

Alvin L. Linn
CLERK OF THE COURT

FILED

DEC 27 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Inge*
DEPUTY CLERK

1 NOAS
2 RADFORD J. SMITH, CHARTERED
3 RADFORD J. SMITH, ESQ.
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DISTRICT COURT

CLARK COUNTY, NEVADA

No. 57327

11 CHRISTINA CALDERON STIPP,

CASE NO.: D-08-389203-Z

12 Plaintiff,

DEPT NO.: M

13 vs.

FAMILY DIVISION

14 MITCHELL DAVID STIPP,

15 Defendant.

NOTICE OF CROSS-APPEAL

16
17
18 NOTICE is hereby given that Defendant, MITCHELL DAVID STIPP, hereby cross-appeals to
19 The Supreme Court of Nevada from the Order filed in the above action on November 4, 2010. A copy
20 of the Order filed November 4, 2010 of the Court is attached hereto as Exhibit "A."

21 Dated this 15th day of December, 2010.

22
23 RADFORD J. SMITH, CHARTERED

24 *[Signature]*
RADFORD J. SMITH, ESQ.

25 Nevada Bar No. 002791

26 64 N. Pecos Road, Suite 700

27 Henderson, Nevada 89074

28 Attorney for Defendant/Cross Appellant

RECEIVED

DEC 27 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Radford J. Smith, Chartered ("the Firm"). I am over the age of 18 and not a party to the within action. I am "readily familiar" with firm's practice of collection and processing correspondence for mailing. Under the Firm's practice, mail is to be deposited with the U.S. Postal Service on the same day as stated below, with postage thereon fully prepaid.

I served the foregoing document described as "NOTICE OF CROSS-APPEAL" on this 15th day of December 2010, to all interested parties as follows:

☒ BY MAIL: Pursuant To NRCP 5(b), I placed a true copy thereof enclosed in a sealed envelope addressed as follows;

☒ BY FACSIMILE: Pursuant to EDCR 7.26, I transmitted a copy of the foregoing document this date via telecopier to the facsimile number shown below;

☐ BY ELECTRONIC MAIL: Pursuant to EDCR 7.26, I transmitted a copy of the foregoing document this date via electronic mail to the electronic mail address shown below;

☐ BY CERTIFIED MAIL: I placed a true copy thereof enclosed in a sealed envelope, return receipt requested, addressed as follows:

Patricia L. Vaccarino, Esq.
Vaccarino Law Offices
8861 W. Sahara Avenue, #210
Las Vegas, Nevada 89117
F: 702-258-8007
Attorney for Plaintiff


An employee of Radford J. Smith, Chartered

CROSS APPEAL
EXHIBIT “A”

1 ORDR

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3
4 DISTRICT COURT

5 CLARK COUNTY, NEVADA

6
7 CHRISTINA STIPP,

8 Plaintiff,

9 vs.

10 MITCHELL STIPP,

11 Defendant.

CASE NO. D-08-389203-Z
DEPT. NO. O

12
13 NOTICE OF ENTRY OF ORDER


14 To:

15 Patricia Vaccarino, Esq.
16 8861 W. Sahara Ave. #210
17 Las Vegas, NV 89117

Radford Smith, Esq.
64 N. Pecos Rd. #700
Henderson, NV 89074

18 PLEASE TAKE NOTICE that an Order from the May 6, 2010 hearing was
19 duly entered in the above-referenced case on the 4th day of November, 2010.
20

21 Dated this 4th day of November, 2010.

22
23 
24 Randall Forman, Esq.
25 Law Clerk
26 Department O
27
28

1 ORDR
2
3
4

FILED

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Shirley L. Smith
CLERK

5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7 CHRISTINA STIPP,

8 Plaintiff,

9 vs.

10 MITCHELL STIPP,

11 Defendant.
12

CASE NO. D-08-389203-Z
DEPT. NO. O

13 Date of Hearing: May 6, 2010
14 Time of Hearing: 10:00 a.m.

15 This matter having come before this Court on May 6, 2010, on Defendant's
16 Motion to Confirm Parties as Joint Physical Custodians and to Modify Timeshare
17 Arrangement; and Plaintiff's Countermotion to set Aside August 7, 2009 Stipulation,
18 Grant Discovery, Partition Undisclosed Marital Assets, and for Sanctions; with
19 Christina C. Stipp, Plaintiff, appearing and being represented by Donn W. Prokopius,
20 Esq.; and Mitchell D. Stipp, Defendant, appearing and represented by Radford J.
21 Smith, Esq.; and the Court being duly advised in the premises, having reviewed
22 Plaintiff's Motion, Defendant's Opposition and Countermotion, Plaintiffs' Opposition
23 to Countermotion, Plaintiff's Supplement to Motion, Defendant's Supplement to
24 Countermotion, and having heard oral argument, and good cause being shown,
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1 **THE COURT HEREBY FINDS** that the parties have two children in
2 common, Mia, born on October 19, 2004, and Ethan, born on March 24, 2007.

3 **THE COURT FURTHER FINDS** that on February 20, 2008, the parties
4 entered into a Marital Settlement Agreement (MSA) that provided that they shall have
5 joint legal and physical custody of the children.
6

7 **THE COURT FURTHER FINDS** that the MSA provided that Defendant
8 (husband) would have the children on Fridays from 6:00 p.m. until Sundays at 6:00
9 p.m., however, the Plaintiff (wife) would have the right to have the children on the
10 first weekend of every month upon three (3) days prior written notice.

11 **THE COURT FURTHER FINDS** that the MSA further provided holiday
12 visitation as follows:
13

14 (a) Martin Luther King (MLK) Day Weekend: MLK Day is to be
15 celebrated on the third Monday in January with the weekend
16 commencing at 6:00 p.m. on the Friday before the holiday and ending
17 at 6:00 p.m. on the holiday. Plaintiff is to have the children in even-

18 (b) President's Day Weekend: President's Day: President's Day is to
19 be celebrated on the third Monday in February with the weekend
20 commencing at 6:00 p.m. on the Friday before the holiday and ending
21 at 6:00 p.m. on the holiday. Plaintiff is to have the children in odd-

22 (c) Easter Day: Easter Day is to be celebrated on Sunday with the
23 Defendant having the children on Easter Sunday until 2:00 p.m. and
24 Plaintiff having the children after 2:00 p.m.

25 (d) Memorial Day Weekend: Memorial Day is to be celebrated on the
26 last Monday in May with the weekend commencing at 6:00 p.m. on
27 the Friday before the holiday and ending at 6:00 p.m. on the holiday.
28 Plaintiff is to have the children in even-numbered years and Defendant
in odd-numbered years.

1 (e) Father's Day/Mother's Day: Defendant is to have the children on
2 Father's Day from 9:00 a.m. until 6:00 p.m. and Plaintiff is to have
3 children on Mother's Day from 9:00 a.m. until 6:00 p.m.

4 (f) Independence Day: Independence Day is to commence at 6:00
5 p.m. on the day before the holiday and end at 9:00 a.m. on the day
6 after the holiday. Plaintiff is to have the children in even-numbered
7 years and Defendant in odd-numbered years.

8 (g) Labor Day Weekend: Labor Day is to be celebrated on the first
9 Monday in September with the weekend commencing at 6:00 p.m. on
10 the Friday before the holiday and ending at 6:00 p.m. on the holiday.
11 Defendant is to have the children in even-numbered years and Plaintiff
12 in odd-numbered years.

13 (h) Halloween Night: Halloween night will commence at 3:00 p.m. on
14 the holiday and end at 8:30 p.m. on the holiday. Plaintiff is to have the
15 children in even-numbered years and Defendant in odd-numbered
16 years.

17 (i) Veterans Day: Veterans Day is to be observed on November 11th
18 with visitation commencing at 6:00 p.m. on the day immediately
19 preceding the holiday and ending at 6:00 p.m. on the holiday.

20 (j) Thanksgiving Weekend: The Thanksgiving holiday is to be divided
21 into two periods, with Period One commencing at 4:00 p.m. on
22 Thanksgiving Day and ending at 6:00 p.m. on the Saturday
23 immediately following Thanksgiving Day. Period Two is to
24 commence at 6:00 p.m. on the Saturday following Thanksgiving Day
25 and ending at 6:00 p.m. on the Sunday immediately following
26 Thanksgiving Day. Defendant is to have the children during Period
27 One and Plaintiff Period Two in all years.

28 (k) Christmas Holiday: The Christmas holiday is to be divided into
two periods, with Period One commencing at 9:00 a.m. on December
24th and ending at 9:00 a.m. on December 25th. Period Two is to
commence at 9:00 a.m. on December 25th and end at 6:00 p.m. on the
25th. Plaintiff is to have the children during Period One and Defendant
during Period Two in all years.

(l) New Year's Day: New Year's Day is to be celebrated on January
1st with holiday visitation commencing at 6:00 p.m. on the day
immediately preceding the holiday and ending at 6:00 p.m. on the
holiday. Defendant is to have the children in even-numbered years and
Plaintiff in odd-numbered years.

1 (m) Children's Birthdays: Plaintiff, upon three (3) days prior written
2 notice, is to have the children on the Saturday immediately proceeding
3 a child's birthday, in which case, Defendant will have his normal
visitation from 9:00 a.m. until 6:00 p.m. on Sunday.

4 (n) Parents' Birthdays: Each party, upon three (3) days prior written
5 notice, is to have the children from 9:00 a.m. until 6:00 p.m. on their
6 respective birthdays.

7 (o) Vacation Visitation: Each party is permitted to have the children
8 for two (2) consecutive weeks for the purpose of taking a vacation.

9 **THE COURT FURTHER FINDS** that the parties filed a Joint Petition for
10 Divorce on February 28, 2008.

11 **THE COURT FURTHER FINDS** that on March 6, 2008, a Decree of
12 Divorce was granted which fully incorporated the Marital Settlement Agreement into
13 such Decree.

14 **THE COURT FURTHER FINDS** that on December 17, 2008, Plaintiff filed
15 a Motion to Confirm Plaintiff as the De Jure Primary Physical Custodian, for
16 Modification of the Divorce Decree Regarding Child Custody, Visitation and Other
17 Parent/Child Issues, for Defendant's Reimbursement of One-Half of the Children's
18 Medical Costs, for Mediation Regarding Dispute Over Dividing the Minor Children's
19 Education and Other Costs, and for Attorney's Fees and Costs.

20 **THE COURT FURTHER FINDS** that on January 9, 2009, Defendant filed
21 an Opposition to Plaintiff's Motion to Confirm Plaintiff as the De Jure Primary
22 Physical Custodian and a Countermotion to Strike Inadmissible Evidence from
23 Plaintiff's Motion, to Resolve Parent/Child Issues, for a Temporary Protective Order
24 Addressing Plaintiff's Harassment of Defendant, and for Sanctions and Attorney's
25 Fees.
26
27
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1 **THE COURT FURTHER FINDS** that on January 9, 2009, Plaintiff filed a
2 Motion for Leave to Take the Depositions of Mitchell Stipp (Defendant) and William
3 Plise.
4

5 **THE COURT FURTHER FINDS** that on February 11, 2009, Plaintiff filed
6 a Reply to Defendant's Opposition and Defendant's Countermotion.

7 **THE COURT FURTHER FINDS** that on February 24, 2009, the Court
8 heard oral argument on all pending Motions and Countermotions.

9 **THE COURT FURTHER FINDS** that by Order dated April 3, 2009, the
10 Court denied all pending Motions and Countermotions, but Ordered Defendant to
11 reimburse Plaintiff the sum of three hundred twenty-six dollars and forty-five cents
12 (\$326.45) as and for unreimbursed medical expenses incurred on behalf of the
13 children.
14

15 **THE COURT FURTHER FINDS** that on April 27, 2009, Defendant filed a
16 motion for Reconsideration, Motion for Rehearing; Or in the Alternative, Motion to
17 Modify Joint Timeshare.

18 **THE COURT FURTHER FINDS** that on June 3, 2009, Plaintiff filed an
19 Opposition to Defendant's Motion for Reconsideration, Motion for Rehearing and, in
20 the Alternative, Motion to Modify Joint Timeshare.
21

22 **THE COURT FURTHER FINDS** that on June 4, 2009, the Court heard oral
23 argument on Defendant's Motion and Plaintiff's Opposition to the Motion and
24 Ordered the parties to the Family Mediation Center for confidential mediation and
25 scheduled an Evidentiary Hearing for October 27, 2009.
26
27
28

1 **THE COURT FURTHER FINDS** that on June 18, 2009, Defendant filed a
2 Motion for an Order to Show Cause alleging that the Plaintiff had violated the
3 custodial agreement by keeping the children from Defendant on his visitation day of
4 Friday, June 12, 2009.

5
6 **THE COURT FURTHER FINDS** that on July 23, 2009, the parties
7 submitted a Stipulation and Order Resolving Defendant's Motion for an Order to
8 Show Cause resolving the matter by awarding Defendant an additional nine (9) hours
9 of visitation on Friday June 26, 2009, with Defendant receiving the children at 9:00
10 a.m. instead of 6:00 p.m.

11
12 **THE COURT FURTHER FINDS** that on August 7, 2009, the parties
13 submitted a Stipulation and Order which didn't change the joint legal and physical
14 custody designation included in the Marital Settlement Agreement, but modified the
15 timeshare arrangement provided for in the MSA as follows:

16 (a) Defendant is to have the children on the first, third and fifth (when
17 there is a fifth weekend in the month) weekends of each month from
18 Friday 6:00 p.m. until Sunday at 6:00 p.m., however, the Plaintiff,
19 upon three (3) days prior written notice, is entitled to have the children
20 on the first weekend of each month. In the event that Plaintiff
21 exercises her right to have the children on the first weekend of the
22 month, then Defendant will have the children commencing at 6:00
23 p.m. on the Wednesday preceding the first weekend of the month until
24 6:00 p.m. on the Friday preceding the first weekend of the month.

25 (b) Defendant is to have the children on the second and fourth
26 weekends of the month from Thursday at 6:00 p.m. until Sunday at
27 6:00 p.m.

28 **THE COURT FURTHER FINDS** that pursuant to the Stipulation and Order
filed on August 7, 2009, the Court dismissed Defendant's pending Motion for

1 Reconsideration and Rehearing and vacated the Evidentiary Hearing set for October
2 27, 2009.

3 **THE COURT FURTHER FINDS** that on October 29, 2009, Defendant filed
4 a Motion to Confirm Parties as Joint Physical Custodians and to Modify Timeshare
5 Arrangement.
6

7 **THE COURT FURTHER FINDS** that Defendant's Motion to Confirm
8 Parties as Joint Custodians and to Modify Timeshare Arrangement essentially alleged
9 that the parties' daughter, Mia, was being emotionally abused by Plaintiff by her
10 continued attempts to alienate the children from Defendant by making disparaging
11 remarks about Defendant and his current wife, Amy, (Defendant is a cheater, Amy
12 stole Defendant away from Plaintiff, Amy is married to someone other than
13 Defendant, and Plaintiff hates Amy) which has caused Mia to have severe mood
14 swings, significant anger management issues, and frequent emotional outbursts.
15

16 **THE COURT FURTHER FINDS** that on November 30, 2009, Plaintiff filed
17 an Opposition to Defendant's Motion to Confirm Parties as Joint Custodians and to
18 Modify Timeshare Arrangement and filed a Countermotion to Set Aside August 7,
19 2009, Stipulation and Order Due to Defendant's Fraud upon the Court, to Grant
20 Discovery, to Partition Undisclosed Marital Assets, and for Sanctions.
21

22 **THE COURT FURTHER FINDS** that Plaintiff's Opposition and
23 Countermotion and Countermotion to Set Aside August 7, 2009, Stipulation and
24 Order, and to Grant Discovery and Partition Undisclosed Marital Assets essentially
25 alleged that Defendant is blatantly attempting to re-litigate the custodial arrangement
26 which is barred by res judicata, failed to disclose his post-divorce arrest for DUI and
27
28

1 subsequent conviction for Reckless Driving which evidences that Defendant abuses
2 alcohol, and fraudulently concealed significant marital assets and/or post divorce
3 distributions.
4

5 **THE COURT FURTHER FINDS** that on December 7, 2009, Defendant
6 filed a Reply to Opposition to Defendant's Motion to Confirm Parties as Joint
7 Custodians and Opposition to Plaintiff's Countermotion to Set Aside August 7, 2009,
8 Stipulation and Order.

9 **THE COURT FURTHER FINDS** that on December 8, 2009, the Court
10 heard oral argument on the pending Motions and Countermotions and, based upon the
11 allegations raised by each party, directed that a Child Custody Evaluation be
12 performed by Dr. John Paglini.
13

14 **THE COURT FURTHER FINDS** that on December 18, 2009, Defendant
15 filed a Supplement to Opposition to Countermotion to Set Aside August 7, 2009,
16 Stipulation and Order.

17 **THE COURT FURTHER FINDS** that on January 28, 2010, Plaintiff filed a
18 Motion to Stay Discovery concerning the ongoing child custody dispute, specifically
19 seeking to Stay Discovery regarding Dr. Melissa Kalodner, Dr. Joel Mishalow,
20 School Records, and Plaintiff's deposition.
21

22 **THE COURT FURTHER FINDS** that on February 2, 2010, Defendant filed
23 an Opposition to Plaintiff's Motion to Stay Discovery alleging that such discovery
24 was necessary to completely and fairly conduct the child custody evaluation.

25 **THE COURT FURTHER FINDS** that a Hearing was held on February 3,
26 2010, at which time the Court Ordered that Discovery may be conducted on a limited
27
28

1 basis to obtain school records, obtain records from Dr. Mishalow and Dr. Koladner,
2 and depose Dr. Mishalow as some of his records were illegible.

3
4 **THE COURT FURTHER FINDS** that on February 16, 2010, Plaintiff filed
5 a Motion to Rehear/Reconsider the Hearing of December 8, 2009, and/or to Clarify
6 the Court's Rulings from that Hearing requesting that the Court rehear or reconsider
7 its Order for an Outsource Evaluation to be conducted by Dr. Paglini as there was no
8 evidence that Mia had been emotionally abused.

9
10 **THE COURT FURTHER FINDS** that on March 8, 2010, Defendant filed an
11 Opposition to Plaintiff's Motion to Rehear/Reconsider the Hearing of December 8,
12 2009, and Countermotion for Sanctions.

13 **THE COURT FURTHER FINDS** that on April 12, 2010, Plaintiff filed a
14 Reply to Defendant's Opposition to Plaintiff's Motion to Rehear/Reconsider the
15 Hearing of December 8, 2009.

