

MEHMET SAIT KAR,

Appellant,

vs.

KATHLEEN A. KAR,

Respondent.

Sup. Ct. No.:
Dist. Ct. No.:
JOINT APPENDIX

Docket 65985 Document 2015-17561

TABLE OF CONTENTS

Title of Document	Starting Page
Transcript of Hearing May 22, 2014	1
Appellant's Motion to Hold Mother In Contempt.....	15
Respondent's Opposition to Motion to Hold Mother in Contempt.....	30
Appellant's Reply to Opposition to Motion to Hold Mother in Contempt.	63
Minutes from May 22, 2014 Hearing.....	70
Order from May 22, 2014 Hearing.....	72
Notice of Entry of Order from May 22, 2014 Hearing.....	74

FILED

AUG 22 2014

[Signature]
CLERK OF COURT

1 TRANS

2
3 ORIGINAL

4
5 EIGHTH JUDICIAL DISTRICT COURT

6 FAMILY DIVISION

7 CLARK COUNTY, NEVADA

8 In the Matter of) CASE NO. D-11-441849-Z
9 the Joint Petition)
10 for Divorce of,) DEPT. P
11 KATHLEEN A. KAR and)
12 MEHMET SAIT KAR,)
13 Petitioners.)

14 BEFORE THE HONORABLE SANDRA POMRENZE, DISTRICT COURT JUDGE

15
16 TRANSCRIPT RE: ALL PENDING MOTIONS

17 THURSDAY, MAY 22, 2014
18
19
20
21
22
23
24

1 APPEARANCES:

2 The Petitioner: KATHLEEN A. KAR (Not present)
3 For the Petitioner
4 Kathleen Kar: JASON P. STOFFELL, ESQ.
5 Roberts Stoffell Family Law Center
6 2011 Pinto Lane, #100
7 Las Vegas, Nevada 89106
8 (702) 474-7007

9 The Petitioner: MEHMET SAIT KAR (Not present)
10 For the Petitioner
11 Mehmet Kar: AMBER ROBINSON, ESQ.
12 Robinson Law Group
13 1771 E. Flamingo Rd., Ste 114B
14 Las Vegas, Nevada 89119
15 (702) 524-2671

1 LAS VEGAS, NEVADA

THURSDAY, MAY 22, 2014

2 P R O C E E D I N G S

3 (THE PROCEEDING BEGAN AT 09:59:03.)

4 THE COURT: D441849, Kar versus Kar.

5 Counsel, please state your names and bar numbers for
6 the record.

7 MR. STOFFEL: Jason Stoffel, Bar Number 8898, on behalf
8 of Plaintiff, Kathleen Kar, not present. She's on active
9 military service in the United Kingdom.

10 MS. ROBINSON: Good morning, Your Honor.

11 Amber Robinson, Bar Number 10731, unbundled today on
12 behalf of Mehmet Kar.

13 And, Your Honor, he does live in Turkey. And I know
14 that the Court will not call long distance. But I have him on
15 standby on e-mail. He is willing to call in.

16 THE COURT: Here's my question. How do I have
17 jurisdiction?

18 MS. ROBINSON: Well, I believe that you have continuing
19 active juri -- jurisdiction because she is a military member.

20 THE COURT: But she had a permanent reassignment. It
21 wasn't a temporary, and that means she moved. That means she
22 literally moved, and that's the problem. Had it been a
23 temporary assignment and the paperwork would reflect that,
24 then I would -- I -- you could make that argument; and I would

1 agree.

2 But the only question I have is, did she change her
3 domicile?

4 MR. STOFFELL: Yes.

5 THE COURT: I grant you, she moved permanently. Does she
6 maintain a Nevada address?

7 MR. STOFFELL: Zero, nothing. She has nothing here and
8 no possessions, no anything, voter registration, every --

9 THE COURT: I mean, I -- I know that's tough. I think
10 your client might have to figure out under a UK law how to
11 domesticate this order and see if he can get it enforced in
12 the UK. But I don't see how I have jurisdiction. Everything
13 is remote.

14 MS. ROBINSON: Well, respectfully, Your Honor, you have
15 continuing exclusive jurisdiction until someone else takes
16 over. So if that -- that's your position --

17 THE COURT: I -- I know what you're saying, and I think
18 it becomes a -- but I have continuing jurisdiction if there's
19 one party who remains in the state. The problem is, I have
20 nobody here. I don't have anybody here.

21 I would have continuing jurisdiction if your client
22 was still in Nevada, or if the Plaintiff was maintaining a
23 Nevada domicile, which members of the military do, do. But in
24 this case, just reading the paperwork from the military, it

1 looks like she moved to England lock, stock and barrel having
2 had sole legal and physical custody of the child. She should
3 have come to the Court for an order permitting it; but even
4 so, she had the decision -- that decision to make.

5 In that split second, I was deprived of
6 jurisdiction. That's where I -- that's where I don't have the
7 continuing. Once neither party resides in the state on a
8 permanent basis, then I lose it. I mean, this happens a lot
9 with state to state.

10 MS. ROBINSON: Well, technically I -- I would agree a
11 certain extent. You -- you would lose it once somebody does
12 something to make another Judge take it over. But -- but you
13 can't just say, I don't have jurisdiction anymore.

14 THE COURT: It's not -- I don't -- how --

15 MS. ROBINSON: Then this child is just floating.

16 THE COURT: -- is it enforced? I mean, I think what your
17 client's best option is, is let's assume even I would agree
18 with that, and with all due respect I don't think I do, but
19 even if I were to agree with that and I would issue an order
20 requiring this, that or the other, how is he going to enforce
21 it? You think I'm going to drag her from the UK and hold her
22 in contempt?

23 And, you know, as a practical matter, if your client
24 wants to be in this child's life, the smartest thing for him

1 to do, and I think frankly the easier thing for him to do, is
2 to seek some remedy from the Court in the UK because I don't
3 see how I can do anything that would be of any benefit to him
4 anyway.

5 And that's where the problem lies, and that's why I
6 think I've been deprived of jurisdiction. Nothing I can do is
7 really going to be enforceable here. And that's the point of
8 the UCCJEA.

9 You know, he still has the ability under the Hague
10 Convention to take his order that he has at this point and
11 seek to get that enforced because that's essentially what he's
12 looking to do. He claims that there's, you know, little
13 contact. The Skype isn't working, et cetera, et cetera, which
14 is the order he has. And this is a request for contempt. But
15 again, he's also asking to modify visitation. I don't think I
16 have the authority to do it.

17 Now, it might be an unanswered question; but I've
18 always taken the position, I think so have all my colleagues,
19 that once nobody's here, we're done. As long as it's a
20 permanent relocation, we're done. We don't have jurisdiction.

21 MS. ROBINSON: But -- but this child -- but then we would
22 be giving jurisdiction over to the UK where --

23 THE COURT: It --

24 MS. ROBINSON: -- she's not going to live forever. And

1 this child is a U.S. citizen.

2 THE COURT: How do I know that?

3 MR. STOFFELL: She's telling me that she is. She goes,
4 I'm in service for three years. But she goes, I have nothing
5 in Nevada. I have nothing to come back to.

6 And she said everything is done. Her car's there,
7 registered to vote, everything is there.

8 She goes, I have no family back here.

9 She got remarried since the last hearing in June of
10 last year, so.

11 THE COURT: I mean, if she moves back here, then maybe
12 your client can seek to, you know, reinstate the order here
13 and try to get me to take jurisdiction. But it would be
14 taking jurisdiction. It wouldn't be that I had.

15 And one of the thing's your client said, which is
16 incorrect, is the parties would be forming -- well, Mr.
17 Stoffell and his client were there and we didn't get any
18 response from your client in June.

19 In June, it was before she got her, congratulations
20 you're moving to England e-mail. So she had no idea that she
21 wasn't going to be here. So I don't think she pulled any kind
22 of trick on him. I think she got an opportunity, you know,
23 and when you're -- the Air Force, right?

24 MR. STOFFELL: Air Force, yes, Judge.

1 THE COURT: When you're in the Air Force and you get
2 reassigned to a place like England as opposed to maybe Cutter,
3 it's a real opportunity. So, you know, it's just -- she
4 probably put in for it.

5 MS. ROBINSON: Right, he --

6 THE COURT: But she didn't necessarily know she was going
7 to get it.

8 MS. ROBINSON: -- he -- he kind of felt like it was in
9 the pipeline. She knew about it. This is why this motion
10 happened.

11 THE COURT: But that's the way the military works, you
12 know. The officers in the military, they put in for
13 reassignments. And what they are only allowed to do, unless
14 there's some need and the military is reassigning them because
15 it wants to, what you do is you select three.

16 MS. ROBINSON: Uh-huh.

17 THE COURT: And then they tell you which one you got; and
18 or they tell you, you didn't get any of them; and you stay
19 put. But the military, it's -- it's like a game of chess with
20 reassignments.

21 And I don't know that she knew; and I don't have any
22 evidence that she knew in June that she was going to get any
23 of her selections, let alone the particular one that happened
24 to be England. And, yeah, she probably put in for it; but she

1 probably put in for it maybe in August or September because
2 it's a fairly quick turnaround --

3 MR. STOFFELL: That's what she told me.

4 THE COURT: -- when they make that decision.

5 MS. ROBINSON: Uh-huh.

6 THE COURT: So she could have been in Cutter. She could
7 have been anywhere.

8 I know somebody going to Cutter in a few weeks, so.

9 And it's a choice that they make, especially if
10 there's a particular skill set that they want to put you in,
11 slot you in, somewhere else.

12 But I don't see how I can give your client a remedy,
13 and I don't believe I have jurisdiction because nobody is
14 here.

15 MS. ROBINSON: Right. But -- but that, Your Honor,
16 respectfully, that -- that's what gives them the opportunity
17 to go file something in the UK if they want because now every
18 --

19 THE COURT: But he can file it something in the UK now.

20 MS. ROBINSON: Well, right. But you still are the Judge
21 on this case until that other --

22 THE COURT: No, I'm not.

23 MS. ROBINSON: -- Judge takes over.

24 THE COURT: See, that's the thing. I am not. Juris --

1 you know, UCCJEA jurisdiction ends when neither party is
2 living here because I don't have any kind of connection. I
3 don't have a nexus to retain jurisdiction.

4 And maybe I'm incorrect, and I -- I'm -- I'm happy
5 to allow you to take this up and test the issue, but it --
6 but, you know, this could -- she could have moved to Kansas.
7 And he could be living in Wisconsin. That second that she
8 moved to Kansas, I lost jurisdiction. It's irrespective of
9 whether it was a country in the United -- or a state in United
10 States or a foreign country. I just lost jurisdiction. So I
11 can't provide your client that remedy.

12 That's how I read the -- the UCCJEA; and that's,
13 frankly, how I've been interpreting it for the past almost
14 nine-and-a-half years. I mean, it just cuts off.

15 MS. ROBINSON: Can I just add, and respectfully, I just
16 -- I read it differently. And, I mean, if he didn't have the
17 funds to do anything to take care of this in the UK, mom isn't
18 going to do anything.

19 THE COURT: Now, well, now I'm puzzled. He had the funds
20 to do this in Nevada. And basically, he did it himself. And
21 that means that if he wants to do it himself, like he did, up
22 until he retained you for today, he can do the same thing in
23 the UK. I mean, yeah, the -- the rules are different; but he
24 still has a basis.

1 I mean, there are cour -- the Courts in -- in the UK
2 handle family custody disputes all the time. I mean, they may
3 have some different tweaks because we don't follow the same
4 thing they do, for example, when it comes to issues of
5 attorneys' fees and things like that; but there are still laws
6 governing custody of children. So he has to go to England.

7 And for that reason, I'm going to deny his motion.

8 I am not awarding your client fees.

9 MR. STOFFELL: That's fine. I'll get them.

10 THE COURT: And -- and this is a final order because I'm
11 closing the case, which means, Ms. Robinson -- I -- and I
12 realize that's a cost issue; and I, you know, and I know that.
13 And I -- when I say, appeal me, I'm saying that not in any
14 kind of facetious way.

15 MS. ROBINSON: I know. I know.

16 THE COURT: If I have an error in the law, I want to know
17 the answer. But this has been the way I've read the UCCJEA
18 consistently for nine-and-a-half years already, going on ten.

19 MR. STOFFELL: One of the other things I -- I just want
20 to point out is, I know he's asking for a reconsideration set
21 aside. All this stuff --

22 THE COURT: And that has run to, yes.

23 MR. STOFFELL: Right. I just want to make sure that's
24 also -- I pointed that out in there that -- that he chose not

1 to participate in the June hearing reconsideration. That ship
2 has sailed. Appeal, that ship has sailed; and 60(b) remedy,
3 that ship has sailed, too. So I'm trying to understand why in
4 the Spring of 2014 he's complaining about a June 2013 order.

5 THE COURT: Because he's filing a motion to modify.

6 MR. STOFFELL: Right. But he also did a set aside
7 though, too. So that's why --

8 THE COURT: Yeah, and that part's denied, as well. I'm
9 just --

10 MR. STOFFELL: Okay. I just want to make sure it's --

11 THE COURT: -- denying the motion in its entirety.

12 MR. STOFFELL: Yeah, that's fine.

13 THE COURT: So it addresses all the issues raised.

14 MS. ROBINSON: Can we please -- I didn't -- I don't know
15 if I saw it, if there was a change of address; but can we
16 please have Mr. Stoffell provide to my office --

17 MR. STOFFELL: There was.

18 THE COURT: There is one.

19 MS. ROBINSON: -- mom's address?

20 MR. STOFFELL: There -- there was. It was --

21 MS. ROBINSON: There was a notice of change?

22 MR. STOFFELL: -- an A -- it was an APO address is the
23 one that --

24 MS. ROBINSON: Okay. I just want --

1 MR. STOFFELL: -- you can send (indiscernible).

2 MS. ROBINSON: -- to make sure I have her correct address

3 --

4 MR. STOFFELL: Yes.

5 MS. ROBINSON: -- so he can take care of it.

6 THE COURT: Yeah, I know that got filed.

7 MR. STOFFELL: Yeah, I filed that. And then I also
8 include that when I withdraw as attorney of record. So the
9 Court will have it. It's the same address. It's an APO
10 (indiscernible).

11 THE COURT: And -- and I know --

12 MS. ROBINSON: Okay. Never mind, yeah.

13 THE COURT: -- he was concerned about whether or not she
14 had properly done a change of address. I wish I could get
15 people to do timely changes of address, so. This is probably
16 better than we usually get.

17 MR. STOFFELL: Right.

18 THE COURT: So, Mr. Stoffell, would you prepare the
19 order?

20 MR. STOFFELL: That's fine.

21 THE COURT: As they say, it's a choice your client makes.
22 It may make more sense for him, though, to proceed in the UK.

23 MS. ROBINSON: Okay.

24 MR. STOFFELL: All right.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

THE COURT: Thank you.

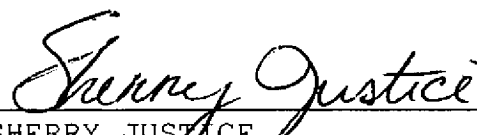
MS. ROBINSON: Thank you.

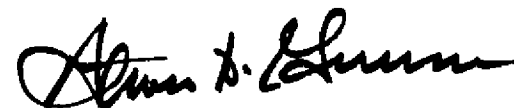
MR. STOFFELL: Thank you, Your Honor.

