

IN THE SUPREME COURT OF THE STATE OF NEVADA

PAIGE ELIZABETH PETIT,

Appellant,

vs.

KEVIN DANIEL ADRIANZEN,

Respondent.

No.: 66565

Electronically Filed
Sep 09 2015 08:45 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

Appeal

From the Eighth Judicial District Court

THE HONORABLE ARTHUR T. RITCHIE, JR., District Judge

APPELLANT BRIEF APPENDIX

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Pages 182-445 stricken per order 1-12-16.

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STATE OF NEVADA

CERTIFICATION OF VITAL RECORD

State of Nevada - Division of Health Section of Vital Statistics

CERTIFICATE OF LIVE BIRTH

CASE FILE NO. 3735907

BIRTH NO. 2013025680

CHILD	1. CHILD NAME (First, Middle, Last, Suffix) Ryder Blake PETIT		2. DATE OF BIRTH (Mo, Day, Yr) September 22, 2013		3. TIME OF BIRTH 15:56 (24Hr)		4. SEX M	
	5. FACILITY NAME (If not institution, give street and number) Spring Valley Hospital Medical Center		6. CITY, VILLAGE, OR LOCATION OF BIRTH Las Vegas		7. COUNTY OF BIRTH Clark			
MOTHER	8a. MOTHER/PARENT CURRENT LEGAL NAME (First, Middle, Last) Paige Elizabeth PETIT		8b. DATE OF BIRTH (Mo/Day/Yr) November 30, 1993		8c. AGE 19			
	9. MOTHER'S NAME PRIOR TO FIRST MARRIAGE (Last, Suffix) PETIT		10. BIRTHPLACE (State, Territory, or Foreign Country) Nevada					
	11a. RESIDENCE OF MOTHER-STATE Nevada		11b. COUNTY Clark		11c. CITY, TOWN, OR LOCATION Las Vegas			
	11d. STREET AND NUMBER 7645 Stetson Bluff Ave		11e. ART. NO.		11f. ZIP CODE 89113		11g. INSIDE CITY LIMITS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
	12a. FATHER/PARENT CURRENT LEGAL NAME (First, Middle, Last, Suffix) Kevin Daniel ADRIANZEN		12b. DATE OF BIRTH (Mo/Day/Yr) April 08, 1993		12c. AGE 20		12d. BIRTHPLACE (State, Territory, or Foreign Country) Florida	
CERTIFIER & ATTENDANT	13a. CERTIFIER'S NAME: Denisse Cisneros		14a. ATTENDANT'S NAME Rebecca Lynn Herrera					
	TITLE <input type="checkbox"/> MD <input type="checkbox"/> DO <input type="checkbox"/> HOSPITAL ADMIN. <input type="checkbox"/> CNM/CM <input type="checkbox"/> OTHER MIDWIFE <input checked="" type="checkbox"/> MEDICAL RECORDS TECHNICIAN <input type="checkbox"/> OTHER (Specify)		ATTENDANT'S ADDRESS 1934 E Sahara Ave. Las Vegas NV 89104 TITLE <input checked="" type="checkbox"/> MD <input type="checkbox"/> DO <input type="checkbox"/> CNM/CM <input type="checkbox"/> OTHER MIDWIFE <input type="checkbox"/> OTHER (Specify)					
	15a. CERTIFIER OR ATTENDANT'S SIGNATURE Denisse Cisneros SIGNATURE AUTHENTICATED		15b. DATE CERTIFIED 10 / 02 / 2013 MM DD YYYY					
REGISTRAR	16a. REGISTRAR'S SIGNATURE Lucinda Reid SIGNATURE AUTHENTICATED		16b. DATE FILED BY REGISTRAR 10 / 03 / 2013 MM DD YYYY					



3735907

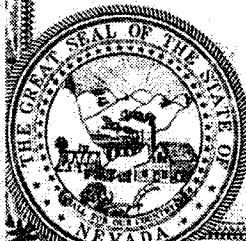
"CERTIFIED TO BE A TRUE AND CORRECT COPY OF THE DOCUMENT ON FILE WITH THE REGISTRAR OF VITAL STATISTICS, STATE OF NEVADA." This copy was issued by the Southern Nevada Health District from State certified documents authorized by the State Board of Health pursuant to NRS 440.175.

A000031202

DATE ISSUED: FEB 03 2014

Registrar of Vital Statistics
By *Lucinda Reid*

This Copy not valid unless prepared on engraved border displaying date, seal and signature of Registrar.
SOUTHERN NEVADA HEALTH DISTRICT • P.O. Box 3902 • Las Vegas, NV 89127 • 702-759-1010 • Tax ID # 88-0151573



PETIT001

FILED
Mar 13 3:19 PM '13

1 COMD
2 (Your Name) Kevin Daniel Adrianzen
3 (Address) 9145 West Richmar Avenue
4 Las Vegas, NV 89178
5 (Telephone) (702) 499-8895
6 (Email Address) hip1071@yahoo.com
7 Self-Represented Plaintiff

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 Kevin Daniel Adrianzen
11 Plaintiff,
12 vs.
13 Paige Elizabeth Petit
14 Defendant.

CASE NO.: D-13-489842-D
DEPT NO.: Q

15 COMPLAINT FOR DIVORCE

16 COMES NOW Plaintiff, (*your name*) Kevin Daniel Adrianzen, in Proper Person
17 and files this Complaint for Divorce against the above named Defendant, and alleges as follows:

- 18 1. That Plaintiff or Defendant, for more than six (6) weeks immediately before the filing of
19 this action, has/have been and continues to be an actual, bona fide resident of Clark
20 County, Nevada and that Plaintiff or Defendant has been actually physically present and
21 domiciled in Nevada for more than six (6) weeks prior to the filing of this action.
- 22 2. That Plaintiff and Defendant were married on the (*date*) April 19, 2013 in the
23 city of Las Vegas, State of Nevada and have since
24 remained husband and wife.
- 25 3. That the wife in this case (☒ *check one*) ☐ is/☒ is not currently pregnant.
- 26 4. That Plaintiff and Defendant have (*number*) one (1) minor children in common who are
27 either biological or adopted.
28

1 5. The minor children's names, dates of birth, states and lengths of residence are as follows:

2

3

Child's Name:	Child's Date of Birth	Length of time child has lived in the state:	State of Residence:
Ryder Blake Petit	Sept. 22, 2013	since birth - 2 months	Nevada
N/A			
N/A			
N/A			

4

5

6

7

8

9 6. Child(ren) Residency: (☒ check one)

- 10 ☒ The children are residents of Nevada and have lived here for at least the past six (6)
- 11 months and, as such, this Court has the necessary UCCJEA jurisdiction to enter orders
- 12 regarding custody.
- 13 ☐ The children are not residents of Nevada and have not lived here for at least the past
- 14 six (6) months and, as such, this Court does NOT have the necessary UCCJEA
- 15 jurisdiction to enter orders regarding custody.

16 7. Legal Custody. Legal Custody involves having basic legal responsibility for a child and

17 making major decisions about the child like the child's health, education and religious

18 upbringing. (☒ check one)

- 19 ☐ The children are not residents of the State of Nevada.
- 20 ☐ The Plaintiff and Defendant should be granted joint legal custody of the minor
- 21 children.
- 22 ☒ The Plaintiff should be granted sole legal custody of the minor child(ren).
- 23 ☐ The Defendant should be granted sole legal custody of the minor child(ren).

- 1 8. **Physical Custody.** Physical custody refers to the amount of time the child spends in the
2 care of each parent. (☒ *check one*)

3 Joint physical custody exists when each parent has physical custody of the child(ren)
4 at least 40% (146 days) of the time calculated over a one year period.

5 Primary Physical custody exists when one parent has physical custody of the
6 child(ren) more than 60% (219 days) of the time calculated over a one year period.

- 7 ☐ The children are not residents of Nevada.
8 ☐ The Plaintiff and Defendant should be granted joint physical custody of the minor
9 children with a timeshare as outlined in Exhibit 1.
10 ☒ The Plaintiff should be awarded primary physical custody of the minor children with
11 the Defendant having visitation as proposed in Exhibit 1.
12 ☐ The Defendant should be awarded primary physical custody of the minor children with
13 the Plaintiff having visitation as proposed in Exhibit 1.

14 9. **Holiday Visitation.** (☒ *check one*).

- 15 ☐ The children are not residents of Nevada.
16 ☒ A copy of the proposed holiday visitation schedule is attached as Exhibit 2 and should
17 take precedence when in conflict with the regular visitation schedule.
18 ☐ A copy of the proposed holiday visitation schedule is attached as Exhibit 2 and should
19 NOT take precedence when in conflict with the regular visitation schedule.

20 10. **Health Insurance.** (☒ *check one*)

- 21 ☐ The Plaintiff should maintain medical and dental insurance for the minor children, if
22 available. Any deductibles and expenses not covered by insurance should be paid
23 equally by both parties.
24 ☐ The Defendant should maintain medical and dental insurance for the minor children,
25 if available. Any deductibles and expenses not covered by insurance should be paid
26 equally by both parties.
27 ☒ The Plaintiff and Defendant should both maintain medical and dental insurance for
28 the minor children if available. Any deductibles and expenses not covered by
insurance should be paid equally by both parties.

11. Unreimbursed Medical Expenses. (☒ check one)

30/30 Rule: Any parent incurring an out-of-pocket medical expense relating to the minor child will provide to the other parent a copy of all paperwork relating to that expense within thirty (30) days of incurring said expense, along with a request for contribution for one-half (½) of the out-of-pocket expense actually incurred. Upon receipt of a request for contribution for one-half (½) of an out-of-pocket expense incurred by a parent on behalf of the minor child, the other parent will reimburse the requesting parent in the amount requested within thirty (30) days of receipt of said request for contribution. Upon receipt of reimbursement from any insurance carrier by either parent, and if the other parent previously paid a portion of the payment resulting in that reimbursement, the parent receiving the reimbursement shall equally divide said reimbursement with the other parent within seven (7) days of receipt of same. Both parents have the authority to contact the insurance provider directly in order to determine the status of any individual claim.

☐ The Plaintiff asks the court to adopt the 30/30 Rule.

☒ The Plaintiff asks the court to NOT adopt the 30/30 Rule.

12. Child Support Amount. Complete the Child Support Worksheet (Worksheet A or Worksheet B) that applies to your custody arrangement BEFORE you complete this question. (☒ check one)

☒ Based upon the proposed physical custody arrangement the Plaintiff should pay \$ 148.00 dollars per month for support of the parties' minor children.

☐ Based upon the proposed physical custody arrangement the Defendant should pay \$ _____ dollars per month for support of the parties' minor children.

13. Child Support Calculation. The amount of child support requested was calculated based upon the following: (☒ check one)

☐ The statutory minimum of \$100 per month, per child.

☒ The calculation for a primary physical custody arrangement as shown on the attached Worksheet A.

☐ The calculation for a joint physical custody arrangement as shown on the attached Worksheet B.

☒ Other: Imputing minimum wage and full time hours for the defendant.

14. Wage Withholding Order. (☒ check one)

- ☐ The Plaintiff asks that the court order a wage withholding against the obligor parent (parent who owes child/spousal support) to secure payment of child support and spousal support, if any.
- ☒ Good cause exists to postpone the withholding of income from the obligor parent to pay child support and spousal support, if any.

15. Child Support Arrears. (☒ check one)

- ☐ The Plaintiff is not asking for back child support and waives his/her right to child support arrears.
- ☒ The Plaintiff is the noncustodial parent and therefore is not entitled to back child support.
- ☐ The Plaintiff asks the court to award the Plaintiff back child support from (date) _____ to (date) _____ (max. 4 years) and certifies that during that time period, the Defendant gave the Plaintiff a total of \$ _____ for child support.
- ☐ The Plaintiff asks the court to award the Defendant back child support from (date) _____ to (date) _____ (max. 4 years) and certifies that during that time period, the Plaintiff gave the Defendant a total of \$ _____ for child support.

16. Spousal Support: (☒ check one)

- ☒ Neither party should be awarded spousal support.
- ☐ Spousal support should be awarded to (☒ check one) ☐ Plaintiff/☐ Defendant in the amount of \$ _____ dollars per month for (number) _____ (☒ check one) ☐ months/☐ years.

17. Name Change for Wife: (☒ check one)

- ☐ The wife should not have her former or maiden name restored.
- ☐ The wife should have her former or maiden name of _____ restored to her.
- ☒ The wife never changed her name or the Plaintiff is the husband and cannot ask the Court to change the wife's surname.

1 **18. Community Property.** There may be additional community assets of the parties, the
2 exact amounts and descriptions of which are presently unknown to Plaintiff. Plaintiff asks
3 permission of this Court to amend this Complaint to insert this information when it
4 becomes known to Plaintiff or at the time of trial. (☒ check one)

5 ☒ There is no community property to be divided by the Court.

6 ☐ There is community property which should be divided by the Court as follows:

7 **To Plaintiff:**

8 1. N/A

9 2.

10 3.

11 4.

12 **To Defendant:**

13 1. N/A

14 2.

15 3.

16 4.

17 **19. Community Debt.** There may be additional community debts of the parties, the exact
18 amounts and descriptions of which are presently unknown to Plaintiff. Plaintiff asks
19 permission of this Court to amend this Complaint to insert this information when it
20 becomes known to Plaintiff or at the time of trial. (☒ check one)

21 ☒ There are no community debts to be adjudicated by the Court.

22 ☐ There are community debts which should be divided by the court as follows:

23 **To Plaintiff:**

24 1. N/A

25 2.

26 3.

27 4.

28 **To Defendant:**

1. N/A

2.

3.

4.

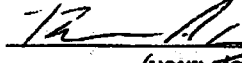
1 **20. Reason for Divorce: (☒ check one)**

- 2 ☒ The husband and wife have become so incompatible in marriage that there is no
3 possibility of reconciliation.
4 ☐ The husband and wife have lived separate and apart for more than one year and there
5 is no possibility of reconciliation.

6 **WHEREFORE, Plaintiff prays for a Judgment as follows:**

- 7 1. That the marriage existing between Plaintiff and Defendant be dissolved and that
8 Plaintiff be granted an absolute Decree of Divorce and that each of the parties be
9 restored to the status of a single, unmarried person;
10 2. That the Court grant the relief requested in this Complaint; and
11 3. For such other relief as the Court finds to be just and proper.

12 DATED this (day) 19th day of (month) November, 20 13.

13
14 Submitted By: 
15 (your signature)

16 Kevin Daniel Adrianzen
17 (print your name)
18
19
20
21
22
23
24
25
26
27
28

VERIFICATION

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

(Your name) Kevin Daniel Adrianzen, under penalties of perjury, being first duly sworn, deposes and says:

That I am the Plaintiff in the above-entitled action; that I have read the foregoing Complaint for Divorce and know the contents thereof; that the same is true of my own knowledge, except for those matters therein contained stated upon information and belief, and as to those matters, I believe them to be true.

DATED this (day) 19th day of (month) November, 2013.

Submitted By:

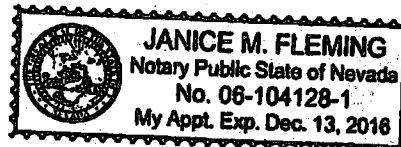
(your signature)

Kevin Daniel Adrianzen

(print your name)

SUBSCRIBED and SWORN to before me this 19th day of November, 2013.

NOTARY PUBLIC



ACKNOWLEDGMENT

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

On this (day) 19th day of (month) November, 2013, before me, the undersigned Notary Public in and for the said County and State, personally appeared (your name) Kevin Daniel Adrianzen, known to me to be the person described in and who executed the foregoing Complaint for Divorce, and who acknowledged to me that ~~he~~ she did so freely and voluntarily and for the uses and purposes therein mentioned.

WITNESS my hand and official seal.

NOTARY PUBLIC

EXHIBIT 1

Week	Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.
<i>Sample</i>	Mom Pick up at 11 a.m.	Mom	Dad Pick up after school at 3 p.m.	Dad	Dad	Mom Pick up after school at 3 p.m.	Mom
<i>Week #1</i>	DAD	DAD	MOM to pick up at 6PM	MOM	MOM	DAD to pick up at 6PM	DAD
<i>Week #2</i>	DAD	DAD	MOM to pick up at 6PM	MOM	MOM	DAD to pick up at 6PM	DAD
<i>Week #3</i>	DAD	DAD	MOM to pick up at 6PM	MOM	MOM	DAD to pick up at 6PM	DAD
<i>Week #4</i>	DAD	DAD	MOM to pick up at 6PM	MOM	MOM	DAD to pick up at 6PM	DAD

MOM does not work and DAD works Monday through Friday. This limits DAD's availability mostly to have the minor child on weekends and the MOM is available to have the minor child on weekdays.

EXHIBIT 2

Check box if this holiday applies:	Holiday:	Time (circle a.m. or p.m.):	Every Year	Even Years	Odd Years
<input checked="" type="checkbox"/>	New Year's Eve	From: 10:00 a.m./p.m. To: 8:00 a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input checked="" type="checkbox"/> Dad	<input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad
<input checked="" type="checkbox"/>	New Year's Day	From: 10:00 a.m./p.m. To: 8:00 a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input checked="" type="checkbox"/> Dad	<input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad
<input checked="" type="checkbox"/>	Martin Luther King, Jr. Day	From: 10:00 a.m./p.m. To: 8:00 a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input checked="" type="checkbox"/> Dad
<input checked="" type="checkbox"/>	Presidents' Day	From: 10:00 a.m./p.m. To: 8:00 a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input checked="" type="checkbox"/> Dad
<input type="checkbox"/>	Passover	From: a.m./p.m. To: a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input checked="" type="checkbox"/>	Easter	From: 10:00 a.m./p.m. To: 8:00 a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input checked="" type="checkbox"/> Dad	<input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad
<input checked="" type="checkbox"/>	Memorial Day	From: 10:00 a.m./p.m. To: 8:00 a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input checked="" type="checkbox"/> Dad
<input checked="" type="checkbox"/>	Mother's Day	From: 10:00 a.m./p.m. To: 8:00 a.m./p.m.	<input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input checked="" type="checkbox"/>	Father's Day	From: 10:00 a.m./p.m. To: 8:00 a.m./p.m.	<input type="checkbox"/> Mom <input checked="" type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input checked="" type="checkbox"/>	4 th of July	From: 12:00 a.m./p.m. To: 8:00 a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input checked="" type="checkbox"/> Dad
<input checked="" type="checkbox"/>	Labor Day	From: 10:00 a.m./p.m. To: 8:00 a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input checked="" type="checkbox"/> Dad	<input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Rosh Hashanah	From: a.m./p.m. To: a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Yom Kippur	From: a.m./p.m. To: a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input checked="" type="checkbox"/>	Nevada Day	From: 10:00 a.m./p.m. To: 8:00 a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input checked="" type="checkbox"/> Dad
<input checked="" type="checkbox"/>	Halloween	From: 4:00 a.m./p.m. To: 8:00 a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input checked="" type="checkbox"/> Dad	<input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad
<input checked="" type="checkbox"/>	Veterans Day	From: 10:00 a.m./p.m. To: 8:00 a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input checked="" type="checkbox"/> Dad
<input checked="" type="checkbox"/>	Thanksgiving Day	From: 12:00 a.m./p.m. To: 8:00 a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input checked="" type="checkbox"/> Dad	<input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad

EXHIBIT 2 Continued

<input type="checkbox"/>	Chanukkah (Days):	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Chanukkah (Days):	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input checked="" type="checkbox"/>	Christmas Eve	From: 10:00 a.m./p.m. To: 8:00 a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input checked="" type="checkbox"/> Dad	<input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad
<input checked="" type="checkbox"/>	Christmas	From: 10:00 a.m./p.m. To: 8:00 a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input checked="" type="checkbox"/> Dad
<input checked="" type="checkbox"/>	Father's Birthday	From: 10:00 a.m./p.m. To: 8:00 a.m./p.m.	<input type="checkbox"/> Mom <input checked="" type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input checked="" type="checkbox"/>	Mother's Birthday	From: 10:00 a.m./p.m. To: 8:00 a.m./p.m.	<input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input checked="" type="checkbox"/>	Child's Birthday	From: 10:00 a.m./p.m. To: 8:00 a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input checked="" type="checkbox"/> Dad	<input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad
<input checked="" type="checkbox"/>	Family Day (Fri. after Thanksgiving)	From: 10:00 a.m./p.m. To: 8:00 a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input checked="" type="checkbox"/> Dad
<input checked="" type="checkbox"/>	Maternal Grandparent's B-day AND Paternal Grandparent's B-day	From: 10:00 a.m./p.m. To: 8:00 a.m./p.m.	<input checked="" type="checkbox"/> Mom <input checked="" type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad

Worksheet A -Primary Physical Custody Child Support Calculation Worksheet

You must fill out this worksheet and attach it to the document you are filing which asks for a primary physical custody arrangement. Primary physical custody exists when one parent has physical custody of the child more than 60% (219 days) of the time calculated over a one year period.

① : Determine Gross Monthly Income (GMI) of the non-custodial parent.

Hourly wage \$7.25	X	Hrs/Week 40	=	\$290	X	Pay Periods 52	=	Yearly income \$15,080	÷	Months 12	=	GMI \$1,257
-----------------------	---	----------------	---	-------	---	-------------------	---	---------------------------	---	--------------	---	----------------

② : Determine Obligation.

GMI \$1,257	X	Formula Percentage (0.18 for 1 child, 0.25 for 2 children, 0.29 for 3 children, 0.02 increase for each additional child) 0.18	=	Monthly child support (rounded to the nearest dollar) \$226
----------------	---	--	---	--

③ : Apply the presumptive maximum if necessary. This amount changes every year on July 1st. Make sure you are using the most current chart.

Income Range		Presumptive Maximum Amount Usually, this is the maximum amount a parent may be required to pay per month per child.
If the Parent's GMI is At Least	But Less Than	
\$0	\$4,235	\$630
\$4,235	\$6,351	\$693
\$6,351	\$8,467	\$758
\$8,467	\$10,585	\$819
\$10,585	\$12,701	\$883
\$12,701	\$14,816	\$945
\$14,816	No Limit	\$1,010

④ : Deviations. If you are requesting an amount of child support that is lower or higher than the amount in ② or ③, if applicable, your reason(s) for requesting a different amount must be based upon one of the following factors. (✓ check all that apply)

<input type="checkbox"/> The cost of health insurance	<input type="checkbox"/> The cost of childcare	<input checked="" type="checkbox"/> The relative income of both parents
<input type="checkbox"/> Special educational needs of the child	<input checked="" type="checkbox"/> The amount of time the child spends with each parent	<input type="checkbox"/> Any other necessary expenses for the benefit of the child
<input type="checkbox"/> The age of the child	<input type="checkbox"/> Legal responsibility of the parent for the support of others	<input type="checkbox"/> The value of services contributed by either parent
<input type="checkbox"/> Any expenses reasonably related to the mother's pregnancy and confinement	<input type="checkbox"/> The cost of transportation of the child to and from visitation if the custodial parent moved with the child from the jurisdiction that ordered the support and the non-custodial parent remained	<input type="checkbox"/> Any public assistance paid to support the child

◆ Explain: Defendant is not employed and does not have any income. Imputing minimum wage for 40 hours per week would make support for the minor child more equitable between the plaintiff and the defendant. In addition, plaintiff is seeking primary physical custody that will incur more expenses than the non-custodial parent, the defendant.