16 **THE COURT FURTHER FINDS** that on April 13, 2010, the Court heard
17 oral argument on Plaintiff's Motion to Rehear/Reconsider the Hearing of December
18 8, 2009, and denied Plaintiff's request for rehearing and reconsideration and refused
19 to modify its Order for an Outsource Evaluation and refused to otherwise limit the
20 scope of Dr. Paglini's assessment. Such Order of the Court was submitted on May 24,
21 2010.

22
23 **THE COURT FURTHER FINDS** that pursuant to the direction of the Court,
24 Dr. John Paglini performed a Child Custody Evaluation dated April 29, 2010.

25 **THE COURT FURTHER FINDS** that on April 30, 2010, Plaintiff filed a
26 Motion to Rehear/Reconsider the Hearing of February 3, 2010, alleging that the Order
27
28

1 submitted by Defendant's counsel for the Hearing held on February 3rd included
2 conclusions not found by the Court, that Plaintiff's counsel was not afforded an
3 opportunity to review the Order prior to its submittal, and that Defendant had
4 admitted to non-disclosure of marital assets in Dr. Paglini's Child Custody Evaluation
5 by stating that he had received a \$5 million dollar payment from the end of 2004
6 through the middle of 2007.
7

8 **THE COURT FURTHER FINDS** that on May 3, 2010, Defendant filed a
9 Supplement to Motion to Confirm Parties as Joint Physical Custodians and to Modify
10 Timeshare Arrangement.
11

12 **THE COURT FURTHER FINDS** that on May 5, 2010, Plaintiff filed a
13 Supplement to Countermotion to Set Aside August 7, 2009, Stipulation and Order and
14 Opposition to Defendant's Motion to Confirm Parties as Joint Custodians.

15 **THE COURT FURTHER FINDS** that on May 6, 2010, the Court heard oral
16 argument on all pending Motions and Countermotion and, based upon Dr. Paglini's
17 recommendation, the Court determined that there was not a need to conduct an
18 Evidentiary Hearing.
19

20 **THE COURT FURTHER FINDS** that on June 3, 2010, Defendant filed an
21 Opposition to Plaintiff's Motion to Rehear/Reconsider the Hearing of February 3,
22 2010, and Countermotion for Sanctions alleging that Plaintiff's Motion was filed
23 merely to harass Defendant and Plaintiff was well aware of Defendant's financial
24 compensation at the time of divorce as she received a settlement of \$2.2 million,
25 including \$1.8 million in cash.
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1 **THE COURT FURTHER FINDS** that on June 15, 2010, Plaintiff filed a
2 Reply in Support of Plaintiff's Motion to Rehear/Reconsider the Hearing of February
3 3, 2010, and Opposition to Defendant's Countermotion for Sanctions.
4

5 **THE COURT FURTHER FINDS** that on June 18, 2010, Defendant filed a
6 Reply to Opposition to Countermotion for Sanctions.

7 **THE COURT FURTHER FINDS** that on June 22, 2010, the Court held a
8 hearing on Plaintiff's Motion to Rehear/Reconsider the Hearing of February 3, 2010
9 and Defendant's Countermotion for Sanctions and heard argument regarding the
10 language included in the Order from the February 3, 2010 hearing, the need for
11 discovery as to alleged non-disclosed marital assets, Defendant's retirement status,
12 the Wells Fargo loan, Section 5 of the divorce Decree, the Aquila Investment
13 business, the business tax returns, and attorney fees.
14

15 **THE COURT FURTHER FINDS** that after entertaining oral argument on
16 June 22, 2010, the Court denied Plaintiff's request to modify the Order from the
17 hearing held on February 3, 2010; allowed Plaintiff to hire a forensic accountant to
18 review Aquila Investments tax returns for the 2007 and 2008 tax years; found no
19 proof of fraud being perpetrated upon the Court; denied Defendant's request for
20 sanctions; but awarded Defendant attorney fees as the prevailing party.
21

22 **THE COURT FURTHER FINDS** that after Plaintiff contacted Dr. Melissa
23 Kalodner and decided not to have Mia treated by Dr. Kalodner, Defendant brought
24 Mia to Dr. Kalodner for psychological treatment on or about September 11, 2009,
25 without Plaintiff's knowledge or permission.
26
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1 **THE COURT FURTHER FINDS** that Defendant sought treatment for Mia
2 with Dr. Kalodner to address the re-manifestation (Mia's issues as to clothing had
3 commenced in December of 2008) of Mia's issues with clothing (insisting that
4 clothing was too tight, demanding that her clothing be stretched out, refusing to wear
5 clothing unless it was many sizes too big, refusing to wear underwear, refusing to
6 wear her school uniform) and behavior issues relating to Mia's defiant behavior when
7 made to wear clothing, anger outbursts and emotional meltdowns.

9 **THE COURT FURTHER FINDS** that Dr. Kalodner noted, in a letter dated
10 December 4, 2009, that Mia made spontaneous statements during treatment sessions,
11 such as:

12 a) "I want to spend more time with my dad, but mommy says we can't
13 change the rules".

14 b) "I want to spend more time with my dad, but the judge won't let
15 me"

16 c) "Mommy does not like Amy" (stepmother).

17 d) "Mommy says Amy is bad, but I like her".

18 **THE COURT FURTHER FINDS** that with the knowledge and permission
19 of each parent, Mia was being treated for her clothing and behavior issues by Dr. Joel
20 Mishalow from September 25, 2009, through December of 2009, however, Defendant
21 failed to advise Dr. Mishalow that Mia was also being treated by Dr. Kalodner.

22 **THE COURT FURTHER FINDS** that after being advised of the fact that
23 Mia was being treated by Dr. Kalodner, Dr. Mishalow decided that he no longer
24 wanted to treat Mia given all of the psychological treatment that she had already
25 undergone and due to the many dynamics going on within the family.
26
27
28

1 **THE COURT FURTHER FINDS** that Kalodner consulted with Dr. Beasley
2
3 pertaining to Mia's treatment issues and Dr. Beasley recommended a referral to the
4 Achievement Therapy Center for assessment as to possible sensory deficit disorder.

5 **THE COURT FURTHER FINDS** that on November 17, 2009, Defendant,
6 without the knowledge or permission of Plaintiff, brought Mia to Dr. Stegen-Hansen,
7 a pediatric occupational therapist, for evaluation as to possible sensory deficit
8 disorder.

9 **THE COURT FURTHER FINDS** that Mia has been receiving treatment at
10 the Achievement Therapy Center since January 2010 and is making excellent
11 progress in treating her clothing and behavioral issues.

12 **THE COURT FURTHER FINDS** that based upon concerns raised by
13 Plaintiff regarding Defendant having an ongoing problem with alcohol abuse, Mr.
14 Stipp was referred to Dr. Michael Levy for an assessment as to alcohol dependence
15 and substance abuse.

16 **THE COURT FURTHER FINDS** that after subjecting Defendant to a
17 comprehensive metabolic panel, complete blood count, and a GGTP (a very sensitive
18 test to detect recent use of alcohol), Dr. Levy opined the following:
19

20 a) That the results of the laboratory data recorded no biological
21 markers associated with recent or chronic use of alcohol.

22 b) That based upon the DSM IV criteria for alcohol abuse, there is no
23 data to support that Mr. Stipp currently has a substance abuse problem,
24 or at any time throughout his drinking history, met the clinical criteria
25 for alcohol dependence.

26 **THE COURT FURTHER FINDS** that Dr. Paglini's Child Custody
27 Evaluation, which was based upon extensive clinical interviews, review of discovery
28

1 documentation, extensive collateral interviews of family and friends, psychological
2 testing of both parents, brief interviews of Mia, home visits and family observations,
3 concluded the following:
4

5 a) That based upon the spontaneous comments made by Mia to Dr.
6 Kalodner, Mia is either hearing negative comments directly from her
7 mother, or overhearing negative comments in her environment and
8 interpreting impressions from her parents, but that such comments,
while inappropriate, do not reach the level of emotional abuse or
alienation as alleged by Defendant.

9 b) That although alcohol usage by Mr. Stipp was a significant relevant
10 issue during the course of their marriage, based upon the evaluation of
11 Dr. Levy and numerous collateral interviews, alcohol usage by Mr.
Stipp is not currently a problem as alleged by Plaintiff.

12 c) That the children are very bonded with Plaintiff, Defendant and
13 Amy Stipp.

14 d) That both parents provide excellent care for the children, excellent
homes for the children, and are very involved in the children's lives.

15 e) That the children are surrounded by a lot of love, despite an
16 acrimonious post-divorce relationship between the parents.

17 f) That unresolved issues tend to re-emerge during day-to-day
18 communications between the parents and if they are unable to resolve
19 their issues, it is likely that their children will be emotionally affected
in the future.

20 g) That if the parents could resolve their issues and co-parent
21 effectively and assist their daughter with frustrations as they emerge in
22 interpersonal relationships, this will likely resolve Mia's anger issues
without the need for additional therapy.

23 h) That if the parents are not able to resolve their issues, this could
24 create additional difficulties for Mia which could result in her acting
out.

25 **THE COURT FURTHER FINDS** that Dr. Paglini's report noted that
26 Plaintiff feared that if Defendant received more time with the children, that he
27
28

1 eventually will request to relocate to Texas to join his former business partner and
2 take the children with him.

3
4 **THE COURT FURTHER FINDS** that based upon Plaintiff's expressed fear
5 about Defendant's possible relocation in the future, it appears that Plaintiff's
6 opposition to maintaining the joint physical custodian designation at this time is based
7 upon a potential relocation issue and not based upon a concern for best interest of the
8 children.

9
10 **THE COURT FURTHER FINDS** that based upon Dr. Paglini's Child
11 Custody Evaluation in which he found that the children are very bonded with each
12 parent, that both parents provide excellent care for the children, that both parents
13 provide excellent homes for the children, that both parents are very involved in the
14 children's lives, and that the children are surrounded by lots of love in each parental
15 household, it is apparent that joint legal and physical custody is in the best interest of
16 the children.

17
18 **THE COURT FURTHER FINDS** that the fact that the parents have agreed
19 to an award of joint legal and physical custody on two separate occasions as
20 evidenced by the Marital Settlement Agreement (February 20, 2008) and subsequent
21 Stipulation and Order (August 7, 2009), further supports the finding that joint legal
22 and physical custody is in the best interest of the children.

23 **THE COURT FURTHER FINDS** that pursuant to Rivero v. Rivero, 216
24 P.3d 213 (Nev. 2009):

25 a) This Court "should calculate the time during which a party has
26 physical custody of a child over one calendar year."

1 b) That "in calculating the time during which a party has physical
2 custody of the child, the district court should look at the number of
3 days during which a party provided supervision of the child, the child
4 resided with the party, and during which the party made day-to-day
5 decisions regarding the child."

6 c) That a determination of joint physical custody can only be made
7 when each parent has physical custody of the child for at least 40% of
8 the year, which equals 146 days.

9 **THE COURT FURTHER FINDS** that pursuant to the Marital Settlement
10 Agreement entered into by the parties on February 20, 2008, and the Stipulation and
11 Order filed on August 7, 2009, the time-share arrangement leads to the following
12 calculation of time over a calendar year:

13 a) That depending on whether it is an even or odd year, what day of
14 the week the year starts on, and whether or not it is a leap year,
15 Defendant always has between 131 and 134 custodial days per year.

16 b) That depending on whether or not Christian Stipp foregoes her
17 visitation for Martin Luther King Day, President's Day, Memorial Day
18 and/or Labor Day, and whether it is an even or odd year, Defendant
19 may have an additional 8 days of custody per year.

20 c) That depending on whether Plaintiff's and Defendant's birthday fall
21 on one of their custodial days, and whether they request to have
22 custody of the children on their birthday, Defendant may have an
23 additional day of custody per year.

24 **THE COURT FURTHER FINDS** that based upon the current time-share
25 agreement, Defendant has a minimum of 131 days of physical custody per year with a
26 maximum amount of 143 days per year depending upon whether Plaintiff decides to
27 forego her holiday visitations (MLK Day, President's Day, Memorial Day, and/or
28 Labor Day), which would fall a few days short of the 40% time-share requirement
mandated by Rivero.

1 **THE COURT FURTHER FINDS** that assuming that a joint physical
2 custody arrangement does not currently exist, the following facts evidence a
3 substantial change in circumstances affecting the welfare of the children supporting a
4 change in custody to joint physical custody:
5

- 6 a) Mia's re-manifestation of issues with clothing; namely, insisting
7 that clothing was too tight, demanding that her clothing be stretched
8 out, refusing to wear clothing unless it was many sizes too big,
9 refusing to wear underwear, refusing to wear her school uniform;
10 behavior issues relating to her defiant behavior when made to wear
11 clothing, anger outbursts and emotional meltdowns.
12
13 b) The need for Mia to undergo extensive psychological treatment
14 from Dr. Kalodner, Dr. Mishalow, Dr. Stegen-Hansen, and the
15 ongoing sensory deficit processing treatment being provided by the
16 Achievement Therapy Center.
17
18 c) The spontaneous statements made by Mia to Dr. Kalodner
19 indicating that she wanted to spend more time with her dad but her
20 mommy or the judge wouldn't let her.
21
22 d) The parties' extremely litigious nature resulting in the children
23 becoming embroiled in the proceedings as evidenced by Mia's
24 spontaneous statements to Dr. Kalodner indicating that Plaintiff
25 doesn't like Amy and that Amy is bad.
26
27 e) Dr. Paglini's report reflecting that the parents have unresolved
28 issues that tend to re-emerge and that if they are unable to resolve their
issues, it is likely that their children will be emotionally affected in the
future.

21 **THE COURT FURTHER FINDS** that in the best interest of the children,
22 Defendant should be awarded additional time-share consisting of the Friday
23 proceeding the third weekend of each month, commencing at 9:00 a.m. instead of
24 6:00 p.m. as currently provided for in the Stipulation and Order filed on August 7,
25 2009.
26
27
28

1 **THE COURT FURTHER FINDS** that awarding the Defendant the
2 additional custodial time equates to an additional 12 days of custody per year as the
3 Defendant will have the responsibility of making the day-to-day decisions for the
4 children on the Fridays preceding the third weekend of each month.
5

6 **THE COURT FURTHER FINDS** that after being awarded an additional 12
7 days of custody per year, the Defendant will have between 143 and 146 days of
8 custody every year and may have up to 155 days of custody per year depending upon
9 whether Plaintiff decides to forego her holiday visitations.
10

11 **THE COURT FURTHER FINDS** that under the applicable law in *Rivero*,
12 these parties have been motivated to calculate the physical custodial days of the year
13 instead of "calculating" a custodial time-share that is best interest of their minor
14 children.
15

16 **THE COURT FURTHER FINDS** that the parties are very intelligent, highly
17 educated lawyers whose children would be better served by the parties resolving their
18 issues between themselves without the need for legal and/or therapeutic intervention.
19

20 //

21 //

22 //

23 //

24 //

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26 //

27 //

28

THEREFORE, IT IS HEREBY ORDERED that Defendant is awarded additional time-share consisting of the Friday proceeding every third weekend of each month commencing at 9:00 a.m. instead of at 6:00 p.m. as currently provided for in the Stipulation and Order filed on August 7, 2009.

IT IS FURTHER ORDERED that the parties will continue to be designated as joint legal and joint physical custodians.

Dated this 4th day of November, 2010

Frank P. Sullivan
District Court Judge
Dept. O

CASE SUMMARY**CASE NO. D-08-389203-Z**

In the Matter of the Joint Petition for Divorce of:
Mitchell David Stipp and Christina Calderon Stipp,
Petitioners.

§
§
§
§

Location: **Department M**
 Judicial Officer: **Potter, William**
 Filed on: **02/28/2008**

CASE INFORMATION**Statistical Closures**

10/27/2009 Decision without Trial / Hearing
 04/03/2009 Decision with Hearing
 03/06/2008 Decision without Trial / Hearing

Case Type: **Divorce - Joint Petition**
 Sub Type: **Joint Petition Subject Minor(s)**

Case Status: **11/03/2009 Reopened**

Case Flags: **Order After Hearing Required**
Order / Decree Logged Into
Department
Order / Decree Logged Out of
Department
Appealed to the Nevada Supreme
Court

DATE**CASE ASSIGNMENT****Current Case Assignment**

Case Number D-08-389203-Z
 Court Department M
 Date Assigned 07/20/2010
 Judicial Officer Potter, William

PARTY INFORMATION**Petitioner**

Stipp, Christina Calderon
11757 Feinberg PL
Las Vegas, NV 89138

Vaccarino, Patricia L
Retained
 702-258-8007(W)
Pro Se
 702-610-0032(H)
Prokopius, Donn, ESQ
Retained
 702-474-0500(W)




Stipp, Mitchell David
7 Morning Sky LN
Las Vegas, NV 89135

Smith, Radford J
Retained
 702-990-6448(W)
Pro Se
 702(H)


















Subject Minor

Stipp, Ethan Christopher
Stipp, Mia E

DATE**EVENTS & ORDERS OF THE COURT****EVENTS**

02/28/2008  Joint Petition for Summary Decree of Divorce
 02/28/2008  Child Support and Welfare Party Identification Sheet
 Filed by: Petitioner Stipp, Mitchell David
Mitchell Stipp
 02/28/2008  Child Support and Welfare Party Identification Sheet
 Filed by: Petitioner Stipp, Christina Calderon



















CASE SUMMARY
CASE No. D-08-389203-Z

02/28/2008	 Ex Parte Filed by: Petitioner Stipp, Christina Calderon <i>Christina</i>
02/28/2008	 Affidavit of Resident Witness Filed by: Petitioner Stipp, Christina Calderon <i>Christina</i>
03/06/2008	 Order Sealing File - Domestic Filed by: Petitioner Stipp, Christina Calderon <i>Ex Parte Order Sealing File</i>
03/06/2008	 Request for Waiver of Program Attendance / Order Filed by: Petitioner Stipp, Mitchell David; Petitioner Stipp, Christina Calderon <i>Christina Stipp; Mitchell Stipp</i>
03/06/2008	 Decree of Divorce Filed by: Petitioner Stipp, Christina Calderon
05/02/2008	 Notice of Entry Filed by: Petitioner Stipp, Mitchell David; Petitioner Stipp, Christina Calderon <i>of Decree of Divorce and Certificate of Mailing</i>
12/17/2008	 Motion Filed by: Petitioner Stipp, Christina Calderon For: Petitioner Stipp, Mitchell David
12/17/2008	 Family Court Motion Opposition Fee Information Sheet Filed by: Petitioner Stipp, Christina Calderon
01/01/2009	Administrative Reassignment <i>Reassigned from Department L to Department O</i>
01/06/2009	 Notice of Appearance Party: Petitioner Stipp, Christina Calderon
01/09/2009	 Opposition and Countermotion Filed by: Petitioner Stipp, Mitchell David Party 2: Petitioner Stipp, Christina Calderon
01/09/2009	 Family Court Motion Opposition Fee Information Sheet Filed by: Petitioner Stipp, Christina Calderon
01/09/2009	 Motion Filed by: Petitioner Stipp, Christina Calderon For: Petitioner Stipp, Mitchell David
01/13/2009	 Errata Filed by: Petitioner Stipp, Christina Calderon <i>to Certificate of Service</i>
01/15/2009	 Certificate of Service Filed by: Petitioner Stipp, Mitchell David <i>VIA US Mail</i>
01/21/2009	 Stipulation and Order Filed by: Petitioner Stipp, Christina Calderon <i>To Continue Hearing</i>
01/23/2009	 Stipulation and Order Filed by: Petitioner Stipp, Christina Calderon <i>To Continue Hearing</i>
01/27/2009	 Ex Parte Filed by: Petitioner Stipp, Mitchell David

