

CLERK OF THE COURT

Electronically Filed
Sep 11 2014 03:32 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

**DISTRICT COURT
CLARK COUNTY, NEVADA**

WESLEY ALLEN LEWIS
4650 Idaho Ave.
Las Vegas, NV 89104
(702) 432-3996
Defendant in Proper Person

MARIA DANIELA LEWIS,
aka MARIA DANIELA PERDOMO
Plaintiff,

vs.

WESLEY ALLEN LEWIS,
Defendant,

Case No. D-10-427054-D
Dept No. T

NOTICE OF APPEAL

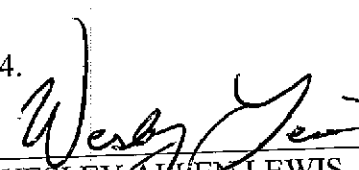
COMES NOW, Defendant, in Proper Person and gives notice that Defendant intends to
file an Appeal in Case D-10-427054-D, Dept T, Eighth Judicial District Court, Clark County,
Nevada.

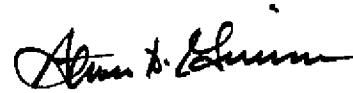
Defendant requests waiver of appeal bond in this matter, and to proceed in Proper Person.

This appeal is specifically related to the Order modifying shared custody and imputing
income, filed on September 2, 2014. The trial was more of an AMBUSH by opposing counsel
AND the court, than a trial.

Defendant believes the court made improper rulings with respect to child custody and
support.

Dated this 8 day of Sept, 2014.


WESLEY ALLEN LEWIS
Defendant in Proper Person



CLERK OF THE COURT

ASTA

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

MARIA DANIELA LEWIS nka MARIA
DANIELA PERDOMO,

Plaintiff(s),

vs.

WESLEY ALLEN LEWIS,

Defendant(s),

Case No: D-10-427054-D

Dept No: T

CASE APPEAL STATEMENT

1. Appellant(s): Wesley Lewis

2. Judge: Gayle Nathan

3. Appellant(s): Wesley Lewis

Counsel:

Wesley Lewis
4650 Idaho Ave.
Las Vegas, NV 89104

4. Respondent (s): Maria Daniela Lewis nka Maria Daniela Perdomo

Counsel:

Frances-Ann Fine, Esq.
8975 S. Pecos Road, Ste. 5
Henderson, NV 89074

1 5. Appellant(s)'s Attorney Licensed in Nevada: N/A

2 Permission Granted: N/A

3 Respondent(s)'s Attorney Licensed in Nevada: Yes

4 Permission Granted: N/A

5 6. Appellant Represented by Appointed Counsel In District Court: No

6 7. Appellant Represented by Appointed Counsel On Appeal: N/A

7 8. Appellant Granted Leave to Proceed in Forma Pauperis**: N/A

8 ***Expires 1 year from date filed*

9 Appellant Filed Application to Proceed in Forma Pauperis: Yes, September 9, 2014

10 9. Date Commenced in District Court: March 18, 2010

11 10. Brief Description of the Nature of the Action: DOMESTIC - Marriage Dissolution

12 Type of Judgment or Order Being Appealed: Misc. Order

13 11. Previous Appeal: No

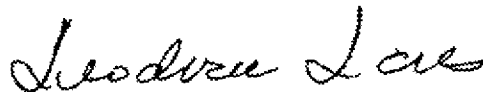
14 Supreme Court Docket Number(s): N/A

15 12. Child Custody or Visitation: Custody

16 13. Possibility of Settlement: Unknown

17 Dated This 11 day of September 2014.

18 Steven D. Grierson, Clerk of the Court

19 

20 Teodora Jones, Deputy Clerk

21 200 Lewis Ave

22 PO Box 551601

23 Las Vegas, Nevada 89155-1601

24 (702) 671-0512

WESLEY ALLEN LEWIS
4650 Idaho Ave.
Las Vegas, NV 89104
(702) 432-3996
Defendant in Proper Person

MARIA DANIELA LEWIS,
aka MARIA DANIELA PERDOMO
Plaintiff,

VS.

WESLEY ALLEN LEWIS,
Defendant,

COMES NOW, Defendant WESLEY ALLEN LEWIS, and requests authorization of the court to proceed in Proper Person, and that the court submit the entire record on file.

Plaintiff also requests the court waive the bond in this matter, as this is a matter of custody.

Dated this 8 day of Sep, 2014.

WESLEY ALLEN LEWIS
Plaintiff in Proper Person


CLERK OF THE COURT

1 WESLEY ALLEN LEWIS
2 4650 Idaho Ave.
3 Las Vegas, NV 89104
4 (702) 432-3996
5 Defendant in Proper Person

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

8 MARIA DANIELA LEWIS,
9 aka MARIA DANIELA PERDOMO
10 Plaintiff,

) Case No. D-10-427054-D
) Dept No. T
)

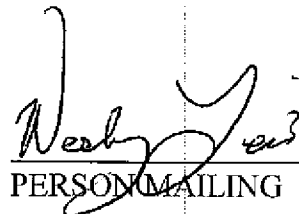
11 vs.

12 WESLEY ALLEN LEWIS,
13 Defendant,
14

15 **CERTIFICATE OF MAILING**

16 I hereby certify that on 8 day of Sept, 2014, I deposited for mailing a true
17 and correct copy of the Notice of Appeal and Request for Authorization to Proceed in Proper
18 Person; Waiver of Appeal Bond; and to Transmit Entire Record on File in the United States Post
19 Office, First Class Mail, postage prepaid thereon, addressed to:
20

21 FRANCES-ANN FINE
22 8975 S. Pecos Ave. #5
23 Henderson, NV 89074

24 
25 PERSON MAILING
26
27
28

CASE SUMMARY**CASE No. D-10-427054-D**

Maria Daniela Lewis, Plaintiff
vs.
Wesley Allen Lewis, Defendant.

§
§
§
§
§

Location: **Department T**
 Judicial Officer: **Nathan, Gayle**
 Filed on: **03/18/2010**

CASE INFORMATION**Related Cases**

R-11-161532-R (Linked - 1J11)

Case Type: **Divorce - Complaint**Subtype: **Complaint Subject Minor(s)****Statistical Closures**

09/02/2014 Settled/Withdrawn With Judicial Conference or Hearing
 10/18/2013 Settled/Withdrawn Without Judicial Conference or Hearing
 07/15/2011 Decision with Hearing









Case Status: **09/02/2014 Closed**

Case Flags: **Order After Hearing Required**
Proper Person Mail Returned
Proper Person Documents Mailed
Appealed to the Nevada Supreme Court

PARTY INFORMATION
















Plaintiff	Lewis, Maria Daniela 4555 E Sahara Ave 217 Las Vegas, NV 89104	Fine, Frances-Ann, ESQ Retained 702-384-8900(W)
Defendant	Lewis, Wesley Allen 3150 S. Nellis BLVD #1081 Las Vegas, NV 89121	Pro Se 702-432-3996(H)
Subject Minor	Lewis, Isabella Sara	

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

09/09/2014	 Notice of Appeal Filed by: Defendant Lewis, Wesley Allen
09/09/2014	 Request Filed by: Defendant Lewis, Wesley Allen <i>Request for Authorization to Proceed in Proper Person; Waiver of Appeal Bond; and to Transmit Entire Record on File</i>
09/09/2014	 Certificate of Mailing Filed by: Defendant Lewis, Wesley Allen <i>Certificate of Mailing</i>
09/04/2014	 Order Filed by: Plaintiff Lewis, Maria Daniela <i>Supplemental Order</i>
09/02/2014	 Notice of Entry of Order Filed by: Plaintiff Lewis, Maria Daniela <i>Notice of Entry of Order</i>
09/02/2014	 Order Filed by: Plaintiff Lewis, Maria Daniela <i>Order</i>
09/02/2014	 Certificate of Mailing Filed by: Plaintiff Lewis, Maria Daniela <i>Certificate of Mailing</i>
08/26/2014	 Ex Parte

CASE SUMMARY

CASE NO. D-10-427054-D

	<p>Filed by: Plaintiff Lewis, Maria Daniela <i>Ex Parte Request For Clarification And/Or Instructions</i></p>
07/29/2014	<p> Schedule of Arrearages Filed by: Plaintiff Lewis, Maria Daniela <i>Schedule of Arrearages</i></p>
07/29/2014	<p> Schedule of Arrearages Filed by: Plaintiff Lewis, Maria Daniela <i>Schedule of Arrearages</i></p>
07/23/2014	<p> Certificate of Mailing Filed by: Plaintiff Lewis, Maria Daniela <i>Certificate of Mailing</i></p>
07/22/2014	<p> Certificate of Mailing Filed by: Defendant Lewis, Wesley Allen For: Plaintiff Lewis, Maria Daniela <i>Certificate Of Mailing</i></p>
07/22/2014	<p> Financial Disclosure Form Filed by: Plaintiff Lewis, Maria Daniela <i>General Financial Disclosure Form</i></p>
07/22/2014	<p> Certificate of Mailing Filed by: Defendant Lewis, Wesley Allen <i>Certificate of Mailing - Injunction</i></p>
07/22/2014	<p> Certificate of Mailing Filed by: Defendant Lewis, Wesley Allen <i>Certificate of Mailing</i></p>
07/22/2014	<p> Notice of Change of Address Filed by: Defendant Lewis, Wesley Allen <i>Notice of Change of Address</i></p>
07/22/2014	<p> Affidavit Filed by: Defendant Lewis, Wesley Allen <i>Affidavit In Support Of Order Extending Time To Answer</i></p>
07/22/2014	<p> Brief Filed by: Plaintiff Lewis, Maria Daniela <i>Plaintiff's Pre-Evidentiary Hearing Brief</i></p>
07/18/2014	<p> Stricken Document Filed by: Defendant Lewis, Wesley Allen ****STRICKEN PER COURT MINUTES OF 08/05/14****</p>
07/02/2014	<p> Stricken Document Filed by: Defendant Lewis, Wesley Allen ****STRICKEN PER COURT MINUTES OF 07/29/14****</p>
06/27/2014	<p> Declaration Filed by: Defendant Lewis, Wesley Allen <i>Declaration in Support of Order to Extend Time to Answer</i></p>
06/26/2014	<p> Document Filed Filed by: Defendant Lewis, Wesley Allen <i>Discover: and Motion for Temporary Custody Pending Trial and Motion to Have Plaintiff Held in Contempt and for Attorney's Fees be Awarded to Defendant</i></p>
06/19/2014	<p> Notice of Entry of Order Filed by: Plaintiff Lewis, Maria Daniela <i>Notice of Entry Of Order</i></p>

CASE SUMMARY

CASE NO. D-10-427054-D

06/16/2014	 Order Filed by: Plaintiff Lewis, Maria Daniela <i>Order</i>
05/27/2014	 Order Setting Evidentiary Hearing <i>Order Setting Evidentiary Hearing</i>
05/16/2014	 Certificate of Service Filed by: Defendant Lewis, Wesley Allen <i>Certificate of Service</i>
05/15/2014	 Witness List Filed by: Plaintiff Lewis, Maria Daniela <i>Plaintiff's Initial List of Witnesses</i>
05/13/2014	 Order Filed by: Defendant Lewis, Wesley Allen <i>Order</i>
04/28/2014	 Reply Filed by: Plaintiff Lewis, Maria Daniela <i>Plaintiff's Reply to Defendant's Opposition To Motion To Modify Custody; To Enforce Order of December 27, 2013 And An Award Of Attorney's Fees And Countermotion For Fees; To Order Therapy For Plaintiff; To Hold Plaintiff in Contempt And For Related Relief</i>
04/24/2014	 Opposition and Countermotion Filed by: Defendant Lewis, Wesley Allen <i>Opposition to Motion to Modify Custody and Defendant's Countermotion for Fees; to Order Therapy for Plaintiff; to Hold Plaintiff in Contempt; and for Related Relief.</i>
04/15/2014	 Certificate of Service Filed by: Defendant Lewis, Wesley Allen <i>Certificate of Service</i>
04/14/2014	 Acknowledgment Filed by: Defendant Lewis, Wesley Allen <i>Acknowledgment of Substitution In Proper Person</i>
04/09/2014	 Motion Filed by: Defendant Lewis, Wesley Allen <i>Motion to Withdraw as Attorney for Defendant on Order Shortening Time</i>
04/02/2014	 Proof of Service Filed by: Plaintiff Lewis, Maria Daniela <i>Proof of Service</i>
04/01/2014	 Notice of Entry of Order Filed by: Plaintiff Lewis, Maria Daniela <i>Notice Of Entry Of Order To Show Cause</i>
03/27/2014	 Order Filed by: Plaintiff Lewis, Maria Daniela <i>Order To Show Cause</i>
03/25/2014	 Certificate of Mailing Filed by: Plaintiff Lewis, Maria Daniela <i>Certificate Of Mailing</i>
03/19/2014	 Motion Filed by: Plaintiff Lewis, Maria Daniela <i>Motion to Modify Custody; to Enforce Order of December 27, 2013 and an Award of Attorney's Fees</i>
03/19/2014	 Ex Parte Application for Order

CASE SUMMARY

CASE NO. D-10-427054-D

	Party: Plaintiff Lewis, Maria Daniela <i>Ex Parte Application for Order Shortening Time</i>
01/06/2014	 Notice of Entry of Order Filed by: Plaintiff Lewis, Maria Daniela <i>Notice Of Entry Of Findings Of Fact, Conclusions Of Law And Order</i>
12/27/2013	 Findings of Fact, Conclusions of Law and Judgment Filed by: Plaintiff Lewis, Maria Daniela <i>Findings Of Fact, Conclusions Of Law And Order</i>
11/07/2013	 Memorandum Filed by: Plaintiff Lewis, Maria Daniela <i>Plaintiff's Memorandum Of Fees And Costs</i>
10/24/2013	 Notice of Entry Filed by: Plaintiff Lewis, Maria Daniela <i>Notice of Entry of Minute Order</i>
10/18/2013	 Order <i>Minute Order</i>
09/24/2013	 Notice of Entry of Order Filed by: Plaintiff Lewis, Maria Daniela <i>Notice Of Entry Of Discover Commissioner's Report And Recommended Order</i>
09/17/2013	 Discovery Commissioners Report and Recommendations Filed by: Plaintiff Lewis, Maria Daniela <i>Discover Commissioner's Report and Recommended Order</i>
09/10/2013	 Notice of Hearing Filed by: Plaintiff Lewis, Maria Daniela <i>Notice of Hearing</i>
08/28/2013	 Schedule of Arrearages Filed by: Plaintiff Lewis, Maria Daniela <i>Schedule Of Arrearages</i>
08/28/2013	 Receipt of Copy Filed by: Plaintiff Lewis, Maria Daniela <i>Receipt Of Copy</i>
08/22/2013	 Brief Filed by: Plaintiff Lewis, Maria Daniela <i>Plaintiff's Pre-Evidentiary Hearing Brief</i>
08/22/2013	 Notice of Entry of Order Filed by: Plaintiff Lewis, Maria Daniela <i>Notice Of Entry Of Consent Order Regarding Issuance Of Passport</i>
08/22/2013	 Receipt of Copy Filed by: Plaintiff Lewis, Maria Daniela <i>Receipt Of Copy</i>
08/22/2013	 Pre-trial Memorandum Filed by: Defendant Lewis, Wesley Allen <i>Defendant's Pre Trial Memorandum</i>
08/22/2013	 Financial Disclosure Form Filed by: Defendant Lewis, Wesley Allen <i>General Financial Disclosure Form</i>
08/15/2013	 Witness List Filed by: Defendant Lewis, Wesley Allen <i>Defendant's Amended Witness List and Document Disclosure</i>

