

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
May 11 2016 10:04 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

MICHAEL FOLEY,
Appellant(s),

vs.

PATRICIA FOLEY,
Respondent(s),

Case No: R-11-162425-R

Docket No: 69997

RECORD ON APPEAL VOLUME 2

ATTORNEY FOR APPELLANT
MICHAEL A. FOLEY, PROPER PERSON
209 S. STEPHANIE ST., STE. B-191
HENDERSON, NV 89012

ATTORNEY FOR RESPONDENT
PATRICIA FOLEY, PROPER PERSON
8937 AUSTIN RIDGE AVE.
LAS VEGAS, NV 89178

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

DA - UIFSA

COURT MINUTES

December 09, 2014

R-11-162425-R Patricia Foley, Petitioner(s).
 vs.
 Michael A Foley, Respondent(s).

December 09, 2014 9:15 AM

**Motion for Review and
Adjustment of Child
Support**

HEARD BY: Teuton, Sylvia

COURTROOM: Greystone Courtroom #1

COURT CLERK: Maria Chavez

PARTIES:

Elizabeth Foley, Subject Minor, not present

Michael Foley, Respondent, not present

Michael Foley, Subject Minor, not present

Patricia Foley, Petitioner, not present

Public by DAFS, Other, present

Steven Wolfson, Attorney, not present

Therese Foley, Subject Minor, not present

JOURNAL ENTRIES

- Deputy District Attorney (DDA): Alec Raphael

Petitioner sworn and testified

Court noted Respondent responded for request to Modify and had to be in District Court.
Respondent

Upon Court's inquiry, DDA reported Respondent's unbundled attorney withdrew. This Modification was initiated by the Court. Respondent is self-employed. He filed a response yesterday Pro-Per and requested a continuance. DDA further reported Respondent did self-report his Gross Monthly Income (GMI). DDA has no opposition to continue this hearing.

Upon Court's inquiry, Petitioner testified Respondent posted his place of employment in computer repairs on Craigslist. Petitioner has printed copy to provide to DA's office today. Court printed out a

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copy of Respondent's response for Petitioner in OPEN COURT for her to review.

DDA stated Respondent is under an order to show cause and requested a finding of contempt and a bench warrant. Court FINDS, DDA's request is hereby DENIED. MATTER CONTINUED as he has a documented appearance if US District Court on another matter scheduled for today at 10:00 AM. Respondent is ADMONISHED to pay monthly or face imposition of CONTEMPT. Respondent is self-employed. He is to bring copies of filed tax returns next court date for years 2012 and 2013 per NRS 125B.080.

MASTER RECOMMENDED, Matter SET for REVIEW and ADJUSTMENT.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: February 18, 2015 2:15 PM Return Hearing - HM
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per
Judge
Greystone Courtroom #1
White, Melinda
Teuton, Sylvia

May 17, 2016 9:00 AM Motion for Review and Adjustment of Child Support
Greystone Courtroom #1
Teuton, Sylvia

July 13, 2016 2:15 PM Review - HM
Greystone Courtroom #1
Teuton, Sylvia

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

DA - UIFSA

COURT MINUTES

January 28, 2015

R-11-162425-R Patricia Foley, Petitioner(s).
 vs.
 Michael A Foley, Respondent(s).

January 28, 2015 1:45 PM **Motion for Review and
Adjustment of Child
Support**

HEARD BY: Davis, James

COURTROOM: Greystone Courtroom #1

COURT CLERK: Maria Chavez

PARTIES:

Elizabeth Foley, Subject Minor, not present

Michael Foley, Respondent, not present

Michael Foley, Subject Minor, not present

Patricia Foley, Petitioner, present

Public by DAFS, Other, present

Steven Wolfson, Attorney, not present

Therese Foley, Subject Minor, not present

JOURNAL ENTRIES

- Deputy District Attorney (DDA): Alec Raphael

Petitioner Sworn and Testified.

DDA reported this is a Review and Adjustment and Enforcement Review hearing. DDA reviewed case.

After statements, DDA reported Respondent Gross Monthly Income (GMI) is \$2,512.95. Court calculated 29% of GMI to be \$729.00.

Upon DDA's inquiry, Petitioner testified her monthly health insurance cost has remained the same since last hearing. DDA requested Medical support payment of \$79.00 per month continue. DDA requested Modification to be August 1, 2014.

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DDA further reported Respondent has self-reported his income of \$2,521.95 and has not made a payment since his jail release payment in August 13, 2014. DDA further requested a bench warrant and for future return date of February 18, 2015, be vacated.

MASTER RECOMMENDED, Respondent found in CONTEMPT and SENTENCED to 25 DAYS in the Clark County Detention Center. SENTENCE STAYED until next court date.
BENCH WARRANT, NO BAIL. RESPONDENT shall be RELEASED upon PAYMENT of \$1,000.00, which sum shall be RELEASED to PETITIONER as CHILD SUPPORT.

