

Electronically Filed
3/18/2021 3:00 PM
Steven D. Grierson
CLERK OF THE COURT
Steven D. Grierson

Form 1. Amended Joint Notice of Appeal to the Supreme Court From a Judgment of Order of a District Court

No. D-17-560076-C

Dept. No. I

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF CLARK

Electronically Filed
Mar 25 2021 02:15 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

M.C./S.K., Plaintiffs }
v. }
A.P., Defendant }

AMENDED JOINT NOTICE OF APPEAL

Notice is hereby given that M.C./S.K., Plaintiffs, above named, hereby appeals to the Supreme Court of Nevada from interlocutory orders from hearings dated 12/13/2017, 3/21/2018, 6/11/2018, 7/25/2018, 8/28/2018, 10/8/2018, 12/13/2018, 7/10/2019, 3/21/2018, 2/19/2019, 7/10/2019, 7/11/2019, 1/28/2020, 2/14/2020, 2.27/2020, 8/5/2020, 9/8/2020, 11/23/2020, 3/25/2021 and final judgment from the order DECISION AND ORDER entered in this action on the 18th day of February, 2021 /s/

Maybelle Colt Pro Se.
[Signature] Pro Se.

March 18, 2021 Date Filed

CSERV

Name: MARY-ANNE COLT/STACEY KANTER

Address: 9700 W Sunset Rd # 2039

Las Vegas, Nevada 89148

Telephone: 702-695-4777

Email Address: maryannecolt@gmail.com

In Proper Person

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

MARY-ANNE COLT/STACEY KANTER

Plaintiff,

vs.

ALYSA MARIE PLUMMER

Defendant.

CASE NO.: D-17-560076-C

DEPT: 1

CERTIFICATE OF SERVICE

I, (name of person who served the document) Mary-Anne Colt,
declare under penalty of perjury under the law of the State of Nevada that the following is true
and correct. That I served the: **(check all that apply)**

- Motion Answer Financial Disclosure Form
- Opposition Reply Notice of Entry of Judgment / Order / Decree
- Other: AMENDED JOINT NOTICE OF APPEAL FILED ON 3/18/2021

In the following manner: **(check one)**

- Mail:** By depositing a copy in the U.S. Mail in the State of Nevada, postage prepaid, on
the (day) _____ of (month) _____, 20__ addressed to:

(Print the name and address of the person you mailed the document to)

Robert Cerceo

10000 W. Charleston Blvd. Suite 110 Las Vegas, NV 89135

bob@naimcerco.com

- Electronic:** Through the Court's electronic service system on (date) MARCH 18, 2021
at (time) 3:00 a.m. p.m.

DATED this 18 day of MARCH, 2021

Submitted By: (Signature) ▶ /s/

Mary-Anne Colt

CSERV
Name: MARY-ANNE COLT/STACEY KANTER
Address: 9700 W Sunset Rd # 2039
Las Vegas, Nevada 89148
Telephone: 702-695-4777
Email Address: maryannecolt@gmail.com
In Proper Person

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

MARY-ANNE COLT/STACEY KANTER
Plaintiff,
vs.
ALYSA MARIE PLUMMER
Defendant.

CASE NO.: D-17-560076-C
DEPT: 1

CERTIFICATE OF SERVICE

I, (name of person who served the document) Mary Anne Colt,
declare under penalty of perjury under the law of the State of Nevada that the following is true
and correct. That I served the: **(check all that apply)**

- Motion Answer Financial Disclosure Form
 Opposition Reply Notice of Entry of Judgment / Order / Decree
 Other: AMENDED JOINT NOTICE OF APPEAL FILED ON 3/18/2021

In the following manner: **(check one)**

- Mail:** By depositing a copy in the U.S. Mail in the State of Nevada, postage prepaid, on
the (day) _____ of (month) _____, 20__ addressed to:

(Print the name and address of the person you mailed the document to)

HURTIK LAW & ASSOCIATES

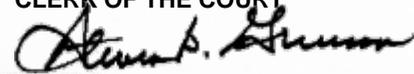
6767 WEST TROPICANA AVE STE 200 LAS VEGAS, NEVADA 89103

churtik@hurtiklaw.com and llay@hurtiklaw.com

- Electronic:** Through the Court's electronic service system on (date) MARCH 18, 2021
at (time) 3:00 a.m. p.m.

DATED this 18 day of MARCH, 2021

Submitted By: (Signature) ▶ /s/ Mary Anne Colt



IN THE SUPREME COURT OF THE STATE OF NEVADA

MARY-ANNE COLT/STACEY KANTER

Appellant,

vs.

ALYSA MARIE PLUMMER

Respondent.

Supreme Court No. _____

District Court No. D-17-560076-C

TO: EIGHTH JUDICIAL DISTRICT COURT FAMILY DIVISION, DEPARTMENT I

Court Reporter Name

MARY-ANNE COLT requests preparation of a transcript of the proceedings before the district court, as follows:

Judge or officer hearing the trial or hearing: JUDGE CHERYL MOSS AND JUDGE GERALD HARDCASTLE

Date(s) of trial or hearing: ALL HEARINGS COVERING THE PERIOD FOR THE JUDGES AS FOLLOWS:

DECEMBER 2017 TILL NOVEMBER 2020 AND JANUARY 28, 2021 AND JANUARY 29, 2021

Portions of the transcript requested: ALL

Number of copies required: 1

MARY-ANNE COLT

Name of person requesting transcripts

9700 W Sunset Rd Apt 2039

Address

Las Vegas, Nevada 89148

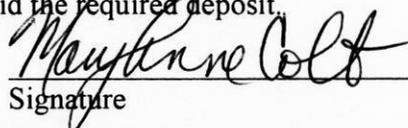
City/State/Zip

702-695-4777

Telephone number

CERTIFICATION

I certify that on this date I ordered these transcripts from the court reporter(s) named above by mailing or delivering this form to the court reporter(s) and I paid the required deposit.



Signature

March 18, 2021

Date

CERTIFICATION

I certify that on the date indicated below, I served a copy of this completed transcript request form upon the court reporter(s) and all parties to the appeal:

- By personally serving it upon him/her; or
- By mailing it by first class mail with sufficient postage prepaid to the following address(es) (list names and address(es) of parties served by mail):

EIGHTH JUDICIAL DISTRICT COURT FAMILY DIVISION, COURT REPORTER DEPARTMENT I
601 N. PECOS RD
Las Vegas, NV 89155

Hurtik Law & Associates
6767 W. Tropicana Ave Ste 200
Las Vegas, NV 89103

Bob Cerceo
10000 W. Charleston Blvd. Suite 110
Las Vegas, NV 89135

DATED this 18 day of March

2021

Maryanne Colt
Signature

Mary-Anne Colt
Print Name

9700 W Sunset Rd Apt 2039
Address

Las Vegas, Nevada 89148
City/State/Zip

702-695-4777
Telephone number

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. D-17-560076-C

**Mary-Anne Colt, Stacey Kanter, Mary-Anne Colt,
Plaintiff.
vs.
Alysa Marie Plummer, Defendant.**

§
§
§
§

Location: **Department I**
Judicial Officer: **Bailey, Sunny**
Filed on: **10/11/2017**

CASE INFORMATION

Related Cases

D-13-487835-C (1J1F Related - Rule 5.103)
R-15-187981-R (1J1F Related - Rule 5.103)

Case Type: **Child Custody Complaint**

Case Status: **10/11/2017 Open**

Case Flags: **Order After Hearing Required
Proper Person Mail Returned
Order / Decree Logged Into
Department
Proper Person Documents
Mailed
Appealed to Supreme Court
In Forma Pauperis Granted
EXP 10/15/19 to Alyssa
Plummer 10/15/2018**

DATE

CASE ASSIGNMENT

Current Case Assignment

| | |
|------------------|---------------|
| Case Number | D-17-560076-C |
| Court | Department I |
| Date Assigned | 01/04/2021 |
| Judicial Officer | Bailey, Sunny |

PARTY INFORMATION

| | | |
|----------------------|---|---|
| Plaintiff | Colt, Mary-Anne 9700 W Sunset RD APT 2039 Las Vegas, NV 89145 | Pro Se 702-624-0291(H) |
| | Colt, Mary-Anne 9700 W. Sunset Rd. # 2039 Las Vegas, NV 89148 | Pro Se 702-695-4777(H) |
| | Kanter, Stacey 9101 Ancient Oaks AVE Las Vegas, NV 89113 | Pro Se 949-315-6156(H) |
| Defendant | Plummer, Alysa Marie 3417 E. Cheyenne Ave. Apt. 151 North Las Vegas, NV 89030 | Hurtik, Carrie E. Retained 702-966-5200(W) Forsberg, Rhonda K., ESQ Retained 702-990-6468(W) Lay, Linda L Retained 702-966-5200(W) |
| | | |
| | | |
| Subject Minor | Colt, Preston | |

DATE

EVENTS & ORDERS OF THE COURT

CASE SUMMARY
CASE NO. D-17-560076-C**EVENTS**

- 10/11/2017  Complaint for Custody
Filed by: Counter Defendant Colt, Mary-Anne
Complaint for Custody
- 10/17/2017  Motion
Filed By: Counter Defendant Colt, Mary-Anne
Party 2: Counter Claimant Plummer, Alysa Marie
Motion for Temporary Child Custody
- 11/29/2017  Proof of Service
Filed By: Counter Defendant Colt, Mary-Anne
Party Served: Counter Claimant Plummer, Alysa Marie
Proof of Service
- 11/30/2017  Ex Parte Motion
Filed by: Counter Defendant Colt, Mary-Anne
Ex Parte Motion for an Order Shortening Time
- 12/04/2017  Order Shortening Time
Filed By: Attorney Grigsby, Abira
Order Shortening Time
- 12/06/2017  Certificate of Service
Filed by: Counter Defendant Colt, Mary-Anne
Certificate of Service
- 12/11/2017  Proof of Service
Filed By: Counter Defendant Colt, Mary-Anne
Party Served: Counter Claimant Plummer, Alysa Marie
Proof of Service for OST
- 12/11/2017  Application to Proceed in Forma Pauperis
Filed By: Counter Claimant Plummer, Alysa Marie
Application to Proceed in Forma Pauperis
- 12/13/2017  Order for Family Mediation Center Services
Order for Family Mediation Center Services
- 12/13/2017  Order to Proceed In Forma Pauperis
Filed By: Counter Claimant Plummer, Alysa Marie
Order to Proceed In Forma Pauperis
- 12/13/2017  Answer - Child Custody
Filed by: Counter Claimant Plummer, Alysa Marie
For: Counter Defendant Colt, Mary-Anne
Answer - Child Custody
- 12/13/2017  Financial Disclosure Form
Filed by: Counter Claimant Plummer, Alysa Marie
Financial Disclosure Form
- 12/13/2017  Opposition
Filed By: Counter Claimant Plummer, Alysa Marie
Opposition to Motion for Orders for Temporary Custody, Child Support and Countermotion
- 12/13/2017  Behavior Order
Behavior Order
- 12/13/2017  Case Management Order
Case and Non-Jury Trial Management Order
- 12/13/2017  Request for Child Protection Service Appearance and Records

CASE SUMMARY

CASE NO. D-17-560076-C

Filed by: Counter Defendant Colt, Mary-Anne
Request for Child Protection Service Appearance and Records

01/23/2018



Order

Filed By: Counter Defendant Colt, Mary-Anne
Order

01/26/2018



Notice of Entry of Order

Filed By: Attorney Grigsby, Abira
Notice of Entry of Order

02/07/2018



Notice of Change of Address

Filed By: Counter Defendant Colt, Mary-Anne
Notice of Change of Address

03/21/2018



Request for Child Protection Service Appearance and Records

Request for Child Protection Service Appearance and Records

03/21/2018



Order

Filed By: Counter Defendant Colt, Mary-Anne
Order

06/11/2018



Order Setting Evidentiary Hearing

Order Setting Evidentiary Hearing

06/29/2018



Motion

Filed By: Attorney Grigsby, Abira
 Party 2: Counter Claimant Plummer, Alysa Marie
Atty Grisby Motion to Withdraw

07/03/2018



Certificate of Service

Filed by: Counter Defendant Colt, Mary-Anne
Certificate of Service

07/03/2018



Ex Parte Motion

Filed by: Counter Defendant Colt, Mary-Anne
Ex Parte Motion for an Order Shortening Time

07/05/2018



Order Shortening Time

Filed By: Attorney Grigsby, Abira; Counter Defendant Colt, Mary-Anne
Order Shortening Time

07/25/2018



Ex Parte Motion

Filed by: Counter Defendant Colt, Mary-Anne
Ex Parte Motion for Continuance

07/25/2018



Case Management Order

Amended Case and Non-Jury Trial Management Order

07/25/2018



Notice of Change of Address

Filed By: Counter Claimant Plummer, Alysa Marie
Notice of Change of Address

07/31/2018



Order

Filed By: Counter Defendant Colt, Mary-Anne
Order for Withdrawal of Counsel

08/13/2018



Notice of Appearance

Party: Counter Defendant Colt, Mary-Anne
Notice of Appearance

08/23/2018



Motion

Filed By: Counter Defendant Colt, Mary-Anne
Plaintiff's Emergency Motion For Modification Of Temporary Orders Of Custody And Visitation, For Attorneys Fees And Costs, And For Other Related Relief

CASE SUMMARY

CASE NO. D-17-560076-C

- 08/24/2018  Ex Parte Application
 Filed by: Counter Defendant Colt, Mary-Anne
Ex Parte Motion for an Order Shortening Time
- 08/24/2018  Certificate of Service
 Filed by: Counter Defendant Colt, Mary-Anne
Certificate of Service
- 09/12/2018  Opposition and Countermotion
 Filed By: Counter Claimant Plummer, Alysa Marie
 Party 2: Counter Defendant Colt, Mary-Anne
Opposition Answer and Counterclaim to Motion for Modification of Temporary Order of Custody and Visitation
- 09/14/2018  Certificate of Service
 Filed by: Counter Claimant Plummer, Alysa Marie
Certificate of Service
- 09/27/2018  Reply
 Filed By: Counter Defendant Colt, Mary-Anne
Reply In Support Of Plaintiff's Emergency Amended Motion For Modification Of Temporary Orders Of Custody And Visitation, For Attorneys Fees And Costs, And For Other Related Relief
- 10/05/2018  Financial Disclosure Form
 Filed by: Counter Defendant Colt, Mary-Anne
Financial Disclosure Form
- 10/08/2018  Notice of Change of Address
 Filed By: Counter Claimant Plummer, Alysa Marie
Notice of Change of Address
- 10/10/2018  Subpoena Duces Tecum
 Filed by: Counter Defendant Colt, Mary-Anne
Subpoena Duces Tecum
- 10/11/2018  Motion
 Filed By: Counter Claimant Plummer, Alysa Marie
Def's Motion and Notice of Motion for Orders to Modify Child Custody, Visitation, and/or Child Support
- 10/11/2018  Financial Disclosure Form
 Filed by: Counter Claimant Plummer, Alysa Marie
Financial Disclosure Form
- 10/11/2018  Ex Parte Motion
 Filed by: Counter Claimant Plummer, Alysa Marie
Ex Parte Motion for Order Shortening Time
- 10/15/2018  Application to Proceed in Forma Pauperis
 Filed By: Counter Claimant Plummer, Alysa Marie
- 10/15/2018  Order to Proceed In Forma Pauperis
 Filed By: Counter Claimant Plummer, Alysa Marie
- 10/15/2018  Order
 Filed By: Counter Defendant Colt, Mary-Anne
Order for Pickup of the Minor Child
- 10/17/2018  Request for Child Protection Service Appearance and Records
- 10/18/2018  Notice of Entry of Order
 Filed By: Counter Defendant Colt, Mary-Anne
Notice of Entry of Order for Pickup of the Minor Child
- 10/23/2018  Order
 Filed By: Counter Defendant Colt, Mary-Anne

CASE SUMMARY

CASE NO. D-17-560076-C

Order from October 8, 2018 Hearing

- 11/05/2018  Notice of Entry of Order
Filed By: Counter Defendant Colt, Mary-Anne
Notice of Entry of Order From October 8, 2018 Hearing
- 11/08/2018  Notice of Entry
Notice of Entry of November 8, 2018 Minute Order
- 11/15/2018  Opposition and Countermotion
Filed By: Counter Defendant Colt, Mary-Anne
Opposition To Motion To Modify Custody, Visitation, And/Or Child Support And Countermotion For Modification Of Temporary Orders Of Custody And Visitation, For An Order To Show Cause, For Attorneys Fees And Costs, And For Other Related Relief
- 11/19/2018  Notice of Appearance
Party: Counter Claimant Plummer, Alysa Marie
NOTICE OF APPEARANCE FOR DEFENDANT
- 11/27/2018  Ex Parte Application
Filed by: Counter Defendant Colt, Mary-Anne
Ex Parte Application For Order Shortening Time
- 12/03/2018  Exhibits
Filed By: Counter Defendant Colt, Mary-Anne
Plaintiff's Exhibit Appendix
- 12/04/2018  Notice
Filed By: Counter Defendant Colt, Mary-Anne
Notice of Taking Deposition of Custodian of Records for CCSD
- 12/04/2018  Notice
Filed By: Counter Defendant Colt, Mary-Anne
Notice of Taking Deposition of Custodian of Records for LVMPD
- 12/04/2018  Notice
Filed By: Counter Defendant Colt, Mary-Anne
Notice of Taking Deposition of Custodian of Records for LVMPD
- 12/05/2018  Subpoena Duces Tecum
Filed by: Counter Defendant Colt, Mary-Anne
Subpoena Duces Tecum
- 12/05/2018  Subpoena Duces Tecum
Filed by: Counter Defendant Colt, Mary-Anne
Subpoena Duces Tecum-LVMPD
- 12/05/2018  Subpoena Duces Tecum
Filed by: Counter Defendant Colt, Mary-Anne
Subpoena Duces Tecum
- 12/07/2018  Order Shortening Time
Order Shortening Time
- 12/10/2018  Substitution of Attorney
Filed By: Counter Defendant Colt, Mary-Anne
Substitution of Attorney
- 12/11/2018  Receipt of Copy
Filed By: Counter Defendant Colt, Mary-Anne
Receipt of Copy for Ex-Parte Application for an Order Shortening Time, Order Shortening Time AND Substitution of Attorney
- 12/12/2018  Affidavit of Service
Filed By: Counter Defendant Colt, Mary-Anne

CASE SUMMARY

CASE NO. D-17-560076-C

Affidavit of Service

- 12/12/2018  Reply
 Filed By: Counter Claimant Plummer, Alysa Marie
Deft Reply to Pltf's Opposition to Modify Custody, Visitation, And/or Child Support and Deft's Opposition to Countermotion for Modification of Temporary Orders of Custody and Visitation, for an Order to Show Cause for Arty's Fees
- 12/13/2018  Reply
 Filed By: Counter Defendant Colt, Mary-Anne
Plaintiff's Reply
- 12/13/2018  Order for Supervised Visitation
Order for Supervised Visitation
- 12/27/2018  Proof of Service
 Filed By: Counter Defendant Colt, Mary-Anne
Proof Of Service For Suopuenato to LVMPD Alyssa Records
- 12/27/2018  Proof of Service
 Filed By: Counter Defendant Colt, Mary-Anne
Proof Of Service For Subpoena to LVMPD Preston Records
- 12/27/2018  Family Court Motion Opposition Fee Information Sheet
 Filed by: Counter Defendant Colt, Mary-Anne
Family Court Motion Opposition Fee Information Sheet
- 12/27/2018  Notice of Motion
 Filed By: Counter Defendant Colt, Mary-Anne
Plaintiff's Motion to Continue Trial
- 01/02/2019  Ex Parte Application for Order
 Party: Counter Defendant Colt, Mary-Anne
Ex-Parte Application for Order Shortening Time
- 01/07/2019  Order Shortening Time
 Filed By: Counter Defendant Colt, Mary-Anne
Order Shortening Time
- 01/08/2019  Family Court Motion Opposition Fee Information Sheet
 Filed by: Counter Defendant Colt, Mary-Anne
Family Court Motion Opposition Fee Information Sheet
- 01/08/2019  Notice of Motion
 Filed By: Counter Defendant Colt, Mary-Anne
Notice of Motion and Motion to Intervene and for Expert Witness to testify via video conference and for related relief
- 01/08/2019  Exhibits
 Filed By: Counter Defendant Colt, Mary-Anne
Exhibits to Notice of Motion and Motion to intervene and for expert witness to testify via video conference and for related relief
- 01/09/2019  Receipt of Copy
 Filed By: Counter Defendant Colt, Mary-Anne
Receipt of Copy for Ex-Parte Application for Order Shortening Time, Order Shortening Time and Notice of Motion and Motion to Continue Trial
- 01/09/2019  Ex Parte Application for Order
 Party: Counter Defendant Colt, Mary-Anne
Ex-Parte Application for Order Shortening Time
- 01/10/2019  Certificate of Service
 Filed by: Counter Defendant Colt, Mary-Anne
Certificate of Service for Plaintiff's Motion to Continue Trial

CASE SUMMARY

CASE NO. D-17-560076-C

- 01/10/2019  Supplemental Exhibits
Filed By: Counter Defendant Colt, Mary-Anne
Supplemental Exhibits to Plaintiff's Motion to Continue Trial
- 01/11/2019  Order for Family Mediation Center Services
Order for Family Mediation Center Services
- 01/15/2019  Proof of Service
Filed By: Counter Defendant Colt, Mary-Anne
Proof of Service
- 01/15/2019  Certificate of Mailing
Filed By: Counter Defendant Colt, Mary-Anne
Certificate of Mailing to Alysa Plummer for Notice of Motion and Motion to Intervene and for Expert Witness to Testify via Video Conference and for related relief AND Exhibits to Motion
- 01/15/2019  Certificate of Service
Filed by: Counter Defendant Colt, Mary-Anne
Certificate of Service to Rhonda Forsberg for Notice of Motion and Motion to Intervene and for Expert Witness to Testify via Video Conference and for related relief AND Exhibits to Motion
- 01/31/2019  Certificate of Mailing
Filed By: Counter Defendant Colt, Mary-Anne
Certificate of Mailing for Subpoena Duces Tecum to Twin Lakes Elementary School AND Subpoena Duces Tecum to Las Vegas Metropolitan Police Department
- 02/01/2019  Opposition
Filed By: Counter Claimant Plummer, Alysa Marie
Defendant Alysa Plummer's Opposition to Plaintiff's Motion to Intervene and for Expert Witness to Testify via Video Conference and for Related Relief
- 02/11/2019  Reply to Opposition
Filed by: Counter Defendant Colt, Mary-Anne
Reply to Defendant's, Alysa Plummer's Opposition to Plaintiff's Motion to Intervene and for Expert Witness to Testify via Video Conference and for Related Relief
- 02/11/2019  Certificate of Service
Filed by: Counter Defendant Colt, Mary-Anne
Certificate of Service for Reply to Defendant's, Alysa Plummer's Opposition to Plaintiff's Motion to Intervene and for Expert Witness to Testify via Video Conference and for Related Relief
- 02/13/2019  Notice of Change of Address
Filed By: Counter Claimant Plummer, Alysa Marie
Notice of Change of Address
- 02/14/2019  Proof of Service
Filed By: Counter Defendant Colt, Mary-Anne
Proof of Service for Subpoena for Twin Lakes Elementary School
- 02/19/2019  Trial Management Order
Case and Non-Jury Trial Management Order
- 02/22/2019  Notice of Appearance
Party: Counter Claimant Plummer, Alysa Marie
Notice of Appearance
- 02/28/2019  Certificate of Service
Filed by: Counter Defendant Colt, Mary-Anne
COS for Plaintiff's First 16.2 list of Documents and witnesses
- 03/05/2019  Proof of Service
Filed By: Counter Defendant Colt, Mary-Anne
Proof of Service for Subpoena Duces Tecum to LVMPD

CASE SUMMARY

CASE NO. D-17-560076-C

- 03/06/2019  Certificate of Service
 Filed by: Counter Defendant Colt, Mary-Anne
COS for Defendants 3rd 16.2 List of Documents and Witnesses
- 03/06/2019  Certificate of Service
 Filed by: Counter Defendant Colt, Mary-Anne
Cos For Petitioners Request for Admissions Propounded on Defendant
- 03/14/2019  Notice of Motion
 Filed By: Counter Defendant Colt, Mary-Anne
Notice of Motion and Motion to Withdraw as Attorney of Record
- 03/14/2019  Certificate of Mailing
 Filed By: Counter Defendant Colt, Mary-Anne
Certificate of Mailing for Notice of Motion to Withdraw
- 03/14/2019  Clerk's Notice of Hearing
Clerk's Notice of Hearing
- 03/27/2019  Order
 Filed By: Counter Defendant Colt, Mary-Anne
Order from February 19,2019 Hearing
- 03/28/2019  Notice of Entry of Order
 Filed By: Counter Defendant Colt, Mary-Anne
Notice of Entry of Order for February 19,2019
- 04/01/2019  Proof of Service
 Filed By: Counter Defendant Colt, Mary-Anne
Proof of Service for H.O.P.E Counseling Service
- 04/01/2019  Proof of Service
 Filed By: Counter Defendant Colt, Mary-Anne
Proof of Service for Children's Dentistry
- 04/12/2019  Notice of Entry
Notice of Entry of April 12, 2019 Minute Order
- 04/18/2019  Certificate of Service
 Filed by: Counter Defendant Colt, Mary-Anne
Certificate of Service for Subpoena Duces Tecum to Children's Dentistry AND Subpoena Duces Tecum to HOPE Counseling Services
- 04/19/2019  Designation of Witness
 Filed by: Counter Defendant Colt, Mary-Anne
Designation of Expert Witness
- 05/07/2019  Notice of Taking Deposition
 Filed by: Counter Defendant Colt, Mary-Anne
Notice of Taking Deposition of Aaron McCook, PA-C
- 05/13/2019  Amended Notice
 Filed by: Counter Defendant Colt, Mary-Anne
Amended Notice of Taking Deposition of Aaron McCook, PA-C
- 05/17/2019  Proof of Service
 Filed By: Counter Defendant Colt, Mary-Anne
Proof of Service for Subpoena for Amended Notice of Taking Deposition of Aaron McCook, PA-C
- 06/03/2019  Proof of Service
Proof of Service
- 06/05/2019  List of Witnesses
 Filed By: Counter Defendant Colt, Mary-Anne

CASE SUMMARY

CASE NO. D-17-560076-C

Plaintiff's Witness List

- 06/06/2019  Proof of Service
Proof of Service
- 06/06/2019  Order to Withdraw as Attorney of Record
Order to Withdraw as Attorney
- 06/06/2019  Subpoena
Filed By: Counter Claimant Plummer, Alysa Marie
TRIAL SUBPOENA
- 06/06/2019  Designation of Witness
Filed by: Counter Claimant Plummer, Alysa Marie
DESIGNATION OF WITNESSES
- 06/07/2019  Supplemental Witness List
Filed by: Counter Defendant Colt, Mary-Anne
Plaintiff's Supplemental List of Witnesses
- 06/10/2019  Errata
Filed By: Counter Defendant Colt, Mary-Anne
Errata to Plaintiff's List of Witnesses
- 06/10/2019  Errata
Errata to Plaintiff's 14th 16.2 List of Documents and Witnesses
- 06/11/2019  Pre-trial Memorandum
Filed By: Counter Defendant Colt, Mary-Anne
Plaintiff Stacey Kanter's Pre-Trial Memorandum
- 06/14/2019  Estimate of Transcript
December 13, 2018
- 06/24/2019  Transcript of Proceedings
December 13, 2018
- 06/24/2019  Final Billing of Transcript
December 13, 2018
- 06/25/2019  Proof of Service
Filed By: Counter Defendant Colt, Mary-Anne
Proof of Service for SDT to UMC
- 06/28/2019  Proof of Service
Filed By: Counter Defendant Colt, Mary-Anne
Proof of Service for SDT of Yesenia Pelayo
- 06/28/2019  Affidavit
Filed By: Counter Defendant Colt, Mary-Anne
Affidavit of Process Server Re: Aaron McCook
- 07/02/2019  Proof of Service
Proof of Service
- 07/02/2019  Subpoena
Filed By: Counter Claimant Plummer, Alysa Marie
Trial Subpoena Yesenia Pelayo
- 07/02/2019  Subpoena
Filed By: Counter Claimant Plummer, Alysa Marie
Trial Subpoena for Aaron McCook
- 07/03/2019  Proof of Service
Proof of Service

CASE SUMMARY

CASE NO. D-17-560076-C

- 07/05/2019  Financial Disclosure Form
Filed by: Counter Claimant Plummer, Alysa Marie
General Financial Disclosure Form
- 07/08/2019  Pre-trial Memorandum
Filed By: Counter Claimant Plummer, Alysa Marie
Alysa Marie Plummer's Pre-Trial Memorandum
- 07/09/2019  Miscellaneous Filing
Party: Counter Defendant Colt, Mary-Anne
Correspondences from Subpoened Witnesses
- 07/09/2019  Receipt of Copy
Receipt of Copy
- 07/09/2019  Affidavit of Attempted Service
Filed by: Counter Claimant Plummer, Alysa Marie
AFFIDAVIT OF ATTEMPTED SERVICE
- 07/10/2019  Filed Under Seal
CPS Report Receipt
- 07/10/2019  Filed Under Seal
CPS Report Receipt
- 07/16/2019  Withdrawal of Attorney
Filed By: Counter Defendant Colt, Mary-Anne
Notice of Withdrawal of Attorney
- 08/12/2019  Notice of Attorney Lien
Filed By: Counter Defendant Colt, Mary-Anne
Notice of Attorney's Lien
- 01/10/2020  Order Setting Evidentiary Hearing
Order Setting Evidentiary Hearing
- 01/14/2020  Motion to Strike
Filed by: Counter Defendant Colt, Mary-Anne
Plaintiff's Notice of Motion and Motion to Strike the Testimony of Defendant's Witnesses, Cheryl Kegley and Krystal Whipple; Request for Brief Focused Assessment and Access to Updated CPS Records
- 01/14/2020  Family Court Motion Opposition Fee Information Sheet
Filed by: Counter Defendant Colt, Mary-Anne
Family Court Motion Opposition Fee Information Sheet
- 01/15/2020  Notice of Hearing
Notice of Hearing
- 01/15/2020  Exhibits
Exhibits to Plaintiff's Motion to Strike Testimony
- 01/23/2020  Ex Parte Application
Filed by: Counter Defendant Colt, Mary-Anne
Ex Parte Application for Order Shortening Time
- 01/23/2020  Order Shortening Time
Order Shortening Time
- 01/24/2020  Receipt of Copy
Receipt of Copy for OST and Ex-Parte
- 01/24/2020  Opposition to Motion
Filed by: Counter Claimant Plummer, Alysa Marie
Defendant's Opposition to Motion to Strike the Testimony of Defendant's Witnesses Cheryl Kegley and Krystal

CASE SUMMARY

CASE NO. D-17-560076-C

Whipple; Request for a Brief Focused Assessment and Access to Updated CPS Records

- 01/24/2020  Affidavit of Service
 Filed By: Counter Claimant Plummer, Alysa Marie
Affidavit of Service of Trial Subpoena to Krystal A. Whipple
- 01/27/2020  Reply to Opposition
 Filed by: Counter Defendant Colt, Mary-Anne
Reply to Defendant's Opposition to Motion to Strike the Testimony of Defendant's Witnesses
- 01/27/2020  Exhibits
Exhibits to Reply to Defendant's Opposition to Motion to Strike the Testimony of Defendant's Witnesses
- 01/28/2020  Referral Order for Outsourced Evaluation Services
- 02/04/2020  Order
Order After Hearing December 13, 2018
- 02/04/2020  Notice of Entry of Order
Notice of Entry of Order After December 13,2019
- 02/12/2020  Notice of Motion
Notice of Motion and Motion to Withdraw as Attorney of Record
- 02/12/2020  Ex Parte Application
Ex-Parte Application for an Order Shortening Time
- 02/12/2020  Notice of Hearing
Notice of Hearing
- 02/13/2020  Subpoena
 Filed By: Counter Defendant Colt, Mary-Anne
Subpoena duces Tecum for Business Records - Krystal Whillple/H.O.P.E. Counseling Services
- 02/13/2020  Subpoena Duces Tecum
 Filed by: Counter Defendant Colt, Mary-Anne
Subpoena Duces Tecum for Business Records
- 02/13/2020  Affidavit of Service
 Filed By: Counter Claimant Plummer, Alysa Marie
AFFIDAVIT OF SERVICE OF TRIAL SUBPOENA TO CHERYL KEGLEY
- 02/13/2020  Affidavit of Service
 Filed By: Counter Claimant Plummer, Alysa Marie
AFFIDAVIT OF SERVICES OF TRIAL SUBPOENA TO KRYSTAL A. WHIPPLE
- 02/14/2020  Notice of Entry
Notice of Entry of Temporary Emergency Order
- 02/14/2020  Order Appointing Guardian Ad Litem
Appointment of Guardian Ad Litem Counsel
- 02/14/2020  Order
Temporary Emergency Order
- 02/18/2020  Withdrawal of Attorney
 Filed By: Counter Defendant Colt, Mary-Anne
Withdrawal of Attorney
- 02/18/2020  Certificate of Mailing
 Filed By: Counter Defendant Colt, Mary-Anne
Certificate of Mailing
- 02/19/2020  Motion
 Filed By: Counter Defendant Colt, Mary-Anne

CASE SUMMARY

CASE NO. D-17-560076-C

Plaintiff's Motion and Notice of Motion to Set Aside Order Judgment and/or Default

- 02/19/2020  Certificate of Service
Filed by: Counter Defendant Colt, Mary-Anne
Certificate of Service
- 02/24/2020  Subpoena Electronically Issued
Damara Sampson
- 02/25/2020  Order
Filed By: Counter Claimant Plummer, Alysa Marie
Order After Evidentiary Hearing Day 2 July 11,2019
- 02/25/2020  Notice of Entry of Order
Notice of Entry of Order After Evidentiary Hearing Day 2 July 11, 2019
- 03/18/2020  Opposition to Motion
Filed by: Counter Claimant Plummer, Alysa Marie
Defendant's Opposition to Motion to Set Aside Order
- 03/24/2020  Notice of Entry
Notice of Entry of March 24, 2020 Minute Order
- 03/27/2020  Motion to Seal/Redact Records
Filed by: Counter Claimant Plummer, Alysa Marie
Def't's Motion to Seal All Video Recordings and Papers Related to Trial
- 03/28/2020  Clerk's Notice of Nonconforming Document
Clerk's notice of nonconforming document
- 03/30/2020  Notice of Hearing
Notice of Hearing
- 04/26/2020  Reply
Filed By: Counter Claimant Plummer, Alysa Marie
Reply to Opposition to Motion to Seal
- 04/27/2020  Certificate of Service
Filed by: Counter Claimant Plummer, Alysa Marie
Certificate of Service of Reply to Colt's Opposition to Motion to Seal
- 04/28/2020  Clerk's Notice of Nonconforming Document
Clerk's notice of nonconforming document
- 04/30/2020  Opposition
Filed By: Counter Defendant Colt, Mary-Anne
Plf's Opposition to Motion to Seal All Video Recordings and Papers Related to Trial
- 04/30/2020  Certificate of Service
Filed by: Counter Defendant Colt, Mary-Anne
Certificate of Service
- 05/15/2020  Notice of Rescheduling of Hearing
Notice of Rescheduling of Hearing
- 06/25/2020  Certificate of Service
Filed by: Counter Defendant Colt, Mary-Anne
Certificate of Service
- 07/24/2020  Subpoena Duces Tecum
Filed by: Counter Defendant Colt, Mary-Anne
*Subpoena Duces Tecum for Business Records - ***Issued Only****
- 07/24/2020  Subpoena
Filed By: Counter Claimant Plummer, Alysa Marie

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TRIAL SUBPOENA

- 08/21/2020  Clerk's Notice of Nonconforming Document
Clerk's Notice of Nonconforming Document
- 08/21/2020  Certificate of Service
Filed by: Subject Minor Colt, Preston
Certificate of Service
- 08/21/2020  Ex Parte Motion
Filed by: Subject Minor Colt, Preston
Ex Parte motion for Pick up order request
- 08/24/2020  Countermotion
Filed By: Plaintiff Kanter, Stacey
Reply to motion to cease visits
- 08/24/2020  Miscellaneous Filing
pictures
- 08/24/2020  Certificate of Service
Filed by: Plaintiff Kanter, Stacey
Certificate of Service
- 08/25/2020  Motion
Filed By: Counter Claimant Plummer, Alysa Marie
Motion to Not Continue Temporary Visitation with Paternal Aunt Stacey Kanter
- 08/25/2020  Clerk's Notice of Hearing
Notice of Hearing
- 08/31/2020  Clerk's Notice of Nonconforming Document
Clerk's Notice of Nonconforming Document
- 09/01/2020  Order Shortening Time
Order Shortening Time
- 09/02/2020  Subpoena
Filed By: Counter Claimant Plummer, Alysa Marie
Subpoena of Krystal Whipple
- 09/02/2020  Subpoena
Filed By: Counter Claimant Plummer, Alysa Marie
Subpoena for Hannah Hart
- 09/03/2020  Affidavit of Service
Filed By: Counter Claimant Plummer, Alysa Marie
Acceptance of Service
- 09/03/2020  Affidavit of Service
Filed By: Counter Claimant Plummer, Alysa Marie
Affidavit of Service of Hannah Hart
- 09/05/2020  Miscellaneous Filing
Party: Counter Claimant Plummer, Alysa Marie
Miscellaneous Filing
- 09/11/2020  Order
Order for Supervised Exchange
- 09/11/2020  Subpoena Duces Tecum
Filed by: Counter Defendant Colt, Mary-Anne
HURTIK LAW & ASSOCIATES SUBPOENA DUCES TECUM
- 09/11/2020  Subpoena Duces Tecum

CASE SUMMARY

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- 09/11/2020

 Subpoena Duces Tecum
Filed by: Counter Defendant Colt, Mary-Anne
HURTIK LAW & ASSOCIATES SUBPOENA DUCES TECUM
- 09/11/2020

 Subpoena Duces Tecum
Filed by: Counter Defendant Colt, Mary-Anne
HURTIK LAW & ASSOCIATES SUBPOENA DUCES TECUM PAGE 5
- 09/11/2020

 Subpoena Duces Tecum
Filed by: Counter Defendant Colt, Mary-Anne
HURTIK LAW & ASSOCIATES SUBPOENA DUCES TECUM PAGE 3
- 09/11/2020

 Subpoena Duces Tecum
Filed by: Counter Defendant Colt, Mary-Anne
HURTIK LAW & ASSOCIATES SUBPOENA DUCES TECUM PAGE 4
- 09/11/2020

 Subpoena Duces Tecum
Filed by: Counter Defendant Colt, Mary-Anne
HURTIK LAW & ASSOCIATES SUBPOENA DUCES TECUM PAGE 6
- 09/11/2020

 Subpoena Duces Tecum
Filed by: Counter Defendant Colt, Mary-Anne
HURTIK LAW & ASSOCIATES SUBPOENA DUCES TECUM PAGE 7
- 09/11/2020

 Subpoena Duces Tecum
Filed by: Counter Defendant Colt, Mary-Anne
PAGE 8 HURTIK LAW & ASSOCIATES SUBPOENA DUCES TECUM
- 09/11/2020

 Subpoena Duces Tecum
Filed by: Counter Defendant Colt, Mary-Anne
HURTIK LAW & ASSOCIATES SUBPOENA DUCES TECUM PAGE 9
- 09/11/2020

 Subpoena Duces Tecum
Filed by: Counter Defendant Colt, Mary-Anne
HURTIK LAW & ASSOCIATES SUBPOENA DUCES TECUM PAGE 10
- 09/11/2020

 Subpoena Duces Tecum
Filed by: Counter Defendant Colt, Mary-Anne
HURTIK LAW & ASSOCIATES SUBPOENA DUCES TECUM PAGE 11
- 09/11/2020

 Subpoena Duces Tecum
Filed by: Counter Defendant Colt, Mary-Anne
HURTIK LAW & ASSOCIATES SUBPOENA DUCES TECUM PAGE 12
- 09/11/2020

 Subpoena Duces Tecum
Filed by: Counter Defendant Colt, Mary-Anne
RHONDA FORSBERG SUBPOENA DUCES TECUM PAGE 1
- 09/11/2020

 Subpoena Duces Tecum
Filed by: Counter Defendant Colt, Mary-Anne
RHONDA FORSBERG SUBPOENA DUCES TECUM PAGE 2
- 09/11/2020

 Subpoena Duces Tecum
Filed by: Counter Defendant Colt, Mary-Anne
RHONDA FORSBERG SUBPOENA DUCES TECUM PAGE 3
- 09/11/2020

 Subpoena Duces Tecum
Filed by: Counter Defendant Colt, Mary-Anne
RHONDA FORSBERG SUBPOENA DUCES TECUM PAGE 4
- 09/11/2020

 Subpoena Duces Tecum
Filed by: Counter Defendant Colt, Mary-Anne
RHONDA FORSBERG SUBPOENA DUCES TECUM PAGE 5
- 09/11/2020

 Subpoena Duces Tecum
Filed by: Counter Defendant Colt, Mary-Anne
RHONDA FORSBERG SUBPOENA DUCES TECUM PAGE 7
- 09/11/2020

 Subpoena Duces Tecum
Filed by: Counter Defendant Colt, Mary-Anne

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RHONDA FORSBERG SUBPOENA DUCES TECUM PAGE 8

- 09/11/2020  Subpoena Duces Tecum
RHONDA FORSBERG SUBPOENA DUCES TECUM PAGE 9
- 09/11/2020  Subpoena Duces Tecum
Filed by: Counter Defendant Colt, Mary-Anne
RHONDA FORSBERG SUBPOENA DUCES TECUM PAGE 10
- 09/11/2020  Subpoena Duces Tecum
RHONDA FORSBERG SUBPOENA DUCES TECUM PAGE 10
- 09/11/2020  Subpoena Duces Tecum
RHONDA FORSBERG SUBPOENA DUCES TECUM PAGE 11
- 09/11/2020  Subpoena Duces Tecum
Filed by: Counter Defendant Colt, Mary-Anne
RHONDA FORSBERG SUBPOENA DUCES TECUM PAGE 12
- 09/16/2020  Motion to Set Aside
Filed by: Counter Defendant Colt, Mary-Anne
Motion To Set Aside
- 09/16/2020  Motion to Set Aside
Filed by: Counter Defendant Colt, Mary-Anne
MOTION TO SET ASIDE
- 09/16/2020  Motion to Set Aside
MOTION TO SET ASIDE
- 09/16/2020  Motion to Set Aside
Filed by: Counter Defendant Colt, Mary-Anne
MOTION TO SET ASIDE
- 09/16/2020  Motion to Set Aside
Filed by: Counter Defendant Colt, Mary-Anne
MOTION TO SET ASIDE
- 09/17/2020  Certificate of Service
Filed by: Plaintiff Colt, Mary-Anne
Certificate of Service
- 09/17/2020  Certificate of Service
Filed by: Plaintiff Colt, Mary-Anne
Certificate of Service
- 09/17/2020  Certificate of Service
Filed by: Plaintiff Colt, Mary-Anne
Certificate of Service
- 09/17/2020  Certificate of Service
Robert Cerceo MTSA 1 SERVICE
- 09/21/2020  Notice of Hearing
Notice of Hearing
- 10/15/2020  Amended Notice
Filed by: Counter Defendant Colt, Mary-Anne
*(**Bundled**) Amended motion and Notice of Motion To Set Aside Orded, Judgment, And/Or Default, Certificate of Service, Note of Memoradum*
- 10/15/2020  Amended Motion
Filed by: Plaintiff Colt, Mary-Anne
Amended Plaintiff's Motion and Notice of Motion to Set Aside Order, Judgment, and/or Default

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- 10/15/2020  Certificate of Service
Filed by: Plaintiff Colt, Mary-Anne
Certificate of Service
- 10/15/2020  Certificate of Service
Filed by: Plaintiff Colt, Mary-Anne
Certificate of Service
- 10/15/2020  Certificate of Service
Filed by: Plaintiff Colt, Mary-Anne
Certificate of Service
- 10/15/2020  Notice
Filed By: Plaintiff Colt, Mary-Anne
Note of Memorandum Regarding Amended Changes to Motion and Notice of Motion to Set Aside Order, Judgment, and/or Default
- 10/16/2020  Clerk's Notice of Nonconforming Document and Curative Action
Notice of Nonconforming Document (Bundled All Together)
- 10/16/2020  Notice of Hearing
Notice of Hearing
- 11/02/2020  Order
Order After Hearing on September 8, 2020
- 11/03/2020  Notice of Entry of Order
Filed By: Counter Claimant Plummer, Alysa Marie
Notice of Entry of Order After Hearing on September 8, 2020
- 11/07/2020  Opposition to Motion
Filed by: Attorney Hurtik, Carrie E.; Counter Claimant Plummer, Alysa Marie
Defendant Alysa Plummer's Opposition to Motion to Set Aside Order
- 11/08/2020  Ex Parte Motion
Filed by: Plaintiff Kanter, Stacey
Ex Parte Motion for Return of Child(ren)
- 11/08/2020  Certificate of Service
Filed by: Plaintiff Kanter, Stacey
Certificate of Service
- 11/13/2020  Subpoena
Filed By: Counter Claimant Plummer, Alysa Marie
Subpoena for Hannah Hart
- 11/13/2020  Amended
Filed By: Counter Defendant Colt, Mary-Anne
2 Amended Motion and Notice of Motion to Set Aside Order, Judgement, and/or Default
- 11/16/2020  Exhibits
Filed By: Plaintiff Kanter, Stacey
Exhibits in Support of Plaintiff's Notion of Motion and Motion to Strike the Testimony of Defendant's Witness, Cheryl Kegley and Krystal Whipple; Request for Brief Focused Assessment and Access to Updated CPS Records
- 11/16/2020  Family Court Motion Opposition Fee Information Sheet
Filed by: Counter Defendant Colt, Mary-Anne
Family Court Motion Opposition Fee Information Sheet
- 11/16/2020  Reply to Opposition
Filed by: Counter Defendant Colt, Mary-Anne
REPLY TO OPPOSITION TO DEFENDANT ALYSA PLUMMER'S MOTION TO SET ASIDE ORDER, JUDGMENT, AND/OR DEFAULT
- 11/16/2020

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-  Miscellaneous Filing
 Party: Plaintiff Kanter, Stacey
Text Messages between Stacey and Preston's in home counselor Katie Thibeaux
- 11/17/2020  Notice of Hearing
Notice of Hearing
- 11/20/2020  Subpoena
 Filed By: Counter Claimant Plummer, Alysa Marie
Subpoena for Hannah Hart
- 11/23/2020  Order
for Supervised Exchange at Donna's House
- 01/04/2021 Administrative Reassignment - Judicial Officer Change
Judicial Reassignment to Judge Sunny Bailey
- 01/07/2021  Subpoena
 Filed By: Counter Claimant Plummer, Alysa Marie
Trial Subpoena for Hannah Hart (Minor Child Preston Colt's Therapist)
- 01/09/2021  Designation of Witness
 Filed by: Counter Claimant Plummer, Alysa Marie
Alysa Plummer's Supplemental Designation of Witness
- 01/09/2021  Subpoena
 Filed By: Counter Claimant Plummer, Alysa Marie
Trial Subpoena for Michelle Cody at Hope Counseling
- 01/09/2021  Subpoena
 Filed By: Counter Claimant Plummer, Alysa Marie
Trial Subpoena for Katherine Moldovan at Hope Counseling
- 01/10/2021  Subpoena
 Filed By: Plaintiff Kanter, Stacey
Katie Thibeaux Hope Counselor Subpoena
- 01/10/2021  Subpoena
 Filed By: Plaintiff Kanter, Stacey
Third Request for Records from Hope Counseling
- 01/10/2021  Ex Parte Motion
 Filed by: Plaintiff Kanter, Stacey
Ex Parte Motion for Continuance (Bundle)
- 01/10/2021  Ex Parte Motion
 Filed by: Plaintiff Kanter, Stacey
Ex Parte Motion for Continuance
- 01/10/2021 Ex Parte Motion
 Filed by: Plaintiff Kanter, Stacey
Ex Parte Motion for Continuance.
- 01/10/2021  Notice of Entry of Order
 Filed By: Plaintiff Kanter, Stacey
Notice of Entry of Order.
- 01/11/2021  Subpoena
 Filed By: Counter Defendant Colt, Mary-Anne
Subpoena D.S.
- 01/11/2021  Subpoena
 Filed By: Counter Defendant Colt, Mary-Anne
 NOT ISSUED *Incorrect Filing Code Used [Subpoena K.T.]*
- 01/11/2021

