

CLERK OF THE COURT

Electronically Filed
Jul 30 2014 02:49 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

1 NOAS
2 RACHEL M. JACOBSON, ESQ.
3 Nevada Bar No. 007827
4 JACOBSON LAW OFFICE, LTD
5 64 North Pecos Road, Suite 200
6 Henderson, Nevada 89074
7 (702) 601-0770
8 reli@jacobsonlawltd.com
9 Attorney for Defendant

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DISTRICT COURT
CLARK COUNTY, NEVADA

DIANE MIZRACHI,

Plaintiff,

vs.

ELIEZER MIZRACHI,

Defendant.

CASE NO.: D-13-479664-D

DEPT. NO: C

NOTICE OF APPEAL

NOTICE is hereby given that Defendant, ELIEZER MIZRACHI, hereby appeals to the Supreme Court of the State of Nevada for District Court Order filed on June 25, 2014, a copy of which is attached as Exhibit "A" hereto.

Dated this 24 day of July, 2014.

JACOBSON LAW OFFICE, LTD.



RACHEL M. JACOBSON, ESQ.
Nevada Bar No. 007827
64 N. Pecos Road, Suite 200
Henderson, Nevada 89074
Attorney for Defendant

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CERTIFICATE OF SERVICE

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

I served the foregoing document described as "NOTICE OF APPEAL" on this 24 day of July, 2014, to all interested parties as follows:

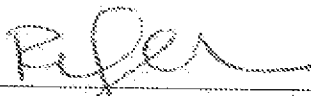
☒ BY MAIL: Pursuant To NRCP 5(b), I placed a true copy thereof enclosed in a sealed envelope addressed as follows;

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

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

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

Leland E. Lutfy, Esq.
LELAND E. LUTFY, CHARTERED
530 South 7th Street
Las Vegas, NV 89101



An employee of Jacobson Law Office, Ltd.

EXHIBIT A

Allen L. Graham
CLERK OF THE COURT

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Case No.: D-13-479664-D
Dept. No.: C

THE LAW OFFICES OF
KELANDE LUTTY, CHARTERED
330 SOUTH 7TH STREET
LAS VEGAS, NEVADA 89101
(702) 475-0441 • (702) 477-0448

☐ Other _____
☐ Dismissed - Want of Prosecution ☐ Without Judicial Conference
☐ Involuntary (Statutory) Dismissed ☒ By ADP
☐ Defunct Judgment _____
☐ Transferred _____
☐ Disposed After Trial Start: ☐ Dismissed
☐ Judgment Prescribed by _____

IT IS HEREBY ORDERED that the Court finds there was not a clear understanding between the two parties at the time and there needs to be a clarification on the Jewish holidays and so the Court is going to adopt the default Jewish holiday system that has been set up in Department D. The Court is going to agree that the four major holidays: Passover, Hanukkah, Yom Kippur and

1 Rosh Hashanah be the four holidays and will constitute only the first day of each holiday.

2 **IT IS FURTHER ORDERED** that the holidays shall constitute one full day defined as 5:00
3 o'clock p.m. on the eve of the holiday to 5:00 o'clock p.m. on the day of the holiday.

4 **IT IS FURTHER ORDERED** that the parties will alternate having Nova on her birthday.
5 Each year Plaintiff has Nova on her birthday. Defendant will have Nova the following day.

6 **IT IS FURTHER ORDERED** that each party will continue to have three (3) weeks of
7 vacation per year with Nova with thirty (30) days advance notice. Each vacation shall be no less than
8 one week in duration.

9 **IT IS FURTHER ORDERED** that this vacation modification shall take effect subsequent
10 to the vacation time already scheduled from June 8, 2014 to June 12, 2014 and June 24, 2014
11 through June 25, 2014.

12 **IT IS FURTHER ORDERED** that Plaintiff's request for Sunday visitation is denied as
13 Plaintiff agreed to that and there is no change in circumstances.

14 **IT IS FURTHER ORDERED** that neither party shall be awarded make up visitation time.

15 **IT IS FURTHER ORDERED** that the Court is not going to adopt Monday holidays as the
16 parties knew those existed at the time they entered the Agreement.

17 **IT IS FURTHER ORDERED** that each party shall bear their own attorney's fees and costs.

18 **IT IS FURTHER ORDERED** that the parties are on notice that any party ordered to pay
19 child support is subject to the provisions of NRS 125.450(2) and Chapter 31A inclusive, regarding
20 the withholding of wages and commissions for delinquent payments of support.

