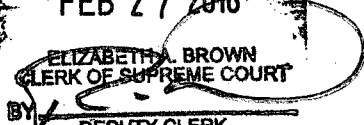


IN THE SUPREME COURT OF THE STATE OF NEVADA

**FILED**  
FEB 27 2018  
ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

LYUDMYLA A. ABID,

Appellant,

*vs.*

SEAN R. ABID,

Respondent.

S.C. Appeal No.: 69995

Related S.C. No.: 71042

D.C. No.: D-10-424830-Z

Dept. No.: B

**APPELLANT'S MOTION FOR TRANSMITTAL OF THE  
COMPLETE DISTRICT COURT'S RECORD  
(RECORD ON APPEAL)**

COMES NOW, Appellant, LYUDMYLA A. ABID, ("Appellant"), appearing in Proper Person, and hereby respectfully requests that this Court to enter an Order directing the Clerk of the Eighth Judicial District Court to prepare and transmit the entire lower court's record, which is to include all filed Papers and Pleadings, Minutes, Orders, and Transcripts from commencement through December 15, 2016 and/or, in the alternative, from commencement through July 29, 2016.

///

///

**RECEIVED**  
FEB 23 2018  
ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
DEPUTY CLERK

This Motion is based upon all Papers and Pleadings on file herein, the Points and Authorities submitted herewith, the Declaration of Appellant attached hereto, and is made in good faith and not to delay justice.

DATED this 18<sup>th</sup> day of February, 2018.

*Respectfully Submitted;*



LYUDMYLA A. ABID, n/k/a  
LYUDMYLA A. PYANKOVSKA

2167 Montana Pine Drive

Henderson, NV 89052

Phone: (702) 208-0633

Email: lyuda2167@gmail.com

*Appellant appearing in Proper Person*

## MEMORANDUM OF POINTS AND AUTHORITIES

### I. INTRODUCTION

On December 7, 2017, when Fast Track briefing concluded, this Court entered its Authored Opinion and Affirmed the *Findings of Fact, Conclusions of Law and Judgment* entered on March 1, 2016 that was appealed from. (See *Abid v. Abid*, 133 Nev. Adv. Opn. 94). This Court primarily addressed the question, “[w]hether the district court abused its discretion by providing the recordings to a psychologist

**appointed by the court to evaluate the child's welfare.**" (emphasis added). (*See Id.*, at page 2, ¶1). Subsequently, in affirming the order, the Court has held that, "[t]he districts court properly exercised its discretion in determining that the recordings would assist the **expert in forming her opinion.**" (emphasis added). (*See Id.*; see also page 3, ¶1).

Clearly, the Court affirmed the Order based on either a material misrepresentation of counsel that the expert was conducting an "evaluation" of "welfare," as opposed to Dr. Holland's true role as a child interviewer; or the court overlooked and misapprehended this issue. (*See Id.*, page 2, ¶4).<sup>1</sup>

Appellant is filing her Petition for Review in Pro Se. However, this Court's rules specifically proscribe Pro Se parties from filing and/or supplementing appendices and supplements. As the result, Appellant is unable to properly construct her Pro Se Petition for Rehearing. Appellant cannot supplement the *Appendix* filed by her prior Counsel, who

---

<sup>1</sup> As discussed by this Court in pertinent part: "The district court found that Sean likely violated NRS 200.650 and denied Sean's motion to admit the recordings into evidence. Nonetheless, the court provided the recordings to a **psychologist**, Dr. Holland, whom **the court had appointed to interview and evaluate the child.**" (emphasis added). (*See Id.*, at page 2, ¶4).

withdrew from representation. However, upon a showing of extreme merit and good cause, this Court has the power to grant a leave to Appellant and/or enter an order directing the Clerk of the Eighth Judicial District Court Clerk to transmit the entire trial court's record, including all filed papers, pleadings, orders, minutes and transcripts.

## II. RELEVANT PROCEDURAL HISTORY

On or about December 7, 2017, Appellant's former counsel, Radford J. Smith, Esq., of Radford J. Smith, Chartered, filed his *Notice of Withdrawal of Attorney*, after the Appellant had terminated his representation. Subsequently, on or about December 13, 2017, this Court entered an Order stating that the time to file a Petition for Rehearing had not expired, hence the Counsel's request to withdraw was denied without prejudice to his right to file a timely notice.

On or about December 19, 2017, the undersigned filed her *Appellant's Request to Appear and Proceed in Proper Person and to File Petition for Rehearing in Excess of Word Count*. Subsequently, on or about January 11, 2018, this Court entered an order granting Appellant's Request to Appear and Proceed in Proper Person, however, it denied her Request to File Petition for Rehearing in Excess of Word Count. Instead,

Appellant was ordered to file a limited Petition for Rehearing within 11 days.

On or about January 22, 2018, Appellant filed her *Motion for Permission to File Petition for Rehearing in Excess of Word Limit*, accompanied by a proposed Petition for Rehearing, including certain critical orders attached as exhibits, as she had learnt that her former counsel did not include a critical order in the *Appendix to Fast Track Statement Vols. 1-17*, (“Appendix”), that was filed on July 11, 2016. Further, on or about February 8, 2018, the Court denied Appellant’s second request, as it determined that there was no good cause appearing for her request and ordered her to file the Petition within 11 days, by February 20, 2018.

Appellant was unaware that counsel did not include certain orders to into the *Appendix* until this Court affirmed the district court’s order, erroneously stating that the district court appointed the expert, Dr. Holland, to evaluate the child’s welfare. Appellant was able to review the unfiled Appendix that Mr. Smith supplied to her, and realized that the Appendix is egregiously deficient, as it is missing, at a minimum, the one (1) factual and critical *Referral Order for Outsourced Evaluation Services*,

“Outsourced Order”), which specified the scope of Dr. Holland’s Appointment. (See *Outsourced Order* entered by the lower court on March 18, 2015 attached hereto as **Exhibit “1”**).

Dr. Stephanie Holland was to conduct a Child Interview in accordance with EDCR 5.70. (See *Id.*) Further, even though the *Outsourced Order* invoked the sacred child witness act,<sup>2</sup> it did not direct and/or otherwise permit Dr. Holland to submit any recommendations to the lower court, or to conduct an evaluation of the parties and the minor child. The scope of her appointment as an expert was limited to conducting a child interview only. (See *Id.*)

As of this date, Appellant still has not received a file-stamped copy of the Appendix Mr. Smith submitted to this Court on or about July 11, 2016, nor has she received a filed stamped copy of the Respondent’s Appendix filed with the Court on or about August 16, 2016. Appellant is cautious to make another request for a filed-stamped appendix, due to her fear that the district court will issue a judgement for fees and issue a writ of execution for Mr. Smith to collect his fees by way of judgment and writ of execution and garnishment. The district court had previously

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<sup>2</sup> See *Gordon v. Geiger*, 133 Nev. Adv. Opn. No. 69.

issued a writ for Respondent to collect a judgement for Dr. Holland's fees, which was done without a notice and hearing, and the garnishment conveniently coincided with the Respondent having to pay for transcripts for this appeal. Around this time, Mr. Smith also informed this Court that he intended to file a Petition for Writ of Mandamus and/or Prohibition, as this Court dismissed the appeal from the Order awarding reapportioned expert fees to Respondent. Appellant's bank account was garnished, as if it was enforcement of child support arrears. (See *Writ of Execution* attached hereto as **Exhibit "2"**).

Appellant is also concerned that some of the district court's orders prepared by counsel do not comport to the record and omit important points, as she recently discovered. To illustrate her point, Appellant would like to point out that Mr. Jones was directed by the lower court to prepare an order from the hearing held on chamber's calendar on July 14, 2016 on Respondent's *Motion to Reapportion Dr. Holland's Fees* and Appellant's *Countermotion for a Stay*. (See *Minute Order – No Hearing Held* entered by the lower court on July 14, 2016 attached hereto as **Exhibit "3"**). Upon review of the *Order Re: The Court's Minute Order of July 14, 2016*, (See *Order Re: The Court's Minute Order of July 14, 2016*

entered by the lower court on July 27, 2016 attached hereto as **Exhibit “4”**), strangely, Mr. Jones completely excluded the court’s findings and orders that denied Appellant’s Motion to Stay, discussing that Appellant is unlikely to prevail on her appeal because Appellant “does not allege the District Court applied the wrong law or standard. Instead, Appellant argues that the trial court allowed the expert witness to review evidence that the court finally found inadmissible.” (See **Ex. “3”**, at page 2, ¶2). The court stated that the expert’s testimony was based upon many things, including interviews with the child. Also, the district court stated that it had previously found that Appellant’s behavior is detrimental to the child, and that notice of the minute order was provided to the parties via telephone. (See *Id.*, at page 2). Conversely, the court did not make any previous findings of detriment to the child, and Appellant is unaware of a rule allowing service of notices by telephone.

### **III. LEGAL ARGUMENT**

Both Appellant and Respondent were represented by counsel from commencement of the current action through the entry of this Court’s Authored Opinion. Full briefing was not requested to occur pursuant to



NRAP 3E(g),<sup>3</sup> therefore, the appeal is governed under NRAP 3E – Fast Track Child Custody Appeals, et. seq.

The Rules of Nevada Appellant Procedure provide specific procedural guidelines for such appeals when any of the litigants are appearing in Proper Person.

NRAP 3E(d)(5) provides:

A pro se appellant or cross-appellant shall not file an appendix. If the court's review of the record is necessary in such a case, **the court may direct that the complete record be transmitted as provided in Rule 11(a)(2)**. Pro se parties are encouraged, but not required, to support assertions made in the fast track statement or response regarding matters in the record by citing to the specific page number in the record that supports the assertions. (emphasis added).

Further, the construction of Appellant's Petition for Rehearing is governed under NRAP 32(c)(2), as follows:

Any other paper, including a **petition for rehearing** and a petition for en banc reconsideration, and any response to such a petition, shall be reproduced in the manner prescribed by Rule 32(a)(1), (3), (4), (5), (6), and (8) and shall contain a caption setting forth the name of the court, the title of the case, the case number, and a brief descriptive title indicating the purpose of the paper. If a cover is used, it must be white. (emphasis added).

---

<sup>3</sup> See NRAP 3E(g): Appeal Disposition, Full Briefing, or Calendaring.

Also, NRAP 3E(g)(3) provides in relevant part:

**...If a represented party's brief cites to documents not previously filed in the court, that party shall file and serve an appropriately documented supplemental appendix with the brief. In accordance with Rule 30, pro se parties shall not file an appendix, but when the court's review of the record is necessary in a pro se appeal, the court may direct that the complete record be transmitted as provided in Rule 11(a)(2). (emphasis added).**

As provided in NRAP 10(b)(1), [t]he Supreme Court or Court of Appeals will determine whether its review of the complete record is necessary in a pro se appeal and direct the district court clerk to transmit the record, as provided in Rule 11(a)(2), which states that, [w]hen the court directs transmission of the complete record in cases in which the appellant is proceeding without counsel, the record shall contain each and every paper, pleading and other document filed, or submitted for filing, in the district court. The record shall also include any previously prepared transcripts of the proceedings in the district court. If the Supreme Court or Court of Appeals should determine that additional transcripts are necessary to its review, the court may order the reporter or recorder who recorded the proceedings to prepare and file the transcripts.

///

Accordingly, Appellant respectfully requests leave of this Court allowing her to supplement the Appendix or to direct transmission of the record, since she must cite to the orders in missing from the record to properly construct her Petition for Rehearing. Counsel's failure to include the Outsourced Order into the Appendix and failure to cite it, as well as other key points in the Briefs rendered it impossible for Appellant to obtain a just and meaningful appellate review. Appellant will further be placed in unjust position if her request is denied by this Court.

#### IV. CONCLUSION


Appellant is doing her best to prepare a short and concise Petition for Rehearing. However, she is not an attorney, and English is not her first language. It has become next to impossible for Appellant to construct her Petition for Rehearing as required by the Rules when she is unable to supplement the Appendix, take her time to make sure that she understands the rules, and when the Record on Appeal was not transmitted by the Clerk of the Eighth District Court to this Court.

Appellant is entitled to seek meaningful redress, and her child, whose custody is subject matter of this appeal, will be unjustly punished for Appellant's former Counsel's omission if the Motion is denied.

**THEREFORE**, Appellant respectfully requests this Court to grant her Motion in its entirety and to enter an Order directing the Clerk of the Eighth Judicial District Court to prepare and transmit the entire lower courts record, which is to include all Filed Papers and Pleadings, Minutes, Orders, and Transcripts from commencement until December 15, 2016 and/or in the alternative from commencement until July 29, 2016; and, any other related relief it deems just and necessary.

**DATED** this 18<sup>th</sup> day of February, 2018.

*Respectfully Submitted;*




**LYUDMYLA A. ABID, n/k/a**  
**LYUDMYLA A. PYANKOVSKA**  
2167 Montana Pine Drive  
Henderson, NV 89052  
Phone: (702) 208-0633  
Email: lyuda2167@gmail.com  
*Appellant appearing in Proper Person*

**DECLARATION OF LYUDAMYLA A. PYNKOVSKA**

I, LYUDMYLA A. PYNKOVSKA, the Declarant, under penalty of perjury hereby state as follows:

1. I am the Appellant in the instant matter, that virtue of that fact, have personal knowledge of the matters contained herein and is competent to testify to the same;
2. That Declarant makes this Declaration in Support of the foregoing *“Appellant’s Motion for Transmittal of the Complete District Court’s Record (Record on Appeal);”*
3. That Declarant has read the said Motion and hereby certifies that the facts set forth in the Points and Authorities attached thereto are true according to the record herein, and Declarant believes them to be true. Declarant incorporates these facts into this Declaration as though full set forth herein.
4. I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

**DATED** this 18<sup>th</sup> day of February, 2018.

  
\_\_\_\_\_  
LYUDMYLA A. ABID, n/k/a  
LYUDMYLA A. PYANKOVSKA

## CERTIFICATE OF COMPLIANCE

I hereby certify that this motion complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5), and the type style requirements of NRAP 32(a)(6), because this motion has been prepared in a proportionally spaced typeface using Microsoft Word 2016 in 14-point Century Schoolbook font.

I further certify that this motion complies with the page- or type volume limitations of NRAP 32(a)(7) because, excluding the parts of the motion exempted by NRAP 32(a)(7)(C), it does not exceed 30 pages, and consists of 2772 words.

I further certify that I have read this motion, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose.

I further certify that this motion complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP Rule 28(e)(1), which requires every assertion in the motion regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found.

I understand that I may be subject to sanctions in the event that the accompanying motion is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

**DATED** this 18<sup>th</sup> day of February, 2018.

*Respectfully Submitted;*



LYUDMYLA A. ABID, n/k/a

**LYUDMYLA A. PYANKOVSKA**

2167 Montana Pine Drive

Henderson, NV 89052

*Appellant appearing in Proper Person*

**CERTIFICATE OF SERVICE**

I certify that on the date indicated below, I served a copy of this *Appellant's Motion for Transmittal of the Complete District Court's Record (Record on Appeal)* on the parties to the appeal as follows:

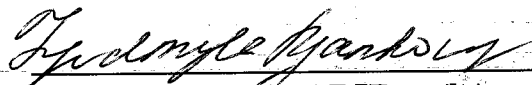
By mailing it first class mail, in a sealed envelope, with sufficient postage prepaid to the following address:

JOHN D. JONES, ESQ.  
***Black & LoBello***  
10777 W. Twain Ave., Ste. No.: 300  
Las Vegas, NV 89135  
Email: jjones@blacklobellow.law  
Email: jjones@blacklobellowlaw.com  
Email: cberdahl@blacklobello.law  
*Attorney for Respondent,*  
*Sean R. Abid*

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

**DATED** this 18<sup>th</sup> day of February, 2018.

*Respectfully Submitted;*

  
\_\_\_\_\_  
LYUDMYLA A. ABID, n/k/a  
LYUDMYLA A. PYANKOVSKA

**APPELLANT'S  
EXHIBIT "1"**



ORDR

FILED IN OPEN COURT

3/18, 2015

STEVEN D. GRIERSON  
CLERK OF THE COURT

By: Helen F. Green

HELEN F. GREEN Deputy

**DISTRICT COURT**  
FAMILY DIVISION  
Clark County, Nevada

ABIO, Sean R. )  
Plaintiff )

-vs-

ABIO, Lyudmyla )  
Defendant )

Case Number D-10-424830-2  
Department B

**REFERRAL ORDER FOR OUTSOURCED EVALUATION SERVICES**

In accordance with EDCR 5.70, the Court may order family evaluations of those parties appearing before the Court that have been unable to mutually resolve their custody and access issues, and where the Court may require additional information prior to making a judicial decision in the matter. Once ordered, the family evaluation shall be completed by a qualified individual or agency, as defined by EDCR 5.70. The selection of this evaluator may be by mutual agreement of the parties, or absent this agreement, by judicial decision.

IT IS HEREBY ORDERED that the following individual/agency shall provide a family evaluation:

Individual/Agency: Dr. Stephoric Holland  
Telephone Number: \_\_\_\_\_

IT IS FURTHER ORDERED that the above-referenced evaluator shall provide the following services with  or without  recommendations:

- |   |  |
|---|--|
| <input type="checkbox"/> Substance Abuse Evaluation         | <input type="checkbox"/> Child Reunification         |
| <input type="checkbox"/> Child Custody Evaluation           | <input type="checkbox"/> Emergency Evaluation        |
| <input type="checkbox"/> Child Custody Evaluation with OTI* | <input type="checkbox"/> Protective Order Evaluation |
| <input checked="" type="checkbox"/> Child Interview         | <input type="checkbox"/> Other _____                 |

IT IS FURTHER ORDERED that the parties are responsible for all fees; that the fees shall be paid directly to the evaluator prior to the commencement of the family evaluation services.

Each party shall pay 50% of the cost for this service.  
\_\_\_\_\_ shall pay 100% of the cost.

ORDERED AND DATED this 18<sup>th</sup> day of March, 2015.

This matter is reset for  
Date 8/14/15 Time 9:00 AM

[Signature]  
DISTRICT JUDGE  
LINDA MARQUIS

Report Due Date: \_\_\_\_\_  
Attorney for Plaintiff: John Jones  
Attorney for Defendant: Michael Balaban

\*Out of Town Investigation - Courtesy home study from another jurisdiction.

**APPELLANT'S  
EXHIBIT "2"**

1 JOSEPH IARUSSI, \_\_\_\_\_  
Nevada Bar No. 9284  
2 320 E. Charleston Blvd, Suite 105  
3 Las Vegas, Nevada 89104  
4 (702) 473-9640  
(702) 473-9641 Fax  
5 Attorney for Plaintiff  
SEAN R. ABID

6 DISTRICT COURT

7 CLARK COUNTY, NEVADA

8 SEAN R. ABID )  
9 Plaintiff, )

Case No.: D424830

10 vs. )

Dept. No.: B

11 LYUDMYLA A. ABID )  
12 Defendants. )

13 WRIT OF GARNISHMENT

14 This WRIT must be answered,  
15 signed and returned to:

The Office of the  
Ex-Officio Constable

302 E. Carson Avenue, 5th Floor  
Las Vegas, NV 89155

16 THE STATE OF NEVADA TO:

17 CREDIT UNION, Garnishee.  
18

19 You are hereby notified that you are attached as garnishee in the above  
20 entitled action and you are commanded not to pay any debt from yourself to  
21 LYUDMYLA A. ABID, Defendant, and that you must retain possession and control  
22 of all personal property, money, credits, debts, effects, and choses in action of said  
23 Defendant not in excess of \$4,347.25., in order that the same may be dealt with  
according to law; where such property consists of wages, salaries, commissions or  
bonuses, the amount you shall retain shall be in accordance with the 15 U.S Code  
1673 and Nevada Revised Statutes 31.295.

24 Plaintiff believes that you have property, money, credits, debts, effects,  
25 and choses in action in your hands and under your custody and control  
26 belonging to said Defendant, LYUDMYLA A. ABID, more particularly  
described as:

27 U.S. Currency in the amount of Four Thousand Three Hundred Forty  
28 Seven Dollars and Twenty Five Cents (\$4,347.25) located in checking  
account number(s): 550003811622

1  
2 **YOU ARE REQUIRED** within 20 days from the date of service o  
3 this Writ of Garnishment to answer the interrogatories set forth herein and  
4 forward such answer to the office of the Sheriff or Constable which issued  
5 the Writ of Garnishment. In case of your failure to answer the  
6 interrogatories within 20 days, a judgment by default will be entered  
7 against you for:

- 8 (a) the amount demanded in the writ of garnishment or the value  
9 of property described in the writ as the case may be; or  
10 (b) If the garnishment is pursuant to NRS 31.291, the amount of lien  
11 created pursuant to that section, which amount or property  
12 must be clearly set forth in the writ of garnishment.

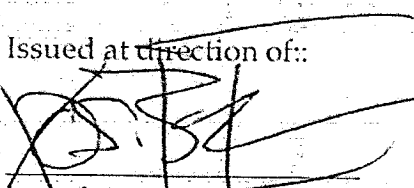
13 **IF YOUR ANSWERS TO** the interrogatories indicate that you are  
14 the employer of the Defendant(s), this Writ of Garnishment shall be  
15 deemed to **CONTINUE FOR 120 DAYS** or until the amount demanded in  
16 the attached Writ of Execution is satisfied, whichever occurs earlier.

17 **YOU ARE FURTHER DIRECTED** to forward all funds due o the  
18 defendant(s) each payday in the future, **UP TO 120 DAYS**, any less  
19 amount which is exempt and less \$3.00 per pay period (not to exceed  
20 \$12.00 per month) which you may retain as a fee for compliance. The \$3.00  
21 fee does not apply to the first pay period covered by this Writ.

22 **YOU ARE FURTHER DIRECTED** to serve a copy of your answers  
23 to the interrogatories on Defendant's attorney, if an address for  
24 Defendant's attorney appears below.

25 Issued at direction of:

CLARK COUNTY CONSTABLE

26   
27 Joseph Iarussi, Esq.  
28 320 E. Charleston Blvd.,  
Suite 105  
Las Vegas, NV 89104

By: T. MARIN P#9577 9/8/16  
Deputy Date  
302 East Carson Street, Floor 5  
Las Vegas, NV 89155

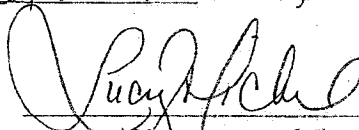
1 5. State your correct name and address, or the name and address of your  
2 attorney upon whom written notice of further proceedings in this action  
may be served.

3 Answer: Credit Union 1

200 E. Champaign Ave., Rantoul, IL 61866

4 I declare under penalty of perjury under the law of the state of Nevada  
5 that the answers to the foregoing interrogatories by me subscribed are  
true.

6 Executed on the 9th day of September of the year 2016.

7  
8   
9 (Signature of Garnishee)

10 **NOTE:** Under NRS 31.287, if an employer without legal justification,  
11 refuses to withhold the earnings of a Defendant demanded in a WRIT  
12 OF GARNISHMENT or knowingly misrepresents the earnings of the  
13 Defendant, the court may order the employer to appear and show cause  
why he should not be subject to the following penalties:

14 (1) if the plaintiff has received a judgment against the defendant, an  
order to the employer to pay the plaintiff the amount of arrearages  
15 caused by the employer's refusal to withhold or his  
misrepresentation of the defendant's earnings.

16 (2) In addition, the court may order the employer to pay the plaintiff  
17 punitive damages in an amount not to exceed \$1,000 for each pay  
18 period in which the employer has, without legal justification,  
refused to withhold the defendant's earnings or has misrepresented  
19 the earnings.

20 STATE OF NEVADA

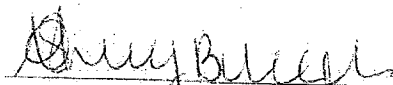
21 COUNTY OF CLARK

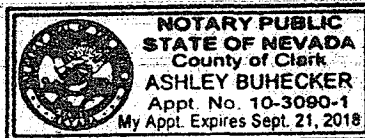
22 I, Credit Union 1, do solemnly swear that the answers to  
23 the foregoing interrogatories by me subscribed are true.

24  
25   
GARNISHEE

26  
27 SUBSCRIBED and SWORN TO before me

28 This 9th day of September, 2016.

  
NOTARY PUBLIC



**Credit Union 1**  
A unique concept in financial services

September 9, 2016

Lyudmyla Antonivna Pyankovska  
2167 Montana Pine Dr.  
Henderson, NV 89052

RE: Case no.: D424830  
Sean R. Abid V. Lyudmyla A. Abid

Dear Ms. Pyankovska:

Pursuant to a Writ of Garnishment (copy of notice enclosed), Credit Union 1 has frozen funds in your savings and/or checking accounts. The Writ of Garnishment was served upon Credit Union 1 to satisfy a judgment entered against you. The following funds have been frozen:

**Account Number(s): 5500038116**

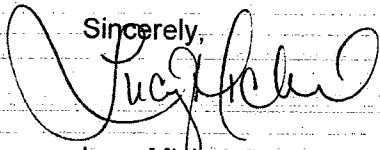
Savings S0:	\$4,472.75
Checking S20:	\$0.00

Credit Union 1 is required to freeze the funds in any account that your name appears on, up to the total amount of the judgment. On the **20<sup>th</sup>** day of this Writ of Garnishment notice the funds being held in your account will be send directly to Constable Las Vegas Township. In addition, your Courtesy Pay privilege has been removed temporarily until the freeze is lifted.

**IF YOU HAVE A CHECKING ACCOUNT OR OTHER SERVICES: DO NOT WRITE CHECKS ON THIS ACCOUNT USING THE FUNDS BEING HELD, THEY WILL NOT BE HONORED. DO NOT USE YOUR ATM/DEBIT CARD, IT HAS BEEN TEMPORARILY SUSPENDED PENDING A RESOLUTION OF THIS MATTER.**

If you receive a court order for release of these funds, or reach a settlement of this matter with the Plaintiff, please contact Credit Union 1 so that appropriate action may be taken with your funds. If you have any questions, please contact the undersigned at (800) 252-6950 ext. 6532.

Sincerely,



Lucy Michel, Paralegal  
Paseo Legal Department  
2651 Paseo Verde Parkway  
Henderson, NV 89074-6615  
(800) 252-6950 ext. 6532 (Direct)  
(630) 506-5318 (Fax)  
[lmichel@creditunion1.org](mailto:lmichel@creditunion1.org)  
[www.creditunion1.org](http://www.creditunion1.org)

Enclosure

**APPELLANT'S  
EXHIBIT "3"**

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Joint Petition**

**COURT MINUTES**

July 14, 2016

D-10-424830-Z

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

**July 14, 2016**

**2:00 PM**

**Minute Order**

**HEARD BY:** Marquis, Linda

**COURTROOM:** Courtroom 07

**COURT CLERK:** Michelle Prescott

**PARTIES:**

Aleksandr Abid, Subject Minor, not present

Lyudmyla Abid, Petitioner, not present

Sean Abid, Petitioner, not present

Pro Se

John Jones, Attorney, not present

**JOURNAL ENTRIES**

- MINUTE ORDER: NO HEARING HELD AND NO APPEARANCES

RE: D-10-424830-Z

NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action.

Dad s Motion to Reapportion Dr. Holland s fees is GRANTED. The Court previously indicated that the parties could request reapportionment of Dr. Holland s fees, if one party overwhelmingly prevailed at the Evidentiary Hearing.

Mom s Counter-motion for Stay is DENIED. NRAP 8 governs stays pending appeal and requires, generally, a stay be first sought in the District Court. Stays in civil cases involving child custody are governed by NRAP 8 (d):

In deciding whether to issue a stay in matters involving child custody, the Supreme Court or Court of Appeals will consider the following factors: (1) whether the child(ren) will suffer hardship or harm if the stay is either granted or denied; (2) whether the nonmoving party will suffer hardship or harm if the stay is granted; (3) whether movant is likely to prevail on the merits in the appeal; and (4)

PRINT DATE:	07/14/2016	Page 1 of 2	Minutes Date:	July 14, 2016
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**Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.**



whether a determination of other existing equitable considerations, if any, is warranted. Here, the child would suffer hardship and/or harm if the stay is granted. As the Court previously found, Mom s behavior is detrimental to the minor child. Further, Dad s relationship with the minor child would suffer harm, if the stay is granted. Mom is unlikely to prevail on the merits of this appeal, as discussed below. This custody order has been in place for months, yet another change in custody is not equitable.

The trial court has wide discretion concerning matters of child custody. A reviewing court will not disturb the trial court s finding absent a clear abuse of discretion. See *Sims v. Sims*, 109 Nev. 1146 (1993). Mom does not allege the District Court applied the wrong law or standard. Instead, Mom argues that the trial court allowed an expert witness to review evidence that the court ultimately found inadmissible. The expert s testimony was not based solely upon this evidence. The expert s testimony was based upon many other things, including interviews with the child. Mom s Counter-motion for Sanctions and Attorney s Fees is DENIED.

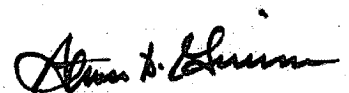
The Court reminds the parties that there is no Order preventing both parents from attending medical and dental appointments for the minor child. The Court encourages the parties to co-parent regarding the child s medical and dental needs. There is no Order from this Court that would prevent a third party designee from picking up and/or dropping off the minor child.

Counsel for Plaintiff SHALL prepare the Order.

Notice of this minute order was provided to the Parties via telephone.

PRINT DATE:	07/14/2016	Page 2 of 2	Minutes Date:	July 14, 2016
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**APPELLANT'S  
EXHIBIT "4"**

  
CLERK OF THE COURT

1 NEOJ  
2 BLACK & LOBELLO  
3 John D. Jones  
4 Nevada State Bar No. 6699  
5 10777 West Twain Avenue, Suite 300  
6 Las Vegas, Nevada 89135  
7 702-869-8801  
8 Fax: 702-869-2669  
9 Email: [jjones@blacklobello.law](mailto:jjones@blacklobello.law)  
10 Attorneys for Plaintiff,  
11 SEAN R. ABID

DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA

10 SEAN R. ABID,  
11  
12 Plaintiff,  
13  
14 vs.  
15 LYUDMYLA A. ABID  
16 Defendant.

CASE NO.: D424830  
DEPT. NO.: B

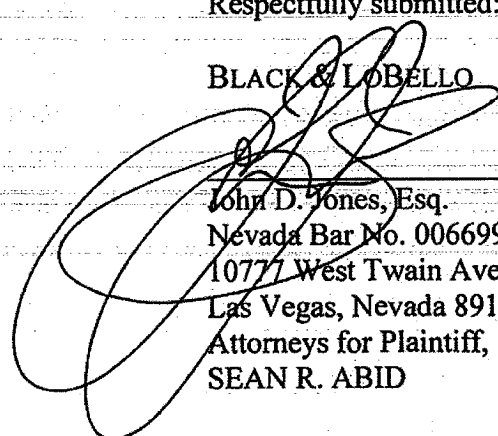
**NOTICE OF ENTRY OF ORDER RE: THE COURT'S MINUTE ORDER  
OF JULY 14, 2016**

18 PLEASE TAKE NOTICE that an Order re: The Court's Minute Order of July 14, 2016  
19 was entered in the above entitled matter on the 27<sup>th</sup> day of July, 2016, a copy of which is  
20 attached hereto.

21 DATED this 29 day of July, 2016.

22 Respectfully submitted:

23 BLACK & LOBELLO

24  
25   
26 John D. Jones, Esq.  
27 Nevada Bar No. 006699  
28 10777 West Twain Avenue, Suite 300  
Las Vegas, Nevada 89135  
Attorneys for Plaintiff,  
SEAN R. ABID

BLACK & LOBELLO  
10777 West Twain Avenue, Suite 300  
Las Vegas, Nevada 89135  
702-869-8801 FAX: 702-869-2669

**BLACK & LOBELLO**  
10777 West Twain Avenue, Suite 300  
Las Vegas, Nevada 89135  
702-869-8801 FAX: 702-869-2669

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 29<sup>th</sup> day of July, 2016 I served a true and correct copy of the **NOTICE OF ENTRY OF AN ORDER RE: THE COURT'S MINUTE ORDER OF JULY 14, 2016**, upon each of the parties by depositing a copy of the same in a sealed envelope in the United States Mail, Postage Pre-Paid, addressed as follows:

Lyudmyla Abid  
2167 Montana Pine Drive  
Henderson, NV 89052  
*Defendant in Proper Person*

  
an Employee of **BLACK & LOBELLO**

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CLERK OF THE COURT

1 **ORDR**  
2 **BLACK & LOBELLO**  
3 John D. Jones, Esq.  
4 Nevada State Bar No. 6699  
5 10777 West Twain Avenue, Suite 300  
6 Las Vegas, Nevada 89135  
7 Telephone No.: 702-869-8801  
8 Facsimile No.: 702-869-2669  
9 Email Address: [jjones@blacklobello.law](mailto:jjones@blacklobello.law)  
10 Attorneys for Plaintiff,  
11 SEAN R. ABID

12 **DISTRICT COURT**  
13 **FAMILY DIVISION**  
14 **CLARK COUNTY, NEVADA**

15 SEAN R. ABID,

16 Plaintiff,

17 vs.

18 LYUDMYLA A. ABID

19 Defendant.

CASE NO.: D424830

DEPT. NO.: N

20 **ORDER RE: THE COURT'S MINUTE ORDER OF JULY 14, 2016**

21 The Court, having reviewed Plaintiff's Motion to Reapportion Dr. Holland's Fees and  
22 Defendant's Opposition, the Court has issued the following Order:

23 THE COURT FINDS AND ORDERS that NRCP 1 and EDCR 1.10 state that the  
24 procedure in district courts shall be administered to secure efficient, speedy, and inexpensive  
25 determinations in every action. Dad's Motion to Reapportion Dr. Holland's fees is GRANTED.  
26 The Court previously indicated that the parties could request reapportionment of Dr. Holland's  
27 fees, if one party overwhelmingly prevailed at the Evidentiary Hearing.

28 THE COURT FURTHER FINDS AND ORDERS Mom's Countermotion for Stay is  
DENIED. Nevada Rule of Appellate Procedure 8 governs stays pending appeal and requires,  
generally, a stay be first sought in the District Court. Stays in civil cases involving child custody  
are governed by NRAP 8 (d):  
///

**RECEIVED**

JUL 26 2016

DEPT. B

**BLACK & LOBELLO**  
10777 West Twain Avenue, Suite 300  
Las Vegas, Nevada 89135  
702-869-8801 FAX: 702-869-2669

- Disposed After Trial Start
- Judgment Reached by Trial
- Other
- Dismissed - Want of Prosecution
- Preliminary (Statutory) Dismissal
- Default Judgment
- Transferred
- Trial Dispositions:
- Without Judicial Conf/Hng
- With Judicial Conf/Hng
- By ADR

1 In deciding whether to issue a stay in matters involving child custody, the  
2 Supreme Court or Court of Appeals will consider the following factors: (1)  
3 whether the child(ren) will suffer hardship or harm if the stay is either granted or  
4 denied; (2) whether the nonmoving party will suffer hardship or harm if the stay is  
5 granted; (3) whether movant is likely to prevail on the merits in the appeal; and  
6 (4) whether a determination of other existing equitable considerations, if any, is  
7 warranted.

8 Here, the child would suffer hardship and/or harm if the stay is granted. As the Court previously  
9 found, Mom's behavior is detrimental to the minor child. Further, Dad's relationship with the  
10 minor child would suffer harm, if the stay is granted. Mom is unlikely to prevail on the merits of  
11 this appeal, as discussed below. This custody order has been in place for months, yet another  
12 change in custody is not equitable.

13 THE COURT FURTHER FINDS AND ORDERS that the trial court has wide discretion  
14 concerning matters of child custody. A reviewing court will not disturb the trial court's finding  
15 absent a clear abuse of discretion. *See Sims v. Sims*, 109 Nev. 1146 (1993). Mom does not allege  
16 the District Court applied the wrong law or standard. Instead, Mom argues that the trial court  
17 allowed an expert witness to review evidence that the court ultimately found inadmissible. The  
18 expert's testimony was not based solely upon this evidence. The expert's testimony was based  
19 upon many other things, including interviews with the child. Mom's Countermotion for Stay,  
20 Sanctions and Attorney's Fees is DENIED.

21 The Court reminds the parties that there is no Order preventing both parents from  
22 attending medical and dental appointments for the minor child. The Court encourages the parties  
23 to co-parent regarding the child's medical and dental needs. There is no Order from this Court  
24 that would prevent a third party designee from picking up and/or dropping off the minor child.

25 IT IS HEREBY ORDERED that Plaintiff, Sean Abid, is hereby awarded \$4,347.25 for  
26 the costs he paid to Dr. Holland.

27 This amount is reduced to judgment in favor of Plaintiff and against Defendant,  
28 Lyudmyla Abid, and collectible by any legal means.

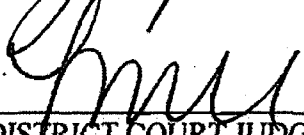
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Counsel for Plaintiff SHALL prepare the Order.

Notice of this minute order was provided to the Parties via telephone.

IT IS SO ORDERED this 27<sup>th</sup> day of July, 2016.

  
DISTRICT COURT JUDGE *umi*

Respectfully submitted by:

BLACK & LOBELLO

  
JOHN D. JONES, ESQ.

Nevada Bar/No. 6699

10777 West Twain Ave., Suite 300

Las Vegas, NV 89135

702-869-8801

Attorney for Plaintiff,

SEAN R. ABID

**BLACK & LOBELLO**  
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702-869-8801 FAX: 702-869-2669