(THE PROCEEDING ENDED AT 10:11:08.)

* * * * *

ATTEST: I do hereby certify that I have truly and
correctly transcribed the digital proceedings in the above-
entitled case to the best of my ability.


SHERRY JUSTICE,
Transcriber II



CLERK OF THE COURT

ET SAIT KAR
isa Mahallesi

4464 sol. no: 30
Incirlik/Saricam
Adana/Turkey
+90-533-964-9642
saitkar@hotmail.com
Petitioner in Proper Person

DISTRICT COURT
CLARK COUNTY, NEVADA

KATHLEEN KAR,

Petitioner,

vs.

MEHMET KAR,

Petitioner,

Case No. D441849

Dept No. P

**VIA TELEPHONIC APPEARANCE
FROM TURKEY**

NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT HEARING PRIOR TO THE SCHEDULED HEARING DATE.

**MOTION TO HOLD MOTHER IN CONTEMPT FOR TERMINATION CONTACT
WITH CHILD; TO SET ASIDE OR IN THE ALTERNATIVE, MODIFY
VISITATION; MODIFICATION OF CHILD SUPPORT IMPUTED WITHOUT
ANY EVIDENCE OF ACTUAL INCOME; COMPENSATORY VISITATION;
SANCTIONS; AWARD OF FEES AND COSTS; AND RELATED RELIEF**

COMES NOW Petitioner MEHMET KAR, hereinafter "MEHMET", in Proper Person, and respectfully moves this Court for the following relief:

1. That the court acknowledge KATHLEEN KAR, hereinafter "KATHLEEN" or "Mother", has relocated from Nevada to England with the military.

2. That the court acknowledge due to financial hardship after divorce, MEHMET returned to his native Turkey, as detailed herein.

3. That KATHLEEN be held in contempt of court for denying and TERMINATING all

1 contact between MEHMET and the minor child, as evidenced by the email provided herein as
2 Exhibit "A".

3 4. That MEHMET be awarded compensatory visitation for all the skype and in person
4 visitation he has missed since the mail; and weekly skype visitation together with telephonic visits.

5 5. That KATHLEEN be SANCTIONED in the sum of \$500 for each weekly missed skype
6 and/or telephonic visitation as detailed herein.

7 6. That the court set aside, or in the alternative, modify the custody to resume JOINT
8 LEGAL CUSTODY; and modify the present schedule for visitation, to specify and include skype
9 visitation once a week; and summer visitation in the child's home town, of up to two weeks annually.

10 7. That the court acknowledge MEHMET's monthly income is approximately \$800 per
11 month, as evidenced by his attached paystubs[Exhibit "B"]; and therefore child support should be
12 modified to reflect his actual income, rather than imputed income.

13 8. That MEHMET be credited for child support payments made to KATHLEEN, as set forth
14 herein.

15 9. That if KATHLEEN does not settle and resolve issues set forth herein, in compliance with
16 E.D.C.R. 5.11, that MEHMET be awarded fees and costs of \$350, and attorney fees if he is able to
17 retain counsel.

18 This Motion is based upon all the records and files in this action, Points and Authorities,
19 Affidavit of Defendant, and any argument adduced at the time of hearing of this Motion.

20 Dated this 18 day of April, 2014.

21
22 
23 MEHMET KAR
24 Defendant in Proper Person
25
26
27
28

1 NOTICE OF MOTION

2 TO: Kathleen Kar, Petitioner

3 YOU AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned will
4 bring this MOTION on for hearing before the Family Court Dept. P on the ^{22nd} day of May,
5 2014, at ^{10:00} o'clock a.m./p.m. of said day.

6 DATED this 18 day of April, 2014.

7 
8 MEHMET KAR
9 Defendant in Proper Person

10 FACTS/HISTORY

11 The parties in this matter were divorced by JOINT PETITION on March 15, 2011. There
12 is one minor child the issue of the parties, to wit: ALEXANDER KAAAN KAR (DOB: 4/1/08), who
13 is presently 6 years old.

14 MEHMET/Father is a native of Turkey. After the parties' divorce, due to financial hardship,
15 he returned to Turkey, and continued to have a relationship with his son, as best he could, by skype
16 and phone. He realized he would not be able to exercise in person visitation very often from Turkey,
17 but the divorce allowed him visitation every other weekend, from Friday - Sunday. He was
18 unemployed and child support was \$100 per month, as agreed by the parties and ordered by the
19 court..

20 On May 13, 2013, KATHLEEN filed a motion seeking to modify custody to award her sole
21 legal and physical custody of the child; and establish child support arrears. Acknowledging his
22 inability to appear, and the fact that KATHLEEN is raising this child with the limited ability of
23 MEHMET to participate, he acquiesced to her motion seeking sole legal and physical custody of the
24 child. He provided a document entitled DEFENDANT RESPOND TO PLAINTIFF, filed on June
25 20, 2013. Thus, the hearing set on 6/11/13 did not require a hearing at all. MEHMET acquiesced
26 to the award of sole legal and physical custody after reading the motion. That motion clearly stating
27 that MEHMET's visitation would not be disrupted. That motion also stated the following:
28

1 **"Kathleen will encourage a frequent and continuing relationship between**
2 **ALEXANDER and his father. Kathleen has never denied Mehmet access to his child. She**
3 **wants Mehmet to have a relationship with his child."**

4 See KATHLEEN's motion, bottom of page 8 - top of page 9.

5 MEHMET understands KATHLEEN seeking sole legal and physical custody of the child,
6 given that she already knew she was relocated to ENGLAND with the child at the time of the filing
7 of her motion. In fact, she is now in ENGLAND - which is only 3 hours by air from Turkey - and
8 much closer to MEHMET than the child would be in the United States.

9 Again, KATHLEEN failed to comply with E.D.C.R. 5.11, and could have resolved the
10 motion without necessity of a hearing; she did not. When MEHMET received the motion, he
11 responded by email - as stated in open court - indicating he was not contesting. The motion alleged
12 the current visitation would remain in effect (top of page 9 of KATHLEEN's motion); and therefore,
13 there was no need for a hearing. This could have been resolved in a stipulation and order.

14 KATHLEEN has been trying to keep the child from MEHMET since the divorce. Exhibit
15 "C" hereto, filed December 14, 2011, is a her Petition for a change of name. In this document, she
16 seeks that not only SHE, but the CHILD be entitled to resume her former name. MEHMET was
17 never informed of this, and when she was informed that the child's name change would be denied,
18 she dismissed the case. [See register of actions, Case D-11-456429. This demonstrates that the
19 attempt to alienated and take the child's father from his life has been ongoing.

20 KATHLEEN, in bad faith with unclean hands, failed to indicate she was to be leaving with
21 military orders to England with the child, where there is a more realistic possibility that MEHMET
22 might see the child over summer vacation - or on a weekend; she misrepresents that she will continue
23 to encourage a relationship; and the current visitation will remain in effect - then she provides
24 MEHMET this email:

25 **"Yes, I have a new number and we are no longer living in that house.**
26 **The fact is Alex does not want to talk to you. It does not matter what you want**
27 **or what I want, what matters is what HE wants. Once he tells me he wants to**
28 **speak or meet with you then I will contact you to make arrangements. But I am**
not going to force him to do something he does not want to do. I forced him to
speak with you the last couple times on Skype and I will not do it again....

1 **"You can get pissed all you want, bu the Nevada courts gave me 100% control**
2 **over making decisions and raising him...."**

3 Thus, based upon KATHLEEN's misrepresentations that she wants the child to maintain a
4 relationship with MEHMET; and her misrepresentations that she encourages the same; and that
5 visitation will remain intact, the court issued its order.

6 Clearly, KATHLEEN's intent was solely to terminate any relationship between MEHMET
7 and his son, which is NOT in the child's best interest under NRS 125.480.

8 While KATHLEEN's motion previously complained that had only skyped 29 times in 306
9 days (just under once a week) and made 8 additional phone calls (which results in contact at least
10 once per week), she did not disclose that she also made the contact difficult. MEHMET could not
11 prove it, so he did not fight it. He did not care that KATHLEEN call custody "sole" so long as his
12 visitation were intact - as the motion proposed - and he did not care to prevent her from going on
13 with her life; or being able to move when he already lived out of country.

14 Did she ask if he would agree? No. Did she comply with E.D.C.R. 5.11? No. Thus, the
15 attorney fees incurred by KATHLEEN were not necessary, and should not have been ordered of
16 MEHMET. A stipulation and order could have been done.

17 In actuality it is clear that KATHLEEN desired to obtain sole legal and physical custody, not
18 because she was the sole parent living with the child, but so that she could CONTROL not providing
19 MEHMET where his child lives - she has not provided her address in court records. She has
20 changed her phone number, and completely denied skype access - all against the best interest of the
21 child, and in direct defiance of her statements made in the motion to obtain sole legal and physical
22 custody.

23 This is a clear and direct violation of the court order and demonstrates SOLE LEGAL
24 CUSTODY is NOT in the child's best interest. KATHLEEN is so brazen about her contempt, she
25 is now putting it in writing, and there can be no doubt she is interfering with a relationship with the
26 child.

1 MEMHET requests this court hold KATHLEEN in contempt of court for not only the
2 violations of the specified visitation, but also for her clear misrepresentations to this court at the
3 hearing on 6/11/13.

4 CONTEMPT

5 NRS 22.010 defines contempt as follows:

6 The following acts or omission shall be deemed contempts:

7 3. Disobedience or resistance to any lawful writ, order, rule or process issued by the court or
8 judge at chambers.

9 NRS 22.100 Penalty for Contempt.

10 Upon the answer and evidence taken, the court or judge or jury, as the case may be, shall
11 determine whether the person proceeded against is guilty of contempt charged; and if it be found that
he is guilty of a contempt, a fine may be imposed on him not exceeding \$500, or he may be
imprisoned not exceeding 25 days....

12 NRS 125.240 Enforcement of Judgment and Orders: Remedies

13 The final judgment and any order made before or after judgment may be enforced by the
14 court by such order as it deems necessary. A receiver may be appointed, security may be required,
15 execution may issue, real or personal property or spouse may be sold as under execution in other
cases, and disobedience of any order may be punished as a contempt.

16 Clearly, KATHLEEN holds herself above the law, and is in contempt of court for not only
17 interfering with MEHMET's visitation on an ongoing basis, but she also LIED TO THIS COURT
18 about her motives.

19 This is fraud. The Order and Notice of Entry of Order filed July 15, 2013 should be set aside
20 and reconsidered; or in the alternative, at a minimum, KATHLEEN should be held in contempt of
21 court for interfering with MEHMET's contact with the child; and SANCTIONED in the sum of \$500
22 for each misrepresentation to this court, and violation of contact, to be offset from sums owed from
23 MEHMET to KATHLEEN - which she uses like a sword to keep MEHMET from his child.

24 The court is aware - and KATHLEEN needs to know - that child support arrears do not give
25 cause to withhold contact of the child.

26 MODIFICATION OF COURT ORDER

27 Based upon the evidence by email of KATHLEEN's interference with contact between the
28 child and MEHMET, he requests the court order that the joint legal custody be reinstated; that

1 KATHLEEN be required to keep MEHMET informed of the child's address and phone number; that
2 set weekly skype visitation be ordered, telephonic visitation be allowed at all reasonable times; and
3 that the court inform KATHLEEN that the child, age 6 at this time, is not able to determine what
4 contact is in his best interest. It should be clear by the TONE of the email, and the FACTS
5 presented, that KATHLEEN does not encourage a relationship, as she alleges, but in fact, can easily
6 DISCOURAGE a relationship, and seek to shift all fault to MEHMET. Yes, a relationship out of
7 country is DIFFICULT; however, the child should always know his father loves him, and his father
8 should always have access to the child.

9 Therefore, under NRS 125.480, MEHMET requests the court set aside the prior order, or in
10 the alternative, modify the sole legal custody to joint legal custody in this matter.

11 CHANGE OF CUSTODY

12 In entering orders for custody and support of minor children, the Court's paramount
13 consideration should be the welfare of the minor children. Culbertson v. Culbertson, 91 Nev. 230,
14 533 P.2d 768 (1975). The guiding principle in the court's exercise of its discretion in cases affecting
15 the rights and welfare of the children, are the best interests and the welfare of the children whose
16 rights are involved in the matter. Fenkell v. Fenkell, 86 Nev. 397, 469 P.2d 701 (1970).

17 RELEVANT PROVISIONS OF NRS 125.480

18 NRS 125.480(4) provides the following should be considered in determining the best
19 interest of the child:

20 (a.) *The wishes of the child, if of sufficient age and capability.*

21 In this matter, the child is 6 years old, and contrary to KATHLEEN's insistence, is not of
22 sufficient age and maturity to say where he desires to live, or how often he desires contact with his
23 father.

24 (b.) *Any nomination by a parent or guardian.* N/A

25 (c.) *Which parent is more likely to allow frequent associations with the non-custodial parent.*

26 KATHLEEN is presently withholding the child from MEHMET completely, in violation of
27 the existing visitation schedule. Clearly, KATHLEEN is the parent LESS LIKELY to allow an
28 ongoing relationship with the child.

1 (d.) *The level of conflict between the parents.*

2 There is a minimal level of conflict. The parties live in separate countries. There is only an
3 issue of CONTROL by KATHLEEN. She secreted her move to England out of fear MEHMET
4 would be close enough to possibly exercise visitation. She knew she was moving; she did not state
5 so in her motion; she changed her address and phone number to terminate contact between
6 MEHMET and the child; and she provided him an email attesting to the same. Any conflict is
7 created by KATHLEEN.

8 (e) *The ability of parents to cooperate to meet the needs of the child*

9 KATHLEEN refuses to cooperate. Even allowing sole legal and physical custody did not
10 stop the control; and one cannot cooperate without assistance from the other parent.

11 (f) *The mental and physical health of the parents.*

12 There are no mental and physical health issues of the parties. There were no issues raised
13 of drugs, alcohol or domestic violence. The parties had agreed to a joint petition divorce.

14 (g.) *The physical, developmental and emotional needs of the children.*

15 The child has no physical, developmental or emotional needs - except not to have his father
16 erased from his life by his mother.

17 (h.) *The nature of the relationship of the child with each parent.*

18 The child love both parents. He is 7 years old. However, he is being 'rewarded' for lack of
19 contact with his father, and shows the seeds of parental alienation by Mother.

20 (i) *The ability of child to maintain a relationship with siblings.*

21 There are no other siblings.

22 (j) *Any history of parental abuse or neglect of the child or sibling of the child.*

23 There is no history of abuse.

24 (k) *Whether either parent or any person seeking custody has engaged in an act of domestic*
25 *violence against the child, a parent, or other person residing with the parent.*

26 There are no relevant domestic violence issues in this matter.

27 MEHMET merely seeks joint legal custody so he can know where his child lives, how he is
28 doing in school, and any medical issues he may have.

1 KATHLEEN obtained sole legal and physical custody misrepresenting that she would
2 continue to encourage a relationship between MEHMET and the child. Then terminated all contact
3 within three months of the sole custody order. This was NOT a termination of parental rights, or a
4 right to alienate MEHMET from the child's life as KATHLEEN uses it.

5 MEHMET is not even seeking primary physical custody due to the violation, but is seeking
6 a change to JOINT LEGAL CUSTODY. This has now been demonstrated by the FACTS to be in
7 the best interest of the child.