21 **IT IS FURTHER ORDERED** that pursuant to NRS 125A.350, neither party may move
22 from the State of Nevada with the minor child without the prior mutual written consent of the other
23 party or leave of the court. The failure of a parent to comply with this provision may be considered
24 a factor if a change of custody is requested by a non-custodial parent or a parent having joint custody.

25 **IT IS FURTHER ORDERED** that pursuant to NRS 125.510(7) and (8), the terms of the
26 Hague Convention of October 25, 1980, adopted by the 14th Session of the Hague Conference on
27 Private International Law, apply if a parent abducts or wrongfully retains a child in a foreign country.
28 The minor child's habitual residence is located in the city of Las Vegas, Clark County, State of

THE LAW OFFICES OF
LELANDE E. LUTTY, CHARTERED
530 SOUTH 7TH STREET
LAS VEGAS, NEVADA 89101
(702) 477-0041 & (702) 477-0048

1 Nevada, within the United States of America.

2 IT IS FURTHER ORDERED that the parties are aware of the provisions of NRS
3 125.510(6) as follows: PENALTY FOR VIOLATION OF THE ORDER: THE ABDUCTION,
4 CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS
5 PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359
6 provides that every person having a limited right of custody to a child or any parent having no right
7 of custody to the child who willfully detains, conceals or removes the child from a parent, guardian,
8 or other person having lawful custody or a right of visitation of the child in violation of an order of
9 this court, or removes the child from the jurisdiction of the court without consent of either the court
10 or all persons who have the right to custody or visitation is subject to being punished for a Category
11 D felony as provided in NRS 193.130.

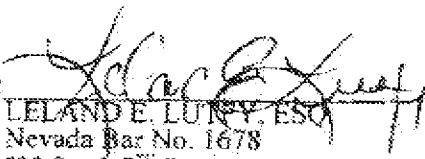
12 IT IS FURTHER ORDERED that pursuant to NRS 125B.145, the parties are entitled to
13 a review of any order for support every three years to determine whether the order should be
14 modified or adjusted.

15 DATED this JUN 24 2014 day of _____, 2014.

16
17 
18 DISTRICT COURT JUDGE

19 Submitted by: _____

20 Approved as to Form and Content
21 GERALD W. HARDESTYLE

22 By: 
23 LELANDE E. LUTTY, ESQ.
24 Nevada Bar No. 1678
25 530 South 7TH Street
26 Las Vegas, Nevada 89101

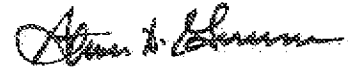
27 By: 
28 RACHEL JACOBSON, ESQ.
Nevada Bar No. 007827
64 North Pecos Road, Suite 200
Henderson, Nevada 89074

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LELAND E. LUTFY, CHARTERED
530 SOUTH 7TH STREET
LAS VEGAS, NEVADA 89101
(702) 477-0443 • (702) 477-0448

1 NEOJ
2 LELAND E. LUTFY, ESQ.
3 LELAND E. LUTFY, CHARTERED
4 Nevada Bar No. 1678
5 530 South 7TH Street
6 Las Vegas, Nevada 89101
7 Phone: 702-477-0443
8 Fax: 702-477-0448
9 Attorney for Plaintiff
10 DIANE MIZRACHI

ORIGINAL

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CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

11 DIANE MIZRACHI,

12 Plaintiff,

13 vs.

14 ELIEZER MIZRACHI,

15 Defendant.

Case No.: D-13-479664-D
Dept. No.: C

16 NOTICE OF ENTRY OF ORDER

17 PLEASE TAKE NOTICE that an Order Re May 19, 2014 was entered on the 24th day of
18 June, 2014. A copy of said Order is attached for your records.

19 DATED this 30th of day of June, 2014.

20 LELAND E. LUTFY, CHARTERED

21 By: 

22 LELAND E. LUTFY, ESQ.
23 Nevada Bar No. 1678
24 530 South 7TH Street
25 Las Vegas, Nevada 89101
26
27
28

THE LAW OFFICES OF
LELAND E. LUTFY, CHARTERED
530 SOUTH 7TH STREET
LAS VEGAS, NEVADA 89101
(702) 477-9407 • (702) 477-9448

CERTIFICATE OF MAILING

I HEREBY CERTIFY on the 3rd day of July, 2014, I served the above and foregoing NOTICE OF ENTRY OF ORDER by depositing a true and correct copy in the United States mails, postage prepaid, addressed to counsel for Defendant at his last known address as follows:

Rachel Jacobson, Esq.
64 North Pecos Road, Suite 200
Henderson, Nevada 89074



An Employee of
LELAND E. LUTFY, CHARTERED

CASE SUMMARY**CASE NO. D-13-479664-D**

Diane Mizrachi, Plaintiff
vs.
Elieser Mizrachi, Defendant.