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-  Continuance or New Court Date
 Filed by: Counter Defendant Colt, Mary-Anne
CONTINUANCE
- 01/11/2021  Subpoena
 Filed By: Counter Defendant Colt, Mary-Anne
Subpoena D.S.
- 01/11/2021  Subpoena
 Filed By: Counter Defendant Colt, Mary-Anne
Subpoena K.T.
- 01/12/2021  Opposition
 Filed By: Plaintiff Kanter, Stacey
Plaintiff's Objection to Subpoena New Witnesses
- 01/12/2021  Subpoena
 Filed By: Plaintiff Kanter, Stacey
Subpoena CPS Records Dorina Slater
- 01/13/2021  Certificate of Service
 Filed by: Plaintiff Kanter, Stacey
*Certificate of Service**Bundled Filing*
- 01/13/2021  Certificate of Service
 Filed by: Plaintiff Kanter, Stacey
Cert of service for Subpoena to Hope for Katie Thibeaux
- 01/13/2021  Certificate of Service
 Filed by: Plaintiff Kanter, Stacey
Proof of Service Hope counseling records request
- 01/13/2021  Certificate of Service
 Filed by: Plaintiff Kanter, Stacey
Proof of service CPS request Dorina Slater
- 01/13/2021  Certificate of Service
 Filed by: Plaintiff Kanter, Stacey
Certificate of Service
- 01/13/2021  Notice of Entry of Order
 Filed By: Plaintiff Kanter, Stacey
Notice of Entry of Order
- 01/14/2021  Clerk's Notice of Nonconforming Document
Clerk's Notice of Nonconforming Document
- 01/14/2021  Motion to Disqualify Attorney
 Filed by: Counter Defendant Colt, Mary-Anne
MOTIODISQUALIFYHL&A
- 01/14/2021  Motion to Disqualify Attorney
 Filed by: Counter Defendant Colt, Mary-Anne
MTSA
- 01/14/2021  Subpoena
 Filed By: Counter Claimant Plummer, Alysa Marie
Trial Subpoena for Krystal Whipple
- 01/16/2021  Order
Order after November 23, 2020 Hearing,4825-0924-6675,3,3
- 01/19/2021  Notice of Entry of Order
 Filed By: Guardian Ad Litem Cerceo, Robert

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Notice of Entry of Order from November 23, 2020 Hearing

- 01/20/2021  Exhibits
Filed By: Plaintiff Kanter, Stacey
Police Reports
- 01/20/2021  Exhibits
Filed By: Plaintiff Kanter, Stacey
Police Records 2
- 01/20/2021  Exhibits
Filed By: Plaintiff Kanter, Stacey
Police Records 3
- 01/20/2021  Exhibits
Filed By: Plaintiff Kanter, Stacey
Police Audio
- 01/20/2021  Exhibits
Filed By: Plaintiff Kanter, Stacey
Burn Marks 1
- 01/20/2021  Exhibits
Filed By: Plaintiff Kanter, Stacey
Family Pictures on visitation
- 01/20/2021  Exhibits
Filed By: Plaintiff Kanter, Stacey
Burn Marks 2
- 01/20/2021  Exhibits
Filed By: Plaintiff Kanter, Stacey
Pictures of Alysa assault on Brett Wulf
- 01/20/2021  Exhibits
Filed By: Plaintiff Kanter, Stacey
Stacey's Video/Metadata
- 01/20/2021  Exhibits
Filed By: Plaintiff Kanter, Stacey
Report card/ Pictures of cut on head
- 01/20/2021  Exhibits
Filed By: Plaintiff Kanter, Stacey
Police Reports for Burns
- 01/20/2021  Certificate of Service
Filed by: Plaintiff Kanter, Stacey
Certificate of Service 11 16.2
- 01/20/2021  Exhibits
Filed By: Plaintiff Kanter, Stacey
Police Records Alysa DV and burn marks
- 01/20/2021  Exhibits
Filed By: Plaintiff Kanter, Stacey
Alysa and her family Domestic violence police reports
- 01/20/2021  Exhibits
Filed By: Plaintiff Kanter, Stacey
Burn Marks Sept
- 01/22/2021  Motion
Filed By: Plaintiff Kanter, Stacey
Pltf's Motion for Hearing Continuance and Request for Updated Hope Counseling Records and Updated CPS

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Records

- 01/22/2021  Ex Parte
Filed By: Plaintiff Kanter, Stacey
EXPARTE FOR CONTINUANCE
- 01/22/2021  Certificate of Service
Filed by: Plaintiff Kanter, Stacey
CERT SERVICE CONTINUANCE MOTION, OST, EXPT
- 01/22/2021  Notice of Hearing
Notice of Hearing
- 01/25/2021  Clerk's Notice of Nonconforming Document
Clerk's Notice of Nonconforming Document
- 01/27/2021  Exhibits
Filed By: Plaintiff Kanter, Stacey
Exhibit 13th 16.2
- 01/27/2021  Exhibits
Filed By: Plaintiff Kanter, Stacey
Fifth 16.2 School Records
- 01/27/2021  Motion for Order
Filed by: Plaintiff Kanter, Stacey
Dr Hollands Request for continuance
- 01/28/2021  Order
Order Striking
- 01/28/2021  Miscellaneous Filing
Party: Plaintiff Kanter, Stacey
Dr Hollands request for continuance
- 01/28/2021  Motion
Filed By: Plaintiff Kanter, Stacey
Plaintiff's Motion for Hearing Continuance and Request for Updated Hope Counseling Records and Updated CPS Records
- 01/28/2021  Motion
Filed By: Plaintiff Kanter, Stacey
Motion for continuance and Dr Hollands request
- 01/28/2021  Clerk's Notice of Nonconforming Document
Clerk's Notice
- 01/28/2021  Notice of Hearing
Notice of Hearing
- 02/01/2021  Ex Parte Motion
Filed by: Counter Defendant Colt, Mary-Anne
Ex Parte Motion for Continuance
- 02/01/2021  Notice of Entry of Order/Judgment
Filed by: Counter Defendant Colt, Mary-Anne
Notice of Entry of Order/Judgment
- 02/01/2021  Certificate of Service
Filed by: Plaintiff Colt, Mary-Anne
Certificate of Service - Hurtik Law
- 02/01/2021  Certificate of Service
Filed by: Plaintiff Colt, Mary-Anne
Certificate of Service - Roberto Cerceo

CASE SUMMARY

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- 02/01/2021  Certificate of Service
Filed by: Plaintiff Colt, Mary-Anne
Certificate of Service - Stacey Kanter
- 02/04/2021  Clerk's Notice of Nonconforming Document
Nonconforming Notice
- 02/18/2021  Decision and Order
Decision and Order
- 02/19/2021  Notice of Entry of Order
Filed By: Subject Minor Colt, Preston
Notice of Entry of Decision and Order
- 02/19/2021  Notice of Withdrawal
Filed by: Subject Minor Colt, Preston
Notice of Withdrawal of Counsel
- 03/17/2021  Notice of Appeal
Filed By: Counter Defendant Colt, Mary-Anne
*(**Bundled**) JOINT NOTICE OF APPEAL AND TWO CERTIFICATES OF SERVICE*
- 03/17/2021  Application to Proceed in Forma Pauperis
Filed By: Counter Defendant Colt, Mary-Anne
*Application to Proceed in Forma Pauperis**Bundled Filing*
- 03/18/2021  Amended Notice of Appeal
*Amended Notice of Appeal**Bundled Filing*
- 03/18/2021  Application to Proceed in Forma Pauperis
Filed By: Counter Defendant Colt, Mary-Anne
Application and Affidavit to Proceed in Forma Pauperis for transcripts recordings and transcript fees,
- 03/18/2021  Reporters Transcript
REQUEST TRANSCRIPT
- 03/19/2021  Case Appeal Statement
Filed By: Counter Defendant Colt, Mary-Anne; Plaintiff Kanter, Stacey
Case Appeal Statement

HEARINGS

- 12/13/2017  **Motion** (1:30 PM) (Judicial Officer: Moss, Cheryl B.)
Events: 10/17/2017 Motion
Motion for Temporary Child Custody
01/29/2018 Reset by Court to 12/13/2017

MINUTES

-  Motion
Filed By: Counter Defendant Colt, Mary-Anne
Party 2: Counter Claimant Plummer, Alysa Marie
Motion for Temporary Child Custody

Evidentiary Hearing;
Journal Entry Details:

MOTION FOR TEMPORARY CHILD CUSTODY Parties sworn and testified. Discussion by Counsel and Defendant/Mother regarding proceeding with custody or visitation rights for Paternal Grandmother. Defendant/Mother stated she would like to move to the State of Washington. Upon Court's inquiry, Defendant/Mother stated she is willing to stay in Nevada until the case is resolved. COURT ORDERED the death certificate indicates he passed away from a drug overdose of cocaine and heroin. COURT ORDERED the following: 1. TEMPORARILY, Defendant/Mother shall retain SOLE LEGAL and SOLE PHYSICAL CUSTODY. 2. The child shall remain in NEVADA until the case is resolved. 3. TEMPORARILY and WITHOUT PREJUDICE, Plaintiff/Paternal Grandmother shall have VISITATION with the child commencing on 12/15/17 from Friday at 5:30 p.m. until Sunday at 5:30 p.m. and alternate weekends. Parties shall exchange the child at

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the front gate of the Family Court House. Parties shall have a thirty (30) minute window to exchange the child. 4. Parties shall enroll in TALKINGPARENTS.COM and communicate regarding child related issues only. 5. Father, Sean Paul Michael's DEATH CERTIFICATE is LEFT-SIDE FILED. 6. Parties are ISSUED a BEHAVIOR ORDER. Order FILED IN OPEN COURT. 7. Parties are REFERRED to the Family Mediation Center (FMC) for Mediation with Domestic Violence Protocol and a one hour observation between the child and Defendant/Mother and another observation between the child and Plaintiff/Paternal Grandmother. Defendant/Mother's FEES are WAIVED. Plaintiff/Paternal Grandmother shall pay no more than \$50.00. Order for Family Mediation Services FILED IN OPEN COURT. A Return Hearing is SET for 3/21/18 at 10:00 a.m. 8. The Court shall request CPS RECORDS. Order FILED IN OPEN COURT. 9. PHONE CALLS and VIDEO CALLS shall be left up to Paternal Grandmother and Mother to discuss. The Court will follow up on whether Paternal Grandmother received any calls. 9. Calendar Call is set for 7/25/18 at 9:30 a.m. Discovery closes at Calendar Call. Pre-Trial Memos along with the final List of Witnesses and Exhibits are due on or before Calendar Call. 10. Evidentiary Hearing re: Paternal Grandmother's Motion (Stack #1) is SET for 8/23/18 at 9:30 a.m. 11. Case Management Order SIGNED and FILED IN OPEN COURT. Copies were provided to the parties IN OPEN COURT. 12. DIRECT CONTEMPT OF COURT and other sanctions against the Defendant/Mother are STAYED. Attorney Grigsby shall prepare an Order for Direct Contempt and bring it to the next hearing. 13. PURGE CLAUSE issued to Plaintiff/Mother to comply and follow the Court's orders or be held in Contempt of Court. 14. Defendant/Mother's Order to Proceed In Forma Pauperis for filing fee only was SIGNED IN OPEN COURT and returned to her for filing along with her Answer and Counterclaim and her Financial Disclosure Form (FDF). Attorney Grigsby shall prepare the Order from today's hearing.; Evidentiary Hearing

03/21/2018

 **Return Hearing** (10:00 AM) (Judicial Officer: Moss, Cheryl B.)

Events: 12/13/2017 Order for Family Mediation Center Services
FMC: Mediation and a one hour observation

MINUTES

 Order for Family Mediation Center Services

Order for Family Mediation Center Services

Matter Heard;

Journal Entry Details:

RETURN HEARING: FMC MEDIATION AND A ONE HOUR OBSERVATION Defendant/Mother sworn and testified. Plaintiff/Paternal Grandmother not present. Defendant/Mother stated Paternal Grandmother made a referral to CPS against her. Defendant/Mother further stated she will attempt to retain counsel from the Legal Aid Center of Southern Nevada. Attorney Grigsby represented Defendant/Mother previously stated she was not going to participate with the visits; however, Defendant/Mother has been exercising her visits as ordered by the Court. COURT NOTES, the Parties did not reach an agreement at Mediation. COURT ORDERED the following: 1. A blank Pre-Trial Memo was given to the Defendant/Mother. 2. Behavior Order STANDS. 3. Both parties shall return the child with the shoes and clothes he was dropped off with and the clothes shall be clean. 4. The Court shall order UPDATED CPS RECORDS. Order SIGNED and FILED IN OPEN COURT. 5. The Order for Defendant/Mother being in Contempt of Court was SIGNED and FILED IN OPEN COURT and Defendant/Mother was served in open court. 6. Calendar Call set for 7/25/18 at 9:30 a.m. STANDS. 7. Evidentiary Hearing is set for 8/23/18 at 9:30 a.m. STANDS. 8. Court encouraged the Defendant/Mother to keep a diary journal on a calendar regarding the visits with the child. 9. Parties may submit a Stipulation and Order to change Defendant/Mother's visitation schedule. No order is necessary from today's hearing. Paternal Grandmother appeared. Discussion regarding the visitation schedule. COURT FURTHER ORDERED the following: 10. Visitation shall remain STATUS QUO. 11. Parties may change the custodial schedule, week to week, on TALKINGPARENTS.COM. One party shall send the other party a text and the other party shall respond.;

Matter Heard

07/25/2018

Calendar Call (9:30 AM) (Judicial Officer: Moss, Cheryl B.)

Events: 06/11/2018 Order Setting Evidentiary Hearing
Matter Heard;
Matter Heard

07/25/2018

Motion (9:30 AM) (Judicial Officer: Moss, Cheryl B.)

Events: 06/29/2018 Motion
Atty Grigsby Motion to Withdraw
08/06/2018 Reset by Court to 07/25/2018

Granted;
Granted

07/25/2018

Motion (9:30 AM) (Judicial Officer: Moss, Cheryl B.)

Motion to Withdraw
Granted;
Granted

CASE SUMMARY

CASE NO. D-17-560076-C

07/25/2018

 **All Pending Motions** (9:30 AM) (Judicial Officer: Moss, Cheryl B.)

Matter Heard;

Journal Entry Details:

CALENDAR CALL...ATTORNEY GRIGSBY'S MOTION TO WITHDRAW Parties sworn and testified. COURT NOTES, Mother was hospitalized on 6/3/18 and placed on a Legal 2000 hold, the petition was dismissed on 6/8/18 under case M-12-140769-M. Mother stated she her roommate called the ambulance and she woke up at the hospital unaware how she got to the hospital. Mother further stated she took five (5) Tylenol PM to sleep. Both parties requested a continuance of the trial set for 8/23/18. COURT FURTHER NOTES, Paternal Grandmother and Mother are working together. COURT ORDERED the following: 1. Attorney Grigsby's Motion to Withdraw is GRANTED. Attorney Grigsby may submit an Order to Withdraw. 2. Mother's CHANGE OF ADDRESS was FILED IN OPEN COURT. 3. EXCHANGES shall occur at the Main Entrance of Red Rock Casino near Lucille's BBQ or per mutual agreement through TalkingParents. 4. HOLIDAYS shall be per mutual agreement or parties may file a motion. 5. Discovery closes on 1/18/19. Pre-Trial Memos along with the final List of Witnesses and Exhibits are due on or before the close of Discovery. A blank copy of the Pre-Trial Memos were provided to the parties. 6. Evidentiary Hearing (Stack #1) set for 8/23/18 at 9:30 a.m. is VACATED and SET for 2/19/19 at 1:30 p.m. 7. Amended Case Management Order SIGNED and FILED IN OPEN COURT. ; Matter Heard

08/23/2018

CANCELED Evidentiary Hearing (9:30 AM) (Judicial Officer: Moss, Cheryl B.)*Vacated - per Judge**Evidentiary Hearing (Stack #1) re: Paternal's Grandmother's motion*

10/08/2018

Motion (9:00 AM) (Judicial Officer: Moss, Cheryl B.)

Events: 08/23/2018 Motion

Pltf.'s Emergency Motion For Modification Of Temporary Orders Of Custody And Visitation, For Attorneys Fees And Costs, And For Other Related Relief

Matter Heard;

Matter Heard

10/08/2018

Opposition & Countermotion (9:00 AM) (Judicial Officer: Moss, Cheryl B.)

Events: 09/12/2018 Opposition and Countermotion

Def't's Opposition Answer and Counterclaim to Motion for Modification of Temporary Order of Custody and Visitation

Matter Heard;

Matter Heard

10/08/2018

Hearing (9:00 AM) (Judicial Officer: Moss, Cheryl B.)*Reply In Support Of Plaintiff's Emergency Amended Motion For Modification Of Temporary Orders Of Custody And Visitation, For Attorneys Fees And Costs, And For Other Related Relief*

Matter Heard;

Matter Heard

10/08/2018

 **All Pending Motions** (9:00 AM) (Judicial Officer: Moss, Cheryl B.)

Matter Heard;

Journal Entry Details:

PLAINTIFF'S EMERGENCY MOTION FOR MODIFICATION OF TEMPORARY ORDERS OF CUSTODY AND VISITATION, Attorney Mark Anderson, Bar #606, present for Attorney Kurt Smith on behalf of Plaintiff/Paternal Grandmother. The Department of Family Services (DFS) represented by Tyonte Daniel. DFS is accessing for impending danger, they have not found present danger to remove the child from Mother's care. Attorney Anderson represented Metro is investigating and there is an open case. Attorney Anderson alleged the child has cigarette burn marks and his toes were smashed with rocks by Mother. Attorney Anderson further represented Mother was hospitalized on August 10, 2018. Mother stated she was hospitalized for broken ribs and she was not Legal 2000. Mother stated she will not cooperate with Orders from the Court and she will not disclose the child's location or the name of the school. Upon Court's inquiry, Mother stated she took a drug test for urine on 10/5/18. COURT NOTES, the Abuse/Neglect Specialist from Metro is Cheryl Kegley. COURT STATED IT'S FINDINGS AND ORDERED the following: 1. CUSTODY shall remain STATUS QUO, Mother shall have custody and Paternal Grandmother shall continue to have visitation every other weekend. Paternal Grandmother shall start visitation the weekend of 10/12/18 and parties shall alternate thereafter. 2. On Friday, 10/12/18, Paternal Grandmother shall pick-up the child after school and return the child at the usual time on Sunday, 10/14/18 at Family Court. Mother shall NOT be present when Paternal Grandmother picks up the child from school. Attorney Anderson may submit a Pick-up Order in the event Mother does not cooperate with the custodial schedule. 3. When there is no school, all exchanges shall occur at Family Court. 4. Paternal Grandmother's three (3) days of COMPENSATORY VISITATION is DEFERRED to trial. 5. Counsel may subpoena Metro. 6. Mother shall sign a HIPAA RELEASE. Medical records shall be sent to Department I's chambers. Counsel may review the records in chambers under CONFIDENTIAL GAG ORDER. 7. CPS records provided to Attorney Anderson under CONFIDENTIAL GAG ORDER. 8. DFS is invited to appear at the next hearing. 9. Both parties are REFERRED to the American Toxicology Institute (ATI) for drug testing to include hair and urine. Mother shall pay for

CASE SUMMARY

CASE NO. D-17-560076-C

Paternal Grandmother's drug test and Paternal Grandmother shall pay for Mother's drug test. Referral is LEFT-SIDE FILED. A 72 hour hearing may be set pending the drug test results. Both parties and Counsel may contact chambers to obtain the drug test results. 10. The Court shall obtain the drug test results from DFS that Mother took on 10/5/18. 11. Paternal Grandmother may request a Motion for a new hearing based on new evidence from Metro. 12. Court shall obtain updated CPS RECORDS upon completion of their case. 13. Mother is in DIRECT CONTEMPT OF COURT based on her admissions in the court room, with the purge clause that Mother may be released upon providing the child's school information. Mother is RELEASED to take the drug test and she shall not be taken into custody. 14. Attorney Anderson shall prepare a Subpoena Order from Clark County School District (CCSD) by 10/12/18 to obtain the child's school information. Attorney Anderson shall file notification with the Court and contact chambers that the child's school has been identified. 15. If Mother or Maternal Grandmother hide the child, Paternal Grandmother shall have the Pick-Up Order in effect and the child shall be reported as a missing person. 16. Documents provided by Mother were LEFT-SIDE FILED. 17. There shall be no return hearing; however, if there is new evidence then Parties may file a request for Motion. 18. Evidentiary Hearing (Stack 1) set for 2/19/19 at 1:30 p.m. STANDS. Attorney Anderson shall prepare a Subpoena Order and a Pick-Up Order.;

Matter Heard

11/08/2018



Minute Order (8:00 AM) (Judicial Officer: Moss, Cheryl B.)

Minute Order - No Hearing Held;

Journal Entry Details:

MINUTE ORDER NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.501(b), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed. This Court has read and considered the current underlying pleadings in this matter. The Defendant/Mom, has failed to comply with EDCR 5.206 by failing to file proof of service for the Motion she filed on October 11, 2018. Therefore, the Motion hearing scheduled for November 13, 2018 at 9:30am, is taken off calendar for failure to serve. Defendant/Mom, may re-notice the Motion through the Clerk's Office to put the matter back on calendar but must file proper Proof of Service of both the Re-Notice and the Motion on the other party. So Ordered. A copy of this court minute order shall be served on all parties. ;

Minute Order - No Hearing Held

11/13/2018

CANCELED Motion (9:30 AM) (Judicial Officer: Moss, Cheryl B.)

Vacated - per Judge

Def's Motion and Notice of Motion for Orders to Modify Child Custody, Visitation, and/or Child Support

12/13/2018

Opposition & Countermotion (1:30 PM) (Judicial Officer: Moss, Cheryl B.)

Events: 11/15/2018 Opposition and Countermotion

Pltf's Opposition to Motion to Modify Custody, Visitation, and/or Child Support and Countermotion for Modification of Temporary Orders of Custody and Visitation, for an Order to Show Cause, for Attys' Fees and Costs, and for Other Related Relief

12/17/2018 Reset by Court to 12/13/2018

Matter Heard;

Matter Heard

12/13/2018

Motion (1:30 PM) (Judicial Officer: Moss, Cheryl B.)

Events: 10/11/2018 Motion

Def't's Motion and Notice of Motion for Orders to Modify Child Custody, Visitation, and/or Child Support

12/17/2018 Reset by Court to 12/13/2018

Matter Heard;

Matter Heard

12/13/2018



All Pending Motions (1:30 PM) (Judicial Officer: Moss, Cheryl B.)

MINUTES

Matter Heard;

Journal Entry Details:

DEFENDANT'S MOTION AND NOTICE OF MOTION FOR ORDERS TO MODIFY CHILD CUSTODY, VISITATION, AND/OR CHILD SUPPORT... PLAINTIFF'S OPPOSITION TO MOTION TO MODIFY CUSTODY, VISITATION, AND/OR CHILD SUPPORT AND COUNTERMOTION FOR MODIFICATION OF TEMPORARY ORDERS OF CUSTODY AND VISITATION, FOR AN ORDER TO SHOW CAUSE, FOR ATTORNEY'S FEES AND COSTS, AND FOR OTHER RELATED RELIEF Attorney Rob Schmidt, Bar #14611, appeared as co-counsel with Attorney Carol Barnes on behalf of Paternal Grandmother/Plaintiff. Attorney Rhonda Forsberg, Bar #9557, appeared in an UNBUNDLED CAPACITY on behalf of the Defendant/Mother. Metro Detective, Cheryl Kedley, present from the Child Abuse and Neglect unit. Discussion by the Parties. Court expressed concern the child is making statements that his brain hurts. Upon Court's inquiry, Mother represented the child is enrolled in counseling, every Thursday. Attorney Barnes provided blank HIPAA releases to Attorney

CASE SUMMARY

CASE NO. D-17-560076-C

*Forsberg for Mother to sign. Mother represented she will be moving to Oklahoma. COURT FINDS the following: 1. Mother is not unfit. 2. There were thirty (30) calls to CPS and only one has been substantiated. COURT ORDERED the following: 1. Paternal Grandmother's Motion and request for an Order to Show Cause is DENIED without prejudice. 2. Mother shall have SOLE LEGAL and SOLE PHYSICAL CUSTODY. 3. The child's contact with Paternal Grandmother is SUSPENDED with the exception of one (1) supervised visit at Donna's house on 12/26/18 to include Paternal Grandmother and three (3) paternal aunts. Order for Supervised Visitation SIGNED and FILED IN OPEN COURT. 4. The child shall be enrolled in weekly COUNSELING. 5. ATTORNEY'S FEES DEFERRED. 6. Evidentiary Hearing (Stack 1) SET for 2/19/19 at 1:30 p.m. STANDS unless counsel stipulate to contact Department I's JEA and set the Evidentiary Hearing for March 2019. Attorney Forsberg shall prepare the Order from today's hearing. CLERK'S NOTE: Attorney Forsberg is not available on Tuesdays. (EC);
Matter Heard*

01/11/2019

 **Motion** (10:45 AM) (Judicial Officer: Moss, Cheryl B.)

Events: 12/27/2018 Notice of Motion

Pltf.'s Motion to Continue Trial

02/11/2019 Reset by Court to 01/11/2019

MINUTES

 Notice of Motion

Filed By: Counter Defendant Colt, Mary-Anne

Plaintiff's Motion to Continue Trial

Granted;

Journal Entry Details:

PLAINTIFF'S MOTION TO CONTINUE TRIAL Attorney Rob Schmidt, Bar #14611, appeared as co-counsel with Attorney Carol Barnes on behalf of Paternal Grandmother/Plaintiff. Attorney Barnes represented Plaintiff/Paternal Grandmother could not be present as she has the flu. Discussion by the parties. Mother represented she would like to move to Oklahoma to care for her grandmother. COURT ORDERED the following: 1. Mother shall file an Opposition to the Motion to Intervene within ten (10) business days and Counsel shall file a Reply within five (5) days from today's date, 1/11/19. 2. Mother shall file a Motion to Relocate which shall be heard on 2/19/19 at 1:30 p.m. 3. Mother shall file a Motion with the Discovery Commissioner requesting ATTORNEY'S FEES and to stop Opposing Counsel from obtaining her medical information. 4. Mother shall e-mail Attorney Barnes a blank HIPAA RELEASE for Paternal Grandmother to sign. 5. Parties are REFERRED to the Family Mediation Center (FMC) for a child interview and child observation with Paternal Aunt, Stacey Kanter, on 1/29/19 at 4:00 p.m. Order for Family Mediation Services SIGNED and FILED IN OPEN COURT. A Return Hearing is set for 2/19/19 at 1:30 p.m. Mother shall drop off the child at 3:50 p.m. and Stacey Kanter shall not appear to FMC earlier than 4:00 p.m. If Mother does not take the child to FMC, Stacey Kanter, may submit a pick-up Order for purposes of taking the child to FMC and release the child back to Mother once the observation and interview are completed. 6. Paternal Aunt Stacey Kanter's Motion to Intervene set for 2/19/19 at 9:00 a.m. is VACATED and RESET to 2/19/19 at 1:30 p.m. 7. The Evidentiary Hearing set for 2/19/19 at 1:30 p.m. is VACATED to be reset by Department I's Judicial Executive Assistant (JEA) between 4/15/19 and 6/30/19. 8. Discovery is EXTENDED for ninety (90) days from today's date, 1/11/19.;

Granted

02/19/2019

Motion (1:30 PM) (Judicial Officer: Moss, Cheryl B.)

Pltf's Motion to Intervene and for Expert Witness to Testify Via Video Conference and for Related Relief

02/19/2019 Reset by Court to 02/19/2019

02/19/2019 Reset by Court to 02/19/2019

Matter Heard;

Matter Heard

02/19/2019

Return Hearing (1:30 PM) (Judicial Officer: Moss, Cheryl B.)

Events: 01/11/2019 Order for Family Mediation Center Services

FMC child interview and observation

02/19/2019 Reset by Court to 02/19/2019

Matter Heard;

Matter Heard

02/19/2019

Opposition (1:30 PM) (Judicial Officer: Moss, Cheryl B.)

Events: 02/01/2019 Opposition

Defendant Alys Plummer's Opposition to Plaintiff's Motion to Intervene and for Expert Witness to Testify via Video Conference and for Related Relief

02/19/2019 Reset by Court to 02/19/2019

Matter Heard;

Matter Heard

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. D-17-560076-C

02/19/2019

Hearing (1:30 PM) (Judicial Officer: Moss, Cheryl B.)

Events: 02/01/2019 Opposition

Reply to Defendant's, Alysa Plummer's Opposition to Plaintiff's Motion to Intervene and for Expert Witness to Testify via Video Conference and for Related Relief

02/19/2019 Reset by Court to 02/19/2019

Matter Heard;

Matter Heard

02/19/2019

 **All Pending Motions (1:30 PM)** (Judicial Officer: Moss, Cheryl B.)

MINUTES

Matter Heard;

Journal Entry Details:

RETURN HEARING: FMC CHILD INTERVIEW AND OBSERVATION...PLAINTIFF'S MOTION TO INTERVENE AND FOR EXPERT WITNESS TO TESTIFY VIA VIDEO CONFERENCE AND FOR RELATED RELIEF...DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION TO INTERVENE AND FOR EXPERT WITNESS TO TESTIFY VIA VIDEO CONFERENCE AND FOR RELATED RELIEF...PLAINTIFF'S REPLY TO DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION TO INTERVENE AND FOR EXPERT WITNESS TO TESTIFY VIA VIDEO CONFERENCE AND FOR RELATED RELIEF Attorney Rob Schmidt, Bar #14611, present as co-counsel with Attorney Carol Barnes for Plaintiff/Paternal Grandmother and Paternal Aunt, Stacey Kanter. Attorney Linda Lay, Bar #12990, present on behalf of the Defendant/Mother in an UNBUNDLED PRO BONO capacity. Discussion by the Parties regarding Paternal Aunt's motion to Intervene and Dr. Grossman's video testimony. Court reviewed the child interview. COURT STATED IT'S FINDINGS and ORDERED the following: 1. Paternal Aunt, Stacey Kanter's Motion to Intervene is GRANTED. 2. Paternal Grandmother can visit the child while Paternal Aunt, Stacey Kanter, is present. 3. TEMPORARILY, effective 2/22/19, the child shall VISIT with Stacey Kanter on Fridays with pick-up after school at Twin Lakes Elementary School until Sundays at 9:55 a.m. with drop off at Abundant Grace Church on Rancho and Decatur. If there is a school holiday on Friday, parties shall exchange the child at 4:00 p.m. in front of Family Court. Ms. Kanter shall transport the child. There shall be no lingering. Parties can video record each other in person. Mother can take pictures before she drops off the child. Beginning 3/29/19, Mother shall have the last Friday of the month for the weekend. 4. The Court authorizes Stacey Kanter to be the only person to pick-up the child on Fridays, after school, at Twin Lakes Elementary School. 5. Mother and Paternal Aunt shall stay 20 feet away from each other and the child shall walk to his Mother. 6. Plaintiff's expert can appear via VIDEO CONFERENCE for trial. 7. Mother may file a Relocation motion with enough time to allow Petitioners to file a ten (10) day Opposition. 8. Discovery closes on 9/4/18. Pre-Trial Memos along with the final List of Witnesses and Exhibits are due on or before the close of Discovery. 9. Evidentiary Hearing (Stack #1) re: custody/visitation is SET for 7/10/19 at 9:00 a.m. (half day) and 7/11/19 at 9:00 a.m. (full day). Department I's Judicial Executive Assistant (JEA) shall work on providing the parties with the half day in the afternoon of 7/10/19. 10. Case Management Order SIGNED and FILED IN OPEN COURT. Attorney Barnes shall prepare the Order for today's hearing; Attorney Lay shall review and countersign.;

Matter Heard

02/19/2019

CANCELED Evidentiary Hearing (2:00 PM) (Judicial Officer: Moss, Cheryl B.)

Vacated - per Judge

Evidentiary Hearing (Stack 1)

04/12/2019

 **Minute Order (9:00 AM)** (Judicial Officer: Moss, Cheryl B.)

Minute Order - No Hearing Held;

Journal Entry Details:

COURT MINUTE ORDER Pursuant to EDCR 5.502 (i) this matter came on before the Court on the Chambers Calendar, for decision without a hearing. Pursuant to EDCR 2.23, this Court can grant the requested relief if there is no opposition timely filed. EDCR 2.20(e) provides in relevant part that failure of the opposing party to serve and file written opposition may be construed as an admission that the motion is meritorious and consent to granting the same. On March 14, 2019, Plaintiff/Paternal Grandmother Mary-Anne Colt s Attorney Carol Barnes filed a Notice of Motion and Motion and Notice of Motion to Withdraw as Attorney of Record. On March 14, 2019, Attorney Barnes filed a Certificate of Mailing. The Court finds there is proper proof of service to Plaintiff/Paternal Grandmother s last known address of record. Plaintiff/Paternal Grandmother did not timely file an Opposition. There being no opposition filed thereto, IT IS HEREBY ORDERED that Attorney Barnes Motion to Withdraw as Attorney of Record is granted. IT IS FURTHER ORDERED that the hearing for Attorney Barnes Motion and Notice of Motion to Withdraw as Attorney of Record set for April 17, 2019 at 2:30 a.m. is hereby Vacated. IT IS FURTHER ORDERED that Attorney Barnes shall prepare the Order conforming to this court minute order and serve all parties and Counsel via Notice of Entry of Order. A copy of this court minute order shall be served on both parties and Counsel. ;

Minute Order - No Hearing Held

04/17/2019

CANCELED Motion (2:30 AM) (Judicial Officer: Moss, Cheryl B.)

Vacated - per Judge

CASE SUMMARY

CASE NO. D-17-560076-C

Atty's Notice Of Motion And Motion To Withdraw As Atty Of Record

07/10/2019

 **Evidentiary Hearing** (9:00 AM) (Judicial Officer: Moss, Cheryl B.)
 Events: 02/19/2019 Trial Management Order
Evidentiary Hearing (Stack 1/HALF DAY) - Day1 re: custody/visitation

MINUTES

Matter Continued;
 Journal Entry Details:

EVIDENTIARY HEARING (DAY 1) Attorney Carol Barnes, Bar #7985, appeared on behalf of the Intervenor/Paternal Aunt, Stacey Kanter, and Plaintiff/Paternal Grandmother, in an UNBUNDLED CAPACITY. Attorney Barnes' associate, Andrew Seprazik, Bar #15093 and Ms. Barnes' paralegal also present. Attorney Linda Lay, Bar #12990, present with Co-Counsel, Carrie Hurtik. Exclusionary Rule Invoked. Parties WAIVE opening statements. Testimony and Exhibits presented. Aaron McCook's DEPOSITION, PUBLISHED and FILED IN OPEN COURT per STIPULATION. CPS RECORDS admitted as COURT'S CONFIDENTIAL EXHIBIT 1 per STIPULATION. Parties STIPULATE to admit Plaintiff's Exhibit 3 - 113, 129 - 220, 242 - 252, 259 - 267, 276, 293 - 296. Parties STIPULATE to admit Defendant's Exhibit A - H. COURT ORDERED the following: 1. MATTER CONTINUED to Day 2 of the Evidentiary Hearing set for 7/11/19 at 9:00 a.m.; Matter Continued

07/11/2019

 **Evidentiary Hearing** (9:00 AM) (Judicial Officer: Moss, Cheryl B.)
 Events: 02/19/2019 Trial Management Order
Evidentiary Hearing (Stack 1/FULL DAY) re: custody/visitation

MINUTES

Matter Continued;
 Journal Entry Details:

EVIDENTIARY HEARING (DAY 2) Attorney Carol Barnes, Bar #7985, appeared on behalf of Paternal Aunt, Stacey Kanter, and Paternal Grandmother, in an UNBUNDLED CAPACITY. Attorney Barnes' associate, Andrew Seprazik, Bar #15093 and Ms. Barnes' paralegal also present. Attorney Linda Lay, Bar #12990, present with Co-Counsel, Carrie Hurtik on Mother's behalf. Testimony and Exhibits presented. Paternal Grandmother was removed from the Courtroom for her behavior. The Court will give Paternal Grandmother an opportunity to explain her behavior as to why the Court should not hold her in Contempt. COURT ORDERED the following: 1. TEMPORARILY, every other weekend, Paternal Aunt, Stacey Kanter, shall have VISITATION with the child on Fridays after school or if there is no school at 11:30 a.m. with exchanges at Mother's church until Monday morning drop off at school or if there is no school, the exchange shall occur at 9:30 a.m. at the Rebel Gas Station on Rainbow and Charleston. Demara and Statcey are authorized drivers. Paternal Aunt shall have the child beginning the weekend of 7/12/19. Stacey is approved to have VISITATION with the child and his half sibling, Ethan, from Thursday at 11:30 a.m. until Monday. Stacey shall provide as much notice to Mother as possible, parties may have to switch weekends. 2. Paternal Grandmother is REFERRED to the American Toxicology Institute (ATI) for a drug test to include hair and urine. Mother shall bear the cost. Referral is LEFT-SIDE FILED. 3. Therapist, Krystal Whipple, shall provide the court with updated records from June 2019 to date. 4. MATTER CONTINUED to Day 3 of the Evidentiary Hearing. Department I's Judicial Executive Assistant (JEA) shall confirm 8/21/19 at 9:00 a.m. if Krystal Whipple is available. Detective Cheryl Kegley may appear via video. Attorney Lay shall prepare the Order from today's hearing.; Matter Continued

01/28/2020

Evidentiary Hearing (1:30 PM) (Judicial Officer: Moss, Cheryl B.)
Evidentiary Hearing - Day 3
 Matter Continued;
Matter Continued

01/28/2020

Motion (1:30 PM) (Judicial Officer: Moss, Cheryl B.)
Plaintiff's Notice of Motion and Motion to Strike the Testimony of Defendant's Witnesses, Cheryl Kegley and Krystal Whipple; Request for Brief Focused Assessment and Access to Updated CPS Records
03/03/2020 Reset by Court to 01/28/2020
 Matter Heard;
Matter Heard

01/28/2020

CANCELED Opposition (1:30 PM) (Judicial Officer: Moss, Cheryl B.)
Vacated - per Clerk

01/28/2020

Opposition (1:30 PM) (Judicial Officer: Moss, Cheryl B.)
Defendant's Opposition to Motion to Strike the Testimony of Defendant's Witnesses Cheryl Kegley and Krystal Whipple; Request for a Brief Focused Assessment and Access to Updated CPS Records
 Matter Heard;
Matter Heard

CASE SUMMARY

CASE NO. D-17-560076-C

01/28/2020

Hearing (1:30 PM) (Judicial Officer: Moss, Cheryl B.)

Reply to Defendant's Opposition to Motion to Strike the Testimony of Defendant's Witnesses
Matter Heard;
Matter Heard

01/28/2020

 **All Pending Motions (1:30 PM)** (Judicial Officer: Moss, Cheryl B.)

Matter Heard;

Journal Entry Details:

EVIDENTIARY HEARING (DAY 3)...PLAINTIFF'S NOTICE OF MOTION TO STRIKE THE TESTIMONY OF DEFENDANT'S WITNESSES, CHERYL KEGLEY AND KRYSTAL WHIPPLE; REQUEST FOR BRIEF FOCUSED ASSESSMENT AND ACCESS TO UPDATED CPS RECORDS Attorney Carol Barnes, Bar #7985, present with co-counsel, Andrew Seprazik, Bar #15093 on behalf of the Plaintiff/Paternal Aunt, Stacey Kanter. Plaintiff/Paternal Grandmother, present in Pro Per Person. Attorney Linda Lay, Bar #12990, present with Co-Counsel, Carrie Hurtik on behalf of the Defendant/Mother. Parties sworn and testified. Testimony and exhibits presented. COURT ORDERED the following: 1. Plaintiff's Motion to strike Detective Cheryl Kegley's testimony is DENIED. 2. There is a STANDING ORDER for the trial to remain as a CLOSED HEARING until the conclusion of trial. 3. Therapist, Krystal Whipple, shall provide the Court with updated records from June 2019 to present. 4. Defendant shall subpoena Detective Cheryl Kegley to the next Court hearing. 5. Parties STIPULATE to Dr. Stephanie Holland as a COURT APPOINTED NEUTRAL EVALUATOR to prepare a CUSTODY EVALUATION. Plaintiff, Stacey Kanter, shall bear the cost without prejudice. Either party may hire a rebuttal expert. There shall be no ex parte contact with Dr. Holland, both parties shall carbon copy the other party in any communication. Court pleadings, court minutes, court videos, CPS records, and photos, the child's school records, the child's medical records, police reports, may be provided to Dr. Holland. Each party may have two (2) collateral witnesses. 6. The child can visit with his half brother, Ethan, from Texas this weekend (1/31/20 - 2/3/20) at Stacey's house. Mother shall receive a selfie once in the morning and once in the afternoon through Talking Parents. Mother shall have the following weekend and parties shall alternate. On Friday, 1/31/20, Stacey can pick-up the child from school and drop him off at school on Monday morning, 2/3/20. 7. At the next hearing, Stacey shall present photographs of the visit with the child and his brother to the Court. 8. Day 4 of Trial is set for 2/14/20 at 8:30 a.m.; 9. Day 5 of Trial is set for 2/27/20 at 2:00 p.m.;

Matter Heard

02/14/2020

 **Evidentiary Hearing (9:00 AM)** (Judicial Officer: Moss, Cheryl B.)*Evidentiary Hearing - Day 4*

Matter Heard;

Journal Entry Details:

EVIDENTIARY HEARING (DAY 3)...PLAINTIFF'S NOTICE OF MOTION TO STRIKE THE TESTIMONY OF DEFENDANT'S WITNESSES, CHERYL KEGLEY, AND KRYSTAL WHIPPLE; REQUEST FOR BRIEF FOCUSED ASSESSMENT AND ACCESS TO UPDATED CPS RECORDS. Attorney Carol Barnes, Bar #7985, present with co-counsel, Andrew Seprazik, Bar #15093 on behalf of the Plaintiff/Paternal Aunt, Stacey Kanter. Plaintiff/Paternal Grandmother, present in Pro Per Person. Attorney Linda Lay, Bar #12990, present with Co-Counsel, Carrie Hurtik, on behalf of the Defendant/Mother. Prior to the start of the Trial, the Court and Counsel engaged in a discussion regarding the Defendant's objection to the Plaintiff's decision to cross-examine Ms. Whipple before cross-examining Detective Kegley and Attorney Barnes's request to withdraw as Counsel of record. Court noted the Plaintiff's cross-examine would begin with Detective Kegley. Court further noted there was no objection to Attorney Barnes's request to withdraw. The Court and Counsel engaged in further discussion regarding the screw that was located in the Plaintiff's sofa coming in as evidence. Parties SWORN and TESTIFIED. Testimony and exhibits presented. MATTER TRAILED for a five-minute break. MATTER RECALLED. Testimony resumed with the Plaintiff's cross-examination of Ms. Whipple. Court noted Pro Se Litigant Mary- Anne Colt STIPULATED that Attorney Barnes may speak with the Court without her presence during the bench conference with Counsel. Pro Se Litigant Mary- Anne Colt stated on the record in OPEN COURT, "I stipulate that I will not go in with the bars." MATTER TRAILED for the Court to conduct a bench conference. MATTER RECALLED with all parties present. COURT ORDERED the following: An Emergency Order shall be issued on this date. Emergency Order EXECUTED and FILED in OPEN COURT with all parties receiving a copy of the Order. The Trial shall be POSTPONED until the minor child has been stabilized. An Evidentiary Hearing shall be set for August 5, 2020, at 9:00 AM (Full- Day). The Evidentiary Hearing set for February 27, 2020, at 2:00 PM, shall be VACATED. The hearing set for April 8, 2020, at 2:30 AM, regarding Attorney Barnes's Motion to withdraw shall be VACATED. Attorney Barnes Motion to withdraw as Counsel of record shall be GRANTED. The Pro Se Litigant Mary-Anne's request to proceed with the Trial set for February 27, 2020, at 2:00 PM, shall be DENIED. Attorney Robert Cerceo, Nevada Bar 5603, shall be appointed as Counsel for the minor child in a Pro Bono capacity. Attorney Cerceo shall coordinate with Ms. Whipple to meet the child and be his voice and attorney. The Defendant (Mom) shall have Temporary sole legal and physical custody of the minor child. There shall be no visitation between the Plaintiffs and the child. However, the Plaintiffs may speak with Ms. Whipple to see if she is willing to arrange visitation in her office. The child shall continue therapy with Hope Counseling. Neither party shall be permitted to change the child's therapist. Ms. Whipple shall remain the child's therapist until otherwise ordered by the Court. The child shall NOT be told whom he can speak too or whom he cannot speak too.;

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. D-17-560076-C

Matter Heard

02/27/2020

CANCELED Evidentiary Hearing (2:00 PM) (Judicial Officer: Moss, Cheryl B.)
Vacated - per Judge
Evidentiary Hearing - Day 5

03/24/2020



Minute Order (7:30 AM) (Judicial Officer: Moss, Cheryl B.)

Minute Order - No Hearing Held;

Journal Entry Details:

COURT MINUTE ORDER NRCP 1 and EDCR 1.10 state that the procedures in district court shall be administered to secure efficient, just, and inexpensive determinations in every action and proceeding. EDCR 2.23 (c) state that the judge may consider the motion on its merits at any time with or without oral argument, and grant or deny it. Pursuant to EDCR 5.206, a party filing a motion is required to serve the opposing party with a copy of all papers filed within 3 calendar days of submission for filing. Pursuant to EDCR 5.206 (b), a copy of any papers filed must be served on all other parties to an action within 3 calendar days of submission for filing. On February 19, 2020 Plaintiff/Paternal Grandmother (PGM) filed a Motion and Notice of Motion to Set Aside Order Judgment and/or Default. On February 19, 2020 Plaintiff/PGM filed a Certificate of Service showing service to Defendant/Mother s counsel of record by depositing a copy of the Motion in the U.S. Mail in the State of Nevada, postage prepaid on the same date. The COURT FINDS that Plaintiff/PGM failed to serve Plaintiff/Paternal Aunt (PA) a copy of the motion pursuant to EDCR5.206 (b). The COURT ORDERS that the hearing set for March 30, 2020 at 9:30AM is TAKEN OFF CALENDAR. Plaintiff/PGM may re notice the motion through the Clerk's Office to get a new hearing date AFTER all the parties and/or counsel, if parties are represented, have been properly served and the proof of service has been filed. A copy of this minute order shall be served upon all the parties and counsel. SO ORDERED. ;

Minute Order - No Hearing Held

03/30/2020

CANCELED Motion (9:30 AM) (Judicial Officer: Moss, Cheryl B.)

Vacated - per Judge

Plaintiff's Motion and Notice of Motion to Set Aside Order Judgment and/or Default

04/08/2020

CANCELED Motion (2:30 AM) (Judicial Officer: Moss, Cheryl B.)