CASE SUMMARY



















CASE NO. D-08-389203-Z

Defendant's Ex Parte Request To Seal File

01/28/2009	 Notice of Entry of Stipulation and Order Filed by: Petitioner Stipp, Christina Calderon <i>To Continue Hearing</i>
01/30/2009	 Stipulation and Order Filed by: Petitioner Stipp, Christina Calderon <i>To Continue Hearing</i>
02/04/2009	 Order Sealing File - Domestic Filed by: Petitioner Stipp, Mitchell David
02/09/2009	 Notice of Entry of Stipulation and Order Filed by: Petitioner Stipp, Christina Calderon
02/11/2009	 Financial Disclosure Form Filed by: Petitioner Stipp, Christina Calderon
02/18/2009	 Reply Filed by: Petitioner Stipp, Christina Calderon; Attorney Jimmerson, James J., ESQ <i>To Defendant's Opposition</i>
02/20/2009	 Financial Disclosure Form Filed by: Petitioner Stipp, Mitchell David
02/20/2009	 Reply Filed by: Petitioner Stipp, Mitchell David <i>Defendant's Reply To Plaintiff's Opposition To Defendant's Countermotion</i>
04/03/2009	 Order Filed by: Petitioner Stipp, Mitchell David; Petitioner Stipp, Christina Calderon <i>From Hearing On February 24, 2009</i>
04/09/2009	 Notice of Entry of Order/Judgment Filed by: Petitioner Stipp, Christina Calderon
04/27/2009	 Certificate of Service Filed by: Petitioner Stipp, Mitchell David <i>Defendant's Motion for Reconsideration; By Mail And Facsimile</i>
04/27/2009	 Motion Filed by: Petitioner Stipp, Mitchell David For: Petitioner Stipp, Christina Calderon
04/28/2009	 Affidavit Filed by: Petitioner Stipp, Mitchell David; Attorney Smith, Radford J
06/02/2009	 Motion Filed by: Petitioner Stipp, Christina Calderon For: Petitioner Stipp, Mitchell David
06/03/2009	 Opposition Filed by: Petitioner Stipp, Mitchell David <i>and Response to Plaintiff's Motion to Continue Hearing</i>
06/04/2009	 Order for Family Mediation Center Services
06/04/2009	 Opposition to Motion Filed by: Petitioner Stipp, Christina Calderon <i>Plaintiff Christina Calderon-Stipp's Brief Opposition To Defendant's Motion for Reconsideration; Motion For Rehearing; or in the Alternative, Motion to Modify Joint Timeshare</i>
06/18/2009	 Motion Filed by: Petitioner Stipp, Mitchell David

CASE SUMMARY

CASE NO. D-08-389203-Z

	For: Petitioner Stipp, Christina Calderon
06/18/2009	 Family Court Motion Opposition Fee Information Sheet Filed by: Petitioner Stipp, Mitchell David
06/19/2009	 Certificate of Service Filed by: Petitioner Stipp, Mitchell David <i>Motion For OSC</i>
07/23/2009	 Stipulation and Order Filed by: Petitioner Stipp, Christina Calderon <i>Resolving Defendants</i>
07/27/2009	 Notice of Entry of Order Filed by: Petitioner Stipp, Christina Calderon <i>Resolving defendant's Motion for An order to show cause</i>
08/07/2009	 Stipulation and Order Filed by: Petitioner Stipp, Mitchell David; Petitioner Stipp, Christina Calderon
08/27/2009	 Notice of Withdrawal Filed by: Petitioner Stipp, Mitchell David <i>As Attorney Of Record</i>
10/19/2009	 Notice of Withdrawal Filed by: Petitioner Stipp, Christina Calderon <i>Of Attorney</i>
10/29/2009	 Motion Filed by: Petitioner Stipp, Mitchell David For: Petitioner Stipp, Christina Calderon
11/06/2009	 Certificate of Mailing Filed by: Petitioner Stipp, Mitchell David For: Petitioner Stipp, Christina Calderon <i>re: Defendant's Motion to Confirm Parties as Joint Physical Custodians and to Conform Timeshare with Definitions of Joint Physical Custody</i>
11/30/2009	 Opposition and Countermotion Filed by: Petitioner Stipp, Christina Calderon Party 2: Petitioner Stipp, Mitchell David
11/30/2009	 Family Court Motion Opposition Fee Information Sheet Filed by: Petitioner Stipp, Christina Calderon
12/07/2009	 Reply to Opposition Filed by: Petitioner Stipp, Christina Calderon
12/08/2009	 Referral Order for Outsourced Evaluation Services Filed by: Petitioner Stipp, Mitchell David; Petitioner Stipp, Christina Calderon
12/08/2009	 Reply Filed by: Petitioner Stipp, Christina Calderon <i>In Support Of Countermotion To Set Aside August 7 2009 Stipulation and Order</i>
12/08/2009	 Notice of Seminar Completion EDCR 5.07 Filed by: Petitioner Stipp, Mitchell David
12/15/2009	 Certificate of Service Filed by: Petitioner Stipp, Mitchell David
12/16/2009	 Notice of Appearance Party: Petitioner Stipp, Christina Calderon
12/18/2009	 Supplement

CASE SUMMARY

CASE NO. D-08-389203-Z


Filed by: Petitioner Stipp, Mitchell David
to Opposition to Countermotion to Set Aside August 7 2009 Stipulation and Order

01/13/2010

 Order


Filed by: Petitioner Stipp, Mitchell David
from Plaintiff's Motion to Confirm Parties as Joint Physical Custodians and to Modify

01/13/2010

 Notice

Filed by: Petitioner Stipp, Mitchell David
Of Video Taped Deposition Of Christina Calderon Stipp

01/22/2010

 Notice


Filed by: Petitioner Stipp, Mitchell David
Notice Vacating Deposition of Dr. Melissa Kaldner

01/22/2010

 Amended Notice


Filed by: Petitioner Stipp, Mitchell David
Amended of Video Taped Deposition of Chrisina Calseron Stipp

01/28/2010

 Motion

Filed by: Petitioner Stipp, Christina Calderon
For: Petitioner Stipp, Mitchell David

01/28/2010

 Ex Parte Application


Filed by: Petitioner Stipp, Christina Calderon
for OST

01/28/2010

 Family Court Motion Opposition Fee Information Sheet


Filed by: Petitioner Stipp, Christina Calderon

01/29/2010

 Order Shortening Time

Filed by: Petitioner Stipp, Christina Calderon

02/01/2010

 Notice of Entry of Order

Filed by: Petitioner Stipp, Mitchell David

02/02/2010

 Opposition


Opposition To Plaintiff's Motion To Stay Discovery

02/02/2010

 Family Court Motion Opposition Fee Information Sheet


Filed by: Petitioner Stipp, Mitchell David

02/05/2010

 Notice of Deposition


Notice of Deposition of Custodian of Records of Alexander Dawson School

02/05/2010

 Notice of Deposition

Notice Of Deposition of Dr. Melissa Kalodner

02/05/2010

 Notice of Deposition

Notice of Deposition of Custodian of Records Temple Beth Sholom Preschool

02/16/2010

 Motion


Filed by: Petitioner Stipp, Christina Calderon
For: Petitioner Stipp, Mitchell David

02/16/2010

 Family Court Motion Opposition Fee Information Sheet

Filed by: Petitioner Stipp, Christina Calderon

02/17/2010

 Affidavit of Service

Filed by: Petitioner Stipp, Christina Calderon
Party 2: Petitioner Stipp, Christina Calderon
-subp Dr Melissa Kalodner

















02/17/2010

 Affidavit of Service

Filed by: Petitioner Stipp, Christina Calderon


CASE SUMMARY


CASE No. D-08-389203-Z


	Party 2: Petitioner Stipp, Christina Calderon -subp Tara Hall
02/17/2010	 Affidavit of Service Filed by: Petitioner Stipp, Christina Calderon Party 2: Petitioner Stipp, Christina Calderon -subp Temple Beth Shalom Preschool
02/17/2010	 Certificate of Mailing Filed by: Petitioner Stipp, Christina Calderon For: Petitioner Stipp, Mitchell David
02/18/2010	 Ex Parte Application Filed by: Attorney Prokopius, Donn, ESQ For Order Shortening Time
02/23/2010	 Affidavit of Service Filed by: Petitioner Stipp, Christina Calderon Party 2: Petitioner Stipp, Christina Calderon -subp Dr Melissa Kalodner
02/25/2010	 Order Shortening Time Filed by: Petitioner Stipp, Christina Calderon
02/26/2010	 Notice of Rescheduling of Hearing
03/08/2010	 Opposition and Countermotion OPPOSITION TO PLAINTIFF S MOTION TO REHEAR/RECONSIDER THE HEARING OF DECEMBER 8, 2009; AND/OR TO CLARIFY THE COURT S RULINGS FROM THAT HEARING; FOR PLAINTIFF S ATTORNEY S FEES; AND RELATED RELIEF AND COUNTERMOTION FOR SANCTIONS UNDER E.D.C.R. 7.60
03/08/2010	 Family Court Motion Opposition Fee Information Sheet Filed by: Petitioner Stipp, Mitchell David
03/27/2010	 Subpoena Duces Tecum Deposition Subpoena - St. Elizabeth Ann Seton Catholic School
04/08/2010	 Notice of Rescheduling of Hearing Filed by: Petitioner Stipp, Christina Calderon
04/09/2010	 Order Order From Plaintiff's Motion to Stay Discovery
04/12/2010	 Certificate of Mailing Certificate of Mailing
04/12/2010	 Reply to Opposition Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion to Rehear/Reconsider the Hearing of December 8, 2009
04/28/2010	 Receipt of Copy Filed by: Petitioner Stipp, Christina Calderon Receipt Of Copy
04/30/2010	 Motion Plaintiff's Motion to Rehear/Reconsider the Hearing of February 3, 2010; and/or to Clarify the Court's Rulings From That Hearing; for Plaintiff's Attorney's Fees; and Related Relief
05/03/2010	 Supplement Filed by: Petitioner Stipp, Mitchell David Supplement to Motion to Confirm Parties as Joint Physical Custodians and to Modify Timeshare Arrangement and Opposition to Countermotion to Set Aside August 7, 2009 Stipulation and Order Due to Defendant's Fraud Upon the Court, Grant Discovery, Partition Undisclosed Marital Assets, and for Sanctions
05/05/2010	


CASE SUMMARY


CASE NO. D-08-389203-Z


 Supplement
Filed by: Petitioner Stipp, Christina Calderon
Supplement to Countermotion to Set Aside August 7, 2009 Stipulation and Order Due to Defendant's Fraud Upon the Court, Grant Discovery, Partition Undisclosed Marital Assets, and for Sanctions and Opposition to Defendant's Motion to Confirm Parties as Joint Custodians and to Modify Timeshare Arrangement


05/10/2010  Receipt of Copy
Filed by: Petitioner Stipp, Christina Calderon
Receipt Of Copy


05/17/2010  Notice of Entry of Order
Filed by: Petitioner Stipp, Mitchell David
Notice of Entry of Order

05/17/2010  Certificate of Mailing
Filed by: Petitioner Stipp, Christina Calderon
Certificate Of Mailing


05/24/2010  Order
Filed by: Petitioner Stipp, Mitchell David
Order From Hearing On Plaintiff's Motion For Reconsideration And Related Counterclaim


06/03/2010  Opposition and Countermotion
Filed by: Petitioner Stipp, Mitchell David
Opposition To Plaintiff's Motion To Rehear/Reconsider The Hearing of February 3, 2010; and/or to Clarify The Court's Rulings From That Hearing; For Plaintiff's Attorney's Fees; And Related Relief And Countermotion For Sanctions Under E.D.C.R. 7.60


06/15/2010  Reply
Filed by: Petitioner Stipp, Christina Calderon
Reply In Support Of Plaintiff's Motion To Rehear/Reconsider The Hearing Of February 3, 2010; And/Or To Clarify The Court's Rulings From That Hearing; For Plaintiff's Attorney's Fees; And Related Relief And Opposition To Defendant's Countermotion For Sanctions Under E.D.C.R. 7.60


06/18/2010  Reply
Filed by: Petitioner Stipp, Mitchell David
Reply to Opposition to Countermotion for Sanctions Under E.D.C.R. 7.60


07/05/2010 Administrative Reassignment to Department I
Reassigned from Department O


07/07/2010  Memorandum
Filed by: Petitioner Stipp, Mitchell David
Memorandum of Attorney's Fees and Costs


07/14/2010  Peremptory Challenge
Filed by: Petitioner Stipp, Mitchell David
of Judge

07/15/2010  Notice of Department Reassignment

07/20/2010  Peremptory Challenge
Filed by: Petitioner Stipp, Christina Calderon

07/22/2010  Substitution of Attorney
Filed by: Petitioner Stipp, Christina Calderon
Substitution of Attorneys
















07/30/2010  Notice of Department Reassignment
Filed by: Petitioner Stipp, Mitchell David; Petitioner Stipp, Christina Calderon

09/02/2010  Motion
Filed by: Petitioner Stipp, Christina Calderon
Plaintiff's Motion for Order to Show Cause Why Defendant Should Not Be Held in Contempt for Wilful Violations of Court Orders; To Resolve Parent/Child Issues; For the Appointment of a Parenting Coordinator;

CASE SUMMARY

CASE NO. D-08-389203-Z

















For Other Related Relief and for Attorney Fees, Costs and Sanctions

09/03/2010	 Family Court Motion Opposition Fee Information Sheet Filed by: Petitioner Stipp, Christina Calderon
09/07/2010	 Ex Parte Filed by: Petitioner Stipp, Christina Calderon <i>Ex- Parte Application For An Order Shortening Time</i>
09/10/2010	 Receipt of Copy Filed by: Petitioner Stipp, Christina Calderon <i>Receipt of Copy</i>
09/14/2010	 Request Filed by: Petitioner Stipp, Christina Calderon <i>Submission of Request for Judge Sullivan's Review of Christina's Motion Filed September 2, 2010 and Review of Transcripts From Relevant Hearings Prior to Rendering a Decision Upon Defendant's Motion to Modify Custody</i>
09/14/2010	 Certificate of Mailing Filed by: Petitioner Stipp, Christina Calderon <i>Certificate of Mailing</i>
09/23/2010	 Opposition and Countermotion Filed by: Petitioner Stipp, Mitchell David <i>Opposition To Plaintiff's Motion For Order To Show Cause Why Defendant Should Not Be Held In Contempt For Willfull Violations Of Court Orders; To Resolve Parent/Child Issues; For The Appointment Of A Parenting Coordinator; For Other Related Relief And For Attorney Fees, Costs And Sanctions And Defendant's Countermotion For Sole Decision-Making Authority Regarding Healthcare Decisions Affecting The Children, For Attorney's Fees And Costs, And Sanctions Against Plaintiff And Patricia Vaccarino, Esq.</i>
10/05/2010	 Reply Filed by: Petitioner Stipp, Christina Calderon <i>in Support of Plaintiff's Motion for Order to Show Cause why Defendant Should not</i>
10/06/2010	 Receipt of Copy Filed by: Petitioner Stipp, Mitchell David <i>Receipt of Copy</i>
10/06/2010	 Referral Order for Outsourced Evaluation Services
10/12/2010	 Order Filed by: Petitioner Stipp, Christina Calderon <i>Order Re: Plaintiff's Motion to Rehear/Reconsider the Hearing of February 3, 2010; and/or Clarify the Court's Rulings From That Hearing; for Plaintiff's Attorney's Fees; and Related Relief and Defendant's Countermotion for Sanctions Under E.D.C.R. 7.60</i>
10/12/2010	 Reporters Transcript <i>Re: Return Hearing, Thursday, May 6, 2010</i>
10/12/2010	 Reporters Transcript <i>Re: All Pending Motions, Tuesday, June 22, 2010</i>
10/12/2010	 Final Billing of Transcript Filed by: Petitioner Stipp, Mitchell David
10/13/2010	 Notice of Entry of Order Filed by: Petitioner Stipp, Christina Calderon <i>Re: Plaintiff's Motion to Rehear/Reconsider the Hearing of February 3, 2010; and/or to Clarify the Court's Rulings From That Hearing; for Plaintiff's Attorney's Fees; and Related Relief and Defendant's Countermotion for Sanctions Under E.D.C.R. 7.60</i>
11/02/2010	 Motion Filed by: Petitioner Stipp, Christina Calderon <i>Plaintiff's Motion for "New" Trial to Amend Findings and/or for Rescission, Reconsideration, Modification and or/Stay of Order Filed on October 13, 2010, and Allowing Plaintiff Immediate Access to Defendant's Tax</i>

CASE SUMMARY


CASE NO. D-08-389203-Z


Records as Previously Ordered, and to Compel Defendant to Cooperate in Commencing Sessions with the Parenting Coordinator and for Attorney's Fees and Costs