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Location: **Department C**
 Judicial Officer: **Jones, Steven E**
 Filed on: **05/08/2013**

CASE INFORMATION**Statistical Closures**

06/25/2014 Settled/Withdrawn With Judicial Conference or Hearing
 06/21/2013 Settled/Withdrawn Without Judicial Conference or Hearing

Case Type: **Divorce - Complaint**Case Status: **06/25/2014 Closed**

Case Flags: **Order After Hearing Required**
Appealed to the Nevada Supreme Court

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

Case Number D-13-479664-D
 Court Department C
 Date Assigned 05/08/2013
 Judicial Officer Jones, Steven E

PARTY INFORMATION**Plaintiff**

Mizrachi, Diane
6224 Villa Elmo ST
North Las Vegas, NV 89031

Lutty, Leland Edward
Retained
 7024770443(W)
Pro Se
 702-290-9500(H)

Defendant

Mizrachi, Elieser
6224 Villa Elmo ST
North Las Vegas, NV 89031

Jacobson, Rachel M.
Retained
 702-601-0770(W)
Pro Se
 702-525-9322(H)

Subject Minor**Mizrachi, Nova****DATE****EVENTS & ORDERS OF THE COURT****EVENTS**

07/24/2014



Notice of Appeal
 Filed by: Defendant Mizrachi, Elieser
Notice of Appeal

07/07/2014



Notice of Entry of Order
 Filed by: Plaintiff Mizrachi, Diane
Notice of Entry of Order

06/27/2014



Receipt of Copy
 Filed by: Defendant Mizrachi, Elieser
 Party 2: Plaintiff Mizrachi, Diane
Receipt of Copy

06/25/2014



Final Billing of Transcript
 Filed by: Plaintiff Mizrachi, Diane

06/25/2014



Certification of Transcripts Notification of Completion
May 19, 2014


CASE SUMMARY


CASE NO. D-13-479664-D


06/25/2014	 Transcript of Proceedings <i>Re: All Pending Motions, Monday, May 19, 2014</i>
06/25/2014	 Order Filed by: Plaintiff Mizrachi, Diane <i>Order Re May 19, 2014 Hearing</i>
05/15/2014	 Reply to Opposition Filed by: Plaintiff Mizrachi, Diane <i>Plaintiff's Reply to Defendant's Opposition and Opposition to Defendant's Counter-motion for Enforcement or Modification of Decree</i>
05/12/2014	 Supplement Filed by: Plaintiff Mizrachi, Diane <i>Supplement to Plaintiff's Motion to Clarify and/or Amend Decree of Divorce in Respect to holiday Visitation for The Parties' Minor Child and For Attorney's Fees and Costs</i>
05/08/2014	 Opposition and Counter-motion Filed by: Defendant Mizrachi, Elieser <i>Opposition to Motion and Counter-motion for Enforcement or Modification of the Decree</i>
05/08/2014	 Receipt of Copy Filed by: Defendant Mizrachi, Elieser <i>Receipt of Copy</i>
04/21/2014	 Certificate of Mailing Filed by: Plaintiff Mizrachi, Diane <i>Certificate of Mailing</i>
04/16/2014	 Motion Filed by: Plaintiff Mizrachi, Diane <i>Motion to Clarify and/or Amend Decree of Divorce in Respect to Holiday Visitation for the Parties' Minor Child and For Atty's Fees and Costs</i>
07/16/2013	 Child Support and Welfare Party Identification Sheet Filed by: Plaintiff Mizrachi, Diane; Subject Minor Mizrachi, Nova
07/16/2013	 Notice of Withdrawal Filed by: Plaintiff Mizrachi, Diane <i>Notice of Withdrawal of Attorney of Record</i>
06/28/2013	 Notice of Entry of Decree Party: Plaintiff Mizrachi, Diane <i>Notice of Entry of Decree</i>
06/21/2013	 Decree of Divorce Filed by: Plaintiff Mizrachi, Diane <i>Decree of Divorce</i>
06/19/2013	 Notice of Seminar Completion EDCR 5.07 Filed by: Defendant Mizrachi, Elieser <i>Defendant's Certificate of Completion</i>
06/19/2013	 Notice of Seminar Completion EDCR 5.07 Filed by: Plaintiff Mizrachi, Diane <i>Plaintiff's Certificate of Completion</i>
06/12/2013	 Request for Summary Disposition Filed by: Plaintiff Mizrachi, Diane <i>Request for Summary Disposition</i>
06/12/2013	 Notice of Entry of Stipulation and Order Filed by: Plaintiff Mizrachi, Diane <i>Notice of Entry of Stipulation and Order to Vacate Hearing</i>