Vacated - per Judge

Notice of Motion and Motion to Withdraw as Attorney of Record

06/05/2020



Minute Order (2:00 PM) (Judicial Officer: Moss, Cheryl B.)

Minute Order - No Hearing Held;

Journal Entry Details:

MINUTE ORDER - NO HEARING HELD AND NO APPEARANCES NRCP 1 and EDCR 1.10 state that the procedures in district court shall be administered to secure efficient, just, and inexpensive determinations in every action and proceeding. Pursuant to EDCR 5.206, a party filing a motion is required to serve the opposing party with a copy of all papers filed within 3 calendar days of submission for filing. Pursuant to EDCR 2.23(c), the judge may consider the motion on its merits at any time with or without oral argument, and grant or deny it. On March 27, 2020 Defendant/Mother represented by Linda Lay, Esq. filed a Motion to Seal all Video Recordings and Papers Related to Trial. On March 28, 2020 the Court issued a Clerk s Notice of Nonconforming Document because the Motion does not have a hearing designation per Rule 2.20(b). On March 30, 2020 a Notice of Hearing was issued by the Clerk of Court setting the matter on the Court s in chambers calendar May 06, 2020 at 2:30AM; and electronically served the same to the parties pursuant to NEFCR 9(d). On April 26, 2020 Defendant filed a Reply to Opposition; an Opposition that at the time of Defendant s filing of the Reply, the Court did not yet have access to. On April 28, 2020 the Court issued a Clerk s Notice of Nonconforming Document because the Certificate of Service on page 6 of the Reply to Opposition was not signed. On April 27, 2020 Defendant filed a signed Certificate of Service stating that copies of the Reply to Plaintiff's Opposition were sent to the Plaintiffs and their counsel via US Mail and Electronic service. On April 30, 2020 Plaintiffs/Paternal Aunt and Paternal Grandmother in proper person electronically filed an Opposition signed and dated April 10, 2020 with a hearing date for June 09, 2020 at 9:00AM. On April 30, 2020 Plaintiffs filed a Certificate of Service stating that Defendant/Mother was served a copy of the Opposition by mailing a copy of the same to Defendant s counsel Linda Ley % Hurtik Law & Associates office address on April 10, 2020. Upon review of the pleadings and papers, the COURT FINDS that proper service was effectuated and any procedural defects in filing have been waived and/or corrected by subsequent remedial measures. Openness and transparency are the cornerstones of an effective, functioning judicial system. Howard vs. State of Nevada 128 Nev., Adv. Op 67 citing Richmond Newspapers, Inc. v. Virginia, 448 U.S. 569, 571-72 (1980). Although public access is favored, it is not unfettered. Id. With acute awareness of the presumption favoring public access to judicial records and documents, federal and state courts have decided that a court may exercise its inherent authority to seal those materials only where the public s right to access is outweighed by competing interests. Id citing Minter vs. Wells Fargo Bank, N.A., 258 F.R.D. 118, 120-21 (D. Md. 2009). This presumption may be rebutted if countervailing interests heavily outweigh public interest in access. Id. Thus, a party who seeks to have documents or records filed with this court under seal must file a motion that identifies the information that the party seeks to have sealed, sets forth the reasons that such action is necessary, and specifies the duration of the sealing order. Howard vs. State of Nevada 128 Nev., Adv. Op. 67. The COURT FINDS that Defendant's motion failed to identify

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. D-17-560076-C

with sufficient specificity the significant interest that overrides the right to public access. IT IS ORDERED that the motion to seal is DENIED WITHOUT PREJUDICE. IT IS FURTHER ORDERED that the hearing set on June 09, 2020 at 9AM is VACATED. The next court date in this matter is on AUGUST 05, 2020 at 9AM for the Evidentiary Hearing Day 5. Pursuant to Administrative Order 20-10 re Paper Elimination in response to the COVID-19 outbreak, a copy of this minute order shall be served electronically. The Court shall file the order. SO ORDERED. CLERK'S NOTE: A copy of this minute order shall be emailed to the parties/counsel. (kw 6/5/2020);

Minute Order - No Hearing Held

06/09/2020 CANCELED Motion (9:00 AM) (Judicial Officer: Moss, Cheryl B.)
Vacated

Def't's Motion to Seal All Video Recordings and Papers Related to Trial
05/06/2020 Reset by Court to 06/09/2020

06/09/2020 CANCELED Opposition (9:00 AM) (Judicial Officer: Moss, Cheryl B.)
Vacated

Plf's Opposition to Motion to Seal All Video Recordings and Papers Related to Trial

08/05/2020  Evidentiary Hearing (9:00 AM) (Judicial Officer: Moss, Cheryl B.)

Pending the minor child's stabilization.

On for Status Check;

Journal Entry Details:

EVIDENTIARY HEARING: PENDING THE MINOR CHILD'S STABILIZATION Due to Governor Sisolak's Stay Home for Nevada directive, Plaintiff's/Mary-Anne Colt, and Stacey Kanter appeared in a pro se manner. Defendant Alysa Plummer and her Attorney of Record Linda Lay along with Guardian Ad Litem Bob Cerceo were all present via (bluejeans) equipment. Upon the matter being called the Court noted the trial set in this matter was converted into a status check and ongoing issues with the child. Parties SWORN and TESTIFIED The Court further noted the subpoena submitted by Attorney Lay, the Court inquired as Counsel and parties reviewing the Guardian Ad Litem reports. Attorney Cerceo advised the Court as to the minor child indicating he wants to continue contact with the Paternal Aunt Plaintiff's indicated they haven't seen the minor child since 2-15-2020. Plaintiff further expressed concerns as to their attempts to contact Defendant in this matter once a week for a period of (10) weeks and never they never received a call back by defendant. The Court noted concerns as to issues at hand. THE COURT FINDS it does not appear that Mom has alienated the child from the other side of the child's family THE COURT ORDERED, This Court shall CONTINUE to MONITOR VISITATION. Attorney Robert Cerceo shall CONTINUE as the GUARDIAN AD LITEM in this matter. Attorney Robert Cerceo (GAL) shall do a CHECK-UP with the minor child EVERY (30) days and PROVIDE the COURT with an UPDATE as to the child's VISITATION. Katie Thibaux shall be PERMITTED to TESTIFY. Krystal Whipple shall REMAIN the ACTIVE THERAPIST. Attorney Robert Cerceo shall CONTINUE to HAVE a TELEPHONE CALL OR TEXT MESSAGE with Ms. Whipple as to what's going on in the case. In regards to the CUSTODIAL EXCHANGE the RECEIVING PARTY shall be RESPONSIBLE for PICK-UP of the minor child. Stacey's VISITATION with the minor child shall be REINSTATED. Stacey shall have VISITATION with the minor child from 3:00 pm on Friday's until Sunday at 6:00 pm. The CUSTODIAL EXCHANGE shall OCCUR at Family Court located at 601 N. Pecos in Las Vegas. The COURT ADMONISHED PARTIES as to DISPARAGING each other. Parties shall not DISCUSS LITIGATION ISSUES with the minor child. The BLUEJEANS LINK shall be sent to Ms. Whipple as she shall be ALLOWED to APPEAR at the NEXT STATUS CHECK HEARING. In regards to payment of the EXPERT WITNESS Plaintiff's shall SEEK REIMBURSEMENT of COSTS at TIME of Trial. A ZOOM MEETING can be conducted from STACEY'S house with the minor child Preston. Stacey's VISITATION with the minor child Preston shall be reinstated. If Dr. Holland will ASSIST with LOGISTICS of this matter, Attorney Lay shall ask her client to comply. Quarantine instructions in place shall be followed by all parties in this action. Stacey shall KEEP mask, sanitizer and clothes for the minor child in her home. Stacey's VISITATION with the minor child shall occur every other weekend beginning this weekend. Ms. Hartman and Ms. Whipple shall provide REPORTS to the (GAL) all REPORTS received shall be PROVIDED to the court. Information shall be provided to the Court as to the minor child's school schedule. Department I's JEA shall PREPARE an AMENDED TRIAL ORDER as to the FUTURE COURT DATE.;

On for Status Check

09/08/2020 Motion (1:30 PM) (Judicial Officer: Moss, Cheryl B.)
Motion to Not Continue Temporary Visitation with Paternal Aunt Stacey Kanter

10/13/2020 Reset by Court to 09/08/2020

Non Jury Trial; NJT set for 4-21-2021 and 4-22-2021 at 9:00 am (full day)

Non Jury Trial

09/08/2020 Opposition (1:30 PM) (Judicial Officer: Moss, Cheryl B.)

Plaintiff Stacy Kanter's Opposition to Defendant Alysa Plummer's Motion to Not Continue with Temporary Visitation with Plaintiff, Paternal Aunt, Stacy Kanter on Order Shortening Time

10/13/2020 Reset by Court to 09/08/2020

Non Jury Trial; NJT set for 4-21-2021 and 4-22-2021 (full-day)

CASE SUMMARY

CASE NO. D-17-560076-C

Non Jury Trial

09/08/2020

 **All Pending Motions** (1:30 PM) (Judicial Officer: Moss, Cheryl B.)

Matter Heard; Minutes in the all pending

Journal Entry Details:

MOTION: MOTION TO NOT CONTINUE TEMPORARY VISITATION WIT PATERNAL AUNT STACEY KANTER...OPPOSITION: PLAINTIFF STACY KANTER'S OPPOSITION TO DEFENDANT ALYSA PLUMMER'S MOTION TO NOT CONTINUE WITH TEMPORARY VISITATION WITH PLAINTIFF. PATERNAL AUNT, STACY KANTER ON ORDER SHORTENING TIME Due to Governor Sisolak's Stay Home for Nevada directive, Plaintiff's Mary-Anne Colt and her Mother Stacey Kanter, along with Defendant/ Alysa Plummer and her Attorney of Record Carrie Hurtik all appeared via (bluejeans) equipment. Also present for today's proceedings was Amity Dorman from the Department of Family Services, Guardian Ad Litem, Robert Cerceo and the minor child's past therapist Ms. Whipple and current therapist Ms. Hartman were also present for today's proceedings via (bluejeans) audio equipment. Upon the matter being called, housekeeping issues were addressed by the court. Attorney Bob Cerceo, the Guardian ad Litem (GAL) gave a verbal updated report. THE COURT NOTED, Preston's therapist is now Hannah Hartman, and that Krystal Whipple was prior therapist Child Protective Services referral on 8/17/2020, the Court further noted the (CPS) case is still on going. THE COURT NOTED, Aunt Stacey and Paternal Grandmother still need to testify, the Court further noted the need to finish with Krystal Whipple's direct and cross examination as well as the Natural Mother needs to resume her direct examination from Defendant's side. THE COURT FINDS, there was some type of traumatic response from the minor child, the severity is not as important as the fact that trauma is trauma. THE COURT FINDS, Preston completed trauma therapy and improved and was transferred to therapy for attachment therapy between the minor child and Mom. THE COURT NOTED, Aunt Stacey requested in her/their COUNTERMOTION for a DIFFERENT THERAPIST for the minor child due to concerns of bias. Aunt Stacey's MOTION for a DIFFERENT Therapist SHALL be DENIED. THE COURT NOTED, Dr. Holland STIPULATED to Mom's Counsel and Aunt Stacey's prior Counsel as to Dr. Holland testifying as an expert for Aunt Stacey in this matter, with the COSTS being borne by Aunt Stacey. This Court shall MONITOR closely how the VISITATION are going. THE COURT ORDERED. The Paternal Aunt shall be PERMITTED to come to the COURT HOUSE to review the Child Protective Services under a CONFIDENTIAL GAG ORDER. The Paternal Aunt shall be PERMITTED to read the HOPE counseling letter and the (CPS) records at the courthouse. The Paternal Aunt shall email Department, she shall email the court's JEA for an appointment to read the documents mom is home-schooling child with Time for Learning A NON-JURY TRIAL set for 4-21-2020 at 9:00 am full day (day 1). NON-JURY TRIAL set for 4-22-2021 at 9:00 am full day (day 2) CLOSING ARGUMENTS shall be (90) minutes. VISITATION shall CONTINUE every other weekend however, they shall be REDUCED to Saturday day VISITS only EFFECTIVE 9-12-2020. HOPE COUNSELING shall be used to FACILITATE CHILD EXCHANGES ever other Saturday from 9:00 am until 6:00 pm, if HOPE is not available, Donna's House SUPERVISED EXCHANGES shall occur. ALL FEES associated with Donna's House SUPERVISED EXCHANGES shall be WAIVED for both sides . Department I's JEA shall submit a DONNA'S HOUSE REFERRAL order ASAP. VIA EMAIL. The minor child Preston, shall CONTINUE Therapy with Hannah Hartman of Hope Counseling Aunt Stacey shall SIGN the Courts CONFIDENTIALITY ORDER, upon signature Aunt Stacey shall RECEIVE the CPS Report via PDF email, the same information shall be sent to Attorney Cerceo the (GAL) and Mom's Attorney. The VISITATION EXCHANGE of the minor child shall occur a Family Court Security Gate. Parties shall have AUTHORIZATION TO AUDIO or VIDEO RECORD. Mom's Counsel shall prepare the courts order from today's proceedings and serve upon Attorney Cerceo as well. ;

Matter Heard

09/17/2020

CANCELED Status Check (9:00 AM) (Judicial Officer: Moss, Cheryl B.)

Vacated - per Judge

re: visitation-reports of GAL and Therapist

11/23/2020

Motion (10:00 AM) (Judicial Officer: Hardcastle, Gerald W.)

Plaintiff's 2 Amended Motion and Notice of Motion to Set Aside Order, Judgement, and/or Default

Denied;

Denied

11/23/2020

Opposition (10:00 AM) (Judicial Officer: Hardcastle, Gerald W.)

Defendant Alysa Plummer's Opposition to Motion to Set Aside Order

Matter Heard;

Matter Heard

11/23/2020

 **All Pending Motions** (10:00 AM) (Judicial Officer: Hardcastle, Gerald W.)

PLAINTIFF'S SECOND AMENDED MOTION AND NOTICE OF MOTION TO SET ASIDE ORDER, JUDGEMENT AND / OR DEFAULT...DEFENDANT ALYSA PLUMMER'S OPPOSITION TO MOTION TO SET ASIDE ORDER

MINUTES

Matter Heard;

Journal Entry Details:

CASE SUMMARY**CASE NO. D-17-560076-C**

PLAINTIFF'S SECOND AMENDED MOTION AND NOTICE OF MOTION TO SET ASIDE ORDER, JUDGEMENT AND / OR DEFAULT...DEFENDANT ALYSA PLUMMER'S OPPOSITION TO MOTION TO SET ASIDE ORDER COURT CLERKS: Michelle Cunningham (mlc), Jamile Vazquez Parties appeared via BLUEJEANS. Guardian Ad Litem (GAL), Bob Cerceo also present. COURT NOTED that the minor child is in Defendant/Mother's custody and contact with Plaintiff/Grandmother, Mary-Anne Colt had been suspended except at Donna's House. COURT FURTHER NOTED the child is to go to counseling. Court stated this case has been drawn out and it is his inclination that orders that have been entered continue until the new Judge comes in. Attorney Lay represented that the minor child's therapist sent a letter stating that all contact with the paternal side of the family shall cease. Both Plaintiffs stated they did not receive anything. Upon the Court's inquiry, GAL Cerceo stated there is a trial set and COURT NOTED it is a continuation of the trial. Attorney Cerceo further stated Judge Moss had suspended everything for about six (6) months and brought him in as the GAL. GAL Cerceo represented the minor child was doing well but then there was a down turn, was hurting himself and he expressed that he had difficulties visiting his Aunt but was comfortable with Grandmother. Further, the messages have been inconsistent. GAL Cerceo represented Aunt has engaged Dr. Holland to do an assessment. Court inquired as to what changes are needed to get the parties to the next trial date. GAL stated the minor child stated he is uneasy with Aunt but that was different from what he told him the month before. Discussion regarding what the current visitation order is. Aunt stated there were false claims made about her to Child Protective Services (CPS) and Judge Moss dropped her time down, however, CPS found the claims unsubstantiated. Court stated the trial needs to be dropped forward. Aunt stated she has not seen the child all month, she filed for a Pick-Up Order, and wants her weekends back. GAL Cerceo stated there should be contact with Aunt. Court is inclined to keep the orders in place regarding contact with Grandmother. Grandmother stated she wants counsel removed from this case. Attorney Lay stated they would request supervised visitation, every other weekend from 9:00 a.m. to 5:00 p.m. Attorney Lay further stated the minor child is close to being hospitalized because he is self-harming himself. GAL Cerceo stated he does not have any objections to overnight visitations. COURT ORDERED the following: 1. The Motion to SET ASIDE shall be DENIED on the basis of insufficient grounds. The minor child shall continue to reside with Mother. 2. The Hearing set for 11/30/2020 shall be VACATED. 3. The Non-Jury Trial scheduled for 4/21/2021 and 4/22/2021 shall be RESCHEDULED to 1/28/2021 at 9:00 a.m. and 1/29/2021 at 9:00 a.m. (FULL DAY, STACK #3). 4. Aunt shall have VISITATION with the minor child every other weekend from Fridays at 1:00 p.m. until Saturdays at 4:00 p.m. There shall be NO EXCEPTIONS for holidays. The EXCHANGES shall take place at Donna's House. Order for Supervised Exchange EXECUTED and FILED IN OPEN COURT. Copies shall be emailed to the parties and counsel. GAL Cerceo shall prepare the order from today's hearing.;

Matter Heard

11/30/2020

CANCELED Motion (11:00 AM) (Judicial Officer: Moss, Cheryl B.)*Vacated - per Judge**Amended Plaintiff's Motion and Notice of Motion to Set Aside Order, Judgment, and/or Default*

01/20/2021

 **Minute Order** (2:15 PM) (Judicial Officer: Bailey, Sunny)*Minute Order - No Hearing Held;**Journal Entry Details:*

MINUTE ORDER - NO HEARING HELD AND NO APPEARANCES Court noted, Stacey Kanter's Ex-Parte Motion for Continuance e-filed on January 10, 2021 @ 1:06 AM. Court further notes, Motions for Continuance of a scheduled Evidentiary Hearing cannot be done Ex-Parte. Notice has to be provided to all parties involved in the case and an opportunity to respond to the issue needs to be provided. COURT ORDERED: Stacey Kanter's Ex-Parte Motion for Continuance e-filed on January 10, 2021 @ 1:06 AM is DENIED Pursuant to EDCR 2.23, and EDCR 7.30. Courtroom clerk to provide a copy of this Minute Order to all parties. CLERK'S NOTE: A copy of this minute order shall be provided to the parties/counsel electronically. (kw 1/20/21);

Minute Order - No Hearing Held

01/28/2021

 **Non-Jury Trial** (9:00 AM) (Judicial Officer: Hardcastle, Gerald W.)*Stack #3 (Day 1)**01/28/2021 Reset by Court to 01/28/2021**04/21/2021 Reset by Court to 01/28/2021***MINUTES***Matter Heard;**Journal Entry Details:*

NON-JURY TRIAL: STACK #3(DAY 1)...PLAINTIFF'S OBJECTION TO SUBPOENA NEW WITNESSES Plaintiff/Grandmother Ms. Mary Colt present by audio. Intervener/Aunt Ms. Stacey Kanter, Guardian Ad Litem for minor child Mr. Robert Cerceo, Defendant/Mom Ms. Alysa Marie Plummer, Ms. Linda Lay and Ms. Carrie Hurtik present by video. The Court noted the issue of prior proceedings and it is intending to review the prior hearing recordings and exhibits admitted. Further, the Court admonished parties to be direct, reasonable and respectful during these proceedings as this Court takes the rules of evidence very seriously and if necessary it will consider contempt sanctions including incarceration. Discussion regarding the upcoming scheduled motions such as a request for a continuance of trial due to intervener's lack of legal representation, request for the

CASE SUMMARY

CASE NO. D-17-560076-C

admission of expert witnesses to be admitted, opportunity to take therapist and experts testimony and the objection to subpoena new witnesses. Parties SWORN and TESTIFIED and NO New EXHIBITS presented. The Court TRAILED the matter and upon its return; the Court confirmed for the record the detailed admission of exhibits from prior trials on July 10, 2019 and July 11, 2019: Parties STIPULATED to admit Plaintiff's Exhibits 3-113, 129-220, 242-252, 259-267, 276, 293-296, Parties STIPULATED to admit All of Defendant's Exhibits A - H and Plaintiff's SEALED Exhibit 1 (CPS Records) Bates #000769-001247. The Court advised the Mother will testify in tomorrow's proceedings 01/29/2021. ;

Matter Heard

01/28/2021 **Opposition** (9:00 AM) (Judicial Officer: Hardcastle, Gerald W.)

Plaintiff's Objection to Subpoena New Witnesses

01/28/2021 Reset by Court to 01/28/2021

Matter Heard;

Matter Heard

01/29/2021  **Non-Jury Trial** (9:00 AM) (Judicial Officer: Hardcastle, Gerald W.)

Stack #3 (Day 2)

04/22/2021 Reset by Court to 01/29/2021

MINUTES

Under Advisement;

Journal Entry Details:

NON-JURY TRIAL: STACK #3 (DAY 2) Plaintiff/Grandmother Ms. Mary Colt, Intervener/Aunt Ms. Stacey Kanter, Guardian Ad Litem for minor child Mr. Robert Cerceo, Defendant/Mom Ms. Alysa Marie Plummer, Ms. Linda Lay and Ms. Carrie Hurtik present by video. The Court outlined the importance of the rules of evidence and the course this case has taken. The Court further admonished the parties if more videos of the case proceedings are being leaked to Veterans in Politics website or channel or any other media outlet that will be considered a substantial reason for the Court to modify custody and/or deny visitation. The Court noted this case will now be sealed and directed Mr. Cerceo to prepare the order with the specifics. Parties SWORN and TESTIFIED, NO EXHIBITS presented (see prior Exhibits worksheet). CLOSING ARGUMENTS. COURT stated its FINDINGS and ORDERED the following: 1. The RECORD on this matter shall be SEALED. The Court directed Mr. Cerceo to prepare the order and submit to the Court for review and signature. 2. The Court took the matter UNDER ADVISEMENT and it will issue its written decision. CASE CLOSED; upon entry of order. ;

Under Advisement

03/25/2021 **CANCELED Motion** (8:30 AM) (Judicial Officer: Bailey, Sunny)

Vacated - Moot

Pltf's Motion for Hearing Continuance and Request for Updated Hope Counseling Records and Updated CPS Records

03/26/2021 **CANCELED Motion** (8:30 AM) (Judicial Officer: Bailey, Sunny)

Vacated - Moot

Plaintiff's Motion for Hearing Continuance and Request for Updated Hope Counseling Records and Updated CPS Records

SERVICE

10/11/2017

Summons

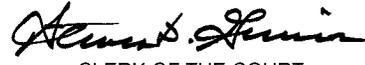
Plummer, Alysa Marie

Served: 11/21/2017

Grigsby Law Group
624 S. 10th Street,
Las Vegas, Nevada 89101
Tel: (702) 202-5235

1 **ORDER**
2 Abira Grigsby, Esq.
3 Nevada Bar No. 10308
4 The Grigsby Law Group
5 A Professional Corporation
6 624 S. 10th Street
7 Las Vegas, Nevada 89101
8 Telephone: (702) 202-5235
9 Facsimile: (702) 944-7856
10 abira@grigsbylawgroup.com
11 Attorney for Plaintiff

Electronically Filed
01/23/2018


CLERK OF THE COURT

12 DISTRICT COURT
13 FAMILY DIVISION
14 CLARK COUNTY, NEVADA

15 MARY-ANNE COLT,] Case No. D-17-560076-C
16]
17 Plaintiff,] Dept. No. I
18 vs.]
19]
20 ALYSA MARIE PLUMMER,]
21]
22 Defendant.]
23]
24]
25]
26]
27]
28]

ORDER

29 This matter having come before the Court on
30 December 13, 2017, for a Motion hearing on
31 Plaintiff's request for custody with Plaintiff, Mary-
32 Anne Colt, present and represented by and through her
33 counsel, Abira Grigsby, Esq., Defendant, Alysa Marie
34 Plummer, present in proper person, the Court having
35 reviewed the papers, and pleadings on file herein and
36 for good cause appearing therefore:
37
38

1 **IT IS HEREBY ORDERED** that temporarily,
2 Defendant/Mother shall retain sole legal and sole
3 physical custody;

4 **IT IS HEREBY FURTHER ORDERED** that the child shall
5 remain in Nevada until the case is resolved;

6 **IT IS HEREBY FURTHER ORDERED** that temporarily and
7 without prejudice, Plaintiff/Paternal Grandmother
8 shall have visitation with the child commencing on
9 12/15/17 from Friday at 5:30 p.m. until Sunday at
10 5:30 p.m. and alternate weekends. Parties shall
11 exchange the child at the front gate of the Family
12 Court House. Parties shall have a thirty (30) minute
13 window to exchange the child;

14 **IT IS HEREBY FURTHER ORDERED** that parties shall
15 enroll in TALKINGPARENTS.COM and communicate
16 regarding child related issues only;

17 **IT IS HEREBY FURTHER ORDERED** that Father, Sean
18 Paul Michael's death certificate is filed;

19 **IT IS HEREBY FURTHER ORDERED** that parties are
20 issued a behavior order. Order filed in open court;

21 **IT IS HEREBY FURTHER ORDERED** that Parties are
22 referred to the Family Mediation Center (FMC) for
23 Mediation with Domestic Violence Protocol and a one-
24 hour observation between the child and
25 Defendant/Mother and another observation between the
26 child and Plaintiff/Paternal Grandmother.

27 Defendant/Mother's fees are waived.

28 Plaintiff/Paternal Grandmother shall pay no more than

Grigsby Law Group
624 S. 10th Street,
Las Vegas, Nevada 89101
Tel: (702) 202-5235

1 \$50.00. Order for Family Mediation Services filed in
2 open court. A return hearing is set for 3/21/18 at
3 10:00 a.m.

4 **IT IS HEREBY FURTHER ORDERED** that the Court shall
5 request CPS records. Order filed in open court;

6 **IT IS FURTHERED ORDERED** that phone calls and
7 video calls shall be left up to Paternal Grandmother
8 and Mother to discuss. The Court will follow up on
9 whether Paternal Grandmother received any calls at
10 the next hearing;

11 **IT IS FURTHERED ORDERED** that Calendar Call is set
12 for 7/25/18 at 9:30 a.m. Discovery closes at
13 Calendar Call. Pre-Trial Memos along with the final
14 List of Witnesses and Exhibits are due on or before
15 Calendar Call;

16 **IT IS FURTHERED ORDERED** Evidentiary Hearing re:
17 Paternal Grandmother's Motion (Stack #1) is set for
18 8/23/18 at 9:30 a.m.

19 **IT IS FURTHERED ORDERED** that Case Management
20 Order signed and filed in open court. Copies were
21 provided to the parties in open court;

22 **IT IS FURTHERED ORDERED** that direct contempt of
23 Court and other sanctions against the
24 Defendant/Mother are stayed. Attorney Grigsby shall
25 prepare an Order for Direct Contempt and bring it to
26 the next hearing;

27
28

Grigsby Law Group
624 S. 10th Street,
Las Vegas, Nevada 89101
Tel: (702) 202-5235

1 **IT IS FURTHERED ORDERED** that purge clause issued
2 to Plaintiff/Mother to comply and follow the Court's
3 orders or be held in Contempt of Court;

4 **IT IS FURTHERED ORDERED** that Defendant/Mother's
5 Order to Proceed In Forma Pauperis for filing fee
6 only was signed in open court and returned to her for
7 filing along with her Answer and Counterclaim and her
8 Financial Disclosure Form (FDF).

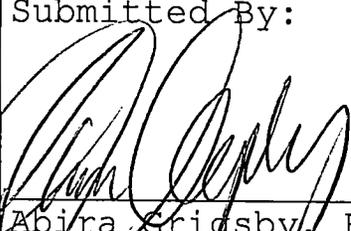
9 **IT IS FURTHERED ORDERED** that Attorney Abira
10 Grigsby shall prepare the Order from today's hearing.

11
12 Dated this ____ day of JAN 16 2018, 2018

13
14 
15 District Court Judge *cu*

16
17 **CHERYL B. MOSS**

18 Submitted By:

19
20 
21 Abira Grigsby, Esq.
22 Nevada Bar No. 10308
23 624 S. 10th Street
24 Las Vegas, Nevada 89101
25 Attorney for Mary-Anne Colt
26
27
28

Howard S. Levin
CLERK OF THE COURT

1 NOE
2 Abira Grigsby, Esq.
3 Nevada Bar No. 10308
4 The Grigsby Law Group
5 A Professional Corporation
6 624 S. 10th Street
7 Las Vegas, Nevada 89101
8 Telephone: (702) 202-5235
9 Facsimile: (702) 944-7856

10 DISTRICT COURT
11 FAMILY DIVISION
12 CLARK COUNTY, NEVADA

13 MARY-ANNE COLT, Case No. D-17-560076-C
14 Plaintiff, Dept. No. I
15 vs.
16 ALYSA MARIE PLUMMER,
17 Defendant.

18 **NOTICE OF ENTRY OF ORDER**

19 PLEASE TAKE NOTICE that on the 26th day of
20 January, 2018, this court entered an Order in the
21 above-referenced matter. A copy of the Order is
22 attached hereto.

23 DATED this 25th day of January, 2018

24 THE GRIGSBY LAW GROUP
25 A Professional Corporation

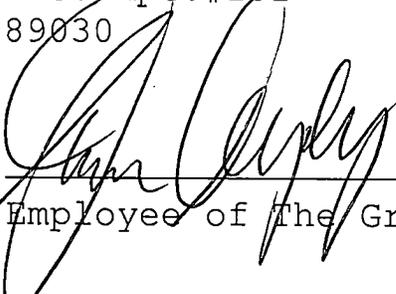
26
27 By: *Abira Grigsby*
28 Abira Grigsby, Esq.
Bar No. 10308

Grigsby Law Group
624 S. 10th Street,
Las Vegas, Nevada 89101
Tel: (702) 202-5235

CERTIFICATE OF SERVICE

I hereby certify that service of Notice of Entry of Order was made on the 26th day of January, 2018 pursuant to NRCP 5(b) by depositing a copy of same in the United States Mail in Las Vegas, Nevada, postage prepaid, addressed as follows:

Alysa Marie Plummer
3417 E. Cheyenne Ave. Apt.#151
N. Las Vegas, NV 89030



Employee of The Grigsby Law Group

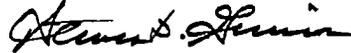
Grigsby Law Group
624 S. 10th Street,
Las Vegas, Nevada 89101
Tel: (702) 202-5235

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Grigsby Law Group
624 S. 10th Street,
Las Vegas, Nevada 89101
Tel: (702) 202-5235

1 **ORDER**
2 Abira Grigsby, Esq.
3 Nevada Bar No. 10308
4 The Grigsby Law Group
5 A Professional Corporation
6 624 S. 10th Street
7 Las Vegas, Nevada 89101
8 Telephone: (702) 202-5235
9 Facsimile: (702) 944-7856
10 abira@grigsbylawgroup.com
11 Attorney for Plaintiff

Electronically Filed
01/23/2018


CLERK OF THE COURT

12 DISTRICT COURT
13 FAMILY DIVISION
14 CLARK COUNTY, NEVADA

15 MARY-ANNE COLT,] Case No. D-17-560076-C
16]
17 Plaintiff,] Dept. No. I
18 vs.]
19]
20 ALYSA MARIE PLUMMER,]
21]
22 Defendant.]
23]

24 **ORDER**

25 This matter having come before the Court on
26 December 13, 2017, for a Motion hearing on
27 Plaintiff's request for custody with Plaintiff, Mary-
28 Anne Colt, present and represented by and through her
counsel, Abira Grigsby, Esq., Defendant, Alysa Marie
Plummer, present in proper person, the Court having
reviewed the papers, and pleadings on file herein and
for good cause appearing therefore:

1 **IT IS HEREBY ORDERED** that temporarily,
2 Defendant/Mother shall retain sole legal and sole
3 physical custody;

4 **IT IS HEREBY FURTHER ORDERED** that the child shall
5 remain in Nevada until the case is resolved;

6 **IT IS HEREBY FURTHER ORDERED** that temporarily and
7 without prejudice, Plaintiff/Paternal Grandmother
8 shall have visitation with the child commencing on
9 12/15/17 from Friday at 5:30 p.m. until Sunday at
10 5:30 p.m. and alternate weekends. Parties shall
11 exchange the child at the front gate of the Family
12 Court House. Parties shall have a thirty (30) minute
13 window to exchange the child;

14 **IT IS HEREBY FURTHER ORDERED** that parties shall
15 enroll in TALKINGPARENTS.COM and communicate
16 regarding child related issues only;

17 **IT IS HEREBY FURTHER ORDERED** that Father, Sean
18 Paul Michael's death certificate is filed;

19 **IT IS HEREBY FURTHER ORDERED** that parties are
20 issued a behavior order. Order filed in open court;

21 **IT IS HEREBY FURTHER ORDERED** that Parties are
22 referred to the Family Mediation Center (FMC) for
23 Mediation with Domestic Violence Protocol and a one-
24 hour observation between the child and
25 Defendant/Mother and another observation between the
26 child and Plaintiff/Paternal Grandmother.

27 Defendant/Mother's fees are waived.

28 Plaintiff/Paternal Grandmother shall pay no more than

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624 S. 10th Street,
Las Vegas, Nevada 89101
Tel: (702) 202-5235

1 \$50.00. Order for Family Mediation Services filed in
2 open court. A return hearing is set for 3/21/18 at
3 10:00 a.m.

4 **IT IS HEREBY FURTHER ORDERED** that the Court shall
5 request CPS records. Order filed in open court;

6 **IT IS FURTHERED ORDERED** that phone calls and
7 video calls shall be left up to Paternal Grandmother
8 and Mother to discuss. The Court will follow up on
9 whether Paternal Grandmother received any calls at
10 the next hearing;

11 **IT IS FURTHERED ORDERED** that Calendar Call is set
12 for 7/25/18 at 9:30 a.m. Discovery closes at
13 Calendar Call. Pre-Trial Memos along with the final
14 List of Witnesses and Exhibits are due on or before
15 Calendar Call;

16 **IT IS FURTHERED ORDERED** Evidentiary Hearing re:
17 Paternal Grandmother's Motion (Stack #1) is set for
18 8/23/18 at 9:30 a.m.

19 **IT IS FURTHERED ORDERED** that Case Management
20 Order signed and filed in open court. Copies were
21 provided to the parties in open court;

22 **IT IS FURTHERED ORDERED** that direct contempt of
23 Court and other sanctions against the
24 Defendant/Mother are stayed. Attorney Grigsby shall
25 prepare an Order for Direct Contempt and bring it to
26 the next hearing;

27
28

Grigsby Law Group
624 S. 10th Street,
Las Vegas, Nevada 89101
Tel: (702) 202-5235

1 **IT IS FURTHERED ORDERED** that purge clause issued
2 to Plaintiff/Mother to comply and follow the Court's
3 orders or be held in Contempt of Court;

4 **IT IS FURTHERED ORDERED** that Defendant/Mother's
5 Order to Proceed In Forma Pauperis for filing fee
6 only was signed in open court and returned to her for
7 filing along with her Answer and Counterclaim and her
8 Financial Disclosure Form (FDF).

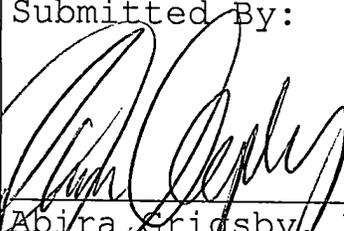
9 **IT IS FURTHERED ORDERED** that Attorney Abira
10 Grigsby shall prepare the Order from today's hearing.

11
12 Dated this ___ day of JAN 16 2018, 2018

13
14 
15 District Court Judge

16
17 CHERYL B. MOSS

18 Submitted By:

19
20 
21 Abira Grigsby, Esq.
22 Nevada Bar No. 10308
23 624 S. 10th Street
24 Las Vegas, Nevada 89101
25 Attorney for Mary-Anne Colt
26
27
28

MAR 21 2018

STEVEN D. GRIERSON
CLERK OF THE COURT

BY 
ERICA CARREON DEPUTY

1 **ORDER**
2 Abira Grigsby, Esq.
3 Nevada Bar No. 10308
4 The Grigsby Law Group
5 A Professional Corporation
6 624 S. 10th Street
7 Las Vegas, Nevada 89101
8 Telephone: (702) 202-5235
9 Facsimile: (702) 944-7856
10 abira@grigsbylawgroup.com
11 Attorney for Plaintiff

12 DISTRICT COURT
13 FAMILY DIVISION
14 CLARK COUNTY, NEVADA

15 MARY-ANNE COLT,] Case No. D-17-560076-C
16]
17 Plaintiff,] Dept. No. I
18 vs.]
19]
20 ALYSA MARIE PLUMMER,]
21]
22 Defendant.]
23]

24 ORDER

25 This matter having come before the Court on
26 December 13, 2017, for a Motion hearing on
27 Plaintiff's request for custody with Plaintiff, Mary-
28 Anne Colt, present and represented by and through her
counsel, Abira Grigsby, Esq., Defendant, Alysa Marie
Plummer, present in proper person, the Court having
reviewed the papers, and pleadings on file herein and
for good cause appearing therefore:

Grigsby Law Group
624 S. 10th Street,
Las Vegas, Nevada 89101
Tel: (702) 202-5235

Alvin S. Amin
CLERK OF THE COURT

1 ORDR
2 Abira Grigsby, Esq.
3 Nevada Bar No. 10308
4 The Grigsby Law Group
5 A Professional Corporation
6 624 S. 10th Street
7 Las Vegas, Nevada 89101
8 Telephone: (702) 202-5235
9 Facsimile: (702) 944-7856
10 abira@grigsbylawgroup.com

11 DISTRICT COURT
12 FAMILY DIVISION
13 CLARK COUNTY, NEVADA

14 MARY-ANNE COLT,] Case No. D-17-560076-C
15]
16 Plaintiff,] Dept. No. I
17 vs.]
18]
19 ALYSA MARIE PLUMMER,]
20]
21 Defendant.]
22]

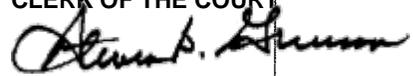
23 ORDER FOR WITHDRAWAL OF COUNSEL

24 This matter having come before this Honorable
25 Court for hearing on a Abira Grigsby's Motion to
26 Withdraw on July 25, 2018, Plaintiff, Alysa Marie
27 Plummer, appearing in proper person, and Defendant,
28 Mary-Anne Colt, appearing by and through his
attorney, Abira Grigsby, Esq., and good cause being
shown, therefore:

IT IS HEREBY ORDERED that Abira Grigsby, Esq.
Motion to Withdraw is granted and she is no longer

Grigsby Law Group
624 S. 10th Street,
Las Vegas, Nevada 89101
Tel: (702) 202-5235

RECEIVED
JUL 26 2018
DEPT. I



1 **PORD**
2 **SMITH LEGAL GROUP**
3 **Kurt A. Smith, Esq.**
4 Nevada Bar No. 10764
5 1701 N. Green Valley Parkway, Suite 4-C
6 Henderson, Nevada 89074
7 Telephone: (702) 410-5001
8 Facsimile: (702) 410-5005
9 info@thelegalsmith.com
10 *Attorneys for Plaintiff*

7 DISTRICT COURT
8 FAMILY DIVISION
9 CLARK COUNTY, NEVADA

9 MARY-ANNE COLT,
10 Plaintiff,

CASE NO.: D-17-560076-C

DEPT. NO.: I

11 vs.

Date of Hearing: 10-8-18

Time of Hearing: 9:00 a.m.

12 ALYSA MARIE PLUMMER,
13 Defendant.

**ORDER FOR THE PICKUP OF
THE MINOR CHILD**

Pick-up order only for
Express purpose of
enforcing Plaintiff's PM's

every-other-weekend visitation
commencing 10-12-18, a/kw

17 THIS MATTER having come before the Court on for hearing on October 8,
18 2018 on Plaintiff Mary-Anne Colt's Emergency Motion for Modification of
19 Temporary Orders of Custody and Visitation, at which time

22 a) Defendant Alysa Marie Plummer stated she will not cooperate with Orders
23 from the Court, and that she will not disclose the child Preston Colt's location or the
24 name of his school (with the Court ruling that Alysa Marie Plummer is in direct
25 contempt of Court based on her admissions stated in open court, with the purge clause
26 that Alysa Marie Plummer may be released upon providing the child's school

SMITH LEGAL GROUP
1701 N. GREEN VALLEY PARKWAY, SUITE 4-C
HENDERSON, NEVADA 89074
(702) 410-5001 FAX (702) 410-5005

1 information),

2
3 b) and the Court Ordered that Mary-Anne Colt shall have visitation on the
4 weekend of October 12, 2018, and the Parties alternate weekends thereafter,

5 c) and the Court further Ordered that on Friday, October 12, 2018 Marianne
6 Colt shall pick up the child after school (with Alysa Marie Plummer not being present
7 when Marianne Colt picks up the child from school) and return at the usual time on
8 Sunday, October 14, 2018 at the Family Court entrance,

9
10 d) and that counsel for Mary-Anne Colt may submit a pick up Order in the
11 event that Alysa Marie Plummer does not cooperate with the custodial exchange ,

12 e) and that if Alysa Marie Plummer or maternal grandmother hide the child,
13 that Mary-Anne Colt shall have the pick up Order in effect and the child shall be
14 reported as a missing person.
15

16
17 The Court being fully advised in the premises, having reviewed the pleadings
18 filed in this matter, and based thereupon:

19
20 **IT IS HEREBY ORDERED** that a Pick-Up Order shall be issued based on
21 the files and records in the above-entitled action and on the basis that Defendant,
22 Alysa Marie Plummer **has failed to comply with the Court's Orders from the**
23 **hearing of October 8, 2018 as recounted above**, with the Child to Clark County,
24 Nevada **and has been withholding** the Minor Child from Mary-Anne Colt for the
25 Court Ordered visitation to commence on October 12, 2018.
26
27
28

1 **IT IS FURTHER ORDERED** that any and all law enforcement officers are
2
3 hereby commanded to immediately take into custody the minor Child Preston Colt,
4 date of birth June 25, 2013, and turn the Child over to the Plaintiff, Mary-Anne Colt.

5 **IT IS FURTHER ORDERED** that it is anticipated that the Child Preston Colt,
6
7 born June 25, 2013, can be found in the State of Nevada, or anywhere in the United
8 States generally, and therefore any and all law enforcement officers in the State of
9 Nevada, or wherever the minor Child is found, are hereby directed, commanded,
10 asked and ordered to take the minor Child into custody directly from **ANY PERSON**
11 in whose custody the Child is found, and turn the Child over to his Paternal
12 Grandmother Mary-Anne Colt.
13

14 **IT IS FURTHER ORDERED** that pursuant to NRS 125C.00456), the parties
15 are hereby put on notice of the following:
16

17 PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION,
18 CONCEALMENT OR DETENTION OF A CHILD IN
19 VIOLATION OF THIS ORDER IS PUNISHABLE AS A
20 CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS
21 200.359 provides that every person having a limited right of custody
22 to a child or any parent having no right of custody to the child who
23 willfully detains, conceals, or removes the child from a parent,
24 guardian, or other person having lawful custody or a right of
25 visitation of the child in violation of an Order of this Court, or
26 removes the child from the jurisdiction of the Court, without the
27 consent of either the Court or all persons who have the right to
28 custody or visitation is subject to being punished for a Category D
 felony as provided in NRS 193.130.

IT IS FURTHER ORDERED that the Parties are also put on notice that the
terms of the Hague Convention of October 25, 1980, adopted by the 14th Session of

SMITH LEGAL GROUP
1701 N. GREEN VALLEY PARKWAY, SUITE 4-C
HENDERSON, NEVADA 89074
(702) 410-5001 FAX (702) 410-5005

1 the Hague Conference on Private International Law apply if a parent abducts or
2 wrongfully retains a child in a foreign country. The Parties are also put on notice of
3 the following provisions in NRS 125C.0045(7)-(8):

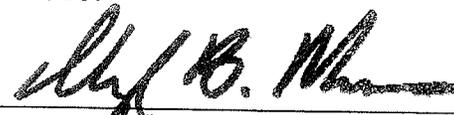
4 If a parent of the child lives in a foreign country or has significant commitments
5 in a foreign country:

6 (a) The parties may agree, and the court shall include in the Order for
7 Custody of the child, that the United States in the country of habitual
8 residence of the child for the purposes of applying the terms of the
9 Hague Convention as set forth in subsection 7.

10 (b) Upon motion of one of the parties, the Court may order the parent to
11 post a bond if the Court determines that the parent poses an imminent
12 risk of wrongfully removing or concealing the child outside the country
13 of habitual residence. The bond must be in an amount determined by
14 the Court and may be used only to pay for the cost of locating the child
15 and returning him to his habitual residence if the child is wrongfully
16 removed from or concealed outside the country of habitual residence.
17 The fact that a parent has significant commitments in a foreign country
18 does not create a presumption that the parent poses an imminent risk of
19 wrongfully removing or concealing the child.

PICK-UP ORDER EXPIRES 2-19-19 @ 1:30PM (TRIAL DATE) ^{AKW}

DATED this 12 day of October 2018.

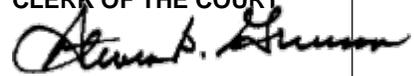

DISTRICT COURT JUDGE ^{AKW}

21 Respectfully submitted by:

22 Smith Legal Group

23 

24 Kurt A. Smith, Esq.
25 Nevada Bar No. 10764
26 *Attorneys for Plaintiff, Mary-Anne Colt*
27
28



1 **NEOJ**
2 **SMITH LEGAL GROUP**
3 **Kurt A. Smith, Esq.**
4 Nevada Bar No. 10764
5 1701 N. Green Valley Pkwy, Suite 4-C
6 Henderson, Nevada 89074
7 Telephone: (702) 410-5001
8 Facsimile: (702) 410-5005
9 info@thelegalsmith.com
10 *Attorney for Plaintiff*

7 **EIGHTH JUDICIAL DISTRICT COURT**
8 **FAMILY DIVISION**
9 **CLARK COUNTY, NEVADA**

9 MARY-ANNE COLT,
10 Plaintiff,

Case No.: D-17-560076-C
Dept. No.: I

11 vs.

12 ALYSA MARIE PLUMMER,
13 Defendant.

NOTICE OF ENTRY OF ORDER
FOR THE PICKUP OF THE
MINOR CHILD

14
15 PLEASE TAKE NOTICE that an ORDER FOR THE PICKUP OF THE
16 MINOR CHILD was entered on October 15, 2018, in the above-entitled matter, a
17 copy of which is attached hereto and incorporated herein by reference.
18

19 DATED this 17th day of October 2018.

20 Respectfully submitted by:
21 **SMITH LEGAL GROUP**

22 /s/ Kurt Smith
23 **Kurt A. Smith, Esq.**
24 Nevada Bar No. 10764
25 1701 N. Green Valley Pkwy., Suite 4-C
26 Henderson, Nevada 89074
27 Telephone: (702) 410-5001
28 Facsimile: (702) 410-5005
Attorney for Plaintiff

SMITH LEGAL GROUP
1701 N. Green Valley Pkwy., Suite 4-C
Henderson, Nevada 89074
Telephone: (702) 410-5001 Facsimile: (702) 410-5005

SMITH LEGAL GROUP
1701 N. Green Valley Pkwy., Suite 4-C
Henderson, Nevada 89074

Telephone: (702) 410-5001 Facsimile: (702) 410-5005

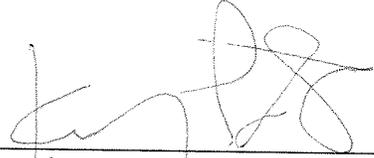
CERTIFICATE OF SERVICE

I hereby certify that I am employed by SMITH LEGAL GROUP, and that on October 18th, 2018, I served a copy of the above-captioned document upon the below-listed party by the below-designated method:

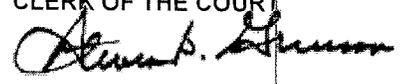
- E-Service via the Court's Electronic Service System pursuant to Administrative Order 14-2 and NEFCR 9
- U.S. Mail, postage prepaid
- Federal Express
- Hand Delivery
- Facsimile Transmission
- Certified Mail, Receipt No. _____, return receipt requested.