11/02/2010	 Certificate of Mailing Filed by: Petitioner Stipp, Christina Calderon For: Petitioner Stipp, Mitchell David <i>Plaintiff's Motion For a New Trial</i>
11/04/2010	 Notice of Entry of Order <i>-hrg 5.6.10</i>
11/04/2010	 Order
11/04/2010	 Certificate of Service Filed by: Petitioner Stipp, Mitchell David; Petitioner Stipp, Christina Calderon
11/12/2010	 Transcript of Proceedings <i>Re: All Pending Motions, Wednesday, October 6, 2010</i>
11/12/2010	 Final Billing of Transcript Filed by: Petitioner Stipp, Mitchell David <i>October 6, 2010</i>
11/16/2010	 Order Filed by: Petitioner Stipp, Mitchell David <i>Order From Hearing on Plaintiff's Motion for Order to Show Cause and Defendant's Counter-motion</i>
11/18/2010	 Opposition Filed by: Petitioner Stipp, Mitchell David <i>Opposition To Plaintiff's Motion For Order To Show Cause Why Defendant Should Not Be Held In Contempt For Willful Violations Of Court Orders; To Resolve Parent/Child Issues; For The Appointment Of A Parenting Coordinator; For Other Related Relief And For Attorney Fees, Costs And Sanctions And Defendant's Counter-motion For Sole Decision-Making Authority Regarding Healthcare Decisions Affecting The Children, For Attorney's Fees, Costs And Sanctions Against Plaintiff And Patricia Vaccarino, Esq.</i>
11/18/2010	 Reply Filed by: Petitioner Stipp, Mitchell David <i>Reply To Plaintiff's Opposition To defendant's Counter-motion For Sole Decision-Making Authority Regarding Healthcare Decisions Affecting The Children, for Attorney's Fees, Costs And Sanctions Against Plaintiff And Patricia vaccarino, Esq.</i>
11/18/2010	 Notice of Entry of Order Filed by: Petitioner Stipp, Christina Calderon <i>Notice of Entry of Order</i>
11/22/2010	 Supplement Filed by: Petitioner Stipp, Mitchell David <i>Supplement to Defendant's Counter-motion</i>
11/29/2010	 Supplemental Filed by: Petitioner Stipp, Christina Calderon <i>Submission of Plaintiff's Affidavit and Exhibits in Support of Reply</i>
11/30/2010	 Notice of Entry of Order <i>-ff and order</i>
11/30/2010	 Order <i>Findings of Fact and Court's Order</i>
12/01/2010	 Receipt of Copy Filed by: Petitioner Stipp, Christina Calderon <i>Receipt of Copy</i>
12/02/2010	 Notice of Appeal Filed by: Petitioner Stipp, Christina Calderon


CASE SUMMARY
CASE NO. D-08-389203-Z


Notice of Appeal


12/02/2010  Case Appeal Statement
Filed by: Petitioner Stipp, Christina Calderon
Case Appeal Statement

12/02/2010  Estimate of Transcript
Estimated Cost of Appeal Transcripts

12/08/2010  Receipt
Filed by: Petitioner Stipp, Mitchell David; Petitioner Stipp, Christina Calderon

12/13/2010  Receipt
Filed by: Petitioner Stipp, Mitchell David; Petitioner Stipp, Christina Calderon

12/15/2010  Notice of Appeal
Filed by: Petitioner Stipp, Mitchell David
Notice of Cross-Appeal

12/20/2010  Final Billing of Transcript
Filed by: Petitioner Stipp, Christina Calderon
Estimated Cost of Appeal Transcript

HEARINGS

02/24/2009 **Motion** (1:30 PM) (Judicial Officer: Sullivan, Frank P.)
Events: 12/17/2008 Motion
Christina Calderon-Stipp's Motion Confirming Pltf as the De Jure Primary Physical Custodian of the Minor Children, for Modification of the Decree of Divorce Regarding Child Custody, Visitation, and Other Parent/Child Issues, for Deft's Reimbursement of One-Half of the Children's Medical Costs, for Mediation Regarding Dispute Over Dividing the Minor Children's Education and Other Costs, and for Attorney's Fees and Costs
01/20/2009 Reset by Court to 02/02/2009
02/02/2009 Continued to 02/24/2009 - Stipulation - Stipp, Mitchell David; Stipp, Christina Calderon
02/24/2009 Reset by Court to 02/24/2009
02/24/2009 Reset by Court to 02/24/2009
Stip and Order
Entered on wrong calendar
Denied;
Denied

02/24/2009 **CANCELED Motion** (1:30 PM) (Judicial Officer: Sullivan, Frank P.)
Vacated - per Letter from Shawn Goldstein.
02/24/2009 Reset by Court to 02/24/2009
02/24/2009 Reset by Court to 02/24/2009

02/24/2009 **Opposition & Countermotion** (1:30 PM) (Judicial Officer: Sullivan, Frank P.)
Events: 01/09/2009 Opposition and Countermotion
Deft's Opposition and Countermotions to Strike Inadmissible Evidence from Pltf's Motion and Affidavits Attached Thereto; to Resolve Parent/Child Issues; for a Temporary Protective Order Addressing Pltf's Harassment of Deft; and for Sanctions and Attorney's Fees
01/20/2009 Reset by Court to 02/02/2009
02/02/2009 Continued to 02/24/2009 - Stipulation - Stipp, Mitchell David; Stipp, Christina Calderon
02/24/2009 Reset by Court to 02/24/2009
02/24/2009 Reset by Court to 02/24/2009
Stip and Order
Entered on wrong calendar
Denied;
Denied

02/24/2009 **All Pending Motions** (1:30 PM) (Judicial Officer: Sullivan, Frank P.)
Matter Heard;
Journal Entry Details:
CHRISTINA CALDERON-STIPP'S MOTION CONFIRMING PLAINTIFF AS THE DE JURE PRIMARY

CASE SUMMARY

CASE NO. D-08-389203-Z

PHYSICAL CUSTODIAN OF THE MINOR CHILDREN, FOR MODIFICATION OF THE DECREE OF DIVORCE REGARDING CHILD CUSTODY, VISITATION, AND OTHER PARENT/CHILD ISSUES, FOR DEFENDANT REIMBURSEMENT OF ONE-HALF OF THE CHILDREN'S MEDICAL COSTS, FOR MEDIATION REGARDING DISPUTE OVER DIVIDING THE MINOR CHILDREN'S EDUCATION AND OTHER COSTS, AND FOR ATTORNEY FEES AND COSTS...DEFENDANT'S OPPOSITION AND COUNTERMOTION TO STRIKE INADMISSIBLE EVIDENCE FROM PLAINTIFF'S MOTION AND AFFIDAVITS ATTACHED THERETO; TO RESOLVE PARENT/CHILD ISSUES; FOR A TEMPORARY PROTECTIVE ORDER ADDRESSING PLAINTIFF'S HARASSMENT OF DEFENDANT AND FOR SANCTIONS AND ATTORNEY FEES Also Present: Deniece Lopez Mr. Jimmerson requested a closed hearing as Mr. Stipp's present wife was in the courtroom. Court DENIED the request. Mr. Jimmerson provided copies of Exhibits to the Court regarding the Motion. Arguments regarding the Motions and Counter motions. Parties STIPULATED Plaintiff will pay the uncovered medical bill in the amount of \$326.35. COURT SO ORDERED. COURT FURTHER ORDERED: All Motions and Counter motions are DENIED. Each Party shall bear their own ATTORNEY FEES. Mr. Smith shall prepare the Order. ;
Matter Heard

06/04/2009

Motion to Reconsider (9:00 AM) (Judicial Officer: Sullivan, Frank P.)

Events: 04/27/2009 Motion

Mitchell Stipp's Motion for Reconsideration, Rehearing or in the Alternative to Modify Joint Timeshare

05/28/2009 Reset by Court to 06/04/2009

Attorney unavailable after date and time set

Referred to Family Mediation; Mitchell Stipp's Motion for Reconsideration, Rehearing or in the Alternative to Modify Joint Timeshare

Journal Entry Details:

Atty Shawn Goldstein also present on behalf of Petitioner, Mitchell Stipp (Mitchell). Petitioners sworn and testified. Following argument, COURT ORDERED the following: 1) Parties REFERRED to Family Mediation Center (FMC) for mediation. Parties may attend private mediation and shall equally divide the cost. Parties shall address in mediation additional time for the children and Mitchell. Counsel may also meet and confer and agree on the additional time. A return hearing is set. 2) Parties shall give fifteen (15) days notice in writing when they are taking the children out of the State of Nevada. 3) An Evidentiary Hearing is set with regard to custody. 4) Christina Stipp's (Christina) Motion to Continue scheduled for 7/2/09 at 10:00 am is VACATED. This Minute Order shall suffice as the Order of the Court. No additional Order is required. 8/7/09 11:00AM RETURN: FMC (Mediation) 10/27/09 2:00 PM EVIDENTIARY HEARING ;

Referred to Family Mediation

07/02/2009

CANCELED Motion (10:00 AM) (Judicial Officer: Sullivan, Frank P.)

Vacated

matter heard on 6/4/09

07/23/2009

Motion for Order to Show Cause (9:00 AM) (Judicial Officer: Sullivan, Frank P.)

Events: 06/18/2009 Motion

Mitchell Stipp's Motion for an Order to Show Cause

Off Calendar; Mitchell Stipp's Motion for an Order to Show Cause

Journal Entry Details:

Prior to Court, counsel submitted a Stipulation and Order resolving the issue. COURT ORDERED, MATTER OFF CALENDAR. ;
Off Calendar

08/07/2009

CANCELED Return Hearing (11:00 AM) (Judicial Officer: Thompson, Charles)

Vacated - Moot

SAO signed

10/27/2009

CANCELED Evidentiary Hearing (2:00 PM) (Judicial Officer: Sullivan, Frank P.)

Vacated

per stip and order

12/08/2009

Motion for Child Custody (10:00 AM) (Judicial Officer: Sullivan, Frank P.)

Events: 10/29/2009 Motion

Mitchell Stipp's Motion to Confirm Parties as Joint Physical Custodians and to Modify Timeshare Arrangement

Evidentiary Hearing;

Evidentiary Hearing

12/08/2009

Opposition & Countermotion (10:00 AM) (Judicial Officer: Sullivan, Frank P.)

Events: 11/30/2009 Opposition and Countermotion

Christina Stipp's Opposition & Countermotion to Set Aside August 7, 2009 Stipulation and Order, Grant Discovery, Partition Undisclosed Marital Assets and Sanctions

Evidentiary Hearing;

Evidentiary Hearing

CASE SUMMARY

CASE NO. D-08-389203-Z

12/08/2009

All Pending Motions (10:00 AM) (Judicial Officer: Sullivan, Frank P.)

MINUTES

Matter Heard;

Journal Entry Details:

MITCHELL STIPP'S MOTION TO CONFIRM PARTIES AS JOINT PHYSICAL CUSTODIANS AND TO MODIFY TIMESHARE ARRANGEMENT...CHRISTINA STIPP'S OPPOSITION AND COUNTERMOTION TO SET ASIDE AUGUST 7, 2009 STIPULATION AND ORDER, GRANT DISCOVERY, PARTITION UNDISCLOSED MARITAL ASSETS AND SANCTIONS Petitioner's sworn and testified. Following argument, COURT ORDERED as follows: 1) Parties REFERRED to Dr. Paglini for an Outsource Custody Evaluation with recommendations. A return hearing is set. Dad shall pay for the evaluation, and if the report comes back negative toward Mom, she will be required to reimburse Dad the amount paid. 2) An Evidentiary Hearing is set with regard to the request to change or modify custody, which will be based upon the evaluation. 3) Court advised the parties need to work together in obtaining a therapist for Mia. If they cannot work together, they may obtain their own therapist. 4) Dad's request for additional visitation is DENIED. 5) All prior Orders REMAIN in FULL FORCE and EFFECT. 6) Each party shall bear their own ATTORNEYS FEES. 7) Court will review the Countermotion and Reply regarding the partition of omitted assets and will issue a separate Order regarding this issue. Atty Smith shall prepare the Order; Mom shall sign off. 3/9/10 11:00 AM RETURN: OUTSOURCE CUSTODY EVALUATION (DR. PAGLINI) 5/6/10 2:00 PM EVIDENTIARY HEARING RE: CHANGE OF CUSTODY;

Matter Heard

02/03/2010

Motion to Stay (10:00 AM) (Judicial Officer: Sullivan, Frank P.)

Events: 01/28/2010 Motion

Christina Stipp's Motion to Stay Discovery

03/09/2010 Reset by Court to 02/03/2010

MINUTES

Granted in Part; CHRISTINA STIPP'S MOTION TO STAY DISCOVERY

Journal Entry Details:

Following argument, COURT ORDERED as follows: 1) Discovery may be conducted on the limited purpose to obtain school records, information from Dr. Mishalow and information from Dr. Koladner. 2) Depositions of the parties and request for interrogatories are not to be conducted at this time. Court may order further discovery at the return hearing from Dr. Paglini. 3) Court advised it is inclined to deny Christina Stipp's request to partition for omitted assets. Counsel may review the tax returns in chambers. Atty Smith shall prepare a confidentiality agreement. 4) Atty Smith may conduct a deposition of Dr. Mishalow only, as his records were illegible. Atty Smith shall prepare the Order; Atty Prokopius shall sign off;

Granted in Part

04/13/2010

Motion (11:00 AM) (Judicial Officer: Sullivan, Frank P.)

Events: 02/16/2010 Motion

Christina Stipp's Motion to Rehear/Reconsider the Hearing of 12/8/09; and/or to Clarify the Court's Rulings from that Hearing and for Plt's Atty Fees

03/09/2010 Reset by Court to 04/13/2010

03/18/2010 Reset by Court to 03/09/2010

OST

Attorney Paglini's request for a continuance

Denied;

Denied

04/13/2010

Opposition & Countermotion (11:00 AM) (Judicial Officer: Sullivan, Frank P.)

Events: 03/08/2010 Opposition and Countermotion

Mitchell Stipp's Opposition and Countermotion for Sanctions Under EDCR 7.60

Denied;

Denied

04/13/2010

All Pending Motions (11:00 AM) (Judicial Officer: Sullivan, Frank P.)

MINUTES

Matter Heard;

Journal Entry Details:

Also present: Victoria Pott, Court Clerk Trainee CHRISTINA STIPP'S MOTION TO REHEAR/RECONSIDER THE HEARING OF 12/8/09; AND/OR TO CLARIFY THE COURT'S RULINGS FROM THAT HEARING AND FOR PLAINTIFF'S ATTORNEY FEES...MITCHELL STIPP'S OPPOSITION AND COUNTERMOTION FOR SANCTIONS UNDER EDCR 7.60 Arguments regarding the parties using two counselor's for the minor child; Letter composed by parties for doctor's signatures to be submitted to court. COLLOQUY BY COURT regarding his reasoning behind his Rulings from hearing of 12/8/09. COURT ORDERED Christina Stipp's Motion to

CASE SUMMARY

CASE NO. D-08-389203-Z

Rehear/Reconsider is DENIED. Mr. Stipp's Countermotion for Sanctions Under EDCR 7.60 is DENIED AT THIS TIME. FURTHER, 1) The EVIDENTIARY HEARING previously set for 5/6/10 is VACATED and another Trial date will be set, if needed, at the Return Hearing previously set on 5/6/10 AT 2:00 PM for the Custody Evaluation Report, from Dr. Paglini. 2) There will be no more Therapist at this time, if needed at a later date another Therapist will be agreed upon before going forward. 3) The Marital Settlement Agreement WILL CONTROL. Mr. Smith to prepare the Order from today's hearing. Mr. Prokopius to review and sign off. ; Matter Heard

05/06/2010

Return Hearing (2:00 PM) (Judicial Officer: Sullivan, Frank P.)

Events: 02/26/2010 Notice of Rescheduling of Hearing

Re: *Outsource Custody Eval. (Dr. Paglini)*

03/09/2010 Reset by Court to 04/13/2010

04/13/2010 Reset by Court to 05/06/2010

Attorney Paglini's request for a continuance.

Under Advisement; Re: Outsource Custody Evaluation (Dr. Paglini)

Journal Entry Details:

Court reviewed Dr. Paglini's Report. Following argument, COURT ORDERED, it will review the Supplemental Pleadings filed by counsel, and will file a Written Decision. UNDER ADVISEMENT. ;

Under Advisement

05/06/2010

CANCELED Evidentiary Hearing (2:00 PM) (Judicial Officer: Sullivan, Frank P.)

Vacated

Per Judge. To be reset at return hearing on 5/6/10, if needed.

06/22/2010

Motion (10:00 AM) (Judicial Officer: Sullivan, Frank P.)

Events: 04/30/2010 Motion

Christina Stipp's Motion to Rehear/Reconsider the Hearing of 2/3/10; and/or to Clarify the Court's Rulings from that Hearing; for Plt's Attorney's Fees

Denied;

Denied

06/22/2010

Opposition & Countermotion (10:00 AM) (Judicial Officer: Sullivan, Frank P.)

Events: 06/03/2010 Opposition and Countermotion

Deft's Opposition and Countermotion For Sanctions Under E.D.C.R. 7.60

Denied;

Denied

06/22/2010

All Pending Motions (10:00 AM) (Judicial Officer: Sullivan, Frank P.)

MINUTES

Matter Heard;

Journal Entry Details:

CHRISTINA STIPP'S MOTION TO REHEAR/RECONSIDER THE HEARING OF 2/3/10; AND/OR TO CLARIFY THE COURT'S RULINGS FROM THAT HEARING; FOR PLAINTIFF'S ATTORNEY FEES...DEFENDANT'S OPPOSITION AND COUNTERMOTION FOR SANCTIONS UNDER EDCR 7.60
Attorney Prokopius requested a CLOSED HEARING, which was DENIED by the Court. Attorney Prokopius stated he received the Countermotion late Friday night, and has not had an opportunity to review and reply. Arguments regarding the language of the 2/3/10 Order, the need for Discovery, the Defendant's statement regarding he has retired, the Wells Fargo loan, Section 5 in the Divorce Decree, the Aquila Investment business, the business's tax returns and attorney fees. COURT stated FINDINGS and ORDERED: 1. The Plaintiff shall be ALLOWED to HIRE a FORENSIC CPA or ACCOUNTANT to REVIEW the 2007 / 2008 TAX RETURNS for AQUILA INVESTMENTS. 2. The ORDER, from the 2/3/10 hearing, REMAINS in EFFECT. 3. As the Court FOUND NO ISSUE of FRAUD UP THE COURT, the Defendant's MOTION for SANCTIONS shall be DENIED. 4. The Defendant shall be AWARDED ATTORNEY FEES. 5. Attorney Smith shall FILE a MEMORANDUM of ATTORNEY COST and FEES within ten (10) days of today's date (6/22/10). Attorney Smith shall prepare an Order from today's hearing; attorney Prokopius shall review and sign within ten (10) days of receipt. ;

Matter Heard

10/06/2010

Motion for Order to Show Cause (2:00 PM) (Judicial Officer: Potter, William)

Events: 09/02/2010 Motion

Plaintiff's Motion for Order to Show Cause Why Defendant Should Not Be Held in Contempt for Wilful Violations of Court Orders; To Resolve Parent/Child Issues; For the Appointment of a Parenting Coordinator; For Other Related Relief and for Attorney Fees, Costs and Sanctions

Referred to Outsourced Evaluation;

Referred to Outsourced Evaluation

10/06/2010

Opposition & Countermotion (2:00 PM) (Judicial Officer: Potter, William)

Events: 09/23/2010 Opposition and Countermotion

CASE SUMMARY
CASE No. D-08-389203-Z

Mitchell Stipp's Opposition & Countermotion For Sole Decision-Making Authority Regarding Healthcare Decisions Affecting The Children, For Attorney's Fees, Costs And Sanctions Against Pltf And Patricia Vaccarino, Esq.
Referred to Outsourced Evaluation;
Referred to Outsourced Evaluation

10/06/2010

All Pending Motions (2:00 PM) (Judicial Officer: Potter, William)

PLAINTIFF'S MOTION FOR ORDER TO SHOW CAUSE WHY DEFENDANT SHOULD NOT BE HELD IN CONTEMPT FOR WILFUL VIOLATIONS OF COURT ORDERS; TO RESOLVE PARENT/CHILD ISSUES; FOR THE APPOINTMENT OF A PARENTING COORDINATOR; FOR OTHER RELATED RELIEF AND FOR ATTORNEY FEES, COSTS AND SANCTIONS...DEFENDANT'S OPPOSITION AND COUNTERMOTION FOR SOLE DECISION-MAKING AUTHORITY REGARDING HEALTHCARE DECISIONS AFFECTING THE CHILDREN, FOR ATTORNEY'S FEES, COSTS AND SANCTIONS AGAINST PLAINTIFF AND PATRICIA VACCARINO, ESQ.