CASE SUMMARY


CASE NO. D-13-479664-D


06/10/2013  Stipulation and Order
Filed by: Plaintiff Mizrachi, Diane
Stipulation and Order to Vacate Hearing


06/06/2013  Affidavit of Plaintiff
Filed by: Plaintiff Mizrachi, Diane
Affidavit of Plaintiff


06/06/2013  Affidavit of Resident Witness
Filed by: Plaintiff Mizrachi, Diane
Affidavit of Resident Witness


06/05/2013  Answer - Divorce, Annulment, Separate Maintenance
Filed by: Defendant Mizrachi, Elieser
For: Plaintiff Mizrachi, Diane
Answer in Proper Person


05/30/2013  Joint Preliminary Injunction
Filed by: Plaintiff Mizrachi, Diane
Joint Preliminary Injunction

05/30/2013  Summons
Filed by: Plaintiff Mizrachi, Diane
Summons


05/28/2013  FMC Request and Order for Mediation - NRS 3.475
Filed by: Plaintiff Mizrachi, Diane
FMC Request and Order for Mediation - NRS 3.475 - Family

05/09/2013  Financial Disclosure Form
Filed by: Plaintiff Mizrachi, Diane
General Financial Disclosure Form

05/09/2013  Motion
Filed by: Plaintiff Mizrachi, Diane
Plaintiff's Motion for Temporary Child Custody; Temporary Child Support; Exclusive Possession of the Marital Residence; Preliminary Fees and Allowance; and Other Related Relief

05/08/2013  Complaint for Divorce
Filed by: Plaintiff Mizrachi, Diane

HEARINGS

05/19/2014  All Pending Motions (10:00 AM) (Judicial Officer: Ames, Jack B.)

MINUTES


Matter Heard;

Journal Entry Details:

PLTF'S MOTION TO CLARIFY AND/OR AMEND DECREE OF DIVORCE IN RESPECT TO HOLIDAY VISITATION FOR THE PARTIES' MINOR CHILD AND FOR ATTY'S FEES AND COSTS...DEF'T'S OPPOSITION & COUNTERMOTION FOR ENFORCEMENT OR MODIFICATION OF THE DECREE
Argument by counsel. COURT ORDERED, Defendant shall have the minor child on the four major Jewish Holidays as outlined in Department D's STANDARD HOLIDAY SCHEDULE and defined as Passover, Hanukah, Yom Kippur, and Rosh Hashanah, with Plaintiff having the minor child on Christmas. The holidays shall constitute one full day defined as 5:00 PM on the eve of the holiday to 5:00 PM on the day of the holiday. Defendant may exercise additional Jewish Holidays not outlined above upon mutual agreement of the parties and provided Plaintiff receives a make-up day. Each year that Plaintiff has the child on her birthday, Defendant will have the child the following day. Each party will continue to have three weeks of vacation per year with 30 days advance notice, except that each vacation shall be no less than one week in duration. The modification shall take effect subsequent to Plaintiff's vacation time already scheduled from 6/8/14 to 6/12/14 and Defendant's vacation time already scheduled from 6/24/14 to 6/25/14. Plaintiff's request to have the child for church on Sundays is DENIED. Neither party shall be awarded make-up visitation time. Court is not going to enter a ruling limiting phone calls between the child and the non-custodial parent and is further declining to implement the right of first refusal or Federal holidays falling on Mondays. Each party shall bear their own ATTORNEY'S FEES AND COSTS. Attorney Lufty shall prepare the Order from today's hearing; Attorney Jacobson shall review and sign

