

ORIGINAL

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2014 NOV -6 PM 3:52

ACTIVE CASES ONLY
B. Nov 13 2014 09:04 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

1 CODE: \$2515
2 JONATHAN H. KING, ESQ.
3 Nevada State Bar No. 22
4 429 Marsh Avenue
5 Reno, Nevada 89509
6 Telephone: (775) 322-2211
7 Attorney for Oblige

8
9 IN THE FAMILY DIVISION
10 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
11
12 IN AND FOR THE COUNTY OF WASHOE
13

14 JOSUE TERRONES VALDEZ

15 Oblige,

16 vs.

Case No. FV10-04478

17 PATRICIA SOTO AGUILAR,

Dept. No. *13 UM*

18 Obligor.
19

20 **NOTICE OF APPEAL**

21 **NOTICE IS HEREBY GIVEN** that JOSUE TERRONES VALDEZ, Oblige above
22 named, hereby appeals to the Nevada Supreme Court of Nevada from the Order filed August
23 20, 2014.

24 **AFFIRMATION Pursuant to NRS 239B.030**

25 The undersigned does hereby affirm that the preceding document does not contain the
26 social security number of any person.


27 DATED this *8th* day of *September*, 2014.

28 *[Signature]*
JONATHAN H. KING, ESQ.
Attorney for Oblige/Appellant

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2014, I deposited for mailing, in the U.S. Mail in Reno, Nevada, with postage thereon fully prepaid, a true and correct copy of the within document, addressed as follows:

Patricia Soto-Aguilar
3811 Patricia Lane
Reno, NV 89512


Liz Mello

ORIGINAL

FILED

2014 NOV -6 PM 3:52

CATHY HILL
ACTING CLERK OF THE COURT
BY *[Signature]*
DEPUTY

1 CODE: 1310
2 JONATHAN H. KING, ESQ.
3 Nevada State Bar No. 22
4 429 Marsh Avenue
5 Reno, Nevada 89509
6 Telephone: (775) 322-2211
7 Attorney for Obligee/Appellant

IN THE FAMILY DIVISION

OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

9 JOSUE TERRONES VALDEZ

10 Obligee,

11 vs.

Case No. FV10-04478

12 PATRICIA SOTO AGUILAR,

Dept. No. 13 UM

13 Obligor.
14 _____/

15 CASE APPEAL STATEMENT

16 1. Obligee/Appellant JOSUE TERRONES VALDEZ.

17 2. The Honorable Bridget E. Robb.

18 3. Obligee JOSUE TERRONES VALDEZ and Obligor PATRICIA SOTO
19 AGUILAR.

20 4. Obligee JOSUE TERRONES VALDEZ and Obligor PATRICIA SOTO
21 AGUILAR.

22 5. Jonathan H. King, Esq., 429 Marsh Avenue, Reno, Nevada 89509 (775)322-2211,
23 represents Obligee/Appellant JOSUE TERRONES VALDEZ; and PATRICIA SOTO
24 AGUILAR, 3811 Patricia Lane, Reno, Nevada 89512 is unrepresented by legal counsel. Also
25 appearing in these proceedings has been Susan Hallahan of the Washoe District Attorney's
26 Office, Family Support Division, P.O. Box 11130, Reno, Nevada 89520.

27 6. Obligee/Appellant was represented by retained counsel in District Court.

28 7. Obligee/Appellant was represented by retained counsel in District Court.

- 1 8. Oblige/Appellant has sought leave to proceed in forma pauperis.
2 9. Proceedings commenced in the District Court by Notice of Intent to Enforce filed
3 on or about December 8, 2010.

4 **AFFIRMATION Pursuant to NRS 239B.030**

5 The undersigned does hereby affirm that the preceding document does not contain the
6 social security number of any person.

7
8 DATED this 8th day of September, 2014.

9
10
11 
12 JONATHAN H. KING, ESQ.
13 Attorney for Oblige/Appellant

14 **CERTIFICATE OF SERVICE BY MAIL**

15 Pursuant to NRCP Rule 5(b), I certify that on the 6th day of November,
16 2014, I deposited for mailing, in the U.S. Mail in Reno, Nevada, with postage thereon fully
17 prepaid, a true and correct copy of the within document, addressed as follows:

18 Susan Hallahan
19 Washoe County District Attorney's Office
20 P.O. Box 11130
Reno, NV 89520

21 Patricia Soto Aguilar
22 3811 Patricia Lane
Reno, NV 89512

23
24 
25 Liz Mello
26
27
28

SECOND JUDICIAL DISTRICT COURT**STATE OF NEVADA****COUNTY OF WASHOE****Case History - FV10-04478****Case Description: JOSUE VALDEZ VS. PATRICIA AGUILAR (UM)****Case Number: FV10-04478 Case Type: INTRASTATE (TITLE IV-D) - Initially Filed On: 12/8/2010****Parties**

| <u>Party Type & Name</u> | <u>Party Status</u> |
|---|---------------------|
| ATTY - Susan D. Hallahan, Esq. - 4412 | Active |
| ATTY - Jonathan H. King, Esq. - 22 | Active |
| ATTY - Kari L. Cordisco, Esq. - 3467 | Active |
| OBLE - JOSUE VALDEZ - @1182666 | Active |
| OBLG - PATRICIA SOTO AGUILAR - @1182667 | Active |

Disposed Hearings

- 1 Department: UM -- Event: NOTICE OF INTENT TO ENFORCE -- Scheduled Date & Time: 1/6/2011 at 14:30:00

Event Disposition: D435 - 1/6/2011
- 2 Department: UM -- Event: Request for Submission -- Scheduled Date & Time: 9/11/2013 at 14:47:00
Extra Event Text: MOTIONS FOR ENFORCEMENT AND FOR ORDER TO SHOW CAUSE
Event Disposition: S200 - 10/29/2013
- 3 Department: UM -- Event: Request for Submission -- Scheduled Date & Time: 10/29/2013 at 09:46:00
Extra Event Text: REPLY TO RESPONSE TO MOTION FOR REVIEW (PAPER ORDER NOT PROVIDED)
Event Disposition: S200 - 10/29/2013
- 4 Department: UM -- Event: Request for Submission -- Scheduled Date & Time: 12/2/2013 at 08:34:00
Extra Event Text: MOTION TO STRIKE AND FOR IMPOSITION OF SANCTIONS (PAPER ORDER PROVIDED)
Event Disposition: S200 - 1/2/2014
- 5 Department: UM -- Event: Request for Submission -- Scheduled Date & Time: 12/3/2013 at 16:39:00
Extra Event Text: MOTION FOR RECONSIDERATION (PAPER ORDER NOT PROVIDED)
Event Disposition: S200 - 1/2/2014
- 6 Department: UM -- Event: MOTION TO MODIFY -- Scheduled Date & Time: 1/2/2014 at 15:30:00

