  
CLERK OF THE COURT

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Electronically Filed  
Sep 26 2017 09:17 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

11 **DISTRICT COURT, FAMILY DIVISION**

12 **CLARK COUNTY, NEVADA**

13 **RICHARD KILGORE,**

14 Plaintiff,

15 vs.

16 **ELENI KILGORE,**

17 Defendant.

CASE NO.: D-12-459171-D  
DEPT. NO.: I

18 **NOTICE OF CROSS-APPEAL**

19 **NOTICE IS HEREBY GIVEN** that Respondent, ELENI KILGORE, by  
20 and through her counsel, Fred Page, Esq., hereby cross-appeals to the Supreme  
21 Court of Nevada from the Evidentiary Hearing and the Order from the March 28,  
22 2017, and Notices of Entry of Order filed August 21, 2017, copies of which are  
23  
24  
25  
26  
27  
28

1 attached hereto.

2 DATED this 15<sup>th</sup> day of September 2017

3 PAGE LAW OFFICE

4  
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FRED PAGE, ESQ.

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11 Attorney for Defendant/Respondent/Cross-  
12 Appellant  
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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 15<sup>th</sup> day of September 2017 that the foregoing NOTICE OF CROSS APPEAL was served pursuant to AO 14-2 by e-service to Betsy Allen, Esq. attorney for Plaintiff/Appellant.



---

An employee of Page Law Office



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10 Attorney for Defendant

11 DISTRICT COURT, FAMILY DIVISION

12 CLARK COUNTY, NEVADA

13 RICHARD KILGORE,

14 Plaintiff,

15 vs.

16 ELENI KILGORE,

17 Defendant.

CASE NO.: D-12-459171-D  
DEPT. NO.: I

18  
19 **NOTICE OF ENTRY OF ORDER FINDINGS OF FACT, CONCLUSIONS**  
20 **OF LAW AND ORDER**

21 TO: RICHARD KILGORE, Plaintiff

22 TO: BETSY ALLEN, ESQ., Attorney for Plaintiff

23 YOU AND EACH OF YOU please take notice the Findings of Fact,  
24 Conclusions of Law, and Orders from Evidentiary Hearing and Status Check  
25 Hearing was entered on the 2<sup>nd</sup> day of August 2017, of which a true and correct  
26  
27  
28

1 copy is attached hereto:

2 DATED this 21<sup>st</sup> day of August 2017

3 PAGE LAW OFFICE

4  
5   
6 FRED PAGE, ESQ.

7 Nevada Bar No.: 6080

8 6145 Spring Mountain Road, Suite 201

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11 *Attorney for Defendant*

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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 21<sup>st</sup> day of August 2017, the foregoing NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDERS FROM EVIDENTIARY HEARING AND STATUS CHECK HEARING was served pursuant to NRCP 5(b) by placing a true and correct copy in the United States mail, postage prepaid, to the following:

Betsy Allen, Esq.  
P.O. Box 46991  
Las Vegas, Nevada 89114  
Attorney for Plaintiff

  
\_\_\_\_\_  
An employee of Page Law Office

*Steven D. Grierson*

**ORDR**

FRED PAGE, ESQ.

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*Attorney for Defendant*

**DISTRICT COURT, FAMILY DIVISION  
CLARK COUNTY, NEVADA**

RICHARD KILGORE,

Plaintiff,

vs.

ELENI KILGORE,

Defendant.

CASE NO.: D-12-459171-D

DEPT. NO.: 1

Hearing Dates: July 25, 2016, August  
15, 2016, October 31, 2016, December  
1, 2016

Hearing Times: 9:30 a.m. and 1:30  
p.m.

**FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND  
ORDERS FROM EVIDENTIARY HEARING AND STATUS CHECK  
HEARING**

The evidentiary hearing regarding the PERS payment, omitted vacation and sick pay, survivor beneficiary, and attorney's fees was held in front of the Hon. Cheryl B. Moss on the above referenced dates and times. A status check hearing

1 was also held December 1, 2016. Defendant, Eleni Kilgore, was present and was  
2 represented by and through her counsel, Fred Page, Esq. Plaintiff, Richard  
3 Kilgore, was present and was represented by and through his counsel, Betsy Allen,  
4 Esq. The Court having considered the exhibits admitted and the testimony  
5 presented hereby enters the following orders.  
6

### 7 8 **FINDINGS OF FACT**

9 1. Defendant, Eleni Kilgore (hereinafter "Eleni"), and Plaintiff, Richard  
10 Kilgore (hereinafter "Richard"), were married to each other on December 15,  
11 1992, in Las Vegas, Nevada.  
12

13 2. When Eleni and Richard were married to each other that Richard was  
14 employed by the Clark County Courts as Marshal.  
15

16 3. The parties have two remaining minor children, the issue of the  
17 marriage, Nicholas Kilgore (hereinafter "Nicholas"), born June 29, 2000, and  
18 Richard Boyd Kilgore (hereinafter "Ritchie"), born June 29, 2000.  
19

20 4. The stipulated Decree of Divorce in this matter was filed March 13,  
21 2013. In the stipulated Decree of Divorce, the parties were ordered to have joint  
22 physical and joint legal custody of those two remaining minor children.  
23

24 5. In the Decree, the Richard's initial child support obligation for joint  
25 physical custody of the two minor children, Nicholas and Ritchie, was set at  
26 \$1,275 per month commencing November 1, 2012. As of March 13, 2013, the date  
27  
28



1 the Decree of Divorce was filed, Richard's child support arrears were \$1,398.  
2 However, there was no additional installment payment in the Decree for the arrears  
3 on top of the \$1,275.  
4

5 6. In the Decree of Divorce, the parties agreed to divide the PERS  
6 defined benefit plan in Richard's pursuant to the time rule formula.  
7

8 7. The survivor beneficiary was never mentioned in the Decree of  
9 Divorce.  
10

11 8. After the Decree of Divorce was entered, Richard never made any  
12 payments to Eleni for her share of the PERS defined benefit plan in his name.  
13

14 9. In early October 2014, Richard was terminated from his position as a  
15 Marshal at the Las Vegas Municipal Courts.  
16

17 10. On October 14, 2014, Richard filed a Motion to modify child support.  
18

19 11. On November 4, 2014, Eleni filed an Opposition and a Countermotion  
20 to change custody.  
21

22 12. On March 10, 2015, Eleni made a formal request in a Brief filed with  
23 the Court that she begin receiving her share of the PERS defined benefit plan in  
24 Richard's name because he has reached his first eligibility for retirement.  
25

26 13. On March 10, 2015, Eleni also made a formal request in a Brief filed  
27 with the Court that she receives the Survivor's Benefit for the PERS defined  
28 benefit plan in Richard's name as that item was never addressed in the Decree of

1 Divorce. Eleni additionally made a request to divide the omitted vacation/sick pay  
2 that was never addressed in the Decree of Divorce.