REVIEW Hearing of February 18, 2015 is hereby VACATED.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: February 18, 2015 2:15 PM Return Hearing - HM
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per
Judge
Greystone Courtroom #1
White, Melinda
Teuton, Sylvia

May 17, 2016 9:00 AM Motion for Review and Adjustment of Child Support
Greystone Courtroom #1
Teuton, Sylvia

July 13, 2016 2:15 PM Review - HM
Greystone Courtroom #1
Teuton, Sylvia

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

DA - UIFSA

COURT MINUTES

April 15, 2015

R-11-162425-R Patricia Foley, Petitioner(s).
vs.
Michael A Foley, Respondent(s).

April 15, 2015 1:15 PM In Custody Hearing

HEARD BY: Teuton, Sylvia **COURTROOM:** Greystone Courtroom #1

COURT CLERK: Keyla Anderson

PARTIES:

Elizabeth Foley, Subject Minor, not present
Michael Foley, Respondent, present
Michael Foley, Subject Minor, not present
Patricia Foley, Petitioner, not present
Public by DAFS, Other, present Steven Wolfson, Attorney, not present
Therese Foley, Subject Minor, not present

JOURNAL ENTRIES

- Deputy District Attorney (DDA): Patricia Ross

Respondent, In-Custody, sworn and testified. Respondent participated via video conference from the Clark County Detention Center (CCDC).

DDA stated Respondent failed to appear to his January 28, 2015 hearing, and a Bench Warrant was issued for \$1,000.00. DDA advised Respondent was arrested April 09, 2015. DDA reported Respondent's last payment was August 2014 for \$200.00. Upon inquiry of the Court, Respondent requested appointed counsel for himself. Respondent stated it was unlawful to detain him and made several arguments on why he should not be in jail. DDA noted Respondent has a business. The Court address all of the Respondent's arguments and denied request for appointed counsel.

MASTER RECOMMENDED: Respondent shall PAY \$729.00 per month TEMPORARY CURRENT SUPPORT and \$79.00 per month MEDICAL SUPPORT and \$25.00 per month on ARREARS for a TOTAL MONTHLY PAYMENT of \$833.00.

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ORDER TO SHOW CAUSE, CONTINUED. PRIOR CONTEMPT SENTENCES ISSUED May 15, 2012 shall be SERVED as follows: 19 Days IMPOSED 1 Day STAYED. PRIOR CONTEMPT SENTENCES STAYED.

Respondent may be RELEASED from CUSTODY on May 04, 2015 or immediately upon PAYMENT of \$900.00, which shall be RELEASED to PETITIONER as CHILD SUPPORT.

MISCELLANEOUS RECOMMENDED ORDERS: Respondent must bring or have paid \$1,666.00.

INTERIM CONDITIONS:

FUTURE HEARINGS:

May 17, 2016 9:00 AM Motion for Review and Adjustment of Child Support
Greystone Courtroom #1
Teuton, Sylvia

July 13, 2016 2:15 PM Review - HM
Greystone Courtroom #1
Teuton, Sylvia

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

DA - UIFSA

COURT MINUTES

June 17, 2015

R-11-162425-R Patricia Foley, Petitioner(s).
vs.
Michael A Foley, Respondent(s).

June 17, 2015 9:00 AM Order to Show Cause -
Pay or Stay

HEARD BY: Conant, Lynn

COURTROOM: Greystone Courtroom #1

COURT CLERK: Cherisse Lamb

PARTIES:

Elizabeth Foley, Subject Minor, not present

Michael Foley, Respondent, not present

Michael Foley, Subject Minor, not present

Patricia Foley, Petitioner, not present

Public by DAFS, Other, present

Steven Wolfson, Attorney, not present

Therese Foley, Subject Minor, not present

JOURNAL ENTRIES

- Deputy District Attorney (DDA): Patti Ross

No Parties Present.

Today's hearing is a Pay or Stay for \$1,666.00. The DDA reviewed the case. The Respondent has made no payments. The DDA requested a finding of Contempt and a Bench Warrant in the amount of \$2,000.00.

MASTER RECOMMENDED, Respondent found in CONTEMPT and SENTENCED to 25 DAYS in the Clark County Detention Center for FAILURE TO APPEAR AND PAY. SENTENCE STAYED until next court date.

BENCH WARRANT, NO BAIL. RESPONDENT shall be RELEASED upon PAYMENT of \$2,000.00, which sum shall be RELEASED to PETITIONER as CHILD SUPPORT.

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BENCH WARRANT

INTERIM CONDITIONS:

FUTURE HEARINGS:

May 17, 2016 9:00 AM Motion for Review and Adjustment of Child Support
Greystone Courtroom #1
Teuton, Sylvia

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Greystone Courtroom #1
Teuton, Sylvia

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

DA - UIFSA

COURT MINUTES

November 16, 2015

R-11-162425-R Patricia Foley, Petitioner(s).
vs.
Michael A Foley, Respondent(s).

November 16, 2015 1:15 PM In Custody Hearing

HEARD BY: Lok, Merle K. Teuton, Sylvia

COURTROOM: Greystone Courtroom #1

COURT CLERK: Keyla Anderson

PARTIES:

Elizabeth Foley, Subject Minor, not present

Michael Foley, Respondent, present

Michael Foley, Subject Minor, not present

Patricia Foley, Petitioner, not present

Public by DAFS, Other, present

Steven Wolfson, Attorney, not present

Therese Foley, Subject Minor, not present

JOURNAL ENTRIES

- Deputy District Attorney (DDA): Edward Ewert

Respondent, in custody, sworn and testified. Respondent participated via video conference from the Clark County Detention Center (CCDC).

DDA stated Respondent failed to appear for his June 17, 2015 hearing and a Bench Warrant was issued for \$2,000.00. DDA advised Respondent was arrested November 12, 2015. DDA reported Respondent's last payment was August 2014 for \$200.00 jail release. DDA noted \$4,165.00 has come due. Upon inquiry of the Court, Respondent testified he last worked last week. Respondent stated when he is working he earns \$275.00 per week. Respondent stated he has \$119.00 on his books.

MASTER RECOMMENDED: PRIOR CONTEMPT SENTENCE ISSUED November 21, 2013 shall be SERVED as follows: 10 Days IMPOSED.

Respondent may be RELEASED from CUSTODY on November 22, 2015 or immediately upon

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PAYMENT of \$2,000.00, which shall be RELEASED to PETITIONER as CHILD SUPPORT.

MISCELLANEOUS RECOMMENDED ORDERS: Respondent is to pay \$833.00 for the December payment next date to avoid Contempt.

INTERIM CONDITIONS:

FUTURE HEARINGS:

May 17, 2016 9:00 AM Motion for Review and Adjustment of Child Support
Greystone Courtroom #1
Teuton, Sylvia

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Teuton, Sylvia

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

DA - UIFSA

COURT MINUTES

January 15, 2016

R-11-162425-R Patricia Foley, Petitioner(s).
vs.
Michael A Foley, Respondent(s).

January 15, 2016 8:30 AM AM Pay Stays

HEARD BY: Teuton, Sylvia **COURTROOM:** Greystone Courtroom #1

COURT CLERK: Toni Meza

PARTIES:

Elizabeth Foley, Subject Minor, not present
Michael Foley, Respondent, not present
Michael Foley, Subject Minor, not present
Patricia Foley, Petitioner, not present
Public by DAFS, Other, not present Steven Wolfson, Attorney, not present
Therese Foley, Subject Minor, not present

JOURNAL ENTRIES

- Deputy District Attorney (DDA), Edward Ewert, present.

No parties present.

DDA reported, objection pending in Family Court, Department C, on 1/20/2016 at 10 a.m.

MASTER RECOMMENDED, MATTER CONTINUED.

INTERIM CONDITIONS:

FUTURE HEARINGS:

May 17, 2016 9:00 AM Motion for Review and Adjustment of Child Support
Greystone Courtroom #1
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Greystone Courtroom #1
Teuton, Sylvia

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

DA - UIFSA**COURT MINUTES**

January 20, 2016

R-11-162425-R Patricia Foley, Petitioner(s).
 vs.
 Michael A Foley, Respondent(s).

January 20, 2016 10:00 AM Objection - UIFSA

HEARD BY: Burton, Rebecca L.**COURTROOM:** Courtroom 08**COURT CLERK:** Neida Parker**PARTIES:**

Elizabeth Foley, Subject Minor, not present

Michael Foley, Respondent, not present

Michael Foley, Subject Minor, not present

Patricia Foley, Petitioner, not present

Public by DAFS, Other, present

Steven Wolfson, Attorney, not present

Therese Foley, Subject Minor, not present

JOURNAL ENTRIES

- OBJECTION - UIFSA

Deputy District Attorney (DDA), Robert Gardner, bar number 6983, present and participated TELEPHONICALLY.

Court reviewed the case.

Court NOTED, Respondent's non-appearance for today's hearing.

Arguments by DDA.

COURT ORDERED, based on the Points and Authorities set forth in the District Attorney's Opposition to Respondent's Objection filed on December 8, 2015, shall be ADOPTED. Furthermore, Respondent's Objections filed on November 24, 2015, and November 26, 2015, shall be DENIED.

DDA, Gardner shall prepare the Order from today's hearing.

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INTERIM CONDITIONS:

FUTURE HEARINGS:

May 17, 2016 9:00 AM Motion for Review and Adjustment of Child Support
Greystone Courtroom #1
Teuton, Sylvia

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Teuton, Sylvia

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Certification of Copy and Transmittal of Record

State of Nevada }
County of Clark } SS:

Pursuant to the Supreme Court order dated April 25, 2016, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises two volumes with pages numbered 1 through 254.

PATRICIA FOLEY,

Petitioner(s),

vs.

MICHAEL A. FOLEY,

Respondent(s),

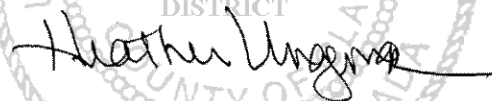
Case No: R-11-162425-R

Dept. No: C

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 11 day of May 2016.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk