IN THE SUPREME COURT OF THE STATE OF NEVADA

SANDRA LYNN NANCE, Appellant, vs. Christopher Michael Ferraro, Respondent.	)	Supreme Court Docket No: 72454 District Court Case No: D-12-461707

APPEAL FROM ORDER GRANTING RELOCATION AND MODIFICATION OF CHILD CUSTODY

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RESPONDENT CHRISTOPHER MICHAEL FERRARO'S CHILD CUSTODY FAST TRACK RESPONSE

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INTRODUCTION

Appellant's Fast Track Statement is not much more than name-calling. Although appellant lists eleven issues, they all boil down to one thing: Appellant is unhappy that the district court refused to revisit the false charges she brought against respondent Chris Ferraro during a prior child-custody proceeding. Chris is a monster! Just ask appellant, she will tell you. And there is a prior psychological evaluation which, if cherry-picked, can be twisted to show what a monster Chris is.[1] Only problem is, that evaluation is years old, was already considered by the district court, and the court's prior determination is *res judicata* with respect to this subsequent action for modification of the prior child custody order.

Name calling aside, Chris is a loving and capable father. The record bears this out. By comparison, appellant does not fare well in the record. The district court weighed the evidence, and did not abuse its discretion in determining that

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[1]Appellant has moved this Court to include the confidential report of Dr. Paglini in the record in this matter. In direct violation of the order of confidentiality, appellant's counsel has included confidential information in her publically filed brief, and has twisted and misrepresented that information to the embarrassment and slander of Chris. FTS 6; 18. We are not afraid of the contents of the report; appellant does not fare well therein. We suggest, however, that this Court need not review the report to reject the issues raised in this appeal. Counsel merely wants to use out-of-context references and exaggerated misrepresentations from the document to forward appellant's only defense in this case: She insists that Chris is a bad man. This conduct demonstrates that appellant has not overcome the criticisms Dr. Paglini had of her in the same report.

Chris should have primary physical custody, with Evan being relocated to New York. AA 1374.

FAST TRACK RESPONSE

1. The party filing this response is Christopher Michael Ferraro.

2. Chris's Attorney's information is on the cover page.

3. We are not aware of other proceedings raising these same issues.

4. PROCEDURAL HISTORY

Appellant's procedural history is generally accurate, but incomplete. The procedural history jumps from April 8, 2011, to June 19, 2015, leaving out the most important procedural event. On November 30, 2012, appellant and Chris stipulated to the joint physical custody arrangement that Chris moved to modify. This is the central procedural history point to this case.

5. STATEMENT OF FACTS

A. Background.

Appellant's statement of facts starts with the divorce. But the relationship began long before. Indeed, Evan was born years before their brief marriage.

Chris and Sandra met in or about 2006. AA 202. Before and during their relationship, they both had other relationships which do not reflect well on either's

maturity or judgment. Sandra's left her with two children by different partners.[2] Beginning in 2007, the parties lived together for less than a year before Sandra became pregnant with Evan. Evan was born on September 30, 2008.

Chris and Sandra had a tumultuous relationship, getting together and separating numerous times. They even married on January 16, 2010, but the marriage was short-lived. Shortly after they married, Sandra made a number of ugly allegations against Chris; none was ever substantiated.[3] AA 8-17. In a separation agreement and order dated April 8, 2011, Sandra was designated the primary physical custodian of Evan, although Chris' visitation was close to, if not, a joint physical custody timeshare. AA 30; 40; 45. The parties divorced, and eventually resolved their differences regarding Evan through a stipulated parenting plan.

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[2]Although Sandra questions what her parenting choices with respect to her son Desmond have to do with this case, her failures with her other two children are directly relevant to the question of who should parent Evan going forward, especially when her poor parenting choices with her prior children are being repeated with Evan.

[3] The allegations on both sides prompted the Court to order a psychological evaluation of both parties. The resulting report from John Paglini, Psy.D., did not reflect particularly well on either party. Of significance is the fact that Dr. Paglini did not believe Sandra's allegations against Chris, and gave cogent reasons for questioning her veracity.

B. The Parenting Plan.

In March 2012, the parties negotiated a parenting plan with the help of a court-appointed counselor, and an order adopting the plan was filed on November 30, 2012. AA 181. The parenting plan and order provided that the parties would share joint physical custody of Evan, AA 182; 185, which they have done, despite the fact that Chris lives and works in Long Island, New York.[4]

Despite living in New York, Chris faithfully maintained the visitation schedule established in the parenting plan. The parenting plan established Chris's routine timeshare to include visitation for 10 days each month, and allowed him to exercise that visitation in New York. AA 185-86. The parenting plan also included a fairly standard holiday schedule whereby the parties split and alternated holidays every other year, and they divided the summer months nearly equally. AA 188. Consequently, in 2013, Chris exercised 155 days of visitation, in 2014 he exercised 166 days, and in 2015 he exercised 150 days. AA 1348 (district

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[4]Interestingly, appellant did not inform this Court of the joint physical custody order. Instead, she informed this Court only of the pre-Order report of Dr. Paglini, and misrepresented the resulting custody arrangement, suggesting that it gave Chris rights of visitation only. FTS at 6. Later, she argues without informing this Court of the content of the custody order that the actual custody arrangement is important, not the title placed on it by the parties. FTS at 19. The title placed upon it, however, is relevant.

court's findings).[5] See AA at 719 (Chris' testimony re days he had Evan).

C. This Action.

Because of a myriad of reason related to Evan's schooling, Chris' work and ability to continue spending large amounts of time in Las Vegas, Sandra's refusal to compromise or cooperate in co-parenting, *see* AA 1359, the location of family support and other issues, Chris came to believe that it would be in Evan's best interest if he were to reside primarily with Chris in New York. He filed a motion for that relief on June 19, 2015. AA 199. Numerous responsive motions and papers were filed, a trial was conducted, and the district court agreed with Chris that the best plan for Evan would be to relocate him primarily to New York, while maintaining his relationship with Sandra in Las Vegas. AA 1343 (district court findings, conclusions and order). The district court's decision is detailed, complete, well-reasoned, based on a proper construction of the law, and correct. *Id.*

Because this fast track response is limited in length, it is not possible to set forth in detail the relationships of the parties, and the history of their largely-failed attempts at co-parenting. But these matters are set forth in great detail in the

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[5]There are disputes in the district courts as to how to count days under *Rivero*, but the district court's finding as to the counting of days cannot be considered clearly erroneous or an abuse of discretion.

record before this Court.[6] Any fair reading of the transcript of the trial demonstrates the correctness of the district court's ruling. What is important to note is that Chris matured, spent substantial time and effort fathering Evan, both in New York and in Las Vegas, and attempted to co-parent with Sandra with little success primarily because Sandra refuses to co-parent. A full brief would set forth all of these facts in detail, and would demonstrate, Sandra's cries to the contrary notwithstanding, that the district court's focus and decision were to do what is in the best interests of Evan. We need not here set forth Sandra's failings as a parent; the record does so nicely.

D. The Motion in Limine.

Surprisingly, in light of the fact that appellant relies so heavily on her argument that the district court improperly granted a motion in limine excluding evidence at trial, appellant did not include in her appendix most of the documents related to that motion. We have included a complete set in Respondent's Appendix.

On January 13, 2016, Chris filed a motion in limine seeking to exclude from trial evidence of alleged prior misconduct (of both parties) that predated the prior

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[6]Chris' motion contains a detailed statement of facts, beginning at AA 202. The facts set forth therein are amply supported by the trial testimony.

custody order. RA 68. *See McMonigle, v. McMonigle*, 110 Nev. 1407, 887 P.2d 742 (1994); *Castle v. Simmons*, 120 Nev. 98, 86 P.3d 1042 (2004). The purpose of the motion was to focus the trial on the facts most relevant to the motion for relocation, and to exclude irrelevant allegations from years before, including a report of Dr. Paglini containing unsubstantiated allegations not relevant to any present issue. *Id.* On January 25, 2016, appellant filed opposition to the motion, RA 80, and a reply was filed on February 5, 2016. RA 99. There was no hearing. On March 9, 2016, the district court entered an order partially granting the motion:

> [T]his Court will appropriately apply *McMonigle v. McMonigle*, to testimony, documentary evidence, and the like, relating to facts and circumstances that pre-date the last custody order. As it pertains to any allegations of domestic violence, this Court also GRANTS Defendant's request to bar any and all allegations of domestic violence, prior to the date of the last custody order of November 30, 2012, unless it was unknown to the Plaintiff (which means it could not have been perpetrated on Plaintiff), or unknown to the Court at the time of the last order, as prescribed by *Castle v. Simmons*. Thus, Court GRANTS Defendant's Motion in Limine and will instruct both parties, their counsel, and all witnesses called on their behaves, not to mention or refer to facts either directly or indirectly, which occurred prior to November 30, 2012, other than those which fall within the exception under *Castle v. Simmons*, if any. If there is a dispute as to whether certain allegations were raised, Defendant should be prepared to direct the court to cite in the record for when those incidents were brought to the court's attention.

RA 108. In quoting this ruling in her statement, appellant neglected to include the final, critical sentence. FTS 7. The district court did not exclude evidence; it

placed the burden on the parties to present any evidence they thought relevant, and to justify inclusion of the evidence under any exception recognized in *Castle*.

During trial, appellant's counsel only approached the issue of prior misconduct once. Counsel asked appellant the broad question, "Has Chris engaged in acts of domestic violence against you?" which drew an objection. AA 735. The district court asked counsel to "set the time frame." *Id.* Discussion ensued, during which the district court re-stated that it would hear testimony on acts that were not previously considered by the court, and it would be respondent's burden to identify where in the record an allegation was raised previously. AA 735-36. The court directed counsel for appellant to communicate to counsel for respondent what allegations appellant intended to raise so respondent could identify whether and where it was raised previously. *Id.* But appellant never returned to the subject. *Id.* Therefore, if there were acts that transpired *at any time*, appellant could have raised them, but appellant did not.

DISCUSSION

I. The District Court Did Not Err in Its Treatment of the Stale Allegations From Before the Prior Custody Order.

Appellant argues the district court's order on Chris' motion in limine was a "blanket prohibition against everything prior to the last custodial order." FTS 14.

That is not true. The district court's order makes clear that the burden was on appellant to raise at trial issues regarding prior conduct, and the burden was on Chris to identify whether any allegations raised by appellant at the time of trial had previously been brought to the court's attention. Appellant raised no such allegation at trial. Therefore, issues regarding the alleged exclusion of evidence of alleged prior conduct are not properly before this Court, because they were not presented to the district court or preserved for appeal.

Castle v. Simmons, 120 Nev. 98, 86 P.3d 1042 (2004), affirms that general principals of *res judicata* apply in custody proceedings. *Castle* carves out a narrow and specific exception: "Although the doctrine of *res judicata*, as applied through the changed circumstances doctrine, promotes finality and therefore stability in custody cases, it should not be used to preclude the parties from introducing evidence of domestic violence that was unknown to a party or to the court when the prior custody determination was made." *Castle v. Simmons*, 120 Nev. at 105, 86 P.3d at 1047. As noted by appellant at FTS 16, *Castle* states that "[e]ven previously litigated acts of domestic violence may need to be reviewed if additional acts occur." *Id.* at 106; 1047. In this case, there was no suggestion of any subsequent acts. Thus, the *Castle* exception to the principle of *res judicata* has no application here.

Appellant distinguishes between what evidence the movant can present versus the respondent, and whether evidence is offered to satisfy the changed circumstances prong or best interest of the child prong of the analysis. Sure, *Castle* focuses on the movant's evidence because the appellant placed his evidence at issue on appeal. But a footnote indicates *res judicata* is a two way street, as it is in every other context: "We note, however, that the doctrine of *res judicata* . . . would preclude the parties from relitigating isolated incidents of domestic violence." *Castle v. Simmons*, 120 Nev. at 106, n.6, 86 P.3d at 1048.

Castle also makes clear that the doctrine applies across the board, not just to this or that prong; there is an entire paragraph in *Castle* discussing the application of *res judicata* to considerations of the child's best interest. *Castle*, 120 Nev. at 105-06, 86 P.3d at 1047-48. Indeed, this is the paragraph appellant quotes out of context. Appellant quoted: "The Court must hear *all* information regarding domestic violence to determine the child's best interests." FTS 16. However, the last sentence of that paragraph states, "Consequently, evidence of domestic violence that was not previously discovered, or the extent of which was unknown, when the prior custody order was entered is properly considered by the district court in determining custody along with any post-order domestic violence." *Castle v. Simmons*, 120 Nev. at 105-06, 86 P.3d at 1047-48. Therefore, it is not

all acts, it is acts *unknown*.[7]

Appellant argues that in his 2012 custody evaluation, Dr. Paglini recommended that appellant have primary physical custody. But Dr. Paglini recommended that respondent have approximately 144 days per year, exclusive of holidays and summer vacation. [Paglini at p. 62] Pursuant to *Bluestein v. Bluestein,* 131 Nev. ___, 345 P.3d 1044, 1049 (Adv. Op. 14, 2015), the 60/40 definition of joint physical custody set forth in *Rivero v. Rivero*, 125 Nev. 410, 216 P.3d 213 (2009), is not a bright line. A court could find that something shy of 146 days could still be joint physical custody if such a designation was in the child's best interest. *Bluestein,* 345 P.3d at 1049 (citing *Ellis v. Carucci*, 123 Nev. 145, 149, 161 P.3d 239, 241 (2007).

Notably, Dr. Paglini's recommended timeshare was similar to the one the parties stipulated to in March 2011. RA 1. It also was the timeshare the Court adopted in March 2012, after having reviewed Dr. Paglini's report. RA 66. Then, the parties stipulated to joint physical custody and a schedule that gave the parties an approximately 60/40 timeshare. AA 181 Both appellant and the Court were aware of the all the allegations appellant wanted to raise, but both believed it was

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[7]Respondent recognizes that *Castle* allows relitigation of known past misconduct, *id.*, but it does not allow such relitigation under the circumstances of this case.

in the child's best interest for the parties to exercise joint physical custody.

II. The District Court Properly Concluded that the Prior Custody Order Created a Joint Physical Custody Arrangement.

When considering a motion to modify custody, the court must first determine the actual physical custody timeshare that is in effect. *Rivero v. Rivero*, 125 Nev. 410, 430, 215 P. 3d 213, 227 (2009). Joint physical custody may be modified or terminated if it is in the best interest of the child. NRS 125C.0045(2); *see also, Truax v. Truax*, 110 Nev. 473, 874 P.2d 10 (1994). "[T]he child's best interest must be the primary consideration for modifying custody and *Rivero's* 40–percent guideline shall serve as a tool in determining what custody arrangement is in the child's best interest." *Bluestein v. Bluestein*, 131 Nev. __, 345 P.3d 1044,1046 (2015); *see also Dismond v. Davis*, 2015 WL 9485145, at *2 (Nev. App. 2015) (stating that *Bluestein* clarifies "that the precise timeshare is not necessarily controlling in determining the type of custody arrangement that exists . . .").

The prior custody order declared that the parties had joint physical custody of Evan, and set forth a visitation schedule intended as joint physical custody. AA 181. This arrangement resulted in Chris having Evan more than 40% of the time in 2013, 2014, and 2015. Appellant insists, nevertheless, that in the single

year preceding the evidentiary hearing, Chris had Evan for only 139 days. FTS at 8. But appellant's chart does not even reflect the year prior to the evidentiary hearing; it combines two partial years well before that, in a transparent attempt to misrepresent the total time Chris had custody of Evan.[8] It does not reflect any of the three full years at issue in this case. It also contradicts the district court's finding that in 2015, Chris exercised 150 days of custody. AA 1348. The district court's finding is amply supported by the trial testimony. Thus, the prior custody timeshare was joint physical custody.

NRS 125C.003(1)(a) states: "An award of joint physical custody is presumed not to be in the best interest of the child if . . . The court determines by substantial evidence that a parent *is unable to adequately care for a minor child* for at least 146 days of the year." (Emphasis added). Misreading this statute, appellant insists that because Chris did not have Evan more than 146 days in the year immediately preceding the evidentiary hearing (which is not true), it must be presumed that joint physical custody is not in Evan's best interest. But the statutory presumption applies only to a finding that Chris is not prospectively

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[8]Appellant's citation to the appendix is to her own brief, containing the same chart. Chris never "confirmed" this chart or this irrelevant time calculation at trial. AA 712-13 (court sustains objection to appellant's attempt to get Chris to confirm appellant's chart).

capable of caring for Evan for 146 days of the year. It does not depend on a history of past custody.

There was no such finding in this case. Indeed, Chris has always been capable and willing to care for Evan much more than 146 days per year (all year if necessary). And more importantly, this statute has nothing to do with the *Rivero* determination of whether a joint physical custody arrangement has existed in the past. Appellant is comparing apples to alligators.

III. Even if the Prior Arrangement Was Not Joint Physical Custody, the District Court Did Not Abuse Its Discretion in Finding Changed Circumstances Warranting a Change in the Custody Arrangement.

If, as a matter of law based on *Rivero*, Sandra had primary physical custody of Evan, that custody could only be modified if "(1) there has been a substantial change in circumstances affecting the welfare of the child, and (2) the modification would serve the child's best interest." *Ellis v. Carucci*, 123 Nev. 145, 153, 161 P.3d 239, 244 (2007). The district court found that the physical custody arrangement was joint. AA 1369.[9] Nevertheless, out of an abundance of caution, the district court also determined that even if the prior arrangement was primary with Sandra, there was sufficient evidence of changed circumstances to warrant modification, and that modification would serve Evan's best interest. *Id.*

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[9]The district court's reference to "legal custody" is an obvious typo.

This would seem to end the debate.

There was ample evidence presented below to support the district court's findings, including that Sandra keeps Evan in weekly therapy when there is no evidence that Evan suffers behavioral issues; Sandra limits Evan's extracurricular activities and socialization; Sandra denies Evan any opportunity to play hockey, which is Chris' sport that Evan loves; the school district Evan will attend in New York is better than schools generally in Las Vegas (and Sandra has refused to enroll Evan in private schools in Las Vegas despite Chris' offering to pay therefor); Sandra made questionable parenting choices with respect to her oldest son; and Chris' circumstances have changed in that his second career has solidly established itself and his client base in New York. Finally, when the last custody order was entered, Evan was not yet in school; the fact that Evan is now in grade school and has very different needs is itself a changed circumstance directly affecting Evan's welfare.

IV. Relocation is in Evan's Best Interest.

Appellant argues that Chris did not show that relocating Evan to New York would be in Evan's best interest. In support of this argument, appellant argues only that Evan has lived his whole life in Las Vegas, and that stability is important. Appellant cannot show, based on the record in this case, that she is

providing Evan with stability.[10] And it is not true that Evan has no connection with New York; he has spent a great deal of time there, and has family, friends and an established home life and routine in New York. AA 1346.[11]

NRS 125C.007 sets forth the relocation factors to be weighed by the court, which were previously found in *Schwartz v. Schwartz*, 107 Nev. 378, 812 P.2d 1268 (1991); *Jones v. Jones*, 110 Nev. 1253, 885 P.2d 563 (1994); and *Potter v. Potter*, 121 Nev. 613, 119 P.3d 1246 (2005). NRS 125C.007(1)(a-c) requires the relocating parent to demonstrate to the court that there exists a sensible, good-faith reason for the move, and the move is not intended to deprive the non-relocating parent of his or her parenting time.

Here, the sensible good faith reasons or the move include allowing Chris to continue his business in New York, reduced travel expenses allowing Chris to dedicate more financial resources to Evan, a better educational system, and more extra-curricular opportunities than exist in Nevada. Appellant resists sending

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[10]In Evan's first seven years of life, Sandra has had four separate residences, and she currently lives with her parents. AA 1359. This is not a model of stability. Sandra's expressed reason for living with her parents was that she "feared for her life" because of threats from Chris. AA 737. Not surprisingly, the district court did not find this testimony to be credible. AA 1358.

[11]*See* AA 1351 ("Plaintiff testified that Nevada is Evan's home, but it is clear to the Court that Evan has two homes.").

Evan to better schools when presented with the opportunity, and resists enrolling Evan in sport-related activity, even when Chris offers to pay. The network of connections that Chris can provide for his son by raising him in New York is unique and valuable. It promotes Evan's long-term best interests.

The best interest factors under NRS 125C.0035(4) support a move. The district court's findings are more than amply supported by the testimony of all of the witnesses at trial. Evan is not yet of sufficient age and capacity to form an intelligent preference as to his physical custody; therefore, this factor is inapplicable. Chris is the parent more likely to allow Evan to have frequent associations with appellant. The level of conflict between the parents has moderated in recent years; mostly they have found ways to avoid co-parenting. At present, the ability of the parties to cooperate to meet Evan's needs is difficult. Chris wants to provide every opportunity for his son, but Sandra resists and denies those opportunities.

As to Evan's physical, developmental and emotional needs, Sandra's decision to keep Evan in weekly therapy is a questionable choice, at best. A great deal of testimony at trial centered on Sandra's insistence that Evan needs therapy and on extremely questionable diagnoses of ADHD and ODD in light of the evidence that Evan is doing fine in school and does not exhibit the alleged

tendencies diagnosed. *See, e.g.*, AA 798 (cross examination of therapist). There was medical evidence that even if Evan had these conditions, long-term therapy is not a recommended treatment. The district court did not find the testimony of the therapist to be credible or reliable. AA 1362-67. Indeed, Sandra did not even say that Evan was behaving in a way that was consistent with the behaviors of ADHD/ODD, which begs the question, why does she keep such a young child in weekly therapy? And why does she remove him from therapy when she is getting along with Chris?

Chris' strong commitment to Evan and his experience coaching thousands of children over the years will serve Evan's physical, developmental and emotional needs very well.

With respect to the nature of the relationship of the child with each parent, Evan has a close bond with both of his parents; both parents are committed in their different ways. Sandra is traditionally maternal, while Chris is both paternal and a mentor. During his timeshares, Chris has been and will continue to be available for Evan 24/7; he is fortunate to have a business that affords him that flexibility. The allegations that "Chris is unemployed" are unfair. It is true that at the time of trial, Chris was temporarily out of work. A business in which Chris was a minority, non-managing partner suffered setbacks leading to bankruptcy. But

Chris has significant sources of income during his unemployment, AA 602; 1351 ¶20. Chris has always worked, and Chris is committed to revitalizing his hockey coaching business with his brother, both successful professional hockey players and businessmen. *Id.*

Sandra, on the other hand, has never had consistent employment, income or means of support. And the extensive evidence at trial of Sandra's gambling problem is of significant concern, especially in light of her admission (which was an apparent lie) to allowing others to use her gambling cards.[12] AA 728.

As between a parent who seems to have time to work while her child is in school but does not, and a parent who spends his days and evenings coaching children with his own son participating and watching on, Defendant's choices are more closely aligned with the best interests of the child.

The parties made competing allegations of abuse or neglect dating back to 2010, but there was no testimony of abuse or neglect by either parent since the last custody order was entered.

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[12]Extensive evidence showed that Sandra had player cards from at least five casinos, and that there was excessive play in terms of time spent (33 hours per month) and money lost ($10,000 or more per year) on those cards. *See* transcript at AA 627-44. Sandra knew it was against casino policy to allow any other person to use her cards, yet she testified that she routinely allowed others to use her cards. AA 775. The testimony was not credible.

For all these reasons, Chris and Evan will realize an actual advantage in relocating to New York. *See* NRS 125C.007(1). The district court found that the improvement for both Evan and Chris will be significant.

Chris' motives are honorable. New York is and always has been his home, and there are many advantages to Evan from the move. Chris always has, and always will, comply with all visitation orders to insure that Evan maintains his relationship with Sandra.

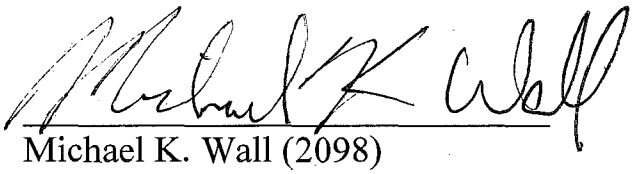
The burden to prove that relocation is in the best interest of the child is on Chris. NRS 125C.007(3). Chris has met that burden.

CONCLUSION

This Court should dismiss this appeal.

DATED this 30 day of May, 2017.

HUTCHISON & STEFFEN, LLC.



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ATTORNEY'S CERTIFICATE

1. I certify that this brief 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 it has been prepared in a proportionally spaced typeface using WordPerfect X4 in 14 point Times New Roman font.

2. I further certify that this brief complies with the type-volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is proportionately spaced, has a typeface of 14 points and contains 4713 words.

3. Finally, I certify that I have read this appellate brief, 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 brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page 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 the

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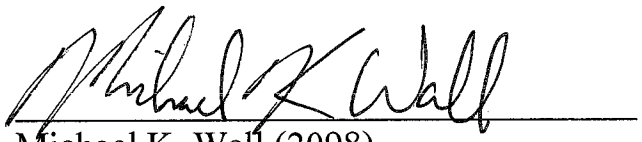
accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

DATED this 30 day of May, 2017.

HUTCHISON & STEFFEN, LLC.



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CERTIFICATE OF SERVICE

I certify that I am an employee of HUTCHISON & STEFFEN, LLC and that on this date **RESPONDENT CHRISTOPHER MICHAEL FERRARO'S CHILD CUSTODY FAST TRACK RESPONSE** was filed electronically with the Clerk of the Nevada Supreme Court, and therefore electronic service was made in accordance with the master service list as follows:

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DATED this 30th day of May, 2017.

An employee of Hutchison & Steffen, LLC