MINUTES

CANCELED Return Hearing (01/11/2011 at 2:30 PM) (Judicial Officer: Potter, William)

Vacated - per Judge
vacated in open court. se

Matter Heard;

Journal Entry Details:

- **PLAINTIFF'S MOTION FOR ORDER TO SHOW CAUSE WHY DEFENDANT SHOULD NOT BE HELD IN CONTEMPT FOR WILLFUL VIOLATIONS OF COURT ORDERS; TO RESOLVE PARENT/CHILD ISSUES; FOR THE APPOINTMENT OF A PARENTING COORDINATOR; FOR OTHER RELATED RELIEF AND FOR ATTORNEY FEES, COSTS AND SANCTIONS...DEFENDANT'S OPPOSITION AND COUNTERMOTION FOR SOLE DECISION-MAKING AUTHORITY REGARDING HEALTHCARE DECISIONS AFFECTING THE CHILDREN, FOR ATTORNEY'S FEES, COSTS AND SANCTIONS AGAINST PLAINTIFF AND PATRICIA VACCARINO, ESQ.** At the request of Mr. Smith, COURT ORDERED a CLOSED HEARING. COURT NOTED that Judge Sullivan has an issue under advisement and the order has not been issued at this time which may or may not make any argument today moot. This Court believes there is one issue that was not brought up with Judge Sullivan and this Court is unsure to what extent that he has knowledge or heard evidence regarding the youngest child Ethan as to the alleged molestation. Ms. Vaccarino represented that all issues are post Judge Sullivan relating to the custodial issues. Ms. Vaccarino is requesting a parenting coordinator and health care for Mia; Ms. Vaccarino is requesting a diagnosis for their daughter regarding her OCD and/or the possibility of a Bipolar disorder. Arguments. COURT ORDERED the following: The Court provided the parties with an OUTSOURCE EVALUATION SERVICE referral to appoint Gary Lenkeit as a parenting coordinator. The parties shall equally bear the cost of this service. Return date set for 1/4/11. In addition, the parties are required to attend a co-parenting class either through UNLV or they can take the class offered by Dr. Jack Cathey. The Court is not requiring that they attend together, but will require they file a Completion Certificate with the Court. Ms. Vaccarino requested an order to allow Child Find to proceed with the remainder of their evaluation; the request is on hold until the return date to allow Judge Sullivan to prepare his decision. As for Mia's health care issues, if in 90 day the parties can not make any decision on their own; and if the issue is continuing to be brought to the Court's attention then this Court will determine at that time which doctor the child needs to see. All other issues including attorney's fees shall be reserved for the return date. At this time, Plaintiff's motion is DENIED IN PART. Mr. Smith shall prepare the order, Ms. Vaccarino to review and sign off. 1/4/11 2:30 P.M. RETURN: OUTSOURCED PARENTING COORDINATOR REPORT ;

Matter Heard

SCHEDULED HEARINGS

CANCELED Return Hearing (01/11/2011 at 2:30 PM) (Judicial Officer: Potter, William)

Vacated - per Judge
vacated in open court. se

12/01/2010

Motion for New Trial (2:00 PM) (Judicial Officer: Potter, William)

Events: 11/02/2010 Motion

Christina Stipp's Motion for "New" Trial to Amend Findings and/or for Rescission, Reconsideration, Modification and or Stay of Order Filed on October 13, 2010, and Allowing Plaintiff Immediate Access to Defendant's Tax Records as Previously Ordered, and to Compel Defendant to Cooperate in Commencing Sessions with the Parenting Coordinator and for Attorney's Fees and Costs

Granted in Part;

Granted in Part

12/01/2010

Opposition & Countermotion (2:00 PM) (Judicial Officer: Potter, William)

Events: 11/02/2010 Motion

Defendant's Opposition & Countermotion For Award Of Attorney's Fees, Costs & Sanctions


Matter Heard;

CASE SUMMARY

CASE NO. D-08-389203-Z

Matter Heard

12/01/2010

 All Pending Motions (2:00 PM) (Judicial Officer: Potter, William)

CHRISTINA STIPP'S MOTION FOR NEW TRIAL TO AMEND FINDINGS AND/OR FOR RESCISSION, RECONSIDERATION, MODIFICATION AND/OR STAY OF ORDER FILED ON October 13, 2010, AND ALLOWING PLAINTIFF IMMEDIATE ACCESS TO DEFENDANT'S TAX RECORDS AS PREVIOUSLY ORDERED, AND TO COMPEL DEFENDANT TO COOPERATE IN COMMENCING SESSIONS WITH THE PARENTING COORDINATOR AND FOR ATTORNEY'S FEES AND COSTS. MITCHELL STIPP'S OPPOSITION AND COUNTERMOTION FOR AWARD OF ATTORNEY'S FEES AND COSTS AND SANCTIONS

MINUTES

Matter Heard;

Journal Entry Details:

- CHRISTINA STIPP'S MOTION FOR NEW TRIAL TO AMEND FINDINGS AND/OR FOR RESCISSION, RECONSIDERATION, MODIFICATION AND/OR STAY OF ORDER FILED ON October 13, 2010, AND ALLOWING PLAINTIFF IMMEDIATE ACCESS TO DEFENDANT'S TAX RECORDS AS PREVIOUSLY ORDERED, AND TO COMPEL DEFENDANT TO COOPERATE IN COMMENCING SESSIONS WITH THE PARENTING COORDINATOR AND FOR ATTORNEY'S FEES AND COSTS. MITCHELL STIPP'S OPPOSITION AND COUNTERMOTION FOR AWARD OF ATTORNEY'S FEES AND COSTS AND SANCTIONS Mr. Smith requested a CLOSED HEARING, COURT SO ORDERED. Also present with Mr. Smith at Defendant's table is his assistant, Amy Wolf. Upon the Court's inquiry, both counsels have reviewed the orders from the May 6th and the June 22nd hearings. Arguments. COURT ORDERED the following: As for Dr. Lenkeit, the Court specifically stated he was not being appointed as a Master, therefore, if Dr. Lenkeit requests any pleading and/or reports his request will be GRANTED and both counsel shall provide him with same. Ms. Vaccarino's request for Attorney's fees from the October 5, 2010 and any other additional fees for this hearing today (12/1/10) are hereby DENIED. The previously awarded amount of \$4,590.00 by Judge Sullivan is hereby REDUCED TO JUDGMENT collectable by any means if not paid in full within 60 days per of Judge Sullivan's order. Regarding a doctor for Mita, the parties will attempt to work out this issue with Dr. Lenkeit; the Court will not entertain another motion regarding this issue in no less than 90 days. The no contact request with Cody is DENIED. The request for counseling for Ethan is DENIED. The request for an Order to Show Cause is DENIED. The request for a new trial is DENIED. The request to amend findings is DENIED. The request for rescission, reconsideration, modification and/or stay of order filed October 13, 2010 is DENIED. The request to compel Defendant to cooperate in commencing sessions with the Parenting Coordinator is DENIED. Allowing Plaintiff immediate access to Defendant's tax records as previously ordered is GRANTED. As for the tax records for Aquila (no longer in business) it appears that Judge Sullivan did intend that the taxes for 2007 and 2008 were to be reviewed by a tax expert. Ms. Vaccarino is permitted to hire her expert and that expert will be given access but must sign a non confidentiality disclosure agreement; Plaintiff and Ms. Vaccarino must also sign same disclosure. This Court for the record has not authority to compel Aquila to do anything. Ms. Vaccarino has authorization to obtain the documents from Aquila through discovery; Ms. Vaccarino is entitled to the documents STRICTLY for 2007 and 2008. Ms. Vaccarino can file an Ex Parte order to amend the last order if she feels there are portions of the order that needs to be corrected. If the Court does not feel the next motion is of legal authority, the Court will sanction and award attorney's fees. The return date set for 1/11/11 regarding the outsourced parenting coordinator is VACATED. If there are problems that arise, the Court directed counsel to file a motion. Ms. Vaccarino shall prepare the order, Mr. Smith to review and sign off. CASE CLOSED ;

Matter Heard

01/11/2011

CANCELED Return Hearing (2:30 PM) (Judicial Officer: Potter, William)

Vacated - per Judge

vacated in open court. se

**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA
FAMILY COURT COVER SHEET**

CASE NO. 008-389203-Z (To be assigned by the Clerk's Office) L

Do you or any other party in this case (including any minor child) have any other current case(s) or past case(s) in the Family Court or Juvenile Court in Clark County?

☒ YES ☐ NO

If yes, complete the other side of this form

PARTY INFORMATION (Please Print)

Plaintiff/Petitioner		Defendant/Respondent/Co-Petitioner	
Last Name: <u>Stipp</u>		Last Name: <u>Stipp</u>	
First Name: <u>Mitchell</u>	Middle Name: <u>David</u>	First Name: <u>Christina</u>	Middle Name: <u>Calderon</u>
Home Address: <u>2055 Alcora Ridge Drive</u>		Home Address: <u>2055 Alcora Ridge</u>	
City, State, Zip: <u>Las Vegas, NV 89135</u>		City, State, Zip: <u>Las Vegas, NV 89135</u>	
Mailing Address: <u>2055 Alcora Ridge Drive</u>		Mailing Address: <u>2055 Alcora Ridge</u>	
City, State, Zip: <u>Las Vegas, NV 89135</u>		City, State, Zip: <u>Las Vegas, NV 89135</u>	
Phone #: <u>702-378-1907</u> Date of Birth: <u>04-01-1975</u>		Phone #: <u>702-610-0032</u> Date of Birth: <u>02-05-1975</u>	
Attorney Information		Attorney Information	
Name: <u>N/A</u> Bar No.:		Name: <u>N/A</u> Bar No.:	
Address:		Address:	
City, State, Zip:		City, State, Zip:	
Phone #:		Phone #:	

(Check one box only for the type of case being filed with this cover sheet)

DOMESTIC	MISC. DOMESTIC RELATIONS PETITIONS	GUARDIANSHIP		
Marriage Dissolution <input type="checkbox"/> Annulment <input type="checkbox"/> Divorce - No minor child(ren) <input type="checkbox"/> Divorce - With minor child(ren) <input type="checkbox"/> Foreign Decree <input type="checkbox"/> Joint Petition - No minor child(ren) <input checked="" type="checkbox"/> Joint Petition - With minor child(ren) <input type="checkbox"/> Separate Maintenance	<input type="checkbox"/> Adoption - Minor <input type="checkbox"/> Adoption - Adult <input type="checkbox"/> Mental Health <input type="checkbox"/> Name Change <input type="checkbox"/> Paternity <input type="checkbox"/> Permission to Marry <input type="checkbox"/> Temporary Protective Order (TPO) <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Child Support/Custody <input type="checkbox"/> Other (identify) _____	Guardianship of an Adult <input type="checkbox"/> Person <input type="checkbox"/> Estate <input type="checkbox"/> Person and Estate Guardianship of a Minor <input type="checkbox"/> Person <input type="checkbox"/> Estate <input type="checkbox"/> Person and Estate <input type="checkbox"/> Guardianship Trust		
MISC. JUVENILE PETITIONS <input type="checkbox"/> Emancipation	DA CHILD SUPPORT PETITIONS <input type="checkbox"/> DA - UIFSA <input type="checkbox"/> DA - Child Support In State			
List children involved in this case (If more than 3 children, please enter the information on the reverse side)				
Last Name	First Name	Middle Name	Date of Birth	Relationship
1. <u>Stipp</u>	<u>Mia</u>	<u>Elena</u>	<u>10-19-2004</u>	<u>Daughter</u>
2. <u>Stipp</u>	<u>Ethan</u>	<u>Christopher</u>	<u>3-24-2007</u>	<u>Son</u>
3.				

Printed Name of Preparer Christina Stipp Mitchell Signature of Preparer Christina Stipp Mitchell Date 2-25-07
 Supply the following information about any other proceeding (check all that apply):

☒ Divorce ☐ Temporary Protective Orders (TPO) ☐ Custody/Child Support

☐ UIFSA/URESA ☐ Paternity ☐ Juvenile Court ☐ Other

Please Print

List full name of all adult parties involved			Case number of other proceeding(s)	Approximate date of last order in other proceeding(s)
Last Name	First Name	Middle Name		
1. Stipp	Mitchell	David	D360352	N/A
2. Stipp	Christina	Calderon	D360352	N/A
3.				
4.				

If children were involved (other than those listed on front page), please provide:

Last Name	First Name	Middle Name	Date of Birth	Relationship
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8.				

Children involved in this case (continuation from front page)

Last Name	First Name	Middle Name	Date of Birth	Relationship
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8.				

THIS INFORMATION IS REQUIRED BY
 NRS 3.025, NRS 3.223, NRS 3.227, NRS 3.275,
 NRS 125.130, NRS 125.230,
 And will be kept in a confidential manner by the Clerk's Office.

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FILED

Nov 4 5 31 PM '10

DISTRICT COURT
CLARK COUNTY, NEVADA

[Signature]
C.F.

[Signature]
JRT

CHRISTINA STIPP,

Plaintiff,

vs.

MITCHELL STIPP,

Defendant.

CASE NO. D-08-389203-Z

DEPT. NO. O

Date of Hearing: May 6, 2010

Time of Hearing: 10:00 a.m.

This matter having come before this Court on May 6, 2010, on Defendant's Motion to Confirm Parties as Joint Physical Custodians and to Modify Timeshare Arrangement; and Plaintiff's Countermotion to set Aside August 7, 2009 Stipulation, Grant Discovery, Partition Undisclosed Marital Assets, and for Sanctions; with Christina C. Stipp, Plaintiff, appearing and being represented by Donn W. Prokopius, Esq.; and Mitchell D. Stipp, Defendant, appearing and represented by Radford J. Smith, Esq.; and the Court being duly advised in the premises, having reviewed Plaintiff's Motion, Defendant's Opposition and Countermotion, Plaintiffs' Opposition to Countermotion, Plaintiff's Supplement to Motion, Defendant's Supplement to Countermotion, and having heard oral argument, and good cause being shown,

FRANK P. SULLIVAN
DISTRICT JUDGE

FAMILY DIVISION, DEPT. O
LAS VEGAS NV 89101

1 **THE COURT HEREBY FINDS** that the parties have two children in
2 common, Mia, born on October 19, 2004, and Ethan, born on March 24, 2007.

3 **THE COURT FURTHER FINDS** that on February 20, 2008, the parties
4 entered into a Marital Settlement Agreement (MSA) that provided that they shall have
5 joint legal and physical custody of the children.
6

7 **THE COURT FURTHER FINDS** that the MSA provided that Defendant
8 (husband) would have the children on Fridays from 6:00 p.m. until Sundays at 6:00
9 p.m., however, the Plaintiff (wife) would have the right to have the children on the
10 first weekend of every month upon three (3) days prior written notice.

11 **THE COURT FURTHER FINDS** that the MSA further provided holiday
12 visitation as follows:
13

14 (a) Martin Luther King (MLK) Day Weekend: MLK Day is to be
15 celebrated on the third Monday in January with the weekend
16 commencing at 6:00 p.m. on the Friday before the holiday and ending
17 at 6:00 p.m. on the holiday. Plaintiff is to have the children in even-
18 numbered years and Defendant in odd-numbered years.

19 (b) President's Day Weekend: President's Day: President's Day is to
20 be celebrated on the third Monday in February with the weekend
21 commencing at 6:00 p.m. on the Friday before the holiday and ending
22 at 6:00 p.m. on the holiday. Plaintiff is to have the children in odd-
23 numbered years and the Defendant in even-numbered years.

24 (c) Easter Day: Easter Day is to be celebrated on Sunday with the
25 Defendant having the children on Easter Sunday until 2:00 p.m. and
26 Plaintiff having the children after 2:00 p.m.

27 (d) Memorial Day Weekend: Memorial Day is to be celebrated on the
28 last Monday in May with the weekend commencing at 6:00 p.m. on
the Friday before the holiday and ending at 6:00 p.m. on the holiday.
Plaintiff is to have the children in even-numbered years and Defendant
in odd-numbered years.

1 (e) Father's Day/Mother's Day: Defendant is to have the children on
2 Father's Day from 9:00 a.m. until 6:00 p.m. and Plaintiff is to have
3 children on Mother's Day from 9:00 a.m. until 6:00 p.m.

4 (f) Independence Day: Independence Day is to commence at 6:00
5 p.m. on the day before the holiday and end at 9:00 a.m. on the day
6 after the holiday. Plaintiff is to have the children in even-numbered
7 years and Defendant in odd-numbered years.

8 (g) Labor Day Weekend: Labor Day is to be celebrated on the first
9 Monday in September with the weekend commencing at 6:00 p.m. on
10 the Friday before the holiday and ending at 6:00 p.m. on the holiday.
11 Defendant is to have the children in even-numbered years and Plaintiff
12 in odd-numbered years.

13 (h) Halloween Night: Halloween night will commence at 3:00 p.m. on
14 the holiday and end at 8:30 p.m. on the holiday. Plaintiff is to have the
15 children in even-numbered years and Defendant in odd-numbered
16 years.

17 (i) Veterans Day: Veterans Day is to be observed on November 11th
18 with visitation commencing at 6:00 p.m. on the day immediately
19 preceding the holiday and ending at 6:00 p.m. on the holiday.

20 (j) Thanksgiving Weekend: The Thanksgiving holiday is to be divided
21 into two periods, with Period One commencing at 4:00 p.m. on
22 Thanksgiving Day and ending at 6:00 p.m. on the Saturday
23 immediately following Thanksgiving Day. Period Two is to
24 commence at 6:00 p.m. on the Saturday following Thanksgiving Day
25 and ending at 6:00 p.m. on the Sunday immediately following
26 Thanksgiving Day. Defendant is to have the children during Period
27 One and Plaintiff Period Two in all years.