Hourly Wage	1 Child	2 Children	3 Children	4 Children	5 Children
	18%	25%	29%	31%	33%
\$7.25	\$226	\$314	\$364	\$400	\$500
\$7.50	\$234	\$325	\$377	\$403	\$500
\$7.75	\$242	\$336	\$390	\$416	\$500
\$8.00	\$250	\$347	\$402	\$430	\$500
\$8.25	\$257	\$358	\$415	\$443	\$500
\$8.50	\$265	\$368	\$427	\$457	\$500
\$8.75	\$273	\$379	\$440	\$470	\$501
\$9.00	\$281	\$390	\$452	\$484	\$515
\$9.25	\$289	\$401	\$465	\$497	\$529
\$9.50	\$296	\$412	\$478	\$510	\$543
\$9.75	\$304	\$423	\$490	\$524	\$558
\$10.00	\$312	\$433	\$503	\$537	\$572
\$10.25	\$320	\$444	\$515	\$551	\$586
\$10.50	\$328	\$455	\$528	\$564	\$601
\$10.75	\$335	\$466	\$540	\$578	\$615
\$11.00	\$343	\$477	\$553	\$591	\$629
\$11.25	\$351	\$488	\$568	\$605	\$644
\$11.50	\$359	\$498	\$578	\$618	\$658
\$11.75	\$367	\$509	\$591	\$631	\$672
\$12.00	\$374	\$520	\$603	\$645	\$686
\$12.25	\$382	\$531	\$616	\$658	\$701
\$12.50	\$390	\$542	\$628	\$672	\$715
\$12.75	\$398	\$553	\$641	\$685	\$729
\$13.00	\$406	\$563	\$653	\$699	\$744
\$13.25	\$413	\$574	\$666	\$712	\$758
\$13.50	\$421	\$585	\$679	\$725	\$772
\$13.75	\$429	\$596	\$691	\$739	\$787
\$14.00	\$437	\$607	\$704	\$752	\$801
\$14.25	\$445	\$618	\$716	\$766	\$815
\$14.50	\$452	\$628	\$729	\$779	\$829
\$14.75	\$460	\$639	\$741	\$793	\$844
\$15.00	\$468	\$650	\$754	\$806	\$858
\$15.25	\$476	\$661	\$767	\$819	\$872
\$15.50	\$484	\$672	\$779	\$833	\$887
\$15.75	\$491	\$683	\$792	\$846	\$901
\$16.00	\$499	\$693	\$804	\$860	\$915
\$16.25	\$507	\$704	\$817	\$873	\$930
\$16.50	\$515	\$715	\$829	\$887	\$944
\$16.75	\$523	\$726	\$842	\$900	\$958
\$17.00	\$530	\$737	\$855	\$913	\$972
\$17.25	\$538	\$748	\$867	\$927	\$987
\$17.50	\$546	\$758	\$880	\$940	\$1,001
\$17.75	\$554	\$769	\$892	\$954	\$1,015
\$18.00	\$562	\$780	\$905	\$967	\$1,030
\$18.25	\$569	\$791	\$917	\$981	\$1,044
\$18.50	\$577	\$802	\$930	\$994	\$1,058
\$18.75	\$585	\$813	\$943	\$1,008	\$1,073
\$19.00	\$593	\$823	\$955	\$1,021	\$1,087
\$19.25	\$601	\$834	\$968	\$1,034	\$1,101
\$19.50	\$608	\$845	\$980	\$1,048	\$1,115
\$19.75	\$616	\$856	\$993	\$1,061	\$1,130
\$20.00	\$621	\$867	\$1,005	\$1,075	\$1,144

*These child support calculations are based upon a 40 hour workweek and 52 pay periods per year.

Hourly Wage	Child Support Chart						
	1 Child	2 Children	3 Children	4 Children	5 Children		
	18%	25%	29%	31%	33%		
\$7.25	\$226	\$314	\$364	\$400	\$500		
\$7.50	\$234	\$325	\$377	\$403	\$500		
\$7.75	\$242	\$336	\$390	\$416	\$500		
\$8.00	\$250	\$347	\$402	\$430	\$500		
\$8.25	\$257	\$358	\$415	\$443	\$500		
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\$9.50	\$296	\$412	\$478	\$510	\$543		
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\$10.75	\$335	\$466	\$540	\$578	\$615		
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\$16.50	\$515	\$715	\$829	\$887	\$944		
\$16.75	\$523	\$726	\$842	\$900	\$958		
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\$18.25	\$569	\$791	\$917	\$981	\$1,044		
\$18.50	\$577	\$802	\$930	\$994	\$1,058		
\$18.75	\$585	\$813	\$943	\$1,008	\$1,073		
\$19.00	\$593	\$823	\$955	\$1,021	\$1,087		
\$19.25	\$601	\$834	\$968	\$1,034	\$1,101		
\$19.50	\$608	\$845	\$980	\$1,048	\$1,115		
\$19.75	\$616	\$856	\$993	\$1,061	\$1,130		
\$20.00	\$621	\$867	\$1,005	\$1,075	\$1,144		

*These child support calculations are based upon a 40 hour workweek and 52 pay periods per year.

FILED

DEC 16 3 51 PM '13

Ag. L. Johnson
CLERK OF THE COURT

NOTC

(Your name) Kevin Daniel Adrianzen

(Address) 9145 West Richmar Avenue

Las Vegas, NV 89178

(Telephone) (702) 499-8895

In Proper Person

DISTRICT COURT
CLARK COUNTY, NEVADA

DISTRICT COURT
CLARK COUNTY, NEVADA

In the Matter of the
Application of:

Kevin Daniel Adrianzen
(Your name)

for Change of Name of the Minor Children

Ryder Blake Petit
(First child's name)

and

N/A
(Second child's name)

CASE NO.:

D-13489540-N

DEPT. NO.:

H

NOTICE OF PETITION FOR CHANGE OF NAME

NOTICE IS HEREBY GIVEN that Petitioner, the natural (check one) [] mother/
[x] father of Ryder Blake Petit filed a petition on the
19th day of (month) November, (year) 2013 addressed to the above-entitled Court
praying that said Court enter its Order changing the child(ren)'s legal name(s) from

Ryder Blake Petit to Ryder Blake Adrianzen and from N/A

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January 2, 2001

ALL RIGHTS RESERVED

1

Please call the Self-Help Center to confirm most current version.

Namechmi.3no (#7)

Use only most current version

PETIT016

CLERK OF THE COURT


DEC 16 2013

RECEIVED

1 to N/A.

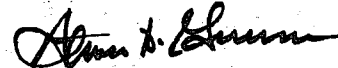
2 **NOTICE IS FURTHER GIVEN** that any person objecting to the changing of the minor
3 child(ren)'s name(s) as noted above shall file written objection with the above-entitled Court within
4 ten(10) days after the date of the last publication of this Notice.

5 DATED this (day) 19th day of (month) November, (year) 2013.

6
7 By:
8 (Your signature) 
9 Kevin Daniel Adrianzen

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1 **ANS**
2 FRANK J TOTI 005804
3 AUDREY J BEESON
4 6900 Westcliff Drive #500
5 Las Vegas Nevada 89145
6 p 702.364.1604 f 702.364.1603
7 frank@fjtesq.com
8 Attorney for P. Petit



CLERK OF THE COURT

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DISTRICT COURT
CLARK COUNTY NEVADA

KEVIN ADRIANZEN

Plaintiff,

v

PAIGE PETIT

Defendant

} Case D 13 489542 D
} Dept Q

} Family Court

ANSWER AND COUNTERCLAIM

Comes now Defendant, Paige Petit, by and through her counsel, Frank J Toti Esquire, and as and for her answer to Plaintiff's Complaint for Divorce, previously filed with the Court on December 16, 2013, admits, denies and alleges as follows:

1. Defendant admits allegations 1, 2, 3, 4, 5, 6 and 17 of Plaintiff's complaint.

2. Defendant denies allegations 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18 and 19 of Plaintiff's complaint.

Wherefore, Defendant prays that Plaintiff take nothing by way of his complaint, that he go hence for his costs, and for all other relief in the premises just and proper.

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1. That Defendant has been a resident of the State of Nevada for a period of not less than six weeks immediately preceding the commencement of this action, residing in Las Vegas Nevada.

3. That the parties hereto are incompatible in marriage.

5. That Defendant should be awarded sole legal custody of the minor child.

7. That Plaintiff should be ordered to tender a monthly sum equal to eighteen percent of his gross monthly income as and for child support.

-2

1 Further, he is subject to *NRS 21.240* regarding the holding in contempt and the
2 imprisonment for willful failure to obey a court order regarding payment of child
3 support.

4
5 9. That Plaintiff should provide a policy of health insurance for the minor
6 child until such time as the minor child graduates from high school.

7
8 10. That the parties should adhere to the "thirty-thirty" rule. That is, if a
9 party receives an invoice for an uncovered medical expense incurred by the minor child,
10 that party shall have thirty days to tender an invoice to the other party. If that party
11 does not tender the invoice to the other party within thirty days, that party waives
12 their right to receive one-half reimbursement. Similarly, if a party receives an invoice
13 from the other party for an uncovered medical expense incurred by the minor child, the
14 other party shall tender payment of one-half the uncovered amount to the other party
15 within thirty days or else the non-paying party can be held in contempt for non-
16 payment.

17
18
19 11. That pursuant to *NRS 125B.145*, an order for the support of a child
20 includes notification that each party who is subject to the order may request a review
21 of the order every three years.

22
23 12. That the State of Nevada is the habitual residence of the minor child.

24
25 13. That the parties, and each of them, shall be bound by the provisions of
26 *NRS 125.510(6)* which states, in pertinent part:

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

12 14. That, pursuant to NRS 125.510 (7) and (8), the terms of the Hague
13 Convention of October 25, 1980, adopted by the 14th Session of the Hague Conference
14 on Private International Law are applicable to the parties:

15 "Section 8. If a parent of the child lives in a foreign country or has significant
16 commitments in a foreign country:

17 (a) The parties may agree, and the Court shall include in the Order for
18 custody of the child, that the United States is the country of habitual residence
19 of the child for the purpose of applying the terms of the Hague Convention as
20 set forth in Subsection 7.

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

15 15. That both parties, and each of them, shall be bound by the provision of
16 NRS 125C.200 which states:

17 If custody has been established and the custodial parent intends to
18 move his residence to a place outside of this state and to take the child
19 with him, he must, as soon as possible and before the planned move,
20 attempt to obtain the written consent of the noncustodial parent to
21 move the child from this state. If the noncustodial parent refuses to
22 give that consent, the custodial parent shall, before he leaves this state
23 with the child, petition the court for permission to move the child. The
24 failure of a parent to comply with the provisions of this section may be
25 considered as a factor if a change of custody is requested by the
26 noncustodial parent.

1 16. That there is no community property of the parties to divide and each
2 party should retain all property currently in their own possession.

3 17. That there exists no community debt of the parties to divide and each
4 party should retain all debts solely in their own name.

5 18. That there exists outstanding medical bills related to the birth of the
6 minor child and Plaintiff should be ordered to pay the same.

7 19. That Defendant is entitled to temporary spousal support and/or alimony.

8 20. That Defendant is entitled to attorney's fees.

9 21. That Defendant shall retain her present name.

10 22. That neither Party shall hereafter incur any debt or obligation in the name
11 of, or against the other, and each Party agrees to pay any and all debts which they incur
12 after the date of this agreement, and shall indemnify and hold the other Party harmless
13 from and against any liability therefore.

14 23. That each Party is to do each and every act required by and to comply
15 fully with each and every provision hereinabove set forth, in its entirety. If either
16 Party fails to comply with this Decree, said Party shall be subject to this Court's power
17 to impose penalties of contempt upon him or her, and the Party failing to comply shall
18 be assessed with all attorney's fees and costs of the other Party.

19 24. That each Party agrees that if any claim, action or proceeding is brought
20 seeking to hold a Party liable on account of any debt, obligation or liability assumed by
21 the other Party, the Party who had assumed the debt, obligation or liability will, at his
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1 or her sole expense, defend the other against any such claim or demand, and he or she
2 will indemnify, defend and hold harmless the other Party.

3 25. That if any joint debt, obligation or liability has been omitted from the
4 Decree and is subsequently discovered, either Party may bring a Motion before the
5 Court for an allocation of that debt, obligation or liability arising from such act or
6 omission.
7

8 26. That except as otherwise specified herein, any and all property acquired,
9 income received or liabilities incurred by either Party hereto from and after the date of
10 entry of the Decree shall be the sole and separate property of the one so acquiring the
11 same, and each Party hereto respectively grants to the other all such future
12 acquisitions of property as the sole and separate property of the one so acquiring the
13 same and holds harmless and agrees to indemnify the other Party from any and all
14 liabilities incurred.
15

16 27. That each Party shall execute any and all legal documents, certificates of
17 title, bills of sale, deeds or other evidence of transfer necessary to effectuate the
18 above. Should either Party fail to execute any of said documents to transfer interest to
19 the other, then it is agreed that the Decree shall constitute a full transfer of the
20 interest of one to the other, as herein provided.
21

22 28. That the Parties warrant that neither Party has community property or
23 debts in his or her possession which are not mentioned above. If at a later time it is
24 revealed that a warrantor has made a disposition of community property or concealed
25 community property contrary to this warrantee, the warrantor shall pay the warrantee
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1 one-half the fair market value of that community property, plus attorney's fees and
2 costs incurred in pursuing the claim.

3 29. That each Party covenants that he or she shall not contract any debts,
4 charges or liabilities whatsoever for which the other's property or estate shall or may
5 become liable and shall hold the other Party harmless and indemnify there from. If
6 either Party discharges in bankruptcy any debts taken pursuant to this matter causing
7 the other Party to be responsible for those debts, this Court retains jurisdiction to
8 order equitable spousal support, sanctions and/or damages for breach of this
9 agreement pursuant to *Siragusa v. Siragusa*, 108 Nv 987, 843 P2d 807 (1992).

12 30. That both parties should provide their social security numbers on a
13 separate form to the Court and to the Welfare Division of the Department of Human
14 Resources within ten days from the date the filing of the Divorce Decree pursuant to
15 NRS 125.130. Such information shall be maintained by the Clerk in a confidential
16 manner and not a part of the public record.
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1 Wherefore, Defendant prays judgment as follows:
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3 1. That the bonds of matrimony now and heretofore existing between the
4 Plaintiff and Defendant be dissolved, and that Defendant be granted an absolute
5 Decree of Divorce, that each of the parties hereto be restored to the status of a single,
6 unmarried person.
7

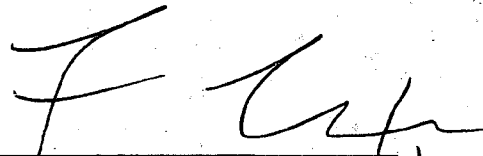
8 2. That the provisions of child custody, visitation and support be ordered as
9 set forth above.
10

11 3. That the parties' separate and community property and debts be
12 confirmed and divided.
13

14 3. That Defendant be awarded temporary spousal support and/or alimony.

15 4. For such other and further relief as the Court may deem just and proper.
16

17 Dated this 13 day of January, 2014
18

19 
20

21 FRANK J TOTI 005804
22 6900 Westcliff Drive #500
23 Las Vegas Nevada 89145
24 Attorney for P. Petit
25
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AFFIDAVIT OF PAIGE PETIT

STATE OF NEVADA

COUNTY OF CLARK

ss.

Paige Petit, being first duly sworn, deposes and says:

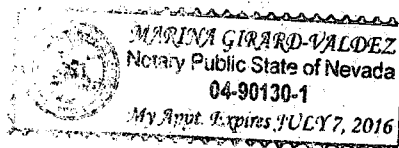
That she is the Defendant in the above entitled action; that she has read the foregoing Answer and Counterclaim for Divorce and knows the content thereof; that the same is true of her own knowledge, except for those matters therein contained stated upon information and belief, and as to those matters, she believes them to be true.

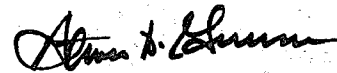
Paige Petit
Paige Petit

SUBSCRIBED AND SWORN to before me
this 7th day of ~~November, 2012~~
January, 2014

Marina Girard-Valdez

NOTARY PUBLIC in and for said
County and State





CLERK OF THE COURT

MOT

FRANK J TOTI 005804
AUDREY J BEESON 010511
6900 Westcliff Drive #500
Las Vegas Nevada 89145
p 702.364.1604 f 702.364.1603
frank@fjtesq.com
audrey@fjtesq.com
Attorney for P. Petit

DISTRICT COURT
CLARK COUNTY NEVADA

KEVIN ADRIANZEN,

Plaintiff,

v

PAIGE PETIT,

Defendant

Case No.: D-13-489542-D and
D-13-489540-N

Dept No.: H

Family Court

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

EX PARTE MOTION TO CONSOLIDATE

Comes now, Defendant, Paige Petit, by and through her attorney, Frank J. Toti, Esq, moves this Court to Consolidate Plaintiff's Case D-13-489542-D and Case D-13-489540-N.

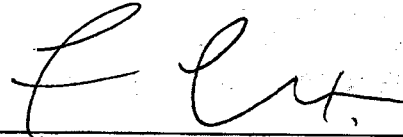
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///.

1 This motion is made and based on the pleadings and papers previously on file
2 herein, the attached points and authorities, the attached exhibits, and any oral
3 argument which may be entertained at the time of hearing on this matter.
4

5 Dated this 2 day of February, 2014

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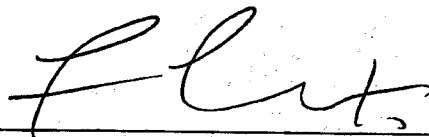
8 FRANK J TOTI 005804
9 AUDREY J BEESON 010511
10 6900 Westcliff Drive #500
11 Las Vegas Nevada 89145

12 **Notice of Motion**

13 **To: Kevin Adrianzen** **Plaintiff in Proper Person**

14
15 Please take notice that the undersigned will bring the foregoing Motion on for
16 hearing before the Family Court, 200 Lewis Avenue, Las Vegas, Nevada in Department
17 H, on the th 10 day of MARCH at 10:00 o'clock a.m. of said day, or
18 as soon thereafter as counsel may be heard.
19

20 Dated this 2 day of February, 2014

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24 FRANK J TOTI 005804
25 AUDREY J BEESON 010511
26 6900 Westcliff Drive #500
27 Las Vegas Nevada 89145
28

1
2 I.
3 POINTS AND AUTHORITIES

4 A. Statement of Facts

5 The Plaintiff, Kevin Adrianzen (hereinafter "Plaintiff) in Proper Person filed a
6 complaint for divorce on December 12, 2013 in case D-13-489542-D and on December
7 16, 2013 the Plaintiff filed a petition for change of name for a minor child in case D-13-
8 489542-N. Both the Plaintiff and Defendant have file motions for custody, child support
9 and visitation. Plaintiff's motion is scheduled to be heard before this Court on February
10 5, 2014 at 10:00 a.m., the Defendant's motion is scheduled for February 12, 2014, and
11 Plaintiff's motion for waiver of consent to name change by the child's mother in D-13-
12 489542-N is scheduled for February 26, 2014.
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15 II
16 LEGAL ARGUMENT

17 B. Case D-13-489542-D and Case D-13-489540-N should be consolidated and all
18 pending motions heard at the February 5, 2014 hearing.

19 NRCP RULE 42 states in pertinent part:

20 (a) Consolidation; separate trials

21 When actions involving a common question of law or fact are pending before the
22 court, it may order a joint hearing or trial of any or all the matters in issue in the
23 actions; it may order all the actions consolidated; and it may make such orders
24 concerning proceedings therein as may tend to avoid unnecessary costs or delay.

25 The Plaintiff acting in proper person filed two actions with this court addressing
26 issues regarding the minor child of the parties. Acting in proper person without the
27 advice of counsel, Plaintiff in all likelihood was not aware that the issue of the minor
28 child's name would be addressed in the divorce matter.

1 In addition, on December 20, 2013, Plaintiff filed a motion to address custody,
2 visitation and child support. However, the Defendant and her counsel had not yet
3 received a copy of the motion when Defendant's motion to address custody, child
4 support and spousal support was filed. Therefore, as both the Plaintiff and Defendant
5 filed motions two separate court dates have been scheduled to hear arguments
6 regarding custody, visitation and child support of the parties' minor child and a third
7 date scheduled to hear a motion regarding the name of the minor child.
8

9
10 Clearly, two separate cases and three separate dates to hear matters relating to
11 the parties minor child could cost the parties unnecessary costs and delays. Therefore,
12 case D-13-489540-N should be consolidated with D-13-489542-D, with any and all
13 subsequent pleadings being filed under D-13-489542-D. In addition, the motion
14 hearings scheduled for February 5, 2014, February 12, 2014 and February 26, 2014 all
15 relate to the minor child and therefore should all be heard on February 5, 2014 at
16 10:00 a.m
17

18
19 **III**
20 **CONCLUSION**

21 For the aforementioned reasons, the Defendant respectfully requests that this
22 Court grant the following relief :

- 23 a. To consolidate cases D-13-489540-N with D-13-489542-D and that all
24 subsequent pleadings be filed under case D-13-489542-D.
25

26 ///

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1 b. That the Court all pending motions in both D-13-489540-N and D-13-489542-
2 D be heard on February 5, 2014 for judicial economy and to reduce the
3 parties' costs of litigation; and
4

5 c. For such other and further relief as the Court deems appropriate.

6 Dated this 2 day of February 2014

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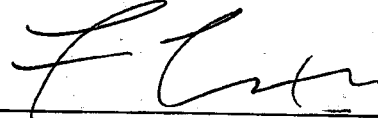
9
10 FRANK J TOTI 005804
11 AUDREY J BEESON 010511
12 6900 Westcliff Drive #500
13 Las Vegas Nevada 89145
14 Attorney for P. Cimini
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AFFIDAVIT OF FRANK J. TOTI ESQ.

STATE OF NEVADA)
)
COUNTY OF CLARK) ss.

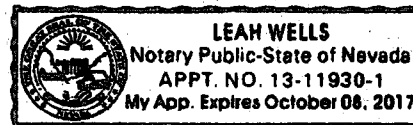
FRANK J. TOTI, ESQ., being first duly sworn, deposes and says that:


1. I am the attorney of record for the Plaintiff, Defendant, Paige Petit, in the above entitled action.
2. That due to the facts and circumstances as set forth herein above, Paige's ex parte motion should be granted and the Court should consolidate the above mentioned cases to avoid unnecessary delays and litigation costs to the parties.
3. That all issues raised in the pending motions be heard on February 5, 2014 at 10:00 a.m. to avoid unnecessary delays and costs of litigation for the parties.



FRANK J. TOTI, ESQ.

SUBSCRIBED and SWORN to before me
this 2nd day of February, 2014.




NOTARY PUBLIC

MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

Kevin Adrianzen
Plaintiff/Petitioner

-vs-

Paige Petit
Defendant/Respondent

CASE NO. D-13-489542-0 / D-13-489540-N

DEPT. H

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

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

MOTION FOR/OPPOSITION TO Consolidate

Notice

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

Excluded Motions/Oppositions



Motions filed before final Divorce/Custody Decree entered
(Divorce/Custody Decree NOT final)



Child Support Modification ONLY



Motion/Opposition For Reconsideration (Within 10 days of Decree)
Date of Last Order _____



Request for New Trial (Within 10 days of Decree)
Date of Last Order _____



Other Excluded Motion _____
(Must be prepared to defend exclusion to Judge)

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

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

Date: 2.3, 2014

Leah Wells
Printed Name of Preparer

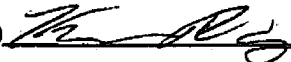
Leah Wells
Signature of Preparer

PETIT033

1 to N/A.

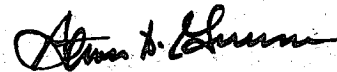
2 **NOTICE IS FURTHER GIVEN** that any person objecting to the changing of the minor
3 child(ren)'s name(s) as noted above shall file written objection with the above-entitled Court within
4 ten(10) days after the date of the last publication of this Notice.

5 DATED this (day) 19th day of (month) November, (year) 2013.

6
7 By:
8 (Your signature) 
9 Kevin Daniel Adrianzen

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CLERK OF THE COURT

ORDR

FRANK J TOTI 005804
AUDREY J BEESON 010511
6900 Westcliff Drive #500
Las Vegas Nevada 89145
p 702.364.1604 f 702.364.1603
frank@fjtesq.com
audrey@fjtesq.com
Attorney for Defendant

DISTRICT COURT
CLARK COUNTY NEVADA

KEVIN ADRIANZEN,

Plaintiff,

v

PAIGE PETIT,

Defendant.

Case No.: D-13-489542-D and
D-13-489540-N

Dept No.: H

Family Court

ORDER AFTER HEARING ON FEBRUARY 26, 2014

This matter having come on for a hearing this 26th day of February, 2014, before the Court on Defendant's Motion to Consolidate and the Court also heard Case D-13-489540-N Petitioner Kevin Andrianzen's Motion for Waiver of Consent to Name Change by the Child's Mother. Plaintiff's Petitioner Kevin Andrianzen's Motion for Waiver of Consent to Name Change by the Child's Mother, Plaintiff, Kevin Adrianzen present and appearing by and through his attorney Michael Strange, Esq., appearing in an unbundled capacity and Defendant, Paige Petit, present and appearing by and through her attorney, Frank J. Toti, Esq. Discussion between the parties and Counsel.

The Court noted that the parties were referred to Family Mediation at the previous hearing and that Plaintiff has visitation with the minor child at Donna's House and a return hearing is set for March 19, 2014. Defendant needs to understand that Plaintiff needs to be able to bond with their child, and it is her responsibility to foster and encourage frequent and meaningful contact.

With good cause appearing the Court orders:

1 **IT IS HEREBY ORDERED** that Defendant's motion to consolidated is granted and cases D-
2 13-489542-D and D-13-489540-N will be linked pursuant to the one Judge, one Family rule
3 (EDCR 5.42) and NRS 3.025(3).

4 **IT IS FURTHER ORDERED** that the hearing date of March 19, 2014 at 11:00 a.m. stands.