CASE SUMMARY

CASE NO. D-13-479664-D

05/19/2014	<i>off. ;</i> Opposition & Countermotion (10:00 AM) (Judicial Officer: Ames, Jack B.) Events: 05/08/2014 Opposition and Countermotion <i>Def't's Opposition & Countermotion for Enforcement or Modification of the Decree</i> Matter Heard;
05/19/2014	Motion to Clarify (10:00 AM) (Judicial Officer: Ames, Jack B.) Events: 04/16/2014 Motion <i>Plf's Motion to Clarify and/or Amend Decree of Divorce in Respect to Holiday Visitation for the Parties' Minor Child and For Atty's Fees and Costs</i> Granted in Part;
06/10/2013	 Motion for Temporary Custody (10:00 AM) (Judicial Officer: Thompson, Charles) Events: 05/09/2013 Motion <i>Plf's Motion For Temporary Child Custody, Temporary Child Support, Exclusive Possession Of The Marital Residence, Preliminary Fees And Allowances, And Other Related Relief</i> Off Calendar; Journal Entry Details: <i>Stipulation and order to vacate the matter having been received by the department, COURT ORDERED, MATTER OFF CALENDAR.;</i>

CLERK OF THE COURT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Case No.: D-13-479664-D
Dept. No.: C

ORDER RE MAY 19, 2014 HEARING

This matter came on for hearing on the 19th day of May, 2014 on Plaintiff's Motion to Clarify and/or Amend Decree of Divorce in Respect to Holiday Visitation for the Parties' Minor Child and for Attorney's Fees and Costs and Supplement thereto, Defendant's Opposition and Countermotion for Enforcement or Modification of Decree and Plaintiff's Reply and Opposition. Plaintiff, DIANE MIZRACHI, appeared personally and by and through her attorney, LELAND E. LUTFY, ESQ., of the law offices of LELAND E. LUTFY, CHARTERED, and Defendant, ELIEZER MIZRACHI, appeared personally and by and through his attorney, RACHEL JACOBSON, ESQ., of the JACOBSON LAW OFFICE, LTD. Based on the papers and pleadings on file herein, and the argument of counsel,

IT IS HEREBY ORDERED that the Court finds there was not a clear understanding between the two parties at the time and there needs to be a clarification on the Jewish holidays and so the Court is going to adopt the default Jewish holiday system that has been set up in Department D. The Court is going to agree that the four major holidays: Passover, Hanukkah, Yom Kippur and

THE LAW OFFICES OF
LELANDE LUTFY, CHARTERED
530 SOUTH 7TH STREET
LAS VEGAS, NEVADA 89101
(702) 477-0043 • (702) 477-0048

23 ☐ Other _____ Sentenced/Withdrewn: _____
24 ☐ Dismissed - Want of Prosecution ☐ Without Judicial Conference
25 ☐ Involuntary (Sustained) Dismissal ☒ ADR
☐ Default Judgment _____
☐ Transferred _____
☐ Disposed After Trial Start _____
Trial Dispositions: _____
Judgment Reached by _____

1 Rosh Hashanah be the four holidays and will constitute only the first day of each holiday.

2 **IT IS FURTHER ORDERED** that the holidays shall constitute one full day defined as 5:00
3 o'clock p.m. on the eve of the holiday to 5:00 o'clock p.m. on the day of the holiday.

4 **IT IS FURTHER ORDERED** that the parties will alternate having Nova on her birthday.
5 Each year Plaintiff has Nova on her birthday, Defendant will have Nova the following day.

6 **IT IS FURTHER ORDERED** that each party will continue to have three (3) weeks of
7 vacation per year with Nova with thirty (30) days advance notice. Each vacation shall be no less than
8 one week in duration.

9 **IT IS FURTHER ORDERED** that this vacation modification shall take effect subsequent
10 to the vacation time already scheduled from June 8, 2014 to June 12, 2014 and June 24, 2014
11 through June 25, 2014.

12 **IT IS FURTHER ORDERED** that Plaintiff's request for Sunday visitation is denied as
13 Plaintiff agreed to that and there is no change in circumstances.

14 **IT IS FURTHER ORDERED** that neither party shall be awarded make up visitation time.

15 **IT IS FURTHER ORDERED** that the Court is not going to adopt Monday holidays as the
16 parties knew those existed at the time they entered the Agreement.

17 **IT IS FURTHER ORDERED** that each party shall bear their own attorney's fees and costs.

18 **IT IS FURTHER ORDERED** that the parties are on notice that any party ordered to pay
19 child support is subject to the provisions of NRS 125.450(2) and Chapter 31A inclusive, regarding
20 the withholding of wages and commissions for delinquent payments of support.

21 **IT IS FURTHER ORDERED** that pursuant to NRS 125A.350, neither party may move
22 from the State of Nevada with the minor child without the prior mutual written consent of the other
23 party or leave of the court. The failure of a parent to comply with this provision may be considered
24 a factor if a change of custody is requested by a non-custodial parent or a parent having joint custody.