3 14. The parties continued to share joint physical custody of Nicholas and  
4 Ritchie until July 2015.

5 15. Commencing August 2015, Eleni had primary physical custody of  
6 Nicholas. Richard would have to pay child support to Eleni for primary physical  
7 custody of Nicholas at 18 percent of his gross monthly income pursuant to NRS  
8 125B.070.  
9 10 11

12 16. Eleni and Richard continued to maintain joint physical custody of  
13 Ritchie. Because Richard was still unemployed, Eleni would have to pay child  
14 support to Richard. Eleni would have to pay child support to Richard for Ritchie at  
15 18 percent of her income and Richard would have to pay child support to Eleni for  
16 Ritchie at 18 percent of his gross monthly income with the person with the higher  
17 income paying the difference to the person with the lower income subject to the  
18 caps set forth in NRS 125B.070 as set forth in *Wright v. Osburn, infra*, as modified  
19 by *Wesley v. Foster, infra*.  
20 21 22

23 17. Marshal S. Willick, Esq. was qualified as an expert regarding  
24 retirement benefits and testified. Mr. Willick testified to the following:  
25

- 26 a. Eleni's retirement as a Clark County School District teacher has  
27 different standard than does police/fire.  
28

- 1 b. Eleni was entitled to receive a portion of the retirement pay in  
2 Richard's name upon his first eligibility to retire.
- 3 c. The cases of *Gemma v. Gemma*, *Fondi v. Fondi*, *Sertic v. Sertic*, and  
4 *Wolff v. Wolff*, stand for the proposition normal date for receipt of  
5 retirement benefits by the nonworking spouse is the first eligibility for  
6 retirement regardless if the employee decides to retire  
7
- 8 d. That rule was modified slightly in *Henson v. Henson*, the Supreme  
9 Court was willing to look at California rule in order actually a flow  
10 payments have to be provided for in the underlying court order or file  
11 a motion that requesting payment at that time. Under *Henson*, the  
12 non-employee spouse's payments begin at the time of the request at  
13 the time if the employee spouse could have retired.  
14
- 15 e. As a result of *Henson*, eligibility now for the non-employee spouse  
16 begins at order or court motion.  
17
- 18 f. That there are no retroactive benefits under the current law as the  
19 *Henson* opinion does not allow for retroactively.  
20
- 21 g. Absent an order, one the date one files a motion asking for benefits  
22 commences the right to receive those retirement benefits. As soon as  
23 the Eleni requests Richard is obligated to begin making payments.  
24  
25  
26  
27  
28

1 h. Once the non-employee spouse starts receiving money, the non-  
2 employee spouse is taxed on it. Under the current law the receipt of  
3 retirement benefit income is treated as normal income.  
4

5 i. There was designation of survivor beneficiary in the Decree of  
6 Divorce. The lack of the designation of a survivor beneficiary would  
7 indicate an omitted asset. The survivor beneficiary is a valuable  
8 component of the retirement. There is no other meaning of a  
9 survivorship interest of anything other than a property interest. The  
10 consequence of Eleni not being designated as a survivor beneficiary is  
11 that if Richard dies, and Eleni is not designated as a beneficiary all  
12 benefits stop.  
13  
14  
15

16 18. Richard testified that the vacation/sick time was never discussed and  
17 was omitted from the Decree of Divorce. Richard further testified on October 17,  
18 2014, that he was terminated from the City of Las Vegas. Richard attempted to  
19 claim at the evidentiary hearing that he was not eligible to retire without early  
20 retirement penalty when he was terminated.  
21  
22

23 19. Richard testified that if he continued working that Eleni will not  
24 receive any monies from PERS directly. Richard further testified that he agreed  
25 that pursuant to the terms of the Decree of Divorce that Eleni's interest in the  
26 PERS pension in his name was community property.  
27  
28

1           20. Richard additionally testified that by him continuing to work that he  
2 was not allowing Eleni to receive her share of her community property and as long  
3 as he kept working, PERS would not pay Eleni.  
4

5           21. Richard testified that because will not pay Eleni any monies until he  
6 retires he was in sole control as to if and when Eleni would get paid.  
7

8           22. Richard was reinstated with the City of Las Vegas effective January  
9 2016.  
10

11           23. Sonya Hellwinkel testified as the Director of Employee and  
12 Production Services for Nevada PERS. Ms. Hellwinkel testified that her duties  
13 were to oversee the work completed by pension, respond to subpoena requests for  
14 records, and determine if PERS is compliant with PERS policies. Ms. Hellwinkel  
15 also testified as to the following:  
16

- 17           a. PERS determines whether one is eligible to retire and to determine if  
18 an employee is police/fire.  
19
- 20           b. That she has access to retirement benefit information for PERS  
21 employees.  
22
- 23           c. That she had reviewed the records for Richard and that Richard was  
24 enrolled in the system May 8, 1989, and at the time enrolled Richard  
25 was part of police/fire and that Richard is still part of police/fire.  
26  
27  
28

- d. Members of police/fire eligible to retire after 20 years at age 50 with an unreduced benefit and that Richard has 20 years in with the State of Nevada.
- e. A review of the records in her possession showed that Richard achieved the 20 year mark in June 2009.
- f. Members of police/fire able to retire with an unreduced benefit at age 50 with 20 years of service, meaning that Richard would not have suffered any early retirement penalty by retiring now.
- g. Richard turned age 50 on April 20, 2011.
- h. Pursuant to Chapter 286, Richard was eligible for an unreduced retirement benefit on April 20, 2011 as he was 50 years of age and had 20 years of service.
- i. However, PERS will not pay a retirement benefit to the nonworking directly prior to the working spouse retiring.
- j. If a working spouse decides to work until the day they die then PERS will never make a payment to the nonworking spouse. If that scenario occurs, the non-working spouse never receives a payment from PERS.
- k. If Richard decided to work until died, no payment would be made by PERS to Eleni for her share of the retirement.

- 1 l. The only way for Eleni to get her share the retirement income stream  
2 form Richard is for her is to get it from him directly.  
3  
4 m. As long as Richard continues to work, PERS will not make any  
5 payments to Eleni. Richard must make payments to Eleni.  
6  
7 n. PERS is unable to pay benefits until Richard retires.  
8  
9 o. Eleni is part of the Clark County School District.  
10  
11 p. As a regular member Eleni would first be eligible to retire at age 60 or  
12 after 30 years of service with an unreduced benefit.  
13  
14 q. For 30 years of service Eleni would be first eligible for retirement in  
15 2023 if there were no breaks in service.