5 **IT IS FURTHER ORDERED AND THE PARTIES ARE PUT ON NOTICE** that they are subject
6 to the requirements of the following Nevada Revised Statutes:

7 NRS 125.510(6) regarding abduction, concealment or detention of a child:

8 **PENALTY FOR VIOLATION OF ORDER:**

9
10 THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF
11 THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS
12 193.190. NRS 200.359 provides that every person having a limited right of
13 custody to a child or any parent having no right of custody to the child who
14 willfully detains, conceals or removes the child from a parent, guardian or other
15 person having lawful custody or a right of visitation of the child in violation of an
16 order of this court, or removes the child from jurisdiction of the court without
17 the consent of either the court or all persons who have the right to custody or
18 visitation is subject to being punished for a category D felony as provided in NRS
19 193.130.

20 **NOTICE IS HEREBY GIVEN** that the terms of the Hague Convention of October 25, 1980,
21 adopted by the 14th Session of the Hague Conference on Private International Law apply if a
22 parent abducts or wrongfully retains a child in a foreign country. The minor child is a habitual
23 resident of Clark County, Nevada. The parties are also placed on notice of the following
24 provisions in NRS 125.510(8):

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

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

 (b) Upon motion of one of the parties, the court may order the parent to post a
bond if the court determines that the parent poses an imminent risk of
wrongfully removing or concealing the child outside the country of habitual
residence. The bond must be on an amount determined by the court and may be
used only to pay for the cost of locating the child and returning him to his

1 habitual residence if the child is wrongfully removed from or concealed outside
2 the country of habitual residence. The fact that a parent has significant
3 commitments in a foreign country does not create a presumption that the
parent poses an imminent risk of wrongfully removing or concealing the child.

4 NRS 125C.200 regarding relocation with minor children:

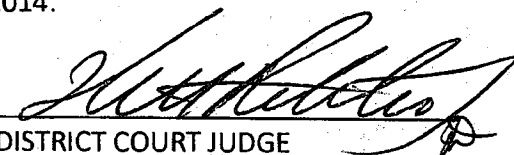
5 If custody has been established and the custodial parent intends to move his
6 residence to a place outside of this state and to take the child with him, he must,
7 as soon as possible and before the planned move, attempt to obtain the written
8 consent of the noncustodial parent to move the child from this state. If the
9 noncustodial parent refuses to give that consent, the custodial parent shall,
10 before he leaves this state with the child, petition the court for permission to
move the child. The failure of a parent to comply with the provisions of this
11 section may be considered as a factor if a change of custody is requested by the
noncustodial parent.

12 NRS 125.450 regarding the collection of child support payments through mandatory wage
13 withholding or assignment of income.

14 NRS 31A regarding the enforcement of a child support obligation and the collection of
15 delinquent child support.

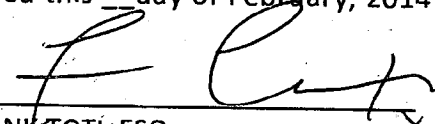
16 NRS 125B.145 regarding the review of child support at any time due to changed circumstances
17 and at least every three years following the entry of the child support order.

18 Dated this 28 day of February, 2014.

19
20 
21 DISTRICT COURT JUDGE

T ART RITCHIE, JR.

22 Dated this 27 day of February, 2014

23 
24

25 FRANK TOTI, ESQ.
26 Nevada Bar No. 005804
27 6900 Westcliff Drive #500
28 Las Vegas Nevada 89145
702.364.1604
Attorney for Defendant

FILED

SEP 23 2014

John L. Blum
CLERK OF COURT

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5 EIGHTH JUDICIAL DISTRICT COURT
6 FAMILY DIVISION
7 CLARK COUNTY, NEVADA
8

9 KEVIN DANIEL ADRIANZEN,)

10 Plaintiff,)

11 vs.)

12 PAIGE ELIZABETH PETIT,)

13 Defendant.)

14 IN THE MATTER OF THE)
15 PETITION FOR CHANGE)
16 OF NAME BY:)

17 KEVIN DANIEL)
18 ADRIANZEN,)

Petitioner.)

CASE NO. D-13-489542-D

DEPT. H

CASE NO. D-13-489540-N

DEPT. H

19 BEFORE THE HONORABLE JAMES BRENNAN
20 DISTRICT COURT JUDGE

21 TRANSCRIPT RE: MOTION FOR CHILD CUSTODY

22 WEDNESDAY, FEBRUARY 5, 2014
23
24

1 APPEARANCES:

2 The Plaintiff:
3 For the Plaintiff:

KEVIN ADRIANZEN
MICHAEL ESTRANGE, ESQ.
633 S. Fourth St., #10
Las Vegas, Nevada 89101
(702) 456-4357

5 The Defendant:
6 For the Defendant:

PAIGE ELIZABETH PETIT
FRANK TOTI, ESQ.
6900 Westcliff Dr., #500
Las Vegas, Nevada 89145
(702) 364-1604

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1 LAS VEGAS, NEVADA

WEDNESDAY, FEBRUARY 5, 2014

2 PROCEEDINGS

3 (THE PROCEEDINGS BEGAN AT 10:05:03)

4
5 THE COURT: Kevin Adrianzen and Paige Petit. State
6 your appearances please.

7 THE PLAINTIFF: What's that?

8 THE COURT: State your --

9 THE BAILIFF: State your name, sir.

10 THE PLAINTIFF: Oh, it's Kevin Adrianzen.

11 MR. TOTI: And, Judge, Frank Toti. Bar number 5804
12 for Defendant.

13 THE BAILIFF: Have a seat, sir.

14 THE COURT: We've got the Plaintiff's motion for
15 temporary custody, child support, spousal support. And I see
16 that there's a Defendant's motion also basically for the same
17 things and -- so are these consolidated or what?

18 MR. TOTI: Your Honor, we did file a motion
19 requesting consolidation.

20 THE COURT: You did?

21 MR. TOTI: Yes, we did, Judge, and --

22 THE COURT: Okay. We'll take them up at the same
23 time.

24 MR. TOTI: Thank you, Judge.

1 THE COURT: All right. It's the Plaintiff's motion.
2 Anything else you want to add other than what you have here?

3 THE PLAINTIFF: Your Honor, no. Everything I have
4 there is what I want, Your Honor.

5 THE COURT: Okay. Anything that you want to state
6 on your motion? I've looked it all over.

7 MR. TOTI: Judge, with regard to our opposition, I
8 would just set forth that Plaintiff is somehow requesting -- I
9 think he's requesting sole legal and sole physical custody.
10 Again, the facts of the case are is that he has not had
11 contact with this child in several months. I would also just
12 want to point out to the court that mom is breast feeding so
13 we would be seeking that Plaintiff's visitation start on some
14 type of a supervised basis until the child even gets to have
15 some familiarity and some sense of comfort with the Plaintiff
16 and then at that point we can graduate it. I have no
17 objection to some type of mediation referral so the parties
18 can perhaps talk about that, but on a temporary basis, Judge,
19 if we could have some type of graduated visitation schedule
20 for the Plaintiff that contemplates supervised at the
21 beginning and then graduating to some -- some type of
22 additional visitation, assuming those -- those visits go well.
23 And again, just keeping in mind that mom is currently breast
24 feeding.

1 THE COURT: Anything you want to add?

2 THE PLAINTIFF: Yes, Your Honor. I haven't been
3 able to see my son. I've asked on numerous occasions. I've
4 put it in my exhibits that I've asked numerous occasions and
5 have been denied. I've asked to see him other than being at
6 her house because they feel as though I need to be supervised.
7 There also is a domestic violence and she is the suspect and
8 there's pictures behind it. I put that all in paperwork and I
9 just want to -- I just want to see my son, Your Honor.

10 THE COURT: All right. I've looked at all the
11 papers here and, you know, I think that you used very poor
12 judgment in this case. You probably should have done what
13 you're doing now and that's come to court, but you know, you
14 go there and take the child and you want to spirit him away
15 into your car out there and this type of thing. Very poor
16 judgment on your part and it just shows a little instability
17 in how you're trying to proceed in this matter and it's
18 improper, what you've been doing. Finally file a matter --
19 file the motion in court, which you could have done rather
20 than your activities that you -- that you did at the residence
21 of apparently her parents. And so what I'm doing is referring
22 it to the -- to Donna's for supervised visitation at this time
23 and I'm making preliminary matter of -- it'll be joint legal
24 custody of course and it will be joint physical but with the

1 caveat that that will be decided later, after -- and for the
2 present time, it'll be temporary primary physical custody for
3 the mother. That's temporary. Everything is temporary at
4 this time basically and then it will come back on after your
5 visitation at Donna's and then we'll go on the merits from
6 there. And -- so that's the situation at the present time.

7 MR. TOTI: Judge, any temporary orders regarding
8 support?

9 THE COURT: I'm deferring that --

10 MR. TOTI: Yes, Judge.

11 THE COURT: -- until it gets back.

12 THE BAILIFF: Which one of these works best for you,
13 I guess. Either the Fridays or -- that's the hours that
14 Donna's House has visitation.

15 THE PLAINTIFF: That's what?

16 THE BAILIFF: This is the hours that Donna's House
17 has visitation.

18 THE CLERK: How many times do you want him to have
19 visitation?

20 THE COURT: Twice a week.

21 THE CLERK: Twice a week. Two times a week.

22 THE BAILIFF: Twice a week.

23 THE CLERK: Yeah, two times a week.

24 THE BAILIFF: Okay.

1 MR. TOTI: Do you have a -- that's for Donna's
2 House. She's got to do the --
3 THE BAILIFF: You -- that's just for today. We've
4 got to -- he's got to fill that in.
5 MR. TOTI: Okay.
6 THE BAILIFF: So she'll get a copy.
7 MR. TOTI: She's got to do the orientation too?
8 THE BAILIFF: Yeah.
9 THE COURT: Counsel, your -- your client's ordered
10 to provide the transportation to Donna's.
11 MR. TOTI: Yes, Judge.
12 THE COURT: And not be in the room when he's having
13 visitation.
14 MR. TOTI: Of course, Judge.
15 THE PLAINTIFF: This is who's house?
16 THE BAILIFF: Twice a week.
17 THE PLAINTIFF: What is it though?
18 THE BAILIFF: So this is the -- this is the times
19 that they have visitation on Monday, Thursdays and Fridays.
20 And these are the times they have on the weekends available.
21 THE PLAINTIFF: And this is for supervised?
22 THE BAILIFF: There -- it's all supervised.
23 THE CLERK: It's supervised, yes.
24 THE PLAINTIFF: Your Honor, permission to speak?

1 THE COURT: Go ahead.

2 THE PLAINTIFF: Your Honor, can I ask why I'm
3 getting supervised visitations?

4 THE COURT: I already told you.

5 THE PLAINTIFF: Right, but I -- the actions that
6 were -- that were done were solely because she wasn't allowing
7 me to see my son at all.

8 THE COURT: I know. You should've gone the other
9 way, what you're doing now. You --

10 THE PLAINTIFF: Right, but I wasn't allowed to see
11 my son.

12 THE COURT: I don't -- I've already ruled on it and
13 I told you why I ruled on it and now you just want to argue
14 with me.

15 THE PLAINTIFF: No, Your Honor.

16 THE COURT: And --

17 THE PLAINTIFF: I just want to present my -- the
18 fact that the -- that she's a suspect for domestic violence.

19 THE COURT: Been convic -- convicted of domestic
20 violence with -- with you and your child?

21 THE PLAINTIFF: Yes, Your Honor.

22 THE COURT: There's a conviction?

23 THE PLAINTIFF: Yes, Your Honor.

24 MR. TOTI: No, Judge. There is no conviction.

1 THE COURT: Thank you. The ruling stands.
2 THE BAILIFF: I just need you to pick a time.
3 THE PLAINTIFF: Oh, I don't know yet. Does it have
4 to be picked now?
5 THE BAILIFF: Yeah. It's twice a week, so --
6 THE PLAINTIFF: I work all those days, so it'd have
7 to be a Sunday. I can only do Sundays.
8 THE BAILIFF: You can only do Sundays. Okay. Well,
9 whatever time -- okay.
10 THE PLAINTIFF: And how long was this? Is this
11 temporary or --
12 THE BAILIFF: This is temporary until we get through
13 everything.
14 Your Honor, he says he can visit on Sundays from --
15 from noon to 1:00.
16 THE COURT: Is that --
17 THE CLERK: That's -- he can have twice -- two times
18 a week.
19 THE BAILIFF: (Indiscernible).
20 THE COURT: So what's his visitation?
21 THE CLERK: Noon to 1:00 on Sunday.
22 THE COURT: All right. So ordered.
23 THE CLERK: Do you want him to provide the cost of
24 the fee?

1 THE COURT: They'll split it.
2 MR. TOTI: And, Randy?
3 THE BAILIFF: Yes.
4 MR. TOTI: FMZ contacts them, correct?
5 THE BAILIFF: FMZ will contact them with the number
6 they give me. You'll have to get a hold of Donna's House
7 (indiscernible).
8 THE CLERK: No, we -- we (indiscernible).
9 THE BAILIFF: We do Donna's House.
10 THE CLERK: We -- we send this --
11 THE BAILIFF: Okay.
12 THE CLERK: We also send this to (indiscernible).
13 THE BAILIFF: So Donna's House --
14 MR. TOTI: Donna's House will contact him.
15 THE BAILIFF: -- will contact (indiscernible) at the
16 contact number.
17 MR. TOTI: All right. Okay.
18 THE BAILIFF: Okay?
19 MR. TOTI: Thank you. Thank you, Your Honor.
20 THE COURT: Thank you.
21 THE BAILIFF: Did you finish that?
22 THE PLAINTIFF: No, I need to come back.
23 THE BAILIFF: Okay. Yeah, finish that for me until
24 they call you.

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(PROCEEDINGS CONCLUDED AT 10:13:52)

* * * * *

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

/s/ Adrian Medrano
Adrian Medrano, CET

FILED

SEP 23 2014

Alvin L. Johnson
CLERK OF COURT

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5 EIGHTH JUDICIAL DISTRICT COURT
6 FAMILY DIVISION
7 CLARK COUNTY, NEVADA
8

9 KEVIN DANIEL ADRIANZEN,)

10 Plaintiff,)

CASE NO. D-13-489542-D

11 vs.)

DEPT. H

12 PAIGE ELIZABETH PETIT,)

13 Defendant.)

14 IN THE MATTER OF THE)
15 PETITION FOR CHANGE)

16 OF NAME BY:)

CASE NO. D-13-489540-N

17 KEVIN DANIEL)
18 ADRIANZEN,)

DEPT. H

Petitioner.)

19
20 BEFORE THE HONORABLE T. ARTHUR RITCHIE, JR.
DISTRICT COURT JUDGE

21 TRANSCRIPT RE: MOTION TO CONSOLIDATE

22 WEDNESDAY, FEBRUARY 26, 2014
23
24

1 APPEARANCES:

2 The Plaintiff:
3 For the Plaintiff:

KEVIN ADRIANZEN
MICHAEL ESTRANGE, ESQ.
633 S. Fourth St., #10
Las Vegas, Nevada 89101
(702) 456-4357

5 The Defendant:
6 For the Defendant:

PAIGE ELIZABETH PETIT
FRANK TOTI, ESQ.
6900 Westcliff Dr., #500
Las Vegas, Nevada 89145
(702) 364-1604

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1 LAS VEGAS, NEVADA

WEDNESDAY, FEBRUARY 26, 2014

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

3 (THE PROCEEDINGS BEGAN AT 10:35:18)

4
5 THE COURT: Mr. Estrange, Mr. Toti, please state
6 your appearances in D-13-489542.

7 MR. ESTRANGE: Go ahead, Frank.

8 MR. TOTI: Judge, Frank Toti. Bar number 5804 here
9 for the Defendant.

10 MR. ESTRANGE: Good morning, Your Honor. Michael
11 Estrange. Bar number 9429 on behalf of the Plaintiff and the
12 Petitioner in an unbundled capacity and he is also present as
13 well, Your Honor.

14 THE COURT: Welcome everyone. There are two cases
15 on calendar. One is a petition filed by dad that's -- I think
16 related to name change and then the other is the complaint for
17 divorce. These are all related to the same issue, that's why
18 they're heard together. Concepts of consolidation or linkage
19 is really irrelevant since the one judge when family
20 principles require these cases to be heard together.

21 The piece of the case related to dad's request to
22 essentially change the name of the child is part and parcel of
23 what the final judgement is going to be. They had joint legal
24 custody as a married couple. This is a brand new baby --

1 what, six months old now? Or not even, four months old now
2 and dad objects to the name that was placed on the birth
3 certificate. Is that right?

4 MR. ADRIANZEN: Yes, sir. Correct.

5 THE COURT: So that'll be part of the final decision
6 in this case. I don't know what your client's position is on
7 it but I'm sure that that will evolve over time, he'll tell
8 me.

9 MR. ESTRANGE: Yes, sir.

10 THE COURT: I don't know whether -- I assume based
11 on the petition, that these folks didn't acknowledge parentage
12 and signed the name on the name on the birth certificate from
13 the outset, otherwise we wouldn't have this issue. Okay. We
14 will talk about these principles of best interest as it
15 relates to the name later. In fact, we probably are going to
16 be talking about them in mediation.

17 The primary case in this is the divorce case which was
18 filed on December 16th. We have a complaint and an answer and
19 counterclaim, so both you have asked me the same thing. Okay.
20 You both want to dissolve your relationship or the marriage
21 from April of last year. This is not probably about any kind
22 of property or debt issue, this is all about how you're going
23 to establish your custody rights. Correct?

24 MS. PETIT: Yes.

1 THE COURT: All right. So we want to talk about and
2 address concepts of legal and physical custody. The defendant
3 filed a motion which the Court is going to grant, obviously,
4 Mr. Toti, to consolidate or link these cases. And so that's
5 why I'm kind of dispensing with that piece, but we have a
6 referral pending and a return on March 19th, right?

7 MR. ESTRANGE: Yes, Judge.

8 THE COURT: Unfortunately, I wasn't the judge that
9 was hearing it that day. We had (indiscernible) come in. I
10 was out of town and -- so I didn't get the chance to charge
11 you or tell you what the purpose of that mediation referral
12 was, but I'm sure you had a chance to talk to your clients
13 about it, right?

14 MR. TOTI: Yes.

15 MR. ESTRANGE: Yes, Your Honor.

16 THE COURT: Have you had an appointment yet in
17 mediation?

18 MR. TOTI: It's tomorrow, I believe, is their
19 appointment, Your Honor.

20 THE COURT: You have another appointment? Okay.
21 Well that process is going to continue and we're going to have
22 that hearing on the 19th unless we have some change in
23 circumstance, an agreement or (indiscernible).

24 Mr. Toti, how do you want to approach the name

1 change issue since -- or I guess -- I don't know. He is
2 asking for that? Is that what --

3 MR. TOTI: What I would say today, Judge, is --

4 THE COURT: Yeah.

5 MR. TOTI: -- that I appreciate what Your Honor has
6 said and I think as the case evolves we'll have clearer
7 understanding. I mean otherwise, today I would set forth
8 obviously but the burden is on the plaintiffs, but I don't
9 want to go down that road today if we can --

10 THE COURT: Is the legal name of the child Ryder
11 Blake Petit?

12 MS. PETIT: Yes.

13 THE COURT: And you named the child?

14 MS. PETIT: Yes.

15 THE COURT: What was the -- did you and dad agree to
16 Ryder?

17 MS. PETIT: Yes.

18 THE COURT: It seems like it since he says that
19 that's a good first name for the child too, right? Blake,
20 where did Blake come from?

21 MS. PETIT: We just discussed it and we agreed that
22 that should be the middle name.

23 THE COURT: All right. So the dispute is over which
24 surname the child should have, right?

1 MR. TOTI: Yes, Your Honor.

2 THE COURT: Okay. Well, guess what? Neither one of
3 you have a greater right than the other to have the surname of
4 the child and best interest is the consideration which is this
5 nebulous concept of identification of the child with both.
6 There are different traditions that different cultures have
7 about how to name a child, but I can't tell you today how
8 that's going to come out.

9 One of three things is going to happen. The child's
10 name is going to remain the way that it is, the child's name
11 is going to be changed in some fashion, either as Dad requests
12 or in some other way. You know, parents have agreed to add
13 surnames or to hyphenate certain surnames. It's a big can of
14 worms that you guys are going to have to work through.

15 Usually, this type of dispute arises amongst folks
16 that are not married. You guys are technically married and
17 you have the same rights under statute. Married folks who
18 have children have joint legal custody rights and that
19 includes making decisions like what name the child has. Okay?

20 The -- if we have to have a trial in this case to
21 resolve unfinished business, custody issues, then one of the
22 things that your lawyers are going to ask you about is what
23 you feel about the name and why and what you think is best for
24 the child. And they are hard issues to resolve, but there --

1 it will be left up to the State or the Court to make final
2 decision on that case.

3 Judge Brennan issued a temporary visitation
4 schedule. Has that been going forward?

5 MR. ADRIANZEN: Yes.

6 THE COURT: And Mr. Estrange, were you counsel at
7 that hearing?

8 MR. ESTRANGE: I was not. I was just --

9 THE COURT: All right.

10 MR. ESTRANGE: -- retained this morning.

11 THE COURT: The mom takes the child to visit at
12 Donna's House Central, is that right?

13 MR. TOTI: Yes, Judge.

14 THE COURT: What time is the visitation scheduled?

15 MS. PETIT: It's 12:00 p.m. to 1:00 p.m.

16 THE COURT: How long after the birth of the child
17 did the parties separate?

18 MR. TOTI: They were separated at the time birth.

19 THE COURT: All right. So did they have any contact
20 or regular pattern of contact after the child was delivered?

21 MR. TOTI: No, Judge.

22 THE COURT: The child's lived with you since the
23 child was born?

24 MS. PETIT: Yes.

1 THE COURT: Have you seen the child with Dad?
2 MS. PETIT: Yes, the first two weeks he was born.
3 THE COURT: Okay. One of the problems with Donna's
4 Donna's House is that Mom can't really see the child interact
5 with Dad. I mean, one of the things that has to happen is
6 she's got to feel confident that he is capable of doing the
7 normal things related to the child, that you have confidence
8 that he's committed to having that loving relationship with
9 the child.

10 And it's apparent, you know, that Donna's House
11 Central referral is usually just a stop gap. It's just a
12 bridge to try to get to what was really more normal
13 visitation. It's safety valve because of the age of the
14 child, you're observed interacting with the child, but it
15 would have to be justified before it was anything more than a
16 temporary order. Okay. How many visits have you had since --

17 MR. ESTRANGE: Two.

18 THE COURT: Two visits?

19 MR. ESTRANGE: Two visits, Your Honor.

20 THE COURT: February 5th --

21 MR. TOTI: They had this -- they to do communication
22 and all that, Judge.

23 THE COURT: Ah, okay.

24 MR. TOTI: So it did take a few weeks.

1 THE COURT: Okay. So for the two weeks after the
2 baby was born, there was some ad hoc contact and then there
3 was an interruption contact after that?

4 MR. TOTI: That's correct.

5 THE COURT: Are there any TPOs or any DV issues in
6 this case?

7 MR. TOTI: There were some -- no charges were ever
8 filed, Judge. There were some allegations made by both
9 parties but no pending criminal action.

10 THE COURT: What does your client think of the
11 Donna's House Central approach pending the return?

12 MR. TOTI: She's okay with it for right now.

13 THE COURT: Okay. And does she -- is it weird for
14 her to drop the baby off? I mean that must be hard to drop
15 the baby off and go away for an hour.

16 MS. PETIT: Yes.

17 THE COURT: The, you know -- ideally, I would like
18 her to see him with the child.

19 MR. TOTI: And I'm hopeful, Judge, that after
20 mediation tomorrow the parties will start discussing how and
21 when that will occur.

22 THE COURT: You're not -- you're not going to feel
23 any better about how he cares for the child until you actually
24 see -- see the bonding. You know, you -- even though the

1 child is very young, you probably feel like you're bonding
2 with the child, right?

3 MS. PETIT: Yes.

4 THE COURT: We need to get that -- we need to get
5 there with Dad. Dad has to be -- I mean the child has to
6 recognize him as Dad and -- and have -- that -- that and
7 really, you're a big part of that, because at least
8 temporarily, you've been designated as the person primarily
9 responsible for the child and one of the duties is to foster
10 encourage some sort of meaningful relationship between Dad and
11 the child.

12 Now if there is a -- if there is a consideration
13 that the Court has to take into consideration, or you know,
14 any conduct issues or fitness issues, I assume that based on
15 your age that neither one of you have any other kids, right?

16 MS. PETIT: No.

17 MR. ADRIANZEN: That's correct.

18 THE COURT: So, they don't come with a manual, you
19 sort of have to learn. Right? As you -- you know, there's a
20 big learning curve. We want -- it seems like we have to have
21 strategies that you'll talk about with your lawyer on how Dad
22 can get there. Has -- have you changed diapers and fed the
23 baby and things like that?