8 CHANGE OF CUSTODY

9 In the matter of "Ellis v. Carucci", 123 Nev. Adv. Op. No. 18 (June 28, 2007), the Nevada
10 Supreme Court modified the standards for a change of custody under Murphy v. Murphy, 84 Nev.
11 710, 711, 447 P.2d 664, 665 (1968), indicating this case was decided a decade prior to the change
12 in NRS 125.480 and 125.510. The Nevada Supreme Court noted that while the premise behind
13 Murphy aims to promote stability by discouraging the frequent re-litigation of custody disputes, it
14 also unduly limits courts in their determination of whether a custody modification is in the best
15 interest of the minor children. Upon revisiting Murphy in light of the current statutes, the it is now
16 concluded modification of primary physical custody is warranted only when (1) there has been a
17 substantial change in circumstances affecting the welfare of the child, and (2) the best interest is
18 served by the modification. Under this revised test, the party seeking a modification of custody bears
19 the burden of satisfying both prongs.

20 There has been a substantial change of circumstances. KATHLEEN lied to this court. The
21 lie has been exposed by her email. Her failure to allow ongoing communication with the child. Her
22 changing phone numbers and addresses. KATHLEEN removed the child from the US to England.
23 (Nevada still retains jurisdiction as KATHLEEN moved with the military)

24 How much more does KATHLEEN have to do to interfere with the father - son relationship
25 to demonstrate the change of circumstances.

26 In addition to these significant changes in circumstances, it is in the child's best interest as
27 detailed in NRS 125.480 above.

STATUTES TO SET ASIDE COURT ORDER

RULE 59. NEW TRIALS; AMENDMENT OF JUDGMENTS

(a) **Grounds.** A new trial may be granted to all or any of the parties and on all or part of the issues for any of the following causes or grounds materially affecting the substantial rights of an aggrieved party: (1) Irregularity in the proceedings of the court, jury, master, or adverse party, or any order of the court, or master, or abuse of discretion by which either party was prevented from having a fair trial; (2) Misconduct of the jury or prevailing party; (3) Accident or surprise which ordinary prudence could not have guarded against; (4) Newly discovered evidence material for the party making the motion which the party could not, with reasonable diligence, have discovered and produced at the trial; (5) Manifest disregard by the jury of the instructions of the court; (6) Excessive damages appearing to have been given under the influence of passion or prejudice; or, (7) Error in law occurring at the trial and objected to by the party making the motion. On a motion for a new trial in an action tried without a jury, the court may open the judgment if one has been entered, take additional testimony, amend findings of fact and conclusions of law or make new findings and conclusions, and direct the entry of a new judgment.

[As amended; effective January 1, 2005.]

(b) **Time for Motion.** A motion for a new trial shall be filed no later than 10 days after service of written notice of the entry of the judgment.

[As amended; effective January 1, 2005.]

(c) **Time for Serving Affidavits.** When a motion for new trial is based upon affidavits they shall be filed with the motion. The opposing party has 10 days after service within which to file opposing affidavits, which period may be extended for an additional period not exceeding 20 days either by the court for good cause shown or by the parties by written stipulation. The court may permit reply affidavits.

[As amended; effective January 1, 2005.]

(d) **On Court's Initiative; Notice; Specifying Grounds.** No later than 10 days after entry of judgment the court, on its own, may order a new trial for any reason that would justify granting one on a party's motion. After giving the parties notice and an opportunity to be heard, the court may grant a timely motion for a new trial for a reason not stated in the motion. When granting a new trial on its own initiative or for a reason not stated in a motion, the court shall specify the grounds in its order.

[Added; effective January 1, 2005.]

(e) **Motion to Alter or Amend a Judgment.** A motion to alter or amend the judgment shall be filed no later than 10 days after service of written notice of entry of the judgment.

RECONSIDERATION

NRCP 60(b)

Nevada Rules of Civil Procedure 60(b) states in pertinent part as follows:

(b) **Mistakes; Inadvertence; Excusable Neglect; Fraud, Etc.** On motion and upon such terms as are just, the court may relieve a party or his legal representative from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation or other misconduct

1 of an adverse party which would have theretofore justified a court in sustaining a collateral attack
2 upon the judgment; (3) the judgment is void; or, (4) the judgment has been satisfied, released, or
3 discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or
4 it is no longer equitable that an injunction should have prospective application. The motion shall
5 be made within a reasonable time, and for reasons (1) and (2) not more than six months after the
6 judgment, order, or proceeding was entered or taken. A motion under this subdivision (b) does not
7 affect the finality of a judgment or suspend its operation. This rule does not limit the power of a
8 court to entertain an independent action to relieve a party from judgment, order, or proceeding, or
9 to set aside a judgment for fraud upon the court. The procedure for obtaining any relief from a
10 judgment shall be by motion as prescribed in these rules or by an independent action.

7 CHILD SUPPORT ISSUES

8 It is clear in the motion that MEHMET was unemployed, and child support was set at \$100
9 per month in the JOINT PETITION DIVORCE. Therefore, it should not be modified to \$628 per
10 month, based on KATHLEEN's bare ALLEGATION that MEHMET 'must' be making tons of
11 money working for the embassy.

12 First, MEHMET, from Turkey, provided a document he entitled DEFENDANT RESPOND
13 TO PLAINTIFF stating under that contract, he was earning approximately \$900 per month. There
14 was and is no evidence to contradict that fact. In fact, Exhibit "B" shows that MEHMET earns
15 approximately \$800 per month. Turkey's pay scale is not like the United States. The court order
16 for child support should be modified, if no retroactive to the July 1, 2012 date, IMMEDIATELY at
17 this time. It was made based upon KATHLEEN's knowing misrepresentations to this court.

18 MEHMET respectfully requests the court set aside under NRCP 59; or reconsider the order
19 increasing child support under NRCP 60(b) in this matter, due to the facts herein; and the
20 EVIDENCE of MEHMET's actual income.

21 In the alternative, MEHMET requests the court reduce his child support to \$100 per month,
22 based upon his \$800 per month income, and consideration that any visitation will be at his sole
23 expense. Under NRS 125B.070, child support on \$800 per month income would be \$144 per month;
24 however, he does have financial hardship due to this limited income, and he will incur costs of any
25 visitation. Further under NRS 125B.080, the court SHALL consider the disparity in income of the
26 parties in establishing child support. In this matter, KATHLEEN's income is \$5,245; and
27 MEHMET's income is \$800 per month. Clearly, he is entitled to an offset for this disparity income.
28

1 KATHLEEN is now alleging to MEHMET in the email stated above, that he has \$30,000
2 arrears. He does not know how she arrived at that figure; however, the schedule of arrears shows
3 only \$2,100 in arrears through June, 2013.

4 MEHMET informed KATHLEEN of his employment, and asked her to have the support
5 taken from his check. She had not done so. Exhibit "D" shows that he has been paying toward
6 support, and the same should be credited to him.

7 SANCTIONS/FEES AND COSTS

8
9 As demonstrated above, KATHLEEN failed to comply with E.D.C.R. 5.11. She could have
10 obtained a stipulation and order under the terms of the motion, as she agreed to maintain contact and
11 a relationship with the child.

12 The evidence demonstrates immediately after the divorce, KATHLEEN attempted to secretly
13 change the child's last name, along with hers, to her maiden name.

14 The evidence demonstrates that KATHLEEN is withholding all contact of the child from
15 MEHMET at this time, under the guise of it being the 6 year old child's decision!

16 The evidence shows that KATHLEEN knew she had military orders to leave for England
17 when she filed this action, and failed to disclose it. At the time the parties had joint legal custody,
18 and upon a change of notice of address, MEHMET - and the court - was entitled to notice. To this
19 date, KATHLEEN has not provided the court her current address.

20 The evidence shows that MEHMET's child support is set artificially high, based upon the
21 average Nevada wage when in fact, it was clear MEHMET was not in the United States. Any support
22 should have been set on his actual income - or the average TURKEY wage. He did state his income
23 in a filed document, which was completely ignored.

24
25 The evidence demonstrates a pattern of alienation on the part of KATHLEEN, and that it is
26 not in the best interest of the child that she retain sole legal and physical custody.

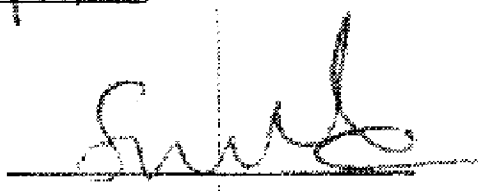
1 **CONCLUSION**

2 Based upon the facts, MEHMET requests the court order that his visitation remain as set
3 forth in the Decree of Divorce - which was prayed for in KATHLEEN's own motion - which was
4 granted by DEFAULT (and thus should have remained the same); and that in addition, MEHMET
5 be entitled to skype visitation a minimum of once per week; and telephonic visitation at all
6 reasonable times not to be denied; at least an additional time once per week.

7 Based upon the facts herein, MEHMET requests KATHLEEN be SANCTIONED in the sum
8 of \$500 per week for missed visitation; and that she be ordered to pay MEHMET's fees and costs
9 of \$350, plus attorney fees if he retains counsel; for having to file this motion.
10

11 Based on the foregoing, the Defendant asks that the above prayed for relief be granted.

12 DATED and DONE this 18 day of April, 2014.

13 
14 _____
15 MEHMET KAR
16 Defendant in Proper Person
17
18
19
20
21
22
23
24
25
26
27
28

1 Republic of Turkey
2 Province of Adana
3 City of Adana
4 Consulate of the United States of America
5 STATE OF _____)
6)
7) SS
8)
9)
10)
11)
12)
13)
14)
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)

AFFIDAVIT OF MEHMET KAR

COUNTY OF _____)
SS

I, MEHMET KAR, first being sworn under oath depose and say:

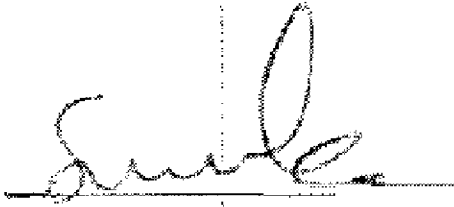
1. I request the court reconsider the order for sole legal and physical custody for the reasons set forth herein.

2. I request compensatory visitation, which has been unreasonably withheld as evidenced by Kathleen's own email. In fact, Exhibit "E" shows more email communication of the parties.


3. I request the court modify the child support - retroactive - under NRCP 59 or 60(b), as detailed herein.

4. I request KATHLEEN be SANCTIONED; and that I be awarded fees and costs for having to file this motion.

Further, your affiant sayeth naught.


MEHMET KAR

SUBSCRIBED AND SWORN BEFORE ME
THIS 17 DAY OF April 2014.


SHAUN MCGUIRE
NOTARY PUBLIC



MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

Kathleen Kar
Plaintiff/Petitioner

-vs-

Mehmet Kar
Defendant/Respondent

CASE NO. D441849
DEPT. P

**FAMILY COURT MOTION/OPPOSITION
FEE INFORMATION SHEET (NRS 19.0312)**

Party Filing Motion/Opposition: ☒ Plaintiff/Petitioner ☐ Defendant/Respondent

MOTION FOR/OPPOSITION TO Hold Mother in Contempt

Notice

Motions and Oppositions to
Motions filed after entry of
final Decree or Judgment
(pursuant to NRS 125,
125B & 125C)
are subject to the Re-open
Filing Fee of \$25.00, unless
specifically excluded.
(See NRS 19.0312)

Excluded Motions/Oppositions

- ☐ Motions filed before final Divorce/Custody Decree entered
(Divorce/Custody Decree NOT final)
- ☐ Child Support Modification ONLY
- ☐ Motion/Opposition For Reconsideration (Within 10 days of Decree)
Date of Last Order _____
- ☐ Request for New Trial (Within 10 days of Decree)
Date of Last Order _____
- ☒ Other Excluded Motion Contempt
(Must be prepared to defend exclusion to Judge)

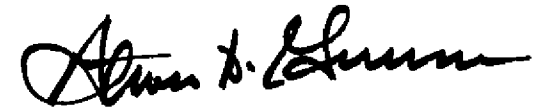
NOTE: If no boxes are checked, filing fee **MUST** be paid.

☐ Motion/Opp IS subject to \$25.00 filing fee ☒ Motion/Opp IS NOT subject to filing fee

Date: 4-22-, 2014

Lauren A.
Printed Name of Preparer

Lauren A.
Signature of Preparer



CLERK OF THE COURT

1 **OPPC**
Jason P. Stoffel, Esq.
2 State Bar of Nevada No. 8898
3 **ROBERTS STOFFEL FAMILY LAW GROUP**
2011 Pinto Lane, Suite 100
4 Las Vegas, Nevada 89106
PH: (702) 474-7007
5 FAX: (702) 474-7477
EMAIL: attorneys@lvfamilylaw.com
6 Attorneys for Plaintiff

7 **DISTRICT COURT**
8 **CLARK COUNTY, NEVADA**

9 KATHLEEN KAR,
10 Plaintiff,
11 v.
12 MEHMET KAR,
13 Defendant.
14
15
16
17
18

) Case No: D441849
) Dept No: P
)
) **OPPOSITION TO MOTION TO HOLD**
) **MOTHER IN CONTEMPT OF COURT**
) **ET AL.**
) **AND**
) **COUNTERMOTION TO DISMISS CASE**
) **FOR LACK OF SUBJECT MATTER**
) **JURISDICTION/IMPROPER FORUM;**
) **AFFIDAVIT OF ATTORNEY JASON P.**
) **STOFFEL, ESQ. ON BEHALF OF**
) **PLAINTIFF UNDER NRS 15.010**
)
) **DATE OF HEARING: May 22, 2014**
) **TIME OF HEARING: 10:00 a.m.**
)
)

I.

ISSUES

COMES NOW the Plaintiff, Kathleen Kar, by and through her attorney of record Jason P. Stoffel, Esq. of Roberts Stoffel Family Law Group, and hereby moves the Court for the following relief:

1. All requests for relief in Defendant's motion be denied.
2. For this Court to dismiss this case as no Parties reside in the State of Nevada with the Plaintiff and the minor child residing in England and the Defendant is living in Turkey.
3. For other relief deemed just and proper under the circumstances.

ROBERTS STOFFEL FAMILY LAW GROUP

By: _____


Jason P. Stoffel, Esq.
State of Nevada Bar No. 8898
2011 Pinto Lane, Suite 100
Las Vegas, Nevada 89106
PH: (702) 474-7007
FAX: (702) 474-7477
EMAIL: attorneys@lvfamilylaw.com
Attorney for Plaintiff

II.
Statement of Facts

The Parties to this action are the Plaintiff, Kathleen Kar ("Plaintiff") and the Defendant Mehmet Kar ("Defendant"). The Parties are divorced and have one child in common, Alexander Kaan Kar, born April 1, 2008. For the reasons stated herein, the Defendant's motion has no merit and the Court should be inclined to dismiss this case as no Party and the minor child do not live in Nevada since February 2014 and the Plaintiff has no intention of returning to Nevada since she is in military service in England.

The Defendant has been a resident of Turkey for many years. He has had very little contact with the minor child. He refuses to pay the correct amount of child support and owes the Plaintiff several thousand dollars in child support.

The Court at the June 2013 hearing in this matter stated that Skype visitation is not a valid form of visitation and it was up to the Plaintiff if she wanted to continue with this. The Plaintiff is not obligated if she did not believe it was in the child's best interest so any requirement for Skype contact was terminated in June 2013 by the Court's order. However, the Plaintiff can always voluntarily reach out to the Defendant if the minor child so desires.