Event Disposition: D435 - 1/2/2014
- 7 Department: UM -- Event: Request for Submission -- Scheduled Date & Time: 2/19/2014 at 09:24:00
Extra Event Text: MOTION FOR DECLARATORY AND INJUNCTIVE RELIEF AND RESPONSE (NO PAPER ORDER PROVIDED)
Event Disposition: S200 - 5/9/2014
- 8 Department: D13 -- Event: OBJ UIFSA MASTER'S RECOMM -- Scheduled Date & Time: 7/16/2014 at 09:30:00

Event Disposition: D840 - 7/16/2014

ActionsFiling Date - Docket Code & Description**Report Does Not Contain Sealed Cases or Confidential Information**

- 1 12/8/2010 - 2555 - Notice of Intent to Enforce...
Additional Text: Transaction 1889875 - Approved By: AZION : 12-08-2010:15:26:30
- 2 12/10/2010 - 2550 - Notice of Hearing
Additional Text: 01/06/2011 - 2:30PM - Transaction 1896601 - Approved By: MBEST : 12-10-2010:16:14:10
- 3 12/10/2010 - NEF - Proof of Electronic Service
Additional Text: Transaction 1896654 - Approved By: NOREVIEW : 12-10-2010:16:19:17
- 4 1/28/2011 - 1845 - Judgment and Ord
Additional Text: JUDGMENT AND ORDER - Transaction 1998370 - Approved By: NOREVIEW : 01-28-2011:10:41:35
- 5 1/28/2011 - NEF - Proof of Electronic Service
Additional Text: Transaction 1998435 - Approved By: NOREVIEW : 01-28-2011:10:54:16
- 6 1/28/2011 - F220 - Decision With Hearing
No additional text exists for this entry.
- 7 2/10/2011 - MIN - ***Minutes
Additional Text: NOTICE OF INTENT TO ENFORCE 1/6/11 - Transaction 2027081 - Approved By: NOREVIEW : 02-10-2011:15:13:28
- 8 2/10/2011 - NEF - Proof of Electronic Service
Additional Text: Transaction 2027149 - Approved By: NOREVIEW : 02-10-2011:15:23:51
- 9 2/14/2011 - 2540 - Notice of Entry of Ord
Additional Text: Transaction 2031084 - Approved By: NOREVIEW : 02-14-2011:08:41:44
- 10 2/14/2011 - NEF - Proof of Electronic Service
Additional Text: Transaction 2031109 - Approved By: NOREVIEW : 02-14-2011:08:44:45
- 11 8/12/2013 - 4075 - Substitution of Counsel
Additional Text: JONATHAN H. KING, ESQ. / JOSUE TERRONES VALDEZ
- 12 8/12/2013 - 2520 - Notice of Appearance
Additional Text: JONATHAN H. KING, ESQ. / JOSUE TERRONES-VALDEZ
- 13 8/12/2013 - 2490 - Motion ...
Additional Text: MOTIONS FOR ENFORCEMENT AND FOR ORDER TO SHOW CAUSE
- 14 9/11/2013 - 3860 - Request for Submission
Additional Text: DOCUMENT TITLE: MOTIONS FOR ENFORCEMENT AND FOR ORDER TO SHOW CAUSE
PARTY SUBMITTING: JONATHAN KING, ESQ.
DATE SUBMITTED: 9/11/2013
SUBMITTED BY: APOMA
DATE RECEIVED JUDGE OFFICE:
- 15 10/9/2013 - 1740 - Financial Declaration ...
No additional text exists for this entry.
- 16 10/9/2013 - 2380 - Mtn to Modify ...
No additional text exists for this entry.
- 17 10/9/2013 - 3720 - Proof of Service
No additional text exists for this entry.

- 18 10/10/2013 - FCIS - Family Court Info Sheet
Additional Text: Transaction 4056953 - Approved By: NOREVIEW : 10-10-2013:08:42:33
- 19 10/10/2013 - NEF - Proof of Electronic Service
Additional Text: Transaction 4056975 - Approved By: NOREVIEW : 10-10-2013:08:45:02
- 20 10/15/2013 - 3880 - Response...
Additional Text: RESPONSE IN OPPOSITION TO MOTION
- 21 10/24/2013 - 3795 - Reply...
Additional Text: REPLY TO RESPONSE TO MOTION FOR REVIEW AND MODIFICATION OF CHILD SUPPORT
- 22 10/24/2013 - 3860 - Request for Submission
Additional Text: DOCUMENT TITLE: REPLY TO RESPONSE TO MOTION FOR REVIEW (PAPER ORDER NOT PROVIDED)
PARTY SUBMITTING: PATRICIA SOTO-AGUILAR
DATE SUBMITTED: 10-24-13
SUBMITTED BY: TARRIOLA
DATE RECEIVED JUDGE OFFICE:
- 23 10/24/2013 - 3720 - Proof of Service
No additional text exists for this entry.
- 24 10/24/2013 - 2475 - Mtn to Strike...
Additional Text: MOTION TO STRIKE AND MOTION FOR SANCTIONS: JOSUE TERRONES-VALDEZ
- 25 10/29/2013 - 1325 - ** Case Reopened
No additional text exists for this entry.
- 26 10/29/2013 - S200 - Request for Submission Complet
No additional text exists for this entry.
- 27 10/29/2013 - S200 - Request for Submission Complet
No additional text exists for this entry.
- 28 10/29/2013 - 1940 - Master's Findings/Recommend
Additional Text: STRIKING MOTIONS FOR ENFORCEMENT AND FOR ORDER TO SHOW CAUSE - Transaction 4097492 - Approved By: NOREVIEW : 10-29-2013:10:27:13
- 29 10/29/2013 - NEF - Proof of Electronic Service
Additional Text: Transaction 4097509 - Approved By: NOREVIEW : 10-29-2013:10:30:38
- 30 11/13/2013 - 2175 - Mtn for Reconsideration
No additional text exists for this entry.
- 31 11/14/2013 - 3373 - Other ...
Additional Text: EXHIBIT - SCHEDULE OF CHILD SUPPORT ARREARAGES
- 32 11/27/2013 - 3860 - Request for Submission
Additional Text: DOCUMENT TITLE: MOTION TO STRIKE AND FOR IMPOSITION OF SANCTIONS (PAPER ORDER PROVIDED)
PARTY SUBMITTING: JONATHAN H. KING, ESQ.
DATE SUBMITTED: NOVEMBER 27, 2013
SUBMITTED BY: TARRIOLA
DATE RECEIVED JUDGE OFFICE:
- 33 12/3/2013 - 3880 - Response...
Additional Text: RESPONSE TO MOTION