Mary-Anne Colt
9700 W Sunset RD Apt. 2039
Las Vegas, NV 89145
Plaintiff

Alysa Plummer
3417 E. Cheyenne Ave. Apt. 151
North Las Vegas, NV 89030
Defendant



An Employee of SMITH LEGAL GROUP



1 **PORD**
2 **SMITH LEGAL GROUP**
3 **Kurt A. Smith, Esq.**
4 Nevada Bar No. 10764
5 1701 N. Green Valley Parkway, Suite 4-C
6 Henderson, Nevada 89074
7 Telephone: (702) 410-5001
8 Facsimile: (702) 410-5005
9 info@thelegalsmith.com
10 *Attorneys for Plaintiff*

7 DISTRICT COURT
8 FAMILY DIVISION
9 CLARK COUNTY, NEVADA

9 MARY-ANNE COLT,
10 Plaintiff,

CASE NO.: D-17-560076-C

DEPT. NO.: I

11 vs.

Date of Hearing: 10-8-18

Time of Hearing: 9:00 a.m.

12 ALYSA MARIE PLUMMER,
13 Defendant.

ORDER FOR THE PICKUP OF
THE MINOR CHILD

PICK-UP ORDER ONLY FOR
EXPRESS PURPOSE OF
ENFORCING PLAINTIFF'S PMI
Every-other-weekend Visitation
commencing 10-12-18, A/KW

17 THIS MATTER having come before the Court on for hearing on October 8,
18 2018 on Plaintiff Mary-Anne Colt's Emergency Motion for Modification of
19 Temporary Orders of Custody and Visitation, at which time

22 a) Defendant Alysa Marie Plummer stated she will not cooperate with Orders
23 from the Court, and that she will not disclose the child Preston Colt's location or the
24 name of his school (with the Court ruling that Alysa Marie Plummer is in direct
25 contempt of Court based on her admissions stated in open court, with the purge clause
26 that Alysa Marie Plummer may be released upon providing the child's school
27
28

SMITH LEGAL GROUP
1701 N. GREEN VALLEY PARKWAY, SUITE 4-C
HENDERSON, NEVADA 89074
(702) 410-5001 FAX (702) 410-5005

1 information),

2
3 b) and the Court Ordered that Mary-Anne Colt shall have visitation on the
4 weekend of October 12, 2018, and the Parties alternate weekends thereafter,

5 c) and the Court further Ordered that on Friday, October 12, 2018 Marianne
6 Colt shall pick up the child after school (with Alysa Marie Plummer not being present
7 when Marianne Colt picks up the child from school) and return at the usual time on
8 Sunday, October 14, 2018 at the Family Court entrance,

9
10 d) and that counsel for Mary-Anne Colt may submit a pick up Order in the
11 event that Alysa Marie Plummer does not cooperate with the custodial exchange ,

12
13 e) and that if Alysa Marie Plummer or maternal grandmother hide the child,
14 that Mary-Anne Colt shall have the pick up Order in effect and the child shall be
15 reported as a missing person.

16
17 The Court being fully advised in the premises, having reviewed the pleadings
18 filed in this matter, and based thereupon:

19
20 **IT IS HEREBY ORDERED** that a Pick-Up Order shall be issued based on
21 the files and records in the above-entitled action and on the basis that Defendant,
22 Alysa Marie Plummer **has failed to comply with the Court's Orders from the**
23 **hearing of October 8, 2018 as recounted above,** with the Child to Clark County,
24 Nevada **and has been withholding** the Minor Child from Mary-Anne Colt for the
25 Court Ordered visitation to commence on October 12, 2018.
26
27
28

1 **IT IS FURTHER ORDERED** that any and all law enforcement officers are
2 hereby commanded to immediately take into custody the minor Child Preston Colt,
3 date of birth June 25, 2013, and turn the Child over to the Plaintiff, Mary-Anne Colt.
4

5 **IT IS FURTHER ORDERED** that it is anticipated that the Child Preston Colt,
6 born June 25, 2013, can be found in the State of Nevada, or anywhere in the United
7 States generally, and therefore any and all law enforcement officers in the State of
8 Nevada, or wherever the minor Child is found, are hereby directed, commanded,
9 asked and ordered to take the minor Child into custody directly from **ANY PERSON**
10 in whose custody the Child is found, and turn the Child over to his Paternal
11 Grandmother Mary-Anne Colt.
12

13 **IT IS FURTHER ORDERED** that pursuant to NRS 125C.00456), the parties
14 are hereby put on notice of the following:
15

16
17 PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION,
18 CONCEALMENT OR DETENTION OF A CHILD IN
19 VIOLATION OF THIS ORDER IS PUNISHABLE AS A
20 CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS
21 200.359 provides that every person having a limited right of custody
22 to a child or any parent having no right of custody to the child who
23 willfully detains, conceals, or removes the child from a parent,
24 guardian, or other person having lawful custody or a right of
25 visitation of the child in violation of an Order of this Court, or
26 removes the child from the jurisdiction of the Court, without the
27 consent of either the Court or all persons who have the right to
28 custody or visitation is subject to being punished for a Category D
felony as provided in NRS 193.130.

27 **IT IS FURTHER ORDERED** that the Parties are also put on notice that the
28 terms of the Hague Convention of October 25, 1980, adopted by the 14th Session of

1 the Hague Conference on Private International Law apply if a parent abducts or
2 wrongfully retains a child in a foreign country. The Parties are also put on notice of
3 the following provisions in NRS 125C.0045(7)-(8):

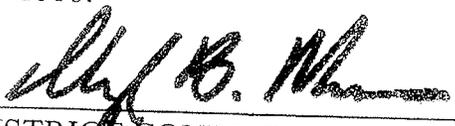
4 If a parent of the child lives in a foreign country or has significant commitments
5 in a foreign country:

6
7 (a) The parties may agree, and the court shall include in the Order for
8 Custody of the child, that the United States in the country of habitual
9 residence of the child for the purposes of applying the terms of the
10 Hague Convention as set forth in subsection 7.

11 (b) Upon motion of one of the parties, the Court may order the parent to
12 post a bond if the Court determines that the parent poses an imminent
13 risk of wrongfully removing or concealing the child outside the country
14 of habitual residence. The bond must be in an amount determined by
15 the Court and may be used only to pay for the cost of locating the child
16 and returning him to his habitual residence if the child is wrongfully
17 removed from or concealed outside the country of habitual residence.
18 The fact that a parent has significant commitments in a foreign country
19 does not create a presumption that the parent poses an imminent risk of
20 wrongfully removing or concealing the child.

PICK-UP ORDER EXPIRES 2-19-19 @ 1:30 PM (TRIAL DATE) ^{allw}

DATED this 12 day of October 2018.

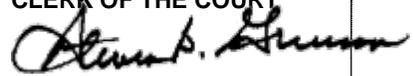

DISTRICT COURT JUDGE ^{allw}

21 Respectfully submitted by:

22 Smith Legal Group

23 

24 Kurt A. Smith, Esq.
25 Nevada Bar No. 10764
26 Attorneys for Plaintiff, Mary-Anne Colt



1 **ORDR**
2 **SMITH LEGAL GROUP**
3 **Kurt A. Smith, Esq.**
4 Nevada Bar No. 10764
5 1701 N. Green Valley Parkway, Suite 4-C
6 Henderson, Nevada 89074
7 Telephone: (702) 410-5001
8 Facsimile: (702) 410-5005
9 info@thelegalsmith.com
10 *Attorneys for Plaintiff*

8 **EIGHTH JUDICIAL DISTRICT COURT**
9 **FAMILY DIVISION**
10 **CLARK COUNTY, NEVADA**

10 MARY-ANNE COLT,
11 Plaintiff,
12 vs.

13 ALYSA MARIE PLUMMER,
14 Defendant.

CASE NO.: D-17-560076-C

DEPT. NO.: I

Date of Hearing: 10-8-18

Time of Hearing: 9:00 a.m.

ORDER FROM OCTOBER 8, 2018
HEARING

18
19 This matter having come before this Court on October 8, 2018 at 9:00 a.m.,
20 upon Plaintiff Mary-Anne Colt's Emergency Motion for Modification of Temporary
21 Orders of Custody and Visitation with Plaintiff, Mary-Anne Colt ("Paternal
22 Grandmother"), present along with Attorney Mark Anderson, Esq., appearing for
23 Attorney Kurt Smith, Esq. of Smith Legal Group, and Defendant Alysa Marie
24 Plummer ("Mother") appearing in proper person. The Department of Family Services
25 was represented by Tyonte Daniel.
26
27
28

1 DFS is accessing for impending danger, they have not found present
2 danger to remove the child Preston Colt from Mother's care. Attorney
3 Anderson represented Metro is investigating and there is an open case.
4 Attorney Anderson alleged the child has cigarette burn marks and his toes
5 were smashed with rocks by Mother. Attorney Anderson further represented
6 Mother was hospitalized on August 10, 2018. Mother stated she was
7 hospitalized for broken ribs and she was not Legal 2000. Mother stated she
8 will not cooperate with Orders from the Court and she will not disclose the
9 child's location or the name of the school. Upon Court's inquiry, Mother stated
10 she took a drug test for urine on 10/5/18. THE COURT NOTES, the
11 Abuse/Neglect Specialist from Metro is Cheryl Kegley.

12
13
14
15
16 **COURT ORDERED** the following:

17
18 **IT IS HEREBY ORDERED** CUSTODY shall remain STATUS QUO,
19 Mother shall have custody and Paternal Grandmother shall continue to have
20 visitation every other weekend. Paternal Grandmother shall start visitation the
21 weekend of 10/12/18 and parties shall alternate thereafter;

22
23 **IT IS FURTHER ORDERED** on Friday, 10/12/18, Paternal Grandmother
24 shall pick-up the child after school and return the child at the usual time on
25 Sunday, 10/14/18 at Family Court. Mother shall NOT be present when
26 Paternal Grandmother picks up the child from school. Attorney Anderson may
27
28

1 submit a Pick-up Order in the event Mother does not cooperate with the
2 custodial schedule;
3

4 **IT IS FURTHER ORDERED** when there is no school, all exchanges
5 shall occur at Family Court ;
6

7 **IT IS FURTHER ORDERED** Paternal Grandmother's three (3) days of
8 COMPENSATORY VISITATION is DEFERRED to trial.
9

10 **IT IS FURTHER ORDERED** Counsel may subpoena Metro;

11 **IT IS FURTHER ORDERED** Mother shall sign a HIPAA RELEASE.
12 Medical records shall be sent to Department I's chambers. Counsel may
13 review the records in chambers under CONFIDENTIAL GAG ORDER;
14

15 **IT IS FURTHER ORDERED** CPS records provided to Attorney
16 Anderson under CONFIDENTIAL GAG ORDER;
17

18 **IT IS FURTHER ORDERED** DFS is invited to appear at the next
19 hearing;
20

21 **IT IS FURTHER ORDERED** both parties are REFERRED to the
22 American Toxicology Institute (ATI) for drug testing to include hair and urine.
23 Mother shall pay for Paternal Grandmother's drug test and Paternal
24 Grandmother shall pay for Mother's drug test. Referral is LEFT-SIDE FILED. A
25 72 hour hearing may be set pending the drug test results. Both parties and
26 Counsel may contact chambers to obtain the drug test results;
27
28

1 **IT IS FURTHER ORDERED** the Court shall obtain the drug test results
2 from DFS that Mother took on 10/5/18;
3

4 **IT IS FURTHER ORDERED** Paternal Grandmother may request a
5 Motion for a new hearing based on new evidence from Metro;
6

7 **IT IS FURTHER ORDERED** the Court shall obtain updated CPS
8 RECORDS upon completion of their case;
9

10 **IT IS FURTHER ORDERED** Mother is in DIRECT CONTEMPT OF
11 COURT based on her admissions in the court room, with the purge clause that
12 Mother may be released upon providing the child's school information. Mother
13 is RELEASED to take the drug test and she shall not be taken into custody;
14

15 **IT IS FURTHER ORDERED** Attorney Anderson shall prepare a
16 Subpoena Order from Clark County School District (CCSD) by 10/12/18 to
17 obtain the child's school information. Attorney Anderson shall file notification
18 with the Court and contact chambers that the child's school has been
19 identified;
20
21

22 **IT IS FURTHER ORDERED** if Mother or Maternal Grandmother hide
23 the child, Paternal Grandmother shall have the Pick-Up Order in effect and the
24 child shall be reported as a missing person;
25

26 **IT IS FURTHER ORDERED** documents provided by Mother were LEFT-
27 SIDE FILED;
28

1 **IT IS FURTHER ORDERED** there shall be no return hearing; however,
2
3 if there is new evidence then Parties may file a request for Motion;

4 **IT IS FURTHER ORDERED** Evidentiary Hearing (Stack 1) set for
5 2/19/19 at 1:30 p.m. STANDS. Attorney Anderson shall prepare a Subpoena
6 Order and a Pick-Up Order;
7

8 **IT IS FURTHER ORDERED** the Parties are put on notice of the requirements
9 of NRS 125C.0045(6), as follows:
10

11 (a) PENALTY FOR VIOLATION OF ORDER: THE
12 ABDUCTION, CONCEALMENT OR DETENTION OF A
13 CHILD IN VIOLATION OF THIS ORDER IS
14 PUNISHABLE AS A CATEGORY D FELONY AS
15 PROVIDED IN NRS 193.130. NRS 200.359 provides that
16 every person having a limited right of custody to a child or
17 any parent having no right of custody to the child who
18 willfully detains, conceals or removes the child from a
19 parent, guardian or other person having lawful custody or a
20 right of visitation of the child in violation of an order of this
21 court, or removes the child from the jurisdiction of the court
22 without the consent of either the court or all persons who
23 have the right to custody or visitation is subject to being
24 punished for a category D felony as provided in NRS
25 193.130.
26
27

28 **IT IS FURTHER ORDERED** the Parties are put on notice that the terms of
The Hague Convention of October 25, 1980, adopted by the 14th Session of The
Hague Conference on Private International Law, apply if a parent abducts or
wrongfully retains a child in a foreign country;

IT IS FURTHER ORDERED the Parties are put on notice that pursuant to
NRS 125C.0045(7)-(8);

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1701 N. Green Valley Parkway, Suite 4-C
HENDERSON, NEVADA 89074
(702) 410-5001 FAX (702) 410-5005

1 If a parent of a child lives in a foreign country or has significant commitments
2 in a foreign country:
3

- 4 i. The parties are also to acknowledge that the State of Nevada will be the
5 habitual residence of the minor child within the United States for the
6 purposes of applying the terms of The Hague Convention as set forth in
7 NRS 125C.0045(7).
8
9 ii. Upon motion of one of the parties, the court may order the parent to post
10 a bond if the court determines that the parent poses an imminent risk of
11 wrongfully removing or concealing the child outside the country of
12 habitual residence. The bond must be in an amount determined by the
13 court and may be used only to pay for the cost of locating the child and
14 returning him/her to his/her habitual residence if the child is wrongfully
15 removed from or concealed outside the country of habitual residence.
16 The fact that a parent has significant commitments in a foreign country
17 does not create a presumption that the parent poses an imminent risk of
18 wrongfully removing or concealing the child.

19 **IT IS FURTHER ORDERED** the Parties are put on notice that pursuant to the
20 provisions of NRS 125C.006:
21

- 22 1. If primary physical custody has been established pursuant to an order,
23 judgment, or decree of a court and the custodial parent intends to relocate his
24 or her residence to a place outside of this State or to a place within this State
25 that is at such a distance that would substantially impair the ability of the
26 other parent to maintain a meaningful relationship with the child, and the
27 custodial parent desires to take the child with him or her, the custodial parent
28 shall, before relocating:
(a) Attempt to obtain the written consent of the noncustodial parent to
relocate with the child; and
(b) If the noncustodial parent refuses to give that consent, petition the court
for permission to relocate with the child.
2. The court may award reasonable attorney's fees and costs to the custodial
parent if the court finds that the noncustodial parent refused to consent to the
custodial parent's relocation with the child:
(a) Without having reasonable grounds for such refusal; or
(b) For the purpose of harassing the custodial parent.

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3. A parent who relocates with a child pursuant to this section without the written consent of the noncustodial parent, or the permission of the court is subject to the provisions of NRS 200.359.

IT IS FURTHER ORDERED that in accordance with NRS 31A.025 and NRS 125.007, a parent responsible for paying child support is subject to NRS 31A.025 to 31A.330, inclusive, and Sections 2 and 3 of Chapter 31A of the Nevada Revised Statutes, regarding the withholding of wages and commissions for the delinquent payment of support. These statutes and provisions require that, if a parent responsible for paying child support is delinquent in paying the support of a child that such person has been ordered to pay, then that person's wages or commissions shall immediately be subject to wage assignment, pursuant to the provision of the above-cited statutes;

IT IS FURTHER ORDERED the following statutory notices relating to the support of minor children are applicable to the parties herein:

- A. Pursuant to NRS 125B.095, if an installment of an obligation to pay support for a child becomes delinquent in the amount owed for one (1) month's support, a 10% per annum penalty must be added to the delinquent amount.
- B. Pursuant to NRS 125B.140, if an installment of an obligation to pay support for a child becomes delinquent, the court will determine interest upon the arrearages at a rate established pursuant to NRS 99.040, from the time each amount becomes due. Interest will continue to accrue on the amount ordered until it is paid, and additional attorney's fees must be allowed if required for collection.
- C. Pursuant to NRS 125B.145, the parties, and each of them, are hereby, placed on notice the order for support may be reviewed at any time on the basis of changed circumstances. For the purposes of this subsection, a change of 20 percent or more in the monthly income of a person who is subject to an order for the support of a child shall be deemed to constitute changed

1 circumstances and require a review of modification of the order for the
2 support of a child. Moreover, also pursuant to NRS 125B.145, the parties are
3 on notice that the order for support will be reviewed by the court at least
4 every three (3) years to determine whether the order should be modified. The
5 review will be conducted upon the filing of a request by a parent or legal
6 guardian of the child; or the Nevada State Welfare Division of the District
7 Attorney's Office, if the Division of the District Attorney has jurisdiction of
8 the case.

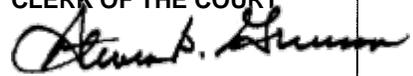
9 DATED this _____ day of OCT 22 2018 2018.

10 
11 _____
12 DISTRICT COURT JUDGE

13 Respectfully submitted by:
14 **SMITH LEGAL GROUP**

15 
16 _____
17 **Mark Anderson, Esq.**

18 Nevada Bar No. 000606
19 1701 North Green Valley Pkwy, Suite 4-C
20 Henderson, Nevada 89074
21 Telephone: (702) 410-5001
22 info@thelegalsmith.com
23 *Attorney for Plaintiff*



1 **NEOJ**
2 **SMITH LEGAL GROUP**
3 **Kurt A. Smith, Esq.**
4 Nevada Bar No. 10764
5 1701 N. Green Valley Pkwy, Suite 4-C
6 Henderson, Nevada 89074
7 Telephone: (702) 410-5001
8 Facsimile: (702) 410-5005
9 info@thelegalsmith.com
10 *Attorney for Plaintiff*

7 **EIGHTH JUDICIAL DISTRICT COURT**
8 **FAMILY DIVISION**
9 **CLARK COUNTY, NEVADA**

9 MARY-ANNE COLT,
10 Plaintiff,

Case No.: D-17-560076-C
Dept. No.: I

11 vs.

12 ALYSA MARIE PLUMMER,
13 Defendant.

NOTICE OF ENTRY OF ORDER
FROM OCTOBER 8, 2018
HEARING

14
15 PLEASE TAKE NOTICE that an ORDER FROM OCTOBER 8, 2018
16 HEARING was entered on October 23, 2018, in the above-entitled matter, a copy of
17 which is attached hereto and incorporated herein by reference.
18

19 DATED this 29th day of October 2018.

20 Respectfully submitted by:
21 **SMITH LEGAL GROUP**

22 /s/ Kurt Smith

23 **Kurt A. Smith, Esq.**

24 Nevada Bar No. 10764
25 1701 N. Green Valley Pkwy., Suite 4-C
26 Henderson, Nevada 89074
27 Telephone: (702) 410-5001
28 Facsimile: (702) 410-5005
Attorney for Plaintiff

SMITH LEGAL GROUP
1701 N. Green Valley Pkwy., Suite 4-C
Henderson, Nevada 89074

Telephone: (702) 410-5001 Facsimile: (702) 410-5005

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CERTIFICATE OF SERVICE

I hereby certify that I am employed by SMITH LEGAL GROUP, and that on *November 5*, 2018, I served a copy of the above-captioned document upon the below-listed party by the below-designated method:

- E-Service via the Court's Electronic Service System pursuant to Administrative Order 14-2 and NEFCR 9
- U.S. Mail, postage prepaid
- Federal Express
- Hand Delivery
- Facsimile Transmission
- Certified Mail, Receipt No. _____, return receipt requested.

Mary-Anne Colt
9700 W Sunset Rd. Apt. 2039
Las Vegas, NV 89145
Plaintiff

Alysa Marie Plummer
3417 E. Cheyenne Ave. Apt. 151
North Las Vegas, NV 89030
Defendant



An Employee of SMITH LEGAL GROUP



1 **ORDER**
2 **SMITH LEGAL GROUP**
3 **Kurt A. Smith, Esq.**
4 Nevada Bar No. 10764
5 1701 N. Green Valley Parkway, Suite 4-C
6 Henderson, Nevada 89074
7 Telephone: (702) 410-5001
8 Facsimile: (702) 410-5005
9 info@thelegalsmith.com
10 *Attorneys for Plaintiff*

8 **EIGHTH JUDICIAL DISTRICT COURT**
9 **FAMILY DIVISION**
10 **CLARK COUNTY, NEVADA**

10 MARY-ANNE COLT,
11 Plaintiff,

12 vs.

13 ALYSA MARIE PLUMMER,
14 Defendant.

CASE NO.: D-17-560076-C

DEPT. NO.: I

Date of Hearing: 10-8-18

Time of Hearing: 9:00 a.m.

ORDER FROM OCTOBER 8, 2018
HEARING

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20 This matter having come before this Court on October 8, 2018 at 9:00 a.m.,
21 upon Plaintiff Mary-Anne Colt's Emergency Motion for Modification of Temporary
22 Orders of Custody and Visitation with Plaintiff, Mary-Anne Colt ("Paternal
23 Grandmother"), present along with Attorney Mark Anderson, Esq., appearing for
24 Attorney Kurt Smith, Esq. of Smith Legal Group, and Defendant Alysa Marie
25 Plummer ("Mother") appearing in proper person. The Department of Family Services
26
27
28 was represented by Tyonte Daniel.

1 DFS is accessing for impending danger, they have not found present
2 danger to remove the child Preston Colt from Mother's care. Attorney
3 Anderson represented Metro is investigating and there is an open case.
4 Attorney Anderson alleged the child has cigarette burn marks and his toes
5 were smashed with rocks by Mother. Attorney Anderson further represented
6 Mother was hospitalized on August 10, 2018. Mother stated she was
7 hospitalized for broken ribs and she was not Legal 2000. Mother stated she
8 will not cooperate with Orders from the Court and she will not disclose the
9 child's location or the name of the school. Upon Court's inquiry, Mother stated
10 she took a drug test for urine on 10/5/18. THE COURT NOTES, the
11 Abuse/Neglect Specialist from Metro is Cheryl Kegley.

12
13
14
15
16 **COURT ORDERED** the following:

17
18 **IT IS HEREBY ORDERED** CUSTODY shall remain STATUS QUO,
19 Mother shall have custody and Paternal Grandmother shall continue to have
20 visitation every other weekend. Paternal Grandmother shall start visitation the
21 weekend of 10/12/18 and parties shall alternate thereafter;

22
23 **IT IS FURTHER ORDERED** on Friday, 10/12/18, Paternal Grandmother
24 shall pick-up the child after school and return the child at the usual time on
25 Sunday, 10/14/18 at Family Court. Mother shall NOT be present when
26 Paternal Grandmother picks up the child from school. Attorney Anderson may
27
28

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HENDERSON, NEVADA 89074
(702) 410-5001 FAX (702) 410-5005

1 submit a Pick-up Order in the event Mother does not cooperate with the
2 custodial schedule;
3

4 **IT IS FURTHER ORDERED** when there is no school, all exchanges
5 shall occur at Family Court ;
6

7 **IT IS FURTHER ORDERED** Paternal Grandmother's three (3) days of
8 COMPENSATORY VISITATION is DEFERRED to trial.
9

10 **IT IS FURTHER ORDERED** Counsel may subpoena Metro;

11 **IT IS FURTHER ORDERED** Mother shall sign a HIPAA RELEASE.
12 Medical records shall be sent to Department I's chambers. Counsel may
13 review the records in chambers under CONFIDENTIAL GAG ORDER;
14

15 **IT IS FURTHER ORDERED** CPS records provided to Attorney
16 Anderson under CONFIDENTIAL GAG ORDER;
17

18 **IT IS FURTHER ORDERED** DFS is invited to appear at the next
19 hearing;
20

21 **IT IS FURTHER ORDERED** both parties are REFERRED to the
22 American Toxicology Institute (ATI) for drug testing to include hair and urine.
23 Mother shall pay for Paternal Grandmother's drug test and Paternal
24 Grandmother shall pay for Mother's drug test. Referral is LEFT-SIDE FILED. A
25 72 hour hearing may be set pending the drug test results. Both parties and
26 Counsel may contact chambers to obtain the drug test results;
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IT IS FURTHER ORDERED the Court shall obtain the drug test results from DFS that Mother took on 10/5/18;

IT IS FURTHER ORDERED Paternal Grandmother may request a Motion for a new hearing based on new evidence from Metro;

IT IS FURTHER ORDERED the Court shall obtain updated CPS RECORDS upon completion of their case;

IT IS FURTHER ORDERED Mother is in DIRECT CONTEMPT OF COURT based on her admissions in the court room, with the purge clause that Mother may be released upon providing the child's school information. Mother is RELEASED to take the drug test and she shall not be taken into custody;

IT IS FURTHER ORDERED Attorney Anderson shall prepare a Subpoena Order from Clark County School District (CCSD) by 10/12/18 to obtain the child's school information. Attorney Anderson shall file notification with the Court and contact chambers that the child's school has been identified;

IT IS FURTHER ORDERED if Mother or Maternal Grandmother hide the child, Paternal Grandmother shall have the Pick-Up Order in effect and the child shall be reported as a missing person;

IT IS FURTHER ORDERED documents provided by Mother were LEFT-SIDE FILED;

1 **IT IS FURTHER ORDERED** there shall be no return hearing; however,
2 if there is new evidence then Parties may file a request for Motion;
3

4 **IT IS FURTHER ORDERED** Evidentiary Hearing (Stack 1) set for
5 2/19/19 at 1:30 p.m. STANDS. Attorney Anderson shall prepare a Subpoena
6 Order and a Pick-Up Order;
7

8 **IT IS FURTHER ORDERED** the Parties are put on notice of the requirements
9 of NRS 125C.0045(6), as follows:
10

11 (a) PENALTY FOR VIOLATION OF ORDER: THE
12 ABDUCTION, CONCEALMENT OR DETENTION OF A
13 CHILD IN VIOLATION OF THIS ORDER IS
14 PUNISHABLE AS A CATEGORY D FELONY AS
15 PROVIDED IN NRS 193.130. NRS 200.359 provides that
16 every person having a limited right of custody to a child or
17 any parent having no right of custody to the child who
18 willfully detains, conceals or removes the child from a
19 parent, guardian or other person having lawful custody or a
20 right of visitation of the child in violation of an order of this
21 court, or removes the child from the jurisdiction of the court
22 without the consent of either the court or all persons who
23 have the right to custody or visitation is subject to being
24 punished for a category D felony as provided in NRS
25 193.130.
26

27 **IT IS FURTHER ORDERED** the Parties are put on notice that the terms of
28 The Hague Convention of October 25, 1980, adopted by the 14th Session of The
Hague Conference on Private International Law, apply if a parent abducts or
wrongfully retains a child in a foreign country;

IT IS FURTHER ORDERED the Parties are put on notice that pursuant to
NRS 125C.0045(7)-(8);

SMITH LEGAL GROUP
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1 If a parent of a child lives in a foreign country or has significant commitments
2 in a foreign country:
3

- 4 i. The parties are also to acknowledge that the State of Nevada will be the
5 habitual residence of the minor child within the United States for the
6 purposes of applying the terms of The Hague Convention as set forth in
7 NRS 125C.0045(7).
8
9 ii. Upon motion of one of the parties, the court may order the parent to post
10 a bond if the court determines that the parent poses an imminent risk of
11 wrongfully removing or concealing the child outside the country of
12 habitual residence. The bond must be in an amount determined by the
13 court and may be used only to pay for the cost of locating the child and
14 returning him/her to his/her habitual residence if the child is wrongfully
15 removed from or concealed outside the country of habitual residence.
16 The fact that a parent has significant commitments in a foreign country
17 does not create a presumption that the parent poses an imminent risk of
18 wrongfully removing or concealing the child.

19 **IT IS FURTHER ORDERED** the Parties are put on notice that pursuant to the
20 provisions of NRS 125C.006:
21

- 22 1. If primary physical custody has been established pursuant to an order,
23 judgment, or decree of a court and the custodial parent intends to relocate his
24 or her residence to a place outside of this State or to a place within this State
25 that is at such a distance that would substantially impair the ability of the
26 other parent to maintain a meaningful relationship with the child, and the
27 custodial parent desires to take the child with him or her, the custodial parent
28 shall, before relocating:
(a) Attempt to obtain the written consent of the noncustodial parent to
relocate with the child; and
(b) If the noncustodial parent refuses to give that consent, petition the court
for permission to relocate with the child.
2. The court may award reasonable attorney's fees and costs to the custodial
parent if the court finds that the noncustodial parent refused to consent to the
custodial parent's relocation with the child:
(a) Without having reasonable grounds for such refusal; or
(b) For the purpose of harassing the custodial parent.

1
2 3. A parent who relocates with a child pursuant to this section without the
3 written consent of the noncustodial parent, or the permission of the court is
4 subject to the provisions of NRS 200.359.

5 **IT IS FURTHER ORDERED** that in accordance with NRS 31A.025 and NRS
6 125.007, a parent responsible for paying child support is subject to NRS 31A.025 to
7 31A.330, inclusive, and Sections 2 and 3 of Chapter 31A of the Nevada Revised
8 Statutes, regarding the withholding of wages and commissions for the delinquent
9 payment of support. These statutes and provisions require that, if a parent responsible
10 for paying child support is delinquent in paying the support of a child that such person
11 has been ordered to pay, then that person's wages or commissions shall immediately
12 be subject to wage assignment, pursuant to the provision of the above-cited statutes;

13
14
15 **IT IS FURTHER ORDERED** the following statutory notices relating to the
16 support of minor children are applicable to the parties herein:
17

- 18
19 A. Pursuant to NRS 125B.095, if an installment of an obligation to pay support
20 for a child becomes delinquent in the amount owed for one (1) month's
21 support, a 10% per annum penalty must be added to the delinquent amount.
22
23 B. Pursuant to NRS 125B.140, if an installment of an obligation to pay support
24 for a child becomes delinquent, the court will determine interest upon the
25 arrearages at a rate established pursuant to NRS 99.040, from the time each
26 amount becomes due. Interest will continue to accrue on the amount ordered
27 until it is paid, and additional attorney's fees must be allowed if required for
28 collection.
C. Pursuant to NRS 125B.145, the parties, and each of them, are hereby, placed
on notice the order for support may be reviewed at any time on the basis of
changed circumstances. For the purposes of this subsection, a change of 20
percent or more in the monthly income of a person who is subject to an order
for the support of a child shall be deemed to constitute changed

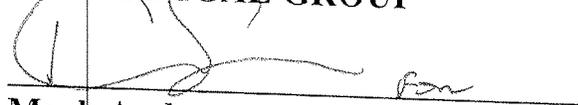
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circumstances and require a review of modification of the order for the support of a child. Moreover, also pursuant to NRS 125B.145, the parties are on notice that the order for support will be reviewed by the court at least every three (3) years to determine whether the order should be modified. The review will be conducted upon the filing of a request by a parent or legal guardian of the child; or the Nevada State Welfare Division of the District Attorney's Office, if the Division of the District Attorney has jurisdiction of the case.

DATED this _____ day of OCT 22 2018 2018.

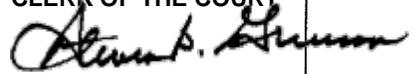

DISTRICT COURT JUDGE

Respectfully submitted by:
SMITH LEGAL GROUP



Mark Anderson, Esq.
Nevada Bar No. 000606
1701 North Green Valley Pkwy, Suite 4-C
Henderson, Nevada 89074
Telephone: (702) 410-5001
info@thelegalsmith.com
Attorney for Plaintiff

SMITH LEGAL GROUP
1701 N. Green Valley Parkway, Suite 4-C
HENDERSON, NEVADA 89074
(702) 410-5001 FAX (702) 410-5005



1 **ORDR**
2 **CARRIE E. HURTIK, ESQ.**
3 Nevada Bar No. 7028
4 **LINDA L. LAY, ESQ.**
5 Nevada Bar No. 12990
6 **HURTIK LAW & ASSOCIATES**
7 6767 W. Tropicana Avenue, Suite 200
8 Las Vegas, Nevada 89103
9 (702) 966-5200 Telephone
10 (702) 966-5206 Facsimile
11 churtik@hurtiklaw.com
12 llay@hurtiklaw.com
13 Attorneys for Defendant,
14 **ALYSA MARIE PLUMMER**

9 **EIGHTH JUDICIAL DISTRICT COURT**
10 **FAMILY DIVISION**
11 **CLARK COUNTY, NEVADA**

11 MARY-ANNE COLT

12 Plaintiff

13 vs.

14 ALYSA MARIE PLUMMER,

15 Defendant

CASE NO.: D-17-560076-C

DEPT.: I

16 **ORDER AFTER HEARING DECEMBER 13, 2018**

17
18 This matter came before the Court on December 13, 2018 at 1:30 p.m. in Department I of the
19 Eight Judicial District Court, Family Court Division for a hearing for Defendant Motion and Notice of
20 Motion for Orders to Modify Child Custody, Visitation, and/or Child Support, Plaintiff's Opposition
21 to Motion to Modify Custody, Visitation, and/or Child Support and Countermotion for Modification of
22 Temporary Orders of Custody and Visitation, for an Order to Show Cause, for Attorney's Fees and
23 Costs, and for Other Related Relief. Attorney Rob Schmidt appeared as co-counsel with Attorney
24 Carol Barnes on behalf of Plaintiff/Paternal Grandmother. Attorney Rhonda Forsbert appeared in an
25 unbundled capacity on behalf of Defendant/Mother. Metro Detective, Cheryl Kegley present from the
26 Child Abuse and Neglect unit. The Honorable Judge Moss presiding over the matter.
27

28 ORDER AFTER HEARING DECEMBER 13, 2018

1 The Court expressed concerns the child is making statements that his brain hurts. Upon
2 Court's injury, Mother represented the child is enrolled in counseling every Thursday. Attorney
3 Barnes provided blank HIPAA releases to Attorney Forsberg for Mother to sign. Mother represented
4 she will be moving to Oklahoma.

5
6 Having reviewed the Papers and Pleadings on file herein, considered the evidence, and having
7 heard oral arguments, the Court hereby, notes, finds, and orders as follows:

8 **THE COURT HEREBY FINDS** that Mother is not unfit.

9 **THE COURT HEREBY FINDS** there were thirty (30) calls to CPS and only one has been
10 substantiated.

11 **ORDER**

12 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Paternal Grandmother's
13 Motion and request for an Order to Show Cause is DENIED without prejudice.

14 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Mother shall have SOLE
15 LEGAL and SOLE PHYSICAL CUSTODY.

16 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the child's contact with
17 Paternal Grandmother is SUSPENDED with the exception of one (1) supervised at Donna's house on
18 12/26/18 to include Paternal Grandmother and three (3) paternal aunts.

19 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the child shall be enrolled
20 in weekly COUNSELING.

21 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that ATTORNEY'S FEES
22 DEFERRED.

23 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the Evidentiary Hearing
24 (Stack 1) SET for 2/19/19 at 1:30 p.m. STANDS unless counsel stipulate to contact Department I's

1 JEA and set the Evidentiary Hearing for March 2019.

2 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Attorney Forsberg shall
3 prepare the Order from today's hearing.

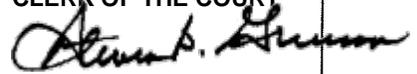
4 **IT IS SO ORDERED** this 30 day of January, 2020.

7
8 
HONORABLE JUDGE MOSS

10
11 DATED this 23rd day of January, 2020

12 Respectfully Submitted By:
13 **HURTIK LAW & ASSOCIATES**
14 

15 **CARRIE E. HURTIK, ESQ.**
Nevada Bar No. 7028
16 **LINDA L. LAY, ESQ.**
Nevada Bar No. 12990
17 **HURTIK LAW & ASSOCIATES**
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20 llay@hurtiklaw.com
Attorneys for Defendant, ALYSA MARIE PLUMMER



1 **NEOJ**
2 **CARRIE E. HURTIK, ESQ.**
3 Nevada Bar No. 7028
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12 llay@hurtiklaw.com
13 Attorneys for Defendant,
14 **ALYSA MARIE PLUMMER**

9 **EIGHTH JUDICIAL DISTRICT COURT**
10 **FAMILY DIVISION**
11 **CLARK COUNTY, STATE OF NEVADA**

11 MARY-ANNE COLT
12 Plaintiff

CASE NO.: D-17-560076-C
DEPT.: I

13 vs.

14 ALYSA MARIE PLUMMER,
15 Defendant

NOTICE OF ENTRY OF ORDER AFTER
DECEMBER 13, 2019 HEARING

17 TO: ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD

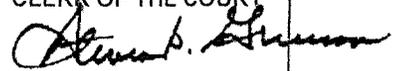
18 PLEASE TAKE NOTICE that an *Order after December 13, 2019 Hearing* was entered in the
19 above-entitled action on the 4th day of February 2020. A true and correct copy of the Order after
20 December 13, 2019 Hearing is attached as Exhibit "A."

21 DATED this 4th day of February, 2020.

22 **HURTIK LAW & ASSOCIATES**
23 
24 **LINDA L. LAY, ESQ.**
25 Nevada Bar No. 12990
26 **HURTIK LAW & ASSOCIATES**
27 6767 W. Tropicana Avenue, Suite 200
28 Las Vegas, Nevada 89103
(702) 966-5200 Telephone
Attorneys for Plaintiff,
ALYSA MARIE PLUMMER

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EXHIBIT “A”



1 **ORDR**
2 **CARRIE E. HURTIK, ESQ.**
3 Nevada Bar No. 7028
4 **LINDA L. LAY, ESQ.**
5 Nevada Bar No. 12990
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14 **ALYSA MARIE PLUMMER**

9 **EIGHTH JUDICIAL DISTRICT COURT**
10 **FAMILY DIVISION**
11 **CLARK COUNTY, NEVADA**

11 MARY-ANNE COLT

12 Plaintiff

13 vs.

14 ALYSA MARIE PLUMMER,

15 Defendant

CASE NO.: D-17-560076-C

DEPT.: I

16 **ORDER AFTER HEARING DECEMBER 13, 2018**

17
18 This matter came before the Court on December 13, 2018 at 1:30 p.m. in Department I of the
19 Eight Judicial District Court, Family Court Division for a hearing for Defendant Motion and Notice of
20 Motion for Orders to Modify Child Custody, Visitation, and/or Child Support, Plaintiff's Opposition
21 to Motion to Modify Custody, Visitation, and/or Child Support and Countermotion for Modification of
22 Temporary Orders of Custody and Visitation, for an Order to Show Cause, for Attorney's Fees and
23 Costs, and for Other Related Relief. Attorney Rob Schmidt appeared as co-counsel with Attorney
24 Carol Barnes on behalf of Plaintiff/Paternal Grandmother. Attorney Rhonda Forsbert appeared in an
25 unbundled capacity on behalf of Defendant/Mother. Metro Detective, Cheryl Kegley present from the
26 Child Abuse and Neglect unit. The Honorable Judge Moss presiding over the matter.
27

28 ORDER AFTER HEARING DECEMBER 13, 2018

1 The Court expressed concerns the child is making statements that his brain hurts. Upon
2 Court's injury, Mother represented the child is enrolled in counseling every Thursday. Attorney
3 Barnes provided blank HIPAA releases to Attorney Forsberg for Mother to sign. Mother represented
4 she will be moving to Oklahoma.

5
6 Having reviewed the Papers and Pleadings on file herein, considered the evidence, and having
7 heard oral arguments, the Court hereby, notes, finds, and orders as follows:

8 **THE COURT HEREBY FINDS** that Mother is not unfit.

9 **THE COURT HEREBY FINDS** there were thirty (30) calls to CPS and only one has been
10 substantiated.

11 **ORDER**

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13 Motion and request for an Order to Show Cause is DENIED without prejudice.

14 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Mother shall have SOLE
15 LEGAL and SOLE PHYSICAL CUSTODY.

16 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the child's contact with
17 Paternal Grandmother is SUSPENDED with the exception of one (1) supervised at Donna's house on
18 12/26/18 to include Paternal Grandmother and three (3) paternal aunts.

19 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the child shall be enrolled
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21 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that ATTORNEY'S FEES
22 DEFERRED.

23 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the Evidentiary Hearing
24 (Stack 1) SET for 2/19/19 at 1:30 p.m. STANDS unless counsel stipulate to contact Department P's

1 JEA and set the Evidentiary Hearing for March 2019.

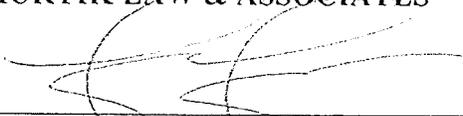
2 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Attorney Forsberg shall
3 prepare the Order from today's hearing.

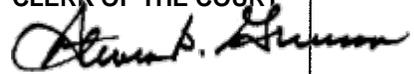
4 **IT IS SO ORDERED** this 30 day of January, 2020.

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HONORABLE JUDGE MOSS

11 DATED this 23rd day of January, 2020

12 Respectfully Submitted By:
13 **HURTIK LAW & ASSOCIATES**

14 
15 **CARRIE E. HURTIK, ESQ.**
Nevada Bar No. 7028
16 **LINDA L. LAY, ESQ.**
Nevada Bar No. 12990
17 **HURTIK LAW & ASSOCIATES**
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churtik@hurtiklaw.com
20 llay@hurtiklaw.com
Attorneys for Defendant, ALYSA MARIE PLUMMER



1 **ORDR**
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3 Nevada Bar No. 7028
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13 Attorneys for Defendant,
14 **ALYSA MARIE PLUMMER**

9 **EIGHTH JUDICIAL DISTRICT COURT**
10 **FAMILY DIVISION**
11 **CLARK COUNTY, NEVADA**

11 MARY-ANNE COLT

12 Plaintiff

13 vs.

14 ALYSA MARIE PLUMMER,

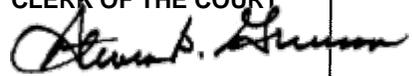
15 Defendant

CASE NO.: D-17-560076-C

DEPT.: I

16
17 **ORDER AFTER EVIDENTIARY HEARING DAY 2 JULY 11, 2019**

18 This matter came before the Court on July 11, 2019 at 9:00 a.m. in Department I of the Eight
19 Judicial District Court, Family Court Division for Day 2 of an Evidentiary Hearing. Attorney Carol
20 Barnes appeared on behalf of Paternal Aunt Stacey Kanter, and Paternal Grandmother, in an
21 unbundled capacity. Attorney Barnes' associate, Andrew Seprazik and Ms. Barnes' paralegal also
22 present. Attorney Linda Lay present with Co-Counsel Carrie Hurtik on Mother's behalf. Testimony
23 and Exhibits presented. Paternal Grandmother was removed from the Courtroom for her behavior.
24 The Court will give Paternal Grandmother an opportunity to explain her behavior as to why the Court
25 should not hold her in Contempt.
26



1 **NEOJ**
2 **CARRIE E. HURTIK, ESQ.**
3 Nevada Bar No. 7028
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12 llay@hurtiklaw.com
13 Attorneys for Defendant,
14 **ALYSA MARIE PLUMMER**

9 **EIGHTH JUDICIAL DISTRICT COURT**
10 **FAMILY DIVISION**
11 **CLARK COUNTY, STATE OF NEVADA**

11 MARY-ANNE COLT

12 Plaintiff

13 vs.

14 ALYSA MARIE PLUMMER,

15 Defendant

CASE NO.: D-17-560076-C

DEPT.: I

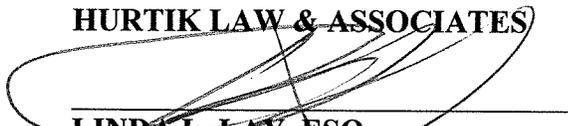
NOTICE OF ENTRY OF ORDER AFTER
EVIDENTIARY HEARING DAY 2 JULY
11, 2019

17 TO: ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD

18 PLEASE TAKE NOTICE that an *Order after Evidentiary Hearing Day 2 July 11, 2019* was
19 entered in the above-entitled action on the 25th day of February 2020. A true and correct copy of the
20 Order after Evidentiary Hearing Day 2 July 11, 2019 is attached as Exhibit "A."

21 DATED this 25th day of February, 2020.

22 **HURTIK LAW & ASSOCIATES**

23 
24 **LINDA L. LAY, ESQ.**

Nevada Bar No. 12990

25 **CARRIE E. HURTIK, ESQ.**

Nevada Bar No. 7028

26 **HURTIK LAW & ASSOCIATES**

6767 W. Tropicana Avenue, Suite 200

27 Las Vegas, Nevada 89103

(702) 966-5200 Telephone

28 Attorneys for Plaintiff,

ALYSA MARIE PLUMMER

CERTIFICATE OF SERVICE

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

I, Oneydy J. Morales, declare:

Pursuant to NRCP 5(b), I hereby certify that I am a resident of and employed in Clark County, Nevada. I am over the age of eighteen years and not a party to the within action. My business address is HURTIK LAW & ASSOCIATES, 6767 W. Tropicana Avenue, Suite 200, Las Vegas, Nevada 89103.

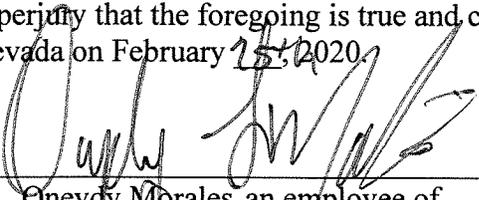
On February 25th, 2020, I served a true and correct copies of the documents described as **NOTICE OF ENTRY ORDER EVIDENTIARY HEARING DAY 2 JULY 11, 2019** on all parties listed below:

| | |
|--|--|
| Stacey Kanter 8101 Ancient Oaks Ave. Las Vegas, NV 89113 | Mary-Ann Colt 9700 W. Sunset Rd. #2039 Las Vegas, NV 89148 |
|--|--|

VIA U.S. MAIL: by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada. I am “readily familiar” with the firm’s practice of collection and processing correspondence by mailing. Under that practice, it would be deposited with the U.S. postal service on that same day with postage fully prepaid at Las Vegas, Nevada in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

VIA ELECTRONIC SERVICE: by transmitting via electronic service maintained by court’s electronic filing system, on whom it is served at the electronic service address as last given by that person on any e-document which he/she has filed in the action and served on the party making the service. The copy of the document served by electronic service bears a notation of the date and time of transmission and the electronic mail address to which transmitted. A confirmation of the electronic service containing the electronic mail addresses to which the e-document(s) was/were transmitted will be maintained with the e-document(s) served.