The Plaintiff was already awarded sole legal and sole physical custody of the minor child. This matter was before this Court in June of 2013 and this was a final custodial order. See Exhibit 1. The Defendant knew about the hearing and the email thread attached, as already established at the June 2013 hearing, establish that. See Exhibit 2. The Parties primarily communicate via email.

The Defendant knew about the hearing and failed to participate. He acknowledges in his current motion that he received the motion that the Plaintiff filed requesting sole custody of the child. The hearing did need to proceed for decision on June 11, 2013 as there was a change of

1 custody from primary custody to sole legal and sole physical custody. The Plaintiff did nothing
2 wrong in her request for relief. The Court properly granted an unopposed motion.

3 He had had his procedural due process of notice of a hearing and an opportunity to be
4 heard. He could have requested a telephonic appearance (like he is currently doing for his
5 motion). He chose not to. He did not file an opposition since emails around that time indicated
6 that the Defendant did not want to participate in the proceedings. The Defendant was mailed a
7 copy of the Court ordered awarding the Plaintiff sole custody of the child. The Court correctly
8 granted an unopposed motion as stated.
9

10 As there is no merit to the motion, the Court should deny the Defendant's motion for
11 contempt findings against the Plaintiff. There is no order in place that the Plaintiff has violated.

12 Plaintiff, a member of the United States military, received her military orders to be
13 immediately relocated to the country of England as part of a PCS (Permanent Change of Duty
14 Station. See Exhibit 3. It was then determined she would be going to England.
15

16 This email was from November 4, 2013. This is well AFTER the June 2013 hearing.
17 How could the Plaintiff know she was going to be assigned to relocate to England in June of 2013
18 when she did not get the orders until November 2013? Additional documentation indicating that
19 the Plaintiff has been assigned to England/United Kingdom is in Box #9 in this attached military
20 form she recently received earlier this year. See Exhibit 4.

21 The Plaintiff is expected to be there for at least 2-3 years and there is no guarantee she
22 will even come back to Nevada at that time. She could always leave military service and just stay
23 in England as she will develop family roots there. She remarried before she left and has been in
24 England since approximately February 15, 2014.
25

26 The Defendant now is asking for relief that is improper. There already is a final custodial
27 order. More than six (6) months have passed since the entry of the order. All child
28

1 visitation/contact is solely at the Plaintiff's discretion. There is no order that the Plaintiff is
2 violating.

3 The current child support can remain as this was litigated in June 2013 and the Defendant
4 did not oppose it or file a reconsideration motion timely. The Defendant will not cooperate with
5 child support but that issue is not before the Court at this hearing.

6 The Defendant is a stranger to the child. The child has not seen his father for many years
7 and that is by the Defendant's own choice. The Defendant was so infrequent with Skype contact
8 that the Plaintiff believed it was causing more harm than good. That is why she filed her motion
9 for sole custody in the spring of 2013. That motion was correctly granted.

10 With all visitations at the Plaintiff's discretion, perhaps the Defendant would do what is
11 best for the child and basically stay out of the child's life at this time since he has failed to
12 maintain a meaningful relationship with the child. It is an unfortunate situation but this situation
13 was created by the Defendant not wanting to have a relationship with the child.

14 There is no basis for the Defendant to have Joint Legal Custody. The Defendant has not
15 participated in any decision in the child's life for several years. The child is thriving in the
16 Plaintiff's care so the current order of Sole Legal Custody should stand and remain as an order of
17 the Court.

18 Lastly, this Court may be inclined to either dismiss this case or instruct the Defendant to
19 file an action/domesticate the current action in the country of England where the Plaintiff and the
20 minor child reside. The Court has no reason to have this case active when no one, including the
21 minor child, lives in the United States at the present time and there already is an order of the
22 Court awarding the Plaintiff sole legal and sole physical custody with all visitation at the
23 Plaintiff's discretion. The Plaintiff just requests that the Court to what is deemed appropriate but
24 clearly this Court is an inconvenient forum for all Parties.

1 For these reasons, the Court should deny the Defendant's motion and grant the Plaintiff's
2 countermotion.

3 III.

4 OPPOSITION

5 *Legal Analysis*

6 I. There is no basis to modify the current custody arrangement

7
8 What is clear is that by his conduct, the Defendant has refused to foster any relationship
9 with his son or want a relationship. That is why the Plaintiff filed her motion in 2013. Now,
10 almost a year later, the Defendant is complaining that the Plaintiff is not respecting his rights as a
11 parent. Here, there are very little rights that the Defendant even has at this time. What is the
12 reason to modify any custody or visitation label when the Plaintiff already has sole custody of the
13 child and all visitations are at the Plaintiff's discretion?

14 The Defendant is focusing on what is in "his" best interest and not on the child's best
15 interest. The Defendant even acknowledges written correspondence from the Plaintiff that the
16 child does not want a relationship with the Defendant. When the child wants a relationship, that
17 is when the correct time is when the Plaintiff will ensure a relationship develops. If the
18 Defendant wanted a relationship, why didn't he oppose the motion for sole custody last year? It
19 sounds like this is a classic case of "buyer's remorse" where he was ok with an arrangement
20 initially and now wants to modify the existing order when the facts and the law are not on his
21 side.
22

23 If the Defendant wanted to modify an order, he could have timely filed a motion under
24 NRCp 60(b). He did not. It is unclear why now he files an untimely motion to modify or perhaps
25 set aside a valid Court order. The court can even summarily deny his motion without a hearing as
26 it has no merit.
27
28

1 Modifying the current custody arrangement is not warranted. This matter was litigated in
2 June 2013. What facts since June 2013 warrant further proceedings or the *Rooney* standard to
3 have adequate cause for another hearing? It would be the Plaintiff's position that this matter is a
4 decided/*res judicata* issue. The Defendant is looking for a second bite at the apple and that is
5 inappropriate.

6
7 **II. There is no contempt of court and no basis for sanctions against Plaintiff**

8 Disobedience is defined as "lack of obedience or refusal to comply; disregard or
9 transgression" and resistance is defined as "the act or power of resisting, opposing, or
10 withstanding." The moving Party is required to prove contempt by clear and convincing
11 evidence. *Battaglia v. United States*, 653 F.2d 419 (1981).

12 Moreover, pursuant to *NRS* § 22.030 (2), requests for contempt **must** be accompanied by
13 an affidavit which provides the "facts constituting contempt." The Court does not gain
14 jurisdiction over the issue of contempt unless an affidavit with "all essential material facts" are
15 presented to the Court. *See also Awad v. Wright*, 106 Nev. 407, 794 P.2d 713 (1993).

16
17 The failure to provide the affidavit cannot be cured by proof at a hearing because until the
18 affidavit is provided, the Court does not have jurisdiction to hear the issue of contempt. *Id* at 409.
19 If contempt is found after the person answers to the charges and the Court takes evidence. Not
20 only has the Defendant failed to comply with the "facts constituting contempt" as required in an
21 *Awad* affidavit, he cannot point to one current court order that the Plaintiff is allegedly violating.
22 General affidavits like was submitted to the Court are insufficient.

23 Here, there is no order that is being violated, no specific affidavit directing the Court to
24 what is being allegedly violated, and thus there is no contempt of Court. There is no fraud here
25 since the Defendant consented to the request for sole custody and it was granted by the Court. He
26 received the order from the Court and now complains. His requests for relief have no merit.
27
28

1 Since his claims have no merit, there is no need for the Court to consider any sanctions
2 since again, the Plaintiff is doing nothing wrong by following the current order of this Court.
3 When the Defendant was not on Skype at the designated time, why is the Plaintiff being punished
4 since she and the minor child cannot wait all day for the Defendant to log on? That ship has
5 sailed and that day is over since the Court stated and ordered that all visitation is at the discretion
6 of the Plaintiff.
7

8 What is upsetting is that the Defendant resorts to attacking the credibility of the Plaintiff
9 when there is no reason to do that. She is a USAF Technical Sergeant. The Plaintiff wants to
10 move on with her life living in England but now has the stress of dealing with a motion from the
11 Defendant that has no merit.

12 **III. Any reconsideration/set aside request for relief is untimely and moot.**

13 What legal basis is there to set aside the June 2013 order? NRCP 60(b) and
14 reconsideration relief is not available as being untimely. The Defendant can cite all of the statutes
15 that he wants but if he read them, he would see that his requests for relief are untimely so this is a
16 procedural defense.
17

18 Assuming for argument sake that his motion for a set aside of the order was timely, there
19 is no substantive basis as well. The Plaintiff has done nothing wrong and has a Court order that
20 allows her to have sole custody of the child and all visitation is at her discretion.

21 It is always possible for a member of the military to get orders to relocate out of Nevada.
22 This was NOT known at the June 2013 hearing and only known several months later. However,
23 the residence of the Plaintiff and the child are irrelevant with the Defendant having no actual
24 contact with the child and all visitation is solely at the Plaintiff's discretion.
25
26
27
28

1 **IV. Child Support can stay at the current amount.**

2 The Defendant does not want to pay child support and he has not as ordered by the Court.
3 He has untimely asked for this Court to reconsider a prior order but there is no legal basis for this.
4 He can file his request in three (3) years when he is eligible for a child support review as the
5 Court took information as it was at the time of the June 2013 hearing and ruled against the
6 Defendant accordingly. The big picture is that since he is not paying the correct amount of child
7 support anyways, what does he care that it should be set at?
8

9 The Court has broad power to impute income. It was done based on the Nevada Average
10 Wage. Perhaps if the Defendant actually filed an opposition before the motion was heard, this
11 issue could have been decided and contested at the time. Now, the Defendant wants to
12 retroactively modify everything and there is no case law in Nevada that supports this. The
13 Defendant has a child support order he does not like but he has no remedy at this time based on
14 the unique facts of this case.
15

16 Although there are no child support arrears issues that are properly before the Court, the
17 Plaintiff wants to give the Defendant credit for the following child support payments he had made
18 since the last hearing in this matter through Pay Pal:

- | | | |
|----|------------|-------|
| 19 | • 8/12/13 | \$190 |
| 20 | • 10/11/13 | \$150 |
| 21 | • 11/12/13 | \$100 |
| 22 | • 12/06/13 | \$140 |
| 23 | • 1/16/14 | \$120 |
| 24 | • 2/10/14 | \$120 |
| 25 | • 3/10/14 | \$120 |
| 26 | • 4/14/14 | \$100 |

1 The Defendant owes substantial arrearages but that is not requested to be addressed at the
2 hearing. The Plaintiff can file a separate motion if she believes that is appropriate.

3 IV.

4 COUNTERMOTION

5 A. Nevada is not a convenient forum in this matter to litigate and this matter
6 should either be closed or dismissed as no Party resides in the State of
7 Nevada.

8 This Court must see that there are already custody orders in place but that was when the
9 Defendant was in Turkey and the Plaintiff and the minor child lived in Nevada. Subsequent to
10 the June 2013 hearing, the Plaintiff received her military orders to relocate to England at the end
11 of November 2013.

12 Nevada may not be the proper venue to hear subsequent hearings under the doctrine of *res*
13 *judicata* and the Full Faith and Credit Clause of the United States Constitution. Although the
14 Country of Turkey is not a "State" for purposes of this action, the effect is the same – another
15 country should respect the valid orders from a state within the United States.

16 The Full Faith and Credit Clause of the Article IV, Section 1, of the U.S. Constitution—
17 provides that the various states must recognize legislative acts, public records, and judicial
18 decisions of the other states within the United States. It states that "Full Faith and Credit shall be
19 given in each State to the public Acts, Records, and judicial Proceedings of every other State."
20 The statute that implements the clause, 28 U.S.C.A. § 1738, further specifies that "a state's
21 preclusion rules should control matters originally litigated in that state." The Full Faith and
22 Credit Clause insures that judicial decisions rendered by the Courts in one state are recognized
23 and honored in every other state. It also prevents parties from moving to another state to escape
24 enforcement of a judgment or to re-litigate a controversy already decided elsewhere, a practice
25 known as forum shopping barred by *res judicata*.
26
27
28

1 There is no doubt that any order from Nevada should be recognized in England.

2 The preclusive effect of a judgment is defined by claim preclusion and issue preclusion,
3 which are collectively referred to as "*res judicata*." Under the doctrine of claim preclusion, a
4 judgment forecloses successive litigation of the very same claim, whether or not re-litigation of
5 the claim raises the same issues as the earlier suit (*Taylor v. Sturgell*, 553 U.S. 880 (2008)).
6

7 It is unclear why the Defendant is seeking enforcement of a Nevada order (when the
8 current order is sole custody and the Plaintiff will have the discretion to determine the
9 Defendant's visitation) when he clearly states in his motion that he lives in Turkey and that the
10 child and the Plaintiff resides in England.

11 **NRS 125A.045 "Child custody determination" defined.**

12 1. "Child custody determination" means a judgment, decree or other
13 order of a court which provides for the legal custody, physical custody or
14 visitation with respect to a child.

15 2. The term includes a permanent, temporary, initial and modification
16 order.

17 3. The term does not include an order relating to child support or other
18 monetary obligation of a natural person.

19 (Added to NRS by 2003, 990)

20 **NRS 125A.055 "Child custody proceeding" defined.**

21 1. "Child custody proceeding" means a proceeding in which legal
22 custody, physical custody or visitation with respect to a child is an issue.

23 2. The term includes a proceeding for divorce, separation, neglect,
24 abuse, dependency, guardianship, paternity, termination of parental rights
25 and protection from domestic violence, in which the issue may appear.

26 3. The term does not include a proceeding involving juvenile
27 delinquency, contractual emancipation or enforcement pursuant to NRS
28 125A.405 to 125A.585, inclusive.

(Added to NRS by 2003, 991)

NRS 125A.305 Initial child custody jurisdiction.

1 Except as otherwise provided in NRS 125A.335, a court of this State
has jurisdiction to make an initial child custody determination only if:

(a) This State is the home state of the child on the date of the
commencement of the proceeding or was the home state of the child within 6
months before the commencement of the proceeding and the child is absent
from this State but a parent or person acting as a parent continues to live in
this State;

(b) A court of another state does not have jurisdiction pursuant to
paragraph (a) or a court of the home state of the child has declined to

1 exercise jurisdiction on the ground that this State is the more appropriate
2 forum pursuant to NRS 125A.365 or 125A.375 ...

3 **NRS 125A.365 Inconvenient forum.**

4 1. A court of this state which has jurisdiction pursuant to the
5 provisions of this chapter to make a child custody determination
6 may decline to exercise its jurisdiction at any time if it determines
7 that it is an inconvenient forum under the circumstances and that a
8 court of another state is a more appropriate forum. The issue of
9 inconvenient forum may be raised upon motion of a party, the
10 court's own motion or request of another court.

11 2. Before determining whether it is an inconvenient forum, a
12 court of this state shall consider whether it is appropriate for a court
13 of another state to exercise jurisdiction. For this purpose, the court
14 shall allow the parties to submit information and shall consider all
15 relevant factors, including:

16 (a) Whether domestic violence has occurred and is likely to
17 continue in the future and which state could best protect the parties
18 and the child;

19 (b) The length of time the child has resided outside this state;

20 (c) The distance between the court in this state and the court in
21 the state that would assume jurisdiction;

22 (d) The relative financial circumstances of the parties;

23 (e) Any agreement of the parties as to which state should
24 assume jurisdiction;

25 (f) The nature and location of the evidence required to resolve
26 the pending litigation, including testimony of the child;

27 (g) The ability of the court of each state to decide the issue
28 expeditiously and the procedures necessary to present the evidence;
and

(h) The familiarity of the court of each state with the facts and
issues in the pending litigation.

3. If a court of this state determines that it is an inconvenient
forum and that a court of another state is a more appropriate forum,
it shall stay the proceedings upon condition that a child custody
proceeding be promptly commenced in another designated state and
may impose any other condition the court considers just and proper.

4. A court of this state may decline to exercise its jurisdiction
pursuant to the provisions of this chapter if a child custody
determination is incidental to an action for divorce or another
proceeding while still retaining jurisdiction over the divorce or
other proceeding.

(Added to NRS by 2003, 997)

1 With no one living in Nevada, this is an inconvenient forum to litigate. The only reason
2 that the Plaintiff was in Nevada was for military service. Now military service has taken her to
3 England.

4 The Plaintiff has no ties at all to Nevada. Her residence is Nevada. Her vehicle is
5 registered in England. She is registered to vote in England. There is just no reason to presume
6 that the Plaintiff and the child are Nevada residents since there is no guarantee she will ever
7 return to Nevada or even the United States. The Defendant has never been a Nevada resident.

8 With the child and the Plaintiff going to be residing in the England for the next
9 foreseeable several years, this matter is best litigated in England if the Court determines that is
10 best. There is no reason to fill up this Court's morning docket and waste Nevada taxpayer money
11 when this Court has no vested interest in determining this matter with non-Nevada residents.
12

13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28

V.

Conclusion

Therefore, based upon the foregoing, the Plaintiff requests this Court to enter an Order:

1. All requests for relief in Defendant's motion be denied.
2. For this Court to dismiss this case as no Parties reside in the State of Nevada with the Plaintiff and the minor child residing in England and the Defendant is living in Turkey.
3. For other relief deemed just and proper under the circumstances.

By: _____


Jason P. Stoffel, Esq.
State of Nevada Bar No. 8898
2011 Pinto Lane, Suite 100
Las Vegas, Nevada 89106
PH: (702) 474-7007
FAX: (702) 474-7477
EMAIL: attorneys@lvfamilylaw.com
Attorney for Plaintiff

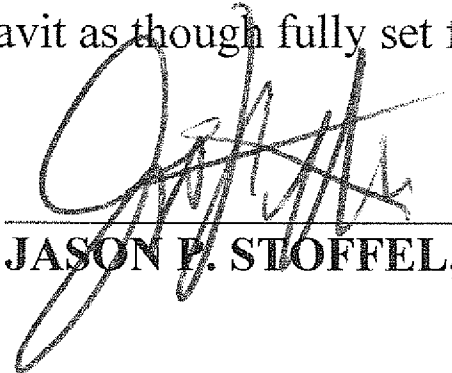
AFFIDAVIT OF JASON STOFFEL – ATTORNEY FOR
PLAINTIFF UNDER NRS 15.010

STATE OF NEVADA)
 ss
County of CLARK)

1. Affiant is the Attorney for Plaintiff in the above entitled action and provides this affidavit in support of this Opposition to Defendant's motion and Countermotion.

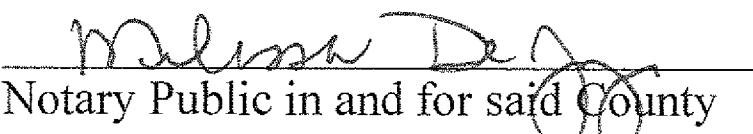
2. The Plaintiff has provided documents and substantial input in the preparation of this opposition/countermotion, etc. to assist your Affiant to assist with the facts of this motion.

3. Affiant has prepared the foregoing Motion based largely on jurisdictional/procedural issues and hereby certifies that the facts set forth herein are true based on the representations provided by my client and the supporting exhibits thereto, except for those matters stated upon information and belief, and as to those matters, Affiant believes them to be true. Affiant incorporates these facts into this Affidavit as though fully set forth herein.



JASON P. STOFFEL, ESQ.

Subscribed and Sworn to before me this
7th day of May 2014.



Notary Public in and for said County
and State

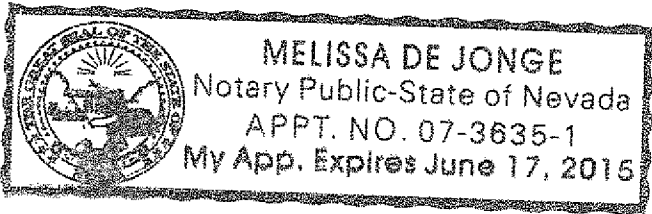
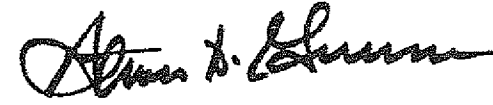


EXHIBIT 1



CLERK OF THE COURT

1 **NEO**
Jason P. Stoffel, Esq.
2 State Bar of Nevada No. 8898
ROBERTS STOFFEL FAMILY LAW GROUP
3 2011 Pinto Lane, Suite 100
Las Vegas, Nevada 89106
4 PH: (702) 474-7007
FAX: (702) 474-7477
5 EMAIL: attorneys@lvfamilylaw.com
Attorney for Plaintiff, Kathleen Kar
6

7 **DISTRICT COURT**
8 **CLARK COUNTY, NEVADA**

9
10 KATHLEEN A. KAR,
11 Plaintiff,

12 v.

13 MEHMET KAR,
14 Defendant.

) Case No: D441849
) Dept No: P

) **NOTICE OF ENTRY OF ORDER**
)
)
)
)
)

15 Please take notice that an Order was duly entered in the above referenced case on the 12th
16 day of July, 2013 a copy of which is attached hereto and by reference fully incorporated herein.

17 DATED this 15th day of July, 2013.

18
19 **ROBERTS STOFFEL FAMILY LAW GROUP**

20
21 By: 

Jason P. Stoffel, Esq.
State Bar of Nevada No. 8898
2011 Pinto Lane, Suite 100
Las Vegas, Nevada 89106
22 PH: (702) 474-7007
23 FAX: (702) 474-7477
24 EMAIL: attorneys@lvfamilylaw.com
25 Attorney for Plaintiff, Kathleen Kar
26
27
28

CERTIFICATE OF SERVICE

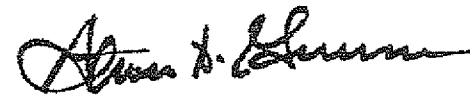
I hereby certify that I am an employee of Roberts Stoffel Family Law Group, and on the 15th day of July, 2013, I placed a true and correct copy of the Notice of Entry of Order (with Order attached), in the United States Mail at Las Vegas, Nevada, with postage prepaid, and addressed as follows:

Kathleen Kar
9064 Watermelon Seed Ave.
Las Vegas, Nevada 89143

Mehmet Sait Kar
c/o Nichole-Emarah Kiline
PSC 94 Box 2389
APO AE 09824

Mehmet Sait Kar
Kemalpasa Mah, 4464 Sok. No: 38
Incirlik/Saricam Adana Turkey

By: 
An Employee of Roberts Stoffel Family Law Group



CLERK OF THE COURT

1 **ORDER**
Jason P. Stoffel, Esq.
2 State Bar of Nevada No. 8898
ROBERTS STOFFEL FAMILY LAW GROUP
3 2011 Pinto Lane, Suite 100
Las Vegas, Nevada 89106
4 PH: (702) 474-7007
FAX: (702) 474-7477
5 EMAIL: attorneys@lvfamilylaw.com
Attorney for Plaintiff, Kathleen Kar

6
7 **DISTRICT COURT, FAMILY DIVISION**
8 **CLARK COUNTY, NEVADA**

9 KATHLEEN A. KAR,
10 Plaintiff,

11 v.

12 MEHMET KAR,

13 Defendant.

) Case No: D441849
) Dept No: P
)

) **ORDER AFTER HEARING**
)

) Hearing Date: June 11, 2013
) Hearing Time: 11:00 a.m.
)
)
)
)

16
17 This matter having come before the Court on the 11th day of June, 2013, on Plaintiff's
18 Motion for Sole Physical and Legal Custody, for Specific Visitation for Defendant, for Child
19 Support Arrears, to Reduce Outstanding Arrears to Judgment, for Wage Garnishment, for Costs,
20 and Other Related Relief, and the Defendant, Not Present, and the Plaintiff, Kathleen Kar,
21 present, and represented by and through her attorney of record, Jason P. Stoffel, Esq., of Roberts
22 Stoffel Family Law Group, and the Court having heard the testimony of Parties hereto:

23 IT IS HEREBY NOTED Defendant lives in Turkey and the Plaintiff received an email on
24 June 8, 2013, from Defendant stating he received the Motion and did not intend to participate.

25 THE COURT FINDS that service of the motion was proper based on email service,
26 Defendant's response via email, and mailing it to two (2) known Turkish addresses.
27
28

1 THE COURT FURTHER NOTED upon inquiry of the Court, Attorney Stoffel stated that
2 the Plaintiff, Kathleen Kar, has not received any child support and the Defendant has very little
3 involvement in the child's life.

4 THE COURT HEREBY ORDERS that the Plaintiff's Motion is granted as unopposed.

5 THE COURT FURTHER ORDERED Plaintiff shall be awarded sole physical and sole
6 legal custody of the minor child, Alexander Kar, born April 1, 2008. This shall be deemed a *final*
7 *custodial order*.

8 THE COURT FURTHER ORDERED Defendant's visitation with the child shall be at the
9 sole discretion of the Plaintiff.

10 THE COURT FURTHER ORDERED child support arrears are set in the amount of
11 \$2,800.00 through June, 2013, and shall be reduced to judgment and collectable by any and all
12 legal means plus post judgment interest.

13 THE COURT FURTHER ORDERED that the Defendant's child support obligation to the
14 Plaintiff shall be reset based on the fact that at the time of the Decree, the Defendant was
15 unemployed but now is employed at the Turkish Consulate upon information and belief. The
16 Defendant did not file a Financial Disclosure Form so the Court will use the *Nevada Average*
17 *Wage* to determine how child support should be calculated. *Nevada Average Wage* is currently at
18 \$3,494 based on 2013 data from the Nevada Department of Employment, Training and
19 Rehabilitation. As such, $\$3,494 \times 18\% = \$628/\text{month}$. Therefore, commencing July 1, 2013, the
20 Defendant's new child support obligation to the Plaintiff shall be \$628/month.

21 THE COURT FURTHER ORDERED child support is to be collected by wage assignment
22 through the Defendant's current employer.

23 THE COURT FURTHER ORDERED Attorney Stoffel shall prepare today's order and the
24 case shall be closed upon filing of said order.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

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

The Parties are also put on notice of the following provisions in *NRS 125.510(8)*:

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

(b) Upon motion of one of the Parties, the court may order the parent to post a bond if the court determines that the parent poses an imminent risk of wrongfully removing or concealing the child outside of the country of habitual residence. The bond must in an amount determined by the

1 court and may be used only to pay for the cost of locating the child and returning him to his
2 habitual residence if the child is wrongfully removed from or concealed outside the country of
3 habitual residence. The fact that a parent has significant commitments in a foreign country does
4 not create a presumption that the parent poses an imminent risk of wrongfully removing or
5 concealing the child.

6 The Parties are also put on notice of the following provision of *NRS 125C.200*:
7
8 If custody has been established and the custodial parent or a parent having joint custody intends
9 to move his residence to a place outside of this state and to take the child with him, he must, as
10 soon as possible and before the planned move, attempt to obtain the written consent of the other
11 parent to move the child from the state. If the non-custodial parent or other parent having joint
12 custody refuses to give that consent, the parent planning the move shall, before he leaves the state
13 with the child, petition the court for permission to move the child. The failure of a parent to
14 comply with the provisions of this section may be considered as a factor if a change of custody is
15 requested by the noncustodial parent or other parent having joint custody.

16 The Parties are further put on notice that they are subject to the provisions of *NRS 31A*
17 and 125.450 regarding the collection of delinquent child support payments.

18
19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

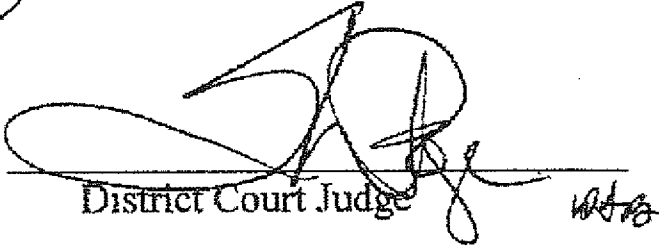
27 ///

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

The Parties are further put on notice that either Party may request a review of child support pursuant to NRS 125B.145.

IT IS SO ORDERED this 11th day of July, 2013.


District Court Judge

Respectfully Submitted,

ROBERTS STOFFEL FAMILY LAW GROUP

By:  6-21-13
Jason P. Stoffel, Esq.
State Bar of Nevada No. 8898
2011 Pinto Lane Ste. 100
Las Vegas, Nevada 89106
Phone: (702) 474-7007
Fax: (702) 474-4-7477
Email: attorneys@lvfamilylaw.com
Attorneys for Plaintiff

EXHIBIT 2

Jason Stoffel

From: Kathleen Mullan [kathleen_kar@hotmail.com]
Sent: Thursday, May 01, 2014 1:55 AM
To: Kar, Kathleen A TSGT USAF (US)
Subject: FW: Sole Custody

From: saitkar@hotmail.com
To: kathleen_kar@hotmail.com
Subject: RE: Sole Custody
Date: Sat, 8 Jun 2013 08:53:28 +0300

thanks

From: kathleen_kar@hotmail.com
To: saitkar@hotmail.com
Subject: RE: Sole Custody
Date: Fri, 7 Jun 2013 10:31:44 -0500

Of course, I will be on in the morning like always.

From: saitkar@hotmail.com
To: kathleen_kar@hotmail.com
Subject: RE: Sole Custody
Date: Fri, 7 Jun 2013 08:41:27 +0300

can I talk to Alex please on Saturday?

From: kathleen_kar@hotmail.com
To: saitkar@hotmail.com
Subject: Sole Custody
Date: Thu, 6 Jun 2013 21:32:23 -0500

Sait,

The courts have mailed you the documents for sole legal custody that I filed on my behalf. I do not owe you an explanation as to why. Your actions are the reason why. I am the only person talking care of Alex, and I need to be able to make decisions that are in his best interests. The court hearing is June 11th and I have enclosed a copy of the petition. This is not a personal issue, rather one that is in the best interests of Alex.

Kathy

Jason Stoffel

From: Kathleen Mullan [kathleen_kar@hotmail.com]
Sent: Thursday, May 01, 2014 1:55 AM
To: Kar, Kathleen A TSGT USAF (US)
Subject: FW: Sole Custody
Attachments: D-11-441849-Z-4303821_SCHD_Schedule_Of_Arrearages.pdf; D-11-441849-Z-4304443_MOT_Plaintiff_s_Motion_For_Sole_Physical_And_Sole_....pdf; D-11-441849-Z-4314598_CERT_Certificate_Of_Mailing.pdf

From: kathleen_kar@hotmail.com
To: saitkar@hotmail.com
Subject: Sole Custody
Date: Thu, 6 Jun 2013 21:32:23 -0500

Sait,

The courts have mailed you the documents for sole legal custody that I filed on my behalf. I do not owe you an explanation as to why. Your actions are the reason why. I am the only person taking care of Alex, and I need to be able to make decisions that are in his best interests. The court hearing is June 11th and I have enclosed a copy of the petition. This is not a personal issue, rather one that is in the best interests of Alex.

Kathy

EXHIBIT 3

Missy DeJonge

From: John Morgan Sames [jmorgan.sames@gmail.com]
Sent: Friday, April 25, 2014 1:11 AM
To: Kar, Kathleen A TSGT USAF (US)
Subject: Fwd: FW: Notification of Assignment Selection

Here is the notification I received.

v/r
Kathleen A. Kar, TSgt, USAF
NCOIC, Mission Planning Cell
Creech AFB
DSN: 384-6161
Comm: 702-404-6161

This electronic transmission contains FOR OFFICIAL USE ONLY (FOUO) information that must be protected under the Privacy Act of 1974 IAW AFI 33-332 and DoD Regulation 5400.22.) Do not release outside of DoD channels; ensure access is limited to personnel with a need to know in the performance of their official duties. If you received this electronic transmission in error, notify the sender by reply e-mail, and delete all copies of message

-----Original Message-----

From: System Generated Email [Do Not Reply] [<mailto:milunique.systems@us.af.mil>]
Sent: Monday, November 04, 2013 4:05 PM
To: KATHLEEN.KAR@HOTMAIL.COM; KAR, KATHLEEN A TSgt USAF ACC 432 OG/UDM; 99 FSS/FSMPD (Career Development)
Subject: Notification of Assignment Selection

TSG KAR, KATHLEEN A,

Congratulations! This is to notify you of your selection for a Permanent Change of Duty Station (PCS). You are required to log-on to the VMPF immediately to complete the Official Assignment Briefing. If you do not access this requirement within 7 calendar days from your Assignment Creation Date of 04-NOV-13, an email will be sent to your commander, and military personnel section advising them of the overdue suspense.

Your military personnel section and/or unit will provide you an "Assignment Notification" report on individual person (RIP) which contains information affecting your assignment.

If you require assistance, please contact your military personnel section.
You may also contact the Total Force Service Center at DSN 665-5000 or toll-free (800) 525-0102 <<tel:%28800%29%20525-0102>> .

EXHIBIT 4

REQUEST AND AUTHORIZATION FOR PERMANENT CHANGE OF STATION - MILITARY

PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C. 8013, Secretary of the Air Force E.O. 9397 (SSN) as amended. Powers and duties, delegation by 8032 General duties; implemented by Air Force Instruction 36-2102, Base-level Relocation Procedures.
 PURPOSE: Each type of relocation of Air Force personnel requires specific actions described either on a checklist or by sending a form letter to the applicable base activity having a responsibility for ensuring accomplishment of the action.
 ROUTINE USES: In addition to those disclosures generally under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3). 'Blanket Routine Uses' apply.
 DISCLOSURE: VOLUNTARY; SSN is used to reference member's official records. Failure to provide SSN may make it difficult for member to receive pay and entitlements in coordination with Permanent Change of Station.

The following individual will proceed on permanent change of station:

☐

PCS without PCA

☒

PCS with PCA

TED FEB 14

1. GRADE, NAME (Last, First, Middle Initial)

TSG KAR, KATHLEEN A

2. SSAN

246-43-2551

3. SAFSC/CAFSC

1N071

4. SECURITY CLEARANCE (include date of last investigation)

SCI(DCID 1/14 ELIGIBLE) SINGLE SCOPE BACKGROUND INVESTIGATION 14 JUL 2010

5. REPORT TO COMDR, NEW ASSIGNMENT

NLT: 28 FEB 2014

6. TRAVEL DAYS AUTHORIZED

IF TRAVELING BY PRIVATELY-OWNED CONVEYANCE: 7

7. TDY ENROUTE

8. UNIT, MAJOR COMMAND AND ADDRESS OF UNIT FROM WHICH RELIEVED:

ACC 432 OPERATIONS SUPPORT SQ FFK960
CREECH NV 890180000

9. UNIT, MAJOR COMMAND AND ADDRESS OF UNIT TO BE ASSIGNED:

EUC OL HQ AFELM EUCOM JA JE FFFF90
MOLESWORTH UK 094690000

10. TYPE OF TOUR

☒ ACCOMPANIED

☐ UNACCOMPANIED

(Check One)

☐ UNACCOMPANIED, DEPENDENTS RESTRICTED

11. TOUR LENGTH (Total No. of Months)

36

12. EXTENDED LONG TOUR VOL

NO

13. DEPENDENT TRAVEL:

☒

A. CONCURRENT TRAVEL IS AUTOMATIC

☐

B. CONCURRENT TRAVEL IS APPROVED

☐

C. DEPENDENT TRAVEL IS DELAYED FOR LESS THAN 20 WEEKS

☐

D. DEPENDENT TRAVEL IS DELAYED FOR MORE THAN 20 WEEKS

☐

E. TRAVEL IS AUTHORIZED TO A DESIGNATED PLACE

14. THIS IS A JOIN-SPOUSE ASSIGNMENT (include spouse's grade, name & SSN)

NO

15. AUTHORITY FOR CCTVL:

CCTVL LISTING AS OF 10 JULY 2012

16. HOMEBASING/FOLLOW-ON ASSIGNMENT (Include AAN, GPAS and RNLTID)

17. DEPENDENT(s): (List names, DOB of children, relationship to member and current address)

SAMES, JOHN ROBERT SPOUSE 07 AUG 1974 9064 WATERMELON SEED AVE LAS VEGAS NV 89143-4495
KAR, ALEXANDER K CHILD 01 APR 2008 9064 WATERMELON SEED AVE LAS VEGAS NV 89143-4495

18. PCS EXPENSE CHARGEABLE TO: 5743500 324 5871.0* 525725

Insert Applicable Subproject Shred

CIC: 4 5 448 0070 525725

TAC: F48D

ATAC: F48D10*

NTS CHARGEABLE TO: 5743500 324 5878.0N 525725

19. AUTHORITY AND PCS CODE

AFI 36-2110

PCS ID: J

AAN: 0240N01845

20. AETC/FM TDY Funding.

21. SDN:

PB58714001MP0H

20a. All other TDY Enroute Funding.

Pursuant to AFI 32-6001, you will report to the base housing referral office servicing your new duty station before entering any rental, lease, or purchase agreement for off-base housing.

22. REMARKS (Submit travel voucher within 5 workdays after completion of travel. If TDY enroute is authorized, attach receipts showing cost of all lodging used. All promotional items incurred while PCS/TDY must be turned in to AFO upon arrival at gaining base. See reverse for remarks.)

PCS ADSC: 36 MONTHS TRAINING ADSC: 0 MONTHS (See AFI 36-2107)

01. (MANDATORY FOR ALL OVERSEAS PERSONNEL) IAW DOD POLICY LETTER DATED 28 JAN 2011, REPEAL OF DON'T ASK DON'T TELL - ALL ACTIVE DUTY AIRMEN MUST REVIEW THE HOST NATION CUSTOMS AND LAWS OF THE COUNTRY THEY ARE BEING REASSIGNED PRIOR TO DEPARTING CURRENT DUTY STATION. VISIT [HTTPS://GUM-CRM.CSD.DISA.MIL/APP/ANSWERS/DETAIL/A_ID/15632/KW/15632/P/8%2C10](https://GUM-CRM.CSD.DISA.MIL/APP/ANSWERS/DETAIL/A_ID/15632/KW/15632/P/8%2C10) FOR THE APPROPRIATE RULES.

23. DATE

09 JAN 2014

24. APPROVING OFFICIAL (Type Name and Grade)

WEEMS, SYREETA, TSG, USAF, NCOIC, CAREER DEVELOPMENT

25. SIGNATURE OF APPROVING OFFICIAL

// SIGNED //

26. DESIGNATION AND LOCATION OF HQ DEPT OF THE AIR FORCE:

AFPC RANDOLPH AFB TX 78150-0000

27. SPECIAL ORDER NO:

AH-032870

28. DATE

10 JAN 2014

29. TDN

FOR THE COMMANDER

30. DISTRIBUTION: AA

31. SIGNATURE ELEMENT OF ORDERS AUTHENTICATING OFFICIAL

//signed//

TRINITY N FLOREZ, SRA

USAF, FUNDING AUTHENTICATOR, TFSC-SA

32. ADDRESS OF GAINING MPF:

100 FSS

APO AE 09459-5290

AF FORM 899, 20100910

PREVIOUS EDITIONS ARE OBSOLETE

PRIVACY ACT INFORMATION: The information in this form is FOR OFFICIAL USE ONLY. Protect IAW The Privacy Act of 1974.

REQUEST AND AUTHORIZATION FOR PERMANENT CHANGE OF STATION - MILITARY

This contains information which must be protected IAW AFI 33-332 and DoD Regulation 5400.00; Privacy Act of 1974 as Amended Applies, and it is for Official Use Only (FOUO). It must be protected or Privacy Act information removed prior to further disclosure.

33. CONTINUATION

22. CONTINUED

02. UPON RECEIPT OF ORDERS CONTACT THE TRAFFIC MANAGEMENT OFFICE (TMO) TO MAKE ARRANGEMENTS FOR HHGS SHIPMENT AND TRAVEL.

03. UPON RECEIPT OF ORDERS CONTACT THE FINANCIAL SERVICES OFFICE (FSO) TO MAKE FINANCIAL ARRANGEMENTS AND ADVISEMENT.

04. AIRMAN MUST BE IN UNIFORM AT FINAL OUTPROCESSING APPOINTMENT.

05. IAW PUBLIC LAW 105-264, GOVERNMENT TRAVEL CARD (GTC) USE IS MANDATORY FOR ALL AUTHORIZED EXPENSES UNLESS OTHERWISE EXEMPTED UNDER SPECIFIC PROVISIONS DETAILED IN PARA E OF THE TRAVEL TRANSPORTATION REFORM ACT. IF AIRMAN IS A GTC HOLDER USE OF HIS/HER INDIVIDUALLY BILLED ACCOUNT IS MANDATORY FOR ALL COMMERCIAL TRANSPORTATION ARRANGEMENTS AND ADVANCE TRAVEL PAY IS NOT AUTHORIZED. IF AIRMAN IS A NONCARD HOLDER THE CENTRALLY BILLED ACCOUNT WILL BE UTILIZED FOR ALL COMMERCIAL TRANSPORTATION ARRANGEMENTS.

06. IAW DEFENSE DIRECTIVE (DODD) 4500.09E, TRANSPORTATION AND TRAFFIC MANAGEMENT, CHAP 401, PARA O.2 - REQUIRED POLICY. THE COMPLETION OF A CUSTOMER SATISFACTION SURVEY (CSS) FOR EACH SHIPMENT DELIVERED IS REQUIRED WITHIN SEVEN DAYS OF EACH COMPLETE SHIPMENT DELIVERY. AIRMEN /EMPLOYEES ARE REQUIRED TO COMPLETE A CSS VIA THE WEB: [HTTP://WWW.SDDC.ARMY.MIL/SDDC/CONTENT/PUB/46819/CSS%20BROCHURE%20V2.PDF](http://www.sddc.army.mil/sddc/content/pub/46819/CSS%20BROCHURE%20V2.PDF). AFTER REVIEWING THE INSTRUCTIONS, YOU MAY ACCESS AND COMPLETE THE SURVEY AT THE FOLLOWING LINK. [HTTP://WWW.MOVE.MIL/](http://www.move.mil/)

07. AIRMEN AND DEPENDENTS ARE AUTHORIZED EXCESS BAGGAGE NOT TO EXCEED 2 PIECES AT 70 POUNDS EACH. ALL AIRLINE RECEIPTS FOR EXCESS BAGGAGE ARE REQUIRED FOR REIMBURSEMENT, REGARDLESS OF DOLLAR AMOUNT. THE TRAVELER SHOULD BE FINANCIALLY PREPARED TO PAY FOR EXCESS BAGGAGE CHARGES WHILE TRAVELING. EXCESS BAGGAGE IS NOT AUTHORIZED IN CONJUNCTION WITH CIRCUITOUS OR PERSONAL CONVENIENCE TRAVEL IF THE EXCESS BAGGAGE COSTS WOULD NOT BE INCURRED IF GOVERNMENT-PROCURED AIRLINE TICKETS WERE AVAILABLE/USED.

08. TRANSOCEANIC TRAVEL BY GOVERNMENT OR GOVERNMENT PROCURED AIRCRAFT IS DIRECTED. OBTAIN GOVERNMENT-PROCURED TRAVEL RESERVATIONS THROUGH THE TMF/CTO, UNDER PROVISIONS OF AFI 24-101, AND JFTR, PARAGRAPH U3120 AND U5107-8. SELF-PROCUREMENT OF TRANSOCEANIC OFFICIAL TRAVEL AND USE OF FOREIGN FLAG (NON-US) CARRIERS ARE NOT AUTHORIZED UNLESS SPECIFICALLY APPROVED PRIOR TO TRAVEL BY A STATEMENT OF NON-AVAILABILITY AND AUTHORIZATION PROVIDED BY THE TMF/CTO. IF YOU NEED ASSISTANCE WITH YOUR RESERVATIONS CONTACT THE FOLLOWING: AMC FLIGHT CHANGES - 1-800-851-3144 OR ANY TRAFFIC MANAGEMENT OFFICE.

09. DOS: 28 FEB 2017 / AAR: S4-JOINT/DEPUTY ACTIVITY(OVERSEAS) / DEROS: N/A / PPCS: 9NA,9IK,9NC,9TU

10. DEPARTURE CERTIFICATION: I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE I WILL DEPART PCS AT _____ (HRS) _____ (DATE) _____ SIGNATURE

11. POV SHIPMENT/TRANSPORTATION IS AUTHORIZED IAW JFTR, VOL I, PARA U5405.

12. AIRMAN IS AUTHORIZED FULL JFTR WEIGHT ALLOWANCE IAW JFTR VOL I, AF SUPPLEMENT, ATTCH 2 AND THE OS FURNISHINGS AND QTRS AVAILABILITY LISTING.

13. AIRMEN HAS MET ALL PPC REQUIREMENTS

14. MEMBER IS NOT AUTHORIZED TO DEPART THE CONUS PORT OF DEPARTURE UNTIL THE FIRST DAY OF THE RNLTD MONTH. TRANSPORTATION ARRANGEMENTS WILL NOT BE MADE THAT ALLOW DEPARTURE PRIOR TO THE RNLTD MONTH.