28 (k) Christmas Holiday: The Christmas holiday is to be divided into
two periods, with Period One commencing at 9:00 a.m. on December
24th and ending at 9:00 a.m. on December 25th. Period Two is to
commence at 9:00 a.m. on December 25th and end at 6:00 p.m. on the
25th. Plaintiff is to have the children during Period One and Defendant
during Period Two in all years.

(l) New Year's Day: New Year's Day is to be celebrated on January
1st with holiday visitation commencing at 6:00 p.m. on the day
immediately preceding the holiday and ending at 6:00 p.m. on the
holiday. Defendant is to have the children in even-numbered years and
Plaintiff in odd-numbered years.

1 (m) Children's Birthdays: Plaintiff, upon three (3) days prior written
2 notice, is to have the children on the Saturday immediately proceeding
3 a child's birthday, in which case, Defendant will have his normal
4 visitation from 9:00 a.m. until 6:00 p.m. on Sunday.

5 (n) Parents' Birthdays: Each party, upon three (3) days prior written
6 notice, is to have the children from 9:00 a.m. until 6:00 p.m. on their
7 respective birthdays.

8 (o) Vacation Visitation: Each party is permitted to have the children
9 for two (2) consecutive weeks for the purpose of taking a vacation.

10 **THE COURT FURTHER FINDS** that the parties filed a Joint Petition for
11 Divorce on February 28, 2008.

12 **THE COURT FURTHER FINDS** that on March 6, 2008, a Decree of
13 Divorce was granted which fully incorporated the Marital Settlement Agreement into
14 such Decree.

15 **THE COURT FURTHER FINDS** that on December 17, 2008, Plaintiff filed
16 a Motion to Confirm Plaintiff as the De Jure Primary Physical Custodian, for
17 Modification of the Divorce Decree Regarding Child Custody, Visitation and Other
18 Parent/Child Issues, for Defendant's Reimbursement of One-Half of the Children's
19 Medical Costs, for Mediation Regarding Dispute Over Dividing the Minor Children's
20 Education and Other Costs, and for Attorney's Fees and Costs.

21 **THE COURT FURTHER FINDS** that on January 9, 2009, Defendant filed
22 an Opposition to Plaintiff's Motion to Confirm Plaintiff as the De Jure Primary
23 Physical Custodian and a Countermotion to Strike Inadmissible Evidence from
24 Plaintiff's Motion, to Resolve Parent/Child Issues, for a Temporary Protective Order
25 Addressing Plaintiff's Harassment of Defendant, and for Sanctions and Attorney's
26 Fees.
27
28

1 **THE COURT FURTHER FINDS** that on January 9, 2009, Plaintiff filed a
2 Motion for Leave to Take the Depositions of Mitchell Stipp (Defendant) and William
3 Plise.
4

5 **THE COURT FURTHER FINDS** that on February 11, 2009, Plaintiff filed
6 a Reply to Defendant's Opposition and Defendant's Countermotion.

7 **THE COURT FURTHER FINDS** that on February 24, 2009, the Court
8 heard oral argument on all pending Motions and Counter motions.

9 **THE COURT FURTHER FINDS** that by Order dated April 3, 2009, the
10 Court denied all pending Motions and Counter motions, but Ordered Defendant to
11 reimburse Plaintiff the sum of three hundred twenty-six dollars and forty-five cents
12 (\$326.45) as and for unreimbursed medical expenses incurred on behalf of the
13 children.
14

15 **THE COURT FURTHER FINDS** that on April 27, 2009, Defendant filed a
16 motion for Reconsideration, Motion for Rehearing; Or in the Alternative, Motion to
17 Modify Joint Timeshare.
18

19 **THE COURT FURTHER FINDS** that on June 3, 2009, Plaintiff filed an
20 Opposition to Defendant's Motion for Reconsideration, Motion for Rehearing and, in
21 the Alternative, Motion to Modify Joint Timeshare.

22 **THE COURT FURTHER FINDS** that on June 4, 2009, the Court heard oral
23 argument on Defendant's Motion and Plaintiff's Opposition to the Motion and
24 Ordered the parties to the Family Mediation Center for confidential mediation and
25 scheduled an Evidentiary Hearing for October 27, 2009.
26
27
28

1 **THE COURT FURTHER FINDS** that on June 18, 2009, Defendant filed a
2 Motion for an Order to Show Cause alleging that the Plaintiff had violated the
3 custodial agreement by keeping the children from Defendant on his visitation day of
4 Friday, June 12, 2009.
5

6 **THE COURT FURTHER FINDS** that on July 23, 2009, the parties
7 submitted a Stipulation and Order Resolving Defendant's Motion for an Order to
8 Show Cause resolving the matter by awarding Defendant an additional nine (9) hours
9 of visitation on Friday June 26, 2009, with Defendant receiving the children at 9:00
10 a.m. instead of 6:00 p.m.
11

12 **THE COURT FURTHER FINDS** that on August 7, 2009, the parties
13 submitted a Stipulation and Order which didn't change the joint legal and physical
14 custody designation included in the Marital Settlement Agreement, but modified the
15 timeshare arrangement provided for in the MSA as follows:
16

17 (a) Defendant is to have the children on the first, third and fifth (when
18 there is a fifth weekend in the month) weekends of each month from
19 Friday 6:00 p.m. until Sunday at 6:00 p.m., however, the Plaintiff,
20 upon three (3) days prior written notice, is entitled to have the children
21 on the first weekend of each month. In the event that Plaintiff
exercises her right to have the children on the first weekend of the
month, then Defendant will have the children commencing at 6:00
p.m. on the Wednesday preceding the first weekend of the month until
6:00 p.m. on the Friday preceding the first weekend of the month.

22 (b) Defendant is to have the children on the second and fourth
23 weekends of the month from Thursday at 6:00 p.m. until Sunday at
6:00 p.m.
24

25 **THE COURT FURTHER FINDS** that pursuant to the Stipulation and Order
26 filed on August 7, 2009, the Court dismissed Defendant's pending Motion for
27
28

1 Reconsideration and Rehearing and vacated the Evidentiary Hearing set for October
2 27, 2009.

3 **THE COURT FURTHER FINDS** that on October 29, 2009, Defendant filed
4 a Motion to Confirm Parties as Joint Physical Custodians and to Modify Timeshare
5 Arrangement.
6

7 **THE COURT FURTHER FINDS** that Defendant's Motion to Confirm
8 Parties as Joint Custodians and to Modify Timeshare Arrangement essentially alleged
9 that the parties' daughter, Mia, was being emotionally abused by Plaintiff by her
10 continued attempts to alienate the children from Defendant by making disparaging
11 remarks about Defendant and his current wife, Amy, (Defendant is a cheater, Amy
12 stole Defendant away from Plaintiff, Amy is married to someone other than
13 Defendant, and Plaintiff hates Amy) which has caused Mia to have severe mood
14 swings, significant anger management issues, and frequent emotional outbursts.
15

16 **THE COURT FURTHER FINDS** that on November 30, 2009, Plaintiff filed
17 an Opposition to Defendant's Motion to Confirm Parties as Joint Custodians and to
18 Modify Timeshare Arrangement and filed a Countermotion to Set Aside August 7,
19 2009, Stipulation and Order Due to Defendant's Fraud upon the Court, to Grant
20 Discovery, to Partition Undisclosed Marital Assets, and for Sanctions.
21

22 **THE COURT FURTHER FINDS** that Plaintiff's Opposition and
23 Countermotion and Countermotion to Set Aside August 7, 2009, Stipulation and
24 Order, and to Grant Discovery and Partition Undisclosed Marital Assets essentially
25 alleged that Defendant is blatantly attempting to re-litigate the custodial arrangement
26 which is barred by res judicata, failed to disclose his post-divorce arrest for DUI and
27
28

1 subsequent conviction for Reckless Driving which evidences that Defendant abuses
2 alcohol, and fraudulently concealed significant marital assets and/or post divorce
3 distributions.
4

5 **THE COURT FURTHER FINDS** that on December 7, 2009, Defendant
6 filed a Reply to Opposition to Defendant's Motion to Confirm Parties as Joint
7 Custodians and Opposition to Plaintiff's Countermotion to Set Aside August 7, 2009,
8 Stipulation and Order.

9 **THE COURT FURTHER FINDS** that on December 8, 2009, the Court
10 heard oral argument on the pending Motions and Countermotions and, based upon the
11 allegations raised by each party, directed that a Child Custody Evaluation be
12 performed by Dr. John Paglini.
13

14 **THE COURT FURTHER FINDS** that on December 18, 2009, Defendant
15 filed a Supplement to Opposition to Countermotion to Set Aside August 7, 2009,
16 Stipulation and Order.

17 **THE COURT FURTHER FINDS** that on January 28, 2010, Plaintiff filed a
18 Motion to Stay Discovery concerning the ongoing child custody dispute, specifically
19 seeking to Stay Discovery regarding Dr. Melissa Kalodner, Dr. Joel Mishalow,
20 School Records, and Plaintiff's deposition.
21

22 **THE COURT FURTHER FINDS** that on February 2, 2010, Defendant filed
23 an Opposition to Plaintiff's Motion to Stay Discovery alleging that such discovery
24 was necessary to completely and fairly conduct the child custody evaluation.

25 **THE COURT FURTHER FINDS** that a Hearing was held on February 3,
26 2010, at which time the Court Ordered that Discovery may be conducted on a limited
27
28

1 basis to obtain school records, obtain records from Dr. Mishalow and Dr. Koladner,
2 and depose Dr. Mishalow as some of his records were illegible.

3 **THE COURT FURTHER FINDS** that on February 16, 2010, Plaintiff filed
4 a Motion to Rehear/Reconsider the Hearing of December 8, 2009, and/or to Clarify
5 the Court's Rulings from that Hearing requesting that the Court rehear or reconsider
6 its Order for an Outsource Evaluation to be conducted by Dr. Paglini as there was no
7 evidence that Mia had been emotionally abused.

8 **THE COURT FURTHER FINDS** that on March 8, 2010, Defendant filed an
9 Opposition to Plaintiff's Motion to Rehear/Reconsider the Hearing of December 8,
10 2009, and Countermotion for Sanctions.

11 **THE COURT FURTHER FINDS** that on April 12, 2010, Plaintiff filed a
12 Reply to Defendant's Opposition to Plaintiff's Motion to Rehear/Reconsider the
13 Hearing of December 8, 2009.

14 **THE COURT FURTHER FINDS** that on April 13, 2010, the Court heard
15 oral argument on Plaintiff's Motion to Rehear/Reconsider the Hearing of December
16 8, 2009, and denied Plaintiff's request for rehearing and reconsideration and refused
17 to modify its Order for an Outsource Evaluation and refused to otherwise limit the
18 scope of Dr. Paglini's assessment. Such Order of the Court was submitted on May 24,
19 2010.

20 **THE COURT FURTHER FINDS** that pursuant to the direction of the Court,
21 Dr. John Paglini performed a Child Custody Evaluation dated April 29, 2010.

22 **THE COURT FURTHER FINDS** that on April 30, 2010, Plaintiff filed a
23 Motion to Rehear/Reconsider the Hearing of February 3, 2010, alleging that the Order
24

1 submitted by Defendant's counsel for the Hearing held on February 3rd included
2 conclusions not found by the Court, that Plaintiff's counsel was not afforded an
3 opportunity to review the Order prior to its submittal, and that Defendant had
4 admitted to non-disclosure of marital assets in Dr. Paglini's Child Custody Evaluation
5 by stating that he had received a \$5 million dollar payment from the end of 2004
6 through the middle of 2007.
7

8 **THE COURT FURTHER FINDS** that on May 3, 2010, Defendant filed a
9 Supplement to Motion to Confirm Parties as Joint Physical Custodians and to Modify
10 Timeshare Arrangement.
11

12 **THE COURT FURTHER FINDS** that on May 5, 2010, Plaintiff filed a
13 Supplement to Countermotion to Set Aside August 7, 2009, Stipulation and Order and
14 Opposition to Defendant's Motion to Confirm Parties as Joint Custodians.
15

16 **THE COURT FURTHER FINDS** that on May 6, 2010, the Court heard oral
17 argument on all pending Motions and Countermotion and, based upon Dr. Paglini's
18 recommendation, the Court determined that there was not a need to conduct an
19 Evidentiary Hearing.
20

21 **THE COURT FURTHER FINDS** that on June 3, 2010, Defendant filed an
22 Opposition to Plaintiff's Motion to Rehear/Reconsider the Hearing of February 3,
23 2010, and Countermotion for Sanctions alleging that Plaintiff's Motion was filed
24 merely to harass Defendant and Plaintiff was well aware of Defendant's financial
25 compensation at the time of divorce as she received a settlement of \$2.2 million,
26 including \$1.8 million in cash.
27
28

1 **THE COURT FURTHER FINDS** that on June 15, 2010, Plaintiff filed a
2 Reply in Support of Plaintiff's Motion to Rehear/Reconsider the Hearing of February
3 3, 2010, and Opposition to Defendant's Countermotion for Sanctions.
4

5 **THE COURT FURTHER FINDS** that on June 18, 2010, Defendant filed a
6 Reply to Opposition to Countermotion for Sanctions.

7 **THE COURT FURTHER FINDS** that on June 22, 2010, the Court held a
8 hearing on Plaintiff's Motion to Rehear/Reconsider the Hearing of February 3, 2010
9 and Defendant's Countermotion for Sanctions and heard argument regarding the
10 language included in the Order from the February 3, 2010 hearing, the need for
11 discovery as to alleged non-disclosed marital assets, Defendant's retirement status,
12 the Wells Fargo loan, Section 5 of the divorce Decree, the Aquila Investment
13 business, the business tax returns, and attorney fees.
14

15 **THE COURT FURTHER FINDS** that after entertaining oral argument on
16 June 22, 2010, the Court denied Plaintiff's request to modify the Order from the
17 hearing held on February 3, 2010; allowed Plaintiff to hire a forensic accountant to
18 review Aquila Investments tax returns for the 2007 and 2008 tax years; found no
19 proof of fraud being perpetrated upon the Court; denied Defendant's request for
20 sanctions; but awarded Defendant attorney fees as the prevailing party.
21

22 **THE COURT FURTHER FINDS** that after Plaintiff contacted Dr. Melissa
23 Kalodner and decided not to have Mia treated by Dr. Kalodner, Defendant brought
24 Mia to Dr. Kalodner for psychological treatment on or about September 11, 2009,
25 without Plaintiff's knowledge or permission.
26
27
28

1 **THE COURT FURTHER FINDS** that Defendant sought treatment for Mia
2 with Dr. Kalodner to address the re-manifestation (Mia's issues as to clothing had
3 commenced in December of 2008) of Mia's issues with clothing (insisting that
4 clothing was too tight, demanding that her clothing be stretched out, refusing to wear
5 clothing unless it was many sizes too big, refusing to wear underwear, refusing to
6 wear her school uniform) and behavior issues relating to Mia's defiant behavior when
7 made to wear clothing, anger outbursts and emotional meltdowns.
8

9 **THE COURT FURTHER FINDS** that Dr. Kalodner noted, in a letter dated
10 December 4, 2009, that Mia made spontaneous statements during treatment sessions,
11 such as:
12

13 a) "I want to spend more time with my dad, but mommy says we can't
14 change the rules".

15 b) "I want to spend more time with my dad, but the judge won't let
16 me"

17 c) "Mommy does not like Amy" (stepmother).

18 d) "Mommy says Amy is bad, but I like her".

19 **THE COURT FURTHER FINDS** that with the knowledge and permission
20 of each parent, Mia was being treated for her clothing and behavior issues by Dr. Joel
21 Mishalow from September 25, 2009, through December of 2009, however, Defendant
22 failed to advise Dr. Mishalow that Mia was also being treated by Dr. Kalodner.

23 **THE COURT FURTHER FINDS** that after being advised of the fact that
24 Mia was being treated by Dr. Kalodner, Dr. Mishalow decided that he no longer
25 wanted to treat Mia given all of the psychological treatment that she had already
26 undergone and due to the many dynamics going on within the family.
27
28

1 **THE COURT FURTHER FINDS** that Kalodner consulted with Dr. Beasley
2
3 pertaining to Mia's treatment issues and Dr. Beasley recommended a referral to the
4 Achievement Therapy Center for assessment as to possible sensory deficit disorder.

5 **THE COURT FURTHER FINDS** that on November 17, 2009, Defendant,
6 without the knowledge or permission of Plaintiff, brought Mia to Dr. Stegen-Hansen,
7 a pediatric occupational therapist, for evaluation as to possible sensory deficit
8 disorder.

9 **THE COURT FURTHER FINDS** that Mia has been receiving treatment at
10 the Achievement Therapy Center since January 2010 and is making excellent
11 progress in treating her clothing and behavioral issues.

12 **THE COURT FURTHER FINDS** that based upon concerns raised by
13 Plaintiff regarding Defendant having an ongoing problem with alcohol abuse, Mr.
14 Stipp was referred to Dr. Michael Levy for an assessment as to alcohol dependence
15 and substance abuse.
16

17 **THE COURT FURTHER FINDS** that after subjecting Defendant to a
18 comprehensive metabolic panel, complete blood count, and a GGTP (a very sensitive
19 test to detect recent use of alcohol), Dr. Levy opined the following:
20

21 a) That the results of the laboratory data recorded no biological
22 markers associated with recent or chronic use of alcohol.

23 b) That based upon the DSM IV criteria for alcohol abuse, there is no
24 data to support that Mr. Stipp currently has a substance abuse problem,
25 or at any time throughout his drinking history, met the clinical criteria
26 for alcohol dependence.

27 **THE COURT FURTHER FINDS** that Dr. Paglini's Child Custody
28 Evaluation, which was based upon extensive clinical interviews, review of discovery

1 documentation, extensive collateral interviews of family and friends, psychological
2 testing of both parents, brief interviews of Mia, home visits and family observations,
3 concluded the following:
4

5 a) That based upon the spontaneous comments made by Mia to Dr.
6 Kalodner, Mia is either hearing negative comments directly from her
7 mother, or overhearing negative comments in her environment and
8 interpreting impressions from her parents, but that such comments,
while inappropriate, do not reach the level of emotional abuse or
alienation as alleged by Defendant.

9 b) That although alcohol usage by Mr. Stipp was a significant relevant
10 issue during the course of their marriage, based upon the evaluation of
11 Dr. Levy and numerous collateral interviews, alcohol usage by Mr.
12 Stipp is not currently a problem as alleged by Plaintiff.

13 c) That the children are very bonded with Plaintiff, Defendant and
14 Amy Stipp.

15 d) That both parents provide excellent care for the children, excellent
16 homes for the children, and are very involved in the children's lives.

17 e) That the children are surrounded by a lot of love, despite an
18 acrimonious post-divorce relationship between the parents.

19 f) That unresolved issues tend to re-emerge during day-to-day
20 communications between the parents and if they are unable to resolve
21 their issues, it is likely that their children will be emotionally affected
22 in the future.

23 g) That if the parents could resolve their issues and co-parent
24 effectively and assist their daughter with frustrations as they emerge in
interpersonal relationships, this will likely resolve Mia's anger issues
without the need for additional therapy.

25 h) That if the parents are not able to resolve their issues, this could
26 create additional difficulties for Mia which could result in her acting
27 out.

28 **THE COURT FURTHER FINDS** that Dr. Paglini's report noted that
Plaintiff feared that if Defendant received more time with the children, that he

1 eventually will request to relocate to Texas to join his former business partner and
2 take the children with him.

3 **THE COURT FURTHER FINDS** that based upon Plaintiff's expressed fear
4 about Defendant's possible relocation in the future, it appears that Plaintiff's
5 opposition to maintaining the joint physical custodian designation at this time is based
6 upon a potential relocation issue and not based upon a concern for best interest of the
7 children.
8

9 **THE COURT FURTHER FINDS** that based upon Dr. Paglini's Child
10 Custody Evaluation in which he found that the children are very bonded with each
11 parent, that both parents provide excellent care for the children, that both parents
12 provide excellent homes for the children, that both parents are very involved in the
13 children's lives, and that the children are surrounded by lots of love in each parental
14 household, it is apparent that joint legal and physical custody is in the best interest of
15 the children.
16

17 **THE COURT FURTHER FINDS** that the fact that the parents have agreed
18 to an award of joint legal and physical custody on two separate occasions as
19 evidenced by the Marital Settlement Agreement (February 20, 2008) and subsequent
20 Stipulation and Order (August 7, 2009), further supports the finding that joint legal
21 and physical custody is in the best interest of the children.
22

23 **THE COURT FURTHER FINDS** that pursuant to Rivero v. Rivero, 216
24 P.3d 213 (Nev. 2009):

25 a) This Court "should calculate the time during which a party has
26 physical custody of a child over one calendar year."
27
28

1 b) That "in calculating the time during which a party has physical
2 custody of the child, the district court should look at the number of
3 days during which a party provided supervision of the child, the child
4 resided with the party, and during which the party made day-to-day
5 decisions regarding the child."

6 c) That a determination of joint physical custody can only be made
7 when each parent has physical custody of the child for at least 40% of
8 the year, which equals 146 days.

9 **THE COURT FURTHER FINDS** that pursuant to the Marital Settlement
10 Agreement entered into by the parties on February 20, 2008, and the Stipulation and
11 Order filed on August 7, 2009, the time-share arrangement leads to the following
12 calculation of time over a calendar year:

13 a) That depending on whether it is an even or odd year, what day of
14 the week the year starts on, and whether or not it is a leap year,
15 Defendant always has between 131 and 134 custodial days per year.

16 b) That depending on whether or not Christian Stipp foregoes her
17 visitation for Martin Luther King Day, President's Day, Memorial Day
18 and/or Labor Day, and whether it is an even or odd year, Defendant
19 may have an additional 8 days of custody per year.

20 c) That depending on whether Plaintiff's and Defendant's birthday fall
21 on one of their custodial days, and whether they request to have
22 custody of the children on their birthday, Defendant may have an
23 additional day of custody per year.

24 **THE COURT FURTHER FINDS** that based upon the current time-share
25 agreement, Defendant has a minimum of 131 days of physical custody per year with a
26 maximum amount of 143 days per year depending upon whether Plaintiff decides to
27 forego her holiday visitations (MLK Day, President's Day, Memorial Day, and/or
28 Labor Day), which would fall a few days short of the 40% time-share requirement
mandated by Rivero.

1 **THE COURT FURTHER FINDS** that assuming that a joint physical
2 custody arrangement does not currently exist, the following facts evidence a
3 substantial change in circumstances affecting the welfare of the children supporting a
4 change in custody to joint physical custody:
5

6 a) Mia's re-manifestation of issues with clothing; namely, insisting
7 that clothing was too tight, demanding that her clothing be stretched
8 out, refusing to wear clothing unless it was many sizes too big,
9 refusing to wear underwear, refusing to wear her school uniform;
behavior issues relating to her defiant behavior when made to wear
clothing, anger outbursts and emotional meltdowns.

10 b) The need for Mia to undergo extensive psychological treatment
11 from Dr. Kalodner, Dr. Mishalow, Dr. Stegen-Hansen, and the
12 ongoing sensory deficit processing treatment being provided by the
Achievement Therapy Center.

13 c) The spontaneous statements made by Mia to Dr. Kalodner
14 indicating that she wanted to spend more time with her dad but her
mommy or the judge wouldn't let her.

15 d) The parties' extremely litigious nature resulting in the children
16 becoming embroiled in the proceedings as evidenced by Mia's
17 spontaneous statements to Dr. Kalodner indicating that Plaintiff
doesn't like Amy and that Amy is bad.

18 e) Dr. Paglini's report reflecting that the parents have unresolved
19 issues that tend to re-emerge and that if they are unable to resolve their
20 issues, it is likely that their children will be emotionally affected in the
future.

21 **THE COURT FURTHER FINDS** that in the best interest of the children,
22 Defendant should be awarded additional time-share consisting of the Friday
23 proceeding the third weekend of each month, commencing at 9:00 a.m. instead of
24 6:00 p.m. as currently provided for in the Stipulation and Order filed on August 7,
25 2009.
26
27
28

1 **THE COURT FURTHER FINDS** that awarding the Defendant the
2 additional custodial time equates to an additional 12 days of custody per year as the
3 Defendant will have the responsibility of making the day-to-day decisions for the
4 children on the Fridays preceding the third weekend of each month.
5

6 **THE COURT FURTHER FINDS** that after being awarded an additional 12
7 days of custody per year, the Defendant will have between 143 and 146 days of
8 custody every year and may have up to 155 days of custody per year depending upon
9 whether Plaintiff decides to forego her holiday visitations.
10

11 **THE COURT FURTHER FINDS** that under the applicable law in *Rivero*,
12 these parties have been motivated to calculate the physical custodial days of the year
13 instead of "calculating" a custodial time-share that is best interest of their minor
14 children.
15

16 **THE COURT FURTHER FINDS** that the parties are very intelligent, highly
17 educated lawyers whose children would be better served by the parties resolving their
18 issues between themselves without the need for legal and/or therapeutic intervention.
19

20 //

21 //

22 //

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24 //

25 //

26 //

27 //

28


FRANK R. SULLIVAN
DISTRICT JUDGE

FAMILY DIVISION, DEPT. O
LAS VEGAS NV 89101

THEREFORE, IT IS HEREBY ORDERED that Defendant is awarded additional time-share consisting of the Friday proceeding every third weekend of each month commencing at 9:00 a.m. instead of at 6:00 p.m. as currently provided for in the Stipulation and Order filed on August 7, 2009.

IT IS FURTHER ORDERED that the parties will continue to be designated as joint legal and joint physical custodians.

Dated this 4th day of November, 2010


Frank P. Sullivan
District Court Judge
Dept. O

1 ORDR
2
3

FILED

Nov 4 5 31 PM '10

4 DISTRICT COURT
5 CLARK COUNTY, NEVADA
6

CLERK COURT

7 CHRISTINA STIPP,)
8)

Plaintiff,)

CASE NO. D-08-389203-Z

9 vs.)

DEPT. NO. O

10 MITCHELL STIPP,)
11)

Defendant.)
12)

13 NOTICE OF ENTRY OF ORDER
14


To:

15 Patricia Vaccarino, Esq.
16 8861 W. Sahara Ave. #210
17 Las Vegas, NV 89117

Radford Smith, Esq.
64 N. Pecos Rd. #700
Henderson, NV 89074

18 PLEASE TAKE NOTICE that an Order from the May 6, 2010 hearing was
19 duly entered in the above-referenced case on the 4th day of November, 2010.
20

21 Dated this 4th day of November, 2010.
22

23 
24 Randall Forman, Esq.
25 Law Clerk
26 Department O
27
28

FRANK R. SULLIVAN
DISTRICT JUDGE

FAMILY DIVISION, DEPT. O
LAS VEGAS NV 89101

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition

COURT MINUTES

February 24, 2009

D-08-389203-Z

In the Matter of the Joint Petition for Divorce of:
Mitchell David Stipp and Christina Calderon Stipp, Petitioners.

February 24, 2009 1:30 PM

All Pending Motions

HEARD BY: Sullivan, Frank P.

COURTROOM:

COURT CLERK:

PARTIES:

Christina Stipp, Petitioner,
present
Ethan Stipp, Subject Minor, not
present
Mia Stipp, Subject Minor, not
present
Mitchell Stipp, Petitioner,
present

James Jimmerson, Attorney,
present

Radford Smith, Attorney,
present

JOURNAL ENTRIES

- CHRISTINA CALDERON-STIPP'S MOTION CONFIRMING PLAINTIFF AS THE DE JURE PRIMARY PHYSICAL CUSTODIAN OF THE MINOR CHILDREN, FOR MODIFICATION OF THE DECREE OF DIVORCE REGARDING CHILD CUSTODY, VISITATION, AND OTHER PARENT/CHILD ISSUES, FOR DEFENDANT REIMBURSEMENT OF ONE-HALF OF THE CHILDREN'S MEDICAL COSTS, FOR MEDIATION REGARDING DISPUTE OVER DIVIDING THE MINOR CHILDREN'S EDUCATION AND OTHER COSTS, AND FOR ATTORNEY FEES AND COSTS...DEFENDANT'S OPPOSITION AND COUNTERMOTION TO STRIKE INADMISSIBLE EVIDENCE FROM PLAINTIFF'S MOTION AND AFFIDAVITS ATTACHED THERETO; TO RESOLVE PARENT/CHILD ISSUES; FOR A TEMPORARY PROTECTIVE ORDER ADDRESSING PLAINTIFF'S HARASSMENT OF DEFENDANT AND FOR SANCTIONS AND ATTORNEY FEES

PRINT DATE:	12/22/2010
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Page 1 of 25

Minutes Date:

February 24, 2009

Also Present: Deniece Lopez

Mr. Jimmerson requested a closed hearing as Mr. Stipp's present wife was in the courtroom. Court DENIED the request.

Mr. Jimmerson provided copies of Exhibits to the Court regarding the Motion.

Arguments regarding the Motions and Countermotions.

Parties STIPULATED Plaintiff will pay the uncovered medical bill in the amount of \$326.35. COURT SO ORDERED.

COURT FURTHER ORDERED:

All Motions and Countermotions are DENIED.

Each Party shall bear their own ATTORNEY FEES.

Mr. Smith shall prepare the Order.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: February 24, 2009 10:00 AM Motion

Canceled: February 24, 2009 1:30 PM Motion

Canceled: February 24, 2009 10:00 AM Motion

Canceled: February 24, 2009 1:30 PM Motion

Canceled: February 24, 2009 1:30 PM Motion

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Letter
Sullivan, Frank P.*

Canceled: February 24, 2009 10:00 AM Opposition & Countermotion

Canceled: February 24, 2009 1:30 PM Opposition & Countermotion

Canceled: May 28, 2009 9:00 AM Motion to Reconsider

Canceled: July 02, 2009 10:00 AM Motion

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated
Courtroom 05
Sullivan, Frank P.*

Canceled: August 07, 2009 11:00 AM Return Hearing

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - Moot
Thompson, Charles
Courtroom 05
Parr, Lori*

Canceled: October 27, 2009 2:00 PM Evidentiary Hearing

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated
Courtroom 05
Sullivan, Frank P.*

Canceled: March 09, 2010 11:00 AM Return Hearing

Canceled: March 09, 2010 9:00 AM Motion to Stay

Canceled: March 09, 2010 11:00 AM Motion

Canceled: March 18, 2010 10:00 AM Motion

Canceled: April 13, 2010 11:00 AM Return Hearing

Canceled: May 06, 2010 2:00 PM Evidentiary Hearing

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated
Courtroom 05
Sullivan, Frank P.*

Canceled: January 11, 2011 2:30 PM Return Hearing

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per
Judge
RJC Courtroom 10B
Potter, William
Estes, Sherri*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition

COURT MINUTES

June 04, 2009

D-08-389203-Z

In the Matter of the Joint Petition for Divorce of:
Mitchell David Stipp and Christina Calderon Stipp, Petitioners.

June 04, 2009

9:00 AM

Motion to Reconsider

**Mitchell Stipp's
Motion for
Reconsideration,
Rehearing or in the
Alternative to Modify
Joint Timeshare**

HEARD BY: Sullivan, Frank P.

COURTROOM: Courtroom 05

COURT CLERK: Lori Parr

PARTIES:

Christina Stipp, Petitioner,
present
Ethan Stipp, Subject Minor, not
present
Mia Stipp, Subject Minor, not
present
Mitchell Stipp, Petitioner,
present

James Jimmerson, Attorney,
present

Radford Smith, Attorney,
present

JOURNAL ENTRIES

- Atty Shawn Goldstein also present on behalf of Petitioner, Mitchell Stipp (Mitchell).

Petitioners sworn and testified.

Following argument, COURT ORDERED the following:

PRINT DATE: 12/22/2010

Page 4 of 25

Minutes Date:

February 24, 2009

1) Parties REFERRED to Family Mediation Center (FMC) for mediation. Parties may attend private mediation and shall equally divide the cost. Parties shall address in mediation additional time for the children and Mitchell. Counsel may also meet and confer and agree on the additional time. A return hearing is set.

2) Parties shall give fifteen (15) days notice in writing when they are taking the children out of the State of Nevada.

3) An Evidentiary Hearing is set with regard to custody.

4) Christina Stipp's (Christina) Motion to Continue scheduled for 7/2/09 at 10:00 am is VACATED.

This Minute Order shall suffice as the Order of the Court. No additional Order is required.

8/7/09 11:00 AM RETURN: FMC (Mediation)

10/27/09 2:00 PM EVIDENTIARY HEARING

INTERIM CONDITIONS:

FUTURE HEARINGS:

*Canceled: July 02, 2009 10:00 AM Motion
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated
Courtroom 05
Sullivan, Frank P.*

*Canceled: August 07, 2009 11:00 AM Return Hearing
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - Moot
Thompson, Charles
Courtroom 05
Parr, Lori*

*Canceled: October 27, 2009 2:00 PM Evidentiary Hearing
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated
Courtroom 05
Sullivan, Frank P.*

Canceled: March 09, 2010 11:00 AM Return Hearing

Canceled: March 09, 2010 9:00 AM Motion to Stay

Canceled: March 09, 2010 11:00 AM Motion

Canceled: March 18, 2010 10:00 AM Motion

Canceled: April 13, 2010 11:00 AM Return Hearing

*Canceled: May 06, 2010 2:00 PM Evidentiary Hearing
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated
Courtroom 05
Sullivan, Frank P.*

*Canceled: January 11, 2011 2:30 PM Return Hearing
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per
Judge
RJC Courtroom 10B
Potter, William
Estes, Sherri*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition

COURT MINUTES

July 23, 2009

D-08-389203-Z

In the Matter of the Joint Petition for Divorce of:

Mitchell David Stipp and Christina Calderon Stipp, Petitioners.

July 23, 2009

9:00 AM

**Motion for Order to Show
Cause**

**Mitchell Stipp's
Motion for an Order to
Show Cause**

HEARD BY: Sullivan, Frank P.

COURTROOM: Courtroom 05

COURT CLERK: Lori Parr

PARTIES:

Christina Stipp, Petitioner, not
present

Patricia Vaccarino, Attorney,
not present

Ethan Stipp, Subject Minor, not
present

Mia Stipp, Subject Minor, not
present

Mitchell Stipp, Petitioner, not
present

Radford Smith, Attorney, not
present

JOURNAL ENTRIES

- Prior to Court, counsel submitted a Stipulation and Order resolving the issue.

COURT ORDERED, MATTER OFF CALENDAR.

INTERIM CONDITIONS:

PRINT DATE:	12/22/2010	Page 7 of 25	Minutes Date:	February 24, 2009
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FUTURE HEARINGS:

*Canceled: August 07, 2009 11:00 AM Return Hearing
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - Moot
Thompson, Charles
Courtroom 05
Parr, Lori*

*Canceled: October 27, 2009 2:00 PM Evidentiary Hearing
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated
Courtroom 05
Sullivan, Frank P.*

Canceled: March 09, 2010 11:00 AM Return Hearing

Canceled: March 09, 2010 9:00 AM Motion to Stay

Canceled: March 09, 2010 11:00 AM Motion

Canceled: March 18, 2010 10:00 AM Motion

Canceled: April 13, 2010 11:00 AM Return Hearing

*Canceled: May 06, 2010 2:00 PM Evidentiary Hearing
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated
Courtroom 05
Sullivan, Frank P.*

*Canceled: January 11, 2011 2:30 PM Return Hearing
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per
Judge
RJC Courtroom 10B
Potter, William
Estes, Sherri*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition

COURT MINUTES

December 08, 2009

D-08-389203-Z

In the Matter of the Joint Petition for Divorce of:
Mitchell David Stipp and Christina Calderon Stipp, Petitioners.

December 08, 2009 10:00 AM

All Pending Motions

HEARD BY: Sullivan, Frank P.

COURTROOM: Courtroom 05

COURT CLERK: Lori Parr

PARTIES:

Christina Stipp, Petitioner, Pro Se
present

Ethan Stipp, Subject Minor, not
present

Mia Stipp, Subject Minor, not
present

Mitchell Stipp, Petitioner, Radford Smith, Attorney,
present present

JOURNAL ENTRIES

- MITCHELL STEP S MOTION TO CONFIRM PARTIES AS JOINT PHYSICAL CUSTODIANS AND TO MODIFY TIMESHARE ARRANGEMENT...CHRISTINA STIPP'S OPPOSITION AND COUNTERMOTION TO SET ASIDE AUGUST 7, 2009 STIPULATION AND ORDER, GRANT DISCOVERY, PARTITION UNDISCLOSED MARITAL ASSETS AND SANCTIONS

Petitioner's sworn and testified.

Following argument, COURT ORDERED as follows:

1) Parties REFERRED to Dr. Paglini for an Outsource Custody Evaluation with recommendations. A

return hearing is set. Dad shall pay for the evaluation, and if the report comes back negative toward Mom, she will be required to reimburse Dad the amount paid.

- 2) An Evidentiary Hearing is set with regard to the request to change or modify custody, which will be based upon the evaluation.
- 3) Court advised the parties need to work together in obtaining a therapist for Mia. If they cannot work together, they may obtain their own therapist.
- 4) Dad's request for additional visitation is DENIED.
- 5) All prior Orders REMAIN in FULL FORCE and EFFECT.
- 6) Each party shall bear their own ATTORNEYS FEES.
- 7) Court will review the Countermotion and Reply regarding the partition of omitted assets and will issue a separate Order regarding this issue.

Atty Smith shall prepare the Order; Mom shall sign off.

3/9/10 11:00 AM RETURN: OUTSOURCE CUSTODY EVALUATION (DR. PAGLINI)

5/6/10 2:00 PM EVIDENTIARY HEARING RE: CHANGE OF CUSTODY

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: March 09, 2010 11:00 AM Return Hearing

Canceled: March 09, 2010 9:00 AM Motion to Stay

Canceled: March 09, 2010 11:00 AM Motion

Canceled: March 18, 2010 10:00 AM Motion

Canceled: April 13, 2010 11:00 AM Return Hearing

Canceled: May 06, 2010 2:00 PM Evidentiary Hearing

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated
Courtroom 05
Sullivan, Frank P.*

Canceled: January 11, 2011 2:30 PM Return Hearing

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per
Judge*

PRINT DATE:	12/22/2010	Page 10 of 25	Minutes Date:	February 24, 2009
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D-08-389203-Z

*RJC Courtroom 10B
Potter, William
Estes, Sherri*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition

COURT MINUTES

February 03, 2010

D-08-389203-Z In the Matter of the Joint Petition for Divorce of:
Mitchell David Stipp and Christina Calderon Stipp, Petitioners.

February 03, 2010 10:00 AM

Motion to Stay

**CHRISTINA STIPP'S
MOTION TO STAY
DISCOVERY**

HEARD BY: Sullivan, Frank P.

COURTROOM: Courtroom 05

COURT CLERK: Lori Parr

PARTIES:

Christina Stipp, Petitioner,
present
Ethan Stipp, Subject Minor, not
present
Mia Stipp, Subject Minor, not
present
Mitchell Stipp, Petitioner,
present

Donn Prokopius, Attorney,
present

Radford Smith, Attorney,
present

JOURNAL ENTRIES

- Following argument, COURT ORDERED as follows:

- 1) Discovery may be conducted on the limited purpose to obtain school records, information from Dr. Mishalow and information from Dr. Koladner.
- 2) Depositions of the parties and request for interrogatories are not to be conducted at this time. Court may order further discovery at the return hearing from Dr. Paglini.

PRINT DATE: 12/22/2010

Page 12 of 25

Minutes Date:

February 24, 2009

3) Court advised it is inclined to deny Christina Stipp's request to partition for omitted assets. Counsel may review the tax returns in chambers. Atty Smith shall prepare a confidentiality agreement.

4) Atty Smith may conduct a deposition of Dr. Mishalow only, as his records were illegible.

Atty Smith shall prepare the Order; Atty Prokopius shall sign off.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: March 09, 2010 11:00 AM Return Hearing

Canceled: March 09, 2010 9:00 AM Motion to Stay

Canceled: March 09, 2010 11:00 AM Motion

Canceled: March 18, 2010 10:00 AM Motion

Canceled: April 13, 2010 11:00 AM Return Hearing

Canceled: May 06, 2010 2:00 PM Evidentiary Hearing

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated
Courtroom 05
Sullivan, Frank P.*

Canceled: January 11, 2011 2:30 PM Return Hearing

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per
Judge
RJC Courtroom 10B
Potter, William
Estes, Sherri*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition

COURT MINUTES

April 13, 2010

D-08-389203-Z

In the Matter of the Joint Petition for Divorce of:
Mitchell David Stipp and Christina Calderon Stipp, Petitioners.

April 13, 2010

11:00 AM

All Pending Motions

HEARD BY: Sullivan, Frank P.

COURTROOM: Courtroom 05

COURT CLERK: Frances Barry-Singer

PARTIES:

Christina Stipp, Petitioner,
present
Ethan Stipp, Subject Minor, not
present
Mia Stipp, Subject Minor, not
present
Mitchell Stipp, Petitioner,
present

Donn Prokopius, Attorney,
present

Radford Smith, Attorney,
present

JOURNAL ENTRIES

- Also present:
Victoria Pott, Court Clerk Trainee

CHRISTINA STIPP'S MOTION TO REHEAR/RECONSIDER THE HEARING OF 12/8/09; AND/OR
TO CLARIFY THE COURT'S RULINGS FROM THAT HEARING AND FOR PLAINTIFF'S
ATTORNEY FEES...MITCHELL STIPP'S OPPOSITION AND COUNTERMOTION FOR SANCTIONS
UNDER EDCR 7.60

Arguments regarding the parties using two counselor's for the minor child; Letter composed by
parties for doctor's signatures to be submitted to court.

PRINT DATE: 12/22/2010

Page 14 of 25

Minutes Date:

February 24, 2009

COLLOQUY BY COURT regarding his reasoning behind his Rulings from hearing of 12/8/09.

COURT ORDERED Christina Stipp's Motion to Rehear/Reconsider is DENIED. Mr. Stipp's Countermotion for Sanctions Under EDCR 7.60 is DENIED AT THIS TIME. FURTHER,

1) The EVIDENTIARY HEARING previously set for 5/6/10 is VACATED and another Trial date will be set, if needed, at the Return Hearing previously set on 5/6/10 AT 2:00 PM for the Custody Evaluation Report, from Dr. Paglini.

2) There will be no more Therapist at this time, if needed at a later date another Therapist will be agreed upon before going forward.

3) The Marital Settlement Agreement WILL CONTROL.

Mr. Smith to prepare the Order from today's hearing. Mr. Prokopius to review and sign off.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: April 13, 2010 11:00 AM Return Hearing

Canceled: May 06, 2010 2:00 PM Evidentiary Hearing

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated
Courtroom 05
Sullivan, Frank P.*

Canceled: January 11, 2011 2:30 PM Return Hearing

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per
Judge
RJC Courtroom 10B
Potter, William
Estes, Sherri*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition

COURT MINUTES

May 06, 2010

D-08-389203-Z

In the Matter of the Joint Petition for Divorce of:
Mitchell David Stipp and Christina Calderon Stipp, Petitioners.

May 06, 2010

2:00 PM

Return Hearing

**Re: Outsource Custody
Evaluation (Dr.
Paglini)**

HEARD BY: Sullivan, Frank P.

COURTROOM: Courtroom 05

COURT CLERK: Lori Parr

PARTIES:

Christina Stipp, Petitioner,
present
Ethan Stipp, Subject Minor, not
present
Mia Stipp, Subject Minor, not
present
Mitchell Stipp, Petitioner,
present

Donn Prokopius, Attorney,
present

Radford Smith, Attorney,
present

JOURNAL ENTRIES

- Court reviewed Dr. Paglini's Report.

Following argument, COURT ORDERED, it will review the Supplemental Pleadings filed by counsel, and will file a Written Decision.

UNDER ADVISEMENT.

INTERIM CONDITIONS:

FUTURE HEARINGS:

*Canceled: May 06, 2010 2:00 PM Evidentiary Hearing
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated
Courtroom 05
Sullivan, Frank P.*

*Canceled: January 11, 2011 2:30 PM Return Hearing
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per
Judge
RJC Courtroom 10B
Potter, William
Estes, Sherri*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition

COURT MINUTES

June 22, 2010

D-08-389203-Z In the Matter of the Joint Petition for Divorce of:
Mitchell David Stipp and Christina Calderon Stipp, Petitioners.

June 22, 2010 10:00 AM All Pending Motions

HEARD BY: Sullivan, Frank P. **COURTROOM:** Courtroom 05

COURT CLERK: Tiffany Skaggs

PARTIES:

Christina Stipp, Petitioner, present	Donn Prokopius, Attorney, present
Ethan Stipp, Subject Minor, not present	
Mia Stipp, Subject Minor, not present	
Mitchell Stipp, Petitioner, present	Radford Smith, Attorney, present

JOURNAL ENTRIES

- CHRISTINA STIPP'S MOTION TO REHEAR/RECONSIDER THE HEARING OF 2/3/10; AND/OR TO CLARIFY THE COURT'S RULINGS FROM THAT HEARING; FOR PLAINTIFF'S ATTORNEY FEES...DEFENDANT'S OPPOSITION AND COUNTERMOTION FOR SANCTIONS UNDER EDCR 7.60

Attorney Prokopius requested a CLOSED HEARING, which was DENIED by the Court.

Attorney Prokopius stated he received the Countermotion late Friday night, and has not had an opportunity to review and reply.

Arguments regarding the language of the 2/3/10 Order, the need for Discovery, the Defendant's statement regarding he has retired, the Wells Fargo loan, Section 5 in the Divorce Decree, the Aquila Investment business, the business's tax returns and attorney fees.

COURT stated FINDINGS and ORDERED:

1. The Plaintiff shall be ALLOWED to HIRE a FORENSIC CPA or ACCOUNTANT to REVIEW the 2007 / 2008 TAX RETURNS for AQUILA INVESTMENTS.
2. The ORDER, from the 2/3/10 hearing, REMAINS in EFFECT.
3. As the Court FOUND NO ISSUE of FRAUD UP THE COURT, the Defendant's MOTION for SANCTIONS shall be DENIED.
4. The Defendant shall be AWARDED ATTORNEY FEES.
5. Attorney Smith shall FILE a MEMORANDUM of ATTORNEY COST and FEES within ten (10) days of today's date (6/22/10).

Attorney Smith shall prepare an Order from today's hearing; attorney Prokopius shall review and sign within ten (10) days of receipt.

INTERIM CONDITIONS:

FUTURE HEARINGS:

*Canceled: January 11, 2011 2:30 PM Return Hearing
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per
Judge
RJC Courtroom 10B
Potter, William
Estes, Sherri*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition

COURT MINUTES

October 06, 2010

D-08-389203-Z

In the Matter of the Joint Petition for Divorce of:
Mitchell David Stipp and Christina Calderon Stipp, Petitioners.

October 06, 2010 2:00 PM

All Pending Motions

HEARD BY: Potter, William

COURTROOM: RJC Courtroom 10B

COURT CLERK: Sherri Estes

PARTIES:

Christina Stipp, Petitioner,
present
Ethan Stipp, Subject Minor, not
present
Mia Stipp, Subject Minor, not
present
Mitchell Stipp, Petitioner,
present

Patricia Vaccarino, Attorney,
present

Radford Smith, Attorney,
present

JOURNAL ENTRIES

-- PLAINTIFF'S MOTION FOR ORDER TO SHOW CAUSE WHY DEFENDANT SHOULD NOT BE HELD IN CONTEMPT FOR WILLFUL VIOLATIONS OF COURT ORDERS; TO RESOLVE PARENT/CHILD ISSUES; FOR THE APPOINTMENT OF A PARENTING COORDINATOR; FOR OTHER RELATED RELIEF AND FOR ATTORNEY FEES, COSTS AND SANCTIONS...DEFENDANT'S OPPOSITION AND COUNTERMOTION FOR SOLE DECISION-MAKING AUTHORITY REGARDING HEALTHCARE DECISIONS AFFECTING THE CHILDREN, FOR ATTORNEY'S FEES, COSTS AND SANCTIONS AGAINST PLAINTIFF AND PATRICIA VACCARINO, ESQ.

At the request of Mr. Smith, COURT ORDERED a CLOSED HEARING.

PRINT DATE: 12/22/2010

Page 20 of 25

Minutes Date:

February 24, 2009

COURT NOTED that Judge Sullivan has an issue under advisement and the order has not been issued at this time which may or may not make any argument today moot. This Court believes there is one issue that was not brought up with Judge Sullivan and this Court is unsure to what extent that he has knowledge or heard evidence regarding the youngest child Ethan as to the alleged molestation. Ms. Vaccarino represented that all issues are post Judge Sullivan relating to the custodial issues.

Ms. Vaccarino is requesting a parenting coordinator and health care for Mia; Ms. Vaccarino is requesting a diagnosis for their daughter regarding her OCD and/or the possibility of a Bipolar disorder.

Arguments. COURT ORDERED the following:

The Court provided the parties with an OUTSOURCE EVALUATION SERVICE referral to appoint Gary Lenkeit as a parenting coordinator. The parties shall equally bear the cost of this service. Return date set for 1/4/11. In addition, the parties are required to attend a co-parenting class either through UNLV or they can take the class offered by Dr. Jack Cathey. The Court is not requiring that they attend together, but will require they file a Completion Certificate with the Court.

Ms. Vaccarino requested an order to allow Child Find to proceed with the remainder of their evaluation; the request is on hold until the return date to allow Judge Sullivan to prepare his decision.

As for Mia's health care issues, if in 90 day the parties can not make any decision on their own; and if the issue is continuing to be brought to the Court's attention then this Court will determine at that time which doctor the child needs to see.

All other issues including attorney's fees shall be reserved for the return date.

At this time, Plaintiff's motion is DENIED IN PART.

Mr. Smith shall prepare the order, Ms. Vaccarino to review and sign off.

1/4/11 2:30 P.M. RETURN: OUTSOURCED PARENTING COORDINATOR REPORT

INTERIM CONDITIONS:

FUTURE HEARINGS:

*Canceled: January 11, 2011 2:30 PM Return Hearing
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

PRINT DATE:	12/22/2010	Page 21 of 25	Minutes Date:	February 24, 2009
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D-08-389203-Z

*RJC Courtroom 10B
Potter, William
Estes, Sherri*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition

COURT MINUTES

December 01, 2010

D-08-389203-Z

In the Matter of the Joint Petition for Divorce of:
Mitchell David Stipp and Christina Calderon Stipp, Petitioners.

December 01, 2010 2:00 PM

All Pending Motions

HEARD BY: Potter, William

COURTROOM: RJC Courtroom 10B

COURT CLERK: Sherri Estes

PARTIES:

Christina Stipp, Petitioner,
present
Ethan Stipp, Subject Minor, not
present
Mia Stipp, Subject Minor, not
present
Mitchell Stipp, Petitioner,
present

Patricia Vaccarino, Attorney,
present

Radford Smith, Attorney,
present

JOURNAL ENTRIES

-- CHRISTINA STIPP'S MOTION FOR NEW TRIAL TO AMEND FINDINGS AND/OR FOR RESCISSION, RECONSIDERATION, MODIFICATION AND/OR STAY OF ORDER FILED ON October 13, 2010, AND ALLOWING PLAINTIFF IMMEDIATE ACCESS TO DEFENDANT'S TAX RECORDS AS PREVIOUSLY ORDERED, AND TO COMPEL DEFENDANT TO COOPERATE IN COMMENCING SESSIONS WITH THE PARENTING COORDINATOR AND FOR ATTORNEY'S FEES AND COSTS...MITCHELL STIPP'S OPPOSITION AND COUNTERMOTION FOR AWARD OF ATTORNEY'S FEES AND COSTS AND SANCTIONS

Mr. Smith requested a CLOSED HEARING, COURT SO ORDERED. Also present with Mr. Smith at Defendant's table is his assistant, Amy Wolf. Upon the Court's inquiry, both counsels have reviewed

PRINT DATE:	12/22/2010	Page 23 of 25	Minutes Date:	February 24, 2009
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the orders from the May 6th and the June 22nd hearings.

Arguments. COURT ORDERED the following:

As for Dr. Lenkeit, the Court specifically stated he was not being appointed as a Master, therefore, if Dr. Lenkeit requests any pleading and/or reports his request will be GRANTED and both counsel shall provide him with same.

Ms. Vaccarino's request for Attorney's fees from the October 5, 2010 and any other additional fees for this hearing today (12/1/10) are hereby DENIED. The previously awarded amount of \$4,590.00 by Judge Sullivan is hereby REDUCED TO JUDGMENT collectable by any means if not paid in full within 60 days per of Judge Sullivan's order.

Regarding a doctor for Mia, the parties will attempt to work out this issue with Dr. Lenkeit; the Court will not entertain another motion regarding this issue in no less than 90 days.

The no contact request with Cody is DENIED. The request for counseling for Ethan is DENIED. The request for an Order to Show Cause is DENIED. The request for a new trial is DENIED. The request to amend findings is DENIED. The request for rescission, reconsideration, modification and/or stay of order filed October 13, 2010 is DENIED. The request to compel Defendant to cooperate in commencing sessions with the Parenting Coordinator is DENIED.

Allowing Plaintiff immediate access to Defendant s tax records as previously ordered is GRANTED. As for the tax records for Aquila (no longer in business) it appears that Judge Sullivan did intend that the taxes for 2007 and 2008 were to be reviewed by a tax expert. Ms. Vaccarino is permitted to hire her expert and that expert will be given access but must sign a non confidentiality disclosure agreement; Plaintiff and Ms. Vaccarino must also sign same disclosure. This Court for the record has not authority to compel Aquila to do anything. Ms. Vaccarino has authorization to obtain the documents from Aquila through discovery; Ms. Vaccarino is entitled to the documents STRICTLY for 2007 and 2008.

Ms. Vaccarino can file an Ex Parte order to amend the last order if she feels there are portions of the order that needs to be corrected.

If the Court does not feel the next motion is of legal authority, the Court will sanction and award attorney's fees.

The return date set for 1/11/11 regarding the outsourced parenting coordinator is VACATED. If there are problems that arise, the Court directed counsel to file a motion.

Ms. Vaccarino shall prepare the order, Mr. Smith to review and sign off.

CASE CLOSED

PRINT DATE:	12/22/2010	Page 24 of 25	Minutes Date:	February 24, 2009
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INTERIM CONDITIONS:

FUTURE HEARINGS:

*Canceled: January 11, 2011 2:30 PM Return Hearing
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per
Judge
RJC Courtroom 10B
Potter, William
Estes, Sherri*



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT



RADFORD J. SMITH, CHARTERED
64 N. PECOS RD., SUITE 700
HENDERSON, NV 89074

DATE: December 22, 2010
CASE: 08D389203

RE CASE: CHRISTINA CALDERON STIPP vs. MITCHELL DAVID STIPP

NOTICE OF APPEAL FILED: December 15, 2010

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS NOT TRANSMITTED HAVE BEEN MARKED:

- ☐ \$250 – Supreme Court Filing Fee
 - 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
- ☒ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

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 (e) 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.

Certification of Copy

State of Nevada } **SS:**
County of Clark }

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):

NOTICE OF CROSS-APPEAL; DISTRICT COURT DOCKET ENTRIES;
CIVIL COVER SHEET; ORDER; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES;
NOTICE OF DEFICIENCY

CHRISTINA CALDERON STIPP,

Plaintiff(s),

VS.

MITCHELL DAVID STIPP,

Defendant(s),

Case No: 08D389203

Dept No: M

SEALED

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 December 2010.

Steven D. Grierson, Clerk of the Court

Heather Ungermann
Heather Ungermann, Deputy Clerk