24 MR. ADRIANZEN: Yes, Your Honor.

1 THE COURT: All right. Is the baby taking formula?
2 MS. PETIT: No.
3 THE COURT: No? What are you doing?
4 MS. PETIT: Just exclusively breast feeding.
5 THE COURT: And can you pump and store?
6 MS. PETIT: No -- well I do but I do not use a
7 bottle.
8 THE COURT: Is that what you think is best for the
9 child for the short term?
10 MS. PETIT: Yes.
11 THE COURT: I mean, how much longer do you think
12 you're going to be doing that?
13 MS. PETIT: As long as I can.
14 MR. ESTRANGE: And that was one of the problems at
15 the initial visit is, what -- you know, my client didn't have
16 any formula or --
17 THE COURT: Well, biology is --
18 MR. ESTRANGE: -- milk from the mother so the child
19 is --
20 THE COURT: Biology is --
21 MR. ESTRANGE: Right.
22 THE COURT: I mean, there's a lot of good reasons to
23 do that and -- and on the short term, you know obviously, the
24 child looks at Mom. So that's -- in that situation if -- if

1 the child was that and formula or just formula, then there
2 would be opportunities for you to have that -- that role, but
3 obviously you can't breast feed the child. So the -- have you
4 pumped breast milk for him to feed the child when he sees the
5 child?

6 MS. PETIT: No, I make sure that I feed him right
7 before I bring him in.

8 THE COURT: That might be something you could
9 consider doing so that the child's going to -- I don't know if
10 it's feasible or possible but that's one of the things you can
11 consider doing. So you got to return in about three weeks.
12 Any other comments or any other pieces of it? Now that you're
13 on -- kind of on -- on this case, you can talk to Mr. Toti and
14 see if any of this matter can be evolved.

15 What's going to happen in -- on March 19th is we're
16 really going to get, like in this other case that I'm hearing
17 later, a parenting agreement that describes something that you
18 can live with as far as a parenting plan or you're going to
19 say we participated and we were just unsuccessful, we couldn't
20 reach an agreement and then we're going to set a trial. And
21 that trial is an exercise of coming in and testifying,
22 answering questions, and presenting evidence and getting a
23 ruling.

24 It's much better if you guys can work an acceptable

1 compromise, because frankly until that evidence is presented
2 we don't know what the details of the order are going to be.
3 Since they weren't together very long and the child is so
4 young, it's -- the big task is going to be to get Mom in a
5 place where she's comfortable with him caring for the child so
6 -- you know, the Donna's House Central thing, I definitely
7 understand why it might be ordered on a short term but it
8 doesn't give her any feedback.

9 MR. TOTI: Of course, Judge.

10 THE COURT: Mr. Estrange, any questions or any other
11 comments?

12 MR. ESTRANGE: No, just you know, obviously my
13 client, you know, eager to get away from Donna's House and he
14 wants as much time with the child as possible. Part of I
15 think his frustration -- and again, I have -- like I said, I
16 was just unbundledly retained this morning, was that with the
17 senior judge I think he felt kind of frustrated to get a
18 chance to present his argument when that temporary order was
19 made and that's part of his issues as well.

20 You know, certainly he's fit. I don't think there's
21 a reason why he can't have it in an unsupervised capacity or
22 if Mom wants to supervise but --

23 THE COURT: It wasn't my order so I don't know what
24 the thought process was, but sometimes the interest of the

1 parents which are fundamental take a backseat to the best
2 interest of the child on a short term basis and I certainly
3 expect that his requests in his papers -- they're on --
4 they're reasonable on the face of it as -- as an expectation
5 to be able to have meaningful contact and all of the
6 responsibilities of a parent and a temporary order is very
7 minimal. I -- it looks to me like there will be three
8 opportunities to visit between now and the time of the return.
9 Is there anyone that you -- do your folks live here?

10 MS. PETIT: Yes.

11 MR. TOTI: She resides with them, Judge, and we have
12 talked about third parties but --

13 THE COURT: And that's not a workable thing ready?

14 MR. TOTI: Nothing -- nothing that we have come up
15 with, no.

16 MR. ESTRANGE: And my client resides with his mother
17 as well so I mean, there is --

18 THE COURT: One of the things that we talk about, in
19 the same sense of kind of transitioning to normal contact is
20 to have resources that we trust be the safeguard. You know,
21 what is it? What do they charge, 10 bucks for the visit now
22 each? You know, you have to go to family court and drop off a
23 baby. I mean it's -- one of the options that we would ask you
24 to consider in mediation is, you know, having longer periods

1 of time and if supervision is necessary, having it be
2 supervised by someone you trust and can physically be within
3 the vicinity.

4 And I -- I take it from Mom's comments that ad's
5 never had the child alone.

6 MR. TOTI: No, Your Honor.

7 THE COURT: Yeah. So that's going to be a big deal
8 and rather than having Court tell you when that's going to be,
9 you should be thinking in terms of where do I -- what do I
10 need to see, what do I need to do before I can get to that
11 point where I'm okay with it. Okay? That's going to happen.
12 I mean, I just don't know when. The -- all right. I
13 understand -- was he proper person in the hearing?

14 MR. ADRIANZEN: Yes.

15 MR. ESTRANGE: He was.

16 THE COURT: Well, not a lawyer, not knowing what's
17 going on, having a decision just rendered, I'm sure that was
18 tough but we -- but what was ordered was some visitation, a
19 measure of supervision for safety and a referral to mediation
20 and you got a court date on the March 19th. Mr. Toti, your
21 request to consolidate or recognize that these are linked
22 under One Judge One Family is granted. You can submit an
23 order with Mr. Estrange's approval.

24 MR. TOTI: Thank you, Your Honor.

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THE COURT: And take -- make the most out of
tomorrow's appointment and we'll be back here in three weeks.

MR. TOTI: Thanks, Judge.

THE COURT: All right.

(PROCEEDINGS CONCLUDED AT 10:48:46)

* * * * *

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

Adrian Medrano

Adrian N. Medrano

FILED

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Alison L. Johnson
CLERK OF COURT

1 TRANS

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3 COPY

4
5 EIGHTH JUDICIAL DISTRICT COURT

6 FAMILY DIVISION

7 CLARK COUNTY, NEVADA

8
9 KEVIN DANIEL ADRIANZEN,)

10 Plaintiff,)

CASE NO. D-13-489542-D

11 vs.)

DEPT. H

12 PAIGE ELIZABETH PETIT,)

13 Defendant.)

14 IN THE MATTER OF THE)
15 PETITION FOR CHANGE)
OF NAME BY:)

CASE NO. D-13-489540-N

16 KEVIN DANIEL)
ADRIANZEN,)

DEPT. H

17)
18 Petitioner.)

19
20 BEFORE THE HONORABLE T. ARTHUR RITCHIE, JR.
DISTRICT COURT JUDGE

21 TRANSCRIPT RE: RETURN HEARING

22 WEDNESDAY, MARCH 19, 2014

23
24
D-13-489542-D ADRIANZEN v. PETIT, D-13-489540-N ITMO ADRIANZEN 03/19/2014 TRANSCRIPT
VERBATIM REPORTING & TRANSCRIPTION, LLC (520) 303-7356

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1 LAS VEGAS, NEVADA

WEDNESDAY, MARCH 19, 2014

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

3 (THE PROCEEDINGS BEGAN AT 11:13:55)

4
5 THE COURT: We have counsel present from parties.
6 Welcome back. For the video record please confirm appearance.

7 MR. ESTRANGE: Good morning, Your Honor. Michael
8 Estrange. Bar number 9429 appearing on behalf of the
9 Plaintiff Kevin Adrianzen who is also present and I'm fully
10 retained on this now, Your Honor, just for the Court's
11 knowledge as well.

12 MR. TOTI: And Your Honor, Frank Toti. Bar number
13 5804 here for the Defendant.

14 THE COURT: I appreciate being here. The matter was
15 heard on February 5th and again on February 26th. The parties
16 had been waiting a mediation referral. The letter that I
17 received from the court referral program says that initial
18 appointment was scheduled on 27th and both parties were
19 present, but the parties didn't participate and I'm sure Judge
20 Brennan didn't intend to waste your time when he made your
21 referral.

22 We do have a temporary order the Court determined on
23 the 26th not to modify the temporary order but that's also
24 something we're going to talk about today as we set an

1 evidentiary proceeding).

2 We have to resolve the child custody issues. It's a
3 pretty new case filed in December. Child custody will be
4 resolved first and then you will either settle the financial
5 pieces of it or we'll set it -- set it for trial.

6 I have a Donna's House report. Donna's House report
7 is what we would expect. It said that there was a referral on
8 February 5th and on February 9th Kevin, the father, completed
9 the orientation on February 12th. Paige, the mother,
10 completed the orientation. Visitation commenced on February
11 16th. It set the date for and this is March 9th, 2014 so last
12 week.

13 Four visits have taken place at Donna's
14 Southcentral. Kevin has been very patient with Ryder, the
15 child at issue. Due to Ryder's young age, he has cried for the
16 majority of each visit. Kevin walks holding and singing to
17 him, shows him development, appropriate toys, and has changed
18 his diaper as needed. It was a significant improvement at the
19 March 9th visit at which Ryder cried less and was engaged with
20 the father more. And that -- that was the observations and I
21 assume that there's been a couple more visits since the 9th of
22 March, right?

23 The position of Mom was that visitation should be
24 restricted because of the age of the child. Is that still her

1 position?

2 MR. TOTI: It is, Judge. However, Mom has indicated
3 that due to the -- maybe the unfamiliarity for the child
4 surrounding the Donna's House, Mom would be willing to allow
5 the visitation to occur at the same time and duration at her
6 residence.

7 THE COURT: Okay. But the problem is that the
8 child's attached to her and the child needs to be bonded and
9 attached to Dad too. It's something we could talk about but
10 the -- she thinks that the child would be more comfortable in
11 that setting?

12 MR. TOTI: Just based upon the -- the Donna's House
13 report. Yes, sir.

14 THE COURT: Well let's take the first piece of it.
15 When do you want to have your evidentiary proceeding done?

16 MR. TOTI: What's the --

17 THE COURT: I mean, I can do it anytime. I -- I --
18 it just depends on our -- obviously the parties are going to
19 be witnesses. How much discovery do you think is necessary or
20 do you want and when do you want to go?

21 MR. ESTRANGE: I -- I had talked to my client about
22 that yesterday. My thought would be probably 90 day discovery
23 window. Possibly --

24 THE COURT: I haven't set anything in May and filled

1 up April. I mean, I -- I think -- what type of discovery is
2 -- is necessary for the custody piece of it? Do you -- it's a
3 -- it's a witness case, not a document case. Right?

4 MR. ESTRANGE: I anticipate probably a couple of
5 depositions. Probably interrogatories would be my thought on
6 that.

7 THE COURT: All right.

8 MR. ESTRANGE: Possibly some limited requests for
9 production.

10 THE COURT: Okay. So that's looking at more of a 60
11 day arc. Do you see the same thing pretty much?

12 MR. TOTI: I wouldn't have said 90 --

13 THE COURT: Yeah.

14 MR. TOTI: -- but -- but if -- if counsel wants to
15 do some depositions and interrogatories --

16 THE COURT: Well, I mean, Dad's the one who's
17 prejudiced by -- by the delay because obviously he's not
18 getting the type of visitation that he wants, but we could set
19 it out sometime in May and give you an opportunity to do
20 written discovery of depositions if you need to.

21 Let me just confirm a couple pieces of the timeline.
22 These folks were married in 2013 and separated shortly after
23 that. The case was filed in December. The child was born in
24 September. So are they living together when the child is born?

1 MS. PETIT: No.

2 MR. TOTI: No.

3 THE COURT: All right. So they separated prior to
4 the birth of the child. Between the time the child was born
5 and the time that the case was filed, what was the routine
6 visits between Dad and the child? Did he come to Mom's house
7 and visit?

8 MR. TOTI: He would -- Your Honor, it was only
9 during the first couple of weeks when the child was born and
10 then there was an incident and he had had no contact since
11 that date of time.

12 THE COURT: And then basically just two or three
13 weeks of Donna's House visits.

14 MR. TOTI: Yes, Judge.

15 THE COURT: Okay. Where does Dad live now?

16 MR. ESTRANGE: He lives with his mother who's also
17 present here in the courtroom, Your Honor.

18 THE COURT: In here in Clark County?

19 MR. ESTRANGE: Yes, Your Honor.

20 THE COURT: And where do you live in relationship to
21 Dad -- or I mean miles. Do you live near him or no?

22 MS. PETIT: Yes, near him.

23 THE COURT: Have you ever seen Dad with the child
24 since last fall?

1 MR. TOTI: No, Judge.

2 THE COURT: And I mean, one of the benefits of
3 having maybe a session or visit or -- or so with Dad and Mom
4 present is that Mom can see the child interact with Dad and
5 maybe not be so uneasy about that. I think on a long term
6 basis if we're setting this over 60 days, we're not going to
7 require visitation supervised by Mom. But it -- I -- I like
8 the approach of maybe having that instead of the Donna's House
9 for a period of time. Do you -- who do you live with?

10 MS. PETIT: My parents.

11 THE COURT: So they could be there too?

12 MR. TOTI: Yes, Judge.

13 THE COURT: Okay. Work schedule. My -- my
14 handwriting is the worst. You're -- where are you working,
15 sir?

16 MR. ADRIANZEN: Your Honor, I work at Diversity.
17 It's a tattoo shop.

18 THE COURT: Oh, okay. So what type of hours do you
19 see clients?

20 MR. ADRIANZEN: Between anywhere from 9:00 to 5:00
21 and some days 12:00 to 7:00.

22 THE COURT: Do you take any days off?

23 MR. ADRIANZEN: Yes, Your Honor.

24 THE COURT: What days?

1 MR. ADRIANZEN: Sundays and Mondays.
2 THE COURT: Okay. You said that you work -- what
3 schedule do you work?
4 MS. PETIT: I do not work.
5 THE COURT: You don't work? You're a student?
6 MS. PETIT: Yes.
7 THE COURT: Where do you go to school?
8 MS. PETIT: CSN.
9 THE COURT: Do you have a set work -- school
10 schedule for the next couple months?
11 MS. PETIT: I'm doing it online, so --
12 THE COURT: So you're available at home for him to
13 visit --
14 MS. PETIT: Yes.
15 THE COURT: -- and also -- and when you're at school
16 -- when you're out and about do your folks watch the child?
17 MS. PETIT: I do not go out. I stay at home.
18 THE COURT: How -- I assume that this is your only
19 child. Right?
20 MS. PETIT: Yes.
21 THE COURT: Your only child?
22 MR. ESTRANGE: And Judge, that's part of the issue
23 as well, Your Honor, is just obviously my client, you know,
24 isn't very comfortable with her parents, and I guess I'm not

1 surprised given kind of the nature of the case, that would be
2 the concern regarding, you know, visitation over there.

3 THE COURT: (Indiscernible).

4 MR. ESTRANGE: Right, it's just --

5 THE COURT: We're only talking about one or two.

6 It's Sunday Monday? Saturday Sunday is what your days off?

7 MR. ADRIANZEN: Sunday Monday.

8 MR. ESTRANGE: Sunday Monday, Your Honor.

9 THE COURT: Okay. The strategy would be to have
10 shorter visits of more frequency so that the child doesn't go
11 a long period of time without seeing him. Okay? The -- we'll
12 -- we'll have sort of a graduated situation. I probably said
13 at the last hearing that he has a reasonable expectation for
14 normal contact including overnights, but that that has to be
15 something that you build up to best interest for the child.
16 It doesn't really warrant that at this point.

17 It would have been easier if you co-habitated or
18 lived together for a period of time after the child was born.
19 It's just one of those things that makes it more difficult in
20 this case. The -- we need to get to a circumstance where the
21 child views Dad and has bonded with Dad, to have a similar
22 relationship that the child has with Mom and that takes time,
23 you know.

24 How about the -- say like the 9th or the 12th of

1 May? The 9th would be a Friday morning, the 12th would be a
2 Monday afternoon.

3 MR. ESTRANGE: For the evidentiary, Your Honor?

4 THE COURT: Do you have a preference?

5 MR. TOTI: Both would be morning times, Judge?

6 THE COURT: No, I -- the 12th is an afternoon.

7 That's a Monday afternoon.

8 MR. TOTI: And Friday the 9th --

9 THE COURT: Would be morning.

10 MR. TOTI: -- would be morning? Friday actually
11 works better for me then, Judge.

12 MR. ESTRANGE: My client would be off that Monday
13 the 12th so probably Monday would be better in the afternoon.

14 THE COURT: I thought you go to work in the
15 afternoon on Fridays? No?

16 MR. ADRIANZEN: Yes, sir. On Fridays --

17 THE COURT: Do you work in the morning?

18 MR. ADRIANZEN: On Fridays I do work.

19 THE COURT: In the morning?

20 MR. ADRIANZEN: Yes, Your Honor.

21 THE COURT: Oh okay. I didn't -- my notes are
22 messed up there. Are you available on the 12th in the
23 afternoon?

24 MR. TOTI: I would have to move a couple of things,

1 Judge.

2 THE COURT: Okay. How about the 13th? Easier on
3 the 13th.

4 THE CLERK: We got something set.

5 THE COURT: We do? What do we set this on --

6 THE CLERK: Returning --

7 THE COURT: Okay. How about Monday the 19th if
8 Mondays are his preference?

9 MR. ADRIANZEN: I can do that.

10 MR. TOTI: That's fine, Judge.

11 THE COURT: Okay. We'll give it -- that's basically
12 two months. The case was just filed in December so it's my
13 job to try to help you stay in this process as little as
14 possible. We've lost more as far as the time. We want to try
15 to resolve the entire case but custody's going to take a big
16 piece of it. Gives us two months to try to work out a
17 visitation schedule. The visitation days today right now are
18 what time? What are the Donna's House?

19 MR. ESTRANGE: It was Sundays, I believe. 12:00 to
20 1:00.

21 MR. TOTI: Sunday 12:00 to 1:00.

22 MR. ESTRANGE: And what was the other day?

23 MR. ADRIANZEN: Just that.

24 MR. TOTI: Just that, Judge.

1 THE COURT: Okay. Wednesday nights. When do you
2 work Wednesday nights?

3 MR. ADRIANZEN: Your Honor, 12:00 to 7:00.

4 THE COURT: 12:00 to 7:00. Do you ever have an
5 early weekday like Tuesday or Thursday? When do you work
6 Tuesday and Thursday?

7 MR. ADRIANZEN: Your Honor, 9:00 to 5:00 on Tuesdays
8 and 9:00 to 5:00 on Thursdays.

9 THE COURT: Okay. So he's off on Sunday and Monday
10 then, right?

11 MR. ESTRANGE: Correct, Your Honor.

12 THE COURT: All right. We're going to have a
13 temporary change to the schedule. The parties will have joint
14 legal custody, we explained that already. I know holidays and
15 vacations are not the primary focus right now but that --
16 don't lose that thought in the back of your head because when
17 we resolve custody I want your input on holidays and
18 vacations.

19 MR. TOTI: Judge.

20 THE COURT: Obviously Mother's Day should be Mom.

21 MR. TOTI: I do apologize terribly. Mom has
22 indicated to me that she babysits her cousin's child -- or her
23 cousin?

24 MS. PETIT: It's his child.

1 MR. TOTI: On Tuesdays, Thursdays, and Fridays?

2 MS. PETIT: Yes.

3 THE COURT: What time on Thursdays?

4 MS. PETIT: 7:00 to either 3:30 or 4:00 p.m.

5 THE COURT: Yeah, okay. But he's working on
6 Thursdays.

7 MR. TOTI: Yeah, we just wanted to make sure there
8 wasn't any overlap.

9 THE COURT: What -- what I had in mind is this. Dad
10 will have 5:30 to 7:00 on Thursdays. The first two Thursdays
11 are going to be supervised by Mom at her house. Okay? I want
12 you to see him with the child tomorrow and then the following
13 Thursday. After that you'll be able to pick up the child for
14 an hour and a half. Okay?

15 You'll also have Sunday from 12:00 to 3:00 and
16 Monday from 10:00 to 1:00. Those periods of time are not
17 going to be supervised. I want it to be in the afternoon and
18 in the morning -- late morning so you have a different
19 routine, two different times. The only restriction as is
20 time, pick ups and drop offs. So you'll let Mom know where
21 you are, you have to have a car seat if you're going to pick
22 up. Okay.

23 Three hour block seems very scant but over the
24 course of the week, that's seven and a half hours over 300

1 days. The first visit will be tomorrow. It will be -- you'll
2 get to see the child with him. Hopefully make you feel better
3 about it and you give Mr. Toti feedback if there's a problem
4 but as you saw from the Donna's House observations the child
5 really doesn't know him. It was very uneasy. That worked out
6 better as the visits continued.

7 And so the -- the strategy is to give Dad
8 essentially time on Thursday, Sunday, and Monday each week.
9 And by the time evidentiary hearing comes down, that will be
10 about 20 -- 24 visits. Maybe you'll feel differently, maybe
11 not, but certainly -- hopefully the child will have a better
12 relationship with Dad at that point.

13 It would be appropriate at the evidentiary
14 proceeding if you don't work this out by agreement to be
15 making your request for a transition to I guess a more
16 traditional contact including the overnights and other things.
17 Okay? But the first two Thursdays will be supervised by -- at
18 Mom's house.

19 MR. TOTI: Judge, I -- did you want to have Mom
20 supervise this Thursday and then Sunday and after that
21 unsupervised?

22 THE COURT: No, this Thursday and next Thursday.

23 MR. TOTI: Oh okay.

24 THE COURT: I -- I wasn't thinking it as a

1 prerequisite to unsupervised contact. I want her to have two
2 opportunities at her house to see him with the child and I
3 want her to see him with the child before he has unsupervised
4 contact and see him with the child after two unsupervised
5 visits.

6 MR. TOTI: Okay.

7 THE COURT: And that way she can sort of -- she's
8 either going to exhale and say wow it's not going to be as bad
9 as I think or she's going to tell you that she's got issues.

10 MR. TOTI: Very good.

11 THE COURT: Mr. Estrange, the Court will issue an
12 order that says that discovery is ongoing and that there is no
13 discovery cutoff per se related to the evidentiary proceeding,
14 but no witnesses may be called that are not identified and no
15 documents may be introduced that are not exchanged and we'll
16 send a reasonable deadline of the 31st of this month for the
17 designation of any witnesses and the production of any
18 documents. That will give you all of April and two or three
19 weeks of May to follow up a discovery.

20 Now obviously if you discover a document that's
21 after that deadline, you produce it right away and we evaluate
22 whether there's any prejudice or anything like that. I don't
23 really think this is going to be a document case.

24 But we have determined the parties have not mediated

1 a plan, we have set an evidentiary hearing to resolve custody,
2 we modified the temporary visitation order. This temporary
3 visitation order is determined by the Court to be in the best
4 interest of the child and we'll see the evidentiary. If you
5 resolve it ahead of time, please let me know so I can use it
6 for something else.

7 MR. TOTI: Yes, Judge.

8 THE COURT: All right.

9 MR. ESTRANGE: One -- and just -- I apologize.
10 Briefly, one final point. My client's trying to enroll the
11 minor child on healthcare. We'd asked the Defendant for the
12 child's social security number, she hasn't provided it to him
13 yet. Can we get that facilitated?

14 THE COURT: That information is part of their joint
15 legal custody rights. Mr. Toti, just go over that with the
16 client. And does she provide health insurance through her mom
17 or her family or somebody?

18 MS. PETIT: No.

19 THE COURT: No? Well, the child needs insurance.
20 If he provides insurance, then the social security number is
21 an essential piece of that information. Okay?

22 MR. TOTI: And Judge, Judge Brennan at the initial
23 hearing also did defer on the issue of child support.

24 THE COURT: He should be paying 18 percent of his

1 gross. He has no other children. His financial disclosure
2 form says \$12 an hour.

3 MR. TOTI: And -- and all I would say, Judge, is
4 that that indicated that he was a window installer at BM
5 Windows and now --

6 THE COURT: Yeah.

7 MR. TOTI: -- now the Plaintiff has indicated that
8 he is working at Diversity. If he could --

9 THE COURT: Is that a -- is that a commission job?

10 MR. ADRIANZEN: No, Your Honor.

11 THE COURT: Is it a piece job? Do you get paid by
12 the piece?

13 MR. ADRIANZEN: Your Honor, no. It's based on
14 hours.

15 THE COURT: Are you an artist?

16 MR. ADRIANZEN: No, Your Honor.

17 THE COURT: Okay. So you just work in -- in the
18 store, right?

19 MR. ADRIANZEN: Yes, Your Honor.

20 THE COURT: How much do you make per hour?

21 MR. ADRIANZEN: 8.25.

22 THE COURT: And do you get to work 40 hours?

23 MR. ADRIANZEN: No, Your Honor.

24 THE COURT: How many hours a week do you work?

1 MR. ADRIANZEN: 35 to 39.
2 THE COURT: All right. So is it a fair -- you said
3 8.35, 8.00?
4 MR. ADRIANZEN: 8.25.
5 THE COURT: So do you make about 1200 to 1240 bucks
6 a month?
7 MR. ADRIANZEN: No, no way.
8 THE COURT: Gross.
9 MR. ESTRANGE: Gross, before (indiscernible).
10 MR. ADRIANZEN: Oh, yes.
11 THE COURT: You probably take home more or less.
12 That looks like about 220, Mr. Toti. Does that work out with
13 you?
14 MR. TOTI: That's the number I get.
15 THE COURT: All right. Then we can adjust it with
16 proof.
17 MR. TOTI: Yes, Judge.
18 THE COURT: Were you working at a window place
19 before?
20 MR. ADRIANZEN: Yes, Your Honor.
21 THE COURT: Why did you leave that job?
22 MR. ADRIANZEN: Your Honor, business was slow and
23 there was no work left.
24 THE COURT: All right. So when you filed this case

1 you were working there part time?