16 24. There were lengthy discussions in the post-trial hearings as to how  
17 Richard would pay Eleni her community interest portion of his PERS as Richard  
18 was eligible to retire without early retirement penalty when the Decree was entered  
19 in March 2013 although Richard presently continues to work full-time and has not  
20 yet actually retired. Eleni's portion was of the PERS retirement in Richard's name  
21 was calculated to be \$2,455 per month retroactive to March 2015, when Eleni's  
22 Motion was filed.  
23

24 25. For the relevant time period established at trial, the total accrued and  
25 owing to Eleni is \$54,003.62 principal plus \$2,572.14 of pre-judgment interest for  
26 a grand total of \$56,575.76. Said amount should be reduced to judgment and  
27  
28

1 collectible by any lawful means. However, execution on Richard's paychecks is  
2 stayed and instead, due to the financial conditions of the parties explored in-depth  
3 at the hearings, Richard should pay Eleni \$350.00 per month from January 2017  
4 forward into her Chase bank account. Richard should direct deposit \$175.00 on  
5 the 15th and \$175 on the last day of every month.  
6

7  
8 26. Should any of these Findings of Fact be more properly construed as  
9 Conclusions of Law they should be construed as such.  
10

#### 11 CONCLUSIONS OF LAW

12 1. NRS 125C.0035 states in pertinent part:

13 1. In any action for determining physical custody of a minor child,  
14 the sole consideration of the court is the best interest of the child. If it  
15 appears to the court that joint physical custody would be in the best  
16 interest of the child, the court may grant physical custody to the parties  
jointly.

17 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.

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

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

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

26 (c) To any person related within the fifth degree of consanguinity to  
27 the child whom the court finds suitable and able to provide proper care  
28 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.

(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.

2. Discretion should be given to Nicholas as he is of a suitable age and capacity and is able to form an intelligent preference.

3. The parties should continue to share joint physical custody of Ritchie.

4. Richard should pay child support pursuant to NRS 125B.070 for Nicholas at 18 percent of his gross monthly income subject to any caps.

1           5.     Child support should be ordered pursuant to NRS 125B.070 and  
2     *Wright v. Osburn*.<sup>1</sup> and as modified by *Wesley v. Foster*.<sup>2</sup>

3           6.     Under NRS 123.130, all property acquired after marriage is presumed  
4     to be community property unless there is a pre or post-nuptial agreement, the  
5     property was acquired by gift, award of personal injury damages or acquired by  
6     gift or devise, and the rents issues and profits thereof.

7           7.     Under NRS 123.220, all property other than property owned by before  
8     marriage, and that acquired by afterwards by gift, bequest, devise, descent or by an  
9     award for personal injury damages, with the rents, issues and profits thereof, is  
10    community property unless otherwise provided by, an agreement in writing  
11    between the spouses, a decree of separate maintenance, or if divided pursuant to  
12    NRS 123.259, a spouse being institutionalized.

13           8.     Under NRS 125.150(1)(b), community property shall, to be extent  
14    practicable, be divided equally.

15           9.     The defined benefits plan with Nevada PERS in Richard's name is  
16    community property.

17           10.    At the time the Decree of Divorce was entered that no compelling  
18    reason was put forth for there to be an unequal division of community property.

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27     <sup>1</sup> 114 Nev. 1367, 970 P.2d 1071 (1998)

28     <sup>2</sup> 119 Nev. 110, 65 P.3d 251 (2003)

11. The time for appealing the Decree of Divorce passed 30 days after the Notice of Entry of Decree of Divorce was served.

12. In *Sertic v. Sertic*,<sup>3</sup> the Supreme Court ordered that the "normal distribution of a spousal share of a retirement is to be upon first eligibility for retirement, and that if a worker does not retire at first eligibility, the worker must pay the spouse whatever the spouse would have received if the worker did retire at that time."

13. NRS 125.150 was amended to include authority a party may file a post-judgment motion to obtain the division of omitted community property assets omitted from the Decree.

14. The omitted deferred compensation account and the omitted vacation/sick time were never discussed or considered. Eleni should be entitled, as a matter of law, to one-half of the time rule portion of the accumulated vacation and sick pay from the date of marriage through March 13, 2013.

15. Attorney's fees may be awarded under NRS 125.040, NRS 18.010, and *Brunzell v. Golden Gate National Bank*.<sup>4</sup>

16. Should any of these Conclusions of Law be more properly construed as being Findings a Fact, they should be construed as such.

---

<sup>3</sup> 111 Nev. 1194, 901 P.2d 148 (1995)

<sup>4</sup> 85 Nev. 345, 455 P.2d 31 (1969)

**ORDERS**

**THE COURT HEREBY ORDERS** as follows:

1. Eleni shall have permanent primary physical custody of Nicholas, born June 29, 2000 effective August 2015.
2. The parties stipulated to joint physical custody of Richard, Jr. born, June 29, 2000.
3. Within 30 days, Nicholas is referred to either Nicholas Ponzo or Keisha Weiford, for reunification with Richard. He shall pay 65 percent of the fees, Eleni shall pay 35 percent of the fees.
4. Nicholas is to go back to his therapist before beginning reunification.
5. Beginning December 2014, Eleni's child support was set at \$970.00 per month based on joint physical custody of both children, using *Wright vs Osborn*, minus \$213.00 per month for health insurance premiums, for a total of \$757.00 per month, through January 2016, for a grand total of \$9,841.00.
6. Beginning January 2016, Richard's child support for Nicholas was set at \$806.00 per month, plus \$266.00 per month for joint physical custody of Richard, Jr., plus \$220.00 per month for health insurance premiums allocable to the minor children, for a total of \$1,292.00 per month.
7. Beginning July 2016, Richard's child support for Nicholas was set at \$820.00 per month, plus \$266.00 per month for joint physical custody of Ritchie,

1 plus \$220.00 per month for health insurance premiums, allocable to the minor  
2 children for a total of \$1,306.00 per month. The Court finds that the amount of  
3 child support Richard is ordered to pay is in conformance with NRS 125B.070.  
4

5 8. Eleni shall provide proof the health insurance costs for the minor children.

6 9. Counsel is to request a District Attorney audit forthwith.

7  
8 10. Richard shall receive a credit of \$9,841.00 for December 2014 to December  
9 2015.

10 11. Richard shall receive a credit of \$2,294. for overpayments of child support  
11 for 2016.  
12

13 12. Commencing January 2017 forward, all District Attorney wage withholding  
14 shall cease. Richard shall direct deposit one-half of the current child support on  
15 the 15th and last day of each month into Eleni's Chase bank account. Eleni shall  
16 set up this separate Chase bank account and provide the bank account number to  
17 Richard via Our Family Wizard.  
18  
19

20 13. The parties will equally divide the costs of any Qualified Domestic Relations  
21 Orders.  
22

23 14. The \$10,000.00 tax debt is washed out.  
24

25 15. Eleni shall receive no offset/no value for the fur coat and dresses.