- 34 12/3/2013 - 3720 - Proof of Service
No additional text exists for this entry.
- 35 12/3/2013 - 3860 - Request for Submission
Additional Text: DOCUMENT TITLE: MOTION FOR RECONSIDERATION (PAPER ORDER NOT PROVIDED)
PARTY SUBMITTING: JONATHAN H. KING, ESQ.
DATE SUBMITTED: DECEMBER 3, 2013
SUBMITTED BY: TARRIOLA
DATE RECEIVED JUDGE OFFICE:
- 36 12/6/2013 - 2550 - Notice of Hearing
Additional Text: JANUARY 2, 2014 @ 3:30PM - Transaction 4180891 - Approved By: MCHOLICO : 12-06-2013:12:27:48
- 37 12/6/2013 - NEF - Proof of Electronic Service
Additional Text: Transaction 4181277 - Approved By: NOREVIEW : 12-06-2013:12:29:48
- 38 12/12/2013 - 1696 - Hrg Exhibits Maintnd in File
Additional Text: Transaction 4195883 - Approved By: AAKOPYAN : 12-13-2013:08:17:59
- 39 12/13/2013 - NEF - Proof of Electronic Service
Additional Text: Transaction 4196332 - Approved By: NOREVIEW : 12-13-2013:08:19:27
- 40 1/2/2014 - S200 - Request for Submission Complet
No additional text exists for this entry.
- 41 1/2/2014 - S200 - Request for Submission Complet
No additional text exists for this entry.
- 42 1/2/2014 - 1940 - Master's Findings/Recommend
Additional Text: MASTER'S FINDINGS AND RECOMMENDATIONS - Transaction 4231295 - Approved By: NOREVIEW : 01-02-2014:16:31:47
- 43 1/2/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4231323 - Approved By: NOREVIEW : 01-02-2014:16:38:22
- 44 1/10/2014 - MIN - ***Minutes
Additional Text: MOTION TO MODIFY 01/02/14 - Transaction 4249730 - Approved By: NOREVIEW : 01-10-2014:12:10:25
- 45 1/10/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4249746 - Approved By: NOREVIEW : 01-10-2014:12:13:19
- 46 1/24/2014 - 2490 - Motion ...
Additional Text: MOTION FOR DECLARATORY AND INJUCTIVE RELIEF
- 47 1/27/2014 - 2690 - Ord Affirming Master Recommend
Additional Text: JUDGMENT AND ORDER AFFIRMING MASTER'S FINDINGS AND RECOMMENDATIONS; NOTICE OF ENTRY OF ORDER - Transaction 4275429 - Approved By: NOREVIEW : 01-27-2014:09:56:42
- 48 1/27/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4275442 - Approved By: NOREVIEW : 01-27-2014:09:58:08
- 49 1/27/2014 - F255 - Setld/Withdrn with Jud Conf/Hg
No additional text exists for this entry.
- 50 2/18/2014 - 1325 - ** Case Reopened
No additional text exists for this entry.

- 51 2/18/2014 - 3880 - Response...
Additional Text: RESPONSE TO MOTION FOR DECLARATORY AND INJUNCTIVE RELIEF FILED JANUARY 24, 2014 - Transaction 4308450 - Approved By: MCHOLICO : 02-19-2014:09:04:51
- 52 2/18/2014 - 3860 - Request for Submission
Additional Text: MOTION FOR DECLARATORY AND INJUNCTIVE RELIEF AND RESPONSE (NO PAPER ORDER PROVIDED) - Transaction 4308454 - Approved By: MCHOLICO : 02-19-2014:09:07:30
PARTY SUBMITTING: SUSAN HALLAHAN, ESQ.
DATE SUBMITTED: 2/18/14
SUBMITTED BY: MCHOLICO
DATE RECEIVED JUDGE OFFICE:
- 53 2/19/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4309165 - Approved By: NOREVIEW : 02-19-2014:09:06:15
- 54 2/19/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4309179 - Approved By: NOREVIEW : 02-19-2014:09:08:36
- 55 5/9/2014 - S200 - Request for Submission Complet
No additional text exists for this entry.
- 56 5/9/2014 - 1940 - Master's Findings/Recommend
Additional Text: REGARDING MOTION FOR DECLARATORY AND INJUNCTIVE RELIEF - Transaction 4426058 - Approved By: NOREVIEW : 05-09-2014:15:21:02
- 57 5/9/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4426061 - Approved By: NOREVIEW : 05-09-2014:15:22:05
- 58 5/19/2014 - 2620 - Obj to Master's Recommendation
Additional Text: OBEJCTION TO MASTER'S RECOMMENDATION AND NOTICE TO SET
- 59 6/10/2014 - 1250 - Application for Setting
No additional text exists for this entry.
- 60 7/16/2014 - MIN - ***Minutes
Additional Text: 7/16/14 OBJECTION HEARING - Transaction 4518904 - Approved By: NOREVIEW : 07-16-2014:10:07:33
- 61 7/16/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4518910 - Approved By: NOREVIEW : 07-16-2014:10:08:23
- 62 8/20/2014 - 3370 - Order ...
Additional Text: ORDER AFFIRMING IN PART AND DENYING IN PART MASTER'S FINDINGS AND RECOMMENDATIONS REGARDING MOTION FOR DECLARATORY AND INJUNCTIVE RELIEF - Transaction 4569504 - Approved By: NOREVIEW : 08-20-2014:10:33:11
- 63 8/20/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4569510 - Approved By: NOREVIEW : 08-20-2014:10:34:10
- 64 11/6/2014 - 2385 - Mtn Proceed Forma Pauperis
No additional text exists for this entry.
- 65 11/6/2014 - 2545 - Notice of Entry ...
No additional text exists for this entry.
- 66 11/6/2014 - 3860 - Request for Submission
Additional Text: DOCUMENT TITLE: MOTION TO PROCEED INFORMA PAUPERIS (PAPER ORDER PROVIDED)
PARTY SUBMITTING: JONATHAN H KING ESQ
DATE SUBMITTED: NOVEMBER 7, 2014
SUBMITTED BY: YVILORIA
DATE RECEIVED JUDGE OFFICE:

67 11/6/2014 - 2515 - Notice of Appeal Supreme Court

No additional text exists for this entry.

