

CLERK OF THE COURT

Electronically Filed
Mar 17 2016 02:09 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

1 **NOAS**
2 RADFORD J. SMITH, CHARTERED
3 RADFORD J. SMITH, ESQ.
4 Nevada Bar No. 002791
5 GARIMA VARSHNEY, ESQ.
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9 **DISTRICT COURT**
10 **CLARK COUNTY, NEVADA**

11 SEAN ABID,
12 Plaintiff,
13 vs.
14 LYUDMYLA ABID,
15 Defendant.

CASE NO.: D-10-424830-Z

DEPT NO.: B

FAMILY DIVISION

18 **NOTICE OF APPEAL**

19 NOTICE is hereby given that Defendant, LYUDMYLA ABID, hereby appeals to the Supreme
20 Court of the State of Nevada for District Court Notice of Entry of Order from Hearing filed on March 1,
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1 2016, a copy of which is attached as Exhibit "A" hereto.

2 Dated this ¹⁴ day of March, 2016.

3 RADFORD J. SMITH, CHARTERED

4 
5 RADFORD J. SMITH, ESQ.

6 Nevada Bar No. 002791

7 GARIMA VARSHNEY, ESQ.

8 Nevada Bar No. 011878

9 2470 St. Rose Parkway, Suite 206

10 Henderson, Nevada 89074

11 *Attorney for Defendant*

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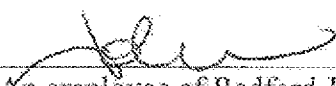
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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Radford J. Smith Chartered ("the Firm"). I am over the age of 18 and not a party to the within action.

I served the foregoing document described as "NOTICE OF APPEAL" on this 14 day of March, 2016, to all interested parties by way of the Eighth Judicial District Court's electronic filing system.

John Jones, Esq.
10777 W. Twain Ave., #300
Las Vegas, Nevada 89135
Attorney for Plaintiff



An employee of Radford J. Smith, Chartered

EXHIBIT "A"

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DISTRICT COURT
CLARK COUNTY, NEVADA


CLERK OF THE COURT

In the Matter of the Joint Petition for
Divorce of:
Sean R. Abid and Lyudmyla A Abid,
Petitioners.

Case No.: D-10-424830-Z
Department B

NOTICE OF ENTRY OF ORDER FROM HEARING


TO: ALL PARTIES AND/OR THEIR ATTORNEYS

Please take notice than an Order from Hearing has been entered in the above-entitled matter, a copy of which is attached hereto. I hereby certify that on the above file stamped date, I caused a copy of this Notice of Entry of Order from Hearing to be:

E-Served pursuant to NEFCR 9 on 03/01/16, or placed in the folder(s) located in the Clerk's Office of, the following attorneys:

Radford J. Smith, Esquire
2470 St. Rose Pkwy., Suite 206
Henderson, Nevada 89074

John D. Jones, Esquire
10777 W. Twain Avenue, Suite 300
Las Vegas, Nevada 89135


Chryste Domingo
Judicial Executive Assistant
Department B


CLERK OF THE COURT

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DISTRICT COURT
CLARK COUNTY, NEVADA

SEAN R. ABID,)
)
 Plaintiff,) Case No.: D-10-424830-Z
 vs.) Dept. No.: B
)
 LYUDMYLA A. ABID)
)
 Defendant.)

Findings of Fact, Conclusions or Law, and Decision

This matter having come on for evidentiary proceedings on the 11th and 25th day January of 2016, upon Plaintiff, Sean A. Abid's (Dad) request to change custody; Dad being present and represented by John D. Jones ; Defendant Lyudmyla A. Abid (Mom) being present and represented by Radford J. Smith.

The Court having heard the evidence presented, and after taking the matter under advisement, finds and orders as follows:

Findings of Fact

This matter is a post-divorce custody action.

The Parties have one minor child, A.A., born in February 2009.

The Parties last custody order was a stipulated order, filed on September 9, 2014. The Parties stipulated to joint legal custody and joint physical custody.

Dr. Stephanie Holland, licensed psychologist, testified as an expert witness

LINDA MARQUIS
DISTRICT JUDGE
FAMILY DIVISION, DEPT. 9
LAS VEGAS, NV 89101

Non-Trial Dispositions:
 Other
 Dismissed - Want of Prosecution
 Incurious (Statutory) Dismissal
 Default Judgment
 Transferred
Sched/W/Withdrawal
 Without Judicial Conf/Htg
 With Judicial Conf/Htg
 By ADR
Trial Dispositions:
 Judgment
 Trial
 Other
 Stipulation

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and conducted a child interview of the minor child.

Dr. Holland has conducted 75-100 child interviews in conjunction with the Eighth Judicial District Court, Family Division, since 1999.

Dr. Holland relied upon: four separate interviews with the child; an interview of Mom; an interview with Dad; the child's medical records; email and text messages between the parties; pleadings relative to the instant litigation; and audio recordings made by Dad.

Dr. Holland interviewed the child on four occasions. Mom and Dad were both allowed to bring the child an equal number of times to Dr. Holland's office. Mom brought the child to Dr. Holland's office two times; and Dad brought the child to Dr. Holland's office two times.

The child's behavior and statements were consistent throughout the four interviews.

During the interviews, the child described his father as "sneaky" and "mean." Further, the child indicated that Mom told the child that the child's Dad was "sneaky" and "mean." However, those descriptions were in direct contrast to the child's description of the child's actual experiences with his Dad.

The child's own statements during the four interviews clearly established that Mom was directly and overtly attempting to influence the child's belief system regarding Dad.

The child exhibited significant signs of distress and confusion. Further, the child is internalizing a belief system that is not his own. The child is confused by statements Mom makes to the child about the child's father.

During Mom's interview with Dr. Holland, Mom admitted she told the child not to tell Dad what happens in Mom's home.

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Dr. Holland testified that children should be able to speak freely to their parents about the other parent. This type of speech restriction causes confusion and distress in children. It also creates a loyalty bind for children, especially younger children.

The Parties' homes are structured differently. Dad's home is more rigid and Mom's home is unstructured. Mom indicated that child was allowed to play Call of Duty, a video game rated for mature players only, thirty (30) minutes per day. Dad does not allow the child to play Call of Duty.

The child exhibited a preoccupation with the video game Call of Duty throughout the interviews. The child's level of preoccupation with Call of Duty was not consistent with Mom's statement that the child is only allowed to play Call of Duty thirty (30) minutes per day.

Call of Duty, with or without any additional controls, is inappropriate for a five or six year old.

Based on the child's own statements during the interview, the child exhibited a decreased desire to spend time with Dad.

As a direct result of Mom's direct and overt actions, the child is experiencing: confusion; distress; a divided loyalty between his parents; and a decreased desire to spend time with Dad.

Conclusions of Law

A modification from a joint physical custody arrangement is appropriate if it is in the child's best interest. See *Truax, v. Truax*, 110 Nev. 437, (1994). In considering the best interest of the child the District Court shall consider and set forth specific findings concerning several factors, found in the yet to be codified AB 263, section 8., as follows:

- a. The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his custody.
- b. Any nomination by a parent or a guardian for the child.

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- c. Which parent is more likely to allow the child to have frequent associations *and* a continuing relationship with the noncustodial parent.
- d. The level of conflict between the parents.
- e. The ability of the parents to cooperate to meet the needs of the child.
- f. The mental and physical health of the parents.
- g. The physical, developmental and emotional needs of the child.
- h. The nature of the relationship of the child with each parent.
- i. The ability of the child to maintain a relationship with any sibling.
- j. Any history of parental abuse or neglect of the child or a sibling of the child.
- k. Whether either parent or any other person seeking custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child.

Here, the child is of insufficient age and capacity to form an intelligent preference as to his custody.

Father requests to be designated primary custodian. Mother requests the parties continue as joint physical custodians and that visitation be modified from the last Order, increasing her visitation time with the child.

The parties were previously able to cooperate and allow the child frequent association with the other parent. Mom allowed the child additional time with Dad in the past, especially for sporting events. However, the expert testimony from Dr. Holland indicates that Mom's behavior is impacting the child's continuing relationship with Dad. Specifically, Mom's behavior is creating confusion, distress, and divided loyalty in the child. Mom concedes she is limiting the child's ability to freely speak about events and circumstances at each home.

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The level of conflict between the parties is high. The parties are unable to cooperate to meet the needs of the child. Both parties have a difficult time listening and appropriately communicating.

The mental and physical health of both parents is good.

While there was no evidence that the child has special needs, Dr. Holland testified that the child is experiencing confusion and distress because of Mom's actions. Mom has limited insight into the damage she is causing and is unable to recognize and meet the emotional needs of her child.

Each party clearly loves the child and enjoys a special relationship with the child.

The child has a half-sibling who resides full time with Mom and two half-siblings who reside full time with Dad. The child will be able to continue to maintain a relationship with all siblings pursuant to the visitation schedule outlined herein.

There is no history of parental abuse or neglect.

There is no history of domestic violence.

Based upon the foregoing best interest analysis, this Court determines that it is in the child's best interest that Dad be awarded primary physical custody of the minor child.

Child support is calculated utilizing the formulas found in NRS 125B.070 and deviation factors found in NRS 125B.080.

Order

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that it is in the best interest of the minor child that the parties maintain joint legal custody and that Dad be granted primary physical custody, subject to Mom's specific visitation, commencing on Monday, March 28, 2016, the day school resumes after Spring Break.

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IT IS FURTHER ORDERED, ADJUDGED AND DECREED that until Monday, March 28, 2016, the parties shall maintain joint physical custody and the specific visitation schedule outlined in the previous stipulation and order.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that commencing March 28, 2016, Mom's visitation time with the child shall be defined as follows: every other weekend, Mom shall pick up the child from school on Friday afternoon and return the child to school on Monday morning. On the alternating week, Mom shall pick up the child from school on Thursday afternoon and return the child to school on Friday morning.

If school is not in session, for any reason, the receiving party shall pick up the child. For example, Mom shall pick up from Dad, or directly from a designated child care provider, at the same time school releases. Dad shall pick up from Mom, or directly from a child care provider, at the same time school releases.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the parties shall continue to utilize their existing holiday schedule. However, during summer break, each parent shall have a two week vacation with the child. Each party shall notify the other parent in writing on or before May 1st of each year of the dates of the two week summer break. If the summer vacation dates conflict, Mom's request shall take precedence in all even years and Dad's request shall take precedence in all odd years.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that 18% of Mom's gross monthly income is \$914.04. The presumptive maximum is \$749.00 therefore it is in the best interest of the child that Mom's child support obligation be set at \$ 749.00 per month beginning April 2016. Such support shall continue until further order of the Court, upon a three year review, or upon substantial change of circumstances. Otherwise, the support shall continue until

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the child turns 18, unless the child is still attending high school, then the support shall continue until the child turns 19.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the current support order shall be in effect until April 2016.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Parties shall utilize Our Family Wizard as their exclusive method of communication, absent emergency or exigent circumstances, until further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the following provisions are required to be included in this custody and support order:

That the party ordered to pay child support to the other, is HEREBY PUT ON NOTICE that, pursuant to NRS 125.450, a parent responsible for paying child support is subject to NRS 31A.010 through NRS 31A.340, inclusive, and Sections 2 and 3 of Chapter 31A of the Nevada Revised Statutes, regarding the withholding of wages and commissions for the delinquent payment of support. These statutes and provisions require that, if a parent responsible for paying child support is delinquent in paying the support of a child that such person has been ordered to pay, then that person's wages or commissions shall immediately be subject to wage assignment and garnishment, pursuant to the provisions of the above-referenced statutes.

That both parties, and each of them, shall be bound by the provision of NRS 125C.200, as amended by AB No. 263, Section 16:

1. If primary physical custody has been established pursuant to an order, judgment or decree of a court and the custodial parent intends to relocate his or her residence to a place outside of this State or to a place within this State that is at such a distance that would

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substantially impair the ability of the other parent to maintain a meaningful relationship with the child, and the custodial parent desires to take the child with him or her, the custodial parent shall, before relocating:

(a) Attempt to obtain the written consent of the noncustodial parent to relocate with the child; and

(b) If the noncustodial parent refuses to give that consent, petition the court for permission to relocate with the child.

2. The court may award reasonable attorney's fees and costs to the custodial parent if the court finds that the noncustodial parent refused to consent to the custodial parent's relocation with the child:

(a) Without having reasonable grounds for such refusal; or

(b) For the purpose of harassing the custodial parent.

3. A parent who relocates with a child pursuant to this section without the written consent of the noncustodial parent or the permission of the court is subject to the provisions of NRS 200.359.

That the parties, and each of them, shall be bound by the provisions of NRS 125.510(6) which state, in pertinent part:

PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that every person having a limited right of custody to a child or any parent having no right of custody to the child who willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child from the jurisdiction of the court

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without the consent of either the court or all persons who have the right to custody or visitation is subject to being punished by a category D felony as provided in NRS 193.130.

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

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

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

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


IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Mom's request to modify the current timeshare to allow her to pick up the child after school on her custodial days is DENIED.

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IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Mom's request for sanctions for Dad's failure to provide Mom with child's passport to allow child and Mom to travel to the Ukraine in summer 2015 is DENIED.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that both parties shall bear their own attorneys' fees and costs.

DATED this 1st day of March, 2016.



DISTRICT COURT JUDGE
LINDA MARQUIS MC

CASE SUMMARY

CASE NO. D-10-424830-Z

**In the Matter of the Joint Petition for Divorce of:
Sean R Abid and Lyudmyla A Abid,
Petitioners.**

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Location: **Department B**
Judicial Officer: **Marquis, Linda**
Filed on: **02/04/2010**

CASE INFORMATION

Statistical Closures

03/01/2016 Settled/Withdrawn With Judicial Conference or Hearing
02/28/2014 Settled/Withdrawn With Judicial Conference or Hearing
12/17/2012 Settled/Withdrawn With Judicial Conference or Hearing
02/17/2010 Decision without Trial / Hearing

Case Type: **Divorce - Joint Petition**
Subtype: **Joint Petition Subject Minor(s)**

Case Status: **03/01/2016 Closed**

Case Flags: **Order After Hearing Required
Proper Person Mail Returned
Order / Decree Logged Into
Department
Proper Person Documents
Mailed
Appealed to Supreme Court**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number D-10-424830-Z
Court Department B
Date Assigned 01/05/2015
Judicial Officer Marquis, Linda

PARTY INFORMATION

Petitioner

Abid, Lyudmyla A
*2167 Montana Pine DR
Henderson, NV 89052*

Smith, Radford J, ESQ
Retained
702-990-6448(W)
Pro Se
702-208-0633(H)

Abid, Sean R
*2203 Alanhurst DR
Henderson, NV 89052*

Jones, John D.
Retained
702-869-8801(W)
Pro Se
702-630-2300(H)





Subject Minor

Abid, Aleksandr Anton

DATE

EVENTS & ORDERS OF THE COURT

EVENTS

02/04/2010  Joint Petition for Summary Decree of Divorce
02/04/2010  Notice of Seminar Completion EDCR 5.07
Filed by: Petitioner Abid, Lyudmyla A
02/04/2010  Request for Summary Disposition
Filed by: Petitioner Abid, Sean R; Petitioner Abid, Lyudmyla A
of Joint Petition for Divorce
02/04/2010  Notice of Seminar Completion EDCR 5.07
Filed by: Petitioner Abid, Sean R
02/04/2010

CASE SUMMARY

CASE NO. D-10-424830-Z

- 02/04/2010  Affidavit of Resident Witness
Filed by: Petitioner Abid, Sean R; Petitioner Abid, Lyudmyla A
- 02/04/2010  Child Support and Welfare Party Identification Sheet
Filed by: Petitioner Abid, Lyudmyla A; Subject Minor Abid, Aleksandr Anton
- 02/04/2010  Child Support and Welfare Party Identification Sheet
Filed by: Petitioner Abid, Sean R; Subject Minor Abid, Aleksandr Anton
- 02/17/2010  Decree of Divorce
Filed by: Petitioner Abid, Sean R; Petitioner Abid, Lyudmyla A
- 02/24/2010  Notice of Entry of Order
Filed by: Petitioner Abid, Sean R; Petitioner Abid, Lyudmyla A
- 02/23/2011  Notice of Withdrawal
Filed by: Petitioner Abid, Sean R
of attorney
- 02/25/2011  Stipulation and Order
Filed by: Petitioner Abid, Sean R
- 08/02/2012  Motion
Filed by: Petitioner Abid, Lyudmyla A
Defendant's Motion to Modify Physical Custody; for an Order to Show Cause to Find the Plaintiff in Contempt of Court; for Sanctions Against the Plaintiffs and to Reduce Arrears to Judgment Together With Interest and Penalty /thereon ans for Wage Withholding; for the Defendant's Attorney's Fees and Costs Incurred Herein; and Related Relief
- 08/07/2012  Certificate of Mailing
Filed by: Petitioner Abid, Lyudmyla A
Certificate of Mailing
- 08/07/2012  Financial Disclosure Form
Filed by: Petitioner Abid, Lyudmyla A
Financial Disclosure Form
- 08/23/2012  Notice of Appearance
Party: Petitioner Abid, Sean R
Notice of Appeaance
- 08/30/2012  Financial Disclosure Form
Filed by: Petitioner Abid, Sean R
Financial Disclosure Form
- 08/31/2012  Certificate of Mailing
Filed by: Petitioner Abid, Sean R
Certificate of Mailing
- 09/11/2012  Stipulation and Order
Filed by: Petitioner Abid, Sean R
Stipulation and Order to Continue Hearing
- 11/14/2012  Notice of Withdrawal
Filed by: Petitioner Abid, Lyudmyla A
Notice of Withdrawal as Counsel of Record
- 12/03/2012  Stipulation and Order
Filed by: Petitioner Abid, Sean R
Stipulation and Order
- 12/04/2012  Notice of Entry of Stipulation and Order
Filed by: Petitioner Abid, Sean R
- 12/17/2012

CASE SUMMARY

CASE NO. D-10-424830-Z

- 01/11/2013  Domestic Notice to Statistically Close Case
 Party: Petitioner Abid, Sean R
Domestic Notice to Statistically Close Case
- 04/15/2013  Notice of Withdrawal
 Filed by: Petitioner Abid, Sean R
Notice of Withdrawal of Attorney of Record
- 06/17/2013  Motion
 Filed by: Petitioner Abid, Sean R
Plaintiff's Motion to Change Custody for the Purposes of Relocation or in the Alternative to Change Custody
- 06/20/2013  Ex Parte Motion
 Filed by: Petitioner Abid, Sean R
Ex Parte Motion for Order Shortening Time of the Hearing on Plaintiff, Sean R. Abid's Motion to Change Custody for the Purposes of Relocation or in the Alternative to Change Custody
- 06/21/2013  Notice of Appearance
 Party: Petitioner Abid, Lyudmyla A
Notice of Appearance
- 06/24/2013  Receipt of Copy
 Filed by: Petitioner Abid, Sean R
Receipt of Copy
- 06/24/2013  Order Shortening Time
 Filed by: Petitioner Abid, Sean R
Order Shortening Time
- 06/25/2013  Notice of Entry of Order
 Filed by: Petitioner Abid, Sean R
Notice of Entry of Order Shortening time
- 07/01/2013  Opposition and Countermotion
 Filed by: Petitioner Abid, Lyudmyla A
Opposition to Plaintiff's Motion to Change Custody for Purposes of Relocation or in the Alternative to Change Custody and Countermotion for Referral to Family Mediation Center (FMC) to Formulate more Detailed Parenting Agreement for Holidays and for Attorney Fees
- 07/02/2013  Declaration
 Filed by: Petitioner Abid, Sean R
Declaration of Plaintiff, Sean R. Abid, in Response To Defendant's Opposition To Plaintiff's Motion To Change Custody For The Purposes Of Relocation Or In The Alternative To Change Custody
- 07/02/2013  Supplement
 Filed by: Petitioner Abid, Lyudmyla A
Supplemental Exhibit in Support of Defendant's Opposition to Plaintiff's Motion to Change Custody for the Purposes of Relocation or on the Alternative to Change Custody and Countermotion for Referral to Family Mediation (FMC) to Formulate a More Detailed Parenting Agreement for Holidays and for Attorney Fees
- 07/03/2013  Referral Order for Outsourced Evaluation Services
- 07/16/2013  Stipulation and Order
 Filed by: Petitioner Abid, Sean R
Stipulation and Order
- 10/11/2013  Order Setting Evidentiary Hearing
 Filed by: Petitioner Abid, Sean R
Order Setting Evidentiary Hearing
- 12/02/2013  Pre-trial Memorandum
 Filed by: Petitioner Abid, Lyudmyla A

CASE SUMMARY

CASE NO. D-10-424830-Z

Pre-Trial Memorandum

- 12/05/2013  Pre-trial Memorandum
 Filed by: Petitioner Abid, Sean R
Plaintiff, Sean R. Abid's, Pretrial Memorandum
- 02/19/2014  Order
 Filed by: Petitioner Abid, Sean R
Order re: October 8, 2013 Hearing
- 02/25/2014  Notice of Entry of Order
 Filed by: Petitioner Abid, Sean R
Notice of Entry of Order re: October 8, 2013 Hearing
- 02/27/2014  Domestic Notice to Statistically Close Case
 Party: Petitioner Abid, Sean R
Domestic Notice to Statistically Close Case
- 03/12/2014  Order
 Filed by: Petitioner Abid, Sean R
Order re: December 9, 2013 Evidentiary Hearing
- 03/17/2014  Notice of Entry of Order
 Filed by: Petitioner Abid, Sean R
Notice of Entry of Order re: December 9, 2013 Evidentiary Hearing
- 09/09/2014  Amended
 Filed By: Petitioner Abid, Sean R
Amended Order re: December 9, 2013 Evidentiary Hearing
- 09/15/2014  Notice of Entry of Order
 Filed by: Petitioner Abid, Sean R
Notice of Entry of Amended Order re: December 9, 2013 Evidentiary Hearing
- 10/19/2014 Administrative Reassignment to Department B
Family Court Caseload Redistribution 2014
- 01/05/2015 Judicial Elections 2014 - Case Reassignment
Family Court Judicial Officer Reassignment 2014
- 01/09/2015  Motion
 Filed by: Petitioner Abid, Lyudmyla A
Motion to Hold Plaintiff in Contempt of Court, to Modify Order Regarding Timeshare or in the Alternative for Appointment of Parenting Coordinator, to Compel Production of Minor Child's Passport and for Attorney Fees
- 01/21/2015  Ex Parte Application
 Filed by: Petitioner Abid, Lyudmyla A
Ex Parte Application for Order to Show Cause
- 01/30/2015  Certificate of Service
 Filed by: Petitioner Abid, Lyudmyla A
Certificate of Service of Motion to Hold Plaintiff in Contempt of Court, to Modify Order Regarding Timeshare or in the Alternative for the Appointment of a Parenting Coordinator, to Compel Production of Minor Child's Passport and for Attorney Fees
- 02/04/2015  Opposition and Countermotion
 Filed by: Petitioner Abid, Sean R
Opposition Of Plaintiff, Sean R. Abid, To Defendant's Motion To Hold Plaintiff In Contempt Of Court, To Modify Order Regarding Timeshare Or In The Alternative For The Appointment Of A Parenting Coordinator, To Compel Production Of Minor Child's Passport And For Attorney Fees and Countermotion to Change Custody and For Attorneys' Fees And Costs
- 02/04/2015  Declaration
 Filed by: Petitioner Abid, Sean R
Declaration of Sean Abid in Response to Defendant's Motion to Hold Plaintiff in Contempt of Court, to Modify Order Regarding Timeshare or in the Alternative for the Appointment of a Parenting Coordinator, to Compel

CASE SUMMARY

CASE NO. D-10-424830-Z

Production of Minor Child's Passport and for Attorney Fees


- 02/04/2015  Declaration
 Filed by: Petitioner Abid, Sean R
Declaration of Sean Abid in Support of His Countermotion to Change Custody
- 02/09/2015  Stipulation and Order
 Filed by: Petitioner Abid, Lyudmyla A
Stipulation and Order
- 03/13/2015  Opposition to Motion
 Filed by: Petitioner Abid, Lyudmyla A
Opposition to Plaintiff's Motion to Change Custody and Countermotion to Strike Plaintiff's opposition and to Suppress the alleged Contents of the Unlawfully Obtained Recording and for Sanctions and Attorney Fees
- 03/13/2015  Declaration
 Filed by: Petitioner Abid, Lyudmyla A
Declaration of Lyudmyla A. Abid in Support of her Motion and in Response to Plaintiff's Opposition and Countermotion
- 03/16/2015  Miscellaneous Filing
 Party: Petitioner Abid, Sean R
Submissions of Authorities
- 03/16/2015  Declaration
 Filed by: Petitioner Abid, Sean R
Declaration of Defendant in Response to Plaintiff's Opposition to Motion to Modify Alimony, to Reopen Discovery and for Attorney's Fees and Countermotion for Order to Show Cause and Attorney's Fees and Costs
- 03/18/2015  Referral Order for Outsourced Evaluation Services
- 03/18/2015  Case Management Order
Case and Trial Management Order
- 03/19/2015  Points and Authorities
 Filed by: Petitioner Abid, Sean R
Points and Authorities Regarding Dr. Holland Receiving Recordings
- 03/23/2015  Points and Authorities
 Filed by: Petitioner Abid, Lyudmyla A
Points and Authorities in Support of Defendant's Objection to Providing Contents of Alleged Tape Recording to Dr. Holland
- 04/01/2015  Receipt of Copy
 Filed by: Petitioner Abid, Sean R
Receipt of Copy
- 06/10/2015  Motion
 Filed by: Petitioner Abid, Sean R
Plaintiff's Emergency Motion Regarding Summer Visitation Schedule
- 06/10/2015  Ex Parte
 Filed by: Petitioner Abid, Sean R
Ex Parte Motion for Order Shortening Time of the Hearing on Plaintiff's Emergency Motion Regarding Summer Visitation Schedule
- 06/11/2015  Order Shortening Time
 Filed by: Petitioner Abid, Sean R
Order Shortening Time
- 06/11/2015  Certificate of Service
 Filed by: Petitioner Abid, Sean R
Certificate of Service
- 06/15/2015  Notice of Entry of Order


CASE SUMMARY

CASE NO. D-10-424830-Z


- 06/16/2015


Filed by: Petitioner Abid, Sean R
Notice of Entry of Order Shortening Time
- 06/16/2015


 Notice of Seminar Completion EDCR 5.07
Filed by: Petitioner Abid, Lyudmyla A
Petitioner Lyudmyla Pyankovska's Notice of UNLV Seminar Completion EDCR 5.07 - Family
- 06/16/2015

 Receipt of Copy
Filed by: Petitioner Abid, Sean R
Receipt of Copy
- 06/23/2015


 Opposition and Counter-motion
Filed by: Petitioner Abid, Lyudmyla A
Opposition to Plaintiff's Emergency Motion Regarding Summer Visitation Schedule and Counter-motion to Strike Plaintiff's Pleadings, to Suppress the Alleged Contents of the Unlawfully Obtained Recording, to Strike the Letter From Dr. Holland and for Sanctions and Attorney Fees
- 06/30/2015


 Witness List
Filed by: Petitioner Abid, Lyudmyla A
List of Witnesses for Evidentiary Hearing
- 07/13/2015


 Reply
Filed by: Petitioner Abid, Sean R
Reply of Plaintiff, Sean R. Abid, to Defendant's Opposition to Plaintiff's Emergency Motion Regarding Summer Visitation Schedule and Counter-motion to Strike Plaintiff's Pleadings, to Suppress the Alleged Contents of the Unlawfully Obtained Recording, to Strike the Letter From Dr. Holland and for Sanctions and Attorney Fees
- 07/14/2015


 Supplemental
Filed by: Petitioner Abid, Lyudmyla A
Supplemental Points and Authorities in Support of Defendant's Counter-motion to Strike Plaintiff's Pleadings, to Suppress the Alleged Contents of the Unlawfully Obtained Recording, to Strike The Letter from Dr. Holland and for Sanctions and Attorney Fees
- 07/16/2015


 Order for Family Mediation Center Services
- 07/29/2015


 Notice of Appearance
Party: Petitioner Abid, Lyudmyla A
Notice of Appearance
- 07/30/2015


 Financial Disclosure Form
Filed by: Petitioner Abid, Sean R
General Financial Disclosure Form
- 07/31/2015


 Ex Parte
Filed by: Petitioner Abid, Lyudmyla A
Ex Parte Request to Copy and Transfer Dr. Stephanie Holland's Report to Defendant's Consultant
- 07/31/2015

 Witness List
Filed by: Petitioner Abid, Lyudmyla A
Defendant's List of Expert Witnesses
- 07/31/2015

 Motion
Filed by: Petitioner Abid, Lyudmyla A
Defendant's Motion to Continue Evidentiary Hearing
- 08/03/2015

 Certificate of Service
Filed by: Petitioner Abid, Sean R
Certificate of Service
- 08/04/2015

 Ex Parte
Filed by: Petitioner Abid, Lyudmyla A
Ex Parte Motion (With Notice) for Order Shortening Time
- 08/06/2015

 Receipt of Copy
Filed by: Petitioner Abid, Lyudmyla A

CASE SUMMARY

CASE NO. D-10-424830-Z















Receipt of Copy

- 08/06/2015  Order
Filed by: Petitioner Abid, Lyudmyla A
Order Granting Ex Parte Request
- 08/07/2015  Notice of Entry of Order
Filed by: Petitioner Abid, Lyudmyla A
Notice of Entry of Order
- 08/07/2015  Substitution of Attorney
Filed by: Petitioner Abid, Lyudmyla A
Substitution of Attorney
- 08/07/2015  Receipt of Copy
Filed by: Petitioner Abid, Lyudmyla A
Receipt of Copy of Defendant's Second list of Witnesses and Exhibits for Evidentiary Hearing Pursuant to NRCP 16.2
- 08/07/2015  Exhibits
Filed by: Petitioner Abid, Sean R
Defendant's Second List of Witnesses and Exhibits for Evidentiary Hearing Pursuant to NRCP 16.2
- 08/10/2015  Case Management Order
Case and Trial Management Order
- 08/18/2015  Witness List
Filed by: Petitioner Abid, Lyudmyla A
Defendant's Third Supplemental List of Witnesses
- 08/31/2015  Order
Filed by: Petitioner Abid, Sean R
Order
- 09/01/2015  Notice of Entry of Order
Filed by: Petitioner Abid, Lyudmyla A
Notice of Entry of Order
- 09/01/2015  Motion
Filed by: Petitioner Abid, Lyudmyla A
Defendant's Motion to Extend the Deadline to Produce Dr. Chambers' Child Interview Report, or Alternatively, Continuing the Evidentiary Hearing to the Next Available Date (2nd Request)
- 09/02/2015  Ex Parte Motion
Filed by: Petitioner Abid, Lyudmyla A
Ex Parte Motion for Order Shortening Time
- 09/03/2015  Order
Filed by: Petitioner Abid, Lyudmyla A
Order Granting Ex Parte Request
- 09/03/2015  Notice of Entry of Order
Filed by: Petitioner Abid, Lyudmyla A
Notice of Entry of Order
- 09/04/2015  Receipt of Copy
Filed by: Petitioner Abid, Lyudmyla A
Receipt of Copy
- 09/09/2015  Notice
Filed by: Petitioner Abid, Sean R
Notice of Intent to Appear by Communication Equipment
- 10/01/2015  Stipulation and Order
Filed by: Petitioner Abid, Sean R

CASE SUMMARY

CASE NO. D-10-424830-Z

Stipulation and Order

- 10/06/2015  Notice of Entry of Stipulation and Order
 Filed by: Petitioner Abid, Sean R
Notice of Entry of Stipulation and Order to Continue Trial
- 10/13/2015  Production of Documents
 Filed by: Petitioner Abid, Lyudmyla A
DEFENDANT'S SECOND SUPPLEMENTAL PRODUCTION OF DOCUMENTS PURSUANT TO NRCP 16.2
- 10/15/2015  Proof of Service
 Filed by: Petitioner Abid, Sean R
Proof of Service
- 11/09/2015  Financial Disclosure Form
 Filed by: Petitioner Abid, Lyudmyla A
Financial Disclosure Form
- 11/16/2015  Pre-trial Memorandum
 Filed by: Petitioner Abid, Lyudmyla A
Defendant's Pre-Hearing Memorandum
- 11/16/2015  Receipt of Copy
 Filed by: Petitioner Abid, Sean R
Receipt of Copy
- 11/16/2015  Receipt of Copy
 Filed by: Petitioner Abid, Lyudmyla A
Receipt of Copy
- 11/16/2015  Pre-trial Memorandum
 Filed by: Petitioner Abid, Sean R
Plaintiff's Trial Memorandum
- 11/17/2015  Proof of Service
 Filed by: Petitioner Abid, Sean R
Proof of Service
- 11/17/2015  Receipt of Copy
 Filed by: Petitioner Abid, Lyudmyla A
Receipt of Copy
- 11/19/2015  Production of Documents
 Filed by: Petitioner Abid, Sean R
Plaintiff's Third List of Witnesses and Documents Pursuant to NRCP 16.2
- 12/04/2015  Stipulation and Order
 Filed by: Petitioner Abid, Lyudmyla A
Stipulation and Order
- 12/04/2015  Brief
 Filed by: Petitioner Abid, Sean R
Plaintiff's Brief Regarding Recordings
- 12/04/2015  Supplement
 Filed by: Petitioner Abid, Lyudmyla A
Defendant's Supplemental Brief In Support of Her Objection to Plaintiff's Request to Admit Portions of Audio Recordings He Illegally Obtained, Modified, and Wilfully Destroyed to Avoid Criminal Prosecution and Prevent Defendant from Reviewing
- 12/29/2015  Ex Parte Motion
 Filed by: Petitioner Abid, Lyudmyla A
Ex Parte Motion for Order Shortening Time
- 12/29/2015  Motion

CASE SUMMARY

CASE NO. D-10-424830-Z

Filed by: Petitioner Abid, Lyudmyla A
Motion in Limine to Exclude Recording Plaintiff Surreptitiously Obtained Outside Courtroom on November 18, 2015, Sanctions and Attorney's Fees

01/04/2016



Filed by: Petitioner Abid, Lyudmyla A
DEFENDANT'S ERRATA TO MOTION IN LIMINE TO EXCLUDE RECORDING PLAINTIFF SURREPTIOUSLY OBTAINED OUTSIDE COURTROOM ON NOVEMBER 18, 2015, SANCTIONS AND ATTORNEY'S FEES

01/05/2016



Filed by: Petitioner Abid, Lyudmyla A
Findings of Fact, Conclusions of Law and Judgment

01/06/2016



Filed by: Petitioner Abid, Sean R
Opposition of Plaintiff, Sean R. Abid, to Defendant's Motion in Limine to Exclude Recording Plaintiff Surreptitiously Obtained Outside Courtroom on November 18, 2016, Sanctions and Attorney's Fees and Counter-motion For Attorneys' Fees and Costs

01/07/2016



Filed by: Petitioner Abid, Lyudmyla A
Order

01/08/2016



Filed by: Petitioner Abid, Lyudmyla A
Receipt of Copy

03/01/2016



Filed by: Petitioner Abid, Sean R
Notice of Entry of Order

03/01/2016



Filed by: Petitioner Abid, Sean R
Findings of Fact, Conclusions of Law and Judgment

03/14/2016



Filed by: Petitioner Abid, Lyudmyla A
Notice of Appeal

HEARINGS

10/23/2012



Motion to Modify Custody (11:00 AM) (Judicial Officer: Giuliani, Cynthia N.)
 Events: 08/02/2012 Motion
Deft's Motion to Modify Physical Custody; for an Order to Show Cause to Find the Pltf in Contempt of Court; for Sanctions Against the Plaintiffs and to Reduce Arrears to Judgment Together with Interest and Penalty Thereon and for Wage Withholding; for the Dependent Tax Deduction; for Deft's Attorney's Fees and Costs Incurred Herein; and Related Relief
 Off Calendar;
 Journal Entry Details:
DEFT'S MOTION TO MODIFY PHYSICAL CUSTODY; FOR AN ORDER TO SHOW CAUSE TO FIND THE PLTF IN CONTEMPT OF COURT; FOR SANCTIONS AGAINST THE PLAINTIFFS AND TO REDUCE ARREARS TO JUDGMENT TOGETHER WITH INTEREST AND PENALTY THEREON AND FOR WAGE WITHHOLDING; FOR THE DEPENDENT TAX DEDUCTION; FOR DEFT'S ATTORNEY'S FEES AND COSTS INCURRED HEREIN; AND RELATED RELIEF Court called the case. Court stated prior to the hearing it had received a Stipulation And Order, containing the parties' agreements and resolving the issues, that would be signed by the Court. COURT ORDERED: Matter OFF CALENDAR. ;

07/03/2013

Motion to Modify Custody (11:00 AM) (Judicial Officer: Harter, Mathew)
 Events: 06/17/2013 Motion
Sean R Abid's Motion to Change Custody for the Purposes of Relocation or in the Alternative to Change Custody
 Hearing Set;

07/03/2013


Opposition & Counter-motion (11:00 AM) (Judicial Officer: Harter, Mathew)
 Events: 07/01/2013 Opposition and Counter-motion
Lyudmyla A. Abid's Opposition & Counter-motion For Referral To Family Mediation Center (FMC) To Formulate More Detailed Parenting Agreement For Holidays And For Atty Fees

CASE SUMMARY

CASE NO. D-10-424830-Z

Hearing Set;

07/03/2013

 **All Pending Motions** (11:00 AM) (Judicial Officer: Harter, Mathew)

Matter Heard;

Journal Entry Details:

SEAN R. ABID'S MOTION TO CHANGE CUSTODY FOR THE PURPOSES OF RELOCATION OR, IN THE ALTERNATIVE, TO CHANGE CUSTODY...LYUDMYLA A. ABID'S OPPOSITION AND COUNTERMOTION FOR REFERRAL TO FAMILY MEDIATION CENTER (FMC) TO FORMULATE A MORE DETAILED PARENTING AGREEMENT FOR HOLIDAYS AND FOR ATTY FEES Court called the case then discussed the issues. Argument and discussion regarding the motion and countermotion issues, for an outsourced evaluation and Defendant's vacation plans in Mexico and counsel's request for an Order to allow Mr. Abid to be the care provider for the child during Ms. Abid's time in Mexico. Further argument and discussion. COURT ORDERED: The parties are referred for an OUTSOURCED EVALUATION regarding the CUSTODY and RELOCATION issues. The parties are REFERRED to DR. JOHN PAGLINI. If Dr. Paglini is unable to conduct the evaluations they shall be done by NICOLAS PONZO. MR. ABID shall be RESPONSIBLE for PAYMENT for the EVALUATIONS, subject to REIMBURSEMENT from Defendant. A RETURN HEARING regarding the OUTSOURCED EVALUATIONS is calendared for OCTOBER 08, 2013 at 1:30 P.M. An EVIDENTIARY HEARING regarding the RELOCATION and CUSTODY issues shall be calendared after the EVALUATIONS. A CALENDAR CALL shall also be heard on OCTOBER 08, 2013 at 1:30 P.M. DISCOVERY is OPEN. The parties and counsel shall FOLLOW the 16.2 DISCLOSURE RULE for the WITNESSES and DOCUMENTS. All other MATTERS shall remain STATUS QUO. The MINUTE ORDER shall SUFFICE as the post hearing ORDER. ;

10/08/2013

Return Hearing (1:30 PM) (Judicial Officer: Harter, Mathew)

Return: Outsourced Evaluation


Matter Heard; See All Pending Entry 10/08/2013

10/08/2013

Calendar Call (1:30 PM) (Judicial Officer: Harter, Mathew)

Matter Heard; See All Pending Entry 10/08/2013

10/08/2013


 **All Pending Motions** (1:30 PM) (Judicial Officer: Harter, Mathew)

Matter Heard;

Journal Entry Details:

CALENDAR CALL...RETURN HEARING: OUTSOURCED EVALUATION The Court and counsel reviewed Dr. Paglini's report dated 10/04/2013. Mr. Jones stated that dad is not relocating and he wishes to proceed with his Motion for change of custody. Court noted the parties have joint physical custody by stipulation. Court cited NRS 125.490(1), and stated dad has an elevated burden. Mr. Jones requested an equal division of Dr. Paglini's cost. Mr. Balabon requested there be no police involvement during the exchanges and dad not pick up the minor child from school during mom's custodial time share. COURT ORDERED as follows: 1) The parties shall follow Dr. Paglini's recommendations. Mom instructed not to leave the minor child alone with, Ricky Marquez. If the minor child is left alone with him, the Court will modify custody; 2) Matter set for EVIDENTIARY HEARING, as to custody, on 12/09/2013 at 9:00 AM. List of witnesses and documents must be submitted at least 20 days before trial, pursuant to NRCP 16.2. The Court shall admit Dr. Paglini's report as the Court's exhibit 1, pursuant to EDCR 5.13(c), at trial. ;

12/09/2013

 **Evidentiary Hearing** (10:00 AM) (Judicial Officer: Harter, Mathew)

Events: 10/11/2013 Order Setting Evidentiary Hearing

Matter Settled;

Journal Entry Details:

EVIDENTIARY HEARING The Court referred Mr. Jones to his Pretrial Memorandum, page 3, and clarified that the "pure best interest Truax standard" did not apply. Court noted the parties agreed to joint physical custody and cited NRS 125.490(1) and Mosley vs. Figliuzzi case. Opening statements WAIVED. Testimony and exhibits presented, see worksheets. COURT ORDERED, John Paglini, Psy.D., report dated October 4, 2013, shall be ADMITTED as the Court's Exhibit 1, pursuant to EDCR 5.13. Discussion regarding Dr. Paglini's testimony regarding Defendant's husband, Ricky Marquez. The Court noted that it is not concerned with guns, as long as they are kept in a safe. The Court is inclined to refer Mr. Marquez for a criminal risk assessment with Shera Bradley, Ph.D (at Plaintiff's cost), and inclined to refer the matter to a Parenting Coordinator. The Court is also inclined to maintain supervised visitation for a period of 3 years. If Defendant wants the supervised visitation lifted, Defendant shall pay the cost of the criminal risk assessment. Further, if Plaintiff can prove that Defendant left the minor child alone with Mr. Marquez, the Court shall modify custody immediately. Matter TRAILED. Counsel agreed to confer on the issue. Matter RECALLED. The parties reached the following agreement: a) The parties shall maintain their time share of Monday and Tuesday to Defendant and Wednesday and Thursday to Plaintiff, alternating weekends. The following modification will apply: Plaintiff shall pick up the minor child after school on his custodial days and shall keep him until 5:30 PM. The parties shall work with each other on the exchanges and will communicate in a manner that is positive and reasonable. Further, the parties will be reasonable and flexible with the exchange times; b) The minor child will attend American Heritage School and the parties shall equally pay the cost of the tuition; c) Beginning next year, the minor child will attend school in Plaintiff's school zone; d) Defendant shall reimburse Plaintiff one half of Dr. Paglini's cost (approximately

CASE SUMMARY

CASE NO. D-10-424830-Z

\$12,000 to \$14,000), for his evaluation and testimony time; e) The parties holiday schedule shall remain the same; however, the default return time shall be 8:00 AM the next day. The parties may agree to a different time, but if no agreement is reached, the default time shall apply; f) The following schedule shall apply during the summer: in even years, beginning 2014, Plaintiff shall have 6 weeks of summer vacation and Defendant shall have 4 weeks of summer vacation with the minor child. In odd years, beginning 2015, Defendant shall have 6 weeks of summer vacation and Plaintiff shall have 4 weeks of summer vacation with the minor child; g) The parties shall refer to a Parenting Coordinator if difficulties arise in the future. The parties agreed to use Margaret Pickard; h) All other provisions of the prior Custody and Support Orders shall remain in effect; i) The temporary Order requiring supervised visitation for Mr. Marquez is lifted; j) There will be no police involvement unless there is a violation of the Orders. Mr. Jones and Mr. Balabon stipulated to EDCR 7.50. COURT ORDERED as follows: 1) The above agreement is binding and enforceable pursuant to EDCR 7.50; 2) If problems arise in the future, Plaintiff and/or Defendant shall contact Department N for a Parenting Coordinator Order. The Court shall incorporate Ms. Pickard's name in the Order. If Ms. Pickard finds that a Coordinator with a Psy.D level is necessary, the Court suggested Michelle Gravley; 3) Mr. Jones shall prepare the Order and Mr. Balabon shall review and sign off;

02/09/2015

Motion (10:00 AM) (Judicial Officer: Marquis, Linda)

02/09/2015, 03/18/2015

Events: 01/09/2015 Motion

Lyudmyla A. Abid's Motion to Hold Pltf in Contempt of Court, to Modify Order Regarding Timeshare or in the Alternative for the Appointment of a Parenting Coordinator, to Compel Production of Minor Child's Passport and for Atty Fees

Matter Continued;
Evidentiary Hearing;
Matter Continued;
Evidentiary Hearing;

02/09/2015

Opposition & Countermotion (10:00 AM) (Judicial Officer: Marquis, Linda)


02/09/2015, 03/18/2015

Events: 02/04/2015 Opposition and Countermotion

Sean R. Abid's Opposition & Countermotion to Change Custody and for Atty's Fees and Costs

Matter Continued;
Evidentiary Hearing;
Matter Continued;
Evidentiary Hearing;

02/09/2015


 **All Pending Motions** (10:00 AM) (Judicial Officer: Marquis, Linda)

Matter Heard;

Journal Entry Details:

LYUDMYLA A. ABID'S MOTION TO HOLD PLAINTIFF IN CONTEMPT OF COURT, TO MODIFY ORDER REGARDING TIMESHARE OR IN THE ALTERNATIVE FOR THE APPOINTMENT OF A PARENTING COORDINATOR, TO COMPEL PRODUCTION OF MINOR CHILD'S PASSPORT AND FOR ATTORNEY FEES...SEAN R. ABID'S OPPOSITION AND COUNTERMOTION TO CHANGE CUSTODY AND FOR ATTORNEY'S FEES AND COSTS NO APPEARANCES. Prior to Court, counsel contacted the Court's staff and requested to continue the matter; COURT ORDERED: matter CONTINUED TO March 18 2015 at 10:00 A.M. ;

03/18/2015

 **All Pending Motions** (10:00 AM) (Judicial Officer: Marquis, Linda)

Events: 01/09/2015 Motion

02/04/2015 Opposition and Countermotion

Matter Heard;

Journal Entry Details:


LYUDMYLA A. ABID'S MOTION TO HOLD PLAINTIFF IN CONTEMPT OF COURT, TO MODIFY ORDER REGARDING TIMESHARE OR IN THE ALTERNATIVE FOR THE APPOINTMENT OF A PARENTING COORDINATOR, TO COMPEL PRODUCTION OF MINOR CHILDS' PASSPORT AND FOR ATTORNEY FEES...SEAN R. ABID'S OPPOSITION AND COUNTERMOTION TO CHANG CUSTODY AND FOR ATTORNEY'S FEES AND COSTS Argument by counsel regarding Defendant's motion and Plaintiff's opposition and countermotion. Attorney Jones stated he would provide counsel with a copy of the audio recording. COURT ORDERED: 1. The CUSTODY issue shall be DEFERRED to the Evidentiary Hearing. 2. Temporarily, the VISITATION schedule shall remain the same. 3. Defendant's travel with the child to the Ukraine shall be DEFERRED. Per STIPULATION of counsel, if Defendant wishes to travel to a HAGUE SIGNATORY country that has not been issued a travel warning by the U.S. Department of State, Plaintiff shall provide Defendant with the child's passport so she may exercise her six week s vacation and Defendant shall return the child's passport to Plaintiff upon her return from vacation. 4. The entire packet of the child's HOMEWORK, the books and the flashcards, shall remain in the child's backpack. 5. Per STIPULATION of counsel, Dr. Stephanie Holland shall perform the CHILD INTERVIEW. At this time, the parties shall split the cost of the CHILD INTERVIEW 50/50. However, if one party should overwhelmingly prevail at the EVIDENTIARY HEARING, the non-prevailing party shall be responsible for reimbursing the other party their cost. Referral Order for Outsourced Evaluation

CASE SUMMARY

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SIGNED AND FILED IN OPEN COURT and a copy was provided to both counsel. 6. Counsel shall submit as a supplement any POINTS AND AUTHORITIES it would like the Court to consider regarding the expert examining the audio tape by Monday, March 23, 2015. 7. Case and Trial Management Order SIGNED AND FILED IN OPEN COURT and a copy was provided to both counsel. 8. Status Check SET for April 2, 2015 at 11:00 A.M. Judges decision re: audio tapes. 9. Evidentiary Hearing SET for August 14, 2015 at 9:00 A.M. ;

03/24/2015

 **Minute Order** (1:15 PM) (Judicial Officer: Marquis, Linda)

Minute Order - No Hearing Held;

Journal Entry Details:

Upon review, the Court determines that Dr. Holland, or any other expert retained in this matter, may review the January 2015 audio recording and/or a transcript of the audio recording before conducting interviews in this matter. Dr. Holland may also review other relevant pleadings filed in this matter. The Court will make a determination as to the admissibility of the audio recording and/or transcript of the audio recording, in the event either party moves for its admission. Accordingly, the STATUS CHECK scheduled for 4/2/2015 at 11:00 a.m. is VACATED. A copy of this minute order shall be provided to both parties. ;

04/02/2015

CANCELED Status Check (11:00 AM) (Judicial Officer: Marquis, Linda)

Vacated - per Judge

Decision - Audio Tape

06/25/2015

CANCELED Motion (9:00 AM) (Judicial Officer: Marquis, Linda)

Vacated - per Stipulation and Order

Plaintiff's Emergency Motion Regarding Summer Visitation

06/25/2015

Motion (11:00 AM) (Judicial Officer: Marquis, Linda)

Events: 06/10/2015 Motion

Plaintiff's Emergency Motion Regarding Summer Visitation

MINUTES

 Motion

Filed by: Petitioner Abid, Sean R

Plaintiff's Emergency Motion Regarding Summer Visitation Schedule

Granted in Part;

06/25/2015


Opposition & Countermotion (11:00 AM) (Judicial Officer: Marquis, Linda)

06/25/2015, 07/16/2015

Events: 06/23/2015 Opposition and Countermotion

DOpposition to Plaintiff's Emergency Motion Regarding Summer Visitation Schedule and Countermotion to Strike Plaintiff's Pleadings, to Suppress the Alleged Contents of the Unlawfully Obtained Recording, to Strike the Letter From Dr. Holland and for Sanctions and Attorney Fees

MINUTES

 Opposition and Countermotion


Filed by: Petitioner Abid, Lyudmyla A

Opposition to Plaintiff's Emergency Motion Regarding Summer Visitation Schedule and Countermotion to Strike Plaintiff's Pleadings, to Suppress the Alleged Contents of the Unlawfully Obtained Recording, to Strike the Letter From Dr. Holland and for Sanctions and Attorney Fees

Matter Continued;

Matter Heard;

MINUTES

 Opposition and Countermotion


Filed by: Petitioner Abid, Lyudmyla A

Opposition to Plaintiff's Emergency Motion Regarding Summer Visitation Schedule and Countermotion to Strike Plaintiff's Pleadings, to Suppress the Alleged Contents of the Unlawfully Obtained Recording, to Strike the Letter From Dr. Holland and for Sanctions and Attorney Fees

Matter Continued;

Matter Heard;

06/25/2015

 **All Pending Motions** (11:00 AM) (Judicial Officer: Marquis, Linda)

Matter Heard;

Journal Entry Details:

PLAINTIFF'S EMERGENCY MOTION REGARDING SUMMER VISITATION The Court noted the parties shared joint legal custody and joint physical custody, there was a visitation order in place, and an Evidentiary Hearing was scheduled for 8/14/15. The Court said it had received a letter from Dr. Holland, including parts of the interview she had conducted. The Court said it had received Dr. Holland's full report this morning, and had

CASE SUMMARY

CASE NO. D-10-424830-Z

not had an opportunity to review the report, which had been released to counsel. The Court met with counsel OFF THE RECORD. The Court said it had had an opportunity to review Dr. Holland's report, and discuss it with counsel, off the record. The Court reminded the parties the 8/14/15 Evidentiary Hearing would start at 10:30 a.m. The Court said opposing counsel had a Motion to Suppress pending and Plaintiff's counsel wanted an opportunity to Oppose that Motion, and, therefore, a date would be set for argument on that issue prior to trial. Argument by Mr. Jones. Mr. Jones asked for Plaintiff to have six (6) weeks with the minor child this summer, and for Defendant to have four (4) weeks this year, in order to protect the child. Mr. Jones said Dr. Holland would be testifying at the trial. Mr. Balabon said Defendant had completed the Cooperative Parenting Classes at UNLV. Mr. Balabon objected to Dr. Holland's report, and objected to the tape, which he believed had prejudiced the evaluator. The Court said it was concerned about the child moving into first grade. Response by Mr. Jones. The Court read a portion of Dr. Holland's report into the record, which discussed the minor child playing violent video games. Mr. Jones said only the portion of the recordings containing Sasha were retained, the rest of the tape had been erased. Mr. Jones said the custodial order gave Plaintiff the choice of which school the minor child would attend. COURT ORDERED, the following: 1. The minor child, Sasha, shall no longer be allowed to play "Call of Duty" or "Five Nights at Freddy's", and he is not allowed to play X-Box Live. In addition, he is not allowed to play any game that is rated above what is appropriate for kindergartners or first graders at either home. The Court is concerned about the child's violent behavior, and he must be monitored to make sure he is not allowed to have access to these violent games going forward. 2. The Motion to Suppress will be argued on July 16, 2015 at 9:30 a.m., and Defendant's Countermotion will be deferred to that date. 3. Dr. Holland and Plaintiff's counsel had requested the Court make a change to the summer schedule; therefore, since Defendant has had three (3) of her six (6) weeks of summer vacation with the minor child, and Dad is entitled to four (4) weeks under the visitation schedule, this year the summer schedule shall be reversed, and Defendant will be allowed to finish one more week with the minor child, and she will then return the child to Plaintiff two (2) weeks early. The child shall be returned to Plaintiff on July 4, 2015 at 9:00 a.m., which will reverse the current visitation order. If at the Evidentiary Hearing a decision is made that does not change custody or visitation, the summer schedule will be switched next year so that Defendant gets six (6) weeks and Plaintiff gets four (4) weeks. 4. TEMPORARILY until trial, the parties will have Skype or Facetime contact with the minor child on Mondays, Wednesdays, and Fridays. 5. The school issue is not on calendar this date; however, counsel will discuss the matter and exchange calendars, and the matter can be argued at the 7/16/15 hearing. 6. Counsel may retain Dr. Holland's report; however, the report must remain in their possession. 7. Moving forward counsel will not quote directly from Dr. Holland's report or Dr. Paglini's report in their pleadings. 8. If the original recording is available, it shall be produced. 7/16/15 9:30 A.M. ARGUMENT RE: MOTION TO SUPPRESS ;


07/14/2015

CANCELED Motion (9:00 AM) (Judicial Officer: Marquis, Linda)

Vacated - per OST

Sean R. Abid's Emergency Motion Regarding Summer Visitation Schedule

07/16/2015

 All Pending Motions (9:00 AM) (Judicial Officer: Marquis, Linda)

Matter Heard;

Journal Entry Details:


DEFENDANT'S OPPOSITION TO PLAINTIFF'S EMERGENCY MOTION REGARDING SUMMER VISITATION SCHEDULE AND COUNTERMOTION TO STRIKE PLAINTIFF'S PLEADINGS, TO SUPPRESS THE ALLEGED CONTENTS OF THE UNLAWFULLY OBTAINED RECORDING, TO STRIKE THE LETTER FROM DR. HOLLAND AND FOR SANCTIONS AND ATTORNEY FEES...HEARING: ARGUMENT OF COUNSEL RE: ADMISSIBILITY OF DR. HOLLAND'S REPORT Mr. Balabon asked whether Plaintiff intended to introduce the tape into evidence in these proceedings, and if so, was he going to attempt to produce the flash drive which contained an edited version of the tape, or was he going to produce the original. The Court said its understanding of the facts was that Plaintiff had placed a recording device in the minor child's backpack, and the minor child had gone for his regularly scheduled visitation to Defendant's residence. During the course of the visitation the recording device remained in the child's backpack and recorded for approximately three (3) days, picking up sounds or conversations between numerous people who were in the home, including the child. When the child returned to Plaintiff's residence he took the recording, which was not made at the suggestion, consent, or upon the advice of Mr. Jones, it only came to the attention of Mr. Jones after the recording had taken place, and at some point Plaintiff erased or destroyed portions of the tape or the recording, which did not include the child, so if the child was engaged in a conversation, the conversation was kept, if the child was not included in a conversation the conversation was erased or destroyed. The destruction of the recording was not upon the advice, suggestion, or consent of Mr. Jones, who was only made aware of the destruction after it had taken place. The portion of the recording which was provided to Defendant is the entirety of what remains. Mr. Jones agreed these were the facts. Mr. Balabon said he agreed all of the portions remaining were produced. Mr. Jones said he had not decided whether or not to admit the tape into evidence. The Court said it was going to treat Defendant's Motion and Mr. Balabon's argument as a Motion in Limine. The Court believed Mr. Balabon was asking the Court not to admit the recording at trial, and to strike any reference to the recording, or any quote from the recording from all of the pleadings ever filed in this case, and strike the portions of the recording from Dr. Holland's Report, and to not allow Dr. Holland to testify at the time of trial because she was tainted by the recording. Mr. Balabon said he was requesting a ruling from the Court as to the legality of the tape, and as to whether or not the Court was applying the Implied Consent Doctrine to the Statute, and a ruling as to whether or not Plaintiff had satisfied his burden for admissibility, if the Court did adopt the Doctrine. Argument by Mr.

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Balabon. Response by Mr. Jones. Argument by Mr. Balabon. As to the facts the Court is FINDING this date in considering the Motion in Limine, at a certain point in time Plaintiff contacted Defendant regarding the minor child's exposure to violent video games, after which time Plaintiff concedes he placed a recording device in the minor child's backpack resulting in conversations being recorded while the minor child was with the Defendant. Defendant believes there were three (3) consecutive days of recording. Plaintiff maintains he deleted portions of the audio recording. Plaintiff filed a Motion for a Change of Custody and relied in part on those recorded conversations. The Court reiterated Mr. Jones was in no way a participant in the recording, did not advise Plaintiff to make those recordings, and did not know about the recordings until after the fact, and did not know portions of the recordings had been deleted until after the fact. The Court previously ordered a child interview through Dr. Holland, and Dr. Holland reviewed numerous documents in preparation for her interview, including a transcript of a portion of the audio recordings, and portions of the actual audio recordings. Plaintiff turned over a digital recording of all of the remaining portions of the recording. Defendant moved today to strike portions of the pleadings that discuss or incorporate the recordings, strike Dr. Holland's report, strike Dr. Holland from the witness list, not allow her to testify, and deny admission of the audio recording at any time during the Evidentiary Hearing in this matter. The Court FINDS this is a recording by a recording device as defined in NRS 200.650, and as such it is a one party consent, which does not fall under the wire communication definition. While Plaintiff has not yet sought to introduce the audio recording or any portion of the audio recording into evidence, the Court is inclined to adopt the Vicarious Doctrine; therefore, Mr. Jones needs to prove much more than he is able to via a Motion in Limine. Dr. Holland's report does not deal with the recording, the vast majority, and her biggest area of concern, and the Court's biggest area of concern in this case continues to be, and originated with, the child's exposure and preoccupation with violent video games. The Court will strike portions of Dr. Holland's report which deal with the audio recording; however, the Court FURTHER FINDS Dr. Holland has not been tainted so badly from exposure to that recording that she is unable to testify at the trial, since the vast majority of her report deals with issues wholly separate to the recording, and should the parties stipulate to the introduction of her report in lieu of her live testimony, the Court will strike the portions of the report dealing with the audio recording; however, should the parties not stipulate to the introduction of her report, the Court will allow Dr. Holland to testify, and the Court will allow the Defendant to ask Dr. Holland questions as to her reliance upon the audio recording as part of her ultimate expert opinion, if the Defendant wants to. Plaintiff will not be allowed to question Dr. Holland regarding the audio recording, unless Defendant opens the door. COURT ORDERED, the following: 1. With regard to the school issue, the matter will be dealt with at trial, once the custody issue has been resolved. 2. The defense may retain their own expert, who does not need to rely on the audio recording. However, if the defense does not have the money to employ an expert with Dr. Holland's credentials, a forty-five (45) minute routine interview can be conducted at the Family Mediation Center, PROVIDED the Family Mediation Center has the ability to record the interview, so it can be reviewed. The Court FINDS NRS 50.285 applies and experts can rely upon inadmissible information to make their determination. The Court further explained its ruling in this matter with regard to the admissibility of the audio recording at trial. 8/14/15 10:30 A.M. RETURN: FMC CHILD INTERVIEW CLERK'S NOTE: After the hearing, the FMC referral was placed in the attorney bins of Mr. Jones and Mr. Balabon. KB 7/17/15 ;

07/16/2015

 **Hearing** (9:30 AM) (Judicial Officer: Marquis, Linda)

ARGUMENT OF COUNSEL RE: ADMISSIBILITY OF DR. HOLLAND'S REPORT
Matter Heard;

08/10/2015





 **Motion to Continue** (8:45 AM) (Judicial Officer: Marquis, Linda)

Evidentiary Hearing
Granted;
Journal Entry Details:

DEFENDANT'S MOTION TO CONTINUE TRIAL Court called the case and upon Court's inquiry, Mr. Radford stated he is substituting in as counsel for Defendant. Matter recessed for Court to conduct a conference with counsel off the record Matter recalled with all present as before. Court noted, it spoke with counsel off the record regarding granting Defendant's Motion to Continue the Evidentiary Hearing. Court further noted, it is inclined to grant the request based on the appearance of new counsel. Argument by counsel regarding Defendant's request to retain Dr. Mark Chambers as an expert to re-interview the child, the audio tapes that have been at issue in these proceedings, and counseling for the child. Counsel STIPULATED to allow the child's teacher to testify at Trial. Counsel further STIPULATED to allow the child to participate in Judo provided it doesn't interfere with the child's baseball activities. Further, the child won't participate in activities past 8:30 PM on any day prior to a school day. Counsel further STIPULATED that the parties will retain either Nick Ponzo or Jamil Ali to provide counseling for the minor child, and that the counselor will receive a copy of Dr. Holland's Report, Dr. Paglioni's Report, and copies of relevant pleadings. COURT ORDERED, Defendant's Motion to Continue the Evidentiary is GRANTED. The Evidentiary Hearing currently set for 8/14/15 at 10:00 AM shall be VACATED, with a two-day Evidentiary Hearing SET for 10/5/15 at 9:00 AM (full day) and 10/12/15 at 9:00 AM (full day). Court will prepare the Case Management Order to be placed in the attorney bins of respective counsel. Defendant's request to retain Dr. Chambers as an expert and re-interview the child is GRANTED. Dr. Chambers shall have discretion on whether to videotape the interview. Plaintiff shall be given the opportunity to retain his own expert to re-interview the child, who shall also have discretion on whether to videotape the interview. If Dr. Holland and Dr. Chambers speak and believe it's appropriate, Dr. Holland can be present at the child interview. The Court

CASE SUMMARY**CASE NO. D-10-424830-Z**


clarifies its prior Order in that, not only shall the minor child not be allowed to play any video game not rated appropriate for his age, he shall further not be allowed to watch any other person play "mature" rated games, nor shall he have any exposure whatsoever by any and all means to "mature" rated games. 10/5/15 9:00 AM Evidentiary Hearing (full day) 10/12/15 9:00 AM Evidentiary Hearing (full day);

- 08/14/2015 **CANCELED Return Hearing** (10:30 AM) (Judicial Officer: Marquis, Linda)
*Vacated - per Judge
 FMC: CHILD INTERVIEW (Only to be conducted if interview could be recorded by FMC)*
- 09/03/2015 **CANCELED Motion** (9:00 AM) (Judicial Officer: Marquis, Linda)
*Vacated - per OST
 Defendant's Motion to Continue Evidentiary Hearing*
- 09/09/2015  **Motion** (10:00 AM) (Judicial Officer: Marquis, Linda)
Def't's Motion to Extend Deadline to Produce Dr. Chambers' Child Interview Report, or Alternately, Continuing the Evidentiary Hearing
- MINUTES**
 Granted;
 Journal Entry Details:
DEFENDANT'S MOTION TO EXTEND DEADLINE TO PRODUCE DR. CHAMBER'S CHILD INTERVIEW REPORT, OR ALTERNATELY, CONTINUE THE EVIDENTIARY HEARING John Jones, Esq., #6699, appeared telephonically on behalf of Plaintiff. Argument by counsel regarding Defendant's motion. COURT ORDERED: 1. Defendant's Motion shall be GRANTED. 2. Counsel shall submit a STIPULATION AND ORDER vacating the 10/05/2015 and 10/12/2015 Evidentiary Hearing dates. ;
- 10/05/2015 **CANCELED Evidentiary Hearing** (9:00 AM) (Judicial Officer: Marquis, Linda)
*Vacated - per Stipulation and Order
 Day 1*
- 10/06/2015 **CANCELED Motion** (10:00 AM) (Judicial Officer: Marquis, Linda)
*Vacated - per OST
 Def's Motion to Extd the Deadline to Prod Dr. Chambers' Child Interv Rpt, or Altern, Cont the Evid Hrg to the Next Avail Date (2nd Req)*
- 10/12/2015 **CANCELED Evidentiary Hearing** (9:00 AM) (Judicial Officer: Marquis, Linda)
*Vacated - per Stipulation and Order
 Day 2*
- 11/17/2015  **Evidentiary Hearing** (1:30 PM) (Judicial Officer: Marquis, Linda)
 Matter Continued;
 Journal Entry Details:
EVIDENTIARY HEARING Counsel waived opening statements. Witnesses and Exhibits per worksheets. COURT ORDERED; matter CONTINUED. Future dates STAND. ;
- 11/18/2015  **Evidentiary Hearing** (1:30 PM) (Judicial Officer: Marquis, Linda)
 Matter Continued;
 Journal Entry Details:
EVIDENTIARY HEARING Hearings continued. Witnesses and Exhibits per worksheets. COURT STATED FINDINGS. Court noted there was an incident in the hallway between Plaintiff and Defendant during the recess. COURT ORDERED: The recordings of the child shall NOT be permitted in this portion of testimony, however, the Court is inclined to allow it during later testimony. The Court is inclined to consider it a recorded recollection and counsel shall ask the appropriate questions and the recording shall be allowed. Attorney Jones shall submit a copy of the recording to counsel's office. Matter CONTINUED. Future date STANDS. ;
- 11/19/2015  **Evidentiary Hearing** (1:30 PM) (Judicial Officer: Marquis, Linda)
 Non Jury Trial;
 Journal Entry Details:
EVIDENTIARY HEARING Upon the matter being called the court noted the continuance and the redirect . Petitioner/Dad sworn and testified. Examination by Attorney Jones. Matter recessed. Upon the matter being recalled The court noted, on 11-18-2015 it was stated supplemental briefs could be submitted as to the Evidentiary issues presented, relative to the tapes and it admission. The court further noted it will consider the briefs in its decision. Mr. Jones advised the court as to issues that occurred outside Courtroom 7, on 11-18-2015. THE COURT ORDERED, 1. SUPPLEMENTAL BRIEFS shall be due by 12-3-2015 at noon. 2. Non-Jury Trial SET for 1-11-2016 AT 9:00 am. (half-day). 3. Non-Jury Trial SET for 1-12-2016 at 9:00 am. 4. A Written DECISION shall be rendered by the court. 5. The Court Recommended Counsel file Motion's as to the incident that occurred on 11-18-2015 outside Courtroom 7. ;

01/11/2016

CASE SUMMARY

CASE NO. D-10-424830-Z

 **Non-Jury Trial** (9:00 AM) (Judicial Officer: Marquis, Linda)

Matter Heard; Minutes in the Non-Jury Trial

Journal Entry Details:

NON-JURY TRIAL...MOTION IN LIMINE TO EXCLUDE RECORDING PLAINTIFF SURREPTITIOUSLY OBTAINED OUTSIDE COURTROOM ON November 18, 2015, SANCTIONS AND ATTORNEY'S FEES...OPPOSITION OF PLAINTIFF, SEAN R. ABID, TO DEFENDANT'S MOTION IN LIMINE TO EXCLUDE RECORDING PLAINTIFF SURREPTITIOUSLY OBTAINED OUTSIDE COURTROOM ON November 18, 2015, SANCTIONS AND ATTORNEY 'S FEES AND COUNTERMOTION FOR ATTORNEY'S FEES AND COSTS Upon the matter being called the court noted the Petitioner/Mom's Motion in Limine and Petitioner/Dad's Opposition and Counter-motion. Opening remarks by Attorney Smith as to Mom's Motion in Limine and as to issues that occurred outside Courtroom 7, on November 18, 2015. Rebuttal statements by Attorney Jones as to Dad's Opposition and the incident which occurred outside Courtroom 7, on November 18, 2015. The court noted concerns as to incident which occurred outside the courtroom on November 18, 2015. Witnesses sworn and testified (see attached worksheet). Testimony and Cross Examination continued. Under Rule 41, Attorney Smith requested a Dismissal as to Hearing issues related to Primary Custody. Counsel stated there were no adequate grounds for such issue to be addressed. Mr. Jones stated concerns as to Rule 52(c) requiring the non-moving party to have their case fully read as Mr. Jones indicated he hadn't rested his case. Discussion as to Dr. Holland's Report by Counsel and the continuance of the trial. THE COURT ORDERED, 1. By Stipulation Counsel AGREED their CASE IN CHIEF shall be presented on (day 3) of the Non-Jury Trial SET for 1-26-2016 at 9:00 am. ;

01/11/2016

Motion in Limine (9:00 AM) (Judicial Officer: Marquis, Linda)

Events: 12/29/2015 Motion

Motion in Limine to Exclude Recording Plaintiff Surreptitiously Obtained Outside Courtroom on November 18, 2015, Sanctions and Attorney's Fees

MINUTES

 Motion

Filed by: Petitioner Abid, Lyudmyla A


Motion in Limine to Exclude Recording Plaintiff Surreptitiously Obtained Outside Courtroom on November 18, 2015, Sanctions and Attorney's Fees

Matter Heard; Minutes in the non-jury trial

Journal Entry Details:

MOTION IN LIMINE TO EXCLUDE RECORDING PLAINTIFF SURREPTITIOUSLY OBTAINED OUTSIDE COURTROOM ON November 18, 2015, SANCTIONS AND ATTORNEY'S FEE. Minutes for Motion in Limine minutes in the Non- Jury Trial;


01/11/2016

 **Opposition & Counter-motion** (9:00 AM) (Judicial Officer: Marquis, Linda)

Events: 01/06/2016 Opposition and Counter-motion

Opposition of Plaintiff, Sean R. Abid, to Defendant's Motion in Limine to Exclude Recording Plaintiff Surreptitiously Obtained Outside Courtroom on November 18, 2016, Sanctions and Attorney's Fees and Counter-motion For Attorneys' Fees and Costs

MINUTES

 Opposition and Counter-motion

Filed by: Petitioner Abid, Sean R

Opposition of Plaintiff, Sean R. Abid, to Defendant's Motion in Limine to Exclude Recording Plaintiff Surreptitiously Obtained Outside Courtroom on November 18, 2016, Sanctions and Attorney's Fees and Counter-motion For Attorneys' Fees and Costs

Matter Heard; Minutes in the non-jury trial


01/12/2016

CANCELED Non-Jury Trial (9:00 AM) (Judicial Officer: Marquis, Linda)

Vacated - per Judge

Half Day Trial

01/25/2016

 **Non-Jury Trial** (9:00 AM) (Judicial Officer: Marquis, Linda)

Matter Heard;

Journal Entry Details:

Argument and discussion regarding Dr. Holland's testimony and report. Matter trailed to allow the Court to obtain its copy of Dr. Holland's letter dated 6/5/15 and report dated 6/22/15. Matter recalled with all present as before. Mr. Smith moved to exclude Dr. Holland's report. COURT ORDERED, Mr. Smith's oral motion to exclude Dr. Holland's report is DENIED. Testimony and exhibits continued (see worksheet). Mr. Smith moved the Court for a directed denial of Plaintiff's motion to change custody. COURT FURTHER ORDERED, Mr. Smith's request is DENIED. Further testimony and exhibits presented (see worksheet). Closing arguments by counsel. COURT FURTHER ORDERED, matter taken UNDER ADVISEMENT. Court will issue a written

CASE SUMMARY

CASE NO. D-10-424830-Z

| *decision.*;

CLERK OF THE COURT

1
2 FFCL

3
4 DISTRICT COURT
5 CLARK COUNTY, NEVADA

6 * * * *

7 SEAN R. ABID,)
8)
9 Plaintiff,) Case No.: D-10-424830-Z
vs.) Dept. No.: B
10 LYUDMYLA A. ABID)
11)
12 Defendant.)

13 **Findings of Fact, Conclusions or Law, and Decision**

14 This matter having come on for evidentiary proceedings on the 11th and 25th day January
15 of 2016, upon Plaintiff, Sean A. Abid's (Dad) request to change custody; Dad being present and
16 represented by John D. Jones ; Defendant Lyudmyla A. Abid (Mom) being present and
17 represented by Radford J. Smith.

18 The Court having heard the evidence presented, and after taking the matter under
19 advisement, finds and orders as follows:

20 ***Findings of Fact***

21 This matter is a post-divorce custody action.

22 The Parties have one minor child, A.A., born in February 2009.

23 The Parties last custody order was a stipulated order, filed on September 9, 2014. The
24 Parties stipulated to joint legal custody and joint physical custody.

25 Dr. Stephanie Holland, licensed psychologist, testified as an expert witness

- Non-Trial Dispositions:
 - Settled/Withdrawn
 - Without Judicial Conf/Hrg
 - With Judicial Conf/Hrg
 - By ADR
- Trial Dispositions:
 - Other
 - Dismissed - Want of Prosecution
 - Involuntary (Statutory) Dismissal
 - Default Judgment
 - Transferred
 - Proposed for Trial
 - Proposed for Judgment
 - Proposed for Settlement

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and conducted a child interview of the minor child.

Dr. Holland has conducted 75-100 child interviews in conjunction with the Eighth Judicial District Court, Family Division, since 1999.

Dr. Holland relied upon: four separate interviews with the child; an interview of Mom; an interview with Dad; the child's medical records; email and text messages between the parties; pleadings relative to the instant litigation; and audio recordings made by Dad.

Dr. Holland interviewed the child on four occasions. Mom and Dad were both allowed to bring the child an equal number of times to Dr. Holland's office. Mom brought the child to Dr. Holland's office two times; and Dad brought the child to Dr. Holland's office two times.

The child's behavior and statements were consistent throughout the four interviews.

During the interviews, the child described his father as "sneaky" and "mean." Further, the child indicated that Mom told the child that the child's Dad was "sneaky" and "mean." However, those descriptions were in direct contrast to the child's description of the child's actual experiences with his Dad.

The child's own statements during the four interviews clearly established that Mom was directly and overtly attempting to influence the child's belief system regarding Dad.

The child exhibited significant signs of distress and confusion. Further, the child is internalizing a belief system that is not his own. The child is confused by statements Mom makes to the child about the child's father.

During Mom's interview with Dr. Holland, Mom admitted she told the child not to tell Dad what happens in Mom's home.

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Dr. Holland testified that children should be able to speak freely to their parents about the other parent. This type of speech restriction causes confusion and distress in children. It also creates a loyalty bind for children, especially younger children.

The Parties' homes are structured differently. Dad's home is more rigid and Mom's home is unstructured. Mom indicated that child was allowed to play Call of Duty, a video game rated for mature players only, thirty (30) minutes per day. Dad does not allow the child to play Call of Duty.

The child exhibited a preoccupation with the video game Call of Duty throughout the interviews. The child's level of preoccupation with Call of Duty was not consistent with Mom's statement that the child is only allowed to play Call of Duty thirty (30) minutes per day.

Call of Duty, with or without any additional controls, is inappropriate for a five or six year old.

Based on the child's own statements during the interview, the child exhibited a decreased desire to spend time with Dad.

As a direct result of Mom's direct and overt actions, the child is experiencing: confusion; distress; a divided loyalty between his parents; and a decreased desire to spend time with Dad.

Conclusions of Law

A modification from a joint physical custody arrangement is appropriate if it is in the child's best interest. *See Truax, v. Truax*, 110 Nev. 437, (1994). In considering the best interest of the child the District Court shall consider and set forth specific findings concerning several factors, found in the yet to be codified AB 263, section 8., as follows:

- a. The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his custody.
- b. Any nomination by a parent or a guardian for the child.

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- c. Which parent is more likely to allow the child to have frequent associations *and* a continuing relationship with the noncustodial parent.
- d. The level of conflict between the parents.
- e. The ability of the parents to cooperate to meet the needs of the child.
- f. The mental and physical health of the parents.
- g. The physical, developmental and emotional needs of the child.
- h. The nature of the relationship of the child with each parent.
- i. The ability of the child to maintain a relationship with any sibling.
- j. Any history of parental abuse or neglect of the child or a sibling of the child.
- k. Whether either parent or any other person seeking custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child.

Here, the child is of insufficient age and capacity to form an intelligent preference as to his custody.

Father requests to be designated primary custodian. Mother requests the parties continue as joint physical custodians and that visitation be modified from the last Order, increasing her visitation time with the child.

The parties were previously able to cooperate and allow the child frequent association with the other parent. Mom allowed the child additional time with Dad in the past, especially for sporting events. However, the expert testimony from Dr. Holland indicates that Mom's behavior is impacting the child's continuing relationship with Dad. Specifically, Mom's behavior is creating confusion, distress, and divided loyalty in the child. Mom concedes she is limiting the child's ability to freely speak about events and circumstances at each home.

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The level of conflict between the parties is high. The parties are unable to cooperate to meet the needs of the child. Both parties have a difficult time listening and appropriately communicating.

The mental and physical health of both parents is good.

While there was no evidence that the child has special needs, Dr. Holland testified that the child is experiencing confusion and distress because of Mom's actions. Mom has limited insight into the damage she is causing and is unable to recognize and meet the emotional needs of her child.

Each party clearly loves the child and enjoys a special relationship with the child.

The child has a half-sibling who resides full time with Mom and two half-siblings who reside full time with Dad. The child will be able to continue to maintain a relationship with all siblings pursuant to the visitation schedule outlined herein.

There is no history of parental abuse or neglect.

There is no history of domestic violence.

Based upon the foregoing best interest analysis, this Court determines that it is in the child's best interest that Dad be awarded primary physical custody of the minor child.

Child support is calculated utilizing the formulas found in NRS 125B.070 and deviation factors found in NRS 125B.080.

Order

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that it is in the best interest of the minor child that the parties maintain joint legal custody and that Dad be granted primary physical custody, subject to Mom's specific visitation, commencing on Monday, March 28, 2016, the day school resumes after Spring Break.

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IT IS FURTHER ORDERED, ADJUDGED AND DECREED that until Monday, March 28, 2016, the parties shall maintain joint physical custody and the specific visitation schedule outlined in the previous stipulation and order.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that commencing March 28, 2016, Mom's visitation time with the child shall be defined as follows: every other weekend, Mom shall pick up the child from school on Friday afternoon and return the child to school on Monday morning. On the alternating week, Mom shall pick up the child from school on Thursday afternoon and return the child to school on Friday morning.

If school is not in session, for any reason, the receiving party shall pick up the child. For example, Mom shall pick up from Dad, or directly from a designated child care provider, at the same time school releases. Dad shall pick up from Mom, or directly from a child care provider, at the same time school releases.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the parties shall continue to utilize their existing holiday schedule. However, during summer break, each parent shall have a two week vacation with the child. Each party shall notify the other parent in writing on or before May 1st of each year of the dates of the two week summer break. If the summer vacation dates conflict, Mom's request shall take precedence in all even years and Dad's request shall take precedence in all odd years.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that 18% of Mom's gross monthly income is \$914.04. The presumptive maximum is \$749.00 therefore it is in the best interest of the child that Mom's child support obligation be set at \$ 749.00 per month beginning April 2016. Such support shall continue until further order of the Court, upon a three year review, or upon substantial change of circumstances. Otherwise, the support shall continue until

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the child turns 18, unless the child is still attending high school, then the support shall continue until the child turns 19.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the current support order shall be in effect until April 2016.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Parties shall utilize Our Family Wizard as their exclusive method of communication, absent emergency or exigent circumstances, until further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the following provisions are required to be included in this custody and support order:

That the party ordered to pay child support to the other, is HEREBY PUT ON NOTICE that, pursuant to NRS 125.450, a parent responsible for paying child support is subject to NRS 31A.010 through NRS 31A.340, inclusive, and Sections 2 and 3 of Chapter 31A of the Nevada Revised Statutes, regarding the withholding of wages and commissions for the delinquent payment of support. These statutes and provisions require that, if a parent responsible for paying child support is delinquent in paying the support of a child that such person has been ordered to pay, then that person's wages or commissions shall immediately be subject to wage assignment and garnishment, pursuant to the provisions of the above-referenced statutes.

That both parties, and each of them, shall be bound by the provision of NRS 125C.200, as amended by AB No. 263, Section 16:

1. If primary physical custody has been established pursuant to an order, judgment or decree of a court and the custodial parent intends to relocate his or her residence to a place outside of this State or to a place within this State that is at such a distance that would

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substantially impair the ability of the other parent to maintain a meaningful relationship with the child, and the custodial parent desires to take the child with him or her, the custodial parent shall, before relocating:

(a) Attempt to obtain the written consent of the noncustodial parent to relocate with the child; and

(b) If the noncustodial parent refuses to give that consent, petition the court for permission to relocate with the child.

2. The court may award reasonable attorney's fees and costs to the custodial parent if the court finds that the noncustodial parent refused to consent to the custodial parent's relocation with the child:

- (a) Without having reasonable grounds for such refusal; or
- (b) For the purpose of harassing the custodial parent.

3. A parent who relocates with a child pursuant to this section without the written consent of the noncustodial parent or the permission of the court is subject to the provisions of NRS 200.359.

That the parties, and each of them, shall be bound by the provisions of NRS 125.510(6) which state, in pertinent part:

PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR ETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHALBLE AS A CATEGORY D FELONY AS PROVIDED ION NRS 193.130. NRS 200.359 provides that every person having a limited right of custody to a child or any parent having no right of custody to the child who willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child from the jurisdiction of the court

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without the consent of either the court or all persons who have the right to custody or visitation is subject to being punished by a category D felony as provided in NRS 193.130.

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

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

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

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

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Mom's request to modify the current timeshare to allow her to pick up the child after school on her custodial days is DENIED.

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IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Mom's request for sanctions for Dad's failure to provide Mom with child's passport to allow child and Mom to travel to the Ukraine in summer 2015 is DENIED.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that both parties shall bear their own attorneys' fees and costs.

DATED this 1st day of March, 2016.



DISTRICT COURT JUDGE
LINDA MARQUIS MC

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NEOJ

DISTRICT COURT
CLARK COUNTY, NEVADA


CLERK OF THE COURT

In the Matter of the Joint Petition for
Divorce of:
Sean R. Abid and Lyudmyla A Abid,
Petitioners.

Case No.: D-10-424830-Z
Department B

NOTICE OF ENTRY OF ORDER FROM HEARING

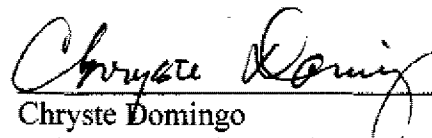
TO: ALL PARTIES AND/OR THEIR ATTORNEYS

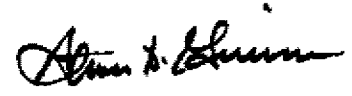
Please take notice than an Order from Hearing has been entered in the above-entitled matter, a copy of which is attached hereto. I hereby certify that on the above file stamped date, I caused a copy of this **Notice of Entry of Order from Hearing** to be:

E-Served pursuant to NEFCR 9 on 03/01/16, or placed in the folder(s) located in the Clerk's Office of, the following attorneys:

Radford J. Smith, Esquire
2470 St. Rose Pkwy., Suite 206
Henderson, Nevada 89074

John D. Jones, Esquire
10777 W. Twain Avenue, Suite 300
Las Vegas, Nevada 89135


Chryste Domingo
Judicial Executive Assistant
Department B


CLERK OF THE COURT

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FFCL

DISTRICT COURT
CLARK COUNTY, NEVADA

SEAN R. ABID,)
)
Plaintiff,)
vs.)
LYUDMYLA A. ABID)
)
Defendant.)

Case No.: D-10-424830-Z
Dept. No.: B

Findings of Fact, Conclusions or Law, and Decision

This matter having come on for evidentiary proceedings on the 11th and 25th day January of 2016, upon Plaintiff, Sean A. Abid's (Dad) request to change custody; Dad being present and represented by John D. Jones ; Defendant Lyudmyla A. Abid (Mom) being present and represented by Radford J. Smith.

The Court having heard the evidence presented, and after taking the matter under advisement, finds and orders as follows:

Findings of Fact

This matter is a post-divorce custody action.

The Parties have one minor child, A.A., born in February 2009.

The Parties last custody order was a stipulated order, filed on September 9, 2014. The Parties stipulated to joint legal custody and joint physical custody.

Dr. Stephanie Holland, licensed psychologist, testified as an expert witness

Non-Trial Dispositions:
 Other
 Dismissed - Writ of Prosecution
 Involuntary (Statutory) Dismissal
 Default Judgment
 Transferred

Settled/Withdrawn:
 Without Judicial Conf/Hrg
 With Judicial Conf/Hrg
 By ADR

Trial Dispositions:
 Trial
 Judgment
 Other

LINDA MARQUIS
DISTRICT JUDGE

FAMILY DIVISION, DEPT. B
LAS VEGAS, NV 89101

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and conducted a child interview of the minor child.

Dr. Holland has conducted 75-100 child interviews in conjunction with the Eighth Judicial District Court, Family Division, since 1999.

Dr. Holland relied upon: four separate interviews with the child; an interview of Mom; an interview with Dad; the child's medical records; email and text messages between the parties; pleadings relative to the instant litigation; and audio recordings made by Dad.

Dr. Holland interviewed the child on four occasions. Mom and Dad were both allowed to bring the child an equal number of times to Dr. Holland's office. Mom brought the child to Dr. Holland's office two times; and Dad brought the child to Dr. Holland's office two times.

The child's behavior and statements were consistent throughout the four interviews.

During the interviews, the child described his father as "sneaky" and "mean." Further, the child indicated that Mom told the child that the child's Dad was "sneaky" and "mean." However, those descriptions were in direct contrast to the child's description of the child's actual experiences with his Dad.

The child's own statements during the four interviews clearly established that Mom was directly and overtly attempting to influence the child's belief system regarding Dad.

The child exhibited significant signs of distress and confusion. Further, the child is internalizing a belief system that is not his own. The child is confused by statements Mom makes to the child about the child's father.

During Mom's interview with Dr. Holland, Mom admitted she told the child not to tell Dad what happens in Mom's home.

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2 Dr. Holland testified that children should be able to speak freely to their parents about the
3 other parent. This type of speech restriction causes confusion and distress in children. It also
4 creates a loyalty bind for children, especially younger children.

5 The Parties' homes are structured differently. Dad's home is more rigid and Mom's
6 home is unstructured. Mom indicated that child was allowed to play Call of Duty, a video game
7 rated for mature players only, thirty (30) minutes per day. Dad does not allow the child to play
8 Call of Duty.
9

10 The child exhibited a preoccupation with the video game Call of Duty throughout the
11 interviews. The child's level of preoccupation with Call of Duty was not consistent with Mom's
12 statement that the child is only allowed to play Call of Duty thirty (30) minutes per day.

13 Call of Duty, with or without any additional controls, is inappropriate for a five or six
14 year old.

15 Based on the child's own statements during the interview, the child exhibited a decreased
16 desire to spend time with Dad.
17

18 As a direct result of Mom's direct and overt actions, the child is experiencing: confusion;
19 distress; a divided loyalty between his parents; and a decreased desire to spend time with Dad.

20 ***Conclusions of Law***

21 A modification from a joint physical custody arrangement is appropriate if it is in the
22 child's best interest. *See Truax, v. Truax*, 110 Nev. 437, (1994). In considering the best interest
23 of the child the District Court shall consider and set forth specific findings concerning several
24 factors, found in the yet to be codified AB 263, section 8., as follows:
25

- 26 a. The wishes of the child if the child is of sufficient age and capacity to form an
27 intelligent preference as to his custody.
28 b. Any nomination by a parent or a guardian for the child.

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- c. Which parent is more likely to allow the child to have frequent associations *and* a continuing relationship with the noncustodial parent.
- d. The level of conflict between the parents.
- e. The ability of the parents to cooperate to meet the needs of the child.
- f. The mental and physical health of the parents.
- g. The physical, developmental and emotional needs of the child.
- h. The nature of the relationship of the child with each parent.
- i. The ability of the child to maintain a relationship with any sibling.
- j. Any history of parental abuse or neglect of the child or a sibling of the child.
- k. Whether either parent or any other person seeking custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child.

Here, the child is of insufficient age and capacity to form an intelligent preference as to his custody.

Father requests to be designated primary custodian. Mother requests the parties continue as joint physical custodians and that visitation be modified from the last Order, increasing her visitation time with the child.

The parties were previously able to cooperate and allow the child frequent association with the other parent. Mom allowed the child additional time with Dad in the past, especially for sporting events. However, the expert testimony from Dr. Holland indicates that Mom's behavior is impacting the child's continuing relationship with Dad. Specifically, Mom's behavior is creating confusion, distress, and divided loyalty in the child. Mom concedes she is limiting the child's ability to freely speak about events and circumstances at each home.

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2 The level of conflict between the parties is high. The parties are unable to cooperate to
3 meet the needs of the child. Both parties have a difficult time listening and appropriately
4 communicating.

5 The mental and physical health of both parents is good.

6 While there was no evidence that the child has special needs, Dr. Holland testified that
7 the child is experiencing confusion and distress because of Mom's actions. Mom has limited
8 insight into the damage she is causing and is unable to recognize and meet the emotional needs
9 of her child.
10

11 Each party clearly loves the child and enjoys a special relationship with the child.

12 The child has a half-sibling who resides full time with Mom and two half-siblings who
13 reside full time with Dad. The child will be able to continue to maintain a relationship with all
14 siblings pursuant to the visitation schedule outlined herein.

15 There is no history of parental abuse or neglect.

16 There is no history of domestic violence.

17
18 Based upon the foregoing best interest analysis, this Court determines that it is in the
19 child's best interest that Dad be awarded primary physical custody of the minor child.

20 Child support is calculated utilizing the formulas found in NRS 125B.070 and deviation
21 factors found in NRS 125B.080.

22 **Order**

23
24 IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that it is in the best
25 interest of the minor child that the parties maintain joint legal custody and that Dad be granted
26 primary physical custody, subject to Mom's specific visitation, commencing on Monday, March
27 28, 2016, the day school resumes after Spring Break.
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2 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that until Monday, March
3 28, 2016, the parties shall maintain joint physical custody and the specific visitation schedule
4 outlined in the previous stipulation and order.

5 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that commencing March
6 28, 2016, Mom's visitation time with the child shall be defined as follows: every other weekend,
7 Mom shall pick up the child from school on Friday afternoon and return the child to school on
8 Monday morning. On the alternating week, Mom shall pick up the child from school on
9 Thursday afternoon and return the child to school on Friday morning.
10

11 If school is not in session, for any reason, the receiving party shall pick up the child. For
12 example, Mom shall pick up from Dad, or directly from a designated child care provider, at the
13 same time school releases. Dad shall pick up from Mom, or directly from a child care provider,
14 at the same time school releases.

15 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the parties shall
16 continue to utilize their existing holiday schedule. However, during summer break, each parent
17 shall have a two week vacation with the child. Each party shall notify the other parent in writing
18 on or before May 1st of each year of the dates of the two week summer break. If the summer
19 vacation dates conflict, Mom's request shall take precedence in all even years and Dad's request
20 shall take precedence in all odd years.
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22 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that 18% of Mom's gross
23 monthly income is \$914.04. The presumptive maximum is \$749.00 therefore it is in the best
24 interest of the child that Mom's child support obligation be set at \$ 749.00 per month beginning
25 April 2016. Such support shall continue until further order of the Court, upon a three year
26 review, or upon substantial change of circumstances. Otherwise, the support shall continue until
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2 the child turns 18, unless the child is still attending high school, then the support shall continue
3 until the child turns 19.

4 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the current support
5 order shall be in effect until April 2016.

6 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Parties shall
7 utilize Our Family Wizard as their exclusive method of communication, absent emergency or
8 exigent circumstances, until further order of the Court.

9
10 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the following
11 provisions are required to be included in this custody and support order:

12 That the party ordered to pay child support to the other, is HEREBY PUT ON
13 NOTICE that, pursuant to NRS 125.450, a parent responsible for paying child support is subject
14 to NRS 31A.010 through NRS 31A.340, inclusive, and Sections 2 and 3 of Chapter 31A of the
15 Nevada Revised Statutes, regarding the withholding of wages and commissions for the
16 delinquent payment of support. These statutes and provisions require that, if a parent
17 responsible for paying child support is delinquent in paying the support of a child that such
18 person has been ordered to pay, then that person's wages or commissions shall immediately be
19 subject to wage assignment and garnishment, pursuant to the provisions of the above-referenced
20 statutes.
21

22 That both parties, and each of them, shall be bound by the provision of NRS
23 125C.200, as amended by AB No. 263, Section 16:
24

25 1. If primary physical custody has been established pursuant to an order, judgment or
26 decree of a court and the custodial parent intends to relocate his or her residence to a place
27 outside of this State or to a place within this State that is at such a distance that would
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substantially impair the ability of the other parent to maintain a meaningful relationship with the child, and the custodial parent desires to take the child with him or her, the custodial parent shall, before relocating:

(a) Attempt to obtain the written consent of the noncustodial parent to relocate with the child; and

(b) If the noncustodial parent refuses to give that consent, petition the court for permission to relocate with the child.

2. The court may award reasonable attorney's fees and costs to the custodial parent if the court finds that the noncustodial parent refused to consent to the custodial parent's relocation with the child:

(a) Without having reasonable grounds for such refusal; or

(b) For the purpose of harassing the custodial parent.

3. A parent who relocates with a child pursuant to this section without the written consent of the noncustodial parent or the permission of the court is subject to the provisions of NRS 200.359.

That the parties, and each of them, shall be bound by the provisions of NRS 125.510(6) which state, in pertinent part:

PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR ETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED ION NRS 193.130. NRS 200.359 provides that every person having a limited right of custody to a child or any parent having no right of custody to the child who willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child from the jurisdiction of the court

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without the consent of either the court or all persons who have the right to custody or visitation is subject to being punished by a category D felony as provided in NRS 193.130.

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

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

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

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

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Mom's request to modify the current timeshare to allow her to pick up the child after school on her custodial days is DENIED.

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IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Mom's request for sanctions for Dad's failure to provide Mom with child's passport to allow child and Mom to travel to the Ukraine in summer 2015 is DENIED.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that both parties shall bear their own attorneys' fees and costs.

DATED this 1st day of March, 2016.



DISTRICT COURT JUDGE
LINDA MARQUIS MC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition

COURT MINUTES

October 23, 2012

D-10-424830-Z

In the Matter of the Joint Petition for Divorce of:
Sean R Abid and Lyudmyla A Abid, Petitioners.

October 23, 2012 11:00 AM **Motion to Modify
Custody**

HEARD BY: Giuliani, Cynthia N.

COURTROOM: Courtroom 06

COURT CLERK: Carol Critchett

PARTIES:

Aleksandr Abid, Subject Minor, not present	
Lyudmyla Abid, Petitioner, not present	Radford Smith, Attorney, not present
Sean Abid, Petitioner, not present	John Jones, Attorney, not present

JOURNAL ENTRIES

- DEFT'S MOTION TO MODIFY PHYSICAL CUSTODY; FOR AN ORDER TO SHOW CAUSE TO FIND THE PLTF IN CONTEMPT OF COURT; FOR SANCTIONS AGAINST THE PLAINTIFFS AND TO REDUCE ARREARS TO JUDGMENT TOGETHER WITH INTEREST AND PENALTY THEREON AND FOR WAGE WITHHOLDING; FOR THE DEPENDENT TAX DEDUCTION; FOR DEFT'S ATTORNEY'S FEES AND COSTS INCURRED HEREIN; AND RELATED RELIEF

Court called the case.

Court stated prior to the hearing it had received a Stipulation And Order, containing the parties' agreements and resolving the issues, that would be signed by the Court.

COURT ORDERED:

Matter OFF CALENDAR.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: June 26, 2013 10:00 AM Motion to Modify Custody

Canceled: July 17, 2013 11:00 AM Motion to Modify Custody

Canceled: April 02, 2015 11:00 AM Status Check

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

Courtroom 07

Marquis, Linda

Boyle, Kathleen

Canceled: June 25, 2015 9:00 AM Motion

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Stipulation and Order

Courtroom 07

Marquis, Linda

Boyle, Kathleen

Canceled: July 14, 2015 9:00 AM Motion

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

Courtroom 07

Marquis, Linda

Canceled: August 14, 2015 10:30 AM Evidentiary Hearing

Canceled: August 14, 2015 10:30 AM Return Hearing

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

Courtroom 07

Marquis, Linda

Canceled: September 03, 2015 9:00 AM Motion

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

Courtroom 07

Marquis, Linda

Boyle, Kathleen

Canceled: October 05, 2015 9:00 AM Evidentiary Hearing

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Stipulation and Order

Courtroom 07

Marquis, Linda

Canceled: October 06, 2015 10:00 AM Motion

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

Courtroom 07

Marquis, Linda

Canceled: October 12, 2015 9:00 AM Evidentiary Hearing

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Stipulation and Order

Courtroom 07

Marquis, Linda

Canceled: November 19, 2015 1:30 PM Evidentiary Hearing

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

*Courtroom 07
Marquis, Linda
Rouse, Jefferyann*

Canceled: January 11, 2016 9:00 AM Motion in Limine

Canceled: January 12, 2016 9:00 AM Non-Jury Trial

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

*Courtroom 07
Marquis, Linda*

Canceled: February 10, 2016 9:30 AM Motion in Limine

Canceled: February 10, 2016 9:30 AM Opposition & Countermotion

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition

COURT MINUTES

July 03, 2013

D-10-424830-Z

In the Matter of the Joint Petition for Divorce of:
Sean R Abid and Lyudmyla A Abid, Petitioners.

July 03, 2013

11:00 AM

All Pending Motions

HEARD BY: Harter, Mathew

COURTROOM: Courtroom 24

COURT CLERK: Carol Critchett

PARTIES:

Aleksandr Abid, Subject Minor, not present

Lyudmyla Abid, Petitioner, present

Sean Abid, Petitioner, present

Michael Balabon, Attorney, present

John Jones, Attorney, present

JOURNAL ENTRIES

- SEAN R. ABID'S MOTION TO CHANGE CUSTODY FOR THE PURPOSES OF RELOCATION OR, IN THE ALTERNATIVE, TO CHANGE CUSTODY...LYUDMYLA A. ABID'S OPPOSITION AND COUNTERMOTION FOR REFERRAL TO FAMILY MEDIATION CENTER (FMC) TO FORMULATE A MORE DETAILED PARENTING AGREEMENT FOR HOLIDAYS AND FOR ATTY FEES

Court called the case then discussed the issues.

Argument and discussion regarding the motion and countermotion issues, for an outsourced evaluation and Defendant's vacation plans in Mexico and counsel's request for an Order to allow Mr. Abid to be the care provider for the child during Ms. Abid's time in Mexico.

Further argument and discussion.

COURT ORDERED:

The parties are referred for an **OUTSOURCED EVALUATION** regarding the **CUSTODY** and **RELOCATION** issues. The parties are **REFERRED** to **DR. JOHN PAGLINI**. If Dr. Paglini is unable to conduct the evaluations they shall be done by **NICOLAS PONZO**. **MR. ABID** shall be **RESPONSIBLE** for **PAYMENT** for the **EVALUATIONS**, subject to **REIMBURSEMENT** from Defendant.

A RETURN HEARING regarding the OUTSOURCED EVALUATIONS is calendared for OCTOBER 08, 2013 at 1:30 P.M.

An EVIDENTIARY HEARING regarding the RELOCATION and CUSTODY issues shall be calendared after the EVALUATIONS.

A CALENDAR CALL shall also be heard on OCTOBER 08, 2013 at 1:30 P.M.

DISCOVERY is OPEN.

The parties and counsel shall FOLLOW the 16.2 DISCLOSURE RULE for the WITNESSES and DOCUMENTS.

All other MATTERS shall remain STATUS QUO.

The MINUTE ORDER shall SUFFICE as the post hearing ORDER.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: July 17, 2013 11:00 AM Motion to Modify Custody

Canceled: April 02, 2015 11:00 AM Status Check

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

Courtroom 07

Marquis, Linda

Boyle, Kathleen

Canceled: June 25, 2015 9:00 AM Motion

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Stipulation and Order

Courtroom 07

Marquis, Linda

Boyle, Kathleen

Canceled: July 14, 2015 9:00 AM Motion

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per OST Courtroom 07

Marquis, Linda

Canceled: August 14, 2015 10:30 AM Evidentiary Hearing

Canceled: August 14, 2015 10:30 AM Return Hearing

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

Courtroom 07

Marquis, Linda

Canceled: September 03, 2015 9:00 AM Motion

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

Courtroom 07

Marquis, Linda

Boyle, Kathleen

Canceled: October 05, 2015 9:00 AM Evidentiary Hearing

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Stipulation and Order

Courtroom 07

Marquis, Linda

Canceled: October 06, 2015 10:00 AM Motion

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

Courtroom 07

Marquis, Linda

Canceled: October 12, 2015 9:00 AM Evidentiary Hearing

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Stipulation and Order

Courtroom 07

Marquis, Linda

Canceled: November 19, 2015 1:30 PM Evidentiary Hearing

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

Courtroom 07

Marquis, Linda

Rouse, Jefferyann

Canceled: January 11, 2016 9:00 AM Motion in Limine

Canceled: January 12, 2016 9:00 AM Non-Jury Trial

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

Courtroom 07

Marquis, Linda

Canceled: February 10, 2016 9:30 AM Motion in Limine

Canceled: February 10, 2016 9:30 AM Opposition & Countermotion

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition

COURT MINUTES

October 08, 2013

D-10-424830-Z

In the Matter of the Joint Petition for Divorce of:
Sean R Abid and Lyudmyla A Abid, Petitioners.

October 08, 2013

1:30 PM

All Pending Motions

HEARD BY: Harter, Mathew

COURTROOM: Courtroom 24

COURT CLERK: Blanca Madrigal

PARTIES:

Aleksandr Abid, Subject Minor, not present

Lyudmyla Abid, Petitioner, present

Sean Abid, Petitioner, present

Michael Balabon, Attorney, present

John Jones, Attorney, present

JOURNAL ENTRIES

- CALENDAR CALL...RETURN HEARING: OUTSOURCED EVALUATION

The Court and counsel reviewed Dr. Paglini's report dated 10/04/2013.

Mr. Jones stated that dad is not relocating and he wishes to proceed with his Motion for change of custody.

Court noted the parties have joint physical custody by stipulation. Court cited NRS 125.490(1), and stated dad has an elevated burden.

Mr. Jones requested an equal division of Dr. Paglini's cost.

Mr. Balabon requested there be no police involvement during the exchanges and dad not pick up the minor child from school during mom's custodial time share.

COURT ORDERED as follows:

1) The parties shall follow Dr. Paglini's recommendations. Mom instructed not to leave the minor child alone with, Ricky Marquez. If the minor child is left alone with him, the Court will modify custody;

2) Matter set for EVIDENTIARY HEARING, as to custody, on 12/09/2013 at 9:00 AM. List of witnesses and documents must be submitted at least 20 days before trial, pursuant to NRCP 16.2. The Court shall admit Dr. Paglini's report as the Court's exhibit 1, pursuant to EDCR 5.13(c), at trial.

INTERIM CONDITIONS:

FUTURE HEARINGS:

*Canceled: April 02, 2015 11:00 AM Status Check
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge
Courtroom 07
Marquis, Linda
Boyle, Kathleen*

*Canceled: June 25, 2015 9:00 AM Motion
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Stipulation and Order
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Boyle, Kathleen*

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Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per
Judge
Courtroom 07
Marquis, Linda*

Canceled: February 10, 2016 9:30 AM Motion in Limine

Canceled: February 10, 2016 9:30 AM Opposition & Countermotion

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition

COURT MINUTES

December 09, 2013

D-10-424830-Z

In the Matter of the Joint Petition for Divorce of:

Sean R

Abid and Lyudmyla A Abid, Petitioners.

December 09, 2013 10:00 AM

Evidentiary Hearing

HEARD BY: Harter, Mathew

COURTROOM: Courtroom 24

COURT CLERK: Blanca Madrigal

PARTIES:

Aleksandr Abid, Subject Minor, not present

Lyudmyla Abid, Petitioner, present

Sean Abid, Petitioner, present

Michael Balabon, Attorney, present

John Jones, Attorney, present

JOURNAL ENTRIES

- EVIDENTIARY HEARING

The Court referred Mr. Jones to his Pretrial Memorandum, page 3, and clarified that the "pure best interest Truax standard" did not apply. Court noted the parties agreed to joint physical custody and cited NRS 125.490(1) and Mosley vs. Figliuzzi case.

Opening statements WAIVED. Testimony and exhibits presented, see worksheets. COURT ORDERED, John Paglini, Psy.D., report dated October 4, 2013, shall be ADMITTED as the Court's Exhibit 1, pursuant to EDCR 5.13.

Discussion regarding Dr. Paglini's testimony regarding Defendant's husband, Ricky Marquez. The Court noted that it is not concerned with guns, as long as they are kept in a safe. The Court is inclined to refer Mr. Marquez for a criminal risk assessment with Shera Bradley, Ph.D (at Plaintiff's cost), and inclined to refer the matter to a Parenting Coordinator. The Court is also inclined to maintain supervised visitation for a period of 3 years. If Defendant wants the supervised visitation lifted, Defendant shall pay the cost of the criminal risk assessment. Further, if Plaintiff can prove that Defendant left the minor child alone with Mr. Marquez, the Court shall modify custody immediately.

Matter TRAILED. Counsel agreed to confer on the issue.

Matter RECALLED. The parties reached the following agreement:

PRINT DATE:	03/16/2016	Page 10 of 46	Minutes Date:	October 23, 2012
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- a) The parties shall maintain their time share of Monday and Tuesday to Defendant and Wednesday and Thursday to Plaintiff, alternating weekends. The following modification will apply: Plaintiff shall pick up the minor child after school on his custodial days and shall keep him until 5:30 PM. The parties shall work with each other on the exchanges and will communicate in a manner that is positive and reasonable. Further, the parties will be reasonable and flexible with the exchange times;
- b) The minor child will attend American Heritage School and the parties shall equally pay the cost of the tuition;
- c) Beginning next year, the minor child will attend school in Plaintiff's school zone;
- d) Defendant shall reimburse Plaintiff one half of Dr. Paglini's cost (approximately \$12,000 to \$14,000), for his evaluation and testimony time;
- e) The parties holiday schedule shall remain the same; however, the default return time shall be 8:00 AM the next day. The parties may agree to a different time, but if no agreement is reached, the default time shall apply;
- f) The following schedule shall apply during the summer: in even years, beginning 2014, Plaintiff shall have 6 weeks of summer vacation and Defendant shall have 4 weeks of summer vacation with the minor child. In odd years, beginning 2015, Defendant shall have 6 weeks of summer vacation and Plaintiff shall have 4 weeks of summer vacation with the minor child;
- g) The parties shall refer to a Parenting Coordinator if difficulties arise in the future. The parties agreed to use Margaret Pickard;
- h) All other provisions of the prior Custody and Support Orders shall remain in effect;
- i) The temporary Order requiring supervised visitation for Mr. Marquez is lifted;
- j) There will be no police involvement unless there is a violation of the Orders.

Mr. Jones and Mr. Balabon stipulated to EDCR 7.50.

COURT ORDERED as follows:

- 1) The above agreement is binding and enforceable pursuant to EDCR 7.50;
- 2) If problems arise in the future, Plaintiff and/or Defendant shall contact Department N for a Parenting Coordinator Order. The Court shall incorporate Ms. Pickard's name in the Order. If Ms. Pickard finds that a Coordinator with a Psy.D level is necessary, the Court suggested Michelle Gravley;

3) Mr. Jones shall prepare the Order and Mr. Balabon shall review and sign off.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: April 02, 2015 11:00 AM Status Check

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

Courtroom 07

Marquis, Linda

Boyle, Kathleen

Canceled: June 25, 2015 9:00 AM Motion

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Stipulation and Order

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Marquis, Linda

Boyle, Kathleen

Canceled: July 14, 2015 9:00 AM Motion

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

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Canceled: September 03, 2015 9:00 AM Motion

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Courtroom 07

Marquis, Linda

Boyle, Kathleen

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Canceled: October 06, 2015 10:00 AM Motion

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Courtroom 07

Marquis, Linda

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Marquis, Linda*

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Courtroom 07
Marquis, Linda
Rouse, Jefferyann*

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Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per
Judge
Courtroom 07
Marquis, Linda*

Canceled: February 10, 2016 9:30 AM Motion in Limine

Canceled: February 10, 2016 9:30 AM Opposition & Counter-motion

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition

COURT MINUTES

February 09, 2015

D-10-424830-Z

In the Matter of the Joint Petition for Divorce of:
Sean R Abid and Lyudmyla A Abid, Petitioners.

February 09, 2015 10:00 AM All Pending Motions

HEARD BY: Marquis, Linda **COURTROOM:** Courtroom 07

COURT CLERK: Helen Green

PARTIES:

Aleksandr Abid, Subject Minor, not present	
Lyudmyla Abid, Petitioner, not present	Radford Smith, Attorney, not present
Sean Abid, Petitioner, not present	John Jones, Attorney, not present

JOURNAL ENTRIES

- LYUDMYLA A. ABID'S MOTION TO HOLD PLAINTIFF IN CONTEMPT OF COURT, TO MODIFY ORDER REGARDING TIMESHARE OR IN THE ALTERNATIVE FOR THE APPOINTMENT OF A PARENTING COORDINATOR, TO COMPEL PRODUCTION OF MINOR CHILD'S PASSPORT AND FOR ATTORNEY FEES...SEAN R. ABID'S OPPOSITION AND COUNTERMOTION TO CHANGE CUSTODY AND FOR ATTORNEY'S FEES AND COSTS

NO APPEARANCES.

Prior to Court, counsel contacted the Court's staff and requested to continue the matter; COURT ORDERED: matter CONTINUED TO March 18 2015 at 10:00 A.M.

INTERIM CONDITIONS:

FUTURE HEARINGS:

*Canceled: April 02, 2015 11:00 AM Status Check
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge
Courtroom 07
Marquis, Linda*

Boyle, Kathleen

Canceled: June 25, 2015 9:00 AM Motion

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Stipulation and Order

Courtroom 07

Marquis, Linda

Boyle, Kathleen

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Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per OST Courtroom 07

Marquis, Linda

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Canceled: August 14, 2015 10:30 AM Return Hearing

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

Courtroom 07

Marquis, Linda

Canceled: September 03, 2015 9:00 AM Motion

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Marquis, Linda

Boyle, Kathleen

Canceled: October 05, 2015 9:00 AM Evidentiary Hearing

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Stipulation and Order

Courtroom 07

Marquis, Linda

Canceled: October 06, 2015 10:00 AM Motion

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per OST Courtroom 07

Marquis, Linda

Canceled: October 12, 2015 9:00 AM Evidentiary Hearing

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Stipulation and Order

Courtroom 07

Marquis, Linda

Canceled: November 19, 2015 1:30 PM Evidentiary Hearing

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Courtroom 07

Marquis, Linda

Rouse, Jefferyann

Canceled: January 11, 2016 9:00 AM Motion in Limine

Canceled: January 12, 2016 9:00 AM Non-Jury Trial

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

Courtroom 07

Marquis, Linda

Canceled: February 10, 2016 9:30 AM Motion in Limine

Canceled: February 10, 2016 9:30 AM Opposition & Countermotion

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition

COURT MINUTES

March 18, 2015

D-10-424830-Z

In the Matter of the Joint Petition for Divorce of:
Sean R Abid and Lyudmyla A Abid, Petitioners.

March 18, 2015 10:00 AM All Pending Motions

HEARD BY: Marquis, Linda

COURTROOM: Courtroom 07

COURT CLERK: Helen Green

PARTIES:

Aleksandr Abid, Subject Minor, not present
Lyudmyla Abid, Petitioner, present
Sean Abid, Petitioner, present

Michael Balabon, Attorney, present
John Jones, Attorney, present

JOURNAL ENTRIES

- LYUDMYLA A. ABID'S MOTION TO HOLD PLAINTIFF IN CONTEMPT OF COURT, TO MODIFY ORDER REGARDING TIMESHARE OR IN THE ALTERNATIVE FOR THE APPOINTMENT OF A PARENTING COORDINATOR, TO COMPEL PRODUCTION OF MINOR CHILDS' PASSPORT AND FOR ATTORNEY FEES...SEAN R. ABID'S OPPOSITION AND COUNTERMOTION TO CHANG CUSTODY AND FOR ATTORNEY'S FEES AND COSTS

Argument by counsel regarding Defendant's motion and Plaintiff's opposition and countermotion.

Attorney Jones stated he would provide counsel with a copy of the audio recording.

COURT ORDERED:

1. The CUSTODY issue shall be DEFERRED to the Evidentiary Hearing.
2. Temporarily, the VISITATION schedule shall remain the same.
3. Defendant's travel with the child to the Ukraine shall be DEFERRED. Per STIPULATION of counsel, if Defendant wishes to travel to a HAGUE SIGNATORY country that has not been issued a travel warning by the U.S. Department of State, Plaintiff shall provide Defendant with the child's passport so she may exercise her six week s vacation and Defendant shall return the child's passport to Plaintiff upon her return from vacation.

4. The entire packet of the child's HOMEWORK, the books and the flashcards, shall remain in the child's backpack.
5. Per STIPULATION of counsel, Dr. Stephanie Holland shall perform the CHILD INTERVIEW. At this time, the parties shall split the cost of the CHILD INTERVIEW 50/50. However, if one party should overwhelmingly prevail at the EVIDENTIARY HEARING, the non-prevailing party shall be responsible for reimbursing the other party their cost. Referral Order for Outsourced Evaluation SIGNED AND FILED IN OPEN COURT and a copy was provided to both counsel.
6. Counsel shall submit as a supplement any POINTS AND AUTHORITIES it would like the Court to consider regarding the expert examining the audio tape by Monday, March 23, 2015.
7. Case and Trial Management Order SIGNED AND FILED IN OPEN COURT and a copy was provided to both counsel.
8. Status Check SET for April 2, 2015 at 11:00 A.M. Judges decision re: audio tapes.
9. Evidentiary Hearing SET for August 14, 2015 at 9:00 A.M.

INTERIM CONDITIONS:

FUTURE HEARINGS:

*Canceled: April 02, 2015 11:00 AM Status Check
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge
Courtroom 07
Marquis, Linda
Boyle, Kathleen*

*Canceled: June 25, 2015 9:00 AM Motion
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Stipulation and Order
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Marquis, Linda
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Courtroom 07
Marquis, Linda*

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Boyle, Kathleen*

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Courtroom 07
Marquis, Linda
Rouse, Jefferyann*

Canceled: January 11, 2016 9:00 AM Motion in Limine

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Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge
Courtroom 07
Marquis, Linda*

Canceled: February 10, 2016 9:30 AM Motion in Limine

Canceled: February 10, 2016 9:30 AM Opposition & Counter-motion

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition

COURT MINUTES

March 24, 2015

D-10-424830-Z

In the Matter of the Joint Petition for Divorce of:
Sean R Abid and Lyudmyla A Abid, Petitioners.

March 24, 2015

1:15 PM

Minute Order

HEARD BY: Marquis, Linda

COURTROOM: Courtroom 07

COURT CLERK: Kathleen Boyle

PARTIES:

Aleksandr Abid, Subject Minor, not present

Lyudmyla Abid, Petitioner, not present

Sean Abid, Petitioner, not present

Radford Smith, Attorney, not present

John Jones, Attorney, not present

JOURNAL ENTRIES

- Upon review, the Court determines that Dr. Holland, or any other expert retained in this matter, may review the January 2015 audio recording and/or a transcript of the audio recording before conducting interviews in this matter. Dr. Holland may also review other relevant pleadings filed in this matter.

The Court will make a determination as to the admissibility of the audio recording and/or transcript of the audio recording, in the event either party moves for its admission.

Accordingly, the STATUS CHECK scheduled for 4/2/2015 at 11:00 a.m. is VACATED.

A copy of this minute order shall be provided to both parties.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: April 02, 2015 11:00 AM Status Check

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

Courtroom 07

*Marquis, Linda
Boyle, Kathleen*

*Canceled: June 25, 2015 9:00 AM Motion
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per
Stipulation and Order
Courtroom 07
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Boyle, Kathleen*

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Stipulation and Order
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Courtroom 07
Marquis, Linda*

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Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason:
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Marquis, Linda
Rouse, Jefferyann*

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*Canceled: January 12, 2016 9:00 AM Non-Jury Trial
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per
Judge*

*Courtroom 07
Marquis, Linda*

Canceled: February 10, 2016 9:30 AM Motion in Limine

Canceled: February 10, 2016 9:30 AM Opposition & Countermotion

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition

COURT MINUTES

June 25, 2015

D-10-424830-Z

In the Matter of the Joint Petition for Divorce of:
Sean R Abid and Lyudmyla A Abid, Petitioners.

June 25, 2015

11:00 AM

All Pending Motions

HEARD BY: Marquis, Linda

COURTROOM: Courtroom 07

COURT CLERK: Kathleen Boyle

PARTIES:

Aleksandr Abid, Subject Minor, not present

Lyudmyla Abid, Petitioner, present

Sean Abid, Petitioner, present

Michael Balabon, Attorney, present

John Jones, Attorney, present

JOURNAL ENTRIES

- PLAINTIFF'S EMERGENCY MOTION REGARDING SUMMER VISITATION

The Court noted the parties shared joint legal custody and joint physical custody, there was a visitation order in place, and an Evidentiary Hearing was scheduled for 8/14/15.

The Court said it had received a letter from Dr. Holland, including parts of the interview she had conducted. The Court said it had received Dr. Holland's full report this morning, and had not had an opportunity to review the report,, which had been released to counsel.

The Court met with counsel OFF THE RECORD.

The Court said it had had an opportunity to review Dr. Holland's report, and discuss it with counsel, off the record.

The Court reminded the parties the 8/14/15 Evidentiary Hearing would start at 10:30 a.m.

The Court said opposing counsel had a Motion to Suppress pending and Plaintiff's counsel wanted an opportunity to Oppose that Motion, and, therefore, a date would be set for argument on that issue prior to trial.

Argument by Mr. Jones. Mr. Jones asked for Plaintiff to have six (6) weeks with the minor child this

summer, and for Defendant to have four (4) weeks this year, in order to protect the child. Mr. Jones said Dr. Holland would be testifying at the trial.

Mr. Balabon said Defendant had completed the Cooperative Parenting Classes at UNLV. Mr. Balabon objected to Dr. Holland's report, and objected to the tape, which he believed had prejudiced the evaluator.

The Court said it was concerned about the child moving into first grade.

Response by Mr. Jones.

The Court read a portion of Dr. Holland's report into the record, which discussed the minor child playing violent video games.

Mr. Jones said only the portion of the recordings containing Sasha were retained, the rest of the tape had been erased. Mr. Jones said the custodial order gave Plaintiff the choice of which school the minor child would attend.

COURT ORDERED, the following:

1. The minor child, Sasha, shall no longer be allowed to play "Call of Duty" or "Five Nights at Freddy's", and he is not allowed to play X-Box Live. In addition, he is not allowed to play any game that is rated above what is appropriate for kindergartners or first graders at either home. The Court is concerned about the child's violent behavior, and he must be monitored to make sure he is not allowed to have access to these violent games going forward.
2. The Motion to Suppress will be argued on July 16, 2015 at 9:30 a.m., and Defendant's Countermotion will be deferred to that date.
3. Dr. Holland and Plaintiff's counsel had requested the Court make a change to the summer schedule; therefore, since Defendant has had three (3) of her six (6) weeks of summer vacation with the minor child, and Dad is entitled to four (4) weeks under the visitation schedule, this year the summer schedule shall be reversed, and Defendant will be allowed to finish one more week with the minor child, and she will then return the child to Plaintiff two (2) weeks early. The child shall be returned to Plaintiff on July 4, 2015 at 9:00 a.m., which will reverse the current visitation order. If at the Evidentiary Hearing a decision is made that does not change custody or visitation, the summer schedule will be switched next year so that Defendant gets six (6) weeks and Plaintiff gets four (4) weeks.
4. TEMPORARILY until trial, the parties will have Skype or Facetime contact with the minor child on Mondays, Wednesdays, and Fridays.
5. The school issue is not on calendar this date; however, counsel will discuss the matter and

exchange calendars, and the matter can be argued at the 7/16/15 hearing.

6. Counsel may retain Dr. Holland's report; however, the report must remain in their possession.
7. Moving forward counsel will not quote directly from Dr. Holland's report or Dr. Paglini's report in their pleadings.
8. If the original recording is available, it shall be produced.

7/16/15 9:30 A.M. ARGUMENT RE: MOTION TO SUPPRESS

INTERIM CONDITIONS:

FUTURE HEARINGS:

*Canceled: June 25, 2015 9:00 AM Motion
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Stipulation and Order
Courtroom 07
Marquis, Linda
Boyle, Kathleen*

*Canceled: July 14, 2015 9:00 AM Motion
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per OST
Courtroom 07
Marquis, Linda*

Canceled: August 14, 2015 10:30 AM Evidentiary Hearing

*Canceled: August 14, 2015 10:30 AM Return Hearing
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge
Courtroom 07
Marquis, Linda*

*Canceled: September 03, 2015 9:00 AM Motion
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per OST
Courtroom 07
Marquis, Linda
Boyle, Kathleen*

*Canceled: October 05, 2015 9:00 AM Evidentiary Hearing
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Stipulation and Order
Courtroom 07
Marquis, Linda*

*Canceled: October 06, 2015 10:00 AM Motion
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per OST
Courtroom 07*

Marquis, Linda

Canceled: October 12, 2015 9:00 AM Evidentiary Hearing

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Stipulation and Order

Courtroom 07

Marquis, Linda

Canceled: November 19, 2015 1:30 PM Evidentiary Hearing

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

Courtroom 07

Marquis, Linda

Rouse, Jefferyann

Canceled: January 11, 2016 9:00 AM Motion in Limine

Canceled: January 12, 2016 9:00 AM Non-Jury Trial

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

Courtroom 07

Marquis, Linda

Canceled: February 10, 2016 9:30 AM Motion in Limine

Canceled: February 10, 2016 9:30 AM Opposition & Counter-motion

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition

COURT MINUTES

July 16, 2015

D-10-424830-Z

In the Matter of the Joint Petition for Divorce of:
Sean R Abid and Lyudmyla A Abid, Petitioners.

July 16, 2015

9:00 AM

All Pending Motions

HEARD BY: Marquis, Linda

COURTROOM: Courtroom 07

COURT CLERK: Kathleen Boyle

PARTIES:

Aleksandr Abid, Subject Minor, not present

Lyudmyla Abid, Petitioner, present

Sean Abid, Petitioner, not present

Michael Balabon, Attorney, present

John Jones, Attorney, present

JOURNAL ENTRIES

- DEFENDANT'S OPPOSITION TO PLAINTIFF'S EMERGENCY MOTION REGARDING SUMMER VISITATION SCHEDULE AND COUNTERMOTION TO STRIKE PLAINTIFF'S PLEADINGS, TO SUPPRESS THE ALLEGED CONTENTS OF THE UNLAWFULLY OBTAINED RECORDING, TO STRIKE THE LETTER FROM DR. HOLLAND AND FOR SANCTIONS AND ATTORNEY FEES...HEARING: ARGUMENT OF COUNSEL RE: ADMISSIBILITY OF DR. HOLLAND'S REPORT

Mr. Balabon asked whether Plaintiff intended to introduce the tape into evidence in these proceedings, and if so, was he going to attempt to produce the flash drive which contained an edited version of the tape, or was he going to produce the original.

The Court said its understanding of the facts was that Plaintiff had placed a recording device in the minor child's backpack, and the minor child had gone for his regularly scheduled visitation to Defendant's residence. During the course of the visitation the recording device remained in the child's backpack and recorded for approximately three (3) days, picking up sounds or conversations between numerous people who were in the home, including the child. When the child returned to Plaintiff's residence he took the recording, which was not made at the suggestion, consent, or upon the advice of Mr. Jones, it only came to the attention of Mr. Jones after the recording had taken place, and at some point Plaintiff erased or destroyed portions of the tape or the recording, which did not include the child, so if the child was engaged in a conversation, the conversation was kept, if the child was not included in a conversation the conversation was erased or destroyed. The destruction of the recording was not upon the advice, suggestion, or consent of Mr. Jones, who was only made aware of

the destruction after it had taken place. The portion of the recording which was provided to Defendant is the entirety of what remains. Mr. Jones agreed these were the facts. Mr. Balabon said he agreed all of the portions remaining were produced.

Mr. Jones said he had not decided whether or not to admit the tape into evidence.

The Court said it was going to treat Defendant's Motion and Mr. Balabon's argument as a Motion in Limine. The Court believed Mr. Balabon was asking the Court not to admit the recording at trial, and to strike any reference to the recording, or any quote from the recording from all of the pleadings ever filed in this case, and strike the portions of the recording from Dr. Holland's Report, and to not allow Dr. Holland to testify at the time of trial because she was tainted by the recording.

Mr. Balabon said he was requesting a ruling from the Court as to the legality of the tape, and as to whether or not the Court was applying the Implied Consent Doctrine to the Statute, and a ruling as to whether or not Plaintiff had satisfied his burden for admissibility, if the Court did adopt the Doctrine.

Argument by Mr. Balabon.

Response by Mr. Jones.

Argument by Mr. Balabon.

As to the facts the Court is FINDING this date in considering the Motion in Limine, at a certain point in time Plaintiff contacted Defendant regarding the minor child's exposure to violent video games, after which time Plaintiff concedes he placed a recording device in the minor child's backpack resulting in conversations being recorded while the minor child was with the Defendant. Defendant believes there were three (3) consecutive days of recording. Plaintiff maintains he deleted portions of the audio recording. Plaintiff filed a Motion for a Change of Custody and relied in part on those recorded conversations. The Court reiterated Mr. Jones was in no way a participant in the recording, did not advise Plaintiff to make those recordings, and did not know about the recordings until after the fact, and did not know portions of the recordings had been deleted until after the fact. The Court previously ordered a child interview through Dr. Holland, and Dr. Holland reviewed numerous documents in preparation for her interview, including a transcript of a portion of the audio recordings, and portions of the actual audio recordings. Plaintiff turned over a digital recording of all of the remaining portions of the recording. Defendant moved today to strike portions of the pleadings that discuss or incorporate the recordings, strike Dr. Holland's report, strike Dr. Holland from the witness list, not allow her to testify, and deny admission of the audio recording at any time during the Evidentiary Hearing in this matter.

The Court FINDS this is a recording by a recording device as defined in NRS 200.650, and as such it is a one party consent, which does not fall under the wire communication definition. While Plaintiff has not yet sought to introduce the audio recording or any portion of the audio recording into evidence, the Court is inclined to adopt the Vicarious Doctrine; therefore, Mr. Jones needs to prove much more

than he is able to via a Motion in Limine. Dr. Holland's report does not deal with the recording, the vast majority, and her biggest area of concern, and the Court's biggest area of concern in this case continues to be, and originated with, the child's exposure and preoccupation with violent video games. The Court will strike portions of Dr. Holland's report which deal with the audio recording; however, the Court FURTHER FINDS Dr. Holland has not been tainted so badly from exposure to that recording that she is unable to testify at the trial, since the vast majority of her report deals with issues wholly separate to the recording, and should the parties stipulate to the introduction of her report in lieu of her live testimony, the Court will strike the portions of the report dealing with the audio recording; however, should the parties not stipulate to the introduction of her report, the Court will allow Dr. Holland to testify, and the Court will allow the Defendant to ask Dr. Holland questions as to her reliance upon the audio recording as part of her ultimate expert opinion, if the Defendant wants to. Plaintiff will not be allowed to question Dr. Holland regarding the audio recording, unless Defendant opens the door.

COURT ORDERED, the following:

1. With regard to the school issue, the matter will be dealt with at trial, once the custody issue has been resolved.
2. The defense may retain their own expert, who does not need to rely on the audio recording. However, if the defense does not have the money to employ an expert with Dr. Holland's credentials, a forty-five (45) minute routine interview can be conducted at the Family Mediation Center, PROVIDED the Family Mediation Center has the ability to record the interview, so it can be reviewed. The Court FINDS NRS 50.285 applies and experts can rely upon inadmissible information to make their determination.

The Court further explained its ruling in this matter with regard to the admissibility of the audio recording at trial.

8/14/15 10:30 A.M. RETURN: FMC CHILD INTERVIEW

CLERK'S NOTE: After the hearing, the FMC referral was placed in the attorney bins of Mr. Jones and Mr. Balabon. KB 7/17/15

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: August 14, 2015 10:30 AM Evidentiary Hearing

Canceled: August 14, 2015 10:30 AM Return Hearing

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

*Courtroom 07
Marquis, Linda*

*Canceled: September 03, 2015 9:00 AM Motion
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per OST
Courtroom 07
Marquis, Linda
Boyle, Kathleen*

*Canceled: October 05, 2015 9:00 AM Evidentiary Hearing
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per
Stipulation and Order
Courtroom 07
Marquis, Linda*

*Canceled: October 06, 2015 10:00 AM Motion
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per OST
Courtroom 07
Marquis, Linda*

*Canceled: October 12, 2015 9:00 AM Evidentiary Hearing
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per
Stipulation and Order
Courtroom 07
Marquis, Linda*

*Canceled: November 19, 2015 1:30 PM Evidentiary Hearing
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason:
Courtroom 07
Marquis, Linda
Rouse, Jefferyann*

Canceled: January 11, 2016 9:00 AM Motion in Limine

*Canceled: January 12, 2016 9:00 AM Non-Jury Trial
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per
Judge
Courtroom 07
Marquis, Linda*

Canceled: February 10, 2016 9:30 AM Motion in Limine

Canceled: February 10, 2016 9:30 AM Opposition & Counter-motion

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition

COURT MINUTES

August 10, 2015

D-10-424830-Z

In the Matter of the Joint Petition for Divorce of:
Sean R Abid and Lyudmyla A Abid, Petitioners.

August 10, 2015 8:45 AM Motion to Continue

HEARD BY: Marquis, Linda

COURTROOM: Courtroom 07

COURT CLERK: Victoria Pott

PARTIES:

Aleksandr Abid, Subject Minor, not present

Lyudmyla Abid, Petitioner, present

Sean Abid, Petitioner, not present

Radford Smith, Attorney, present

John Jones, Attorney, present

JOURNAL ENTRIES

- DEFENDANT'S MOTION TO CONTINUE TRIAL

Court called the case and upon Court's inquiry, Mr. Radford stated he is substituting in as counsel for Defendant.

Matter recessed for Court to conduct a conference with counsel off the record

Matter recalled with all present as before.

Court noted, it spoke with counsel off the record regarding granting Defendant's Motion to Continue the Evidentiary Hearing. Court further noted, it is inclined to grant the request based on the appearance of new counsel.

Argument by counsel regarding Defendant's request to retain Dr. Mark Chambers as an expert to re-interview the child, the audio tapes that have been at issue in these proceedings, and counseling for the child.

Counsel STIPULATED to allow the child's teacher to testify at Trial.

Counsel further STIPULATED to allow the child to participate in Judo provided it doesn't interfere with the child's baseball activities. Further, the child won't participate in activities past 8:30 PM on

any day prior to a school day.

Counsel further STIPULATED that the parties will retain either Nick Ponzo or Jamil Ali to provide counseling for the minor child, and that the counselor will receive a copy of Dr. Holland's Report, Dr. Paglini's Report, and copies of relevant pleadings.

COURT ORDERED, Defendant's Motion to Continue the Evidentiary is GRANTED. The Evidentiary Hearing currently set for 8/14/15 at 10:00 AM shall be VACATED, with a two-day Evidentiary Hearing SET for 10/5/15 at 9:00 AM (full day) and 10/12/15 at 9:00 AM (full day). Court will prepare the Case Management Order to be placed in the attorney bins of respective counsel.

Defendant's request to retain Dr. Chambers as an expert and re-interview the child is GRANTED. Dr. Chambers shall have discretion on whether to videotape the interview. Plaintiff shall be given the opportunity to retain his own expert to re-interview the child, who shall also have discretion on whether to videotape the interview. If Dr. Holland and Dr. Chambers speak and believe it's appropriate, Dr. Holland can be present at the child interview.

The Court clarifies its prior Order in that, not only shall the minor child not be allowed to play any video game not rated appropriate for his age, he shall further not be allowed to watch any other person play "mature" rated games, nor shall he have any exposure whatsoever by any and all means to "mature" rated games.

10/5/15 9:00 AM Evidentiary Hearing (full day)

10/12/15 9:00 AM Evidentiary Hearing (full day)

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: August 14, 2015 10:30 AM Evidentiary Hearing

Canceled: August 14, 2015 10:30 AM Return Hearing

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

Courtroom 07

Marquis, Linda

Canceled: September 03, 2015 9:00 AM Motion

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per OST Courtroom 07

Marquis, Linda

Boyle, Kathleen

Canceled: October 05, 2015 9:00 AM Evidentiary Hearing

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

*Stipulation and Order
Courtroom 07
Marquis, Linda*

*Canceled: October 06, 2015 10:00 AM Motion
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per OST
Courtroom 07
Marquis, Linda*

*Canceled: October 12, 2015 9:00 AM Evidentiary Hearing
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per
Stipulation and Order
Courtroom 07
Marquis, Linda*

*Canceled: November 19, 2015 1:30 PM Evidentiary Hearing
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason:
Courtroom 07
Marquis, Linda
Rouse, Jefferyann*

Canceled: January 11, 2016 9:00 AM Motion in Limine

*Canceled: January 12, 2016 9:00 AM Non-Jury Trial
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per
Judge
Courtroom 07
Marquis, Linda*

Canceled: February 10, 2016 9:30 AM Motion in Limine

Canceled: February 10, 2016 9:30 AM Opposition & Countermotion

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition

COURT MINUTES

September 09, 2015

D-10-424830-Z

In the Matter of the Joint Petition for Divorce of:
Sean R Abid and Lyudmyla A Abid, Petitioners.

**September 09,
2015**

10:00 AM

Motion

HEARD BY: Marquis, Linda

COURTROOM: Courtroom 07

COURT CLERK: Helen Green

PARTIES:

Aleksandr Abid, Subject Minor, not present

Lyudmyla Abid, Petitioner, present

Sean Abid, Petitioner, not present

Radford Smith, Attorney, present

John Jones, Attorney, not present

JOURNAL ENTRIES

- DEFENDANT'S MOTION TO EXTEND DEADLINE TO PRODUCE DR. CHAMBER'S CHILD INTERVIEW REPORT, OR ALTERNATELY, CONTINUE THE EVIDENTIARY HEARING

John Jones, Esq., #6699, appeared telephonically on behalf of Plaintiff.

Argument by counsel regarding Defendant's motion.

COURT ORDERED:

1. Defendant's Motion shall be GRANTED.

2. Counsel shall submit a STIPULATION AND ORDER vacating the 10/05/2015 and 10/12/2015 Evidentiary Hearing dates.

INTERIM CONDITIONS:

FUTURE HEARINGS:

*Canceled: October 05, 2015 9:00 AM Evidentiary Hearing
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per
Stipulation and Order
Courtroom 07
Marquis, Linda*

*Canceled: October 06, 2015 10:00 AM Motion
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per OST
Courtroom 07
Marquis, Linda*

*Canceled: October 12, 2015 9:00 AM Evidentiary Hearing
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per
Stipulation and Order
Courtroom 07
Marquis, Linda*

*Canceled: November 19, 2015 1:30 PM Evidentiary Hearing
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason:
Courtroom 07
Marquis, Linda
Rouse, Jefferyann*

Canceled: January 11, 2016 9:00 AM Motion in Limine

*Canceled: January 12, 2016 9:00 AM Non-Jury Trial
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per
Judge
Courtroom 07
Marquis, Linda*

Canceled: February 10, 2016 9:30 AM Motion in Limine

Canceled: February 10, 2016 9:30 AM Opposition & Countermotion

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition

COURT MINUTES

November 17, 2015

D-10-424830-Z

In the Matter of the Joint Petition for Divorce of:
Sean R Abid and Lyudmyla A Abid, Petitioners.

**November 17,
2015**

1:30 PM

Evidentiary Hearing

HEARD BY: Marquis, Linda

COURTROOM: Courtroom 07

COURT CLERK:

PARTIES:

Aleksandr Abid, Subject Minor, not present

Lyudmyla Abid, Petitioner, present

Sean Abid, Petitioner, present

Radford Smith, Attorney, present

John Jones, Attorney, present

JOURNAL ENTRIES

- EVIDENTIARY HEARING

Counsel waived opening statements.

Witnesses and Exhibits per worksheets.

COURT ORDERED; matter CONTINUED. Future dates STAND.

INTERIM CONDITIONS:

FUTURE HEARINGS:

*Canceled: November 19, 2015 1:30 PM Evidentiary Hearing
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason:
Courtroom 07
Marquis, Linda
Rouse, Jefferyann*

Canceled: January 11, 2016 9:00 AM Motion in Limine

*Canceled: January 12, 2016 9:00 AM Non-Jury Trial
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per
Judge
Courtroom 07
Marquis, Linda*

Canceled: February 10, 2016 9:30 AM Motion in Limine

Canceled: February 10, 2016 9:30 AM Opposition & Counter-motion

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition

COURT MINUTES

November 18, 2015

D-10-424830-Z

In the Matter of the Joint Petition for Divorce of:
Sean R Abid and Lyudmyla A Abid, Petitioners.

**November 18,
2015**

1:30 PM

Evidentiary Hearing

HEARD BY: Marquis, Linda

COURTROOM: Courtroom 07

COURT CLERK: Helen Green

PARTIES:

Aleksandr Abid, Subject Minor, not present

Lyudmyla Abid, Petitioner, present

Sean Abid, Petitioner, present

Radford Smith, Attorney, present

John Jones, Attorney, present

JOURNAL ENTRIES

- EVIDENTIARY HEARING

Hearings continued. Witnesses and Exhibits per worksheets.

COURT STATED FINDINGS.

Court noted there was an incident in the hallway between Plaintiff and Defendant during the recess.

COURT ORDERED:

The recordings of the child shall NOT be permitted in this portion of testimony, however, the Court is inclined to allow it during later testimony. The Court is inclined to consider it a recorded recollection and counsel shall ask the appropriate questions and the recording shall be allowed. Attorney Jones shall submit a copy of the recording to counsel's office.

Matter CONTINUED. Future date STANDS.

INTERIM CONDITIONS:

FUTURE HEARINGS:

*Canceled: November 19, 2015 1:30 PM Evidentiary Hearing
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason:
Courtroom 07
Marquis, Linda
Rouse, Jefferyann*

Canceled: January 11, 2016 9:00 AM Motion in Limine

*Canceled: January 12, 2016 9:00 AM Non-Jury Trial
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per
Judge
Courtroom 07
Marquis, Linda*

Canceled: February 10, 2016 9:30 AM Motion in Limine

Canceled: February 10, 2016 9:30 AM Opposition & Countermotion

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition

COURT MINUTES

November 19, 2015

D-10-424830-Z

In the Matter of the Joint Petition for Divorce of:

Sean R

Abid and Lyudmyla A Abid, Petitioners.

**November 19,
2015**

1:30 PM

Evidentiary Hearing

HEARD BY: Marquis, Linda

COURTROOM: Courtroom 07

COURT CLERK: Jefferyann Rouse

PARTIES:

Aleksandr Abid, Subject Minor, not present

Lyudmyla Abid, Petitioner, present

Sean Abid, Petitioner, present

Radford Smith, Attorney, present

John Jones, Attorney, present

JOURNAL ENTRIES

- EVIDENTIARY HEARING

Upon the matter being called the court noted the continuance and the redirect .

Petitioner/Dad sworn and testified.

Examination by Attorney Jones.

Matter recessed. Upon the matter being recalled The court noted, on 11-18-2015 it was stated supplemental briefs could be submitted as to the Evidentiary issues presented, relative to the tapes and it admission.

The court further noted it will consider the briefs in its decision.

Mr. Jones advised the court as to issues that occurred outside Courtroom 7, on 11-18-2015.

THE COURT ORDERED,

1. SUPPLEMENTAL BRIEFS shall be due by 12-3-2015 at noon.

PRINT DATE:	03/16/2016	Page 40 of 46	Minutes Date:	October 23, 2012
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2. Non-Jury Trial SET for 1-11-2016 AT 9:00 am. (half-day).
3. Non-Jury Trial SET for 1-12-2016 at 9:00 am.
4. A Written DECISION shall be rendered by the court.
5. The Court Recommended Counsel file Motion's as to the incident that occurred on 11-18-2015 outside Courtroom 7.

INTERIM CONDITIONS:

FUTURE HEARINGS:

*Canceled: November 19, 2015 1:30 PM Evidentiary Hearing
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason:
Courtroom 07
Marquis, Linda
Rouse, Jefferyann*

Canceled: January 11, 2016 9:00 AM Motion in Limine

*Canceled: January 12, 2016 9:00 AM Non-Jury Trial
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per
Judge
Courtroom 07
Marquis, Linda*

Canceled: February 10, 2016 9:30 AM Motion in Limine

Canceled: February 10, 2016 9:30 AM Opposition & Countermotion

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition

COURT MINUTES

January 11, 2016

D-10-424830-Z

In the Matter of the Joint Petition for Divorce of:

Sean R

Abid and Lyudmyla A Abid, Petitioners.

January 11, 2016

9:00 AM

Non-Jury Trial

HEARD BY: Marquis, Linda

COURTROOM: Courtroom 07

COURT CLERK: Jefferyann Rouse

PARTIES:

Aleksandr Abid, Subject Minor, not present

Lyudmyla Abid, Petitioner, present

Sean Abid, Petitioner, present

Radford Smith, Attorney, present

John Jones, Attorney, present

JOURNAL ENTRIES

- NON-JURY TRIAL...MOTION IN LIMINE TO EXCLUDE RECORDING PLAINTIFF SURREPTITIOUSLY OBTAINED OUTSIDE COURTROOM ON November 18, 2015, SANCTIONS AND ATTORNEY'S FEES...OPPOSITION OF PLAINTIFF, SEAN R. ABID, TO DEFENDANT'S MOTION IN LIMINE TO EXCLUDE RECORDING PLAINTIFF SURREPTITIOUSLY OBTAINED OUTSIDE COURTROOM ON November 18, 2015, SANCTIONS AND ATTORNEY'S FEES AND COUNTERMOTION FOR ATTORNEY'S FEES AND COSTS

Upon the matter being called the court noted the Petitioner/Mom's Motion in Limine and Petitioner/Dad's Opposition and Countermotion.

Opening remarks by Attorney Smith as to Mom's Motion in Limine and as to issues that occurred outside Courtroom 7, on November 18, 2015.

Rebuttal statements by Attorney Jones as to Dad's Opposition and the incident which occurred outside Courtroom 7, on November 18, 2015.

The court noted concerns as to incident which occurred outside the courtroom on November 18, 2015.

Witnesses sworn and testified (see attached worksheet).

Testimony and Cross Examination continued.

Under Rule 41, Attorney Smith requested a Dismissal as to Hearing issues related to Primary Custody. Counsel stated there were no adequate grounds for such issue to be addressed.

Mr. Jones stated concerns as to Rule 52(c) requiring the non-moving party to have their case fully read as Mr. Jones indicated he hadn't rested his case.

Discussion as to Dr. Holland's Report by Counsel and the continuance of the trial.

THE COURT ORDERED,

1. By Stipulation Counsel AGREED their CASE IN CHIEF shall be presented on (day 3) of the Non-Jury Trial SET for 1-26-2016 at 9:00 am.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: January 11, 2016 9:00 AM Motion in Limine

Canceled: January 12, 2016 9:00 AM Non-Jury Trial

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

Courtroom 07

Marquis, Linda

Canceled: February 10, 2016 9:30 AM Motion in Limine

Canceled: February 10, 2016 9:30 AM Opposition & Counter-motion

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition

COURT MINUTES

January 11, 2016

D-10-424830-Z

In the Matter of the Joint Petition for Divorce of:
Sean R Abid and Lyudmyla A Abid, Petitioners.

January 11, 2016 9:00 AM Motion in Limine

HEARD BY: Marquis, Linda **COURTROOM:** Courtroom 07

COURT CLERK: Jefferyann Rouse

PARTIES:

Aleksandr Abid, Subject Minor, not present
Lyudmyla Abid, Petitioner, present Radford Smith, Attorney, present
Sean Abid, Petitioner, present John Jones, Attorney, present

JOURNAL ENTRIES

- MOTION IN LIMINE TO EXCLUDE RECORDING PLAINTIFF SURREPTIOUSLY OBTAINED OUTSIDE COURTROOM ON November 18, 205, SANCTIONS AND ATTORNEY'S FEE.

Minutes for Motion in Limine minutes in the Non- Jury Trial

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: January 11, 2016 9:00 AM Motion in Limine

Canceled: January 12, 2016 9:00 AM Non-Jury Trial
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge
Courtroom 07
Marquis, Linda

Canceled: February 10, 2016 9:30 AM Motion in Limine

Canceled: February 10, 2016 9:30 AM Opposition & Countermotion

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition

COURT MINUTES

January 25, 2016

D-10-424830-Z

In the Matter of the Joint Petition for Divorce of:
Sean R Abid and Lyudmyla A Abid, Petitioners.

January 25, 2016 9:00 AM Non-Jury Trial

HEARD BY: Marquis, Linda

COURTROOM: Courtroom 07

COURT CLERK: April Graham; Victoria Pott

PARTIES:

Aleksandr Abid, Subject Minor, not present

Lyudmyla Abid, Petitioner, present

Sean Abid, Petitioner, present

Radford Smith, Attorney, present

John Jones, Attorney, present

JOURNAL ENTRIES

- Argument and discussion regarding Dr. Holland's testimony and report.

Matter trailed to allow the Court to obtain its copy of Dr. Holland's letter dated 6/5/15 and report dated 6/22/15.

Matter recalled with all present as before. Mr. Smith moved to exclude Dr. Holland's report. COURT ORDERED, Mr. Smith's oral motion to exclude Dr. Holland's report is DENIED.

Testimony and exhibits continued (see worksheet).

Mr. Smith moved the Court for a directed denial of Plaintiff's motion to change custody. COURT FURTHER ORDERED, Mr. Smith's request is DENIED.

Further testimony and exhibits presented (see worksheet).

Closing arguments by counsel.

COURT FURTHER ORDERED, matter taken UNDER ADVISEMENT. Court will issue a written decision.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: February 10, 2016 9:30 AM Motion in Limine

Canceled: February 10, 2016 9:30 AM Opposition & Countermotion

Abid v. Abid (D-10-424830-Z)
 DEPARTMENT: B

DEFENDANT'S EXHIBITS

		<u>OFFER</u>	<u>ADMIT</u>
<input checked="" type="checkbox"/>	Plaintiff's Financial Disclosure Form November 9, 2015		
<input checked="" type="checkbox"/>	Sasha's school report card 2014-2015	11/17/15	11/12/15 ✓
<input checked="" type="checkbox"/>	Sasha's school report card dated 09-18-15	11/17/15	11/17/15 ✓
<input checked="" type="checkbox"/>	Examples of Sasha's schoolwork,		
<input checked="" type="checkbox"/>	Text messages between Angie and Lyuda, date range: February to October 2014	11/18/15	11/18/15 ✓
<input checked="" type="checkbox"/>	Text messages between Sean and Lyuda, date range: December 2013 to March 2, 2015	↓	↓
<input checked="" type="checkbox"/>	Text messages between Sean and Lyuda, date range: January 28, 2014 to October 20, 2014	↓	↓
<input checked="" type="checkbox"/>	Text messages between Sean and Lyuda, date range: October 27, 2014 to November 18, 2014	↓	↓
<input checked="" type="checkbox"/>	Text messages between Sean and Lyuda, date range: November 21, 2014 to March 27, 2015	↓	↓
<input checked="" type="checkbox"/>	Photographs of the child	1/25/16	1/25/16
<input checked="" type="checkbox"/>	Video clips of Sasha at school,		
<input checked="" type="checkbox"/>	Video clips of Sasha at school award		
<input checked="" type="checkbox"/>	Video clips of Sasha playing with a scooter		
<input checked="" type="checkbox"/>	Video clips of Sasha snorkeling		
<input checked="" type="checkbox"/>	Video clips of Sasha surfing		
<input checked="" type="checkbox"/>	Video clips of Sasha playing by the beach		
<input checked="" type="checkbox"/>	Email exchange between John Jones, Esq. and Michael Balabon, date range: 07-10-14 through 08-11-14	1/25/16	OBJECTED NOT ADMITTED
<input checked="" type="checkbox"/>	Email exchange between John Jones, Esq. and Michael Balabon, date range: 4-16-15 through 6-5-2015		
<input checked="" type="checkbox"/>	Attorney Fees summary from Radford J. Smith, Chartered, Attorneys at law		
<input checked="" type="checkbox"/>	Attorney Fees summary for Mr. Michael Balabon		
<input checked="" type="checkbox"/>	Dr. Chambers Fees		
<input checked="" type="checkbox"/>	Dr. Chambers' Curriculum Vitae		
<input checked="" type="checkbox"/>	Dr. Chambers' Report dated September 18, 2015		



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

RADFORD J. SMITH, ESQ.
2470 ST. ROSE PKWY., SUITE 206
HENDERSON, NV 89074

DATE: March 16, 2016
CASE: D424830

RE CASE: In the Matter of the Joint Petition for Divorce of: SEAN R. ABID and LYUDMYLA A. ABID

NOTICE OF APPEAL FILED: March 14, 2016

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

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

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

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

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

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

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION; NOTICE OF ENTRY OF ORDER FROM HEARING; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

In the Matter of the Joint Petition for Divorce of:

SEAN R. ABID and LYUDMYLA A. ABID,

Petitioner(s),

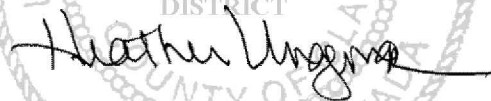
Case No: D424830

Dept No: B

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 16 day of March 2016.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