26 16. Eleni shall file an Order to Show Cause to Richard for the non-payment of  
27 retirement payment for 2016. Sanctions are to be determined.  
28

1 17. Richard shall walk-through an Order to lift the District Attorney's driver's  
2 license suspension, as of today there are zero (0) arrears. Eleni shall have 24 hours  
3 to review the Order.  
4

5 18. Eleni's PERS will not be eligible until 2023, at the earliest. The Court  
6 cannot force reciprocal Survivor Beneficiaries unless the parties stipulate to that.  
7 Eleni can pay for a Life Insurance Policy for retirement payments and vice versa.  
8

9 19. Richard's share of the unreimbursed medical expenses is \$3,202.00.  
10

11 20. For the relevant time period established at trial for the PERS retirement  
12 benefits in Richard's name that should have been paid to Eleni, the total accrued  
13 and owing to Eleni is \$54,003.62 principal plus \$2,572.14 of pre-judgment interest  
14 for a grand total of \$56,575.76. Said amount is reduced to judgment and  
15 collectible by any lawful means. However, execution on Richard's paychecks is  
16 stayed and Richard shall pay Eleni \$350.00 per month from January 2017 forward  
17 into her Chase bank account. Richard shall direct deposit \$175.00 on the 15th and  
18 \$175 on the last day of every month.  
19  
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22 21. Counsel shall have ongoing authority to conduct limited discovery and  
23 confer jointly with the PERS representative, currently Ms. Sonya Helwinkle, for  
24 ongoing information on Richard's PERS and information when Richard actually  
25 retires.  
26  
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1 22. Richard's counsel, shall submit an addendum to the Order from the  
2 December 1, 2016, hearing titled "Vacation/Sick Pay Calculation Sheet"  
3 delineating the correct amount calculated as to Richard's vacation and sick leave  
4 measured at the time of the divorce, not based on the exhibit produced at the trial  
5 which showed the amount as of the time that Richard was terminated from  
6 employment for misconduct. The Court makes this Addendum to Order *sua sponte*  
7 to correct the calculation established at trial. The correct calculation is as follows:  
8 Richard's vacation pay of 107 hours plus sick time of 102.35 hours based on an  
9 hourly wage of \$41.25 totals \$8,635.70 at the time of divorce. One-half is  
10 \$4,317.35 pre-tax and is owed to Eleni. Richard's entire \$8,635.70 was cashed out  
11 early and Richard had to pay taxes on the full amount. Therefore, Richard owes  
12 Eleni her one-half of \$8,635.70 minus taxes that would have been attributed to  
13 Eleni had she gotten paid out her half share at the time of the divorce. Richard and  
14 his attorney shall produce proof of how much he was taxed on the \$8,635.70, and  
15 half of the taxes shall be taken of Mom's \$4,317.35. The net amount shall then be  
16 reduced to judgment and collectible by any lawful means.  
17

18 23. Attorney's Fees are bifurcated. Counsels are to submit *Brunzell* Briefs for  
19 attorney's fees. Attorney Page shall submit his Brief on December 2, 2017 and  
20 Attorney Allen shall submit her Brief on December 30, 2017.  
21

22 24. Counsel shall be notified of a Return Hearing date.  
23

### CHILD CUSTODY NOTICES

**NOTICE IS HEREBY GIVEN** that the parties are subject to the provisions of NRS 125C.065(1) and NRS 200.359, which provide: "If custody has been established and the custodial parent or a parent having joint custody intends to move his residence to a place outside of this state and to take the child with him, he must, as soon as possible and before the planned move, attempt to obtain the written consent of the other parent to move the child from the state. If the noncustodial parent or other parent having joint custody refuses to give that consent, the parent planning the move shall, before he leaves the state with the child, petition the court for permission to move the child. 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 or other parent having joint custody;" as well as NRS 125C.045(6) which provides:

PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE, AS A CATEGORY D FELONY, BY UP TO 6 YEARS IN PRISON AS PROVIDED IN NRS 193.130. NRS 200.359 provides that every person having a limited right of custody to a child or any parent having no right of custody to the child who willfully detains, conceals or removes the child from the parent, guardian or other person having lawful custody or a right of visitation of the child in violation of an order of this court, or removes the child, 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 by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not less than \$1,000 nor more than \$5,000, or by both fine and imprisonment.



1           **NOTICE IS HEREBY GIVEN** that pursuant to NRS 125C.045, the terms  
2 of the Hague Convention of October 25, 1980, adopted by the 14th Session of the  
3 Hague Conference on Private International Law are applicable to the parties.  
4 Nevada is hereby declared the State, and the United States of America is hereby  
5 declared the country, of habitual residence of the child for the purposes of applying  
6 the terms of the Hague Convention as set forth above.  
7

8           **NOTICE IS HEREBY GIVEN** that under the terms of the Parental  
9 Kidnapping Prevention Act, 28 U.S.C. Sec. 1738A, and the Uniform Child  
10 Custody Jurisdiction Act, NRS 125A.010 *et seq.*, the courts of Nevada have  
11 exclusive modification jurisdiction of the custody visitation and child support  
12 terms relating to the child at issue in this case so long as either of the parties, or the  
13 child, continues to reside in this jurisdiction.  
14

#### 15           **CHILD SUPPORT NOTICES**

16           **NOTICE IS HEREBY GIVEN** to both parties that the parent having the  
17 child support obligation is subject to NRS 125.450 and NRS 31A.020 through  
18 31A.230, inclusive, regarding the immediate withholding or assignment of wages,  
19 commissions or bonuses for payment of child support, whether current or  
20 delinquent.  
21  
22  
23  
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1           **NOTICE IS HEREBY GIVEN** that pursuant to NRS 125B.145, either  
2 party may request that the Court review the child support obligation every three  
3 years or upon changed circumstances  
4

5           **NOTICE IS HEREBY GIVEN** that pursuant to NRS 125B.140 if an  
6 installment of an obligation to pay support for a child becomes delinquent, the  
7 Court shall determine interest upon the arrearages at a rate established pursuant to  
8 NRS 99.040, from the time each amount became due. Interest shall continue to  
9 accrue on the amount ordered until it is paid, and additional attorney's fees must be  
10 allowed if required for collection.  
11

12           **NOTICE IS HEREBY GIVEN** that pursuant to NRS 125B.095, if an  
13 installment of an obligation to pay support for a child becomes delinquent in the  
14 amount owed for one month's support, a 10% per annum penalty must be added to  
15  
16

17 ///

18 ///

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22 ///

23 ///

24 ///

25 ///


1 the delinquent amount.

