This Motion is based upon the pleadings and papers on file herein, the attached Exhibits, and any further evidence or argument presented to the Court at the hearing of this matter.

RESPECTFULLY SUBMITTED this 29 day of March, 2016.

BLACK & LOBELLO

John D. Jones
Nevada State Bar No. 006699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
Attorneys for Defendant,
RENELYN BAUTISTA

NOTICE OF MOTION

TO: ALL INTERESTED PARTIES

PLEASE TAKE NOTICE that a hearing on DEFENDANT, RENELYN BAUTISTA'S, MOTION TO RESOLVE PARENT-CHILD ISSUES shall be held before the Eighth Judicial District Court, at the Family Court Division, located at 601 North Pecos Road, Las Vegas, Nevada 89101, on the 4th day of May, 2016, at the hour of 11:00 A.m., or as soon thereafter as counsel can be heard.

Dated this 29 day of March, 2016.

BLACK & LOBELLO

JOHN D. JONES, ESQ.
Nevada State Bar No. 6699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
Attorneys for Defendant,
RENELYN BAUTISTA

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

I. INTRODUCTION

It is unfortunate that this motion has become necessary. Renelyn always uses the Courts as an avenue of last resort. This motion is no different. The specifics of the history of this case and the reasons for this motion are set forth in the declaration of John D. Jones Esq. filed contemporaneously with this motion and attached hereto as **Exhibit A**. It is imperative that the Court review this declaration of Renelyn's counsel to fully understand the places that this case has apparently gone off the tracks.

The primary issue for the Court to determine, is the replacement of Dr. Lenkeit, with a parenting coordinator that does not charge a retainer. As set forth in the Declaration, the teacher of the UNLV Cooperative Parenting Class is willing to accept this case without a retainer. Thus far, Renelyn has been unable to meet the financial requirements of Dr. Lenkeit. Because she is a stay at home mother to three children, she will never be able to comply with this Court's order appointing Dr. Lenkeit. A telephone conference to address this was previously requested by Renelyn's counsel, but no response was received. (See email attached as **Exhibit B**)

Finally, this issue was raised directly to the Plaintiff but his position, based upon the Court's prior commentary, was predictable. (See email exchange attached as **Exhibit C**) He seems to believe that just because Plaintiff's husband drives an expensive car, that this means that Renelyn has $4,000.00. She does not have an income and she has no assets. Moreover, there is no legal authority that would allow the Court to impute to Renelyn the assets or income of her husband. The child support order in place in this case was based upon Renelyn having no income and Plaintiff having nominal income. The fact that the Plaintiff and this Court acknowledged her lack of income in the custody order, but now expect her to miraculously come up with $4,000.00 is truly unbelievable and contrary to Nevada law.

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702-869-8801 FAX: 702-869-2669

III. CONCLUSION

Obviously Renelyn has done everything she can to avoid coming before the Court on this issue, she has been forced to do so by James's unreasonableness, and asks only for the Court to enter the following orders:

1. That Kathleen Bergquist be appointed as the parenting coordinator.

2. Any other relief that the Court deems just and appropriate.

RESPECTFULLY SUBMITTED this 29 day of March, 2016.

BLACK & LOBELLO

John D. Jones
Nevada State Bar No. 006699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
Attorneys for Defendant,
RENELYN BAUTISTA

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 29th day of March, 2016, I served a true and correct copy of the DEFENDANT'S MOTION, TO RESOLVE PARENT-CHILD ISSUES, upon each of the parties by **electronic service** through Wiznet, the Eighth Judicial District Court's e-filing/e-service system, pursuant to N.E.F.C.R. 9; and by depositing a copy of the same in a sealed envelope in the United States Mail, Postage Pre-Paid, addressed as follows:

James Picone
1277 Large Cap Drive #2
Henderson, NV 89074
Email: jampico7@aol.com
Plaintiff in Proper Person

Cheryl Berdal
an Employee of Black & LoBello

BLACK & LOBELLO
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
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MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

JAMES PICONE,
Plaintiff/Petitioner

v.
RENELYN BAUTISTA,
Defendant/Respondent

Case No. D-14-495928-P

Dept. N

MOTION/OPPOSITION FEE INFORMATION SHEET

Notice: Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of $25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of $129 or $57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

Step 1. Select either the $25 or $0 filing fee in the box below.

☑ **$25** The Motion/Opposition being filed with this form is subject to the $25 reopen fee.

-OR-

☐ **$0** The Motion/Opposition being filed with this form is not subject to the $25 reopen fee because:

- ☐ The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.
- ☐ The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.
- ☐ The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____.
- ☐ Other Excluded Motion (must specify) _____.

Step 2. Select the $0, $129 or $57 filing fee in the box below.

☑ **$0** The Motion/Opposition being filed with this form is not subject to the $129 or the $57 fee because:

- ☑ The Motion/Opposition is being filed in a case that was not initiated by joint petition.
- ☐ The party filing the Motion/Opposition previously paid a fee of $129 or $57.

-OR-

☐ **$129** The Motion being filed with this form is subject to the $129 fee because it is a motion to modify, adjust or enforce a final order.

-OR-

☐ **$57** The Motion/Opposition being filing with this form is subject to the $57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of $129.

Step 3. Add the filing fees from Step 1 and Step 2.

The total filing fee for the motion/opposition I am filing with this form is:
☐ **$0** ☑ **$25** ☐ **$57** ☐ **$82** ☐ **$129** ☐ **$154**

Party filing Motion/Opposition: Renelyn Bautista Date 3/29/15

Signature of Party or Preparer Cherry Berdall

Exhibit A

Exhibit A

DECL
BLACK & LOBELLO
John D. Jones, Esq.
Nevada Bar No. 6699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
Telephone No.: 702-869-8801
Facsimile No.: 702-869-2669
Email: jjones@blacklobellolaw.com
Attorneys for Defendant,
RENELYN BAUTISTA

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

JAMES PICONE, Plaintiff vs. RENELYN BAUTISTA, Defendant	CASE NO.: D-14-495928-P DEPT. NO.: N

DECLARATION OF JOHN D. JONES, ESQ.

JOHN D. JONES, ESQ., being first duly sworn, deposes and says:

1. I am an attorney licensed to practice law in Nevada and in that capacity I represent the Defendant in this action.

2. That in the past year, I filed a Motion regarding an adjustment to the time share by 1 hour on Sunday which was designed to allow the minor child, Sophie, to attend Sunday school with her mom.

3. I filed the Motion, because the Plaintiff had refused to change the exchange times by one hour claiming that he took Sophie to church on Sundays after the exchange.

4. I filed the Motion because I knew for a fact, from the report of my private investigator that he almost never took Sophie to Church after the 10:00 a.m. exchange time, and that the only time he did take her to church was at 12:00 p.m., so changing the exchange to 11:00 a.m. would not impact his plans on the rare instance he actually went to church. This has

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been true every Sunday since the issue was first raised.

5. I filed the Motion on behalf of my client because I knew that the Plaintiff had lied and I believed that it was in the best interests of the child for her to be able to complete her Sunday school class.

6. In response to the Motion, this Court ordered the appointment of a parenting coordinator. The Court ordered Dr. Gary Lenkeit and required my client to pay 100% of the costs subject to reapportionment. Dr. Lenkeit, required an advanced retainer of $4,000.00. My client has no income from which to pay such a large retainer.

7. When it was learned that the Court Order could not be complied with, on January 13, 2016, I sent an email to the Court's law clerk asking for a telephone conference. (see email attached as **Exhibit "A"**). I never received any type of response from the Court and no telephone conference was scheduled.

8. In the meantime, my client had enrolled in the UNLV cooperative parenting class. In the class, she learned a great deal from the instructor, Kathleen Bergquist. When my client was so impressed with Ms. Bergquist's teachings and teaching style, my client approached me about utilizing Ms. Bergquist as the parenting coordinator.

9. I contacted Ms. Bergquist and learned that she is accepting new coordination cases but that she could not begin until my client had completed the class. I also learned that Ms. Bergquist does not require a retainer. She simply charges $250.00 per session, one session at a time.

10. Now that my client has completed the class, Ms. Bergquist can serve as the parenting coordinator.

11. Previously, this Court has commented on my client's husband's apparent wealth. There is no evidence in the record of his wealth or income. Moreover, it is completely irrelevant. The only fact that matters is that my client has no income.

12. The Court has also mentioned that she apparently has the money to pay her attorney. This assumption by the Court is also incorrect. I have been representing my client for over a year on a *pro bono* basis. The reason I have done so and will continue to do so is that I

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find it despicable for a parent, such as the Plaintiff, to refuse to adjust the time share by 1 hour, and lie about the reason.

13. In refusing to allow Sophie to attend Sunday school by refusing to change the exchange times from 10:00 a.m. to 11:00 a.m., when, in fact, HE HAS NO OTHER PLANS FOR SOPHIE ON SUNDAY, the Plaintiff inspired me to represent my client at no cost.

14. I believe that certain issues should not have to cost money to resolve. I believe that common decency and common sense dictated an adjustment to the timeshare by 1 hour. I filed the original Motion because the reason for the Motion was simple; Sophie's best interests. Moreover, the opposition to the simple request for a 1 hour adjustment was bad faith compounded by a lie about Plaintiff taking Sophie to church on Sunday.

15. Mr. Picone's position was so offensive that I agreed to remedy it for no cost.

16. Unfortunately, this Court's apparent bias against my client's husband, has complicated these proceedings.

17. I understand that this Court's first impression of Mr. Schramm was not a good one and that Dr. Paglini also had a conflict with him. All of those issues, became irrelevant when the parties to this case settled. Under McMonigle, this Court is barred from considering anything that occurred prior to the final custody order.

18. There is no evidence whatsoever, since the entry of the custody order, that Mr. Schramm has been anything but an ideal step-parent.

19. The Motion that was filed about Mr. Picone having the child at his place of business was my decision to file. I only filed it because of how clear this Court was about the child not being present in Mr. Picone's place of business at the final hearing when the case was settled. That Motion was my call, not my client's. I truly believed the Court would be appalled at the fact that dad had ignored the Court's directives.

20. The Motion that was filed regarding the issue of potential sexual abuse, was filed because the police took the issue very seriously. I personally spoke to the detective before filing the Motion. In fact, at the hearing on that Motion, this Court learned that the investigation was still on-going and that mom was justified in her concerns. The fact that the city attorney chose

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not to prosecute, did not mean that the positions taken in the Motion were not absolutely justified and made in good faith.

21. The Motion regarding the 1 hour was also brought in good faith based upon my professional judgment. I fully expected the Court to issue an order without hearing granting the Motion. Instead the Court ordered a parenting coordinator. Moreover, the Court's commentary regarding financial issues caused me a great deal of concern.

22. Since that Motion was adjudicated by the Court, Mr. Picone has made a false CPS report against mom and her husband. CPS received full cooperation and determined that the allegation made by Mr. Picone was baseless. I am hopeful that the Court will view Mr. Picone in the light he deserves based upon his bad faith attempt to work the system.

23. In addition, I requested proof from Mr. Picone that he had complied with the Court order to attend the cooperative parenting class. I received no response. Perhaps the Court, in adjudicating this Motion, can confirm that he did in fact attend the class as the Court ordered.

24. The Motion for which this Declaration is offered is one intended to solve problems, not increase litigation. Even though it will be a burden for mom to find the $250.00 per session Ms. Bergquist, she will do so with the expectation that the result will be that Sophie will be able to attend Sunday school. The undersigned is hopeful that once the recommendation is made on this issue, that the Court will reapportion the parenting coordinator costs equally.

25. How ridiculous is it that such efforts have been necessary for something that common sense and common decency should have decided long ago.

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26. I am asking the Court for a simple order substituting Kathleen Bergquist for Dr. Lenkeit as the parenting coordinator. There is no legitimate basis for the Plaintiff to resist this request, but such resistance is expected. Regardless of what fabrication Mr. Picone comes up with, this Court must enter the requested order because it is clearly in Sophie's best interests.

Further Affiant sayeth naught.

JOHN D. JONES, ESQ.

SUBSCRIBED AND SWORN to before me this 29th day of March, 2016

NOTARY PUBLIC in and for said County and State

CHERYL BERDAHL
NOTARY PUBLIC
State of Nevada
No. 11-5452-1
My Comm. Expires 7/20/19

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Las Vegas, Nevada 89135
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Exhibit B

Exhibit B

John Jones

From: John Jones
Sent: Wednesday, January 13, 2016 2:00 PM
To: 'Smith, Tony T'
Cc: 'Renelyn Schramm'; 'jampico7@aol.com'
Subject: Picone v. Bautista Case # D-14-495928-P : Telephone conference request.

Dear Tony,

The purpose of this email is to request a telephone conference regarding the retainer requested by Dr. Lenkeit for parenting coordination services.

This Court ordered Defendant to pay 100% of the costs of parenting coordination to begin, subject to being re-taxed. The problem is that Dr. Lenkeit requires a $4,000.00 retainer.

Renelyn does not have $4,000.00. It was one thing to assign $200.00 per hour once a month to her, but I don't think the Court contemplated requiring her to prepay 20 hours of time.

I have CC'd Plaintiff with this email so that the Court can contact him in this regard.

John D. Jones, Esq.
Partner.
Nevada Board Certified Family Law Specialist

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ATTORNEYS AT LAW

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Las Vegas, Nevada 89135
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Fax: 702.869.2669
Mobile: 702.523.6966
Visit our improved website at:
www.blacklobellolaw.com

Exhibit C

Exhibit C

John Jones

From: jampico7@aol.com
Sent: Monday, March 21, 2016 7:48 PM
To: John Jones
Subject: Re: Spring Break

Mr. Jones,
It was not my intention to "harass" Renalyn as you are alleging. Once I saw the paragraph outlining spring break, I understood and no longer feared something had happened to my daughter Sophia. IF it were my intention to harass Renelyn as you allege in your email, I would have acted in the same manner as she has done on countless occasions with multiple nasty texts and emails

I do not agree to go against what the court has ruled on and substitute. I believe that the appointed coordinator by the courts is in Sophia's best interest. I do not wish go back and forth on it with you and will not discuss it further. Renelyn should have abided by the courts ruling months ago. They have money to move five times within two years and buy expensive cars, jewelry and take many trips. She should be able to abide by the courts ruling.

Sent from my T-Mobile 4G LTE device

------ Original message------
From: John Jones
Date: Mon, Mar 21, 2016 4:28 PM
To: jampico7@aol.com;
Cc:
Subject:RE: Spring Break

I am in the process of asking the Court to substitute the parenting coordinator with the person who teaches the UNLV cooperative parenting class Kathleen Bergquist. She does not charge a retainer.

Please advise if you will agree to this change or if I need to involve the Court.

If you agree, I will prepare a stipulation.

John D. Jones, Esq.
Partner.

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ATTORNEYS AT LAW

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Mobile: 702.523.6966
Visit our improved website at:

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CLERK OF THE COURT

FDF
Name: John D. Jones
Address: Black & LoBello
10777 W. Twain Avenue, #300
Las Vegas, NV 89135
Phone: 702-869-8801
Email: jjones@blacklobellolaw.com
Attorney for Defendant
Nevada State Bar No. 6699

Eighth Judicial District Court

Clark County, Nevada

JAMES P. PICONE, **Plaintiff,** **vs.** **RENELYN BAUTISTA,** **Defendant.**	**Case No. D-14-495928-P** **Dept. N**

GENERAL FINANCIAL DISCLOSURE FORM

A. Personal Information:

1. What is your full name *(first, middle, last)* Renelyn Guillermo Schramm
2. Hold old are you? 29
3. What is your date of birth 8/25/1986
4. What is your highest level of education? college

B. Employment Information:

1. Are you currently employed/ self-employed? *(☑ check one)*

☒ No

Yes If yes, complete the table below. Attached an additional page if needed.

Date of Hire	Employer Name	Job Title	Work Schedule (days)	Work Schedule (shift times)

2. Are you disabled? (☑ check one)

☒ No

☐ Yes If yes, what is your level of disability? _____
What agency certified you disabled? _____
What is the nature of your disability? _____

C. Prior Employment: If you are unemployed or have been working at your current job for less than 2 years, complete the following information.

Prior Employer: _____ Date of Hire: _____ Date of Termination: _____
Reason for Leaving: _____

Monthly Personal Income Schedule

A. **Year-to-date Income.**

As of the pay period ending _____ my gross year to date pay is 0

B. **Determine your Gross Monthly Income.**

Hourly Wage

Hourly Wage	×	Number of hours worked per week	=	Weekly Income	×	52 Weeks	=	Annual Income	÷	12 Months	=	Gross Monthly Income

Annual Salary

Annual Income	÷	12 Months	=	Gross Monthly Income

C. Other Sources of Income.

Source of Income	**Frequency**	**Amount**	**12 Month Average**
Annuity or Trust Income			
Bonuses			
Car, Housing, or Other allowance:			
Commissions or Tips:			
Net Rental Income:			
Overtime Pay			
Pension/Retirement:			
Social Security Income (SSI):			
Social Security Disability (SSD):			
Spousal Support			
Workman's Compensation			
Other: _____			
	Total Average Other Income Received		

Total Average Gross Monthly Income (add totals from B and C above)	

D. Monthly Deductions

	Type of Deduction	Amount
1.	Court Ordered Child Support (automatically deducted from paycheck)	
2.	Federal Health Savings Plan	
3.	Federal Income Tax	
4.	Health Insurance — Amount for you: _____ For Opposing Party: _____ For your Child(ren): _____	
5.	Life, Disability, or Other Insurance Premiums	
6.	Medicare	
7.	Retirement, Pension, IRA, or 401(k)	
8.	Savings	
9.	Social Security	
10.	Union Dues	
11.	Other: (Type of Deduction) _____	
	Total Monthly Deductions (Lines 1-11)	

Business/Self-Employment Income & Expense Schedule

A. Business Income:
What is your average gross monthly income/revenue from self-employment or businesses? $_____

B. Business Expenses: Attach an additional page if needed.

Type of Business Expense	Frequency	Amount	12 Month Average
Advertising			
Car and truck used for business			
Commissions, wages or fees			
Business Entertainment/Travel			
Insurance			
Legal and professional			
Mortgage or Rent			
Other: (type of expense) _____			
Pension and profit-sharing plans			
Repairs and maintenance			
Supplies			
Taxes and licenses			
Utilities			

Personal Expense Schedule (Monthly)

A. Fill in the table with the amount of money **you** spend each month on the following expenses and check whether you pay the expense for you, for the other party, or for both of you.

Expense	**Monthly Amount I Pay**	For Me ☐	Other Party ☐	For Both ☐
Alimony Spousal Support	$0			
Auto Insurance	$0			
Car Loan/Lease Payment	$0			
Cell Phone	$150	x		
Child Support (not deducted from pay)	$0			
Clothing, Shoes, Etc…	$0			
Credit Card Payments (minimum due)	$200	x		
Dry Cleaning	$30	x		
Electric	$0			
Food (groceries & restaurants)	$600	x		
Fuel	$0			
Gas (for home)	$0			
Health Insurance (not deducted from pay)	$0			
HOA	$0			
Home Insurance (if not included in mortgage)	$0			
Home Phone	$0			
Internet/Cable	$0			
Lawn Care	$0			
Membership Fees	$0			
Mortgage/Rent/Lease	$0			
Pest Control	$0			
Pets	$0			
Pool Service	$0			
Property Taxes	$0			
Security	$0			
Sewer	$0			
Student Loans	$0			
Unreimbursed Medical Expense	$0			
Water:	$0			
Other: Personal Care/Health	$0			
Total Monthly Expenses	**$980.00***			

*All expenses are covered by my husband.

Household Information

A. Fill in the table below with the name and date of birth of each child, the person the child is living with, and whether the child is from this relationship. Attached a separate sheet if needed.

	Child's Name	**Child's DOB**	**Whom is this child living with?**	**Is this child from this relationship?**	**Has this child been certified as special needs/disabled?**
1st	Shila Maderazo	1/7/06	Mom	No	No
2nd	Sophia A. Picone	10/22/11	Mom	Yes	No
3rd	Mary Ann Schramm	03/13/15	Mom	No	No
4th					

B. Fill in the table below with the amount of money you spend each month on the following expenses for each child.

Type of Expense	**1st Child**	**2nd Child**	**3rd Child**	**4th Child**
Cellular Phone	$200	$200	$200	
Child Care	$0	$0	$0	
Clothing	$0	$0	$0	
Education	$0	$0	$0	
Entertainment	$0	$0	$0	
Health Insurance (not deducted from pay)	$0	$0	$0	
Summer Camp/Programs	$0	$0	$0	
Transportation Costs for Visitation	$15	$0	$0	
Unreimbursed Medical Expenses	$0	$0	$0	
Vehicle	$0	$0	$0	
Other: Personal Care: Food	$250	$250	$250	
Total Monthly Expenses	$465.00	$450.00	$450.00	

C. Fill in the table below with the names, ages, and the amount of money contributed by all persons living in the home over the age of eighteen. If more than 4 adult household members attached a separate sheet.

Name	**Age**	**Person's Relationship to You (i.e. sister, friend, cousin, etc…)**	**Monthly Contribution**
James Schramm		husband	

Personal Asset and Debt Chart

A. Complete this chart by listing all of your assets, the value of each, the amount owed on each, and whose name the asset or debt is under. If more than 15 assets, attach a separate sheet.

Line	Description of Asset and Debt Thereon	Gross Value		Total Amount Owed		Net Value	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
1.			-	$	=		
2.			-	$	=		
3.			-	$	=		
4.			-	$	=		
5.			-	$	=		
6.			-	$	=		
7.		$	-	$	=	$	
8.		$	-	$	=	$	
9.		$	-	$	=	$	
10.		$	-	$	=	$	
11.		$	-	$	=	$	
12.		$	-	$	=	$	
13.		$	-	$	=	$	
14.		$	-	$	=	$	
15.		$	-	$	=	$	
Total Value of Assets (add lines 1-15)		$	-	$	=	$	

B. Complete this chart by listing all of your unsecured debt, the amount owed on each account, and whose name the debt is under. If more than 5 unsecured debts, attach a separate sheet.

Line #	Description of Credit Card or Other Unsecured Debt	Total Amount owed	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
1.		$	
2.		$	
3.		$	
4.		$	
Total Unsecured Debt (add lines 1-5)		$	

CERTIFICATION

Attorney Information: *Complete the following sentences:*

1. I *(have/have not)* **have** retained an attorney for this case.
2. As of the date of today, the attorney has been paid a total of $0 on my behalf.
3. I have a credit with my attorney in the amount of $0.
4. I currently owe my attorney a total of $0.
5. I owe my prior attorney a total of $_____.

IMPORTANT: Read the following paragraphs carefully and initial each one.

__X__ I swear or affirm under penalty of perjury that I have read and followed all instructions in completing this Financial Disclosure Form. I understand that, by my signature, I guarantee the truthfulness of the information on this Form. I also understand that if I knowingly make false statements I may be subject to punishment, including contempt of court.

I have attached a copy of my 3 most recent pay stubs to this form.

_____ **I have attached a copy of my most recent YTD income statement/P&L statement to this form, if self-employed.**

__X__ **I have not attached a copy of my pay stubs to this form because I am currently unemployed.**

Signature

03/29/16
Date

CERTIFICATE OF SERVICE

I hereby declare under the penalty of perjury of the State of Nevada that the following is true and correct:

That on April 6, 2016, service of the General Financial Disclosure Form was made to the following interested parties in the following manner:

☒ Via 1st Class U.S. Mail, postage fully prepaid addressed as follows:

James Picone
1277 Large Cap Drive #2
Henderson, NV 89074

☐ Via Facsimile and/or Email Pursuant to the Consent of Service by Electronic Means on file herein to:

☒ Via electronic service through Wiznet, the Eighth Judicial District Court's e-filing/e service system, pursuant to N.E.F.C.R. 9: jampico7@aol.com

Executed on the 6th day of April, 2016.

Cheryl Berndt
Signature

Electronically Filed
04/06/2016 02:24:26 PM

ORDR

CLERK OF THE COURT

CLARK COUNTY, NEVADA
DISTRICT COURT

James Picone, Plaintiff, vs. Renelyn Bautista, Defendant.	)	Case No.: D-14-495928-P Dept. No.: N Date of Hearing: n/a Time of Hearing: n/a

AMENDED ORDER FOR APPOINTMENT OF SPECIAL MASTER/ PARENTING COORDINATOR

The Court having considered all of the pleadings on file herein, and good cause appearing, does hereby Order the appointment of a Special Master and Parenting Coordinator under the following terms and conditions:

1.0 APPOINTMENT AND DESIGNATION OF TERMS:

1.1. Kathleen Bergquist, LCSW, JD, Ph.D is hereby appointed as Special Master and Parenting Coordinator in this matter (said appointee hereinafter referred to as the "Parenting Coordinator"). The Parenting Coordinator's full name, title, mailing addresses and phone numbers are as follows:

Name: Kathleen Bergquist, LCSW, JD, Ph.D

Street Address: P.O Box 72453

City: Las Vegas State: Nevada Zip: 89170

Telephone #: 702-895-2449 Fax # 702-895-4079

1.2 This appointment is made pursuant to NRCP 53(a) and is intended to be a delegation of judicial authority pursuant to said Rule, subject to the grievance procedures described herein.

2.0 PARENTING COORDINATOR FEES/EXPENSE SHARING:

2.1 Hourly fees for the services of the Parenting Coordinator shall be set by the Parenting Coordinator pursuant to a written agreement with the parties. All fees shall be advanced by the parties, with Defendant responsible for 100% of the fees for the Parenting Coordinator services with Ms. Bergquist. The Court reserves jurisdiction to re-allocate said payments between the parties. The Parenting Coordinator may determine a re-allocation of fees and costs on any single issue if it appears that the conduct of one party warrants same.

2.2 Objection to any fees or costs billed by the Parenting Coordinator shall be made in writing within thirty (30) days of receipt, or the billing is deemed accepted. Objections will be handled in accordance with the grievance procedure as set forth below.

2.3 In the event that the testimony and/or written report of the Parenting Coordinator is required for any hearing, settlement conference or court action by one or both parties, the Parenting Coordinator's fees for such services shall be paid by both parties, in advance, according to the estimate by the Parenting Coordinator. Ultimately the Court shall determine the proper allocation between the parties for all fees of the Parenting Coordinator for such services and may require reimbursement by one party to the other for any payment to the Parenting Coordinator.

3.0 GENERAL AUTHORITY:

3.1 The Parenting Coordinator shall have the general authority to resolve parent / child and custody/visitation issues, as set forth below and with the following guidelines:

3.11 Facilitate the resolution of disputes regarding the implementation of the parenting plan, the schedule, or parenting issues, provided such resolution does not involve a

substantive change to the shared parenting plan. A substantive change is defined as a modification to the parenting plan that (a) significantly changes the timeshare of the child with either parent; or (b) modifies the timeshare such that it amounts to a change in the designation of primary physical custody or a shared physical custodial arrangement.

3.12 Direct as necessary, one or both parents to utilize community resources, for the following services including but not limited to: random drug screens, parenting classes, and any mental health and/or counseling services, psychotherapy or a substance abuse assessment or treatment for either or both parents, or the child, with the Parenting Coordinator to have access to the results of any psychological testing or other assessments of the child and/ or parents.

3.13 Implement non-substantive changes to, and/or clarify, the shared parenting plan, including but not limited to issues such as:

(a) transitions/exchanges of the child including date, time, place, means of transportation and transporter;

(b) holiday sharing;

(c) summer or track break vacation sharing and scheduling;

(d) communication between the parents;

(e) health care management issues, including choice of medical providers and payment of unreimbursed medical expenses (including dental, orthodontic, psychological, psychiatric or vision care), pursuant to the Court's order for payment of said expenses;

(f) education or day care including but not limited to, school choice, tutoring, summer school, and participation in special education testing and programs; allocation of the cost for the foregoing items shall be determined by the Parenting Coordinator, subject to the Court's review, if requested by either party;

(g) child's participation in religious observances and religious education;

(h) child's participation in extracurricular activities, including camps and jobs;

(i) child's travel and passport issues;

(j) purchase and sharing of child's clothing, equipment and personal possessions, including possession and transporting of same between households;

(k) child's appearance and/or alteration of child's appearance, including haircuts, tattoos, ear, face or body piercing;

(l) communication between the parents including telephone, fax, e-mail, notes in backpacks, etc. as well as communication by a parent with the child including telephone, cell phone, pager, fax, and e-mail when the child is not in that parent's care;

(m) contact with significant other(s) and/ or extended families.

(n) requiring the signing of appropriate releases from each parent to provide access to confidential and privileged records, including medical, psychological or psychiatric records of a parent or child.

(o) reporting to the Court regarding compliance with the parenting coordination process which could include recommendations to the Court about how to more effectively implement the parenting coordination process.

(p) reporting to the Court the extent of the or parents' compliance with other Court orders (therapy, drug tests, child therapy) with or without providing a recommendation on what should be done regarding any lack of compliance.

(q) individually communicating with, and providing information to, persons involved with, or providing services to, the family members, including but not limited to, the custody evaluator, lawyers, teachers, school officials, physical and mental health providers, grandparents, stepparents, significant others, or anyone else the Parenting Coordinator determines to have a significant role in the life of the family.

4.0 ADDITIONAL RESPONSIBILITIES

The Parenting Coordinator shall have the following additional responsibilities, if initialed by the judge:

_____. Temporary decision-making authority to resolve minor disputes between the parties concerning shared parenting decisions until such time as a Court order is entered modifying the decision. Such decision-making services provided by the Parenting Coordinator shall apply to both substantive and non-substantive changes to the parenting plan;

_____. Make recommendations to the Court concerning modifications to the shared parenting plan including but not limited to, parenting time/access schedules or conditions, including variations from the existing parenting plan.

5.0 PROCEDURES AND RELATED REQUIREMENTS:

5.1 The Parenting Coordinator shall be provided with copies of pertinent pleadings, orders and custody Evaluation Reports which relate to the issues to be brought to the Parenting Coordinator. The Parenting Coordinator shall also have direct access to all orders and pleadings on file in the case, including files under a Sealing Order of the Court. If both parties are pro per, the JEA shall provide a copy of the custody Evaluation Reports to the Parenting Coordinator.

5.2 All written communications by a party to the Parenting Coordinator shall be copied or provided to the other party, concurrently.

5.3 The parties shall make themselves and the minor child available for meetings and/or appointments as deemed necessary by the Parenting Coordinator. The Parenting Coordinator shall determine in each instance whether an issue warrants a meeting with the parties.

5.4. The parties shall participate in good faith in an initial mediation/conflict resolution process with the Parenting Coordinator in an effort to resolve a dispute. Should

mediation result in an agreement, the Parenting Coordinator shall prepare a simple "Agreement" on the subject for signature by each party and the Parenting Coordinator. The Parenting Coordinator shall send a copy of the Agreement to each party; the parties shall each sign the Agreement, have it notarized, and return their copy to the Parenting Coordinator within two weeks.

5.5 Should the mediation not result in a stipulated agreement, the Parenting Coordinator shall prepare and send to the parties a written decision ("Decision"), as well as a courtesy copy to the Court, resolving the dispute which shall be followed by the parties until otherwise ordered by the Court. Said Decision shall set forth the reasons for the Parenting Coordinator's Decision. Should either party dispute the written decision of the Parenting Coordinator, that party must file a Motion with the Court within two weeks of receiving the decision.

5.6 The parties understand that the Parenting Coordinator's Decision is not a final decision, but rather can be reviewed by the Court. However, the parties are on notice and understand that the purpose and intent of the Court in appointing a Parenting Coordinator is to resolve disputes between the parties without the expense of litigation and the expenditure of judicial resources. Therefore, the Court will not overturn a Decision of the Parenting Coordinator without substantial evidence. A Decision of the Parenting Coordinator remains a binding decision unless and until it is overturned or modified by the Court.

5.7 The parties shall provide in a timely manner any documents requested by the Parenting Coordinator and/or execute any releases required for the Parenting Coordinator to directly obtain documents or records which the Parenting Coordinator deems relevant to the submitted issues. Failure to do so may result in imposition of sanctions by the Court.

5.8 The Parenting Coordinator shall have the authority to determine the protocol of all fact-finding procedures. The Parenting Coordinator shall have the authority to engage in ex-parte communications with the parties and/or their counsel.

5.9 The Parenting Coordinator shall have the authority to interview and require the participation of other persons whom the Parenting Coordinator deems to have relevant information or to be useful participants in the parenting coordination process, including, but not limited to, custody evaluator, teachers, health and medical providers, stepparents, and significant others.

6.0. PARENTING COORDINATOR LIMITATIONS:

6.1 The Parenting Coordinator may not serve as a custody evaluator, investigator, mediator, psychotherapist, attorney or Guardian ad Litem for any party or another member of the family for whom the Parenting Coordinator is providing or has provided parenting coordination services.

7.0 SCHEDULING:

7.1 Each parent is responsible for contacting the Parenting Coordinator within ten days of this Order to schedule an initial meeting. Subsequent appointments may be scheduled at the request of the parents or at the request of the Parenting Coordinator.

8.0 EMERGENCY COMMUNICATION WITH THE COURT:

8.1 The Parenting Coordinator shall work with both parents to resolve conflicts and may recommend appropriate resolution to the parties and their legal counsel prior to the parents seeking Court action. However, the Parenting Coordinator shall immediately communicate with the Court without prior notice to the parties, counsel or a guardian ad litem, in the event of an emergency in which:

8.11. A party or child is anticipated to suffer or is suffering abuse, neglect, or abandonment.

8.12. A party or someone acting on his or her behalf, is expected to wrongfully remove or is wrongfully removing the child from the other parent and the jurisdiction of the Court, without prior Court approval.

A copy of the written communication to the Court shall be submitted to Metro, CPS, and to the parties, by the Parenting Coordinator.

9.0 PARENTING COORDINATOR REPORTS AND APPEARANCES IN COURT:

9.1 In the event that the testimony and/or written report of the Parenting Coordinator is required for any hearing, settlement conference, including depositions, or other Court action by one or both parties, the Parenting Coordinator's fees for such services shall be paid by both parties, in advance, according to the estimate by the Parenting Coordinator. Ultimately the Court shall determine the ultimate allocation of such fees between the parties. The Parenting Coordinator shall be given a copy of the motion and notice of the hearing at least twenty (20) days prior to the hearing, unless otherwise ordered by the Court.

9.2 A Parenting Coordinator's report to the Court shall be sent to the parties, and the guardian ad litem (if any). Each party shall be responsible for providing a copy to their attorney. The Parenting Coordinator's reports are not confidential and may be presented to the Court by the parties or counsel according to rules of evidence. In cases where there is a history of domestic violence, the Parenting Coordinator shall take necessary steps to protect certain personal information about the victim which may be necessary to protect the safety of the victim and the integrity of the parenting coordination process.

9.3 A Parenting Coordinator directed by the Court to testify in a Court proceeding shall not be disqualified from participating in further parenting coordination efforts with the family, but the Court in its discretion may order the substitution of a new Parenting Coordinator or may relieve the Parenting Coordinator of their duties or the Parenting Coordinator may voluntarily determine that such substitution would be in the best interest of the child.

10.0 GRIEVANCES:

10.1 The Parenting Coordinator may be disqualified on any of the grounds applicable to the removal of a Judge, Referee, Arbitrator, or Mediator, except that no peremptory challenge shall be permitted.

10.2 Complaints or grievances from any party regarding the performance, actions or billing of the Parenting Coordinator shall only be determined according to the following procedure:

(a) A person having a complaint or grievance regarding the Parenting Coordinator must discuss the matter with the Parenting Coordinator in person before pursuing it in any other manner.

(b) If after discussion the party decides to pursue a complaint, that party must first submit a written letter detailing the complaint or grievance to the Parenting Coordinator with a copy to all other counsel or parties.

(c) The Parenting Coordinator shall then provide a written response to the grievance to the party and all counsel or parties within thirty (30) days of the written complaint or grievance.

(d) If the grievance or complaint is not resolved after this exchange, the complaining party may proceed by noticed motion to the Court addressing the issues raised in the complaint or grievance.

10.3 Neither party may initiate Court proceeding for a complaint or grievance regarding the Parenting Coordinator without following the preceding procedure. Failure to comply with said procedure may result in sanctions by the Court.

10.4 The Court shall reserve jurisdiction to determine if either or both parties and/or the Parenting Coordinator shall ultimately be responsible for any portion or all of the Parenting Coordinator's time and costs spent in responding to the grievance and the Parenting Coordinator's attorneys' fees, if any.

10.5 Neither party shall file any complaint or make any written submission regarding the Parenting Coordinator to the Parenting Coordinator's licensing board without first complying with these grievance procedures and obtaining the Court's decision ratifying the grievance.

11.0 TERMS OF APPOINTMENT:

11.1 The Parenting Coordinator is appointed until discharged by the Court. The Parenting Coordinator may apply directly to the Court for a discharge, and shall provide the parties and counsel with notice of the application for discharge. The Court may discharge the Parenting Coordinator without a hearing unless either party requests a hearing in writing within ten (10) days from the application for discharge, pursuant to NRCP 6(e) which states:

> whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper, other than process, upon the party and the notice or paper is served upon the party by mail or by electronic means, 3 days shall be added to the prescribed period.

11.2 Either party may seek to suspend or terminate the Parenting Coordinator process by filing a motion with the Court. The Parenting Coordinator's services may not be terminated by either of the parties without order of the Court.

11.3 In the event that the Parenting Coordinator is discharged, the Court will furnish a copy of the Order of termination of the Parenting Coordinator to counsel.

Dated this 6th day of April, 2016.

Judge Mathew Harter

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CLERK OF THE COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

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In the Matter of the Petition by: James Picone, Petitioner.	Case No.: D-14-495928-P Department N

NOTICE OF ENTRY OF MINUTE ORDER

TO: ALL PARTIES AND/OR ATTORNEYS

Please take notice that the Court prepared a Minute Order. A copy of the Minute Order is attached hereto.

☒ I hereby certify that I faxed or emailed and placed a copy of the Minute Order in the appropriate attorney folder located in the Clerk of the Court's Office to:

John D. Jones, Esq.

☒ I hereby certify that I mailed the Minute Order via first-class mail with postage fully prepaid to:

Gary Lenkeit, Ph.D.
1820 E Warm Springs Rd., Suite #115
Las Vegas, NV 89119

James J Picone
1277 Large Cap Drive #2
Henderson, NV 89074

Kathleen Bergquist, JD., Ph.D.
P.O. Box 72453
Las Vegas, NV 89170

John Paglini, Psy.D.
9163 W. Flamingo Rd., Suite #120
Las Vegas, NV 89147

DATED: 6th day of April, 2016

By: _____
Mark Fernandez
Judicial Executive Assistant
Department N

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

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

Trial Dispositions:
☐ Disposed After Trial Start
☐ Judgment Reached by Trial

MATHEW HARTER
DISTRICT JUDGE
FAMILY DIVISION, DEPT N
LAS VEGAS, NV 89101

DISTRICT COURT
CLARK COUNTY, NEVADA

Paternity Complaint **COURT MINUTES** April 06, 2016

D-14-495928-P In the Matter of the Petition by:
James Picone, Petitioner.

April 06, 2016 **9:00 AM** **Minute Order**

HEARD BY: Harter, Mathew **COURTROOM:** Courtroom 24

COURT CLERK: Blanca Madrigal

PARTIES:

Gary Lenkeit PHD, Other, not present
James Picone, Plaintiff, Counter Defendant, not present — Pro Se
Renelyn Bautista, Defendant, Counter Claimant, not present — John Jones, Attorney, not present
Sophia Picone, Subject Minor, not present

JOURNAL ENTRIES

- MINUTE ORDER: NO HEARING HELD AND NO APPEARANCES

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. Pursuant to EDCR 2.23(c) and 5.11(e), this Court can consider a motion and issue a decision on the papers at anytime without a hearing. This Court has read and considered the current underlying pleadings in this matter.

Defendant filed a motion on 3/29/2016 noting that the parties have not commenced Parenting Coordinator services with Dr. Lenkeit as ordered on 12/09/2015 and requesting that Kathleen Bergquist, LCSW, Ph.D, be appointed as the new Parenting Coordinator because she does not require an initial retainer. This Department's staff has confirmed with Dr. Lenkeit's office that the parties have not yet commenced Parenting Coordinator services with him. Further, the Department's staff has also confirmed with Ms. Bergquist that she generally does not require a retainer to commence

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Parenting Coordinator services. Accordingly, Defendant's motion is GRANTED. However, the Court NOTES that as previously ordered, Defendant shall pay 100% of the Parenting Coordinator fees, subject to reapportionment by the Parenting Coordinator or this Court. Ms. Bergquist shall have the right to contact Dr. Paglini, who did a partial custody evaluation in this matter, for information if she feels it necessary.

The issues raised in Defendant's motion having been addressed, the hearing set for 5/04/2016 shall be VACATED and this case shall be CLOSED. An Amended Parenting Coordinator Order shall issue. A copy of this journal entry shall be provided to both parties, Dr. Lenkeit, Dr. Paglini, and to Ms. Bergquist.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: May 04, 2016 11:00 AM Motion
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated
Harter, Mathew
Courtroom 24
Madrigal, Blanca

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

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CLERK OF THE COURT

MOT
BLACK & LOBELLO
John D. Jones
Nevada Bar No. 6699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
Telephone Number: 702-869-8801
Fax Number: 702-869-2669
Email Address: jjones@blacklobello.law
Attorneys for Defendant,
RENELYN BAUTISTA

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

JAMES PICONE,

Plaintiff

vs.

RENELYN BAUTISTA,

Defendant

CASE NO.: D-14-495928-P
DEPT. NO.: N

Date of Hearing: 03/21/17

Time of Hearing: 10:00am

Oral Argument Requested

NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT HEARING PRIOR TO THE SCHEDULED HEARING DATE.

DEFENDANT'S MOTION TO CHANGE CUSTODY AND FOR ATTORNEYS' FEES AND COSTS

Defendant, RENELYN BAUTISTA, by and through her attorneys of record, John D. Jones and the law firm of Black & LoBello, hereby files her Motion to

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Change Custody and for Attorneys' Fees and Costs.

DATED this 17 day of February, 2017

BLACK & LOBELLO

John D. Jones
Nevada Bar No. 6699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
702-869-8801
Attorneys for Plaintiff
RENELYN BAUTISTA

NOTICE OF MOTION

TO: ALL INTERESTED PARTIES:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE, that the undersigned will bring the above **Motion to Change Custody and for Attorneys' Fees and Costs** on for hearing before the entitled Court on the 21 day of March, 2017, at the hour of 10:00a.m., or as soon thereafter as may be heard before the District Court, Family Division, Department N.

Dated this 17 day of February, 2017.

BLACK & LOBELLO

John D. Jones
Nevada Bar No. 6699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
702-869-8801
Attorneys for Defendant,
RENELYN BAUTISTA

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I. FACTS

This matter has not been before the Court on a substantive motion in nearly eighteen months. During that time, much has happened which has compelled Renelyn to once again ask this Court's assistance in protecting Sophie from the actions of Plaintiff which are clearly not in Sophie's best interests. While this Court has, in the past, expressed concerns about Renelyn's motives, the truth, as set forth hereinafter, is that Renelyn only wants to protect Sophie. Unfortunately, Renelyn needs this Court and its power to do so.

This Court had hoped that parenting coordination would resolve the ongoing issues that Renelyn had been experiencing with Plaintiff. As predicted, however, Plaintiff having no financial obligation in the process (as set forth hereinafter) led to him being unreasonable and disrespectful, not only to Renelyn, but also to the parenting coordinator, Ms. Bergquist. Basically, because it was costing him nothing, Plaintiff was unwilling to agree with nearly every issue presented even if it was clearly in Sophie's best interests. Even those things that he did agree to with the parenting coordinator he reneged on. Basically, Plaintiff has proven he is completely unwilling to co-parent with Renelyn. He is unfit, for many reasons, to continue in the role of a joint physical custodian.

While there are many minor issues which require this Court's intervention on Sophie's behalf, there are issues about which this Court, as the undersigned counsel does, should have major concern. One thing that has changed significantly since the

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parties were last in Court is that Sophie is now far more able to express to her mother, her therapist and to a potential child interviewer, those things which continue to occur which are not in her best interests. Moreover, Plaintiff has revealed that he does, in fact, have a sexual predilection which is pedophilic in nature. The evidence set forth hereinafter is uncontroverted. At every level of consideration regarding the best interests of Sophie, this Court will be compelled to grant the relief sought herein.

PROCEDURAL HISTORY

The parties were never married. They have one child, Sophie, who is now five years old. Because of the continuing issues which are contrary to Sophie's best interests the history of this case is relevant. The following is a summary of this case from the date of the final custody order to the present.

1. The parties entered into a stipulated parenting plan agreeing to share joint physical custody of Sophie with Renelyn having four days per week and Plaintiff having three. This order was entered on April 8, 2015.

2. Three months after the entry of the order, issues arose pertaining to Plaintiff taking Sophie, who at the time was 3 years old, to work during his custodial time in contradiction to the Court's specific directive to the contrary. The Court denied the Motion but commented that a change in Plaintiff's work schedule would warrant the mediation of a new

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timeshare, clearly indicating that Plaintiff's work schedule is relevant to any consideration of best interests..

3. In August of 2015, Sophie revealed to her grandmother that the Plaintiff had penetrated her vagina with his finger. Renelyn reported the matter to the police who investigated the matter through the Special Victims Unit. This revelation led to competing child custody Motions.

4. At the hearing on September 16th, Detective Arndt testified regarding the on-going investigation. Specifically, Detective Arndt confirmed that based upon the facts and circumstances of the investigation, that Renelyn was advised to withhold Sophie from Plaintiff while the investigation proceeded.

5. Detective Arndt confirmed that Henderson P.D. did, in fact, refer the matter to CPS.

6. Detective Arndt informed the Court that Sophie had been interviewed by a child forensic specialist and repeated the disclosure of digital penetration by Plaintiff.

7. Detective Arndt confirmed that some investigations did not warrant a referral to the city attorney, but the investigation of Sophie's disclosure did warrant a referral to the city attorney.

8. In November of 2015, Renelyn filed a Motion seeking a one hour modification of the timeshare so that Sophie could attend Sunday

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School. Plaintiff had refused her request to adjust the timeshare 1 hour later on both ends which would not have reduced his time.

9. In response, the Court appointed a parenting coordinator in December of 2015 and ordered that Renelyn, who is unemployed, be solely responsible for the costs.

DEVELOPMENTS SINCE THE LAST COURT ORDER.

PARENTING COORDINATION

The parties participated in parenting coordination from April of 2016 through August of 2016 with Kathleen Bergquist. Ms. Bergquist submitted her report to the Court November 28, 2016. The process was very difficult due to Plaintiff's unreasonableness and hostility. Plaintiff was disrespectful to Ms. Bergquist and to Renelyn. While Ms. Bergquist's report tried to remain neutral she made the following statements:

> "James is particularly accusatory basing much of his assertions on reports from his 4 year old daughter"
>
> "It is my recommendation that if another PC is assigned to work with this family, that both parents be equally responsible for the fees."

The statement regarding Plaintiff's accusatory nature was a far kinder assessment of Plaintiff's behavior than actually occurred during the process. In reality Plaintiff was abusive and rude and refused to reach agreements on very simple things. One example is the reason for the PC referral in the first place. Renelyn asked to adjust the timeshare by ONE HOUR so that Sophie could attend Sunday school and

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Plaintiff refused. Ms. Bergquist was unable to obtain any cooperation. Moreover, some important things upon which an agreement was reached were then later refused by Plaintiff like the simple provision of his work schedule. Through the PC process it was learned that Plaintiff had attempted to unilaterally enroll Sophie in therapy. Plaintiff chronically challenged Ms. Bergquist if she ever entered a minute or made a statement that he did not like. Because there was no cost to him, there was never a motivation to be reasonable or even decent. It is believed that Ms. Bergquist was trying to maintain neutrality in her report but that she will testify truthfully regarding Plaintiff's behavior and unreasonableness in the process.

In the PC process, it was revealed that Plaintiff had made a report to CPS alleging that Sophie was being abused by Renelyn's husband James. This allegation was proven to be false after CPS interviewed Sophie and her half-sister. (See unsubstantiated letter attached as **Exhibit "A"**) It was also learned that Plaintiff told Sophie's teachers and the principal at Sophie's school that Renelyn's husband was abusing Sophie.

Plaintiff revealed that he had changed jobs and that his work schedule changed, but would never provide Renelyn with his work schedule. In fact, the June 13th minutes reveal that Ms. Bergquist specifically asked Plaintiff for his work schedule. It was never provided. It is believed that discovery will reveal that Plaintiff routinely works when he has custody of Sophie but refuses to allow Renelyn to care for Sophie rather than any third party. Renelyn attempted to obtain this

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information after Ms. Bergquist withdrew as parenting coordinator, but Plaintiff refused to respond to her OFW message. (See OFW message attached as **Exhibit "B"**)

Parenting Coordination also revealed that Plaintiff was taking Sophie to medical appointments with a different pediatrician and dentist without Renelyn's knowledge or consent.

PLAINTIFF'S REFUSAL TO FOLLOW P.C. DECISIONS AND HIS RECKLESSNESS

Because of the non-existent conflict that Plaintiff complained of at custody exchanges, it was agreed during a parenting coordination session that the parent delivering Sophie to the custody exchange would wait five minutes before leaving the parking area to allow the receiving parent time to leave. On October 5th, Plaintiff delivered Sophie to the designated pick up area. Renelyn's husband and Louie Maderazo, the father of her oldest daughter were there to pick up Sophie. There was no communication or conflict between Plaintiff and either of them. As always, Plaintiff was videotaping the exchange in an extremely obvious way. After Sophie was in the car, Renelyn's husband tried to leave the parking area. There was a great deal of traffic due to a Donald Trump speech that day. Ignoring the five minute delay rule, Plaintiff got on the road directly behind the car Sophie was in and began riding the bumper. He was making obscene gestures as he drove directly behind the car. Finally, because of his lack of attention or because he intentionally intended it to occur, he caused his vehicle to strike the vehicle Sophie was in. Fortunately for

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the Court an independent witness was present in the car. (see affidavit of Louie Maderazo attached as **Exhibit "C"**) Also, the entire incident is on video which will be presented at the evidentiary hearing on this motion.

THERAPY FOR SOPHIE

One of the things that was agreed to during PC sessions (after Plaintiff attempted to unilaterally and secretly take Sophie to a therapist) was that Sophie would begin seeing a therapist. Sophie began seeing Kathleen Kelly. During the course of her therapy sessions, Sophie made several revelations that caused Renelyn a great deal of concern. The sum and total of Sophie's revelations is that Plaintiff is trying to program Sophie against Renelyn and her husband. As a result of this programming, Sophie, who has always had a loving relationship with her stepfather has begun rejecting him. It is believed that her behavior issues which led to the conclusion that therapy was needed are a result of the struggle she has when she is being programmed against her mother and stepfather whom she dearly loves. During the sessions that Plaintiff attended, he continued to pursue his campaign of false allegations of abuse against Renelyn's husband.

Therapy also revealed that Sophie sleeps in the same bed with her father and that a "girl" sleeps there too. Plaintiff will never share any information about who lives in his home and the bedroom set up until ordered by the Court. Regardless, co-sleeping at this age is not in Sophie's best interests. This is particularly concerning given the discussion of issues set forth hereinafter.

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It is anticipated that if a forensic interviewer were to contact Ms. Kelly that she would reveal that Plaintiff is obsessed with Renelyn's husband and that there is evidence that Sophie is being programmed

RENELYN'S MARRIAGE

In the past, this Court has expressed concerns about Renelyn's husband and his impact on the custody issues. In part because of Plaintiff's continued false allegations, and as a result of Plaintiff always making every issue about Renelyn's husband and not Sophie, Renelyn and her husband's marriage has failed. The parties separated in December and will likely be divorcing. James Schramm has not been involved in a custody exchange since the parties' separation. Renelyn and her husband continue to co-parent their own child successfully in the same way that Renelyn has always co-parented her daughter with Louie Maderazo. Renelyn is hopeful that this fact will allow the Court to focus solely on Sophie in its considerations of her best interests. This fact should also impact the Court's assessment of Renelyn's financial condition.

PLAINTIFF'S SEXUAL MISCONDUCT AND UNFITNESS

In addition to the criminal investigation based upon Sophie's credible disclosure, Renelyn has always had concerns about Plaintiff's sexual deviance. This Court even commented negatively about an OFW post in which Renelyn expressed concerns about Plaintiff dating a high school aged girl. Well, as it turns out, Renelyn's concerns have been proven to be absolutely justified. Moreover, as the

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Court will learn, there are significant fitness issues pertaining to Plaintiff's improper desires for underage girls.

In June, Plaintiff, who at the time, was FIFTY ONE years old, began a Facebook relationship with a young girl named Alexis. Alexis's profile on Facebook reveals a date of birth of October 10th, 2000. (see profile attached as **Exhibit "D"**) At all times relevant, Plaintiff was communicating with a child, 15 years old, and Plaintiff knew this. Alexis began an exchange of communication with Plaintiff on Facebook which was disturbing enough given the fact that Plaintiff knew she was 15 years old. Plaintiff's comments on her looks and sexy photos were disgusting. The fact that he used a picture of him and his daughter to try to pick Alexis up was even more despicable. (See face book messages attached as **Exhibit "E"**) Thereafter, Plaintiff began exchanging emails with Alexis. This is where the depth of his depravity was revealed. He offered to get her a fake I.D. and provide her alcohol. He then asked her for pornographic pictures. Finally, he tried to set up a time and place to have sex with her. All after he confirmed he knew she was 15 years old. (See emails attached as **Exhibit "F"**)

It is anticipated that discovery will reveal even more depravity on Plaintiff's part. His Facebook and browser history will undoubtedly contain other potential victims or other depraved content. It is important for the Court to take note of the date that Plaintiff was served with this Motion because any destruction of data or equipment after that date would clearly be spoliation.

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While this Court could have had its doubts in the past given the fact the city attorney did not file charges against Plaintiff related to Sophie's disclosure, the foregoing facts, which are completely objective, should prove to the Court that the Plaintiff has serious psychological problems which not only impact his fitness to be a joint custodial parent to a little girl but also Sophie's safety in any unsupervised environment with Plaintiff. When the Court considers the co-sleeping issue in the context of his attempt to have sex with a 15-year-old, the concerns raised are more than just significant, they rise to the level of an emergency.

PLAINTIFF'S REFUSAL TO CO-PARENT AND CONTEMPT

While Renelyn could certainly be pursuing an order to show cause, her only concern in these proceedings is Sophie's best interests. Plaintiff's refusal to co-parent and his violations of the order are chronic. He refuses to allow telephone contact as required by the order. (see OFW message attached as **Exhibit "G"**) He violates the four hour right of first refusal when he works on his custodial days. He won't even provide his work schedule. It is anticipated that discovery will reveal a chronic violation of the right of first refusal.

Probably the one fact upon which the Court can rely in concluding that Plaintiff will never co-parent is the issue of the Sunday exchange. This issue was the subject of the Motion Renelyn filed which resulted in the appointment of a parenting coordinator. To this day, Plaintiff refuses to adjust the time share by even 30 minutes to allow Sophie to finish Sunday school. The parenting coordinator

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could not get him to agree. He never gave a valid answer for being unwilling to make this very minor adjustment. His prior statements that he also takes Sophie to church on Sundays have also been proven false. Anything that Renelyn requests, even something as small as ½ an hour, Plaintiff refuses. Renelyn recently requested that Plaintiff agree to modify the time share. She offered to adjust the Wednesday exchange by two hours to noon (giving Plaintiff the extra time) if he would just agree to a one hour accommodation of Sundays. (see OFW message attached as **Exhibit "H"**) At the time of the filing of this motion, Plaintiff had not even bothered to respond to the OFW message. Unfortunately, even though the adjustment would give him more custodial time, he refused solely because Renelyn asked. Anyone who is this unwilling to co-parent is not a fit candidate for joint custody.

OBSERVATIONS REGARDING COURT'S IMPARTIALITY

In the past, in its various minute orders, this Court has made comments about Renelyn's motives. The Court has even cited to cases which imply a belief that Renelyn's attempts to address many of the same types of issues addressed in this Motion were in some way based upon a desire to destroy Plaintiff's relationship. Nothing could be further from the truth. Each Motion filed by Renelyn has been based upon Sophie's best interests and an attempt to get reasonableness. This Court said that Plaintiff should not take his daughter to work. Plaintiff did so. Therefore a Motion was filed. Renelyn had made a legitimate request to modify the timeshare by 1 hour. He refused and so she filed a Motion. For some reason, the Court acted

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as if the issues presented were not legitimate when clearly, they were and still are.

This Court even contacted Dr. Paglini after he was no longer on the case in order to elicit negative comments about Renelyn's husband on the record at the time of the hearing regarding the on-going investigation of sexual abuse. This caused the undersigned counsel great concern since Dr. Paglini was no longer involved in the case. It has been almost as if this Court were actively taking up the side of the Plaintiff.

While the Court has routinely blamed Renelyn or her soon to be ex-husband for the issues present in this case, the uncontroverted facts of this Motion make it clear that Plaintiff's malfeasance has been the reason this Motion has become necessary. Renelyn and the undersigned counsel are hopeful that the significant issues presented herein are recognized for what they really are, a single purpose to protect Sophie and ensure her best interests are preserved.

RHETORICAL QUESTIONS

While Renelyn is confident that she knows the answers to the following questions they are offered to summarize the bases of the relief she seeks herein:

1. Is a middle-aged parent who would attempt to have sex with a 15 year old girl a fit candidate for joint custody of a young girl?

2. Should a parent who has such vile sexual proclivities have unsupervised contact with his daughter?

3. Is a parent who will not co-parent in any way a fit candidate for joint

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custody?

4. Is a parent that routinely violates the custody order in letter and intent a fit candidate for joint custody?

5. Is a parent who fabricates false allegations of child abuse against the other parent's significant other a fit candidate for joint custody?

6. Is a parent who tries to program a five-year-old against the other parent and/or their significant other a fit candidate for joint custody?

7. Is a parent who will not make a 30 minute to 1 hour accommodation a joint custodian?

8. What more does Plaintiff need to do to evidence his unfitness as a joint custodial parent?

While Renelyn believes that there is sufficient evidence contained in this Motion for the Court to answer these questions, she is certain that discovery will provide even more evidence of why it is in Sophie's best interests to be in her primary care and custody.

II. POINTS AND AUTHORITIES

N.R.S. 125C.0035 states as follows:

> 125C.0035. Best interests of child: Joint physical custody; preferences; presumptions when court determines parent or person seeking custody is perpetrator of domestic violence or has committed act of abduction against child or any other child
>
> 1. In any action for determining physical custody of a minor child, the sole consideration of the court is the best interest of the child. If it appears to the court that joint physical custody would

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be in the best interest of the child, the court may grant physical custody to the parties jointly.

2. Preference must not be given to either parent for the sole reason that the parent is the mother or the father of the child.

3. The court shall award physical custody in the following order of preference unless in a particular case the best interest of the child requires otherwise:

(a) To both parents jointly pursuant to NRS 125C.0025 or to either parent pursuant to NRS 125C.003. If the court does not enter an order awarding joint physical custody of a child after either parent has applied for joint physical custody, the court shall state in its decision the reason for its denial of the parent's application.

(b) To a person or persons in whose home the child has been living and where the child has had a wholesome and stable environment.

(c) To any person related within the fifth degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this State.

(d) To any other person or persons whom the court finds suitable and able to provide proper care and guidance for the child.

4. In determining the best interest of the child, the court shall consider and set forth its specific findings concerning, among other things:

(a) The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his or her physical custody.

(b) Any nomination of a guardian for the child by a parent.

(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.

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(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 physical 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.

(l) Whether either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child.

5. Except as otherwise provided in subsection 6 or NRS 125C.210, a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking physical custody has engaged in one or more acts of domestic violence against the child, a parent of the child or any other person residing with the child creates a rebuttable presumption that sole or joint physical custody of the child by the perpetrator of the domestic violence is not in the best interest of the child. Upon making such a determination, the court shall set forth:

(a) Findings of fact that support the determination that one or more acts of domestic violence occurred; and

(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other victim of domestic violence who resided with the child.

6. If after an evidentiary hearing held pursuant to subsection 5 the court determines that each party has engaged in acts of domestic violence, it shall, if possible, then determine which person was the primary physical aggressor. In determining which party was the primary physical aggressor for the purposes of this section, the court shall consider:

(a) All prior acts of domestic violence involving either party;

(b) The relative severity of the injuries, if any, inflicted upon the persons involved in those prior acts of domestic violence;

(c) The likelihood of future injury;

(d) Whether, during the prior acts, one of the parties acted in self-defense; and

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(e) Any other factors which the court deems relevant to the determination.

In such a case, if it is not possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies to both parties. If it is possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies only to the party determined by the court to be the primary physical aggressor.

7. A determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child creates a rebuttable presumption that sole or joint physical custody or unsupervised visitation of the child by the perpetrator of the abduction is not in the best interest of the child. If the parent or other person seeking physical custody does not rebut the presumption, the court shall not enter an order for sole or joint physical custody or unsupervised visitation of the child by the perpetrator and the court shall set forth:

(a) Findings of fact that support the determination that one or more acts of abduction occurred; and

(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other person from whom the child was abducted.

8. For the purposes of subsection 7, any of the following acts constitute conclusive evidence that an act of abduction occurred:

(a) A conviction of the defendant of any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct;

(b) A plea of guilty or nolo contendere by the defendant to any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct; or

(c) An admission by the defendant to the court of the facts contained in the charging document alleging a violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.

9. If, after a court enters a final order concerning physical

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custody of the child, a magistrate determines there is probable cause to believe that an act of abduction has been committed against the child or any other child and that a person who has been awarded sole or joint physical custody or unsupervised visitation of the child has committed the act, the court shall, upon a Motion to modify the order concerning physical custody, reconsider the previous order concerning physical custody pursuant to subsections 7 and 8.

10. As used in this section:

(a) "Abduction" means the commission of an act described in NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.

(b) "Domestic violence" means the commission of any act described in NRS 33.018.

III. ATTORNEYS' FEES

Renelyn should never have had to file this Motion. Because she has, this Court should enter an order granting Renelyn her attorneys' fees for having to file this Motion subject to the submission by the undersigned counsel of an affidavit consistent with Miller v. Wilfong, 121 Nev. 619, 119 P.3d 727 (2005) and Brunzell v. Golden Gate National Bank, 85 Nev. 345, 455 P.2d 31 (1969). It is unknown what the total amount of fees incurred as a result of filing this Motion and arguing it will be, but at the conclusion of the proceedings on this Motion, it would be Renelyn's request that she be permitted to submit the order to Court adjudicating this Motion with a blank included in which the Court upon reviewing the undersigned counsel's Miller v. Wilfong affidavit will include an amount for James to pay as and for attorneys' fees.

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IV. CONCLUSION

Based upon the forgoing, this Court should enter the following orders:

1. Awarding Renelyn temporary primary custody pending an evidentiary hearing to change custody on a permanent basis.

2. An order requiring all visitation by Plaintiff to be supervised.

3. An order opening discovery.

4. Awarding Renelyn her attorneys' fees for having to file this Motion.

5. Any other relief this Court deems just and appropriate.

RESPECTFULLY SUBMITTED this 17 day of February, 2017.

BLACK & LOBELLO

John D. Jones
Nevada State Bar No. 6699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
702-869-8801
Attorneys for Defendant,
RENELYN BAUTISTA

BLACK & LOBELLO
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Las Vegas, Nevada 89135
702-869-8801 FAX: 702-869-2669

DECLARATION OF DEFENDANT IN SUPPORT OF HER MOTION TO CHANGE CUSTODY AND FOR ATTORNEYS' FEES AND COSTS

RENELYN BAUTISTA, being first duly sworn, deposes and says:

That I am the Plaintiff in the above-entitled action. I have personal knowledge of the facts and circumstances set forth in this Declaration.

That I have read the foregoing MOTION TO CHANGE CUSTODY AND FOR ATTORNEYS' FEES AND COSTS and know the contents thereof; that the same is true of my own knowledge except for those matters therein stated on information and belief and as to those matters, I believe them to be true. The allegations contained in the Motion are adopted as if fully set forth in this Declaration.

Signed under pains and penalties of perjury this _____ day of February, 2017

RENELYN BAUTISTA

BLACK & LOBELLO

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17th day of February, 2017 I served a true and correct copy of the DEFENDANT'S MOTION TO CHANGE CUSTODY AND FOR ATTORNEYS' FEES AND COSTS, upon each of the parties by **electronic service** through Wiznet, the Eighth Judicial District Court's e-filing/e-service system, pursuant to N.E.F.C.R. 9; and by depositing a copy of the same in a sealed envelope in the United States Mail, Postage Pre-Paid, addressed as follows:

James Picone
6309 Katella Avenue
Las Vegas, NV 89118
Email: jampico7@aol.com
Plaintiff *in Proper Person*

Cheryl Berdoll
an Employee of Black & LoBello

BLACK & LOBELLO
10777 W. Twain Avenue, 3rd Floor
Las Vegas, Nevada 89135
702-869-8801 FAX: 702-869-2669

MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

JAMES PICONE,
Plaintiff/Petitioner

v.
RENELYN BAUTISTA,
Defendant/Respondent

Case No. D-14-495928-P

Dept. N

MOTION/OPPOSITION FEE INFORMATION SHEET

Notice: Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of $25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of $129 or $57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

Step 1. Select either the $25 or $0 filing fee in the box below.

☑ **$25** The Motion/Opposition being filed with this form is subject to the $25 reopen fee.

-OR-

☐ **$0** The Motion/Opposition being filed with this form is not subject to the $25 reopen fee because:

- ☐ The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.
- ☐ The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.
- ☐ The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____.
- ☐ Other Excluded Motion (must specify) _____.

Step 2. Select the $0, $129 or $57 filing fee in the box below.

☑ **$0** The Motion/Opposition being filed with this form is not subject to the $129 or the $57 fee because:

- ☑ The Motion/Opposition is being filed in a case that was not initiated by joint petition.
- ☐ The party filing the Motion/Opposition previously paid a fee of $129 or $57.

-OR-

☐ **$129** The Motion being filed with this form is subject to the $129 fee because it is a motion to modify, adjust or enforce a final order.

-OR-

☐ **$57** The Motion/Opposition being filing with this form is subject to the $57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of $129.

Step 3. Add the filing fees from Step 1 and Step 2.

The total filing fee for the motion/opposition I am filing with this form is:

☐ **$0** ☑ **$25** ☐ **$57** ☐ **$82** ☐ **$129** ☐ **$154**

Party filing Motion/Opposition: Renelyn Bautista Date 2/17/17

Signature of Party or Preparer Cheryl Berdahl

Exhibit A

Exhibit A

CLARK COUNTY
DEPARTMENT OF FAMILY SERVICES
121 South Martin Luther King Blvd
Las Vegas, Nevada 89106
(702) 455-5444

Notice of Child Protective Services Report Disposition

Date: 4-22-16

Name: SCHRAMM, JAMES
Address: 111 S GIBSON RD
HENDERSON NV 89012

Case No. 1395847 Report No. 1687352

Child(ren): PICONE, SOPHIA, A.

Dear Renelyn and James,

The above named family or child was referred to our agency for Child Protective Services response and intervention. The purpose of this letter is to inform you of this agency's disposition involving the above-named minor child(ren). The Protective Services report was closed on 4-22-16 with a disposition of Unsubstantiated.

If you have further questions, please contact the Child Protective Services Investigator, Renee Ramberg at 702-455-8481, who was assigned to your case.

Sincerely,

Renee Ramberg
Senior Investigator, CPS
Department of Family Services

Exhibit B

Exhibit B

Delete | Delete | Move To | Previous | Next | Print

From: Renelyn Schramm

To: James Picone (First View: 01/24/2017 3:38 PM)

Sent: 01/24/2017 3:36 PM

Subject: work schedule

Message:

jimmy,

Pursuant to the agreement we made with the parent coordinator, please provide me your weekly work schedule. As you know I'm happy and available to care for Sophia anytime you have to work during your time share.

Ren

Exhibit C

Exhibit C

DECL
BLACK & LOBELLO
John D. Jones, Esq.
Nevada Bar No. 6699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
Telephone No.: 702-869-8801
Facsimile No.: 702-869-2669
Email: jjones@blacklobello.law
Attorneys for Defendant,
RENELYN BAUTISTA

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

JAMES PICONE, Plaintiff vs. RENELYN BAUTISTA, Defendant	CASE NO.: D-14-495928-P DEPT. NO.: N

DECLARATION OF LOUIE MADERAZO

LOUI E MADERAZO, being first duly sworn, deposes and says:

1. I offer this Declaration of my own personal knowledge.

2. My name is Louie Maderazo, and I would like to explain an incident that happened on October 5, 2016.

3. I went with James Schramm to pick up his stepdaughter Sophia on October 5, 2016.

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4. After we got there, Jimmy Picone was already there. After we parked for the exchange, we waited a while.

5. Jimmy Picone got out of his car, standing in front of his car and videotaping us instead of getting Sophie out of his car. It was really weird and uncomfortable watching this.

6. Finally, Jimmy Picone got Sophie out of his car and Sophie ran over to us with a big smile and excitement on her face. She looked very happy to see us.

7. Jimmy Picone videotaped us. We started getting Sophie into James Schramm's car. Jimmy Picone got in his car very fast and drove very close to us as we were getting Sophie in the car. Before he passed us he stopped to videotape us more through his open window. Then he pulled away very fast as you could hear him swear, being mad.

8. There was a lot of traffic on the road bumper-to-bumper. Jimmy Picone stopped his car at the entrance/exit of the parking lot that we were in to talk to some lady that was walking on the sidewalk.

9. James Schramm cautiously and slowly went around Jimmy Picone and turned on the street.

10. As soon as James Schramm did this, Jimmy Picone right away followed James Schramm very close to his bumper. He was so close to the bumper that it would not allow any cars to go between.

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11. We were traveling less than 1 mph because of the stop and go traffic.

12. James Schramm slowly merged into the middle lane and then merged into the far left lane.

13. Jimmy Picone followed James Schramm all the way to the left lane. He was videotaping us the whole time.

14. The traffic then stopped again. That is when I felt Mr. Picone's car strike the rear bumper of James' car. James Schramm could not believe that Picone stopped his car when the traffic stopped and then moved his car to bump our car.

15. James Schramm was videotaping Jimmy Picone doing this through his rearview mirror. When Jimmy Picone bumped us, James Schramm looked back with a very confused look on his face. I looked back to and we saw Jimmy Picone cheering in his car with his arms up like he was celebrating something. Our windows were open and so were his so we could hear him.

16. Then we could see and hear him happily celebrating saying thank you! I got you! I got your fucking ass Schramm! thank you! thank you! I got you! ha ha I got you Schramm HaHa.

17. I have never seen anything like this before. I will never forget it. I could not believe a father would do that to his daughter.

18. James Schramm did not react and noticed that the traffic started moving. We noticed that there was a car accident in the left lane causing this

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traffic. James Schramm merged to the middle lane to go around the accident scene.

19. Jimmy Picone was so close to our bumper that he could not see the traffic accident scene in front of us.

20. So when James Schramm merged into the center lane Jimmy Picone was not able to continue to follow.

21. James Schramm and I did not show Sophie that anything was wrong.

Signed under the pains and penalties of perjury this ____ day of February, 2017.