15. NATO TRAVEL ORDER/ORDRE DE MISSION OTAN. COUNTRY OF ORIGIN/PAYS DE PROVENANCE: THE UNITED STATES OF AMERICA ORDER NUMBER/NUMERO DE SERIE: SEE ORDER NUMBER ON FRONT OF ORDER. 1. THE BEARER (AND GROUP AS SHOWN HERE OR ON ATTACHED LIST)/LE PORTEUR (ET PERSONNEL PORTE CI-DESSOUS OU SUR LA LISTE JOINTE): SEE GRADE, NAME/NOM, AND SOCIAL SECURITY NUMBER/NO MLE ON FRONT OF ORDER. 2. WILL TRAVEL FROM/FERA MOUVEMENT DE [ENTER FROM LOCATION] TO/A [ENTER TO LOCATION] VIA/VIA [ENTER COUNTRIES EN ROUTE], DATE OF DEPARTURE/DATE DU DEPART [ENTER DATE OF DEPARTURE], EXPECTED DATE OF RETURN/DATE PROBABLE DE RETOUR [ENTER DATE IF APPLICABLE]. 3. AUTHORITY [IS/IS NOT] GRANTED TO POSSESS AND CARRY ARMS/AUTHORISATION DE PORT D'ARMES [ACCORDEE/NON ACCORDEE]. 4. THE PERSON NAMED IN PARAGRAPH 1 IS AUTHORIZED TO CARRY SEALED DISPATCHES, CONTAINING ONLY OFFICIAL DOCUMENTS, NUMBERED /LA PERSONNE INDIQUEE AU PARAGRAPHE 1 EST AUTORISEE A PORTER PLUS SCELLES, NE CONTENANT QUE DES DOCUMENTS OFFICIELS, NUMERATES

16. [INDICATE IF MEMBER IS AUTHORIZED OR REQUIRED TO CARRY ANY OF THESE ITEMS AND PACKAGE NUMBERS, IF APPLICABLE]. 5. I HEREBY CERTIFY THAT THIS INDIVIDUAL/GROUP IS/ARE MEMBER(S) OF A FORCE DEFINED IN THE NATO STATUS OF FORCES AGREEMENT, AND THAT THIS IS AN AUTHORIZED MOVE UNDER THE TERMS OF THIS AGREEMENT/LE SOUSSIGNE CERTIFIE QUE LA PERSONNEL VISA APPARTIENT A UNE ARMEE TELLE QUE DEFINIE DANS L'ACCORD OTAN SUR LE STATUT DES FORCES ARMEEES ET QUE CE DEPLACEMENT EST OFFICIAL SELON LES TERMES DE CET ACCORD. 6. THIS TRAVEL ORDER IS TO BE PRODUCED TO CIVIL AND MILITARY AUTHORITIES ON REQUEST/CET ORDRE DE MISSION DEVRA ETRE PRESENT SUR DEMANDE DES AUTORITES CIVILES ET MILITAIRES. OFFICER AUTHORIZING MOVEMENT/OFFICIER AUTORISANT LE MOUVEMENT (SEE AUTHENTICATING OFFICIAL ON FRONT OF ORDER). DATE OF ISSUE/DATE DE L'AUTORISATION (SEE DATE ON FRONT OF ORDER).

17. DEPENDENT(S) HAVE BEEN MEDICALLY CLEARED FOR TRAVEL, 11 DEC 2013.

0001

JASON P. STOFFEL, ESQ.

2011 Pinto Lane, Suite 100

Las Vegas, Nevada 89106

(702) 474-7007

Attorney for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

KATHLEEN KAR,

Plaintiff(s),

-vs-

MEHMET KAR,

Defendant(s).

CASE NO. D441849

DEPT. NO. P

**FAMILY COURT
MOTION/OPPOSITION FEE
INFORMATION SHEET
(NRS 19.0312)**

Party Filing Motion/Opposition: ☒ Plaintiff/Petitioner ☐ Defendant/Respondent

MOTION FOR OPPOSITION TO Opposition to Plaintiff's Motion for Contempt

**Motions and
Oppositions to Motions
filed after entry of a final
order pursuant to NRS
125, 125B or 125C are
subject to the Re-open
filing fee of \$25.00,
unless specifically
excluded. (NRS 19.0312)**

NOTICE:

*If it is determined that a motion or
opposition is filed without payment
of the appropriate fee, the matter
may be taken off the Court's
calendar or may remain undecided
until payment is made.*

Mark correct answer with an "X."

1. No final Decree or Custody Order has been
entered. ☒ YES ☐ NO

2. This document is filed solely to adjust the amount of
support for a child. No other request is made.
☐ YES ☒ NO

3. This motion is made for reconsideration or a new
trial and is filed within 10 days of the Judge's Order
If YES, provide file date of Order: Date
☐ YES ☒ NO

If you answered YES to any of the questions above,
you are not subject to the \$25 fee.

Motion/Opposition ☒ IS ☐ IS NOT subject to \$25 filing fee

Dated this 7th of May, 2014

Missy DeJorge
Printed Name of Preparer

Missy DeJorge
Signature of Preparer

Motion-Opposition Fee.doc/1/30/05



CLERK OF THE COURT

MEHMET SAIT KAR
Kemalpasa Mahallesi
4464 sol. no: 30
Incirlik/Saricam
Adana/Turkey
+90-533-964-9642
saitkar@hotmail.com
Petitioner in Proper Person

DISTRICT COURT
CLARK COUNTY, NEVADA

KATHLEEN KAR,

Petitioner,

vs.

MEHMET KAR,

Petitioner,

Case No. D441849
Dept No. P

**VIA TELEPHONIC APPEARANCE
FROM TURKEY**

REPLY TO OPPOSITION AND OPPOSITION TO COUNTERMOTION

COMES NOW Petitioner MEHMET KAR, hereinafter "MEHMET", in Proper Person, and respectfully moves this Court for the following relief:

1. That KATHLEEN KAR (hereinafter "KATHLEEN") take nothing by way of her countermotion.

2. That the court acknowledge jurisdiction continues to lie in the State of Nevada, County of Clark, where the parties were divorced.

3. That the court acknowledge if both parents out outside the United States, this action is appropriate in the State with the most significant ties to the children, which remains to be NEVADA.

4. That, in fact, the child has not resided outside the State of Nevada for over six months.

5. That the court acknowledge KATHLEEN's bad faith actions by failing to inform the court of her intention to remove the child from Nevada when seeking sole legal and physical custody; and failing to provide the court her current address - all in bad faith.

1 This Motion is based upon all the records and files in this action, Points and Authorities,
2 Affidavit of Defendant, and any argument adduced at the time of hearing of this Motion.

3 Dated this 12 day of May, 2014.

4 
5 MEHMET KAR
6 Defendant in Proper Person

7
8 **FACTS/HISTORY**

9 The parties in this matter were divorced by JOINT PETITION on March 15, 2011, in Clark
10 County, Nevada. There is one minor child the issue of the parties, to wit: ALEXANDER KAAN
11 KAR (DOB: 4/1/08), who is presently 6 years old.

12 Nevada retains exclusive jurisdiction over the subject matter of the parties divorce, as well
13 as custody of the child, as no other state has a superior position to address custody issues than
14 Nevada.

15 In fact, the minor child has not resided outside of Nevada for over six months; and Nevada
16 has not relinquished jurisdiction to any other state.

17 In fact, KATHLEEN herself filed a motion seeking sole legal and physical custody heard
18 June, 2013.

19 Under the UCCJEA, in circumstances where neither party continues to reside in Nevada, as
20 in this case due to the military service of KATHLEEN, Nevada properly retains jurisdiction unless
21 and until another state would have a superior position. None does in this matter.

22 The child is a U.S. citizen, and entitled to ongoing relief of the Nevada court.

23 Most troubling is the fact that KATHLEEN comes before the court in bad faith, with unclean
24 hands, seeking that relief in the best interest of the child be denied solely because she is outside the
25 country on deployment with the military. KATHLEEN failed to inform the court of her anticipated
26 deployment when she filed seeking sole legal and physical custody of the child; and she failed to
27 update her address with the court after the relocation.
28

1 Now that she denied MEHMET visitation with the child, which she indicated in her own
2 paperwork seeking sole legal and physical custody of the child that she would NOT do, she wants
3 to somehow deny Nevada's jurisdiction in this matter!

4 KATHLEEN has not provided one statutory authority in support of her allegation that
5 Nevada no longer has jurisdiction.

6 The UCCJEA is codified in Nevada under NRS 125A. NRS 125A.305 addresses the initial
7 child custody jurisdiction.

8 It is undisputed that the parties submitted to the jurisdiction of the State of Nevada at the time
9 of divorce. Nevada assumed personal jurisdiction and subject matter jurisdiction in this matter.
10 Nevada properly made custody orders. Nevada modified those custody orders. Those custody
11 orders remain in effect.

12 Nevada did not relinquish jurisdiction in the Decree of Divorce, or any subsequent order.
13 Therefore, Nevada continues to maintain ongoing exclusive jurisdiction under NRS 125A.315, as
14 set forth herein.

15 With the child temporarily out of the country due to KATHLEEN's military assignment,
16 Nevada still retains jurisdiction as the **MOST CONVENIENT FORUM**. There is no state in the
17 United States with more familiarity of the subject matter jurisdiction than Nevada - and KATHLEEN
18 fails to even allege otherwise.

19 Amazingly, KATHLEEN asks this court to "dismiss" the divorce action since no party lives
20 in Nevada. To "dismiss" the case would be to dismiss the divorce, and leave the parties married.
21 What KATHLEEN is apparently asking is to relinquish jurisdiction, which would leave the orders
22 in effect, but provide another jurisdiction to obtain relief. Since there is no more convenient forum
23 than Nevada; and since Nevada has not relinquished jurisdiction, it is appropriate that Nevada hear
24 this matter; and that relief be granted.

25 KATHLEEN's allegation that she cannot be in contempt of the court order if this case is
26 dismissed is not logical; or a legal argument. Clearly, KATHLEEN is required to comply with the
27 very order she herself obtained. MEHMET did not oppose the sole legal and physical custody
28 because he is living in Turkey; and there was the promise to continue visitation, and a relationship

1 between father and son.

2
3 KATHLEEN's alleging regarding the Full Faith and Credit Clause of the United States
4 Constitution and 28 U.S.C.A. § 1738 is not on point in this matter at all.

5 **UCCJEA IN NEVADA**

6 **NRS 125A.305 Initial child custody jurisdiction.**

7 1. Except as otherwise provided in NRS 125A.335, a court of this State has jurisdiction to make
8 an initial child custody determination only if:

9 (a) This State is the home state of the child on the date of the commencement of the proceeding
10 or was the home state of the child within 6 months before the commencement of the proceeding
11 and the child is absent from this State but a parent or person acting as a parent continues to live
in this State;

12 (b) A court of another state does not have jurisdiction pursuant to paragraph (a) or a court of the
13 home state of the child has declined to exercise jurisdiction on the ground that this State is the
more appropriate forum pursuant to NRS 125A.365 or 125A.375 and:

14 (1) The child and the child's parents, or the child and at least one parent or a person acting as a
15 parent, have a significant connection with this State other than mere physical presence; and

16 (2) Substantial evidence is available in this State concerning the child's care, protection, training
and personal relationships;

17 (c) All courts having jurisdiction pursuant to paragraph (a) or (b) have declined to exercise
18 jurisdiction on the ground that a court of this State is the more appropriate forum to determine
the custody of the child pursuant to NRS 125A.365 or 125A.375; or

19 (d) No court of any other state would have jurisdiction pursuant to the criteria specified in
20 paragraph (a), (b) or (c).

21 2. Subsection 1 is the exclusive jurisdictional basis for making a child custody determination by
22 a court of this State.

23 3. Physical presence of, or personal jurisdiction over, a party or a child is not necessary or
24 sufficient to make a child custody determination.

25 (Added to NRS by 2003, 994)

26 **NRS 125A.315 Exclusive, continuing jurisdiction.**

27 1. Except as otherwise provided in NRS 125A.335, a court of this state which has made a child
28 custody determination consistent with NRS 125A.305 or 125A.325 has exclusive, continuing
jurisdiction over the determination until:

1 (a) A court of this state determines that the child, the child's parents and any person acting as a
2 parent do not have a significant connection with this state and that substantial evidence is no
3 longer available in this state concerning the child's care, protection, training and personal
relationships; or

4 (b) A court of this state or a court of another state determines that the child, the child's parents
5 and any person acting as a parent do not presently reside in this state.

6 2. A court of this state which has made a child custody determination and does not have
7 exclusive, continuing jurisdiction pursuant to this section may modify that determination only if
it has jurisdiction to make an initial determination pursuant to NRS 125A.305.

8 (Added to NRS by 2003, 994)

9 NRS 125A.325 Jurisdiction to modify determination. Except as otherwise provided in NRS
10 125A.335, a court of this state may not modify a child custody determination made by a court of
11 another state unless a court of this state has jurisdiction to make an initial determination pursuant
to paragraph (a) or (b) of subsection 1 of NRS 125A.305 and:

12 1. The court of the other state determines it no longer has exclusive, continuing jurisdiction
13 pursuant to NRS 125A.315 or that a court of this state would be a more convenient forum
pursuant to NRS 125A.365; or

14 2. A court of this state or a court of the other state determines that the child, the child's parents
15 and any person acting as a parent do not presently reside in the other state.

16 (Added to NRS by 2003, 995)

17
18 In addition to failing to provide any statutory authority that Nevada does not have
19 continuing exclusive jurisdiction, or to justify her failure to inform the court of her change of
20 address. This is in violation of the NRS as well.

21 CHILD SUPPORT ISSUE

22
23 MEHET has a right to review and reduce child support when there is a 20% difference
24 from the amount child support was based upon. In this matter, it is completely made up.
25 KATHLEEN knew or should have known, pay in Turkey is NOT commensurate with the pay in
26 the United States. Further, she had contact with MEHMET, and did not ask. Finally, because
27 MEHMET did not file sooner, he is burdened with a higher support than statutorily required. He
28

1 is entitled to relief upon filing. His income is now properly before the court, and he is entitled to
2 relief.

3
4 It is almost comical that KATHLEEN wants the court to "dismiss" this matter because
5 she has removed the child to England for a military assignment, but then complains MEHMET
6 has minimal child support arrears when she set the support arbitrarily high to begin with. She
7 was not acting in good faith when she did so.

8 MEHMET will make provisions to provide for statutory child support, as well as arrears.

9
10 **CONCLUSION**

11 Based upon the facts, MEHMET requests the court order that his visitation remain as set
12 forth in the Decree of Divorce - which was prayed for in KATHLEEN's own motion - which was
13 granted by DEFAULT (and thus should have remained the same); and that in addition,
14 MEHMET be entitled to skype visitation a minimum of once per week; and telephonic visitation
15 at all reasonable times not to be denied; at least an additional time once per week.
16

17 Based upon the facts herein, MEHMET requests KATHLEEN be SANCTIONED in the
18 sum of \$500 per week for missed visitation; and that she be ordered to pay MEHMET's fees and
19 costs of \$350, plus attorney fees if he retains counsel; for having to file this motion.

20 Based on the foregoing, the Defendant asks that the above prayed for relief be granted.

21 DATED and DONE this 12th day of May, 2014.

22
23 
24 MEHMET KAR
25 Defendant in Proper Person
26
27
28

1 Republic of Turkey
2 Province of Adana
3 City of Adana } SS
4 Consulate of the United States of America

AFFIDAVIT OF MEHMET KAR

5 STATE OF _____)

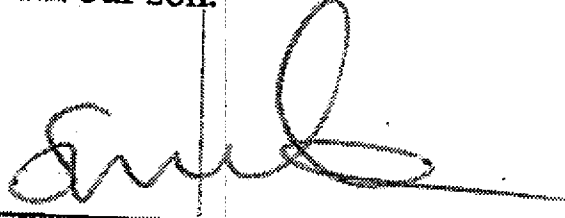
6 COUNTY OF _____) SS

7 I, MEHMET KAR, first being sworn under oath depose and say:

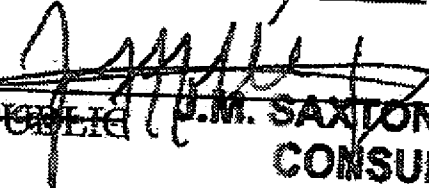
8 1. I request the court acknowledge continuing exclusive jurisdiction, and make a
9 finding it is in the best interest of the child to know his father.