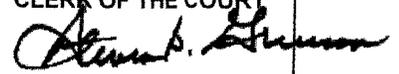
I declare under penalty of perjury that the foregoing is true and correct.
Executed at Las Vegas, Nevada on February 25th, 2020.



Oneydy Morales, an employee of
HURTIK LAW & ASSOCIATES

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EXHIBIT “A”



1 **ORDR**
2 **CARRIE E. HURTIK, ESQ.**
3 Nevada Bar No. 7028
4 **LINDA L. LAY, ESQ.**
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6 **HURTIK LAW & ASSOCIATES**
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13 Attorneys for Defendant,
14 **ALYSA MARIE PLUMMER**

9 **EIGHTH JUDICIAL DISTRICT COURT**
10 **FAMILY DIVISION**
11 **CLARK COUNTY, NEVADA**

11 MARY-ANNE COLT

12 Plaintiff

13 vs.

14 ALYSA MARIE PLUMMER,

15 Defendant

CASE NO.: D-17-560076-C

DEPT.: I

16
17 **ORDER AFTER EVIDENTIARY HEARING DAY 2 JULY 11, 2019**

18 This matter came before the Court on July 11, 2019 at 9:00 a.m. in Department I of the Eight
19 Judicial District Court, Family Court Division for Day 2 of an Evidentiary Hearing. Attorney Carol
20 Barnes appeared on behalf of Paternal Aunt Stacey Kanter, and Paternal Grandmother, in an
21 unbundled capacity. Attorney Barnes' associate, Andrew Seprazik and Ms. Barnes' paralegal also
22 present. Attorney Linda Lay present with Co-Counsel Carrie Hurtik on Mother's behalf. Testimony
23 and Exhibits presented. Paternal Grandmother was removed from the Courtroom for her behavior.
24 The Court will give Paternal Grandmother an opportunity to explain her behavior as to why the Court
25 should not hold her in Contempt.
26
27
28

ORDER AFTER EVIDENTIARY HEARING DAY 2 JULY 11, 2019

1 **ORDER**

2 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that TEMPORARILY, every
3 other weekend, Paternal Aunt, Stacey Kanter, shall have VISITATION with the child on Fridays after
4 school or if there is no school at 11:30 a.m. with exchanges at Mother's church until Monday morning
5 drop off at school or if there is no school, the exchange shall occur at 9:30 a.m. at the Rebel Gas
6 Station on Rainbow and Charleston. Demara and Stacey are authorized drivers. Paternal Aunt shall
7 have the child beginning the weekend of July 12, 2019.

8
9 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Stacey is approved to
10 have VISITATION with the child and his half sibling, Ethan, from Thursday at 11:30 a.m. until
11 Monday. Stacey shall provide as much notice to Mother as possible, parties may have to switch
12 weekends.

13
14 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Paternal Grandmother is
15 REFERRED to the American Toxicology Institute (ATI) for a drug test to include hair and urine.
16 Mother shall bear the cost. Referral is LEFT-SIDE FILED.

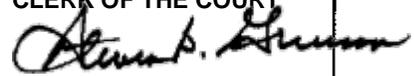
17 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Therapist, Krystal
18 Whipple, shall provide the court with updated records from June 2019 to date.

19 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Matter Continued to Day
20 3 of the Evidentiary Hearing Department I's Judicial Executive Assistant (JEA) shall confirm
21 8/21/2019 at 9:00 a.m. if Krystal Whipple is available. Detective Cheryl Kegley may appear via
22 video.

23
24 ///

25 ///

26 ///



1 **ORD**
2 Carol Barnes, Esq.
3 Nevada Bar No: 7985
4 Robert J. Schmidt, Esq.
5 Nevada Bar No: 14611
6 **BARNES LAW GROUP, LLC**
7 712 South Jones Boulevard
8 Las Vegas, Nevada 89107
9 Office (702) 382-9011
10 Facsimile (702) 382-0241
11 eserviceblg@gmail.com

12 Attorney for Plaintiff:
13 Mary-Anne Colt; **DISTRICT COURT**
14 Third-Party Intervenor: **FAMILY DIVISION**
15 Stacey Kanter

CLARK COUNTY, NEVADA

16 MARYANNE COLT)
17 Plaintiff, and STACY KANTER,) Case Number: D-17-560076-C
18) Dept No: I
19)
20 Third Party Intervenor,)
21 vs.)
22 ALYSA MARIE PLUMMER) **ORDER**
23)
24 Defendant.)
25)
26)
27)
28)

20 **THIS MATTER** having come on before this Honorable Court on February
21
22 19, 2019 on the Plaintiff's NOTICE OF MOTION AND MOTION TO
23 INTERVENE AND FOR EXPERT WITNESS TO TESTIFY VIA VIDEO
24 CONFERENCE AND FOR RELATED RELIEF. STACEY KANTER, and
25
26 MARY-ANNE COLT present by and through

1 their attorneys ROBERT J. SCHMIDT ESQ., and CAROL BARNES ESQ. of the
2 Barnes Law Group and ALYSSA MARIE PLUMMER present by and through her
3 unbundled counsel, LINDA L. LAY, ESQ.
4

5 The court having considered the arguments of counsel and considered the
6 pleadings on file therefor made Findings and Orders as follows:
7

8 **THE COURT HEREBY FINDS** that the motion to intervene is timely.

9 **THE COURT FURTHER FINDS** that the motion to intervene does not
10 prejudice anyone.
11

12 **THE COURT FURTHER FINDS** that the conditional right to intervene is
13 met in accordance with the statute as there is a common question of law or fact and
14 according to statute the court has the basis to grant the intervention.
15

16 **THE COURT FURTHER FINDS** that the FMC interview with Petitioner,
17 Kanter supports the statutory factors.
18

19 **IT IS HEREBY ORDERED** that temporarily and without prejudice, Third
20 Party Intervenor Stacey Kanter shall have visitation with PRESTON ODIN COLT
21 (date of birth June 25, 2013) commencing on February 22, 2019. Stacey's
22 visitation time begins Friday afternoon and ends on Sunday morning for every
23 weekend in the month except for the last weekend of the month. Preston will
24 remain in Alyssa Marie Plummer's custody for the last weekend of every month
25 beginning in the month of March 2019. On days when Preston is in school, Stacey
26
27
28

1 will pick up Preston at 2:15 p.m. from Twin Lakes Elementary School at 1205
2 Silver Lake Dr, Las Vegas, NV 89108. On days when Preston is not in school,
3
4 Stacey will pick up Preston at 4:00 p.m. from the entrance of Family Court at 601
5 North Pecos Rd., Las Vegas, Nevada 89155. Stacey will drop off Preston at 9:55
6 a.m. at the Abundant Grace Church at 2690 N Decatur Blvd, Las Vegas, NV
7
8 89108. Alyssa Marie Plummer will not be present at the Friday exchanges at
9 school. Alyssa and Stacey will remain at least 20 feet from one another during
10 exchanges of Preston at church or at Family Court when school is not in session.
11

12 **IT IS FURTHER ORDERED** that Stacey will not withhold any clothing
13 and Preston will be returned in the same clothing that he arrived in on the Fridays.
14 The Friday clothing will be washed and placed back on Preston for the Sunday
15 exchanges.
16

17 **IT IS FURTHER ORDERED** that Mary-Ann Colt is allowed to be around
18 Preston during Stacey's visitation time. Mary-Ann's time is not supervised time,
19 but Stacey must be present.
20

21 **IT IS FURTHER ORDERED** that Alyssa may take pictures of Preston
22 before he leaves for school on Fridays to document his physical condition when he
23 left for school.
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1 **IT IS FURTHER ORDERED** that Petitioners expert may testify via video
2 as it is a cost saving and supports judicial economy. The Petitioners expert may
3 testify first.
4

5 **IT IS FURTHER ORDERED** that Petitioners case-in-chief will proceed
6 first.
7

8 **IT IS FURTHER ORDERED** that Alyssa must file a motion to relocate if
9 she intends to request the court's permission to relocate with Preston. Alyssa must
10 file her motion in ordinary course giving Petitioners ten court calendar days to file
11 an opposition if she intends to litigate this issue at trial.
12

13 **IT IS FURTHER ORDERED** that the evidentiary hearing will take place
14 on July 10, 2019 from 9:00 a.m. until 12:00 p.m. and on July 11, 2019 full day
15 beginning at 9:00 a.m.
16

17 **IT IS FURTHER ORDERED** that Pursuant to NRS 125.510(6) all parties
18 are put on notice of the following:
19

20 PENALTY FOR VIOLATION OF ORDER: THE
21 ABDUCTION, CONCEALMENT OR DETENTION OF A
22 CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE
23 AS A CATEGORY D FELONY AS PROVIDED IN NRS
24 193.130. NRS 200.359 provides that every person having a
25 limited right of custody to a child or any parent having no right
26 of custody to the child who willfully detains conceals or
27 removes the child from a parent, guardian or other person
28 having lawful custody or a right of visitation of the child in
 violation of an order of this court, or removes the child from
 the jurisdiction of the court without the consent of either the

1 court or all persons who have the right to custody or visitation
2 is subject to being punished for a category D Felony as
3 provided in NRS 193.130.

4 **IT IS FURTHER ORDERED** that both parties are subject to the terms
5 imposed by the Hague Conference of October 25, 1980, adopted by the 14th
6 Session of the Hague Conference on Private International Law apply if a parent
7 abducts or wrongfully retains a child in a foreign country. The parties are also put
8 on notice of the following provisions in NRS 125.510(8):
9

10 If a parent of the child lives in a foreign country or has significant
11 commitment in a foreign country:

12 (a) Upon the party's agreement a court shall include in the
13 custody order that the United States is the country of the
14 child's "habitual residence" for purposes of applying the
15 terms of the Hague Convention.

16 (b) Upon a party's motion, a court has the option of ordering a
17 parent to post a bond of determined amount if there is an
18 imminent risk of removing or concealing the child outside
19 the country of habitual residence. The bond is to be used
20 for the sole purpose of locating the child and returning him
21 to the habitual residence if the child is removed or
22 concealed outside his country or habitual residence. The
23 mere fact that a parent has significant commitments in a
24 foreign country does not create a presumption that the
25 parent poses an imminent risk of concealing or removing
26 the child.

27 The State of Nevada is the domicile of habitual residence of the child
28 herein.

29 **IT IS FURTHER ORDERED** that notice is hereby given pursuant to NRS
30 125C.200:

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If custody has been established and the custodial parent intends to move his residence to a place outside of Oregon and to take the child with him, he must, as soon as possible and before the planned move, attempt to obtain the written consent of the other parent to move the child from the state. If the noncustodial parent or other parent having joint custody refuses to give that consent the parent planning the move shall, before he leaves the state with the child, petition the court for permission to move the

///

1 child. The failure of a parent to comply with the provisions of this
2 section may be considered as a factor if a change of custody is
3 requested by the noncustodial parent or the parent having joint
4 custody.

5 DATED this 26 day of March, 2019.

6 
7 _____
8 DISTRICT COURT JUDGE CHERYL MOSS *MC*

9 Respectfully Submitted by:

10 **BARNES LAW GROUP, LLC**

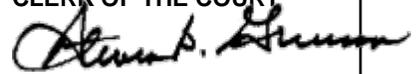
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12 _____
13 Robert J. Schmidt, Esq.
14 Nevada Bar No: 14611
15 712 S. Jones Blvd.
16 Las Vegas, Nevada 89107
17 (702) 382-9011
18 Attorney for Plaintiff: Mary-Anne Colt &
19 Third Party Intervenor, Stacey Kanter

20 Approved as to form and content:

21 **HURTIK LAW & ASSOCIATES**

22 
23 _____
24 Linda L. Lay, Esq.
25 Nevada Bar No. 12990
26 6767 W. Tropicana Avenue, Suite 200
27 Las Vegas, Nevada 89103
28 (702) 966-5200
Attorney for Respondent:
Alyssa Plummer



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NEO
Carol Barnes, Esq.
Nevada Bar No. 7985
BARNES LAW GROUP, LLC
712 S. Jones Boulevard
Las Vegas, Nevada 89107
Office (702) 382-9011
Facsimile (702) 382-0241
eserviceblg@gmail.com
Attorney for Third Party: **CLARK COUNTY, NEVADA**
Stacy Kanter

DISTRICT COURT
FAMILY DIVISION

MARY-ANNE COLT
Plaintiff, and STACY KANTER,

Plaintiff,
v.

ALYSA MARIE PLUMMER
Defendant,

Case Number: D-17-560076-C
Dept No: I

NOTICE OF ENTRY OF ORDER

TO: Defendant, ALYSSA MARIE PLUMMER and LINDA L.LAY, ESQ.,
her Attorney of Record:

PLEASE TAKE NOTICE that the Order from February 19, 2019 Hearing
was entered in the above entitled matter on the 27th day of March 2019. A copy of
said Order is herein attached.

Dated this 29th day of March 2019

BARNES LAW GROUP, LLC
/s/ Carol Barnes
Carol Barnes, Esq.
Nevada Bar No.: 7985
712 S. Jones Blvd.
Las Vegas, Nevada 89107
(702) 382-9011
Attorney for Third Party Intervener
Stacy Kanter

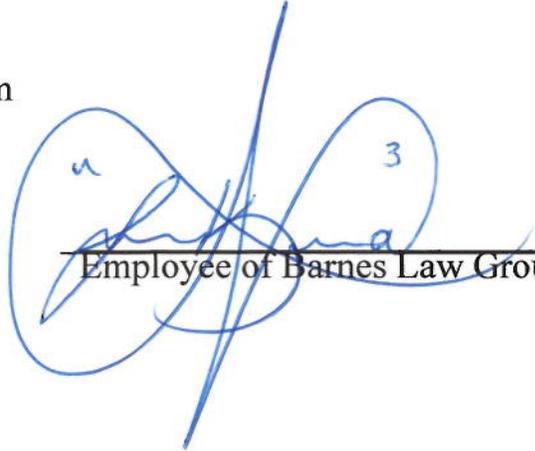
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CERTIFICATE OF SERVICE

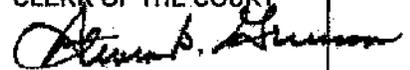
I hereby certify that I am an employee of Barnes Law Group, that on the 29th day of March 2019, I placed a true and correct copy of the **NOTICE OF ENTRY OF ORDER FROM FEBRUARY 19,2019 HEARING** to be served as follows:

Pursuant to EDCR 5.05(a), EDCR 8.05(f), NRC(5)(b)(2)(D) and Administrative Order 1402 captioned “in the Administrative Matter of Electronic Service in the Eighth Judicial District Court,” by mandatory electronic service through the Eighth Judicial District Court’s electronic filing system to the attorney(s) at the email address listed below:

CONANT LAW OFFICES
Lynn Conant Esq.
EMAIL: lynn@conantlawoffice.com



Employee of Barnes Law Group



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ORD
Carol Barnes, Esq.
Nevada Bar No: 7985
Robert J. Schmidt, Esq.
Nevada Bar No: 14611
BARNES LAW GROUP, LLC
712 South Jones Boulevard
Las Vegas, Nevada 89107
Office (702) 382-9011
Facsimile (702) 382-0241
eserviceblg@gmail.com

Attorney for Plaintiff:
Mary-Anne Colt; **DISTRICT COURT**
Third-Party Intervenor: **FAMILY DIVISION**
Stacey Kanter
CLARK COUNTY, NEVADA

MARYANNE COLT)
Plaintiff, and STACY KANTER,)
 Third Party Intervenor,)
vs.)
ALYSA MARIE PLUMMER)
Defendant.)
)

Case Number: D-17-560076-C
Dept No: I
ORDER

THIS MATTER having come on before this Honorable Court on February
19, 2019 on the Plaintiff's NOTICE OF MOTION AND MOTION TO
INTERVENE AND FOR EXPERT WITNESS TO TESTIFY VIA VIDEO
CONFERENCE AND FOR RELATED RELIEF. STACEY KANTER, and
MARY-ANNE COLT present by and through

1 their attorneys ROBERT J. SCHMIDT ESQ., and CAROL BARNES ESQ. of the
2 Barnes Law Group and ALYSSA MARIE PLUMMER present by and through her
3 unbundled counsel, LINDA L. LAY, ESQ.
4

5 The court having considered the arguments of counsel and considered the
6 pleadings on file therefor made Findings and Orders as follows:
7

8 **THE COURT HEREBY FINDS** that the motion to intervene is timely.

9 **THE COURT FURTHER FINDS** that the motion to intervene does not
10 prejudice anyone.
11

12 **THE COURT FURTHER FINDS** that the conditional right to intervene is
13 met in accordance with the statute as there is a common question of law or fact and
14 according to statute the court has the basis to grant the intervention.
15

16 **THE COURT FURTHER FINDS** that the FMC interview with Petitioner,
17 Kanter supports the statutory factors.
18

19 **IT IS HEREBY ORDERED** that temporarily and without prejudice, Third
20 Party Intervenor Stacey Kanter shall have visitation with PRESTON ODIN COLT
21 (date of birth June 25, 2013) commencing on February 22, 2019. Stacey's
22 visitation time begins Friday afternoon and ends on Sunday morning for every
23 weekend in the month except for the last weekend of the month. Preston will
24 remain in Alyssa Marie Plummer's custody for the last weekend of every month
25 beginning in the month of March 2019. On days when Preston is in school, Stacey
26
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1 will pick up Preston at 2:15 p.m. from Twin Lakes Elementary School at 1205
2 Silver Lake Dr, Las Vegas, NV 89108. On days when Preston is not in school,
3
4 Stacey will pick up Preston at 4:00 p.m. from the entrance of Family Court at 601
5 North Pecos Rd., Las Vegas, Nevada 89155. Stacey will drop off Preston at 9:55
6 a.m. at the Abundant Grace Church at 2690 N Decatur Blvd, Las Vegas, NV
7
8 89108. Alyssa Marie Plummer will not be present at the Friday exchanges at
9 school. Alyssa and Stacey will remain at least 20 feet from one another during
10 exchanges of Preston at church or at Family Court when school is not in session.

11
12 **IT IS FURTHER ORDERED** that Stacey will not withhold any clothing
13 and Preston will be returned in the same clothing that he arrived in on the Fridays.
14 The Friday clothing will be washed and placed back on Preston for the Sunday
15 exchanges.
16

17 **IT IS FURTHER ORDERED** that Mary-Ann Colt is allowed to be around
18 Preston during Stacey's visitation time. Mary-Ann's time is not supervised time,
19 but Stacey must be present.
20

21 **IT IS FURTHER ORDERED** that Alyssa may take pictures of Preston
22 before he leaves for school on Fridays to document his physical condition when he
23 left for school.
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1 **IT IS FURTHER ORDERED** that Petitioners expert may testify via video
2 as it is a cost saving and supports judicial economy. The Petitioners expert may
3 testify first.
4

5 **IT IS FURTHER ORDERED** that Petitioners case-in-chief will proceed
6 first.
7

8 **IT IS FURTHER ORDERED** that Alyssa must file a motion to relocate if
9 she intends to request the court's permission to relocate with Preston. Alyssa must
10 file her motion in ordinary course giving Petitioners ten court calendar days to file
11 an opposition if she intends to litigate this issue at trial.
12

13 **IT IS FURTHER ORDERED** that the evidentiary hearing will take place
14 on July 10, 2019 from 9:00 a.m. until 12:00 p.m. and on July 11, 2019 full day
15 beginning at 9:00 a.m.
16

17 **IT IS FURTHER ORDERED** that Pursuant to NRS 125.510(6) all parties
18 are put on notice of the following:
19

20 PENALTY FOR VIOLATION OF ORDER: THE
21 ABDUCTION, CONCEALMENT OR DETENTION OF A
22 CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE
23 AS A CATEGORY D FELONY AS PROVIDED IN NRS
24 193.130. NRS 200.359 provides that every person having a
25 limited right of custody to a child or any parent having no right
26 of custody to the child who willfully detains conceals or
27 removes the child from a parent, guardian or other person
28 having lawful custody or a right of visitation of the child in
 violation of an order of this court, or removes the child from
 the jurisdiction of the court without the consent of either the

1 court or all persons who have the right to custody or visitation
2 is subject to being punished for a category D Felony as
3 provided in NRS 193.130.

4 **IT IS FURTHER ORDERED** that both parties are subject to the terms
5 imposed by the Hague Conference of October 25, 1980, adopted by the 14th
6 Session of the Hague Conference on Private International Law apply if a parent
7 abducts or wrongfully retains a child in a foreign country. The parties are also put
8 on notice of the following provisions in NRS 125.510(8):
9

10 If a parent of the child lives in a foreign country or has significant
11 commitment in a foreign country:

- 12 (a) Upon the party's agreement a court shall include in the
13 custody order that the United States is the country of the
14 child's "habitual residence" for purposes of applying the
15 terms of the Hague Convention.
16 (b) Upon a party's motion, a court has the option of ordering a
17 parent to post a bond of determined amount if there is an
18 imminent risk of removing or concealing the child outside
19 the country of habitual residence. The bond is to be used
20 for the sole purpose of locating the child and returning him
21 to the habitual residence if the child is removed or
22 concealed outside his country or habitual residence. The
23 mere fact that a parent has significant commitments in a
24 foreign country does not create a presumption that the
25 parent poses an imminent risk of concealing or removing
26 the child.

23 The State of Nevada is the domicile of habitual residence of the child
24 herein.

25 **IT IS FURTHER ORDERED** that notice is hereby given pursuant to NRS
26 125C.200:

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If custody has been established and the custodial parent intends to move his residence to a place outside of Oregon and to take the child with him, he must, as soon as possible and before the planned move, attempt to obtain the written consent of the other parent to move the child from the state. If the noncustodial parent or other parent having joint custody refuses to give that consent the parent planning the move shall, before he leaves the state with the child, petition the court for permission to move the

111

1 child. The failure of a parent to comply with the provisions of this
2 section may be considered as a factor if a change of custody is
3 requested by the noncustodial parent or the parent having joint
4 custody.

5 DATED this 26 day of March, 2019.

6 
7 _____
8 DISTRICT COURT JUDGE CHERYL MOSS. *MC*

9 Respectfully Submitted by:

10 BARNES LAW GROUP, LLC

11 

12 _____
13 Robert J. Schmidt, Esq.
14 Nevada Bar No: 14611
15 712 S. Jones Blvd.
16 Las Vegas, Nevada 89107
17 (702) 382-9011
18 Attorney for Plaintiff: Mary-Anne Colt &
19 Third Party Intervenor, Stacey Kanter

20 Approved as to form and content:

21 HURTIK LAW & ASSOCIATES

22 
23 _____
24 Linda L. Lay, Esq.
25 Nevada Bar No. 12990
26 6767 W. Tropicana Avenue, Suite 200
27 Las Vegas, Nevada 89103
28 (702) 966-5200
Attorney for Respondent:
Alyssa Plummer

February 14, 2020

STEVEN D. GRIERSON
CLERK OF THE COURT

BY [Signature]
ANTORIA PICKENS DEPUTY

1 ORDR
2 Name: _____
3 Address: _____
4 City, State, Zip: _____
5 Phone: _____
6 Email: _____
7 Self-Represented

**DISTRICT COURT
CLARK COUNTY, NEVADA**

8 Mary Ann Coch, Stacy Kenter
9 Plaintiff,

CASE NO.: D-17-560076-C

DEPT: I

10 vs.

DATE OF HEARING: February 14, 2020

11 Alyssa Plummer
12 Defendant.

TIME OF HEARING: 9:00 AM

TEMPORARY EMERGENCY ORDER

14 This matter was heard on the above date and time in the Family Division of the Eighth
15 Judicial District Court, County of Clark; Plaintiff was (check one) present not present;
16 Defendant was (check one) present not present; the Court having reviewed the pleadings
17 and other documents filed in this case by all parties hereto and having heard any oral arguments
18 presented; and good cause appearing therefore;

19 This order applies to the following children:

| Child's Full Name | Date of Birth |
|------------------------|------------------|
| <u>Preston Plummer</u> | <u>6/25/2013</u> |
| | |
| | |

24 **IT IS HEREBY ORDERED** that: *(fill in the judge's orders below)*

25 Temporarily, Defendant has sole legal and sole
26 physical custody to stabilize him. Preston shall
27 have a Guardian Ad Litem appointed to represent
28 his Best Interest. Attorney Bob Cerceo will be
Preston's GAL.

1 Preston shall remain in therapy at Hope Counseling.
2 Noone will tell Preston who he may speak
3 with. Preston will be taken to all appointments
4 directed by Hope Counseling and Alyssa
5 shall cooperate fully with Hope Counseling.
6 Preston's therapist cannot be changed.

7 This Matter shall come back for the
8 next evidentiary hearing dates on August
9 5, 2020 and August 6, 2020.

1 **IT IS FURTHER ORDERED** that each party shall submit the information required in NRS
2 125B.055, NRS 125.130 and NRS 125.230 on a separate form to the Court and the Welfare
3 Division of the Department of Human Resources within ten days from the date this Decree is filed.
4 Such information shall be maintained by the Clerk in a confidential manner and not part of the
5 public record. The parties shall update the information filed with the Court and the Welfare
6 Division of the Department of Human Resources within ten days should any of that information
7 become inaccurate.

8 **NOTICE IS HEREBY GIVEN** of the following provision of NRS 125C.0045(6):

9 PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR
10 DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A
11 CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that every
12 person having a limited right of custody to a child or any parent having no right of custody to
13 the child who willfully detains, conceals or removes the child from a parent, guardian or other
14 person having lawful custody or a right of visitation of the child in violation of an order of this
15 court, or removes the child from the jurisdiction of the court without the consent of either the
16 court or all persons who have the right to custody or visitation is subject to being punished for a
17 category D felony as provided in NRS 193.130.

18 **NOTICE IS HEREBY GIVEN** that the terms of the Hague Convention of October 25, 1980,
19 adopted by the 14th Session of the Hague Conference on Private International Law, apply if a
20 parent abducts or wrongfully retains a child in a foreign country. The parties are also put on notice
21 of the following provision of NRS 125C.0045(8):

22 If a parent of the child lives in a foreign country or has significant commitments in a foreign
23 country:

24 (a) The parties may agree, and the court shall include in the order for custody of the child,
25 that the United States is the country of habitual residence of the child for the purposes of
26 applying the terms of the Hague Convention as set forth in subsection 7.

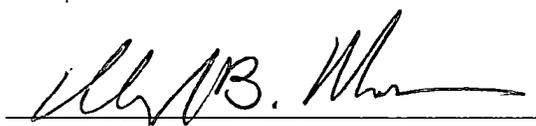
27 (b) Upon motion of one of the parties, the court may order the parent to post a bond if the
28 court determines that the parent poses an imminent risk of wrongfully removing or concealing
the child outside the country of habitual residence. The bond must be in an amount determined
by the court and may be used only to pay for the cost of locating the child and returning him to
his habitual residence if the child is wrongfully removed from or concealed outside the country
of habitual residence. The fact that a parent has significant commitments in a foreign country
does not create a presumption that the parent poses an imminent risk of wrongfully removing or
concealing the child.

1 **NOTICE IS HEREBY GIVEN** that the parties are subject to the relocation requirements of
2 NRS 125C.006 & NRS 125C.0065. If joint or primary physical custody has been established
3 pursuant to an order, judgment or decree of a court and one parent intends to relocate his or her
4 residence to a place outside of this State or to a place within this State that is at such a distance that
5 would substantially impair the ability of the other parent to maintain a meaningful relationship with
6 the child, and the relocating parent desires to take the child with him or her, the relocating parent
7 shall, before relocating: (a) attempt to obtain the written consent of the non-relocating parent to
8 relocate with the child; and (b) if the non-relocating parent refuses to give that consent, petition the
9 court for permission to move and/or for primary physical custody for the purpose of relocating. A
10 parent who desires to relocate with a child has the burden of proving that relocating with the child is
11 in the best interest of the child. The court may award reasonable attorney's fees and costs to the
12 relocating parent if the court finds that the non-relocating parent refused to consent to the relocating
13 parent's relocation with the child without having reasonable grounds for such refusal, or for the
14 purpose of harassing the relocating parent. A parent who relocates with a child pursuant to this
15 section without the written consent of the other parent or the permission of the court is subject to
16 the provisions of NRS 200.359.

17 **NOTICE IS HEREBY GIVEN** that the parties are subject to the provisions of NRS 31A
18 and 125.007 regarding the collection of delinquent child support payments.

19 **NOTICE IS HEREBY GIVEN** that either party may request a review of child support
20 every three years pursuant to NRS 125B.145.

21
22 DATED this (day) 14 day of (month) FEBRUARY, 2020.

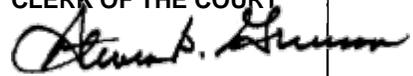
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26 DISTRICT COURT JUDGE
27 CHERYL B. MOSS

28 Respectfully submitted by:

(Your signature) _____

(Your name) _____

Plaintiff / Defendant



1 NEO
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5 **DISTRICT COURT**
6 **CLARK COUNTY, NEVADA**

7 * * *

8 Mary-Anne Colt, Plaintiff.

9 vs.

10 Alysa Marie Plummer, Defendant.

Case No: D-17-560076-C

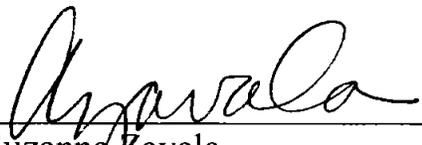
Department I

11
12 **NOTICE OF ENTRY OF TEMPORARY EMERGENCY ORDER**

13
14 TO ALL INTERESTED PARTIES:

15 **PLEASE TAKE NOTICE** that a Temporary Emergency Order was entered
16 in the above-entitled matter on the February 14, 2020 a true and correct copy of
17 which is attached hereto.
18

19
20 Dated: February 14, 2020

21 
22 _____
23 Suzanna Zavala,
24 Judicial Executive Assistant to the
25 HONORABLE Cheryl B. Moss
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CERTIFICATE OF SERVICE

I hereby certify that on the above file stamp date:

A copy of the Order was served in OPEN COURT and mailed via first-class mail, postage fully prepaid, the foregoing NOTICE OF ENTRY OF TEMPORARY EMERGENCY ORDER to:

MARY-ANNE COLT
9700 West Sunset Road #2039
Las Vegas, Nevada 89148
Plaintiff In Proper Person

CAROL BARNES, ESQ.
712 South Jones Boulevard
Las Vegas, NV 89107
Attorney for Stacy Kanter

LINDA L. LAY, ESQ.
CARRIE E. HURTIK, ESQ.
6767 W. Tropicana Avenue, Suite 200
Las Vegas, NV 89103
Attorneys for Defendant


Suzanna Zavala,
Judicial Executive Assistant to the
HONORABLE Cheryl B. Moss

February 14, 2020

BY [Signature]
ANTORIA PICKENS DEPUTY

1 ORDR
2 Name: _____
3 Address: _____
4 City, State, Zip: _____
5 Phone: _____
6 Email: _____
7 Self-Represented

DISTRICT COURT
CLARK COUNTY, NEVADA

8 Mary Ann Cochran, Stacy Kenter
9 Plaintiff,

CASE NO.: D-17-560076-C

DEPT: T

10 vs.

11 Alyssa Plummer
12 Defendant.

DATE OF HEARING: _____

TIME OF HEARING: _____

13 TEMPORARY EMERGENCY ORDER

14 This matter was heard on the above date and time in the Family Division of the Eighth
15 Judicial District Court, County of Clark; Plaintiff was (check one) present not present;
16 Defendant was (check one) present not present; the Court having reviewed the pleadings
17 and other documents filed in this case by all parties hereto and having heard any oral arguments
18 presented; and good cause appearing therefore;

This order applies to the following children:

| Child's Full Name | Date of Birth |
|------------------------|------------------|
| <u>Preston Plummer</u> | <u>6/25/2013</u> |
| | |
| | |
| | |

24 IT IS HEREBY ORDERED that: (fill in the judge's orders below)

25 Temporarily, Defendant has sole legal and sole
26 physical custody to stabilize him. Preston shall
27 have a Guardian Ad Litem appointed to represent
28 his Best Interest. Attorney Bob Corceo will be
Preston's GAL.

1 Preston shall remain in therapy at Hope Counseling.
2 No one will tell Preston who he may speak
3 with. Preston will be taken to all appointments
4 directed by Hope Counseling and Alyssa
5 shall cooperate fully with Hope Counseling.
6 Preston's therapist cannot be changed.

7 This matter shall come back for the
8 next evidentiary hearing dates on August
9 5, 2020 and August 6, 2020.

1 **IT IS FURTHER ORDERED** that each party shall submit the information required in NRS
2 125B.055, NRS 125.130 and NRS 125.230 on a separate form to the Court and the Welfare
3 Division of the Department of Human Resources within ten days from the date this Decree is filed.
4 Such information shall be maintained by the Clerk in a confidential manner and not part of the
5 public record. The parties shall update the information filed with the Court and the Welfare
6 Division of the Department of Human Resources within ten days should any of that information
7 become inaccurate.

8 **NOTICE IS HEREBY GIVEN** of the following provision of NRS 125C.0045(6):

9 **PENALTY FOR VIOLATION OF ORDER:** THE ABDUCTION, CONCEALMENT OR
10 DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A
11 CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that every
12 person having a limited right of custody to a child or any parent having no right of custody to
13 the child who willfully detains, conceals or removes the child from a parent, guardian or other
14 person having lawful custody or a right of visitation of the child in violation of an order of this
15 court, or removes the child from the jurisdiction of the court without the consent of either the
16 court or all persons who have the right to custody or visitation is subject to being punished for a
17 category D felony as provided in NRS 193.130.

18 **NOTICE IS HEREBY GIVEN** that the terms of the Hague Convention of October 25, 1980,
19 adopted by the 14th Session of the Hague Conference on Private International Law, apply if a
20 parent abducts or wrongfully retains a child in a foreign country. The parties are also put on notice
21 of the following provision of NRS 125C.0045(8):

22 If a parent of the child lives in a foreign country or has significant commitments in a foreign
23 country:

24 (a) The parties may agree, and the court shall include in the order for custody of the child,
25 that the United States is the country of habitual residence of the child for the purposes of
26 applying the terms of the Hague Convention as set forth in subsection 7.

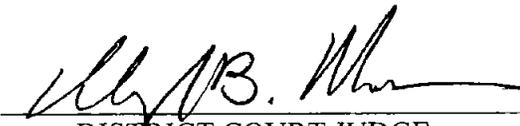
27 (b) Upon motion of one of the parties, the court may order the parent to post a bond if the
28 court determines that the parent poses an imminent risk of wrongfully removing or concealing
the child outside the country of habitual residence. The bond must be in an amount determined
by the court and may be used only to pay for the cost of locating the child and returning him to
his habitual residence if the child is wrongfully removed from or concealed outside the country
of habitual residence. The fact that a parent has significant commitments in a foreign country
does not create a presumption that the parent poses an imminent risk of wrongfully removing or
concealing the child.

1 **NOTICE IS HEREBY GIVEN** that the parties are subject to the relocation requirements of
2 NRS 125C.006 & NRS 125C.0065. If joint or primary physical custody has been established
3 pursuant to an order, judgment or decree of a court and one parent intends to relocate his or her
4 residence to a place outside of this State or to a place within this State that is at such a distance that
5 would substantially impair the ability of the other parent to maintain a meaningful relationship with
6 the child, and the relocating parent desires to take the child with him or her, the relocating parent
7 shall, before relocating: (a) attempt to obtain the written consent of the non-relocating parent to
8 relocate with the child; and (b) if the non-relocating parent refuses to give that consent, petition the
9 court for permission to move and/or for primary physical custody for the purpose of relocating. A
10 parent who desires to relocate with a child has the burden of proving that relocating with the child is
11 in the best interest of the child. The court may award reasonable attorney's fees and costs to the
12 relocating parent if the court finds that the non-relocating parent refused to consent to the relocating
13 parent's relocation with the child without having reasonable grounds for such refusal, or for the
14 purpose of harassing the relocating parent. A parent who relocates with a child pursuant to this
15 section without the written consent of the other parent or the permission of the court is subject to
16 the provisions of NRS 200.359.

17 **NOTICE IS HEREBY GIVEN** that the parties are subject to the provisions of NRS 31A
18 and 125.007 regarding the collection of delinquent child support payments.

19 **NOTICE IS HEREBY GIVEN** that either party may request a review of child support
20 every three years pursuant to NRS 125B.145.

21
22 DATED this (day) 14 day of (month) FEBRUARY, 2020.

23
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25 
DISTRICT COURT JUDGE
CHERYL B. MOSS

26 Respectfully submitted by:

27 (Your signature) _____

28 (Your name) _____

Plaintiff / Defendant

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EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

MARY-ANNE COLT, STACEY
KANTER, MARY-ANNE COLT,
PLAINTIFF.

Case No.: D-17-560076-C

VS.

Dept No. I

ALYSA MARIE PLUMMER,
DEFENDANT.

ORDER STRIKING DOCUMENT

It is hereby Ordered that the Plaintiff's Motion for Order, filed on January 27, 2020, shall be STRICKEN FROM THE RECORD, as a non-conforming document.

Dated this 28th day of January, 2021

Sunny Bailey

90B 5C4 9B3A D887
Sunny Bailey
District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Mary-Anne Colt, Stacey Kanter,
7 Mary-Anne Colt, Plaintiff.

CASE NO: D-17-560076-C

8 vs.

DEPT. NO. Department I

9 Alysa Marie Plummer,
10 Defendant.

11 **AUTOMATED CERTIFICATE OF SERVICE**

12
13 This automated certificate of service was generated by the Eighth Judicial District
14 Court. The foregoing Order was served via the court's electronic eFile system to all
recipients registered for e-Service on the above entitled case as listed below:

15 Service Date: 1/28/2021

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churtik@hurtiklaw.com

17 Linda Lay

llay@hurtiklaw.com

18 Carol Barnes

eserviceblg@gmail.com

19 Rhonda Forsbert

rforsberg@forsberg-law.com

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RHONDA FORSBERG

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Robert Cerceo

bob@naimicerceo.com

Bob Cerceo

bob@naimicerceo.com

MaryAnne Colt

maryannecolt@gmail.com

1 **ORDR**
2 **CARRIE E. HURTIK, ESQ.**
3 Nevada Bar No. 7028
4 **LINDA L. LAY, ESQ.**
5 Nevada Bar No. 12990
6 **HURTIK LAW & ASSOCIATES**
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8 Las Vegas, Nevada 89103
9 (702) 966-5200 Telephone
10 (702) 966-5206 Facsimile
11 churtik@hurtiklaw.com
12 llay@hurtiklaw.com
13 Attorneys for Defendant,
14 **ALYSA MARIE PLUMMER**

9 **EIGHTH JUDICIAL DISTRICT COURT**
10 **FAMILY DIVISION**
11 **CLARK COUNTY, NEVADA**

12 MARY-ANNE COLT

13 Plaintiff

14 vs.

15 ALYSA MARIE PLUMMER,

16 Defendant

CASE NO.: D-17-560076-C

DEPT.: I

Hearing Date: September 8, 2020

Hearing Time: 1:30 p.m.

17 **ORDER AFTER HEARING ON SEPTEMBER 8, 2020**

18
19 This matter having come for a hearing on the above referenced date and time in the Family
20 Division, Department I of the Eighth Judicial District Court, County of Clark for a hearing for
21 Defendant's Motion to Not Continue Temporary Visitation with Paternal Aunt Stacey Kanter,
22 Opposition to Defendant's Motion to Not Continue with Temporary Visitation with Plaintiff and on
23 Order Shortening Time. Due to Governor Sisolak's Stay Home for Nevada directive, Plaintiffs Mary-
24 Anne Colt and Stacey Kanter along with Defendant Alysa Plummer and attorney of record, Linda L.
25 Lay, Esq. all appeared via Blue Jeans equipment. Amity Dorman from the Department of Family
26 Services and Robert Cerceo, Esq. as Preston Guardian Ad Litem, and therapists Ms. Whipple and Ms.
27

1 Hartman were present via Blue Jeans equipment. Attorney Bob Cerceo gave a verbal updated report.

2 Having reviewed the Papers and Pleadings on file herein, considered the evidence and having
3 heard oral arguments, the Court hereby, notes, finds, and orders as follows:

4 **THE COURT NOTED** that Preston's therapist is now Hannah Hartman and that Krystal
5 Whipple was the prior therapist.

6 **THE COURT NOTED** that there was a Child Protective Services referral on 8/17/2020 and
7 the Court further noted the (CPS) case is still ongoing.

8 **THE COURT NOTED** that Aunt Stacey and Paternal Grandmother still need to testify,
9 Krystal Whipple's direct and cross examination needs to be finished as well as Natural Mother needs
10 to resume her direct examination from Defendant's side.

11 **THE COURT FINDS** that there was some type of traumatic response from the minor child,
12 the severity is not as important as the fact that trauma is trauma.

13 **THE COURT FINDS** that Preston completed trauma therapy and improved and was
14 transferred to Thera play for attachment therapy between the minor child and Mom.

15 **THE COURT FINDS** that Aunt Stacey requested in her/their Countermotion for a different
16 therapist for the minor child due to concerns of bias. Aunt Stacey's Motion for a different therapist
17 shall be denied.

18 **THE COURT NOTED** that Dr. Holland Stipulated to Mom's Counsel and Aunt Stacey's
19 prior Counsel as to Dr. Holland testifying as an expert for Aunt Stacey in this matter with the costs
20 being borne by Aunt Stacey.

21 **THE COURT NOTED** that it shall monitor closely how visitation are going.

22 **THE COURT HEREBY ORDERS** that Paternal Aunt shall be permitted to come to the
23 Court House to review the Child Protective Services under a Confidential Gag Order.

1 **THE COURT FURTHER ORDERS** that Paternal Aunt shall be permitted to read the Hope
2 Counseling letter and the (CPS) records at the courthouse. The Paternal Aunt shall e-mail Department,
3 she shall e-mail the Court’s JEA for an appointment to read the documents.

4 **THE COURT FURTHER ORDERS** that Visitation shall continue every other weekend
5 however, they shall be reduced to Saturday visits effective September 12, 2020.

6 **THE COURT FURTHER ORDERS** that Hope Counseling shall be used to facilitate child
7 exchanges every other Saturday from 9:00 a.m. until 6:00 p.m., if Hope is not available, Donna’s
8 House supervised exchanges shall occur. All fees associated with Donn’s House referral order ASAP
9 via e-mail.
10

11 **THE COURT FURTHER ORDERS** that the minor child Preston shall continue therapy with
12 Hannah Hartman of Hope Counseling.
13

14 **THE COURT FURTHER ORDERS** that Aunt Stacey shall sign the Courts Confidentiality
15 Order, upon signature Aunt Stacey shall receive the CPS Report via PDF e-mail, the same information
16 shall be sent to Attorney Cerceo (GAL) and Mom’s Attorney.

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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Mary-Anne Colt, Stacey Kanter,
7 Mary-Anne Colt, Plaintiff.

CASE NO: D-17-560076-C

8 vs.

DEPT. NO. Department I

9 Alysa Marie Plummer,
10 Defendant.

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20 Keith Moore

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25 CARRIE HURTIK, ESQ

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LINDA LAY

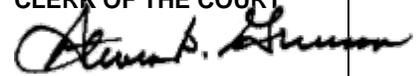
llay@hurtiklaw.com

RHONDA FORSBERG

rforsberg@forsberg-law.com

Robert Cerceo

bob@naimicerceo.com



1 **NEOJ**
2 **CARRIE E. HURTIK, ESQ.**
3 Nevada Bar No. 7028
4 **LINDA L. LAY, ESQ.**
5 Nevada Bar No. 12990
6 **HURTIK LAW & ASSOCIATES**
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8 Las Vegas, Nevada 89103
9 (702) 966-5200 Telephone
10 (702) 966-5206 Facsimile
11 churtik@hurtiklaw.com
12 llay@hurtiklaw.com
13 Attorneys for Defendant,
14 **ALYSA MARIE PLUMMER**

9 **EIGHTH JUDICIAL DISTRICT COURT**
10 **FAMILY DIVISION**
11 **CLARK COUNTY, STATE OF NEVADA**

11 MARY-ANNE COLT

12 Plaintiff

13 vs.

14 ALYSA MARIE PLUMMER,

15 Defendant

CASE NO.: D-17-560076-C

DEPT.: I

NOTICE OF ENTRY OF ORDER AFTER
HEARING ON SEPTEMBER 8, 2020

17 TO: ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD

18 PLEASE TAKE NOTICE that an *Order after Hearing on September 8, 2020* was entered in the
19 above-entitled action on the 2nd day of November, 2020. A true and correct copy of the Order after
20 Hearing is attached as Exhibit "A."

21 DATED this 3rd day of November, 2020.

22 **HURTIK LAW & ASSOCIATES**
23 /s/ Linda Lay

24 **LINDA L. LAY, ESQ.**
25 Nevada Bar No. 12990
26 **CARRIE E. HURTIK, ESQ.**
27 Nevada Bar No. 7028
28 **HURTIK LAW & ASSOCIATES**
6767 W. Tropicana Avenue, Suite 200
Las Vegas, Nevada 89103
(702) 966-5200 Telephone
Attorneys for Defendant,
ALYSA MARIE PLUMMER

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EXHIBIT A

1 **ORDR**
2 **CARRIE E. HURTIK, ESQ.**
3 Nevada Bar No. 7028
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13 Attorneys for Defendant,
14 **ALYSA MARIE PLUMMER**

9 **EIGHTH JUDICIAL DISTRICT COURT**
10 **FAMILY DIVISION**
11 **CLARK COUNTY, NEVADA**

12 MARY-ANNE COLT

13 Plaintiff

14 vs.

15 ALYSA MARIE PLUMMER,

16 Defendant

CASE NO.: D-17-560076-C

DEPT.: I

Hearing Date: September 8, 2020

Hearing Time: 1:30 p.m.

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21 Defendant's Motion to Not Continue Temporary Visitation with Paternal Aunt Stacey Kanter,
22 Opposition to Defendant's Motion to Not Continue with Temporary Visitation with Plaintiff and on
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25 Lay, Esq. all appeared via Blue Jeans equipment. Amity Dorman from the Department of Family
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27

1 Hartman were present via Blue Jeans equipment. Attorney Bob Cerceo gave a verbal updated report.

2 Having reviewed the Papers and Pleadings on file herein, considered the evidence and having
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3 she shall e-mail the Court’s JEA for an appointment to read the documents.

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9 House supervised exchanges shall occur. All fees associated with Donn’s House referral order ASAP
10 via e-mail.

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15 Order, upon signature Aunt Stacey shall receive the CPS Report via PDF e-mail, the same information
16 shall be sent to Attorney Cerceo (GAL) and Mom’s Attorney.

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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Mary-Anne Colt, Stacey Kanter,
7 Mary-Anne Colt, Plaintiff.

CASE NO: D-17-560076-C

8 vs.

DEPT. NO. Department I

9 Alysa Marie Plummer,
10 Defendant.

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LINDA LAY

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RHONDA FORSBERG

rforsberg@forsberg-law.com

Robert Cerceo

bob@naimicerceo.com

11/23, 2020

7

Stacey Karter
Mary-Anne Colt

Plaintiff,

CLERK OF THE COURT

By: Michelle Cunningham

Deputy

MICHELLE CUNNINGHAM

-vs-

Alysa Marie Plummer

Defendant.