68 11/6/2014 - 1310 - Case Appeal Statement

No additional text exists for this entry.

69 11/10/2014 - 1350 - Certificate of Clerk

Additional Text: CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 4688567 - Approved By: NOREVIEW
: 11-10-2014:10:01:08

70 11/10/2014 - NEF - Proof of Electronic Service

Additional Text: Transaction 4688568 - Approved By: NOREVIEW : 11-10-2014:10:02:09

IN THE FAMILY DIVISION
OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

JOSUE TERRONES VALDEZ,

Case No. FV10-04478

Obligee,

Dept. No. 13

vs.

PATRICIA SOTO AGUILAR,

Obligor.

**ORDER AFFIRMING IN PART AND DENYING IN PART
MASTER'S FINDINGS AND RECOMMENDATIONS REGARDING
MOTION FOR DECLARATORY AND INJUNCTIVE RELIEF**

This matter was heard on July 16, 2014 based upon Obligee, Josue Terrones Valdez' ("Obligee") Objection to Master's Recommendations and Notice to Set filed on May 19, 2014. Obligee was present at the hearing by and through Jonathan King, Esq. Obligor, Patricia Soto Aguilar ("Obligor") was present representing herself. Washoe County Chief Deputy District Attorney, Susan Hallahan, Esq. was also present.

The Court, having reviewed the Motion for Declaratory and Injunctive Relief filed by Obligee on January 24, 2014; the Response to Motion for Declaratory and Injunctive Relief filed February 18, 2014 by the Washoe County District Attorney's Office; the Master's Findings and Recommendations Regarding Motion for Declaratory and Injunctive Relief ("Master's Recommendations"); the Objection to Master's

1 Recommendations and Notice to Set filed by Obligee; and having heard the arguments
2 of counsel,

3 Based upon these documents, the papers and pleadings on file herein and
4 for good cause shown, the Court makes the following determination.

5 **I. STANDARD OF REVIEW**

6 Because the issues presented by the Obligee's Motion and Objection are
7 legal in character, the Court reviews the Master's Recommendation de novo. See
8 WDCR 32(1)(a) & (b); see also, Nassiri v. Chiropractic Physicians' Bd., 130 Nev. ____;
9 327 P.3d 487, 489 (2014).
10

11 **II. FACTUAL FINDINGS & DISCUSSION**

12 The Court adopts the "Findings of Fact" and "Discussion" portion of the
13 Master's Recommendations as if fully set forth herein.

14 **III. CONCLUSIONS OF LAW**

15 **A. The Statute is Clear and Unambiguous**

16 NRS 425.360(4) provides:

17 Debts for support may not be incurred by a parent or any other
18 person who is the recipient of public assistance for the benefit
19 of a dependant child for the period when the parent or other
person is a recipient.

20 This language is clear and unambiguous on its face. It makes no
21 allowance for children who are not the beneficiaries of the public assistance at issue. It
22 also does not permit, as requested by Obligee, the accrual of support during the time

23 ///

24 ///

1 the Obligor is the recipient of public assistance, as that would be a "debt" which,
2 pursuant to the plain language of the statute, "may not be incurred...".¹ See, MGM
3 Mirage v. Nevada Ins. Guar. Ass'n., 125 Nev. 223, 228-29, 209 P.3d 766, 769-70
4 (2009) (when a statute is plain and unambiguous and has only one meaning, it must be
5 construed as written unless such a construction is at odds with statutory intent.)

6 The Court is mindful of the burden this statute places on a parent who
7 should receive child support but does not due to the plain dictates of NRS 425.360(4).
8 However, this issue of policy is one with which the Legislature must grapple. As set
9 forth below, the Court is bound to follow the statute as written.
10

11 **B. The Application of NRS 425.360(4) is Not a Retroactive**
12 **Modification of Child Support**

13 Obligee's argument that the application of NRS 425.360(4) is a retroactive
14 modification of child support misapprehends the effect of the statute.

15 The statute causes a child support obligation to cease, by operation of
16 law, during any period the obligor parent is a recipient of public assistance.² Because
17 the child support obligation must cease, no amount of support can ripen into a vested
18 right which cannot be modified.³
19

20 ¹ "Debt" is defined as "something owed: obligation." See Webster's Ninth Collegiate Dictionary, p. 328
21 (1983). This broad definition must also include an obligation which accrues and then matures after the
obligor ceases receiving public assistance.

22 ² The Master's Recommendations state that the effect of NRS 425.360(4) is to stay a child support
23 obligation. See Master's Recommendation 3:27 and 4:3. To the extent this language implies that the
child support obligation accrues and is payable once the obligor is not receiving public assistance, it
24 violates NRS 425.360(4) and is expressly overruled. The accrual of a child support obligation is the same
as incurring a debt for child support which is prohibited by the statute.

25 ³ The cessation, by operation of law, of child support is not unique to this statute. Child support, by its
terms, extends until a child is 18 or 19 if still in high school. When a child turns 19, or graduates from

1 **C. No Property Interest has Vested and So No "Taking"**
2 **Has Occurred.**

3 Because child support must cease during the operative time defined by
4 NRS 425.360(4), no child support payments accrue nor do any of these payments vest.
5 Although there may be a property interest in vested child support payments, no such
6 interest exists in future, unmade payments, which can be modified by the Court if
7 certain circumstances exist. See, e.g., NRS 125B.145. Because no child support
8 payments have vested, there is no "taking" of property under the Constitution.

9 **D. Is a Hearing Necessary Before Child Support**
10 **Can Cease Under NRS 425.360(4)**

11 It is first noted that because no vested property right is being impacted, a
12 hearing is not necessary, as due process is afforded to protect rights rather than
13 expectations. However, the Obligee may have an interest in the continued receipt of
14 child support payments, so analysis of the right to a hearing is appropriate.

15 Obligee has urged Mathews v. Eldridge, 424 U.S. 319, 96 S.Ct. 893,
16 (1976) as requiring a hearing before NRS 425.360(4) can operate. As in Mathews this
17 Court concludes that the administrative procedures in place provide all the process that
18 is due under the Constitution (of both Nevada and the United States) prior to ceasing
19 the stream of child support payments to an obligee.

20 In Mathews, the Supreme Court reminds us that Due Process is flexible
21 and calls for the procedural protections demanded by a particular situation before an
22 individual is finally deprived of a property interest, Mathews 424 U.S. at 902, citing
23 Morrissey v. Brewer, 408 U.S. 471, 481, 92 S.Ct. 2593, 2600, 33 L.Ed.2d 484 (1972).
24 The Court then analyzes three factors to determine the appropriate due process to be

25 high school the child support obligation ceases by operation of law, without the obligor parent having to
 take any action to cause the obligation to stop. See NRS 125B.200; 125B.020 et seq.

1 afforded: 1) the private interest that will be affected by the official action; 2) the risk of
2 erroneous deprivation of such interest by the procedures used and the value of
3 additional safeguards; and 3) the governmental interest including any fiscal or
4 administrative burden that any additional procedures would entail.

5 1. Factor One

6 Because child support is not a needs based interest such as welfare,
7 something less than an evidentiary hearing is necessary. Compare Mathews, which
8 involved the termination of social security disability payments. Child support is not
9 based upon the need of the child or the custodial parent, but rather the statutory formula
10 is based upon the non-custodial parent's gross monthly income. The amount of child
11 support is subject to variation based upon many circumstances including: 1) the
12 percentage of custodial time a parent spends with a child, resulting in a joint or primary
13 custody determination; 2) the variation of the non-custodial parent's income; and 3) the
14 adjustment of applicable statutory caps on the maximum child support amount. See
15 Wright v. Osburn 114 Nev. 1367, 970 P.2d 1071 (1998); NRS 125B.080(93); and NRS
16 125B.145(4).

17 2. Factor Two

18 Because the child support assessment at issue is sharply focused and
19 based upon "routine, standard and unbiased" information" namely – is the obligor the
20 recipient of public assistance or not – it is highly unlikely that a hearing would be
21 necessary to protect an obligee from an inappropriate deprivation of a right.
22

23 Moreover, under NRS 425.360(4), once it is determined that the obligor is
24 receiving public assistance, no further information from the obligee would make a
25 difference as this determination is black and white, not a nuanced and subjective

1 assessment of conflicting evidence. In addition, if there is an error in the public
2 assistance determination, the obligee would be entitled to receive unpaid arrears from
3 the obligor. Nothing in the pertinent statute prevents child support from being adjusted -
4 for example, if the dates public assistance was afforded the obligor parent are wrong.
5 This can be corrected easily at a later hearing. Further, the child support issue is self-
6 correcting, also by operation of law, as there is no hearing necessary to restart a child
7 support obligation again once the obligor parent is no longer receiving public
8 assistance.

9
10 3. Factor Three

11 The requirement of having an evidentiary hearing prior to the cessation of
12 child support because the obligor is receiving public assistance would create a burden
13 on the government, both fiscal and administrative, completely out of proportion to any
14 benefit which could be derived.

15 To require an evidentiary hearing prior to ceasing a debt for child support
16 when the obligor parent receives public assistance would dramatically add to the
17 number of child support hearings a court would hold, resulting in significant costs to the
18 Courts. In addition, the need for governmental lawyers from the District Attorney's office
19 or the Nevada Attorney General's office to participate; a diversion of resources from
20 other business of the courts including other necessary hearings; and the potential delay
21 of necessary public assistance to obligor parents are all significant impacts which would
22 cause greatly enhanced fiscal and administrative burdens to the government. This
23 would put the obligee parent, a recipient of a benefit which is not needs based, in a
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position of priority over the needs of an obligor parent receiving public assistance, which is a needs based benefit.

When the extremely limited value of any hearing held prior to following NRS 425.360(4) (which would be limited to proof of an obligor receiving public assistance) is balanced against the delay of necessary public assistance and the cost and judicial and other governmental resources necessary to hold a pre-cessation hearing, due process does not require that a hearing be held prior to the cessation of child support.

In addition, the lack of an evidentiary hearing to cease child support is offset by the lack of evidentiary hearing for child support payment to recommence when the obligor stops receiving public assistance. Further, because an obligee can request a hearing and contest any erroneous determination that the obligor was receiving public assistance, the obligee has been given the necessary opportunity to present his case and to protect his interest in obtaining appropriate child support. The requirement that obligee parents have an opportunity to be heard “at a meaningful time and in a meaningful manner” as mandated by procedural due process is satisfied by NRS 425.360(4) and the administrative procedures which implement it.

Obligee's Objection is denied.

IT IS SO ORDERED.

Dated: August 20, 2014.

Bridget E. Robb
BRIDGET E. ROBB
District Judge

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court in and for the County of Washoe, and I deposited for mailing in the county mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, a true copy of the attached document addressed as follows:

Patricia Soto Aguilar
3811 Patricia Lane
Reno, NV 89512

I hereby certify that I electronically filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

JONATHAN KING, ESQ.
SUSAN HALLAHAN, ESQ.

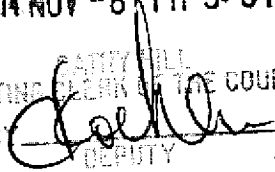
DATED this 20 day of aug, 2014.


JUDICIAL ASSISTANT

ORIGINAL

FILED

2014 NOV -6 PM 3:51

ACTING CLERK OF THE COURT
BY  DEPUTY

1 CODE: ~~2546~~ 2540
JONATHAN H. KING, ESQ.
2 Nevada State Bar No. 22
429 Marsh Avenue
3 Reno, Nevada 89509
Telephone: (775) 322-2211
4 Attorney for Obligee

5 IN THE FAMILY DIVISION

6 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF WASHOE

8
9 JOSUE TERRONES VALDEZ

10 Obligee,

11 vs.

Case No. FV10-04478

12 PATRICIA SOTO AGUILAR,

Dept. No. 13 UWM

13 Obligor.
14 _____

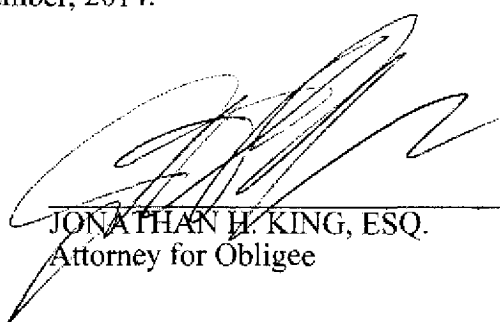
15 **NOTICE OF ENTRY**

16 PLEASE TAKE NOTICE that an ORDER AFFIRMING IN PART AND DENYING IN
17 PART MASTER'S FINDINGS AND RECOMMENDATIONS REGARDING MOTION FOR
18 DECLARATORY AND INJUNCTIVE RELIEF was entered on the 20th day of August, 2014; a
19 copy is attached hereto.

20 **AFFIRMATION Pursuant to NRS 239B.030**

21 The undersigned does hereby affirm that the preceding document does not contain the
22 social security number of any person.

23 DATED this 8th day of September, 2014.

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JONATHAN H. KING, ESQ.
Attorney for Obligee
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IN THE FAMILY DIVISION
OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

JOSUE TERRONES VALDEZ,

Case No. FV10-04478

Obligee,

vs.

Dept. No. 13

PATRICIA SOTO AGUILAR,

Obligor.

**ORDER AFFIRMING IN PART AND DENYING IN PART
MASTER'S FINDINGS AND RECOMMENDATIONS REGARDING
MOTION FOR DECLARATORY AND INJUNCTIVE RELIEF**

This matter was heard on July 16, 2014 based upon Obligee, Josue Terrones Valdez' ("Obligee") Objection to Master's Recommendations and Notice to Set filed on May 19, 2014. Obligee was present at the hearing by and through Jonathan King, Esq. Obligor, Patricia Soto Aguilar ("Obligor") was present representing herself. Washoe County Chief Deputy District Attorney, Susan Hallahan, Esq. was also present.

The Court, having reviewed the Motion for Declaratory and Injunctive Relief filed by Obligee on January 24, 2014; the Response to Motion for Declaratory and Injunctive Relief filed February 18, 2014 by the Washoe County District Attorney's Office; the Master's Findings and Recommendations Regarding Motion for Declaratory and Injunctive Relief ("Master's Recommendations"); the Objection to Master's

1 Recommendations and Notice to Set filed by Obligee; and having heard the arguments
2 of counsel,

3 Based upon these documents, the papers and pleadings on file herein and
4 for good cause shown, the Court makes the following determination.

5
6 **I. STANDARD OF REVIEW**

7 Because the issues presented by the Obligee's Motion and Objection are
8 legal in character, the Court reviews the Master's Recommendation de novo. See
9 WDCR 32(1)(a) & (b); see also, Nassiri v. Chiropractic Physicians' Bd., 130 Nev. ____;
10 327 P.3d 487, 489 (2014).

11 **II. FACTUAL FINDINGS & DISCUSSION**

12 The Court adopts the "Findings of Fact" and "Discussion" portion of the
13 Master's Recommendations as if fully set forth herein.

14 **III. CONCLUSIONS OF LAW**

15 **A. The Statute is Clear and Unambiguous**

16 NRS 425.360(4) provides:

17 Debts for support may not be incurred by a parent or any other
18 person who is the recipient of public assistance for the benefit
19 of a dependant child for the period when the parent or other
person is a recipient.

20 This language is clear and unambiguous on its face. It makes no
21 allowance for children who are not the beneficiaries of the public assistance at issue. It
22 also does not permit, as requested by Obligee, the accrual of support during the time

23 ///

24 ///

1 the Obligor is the recipient of public assistance, as that would be a "debt" which,
2 pursuant to the plain language of the statute, "may not be incurred..."¹ See, MGM
3 Mirage v. Nevada Ins. Guar. Ass'n., 125 Nev. 223, 228-29, 209 P.3d 766, 769-70
4 (2009) (when a statute is plain and unambiguous and has only one meaning, it must be
5 construed as written unless such a construction is at odds with statutory intent.)

6 The Court is mindful of the burden this statute places on a parent who
7 should receive child support but does not due to the plain dictates of NRS 425.360(4).
8 However, this issue of policy is one with which the Legislature must grapple. As set
9 forth below, the Court is bound to follow the statute as written.
10

11 **B. The Application of NRS 425.360(4) is Not a Retroactive**
12 **Modification of Child Support**

13 Oblige's argument that the application of NRS 425.360(4) is a retroactive
14 modification of child support misapprehends the effect of the statute.

15 The statute causes a child support obligation to cease, by operation of
16 law, during any period the obligor parent is a recipient of public assistance.² Because
17 the child support obligation must cease, no amount of support can ripen into a vested
18 right which cannot be modified.³

19
20
21 ¹ "Debt" is defined as "something owed: obligation." See Webster's Ninth Collegiate Dictionary, p. 328
(1983). This broad definition must also include an obligation which accrues and then matures after the
22 obligor ceases receiving public assistance.

23 ² The Master's Recommendations state that the effect of NRS 425.360(4) is to stay a child support
24 obligation. See Master's Recommendation 3:27 and 4:3. To the extent this language implies that the
child support obligation accrues and is payable once the obligor is not receiving public assistance, it
violates NRS 425.360(4) and is expressly overruled. The accrual of a child support obligation is the same
as incurring a debt for child support which is prohibited by the statute.

25 ³ The cessation, by operation of law, of child support is not unique to this statute. Child support, by its
terms, extends until a child is 18 or 19 if still in high school. When a child turns 19, or graduates from

1 C. No Property Interest has Vested and So No "Taking"
2 Has Occurred.

3 Because child support must cease during the operative time defined by
4 NRS 425.360(4), no child support payments accrue nor do any of these payments vest.
5 Although there may be a property interest in vested child support payments, no such
6 interest exists in future, unmade payments, which can be modified by the Court if
7 certain circumstances exist. See, e.g., NRS 125B.145. Because no child support
8 payments have vested, there is no "taking" of property under the Constitution.

9 D. Is a Hearing Necessary Before Child Support
10 Can Cease Under NRS 425.360(4)

11 It is first noted that because no vested property right is being impacted, a
12 hearing is not necessary, as due process is afforded to protect rights rather than
13 expectations. However, the Obligee may have an interest in the continued receipt of
14 child support payments, so analysis of the right to a hearing is appropriate.

15 Obligee has urged Mathews v. Eldridge, 424 U.S. 319, 96 S.Ct. 893,
16 (1976) as requiring a hearing before NRS 425.360(4) can operate. As in Mathews this
17 Court concludes that the administrative procedures in place provide all the process that
18 is due under the Constitution (of both Nevada and the United States) prior to ceasing
19 the stream of child support payments to an obligee.

20 In Mathews, the Supreme Court reminds us that Due Process is flexible
21 and calls for the procedural protections demanded by a particular situation before an
22 individual is finally deprived of a property interest, Mathews 424 U.S. at 902, citing
23 Morrissey v. Brewer, 408 U.S. 471, 481, 92 S.Ct. 2593, 2600, 33 L.Ed.2d 484 (1972).

24 The Court then analyzes three factors to determine the appropriate due process to be

25 high school the child support obligation ceases by operation of law, without the obligor parent having to
take any action to cause the obligation to stop. See NRS 125B.200; 125B.020 et seq.

1 afforded: 1) the private interest that will be affected by the official action; 2) the risk of
2 erroneous deprivation of such interest by the procedures used and the value of
3 additional safeguards; and 3) the governmental interest including any fiscal or
4 administrative burden that any additional procedures would entail.

5 1. Factor One

6 Because child support is not a needs based interest such as welfare,
7 something less than an evidentiary hearing is necessary. Compare Mathews, which
8 involved the termination of social security disability payments. Child support is not
9 based upon the need of the child or the custodial parent, but rather the statutory formula
10 is based upon the non-custodial parent's gross monthly income. The amount of child
11 support is subject to variation based upon many circumstances including: 1) the
12 percentage of custodial time a parent spends with a child, resulting in a joint or primary
13 custody determination; 2) the variation of the non-custodial parent's income; and 3) the
14 adjustment of applicable statutory caps on the maximum child support amount. See
15 Wright v. Osburn 114 Nev. 1367, 970 P.2d 1071 (1998); NRS 125B.080(93); and NRS
16 125B.145(4).

17 2. Factor Two

18 Because the child support assessment at issue is sharply focused and
19 based upon "routine, standard and unbiased" information" namely – is the obligor the
20 recipient of public assistance or not – it is highly unlikely that a hearing would be
21 necessary to protect an obligee from an inappropriate deprivation of a right.

22 Moreover, under NRS 425.360(4), once it is determined that the obligor is
23 receiving public assistance, no further information from the obligee would make a
24 difference as this determination is black and white, not a nuanced and subjective
25

1 assessment of conflicting evidence. In addition, if there is an error in the public
2 assistance determination, the obligee would be entitled to receive unpaid arrears from
3 the obligor. Nothing in the pertinent statute prevents child support from being adjusted -
4 for example, if the dates public assistance was afforded the obligor parent are wrong.
5 This can be corrected easily at a later hearing. Further, the child support issue is self-
6 correcting, also by operation of law, as there is no hearing necessary to restart a child
7 support obligation again once the obligor parent is no longer receiving public
8 assistance.

9
10 3. Factor Three

11 The requirement of having an evidentiary hearing prior to the cessation of
12 child support because the obligor is receiving public assistance would create a burden
13 on the government, both fiscal and administrative, completely out of proportion to any
14 benefit which could be derived.

15 To require an evidentiary hearing prior to ceasing a debt for child support
16 when the obligor parent receives public assistance would dramatically add to the
17 number of child support hearings a court would hold, resulting in significant costs to the
18 Courts. In addition, the need for governmental lawyers from the District Attorney's office
19 or the Nevada Attorney General's office to participate; a diversion of resources from
20 other business of the courts including other necessary hearings; and the potential delay
21 of necessary public assistance to obligor parents are all significant impacts which would
22 cause greatly enhanced fiscal and administrative burdens to the government. This
23 would put the obligee parent, a recipient of a benefit which is not needs based, in a
24
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1 position of priority over the needs of an obligor parent receiving public assistance, which
2 is a needs based benefit.

3 When the extremely limited value of any hearing held prior to following
4 NRS 425.360(4) (which would be limited to proof of an obligor receiving public
5 assistance) is balanced against the delay of necessary public assistance and the cost
6 and judicial and other governmental resources necessary to hold a pre-cessation
7 hearing, due process does not require that a hearing be held prior to the cessation of
8 child support.

9
10 In addition, the lack of an evidentiary hearing to cease child support is
11 offset by the lack of evidentiary hearing for child support payment to recommence when
12 the obligor stops receiving public assistance. Further, because an obligee can request
13 a hearing and contest any erroneous determination that the obligor was receiving public
14 assistance, the obligee has been given the necessary opportunity to present his case
15 and to protect his interest in obtaining appropriate child support. The requirement that
16 obligee parents have an opportunity to be heard "at a meaningful time and in a
17 meaningful manner" as mandated by procedural due process is satisfied by NRS
18 425.360(4) and the administrative procedures which implement it.

19
20 Obligee's Objection is denied.

21 **IT IS SO ORDERED.**

22 Dated: August 20, 2014.

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25 BRIDGET E. ROBB
District Judge

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Patricia Soto Aguilar
3811 Patricia Lane
Reno, NV 89512

JONATHAN KING, ESQ.
SUSAN HALLAHAN, ESQ.

DATED this 20 day of Aug, 2014.


JUDICIAL ASSISTANT

CASE NO. FV10-04478 JOSUE VALDEZ VS. PATRICIA AGUILAR

NOTICE OF INTENT TO ENFORCE

Obligee was present, representing himself.

Susan Hallahan, Chief Deputy District Attorney, was present on behalf of the Family Support Division.

Obligor was present, representing herself.

Marco Contreras interpreted for the Obligor.

Parties sworn.

Exhibit A was confirmed but not admitted.

1/6/2011
2:30 PM
MASTER
EGAN
WALKER
DEPT. NO.
UM
R. WILDING
(Clerk)
JAVS

Obligor testified: That she has not worked for 2 months and she owes money for rent and denied that there are other adults living in the home. Obligor denied that she smokes and stated that she has applied for work and went on to explain her expenses and noted that her siblings help her with rent but not with child support. Obligor repeated that she is not working and she explained that her children's father paid for her trip to California by sending her \$200. Obligor does not have any money on her today and noted that she does not have a driver's license and she has not been to jail. Obligor explained that she has 3 other minor children and she is not able to support them and she can't pay rent or buy diapers. Obligor stated that the Obligee has 2 jobs.