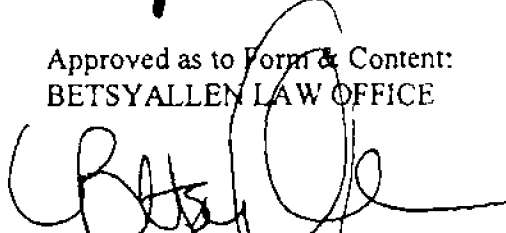
2 DATED this 31 day of July 2017

3  
4  
5   
6 DISTRICT COURT JUDGE

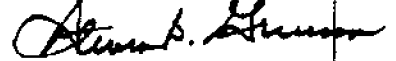
7 Respectfully submitted:  
8 PAGE LAW OFFICE

9  
10  
11 Approved as to Form & Content:  
12 BETSY ALLEN LAW OFFICE

13   
14 FRED PAGE, ESQ.  
15 Nevada Bar No.: 6080  
16 6145 Spring Mountain Road, Suite 201  
17 Las Vegas, Nevada 89146  
18 Phone: (702) 469-3278  
19 E-mail: [fpagelawoffices.com](mailto:fpagelawoffices.com)  
20 Attorney for Defendant

21   
22 BETSY ALLEN, ESQ.  
23 Nevada Bar No.: 6878  
24 P.O. Box 46991  
25 Las Vegas, Nevada 89114  
26 (702) 386-9700  
27 Email: [betsyallenesq@yahoo.com](mailto:betsyallenesq@yahoo.com)  
28 Attorney for Plaintiff

Kilgore vs. Kilgore



1 **NEO**  
2 **FRED PAGE, ESQ.**  
3 Nevada Bar: 6080  
4 **PAGE LAW OFFICE**  
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6 Las Vegas, Nevada 89146  
7 Phone: (702) 469-3278  
8 Facsimile: (702) 628-9884  
9 E-mail: [fpagelawoffices.com](mailto:fpagelawoffices.com)  
10 *Attorney for Defendant*

11 **DISTRICT COURT, FAMILY DIVISION**

12 **CLARK COUNTY, NEVADA**

13 **RICHARD KILGORE,**

14 Plaintiff,

15 vs.

16 **ELENI KILGORE,**

17 Defendant.

CASE NO.: D-12-459171-D  
DEPT. NO.: I

18 **NOTICE OF ENTRY OF ORDER FROM MARCH 28, 2017, HEARING**

19 TO: RICHARD KILGORE, Plaintiff

20 TO: BETSY ALLEN, ESQ., Attorney for Plaintiff

21 YOU AND EACH OF YOU please take notice the Order from the March  
22 28, 2017, hearing was entered on the 2<sup>nd</sup> day of August 2017, of which a true and  
23  
24  
25  
26  
27  
28

1 correct copy is attached hereto:

2 DATED this 21<sup>st</sup> day of August 2017

3 PAGE LAW OFFICE

4  
5  
6   
7 FRED PAGE, ESQ.

8 Nevada Bar No.: 6080

9 6145 Spring Mountain Road, Suite 201

10 Las Vegas, Nevada 89146

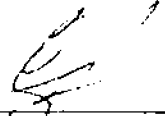
11 (702) 469-3278

12 *Attorney for Defendant*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 21<sup>st</sup> day of August 2017,  
the foregoing NOTICE OF ENTRY OF ORDER FROM THE MARCH 28, 2017,  
HEARING was served pursuant to NRCP 5(b) by placing a true and correct copy  
in the United States mail, postage prepaid, to the following:

Betsy Allen, Esq.  
P.O. Box 46991  
Las Vegas, Nevada 89114  
Attorney for Plaintiff

  
An employee of Page Law Office

*Steven D. Grierson*

**ORDR**

FRED PAGE, ESQ.

Nevada Bar: 6080

PAGE LAW OFFICE

6145 Spring Mountain Road, Suite 201

Las Vegas, Nevada 89146

Phone: (702) 469-3278

Facsimile: (702) 628-9884

E-mail: [fpagelaw@pagelawoffices.com](mailto:fpagelaw@pagelawoffices.com)

*Attorney for Defendant*

**DISTRICT COURT, FAMILY DIVISION  
CLARK COUNTY, NEVADA**

RICHARD KILGORE,

Plaintiff,

vs.

ELENI KILGORE,

Defendant.

CASE NO.: D-12-459171-D

DEPT. NO.: I

Hearing Date: March 28, 2017, and  
June 5, 2017

Hearing Time: 10:00 a.m. and 1:30  
p.m.

**ORDER FROM MARCH 28, 2017, HEARING**

The hearing on Defendant, ELENI KILGORE'S Motion for Reconsideration or Make Additional Findings of Fact, or to Alter or Amend the Judgment, and For Attorney's Fees and Costs and Plaintiff, and Defendant, RICHARD KILGORE'S, Opposition and Countermotion for Sanctions was held on the above referenced date and time in front of the Hon. Cheryl B. Moss. Defendant, Eleni Kilgore, was present and was represented by and through her counsel, Fred Page, Esq. Plaintiff,

Non-Trial Dispositions:  
☐ Other  
☐ Dismissed - With Prejudice  
☐ Dismissed - Without Prejudice  
☐ Dismissed - Voluntary  
☐ Dismissed - Involuntary  
☐ Dismissed - By ACR  
☐ Transferred  
☐ Disposed After Trial Set  
☐ Judgment Reached by Trial  
☐ Settled/Withdrawn  
☐ With Prejudice Contingent  
☒ With Prejudice Contingent  
☐ By ACR  
☐ Trial Disposition

1 Richard Kilgore, was present and was represented by and through his counsel,  
2 Betsy Allen. The Court having reviewed the papers and pleadings on file and  
3 having entertained oral argument hereby makes the following findings and enters  
4 the following orders.  
5

6 **THE COURT HEREBY FINDS** as follows:  
7

8 1. Defendant/Mother had Primary Physical custody of Nicholas from  
9 August 2015, forward. The court calculated child support of Nicholas based on  
10 Joint Physical from December 2015 through January 2016, however,  
11 Plaintiff/Father's calculation was based on 18% of his income, which is an  
12 acknowledgment Defendant/Mother had Primary Physical custody of Nicholas.  
13

14 2. Plaintiff/Father was unemployed August 2015 through January 2016.  
15

16 3. Plaintiff/Father's date of hire was January 4, 2016.  
17

18 4. Defendant/Mother pays \$213.00 for the children's health insurance.  
19

20 **THE COURT HEREBY ORDERS** as follows:  
21

22 1. Defendant/Mother's Motion to Make Additional Findings of Fact, or  
23 to Alter or Amend the Judgment is granted in part.  
24

25 2. The Court calculated Plaintiff/Father owes Defendant/Mother child  
26 support, inclusive from August 2015, through December 2015, in the amount of  
27 \$2,145.00. From January 2016, through June 2016, Plaintiff/Father owes  
28 Defendant/Mother \$7,752.00. These calculations supersede the calculations made



1 from orders from the evidentiary hearing. Beginning July 1, 2016, and every  
2 month thereafter, Plaintiff/Father owes Defendant/Mother \$1,260.00 per month.

3 3. Plaintiff/Father's child support shall terminate June 2018. The children  
4 are twins and will graduate from high school in June 2018.

5 4. The District Attorney shall do a full audit that conforms to this Order  
6 by 5:00 p.m. on July 17, 2017, to determine if Plaintiff/Father has an overpayment  
7 credit. The audit shall be filed in this case (D459171).

8 5. Defendant/Mother shall receive a credit of \$208.00 as payment to  
9 Plaintiff/Father in May 2017.

10 6. The Supplemental Exhibit for Plaintiff/Father regarding vacation/sick  
11 pay was filed in open court. The net amount is \$3,238.71, and it is reduced to  
12 judgment plus interest at the legal rate, collectible by any lawful means.

13 7. Attorney Allen's oral request for Defendant/Mother to pay  
14 Plaintiff/Father his share of the community property from her PERS retirement is  
15 denied due to eligibility.

16 8. Attorney Page shall submit the Findings of Fact from the Evidentiary  
17 Hearing that took place on October 31, 2016.

18 9. Attorney's Fees deferred due to upcoming appeal.

19 10. Either party may request a hearing through chambers if a judgment is  
20 needed for an offset to refund on child support. Attorney Page shall prepare the  
21

1 Order from today's hearing.

2 DATED this 31 day of July 2017

3  
4   
DISTRICT COURT JUDGE

5  
6 Respectfully submitted:  
PAGE LAW OFFICE

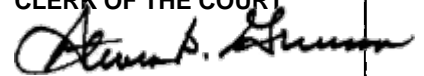
7 Approved as to Form & Content:  
BETSY ALLEN LAW OFFICE

8  
9   
FRED PAGE, ESQ.

10   
BETSY ALLEN, ESQ.

11 Nevada Bar No.: 6080  
12 6145 Spring Mountain Road, Suite 201  
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E-mail: [fpagelawoffices.com](mailto:fpagelawoffices.com)  
*Attorney for Defendant*

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Las Vegas, Nevada 89114  
(702) 386-9700  
Email: [betsyallenesq@yahoo.com](mailto:betsyallenesq@yahoo.com)  
*Attorney for Plaintiff*



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9 E-mail: [fpagelawoffices.com](mailto:fpagelawoffices.com)  
10 *Attorney for Defendant/Respondent*

11 **DISTRICT COURT, FAMILY DIVISION**

12 **CLARK COUNTY, NEVADA**

13 **RICHARD KILGORE,**

14 Plaintiff,

15 vs.

16 **ELENI KILGORE,**

17 Defendant.

CASE NO.: D-12-459171-D

DEPT. NO.: I

18 **CROSS-APPEAL CASE STATEMENT**

19 **TO: Plaintiff/Appellant, ELENI KILGORE**

20 **TO: BETSY ALLEN, ESQ., Attorney for Plaintiff/Appellant, RICHARD**  
21 **KILGORE**

22 1. Name of the Cross-Appellant filing this case appeal statement:

23 ELENI KILGORE

24 2. Identify the judge issuing the decision, judgment or order appealed  
25 from:

1 HON. CHERYL B. MOSS

2 3. Identify each appellant and the name and address of counsel of each  
3 appellant:

4 Parties: RICHARD KILGORE, Appellant

5 ELENI KILGORE, Cross-Appellant

6  
7 Counsel for Appellant: Betsy Allen, Esq.  
8 P.O. Box 46991  
9 Las Vegas, Nevada 89114

10 Counsel for Cross-Appellant: Fred Page, Esq.  
11 6145 Spring Mountain Road, Suite 201  
12 Las Vegas, Nevada 89146

13 4. Identify each respondent in the name and address of appellate counsel,  
14 if known, for each respondent:

15 Respondent: ELENI KILGORE

16  
17 Counsel for Respondent: Fred Page, Esq.  
18 6145 Spring Mountain Road, Suite 201  
19 Las Vegas, Nevada 89146

20 5. Indicate whether any attorney identified above in response to question  
21 3 or 4 is not licensed to practice law in Nevada and, if so, whether the  
22 District Court granted that attorney permission to appear under SCR  
23 42

24 None.

25 6. Indicate whether appellant was represented by appointed counsel or  
26 retained counsel in the District Court.

27 Both appellant and cross appellant, and respondent were represented by  
28 retained counsel in the District Court.

1       7.     Indicate whether appellant is represented by appointed or retained  
2             counsel on appeal:

3       Both appellant and cross appellant are represented by retained counsel on  
4       appeal.

5       8.     Indicate whether was granted leave to proceed in forma pauperis, and  
6             the date of entry of the District Court order granting such leave:

7       Not applicable.

8       9.     Indicate the date the proceedings were commenced in District Court.

9  
10       On October 21, 2014, Richard filed a Motion to modify child support after  
11       he was terminated from his job.

12  
13       On March 10, 2015, Eleni made a formal request in a Brief filed with the  
14       Court that she begin receiving her share of the PERS defined benefit plan in  
15       Richard's name because he has reached his first eligibility for retirement. In that  
16       same filing Eleni also made a formal request in a Brief filed with the Court that she  
17       receives the Survivor's Benefit for the PERS defined benefit plan in Richard's  
18       name as that item was never addressed in the Decree of Divorce. Eleni  
19       additionally made a request to divide the omitted vacation/sick pay that was never  
20       addressed in the Decree of Divorce.  
21  
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1           10.   Provide a brief description of the nature of the action and the result in  
2                   the District Court, including the type of judgment or order be an  
3                   appeal and relief granted by the District Court:

4           The stipulated Decree of Divorce in this matter was filed on March 13, 2013.

5   In the Decree of Divorce, the parties agreed to divide the PERS defined benefit  
6   plan in Richard's pursuant to the time rule formula.

7           The survivor beneficiary was never mentioned in the Decree of Divorce.

8           After the Decree of Divorce was entered, Richard never made any payments  
9           to Eleni for her share of the PERS defined benefit plan in his name.  
10           

11           On March 10, 2015, Eleni made a formal request in a Brief filed with the  
12           Court that she begin receiving her share of the PERS defined benefit plan in  
13           Richard's name because he has reached his first eligibility for retirement.  
14           

15           Also, on March 10, 2015, Eleni also made a formal request in a Brief filed  
16           with the Court that she receives the Survivor's Benefit for the PERS defined  
17           benefit plan in Richard's name as that item was never addressed in the Decree of  
18           Divorce. Eleni additionally made a request to divide the omitted vacation/sick pay  
19           that was never addressed in the Decree of Divorce.  
20           

21           It was established at the evidentiary hearing that Richard had reached his  
22           first eligibility for retirement under PERS. The cases of *Gemma v. Gemma*,<sup>1</sup> *Fondt*  
23           

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<sup>1</sup> 105 Nev. 458, 778 P. 2d 429 (1989)

1 v. *Fondi*,<sup>2</sup> *Sertic v. Sertic*,<sup>3</sup>, and *Wolff v. Wolff*,<sup>4</sup> stand for the proposition normal  
2 date for receipt of retirement benefits by the nonworking spouse is the first  
3 eligibility for retirement regardless if the employee decides to retire.  
4

5 Richard testified that if he continued working that Eleni will not receive any  
6 monies from PERS directly. Richard further testified that he agreed that pursuant  
7 to the terms of the Decree of Divorce that Eleni's interest in the PERS pension in  
8 his name was community property.  
9

10 Richard additionally testified that by him continuing to work that he was not  
11 allowing Eleni to receive her share of her community property and as long as he  
12 kept working, PERS would not pay Eleni.  
13

14 Richard testified that because will not pay Eleni any monies until he retires  
15 he was in sole control as to if and when Eleni would get paid.  
16

17 Under *Henson v. Henson*,<sup>5</sup> absent an order, one the date one files a motion  
18 asking for benefits commences the right to receive those retirement benefits. As  
19 soon as the Eleni requested, Richard is obligated to begin making payments.  
20  
21  
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25 <sup>2</sup> 106 Nev. 856, 802 P. 2d 1264

26 <sup>3</sup> 111 Nev. 1194, 901 P.2d 148 (1995)

27 <sup>4</sup> 112 Nev. 1355, 929 P.2d 916 (1996)

28 <sup>5</sup> 334 P.3d 933, 130 Nev. Adv. Op. 79 (October 2, 2014)

1        There were lengthy discussions in the post-trial hearings as to how Richard  
2 would pay Eleni her community interest portion of his PERS as Richard was  
3 eligible to retire without early retirement penalty when the Decree was entered in  
4 March 2013 although Richard presently continues to work full-time and has not yet  
5 actually retired. Eleni's portion was of the PERS retirement in Richard's name  
6 was calculated to be \$2,455 per month retroactive to March 2015, when Eleni's  
7 Motion was filed.  
8

9        For the relevant time period established at trial, the total accrued and owing  
10 to Eleni was established to be \$54,003.62 principal plus \$2,572.14 of pre-judgment  
11 interest for a grand total of \$56,575.76.  
12

13        The monies owed were Eleni's community property. The District Court  
14 agreed that the amount should be reduced to judgment and collectible by any  
15 lawful means. However, the District Court stayed execution on Richard's  
16 paychecks and instead, ordered Richard should pay Eleni \$350.00 per month from  
17 January 2017 forward into her Chase bank account. Richard should direct deposit  
18 \$175.00 on the 15th and \$175 on the last day of every month. Those orders have  
19 the effect of divesting Eleni's community property awarded to her in the Decree of  
20 Divorce which was never appealed by anyone.  
21

22        Richard was also not required to commence paying Eleni her community  
23 property share of the PERS pension even though Richard had reached his first  
24  
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1 eligibility for retirement. Those orders as well have the effect of divesting Eleni of  
2 her community property share of the PERS pension even though the Decree of  
3 Divorce was never appealed.  
4

5 Despite the marriage being a 20 year marriage, the District Court declined to  
6 require Richard to name Eleni the survivor beneficiary of the pension, meaning  
7 that if Richard predeceased Eleni, her rights to the pension benefits would be cut  
8 off.  
9

10 11. Indicate whether the case has previously been the subject of appeal to  
11 or original writ proceeding to the Supreme Court and, if so, the  
12 caption and Supreme Court docket number of the prior proceeding:  
13

14 None.  
15

16 12. Indicate whether this appeal involves child custody or visitation:  
17

18 The appeal does not involve child custody or visitation.  
19

20 13. If this is a civil case, indicate whether this appeal involves a  
21 possibility of settlement:  
22

23 The case does not involve the possibility of settlement.  
24

25 DATED this 15<sup>th</sup> day of September 2017  
26

27 PAGE LAW OFFICE  
28

  
FRED PAGE, ESQ.

Nevada Bar No. 6080

6145 Spring Mountain Road, Suite 201

Las Vegas, Nevada 89146

Attorney for Respondent/Cross-Appellant

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 15<sup>th</sup> day of September 2017 that the foregoing CROSS-APPEAL CASE STATEMENT was served pursuant to AO 14-2 by e-service to Betsy Allen, Esq. attorney for Plaintiff.

A handwritten signature in black ink, appearing to be a stylized 'L' or 'J' with a long horizontal stroke extending to the right.

An employee of Page Law Office

## EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY****CASE NO. D-12-459171-D**

**Richard Scott Kilgore, Plaintiff**  
**vs.**  
**Eleni Kilgore, Defendant.**

§  
§  
§  
§

Location: **Department I**  
Judicial Officer: **Moss, Cheryl B.**  
Filed on: **02/17/2012**

**CASE INFORMATION****Related Cases**

R-13-180572-R (Related)  
T-12-139533-T (Related)  
T-12-139534-T (Related)  
T-14-158731-N (Related)

Case Type: **Divorce - Complaint**  
Subtype: **Complaint Subject Minor(s)**

Case Status: **09/18/2017 Reopened**

**Statistical Closures**

08/03/2017 Settled/Withdrawn With Judicial Conference or Hearing  
03/13/2013 Disposed After Trial Start (Bench Trial)

Case Flags: **Mail Received in the Clerk's Office**  
**Order After Hearing Required**  
**Proper Person Documents Mailed**  
**Appealed to Supreme Court**

**DATE****CASE ASSIGNMENT****Current Case Assignment**

Case Number D-12-459171-D  
Court Department I  
Date Assigned 02/17/2012  
Judicial Officer Moss, Cheryl B.

**PARTY INFORMATION****Plaintiff**

**Kilgore, Richard Scott**  
6509 Columbia Falls CT  
Las Vegas, NV 89149

**Allen, Betsy**  
Retained  
702-386-9700(W)  
**Pro Se**  
702-363-2602(H)

**Defendant**

**Kilgore, Eleni**  
9149 Dorrell LN  
Las Vegas, NV 89149


**Page, Fred, ESQ**  
Retained  
702-469-3278(W)  
**Pro Se**  
702-325-1835(H)  
**Giuliani, Roger A**  
Retained  
702-388-9800(W)

**Subject Minor**

**Kilgore, Alexandra Eleni**  
**Kilgore, Nicholas Richard**  
**Kilgore, Richard Boyd**

**DATE****EVENTS & ORDERS OF THE COURT****EVENTS**

02/17/2012

 Complaint for Divorce  
Filed by: Counter Defendant Kilgore, Richard Scott  
*Complaint for Divorce*

03/13/2012

 Answer and Counterclaim - Divorce, Annulment, Separate Maint  
Filed by: Counter Claimant Kilgore, Eleni

# CASE SUMMARY

CASE NO. D-12-459171-D

*Answer and Counterclaim for Divorce*

03/13/2012



Financial Disclosure Form

Filed by: Counter Claimant Kilgore, Eleni

*Financial Disclosure Form*

03/13/2012



Proof of Personal Service of Summons and Complaint

Filed by: Counter Defendant Kilgore, Richard Scott

For: Counter Claimant Kilgore, Eleni

*Acceptance of service*

03/15/2012



Stipulation and Order

Filed by: Counter Defendant Kilgore, Richard Scott; Counter Claimant Kilgore, Eleni