10 2. I request KATHLEEN be SANCTIONED for her interference with future contact, and
11 failing to keep the court - and myself - informed of the child's address. Joint legal custody is
12 appropriate so I can maintain a relationship with our son.

13 Further, your affiant sayeth naught.

14 
15 MEHMET KAR

16 SUBSCRIBED AND SWORN BEFORE ME
17 THIS 12th DAY OF May 2014.

18 
19 J.M. SAXTON-RUIZ
20 CONSUL

REGISTER OF ACTIONS

CASE NO. D-11-441849-Z

In the Matter of the Joint Petition for Divorce of: Kathleen A Kar
and Mehmet Sait Kar, Petitioners.

§
§
§
§
§
§
§

Case Type: Divorce - Joint Petition
Subtype: Joint Petition Subject
Minor(s)
Date Filed: 02/14/2011
Location: Department P
Cross-Reference Case D441849
Number:
Supreme Court No.: 65985

PARTY INFORMATION

Petitioner	Kar, Kathleen A PSC 46 Box 75 APO, AE 09469	Lead Attorneys Jason P. Stoffel, ES Retained 702-474-7007(W)
Petitioner	Kar, Mehmet Sait Kemelpasa Mah, 4464 Sok. No 30 Incirlik/Saricam Adana Turkey	Male Pro Se
Subject Minor	Kar, Alexander Kaan	

EVENTS & ORDERS OF THE COURT

05/22/2014 | All Pending Motions (10:00 AM) (Judicial Officer Pomrenze, Sandra)

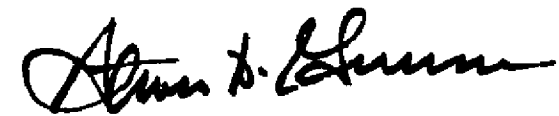
Minutes

05/22/2014 10:00 AM

- MEHMET SAIT KAR'S MOTION TO HOLD MOTHER IN CONTEMPT FOR TERMINATION OF CONTACT WITH CHILD; TO SET ASIDE, OR IN THE ALTERNATIVE, MODIFY VISITATION; MODIFICATION OF CHILD SUPPORT IMPUTED WITHOUT ANY EVIDENCE OF ACTUAL INCOME; COMPENSATORY VISITATION; SANCTIONS; AWARD OF FEES AND COSTS AND RELATED RELIEF...KATHLEEN KAR'S OPPOSITION AND COUNTERMOTION TO DISMISS CASE FOR LACK OF JURISDICTION/IMPROPER FORUM
Amber Robinson, bar number 103731, present on behalf of Mehmet Sait Kar in an unbundled capacity. Court inquired how it would have jurisdiction when Ms. Kar is in the military and stationed in the United Kingdom (U.K.) and Mr. Kar is in Turkey. Court inquired if Ms. Kar moved permanently to the U.K. and if she maintained a Las Vegas address. Mr. Stoffel replied she moved to the U.K. and did not have a Las Vegas address. Argument and discussion regarding the jurisdictional issues and how this Court would enforce any Orders. Court advised counsel Mr. Kar would need to enforce the Order through the courts in the U.K. under the Hague Convention. Mr. Stoffel advised the Court all Ms. Kar's belongings are in the U.K. and she has gotten remarried since the last hearing. Argument and discussion regarding Ms. Kar's opportunities in the U.K. through the air force, her inability to have known in June 2014 what orders she would receive from the air force and the Court's inability to give Mr. Kar a remedy. Further argument and discussion regarding the jurisdictional issues and Mr. Kar's request for reconsideration. Ms. Robinson requested Plaintiff's address in the U.K. Mr. Stoffel replied he would provide it when he withdraws from the case. COURT ORDERED the following: 1. The MOTION is DENIED IN ITS ENTIRETY. 2. There shall be NO AWARD of ATTORNEY'S FEES to Ms. Kar. 3. This is a FINAL ORDER. Mr. Kar shall PROCEED in the UNITED KINGDOM. Mr. Stoffel shall PREPARE the ORDER. Ms. Robinson shall REVIEW the ORDER then COUNTERSIGN.

[Parties Present](#)

[Return to Register of Actions](#)



CLERK OF THE COURT

ORDR

Jason P. Stoffel, Esq.
State Bar of Nevada No. 8898
ROBERTS STOFFEL FAMILY LAW GROUP
2011 Pinto Lane, Suite 100
Las Vegas, Nevada 89106
PH: (702) 474-7007
FAX: (702) 474-7477
EMAIL: attorneys@lvfamilylaw.com
Attorney for Plaintiff, Kathleen Kar

DISTRICT COURT, FAMILY DIVISION

CLARK COUNTY, NEVADA

KATHLEEN A. KAR,

Plaintiff,

v.

MEHMET KAR,

Defendant.

) Case No: D441849

) Dept No: P

ORDER AFTER HEARING

) Hearing Date: May 22, 2014

) Hearing Time: 10:00 a.m.

This matter having come before the Court on the 22nd day of May, 2014, on Defendant's Motion to Hold Mother in Contempt Et Al. and Countermotion to Dismiss Case for Lack of Jurisdiction, and the Defendant, Not Present, and represented by his attorney of record Amber, Robinson, Esq. in an unbundled capacity and the Plaintiff, Kathleen Kar, not present, but represented by and through her attorney of record, Jason P. Stoffel, Esq., of Roberts Stoffel Family Law Group, and the Court having read the pleadings and argument from counsel rules as follows:

IT IS HEREBY NOTED Defendant lives in Turkey and the Plaintiff has moved permanently to the United Kingdom with the military, has remarried, and no longer has a Nevada address.

RECEIVED

JUN 10 2014

FAMILY COURT
DEPARTMENT PA-71

Non-Trial Dispositions:
☐ Other
☐ Dismissed - Want of Prosecution
☐ Involuntary (Statutory) Dismissal
☐ Default Judgment
☐ Transferred
Settled/Withdrawn:
☐ Without Judicial Conf/Hrg
☒ With Judicial Conf/Hrg
☐ By ADR
Trial Dispositions:
☐ Judgment Reached by Trial
☐ Disposed After Trial Sign

1 THE COURT FINDS that Defendant will need to enforce the Orders in the United
2 Kingdom through the Hague Convention.

3 THE COURT FURTHER NOTED Mr. Robinson has requested Plaintiff's address in the
4 United Kingdom. Attorney Stoffel replied that he will provide it in the Withdrawal of Attorney
5 that will be filed with the Court.

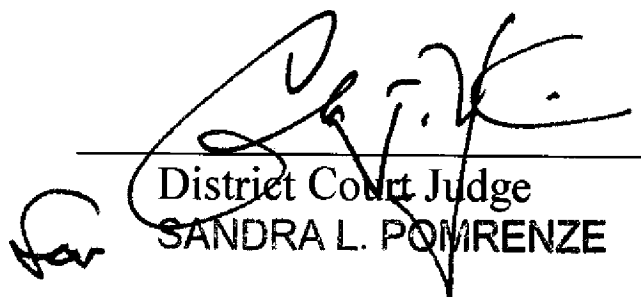
6 THE COURT HEREBY ORDERS that the Defendant's Motion to hold the Plaintiff in
7 contempt of Court is denied in its entirety.

8 THE COURT FURTHER ORDERED there shall be no attorney fees awarded to Plaintiff.

9 THE COURT FURTHER ORDERED this shall be a final Order of the Court and
10 Defendant shall proceed in the United Kingdom.

11 THE COURT FURTHER ORDERED Attorney Stoffel shall prepare today's order and
12 Attorney Robinson shall sign off.

13 IT IS SO ORDERED this 12th day of June, 2014.

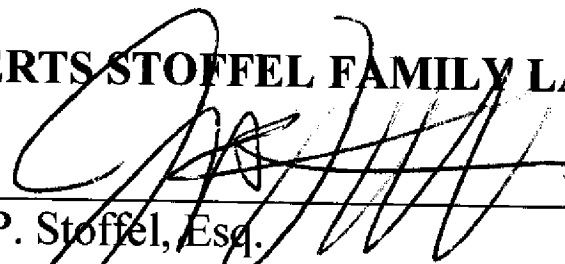
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

District Court Judge
SANDRA L. POMRENZE

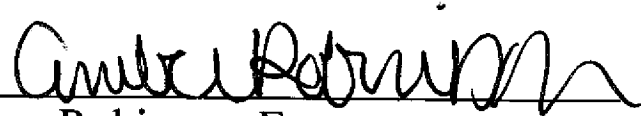
Respectfully Submitted,

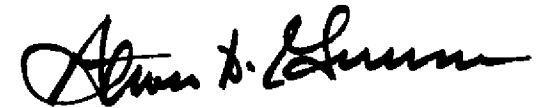
Reviewed as to form and content,

ROBERTS STOFFEL FAMILY LAW GROUP

ROBINSON LAW GROUP

By:  6/19/14
Jason P. Stoffel, Esq.
State Bar of Nevada No. 8898
2011 Pinto Lane Ste. 100
Las Vegas, Nevada 89106
Phone: (702) 474-7007
Fax: (702) 474-4-7477
Email: attorneys@lvfamilylaw.com
Attorneys for Plaintiff

By: 
Amber Robinson, Esq.
State Bar of Nevada No. 10731
1771 E. Flamingo Rd., Suite B-14
Las Vegas, Nevada 89119
PH: (702) 527-2625
FAX: (702) 933-0924
EMAIL:
arobinson@familylawyerlasvegas.com
Attorney for Defendant



CLERK OF THE COURT

1 **NEO**
Jason P. Stoffel, Esq.
2 State Bar of Nevada No. 8898
ROBERTS STOFFEL FAMILY LAW GROUP
3 2011 Pinto Lane, Suite 100
Las Vegas, Nevada 89106
4 PH: (702) 474-7007
FAX: (702) 474-7477
5 EMAIL: attorneys@lvfamilylaw.com
Attorney for Plaintiff, Kathleen Kar

7 **DISTRICT COURT**
8 **CLARK COUNTY, NEVADA**

9 KATHLEEN A. KAR,
10
11 Plaintiff,

12 v.

13 MEHMET KAR,
14 Defendant.

) Case No: D441849
) Dept No: P
)

) **NOTICE OF ENTRY OF ORDER**
)
)
)
)

15
16 Please take notice that an Order After Hearing was duly entered in the above referenced
17 case on the 16th day of June, 2014 a copy of which is attached hereto and by reference fully
18 incorporated herein.

19 DATED this 16th day of June, 2014.

20 **ROBERTS STOFFEL FAMILY LAW GROUP**

21 By: 

22 Jason P. Stoffel, Esq.
State Bar of Nevada No. 8898
23 2011 Pinto Lane, Suite 100
Las Vegas, Nevada 89106
24 PH: (702) 474-7007
FAX: (702) 474-7477
25 EMAIL: attorneys@lvfamilylaw.com
26 Attorney for Plaintiff, Kathleen Kar

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

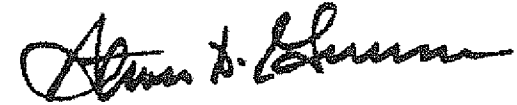
CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Roberts Stoffel Family Law Group, that on the 16th day of June, 2014, I served a Notice of Entry of Order (With the Order attached) via electronic filing pursuant to Clark County District Court Administrative Order 14-2 for service of documents identified in *Rule 9* of the N.E.F.C.R.

Kathleen Kar
kathleen_kar@hotmail.com

Mehmet Sait Kar
saitkar@hotmail.com

By: Missy DeJong
An Employee of Roberts Stoffel Family Law Group



CLERK OF THE COURT

ORDR

Jason P. Stoffel, Esq.
State Bar of Nevada No. 8898
ROBERTS STOFFEL FAMILY LAW GROUP
2011 Pinto Lane, Suite 100
Las Vegas, Nevada 89106
PH: (702) 474-7007
FAX: (702) 474-7477
EMAIL: attorneys@lvfamilylaw.com
Attorney for Plaintiff, Kathleen Kar

DISTRICT COURT, FAMILY DIVISION

CLARK COUNTY, NEVADA

KATHLEEN A. KAR,

Plaintiff,

v.

MEHMET KAR,

Defendant.

) Case No: D441849

) Dept No: P

ORDER AFTER HEARING

) Hearing Date: May 22, 2014
) Hearing Time: 10:00 a.m.

This matter having come before the Court on the 22nd day of May, 2014, on Defendant's Motion to Hold Mother in Contempt Et Al. and Countermotion to Dismiss Case for Lack of Jurisdiction, and the Defendant, Not Present, and represented by his attorney of record Amber, Robinson, Esq. in an unbundled capacity and the Plaintiff, Kathleen Kar, not present, but represented by and through her attorney of record, Jason P. Stoffel, Esq., of Roberts Stoffel Family Law Group, and the Court having read the pleadings and argument from counsel rules as follows:

IT IS HEREBY NOTED Defendant lives in Turkey and the Plaintiff has moved permanently to the United Kingdom with the military, has remarried, and no longer has a Nevada address.

RECEIVED

JUN 10 2014

FAMILY COURT
DEPARTMENT P

Non-Trial Dispositions:
☐ Other
☐ Dismissed - Want of Prosecution
☐ Involuntary (Statutory) Dismissal
☐ Default Judgment
☐ Transferred
Settled/Withdrawn:
☐ Without Judicial Conf/Hrg
☒ With Judicial Conf/Hrg
☐ By ADR
Trial Dispositions:
☐ Judgment Reached by Trial
☐ Disposed After Trial Start

1 THE COURT FINDS that Defendant will need to enforce the Orders in the United
2 Kingdom through the Hague Convention.

3 THE COURT FURTHER NOTED Mr. Robinson has requested Plaintiff's address in the
4 United Kingdom. Attorney Stoffel replied that he will provide it in the Withdrawal of Attorney
5 that will be filed with the Court.

6 THE COURT HEREBY ORDERS that the Defendant's Motion to hold the Plaintiff in
7 contempt of Court is denied in its entirety.

8 THE COURT FURTHER ORDERED there shall be no attorney fees awarded to Plaintiff.

9 THE COURT FURTHER ORDERED this shall be a final Order of the Court and
10 Defendant shall proceed in the United Kingdom.

11 THE COURT FURTHER ORDERED Attorney Stoffel shall prepare today's order and
12 Attorney Robinson shall sign off.

13 IT IS SO ORDERED this 12th day of June, 2014.

14
15
16
17
18
District Court Judge
SANDRA L. POMRENZE

19 Respectfully Submitted,

Reviewed as to form and content,

20 ROBERTS STOFFEL FAMILY LAW GROUP

ROBINSON LAW GROUP

21 By: [Signature] 6/9/14
22 Jason P. Stoffel, Esq.
23 State Bar of Nevada No. 8898
24 2011 Pinto Lane Ste. 100
25 Las Vegas, Nevada 89106
26 Phone: (702) 474-7007
27 Fax: (702) 474-4747
28 Email: attorneys@lvfamilylaw.com
Attorneys for Plaintiff

By: [Signature]
Amber Robinson, Esq.
State Bar of Nevada No. 10731
1771 E. Flamingo Rd., Suite B-14
Las Vegas, Nevada 89119
PH: (702) 527-2625
FAX: (702) 933-0924
EMAIL:
arobinson@familylawyerlasvegas.com
Attorney for Defendant