LOUIE MADERAZO

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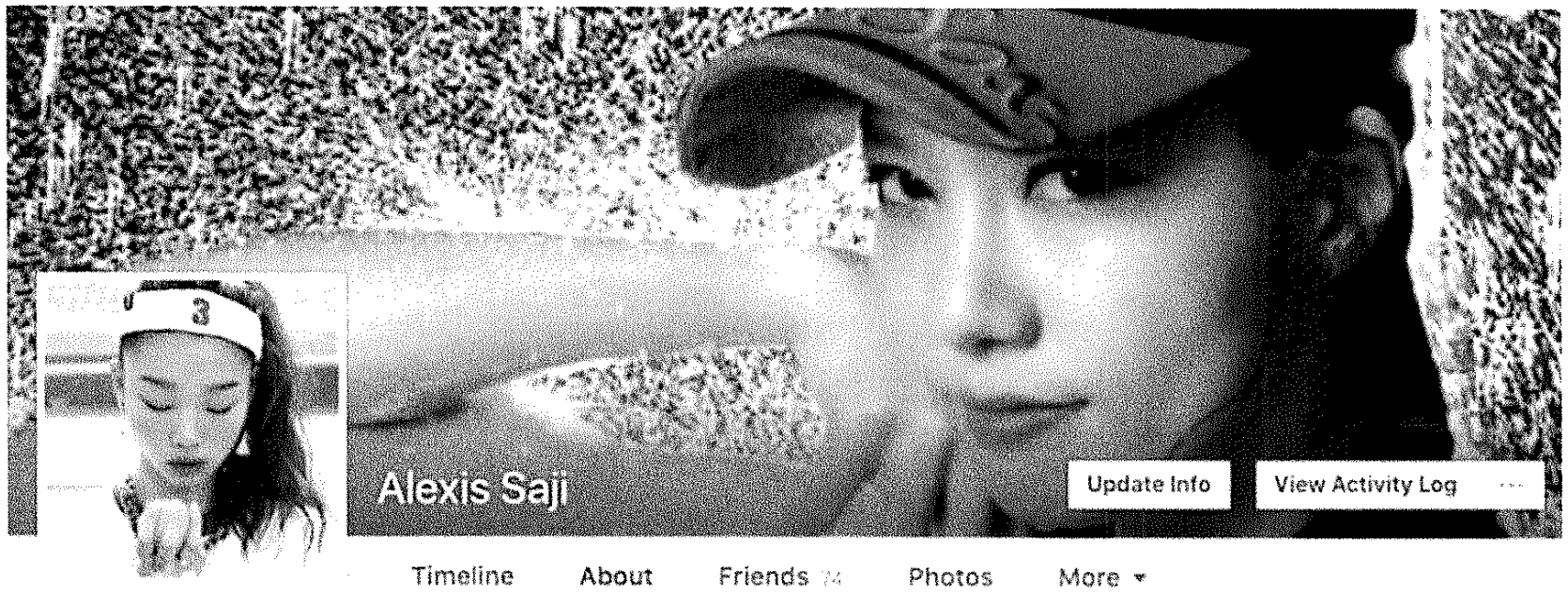
702-869-8801 FAX: 702-869-2669

Exhibit D

Exhibit D

#1



About

Overview

Work and Education

Places You've Lived

Contact and Basic Info

Family and Relationships

Details About You

Life Events

Sales Associate at Bling-Bling Deals
2012 to present

Went to Phillips Academy

Lives in Las Vegas, Nevada
From Buffalo, New York

100011952005520@facebook.com

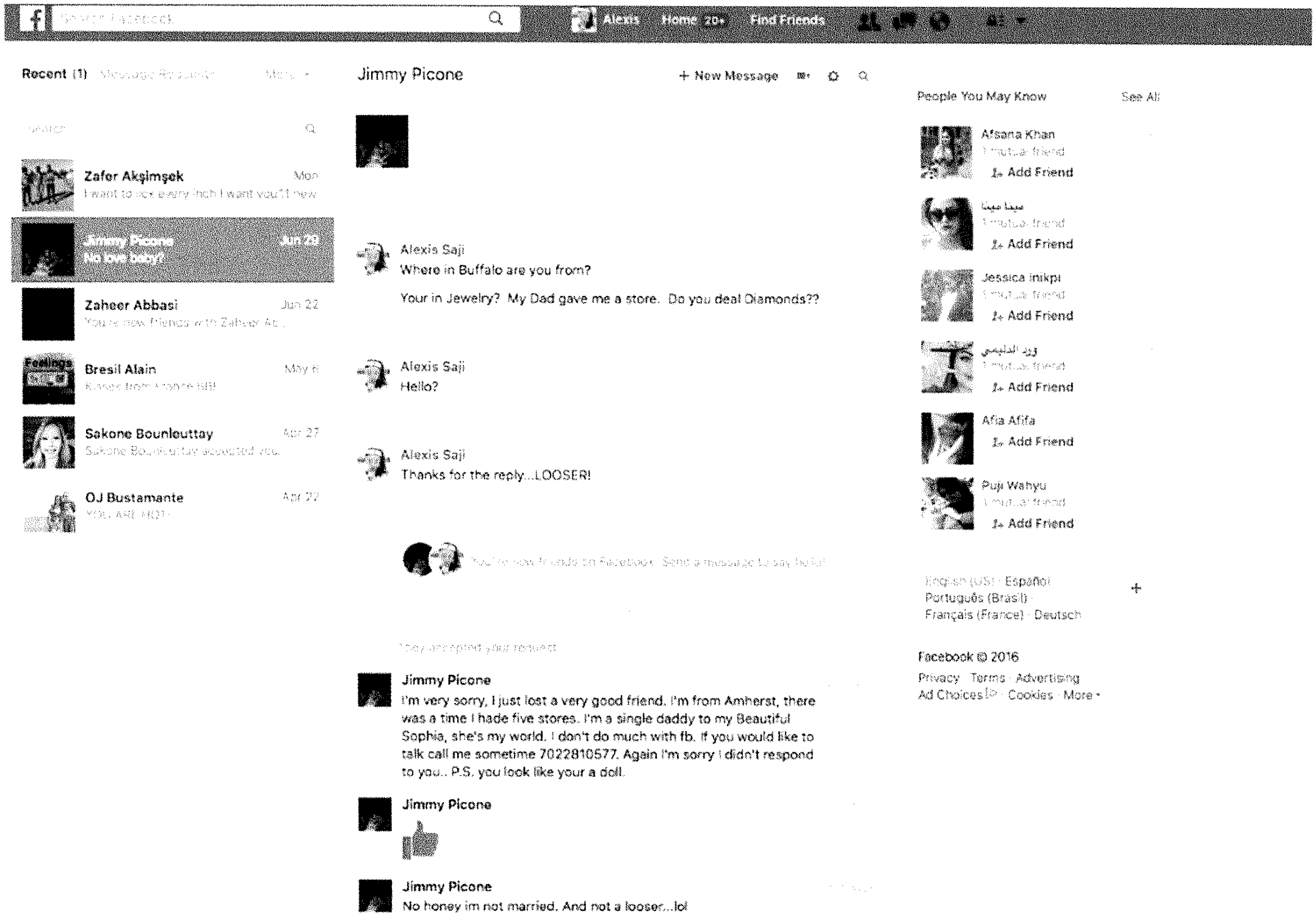
http://www.Bling-BlingDeals.com/

October 10, 2000

Exhibit E

Exhibit E

#2


Search Facebook
Alexis
Home 20+
Find Friends
Recent (1)
Zafer Akşimşek
Mon
Jimmy Picone
Jun 29
No bye baby?
Zaheer Abbasi
Jun 22
Bresil Alain
Sakone Bounleuttay
Apr 27
OJ Bustamante
Apr 27
Jimmy Picone
+ New Message
Alexis Saji
Where in Buffalo are you from?
Your in Jewelry? My Dad gave me a store. Do you deal Diamonds??
Alexis Saji
Hello?
Alexis Saji
Thanks for the reply...LOOSER!
Jimmy Picone
I'm very sorry, I just lost a very good friend. I'm from Amherst, there was a time I hade five stores. I'm a single daddy to my Beautiful Sophia, she's my world. I don't do much with fb. If you would like to talk call me sometime 7022810577. Again I'm sorry I didn't respond to you.. P.S. you look like your a doll.
Jimmy Picone
Jimmy Picone
No honey im not married. And not a looser...lol
People You May Know
See All
Afsana Khan
Add Friend
Jessica Inikpi
Add Friend
Afia Afifa
Add Friend
Puji Wahyu
Add Friend
English (US) · Español
Português (Brasil) ·
Français (France) · Deutsch
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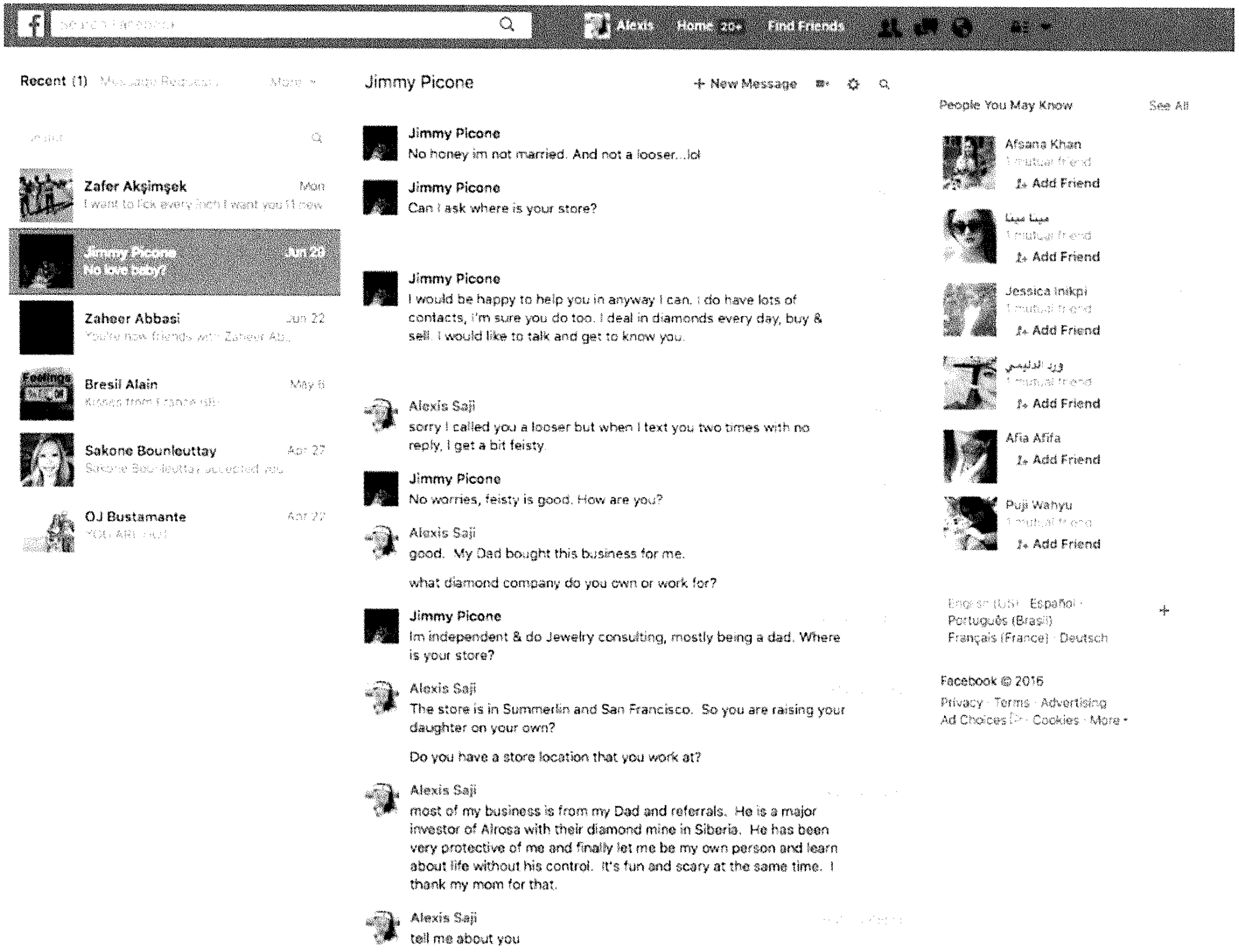
#3


Alexis
Home 20+
Find Friends
Recent (1)
More
Jimmy Picone
+ New Message
Zafer Akşimşek
Mon
Jimmy Picone
Jun 29
No bro baby!
Zaheer Abbasi
Jun 22
Bresil Alain
May 6
Sakone Bounleuttay
Apr 27
OJ Bustamante
Apr 22
Jimmy Picone
No honey im not married. And not a looser...lol
Jimmy Picone
Can I ask where is your store?
Jimmy Picone
I would be happy to help you in anyway I can. I do have lots of contacts, i'm sure you do too. I deal in diamonds every day, buy & sell. I would like to talk and get to know you.
Alexis Saji
sorry I called you a looser but when I text you two times with no reply, I get a bit feisty.
Jimmy Picone
No worries, feisty is good. How are you?
Alexis Saji
good. My Dad bought this business for me.
what diamond company do you own or work for?
Jimmy Picone
Im independent & do Jewelry consulting, mostly being a dad. Where is your store?
Alexis Saji
The store is in Summerlin and San Francisco. So you are raising your daughter on your own?
Do you have a store location that you work at?
Alexis Saji
most of my business is from my Dad and referrals. He is a major investor of Alrosa with their diamond mine in Siberia. He has been very protective of me and finally let me be my own person and learn about life without his control. It's fun and scary at the same time. I thank my mom for that.
Alexis Saji
tell me about you
People You May Know
See All
Afsana Khan
Add Friend
Add Friend
Jessica Inkpi
Add Friend
Add Friend
Afia Afifa
Add Friend
Puji Wahyu
Add Friend
English (US) · Español ·
Português (Brasil)
Français (France) · Deutsch
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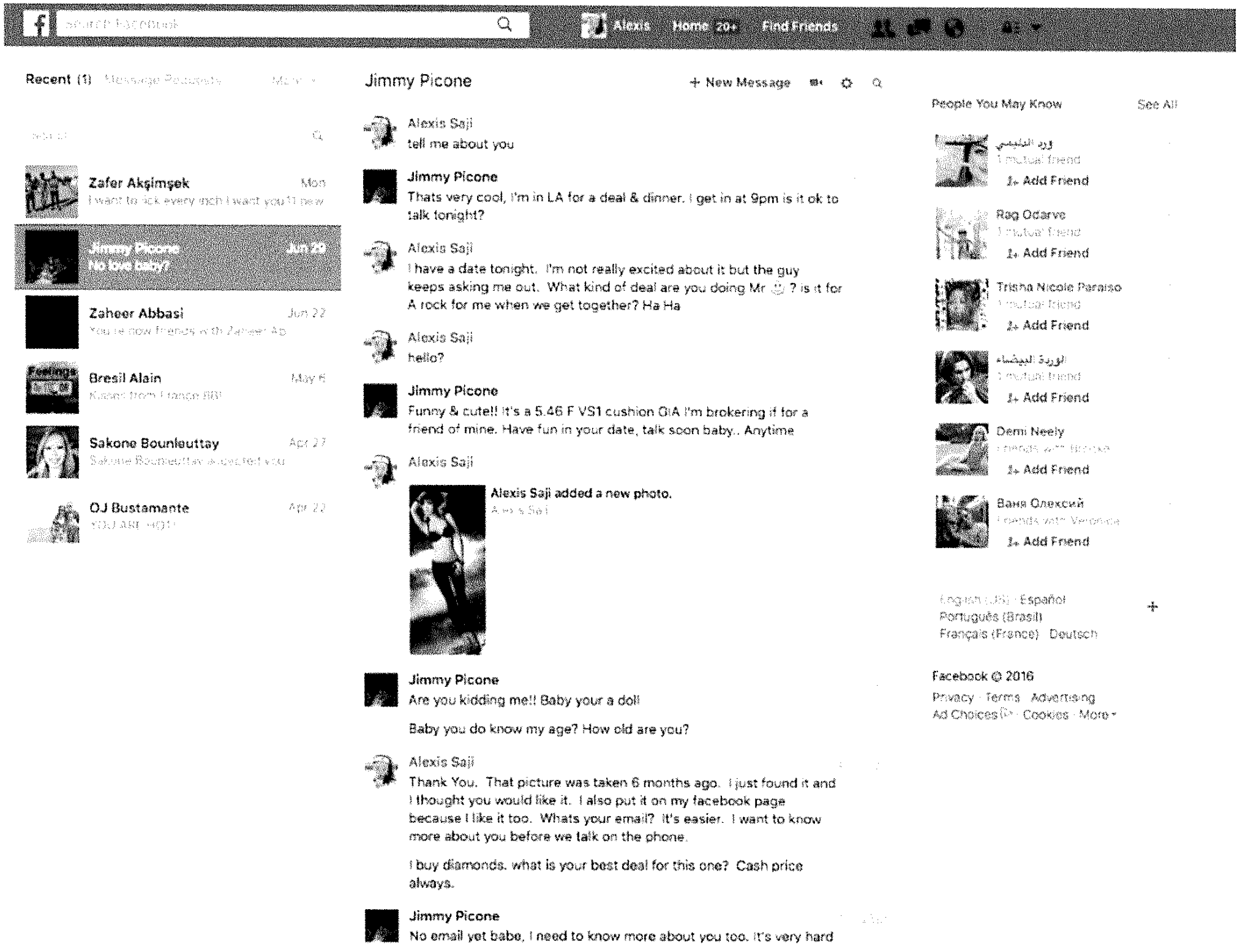
#4


Search Facebook
Alexis
Home 20+
Find Friends
Recent (1)
Zafer Akşimşek
Mon
I want to lick every inch I want you!! new
Jimmy Picone
Jun 29
No love baby?
Zaheer Abbasi
Jun 22
You're now friends with Zaheer Ab
Bresil Alain
May 6
Kisses from France !!!!!
Sakone Bounleuttay
Apr 27
OJ Bustamante
Apr 27
YOU ARE HOT!
Jimmy Picone
+ New Message
Alexis Saji
tell me about you
Jimmy Picone
Thats very cool, I'm in LA for a deal & dinner. I get in at 9pm is it ok to talk tonight?
Alexis Saji
I have a date tonight. I'm not really excited about it but the guy keeps asking me out. What kind of deal are you doing Mr ? is it for A rock for me when we get together? Ha Ha
Alexis Saji
hello?
Jimmy Picone
Funny & cute!! It's a 5.46 F VS1 cushion GIA I'm brokering if for a friend of mine. Have fun in your date, talk soon baby.. Anytime
Alexis Saji
Alexis Saji added a new photo.
Alexis Saji
Jimmy Picone
Are you kidding me!! Baby your a doll
Baby you do know my age? How old are you?
Alexis Saji
Thank You. That picture was taken 6 months ago. I just found it and I thought you would like it. I also put it on my facebook page because I like it too. Whats your email? It's easier. I want to know more about you before we talk on the phone.
I buy diamonds. what is your best deal for this one? Cash price always.
Jimmy Picone
No email yet babe, I need to know more about you too. It's very hard
People You May Know
See All
1+ Add Friend
Rag Odarve
1+ Add Friend
Trisha Nicole Paraiso
1+ Add Friend
1+ Add Friend
Demi Neely
1+ Add Friend
Ваня Олексий
1+ Add Friend
Español
Português (Brasil)
Français (France)
Deutsch
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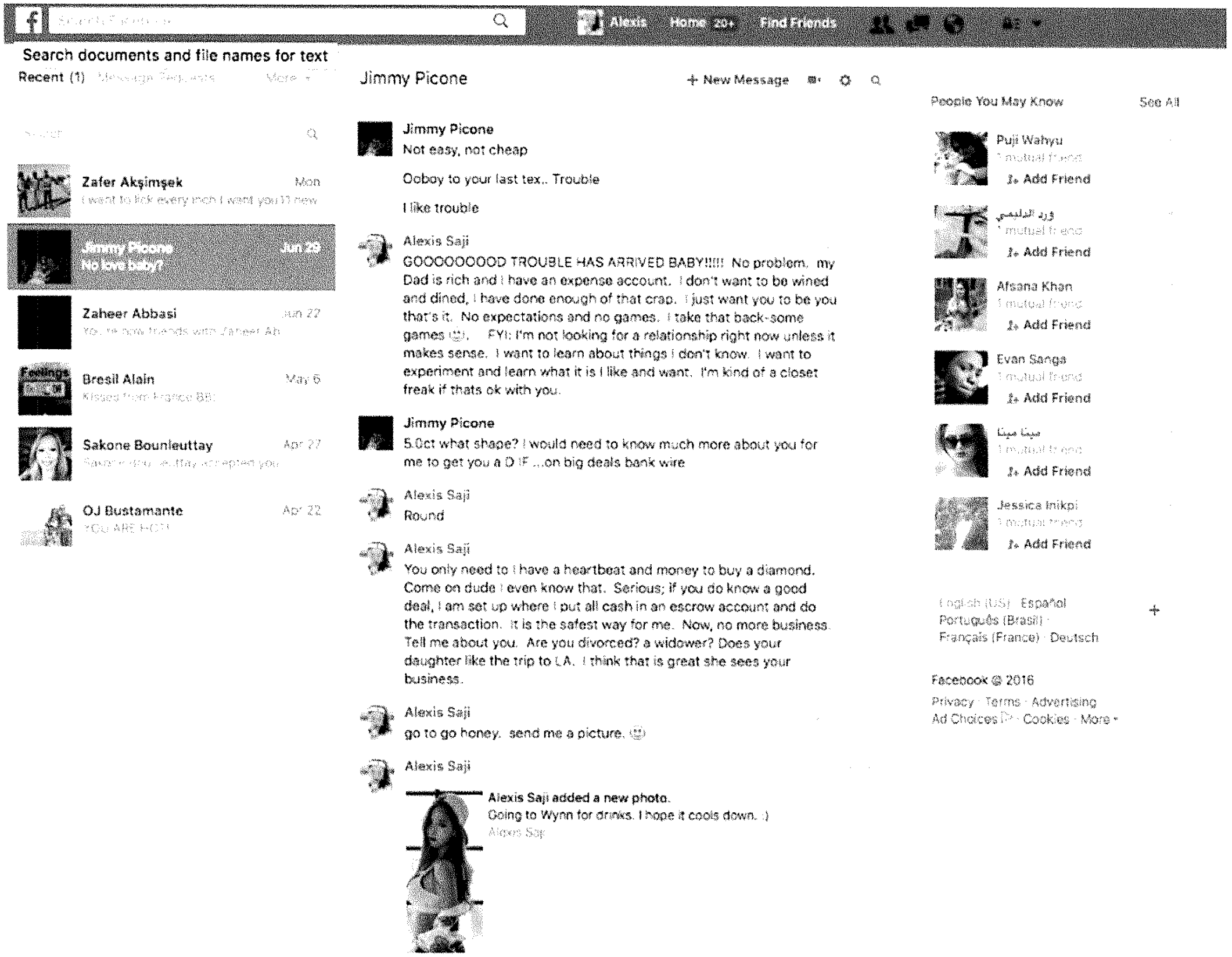
#5


Search documents and file names for text
Recent (1)
Zafer Akşimşek Mon
Jimmy Picone Jun 29
No love baby?
Zaheer Abbasi Jun 27
Bresil Alain May 6
Sakone Bounleuttay Apr 27
OJ Bustamante Apr 22
Alexis Home 20+ Find Friends
Jimmy Picone
+ New Message
Jimmy Picone
Not easy, not cheap
Ooboy to your last tex.. Trouble
I like trouble
Alexis Saji
GOOOOOOOOD TROUBLE HAS ARRIVED BABY!!!!! No problem. my Dad is rich and I have an expense account. I don't want to be wined and dined, I have done enough of that crap. I just want you to be you that's it. No expectations and no games. I take that back-some games . FYI: I'm not looking for a relationship right now unless it makes sense. I want to learn about things I don't know. I want to experiment and learn what it is I like and want. I'm kind of a closet freak if thats ok with you.
Jimmy Picone
5.0ct what shape? I would need to know much more about you for me to get you a D IF ...on big deals bank wire
Alexis Saji
Round
Alexis Saji
You only need to I have a heartbeat and money to buy a diamond. Come on dude I even know that. Serious; if you do know a good deal, I am set up where I put all cash in an escrow account and do the transaction. It is the safest way for me. Now, no more business. Tell me about you. Are you divorced? a widower? Does your daughter like the trip to LA. I think that is great she sees your business.
Alexis Saji
go to go honey. send me a picture.
Alexis Saji
Alexis Saji added a new photo.
Going to Wynn for drinks. I hope it cools down. :)
People You May Know
See All
Puji Wahyu
Add Friend
Afsana Khan
Add Friend
Evan Sanga
Add Friend
Jessica Inikpi
Add Friend
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Português (Brasil) ·
Français (France) · Deutsch
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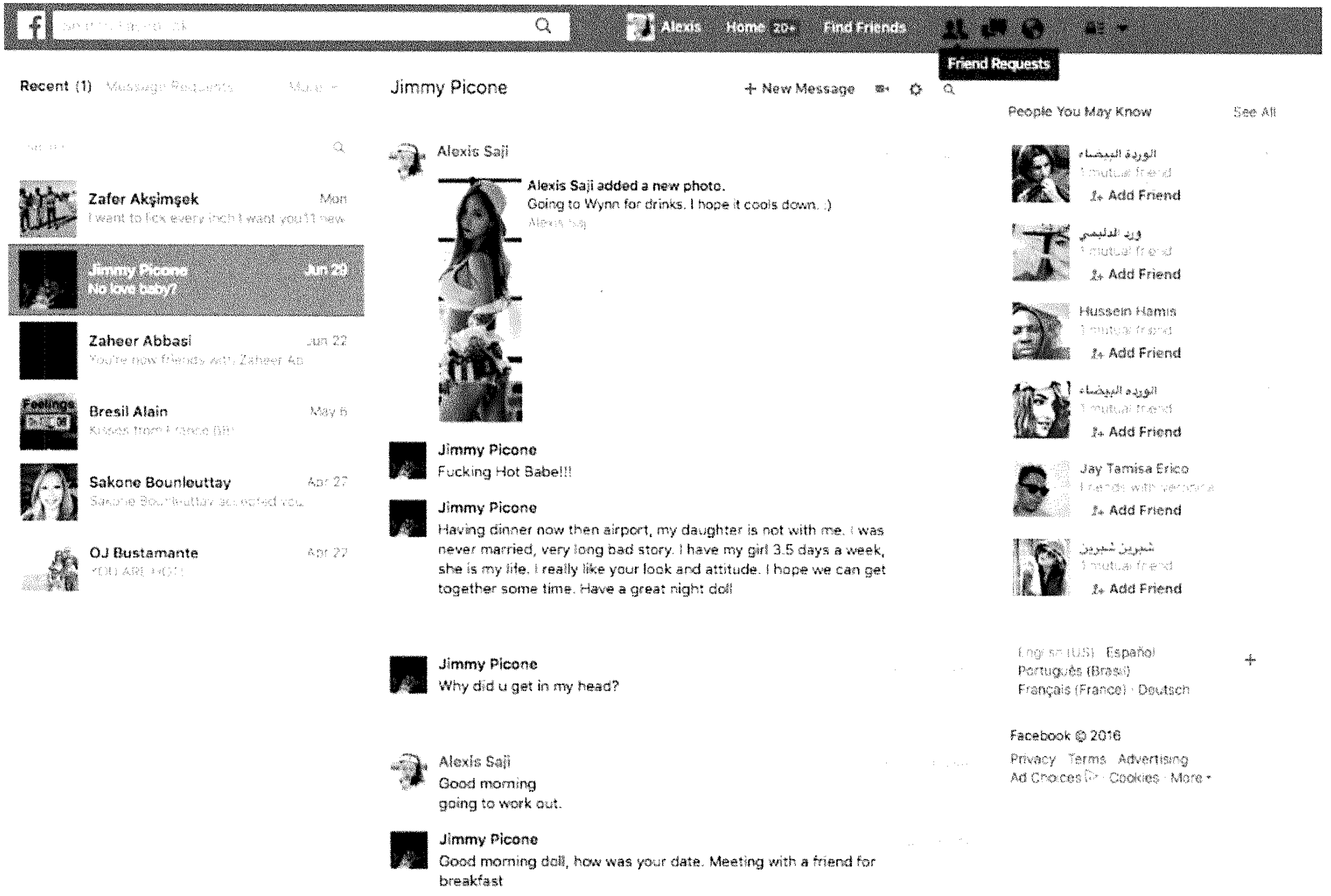
#6


Alexis
Home 20+
Find Friends
Friend Requests
Recent (1)
Jimmy Picone
+ New Message
Zafer Akşimşek
Mon
Jimmy Picone
No love baby?
Jun 29
Zaheer Abbasi
Jun 22
Bresil Alain
May 6
Sakone Bounleuttay
Apr 27
OJ Bustamante
Apr 27
Alexis Saji
Alexis Saji added a new photo.
Going to Wynn for drinks. I hope it cools down. :)
Jimmy Picone
Fucking Hot Babe!!!
Jimmy Picone
Having dinner now then airport, my daughter is not with me. I was never married, very long bad story. I have my girl 3.5 days a week, she is my life. I really like your look and attitude. I hope we can get together some time. Have a great night doll
Jimmy Picone
Why did u get in my head?
Alexis Saji
Good morning
going to work out.
Jimmy Picone
Good morning doll, how was your date. Meeting with a friend for breakfast
People You May Know
See All
Add Friend
Hussein Hamis
Jay Tamisa Erico
Español
Português (Brasil)
Français (France)
Deutsch
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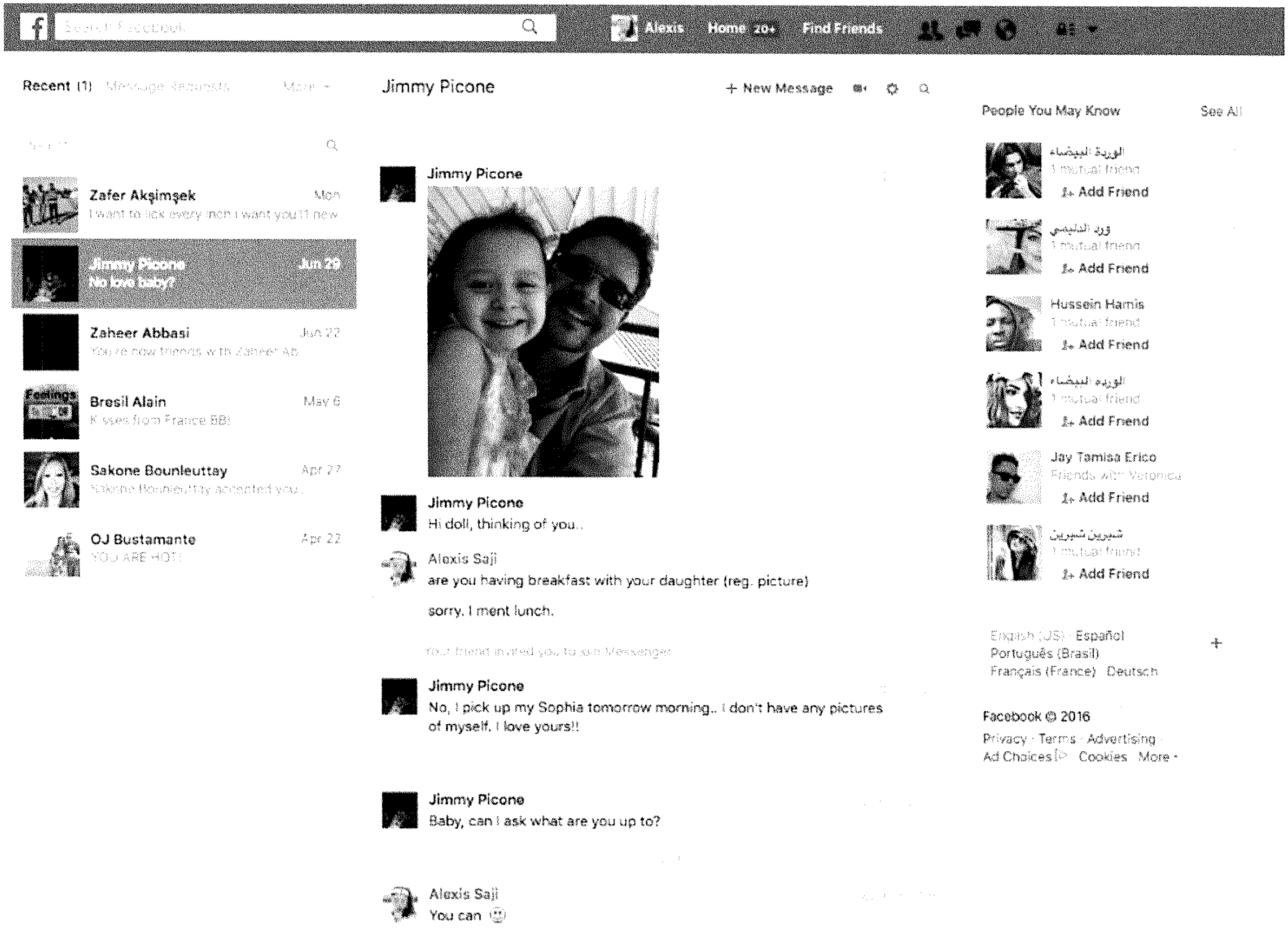
#7


Search Facebook
Alexis
Home 20+
Find Friends
Recent (1)
Message Requests
More
Zafer Akşimşek
Mon
I want to lick every inch I want you!! new
Jimmy Picone
Jun 29
No love baby?
Zaheer Abbasi
Jun 22
You're now friends with Zaheer Ab
Bresil Alain
May 6
Kisses from France BB!
Sakone Bounleuttay
Apr 27
Sakone Bounleuttay accepted you.
OJ Bustamante
Apr 22
YOU ARE HOT!
Jimmy Picone
+ New Message
Jimmy Picone
Jimmy Picone
Hi doll, thinking of you..
Alexis Saji
are you having breakfast with your daughter (reg. picture)
sorry. I ment lunch.
Your friend invited you to join Messenger
Jimmy Picone
No, I pick up my Sophia tomorrow morning.. I don't have any pictures of myself. I love yours!!
Jimmy Picone
Baby, can I ask what are you up to?
Alexis Saji
You can
People You May Know
See All
الوردة البيضاء
1 mutual friend
Add Friend
ورد الطليحي
1 mutual friend
Add Friend
Hussein Hamis
1 mutual friend
Add Friend
الورده البيضاء
1 mutual friend
Add Friend
Jay Tamisa Erico
Friends with Veronica
Add Friend
شيرين شيرين
1 mutual friend
Add Friend
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#9

Alexis Home 20+ Find Friends

Recent (1) Message Requests More

Search

Zafer Akşimşek Mon
I want to fck every inch I want you!!! new

Jimmy Picone Jun 29
No love baby?

Zaheer Abbasi Jun 22
You're now friends with Zaheer Ab

Bresil Alain May 6
Nuces from France BB

Sakone Bounleuttay Apr 27
Sakone Bounleuttay accepted you...

OJ Bustamante Apr 22
YOU ARE HOT!

Jimmy Picone

+ New Message

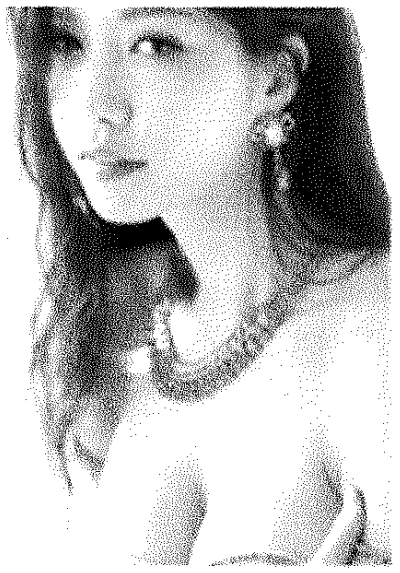
Alexis Saji
You can

Alexis Saji
Tell me about you... Why do you say you had a bad experience with your daughters mommy? Were is your office? With your success as a diamond dealer, I am surprised you only have your daughter 3 days a week. Tell me about your friend that passed away. I'm sorry about that you lost your friend. Just give me the run down and I will do the same to you.

If we are going to meet up tomorrow night I want to get to know you.

Alexis Saji
send me a current picture of you. I want to see who is going to teach me some things tomorrow night

Alexis Saji



Jimmy Picone
Baby I would rather tell you everything over the phone or in person. I'm not really into this texting shit. It's fun but?? That photo was last week, we went to the Margie. Im just going in the pool with Sophia for the 5th time.
You are incredibly beautiful. I love your look baby... Trouble

People You May Know See All

Evan Sanga
1 mutual friend
Add Friend

Puji Wahyu
1 mutual friend
Add Friend

وردة الدنيسي
1 mutual friend
Add Friend

Afsana Khan
1 mutual friend
Add Friend

Lovely Sarah Malaba
1 mutual friend
Add Friend

مينا مينا
1 mutual friend
Add Friend

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Português (Brasil)
Français (France) · Deutsch

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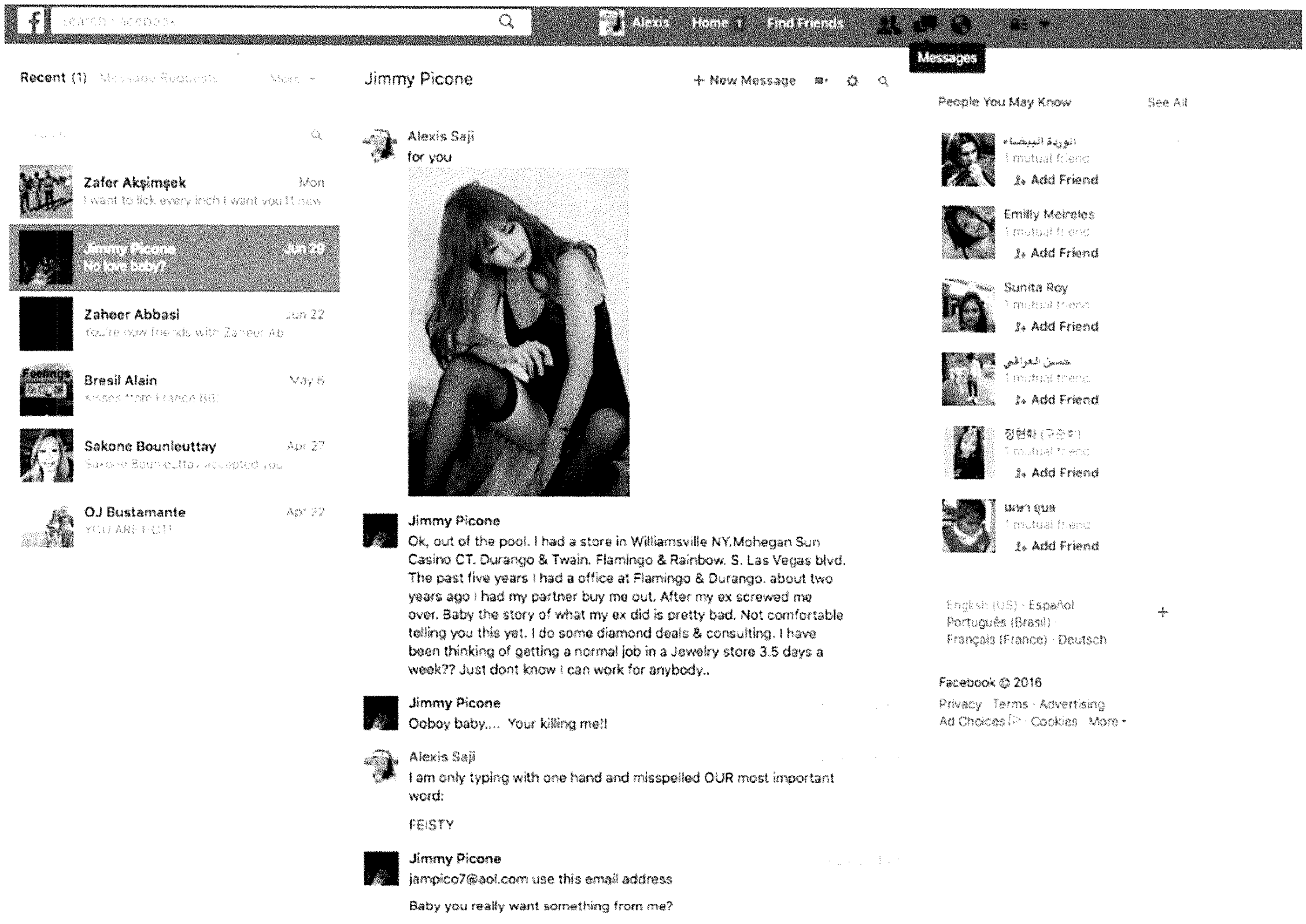
AA 000442

#10


Alexis
Home 1
Find Friends
Messages
Recent (1)
Jimmy Picone
+ New Message
People You May Know
See All
Zafer Akşimşek
Mon
Jimmy Picone
Jun 29
No love baby?
Zaheer Abbasi
Jun 22
Bresil Alain
May 6
Sakone Bounleuttay
Apr 27
OJ Bustamante
Apr 22
Alexis Saji
for you
Jimmy Picone
Ok, out of the pool. I had a store in Williamsville NY,Mohegan Sun Casino CT. Durango & Twain. Flamingo & Rainbow. S. Las Vegas blvd. The past five years I had a office at Flamingo & Durango. about two years ago I had my partner buy me out. After my ex screwed me over. Baby the story of what my ex did is pretty bad. Not comfortable telling you this yet. I do some diamond deals & consulting. I have been thinking of getting a normal job in a Jewelry store 3.5 days a week?? Just dont know I can work for anybody..
Jimmy Picone
Ooboy baby.... Your killing me!!
Alexis Saji
I am only typing with one hand and misspelled OUR most important word:
FEISTY
Jimmy Picone
jampico7@aol.com use this email address
Baby you really want something from me?
Emilly Meireles
Add Friend
Sunita Roy
Add Friend
Add Friend
Add Friend
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Français (France) · Deutsch
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AA 000443

#11

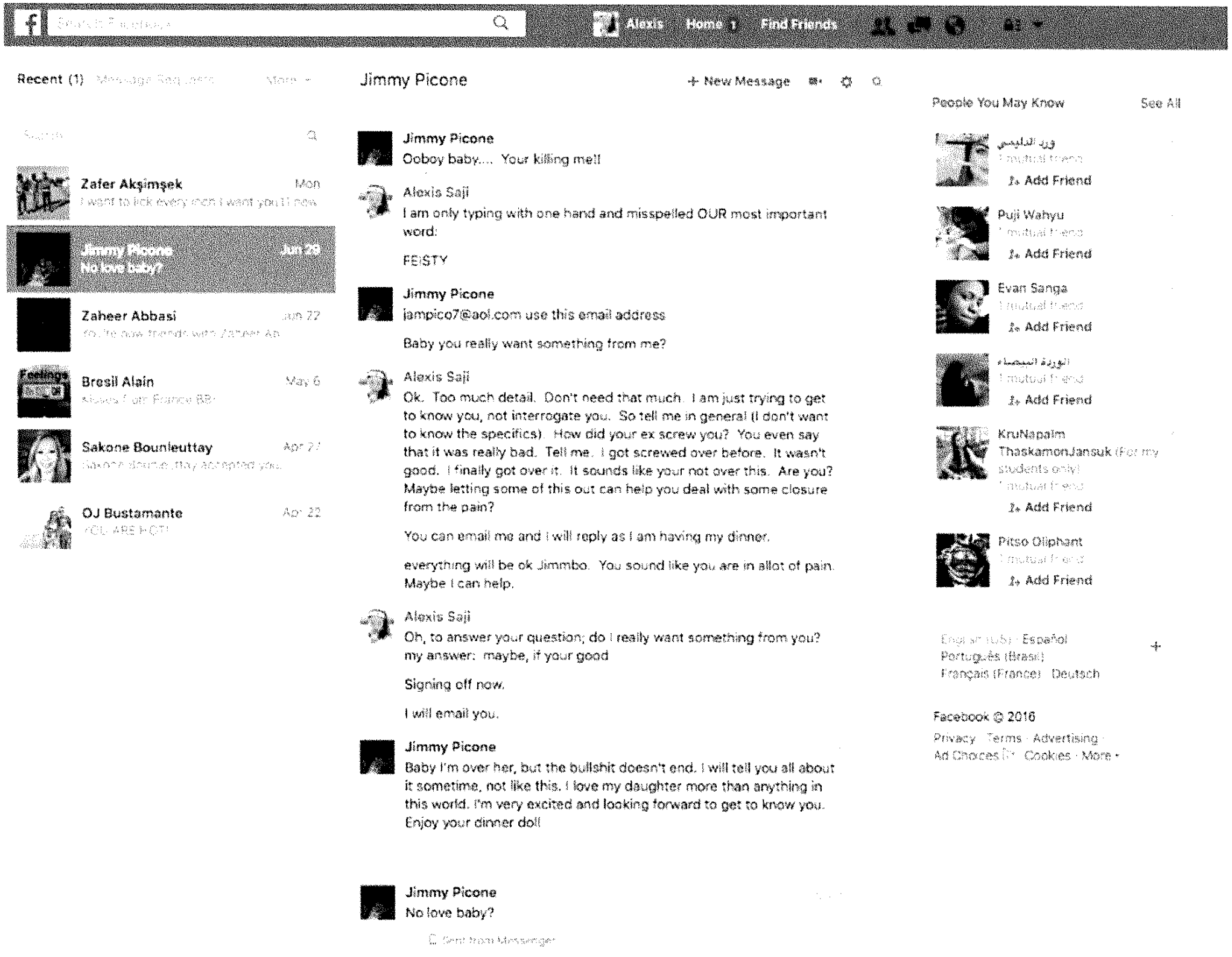
Alexis
Home
Find Friends
Recent (1)
Jimmy Picone
+ New Message
Zafer Akşimşek
Mon
Jimmy Picone
No love baby?
Jun 29
Zaheer Abbasi
Jun 22
Bresil Alain
May 6
Sakone Bounleuttay
Apr 27
OJ Bustamante
Apr 22
Jimmy Picone
Ooboy baby.... Your killing me!!
Alexis Saji
I am only typing with one hand and misspelled OUR most important word:
FEISTY
Jimmy Picone
jampico7@aol.com use this email address
Baby you really want something from me?
Alexis Saji
Ok. Too much detail. Don't need that much. I am just trying to get to know you, not interrogate you. So tell me in general (I don't want to know the specifics). How did your ex screw you? You even say that it was really bad. Tell me. I got screwed over before. It wasn't good. I finally got over it. It sounds like your not over this. Are you? Maybe letting some of this out can help you deal with some closure from the pain?
You can email me and i will reply as I am having my dinner.
everything will be ok Jimmbo. You sound like you are in allot of pain. Maybe I can help.
Alexis Saji
Oh, to answer your question; do I really want something from you? my answer: maybe, if your good
Signing off now.
I will email you.
Jimmy Picone
Baby I'm over her, but the bullshit doesn't end. I will tell you all about it sometime, not like this. I love my daughter more than anything in this world. I'm very excited and looking forward to get to know you. Enjoy your dinner doll
Jimmy Picone
No love baby?
People You May Know
See All
Add Friend
Puji Wahyu
Evan Sanga
KruNapalm ThaskamonJansuk (For my students only!)
Pitso Oliphant
Español
Português (Brasil)
Français (France)
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Exhibit F

Exhibit F

#1

Subject: Re: It's me
From: "jampico7@aol.com" <jampico7@aol.com> (Add as Preferred Sender)
Date: Sun, Jun 26, 2016 9:19 pm
To: "alexis@bling-blingdeals.com" <alexis@bling-blingdeals.com>

Ok my Beautiful Alexis,

I'm thinking before we get into anything. I would like to know about you like where in Buffalo your from?

How do you know Jeffery B Jewelry?

And were is your store at, I would like to come see you there.

I'm sorry to be asking but these are thing's I will need to know

JP

Sent from my T-Mobile 4G LTE device

#2

From: "jampico7@aol.com" <jampico7@aol.com> (Add as Preferred Sender)
Date: Sun, Jun 26, 2016 11:59 pm
To: "alexis@bling-blingdeals.com" <alexis@bling-blingdeals.com>

Alexis,

I did say that I was sorry to ask. I certainly do not want to scare you in any way. I have never met anyone as beautiful as you are this way...
I just like to know who im dealing with at all times, personal and professional, thats all.

I have many years on you and have learned to trust no one, believe me it truly Sucks!!
But I have learned the hard way.

I don't know what you want from me. Im a v ery private person and don't talk about my personal life to anyone and you are asking me to tell you much over email??

Jeffery B is a friend on your Facebook. Also a 20+ year friend of mine. I just wanted to know how you know him, but you don't.

I truly would like to know you better, I hope you can understand where I'm coming from. I haven't been involved with anyone in a long time. If you knew what I had gone through believe you would understand why I have to be this way.

Maybe tomorrow you can call me and just say hello?

I wish you sweet dreams babe, wish I could be next to you..

JP xo

Sent from my T-Mobile 4G LTE device

#3

From: "jampico7@aol.com" <jampico7@aol.com> (Add as Preferred Sender)
Date: Tue, Jun 28, 2016 1:00 pm
To: "alexis@bling-blingdeals.com" <alexis@bling-blingdeals.com>

Alexis,

Baby look my past bullshit with my ex is just that.. Bullshit. I would like to leave it as that. I'm certainly do NOT want you to feel sorry for me. Fuck that!!

I think your beautiful as fuck!! Would I like chance at your Asian Pussy.. Of course!!

I don't play games and not interested in games, unless I tie you up..

If you want to get together, I'm in. If not that's ok too. I'm always busy and my daugh ter comes first.

Start over with no bullshit??
It's up to you doll. I will talk about anything but my ex pain in the ass. Ok

JP

Sent from my T-Mobile 4G LTE device

#4

-------- Original Message --------
Subject: Re: It's me
From: "jampico7@aol.com" <jampico7@aol.com>
Date: Sun, July 03, 2016 6:11 pm
To: "alexis@bling-blingdeals.com" <alexis@bling-blingdeals.com>

Alexis....Baby....

If you want to get together for a drink sometime, we can talk and go from there. I can probably get you a fake ID my beatiful little girl. As for the 4th. I'm going to a friend's beach party in Havasu. I will be available Wednesday if your up for anything? Maybe we could celibrate you loosing y
virginity.

Baby I do like your dirty talk... Crazy little girl.

Do me a fav and send me something nasty, can you do that for me? Can you send me a pic of you opening up your pussy for me? I love young tight asian pussy that has never been used. It's soooooooo sexy!!!

It does not bother me at all that your 15 years old. It's ok. I can get away with anything. The law is on my side always baby. Those younger guys do not know anything. I have exsperience. I will give you the most amazing experience as I take your virginity. I will keep it very confidential.
will know. After that, I will be here if you want to have sex as many times as you want. Believe my doll, after your first time you will want sex all the time. I will fuck you any time you want with no strings.

I want to be inside you now. I want you to really feel my cock and how amazing it is. I am much older than you and I know how to please a girl.
We just have to keep it quiet until your 16th birthday which make you a legal and hot piece of asian pussy that i will worship, lick and stick and make you cum as many times as you want. I will teach you and show you how to satisfy a man in bed. That is power babe. I am a very powerful m
I will show you how to please a man like me to get what you want. Sounds good doll.....

JP

Sent from my T-Mobile 4G LTE device

------ Original message------
From: alexis@bling-blingdeals.com
Date: Sun, Jul 3, 2016 5:22 PM
To: jampico7@aol.com;
Cc:
Subject:RE: It's me

Jimmbo

What is your web site? I want to see your company or is that "Top Secret Too"

What are you doing for the 4th? Want to see me? I plan on having fun!!!!
This year is the year I have decided to loose my virginity. I'm scared because my friends say the first time hurts.

I think I am way too young to have sex with you. I am only 15 years old and considered a minor so I think my first time should be with a boy that is my age. You keep saying you need to be careful with anyone you meet. remember???

I appreciate you giving me a guys opinion especially about sex. I like talking with you. You seem like you really care and would make me feel safe. That is sexy to me. That gets me turned on :)

Kiss
Alexis

#5

From: "jampico7@aol.com" <jampico7@aol.com> (Add as Preferred Sender)
Date: Sun, Jul 03, 2016 6:13 pm
To: "alexis@bling-blingdeals.com" <alexis@bling-blingdeals.com>

I never received a message from you?

You can call me now..

Sent from my T-Mobile 4G LTE device

#6

From: "jampico7@aol.com" <jampico7@aol.com> (Add as Preferred Sender)
Date: Mon, Jul 04, 2016 10:24 am
To: "alexis@bling-blingdeals.com" <alexis@bling-blingdeals.com>

That is Crazy!!

Baby last night my Sophia was taking a bath, I was folding clothes and she got out to pee, slipped and hit her head on the toilet. I have never been so scared. I took her to the emergency room, we are going home soon I hope. She has a concussion and we will not be going anywhere tiday.

That would have been a great time!! I'm so sorry that we can't see you today. I hope you gave a great time, Happy 4th babe.

I don't have website anymore, been doung this long time.

I hope you understand and I hope I can see you soon. Please send a hot pic, it would make me feel better.

JP

Sent from my T-Mobile 4G LTE device

#7

From: "jampico7@aol.com" <jampico7@aol.com> (Add as Preferred Sender)
Date: Mon, Jul 04, 2016 11:57 am
To: "alexis@bling-blingdeals.com" <alexis@bling-blingdeals.com>

Just got home

Sent from my T-Mobile 4G LTE device

#8

From: "jampico7@aol.com" <jampico7@aol.com> (Add as Preferred Sender)
Date: Mon, Jul 04, 2016 12:51 pm
To: "alexis@bling-blingdeals.com" <alexis@bling-blingdeals.com>

I know baby, it was 8pm I was up all night with her. She doing better

Thank you for your concern

Honey enjoy your day

Sent from my T-Mobile 4G LTE device,

#9

From: "jampico7@aol.com" <jampico7@aol.com> (Add as Preferred Sender)
Date: Mon, Jul 04, 2016 2:27 pm
To: "alexis@bling-blingdeals.com" <alexis@bling-blingdeals.com>

Beautiful baby, you get me hard!! I want to see your gorgeous face n u naked..

Sent from my T-Mobile 4G LTE device

#10

From: "jampico7@aol.com" <jampico7@aol.com> (Add as Preferred Sender)
Date: Mon, Jul 04, 2016 2:34 pm
To: "alexis@bling-blingdeals.com" <alexis@bling-blingdeals.com>

PS.. GREAT ASS BABY!!!

Sent from my T-Mobile 4G LTE device

#11

Subject: Re: WTF
From: "jampico7@aol.com" <jampico7@aol.com> (Add as Preferred Sender)
Date: Tue, Jul 05, 2016 1:26 pm
To: "alexis@bling-blingdeals.com" <alexis@bling-blingdeals.com>

Baby take it easy,,

I have some people in town for business and don't know if tomorrow will work, I need to wine n dine. I know thats not what you want to here but true. I do have a very busy life.
Your pic was beautiful but I want more. I don't have photo's of myself, dont care much for my photos. I'm not very pretty..

I love the fact that your a BAD GIRL I love that. I was a very Bad man in my day's.. Life hase changed for me in many ways.

I had websights in the pats LasVegasKingOfDiamonds.com & AmherstDiamondExchange.com

I just don't do that anymore. All of my business is from referrals

I have not left Sophia's side in days, she's ok but a little scary. I have a friend coming over soon si I can do some buis.

How was your day at Lake Havasu yesterday? Sure you had a great time. I would of loved to hook up with you there.

Baby I will get you a pic soon??
I really want to see your nasty side. I know your a Sexy fucking hote babe!!!

I would like to know your age and don't say old enough,, fucker

JP

Sent from my T-Mobile 4G LTE device

#12

Subject: Re: WTF
From: "jampico7@aol.com" <jampico7@aol.com> (Add as Preferred Sender)
Date: Tue, Jul 05, 2016 7:36 pm
To: "alexis@bling-blingdeals.com" <alexis@bling-blingdeals.com>

Baby your Fucking Beautiful !!!

Sent from my T-Mobile 4G LTE device

#13

From: "jampico7@aol.com" <jampico7@aol.com> (Add as Preferred Sender)
Date: Mon, Jul 11, 2016 5:40 pm
To: "alexis@bling-blingdeals.com" <alexis@bling-blingdeals.com>

You have problems!!

I had a death im my family, I'm in NY

FUCK OFF!!!!!!

Sent from my T-Mobile 4G LTE device

Exhibit G

Exhibit G

Close | Delete | Move To | Previous | Next | Print

From: Renelyn Schramm

To: James Picone (First View: 01/26/2017 4:37 PM)

Sent: 01/24/2017 4:32 PM

Subject: You did not allow Sophia to talk to me when I called her

Message:

jimmy,

I called to talk to Sophia today. There was no answer. I left a detailed message stating this. You never called me back to allow me to talk to Sophia. Sophia does tell me that you don't allow her to talk to me ever when she is with you. I would appreciate it if you can look out for Sophia's best interest and not your controlling, damaging and vindictive behavior.

Thank you

Ren

Exhibit H

Exhibit H

our family wizard

Home | Calendar | Message Board | Info Bank | Expense Log | My Account | Sign Out

Sent Messages

Compose | Print | Delete | Move To

Sent Messages

Folders

Close | Delete | Move To | Next | Print | Last >>

Inbox
Action Ite
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America/Lo

From: Renelyn Schramm

To: James Picone (First View: 02/14/2017 10:20 AM)

Sent: 02/14/2017 8:47 AM

Subject: Sunday School time for Sophie

Message:

jimmy,

I would like you to reconsider again the Sunday exchange time to 11:30am instead of 10:00am. In exchange you can drop her off at 12:00pm on Wed instead of 10:00am and this would be a permanent modification of our current order/Timeshare.

Thank you for your consideration.

Ren

Electronically Filed
02/22/2017 02:53:25 PM

CLERK OF THE COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

****

In the Matter of the Petition by: James Picone, Petitioner.	Case No.: D-14-495928-P Department N

NOTICE OF ENTRY OF ORDER FOR APPOINTMENT OF SPECIAL MASTER/PARENT COORDINATOR

TO: ALL PARTIES AND/OR ATTORNEYS

Please take notice that the Court prepared an Order. A copy of the Order is attached hereto.

☒ I hereby certify that I faxed or emailed and placed a copy of the Minute Order, as well as any associated documents indicated within the Order, in the appropriate attorney folder located in the Clerk of the Court's Office to:

John D. Jones, Esq.

Emily McFarling, Esq.

☒ I hereby certify that I mailed the Order, as well as any associated documents indicated within the Order, via first-class mail with postage fully prepaid to:

James J Picone
1277 Large Cap Drive #2
Henderson, NV 89074

DATED: 22nd day of February, 2017

By: _____
Mark Fernandez
Judicial Executive Assistant
Department N

MATHEW HARTER
DISTRICT JUDGE
FAMILY DIVISION, DEPT N
LAS VEGAS, NV 89101

ORDR

CLARK COUNTY, NEVADA
DISTRICT COURT

JAMES PICONE, Plaintiff, vs. RENELYN BAUTISTA, Defendant.	)	Case No.: D-14-495928-P Dept. No.: N

ORDER FOR APPOINTMENT OF SPECIAL MASTER/ PARENTING COORDINATOR

The Court having considered all of the pleadings on file herein, and good cause appearing, does hereby Order the appointment of a Special Master and Parenting Coordinator under the following terms and conditions:

1.0 APPOINTMENT AND DESIGNATION OF TERMS:

1.1. Emily McFarling, Esq. is hereby appointed as Special Master and Parenting Coordinator in this matter (said appointee hereinafter referred to as the "Parenting Coordinator"). The Parenting Coordinator's full name, title, mailing addresses and phone numbers are as follows:

Name: Emily McFarling, Esq.

Street Address: 6230 W. Desert Inn Rd.

City: Las Vegas State: NV Zip: 89146

Telephone #: 702-565-4335 Fax # 702-732-9385

1.2 This appointment is made pursuant to NRCP 53(a) and is intended to be a delegation of judicial authority pursuant to said Rule, subject to the grievance procedures described herein.

2.0 PARENTING COORDINATOR FEES/EXPENSE SHARING:

2.1 Hourly fees for the services of the Parenting Coordinator shall be set by the Parenting Coordinator pursuant to a written agreement with the parties. All fees shall be advanced equally by the parties. The Court reserves jurisdiction to re-allocate said payments between the parties. The Parenting Coordinator may determine a re-allocation of fees and costs on any single issue if it appears that the conduct of one party warrants same.

2.2 Objection to any fees or costs billed by the Parenting Coordinator shall be made in writing within thirty (30) days of receipt, or the billing is deemed accepted. Objections will be handled in accordance with the grievance procedure as set forth below.

2.3 In the event that the testimony and/or written report of the Parenting Coordinator is required for any hearing, settlement conference or court action by one or both parties, the Parenting Coordinator's fees for such services shall be paid by both parties, in advance, according to the estimate by the Parenting Coordinator. Ultimately the Court shall determine the proper allocation between the parties for all fees of the Parenting Coordinator for such services and may require reimbursement by one party to the other for any payment to the Parenting Coordinator.

3.0 GENERAL AUTHORITY:

3.1 The Parenting Coordinator shall have the general authority to resolve parent / child and custody/visitation issues, as set forth below and with the following guidelines:

3.11 Facilitate the resolution of disputes regarding the implementation of the

parenting plan, the schedule, or parenting issues, provided such resolution does not involve a substantive change to the shared parenting plan. A substantive change is defined as a modification to the parenting plan that (a) significantly changes the timeshare of the child with either parent; or (b) modifies the timeshare such that it amounts to a change in the designation of primary physical custody or a shared physical custodial arrangement.

3.12 Direct as necessary, one or both parents to utilize community resources, for the following services including but not limited to: random drug screens, parenting classes, and any mental health and/or counseling services, psychotherapy or a substance abuse assessment or treatment for either or both parents, or the child, with the Parenting Coordinator to have access to the results of any psychological testing or other assessments of the child and/ or parents.

3.13 Implement non-substantive changes to, and/or clarify, the shared parenting plan, including but not limited to issues such as:

(a) transitions/exchanges of the child including date, time, place, means of transportation and transporter;

(b) holiday sharing;

(c) summer or track break vacation sharing and scheduling;

(d) communication between the parents;

(e) health care management issues, including choice of medical providers and payment of unreimbursed medical expenses (including dental, orthodontic, psychological, psychiatric or vision care), pursuant to the Court's order for payment of said expenses;

(f) education or day care including but not limited to, school choice, tutoring, summer school, and participation in special education testing and programs; allocation of the cost for the foregoing items shall be determined by the Parenting Coordinator, subject to the Court's review, if requested by either

party;

(g) child's participation in religious observances and religious education;

(h) child's participation in extracurricular activities, including camps and jobs;

(i) child's travel and passport issues;

(j) purchase and sharing of child's clothing, equipment and personal possessions, including possession and transporting of same between households;

(k) child's appearance and/or alteration of child's appearance, including haircuts, tattoos, ear, face or body piercing;

(l) communication between the parents including telephone, fax, e-mail, notes in backpacks, etc. as well as communication by a parent with the child including telephone, cell phone, pager, fax, and e-mail when the child is not in that parent's care;

(m) contact with significant other(s) and/ or extended families.

(n) requiring the signing of appropriate releases from each parent to provide access to confidential and privileged records, including medical, psychological or psychiatric records of a parent or child.

(o) reporting to the Court regarding compliance with the parenting coordination process which could include recommendations to the Court about how to more effectively implement the parenting coordination process.

(p) reporting to the Court the extent of the or parents' compliance with other Court orders (therapy, drug tests, child therapy) with or without providing a recommendation on what should be done regarding any lack of compliance.

(q) individually communicating with, and providing information to, persons involved with, or providing services to, the family members, including but not limited to, the custody evaluator, lawyers, teachers, school officials, physical and mental health providers, grandparents, stepparents, significant others, or

anyone else the Parenting Coordinator determines to have a significant role in the life of the family.

4.0 ADDITIONAL RESPONSIBILITIES

The Parenting Coordinator shall have the following additional responsibilities, if initialed by the judge:

_____ 1. Temporary decision-making authority to resolve minor disputes between the parties concerning shared parenting decisions until such time as a Court order is entered modifying the decision. Such decision-making services provided by the Parenting Coordinator shall apply to both substantive and non-substantive changes to the parenting plan;

_____ 2. Make recommendations to the Court concerning modifications to the shared parenting plan including but not limited to, parenting time/access schedules or conditions, including variations from the existing parenting plan.

5.0 PROCEDURES AND RELATED REQUIREMENTS:

5.1 The Parenting Coordinator shall be provided with copies of pertinent pleadings, orders and custody Evaluation Reports which relate to the issues to be brought to the Parenting Coordinator. The Parenting Coordinator shall also have direct access to all orders and pleadings on file in the case, including files under a Sealing Order of the Court. If both parties are pro per, the JEA shall provide a copy of the custody Evaluation Reports to the Parenting Coordinator.

5.2 All written communications by a party to the Parenting Coordinator shall be copied or provided to the other party, concurrently.

5.3 The parties shall make themselves and the minor child available for meetings and/or appointments as deemed necessary by the Parenting Coordinator. The Parenting Coordinator shall determine in each instance whether an issue warrants a meeting with the parties.

5.4. The parties shall participate in good faith in an initial mediation/conflict resolution process with the Parenting Coordinator in an effort to resolve a dispute. Should mediation result in an agreement, the Parenting Coordinator shall prepare a simple "Agreement" on the subject for signature by each party and the Parenting Coordinator. The Parenting Coordinator shall send a copy of the Agreement to each party; the parties shall each sign the Agreement, have it notarized, and return their copy to the Parenting Coordinator within two weeks.

5.5 Should the mediation not result in a stipulated agreement, the Parenting Coordinator shall prepare and send to the parties a written decision ("Decision"), as well as a courtesy copy to the Court, resolving the dispute which shall be followed by the parties until otherwise ordered by the Court. Said Decision shall set forth the reasons for the Parenting Coordinator's Decision. Should either party dispute the written decision of the Parenting Coordinator, that party must file a Motion with the Court within two weeks of receiving the decision.

5.6 The parties understand that the Parenting Coordinator's Decision is not a final decision, but rather can be reviewed by the Court. However, the parties are on notice and understand that the purpose and intent of the Court in appointing a Parenting Coordinator is to resolve disputes between the parties without the expense of litigation and the expenditure of judicial resources. Therefore, the Court will not overturn a Decision of the Parenting Coordinator without substantial evidence. A Decision of the Parenting Coordinator remains a binding decision unless and until it is overturned or modified by the Court.

5.7 The parties shall provide in a timely manner any documents requested by the Parenting Coordinator and/or execute any releases required for the Parenting Coordinator to directly obtain documents or records which the Parenting Coordinator deems relevant to the submitted issues. Failure to do so may result in imposition of sanctions by the Court.

5.8 The Parenting Coordinator shall have the authority to determine the protocol of

all fact-finding procedures. The Parenting Coordinator shall have the authority to engage in ex-parte communications with the parties and/or their counsel.

5.9 The Parenting Coordinator shall have the authority to interview and require the participation of other persons whom the Parenting Coordinator deems to have relevant information or to be useful participants in the parenting coordination process, including, but not limited to, custody evaluator, teachers, health and medical providers, stepparents, and significant others.

6.0. PARENTING COORDINATOR LIMITATIONS:

6.1 The Parenting Coordinator may not serve as a custody evaluator, investigator, mediator, psychotherapist, attorney or Guardian ad Litem for any party or another member of the family for whom the Parenting Coordinator is providing or has provided parenting coordination services.

7.0 SCHEDULING:

7.1 Each parent is responsible for contacting the Parenting Coordinator within ten days of this Order to schedule an initial meeting. Subsequent appointments may be scheduled at the request of the parents or at the request of the Parenting Coordinator.

8.0 EMERGENCY COMMUNICATION WITH THE COURT:

8.1 The Parenting Coordinator shall work with both parents to resolve conflicts and may recommend appropriate resolution to the parties and their legal counsel prior to the parents seeking Court action. However, the Parenting Coordinator shall immediately communicate with the Court without prior notice to the parties, counsel or a guardian ad litem, in the event of an emergency in which:

8.11. A party or child is anticipated to suffer or is suffering abuse, neglect, or

abandonment.

8.12. A party or someone acting on his or her behalf, is expected to wrongfully remove or is wrongfully removing the child from the other parent and the jurisdiction of the Court, without prior Court approval.

A copy of the written communication to the Court shall be submitted to Metro, CPS, and to the parties, by the Parenting Coordinator.

9.0 <u>PARENTING COORDINATOR REPORTS AND APPEARANCES IN COURT</u>:

9.1 In the event that the testimony and/or written report of the Parenting Coordinator is required for any hearing, settlement conference, including depositions, or other Court action by one or both parties, the Parenting Coordinator's fees for such services shall be paid by both parties, in advance, according to the estimate by the Parenting Coordinator. Ultimately the Court shall determine the ultimate allocation of such fees between the parties. The Parenting Coordinator shall be given a copy of the motion and notice of the hearing at least twenty (20) days prior to the hearing, unless otherwise ordered by the Court.

9.2 A Parenting Coordinator's report to the Court shall be sent to the parties, and the guardian ad litem (if any). Each party shall be responsible for providing a copy to their attorney. The Parenting Coordinator's reports are not confidential and may be presented to the Court by the parties or counsel according to rules of evidence. In cases where there is a history of domestic violence, the Parenting Coordinator shall take necessary steps to protect certain personal information about the victim which may be necessary to protect the safety of the victim and the integrity of the parenting coordination process.

9.3 A Parenting Coordinator directed by the Court to testify in a Court proceeding shall not be disqualified from participating in further parenting coordination efforts with the family, but the Court in its discretion may order the substitution of a new Parenting Coordinator or may relieve the Parenting Coordinator of their duties or the Parenting

Coordinator may voluntarily determine that such substitution would be in the best interest of the child.

10.0 GRIEVANCES:

10.1 The Parenting Coordinator may be disqualified on any of the grounds applicable to the removal of a Judge, Referee, Arbitrator, or Mediator, except that no peremptory challenge shall be permitted.

10.2 Complaints or grievances from any party regarding the performance, actions or billing of the Parenting Coordinator shall only be determined according to the following procedure:

(a) A person having a complaint or grievance regarding the Parenting Coordinator must discuss the matter with the Parenting Coordinator in person before pursuing it in any other manner.

(b) If after discussion the party decides to pursue a complaint, that party must first submit a written letter detailing the complaint or grievance to the Parenting Coordinator with a copy to all other counsel or parties.

(c) The Parenting Coordinator shall then provide a written response to the grievance to the party and all counsel or parties within thirty (30) days of the written complaint or grievance.

(d) If the grievance or complaint is not resolved after this exchange, the complaining party may proceed by noticed motion to the Court addressing the issues raised in the complaint or grievance.

10.3 Neither party may initiate Court proceeding for a complaint or grievance regarding the Parenting Coordinator without following the preceding procedure. Failure to comply with said procedure may result in sanctions by the Court.

10.4 The Court shall reserve jurisdiction to determine if either or both parties and/or the Parenting Coordinator shall ultimately be responsible for any portion or all of the Parenting

Coordinator's time and costs spent in responding to the grievance and the Parenting Coordinator's attorneys' fees, if any.

10.5 Neither party shall file any complaint or make any written submission regarding the Parenting Coordinator to the Parenting Coordinator's licensing board without first complying with these grievance procedures and obtaining the Court's decision ratifying the grievance.

11.0 TERMS OF APPOINTMENT:

11.1 The Parenting Coordinator is appointed until discharged by the Court. The Parenting Coordinator may apply directly to the Court for a discharge, and shall provide the parties and counsel with notice of the application for discharge. The Court may discharge the Parenting Coordinator without a hearing unless either party requests a hearing in writing within ten (10) days from the application for discharge, pursuant to NRCP 6(e) which states:

> whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper, other than process, upon the party and the notice or paper is served upon the party by mail or by electronic means, 3 days shall be added to the prescribed period.

11.2 Either party may seek to suspend or terminate the Parenting Coordinator process by filing a motion with the Court. The Parenting Coordinator's services may not be terminated by either of the parties without order of the Court.

11.3 In the event that the Parenting Coordinator is discharged, the Court will furnish a copy of the Order of termination of the Parenting Coordinator to counsel.

Dated this 22nd day of February, 2017.

Judge Mathew Harter

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02/22/2017 04:16:25 PM

CLERK OF THE COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

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In the Matter of the Petition by: James Picone, Petitioner.	Case No.: D-14-495928-P Department N

NOTICE OF ENTRY OF DECISION AND ORDER

TO: ALL PARTIES AND/OR THEIR ATTORNEYS

Please take notice that the Court prepared a Decision and Order and that a file stamped copy is attached hereto.

☒ I hereby certify that I faxed or emailed and placed a copy of the Decision and Order in the appropriate attorney folder located in the Clerk of the Court's Office for:

John D. Jones, Esq.

Emily McFarling, Esq.

☒ I hereby certify that I mailed the Decision and Order via first-class mail with postage fully prepaid to:

James J Picone
1277 Large Cap Drive #2
Henderson, NV 89074

DATED: 22nd day of February, 2017

By: _____
Mark Fernandez
Judicial Executive Assistant
Department N

MATHEW HARTER
DISTRICT JUDGE
FAMILY DIVISION, DEPT N
LAS VEGAS, NV 89101

Eighth Judicial District Court

Family Division

Clark County, Nevada

JAMES PICONE,

Plaintiff,

vs.

RENELYN BAUTISTA,

Defendant.

Case: D-14-495928-P

Dept: N

DECISION AND ORDER

On 02/17/2017 Defendant filed yet another motion requesting that custody be changed. This Court will forego its normal lead-in language as Defendant and her counsel probably have it memorized by now. This Court will attempt to be as succinct as possible. There is a ***reason*** the Court in *Rooney* held that a hearing not need be held if *adequate cause* is not presented.[1] It is for judicial economy and to avoid the associated stressors that come along with a motion to change custody, not to mention incurring unnecessary financial costs (litigants taking time off of work, hiring an attorney, *etc.*) if a foundational basis cannot be set forth. Just as Defendant did, rhetorical questions will be posed back. What would take more time and effort for a court; to review the underlying record and issue an extensive, written Decision and Order, or simply leave the matter on motion calendar and give a verbal determination that *adequate cause* is lacking? This Court has read Defendant's current motion 3 times by the issuance of this current Decision and Order. This Court will not stoop to respond to the allegation that this Court always seems to take the side of Plaintiff. The voluminous, underlying record speaks for itself. In fact, this Court will gladly incorporate by reference *all* of the

[1] *Rooney v. Rooney*, 109 Nev. 540, 542, 853 P.2d 123 (1993) ("[A] district court has the discretion to deny a motion to modify custody without holding a hearing unless the moving party demonstrates *adequate cause* for holding a hearing.").

Non-Trial Dispositions:
☐ Other
☐ Dismissed - Want of Prosecution
☐ Involuntary (Statutory) Dismissal
☐ Default Judgment
☐ Transferred
Settled/Withdrawn:
☐ Without Judicial Conf/Hrg
☐ With Judicial Conf/Hrg
☐ By ADR
Trial Disposition:
☐ Judgment Reached by Trial
☐ Dismissed After Trial Start

prior motions and resultant Minute Orders, reports and Decisions and Orders.

Defendant in this case needs the following reminder:

> This did not mean that we abandoned the doctrine of *res adjudicata* in child custody matters and that persons dissatisfied with custody decrees can file immediate, repetitive, serial motions until the right circumstances or the right judge allows them to achieve a different result, based on essentially the same facts. 'The moving party in a custody proceeding must show that circumstances ... have substantially changed *since* the most recent custodial order.... Events that took place before the proceeding [are] inadmissible to establish a change of circumstances.'[2]

For some reason, *Defendant always* seems to take time to bring up past events (even though they are excluded from consideration) before she reveals her new "nugget" of information that she thinks will truly change things. It is an act of desperation, deflection and denial that Defendant alludes to Plaintiff and this Court as being partly responsible for the demise of her latest marriage. Further, the fact that her husband is no longer in the picture has little to no impact in this case as Defendant has expressed as one of her many theories: "This Court has expressed concerns about [Defendant's] husband and his impact on the custody issues."

Defendant's newest of allegations regarding Plaintiff's involvement with a minor makes no mention whatsoever of what Defendant is doing to have this investigated by *the proper authorities* (FBI, police, CPS, *etc.*), even though it "rises to the level of an emergency." Defendant laments in her motion that "if [only] a forensic interviewer were to interview [Plaintiff's witness]." All 3 of the aforementioned agencies have such persons on staff, and neither party will have to come out-of-pocket for such an investigation! Certainly, Defendant should know by now there *are* other legal avenues for investigation of Plaintiff's alleged criminal behavior than simply to continue to petition Family Court. The fact that

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[2] *Mosley v. Figliuzzi*, 113 Nev. 51, 930 P.2d 1110 (1997) (quoting *McMonigle v. McMonigle*, 110 Nev. 1407, 1408, 887 P.2d 742 (1994) (noting *Mosely* was overturned only in part by *Castel v. Simmons* 120 Nev. 98, 86 P.3d 1042 (2004) when there is domestic abuse that occurred before a previous custody determination, but which was unknown to the moving party or the court at the time of the prior determination).

these agencies *also* employ a lesser standard of legal proof has already been noted before in this case. As Defendant was also previously informed, it is actually a crime for Defendant *not* to report any wrongdoing that would put the minor child in an alleged dangerous situation.[3] Also, Defendant has been notified before that CPS can place the child with her on an emergency basis *at anytime*. On this note, it is a bit hypocritical that Defendant notes Plaintiff made an *unsubstantiated* CPS claim against her husband. Two more rhetorical questions are posed. Did Defendant not do the *exact* same thing to Plaintiff? Also, assuming Defendant's allegations are true, does she not have *unclean hands* by not mandatorily reporting the *serious* (or in her term "emergency") matter to the proper authorities? [4]

It must be remembered that Defendant *absolutely did prevail* on the last motion before this Court whereby her *only* request was that Ms. Bergquist be appointed as Parenting Coordinator. In fact, the order was drafted in a manner that if it were Plaintiff's sole fault necessitating Ms. Bergquist's services, that she could reallocate her costs directly to him. The few lines picked from Ms. Bergquist's report were biased toward Plaintiff. Unfortunately for Defendant, Ms. Bergquist's final report (in which she then withdrew as Parenting Coordinator) read in whole *at best* notes the parties were *mutually* responsible.

Defendant is incorrect in citing to a simple *best interest* analysis as the legal standard for modification of custody in this case. The elevated burden of proof under the old NRS 125.490(1) was repealed by AB 263. However, shortly thereafter in *Mizrachi v. Mizrachi*, 132 Nev. ___, 385 P.3d 982 (Nev. Ct. App. 2016) an *even higher* standard was adopted when the parties have joint physical custody by agreement:

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[3] NRS 200.508(2), which incorporates NRS 432B.130.

[4] "He who comes into court must do so with *clean hands*. The *clean hands* rule is of ancient origin and given broad application. It is the most important rule affecting the administration of justice." *Padgett v. Padgett*, 199 Cal.App.2d 652, 656 (1962); *Lamb v. Lamb*, 83 Nev. 425, 433 P.2d 265 (1967).

> The court's involvement with a parenting agreement ***should be exercised cautiously*** **in light of the presumption that fit parents act in their children's best interests** and the principle that the state generally may only limit parental authority **when *severe concerns*, such as protecting a *fundamental right or the safety* of the parties' child, are at stake**. *Id.* at FN 11 (*emphasis added*) (*internal citation omitted*).

As for Defendant's continued insinuation that Plaintiff is responsible to let Defendant have the child during his work schedule, this is simply incorrect.[5]

Finally, Defendant continuously cries being of a pauper status, yet she wants the *costly* process of an *evidentiary hearing*? If Plaintiff were ***arrested***, ***indicted*** or even had a ***substantiated CPS claim***, this Court *could then* modify custody without an evidentiary hearing. NRS 125C.0045(2). Ms. Bergquist noted in her final report these parties *need* to have a Parenting Coordinator. As the *Harrison v. Harrison*, 132 Nev. ___, 376 P.3d 173 (2016) case was issued since the parties last petitioned this Court, the following benefits have specifically been noted by the Court:

> **Courts in other jurisdictions have acknowledged the benefit of assigning parenting coordinators in particularly contentious cases.** *See,e.g., Bower,* 15 N.E.3d at 749. The [parties'] custody dispute has been **highly contentious, marked by frequent accusations and extensive district-court proceedings** that have been ongoing since 2011. In such an environment, a parenting coordinator could be **an outlet for conflict resolution of nonsubstantive issues, thereby minimizing any adverse impact of the persistent conflict on the children**. *Id.* at 752; *see Yates v. Yates,* 963 A.2d 535, 539 (Pa. Super. Ct. 2008). For example, the parenting coordinator is authorized to facilitate resolution of scheduling conflicts that may arise from an unexpected cancellation of school or a child becoming ill. *See Bower,* 15 N.E.3d at 752 (recognizing the benefits of a parenting coordinator for these same purposes). The parenting coordinator could also help organize the parents' attendance at special events and parent-teacher conferences. *See id.* Furthermore, access to a parenting coordinator offers **dispute resolution sooner than the [parties] would be able to appear before a judge,** which may reduce the likelihood of contempt complaints or other formal proceedings between the parents. *Harrison*, 376 P.3d at 378.

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[5] *See also In re Marriage of Loyd*, 131 Cal. Rptr. 2d 80, 84-85 (Ct. App. 2003) (explaining that "a parent may not be deprived of custody based upon his or her work schedule if adequate arrangements are made for the child's care in the parent's absence"); *Silva v. Silva*, 136 P.3d 371, 377 (Idaho Ct. App. 2006) (recognizing that a parent's work schedule is only relevant to a custody determination if it is shown that the schedule affects the well-being of the children). It is noted both the *Loyd* and *Silva* cases were cited by *both* the Supreme Court of Nevada *and* the Court of Appeals of Nevada in unpublished opinions in this same form. *Neagles v. Neagles*, No. 68428, 2016 WL 854538, at *1 (Nev. App. Mar. 2, 2016); *Godifay v. Asgedom*, No. 64289, 2015 WL 9597499, at *1 (Nev. Dec. 30, 2015). [The *Godfay* case is cited only to show that *both* Courts have acknowledged this theory and is *not* being submitted as persuasive precedent.]

Accordingly, this Court will re-issue a new Parenting Coordinator Order randomly assigning to someone from the list and adopting Ms. Bergquist's recommendation that this time around the costs initially be shared by the parties, but can be then re-apportioned by the Parenting Coordinator (just as before) to the wrongful parent necessitating their services.

For the reasons as stated above, Defendant's motion's is DENIED as the Court FINDS that Defendant has not submitted *adequate cause* under *Rooney/Mizrachi* and Defendant comes to this Court with *unclean hands*. The hearing date set on 03/21/2017 is VACATED.

DATED this 22nd day of February, 2017.

District Court Judge
Mathew Harter

ORIGINAL

MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

James J. Picone
Plaintiff/Petitioner

v.

Renelyn G. Bautista
Defendant/Respondent

Case No. D-14-495928-P

Dept. N

MOTION/OPPOSITION FEE INFORMATION SHEET

Notice: Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of $25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of $129 or $57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

Step 1. Select either the $25 or $0 filing fee in the box below.

☐ **$25** The Motion/Opposition being filed with this form is subject to the $25 reopen fee.

-OR-

☒ **$0** The Motion/Opposition being filed with this form is not subject to the $25 reopen fee because:

- ☐ The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.
- ☐ The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.
- ☐ The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____.
- ☐ Other Excluded Motion (must specify) _____.

Step 2. Select the $0, $129 or $57 filing fee in the box below.

☒ **$0** The Motion/Opposition being filed with this form is not subject to the $129 or the $57 fee because:

- ☐ The Motion/Opposition is being filed in a case that was not initiated by joint petition.
- ☐ The party filing the Motion/Opposition previously paid a fee of $129 or $57.

-OR-

☐ **$129** The Motion being filed with this form is subject to the $129 fee because it is a motion to modify, adjust or enforce a final order.

-OR-

☐ **$57** The Motion/Opposition being filing with this form is subject to the $57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of $129.

Step 3. Add the filing fees from Step 1 and Step 2.

The total filing fee for the motion/opposition I am filing with this form is:
☒**$0** ☐**$25** ☐**$57** ☐**$82** ☐**$129** ☐**$154**

Party filing Motion/~~Opposition~~: _____ Date 8-31-15

Signature of Party or Preparer James J. Picone

Docket 72654 Document 2017-09932

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CLERK OF THE COURT

DECL
BLACK & LOBELLO
John D. Jones, Esq.
Nevada Bar No. 6699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
Telephone No.: 702-869-8801
Facsimile No.: 702-869-2669
Email: jjones@blacklobellolaw.com
Attorneys for Defendant,
RENELYN BAUTISTA

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

JAMES PICONE, Plaintiff vs. RENELYN BAUTISTA, Defendant	CASE NO.: D-14-495928-P DEPT. NO.: N

DECLARATION OF DEFENDANT, RENELYN BAUTISTA

RENELYN BAUTISTA, being first duly sworn, deposes and says:

1. That I am the Defendant in this action and I offer this Declaration of my own personal knowledge.

2. That I offer this Declaration in support of my Emergency Motion to Suspend Plaintiff's Contact with our daughter Sophia.

3. That I offer this information, which is independently verifiable, so that no further harm can come to Sophia.

4. While I am aware of this Court's stated opinion of the statements of a 3 year old, and while I am aware of the Court's opinion of my husband, these issues are far more important than anything so superficial.

5. The issues presented in this Declaration constitute an absolute emergency requiring the Court to step in and protect Sophia.

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Las Vegas, Nevada 89135
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6. As a back drop, the Court should know that previously Sophia revealed to me that she could not tell me certain things because if she did, her dad would hurt me. I have previously informed the Court of this.

7. On Wednesday morning, August 26, 2015, Sophia went to the bathroom. She went number one and number two. She always calls myself or my mom to wipe her when she is done.

8. My mom washed her with water. After she had cleaned her, Sophia said "Ow Grandma, that hurts."

9. Sophia has complained about her private area hurting for the past several months so my mom thought nothing of it.

10. Later that night, out of nowhere, Sophia started talking about that morning, when grandma washed her: "Grandma, you know when you washed me, that hurt." My mom replied, "I'm sorry baby, I didn't mean to hurt you." Sophia said to my mom "Jimmy puts his finger on top of my vajayjay (vagina) and slowly goes in." Jimmy is what Sophia calls her father. During the conversation my mom's husband was on the phone listening to the entire conversation.

11. My mom did not ask any more questions nor did she say anything that night. My mom waited until the next day (Thursday August 27) to tell me what Sophia said to her.

12. Because of the things Sophia had previously said about secrets at her fathers home and threats to hurt me, and because of her prior complaints about pain in her private area, I immediately called the police.

13. We filed a report with Officer R. Melchert, badge #830. The Officer came to our residence (201 S Gibson Rd., Henderson NV 89012) which is the exact same address that was given to Jimmy on family wizard to be in compliance with the current Court Order.

14. The Officer completed a detailed report (report # 15-14084). I expressed to the Officer my fear and concerns for my daughters wellbeing, safety and health given the fact that I was supposed to return Sophia to her father on Sunday August 30th. The Officer agreed that such concerns were appropriate. He then instructed us that we will need to meet with Detective April Arndt at the Henderson Police department.

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15. The detective interviewed in detail my mom and myself. After the interviews with Detective Arndt, I expressed to her that we have a custody exchange on Sunday which I did not want to do, because of the things my daughter said to my mom and the fear that it will happen again. The detective told me "Because this is a pending and ongoing criminal investigation there should not be any exchange or communication to protect Sophia." I contacted my attorney regarding all information and the situation.

16. The detective then told us to go to Sunrise Hospital to get Sophia checked and then on Monday to go to the Family Court (Building K) to meet with a specialist who will do interviews with Sophia.

17. We immediately went to Sunrise to get Sophia checked.

18. After I told Sophia that she will not be going to her dad's on Sunday, she seemed very relieved and would not leave my side.

19. In the past exchanges: The day before the exchange, when Sophia is aware, she would be withdrawn, and cry and whine a lot. She would always tell me that she does not want to go and cry.

20. The morning of the past exchanges Sophia would not want to get out of bed. She would cry and tell me "I don't want to go. I want to stay here with you." She would repeat this many times. She would cry through most of the morning and in the car on the way to the exchange. She would mostly cry herself to sleep until we got to the exchange location.

21. After her revelation to my mother, a lot of the things Sophia has said to me and a lot of her behaviors started to make grotesque sense.

22. From Thursday Aug. 27, 2015 - Friday, August 29, 2015, Sophia was happy and more outgoing then I have ever seen her. She would confirm with me many times "I don't have to go to Jimmy's?" I would respond the same every time, "No, you are not going to Jimmy's on Sunday". She would have such a smile and a sigh of relief.

23. I was instructed by the detective to have no contact with Jimmy pending the investigation and that they would be contacting him soon.

24. I had expected to hear from Jimmy when Sophia was not at the exchange. When I

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heard nothing that entire day, I assumed he had called the police and learned that he was being investigated.

25. That night, after the whole day went by without hearing anything, I noticed that Jimmy called my cell phone 3 times: one time at 5:57 pm, another at 5:58 pm and another 5:58 pm. As instructed, I did not return his calls.

26. Jimmy then sent an email to me on family Wizard that read as follows:

FAMILY WIZARD EMAIL:

From: James Picone

To: Renelyn Schramm (First View: 08/30/2015 8:49 PM)

Sent:08/30/2015 6:12 PM

Subject: You did not drop off Sophia today at exchange, im very concerned for her wellbeing.

Message:

Renelyn,

I am very concerned for Sophia's wellbeing right now. You never brought her to the exchange today. I arrived there early and stayed 45 minutes after our scheduled time. I did not receive any correspondence from you that indicated that anything was wrong or that you were not bringing her. I even tried calling the phone number you provided to me to speak with Sophia as we are permitted to do. You did not pick up. I tried calling 3 times and left a voice message. I am very worried. We are ordered by the court to adhere to the schedule outlined in our court Order. Please respond to let me know if Sophia is alright.

Jimmy

27. On Monday August 31, 2015 the detective at Family Court building K interviewed Sophia.

28. The detective confirmed with us that she will be contacting Jimmy to come for an interview in which we will also ask if he would voluntarily do a polygraph.

29. The detective did tell us that Sophia did confirm that her father had touched her, put soap in her and it hurt her. Sophia also told the detective that she closed her eyes when he does this and it hurts.

30. Jimmy sent another email to me through Family Wizard at 8:35 pm (I have copied and paste it below):

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

FAMILY WIZARD EMAIL:

Beginning of email copy/paste

From: James Picone

To: Renelyn Schramm (First View: 09/01/2015 5:33 AM)

Sent: 08/31/2015 8:35 PM

Subject: Welfare & Safty Concern for Sophia

Message:

Renelyn,

It has been 2 days since you have refused to communicate with me to even let me know that my daughter is alive and safe. I am beside myself with worry. I see that you read my correspondence on Our Family Wizard but did not reply. Why? Why are you going out of your way to cause me extreme emotional distress? Why are you alienating my daughter from me? You are hurting and confusing her by doing this. You are also breaking the law by intentionally and willfully disregarding a Court Order. Please refer to Page 9, Line 5 of our current Order:

"PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILDREN 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 children or any parent having no right of custody to the children who willfully detains, conceals, or removes the children from a parent, guardian or other person having lawful custody OR A RIGHT OF VISITATION of the children in violation of an order of this court, or remove the children from the jurisdiction of the court without the consent of either the court OR ALL PERSONS WHO HAVE THE RIGHT TO CUSTODY OR VISITATION is subject to being punished for a category D felony as provided in an NRS 193.130.

I intend to file an emergency motion based on the above and all other documented current Order violations you have been committing. I will ask the court find you in contempt for your willful and bad faith violation of the court's orders, and I will also seek attorney fees and pain and suffering for the willful, in bad faith, spiteful and vexatious actions you have taken in order to cause me continued extreme emotional distress. ENOUGH IS ENOUGH!

Please google 'Parental Alienation Syndrome by Direct Interference'. Think about what you are doing to our daughter.

Jimmy

cc. John D. Jones, Esq.

31. On Tuesday September 1, 2015 Jimmy sent an email to me directly to my personal email (copy/paste)

From: "jampico7@aol.com" <jampico7@aol.com>

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

Date: September 1, 2015 at 10:37:38 AM PDT

To: "renelynschramm@icloud.com" <renelynschramm@icloud.com>

Cc: "jjones@blacklobellowlaw.com" <jjones@blacklobellowlaw.com>

Subject: Wellfair & Saftey Concern for Sophia

Renelyn,

It has been 3 days since you have refused to communicate with me to even let me know that my daughter is alive and safe. I am beside myself with worry. I see that you read my correspondence on Our Family Wizard but did not reply. Why? Why are you going out of your way to cause me extreme emotional distress? Why are you alienating my daughter from me? You are hurting and confusing her by doing this. You are also breaking the law by intentionally and willfully disregarding a Court Order. Please refer to Page 9, Line 5 of our current Order:

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Please google 'Parental Alienation Syndrome by Direct Interference'. Think about what you are doing to our daughter.

Jimmy

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

32. I have not kidnapped Sophia. I have followed the instructions of the detectives who are taking this matter very seriously.

33. I am devastated by the fact that this could have been happening to Sophia without my knowledge.

34. I am asking the Court to step in and protect her while the investigation continues.

35. The detectives have advised that Sophia have no contact while they conduct their investigation.

36. Sophia needs this Court's help and protection.

Signed under the pains and penalties of perjury this 3 day of September, 2015.

RENELYN BAUTISTA

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

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09/09/2015 09:24:13 AM

CLERK OF THE COURT

OPPC
BLACK & LOBELLO
John D. Jones
Nevada Bar No. 006699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
Telephone Number: 702-869-8801
Fax Number: 702-869-2669
Email Address: jjones@blacklobellolaw.com
Attorneys for Defendant,
RENELYN BAUTISTA

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

JAMES PICONE,

Plaintiff

vs.

RENELYN BAUTISTA,

Defendant

CASE NO.: D-14-495928-P
DEPT. NO.: N

Date of Hearing: September 16, 2015

Time of Hearing: 10:00 a.m.

Oral Argument Requested

NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT HEARING PRIOR TO THE SCHEDULED HEARING DATE.

DEFENDANT'S OPPOSITION TO MOTION TO ENFORCE VISITATION AND COUNTERMOTION TO SUSPEND VISITATION

Defendant, RENELYN BAUTISTA, by and through her attorneys of record, John D. Jones and the law firm of Black & LoBello, hereby files her Opposition to Motion to Enforce Visitation and Countermotion to Suspend Visitation.

DATED this 9 day of September. 2015

BLACK & LOBELLO

John D. Jones
Nevada Bar No. 6699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
702-869-8801
Attorneys for Plaintiff
RENELYN BAUTISTA

BLACK & LOBELLO
10777 W. Twain Avenue, 3rd Floor
Las Vegas, Nevada 89135
702-869-8801 FAX: 702-869-2669

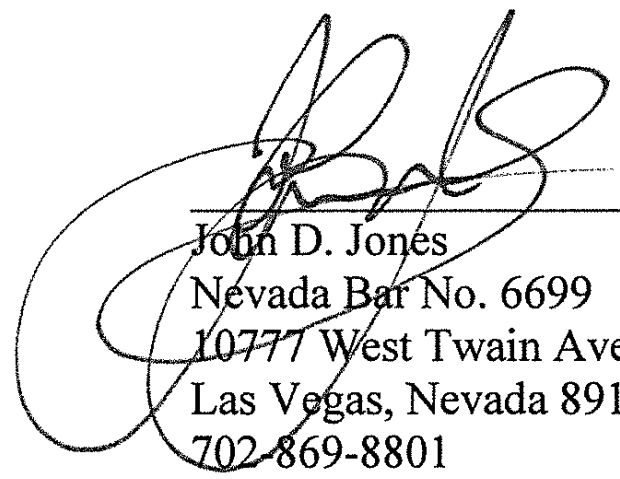
NOTICE OF MOTION

TO: ALL INTERESTED PARTIES:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE, that the undersigned will bring the above Opposition to Motion to Enforce Visitation and Countermotion to Suspend Visitation on for hearing before the entitled Court on the 16th day of September, 2015, at the hour of 10:00 a.m., or as soon thereafter as may be heard before the District Court, Family Division, Department N.

Dated this 9 day of September. 2015.

BLACK & LOBELLO



John D. Jones
Nevada Bar No. 6699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
702-869-8801
Attorneys for Defendant,
RENELYN BAUTISTA

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702-869-8801 FAX: 702-869-2669

I.

INTRODUCTION

At the onset, this Court should know that both Renelyn and her counsel know that false allegations of abuse are nearly as serious as actual abuse. This Countermotion, and the previously filed Declaration (a copy of which is attached hereto as **Exhibit "A"**) are not submitted to the Court lightly, or without cause.

The one truth upon which the Court can rely, is that the detectives in charge of the investigation are taking this matter very seriously. They instructed Renelyn not to exchange Sophia until the investigation is complete. It is Renelyn's understanding that the next stage of the investigation is the questioning of the plaintiff and a polygraph test. It is unknown whether these steps have been initiated.

While to a large degree, common sense dictates that when an investigating detective instructs you not to perform a custody exchange while there is a pending investigation, that you follow their instructions, Plaintiff's threats of kidnapping charges, contempt, and the defamatory statements he has made to Renelyn's friends and family since the investigation started required the filing of this motion in order to protect Renelyn from such threats.

This Countermotion will be supplemented as more information is learned from the detectives. What is known at this time, is that the detectives have taken what Sophia has said very seriously and this Court should as well.

II.

POINTS AND AUTHORITIES

This Court is well aware that it can issue any orders on a temporary basis which it believes are in the best interests of the child pursuant to NRS 125.480. The facts and circumstances presented in the Declaration of Renelyn, make it clear that temporary relief, pending the completion of the investigation is necessary. It is expected that more instructions from the investigating detectives will be forthcoming that will guide this Court. In the meantime, the investigation should not be tainted by Plaintiff's ability to have access to and influence the victim here, Sophia.

III.

CONCLUSION

Based upon the foregoing and the detailed declaration filed by Renelyn and incorporated herein by reference, the Court should enter the following orders:

1. Suspending Plaintiff's visitation until the investigation is complete.

2. Denying Plaintiff's motion due to the fact that Renelyn relied on the detectives in charge of the investigation in failing to perform the custodial exchange.

3. Setting a 45 day status check to follow up on the conclusions reached by the investigators.

4. Any other relief that this Court deems just and appropriate.

RESPECTFULLY SUBMITTED this 9 day of September. 2015.

BLACK & LOBELLO

John D. Jones
Nevada State Bar No. 6699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
702-869-8801
Attorneys for Defendant,
RENELYN BAUTISTA

BLACK & LOBELLO
10777 W. Twain Avenue, 3rd Floor
Las Vegas, Nevada 89135
702-869-8801 FAX: 702-869-2669

DECLARATION OF DEFENDANT IN SUPPORT OF HER MOTION FOR RECONSIDERATION OF DECISION AND ORDER FILED JULY 17, 2015

RENELYN BAUTISTA, being first duly sworn, deposes and says:

That I am the Defendant in the above-entitled action. I have personal knowledge of the facts and circumstances set forth in this Opposition and Countermotion.

That I have read the foregoing OPPOSITION TO MOTION TO ENFORCE VISITATION AND COUNTERMOTION TO SUSPEND VISITATION and know the contents thereof; that the same is true of my own knowledge except for those matters therein stated on information and belief and as to those matters, I believe them to be true. The allegations contained in the Opposition and Countermotion are adopted as if fully set forth in this Declaration.

Signed under pains and penalties of perjury this 9th day of September, 2015

RENELYN BAUTISTA

BLACK & LOBELLO
10777 W. Twain Avenue, 3rd Floor
Las Vegas, Nevada 89135
702-869-8801 FAX: 702-869-2669

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 9th day of September, 2015 I served a copy of the OPPOSITION TO MOTION TO ENFORCE VISITATION AND COUNTERMOTION TO SUSPEND VISITATION, upon each of the parties upon each of the parties by **email** and by depositing a copy of the same in a sealed envelope in the United States Mail, Postage Pre-Paid, addressed as follows:

James Picone
2816 Shannon River Drive
Las Vegas, NV 89117
Email: jampico7@aol.com
Plaintiff in Proper Person

an Employee of Black & LoBello

BLACK & LOBELLO
10777 W. Twain Avenue, 3rd Floor
Las Vegas, Nevada 89135
702-869-8801 FAX: 702-869-2669

MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

JAMES PICONE,
Plaintiff/Petitioner

v.
RENELYN BAUTISTA,
Defendant/Respondent

Case No. D-14-495928-P

Dept. N

MOTION/OPPOSITION FEE INFORMATION SHEET

Notice: Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of $25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of $129 or $57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

Step 1. Select either the $25 or $0 filing fee in the box below.

☑ **$25** The Motion/Opposition being filed with this form is subject to the $25 reopen fee.

-OR-

☐ **$0** The Motion/Opposition being filed with this form is not subject to the $25 reopen fee because:

- ☐ The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.
- ☐ The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.
- ☐ The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____.
- ☐ Other Excluded Motion (must specify) _____.

Step 2. Select the $0, $129 or $57 filing fee in the box below.

☑ **$0** The Motion/Opposition being filed with this form is not subject to the $129 or the $57 fee because:

- ☒ The Motion/Opposition is being filed in a case that was not initiated by joint petition.
- ☐ The party filing the Motion/Opposition previously paid a fee of $129 or $57.

-OR-

☐ **$129** The Motion being filed with this form is subject to the $129 fee because it is a motion to modify, adjust or enforce a final order.

-OR-

☐ **$57** The Motion/Opposition being filing with this form is subject to the $57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of $129.

Step 3. Add the filing fees from Step 1 and Step 2.

The total filing fee for the motion/opposition I am filing with this form is:
☐**$0** ☒**$25** ☐**$57** ☐**$82** ☐**$129** ☐**$154**

Party filing Motion/Opposition: Renelyn Bautista Date 9/9/15

Signature of Party or Preparer Cheryl Berdahl

Exhibit A

Exhibit A

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CLERK OF THE COURT

DECL
BLACK & LOBELLO
John D. Jones, Esq.
Nevada Bar No. 6699
10777 West Twain Avenue, Suite 300
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Telephone No.: 702-869-8801
Facsimile No.: 702-869-2669
Email: jjones@blacklobellolaw.com
Attorneys for Defendant,
RENELYN BAUTISTA

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

JAMES PICONE, Plaintiff vs. RENELYN BAUTISTA, Defendant	CASE NO.: D-14-495928-P DEPT. NO.: N

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BLACK & LOBELLO
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> Sent:08/30/2015 6:12 PM
>
> Subject: You did not drop off Sophia today at exchange, im very concerned for her wellbeing.
>
> Message:
>
> Renelyn,
>
> I am very concerned for Sophia's wellbeing right now. You never brought her to the exchange today. I arrived there early and stayed 45 minutes after our scheduled time. I did not receive any correspondence from you that indicated that anything was wrong or that you were not bringing her. I even tried calling the phone number you provided to me to speak with Sophia as we are permitted to do. You did not pick up. I tried calling 3 times and left a voice message. I am very worried. We are ordered by the court to adhere to the schedule outlined in our court Order. Please respond to let me know if Sophia is alright.
>
> Jimmy

27. On Monday August 31, 2015 the detective at Family Court building K interviewed Sophia.

28. The detective confirmed with us that she will be contacting Jimmy to come for an interview in which we will also ask if he would voluntarily do a polygraph.

29. The detective did tell us that Sophia did confirm that her father had touched her, put soap in her and it hurt her. Sophia also told the detective that she closed her eyes when he does this and it hurts.

30. Jimmy sent another email to me through Family Wizard at 8:35 pm (I have copied and paste it below):

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

FAMILY WIZARD EMAIL:

Beginning of email copy/paste

From: James Picone

To: Renelyn Schramm (First View: 09/01/2015 5:33 AM)

Sent: 08/31/2015 8:35 PM

Subject: Welfare & Safty Concern for Sophia

Message:

Renelyn,

It has been 2 days since you have refused to communicate with me to even let me know that my daughter is alive and safe. I am beside myself with worry. I see that you read my correspondence on Our Family Wizard but did not reply. Why? Why are you going out of your way to cause me extreme emotional distress? Why are you alienating my daughter from me? You are hurting and confusing her by doing this. You are also breaking the law by intentionally and willfully disregarding a Court Order. Please refer to Page 9, Line 5 of our current Order:

"PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILDREN 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 children or any parent having no right of custody to the children who willfully detains, conceals, or removes the children from a parent, guardian or other person having lawful custody OR A RIGHT OF VISITATION of the children in violation of an order of this court, or remove the children from the jurisdiction of the court without the consent of either the court OR ALL PERSONS WHO HAVE THE RIGHT TO CUSTODY OR VISITATION is subject to being punished for a category D felony as provided in an NRS 193.130.

I intend to file an emergency motion based on the above and all other documented current Order violations you have been committing. I will ask the court find you in contempt for your willful and bad faith violation of the court's orders, and I will also seek attorney fees and pain and suffering for the willful, in bad faith, spiteful and vexatious actions you have taken in order to cause me continued extreme emotional distress. ENOUGH IS ENOUGH!

Please google 'Parental Alienation Syndrome by Direct Interference'. Think about what you are doing to our daughter.

Jimmy

cc. John D. Jones, Esq.

31. On Tuesday September 1, 2015 Jimmy sent an email to me directly to my personal email (copy/paste)

From: "jampico7@aol.com" <jampico7@aol.com>

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

Date: September 1, 2015 at 10:37:38 AM PDT

To: "renelynschramm@icloud.com" <renelynschramm@icloud.com>

Cc: "jjones@blacklobellowlaw.com" <jjones@blacklobellowlaw.com>

Subject: Wellfair & Saftey Concern for Sophia

Renelyn,

It has been 3 days since you have refused to communicate with me to even let me know that my daughter is alive and safe. I am beside myself with worry. I see that you read my correspondence on Our Family Wizard but did not reply. Why? Why are you going out of your way to cause me extreme emotional distress? Why are you alienating my daughter from me? You are hurting and confusing her by doing this. You are also breaking the law by intentionally and willfully disregarding a Court Order. Please refer to Page 9, Line 5 of our current Order:

"PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILDREN 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 children or any parent having no right of custody to the children who willfully detains, conceals, or removes the children from a parent, guardian or other person having lawful custody OR A RIGHT OF VISITATION of the children in violation of an order of this court, or remove the children from the jurisdiction of the court without the consent of either the court OR ALL PERSONS WHO HAVE THE RIGHT TO CUSTODY OR VISITATION is subject to being punished for a category D felony as provided in an NRS 193.130.

I intend to file an emergency motion based on the above and all other documented current Order violations you have been committing. I will ask the court find you in contempt for your willful and bad faith violation of the court's orders, and I will also seek attorney fees and pain and suffering for the willful, in bad faith, spiteful and vexatious actions you have taken in order to cause me continued extreme emotional distress. ENOUGH IS ENOUGH!

Please google 'Parental Alienation Syndrome by Direct Interference'. Think about what you are doing to our daughter.

Jimmy

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

32. I have not kidnapped Sophia. I have followed the instructions of the detectives who are taking this matter very seriously.

33. I am devastated by the fact that this could have been happening to Sophia without my knowledge.

34. I am asking the Court to step in and protect her while the investigation continues.

35. The detectives have advised that Sophia have no contact while they conduct their investigation.

36. Sophia needs this Court's help and protection.

Signed under the pains and penalties of perjury this 3 day of September, 2015.

RENELYN BAUTISTA

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

Electronically Filed
09/10/2015 04:46:20 PM

CLERK OF THE COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

****

In the Matter of the Petition by: James Picone, Petitioner.	Case No.: D-14-495928-P Department N

NOTICE OF ENTRY OF MINUTE ORDER

TO: ALL PARTIES AND/OR ATTORNEYS

Please take notice that the Court prepared a Minute Order. A copy of the Minute Order is attached hereto.

☒ I hereby certify that I faxed or emailed and placed a copy of the Minute Order in the appropriate attorney folder located in the Clerk of the Court's Office to:

John D. Jones, Esq.

☒ I hereby certify that I mailed the Minute Order via first-class mail with postage fully prepaid to:

James J. Picone
1277 Large Cap Drive, #2
Henderson, NV 89074

DATED: 10th day of September, 2015

By: _____
Mark Fernandez
Judicial Executive Assistant
Department N

MATTHEW HARTER
DISTRICT JUDGE
FAMILY DIVISION, DEPT.N
LAS VEGAS, NV 89101

DISTRICT COURT
CLARK COUNTY, NEVADA

Paternity Complaint	**COURT MINUTES**	September 10, 2015

D-14-495928-P In the Matter of the Petition by:
James Picone, Petitioner.

September 10, 2015 **4:30 PM** **Minute Order**

HEARD BY: Harter, Mathew **COURTROOM:** Courtroom 24

COURT CLERK: Blanca Madrigal

PARTIES:
James Picone, Plaintiff, Counter Defendant, not present
Renelyn Bautista, Defendant, Counter Claimant, not present
Sophia Picone, Subject Minor, not present

John Jones, Attorney, not present

JOURNAL ENTRIES

- MINUTE ORDER: NO HEARING HELD AND NO APPEARANCES

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. This Court is scheduled to address the Motion on September 16, 2015 at 10:00am due to an Order Shortening Time. Defendant's Declaration and Opposition mentioned Child Protective Services (CPS) involvement, so this Court's staff contacted CPS to request that the investigative representative appear and apprise the Court of the case status. Defendant mentions an Officer Melchert, a Detective Arndt, and a "Specialist" from Family Court (Building K), who is presumably a CPS representative, in her Declaration. This Court's staff was contacted today and notified that CPS does not have any records for this matter, but that it may be possible that the police are solely handling the situation. CPS does not have any records of the parties or child appearing at "Family Court (Building K)."

As it is imperative to know the status of the case, this Court is ORDERING that Defendant's counsel prepare, submit for signature, and serve an Order to Appear to the next hearing on the police

investigator most knowledgeable with the facts of the sexual abuse allegations and the officer that specificially told Defendant not to turn the child over to Plaintiff. IF Defendant's counsel is unable to accomplish this task, then he is to immediately contact this Court's law clerk and discuss whether he can arrange for relevant investigator's appearances (no information about the specific facts of the case will be sought). NRCP 43(c) states ("[w]hen a motion is based on facts not appearing of record, the Court may hear the matter on affidavits presented by the respective parties, but the Court may direct that the matter be heard wholly or partly on oral testimony or depositions.").

The Motion hearing presently scheduled on September 16, 2015 at 10:00am is hereby RESET to be heard on September 16, 2015 at 11:00am so that this Court will have ample time to hear any emergency testimony. A copy of this Minute Order shall be sent to each party.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: September 16, 2015 10:00 AM Motion
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated
Harter, Mathew
Courtroom 24
Madrigal, Blanca

Canceled: September 16, 2015 10:00 AM Motion

September 16, 2015 11:00 AM Motion
Harter, Mathew
Courtroom 24
Madrigal, Blanca

Canceled: September 16, 2015 10:00 AM Opposition & Countermotion
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated
Harter, Mathew
Courtroom 24
Madrigal, Blanca

Canceled: September 16, 2015 10:00 AM Opposition & Countermotion

September 16, 2015 11:00 AM Opposition & Countermotion
Harter, Mathew
Courtroom 24
Madrigal, Blanca

Canceled: September 29, 2015 10:00 AM Motion

Canceled: September 29, 2015 10:00 AM Opposition & Countermotion

Electronically Filed
11/17/2015 10:51:33 AM

CLERK OF THE COURT

MOT
BLACK & LOBELLO
John D. Jones, Esq.
Nevada Bar No. 6699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
Telephone No.: 702-869-8801
Facsimile No.: 702-869-2669
Email: jjones@blacklobellolaw.com
Attorneys for Defendant,
RENELYN BAUTISTA

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

JAMES PICONE, Plaintiff vs. RENELYN BAUTISTA, Defendant	CASE NO.: D-14-495928-P DEPT. NO.: N

NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT HEARING PRIOR TO THE SCHEDULED HEARING DATE.

DEFENDANT, RENELYN BAUTISTA'S, MOTION TO RESOLVE PARENT-CHILD ISSUES, AND FOR ATTORNEYS' FEES AND COSTS

Date of Hearing:
Time of Hearing:
Oral Argument Requested: Yes

Defendant, RENELYN BAUTISTA, by and through her attorneys of record, John D. Jones and the law firm of Black & LoBello, hereby files her Motion to Resolve Parent-Child Issues and for Attorneys' Fees and Costs.

/ / /

/ / /

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

This Motion is based upon the pleadings and papers on file herein, the attached Exhibits, and any further evidence or argument presented to the Court at the hearing of this matter.

RESPECTFULLY SUBMITTED this 17 day of November, 2015.

BLACK & LOBELLO

John D. Jones
Nevada State Bar No. 006699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
Attorneys for Defendant,
RENELYN BAUTISTA

NOTICE OF MOTION

PLEASE TAKE NOTICE that a hearing on DEFENDANT, RENELYN BAUTISTA'S, MOTION TO RESOLVE PARENT-CHILD ISSUES AND FOR ATTORNEYS' FEES AND COSTS will be held before the Eighth Judicial District Court, at the Family Court Division, located at 601 North Pecos Road, Las Vegas, Nevada 89101, on the 15 day of December, 2015, at the hour of 11:00 A.m., or as soon thereafter as counsel can be heard.

Dated this 17 day of November, 2015.

BLACK & LOBELLO

JOHN D. JONES, ESQ.
Nevada State Bar No. 6699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
Attorneys for Defendant,
RENELYN BAUTISTA

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

I. INTRODUCTION

It is unfortunate that this motion has become necessary. Renelyn always uses the Courts as an avenue of last resort. This motion is no different. Renelyn, through her counsel, has tried to reason with James. Multiple emails have been sent trying to avoid Court intervention, but unfortunately, James has refused to negotiate or resolve the simple issues addressed in this motion. While the Court previously suggested that mediation could be sought, the unreasonableness exhibited by James and his refusal to respond mean that mediation would be a waste of Court resources. Renelyn is certain the Court will agree when it considers the emails exchanged over such simple issues.

On October 9th, Counsel for Renelyn sent an email requesting that the Sunday exchange time be adjusted by 1 hour to allow Sophia to attend Sunday school at the church she and her mother have gone to for over a year. Sophia is now old enough to attend Sunday school at the church. The result of Renelyn's counsel's attempt at complying with EDCR 5.11 was a threat to be reported to the State Bar. (See email exchange attached as **Exhibit "A"**) While he claims to also take Sophia to church on Sunday after the exchange, he was unwilling to say what church. Upon information and belief James does not take Sophia to church.

A month later, on November 12th, Renelyn, through counsel, once again attempted to address the issue of the Sunday exchange as well as a newly discovered anomaly in the parties holiday schedule. (See email attached as **Exhibit "B"**) In this email the issue of Sunday school was once again raised in hopes that reasonable minds could prevail. .

By November 16th, no response was received, even though the threatening one in October was received within two hours. On November 16th, another email was sent asking for a response by Wednesday November 18th otherwise a motion would be filed. This response changed James' reason for refusing to accommodate the 1 hour request from Church to "a regularly scheduled activity EVERY Sunday." An email was sent asking what activity he did with Sophia from 10 AM to 11:00 AM every Sunday. No response was received. Upon information and belief, in the four Sundays preceding this exchange of emails, James Picone picked Sophia up and took her

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

home, not to a "regularly scheduled activity." On one of those Sundays, after going home for an hour, he took Sophia to church at noon. This motion followed.

Obviously, the Court can make such minor revisions to the custody order without a hearing based upon such modifications being in the best interests of the child. Obviously, the 1 hour adjustment so that she can complete her Sunday School class is in Sophia's best interests.

II. ATTORNEYS' FEES

Renelyn should never have had to file this Motion. Because she has, this Court should enter an order granting Renelyn her attorneys' fees for having to file this Motion subject to the submission by the undersigned counsel of an affidavit consistent with Miller v. Wilfong, 121 Nev. 619, 119 P.3d 727 (2005) and Brunzell v. Golden Gate National Bank, 85 Nev. 345, 455 P.2d 31 (1969). It is unknown what the total amount of fees incurred as a result of filing this Motion and arguing it will be, but at the conclusion of the proceedings on this Motion, it would be Renelyn's request that she be permitted to submit the order to Court adjudicating this Motion with a blank included in which the Court upon reviewing the undersigned counsel's Miller v. Wilfong affidavit will include an amount for James to pay as and for attorneys' fees.

III. CONCLUSION

Obviously Renelyn has done everything she can to avoid coming before the Court on this issue, she has been forced to do so by James's unreasonableness, and asks only for the Court to enter the following orders:

1. That the exchange times on Sunday and Wednesday be modified by 1 hour to 11:00 AM rather than 10:00 AM.

/ / /

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/ / /

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

2. That James be ordered to pay Renelyn's attorney fees.

3. Any other relief that the Court deems just and appropriate.

RESPECTFULLY SUBMITTED this 17 day of November, 2015.

BLACK & LOBELLO

John D. Jones
Nevada State Bar No. 006699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
Attorneys for Defendant,
RENELYN BAUTISTA

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

DECLARATION OF DEFENDANT IN SUPPORT OF HER MOTION TO RESOLVE PARENT-CHILD ISSUES AND FOR ATTORNEYS' FEES AND COSTS

RENELYN BAUTISTA, being first duly sworn, deposes and says:

That I am the Plaintiff in the above-entitled action. I have personal knowledge of the facts and circumstances set forth in this Declaration.

That I have read the foregoing MOTION, TO RESOLVE PARENT-CHILD ISSUES, AND FOR ATTORNEYS' FEES AND COSTS and know the contents thereof; that the same is true of my own knowledge except for those matters therein stated on information and belief and as to those matters, I believe them to be true. The allegations contained in the Motion are adopted as if fully set forth in this Declaration.

Signed under pains and penalties of perjury this 17 day of November, 2015

RENELYN BAUTISTA

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

MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

JAMES PICONE,
Plaintiff/Petitioner

v.
RENELYN BAUTISTA,
Defendant/Respondent

Case No. D-14-495928-P

Dept. N

MOTION/OPPOSITION FEE INFORMATION SHEET

Notice: Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of $25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of $129 or $57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

Step 1. Select either the $25 or $0 filing fee in the box below.

☑ **$25** The Motion/Opposition being filed with this form is subject to the $25 reopen fee.

-OR-

☐ **$0** The Motion/Opposition being filed with this form is not subject to the $25 reopen fee because:

- ☐ The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.
- ☐ The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.
- ☐ The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____.
- ☐ Other Excluded Motion (must specify) _____.

Step 2. Select the $0, $129 or $57 filing fee in the box below.

☑ **$0** The Motion/Opposition being filed with this form is not subject to the $129 or the $57 fee because:

- ☑ The Motion/Opposition is being filed in a case that was not initiated by joint petition.
- ☐ The party filing the Motion/Opposition previously paid a fee of $129 or $57.

-OR-

☐ **$129** The Motion being filed with this form is subject to the $129 fee because it is a motion to modify, adjust or enforce a final order.

-OR-

☐ **$57** The Motion/Opposition being filing with this form is subject to the $57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of $129.

Step 3. Add the filing fees from Step 1 and Step 2.

The total filing fee for the motion/opposition I am filing with this form is:
☐ **$0** ☑ **$25** ☐ **$57** ☐ **$82** ☐ **$129** ☐ **$154**

Party filing Motion/Opposition: Renelyn Bautista Date 11/17/15

Signature of Party or Preparer Cheryl Berdahl

Exhibit A

Exhibit A

John Jones

From: John Jones
Sent: Saturday, October 10, 2015 12:08 PM
To: jampico7@aol.com
Subject: Re:

Are you represented by counsel? My understanding is that you are not. I would much rather deal with attorney Miley. Please advise.

John D. Jones, Esq.
Nevada Board Certified
Family Law Specialist

Sent from my iPhone

On Oct 9, 2015, at 5:55 PM, "jampico7@aol.com" <jampico7@aol.com> wrote:

> I will not be baited by you. Your correspondence has now crossed a professional line. If you persist in this course of harassment, I will report your unethical actions to the BAR Association. Do not contact me directly again.
>
> *Sent from my T-Mobile 4G LTE device*
>
> ------ Original message------
> **From:** John Jones
> **Date:** Fri, Oct 9, 2015 2:40 PM
> **To:** jampico7@aol.com;
> **Cc:**
> **Subject:**Re:
>
> Do you really think she wants/needs to go to church twice in a day?
>
> John D. Jones, Esq.
> Nevada Board Certified
> Family Law Specialist
>
> Sent from my iPhone
>
> On Oct 9, 2015, at 2:23 PM, " jampico7@aol.com" <jampico7@aol.com> wrote:
>
> > Dear Mr. jones,
> >
> > I am unable to accommodate this request as my daughter and I attend church together every Sunday after the morning exchange. On a school related note, I have attempted to communicate with Renelyn many times through Our Family Wizard regarding preschool for Sophia. She refuses to discuss this even though our court order dictates

that we are to make a joint decision on this. She also keeps harassing me via Our Family Wizard that she hasn't received my child support payments. It is for this reason that I send them cer tified mail- and will continue to send via certified mail. I am not one payment behind. I have confirmation of receipt for each payment. She is aware that I have confirmation.

Regards,

James Picone

Sent from my T-Mobile 4G LTE device

------ Original message------
From: John Jones
Date: Fri, Oct 9, 2015 12:57 PM
To: James Picone;
Cc: Renelyn Schramm;
Subject:

Dear Mr. Picone,Sophia is starting Sunday school this weekend and it is from 9-10:30. Please confirm that you are ok with moving the exchange time to 11 on Sundays to accommodate this for Sophia. John D. Jones, Esq. Nevada Board Certified Family Law SpecialistSent from my iPhone

John Jones

From: John Jones
Sent: Saturday, October 10, 2015 12:10 PM
To: jampico7@aol.com
Subject: Re:

By the way. If you do not have an attorney I have no choice but to contact you directly. I am required to attempt to resolve such issues before filing a motion. There is nothing unethical about it

John D. Jones, Esq.
Nevada Board Certified
Family Law Specialist

Sent from my iPhone

On Oct 9, 2015, at 5:55 PM, "jampico7@aol.com" <jampico7@aol.com> wrote:

> I will not be baited by you. Your correspondence has now crossed a professional line. If you persist in this course of harassment, I will report your unethical actions to the BAR Association. Do not contact me directly again.
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> **To:** jampico7@aol.com;
> **Cc:**
> **Subject:**Re:
>
> Do you really think she wants/needs to go to church twice in a day?
>
> John D. Jones, Esq.
> Nevada Board Certified
> Family Law Specialist
>
> Sent from my iPhone
>
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that we are to make a joint decision on this. She also keeps harassing me via Our Family Wizard that she hasn't received my child support payments. It is for this reason that I send them cer tified mail- and will continue to send via certified mail. I am not one payment behind. I have confirmation of receipt for each payment. She is aware that I have confirmation.

Regards,

James Picone

Sent from my T-Mobile 4G LTE device

------ Original message------
From: John Jones
Date: Fri, Oct 9, 2015 12:57 PM
To: James Picone;
Cc: Renelyn Schramm;
Subject:

Dear Mr. Picone,Sophia is starting Sunday school this weekend and it is from 9-10:30. Please confirm that you are ok with moving the exchange time to 11 on Sundays to accommodate this for Sophia. John D. Jones, Esq. Nevada Board Certified Family Law SpecialistSent from my iPhone

Exhibit B

Exhibit B

John Jones

From: John Jones
Sent: Thursday, November 12, 2015 2:07 PM
To: 'jampico7@aol.com'
Cc: renelynschramm
Subject: Requested modifications.

Dear Mr. Picone,

As with most custody cases, in the first year of a parenting plan, things change and parents realize that some things agreed to are ok on paper but impractical in reality.

With that in mind, I want to make the following proposal:

1. Sunday Exchange time.

   As I told you before, Sophia is currently attending Sunday school each Sunday morning. It begins at 9:00 and goes until 10:30. The current exchange time means that her class is cut short, or she is delivered late. Renelyn would request that the time of the Sunday exchange be moved to 11:00 instead of 10:00. In exchange, the Wednesday exchange can be moved to 11:00 as well. Please advise if this is acceptable. Renelyn would like to have this in place prior to this Sunday.

2. Thanksgiving and Xmas.

   The standard provision is for the party who does not have Thanksgiving gets Xmas eve to Xmas day. Somehow, the Odd/Even got juxtaposed so that the party having Thanksgiving also has Xmas eve to Xmas day. Renelyn requests that we change either Thanksgiving or Xmas to make sure that 1 parent does not have the majority of all holidays in the same year. This is a mutual agreement, benefiting both of you over the next 15 years. Please advise if you agree and which holiday you would like to change this year.

   Also, the 24 hour period for Xmas limits both of your options for the holidays and results in a Xmas day exchange. Renelyn would request that Xmas eve and day be defined as from noon on the 24th until noon on the 26th each year and from noon on the 26th until noon on the 28th. This is another mutual modification that will benefit you both and Sophia for the next 15 years.

3. New Years.

   Renelyn would also request that this holiday change to a two day period from noon on the 31st until noon on January 2nd. The party having Thanksgiving would not have Xmas but would have new years. Thus, depending on what holiday you choose to change, this holiday would follow the Odd/Even of Thanksgiving.

None of these requests seek to reduce either parties' timeshare, only to apply more common sense. Please let me know your position.

Also, please advise if you have had a change of employment and if so, whether your work schedule has changed.

Thank you and I look forward to your response.

John D. Jones, Esq.
Partner.
Nevada Board Certified Family Law Specialist

BLACK & LOBELLO
ATTORNEYS AT LAW

10777 West Twain Avenue, Third Floor
Las Vegas, Nevada 89135
Ph: 702.869.8801
Fax: 702.869.2669
Mobile: 702.523.6966
Visit our improved website at:
www.blacklobellolaw.com

John Jones

From: John Jones
Sent: Monday, November 16, 2015 9:27 AM
To: 'jampico7@aol.com'
Subject: Response to last week's email

Can you please provide me a response to my email from last week. I am required to try to resolve these types of issues before filing a motion for the Court to decide things. I cannot reasonably attempt a resolution without your input.

Please respond. If I do not get some type of response by Wednesday, I will have no choice but to file a motion.

John D. Jones, Esq.
Partner.
Nevada Board Certified Family Law Specialist

BLACK & LOBELLO
ATTORNEYS AT LAW

10777 West Twain Avenue, Third Floor
Las Vegas, Nevada 89135
Ph: 702.869.8801
Fax: 702.869.2669
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CLERK OF THE COURT

OPCM
EDWARD R. MILEY, ESQ.
Nevada Bar No: 006063
711 South Ninth Street
Las Vegas, Nevada 89101
(702) 942-0600 – office
(702) 942-0601 – fax
UNBUNDLED Attorney for Plaintiff,
JAMES PICONE

DISTRICT COURT, FAMILY DIVISION
CLARK COUNTY, NEVADA

JAMES PICONE, Plaintiff, vs. RENELYN BAUTISTA, Defendant.	CASE NO: D-14-495928-P DEPT NO: N DATE OF HEARING: 01/06/2016 TIME OF HEARING: 11:00AM

"NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION/COUNTERMOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION/COUNTERMOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION/COUNTERMOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT HEARING PRIOR TO THE SCHEDULED HEARING DATE."

PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO RESOLVE PARENT/CHILD ISSUES AND FOR ATTORNEY'S FEES AND COSTS
AND
PLAINTIFFS COUNTER MOTION TO HAVE DEFENDANT FOUND TO BE A VEXATIOUS LITIGANT AND RESTRICT HER FROM FILING MOTIONS IN THE FUTURE WITHOUT FIRST OBTAINING THE COURT'S PERMISSION; FOR THE APPOINTMENT OF A PARENTING COORDINATOR AND THAT DEFENDANT BE ORDERED TO PAY FOR THE COST; FOR PLAINTIFF'S ATTORNEY'S FEES AND COSTS INCURRED HEREIN, AND RELATED RELIEF

COMES NOW the Plaintiff, JAMES PICONE, by and through his UNBUNDLED attorneys, THE MILEY LAW FIRM and moves this Honorable Court for the following relief:

1. Denying the relief sought by the Defendant;

2. Finding the Defendant to be a vexatious litigant and restricting her from filing motions in the future without first obtaining the Court's permission;

3. For the appointment of a parenting coordinator and that Defendant be responsible to pay for the cost, and, related issues;

4. For Plaintiff's costs and attorney's fees and costs incurred herein;

5. For such other and further relief as the court deems just and equitable.

This opposition and counter motion is made and based upon all the papers and pleadings on file, together with the attached affidavit and is made in good faith and not to delay justice.

Dated this 7 day of Dec, 2015.

Respectfully submitted:

EDWARD R. MILEY, ESQ.
Nevada Bar No: 006063
711 South Ninth Street
Las Vegas, Nevada 89101
(702) 942-0600
UNBUNDLED Attorney for Plaintiff,
JAMES PICONE

POINTS AND AUTHORITIES

Plaintiff, JAMES PICONE (hereinafter "JAMES") and Defendant, RENELYN BAUTISTA (hereinafter "RENELYN") have one minor child by their relationship, Sophia, age 3. Pursuant to a Stipulation and Order entered on April 8, 2015 the parties agreed to share joint legal and joint physical custody of Sophia.

II. JAMES REQUEST TO DECLARE RENELYN TO BE A VEXATIOUS LITIGANT

It is time for the Court to declare RENELYN a vexatious litigant and restrict her ability to file any further motions. A vexatious litigant is one who repeatedly files frivolous lawsuits. The Nevada Supreme Court has approved a district court limiting a vexatious litigant's access to the courts by preventing the litigant from filing future actions without first showing a proposed action is not frivolous. *Peck v. Crouser*, 295 P.3d 586 (2013 Nev); *Jordan v. State Dept. of Motor Vehicles*, 121 Nev. 44, 110 P. 3d 30 (2005).

In the past 5 months RENELYN has filed no less than 3 motions. She began by filing a motion to change custody on July 9, 2015. Before JAMES even had a chance to file an opposition, and without even holding a hearing, the Court issued its decision 8 days later on July 17, 2015 denying RENELYN's motion in its entirety. The Court did order both parties to complete the UNLV Cooperating Parenting Course. JAMES completed the course. His Certificate of Completion is attached hereto as **Exhibit 1**. RENELYN has not. Instead, RENELYN responded to the Court's Decision and Order by filing a motion to reconsider on August 17, 2015. This time JAMES filed an opposition and observed that RENELYN's motion was not even timely. The Court rejected RENELYN'S motion to reconsider as well.

Then on November 17, 2015 RENELYN filed the instant motion seeking to take one hour from JAMES' time share so that she can take Sophia to Sunday school. JAMES rejected the request as explained in greater detail below. However, it is clear that three frivolous motions in 5 months are enough to conclude that RENELYN is a vexatious litigant. She will continue to file frivolous motions as long as the Court lets her get away with it. JAMES is therefore requesting that the Court find RENELYN to be a

vexatious litigant and order that she must obtain the Court's permission prior to filing any future motions.

III. JAMES' OPPOSITION TO RENELYN'S MOTION TO MODIFIY VISITATION

NRS125.510. Orders: modification or termination; form; expiration.

1. In determining custody of a minor child in an action brought under this chapter, the court may:

(a) During the pendency of the action, at the final hearing or at any time thereafter during the minority of any of the children of the marriage, make such an order for the custody, care, education, maintenance and support of the minor children as appears in their best interest;

NRS 125.480 Best interest of child; preferences; considerations of court; presumption when court determines that parent or person residing with child is perpetrator of domestic violence.

1. In determining custody of a minor child in an action brought under this chapter, the sole consideration of the court is the best interest of the child. If it appears to the court that joint custody would be in the best interest of the child, the court may grant custody to the parties jointly.

2. Preference must not be given to either parent for the sole reason that the parent is the mother or the father of the child.

3. The court shall award custody in the following order of preference unless in a particular case the best interest of the child requires otherwise:

(a) To both parents jointly pursuant to NRS 125.490 or to either parent. If the court does not enter an order awarding joint custody of a child after either parent has applied for joint custody, the court shall state in its decision the reason for its denial of the parent's application.

(b) To a person or persons in whose home the child has been living and where the child has had a wholesome and stable environment.

(c) To any person related within the third degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this State.

(d) To any other person or persons whom the court finds suitable and able to provide proper care and guidance for the child.

4. In determining the best interest of the child, the court shall consider and set forth its specific findings concerning, among other things:

(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.

(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.

In addressing matters that pertain to a minor child, the standard the Court must apply is the best interests of the child. *Culbertson v. Culbertson,* 91 Nev. 230, 533 P.2d 768 (1975). (See also *Sims v. Sims,* 109 Nev. 1146, 865 P.2d 238 (Nev. 1993)). As early as 1927 the Nevada Supreme Court in *Atkins v. Atkins,* 15 Nev. 333, 259 P. 288 (1927) held. "The basis of the power conferred on the Court by this Statute to exercise a broad discretion as to custody and support, lies in the reason that it is not the rights of the parties which are to be determined, but the best interest of the child. This is universally held to be a paramount consideration."

In the instant motion, RENELYN has asked the Court to take an hour from JAMES' Sunday time share and give it to her so that she can take Sophia to Sunday school. Currently JAMES picks up Sophia on Sunday at 10:00 a.m. and he has his daughter to Wednesday at 10:00 a.m. RENELYN has the child from Wednesday at 10:00 a.m. to Sunday at 10:00 a.m. This is the initial time share agreed to by the parties and their counsel and has been in effect since April 8, 2015.

RENELYN is a Jehovah's Witness. JAMES does not share her religious affiliation but she is free to take the child to Sunday school. However, JAMES submits there is no basis for the Court to grant her request forcing him to give up his time. JAMES has been taking Sophia to church every Sunday and has been doing so for the past 1½ years. Granting RENELYN'S request would interfere with JAMES' Sunday religious activities

and would be unconstitutional infringement on JAMES' right to free exercise of religion (see Article 1, Section 4 of the Nevada Constitution). RENELYN'S request must be denied on that basis alone.

As a practical matter JAMES does not believe RENELYN is serious about having Sophia attend Sunday school. Her motion is another fabricated excuse for her to drag JAMES back to court and cause him to waste time and money defending yet another of her frivolous actions. RENELYN has not been having Sophia attend the Sunday school class consistently. In the past year JAMES estimates she and Sophia have only gone to these classes 4 or 5 times. In the past 3 weeks Sophia tells JAMES they have not gone at all, further reinforcing JAMES' argument that RENELYN is a vexatious litigant and is using the Sunday school class as an excuse to file yet another motion.

RENELYN claims that prior to filing this motion her lawyer sought to resolve the religious issue and included an email as Exhibit A to her motion. JAMES did respond to RENELYN's request. The complete email chain JAMES exchanged with RENELYN's lawyer is attached hereto as **Exhibit 2**. JAMES explained that he already takes Sophia to church on Sunday and that RENELYN's proposed modification would interfere with JAMES continuing to do so. JAMES therefore rejected RENELYN'S request.

RENELYN has also sought to modify the Thanksgiving and Christmas visitation and has set forth her proposed modification in her email included as Exhibit B to her motion. She complains that the current schedule results in the party having Thanksgiving one year also having Christmas Eve and Christmas Day. She suggests this was supposedly an error. JAMES rejected this request as well because there has been no mistake in the current arrangement. RENELYN specifically agreed to the

current holiday visitation schedule, and she has set forth no basis to change it, other than her desire that it be changed. Furthermore, the party not having these holidays one year will have them the next. JAMES also rejected RENELYN'S request to modify New Year's visitation for the same reasons. RENELYN has made no showing that her proposed modifications are in the child's best interests. In fact, she has offered no substantive reasons whatsoever for the modifications. She is in fact motivated solely by a desire to continue to litigate and cause JAMES to incur needless expenses for attorney's fees. JAMES is therefore requesting that RENELYN'S motion be denied.

2. JAMES' COUNTER MOTION FOR THE APPOINTMENT OF A PARENTING COORDINATOR AND RELATED ISSUES

In its Decision and Order issued on July 17, 2015 the Court indicated that it would to consider appointing a Parenting Coordinator and have RENELYN pay for the expense. The fact that RENELYN has insisted on filings serial motions is grounds enough to appoint a Parenting Coordinator. RENELYN has knowingly and willfully violated the court order on several occasions by: repeatedly attempting to communicate with JAMES through methods other than what is outlined in the current order; sending defaming and slanderous communications that have nothing to do with the child; refusing to discuss the child's preschool; refusing to provide the child's complete physician's information, and, refusing to provide a true address of where the child resides. Attached hereto as **Exhibit 3** is Our Family Wizard correspondence and return certified mail receipts for attempted child support payments.

JAMES has not enjoyed one time share period with his daughter. RENELYN will use the above mentioned methods of interference during JAMES scheduled time share in order to cause him undue emotional stress (see attached list of dates for Our Family

Wizard emails sent from RENELYN. Note that the dates fall on JAMES scheduled access periods and holidays). RENELYN has knowingly and willingly interfered with JAMES scheduled holidays such as 4th of July, Labor Day, Veteran's Day and Thanksgiving. In addition to the text message and Our Family Wizard methods of interference used by RENELYN as stated herein, RENELYN and her husband James Schramm went to JAMES place of employment on the 4th of July holiday making a scene by yelling, cursing and defaming JAMES in front of co-workers and patrons. This method of interference was repeated on Veteran's Day when they contacted another Tower of Jewels store asking for JAMES and speaking to his former employers about him. This interference has not only caused JAMES the undue emotional stress of an unhampered holiday with his daughter, but hurt JAMES chances of obtaining a position at the other store location. As well, RENELYN has interfered with JAMES scheduled access period by prohibiting any contact or access with the child for a three week period from August 30, 2015 through September 19, 2015 by being a vexatious litigant, filing a motion dated August 17, 2015 as previously referenced and by knowingly and willingly allowing her husband JAMES Schramm to file a false report against JAMES alleging child abuse. RENELYN did not even contact JAMES nor respond to his desperate inquiries to see if something had happened to his daughter when she decided to interfere by withholding access during this period. JAMES endured extreme emotional distress at the thought that something horrible had happened to his daughter. He was finally notified via a Cease and Desist email he received from RENELYN's attorney on September 3, 2015 at 11:45AM, almost 4 full days with no contact or news about his

daughter (see Narrative Report from the Henderson Police Department attached as **Exhibit 4**).

Apart from being contemptuous, RENELYN'S conduct, now more than ever requires that the Court appoint a Parenting Coordinator. JAMES is requesting that the Court do so and order RENELYN to pay the cost. If on the other hand the Court decides not to appoint a Parenting Coordinator, and due to RENELYN being a vexatious litigant and for documentation purposes, JAMES is requesting that all child exchanges to take place at Donna's House and that the cost for this be the responsibility of RENELYN.

3. REQUEST FOR ATTORNEY'S FEES AND SANCTIONS

NRS 18.010 provides as follows:

2. In addition to the cases where an allowance is authorized by specific statute, the court may make an allowance of attorney's fees to a prevailing party:

(a) When he has not recovered more than $20,000.00; or

(b) Without regard to the recovery sought, when the court finds that the claim, counterclaim, cross-claim or third party complaint or defense of the opposing party was brought without reasonable ground or to harass the prevailing party.

Rule 7.60. Sanctions.

(a) If without just excuse or because of failure to give reasonable attention to the matter, no appearance is made on behalf of a party on the call of a calendar, at the time set for the hearing of any matter, at a pre-trial conference, or on the date of trial, the court may order any one or more of the following:

(1) Payment by the delinquent attorney or party of costs, in such amount as the court may fix, to the clerk or to the adverse party.

(2) Payment by the delinquent attorney or party of the reasonable expenses, including attorney's fees, to any aggrieved party.

(3) Dismissal of the complaint, cross-claim, counter-claim or motion or the striking of the answer and entry of judgment by default, or the granting of the motion.

(4) Any other action it deems appropriate, including, without limitation, imposition of fines.

(b) The court may, after notice and an opportunity to be heard, impose upon an attorney or a party any and all sanctions which may, under the facts of the case, be reasonable, including the imposition of fines, costs or attorney's fees when an attorney or a party without just cause:

(1) Presents to the court a motion or an opposition to a motion which is obviously frivolous, unnecessary or unwarranted.

(2) Fails to prepare for a presentation.

(3) So multiplies the proceedings in a case as to increase costs unreasonably and vexatiously.

(4) Fails or refuses to comply with these rules.

(5) Fails or refuses to comply with any order of a judge of the court.

In the case of *Miller v. Wilfong,* 119 P.3d 727 (2005) the Nevada Supreme Court held that it is within the trial court's discretion to determine the reasonable amount of attorney fees under a statute or rule and that in exercising its discretion, the district court must evaluate the factors set forth in *Brunzell v. Golden Gate National Bank,* 85 Nev. 345, 455 P.2d 31 (1969), including the qualities of the advocate, the character and difficulty of the work performed, the work actually performed by the attorney, and the result obtained. In this case, JAMES' counsel is an experienced attorney who has litigated numerous divorce, custody, paternity and post-divorce actions. The legal representation in this case involved the collection and analysis of the pertinent information, the preparation of legal documents and court appearances. JAMES' counsel expects to obtain a good result based on the facts of the case.

JAMES is therefore requesting that he have an award of attorney's fees and sanctions in the sum of $5,000.00.

WHEREFORE, in the best interests of the minor child, let an order issue granting the relief requested by Plaintiff.

Dated this 7 day of Dec, 2015.

Respectfully submitted:

EDWARD R. MILEY, ESQ.
Nevada Bar No: 006063
711 South Ninth Street
Las Vegas, Nevada 89101
UNBUNDLED Attorney for Plaintiff,
JAMES PICONE

AFFIDAVIT OF JAMES PICONE

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

JAMES PICONE, being first duly sworn on oath, states as follows:

1. That I am the Plaintiff in the above-entitled action. That I have read the foregoing opposition and counter motion, including the points and authorities, and the same are true and correct to the best of my knowledge and belief.

2. For the reasons stated in my points and authorities, I am requesting that the Court grant me the relief sought in my opposition and counter motion.

JAMES PICONE

Subscribed and sworn to before me this
4 day of December, 2015.

Notary Public

NOTARY PUBLIC
SHARI NORTON
STATE OF NEVADA - COUNTY OF CLARK
MY APPOINTMENT EXP. FEB. 15, 2016
No: 08-6262-1

CERTIFICATE OF MAILING

I hereby certify that on the 7th day of December, 2015 I deposited for mailing a true and correct copy of the PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO RESOLVE PARENT/CHILD ISSUES AND FOR ATTORNEY'S FEES AND COTS AND PLAINTIFF'S COUNTER MOTION TO HAVE DEFENDANT FOUND TO BE A VEXATIOUS LITIGANT AND RESTRICT HER FROM FILING MOTIONS IN THE FUTURE WITHOUT FIRST OBTAINING THE COURT'S PERMISSION; FOR THE APPOINTMENT OF A PARENTING COORDINATOR AND THAT DEFENDANT BE ORDERED TO PAY FOR THE COTS; FOR PLAINTIFF'S ATTORNEY'S FEES AND COSTS INCURRED HEREIN AND RELATED RELIEF in the United States Post Office First Class Mail, postage repaid thereon addressed to:

John Jones
Black and Lobello
10777 W. Twain, Suite 300
Las Vegas, NV 89135

Person Mailing

EXHIBIT 1

UNLV | CONTINUING EDUCATION

DIVISION OF EDUCATIONAL OUTREACH

October 13, 2015

Judge Mathew Harter
Family Court Division, Department N
Family Courthouse
601 N. Pecos
Las Vegas, Nevada 89155

Re: James Picone
James Picone, Plaintiff, vs. Renelyn Schramm, Defendant.
Case No: D-14-495928-P

Dear Judge Harter,

This letter is to confirm that the following individual has completed the UNLV Cooperative Parenting Program, offered through the UNLV Division of Educational Outreach:

James Picone

Please do not hesitate to contact me if you need additional information. Thank you for your referral to this program.

Sincerely,

Kathleen Bergquist

Kathleen Ja Sook Bergquist, LCSW, JD, Ph.D.
Program Facilitator
702.895.2449
kathleen.berquist@unlv.edu

EXHIBIT 2

John Jones

From: John Jones
Sent: Monday, November 16, 2015 9:27 AM
To: 'jampico7@aol.com'
Subject: Response to last week's email

Can you please provide me a response to my email from last week. I am required to try to resolve these types of issues before filing a motion for the Court to decide things. I cannot reasonably attempt a resolution without your input.

Please respond. If I do not get some type of response by Wednesday, I will have no choice but to file a motion.

John D. Jones, Esq.
Partner.
Nevada Board Certified Family Law Specialist

BLACK & LOBELLO
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www.blacklobellolaw.com

I do not think you have responded to me what the activity is. If you have responded to Renelyn, please advise me of what the activity is.

John D. Jones, Esq.
Partner.
Nevada Board Certified Family Law Specialist

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www.blacklobellolaw.com

From: jampico7@aol.com [mailto:jampico7@aol.com]
Sent: Tuesday, November 17, 2015 5:09 PM
To: John Jones <jjones@blacklobellolaw.com>
Subject: Re: Response to last week's email

I have provided my response which was very amicable. Why have you not responded to my requests as I have yours? I have already stated what our activity is several times. Please speak with Renelyn and provide a response to my requests.

James Picone

------ Original message------
From: John Jones
Date: Tue, Nov 17, 2015 7:49 AM
To: jampico7@aol.com;
Cc:
Subject:RE: Response to last week's email

Can you please tell me what it is you do between 10 and 11 on Sundays that prevents you from making this accommodation?

John D. Jones, Esq.
Partner.
Nevada Board Certified Family Law Specialist

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ATTORNEYS AT LAW

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Ph: 702.869.8801
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Mobile: 702.523.6966
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From: jampico7@aol.com [mailto:jampico7@aol.com]
Sent: Monday, November 16, 2015 7:31 PM
To: John Jones <jjones@blacklobellolaw.com< a="">>;</jjones@blacklobellolaw.com<> jampico7@aol.com
Subject: Re: Response to last week's email

Dear Mr. Jones,

I have redlined my responses to your correspondence for convenience:

As with most custody cases, in the first year of a parenting plan, things change and parents realize that some things agreed to are ok on paper but impractical in reality.

With that in mind, I want to make the following proposal:

1. Sunday Exchange time.

   As I told you before, Sophia is currently attending Sunday school each Sunday morning. It begins at 9:00and goes until 10:30. The current exchange time means that her class is cut short, or she is delivered late. Renelyn would request that the time of the Sunday

exchange be moved to 11:00instead of 10:00. In exchange, the Wednesdayexchange can be moved to11:00 as well. Please advise if this is acceptable. Renelyn would like to have this in place prior to this Sunday.
As I have stated numerous times: Sophia and I have a regularly scheduled activity EVERY Sunday. Therefor I am unable to accommodate this request. I have stated this at lease 6 times but continue to be harassed about it by your client.

2. Thanksgiving and Xmas.

The standard provision is for the party who does not have Thanksgiving gets Xmas eve to Xmas day. Somehow, the Odd/Even got juxtaposed so that the party having Thanksgiving also has Xmas eve to Xmas day. Renelyn requests that we change either Thanksgiving or Xmas to make sure that 1 parent does not have the majority of all holidays in the same year. This is a mutual agreement, benefiting both of you over the next 15 years. Please advise if you agree and which holiday you would like to change this year. Renelyn did not allow me to see Sophia last year for Thanksgiving OR Christmas and felt this rotation was fair at that time when she withheld Sophia. It is unfair that Renelyn only now wants to change the holiday schedule to suit herself. Why did she not feel this way last year when I made a similar request? I would be amenable to beginning this rotation for Thanksgiving and Christmas beginning in 2016 if she likes?

Also, the 24 hour period for Xmas limits both of your options for the holidays and results in a Xmas day exchange. Renelyn would request that Xmas eve and day be defined as from noonon the 24th until noon on the 26th each year and fromnoon on the 26th until noonon the 28th. This is another mutual modification that will benefit you both and Sophia for the next 15 years. I would be amenable to this beginning 2016 as stated above.

3. New Years.

Renelyn would also request that this holiday change to a two day period from noon on the 31stuntil noon on January 2nd. The party having Thanksgiving would not have Xmas but would have new years. Thus, depending on what holiday you choose to change, this holiday would follow the Odd/Even of Thanksgiving. I am amenable to this change. As I will have Sophia for Christmas this year, Renelyn can have the New Years holiday as you have outlined above.

None of these requests seek to reduce either parties' timeshare, only to apply more common sense. Please let me know your position.

Also, please advise if you have had a change of employment and if so, whether your work schedule has changed.
My employment status has changed. I am no longer employed with Tower of Jewels. Your client and her husband are partly responsible for this when they stalked me at my place of employment on the 4th of July holiday. Then proceeded to enter the store in an attempt to defame me by using foul language, shouting and making a scene. Kindly ask your clients to cease any and all stalking attempts by going to my former place of employment on a holiday in an attempt to cause further defamation and harassment or I will have to file charges. Further, please ask them to cease their stalking attempts by calling other Tower of Jewels locations to see if I am there. I am currently unemployed and actively looking for new employment.

I also have a few requests of my own:
- We are having multiple issues at our current exchange point with regards to your client consistently being late or not showing up at all and making false allegations at me immediately following the exchange . in order to protect myself from any further false allegations by Renelyn and her family, I am requesting that the exchanges take place at Donna's House going forward.
- I have not had one single visitation period including holidays with my daughter that has been unhampered. I receive harassing and defaming correspondence through Our Family Wizard- none of which have anything to do with Sophia., several harassing text messages and Renalyn's husband driving by my home with a friend- pointing their finger at me in a menacing demeanor in an attempt to further distress and stalk me. This MUST cease IMMEDIATELY. The court order states that I have a right to unhampered access. It also states that we are not to text each other.
- I have asked at least 5 documented times for Sophia's pediatrician's information- including contact phone number and address. Renelyn refuses to give me this information. Please have her provide it immediately as she is due for her annual child wellness exam and I need to know which vaccines she has already had, prior medications etc..
- Sophia tells me Renelyn is moving again. This would be the 5th move in 2 years. If this is the case, please have her provide me with an accurate address as outlined in our order- prior to her moving.
- Renelyn keeps insisting that I am behind in my support payments although I have informed her that I have sent them directly to your office as you instructed. Why does she keep harassing me about this after I have explained where the payments are?

James Picone

------ Original message------
From: John Jones
Date: Mon, Nov 16, 2015 9:26 AM
To:jampico7@aol.com;
Cc:
Subject: Response to last week's email

Can you please provide me a response to my email from last week. I am required to try to resolve these types of issues before filing a motion for the Court to decide things. I cannot reasonably attempt a resolution without your input.

Please respond. If I do not get some type of response by Wednesday, I will have no choice but to file a motion.

John D. Jones, Esq.
Partner.

Nevada Board Certified Family Law Specialist

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www.blacklobellolaw.com

That is unfortunate that you will not be reasonable. Please tell me what church the two of you attend. I have already directed you to not send your child support certified mail. Why you would keep doing so is astounding. If you insist on doing so, please send it certified to my office.

Please reconsider your unwillingness to change the exchange time.

John D. Jones, Esq.
Nevada Board Certified
Family Law Specialist

Sent from my iPhone

On Oct 9, 2015, at 2:23 PM, "jampico7@aol.com" <jampico7@aol.com> wrote:

> Dear Mr. jones,
>
> I am unable to accommodate this request as my daughter and I attend church together every Sunday after the morning exchange. On a school related note, I have attempted to communicate with Renelyn many times through Our Family Wizard regarding preschool for Sophia. She refuses to discuss this even though our court order dictates that we are to make a joint decision on this. She also keeps harassing me via Our Family Wizard that she hasn't received my child support payments. It is for this reason that I send them certified mail- and will continue to send via certified mail. I am not one payment behind. I have confirmation of receipt for each payment. She is aware that I have confirmation.
>
> Regards,
>
> James Picone
>
> *Sent from my T-Mobile 4G LTE device*
>
> ----- Original message-----
> **From:** John Jones
> **Date:** Fri, Oct 9, 2015 12:57 PM
> **To:** James Picone;
> **Cc:** Renelyn Schramm;
> **Subject:**
>
> Dear Mr. Picone,Sophia is starting Sunday school this weekend and it is from 9-10:30. Please confirm that you are ok with moving the

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Visit our improved website at:
www.blacklobellolaw.com

From: jampico7@aol.com [mailto:jampico7@aol.com]
Sent: Tuesday, November 17, 2015 5:09 PM
To: John Jones <jjones@blacklobellolaw.com< a="">></jjones@blacklobellolaw.com<>
Subject: Re: Response to last week's email

I have provided my response which was very amicable. Why have you not responded to my requests as I have yours? I have already stated what our activity is several times. Please speak with Renelyn and provide a response to my requests.

James Picone

------ Original message------
From: John Jones
Date: Tue, Nov 17, 2015 7:49 AM
To: jampico7@aol.com;
Cc:
Subject:RE: Response to last week's email

Can you please tell me what it is you do between 10 and 11 on Sundays that prevents you from making this accommodation?

John D. Jones, Esq.
Partner.
Nevada Board Certified Family Law Specialist

BLACK & LOBELLO
ATTORNEYS AT LAW

10777 West Twain Avenue, Third Floor
Las Vegas, Nevada 89135
Ph: 702.869.8801
Fax: 702.869.2669
Mobile:702.523.6966
Visit our improved website at:
www.blacklobellolaw.com

From: jampico7@aol.com [mailto:jampico7@aol.com]
Sent: Monday, November 16, 2015 7:31 PM
To: John Jones <jjones@blacklobellolaw.com< a="">>;</jjones@blacklobellolaw.com<> jampico7@aol.com
Subject: Re: Response to last week's email

Dear Mr. Jones,

I have redlined my responses to your correspondence for convenience:

As with most custody cases, in the first year of a parenting plan, things change and parents realize that some things agreed to are ok on paper but impractical in reality.

With that in mind, I want to make the following proposal:

1. Sunday Exchange time.

   As I told you before, Sophia is currently attending Sunday school each Sunday morning. It begins at 9:00and goes until 10:30. The current exchange time means that her class is cut short, or she is delivered late. Renelyn would request that the time of the Sunday exchange be moved to 11:00instead of 10:00. In exchange, the Wednesdayexchange can be moved to11:00 as well. Please advise if this is acceptable. Renelyn would like to have this in place prior to this Sunday.
   As I have stated numerous times: Sophia and I have a regularly scheduled activity EVERY Sunday. Therefor I am unable to accommodate this request. I have stated this at lease 6 times but continue to be harassed about it by your client.

2. Thanksgiving and Xmas.

   The standard provision is for the party who does not have Thanksgiving gets Xmas eve to Xmas day. Somehow, the Odd/Even got juxtaposed so that the party having Thanksgiving also has Xmas eve to Xmas day. Renelyn requests that we change either Thanksgiving or Xmas to make sure that 1 parent does not have the majority of all holidays in the same year. This is a mutual agreement, benefiting both of you over the next 15 years. Please advise if you agree and which holiday you would like to change this year. Renelyn did not allow me to see Sophia last year for Thanksgiving OR Christmas and felt this rotation was fair at that time when she withheld Sophia. It is unfair that Renelyn only now wants to change the holiday schedule to suit herself. Why did she not feel this way last year when I made a similar request? I would be amenable to beginning this rotation for Thanksgiving and Christmas beginning in 2016 if she likes?

Also, the 24 hour period for Xmas limits both of your options for the holidays and results in a Xmas day exchange. Renelyn would request that Xmas eve and day be defined as from noonon the 24th until noon on the 26th each year and fromnoon on the 26th until noonon the 28th. This is another mutual modification that will benefit you both and Sophia for the next 15 years. I would be amenable to this beginning 2016 as stated above.

3. New Years.

Renelyn would also request that this holiday change to a two day period from noon on the 31stuntil noon on January 2nd. The party having Thanksgiving would not have Xmas but would have new years. Thus, depending on what holiday you choose to change, this holiday would follow the Odd/Even of Thanksgiving. I am amenable to this change. As I will have Sophia for Christmas this year, Renelyn can have the New Years holiday as you have outlined above.

None of these requests seek to reduce either parties' timeshare, only to apply more common sense. Please let me know your position.

Also, please advise if you have had a change of employment and if so, whether your work schedule has changed.

My employment status has changed. I am no longer employed with Tower of Jewels. Your client and her husband are partly responsible for this when they stalked me at my place of employment on the 4th of July holiday. Then proceeded to enter the store in an attempt to defame me by using foul language, shouting and making a scene. Kindly ask your clients to cease any and all stalking attempts by going to my former place of employment on a holiday in an attempt to cause further defamation and harassment or I will have to file charges. Further, please ask them to cease their stalking attempts by calling other Tower of Jewels locations to see if I am there. I am currently unemployed and actively looking for new employment.

I also have a few requests of my own:

- We are having multiple issues at our current exchange point with regards to your client consistently being late or not showing up at all and making false allegations at me immediately following the exchange . in order to protect myself from any further false allegations by Renelyn and her family, I am requesting that the exchanges take place at Donna's House going forward.
- I have not had one single visitation period including holidays with my daughter that has been unhampered. I receive harassing and defaming correspondence through Our Family Wizard- none of which have anything to do with Sophia., several harassing text messages and Renalyn's husband driving by my home with a friend- pointing their finger at me in a menacing demeanor in an attempt to further distress and stalk me. This MUST cease IMMEDIATELY. The court order states that I have a right to unhampered access. It also states that we are not to text each other.
- I have asked at least 5 documented times for Sophia's pediatrician's information- including contact phone number and address. Renelyn refuses to give me this information. Please have her provide it immediately as she is due for her annual child wellness exam and I need to know which vaccines she has already had, prior medications etc..
- Sophia tells me Renelyn is moving again. This would be the 5th move in 2 years. If this is the case, please have her provide me with an accurate address as outlined in our order- prior to her moving.
- Renelyn keeps insisting that I am behind in my support payments although I have informed her that I have sent them directly to your office as you instructed. Why does she keep harassing me about this after I have explained where the payments are?

James Picone

----- Original message-----
From: John Jones
Date: Mon, Nov 16, 2015 9:26 AM
To:jampico7@aol.com;
Cc:
Subject: Response to last week's email

Can you please provide me a response to my email from last week. I am required to try to resolve these types of issues before filing a motion for the Court to decide things. I cannot reasonably attempt a resolution without your input.

Please respond. If I do not get some type of response by Wednesday, I will have no choice but to file a motion.

John D. Jones, Esq.
Partner.
Nevada Board Certified Family Law Specialist

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www.blacklobellolaw.com

So it is your position that you and Sophia go to church from 10-11 each Sunday?

I am in trial but will be responding to your requests very soon.

John D. Jones, Esq.
Partner.
Nevada Board Certified Family Law Specialist

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www.blacklobellolaw.com

From: jampico7@aol.com [mailto:jampico7@aol.com]
Sent: Wednesday, November 18, 2015 11:08 AM
To: John Jones <jjones@blacklobellolaw.com>
Subject: Re: Response to last week's email

Mr. Jones,

I informed you that I have provided information several times, kindly check your correspondence or correspondence related to Renelyn's case prior to attempting to avoid my valid requests/concerns again by sending redundant correspondence . Please refer to the email chain between us dated October 09, 2015 :
"Dear Mr. jones,

I am unable to accommodate this request as my daughter and I attend church together every Sunday after the morning exchange. On a school related note, I have attempted to communicate with Renelyn many times through Our Family Wizard regarding preschool for Sophia. She refuses to discuss this even though our court order dictates that we are to make a joint decision on this. She also keeps harassing me via Our Family Wizard that she hasn't received my child support payments. It is for this reason that I send them certified mail- and will continue to send via certified mail. I am not one payment behind. I have confirmation of receipt for each payment. She is aware that I have confirmation.

James Picone

I will add that you did not address any of my requests/concerns I mention on that correspondence either. You did however respond with unprofessional negative comments/opinions regarding the religious scheduled activity I informed you of. I have agreed to many other of Renelyn's requests displaying my willingness to work together in Sophia's best interest, even though she has yet to accommodate even one of mine. If you feel you must- after I have agreed to many of Renelyn's request, file a motion, I am sure the court will see who has been reasonable and abides by the court order and who has not. For the last time, Sunday time change is not negotiable. It interferer's with a regularly scheduled religious activity I have with my daughter. I will not discuss this item further. If you need further clarification/details on this, kindly access the Our Family Wizard correspondences regarding this topic from Renelyn. There are several as I address in my last email to you.

Third request: please provide a response to my requests/concerns. I have been diligent and amicable in my responses- all of which is clearly documented. Why are you unwilling to do the same?

James Picone

------ Original message------
From: John Jones
Date: Wed, Nov 18, 2015 8:01 AM
To: jampico7@aol.com;
Cc:
Subject:RE: Response to last week's email

I do not think you have responded to me what the activity is. If you have responded to Renelyn, please advise me of what the activity is.

John D. Jones, Esq.
Partner.
Nevada Board Certified Family Law Specialist

BLACK & LOBELLO
ATTORNEYS AT LAW

Also, the 24 hour period for Xmas limits both of your options for the holidays and results in a Xmas day exchange. Renelyn would request that Xmas eve and day be defined as from noonon the 24th until noon on the 26th each year and fromnoon on the 26th until noonon the 28th. This is another mutual modification that will benefit you both and Sophia for the next 15 years. I would be amenable to this beginning 2016 as stated above.

3. New Years.

Renelyn would also request that this holiday change to a two day period from noon on the 31stuntil noon on January 2nd. The party having Thanksgiving would not have Xmas but would have new years. Thus, depending on what holiday you choose to change, this holiday would follow the Odd/Even of Thanksgiving. I am amenable to this change. As I will have Sophia for Christmas this year, Renelyn can have the New Years holiday as you have outlined above.

None of these requests seek to reduce either parties' timeshare, only to apply more common sense. Please let me know your position.

Also, please advise if you have had a change of employment and if so, whether your work schedule has changed.
My employment status has changed. I am no longer employed with Tower of Jewels. Your client and her husband are partly responsible for this when they stalked me at my place of employment on the 4th of July holiday. Then proceeded to enter the store in an attempt to defame me by using foul language, shouting and making a scene. Kindly ask your clients to cease any and all stalking attempts by going to my former place of employment on a holiday in an attempt to cause further defamation and harassment or I will have to file charges. Further, please ask them to cease their stalking attempts by calling other Tower of Jewels locations to see if I am there. I am currently unemployed and actively looking for new employment.

I also have a few requests of my own:
- We are having multiple issues at our current exchange point with regards to your client consistently being late or not showing up at all and making false allegations at me immediately following the exchange . in order to protect myself from any further false allegations by Renelyn and her family, I am requesting that the exchanges take place at Donna's House going forward.
- I have not had one single visitation period including holidays with my daughter that has been unhampered. I receive harassing and defaming correspondence through Our Family Wizard- none of which have anything to do with Sophia., several harassing text messages and Renalyn's husband driving by my home with a friend- pointing their finger at me in a menacing demeanor in an attempt to further distress and stalk me. This MUST cease IMMEDIATELY. The court order states that I have a right to unhampered access. It also states that we are not to text each other.
- I have asked at least 5 documented times for Sophia's pediatrician's information- including contact phone number and address. Renelyn refuses to give me this information. Please have her provide it immediately as she is due for her annual child wellness exam and I need to know which vaccines she has already had, prior medications etc..
- Sophia tells me Renelyn is moving again. This would be the 5th move in 2 years. If this is the case, please have her provide me with an accurate address as outlined in our order- prior to her moving.
- Renelyn keeps insisting that I am behind in my support payments although I have informed her that I have sent them directly to your office as you instructed. Why does she keep harassing me about this after I have explained where the payments are?

James Picone

------ Original message------
From: John Jones
Date: Mon, Nov 16, 2015 9:26 AM
To:jampico7@aol.com;
Cc:
Subject: Response to last week's email

Can you please provide me a response to my email from last week. I am required to try to resolve these types of issues before filing a motion for the Court to decide things. I cannot reasonably attempt a resolution without your input.

Please respond. If I do not get some type of response by Wednesday, I will have no choice but to file a motion.

John D. Jones, Esq.
Partner.
Nevada Board Certified Family Law Specialist

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Do you really think she wants/needs to go to church twice in a day?

John D. Jones, Esq.
Nevada Board Certified
Family Law Specialist

Sent from my iPhone

On Oct 9, 2015, at 2:23 PM, "jampico7@aol.com" <jampico7@aol.com> wrote:

> Dear Mr. jones,
>
> I am unable to accommodate this request as my daughter and I attend church together every Sunday after the morning exchange. On a school related note, I have attempted to communicate with Renelyn many times through Our Family Wizard regarding preschool for Sophia. She refuses to discuss this even though our court order dictates that we are to make a joint decision on this. She also keeps harassing me via Our Family Wizard that she hasn't received my child support payments. It is for this reason that I send them certified mail- and will continue to send via certified mail. I am not one payment behind. I have confirmation of receipt for each payment. She is aware that I have confirmation.
>
> Regards,
>
> James Picone
>
> *Sent from my T-Mobile 4G LTE device*
>
> ----- Original message-----
> **From:** John Jones
> **Date:** Fri, Oct 9, 2015 12:57 PM
> **To:** James Picone;
> **Cc:** Renelyn Schramm;
> **Subject:**
>
> Dear Mr. Picone,Sophia is starting Sunday school this weekend and it is from 9-10:30. Please confirm that you are ok with moving the

By the way. If you do not have an attorney I have no choice but to contact you directly. I am required to attempt to resolve such issues before filing a motion. There is nothing unethical about it

John D. Jones, Esq.
Nevada Board Certified
Family Law Specialist

Sent from my iPhone

On Oct 9, 2015, at 5:55 PM, "jampico7@aol.com" <jampico7@aol.com> wrote:

> I will not be baited by you. Your correspondence has now crossed a professional line. If you persist in this course of harassment, I will report your unethical actions to the BAR Association. Do not contact me directly again.
>
> *Sent from my T-Mobile 4G LTE device*
>
> ----- Original message-----
> **From:** John Jones
> **Date:** Fri, Oct 9, 2015 2:40 PM
> **To:** jampico7@aol.com;
> **Cc:**
> **Subject:**Re:
>
> Do you really think she wants/needs to go to church twice in a day?
>
> John D. Jones, Esq.
> Nevada Board Certified
> Family Law Specialist
>
> Sent from my iPhone
>
> On Oct 9, 2015, at 2:23 PM, "jampico7@aol.com" <jampico7@aol.com> wrote:
>
> > Dear Mr. jones,
> >
> > I am unable to accommodate this request as my daughter and I attend church together every Sunday after the morning exchange. On a school related note, I have attempted to communicate with Renelyn many times through Our Family Wizard regarding preschool for Sophia. She refuses to discuss this even though our court order dictates that we are to make a joint decision on this. She also keeps harassing me via Our Family Wizard that she hasn't received my child support payments. It is for this reason that I send them cer tified mail- and will continue to send via certified mail. I am not one payment behind. I have confirmation of receipt for each payment. She is aware that I have confirmation.
> >
> > Regards,
> >
> > James Picone
> >
> > *Sent from my T-Mobile 4G LTE device*
> >
> > ----- Original message-----
> > **From:** John Jones
> > **Date:** Fri, Oct 9, 2015 12:57 PM
> > **To:** James Picone;
> > **Cc:** Renelyn Schramm;
> > **Subject:**
> >
> > Dear Mr. Picone,Sophia is starting Sunday school this weekend and it is from 9-10:30. Please confirm that you are ok with moving

From: James Picone

To:
Renelyn Schramm (First View: 11/25/2015 10:45 AM)

Sent: 11/25/2015 10:38 AM

Subject: RE: doctors info

Message:

Renelyn,
I do not have the doctor's information. Please send me the COMPLETE contact information (9th request).

> **On Wed, 11/25/15 at 5:54 AM, Renelyn Schramm wrote:**
> **To:** James Picone
> **Subject:** doctors info
> **Message:**
> you have been given the doctors info more than once. In fact you stated in a threatening manner and reply that you will not use this doctor i provided, that you will go to yours who is located in Summerlin. You lie and con
> much that you forget what you do.

You have the email.

Sent from my iPhone

On Nov 16, 2015, at 9:26 AM, John Jones <jjones@blacklobellolaw.com> wrote:

> Can you please provide me a response to my email from last week. I am required to try to resolve these types of issues before filing a motion for the Court to decide things. I cannot reasonably attempt a resolution without your input.
>
> Please respond. If I do not get some type of response by Wednesday, I will have no choice but to file a motion.

John D. Jones, Esq.
Partner.
Nevada Board Certified Family Law Specialist

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Ph: 702.869.8801
Fax: 702.869.2669
Mobile: 702.523.6966
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EXHIBIT 3

The OurFamilyWizard® website
1302 2nd St NE Suite 200
Minneapolis, MN 55413
http://www.OurFamilyWizard.com
Info@OurFamilyWizard.com

Message Report

James Picone generated this report on 11/30/15 at 02:05 PM. All times are listed in America/Los_Angeles timezone.

Message: 1 of 1
Date: 10/27/2015 10:51 PM
From: Renelyn Schramm
To: James Picone (First View: 10/28/2015 9:05 AM)
Subject: RE: Sophias best interest
Message:

My comments are not slanderous (you should look it up before using the word). They are very accurate in which is needed for me to state to you because you need to know that your behavior affects my daughter in a very bad, damaging way. You don't say those things to me because I have never acted vindictive and/or abusive to Sophia. You are definitely delusional and impossible to reason with. My comments are to make you aware of the actions that you are committing and the games you are playing in which does affect Sophia IN A BAD WAY. Now, I said that two times, please understand it. I will keep calling you out until you stop being such horrible and vindictive person.

We were 12 min late one time due to an unexpected traffic jam from an accident. You have to bring that up as if I planned on being late. Remember, I am the one that acts vindictive.

My statements are backed by documented facts to make you aware of your childish and vindictive behavior.

What is really sad is that this is not you writing these emails. I know your penmanship and your poor attempt to spell words and put sentences together. Family wizard is for YOU to communicate, not someone else. If you are so worried about the court order, why don't you try following it yourself. Do not remind me of the time.

It is on record and documented that you deliberately choose not to be reasonable in regards to Sophia's best interest. I have already emailed you the doctor's information. In fact you actually responded to that email in your typical vindictive manner that you will NOT bring Sophia to this doctor even though they are in Henderson and allot better than the one in Summerlin.

Send me the document that Sophia is allergic to the cats. She has been with the cats for over a year and has never had any reaction. Send the documents. I asked you to send the document 3 times. This is just another lie to cause unwarranted and unnecessary drama in which confirms again of your unstability.

Keep in mind. Your are not affecting me at all. You can't hurt me any more. You can't control me any more. I only care about Sophia and hope someday you get rid of this evil, vindictive and destructive behavior. I wish some day that you stop obsessing over this and realize that there is a child that is growing up seeing this behavior that you choose to live by.

Is this what you want Sophia to see growing up?

Please note: You be on time for the exchange. Stop deliberately sitting in your car with Sophia for an extra 15 min as we are waiting in the parking lot for her.

On Tue, 10/27/15 at 12:23 PM, James Picone wrote:
To: Renelyn Schramm
Subject: RE: Sophias best interest
Message:

I have not disregarded anything. I provided my answer twice already. I have told you that I have scheduled plans with Sophia and cannot accommodate your request. I suggest you refer to those correspondences and have my daughter at the exchange on time promptly at 10:00AM, (NOT 10:20 or 10:30) as ordered by the court. I have also asked that you stop interfering with my right to unhampered access with my daughter by bombarding me with horrific and harassing correspondences during my scheduled access period. Our Family Wizard is for communication between parents regarding their child. It is not a platform for you to shout false,

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slanderous insults from at every opportunity. Please stop abusing what it is intended for. You don't see any such correspondences from myself doing this.
Again and for the 4th documented time: What is Sophia's doctors information including address and contact phone number?

Jimmy

On Tue, 10/27/15 at 9:55 AM, Renelyn Schramm wrote:
To: James Picone
Subject: RE: Sophias best interest
Message:

I wish just one day that you actually will act as a responsible, caring adult. Dealing with you is not only the most challenging but extremely frustrating.

Again, THE QUESTION: The question I have asked 3 times is to allow the pick up an hour or even a half an hour later so Sophia can finish Sunday school. I also reminded you that I have seen documentation and proof that you "do not" have special plans with her on Sunday, so this would not impact anything you have planned or scheduled. Keep in mind that this is for Sophia and her best interest.

I suggest you read my past email regarding this. It was two emails ago from this one.

On Tue, 10/27/15 at 8:22 AM, James Picone wrote:
To: Renelyn Schramm
Subject: RE: Sophias best interest
Message:

Which question are you referring to?

On Mon, 10/26/15 at 6:44 PM, Renelyn Schramm wrote:
To: James Picone
Subject: RE: Sophias best interest
Message:

So you refuse to answer the question?

On Mon, 10/26/15 at 4:03 PM, James Picone wrote:
To: Renelyn Schramm
Subject: RE: Sophias best interest
Message:

I have provided both yourself and your attorney Sophia's allergy test results from Quest. It was attached to the last opposition, months ago. I have proof of documentation of this. Your attorney can forward you a copy if you have misplaced yours. You have never provided the doctor's information- that is why I am asking for it. Again, please provide the doctor's information as ordered by the courts. If you have already sent this then kindly forward me the email as I have no record of it.

Jimmy

On Mon, 10/26/15 at 3:03 PM, Renelyn Schramm wrote:
To: James Picone
Subject: RE: Sophias best interest
Message:

Provide the documents and proof regarding cat allergies.
Sophia is not allergic to cats.

I already provided the Doctors information to you via email as well as from my attorney.
Sophia had her shots

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You did not answer the question from my last email.

What is your answer?

Your games are not tolerated and wil be considered deliberate cause not to accommodate Soohias best interest.

We will not go to Donnas house unless you are required to have supervised visitation.

On Mon, 10/26/15 at 10:58 AM, James Picone wrote:
To: Renelyn Schramm
Subject: RE: Sophias best interest
Message:

Renelyn,

The past 2 out of 3 Sundays you have showed up over 20 minutes late to our exchanges. This is causing an issue with the routine my daughter and I have and causing us to rush to get ready for church. Please be on time at 10:00AM going forward, not 10:20 or 10:30.I have always extended you the courtesy of having Sophia at the exchange on time. Please do the same or I will be forced to go back to Donna's House.
Sophia mentioned that she had a shot in her leg. What was the shot for? I have asked you via Our Family Wizard twice before for her doctor's information so that I have access to her medical records. You have yet to provide it. Please respond with her doctors full name, address and contact phone number. It is in our court order that we must provide this information to each other. I have provided it you via (documented) Our Family Wizard correspondence. As well, Sophia tested positive for cat allergies. What are you doing in your household regarding this as you have 4 cats?
FYI: The court order applies to us both.

Jimmy

On Sun, 10/25/15 at 5:38 PM, Renelyn Schramm wrote:
To: James Picone
Subject: Sophias best interest
Message:

jimmy,

I have confirmed that you DO NOT go to church right after the pick up with Sophia. You do not have Plans every Sunday for you and Sophia. You take her to your rental for hours. It does not surprise me that even though you know that you are being watched by the PI, you still lie about where you go. The reason why it does not surprise me is because you actually believe your own lies.

Now that you know that I know the real truth that you don't have anything planned every Sunday morning that would conflict with getting Sophia 1 hour later than the schedule, I'm giving you one more chance to actually give Sophia the time to finish Sunday School. If you do this, it will be the very first time you actually did something for Sophias best interest and not your selfish, childish, vindictive and unstable self.

Will you agree to do the exchange on Sunday at 11am instead of 10am so Sophia does not have to leave Sunday School early? Please keep in mind that Sophia loves Sunday school and she loves learning with the other kids at Sunday school.

Stop coaching and brain washing my daughter to hate me, my husband, my mother and her husband. The PI not only has you on camera, but has audio as well, this include all the exchanges.

Please keep in mind that every move you make (the truth) is documented by the PI.

Two reasons why I feel that the PI is absolutely necessary due to your behavior with my daughter:
1. Some of the places you bring her to which is no place for a 4 yr old to be.
2. The girls you are involving yourself with are under age girls. My daughter should never see you pursuing a child that is under the age of 18.

I feel that if you are aware that you are being watched by a PI, you will refrain from your abusive behavior to my daughter. I do see that it has affected in some way for the better.

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You are also behind in child support and the reimbursement for Sophia's activities which is still outstanding over 90 days.

R

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The OurFamilyWizard® website
1302 2nd St NE Suite 200
Minneapolis, MN 55413
http://www.OurFamilyWizard.com
Info@OurFamilyWizard.com

Message Report

James Picone generated this report on 11/30/15 at 02:07 PM. All times are listed in America/Los_Angeles timezone.

Message: 1 of 1
Date: 10/11/2015 8:39 AM
From: Renelyn Schramm
To: James Picone (First View: 10/11/2015 9:01 AM)
Subject: RE: We will be late for the Sunday exchange
Message:

more threats and talk. Go to the police. Please go to the police. Your sick and disturbed. You are still under criminal investigation for sexually molesting your own daughter! Your disgusting. Please go to the police so they can pull up the person you really are. Why would Sophia tell my mom something that a 3 year old would never ever know? The detective has your pictures you took including the ones you took of Shyla in nothing but her panties. Remember, your brother told you that you should not do that. I am only saying this for the protection and safety of my child. If you know you are being watched then hopefully you won't touch Sophia that way again.

You tell me I'm disgusting. No, jimmy, Your disgusting.

On Sun, 10/11/15 at 8:17 AM, James Picone wrote:
To: Renelyn Schramm
Subject: RE: We will be late for the Sunday exchange
Message:

You are a sick person. I am taking your disturbing and intentional harassing correspondence to the police. I never said the schedule change was ok. I said the schedule is to remain the same. We will exchange at 10:00AM each and every Sunday as specified in our court order.

On Sat, 10/10/15 at 9:07 PM, Renelyn Schramm wrote:
To: James Picone
Subject: RE: We will be late for the Sunday exchange
Message:

So you made it clear that the following Sunday Sophia will complete Sunday school. I see that you also work on Sunday and bring Sophia to your work. That definitely is not a special thing you do with Sophia.

This is not about my husband. My husband could care less about you. He has never, nor would he ever even entertain any amount of energy to talk to you or even look in your direction. You have absolutely no affect on him. You have constantly tried to taunt and harass him (flipping him off etc...) and your getting absolutely no reaction from him. Your such a coward hiding behind the court system, trying to get a rise out of my husband in hopes he would do something so you can use it in court against me.

Thank you for adjusting the time schedule for next Sunday. I never thought you could actually agree on something for the well being of Sophia.

When you get Sophia, you know perfectly well that she is washed and clean. What is the real reason that you have to give her a bath?

I was informed that you are actually seeing an under age high school girl. That is not something my daughter should ever be subjected to witness as it is not in her best interest and it also illegal.

On Sat, 10/10/15 at 2:42 PM, James Picone wrote:
To: Renelyn Schramm
Subject: RE: We will be late for the Sunday exchange
Message:

Renelyn,

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First of all- at no point did I ever threaten you. You are the one threatening me. Read your correspondences. Please stop sending me your fabricated ranting, angry and abusive correspondences. As I have told you previously intentionally attempting to cause me emotional distress is wrong. I did not say in my previous correspondence that my planned activity was for this Sunday only. It is a regularly scheduled activity that Sophia and I have been doing every Sunday- that is after I have to give her a bath and put her in clean clothes due to the condition that I receive her in from you. I do not agree to cancel an ongoing activity that we do together because you feel like infringing upon my unhampered access period with my daughter. I do not consent to change the exchange time due to this reason. Please schedule any of your activities with Sophia during your ordered access period. I also did not disclose to your attorney the name of my church because I feel that you and your abusive husband will stalk me again and also quite frankly it is none of your attorney's business. Besides, you keep threatening me with your PI, so you should know the name as well that we attend every Sunday. I will not go back and forth with you on this any longer. Please stop continuing to harass me about it.

Jimmy

On Sat, 10/10/15 at 12:51 PM, Renelyn Schramm wrote:
To: James Picone
Subject: RE: We will be late for the Sunday exchange
Message:

jmmy,

IN RESPONSE TO YOUR EMAIL:

Regarding Sophias Sunday School:
Sophia goes to church every Sunday at 9am and has been doing this for over a year and then we take her before service is over to the exchange. Now that she is attending Sunday school at the church, it is important that Sophia attend Sunday School without interruptions because she loves it, she is having fun and she is learning about God as well as interaction with other kids.

So you claim that this Sunday you cannot accommodate an exchange at 11am instead of 10am because you already have plans for her. You refuse to be reasonable and work with a time. You choose to disrupt her again and not support her best interest in any way. YOU REFUSE TO BE AND/OR ANY PART OF REASONABLE, knowingly and deliberately not acting in Sophias best interest. OK. That does not surprise me.

I will never stoop to your level and entertain and/or be affected by your con games, lies and manipulation attempts:
I will be reasonable as per the court order and not affect what you call "your plans". I will also be reasonable to offer the following in which you already agreed in your past email:
Since this Sunday will not work for you and you did say in Family Wizard email that you would accommodate the time change if you did not already make plans, so lets plan on the following Sunday as well as all Sunday exchanges to be moved to 11am so Sophia can have a complete Sunday school. That way both parents are being reasonable for the best interest of their daughter.

By the way, This is not a competition. If you want to take her to church also, I think you going to church is great. I hope you see how to love and not hate. I hope you stop trying to control and own people and stop hurting the ones that don't want you to control and own them. I hope you ask God for forgiveness on how badly you have treated your daughter and all the hateful, abusive and evil actions that you have delivered as well as your con (lies) to people pretending to be the victim (feel sorry for me) in order to get them to support your vindictiveness, abusive and evil behavior. I hope God comes in your life and wakes you up to decide to be a loving father and not a vindictive, hateful and evil one.

I have been extremely consistent on raising my daughter in which helps her deal with transitioning with a very inconsistent and un health lifestyle in which you subject her to: eating only 1 and maybe 2 times a day (junk food only), taking her to your work at a mall in a casino for over 8 hrs, etc...
Part of this consistency is having God in my daughter life and to show love. Church has always been a part of our lives and never has been a part of yours. That is why I am glad to hear you say you want to take her to church.

I did check with the the private investigator and you DO NOT go to church with Sophia on a regular basis. I also confirmed with my attorney that you could not provide the name of the church and the time of this so called planned event. I confirmed that you take her to your work as well as other places that a 3yr old should not go. You actually believe your own lies which is amazing.

I provided a solution in which both parents are working together for the best interest of their daughter. I am sure you would agree.

regarding the mail:
The court does have my accurate address and so do you. Stop with your threat.
When you send a certified mail and request a signature, it will go to the post office and not my address. I only receive a slip at my address with no information but that I have certified mail and have to go to the post office to get it. I am raising 3 kids including a 6

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month old baby that are active and to add another trip that can be avoided is really unnecessary. If I am out of town, don't get the slip or get to the post office to late, then I will not receive the certified mail and you did not deliver your child support. This is unnecessary. If you send it without a signature required then I will get it in my mailbox and you delivered it. Consider this the 4th *notice not to send certified mail.*

Your threats have no affect. We will not be doing exchanges at Donnas house and you know that.
Do not threaten me again.

Renelyn

On Sat, 10/10/15 at 9:44 AM, James Picone wrote:
To: Renelyn Schramm
Subject: RE: We will be late for the Sunday exchange
Message:

Renelyn,

I have an activity planned with Sophia on Sundays during my court ordered access period- as I previously stated to both you and your attorney. That is why I am not making this accommodation. If you knowingly and intentionally interfere with this, it is a clear violation of our court order. Have my daughter at the exchange point on time. She goes to church with me on Sundays, your PI schould know this. She does not need a new routine. That is not in her best interest.
Regarding sending the support payments via certified mail: This should not have been an issue if the address you gave to the courts is in fact your address. You obviously lied to the courts and this is not the case or you would be receiving them. It is my right o send via certified mail for documentation. The checks will continue to be sent certified mail to protect myself from your constant fabricated allegations and harassment. Your attorney instructed me to send the certified mail payments to his office going forward so that is what I will do.
Be on time Sunday or I will move forward with the enforcement part of the court order that the exchanges are to take place at Donnas House.

Jimmy

On Fri, 10/09/15 at 8:20 PM, Renelyn Schramm wrote:
To: James Picone
Subject: We will be late for the Sunday exchange
Message:

jmmy,

To be clear; I will be late at the exchange on Sunday because of Sophia's Sunday school.

Regarding your email:
I will not tolerate your threats and scare tactics.

My attorney emailed you regarding Sophia's Sunday school and found it impossible to reason with you at any level.
You told my attorney via email that you take Sophia to church but you could not give him the name of the church nor the time of the service because you know perfectly well that is just another one of your lies in the attempt to make things difficult for Sophia and in the hopes to affect me. Sophia even told me that you do not take her to church. Again, this is not about you. It's about Sophia and her best interest.

You are clearly not being reasonable in any way and not acting on Sophia's best interest.

My attorney advised me that "you" are interfering with Sophia's activities and best interest by deliberately not being "reasonable" *attempting to make things difficult for only 30 to 60 additional min. Sunday School is very important for her. I have no problem if* you want to make up for that time at the following exchange.

Regarding the video taping: I do not video tape you the same way, I have a private investigator watching and video taping you when you are with Sophia. Your anger and vindictiveness only hurts Sophia. Ever since Sophia told my mother how you touched her, I did everything I could to protect her including contacting the authorities and hiring a private investigator.

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I want to be clear to you that your threats, flipping off my husband, shoving your video phone camera in my mother face only makes you look more and more unstable. Nobody cares about your childish and annoying behavior. These actions just make you look crazy. The one and only thing that you are doing is scaring and affecting Sophia. You are affecting her in a very negative, damaging way in which certainly is not in her best interest. The private investigator is documenting everything you do.

You do owe money for Sophias activities. That will never go away.

If you send certified mail there is a chance I will not receive it, so do not send certified mail.

Renelyn

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James Picone generated this report on 11/30/15 at 02:19 PM. All times are listed in America/Los_Angeles timezone.

Message: 1 of 1
Date: 10/09/2015 8:20 PM
From: Renelyn Schramm
To: James Picone (First View: 10/10/2015 8:49 AM)
Subject: We will be late for the Sunday exchange
Message:

jmmy,

To be clear; I will be late at the exchange on Sunday because of Sophia's Sunday school.

Regarding your email:
I will not tolerate your threats and scare tactics.

My attorney emailed you regarding Sophia's Sunday school and found it impossible to reason with you at any level.
You told my attorney via email that you take Sophia to church but you could not give him the name of the church nor the time of the service because you know perfectly well that is just another one of your lies in the attempt to make things difficult for Sophia and in the hopes to affect me. Sophia even told me that you do not take her to church. Again, this is not about you. It's about Sophia and her best interest.

You are clearly not being reasonable in any way and not acting on Sophia's best interest.

My attorney advised me that "you" are interfering with Sophia's activities and best interest by deliberately not being "reasonable" attempting to make things difficult for only 30 to 60 additional min. Sunday School is very important for her. I have no problem if you want to make up for that time at the following exchange.

Regarding the video taping: I do not video tape you the same way, I have a private investigator watching and video taping you when you are with Sophia. Your anger and vindictiveness only hurts Sophia. Ever since Sophia told my mother how you touched her, I did everything I could to protect her including contacting the authorities and hiring a private investigator.

I want to be clear to you that your threats, flipping off my husband, shoving your video phone camera in my mother face only makes you look more and more unstable. Nobody cares about your childish and annoying behavior. These actions just make you look crazy. The one and only thing that you are doing is scaring and affecting Sophia. You are affecting her in a very negative, damaging way in which certainly is not in her best interest. The private investigator is documenting everything you do.

You do owe money for Sophias activities. That will never go away.

If you send certified mail there is a chance I will not receive it, so do not send certified mail.

Renelyn

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Message Report

James Picone generated this report on 11/30/15 at 02:16 PM. All times are listed in America/Los_Angeles timezone.

Message: 1 of 1
Date: 11/25/2015 5:26 AM
From: Renelyn Schramm
To: James Picone (First View: 11/25/2015 6:39 AM)
Subject: RE: Vacation
Message:

same number as always

On Tue, 11/24/15 at 3:03 PM, James Picone wrote:
To: Renelyn Schramm
Subject: RE: Vacation
Message:

As stated in the court order (and as I did as well when I took my vacation) provide me with where Sophia will be and a contact phone number that you will actually answer so that I may speak with her. So long as it does not interfere with my court scheduled holiday, it is fine with me. I hope you have a nice time. With regards to the Christmas holiday, I expect you to have Sophia on time at noon on December 24th as stated in our court order. Please do not intentionally interfere with yet another one of my scheduled holidays with Sophia. I do not do that to you.

On Tue, 11/24/15 at 1:54 PM, Renelyn Schramm wrote:
To: James Picone
Subject: Vacation
Message:

As per the court order, the following is your notice of my vacation time:

I will be taking my week vacation with Sophia Dec 17, 2015 thru the following week.

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James Picone generated this report on 11/30/15 at 02:15 PM. All times are listed in America/Los_Angeles timezone.

Message: 1 of 1
Date: 07/26/2015 11:44 PM
From: Renelyn Schramm
To: James Picone (First View: 07/27/2015 10:10 AM)
Subject: RE: notice for non payment of child support payment
Message:

jimmy,

You have my accurate address.
You need to communicate with my attorney.

Renelyn

Renelyn

On Sun, 07/26/15 at 7:40 PM, James Picone wrote:
To: Renelyn Schramm
Subject: RE: notice for non payment of child support payment
Message:

Renelyn,

In response to your allegations of violation of our court order:

I mailed the money order via certified mail to the address you provided to me. As you failed to provide your full address (including the unit number- another violation of the court order on your part), it took longer for delivery due to "no authorized recipient" as per the documentation I have already provided to you. As you still have not provided your full address and I am on vacation with Sophia, I was unable to mail it via certified mail to you once more. In order to avoid this issue in the future, kindly provide me with your FULL mailing address as required by court order. Once I have the address I can then mail it to you right away.

I have health insurance for Sophia as I stated previously- stop harassing me about this topic.

I do not owe you any money for activities you chose to enroll Sophia in. It is not in the court order. Please stop harassing me about that as well.

Our Family Wizard is to be used to co-parent our daughter; not as a platform from which you are permitted to constantly defame and harass me.

Again, I will not speak with your attorney. Correspondence as ordered by the court for us BOTH, is to be done through Our Family Wizard.

Jimmy

On Wed, 07/22/15 at 6:00 PM, Renelyn Schramm wrote:
To: James Picone
Subject: notice for non payment of child support payment
Message:

jimmy,

I did not receive child support payment today. This is the second time you have failed to comply with the court order regarding child support payment schedule.

I still have not received half of the cost of Sophia's activities. It is now over 60 days.

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You still do not have health insurance for Sophia.

All communication will be handled by my attorney.
Please email John Jones for all correspondence.

Renelyn

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James Picone generated this report on 11/30/15 at 02:13 PM. All times are listed in America/Los_Angeles timezone.

Message: 1 of 1
Date: 08/24/2015 4:53 PM
From: Renelyn Schramm
To: James Picone (First View: 08/25/2015 9:24 AM)
Subject: RE: Follow up/Notice
Message:

jimmy,

THIS IS ABOUT SOPHIA'S WELL BEING

FACT: Sophia is not allergic to cats. Sophia has been with the Kitties for over a year and is definitely not allergic. Sophia tells me that you don't like cats.
Show me proof and records to back up this ridiculous allegation.

FACT: You had her checked for a rash that is caused by neglect. If she is not clean she will get a rash. This is not the first time you have done this. I have documents and proof of your neglect which includes a doctor calling CPS on you for your neglect of Sophia. Remember.

FACT: You have been given Sophia's Doctor here in Henderson in which is a much better doctor and Sophia will be treated as a person and not a number. She gets more attention and care from the doctor here in which is better for her and her well being. It is also much closer to your residence.

FACT: You take her to your work all the time. You know perfectly well that your not suppose to and that it is no place for a 3 year old.

FACT: You owe money for Sophia's activities. You refuse to pay even half of your own daughters activities? You have a problem paying for anything for her. You have paid nothing for her nor have you ever cared for her since she has been born and now you are paying (not on time/always late) only $50.00 per week because it is a court order. You now only take care of (by choice) a very small fraction of responsibilities because your forced and ordered to. Does that sound like a man that wants to be a father to his child?

FACT: You planned on taking Sophia to work with you again on Tuesday as your not supposed to, and that is why you cannot do one hour with her. My time with Sophia is very important and that is why I take advantage of every second I have with her and all opportunities that allow me to be with her.

FACT: You still smoke in front of Sophia and leave her with strangers. Stop it. It is not in Sophia's best interest.

FACT: You never answered the questions about taking her to work. Why are you taking her to work? What are you hiding? Why can't you answer the question?

FACT: I never told you not to video the exchange. I asked you to do it in a way that is not threatening. Again you make it worse.

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On Mon, 08/24/15 at 1:15 PM, James Picone wrote:
To: Renelyn Schramm
Subject: RE: Follow up/Notice
Message:

Renelyn,

I will remind you for the LAST TIME of the following:

Family Wizard is to be used as our SOLE means of communication as per our court order. I will NOT be contacting your attorney.
I do NOT owe you for activities you choose to put Sophia in. It is NOT in our current court order.
I have insurance for Sophia. I do NOT need to prove to you the details of the insurance. If you like, kindly send me the insurance information YOU have for her and I will reciprocate.

I did take her to see the doctor. They conducted allergy testing for her rash. It has been determined that she is very allergic to cats and dogs among many other things. You have 4 cats at your house. This needs to be addressed immediately as our daughter is suffering. I have previously provided the doctor's information in detail to you. It is the same doctor Sophia has had since she was one year old. Here is the doctors contact information once more for your convenience: Dr. Melissa Madson, Wee Care Pediatrics, 4783 S Durango Drive, Ste. 101, Las Vegas, NV 89147, contact phone number: 702-889-8444. Which brings me to my next question: You harassed me about Sophia's condition with nasty correspondence through Family Wizard several times over the last 2 weeks. If you were this concerned about her being sick, why did you not make the effort to take her in right away yourself?? Further, why did you send Sophia with an empty bottle of cough medicine and an EMPTY prescription box for rash ointment? Why would you not send the ointment? By deliberately withholding the medication, you are putting your own spiteful feelings before our daughter's well being. As per our court order you may contact the doctors office on your own to obtain any summary visit notes, test results etc.. I do not need to provide you with documentation of each visit.

Your other nasty allegations about Sophia's clothes are ridiculous to say the least. Did it ever occur to you that I wash the outfit you send her in? Sophia has more than adequate clothing that I provide to her. I take the outfit you send her in off and give her a bath as soon as I get her home as she is always dirty. I put clean clothes on her and wash the dirty clothes you send her in. I put the outfit you sent her in back on her when it is time for the exchange. I do not understand why you refuse to try and co-parent Sophia with me? I have not sent harassing or nasty fabricated allegations to you, nor have I ever once tried to interfere with your access period with Sophia? Where is all your hostility coming from? I have also asked several times for the name of the school you have stated that you already enrolled Sophia in without my knowledge or consent?

Regarding your comments from the other Family Wizard correspondence about the recording of the exchanges, it is necessary for me to have some proof of the manner of the exchanges in order to protect myself from your continued fabricated allegations. I am only following suit with how you are recording them. How would you suggest we BOTH do this differently? I am open to suggestions if it bothers Sophia as you say.

In response to your correspondence regarding your birthday and my one hour scheduled access period on Wednesday: As much as I would like to see my daughter any chance I can, I do not want to disrupt Sophia for one hour early in the morning as you did on July 5th, as that would not be in her best interest. You may just keep her with you.

Regards,

Jimmy

Jimmy

On Wed, 08/19/15 at 9:07 AM, Renelyn Schramm wrote:
To: James Picone
Subject: Follow up/Notice
Message:

jimmy,

I see that you have read my email regarding my concern for Sophia's health the morning of the last exchange and that you needed to take her to the doctor. We tried to call Sophia the next day and the call was disconnected. We never got a call back from you or anything of the sort regarding Sophia's condition. We did not receive any information regarding you taking her to the doctors or that you stop taking her to your work all day especially when she has a bad cough.

You have failed to contact my attorney regarding any and all confirmation of health insurance, communication, updates and/or follow ups.

We still do not have confirmation that you actually got health insurance for Sophia. Please provide the proof that you have health

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insurance for Sophia. You have never had health insurance or paid for any care for her since she was born. You have lied several times to me and the court that you have health insurance, only to find out that you don't, that is why we need confirmation now.
This is not a game, jimmy.

You still have an outstanding amount from Sophia's activities. You still need to pay half of Sophia's activities in which you refuse.

You still, over a year now, have Sophia in the same clothes that she left in. I wish you could put her in other clean clothes so she is not wearing the same cloths for 3 days.

Renelyn

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Message Report

James Picone generated this report on 11/30/15 at 02:11 PM. All times are listed in America/Los_Angeles timezone.

Message: 1 of 1
Date: 09/30/2015 11:01 AM
From: Renelyn Schramm
To: James Picone (First View: 10/08/2015 7:52 PM)
Subject: your continued harrassment affecting Sophia
Message:

jimmy,

You have done everything you can for the past year to taunt my husband in which has never worked. Today is just another example of your lack of respect regarding Sophias happiness and well being. You video taped in a threatening manner again and then get in your car, drive by, open your car window, stick your arm out and flip off my husband. My husband has never reacted to your childish behavior. Today Sophia saw you flip off her. She asked my husband about you flipping her off. Your obnoxious behavior is not affecting my husband but affecting Sophia. It is all captured (on video) and documented. As you know we have a private investigator keeping tabs on your behavior.

I ask you to refrain from all of your childish attempt to get a rise out of my husband especially flipping him off. It is simply non affective. This behavior is contrary to Sophias best interest.

Renelyn

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Message Report

James Picone generated this report on 11/30/15 at 02:09 PM. All times are listed in America/Los_Angeles timezone.

Message: 1 of 1
Date: 09/30/2015 11:37 AM
From: Renelyn Schramm
To: James Picone (First View: 10/08/2015 7:54 PM)
Subject: behind in child support payments again
Message:

jimmy,

You are many child support payments in the rears. In addition to you being behind in child support payments again, you also still have not paid half of her activities in which is now over 90 days.

My attorney has contacted you.

Renelyn

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Message Report

James Picone generated this report on 11/30/15 at 01:59 PM. All times are listed in America/Los_Angeles timezone.

Message: 1 of 1
Date: 11/25/2015 5:44 AM
From: Renelyn Schramm
To: James Picone (First View: 11/25/2015 6:40 AM)
Subject: RE: Sophias well being
Message:

I really don't care how you take my statement to you. It is not a threat, it is what is happening.

In fact, it is exactly what I am doing due to your stupidity and deliberately being extremely difficult to deal with and , for no reason trying to disrupt anything that is in Sophia's best interest. This is about my Daughters health and well being in which you have deliberately affected in a very bad and unhealthy way. You have always made this about you thinking that this is a support to your vindictive, destructive and childish behavior.

The truth will always prevail. I will never stop being a mother to Sophia and showing her unconditional love nor matter how much you use her to hurt me. You cannot hurt us or affect us any more.

On Tue, 11/24/15 at 2:21 PM, James Picone wrote:
To: Renelyn Schramm
Subject: RE: Sophias well being
Message:

I will say the EXACT same to you. It is me corresponding. Do not threaten me again. I don't care what you tell your attorney. Just because you say something, does not make it a fact. What is Sophia's doctor's information? Seventh time asking for it now.

On Tue, 11/24/15 at 1:48 PM, Renelyn Schramm wrote:
To: James Picone
Subject: RE: Sophias well being
Message:

Again, this is not you writing this.

I will respond to YOUR messages as per the court order, not someone else's

Your threats will not work. keep your judgements to yourself.

Grow up. Stop being stupid and email me what it is you want to say. I will respond to YOUR EMAILS only as long as it has to do with Sophia.

Don't make me tell you that again, or my attorney will file another motion eliminating Family wizard due to your non compliance of the court order and having a third party (not an attorney) conduct the communication. At that point your only communication will be through my attorney.

On Tue, 11/24/15 at 12:12 PM, James Picone wrote:
To: Renelyn Schramm
Subject: RE: Sophias well being
Message:

You have just stated through a court monitored (and ordered) correspondence that you refuse to read my communications regarding our daughter. You have a documented history of willfully disregarding the court order, but this is a far stretch. I can easily accuse you of not writing any of your own for the same reasons you are stating as well- but that would be insulting, degrading and I would

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have no proof. I will continue to communicate with you in a far better and more amicable nature than you continue to do towards me in hopes that you will get your anger under control for our daughter's sake.

On Tue, 11/24/15 at 11:12 AM, Renelyn Schramm wrote:
To: James Picone
Subject: RE: Sophias well being
Message:

I only read the first 10 words and see that it is not you that is writing this. I will not read someone else's email. If you want to communicate with me then do so, but don't have someone else write an email unless it is an attorney representing you

I can only read this email if you write it.

I did not read the email from this other person.

On Tue, 11/24/15 at 9:12 AM, James Picone wrote:
To: Renelyn Schramm
Subject: RE: Sophias well being
Message:

Renelyn,

I will not be responding to any of the ridiculous, insulting and angry comments from your email with the exception of the first #7 (there are 2 of them). I provided the allergy results to both yourself and your attorney. I also provided you with Sophia's doctor's information so you could very easily call to obtain these documents if you misplaced the one I sent you (this is why I send things via certified mail).

Why haven't you provided me with Sophia's doctors information? I have documented through Our Family Wizard that I have provided this information to you. I have also documented that I have asked you now 6 times for her doctor information from you. You have yet to provide it. You are knowingly and willfully violating our court order by refusing to give me this information.

Per our court order I have Sophia this year for Thanksgiving. The order states that We are to exchange "on the Wednesday before Thanksgiving at 3:00PM This holiday shall conclude on the following Monday at 9:00AM regular parenting plan shall resume". As I have Sophia already, do you want to disrupt her on Wednesday for our normal exchange at 10:00 and bring her back at 3:00 or for once would you prefer to curb your anger to do something in her best interest and not drag her all over for a few hours just to spite me as you did the last holiday?

*You have the court order. Additionally, I have reminded you of the terms and conditions within the order. I do not believe the courts will look to your favor should you continue to knowingly violate the order.

Jimmy

On Sun, 11/22/15 at 12:34 PM, Renelyn Schramm wrote:
To: James Picone
Subject: Sophias well being
Message:

jimmy

First, It would be nice if YOU actually wrote the emails (same with the correspondence with my attorney). It is clear and obvious that you are not writing any of it which validates someone else but you is handling your responsibilities regarding Sophia.

#1. STOP cutting Sophia's hair and deliberately making her bangs to be very uneven. You have done this at least 5 times in the past 8 months. I know it is just another thing do to affect me, but again, it is not in her best interest. She is afraid to tell you "no" and "stop". Your affecting Sophia in a bad way. Again, it's not in her best interest so stop it.

#2. STOP drenching her in your perfume. Not only does it stink, but Sophia complains that she does not like it and it makes her itchy. It actually gives Sophia a rash. Again, this is not in her best interest so Stop it.

#3. Give Sophia her necklace back. The last exchange, she had a Kate Spade necklace and when we picked her up she did not have it.

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Give it back to her to wear during the next exchange.

#4. Since you filed this lawsuit based upon fraud, lies and a con (which was proven), You have never agreed or even considered working with me regarding Sophia's best interest. Due to your unwillingness to support Sophia's best interest and your direct and damaging actions in which has hurt Sophia many times, I have no choice but to have my attorney deal with you. Your stupidity is even frustrating for my attorney to deal with.

#5. What is my daughter eating when she is with you? She is always starving and tells me she does not eat when she is with you. You have no job, no income, how are you feeding her? I have a right to know if my daughter is not eating. My private investigator told me you go nowhere. You stay locked in your rental all day. Even today, like every Sunday. You go straight back to your place and stay there all day.

#6. You have been unemployed for over 3 months now. How can you support and provide Sophia with the care she needs when she is with you. I have a right to know. This is for the best interest of Sophia.

#7. Where is your document regarding your claim of Sophia being allergic to cats? We still have not received it.
Sophia is properly cared for when she is with me. In fact we have to deal with her recovery after we get her from you. Every time we get her, she is neglected and not fed. I hope to God you stopped touching her in a sexual manner. Sophia seems better, so I pray you have stopped your disgusting behavior when you wash her. Regarding Sophia's doctor: Sophia has already received a wellness physical and got her required shots.

#7. If you are not able to care for her and/or feed her, let me know and let me take care of her. It's all about her wellness and not your ego or your selfish thinking.

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From: James Picone

To:
Renelyn Schramm (First View: 11/25/2015 10:45 AM)

Sent: 11/25/2015 10:38 AM

Subject: RE: doctors info

Message:

Renelyn,
I do not have the doctor's information. Please send me the COMPLETE contact information (9th request).

> **On Wed, 11/25/15 at 5:54 AM, Renelyn Schramm wrote:**
> **To:** James Picone
> **Subject:** doctors info
> **Message:**
> you have been given the doctors info more than once. In fact you stated in a threatening manner and reply that you will not use this doctor i provided, that you will go to yours who is located in Summerlin. You lie and con much that you forget what you do.

Message Report

The OurFamilyWizard® website
1302 2nd St NE Suite 200
Minneapolis, MN 55413
http://www.OurFamilyWizard.com
Info@OurFamilyWizard.com

James Picone generated this report on 11/30/15 at 01:57 PM. All times are listed in America/Los_Angeles timezone.

Message: 1 of 1
Date: 11/25/2015 10:38 AM
From: James Picone
To: Renelyn Schramm (First View: 11/25/2015 10:45 AM)
Subject: RE: doctors info
Message:

Renelyn,
I do not have the doctor's information. Please send me the COMPLETE contact information (9th request).

> **On Wed, 11/25/15 at 5:54 AM, Renelyn Schramm wrote:**
> **To:** James Picone
> **Subject:** doctors info
> **Message:**
> you have been given the doctors info more than once. In fact you stated in a threatening manner and reply that you will not use this doctor i provided, that you will go to yours who is located in Summerlin. You con people so much that you forget what you do.

Message Report

The OurFamilyWizard® website
1302 2nd St NE Suite 200
Minneapolis, MN 55413
http://www.OurFamilyWizard.com
Info@OurFamilyWizard.com

James Picone generated this report on 11/30/15 at 01:54 PM. All times are listed in America/Los_Angeles timezone.

Message: 1 of 1
Date: 11/24/2015 2:21 PM
From: James Picone
To: Renelyn Schramm (First View: 11/25/2015 5:10 AM)
Subject: RE: Sophias well being
Message:

I will say the EXACT same to you. It is me corresponding. Do not threaten me again. I don't care what you tell your attorney. Just because you say something, does not make it a fact. What is Sophia's doctor's information? Seventh time asking for it now.

On Tue, 11/24/15 at 1:48 PM, Renelyn Schramm wrote:
To: James Picone
Subject: RE: Sophias well being
Message:

Again, this is not you writing this.

I will respond to YOUR messages as per the court order, not someone else's

Your threats will not work. keep your judgements to yourself.

Grow up. Stop being stupid and email me what it is you want to say. I will respond to YOUR EMAILS only as long as it has to do with Sophia.

Don't make me tell you that again, or my attorney will file another motion eliminating Family wizard due to your non compliance of the court order and having a third party (not an attorney) conduct the communication. At that point your only communication will be through my attorney.

On Tue, 11/24/15 at 12:12 PM, James Picone wrote:
To: Renelyn Schramm
Subject: RE: Sophias well being
Message:

You have just stated through a court monitored (and ordered) correspondence that you refuse to read my communications regarding our daughter. You have a documented history of willfully disregarding the court order, but this is a far stretch. I can easily accuse you of not writing any of your own for the same reasons you are stating as well- but that would be insulting, degrading and I would have no proof. I will continue to communicate with you in a far better and more amicable nature than you continue to do towards me in hopes that you will get your anger under control for our daughter's sake.

On Tue, 11/24/15 at 11:12 AM, Renelyn Schramm wrote:
To: James Picone
Subject: RE: Sophias well being
Message:

I only read the first 10 words and see that it is not you that is writing this. I will not read someone else's email. If you want to communicate with me then do so, but don't have someone else write an email unless it is an attorney representing you

I can only read this email if you write it.

I did not read the email from this other person.

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EXHIBIT 4

Narratives

HENDERSON POLICE
223 LEAD ST
HENDERSON, NEVADA 89015

Incident Number: 15-14084

ENTERED DATE/TIME: 9/2/2015 09:20:00
NARRATIVE TYPE: INCIDENT
SUBJECT: FBR NARRATIVE
AUTHOR: ARNDT, APRIL

On 08/27/2015 at approximately 0900 hours, James Schramm (DOB 01/16/1968), contacted the Henderson Police Department in reference to his three year old daughter, Sophie Picone (DOB 10/22/2011), making concerning statements about her biological father, James Picone.

Henderson Patrol Officer R. Melchert responded to 201 S. Gibson Road #3206 and made contact with James and Renelyn Schramm (DOB 08/25/86). Renelyn is James current wife and biological mother of Sophie. The couple reported that on 08/26/2014 at approximately 2200 hours Sophie was sitting on the couch with her maternal grandmother, Arlene Legaspi (DOB 07.27/64). Sophie told her grandmother she did not like when she washed her "Va Jay Jay" because it hurts. Arlene stated she asked Sophie why it hurt. Sophie replied because "Jimmy put his finger top my Va Jay Jay and go slowly inside my Va Jay Jay". Sgt. Kuzik was contacted and the family was directed to respond to the station at 1300 hours for interviews.

I Detective A. Arndt P#1087 contacted the family at the Henderson Police Station located at 223 Lead Street at 1300 hours.

Renelyn reported that in August 2008 she met James Picone. In February 2010 the couple started living together along with Renelyn's four year old daughter Schila Madelazo and her mother, Arlene Legaspi.

Renelyn stated that James was a buyer for Jewelry stores. James would work intermittently. He often took jobs making a large amount of money then would not work for months at a time. Renelyn stated that James was gone for the majority of her pregnancy with Sophie. Renelyn described James as a very hands off father and did not do participate in the daily care of either child. Renelyn stated that her mother would care for the children when she was working,

Renelyn stated there was one occurrence that her mother witnessed. Her mother had reported to her that she observed James rubbing Sophie's arm. Although there was nothing significant to the rub she stated it made her uncomfortable and she felt like it was inappropriate. Renelyn dismissed the incident stating her mother was overreacting. B. S

Renelyn also reported that she observed a photo that James had taken of Schila on his motorcycle, wearing a helmet, in her underwear. She found this to be provocative. I asked her if she still had the photo which she stated she did not and that photos were Jimmy's thing. B. S

Renelyn stated that typically she or her mother bathed the girls and helped them after using the restroom. In

their culture it is custom to wash after using the restroom. Renelyn reported that they would use soap and water to wash the vaginal area or buttocks after the girls defecated or urinated.

In July 2013 Renelyn stated she was frustrated with James not consistently working and asked him to move out. Renelyn stated she leased him a house and he left her with only a sofa at the family home they had been renting. Renelyn advised she continued to date James periodically after the split.

In March 2014 she met her current husband and married him in April 2014. Renelyn stated James was angry and this is when he first expressed having Sophie overnight or visitation. Renelyn stated this is also when Sophie first started making remarks about not wanting her mother or grandmother to wash her because it hurt.

Renelyn stated as a result of Sophie being resistant to allowing her or her grandmother to wash her she stopped washing Sophie in the shower and allowed her to bath herself. She also stopped using soap and currently only uses wet toilet paper.

Renelyn and James custody agreement was entered May 2014 having joint physical and legal custody. James picks Sophie up for two nights on Sunday night and three days and Renelyn has Sophie for four days.

Renelyn advised that her mother told her about Sophie's comments the morning after she made them because she did not want to upset her or keep her from sleeping. Renelyn and Arlene reported that Schila had never made any statements of similar nature in reference to Jimmy.

I then made contact with Arlene. She corroborate the statements above. Renelyn also reported that Sophie currently has white sores in her mouth that she did not know what or where they came from.

Renelyn also reported that Sophie was born with Labial Fusion. This is a condition common in young girls. This condition consist of two sides of the labia stick or join together. Subsequently Sophie had a previous treatment as an infant for this condition. Labial fusion can cause urinary tract infection, soreness or pain in the genital area, and or urine becoming trapped in the vagina, leading to leaking of urine between visits to the toilet. It is not certain was causes labial fusion, but it usually occurs as a result of some irritation or inflammation (swelling) of the vaginal area known as vaginitis.

On 08/27/2015 Renelyn and James then took Sophia to Sunrise Hospital for a medical examination to rule out any connection between the sores in her mouth and a sexually transmitted disease in addition to a medical exam. I was contacted by Sunrise Hospital nurse. I explained the allegations and the disclosures made by Sophie. After a discussion due to the unknown time frame and the speculation by Renelyn that this could have occurred over the last year a medical exam was deemed appropriate. The nurse advised that during the medical exam if evidence presented itself that a more invasive exam needed to be completed they would do so.

Renelyn advised that once the exam was completed the sores were determined to be from regular virus /bacteria and not from a STD. In addition she was diagnosed with Vaginitis and Labial Fusion. Sophie was prescribed a hormone cream to resolve the issue. It should be noted the hormone cream and cause irritation around the genital area, temporary pigmentation of the skin in the genital area, vaginal spotting or bleeding after you stop using the cream or ointment.

Vaginitis is an inflammation of the vagina that can result in discharge, itching and pain. There are several contributing causes for Vaginitis. It is unknown if Sophie had Vaginitis while in Jimmy's. If she did have it in combination with Labial Fusion, that was also diagnosed while at Sunrise Hospital, bathing and washing the area with soap could be uncomfortable or painful. The medical records are attached to this report. No Sexually transmitted diseases were identified and no lesions, bruising to the external genitalia.

On 08/31/2015 Renelyn, James, Arlene, Schila, and Sophie responded to the child Advocacy Center. Sophie could not separate from her mother and did not want to go into the interview room. Elizabeth Saldana subsequently completed a Forensic Interview with Schila first.

What follows is a summary of the interview, which was recorded onto DVD and digital audio in its entirety and later uploaded into the digital evidence storage system. The following summary has been condensed for ease of the reader, and is not necessarily in the order in which it was discussed. The reader is referred to the video recording or digital audio recording for a verbatim account of the interview.

I observed Schila to be outgoing and comfortable talking to Elizabeth. Schila responded to questions with ease and appeared happy. Schila described each of her family members, that included her biological family and family by marriage, with affection. Schila stated that she had liked Jimmy when he was her step-father but didn't anymore. It wasn't until James, her new stepfather, had disclosed information to her that she no longer liked Jimmy. Schila stated that James had told her about what Jimmy had done to Sophie because he felt she was old enough to know. He told her not to tell her mother because that would upset her.

Schila also referred to the incident of Jimmy taking pictures of her. Schila went on to describe that when her mother and her were moving they had dumped a bag of pictures out. In the bag was the photo of her as a young girl, sitting on motorcycle wearing underwear and a helmet. Schila stated the garage was open and Jimmy had told her to put bottoms on. It was unclear if Schila was remembering the incident from memory or from the photograph her mother and her had found. Schila did not describe the incident from a traumatic memory but as a photo she had seen.

Schila was able to identify her private parts as her vagina as a part of her body nobody should touch. Schila stated that nobody had touched her private parts. Schila did not make any statements that were indicative of sexual abuse.

After approximately forty five minutes Sophia was able to separate from her caretakers and sit in the interview room.

What follows is a summary of the interview, which was recorded onto DVD and digital audio in its entirety and later uploaded into the digital evidence storage system. The following summary has been condensed for ease of the reader, and is not necessarily in the order in which it was discussed. The reader is referred to the video recording or digital audio recording for a verbatim account of the interview.

Sophie speaks with strong verbal skills for her age of three years old. Sophie identified the people that she lives with as her mommy, grandmother, Schila, and her daddy as "uncle JP". Later it was learned that Uncle JP is what the girls called James, Renelyn's current husband, before they got married. Sophie refers to her biological father as Jimmy and her step-father, James as "daddy or Uncle J.P." Sophie did not identify Jimmy as her father. When asked who Jimmy was she said I'm not going there anymore. She explained she wasn't going there anymore because of "daddy's friend" referring to James' friend.

Sophie stated that when she is at Jimmy's house Jimmy helps her shower. The interviewer then asked how does he help you take a shower Sophie replied "bad". Elisabeth then asked, what do you mean? Sophie replied because he put his hand inside my "peg peg". Sophie then stated that he puts the soap inside her "peg peg" . Elisabeth asked what she uses her "peg peg" for and she said "putting soap on it". The interviewer then asked what comes out of the peg peg and Sophie stated that pee comes out of the "peg peg". She said it made her feel not good it hurt. Sophie could not tell the interviewer the parts of her body that nobody should do stuff to. Sophie stated her clothes were off and Jimmy's clothes were on and that it happened at Jimmy's house. Elisabeth then asked what she was doing when Jimmy touched her "peg peg' and she stated closing her eyes because he was washing her peg peg. She said he was washing with soap. Later he washed her in the bath tub.

Sophie stated Jimmy helps her to go to the bathroom, he does not help her good because he does not wipe her good. Sophie wears her pajamas when she sleeps at Jimmy's house. She sleeps with Jimmy. He wears t-shirt and shorts.

It was later learned that "peg peg" is a word used in Renelyn's culture to designate the vagina. Renelyn stated that they use "Va Jay Jay" and "Peg Peg" in their home. The original report noted that Sophie had made the disclosure using the term "va jay jay". Sophie did not use the term "va jay jay" in the interview. Renelyn also reported that Sophie had asked Renelyn and Arlene to not wash her vagina during showering and after she used the restroom because it hurt, Renelyn suspects that Sophie's statements are related to Jimmy touching Sophie's vaginal area over the last year. Renelyn also stated that Sophie had been seen for a bacterial rash around her diaper area that was treated at "We Care Pediatrics". The rash was treated with an antibiotic cream.

On 09/02/2015 I left a voice message for Jimmy to call me in reference to the case. Sophie was last with Jimmy on 08/23/2015 to 08/25/2015.

Narratives

HENDERSON POLICE
223 LEAD ST
HENDERSON, NEVADA 89015

Incident Number: 15-14084

On 09/02/2015 James left a message for me on my voicemail. The message stated Sophie was making appalling statements in reference to Jimmy and he wanted me to talk with her again. I contacted Renelyn and advised her that we would not re interview Sophie about the same incident and that it was not beneficial to do so. I also advised Renelyn and James to only discuss their concerns about Jimmy in private away from the children so that their concerns did not influence the children.

I request this case be forward back to me for follow up.

Inbox

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<< First < Previous **Messages 21 - 40 of 48** Next > Last >>

	Status	From	Subject	Date	Type	
☐		Renelyn Schramm	We will be late for the Sunday exchange	10/09/2015		
☐		Renelyn Schramm	Sophia's Sunday School	10/09/2015		
☐	○	Renelyn Schramm	behind in child support payments again	09/30/2015		
☐	○	Renelyn Schramm	your continued harrassment affecting Sophia	09/30/2015		
☐	○	Renelyn Schramm	Attorneys notice	09/23/2015		
☐	○	Renelyn Schramm	YOU GET NOTIFIED WHEN I SEND YOU A MESSAGE	09/22/2015		
☐	○	Renelyn Schramm	past message	09/22/2015		
☐	○	Renelyn Schramm	Phone call yesterday	09/22/2015		
☐	○	Renelyn Schramm	court order violation	09/22/2015		
☐	○	Renelyn Schramm	RE: Follow up/Notice	08/24/2015		
☐	○	Renelyn Schramm	Your Deliberate non compliance is giving Sophia anxiety	08/23/2015		
☐	○	Renelyn Schramm	NO RESPONSE FROM YOU	08/23/2015		
☐	○	Renelyn Schramm	Video taping Exchanges	08/19/2015		
☐		Renelyn Schramm	Follow up/Notice	08/19/2015		
☐	○	Renelyn Schramm	Take Sophia to the doctor	08/16/2015		
☐		Renelyn Schramm	RE: notice for non payment of child support payment	07/26/2015		
☐		Renelyn Schramm	notice for non payment of child support payment	07/22/2015		
☐	○	Renelyn Schramm	4th of July CHILD ENDANGERMENT	07/04/2015		
☐	○	Renelyn Schramm	RE: warning	06/30/2015		
☐	○	Renelyn Schramm	RE: warning	06/30/2015		

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Inbox

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	Status	From	Subject	Date	Type
☐	○	Renelyn Schramm	Sophies necklace	11/25/2015	
☐	○	Renelyn Schramm	RE: doctors info	11/25/2015	
☐	○	Renelyn Schramm	RE: doctors info	11/25/2015	
☐		Renelyn Schramm	doctors info	11/25/2015	
☐	○	Renelyn Schramm	emails not written by you	11/25/2015	
☐	○	Renelyn Schramm	RE: Sophias well being	11/25/2015	
☐	○	Renelyn Schramm	RE: Vacation	11/25/2015	
☐	○	Renelyn Schramm	RE: Sophias well being	11/25/2015	
☐		Renelyn Schramm	Vacation	11/24/2015	
☐		Renelyn Schramm	RE: Sophias well being	11/24/2015	
☐		Renelyn Schramm	RE: Sophias well being	11/24/2015	
☐		Renelyn Schramm	Sophias well being	11/22/2015	
☐	○	Renelyn Schramm	RE: Sophias best interest	10/27/2015	
☐		Renelyn Schramm	RE: Sophias best interest	10/27/2015	
☐		Renelyn Schramm	RE: Sophias best interest	10/26/2015	
☐		Renelyn Schramm	RE: Sophias best interest	10/26/2015	
☐		Renelyn Schramm	Sophias best interest	10/25/2015	
☐	○	Renelyn Schramm	RE: We will be late for the Sunday exchange	10/11/2015	
☐		Renelyn Schramm	RE: We will be late for the Sunday exchange	10/10/2015	
☐		Renelyn Schramm	RE: We will be late for the Sunday exchange	10/10/2015	

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Usage details

-, (702) 281-0577

Sep. 02 - Oct. 01, 2015

Voice Messaging Data T-Mobile purchases Third-party purchases

All Charged Filter : (702) 826-1409 X

Total use: 2 messages
Total charges: $0.00

Date & Time (Pacific)	Destination	Number	Direction	Type	Charge
09/21/15, 10:07 AM	Las Vegas, NV	(702) 826-1409	Incoming	Text	--
09/20/15, 7:58 PM	Las Vegas, NV	(702) 826-1409	Incoming	Text	--

Download usage records

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You're late!!!! 16 minutes to be precise!

Nov 11 10:17 AM

You can not take sophie to work!

Nov 11 10:26 AM

I see this as your scheduled holiday with her. You're instructed by the judge to not bring her to work.

I can pick her up if you have to be at work today.

Nov 11 10:49 AM

Which I was told you are. Sophie can spend time with her sisters as I was planning to take them to movies.

I see you no longer work at Ballys location.

Nov 11 10:49 AM

arrangements to get her within the hour.

Nov 11 10:49 AM

Nov 11 10:49 AM

Remember this is not about your ego and yourself! THIS IS ONLY REGARDING SOPHIE'S BEST INTEREST!

If in fact she is at your work right now. I can make

Nov 11 10:49 AM

Late again... We will be going back to Donnas House!!

Nov 18 10:32 AM

No we won't!

Nov 18 10:32 AM

Will see

Nov 18 10:33 AM

Stand by there will be a court date regarding some motion that has been filed.

You might want to look into getting an attorney.

Nov 18 10:33 AM

25

MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

James Picone
Plaintiff/Petitioner

v.

Kenelyn Bautista
Defendant/Respondent

Case No. D-14-495928-P

Dept. N

MOTION/OPPOSITION FEE INFORMATION SHEET

Notice: Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of $25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of $129 or $57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

Step 1. Select either the $25 or $0 filing fee in the box below.

☒ **$25** The Motion/Opposition being filed with this form is subject to the $25 reopen fee.

-OR-

☐ **$0** The Motion/Opposition being filed with this form is not subject to the $25 reopen fee because:

- ☐ The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.
- ☐ The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.
- ☐ The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____.
- ☐ Other Excluded Motion (must specify) _____.

Step 2. Select the $0, $129 or $57 filing fee in the box below.

☒ **$0** The Motion/Opposition being filed with this form is not subject to the $129 or the $57 fee because:

- ☒ The Motion/Opposition is being filed in a case that was not initiated by joint petition.
- ☐ The party filing the Motion/Opposition previously paid a fee of $129 or $57.

-OR-

☐ **$129** The Motion being filed with this form is subject to the $129 fee because it is a motion to modify, adjust or enforce a final order.

-OR-

☐ **$57** The Motion/Opposition being filing with this form is subject to the $57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of $129.

Step 3. Add the filing fees from Step 1 and Step 2.

The total filing fee for the motion/opposition I am filing with this form is:
☐$0 ☒$25 ☐$57 ☐$82 ☐$129 ☐$154

Party filing Motion/Opposition: Plaintiff Date 12-7-15

Signature of Party or Preparer Shari Norton

Electronically Filed
12/09/2015 05:11:48 PM

ORDR

CLERK OF THE COURT

CLARK COUNTY, NEVADA
DISTRICT COURT

James Picone, Plaintiff, vs. Renelyn Bautista, Defendant.	)	Case No.: D-14-495928-P Dept. No.: N Date of Hearing: N/A Time of Hearing:

ORDER FOR APPOINTMENT OF SPECIAL MASTER/ PARENTING COORDINATOR

The Court having considered all of the pleadings on file herein, and good cause appearing, does hereby Order the appointment of a Special Master and Parenting Coordinator under the following terms and conditions:

1.0 APPOINTMENT AND DESIGNATION OF TERMS:

1.1. Gary Lenkeit, Ph.D is hereby appointed as Special Master and Parenting Coordinator in this matter (said appointee hereinafter referred to as the "Parenting Coordinator"). The Parenting Coordinator's full name, title, mailing addresses and phone numbers are as follows:

Name: Gary Lenkeit, Ph.D

Street Address: 1820 E. Warm Springs Rd. #115

City: Las Vegas State: Nevada Zip: 89119

Telephone #: 702-263-0094 Fax # 702-361-5080

1.2 This appointment is made pursuant to NRCP 53(a) and is intended to be a delegation of judicial authority pursuant to said Rule, subject to the grievance procedures described herein.

2.0 PARENTING COORDINATOR FEES/EXPENSE SHARING:

2.1 Hourly fees for the services of the Parenting Coordinator shall be set by the Parenting Coordinator pursuant to a written agreement with the parties. All fees shall be advanced by the parties, with Defendant responsible for 100% of the fees for the Parenting Coordinator services with Dr. Lenkeit. The Court reserves jurisdiction to re-allocate said payments between the parties. The Parenting Coordinator may determine a re-allocation of fees and costs on any single issue if it appears that the conduct of one party warrants same.

2.2 Objection to any fees or costs billed by the Parenting Coordinator shall be made in writing within thirty (30) days of receipt, or the billing is deemed accepted. Objections will be handled in accordance with the grievance procedure as set forth below.

2.3 In the event that the testimony and/or written report of the Parenting Coordinator is required for any hearing, settlement conference or court action by one or both parties, the Parenting Coordinator's fees for such services shall be paid by both parties, in advance, according to the estimate by the Parenting Coordinator. Ultimately the Court shall determine the proper allocation between the parties for all fees of the Parenting Coordinator for such services and may require reimbursement by one party to the other for any payment to the Parenting Coordinator.

3.0 GENERAL AUTHORITY:

3.1 The Parenting Coordinator shall have the general authority to resolve parent / child and custody/visitation issues, as set forth below and with the following guidelines:

3.11 Facilitate the resolution of disputes regarding the implementation of the parenting plan, the schedule, or parenting issues, provided such resolution does not involve a

substantive change to the shared parenting plan. A substantive change is defined as a modification to the parenting plan that (a) significantly changes the timeshare of the child with either parent; or (b) modifies the timeshare such that it amounts to a change in the designation of primary physical custody or a shared physical custodial arrangement.

3.12 Direct as necessary, one or both parents to utilize community resources, for the following services including but not limited to: random drug screens, parenting classes, and any mental health and/or counseling services, psychotherapy or a substance abuse assessment or treatment for either or both parents, or the child, with the Parenting Coordinator to have access to the results of any psychological testing or other assessments of the child and/ or parents.

3.13 Implement non-substantive changes to, and/or clarify, the shared parenting plan, including but not limited to issues such as:

(a) transitions/exchanges of the child including date, time, place, means of transportation and transporter;

(b) holiday sharing;

(c) summer or track break vacation sharing and scheduling;

(d) communication between the parents;

(e) health care management issues, including choice of medical providers and payment of unreimbursed medical expenses (including dental, orthodontic, psychological, psychiatric or vision care), pursuant to the Court's order for payment of said expenses;

(f) education or day care including but not limited to, school choice, tutoring, summer school, and participation in special education testing and programs; allocation of the cost for the foregoing items shall be determined by the Parenting Coordinator, subject to the Court's review, if requested by either party;

(g) child's participation in religious observances and religious education;

(h) child's participation in extracurricular activities, including camps and jobs;

(i) child's travel and passport issues;

(j) purchase and sharing of child's clothing, equipment and personal possessions, including possession and transporting of same between households;

(k) child's appearance and/or alteration of child's appearance, including haircuts, tattoos, ear, face or body piercing;

(l) communication between the parents including telephone, fax, e-mail, notes in backpacks, etc. as well as communication by a parent with the child including telephone, cell phone, pager, fax, and e-mail when the child is not in that parent's care;

(m) contact with significant other(s) and/ or extended families.

(n) requiring the signing of appropriate releases from each parent to provide access to confidential and privileged records, including medical, psychological or psychiatric records of a parent or child.

(o) reporting to the Court regarding compliance with the parenting coordination process which could include recommendations to the Court about how to more effectively implement the parenting coordination process.

(p) reporting to the Court the extent of the or parents' compliance with other Court orders (therapy, drug tests, child therapy) with or without providing a recommendation on what should be done regarding any lack of compliance.

(q) individually communicating with, and providing information to, persons involved with, or providing services to, the family members, including but not limited to, the custody evaluator, lawyers, teachers, school officials, physical and mental health providers, grandparents, stepparents, significant others, or anyone else the Parenting Coordinator determines to have a significant role in the life of the family.

4.0 ADDITIONAL RESPONSIBILITIES

The Parenting Coordinator shall have the following additional responsibilities, if initialed by the judge:

_____ 1. Temporary decision-making authority to resolve minor disputes between the parties concerning shared parenting decisions until such time as a Court order is entered modifying the decision. Such decision-making services provided by the Parenting Coordinator shall apply to both substantive and non-substantive changes to the parenting plan;

_____ 2. Make recommendations to the Court concerning modifications to the shared parenting plan including but not limited to, parenting time/access schedules or conditions, including variations from the existing parenting plan.

5.0 PROCEDURES AND RELATED REQUIREMENTS:

5.1 The Parenting Coordinator shall be provided with copies of pertinent pleadings, orders and custody Evaluation Reports which relate to the issues to be brought to the Parenting Coordinator. The Parenting Coordinator shall also have direct access to all orders and pleadings on file in the case, including files under a Sealing Order of the Court. If both parties are pro per, the JEA shall provide a copy of the custody Evaluation Reports to the Parenting Coordinator.

5.2 All written communications by a party to the Parenting Coordinator shall be copied or provided to the other party, concurrently.

5.3 The parties shall make themselves and the minor child available for meetings and/or appointments as deemed necessary by the Parenting Coordinator. The Parenting Coordinator shall determine in each instance whether an issue warrants a meeting with the parties.

5.4. The parties shall participate in good faith in an initial mediation/conflict resolution process with the Parenting Coordinator in an effort to resolve a dispute. Should

mediation result in an agreement, the Parenting Coordinator shall prepare a simple "Agreement" on the subject for signature by each party and the Parenting Coordinator. The Parenting Coordinator shall send a copy of the Agreement to each party; the parties shall each sign the Agreement, have it notarized, and return their copy to the Parenting Coordinator within two weeks.

5.5 Should the mediation not result in a stipulated agreement, the Parenting Coordinator shall prepare and send to the parties a written decision ("Decision"), as well as a courtesy copy to the Court, resolving the dispute which shall be followed by the parties until otherwise ordered by the Court. Said Decision shall set forth the reasons for the Parenting Coordinator's Decision. Should either party dispute the written decision of the Parenting Coordinator, that party must file a Motion with the Court within two weeks of receiving the decision.

5.6 The parties understand that the Parenting Coordinator's Decision is not a final decision, but rather can be reviewed by the Court. However, the parties are on notice and understand that the purpose and intent of the Court in appointing a Parenting Coordinator is to resolve disputes between the parties without the expense of litigation and the expenditure of judicial resources. Therefore, the Court will not overturn a Decision of the Parenting Coordinator without substantial evidence. A Decision of the Parenting Coordinator remains a binding decision unless and until it is overturned or modified by the Court.

5.7 The parties shall provide in a timely manner any documents requested by the Parenting Coordinator and/or execute any releases required for the Parenting Coordinator to directly obtain documents or records which the Parenting Coordinator deems relevant to the submitted issues. Failure to do so may result in imposition of sanctions by the Court.

5.8 The Parenting Coordinator shall have the authority to determine the protocol of all fact-finding procedures. The Parenting Coordinator shall have the authority to engage in ex-parte communications with the parties and/or their counsel.

5.9 The Parenting Coordinator shall have the authority to interview and require the participation of other persons whom the Parenting Coordinator deems to have relevant information or to be useful participants in the parenting coordination process, including, but not limited to, custody evaluator, teachers, health and medical providers, stepparents, and significant others.

6.0. PARENTING COORDINATOR LIMITATIONS:

6.1 The Parenting Coordinator may not serve as a custody evaluator, investigator, mediator, psychotherapist, attorney or Guardian ad Litem for any party or another member of the family for whom the Parenting Coordinator is providing or has provided parenting coordination services.

7.0 SCHEDULING:

7.1 Each parent is responsible for contacting the Parenting Coordinator within ten days of this Order to schedule an initial meeting. Subsequent appointments may be scheduled at the request of the parents or at the request of the Parenting Coordinator.

8.0 EMERGENCY COMMUNICATION WITH THE COURT:

8.1 The Parenting Coordinator shall work with both parents to resolve conflicts and may recommend appropriate resolution to the parties and their legal counsel prior to the parents seeking Court action. However, the Parenting Coordinator shall immediately communicate with the Court without prior notice to the parties, counsel or a guardian ad litem, in the event of an emergency in which:

8.11. A party or child is anticipated to suffer or is suffering abuse, neglect, or abandonment.

8.12. A party or someone acting on his or her behalf, is expected to wrongfully remove or is wrongfully removing the child from the other parent and the jurisdiction of the Court, without prior Court approval.

A copy of the written communication to the Court shall be submitted to Metro, CPS, and to the parties, by the Parenting Coordinator.

9.0 PARENTING COORDINATOR REPORTS AND APPEARANCES IN COURT:

9.1 In the event that the testimony and/or written report of the Parenting Coordinator is required for any hearing, settlement conference, including depositions, or other Court action by one or both parties, the Parenting Coordinator's fees for such services shall be paid by both parties, in advance, according to the estimate by the Parenting Coordinator. Ultimately the Court shall determine the ultimate allocation of such fees between the parties. The Parenting Coordinator shall be given a copy of the motion and notice of the hearing at least twenty (20) days prior to the hearing, unless otherwise ordered by the Court.

9.2 A Parenting Coordinator's report to the Court shall be sent to the parties, and the guardian ad litem (if any). Each party shall be responsible for providing a copy to their attorney. The Parenting Coordinator's reports are not confidential and may be presented to the Court by the parties or counsel according to rules of evidence. In cases where there is a history of domestic violence, the Parenting Coordinator shall take necessary steps to protect certain personal information about the victim which may be necessary to protect the safety of the victim and the integrity of the parenting coordination process.

9.3 A Parenting Coordinator directed by the Court to testify in a Court proceeding shall not be disqualified from participating in further parenting coordination efforts with the family, but the Court in its discretion may order the substitution of a new Parenting Coordinator or may relieve the Parenting Coordinator of their duties or the Parenting Coordinator may voluntarily determine that such substitution would be in the best interest of the child.

10.0 GRIEVANCES:

10.1 The Parenting Coordinator may be disqualified on any of the grounds applicable to the removal of a Judge, Referee, Arbitrator, or Mediator, except that no peremptory challenge shall be permitted.

10.2 Complaints or grievances from any party regarding the performance, actions or billing of the Parenting Coordinator shall only be determined according to the following procedure:

(a) A person having a complaint or grievance regarding the Parenting Coordinator must discuss the matter with the Parenting Coordinator in person before pursuing it in any other manner.

(b) If after discussion the party decides to pursue a complaint, that party must first submit a written letter detailing the complaint or grievance to the Parenting Coordinator with a copy to all other counsel or parties.

(c) The Parenting Coordinator shall then provide a written response to the grievance to the party and all counsel or parties within thirty (30) days of the written complaint or grievance.

(d) If the grievance or complaint is not resolved after this exchange, the complaining party may proceed by noticed motion to the Court addressing the issues raised in the complaint or grievance.

10.3 Neither party may initiate Court proceeding for a complaint or grievance regarding the Parenting Coordinator without following the preceding procedure. Failure to comply with said procedure may result in sanctions by the Court.

10.4 The Court shall reserve jurisdiction to determine if either or both parties and/or the Parenting Coordinator shall ultimately be responsible for any portion or all of the Parenting Coordinator's time and costs spent in responding to the grievance and the Parenting Coordinator's attorneys' fees, if any.

10.5 Neither party shall file any complaint or make any written submission regarding the Parenting Coordinator to the Parenting Coordinator's licensing board without first complying with these grievance procedures and obtaining the Court's decision ratifying the grievance.

11.0 TERMS OF APPOINTMENT:

11.1 The Parenting Coordinator is appointed until discharged by the Court. The Parenting Coordinator may apply directly to the Court for a discharge, and shall provide the parties and counsel with notice of the application for discharge. The Court may discharge the Parenting Coordinator without a hearing unless either party requests a hearing in writing within ten (10) days from the application for discharge, pursuant to NRCP 6(e) which states:

> whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper, other than process, upon the party and the notice or paper is served upon the party by mail or by electronic means, 3 days shall be added to the prescribed period.

11.2 Either party may seek to suspend or terminate the Parenting Coordinator process by filing a motion with the Court. The Parenting Coordinator's services may not be terminated by either of the parties without order of the Court.

11.3 In the event that the Parenting Coordinator is discharged, the Court will furnish a copy of the Order of termination of the Parenting Coordinator to counsel.

Dated this 9 day of December, 2015.

Judge Mathew Harter

. . . .

DISTRICT COURT

CLARK COUNTY, NEVADA

****

In the Matter of the Petition by: James Picone, Petitioner.	Case No.: D-14-495928-P Department N

CERTIFICATE OF MAILING

TO: ALL PARTIES AND/OR ATTORNEYS

Please take notice that the Court prepared an Order. A copy of the Order is attached hereto.

☒ I hereby certify that I faxed or emailed and placed a copy of the Order for Appointment of Special Master/Parenting Coordinator in the appropriate attorney folder located in the Clerk of the Court's Office to:

Edward Miley, Esq.

John D. Jones, Esq.

☐ I hereby certify that I mailed the Order via first-class mail with postage fully prepaid to:

DATED: 9th day of December, 2015

By: _____
Mark Fernandez
Judicial Executive Assistant
Department N

MATTHEW HARTER
DISTRICT JUDGE
FAMILY DIVISION, DEPT N
LAS VEGAS, NV 89101

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CLERK OF THE COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

****

In the Matter of the Petition by: James Picone, Petitioner.	Case No.: D-14-495928-P Department N

NOTICE OF ENTRY OF DECISION AND ORDER

TO: ALL PARTIES AND/OR THEIR ATTORNEYS

Please take notice that the Court prepared a Decision and Order and that a file stamped copy is attached hereto.

☒ I hereby certify that I faxed or emailed and placed a copy of the Decision and Order in the appropriate attorney folder located in the Clerk of the Court's Office for:

John D. Jones, Esq.

Edward Miley, Esq.

☐ I hereby certify that I mailed the Decision and Order via first-class mail with postage fully prepaid to:

DATED: 9th day of December, 2015

By: _____
Mark Fernandez
Judicial Executive Assistant
Department N

Non-Trial Dispositions:
Settled/Withdrawn:
☒ Without Judicial Conf/Hrg
☐ With Judicial Conf/Hrg
☐ By ADR
Other
Dismissed - Want of Prosecution
Voluntary (Statutory) Dismissal
Default Judgment
Transferred
Trial Dispositions:
Disposed After Trial Start
☐ Judgment Reached by Trial

MATTHEW HARTER
DISTRICT JUDGE
FAMILY DIVISION, DEPT.N
LAS VEGAS, NV 89101

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CLERK OF THE COURT

Eighth Judicial District Court

Clark County, Nevada

JAMES PICONE,

Plaintiff,

vs.

RENELYN BAUTISTA,

Defendant.

Case: D-495928-P

Dept: N

DECISION AND ORDER

Defendant has filed yet another motion on 11/17/2015. 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. Pursuant to EDCR 2.23(c) and 5.11(e), this Court ***can consider a motion and issue a decision on the papers at anytime without a hearing***. In the minutes from the 9/16/2015 hearing, this Court NOTED its concern that Defendant may be on a purposeful course to destroy the relationship between Plaintiff and the child. Even prior to this, this Court ORDERED on 7/17/2015 that the parties enroll the UNLV Cooperative Parenting Course within 6 months and then complete it. Plaintiff immediately fulfilled his ***requirement*** and filed his certificate of completion on 10/14/2015. As Defendant has yet to file her proof of completing the UNLV program, this Court's staff has confirmed with the UNLV program that Defendant has yet to contact them. It is NOTED that the next 2 UNLV Cooperative Parenting classes start on January 26, 2016 or January 30, 2016. *If* Defendant does not enroll and complete one of these next 2 classes as previously ORDERED, this Court will consider suspending her contact with the minor child. It is further NOTED that on 7/17/2015, this Court also indicated that given the litigious nature of this case this Court would assign a Parenting Coordinator if another custody/visitation related motion was filed within the next 6 months. Despite this inclination, this Court apprehensively did not do so when Defendant again filed an unsuccessful motion to change custody on 8/31/2015 alleging sex abuse of the child. This Court will *now* follow through with the referral as the current issue at hand is clearly a co-parenting issue. The matter will be referred to Dr. Gary Lenkeit for cooperative parenting services. Defendant will

pay for Dr. Lenkeit's costs, subject to reimbursement if Dr. Lenkeit ultimately determines that Plaintiff is in fact the primary cause of the parenting issues. It is hoped that Dr. Lenkeit will possibly review the case in full so that he can adequately familiarize himself with this case--possibly from the video from the initial hearing, to pleadings to date, to the parties' *Our Family Wizard* ("*OFW*") communications, and up to the final court video wherein Dr. Paglini indicated on the record his reasons as to why he will no longer will involve himself in this matter. Dr. Lenkeit also will have access to any confidential documents this Court has in its possession.

It is NOTED that this Court has reviewed the parties' recent *OFW* communications (ongoing court access noted both in the 11/19/2014 minutes and the signed release from the parties). Defendant complains about such ridiculous things as smelling the Plaintiff's "perfume" on the child, using the term "*stupid*" in reference to Plaintiff several times. Plaintiff's notes Defendant has refused at least 8 times to date to give him medical information regarding the child Further, Defendant makes *more* child sex allegations about Plaintiff (10/11/2015 entry: "I have been informed that you are actually seeing an under age high school girl."). Defendant notes throughout her *OFW* communications to having a private investigator *continue to date* to follow Plaintiff while he has the child. Thus, if she can afford this cost, the costs of her filing ongoing litigation, etc., she surely can afford to pay Dr. Lenkeit's fees. Further,

Accordingly, Defendant's motion is DENIED *without prejudice* and the 1/6/2016 hearing date is VACATED as this matter is being referred to a Parenting Coordinator[1] whom can make a decision on the pending and any future co-parenting issues.

DATED this 9th day of December, 2015

District Court Judge
Mathew Harter

[1] The Order of Appointment is done via NRCP 53(a). This process of appointing a Master to make child-related decisions has been employed in Nevada for over 50 years. *See Cosner v. Cosner*, 78 Nev. 242, 371 P.2d 278 (1962) (the Master just cannot make a custody determination, but it can make advisory recommendations as to custody). The Order of Appointment will be clear that Dr. Lenkeit *can make a recommendation* regarding any proposed changes in custody. *Id.* This Court will then hear custody/visitation/co-parenting matters ***only*** on an objection pursuant to NRCP 53. A copy of the order appointing Dr. Lenkeit as the Parenting Coordinator and the terms thereof will accompany this Order.

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CLERK OF THE COURT

MOT
BLACK & LOBELLO
John D. Jones
Nevada Bar No. 006699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
Telephone Number: 702-869-8801
Fax Number: 702-869-2669
Email Address: jjones@blacklobellolaw.com
Attorneys for Defendant,
RENELYN BAUTISTA

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

JAMES PICONE,

Plaintiff

vs.

RENELYN BAUTISTA,

Defendant

CASE NO.: D-14-495928-P
DEPT. NO.: N

Date of Hearing: 01/12/16

Time of Hearing: 11:00 A.M.

Oral Argument Requested

NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT HEARING PRIOR TO THE SCHEDULED HEARING DATE.

DEFENDANT'S MOTION FOR RECONSIDERATION OF DECISION AND ORDER FILED DECEMBER 9th , 2015

Defendant, RENELYN BAUTISTA, by and through her attorneys of record, John D. Jones and the law firm of Black & LoBello, hereby files her Motion for Reconsideration of Decision and Order Filed December 9th , 2015.

DATED this 11 day of December, 2015

BLACK & LOBELLO

John D. Jones
Nevada Bar No. 6699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
702-869-8801
Attorneys for Plaintiff
RENELYN BAUTISTA

BLACK & LOBELLO
10777 W. Twain Avenue, 3rd Floor
Las Vegas, Nevada 89135
702-869-8801 FAX: 702-869-2669

NOTICE OF MOTION

TO: ALL INTERESTED PARTIES:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE, that the undersigned will bring the above Motion for Reconsideration of Decision and Order Filed July 17, 2015 on for hearing before the entitled Court on the 12th day of January, 2016, at the hour of 11:00 A.m., or as soon thereafter as may be heard before the District Court, Family Division, Department N.

Dated this 11 day of December, 2015.

BLACK & LOBELLO

John D. Jones
Nevada Bar No. 6699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
702-869-8801
Attorneys for Defendant,
RENELYN BAUTISTA

BLACK & LOBELLO
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I.

FACTS

This Court entered an order requiring Renelyn, who has no income and is the primary caregiver to 3 children, to pay 100% of parenting coordinator costs. This Court cited the fact that she has used a private investigator to follow the plaintiff to ensure the safety of the parties' daughter Sophie and the fact that she can pay a lawyer to file motions as a basis of the rather uncommon order. The fact remains that the undersigned lawyer files motions, only because he believes in their merit. He has filed motions even though Renelyn owes him over $15,000.00 because of the merits of the motion. Regardless, the order as entered is contrary to the concept of parenting coordination. All of the reasons for the inequity of the Courts order are specifically addressed in the declaration of Renelyn attached as **Exhibit "A."**

The primary reason that in all cases except for those in which the parties have a massive disparity in income, that all parenting coordinator fees are equally divided, is so that both parties have "skin in the game" which motivates them to be reasonable and co-parent more readily. Making one party pay, particularly in a case where the party ordered to pay has exponentially less income than the other, results in the non-paying party having no motivation to actually solve problems. Because the financial terms of the order completely destroy the important substantive aspects of the order, the financial terms are clearly erroneous. Moreover, the financial portions of the order are the exact opposite of the standard order this Court issues every day without any legitimate basis.

II.

POINTS AND AUTHORITIES

Rule 2.24. Rehearing of motions.

(a) No motions once heard and disposed of may be renewed in the same cause, nor may the same matters therein embraced be reheard, unless by leave of the court granted upon motion therefor, after notice of such motion to the adverse parties.

(b) A party seeking reconsideration of a ruling of the court, other than any order which may be addressed by motion pursuant to N.R.C.P. 50(b), 52(b), 59 or 60, must file a motion for such relief within 10 days after service of written notice of the order or judgment unless the time is shortened or enlarged by order. A motion for rehearing or reconsideration must be served, noticed, filed and heard as is any

other motion. A motion for reconsideration does not toll the 30-day period for filing a notice of appeal from a final order or judgment.

(c) If a motion for rehearing is granted, the court may make a final disposition of the cause without reargument or may reset it for reargument or resubmission or may make such other orders as are deemed appropriate under the circumstances of the particular case.

III.

CONCLUSION

Based upon the aforementioned considerations, Renelyn respectfully requests this Court issue the following Orders:

1. That this Court reconsider and reverse its Order filed December 9th 2015;

2. For any other relief this Court deems just and appropriate.

RESPECTFULLY SUBMITTED this 11 day of December, 2015.

BLACK & LOBELLO

John D. Jones
Nevada State Bar No. 6699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
702-869-8801
Attorneys for Defendant,
RENELYN BAUTISTA

BLACK & LOBELLO
10777 W. Twain Avenue, 3rd Floor
Las Vegas, Nevada 89135
702-869-8801 FAX: 702-869-2669

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 11th day of December, 2015 I served a true and correct copy of the DEFENDANT'S MOTION FOR RECONSIDERATION OF DECISION AND ORDER FILED DECEMBER 9TH , 2015, upon each of the parties by **electronic service** through Wiznet, the Eighth Judicial District Court's e-filing/e-service system, pursuant to N.E.F.C.R. 9; and by depositing a copy of the same in a sealed envelope in the United States Mail, Postage Pre-Paid, addressed as follows:

Edward R. Miley, Esq.
Miley Law Firm
711 South Ninth Street
Las Vegas, NV 89101James Picone
Email: **emiley@mileylaw.com; edward_miley@hotmail.com**
Attorney for Plaintiff

an Employee of Black & LoBello

BLACK & LOBELLO
10777 W. Twain Avenue, 3rd Floor
Las Vegas, Nevada 89135
702-869-8801 FAX: 702-869-2669

MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

JAMES PICONE,
Plaintiff/Petitioner

v.
RENELYN BAUTISTA,
Defendant/Respondent

Case No. D-14-495928-P

Dept. N

MOTION/OPPOSITION FEE INFORMATION SHEET

Notice: Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of $25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of $129 or $57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

Step 1. Select either the $25 or $0 filing fee in the box below.

☑ **$25** The Motion/Opposition being filed with this form is subject to the $25 reopen fee.

-OR-

☐ **$0** The Motion/Opposition being filed with this form is not subject to the $25 reopen fee because:

- ☐ The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.
- ☐ The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.
- ☐ The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____.
- ☐ Other Excluded Motion (must specify) _____.

Step 2. Select the $0, $129 or $57 filing fee in the box below.

☑ **$0** The Motion/Opposition being filed with this form is not subject to the $129 or the $57 fee because:

- ☒ The Motion/Opposition is being filed in a case that was not initiated by joint petition.
- ☐ The party filing the Motion/Opposition previously paid a fee of $129 or $57.

-OR-

☐ **$129** The Motion being filed with this form is subject to the $129 fee because it is a motion to modify, adjust or enforce a final order.

-OR-

☐ **$57** The Motion/Opposition being filing with this form is subject to the $57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of $129.

Step 3. Add the filing fees from Step 1 and Step 2.

The total filing fee for the motion/opposition I am filing with this form is:
☐**$0** ☒**$25** ☐**$57** ☐**$82** ☐**$129** ☐**$154**

Party filing Motion/Opposition: Renelyn Bautista Date 12/11/15

Signature of Party or Preparer Cheryl Berard

Exhibit A

Exhibit A

DECL
BLACK & LOBELLO
John D. Jones, Esq.
Nevada Bar No. 6699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
Telephone No.: 702-869-8801
Facsimile No.: 702-869-2669
Email: jjones@blacklobellolaw.com
Attorneys for Defendant,
RENELYN BAUTISTA

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

JAMES PICONE, Plaintiff vs. RENELYN BAUTISTA, Defendant	CASE NO.: D-14-495928-P DEPT. NO.: N

DECLARATION OF DEFENDANT, RENELYN BAUTISTA

RENELYN BAUTISTA, being first duly sworn, deposes and says:

1. That I am the Defendant in this action and I offer this Declaration of my own personal knowledge.

2. That I am a stay at home mother to my three children.

3. That I have no income and limited assets as set forth on my financial declaration form.

4. That I have reviewed the order of the Court regarding me being responsible for 100% of the costs of the parenting coordinator.

5. That I have no way to pay such costs.

6. That the Court seems to believe that I pay for a private investigator and based its decision on the fact that if I can pay for that, I can pay for 100% of the costs of a parenting coordinator.

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

7. The Court also implied that because I can afford to file motions, I can also afford 100% of the parenting coordinator fees.

8. In reality, I do not pay for a private investigator. Third parties who are concerned about Sophia have paid for a private investigator.

9. In addition, I have a significant balance with my attorney and he continues to represent me because he believes in the issues we continue to have.

10. I have filed 3 motions since the entry of the order. The first one was because Mr. Picone had violated the Court's specific directive to not have Sophia at his place of employment. The second one was because of Sophia's report of abuse which was the subject of an ongoing investigation by the Henderson Police Department. The third one was because Mr. Picone would not agree to allow Sophia to attend Sunday School. Each motion was for a reasonable and legitimate reason.

11. Mr. Picone's opposition to the most recent motion is full of misrepresentations. His claim that I am a Jehovah's witness is absolutely false. Moreover, his position that he has plans for Sophia at 10:00 a.m. on Sundays is a lie. The private investigator can prove that he does nothing with Sophia on Sunday from 10-11 a.m. This means that he is only refusing to adjust the timeshare by 1 hour to be difficult and not for a legitimate purpose.

12. That I am hopeful that the parenting coordinator can help resolve such things.

13. That I am asking the Court to reconsider the cost apportionment for the parenting coordinator for two reasons. First, because I have no income and will have to borrow money for my ½ of the costs. The second reason is because I believe that if both of us do not have a financial obligation the process will be compromised because there will be no motivation for him to be reasonable if there is no cost to him.

14. It is my understanding that this is why parenting coordinator fees are equally shared.

/ / /

/ / /

/ / /

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

15. That I ask the Court to modify its order to require an equal division of Dr. Lenkeit's fees.

Signed under the pains and penalties of perjury this 11 day of December, 2015.

RENELYN BAUTISTA

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

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CLERK OF THE COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

****

In the Matter of the Petition by: James Picone, Petitioner.	Case No.: D-14-495928-P Department N

NOTICE OF ENTRY OF DECISION AND ORDER

TO: ALL PARTIES AND/OR THEIR ATTORNEYS

Please take notice that the Court prepared a Decision and Order and that a file stamped copy is attached hereto.

☒ I hereby certify that I faxed or emailed and placed a copy of the Decision and Order in the appropriate attorney folder located in the Clerk of the Court's Office for:

John D. Jones, Esq.

Edward Miley, Esq.

☒ I hereby certify that I mailed the Decision and Order via first-class mail with postage fully prepaid to:

James J Picone
1277 Large Cap Drive #2
Henderson, NV 89074

DATED: 14th day of December, 2015

By: _____
Mark Fernandez
Judicial Executive Assistant
Department N

MATTHEW HARTER
DISTRICT JUDGE
FAMILY DIVISION, DEPT N
LAS VEGAS, NV 89101

Electronically Filed
12/14/2015 10:14:02 AM

CLERK OF THE COURT

Eighth Judicial District Court

Family Division

Clark County, Nevada

JAMES PICONE,

Plaintiff,

vs.

RENELYN BAUTISTA,

Defendant.

Case: D-14-495928-P

Dept: N

DECISION AND ORDER

On 12/11/2015, Defendant has filed yet another Motion for Reconsideration. Though she should be intimately familiar with this Court's legal foundation, it will graciously restate them again.

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. Pursuant to EDCR 2.23(c) and 5.11(e), this Court can consider a motion and issue a decision on the papers at anytime without a hearing. *Furthermore*, EDCR 2.24(c) states that in Motions for Reconsideration, "the court may make a final disposition of the cause ***without reargument***." In Motions for Reconsideration, it is not for the proverbial second bite at the apple, it necessarily has strict legal parameters placed upon it or else there would be no finality of legal disputes. "[P]ersons dissatisfied with [child custody related decisions] can[not] file immediate, repetitive, serial motions until the right circumstances or the right judge allows them to achieve a different result, based on essentially the same facts."[1] "Only in ***very rare instances*** in which new issues of fact or law are raised supporting a ruling contrary to the ruling already reached should a motion for rehearing be granted."[2] The fact that Defendant has filed her *third* Motion for

[1] *Mosely v. Figliuzzi*,113 Nev. 51, 930 P.2d 1110 (1997), *overruled in part* by *Castle v. Simmons*, 120 Nev. 98, 86 P.3d 1042 (2004) ("[Only] to the extent that it can be read to preclude evidence of which the moving party was unaware when the prior custody order was entered." *Id.* FN 20).

[2] *Moore v. City of Las Vegas*, 92 Nev. 402, 405, 551 P.2d 244 (1976).

Reconsideration within an approximate 4 month span speaks for itself (*i.e.*, it is *not rare*). "A district court *may* reconsider a previously decided issue if ***substantially different evidence*** is subsequently introduced ***or*** the decision is ***clearly erroneous***."[3] Neither is subjective, both grounds have strict legal parameters. *Substantially different evidence* requires "some good reason that precluded the moving party from advancing his contentions at an earlier, timely stage of the case."[4] "A finding is '*clearly erroneous*' when although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed."[5] As stated in its prior orders, this Court does *not* take Motions for Reconsideration lightly. This Court has yet again reviewed a majority of the underlying record.

It is first noted that on 12/8/2015 Plaintiff (likely while this Court's prior order was pending e-filing) filed an opposition/countermotion to Defendant's prior motion. In it Plaintiff requests: 1) for a Parenting Coordinator (*hereinafter* "PC") be assigned; 2) for Defendant to be deemed a vexatious litigant; and 3) for attorney's fees. The PC was assigned. The request for attorney's fees is denied–this Court attempted to issue its order before Plaintiff had to incur any fees/costs. Furthermore, the opposition/countermotion simply was not considered when the prior decision was made. Finally, the request to deem Defendant a vexatious litigant is denied *without prejudice* at this juncture; although she seems to be further edging herself closer to this type of determination with each of her filings.

The sum and substance of Defendant's current motion is two-fold: 1) that the costs of the PC should be split "so that both parties have 'skin in the game'" and 2) Defendant has no income. Though this first basis may be somewhat of a *Freudian slip*, this case is far from a game. The reason this Court is having Defendant initially bear the costs is because this Court is

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[3] *Masonry and Tile Contractors v. Jolley, Urga & Wirth*, 113 Nev 737, 741, 941 P.2d 486 (1997).

[4] *Little Earth of the United Tribes, Inc. v. U.S. Dep't of Hous. & Urban Dev.*, 807 F.2d 1433, 1441 (8th Cir. 1986) (cited in *Masonry and Tile Contractors, supra*); *compare* NRCP 60(b)(2)("newly discovered evidence which by due diligence could not have been discovered")

[5] *United States v. U.S. Gypsum Co.*, 333 U.S. 364, 395, 68 S. Ct. 525, 542, 92 L. Ed. 746 (1948); *See also Russell v. Thompson*, 96 Nev. 830, 834, 619 P.2d 537, 539 (1980) ("It is only instances such as the following that permit the court to disregard the report: the findings are based upon material errors in the proceedings or a mistake in law; or are unsupported by any substantial evidence; or are against the clear weight of the evidence.").

of the *strong* opinion that she and/or her new husband are the primary source of the co-parenting issues. *Regardless*, this Court has provided a fair and equitable means whereby the new, independent PC (assigned as Master under NRCP 53) can reassess the situation and reallocate payments if in fact the PC determines that Plaintiff is the true cause of the problems. Next, Defendant's lack of income is volitional as apparently she has married a wealthy man and no longer needs to work.[6] Defendant cannot hide behind her new husband's wealth, remaining selectively unemployed[7] and then claim poverty when it comes to financing the costs of outsource services of the litigation that *she* precipitated.[8] If Defendant wants to staunchly continue to claim to be poverty stricken, this Court will then allow Plaintiff a period of discovery pursuant to NRCP 16.21 to investigate Defendant's *standard of living* and her general *financial means*, which would also necessarily include her new husband's income.[9] To be clear, the basis for having Defendant pay the initial PC costs are **NRCP 53(a)(1)** ("shall be charged upon . . . the parties . . . as the court may direct") and/or **NRS 125C.250** ("the court may order . . . experts *and other costs* of the proceeding *to be paid in proportions and at times determined by the court*").

As this Court can find no ***clear error*** nor ***substantially different evidence***, Defendant's motion is DENIED and the hearing date of 1/12/2016 is VACATED.

DATED this 14th day of December, 2015.

District Court Judge
Mathew Harter

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[6] *E.g.* "Jim Schramm's wealth" (Defendant's 5/12/2014 Opposition. page 16, line 28); "[A]fter learning that her husband is wealthy." Defendant's 6/5/2015 motion, page 7, lines 24-25 (which also includes other references to living in a high rise tower that included some sort of "floating staircase"). Nothing in Defendant's pleadings has ever denied her new husband is wealthy.

[7] Defendant's Financial Disclosure form filed 6/5/2014 shows monthly earnings of $3,313.14.

[8] "Considerations such as ***standard of living*** and ***financial means*** may be intimately connected to community income. Community property law provides that a spouse has a present, vested one-half interest in the other spouse's earnings.. . . [A]n examination of a remarried parent's "relative income" may properly include consideration of his or her one-half interest in the new spouse's income. Our conclusion that community income may be considered in determining the parents' "relative income" is consistent with opinions from other jurisdictions." *Rodgers v. Rodgers,* 110 Nev. 1370, 1374-76, 887 P.2d 269 (1994). This Court is keenly aware that *Rodgers* is a child support case, but believes the aforementioned financial concepts can be considered and applied toward paying the costs of a PC. It is finally noted that although Defendant initially requested a full, outsource evaluation with Dr. Paglini, she never followed up with this expensive endeavor. Thus, this relative savings in court costs is also noted.

[9] *Id.*

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12/14/2015 03:53:00 PM

CLERK OF THE COURT

MISC
Name: James Picone
Address: 1277 Large Cal Dr #3
Henderson, NV 89074
Phone: 702-281-0577
Email: JamPico7@Aol.com
Attorney for _____
Nevada State Bar No. _____

_____ Judicial District Court

_____, Nevada

James Picone **Plaintiff,** **vs.** Ronelyn Baptista **Defendant.**	**Case No.** D-14-495918-P **Dept.** N

GENERAL FINANCIAL DISCLOSURE FORM

A. Personal Information:

1. What is your full name? *(first, middle, last)* James John Picone
2. How old are you? 50 3. What is your date of birth? 10-15-1965
4. What is your highest level of education? 12

B. Employment Information:

1. Are you currently employed/ self-employed? *(☑ check one)*
   - ☒ No
   - ☐ Yes If yes, complete the table below. Attached an additional page if needed.

Date of Hire	Employer Name	Job Title	Work Schedule (days)	Work Schedule (shift times)

2. Are you disabled? *(☑ check one)*
   - ☒ No
   - ☐ Yes If yes, what is your level of disability? _____
     What agency certified you disabled? _____
     What is the nature of your disability? _____

C. Prior Employment: If you are unemployed or have been working at your current job for less than 2 years, complete the following information.

Prior Employer: Tower of Jewels Date of Hire: 6-2014 Date of Termination: 10-2015
Reason for Leaving: Store Closed

Monthly Personal Income Schedule

A. Year-to-date Income.

As of the pay period ending 9/12/2015 my gross year to date pay is 20,971.

B. Determine your Gross Monthly Income.

Hourly Wage

Hourly Wage	×	Number of hours worked per week	=	Weekly Income	×	52 Weeks	=	Annual Income	÷	12 Months	=	Gross Monthly Income

Annual Salary

Annual Income	÷	12 Months	=	Gross Monthly Income

C. Other Sources of Income.

Source of Income	Frequency	Amount	12 Month Average
Annuity or Trust Income			
Bonuses			
Car, Housing, or Other allowance:			
Commissions or Tips:			
Net Rental Income:			
Overtime Pay			
Pension/Retirement:			
Social Security Income (SSI):			
Social Security Disability (SSD):			
Spousal Support			
Child Support			
Workman's Compensation		asof 9/2015	
Other: Unemployment		230 per week	
	Total Average Other Income Received		

Total Average Gross Monthly Income (add totals from B and C above)	

D. Monthly Deductions

	Type of Deduction	Amount
1.	Court Ordered Child Support (~~automatically deducted from paycheck~~)	
2.	Federal Health Savings Plan	
3.	Federal Income Tax	
4.	Health Insurance — Amount for you: _____ For Opposing Party: _____ For your Child(ren): _____	
5.	Life, Disability, or Other Insurance Premiums	
6.	Medicare	
7.	Retirement, Pension, IRA, or 401(k)	
8.	Savings	
9.	Social Security	
10.	Union Dues	
11.	Other: (Type of Deduction)	
	Total Monthly Deductions (Lines 1-11)	

Business/Self-Employment Income & Expense Schedule

A. Business Income:

What is your average gross (pre-tax) monthly income/revenue from self-employment or businesses?
$_____

B. Business Expenses: Attach an additional page if needed.

Type of Business Expense	Frequency	Amount	12 Month Average
Advertising			
Car and truck used for business			
Commissions, wages or fees			
Business Entertainment/Travel			
Insurance			
Legal and professional			
Mortgage or Rent			
Pension and profit-sharing plans			
Repairs and maintenance			
Supplies			
Taxes and licenses (include est. tax payments)			
Utilities			
Other:			
	Total Average Business Expenses		

Personal Expense Schedule (Monthly)

A. Fill in the table with the amount of money **you** spend <u>each month</u> on the following expenses and check whether you pay the expense for you, for the other party, or for both of you.

Expense	**Monthly Amount I Pay**	For Me ☒	Other Party ☐	For Both ☐
Alimony/Spousal Support	0			
Auto Insurance	80.00			
Car Loan/Lease Payment	0			
Cell Phone Cable/Internet	107.00			
Child Support (not deducted from pay)	200.00			
Clothing, Shoes, Etc…	0			
Credit Card Payments (minimum due)	100.00			
Dry Cleaning	0			
Electric	100.00			
Food (groceries & restaurants)	350.00			
Fuel	150.00			
Gas (for home)	40.00			
Health Insurance (not deducted from pay)	0			
HOA	0			
Home Insurance (if not included in mortgage)	0			
Home Phone	0			
Internet/Cable	0			
Lawn Care	0			
Membership Fees	0			
Mortgage/Rent/Lease	1100.00			
Pest Control	0			
Pets	0			
Pool Service	0			
Property Taxes (if not included in mortgage)	0			
Security	0			
Sewer	0			
Student Loans	0			
Unreimbursed Medical Expense	0			
Water	0			
Other:	0			
Total Monthly Expenses	2,327.00			

Household Information

A. Fill in the table below with the name and date of birth of each child, the person the child is living with, and whether the child is from this relationship. Attached a separate sheet if needed.

	Child's Name	Child's DOB	Whom is this child living with?	Is this child from this relationship?	Has this child been certified as special needs/disabled?
1st	Sofia A. Picard	10-22-11	Jant	Yes	No
2nd					
3rd					
4th					

B. Fill in the table below with the amount of money you spend each month on the following expenses for each child.

Type of Expense	1st Child	2nd Child	3rd Child	4th Child
Cellular Phone	–			
Child Care	–			
Clothing	100.			
Education	–			
Entertainment	100.			
Extracurricular & Sports				
Health Insurance (if not deducted from pay)				
Summer Camp/Programs				
Transportation Costs for Visitation	30.			
Unreimbursed Medical Expenses	–			
Vehicle	–			
Other:				
Total Monthly Expenses	130.			

C. Fill in the table below with the names, ages, and the amount of money contributed by all persons living in the home over the age of eighteen. If more than 4 adult household members attached a separate sheet.

Name	Age	Person's Relationship to You (i.e. sister, friend, cousin, etc...)	Monthly Contribution
N/A			

Personal Asset and Debt Chart

A. Complete this chart by listing all of your assets, the value of each, the amount owed on each, and whose name the asset or debt is under. If more than 15 assets, attach a separate sheet.

Line	Description of Asset and Debt Thereon	Gross Value		Total Amount Owed		Net Value	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
1.	2002 BMW X5	$ 8,000	-	$ 0	=	$	James Pecore
2.		$	-	$	=	$	
3.		$	-	$	=	$	
4.		$	-	$	=	$	
5.		$	-	$	=	$	
6.		$	-	$	=	$	
7.		$	-	$	=	$	
8.		$	-	$	=	$	
9.		$	-	$	=	$	
10.		$	-	$	=	$	
11.		$	-	$	=	$	
12.		$	-	$	=	$	
13.		$	-	$	=	$	
14.		$	-	$	=	$	
15.		$	-	$	=	$	
Total Value of Assets (add lines 1-15)		$	-	$	=	$	

B. Complete this chart by listing all of your unsecured debt, the amount owed on each account, and whose name the debt is under. If more than 5 unsecured debts, attach a separate sheet.

Line #	Description of Credit Card or Other Unsecured Debt	Total Amount owed	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
1.	Capital One	$ 4,700.	James Pecore
2.	Capital one	$ 2,000.	James Pecore
3.		$	
4.		$	
5.		$	
6.		$	
Total Unsecured Debt (add lines 1-6)		$ 6,700.	

CERTIFICATION

Attorney Information: *Complete the following sentences:*

1. I *(have/have not)* NOT retained an attorney for this case.
2. As of the date of today, the attorney has been paid a total of $ 850.00 on my behalf.
3. I have a credit with my attorney in the amount of $ Ø.
4. I currently owe my attorney a total of $ Ø.
5. I owe my prior attorney a total of $ Ø.

IMPORTANT: Read the following paragraphs carefully and initial each one.

JL I swear or affirm under penalty of perjury that I have read and followed all instructions in completing this Financial Disclosure Form. I understand that, by my signature, I guarantee the truthfulness of the information on this Form. I also understand that if I knowingly make false statements I may be subject to punishment, including contempt of court.

_____ **I have attached a copy of my 3 most recent pay stubs to this form.**

_____ **I have attached a copy of my most recent YTD income statement/P&L statement to this form, if self-employed.**

✓ **I have not attached a copy of my pay stubs to this form because I am currently unemployed.**

James J. Jimmerson
Signature

12/6/2015
Date

CERTIFICATE OF SERVICE

I hereby declare under the penalty of perjury of the State of Nevada that the following is true and correct:

That on *(date)* 12/10/2015, service of the General Financial Disclosure Form was made to the following interested parties in the following manner:

☒ Via 1st Class U.S. Mail, postage fully prepaid addressed as follows:

John Jones, Esq. Black and Lobello 10777 W. Twain #300 Las Vegas NV 89135

☐ Via Electronic Service, in accordance with the Master Service List, pursuant to NEFCR 9, to:

_____

☐ Via Facsimile and/or Email Pursuant to the Consent of Service by Electronic Means on file herein to: _____

Executed on the 10 day of December, 2015.

Signature

Electronically Filed
03/29/2016 08:29:00 AM

CLERK OF THE COURT

MOT
BLACK & LOBELLO
John D. Jones, Esq.
Nevada Bar No. 6699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
Telephone No.: 702-869-8801
Facsimile No.: 702-869-2669
Email: jjones@blacklobellolaw.com
Attorneys for Defendant,
RENELYN BAUTISTA

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

JAMES PICONE, Plaintiff vs. RENELYN BAUTISTA, Defendant	CASE NO.: D-14-495928-P DEPT. NO.: N **Date of Hearing:** 5/4/16 **Time of Hearing:** 11:00 AM **Oral Argument Requested: Yes**

NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT HEARING PRIOR TO THE SCHEDULED HEARING DATE.

DEFENDANT, RENELYN BAUTISTA'S, MOTION TO RESOLVE PARENT-CHILD ISSUES

Defendant, RENELYN BAUTISTA, by and through her attorneys of record, John D. Jones and the law firm of Black & LoBello, hereby files her Motion to Resolve Parent-Child Issues.

///

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///

///

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

IT IS FURTHER STIPULATED AND AGREED that as of the date of this Stipulation, there are no child support or medical arears.

IT IS FURTHER STIPULATED AND AGREED that each party will bear their own fees.

IT IS SO STIPULATED.

Dated this 1 day of April, 2015

JAMES PICONE, Plaintiff

Dated this 1 day of April, 2015

RENELYN BAUTISTA, Defendant

ORDER

Based upon the Stipulation of the parties, and good cause appearing therefor,

IT IS SO ORDERED this 7 day of April, 2015

DISTRICT COURT JUDGE
Mathew Harter

Submitted by:

BLACK & LOBELLO

John D. Tennert
Nevada Bar No. 6699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
Attorneys for Defendant
RENELYN BAUTISTA

BLACK & LOBELLO
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
(702) 869-8801 Fax (702) 869-2669

4331-0001

Docket 72654 Document 2017-09932

EXHIBIT 3

Get breaking news and all your emails instantly. Make AOL your homepage now.

EMAIL

Incidents at Bally's on 07/04/15

Bryan Cramer to you + 1 more

James;

I apologize for not getting back to you sooner with respects to your request, but hope I am able to answer all your this e-mail. As to your inquiry on the events which occurred on 07/04/15 I hope I can provide you enough information but ple need to adhere to laws and company policies with sensitive information. In the 24 hour period of July 4th 2015, Bally's Secu 15 incidents which involved; 5 reports for individuals who were trespassed from property, 2 reports for individuals arrested · property after being informed they were trespassed, 2 reports for guests claiming items missing, 1 report documenting iten found left behind by a guest, 2 reports for guest needing/requesting medical assistance, and 2 reports for general guest co respects to your inquiry, I believe you would want to seek information involving Las Vegas Metro Police event #150704-433 the incident which was referred to you as a "robbery". With respect to the property, the incident involving this individual did property, however; we did assist Las Vegas Metro Police by providing them space to conduct their investigation upon comp in the food court of the property. In respect to your own incident, we were notified at 1625 hours and responded to "Tower (Bally's Avenue Shops. Officers were on the call for approximately 52 minutes while resolving a disturbance with a man and were in a disagreement with a store employee, involving a domestic issue. Las Vegas Metro Police were contacted by the involved but did not respond to property. The male and female departed without further issue. I'm sorry I could provide furth hope this is of some assistance.

BRYAN CRAMER
SWING SECURITY SHIFT MANAGER
PARIS & BALLY'S HOTEL AND CASINOS
702.946.4481 p | 702.232.9287 c
bcramer@caesars.com

EXHIBIT 4

ORDER DATE
Jun 13, 2015

ORDER TOTAL
US $142.99

Free shipping

View order details

Contact seller

More actions

1 item sold by vminnovations

InStep Safari Single Swivel Wheel Baby Jogging Stroller - Blue/Grey | AR190
(351407597934)

Estimated delivery **Thu, Jun 18**

Tracking number: **D10010799226696**

ITEM PRICE:
US $142.99

Order information

Order placed on Saturday, Jun 13, 2015

Payment method PayPal

Payment date Saturday, Jun 13, 2015

Shipping address

James Picone
1277 Large Cap Drive unit #2
Henderson NV 89074
United States

Order total

Subtotal	$142.99
Shipping	Free
Sales tax	$11.58
Total	$154.57

Item(s) bought from vminnovations

Qty	Item name	Shipping service	Item price
1	InStep Safari Single Swivel Wheel Baby Jogging Stroller - Blue/Grey | AR190 (351407597934)	FedEx Ground or FedEx Home Delivery	$142.99

EXHIBIT 5

Message Report

The OurFamilyWizard® website
1302 2nd St NE Suite 200
Minneapolis, MN 55413
http://www.OurFamilyWizard.com
Info@OurFamilyWizard.com

James Picone generated this report on 08/25/15 at 09:30 AM. All times are listed in America/Los_Angeles timezone.

Message: 1 of 1
Date: 08/24/2015 1:15 PM
From: James Picone
To: Renelyn Schramm (First View: 08/24/2015 4:01 PM)
Subject: RE: Follow up/Notice
Message:

Renelyn,

I will remind you for the LAST TIME of the following:

Family Wizard is to be used as our SOLE means of communication as per our court order. I will NOT be contacting your attorney.
I do NOT owe you for activities you choose to put Sophia in. It is NOT in our current court order.
I have insurance for Sophia. I do NOT need to prove to you the details of the insurance. If you like, kindly send me the insurance information YOU have for her and I will reciprocate.

I did take her to see the doctor. They conducted allergy testing for her rash. It has been determined that she is very allergic to cats and dogs among many other things. You have 4 cats at your house. This needs to be addressed immediately as our daughter is suffering. I have previously provided the doctor's information in detail to you. It is the same doctor Sophia has had since she was one year old. Here is the doctors contact information once more for your convenience: Dr. Melissa Madson, Wee Care Pediatrics, 4783 S Durango Drive, Ste. 101, Las Vegas, NV 89147, contact phone number: 702-889-8444. Which brings me to my next question: You harassed me about Sophia's condition with nasty correspondence through Family Wizard several times over the last 2 weeks. If you were this concerned about her being sick, why did you not make the effort to take her in right away yourself?? Further, why did you send Sophia with an empty bottle of cough medicine and an EMPTY prescription box for rash ointment? Why would you not send the ointment? By deliberately withholding the medication, you are putting your own spiteful feelings before our daughter's well being. As per our court order you may contact the doctors office on your own to obtain any summary visit notes, test results etc.. I do not need to provide you with documentation of each visit.

Your other nasty allegations about Sophia's clothes are ridiculous to say the least. Did it ever occur to you that I wash the outfit you send her in? Sophia has more than adequate clothing that I provide to her. I take the outfit you send her in off and give her a bath as soon as I get her home as she is always dirty. I put clean clothes on her and wash the dirty clothes you send her in. I put the outfit you sent her in back on her when it is time for the exchange. I do not understand why you refuse to try and co-parent Sophia with me? I have not sent harassing or nasty fabricated allegations to you, nor have I ever once tried to interfere with your access period with Sophia? Where is all your hostility coming from? I have also asked several times for the name of the school you have stated that you already enrolled Sophia in without my knowledge or consent?

Regarding your comments from the other Family Wizard correspondence about the recording of the exchanges, it is necessary for me to have some proof of the manner of the exchanges in order to protect myself from your continued fabricated allegations. I am only following suit with how you are recording them. How would you suggest we BOTH do this differently? I am open to suggestions if it bothers Sophia as you say.

In response to your correspondence regarding your birthday and my one hour scheduled access period on Wednesday: As much as I would like to see my daughter any chance I can, I do not want to disrupt Sophia for one hour early in the morning as you did on July 5th, as that would not be in her best interest. You may just keep her with you.

Regards,

Jimmy

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EXHIBIT 6

John Paglini, Psy.D.

Licensed Clinical Psychologist
9163 West Flamingo, Suite 120
Las Vegas, Nevada 89147

Phone: (702) 869-9188 **Fax: (702) 869-9203**

January 9, 2015

The Honorable Judge Mathew Harter
Department N
Eighth Judicial District Court, Family Division,
601 North Pecos Road
Las Vegas, NV 89101

RE: JAMES PICONE VS. RENELYN BAUTISTA, CASE #: D14495928P

Dear Judge Mathew Harter:

This is an update pertaining to the child custody case. In my previous letter to the courts on September 17, 2014, I wrote extensively on my attempts to complete this evaluation. As noted, Mr. Picone was extremely cooperative and eager to complete the process. Since this letter, my secretary had left a message for Ms. Bautista at 8:45 a.m. on October 8, 2014, and requested a call back. This was not forthcoming. On October 21, 2014, another message as left for Ms. Bautista at 9:07 a.m. Again there was no callback from Ms. Bautista. Intermittently, Mr. Picone had called and wanted to continue the evaluation. He was informed that I needed Ms. Bautista's compliance to continue with the evaluation.

On December 16, 2014, I contacted Mr. Picone for an update. He reported that he has changed attorneys, as he could no longer afford his previous attorney. Mr. Picone reported there has been some discussion regarding a settlement, but no conclusions.

I then talked to Attorney John Jones after I had talked to Mr. Picone. My goal was to understand if his client was going to proceed with this evaluation. Attorney Jones apologized for not informing me within the last month as to case updates. He reported that they are in the process of attempting to settle.

On January 9, 2015, Mr. Picone called requesting an updated letter for the courts. This serves as such letter. Mr. Picone has always been compliant with the child custody evaluation. Mr. Picone was seen for clinical interviews, psychological testing and a home visit. His daughter appeared very comfortable in his presence during the home visit. The home was clean, and his daughter appeared happy and comfortable with her father.

As noted, my office left two messages for Ms. Bautista in October 2014, with no call back. To conclude, Mr. James Picone was extremely complaint with the evaluation. The child custody

evaluation did not progress because of Ms. Bautista lack of participation. I hope this information helps the courts.

Respectfully submitted.

John Paglini. Psy.D.
Licensed Clinical Psychologist
JPbf: 01/9/2015

cc: Mr. James Picone
Attorney John Jones Fax: 702 869-2669

EXHIBIT 7

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

☐ Apt. Notification ☐ Disturbance ☐ Trespassing
☐ Garage Door ☐ Drug Activity ☐ Domestic Violence
☐ Curfew Notification ☐ Theft ☐ Civil Stand-by
☑ Other ☐ Vandalism ☐ _____

Address: 1277 LARGE CAP # 2
Event #: LLV150704-3725
Apt. Name:
Message: MADE CONTACT WITH PICONE, JAMES REFERENCE CHILD CUSTODY ANNE 150704-3213 400 S. MARTIN L. KING BLDG C - RECORDS

Date: 07/04/15 Time: 2140 Officer Name: L. GUIDRY P#: 9450

LVMPD 275 (REV. 10-14) DISTRIBUTION: WHITE • SUBSTATION CARDSTOCK • CITIZEN

POLICE CONTACT CARD

702 387 6266 - EQUAL RIGHTS FOR DIVORCED FATHERS

INFORMATION FOR VICTIMS OF DOMESTIC VIOLENCE

MY NAME IS OFFICER: _____

AGENCY: _____

EVENT #: LLV150704-3725

If an arrest is made, suspect will be taken to:

_____ **Detention.**

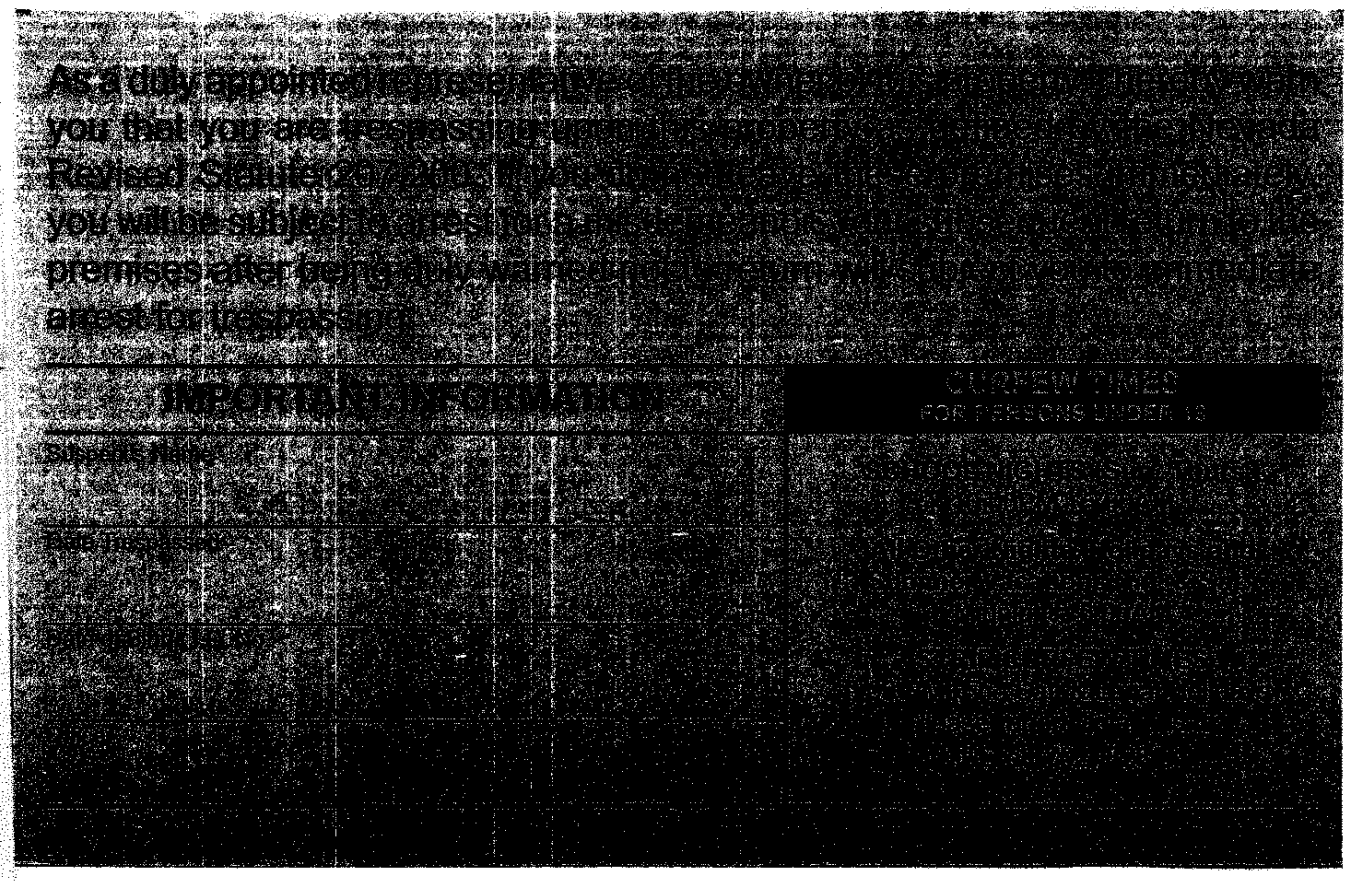
NEVADA LAW REQUIRES ME TO INFORM YOU OF THE FOLLOWING INFORMATION:

For information regarding the suspect's CHARGES or RELEASE from jail, call:

Clark County Detention Center 702-671-3900
Las Vegas City Detention Center 702-229-6460
North Las Vegas Detention Center 702-633-1400
Henderson Jail 702-267-4600
24-Hour TDD 1-800-326- 6868

You may also request notification of the suspect's release from custody by calling the above numbers.

Family Violence Intervention Program website:
www.clarkcountycourts.us
Click on Family Division, Family Violence Intervention



COMMUNITY RESOURCES

Safe Nest Crisis Line/Shelter 702-646-4981
Counseling 702-877-0133
Henderson SAFE House Crisis Line/Shelter .. 702-564-3227
Counseling 702-451-4203
Protection Orders - Family Court 702-455-3400
Emergency Protection Order **702-646-4891**
(If suspect is arrested and in custody) available 24-hours, including weekends & Holidays

This card is provided by:
The **EIGHTH JUDICIAL DISTRICT COURT**

EXHIBIT 8

Message Report

The OurFamilyWizard® website
1302 2nd St NE Suite 200
Minneapolis, MN 55413
http://www.OurFamilyWizard.com
Info@OurFamilyWizard.com

James Picone generated this report on 07/07/15 at 08:34 PM. All times are listed in America/Los_Angeles timezone.

Message: 1 of 1
Date: 05/06/2015 5:18 PM
From: James Picone
To: Renelyn Schramm (First View: 06/17/2015 4:23 PM)
Subject: Relocation
Message:

Hello Renelyn,

I have recently relocated to 1277 Large Cap Dr. #2 Henderson, NV. 89074 so that I can be closer to Sophia and more involved with Sophia when she starts school. I'm asking you to please communicate with me on The Family Wizard so we can discuss Sophia's options for pre k asap.

Enjoy Mothers Day with the girls. I will pick up Sophia no Monday the 11th at 9:00 AM at our place of exchange.

Thank you
James Picone

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Message Report

James Picone generated this report on 07/07/15 at 08:26 PM. All times are listed in America/Los_Angeles timezone.

Message: 1 of 1
Date: 06/17/2015 4:23 PM
From: Renelyn Schramm
To: James Picone (First View: 06/17/2015 5:34 PM)
Subject: RE: Communication For Sophie
Message:

jimmy

So, you have confirmed that you do not have health insurance for Sophia, Nor have had it nor currently have it.

Again, this is your second violation of a court order as you already know.

Please keep in mind that you informed our attorney, a judge as well as other witnesses that you DO have health insurance. So, again, you lied and misrepresented yourself when it came to the health of my daughter.

Renelyn

On Wed, 05/20/15 at 4:33 PM, James Picone wrote:
To: Renelyn Schramm
Subject: Communication For Sophie
Message:

Renelyn,

This is three weeks now and a third Attempt to Communicate with you. As per the Court Order this is the only way for you and I to Communicate for our daughter Sophia.

I'm asking you again to please communicate with me, one for a Per K for Sophia ASAP. otherwise I will do so myself. Two, Health Insurance for Sophia. I have a Application in for health Ins. through State Medicaid, as soon as I know I will let you know, It takes time.

Thank you

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Message Report

James Picone generated this report on 07/07/15 at 08:28 PM. All times are listed in America/Los_Angeles timezone.

Message: 1 of 1
Date: 06/17/2015 4:17 PM
From: Renelyn Schramm
To: James Picone (First View: 06/17/2015 5:29 PM)
Subject: RE: Concerns
Message:

jimmy

First of all, We never leave the kids unattended to. My husband who has been supporting Sophia (financially, emotionally and spiritually) since we have been together was watching the kids. Sophia and her sister and friend were playing and there was NO danger in any way. Not only is my husband a fantastic father and support to me and the kids, but was a competitive swimmer and knows exactly how to save anyones life. He confirms it was kids playing. Thats all.

Secondly, Sophia IS NOT drinking baby formula. She wants to drink out of a bottle in which we put regular milk, kool aid, OJ etc...in it. Sophia wants to drink out of a bottle because she wants to feel close to her 3 month old baby sister Mary. You of all people have some nerve to tell me how to be responsible. You deliberately starved Sophia when she was 2: she lost 2 1/2 lbs in three months in which a pediatrician took it upon himself and called CPS on you. I'm sure you remember that. You left her in a stroller in 100 degree temp for over 20 min. in a trailer park with no water. She actually passed out. You insisted to do an exchange when you knew she was at the hospital with a severe cold and high temp. You did all this using the court to force me to comply. How dare you even go there. I am forced to deal with your neglect to my daughter ever since you lied and fraudulently got the court involved. You wanted nothing to do with her until you found out that I met someone.

I have never, nor would I ever treat my daughter with any form of negligence. Beside raising her on my own since birth I will always have her best interest in mind including helping her through this terrible mind twist you have repeatedly installed in her in attempt to give me and my family a false sense of reality to her. We are constantly re-enforcing love not hate, compassion and not vengeance. It would be wonderful if Sophia comes home with positive energy.

You had to be forced through the court to support your own daughter. Even fighting with the cost and reducing it to almost nothing is just one of the many reasons that you have shown this situation to be something other than the care of your daughter.

Renelyn

On Wed, 06/03/15 at 12:25 PM, James Picone wrote:
To: Renelyn Schramm
Subject: Concerns
Message:

Renelyn,

I have Major Concerns,
Sophie tells me that she fell into your pool last week!! and that Shyla who is 8 years old pulled her out of the pool by her hand and Sophie was coughing. Sophie said that it was just Shyla, her friend & Sophie in the yard? why is it that there is no adult's in your yard with these kids when you have a pool? Do you know how many kid's each year drowned because parents do not watch them, It takes a second for them to drowned. I'm asking you to please be more RESPONSIBLE!!! Also Sophie will be 4 in October, why are you and your mother giving Sophie her new baby sister's formula daily?

Once again, I am asking you to respond to me so we can look at some per K schools for Sophie ASAP!!

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Message Report

James Picone generated this report on 07/07/15 at 08:22 PM. All times are listed in America/Los_Angeles timezone.

Message: 1 of 1
Date: 06/26/2015 8:35 AM
From: Renelyn Schramm
To: James Picone (First View: 06/26/2015 10:13 PM)
Subject: RE: Court Order
Message:

jimmy

I am not going to school you on the settlement contract wording. That is not the only court order violation that you have committed. I don't spend my time obsessing with what section of what part of the contract and so on and so on. I know what it says and I know what the settlement is. I only care about the health and happiness of Sophia (I always have).

Anything that has to do with a cost or expense for Sophia is a problem for you. You never put her first or paid for health and care for her. You actually have a problem spending any money for her health and well being. I wish some day you actually truly care about Sophia and not what word says what in the settlement contract and how you can "not pay" and get back at me in the attempt to hurt me because I broke up with you many years ago. This is not about you. It's about Sophia and her health, happiness and well being. Now, since you have to be told by the court to just do the bare minimum, you have a problem with that.

I still have my attorney on retainer due to your verbal threats to me and my family, your many and ongoing attempts to program Sophia when you have her to hate me and my family. Teaching her to hit me, my husband and her grandmother is a horrible thing to do. Teaching her to hate and be vindictive is not right and not fair to Sophia. I consider it abuse. Sophia has a right to be happy and loved unconditionally. I hope some day you wake up and do the right thing.

Important: You have been told many times since the beginning: Stop smoking with Sophia and don't bring her to your work. I hope some day you give her clothing that she can wear back when I pick her up. You keep her in the same clothes (dirty) for days. You have done this since the beginning. It's not too late to do the right thing.

If you have an issue and/or conflict with watching her and going into work, text me and I will pick her up. That is actually in our settlement and it is a court order.

If you have questions about Sophia's school and/or the terms in the settlement contract, as I have notified you many times, contact my attorney.

Your vacation with Sophia is only for 7 days, not 10 (as per the settlement). Your notification to me is only valid for one week (7 days) as per the settlement agreement. I am not allowing you any more time then I have to unless you can show me that you truly care for Sophia and put her best interest as a priority. As of today, you still have not shown this. I would love to let you spend as much time as you want with her if you really cared for her and not neglected her and treat her as another way to hurt me.

You still have no Health insurance for Sophia. You actually never have.

Any questions about the settlement contract, please contact my attorney.

Contact me with Family Wizard for only the following:
1. Any and All issues (good and bad) with Sophia; health, physical, doctor visits, etc... anything
2. Updates for Sophia's health insurance (when you get it)
3. Update on the money you currently owe me (arrangements to pay).

I am also informing you (as per the settlement agreement) that we just moved to a temporary home until our house is finally built. Our new

address is 201 S Gibson Rd. Henderson, NV 89012

Renelyn

On Mon, 06/22/15 at 6:12 PM, James Picone wrote:
To: Renelyn Schramm
Subject: RE: Court Order
Message:

Renelyn,

I sincerely hope that you have not enrolled our daughter in a school without my joint decision to do so. I will remind you that in doing that you are in direct violation of our court order. As per our court order on Page 2, Lines 11-12 "All schools, health care providers, and counselors shall be selected by the parties jointly".
Nothing in the court order states that I am to pay tuition for a school that I did not jointly agree to enroll Sophia in either. Please let me know what schools you feel would be best for her and why you feel this way. I will respond with my preferences and explanations for my choices as well. At that point we can jointly decide from there.

I also question where I am in violation of our court order for the items you stated above? I read over our court order and do not see where it states that I am mandated to pay for half of the cost for any activities that have been organized for Sophia on your part. I see on Page 2, Lines 20-21 that it states that "Neither party shall prevent the child's participation in extra-curricular activities". The only section I saw that discussed reimbursement for out of pocket expenses pertained to out of pocket medical expenses only (Page 8, Lines 8-25). I am happy that you have Sophia involved in activities. I agree that it is healthy for her. I will soon be involving her in activities on my end as well.

As I stated in my previous correspondence, I would like us to try and take a more amicable and positive approach with our communication regarding our daughter. In order to do this, it is important for us both to reference and abide by the Court Order so that we are both aware of what our obligations are.

Respectfully,

Jimmy

On Wed, 06/17/15 at 3:45 PM, Renelyn Schramm wrote:
To: James Picone
Subject: RE: Court Order
Message:

jimmy,

Sophia is already set for Pre-K. Since I have her 4 days during the week, I already have her school arranged. She is scheduled for Pre-K when she turns 4. You will be obligated to pay half of the cost as you are already aware. You do not have my permission or authorization to enroll Sophia in any school. This was understood at the time of settlement.

You are in violation of the court order due to the following:
You are 30 days late with payment of half of Sophia's dance class and outfit. I have received no good faith effort, payment, partial payment and/or communication from you regarding your debt.

Sophia will be involved in more extra activities with her sister so I would advise you to keep current in your legal obligations as per the court order.

Renelyn Schramm

On Wed, 06/03/15 at 12:36 PM, James Picone wrote:
To: Renelyn Schramm
Subject: Court Order
Message:

Renelyn,

It is a Court Order for us to communicate threw The Family Wizard !!

You have not once even bothered to check or open a email. This is for our daughter Sophia. I had relocated to Henderson so that we wouldn't have to argue over a school for Sophia. I have been looking into Pre K schools for her and I don't want to enroll her with out you knowing what's going on.

I am going to send your attorney John Jones a email now to call you to let him know that you are not fowling the Court Order.

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Message Report

James Picone generated this report on 07/07/15 at 08:21 PM. All times are listed in America/Los_Angeles timezone.

Message: 1 of 1
Date: 06/26/2015 9:33 AM
From: Renelyn Schramm
To: James Picone (First View: 06/26/2015 10:12 PM)
Subject: RE: Vacation with Sophie
Message:

jimmy

As per the settlement, your notice is valid for one week (7 days). I have to accept your vacation with her for one week, no more than 7 days.

Renelyn

On Fri, 06/12/15 at 8:00 AM, James Picone wrote:
To: Renelyn Schramm
Subject: Vacation with Sophie
Message:

I would like to take Sophie to Buffalo July 19th - 28th to see my family, I need to book this asap so can you please respond to this immediately so that I can book the flight.

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Message Report

James Picone generated this report on 07/07/15 at 08:20 PM. All times are listed in America/Los_Angeles timezone.

Message: 1 of 1
Date: 06/26/2015 9:55 AM
From: Renelyn Schramm
To: James Picone (First View: 06/26/2015 10:27 PM)
Subject: RE: Communication For Sophie
Message:

jimmy,

The simple fact is that you have to have insurance and you don't. It is a court order that you deliberately failed to follow. Nobody is interested in your stories, excuses and reasons why you don't have any insurance and why you never even attempted before to get insurance for Sophia. You relied on your lies to me, your attorney, the judge, my attorney and the court in attempt to get away without any responsibility for Sophia.

What happened to the $25,000.00 you received in which you bragged and confirmed to me, on surveillance cameras at the courthouse, the Judge, my attorney and several witnesses? After you received $25,000.00 you never came close to spending a fraction of it for an attorney prior to the settlement. What happened to the other amounts of cash you received that you deliberately failed to disclose and pay taxes on. The loan from your brother? You had plenty of money and time to purchase health insurance for Sophia.

You have committed perjury in court several times regarding employment and health insurance.

The bottom line is that you do not have health insurance for Sophia and you never did which contradicts your claims. I hope some day that you decide to be responsible and really care about Sophia and not attempt to get out of another expense, bill and responsibility by taking advantage of someone else's kindness.

You are in violation of a court order. This is not the only violation.

Renelyn

On Mon, 06/22/15 at 6:06 PM, James Picone wrote:
To: Renelyn Schramm
Subject: RE: Communication For Sophie
Message:

Renelyn,

There was no deception. Any indication made by you otherwise will be considered slander. As I stated in my previous correspondence, due to my level of income I have no option but to obtain Sophia's medical insurance through the State- to which I HAVE APPLIED. The length of processing by the State for the insurance is not within my control. The courts will see this as it is properly documented.

I keep making attempts to jointly co-parent Sophia with you and you respond with fabricated attacks on my character rather than trying to work together. Please refer to my previous correspondence regarding the selection of a school for Sophia and let's try and communicate amicably so that we can do what is best for her.

Respectfully,

Jimmy

On Wed, 06/17/15 at 4:23 PM, Renelyn Schramm wrote:
To: James Picone
Subject: RE: Communication For Sophie
Message:

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jimmy

So, you have confirmed that you do not have health insurance for Sophia, Nor have had it nor currently have it.

Again, this is your second violation of a court order as you already know.

Please keep in mind that you informed our attorney, a judge as well as other witnesses that you DO have health insurance. So, again, you lied and misrepresented yourself when it came to the health of my daughter.

Renelyn

On Wed, 05/20/15 at 4:33 PM, James Picone wrote:
To: Renelyn Schramm
Subject: Communication For Sophie
Message:

Renelyn,

This is three weeks now and a third Attempt to Communicate with you. As per the Court Order this is the only way for you and I to Communicate for our daughter Sophia.

I'm asking you again to please communicate with me, one for a Per K for Sophia ASAP. otherwise I will do so myself. Two, Health Insurance for Sophia. I have a Application in for health Ins. through State Medicaid, as soon as I know I will let you know, It takes time.

Thank you

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Message Report

James Picone generated this report on 07/07/15 at 08:20 PM. All times are listed in America/Los_Angeles timezone.

Message: 1 of 1
Date: 06/28/2015 12:43 PM
From: Renelyn Schramm
To: James Picone (First View: 06/28/2015 5:34 PM)
Subject: warning
Message:

jimmy,

Your verbal threats and harassment will not be tolerated any more. At the exchange today at 10am you walked to my car when you are not allowed (court order). DO NOT APPROACH MY CAR AT ANY EXCHANGE. THAT IS A COURT ORDER another in which you violated.

STOP FOLLOWING ME.

DO NOT DRIVE 40mph ON THE HIGHWAY WITH MY DAUGHTER. THAT IS EXTREMELY DANGEROUS AND PUTS SOPHIA'S LIFE IN DANGER. IT IS NOT THE FIRST TIME YOU DID THIS. THIS IS CHILD ENDANGERMENT WHICH IS ANOTHER VIOLATION OF A COURT ORDER.

I also want to comment regarding your statement that you emailed me regarding the settlement court order is something we should use to be parents. That is not in place for me to use as what to do to be a parent. I have always cared for Sophia. I have always had health insurance for her. I have always paid for and made sure she is living a healthy, safe and happy life. You have never provided any of it since she was born. That order is more for you to use. It is to enforce that you do the right thing at the bare min. in which you cannot even do that. It is to enforce you to be more responsible for Sophia's well being. I don't need a court order or any contract to go by to be a great parent and mother. I am following the settlement schedule that is currently in place and will never be in violation of this settlement court order.

Regarding your many claims that you have no money for health insurance for Sophia: Aside from the 25k you received and bragged about and the money your brother loaned you again, and the under the table cash your work gave you as well as your shady side cash business with your friend, all of which you did not claim any taxes on; How is it that you get all this cash (tax free) and have the money to buy new clothes, jewelry, etc... and purchase to fly across the country with three round trip tickets, but, yet no money to pay half of Sophia's activities (which you are over 30 days violation of the court order) and not able to pay health insurance (violation of a court order). You still have a Tax lien from the IRS and you are still avoiding paying taxes on cash money you receive now.

I really hope some day you see how horrible and vindictive you have been to Sophia in order to hurt me, and take responsibility for your actions and change in hopes of being a better person.

Renelyn

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Message Report

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James Picone generated this report on 07/07/15 at 08:17 PM. All times are listed in America/Los_Angeles timezone.

Message: 1 of 1
Date: 06/30/2015 2:38 PM
From: Renelyn Schramm
To: James Picone (First View: 07/01/2015 8:29 AM)
Subject: RE: warning
Message:

jimmy

response to email:

#1. a. There is video surveillance of you walking towards the car.
b. I do not agree with Donnas house. My answer is no to Donnas House.

#2, #3 and #4. How you live your life affects Sophia's life. No allegations just fact and reminders. I don't want Sophia caught between someone trying to collect money you owe them.

#5. I am telling you what Sophia has done when we get her back from you. I am telling you what she tells me.

#6. Please tell me when you expect to pay the half you owe for Sophias activities. You are over 30 days late.

#7. Please tell me when you will have health insurance.

#8. Pre-K is not until Sophia is 4.5 yrs old. You will be obligated to pay half of that cost. She is all set here in Henderson as we agreed already.

#9. For the 4th of July: You are to bring her Sunday morning at 9am. I will have her for one hour then I will bring her back at 10am.

Renelyn

On Mon, 06/29/15 at 9:59 PM, James Picone wrote:
To: Renelyn Schramm
Subject: RE: warning
Message:

renelyn,

I am both confused and astonished by your comments. I have not made any attempts at communicating with you except through Our Family Wizard and to your attorney when you refused to respond to any of my correspondence through Our Family Wizard regarding Sophia. Further, there is documented proof that I have been attempting to amicably co-parent and communicate with you about Sophia to which you reply with only hate filled rants- that aside from being complete fabrications are slanderous. Your documented behavior of constant unprovoked anger, brings you to the point of not being able to cordially communicate with me in order to co-parent our three year old daughter. This is frightening. It can't be healthy for Sophia to be surrounded by that type of hate and negativity all the time. It also won't help either of us in raising her. I have been communicating amicably for our daughter's sake. Why can't you do the same?
There are a few things that I must address in response to your most recent allegations documented through Our Family Wizard:

1)I did NOT in any way approach your car. I did not speak a single word to you. Your false allegations are alarming. Alarming that you are so angry and malicious to go so far as to fabricate such a story. I think it best if you are going to continue these outlandish lies and accusations that we exchange at Donna's House going forward. This will be necessary for me to protect myself from future harassing correspondence from you and your husband. As a testament to my concern over Sophia's well being, I will remind you of the time your husband picked up Sophia at Donna's House in a Lamborghini and put our three year old daughter in the front seat! What if he were in an accident. The front seat is no place for a small child. This is on record at Donna's House. Do you honestly think with as worried as I was when that happened, that I would endanger our daughter by driving at a dangerously slow (or fast) speed??

2) Any allegations of tax evasion have nothing to do with Sophia. You are once again violating our court order by making these types of allegations and attempting to communicate with me regarding things that have nothing to do with Sophia. Page 6, Lines 4-5, "IT IS FURTHER STIPULATED AND AGREED that the parties will communicate only regarding Sophia and only through Our Family Wizard". Further, as you are publicizing that I allegedly committed a crime, I consider it a blatant attempt at slander and defamation of my name- and now there is official record of your continued attempts at doing so.

3)Any allegations of loans I may or may not have are none of your business and have NOTHING to do with Sophia.

4)False allegations that I conducted business unethically by taking "under the table cash your work gave you as well as your shady side cash business with your friend" etc.. are slanderous and a defamation of my name. Further, as your allegation has nothing to do with Sophia it is clear your publication is plainly intended to injure myself in my trade, business or profession. In Nevada, a false written publication is punishable in criminal court as a gross misdemeanor. BOTH written and spoken defamation are actionable in civil court. I suggest you discuss my grounds for a defamation suit with your attorney based on your publications through Our Family Wizard.
YOU are willfully and intentionally making false allegations and slanderous remarks through an officially documented publication of which you are FULLY aware will be read by others. I may not be an attorney, but that sounds like pretty solid grounds for me to file a slander suit.

5) Your allegations that I teach Sophia to hit you and your husband are absurd. Sophia is surrounded by love, patience and kindness while she is with me. I am trying to amicably communicate with you- as I have shown in my correspondence, so that our daughter is surrounded by love, patience and kindness in both of our households. I am failing to understand where all of your unprovoked rage is coming from?

In my previous email to you I made you aware that I will be taking Sophia on vacation to see my family in Buffalo, NY. For your convenience, I quoted the court order to you. As my vacation period ends when my normally scheduled access period begins (meaning she will be with me during that time), I do not need your permission to return on Monday- nor am I in violation of any part of the court order. It is a "gray area" in the order. As I have made you aware of this section in our court order detailing that I am not in violation, if you publicize another word about how I am willfully "violating a court order" and attempt to intimidate me by stating that you "will not allow" my court ordered access with Sophia, will considered more deliberate defamation from you. If you need further explanation or clarification of our court order, I suggest you consult your attorney.

In my previous email I also referenced our court order pertaining to your claim that I am mandated to pay half of the expenses for any extra curricular activities you choose to put Sophia in. Please reference my previous email response detailing that our court order only specifies that we are to split medical expenses. Yet, you continue to harass me. For the second and final time- there is nothing in the order stating that I am to pay half of extra curricular activities that you choose to enroll her in without agreeing to do so. I am not in violation of the court order as I have detailed in my previous correspondence. I meet my obligations as outlined by the courts and additionally, I provide anything and everything Sophia needs when she is at my home. Any future publications of allegations that I am not financially supportive of my child will be consider deliberate defamation of my name and character. If you need confirmation on that, I suggest you consult your attorney.

I addressed your nasty remarks regarding health insurance for Sophia. The court has access to my application status. They see what is going on. Sophia has additional insurance through you currently, so there is no immediate concern. For the last time, I can not control how quickly the State processes my application. Any further rants by you calling me a liar or stating that I am not trying to obtain insurance or have not applied for insurance for Sophia are a defamation to my name.

ANY further slanderous remarks stating that I haven't "cared for", "am vindictive" or "horrible" towards Sophia will be considered slanderous and a defamation to my name. As well, because said comments are complete fabrications, any future like comments will be considered harassment. I will remind you one last time that unprovoked, you are continuously and openly attacking my character and harassing me through a court documented publication. I am officially asking you to cease and desist with all future harassing, slanderous allegations or I will be forced to take legal action. If you need clarification on my grounds for said legal action, I suggest you speak with your attorney.

You have also not addressed my questions in my previous correspondence regarding Pre-K for Sophia. I will not consult your attorney. Jointly deciding on a school is in our court order. I think it may be wise for you to consult your attorney on that matter. I will ask again for a third time: kindly confirm that you have not enrolled her at a school without my knowledge or consent. As well, kindly provide the school(s) you would like to consider for Sophia and your explanations for choosing the school(s). I will provide the same to you within 7 business days.

As it is an odd-numbered year, per our court order I have Sophia this year on Independence Day (July 4th). The order states that the day shall begin 9:00AM on July 4th (this coming Saturday), and end at 9:00AM the following day if school is not in session. My normally scheduled visitation period begins on Sunday at 10:00AM. Would you like to meet for the exchange at 9:00AM on Sunday to exercise your one hour period of access from 9:00AM-10:00AM; or would you prefer that she just stays with me?

Respectfully,

Jimmy

On Sun, 06/28/15 at 12:43 PM, Renelyn Schramm wrote:
To: James Picone
Subject: warning
Message:

jimmy,

Your verbal threats and harassment will not be tolerated any more. At the exchange today at 10am you walked to my car when you are not allowed (court order). DO NOT APPROACH MY CAR AT ANY EXCHANGE. THAT IS A COURT ORDER another in which you violated.

STOP FOLLOWING ME.

DO NOT DRIVE 40mph ON THE HIGHWAY WITH MY DAUGHTER. THAT IS EXTREMELY DANGEROUS AND PUTS SOPHIA'S LIFE IN DANGER. IT IS NOT THE FIRST TIME YOU DID THIS. THIS IS CHILD ENDANGERMENT WHICH IS ANOTHER VIOLATION OF A COURT ORDER.

I also want to comment regarding your statement that you emailed me regarding the settlement court order is something we should use to be parents. That is not in place for me to use as what to do to be a parent. I have always cared for Sophia. I have always had health insurance for her. I have always paid for and made sure she is living a healthy, safe and happy life. You have never provided any of it since she was born. That order is more for you to use. It is to enforce that you do the right thing at the bare min. in which you cannot even do that. It is to enforce you to be more responsible for Sophia's well being. I don't need a court order or any contract to go by to be a great parent and mother. I am following the settlement schedule that is currently in place and will never be in violation of this settlement court order.

Regarding your many claims that you have no money for health insurance for Sophia: Aside from the 25k you received and bragged about and the money your brother loaned you again, and the under the table cash your work gave you as well as your shady side cash business with your friend, all of which you did not claim any taxes on; How is it that you get all this cash (tax free) and have the money to buy new clothes, jewelry, etc... and purchase to fly across the country with three round trip tickets, but, yet no money to pay half of Sophia's activities (which you are over 30 days violation of the court order) and not able to pay health insurance (violation of a court order). You still have a Tax lien from the IRS and you are still avoiding paying taxes on cash money you receive now.

I really hope some day you see how horrible and vindictive you have been to Sophia in order to hurt me, and take responsibility for your actions and change in hopes of being a better person.

Renelyn

Message Report

The OurFamilyWizard® website
1302 2nd St NE Suite 200
Minneapolis, MN 55413
http://www.OurFamilyWizard.com
Info@OurFamilyWizard.com

James Picone generated this report on 07/07/15 at 08:16 PM. All times are listed in America/Los_Angeles timezone.

Message: 1 of 1
Date: 07/04/2015 6:14 PM
From: Renelyn Schramm
To: James Picone (First View: 07/05/2015 2:56 PM)
Subject: 4th of July CHILD ENDANGERMENT
Message:

jimmy,

HOW DARE YOU PUT MY DAUGHTER IN HARMS WAY.

Judge Harter told you "on record" Not to bring a 3 year old (Sophia) to your work. It was agreed by you that in the event that you have to work, you will let me know so I can take care of her because I am a stay at home Mom. You told a Judge on record that you will never bring Sophia to your work.

My family and I went out shopping, enjoying ourselves for the 4th of July. We did not think twice on where to go because it is on record that you do not work when you have Sophia. It was an utter shock to see my baby curled up in a rented, dirty stroller sleeping. This stroller was in the walkway in front of the jewelry store counter (we have pictures). There was a woman I never have seen before in my life reading a book 5 feet away and not paying any attention to Sophia in any way. You were NOT even in the store area or anywhere to be seen when we discovered Sophia. You later showed up and abruptly put Sophia in the back office. Sophia could have enjoyed 4th of July with her sisters and been safe and happy instead of sitting for hours at your work place with her life in danger every second. There are reports of jewelry stores in Las Vegas being robbed at gunpoint all the time. You just directly put Sophia in danger again. As you know you have been in the jewelry business and robbers do exist. There are assault cases every day in the attempt to rob a jewelry store. HOW DARE YOU MAKE STATEMENTS THAT YOU CARE!!!!!!!

To make things even worse. I called the Police (Metro). Just as they arrived they received a robbery emergency call just doors down from your jewelry store.

THIS IS CHILD ENDANGERMENT AND NEGLECT!

Renelyn

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EXHIBIT 9

Henderson
LIBRARIES
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Check Out Receipt

Paseo Verde Library
702-492-7252
http://www.mypubliclibrary.com

Monday, July 6, 2015 2:11:13 PM

Title: Board Book-D
Material: Boardbook
Due: 07/27/2015

Title: Board Book-D
Material: Boardbook
Due: 07/27/2015

Title: Juvenile paperback-K
Material: Paperback
Due: 07/27/2015

Title: Disney fairies #13. Tinker Bell and t
he Pixie Hollow Games
Material: Book
Due: 07/27/2015

Title: Juvenile paperback-G
Material: Paperback
Due: 07/27/2015

Title: No jumping on the bed : 25th annivers
ary edition
Material: Book
Due: 07/27/2015

Title: Walt Disney's Winnie the Pooh and the
honey tree
Material: Book
Due: 07/27/2015

Title: Goodnight moon
Material: Book
Due: 07/27/2015

Total items: 8

Thank you for using Henderson Libraries!

Henderson
LIBRARIES
Literally... the place to be

Check Out Receipt

Paseo Verde Library
702-492-7252
http://www.mypubliclibrary.com

Monday, June 1, 2015 1:34:45 PM

Title: Juvenile paperback-J
Material: Paperback
Due: 06/22/2015

Title: Board Book-B
Material: Boardbook
Due: 06/22/2015

Total items: 2

Thank you for using Henderson Libraries!

Manage your account online @
mypubliclibrary.com

Las Vegas-Clark County
Library District

Date: Tuesday, September 09, 2014
Time: 3:33 PM

Item ID:	Title:
31133518193232	Olivia saves the circus / written
31133707643179	Mia dances back to school! / by
31133075573487	Juvenile paperback 2013-2014 (
31133075579419	Juvenile paperback 2013-2014 (
31133707644573	Chilly catches a cold / by Sheila
31133075571267	Juvenile paperback 2013-2014 (
31133073284665	Juvenile paperback 2013-2014 (
31133075576217	Juvenile paperback 2013-2014 (
31133065332035	One juvenile paperback (title un
31133519960936	Disney's Cinderella : Cinderella's
31133075571614	Juvenile paperback 2013-2014 (

Total items: 11

Sahara West Library
702-507-3630
Thank you

Date: Wednesday, October 01, 2014
Time: 2:04 PM

Item ID:	Title:
31133516925668	Disney Tangled / adapted by Ch
31133065909857	Juvenile paperback 2010-2011 (
31133072793401	Juvenile paperback 2013-2014 (
31133072636790	Juvenile paperback 2013-2014 (
31133075570228	Juvenile paperback 2013-2014 (
31133072925383	Juvenile paperback 2013-2014 (
31133073089890	Juvenile paperback 2012-2013 (
31133075576241	Juvenile paperback 2013-2014 (
31133075575540	Juvenile paperback 2013-2014 (
31133068580796	Juvenile paperback 2011-2012 (
31133072976253	Juvenile paperback 2013-2014 (

Total items: 11

Sahara West Library
702-507-3630
Thank you

Las Vegas-Clark County
Library District

Date: Tuesday, August 26, 2014
Time: 3:18 PM

Item ID:	Title:
31133519738696	Pinkalicious and the cupcake cal
31133518364494	Little lost dolphin / by Kristen L.
31133073089890	Juvenile paperback 2012-2013 (
31133518312808	Dora goes to school / adapted b
31133708024189	Blooming bows / adapted by Na
31133519978409	A friend for Merida / by Irene Tr
31133041904006	Caillou, careful! / [text, Joceline
31133063267944	Thomas' 123 book / illustrated b
31133075573206	Juvenile paperback 2013-2014 (
31133075576241	Juvenile paperback 2013-2014 (
31133708792124	Mike and the mighty shield / by

Total items: 11

Las Vegas-Clark County
Library District

Date: Wednesday, August 13, 2014
Time: 2:08 PM

Item ID:	Title:
31133070382801	Board book 2012-2013 (title unk
31133519741617	Winter wishes / by Apple Jordan
31133708399151	Dora saves the Enchanted Fores
31133505904542	Climb the family tree, Jesse Bear
31133075576241	Juvenile paperback 2013-2014 (
31133708[illegible]753	Olivia cooks up a surprise / adap
31133502[illegible]2	Girl, you're amazing! / written b
31133515[illegible]107	Big Bunny / written by [illegible]seyga
31133707896[illegible]50	Welcome to Equestria! / by Olivi
31133708377652	Disn[illegible] fairies / layouts by Art Ma

Total items: 10

#241 09-09-2014 4:01PM
Item(s) checked out to p2720353.

TITLE: Chester the brave
BARCODE: 31133517245645
CALL #: E
DUE DATE: 09-30-14

TITLE: Toot and Puddle : a present for T
BARCODE: 31133708377116
CALL #: E
DUE DATE: 09-30-14

TITLE: Juvenile paperback 2010-2011 (tit
BARCODE: 31133064425673
CALL #: 2010-2011
DUE DATE: 09-30-14

TITLE: Juvenile paperback 2013-2014 (tit
BARCODE: 31133072928122
DUE DATE: 09-30-14

TITLE: Juvenile paperback 2013-2014 (tit
BARCODE: 31133075570251
DUE DATE: 09-30-14

TITLE: Juvenile paperback 2013-2014 (tit
BARCODE: 31133075571416
DUE DATE: 09-30-14

TITLE: Juvenile paperback 2012-2013 (tit
BARCODE: 31133071378154
CALL #: 2012-2013
DUE DATE: 09-30-14

TITLE: Juvenile paperback 2013-2014 (tit
BARCODE: 31133072925367
DUE DATE: 09-30-14

TITLE: Juvenile paperback 2010-2011 (tit
BARCODE: 31133065876445
CALL #: 2010-2011
DUE DATE: 09-30-14

TITLE: Juvenile paperback 2013-2014 (tit
BARCODE: 31133072637228
DUE DATE: 09-30-14

TITLE: Penguin Pete
BARCODE: 31133031319801
CALL #: E
DUE DATE: 09-30-14

#241 08-13-2014 2:37PM
Item(s) checked out to p2720353.

TITLE: Blooming bows
BARCODE: 31133708024189
CALL #: E
DUE DATE: 09-03-14

TITLE: Caillou, careful!
BARCODE: 31133041904006
CALL #: E
DUE DATE: 09-03-14

TITLE: A friend for Merida
BARCODE: 31133519978409
CALL #: E
DUE DATE: 09-03-14

TITLE: Pinkalicious and the cupcake cala
BARCODE: 31133519738696
CALL #: ER
DUE DATE: 09-03-14

TITLE: Little lost dolphin
BARCODE: 31133518364494
CALL #: ER
DUE DATE: 09-03-14

TITLE: Mike and the mighty shield
BARCODE: 31133708792124
CALL #: E
DUE DATE: 09-03-14

TITLE: Dora goes to school
BARCODE: 31133518312808
CALL #: E
DUE DATE: 09-03-14

TITLE: Juvenile paperback 2013-2014 (tit
BARCODE: 31133075576241
DUE DATE: 09-03-14

TITLE: Thomas' 123 book
BARCODE: 31133063267944
CALL #: E
DUE DATE: 09-03-14

TITLE: Juvenile paperback 2012-2013 (tit
BARCODE: 31133073089890
CALL #: 2012-2013
DUE DATE: 09-03-14

TITLE: Juvenile paperback 2013-2014 (tit
BARCODE: 31133075573206
DUE DATE: 09-03-14

#241 08-26-2014 3:42PM
Item(s) checked out to p2720353.

TITLE: Disney's Cinderella : Cinderella'
BARCODE: 31133519960936
CALL #: ER
DUE DATE: 09-16-14

TITLE: Chilly catches a cold
BARCODE: 31133707644573
CALL #: E
DUE DATE: 09-16-14

TITLE: Mia dances back to school!
BARCODE: 31133707643179
CALL #: E
DUE DATE: 09-16-14

TITLE: Olivia saves the circus
BARCODE: 31133518193232
CALL #: E
DUE DATE: 09-16-14

TITLE: Juvenile paperback 2013-2014 (tit
BARCODE: 31133075576217
DUE DATE: 09-16-14

TITLE: Juvenile paperback 2013-2014 (tit
BARCODE: 31133075579419
DUE DATE: 09-16-14

TITLE: Juvenile paperback 2013-2014 (tit
BARCODE: 31133075573487
DUE DATE: 09-16-14

TITLE: Juvenile paperback 2013-2014 (tit
BARCODE: 31133075571267
DUE DATE: 09-16-14

TITLE: One juvenile paperback (title unk
BARCODE: 31133065332035
CALL #: 2009-2010
DUE DATE: 09-16-14

TITLE: Juvenile paperback 2013-2014 (tit
BARCODE: 31133073284665
CALL #: 2013-2014
DUE DATE: 09-16-14

TITLE: Juvenile paperback 2013-2014 (tit
BARCODE: 31133075571614
DUE DATE: 09-16-14

Please return item(s) by the due date.
Renew at www.lvccld.org or 702-507-3630.

#241 09-16-2014 1:57PM
Item(s) checked out to p2720353.

TITLE: Disney Tangled
BARCODE: 31133516925668
CALL #: E
DUE DATE: 10-07-14

TITLE: Juvenile paperback 2013-2014 (tit
BARCODE: 31133072925383
DUE DATE: 10-07-14

TITLE: Juvenile paperback 2012-2013 (tit
BARCODE: 31133073089890
CALL #: 2012-2013
DUE DATE: 10-07-14

TITLE: Juvenile paperback 2013-2014 (tit
BARCODE: 31133075570228
DUE DATE: 10-07-14

TITLE: Juvenile paperback 2013-2014 (tit
BARCODE: 31133072636790
DUE DATE: 10-07-14

TITLE: Juvenile paperback 2013-2014 (tit
BARCODE: 31133075576241
DUE DATE: 10-07-14

TITLE: Juvenile paperback 2013-2014 (tit
BARCODE: 31133072793401
DUE DATE: 10-07-14

TITLE: Juvenile paperback 2010-2011 (tit
BARCODE: 31133065909857
CALL #: 2010-2011
DUE DATE: 10-07-14

TITLE: Juvenile paperback 2013-2014 (tit
BARCODE: 31133075575540
DUE DATE: 10-07-14

TITLE: Juvenile paperback 2013-2014 (tit
BARCODE: 31133072976253
DUE DATE: 10-07-14

TITLE: Juvenile paperback 2011-2012 (tit
BARCODE: 31133068580796
DUE DATE: 10-07-14

Please return item(s) by the due date.
Renew at www.lvccld.org or 702-507-3630.

Las Vegas-Clark County
Library District

Date: Tuesday, September 16, 2014
Time: 1:34 PM

Item ID:	Title:
31133708377116	Toot and Puddle : a present for
31133031319801	Penguin Pete / Marcus Pfister ; t
31133064425673	Juvenile paperback 2010-2011 (
31133517245645	Chester the brave / by Audrey P
31133075571416	Juvenile paperback 2013 2014 (
31133072925367	Juvenile paperback 20 14 (
31133071378154	Juvenile paperback 20 3 (
31133065876445	Juvenile paperback 2010-2011 (
31133072928122	Juvenile paperback 2013-2014 (
31133075570251	Juvenile paperback 2013-2014 (
31133072637228	Juvenile paperback 2013-2014 (

Total items: 11

Sahara West Library
702-507-3630
Thank you

Las Vegas-Clark County
Library District

Date: Tuesday, October 21, 2014
Time: 1:02 PM

Item ID:	Title:
31133519972576	Share / Sally Anne Garland.
31133503173645	How about a hug? / Nancy Carls
31133073284665	Juvenile paperback 2013-2014 (
31133075573487	Juvenile paperback 2013-2014 (
31133066162266	Juvenile paperback 2010-2011 (
Staff Check-In	
31133075576779	Juvenile paperback 2013-2014 (
31133518058369	What a good kitty / by Mercer M

Total items: 8

#241 10-01-2014 2:22PM
Item(s) checked out to p2720353.

TITLE: How about a hug?
BARCODE: 31133503173645
CALL #: E
DUE DATE: 10-22-14

TITLE: What a good kitty
BARCODE: 31133518058369
CALL #: ER
DUE DATE: 10-22-14

TITLE: Share
BARCODE: 31133519972576
CALL #: E
DUE DATE: 10-22-14

TITLE: Juvenile paperback 2013-2014 (tit
BARCODE: 31133075576779
DUE DATE: 10-22-14

TITLE: Juvenile paperback 2013-2014 (tit
BARCODE: 31133072915202
DUE DATE: 10-22-14

TITLE: Juvenile paperback 2010-2011 (tit
BARCODE: 31133066162266
CALL #: 2010-2011
DUE DATE: 10-22-14

TITLE: Juvenile paperback 2013-2014 (tit
BARCODE: 31133075573487
DUE DATE: 10-22-14

TITLE: Juvenile paperback 2013-2014 (tit
BARCODE: 31133073284665
CALL #: 2013-2014
DUE DATE: 10-22-14

Please return item(s) by the due date.
Renew at www.lvccld.org or 702-507-3630.

EXHIBIT 10

The OurFamilyWizard® website
1302 2nd St NE Suite 200
Minneapolis, MN 55413
http://www.OurFamilyWizard.com
Info@OurFamilyWizard.com

Message Report

James Picone generated this report on 07/07/15 at 08:30 PM. All times are listed in America/Los_Angeles timezone.

Message: 1 of 1
Date: 06/17/2015 3:45 PM
From: Renelyn Schramm
To: James Picone (First View: 06/17/2015 5:22 PM)
Subject: RE: Court Order
Message:

jimmy,

Sophia is already set for Pre-K. Since I have her 4 days during the week, I already have her school arranged. She is scheduled for Pre-K when she turns 4. You will be obligated to pay half of the cost as you are already aware. You do not have my permission or authorization to enroll Sophia in any school. This was understood at the time of settlement.

You are in violation of the court order due to the following:
You are 30 days late with payment of half of Sophia's dance class and outfit. I have received no good faith effort, payment, partial payment and/or communication from you regarding your debt.

Sophia will be involved in more extra activities with her sister so I would advise you to keep current in your legal obligations as per the court order.

Renelyn Schramm

On Wed, 06/03/15 at 12:36 PM, James Picone wrote:
To: Renelyn Schramm
Subject: Court Order
Message:

Renelyn,

It is a Court Order for us to communicate threw The Family Wizard !!
You have not once even bothered to check or open a email. This is for our daughter Sophia. I had relocated to Henderson so that we wouldn't have to argue over a school for Sophia. I have been looking into Pre K schools for her and I don't want to enroll her with out you knowing what's going on.

I am going to send your attorney John Jones a email now to call you to let him know that you are not fowling the Court Order.

The OurFamilyWizard® website
1302 2nd St NE Suite 200
Minneapolis, MN 55413
http://www.OurFamilyWizard.com
Info@OurFamilyWizard.com

Message Report

James Picone generated this report on 07/07/15 at 08:22 PM. All times are listed in America/Los_Angeles timezone.

Message: 1 of 1
Date: 06/26/2015 9:31 AM
From: Renelyn Schramm
To: James Picone (First View: 06/26/2015 10:22 PM)
Subject: RE: Concerns
Message:

jimmy,

Regarding the school, please contact my attorney.
I see that you did not write this email that I am replying to. You don't talk that way and your spelling and grammar is the complete opposite. This is not to poke or make fun of but, it would be nice to see an email that you actually wrote without the help of someone else. Most of your emails are not written by you so I am used to it. Because these are not your words does not give me comfort of your actual intentions and true feelings.

You want to work with me to keep Sophias life consistent and healthy? You have never cared nor have you been there since she was born. You have never told me this nor ever implied this. I will still take the benefit of the doubt and tell you. I hope you DO follow it and treat Sophia with better care.

Sophia's schedule after we pick her up from you:
Get her something healthy to eat and hydrated, then she takes a bath/shower and dressed with clean clothes, then we work on getting her down from her sugar high during her activities and playing with her sisters. We always reinforce love, care and happiness. We let her know how important she is. We always show her love and positive energy in everything she does. We are constantly teaching her how to be nice and not selfish. We then work with her this first night because she can't sleep due to her unhealthy diet and sugars you give her. The first night is always the most difficult because she is used to 3 days of little eating, eating mostly fast food and candy, not bathing or brushing teeth every day and sleeping late at night.
Day two gets better and then by day 3 she is on a healthy schedule. On the 5th day she goes back to you and then 3 days later we get her back and do the same process all over again.

Sophia's schedule:
1. To bed by 8pm

2. Bath or shower every day

3. Brush teeth at least 3 times a day (wake up, after lunch and after dinner) every day

4. At least 3 meals a day (breakfast, lunch and dinner) Healthy eating (fish, chicken, beef, vegetables, water, milk) she can eat as much healthy foods as she wants (it's unlimitted). We do not let her have soda that much at all. If we let her it is a special thing.

5. Snacks before 6 pm. We let her get a happy meal every once in a while. It is treated as a special thing for her and not an everyday meal. Candy is treated the same. Very seldom do we let her have candy/sugar unless a special occasion. No sugars after 6pm.

6. Activities every day; Reading, playing, coloring interaction with her sisters and spending some quality time with me, her Step Dad and Grandma. We don't like to keep her in the house all day. We want her to be active.

7. Once a week: We talk to her about God and pick a verse in the Bible to tell her about.

On Mon, 06/22/15 at 6:08 PM, James Picone wrote:
To: Renelyn Schramm
Subject: RE: Concerns
Message:

Renelyn,

The Family Wizard is for communication regarding Sophia. Communication pertaining to our individual concerns over things we may hear from her; communication regarding a school we both feel is right for her; communication regarding her daily activities, nutrition etc.. It is not intended to be used as an outlet for the false, slanderous and insulting rant that you responded with.
With that being said, I would like us to try and take a more amicable and positive approach with our communication regarding our daughter. I was concerned when Sophia told me about the pool incident. You would be as well if the shoe were on the other foot and she told you what she told me. In my panic due to my extreme concern over what I had heard, I made accusations in my correspondence when I should have asked questions. For that I apologize. I responded similarly in my correspondence regarding Sophia telling me that she drinks her sister's formula. After reading your explanation of what was going on I understand that this may not have been the case.
In a sincere effort to properly co-parent Sophia, if I have concerns about something Sophia tells me going forward, I will let you know what I heard and ask questions rather than make accusations. I will sincerely ask you to please do the same so that we can properly communicate about Sophia. Sophia is only 3 and I realize her perception of things can sometimes be different than what actually happened.

I do have a few concerns and questions that I wanted to discuss with you in an amicable and positive manner:
1) Pre-K is coming up fast. I have made prior attempts to discuss schools with you. As per our court order on Page 2, Lines 11-12 "All schools, health care providers, and counselors shall be selected by the parties jointly". Please let me know what schools you feel would be best for her and why you feel this way. I will respond with my preferences and explanations for my choices as well. At that point we can jointly decide from there.

2) I think Sophia may be a little jealous of her baby sister due to the fact that she now has to share your attention with her- I have been told that this is completely normal. I think that may be why she wants to drink out of a bottle as well- to get your attention. I feel it may be more beneficial for Sophia's development to be encouraged and praised for being a "big sister" that drinks from a "big girl" cup. What are your thoughts regarding this idea?

3) I have read that toddlers thrive on routines. I wanted to ask you about certain routines she does with you so that I can stay as consistent as possible here. I believe this will benefit Sophia. Would you kindly let me know your bed-time routine with her (what time do you start getting her ready for bed, bath, brushing teeth, stories, etc...) so that I can try and have a similar routine here?

Respectfully,

Jimmy

On Wed, 06/17/15 at 4:17 PM, Renelyn Schramm wrote:
To: James Picone
Subject: RE: Concerns
Message:

jimmy

First of all, We never leave the kids unattended to. My husband who has been supporting Sophia (financially, emotionally and spiritually) since we have been together was watching the kids. Sophia and her sister and friend were playing and there was NO danger in any way. Not only is my husband a fantastic father and support to me and the kids, but was a competitive swimmer and knows exactly how to save anyones life. He confirms it was kids playing. Thats all.

Secondly, Sophia IS NOT drinking baby formula. She wants to drink out of a bottle in which we put regular milk, kool aid, OJ etc...in it. Sophia wants to drink out of a bottle because she wants to feel close to her 3 month old baby sister Mary. You of all people have some nerve to tell me how to be responsible. You deliberately starved Sophia when she was 2: she lost 2 1/2 lbs in three months in which a pediatrician took it upon himself and called CPS on you. I'm sure you remember that. You left her in a stroller in 100 degree temp for over 20 min. in a trailer park with no water. She actually passed out. You insisted to do an exchange when you knew she was at the hospital with a severe cold and high temp. You did all this using the court to force me to comply. How dare you even go there. I am forced to deal with your neglect to my daughter ever since you lied and fraudulently got the court involved. You wanted nothing to do with her until you found out that I met someone.

I have never, nor would I ever treat my daughter with any form of negligence. Beside raising her on my own since birth I will always have her best interest in mind including helping her through this terrible mind twist you have repeatedly installed in her in attempt to give me and my family a false sense of reality to her. We are constantly re-enforcing love not hate, compassion and not vengeance. It would be wonderful if Sophia comes home with positive energy.

You had to be forced through the court to support your own daughter. Even fighting with the cost and reducing it to almost nothing is just one of the many reasons that you have shown this situation to be something other than the care of your daughter.

Renelyn

On Wed, 06/03/15 at 12:25 PM, James Picone wrote:
To: Renelyn Schramm
Subject: Concerns
Message:

Renelyn,

I have Major Concerns,
Sophie tells me that she fell into your pool last week!! and that Shyla who is 8 years old pulled her out of the pool by her hand and Sophie was coughing. Sophie said that it was just Shyla, her friend & Sophie in the yard? why is it that there is no adult's in your yard with these kids when you have a pool? Do you know how many kid's each year drowned because parents do not watch them, It takes a second for them to drowned. I'm asking you to please be more RESPONSIBLE!!! Also Sophie will be 4 in October, why are you and your mother giving Sophie her new baby sister's formula daily?

Once again, I am asking you to respond to me so we can look at some per K schools for Sophie ASAP!!

EXHIBIT 11

Message Report

The OurFamilyWizard® website
1302 2nd St NE Suite 200
Minneapolis, MN 55413
http://www.OurFamilyWizard.com
Info@OurFamilyWizard.com

James Picone generated this report on 07/07/15 at 08:19 PM. All times are listed in America/Los_Angeles timezone.

Message: 1 of 1
Date: 06/30/2015 12:37 PM
From: Renelyn Schramm
To: James Picone (First View: 06/30/2015 1:35 PM)
Subject: RE: warning
Message:

jimmy,

I have not nor have I ever called you names or lashed out. I know it's not easy to deal with the truth when you live your life in lies and denial.

When you have someone write your emails, it would be a good idea to have the same type verbiage that you have.

I have no emotion regarding you and your irrational and damaging behavior. I see you still have someone else writing your emails.

The positioning and wording of your email only confirms your irrational, unstable behavior and unwillingness to be genuine and real.

The facts are the facts.

As always, I only care about Sophia. You have been warned and notified of my concerns.

You can contact my attorney for any questions.

By the way. That Lamborghini has a factory child seat just like all approved child seats that are in cars in America. My husband does not violate the law nor will he ever have Sophia in a car seat that is not safe. He has a perfect driving record: No tickets. Never a speeding ticket, No DUI's or DWI's, never any violations. How is your driving record jimmy? Any arrest? I think you have 2, right? In fact, I believe you have a warrant out for your arrest from Canada. I believe you have a DUI or is it a DWI? I don't think you want to point fingers about safety and/or being responsible, especially when all of your accusations are not valid and/or not true. Your last email contradicts the one before.

It's not slander when they are statements made by facts backed up with proof and documentation. It is also not slander when the person you are emailing about is the same person you are emailing privately. You should get a person that knows the meaning of words before using it in a sentence. You should tell her that.

Ok. Bottom line:
In stead of panicking and getting someone to write a response, you should take responsibility for your actions and try to be a better person.

I have no anger issues. I never have. I am not vindictive nor will I ever be as you already know.
My emails to you are definitely not emotional. I did not respond to Family Wizard back then because we had an arrangement that you were communicating with my attorney due to your harassment and threatening behavior, all of which is documented, just like your deliberate failure to provide Sophia health insurance and your failure to pay half of her activities within 30 days and your smoking when you have Sophia and taking her to work for hours upon hours, etc...

I am not going back and fourth any more and subjecting myself to your manipulating, delusional and childish behavior. I sent you the past email to make you aware of your failure to several responsibilities in the hopes you don't fall victim to self sabotage. This is for Sophia's benefit. I see by your response, there is no getting through to you to be responsible. I did my best to be the bigger person and to let you know. I want to do the right thing. There will not be any more warnings.

To refresh your memory of your vindictiveness, your hatred and your anger towards me using Sophia, please read the following:
Read the following facts of what you have done already so you can clearly see your issues. You should have the girl that writes your emails for you look at the following as well so she can see who you really are and maybe help you to be a better person:

Because I broke up with you, You told me that you will make my life miserable. Here is only some of the documented, verified and proven malicious things you have done this past year:

- FACT: You came over to my apt and took all my furniture (tables, chairs, couch, pictures on the wall etc...) You were completely aware that I have two small children (Sophia and Shyla) that I am paying for, caring for and raising alone. After you cleaned out my apt. you made an anonymous phone call to CPS in an attempt to have them take my children away from me. Your lies did not work and CPS confirmed that your call was not warranted, legit or needed. CPS classified your phone call as fraudulent. Months later, You actually admitted to all of this in court docs, phone calls, text and emails. You even admitted that YOU made the anonymous phone call to CPS.

- FACT: You took nude pictures of Sophia and sent them to me. That is when I decided to talk to you regarding custody. You decided to create a lawsuit based upon lies instead.

- FACT: You lied to your attorney, a Judge and court about me moving to CA to get a pick up order. You knew I was moving to Henderson (documented and verified).

- FACT: You deliberately starved Sophia at 2 yrs old (proven, pictures, documented and surveillance footage). She lost 2 1/2 lbs in 1 month. A pediatrician took it upon himself and called CPS on you for child neglect and child endangerment. Every time we got Sophia back from you, we had to help her with her health and the terror that you installed in her. I have videos of all the exchanges.

- FACT: You deliberately neglected her and left her in over 100 degrees temp. with no water for over 20min at a trailer park as Sophia passed out due to dehydration (surveillance footage confirmed)

- FACT: You took her when she very sick. She had a 103 temp./in the hospital all night and yet you insisted that you take her or I will be in violation of a court order (documented, surveillance footage, text messages and emails). I gave you medicine for her in which you did not give her. When we got her back we had to go back to the doctor.

- FACT: You smoked non stop in front of her / driving in the car smoking with Sophia directly behind you (surveillance footage confirmed).

- FACT: You made a claim and document in court and to a Judge that you are going to work when actually you went and drove up and down Flamingo looking for prostitutes for 23 min. (surveillance footage confirmed), then met with a friend at the Palms for a hamburger. You were unemployed at the time. You committed perjury to the Judge many times regarding work and health insurance.

- FACT: You tell Sophia "Daddy is going to hurt Mommy". Sophia told me that and was scared that I might get hurt. You got Sophia so scared because you have secrets with her. That is what she tells me. She tells me that she can't tell her secrets with you because I will get hurt.

- FACT: You lied and tried to effect my husbands creditability in an attempt to make him out as a bad guy, when all he did was show love and be the best support to Sophia and myself.

- FACT: Sophia tells us that you take pictures of her without clothes

-FACT: When we were moving, I discovered nude pictures that you took of Shyla when she was a baby. I see you even sent the pictures to your brother back then.

As you see you have been a horrible person. I see that the only thing you keep your word about is telling me and my daughter how you will hurt me and make my life miserable.

You can't hurt me anymore. I feel blessed that I have Sophia and being the best mom in the world to her.

I am still very concerned about the safety and well being of Sophia. I have done my best to remind you of your responsibilities. I hope you do the right thing.

I must remind you that if we find out that you are doing anything malicious or abusive to my baby, I will make sure justice is served.

Renelyn

On Mon, 06/29/15 at 9:59 PM, James Picone wrote:
To: Renelyn Schramm
Subject: RE: warning
Message:

renelyn,

I am both confused and astonished by your comments. I have not made any attempts at communicating with you except through Our Family Wizard and to your attorney when you refused to respond to any of my correspondence through Our Family Wizard regarding Sophia. Further, there is documented proof that I have been attempting to amicably co-parent and communicate with you about Sophia to which you reply with only hate filled rants- that aside from being complete fabrications are slanderous. Your documented behavior of constant unprovoked anger, brings you to the point of not being able to cordially communicate with me in order to co-parent our three year old daughter. This is frightening. It can't be healthy for Sophia to be surrounded by that type of hate and negativity all the time. It also won't help either of us in raising her. I have been communicating amicably for our daughter's sake. Why can't you do the same?
There are a few things that I must address in response to your most recent allegations documented through Our Family Wizard:

1)I did NOT in any way approach your car. I did not speak a single word to you. Your false allegations are alarming. Alarming that you are so angry and malicious to go so far as to fabricate such a story. I think it best if you are going to continue these outlandish lies and accusations that we exchange at Donna's House going forward. This will be necessary for me to protect myself from future harassing correspondence from you and your husband. As a testament to my concern over Sophia's well being, I will remind you of the time your husband picked up Sophia at Donna's House in a Lamborghini and put our three year old daughter in the front seat! What if he were in an accident. The front seat is no place for a small child. This is on record at Donna's House. Do you honestly think with as worried as I was when that happened, that I would endanger our daughter by driving at a dangerously slow (or fast) speed??

2) Any allegations of tax evasion have nothing to do with Sophia. You are once again violating our court order by making these types of allegations and attempting to communicate with me regarding things that have nothing to do with Sophia. Page 6, Lines 4-5, "IT IS FURTHER STIPULATED AND AGREED that the parties will communicate only regarding Sophia and only through Our Family Wizard". Further, as you are publicizing that I allegedly committed a crime, I consider it a blatant attempt at slander and defamation of my name- and now there is official record of your continued attempts at doing so.

3)Any allegations of loans I may or may not have are none of your business and have NOTHING to do with Sophia.

4)False allegations that I conducted business unethically by taking "under the table cash your work gave you as well as your shady side cash business with your friend" etc.. are slanderous and a defamation of my name. Further, as your allegation has nothing to do with Sophia it is clear your publication is plainly intended to injure myself in my trade, business or profession. In Nevada, a false written publication is punishable in criminal court as a gross misdemeanor. BOTH written and spoken defamation are actionable in civil court. I suggest you discuss my grounds for a defamation suit with your attorney based on your publications through Our Family Wizard.
YOU are willfully and intentionally making false allegations and slanderous remarks through an officially documented publication of which you are FULLY aware will be read by others. I may not be an attorney, but that sounds like pretty solid grounds for me to file a slander suit.

5) Your allegations that I teach Sophia to hit you and your husband are absurd. Sophia is surrounded by love, patience and kindness while she is with me. I am trying to amicably communicate with you- as I have shown in my correspondence, so that our daughter is surrounded by love, patience and kindness in both of our households. I am failing to understand where all of your unprovoked rage is coming from?

In my previous email to you I made you aware that I will be taking Sophia on vacation to see my family in Buffalo, NY. For your convenience, I quoted the court order to you. As my vacation period ends when my normally scheduled access period begins (meaning she will be with me during that time), I do not need your permission to return on Monday- nor am I in violation of any part of the court order. It is a "gray area" in the order. As I have made you aware of this section in our court order detailing that I am not in violation, if you publicize another word about how I am willfully "violating a court order" and attempt to intimidate me by stating that you "will not allow" my court ordered access with Sophia, will considered more deliberate defamation from you. If you need further explanation or clarification of our court order, I suggest you consult your attorney.

In my previous email I also referenced our court order pertaining to your claim that I am mandated to pay half of the expenses for any extra curricular activities you choose to put Sophia in. Please reference my previous email response detailing that our court order only specifies that we are to split medical expenses. Yet, you continue to harass me. For the second and final time- there is nothing in the order stating that I am to pay half of extra curricular activities that you choose to enroll her in without agreeing to do so. I am not in violation of the court order as I have detailed in my previous correspondence. I meet my obligations as outlined by the courts and additionally, I provide anything and everything Sophia needs when she is at my home. Any future publications of allegations that I am not financially supportive of my child will be consider deliberate defamation of my name and character. If you need confirmation on that, I suggest you consult your attorney.

I addressed your nasty remarks regarding health insurance for Sophia. The court has access to my application status. They see what is going on. Sophia has additional insurance through you currently, so there is no immediate concern. For the last time, I can not control how quickly the State processes my application. Any further rants by you calling me a liar or stating that I am not trying to obtain insurance or have not applied for insurance for Sophia are a defamation to my name.

ANY further slanderous remarks stating that I haven't "cared for", "am vindictive" or "horrible" towards Sophia will be considered slanderous and a defamation to my name. As well, because said comments are complete fabrications, any future like comments will be considered harassment. I will remind you one last time that unprovoked, you are continuously and openly attacking my character and harassing me through a court documented publication. I am officially asking you to cease and desist with all future harassing, slanderous allegations or I will be forced to take legal action. If you need clarification on my grounds for said legal action, I suggest you speak with your attorney.

You have also not addressed my questions in my previous correspondence regarding Pre-K for Sophia. I will not consult your attorney. Jointly deciding on a school is in our court order. I think it may be wise for you to consult your attorney on that matter. I will ask again for a third time: kindly confirm that you have not enrolled her at a school without my knowledge or consent. As well, kindly provide the school(s) you would like to consider for Sophia and your explanations for choosing the school(s). I will provide the same to you within 7 business days.

As it is an odd-numbered year, per our court order I have Sophia this year on Independence Day (July 4th). The order states that the day shall begin 9:00AM on July 4th (this coming Saturday), and end at 9:00AM the following day if school is not in session. My normally scheduled visitation period begins on Sunday at 10:00AM. Would you like to meet for the exchange at 9:00AM on Sunday to exercise your one hour period of access from 9:00AM-10:00AM; or would you prefer that she just stays with me?

Respectfully,

Jimmy

On Sun, 06/28/15 at 12:43 PM, Renelyn Schramm wrote:
To: James Picone
Subject: warning
Message:

jimmy,

Your verbal threats and harassment will not be tolerated any more. At the exchange today at 10am you walked to my car when you are not allowed (court order). DO NOT APPROACH MY CAR AT ANY EXCHANGE. THAT IS A COURT ORDER another in which you violated.

STOP FOLLOWING ME.

DO NOT DRIVE 40mph ON THE HIGHWAY WITH MY DAUGHTER. THAT IS EXTREMELY DANGEROUS AND PUTS SOPHIA'S LIFE IN DANGER. IT IS NOT THE FIRST TIME YOU DID THIS. THIS IS CHILD ENDANGERMENT WHICH IS ANOTHER VIOLATION OF A COURT ORDER.

I also want to comment regarding your statement that you emailed me regarding the settlement court order is something we should use to be parents. That is not in place for me to use as what to do to be a parent. I have always cared for Sophia. I have always had health insurance for her. I have always paid for and made sure she is living a healthy, safe and happy life. You have never provided any of it since she was born. That order is more for you to use. It is to enforce that you do the right thing at the bare min. in which you cannot even do that. It is to enforce you to be more responsible for Sophia's well being. I don't need a court order or any contract to go by to be a great parent and mother. I am following the settlement schedule that is currently in place and will never be in violation of this settlement court order.

Regarding your many claims that you have no money for health insurance for Sophia: Aside from the 25k you received and bragged about and the money your brother loaned you again, and the under the table cash your work gave you as well as your shady side cash business with your friend, all of which you did not claim any taxes on; How is it that you get all this cash (tax free) and have the money to buy new clothes, jewelry, etc... and purchase to fly across the country with three round trip tickets, but, yet no money to pay half of Sophia's activities (which you are over 30 days violation of the court order) and not able to pay health insurance (violation of a court order). You still have a Tax lien from the IRS and you are still avoiding paying taxes on cash money you receive now.

I really hope some day you see how horrible and vindictive you have been to Sophia in order to hurt me, and take responsibility for your actions and change in hopes of being a better person.

Renelyn

EXHIBIT 12

Quest Diagnostics

Report Status: Final

PICONE, SOPHIA

Patient Information	Specimen Information	Client Information
PICONE, SOPHIA **DOB: 10/22/2011 AGE: 3Y** Gender: F Patient ID: NG	Specimen: 49315566 Collected: 08/17/2015 / 12:30 PDT Received: 08/17/2015 / 21:37 PDT Reported: 08/19/2015 / 08:53 PDT	Client #: 26808 MADSEN, MELISSA

Test Name	In Range	Out Of Range	Reference Range	Lab
Box maple elder(T1)		**4.79 H**	0.0-0.34 kU/L	
CLASS		**3**		
Mountain juniper(T6) IgE		**0.49 H**	0.0-0.34 kU/L	
CLASS		**1**		
Oak (T7) IgE		**2.05 H**	0.0-0.34 kU/L	
CLASS		**2**		
Elm (T8) IgE		**5.23 H**	0.0-0.34 kU/L	
CLASS		**3**		
Olive tree (T9)		**9.18 H**	0.0-0.34 kU/L	
CLASS		**3**		
Cottonwood (T14)		**3.56 H**	0.0-0.34 kU/L	
CLASS		**3**		
Mulberry tree (T70) IgE	<0.35		0.0-0.34 kU/L	
CLASS	0			
Common ragweed(W1) IgE		**1.24 H**	0.0-0.34 kU/L	
CLASS		**2**		
Mugwort (W6) IgE		**1.07 H**	0.0-0.34 kU/L	
CLASS		**2**		
Russian thistle(W11)		**2.39 H**	0.0-0.34 kU/L	
CLASS		**2**		
Common pigweed (W14) IgE		**3.19 H**	0.0-0.34 kU/L	
CLASS		**2**		

Interpretation

Immunocap (TM) allergen results may be expressed in either KU/L or as a Specific IgE Class.

Specific IgE Class	KU/L	Level of Allergen Specific IgE Antibody
0	<0.35	Absent/Undetectable
1	0.35-0.70	Low Level
2	0.71-3.50	Moderate Level
3	3.51-17.5	High Level
4	17.6-50	Very High Level
5	51-100	Very High Level
6	>100	Very High Level

Guide to Allergen Categories

D = Dust Mites	G = Grass Pollens	M = Molds & Yeasts
E = Animals	H = House Dust	T = Tree Pollens
F = Foods	I = Insects	W = Weed Pollens

PERFORMING SITE:

01 Quest Diagnostics, 4230 Burnham Ave., Las Vegas, NV 89119 Laboratory Director: Elizabeth D. Inle, M.D., CLIA: 29D0652720

Quest Diagnostics

Report Status: Final

PICONE, SOPHIA

Patient Information	Specimen Information	Client Information
PICONE, SOPHIA **DOB: 10/22/2011 AGE: 3Y** Gender: F Phone: 7022810577 Patient ID: NG	Specimen: 49315566 Requisition: 268080002734 Collected: 08/17/2015 / 12:30 PDT Received: 08/17/2015 / 21:37 PDT Reported: 08/19/2015 / 08:53 PDT	Client #: 26808 PSRN MADSEN, MELISSA WEE CARE PEDIATRICS 4785 S. DURANGO DR. STE. 101 LAS VEGAS, NV 89147

MRN: 3505332564 Chart ID: 10222011SP

COMMENTS: Ordering Physician: MADSEN, MELISSA

Test Name	In Range	Out Of Range	Reference Range	Lab
CBC (INCLUDES DIFFERENTIAL AND PLATELETS)				01
WHITE BLOOD CELL COUNT	6.8		5.0-16.0 k/uL	
RBC	4.17		3.90-5.50 Million/uL	
HEMOGLOBIN		**11.0 L**	11.5-14.0 g/dL	
HEMATOCRIT	34.1		34.0-42.0 %	
MCV	81.7		73.0-87.0 fL	
MCH	26.4		24.0-30.0 pg	
MCHC	32.3		31.0-36.0 g/dL	
RED CELL DISTRIBUTION	13.6		11.0-15.0 %	
PLATELET COUNT	276		140-400 k/uL	
MEAN PLATELET VOLUME		**7.0 L**	7.5-11.5 fL	
Absolute Neutrophils	2312		1500-8500 Cells/uL	
Absolute Lymphocytes	3169		2000-8000 Cells/uL	
Absolute Monocytes	809		200-900 Cells/uL	
Absolute Eosinophils	490		15-600 Cells/uL	
Absolute Basophils	20		0-250 Cells/uL	
SEGMENTED NEUTROPHILS	34.0		%	
LYMPHOCYTES	46.6		%	
MONOCYTES	11.9		%	
EOSINOPHILS	7.2		%	
BASOPHILS	0.3		%	
RESPIRATORY ALLERGY PROFILE REGION XV				
IGE,TOTAL				01
IgE	95		0-128 kU/L	
RESP ALLERGY PRO XV				01
D.PTERONYSSINUS (D1) IGE	<0.35		0.0-0.34 kU/L	
CLASS	0			
D.FARINAE (D2) IGE	<0.35		0.0-0.34 kU/L	
CLASS	0			
CAT DANDER (E1) IGE		**2.57 H**	0.0-0.34 kU/L	
CLASS		**2**		
DOG DANDER (E5) IGE		**2.43 H**	0.0-0.34 kU/L	
CLASS		**2**		
MOUSE UR PROT(E72)IGE	<0.35		0.0-0.34 kU/L	
Class	0			
Bermuda grass (G2) IgE		**5.32 H**	0.0-0.34 kU/L	
CLASS		**3**		
Timothy grass (G6) IgE		**1.36 H**	0.0-0.34 kU/L	
CLASS		**2**		
COCKROACH (I6) IGE	<0.35		0.0-0.34 kU/L	
CLASS	0			
P. notatum (M1) Ige	<0.35		0.0-0.34 kU/L	
CLASS	0			
C.HERBARUM (M2) IGE	<0.35		0.0-0.34 kU/L	
CLASS	0			
A. fumigatus (M3) IgE	<0.35		0.0-0.34 kU/L	
CLASS	0			
A.ALTERNATA (M6) IGE	<0.35		0.0-0.34 kU/L	
CLASS	0			

On Wed, 08/19/15 at 9:07 AM, Renelyn Schramm wrote:
To: James Picone
Subject: Follow up/Notice
Message:

jimmy,

I see that you have read my email regarding my concern for Sophia's health the morning of the last exchange and that you needed to take her to the doctor. We tried to call Sophia the next day and the call was disconnected. We never got a call back from you or anything of the sort regarding Sophia's condition. We did not receive any information regarding you taking her to the doctors or that you stop taking her to your work all day especially when she has a bad cough.

You have failed to contact my attorney regarding any and all confirmation of health insurance, communication, updates and/or follow ups.

We still do not have confirmation that you actually got health insurance for Sophia. Please provide the proof that you have health insurance for Sophia. You have never had health insurance or paid for any care for her since she was born. You have lied several times to me and the court that you have health insurance, only to find out that you don't, that is why we need confirmation now.
This is not a game, jimmy.

You still have an outstanding amount from Sophia's activities. You still need to pay half of Sophia's activities in which you refuse.

You still, over a year now, have Sophia in the same clothes that she left in. I wish you could put her in other clean clothes so she is not wearing the same cloths for 3 days.

Renelyn

Message Report

The OurFamilyWizard® website
1302 2nd St NE Suite 200
Minneapolis, MN 55413
http://www.OurFamilyWizard.com
Info@OurFamilyWizard.com

James Picone generated this report on 08/25/15 at 09:30 AM. All times are listed in America/Los_Angeles timezone.

Message: 1 of 1
Date: 08/24/2015 1:15 PM
From: James Picone
To: Renelyn Schramm (First View: 08/24/2015 4:01 PM)
Subject: RE: Follow up/Notice
Message:

Renelyn,

I will remind you for the LAST TIME of the following:

Family Wizard is to be used as our SOLE means of communication as per our court order. I will NOT be contacting your attorney.
I do NOT owe you for activities you choose to put Sophia in. It is NOT in our current court order.
I have insurance for Sophia. I do NOT need to prove to you the details of the insurance. If you like, kindly send me the insurance information YOU have for her and I will reciprocate.

I did take her to see the doctor. They conducted allergy testing for her rash. It has been determined that she is very allergic to cats and dogs among many other things. You have 4 cats at your house. This needs to be addressed immediately as our daughter is suffering. I have previously provided the doctor's information in detail to you. It is the same doctor Sophia has had since she was one year old. Here is the doctors contact information once more for your convenience: Dr. Melissa Madson, Wee Care Pediatrics, 4783 S Durango Drive, Ste. 101, Las Vegas, NV 89147, contact phone number: 702-889-8444. Which brings me to my next question: You harassed me about Sophia's condition with nasty correspondence through Family Wizard several times over the last 2 weeks. If you were this concerned about her being sick, why did you not make the effort to take her in right away yourself?? Further, why did you send Sophia with an empty bottle of cough medicine and an EMPTY prescription box for rash ointment? Why would you not send the ointment? By deliberately withholding the medication, you are putting your own spiteful feelings before our daughter's well being. As per our court order you may contact the doctors office on your own to obtain any summary visit notes, test results etc.. I do not need to provide you with documentation of each visit.

Your other nasty allegations about Sophia's clothes are ridiculous to say the least. Did it ever occur to you that I wash the outfit you send her in? Sophia has more than adequate clothing that I provide to her. I take the outfit you send her in off and give her a bath as soon as I get her home as she is always dirty. I put clean clothes on her and wash the dirty clothes you send her in. I put the outfit you sent her in back on her when it is time for the exchange. I do not understand why you refuse to try and co-parent Sophia with me? I have not sent harassing or nasty fabricated allegations to you, nor have I ever once tried to interfere with your access period with Sophia? Where is all your hostility coming from? I have also asked several times for the name of the school you have stated that you already enrolled Sophia in without my knowledge or consent?

Regarding your comments from the other Family Wizard correspondence about the recording of the exchanges, it is necessary for me to have some proof of the manner of the exchanges in order to protect myself from your continued fabricated allegations. I am only following suit with how you are recording them. How would you suggest we BOTH do this differently? I am open to suggestions if it bothers Sophia as you say.

In response to your correspondence regarding your birthday and my one hour scheduled access period on Wednesday: As much as I would like to see my daughter any chance I can, I do not want to disrupt Sophia for one hour early in the morning as you did on July 5th, as that would not be in her best interest. You may just keep her with you.

Regards,

Jimmy

Message Report

The OurFamilyWizard® website
1302 2nd St NE Suite 200
Minneapolis, MN 55413
http://www.OurFamilyWizard.com
Info@OurFamilyWizard.com

James Picone generated this report on 08/25/15 at 09:28 AM. All times are listed in America/Los_Angeles timezone.

Message: 1 of 1
Date: 08/24/2015 4:53 PM
From: Renelyn Schramm
To: James Picone (First View: 08/25/2015 9:24 AM)
Subject: RE: Follow up/Notice
Message:

jimmy,

THIS IS ABOUT SOPHIA'S WELL BEING

FACT: Sophia is not allergic to cats. Sophia has been with the Kitties for over a year and is definitely not allergic. Sophia tells me that you don't like cats.
Show me proof and records to back up this ridiculous allegation.

FACT: You had her checked for a rash that is caused by neglect. If she is not clean she will get a rash. This is not the first time you have done this. I have documents and proof of your neglect which includes a doctor calling CPS on you for your neglect of Sophia. Remember.

FACT: You have been given Sophia's Doctor here in Henderson in which is a much better doctor and Sophia will be treated as a person and not a number. She gets more attention and care from the doctor here in which is better for her and her well being. It is also much closer to your residence.

FACT: You take her to your work all the time. You know perfectly well that your not suppose to and that it is no place for a 3 year old.

FACT: You owe money for Sophia's activities. You refuse to pay even half of your own daughters activities? You have a problem paying for anything for her. You have paid nothing for her nor have you ever cared for her since she has been born and now you are paying (not on time/always late) only $50.00 per week because it is a court order. You now only take care of (by choice) a very small fraction of responsibilities because your forced and ordered to. Does that sound like a man that wants to be a father to his child?

FACT: You planned on taking Sophia to work with you again on Tuesday as your not supposed to, and that is why you cannot do one hour with her. My time with Sophia is very important and that is why I take advantage of every second I have with her and all opportunities that allow me to be with her.

FACT: You still smoke in front of Sophia and leave her with strangers. Stop it. It is not in Sophia's best interest.

FACT: You never answered the questions about taking her to work. Why are you taking her to work? What are you hiding? Why can't you answer the question?

FACT: I never told you not to video the exchange. I asked you to do it in a way that is not threatening. Again you make it worse.

On Mon, 08/24/15 at 1:15 PM, James Picone wrote:
To: Renelyn Schramm
Subject: RE: Follow up/Notice
Message:

Renelyn,

I will remind you for the LAST TIME of the following:

Family Wizard is to be used as our SOLE means of communication as per our court order. I will NOT be contacting your attorney.
I do NOT owe you for activities you choose to put Sophia in. It is NOT in our current court order.
I have insurance for Sophia. I do NOT need to prove to you the details of the insurance. If you like, kindly send me the insurance information YOU have for her and I will reciprocate.

I did take her to see the doctor. They conducted allergy testing for her rash. It has been determined that she is very allergic to cats and dogs among many other things. You have 4 cats at your house. This needs to be addressed immediately as our daughter is suffering. I have previously provided the doctor's information in detail to you. It is the same doctor Sophia has had since she was one year old. Here is the doctors contact information once more for your convenience: Dr. Melissa Madson, Wee Care Pediatrics, 4783 S Durango Drive, Ste. 101, Las Vegas, NV 89147, contact phone number: 702-889-8444. Which brings me to my next question: You harassed me about Sophia's condition with nasty correspondence through Family Wizard several times over the last 2 weeks. If you were this concerned about her being sick, why did you not make the effort to take her in right away yourself?? Further, why did you send Sophia with an empty bottle of cough medicine and an EMPTY prescription box for rash ointment? Why would you not send the ointment? By deliberately withholding the medication, you are putting your own spiteful feelings before our daughter's well being. As per our court order you may contact the doctors office on your own to obtain any summary visit notes, test results etc.. I do not need to provide you with documentation of each visit.

Your other nasty allegations about Sophia's clothes are ridiculous to say the least. Did it ever occur to you that I wash the outfit you send her in? Sophia has more than adequate clothing that I provide to her. I take the outfit you send her in off and give her a bath as soon as I get her home as she is always dirty. I put clean clothes on her and wash the dirty clothes you send her in. I put the outfit you sent her in back on her when it is time for the exchange. I do not understand why you refuse to try and co-parent Sophia with me? I have not sent harassing or nasty fabricated allegations to you, nor have I ever once tried to interfere with your access period with Sophia? Where is all your hostility coming from? I have also asked several times for the name of the school you have stated that you already enrolled Sophia in without my knowledge or consent?

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In response to your correspondence regarding your birthday and my one hour scheduled access period on Wednesday: As much as I would like to see my daughter any chance I can, I do not want to disrupt Sophia for one hour early in the morning as you did on July 5th, as that would not be in her best interest. You may just keep her with you.

Regards,

Jimmy

On Wed, 08/19/15 at 9:07 AM, Renelyn Schramm wrote:
To: James Picone
Subject: Follow up/Notice
Message:

jimmy,

I see that you have read my email regarding my concern for Sophia's health the morning of the last exchange and that you needed to take her to the doctor. We tried to call Sophia the next day and the call was disconnected. We never got a call back from you or anything of the sort regarding Sophia's condition. We did not receive any information regarding you taking her to the doctors or that you stop taking her to your work all day especially when she has a bad cough.

You have failed to contact my attorney regarding any and all confirmation of health insurance, communication, updates and/or follow ups.

We still do not have confirmation that you actually got health insurance for Sophia. Please provide the proof that you have health insurance for Sophia. You have never had health insurance or paid for any care for her since she was born. You have lied several times to me and the court that you have health insurance, only to find out that you don't, that is why we need confirmation now.
This is not a game, jimmy.

You still have an outstanding amount from Sophia's activities. You still need to pay half of Sophia's activities in which you refuse.

You still, over a year now, have Sophia in the same clothes that she left in. I wish you could put her in other clean clothes so she is not wearing the same cloths for 3 days.

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MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

James Picone
Plaintiff/Petitioner
v.
Renelyn Bautista
Defendant/Respondent

Case No. D-14-495938-P
Dept. N

MOTION/OPPOSITION FEE INFORMATION SHEET

Notice: Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of $25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of $129 or $57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

Step 1. Select either the $25 or $0 filing fee in the box below.

☒ **$25** The Motion/Opposition being filed with this form is subject to the $25 reopen fee.

-OR-

☐ **$0** The Motion/Opposition being filed with this form is not subject to the $25 reopen fee because:

- ☐ The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.
- ☐ The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.
- ☐ The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____.
- ☐ Other Excluded Motion (must specify) _____.

Step 2. Select the $0, $129 or $57 filing fee in the box below.

☒ **$0** The Motion/Opposition being filed with this form is not subject to the $129 or the $57 fee because:

- ☒ The Motion/Opposition is being filed in a case that was not initiated by joint petition.
- ☐ The party filing the Motion/Opposition previously paid a fee of $129 or $57.

-OR-

☐ **$129** The Motion being filed with this form is subject to the $129 fee because it is a motion to modify, adjust or enforce a final order.

-OR-

☐ **$57** The Motion/Opposition being filing with this form is subject to the $57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of $129.

Step 3. Add the filing fees from Step 1 and Step 2.

The total filing fee for the motion/opposition I am filing with this form is:
☐ **$0** ☒ **$25** ☐ **$57** ☐ **$82** ☐ **$129** ☐ **$154**

Party filing Motion/Opposition: Plaintiff Date 8.26.15

Signature of Party or Preparer [signature]

ORIGINAL

Electronically Filed
08/31/2015
CLERK OF THE COURT

0118
(Your name) James John Picone
(Address) 1277 Large Cap Dr. #2
Henderson, NV. 89074
(Telephone) (702) 281-0577
In Proper Person

DISTRICT COURT

CLARK COUNTY, NEVADA

James J. Picone,
Plaintiff,
vs.
Renelyn G. Bautista,
Defendant.

CASE NO.: D-14-495928-P
DEPT. NO.: IV

MOTION FOR AN EMERGENCY HEARING TO ENFORCE CHILD CUSTODY AND/OR VISITATION ORDER ON AN ORDER SHORTENING TIME

NOTICE OF MOTION

TO: Name of Opposing Party Renelyn G. BAUTISTA / Schramm; and

TO: Name of attorney for Opposing Party, if one John Jones

PLEASE TAKE NOTICE that a hearing on this motion for relief will be held on the 29th day of September, 2015 at (time) 10:00 a.m. in Department IV before the Eighth Judicial District Court - Family Division located at: *(☑check one)*

☒ The Family Courts and Services Center, 601 N. Pecos Road Las Vegas, Nevada 89101.
☐ The Regional Justice Center, 200 Lewis Avenue Las Vegas, Nevada 89101.

8-31-2015 (date) James J. Picone (type or print name) James J. Picone (signature)

NOTICE: YOU ARE ADVISED THAT FAILURE TO FILE AND SERVE A WRITTEN OPPOSITION WITHIN 10 DAYS AFTER SERVICE MAY BE UNDERSTOOD AS AN ADMISSION THAT THIS MOTION IS VALID.

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MOTION

(Circle one) Plaintiff/Defendant states the following facts under penalty of perjury:

1. I, James J. Picone, am the Plaintiff/Defendant (circle one) in the above-entitled action.

2. There is/are 1 child(ren) to which there exists a current custody order as follows:

(a) Names of the children:

Full Name	Date of Birth	Residence Address
1. Sophia A. Picone	10-22-2011	1277 Large Cat Dr.
2.		
3.		
4.		
5.		

(b) Who was awarded **physical** custody (primary custody or joint custody)?

☐ Plaintiff ☐ Defendant ☒ Other, please specify: Joint Custody

3. Pursuant to the Order, filed on 4-03-2015, by Judge Harter, Department N, (state custody and visitation arrangement): I James Picone Shall Have the minor Child in my care and custody each week from 10:00 AM Sunday until 10:00 AM on Wednsday.

Page 3 of 9 of the Order.

///

///

4. Are there any other orders that exist? ☐ Yes ☒ No. If so, please state the following:

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	City, State	Case Number	Name of Court	Date of Last Order
a.	N/A	N/A	N/A	N/A
b.				

5. Has CHILD PROTECTIVE SERVICES (CPS) ever been contacted regarding the children at issue in this action? ☐ Yes ☒ No.

Is CPS currently involved with this family ☐ Yes ☒ No. If yes to the question, give details, including the caseworker's name: N/A

6. Have you contacted law enforcement to assist you in enforcing the order?

☒ Yes ☐ No If so, please provide the name of the responding law enforcement authority and the responding officer's name. 8-30-2015 A148645 - Case Report No. LLV150830001914 / 8-31-2015 OFC. J. Greb 997 EVENT # 150831000280

7. In the following space, state the facts to support your request for an emergency hearing to enforce a child custody/visitation order. Include the approximate dates of attempted enforcement or violation of the order. Attach a copy of any police report(s) available. On Sunday 8-30-2015 I went to our Exchange Location at 4860 S. Las Vegas Blvd. A Police Station. Renelyn never came to drop off my Daughter Sophia. At 10:45 I called 311 and was told to go to LVMPD. at 400 S. Martin Luther King BLVD. To Fill out A Report.

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On Monday at 9:00AM I called Ed Miley law Firm Mr. Miley is out of the office today And will Be out of the Country until the 15th of Sept. I Have a hearing on Sept. 16th. I called Renelyn three times yesterday To Talk To my Daughter ant Two Times TODAY, She never Picked up. I Also Sent Her A email Yesterday on The Family Wizard, She opened it Sunday P.M. I Also Called Her Attorney mr. John Jones TODAY 8-31 And Left 2 Messages, No Reply. I Called Henderson Police and Had Them Come to the Address That Renelyn Gave me 201 S. Gibson Dr. Henderson, Vantage Loft's Where Renely said she was living. The Police went to the office And said She was Not A Resident, But was on A list that she Looked At A Rentall months ago. I Do Not Have or know where Sophia is.

8. I hereby request an Emergency Hearing Date on an Order Shortening Time.

9. My address and telephone numbers where I can be reached are:

1277 Large Cap Dr. #2 Henderson, NV. 89074
(702) 281-0577

POINTS AND AUTHORITIES

NRS 125.480 states,

Best interest of child; preferences; considerations of court; presumption when court determines that parent or person residing with child is perpetrator of domestic violence.

1. In determining custody of a minor child in an action brought under this chapter, the sole consideration of the court is the best interest of the child. If it appears to the court that joint custody would be in the best interest of the child, the court may grant custody to the parties jointly.

2. Preference must not be given to either parent for the sole reason that the parent is the mother or the father of the child.

3. The court shall award custody in the following order of preference unless in a particular case the best interest of the child requires otherwise:

(a) To both parents jointly pursuant to NRS 125.490 or to either parent. If the court does

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not enter an order awarding joint custody of a child after either parent has applied for joint custody, the court shall state in its decision the reason for its denial of the parent's application. When awarding custody to either parent, the court shall consider, among other factors, which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent.

(b) To a person or persons in whose home the child has been living and where the child has had a wholesome and stable environment.

(c) To any person related within the third degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this state.

(d) To any other person or persons whom the court finds suitable and able to provide proper care and guidance for the child.

4. In determining the best interest of the child, the court shall consider, among other things:

(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 of a guardian for the child; and

(c) 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.

5. Except as otherwise provided in subsection 6 or NRS 125C.210, a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking custody has engaged in one or more acts of domestic violence against the child, a parent of the child or any other person residing with the child creates a rebuttable presumption that sole or joint custody of the child by the perpetrator of the domestic violence is not in the best interest of the child. Upon making such a determination, the court shall set forth:

(a) Findings of fact that support the determination that one or more acts of domestic violence occurred; and

(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other victim of domestic violence who resided with the child.

6. If after an evidentiary hearing held pursuant to subsection 5 the court determines that each party has engaged in acts of domestic violence, it shall, if possible, then determine which person was the primary physical aggressor. In determining which party was the primary physical aggressor for the purposes of this section, the court shall consider:

(a) All prior acts of domestic violence involving either party;

(b) The relative severity of the injuries, if any, inflicted upon the persons involved in those prior acts of domestic violence;

(c) The likelihood of future injury;

(d) Whether, during the prior acts, one of the parties acted in self-defense; and

(e) Any other factors which the court deems relevant to the determination.

In such a case, if it is not possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies to both parties. If it is possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies only to the party determined by the court to be the primary physical aggressor.

7. As used in this section, "domestic violence" means the commission of any act described in NRS 33.018.

NRS 22.010 states,

Acts or omissions constituting contempts. The following acts or omissions shall be deemed contempts:

1. Disorderly, contemptuous or insolent behavior toward the judge while he is holding court, or engaged in his judicial duties at chambers, or toward masters or arbitrators while sitting on a reference or arbitration, or other judicial proceeding.

2. A breach of the peace, boisterous conduct or violent disturbance in the presence of the court, or in its immediate vicinity, tending to interrupt the due course of the trial or other judicial proceeding.

3. Disobedience or resistance to any lawful writ, order, rule or process issued by the court or judge at chambers.

4. Disobedience of a subpoena duly served, or refusing to be sworn or answer as a witness.

5. Rescuing any person or property in the custody of an officer by virtue of an order or process of such court or judge at chambers.

6. Disobedience of the order or direction of the court made pending the trial of an action, in speaking to or in the presence of a juror concerning an action in which the juror has been impaneled to determine, or in any manner approaching or interfering with such juror with the intent to influence his verdict.

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7. Abusing the process or proceedings of the court or falsely pretending to act under the authority of an order or process of the court.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE OF NEVADA THAT I HAVE READ THE STATEMENTS CONTAINED IN THIS MOTION, KNOW THE CONTENT THEREOF, AND BELIEVE THEM TO BE TRUE AND CORRECT.

DATED 8-31-2015

Signature of Plaintiff/Defendant
Printed name:

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Las Vegas Metropolitan Police Department
400 S. Martin Luther King Blvd.
Las Vegas, NV 89106

Case Report No.: **LLV150830001914**

Administrative

Location **4860 S LAS VEGAS BLVD Lv, NV 89119** Sector /Beat **I1**
Occurred On (Date / Time) **Sunday 8/30/2015 10:00:00 AM** Or Between (Date / Time)
Reporting Officer **14864 - Saade, Amanda** Reported On **8/30/2015**
Entered By **14864 - Saade, Amanda** Entered On **8/30/2015 11:54:06 AM**
Related Cases Jurisdiction **Clark County**

Traffic Report Place Type Accident Involved

Offenses:

Detain/Hide/Remove Child Re Custody Matter(M)-NRS 200.359.6
Completed **Yes** Domestic Violence **No** Hate/Bias
Entry Premises Entered Type Security Tools
Weapons Location Type **Government/Public Building**
Criminal Activities

Victims:

Name: Picone, James

Victim Type **Individual** Written Statement **Yes** Can ID Suspect **Yes**
Victim of **50083 - Detain/Hide/Remove Child Re Custody Matter(M)-NRS 200.359.6**

DOB **10/15/1965** Age **49** Sex **Male** Race **White** Ethnicity **Not Hispanic or Latino**
Height **5' 10"** Weight **180** Hair Color **Brown** Eye Color **Brown**
Employer/School
Occupation/Grade Work Schedule
Injury Injury Weapons

Addresses
Residence **1277 Large Cap Dr Unit 2 Henderson, NV 89074 USA**
Phones
Cellular **(702) 281-0577**

Offender Relationships
Notes:

The Use and Dissemination of this Record is Regulated by Law. Secondary Dissemination of any kind is Prohibited and could subject the offender to Criminal and Civil Liability
This Information Released To:
James Picone
By: [illegible] Date: 9/30/15
Las Vegas Metro Police Dept.

Suspects:

Name: Schramm, Renelyn
Alias:

Scope ID DOB **8/26/1986** Age **29** Race **Asian, Indian, Samoan, Pacific Islander** Ethnicity **Not Hispanic or Latino**
Sex **Female** Height **4' 10"** Weight **95** Hair Color **Black** Eye Color **Green**
Employer/School Occupation/Grade

Addresses
Residence **201 S Gibson Rd Henderson, NV 89012 USA**
Phones
Cellular **(702) 826-1409**
Notes:

Narrative

James Picone came into Central Records to report that Renelyn Schramm is in violation of the custody order that they have for their daughter Sophia Picone.

Picone said that every Sunday they meet at SCAC so he can pick up his daughter at 1000 hrs and on Wednesday at 1000 he drops his daughter back off there for the exchange. Picone said that he waited there until 1045 hours on 08/30/15 and she did not show up.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

Event # 150830-1914

THIS PORTION TO BE COMPLETED BY OFFICER

Specific Crime	Date Occurred	Time Occurred
Violation of Custody	8/30/15	1000

Location of Occurrence	Sector/Beat	City	County
SCAC	12	☐	☒

Your Name (Last / First / Middle)	Date of Birth	Social Security #
Picone James John	10-15-65	089-60-9419

Race	Sex	Height	Weight	Hair	Eyes	Work Schdl. (Hours)	Days Off	Business / School
Wd	M	5'10"	180	Br	Br	40	Sun-Wed	Tower of Jewelers

Residence Address (Number & Street)	Bldg/Apt. #	City	State	Zip Code	Res. Phone	Bus. Phone
1277 Large Cap Dr	2	Henderson	NV	89074	(702) 281-0577	EXT

Business (Local) Address (Number & Street)	Bldg/Apt. #	City	State	Zip Code	Occupation	Departure Date (If Visitor)
Bally's Casino		Las Vegas	NV		Jewelry Sales	

Best *place* to contact you during the day:	Best *time* to contact you during the day:	Can you identify the Suspect?
702-281-0577 – Bally's Thurs-Sat	24-7	☒ Yes ☐ No

DETAILS:

I Have A Court order To Pick up my Daughter Sophia 3½ years old At 10:00 am Every Sunday At A Police Station on South Las Vegas Blvd. My Ex Renelyn Schramm Never Came To Drop off my Daughter Never Called or Sent A Email Threw The Family Wizard. We Have Been Doing this for over A Year This is The First Time she Has Never Showed up, She Did file A motion in July and The Judge Threw it out. Two Weeks Ago She Filed A Nothe motion and I Filed A Opposition A Few days Ago. I Think She is Doing This out of Spite. I am Very Concerned for my Daughters well Being.

For Official Use Only

The Use and Dissemination of this Record is Regulated by Law. Secondary Dissemination of any kind is Prohibited and could subject the offender to Criminal and Civil Liability

This Information Released To: James Picone

By: [illegible] Date: 9/30/15

Las Vegas Metro Police Dept.

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT

WAS COMPLETED AT (LOCATION) 400 S MLK

ON THE 30 DAY OF August, 2015 AT 1203 ☐ A.M. ☒ P.M.

Witness/Officer: [signature] (SIGNATURE)

Witness/Officer: Amanda Saade (PRINTED) 14804 P# [signature] SIGNATURE OF PERSON GIVING STATEMENT

LVMPD 85 (Rev. 8/11) WORD 2007

EVENT# 150831000280 ~~DR#~~ _____ Ofc J. GREGG 997 P#

HENDERSON POLICE DEPARTMENT
CASE INFORMATION

Please keep this card for future reference. To report additional information, contact HPD at 702-267-4555.

HPD relies on a number of factors available in reports to assign a case to an Investigator for follow-up. Experience has proven that certain information must be determined at the time of the initial investigation before a case has the potential for being solved. Typically, a case without suspect, witness, evidence or other investigative leads, cannot be solved, however, there are some exceptions.

COMPENSATION FOR VICTIMS OF VIOLENT CRIMES: Victims of crimes may qualify for monetary compensation from the State of Nevada under NRS 217.280. For information or an application, call Clark County District Attorney's Office Victim Services Center at 702-671-2525. Note: Applications for this service must be received within one year of the commission of the crime,

ASSISTANCE TO VICTIMS OF SEXUAL ASSAULT: Victims of sexual assault may be eligible for medical treatment and counseling under NRS 217.290. For information call the Clark County District Attorney's Office Victim Services Center at 702-671-2525, or the Community Action Against Rape at 702-366-1640. Note Applications for this service must be received within 60 days of commission of the crime.

PROTECTION OF VICTIMS AND WITNESSES: (Felony/Gross Misdemeanor) When a case is prosecuted, each victim/witness will receive initial notification by mail from the Victim Assistance Center. In addition, victims/witnesses of crimes in which the case is not prosecuted are also entitled to certain rights, as indicated in NRS 178.568 (i.e. investigation of threats of harm, notice of release of defendant, a listing of property being held by a law enforcement agency). For further information concerning these rights, you may contact the investigator handling your case or the Victim Assistance Center.

Share your thoughts about the Henderson Police Department by taking a 5 minute survey at *cityofhenderson.com/police/survey.*

IN THE SUPREME COURT OF THE STATE OF NEVADA

RENELYN BAUTISTA,

Petitioner,

v.

THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK, and THE HONORABLE MATHEW HARTER, DISTRICT JUDGE,

Respondents,

JAMES PICONE,

Real Party in Interest

Electronically Filed
Mar 24 2017 01:33 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No.

District Court Case No. D-14-495928-P

APPENDIX I OF I TO
PETITION FOR WRIT OF MANDAMUS AND/OR PROHIBITION

BLACK & LOBELLO

John D. Jones, Esq.
Nevada Bar No. 006699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
702-869-8801
Attorneys for Petitioner,
RENELYN BAUTISTA

 Docket 72654 Document 2017-09932

CHRONOLOGICAL INDEX OF APPELLANT'S APPENDIX

VOLUME I OF I

DESCRIPTION	DATE FILED	VOL./PAGE NO.
Notice of Entry of Stipulation and Order Resolving Parent-Child Issues	04/14/2015	I/AA 000001-000011
Notice of Entry of Order from February 11, 2015 Hearing	05/01/2015	I/AA 00012-000016
Defendant's Motion to Change Custody and for Attorneys' Fees and Costs	07/09/2015	I/AA 00017-000090
Declaration of Defendant, Renelyn Bautista	07/09/2015	I/AA 000091-000093
Notice of Entry of Decision & Order	08/12/2015	I/AA 000094-000097
Defendant's Motion for Reconsideration of Decision and Order filed July 17, 2015	08/17/2015	I/AA 000098-000104
Notice of Entry of Decision & Order	08/21/2015	I/AA 000105-000107
Plaintiff's Opposition to Defendant's Motion for Reconsideration of Decision and Order Filed July 1, 2015	08/28/2015	I/AA 000108-000208
Motion for an Emergency Hearing to Enforce Child Custody and/or Visitation Order on an Order Shortening Time	08/31/2015	I/AA 000209-000220
Declaration of Defendant, Renelyn Bautista	09/03/2015	I/AA 000221-000227
Defendant's Opposition to Motion to Enforce Visitation and Countermotion to Suspend Visitation	09/09/2015	I/AA 000228-000242
Notice of Entry of September 10, 2015 Minute Order	09/10/2015	I/AA 000243-000246
Defendant, Renelyn Bautista's, Motion to Resolve Parent-Child Issues, and for Attorneys' Fees and Costs	11/17/2015	I/AA 000247-000262
Plaintiff's Opposition to Defendant's Motion to Resolve Parent/Child Issues and for Attorney's Fees	12/08/2015	I/AA 000263-000327

CHRONOLOGICAL INDEX OF APPELLANT'S APPENDIX

VOLUME I OF I

DESCRIPTION	DATE FILED	VOL./PAGE NO.
Order for Appointment of Special Master/Parenting Coordinator	12/09/2015	I/AA 000328-000338
Notice of Entry of December 09, 2015 Decision and Order	12/10/2015	I/AA 000339-000341
Defendant's Motion for Reconsideration of Decision and Order Filed December 9th, 2015	12/11/2015	I/AA 000342-000351
Notice of Entry of December 14, 2015 Decision & Order	12/14/2015	I/AA 000352-000355
Financial Disclosure Form (James Picone)	12/14/2015	I/AA 000356-000363
Defendant Motion to Resolve Parent-Child Issues	03/29/2016	I/AA 000364-000379
General Financial Disclosure Form (Renelyn Bautista)	04/06/2016	I/AA 000380-000387
Amended Order for Appointment of Special Master / Parenting Coordinator	04/06/2016	I/AA 000388-000397
Notice of Entry of Minute Order Granting March 29, 2016 Motion	04/06/2016	I/AA 000398-000400
Defendant's Motion to Change Custody and for Attorneys' Fees and Costs	02/17/2017	I/AA 000401-000456
Notice of Entry of Order for Appointment of Special Master/Parenting Coordinator	02/22/2017	I/AA 000457-000467
Notice of Entry of Decision and Order Regarding February 17, 2017 Motion	02/22/2017	I/AA 000468-000473

ALPHABETICAL INDEX OF APPELLANT'S APPENDIX

VOLUME I OF I

DESCRIPTION	DATE FILED	VOL./PAGE NO.
Amended Order for Appointment of Special Master / Parenting Coordinator	04/06/2016	I/AA 000388-000397
Declaration of Defendant, Renelyn Bautista	07/09/2015	I/AA 000091-000093
Declaration of Defendant, Renelyn Bautista	09/03/2015	I/AA 000221-000227
Defendant Motion to Resolve Parent-Child Issues	03/29/2016	I/AA 000364-000379
Defendant, Renelyn Bautista's, Motion to Resolve Parent-Child Issues, and for Attorneys' Fees and Costs	11/17/2015	I/AA 000247-000262
Defendant's Motion for Reconsideration of Decision and Order filed July 17, 2015	08/17/2015	I/AA 000098-000104
Defendant's Motion for Reconsideration of Decision and Order Filed December 9th, 2015	12/11/2015	I/AA 000342-000351
Defendant's Motion to Change Custody and for Attorneys' Fees and Costs	07/09/2015	I/AA 00017-000090
Defendant's Motion to Change Custody and for Attorneys' Fees and Costs	02/17/2017	I/AA 000401-000456
Defendant's Opposition to Motion to Enforce Visitation and Countermotion to Suspend Visitation	09/09/2015	I/AA 000228-000242
Financial Disclosure Form (James Picone)	12/14/2015	I/AA 000356-000363
General Financial Disclosure Form (Renelyn Bautista)	04/06/2016	I/AA 000380-000387
Motion for an Emergency Hearing to Enforce Child Custody and/or Visitation Order on an Order Shortening Time	08/31/2015	I/AA 000209-000220
Notice of Entry of December 09, 2015 Decision and Order	12/10/2015	I/AA 000339-000341
Notice of Entry of December 14, 2015 Decision & Order	12/14/2015	I/AA 000352-000355

ALPHABETICAL INDEX OF APPELLANT'S APPENDIX

VOLUME I OF I

DESCRIPTION	DATE FILED	VOL./PAGE NO.
Notice of Entry of Decision & Order	08/12/2015	I/AA 000094-000097
Notice of Entry of Decision & Order	08/21/2015	I/AA 000105-000107
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Notice of Entry of Minute Order Granting March 29, 2016 Motion	04/06/2016	I/AA 000398-000400
Notice of Entry of Order for Appointment of Special Master/Parenting Coordinator	02/22/2017	I/AA 000457-000467
Notice of Entry of Order from February 11, 2015 Hearing	05/01/2015	I/AA 00012-000016
Notice of Entry of September 10, 2015 Minute Order	09/10/2015	I/AA 000243-000246
Notice of Entry of Stipulation and Order Resolving Parent-Child Issues	04/14/2015	I/AA 000001-000011
Order for Appointment of Special Master/Parenting Coordinator	12/09/2015	I/AA 000328-000338
Plaintiff's Opposition to Defendant's Motion for Reconsideration of Decision and Order Filed July 1, 2015	08/28/2015	I/AA 000108-000208
Plaintiff's Opposition to Defendant's Motion to Resolve Parent/Child Issues and for Attorney's Fees	12/08/2015	I/AA 000263-000327

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CLERK OF THE COURT

NTSO
BLACK & LOBELLO
John D. Jones, Esq.
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Telephone No.: 702-869-8801
Facsimile No.: 702-869-2669
Email: jjones@blacklobellolaw.com
Attorneys for Defendant,
RENELYN BAUTISTA

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

JAMES PICONE, Plaintiff vs. RENELYN BAUTISTA, Defendant	CASE NO.: D-14-495928-P DEPT. NO.: N

NOTICE OF ENTRY OF STIPULATION AND ORDER RESOLVING PARENT-CHILD ISSUES

PLEASE TAKE NOTICE that a Stipulation and Order Resolving Parent-Child Issues was entered in the above-entitled matter on the 8th day of April, 2015, a copy of which is attached hereto.

DATED this 14 day of April, 2015.

BLACK & LOBELLO

John D. Jones, Esq.
Nevada Bar No. 006699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
702-869-8801
Attorneys for Defendant,
RENELYN BAUTISTA

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 14th day of April, 2015 I served a copy of the **NOTICE OF ENTRY OF STIPULATION AND ORDER RESOLVING PARENT-CHILD ISSUES**, upon each of the parties upon each of the parties by **email** and by depositing a copy of the same in a sealed envelope in the United States Mail, Postage Pre-Paid, addressed as follows:

James Picone
2816 Shannon River Drive
Las Vegas, NV 89117
Email: jampico7@aol.com
Plaintiff in Proper Person

Cheryl Berdahl
an Employee of Black & LoBello

BLACK & LOBELLO
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CLERK OF THE COURT

SAO
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Attorneys for Defendant,
RENELYN BAUTISTA

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

JAMES PICONE, Plaintiff vs. RENELYN BAUTISTA, Defendant	CASE NO.: D-14-495928-P DEPT. NO.: N

STIPULATION AND ORDER RESOLVING PARENT-CHILD ISSUES

The parties hereto, Plaintiff, JAMES PICONE ("James"), in proper person, and Defendant, RENELYN BAUTISTA ("Renelyn"), by and through her counsel of record, John D. Jones, Esquire and the law firm of Black & LoBello, have stipulated to the following, which is hereby ORDERED, ADJUDGED and DECREED as follows:

That Renelyn and James have one (1) minor child, SOPHIA A. PICONE ("Sophia"), born October 22, 2011. By this Stipulation and Order, the parties have resolved parent/child issues pursuant to EDCR 5.81.

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

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

Trial Dispositions:
☐ Disposed After Trial Start
☐ Judgment Reached by Trial

RECEIVED
APR 03 2015
FAMILY COURT
DEPARTMENT N

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IT IS HEREBY STIPULATED AND AGREED that the parties shall share joint legal custody of their minor child which shall entail the following:

> The parties shall make every effort to maintain free access and unhampered contact between the minor child and her parent. Neither party shall do anything which shall estrange the child from the other parent or impair the natural development of the child's love and respect for each of the parents. Both parties understand that parenting requires the acceptance of mutual responsibilities and rights insofar as the child are concerned. Therefore, neither shall disparage the other in the presence of the minor child.
>
> The parties shall consult and cooperate with each other in substantial questions relating to religious upbringing, educational programs, significant changes in social environment, and health and care of the child.

The parties shall have access to medical and school records pertaining to the child and be permitted to independently consult with any and all professionals involved with them.

All schools, health care providers, and counselors shall be selected by the parties jointly.

Each party shall be empowered to obtain emergency health care for the child without the consent of the other party. Each party is to notify the other party as soon as reasonably possible of any illness requiring medical attention, or any emergency involving the child.

Each party shall be responsible for keeping themselves apprised with information of the well-being of the child, including, but not limited to copies of report cards, school meeting notices, vacation schedules, class programs, requests for conferences, results of standardized or diagnostic tests, notices of activities involving the child, samples of school work, order forms for school pictures, all communications from health care providers, the names, addresses and telephone numbers of all schools, health care providers, regular day care providers and counselors.

Each party shall be responsible for keeping themselves apprised of school, athletic, and social events in which the child participates. Neither party shall prevent the child's participation in extra-curricular activities. Both parties may participate in school activities for the child such as open houses, school conferences, attendance at an athletic event, etc.

Each party is to provide the other party with the address and telephone number at which the minor child resides, and to notify the other party no less than ten (10) days prior to any change of address and provide the telephone number as soon as it is assigned.

Each party is to provide the other party with a travel itinerary and telephone numbers at which the child can be reached whenever they will be traveling out of state with the child. Said itinerary shall be provided to the other party no less than fourteen (14) days before the anticipated travel plans are to take place for the purposes of visitation.

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Each party shall be entitled to daily, reasonable telephone communication with the child on any day that the party does not have custody of the child. Said call shall be initiated by the party seeking to contact the child. Each party is restrained from unreasonably interfering with the child's right to privacy during such telephone conversations. Moreover, during each party's custodial time periods, the minor child may initiate and shall have unhampered contact and access to the other party and all extended family members, including but not limited to telephone calls, correspondence and notices.

The child will not be exposed to any illegal substances or excessive alcohol consumption in either party's home.

The parties will exercise prudent safety precautions in both households, and each party will try to ensure that all care givers refrain from yelling or using profane language.

The parties will each be responsible for seeing that any live-in residents adhere to the above-stated guidelines.

Except in the case of an emergency, the parties shall conduct all communications with each other via e-mail, and limit said communications to only issues concerning the needs and well-being of the minor child to provide all necessary notification, information and the like, as required by the herein above joint legal custody provisions. The parties further agree that they will not use the child as a communicator regarding parental issues. The parties will communicate by e-mail until such time as the parties mutually agree to communicate directly with one another.

Renelyn's E-Mail address: RenelynSchramm@icloud.com

James's E-Mail address: Jampico7@aol.com

IT IS FURTHER STIPULATED AND AGREED that the parties shall share physical custody of the minor child, pursuant to the following shared parenting schedule:

James shall have the minor child in his care and custody each week from

10:00a.m. on Sunday until 10:00 a.m. on Wednesday.

All other times, the child shall be in the care and custody of Renelyn.

IT IS FURTHER STIPULATED AND AGREED that the parties shall abide by the following holiday visitation schedule, which shall take precedence over, but not break the continuity of, the regular visitation schedule and shall be defined as follows:

Martin Luther King, Jr.'s Birthday: This holiday shall be alternated between the parents yearly with the child residing with James in odd-numbered years, and with Renelyn in even-numbered years. This holiday shall be defined as the third Monday of January and begins at 9:00 a.m. on the day observed for the holiday, and concludes before school the following Tuesday, or at 9:00 a.m. while the child is currently not of school age or when school is not in session.

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President's Day: This holiday shall be alternated between the parents yearly with the child residing with Renelyn in odd-numbered years, and with James in even-numbered years. This holiday shall be defined as the third Monday of February and begins at 9:00 a.m. on the day observed for the holiday, and concludes before school the following Tuesday, or at 9:00 a.m. when school is not in session.

Spring Break: Spring Break shall be alternated by the parties annually, with the child residing with Renelyn in even-numbered years, and with James in odd-numbered years. Spring break shall be defined as beginning when school lets out on Friday and ending on the Monday morning school resumes at 9:00 a.m.

Mother's Day: Renelyn shall have the child every year for Mother's Day. Mother's Day shall be defined as the second Sunday in May and shall begin Sunday at 9:00 a.m. and conclude the next day, on Monday at 9:00 a.m.

Memorial Day: This holiday shall be alternated between the parents yearly with the child residing with Renelyn in odd-numbered years, and with James in even-numbered years. This holiday shall be defined as the last Monday of May and begins at 9:00 a.m. on the day observed for the holiday, and concludes before school the following Tuesday, or at 9:00 a.m. when school is not in session.

Father's Day: James shall have the child every year for Father's Day. Father's Day shall be defined as the third Sunday in June and shall begin Sunday at 9:00 a.m. and conclude the next day, Monday at 9:00 a.m.

Independence Day: Independence Day shall be alternated by the parties annually, with the child residing with James in odd-numbered years, and with Renelyn in even-numbered years. Independence Day shall begin at 9:00 a.m. on July 4th, and end before school the day following Independence Day, or at 9:00 a.m. if school is not in session.

The Child's Birthdays: Renelyn will have the child for her birthday in even-numbered years and James will have the child for her birthday in odd-numbered years. The child's birthday shall begin at 9:00 a.m. on the child's birthday and conclude the next day at 9:00 a.m.

The Parties' Birthdays: Renelyn shall have the child every year for her birthday and James shall have the child every year for his birthday. Each of the parties' birthday visitation shall begin at 9:00 a.m. on the parties' birthday and conclude the next day, at 9:00 a.m.

Labor Day: This holiday shall be alternated between the parents yearly, with the child residing with Renelyn in even-numbered years, and with James in odd-numbered years. This holiday shall be defined as the first Monday of September and begins on that Monday at 9:00 a.m., and concludes before school the following Tuesday, or at 9:00 a.m. when school is not in session.

Nevada Day: This holiday shall be alternated between the parents yearly, with the child residing with James in even-numbered years, and with Renelyn in odd-numbered years. This holiday shall be defined as the last Friday in October and shall begin after school, or at 9:00 a.m. if school is not in session, and concludes the following day at 9:00 a.m.

Halloween: This holiday shall be alternated between the parents yearly, with the child residing with James in even-numbered years, and with Renelyn in odd-

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numbered years. This holiday shall be defined as the 31st day of October and begins after school on October 31st, or at 4:00p.m. when school is not in session and concludes before school the following day, or at 9:00 a.m. when school is not in session.

Veteran's Day: This holiday shall be alternated between the parents yearly, with the child residing with Renelyn in even-numbered years, and with James in odd-numbered years. This holiday shall be defined as November 11th and begins at 9:00 a.m. on the day observed for the holiday, and concludes at before school the following day, or at 9:00 a.m. when school is not in session.

Thanksgiving and Family Day: Thanksgiving and Family Day shall be treated as one (1) holiday for the purposes of this holiday visitation schedule and shall be alternated by the parties annually, with the child residing with Renelyn in even-numbered years, and with James in odd-numbered years. This holiday shall begin on the Wednesday before Thanksgiving at 3:00 P.M. This holiday shall conclude on the following Monday at 9:00 a.m. regular parenting plan shall resume.

Christmas Eve and Christmas Day: James shall have the minor child from December 24th at 12:00 noon until December 25th at 12:00 noon in odd-numbered years. Renelyn shall have the minor child from December 24th at 12:00 noon until December 25th at 12:00 noon in even-numbered years.

Renelyn shall have the minor child from December 25th at 12:00 noon until December 26th at 12:00 noon in odd-numbered years. Renelyn shall have the minor child from December 25th at 12:00 noon until December 26th at 12:00 noon in even-numbered years.

Winter Break: Once the child commences school winter break shall be divided into two (2) periods. The first period will begin when school lets out and will continue until December 26th at 12:00 p.m. The second period will begin at 12:00 p.m. on the 26th and end when school resumes. James will have the first period in even numbered years and Renelyn will have the first period in odd numbered years. James will have the second period in odd numbered years and Renelyn will have the second period in even numbered years.

Vacations: Each parent shall be entitled to a total of two (2) weeks of vacation annually, to be executed in one (1) week blocks, (7 days) unless there is an agreement in writing to the contrary. Each parent shall start their vacation on the first day of their regular parenting time. Each parent shall select their vacation times in writing via e-mail or certified mail to the other parent by May 1, each year. James shall have priority in odd numbered years and Renelyn will have priority in even numbered years. If a parent having priority does not give notice on May 1, the other parent can give notice and then have priority.

Other Holidays, Breaks and Special Occasions: Any holiday, break or special occasion not specifically mentioned in this Stipulation and Order shall be celebrated with the parent who is regularly scheduled to be with the minor child on that day.

The parties understand and agree this custody and holiday visitation schedule may be modified at any time by mutual agreement, in writing by the parties, and the parties will endeavor to work together with respect to custody of the minor child in a manner which best

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serves the child's interests. Both parties understand that the agreed upon changes do not modify this Court Order. In the event of controversy, this Order of the Court will remain in full force and effect until modified by the Court.

IT IS FURTHER STIPULATED AND AGREED that the parties will communicate only regarding Sophia and only through Our Family Wizard.

IT IS FURTHER STIPULATED AND AGREED that all custody exchanges will take place at the Metro Police Substation located at 4860 Las Vegas Blvd., Las Vegas, NV 89119. Both parties shall be prompt for all exchanges of the minor child. Neither party, nor their significant others or authorized family member will approach the vehicle of the other party and neither party will speak to the other at the exchange.

IT IS FURTHER STIPULATED AND AGREED that each party shall provide the other with the names and contact information of any and all third party caregivers. The parties agree not to utilize a third party caregiver for any period of time greater than four hours.

IT IS FURTHER STIPULATED AND AGREED that the parties shall not discuss the issues, proceedings, pleadings, or papers on file with the Court with the child pursuant to **EDCR 5.03**:

> Absent a written order of the court to the contrary, all lawyers, litigants, witnesses or other parties privy to matters being heard by the family division are prohibited from:
>
> (a) Discussing the issues, proceedings, pleadings, or papers on file with the court with the minor children of the litigants;
>
> (b) Allowing any minor children to review the record of the proceedings before the court, whether in the form of transcripts, audio cassettes, or audio-visual tapes;
>
> (c) Leaving such materials in a place where it is likely or foreseeable that a children will access those materials.

IT IS FURTHER STIPULATED AND AGREED that the parties acknowledge the provisions of **NRS 125C.200** are applicable:

> If custody has been established and the custodial parent intends to move his or her residence to a place outside of this State and to take the child with him or her, the custodial parent must, as soon as possible and before the planned move, attempt to obtain the written consent of the noncustodial parent to move the child from the

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state. If the noncustodial parent refuses to give that consent, the parent planning the move shall, before leaving this State with the child, petition the court for permission to move the children. The failure of a parent to comply with the provisions of this section may be considered as a factor if a change of custody is requested by the noncustodial parent.

IT IS FURTHER STIPULATED AND AGREED that the parties acknowledge the provisions of **NRS 125.510(6)** are applicable:

> PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILDREN 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 children or any parent having no right of custody to the children who willfully detains, conceals, or removes the children from a parent, guardian or other person having lawful custody or a right of visitation of the children in violation of an order of this court, or removes the children from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation is subject to being punished for a category D felony as provided in NRS 193.130.

IT IS FURTHER STIPULATED AND AGREED that the parties acknowledge 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 apply if a parent abducts or wrongfully retains a child in a foreign country as follows:

> Section 8: If a parent of the children 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 children, that the United States is the country of habitual residence of the children for the purposes 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 children 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 children and returning him to his habitual residence if the children 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 children.

The parties acknowledge that the United States is the country and Nevada is the State of habitual residence of the minor child herein.

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IT IS FURTHER STIPULATED AND AGREED that beginning April 1, 2015 Plaintiff shall pay to Defendant the sum of $50.00 per week, as and for child support. These provisions shall continue until such time as the child attains the age of eighteen (18) years, unless said child is still attending high school, and in such event until said child graduates from high school or attains the age of nineteen (19), or until such child is otherwise emancipated pursuant to the Nevada Revised Statutes, whichever occurs first. James shall be entitled to the dependency exemption for Sophia in Odd years and Renelyn shall be entitled to the exemption in even years.

IT IS FURTHER STIPULATED AND AGREED that each parent will provide full health insurance coverage for Sophie. Each parent will be responsible for any and all premiums related to the coverage they provide. Each party will use their own insurance for any medical treatment for Sophie. Pursuant to NRS 125B.080(7), the child's unreimbursed medical expenses, including psychiatric, orthodontic, dental and optical costs, which are not covered by said insurance, shall be equally borne by the parties. The parties will abide by the "30/30" rule for unreimbursed medical expenses as follows: that any party incurring an out-of-pocket expense relating to the child will provide a copy of any paperwork regarding that visit and proof of payment of the cost within 30 days of the visit, along with a request for contribution for the other parent's respective share of any out-of-pocket payment actually made by that parent, to the other party. If proof of an unreimbursed medical expenses is not provided within 30 days, the claim for reimbursement shall be deemed waived. Upon receipt of a request for contribution for the other parent's respective share of any out-of-pocket expense by a party on behalf of the child, the other party will reimburse the requesting party in the amount requested within 30 days of receipt of the request for contribution. Upon receipt of reimbursement from any insurance carrier by either party, and if the other party previously paid a portion of the payment resulting in the reimbursement, the party receiving the reimbursement shall divide said reimbursement according to each parent's respective share, with the other party within seven (7) days of receipt of same.

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IT IS FURTHER STIPULATED AND AGREED that as of the date of this Stipulation, there are no child support or medical arrears.

IT IS FURTHER STIPULATED AND AGREED that each party will bear their own fees.

IT IS SO STIPULATED.

Dated this 1 day of April, 2015

JAMES PICONE, Plaintiff

Dated this 1 day of April, 2015

RENELYN BAUTISTA, Defendant

ORDER

Based upon the Stipulation of the parties, and good cause appearing therefor,

IT IS SO ORDERED this 7 day of April, 2015.

DISTRICT COURT JUDGE
Mathew Harter

Submitted by:

BLACK & LOBELLO

John D. Jones
Nevada Bar No. 6699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
Attorneys for Defendant,
RENELYN BAUTISTA

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CLERK OF THE COURT

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Attorneys for Defendant,
RENELYN BAUTISTA

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

JAMES PICONE, Plaintiff vs. RENELYN BAUTISTA, Defendant	CASE NO.: D-14-495928-P DEPT. NO.: N

NOTICE OF ENTRY OF ORDER FROM FEBRUARY 11, 2015 HEARING

PLEASE TAKE NOTICE that an Order from February 11, 2015 Hearing was entered in the above-entitled matter on the 27th day of April, 2015, a copy of which is attached hereto.

DATED this 1 day of May, 2015.

BLACK & LOBELLO

John D. Jones, Esq.
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10777 West Twain Avenue, Suite 300
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Attorneys for Defendant,
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702-869-8801 FAX: 702-869-2669

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 1st day of May, 2015 I served a copy of the **NOTICE OF ENTRY OF ORDER FROM FEBRUARY 11, 2015 HEARING**, upon each of the parties upon each of the parties by **email** and by depositing a copy of the same in a sealed envelope in the United States Mail, Postage Pre-Paid, addressed as follows:

James Picone
2816 Shannon River Drive
Las Vegas, NV 89117
Email: jampico7@aol.com
Plaintiff in Proper Person

an Employee of Black & LoBello

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

Electronically Filed
04/27/2015 10:40:05 AM

CLERK OF THE COURT

ORDR
BLACK & LOBELLO
John D. Jones, Esq.
Nevada Bar No. 6699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
Telephone No.: 702-869-8801
Facsimile No.: 702-869-2669
Email: jjones@blacklobellolaw.com
Attorneys for Defendant,
RENELYN BAUTISTA

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

JAMES PICONE, Plaintiff vs. RENELYN BAUTISTA, Defendant	CASE NO.: D-14-495928-P DEPT. NO.: N

ORDER FROM FEBRUARY 11, 2015 HEARING

This matter having come before this Court for a Status Check Hearing on February 11, 2015, Defendant, RENELYN BAUTISTA ("Renelyn "), present and represented by her attorney of record, John D. Jones, and the law firm of Black & LoBello, and, Plaintiff, James Picone ("James"), present *in proper person*, Court reviewed the matters at issue.

The Court noted that the Court ordered Dr. Paglini to conduct an assessment at a prior hearing and that Plaintiff completed the assessment, yet Defendant neglected to complete the assessment. Upon the Court's inquiry, Defendant's attorney confirmed his client's desire for Joint Physical Custody. Attorney Jones stated that he submitted a Parenting Agreement to Plaintiff, which included Plaintiff's requested three (3) days for timeshare. Defendant's attorney stated that Plaintiff requested to have the children from 5:45 pm on Saturday until 5:45 pm on Tuesday. Plaintiff STIPULATED to JOINT PHYSICAL CUSTODY and the selected days, but requested that the child exchanges occur at his place of employment. Defendant's attorney proposed the

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police sub-station located on South Las Vegas Blvd. The Court acknowledged Plaintiff's concern regarding Defendant's husband's behavior.

Defendant's attorney informed the Court of an issue regarding the February 3, 2015 deposition. Attorney Jones argued that Plaintiff lied to prevent the deposition.

Mr. Jones stated that Defendant is unable to drive to Donna's House due to her pregnancy. Attorney Jones reported that he has doctor's notes to excuse Defendant's appearances from the prior hearings.

The Court acknowledged Defendant's pregnancy.

Defendant's attorney inquired about Child Support. Attorney Jones stated that his client was willing to waive the prior arrearages and requested that the Court set child support at $300.00 per month.

The Court encouraged the parties to confer about the child exchange times, exchange location, child support, and arrearages. The Court SCHEDULED another STATUS CHECK hearing to review whether the parties are able to formulate an agreement.

COURT ORDERED:

1. The parties shall continue SUPERVISED VISITATION at Donna's House. Defendant's mother, Arlene Legaspi, and/or Defendant's husband, James Schramm, may retrieve the child from Donna's House. Defendant's mother shall have priority. A copy of this Minute Order shall be sent to Donna's House.

2. Defendant's appearance is hereby WAIVED at the next hearing.

3. Plaintiff shall have CUSTODY of the minor child from Saturdays until Tuesdays.

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Las Vegas, Nevada 89135
702-869-8801 FAX: 702-869-2669

4. The parties shall adhere to Department N's Holiday and Vacation Plan.

Defendant's attorney shall prepare the Order.

ORDER

IT IS SO ORDERED this 22nd day of April, 2015.

DISTRICT COURT JUDGE

MEF

Mathew Harter

Respectfully submitted:

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 Defendant,
RENELYN BAUTISTA

Approved as to form and content:

James Picone
2816 Shannon River Drive
Las Vegas, NV 89117
Plaintiff in Proper Person

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

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CLERK OF THE COURT

MOT
BLACK & LOBELLO
John D. Jones, Esq.
Nevada Bar No. 6699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
Telephone No.: 702-869-8801
Facsimile No.: 702-869-2669
Email: jjones@blacklobellolaw.com
Attorneys for Defendant,
RENELYN BAUTISTA

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

JAMES PICONE, Plaintiff vs. RENELYN BAUTISTA, Defendant	CASE NO.: D-14-495928-P DEPT. NO.: N

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NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT HEARING PRIOR TO THE SCHEDULED HEARING DATE.

DEFENDANT'S MOTION TO CHANGE CUSTODY AND FOR ATTORNEYS' FEES AND COSTS

Date of Hearing: 08/12/2015
Time of Hearing: 10:00 AM
Oral Argument Requested: Yes

COMES NOW, Defendant, RENELYN BAUTISTA (hereinafter "Renelyn"), by and through her attorney, JOHN D. JONES, ESQ., of the law firm of BLACK & LOBELLO, and hereby files her Motion to Change Custody and for Attorneys' Fees and Costs.

///

This Motion is based upon the attached Points and Authorities, any and all pleadings and papers on file in this matter, and any oral representation that may take place at the hearing of this Motion.

DATED this 9 day of July, 2015.

BLACK & LOBELLO

John D. Jones
Nevada Bar No. 6969
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
702-869-8801
Attorneys for Defendant,
RENELYN BAUTISTA

NOTICE OF MOTION

TO: JAMES PICONE, Plaintiff in Proper Person;

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE, that the undersigned will bring the above and foregoing Emergency Motion to Change Custody and for Attorneys' Fees and Costs on for hearing before the entitled Court on the 12th day of August, 2015, at the hour of 10:00 A o'clock a.m., or as soon thereafter as may be heard before the District Court, Family Division, Department N.

DATED this 9 day of July, 2015.

BLACK & LOBELLO

John D. Jones
Nevada Bar No. 6699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
702-869-8801
Attorneys for Defendant,
RENELYN BAUTISTA

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

I.

INTRODUCTION

Renelyn is aware that this motion is filed a mere 3 months after the entry of the final custody order. Unfortunately, had she not taken this action, she would be guilty of a failure to protect her daughter.

Despite having serious concerns about Plaintiff's commitment to properly care for Sophia during his custodial time, Renelyn agreed to a Joint Physical Custodial Order which provided Plaintiff with visitation for 72 hours each week when he was off work. The issue of him not working during his custodial time was discussed at length at the time of the February 11, 2015 hearing. The specific three (3) days changed from Plaintiff's original requested timeshare to the one set forth in the final Order allegedly because his work schedule changed. (see emails between Defendant's counsel and Plaintiff's counsel attached as **Exhibit "A"**)

This Court will likely recall the exchange between the Court and Plaintiff on February 11th when Plaintiff stated his reason for wanting the custody exchanges to be at his place of employment. Specifically the following was the language of the on the record discussion

Beginning at time stamp 15:55:55

Plaintiff:

"I could do the exchange at work and bring my daughter into work and she would be there another 30 to 45 minutes before I would leave"

Court:

"Why would you even do that?"

"Why would you even do that?" (a second time)

"Why would you take a child this age for an hour at work?"

"I don't understand an hour before you get off work having a three year old in a jewelry store"

Basically, the Court made it clear that there was no legitimate reason for Sophia to be in Plaintiff's place of employment.

Obviously, the Court can understand the shock Renelyn experienced on the 4th of July,

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when she walked by his place of employment and saw Sophia unattended in her stroller, asleep, in the Tower of Jewels at Bally's hotel. (See photo of Sophia attached as **Exhibit "B"**) Plaintiff was nowhere in sight. The only reason she even went to the mall that day was that it was Plaintiff's holiday and not a work day for him according to his representations to the Court. Moreover, he stated that he would be spending the day with Sophia. Specifically, his message stated as follows:

> As it is an odd-numbered year, per our court order I have Sophia this year on Independence Day (July 4th). The order states that the day shall begin 9:00AM on July 4th (this coming Saturday), and end at 9:00AM the following day if school is not in session. My normally scheduled visitation period begins on Sunday at 10:00AM. Would you like to meet for the exchange at 9:00AM on Sunday to exercise your one hour period of access from 9:00AM-10:00AM; or would you prefer that she just stays with me?

The full details of what occurred next are set forth in the Declaration of Renelyn attached as **Exhibit "C"**) What is so telling is that even though this Court was clear that a three year old should not be in a jewelry store, Plaintiff's response when Renelyn complained was simply that "it was not a Court order."

Because of evidence obtained early on in this case that Plaintiff was leaving Sophia in the care of others (see investigative report attached as **Exhibit "D"**) Renelyn insisted on language that neither party would use a third party caregiver for more than 4 hours. (see Order, Page 6, line 12 attached as **Exhibit "E"**) Apparently, Plaintiff's way around that is to do the exact opposite of what the Court told him not to do.

Even more disturbing is that on July 5th, Sophia informed her mother that she goes to Plaintiff's place of employment all of the time. It is certain that when Plaintiff's work records are obtained, and the security video reviewed, that the Court will have the proof it needs that Plaintiff's priorities are not Sophia. Plaintiff's employer has been placed on notice to preserve all footage of days that Plaintiff has worked which are also his custodial days. (see letter from undersigned counsel attached as **Exhibit "F"**) Discovery should be opened to allow the truth to come out and to ensure Sophia is protected. It is likely that the results of discovery will be a motion for an order to show cause. Right now, all that matters is Sophia, her safety and well-being.

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II.

POINTS AND AUTHORITIES

This court is well aware that pursuant to NRS 125.510 and Truax v. Truax, that

> Any order for joint custody may be modified or terminated by the court upon the petition of one or both parents or on the court's own Motion if it is shown that the best interest of the child requires the modification or termination. The court shall state in its decision the reasons for the order of modification or termination if either parent opposes it.

In considering best interests, the Court must look at the factors set forth in NRS 125.480. In this case, those factors clearly require the change in custody sought by Renelyn. Under NRS 125.480, there are several considerations for this Court in determining the best interest of the child as follows:

> 4. In determining the best interest of the child, the court shall consider and set forth its specific findings concerning, among other things:
>
> (a) The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his or her custody.
>
> (b) Any nomination by a parent or a guardian for the child.
>
> (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.
>
> (l) Whether either parent or any other person seeking custody has committed any act of abduction against the child or any other child. (Emphasis added)

It is believed that Plaintiff has been working on his custodial days and bring Sophia with him. This is a perfect example of the unwillingness to cooperate and co-parent that this Court tried to avoid with its admonitions and Renelyn tried to avoid in settling the case on the terms set forth in the Order. Renelyn is available to care for Sophia whenever Plaintiff is called into work or has better things to do. He refuses to do

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what is best for Sophia. This mental issue on Plaintiff's part clearly precludes him from focusing on Sophia's physical developmental and emotional needs. If in fact, as Sophia has stated, she has been cared for at Plaintiff's place of employment, such actions on the part of Plaintiff constitute neglect, plain and simple. Only a change of custody can protect Sophia at this time.

III.

ATTORNEYS' FEES

Pursuant to NRS 18.010:

1. The compensation of an attorney and counselor for his services is governed by agreement, express or implied, which is not restrained by law.

2. In addition to the cases where an allowance is authorized by specific statute, the Court may make an allowance of attorney's fees to a prevailing party:

(a) When he has not recovered more than $20,000; or

(b) Without regard to the recovery sought, when the Court finds that the claim, counterclaim, cross-claim or third-party complaint or defense of the opposing party was brought or maintained without reasonable ground or to harass the prevailing party. The Court shall liberally construe the provisions of this paragraph in favor of awarding attorney's fees in all appropriate situations. It is the intent of the Legislature that the Court award attorney's fees pursuant to this paragraph and impose sanctions pursuant to Rule 11 of the Nevada Rules of Civil Procedure in all appropriate situations to punish for and deter frivolous or vexatious claims and defenses because such claims and defenses overburden limited judicial resources, hinder the timely resolution of meritorious claims and increase the costs of engaging in business and providing professional services to the public.

3. In awarding attorney's fees, the Court may pronounce its decision on the fees at the conclusion of the trial or special proceeding without written motion and with or without presentation of additional evidence.

4. Subsections 2 and 3 do not apply to any action arising out of a written instrument or agreement which entitles the prevailing party to an award of reasonable attorney's fees.

NRS 18.010(2)(b) provides that the Court may award attorneys' fees to the prevailing party in such circumstances.

EDCR 7.60 addresses the award of attorney's fees as sanctions in the case at bar. The rule states as follows:

Rule 7.60. Sanctions.

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> (a) If without just excuse or because of failure to give reasonable attention to the matter, no appearance is made on behalf of a party on the call of a calendar, at the time set for the hearing of any matter, at a pre-trial conference, or on the date of trial, the Court may order any one or more of the following:
> (1) Payment by the delinquent attorney or party of costs, in such amount as the Court may fix, to the clerk or to the adverse party.
> (2) Payment by the delinquent attorney or party of the reasonable expenses, including attorney's fees, to any aggrieved party.
> (3) Dismissal of the complaint, cross-claim, counter-claim or motion or the striking of the answer and entry of judgment by default, or the granting of the motion.
> (4) Any other action it deems appropriate, including, without limitation, imposition of fines.
> (b) The Court may, after notice and an opportunity to be heard, impose upon an attorney or a party any and all sanctions which may, under the facts of the case, be reasonable, including the imposition of fines, costs or attorney's fees when an attorney or a party without just cause:
> (1) Presents to the Court a motion or an opposition to a motion which is obviously frivolous, unnecessary or unwarranted.
> (2) Fails to prepare for a presentation.
> **(3) So multiplies the proceedings in a case as to increase costs unreasonably and vexatiously.**
> **(4) Fails or refuses to comply with these rules.**
> **(5) Fails or refuses to comply with any order of a judge of the Court**
> **(Emphasis added)**

Renelyn should never have had to file this Motion. Because she has, this Court should enter an order granting Renelyn 100% of her attorneys' fees for having to file this Motion subject to the submission by the undersigned counsel of an affidavit consistent with Miller v. Wilfong, 121 Nev. 619, 119 P.3d 727 (2005) and Brunzell v. Golden Gate National Bank, 85 Nev. 345, 455 P.2d 31 (1969). It is unknown what the total amount of fees incurred as a result of filing this Motion and arguing it, but at the conclusion of the proceedings on this Motion, it would be Renelyn's request that she be permitted to submit an order to Court adjudicating this Motion with a blank included in which the Court, upon reviewing the undersigned counsel's Miller v. Wilfong affidavit, will include an amount for James to pay as and for attorneys' fees. Renelyn would also ask that the Court place a deadline by which the fees must be paid.

Renelyn should be awarded her attorney fees pursuant to EDCR 7.60 and NRS 18.010.

///

///

///

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IV.

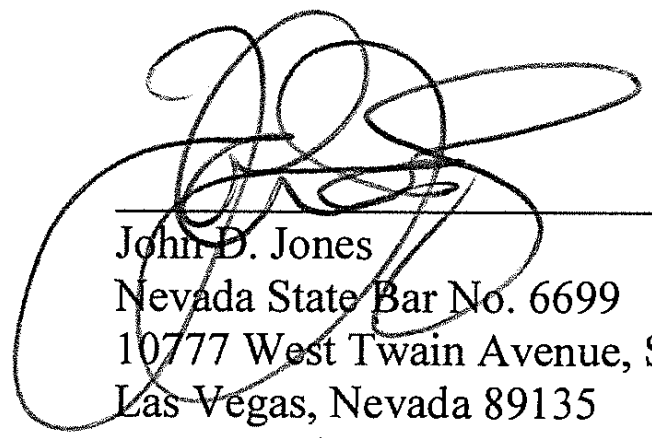
CONCLUSION

Based upon the forgoing, the Court should enter the following orders:

1. Temporarily change custody pending the outcome of discovery and an evidentiary hearing.
2. Opening Discovery so that the truth of Plaintiff's neglect can be proven.
3. Awarding Renelyn her attorneys' fees
4. Any other relief that this Court deems just and appropriate.

RESPECTFULLY SUBMITTED this 7 day of July, 2015.

BLACK & LOBELLO



John D. Jones
Nevada State Bar No. 6699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
Attorneys for Defendant,
RENELYN BAUTISTA

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MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

JAMES PICONE
Plaintiff/Petitioner

v.

RENELYN BAUTISTA
Defendant/Respondent

Case No. D-14-495928-P

Dept. N

MOTION/OPPOSITION FEE INFORMATION SHEET

Notice: Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of $25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of $129 or $57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

Step 1. Select either the $25 or $0 filing fee in the box below.

☒ **$25** The Motion/Opposition being filed with this form is subject to the $25 reopen fee.

-OR-

☐ **$0** The Motion/Opposition being filed with this form is not subject to the $25 reopen fee because:

- ☐ The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.
- ☐ The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.
- ☐ The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____.
- ☐ Other Excluded Motion (must specify) _____.

Step 2. Select the $0, $129 or $57 filing fee in the box below.

☐ **$0** The Motion/Opposition being filed with this form is not subject to the $129 or the $57 fee because:

- ☐ The Motion/Opposition is being filed in a case that was not initiated by joint petition.
- ☐ The party filing the Motion/Opposition previously paid a fee of $129 or $57.

-OR-

☒ **$129** The Motion being filed with this form is subject to the $129 fee because it is a motion to modify, adjust or enforce a final order.

-OR-

☐ **$57** The Motion/Opposition being filing with this form is subject to the $57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of $129.

Step 3. Add the filing fees from Step 1 and Step 2.

The total filing fee for the motion/opposition I am filing with this form is:
☐**$0** ☐**$25** ☐**$57** ☐**$82** ☐**$129** ☒**$154**

Party filing Motion/Opposition: Defendant, Renelyn Bautista Date 7/9/15

Signature of Party or Preparer _____

Exhibit A

Exhibit A

John Jones

From: ceilg8@aol.com
Sent: Monday, March 23, 2015 2:57 PM
To: John Jones
Subject: Picone v.Bautista
Attachments: Picone Agreement.doc

Dear John,

Attached is my Jimmy's final proposal. Please note that he is requesting Sunday at 11 a.m. to Wednesday at 2 p.m. as his schedule at work has recently changed through no fault of his own. He had no choice. I also removed the right of first refusal. Due to these parties inability to communicate and other factors, a right of first refusal would be a recipe for disaster and would put the child in the position of being grilled as to what mommy and daddy have been doing. Please call me upon your return from the Caribbean. Thanks Atty. Ceil S. Gersten

John Jones

From: ceilg8@aol.com
Sent: Monday, March 30, 2015 10:48 AM
To: John Jones
Subject: Re: Picone v.Bautista

He doesn't get out until 9:30 p.m. on Saturday night. Way too late to transition a young child. What's wrong with Sunday 11;00 a.m.

-----Original Message-----
From: John Jones <jjones@blacklobellolaw.com>
To: ceilg8 <ceilg8@aol.com>
Sent: Mon, Mar 30, 2015 1:45 pm
Subject: RE: Picone v.Bautista

How does 11 am on Sunday make any sense? He must be off on Sunday. So if he is working Saturday, he should have Saturday evening until Tuesday evening.

What is this new schedule?

John D. Jones, Esq.
Partner.
Nevada Board Certified Family Law Specialist

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ATTORNEYS AT LAW

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Mobile: 702.523.6966
Visit our improved website at:
www.blacklobellolaw.com

From: ceilg8@aol.com [mailto:ceilg8@aol.com]
Sent: Monday, March 30, 2015 10:38 AM
To: John Jones
Subject: Re: Picone v.Bautista

Hope you had as nice trip. Its 3 days plus 3 hours. Not a big change. the problem is his hours changed at work.

-----Original Message-----
From: John Jones <jjones@blacklobellolaw.com>
To: ceilg8 <ceilg8@aol.com>
Sent: Mon, Mar 30, 2015 1:33 pm
Subject: RE: Picone v.Bautista

I can tell you that there is already an order in place for the Saturday to Tuesday. That was already stipulated to at the last hearing. Moreover, it is three days, not three days plus additional hours.

I will be speaking with my client today and will get you our response.

Can you get me proof of his work schedule.

John D. Jones, Esq.
Partner.
Nevada Board Certified Family Law Specialist

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Mobile: 702.523.6966
Visit our improved website at:
www.blacklobellolaw.com

From: ceilg8@aol.com [mailto:ceilg8@aol.com]
Sent: Monday, March 23, 2015 2:57 PM
To: John Jones
Subject: Picone v.Bautista

Dear John,

Attached is my Jimmy's final proposal. Please note that he is requesting Sunday at 11 a.m. to Wednesday at 2 p.m. as his schedule at work has recently changed through no fault of his own. He had no choice. I also removed the right of first refusal. Due to these parties inability to communicate and other factors, a right of first refusal would be a recipe for disaster and would put the child in the position of being grilled as to what mommy and daddy have been doing. Please call me upon your return from the Caribbean. Thanks Atty. Ceil S. Gersten

Exhibit B

Exhibit B

Exhibit C

Exhibit C

Details of filing: *Declaration of Defendant, Renelyn Bautista*
Filed in Case Number: D-14-495928-P

E-File ID:	7164513
Lead File Size:	182652 bytes
Date Filed:	2015-07-09 12:20:47.0
Case Title:	D-14-495928-P
Case Name:	In the Matter of the Petition by: James Picone, Petitioner.
Filing Title:	Declaration of Defendant, Renelyn Bautista
Filing Type:	EFO
Filer's Name:	Black & LoBello
Filer's Email:	NVClarkCountyEfiling@blacklobellolaw.com
Account Name:	efile card
Filing Code:	DECL
Amount:	$ 3.50
Court Fee:	$ 0.00
Card Fee:	$ 0.00
Payment:	Filing still processing. Payment not yet captured.
Comments:	
Courtesy Copies:	cberdahl@blacklobellolaw.com
Firm Name:	Black & LoBello
Your File Number:	Bautista - 4870-0001
Status:	Pending - (P)
Date Accepted:	
Review Comments:	
Reviewer:	
File Stamped Copy:	
Documents:	Cover Document: Lead Document: Bautista Declaration.pdf 182652 bytes
Data Reference ID:	
Credit Card Response:	System Response: AP3CC28E9C4C Reference:

DECL
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Telephone No.: 702-869-8801
Facsimile No.: 702-869-2669
Email: jjones@blacklobellolaw.com
Attorneys for Defendant,
RENELYN BAUTISTA

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

JAMES PICONE, Plaintiff vs. RENELYN BAUTISTA, Defendant	CASE NO.: D-14-495928-P DEPT. NO.: N

DECLARATION OF DEFENDANT, RENELYN BAUTISTA

RENELYN BAUTISTA, being first duly sworn, deposes and says:

1. That I am the Defendant in this action and I offer this Declaration of my own personal knowledge.

2. On July 4th, 2015, around 4:45 pm we decided to go shopping at the Bally's shopping area for 4th of July sales. Knowing that James had confirmed on Our Family Wizard that he would be enjoying the 4th of July with Sophie, we were not even thinking about ever seeing him at the mall. As we were walking in the mall area we passed by Jimmy's work and to our surprise saw Sophia curled up in a ball in a dirty stroller sleeping.

3. She was positioned right at the front counter facing outside into the mall.

4. I was caught off guard, surprised, shocked and horrified to see this.

5. I immediately went into the store in which I saw a lady I never saw before and no sign of Jimmy. As I was extremely concerned seeing my baby in this condition as I went to hold

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her, Jimmy came out from the back and attempted to physically prevent me from checking on my daughter. My husband immediately verbally warned Jimmy and said: "don't you touch her. Don't you go near her."

6. Jimmy stepped back with a smirk on his face saying "it's not a court order," as he deliberately and abruptly took Sophia into the back of the store.

7. I was extremely upset and demanded some answers from him: 'What are you doing? You're not supposed to have her at your work? When did she eat? You know you're not supposed to do this. The judge told you not to ever take her to your work, especially when you know I am home and can watch her.'

8. Jimmy just smiled with an evil smirk and said again, "it's not a court order. You're trespassing. It's not a court order. Ha ha, it's not a court order. You can't take her." I was extremely upset and called the police (Metro). Security showed up as well. When Metro Police showed up, they had to immediately leave to take care of a robbery just stores down from Jimmy's work. He just smiled at me, even though this was clearly not a safe place for our 3 year old.

9. The next day when I had Sophia for one hour, we took her to breakfast. She was starving. Sophia was very upset and asked me how much longer does she have to go to Jimmy's. Sophie admitted that she did not eat the day before and that she was at Jimmy's work all day. Sophie also stated that her father takes her to work often. She was scared to tell us because she said that Jimmy told her that he will hurt mommy if she tells mommy the truth of what he is doing during his timeshare. Not only did Sophia eat everything in sight but she kept saying to me, "I don't want you to get hurt mommy. When can I come home?"

10. When we had to bring Sophia back, Jimmy had the police there claiming that he is scared of my husband. My husband has still not given him any reason to be scared of him.

11. With this ongoing threat Jimmy has been instilling in my daughter's mind about hurting me, Jimmy now knows that Sophia is talking more about his deliberate neglect and abuse to Sophia, I am now in fear of my safety as well as my daughter's. Sophia did tell me that Jimmy said that Buffalo will be her new home with her new sister and Mommy will not be

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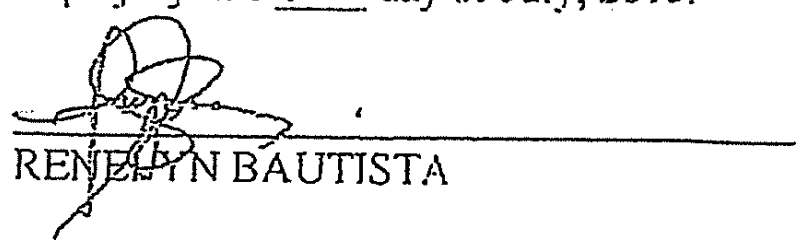
around much longer.

12. From the very beginning, Jimmy has been terrorizing our lives, especially my little girl, using manipulation and fabricated stories and lies to everyone including the Court and the Judge. I am now concerned that the more the real truth reveals itself showing who he really is and his real intentions, which have nothing to do with the care, love and well-being of Sophia, that he will do something crazy and stupid to hurt Sophia, myself and my family.

Signed under the pains and penalties of perjury this 07 day of July, 2015.



RENELYN BAUTISTA

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Exhibit D

Exhibit D

DE BECKER INVESTIGATIONS, INC.

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June 4th, 2014

To:	Ms. Michele Roberts, Esq. Law Offices of Michele L. Roberts 1800 E. Sahara Ave., #138 Las Vegas, Nevada 89104
Re:	Surveillance Investigation
Case Name:	Picone v. Bautista
Our File No:	14-1050
Your Case No:	N/A
Subject:	James John Picone
Dates of Investigation:	5/8/2014, 5/9/2014, 5/14 - 5/16/2014, 5/18 - 5/21/2014 5/25/2014, 5/27/2014, 5/28/2014, 6/1 - 6/4/2014

This report has been prepared by DE BECKER INVESTIGATIONS and is furnished as a confidential communication SOLELY to the addressee only.

SUMMARY

Our office was instructed to conduct surveillance on the subject on the days he had visitation with his daughter, Sophia. Additional surveillance was conducted on the subject on days Sophia was not in his care. Based on our observations, we have determined that the subject is presently unemployed.

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SURVEILLANCE INVESTIGATIVE REPORT

On Thursday, May 08, 2014, surveillance was conducted from 6:00 p.m. until 9:00 p.m., at the subject's residence, located at 2816 Shannon River Dr. Las Vegas, NV 89117.

6:00 p.m.

Our investigator departed for the aforementioned location.

6:20 p.m.

Our investigator arrived at the subject's residence. Upon arrival, our investigator observed no vehicles on the driveway.

7:10 p.m.

The garage door opened and inside the garage was the subject's gray BMW X5, bearing Nevada license plate 614LTK. The subject and his 2-year-old daughter Sophia emerged from the garage. Sophia appeared to be visibly upset. The subject was observed talking on his cell phone while Sophia was observed wandering outside the garage on her own.

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The subject was observed telling Sophia to stay in the garage and appeared to kick her with his foot, forcing her back inside the garage.

7:16 p.m.

The garage door closed as the subject and Sophia entered the residence.

9:00 p.m.

With no further activity observed, our surveillance was discontinued.

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On Friday, May 09, 2014, surveillance was conducted from 12:00 p.m. until 9:00 p.m., at the subject's residence, located at 2816 Shannon River Dr. Las Vegas, NV 89117. The subject was not observed on this date.

12:00 p.m.

Our investigator departed for the aforementioned location.

12:20 p.m.

Our investigator arrived at the subject's residence. Upon arrival, our investigator observed no vehicles on the driveway.

8:09 p.m.

Through a front window of the subject's residence, our investigator observed lights flashing from a television.

9:00 p.m.

With no further activity observed, our surveillance was discontinued.

On Wednesday, May 14, 2014, surveillance was conducted from 8:00 a.m. until 5:00 p.m., beginning at the subject's residence, located at 2816 Shannon River Dr. Las Vegas, NV 89117.

8:00 a.m.

Our investigator departed for the aforementioned location.

8:30 a.m.

Our investigator arrived at the subject's residence. Upon arrival, our investigator observed no vehicles on the driveway.

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1:10 p.m.

The garage door opened and the subject emerge from the garage with his daughter Sophia, who was in a stroller. The subject proceeded to smoke cigarettes and talk on his cell phone while walking Sophia through the neighborhood.

1:50 p.m.

The subject returned to his residence with Sophia, just before her grandmother arrived to pick her up.

1:51 p.m.

Sophia's grandmother arrived at the subject's residence. The garage door opened and the subject handed Sophia to her grandmother. Sophia was observed with her arms reaching out to her and calling for her by name. Sophia was placed in her grandmother's vehicle and they departed the area.

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Note: *The only activity observed by the subject & his daughter on May 13 & 14, was when the subject took his daughter for a walk just before she was picked up by her grandmother.*

2:35 p.m.

The subject departed his residence in his vehicle alone.

2:56 p.m.

The subject arrived at 7-Eleven, located at 4890 W. Tropicana Ave., Las Vegas, NV 89103.

2:57 p.m.

The subject departed and proceeded to drive his vehicle eastbound on Tropicana Boulevard. The subject made a U-turn at Dean Martin Drive and proceeded westbound on Tropicana Boulevard. The subject appeared to be looking for someone as he repeated the aforementioned driving pattern three (3) times.

3:40 p.m.

The subject arrived at The Palms Hotel & Casino, where he met with a male adult.

3:59 p.m.

The Subject and male adult spoke with a blonde female adult Palms' employee, then had lunch at McDonald's, located within the Palms.

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4:11 p.m.

moked cigarettes outside.

4:20 p.m.

The subject entered his vehicle and departed the area and returned to Tropicana Boulevard and repeated the aforementioned driving pattern; heading eastbound, making a U-turn at Dean Martin Drive, and then heading westbound on Tropicana.

4:55 p.m.

The subject arrived at his residence alone.

5:00 p.m.

At this time, our surveillance was discontinued.

On Thursday, May 15, 2014, surveillance was conducted from 9:00 a.m. until 1:00 p.m., and from 4:30 p.m. until 8:00 p.m., beginning at the subject's residence, located at 2816 Shannon River Dr. Las Vegas, NV 89117.

8:00 a.m.

Our investigator departed for the aforementioned location.

8:30 a.m.

Our investigator arrived at the subject's residence.

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10:00 a.m.

The garage door opened and the subject departed his residence in his vehicle.

10:25 a.m.

The subject entered on to Boulder Highway and proceeded to drive his vehicle back and forth between Desert Inn Road and Tropicana Boulevard. The aforementioned activity continued for approximately thirty (30) minutes.

11:00 a.m.

The subject arrived at the Galleria Mall in Henderson, Nevada.

12:38 p.m.

The subject exited the mall, entered his vehicle and departed the area.

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12:55 p.m.

The subject entered on to Boulder Highway and proceeded to drive his vehicle back and forth between Desert Inn Road and Tropicana Boulevard. The aforementioned activity continued for approximately ten (10) minutes.

1:00 p.m.

At this time, our surveillance was discontinued.

4:30 p.m.

Our investigator departed for the subject's residence.

4:55 p.m.

Our investigator arrived at the subject's residence.

5:30 p.m.

The subject departed his residence in his vehicle.

5:43 p.m.

The subject arrived at Tivoli Village Center. The subject valeted his vehicle and proceeded to walk towards an area containing several restaurants. Our investigator lost visual of the subject and established a surveillance position near the subject's vehicle.

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7:34 p.m.

The subject retrieved his vehicle from valet and departed the area.

7:43 p.m.

The subject arrived at his residence.

8:00 p.m.

At this time, our surveillance was discontinued.

On Friday, May 16, 2014, surveillance was conducted from 10:00 a.m. until 7:00 p.m., beginning at the subject's residence, located at 2816 Shannon River Dr. Las Vegas, NV 89117.

10:00 a.m.

Our investigator departed for the aforementioned location.

10:30 a.m.

Our investigator arrived at the subject's residence.

12:13 p.m.

The garage door opened and the subject departed his residence in his vehicle.

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12:26 p.m.

The subject entered the Spanish Trail Country Club, located on west Tropicana.

2:01 p.m.

The Subject and an older white male exited the country club, entered the subject's vehicle and departed the area.

2:07 p.m.

They arrived at 7147 Mission Hills Dr, Las Vegas, NV 89113.

2:51 p.m.

Subject and aforementioned male departed the area.

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3:00 p.m.

They arrived at the UPS Store, located at 4132 S. Rainbow Blvd., Las Vegas, NV 89103, male departed the store with a mail crate.

3:19 p.m.

They arrived at Regal Village Square 18, located at 9400 W. Sahara Ave., Las Vegas, NV 89117. The aforementioned older male purchased movie tickets while the subject parked his vehicle.

3:24 p.m.

The aforementioned older male and the subject entered the theater.

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5:00 p.m.

They departed the theater and, at this time, our surveillance was discontinued.

On Sunday, May 18, 2014, surveillance was conducted from 9:00 a.m. until 8:00 p.m., beginning at the Aria Hotel & Casino valet parking area.

9:00 a.m.

The subject picked up his daughter Sophia from her mother at the Veer Towers, located next to the Aria Hotel. The subject was accompanied by the aforementioned older male adult. Sophia was observed crying hysterically as her mother handed her to the subject. The subject placed Sophia in his vehicle and they departed the area.

9:25 a.m.

The subject dropped off the older male at Spanish Trail Country Club.

9:40 a.m.

The subject and Sophia arrived at the subject's residence.

8:00 p.m.

With no further activity observed, our surveillance was discontinued.

On Monday, May 19, 2014, surveillance was conducted from 8:30 a.m. until 6:00 p.m., beginning at the subject's residence, located at 2816 Shannon River Dr. Las Vegas, NV 89117.

8:30 a.m.

Our investigator departed for the aforementioned location.

9:00 a.m.

Our investigator arrived at the subject's residence.

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10:15 a.m.

The garage door opened and the subject departed his residence in his vehicle.

10:30 a.m.

The subject and his daughter arrived at the Clark County Library, located at 9600 W. Sahara, Las Vegas, NV 89117. The subject was observed looking at children's books for approximately thirty-five (35) minutes.

11:10 a.m.

They exited the library with several books, entered the subject's vehicle and departed the area.

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11:13 a.m.

The subject stopped at Speedee Mart, purchased cigarettes and departed the area.

11:16 a.m.

The subject and his daughter returned to his residence.

6:00 p.m.

With no further activity observed, our surveillance was discontinued.

<u>On Tuesday, May 20, 2014,</u> surveillance was conducted from 8:30 a.m. until 7:00 p.m., at the subject's residence, located at 2816 Shannon River Dr. Las Vegas, NV 89117.

8:30 a.m.

Our investigator departed for the aforementioned location.

9:00 a.m.

Our investigator arrived at the subject's residence.

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11:49 a.m.

The aforementioned older male adult arrived at the subject's residence in a green Lexus sedan, bearing Nevada license plate Mt. Charleston IPO. He exited his vehicle, while carrying a white plastic bag that appeared to contain food, and entered the subject's residence.

12:45 p.m.

The Subject and his daughter walked the older male to his vehicle. The subject and his daughter returned to the residence through the garage.

7:00 p.m.

With no further activity observed, our surveillance was discontinued.

<u>On Wednesday, May 21, 2014,</u> surveillance was conducted from 8:30 a.m. until 5:10 p.m., beginning at the subject's residence, located at 2816 Shannon River Dr. Las Vegas, NV 89117.

8:30 a.m.

Our investigator departed for the aforementioned location.

9:00 a.m.

Our investigator arrived at the subject's residence.

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12:19 p.m.

The garage door opened. The subject's vehicle was observed parked in the garage.

12:21 p.m.

The garage door closed.

12:38 p.m.

The aforementioned older male adult arrived in a green four door Jaguar, bearing Nevada license plate LV AMLG.

2:01 p.m.

Sophia's mother arrived to pick her up. The subject exited the garage with Sophia; Sophia was observed reaching out to her mother as the subject handed her over to her. Sophia and her mother departed the area.

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2:08 p.m.

The aforementioned older male departed.

5:05 p.m.

The subject departed his residence in his vehicle.

5:09 p.m.

The subject arrived at the King & I Thai & Chinese Restaurant, located at 2904 E. Lake Dr., Las Vegas, NV 89117.

5:10 p.m.

At this time, our surveillance was discontinued.

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On Sunday, May 25, 2014, surveillance was conducted from 8:00 a.m. until 7:00 p.m., beginning at the Veer Towers, located at 3780 Las Vegas Blvd. S. Las Vegas, NV 89158.

7:55 a.m.

Our investigator departed for the aforementioned location.

8:21 a.m.

Our investigator arrived at the Veer Towers lobby.

8:59 a.m.

The Subject arrived with late 40s white, graying hair male to pick up his daughter. The subject's daughter was visibly upset at the time of the exchange.

9:10 a.m.

They arrived at the subject's residence and departed 3 minutes later.

9:18 a.m.

They arrived at the gated neighborhood of Fairway Pointe where the aforementioned male adult was dropped off in the 1000 block of Colingtree St., Las Vegas, NV 89145. The subject and his daughter departed the area.

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9:38 a.m.

They arrived at Babies R Us, located at 2150 N. Rainbow Blvd., Las Vegas, NV 89108. The store was not open and they departed the area.

9:56 a.m.

They arrived at Toys R Us 4550 Meadows Lane, Las Vegas, NV 89107. He and the child entered the store.

10:26 a.m.

They departed the store with a stuffed bear and other toys. After putting the toys in the vehicle and securing the child, they departed the area.

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10:33 a.m.

The Subject was observed smoking in his vehicle while driving with his daughter.

10:45 a.m.

They arrived at the residence and parked in the garage.

6:00 p.m.

With no further activity observed, our surveillance was discontinued.

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On Tuesday, May 27, 2014, surveillance was conducted from 8:30 a.m. until 7:00 p.m., beginning at the subject's residence, located at 2816 Shannon River Dr. Las Vegas, NV 89117.

8:30 a.m.

Our investigator departed for the aforementioned location.

9:00 a.m.

Our investigator arrived at the subject's residence.

9:53 a.m.

The Subject departed his residence and drove to the West Sahara Library. He and his daughter entered the library.

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10:30 a.m.

The subject and his daughter departed the library.

10:35 a.m.

The Subject and his daughter returned to his residence.

12:04 p.m.

The subject emerged from the garage alone, while smoking a cigarette.

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1:09 p.m.

The subject emerged from the garage alone, while smoking a cigarette.

1:31 p.m.

The Subject and his daughter departed his residence.

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1:42 p.m.

The Subject and Sophia arrived at Wee Care Pediatrics, located at 4785 S. Durango, Suite 101, Las Vegas, NV 89147.

3:30 p.m.

The Subject and Sophia departed Wee Care Pediatrics.

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3:35 p.m.

The Subject arrived at Roberto's Taco, located at 3399 S. Durango. The subject purchased food to-go.

3:45 p.m.

They departed Roberto's.

3:55 p.m.

The Subject and Sophia arrived at his residence and parked in the garage.

6:00 p.m.

With no further activity observed, our surveillance was discontinued.

<u>On Wednesday, May 28, 2014,</u> surveillance was conducted from 8:30 a.m. until 7:00 p.m., beginning at the subject's residence, located at 2816 Shannon River Dr. Las Vegas, NV 89117.

8:30 a.m.

Our investigator departed for the aforementioned location.

9:00 a.m.

Our investigator arrived at the subject's residence.

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1:20 p.m.

The aforementioned older male arrived at the subject's residence.

1:54 p.m.

Sophia's grandmother arrived at the subject's residence. The garage door opened and the subject handed Sophia to her grandmother. Sophia was observed with her arms reaching out to her and calling for her by name. Sophia was placed in her grandmother's vehicle and they departed the area.

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3:35 p.m.

The aforementioned older male entered his vehicle and departed the area.

3:43 p.m.

The subject entered his vehicle and departed the area.

3:51 p.m.

The subject arrived at One Nevada Credit Union, located at 4437 W Flamingo Road.

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3:52 p.m.

The subject exited the bank and appeared to place his ATM card back in into his wallet.

3:59 p.m.

The subject returned to his residence.

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4:57 p.m.

The subject departed his residence in his vehicle.

5:05 p.m.

The subject arrived at Gordon Biersch located at 750 S Rampart Blvd, Suite 16, Las Vegas, NV 89145. The subject met with an unidentified male adult and they proceeded to order food and dine at the restaurant.

6:04 p.m.

The subject exited the restaurant, entered his vehicle and departed the area.

6:11 p.m.

The Subject arrived at his residence and parked in the garage.

7:00 p.m.

With no further activity observed, our surveillance was discontinued.

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On Sunday, June 01, 2014, surveillance was conducted from 9:00 a.m. until 8:00 p.m., beginning at the Aria Hotel & Casino, Las Vegas, NV 89109.

9:00 a.m.

The subject picked up his daughter Sophia from her mother at the Aria Hotel. The subject was accompanied by the aforementioned older male adult. Sophia was observed crying hysterically as her mother handed her to the subject. The subject placed Sophia in his vehicle and they departed the area.

9:15 a.m.

The subject dropped off the older male at Spanish Trail Country Club.

9:35 a.m.

The subject and Sophia arrived at the subject's residence.

10:18 a.m.

An Asian male adult, identified as the subject's landlord, arrived in a white BMW X3, bearing Nevada license plate 718 UMG. He entered the subject's garage while carrying a folder.

10:39 a.m.

The aforementioned male adult departed the subject's residence.

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12:54 p.m.

The subject exited the garage alone while smoking a cigarette. He proceeded to walk up the street to the community mailbox where he checked for mail. He returned to the residence. The subject's daughter was not observed at this time.

8:00 p.m.

With no further activity observed, our surveillance was discontinued.

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On Monday, June 02, 2014, surveillance was conducted from 9:00 a.m. until 7:00 p.m., beginning at the subject's residence, located at 2816 Shannon River Dr. Las Vegas, NV 89117.

9:00 a.m.

Our investigator departed for the aforementioned location.

9:15 a.m.

Our investigator arrived at the subject's residence.

10:03 a.m.

The subject and his daughter exited the garage. The subject pushed Sophie in a stroller and proceeded to the mailbox. He retrieved his mail and he and his daughter returned to the residence.

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11:30 a.m.

The subject and his daughter departed the residence in his vehicle. The subject was observed smoking a cigarette in the vehicle at this time.

11:37 a.m.

They arrived at the West Sahara Library and departed approximately thirty-five (35) minutes later.

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12:18 p.m.

The subject and his daughter returned to his residence.

2:47 p.m.

The subject was observed walking his daughter in a stroller while smoking cigarettes.

3:00 p.m.

The subject and his daughter returned to his residence.

7:00 p.m.

With no further activity observed, our surveillance was discontinued.

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On Tuesday, June 03, 2014, surveillance was conducted from 9:00 a.m. until 7:00 p.m., beginning at the subject's residence, located at 2816 Shannon River Dr. Las Vegas, NV 89117.

9:00 a.m.

Our investigator departed for the aforementioned location.

9:15 a.m.

Our investigator arrived at the subject's residence.

11:50 a.m.

The garage door opened then shut a few minutes later.

3:00 p.m.

An unidentified male adult arrived at the subject's residence in a beige Toyota Camry, bearing Nevada license plate 252YNH.

4:35 p.m.

The subject, his daughter and the aforementioned male adult departed in the subject's vehicle.

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4:41 p.m.

The Subject arrived at the Chevron Gas Station, located at 8635 Spring Mountain Rd, Las Vegas, Nevada 89117.The subject exited his vehicle alone and entered the Chevron store, purchased cigarettes and other unidentified items.

4:43 p.m.

The subject returned to his vehicle and they departed the area.

4:51 p.m.

They arrived at the subject's residence.

5:37 p.m.

The aforementioned unidentified male adult departed the subject's residence.

7:00 p.m.

With no further activity observed, our surveillance was discontinued.

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On Wednesday, June 04, 2014, surveillance was conducted from 9:00 a.m. until 2:00 p.m., beginning at the subject's residence, located at 2816 Shannon River Dr. Las Vegas, NV 89117.

9:00 a.m.

Our investigator departed for the aforementioned location.

9:20 a.m.

Our investigator arrived at the subject's residence.

9:58 a.m.

The subject and his daughter exited the garage. The subject proceeded to walk his daughter in a stroller while he smoked cigarettes for approximately eight (8) minutes.

10:07 a.m.

The subject and his daughter returned to his residence.

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1:11 p.m.

The aforementioned older male arrived at the subject's residence.

2:03 p.m.

An African-American male adult, later identified as a representative from Child Protective Services, arrived at the subject's residence. He was observed carrying a folder.

2:04 p.m.

Sophia's mother arrived at the subject's residence. The subject handed Sophia to her Aunt. Sophia was observed with her arms reaching out to her and calling out for her. Sophia was placed in her mother's vehicle and they departed the area.

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2:05 p.m.

At this time, our surveillance was discontinued.

Dear Ms. Roberts,

Thank you for the opportunity to be of service in this matter. This investigation will be held in abeyance pending your review and or further instructions.

As always, De Becker Investigations is available for any questions or concerns you might have regarding this investigation.

Respectfully,

Hal de Becker III
President, De Becker Investigations, Inc.
HDB/kr

Disclaimer
Information given in reports, proposals and summary papers are given confidentially to the client and in good faith and are believed to be true and correct given the details made known to De Becker Investigations, Inc. at the time, but we accept no further responsibility for their accuracy.

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Exhibit E

Exhibit E

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CLERK OF THE COURT

SAO
BLACK & LOBELLO
John D. Jones, Esq.
Nevada Bar No. 6699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
Telephone No.: 702-869-8801
Facsimile No.: 702-869-2669
Email: jjones@blacklobellolaw.com
Attorneys for Defendant,
RENELYN BAUTISTA

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

JAMES PICONE, Plaintiff vs. RENELYN BAUTISTA, Defendant	CASE NO.: D-14-495928-P DEPT. NO.: N

STIPULATION AND ORDER RESOLVING PARENT-CHILD ISSUES

The parties hereto, Plaintiff, JAMES PICONE ("James"), in proper person, and Defendant, RENELYN BAUTISTA ("Renelyn"), by and through her counsel of record, John D. Jones, Esquire and the law firm of Black & LoBello, have stipulated to the following, which is hereby ORDERED, ADJUDGED and DECREED as follows:

That Renelyn and James have one (1) minor child, SOPHIA A. PICONE ("Sophia"), born October 22, 2011. By this Stipulation and Order, the parties have resolved parent/child issues pursuant to EDCR 5.81.

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Non-Trial Dispositions:
☐ Other
☐ Dismissed - Want of Prosecution
☐ Involuntary (Statutory) Dismissal
☐ Default Judgment
☐ Transferred
Settled/Withdrawn:
☐ Without Judicial Conf/Hrg
☒ With Judicial Conf/Hrg
☐ By ADR
Trial Dispositions:
☐ Disposed After Trial Start
☐ Judgment Reached by Trial

RECEIVED
APR 03 2015
FAMILY COURT
DEPARTMENT N

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Las Vegas, Nevada 89135
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IT IS HEREBY STIPULATED AND AGREED that the parties shall share joint legal custody of their minor child which shall entail the following:

The parties shall make every effort to maintain free access and unhampered contact between the minor child and her parent. Neither party shall do anything which shall estrange the child from the other parent or impair the natural development of the child's love and respect for each of the parents. Both parties understand that parenting requires the acceptance of mutual responsibilities and rights insofar as the child are concerned. Therefore, neither shall disparage the other in the presence of the minor child.

The parties shall consult and cooperate with each other in substantial questions relating to religious upbringing, educational programs, significant changes in social environment, and health and care of the child.

The parties shall have access to medical and school records pertaining to the child and be permitted to independently consult with any and all professionals involved with them.

All schools, health care providers, and counselors shall be selected by the parties jointly.

Each party shall be empowered to obtain emergency health care for the child without the consent of the other party. Each party is to notify the other party as soon as reasonably possible of any illness requiring medical attention, or any emergency involving the child.

Each party shall be responsible for keeping themselves apprised with information of the well-being of the child, including, but not limited to copies of report cards, school meeting notices, vacation schedules, class programs, requests for conferences, results of standardized or diagnostic tests, notices of activities involving the child, samples of school work, order forms for school pictures, all communications from health care providers, the names, addresses and telephone numbers of all schools, health care providers, regular day care providers and counselors.

Each party shall be responsible for keeping themselves apprised of school, athletic, and social events in which the child participates. Neither party shall prevent the child's participation in extra-curricular activities. Both parties may participate in school activities for the child such as open houses, school conferences, attendance at an athletic event, etc.

Each party is to provide the other party with the address and telephone number at which the minor child resides, and to notify the other party no less than ten (10) days prior to any change of address and provide the telephone number as soon as it is assigned.

Each party is to provide the other party with a travel itinerary and telephone numbers at which the child can be reached whenever they will be traveling out of state with the child. Said itinerary shall be provided to the other party no less than fourteen (14) days before the anticipated travel plans are to take place for the purposes of visitation.

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Each party shall be entitled to daily, reasonable telephone communication with the child on any day that the party does not have custody of the child. Said call shall be initiated by the party seeking to contact the child. Each party is restrained from unreasonably interfering with the child's right to privacy during such telephone conversations. Moreover, during each party's custodial time periods, the minor child may initiate and shall have unhampered contact and access to the other party and all extended family members, including but not limited to telephone calls, correspondence and notices.

The child will not be exposed to any illegal substances or excessive alcohol consumption in either party's home.

The parties will exercise prudent safety precautions in both households, and each party will try to ensure that all care givers refrain from yelling or using profane language.

The parties will each be responsible for seeing that any live-in residents adhere to the above-stated guidelines.

Except in the case of an emergency, the parties shall conduct all communications with each other via e-mail, and limit said communications to only issues concerning the needs and well-being of the minor child to provide all necessary notification, information and the like, as required by the herein above joint legal custody provisions. The parties further agree that they will not use the child as a communicator regarding parental issues. The parties will communicate by e-mail until such time as the parties mutually agree to communicate directly with one another.

Renelyn's E-Mail address: RenelynSchramm@icloud.com

James's E-Mail address: Jampico7@aol.com

IT IS FURTHER STIPULATED AND AGREED that the parties shall share physical custody of the minor child, pursuant to the following shared parenting schedule:

James shall have the minor child in his care and custody each week from

10:00a.m. on Sunday until 10:00 a.m. on Wednesday.

All other times, the child shall be in the care and custody of Renelyn.

IT IS FURTHER STIPULATED AND AGREED that the parties shall abide by the following holiday visitation schedule, which shall take precedence over, but not break the continuity of, the regular visitation schedule and shall be defined as follows:

Martin Luther King, Jr.'s Birthday: This holiday shall be alternated between the parents yearly with the child residing with James in odd-numbered years, and with Renelyn in even-numbered years. This holiday shall be defined as the third Monday of January and begins at 9:00 a.m. on the day observed for the holiday, and concludes before school the following Tuesday, or at 9:00 a.m. while the child is currently not of school age or when school is not in session.

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President's Day: This holiday shall be alternated between the parents yearly with the child residing with Renelyn in odd-numbered years, and with James in even-numbered years. This holiday shall be defined as the third Monday of February and begins at 9:00 a.m. on the day observed for the holiday, and concludes before school the following Tuesday, or at 9:00 a.m. when school is not in session.

Spring Break: Spring Break shall be alternated by the parties annually, with the child residing with Renelyn in even-numbered years, and with James in odd-numbered years. Spring break shall be defined as beginning when school lets out on Friday and ending on the Monday morning school resumes at 9:00 a.m.

Mother's Day: Renelyn shall have the child every year for Mother's Day. Mother's Day shall be defined as the second Sunday in May and shall begin Sunday at 9:00 a.m. and conclude the next day, on Monday at 9:00 a.m.

Memorial Day: This holiday shall be alternated between the parents yearly with the child residing with Renelyn in odd-numbered years, and with James in even-numbered years. This holiday shall be defined as the last Monday of May and begins at 9:00 a.m. on the day observed for the holiday, and concludes before school the following Tuesday, or at 9:00 a.m. when school is not in session.

Father's Day: James shall have the child every year for Father's Day. Father's Day shall be defined as the third Sunday in June and shall begin Sunday at 9:00 a.m. and conclude the next day, Monday at 9:00 a.m.

Independence Day: Independence Day shall be alternated by the parties annually, with the child residing with James in odd-numbered years, and with Renelyn in even-numbered years. Independence Day shall begin at 9:00 a.m. on July 4th, and end before school the day following Independence Day, or at 9:00 a.m. if school is not in session.

The Child's Birthdays: Renelyn will have the child for her birthday in even-numbered years and James will have the child for her birthday in odd-numbered years. The child's birthday shall begin at 9:00 a.m. on the child's birthday and conclude the next day at 9:00 a.m.

The Parties' Birthdays: Renelyn shall have the child every year for her birthday and James shall have the child every year for his birthday. Each of the parties' birthday visitation shall begin at 9:00 a.m. on the parties' birthday and conclude the next day, at 9:00 a.m.

Labor Day: This holiday shall be alternated between the parents yearly, with the child residing with Renelyn in even-numbered years, and with James in odd-numbered years. This holiday shall be defined as the first Monday of September and begins on that Monday at 9:00 a.m., and concludes before school the following Tuesday, or at 9:00 a.m. when school is not in session.

Nevada Day: This holiday shall be alternated between the parents yearly, with the child residing with James in even-numbered years, and with Renelyn in odd-numbered years. This holiday shall be defined as the last Friday in October and shall begin after school, or at 9:00 a.m. if school is not in session, and concludes the following day at 9:00 a.m.

Halloween: This holiday shall be alternated between the parents yearly, with the child residing with James in even-numbered years, and with Renelyn in odd-

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numbered years. This holiday shall be defined as the 31st day of October and begins after school on October 31st, or at 4:00p.m. when school is not in session and concludes before school the following day, or at 9:00 a.m. when school is not in session.

Veteran's Day: This holiday shall be alternated between the parents yearly, with the child residing with Renelyn in even-numbered years, and with James in odd-numbered years. This holiday shall be defined as November 11th and begins at 9:00 a.m. on the day observed for the holiday, and concludes at before school the following day, or at 9:00 a.m. when school is not in session.

Thanksgiving and Family Day: Thanksgiving and Family Day shall be treated as one (1) holiday for the purposes of this holiday visitation schedule and shall be alternated by the parties annually, with the child residing with Renelyn in even-numbered years, and with James in odd-numbered years. This holiday shall begin on the Wednesday before Thanksgiving at 3:00 P.M. This holiday shall conclude on the following Monday at 9:00 a.m. regular parenting plan shall resume.

Christmas Eve and Christmas Day: James shall have the minor child from December 24th at 12:00 noon until December 25th at 12:00 noon in odd-numbered years. Renelyn shall have the minor child from December 24th at 12:00 noon until December 25th at 12:00 noon in even-numbered years.

Renelyn shall have the minor child from December 25th at 12:00 noon until December 26th at 12:00 noon in odd-numbered years. Renelyn shall have the minor child from December 25th at 12:00 noon until December 26th at 12:00 noon in even-numbered years.

Winter Break: Once the child commences school winter break shall be divided into two (2) periods. The first period will begin when school lets out and will continue until December 26th at 12:00 p.m. The second period will begin at 12:00 p.m. on the 26th and end when school resumes. James will have the first period in even numbered years and Renelyn will have the first period in odd numbered years. James will have the second period in odd numbered years and Renelyn will have the second period in even numbered years.

Vacations: Each parent shall be entitled to a total of two (2) weeks of vacation annually, to be executed in one (1) week blocks, (7 days) unless there is an agreement in writing to the contrary. Each parent shall start their vacation on the first day of their regular parenting time. Each parent shall select their vacation times in writing via e-mail or certified mail to the other parent by May 1, each year. James shall have priority in odd numbered years and Renelyn will have priority in even numbered years. If a parent having priority does not give notice on May 1, the other parent can give notice and then have priority.

Other Holidays, Breaks and Special Occasions: Any holiday, break or special occasion not specifically mentioned in this Stipulation and Order shall be celebrated with the parent who is regularly scheduled to be with the minor child on that day.

The parties understand and agree this custody and holiday visitation schedule may be modified at any time by mutual agreement, in writing by the parties, and the parties will endeavor to work together with respect to custody of the minor child in a manner which best

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serves the child's interests. Both parties understand that the agreed upon changes do not modify this Court Order. In the event of controversy, this Order of the Court will remain in full force and effect until modified by the Court.

IT IS FURTHER STIPULATED AND AGREED that the parties will communicate only regarding Sophia and only through Our Family Wizard.

IT IS FURTHER STIPULATED AND AGREED that all custody exchanges will take place at the Metro Police Substation located at 4860 Las Vegas Blvd., Las Vegas, NV 89119. Both parties shall be prompt for all exchanges of the minor child. Neither party, nor their significant others or authorized family member will approach the vehicle of the other party and neither party will speak to the other at the exchange.

IT IS FURTHER STIPULATED AND AGREED that each party shall provide the other with the names and contact information of any and all third party caregivers. The parties agree not to utilize a third party caregiver for any period of time greater than four hours.

IT IS FURTHER STIPULATED AND AGREED that the parties shall not discuss the issues, proceedings, pleadings, or papers on file with the Court with the child pursuant to **EDCR 5.03**:

> Absent a written order of the court to the contrary, all lawyers, litigants, witnesses or other parties privy to matters being heard by the family division are prohibited from:
>
> (a) Discussing the issues, proceedings, pleadings, or papers on file with the court with the minor children of the litigants;
>
> (b) Allowing any minor children to review the record of the proceedings before the court, whether in the form of transcripts, audio cassettes, or audio-visual tapes;
>
> (c) Leaving such materials in a place where it is likely or foreseeable that a children will access those materials.

IT IS FURTHER STIPULATED AND AGREED that the parties acknowledge the provisions of **NRS 125C.200** are applicable:

> If custody has been established and the custodial parent intends to move his or her residence to a place outside of this State and to take the child with him or her, the custodial parent must, as soon as possible and before the planned move, attempt to obtain the written consent of the noncustodial parent to move the child from the

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state. If the noncustodial parent refuses to give that consent, the parent planning the move shall, before leaving this State with the child, petition the court for permission to move the children. The failure of a parent to comply with the provisions of this section may be considered as a factor if a change of custody is requested by the noncustodial parent.

IT IS FURTHER STIPULATED AND AGREED that the parties acknowledge the provisions of **NRS 125.510(6)** are applicable:

> PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILDREN 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 children or any parent having no right of custody to the children who willfully detains, conceals, or removes the children from a parent, guardian or other person having lawful custody or a right of visitation of the children in violation of an order of this court, or removes the children from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation is subject to being punished for a category D felony as provided in NRS 193.130.

IT IS FURTHER STIPULATED AND AGREED that the parties acknowledge 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 apply if a parent abducts or wrongfully retains a child in a foreign country as follows:

> Section 8: If a parent of the children 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 children, that the United States is the country of habitual residence of the children for the purposes 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 children 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 children and returning him to his habitual residence if the children 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 children.

The parties acknowledge that the United States is the country and Nevada is the State of habitual residence of the minor child herein.

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IT IS FURTHER STIPULATED AND AGREED that beginning April 1, 2015 Plaintiff shall pay to Defendant the sum of $50.00 per week, as and for child support. These provisions shall continue until such time as the child attains the age of eighteen (18) years, unless said child is still attending high school, and in such event until said child graduates from high school or attains the age of nineteen (19), or until such child is otherwise emancipated pursuant to the Nevada Revised Statutes, whichever occurs first. James shall be entitled to the dependency exemption for Sophia in Odd years and Renelyn shall be entitled to the exemption in even years.

IT IS FURTHER STIPULATED AND AGREED that each parent will provide full health insurance coverage for Sophie. Each parent will be responsible for any and all premiums related to the coverage they provide. Each party will use their own insurance for any medical treatment for Sophie. Pursuant to NRS 125B.080(7), the child's unreimbursed medical expenses, including psychiatric, orthodontic, dental and optical costs, which are not covered by said insurance, shall be equally borne by the parties. The parties will abide by the "30/30" rule for unreimbursed medical expenses as follows: that any party incurring an out-of-pocket expense relating to the child will provide a copy of any paperwork regarding that visit and proof of payment of the cost within 30 days of the visit, along with a request for contribution for the other parent's respective share of any out-of-pocket payment actually made by that parent, to the other party. If proof of an unreimbursed medical expenses is not provided within 30 days, the claim for reimbursement shall be deemed waived. Upon receipt of a request for contribution for the other parent's respective share of any out-of-pocket expense by a party on behalf of the child, the other party will reimburse the requesting party in the amount requested within 30 days of receipt of the request for contribution. Upon receipt of reimbursement from any insurance carrier by either party, and if the other party previously paid a portion of the payment resulting in the reimbursement, the party receiving the reimbursement shall divide said reimbursement according to each parent's respective share, with the other party within seven (7) days of receipt of same.

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IT IS FURTHER STIPULATED AND AGREED that as of the date of this Stipulation, there are no child support or medical arrears.

IT IS FURTHER STIPULATED AND AGREED that each party will bear their own fees.

IT IS SO STIPULATED.

Dated this 1 day of April, 2015

JAMES PICONE, Plaintiff

Dated this 1 day of April, 2015

RENELYN BAUTISTA, Defendant

ORDER

Based upon the Stipulation of the parties, and good cause appearing therefor,

IT IS SO ORDERED this 7 day of April, 2015.

DISTRICT COURT JUDGE
Mathew Harter

Submitted by:

BLACK & LOBELLO

John D. Jones
Nevada Bar No. 6699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
Attorneys for Defendant,
RENELYN BAUTISTA

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Exhibit F

Exhibit F

TISHA BLACK CHERNINE
MICHELE T. LOBELLO
JOHN D. JONES*

MICHAEL J. RYAN
MAXIMILIANO D. COUVILLIER III

*NEVADA BOARD CERTIFIED FAMILY LAW SPECIALIST

BLACK & LOBELLO

ATTORNEYS AT LAW

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SABRINA M. DOLSON
KEVIN L. HERNANDEZ ✖
MARTINA L. JACCARINO *
STEVEN MACK
TODD E. KENNEDY
JEFFREY J. WHITEHEAD ^

✖ ALSO LICENSED IN CALIFORNIA
*OF COUNSEL
^ ALSO LICENSED IN NEW YORK, ARIZONA & COLORAD

July 8, 2015

VIA FACSIMILE: 702-735-2280
AND FIRST CLASS MAIL

Tower of Jewels
896 E. Sahara Avenue
Las Vegas, NV 89104

RE: BAUTISTA ADV. PICONE
EIGHTH JUDICIAL DISTRICT COURT CASE NO.: D-14-495928-P
OUR FILE NO.: 4870-0001

To Whom It May Concern:

Please accept this letter as a demand that Tower of Jewels preserve all security video footage of the Bally's location, or any other location at which **James Picone** has worked, for the days he has worked since April 8, 2015. Within the next 30 days, this footage will be subpoenaed and the footage should not be erased until a subpoena can be served.

If you have any questions, please do not hesitate to call..

Very truly yours,

BLACK & LOBELLO

John D. Jones, Esq.

JDJ:cb

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CLERK OF THE COURT

DECL
BLACK & LOBELLO
John D. Jones, Esq.
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Telephone No.: 702-869-8801
Facsimile No.: 702-869-2669
Email: jjones@blacklobellolaw.com
Attorneys for Defendant,
RENELYN BAUTISTA

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

JAMES PICONE, Plaintiff vs. RENELYN BAUTISTA, Defendant	CASE NO.: D-14-495928-P DEPT. NO.: N

DECLARATION OF DEFENDANT, RENELYN BAUTISTA

RENELYN BAUTISTA, being first duly sworn, deposes and says:

1. That I am the Defendant in this action and I offer this Declaration of my own personal knowledge.

2. On July 4th, 2015, around 4:45 pm we decided to go shopping at the Bally's shopping area for 4th of July sales. Knowing that James had confirmed on Our Family Wizard that he would be enjoying the 4th of July with Sophie, we were not even thinking about ever seeing him at the mall. As we were walking in the mall area we passed by Jimmy's work and to our surprise saw Sophia curled up in a ball in a dirty stroller sleeping.

3. She was positioned right at the front counter facing outside into the mall.

4. I was caught off guard, surprised, shocked and horrified to see this.

5. I immediately went into the store in which I saw a lady I never saw before and no sign of Jimmy. As I was extremely concerned seeing my baby in this condition as I went to hold

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her, Jimmy came out from the back and attempted to physically prevent me from checking on my daughter. My husband immediately verbally warned Jimmy and said: "don't you touch her. Don't you go near her."

6. Jimmy stepped back with a smirk on his face saying "it's not a court order," as he deliberately and abruptly took Sophia into the back of the store.

7. I was extremely upset and demanded some answers from him: 'What are you doing? You're not supposed to have her at your work? When did she eat? You know you're not supposed to do this. The judge told you not to ever take her to your work, especially when you know I am home and can watch her.'

8. Jimmy just smiled with an evil smirk and said again, "it's not a court order. You're trespassing. It's not a court order. Ha ha, it's not a court order. You can't take her." I was extremely upset and called the police (Metro). Security showed up as well. When Metro Police showed up, they had to immediately leave to take care of a robbery just stores down from Jimmy's work. He just smiled at me, even though this was clearly not a safe place for our 3 year old.

9. The next day when I had Sophia for one hour, we took her to breakfast. She was starving. Sophia was very upset and asked me how much longer does she have to go to Jimmy's. Sophie admitted that she did not eat the day before and that she was at Jimmy's work all day. Sophie also stated that her father takes her to work often. She was scared to tell us because she said that Jimmy told her that he will hurt mommy if she tells mommy the truth of what he is doing during his timeshare. Not only did Sophia eat everything in sight but she kept saying to me, "I don't want you to get hurt mommy. When can I come home?"

10. When we had to bring Sophia back, Jimmy had the police there claiming that he is scared of my husband. My husband has still not given him any reason to be scared of him.

11. With this ongoing threat Jimmy has been instilling in my daughter's mind about hurting me, Jimmy now knows that Sophia is talking more about his deliberate neglect and abuse to Sophia, I am now in fear of my safety as well as my daughter's. Sophia did tell me that Jimmy said that Buffalo will be her new home with her new sister and Mommy will not be

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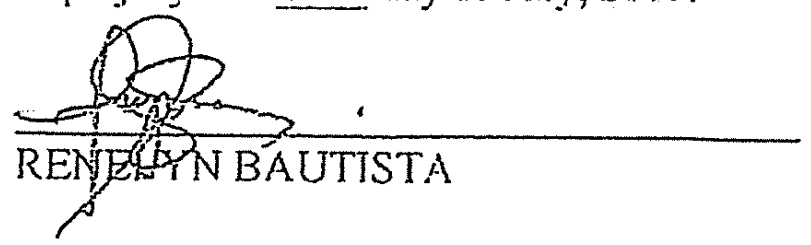
around much longer.

12. From the very beginning, Jimmy has been terrorizing our lives, especially my little girl, using manipulation and fabricated stories and lies to everyone including the Court and the Judge. I am now concerned that the more the real truth reveals itself showing who he really is and his real intentions, which have nothing to do with the care, love and well-being of Sophia, that he will do something crazy and stupid to hurt Sophia, myself and my family.

Signed under the pains and penalties of perjury this 07 day of July, 2015.



RENELYN BAUTISTA

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CLERK OF THE COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

****

In the Matter of the Petition by: James Picone, Petitioner.	Case No.: D-14-495928-P Department N

NOTICE OF ENTRY OF DECISION AND ORDER

TO: ALL PARTIES AND/OR THEIR ATTORNEYS

Please take note that a Decision and Order was prepared by this Court following a scheduled Hearing. A file stamped copy of the Decision and Order is attached hereto.

☒ I hereby certify that on the above file stamped date, I placed a copy of the foregoing Decision and Order in the appropriate attorney folder located in the Clerk of the Court's Office:

Edward Miley, Esq.

John D. Jones, Esq.

☒ I hereby certify that on the above file stamped date, I mailed, via first-class mail, postage fully prepaid the foregoing Decision and Order to:

James J Picone
2816 Shannon River Drive
Las Vegas, NV 89117

DATED: 12th day of August, 2015

By: _____
Mark Fernandez
Judicial Executive Assistant
Department N

MATTHEW HARTER
DISTRICT JUDGE
FAMILY DIVISION, DEPT N
LAS VEGAS, NV 89101

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07/17/2015 11:25:10 AM

CLERK OF THE COURT

Eighth Judicial District Court

Family Division

Clark County, Nevada

JAMES PICONE,

Plaintiff,

vs.

RENELYN BAUTISTA,

Defendant.

Case: D-14-495928-P

Dept: N

DECISION AND ORDER

This Court has read and considered Defendant's current Motion to Modify Custody filed on 7/9/2015 along with her Declaration filed on the same day. This Court is intimately familiar with this case due to the numerous filings and hearings in this matter. 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. Pursuant to EDCR 2.23(c) and 5.11(e), this Court can consider a motion and issue a decision on the papers at *anytime without a hearing*. Furthermore, "[A] district court has the discretion to deny a motion to modify custody without holding a hearing unless the moving party demonstrates *adequate cause* for holding a hearing." *Rooney v. Rooney*, 109 Nev. 540, 149, 853 P.2d 123 (1993).

The controlling order which was by stipulation was entered on 4/8/2015 whereby the parties agreed to joint physical custody of the minor child. This was in line with the new "*Child custody presumption for unmarried parents*." *Druckman v. Ruscitti*, 130 Nev. Adv. Op. 50, 327 P.3d 511, 514 (2014), reh'g denied (Sept. 24, 2014) (actual title of the subsection in the *Druckman* decision). In NRS 125.490(1) "[t]he Legislature created a presumption that joint legal and joint physical custody are in the best interest of the child if the parents so agree." *Rivero v. Rivero*, 125 Nev. 410, 423, 216 P.3d 213 (2009). In *Mosley v. Figliuzzi*, 113 Nev. 51, 930 P.2d 1110 (1997), *overruled in part by Castle v. Simmons*, 120 Nev. 98, 86 P.3d 1042 (2004) the Court stated: "We stress the risks that are involved in terminating the joint custody in this case

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

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

Trial Dispositions:
☐ Disposed After Trial Start
☐ Judgment Reached by Trial

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and in changing father-custody to father-visitation. As we point out throughout this opinion, significant differences do emerge in social science studies between one-parent and two-parent families, differences that will most likely affect the future life of [the child]." *Id.* at 64-65.

Actually, the Court in *Mosely* on the issue very applicable to the one at hand said:

> We said in *Truax v. Truax*, 110 Nev. 437, 438, 874 P.2d 10, 11 (1994), that 'if it is shown that the best interest of the child requires the modification or termination' of a joint custody,'[a]ny order for joint custody may be modified or terminated by the court upon the petition of one or both parents or on the court's own motion.' This did not mean that we abandoned the doctrine of *res adjudicata* in child custody matters and that persons dissatisfied with custody decrees **can file immediate, repetitive, serial motions until the right circumstances or the right judge allows them to achieve a different result, based on essentially the same facts**. 'The moving party in a custody proceeding must show that circumstances ... have substantially changed since the most recent custodial order.... Events that took place before the proceeding [are] inadmissible to establish a change of circumstances.' *McMonigle v. McMonigle*, 110 Nev. 1407, 1408, 887 P.2d 742, 743 (1994).

Mosley at 58.

Defendant's Declaration alleges that on 7/4/2015 she just happened (along with her new husband, which has consistently caused prior issues in this case) to be passing by Plaintiff's place of business whereat she witnessed her child in deplorable conditions. This allegedly occurred at Bally's Hotel, so at a minimum it was in the view of Plaintiff's co-workers and passersby. Defendant further alleges hearsay statements from the child (**3 years of age**) wherein she implies that Plaintiff may be planning to abscond with her to "Buffalo" and then for good measure, adds in some more allegations (similar to her prior ones) of malnutrition.

Defendant's foundational statement in her current motion is: "Had she not taken action, she would be guilty of a failure to protect her daughter." *Defendant's Motion*, p. 3. She requests that discovery be open so that "neglect" can be proven. *Id.* at 8. Defendant also includes as Exhibit D to her motion the same report from a private investigator that was used last year in one of her prior motions, which not only has already been considered by this Court, but is *barred* from further consideration for this motion. *See McMonigle, supra.*

If in fact Defendant took the child from Plaintiff on this occasion without a Court order and did not immediately follow up by contacting Child Protective Services ("CPS"), she may have committed an act of abduction. *See* NRS 200.359(8). CPS has been involved in this case before. Not only was Defendant involved in that process, she had the CPS representative

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recorded by her private investigator going into Defendant's home. Exhibit D.

Accordingly, taking all of the foregoing into consideration, this Court CONCLUDES that Defendant has failed to *demonstrate adequate cause* why there should be any change of custody in her motion and accompanying Declaration. Accordingly, Defendant's current motion is DENIED *in full* and the hearing date of 8/12/2015 is VACATED. Defendant is yet again reminded that she is free to contact CPS to investigate any such alleged child abuse or neglect. IF in fact they believe there are valid grounds[1], CPS can and will obtain temporary orders superceding this Court's jurisdiction. This has been re-stated to Defendant *several* times throughout this case.

Given the history of the case, if a similar type of motion is filed again by Defendant within the next 6 months, this Court would be inclined to simply appoint a Parenting Coordinator[2] at Defendant's cost (given her "relative income"), subject to reimbursement if the Parenting Coordinator believes that Plaintiff is in fact the major cause of the parenting issues necessitating their services.

In the interim, since there are clearly still co-parenting issues at hand, both parties are ORDERED to enroll and complete the UNLV Cooperative Parenting Course (informational brochure included with this order). This is to be completed within the next 6 months.

If in fact the Defendant's work schedule has changed and he would like to change his joint physical custody schedule, he can submit an *ex parte* request to mediate the terms at FMC. *See* EDCR 5.70(b)(3).

DATED this 17th day of July, 2015.

District Court Judge
Mathew Harter

---

[1] It is simply noted that CPS employs a lower, legal burden of proof than this Court. *See* NRS 432B.121(1); NRS 432B.300(2) ; and 432B.480(1)(b) (reasonable cause standard); *Compare Mack v. Ashlock*, 112 Nev. 1062, 921 P.2d 1258 (1996) ("Unless specified by statute, the standard of proof in all domestic relations civil matters is the preponderance of the evidence standard.").

[2] Appointment would be via NRCP 53(a). *Roberts v. Roberts*, 63 Nev. 459, 174 P.2d 611 (1946) (court rules have the same force and effect as a statute and are binding). This process of appointing a Master to make child related decisions has been employed in Nevada for over 50 years. *See Cosner v. Cosner*, 78 Nev. 242, 371 P.2d 278 (1962) (the Master just cannot make a custody determination).

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CLERK OF THE COURT

MOT
BLACK & LOBELLO
John D. Jones
Nevada Bar No. 006699
10777 West Twain Avenue, Suite 300
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Telephone Number: 702-869-8801
Fax Number: 702-869-2669
Email Address: jjones@blacklobellolaw.com
Attorneys for Defendant,
RENELYN BAUTISTA

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

JAMES PICONE,

Plaintiff

vs.

RENELYN BAUTISTA,

Defendant

CASE NO.: D-14-495928-P
DEPT. NO.: N

Date of Hearing: 09/16/2015

Time of Hearing: 10:00 am

Oral Argument Requested

NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT HEARING PRIOR TO THE SCHEDULED HEARING DATE.

DEFENDANT'S MOTION FOR RECONSIDERATION OF DECISION AND ORDER FILED JULY 17, 2015

Defendant, RENELYN BAUTISTA, by and through her attorneys of record, John D. Jones and the law firm of Black & LoBello, hereby files her Motion for Reconsideration of Decision and Order Filed July 17, 2015.

DATED this 17 day of August, 2015

BLACK & LOBELLO

John D. Jones
Nevada Bar No. 6699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
702-869-8801
Attorneys for Plaintiff
RENELYN BAUTISTA

NOTICE OF MOTION

TO: ALL INTERESTED PARTIES:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE, that the undersigned will bring the above Motion for Reconsideration of Decision and Order Filed July 17, 2015 on for hearing before the entitled Court on the _____ day of _____, 2015, at the hour of _____ ___.m., or as soon thereafter as may be heard before the District Court, Family Division, Department N.

Dated this 17 day of August, 2015.

BLACK & LOBELLO

John D. Jones
Nevada Bar No. 6699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
702-869-8801
Attorneys for Defendant,
RENELYN BAUTISTA

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702-869-8801 FAX: 702-869-2669

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I.

FACTS

While the undersigned is concerned about the tone of the Court's Decision and Order, there are far bigger issues at play. Similarly, whereas the Court references "issues" which predated the most recent custody order, any such issues, which were fabricated by Plaintiff cannot be considered by the Court. (See McMonigle v. McMonigle). The only relevant consideration for the Court is what has happened since the entry of the April 8, 2015 order.

Factually, the Court seemed to question Renelyn's presence in the shopping mall at the Paris on July 4th. The Court should know that neither Renelyn, nor her husband wish for any contact with the Plaintiff. More importantly, Plaintiff had informed Renelyn via family wizard that he would be spending the holiday with Sophie. **The one place in the world, on the fourth of July, that Renelyn knew that neither Plaintiff nor Sophie would be was Plaintiff's place of employment.**

For the Court to doubt the motives of Renelyn indicates that it did not read the portion of the Motion and Declaration which discusses the fact that Plaintiff would not be working. The Order is very clear that neither party will use a third party caregiver for more than four hours. This Court made it even clearer that Plaintiff should never have a 3 year old at his place of employment. The mere fact that Plaintiff's response was that the Court's repeated admonishments were "not a Court order" clearly indicates that "a Court order" is needed.

Moreover, the Court must recognize and understand Renelyn's concern that Plaintiff may have been taking Sophie to work frequently. Even if Sophie had not made statements about the frequency, the fact that on the only time she ever went by his place of employment, on a day he said he was not working, Sophie was there. In the real world, that means that 100% of the time it could be confirmed, it was confirmed.

The investigator's report was offered in the Motion to remind the Court that many of Renelyn's concerns were well founded. The report supports the need to at least verify, via subpoena, just how many of Plaintiff's custody days he has worked. This Court certainly cares if Plaintiff is violating the order. This Court certainly cares if Plaintiff's idea of quality custodial

time with his daughter is putting her in a stroller and sticking her in the corner of a retail store. This Court certainly cares that a child sat in a stroller all day when a parent was available to care for her. Whether the Court, at a time prior to the last custody order liked Renelyn, or her husband is of no consequence. The Court's obligation is to protect Sophie. If, in fact, Sophie has been stuck in a stroller in a jewelry store in a casino mall, the Court necessarily must care and it must at least determine the truth.

The Court's criticism of a parent who does not immediately call CPS is surprising. The actions of the Plaintiff were so clearly a violation of the Court order and the Court's admonishments, that the undersigned counsel chose the path, not Renelyn. The undersigned counsel would never want the Court to have the impression that CPS was being used to bolster a case.

The Court's commentary about appointing a parenting coordinator at Renelyn's cost, based upon her relative income, is also problematic. Renelyn has no relative income. There is no legal authority for a Court to impute the income of a spouse for the purpose of assessing costs.

Finally, and possibly the area most in need of reconsideration is the final paragraph of this Court's order which states that if Plaintiff's work schedule has changed, he can seek a modification of the time share ex parte. There is no legal authority to support this order. If Plaintiff's work schedule changes, the Court would still have to assess best interests in order to modify the timeshare. Notice and an opportunity to be heard would be necessary particularly when such a fundamental right is being affected. Moreover, Renelyn settled this case, rather than continuing to trial, based upon receiving a specific time share. Any requested change could materially alter the settlement reached.

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702-869-8801 FAX: 702-869-2669

II.

POINTS AND AUTHORITIES

Rule 2.24. Rehearing of motions.

(a) No motions once heard and disposed of may be renewed in the same cause, nor may the same matters therein embraced be reheard, unless by leave of the court granted upon motion therefor, after notice of such motion to the adverse parties.

(b) A party seeking reconsideration of a ruling of the court, other than any order which may be addressed by motion pursuant to N.R.C.P. 50(b), 52(b), 59 or 60,

must file a motion for such relief within 10 days after service of written notice of the order or judgment unless the time is shortened or enlarged by order. A motion for rehearing or reconsideration must be served, noticed, filed and heard as is any other motion. A motion for reconsideration does not toll the 30-day period for filing a notice of appeal from a final order or judgment.

(c) If a motion for rehearing is granted, the court may make a final disposition of the cause without reargument or may reset it for reargument or resubmission or may make such other orders as are deemed appropriate under the circumstances of the particular case.

III.

CONCLUSION

Based upon the aforementioned considerations, Renelyn respectfully requests this Court issue the following Orders:

1. That this Court reconsider and reverse its Order filed July 17, 2015;
2. That discovery be opened.
3. That a status check be set regarding the results of the subpoena to Plaintiff's employer.
4. For any other relief this Court deems just and appropriate.

RESPECTFULLY SUBMITTED this 17 day of August, 2015.

BLACK & LOBELLO

John D. Jones
Nevada State Bar No. 6699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
702-869-8801
Attorneys for Defendant,
RENELYN BAUTISTA

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DECLARATION OF DEFENDANT IN SUPPORT OF HER MOTION FOR RECONSIDERATION OF DECISION AND ORDER FILED JULY 17, 2015

RENELYN BAUTISTA, being first duly sworn, deposes and says:

That I am the Defendant in the above-entitled action. I have personal knowledge of the facts and circumstances set forth in this Declaration.

That I have read the foregoing MOTION FOR RECONSIDERATION OF DECISION AND ORDER FILED JULY 17, 2015 and know the contents thereof; that the same is true of my own knowledge except for those matters therein stated on information and belief and as to those matters, I believe them to be true. The allegations contained in the Motion are adopted as if fully set forth in this Declaration.

Signed under pains and penalties of perjury this 7th day of August, 2015

RENELYN BAUTISTA

BLACK & LOBELLO
10777 W. Twain Avenue, 3rd Floor
Las Vegas, Nevada 89135
702-869-8801 FAX: 702-869-2669
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MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

JAMES PICONE
Plaintiff/Petitioner

v.

RENELYN BAUTISTA
Defendant/Respondent

Case No. D-14-495928-P

Dept. N

MOTION/OPPOSITION FEE INFORMATION SHEET

Notice: Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of $25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of $129 or $57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

Step 1. Select either the $25 or $0 filing fee in the box below.

☐ **$25** The Motion/Opposition being filed with this form is subject to the $25 reopen fee.

-OR-

☒ **$0** The Motion/Opposition being filed with this form is not subject to the $25 reopen fee because:

☐ The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.

☐ The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.

☒ The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____.

☐ Other Excluded Motion (must specify) _____.

Step 2. Select the $0, $129 or $57 filing fee in the box below.

☒ **$0** The Motion/Opposition being filed with this form is not subject to the $129 or the $57 fee because:

☒ The Motion/Opposition is being filed in a case that was not initiated by joint petition.

☐ The party filing the Motion/Opposition previously paid a fee of $129 or $57.

-OR-

☐ **$129** The Motion being filed with this form is subject to the $129 fee because it is a motion to modify, adjust or enforce a final order.

-OR-

☐ **$57** The Motion/Opposition being filing with this form is subject to the $57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of $129.

Step 3. Add the filing fees from Step 1 and Step 2.

The total filing fee for the motion/opposition I am filing with this form is:
☒ **$0** ☐ **$25** ☐ **$57** ☐ **$82** ☐ **$129** ☐ **$154**

Party filing Motion/Opposition: Defendant, Renelyn Bautista Date 8/17/15

Signature of Party or Preparer Renelyn Bautista

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CLERK OF THE COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

****

In the Matter of the Petition by: James Picone, Petitioner.	Case No.: D-14-495928-P Department N

NOTICE OF ENTRY OF DECISION AND ORDER

TO: ALL PARTIES AND/OR THEIR ATTORNEYS

Please take notice that the Court prepared a Decision and Order and that a file stamped copy is attached hereto.

☒ I hereby certify that I faxed or emailed and placed a copy of the Decision and Order in the appropriate attorney folder located in the Clerk of the Court's Office for:

John D. Jones, Esq.

☒ I hereby certify that I mailed the Decision and Order via first-class mail with postage fully prepaid to:

James J. Picone
2816 Shannon River Drive
Las Vegas, NV 89117

DATED: 20th day of August, 2015

By: _____
Mark Fernandez
Judicial Executive Assistant
Department N

MATTHEW HARTER
DISTRICT JUDGE
FAMILY DIVISION, DEPT.N
LAS VEGAS, NV 89101

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CLERK OF THE COURT

Eighth Judicial District Court

Family Division

Clark County, Nevada

JAMES PICONE, Plaintiff,	)	
vs.	)	Case: D-495928-P
RENELYN BAUTISTA,	)	Dept: N
Defendant.	)	

DECISION AND ORDER

Defendant has filed a Motion for Reconsideration dated 8/17/2015. 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. Pursuant to EDCR 2.23(c) and 5.11(e), this Court can consider a motion and issue a decision on the papers at anytime without a hearing. *Further*, EDCR 2.24(c) states that in Motions for Reconsideration, "the court may make a final disposition of the cause without reargument." In Motions for Reconsideration, it is not for the proverbial second bite at the apple, it necessarily has strict legal parameters placed upon it or else there would be no finality of legal disputes. "[P]ersons dissatisfied with [child custody related decisions] can[not] file immediate, repetitive, serial motions until the right circumstances or the right judge allows them to achieve a different result, based on essentially the same facts."[1]

"Only in very rare instances in which new issues of fact or law are raised supporting a ruling contrary to the ruling already reached should a motion for rehearing be granted."[2] "A district court *may* reconsider a previously decided issue if ***substantially different evidence*** is subsequently introduced ***or*** the decision is ***clearly erroneous***."[3] Neither is subjective, both

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[1] *Mosely v. Figliuzzi*,113 Nev. 51, 930 P.2d 1110 (1997), *overruled in part* by *Castle v. Simmons*, 120 Nev. 98, 86 P.3d 1042 (2004) ("[Only] to the extent that it can be read to preclude evidence of which the moving party was unaware when the prior custody order was entered." *Id.* FN 20).

[2] *Moore v. City of Las Vegas*, 92 Nev. 402, 405, 551 P.2d 244 (1976).

[3] *Masonry and Tile Contractors v. Jolley, Urga & Worth*, 113 Nev 737, 741, 941 P.2d 486 (1997).

grounds have strict legal parameters. *Substantially different evidence* requires "some good reason that precluded the moving party from advancing his contentions at an earlier, timely stage of the case."[4] "A finding is '*clearly erroneous*' when although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed."[5]

As stated many times before, this Court does not take Motions for Reconsideration lightly. It has again reviewed the entire underlying record. Despite the innuendo, this Court did read Defendant's motion *and* declaration in this matter. Defendant submits no *substantially different evidence*. Further, nothing submitted would constitute *clear error* by this Court. Defendant should maybe re-read the Decision; nowhere does it state that this Court ordered: "if Plaintiff's work schedule has changed, he can seek a modification of the timeshare ex parte." What it does say is that Plaintiff can submit a request for mediation at FMC, a process that would require an agreement before any modification would occur. And in fact, a legal citation granting this Court the authority to refer the parties to FMC was included in the Decision. Apparently this was another oversight.

As this Court cannot find *clear error* or *substantially different evidence*, the motion is DENIED and the hearing date of 9/16/2015 is VACATED.

DATED this 20th day of August, 2015.

District Court Judge
Mathew Harter

---

[4] *Little Earth of the United Tribes, Inc. v. U.S. Dep't of Hous. & Urban Dev.*, 807 F.2d 1433, 1441 (8th Cir. 1986) (cited in *Masonry and Tile Contractors, supra*); *compare* NRCP 60(b)(2)("newly discovered evidence which by due diligence could not have been discovered")

[5] *United States v. U.S. Gypsum Co.*, 333 U.S. 364, 395, 68 S. Ct. 525, 542, 92 L. Ed. 746 (1948); *See also Russell v. Thompson*, 96 Nev. 830, 834, 619 P.2d 537, 539 (1980) ("It is only instances such as the following that permit the court to disregard the report: the findings are based upon material errors in the proceedings or a mistake in law; or are unsupported by any substantial evidence; or are against the clear weight of the evidence.").

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CLERK OF THE COURT

OPCM
EDWARD R. MILEY, ESQ.
Nevada Bar No: 006063
711 South Ninth Street
Las Vegas, Nevada 89101
(702) 942-0600 – office
(702) 942-0601 – fax
UNBUNDLED Attorney for Plaintiff,
JAMES PICONE

DISTRICT COURT, FAMILY DIVISION
CLARK COUNTY, NEVADA

JAMES PICONE, Plaintiff, vs. RENELYN BAUTISTA, Defendant.	CASE NO: D-14-495928-P DEPT NO: N DATE OF HEARING: TIME OF HEARING:

"NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION/COUNTERMOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION/COUNTERMOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION/COUNTERMOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT HEARING PRIOR TO THE SCHEDULED HEARING DATE."

PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR RECONSIDERATION OF DECISION AND ORDER FILED JULY 17, 2015
AND
PLAINTIFFS COUNTER MOTION TO MODIFY PHYSICAL CUSTODY AND RELATED PARENT/CHILD ISSUES; THAT DEFENDANT UNDERGO AN OUTSOURCED PSYCHOLOGICAL EVALUATION; FOR AN ORDER TO SHOW CAUSE TO FIND THE DEFENDANT IN CONTEMPT OF COURT; FOR PLAINTIFF'S ATTORNEY'S FEES AND COSTS INCURRED HEREIN, AND RELATED RELIEF

COMES NOW the Plaintiff, JAMES PICONE, by and through his UNBUNDLED attorneys, THE MILEY LAW FIRM and moves this Honorable Court for the following relief:

1. Denying the relief sought by the Defendant;

2. For an order modifying physical custody and awarding Plaintiff primary physical custody of the parties' minor children, subject to Defendant's right of supervised visitation;

3. That Defendant undergo an outsourced psychological evaluation;

4. Terminating Plaintiff's child support payment and ordering Defendant to pay child of $100.00 per month, or, 18% of her gross monthly income, whichever is greater, pursuant to NRS125B.070;

5. For an order to show cause to find the Defendant in contempt of court for her deliberate refusal to comply with the Court's joint legal custody order;

6. For Plaintiff's costs and attorney's fees and costs incurred herein;

7. For such other and further relief as the court deems just and equitable.

This opposition and counter motion is made and based upon all the papers and pleadings on file, together with the attached affidavit and is made in good faith and not to delay justice.

Dated this 14 day of August, 2015.

Respectfully submitted:

EDWARD R. MILEY, ESQ.
Nevada Bar No: 006063
711 South Ninth Street
Las Vegas, Nevada 89101
(702) 942-0600
UNBUNDLED Attorney for Plaintiff,
JAMES PICONE

POINTS AND AUTHORITIES

Plaintiff, JAMES PICONE (hereinafter "JAMES") and Defendant, RENELYN BAUTISTA (hereinafter "RENELYN") have one minor child together, Sophia, age 3 The parties share joint legal and joint physical custody of Sophia.

I. DISMISSAL OF RENELYN'S MOTION TO RECONSIDER

EDCR 2.24 states:
Rehearing of motions.

(a) No motion once heard and disposed of may be renewed in the same cause, nor may the same matters therein embraced be reheard, unless by leave of the Court granted upon motion therefor, after notice of such motion to the adverse parties.

(b) A party seeking reconsideration of a ruling of the Court, other than an order which may be addressed by motion pursuant to NRCP 50(b), 52(b), 59 or 60, must file a motion of such relief within 10 days after service of written notice of the order or judgment unless the time is shortened or enlarged by order. A motion for rehearing or reconsideration must be served, noticed, filed and heard as is any other motion. A motion for rehearing does not toll the 30 day period for filing a notice of appeal from a final order or judgment.

(c) If a motion for rehearing is granted, the Court may make a final disposition of the cause without re-argument or may restore it to the calendar for re-argument or resubmission or may make such other orders as are deemed appropriate under the circumstances of the particular case. (Amended 12-5-86, eff. 2-3-87)

The case of *Masonry and Tile Contractors v. Jolley, Urga & Wirth,* 113 Nev. 737, 941 P.2d 487 (1997) sets forth the standard to be applied by the district Court in assessing a request to reconsider. The Nevada Supreme Court held that a district Court may reconsider a previously decided issue if substantially different evidence is subsequently introduced or the decision is clearly erroneous.

RENELYN's motion to reconsider the Court's Decision and Order entered on July 17, 2015 was filed on August 17, 2015. Pursuant to E.D.C.R. 2.24, RENELYN had 10 days after the service of the notice of entry of order within which to file such a motion. The Court's Decision and Order was served on counsel for the parties electronically on July 23, 2015. Allowing 10 days, excluding the day of service, excluding intervening

weekends and adding 3 additional days for electronic service, RENELYN had until August 10, 2015 by which to file the instant motion. She did not file her motion until August 17, 2015 – 10 days beyond the deadline. RENELYN's motion is untimely and must therefore be dismissed.

II. THE MERITS OF RENELYN'S MOTION TO RECONSIDER

RENELYN does not specify the relief that she is seeking in the instant motion. However, in light of the fact that she is asking the Court to reconsider its Decision and Order which was issued in response to RENELYN's motion to modify custody filed on July 9, 2015, presumably RENELYN wants the Court to grant her the relief in her original motion. That being the case, JAMES has set forth below his opposition to that motion and his counter motion. JAMES had actually prepared an opposition to RENELYN'S change custody motion but it was never filed because the Court issued its July 17, 2015 Decision and Order before JAMES could file his opposition.

RENELYN is upset over the fact that the Court did not hold a hearing on her motion to change custody. In the instant motion RENELYN argues that the Court's reference to issues that predated the most recent custody order were fabricated by JAMES and cannot be considered by the Court. Court's Decision and Order clearly indicates it was RENELYN who submitted evidence that predated the last custody order. Specifically, the Court referred to RENELYN's Exhibit D to her motion which was the same report from a private investigator the RENELYN used last year in one of her prior motions. In its Decision and Order the Court, relying on *McMonigle vs. McMonigle*, 110 Nev. 1407, 887 P.2d 742 (1994), correctly noted that the Court had already considered this evidence and that RENELYN was barred from submitting it again.

RENELYN'S lawyer's argues that issues that were fabricated by JAMES cannot be considered by the Court. The statement is absurd on its face in light of the fact that JAMES never had the chance to file an opposition to RENELYN's change custody motion. When the Court issued its July 17, 2015 Decision and Order it had before it only the evidence and information that RENELYN had submitted. Even under those circumstances RENELYN'S evidence and arguments were so petty and insubstantial that the Court correctly concluded it was not going to waste time holding a hearing on a matter that did not even rise to the adequate cause standard of *Rooney v. Rooney,* 109 Nev. 540, 853 P.2d 123 (1993).

RENELYN takes exception to the Court questioning her presence in the shopping mall at the Paris on July 4, 2015. She claims JAMES told her via Family Wizard that he and Sophia would be spending July 4th together and therefore RENELYN had no reason to expect that JAMES and Sophia would be at JAMES' place of employment that day. The trouble with RENELYN's claim is that she has offered no reason why she and her trouble making husband were there in the first place? If they were spending the day shopping, they certainly did not need to go to that particular location, considering there are dozens of other places they could have gone. If RENELYN and her husband were looking for entertainment, there was no compelling reason for them to go to that particular location considering that Las Vegas is the entertainment capital of the world and there are thousands of other places they could have gone to be entertained. The truth is, and what RENELYN and her lawyer will never admit, RENELYN and her trouble making husband went there because they were spying on JAMES and hoped to catch him at work with Sophia. The Court correctly

discerned this to be the case, which is why the Court was not to waste time holding a hearing on RENELYN's frivolous motion.

RENELYN claims that the Court order is clear that neither party will use a third-party caregiver for more than four hours and that JAMES should never have had his daughter's place of employment and therefore it is up to her and this Court to protect the child. This is nothing but a restatement of the same argument RENELYN made in her original motion filed on July 7, 2015. JAMES will respond to these allegations in greater detail below.

RENELYN takes exception to the Court's observation about her use of CPS. The Court did nothing more than note that RENELYN has gotten CPS involved in the past and had the CPS representative recorded by her private investigator. These are undisputed facts. If RENELYN feels aggrieved by the Court making note of them she has no one but herself to blame because she is the one who created the circumstances in the first place. Moreover, the Court specifically noted that RENELYN was free to contact CPS to investigate any alleged child abuse or neglect and that it would be up to CPS to determine if there were any valid grounds for it (CPS) to intervene.

RENELYN takes exception to the Court's decision to consider appointing a parenting coordinator if RENELYN filed another motion such as the instant one. RENELYN claims there is no "relative income". Apparently this comment is meant to suggest that her income is not substantially greater than JAMES'. Assuming for the sake of argument that it is not, the Court is still free to order RENELYN to pay for the entire cost of a parenting coordinator in light of the fact that it is RENELYN's litigious behavior that has created the need for a parenting coordinator in the first place. JAMES

does not want to be burdened with having to deal with a parenting coordinator but if the Court decides to appoint one JAMES agrees with the Court's decision that RENELYN must be solely responsible to pay the cost. The only way for the Court to curb RENELYN's litigious behavior is to make RENELYN suffer some negative consequences.

RENELYN claims there is no legal authority to support the Court's order that JAMES may submit an ex parte request to modify his timeshare based upon a change in his work schedule. The argument is incorrect. This Court has undoubtedly issued many orders that base a time share on a party's work schedule and structure the order to say that a change in a party's work schedule will automatically result in a change in that party's timeshare to accommodate the new work schedule. The reason for such an order is to avoid making a party file a motion every time that party's days off change - which in the casino/hotel business can occur with great frequency.

Based on the foregoing JAMES is requesting that RENELYN'S motion to reconsider be denied in its entirety.

III. JAMES' OPPOSITION AND COUNTER MOTION TO RENELYN'S ORIGINAL MOTION TO CHANGE CUSTODY FILED JULY 7, 2015

In her motion to change custody, RENELYN submitted a supporting affidavit. JAMES will respond to the allegations set forth in Renelyn's affidavit in the order they appear in her pleadings.

1. Tower of Jewels time sheets and time records for JAMES (see Tower of Jewels time sheets and time records for JAMES PICONE as **Exhibit 1** attached hereto) showing his work days and hours do not coincide with the days he has his daughter. His custodial days are his days off, with the exception of July, 4th 2015

which was the agreed upon holiday for JAMES to have his daughter (See Notice of Entry of Stipulation and Order Resolving Parent-Child Issues as **Exhibit 2** attached hereto).

2. RENELYN stated in her declaration that on July, 4th 2015 when she, accompanied by her husband, Schramm and her 9 year old daughter 'Shyla' went into the Tower of Jewels store to confront JAMES that she called Metro Police and they were in attendance regarding the domestic dispute but they had to leave to immediately take care of a robbery just stores away. Metro Police did not show up at that time and did not take care of robbery just stores away. Casino security was in attendance to the domestic dispute where they had to escort RENELYN and Schramm out of the store as they were yelling obscenities, screaming and causing such a disruption. Metro Police did not respond to the incident at that time. (See Incident Report for the day of July, 4th 2015 for Bally's attached hereto as **Exhibit 3**). There were 15 incidents on the Bally's property that day none of which were a 'store robbery' and all incidents reported were not in the area of the shopping area but in the casino upstairs.

3. Sophia was not in a dirty stroller. The stroller in question (See receipt and picture attached hereto as **Exhibit 4**) was purchased by JAMES on Saturday, June 13th 2015 and was brand new. The attached picture is the same stroller that RENELYN and Schramm took pictures of in the store that day. Please refer to both sets of pictures for comparison. Sophia was not positioned right at the front counter facing outside into the mall but was instead positioned behind the counter asleep in her stroller. When RENELYN stormed into the store with Schramm the lady that she saw was a fellow employee of Tower of Jewels and JAMES was standing right next to the

employee with Sophia right next to him in the stroller. There is a surveillance video of the entire event. JAMES would ask to the Court to watch the video. It reveals RENELYN and Schramm's attempts to defame and stalk JAMES through their malicious disruptive behavior. The video shows it was necessary to have security escort RENELYN and Schramm from the premises. The video footage also shows the shirt sleeve and arm of a person coming from around the counter heading in the direction of the security phone which is a direct link to mall security. The arm and shirt sleeve in question is that of JAMES so he was in the store behind the counter all the time. There is no back door in the store only the front doors.

4. The next day July 5th 2015. (See Our Family Wizard correspondence attached hereto as **Exhibit 5)** Out of spite and anger RENELYN insisted on utilizing a one hour period of access from 9:00AM-10:00AM knowing that this would be confusing and disruptive to a three-year-old child's routine. Early that morning when JAMES woke Sophia to get her ready to meet her mother, JAMES asked Sophia what she wanted to eat for breakfast? Sophia replied she wasn't hungry and did not want anything to eat. She had just awakened. RENELYN after picking up Sophia for the one hour access period, took her to breakfast. Sophia said she was starving. Sophia did in fact eat the day before July, 4th 2015 she ate breakfast, lunch and dinner with snacks in between.

RENELYN also stated that during said access period on July, 5th 2015, Sophia was "very upset" and asked "how much longer does she has to go to Jimmy's"? (See Evaluation letter from Dr. John Paglini, Psv. D. dated January, 9th 2015 attached hereto as **Exhibit 6**). He states that on a home visit to JAMES' residence Sophia appeared

very comfortable in her father's presence. The home was clean, and his daughter appeared happy and comfortable with her father.

5. RENELYN stated in her declaration that Sophia informed her that JAMES takes her to his place of employment often. JAMES is the proud father of a beautiful child and on a couple of occasions has taken his daughter to his place of employment on his custodial days when he is not working to introduce her to colleagues (see schedules and time cards – Exhibit 1 hereto). On two occasions the work colleagues have had gifts for Sophia. JAMES and Sophia went to the store to pick them up.

6. JAMES did file an incident report with Metro Police #150704 (incident report for Tower of Jewels # 3213 on July 4th 2015 attached hereto as **Exhibit 7)**. Officers did visit JAMES at his residence that evening where JAMES reported the events that happened that day. He felt stalked, defamed and harassed at his workplace and has constantly had to endure emotional distress as he is threatened and defamed through Our Family Wizard Program by RENELYN and Schramm (See correspondence through Family Wizard attached hereto as **Exhibit 8**). The correspondence show JAMES has done nothing but try to co-parent with RENELYN. RENELYN'S refuses to address any of JAMES questions or concerns in her correspondence and instead continues her attempts of installing emotional distress upon JAMES with hate filled threats and false allegations. Due to the traumatizing events that RENELYN and Schramm caused that holiday, JAMES had to wait at his residence for Metro Police because JAMES wanted to file an harassment charge. JAMES was told he would be unable to do so as there has to be threats of bodily injury

or property damage. That evening JAMES had planned to take his daughter, Sophia to go to a fireworks display but sadly missed it as Metro understandably was busy and he had no choice but to wait for them until that late that evening. RENELYN and Schramm intentionally and with malice caused hampered contact by disparaging JAMES in front of his daughter. Further RENELYN and Schramm with malice intent, interfered with JAMES scheduled holiday with his daughter.

7. JAMES would never and has never once exhibited through his actions or otherwise that he would do anything to harm Sophia or her extended family. Sophia has stated to JAMES that Schramm is often displays emotions of anger towards her and on one occasion had torn a dress from her body because she didn't pick up her toys when told to do so. Sophia stated that she fears Schramm because he spanks her. Sophia has also stated to JAMES that Schramm and RENELYN argue all the time often using foul language and cursing. Sophia expressed concern stating that her mother cries and screams at Schramm. Sophia has no bedroom or bed if her own. Sofia sleeps with her grandmother and grandmother's new husband or on the couch with her mother. When JAMES picks up Sophia for his custodial days and asks what she has eaten breakfast, very often she replies that she had eaten cake, rice or cookies. Sophia has expressed to JAMES that RENELYN does nothing with her and does not take Sophia out anywhere. Sophia states that her mother sits in the house all day watching TV. Sophia states that her grandmother takes care of her and her other siblings. Sophia stated to JAMES that she had fallen into the family pool and her step sister Shyla aged 9 years old pulled her out. Sophia stated she was coughing and choking as she got pulled out of the pool. There were no adults present. They were in

the house watching TV. (EXIBIT: see Our Family Wizard correspondence referencing the incident). The list of what this three-year-old child has endured when she is with RENELYN and extended family is endless. Every time JAMES picks her up for his visit Sophia is upset about something else that had happened during her time with RENELYN. JAMES is extremely concerned about his daughter's safety, welfare, emotional development and well being every time Sophia is with RENELYN.

8. As stated by Dr. John Paglini, Psy. D. on his evaluation of a home visit "When Sophia was with JAMES, she was happy and comfortable. On JAMES' custodial days Sophia eats home cooked meals three times a day. JAMES cooks for her. Sophia loves it when JAMES barbecues. They sit and play and have fun with coloring books and reading books. JAMES has even sat with her and made bead bracelets with Sophia for her siblings. JAMES and Sophia go to church every Sunday and JAMES makes sure they go to the library at least once during his custodial days and picks up books for her and JAMES every night." (See receipts from the library attached hereto as **Exhibit 9)**. JAMES and Sophia have a daily outing to the park or other destinations where she can socialize with other children in the play areas. JAMES even relocated to Henderson to be closer to Sophia when she starts pre-school so that JAMES could be more involved with her schooling. It is stated in the current NOTICE OF ENTRY OF STIPULATION AND ORDER RESOLVING PARENT-CHILD ISSUES that both parties consult and jointly select all schools, health care providers and counselors for Sophia. JAMES has attempted to amicably correspond through Our Family Wizard to discuss these items. These sections of said ORDER have not been adhered to by RENELYN. RENALYN stated to JAMES that she

has already enrolled Sophia in the school system and would not disclose to JAMES which school she has been enrolled in. Further, RENELYN informed JAMES that he was obligated to pay half of the tuition for the school and any further questions to be directed to her lawyer (see Our Family Wizard correspondence attached hereto as **Exhibit 10**) RENELYN uses the Family Wizard as a platform to threaten, harass and defame JAMES with an endless stream of false slanderous allegations- most of which have nothing to do with Sophia. RENELYN does this fully aware that the correspondence she sends through Our Family Wizard is not private and will be read by third parties. RENELYN has alleged multiple times that JAMES has committed crimes though said correspondence. (See Our Family Wizard correspondence attached hereto as **Exhibit 11**). JAMES has never been arrested and never had a DUI. JAMES does do not have any warrants and his daughter has never passed out in a stroller.

9. On July 4th 2015, JAMES did take his daughter Sophia to work because it was a short work day. The store is normally very slow with few customers. Sophia had JAMES' attention at all times. JAMES took Sophia to eat on a couple of occasions and took her for walks around the mall in her stroller. Sophia had her books and coloring books with her. JAMES' co-worker was playing and singing with Sophia. Sophia stated later that day she had so much fun she wanted to come to work with JAMES again. That day the phone in The Tower of Jewels rang about five times. A fellow colleague answered the phone and each time the caller would hang up. Later that afternoon the phone rang again and JAMES answered and again the caller hung up. JAMES does not believe that RENELYN and Schramm just happened to be

"shopping" that day at Bally's. RENELYN is using the "shopping" excuse to stalk JAMES at his job.

10. RENELYN claims JAMES' place of employment was not a safe place to bring a 3 year old. Tower of Jewels has been in business for 30 years with no incidents. JAMES would never bring his daughter to a location where he did not feel she would be safe. The jewelry store is much safer than most places because it is located in a casino where they have double and even triple the security of other venues. Security personnel patrol all areas on a regular basis and have exceptionally fast response times; unlike other venues such as grocery stores, shopping malls, etc. Extensive state of the art cameras are located throughout the mall and in the jewelry store. Jack Weinstein is the owner of Tower of Jewels. He is a well respected business man in Las Vegas for over 50 years. His past and present employees always bought their children to work on occasion. His employees feel safe. JAMES is no different than countless other fathers who have bought their children to their place of employment with them.

II. ANALYSIS/ARGUMENT

1. MODIFICATION OF PHYSICAL CUSTODY; OUTSOURCED PSYCHOLOGICAL EVALUATION

NRS125.510. Orders: modification or termination; form; expiration.

1. In determining custody of a minor child in an action brought under this chapter, the court may:

(a) During the pendency of the action, at the final hearing or at any time thereafter during the minority of any of the children of the marriage, make such an order for the custody, care, education, maintenance and support of the minor children as appears in their best interest;

2. Any order for joint custody may be modified or terminated by the court upon the petition of one or both parents or on the court's own motion if it is shown that the best interest of the child requires the modification or termination.

The court shall state in its decision the reasons for the order of modification or termination if either parent opposes it.

NRS 125.480 Best interest of child; preferences; considerations of court; presumption when court determines that parent or person residing with child is perpetrator of domestic violence.

1. In determining custody of a minor child in an action brought under this chapter, the sole consideration of the court is the best interest of the child. If it appears to the court that joint custody would be in the best interest of the child, the court may grant custody to the parties jointly.

2. Preference must not be given to either parent for the sole reason that the parent is the mother or the father of the child.

3. The court shall award custody in the following order of preference unless in a particular case the best interest of the child requires otherwise:

(a) To both parents jointly pursuant to NRS 125.490 or to either parent. If the court does not enter an order awarding joint custody of a child after either parent has applied for joint custody, the court shall state in its decision the reason for its denial of the parent's application.

(b) To a person or persons in whose home the child has been living and where the child has had a wholesome and stable environment.

(c) To any person related within the third degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this State.

(d) To any other person or persons whom the court finds suitable and able to provide proper care and guidance for the child.

4. In determining the best interest of the child, the court shall consider and set forth its specific findings concerning, among other things:

(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.

(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.

5. Except as otherwise provided in subsection 6 or NRS 125C.210, a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking custody has engaged in one or more acts of domestic violence against the child, a parent of the child

or any other person residing with the child creates a rebuttable presumption that sole or joint custody of the child by the perpetrator of the domestic violence is not in the best interest of the child. Upon making such a determination, the court shall set forth:

(a) Findings of fact that support the determination that one or more acts of domestic violence occurred; and

(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other victim of domestic violence who resided with the child.

6. If after an evidentiary hearing held pursuant to subsection 5 the court determines that each party has engaged in acts of domestic violence, it shall, if possible, then determine which person was the primary physical aggressor. In determining which party was the primary physical aggressor for the purposes of this section, the court shall consider:

(a) All prior acts of domestic violence involving either party;

(b) The relative severity of the injuries, if any, inflicted upon the persons involved in those prior acts of domestic violence;

(c) The likelihood of future injury;

(d) Whether, during the prior acts, one of the parties acted in self-defense; and

(e) Any other factors which the court deems relevant to the determination.

In such a case, if it is not possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies to both parties. If it is possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies only to the party determined by the court to be the primary physical aggressor.

7. As used in this section, "domestic violence" means the commission of any act described in NRS 33.018.

When the parties share joint physical custody the standard for a modification of custody is the "best interest of the child". *Truax v. Truax* 110 Nev. 437; 874 P.2d 10 (1994); (See also, *Mosley v. Figliuzzi,* 113 Nev. 51; 930 P.2d 1110 (1997)). There is no basis for the RENELYN's request for primary physical custody. She has describe a single instance that occurred following the issuance of the current custody order in which she claims JAMES brought Sophia to work on July 4, 2015. The child was with JAMES that day because it was his visitation holiday. Despite RENELYN's hysterical and irrational complaints about all the imagined dangers the child was exposed to, the fact is Sophia was quite safe. She was always under JAMES' supervision and she was in about as safe an environment as one could imagine. RENELYN is clutching at straws

with her motion. She has tried to exaggerate an event far out of proportion to its significance. RENELYN neglects to mention that when she and her husband appeared at JAMES' place of employment and cased a violent and disruptive scene and had to be removed from the premises. The surveillance video from the event, which JAMES has and which the Court is encouraged to watch, reveals that RENELYN's description of what occurred is nothing but an outright lie. The behavior of RENELYN and her husband is far more revealing about who is the better parent. RENELYN has a long history of violent, abusive and harassing behavior. She has never been able to accept the fact that JAMES dumped her. RENELYN is extremely jealous, filled with rage and will do anything she can to retaliate against JAMES for the failure of their relationship and obviously has no qualms about using the child to extract her revenge. The July 4 incident is only the most recent example. As JAMES noted in his points and authorities RENELYN refuses to co-parent with JAMES, neglects Sophia's health and well being. She routinely violates the court's joint legal custody order by making unilateral decisions regarding Sophia. RENELYN abandons the child to the care of others because RENELYN does not want to be bothered caring for Sophia, and she allows her husband to mistreat the child. Considering that RENELYN wants primary physical custody, allowing her and her husband to have even more time with Sophia is scarcely in the child's best interests. Rather, if the court is going to protect the child the only solution is to severely restrict RENELYN's visitation. JAMES respectfully submits that he is the better parent. When JAMES has Sophia for his time share he spends all of his time with his daughter. Unlike RENELYN, JAMES does not abandon the child to others while he pursues other activities. JAMES respectfully submits that Sophia's best

interests would be better served if the court modified physical custody and awarded him primary physical custody of Sophia, subject to RENELYN's right of supervised visitation.

Because of RENELYN'S irrational, violent and abusive behavior JAMES is requesting that she undergo an outsourced psychological evaluation.

2. CHILD SUPPORT

NRS 125B.145 Review and modification of order for support: Request for review; jurisdiction; notification of right to request review.

1. An order for the support of a child must, upon the filing of a request for review by:

(a) The Welfare Division of the Department of Human Resources, its designated representative or the district attorney, if the Welfare Division or the district attorney has jurisdiction in the case; or

(b) A parent or legal guardian of the child,

shall be reviewed by the Court at least every 3 years pursuant to this section to determine whether the order should be modified or adjusted. Each review conducted pursuant to this section must be in response to a separate request.

2. If the Court:

(a) Does not have jurisdiction to modify the order, the Court may forward the request to any Court with appropriate jurisdiction.

(b) Has jurisdiction to modify the order and, taking into account the best interests of the child, determines that modification or adjustment of the order is appropriate, the Court shall enter an order modifying or adjusting the previous order for support in accordance with the requirements of NRS 125B.070 and 125B.080.

3. The Court shall ensure that:

(a) Each person who is subject to an order for the support of a child is notified, not less than once every 3 years, that he may request a review of the order pursuant to this section; or

(b) An order for the support of a child includes notification that each person who is subject to the order may request a review of the order pursuant to this section.

4. An order for the support of a child may be reviewed at any time on the basis of changed circumstances. For the purposes of this subsection, a change of 20 percent or more in the gross monthly income of a person who is subject to an order for the support of a child shall be deemed to constitute changed circumstances requiring a review for modification of the order for the support of a child.

5. As used in this section:

(a) "Gross monthly income" has the meaning ascribed to it in NRS 125B.070.

(b) "Order for the support of a child" means such an order that was issued or is being enforced by a Court of this State.

Pursuant to NRS125B.145, the district Court must review a support order every three years. The Court may also review a support order upon a showing of changed circumstances. The Nevada Supreme Court has held that because the term "may" is discretionary, the district Court has discretion to review a support order based on changed circumstances but is not required to do so. However, a change of 20 percent or more in the obligor parent's gross monthly income requires the Court to review the support order. Although these provisions indicate when the review of a support order is mandatory or discretionary, they do not require the Court to modify the order upon the basis of these mandatory or discretionary reviews. In summary, although a party need not show changed circumstances for the district Court to review a support order after three years, changed circumstances are still required for the district Court to modify the order and the district Court must also consider the best interests of the child and determine whether it is appropriate to modify the order. *Rivero v. Rivero*, 216 P.3d 213 (2009).

If JAMES' request to change custody is granted his child support payment should be immediately discontinued. RENELYN is employed and capable of paying child support. In order to establish the correct amount of his support payment RENELYN should be ordered to provide to the Court and JAMES with copies of her pay stubs for 2015, her W-2's for 2014, together with her income tax returns for 2014, 2013 and 2012. Once her gross monthly income has been determined, her child support payment should be set at 18% thereof, subject to the statutory caps of NRS125B.070, et seq. Additionally, if it is determined that JAMES owes RENELYN child support arrears, RENELYN'S child support payment should be applied first to reduce any arrears that

JAMES may owe to him. Once those arrears have been exhausted, RENELYN should make his child support payment directly to JAMES.

3. ORDER TO SHOW CAUSE

NRS 22.010 Acts or omissions constituting contempts. The following acts or omissions shall be deemed contempts:

3. Disobedience or resistance to any lawful writ, order, rule or process issued by the court or judge at chambers.

NRS 22.110 Imprisonment until performance if contempt is omission to perform an act;

1. Except as otherwise provided in subsection 2, when the contempt consists in the omission to perform an act which is yet in the power of the person to perform, he may be imprisoned until he performs it. The required act must be specified in the warrant of commitment.

Pursuant to NRS22.010 contempt includes acts of disobedience or resistance to any lawful writ, order, rule or process issued by the court. Any order meant to be the subject of a contempt proceeding must be clear, unambiguous, and set forth the details of compliance in clear, specific terms, so the parties will know what duties or obligations are imposed. *Cunningham v. District Court,* 102 Nev. 551, 729 P.2d 1328 (1986). The moving party carries the burden of demonstrating the other party had the ability to comply with the order, and the violation of the order was willful. *Rodriguez v. District Court,* 120 Nev. 789, 102 P.3d 41 (2004). The inability of a contemnor to obey the order (without fault on their part) is a complete defense and sufficient to purge them of the contempt charged. *Mccormick v. Sixth Judicial District Court,* 67 Nev. 318, 326; 218 P.2d 939 (1950). However, where the contemnors have voluntarily or contumaciously brought on themselves the disability to obey the order or Decree, such a defense is not available; and the burden of proving inability to comply is upon the contemnor. Id.

RENELYN violated the court's joint legal custody order by making decisions regarding Sophia's education, care and treatment without discussing them with JAMES or informing him what she had done. Clearly under these circumstances the court has the power to punish a transgressor for contempt in order to maintain respect, decency and dignity in the court's proceedings. *Lamb v. Lamb,* 83 Nev. 425, 433 P2d. 265 (1967). There is no excuse for RENELYN'S failure to comply with this court's joint legal custody order. She knows that she is barred from making unilateral decisions regarding the child's educational, medical care and the like, yet she repeatedly does so in direct violation of this Court's order. The only practical solution is to punish RENELYN to bring her into compliance and to prevent it from happening again. JAMES is therefore requesting that RENELYN be found in contempt and sanctioned, including incarceration, and that she be fined and ordered to pay JAMES' attorney's fees and costs.

4. ATTORNEY'S FEES

NRS 18.010 provides as follows:

2. In addition to the cases where an allowance is authorized by specific statute, the court may make an allowance of attorney's fees to a prevailing party:

(a) When he has not recovered more than $20,000.00; or

(b) Without regard to the recovery sought, when the court finds that the claim, counterclaim, cross-claim or third party complaint or defense of the opposing party was brought without reasonable ground or to harass the prevailing party.

In the case of *Miller v. Wilfong,* 119 P.3d 727 (2005) the Nevada Supreme Court held that it is within the trial court's discretion to determine the reasonable amount of attorney fees under a statute or rule and that in exercising its discretion, the district court must evaluate the factors set forth in *Brunzell v. Golden Gate National Bank,* 85 Nev. 345, 455 P.2d 31 (1969), including the qualities of the advocate, the character and

difficulty of the work performed, the work actually performed by the attorney, and the result obtained. In this case, JAMES' counsel is an experienced attorney who has litigated numerous divorce, custody, paternity and post-divorce actions. The legal representation in this case involved the collection and analysis of the pertinent information, the preparation of legal documents and court appearances. JAMES' counsel expects to obtain a good result based on the facts of the case.

JAMES is therefore requesting that he have an award of attorney's fees and sanctions in the sum of $5,000.00.

WHEREFORE, in the best interests of the minor child, let an order issue granting the relief requested by Plaintiff.

Dated this 24 day of August, 2015.

Respectfully submitted:

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JAMES PICONE

AFFIDAVIT OF JAMES PICONE

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

JAMES PICONE, being first duly sworn on oath, states as follows:

1. That I am the Plaintiff in the above-entitled action. That I have read the foregoing opposition and counter motion, including the points and authorities, and the same are true and correct to the best of my knowledge and belief.

2. For the reasons stated in my points and authorities, I am requesting that the Court grant me the relief sought in my opposition and counter motion.

JAMES PICONE

Subscribed and sworn to before me this
8th day of August, 2015.

Notary Public

NOTARY PUBLIC
SHARI NORTON
STATE OF NEVADA - COUNTY OF CLARK
MY APPOINTMENT EXP. FEB. 15, 2016
No: 08-6262-1

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of August, 2015 I deposited for mailing a true and correct copy of the PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR RECONSIDERATION OF DECISION AND ORDER FILED JULY 17, 2015 AND PLAINTIFFS COUNTER MOTION TO MODIFY PHYSICAL CUSTODY AND RELATED PARENT/CHILD ISSUES; THAT DEFENDANT UNDERGO AN OUTSOURCED PSYCHOLOGICAL EVALUATION; FOR AN ORDER TO SHOW CAUSE TO FIND THE DEFENDANT IN CONTEMPT OF COURT; FOR PLAINTIFF'S ATTORNEY'S FEES AND COSTS INCURRED HEREIN, AND RELATED RELIEF in the United States Post Office First Class Mail, postage repaid thereon addressed to:

John Jones
Black and Lobello
10777 W. Twain, Suite 300
Las Vegas, NV 89135

Person Mailing

EXHIBIT 1

at Tammy

JUNE T-14

	FRI 29th	SAT 30th	SUN 31st	MON 1st	TUES 2nd	WED 3rd	THUR 4th	
STEVIE	9-5:30	9-5;30	OFF	9-5:30	9-5:30	9-9:30	9-1:00	56.5
JACKIE	OFF	OFF	9-5;30	1-9:30	1:30-9:30	1-9:30	1-9:30	40
JUDI	OFF	1-9:30	9-9:30	5-9:30	9-5:30	9-5:00	OFF	40
JIM	9-9:30	9-9:30	OFF	OFF	OFF	OFF	9-9:30	36
RONDA	1-9:30	9-4:00	1-9:30	9-5:30	1-9:30	OFF	OFF	38.5

	FRI 5th	SAT 6th	SUN 7th	MON 8th	TUES 9th	WED 10th	THUR 11th	
STEVIE	9-5:30	9-5:30	OFF	9-5:30	9-5:30	9-9:30	9-1:00	56.5
JACKIE	OFF	~~1-9:30~~ 9.5 38	9-9:30	5-9:30	1:30-9:30	1-9:30	OFF	40
JUDI	OFF	1-9:30	9-5:30	1-9:30	9-5:30	9-5:00	OFF	40
JIM	9-9:30	9-9:30	OFF	OFF	OFF	OFF	9-9:30	36
RONDA	1-9:30	OFF	1-9:30	9-5:30	1-9:30	OFF	1-9:30	40

	FRI 12th	SAT 13th	SUN 14th	MON 15th	TUES 16th	WED 17th	THUR 18th	
STEVIE	9-5:30	9-5:30	OFF	9-5:30	9-5:30	9-9:30	9-1:00	56.5
JACKIE	OFF	OFF	9-5:30	1-9:30	1-9:30	1-9:30	1-9:30	40
JUDI	OFF	1-9:30	9-9:30	5-9:30	9-5:30	9-5:00	OFF	40
JIM	9-9:30	9-9:30	OFF	OFF	OFF	OFF	9-9:30	36
RONDA	1-9:30	9-4:00	1-9:30	9-5:30	1-9:30	OFF	OFF	38.5

	FRI 19th	SAT 20th	SUN 21st	MON 22nd	TUES 23rd	WED 24th	THUR 25th	
STEVIE	9-5:30	9-5:30	OFF	9-5:30	9-5:30	9-9:30	9-1:00	56.5
JACKIE	OFF	OFF	9-9:30	5-9:30	1:30-9:30	1-9:30	1-9:30	40
JUDI	OFF	1-9:30	9-5:30	1-9:30	9-5:30	9-5:30	OFF	40
JIM	9-9:30	9-9:30	OFF	OFF	OFF	OFF	9-9:30	36
RONDA	1-9:30	9-4:00	1-9:30	9-5:30	1-9:30	OFF	OFF	38.5

	FRI 26th	SAT 27th	SUN 28th	MON 29th	TUES 30th	JULY WED 1st	THUR 2nd	
STEVIE	9-5:30	9-5:30	OFF	9-5:30	9-5:30	9-9:30	9-1:00	56.5
JACKIE	OFF	OFF	9-5:30	1-9:30	1-9:30	1-9:30	1-9:30	40
JUDI	OFF	1-9:30	9-9:30	5-9:30	9-5:30	9-5:00	OFF	40
JIM	9-9:30	9-9:30	OFF	OFF	OFF	OFF	9-9:30	36
RONDA	1-9:30	9-4:00	1-9:30	9-5:30	1-9:30	OFF	OFF	38.5

Code Name

PIC419 PICONE, JAMES

DATE	DAY	CTGY.	START	STOP	HOURS	REG	OT1	OT2	OT3	UNPAID	TOTAL	DOLLARS
06/05/2015	FRI	WORK	08:49	21:24	12.75	12.25				0.50	12.75	
06/06/2015	SAT	WORK	08:51	21:23	12.75	12.25				0.50	12.75	
06/11/2015	THU	WORK	08:46	21:23	12.75	12.25				0.50	12.75	
				EMPLOYEE TOTALS		36.75	0.00	0.00	0.00	1.50	38.25	0.00

EMPLOYEE

SUPERVISOR

Code	Name
PIC419	PICONE, JAMES

DATE	DAY	CTGY.	START	STOP	HOURS	REG	OT1	OT2	OT3	UNPAID	TOTAL	DOLLARS
06/12/2015	FRI	WORK	08:46	21:24	12.75	12.25				0.50	12.75	
06/13/2015	SAT	WORK	08:49	21:26	12.75	12.25				0.50	12.75	
06/18/2015	THU	WORK	08:48	21:23	12.75	12.25				0.50	12.75	
				EMPLOYEE TOTALS		36.75	0.00	0.00	0.00	1.50	38.25	0.00

EMPLOYEE

SUPERVISOR

ode	Name
PIC419	PICONE, JAMES

DATE	DAY	CTGY.	START	STOP	HOURS	REG	OT1	OT2	OT3	UNPAID	TOTAL	DOLLARS
06/19/2015	FRI	WORK	08:50	21:23	12.75	12.25				0.50	12.75	
06/20/2015	SAT	WORK	08:38	21:25	12.75	12.25				0.50	12.75	
06/25/2015	THU	WORK	08:38	21:23	12.75	12.25				0.50	12.75	
				EMPLOYEE TOTALS		36.75	0.00	0.00	0.00	1.50	38.25	0.00

EMPLOYEE

SUPERVISOR

Code	Name
PIC419	PICONE, JAMES

DATE	DAY	CTGY.	START	STOP	HOURS	REG	OT1	OT2	OT3	UNPAID	TOTAL	DOLLARS
06/26/2015	FRI	WORK	08:34	21:23	13.00	12.50				0.50	13.00	
06/27/2015	SAT	WORK	08:29	21:23	13.00	12.50				0.50	13.00	
07/02/2015	THU	WORK	08:39	21:24	12.75	12.25				0.50	12.75	
				EMPLOYEE TOTALS		37.25	0.00	0.00	0.00	1.50	38.75	0.00

EMPLOYEE

SUPERVISOR

JULY MGR QUIT

	T-14							
	FRI	SAT	SUN	MON	TUES	WED	THUR	
	3rd	4th	5th	6th	7th	8th	9th	
STEVIE	9-9:30	OFF	9-5:30	OFF	OFF	OFF	OFF	20H-32V
JACKIE	OFF	OFF	1-9:30	5-9:30	9-5:30	9-9:30	9-9:30	44.5
JUDI	OFF	9-5:00	9-5:30	9-5:30	5-9:30	9-9:30	OFF	41
JIM	9-9:30	9-5:00	OFF	OFF	OFF	OFF	9-9:30	32
RONDA	OFF	OFF	1-9:30	9-9:30	9-9:30	OFF	OFF	32

	FRI	SAT	SUN	MON	TUES	WED	THUR	
	10th	11th	12th	13th	14th	15th	16th	
STEVIE	OFF	9-9:30	9-5:30	9-5:30	9-5:30	9-9:30	OFF	48
JACKIE	OFF	OFF	9-9:30	5-9:30	1-9:30	1-9:30	1-9:30	40
JUDI	9-9:30	OFF	1-9:30	5-9:30	9-5:30	9-5:30	OFF	40
JIM	9-9:30	9-9:30	OFF	OFF	OFF	OFF	9-9:30	36
RONDA	OFF	OFF	OFF	9-5:30	1-9:30	OFF	9-5:30	24

	FRI	SAT	SUN	MON	TUES	WED	THUR	
	17th	18th	19th	20th	21st	22nd	23rd	
STEVIE	9-5:30	9-5:30	OFF	9-5:30	9-5:30	9-9:30	9-9:30	56
JACKIE	OFF	OFF	9-5:30	1-9:30	1-9:30	1-9:30	9-9:30	44
JUDI	OFF	1-9:30	9-9:30	5-9:30	9-5:30	9-5:30	OFF	40
JIM	9-9:30	9-9:30	OFF	OFF	OFF	OFF	OFF	24
RONDA	1-9:30	9-4:00	1-9:30	9-5:30	1-9:30	OFF	OFF	39

	FRI	SAT	SUN	MON	TUES	WED	THUR	
	24th	25th	26th	27th	28th	29th	30th	
STEVIE	9-9:30	9-9:30	OFF	9-5:30	9-5:30	9-9:30	9-1:30	52
JACKIE	OFF	OFF	9-9:30	5-9:30	1-9:30	1-9:30	1-9:30	40
JUDI	OFF	1-9:30	9-5:30	1-9:30	9-5:30	9-5:30	OFF	40
JIM	OFF	OFF	OFF	OFF	OFF	OFF	9-9:30	12
RONDA	9-9:30	9-4:00	1-9:30	9-5:30	1-9:30	OFF	OFF	39

	FRI	SAT	SUN	MON	TUES	JULY WED	THUR
STEVIE							
JACKIE							
JUDI							
JIM							
RONDA							

Code	Name
PIC419	PICONE, JAMES

DATE	DAY	CTGY.	START	STOP	HOURS	REG	OT1	OT2	OT3	UNPAID	TOTAL	DOLLARS
07/03/2015	FRI	WORK	08:50	21:14	12.50	12.00				0.50	12.50	
07/04/2015	SAT	WORK	09:00	17:08	8.25	7.75				0.50	8.25	
07/09/2015	THU	WORK	08:38	21:23	12.75	12.25				0.50	12.75	
				EMPLOYEE TOTALS		32.00	0.00	0.00	0.00	1.50	33.50	0.00

EMPLOYEE

SUPERVISOR

+ Holiday Pay For 4th. July?

MAY

T-14

	FRI	SAT	SUN	MON	TUES	WED	THUR	
	1st	2nd	3rd	4th	5th	6th	7th	
STEVIE	9-5:30	9-9:30	OFF	9-5:30	9-5:30	9-9:30	9-1:00	52.5
JACKIE	OFF	OFF	9-9:30	5-9:30	1:30-9:30	9-5:30	1-9:30	40
JUDI	OFF	OFF	9-5:30	1-9:30	9-5:30	1-9:30	OFF	32
JIM	9-9:30	9-9:30	OFF	OFF	OFF	OFF	9-9:30	36
RONDA	1-9:30	9-4:00	1-9:30	9-5:30	1-9:30	OFF	OFF	38.5

	FRI	SAT	SUN	MON	TUES	WED	THUR	
	8th	9th	10th	11th	12th	13th	14th	
STEVIE	9-5:30	9-5:30	OFF	9-5:30	9-5:30	9-9:30	9-1:00	48.5
JACKIE	OFF	OFF	9-5:30	1-9:30	1-9:30	1-9:30	1-9:30	40
JUDI	OFF	1-9:30	9-9:30	5-9:30	9-5:30	9-5:00	OFF	40
JIM	9-9:30	9-9:30	OFF	OFF	OFF	OFF	9-9:30	36
RONDA	1-9:30	9-4:00	1-9:30	9-5:30	1-9:30	OFF	OFF	38.5

	FRI	SAT	SUN	MON	TUES	WED	THUR	
	15th	16th	17th	18th	19th	20th	21st	
STEVIE	9-5:30	9-5:30	OFF	9-5:30	9-5:30	9-9:30	9-1:00	48.5
JACKIE	OFF	OFF	9-9:30	5-9:30	1:30-9:30	1-9:30	1-9:30	40
JUDI	OFF	1-9:30	9-5:30	1-9:30	9-5:30	9-5:30	OFF	40
JIM	9-9:30	9-9:30	OFF	OFF	OFF	OFF	9-9:30	36
RONDA	1-9:30	9-4:00	1-9:30	9-5:30	1-9:30	OFF	OFF	38.5

M DAY

	FRI	SAT	SUN	MON	TUES	WED	THUR	
	22nd	23rd	24th	25th	26th	27th	28th	
STEVIE	9-5:30	9-5:30	OFF	OFF	9-5:30	9-9:30	9-5:30	44
JACKIE	OFF	OFF	9-9:30	~~5-9:30~~ 5:30	1:30-9:30	1-9:30	1-9:30	40
JUDI	OFF	1-9:30	9-5:30	9-9:30	9-9:30	9-5:30	OFF	40
JIM	9-9:30	9-9:30	OFF	OFF	OFF	OFF	9-9:30	36
RONDA	1-9:30	9-4:00	1-9:30	9-5:30	9-5:30	OFF	OFF	38.5

JUNE

	FRI	SAT	SUN	MON	TUES	WED	THUR	
	29th	30th	31st	1st	2nd	3rd	4th	
STEVIE	9-5:30	9-5:30	OFF	9-5:30	9-5:30	9-9:30	9-1:00	48.5
JACKIE	OFF	OFF	9-5:30	1-9:30	1-9:30	1-9:30	1-9:30	40
JUDI	OFF	1-9:30	9-9:30	5-9:30	9-5:30	9-5:00	OFF	40
JIM	9-9:30	9-9:30	OFF	OFF	OFF	OFF	9-9:30	36
RONDA	1-9:30	9-4:00	1-9:30	9-5:30	1-9:30	OFF	OFF	38.5

Code	Name
PIC419	PICONE, JAMES

	DATE	DAY	CTGY.	START	STOP	HOURS	REG	OT1	OT2	OT3	UNPAID	TOTAL	DOLLARS
	05/01/2015	FRI	WORK	08:56	21:25	12.50	12.00				0.50	12.50	
	05/02/2015	SAT	WORK	09:00	21:22	12.25	11.75				0.50	12.25	
MP	05/07/2015	THU		08:57	21:25	12:25	12.00				.50	12.25	
	EMPLOYEE TOTALS						~~23.75~~ 35.50	0.00	0.00	0.00	~~1.00~~ 1.50	~~24.75~~ 37.00	0.00

EMPLOYEE

SUPERVISOR

Tower Jewels

TIME CARD REPORT

Code	Name
PIC419	PICONE, JAMES

DATE	DAY	CTGY.	START	STOP	HOURS	REG	OT1	OT2	OT3	UNPAID	TOTAL	DOLLARS
05/08/2015	FRI	WORK	08:56	21:27	12.50	12.00				0.50	12.50	
05/09/2015	SAT	WORK	08:53	21:25	12.50	12.00				0.50	12.50	
05/14/2015	THU	WORK	~~21:23~~	08:30	~~11.00~~ 12.50	~~10.50~~ 12				0.50	~~12.00~~ 12	
				EMPLOYEE TOTALS	12.50	~~34.50~~	0.00	0.00	0.00	1.50	~~36.00~~ 37.50	0.00

EMPLOYEE

SUPERVISOR

36.00

Name

Tower Jewels

Friday 05/22/2015
08:31
Page: 1

Date range: 05/15/2015 - 05/21/2015

TIME CARD REPORT

Code	Name
PIC419	PICONE, JAMES

DATE	DAY	CTGY.	START	STOP	HOURS	REG	OT1	OT2	OT3	UNPAID	TOTAL	DOLLARS
05/15/2015	FRI	WORK	08:30	21:23	13.00	12.50				0.50	13.00	
05/16/2015	SAT	WORK	08:25	21:23	13.00	12.50				0.50	13.00	
05/21/2015	THU	WORK	08:41	21:23	12.75	12.25				0.50	12.75	
				EMPLOYEE TOTALS		37.25	0.00	0.00	0.00	1.50	38.75	0.00

EMPLOYEE

SUPERVISOR

Code	Name
PIC419	PICONE, JAMES

DATE	DAY	CTGY.	START	STOP	HOURS	REG	OT1	OT2	OT3	UNPAID	TOTAL	DOLLARS
05/22/2015	FRI	WORK	08:36	21:33	13.00	12.50				0.50	13.00	
05/23/2015	SAT	WORK	08:48	21:24	12.75	12.25				0.50	12.75	
05/28/2015	THU	WORK	08:50	21:25	12.75	12.25				0.50	12.75	
				EMPLOYEE TOTALS		37.00	0.00	0.00	0.00	1.50	38.50	0.00

EMPLOYEE

SUPERVISOR

Ordered by: Name

Tower Jewels

Friday 06/05/2015
07:36
Page: 1

Date range: 05/29/2015 - 06/04/2015

TIME CARD REPORT

Code	Name
PIC419	PICONE, JAMES

DATE	DAY	CTGY.	START	STOP	HOURS	REG	OT1	OT2	OT3	UNPAID	TOTAL	DOLLARS
05/29/2015	FRI	WORK	08:53	21:31	12.50	12.00				0.50	12.50	
05/30/2015	SAT	WORK	08:45	21:23	12.75	12.25				0.50	12.75	
06/04/2015	THU	WORK	08:54	21:24	12.50	12.00				0.50	12.50	
EMPLOYEE TOTALS						36.25	0.00	0.00	0.00	1.50	37.75	0.00

EMPLOYEE

SUPERVISOR

EXHIBIT 2

Electronically Filed
04/14/2015 10:25:00 AM

CLERK OF THE COURT

NTSO

BLACK & LOBELLO
John D. Jones, Esq.
Nevada Bar No. 6699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
Telephone No.: 702-869-8801
Facsimile No.: 702-869-2669
Email: jjones@blacklobellolaw.com
Attorneys for Defendant,
RENELYN BAUTISTA

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

JAMES PICONE, Plaintiff vs. RENELYN BAUTISTA, Defendant	CASE NO.: D-14-495928-P DEPT. NO.: N

NOTICE OF ENTRY OF STIPULATION AND ORDER RESOLVING PARENT-CHILD ISSUES

PLEASE TAKE NOTICE that a Stipulation and Order Resolving Parent-Child Issues was entered in the above-entitled matter on the 8th day of April, 2015, a copy of which is attached hereto.

DATED this 14 day of April, 2015.

BLACK & LOBELLO

John D. Jones, Esq.
Nevada Bar No. 006699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
702-869-8801
Attorneys for Defendant,
RENELYN BAUTISTA

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

4870-0001

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 14th day of April, 2015 I served a copy of the **NOTICE OF ENTRY OF STIPULATION AND ORDER RESOLVING PARENT-CHILD ISSUES**, upon each of the parties upon each of the parties by **email** and by depositing a copy of the same in a sealed envelope in the United States Mail, Postage Pre-Paid, addressed as follows:

James Picone
2816 Shannon River Drive
Las Vegas, NV 89117
Email: jampico7@aol.com
Plaintiff in Proper Person

Cheryl Berndell
an Employee of Black & LoBello

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

Electronically Filed
04/08/2015 02:01:13 PM

CLERK OF THE COURT

SAO
BLACK & LOBELLO
John D. Jones, Esq.
Nevada Bar No. 6699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
Telephone No.: 702-869-8801
Facsimile No.: 702-869-2669
Email: jjones@blacklobellolaw.com
Attorneys for Defendant,
RENELYN BAUTISTA

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

JAMES PICONE, Plaintiff vs. RENELYN BAUTISTA, Defendant	CASE NO.: D-14-495928-P DEPT. NO.: N

STIPULATION AND ORDER RESOLVING PARENT-CHILD ISSUES

The parties hereto, Plaintiff, JAMES PICONE ("James"), in proper person, and Defendant, RENELYN BAUTISTA ("Renelyn"), by and through her counsel of record, John D. Jones, Esquire and the law firm of Black & LoBello, have stipulated to the following, which is hereby ORDERED, ADJUDGED and DECREED as follows:

That Renelyn and James have one (1) minor child, SOPHIA A. PICONE ("Sophia"), born October 22, 2011. By this Stipulation and Order, the parties have resolved parent/child issues pursuant to EDCR 5.81.

///

///

///

///

///

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

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

Trial Dispositions:
☐ Disposed After Trial Start
☐ Judgment Reached by Trial

RECEIVED
APR 03 2015
FAMILY COURT
DEPARTMENT N

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

IT IS HEREBY STIPULATED AND AGREED that the parties shall share joint legal custody of their minor child which shall entail the following:

The parties shall make every effort to maintain free access and unhampered contact between the minor child and her parent. Neither party shall do anything which shall estrange the child from the other parent or impair the natural development of the child's love and respect for each of the parents. Both parties understand that parenting requires the acceptance of mutual responsibilities and rights insofar as the child are concerned. Therefore, neither shall disparage the other in the presence of the minor child.

The parties shall consult and cooperate with each other in substantial questions relating to religious upbringing, educational programs, significant changes in social environment, and health and care of the child.

The parties shall have access to medical and school records pertaining to the child and be permitted to independently consult with any and all professionals involved with them.

All schools, health care providers, and counselors shall be selected by the parties jointly.

Each party shall be empowered to obtain emergency health care for the child without the consent of the other party. Each party is to notify the other party as soon as reasonably possible of any illness requiring medical attention, or any emergency involving the child.

Each party shall be responsible for keeping themselves apprised with information of the well-being of the child, including, but not limited to copies of report cards, school meeting notices, vacation schedules, class programs, requests for conferences, results of standardized or diagnostic tests, notices of activities involving the child, samples of school work, order forms for school pictures, all communications from health care providers, the names, addresses and telephone numbers of all schools, health care providers, regular day care providers and counselors.

Each party shall be responsible for keeping themselves apprised of school, athletic, and social events in which the child participates. Neither party shall prevent the child's participation in extra-curricular activities. Both parties may participate in school activities for the child such as open houses, school conferences, attendance at an athletic event, etc.

Each party is to provide the other party with the address and telephone number at which the minor child resides, and to notify the other party no less than ten (10) days prior to any change of address and provide the telephone number as soon as it is assigned.

Each party is to provide the other party with a travel itinerary and telephone numbers at which the child can be reached whenever they will be traveling out of state with the child. Said itinerary shall be provided to the other party no less than fourteen (14) days before the anticipated travel plans are to take place for the purposes of visitation.

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

Each party shall be entitled to daily, reasonable telephone communication with the child on any day that the party does not have custody of the child. Said call shall be initiated by the party seeking to contact the child. Each party is restrained from unreasonably interfering with the child's right to privacy during such telephone conversations. Moreover, during each party's custodial time periods, the minor child may initiate and shall have unhampered contact and access to the other party and all extended family members, including but not limited to telephone calls, correspondence and notices.

The child will not be exposed to any illegal substances or excessive alcohol consumption in either party's home.

The parties will exercise prudent safety precautions in both households, and each party will try to ensure that all care givers refrain from yelling or using profane language.

The parties will each be responsible for seeing that any live-in residents adhere to the above-stated guidelines.

Except in the case of an emergency, the parties shall conduct all communications with each other via e-mail, and limit said communications to only issues concerning the needs and well-being of the minor child to provide all necessary notification, information and the like, as required by the herein above joint legal custody provisions. The parties further agree that they will not use the child as a communicator regarding parental issues. The parties will communicate by e-mail until such time as the parties mutually agree to communicate directly with one another.

Renelyn's E-Mail address: RenelynSchramm@icloud.com

James's E-Mail address: Jampico7@aol.com

IT IS FURTHER STIPULATED AND AGREED that the parties shall share physical custody of the minor child, pursuant to the following shared parenting schedule:

James shall have the minor child in his care and custody each week from 10:00a.m. on Sunday until 10:00 a.m. on Wednesday.

All other times, the child shall be in the care and custody of Renelyn.

IT IS FURTHER STIPULATED AND AGREED that the parties shall abide by the following holiday visitation schedule, which shall take precedence over, but not break the continuity of, the regular visitation schedule and shall be defined as follows:

Martin Luther King, Jr.'s Birthday: This holiday shall be alternated between the parents yearly with the child residing with James in odd-numbered years, and with Renelyn in even-numbered years. This holiday shall be defined as the third Monday of January and begins at 9:00 a.m. on the day observed for the holiday, and concludes before school the following Tuesday, or at 9:00 a.m. while the child is currently not of school age or when school is not in session.

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President's Day: This holiday shall be alternated between the parents yearly with the child residing with Renelyn in odd-numbered years, and with James in even-numbered years. This holiday shall be defined as the third Monday of February and begins at 9:00 a.m. on the day observed for the holiday, and concludes before school the following Tuesday, or at 9:00 a.m. when school is not in session.

Spring Break: Spring Break shall be alternated by the parties annually, with the child residing with Renelyn in even-numbered years, and with James in odd-numbered years. Spring break shall be defined as beginning when school lets out on Friday and ending on the Monday morning school resumes at 9:00 a.m.

Mother's Day: Renelyn shall have the child every year for Mother's Day. Mother's Day shall be defined as the second Sunday in May and shall begin Sunday at 9:00 a.m. and conclude the next day, on Monday at 9:00 a.m.

Memorial Day: This holiday shall be alternated between the parents yearly with the child residing with Renelyn in odd-numbered years, and with James in even-numbered years. This holiday shall be defined as the last Monday of May and begins at 9:00 a.m. on the day observed for the holiday, and concludes before school the following Tuesday, or at 9:00 a.m. when school is not in session.

Father's Day: James shall have the child every year for Father's Day. Father's Day shall be defined as the third Sunday in June and shall begin Sunday at 9:00 a.m. and conclude the next day, Monday at 9:00 a.m.

Independence Day: Independence Day shall be alternated by the parties annually, with the child residing with James in odd-numbered years, and with Renelyn in even-numbered years. Independence Day shall begin at 9:00 a.m. on July 4th, and end before school the day following Independence Day, or at 9:00 a.m. if school is not in session.

The Child's Birthdays: Renelyn will have the child for her birthday in even-numbered years and James will have the child for her birthday in odd-numbered years. The child's birthday shall begin at 9:00 a.m. on the child's birthday and conclude the next day at 9:00 a.m.

The Parties' Birthdays: Renelyn shall have the child every year for her birthday and James shall have the child every year for his birthday. Each of the parties' birthday visitation shall begin at 9:00 a.m. on the parties' birthday and conclude the next day, at 9:00 a.m.

Labor Day: This holiday shall be alternated between the parents yearly, with the child residing with Renelyn in even-numbered years, and with James in odd-numbered years. This holiday shall be defined as the first Monday of September and begins on that Monday at 9:00 a.m., and concludes before school the following Tuesday, or at 9:00 a.m. when school is not in session.

Nevada Day: This holiday shall be alternated between the parents yearly, with the child residing with James in even-numbered years, and with Renelyn in odd-numbered years. This holiday shall be defined as the last Friday in October and shall begin after school, or at 9:00 a.m. if school is not in session, and concludes the following day at 9:00 a.m.

Halloween: This holiday shall be alternated between the parents yearly, with the child residing with James in even-numbered years, and with Renelyn in odd-

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numbered years. This holiday shall be defined as the 31st day of October and begins after school on October 31st, or at 4:00p.m. when school is not in session and concludes before school the following day, or at 9:00 a.m. when school is not in session.

Veteran's Day: This holiday shall be alternated between the parents yearly, with the child residing with Renelyn in even-numbered years, and with James in odd-numbered years. This holiday shall be defined as November 11th and begins at 9:00 a.m. on the day observed for the holiday, and concludes at before school the following day, or at 9:00 a.m. when school is not in session.

Thanksgiving and Family Day: Thanksgiving and Family Day shall be treated as one (1) holiday for the purposes of this holiday visitation schedule and shall be alternated by the parties annually, with the child residing with Renelyn in even-numbered years, and with James in odd-numbered years. This holiday shall begin on the Wednesday before Thanksgiving at 3:00 P.M. This holiday shall conclude on the following Monday at 9:00 a.m. regular parenting plan shall resume.

Christmas Eve and Christmas Day: James shall have the minor child from December 24th at 12:00 noon until December 25th at 12:00 noon in odd-numbered years. Renelyn shall have the minor child from December 24th at 12:00 noon until December 25th at 12:00 noon in even-numbered years.

Renelyn shall have the minor child from December 25th at 12:00 noon until December 26th at 12:00 noon in odd-numbered years. Renelyn shall have the minor child from December 25th at 12:00 noon until December 26th at 12:00 noon in even-numbered years.

Winter Break: Once the child commences school winter break shall be divided into two (2) periods. The first period will begin when school lets out and will continue until December 26th at 12:00 p.m. The second period will begin at 12:00 p.m. on the 26th and end when school resumes. James will have the first period in even numbered years and Renelyn will have the first period in odd numbered years. James will have the second period in odd numbered years and Renelyn will have the second period in even numbered years.

Vacations: Each parent shall be entitled to a total of two (2) weeks of vacation annually, to be executed in one (1) week blocks, (7 days) unless there is an agreement in writing to the contrary. Each parent shall start their vacation on the first day of their regular parenting time. Each parent shall select their vacation times in writing via e-mail or certified mail to the other parent by May 1, each year. James shall have priority in odd numbered years and Renelyn will have priority in even numbered years. If a parent having priority does not give notice on May 1, the other parent can give notice and then have priority.

Other Holidays, Breaks and Special Occasions: Any holiday, break or special occasion not specifically mentioned in this Stipulation and Order shall be celebrated with the parent who is regularly scheduled to be with the minor child on that day.

The parties understand and agree this custody and holiday visitation schedule may be modified at any time by mutual agreement, in writing by the parties, and the parties will endeavor to work together with respect to custody of the minor child in a manner which best

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serves the child's interests. Both parties understand that the agreed upon changes do not modify this Court Order. In the event of controversy, this Order of the Court will remain in full force and effect until modified by the Court.

IT IS FURTHER STIPULATED AND AGREED that the parties will communicate only regarding Sophia and only through Our Family Wizard.

IT IS FURTHER STIPULATED AND AGREED that all custody exchanges will take place at the Metro Police Substation located at 4860 Las Vegas Blvd., Las Vegas, NV 89119. Both parties shall be prompt for all exchanges of the minor child. Neither party, nor their significant others or authorized family member will approach the vehicle of the other party and neither party will speak to the other at the exchange.

IT IS FURTHER STIPULATED AND AGREED that each party shall provide the other with the names and contact information of any and all third party caregivers. The parties agree not to utilize a third party caregiver for any period of time greater than four hours.

IT IS FURTHER STIPULATED AND AGREED that the parties shall not discuss the issues, proceedings, pleadings, or papers on file with the Court with the child pursuant to EDCR 5.03:

> Absent a written order of the court to the contrary, all lawyers, litigants, witnesses or other parties privy to matters being heard by the family division are prohibited from:
>
> (a) Discussing the issues, proceedings, pleadings, or papers on file with the court with the minor children of the litigants;
>
> (b) Allowing any minor children to review the record of the proceedings before the court, whether in the form of transcripts, audio cassettes, or audio-visual tapes;
>
> (c) Leaving such materials in a place where it is likely or foreseeable that a children will access those materials.

IT IS FURTHER STIPULATED AND AGREED that the parties acknowledge the provisions of NRS 125C.200 are applicable:

> If custody has been established and the custodial parent intends to move his or her residence to a place outside of this State and to take the child with him or her, the custodial parent must, as soon as possible and before the planned move, attempt to obtain the written consent of the noncustodial parent to move the child from the

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state. If the noncustodial parent refuses to give that consent, the parent planning the move shall, before leaving this State with the child, petition the court for permission to move the children. The failure of a parent to comply with the provisions of this section may be considered as a factor if a change of custody is requested by the noncustodial parent.

IT IS FURTHER STIPULATED AND AGREED that the parties acknowledge the provisions of NRS 125.510(6) are applicable:

PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILDREN 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 children or any parent having no right of custody to the children who willfully detains, conceals, or removes the children from a parent, guardian or other person having lawful custody or a right of visitation of the children in violation of an order of this court, or removes the children from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation is subject to being punished for a category D felony as provided in NRS 193.130.

IT IS FURTHER STIPULATED AND AGREED that the parties acknowledge 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 apply if a parent abducts or wrongfully retains a child in a foreign country as follows:

Section 8: If a parent of the children 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 children, that the United States is the country of habitual residence of the children for the purposes 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 children 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 children and returning him to his habitual residence if the children 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 children.

The parties acknowledge that the United States is the country and Nevada is the State of habitual residence of the minor child herein.

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IT IS FURTHER STIPULATED AND AGREED that beginning April 1, 2015 Plaintiff shall pay to Defendant the sum of $50.00 per week, as and for child support. These provisions shall continue until such time as the child attains the age of eighteen (18) years, unless said child is still attending high school, and in such event until said child graduates from high school or attains the age of nineteen (19), or until such child is otherwise emancipated pursuant to the Nevada Revised Statutes, whichever occurs first. James shall be entitled to the dependency exemption for Sophia in Odd years and Renelyn shall be entitled to the exemption in even years.

IT IS FURTHER STIPULATED AND AGREED that each parent will provide full health insurance coverage for Sophie. Each parent will be responsible for any and all premiums related to the coverage they provide. Each party will use their own insurance for any medical treatment for Sophie. Pursuant to NRS 125B.080(7), the child's unreimbursed medical expenses, including psychiatric, orthodontic, dental and optical costs, which are not covered by said insurance, shall be equally borne by the parties. The parties will abide by the "30/30" rule for unreimbursed medical expenses as follows: that any party incurring an out-of-pocket expense relating to the child will provide a copy of any paperwork regarding that visit and proof of payment of the cost within 30 days of the visit, along with a request for contribution for the other parent's respective share of any out-of-pocket payment actually made by that parent, to the other party. If proof of an unreimbursed medical expenses is not provided within 30 days, the claim for reimbursement shall be deemed waived. Upon receipt of a request for contribution for the other parent's respective share of any out-of-pocket expense by a party on behalf of the child, the other party will reimburse the requesting party in the amount requested within 30 days of receipt of the request for contribution. Upon receipt of reimbursement from any insurance carrier by either party, and if the other party previously paid a portion of the payment resulting in the reimbursement, the party receiving the reimbursement shall divide said reimbursement according to each parent's respective share, with the other party within seven (7) days of receipt of same.

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