637110\_1

## **I. ARGUMENT**

Eric M. Martin (Erich) was the prevailing party in the Court of Appeals pursuant to its Order Affirming in Part, Reversing in Part, and Remanding, filed on November 17, 2021, in which the Court of Appeals unanimously held, in relevant part and on the most significant issue in the appeal, that the district court erred by ordering Erich to reimburse Raina Martin (Raina) for his waived military retirement pay. Erich believes that the Court of Appeals made a correct, well-reasoned decision, for the reasons set forth in its order and in Erich's opening brief filed in the Court of Appeals. Erich hereby incorporates by this reference his opening brief and the record filed in the Court of Appeals. *See* NRAP 40B(g) (this Court's review on the grant of a petition for review can be conducted on the record and briefs previously filed in the Court of Appeals). Because Raina is the party who is aggrieved by the Court of Appeals' decision and contends that the Court of Appeals erred, Erich believes it would be most appropriate for Raina to first identify the issues she asserts this Court should review and advance her overall position that the Court of Appeals erred, to which Erich will respond in his supplemental reply brief.

Accordingly, for the reasons stated in his opening brief and in the Court of Appeals' decision, Erich believes the Court of Appeals made the correct decision and respectfully submits that this Court should affirm it.

Dated this 21st day of March, 2022.

MARQUIS AURBACH

By: /s/ Chad F. Clement

Chad F. Clement, Esq.

Nevada Bar No. 12192

Kathleen A. Wilde, Esq.

Nevada Bar No. 12522

10001 Park Run Drive

Las Vegas, Nevada 89145

*Attorneys for Appellant, Erich M. Martin*

## **CERTIFICATE OF COMPLIANCE**

1. I hereby certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word 2007 in 14-point Times New Roman font.

2. I further certify that this brief complies with the page- or type-volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is either:

☒ proportionally spaced, has a typeface of 14 points or more and contains 746 words; or

☐ does not exceed \_\_\_\_\_ pages.

3. Finally, I hereby certify that I have read this brief, and to the best of my knowledge, information and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to

sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

Dated this 21st day of March, 2022.

MARQUIS AURBACH

By: /s/ Chad F. Clement

Chad F. Clement, Esq.

Nevada Bar No. 12192

Kathleen A. Wilde, Esq.

Nevada Bar No. 12522

10001 Park Run Drive

Las Vegas, Nevada 89145

*Attorneys for Appellant, Erich M. Martin*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **APPELLANT'S SUPPLEMENTAL  
OPENING BRIEF** was filed electronically with the Nevada Supreme Court on the 21st day of March, 2022. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Marshal S. Willick, Esq.  
Willick Law Group  
3591 E. Bonanza Road, Suite 200  
Las Vegas, NV 89110  
Willicklawgroup.com  
*Attorney for Respondent, Raina L. Martin*

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

N/A

\_\_\_\_\_  
/s/ Lennie Fraga  
An employee of Marquis Aurbach