Case No. D-17-560076-C

Department: I 76-C

ORDER FOR SUPERVISED EXCHANGE

The court finds that it is in the best interest of the parties' child(ren) that the transfers for the Plaintiff's/Defendant's visitation be supervised pursuant to this Order. Therefore, (circle one)

IT IS HEREBY ORDERED that because the Court finds that the parties have not or cannot pick up and drop off their child(ren) for visitation at an agreeable location in a fashion that is safe for the child(ren) physically and/or emotionally, the parties shall utilize Donna's House services.

IT IS FURTHER ORDERED that the exchange schedule will be in effect as of (date) _____, provided BOTH parties complete orientation, for thirty (30) / sixty (60) / ninety (90) days and will occur as follows:

| Pickup will occur as follows: | | | | Drop off will occur as follows: | | | | | |
|---|--|-----------------------------|---------------------------------------|---------------------------------|---|--|-----------------------------|----------------------------|--------|
| Wed / Thurs / Fri 1 p.m. 6 p.m. 7 p.m. 8 p.m. | Saturday / Sunday 9 a.m. 10 a.m. 11 a.m. | 12 noon 1 p.m. 2 p.m. | 3 p.m. 4 p.m. 5 p.m. | 6 p.m. | Wed / Thurs / Fri 6 p.m. 7 p.m. 8 p.m. | Saturday / Sunday 9 a.m. 10 a.m. 11 a.m. | 12 noon 1 p.m. 2 p.m. | 3 p.m. 4 p.m. 5 p.m. | 6 p.m. |

IT IS FURTHER ORDERED _____

IT IS FURTHER ORDERED that the parties shall contact Donna's House at (702) 455-4229 to schedule orientation. Failure to contact Donna's House may result in the family's inability to use said services, and the Court may issue sanctions against the responsible party of parties.

IT IS FURTHER ORDERED that the cost of said services is \$10.00 per supervised visitation hour:

- _____ 1) Fee shall be paid equally by both parties (i.e., \$5.00 per hour by each party); or
- _____ 2) Plaintiff Defendant shall pay the whole amount of \$10 per supervised visitation hour; or
- _____ 3) Fee for supervised exchange shall hereby be waived.

Said payments shall be paid directly to Donna's House, 601 N Pecos Rd, Bldg B, Las Vegas, NV. Said payment shall be made no later than the date of the exchange. Failure to pay may result in cancellation of the scheduled monitored visitation and the Court may issue sanctions against the responsible party or parties.

IT IS FURTHER ORDERED that the parties shall follow all rules and directives of Donna's House. Failure to follow all rules and directives may result in the immediate termination of services and the Court may issue sanctions against the responsible party or parties. The general rules are contained on the back of this order.

This matter is reset for:

Date: 1/28/21 Time: 9am
1/29/21 @ 9am


DISTRICT JUDGE / COMMISSIONER

Attorney for Plaintiff: Pro Se

Attorney for Defendant: Cary Hurtik ESQ

NAIMI CERCEO
10000 W. Charleston Blvd., Suite 110 Las Vegas, NV 89135
Telephone: 702.901.4800 Fax: 702.463.0905

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ORDR
Robert Cerceo, Esq.
Nevada Bar No. 5247
Jason Naimi, Esq.
Nevada Bar No. 9441
Lianna Urfalyan, Esq.
Nevada Bar No. 14636
NAIMI & CERCEO
efile@naimicerceo.com
10000 W. Charleston Blvd., Suite 110
Las Vegas, Nevada 89135
Telephone: 702.901.4800
Facsimile: 702.463.0905
Attorneys for Preston Colt

DISTRICT COURT, FAMILY DIVISION
CLARK COUNTY, NEVADA

| | |
|---|-------------------------|
| MARY-ANNE COLT, STACEY KANTER, MARY-ANNE COLT, | Case No.: D-17-560076-C |
| Plaintiff, | Dept No.: I |
| vs. | |
| ALYSA MARIE PLUMMER, | |
| Defendant. | |

ORDER FROM NOVEMBER 23, 2020 HEARING

This matter came on for a remote electronic hearing via *bluejeans* before this Court on November 23, 2020 for *Plaintiff's Second Amended Motion and Notice of Motion to Set Aside Order, Judgment and/or Default*. Plaintiffs Mary-Anne Colt ("Grandmother") and Stacey Kanter ("Aunt") being present, Defendant Alysa Marie Plummer ("Mother") and her counsel of record, LINDA LAY, ESQ. of HURTIK & ASSOCAITES, being present, and *guardian ad litem* for the children, Robert Cerceo, Esq. ("GAL") of Naimi Cerceo being present.

The Court having reviewed the pleadings and other documents filed in this case by all parties hereto, and for good cause appearing therefore, this Court makes the following findings and orders:

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THE COURT HEREBY FINDS that:

1. The minor child, Preston Colt (the “Child”), is in Mother’s temporary primary physical custody and all contact with Grandmother and Aunt had been suspended in September, except for supervised contact at Donna’s House.
2. The Child is currently in counselling with HOPE Counselling Services.
3. The case has been ‘drawn out’ and it this Court’s impression that the current scheduling orders have been entered only to continue the matter until the newly elected judges are reassigned cases, and this scheduling should be modified to provide a sooner resolution to the case.
4. Attorney Lay represented that the Child’s therapist sent a letter stating that all contact with the Grandmother and Aunt should cease. The Grandmother and Aunt represent that they have not received such a letter.
5. Upon the Court’s inquiry, the GAL stated there is a trial set in 2021, and this Court notes it is a continuation of the trial which has already begun. The GAL stated that Judge Moss had suspended all contact and continued the trial for a period of six months for the benefit of the Child and then appointed the GAL in a *pro bono* capacity. The GAL informed the Court that the Child was doing well during the suspension of the case and had calmed down. Upon resuming the visitation, that there was a downwards turn and the Child was again hurting himself.
6. The Child stated in the most recent communication with the GAL that he had difficulties visiting his Aunt but was comfortable with visitation with the Grandmother. The GAL stated this is inconsistent with prior communications with the Child. The GAL also informed that the Aunt has engaged Stephanie Holland, Psy.D to perform a custody evaluation, but is unaware of its progress.
7. Upon this Court’s inquiry for what changes are needed to maintain the parties and the Child until the trial date, the GAL stated the Child is currently uneasy with the Aunt and comfortable with the Grandmother, but that this is different

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8. The Aunt stated she has not seen the Child all month and she filed for a Pick-Up Order and seeks reinstatement of her prior timeshare. The GAL stated he is not opposed to contact with the Grandmother and Aunt.
9. Court stated the trial needs to be moved forward and it is inclined to keep the prior visitation orders in place with the Grandmother and Aunt.
10. Other requests include: Grandmother and Aunt seeking to remove Attorney Lay from the case; Mother seeking visitation limited to every other weekend to one day from 9:00 am to 5:00 pm.
11. Attorney Lay stated the Child is in a state that he may require being hospitalized because he is self-harming himself.

THE COURT HEREBY ORDERS that:

1. Grandmother and Aunt’s Motion to Set Aside the prior limiting visitation order is denied on the basis of insufficient grounds. The minor child shall continue to reside with Mother in temporary primary physical custody. The motion hearing set for November 30, 2020 is vacated.
2. The Non-Jury Trial scheduled for April 21 and 22, 2021 is vacated and is rescheduled for full days on January 28 and 29, 2021 starting each day at 9:00 am.
3. Grandmother and Aunt shall have visitation with the Child every other weekend from Fridays at 1:00 pm through until Saturdays at ^{6:00}~~4:00 pm~~. There shall be no exceptions from this schedule for holidays until the time set for trial.
4. All exchanges shall be supervised and take place at Donna’s House.

///

Statutory Provisions

The parties are further notified and advised of the provisions of NRS 125C.0045(6) which provides as follows:

PENALTY FOR VIOLATION OF ORDER:

THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that every person having a limited right of custody to a child or any parent having no right of custody to the child who willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child in violation of an order of this court, or removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation is subject to being punished for a category D felony as provided in NRS 193.130.

Pursuant to NRS 125C.0045 (7) and (8), the terms of the Hague Convention of October 25, 1980, adopted by the 14th Session of the Hague Conference on Private International Law, apply if a parent abducts or wrongfully retains a child in a foreign country as follows:

If a parent of the child lives in a foreign country or has significant commitments in a foreign country:

(a) The parties may agree, and the court shall include in the order for custody of the child, that the United States is the country of habitual residence of the child for the purposes of applying the terms of the Hague Convention as set forth in subsection 7.

(b) Upon motion of one of the parties, the court may order the parent to post a bond if the court determines that the parent poses an imminent risk of wrongfully removing or concealing the child outside the country of habitual residence. The bond must be in an amount determined by the court and may be used only to pay for the cost of locating the child and returning the child to his or her habitual residence if the child is wrongfully removed from or concealed outside the country of habitual residence. The fact that a parent has significant commitments in a foreign country does not create a presumption that the parent poses an imminent risk of wrongfully removing or concealing the child.

Additionally, NRS 125C.006 provides the following:

1. If primary physical custody has been established pursuant to an order, judgment or decree of a court and the custodial parent intends to relocate his or her residence to a place outside of this State or to a place within this State that is at such a distance that would substantially impair the ability of the other parent to maintain a meaningful relationship with the child, and the custodial parent desires to take the child with him or her, the custodial parent shall, before relocating:

1 (a) Attempt to obtain the written consent of the noncustodial parent to
2 relocate with the child; and
3 (b) If the noncustodial parent refuses to give that consent, petition the court
4 for permission to relocate with the child.
5 2. The court may award reasonable attorney's fees and costs to the
6 custodial parent if the court finds that the noncustodial parent refused to
7 consent to the custodial parent's relocation with the child:
8 (a) Without having reasonable grounds for such refusal; or
9 (b) For the purpose of harassing the custodial parent.
10 3. A parent who relocates with a child pursuant to this section without the
11 written consent of the noncustodial parent or the permission of the court is
12 subject to the provisions of NRS 200.359.

13 DATED this ____ day of December 2020.

Dated this 16th day of January, 2021

14 
15 _____
16 DISTRICT COURT JUDGE

for Judge Gerald Hardcastle

17 Respectfully Submitted by:
18 NAIMI & CERCEO

7B9 422 098F EB68
Sunny Bailey
District Court Judge

19 /s/ Robert Cerceo, Esq.
20 Robert Cerceo, Esq.
21 Nevada Bar No. 5247
22 Jason Naimi, Esq.
23 Nevada Bar No. 9441
24 Lianna Urfalyan, Esq.
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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Mary-Anne Colt, Stacey Kanter,
7 Mary-Anne Colt, Plaintiff.

CASE NO: D-17-560076-C

8 vs.

DEPT. NO. Department I

9 Alysa Marie Plummer,
10 Defendant.

11 **AUTOMATED CERTIFICATE OF SERVICE**

12
13 This automated certificate of service was generated by the Eighth Judicial District
14 Court. The foregoing Order was served via the court's electronic eFile system to all
recipients registered for e-Service on the above entitled case as listed below:

15 Service Date: 1/16/2021

16 Carrie Hurtik

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21 Robert Cerceo

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22 Maryanne Colt

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23 Stacey Kanter

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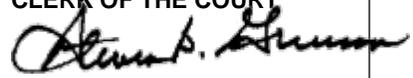
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702.901.4800 702.463.0905



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3 Nevada Bar No. 5247
4 Jason Naimi, Esq.
5 Nevada Bar No. 9441
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10 Telephone: 702.901.4800
11 Facsimile: 702.463.0905
12 *Attorneys for Plaintiff*

8 **DISTRICT COURT, FAMILY DIVISION**
9 **CLARK COUNTY, NEVADA**

10 MARY-ANNE COLT, STACEY
11 KANTER, MARY-ANNE COLT,

12 Plaintiff,

13 v.

14 ALYSA MARIE PLUMMER,

15 Defendant.

CASE NO. D-17-560076-C

DEPT. NO. I

16 **NOTICE OF ENTRY OF ORDER FROM NOVEMBER 23, 2020 HEARING**

17 PLEASE TAKE NOTICE that the *Order from November 23, 2020 Hearing* was
18 entered in the above-entitled matter on January 16, 2021, a copy of which is attached
19 hereto.

20 DATED this 19th day of January, 2021.

21 NAIMI & CERCEO

22 By: /s/ Robert Cerceo, Esq.

23 Robert Cerceo, Esq.
24 Nevada Bar No. 5247

25 Jason Naimi, Esq.

26 10000 W. Charleston Blvd., Ste. 110
27 Las Vegas, Nevada 89135

28 *Attorneys for Plaintiff*

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of NAIMI & CERCEO, and that on the 19th day of January, 2021, I served a copy of the foregoing *Notice of Entry Order from November 23, 2020 Hearing* as follows:

pursuant to EDCR 8.05(a), EDCR 8.05 (f), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned “in the Administrative Matter of Mandatory Electronic Service in Eighth Judicial District Court,” by mandatory electronic service through the Eighth Judicial District Court’ electronic filing system; and/or

pursuant to EDCR 8.05(a) and NRCP 5(b)(2)(D), because the individual listed is not registered with the Court’s **mandatory** e-service system, via electronic mail or facsimile; and/or

by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class mail postage was prepaid via certified mail in Las Vegas, Nevada;

To the individual(s) listed below at the address, email address and/ facsimile number indicated below.:

| | |
|------------------------|--|
| Carol M. Barnes | eserviceblg@gmail.com |
| Maryanne Colt | maryannecolt@gmail.com |
| Carrie E. Hurtik, Esq. | churtik@hurtiklaw.com |
| Stacey Kanter | justice4preston2020@gmail.com |
| Linda Lay | llay@hurtiklaw.com |
| Keith Moore | kmoore@hurtiklaw.com |

/s/ Stephanie Pitts
An employee of Naimi & Cerceo

NAIMI CERCEO
10000 W. Charleston Blvd., Suite 110 Las Vegas, NV 89135
Telephone: 702.901.4800 Fax: 702.463.0905

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ORDR
Robert Cerceo, Esq.
Nevada Bar No. 5247
Jason Naimi, Esq.
Nevada Bar No. 9441
Lianna Urfalyan, Esq.
Nevada Bar No. 14636
NAIMI & CERCEO
efile@naimicerceo.com
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Telephone: 702.901.4800
Facsimile: 702.463.0905
Attorneys for Preston Colt

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

| | |
|---|-------------------------|
| MARY-ANNE COLT, STACEY KANTER, MARY-ANNE COLT, | Case No.: D-17-560076-C |
| Plaintiff, | Dept No.: I |
| vs. | |
| ALYSA MARIE PLUMMER, | |
| Defendant. | |

ORDER FROM NOVEMBER 23, 2020 HEARING

This matter came on for a remote electronic hearing via *bluejeans* before this Court on November 23, 2020 for *Plaintiff's Second Amended Motion and Notice of Motion to Set Aside Order, Judgment and/or Default*. Plaintiffs Mary-Anne Colt ("Grandmother") and Stacey Kanter ("Aunt") being present, Defendant Alysa Marie Plummer ("Mother") and her counsel of record, LINDA LAY, ESQ. of HURTIK & ASSOCAITES, being present, and *guardian ad litem* for the children, Robert Cerceo, Esq. ("GAL") of Naimi Cerceo being present.

The Court having reviewed the pleadings and other documents filed in this case by all parties hereto, and for good cause appearing therefore, this Court makes the following findings and orders:

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THE COURT HEREBY FINDS that:

1. The minor child, Preston Colt (the “Child”), is in Mother’s temporary primary physical custody and all contact with Grandmother and Aunt had been suspended in September, except for supervised contact at Donna’s House.
2. The Child is currently in counselling with HOPE Counselling Services.
3. The case has been ‘drawn out’ and it this Court’s impression that the current scheduling orders have been entered only to continue the matter until the newly elected judges are reassigned cases, and this scheduling should be modified to provide a sooner resolution to the case.
4. Attorney Lay represented that the Child’s therapist sent a letter stating that all contact with the Grandmother and Aunt should cease. The Grandmother and Aunt represent that they have not received such a letter.
5. Upon the Court’s inquiry, the GAL stated there is a trial set in 2021, and this Court notes it is a continuation of the trial which has already begun. The GAL stated that Judge Moss had suspended all contact and continued the trial for a period of six months for the benefit of the Child and then appointed the GAL in a *pro bono* capacity. The GAL informed the Court that the Child was doing well during the suspension of the case and had calmed down. Upon resuming the visitation, that there was a downwards turn and the Child was again hurting himself.
6. The Child stated in the most recent communication with the GAL that he had difficulties visiting his Aunt but was comfortable with visitation with the Grandmother. The GAL stated this is inconsistent with prior communications with the Child. The GAL also informed that the Aunt has engaged Stephanie Holland, Psy.D to perform a custody evaluation, but is unaware of its progress.
7. Upon this Court’s inquiry for what changes are needed to maintain the parties and the Child until the trial date, the GAL stated the Child is currently uneasy with the Aunt and comfortable with the Grandmother, but that this is different

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- 8. The Aunt stated she has not seen the Child all month and she filed for a Pick-Up Order and seeks reinstatement of her prior timeshare. The GAL stated he is not opposed to contact with the Grandmother and Aunt.
- 9. Court stated the trial needs to be moved forward and it is inclined to keep the prior visitation orders in place with the Grandmother and Aunt.
- 10. Other requests include: Grandmother and Aunt seeking to remove Attorney Lay from the case; Mother seeking visitation limited to every other weekend to one day from 9:00 am to 5:00 pm.
- 11. Attorney Lay stated the Child is in a state that he may require being hospitalized because he is self-harming himself.

THE COURT HEREBY ORDERS that:

- 1. Grandmother and Aunt’s Motion to Set Aside the prior limiting visitation order is denied on the basis of insufficient grounds. The minor child shall continue to reside with Mother in temporary primary physical custody. The motion hearing set for November 30, 2020 is vacated.
- 2. The Non-Jury Trial scheduled for April 21 and 22, 2021 is vacated and is rescheduled for full days on January 28 and 29, 2021 starting each day at 9:00 am.
- 3. Grandmother and Aunt shall have visitation with the Child every other weekend from Fridays at 1:00 pm through until Saturdays at ^{6:00}~~4:00 pm~~. There shall be no exceptions from this schedule for holidays until the time set for trial.
- 4. All exchanges shall be supervised and take place at Donna’s House.

///

Statutory Provisions

The parties are further notified and advised of the provisions of NRS 125C.0045(6) which provides as follows:

PENALTY FOR VIOLATION OF ORDER:

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Pursuant to NRS 125C.0045 (7) and (8), the terms of the Hague Convention of October 25, 1980, adopted by the 14th Session of the Hague Conference on Private International Law, apply if a parent abducts or wrongfully retains a child in a foreign country as follows:

If a parent of the child lives in a foreign country or has significant commitments in a foreign country:

(a) The parties may agree, and the court shall include in the order for custody of the child, that the United States is the country of habitual residence of the child for the purposes of applying the terms of the Hague Convention as set forth in subsection 7.

(b) Upon motion of one of the parties, the court may order the parent to post a bond if the court determines that the parent poses an imminent risk of wrongfully removing or concealing the child outside the country of habitual residence. The bond must be in an amount determined by the court and may be used only to pay for the cost of locating the child and returning the child to his or her habitual residence if the child is wrongfully removed from or concealed outside the country of habitual residence. The fact that a parent has significant commitments in a foreign country does not create a presumption that the parent poses an imminent risk of wrongfully removing or concealing the child.

Additionally, NRS 125C.006 provides the following:

1. If primary physical custody has been established pursuant to an order, judgment or decree of a court and the custodial parent intends to relocate his or her residence to a place outside of this State or to a place within this State that is at such a distance that would substantially impair the ability of the other parent to maintain a meaningful relationship with the child, and the custodial parent desires to take the child with him or her, the custodial parent shall, before relocating:

1 (a) Attempt to obtain the written consent of the noncustodial parent to
2 relocate with the child; and
3 (b) If the noncustodial parent refuses to give that consent, petition the court
4 for permission to relocate with the child.
5 2. The court may award reasonable attorney's fees and costs to the
6 custodial parent if the court finds that the noncustodial parent refused to
7 consent to the custodial parent's relocation with the child:
8 (a) Without having reasonable grounds for such refusal; or
9 (b) For the purpose of harassing the custodial parent.
10 3. A parent who relocates with a child pursuant to this section without the
11 written consent of the noncustodial parent or the permission of the court is
12 subject to the provisions of NRS 200.359.

13 DATED this ____ day of December 2020.

Dated this 16th day of January, 2021

14 
15 _____
16 DISTRICT COURT JUDGE

for Judge Gerald Hardcastle

17 Respectfully Submitted by:
18 NAIMI & CERCEO

7B9 422 098F EB68
Sunny Bailey
District Court Judge

19 /s/ Robert Cerceo, Esq.
20 Robert Cerceo, Esq.
21 Nevada Bar No. 5247
22 Jason Naimi, Esq.
23 Nevada Bar No. 9441
24 Lianna Urfalyan, Esq.
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Attorneys for Preston Colt

Approved as to form and content by:
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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Mary-Anne Colt, Stacey Kanter,
7 Mary-Anne Colt, Plaintiff.

CASE NO: D-17-560076-C

8 vs.

DEPT. NO. Department I

9 Alysa Marie Plummer,
10 Defendant.

11 **AUTOMATED CERTIFICATE OF SERVICE**

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24 STACEY KANTER

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Robert Cerceo

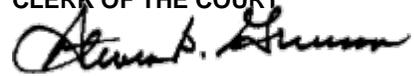
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MaryAnne Colt

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DAO (FAM)

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

| | | |
|-----------------------------|---|-------------------------------|
| MARY-ANNE COLT, |) | |
| |) | |
| Plaintiff, |) | |
| |) | CASE NO. D-17-560076-C |
| vs. |) | |
| |) | DEPT. NO: I |
| ALYSA MARIE PLUMMER, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |
| |) | |
| STACEY KANTER, |) | |
| |) | |
| Intervenor. |) | |
| _____ |) | |

DECISION AND ORDER

The above entitled matter came on regularly for trial commencing on the 7th day of July, 2019, and was continued from time to time until the conclusion of the trial on January 29, 2021. At the commencement of the trial, Plaintiff, MARY-ANN COLT, and Intervenor, STACEY KANTER, were represented by CAROL BARNES, ESQ. However, by the conclusion of the proceedings on January 28-29, 2021, Plaintiff and Intervenor appeared in proper person. Defendant, ALYSA MARIE PLUMMER, is represented by LINDA L. LAY, ESQ. and CARRIE E. HURTIK, ESQ. of the Law Offices of Carrie E. Hurtik. The Court, having considered the pleadings and papers on file, having reviewed the testimony taken at the prior trial proceedings on July 10-11, 2019, having

considered the exhibits admitted at trial, and having presided over the conclusion of the trial on January 28-29, 2021, does hereby made its Decision and Order.

STATEMENT OF PROCEEDINGS

PRESTON ODIN COLT (PRESTON) was born on June 25, 2013. The parents were not married at the time of the child's birth but paternity is not disputed. ALYSA MARIE PLUMMER (ALYSA) is PRESTON's mother. The child's father is SEAN COLT (SEAN). At the time of the child's birth ALYSA and SEAN were residing together but in October 2013 the parents separated.

On November 6, 2013, SEAN filed a petition before the Clark County Family Court seeking essentially a declaration of paternity and custody of PRESTON.¹ While many of the allegations raised in that case were repeated in this case, the Court was not asked to take notice of the file. The file was reviewed, however, to gain a historical perspective of the earlier proceedings. This cursory review reflects the aggressive and hostile attitudes and actions of the paternal family and ALYSA that has continued to the present.

The case involving SEAN and ALYSA was terminated with the death of SEAN by drug overdose on August 17, 2017. By this time PRESTON was four (4) years of age. On August 23, 2017, six (6) days after SEAN's death the case was on before the Family Court Judge who was notified of SEAN's death. The minutes of that hearing reflect that the Court orally awarded the sole legal and sole physical custody of PRESTON to his mother, ALYSA. This decision does not appear to be a decision on the underlying merits of the contested issues between SEAN and ALYSA.

¹ SEAN COLT v. ALYSA PLUMMER, filed as D-13-487835-C in the Eighth Judicial District Court of the State of Nevada, Family Division.

Within three (3) months after this hearing, SEAN's mother, MARY-ANN COLT (Ms. COLT), on October 11, 2017, filed her Complaint for Child Custody, or in the Alternative, for Grandparent Visitation seeking custody or alternatively, visitation with PRESTON.

During the course of the litigation – and there was much of that² - Clark County Child Protective Services (CPS) received a referral and temporarily removed PRESTON from his mother's custody and placed the child with Ms. COLT. However, CPS found that Ms. COLT had prior protective service involvement in Texas and determined not to place the child with her even temporarily. While Ms. COLT and STACEY asserts that this is just coincidence, on January 8, 2019, PRESTON's paternal aunt, STACEY KANTER (STACEY), filed her motion to intervene. The motion reflects that STACEY requested she be awarded primary custody of PRESTON. The motion on STACEY's behalf was filed by attorney Carol Barnes, Esq. who represented Ms. COLT. Ms. Barnes continued to represent both STACEY and Ms. COLT until her subsequent withdrawal from all representation on July 16, 2019. STACEY'S intervention was granted by Order entered March 27, 2019.

² This case presents family court litigation at its worst. While the initial Family Court Judge's management is troublesome in extreme, the conduct of the litigants in both cases reflects an aggressive, hostile, and unfair attitude. Addressing the current case only, both Plaintiff, Plaintiff's family, and Defendant have sought to use the Court, Child Protective Services, various police agencies, and counselors in efforts to support their position without regard to facts. The Child Protective Service records submitted as Exhibit 1 at trial are approximately 2 ½ inches thick, consisting of 478 single spaced pages of reports and evaluations, beginning shortly after PRESTON's birth and continuing. Other Exhibits stipulated to be admitted at trial consist of police reports, police call records, counseling reports, school records and telephone records. The stipulated Exhibits amassed by the parties total over 7 inches of paper, But one fact alone says more than the snowstorm of paper; of the approximately 2 ½ inches of detailed Child Protective Service reports, assessments, and investigations, and of the approximately 34 referrals made by SEAN, his family, and ALYSA regarding PRESTON, **only 1 referral was substantiated and that substantiated referral did not result in a referral by Child Protective Services to the Juvenile Court for prosecution.**

STACEY aligns her position with her mother, Ms. COLT. And while it is clear that she seeks custody of PRESTON, there is no pleading which specifically defines her legal requests beyond the request for custody. More specifically, the Court is unclear whether the record reflects a request for visitation under NRS 125C.050 dealing with visitation independently and alternatively of her request for custody under NRS 125C.004. This is important in that each person seeking visitation requires an independent showing of status, i.e., a grandparent vs. a person with a significant connection to the child.

The trial or evidentiary hearing in this matter was commenced on July 10, 2019. On July 11, 2019, the matter was continued for further evidence but not concluded. While there were numerous pretrial and mid-trial proceedings during the intervening time, the trial or evidentiary hearing was heard on January 28, 2021. In the interim the assigned Judge retired and the matter was assigned to a newly-elected Family Court Judge in January 2021. The matter was then assigned to the present Senior Court Judge for resolution. The evidentiary portion of the trial was concluded on January 29, 2021.

This Judge has carefully reviewed the pleadings and papers on file. Testimony from the July 2019 proceedings and the January 28-29, 2021 proceedings were heard by videotape. The exhibits introduced at these trial dates were carefully reviewed and considered. While many of the exhibits were admitted in clear disregard for evidentiary rules, the exhibits were stipulated. Accordingly, this Judge considered the exhibits, reserving the right to weigh such exhibits as the Court deemed appropriate.

Many of the exhibits and much of the testimony at trial presented the Judge with conflicting information. There was a clear sense that the parties desired the Court reach factual

conclusions regarding incidents over the past nearly eight (8) years and sometime dating back even longer. Much of the evidence both in testimony and contained in exhibits was not relevant to the legal issues required to be decided by the Court. Much reflected the emotional state of the litigants towards the others. Much reflected the manipulation and coaching of the child and attempted manipulation of agencies. Much was dated. This Judge declines to go through each of the Child Protective Service allegations in an effort to precisely determine what occurred in each of the over 34 referrals.³ The evidence as a whole does present a reasonably clear factual picture on relevant legal issues. Said another way, the Judge considered the exhibits and factual testimony relevant to the issues of law presented but set aside the years of irrelevant disputes between the paternal family and ALYSA.⁴

³ In reviewing the trial testimony of the July 2019 hearings, Plaintiff and STACEY's attorney called non-party witnesses but essentially had them testify only as to matters contained in exhibits already admitted. The testimony only duplicated the previously evidence stipulated to be admitted. In fact, other than the parties themselves, there was no witness wanting to be called who had not submitted reports already stipulated to as evidence. Additionally, ALYSA provided ample testimony at the first trial proceedings.

At the second trial proceedings, Ms. COLT and STACEY were no longer represented by attorneys. Ms. COLT was allowed to testify in the narrative but was unable to do so without arguing each idea, foregoing any factual base for her testimony. After much frustration, the Guardian ad Litem offered to direct questions to her respecting PRESTON's best interests. Ms. COLT agreed to this procedure.

The Court expressed that in view of the vast volume of exhibits which seemed to explore the issues presented in great detail, the Court felt that the exhibits and the testimony already submitted provided a sufficient basis for making a ruling. In that light, further testimony seemed unnecessary. The Court advised that it would review the exhibits in full and listen to the proceedings and consider the trials both in July 2019 and January 2021. The parties agreed that further testimony was not necessary and stipulated to the process. Finally, the Court allowed final argument and the matter was submitted.

⁴ As a matter of process, this case is one of the most difficult experienced by the Court. Fundamentally, the adversarial process leaves the issue of pre-trial and trial process to the litigants. They are charged with obtaining the evidence and presenting the matter to the Court. The Court's roles are (1) to decide the matter after hearing the evidence, and (2) to keep the

LEGAL ANALYSIS

Ms. COLT's Petition seeks two alternative judgments: (1) custody of PRESTON under NRS 125C.004, and (2) grandparent visitation with PRESTON under NRS 125C.050 (1) (A). STACEY's Petition for Intervention also requests custody of PRESTON under NRS 125C.004. While not specifically requested, the Court will also consider her right to visitation under NRS 125C.050.

(1) Custody of PRESTON under NRS 125C.004.

NRS 125.004 provides:

"Before a Court makes an order awarding custody of any person, without the consent of the parent, it shall make a finding that an award of custody to a parent would be detrimental to the child and the award to a nonparent is required to serve the best interest of the child."

This statute expresses the parental preference policy established in Nevada. The parental preference policy is stated in *Litz v. Bennum*, 111 Nev. 35, 38, 888 P.2d 438, 440 (1995), as follows:

"We conclude that the parental preference policy is a rebuttable presumption that must be overcome either by showing that the parent is unfit or other extraordinary circumstances."

This policy was cited most recently with approval in *English v. English*, No. 77539 COA (Nev. Ct. App. Aug. 15, 2019). *See also, Locklin v. Duka*, 112 Nev. 1489, 929 P.2d 930 (1996).

process fair between the litigants. The role of the Judge as a neutral, passive, fair fact-finder and decision-maker is fundamental to our process.

There is also another policy that bears importance here. It is that judges must hold timely hearings and make decisions in a timely fashion. Judges must be available to timely resolve disputes. This is particularly true in family law matters where disputes increase over time unless they are resolved. There is policy that family court matters should take no longer than 1 year from filing to final judgment. This Court's personal philosophy is that the sooner the dispute can be decided, the better for families and children. Delay only increases litigation and animosity. At least some of the chaos, anger, and animosity that exists in this case exists because of the failure of the Court to conclude the dispute timely. These litigants need a decision. And while the functioning of the parties is hardly ideal, the Court is not blameless on the sad state of affairs.

While the term “detrimental” is not defined, the term “unfit parent” has definition under NRS 128.018. While the Court understands that the concept of an unfit parent has greater consequential impact under NRS chapter 128, the concept remains fundamentally the same. NRS 128.018 defines an “unfit parent” as a parent “who by reason of the parent’s fault, or habit, or conduct toward a child . . . fails to provide such child with proper care, guidance and support.” Further, NRS 129.106 lists considerations of unfitness in termination of parental rights cases. A fair reading of the law is that parental unfitness and the concept of detriment under NRS 125C.004 require a finding of a *chronic or acute* condition adversely impacting the parent’s ability to provide care for a child.

In summarizing the lessons that he learned from his life, J.D. Vance in “Hillbilly Elegy: A Memoir of a Family and Culture in Crisis” artfully stated, “ I knew that a mother could love her son despite the grip of addiction.” This Court as the Juvenile Court Judge has often made the cynical statement that a little abuse or neglect is better than foster care. The concepts of “detriment” and “unfitness” in relationship to parenting are not absolute. All parents struggle. Unmarried mothers with no or low wage employment face challenges in raising their children that are often overwhelming. And while there are circumstances where children are removed either permanently or temporarily from the care of parents, the power of the Court to enter such an Order should never be made without careful consideration. It is fundamental that there is a duty to support the parent and to recognize that children do better when loving parents raise their children. While the line between fit and unfit parenting can be crossed, parents are rarely perfect and children cannot be guaranteed perfect lives. But the love between a parent and child is nearly impossible to replace or replicate.

The burden of proof rests on the paternal grandmother and paternal aunt to overcome the presumption. The level of proof sufficient to overcome the parental preference has not been determined in Nevada to this Court's knowledge. With the notable exception of children subject to the Indian Child Welfare Act, it appears that the majority of jurisdictions would require that the paternal grandmother and aunt are required to overcome the parental preference presumption by a preponderance of the evidence. *E.g., In re Barros*, 701 N.W.2d 402 (N.D. 2005), and *Adoption of Kelsey S.*, Cal. Rptr. 760 (Cal. App. 1990).

Ms. COLT and STACEY assert that ALYSA is a detriment to PRESTON. Their assertions cover four broad areas: (1) They assert that ALYSA abuses alcohol, illicit drugs and prescription pain medication; (2) They assert that ALYSA has a violent temperament and has engaged in acts of domestic violence; (3) They assert that ALYSA has an unstable mental condition; and (4) They assert that ALYSA is physically abusive to PRESTON.

In considering these assertions, the Court has the benefit of ample testimony and exhibits. As noted, there have been 34 referrals to Child Protective Services made by the parties and on a few times, others. Of those referrals all were unsubstantiated excepting an incident that occurred on November 23, 2014, between ALYSA and her brother, Adam. Summarily, Adam and ALYSA got into a fist fight and during part of the incident ALYSA was holding PRESTON whose head hit a door. While there were no substantial injuries, there is no doubt that the incident was violent and greater steps should have been made to protect PRESTON. While CPS substantiated the incident, there appears no indication that formal Juvenile Court proceedings were filed.

In reviewing the CPS files there are several observations. First, CPS was extensively involved with ALYSA, PRESTON, and Ms. COLT for many years from August 2013 until the end of 2018. The effort expended by Protective Services was great. Each allegation was thoroughly investigated and documented. Even when CPS noted that the referrals were the product of this custody battle and the prior custody battle between SEAN and ALYSA, CPS took the complaints seriously and conducted the investigations appropriately. Reports were done and assessments made.

The clear implication from the Exhibits is that ALYSA, Ms. COLT, and STACEY all participated in an effort to make CPS a pawn in the custody litigation before the Court. Further, there is believable and supported evidence that particularly ALYSA and Ms. COLT were untruthful with those investigating and providing services in this case. And there is clear indication that ALYSA and Ms. COLT manipulated PRESTON in regards to his statements about incidents. What the Court faces is a case in which the parties were willing to engage in any tactic to gain the end they desired. They were willing to involve any agency or person, including PRESTON, in their effort. In many cases manipulation is disguised and less directly involves the child. Here, the manipulation and coaching of PRESTON was open and obvious to the agencies involved. The lack of candor and truthfulness by Ms. COLT and ALYSA was obvious. The animosity between the parties was even more obvious.

While the history of this case reflects the horrendous mutual animosity between the paternal family and ALYSA, it also reflects some recognition that the mother's care of the child, particularly as supported by the maternal grandmother, is at least marginally adequate. CPS has not pursued other placement and the Court has not removed PRESTON from her care. The

Guardian ad litem does not recommend placement of the child with the paternal grandmother or aunt. In substance and in spite of the great involvement of all and six (6) years of active litigation, PRESTON remains in the care of his mother.

1. ALYSA's abuse of alcohol, illicit drug abuse, and abuse of prescription drugs and ALYSA's violent temperament.

The issues of alleged alcohol abuse, illicit drug use, and abuse of prescription drugs are considered with the issue of ALYSA's alleged violent temperament. They are related. The evidence amply supports ALYSA's abuse of alcohol. There are many incidents in the CPS reports and police reports where ALYSA was found to be "extremely intoxicated." While ALYSA claims that she has stopped her alcohol use and ceased taking pain medication, she has not provided proof of any program involvement or other supporting proof. However, there appear no recent incidents where ALYSA has been found to be in an alcohol or drug-impaired state. At trial, ALYSA attributed many of her violent and explosive events to her use of alcohol.

ALYSA also expresses extreme frustration over this nearly eight (8) year custody battle. She is a single mother with marginal income struggling with raising her child under a microscope. She does feel powerless to resolve this matter under the pressure placed by the paternal family. Inappropriately she turns to alcohol, often becoming violent. Physically fighting back also seems characteristic of the way she handles many conflicts. The lack of substantiated referrals from CPS does not indicate that she does not abuse alcohol nor does it indicate she is not inappropriately violent. What they do indicate is that she does not place PRESTON at risk. On many of the occasions where her behavior is questioned, PRESTON is in

the care of others. The Court does believe that ALYSA would never be abusive or intentionally harmful to PRESTON.

Additionally, too little attention has been given to the supportive role that ALYSA's mother has played in her life and PRESTON's life. When the Exhibits are carefully considered, ALYSA's mother seems to be the person who reflects the calmness and appropriate guidance to get things back on track when ALYSA drinks to excess or becomes violent. Her quiet support seems to get the family through much regardless of ALYSA's periodic misbehaviors. ALYSA's excessive behaviors are tempered by her mother's involvement with PRESTON.

Unfitness or detriment reflect chronic or acute conditions rendering a parent unable to provide for their child. Many parents abuse alcohol and many act violently toward others but they are still able to function as parents. The Court believes that ALYSA could do much more to address her alcohol abuse, pain medication management, and violent conduct. But she is not unfit such that she cannot parent her child. She certainly loves PRESTON and is motivated to be a good parent for him.

The Court is not convinced that ALYSA has a significant issue with drug abuse or abuse of prescription medication. Aside from her abuse alcohol, which appears much more consistently, the abuse of illicit drugs and abuse of her pain medication appears rarely and are not sufficiently proved to support a finding of unfitness. And even more compelling is the fact that there appears only one significant incident involving a fight with her brother in 2014 – over 6 years ago- where PRESTON was at risk.

ALYSA has been “watched” more closely than the vast majority of parents that come before Family Court. She is watched by the paternal relatives and by CPS. Many challenges

have been made to her parenting and many Court proceedings have been held where the Court has been temporarily requested to remove PRESTON from her care. A Guardian ad litem has been appointed for the child.⁵ As the Guardian ad Litem, Robert Cerceo, Esq. noted, the allegations of incidents regarding ALYSA's alcohol abuse and challenges to ALYSA's temperament are "dated." ALYSA has her issues but her alcohol use, and prescription drug issues, and the resulting violent nature that sometimes arises do not rise to the level of unfitness required to remove the child from her care.

c. ALYSA's alleged unstable mental condition

On June 4, 2018, ALSYA was detained on a "Legal 2000," a mental health hold. She was hospitalized for a short period of days and released. At the time of her detention she was found to be "extremely intoxicated." Aside from this incident, there is an absence of any significant mental health history. The June 2018 hold appears to be much more of a comment on her inappropriate use of alcohol than upon some greater mental health issue.

d. ALYSA's alleged physical abuse of PRESTON

Much effort has been made by Ms. COLT and STACEY to convince the Court and others including CPS and police agencies that ALYSA burns PRESTON with either cigarettes or a cigarette lighter. ALYSA has also reported that the child has been returned from visits with Ms. COLT with unexplained burns. As previously noted, the burden of proof and persuasion rests with Ms. COLT and STACEY.

⁵ Robert Cerceo, Esq. was appointed as Guardian ad litem. The Court found his input to be extremely valuable. He did his job with the highest professional standards possible. He testified that he read every report in this matter and carefully spoke with PRESTON. Besides being a respectable and competent family law attorney, he has the life experiences that enable him to have insight to the dynamics at issue. The Court applauds the efforts of Mr. Cerceo.

In spite of the fact that Ms. COLT and STACEY indicated that they had an expert doctor who would support their claim that conditions on the child's skin were burns, no expert or expert report was produced at trial.⁶ What does exist is a statement by Aaron McCook, apparently a physician's assistant, that the alleged burns were dermatitis and "ill-defined hypopigmentation." Def. Exhibit C, AMP 000003. This was determined in part due to the ill-defined margins of the injury. Apparently a cigarette or cigarette lighter burn would be expected to leave round, even margins.

The Court is not convinced that these alleged injuries or conditions were the result of abuse or neglect. Further, and even assuming some type of nonaccidental injury, the Court was unconvinced as to whom may have caused the injury.

Summarily, in spite of the very close "monitoring" by the Petitioner and Intervenor and much involvement and attention by CPS, various police departments, the counseling agency, and the extreme amount of attention each has made in this matter, ALYSA has been generally compliant and transparent. She involves PRESTON in counseling. She is generally not secretive regarding PRESTON's care. More attention has been focused on ALYSA's parenting than in virtually any other case. With all this focus, ALYSA retains custody albeit not without some difficulty.

And PRESTON in spite of the tug-of-war remains a reasonably normal child. He has suffered some behavioral issues at school but he is doing much better than the history of this

⁶ At the trial in July 2019, Judge Moss inquired whether there would be an expert presented by Ms. COLT and STACEY regarding the burns. Petitioner and Intervenor said that it was considered but too expensive. The dispute over PRESTON's alleged burns was one of the central features regarding ALYSA's alleged unfitness. The failure to produce evidence that the child's skin issues were burns as opposed to other natural conditions is problematic.

litigation would predict. He is stable. He loves both his mother and paternal relatives. A fair reading of this case is that the adults involved intimately in his life are the largest barriers he faces. It would not be in PRESTON'S best interest to grant the request of Ms. COLT and STACEY for custody. ALYSA was not proved to be an unfit parent or a detriment to her son and the child's best interest is not served by awarding custody to either Ms. COLT or STACEY. The requests of Ms. COLT and KANTER for custody of PRESTON are DENIED.

(2) COLT and STACEY's request for visitation under NRS 125C.050.

Since the natural father, SEAN, is deceased, the paternal grandmother, Ms. COLT, has standing under NRS 125C.050 (1) (a) to petition this Court for grandparent visitation. Additionally, based upon her testimony that she has spent much time with PRESTON, the Court finds that the paternal aunt, STACEY KANTER, has standing to petition this Court for visitation under NRS 125C.050 (2).

NRS 125C.050 (3) requires that the person seeking visitation demonstrate that visitation with the child has been denied or unreasonably restricted. This criteria is more difficult than it may appear from the long history of this case. ALYSA is generally very compliant with visitation, contact, and custody orders imposed by the Court. But it also cannot be disputed that on some occasions there has been denial of contact or at least, some effort to deny contact. And it is probably unreasonable to assume that based upon the animosity and conflict between the parties, there should not be consideration of visitation issues. Thus, the Court determines that there is a sufficient concern about restriction or denial of visitation to consider the issue of visitation under NRS 125C.050 (4) – (6).

Under NRS 125C.050 (6), there is a rebuttable presumption that ALYSA's decisions about visitation with the paternal family control unless the Court finds by clear and convincing evidence that visitation with Ms. COLT and STACEY is in the best interests of the child. In making the best interest determination, the Court *shall* consider the factors in NRS 125C.050 (6).

Before considering the specific factors mandated by the statute, some consideration is given to the general circumstances of this case. First, the Court believes that PRESTON is surrounded by many from both the paternal and maternal families who love and care for him. The father's death was sad. However, his death need not result in the loss of PRESTON's ability to remain contacted with father's relatives, especially where, as here, the maternal grandmother and aunts have demonstrated a commitment to the child. A child benefits from the more people that love the child. In this case there are many who love the child and who, if they worked together, could provide much support for PRESTON. Imagine a world in which the mother, the maternal grandmother, the paternal grandmother, and the aunt were pulling together to assist, support, and love PRESTON. Imagine a world where PRESTON was not "coached" and manipulated; where he could talk freely to everyone about his life; and where he could see adults that supported each other in regards to him and his concerns. But six (6) years of litigation demonstrates that this world does not exist for PRESTON.

In considering the factors under NRS 125C.050 (6), excepting NRS 125C.050 (6) (g), examination of the factors support Ms. COLT and STACEY's request for the Court to grant a right of visitation. NRS 125C.050 (6) (g) requires the Court to consider the willingness and ability of

the party seeking visitation to facilitate and encourage a close and continuing relationship between the child and the parent .

The child, through his Guardian ad litem, has expressed a desire to maintain a relationship with the paternal relatives. Further, the Court does not find any moral unfitness concerns. Ms. COLT has spent far too much time focused on the impact of her prior CPS history. While CPS has its policies, this Court believes that denying custody or visitation of a child to Ms. COLT based on that history was not warranted for that reason alone.

BUT considering the high degree of animosity and conflict between Ms. COLT and STACEY, on the one hand, and ALYSA, on the other, and *consideration of the extent that this conflict and animosity has involved PRESTON*, there are real doubt as to whether continued contact by the paternal relatives serves PRESTON's best interest.

This is not to suggest that the paternal family bears sole responsibility for the animosity and its impact on, and involvement of PRESTON in that animosity and conflict. ALYSA bears much of the responsibility. But the issue is the right of the paternal family to visit and if that visitation is denied in the best interest of the child, Ms. COLT and STACEY must bear the loss. ALYSA's loss is the positive support that the paternal family *could* provide her and her son. And the animosity and conflict while high would not necessarily result in a denial of the Petitioner and Intervenor's claim for visitation had it not so clearly involved PRESTON. PRESTON has been confronted by the conflict and impacted by it. When a child is forced to consistently and constantly disclose perpetrators of acts, the best interest of the child is not served. When the child is constantly exposed to the animosity of the main persons in his life, his best interest is not served.

The Court recognizes that there are many ways that PRESTON's best interest is served by maintenance of contact with Ms. COLT and STACEY. First, he loves them. Second, he benefits from working through his struggle about the loss of his father. Third, there are likely financial and support benefits. ALYSA, as a young mother with financial, alcohol, and mental health issues periodically, could certainly benefit from the support of the paternal family for PRESTON during difficult times. But to date, all of those positive benefits have proved not to justify continued involvement with PRESTON. It is absolutely believed that if this course of behavior continues PRESTON will suffer emotionally to a much greater extent. There is no reason, for example, why his counseling focuses on the blame for perceived injuries. There is no reason for 37 unsubstantiated reports to CPS. There is no reason why this child is continually questioned about who caused his scratches and skin conditions.

The Court regrets that the paternal family and ALYSA cannot come together in a cooperative effort to support ALYSA and PRESTON. ALYSA does fail to recognize that such a positive relationship would benefit PRESTON and Ms. COLT and STACEY fail to understand the concept of supporting ALYSA in her relationship with PRESTON. Each side may feel justified in its position but the fact remains that this toxic battle cannot benefit PRESTON and cannot continue. Six (6) years of this war is enough. The Petition of Ms. COLT and STACEY for Court-ordered visitation is DENIED.⁷

⁷ The Court's decision is compelled. The Petitioner and Intervenor have not demonstrated by clear and convincing evidence that the child's best interest is served by the continuing of visitation with Ms. COLT and STACEY. This does not mean that there cannot be visitation but it does mean that ALYSA and the paternal family will have to find ways to resolve their differences. The Court suggests that counseling through existing counseling in place for PRESTON may be a place to start but that is up to the litigants. It is up to ALYSA to understand that PRESTON will suffer from losing contact with people he loves and that he will benefit from

Finally, a review of the file discloses several issues remaining to be decided by the Court. There is an outstanding contempt issue relative to Ms. COLT. There are requests for attorney's fees. The Court specifically DENIES any and all other outstanding requests.

THIS DECISION and ORDER shall constitute the Findings of Fact, Conclusions of Law and final Order in this matter.

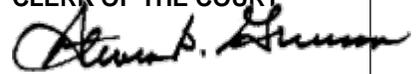
DATED this 18th day of February, 2021.

A handwritten signature in black ink, appearing to read "Gerald W. Hardcastle", written over a horizontal line.

HON. GERALD W. HARDCASTLE
SENIOR DISTRICT COURT JUDGE

continued contact that is respectful and healthy for everyone. Ms. COLT and STACEY need to understand that they need to find ways to be encouraging and supportive of PRESTON's relationship with his mother. And all need to understand that PRESTON has enough struggles in his young life without the burdens of seeing the conflict and animosity that those involved here impose on him.

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DISTRICT COURT, FAMILY DIVISION
CLARK COUNTY, NEVADA

| | |
|---|---|
| MARY-ANNE COLT, STACEY KANTER, MARY-ANNE COLT, Plaintiff, v. ALYSA MARIE PLUMMER, Defendant. | CASE NO. D-17-560076-C DEPT. NO. I |
|---|---|

NOTICE OF ENTRY OF DECISION AND ORDER

PLEASE TAKE NOTICE that the *Decision and Order* was entered in the above-entitled matter on February 18, 2021, a copy of which is attached hereto.

DATED this 19th day of February, 2021.

NAIMI & CERCEO

By: /s/ Robert Cerceo, Esq.
Robert Cerceo, Esq.
Nevada Bar No. 5247
Jason Naimi, Esq.
10000 W. Charleston Blvd., Ste. 110
Las Vegas, Nevada 89135
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of NAIMI & CERCEO, and that on the 19th day of February, 2021, I served a copy of the foregoing *Notice of Entry of Decision and Order* as follows:

pursuant to EDCR 8.05(a), EDCR 8.05 (f), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned “in the Administrative Matter of Mandatory Electronic Service in Eighth Judicial District Court,” by mandatory electronic service through the Eighth Judicial District Court’ electronic filing system; and/or

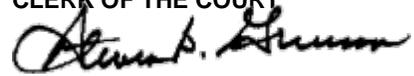
pursuant to EDCR 8.05(a) and NRCP 5(b)(2)(D), because the individual listed is not registered with the Court’s **mandatory** e-service system, via electronic mail or facsimile; and/or

by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class mail postage was prepaid via certified mail in Las Vegas, Nevada;

To the individual(s) listed below at the address, email address and/ facsimile number indicated below.:

| | |
|------------------------|--|
| Carol M. Barnes | eserviceblg@gmail.com |
| Maryanne Colt | maryannecolt@gmail.com |
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/s/ Stephanie Pitts
An employee of Naimi & Cerceo



DAO (FAM)

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

| | | |
|-----------------------------|---|-------------------------------|
| MARY-ANNE COLT, |) | |
| |) | |
| Plaintiff, |) | |
| |) | CASE NO. D-17-560076-C |
| vs. |) | |
| |) | DEPT. NO: I |
| ALYSA MARIE PLUMMER, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |
| |) | |
| STACEY KANTER, |) | |
| |) | |
| Intervenor. |) | |
| _____ |) | |

DECISION AND ORDER

The above entitled matter came on regularly for trial commencing on the 7th day of July, 2019, and was continued from time to time until the conclusion of the trial on January 29, 2021. At the commencement of the trial, Plaintiff, MARY-ANN COLT, and Intervenor, STACEY KANTER, were represented by CAROL BARNES, ESQ. However, by the conclusion of the proceedings on January 28-29, 2021, Plaintiff and Intervenor appeared in proper person. Defendant, ALYSA MARIE PLUMMER, is represented by LINDA L. LAY, ESQ. and CARRIE E. HURTIK, ESQ. of the Law Offices of Carrie E. Hurtik. The Court, having considered the pleadings and papers on file, having reviewed the testimony taken at the prior trial proceedings on July 10-11, 2019, having

considered the exhibits admitted at trial, and having presided over the conclusion of the trial on January 28-29, 2021, does hereby made its Decision and Order.

STATEMENT OF PROCEEDINGS

PRESTON ODIN COLT (PRESTON) was born on June 25, 2013. The parents were not married at the time of the child's birth but paternity is not disputed. ALYSA MARIE PLUMMER (ALYSA) is PRESTON's mother. The child's father is SEAN COLT (SEAN). At the time of the child's birth ALYSA and SEAN were residing together but in October 2013 the parents separated.

On November 6, 2013, SEAN filed a petition before the Clark County Family Court seeking essentially a declaration of paternity and custody of PRESTON.¹ While many of the allegations raised in that case were repeated in this case, the Court was not asked to take notice of the file. The file was reviewed, however, to gain a historical perspective of the earlier proceedings. This cursory review reflects the aggressive and hostile attitudes and actions of the paternal family and ALYSA that has continued to the present.

The case involving SEAN and ALYSA was terminated with the death of SEAN by drug overdose on August 17, 2017. By this time PRESTON was four (4) years of age. On August 23, 2017, six (6) days after SEAN's death the case was on before the Family Court Judge who was notified of SEAN's death. The minutes of that hearing reflect that the Court orally awarded the sole legal and sole physical custody of PRESTON to his mother, ALYSA. This decision does not appear to be a decision on the underlying merits of the contested issues between SEAN and ALYSA.

¹ SEAN COLT v. ALYSA PLUMMER, filed as D-13-487835-C in the Eighth Judicial District Court of the State of Nevada, Family Division.

Within three (3) months after this hearing, SEAN's mother, MARY-ANN COLT (Ms. COLT), on October 11, 2017, filed her Complaint for Child Custody, or in the Alternative, for Grandparent Visitation seeking custody or alternatively, visitation with PRESTON.

During the course of the litigation – and there was much of that² - Clark County Child Protective Services (CPS) received a referral and temporarily removed PRESTON from his mother's custody and placed the child with Ms. COLT. However, CPS found that Ms. COLT had prior protective service involvement in Texas and determined not to place the child with her even temporarily. While Ms. COLT and STACEY asserts that this is just coincidence, on January 8, 2019, PRESTON's paternal aunt, STACEY KANTER (STACEY), filed her motion to intervene. The motion reflects that STACEY requested she be awarded primary custody of PRESTON. The motion on STACEY's behalf was filed by attorney Carol Barnes, Esq. who represented Ms. COLT. Ms. Barnes continued to represent both STACEY and Ms. COLT until her subsequent withdrawal from all representation on July 16, 2019. STACEY'S intervention was granted by Order entered March 27, 2019.

² This case presents family court litigation at its worst. While the initial Family Court Judge's management is troublesome in extreme, the conduct of the litigants in both cases reflects an aggressive, hostile, and unfair attitude. Addressing the current case only, both Plaintiff, Plaintiff's family, and Defendant have sought to use the Court, Child Protective Services, various police agencies, and counselors in efforts to support their position without regard to facts. The Child Protective Service records submitted as Exhibit 1 at trial are approximately 2 ½ inches thick, consisting of 478 single spaced pages of reports and evaluations, beginning shortly after PRESTON's birth and continuing. Other Exhibits stipulated to be admitted at trial consist of police reports, police call records, counseling reports, school records and telephone records. The stipulated Exhibits amassed by the parties total over 7 inches of paper, But one fact alone says more than the snowstorm of paper; of the approximately 2 ½ inches of detailed Child Protective Service reports, assessments, and investigations, and of the approximately 34 referrals made by SEAN, his family, and ALYSA regarding PRESTON, **only 1 referral was substantiated and that substantiated referral did not result in a referral by Child Protective Services to the Juvenile Court for prosecution.**

STACEY aligns her position with her mother, Ms. COLT. And while it is clear that she seeks custody of PRESTON, there is no pleading which specifically defines her legal requests beyond the request for custody. More specifically, the Court is unclear whether the record reflects a request for visitation under NRS 125C.050 dealing with visitation independently and alternatively of her request for custody under NRS 125C.004. This is important in that each person seeking visitation requires an independent showing of status, i.e., a grandparent vs. a person with a significant connection to the child.

The trial or evidentiary hearing in this matter was commenced on July 10, 2019. On July 11, 2019, the matter was continued for further evidence but not concluded. While there were numerous pretrial and mid-trial proceedings during the intervening time, the trial or evidentiary hearing was heard on January 28, 2021. In the interim the assigned Judge retired and the matter was assigned to a newly-elected Family Court Judge in January 2021. The matter was then assigned to the present Senior Court Judge for resolution. The evidentiary portion of the trial was concluded on January 29, 2021.

This Judge has carefully reviewed the pleadings and papers on file. Testimony from the July 2019 proceedings and the January 28-29, 2021 proceedings were heard by videotape. The exhibits introduced at these trial dates were carefully reviewed and considered. While many of the exhibits were admitted in clear disregard for evidentiary rules, the exhibits were stipulated. Accordingly, this Judge considered the exhibits, reserving the right to weigh such exhibits as the Court deemed appropriate.

Many of the exhibits and much of the testimony at trial presented the Judge with conflicting information. There was a clear sense that the parties desired the Court reach factual

conclusions regarding incidents over the past nearly eight (8) years and sometime dating back even longer. Much of the evidence both in testimony and contained in exhibits was not relevant to the legal issues required to be decided by the Court. Much reflected the emotional state of the litigants towards the others. Much reflected the manipulation and coaching of the child and attempted manipulation of agencies. Much was dated. This Judge declines to go through each of the Child Protective Service allegations in an effort to precisely determine what occurred in each of the over 34 referrals.³ The evidence as a whole does present a reasonably clear factual picture on relevant legal issues. Said another way, the Judge considered the exhibits and factual testimony relevant to the issues of law presented but set aside the years of irrelevant disputes between the paternal family and ALYSA.⁴

³ In reviewing the trial testimony of the July 2019 hearings, Plaintiff and STACEY's attorney called non-party witnesses but essentially had them testify only as to matters contained in exhibits already admitted. The testimony only duplicated the previously evidence stipulated to be admitted. In fact, other than the parties themselves, there was no witness wanting to be called who had not submitted reports already stipulated to as evidence. Additionally, ALYSA provided ample testimony at the first trial proceedings.

At the second trial proceedings, Ms. COLT and STACEY were no longer represented by attorneys. Ms. COLT was allowed to testify in the narrative but was unable to do so without arguing each idea, foregoing any factual base for her testimony. After much frustration, the Guardian ad Litem offered to direct questions to her respecting PRESTON's best interests. Ms. COLT agreed to this procedure.

The Court expressed that in view of the vast volume of exhibits which seemed to explore the issues presented in great detail, the Court felt that the exhibits and the testimony already submitted provided a sufficient basis for making a ruling. In that light, further testimony seemed unnecessary. The Court advised that it would review the exhibits in full and listen to the proceedings and consider the trials both in July 2019 and January 2021. The parties agreed that further testimony was not necessary and stipulated to the process. Finally, the Court allowed final argument and the matter was submitted.

⁴ As a matter of process, this case is one of the most difficult experienced by the Court. Fundamentally, the adversarial process leaves the issue of pre-trial and trial process to the litigants. They are charged with obtaining the evidence and presenting the matter to the Court. The Court's roles are (1) to decide the matter after hearing the evidence, and (2) to keep the

LEGAL ANALYSIS

Ms. COLT's Petition seeks two alternative judgments: (1) custody of PRESTON under NRS 125C.004, and (2) grandparent visitation with PRESTON under NRS 125C.050 (1) (A). STACEY's Petition for Intervention also requests custody of PRESTON under NRS 125C.004. While not specifically requested, the Court will also consider her right to visitation under NRS 125C.050.

(1) Custody of PRESTON under NRS 125C.004.

NRS 125.004 provides:

"Before a Court makes an order awarding custody of any person, without the consent of the parent, it shall make a finding that an award of custody to a parent would be detrimental to the child and the award to a nonparent is required to serve the best interest of the child."

This statute expresses the parental preference policy established in Nevada. The parental preference policy is stated in *Litz v. Bennum*, 111 Nev. 35, 38, 888 P.2d 438, 440 (1995), as follows:

"We conclude that the parental preference policy is a rebuttable presumption that must be overcome either by showing that the parent is unfit or other extraordinary circumstances."

This policy was cited most recently with approval in *English v. English*, No. 77539 COA (Nev. Ct. App. Aug. 15, 2019). *See also, Locklin v. Duka*, 112 Nev. 1489, 929 P.2d 930 (1996).

process fair between the litigants. The role of the Judge as a neutral, passive, fair fact-finder and decision-maker is fundamental to our process.

There is also another policy that bears importance here. It is that judges must hold timely hearings and make decisions in a timely fashion. Judges must be available to timely resolve disputes. This is particularly true in family law matters where disputes increase over time unless they are resolved. There is policy that family court matters should take no longer than 1 year from filing to final judgment. This Court's personal philosophy is that the sooner the dispute can be decided, the better for families and children. Delay only increases litigation and animosity. At least some of the chaos, anger, and animosity that exists in this case exists because of the failure of the Court to conclude the dispute timely. These litigants need a decision. And while the functioning of the parties is hardly ideal, the Court is not blameless on the sad state of affairs.

While the term “detrimental” is not defined, the term “unfit parent” has definition under NRS 128.018. While the Court understands that the concept of an unfit parent has greater consequential impact under NRS chapter 128, the concept remains fundamentally the same. NRS 128.018 defines an “unfit parent” as a parent “who by reason of the parent’s fault, or habit, or conduct toward a child . . . fails to provide such child with proper care, guidance and support.” Further, NRS 129.106 lists considerations of unfitness in termination of parental rights cases. A fair reading of the law is that parental unfitness and the concept of detriment under NRS 125C.004 require a finding of a *chronic or acute* condition adversely impacting the parent’s ability to provide care for a child.

In summarizing the lessons that he learned from his life, J.D. Vance in “Hillbilly Elegy: A Memoir of a Family and Culture in Crisis” artfully stated, “ I knew that a mother could love her son despite the grip of addiction.” This Court as the Juvenile Court Judge has often made the cynical statement that a little abuse or neglect is better than foster care. The concepts of “detriment” and “unfitness” in relationship to parenting are not absolute. All parents struggle. Unmarried mothers with no or low wage employment face challenges in raising their children that are often overwhelming. And while there are circumstances where children are removed either permanently or temporarily from the care of parents, the power of the Court to enter such an Order should never be made without careful consideration. It is fundamental that there is a duty to support the parent and to recognize that children do better when loving parents raise their children. While the line between fit and unfit parenting can be crossed, parents are rarely perfect and children cannot be guaranteed perfect lives. But the love between a parent and child is nearly impossible to replace or replicate.

The burden of proof rests on the paternal grandmother and paternal aunt to overcome the presumption. The level of proof sufficient to overcome the parental preference has not been determined in Nevada to this Court's knowledge. With the notable exception of children subject to the Indian Child Welfare Act, it appears that the majority of jurisdictions would require that the paternal grandmother and aunt are required to overcome the parental preference presumption by a preponderance of the evidence. *E.g., In re Barros*, 701 N.W.2d 402 (N.D. 2005), and *Adoption of Kelsey S.*, Cal. Rptr. 760 (Cal. App. 1990).

Ms. COLT and STACEY assert that ALYSA is a detriment to PRESTON. Their assertions cover four broad areas: (1) They assert that ALYSA abuses alcohol, illicit drugs and prescription pain medication; (2) They assert that ALYSA has a violent temperament and has engaged in acts of domestic violence; (3) They assert that ALYSA has an unstable mental condition; and (4) They assert that ALYSA is physically abusive to PRESTON.

In considering these assertions, the Court has the benefit of ample testimony and exhibits. As noted, there have been 34 referrals to Child Protective Services made by the parties and on a few times, others. Of those referrals all were unsubstantiated excepting an incident that occurred on November 23, 2014, between ALYSA and her brother, Adam. Summarily, Adam and ALYSA got into a fist fight and during part of the incident ALYSA was holding PRESTON whose head hit a door. While there were no substantial injuries, there is no doubt that the incident was violent and greater steps should have been made to protect PRESTON. While CPS substantiated the incident, there appears no indication that formal Juvenile Court proceedings were filed.

In reviewing the CPS files there are several observations. First, CPS was extensively involved with ALYSA, PRESTON, and Ms. COLT for many years from August 2013 until the end of 2018. The effort expended by Protective Services was great. Each allegation was thoroughly investigated and documented. Even when CPS noted that the referrals were the product of this custody battle and the prior custody battle between SEAN and ALYSA, CPS took the complaints seriously and conducted the investigations appropriately. Reports were done and assessments made.

The clear implication from the Exhibits is that ALYSA, Ms. COLT, and STACEY all participated in an effort to make CPS a pawn in the custody litigation before the Court. Further, there is believable and supported evidence that particularly ALYSA and Ms. COLT were untruthful with those investigating and providing services in this case. And there is clear indication that ALYSA and Ms. COLT manipulated PRESTON in regards to his statements about incidents. What the Court faces is a case in which the parties were willing to engage in any tactic to gain the end they desired. They were willing to involve any agency or person, including PRESTON, in their effort. In many cases manipulation is disguised and less directly involves the child. Here, the manipulation and coaching of PRESTON was open and obvious to the agencies involved. The lack of candor and truthfulness by Ms. COLT and ALYSA was obvious. The animosity between the parties was even more obvious.

While the history of this case reflects the horrendous mutual animosity between the paternal family and ALYSA, it also reflects some recognition that the mother's care of the child, particularly as supported by the maternal grandmother, is at least marginally adequate. CPS has not pursued other placement and the Court has not removed PRESTON from her care. The

Guardian ad litem does not recommend placement of the child with the paternal grandmother or aunt. In substance and in spite of the great involvement of all and six (6) years of active litigation, PRESTON remains in the care of his mother.

1. ALYSA's abuse of alcohol, illicit drug abuse, and abuse of prescription drugs and ALYSA's violent temperament.

The issues of alleged alcohol abuse, illicit drug use, and abuse of prescription drugs are considered with the issue of ALYSA's alleged violent temperament. They are related. The evidence amply supports ALYSA's abuse of alcohol. There are many incidents in the CPS reports and police reports where ALYSA was found to be "extremely intoxicated." While ALYSA claims that she has stopped her alcohol use and ceased taking pain medication, she has not provided proof of any program involvement or other supporting proof. However, there appear no recent incidents where ALYSA has been found to be in an alcohol or drug-impaired state. At trial, ALYSA attributed many of her violent and explosive events to her use of alcohol.

ALYSA also expresses extreme frustration over this nearly eight (8) year custody battle. She is a single mother with marginal income struggling with raising her child under a microscope. She does feel powerless to resolve this matter under the pressure placed by the paternal family. Inappropriately she turns to alcohol, often becoming violent. Physically fighting back also seems characteristic of the way she handles many conflicts. The lack of substantiated referrals from CPS does not indicate that she does not abuse alcohol nor does it indicate she is not inappropriately violent. What they do indicate is that she does not place PRESTON at risk. On many of the occasions where her behavior is questioned, PRESTON is in

the care of others. The Court does believe that ALYSA would never be abusive or intentionally harmful to PRESTON.

Additionally, too little attention has been given to the supportive role that ALYSA's mother has played in her life and PRESTON's life. When the Exhibits are carefully considered, ALYSA's mother seems to be the person who reflects the calmness and appropriate guidance to get things back on track when ALYSA drinks to excess or becomes violent. Her quiet support seems to get the family through much regardless of ALYSA's periodic misbehaviors. ALYSA's excessive behaviors are tempered by her mother's involvement with PRESTON.

Unfitness or detriment reflect chronic or acute conditions rendering a parent unable to provide for their child. Many parents abuse alcohol and many act violently toward others but they are still able to function as parents. The Court believes that ALYSA could do much more to address her alcohol abuse, pain medication management, and violent conduct. But she is not unfit such that she cannot parent her child. She certainly loves PRESTON and is motivated to be a good parent for him.

The Court is not convinced that ALYSA has a significant issue with drug abuse or abuse of prescription medication. Aside from her abuse alcohol, which appears much more consistently, the abuse of illicit drugs and abuse of her pain medication appears rarely and are not sufficiently proved to support a finding of unfitness. And even more compelling is the fact that there appears only one significant incident involving a fight with her brother in 2014 – over 6 years ago- where PRESTON was at risk.

ALYSA has been “watched” more closely than the vast majority of parents that come before Family Court. She is watched by the paternal relatives and by CPS. Many challenges

have been made to her parenting and many Court proceedings have been held where the Court has been temporarily requested to remove PRESTON from her care. A Guardian ad litem has been appointed for the child.⁵ As the Guardian ad Litem, Robert Cerceo, Esq. noted, the allegations of incidents regarding ALYSA's alcohol abuse and challenges to ALYSA's temperament are "dated." ALYSA has her issues but her alcohol use, and prescription drug issues, and the resulting violent nature that sometimes arises do not rise to the level of unfitness required to remove the child from her care.

c. ALYSA's alleged unstable mental condition

On June 4, 2018, ALSYA was detained on a "Legal 2000," a mental health hold. She was hospitalized for a short period of days and released. At the time of her detention she was found to be "extremely intoxicated." Aside from this incident, there is an absence of any significant mental health history. The June 2018 hold appears to be much more of a comment on her inappropriate use of alcohol than upon some greater mental health issue.

d. ALYSA's alleged physical abuse of PRESTON

Much effort has been made by Ms. COLT and STACEY to convince the Court and others including CPS and police agencies that ALYSA burns PRESTON with either cigarettes or a cigarette lighter. ALYSA has also reported that the child has been returned from visits with Ms. COLT with unexplained burns. As previously noted, the burden of proof and persuasion rests with Ms. COLT and STACEY.

⁵ Robert Cerceo, Esq. was appointed as Guardian ad litem. The Court found his input to be extremely valuable. He did his job with the highest professional standards possible. He testified that he read every report in this matter and carefully spoke with PRESTON. Besides being a respectable and competent family law attorney, he has the life experiences that enable him to have insight to the dynamics at issue. The Court applauds the efforts of Mr. Cerceo.

In spite of the fact that Ms. COLT and STACEY indicated that they had an expert doctor who would support their claim that conditions on the child's skin were burns, no expert or expert report was produced at trial.⁶ What does exist is a statement by Aaron McCook, apparently a physician's assistant, that the alleged burns were dermatitis and "ill-defined hypopigmentation." Def. Exhibit C, AMP 000003. This was determined in part due to the ill-defined margins of the injury. Apparently a cigarette or cigarette lighter burn would be expected to leave round, even margins.

The Court is not convinced that these alleged injuries or conditions were the result of abuse or neglect. Further, and even assuming some type of nonaccidental injury, the Court was unconvinced as to whom may have caused the injury.

Summarily, in spite of the very close "monitoring" by the Petitioner and Intervenor and much involvement and attention by CPS, various police departments, the counseling agency, and the extreme amount of attention each has made in this matter, ALYSA has been generally compliant and transparent. She involves PRESTON in counseling. She is generally not secretive regarding PRESTON's care. More attention has been focused on ALYSA's parenting than in virtually any other case. With all this focus, ALYSA retains custody albeit not without some difficulty.

And PRESTON in spite of the tug-of-war remains a reasonably normal child. He has suffered some behavioral issues at school but he is doing much better than the history of this

⁶ At the trial in July 2019, Judge Moss inquired whether there would be an expert presented by Ms. COLT and STACEY regarding the burns. Petitioner and Intervenor said that it was considered but too expensive. The dispute over PRESTON's alleged burns was one of the central features regarding ALYSA's alleged unfitness. The failure to produce evidence that the child's skin issues were burns as opposed to other natural conditions is problematic.

litigation would predict. He is stable. He loves both his mother and paternal relatives. A fair reading of this case is that the adults involved intimately in his life are the largest barriers he faces. It would not be in PRESTON'S best interest to grant the request of Ms. COLT and STACEY for custody. ALYSA was not proved to be an unfit parent or a detriment to her son and the child's best interest is not served by awarding custody to either Ms. COLT or STACEY. The requests of Ms. COLT and KANTER for custody of PRESTON are DENIED.

(2) COLT and STACEY's request for visitation under NRS 125C.050.

Since the natural father, SEAN, is deceased, the paternal grandmother, Ms. COLT, has standing under NRS 125C.050 (1) (a) to petition this Court for grandparent visitation. Additionally, based upon her testimony that she has spent much time with PRESTON, the Court finds that the paternal aunt, STACEY KANTER, has standing to petition this Court for visitation under NRS 125C.050 (2).

NRS 125C.050 (3) requires that the person seeking visitation demonstrate that visitation with the child has been denied or unreasonably restricted. This criteria is more difficult than it may appear from the long history of this case. ALYSA is generally very compliant with visitation, contact, and custody orders imposed by the Court. But it also cannot be disputed that on some occasions there has been denial of contact or at least, some effort to deny contact. And it is probably unreasonable to assume that based upon the animosity and conflict between the parties, there should not be consideration of visitation issues. Thus, the Court determines that there is a sufficient concern about restriction or denial of visitation to consider the issue of visitation under NRS 125C.050 (4) – (6).

Under NRS 125C.050 (6), there is a rebuttable presumption that ALYSA's decisions about visitation with the paternal family control unless the Court finds by clear and convincing evidence that visitation with Ms. COLT and STACEY is in the best interests of the child. In making the best interest determination, the Court *shall* consider the factors in NRS 125C.050 (6).

Before considering the specific factors mandated by the statute, some consideration is given to the general circumstances of this case. First, the Court believes that PRESTON is surrounded by many from both the paternal and maternal families who love and care for him. The father's death was sad. However, his death need not result in the loss of PRESTON's ability to remain contacted with father's relatives, especially where, as here, the maternal grandmother and aunts have demonstrated a commitment to the child. A child benefits from the more people that love the child. In this case there are many who love the child and who, if they worked together, could provide much support for PRESTON. Imagine a world in which the mother, the maternal grandmother, the paternal grandmother, and the aunt were pulling together to assist, support, and love PRESTON. Imagine a world where PRESTON was not "coached" and manipulated; where he could talk freely to everyone about his life; and where he could see adults that supported each other in regards to him and his concerns. But six (6) years of litigation demonstrates that this world does not exist for PRESTON.

In considering the factors under NRS 125C.050 (6), excepting NRS 125C.050 (6) (g), examination of the factors support Ms. COLT and STACEY's request for the Court to grant a right of visitation. NRS 125C.050 (6) (g) requires the Court to consider the willingness and ability of

the party seeking visitation to facilitate and encourage a close and continuing relationship between the child and the parent .

The child, through his Guardian ad litem, has expressed a desire to maintain a relationship with the paternal relatives. Further, the Court does not find any moral unfitness concerns. Ms. COLT has spent far too much time focused on the impact of her prior CPS history. While CPS has its policies, this Court believes that denying custody or visitation of a child to Ms. COLT based on that history was not warranted for that reason alone.

BUT considering the high degree of animosity and conflict between Ms. COLT and STACEY, on the one hand, and ALYSA, on the other, and *consideration of the extent that this conflict and animosity has involved PRESTON*, there are real doubt as to whether continued contact by the paternal relatives serves PRESTON's best interest.

This is not to suggest that the paternal family bears sole responsibility for the animosity and its impact on, and involvement of PRESTON in that animosity and conflict. ALYSA bears much of the responsibility. But the issue is the right of the paternal family to visit and if that visitation is denied in the best interest of the child, Ms. COLT and STACEY must bear the loss. ALYSA's loss is the positive support that the paternal family *could* provide her and her son. And the animosity and conflict while high would not necessarily result in a denial of the Petitioner and Intervenor's claim for visitation had it not so clearly involved PRESTON. PRESTON has been confronted by the conflict and impacted by it. When a child is forced to consistently and constantly disclose perpetrators of acts, the best interest of the child is not served. When the child is constantly exposed to the animosity of the main persons in his life, his best interest is not served.

The Court recognizes that there are many ways that PRESTON's best interest is served by maintenance of contact with Ms. COLT and STACEY. First, he loves them. Second, he benefits from working through his struggle about the loss of his father. Third, there are likely financial and support benefits. ALYSA, as a young mother with financial, alcohol, and mental health issues periodically, could certainly benefit from the support of the paternal family for PRESTON during difficult times. But to date, all of those positive benefits have proved not to justify continued involvement with PRESTON. It is absolutely believed that if this course of behavior continues PRESTON will suffer emotionally to a much greater extent. There is no reason, for example, why his counseling focuses on the blame for perceived injuries. There is no reason for 37 unsubstantiated reports to CPS. There is no reason why this child is continually questioned about who caused his scratches and skin conditions.

The Court regrets that the paternal family and ALYSA cannot come together in a cooperative effort to support ALYSA and PRESTON. ALYSA does fail to recognize that such a positive relationship would benefit PRESTON and Ms. COLT and STACEY fail to understand the concept of supporting ALYSA in her relationship with PRESTON. Each side may feel justified in its position but the fact remains that this toxic battle cannot benefit PRESTON and cannot continue. Six (6) years of this war is enough. The Petition of Ms. COLT and STACEY for Court-ordered visitation is DENIED.⁷

⁷ The Court's decision is compelled. The Petitioner and Intervenor have not demonstrated by clear and convincing evidence that the child's best interest is served by the continuing of visitation with Ms. COLT and STACEY. This does not mean that there cannot be visitation but it does mean that ALYSA and the paternal family will have to find ways to resolve their differences. The Court suggests that counseling through existing counseling in place for PRESTON may be a place to start but that is up to the litigants. It is up to ALYSA to understand that PRESTON will suffer from losing contact with people he loves and that he will benefit from

Finally, a review of the file discloses several issues remaining to be decided by the Court. There is an outstanding contempt issue relative to Ms. COLT. There are requests for attorney's fees. The Court specifically DENIES any and all other outstanding requests.

THIS DECISION and ORDER shall constitute the Findings of Fact, Conclusions of Law and final Order in this matter.

DATED this 18th day of February, 2021.

A handwritten signature in black ink, appearing to read "Gerald W. Hardcastle", written over a horizontal line.

HON. GERALD W. HARDCASTLE
SENIOR DISTRICT COURT JUDGE

continued contact that is respectful and healthy for everyone. Ms. COLT and STACEY need to understand that they need to find ways to be encouraging and supportive of PRESTON's relationship with his mother. And all need to understand that PRESTON has enough struggles in his young life without the burdens of seeing the conflict and animosity that those involved here impose on him.

COURT ORDERED the following:

1. TEMPORARILY, Defendant/Mother shall retain SOLE LEGAL and SOLE PHYSICAL CUSTODY.
2. The child shall remain in NEVADA until the case is resolved.
3. TEMPORARILY and WITHOUT PREJUDICE, Plaintiff/Paternal Grandmother shall have VISITATION with the child commencing on 12/15/17 from Friday at 5:30 p.m. until Sunday at 5:30 p.m. and alternate weekends. Parties shall exchange the child at the front gate of the Family Court House. Parties shall have a thirty (30) minute window to exchange the child.
4. Parties shall enroll in TALKINGPARENTS.COM and communicate regarding child related issues only.
5. Father, Sean Paul Michael's DEATH CERTIFICATE is LEFT-SIDE FILED.
6. Parties are ISSUED a BEHAVIOR ORDER. Order FILED IN OPEN COURT.
7. Parties are REFERRED to the Family Mediation Center (FMC) for Mediation with Domestic Violence Protocol and a one hour observation between the child and Defendant/Mother and another observation between the child and Plaintiff/Paternal Grandmother. Defendant/Mother's FEES are WAIVED. Plaintiff/Paternal Grandmother shall pay no more than \$50.00. Order for Family Mediation Services FILED IN OPEN COURT. A Return Hearing is SET for 3/21/18 at 10:00 a.m.
8. The Court shall request CPS RECORDS. Order FILED IN OPEN COURT.
9. PHONE CALLS and VIDEO CALLS shall be left up to Paternal Grandmother and Mother to discuss. The Court will follow up on whether Paternal Grandmother received any calls.
9. Calendar Call is set for 7/25/18 at 9:30 a.m. Discovery closes at Calendar Call. Pre-Trial Memos along with the final List of Witnesses and Exhibits are due on or before Calendar Call.
10. Evidentiary Hearing re: Paternal Grandmother's Motion (Stack #1) is SET for 8/23/18 at 9:30 a.m.
11. Case Management Order SIGNED and FILED IN OPEN COURT. Copies were provided to the parties IN OPEN COURT.
12. DIRECT CONTEMPT OF COURT and other sanctions against the Defendant/Mother are STAYED. Attorney Grigsby shall prepare an Order for Direct Contempt and bring it to the next hearing.

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|-------------|------------|--------------|---------------|-------------------|
| PRINT DATE: | 03/22/2021 | Page 2 of 51 | Minutes Date: | December 13, 2017 |
|-------------|------------|--------------|---------------|-------------------|

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

13. PURGE CLAUSE issued to Plaintiff/Mother to comply and follow the Court's orders or be held in Contempt of Court.

14. Defendant/Mother's Order to Proceed In Forma Pauperis for filing fee only was SIGNED IN OPEN COURT and returned to her for filing along with her Answer and Counterclaim and her Financial Disclosure Form (FDF).

Attorney Grigsby shall prepare the Order from today's hearing.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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|-------------|------------|--------------|---------------|-------------------|
| PRINT DATE: | 03/22/2021 | Page 3 of 51 | Minutes Date: | December 13, 2017 |
|-------------|------------|--------------|---------------|-------------------|

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Child Custody Complaint

COURT MINUTES

March 21, 2018

D-17-560076-C Mary-Anne Colt, Stacey Kanter, Mary-Anne Colt, Plaintiff.
vs.
Alysa Marie Plummer, Defendant.

March 21, 2018 10:00 AM Return Hearing

HEARD BY: Moss, Cheryl B.

COURTROOM: Courtroom 13

COURT CLERK: Erica Jimenez

PARTIES:

| | |
|--|--------------------------------------|
| Alysa Plummer, Defendant, Counter Claimant, present | Carrie Hurtik, Attorney, not present |
| Mary- Anne Colt, Plaintiff, Counter Defendant, present | Pro Se |
| Mary-Anne Colt, Plaintiff, not present | Pro Se |
| Preston Colt, Subject Minor, not present | |
| Robert Cerceo, Guardian Ad Litem, not present | |
| Stacey Kanter, Plaintiff, not present | Pro Se |

JOURNAL ENTRIES

- RETURN HEARING: FMC MEDIATION AND A ONE HOUR OBSERVATION

Defendant/Mother sworn and testified. Plaintiff/Paternal Grandmother not present.

Defendant/Mother stated Paternal Grandmother made a referral to CPS against her. Defendant/Mother further stated she will attempt to retain counsel from the Legal Aid Center of Southern Nevada. Attorney Grigsby represented Defendant/Mother previously stated she was not going to participate with the visits; however, Defendant/Mother has been exercising her visits as ordered by the Court.

COURT NOTES, the Parties did not reach an agreement at Mediation.

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COURT ORDERED the following:

1. A blank Pre-Trial Memo was given to the Defendant/Mother.
2. Behavior Order STANDS.
3. Both parties shall return the child with the shoes and clothes he was dropped off with and the clothes shall be clean.
4. The Court shall order UPDATED CPS RECORDS. Order SIGNED and FILED IN OPEN COURT.
5. The Order for Defendant/Mother being in Contempt of Court was SIGNED and FILED IN OPEN COURT and Defendant/Mother was served in open court.
6. Calendar Call set for 7/25/18 at 9:30 a.m. STANDS.
7. Evidentiary Hearing is set for 8/23/18 at 9:30 a.m. STANDS.
8. Court encouraged the Defendant/Mother to keep a diary journal on a calendar regarding the visits with the child.
9. Parties may submit a Stipulation and Order to change Defendant/Mother's visitation schedule.

No order is necessary from today's hearing.

Paternal Grandmother appeared.

Discussion regarding the visitation schedule.

COURT FURTHER ORDERED the following:

10. Visitation shall remain STATUS QUO.
11. Parties may change the custodial schedule, week to week, on TALKINGPARENTS.COM. One party shall send the other party a text and the other party shall respond.

INTERIM CONDITIONS:

FUTURE HEARINGS: Mar 21, 2018 10:00AM Return Hearing
FMC: Mediation and a one hour observation

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Courtroom 13 Moss, Cheryl B.

Jul 25, 2018 9:30AM Calendar Call
Courtroom 13 Moss, Cheryl B.

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Child Custody Complaint

COURT MINUTES

July 25, 2018

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|---------------|---|
| D-17-560076-C | Mary-Anne Colt, Stacey Kanter, Mary-Anne Colt, Plaintiff. vs. Alysa Marie Plummer, Defendant. |
|---------------|---|

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|---------------|---------|---------------------|
| July 25, 2018 | 9:30 AM | All Pending Motions |
|---------------|---------|---------------------|

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|---------------------------|-------------------------|
| HEARD BY: Moss, Cheryl B. | COURTROOM: Courtroom 13 |
|---------------------------|-------------------------|

COURT CLERK: Erica Jimenez

PARTIES:

| | |
|---|--------------------------------------|
| Alysa Plummer, Defendant, Counter Claimant, present | Carrie Hurtik, Attorney, not present |
| Mary-Anne Colt, Plaintiff, Counter Defendant, present | Pro Se |
| Mary-Anne Colt, Plaintiff, not present | Pro Se |
| Preston Colt, Subject Minor, not present | |
| Robert Cerceo, Guardian Ad Litem, not present | |
| Stacey Kanter, Plaintiff, not present | Pro Se |

JOURNAL ENTRIES

- CALENDAR CALL...ATTORNEY GRIGSBY'S MOTION TO WITHDRAW

Parties sworn and testified.

COURT NOTES, Mother was hospitalized on 6/3/18 and placed on a Legal 2000 hold, the petition was dismissed on 6/8/18 under case M-12-140769-M.

Mother stated she her roommate called the ambulance and she woke up at the hospital unaware how she got to the hospital. Mother further stated she took five (5) Tylenol PM to sleep.

Both parties requested a continuance of the trial set for 8/23/18.

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COURT FURTHER NOTES, Paternal Grandmother and Mother are working together.

COURT ORDERED the following:

1. Attorney Grigsby's Motion to Withdraw is GRANTED. Attorney Grigsby may submit an Order to Withdraw.
2. Mother's CHANGE OF ADDRESS was FILED IN OPEN COURT.
3. EXCHANGES shall occur at the Main Entrance of Red Rock Casino near Lucille's BBQ or per mutual agreement through TalkingParents.
4. HOLIDAYS shall be per mutual agreement or parties may file a motion.
5. Discovery closes on 1/18/19. Pre-Trial Memos along with the final List of Witnesses and Exhibits are due on or before the close of Discovery. A blank copy of the Pre-Trial Memos were provided to the parties.
6. Evidentiary Hearing (Stack #1) set for 8/23/18 at 9:30 a.m. is VACATED and SET for 2/19/19 at 1:30 p.m.
7. Amended Case Management Order SIGNED and FILED IN OPEN COURT.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Child Custody Complaint

COURT MINUTES

October 08, 2018

D-17-560076-C Mary-Anne Colt, Stacey Kanter, Mary-Anne Colt, Plaintiff.
vs.
Alysa Marie Plummer, Defendant.

October 08, 2018 9:00 AM All Pending Motions

HEARD BY: Moss, Cheryl B. **COURTROOM:** Courtroom 13

COURT CLERK: Erica Jimenez

PARTIES:

| | |
|---|--------|
| Alyssa Plummer, Defendant, Counter Claimant, present | Pro Se |
| Mary-Anne Colt, Plaintiff, Counter Defendant, present | Pro Se |
| Mary-Anne Colt, Plaintiff, not present | Pro Se |
| Preston Colt, Subject Minor, not present | |
| Robert Cerceo, Guardian Ad Litem, not present | |
| Stacey Kanter, Plaintiff, not present | Pro Se |

JOURNAL ENTRIES

- PLAINTIFF'S EMERGENCY MOTION FOR MODIFICATION OF TEMPORARY ORDERS OF CUSTODY AND VISITATION,

Attorney Mark Anderson, Bar #606, present for Attorney Kurt Smith on behalf of Plaintiff/Paternal Grandmother.

The Department of Family Services (DFS) represented by Tyonte Daniel.

DFS is accessing for impending danger, they have not found present danger to remove the child from Mother's care. Attorney Anderson represented Metro is investigating and there is an open case. Attorney Anderson alleged the child has cigarette burn marks and his toes were smashed with rocks

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by Mother. Attorney Anderson further represented Mother was hospitalized on August 10, 2018. Mother stated she was hospitalized for broken ribs and she was not Legal 2000. Mother stated she will not cooperate with Orders from the Court and she will not disclose the child's location or the name of the school. Upon Court's inquiry, Mother stated she took a drug test for urine on 10/5/18.

COURT NOTES, the Abuse/Neglect Specialist from Metro is Cheryl Kegley.

COURT STATED IT'S FINDINGS AND ORDERED the following:

1. CUSTODY shall remain STATUS QUO, Mother shall have custody and Paternal Grandmother shall continue to have visitation every other weekend. Paternal Grandmother shall start visitation the weekend of 10/12/18 and parties shall alternate thereafter.
2. On Friday, 10/12/18, Paternal Grandmother shall pick-up the child after school and return the child at the usual time on Sunday, 10/14/18 at Family Court. Mother shall NOT be present when Paternal Grandmother picks up the child from school. Attorney Anderson may submit a Pick-up Order in the event Mother does not cooperate with the custodial schedule.
3. When there is no school, all exchanges shall occur at Family Court.
4. Paternal Grandmother's three (3) days of COMPENSATORY VISITATION is DEFERRED to trial.
5. Counsel may subpoena Metro.
6. Mother shall sign a HIPAA RELEASE. Medical records shall be sent to Department I's chambers. Counsel may review the records in chambers under CONFIDENTIAL GAG ORDER.
7. CPS records provided to Attorney Anderson under CONFIDENTIAL GAG ORDER.
8. DFS is invited to appear at the next hearing.
9. Both parties are REFERRED to the American Toxicology Institute (ATI) for drug testing to include hair and urine. Mother shall pay for Paternal Grandmother's drug test and Paternal Grandmother shall pay for Mother's drug test. Referral is LEFT-SIDE FILED. A 72 hour hearing may be set pending the drug test results. Both parties and Counsel may contact chambers to obtain the drug test results.
10. The Court shall obtain the drug test results from DFS that Mother took on 10/5/18.
11. Paternal Grandmother may request a Motion for a new hearing based on new evidence from Metro.

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12. Court shall obtain updated CPS RECORDS upon completion of their case.

13. Mother is in DIRECT CONTEMPT OF COURT based on her admissions in the court room, with the purge clause that Mother may be released upon providing the child's school information. Mother is RELEASED to take the drug test and she shall not be taken into custody.

14. Attorney Anderson shall prepare a Subpoena Order from Clark County School District (CCSD) by 10/12/18 to obtain the child's school information. Attorney Anderson shall file notification with the Court and contact chambers that the child's school has been identified.

15. If Mother or Maternal Grandmother hide the child, Paternal Grandmother shall have the Pick-Up Order in effect and the child shall be reported as a missing person.

16. Documents provided by Mother were LEFT-SIDE FILED.

17. There shall be no return hearing; however, if there is new evidence then Parties may file a request for Motion.

18. Evidentiary Hearing (Stack 1) set for 2/19/19 at 1:30 p.m. STANDS.

Attorney Anderson shall prepare a Subpoena Order and a Pick-Up Order.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Child Custody Complaint

COURT MINUTES

November 08, 2018

D-17-560076-C Mary-Anne Colt, Stacey Kanter, Mary-Anne Colt, Plaintiff.
vs.
Alysa Marie Plummer, Defendant.

November 08, 2018 8:00 AM Minute Order

HEARD BY: Moss, Cheryl B. **COURTROOM:** Courtroom 13

COURT CLERK: Erica Jimenez

PARTIES:

| | |
|---|--------------------------------------|
| Alysa Plummer, Defendant, Counter Claimant, not present | Carrie Hurtik, Attorney, not present |
| Mary-Anne Colt, Plaintiff, Counter Defendant, not present | Pro Se |
| Mary-Anne Colt, Plaintiff, not present | Pro Se |
| Preston Colt, Subject Minor, not present | |
| Robert Cerceo, Guardian Ad Litem, not present | |
| Stacey Kanter, Plaintiff, not present | Pro Se |

JOURNAL ENTRIES

- MINUTE ORDER

NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.501(b), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed.

This Court has read and considered the current underlying pleadings in this matter. The Defendant/Mom, has failed to comply with EDCR 5.206 by failing to file proof of service for the

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Motion she filed on October 11, 2018.

Therefore, the Motion hearing scheduled for November 13, 2018 at 9:30am, is taken off calendar for failure to serve.

Defendant/Mom, may re-notice the Motion through the Clerk's Office to put the matter back on calendar but must file proper Proof of Service of both the Re-Notice and the Motion on the other party.

So Ordered.

A copy of this court minute order shall be served on all parties.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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Discussion by the Parties. Court expressed concern the child is making statements that his brain hurts. Upon Court's inquiry, Mother represented the child is enrolled in counseling, every Thursday. Attorney Barnes provided blank HIPAA releases to Attorney Forsberg for Mother to sign. Mother represented she will be moving to Oklahoma.

COURT FINDS the following:

1. Mother is not unfit.
2. There were thirty (30) calls to CPS and only one has been substantiated.

COURT ORDERED the following:

1. Paternal Grandmother's Motion and request for an Order to Show Cause is DENIED without prejudice.
2. Mother shall have SOLE LEGAL and SOLE PHYSICAL CUSTODY.
3. The child's contact with Paternal Grandmother is SUSPENDED with the exception of one (1) supervised visit at Donna's house on 12/26/18 to include Paternal Grandmother and three (3) paternal aunts. Order for Supervised Visitation SIGNED and FILED IN OPEN COURT.
4. The child shall be enrolled in weekly COUNSELING.
5. ATTORNEY'S FEES DEFERRED.
6. Evidentiary Hearing (Stack 1) SET for 2/19/19 at 1:30 p.m. STANDS unless counsel stipulate to contact Department I's JEA and set the Evidentiary Hearing for March 2019.

Attorney Forsberg shall prepare the Order from today's hearing.

CLERK'S NOTE: Attorney Forsberg is not available on Tuesdays. (EC)

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Child Custody Complaint

COURT MINUTES

January 11, 2019

D-17-560076-C Mary-Anne Colt, Stacey Kanter, Mary-Anne Colt, Plaintiff.
vs.
Alysa Marie Plummer, Defendant.

January 11, 2019 10:45 AM Motion

HEARD BY: Moss, Cheryl B.

COURTROOM: Courtroom 13

COURT CLERK: Erica Jimenez

PARTIES:

| | |
|---|--------|
| Alyssa Plummer, Defendant, Counter Claimant, present | Pro Se |
| Mary-Anne Colt, Plaintiff, Counter Defendant, not present | Pro Se |
| Mary-Anne Colt, Plaintiff, not present | Pro Se |
| Preston Colt, Subject Minor, not present | |
| Robert Cerceo, Guardian Ad Litem, not present | |
| Stacey Kanter, Plaintiff, not present | Pro Se |

JOURNAL ENTRIES

- PLAINTIFF'S MOTION TO CONTINUE TRIAL

Attorney Rob Schmidt, Bar #14611, appeared as co-counsel with Attorney Carol Barnes on behalf of Paternal Grandmother/Plaintiff.