Obligee testified: That he has not received money from the Obligor and he is seeking interest and penalties and he noted that the Obligor is working and is lying about it. Obligee stated that he can't remember the name of the Obligor's prior employer but it was at a warehouse. Obligee further noted that the Obligor went to California for a week so she can afford to travel to Anaheim. Obligee stated that he wants custody as the Obligor does not pay. Obligee stated that the Obligor needs to pay.

Court: Advised the parties that we are not here on custody/visitation issues.

MASTER'S RECOMMENDATION:

Nevada has continuing exclusive jurisdiction.

Judgment entered in the amount of \$1713.14 through November 2010.

Obligor shall pay \$50 per month toward arrears beginning December 2010.

Pursuant to prior Order, Obligor shall pay \$531 per month in ongoing child support beginning December 2010.

Payments shall be by wage assignment.

Obligee shall provide medical insurance for the minor child/children, if available through an employer at a reasonable cost.

The Parties shall split the cost of any un-reimbursed medical expenses.

RW 2/10/2011

CASE NO. FV10-04478 JOSUE VALDEZ VS. PATRICIA AGUILAR

MOTION TO MODIFY

Obligee was present, represented by Jonathan King, Esq.
Susan Hallahan, Chief Deputy District Attorney, was present on behalf of the Family Support Division.

Obligor was present, representing herself.
Natalia Cardillo, Court Certified Spanish Interpreter, was present with Obligor.

Parties' sworn.
Exhibit 1 is marked.

Obligor questioned by Ms. Hallahan.

Obligor: She confirms her address. She is currently unemployed. Obligor has been unemployed for more than four years. She is not disabled. Obligor has four other minor children that she is responsible for. All of the children live with her. She is receiving cash aide for three of the children in her home. Obligor also receives medic aide.

Obligee questioned by Ms. Hallahan.

Obligee: He confirms his address. He is employed full time earning \$14.00 per hour. Obligee has insurance for the child through St. Mary's. He pays about \$90.0 per week for the insurance premium that covers him and the child. Obligee received the audit and is requesting the collection of the interest and penalties. He last received a payment from the Obligee in November 2011.

Ms. Hallahan: She makes her recommendation.

Mr. King: He states that he intends to make a test case out of this matter. He contends that NRS 425.360 is unconstitutional both on its face and as applied to the facts of this case. Mr. King states that it is a violation of the Fifth Amendment of the Constitution. He states that the Obligor has made very few payments in the last few years and he believes that she owes well over the \$7,000.00 listed on the audit. He will be challenging the statute. Mr. King states that it does not make sense to lower a child support order to \$100.00 per month, but it won't be charged or collected.

Obligor: She states that she has been receiving this assistance since 2010 because the children's father is not helping her with anything.

Obligor questioned by Mr. King.

Obligor: She receives \$2,202.00 per month from her husband. She states that he gives her that money for the bills. She has to pay all of the bills and buy clothes.

Ms. Hallahan: She recommends that she and Mr. King brief this issue and submit it to the Court for an appropriate ruling.

MASTER'S RECOMMENDATIONS:

The Court recommends Mr. King file his brief by February 3, 2014.
The Court further recommends Ms. Hallahan file her response by March 3, 2014.
The Court will issue Findings and Recommendations based on the briefs filed.

01/02/14
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MASTER
LANCE WHITE
DEPT. NO. UM
N. HUTCHERSON
(Clerk)
JAVS
Bailiff
D. CROCKETT

Case No. FV10-04478

JOSUE VALDEZ VS. PATRICIA AGUILAR

Date, Judge, Officers
of Court Present

APPEARANCES/HEARING

July 16, 2014

The Honorable
BRIDGET E.
ROBB

Dept. No. 13

N. Mason

(Clerk)

Reporter-JAVS

B. Lux

(Bailiff)

OBJECTION TO MASTER'S RECOMMENDATION (UIFSA)

Obligee Josue Valdez was not present but Counsel Jonathan King was present representing him. Obligor Patricia Aguilar was present without Counsel representing herself. Washoe County Deputy District Attorney Susan Hallahan was also present. Court Interpreter Natalia Cardillo also appeared, having been previously sworn by the Court.

(The Court indicated that it was taking this matter up de novo since it is a matter of law.)

Counsel King presented three different hypothetical child support situations. He indicated that his client is not wealthy and has physical custody of the parties' minor child. He stated that there are 27 months at issue in this matter when the Obligor didn't pay child support but also didn't file anything indicating that she was receiving public benefits for another child. He indicated that his client and the minor child need child support since the public benefits were received for a different child. He stated that the Obligor did nothing she should have done to modify the child support obligation. He further stated that the Obligor seems to be taking the position that if she can stay on public assistance, she'll never have to pay support for the minor child. He indicated that the statute being quoted by the District Attorney is unconstitutional and that child support should be morally and statutorily paid. He also stated that the DA argued that once child support accrues, it becomes vested, and that this supports his position in this matter. He indicated that the Obligor is trying to retroactively modify the child support that has already accrued and vested. He also stated that any decision of the Court will be appealed by either side. He further stated that the statute creates a situation where one section of society is found to be owed child support, whereas another section of society is not found to be owed child support. He then requested that, if his objection is denied, that the fees to file an appeal be waived for his client since he would not be able to afford the filing fees.

Counsel Hallahan stated that she has nothing to add to her brief to the Court.

COURT ORDERED: the Court will review any case law that may apply to this matter and will issue a decision regarding the Obligee's Objection. The Court will look into whether or not it can waive the filing fees for the appeal.

The Court was to prepare the order after hearing.

1 **Code 1350**

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6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

7 **IN AND FOR THE COUNTY OF WASHOE**

8 **JOSUE TERRONES VALDEZ,**

9 **Obligee,**

10 **vs.**

Case No. FV10-04478

11 **PATRICIA SOTO AGUILAR,**

Dept. No. 13

12 **Obligor.**

13
14 **/**

15
16 **CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL**

17 I certify that I am an employee of the Second Judicial District Court of the State of
18 Nevada, County of Washoe; that on the 10th day of November, 2014, I electronically filed
19 the Notice of Appeal in the above entitled matter to the Nevada Supreme Court.

20 I further certify that the transmitted record is a true and correct copy of the original
21 pleadings on file with the Second Judicial District Court.

22 Dated this 10th day of November, 2014

23
24 CATHY HILL, ACTING
CLERK OF THE COURT

25
26 By /s/ Yvonne Vilorio
Yvonne Vilorio
27 Deputy Clerk
28