25 **IT IS FURTHER ORDERED** that pursuant to NRS 125.510(7) and (8), the terms of the
26 Hague Convention of October 25, 1980, adopted by the 14th Session of the Hague Conference on
27 Private International Law, apply if a parent abducts or wrongfully retains a child in a foreign county.
28 The minor child's habitual residence is located in the city of Las Vegas, Clark County, State of

1 Nevada, within the United States of America.

2 **IT IS FURTHER ORDERED** that the parties are aware of the provisions of NRS
3 125.510(6) as follows: PENALTY FOR VIOLATION OF THE ORDER: THE ABDUCTION,
4 CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS
5 PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359
6 provides that every person having a limited right of custody to a child or any parent having no right
7 of custody to the child who willfully detains, conceals or removes the child from a parent, guardian
8 or other person having lawful custody or a right of visitation of the child in violation of an order of
9 this court, or removes the child from the jurisdiction of the court without consent of either the court
10 or all persons who have the right to custody or visitation is subject to being punished for a Category
11 D felony as provided in NRS 193.130.

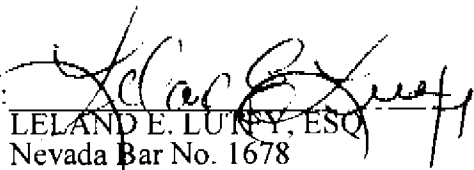
12 **IT IS FURTHER ORDERED** that pursuant to NRS 125B.145, the parties are entitled to
13 a review of any order for support every three years to determine whether the order should be
14 modified or adjusted.


15 DATED this JUN 24 2014 day of _____, 2014.

16
17 
DISTRICT COURT JUDGE

18 Submitted by:

19 Approved as to Form and Content
20 **GERALD W. HARDCASTLE**

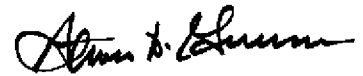
21 By: 
LELANDE E. LUTFY, ESQ.
22 Nevada Bar No. 1678
530 South 7TH Street
23 Las Vegas, Nevada 89101

24 By: 
RACHEL JACOBSON, ESQ.
25 Nevada Bar No. 007827
64 North Pecos Road, Suite 200
26 Henderson, Nevada 89074
27
28

NEOJ
LELAND E. LUTFY, ESQ.
LELAND E. LUTFY, CHARTERED
Nevada Bar No. 1678
530 South 7TH Street
Las Vegas, Nevada 89101
Phone: 702-477-0443
Fax: 702-477-0448
Attorney for Plaintiff
DIANE MIZRACHI

ORIGINAL

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CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

DIANE MIZRACHI,

Plaintiff,

vs.

ELIEZER MIZRACHI,

Defendant.

Case No.: D-13-479664-D
Dept. No.: C


NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that an Order Re May 19, 2014 was entered on the 24th day of June, 2014. A copy of said Order is attached for your records.

DATED this 30th of day of June, 2014.

LELAND E. LUTFY, CHARTERED

By:



LELAND E. LUTFY, ESQ.
Nevada Bar No. 1678
530 South 7TH Street
Las Vegas, Nevada 89101

CERTIFICATE OF MAILING

I HEREBY CERTIFY on the 3rd day of July, 2014, I served the above and foregoing NOTICE OF ENTRY OF ORDER by depositing a true and correct copy in the United States mails, postage prepaid, addressed to counsel for Defendant at his last known address as follows:

Rachel Jacobson, Esq.
64 North Pecos Road, Suite 200
Henderson, Nevada 89074



An Employee of
LELAND E. LUTFY, CHARTERED

ORIGINAL

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CLERK OF THE COURT

1 **ORDR**
2 LELAND E. LUTFY, ESQ.
3 LELAND E. LUTFY, CHARTERED
4 Nevada Bar No. 1678
5 530 South 7th Street
6 Las Vegas, Nevada 89101
7 Phone: 702-477-0443
8 Fax: 702-477-0448
9 Attorney for Plaintiff
10 DIANE MIZRACHI

11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 DIANE P. MIZRACHI,
14 Plaintiff,
15 vs.
16 ELIEZER MIZRACHI,
17 Defendant.

Case No.: D-13-479664-D
Dept. No.: C

18 **ORDER RE MAY 19, 2014 HEARING**

19 This matter came on for hearing on the 19th day of May, 2014 on Plaintiff's Motion to Clarify
20 and/or Amend Decree of Divorce in Respect to Holiday Visitation for the Parties' Minor Child and
21 for Attorney's Fees and Costs and Supplement thereto, Defendant's Opposition and Countermotion
22 for Enforcement or Modification of Decree and Plaintiff's Reply and Opposition. Plaintiff, DIANE
23 MIZRACHI, appeared personally and by and through her attorney, LELAND E. LUTFY, ESQ., of
24 the law offices of LELAND E. LUTFY, CHARTERED, and Defendant, ELIEZER MIZRACHI,
25 appeared personally and by and through his attorney, RACHEL JACOBSON, ESQ., of the
JACOBSON LAW OFFICE, LTD. Based on the papers and pleadings on file herein, and the
argument of counsel,

IT IS HEREBY ORDERED that the Court finds there was not a clear understanding
between the two parties at the time and there needs to be a clarification on the Jewish holidays and
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☐ Disposed After Trial Start
☐ Trial Dispositions:
☐ Dismissed - Want of Prosecution
☐ Involuntary (Statutory) Dismissal
☐ Default Judgment
☐ Transferred
☒ Settled/Withdrawn
☐ Without Judicial Confirmation
☐ With Judicial Confirmation
☐ Judgment Reached by:
☐ Trial
☐ ADR

1 Rosh Hashanah be the four holidays and will constitute only the first day of each holiday.

2 **IT IS FURTHER ORDERED** that the holidays shall constitute one full day defined as 5:00
3 o'clock p.m. on the eve of the holiday to 5:00 o'clock p.m. on the day of the holiday.

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5 Each year Plaintiff has Nova on her birthday. Defendant will have Nova the following day.

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7 vacation per year with Nova with thirty (30) days advance notice. Each vacation shall be no less than
8 one week in duration.

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10 to the vacation time already scheduled from June 8, 2014 to June 12, 2014 and June 24, 2014
11 through June 25, 2014.

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13 Plaintiff agreed to that and there is no change in circumstances.

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15 **IT IS FURTHER ORDERED** that the Court is not going to adopt Monday holidays as the
16 parties knew those existed at the time they entered the Agreement.

17 **IT IS FURTHER ORDERED** that each party shall bear their own attorney's fees and costs.

18 **IT IS FURTHER ORDERED** that the parties are on notice that any party ordered to pay
19 child support is subject to the provisions of NRS 125.450(2) and Chapter 31A inclusive. regarding
20 the withholding of wages and commissions for delinquent payments of support.

21 **IT IS FURTHER ORDERED** that pursuant to NRS 125A.350, neither party may move
22 from the State of Nevada with the minor child without the prior mutual written consent of the other
23 party or leave of the court. The failure of a parent to comply with this provision may be considered
24 a factor if a change of custody is requested by a non-custodial parent or a parent having joint custody.

25 **IT IS FURTHER ORDERED** that pursuant to NRS 125.510(7) and (8), the terms of the
26 Hague Convention of October 25, 1980, adopted by the 14th Session of the Hague Conference on
27 Private International Law, apply if a parent abducts or wrongfully retains a child in a foreign country.
28 The minor child's habitual residence is located in the city of Las Vegas, Clark County, State of

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LAS VEGAS, NEVADA 89101
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1 Nevada, within the United States of America.

2 **IT IS FURTHER ORDERED** that the parties are aware of the provisions of NRS
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4 CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS
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6 provides that every person having a limited right of custody to a child or any parent having no right
7 of custody to the child who willfully detains, conceals or removes the child from a parent, guardian
8 or other person having lawful custody or a right of visitation of the child in violation of an order of
9 this court, or removes the child from the jurisdiction of the court without consent of either the court
10 or all persons who have the right to custody or visitation is subject to being punished for a Category
11 D felony as provided in NRS 193.130.

12 **IT IS FURTHER ORDERED** that pursuant to NRS 125B.145, the parties are entitled to
13 a review of any order for support every three years to determine whether the order should be
14 modified or adjusted.

JUN 24 2014

15 DATED this _____ day of _____, 2014.

16
17 
18 DISTRICT COURT JUDGE

19 Submitted by:

Approved as to Form and Content
GERALD W. HARDCASTLE

20
21 By: 

22 **LELANDE E. LUTFY, ESQ.**
23 Nevada Bar No. 1678
24 530 South 7TH Street
25 Las Vegas, Nevada 89101

26
27 By: 

28 **RACHEL JACOBSON, ESQ.**
Nevada Bar No. 007827
64 North Pecos Road, Suite 200
Henderson, Nevada 89074

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

June 10, 2013

D-13-479664-D	Diane Mizrachi, Plaintiff vs. Eliezer Mizrachi, Defendant.
---------------	--

June 10, 2013	10:00 AM	Motion for Temporary Custody
----------------------	-----------------	---

HEARD BY: Thompson, Charles

COURTROOM: Courtroom 08

COURT CLERK: Leticia Davila

PARTIES:

Diane Mizrachi, Plaintiff, not present	Leland Lutfy, Attorney, not present
Eliezer Mizrachi, Defendant, not present	Rachel Jacobson, Attorney, not present
Nova Mizrachi, Subject Minor, not present	

JOURNAL ENTRIES

- Stipulation and order to vacate the matter having been received by the department, COURT ORDERED, MATTER OFF CALENDAR.

INTERIM CONDITIONS:

FUTURE HEARINGS:

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES****May 19, 2014**

D-13-479664-D Diane Mizrachi, Plaintiff
vs.
Eliezer Mizrachi, Defendant.

May 19, 2014 10:00 AM All Pending Motions

HEARD BY: Jones, Steven E; Ames, Jack B. **COURTROOM:** Courtroom 08

COURT CLERK: Victoria Pott

PARTIES:

Diane Mizrachi, Plaintiff, present	Leland Lutfy, Attorney, present
Elieser Mizrachi, Defendant, present	Rachel Jacobson, Attorney, present
Nova Mizrachi, Subject Minor, not present	

JOURNAL ENTRIES

- PLTF'S MOTION TO CLARIFY AND/OR AMEND DECREE OF DIVORCE IN RESPECT TO HOLIDAY VISITATION FOR THE PARTIES' MINOR CHILD AND FOR ATTY'S FEES AND COSTS...DEFT'S OPPOSITION & COUNTERMOTION FOR ENFORCEMENT OR MODIFICATION OF THE DECREE

Argument by counsel.

COURT ORDERED, Defendant shall have the minor child on the four major Jewish Holidays as outlined in Department D's STANDARD HOLIDAY SCHEDULE and defined as Passover, Hanukah, Yom Kippur, and Rosh Hashanah, with Plaintiff having the minor child on Christmas. The holidays shall constitute one full day defined as 5:00 PM on the eve of the holiday to 5:00 PM on the day of the holiday. Defendant may exercise additional Jewish Holidays not outlined above upon mutual agreement of the parties and provided Plaintiff receives a make-up day. Each year that Plaintiff has the child on her birthday, Defendant will have the child the following day. Each party will continue to have three weeks of vacation per year with 30 days advance notice, except that each vacation shall be no less than one week in duration. The modification shall take effect subsequent to Plaintiff's vacation time already scheduled from 6/8/14 to 6/12/14 and Defendant's vacation time already scheduled from 6/24/14 to 6/25/14. Plaintiff's request to have the child for church on Sundays is

DENIED. Neither party shall be awarded make-up visitation time. Court is not going to enter a ruling limiting phone calls between the child and the non-custodial parent and is further declining to implement the right of first refusal or Federal holidays falling on Mondays. Each party shall bear their own ATTORNEY'S FEES AND COSTS.

Attorney Lufty shall prepare the Order from today's hearing; Attorney Jacobson shall review and sign off.

INTERIM CONDITIONS:

FUTURE HEARINGS:



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

RACHEL M. JACOBSON, ESQ.
64 N. PECOS RD., SUITE 200
HENDERSON, NV 89074

DATE: July 28, 2014
CASE: D479664

RE CASE: DIANE MIZRACHI vs. ELIEZER MIZRACHI

NOTICE OF APPEAL FILED: July 24, 2014

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS NOT TRANSMITTED HAVE BEEN MARKED:

- ☒ **\$250 – Supreme Court Filing Fee****
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ **\$24 – District Court Filing Fee (Make Check Payable to the District Court)****
- ☒ **\$500 – Cost Bond on Appeal (Make Check Payable to the District Court)****
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
- ☒ **Case Appeal Statement**
 - NRAP 3 (a)(1). Form 2
- ☐ **Order**
- ☐ **Notice of Entry of Order**

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

*****Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.***

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER RE MAY 19, 2014 HEARING; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

DIANE MIZRACHI,

Plaintiff(s),

vs.

ELIEZER MIZRACHI,

Defendant(s),

Case No: D479664
Dept No: C

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 28 day of July 2014.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk