

**In the Supreme Court of Nevada**

MICHAEL FOLEY,  
Appellant,  
  
*vs.*  
PATRICIA FOLEY,  
Respondent.

Electronically Filed  
Feb 22 2018 09:01 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**MOTION FOR FURTHER JUDICIAL NOTICE**

On July 12, 2017, this Court granted appellant Michael Foley’s request to take judicial notice of related proceedings in this and other courts. Michael now requests that this take further judicial notice of proceedings in the underlying custody case—a motion to enforce custody, the proposed order, and the court’s order regarding the motion in the Foleys’ corresponding “D” case, No. D-08-403071-D (4 App. 502–07). This Court should also take notice of a declaration documenting certain expenses that Michael paid on behalf of his children (5 App. 508–12), which is in the record of the child-support case below (No. R-11-162425) but was not available at the time of Michael’s opening brief.

This Court may take judicial notice of records in cases that bear a “close relationship” to this case. *Occhiuto v. Occhiuto*, 97 Nev. 143, 145,

625 P.2d 568, 569 (1981). The *fact* of these related proceedings (separate from the question of the parties' contentions within those proceedings) is accurate and undisputed. See NRS 47.130(2). Taking judicial notice is appropriate in these circumstances. See *Mack v. Estate of Mack*, 125 Nev. 80, 91, 206 P.3d 98, 106 (2009); *Lindsey v. Lindsey*, 200 So. 2d 643, 643–44 (Fla. Dist. Ct. App. 1967); *Commonwealth ex rel. Branch v. Branch*, 104 A.2d 183, 184–85 (Pa. Super. Ct. 1954); *State ex rel. LeCompte v. Keckler*, 628 N.W.2d 749, 754 & n.7 (S.D. 2001).

Here, the documents in this case and the related custody case show recent efforts that Michael has made both to enforce his custody rights and, insofar as possible, to provide monetary support to his children.

Dated this 20th day of February, 2018.

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**CERTIFICATE OF SERVICE**

I certify that on February 20, 2018, I submitted the foregoing MOTION FOR FURTHER JUDICIAL NOTICE for filing *via* the Court's eFlex electronic filing system.

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, at Las Vegas, Nevada, addressed as follows:

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