CASE SUMMARY

CASE NO. D-10-427054-D

08/13/2013	 Order Filed by: Plaintiff Lewis, Maria Daniela <i>Consent Order Regarding Issuance of Passport</i>
08/08/2013	 Notice of Entry of Order Filed by: Plaintiff Lewis, Maria Daniela <i>Notice of Entry of Order Shortening Time</i>
08/08/2013	 Receipt of Copy Filed by: Plaintiff Lewis, Maria Daniela <i>Receipt of Copy</i>
08/06/2013	 Receipt of Copy Filed by: Plaintiff Lewis, Maria Daniela <i>Receipt of Copy</i>
08/06/2013	 Order Shortening Time Filed by: Plaintiff Lewis, Maria Daniela <i>Order Shortening Time</i>
08/06/2013	 Motion Filed by: Plaintiff Lewis, Maria Daniela <i>Motion to Compel Discovery Responses and for Award of Attorney's Fees and Ex Parte Application for Order Shortening Time</i>
07/24/2013	 Acceptance of Service Filed by: Plaintiff Lewis, Maria Daniela <i>Acceptance of Service</i>
07/24/2013	 Proof of Service Filed by: Plaintiff Lewis, Maria Daniela <i>Proof of Service</i>
07/19/2013	 Notice of Entry of Order Filed by: Plaintiff Lewis, Maria Daniela <i>Notice of Entry of Order</i>
07/16/2013	 Notice of Entry of Order Filed by: Plaintiff Lewis, Maria Daniela <i>Notice of Entry of Order to Show Cause</i>
07/15/2013	 Order Filed by: Plaintiff Lewis, Maria Daniela <i>Order</i>
07/11/2013	 Order to Show Cause Filed by: Plaintiff Lewis, Maria Daniela <i>Order to Show Cause</i>
06/17/2013	 Notice of Entry of Order Filed by: Plaintiff Lewis, Maria Daniela <i>Notice of Entry of Order regarding issuance of passport</i>
06/14/2013	 Witness List Filed by: Plaintiff Lewis, Maria Daniela <i>Plaintiff's Initial Evidentiary Hearing Witness List</i>
06/13/2013	 Order Filed by: Plaintiff Lewis, Maria Daniela <i>Order Regarding Issuance of Passport</i>
06/07/2013	 Order Setting Evidentiary Hearing Filed by: Plaintiff Lewis, Maria Daniela <i>Order Setting Evidentiary Hearing</i>


















CASE SUMMARY

CASE NO. D-10-427054-D

05/31/2013	 Supplemental Filed by: Plaintiff Lewis, Maria Daniela <i>Supplemental Certificate of Service</i>
05/31/2013	 Reply Filed by: Plaintiff Lewis, Maria Daniela <i>Plaintiff's Reply to Defendant's Response and Countermotion for Attorney's Fees and Related Relief</i>
05/29/2013	 Certificate of Mailing Filed by: Plaintiff Lewis, Maria Daniela <i>Certificate of Mailing</i>
05/29/2013	 Financial Disclosure Form Filed by: Defendant Lewis, Wesley Allen <i>Financial Disclosure Form</i>
05/29/2013	 Notice of Appearance Party: Defendant Lewis, Wesley Allen <i>Notice of Appearance</i>
05/28/2013	 Response Filed by: Defendant Lewis, Wesley Allen <i>Defendant's Response and Countermotion for Attorney's Fees and Related Relief</i>
05/17/2013	 Certificate of Mailing Filed by: Plaintiff Lewis, Maria Daniela For: Defendant Lewis, Wesley Allen
05/08/2013	 Financial Disclosure Form Filed by: Plaintiff Lewis, Maria Daniela <i>General Financial Disclosure Form</i>
05/06/2013	 Schedule of Arrearages Filed by: Plaintiff Lewis, Maria Daniela <i>Schedule of Arrearages</i>
05/03/2013	 Certificate of Mailing Filed by: Plaintiff Lewis, Maria Daniela <i>Certificate of Mailing</i>
05/02/2013	 Motion Filed by: Plaintiff Lewis, Maria Daniela <i>Plaintiff's Motion to Have Defendant held in Contempt of Court, to enforce Decree of Divorce, to Reduce child support Arrears to Judgment, and for award of attorney Fees</i>
10/11/2011	 Notice of Withdrawal Filed by: Plaintiff Lewis, Maria Daniela <i>Notice of Withdrawal</i>
07/26/2011	 Notice of Withdrawal Filed by: Plaintiff Lewis, Maria Daniela <i>of Attorney</i>
07/26/2011	 Notice of Entry of Decree Party: Plaintiff Lewis, Maria Daniela <i>Notice of Entry of Decree of Divorce</i>
07/15/2011	 Decree of Divorce Filed by: Plaintiff Lewis, Maria Daniela <i>Decree of Divorce</i>
06/22/2011	 Child Support and Welfare Party Identification Sheet Filed by: Defendant Lewis, Wesley Allen; Plaintiff Lewis, Maria Daniela; Subject Minor


CASE SUMMARY


CASE NO. D-10-427054-D


	Lewis, Isabella Sara
05/26/2011	 Parenting Agreement Filed by: Defendant Lewis, Wesley Allen; Plaintiff Lewis, Maria Daniela
05/25/2011	 Certificate of Mailing Filed by: Defendant Lewis, Wesley Allen <i>Certificate of Mailing and Fax</i>
05/25/2011	 Financial Disclosure Form Filed by: Defendant Lewis, Wesley Allen <i>Defendant's Financial Disclosure Form</i>
04/07/2011	 NRCP 16.2 Case Management Conference Filed by: Plaintiff Lewis, Maria Daniela <i>NRCP 16.2 Case Management Conference</i>
03/29/2011	 Financial Disclosure Form Filed by: Plaintiff Lewis, Maria Daniela
03/29/2011	 Certificate of Mailing Filed by: Plaintiff Lewis, Maria Daniela <i>Certificate of Mailing</i>
03/14/2011	 Notice of Seminar Completion EDCR 5.07 Filed by: Defendant Lewis, Wesley Allen
03/14/2011	 Notice of Appearance Party: Defendant Lewis, Wesley Allen <i>Notice of Appearance</i>
03/09/2011	 Notice of Seminar Completion EDCR 5.07 Filed by: Plaintiff Lewis, Maria Daniela
01/01/2011	Administrative Reassignment to Department T <i>Case reassigned from Department P</i>
11/29/2010	 Statement of Legal Aid Representation and Fee Waiver Filed by: Plaintiff Lewis, Maria Daniela
11/29/2010	 Notice of Appearance Party: Plaintiff Lewis, Maria Daniela <i>of Counsel</i>
06/12/2010	 FMC Request and Order for Mediation - NRS 3.475 Filed by: Plaintiff Lewis, Maria Daniela <i>FMC Request and Order for Mediation</i>
06/03/2010	 Certificate of Mailing Filed by: Plaintiff Lewis, Maria Daniela For: Defendant Lewis, Wesley Allen
06/02/2010	 Financial Disclosure Form Filed by: Plaintiff Lewis, Maria Daniela <i>Financial Disclosure Form</i>
06/02/2010	 Notice of Early Case Conference Filed by: Plaintiff Lewis, Maria Daniela <i>Notice of Early Case Conference</i>
04/19/2010	 Reply to Counterclaim Filed by: Plaintiff Lewis, Maria Daniela For: Defendant Lewis, Wesley Allen
04/19/2010	 Certificate of Mailing <i>Certificate of Mailing</i>


CASE SUMMARY


CASE NO. D-10-427054-D


04/12/2010  Answer and Counterclaim
 Filed by: Defendant Lewis, Wesley Allen
 Party 2: Plaintiff Lewis, Maria Daniela
Answer to Complaint for Divorce and Counterclaim


04/12/2010  Certificate of Mailing
 Filed by: Defendant Lewis, Wesley Allen
 For: Plaintiff Lewis, Maria Daniela
Answer and Counterclaim


03/31/2010  Summons Issued Only
 Filed by: Plaintiff Lewis, Maria Daniela
Summons

03/31/2010  Joint Preliminary Injunction
 Filed by: Plaintiff Lewis, Maria Daniela
 For: Defendant Lewis, Wesley Allen

03/31/2010  Proof of Personal Service of Summons and Complaint
 Filed by: Plaintiff Lewis, Maria Daniela
 For: Defendant Lewis, Wesley Allen
Affidavit of Service

03/31/2010  Affidavit of Resident Witness
Affidavit of Resident Witness

03/18/2010  Affidavit of Resident Witness
 Filed by: Plaintiff Lewis, Maria Daniela

03/18/2010  Complaint for Divorce

DISPOSITIONS


09/02/2014 **Judgment** (Judicial Officer: Nathan, Gayle)
 Judgment (\$14,535.35, In Full , Child Support Arrearages (in favor of plaintiff))
 Judgment (\$950.00, In Full , Half of Mr. Wheatley's Bill (against defendant))

12/27/2013 **Judgment** (Judicial Officer: Nathan, Gayle)
 Judgment (\$5,500.00, In Full , Sanctions)
 Judgment (\$15,000.00, In Full , Attorneys Fees and Costs)

10/18/2013 **Judgment** (Judicial Officer: Nathan, Gayle)
 Judgment (\$5,500.00, In Full , Child Support Arrears)

HEARINGS

10/16/2014 **CANCELLED Evidentiary Hearing (1:30 PM) (Judicial Officer: Nathan, Gayle)**
Vacated
CUSTODY ONLY

08/28/2014  **Minute Order (11:30 AM) (Judicial Officer: Nathan, Gayle)**
 Minute Order - No Hearing Held;
 Journal Entry Details:


An Evidentiary Hearing was conducted in this case on August 5, 2014, wherein the Court ordered Defendant's visitation with the minor child would include a dinner date with the child on Mondays and Tuesdays every week, from after school until 7:00 p.m. To FURTHER CLARIFY the Court's order, in the event the minor child has an extra-curricular activity scheduled during Defendant's visitation on Monday and Tuesday evenings, he shall be responsible for transporting the minor child to and from the scheduled activity. The child's Monday tutoring classes at Kumon were discussed at the Evidentiary Hearing on August 5, 2014, and Defendant was found to be in CONTEMPT for failing to take the child to Kumon for her tutoring classes, and for failing to pay his share of the tuition fees. The minor child is still scheduled to attend tutoring classes at Kumon after school on Mondays; therefore, it is Defendant's responsibility to make sure she gets to her tutoring classes, and to any other

CASE SUMMARY

CASE NO. D-10-427054-D

scheduled after school activity during his timeshare. If Defendant fails to take the minor child to her tutoring classes at Kumon, or to any other scheduled after school activity which occurs during his visitation time, his Monday visitation with the minor child shall be VACATED. Defendant shall continue to be responsible for one half the cost of tutoring; he shall pay for Monday's sessions when he brings the minor child. Said tutoring shall continue until KUMON finds that the child is testing at grade level. The Plaintiff's Motion for Clarification filed on 8/26/14 has been resolved with this minute order. Plaintiff shall prepare an Order for the Court's signature. IT IS SO ORDERED. CLERK'S NOTE: A copy of the Minute Order was faxed to Ms. Fine's office, and a copy was mailed to Defendant. KB 8/29/14;

08/05/2014


 **All Pending Motions (1:30 PM)** (Judicial Officer: Nathan, Gayle)
MINUTES

Matter Heard;

Journal Entry Details:

EVIDENTIARY HEARING - CUSTODY ORDER TO SHOW CAUSE: ORDER TO SHOW CAUSE (DAY 2) Testimony presented. Exhibits offered and admitted. (See worksheets). The Court advised Defendant he could not admit exhibits, which had not been disclosed during Discovery. Closing arguments. The COURT made its FINDINGS and ORDERED, the following: 1. Defendant's 7/18/14 Motion to Declare Item or Material Obscene and Obtain Injunction for Dismissal shall be STRICKEN as a FUGITIVE DOCUMENT. 2. In October, 2013 Defendant had child support arrearages amounting to \$9,012.38. The Court also ordered Defendant to pay half of the cost of the child's medical insurance, and made a finding he was not credible. The Court did not find Defendant to be credible when he testified he spent two hours with the child going over her homework. The Court also had concerns about him not charging the child's phone so Mom could have daily access to the child. The emails attached as an exhibit by Plaintiff confirmed she was unable to have daily contact with the minor child. The Court was also concerned at the 10/13/13 hearing the Defendant was not taking the child for her tutoring at Kumon, after school, and the Court FOUND Defendant to be in CONTEMPT for failing to take the minor child to her tutoring classes. In addition, the Court FOUND Defendant to be in CONTEMPT in October 2013, for his failure to pay his child support in June, July, August, and September of 2011, and January, May, June, July, August, September, October, and November, in 2012. Defendant is also in CONTEMPT for failing to pay his child support in October, November, December and January, in compliance with the Court's November order. In addition, Defendant is in CONTEMPT for not paying half of the tuition for Kumon, from November to July in the amount of \$1,000.00, and for failing to take the child to her tutoring classes during the summer. Therefore, the amounts set forth in the two Schedules of Arrearages (exhibits 17 and 18), which included child support arrearages in the amount of \$14,535.35, shall be REDUCED TO JUDGMENT. 3. Defendant shall be responsible for half of Mr. Wheatley's bill, in the amount of \$950.00, which shall be REDUCED TO JUDGMENT. 4. For failing to bring the minor child to tutoring on Mondays during his custodial time, the Court FINDS Defendant to be in CONTEMPT of Court, and he is SANCTIONED to twenty (20) days in the Clark County Detention Center, which shall be STAYED. 5. For each of the missed child support payments for December, January, and February Defendant is SANCTIONED to twenty (20) days in the Clark County Detention Center, totaling sixty (60) days, which shall be STAYED. 6. In the future, if Defendant fails to follow the Orders of the Court, and the matter comes back before the Court on an Order to Show Cause, the stayed jail time will be IMPOSED by the Court. 7. As to the timeshare, the Court FINDS based on Defendant's conduct over the past ten (10) months, it is in the best interest of the minor child for the Court to change the custodial arrangement; therefore, going forward Defendant's timeshare will be every other Friday from after school to Sunday at 5:00 p.m., when she will be picked up by Plaintiff. Defendant shall make sure the child is ready to leave with Plaintiff at 5:00 p.m. Defendant shall make sure all of the papers in the child's backpack remain in the backpack so Plaintiff has a chance to look at the papers when the child is returned. In addition, Defendant shall have dinner with the minor child on Mondays and Tuesdays every week from after school until 7:00 p.m., when Plaintiff will pick up the child from Defendant's residence. 8. The current holiday schedule shall remain AS IS. 9. Plaintiff shall have telephone contact with the minor child while she is with Defendant on weekends, and Defendant shall have telephone contact with the minor child every evening at 7:00 p.m., with the exception of Mondays and Tuesdays. 10. Based on 18% of his gross monthly income of \$1,998.00, Defendant's child support shall be SET at \$360.00 per month, effective August, 2014. 11. Medical insurance for the minor child shall be continued to be provided as per the Court's previous order. 12. Ms. Fine shall prepare the Order, which shall include findings. ;

08/05/2014

 **Evidentiary Hearing (1:30 PM)** (Judicial Officer: Nathan, Gayle)

Events: 05/27/2014 Order Setting Evidentiary Hearing


DAY 2 - CUSTODY

CASE SUMMARY

CASE NO. D-10-427054-D

Decision Made;

07/29/2014


 **All Pending Motions** (1:30 PM) (Judicial Officer: Nathan, Gayle)

Matter Heard;

Journal Entry Details:

EVIDENTIARY HEARING: DAY 1 - CUSTODY...ORDER TO SHOW CAUSE EXCLUSIONARY RULE INVOKED BY MS. FINE. Parties SWORN and TESTIFIED. The Court noted Ms. Fine was requesting relief, since Defendant had failed to participate in Discovery. Counsel requested Defendant's pleadings be stricken. Defendant said he had responded to the production requests, and produced copies of the documents he had mailed to Ms. Fine on 6/26/14. Testimony presented. Exhibits offered and admitted. (See worksheets). COURT ORDERED, the Opposition to the Notice of Entry of Order and Order filed on 7/2/2014 is deemed to be a FUGITIVE DOCUMENT, since it was not authorized and it shall be STRICKEN. Plaintiff's request to deem the admissions admitted is GRANTED. Defendant shall produce the email he disclosed in his testimony, with regard to the end of the skin treatment for the minor child, at the 8/5/14 hearing. This matter shall be CONTINUED to 8/5/14 at 1:30 p.m. ;

07/29/2014

 **Evidentiary Hearing** (1:30 PM) (Judicial Officer: Nathan, Gayle)

Events: 05/27/2014 Order Setting Evidentiary Hearing

DAY 1 - CUSTODY

Matter Continued;

07/29/2014

Order to Show Cause (1:30 PM) (Judicial Officer: Nathan, Gayle)

07/29/2014, 08/05/2014

Order to Show Cause

Matter Continued;

Granted;

Matter Continued;

Granted;


05/22/2014

CANCELED Motion (9:00 AM) (Judicial Officer: Nathan, Gayle)

Vacated - Moot

Motion to Withdraw as Attorney for Defendant on Order Shortening Time

05/01/2014

 **All Pending Motions** (9:30 AM) (Judicial Officer: Nathan, Gayle)

MINUTES

Matter Heard;

Journal Entry Details:


MOTION TO MODIFY CUSTODY; TO ENFORCE ORDER OF DECEMBER 27, 2013 AND AN AWARD OF ATTORNEY FEES...OPPOSITION TO MOTION TO MODIFY CUSTODY AND DEFENDANT'S COUNTERMOTION FOR FEES; TO ORDER THERAPY FOR PLAINTIFF; TO HOLD PLAINTIFF IN CONTEMPT; AND FOR RELATED RELIEF Patricia Marr, Bar #8846, appeared in an unbundled capacity to represent Defendant. The Court reviewed its notes on the case, and FINDS Plaintiff has established adequate cause for the Court to set an Evidentiary Hearing. The Court reviewed the allegations made by Plaintiff. Ms. Marr advised the Court she had filed a Motion to Withdraw on an Order Shortening Time; however, she was still served with the Motion. Ms. Marr said she had reviewed the paperwork and noted Defendant was more laid back than Plaintiff with regard to the treatment of the minor child. Ms. Marr asked the Court to review the emails from Plaintiff to Defendant at the time of the Evidentiary Hearing. Defendant said he met with Warren Wheatley on 4/1/14. Response by Ms. Fine. Ms. Marr tendered a money gram in the amount of \$84.50 to Plaintiff IN OPEN COURT. COURT ORDERED, the following: 1. An Evidentiary Hearing will be conducted on 7/29/14 and 8/5/14 at 1:30 p.m., to determine custody. The standard is best interest of the minor child. 2. Pre-trial Memorandums and tabbed exhibits will be presented one week prior to the 7/29/14 trial date. 3. Initial witness lists will be submitted by 5/12/14, and supplemented thereafter. 4. Discovery will close thirty (30) days prior to the first day of trial. 5. The Court's Judicial Executive Assistant will prepare a Trial Management Order. 6. The Order to Show Cause will be heard on 7/29/14, and the 5/21/14 order shall be VACATED. 7. The minor child shall remain in counseling until the mental health professional deems it is no longer helpful to the child, and therefore, the parents may not remove her from counseling. 8. The attorney fees previously awarded to Ms. Fine, shall be REDUCED TO JUDGMENT subject to any offsets for payments made. 9. TEMPORARILY until the Evidentiary Hearing Defendant's timeshare will be modified to commence on Monday after school through Wednesday at 6:00 p.m. while school is in session. When school is out of session, the timeshare will commence on Monday at 9:00 a.m. and conclude on Wednesday at 6:00 p.m. 10. If there

CASE SUMMARY

CASE NO. D-10-427054-D

are any medical episodes, Defendant shall obtain written instructions from the physician, and if there is evidence he is not following the medical protocol, this matter can be placed on calendar and the Court will hear it for further orders. 11. If the allegations against Defendant are proved, Plaintiff will be awarded primary custody of the minor child. The standard is best interest of the child. 11. Ms. Marr's Motion to Withdraw as Attorney of Record is GRANTED. Ms. Marr shall submit the Order. 12. Ms. Fine shall prepare the Order. 7/29/14 1:30 P.M. EVIDENTIARY HEARING: CUSTODY 7/29/14 1:30 P.M. ORDER TO SHOW CAUSE 8/5/14 1:30 P.M. EVIDENTIARY HEARING: CUSTODY (DAY 2) ;

05/01/2014

 **Opposition & Countermotion** (9:30 AM) (Judicial Officer: Nathan, Gayle)


Opposition to Motion to Modify Custody and Defendant's Countermotion for Fees; to Order Therapy for Plaintiff; to Hold Plaintiff in Contempt; and for Related Relief.
Evidentiary Hearing;

05/01/2014

Motion (9:30 AM) (Judicial Officer: Nathan, Gayle)


Events: 03/19/2014 Motion
Motion to Modify Custody; to Enforce Order of December 27, 2013 and an Award of Attorney's Fees
Evidentiary Hearing;

10/14/2013

 **Minute Order** (10:00 AM) (Judicial Officer: Nathan, Gayle)

re: Findings and Order from Evidentiary Hearing (continued) Second part
Minute Order - No Hearing Held;
Journal Entry Details:
MINUTE ORDER RE: FINDINGS AND ORDER FROM EVIDENTIARY HEARING (CONTINUED...PART 2) 11. The Court finds that Defendant has lived with his parents since August of 2012, hence he has built in daycare, when needed. Additionally, his rent is listed at \$300 per month; the Court infers that it is unlikely he would be evicted if he was late or missed a rent payment. The Court finds that Defendant's monthly expenses are minimal. 12. The Court finds that Defendant is in contempt for his non-payment of child support as follows: In 2011; for June, July, August, September ; In 2012 for January , May, June, July, September, October and November. 13. For his contempt the Defendant is sanctioned the sum of \$500 for each and every missed payment as set forth above, for a total sanction of 11 x \$500 = \$5500. Said sum is herein reduced to Judgment and may be collected by any and all lawful means. The Court is also imposing a 10 day jail sentence for each of the 11 contempt s for a total sentence of 110 days; said jail sentence is stayed ; jail will be imposed on any future missed payments. 14. Additionally, the Court finds that Defendant is responsible for some if not all of Plaintiff's attorney fees. While the Court finds that both counsel meet the Brunzell factors as set forth in that case and applied herein, the Plaintiff has met her burden and established contempt. Ms. Fine will draft the final Order and forward it to Ms. Marrs for approval and signature and Ms. Fine will submit a Memorandum of Fees and Costs for the Court to review in determining an attorney award. 15. The Court finds it is in Bella s best interest, and an appropriate expense under NRS 125B.080(k) that both parties share in the cost of Bella s tutoring as she is currently being serviced through Kuman Tutoring; as Plaintiff has paid for October, 2013, Defendant is ORDERED to pay for November s tutoring, in FULL by the due date for November ; failure to pay will be a contempt of Court and Plaintiff may submit an Order to Show Cause with a supporting Affidavit/Declaration detailing the missed payment(s) to obtain an evidentiary hearing re contempt. Thereafter the parties will equally share the cost, paying on the due date so there is no break in the delivery of tutoring services. Bella will continue to receive tutoring services until she is testing at or above grade level as tested by Kuman, or if they do not test by the CRT's administered by CCSID, or the parents mutually decide to terminate the service. If she is testing at or above grade level and one parent wishes to continue the tutoring, that will be at that parent's expense. If she needs tutoring again in the future, based upon her grades or a teacher recommendation, this ORDER stands; to wit, the cost will be equally borne. 16. The Court declines to award any costs the Plaintiff has borne in the past for extra curricular activities or the cell phone; the Court is denying the request they equally bear the cost of gymnastics and cheer or any other recreational activity. 17. Other than the tutoring the Parties are ORDERED not to enroll the child in an activity during the other parent's timeshare without that parents WRITTEN AGREEMENT to the activity. IT IS SO ORDERED. ;

10/14/2013

 **Minute Order** (10:00 AM) (Judicial Officer: Nathan, Gayle)

re: Findings and Order after Evidentiary Hearing
Minute Order - No Hearing Held;
Journal Entry Details:
MINUTE ORDER RE: FINDINGS AND ORDER AFTER EVIDENTIARY HEARING This matter came before the Court on Plaintiff s Order to Show Cause on August 28, 2013 which

CASE SUMMARY**CASE NO. D-10-427054-D**

was continued to October 8, 2013 because of a power outage that impacted the video recording system; On both dates, Plaintiff was present and represented by Frances-Ann Fine, Esq.; Defendant was present and represented by Patricia Marrs, Esq.; the Court heard testimony and took evidence and makes the following FINDINGS and ORDER: 1. The Court has personal and subject matter in this post-decree matter; 2. On October 8, 2013, the Court found that Exhibit 16 was not consistent with the testimony presented so no weight was given to that exhibit; Exhibit 22 was admitted only for the purpose of establishing that Plaintiff paid Ms. Flores for eight tutoring sessions; The Court ORDERED that Defendant take the minor child Isabella Lewis (Bella), dob 8/10/2006 to the Kumon Tutoring Class that is paid for by mom on Mondays immediately after school; the Court finds this to be in Bella's best interest. 3. The Court had previously set aside the Master's Recommendation and Order under R-11161532-R as the arrears set by that Court did not accurately reflect the correct arrears based upon the child support that was ordered to be paid, to wit, the sum of \$440 for all but three months as the Defendant father failed to maintain the medical insurance for the minor child. As Welfare is on this case the Court ORDERS that the District Attorney's Office shall make a new Judgment consistent with this Order, to wit, that Defendant was ordered to pay \$440 monthly in child support; he was afforded an offset of \$133.00 for insurance, thus his child support for the months of June 2011; July 2011 and August 2011, ONLY is set at \$307 per month; and that the TOTAL ARREARS up to and including August 2013 is \$9012.38 with interest and penalty. For each and every month thereafter his child support is set at \$440 per month through August, 2013. 4. The Court finds that the Defendant's testimony that he is working only 26 hours per week so that he can care for Bella on his days off is not compelling to the Court as Bella is now in her second year of elementary school (albeit repeating the first grade). There was no testimony that Defendant was physically or mentally impaired or disabled or unable to work. The Court finds that the Defendant has a duty to financially support his daughter by working a full time job as the Mother of his child does and it was apparent from the testimony and evidence that he does not meet his financial obligations on 26 hours per week; the Court accepts the Plaintiff's testimony that she has, at times, worked three jobs to support herself and Bella. The Court finds that, based upon the Defendant's continuing failure since 2011 to pay his Court Ordered Child Support on a consistent monthly basis, that 26 hours of work per week is not sufficient to meet the financial needs of his child. The Court declines to set aside the Child Support Order of 2011 that set the child support at \$440 or to make this Order retroactive to August 2012 when he made application to have his Child Support reviewed in Child Support Court. See below on Credibility. 5. Whether Defendant chooses to work 40 hours is up to him, however, the Court finds that he is willfully underemployed and is imputing another 16 hours of wages at this time; A review of the Defendant's paystubs reflects that he is paid an hourly wage of \$9 per hour and is paid commission as well. Although his July and August 2013 paystubs do not reflect commission, his May 2013 paystubs reflect commission; Additionally, on the Pay Stub for Pay Date 8/2/2013 his year to date for commissions was \$3069; for 7 months that is \$438.42 per month in income for commissions; this could be looked at in several ways, even breaking down to an increased hourly amount to calculate income on, however the Court will calculate 40 hours per week at \$9 per hour for a gross monthly of \$1560; adding in \$438 in average commissions, his gross monthly is set at \$1998 per month. 6. Plaintiff's income is \$1495 per month; 18% of that is \$269.00. Defendant's income is \$1998 per month; 18% of that is \$360.00. The difference is \$91.00 with Defendant the obligor. Additionally, Plaintiff maintains insurance for the minor child at a cost to her of \$100 per month. Defendant is ordered to pay one half of that, increasing his child support to \$141.00 per month. 7. On ARREARS: Once the District Attorney's Office has calculated arrears based upon paragraph 3, to which interest and penalties must be calculated; Defendant shall pay the sum of \$100 on the arrears until said sum is paid in full. 8. Therefore, Defendant's Child Support Obligation, with insurance and a payment on Arrears is a total of \$241 per month commencing October 2013. Until the full amount is deducted from his paycheck the Defendant is responsible for paying the Plaintiff the full amount each and every month; In October the full amount is due to Plaintiff by October 31, 2013; in November he may pay \$120.50 on the 5th of the month and \$120.50 on the 20th of the month, and every month thereafter until there is a wage assignment in place for the full amount. Failure to make any one payment is a Contempt of Court and Plaintiff may submit an Order to Show Cause with a supporting Affidavit/Declaration detailing the missed payment(s) to obtain an evidentiary hearing re contempt. 9. On the issue of CREDIBILITY: the Defendant testified on several issues where the Court found his credibility suspect, or that he was motivated to act in a manner that was contrary to the best interest of his minor child; A. Defendant testified that his current income was \$900 per month; the Court found his income to be, at a minimum \$1481 per month, when looking at the year to date on his paystubs (noting that the calculation used to set child support uses his hourly on 40 hours and a sum that is equal to his average monthly commission as his gross monthly). The Court finds that his testimony, on his gross monthly income was not credible as it was not supported by the math in an analysis of his paystubs. B. Defendant testified that Plaintiff moved in with someone he didn't know which "affected" him and that it was hard for him to handle; the Court finds

CASE SUMMARY

CASE No. D-10-427054-D

that he was motivated to not cooperate or co-parent or pay his child support based upon his feelings toward this third party and Plaintiff's new relationship. C. The Court did not find Defendant credible that he sits down for 2 hours every day to go over his first grade daughter's homework with her. D. The Court did not find Defendant credible when he testified that he did not know Bella was in gymnastics classes or mini-cheer; it defies the Court's understanding of children that Bella did not want to show off her tumbling and cheer skills to her daddy; additionally, he testified that he was asked to buy cheer shoes for Bella and he declined to do so. He was invited to events involving cheer/gymnastics but did not attend. All of this testimony underlined his credibility. 10. The Court has concerns about co-parenting issues that were not before it; these include Defendant not charging Bella's telephone so that Plaintiff has daily access to her daughter; not bringing Bella to Kumon Tutoring that Plaintiff is paying \$200 per month for; ignoring the activities that Plaintiff has Bella involved in and not sharing the activities he has Bella involved in with Plaintiff. Defendant is cautioned to actively engage in co-parenting with Plaintiff. CONTINUED (see page 2)...;

10/08/2013

Evidentiary Hearing (10:30 AM) (Judicial Officer: Nathan, Gayle)

Events: 09/10/2013 Notice of Hearing

Continued from 08/29/13 due to power outage

MINUTES

Under Advisement;

Journal Entry Details:

The Court noted this matter had been continued from 8/29/13, and the issues to be resolved were child support and child support arrearages. The Court heard continued testimony from Plaintiff and Defendant. Exhibits offered and admitted. (See worksheets). The Court FINDS exhibit 16 is not consistent with the testimony presented. Exhibit 22 was admitted only for the purpose of establishing that Plaintiff paid Ms. Flores for eight (8) tutoring sessions. Closing arguments. COURT ORDERED, the following: 1. This matter shall be taken UNDER ADVISEMENT. 2. Defendant shall take the minor child to Kumon Tutoring on Mondays after school. Discussion regarding Defendant's Motion to Modify, filed in August, 2012. ;

08/29/2013

All Pending Motions (1:30 PM) (Judicial Officer: Nathan, Gayle)

Matter Heard;

Journal Entry Details:

EVIDENTIARY HEARING: RE: CHILD SUPPORT...ORDER TO SHOW CAUSE COURT NOTED, the three (3) issues are the correct Child Support amount, arrears, and how much the District Attorney's office has collected and applied towards Defendant's Child Support amount. Arguments by counsel regarding whether testimony should or should not be heard, contempt issues, whether Defendant willfully refused to pay child support, and Plaintiff incurring the cell phone bill expense that Defendant had originally bought. Attorney Fine requested to INVOKE the EXCLUSIONARY RULE. COURT SO ORDERED. COURT NOTED, an Order to Show Cause was issued. Arguments by counsel regarding extra curriculum activities. Testimony and exhibits presented (see worksheets); both Counsel STIPULATED to Defendant's Exhibits A, B, C, E, F, H, K, M, and R. Matter TRAILLED at the request of Attorney Marr. Matter RECALLED with a sidebar at the request of Attorney Marr. Both Counsel also STIPULATED to Plaintiff's Exhibits 6, 15, 16, 17, 21, and 24. Due to the power outage, COURT ORDERED, matter CONTINUED. The Department's Judicial Executive Assistance (JEA) shall contact both counsel regarding setting a continuance date.;

08/29/2013

Order to Show Cause (1:30 PM) (Judicial Officer: Nathan, Gayle)

Events: 07/11/2013 Order to Show Cause

Matter Continued;

08/29/2013

Evidentiary Hearing (1:30 PM) (Judicial Officer: Nathan, Gayle)

Events: 06/07/2013 Order Setting Evidentiary Hearing

re: Child support

Matter Continued;

08/09/2013

Motion to Compel (1:30 PM) (Judicial Officer: Beecroft, Chris A, Jr.)

Events: 08/06/2013 Motion

Plf's Motion to Compel Discovery Responses and for Award of Attorney's Fees and Ex Parte Application for An Order Shortening Time

Granted;

Journal Entry Details:

PLAINTIFF'S MOTION TO COMPEL DISCOVERY RESPONSES AND FOR AWARD OF ATTORNEY'S FEES AND EX PARTE APPLICATION FOR AN ORDER SHORTENING TIME COURT NOTED no opposition was filed. Attorney Marr indicated that she only received the

CASE SUMMARY

CASE NO. D-10-427054-D

Motion yesterday and had no opportunity to respond. Arguments by Counsel as to the notice of the Motion and the notice provided outlining the deficiencies in the discovery responses. COMMISSIONER RECOMMENDED: 1. Plaintiff's Motion to Compel is GRANTED; the relief as set forth in Attorney Fine's July 24th letter is GRANTED; 2. Defendant shall provide SUPPLEMENTAL RESPONSES to all Interrogatories and Requests to Plaintiff prior to the close of business, August 16, 2013; 3. Decision on Plaintiff's request for ATTORNEY'S FEES shall be deferred to the District Court Judge. Attorney Fine shall prepare a Report and Recommendation; Attorney Marr to countersign. ;

06/04/2013

All Pending Motions (9:30 AM) (Judicial Officer: Nathan, Gayle)

Matter Heard;

Journal Entry Details:

PLAINTIFF'S MOTION TO HAVE DEFENDANT HELD IN CONTEMPT OF COURT, TO ENFORCE DECREE OF DIVORCE, TO REDUCE CHILD SUPPORT ARREARS TO JUDGMENT AND FOR AWARD OF ATTORNEY FEES...DEFENDANT'S RESPONSE AND COUNTERMOTION FOR ATTORNEY'S FEES AND RELATED RELIEF Court reviewed the matters at hand and reported she even reviewed the Child Support hearing video. COURT GRANTED Plaintiff's request for an Order to Show Cause. Parties STIPULATE that the other parent shall receive at least one phone call from minor child while in the other parent's custody and the cell phone shall travel with the minor child. Court agrees to construe mother's Motion as a 60B Motion. COURT ORDERED: District Attorney's Office to complete a new audit regarding case number R-11-161532-R, with CHILD SUPPORT calculated at \$440.00 per month as Ordered. Court authorizes the Clerk of the Court to sign off on Child's passport if father refuses to do so. Mother may only take children to visit in countries that have the HAGUE CONVENTION. Father to provide a copy of minor child's report card at the Evidentiary hearing. Child shall have her own bed at each parent's home. Matter set for EVIDENTIARY HEARING 8/29/13 at 1:30 pm. Both counsel shall file, submit to chambers and exchange their Pre Trial Memorandums and Tabbed Exhibits no later than the close of business, ONE week prior to the Hearing. Witness lists shall be filed and exchanged no later than the close of business, 6/14/13. Discovery shall conclude by the close of business, FIFTEEN days prior to the hearing. Failure to disclose any witnesses and/or provide the Court with tabbed exhibits will result in them not being permitted at the time of the Hearing. **A copy of this MINUTE ORDER was forwarded to the District Attorney's office regarding their case number R-11-161532-R by court clerk**ct ;

06/04/2013

Opposition & Countermotion (9:30 AM) (Judicial Officer: Nathan, Gayle)

Events: 05/28/2013 Response

Def't's Response And Countermotion For Attorney's Fees And Related Relief

Evidentiary Hearing;

06/04/2013

Motion (9:30 AM) (Judicial Officer: Nathan, Gayle)

Events: 05/02/2013 Motion

Plt's Motion to Have Deft Held in Contempt of Court, to Enforce Decree of Divorce, to Reduce Child Support Arrears to Judgment, and for Award of Atty's Fees

Granted in Part;

05/26/2011

Case Management Conference (2:00 PM) (Judicial Officer: Nathan, Gayle)

Events: 04/07/2011 NRCP 16.2 Case Management Conference

Divorce Granted;

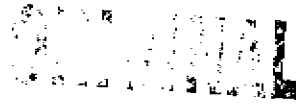
Journal Entry Details:

CASE MANAGEMENT CONFERENCE Court congratulated parents on reaching a Parenting Agreement through Family Mediation Center (FMC). PARENTING AGREEMENT EXECUTED and FILED IN OPEN COURT. COURT ORDERED, PARENTING AGREEMENT AFFIRMED and ADOPTED. Discussion regarding child support and matter moving forward with a possible Prove Up and Divorce today. COURT stated parents have JOINT PHYSICAL, JOINT LEGAL CUSTODY of minor child. Court reviewed parents Financial Disclosure Forms (FDF) and calculated that father's obligation to mother for CHILD SUPPORT shall be \$440.00 per month, effective June, 2011. Father shall communicate to Counsel which day or day(s) of the month he will pay his ORDERED child support to mother. Discussion regarding medical insurance for the child which father is currently paying. COURT ORDERED, father shall have an OFFSET for 1/2 of the medical insurance upon proof to Counsel and once confirmation is received, that amount shall be entered into the Order. Attorney Buche addressed the court and advised that just before Court, the father advised him he now has a new job and is making about \$1200.00 less a month than he was previously. COURT stated it BINDS Defendant to the FDF he signed on 5/24/11. Argument by Counsel regarding mother's income. Court reviewed her FDF and finds mother has two part time jobs. Following

CASE SUMMARY

CASE No. D-10-427054-D

discussion. Parties SWORN and TESTIFIED. Parties have agreed, Plaintiff shall take her personal property and Defendant shall take his personal property. Father shall claim the minor child for tax purposes in EVEN years and mother shall claim the minor child for tax purposes in ODD years. Neither party shall be awarded SPOUSAL SUPPORT. Each party shall pay their own Attorney fees. Mother, Maria Daniela Lewis shall have her maiden name restored and shall now be known as MARIA DANIELA PERDOMO. COURT FINDS, it has personal and subject JURISDICTION and JURISDICTION over the minor child. COURT ORDERED, DIVORCE GRANTED. Attorney Lidia Rincon to prepare Divorce Decree and have Attorney Ernest Buche review and sign off by 6/17/11. CASE CLOSED upon Entry of Order. ;



Alvin D. Schuman

CLERK OF THE COURT

ORD
The Fine & Price Law Group
FRANCES-ANN FINE, ESQUIRE
Nevada Bar No. 0025
8975 South Pecos Road, Ste 5
Henderson, Nevada 89074
Telephone: 702/384-8900
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fran@thefinelawgroup.com
Attorney for Plaintiff
MARIA DANIELA LEWIS nka
MARIA DANIELA PERDOMO

DISTRICT COURT
CLARK COUNTY, NEVADA

MARIA DANIELA LEWIS nka
MARIA DANIELA PERDOMO,
Plaintiff,
vs.
WESLEY ALLEN LEWIS,
Defendant.

)
)
) CASE NO. D-10-4270⁵⁴-D
) DEPT NO. T
)
) DATE OF HEARING: 08/05/2014
) TIME OF HEARING: 1:30 p.m.
)
)
)
)

ORDER

THIS matter having come before the Court on the 5th day of August, 2014 for Evidentiary Hearing on custodial issues and the Order To Show Cause; Plaintiff, MARIA PERDOMO, appearing personally and through her counsel, FRANCES-ANN FINE, ESQUIRE, of The Fine & Price Law Group; Defendant, WESLEY ALLEN LEWIS, appearing in Proper Person; the Court having reviewed all papers and pleadings on file herein and having considered the arguments presented and good cause appearing,

/ / /

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

RECEIVED
AUG 27 2014
FAMILY COURT
DEPARTMENT T

1 **IT IS HEREBY FOUND AND ORDERED** that Defendant's July 18,
2 2014 *Motion to Declare Item or Material Obscene and Obtain*
3 *Injunction for Dismissal* shall be stricken as a fugitive document.

4 **IT IS FURTHER FOUND** that in October, 2013, Defendant had
5 child support arrearages amounting to \$9,012.38. The Court also
6 ordered Defendant to pay half of the cost of the child's medical
7 insurance and made a finding that his testimony was not credible.
8 The Court did not find Defendant to be credible when he testified
9 he spent two hours with the child going over her homework. The
10 Court also had concerns about him not charging the child's phone so
11 that Mom could have daily access to the child. The e-mails attached
12 as an exhibit by Plaintiff confirmed she was unable to have daily
13 contact with the minor child. The Court was also concerned at the
14 October 13, 2013 hearing that the Defendant was not taking the
15 child for her tutoring at Kumon after school, and the Court found
16 Defendant to be in contempt for failing to take the minor child to
17 her tutoring classes.

18 **IT IS FURTHER FOUND AND ORDERED** that the Court found
19 Defendant to be in contempt in October of 2013 for his failure to
20 pay his child support in June, July, August, and September of 2011,
21 and January, May, June, July, August, September, October, and
22 November, in 2012. Defendant is also in contempt for failing to pay
23 his child support in October, November, December and January, in
24 compliance with the Court's November order. In addition, Defendant
25 is in contempt for not paying half of the tuition for Kumon, from
26 November to July, in the amount of \$1,000.00, and for failing to
27 take the child to her tutoring classes during the summer.
28 Therefore, the amounts set forth in the two Schedules of Arrearages

1 (Exhibits 17 and 18), which included child support arrearages in
2 the amount of \$14,535.35, shall be reduced to judgment against
3 Defendant, and in favor of Plaintiff, and are collectible by any
4 and all lawful means.

5 **IT IS FURTHER FOUND AND ORDERED** that Defendant shall be
6 responsible for half of Mr. Wheatley's bill, in the amount of
7 \$950.00, which shall be reduced to judgment and collectible by any
8 and all lawful means.

9 **IT IS FURTHER FOUND AND ORDERED** that Defendant is in
10 contempt of court for failing to bring the minor child to tutoring
11 on Mondays during his custodial time. Defendant is hereby
12 sanctioned to twenty (20) days in the Clark County Detention
13 Center, which shall be stayed.

14 **IT IS FURTHER FOUND AND ORDERED** that Defendant is in
15 contempt of court for each of the missed child support payments for
16 December, January, and February. Defendant is hereby sanctioned to
17 twenty (20) days in the Clark County Detention Center, totaling
18 sixty (60) days, which shall be stayed.

19 **IT IS FURTHER FOUND AND ORDERED** that in the future, if
20 Defendant fails to follow the Orders of the Court, and the matter
21 comes back before the Court on an Order to Show Cause, the above-
22 referenced stayed jail time will be imposed by the Court.

23 **IT IS FURTHER FOUND AND ORDERED** that as to the timeshare,
24 the Court finds, based on Defendant's conduct over the past ten
25 (10) months, that it is in the best interest of the minor child for
26 the Court to change the custodial arrangement. Therefore, going
27 forward, Defendant's timeshare will be every other Friday from
28 after school to Sunday at 5:00 p.m., when she will be picked up by

1 Plaintiff. Defendant shall make sure the child is ready to leave
2 with Plaintiff at 5:00 p.m. Defendant shall make sure all of the
3 papers in the child's back pack remain in the back pack so that
4 Plaintiff has a chance to look at the papers when the child is
5 returned. In addition, Defendant shall have dinner with the minor
6 child on Mondays and Tuesdays every week from after school until
7 7:00 p.m., when Plaintiff will pick up the child from Defendant's
8 residence. Defendant remains responsible for transporting the
9 minor child to her tutoring session each Monday and paying for
10 same. Should he fail to do so, the Monday visits will be
11 terminated.

12 **IT IS FURTHER FOUND AND ORDERED** that the current holiday
13 schedule shall remain status quo.

14 **IT IS HEREBY FOUND AND ORDERED** that Plaintiff shall have
15 telephone contact with the minor child while she is with Defendant
16 on weekends, and Defendant shall have telephone contact with the
17 minor child every evening at 7:00 p.m., with the exception of
18 Mondays and Tuesdays.

19 **IT IS HEREBY FOUND AND ORDERED** that based on 18% of his
20 gross monthly income of \$1,998.00 imputed to the Defendant, his
21 child support shall be set at \$360.00 per month, effective August,
22 2014.

23 / / /

24 / / /

25 / / /

26 / / /

27 / / /

28 / / /

IT IS HEREBY FOUND AND ORDERED that medical insurance for the minor child shall continue to be provided as per the Court's previous order, to wit: Defendant provides the sum of \$50.00 per month as and for one-half of the minor child's health insurance.

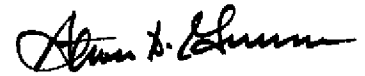
DATED this 24 day of Sept, 2014.

DISTRICT COURT JUDGE *RB*

GAYLE NATHAN

SUBMITTED BY:

~~The Fine & Price Law Group~~
FRANCES-ANN FINE, ESQUIRE
Nevada Bar No. 0025
Attorneys for Plaintiff
Maria Perdomo



CLERK OF THE COURT

1 NEOJ
2 THE FINE LAW GROUP
3 FRANCES-ANN FINE, ESQUIRE
4 Nevada Bar No. 0025
5 8975 South Pecos Road, Suite 5
6 Henderson, Nevada 89074
7 Telephone: 702/384-8900
8 Facsimile: 702/384-6900
9 Attorney for Plaintiff
10 MARIA DANIELA LEWIS nka
11 MARIA DANIELA PERDOMO

DISTRICT COURT
CLARK COUNTY, NEVADA

MARIA DANIELA LEWIS nka
MARIA DANIELA PERDOMO,

Plaintiff,

vs.

WESLEY ALLEN LEWIS,

Defendant.

CASE NO. D-10-427054-D
DEPT. NO. T

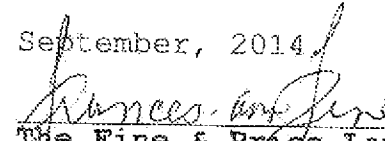
DATE OF HEARING: 8/5/2014
TIME OF HEARING: 1:30 p.m.

NOTICE OF ENTRY OF ORDER

TO: WESLEY ALLEN LEWIS, Defendant in Proper Person:

YOU AND EACH OF YOU, WILL PLEASE TAKE NOTICE that an
ORDER, a copy of which is attached hereto, was entered and filed in
the above-entitled matter on the 2nd day of September, 2014.

DATED the 2nd day of September, 2014.



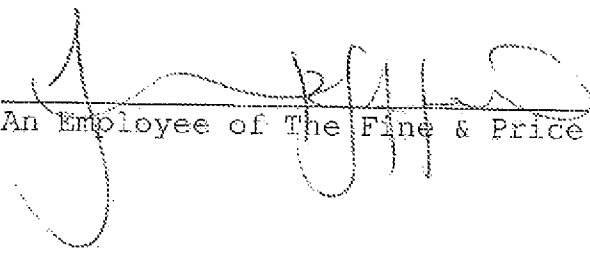
The Fine & Price Law Group
FRANCES-ANN FINE, ESQUIRE
Nevada Bar No. 0025
8975 S. Pecos Road, Ste. 5
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Telephone: 702/384-8900
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Attorney for Plaintiff
MARIA DANIELA LEWIS nka
MARIA DANIELA PERDOMO

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CERTIFICATE OF MAILING

I hereby certify that on this 2nd day of September, 2014, a copy of the foregoing NOTICE OF ENTRY OF ORDER was placed into the United States Mail, first class postage prepaid at Las Vegas, Nevada, addressed to:

Wesley Allen Lewis
4650 Idaho Avenue
Las Vegas, Nevada 89104


An Employee of The Fine & Price Law Group

Alma L. Harrison

CLERK OF THE COURT

ORD
The Fine & Price Law Group
FRANCES-ANN FINE, ESQUIRE
Nevada Bar No. 0025
8975 South Pecos Road, Ste. 5
Henderson, Nevada 89074
Telephone: 702/384-8900
Facsimile: 702/384-6900
fran@thefinelawgroup.com
Attorney for Plaintiff
MARIA DANIELA LEWIS nka
MARIA DANIELA PERDOMO

DISTRICT COURT

CLARK COUNTY, NEVADA

MARIA DANIELA LEWIS nka
MARIA DANIELA PERDOMO,

Plaintiff,

vs.

WESLEY ALLEN LEWIS,

Defendant.

CASE NO. D-10-4270⁵⁴-D
DEPT NO. T

DATE OF HEARING: 08/05/2014
TIME OF HEARING: 1:30 p.m.

ORDER

THIS matter having come before the Court on the 5th day
of August, 2014 for Evidentiary Hearing on custodial issues and the
Order To Show Cause; Plaintiff, MARIA PERDOMO, appearing personally
and through her counsel, FRANCES-ANN FINE, ESQUIRE, of The Fine &
Price Law Group; Defendant, WESLEY ALLEN LEWIS, appearing in
Proper Person; the Court having reviewed all papers and pleadings
on file herein and having considered the arguments presented and
good cause appearing,

/ / /

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

RECEIVED

AUG 27 2014

FAMILY COURT
DEPARTMENT T

1 IT IS HEREBY FOUND AND ORDERED that Defendant's July 18,
2 2014 Motion to Declare Item or Material Obscene and Obtain
3 Injunction for Dismissal shall be stricken as a fugitive document.

4 IT IS FURTHER FOUND that in October, 2013, Defendant had
5 child support arrearages amounting to \$9,012.38. The Court also
6 ordered Defendant to pay half of the cost of the child's medical
7 insurance and made a finding that his testimony was not credible.
8 The Court did not find Defendant to be credible when he testified
9 he spent two hours with the child going over her homework. The
10 Court also had concerns about him not charging the child's phone so
11 that Mom could have daily access to the child. The e-mails attached
12 as an exhibit by Plaintiff confirmed she was unable to have daily
13 contact with the minor child. The Court was also concerned at the
14 October 13, 2013 hearing that the Defendant was not taking the
15 child for her tutoring at Kumon after school, and the Court found
16 Defendant to be in contempt for failing to take the minor child to
17 her tutoring classes.

18 IT IS FURTHER FOUND AND ORDERED that the Court found
19 Defendant to be in contempt in October of 2013 for his failure to
20 pay his child support in June, July, August, and September of 2011,
21 and January, May, June, July, August, September, October, and
22 November, in 2012. Defendant is also in contempt for failing to pay
23 his child support in October, November, December and January, in
24 compliance with the Court's November order. In addition, Defendant
25 is in contempt for not paying half of the tuition for Kumon, from
26 November to July, in the amount of \$1,000.00, and for failing to
27 take the child to her tutoring classes during the summer.
28 Therefore, the amounts set forth in the two Schedules of Arrearages

1 (Exhibits 17 and 18), which included child support arrearages in
2 the amount of \$14,535.35, shall be reduced to judgment against
3 Defendant, and in favor of Plaintiff, and are collectible by any
4 and all lawful means.

5 **IT IS FURTHER FOUND AND ORDERED** that Defendant shall be
6 responsible for half of Mr. Wheatley's bill, in the amount of
7 \$950.00, which shall be reduced to judgment and collectible by any
8 and all lawful means.

9 **IT IS FURTHER FOUND AND ORDERED** that Defendant is in
10 contempt of court for failing to bring the minor child to tutoring
11 on Mondays during his custodial time. Defendant is hereby
12 sanctioned to twenty (20) days in the Clark County Detention
13 Center, which shall be stayed.

14 **IT IS FURTHER FOUND AND ORDERED** that Defendant is in
15 contempt of court for each of the missed child support payments for
16 December, January, and February. Defendant is hereby sanctioned to
17 twenty (20) days in the Clark County Detention Center, totaling
18 sixty (60) days, which shall be stayed.

19 **IT IS FURTHER FOUND AND ORDERED** that in the future, if
20 Defendant fails to follow the Orders of the Court, and the matter
21 comes back before the Court on an Order to Show Cause, the above-
22 referenced stayed jail time will be imposed by the Court.

23 **IT IS FURTHER FOUND AND ORDERED** that as to the timeshare,
24 the Court finds, based on Defendant's conduct over the past ten
25 (10) months, that it is in the best interest of the minor child for
26 the Court to change the custodial arrangement. Therefore, going
27 forward, Defendant's timeshare will be every other Friday from
28 after school to Sunday at 5:00 p.m., when she will be picked up by

1 Plaintiff. Defendant shall make sure the child is ready to leave
2 with Plaintiff at 5:00 p.m. Defendant shall make sure all of the
3 papers in the child's back pack remain in the back pack so that
4 Plaintiff has a chance to look at the papers when the child is
5 returned. In addition, Defendant shall have dinner with the minor
6 child on Mondays and Tuesdays every week from after school until
7 7:00 p.m., when Plaintiff will pick up the child from Defendant's
8 residence. Defendant remains responsible for transporting the
9 minor child to her tutoring session each Monday and paying for
10 same. Should he fail to do so, the Monday visits will be
11 terminated.

12 **IT IS FURTHER FOUND AND ORDERED** that the current holiday
13 schedule shall remain status quo.

14 **IT IS HEREBY FOUND AND ORDERED** that Plaintiff shall have
15 telephone contact with the minor child while she is with Defendant
16 on weekends, and Defendant shall have telephone contact with the
17 minor child every evening at 7:00 p.m., with the exception of
18 Mondays and Tuesdays.

19 **IT IS HEREBY FOUND AND ORDERED** that based on 18% of his
20 gross monthly income of \$1,998.00 imputed to the Defendant, his
21 child support shall be set at \$360.00 per month, effective August,
22 2014.

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1 IT IS HEREBY FOUND AND ORDERED that medical insurance for
2 the minor child shall continue to be provided as per the Court's
3 previous order, to wit: Defendant provides the sum of \$50.00 per
4 month as and for one-half of the minor child's health insurance.

5 DATED this 24 day of Sept, 2014.

6
7
8 DISTRICT COURT JUDGE 18
9 GAYLE NATHAN

10 SUBMITTED BY:

11 Frances Ann Fine
12 The Fine & Price Law Group
13 FRANCES-ANN FINE, ESQUIRE
14 Nevada Bar No. 0025
15 Attorneys for Plaintiff
16 Maria Perdomo
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES****May 26, 2011**

D-10-427054-D Maria Daniela Lewis, Plaintiff
vs.
Wesley Allen Lewis, Defendant.

**May 26, 2011 2:00 PM Case Management
Conference**

HEARD BY: Nathan, Gayle**COURTROOM:** RJC Courtroom 10A**COURT CLERK:** Lucinda Tait**PARTIES:**

Isabella Lewis, Subject Minor, not present

Maria Lewis, Plaintiff, Counter Defendant,
present

Lidia Rincon, Attorney, present

Wesley Lewis, Defendant, Counter Claimant,
present Pro Se

JOURNAL ENTRIES

- CASE MANAGEMENT CONFERENCE

Court congratulated parents on reaching a Parenting Agreement through Family Mediation Center (FMC). PARENTING AGREEMENT EXECUTED and FILED IN OPEN COURT. COURT ORDERED, PARENTING AGREEMENT AFFIRMED and ADOPTED.

Discussion regarding child support and matter moving forward with a possible Prove Up and Divorce today.

COURT stated parents have JOINT PHYSICAL, JOINT LEGAL CUSTODY of minor child. Court reviewed parents Financial Disclosure Forms (FDF) and calculated that father's obligation to mother for CHILD SUPPORT shall be \$440.00 per month, effective June, 2011. Father shall communicate to Counsel which day or day(s) of the month he will pay his ORDERED child support to mother.

Discussion regarding medical insurance for the child which father is currently paying. COURT ORDERED, father shall have an OFFSET for 1/2 of the medical insurance upon proof to Counsel and

once confirmation is received, that amount shall be entered into the Order.

Attorney Buche addressed the court and advised that just before Court, the father advised him he now has a new job and is making about \$1200.00 less a month than he was previously. COURT stated it BINDS Defendant to the FDF he signed on 5/24/11.

Argument by Counsel regarding mother's income. Court reviewed her FDF and finds mother has two part time jobs.

Following discussion, Parties SWORN and TESTIFIED.

Parties have agreed, Plaintiff shall take her personal property and Defendant shall take his personal property.

Father shall claim the minor child for tax purposes in EVEN years and mother shall claim the minor child for tax purposes in ODD years.

Neither party shall be awarded SPOUSAL SUPPORT.

Each party shall pay their own Attorney fees.

Mother, Maria Daniela Lewis shall have her maiden name restored and shall now be known as MARIA DANIELA PERDOMO.

COURT FINDS, it has personal and subject JURISDICTION and JURISDICTION over the minor child. COURT ORDERED, DIVORCE GRANTED.

Attorney Lidia Rincon to prepare Divorce Decree and have Attorney Ernest Buche review and sign off by 6/17/11. CASE CLOSED upon Entry of Order.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: September 06, 2013 1:30 PM Motion to Compel

Canceled: May 21, 2014 2:00 PM Order to Show Cause

Canceled: May 22, 2014 9:00 AM Motion

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - Moot Courtroom 05

Nathan, Gayle

Boyle, Kathleen

Canceled: October 16, 2014 1:30 PM Evidentiary Hearing
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated
Nathan, Gayle
Courtroom 05
Boyle, Kathleen

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

June 04, 2013

D-10-427054-D Maria Daniela Lewis, Plaintiff
vs.
Wesley Allen Lewis, Defendant.

June 04, 2013 9:30 AM All Pending Motions

HEARD BY: Nathan, Gayle **COURTROOM:** Courtroom 14

COURT CLERK: Lucinda Tait

PARTIES:

Isabella Lewis, Subject Minor, not present
Maria Lewis, Plaintiff, Counter Defendant, Frances-Ann Fine, Attorney, present
present
Wesley Lewis, Defendant, Counter Claimant, Pro Se
present

JOURNAL ENTRIES

- PLAINTIFF'S MOTION TO HAVE DEFENDANT HELD IN CONTEMPT OF COURT, TO ENFORCE DECREE OF DIVORCE, TO REDUCE CHILD SUPPORT ARREARS TO JUDGMENT AND FOR AWARD OF ATTORNEY FEES...DEFENDANT'S RESPONSE AND COUNTERMOTION FOR ATTORNEY'S FEES AND RELATED RELIEF

Court reviewed the matters at hand and reported she even reviewed the Child Support hearing video.

COURT GRANTED Plaintiff's request for an Order to Show Cause.

Parties STIPULATE that the other parent shall receive at least one phone call from minor child while in the other parent's custody and the cell phone shall travel with the minor child.

Court agrees to construe mother's Motion as a 60B Motion.

COURT ORDERED: District Attorney's Office to complete a new audit regarding case number R-11-161532-R, with CHILD SUPPORT calculated at \$440.00 per month as Ordered.

Court authorizes the Clerk of the Court to sign off on Child's passport if father refuses to do so.

Mother may only take children to visit in countries that have the HAGUE CONVENTION.

Father to provide a copy of minor child's report card at the Evidentiary hearing.

Child shall have her own bed at each parent's home.

Matter set for EVIDENTIARY HEARING 8/29/13 at 1:30 pm. Both counsel shall file, submit to chambers and exchange their Pre Trial Memorandums and Tabbed Exhibits no later than the close of business, ONE week prior to the Hearing. Witness lists shall be filed and exchanged no later than the close of business, 6/14/13. Discovery shall conclude by the close of business, FIFTEEN days prior to the hearing. Failure to disclose any witnesses and/or provide the Court with tabbed exhibits will result in them not being permitted at the time of the Hearing.

****A copy of this MINUTE ORDER was forwarded to the District Attorney's office regarding their case number R-11-161532-R by court clerk/**ct**

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: September 06, 2013 1:30 PM Motion to Compel

Canceled: May 21, 2014 2:00 PM Order to Show Cause

Canceled: May 22, 2014 9:00 AM Motion

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - Moot Courtroom 05

Nathan, Gayle

Boyle, Kathleen

Canceled: October 16, 2014 1:30 PM Evidentiary Hearing

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Nathan, Gayle

Courtroom 05

Boyle, Kathleen

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

August 09, 2013

D-10-427054-D Maria Daniela Lewis, Plaintiff
vs.
Wesley Allen Lewis, Defendant.

August 09, 2013 1:30 PM Motion to Compel

HEARD BY: Beecroft, Chris A, Jr.; Beecroft, Chris **COURTROOM:** Courtroom 13
A, Jr.

COURT CLERK: Amy Lunsford

PARTIES:

Isabella Lewis, Subject Minor, not present
Maria Lewis, Plaintiff, Counter Defendant, not present Frances-Ann Fine, Attorney, present
Wesley Lewis, Defendant, Counter Claimant, Pro Se
not present

JOURNAL ENTRIES

- PLAINTIFF'S MOTION TO COMPEL DISCOVERY RESPONSES AND FOR AWARD OF ATTORNEY'S FEES AND EX PARTE APPLICATION FOR AN ORDER SHORTENING TIME

COURT NOTED no opposition was filed. Attorney Marr indicated that she only received the Motion yesterday and had no opportunity to respond. Arguments by Counsel as to the notice of the Motion and the notice provided outlining the deficiencies in the discovery responses.

COMMISSIONER RECOMMENDED:

1. Plaintiff's Motion to Compel is GRANTED; the relief as set forth in Attorney Fine's July 24th letter is GRANTED;
2. Defendant shall provide SUPPLEMENTAL RESPONSES to all Interrogatories and Requests to Plaintiff prior to the close of business, August 16, 2013;

3. Decision on Plaintiff's request for ATTORNEY'S FEES shall be deferred to the District Court Judge. Attorney Fine shall prepare a Report and Recommendation; Attorney Marr to countersign.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: September 06, 2013 1:30 PM Motion to Compel

Canceled: May 21, 2014 2:00 PM Order to Show Cause

Canceled: May 22, 2014 9:00 AM Motion

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - Moot Courtroom 05

Nathan, Gayle

Boyle, Kathleen

Canceled: October 16, 2014 1:30 PM Evidentiary Hearing

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Nathan, Gayle

Courtroom 05

Boyle, Kathleen

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

August 29, 2013

D-10-427054-D Maria Daniela Lewis, Plaintiff
 vs.
 Wesley Allen Lewis, Defendant.

August 29, 2013 1:30 PM All Pending Motions

HEARD BY: Nathan, Gayle **COURTROOM:** Courtroom 14

COURT CLERK: Neida Parker

PARTIES:

Isabella Lewis, Subject Minor, not present
Maria Lewis, Plaintiff, Counter Defendant, Frances-Ann Fine, Attorney, present
present
Wesley Lewis, Defendant, Counter Claimant, Pro Se
present

JOURNAL ENTRIES

- EVIDENTIARY HEARING: RE: CHILD SUPPORT...ORDER TO SHOW CAUSE

COURT NOTED, the three (3) issues are the correct Child Support amount, arrears, and how much the District Attorney's office has collected and applied towards Defendant's Child Support amount.

Arguments by counsel regarding whether testimony should or should not be heard, contempt issues, whether Defendant willfully refused to pay child support, and Plaintiff incurring the cell phone bill expense that Defendant had originally bought.

Attorney Fine requested to INVOKE the EXCLUSIONARY RULE. COURT SO ORDERED.

COURT NOTED, an Order to Show Cause was issued.

Arguments by counsel regarding extra curriculum activities.

Testimony and exhibits presented (see worksheets); both Counsel STIPULATED to Defendant's Exhibits A, B, C, E, F, H, K, M, and R.

Matter TRAILED at the request of Attorney Marr. Matter RECALLED with a sidebar at the request of Attorney Marr.

Both Counsel also STIPULATED to Plaintiff's Exhibits 6, 15, 16,17, 21, and 24.

Due to the power outage, COURT ORDERED, matter CONTINUED. The Department's Judicial Executive Assistance (JEA) shall contact both counsel regarding setting a continuance date.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: September 06, 2013 1:30 PM Motion to Compel

Canceled: May 21, 2014 2:00 PM Order to Show Cause

Canceled: May 22, 2014 9:00 AM Motion

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - Moot Courtroom 05

Nathan, Gayle

Boyle, Kathleen

Canceled: October 16, 2014 1:30 PM Evidentiary Hearing

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Nathan, Gayle

Courtroom 05

Boyle, Kathleen

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

October 08, 2013

D-10-427054-D Maria Daniela Lewis, Plaintiff
 vs.
 Wesley Allen Lewis, Defendant.

October 08, 2013 10:30 AM Evidentiary Hearing

HEARD BY: Nathan, Gayle

COURTROOM: Courtroom 14

COURT CLERK: Kathleen Boyle

PARTIES:

Isabella Lewis, Subject Minor, not present

Maria Lewis, Plaintiff, Counter Defendant,
present

Frances-Ann Fine, Attorney, present

Wesley Lewis, Defendant, Counter Claimant,
present Pro Se

JOURNAL ENTRIES

- The Court noted this matter had been continued from 8/29/13, and the issues to be resolved were child support and child support arrearages.

The Court heard continued testimony from Plaintiff and Defendant.

Exhibits offered and admitted. (See worksheets).

The Court FINDS exhibit 16 is not consistent with the testimony presented.

Exhibit 22 was admitted only for the purpose of establishing that Plaintiff paid Ms. Flores for eight (8) tutoring sessions.

Closing arguments.

COURT ORDERED, the following:

1. This matter shall be taken UNDER ADVISEMENT.
2. Defendant shall take the minor child to Kumon Tutoring on Mondays after school.

Discussion regarding Defendant's Motion to Modify, filed in August, 2012.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: May 21, 2014 2:00 PM Order to Show Cause

Canceled: May 22, 2014 9:00 AM Motion

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - Moot

Courtroom 05

Nathan, Gayle

Boyle, Kathleen

Canceled: October 16, 2014 1:30 PM Evidentiary Hearing

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Nathan, Gayle

Courtroom 05

Boyle, Kathleen

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES****October 14, 2013**

D-10-427054-D Maria Daniela Lewis, Plaintiff
vs.
Wesley Allen Lewis, Defendant.

October 14, 2013 10:00 AM Minute Order

HEARD BY: Nathan, Gayle**COURTROOM:** Courtroom 14**COURT CLERK:** Lucinda Tait**PARTIES:**

Isabella Lewis, Subject Minor, not present

Maria Lewis, Plaintiff, Counter Defendant, not present Frances-Ann Fine, Attorney, not present

Wesley Lewis, Defendant, Counter Claimant, Pro Se
not present

JOURNAL ENTRIES

- MINUTE ORDER RE: FINDINGS AND ORDER AFTER EVIDENTIARY HEARING

This matter came before the Court on Plaintiff's Order to Show Cause on August 28, 2013 which was continued to October 8, 2013 because of a power outage that impacted the video recording system; On both dates, Plaintiff was present and represented by Frances-Ann Fine, Esq.; Defendant was present and represented by Patricia Marrs, Esq.; the Court heard testimony and took evidence and makes the following FINDINGS and ORDER:

1. The Court has personal and subject matter in this post-decree matter;
2. On October 8, 2013, the Court found that Exhibit 16 was not consistent with the testimony presented so no weight was given to that exhibit; Exhibit 22 was admitted only for the purpose of establishing that Plaintiff paid Ms. Flores for eight tutoring sessions; The Court ORDERED that Defendant take the minor child Isabella Lewis (Bella), dob 8/10/2006 to the Kuman Tutoring Class that is paid for by mom on Mondays immediately after school; the Court finds this to be in Bella's best interest.
3. The Court had previously set aside the Master's Recommendation and Order under R-11161532-R

PRINT DATE:	09/11/2014	Page 12 of 27	Minutes Date:	May 26, 2011
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as the arrears set by that Court did not accurately reflect the correct arrears based upon the child support that was ordered to be paid, to wit, the sum of \$440 for all but three months as the Defendant father failed to maintain the medical insurance for the minor child; As Welfare is on this case the Court ORDERS that the District Attorney's Office shall make a new Judgment consistent with this Order, to wit, that Defendant was ordered to pay \$440 monthly in child support; he was afforded an offset of \$133.00 for insurance, thus his child support for the months of June 2011; July 2011 and August 2011, ONLY is set at \$307 per month; and that the TOTAL ARREARS up to and including August 2013 is \$9012.38 with interest and penalty. For each and every month thereafter his child support is set at \$440 per month through August, 2013.

4. The Court finds that the Defendant's testimony that he is working only 26 hours per week so that he can care for Bella on his days off is not compelling to the Court as Bella is now in her second year of elementary school (albeit repeating the first grade). There was no testimony that Defendant was physically or mentally impaired or disabled or unable to work. The Court finds that the Defendant has a duty to financially support his daughter by working a full time job as the Mother of his child does and it was apparent from the testimony and evidence that he does not meet his financial obligations on 26 hours per week; the Court accepts the Plaintiff's testimony that she has, at times, worked three jobs to support herself and Bella. The Court finds that, based upon the Defendant's continuing failure since 2011 to pay his Court Ordered Child Support on a consistent monthly basis, that 26 hours of work per week is not sufficient to meet the financial needs of his child. The Court declines to set aside the Child Support Order of 2011 that set the child support at \$440 or to make this Order retroactive to August 2012 when he made application to have his Child Support reviewed in Child Support Court. See below on Credibility.

5. Whether Defendant chooses to work 40 hours is up to him, however, the Court finds that he is willfully underemployed and is imputing another 16 hours of wages at this time; A review of the Defendant's paystubs reflects that he is paid an hourly wage of \$9 per hour and is paid commission as well. Although his July and August 2013 paystubs do not reflect commission, his May 2013 paystubs reflect commission; Additionally, on the Pay Stub for Pay Date 8/2/2013 his year to date for commissions was \$3069; for 7 months that is \$438.42 per month in income for commissions; this could be looked at in several ways, even breaking down to an increased hourly amount to calculate income on, however the Court will calculate 40 hours per week at \$9 per hour for a gross monthly of \$1560; adding in \$438 in average commissions, his gross monthly is set at \$1998 per month.

6. Plaintiff's income is \$1495 per month; 18% of that is \$269.00. Defendant's income is \$1998 per month; 18% of that is \$360.00. The difference is \$91.00 with Defendant the obligor.

Additionally, Plaintiff maintains insurance for the minor child at a cost to her of \$100 per month. Defendant is ordered to pay one half of that, increasing his child support to \$141.00 per month.

7. On ARREARS: Once the District Attorney's Office has calculated arrears based upon paragraph 3, to which interest and penalties must be calculated; Defendant shall pay the sum of \$100 on the arrears until said sum is paid in full.

8. Therefore, Defendant's Child Support Obligation, with insurance and a payment on Arrears is a total of \$241 per month commencing October 2013. Until the full amount is deducted from his paycheck the Defendant is responsible for paying the Plaintiff the full amount each and every month; In October the full amount is due to Plaintiff by October 31, 2013; in November he may pay \$120.50 on the 5th of the month and \$120.50 on the 20th of the month, and every month thereafter until there

is a wage assignment in place for the full amount. Failure to make any one payment is a Contempt of Court and Plaintiff may submit an Order to Show Cause with a supporting Affidavit/Declaration detailing the missed payment(s) to obtain an evidentiary hearing re contempt.

9. On the issue of CREDIBILITY ; the Defendant testified on several issues where the Court found his credibility suspect, or that he was motivated to act in a manner that was contrary to the best interest of his minor child;

A. Defendant testified that his current income was \$900 per month; the Court found his income to be, at a minimum \$1481 per month, when looking at the year to date on his paystubs (noting that the calculation used to set child support uses his hourly on 40 hours and a sum that is equal to his average monthly commission as his gross monthly). The Court finds that his testimony, on his gross monthly income was not credible as it was not supported by the math in an analysis of his paystubs.

B. Defendant testified that Plaintiff moved in with someone he didn't know which "affected" him and that it was hard for him to handle; the Court finds that he was motivated to not cooperate or co-parent or pay his child support based upon his feelings toward this third party and Plaintiff's new relationship.

C. The Court did not find Defendant credible that he sits down for 2 hours every day to go over his first grade daughter's homework with her.

D. The Court did not find Defendant credible when he testified that he did not know Bella was in gymnastics classes or mini-cheer; it defies the Court's understanding of children that Bella did not want to show off her tumbling and cheer skills to her daddy; additionally, he testified that he was asked to buy cheer shoes for Bella and he declined to do so. He was invited to events involving cheer/gymnastics but did not attend. All of this testimony underlined his credibility.

10. The Court has concerns about co-parenting issues that were not before it; these include Defendant not charging Bella's telephone so that Plaintiff has daily access to her daughter; not bringing Bella to Kumon Tutoring that Plaintiff is paying \$200 per month for; ignoring the activities that Plaintiff has Bella involved in and not sharing the activities he has Bella involved in with Plaintiff. Defendant is cautioned to actively engage in co-parenting with Plaintiff.

CONTINUED (see page 2)...

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: May 21, 2014 2:00 PM Order to Show Cause

Canceled: May 22, 2014 9:00 AM Motion

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - Moot Courtroom 05

PRINT DATE:	09/11/2014	Page 14 of 27	Minutes Date:	May 26, 2011
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Nathan, Gayle
Boyle, Kathleen

Canceled: October 16, 2014 1:30 PM Evidentiary Hearing
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated
Nathan, Gayle
Courtroom 05
Boyle, Kathleen

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES****October 14, 2013**

D-10-427054-D Maria Daniela Lewis, Plaintiff
vs.
Wesley Allen Lewis, Defendant.

October 14, 2013 10:00 AM Minute Order

HEARD BY: Nathan, Gayle**COURTROOM:** Courtroom 14**COURT CLERK:** Lucinda Tait**PARTIES:**

Isabella Lewis, Subject Minor, not present

Maria Lewis, Plaintiff, Counter Defendant, not present Frances-Ann Fine, Attorney, not present

Wesley Lewis, Defendant, Counter Claimant, Pro Se
not present

JOURNAL ENTRIES

- MINUTE ORDER RE: FINDINGS AND ORDER FROM EVIDENTIARY HEARING
(CONTINUED...PART 2)

11. The Court finds that Defendant has lived with his parents since August of 2012, hence he has built in daycare, when needed. Additionally, his rent is listed at \$300 per month; the Court infers that it is unlikely he would be evicted if he was late or missed a rent payment. The Court finds that Defendant's monthly expenses are minimal.

12. The Court finds that Defendant is in contempt for his non-payment of child support as follows: In 2011; for June, July, August, September ; In 2012 for January , May, June, July, September, October and November.

13. For his contempt the Defendant is sanctioned the sum of \$500 for each and every missed payment as set forth above, for a total sanction of $11 \times \$500 = \5500 . Said sum is herein reduced to Judgment and may be collected by any and all lawful means. The Court is also imposing a 10 day jail sentence for each of the 11 contempt s for a total sentence of 110 days; said jail sentence is stayed ; jail will be imposed on any future missed payments.

14. Additionally, the Court finds that Defendant is responsible for some if not all of Plaintiff s

PRINT DATE:	09/11/2014	Page 16 of 27	Minutes Date:	May 26, 2011
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attorney fees. While the Court finds that both counsel meet the Brunzell factors as set forth in that case and applied herein, the Plaintiff has met her burden and established contempt. Ms. Fine will draft the final Order and forward it to Ms. Marrs for approval and signature and Ms. Fine will submit a Memorandum of Fees and Costs for the Court to review in determining an attorney award.

15. The Court finds it is in Bella's best interest, and an appropriate expense under NRS 125B.080(k) that both parties share in the cost of Bella's tutoring as she is currently being serviced through Kuman Tutoring; as Plaintiff has paid for October, 2013, Defendant is ORDERED to pay for November's tutoring, in FULL by the due date for November; failure to pay will be a contempt of Court and Plaintiff may submit an Order to Show Cause with a supporting Affidavit/Declaration detailing the missed payment(s) to obtain an evidentiary hearing re contempt. Thereafter the parties will equally share the cost, paying on the due date so there is no break in the delivery of tutoring services. Bella will continue to receive tutoring services until she is testing at or above grade level as tested by Kunam, or if they do not test by the CRT's administered by CCSD, or the parents mutually decide to terminate the service. If she is testing at or above grade level and one parent wishes to continue the tutoring, that will be at that parent's expense. If she needs tutoring again in the future, based upon her grades or a teacher recommendation, this ORDER stands; to wit, the cost will be equally borne.
16. The Court declines to award any costs the Plaintiff has borne in the past for extra curricular activities or the cell phone; the Court is denying the request they equally bear the cost of gymnastics and cheer or any other recreational activity.
17. Other than the tutoring the Parties are ORDERED not to enroll the child in an activity during the other parent's timeshare without that parents WRITTEN AGREEMENT to the activity.

IT IS SO ORDERED.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: May 21, 2014 2:00 PM Order to Show Cause

Canceled: May 22, 2014 9:00 AM Motion

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - Moot Courtroom 05

Nathan, Gayle

Boyle, Kathleen

Canceled: October 16, 2014 1:30 PM Evidentiary Hearing

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Nathan, Gayle

Courtroom 05

Boyle, Kathleen

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

May 01, 2014

D-10-427054-D Maria Daniela Lewis, Plaintiff
vs.
Wesley Allen Lewis, Defendant.

May 01, 2014 9:30 AM All Pending Motions

HEARD BY: Nathan, Gayle **COURTROOM:** Courtroom 05

COURT CLERK: Kathleen Boyle

PARTIES:

Isabella Lewis, Subject Minor, not present
Maria Lewis, Plaintiff, Counter Defendant, Frances-Ann Fine, Attorney, present
present
Wesley Lewis, Defendant, Counter Claimant, Pro Se
present

JOURNAL ENTRIES

- MOTION TO MODIFY CUSTODY; TO ENFORCE ORDER OF DECEMBER 27, 2013 AND AN AWARD OF ATTORNEY FEES...OPPOSITION TO MOTION TO MODIFY CUSTODY AND DEFENDANT'S COUNTERMOTION FOR FEES; TO ORDER THERAPY FOR PLAINTIFF; TO HOLD PLAINTIFF IN CONTEMPT; AND FOR RELATED RELIEF

Patricia Marr, Bar #8846, appeared in an unbundled capacity to represent Defendant.

The Court reviewed its notes on the case, and FINDS Plaintiff has established adequate cause for the Court to set an Evidentiary Hearing. The Court reviewed the allegations made by Plaintiff.

Ms. Marr advised the Court she had filed a Motion to Withdraw on an Order Shortening Time; however, she was still served with the Motion. Ms. Marr said she had reviewed the paperwork and

noted Defendant was more laid back than Plaintiff with regard to the treatment of the minor child. Ms. Marr asked the Court to review the emails from Plaintiff to Defendant at the time of the Evidentiary Hearing. Defendant said he met with Warren Wheatley on 4/1/14.

Response by Ms. Fine.

Ms. Marr tendered a money gram in the amount of \$84.50 to Plaintiff IN OPEN COURT.

COURT ORDERED, the following:

1. An Evidentiary Hearing will be conducted on 7/29/14 and 8/5/14 at 1:30 p.m., to determine custody. The standard is best interest of the minor child.
2. Pre-trial Memorandums and tabbed exhibits will be presented one week prior to the 7/29/14 trial date.
3. Initial witness lists will be submitted by 5/12/14, and supplemented thereafter.
4. Discovery will close thirty (30) days prior to the first day of trial.
5. The Court's Judicial Executive Assistant will prepare a Trial Management Order.
6. The Order to Show Cause will be heard on 7/29/14, and the 5/21/14 order shall be VACATED.
7. The minor child shall remain in counseling until the mental health professional deems it is no longer helpful to the child, and therefore, the parents may not remove her from counseling.
8. The attorney fees previously awarded to Ms. Fine, shall be REDUCED TO JUDGMENT subject to any offsets for payments made.
9. TEMPORARILY until the Evidentiary Hearing Defendant's timeshare will be modified to commence on Monday after school through Wednesday at 6:00 p.m. while school is in session. When school is out of session, the timeshare will commence on Monday at 9:00 a.m. and conclude on Wednesday at 6:00 p.m.
10. If there are any medical episodes, Defendant shall obtain written instructions from the physician, and if there is evidence he is not following the medical protocol, this matter can be placed on calendar and the Court will hear it for further orders.
11. If the allegations against Defendant are proved, Plaintiff will be awarded primary custody of the minor child. The standard is best interest of the child.

11. Ms. Marr's Motion to Withdraw as Attorney of Record is GRANTED. Ms. Marr shall submit the

Order.

12. Ms. Fine shall prepare the Order.

7/29/14 1:30 P.M. EVIDENTIARY HEARING: CUSTODY

7/29/14 1:30 P.M. ORDER TO SHOW CAUSE

8/5/14 1:30 P.M. EVIDENTIARY HEARING: CUSTODY (DAY 2)

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: May 21, 2014 2:00 PM Order to Show Cause

Canceled: May 22, 2014 9:00 AM Motion

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

Nathan, Gayle

Boyle, Kathleen

Canceled: October 16, 2014 1:30 PM Evidentiary Hearing

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated
Nathan, Gayle*

Courtroom 05

Boyle, Kathleen

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

July 29, 2014

D-10-427054-D Maria Daniela Lewis, Plaintiff
vs.
Wesley Allen Lewis, Defendant.

July 29, 2014 1:30 PM All Pending Motions

HEARD BY: Nathan, Gayle**COURTROOM:** Courtroom 05**COURT CLERK:** Kathleen Boyle**PARTIES:**

Isabella Lewis, Subject Minor, not present
Maria Lewis, Plaintiff, Counter Defendant, Frances-Ann Fine, Attorney, present
present
Wesley Lewis, Defendant, Counter Claimant, Pro Se
present

JOURNAL ENTRIES

- EVIDENTIARY HEARING: DAY 1 - CUSTODY...ORDER TO SHOW CAUSE

EXCLUSIONARY RULE INVOKED BY MS. FINE.

Parties SWORN and TESTIFIED.

The Court noted Ms. Fine was requesting relief, since Defendant had failed to participate in Discovery. Counsel requested Defendant's pleadings be stricken. Defendant said he had responded to the production requests, and produced copies of the documents he had mailed to Ms. Fine on 6/26/14.

Testimony presented. Exhibits offered and admitted. (See worksheets).

COURT ORDERED, the Opposition to the Notice of Entry of Order and Order filed on 7/2/2014 is deemed to be a FUGITIVE DOCUMENT, since it was not authorized and it shall be STRICKEN. Plaintiff's request to deem the admissions admitted is GRANTED. Defendant shall produce the email

he disclosed in his testimony, with regard to the end of the skin treatment for the minor child, at the 8/5/14 hearing. This matter shall be CONTINUED to 8/5/14 at 1:30 p.m.

INTERIM CONDITIONS:

FUTURE HEARINGS:

*Canceled: October 16, 2014 1:30 PM Evidentiary Hearing
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated
Nathan, Gayle
Courtroom 05
Boyle, Kathleen*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES****August 05, 2014**

D-10-427054-D Maria Daniela Lewis, Plaintiff
vs.
Wesley Allen Lewis, Defendant.

August 05, 2014 1:30 PM All Pending Motions

HEARD BY: Nathan, Gayle**COURTROOM:** Courtroom 05**COURT CLERK:** Kathleen Boyle**PARTIES:**

Isabella Lewis, Subject Minor, not present
 Maria Lewis, Plaintiff, Counter Defendant, Frances-Ann Fine, Attorney, present
 present
 Wesley Lewis, Defendant, Counter Claimant, Pro Se
 present

JOURNAL ENTRIES

- EVIDENTIARY HEARING - CUSTODY ORDER TO SHOW CAUSE: ORDER TO SHOW CAUSE (DAY 2)

Testimony presented.

Exhibits offered and admitted. (See worksheets).

The Court advised Defendant he could not admit exhibits, which had not been disclosed during Discovery.

Closing arguments.

The COURT made its FINDINGS and ORDERED, the following:

1. Defendant's 7/18/14 Motion to Declare Item or Material Obscene and Obtain Injunction for Dismissal shall be STRICKEN as a FUGITIVE DOCUMENT.

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2. In October, 2013 Defendant had child support arrearages amounting to \$9,012.38. The Court also ordered Defendant to pay half of the cost of the child's medical insurance, and made a finding he was not credible. The Court did not find Defendant to be credible when he testified he spent two hours with the child going over her homework. The Court also had concerns about him not charging the child's phone so Mom could have daily access to the child. The emails attached as an exhibit by Plaintiff confirmed she was unable to have daily contact with the minor child. The Court was also concerned at the 10/13/13 hearing the Defendant was not taking the child for her tutoring at Kumon, after school, and the Court FOUND Defendant to be in CONTEMPT for failing to take the minor child to her tutoring classes. In addition, the Court FOUND Defendant to be in CONTEMPT in October 2013, for his failure to pay his child support in June, July, August, and September of 2011, and January, May, June, July, August, September, October, and November, in 2012. Defendant is also in CONTEMPT for failing to pay his child support in October, November, December and January, in compliance with the Court's November order. In addition, Defendant is in CONTEMPT for not paying half of the tuition for Kumon, from November to July in the amount of \$1,000.00, and for failing to take the child to her tutoring classes during the summer. Therefore, the amounts set forth in the two Schedules of Arrearages (exhibits 17 and 18), which included child support arrearages in the amount of \$14,535.35, shall be REDUCED TO JUDGMENT.

3. Defendant shall be responsible for half of Mr. Wheatley's bill, in the amount of \$950.00, which shall be REDUCED TO JUDGMENT.

4. For failing to bring the minor child to tutoring on Mondays during his custodial time, the Court FINDS Defendant to be in CONTEMPT of Court, and he is SANCTIONED to twenty (20) days in the Clark County Detention Center, which shall be STAYED.

5. For each of the missed child support payments for December, January, and February Defendant is SANCTIONED to twenty (20) days in the Clark County Detention Center, totaling sixty (60) days, which shall be STAYED.

6. In the future, if Defendant fails to follow the Orders of the Court, and the matter comes back before the Court on an Order to Show Cause, the stayed jail time will be IMPOSED by the Court.

7. As to the timeshare, the Court FINDS based on Defendant's conduct over the past ten (10) months, it is in the best interest of the minor child for the Court to change the custodial arrangement; therefore, going forward Defendant's timeshare will be every other Friday from after school to Sunday at 5:00 p.m., when she will be picked up by Plaintiff. Defendant shall make sure the child is ready to leave with Plaintiff at 5:00 p.m. Defendant shall make sure all of the papers in the child's back pack remain in the back pack so Plaintiff has a chance to look at the papers when the child is returned. In addition, Defendant shall have dinner with the minor child on Mondays and Tuesdays every week from after school until 7:00 p.m., when Plaintiff will pick up the child from Defendant's residence.

8. The current holiday schedule shall remain AS IS.
9. Plaintiff shall have telephone contact with the minor child while she is with Defendant on weekends, and Defendant shall have telephone contact with the minor child every evening at 7:00 p.m., with the exception of Mondays and Tuesdays.
10. Based on 18% of his gross monthly income of \$1,998.00, Defendant's child support shall be SET at \$360.00 per month, effective August, 2014.
11. Medical insurance for the minor child shall be continued to be provided as per the Court's previous order.
12. Ms. Fine shall prepare the Order, which shall include findings.

INTERIM CONDITIONS:

FUTURE HEARINGS:

*Canceled: October 16, 2014 1:30 PM Evidentiary Hearing
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated
Nathan, Gayle
Courtroom 05
Boyle, Kathleen*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES****August 28, 2014**

D-10-427054-D Maria Daniela Lewis, Plaintiff
vs.
Wesley Allen Lewis, Defendant.

August 28, 2014 11:30 AM Minute Order

HEARD BY: Nathan, Gayle**COURTROOM:** Courtroom 05**COURT CLERK:** Kathleen Boyle**PARTIES:**

Isabella Lewis, Subject Minor, not present

Maria Lewis, Plaintiff, Counter Defendant, not present Frances-Ann Fine, Attorney, not present

Wesley Lewis, Defendant, Counter Claimant, Pro Se
not present
JOURNAL ENTRIES

- An Evidentiary Hearing was conducted in this case on August 5, 2014, wherein the Court ordered Defendant's visitation with the minor child would include a dinner date with the child on Mondays and Tuesdays every week, from after school until 7:00 p.m. To FURTHER CLARIFY the Court's order, in the event the minor child has an extra-curricular activity scheduled during Defendant's visitation on Monday and Tuesday evenings, he shall be responsible for transporting the minor child to and from the scheduled activity.

The child's Monday tutoring classes at Kumon were discussed at the Evidentiary Hearing on August 5, 2014, and Defendant was found to be in CONTEMPT for failing to take the child to Kumon for her tutoring classes, and for failing to pay his share of the tuition fees. The minor child is still scheduled to attend tutoring classes at Kumon after school on Mondays; therefore, it is Defendant's responsibility to make sure she gets to her tutoring classes, and to any other scheduled after school activity during his timeshare. If Defendant fails to take the minor child to her tutoring classes at Kumon, or to any other scheduled after school activity which occurs during his visitation time, his Monday visitation with the minor child shall be VACATED.

Defendant shall continue to be responsible for one half the cost of tutoring; he shall pay for Monday's sessions when he brings the minor child. Said tutoring shall continue until KUMON finds that the child is testing at grade level.

The Plaintiff's Motion for Clarification filed on 8/26/14 has been resolved with this minute order. Plaintiff shall prepare an Order for the Court's signature.

IT IS SO ORDERED.

CLERK'S NOTE: A copy of the Minute Order was faxed to Ms. Fine's office, and a copy was mailed to Defendant. KB 8/29/14

INTERIM CONDITIONS:

FUTURE HEARINGS:

*Canceled: October 16, 2014 1:30 PM Evidentiary Hearing
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated
Nathan, Gayle
Courtroom 05
Boyle, Kathleen*

Exhibit List

Case: 0-10-427054-D Party: Sort Order: Status Case Maria Daniela Lewis, Plaintiff
vs.
Wesley Allen Lewis,
Defendant.

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P-1	Plaintiff	Admitted 08/29/2013	Destroy 10/08/2015	Document Defendant's Financial Disclosure Form filed 5-26-11		Fine, Frances-Ann, ESQ	Department T 11/08/2013	Evidence Vault
P-2	Plaintiff	Admitted 08/29/2013	Destroy 10/08/2015	Document 5-26-11 Court Minutes		Fine, Frances-Ann, ESQ	Department T 11/08/2013	Evidence Vault
P-3	Plaintiff	Admitted 08/29/2013	Destroy 10/08/2015	Document Defendant's Financial Disclosure Form dated 5-29-13		Fine, Frances-Ann, ESQ	Department T 11/08/2013	Evidence Vault
P-4	Plaintiff	Admitted 08/29/2013	Destroy 10/08/2015	Document Defendant's Response to Plaintiff's First Set of Interrogatories		Fine, Frances-Ann, ESQ	Department T 11/08/2013	Evidence Vault
P-5	Plaintiff	Admitted 08/29/2013	Destroy 10/08/2015	Document United Healthcare coverage certificate		Fine, Frances-Ann, ESQ	Department T 11/08/2013	Evidence Vault
P-6	Plaintiff	Admitted 08/29/2013	Destroy 10/08/2015	Document Plaintiff's Financial Disclosure Form filed 5-8-13		Fine, Frances-Ann, ESQ	Department T 11/08/2013	Evidence Vault

Exhibit List

Case: 0-10-427054-D Party: Sort Order: Status Case

Maria Daniela Lewis, Plaintiff
vs.
Wesley Allen Lewis,
Defendant.

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P-9	Plaintiff	Admitted 08/29/2013	Destroy 10/08/2015	Document Child's phone documents		Fine, Frances-Ann, ESQ	Department T 11/08/2013	Evidence Vault
P-10	Plaintiff	Admitted 10/08/2013	Destroy 10/08/2015	Document Summer camp		Fine, Frances-Ann, ESQ	Department T 11/08/2013	Evidence Vault
P-11	Plaintiff	Admitted 10/08/2013	Destroy 10/08/2015	Document AIMSweb		Fine, Frances-Ann, ESQ	Department T 11/08/2013	Evidence Vault
P-12	Plaintiff	Admitted 10/08/2013	Destroy 10/08/2015	Document Individual Student Report		Fine, Frances-Ann, ESQ	Department T 11/08/2013	Evidence Vault
P-13	Plaintiff	Admitted 10/08/2013	Destroy 10/08/2015	Document Star Reading Parent Report		Fine, Frances-Ann, ESQ	Department T 11/08/2013	Evidence Vault
P-14	Plaintiff	Admitted 08/29/2013	Destroy 10/08/2015	Document 10-16-12 Student Progress Report		Fine, Frances-Ann, ESQ	Department T 11/08/2013	Evidence Vault
P-15	Plaintiff	Admitted 08/29/2013	Destroy 10/08/2015	Document First Trimester Student Progress Report		Fine, Frances-Ann, ESQ	Department T 11/08/2013	Evidence Vault

Exhibit List

Case: **0-10-427054-D** Party: **Sort Order: Status** Case **vs.** **Maria Daniela Lewis, Plaintiff**
Wesley Allen Lewis, Defendant.

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P-16	Plaintiff	Admitted 08/29/2013	Destroy 10/08/2015	Document Second Trimester Student Progress Report		Fine, Frances-Ann, ESQ	Department T 11/08/2013	Evidence Vault
P-17	Plaintiff	Admitted 08/29/2013	Destroy 10/08/2015	Document 5-16-13 Student Progress Report		Fine, Frances-Ann, ESQ	Department T 11/08/2013	Evidence Vault
P-18	Plaintiff	Admitted 10/08/2013	Destroy 10/08/2015	Document 3-22-13 Light's Retention Scale		Fine, Frances-Ann, ESQ	Department T 11/08/2013	Evidence Vault
P-19	Plaintiff	Admitted 10/08/2013	Destroy 10/08/2015	Document 4-16-13 Light's Retention Scale		Fine, Frances-Ann, ESQ	Department T 11/08/2013	Evidence Vault
P-21	Plaintiff	Admitted 08/29/2013	Destroy 10/08/2015	Document Grade One report card		Fine, Frances-Ann, ESQ	Department T 11/08/2013	Evidence Vault
P-22	Plaintiff	Admitted 10/08/2013	Destroy 10/08/2015	Document Note from Ms. Flores		Fine, Frances-Ann, ESQ	Department T 11/08/2013	Evidence Vault
P-23	Plaintiff	Admitted 10/08/2013	Destroy 10/08/2015	Document Kumon documents		Fine, Frances-Ann, ESQ	Department T 11/08/2013	Evidence Vault

Exhibit List

Case: 0-10-427054-D Party: Sort Order: Status Case Maria Daniela Lewis, Plaintiff
vs.
Wesley Allen Lewis,
Defendant.

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P-24	Plaintiff	Admitted 08/29/2013	Destroy 10/08/2015	Document Family Support Division child support audit		Fine, Frances-Ann, ESQ	Department T 11/08/2013	Evidence Vault
P-25	Plaintiff	Admitted 10/08/2013	Destroy 10/08/2015	Document The Fine Law Group invoice		Fine, Frances-Ann, ESQ	Department T 11/08/2013	Evidence Vault
D-A	Defendant	Admitted 08/29/2013	Destroy 10/08/2015	Document Both parties' Financial Disclosure Forms on file herein		Marr, Patricia A., ESQ	Department T 11/08/2013	Evidence Vault
D-B	Defendant	Admitted 08/29/2013	Destroy 10/08/2015	Document Def't's W-2 forms, tax returns, earnings summary & pay statements		Marr, Patricia A., ESQ	Department T 11/08/2013	Evidence Vault
D-C	Defendant	Admitted 08/29/2013	Destroy 10/08/2015	Document 3-7-12 letter from Dept. of Treasury		Marr, Patricia A., ESQ	Department T 11/08/2013	Evidence Vault
D-E	Defendant	Admitted 08/29/2013	Destroy 10/08/2015	Document Documentation incl. receipts re: expenses paid on of and for minor child as exhibit C to Def't's discovery responses & supplements		Marr, Patricia A., ESQ	Department T 11/08/2013	Evidence Vault

Exhibit List

Case: **0-10-427054-D** Party: **Sort Order: Status** Case **Maria Daniela Lewis, Plaintiff**
vs.
Wesley Allen Lewis,
Defendant.

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
D-F	Defendant	Admitted 08/29/2013	Destroy 10/08/2015	Document Defendant's bank account statements		Marr, Patricia A., ESQ	Department T 11/08/2013	Evidence Vault
D-H	Defendant	Admitted 08/29/2013	Destroy 10/08/2015	Document Attorney's fees paid by Defendant		Marr, Patricia A., ESQ	Department T 11/08/2013	Evidence Vault
D-K	Defendant	Admitted 08/29/2013	Destroy 10/08/2015	Document 9-5-11 statement from State of Nevada DETR		Marr, Patricia A., ESQ	Department T 11/08/2013	Evidence Vault
D-L	Defendant	Admitted 08/29/2013	Destroy 10/08/2015	Document Defendant's 2011 & 2012 income tax returns		Marr, Patricia A., ESQ	Department T 11/08/2013	Evidence Vault
D-M	Defendant	Admitted 08/29/2013	Destroy 10/08/2015	Document Summary of Defendant's bank statements from 2011-2013		Marr, Patricia A., ESQ	Department T 11/08/2013	Evidence Vault
D-R	Defendant	Admitted 08/29/2013	Destroy 10/08/2015	Document Certification of Insurance Coverage		Marr, Patricia A., ESQ	Department T 11/08/2013	Evidence Vault



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

WESLEY LEWIS
4650 IDAHO AVE.
LAS VEGAS, NV 89104

DATE: September 11, 2014
CASE: D427054

RE CASE: MARIA DANIELA LEWIS nka MARIA DANIELA PERDOMO vs. WESLEY ALLEN LEWIS

NOTICE OF APPEAL FILED: September 9, 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; CASE APPEAL STATEMENT; REQUEST FOR AUTHORIZATION TO PROCEED IN PROPER PERSON; WAIVER OF APPEAL BOND; AND TO TRANSMIT ENTIRE RECORD ON FILE; CERTIFICATE OF MAILING; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

MARIA DANIELA LEWIS nka MARIA
DANIELA PERDOMO,

Plaintiff(s),

vs.

WESLEY ALLEN LEWIS,

Defendant(s),

Case No: D427054

Dept No: T

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 11 day of September 2014.

Steven D. Grierson, Clerk of the Court



Teodora Jones, Deputy Clerk