2 MR. ADRIANZEN: Your Honor, I was working full-time
3 but we had finished the houses that -- that we had
4 constructed.

5 THE COURT: Is the job you're in now a transitional
6 job?

7 MR. ADRIANZEN: Yes, Your Honor.

8 THE COURT: All right. Well, when you get a new job
9 if it -- please update your financial disclosure but there --
10 the -- the Court must apply the formula for the child support
11 based on this temporary order. We use 220 as the number and
12 if circumstances change, we'll adjust it if necessary. If you
13 provide Mr. Estrange with the information concerning the cost
14 of medical insurance that you provide for the child, and Mr.
15 Toti, you'll either work that out or it'll be presented to the
16 court as to whether an adjustment is warranted.

17 MR. TOTI: Yes, Judge.

18 THE COURT: All right. Thank you.

19 MR. ESTRANGE: Thank you, Your Honor.

20 THE COURT: We'll say this payment is due on -- I
21 assume he hasn't paid anything for March. Right?

22 MR. TOTI: He hasn't paid any yet.

23 THE COURT: We'll say that the first payment
24 pursuant to this order is be forthwith and the payments will

1 be due on the 15th. So there should be a payment now and
2 another payment on the 15th.

3 MR. TOTI: Thank you, Judge.

4 (PROCEEDINGS CONCLUDED AT 11:32:39)

5 * * * * *

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

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Adrian Medrano

Adrian N. Medrano

1 TRANS

FILED

SEP 23 2014

Alvin L. Johnson
CLERK OF COURT

COPY

5 EIGHTH JUDICIAL DISTRICT COURT
6 FAMILY DIVISION
7 CLARK COUNTY, NEVADA

9 KEVIN DANIEL ADRIANZEN,)

10 Plaintiff,)

CASE NO. D-13-489542-D

11 vs.)

DEPT. H

12 PAIGE ELIZABETH PETIT,)

13 Defendant.)

14 IN THE MATTER OF THE)
15 PETITION FOR CHANGE)
16 OF NAME BY:)

CASE NO. D-13-489540-N

16 KEVIN DANIEL)
17 ADRIANZEN,)

DEPT. H

18 Petitioner.)

19
20 BEFORE THE HONORABLE T. ARTHUR RITCHIE, JR.
DISTRICT COURT JUDGE

21 TRANSCRIPT RE: EVIDENTIARY HEARING

22 TUESDAY, JUNE 10, 2014

1 APPEARANCES:

2 The Plaintiff:
3 For the Plaintiff:

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MICHAEL ESTRANGE, ESQ.
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Las Vegas, Nevada 89101
(702) 456-4357

4
5 The Defendant:
6 For the Defendant:

PAIGE ELIZABETH PETIT
FRANK TOTI, ESQ.
6900 Westcliff Dr., #500
Las Vegas, Nevada 89145
(702) 364-1604

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TUESDAY, JUNE 10, 2014

PLAINTIFF'S WITNESSES

(None)

-- -- -- --

DEFENDANT'S WITNESSES

PAIGE PETIT

05 35 51 57

KEVIN ADRIANZEN

59 61 -- --

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I N D E X O F E X H I B I T S

ADMITTED

TUESDAY, JUNE 10, 2014

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3 - Bank Statements 46

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DEFENDANT'S EXHIBITS:

(None)

* * * * *

1 LAS VEGAS, NEVADA

TUESDAY, JUNE 10, 2014

2 PROCEEDINGS

3 (THE PROCEEDINGS BEGAN AT 03:11:09)

4 THE CLERK: You do solemnly swear the testimony
5 you're about to give in this action shall be the truth, the
6 whole truth, and nothing but the truth, so help you God?

7 THE WITNESS: Yes.

8 THE CLERK: You may be seated.

9 THE COURT: Whenever you're ready, Mr. Toti.

10 MR. TOTI: Thank you, Judge.

11 PAIGE PETIT

12 called as a witness on her own behalf and being first duly
13 sworn, testified as follows on:

14 DIRECT EXAMINATION

15 BY MR. TOTI:

16 Q State your name for the record, ma'am.

17 A Paige Elizabeth Petit.

18 Q And you are the Defendant in this action?

19 A Yes.

20 MR. TOTI: Oh, and Judge, I do apologize. I know
21 that it's -- it's Plaintiff's case obviously, it's just that
22 when he testified, there wasn't anything regarding grounds for
23 divorce, anything of that nature.

24 THE COURT: You can establish it for her

1 counterclaim. I -- I -- incompatibility is pretty broad
2 concept and I think I can make a finding on his testimony
3 about it (indiscernible).

4 MR. TOTI: Thank you, Judge.

5 THE COURT: I -- I -- you can ask your client
6 whether or not she's asking for a dissolution of the marriage,
7 and it seems obvious --

8 MR. TOTI: Thank you, Judge.

9 THE COURT: -- but that's fine.

10 BY MR. TOTI:

11 Q You're the Defendant in this action, correct?

12 A Yes.

13 Q And you received a complaint for divorce from the
14 Plaintiff who is seated to my right, is that
15 correct?

16 A Yes.

17 Q And can you state the Plaintiff's name for the
18 record?

19 A Kevin Daniel Adrianzen.

20 Q Okay. And he is currently your husband?

21 A Yes.

22 Q And you filed a answer and a counterclaim for
23 divorce in this action, is that correct?

24 A Yes.

1 Q Okay. And is it your desire to be divorced?
2 A Yes.
3 Q Is it true and correct that your likes -- yours,
4 meaning your and the Plaintiff's -- likes, dislikes, passions
5 and interests have become so diverted that it's no longer
6 possible for you to remain husband and wife?
7 A Yes.
8 Q Okay. And that you currently live apart, correct?
9 A Yes.
10 Q It's true that the two of you are incompatible,
11 correct?
12 A Yes.
13 Q There's no possibility of a reconciliation at this
14 time?
15 A No.
16 Q Okay. You're not currently pregnant, are you?
17 A No.
18 Q Okay. And you did not take the Plaintiff's last
19 name, is that correct?
20 A No.
21 Q And you desire your name to remain what it currently
22 is, is that correct?
23 A Okay.
24 Q There are no properties or debts to divide in this

1 matter, is that correct?

2 A No.

3 Q You would just prefer that you keep everything in
4 your possession and the Plaintiff keep everything in his
5 possession?

6 A Yes.

7 Q Okay. And as far as debts, if there are any debts,
8 you would keep all debts in your name and the Plaintiff would
9 keep all debts in his name?

10 A Except for the childbirth, yes.

11 Q Okay. Which we pled in the paperwork, correct?

12 A Yes.

13 THE COURT: The -- is Medicaid covering the child or
14 is there insurance?

15 MR. TOTI: Is it Check Up? I think it's Nevada
16 Check Up.

17 THE COURT: Are there non-covered expenses that are
18 out there somewhere?

19 MR. TOTI: There are, Judge.

20 THE COURT: Have they been documented and described
21 in the decree?

22 MR. TOTI: Yes, Judge.

23 THE COURT: All right. Good. They would be shared
24 obligations for the parties.

1 MR. TOTI: Thank you, Judge.
2 BY MR. TOTI:
3 Q Neither party is seeking any type of alimony or
4 spousal support in this matter, is that correct?
5 A Yes.
6 Q Okay. And each party will be responsible for their
7 own fees, is that correct?
8 A Okay.
9 Q Now, Paige, what is your date of birth?
10 A November 30th, 1993.
11 Q So how old are you right now?
12 A Twenty.
13 Q Okay. And how old were you when you and the
14 Plaintiff got married?
15 A Nineteen.
16 Q Okay. And how old were you when Ryder was born?
17 A Nineteen.
18 Q And Ryder was born on --
19 A September 22nd, 2013.
20 Q Okay. Now, you and the Plaintiff were not living
21 together at the time the child was born, correct?
22 A No.
23 Q Did you and the Plaintiff ever live together?
24 A No.

1 Q Describe your and his relationship and give the
2 Court a little bit of background as far as how and when you
3 met and how you came to become married.

4 A We met in high school and then we didn't talk a few
5 years after. In 2012 we started talking again and we were
6 going out and then on -- and that was in October of 2012. And
7 then on April 19th, 2013 we got married, and that was for sole
8 purpose of getting insurance through his military for myself
9 and our son. And after that he failed to do so and still has
10 not provided any insurance.

11 Q Okay.

12 A And after we got married he came back from his
13 military camp he was at and things just got downhill. We
14 weren't together, we didn't see each other. And then that --
15 that's basically it.

16 Q Okay. And Ryder's birth, the term normal is -- will
17 be used as loosely as possible. Was it a normal childbirth?

18 A Yes. There was some complications to where I had to
19 go into a C-section, but other than that, it was pretty
20 normal.

21 Q Okay. And how long after Ryder's birth was Ryder
22 released from the hospital?

23 A Ten days.

24 Q Okay. So he stayed in the hospital 10 days after

1 his birth?

2 A Yes.

3 Q Okay. Is it your understanding that that is normal?

4 A No.

5 Q Okay. Why did he stay in the hospital for 10 days?

6 A When he was inside of my stomach still he had gone
7 to the bathroom and he ended up swallowing some, so after he
8 had to get admitted into the NICU just to be under
9 surveillance for that.

10 Q Were you in the hospital at that period of time as
11 well?

12 A I was for about four day -- four to five days after
13 because I had a C-section and I had to stay there. And then
14 afterwards I went back every single day to see him in the
15 hospital.

16 Q Okay. And were you and Kevin communicating at this
17 time?

18 A Yes.

19 Q Okay. And was Kevin there as well?

20 A For most of the days, yes.

21 Q Okay. All right. And then it came time for you to
22 finally take Ryder home from the hospital, which was when?

23 A October 2nd --

24 Q Okay.

1 A -- 2013.

2 Q All right. And was Kevin with you when you took the
3 child home from the hospital?

4 A No.

5 Q Okay. When was the first time after you took Ryder
6 home from the hospital that you contacted Kevin?

7 A I had actually contacted him when I was at my house
8 with Ryder saying he should be here, he's the father, it
9 doesn't matter who else is around. And he denied to come
10 over.

11 Q That was that day? The day you brought Ryder home?

12 A Yes.

13 Q Okay. So you asked Kevin to come over that day and
14 he said no?

15 A Yes.

16 Q Okay. When did Kevin finally come to the home to
17 see Ryder?

18 A To the best of my knowledge it was maybe the next
19 day or two days after he was home.

20 Q Okay. All right. And so we're talking about
21 October 4th or 5th maybe?

22 A Yes.

23 Q And we have heard a lot of testimony so far about
24 the incident that occurred on October 17th, but to the best of

1 your recollection, how many times between October 4th or 5th
2 and October 17th did Kevin have contact with the child?

3 A He came over probably five days. Around five days.

4 Q Okay. And so five occasions or did he ever come by

5 --

6 A Five occasions.

7 Q Okay. So there was never more than one visit a day?

8 A No.

9 Q Five different times between the either the 4th and
10 5th of October and October 17th he came by the house.

11 A Yes.

12 Q Was there an average amount of time that he spent?

13 A It varied from when he decided -- when he woke up
14 and decided to come over to when he decided to leave
15 willingly.

16 Q What's the longest he ever stayed, to your
17 recollection?

18 A Probably around six hours I would say.

19 Q Okay. What's the shortest duration he ever stayed?

20 A He stayed -- the shortest that I recall is an hour.

21 Q And I believe that there was testimony that on one
22 occasion he took the child out of the home.

23 A Yes.

24 Q When was that?

1 A That was -- to the best of my knowledge, it was
2 October 7th.

3 Q Okay. How did that go?

4 A We both agreed that he could go over to his -- he
5 could take him to his parents' house so they can see him, but
6 I was not allowed in the home because everyone did not like
7 me. So because I was still exclusively breast feeding Ryder,
8 and I was breast feeding him every 30 minutes or so, I just --
9 I told him I would sit outside in my car to breast feed him in
10 case he was hungry. And Kevin agreed that that was the best
11 thing for Ryder, so we both agreed to that. And then I sat
12 outside in the hot car for three hours. And then when it came
13 time for Kevin to bring him back out, he had called me and
14 asked if he could take Ryder again that week for another
15 visit, and I said we can talk about it, that's fine, we can
16 talk about possibilities. And at that point he didn't like
17 that I would not commit to it and he said something along the
18 lines of I don't have to bring him back out to you right now
19 and then he hung up. And then when it was I believe 3:30, the
20 time that we agreed, he brought him back out. And then when I
21 got to my residence and I was taking Ryder out of his car seat
22 I had found that he threw up a bunch of formula that Kevin fed
23 him, even though we both agreed that he needed to be breast
24 fed.

1 Q Okay. And so just so I'm clear, the only time that
2 Kevin had the child at his residence prior to the October 17th
3 incident, he wouldn't let you in the house. Is that your
4 testimony? You weren't allowed inside.

5 A I was not allowed inside at their residence.

6 Q Okay. At the October 17th incident, what was your
7 understanding of what was going to happen that day?

8 A That Kevin would come over to see Ryder when I got
9 home, and I was fine with that. I said I'll be home in 20
10 minutes, you can come on over and see him. And he was like,
11 okay, I'll be waiting for you.

12 Q Was it your understanding that Kevin would be
13 leaving with the child?

14 A No. When -- when I got out of the car I had noticed
15 that his car was still running, his lights were still on, his
16 headlights were still on, and I thought that was awfully
17 strange if you were going to just come and visit him. So I
18 figured, okay, he might -- he might just say hi to him and
19 then leave. And so he came up and he said can I see him. And
20 I was like, let's go inside the house, it's cold, you don't
21 need to hold him out here. And he was demanding that he would
22 -- to hold Ryder outside. And I said, okay, well, let's just
23 go in the garage at least to get out of the cold a little bit.
24 And at that point I handed Ryder over to Kevin, believing that

1 we were going to go inside for his -- to -- for Kevin to have
2 time with him, and then that is where Kevin said to me, you
3 don't -- said something along the lines of you -- you don't
4 tell me what to do, I can do what I want. And then that's
5 where he proceeded to walk away with Ryder.

6 Q And what did you do as a result?

7 A I was trying to step in front of him saying can I
8 please have him back, you can't just take him, he's hungry.
9 And Kevin proceeded to go down the driveway, he pushed me out
10 of his way, he just basically was not taking no for an answer.
11 And then at some point we got into like a -- the -- a side of
12 my garage, like in a corner, and that's where I was able to
13 get a hold of Ryder. And Kevin just would not let go. I was
14 telling him, you know, he's hurting, you're hurting Ryder,
15 he's crying, he's hungry, please just let him go. And Kevin
16 was just yelling back, no, he's my son too and I'm not going
17 to let go of him. And then that's where I started calling for
18 help, realizing that he was not going to give Ryder over and
19 he was going to take him. And that's when my mother came out
20 and tried to help me --

21 Q Okay.

22 A -- and was able to get him and take him inside.

23 Q Okay. Did you call the police?

24 A I did not. My brother actually did at the

1 beginning.

2 Q Okay.

3 A So he did.

4 Q Okay. After that incident -- again, October 17th,
5 2013, we established that Kevin filed subsequently for this
6 action in late December of 2013 -- did he contact you at any
7 time between October 17th and late December of 2013?

8 A He contacted me multiple times, a few of them -- I'm
9 going to say around -- about maybe five or less times. It was
10 about Ryder and to see him. I always said you're able to come
11 over any time, you have an open invitation to come to the
12 house to see him, and he did not like that. It was no, I need
13 to take him to my house. And when -- on the other occasions
14 when we did talk, it was just small talk between me and him.
15 He would rarely ask how is Ryder, like what is he doing, and I
16 just thought that was so strange if he wants to spend time
17 with him, but he's not even asking how he's really doing.

18 Q And again, just so I'm clear, you indicated to Kevin
19 that there was an open-ended invitation for him to come and
20 see the child but between October 17th and December, late
21 December 2013 he didn't come.

22 A Yes.

23 Q Okay. And I believe Kevin also testified that after
24 papers were filed and before the February hearing he also

1 contacted you in an effort to see Ryder. Is that a true
2 statement?

3 A No.

4 Q Okay. Prior to coming to court in February of 2014,
5 when was the last time you had contact with Kevin?

6 A It was probably January, I would say.

7 Q Okay. And was he asking to see Ryder at that time?

8 A To the best of my knowledge, no. It was about
9 court.

10 Q Okay. You weren't present at the visits between
11 Kevin and Ryder at Donna's house, correct?

12 A No.

13 Q Okay. But you were obviously present at the
14 visitation that the Court ordered occur in your residence,
15 correct?

16 A Yes.

17 Q Okay. Now Kevin testified to a lot of the
18 surrounding circumstances regarding that visit, but the Court
19 indicated that the Court wanted you to get comfortable with
20 Kevin and the child together and he want -- and the Court
21 wanted you to see that interaction. Having seen that
22 interaction, what can you report to the Court as far as
23 Kevin's parenting abilities with the child?

24 A When the supervised visit happened he basically did

1 not know how to handle Ryder when he was upset. He had asked
2 his mom to hold him and I found that not so productive on his
3 part because it -- again, it's for me to feel comfortable with
4 Kevin to take -- care for him, and he's not taking the
5 responsibility to do that at that time. He's relying on other
6 people. And from there on, at the second visit, he handled --
7 he cared for him for the most part. Again, he had asked me to
8 hold Ryder to calm him down a few times. And then after, I
9 don't -- I have not seen Kevin with Ryder except for those two
10 visits. And from what I've seen with just the pickup and
11 drop-off --

12 Q Well, we'll get to that in a second.

13 A Okay.

14 Q I want to do this chronologically. So any other
15 incidents or issues that you feel is important for the Court
16 to know about during those two occasions where you actually
17 supervised and watched Kevin interact with the child?

18 A For the first visit that the Court ordered, when I
19 had stated to his mother, you know, I would prefer if Kevin
20 were to care for him, his mom did not like that I said
21 something to her and she kind of just snapped from there, I
22 guess you could say. She -- she told me, you know, I'm just
23 there to sit, I don't have an input and my opinions don't
24 really matter right now. And I tried to tell her, you know,

1 this is a visit for myself to get comfortable with Kevin to
2 care for Ryder and I don't think she quite understood that.
3 And -- and during that Ryder was just crying the entire time
4 in her arms. And eventually Kevin took Ryder back and then
5 his mother kept going on, insulting me and -- but after she
6 insults me, it's when my dad sort of stepped in and said, hey,
7 that's enough, we just need to calm down, you don't need to do
8 that. And then is mom snapped at my father and told him some
9 things that shouldn't have been said and was pointing her
10 finger in his face. And my dad said, no, like you can't say
11 that to me, that's not appropriate. And then Kevin stepped in
12 and started arguing with my father. And during this Ryder's
13 just crying. I'm telling them he's crying, just stop
14 fighting, it's not healthy. And I was telling Kevin, you need
15 to -- if you're not going to get up and take Ryder out of this
16 situation, at least hand him to me so I can get him away and
17 you can follow me so he's not around all the fighting. And
18 then during all that myself and my father especially just felt
19 violated in our own home. And that's when we were thinking,
20 okay, the police needs to get called, something needs to
21 happen because they were just being completely hostile in
22 front of Ryder and just not respecting that it was Kevin's
23 time to care for Ryder and for me to watch him.

24 Q Okay. And if there is anything that you've noticed

1 or that can be gleaned from just the pickups and the -- and
2 drop-offs that have happened since then, what would that be,
3 if anything?

4 A At the very beginning, when he would come to pick
5 them up, I would tell him sort of his schedule for what I had
6 him, like he just ate or he's going to need a nap over there,
7 or you will need to feed him. And Kevin did not like that I
8 was telling him any of that information. He would just ignore
9 me. He -- he didn't want to hear it basically. And so at one
10 point I -- he wouldn't listen so I just decided I just should
11 stop telling him because every time I would tell him it just
12 became a hostile argument between us. And also there's been
13 many times where he has just degraded me in front of Ryder and
14 flipped me off in front of him. He has sped down the street
15 after -- after dropping him off. He's even drove backwards
16 down the street and flipped his car around and was swerving
17 down the street. And he almost lost control one time. And
18 that just concerns me because what if Ryder was in the car.
19 And just recently, I would say about two weeks ago maybe,
20 Ryder was in the car when he was picking him up and he drove -
21 - he sped ov -- he was driving over the speed limit backwards
22 and then continued to flip his car straight down the street
23 and drove on the wrong side of the road with Ryder in the car.
24 And that completely just freaked me out.

1 Q Okay. And I guess towards the issue of his driving
2 abilities and anger in that regard, were there any occasions
3 wherein you were in the car with Kevin and he demonstrated
4 poor driving judgment?

5 A Yes. Before and after Ryder was born there were, as
6 I recall, four major road rage incidents with him. Two of
7 them included a gun. And the very first one -- all of them
8 actually happened when somebody cut him off. And he -- he was
9 just -- he -- he flips very easily, so he -- his anger just
10 immediately turned on and he continued -- on one of them he
11 continued to chase the car down and he pulled his gun out and
12 was just waving it to verify to them that I have this, you
13 know, like what are you doing, watch out type of thing. And -
14 -

15 Q And you were in the vehicle?

16 A Yes. I was in the passenger seat. And then he sped
17 in front of them and just completely brake checked them to
18 where the other car had to swerve to the side of the road to
19 stop from hitting us. And during all this, like I was just
20 completely scared for my life. And he just continued to race
21 off.

22 And then on a second road rage incident, we were
23 just leaving a parking lot and a car came in rather fast and
24 cut him off in the lane and Kevin got out of his car, just

1 nagging at the other driver, trying to pick a fight.

2 And for the third one, he -- somebody cut him off at
3 night. We were going back to Kevin's parents' house at the
4 time. And they cut him off and Kevin continued to chase them
5 down to where we got into a -- where we landed in front of a
6 community center where there's a divider and they parked in
7 the divider area. Kevin got out and the other driver also got
8 out. Kevin and them were just arguing, trying to pick a
9 fight. And Kevin had pulled his gun out and pointed it at the
10 other driver, acting like he was going to shoot him. And he -
11 - I told him, you know, get back in the car, come on, this
12 isn't necessary. And at one point he got in my face and just
13 like stop, you know, just leave it alone.

14 And then for -- there was another road rage incident
15 but I can't recall what really happened. It involved somebody
16 cutting him off though.

17 Q Okay. Now since the visitations have occurred,
18 Kevin testified that he sent you messages regarding the
19 scratches and bruises on Ryder. Is that a correct statement?

20 A No.

21 Q What -- what has occurred, or could you please
22 explain to the Court the scratches and bruises in the photos
23 depicted that were provided by Plaintiff.

24 A The only scratches that he brought up to me were the

1 ones on his heels. And when he asked I con -- I told him it
2 was most likely, probably from stroller. And he just -- he
3 didn't accept that as a reason, so that's why he believes that
4 something else occurred. And for all of the other bumps and
5 scratches, he has not asked me how he's gotten them, hasn't
6 brought them up to me at all. And with our son, he just
7 started crawling around, so he run -- he just goes everywhere
8 and he -- a lot of the -- all of his scratches he's actually
9 inflicted on himself when he's playing. I wake up -- I wake
10 up in the morning to see him, that he's scratched his face in
11 the middle of the night. It's -- it's nothing that a child
12 that age -- it's something that just -- that occurs when a
13 baby is that small.

14 Q Has any scratch or bruise on Ryder caused you to
15 take Ryder to get emergency medical attention or anything of
16 that nature?

17 A No.

18 Q Okay. Talk to me about the weight issue that Kevin
19 is talking about. Have you had any communications with
20 anybody regarding the weight issue?

21 A Yes.

22 Q What is that?

23 A I take him to his doctor and after he was born he
24 was -- he was at a good weight, and then after the doctor had

1 just notice he was on the lower percentile of the average --
2 like the scale that they use. And the pediatrician just said
3 his feedings are completely fine. There's nothing that really
4 can be done with him, it's just genetics because of the way
5 mine and Kevin's bodies are, it's -- we're -- we're on the
6 thinner side, so it's just his genetics that make him a
7 smaller child. And the pediatrician has no concern to the
8 fact of he needs to go to the emergency room or hospital. And
9 he just -- he doesn't have an over -- he doesn't have concern
10 for the weight.