Attorney Barnes represented Plaintiff/Paternal Grandmother could not be present as she has the flu. Discussion by the parties. Mother represented she would like to move to Oklahoma to care for her grandmother.

COURT ORDERED the following:

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1. Mother shall file an Opposition to the Motion to Intervene within ten (10) business days and Counsel shall file a Reply within five (5) days from today's date, 1/11/19.
2. Mother shall file a Motion to Relocate which shall be heard on 2/19/19 at 1:30 p.m.
3. Mother shall file a Motion with the Discovery Commissioner requesting ATTORNEY'S FEES and to stop Opposing Counsel from obtaining her medical information.
4. Mother shall e-mail Attorney Barnes a blank HIPAA RELEASE for Paternal Grandmother to sign.
5. Parties are REFERRED to the Family Mediation Center (FMC) for a child interview and child observation with Paternal Aunt, Stacey Kanter, on 1/29/19 at 4:00 p.m. Order for Family Mediation Services SIGNED and FILED IN OPEN COURT. A Return Hearing is set for 2/19/19 at 1:30 p.m. Mother shall drop off the child at 3:50 p.m. and Stacey Kanter shall not appear to FMC earlier than 4:00 p.m. If Mother does not take the child to FMC, Stacey Kanter, may submit a pick-up Order for purposes of taking the child to FMC and release the child back to Mother once the observation and interview are completed.
6. Paternal Aunt Stacey Kanter's Motion to Intervene set for 2/19/19 at 9:00 a.m. is VACATED and RESET to 2/19/19 at 1:30 p.m.
7. The Evidentiary Hearing set for 2/19/19 at 1:30 p.m. is VACATED to be reset by Department I's Judicial Executive Assistant (JEA) between 4/15/19 and 6/30/19.
8. Discovery is EXTENDED for ninety (90) days from today's date, 1/11/19.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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Discussion by the Parties regarding Paternal Aunt's motion to Intervene and Dr. Grossman's video testimony.

Court reviewed the child interview.

COURT STATED IT'S FINDINGS and ORDERED the following:

1. Paternal Aunt, Stacey Kanter's Motion to Intervene is GRANTED.
2. Paternal Grandmother can visit the child while Paternal Aunt, Stacey Kanter, is present.
3. TEMPORARILY, effective 2/22/19, the child shall VISIT with Stacey Kanter on Fridays with pick-up after school at Twin Lakes Elementary School until Sundays at 9:55 a.m. with drop off at Abundant Grace Church on Rancho and Decatur. If there is a school holiday on Friday, parties shall exchange the child at 4:00 p.m. in front of Family Court. Ms. Kanter shall transport the child. There shall be no lingering. Parties can video record each other in person. Mother can take pictures before she drops off the child. Beginning 3/29/19, Mother shall have the last Friday of the month for the weekend.
4. The Court authorizes Stacey Kanter to be the only person to pick-up the child on Fridays, after school, at Twin Lakes Elementary School.
5. Mother and Paternal Aunt shall stay 20 feet away from each other and the child shall walk to his Mother.
6. Plaintiff's expert can appear via VIDEO CONFERENCE for trial.
7. Mother may file a Relocation motion with enough time to allow Petitioners to file a ten (10) day Opposition.
8. Discovery closes on 9/4/18. Pre-Trial Memos along with the final List of Witnesses and Exhibits are due on or before the close of Discovery.
9. Evidentiary Hearing (Stack #1) re: custody/visitation is SET for 7/10/19 at 9:00 a.m. (half day) and 7/11/19 at 9:00 a.m. (full day). Department I's Judicial Executive Assistant (JEA) shall work on providing the parties with the half day in the afternoon of 7/10/19.
10. Case Management Order SIGNED and FILED IN OPEN COURT.

Attorney Barnes shall prepare the Order for today's hearing; Attorney Lay shall review and countersign.

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INTERIM CONDITIONS:

FUTURE HEARINGS: Jul 10, 2019 9:00AM Evidentiary Hearing
Evidentiary Hearing (Stack 1/HALF DAY) - Day1 re: custody/visitation
Courtroom 13 Moss, Cheryl B.

Jul 11, 2019 9:00AM Evidentiary Hearing
Evidentiary Hearing (Stack 1/FULL DAY) re: custody/visitation
Courtroom 13 Moss, Cheryl B.

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Child Custody Complaint

COURT MINUTES

April 12, 2019

D-17-560076-C Mary-Anne Colt, Stacey Kanter, Mary-Anne Colt, Plaintiff.
vs.
Alysa Marie Plummer, Defendant.

April 12, 2019 9:00 AM Minute Order

HEARD BY: Moss, Cheryl B. **COURTROOM:** Courtroom 13

COURT CLERK: Michelle Cunningham;

PARTIES:

| | |
|---|--------------------------------------|
| Alysa Plummer, Defendant, Counter Claimant, not present | Carrie Hurtik, Attorney, not present |
| Mary-Anne Colt, Plaintiff, Counter Defendant, not present | Pro Se |
| Mary-Anne Colt, Plaintiff, not present | Pro Se |
| Preston Colt, Subject Minor, not present | |
| Robert Cerceo, Guardian Ad Litem, not present | |
| Stacey Kanter, Plaintiff, not present | Pro Se |

JOURNAL ENTRIES

- COURT MINUTE ORDER

Pursuant to EDCR 5.502 (i) this matter came on before the Court on the Chambers Calendar, for decision without a hearing. Pursuant to EDCR 2.23, this Court can grant the requested relief if there is no opposition timely filed. EDCR 2.20(e) provides in relevant part that failure of the opposing party to serve and file written opposition may be construed as an admission that the motion is meritorious and consent to granting the same.

On March 14, 2019, Plaintiff/Paternal Grandmother Mary-Anne Colt s Attorney Carol Barnes filed a Notice of Motion and Motion and Notice of Motion to Withdraw as Attorney of Record. On March 14, 2019, Attorney Barnes filed a Certificate of Mailing.

The Court finds there is proper proof of service to Plaintiff/Paternal Grandmother s last known address of record. Plaintiff/Paternal Grandmother did not timely file an Opposition.

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There being no opposition filed thereto, IT IS HEREBY ORDERED that Attorney Barnes Motion to Withdraw as Attorney of Record is granted.

IT IS FURTHER ORDERED that the hearing for Attorney Barnes Motion and Notice of Motion to Withdraw as Attorney of Record set for April 17, 2019 at 2:30 a.m. is hereby Vacated.

IT IS FURTHER ORDERED that Attorney Barnes shall prepare the Order conforming to this court minute order and serve all parties and Counsel via Notice of Entry of Order.

A copy of this court minute order shall be served on both parties and Counsel.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Jul 10, 2019 9:00AM Evidentiary Hearing
Evidentiary Hearing (Stack 1/HALF DAY) - Day1 re: custody/visitation
Courtroom 13 Moss, Cheryl B.

Jul 11, 2019 9:00AM Evidentiary Hearing
Evidentiary Hearing (Stack 1/FULL DAY) re: custody/visitation
Courtroom 13 Moss, Cheryl B.

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Child Custody Complaint

COURT MINUTES

July 10, 2019

D-17-560076-C Mary-Anne Colt, Stacey Kanter, Mary-Anne Colt, Plaintiff.
vs.
Alysa Marie Plummer, Defendant.

July 10, 2019 9:00 AM Evidentiary Hearing

HEARD BY: Moss, Cheryl B. **COURTROOM:** Courtroom 13

COURT CLERK: Erica Jimenez

PARTIES:

| | |
|---|----------------------------------|
| Alyssa Plummer, Defendant, Counter Claimant, present | Carrie Hurtik, Attorney, present |
| Mary-Anne Colt, Plaintiff, Counter Defendant, present | Pro Se |
| Mary-Anne Colt, Plaintiff, not present | Pro Se |
| Preston Colt, Subject Minor, not present | |
| Robert Cerceo, Guardian Ad Litem, not present | |
| Stacey Kanter, Plaintiff, not present | Pro Se |

JOURNAL ENTRIES

- EVIDENTIARY HEARING (DAY 1)

Attorney Carol Barnes, Bar #7985, appeared on behalf of the Intervenor/Paternal Aunt, Stacey Kanter, and Plaintiff/Paternal Grandmother, in an UNBUNDLED CAPACITY. Attorney Barnes' associate, Andrew Seprazik, Bar #15093 and Ms. Barnes' paralegal also present. Attorney Linda Lay, Bar #12990, present with Co-Counsel, Carrie Hurtik.

Exclusionary Rule Invoked.

Parties WAIVE opening statements.

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Testimony and Exhibits presented.

Aaron McCook's DEPOSITION, PUBLISHED and FILED IN OPEN COURT per STIPULATION.

CPS RECORDS admitted as COURT'S CONFIDENTIAL EXHIBIT 1 per STIPULATION.

Parties STIPULATE to admit Plaintiff's Exhibit 3 - 113, 129 - 220, 242 - 252, 259 - 267, 276, 293 - 296.

Parties STIPULATE to admit Defendant's Exhibit A - H.

COURT ORDERED the following:

1. MATTER CONTINUED to Day 2 of the Evidentiary Hearing set for 7/11/19 at 9:00 a.m.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Child Custody Complaint

COURT MINUTES

July 11, 2019

D-17-560076-C Mary-Anne Colt, Stacey Kanter, Mary-Anne Colt, Plaintiff.
vs.
Alysa Marie Plummer, Defendant.

July 11, 2019 9:00 AM Evidentiary Hearing

HEARD BY: Moss, Cheryl B. **COURTROOM:** Courtroom 13

COURT CLERK: Erica Jimenez

PARTIES:

| | |
|---|----------------------------------|
| Alysa Plummer, Defendant, Counter Claimant, present | Carrie Hurtik, Attorney, present |
| Mary-Anne Colt, Plaintiff, Counter Defendant, present | Pro Se |
| Mary-Anne Colt, Plaintiff, not present | Pro Se |
| Preston Colt, Subject Minor, not present | |
| Robert Cerceo, Guardian Ad Litem, not present | |
| Stacey Kanter, Plaintiff, not present | Pro Se |

JOURNAL ENTRIES

- EVIDENTIARY HEARING (DAY 2)

Attorney Carol Barnes, Bar #7985, appeared on behalf of Paternal Aunt, Stacey Kanter, and Paternal Grandmother, in an UNBUNDLED CAPACITY. Attorney Barnes' associate, Andrew Seprazik, Bar #15093 and Ms. Barnes' paralegal also present. Attorney Linda Lay, Bar #12990, present with Co-Counsel, Carrie Hurtik on Mother's behalf.

Testimony and Exhibits presented.

Paternal Grandmother was removed from the Courtroom for her behavior. The Court will give Paternal Grandmother an opportunity to explain her behavior as to why the Court should not hold

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her in Contempt.

COURT ORDERED the following:

1. TEMPORARILY, every other weekend, Paternal Aunt, Stacey Kanter, shall have VISITATION with the child on Fridays after school or if there is no school at 11:30 a.m. with exchanges at Mother's church until Monday morning drop off at school or if there is no school, the exchange shall occur at 9:30 a.m. at the Rebel Gas Station on Rainbow and Charleston. Demara and Statcey are authorized drivers. Paternal Aunt shall have the child beginning the weekend of 7/12/19. Stacey is approved to have VISITATION with the child and his half sibling, Ethan, from Thursday at 11:30 a.m. until Monday. Stacey shall provide as much notice to Mother as possible, parties may have to switch weekends.
2. Paternal Grandmother is REFERRED to the American Toxicology Institute (ATI) for a drug test to include hair and urine. Mother shall bear the cost. Referral is LEFT-SIDE FILED.
3. Therapist, Krystal Whipple, shall provide the court with updated records from June 2019 to date.
4. MATTER CONTINUED to Day 3 of the Evidentiary Hearing. Department I's Judicial Executive Assistant (JEA) shall confirm 8/21/19 at 9:00 a.m. if Krystal Whipple is available. Detective Cheryl Kegley may appear via video.

Attorney Lay shall prepare the Order from today's hearing.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Child Custody Complaint

COURT MINUTES

January 28, 2020

D-17-560076-C Mary-Anne Colt, Stacey Kanter, Mary-Anne Colt, Plaintiff.
vs.
Alysa Marie Plummer, Defendant.

January 28, 2020 1:30 PM All Pending Motions

HEARD BY: Moss, Cheryl B. **COURTROOM:** Courtroom 13

COURT CLERK: Erica Jimenez

PARTIES:

| | |
|---|----------------------------------|
| Alysa Plummer, Defendant, Counter Claimant, present | Carrie Hurtik, Attorney, present |
| Mary-Anne Colt, Plaintiff, Counter Defendant, present | Pro Se |
| Mary-Anne Colt, Plaintiff, not present | Pro Se |
| Preston Colt, Subject Minor, not present | |
| Robert Cerceo, Guardian Ad Litem, not present | |
| Stacey Kanter, Plaintiff, not present | Pro Se |

JOURNAL ENTRIES

- EVIDENTIARY HEARING (DAY 3)...PLAINTIFF'S NOTICE OF MOTION TO STRIKE THE TESTIMONY OF DEFENDANT'S WITNESSES, CHERYL KEGLEY AND KRYSTAL WHIPPLE; REQUEST FOR BRIEF FOCUSED ASSESSMENT AND ACCESS TO UPDATED CPS RECORDS

Attorney Carol Barnes, Bar #7985, present with co-counsel, Andrew Seprazik, Bar #15093 on behalf of the Plaintiff/Paternal Aunt, Stacey Kanter. Plaintiff/Paternal Grandmother, present in Pro Per Person. Attorney Linda Lay, Bar #12990, present with Co-Counsel, Carrie Hurtik on behalf of the Defendant/Mother.

Parties sworn and testified.

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Testimony and exhibits presented.

COURT ORDERED the following:

1. Plaintiff's Motion to strike Detective Cheryl Kegley's testimony is DENIED.
2. There is a STANDING ORDER for the trial to remain as a CLOSED HEARING until the conclusion of trial.
3. Therapist, Krystal Whipple, shall provide the Court with updated records from June 2019 to present.
4. Defendant shall subpoena Detective Cheryl Kegley to the next Court hearing.
5. Parties STIPULATE to Dr. Stephanie Holland as a COURT APPOINTED NEUTRAL EVALUATOR to prepare a CUSTODY EVALUATION. Plaintiff, Stacey Kanter, shall bear the cost without prejudice. Either party may hire a rebuttal expert. There shall be no ex parte contact with Dr. Holland, both parties shall carbon copy the other party in any communication. Court pleadings, court minutes, court videos, CPS records, and photos, the child's school records, the child's medical records, police reports, may be provided to Dr. Holland. Each party may have two (2) collateral witnesses.
6. The child can visit with his half brother, Ethan, from Texas this weekend (1/31/20 - 2/3/20) at Stacey's house. Mother shall receive a selfie once in the morning and once in the afternoon through Talking Parents. Mother shall have the following weekend and parties shall alternate. On Friday, 1/31/20, Stacey can pick-up the child from school and drop him off at school on Monday morning, 2/3/20.
7. At the next hearing, Stacey shall present photographs of the visit with the child and his brother to the Court.
8. Day 4 of Trial is set for 2/14/20 at 8:30 a.m.
9. Day 5 of Trial is set for 2/27/20 at 2:00 p.m.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Child Custody Complaint

COURT MINUTES

February 14, 2020

D-17-560076-C Mary-Anne Colt, Stacey Kanter, Mary-Anne Colt, Plaintiff.
vs.
Alysa Marie Plummer, Defendant.

February 14, 2020 9:00 AM Evidentiary Hearing

HEARD BY: Moss, Cheryl B.

COURTROOM:

COURT CLERK: Antoria Pickens

PARTIES:

| | |
|---|----------------------------------|
| Alysa Plummer, Defendant, Counter Claimant, present | Carrie Hurtik, Attorney, present |
| Mary-Anne Colt, Plaintiff, Counter Defendant, present | Pro Se |
| Mary-Anne Colt, Plaintiff, not present | Pro Se |
| Preston Colt, Subject Minor, not present | |
| Robert Cerceo, Guardian Ad Litem, not present | |
| Stacey Kanter, Plaintiff, not present | Pro Se |

JOURNAL ENTRIES

- EVIDENTIARY HEARING (DAY 3)...PLAINTIFF'S NOTICE OF MOTION TO STRIKE THE TESTIMONY OF DEFENDANT'S WITNESSES, CHERYL KEGLEY, AND KRYSTAL WHIPPLE; REQUEST FOR BRIEF FOCUSED ASSESSMENT AND ACCESS TO UPDATED CPS RECORDS.

Attorney Carol Barnes, Bar #7985, present with co-counsel, Andrew Seprazik, Bar #15093 on behalf of the Plaintiff/Paternal Aunt, Stacey Kanter. Plaintiff/Paternal Grandmother, present in Pro Per Person. Attorney Linda Lay, Bar #12990, present with Co- Counsel, Carrie Hurtik, on behalf of the Defendant/Mother.

Prior to the start of the Trial, the Court and Counsel engaged in a discussion regarding the Defendant's objection to the Plaintiff's decision to cross-examine Ms. Whipple before cross-examining

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Detective Kegley and Attorney Barnes's request to withdraw as Counsel of record.

Court noted the Plaintiff's cross-examine would begin with Detective Kegley. Court further noted there was no objection to Attorney Barnes's request to withdraw.

The Court and Counsel engaged in further discussion regarding the screw that was located in the Plaintiff's sofa coming in as evidence.

Parties SWORN and TESTIFIED.

Testimony and exhibits presented.

MATTER TRAILED for a five-minute break.

MATTER RECALLED.

Testimony resumed with the Plaintiff's cross-examination of Ms. Whipple.

Court noted Pro Se Litigant Mary- Anne Colt STIPULATED that Attorney Barnes may speak with the Court without her presence during the bench conference with Counsel.

Pro Se Litigant Mary- Anne Colt stated on the record in OPEN COURT, "I stipulate that I will not go in with the bars."

MATTER TRAILED for the Court to conduct a bench conference.

MATTER RECALLED with all parties present.

COURT ORDERED the following:

An Emergency Order shall be issued on this date. Emergency Order EXECUTED and FILED in OPEN COURT with all parties receiving a copy of the Order.

The Trial shall be POSTPONED until the minor child has been stabilized.

An Evidentiary Hearing shall be set for August 5, 2020, at 9:00 AM (Full- Day).

The Evidentiary Hearing set for February 27, 2020, at 2:00 PM, shall be VACATED.

The hearing set for April 8, 2020, at 2:30 AM, regarding Attorney Barnes's Motion to withdraw shall be VACATED.

Attorney Barnes Motion to withdraw as Counsel of record shall be GRANTED.

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The Pro Se Litigant Mary-Anne's request to proceed with the Trail set for February 27, 2020, at 2:00 PM, shall be DENIED.

Attorney Robert Cerceo, Nevada Bar 5603, shall be appointed as Counsel for the minor child in a Pro Bono capacity. Attorney Cerceo shall coordinate with Ms. Whipple to meet the child and be his voice and attorney.

The Defendant (Mom) shall have Temporary sole legal and physical custody of the minor child.

There shall be no visitation between the Plaintiffs and the child. However, the Plaintiffs may speak with Ms. Whipple to see if she is willing to arrange visitation in her office.

The child shall continue therapy with Hope Counseling. Neither party shall be permitted to change the child's therapist. Ms. Whipple shall remain the child's therapist until otherwise ordered by the Court.

The child shall NOT be told whom he can speak too or whom he cannot speak too.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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Pursuant to EDCR 5.206 (b), a copy of any papers filed must be served on all other parties to an action within 3 calendar days of submission for filing.

On February 19, 2020 Plaintiff/Paternal Grandmother (PGM) filed a Motion and Notice of Motion to Set Aside Order Judgment and/or Default.

On February 19, 2020 Plaintiff/PGM filed a Certificate of Service showing service to Defendant/Mother s counsel of record by depositing a copy of the Motion in the U.S. Mail in the State of Nevada, postage prepaid on the same date.

The COURT FINDS that Plaintiff/PGM failed to serve Plaintiff/Paternal Aunt (PA) a copy of the motion pursuant to EDCR5.206 (b).

The COURT ORDERS that the hearing set for March 30, 2020 at 9:30AM is TAKEN OFF CALENDAR.

Plaintiff/PGM may re notice the motion through the Clerk's Office to get a new hearing date AFTER all the parties and/or counsel, if parties are represented, have been properly served and the proof of service has been filed.

A copy of this minute order shall be served upon all the parties and counsel.

SO ORDERED.

INTERIM CONDITIONS:

FUTURE HEARINGS: Aug 05, 2020 9:00AM Evidentiary Hearing
Pending the minor child's stabilization.
Courtroom 13 Moss, Cheryl B.

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Child Custody Complaint

COURT MINUTES

June 05, 2020

D-17-560076-C Mary-Anne Colt, Stacey Kanter, Mary-Anne Colt, Plaintiff.
vs.
Alysa Marie Plummer, Defendant.

June 05, 2020 2:00 PM Minute Order

HEARD BY: Moss, Cheryl B. **COURTROOM:** Chambers

COURT CLERK: Kendall Williams

PARTIES:

| | |
|---|--------------------------------------|
| Alysa Plummer, Defendant, Counter Claimant, not present | Carrie Hurtik, Attorney, not present |
| Mary-Anne Colt, Plaintiff, Counter Defendant, not present | Pro Se |
| Mary-Anne Colt, Plaintiff, not present | Pro Se |
| Preston Colt, Subject Minor, not present | |
| Robert Cerceo, Guardian Ad Litem, not present | |
| Stacey Kanter, Plaintiff, not present | Pro Se |

JOURNAL ENTRIES

- MINUTE ORDER - NO HEARING HELD AND NO APPEARANCES

NRCP 1 and EDCR 1.10 state that the procedures in district court shall be administered to secure efficient, just, and inexpensive determinations in every action and proceeding.

Pursuant to EDCR 5.206, a party filing a motion is required to serve the opposing party with a copy of all papers filed within 3 calendar days of submission for filing.

Pursuant to EDCR 2.23(c), the judge may consider the motion on its merits at any time with or without oral argument, and grant or deny it.

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On March 27, 2020 Defendant/Mother represented by Linda Lay, Esq. filed a Motion to Seal all Video Recordings and Papers Related to Trial.

On March 28, 2020 the Court issued a Clerk s Notice of Nonconforming Document because the Motion does not have a hearing designation per Rule 2.20(b).

On March 30, 2020 a Notice of Hearing was issued by the Clerk of Court setting the matter on the Court s in chambers calendar May 06, 2020 at 2:30AM; and electronically served the same to the parties pursuant to NEFCR 9(d).

On April 26, 2020 Defendant filed a Reply to Opposition; an Opposition that at the time of Defendant s filing of the Reply, the Court did not yet have access to.

On April 28, 2020 the Court issued a Clerk s Notice of Nonconforming Document because the Certificate of Service on page 6 of the Reply to Opposition was not signed.

On April 27, 2020 Defendant filed a signed Certificate of Service stating that copies of the Reply to Plaintiff's Opposition were sent to the Plaintiffs and their counsel via US Mail and Electronic service.

On April 30, 2020 Plaintiffs/Paternal Aunt and Paternal Grandmother in proper person electronically filed an Opposition signed and dated April 10, 2020 with a hearing date for June 09, 2020 at 9:00AM.

On April 30, 2020 Plaintiffs filed a Certificate of Service stating that Defendant/Mother was served a copy of the Opposition by mailing a copy of the same to Defendant s counsel Linda Ley % Hurtik Law & Associates office address on April 10, 2020.

Upon review of the pleadings and papers, the COURT FINDS that proper service was effectuated and any procedural defects in filing have been waived and/or corrected by subsequent remedial measures.

Openness and transparency are the cornerstones of an effective, functioning judicial system. Howard vs. State of Nevada 128 Nev., Adv. Op 67 citing Richmond Newspapers, Inc. v. Virginia, 448 U.S. 569, 571-72 (1980).

Although public access is favored, it is not unfettered. Id.

With acute awareness of the presumption favoring public access to judicial records and documents, federal and state courts have decided that a court may exercise its inherent authority to seal those materials only where the public s right to access is outweighed by competing interests. Id citing Minter vs. Wells Fargo Bank, N.A., 258 F.R.D. 118, 120-21 (D. Md. 2009). This presumption may be rebutted if countervailing interests heavily outweigh public interest in access. Id.

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Thus, a party who seeks to have documents or records filed with this court under seal must file a motion that identifies the information that the party seeks to have sealed, sets forth the reasons that such action is necessary, and specifies the duration of the sealing order. Howard vs. State of Nevada 128 Nev., Adv. Op. 67.

The COURT FINDS that Defendant's motion failed to identify with sufficient specificity the significant interest that overrides the right to public access.

IT IS ORDERED that the motion to seal is DENIED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that the hearing set on June 09, 2020 at 9AM is VACATED.

The next court date in this matter is on AUGUST 05, 2020 at 9AM for the Evidentiary Hearing Day 5.

Pursuant to Administrative Order 20-10 re Paper Elimination in response to the COVID-19 outbreak, a copy of this minute order shall be served electronically.

The Court shall file the order.

SO ORDERED.

CLERK'S NOTE: A copy of this minute order shall be emailed to the parties/counsel. (kw 6/5/2020)

INTERIM CONDITIONS:

FUTURE HEARINGS:

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parties reviewing the Guardian Ad Litem reports.

Attorney Cerceo advised the Court as to the minor child indicating he wants to continue contact with the Paternal Aunt

Plaintiff's indicated they haven't seen the minor child since 2-15-2020. Plaintiff further expressed concerns as to their attempts to contact Defendant in this matter once a week for a period of (10) weeks and never they never received a call back by defendant.

The Court noted concerns as to issues at hand.

THE COURT FINDS it does not appear that Mom has alienated the child from the other side of the child's family

THE COURT ORDERED,

This Court shall CONTINUE to MONITOR VISITATION.

Attorney Robert Cerceo shall CONTINUE as the GUARDIAN AD LITEM in this matter.

Attorney Robert Cerceo (GAL) shall do a CHECK-UP with the minor child EVERY (30) days and PROVIDE the COURT with an UPDATE as to the child's VISITATION.

Katie Thibeaux shall be PERMITTED to TESTIFY.

Krystal Whipple shall REMAIN the ACTIVE THERAPIST.

Attorney Robert Cerceo shall CONTINUE to HAVE a TELEPHONE CALL OR TEXT MESSAGE with Ms. Whipple as to what's going on in the case.

In regards to the CUSTODIAL EXCHANGE the RECEIVING PARTY shall be RESPONSIBLE for PICK-UP of the minor child.

Stacey's VISITATION with the minor child shall be REINSTATED. Stacey shall have VISITATION with the minor child from 3:00 pm on Friday's until Sunday at 6:00 pm.

The CUSTODIAL EXCHANGE shall OCCUR at Family Court located at 601 N. Pecos in Las Vegas.

The COURT ADMONISHED PARTIES as to DISPARAGING each other.

Parties shall not DISCUSS LITIGATION ISSUES with the minor child.

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The BLUEJEANS LINK shall be sent to Ms. Whipple as she shall be ALLOWED to APPEAR at the NEXT STATUS CHECK HEARING.

In regards to payment of the EXPERT WITNESS Plaintiff's shall SEEK REIMBURSEMENT of COSTS at TIME of Trial.

A ZOOM MEETING can be conducted from STACEY'S house with the minor child Preston.

Stacey's VISITATION with the minor child Preston shall be reinstated.

If Dr. Holland will ASSIST with LOGISTICS of this matter, Attorney Lay shall ask her client to comply.

Quarantine instructions in place shall be followed by all parties in this action.

Stacey shall KEEP mask, sanitizer and clothes for the minor child in her home.

Stacey's VISITATION with the minor child shall occur every other weekend beginning this weekend.

Ms. Hartman and Ms. Whipple shall provide REPORTS to the (GAL) all REPORTS received shall be PROVIDED to the court.

Information shall be provided to the Court as to the minor child's school schedule.

Department I's JEA shall PREPARE an AMENDED TRIAL ORDER as to the FUTURE COURT DATE.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Child Custody Complaint

COURT MINUTES

September 08, 2020

D-17-560076-C Mary-Anne Colt, Stacey Kanter, Mary-Anne Colt, Plaintiff.
vs.
Alysa Marie Plummer, Defendant.

September 08, 1:30 PM All Pending Motions
2020

HEARD BY: Moss, Cheryl B. **COURTROOM:** Courtroom 13

COURT CLERK: Jefferyann Rouse

PARTIES:

| | |
|---|----------------------------------|
| Alysa Plummer, Defendant, Counter Claimant, present | Carrie Hurtik, Attorney, present |
| Mary-Anne Colt, Plaintiff, Counter Defendant, present | Pro Se |
| Mary-Anne Colt, Plaintiff, not present | Pro Se |
| Preston Colt, Subject Minor, not present | |
| Robert Cerceo, Guardian Ad Litem, present | |
| Stacey Kanter, Plaintiff, present | Pro Se |

JOURNAL ENTRIES

- MOTION: MOTION TO NOT CONTINUE TEMPORARY VISITATION WIT PATERNAL AUNT STACEY KANTER...OPPOSITION: PLAINTIFF STACY KANTER'S OPPOSITION TO dDEFENDANT ALYSA PLUMMER'S MOTION TO NOT CONTINUE WITH TEMPORARY VISITATION WITH PLAINTIFF. PATERNAL AUNT, STACY KANTER ON ORDER SHORTENING TIME

Due to Governor Sisolak's Stay Home for Nevada directive, Plaintiff's Mary-Anne Colt and her Mother Stacey Kanter, along with Defendant/ Alysa Plummer and her Attorney of Record Carrie Hurtik all appeared via (bluejeans) equipment. Also present for today's proceedings was Amity Dorman from the Department of Family Services, Guardian Ad Litem, Robert Cerceo and the minor child's past therapist Ms. Whipple and current therapist Ms. Hartman were also present for today's proceedings via (bluejeans) audio equipment.

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Upon the matter being called, housekeeping issues were addressed by the court.

Attorney Bob Cerceo, the Guardian ad Litem (GAL) gave a verbal updated report.

THE COURT NOTED, Preston's therapist is now Hannah Hartman, and that Krystal Whipple was prior therapist
Child Protective Services referral on 8/17/2020, the Court further noted the (CPS) case is still on going.

THE COURT NOTED, Aunt Stacey and Paternal Grandmother still need to testify, the Court further noted the need to finish with Krystal Whipple's direct and cross examination as well as the Natural Mother needs to resume her direct examination from Defendant's side.

THE COURT FINDS, there was some type of traumatic response from the minor child, the severity is not as important as the fact that trauma is trauma.

THE COURT FINDS, Preston completed trauma therapy and improved and was transferred to therapy for attachment therapy between the minor child and Mom.

THE COURT NOTED, Aunt Stacey requested in her/their COUNTERMOTION for a DIFFERENT THERAPIST for the minor child due to concerns of bias.

Aunt Stacey's MOTION for a DIFFERENT Therapist SHALL be DENIED.

THE COURT NOTED, Dr. Holland STIPULATED to Mom's Counsel and Aunt Stacey's prior Counsel as to Dr. Holland testifying as an expert for Aunt Stacey in this matter, with the COSTS being borne by Aunt Stacey.

This Court shall MONITOR closely how the VISITATION are going.

THE COURT ORDERED.

The Paternal Aunt shall be PERMITTED to come to the COURT HOUSE to review the Child Protective Services under a CONFIDENTIAL GAG ORDER.

The Paternal Aunt shall be PERMITTED to read the HOPE counseling letter and the (CPS) records at the courthouse. The Paternal Aunt shall email Department, she shall email the court's JEA for an appointment to read the documents
mom is home-schooling child with Time for Learning

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A NON-JURY TRIAL set for 4-21-2020 at 9:00 am full day (day 1).

NON-JURY TRIAL set for 4-22-2021 at 9:00 am full day (day 2)

CLOSING ARGUMENTS shall be (90) minutes.

VISITATION shall CONTINUE every other weekend however, they shall be REDUCED to Saturday day VISITS only EFFECTIVE 9-12-2020.

HOPE COUNSELING shall be used to FACILITATE CHILD EXCHANGES ever other Saturday from 9:00 am until 6:00 pm, if HOPE is not available, Donna's House SUPERVISED EXCHANGES shall occur. ALL FEES associated with Donna's House SUPERVISED EXCHANGES shall be WAIVED for both sides .

Department I's JEA shall submit a DONNA'S HOUSE REFERRAL order ASAP. VIA EMAIL.

The minor child Preston, shall CONTINUE Therapy with Hannah Hartman of Hope Counseling

Aunt Stacey shall SIGN the Courts CONFIDENTIALITY ORDER, upon signature Aunt Stacey shall RECEIVE the CPS Report via PDF email, the same information shall be sent to Attorney Cerceo the (GAL) and Mom's Attorney.

The VISITATION EXCHANGE of the minor child shall occur a Family Court Security Gate. Parties shall have AUTHORIZATION TO AUDIO or VIDEO RECORD.

Mom's Counsel shall prepare the courts order from today's proceedings and serve upon Attorney Cerceo as well.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Child Custody Complaint

COURT MINUTES

November 23, 2020

D-17-560076-C Mary-Anne Colt, Stacey Kanter, Mary-Anne Colt, Plaintiff.
vs.
Alysa Marie Plummer, Defendant.

November 23, 2020 10:00 AM All Pending Motions

HEARD BY: Hardcastle, Gerald W. **COURTROOM:** Courtroom 13

COURT CLERK: Michelle Cunningham; Jamile Vazquez

PARTIES:

| | |
|---|--------------------------------------|
| Alysa Plummer, Defendant, Counter Claimant, present | Carrie Hurtik, Attorney, not present |
| Mary-Anne Colt, Plaintiff, Counter Defendant, not present | Pro Se |
| Mary-Anne Colt, Plaintiff, present | Pro Se |
| Preston Colt, Subject Minor, not present | |
| Robert Cerceo, Guardian Ad Litem, present | |
| Stacey Kanter, Plaintiff, present | Pro Se |

JOURNAL ENTRIES

- PLAINTIFF'S SECOND AMENDED MOTION AND NOTICE OF MOTION TO SET ASIDE ORDER, JUDGEMENT AND / OR DEFAULT...DEFENDANT ALYSA PLUMMER'S OPPOSITION TO MOTION TO SET ASIDE ORDER

COURT CLERKS: Michelle Cunningham (mlc), Jamile Vazquez

Parties appeared via BLUEJEANS.

Guardian Ad Litem (GAL), Bob Cerceo also present.

COURT NOTED that the minor child is in Defendant/Mother's custody and contact with

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Plaintiff/Grandmother, Mary-Anne Colt had been suspended except at Donna's House. COURT FURTHER NOTED the child is to go to counseling.

Court stated this case has been drawn out and it is his inclination that orders that have been entered continue until the new Judge comes in.

Attorney Lay represented that the minor child's therapist sent a letter stating that all contact with the paternal side of the family shall cease. Both Plaintiffs stated they did not receive anything.

Upon the Court's inquiry, GAL Cerceo stated there is a trial set and COURT NOTED it is a continuation of the trial. Attorney Cerceo further stated Judge Moss had suspended everything for about six (6) months and brought him in as the GAL. GAL Cerceo represented the minor child was doing well but then there was a down turn, was hurting himself and he expressed that he had difficulties visiting his Aunt but was comfortable with Grandmother. Further, the messages have been inconsistent. GAL Cerceo represented Aunt has engaged Dr. Holland to do an assessment.

Court inquired as to what changes are needed to get the parties to the next trial date. GAL stated the minor child stated he is uneasy with Aunt but that was different from what he told him the month before. Discussion regarding what the current visitation order is. Aunt stated there were false claims made about her to Child Protective Services (CPS) and Judge Moss dropped her time down, however, CPS found the claims unsubstantiated.

Court stated the trial needs to be dropped forward.

Aunt stated she has not seen the child all month, she filed for a Pick-Up Order, and wants her weekends back.

GAL Cerceo stated there should be contact with Aunt.

Court is inclined to keep the orders in place regarding contact with Grandmother. Grandmother stated she wants counsel removed from this case.

Attorney Lay stated they would request supervised visitation, every other weekend from 9:00 a.m. to 5:00 p.m. Attorney Lay further stated the minor child is close to being hospitalized because he is self-harming himself.

GAL Cerceo stated he does not have any objections to overnight visitations.

COURT ORDERED the following:

1. The Motion to SET ASIDE shall be DENIED on the basis of insufficient grounds. The minor child shall continue to reside with Mother.

| | | | | |
|-------------|------------|---------------|---------------|-------------------|
| PRINT DATE: | 03/22/2021 | Page 44 of 51 | Minutes Date: | December 13, 2017 |
|-------------|------------|---------------|---------------|-------------------|

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

2. The Hearing set for 11/30/2020 shall be VACATED.

3. The Non-Jury Trial scheduled for 4/21/2021 and 4/22/2021 shall be RESCHEDULED to 1/28/2021 at 9:00 a.m. and 1/29/2021 at 9:00 a.m. (FULL DAY, STACK #3).

4. Aunt shall have VISITATION with the minor child every other weekend from Fridays at 1:00 p.m. until Saturdays at 4:00 p.m. There shall be NO EXCEPTIONS for holidays. The EXCHANGES shall take place at Donna's House. Order for Supervised Exchange EXECUTED and FILED IN OPEN COURT. Copies shall be emailed to the parties and counsel.

GAL Cerceo shall prepare the order from today's hearing.

INTERIM CONDITIONS:

FUTURE HEARINGS: Jan 29, 2021 9:00AM Non-Jury Trial
Stack #3 (Day 2)
Courtroom 21 Hardcastle, Gerald W.

| | | | | |
|-------------|------------|---------------|---------------|-------------------|
| PRINT DATE: | 03/22/2021 | Page 45 of 51 | Minutes Date: | December 13, 2017 |
|-------------|------------|---------------|---------------|-------------------|

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Child Custody Complaint

COURT MINUTES

January 20, 2021

D-17-560076-C Mary-Anne Colt, Stacey Kanter, Mary-Anne Colt, Plaintiff.
vs.
Alysa Marie Plummer, Defendant.

January 20, 2021 2:15 PM Minute Order

HEARD BY: Bailey, Sunny

COURTROOM: Chambers

COURT CLERK: Kendall Williams

PARTIES:

| | |
|---|--------------------------------------|
| Alysa Plummer, Defendant, Counter Claimant, not present | Carrie Hurtik, Attorney, not present |
| Mary-Anne Colt, Plaintiff, Counter Defendant, not present | Pro Se |
| Mary-Anne Colt, Plaintiff, not present | Pro Se |
| Preston Colt, Subject Minor, not present | |
| Robert Cerceo, Guardian Ad Litem, not present | |
| Stacey Kanter, Plaintiff, not present | Pro Se |

JOURNAL ENTRIES

- MINUTE ORDER - NO HEARING HELD AND NO APPEARANCES

Court noted, Stacey Kanter's Ex-Parte Motion for Continuance e-filed on January 10, 2021 @ 1:06 AM. Court further notes, Motions for Continuance of a scheduled Evidentiary Hearing cannot be done Ex-Parte. Notice has to be provided to all parties involved in the case and an opportunity to respond to the issue needs to be provided.

COURT ORDERED:

Stacey Kanter s Ex-Parte Motion for Continuance e-filed on January 10, 2021 @ 1:06 AM is DENIED Pursuant to EDCR 2.23, and EDCR 7.30.

| | | | | |
|-------------|------------|---------------|---------------|-------------------|
| PRINT DATE: | 03/22/2021 | Page 46 of 51 | Minutes Date: | December 13, 2017 |
|-------------|------------|---------------|---------------|-------------------|

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

Courtroom clerk to provide a copy of this Minute Order to all parties.

CLERK'S NOTE: A copy of this minute order shall be provided to the parties/counsel electronically. (kw 1/20/21)

INTERIM CONDITIONS:

FUTURE HEARINGS: Jan 29, 2021 9:00AM Non-Jury Trial
Stack #3 (Day 2)
Courtroom 21 Hardcastle, Gerald W.

| | | | | |
|-------------|------------|---------------|---------------|-------------------|
| PRINT DATE: | 03/22/2021 | Page 47 of 51 | Minutes Date: | December 13, 2017 |
|-------------|------------|---------------|---------------|-------------------|

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Child Custody Complaint

COURT MINUTES

January 28, 2021

D-17-560076-C Mary-Anne Colt, Stacey Kanter, Mary-Anne Colt, Plaintiff.
vs.
Alysa Marie Plummer, Defendant.

January 28, 2021 9:00 AM Non-Jury Trial

HEARD BY: Hardcastle, Gerald W.

COURTROOM: Courtroom 21

COURT CLERK: Gabriella Konicek

PARTIES:

| | |
|---|----------------------------------|
| Alysa Plummer, Defendant, Counter Claimant, present | Carrie Hurtik, Attorney, present |
| Mary-Anne Colt, Plaintiff, Counter Defendant, present | Pro Se |
| Mary-Anne Colt, Plaintiff, not present | Pro Se |
| Preston Colt, Subject Minor, not present | |
| Robert Cerceo, Guardian Ad Litem, present | |
| Stacey Kanter, Plaintiff, present | Pro Se |

JOURNAL ENTRIES

- NON-JURY TRIAL: STACK #3(DAY 1)...PLAINTIFF'S OBJECTION TO SUBPOENA NEW WITNESSES

Plaintiff/Grandmother Ms. Mary Colt present by audio. Intervener/Aunt Ms. Stacey Kanter, Guardian Ad Litem for minor child Mr. Robert Cerceo, Defendant/Mom Ms. Alysa Marie Plummer, Ms. Linda Lay and Ms. Carrie Hurtik present by video.

The Court noted the issue of prior proceedings and it is intending to review the prior hearing recordings and exhibits admitted. Further, the Court admonished parties to be direct, reasonable and respectful during these proceedings as this Court takes the rules of evidence very seriously and if necessary it will consider contempt sanctions including incarceration.

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|-------------|------------|---------------|---------------|-------------------|
| PRINT DATE: | 03/22/2021 | Page 48 of 51 | Minutes Date: | December 13, 2017 |
|-------------|------------|---------------|---------------|-------------------|

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Discussion regarding the upcoming scheduled motions such as a request for a continuance of trial due to intervener's lack of legal representation, request for the admission of expert witnesses to be admitted, opportunity to take therapist and experts testimony and the objection to subpoena new witnesses.

Parties SWORN and TESTIFIED and NO New EXHIBITS presented.

The Court TRAILED the matter and upon its return; the Court confirmed for the record the detailed admission of exhibits from prior trials on July 10, 2019 and July 11, 2019: Parties STIPULATED to admit Plaintiff's Exhibits 3-113, 129-220, 242-252, 259-267, 276, 293-296, Parties STIPULATED to admit All of Defendant's Exhibits A - H and Plaintiff's SEALED Exhibit 1 (CPS Records) Bates #000769-001247.

The Court advised the Mother will testify in tomorrow's proceedings 01/29/2021.

INTERIM CONDITIONS:

FUTURE HEARINGS:

| | | | | |
|-------------|------------|---------------|---------------|-------------------|
| PRINT DATE: | 03/22/2021 | Page 49 of 51 | Minutes Date: | December 13, 2017 |
|-------------|------------|---------------|---------------|-------------------|

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Parties SWORN and TESTIFIED, NO EXHIBITS presented (see prior Exhibits worksheet). CLOSING ARGUMENTS.

COURT stated its FINDINGS and ORDERED the following:

1. The RECORD on this matter shall be SEALED. The Court directed Mr. Cerceo to prepare the order and submit to the Court for review and signature.
2. The Court took the matter UNDER ADVISEMENT and it will issue its written decision.

CASE CLOSED; upon entry of order.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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|-------------|------------|---------------|---------------|-------------------|
| PRINT DATE: | 03/22/2021 | Page 51 of 51 | Minutes Date: | December 13, 2017 |
|-------------|------------|---------------|---------------|-------------------|

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

MARY-ANN COLT
STACEY KANTER
9700 W. SUNSET RD., #2039
LAS VEGAS, NV 89148

DATE: March 22, 2021
CASE: D-17-560076-C

RE CASE: MARY ANNE COLT ; STACEY KANTER vs. ALYSA MARIE PLUMMER

NOTICE OF APPEAL FILED: March 18, 2021

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
 - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- Written Order (*for dates 06/11/2018 8/28/2018, 2/27/2020, 08/05/2020 and 03/25/2021*)
- Notice of Entry of Written Order (*for dated 03/21/2018, 07/31/2018, 06/11/2018, 08/28/2018, 02/27/2020, 08/02/2020, 11/23/2020, 01/28/2021, 03/25/2021*)

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

****Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.**

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

AMENDED JOINT NOTICE OF APPEAL; REQUEST TRANSCRIPT; DISTRICT COURT DOCKET ENTRIES; ORDER; NOTICE OF ENTRY OF ORDER; ORDER; ORDER FOR WITHDRAWAL OF COUNSEL; ORDER FOR THE PICKUP OF THE MINOR CHILD PICK-UP ORDER ONLY FOR EXPRESS PURPOSE OF ENFORCING PLAINTIFF PGM' EVERY-OTHER-WEEKEND VISITATION COMMENCING 10-12-18- AKW; NOTICE OF ENTRY OF ORDER FOR THE PICKUP OF THE MINOR CHILD; ORDER FROM OCTOBER 8, 2018 HEARING; NOTICE OF ENTRY OF ORDER FROM OCTOBER 8, 2018 HEARING; ORDER AFTER HEARING DECEMBER 13, 2018; NOTICE OF ENTRY OF ORDER AFTER DECEMBER 13, 2019 HEARING; ORDER AFTER EVIDENTIARY HEARING DAY 2 JULY 11, 2019; NOTICE OF ENTRY OF ORDER AFTER EVIDENTIARY HEARING DAY 2 JULY 11, 2019; ORDER; NOTICE OF ENTRY OF ORDER; TEMPORARY EMERGENCY ORDER; NOTICE OF ENTRY OF TEMPORARY EMERGENCY ORDER; ORDER STRIKING DOCUMENT; ORDER AFTER HEARING ON SEPTEMBER 8, 2020; NOTICE OF ENTRY OF ORDER AFTER HEARING ON SEPTEMBER 8, 2020; ORDER FOR SUPERVISED EXCHANGE; ORDER FROM NOVEMBER 23, 2020 HEARING; NOTICE OF ENTRY OF ORDER FROM NOVEMBER 23, 2020 HEARING; DECISION AND ORDER; NOTICE OF ENTRY OF DECISION AND ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

MARY ANNE COLT ; STACEY KANTER,

Plaintiff(s),

vs.

ALYSA MARIE PLUMMER,

Defendant(s),

Case No: D-17-560076-C

Dept No: I

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 22 day of March 2021.

Steven D. Grierson, Clerk of the Court



A handwritten signature in black ink, appearing to read 'A Hampton', is written over a faint circular seal of the United States District Court for the District of Nevada. The seal contains the text 'UNITED STATES DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT CLARK COUNTY NEVADA'.

Amanda Hampton, Deputy Clerk
D-17-560076-C



**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

March 22, 2021

Elizabeth A. Brown
Clerk of the Court
201 South Carson Street, Suite 201
Carson City, Nevada 89701-4702

RE: MARY ANNE COLT ; STACEY KANTER vs. ALYSA MARIE PLUMMER
D.C. CASE: D-17-560076-C

Dear Ms. Brown:

Please find enclosed a Notice of Appeal packet, filed March 18, 2021. Due to extenuating circumstances the exhibits list have not been included.

We do not currently have a time frame for when these minutes will be available.

If you have any questions regarding this matter, please contact me at (702) 671-0512.

Sincerely,
STEVEN D. GRIERSON, CLERK OF THE COURT

A handwritten signature in black ink, appearing to read "A Hampton".

Amanda Hampton, Deputy Clerk