11 Q Kevin had testified that he had, Kevin, has issue
12 with you feeding the child a prescribed amount of food per
13 sitting. Have you been advised by anybody to cease doing
14 that?

15 A Ryder's pediatrician.

16 Q What did Ryder's pediatrician say?

17 A So up until he was four months I could regularly
18 breast feed him as much as Ryder desired. And then at four
19 months is when the pediatrician said, okay, we can go ahead
20 and start him on solids, which would be baby cereal at the
21 time. And he advised me to do that once a day and do that for
22 about two weeks, try it out, see if he likes it. And then
23 afterwards I could go ahead and move on to two meals a day,
24 which one could be solids, the other could be vegetables at

1 the time. And so that's what I had did. And when I had told
2 Kevin, you know, he -- the doctor said he only gets two meals
3 a day, he doesn't need more right now because he's still
4 nursing and breast feeding. Kevin took it upon himself to
5 just go ahead and give him -- give our son whatever food he
6 desired that Kevin wanted to give him, even though the
7 pediatrician had also stated to me our son will need a three
8 to four day grace period to -- before introducing a new food.
9 And I had tried telling Kevin that. He didn't listen. When I
10 tried telling him again and he ignored me. He did not care
11 that he would not have him for that amount of time to give him
12 the food those certain days. And when I had asked him, you
13 know, what -- what did he have to eat today so I would be able
14 to give it to him again so we could make sure no allergies
15 come up or he's not allergic to them, he would not tell me
16 what he would feed him.

17 Q Okay. So just so I'm clear, it's your testimony
18 that you did explain to him that the pediatrician put
19 parameters on the amount of food the child was to eat and how
20 he was to eat it and Kevin ignored that.

21 A Yes.

22 Q Now Kevin had testified that he is residing with his
23 parents. Is that your understanding?

24 A Yes, that he has testified to that.

1 Q Okay. Well, I had also asked him questions about
2 another address that appeared on his driver's license, is that
3 correct?

4 A Yes.

5 Q Okay. Do you know whose address that -- whose
6 residence that is?

7 A Yes.

8 Q Who is it? Whose --

9 A It is his current girlfriend's.

10 Q Okay. To your knowledge, if you know, is he
11 residing at both residences, just at his mom's, or just at the
12 other?

13 A To my knowledge, I'm not a hundred percent sure, but
14 from the amount of times he has been kicked out of his
15 parents' residence, it would not surprise me that he has lived
16 -- that he has been living at the other residence on his
17 driver's license.

18 Q Okay. Accepting for the time being Kevin at his
19 word indicating that he's living currently with his parents,
20 who is, to your knowledge, in the home at his parents' house?

21 A It is both of his parents, so his mother, his
22 stepdad, Kevin, Kevin's younger brother, Kevin's older sister,
23 and then a third-party tenant that is renting.

24 Q Have you ever met that third-party tenant?

1 A It -- I have not, the one that is currently in
2 there. I have seen the previous --

3 Q Okay.

4 A -- woman that was living there --

5 Q All right.

6 A -- come into the house and ask for a meal.

7 Q Okay. But the previous one is obviously previous
8 and no longer there.

9 A Yes.

10 Q The current one, you don't know who they are.

11 A No.

12 Q If Kevin were to receive visitation with Ryder for
13 an extended period of time, more than he has now, are there
14 accommodations for Ryder in the residence to your knowledge?

15 A Yes.

16 Q Okay. So your only concern is with regard to the
17 unknown tenant?

18 A No, I also have a few concerns with the environment
19 of his parent's residence, such as Kevin has told me before
20 that himself and his stepfather have gotten into a physical
21 altercation before and I've seen multiple times where when I
22 was there with Kevin, him and his mother or his stepfather get
23 into hostile arguments to where they're just going at each
24 other and cussing at each other and his mother threatening to

1 kick him out.

2 Q And you testified that he's been kicked out several
3 times before?

4 A Yes.

5 Q How many times, to your knowledge?

6 A To my knowledge, at least a dozen. I know that it
7 started from when he was in high school.

8 Q Okay. And are you concerned that possibly Ryder
9 could be there when Kevin is asked to leave?

10 A Yes.

11 Q In light of that -- no, strike that. Are there any
12 other concerns that you have regarding Kevin's ability to
13 parent that you would want to share with the Court?

14 A When -- just for his visits that has -- for his un -
15 - after his unsupervised visits, I noticed that he was come --
16 that our son was coming back with a rather full diaper. And
17 I've cared for him the last eight and a half months, so I'm
18 able to kind of know what a full -- how -- how long he has
19 been in a diaper for. And with that suspicion, I started
20 marking our son's diapers. And for the last few weeks, he --
21 there was a time for two -- for the amount of two weeks, for
22 those visits within the two weeks, he did not change his
23 diaper once. And that worries me because I change him so
24 frequently because he does get rashes rather quickly.

1 And also, I've noticed when he comes -- when our son
2 comes back he has marks on his legs that indicate -- our son's
3 car seat is -- he's not being strapped in properly and that
4 just worries me. What if he gets in an accident. Also, I had
5 asked Kevin, you know, you should put the car seat in the
6 middle of his backseat since it's on the left side, behind the
7 driver's side, because of the fact that it is the safest part.
8 He -- he did not -- he just does not want to do that. It's
9 more convenient for him to have it on the side instead of
10 having to move it again.

11 And just his overall anger and lack of coparenting
12 with me when trying to discuss things with Ryder, such as, you
13 know, what did he eat, something simple. And I had actually
14 suggested, you know, a notebook, so we can write it down, so
15 we don't even have to communicate with each other, if that's
16 not what he really wants. And he also denied to do that, even
17 though it would be in Ryder's best interest, so each parent
18 would be able to kind of know what Ryder needs when he's with
19 them on their time.

20 Also, just his lack of knowledge or wanting to
21 understand how to care for an infant that small. He doesn't -
22 - he won't go above and beyond on certain things to make sure
23 Ryder is comfortable, such as trying to calm him down. I've
24 suggested many times to Kevin, you know, get up, walk around

1 with him, he likes that. And Kevin, I won't do that, I'm not
2 going to do that, he can just cry. And just he's not overly
3 concerned with his health because he doesn't -- he gives Ryder
4 whatever he wants, even though he could potentially be
5 allergic to it. And gives him juices, even though it's
6 preferably, to the best interest of the baby, that they don't
7 get any at least until they're older, just because of all the
8 sugars in it.

9 And just his anger is what really worries me a lot
10 when he's with -- when Ryder is in his care. I worry that
11 he's just going to get so angry at Ryder and just not take
12 care of him properly. I mean, I've witnessed twice on both of
13 the supervised visits where he kind of gets ad -- like
14 irritated at Ryder, so -- so to speak. That he can't get him
15 to stop crying. And one of the visits that happened at Town
16 Square, he actually held Ryder up like this, like we're
17 talking right now, and he said, hey, calm down, in a rather --
18 in a tone of stop now, like you're irritating me --

19 Q Okay.

20 A -- so to speak.

21 Q So it's safe to say that you believe that is some
22 anger issues on Kevin's side?

23 A Yes.

24 Q What do you propose, if anything, to address those?

1 A I suggest that he goes to some type of anger
2 management class to kind of control his emotions, because
3 clearly he's proven that he can't on multiple times.

4 Q Now specifically with regard to raising the child,
5 prior to Ryder's birth or subsequent to Ryder's birth, did you
6 take any parenting classes?

7 A Yes, I did when I was actually pregnant. I took
8 multiple classes. I took a breast feeding class to make sure
9 I'm able to feed him properly. I took a class for like when
10 I'm labor and giving birth and how to care for the child after
11 that. And just overall infant care class, like a baby class.

12 Q Okay. To your knowledge, had Kevin taken any such
13 classes?

14 A No.

15 Q Okay. Now in light of all of the above -- strike
16 that. Currently Kevin has two four hour blocks of time a
17 week, is that correct?

18 A It's two days he has three hours each, and then it's
19 about an hour and a half during the middle of the week.

20 Q Okay. And in your opinion, what is in Ryder's best
21 interest as far as Kevin's visitation going forward?

22 A Going forward, I suggest that he take some type of
23 basic parenting class, just to get knowledge of how to care
24 for a baby as small as our son is. And also a type of par --

1 anger management class to control his emotions, just so he
2 doesn't accidentally flip out when Ryder's in his care.

3 Q Okay. And as far as a schedule, what would you --
4 what would you think would be best?

5 A Seeing if his time does extend, to have him take
6 both of those classes, going to them and successfully doing
7 them, it can increase to, say, a two -- two days have a six to
8 eight hour time period and then do that for awhile. And then
9 by the time he's one, eventually get overnights in.

10 Q Okay. And do you think that you'll be able to
11 cooperate and communicate with Kevin to ensure that those
12 visitations occur?

13 A Yes. I've always been willing to cooperate with
14 Kevin, share things about Ryder. He just has a lack of
15 wanting to do so on his end.

16 Q All right. Well, you did testify -- if I remember
17 correctly -- you did testify that after the October 17th
18 incident you did give Kevin an open-ended invitation to see
19 Ryder whenever he wanted.

20 A Yes.

21 Q Okay. And then you testified that -- and I
22 apologize, did you say the notebook would be a good idea or
23 did you actually suggest a notebook to Kevin?

24 A I -- I suggested. I actually brought it out with me

1 and said I wrote down my schedule this morning that I had
2 Ryder, so you should just write out -- write down what he's
3 had when he's in your care and then just bring it back to me
4 so that we don't even have to communicate. It's -- it's
5 really for be -- Ryder's best interest so then we know what
6 his habits will be for that day.

7 Q Okay. All right. And despite these issues you
8 believe that you would be able to -- or strike that. You --
9 and you are still willing to pass a notebook back and forth?

10 A Yes.

11 Q Okay. Kevin also testified that perhaps a mutual
12 location for pickup and drop-off would be best. Do you agree
13 with that?

14 A Yes. Yes.

15 Q Okay. And just for the record, you have no other
16 children, is that correct?

17 A No.

18 Q And to your knowledge, Kevin had no other children,
19 is that correct?

20 A No.

21 MR. TOTI: I have nothing else at this time, Judge.

22 THE COURT: Your witness.

23 MR. ESTRANGE: Thank you, Your Honor.

24 **CROSS EXAMINATION**

1 BY MR. ESTRANGE:

2 Q You had testified regarding that you have belief
3 that there's a tenant living at Kevin's parents' residence, is
4 that correct?

5 A Yes.

6 Q Are you aware of where this tenant lives?

7 A Yes. It is -- yes.

8 Q Where in the residence does he live?

9 A It is in the main garage.

10 Q And isn't it true that the main garage doesn't have
11 access to the house?

12 A No.

13 Q It's not?

14 A No.

15 Q Okay. You had testified earlier that you had never
16 lived with Kevin at his parents' place, is that correct?

17 A Yes.

18 Q Isn't it true that you had lived there on two
19 occasions?

20 A No.

21 Q You were -- you were never kicked out of your
22 parents' residence?

23 A No.

24 Q You didn't live at his place after the baby left

1 NCIU [sic]?
2 A No.
3 Q Okay. Isn't it true that when the child was in the
4 NCIU [sic] that Kevin would change diapers there.
5 A Yes.
6 Q Okay. You had testified regarding communication.
7 Would you communicate with Kevin about upcoming doctors'
8 appointments?
9 A Yes.
10 Q If you would please turn on the Plaintiff's exhibits
11 to number 16, please.
12 A I'm sorry, what number?
13 Q 16. And these were previously admitted. Are you
14 familiar with these?
15 A I do not believe so. Oh, yes. I'm sorry, yes.
16 Q Do you know what -- and what are these?
17 A Our son's medical records.
18 Q If you flip to the back, and bear with me, it would
19 be -- let's start with the third page from the back of the
20 exhibit. And it should say DOS of 10/9/2013. Do you see
21 that, ma'am?
22 A 10/09?
23 Q 10/9 of '13.
24 A Yes.

1 Q Did you tell Kevin about this appointment?
2 A Yes.
3 Q How did you tell Kevin about this appointment?
4 A I had told him he has a doctor's appointment so just
5 be able to go.
6 Q And what did he say?
7 A He said okay he'll come.
8 Q Okay. Let's flip ahead to the next page. There's
9 an appointment for 10/22/13. Did you tell Kevin about this
10 appointment?
11 A He was there when the appointment was made, so he
12 was aware that the doctor's appointment was happening.
13 Q And did he go to that appointment?
14 A No.
15 Q Okay. Flip ahead. The next one is dated 1/3 of
16 '14.
17 MR. TOTI: Counsel, just so we're clear, when you
18 say flip ahead --
19 MR. ESTRANGE: Oh, I'm sorry.
20 MR. TOTI: -- you mean flip back, right?
21 MR. ESTRANGE: Well, it's forward, yes.
22 MR. TOTI: This way. That way.
23 MR. ESTRANGE: That way. My bad.
24 MR. TOTI: I still read left to right. I don't flip

1 ahead.

2 MR. ESTRANGE: Okay. Okay. Forward reverse
3 (indiscernible).

4 MR. TOTI: That's what I'm saying. I'm just making
5 sure --

6 MR. ESTRANGE: My bad.

7 MR. TOTI: -- we're on the same page.

8 BY MR. ESTRANGE:

9 Q On the 1/3 of '14 appointment, did you tell Kevin
10 about that appointment? It should be -- it's --

11 A No.

12 Q I'm sorry?

13 A I did not.

14 Q You did not. Okay. If we move two pages --

15 MR. ESTRANGE: What would it be, to the left then?
16 Does work?

17 MR. TOTI: Yes.

18 MR. ESTRANGE: All right. Thank you.

19 Q Two pages to the left, was Kevin on the -- dated
20 4/18 of '14, was Kevin aware of that appointment?

21 A No.

22 Q If we -- if you flip back to the front of the
23 exhibit and then count six pages --

24 MR. ESTRANGE: And I love the dancing around.

1 MR. TOTI: It's all right.

2 Q -- it should say date of service of 1/17/14. Can
3 you find that, ma'am?

4 A What should it say?

5 Q It has a date of service of January 17th of 2014.

6 A Yes. I found it.

7 Q Okay. Down towards the bottom it will say, you
8 know, current and -- and counter results. Can you read that
9 second paragraph out loud to the Court, please?

10 A Per mother -- that one?

11 Q Uh-huh (affirmative).

12 A Per mother she has started supplementing formula
13 after breast feeding in past two weeks. She decreases -- she
14 decreased time breast feeding and child is taking two ounces
15 of formula each time.

16 Q Isn't it true, and when we were in court in March,
17 you had indicated that the child was not on formula at that
18 time?

19 A Yes.

20 Q So then that would be incorrect. The child was on
21 formula at that time.

22 A No.

23 Q So the doctor got it wrong?

24 A No, he had advised me to try formula for two weeks,

1 and after I -- he told me I could go ahead and stop. So he
2 was not on formula at that time.

3 Q You had testified regarding some of the -- the anger
4 issues of my client. Do you recall those?

5 A Yes.

6 Q When did -- the first one regarding pulling a
7 firearm, when did that occur, ma'am?

8 A It was, to the best of my knowledge, it was -- I
9 know that it was in 2013. It --

10 Q Would it be before the birth of Ryder?

11 A Yes.

12 Q Okay. Did you call the police?

13 A No.

14 Q Did you get a temporary protective order?

15 A No.

16 Q Okay. When was the second incident?

17 A It was May -- no, I'm sorry -- April 4th, 2013, I
18 believe.

19 Q Okay. Did you call the police after that incident?

20 A No.

21 Q Did you get a temporary protective order?

22 A No.

23 Q Okay. Do you have any evidence supporting that
24 allegation?

1 A Yes. No, I'm sorry.

2 Q Okay. You had testified regarding my client's

3 driving after leaving your residence. Do you recall that?

4 A Leaving the residence? Yes.

5 Q Leaving your residence.

6 A Yes.

7 Q Isn't it true that your residence is on like a

8 cul-de-sac?

9 A Yes.

10 Q So isn't it true that he would have to back out and

11 turn around to get out?

12 A Not necessarily, no.

13 Q But it is possible?

14 A Yes.

15 Q Okay. You had testified regarding that you weren't

16 allowed in Kevin's parents' residence, is that correct?

17 A Yes.

18 Q Who made that determination?

19 A At first Kevin told me it was his parents, and then

20 he flipped it and said, no, it was my decision.

21 Q Okay.

22 A So I'm not sure who originally said it, but --

23 Q Did you ever volunteer to say, hey, let me to bring

24 Ryder over to his residence?

1 A Yes.

2 Q How many times did you do that?

3 A I would say at least two.

4 Q And he refused both times?

5 A Yes.

6 Q Okay. Did you ever volunteer to say, hey, let's

7 meet in a park then?

8 A No.

9 Q Okay. Isn't it true that my client had asked you a

10 couple times to meet in the park to see the child and give you

11 some money for child support?

12 A Yes to meeting at the park; no to child support.

13 Q And did you respond in the affirmative to that,

14 meeting at the park?

15 A No.

16 Q Why not?

17 A Because at that point Ryder was less than a month

18 old, he should -- he really should be indoors, not outside for

19 a cer -- for long periods of time, and it would just be more

20 comfortable for our son to be indoors because of the fact that

21 he is exclusively breast feeding and he just got out of the

22 NICU.

23 Q After the incident in October 17th, did you file for

24 custody?

1 A No.

2 Q Why didn't you file for custody after that incident?

3 A At first we had no money and I thought he personally
4 was not trying to make an effort to come see him, so --

5 Q Isn't it because of the fact that there wasn't an
6 order so you didn't have to allow visitation?

7 MR. TOTI: Objection, Your Honor. He's asked --

8 THE COURT: The objection is overruled.

9 BY MR. ESTRANGE:

10 A I'm sorry, can you repeat the question?

11 Q I said isn't it true that you didn't file because of
12 the fact there wasn't an order forcing you to let Kevin have
13 visitation?

14 A No.

15 Q Okay. You would agree that one of the duties --
16 you're asking for primary custody, correct?

17 A Yes.

18 Q You would agree that one of the duties is to
19 coparent and foster that relationship.

20 A Yes.

21 Q So that would mean notifying of all medical
22 appointments.

23 A Yes.

24 Q That would mean notifying when the child is sick.

1 A Yes.

2 Q Isn't it true there was an occasion where the child
3 had the cold and you didn't tell Kevin?

4 A No.

5 Q There wasn't?

6 A When Kevin had picked up -- it was a Thursday visit
7 when Kevin picked him up. That entire day and previous days,
8 Ryder was showing no symptoms of having a cold and it was just
9 -- it just so happened that when he was at his visit he all of
10 a sudden had a fever, a cough, a runny nose.

11 Q But isn't it true then you ended up taking the child
12 to the doctor for that illness, correct?

13 A Yes, just to verify it.

14 Q Based off my client advising you that he was ill.

15 A Yes.

16 Q Okay. Did you notify my client on any of the --
17 scratch that. You've heard my client testify regarding the
18 injuries to the minor child and you've seen the pictures.

19 A I have not seen the photos but I've heard his
20 testimony, yes.

21 Q Did you answer his inquiries regarding the cause of
22 each one?

23 A As I said earlier, he has only asked me about the
24 ones on his heels. He has not brought up any other ones. And

1 they -- it's common for babies to have scratches and little
2 bumps when they start crawling around and it's not an uncommon
3 thing and they were not severe.

4 Q Because isn't it true that you babysit a relative?

5 A On occasion, yes.

6 Q So isn't it possible the child could be getting
7 injured by this other child?

8 A No.

9 Q It's not?

10 A It is. I mean, yes, it is --

11 Q Okay.

12 A -- possible.

13 Q So my client could have a concern regarding the
14 treatment of the child while he's in your care, wouldn't that
15 be fair to say?

16 A Yes.

17 Q Okay. So obviously if the child has scratches or
18 bruises then you would obviously need to inform my client of
19 that as soon as possible, wouldn't you agree?

20 A Yes.

21 Q Okay. Do you currently work?

22 A No.

23 Q Okay. Are you looking for employment?

24 A No.

1 Q Okay. Do you -- do you get money from some source?
2 A No.
3 Q You don't? Okay. If you could turn to what's been
4 marked as Plaintiff's Exhibit Number 3. Are you familiar with
5 these?
6 A Yes.
7 Q What are these?
8 A They are my bank account statements.
9 MR. ESTRANGE: Your Honor, I move to have Exhibit 3
10 admitted into evidence.
11 MR. TOTI: No objection, Judge.
12 THE COURT: 3 is admitted.
13 (Plaintiff's Exhibit 3 admitted)
14 BY MR. ESTRANGE:
15 Q Do you see that first page that's dated as statement
16 date February 24th, 2014? It should be the first page.
17 A I'm not seeing the -- oh, Mar -- I'm sorry, what was
18 the date?
19 Q It should say February 24th through March 31st.
20 A Yes.
21 Q If you'd flip to the second page, please. Do you
22 see that entry in -- marked 2/24 of a savings opening deposit?
23 A Yes.
24 Q Would you read out loud to the Court the amount of

1 that?

2 A 1400.

3 Q Where was the source of that funds?

4 A They were mon -- they -- that is money that a family

5 member had previously owed me and so I said go ahead and just

6 give me a check instead. And because I had just opened my

7 bank account, so I would be able to.

8 Q Is there any documentation to substantiate that

9 loan?

10 A There was just a check but nothing else.

11 Q If we flip to -- let's see, one, two -- flip three

12 pages to the statement dated -- bear with me here one second -

13 - should be February 24th through March 7th. It's got a Bates

14 stamp number at the lower right hand corner of -- ending in 5.

15 Do you see that?

16 MR. ESTRANGE: It's super tiny.

17 MR. TOTI: Yes.

18 A On the right?

19 Q Yeah, lower right corner, right almost near the

20 corner. It should --

21 MR. ESTRANGE: How many zeros is that, Frank? Five?

22 MR. TOTI: Yes.

23 Q Five zeros and a five.

24 A Yes.

1 Q If you would flip to the next page, do you see the -
2 - under transaction history from 2/24, a checking open
3 deposit. Can you state to the Court the amount?

4 A The -- on 2/24?

5 Q Yes. It would be the transaction dated 2/24
6 entitled checking opening deposit.

7 A \$200.

8 Q What's the source of that funds?

9 A I do not recall.

10 Q Okay. If we flip to what's entitled -- it ends in
11 the Bate [sic] number of 9, it should be a statement date of
12 March 8th through April 7th.

13 A Yes.

14 Q Down there under activity account it says deposits,
15 additions. Can you state to the Court how much that states?

16 A \$600.

17 Q If we flip to the next page which ends in a Bate
18 [sic] stamp of 10, there's a deposit date from March 19th from
19 a Michelle Bassender (ph). Who's a Michelle Bassender?

20 A She's actually my aunt.

21 Q Okay. And so what -- why was she giving \$300?

22 A That was actually to help out with Ryder.

23 Q Okay. When you do babysit, do you get paid for
24 that?

1 A No.

2 Q You don't?

3 A No.

4 Q Okay. So what's your plan then to support yourself
5 going forward?

6 A Right now I'm a full time student and that is my
7 main focus right now. With -- I have a great support system,
8 such as other relatives and my family, including my parents.
9 And they have also agreed that right now focusing on school
10 and getting some type of degree and bettering the future for
11 myself and our son is important and they have graciously ex --
12 is graciously able to help me out through -- through those
13 times.

14 Q But if they change their mind, it could be a
15 difficult situation for you. Would that be accurate?

16 A Yes.

17 Q Just as if Kevin was kicked out, it would be a
18 difficult situation for him, correct?

19 A Yes.

20 Q Okay. Has Kevin complied with the Court's order in
21 terms of paying you child support since the temporary order
22 was entered?

23 A No.

24 Q He's not?

1 A He has not paid me for May 15th, last month's child
2 support.

3 Q But he's paid the previ -- he's paid the previous
4 two months though?

5 A Yes.

6 Q Okay.

7 (Whispered conversation)

8 Q Did -- has he given you a check for that?

9 A For the first two, yes. For May he --

10 Q But --

11 A -- has not.

12 Q But not for May.

13 A No.

14 Q Okay.

15 (Whispered conversation)

16 Q You had testified that after the October 17th
17 incident you didn't have any contact with Kevin, is that
18 correct?

19 A No.

20 Q It's not?

21 A No. I did have contact with him.

22 Q Okay. How often would you say you had contact with
23 him?

24 A It would just differ. It would be a few weeks, a

1 few days, every day. It just depended.

2 Q Did he ever contact you after filing his complaint
3 and/or his motion?

4 A Yes.

5 Q Did you ever tell him, hey, go talk to my attorney?

6 A No.

7 Q Okay. Did you ever contact him to say, hey, before
8 we go into court let's have some visitation for you with
9 Ryder? Did you ever do that?

10 A No.

11 Q Okay.

12 MR. ESTRANGE: No further questions, Your Honor.

13 THE COURT: Redirect.

14 MR. TOTI: Thank you, Judge. Briefly.

15 **REDIRECT EXAMINATION**

16 BY MR. TOTI:

17 Q Okay. Let's try to clear this up once and for all.
18 If Kevin is residing where he claims to be residing, that's
19 his parents' residence. How big a house is it? How many
20 bedrooms?

21 A From my understanding it's five.

22 Q Five bedroom house.

23 A Yes.

24 Q And it's how many -- in the home are his mother and

1 stepfather.

2 A Uh-huh (affirmative).

3 Q He has two siblings?

4 A Yes.

5 Q And Kevin himself.

6 A Yes.

7 Q And then there's a tenant that resides in the
8 garage.

9 A Yes.

10 Q Is the garage one of the five bedrooms that you're
11 counting?

12 A No.

13 Q Okay. And that garage does have access to the
14 residence?

15 A Yes.

16 Q Okay. And though you met the previous tenant, you
17 haven't met the current tenant.

18 A Yes.

19 Q And is it your understanding that Kevin has his own
20 room at the residence?

21 A No.

22 Q Who does Kevin share a room with?

23 A He had informed me that he was sleeping on the floor
24 in our son's room.

1 Q Okay. So there is a room dedicated for Ryder and
2 Kevin sleeps on the floor of that room.

3 A Yes.

4 Q Okay. Now let's turn to the formula issue. Okay.
5 The medical report that we looked at indicates that there was
6 a period of time in January where the child was taking
7 formula, approximately two ounces, correct?

8 A Yes.

9 Q That was for a two week trial run period? Was that
10 your testimony?

11 A Yes.

12 Q And what happened?

13 A It did not affect his weight. His weight still was
14 the same. So the doctor had come to the conclusion that it's
15 really not about the nutrition from my milk and the nutrition
16 from the formula, that one or the other is better. So he said
17 go ahead and just keep breast feeding then.

18 Q Okay. And you stopped the formula after that.

19 A Yes.

20 Q And you didn't go back to something other than
21 breast milk until the testimony earlier about the cereal,
22 which was not too long ago, correct?

23 A Yes.

24 Q Okay. So when we came before the Court in February

1 and in March of 2014, neither -- on neither of those occasions
2 was Ryder taking formula.

3 A No.

4 Q Okay. As to the issue of your work and your work
5 abilities, you've graduated high school, is that correct?

6 A Yes.

7 Q Okay. Are you currently attending college?

8 A Yes.

9 Q Okay. How many days a week do you go to college?

10 A I'm actually taking online classes, so I'm able to
11 stay at home with Ryder.

12 Q Okay. So you don't actually attend at a classroom,
13 you --

14 A No.

15 Q -- do it all online.

16 A Yes.

17 Q All right. And what is your -- what is your hourly
18 commitment for school as far as the online courses? How many
19 hours a week?

20 A I would say at least -- at least 10 hours a week.

21 Q Okay. And are you striving towards any particular
22 goal? Do you have any job in mind in the future or are you
23 getting general credit at this time?

24 A I'm striving for a goal.

1 Q Okay. What is that?

2 A To hopefully get my associate's degree by the end of
3 -- within some time frame of next year, at the beginning
4 hopefully.

5 Q Okay.

6 A And after having our son, something related to
7 children.

8 Q Pro-children, right?

9 A Yes.

10 Q Okay. And you live at home with your folks.

11 A Yes.

12 Q They support you.

13 A Yes, fully.

14 Q And have you ever had any types of jobs through high
15 school or since Ryder's birth?

16 A I have had two jobs.

17 Q What have you done?

18 A In -- my first job was Charming Charlie, just a
19 retail store. I was just a retail sales associate. And last
20 year a clothing store for younger girls called Justice. I was
21 also a sales associate.

22 Q Okay. And do you recall what your wage was?

23 A At Charming, at my first job, it was 8.25. And then
24 my second job was 8.50.

1 Q Okay. And I apologize if I asked you this. Your
2 parents currently support you, is that correct?
3 A Yes.
4 Q You live at home and you don't pay rent to your
5 parents or anything, do you?
6 A No.
7 Q Okay. Now the Court ordered child support to be
8 paid by Kevin in -- in March of 2014, is that correct?
9 A I believe so, yes.
10 Q Okay. And it's your testimony that Kevin paid for
11 March of 2014 and April of 2014, correct?
12 A Yes.
13 Q He paid the full amount each time?
14 A Yes.
15 Q Okay. But he has not paid anything for May of 2014?
16 A No.
17 Q Has he paid anything for June of 2014?
18 A No.
19 Q Okay.
20 A It's -- no.
21 Q I'm just saying, has he paid anything for June?
22 A Oh, no.
23 Q Okay. And quite obviously Ryder was born in
24 September of 2013. Did Kevin pay anything to you as in for

1 child support between September 22nd, 2013 and March of 2014?

2 A No, nothing.

3 MR. TOTI: Nothing else, Judge.

4 THE COURT: Any recross?

5 MR. ESTRANGE: Briefly.

6 **RECROSS EXAMINATION**

7 BY MR. ESTRANGE:

8 Q Would you turn to what's been marked as Exhibit 17?

9 Are you familiar with what these are?

10 A Yes.

11 Q What are these?

12 A Kevin's March and April child support checks.

13 MR. ESTRANGE: Your Honor, I move to admit Exhibit
14 17 into evidence.

15 MR. TOTI: No objection.

16 THE COURT: 17's admitted.

17 (Plaintiff's Exhibit 17 admitted)

18 THE COURT: What's the point?

19 MR. ESTRANGE: Just to show proof that he paid. I
20 just want to --

21 THE COURT: Well, they've acknowledged that he paid.

22 MR. ESTRANGE: Right.

23 BY MR. ESTRANGE:

24 Q Do you -- in terms of those, you see that when

1 they're dated, did you cash those checks right away?
2 A No.
3 Q How long did you wait until you cashed them?
4 A I do not recall.
5 Q Okay. Was it three months?
6 A I don't recall.
7 Q Why didn't you cash them right away?
8 A I just -- I rarely leave the house and it was just
9 something that I would get to.
10 Q Okay. How many other people live in your parents'
11 residence?
12 A It is my mother, my father, myself, my sister and my
13 brother.
14 Q Do you share a room with Ryder?
15 A Currently, yes.
16 Q And isn't it true that my client shares a room with
17 Ryder currently?
18 A Yes.
19 Q Okay.
20 (Whispered conversation)
21 MR. ESTRANGE: No further questions, Your Honor.
22 MR. TOTI: Nothing else, Judge.
23 THE COURT: Step down, ma'am. All right. Does that
24 include [sic] the evidence portion of the case?

1 MR. TOTI: Judge, I need to recall the Plaintiff for
2 just a moment.

3 THE COURT: I want you to tell me what you're going
4 to ask him.

5 MR. ESTRANGE: I was going to ask him about his
6 child support. I was going to ask him about the anger issues
7 that my client testified to, if it pleased the Court.

8 THE COURT: You know, that's really interesting. I
9 looked at all the papers and pleadings on file, including your
10 filing in January, none of this has ever been alleged prior --

11 MR. TOTI: Yes.

12 THE COURT: -- to these hearings. The -- you got
13 five minutes.

14 MR. TOTI: Thank you, Judge.

15 THE COURT: Come on up, sir.

16 THE BAILIFF: Just have a seat. You're still under
17 oath. Scoot all the way up. Again, the microphone's right
18 here.

19 KEVIN ADRIANZEN

20 previously sworn, called as a witness on behalf of the
21 Defendant, testified as follows on:

22 FURTHER REDIRECT EXAMINATION

23 BY MR. TOTI:

24 Q Sir, you heard my client's testimony of at least

1 three or four incidents wherein she alleged that you had what
2 we would refer to as road ra -- road -- road rage incidents.

3 Is that correct?

4 A Yes.

5 Q Okay. Do you dispute or do you confirm that the
6 incidents that she depicted were accurate?

7 A No, I dispute.

8 Q Okay. What was your version of the events that
9 occurred?

10 A I don't recall them occurring.

11 Q You have no recollection of them occurring?

12 A No.

13 Q Do you have any idea why my client would just say
14 these incidents occurred?

15 A I wouldn't know.

16 Q Okay. My client also testified that you haven't
17 paid child support for May. Is that a correct statement?

18 A No.

19 Q It's not a correct statement?

20 A No, it is not a correct statement.

21 Q When did you pay child support for May?

22 A It was -- I had asked her if I could pay it on
23 Sunday -- yes, on Sunday, and I paid it on Sunday, because it
24 was due on Thursday and I had asked her if I can get leniency

1 to pay it on Sunday because I had forgot to give it to her.

2 Q Sunday. Which day would Sunday be, sir?

3 A I don't know the calendar. I wouldn't know.

4 Q Okay. And do you have any proof or verification
5 that you provided it to her?

6 A Yes.

7 Q What's that?

8 A In my parents' checkbook -- oh, evidence? No.

9 Q Okay. I mean you provided evidence that you paid
10 for March and April, correct?

11 A Yes.

12 Q Why didn't you provide proof that you paid for May?

13 A I didn't -- I don't know.

14 Q You don't know?

15 A No.

16 Q Okay. Okay.

17 MR. TOTI: Nothing else, Judge.

18 THE COURT: Any -- any other questions, Mr. Strange?

19 MR. ESTRANGE: Yes.

20 **CROSS EXAMINATION**

21 BY MR. ESTRANGE:

22 Q Kevin.

23 A Yes.

24 Q For the May payment, how did you pay that? What

1 form? A check?

2 A Check.

3 Q Did you make it out to --

4 A Paige Petit.

5 Q -- her? Did you give it to her?

6 A Yes.

7 Q Do you remember the check number?

8 A I do not remember the check number.

9 Q Let me ask you this. Flip to Exhibit 17. Those are
10 the ones you paid for March and April, correct?

11 A Correct.

12 Q Would it be on the same check for May?

13 A Yes, it would be on the same exact check.

14 Q Okay. And it was for how much?

15 A 220.

16 Q Okay.

17 MR. ESTRANGE: No further questions, Your Honor.

18 THE COURT: Anything else?

19 MR. TOTI: No, Judge.

20 THE COURT: Sir, you can step down. We'll deal with
21 the issue of finances with -- if there is child support from
22 dad to mom, with routing information into a Wells Fargo
23 account.

24 MR. TOTI: Yes, Judge.

1 THE COURT: I mean, you know, that's unsatisfactory
2 to have the parties can't even agree whether they delivered a
3 check or not.

4 The Court will consider the evidence portion of this
5 case closed, documentary proof and the testimony of the
6 parties and dad's and mom's petition for the Court to be able
7 to resolve the matter. Are you ready to do argument to the
8 Court or do you want to set over argument?

9 MR. ESTRANGE: I'll defer to counsel, Judge.

10 THE COURT: You ready to argue the matter to the
11 Court?

12 MR. TOTI: Sure.

13 THE COURT: There's some things that are kind of
14 unsatisfactory as it relates to -- these guys didn't mediate a
15 parenting plan, so the Court is going to be arbitrarily
16 setting a holiday and vacation schedule. The Court has heard
17 testimony and is ready to analyze the best interests
18 considerations that are applicable in this case, and I guess
19 that's what you'll order, is -- or you'll argue. The pickup
20 and drop-off locations, thankfully they apparently live in
21 proximity to one another. That's another thing that's
22 completely something they should -- they should be able to
23 work out. The familial conflict is a real problem for these
24 folks that needs to be corrected. The -- Mr. Strange, I'll

1 hear from you first.

2 MR. ESTRANGE: Thank you, Your Honor. The evidence
3 had shown that my client had made attempts to see the minor
4 child and was unable to do so partly due to the Defendant's
5 unilateral control.

6 THE COURT: Before your argument --

7 MR. ESTRANGE: I'm sorry.

8 THE COURT: -- and I don't mean to interrupt you.
9 One of the things that's on my plate, Mr. Toti, and I'm sure
10 it's an omission, is the Court's consideration to change the
11 name of the child. You never asked your client what her
12 position was concerning that. She had told me at a previous
13 hearing that you represented for her that she named the child.
14 I assume that the names that she selected were important to
15 her and yet the child isn't identified with the paternal side
16 of the family. And so --

17 MR. TOTI: And, Judge, it was --

18 THE COURT: -- either you're going to represent in
19 an argument or you're going to ask her right now what her
20 position is concerning that. It's only fair before I make the
21 order.

22 MR. TOTI: And I do appreciate that, Judge. And
23 what I would -- what I would state to the Court without -- it
24 would have been addressed in my closing, which is that

1 obviously the burden is on the parent seeking to change the
2 surname, and that would be the Plaintiff. We don't think that
3 he set forth a valid reason as to doing it. However, I did
4 ask my client what she preferred and she would indicate that
5 she would, if the hyphenation would the order of the Court,
6 that her name be first and dad's name be second.

7 THE COURT: Thank you very much for that. Mr.
8 Strange, sorry for the interruption.

9 MR. ESTRANGE: It's all right, Your Honor. The
10 evidence had indicated that my client had made attempts to see
11 the minor child prior to filing his action. He had testified
12 regarding the attempts he went through to effectuate
13 visitation and the difficulty with some of the visitation at
14 the Pla -- the Defendant's residence.

15 Additionally, my client has testified regarding the
16 concerns that the evidence has shown out regarding some
17 injuries to the minor child that weren't fully and frankly
18 addressed in a timely manner to my client. The evidence also
19 showed that my client wasn't notified of some of the medical
20 appointments. The Defendant herself admitted that,
21 essentially precluding him from that ability to come and be a
22 participant in those medical proceedings. Additionally, in
23 terms of the name change, my client has met the burden in
24 terms of showing why it's important to not only him but his

1 family in terms of his heritage as to why it would be a
2 hyphenated name as to not only identify with the child but in
3 terms of heritage and culture. So it's not just a whimsical
4 matter that was proposed by my client but something that is of
5 a fundamental interest in terms of his family and his
6 heritage.

7 Certainly the evidence has shown that he's exercised
8 all of his visitation since the Court's issued the temporary
9 order. He's in a stable residence with his family. He's
10 working and he has the ability to provide proper care and
11 concern for the child. And certainly he's shown that it is in
12 the best interest for him to have joint legal and joint
13 physical custody along with obviously, as the Court has
14 indicated, probably moving it to a neutral exchange location.
15 And I would submit at that, Your Honor.

16 MR. TOTI: Judge, you don't have a lot here. It's
17 an extremely short term marriage. The child isn't even a year
18 old. But from the very first question asked of the Plaintiff,
19 the Plaintiff's credibility was at issue. The Plaintiff
20 indicated that he's living at home, despite the fact that his
21 driver's license says a different address. He indicated that
22 that was just some error or oversight. And in fact, a lot of
23 the arguments or a lot of the excuses Plaintiff has in this
24 case is error and oversight. With all due respect, when you

1 have an infant child, errors and oversights are not
2 acceptable.

3 We have credibility issues. Again, the first issue
4 was with regard to where he lives. The second issue was with
5 regard to the scratches and bruises. These were allegedly
6 very serious things that they brought photos to show you of
7 and he testified to the grave concerns that he had. Then the
8 testimony became, well, it really wasn't that big of deal and
9 if I could just get a straight answer from the Defendant
10 regarding what happened it probably would go away.

11 The third issue was the weight issue. Again, at
12 first, big, huge issue. At the end, it actually wasn't an
13 issue at all. In fact mom testified that she explained to the
14 Plaintiff what they should be doing regarding feeding the
15 child solid foods and it was Plaintiff who on his own decided
16 that he would do something different, contrary to the
17 pediatrician's recommendation.

18 Judge, what we have in this case is an indifferent
19 father. We have two very young parents here. But in this
20 case, a light went on or a light went off, whichever way you
21 want to say it, and mom snapped into place. She has, as her
22 own testimony just indicated, she has virtually not left the
23 house since the child was born nearly a year ago. She has put
24 everything else in her life on hold to care for this child.

1 On the Plaintiff's side, Judge, he had a few visits
2 the first couple of weeks after the child came home from the
3 hospital, then the incident occurred on October 17th. After
4 that incident occurred, by Defen -- by Plaintiff's own
5 testimony, he had not -- he has not seen the child for five --
6 nearly five months after that incident. I asked him several
7 different ways what he tried to do to see the child during
8 that period of time and he did nothing. He didn't file for
9 any order shortening time. Actually, he says he did, but of
10 course there's nothing on file because some mythical law clerk
11 indicated to him that filing an order shortening time wouldn't
12 do him any good. He didn't contact my office after I was put
13 on this case to try to work out any type of contact or
14 visitation. We also heard testimony, and Plaintiff agreed and
15 admitted that it was correct, that mom had told him that he
16 could have visits with the child at her residence at any time
17 and Plaintiff chose not to exercise.

18 Judge, you have to look at what's in the child's
19 best interest. You have to look at the parties' ability to
20 cooperate and communicate with -- with each other. In this
21 case, despite the incident that occurred on October 17th
22 wherein Plaintiff's own police report provided to Your Honor
23 indicates that Plaintiff decided to go over there under the
24 auspices of just merely seeing the child but then attempted to

1 abscond with the child. And Plaintiff's own statement in that
2 report is it was stupid and he shouldn't have done it.
3 Despite those things occurring, mom still said to dad after
4 that incident occurred, you can come and see the child anytime
5 you want. Nothing. Crickets on this side of the room for
6 five months, Judge. Nothing.

7 Dad indicated that the reason why he wasn't doing
8 that was because he had to work to save up money, \$700, for
9 filing fees.

10 THE COURT: It's not a mystery. What happened is he
11 filed two cases and paid \$300 each case. So not knowing what
12 to do or being silly or stupid about this is -- is the reason.
13 We spent half an hour trying to figure out how that happened
14 and it's obvious if you know there's two cases that were
15 filed. Okay?

16 MR. TOTI: Fair enough, Judge. It's just that he
17 was using the financial as a barrier to seeing his child when
18 Your Honor knows the reality of that.

19 There's -- there's issue regarding protective
20 capacity. There's issues regarding anger incidents. My
21 client testified to several incidents that occurred wherein
22 she has concerns about the child's safety in Plaintiff's care.
23 When Your Honor graciously gave me additional time to ask
24 Plaintiff about those incidents, his response was I don't know

1 what you're talking about --

2 THE COURT: No, it's like she's not telling the
3 truth and he -- so I have to determine what the sufficiency of
4 the proof is. And you know what's going to happen? The
5 person who has the burden is going to fail on the sufficiency
6 of the proof. Plus these are relevant to custody. They
7 weren't even alleged. They're revelations today. So I'm left
8 with his denial and her assertion with no corroborating
9 evidence whatsoever. And so what's going to happen, we have
10 clear and convincing proof is the standard for the -- for that
11 issue.

12 MR. TOTI: Yes, Judge, and I would say that
13 credibility is the most important thing here, Judge. And
14 again, going back to the very first question that Plaintiff
15 was asked today, there are credibility issues. But again,
16 looking at the best interest factors, looking at all of the
17 factors set forth in the statute, Judge, mom has been the
18 parent cooperating. Mom has been the one reaching out. Mom
19 suggested to dad, let's do a notebook so we know when the
20 child's eaten, when the child's napped, things of that nature.
21 It was Plaintiff who said I'm not going to do any of those
22 things. Mom took parenting classes to better herself for
23 this. Mom has suggested those to dad. Dad has denied the
24 same. All I'm saying, Judge, is that you have a very short

1 window in this case. But in that very short period of time,
2 you have dad acting the way he has acted and you have dad not
3 acting the way he should be acting. The difference of five
4 months, nearly half this child's life, where he did not have
5 contact with the child, speaks volumes in and of itself.

6 Dad did pay child support for March and April. Mom
7 testifies he didn't pay for May. What is not disputed,
8 however, Judge, is that he didn't pay any child support prior
9 to the court order. So taking all of those things into
10 consideration, Judge, there is a best interest factor here.
11 There is a -- there is enough evidence to award mom primary
12 physical custody. Mom has testified that she would like to
13 see dad's visitation increase when dad shows that he's willing
14 and able to step up and be a better parent. She suggested
15 parenting classes. She suggested anger management issues.
16 These are all things that should be considered by the Court.
17 But what is clear is, is that it is in the child's best
18 interests to award mom primary physical custody with
19 visitation to dad with some reservation before extending his
20 visitation time.

21 And again, Judge, finally with regard to the name
22 change, I'll put it in the closing just so we're clear. The
23 case law, as you are aware, puts the burden on Plaintiff. We
24 do not believe that Plaintiff's amount of testimony rose to

1 the level of showing it was in the child's best interest that
2 the name be changed. However, as I indicated to Your Honor,
3 if the hyphen is the order of the Court, mom would suggest
4 that her name go first.

5 THE COURT: Is Blake an important name for her?

6 MR. TOTI: I'm sorry, Judge?

7 THE COURT: Is Blake an important name, a family
8 name or something that's very important or attachment? She
9 named the child Ryder Blake Petit. Is that an important name?
10 Is it something that has special significance for either you
11 or your rel -- family or was it just because you liked the
12 name?

13 THE DEFENDANT: Your Honor, it was just because both
14 of us -- me and Kevin have liked the name and I would like to
15 see his name stay the same just because it's very important to
16 me.

17 THE COURT: I -- I understand that, but the -- I
18 guess what I'm saying is I don't want to -- I don't want to
19 make a conclusion about what to or not to do with the change
20 of the name based on -- I mean, I think clearly from your
21 counsel's argument you want the surname of the child to be
22 Petit or have that be some semblance of the surname.

23 THE DEFENDANT: Yes.

24 THE COURT: I mean, if it were up to you, you'd

1 leave it the same.

2 THE DEFENDANT: Yes.

3 THE COURT: All right. The Court has jurisdiction
4 over the subject matter and, you know, hyperbole and
5 exaggeration in the context of argument is always frustration
6 for the Court. The procedural history of this case is that
7 the parties had a child. They apparently never had any
8 significant relationship even though they married. They'll be
9 granted a divorce on no fault grounds of incompatibility. I
10 don't know what to make of the testimony. You know, the
11 reason for the marriage was financial, for insurance or
12 whatever. But either way, they were married on April 19th,
13 2013. It will be dissolved by the entry of a decree. I
14 accept -- there is a witness affidavit and the testimony on
15 the -- supports the finding that both parties are residents of
16 Nevada. Plaintiff -- or the Defendant was pregnant when the
17 parties were married and they had a child, Ryder, born
18 September 22nd, 2013. NRS 125.480 and NRS 125.460 and NRS
19 125.465. The parties have joint legal custody by operation of
20 law, which is a statement of fundamental rights. When I sent
21 them to mediation I explained that they'll share those
22 fundamental rights, which is the right to have input
23 concerning the upbringing of the child. In relationship to a
24 lifetime of experience, these guys are babies are far as

1 parents are concerned. Kids don't come with an instruction
2 and mom's approach to get training is a good one. You learn
3 how to parent by being a good parent. The conflict that you
4 have between your folks and the fact that you have to depend
5 on them to live with them, that they're -- you can't even go
6 into each other's houses without feeling uncomfortable and put
7 out is a very bad combination for your responsibility to raise
8 this child together.

9 Physical custody is at issue. We have a dispute
10 concerning that. And NRS 125.480 is the statutory guide for
11 the Court's findings that I'll make in a minute. First of
12 all, we have circumstance in which the parties had a child
13 that needed to be hospitalized. The child was in the hospital
14 for approximately 10 days, which takes us to early October.
15 They struggled with the type of visitation and custody since
16 they didn't live together or apparently like each other or
17 trust each other. And it came to a head on the 17th of
18 October. At that time dad and mom had an altercation and
19 mom's decision was to essentially prevent dad from taking the
20 child, which the Court fully understands. When there's no
21 order, there's all kinds of uncertainties and that's why court
22 proceedings have to be filed.

23 And so five months went by. Less than 60 days later
24 there was a complaint for divorce. It was assigned to

1 Department Q. The delay in getting the motion filed was
2 complicated by the fact that dad also filed a motion -- a
3 petition for change of name. The case was linked to this
4 department because they were filed first in time and the name
5 change was assigned to this department. It was heard by the
6 Court on February 5th, 2014, which was the ordinary course
7 set. So dad essentially filed a case less than 60 days after
8 they had this impasse on the 17th.

9 Dad paid a dear price for the -- for not filing the
10 case. Mom certainly didn't file a case because by operation
11 of law she had possession and she didn't have any pressure. I
12 mean, the fact of the matter is, is that filing a case for her
13 would require her to recognize the other person's legal
14 custody rights and share physical custody. But when the Court
15 was faced with a decision about what to do with a child that
16 was essentially four and a half months old, the Court required
17 supervised contact because the child was a stranger to dad.
18 Dad had had a handful of visits. The disputes that they had
19 concerning the time and manner of visitation is common to
20 folks in their circumstance and they didn't handle it in a
21 mature way. He should have exercised visits no matter how
22 distasteful and difficult, and mom should have gone -- been
23 more committed to offering that visitation.

24 The Court looked at the visitation feedback from the

1 (indiscernible) South Central, expanded the visitation but
2 limited it severely to essentially a few hours a couple times
3 per week. The parties did not agree on joint physical or any
4 kind of physical custody order. They didn't mediate a
5 parenting plan that dealt with holidays and vacations. And
6 the Court order that's going to be part of the decree is going
7 to reflect the age of the child and obviously the parties will
8 remediate or reopen this matter to deal with things like
9 vacation time and other things that don't make much sense to
10 the child of this age.

11 The Court accepts the evidence (indiscernible) that
12 there's no property or debts to divide except for maybe some
13 medical bills related to the birth expenses of the child and
14 those should be shared between the parties. Mr. Toti advised
15 the Court that there's a list that we placed in the decree.

16 So on alimony in this case, there's no financial
17 ties between the parties except for the issue of child
18 support, which is tied to their -- both of their obligations
19 to support this child pursuant to Nevada law. The child's a
20 baby, a toddler now, so the first two provisions are not
21 relevant. The wishes of the child are not relevant to this
22 case. The custodial options of parties (indiscernible) by
23 parent or guardian is not relevant.

24 We spent a lot of time getting evidence concerning

1 which parent is more committed to allow the frequent
2 association and continued relationship of the non-custodial
3 parent. The Court finds that both parties are committed to
4 follow the Court orders in providing contact with the other
5 parent. What happened in October after the child came home
6 from the hospital, between October and December or October and
7 February is the function of the nature of the relationship
8 that you have. You don't trust each other very much but you
9 have to parent this child. And when you don't have court
10 orders and when you have a disagreement as to what's in the
11 best interest of the child, you have impasses and
12 disagreements. That being said, dad has had more than 22
13 visits since I modified the order to unsupervised contact.
14 Mom has allowed the visitation even though the exchanges are
15 unacceptable and will have to change the tenor and nature of
16 the exchanges of the child. The level of conflict between the
17 parties and their families are a negative factor concerning
18 the welfare of this child. The child probably -- well, is
19 completely dependent on you. And as the child gets older is
20 going to sense hostility and conflict between the two of you.
21 He's going to learn to hate holidays and hate the exchanges
22 between the parents unless you guys fix it. You have to
23 improve the ability of the parents to cooperate meeting the
24 needs of the child. Both of you are unaware and project the

1 problem being the other's when it's probably a combination of
2 the two. The Court is going to remedy this, reflecting your
3 age and inexperience as a parent, and send you to the UNLV
4 Cooperative Parenting Program. I'll give you a referral.
5 It's not something you do together. Essentially what it's
6 done is it's, at this stage in the custodial proceedings,
7 closed the book on trying to help you understand the negative
8 effects of conflict and poor parenting and to give you some
9 skills to try to deal with these issues. You're not alone.
10 You got tons and tons of parents who are in the same boat that
11 you're in. And the Cooperative Parent program has resulted in
12 excellent feedback from folks who have attended. I'll give
13 you some flexibility for attending. It's not going to hold up
14 the proceedings in this case.

15 The mental and the physical health of the parents
16 and the physical development and emotional needs of the child
17 were also considered by the Court. I find both parties
18 mentally and physically healthy to care for this child. This
19 child is of a physical and developmental stage that it's
20 completely dependent on fit parents to care for the child,
21 feed the child, provide the safe environment. There are no
22 sibling relationships.

23 And on consideration of parental abuse or neglect or
24 abduction, this -- that is probably one of the most serious

1 issues the Court has to evaluate. It's the Court's
2 responsibility to assess risk and safety and determine whether
3 or not you're fit. That's why the Court gets frustrated or --
4 or has -- or sort of like repulsed by cases that reveal these
5 type of serious things without sufficient proof for me to
6 evaluate whether there's a risk. The type of issues that were
7 described by dad in passing about whether or not he thought
8 that the child was being neglected at mom's house because of
9 scrapes and bruises without any kind of reports or any other
10 substantial findings is frustrating to the Court because the
11 Court concludes that there is no risk in either household for
12 the basic safety of the child. There is a function of trust
13 that understands that children, especially as they become
14 toddlers and grow up, will have bumps and scrapes and bruises,
15 and it's not automatically abuse and neglect. On the other
16 hand, it is relevant to custody. Dad's not proved by clear
17 and convincing evidence any abuse or neglect of the child or
18 any other kind of domestic violence in the nature that would
19 cause the Court to presume that mom wasn't fit to have
20 custody.

21 When we have revelations about folks driving around
22 the valley brandishing guns at other folks and road rages,
23 that's about as serious as it gets. In fact, it's a felony
24 offense even to do it. And yet we have testimony that's

1 uncorroborated by anyone for mom that this happened on three
2 or four occasions and yet it's not even mentioned in the
3 pleadings or any papers or any affidavits. It's completely
4 denied by the Plaintiff and it's a huge frustration because
5 this would be a relevant risk factor. We spent three hours of
6 testimony and about two of it was completely useless as it
7 relates to something relevant. And we spent five minutes on
8 what might be the most serious risk factor that the Court
9 would have to consider.

10 Defendant's testimony is not sufficient proof even
11 by a preponderance of the evidence to conclude that it's true,
12 and -- and certainly not clear and convincing evidence any
13 presumption would arise. But the obvious frustration of the
14 Court is that if this allegation is true, even though I can't
15 conclude that it's been proven, it would be a significant risk
16 factor as it relates to the child.

17 So neither party proved that the other party seeking
18 custody (indiscernible) facts of domestic violence. The
19 altercation on the 17th was not an abduction under the meaning
20 of the statute. The Court has considered the living
21 condition, the environment, and I do have some credibility
22 concerns concerning dad's statement that he lives with his
23 folks. His mom's testimony suggests that this a temporary
24 arrangement and the stability of having a proper house is a

1 big deal. There's nothing wrong with somebody who's getting a
2 divorce having a significant other, but it adds a whole other
3 layer of issues if he decides that he exercises his visitation
4 and custody with someone that we have no idea, anything about
5 as far as their residence.

6 Interaction with the children, medical neglect,
7 employment instability. These folks are young. He's been
8 employed a few times, he's employed now. The Defendant is
9 supported by her family and the charity of her relatives. She
10 probably makes some money babysitting now. Some of those
11 deposits are from the aunt and she watches the aunt's child.
12 But either way, they have similar -- they have similar
13 arguments as it relates to the equities and in terms of mom's
14 tes -- dad's testimony is that he wants 50/50 time share, as
15 if it's some label that he's entitled to as a matter of law
16 without any kind of understanding of how that works
17 logistically for the child or for his schedule. Mom wants dad
18 to have no real legitimate visitation until sometime in the
19 future, with him having six to eight hours. Her expectations
20 are completely unreasonable. That's your job, Mr. Toti, to
21 tell her what reasonable visitation is and what that is,
22 because frankly it's going to be a shock when she figures out
23 what the visitation and custody order is. The only reason why
24 we had supervised visitation in February was because of the

1 interruption in time. And by all accounts, the child has had
2 an opportunity to bond with -- with dad during the visits that
3 have occurred during the last eight to 10 weeks.

4 The Court is persuaded that it's in the best
5 interest of the child that mom have primary physical custody.
6 I take this finding or conclude that this finding is
7 appropriate based on my evaluation of the credibility of the
8 parties, their history as far as parenting is concerned, the -
9 - and mom is more prepared to deal with the daily routine of
10 the child. She has in fact take care -- taken care of the
11 child primarily. The Court is going to have a schedule that
12 will be defined or will address his availability as a parent.
13 We're going to have an ad hoc schedule for this weekend
14 because this weekend is Father's Day weekend. So this weekend
15 dad will have Saturday at 6:00 p.m. until Sunday at 6:00 p.m.
16 Thereafter his weekends will be defined as Sunday at 10:00
17 a.m. until Monday at 6:00 p.m. Beginning January 28th or so,
18 after the child is a year old, it will be Saturday at 6:00
19 p.m. until Monday at 6:00 p.m., and that will be the essential
20 weekly time share. Dad will have portions of Saturday, Sunday
21 and Monday; mom will be responsible from 6:00 p.m. on Monday
22 till 6:00 p.m. on Saturday. This week dad will have Saturday
23 at 6:00 p.m. to Sunday at 6:00 p.m.

24 Before the decree is drafted counsel will confer and

1 you'll pick a location through this three mile area, whether
2 it's a store or someplace that is convenient for the peaceful
3 exchange of the child. But I'll tell you what, taking it away
4 from your house and putting it a store isn't going to solve
5 the problem if you guys want to flip each other off and be
6 ugly with each other or your agents or family are going to be
7 disrespectful. This should be a peaceful exchange. The
8 child's completely dependent on that.

9 As far as holidays and vacation schedule, at some in
10 the future you can -- you should have an expectation where
11 you'll be able to travel with the child and take a vacation
12 but at this time the age of the child is going to keep us
13 around (indiscernible) schedule. Mother's Day should always
14 be mom's, defined as Saturday at 6:00 to Sunday at 6:00.
15 Father's Day should be dad's, defined as Saturday at 6:00 to
16 Sunday at 6:00. I assume that the parties celebrate
17 Thanksgiving and Christmas, so I'm going to define it as
18 Thanksgiving will be Wednesday at 6:00 to Thursday at 6:00.
19 Dad will have even years; mom will have odd years. The
20 Christmas holiday will be defined as 6:00 p.m. on December
21 24th until 9:00 a.m. on December 26th. Mom will have even
22 years and dad will have odd years.

23 Now I have just demonstrated one of the more
24 difficult things I think I told you about when I sent you to

1 mediation, is that when the state is required to enter these
2 plans without regard, especially with the testimony in this
3 trial with your preferences or your traditions. You two
4 together can always stipulate to improve the parenting
5 agreement on holidays and vacations. And so what I've done is
6 I've basically tried to be fair by alternating these holidays
7 that traditionally are shared between folks. But I welcome
8 you to try to improve the decree, even before it's entered, if
9 you can come up with some sort of reasonable agreement to
10 share these holidays. You may want to include things like the
11 child's birthday or your birthdays or these other important
12 things that you were supposed to talk about in mediation but
13 did not -- did not resolve.

14 As far as the name change of the child, the best
15 interests of the child is the standard. Mr. Toti is correct,
16 that when somebody petitions the Court, they have the burden
17 of proof. The Plaintiff proved that he did not name the child
18 or consent to the child being named Ryder Blake Petit and that
19 he was married to the mother at the time. And because of
20 their estranged status and probably because the child was in
21 the hospital, he had little or no say in it. He filed his
22 action within two months of the birth of the child and he
23 persuaded the Court that the child's best interests would be
24 served, especially in this case, by having a name that would

1 identify the child with both parties. The Court finds that
2 it's in the best interest of the child to change the name and
3 that the child's name will be changed to -- I can't really
4 tell. I mean, I -- I -- the impression that I got is that
5 worst case, if the child's name is going to be changed, both
6 parties sought some sort of hyphenation of the name. What I
7 thought is that the parties' last names should be both part of
8 the child's name, and the child is going -- I -- what the
9 Court concluded might be best is different than what I heard
10 today in trial. The -- but this (indiscernible) your decree.
11 It will be Ryder Blake Petit-Adrianzen. And the parties also
12 can stipulate to modify that. The birth certificate will be
13 amended in that respect.

14 As far as the Cooperative Parenting program, I'll
15 give them some time to check that out. As far as the child
16 support is concerned, it sounds like the number that we
17 ordered, even though it was based on a higher hourly income,
18 is spot on. Maybe he was working less than -- let's do the
19 math real quick. 8.25 times -- is it 36 hours?

20 THE PLAINTIFF: Yes, Your Honor.

21 THE COURT: And that is times 4.3, is 12.77 times
22 18% is \$230. So 220 will be the continuing order. If there's
23 a material change, based on those findings, then we can
24 modify. I don't think either party has a job that provides

1 insurance. Both parties will pay non-covered expenses that
2 are not covered by insurance.

3 So, Mr. Toti, if you and Mr. Strange could kind of
4 talk to your clients about what the lay of the land is on that
5 (indiscernible) court order and see if there's something that
6 makes sense from a safety point of view. I know we went
7 through this pretty quickly. The --

8 MR. TOTI: And, Judge, just for the record, my
9 client indicated that she does have a private policy of
10 insurance. I'll get a copy of that.

11 THE COURT: All right. Does it cost her any money?

12 MR. TOTI: She said about 120.

13 THE COURT: All right. Then the cost of that --

14 THE DEFENDANT: No, 151.

15 MR. TOTI: 150, okay.

16 THE COURT: All right. The cost of that coverage
17 would be a 50/50 obligation.

18 MR. TOTI: Yes, Judge.

19 THE COURT: Just because of his income, the
20 (indiscernible) even be a deviation downwards. The 220 minus
21 75. You got that? And so he would pay child support -- gosh,
22 I don't know. I don't like -- I don't like how that sounds.
23 He has to pay the formula amount based on the time share. He
24 should pay a portion of the insurance but I'm having trouble

1 taking him up to almost \$300 a month if he's only making 1200
2 gross. I mean, at some point he has to have sufficient income
3 to be able to provide. They'll be no deviation consideration
4 for the insurance. We're going to leave the number at 220.
5 If mom's circumstances change, if all of a sudden she doesn't
6 receive the charity of her family, a free place to live and
7 those kind of things, then the Court would look to share that
8 expense. I appreciate you raising that issue. As far as the
9 -- as far as the finding is concerned, we'll say that the
10 formula amount is appropriate.

11 The cooperative parenting referral does not have a
12 return date. I don't need to see anything but a certificate
13 of completion that's on file. Believe me, I think that you'll
14 feel better having had this case closed and also having done
15 something that will improve you as a parent. Ma'am, this also
16 addresses your concerns that he should do something to prove
17 himself as a parent and to also improve his outlook as a
18 coparent. This program addresses all of those issues. There
19 won't be any other specific referrals to any kind of programs,
20 this will satisfy that you -- you've made.

21 Mr. Strange, do you have any questions for the
22 Court?

23 MR. ESTRANGE: Oh, on just the time share, because I
24 know you were going fast.

1 THE COURT: I was.

2 MR. ESTRANGE: This weekend --

3 THE COURT: Saturday to 6:00 to Sunday at 6:00.

4 MR. ESTRANGE: And then the second phase of that,

5 I'm sorry, Your Honor, I didn't get that.

6 THE COURT: All right. Well, he -- it would be

7 Sunday morning to Monday night and then we transition to

8 basically a 48 hour period, Saturday night to Monday night

9 beginning the weekend after the child turns one year's of age.

10 Obviously the age of the child is a fa -- a function of

11 considering the overnights. The stability of the overnight is

12 a -- is a balancing consideration the Court has made and I --

13 thankfully it's only a couple of months off.

14 Mr. Toti, do you have any questions or

15 clarifications?

16 MR. TOTI: No, Judge.

17 THE COURT: All right. Look, I hope that you

18 understand that in this process we want to give you closure.

19 Your counsel has done a good job in trying to close this case

20 within six months. I have expectations that you'll do your

21 best to take care of this child. I have no doubt that you --

22 that you will. But your lives will be so much better if you

23 could set aside the conflict with the entry of this judgment

24 and focus on the parenting challenges that you'll have.

1 You're not going to agree. If you were together you wouldn't
2 agree on everything either. Okay? But the conflict and
3 hostility that was described in the trial has got to stop.
4 Okay? Thank you.

5 MR. TOTI: Thank you, Judge.

6 (PROCEEDINGS CONCLUDED AT 1:43:53)

7 * * * * *

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

11

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/s/ Adrian Medrano
Adrian Medrano, transcriptionist

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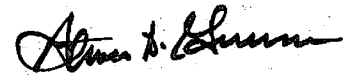
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CLERK OF THE COURT

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

13 KEVIN DANIEL ADRIANZEN,
14 Plaintiff,
15
16 vs.
17
18 PAIGE ELIZABETH PETIT,
19 Defendant.

CASE NO.: D-13-489542-D
DEPT. NO.: II

Date of Hearing: June 10, 2014
Time of Hearing: 1:30 PM

20 **DECREE OF DIVORCE**

21 The above-entitled action coming before the Court on the Non-Jury Trial, on the 10th day
22 of June, 2014 in Department before the Honorable T. Arthur Ritchie, with the Plaintiff, KEVIN
23 DANIEL ADRIANZEN appearing personally and being represented by his attorney MICHAEL
24 S. STRANGE, ESQ. of the law offices of MICHAEL S. STRANGE & ASSOCIATES, LLC and
25 the Defendant, PAIGE ELIZABETH PETIT, appearing personally and being represented by her
26 attorney FRANK TOTI, ESQ. of the LAW OFFICES OF FRANK TOTI. This matter is on
27 Calendar for Evidentiary Hearing to resolve Custody. Court noted there is a Petition for a name
28 change in Case D-13-489540-N. This case shall be heard today as well. Counsel represented to
the Court that the parties desire to conclude the Divorce today, if time permits.

Court heard sworn testimony from Kevin Adrianzen, Matty Adrianzen, and Paige Petit.
Exhibits offered (see worksheet).

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Not Trial Dispositions: ☐ Other ☐ Settled/Withdrawn ☐ Without Judicial Conf/Hrg ☐ With Judicial Conf/Hrg ☐ By ADR

Final Dispositions: ☐ Dismissed - Want of Prosecution ☐ Involuntary (Statutory) Dismissal ☐ Default Judgment ☐ Transferred ☐ Disposed After Trial Start ☐ Judgment Reached by Trial

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1 Court heard CLOSING ARGUMENT from counsel.

2 COURT STATED FINDINGS of Jurisdiction over the parties and the subject matter.
3 Nevada is the home state of the minor child. Court did not find any acts of domestic violence.
4 Both parties appear to be committed to follow the Court's order to parent the child. Both parties
5 have an obligation to support their child. There is a level of conflict between the parties and the
6 grandparents, which is a negative factor for the child. Disputes are not handled in a mature way.
7

8 **NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED** that an
9 absolute Decree of Divorce is GRANTED to the parties on no fault grounds.

10 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the parties were
11 referred for mediation, but failed to reach an agreement. The parties will share Joint Legal
12 Custody of their minor child, Ryder, with Defendant designated as Primary Physical Custodian,
13 subject to Plaintiff's timeshare each week from 10:00 a.m. Sunday until 6:00 p.m. Monday.
14 Defendant will have the child from 6:00 p.m. Monday until 10:00 a.m. Sunday. This will be the
15 weekly timeshare until the child reaches his first year birthday.
16

17 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the weekend
18 following the one year birthday of the child, Plaintiff's timeshare will be from 6:00 p.m. Saturday
19 until 6:00 p.m. Monday each week. Defendant's timeshare will be from 6:00 p.m. Monday until
20 6:00 p.m. Saturday.
21

22 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the parties did not
23 mediate a holiday plan and the Court will implement the following holiday plan. The parties may
24 jointly share any other holiday, but must put the agreement in writing and file with the Court.

25 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Mother's Day and
26 Father's Day will be from 6:00 p.m. the Saturday before to 6:00 p.m. Sunday. Plaintiff will have
27 Father's Day each year. Defendant will have Mother's Day each year. Plaintiff will have the
28

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1 child this weekend from 6:00 p.m. on Saturday, June 14, 2014 to 6:00 p.m. Sunday, June 15,
2 2014 for Father's Day.

3 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Thanksgiving is
4 defined as from 6:00 p.m. the Wednesday before to 6:00 p.m. Thanksgiving Day. Plaintiff will
5 have Thanksgiving Holiday in EVEN numbered years. Defendant will have Thanksgiving
6 Holiday in ODD numbered years.

7
8 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Christmas is
9 defined as from 9:00 a.m. on 12/24 to 9:00 a.m. on 12/26. Defendant will have Christmas in
10 EVEN numbered years. Plaintiff will have Christmas in ODD numbered years.

11 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that both parties will be
12 responsible to pay one-half of any unreimbursed medical expenses or co-payments regarding the
13 minor child, including birthing expenses that have not been paid by insurance.

14
15 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Plaintiff's child
16 support obligation to Defendant of \$220.00 per month shall continue.

17 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that in the best interest
18 of the child, the child's name shall be changed to Ryder Blake Petit-Adrianzen (see case D-13-
19 489540-N).

20
21 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the parties are
22 referred to the UNLV Cooperative Parenting Program. Each party is responsible for the cost of
23 the program and they do not attend the program together. The parties were given referral slip
24 with phone number to call to set up their session. When they have completed the program, they
25 will file a Certificate of Completion with the Court.

26 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that pursuant to NRS
27 125.130, each party is required to provide his or her Social Security Number on a separate form to
28 be submitted to this Court and to the Welfare Division of the Department of Human Resources

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1 ("Welfare Division") within ten days from the date of the entry of this Decree of Divorce. **IT IS**
2 **FURTHER ORDERED** that such information shall be maintained by the Clerk of this Court and
3 the Welfare Division in a confidential manner, and the same shall not be part of the public
4 records.

5 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that notice is hereby
6 given pursuant to NRS 125B.145 that the court is required to review child support obligations
7 upon the request by either party, every three (3) years to determine if the support is being paid is
8 within the formula set forth in NRS 125B.070.

9 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the parties are
10 placed on notice that a parent obligated to pay support is subject to the provisions of NRS
11 31A.020-31A.230, inclusive and Sections 2 and 3 of Chapter 31A of the NRS, regarding the
12 withholding of wages and commissions for delinquent payments of support.

13 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that both parties are
14 subject to the provisions of NRS 125.510(6) and (7) which provide as follows:

15 6. All orders authorized by this section must be made in accordance with the provisions
16 of chapter 125A of NRS and must contain the following language:

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

25 7. In addition to the language required pursuant to subsection 6, all orders authorized by
26 this section must specify that the terms of the Hague Convention of October 25, 1980,
27 adopted by the 14th Session of the Hague Conference on Private International Law, apply
if a parent abducts or wrongfully retains a child in a foreign country.

28 ///

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1 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that pursuant to NRS
2 125C.200 if custody has been established and the custodial parent intends to move their residence
3 to a place outside of the State of Nevada, and take the minor children with them, the must, as
4 soon as possible and before the planned move, attempt to obtain the written consent of the non-
5 custodial parent to move the minor children from the State of Nevada. If the non-custodial parent
6 refuses to give that consent, the custodial parent shall, before they leave the state with the
7 children, petition the court for permission to move the children and obtain a court order to allow
8 the custodial parent to relocate out of state with the minor children. The failure of the custodial
9 parent to comply with the provisions of this section may be considered as a factor if a change of
10 custody is requested by the non-custodial parent. This provision does not apply to vacations
11 outside the State of Nevada planned by either party.
12

13 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that any property in the
14 possession of the Plaintiff is awarded to him as his sole and separate property.
15

16 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that any property in the
17 possession of the Defendant is awarded to her as her sole and separate property.
18

19 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that any debts in the
20 name of the Plaintiff are awarded to the Plaintiff as his sole and separate debt.
21

22 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that any debts in the
23 name of the Defendant are awarded to the Defendant as her sole and separate debt.
24

25 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** both parties hereby
26 waive any right to spousal support.
27

28 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that each party will bear
their own attorney's fees and costs.

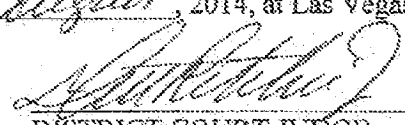
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1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Attorney Strange
2 shall prepare DECREE OF DIVORCE from this hearing. Attorney Toti may review and sign off.

3 IT IS SO ORDERED.

4
5 DATED and DONE this 13 of August, 2014, at Las Vegas, Nevada.

6
7 
8 DISTRICT COURT JUDGE
9 *KL for TS*

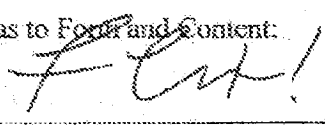
10 T ART RITCHIE, JR.

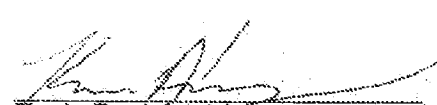
11 Submitted By:


12 
13 MICHAEL S. STRANGE, ESQ.
14 633 S. 4th Street, Suite 10
15 Las Vegas, NV 89101
16 (702) 456-4357
17 Attorney for Plaintiff

Approved as to Form and Content:

By:


FRANK TOTI, ESQ.
6900 Westcliff Drive, #500
Las Vegas, NV 89145
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Attorney for Defendant

18 
19 Kevin Daniel Adrianzen
20 Plaintiff

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22 Paige Elizabeth Petit
23 Defendant

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