*Stipulation and Order to Dismiss TPO Cases*

04/03/2012



Summons Issued Only

Filed by: Counter Defendant Kilgore, Richard Scott

*Summons*

04/03/2012



Joint Preliminary Injunction

Filed by: Counter Defendant Kilgore, Richard Scott

*Joint Preliminary Injunction*

04/10/2012



NRCP 16.2 Case Management Conference

*NRCP 16.2 Case Management Conference*

04/20/2012



Withdrawal of Attorney

Filed by: Counter Defendant Kilgore, Richard Scott

*Withdrawal of Unbundled Attorney*

05/16/2012



Financial Disclosure Form

Filed by: Counter Defendant Kilgore, Richard Scott

*Financial Disclosure Form*

05/17/2012



Notice of Seminar Completion EDCR 5.07

Filed by: Counter Defendant Kilgore, Richard Scott

*Notice of Seminar Completion*

05/21/2012



Answer to Counterclaim

Filed by: Counter Defendant Kilgore, Richard Scott

*Answer to Counterclaim for Divorce*

05/21/2012



Order for Family Mediation Center Services

06/08/2012



Substitution of Attorney

Filed by: Counter Claimant Kilgore, Eleni

*Substitution of Attorney*

06/12/2012



Case Management Order

Filed by: Subject Minor Kilgore, Alexandra Eleni

*Case Management Order*

06/12/2012



Order Setting Civil Non-Jury Trial

Party: Subject Minor Kilgore, Alexandra Eleni

*Order Setting Trial*

07/06/2012



Order

Filed by: Counter Claimant Kilgore, Eleni

*Order*

07/17/2012



Receipt of Copy

Filed by: Counter Claimant Kilgore, Eleni

Party 2: Attorney Hill, Robert

*Receipt of Copy of Offer of Judgment*

# CASE SUMMARY

CASE NO. D-12-459171-D

07/22/2012	 Notice of Attorney Lien Filed by: Counter Claimant Kilgore, Eleni <i>Notice of Attorney's Lien</i>
07/25/2012	 Notice of Seminar Completion EDCR 5.07 Filed by: Counter Claimant Kilgore, Eleni <i>Notice of Completion of Cope Certification</i>
08/15/2012	 Motion Filed by: Attorney Hill, Robert For: Counter Defendant Kilgore, Richard Scott <i>Motion to Withdraw as Attorney of Record</i>
08/20/2012	 Pre-trial Memorandum Filed by: Counter Claimant Kilgore, Eleni <i>Pre Trial Memorandum</i>
08/22/2012	 Order Granting Filed by: Counter Defendant Kilgore, Richard Scott <i>Order Granting Motion to Withdraw</i>
11/13/2012	 Motion Filed by: Counter Claimant Kilgore, Eleni <i>Notice of Motion and Motion to Enforce Settlement Agreement and for Attorneys Fees and Costs</i>
11/19/2012	 Ex Parte Application for Order Party: Counter Claimant Kilgore, Eleni <i>Ex Parte Application for Order Shortening Time</i>
11/26/2012	 Order Shortening Time Filed by: Counter Claimant Kilgore, Eleni <i>Order Shortening Time</i>
12/03/2012	 Certificate of Mailing Filed by: Counter Claimant Kilgore, Eleni <i>Certificate of Mailing</i>
12/03/2012	 Affidavit of Service Filed by: Counter Defendant Kilgore, Richard Scott Party 2: Counter Claimant Kilgore, Eleni
12/12/2012	 Pre-trial Memorandum Filed by: Counter Defendant Kilgore, Richard Scott <i>Plaintiff Richard Kilgore's Pre-Trial Memorandum</i>
01/07/2013	 Order Filed by: Counter Defendant Kilgore, Richard Scott <i>Order from December 5, 2012 Hearing</i>
01/08/2013	 Notice of Entry of Order Filed by: Counter Defendant Kilgore, Richard Scott <i>Notice of Entry of Order from December 5, 2012 Hearing</i>
03/13/2013	 Decree of Divorce Filed by: Subject Minor Kilgore, Alexandra Eleni <i>Decree of Divorce</i>
03/15/2013	 Notice of Withdrawal Filed by: Counter Defendant Kilgore, Richard Scott <i>Notice of Withdrawal as Attorney of Record</i>
10/21/2014	 Motion Filed by: Counter Defendant Kilgore, Richard Scott

**CASE SUMMARY**

**CASE NO. D-12-459171-D**

*Motion for Orders to Modify Child Custody, Visitation, and/or Child Support*

10/21/2014



Financial Disclosure Form

Filed by: Counter Defendant Kilgore, Richard Scott  
*Financial Disclosure Form*

11/04/2014



Opposition and Countermotion

Filed by: Counter Claimant Kilgore, Eleni  
*Defendant's Opposition to Plaintiff's Motion to Review and Modify Child Support and Defendant's Counter Motion for an Order to Show Cause to Find the Plaintiff in Contempt of Court and to Reduce Arrears to Judgment; Modifying Physical Custody and Awarding the Defendant Primary Physical Custody of the Minor Children; for Child Interviews and Teenage Discretion; Resolve Issues Regarding the Execution of the QDROs for Defendant's Attorney's Fees and Costs Incurred Herein; and Related Matters*

11/06/2014



Certificate of Mailing

Filed by: Counter Claimant Kilgore, Eleni  
*Certificate of Mailing*

11/20/2014



Opposition to Motion

Filed by: Subject Minor Kilgore, Alexandra Eleni  
*Reply in Support of Motion and Opposition to Countermotion*

12/08/2014



Financial Disclosure Form

Filed by: Counter Claimant Kilgore, Eleni  
*General Financial Disclosure Form*

12/12/2014



Ex Parte Motion

Filed by: Counter Defendant Kilgore, Richard Scott  
*Ex Parte Emergency Motion For Child Pick Up*

12/15/2014



Motion

Filed by: Subject Minor Kilgore, Richard Boyd  
*Plaintiff's Emergency Motion on Shortened Time to Enforce the Court's December 9, 2014 Order, Hold Deft in Contempt and Modify the Custody*

12/19/2014



Order

Filed by: Counter Defendant Kilgore, Richard Scott  
*Plaintiff's Emergency Child Pick-Up Order*

12/28/2014



Opposition and Countermotion

Filed by: Counter Claimant Kilgore, Eleni  
*Defendant's Opposition to Plaintiff's Motion to Enforce the Court's December 9, 2014 Order, Hold Defendant in Contempt and Modify Custody and Defendant's Countermotion to Modify Physical Custody and Awarding the Defendant Primary Physical Custody of the Two Minor Children; For Child Interviews and Teenage Discretion; to Review Child Support; For Defendant's Attorney's Fees and Costs Incurred Herein; and Related Matters*

12/28/2014



Opposition and Countermotion

Filed by: Counter Claimant Kilgore, Eleni  
*Defendant's Opposition to Plaintiff's Motion to Enforce the Court's December 9, 2014 Order, Hold Defendant in Contempt and Modify Custody and Defendant's Countermotion to Modify Physical Custody and Awarding the Defendant Primary Physical Custody of the Two Minor Children; For Child Interviews and Teenage Discretion; to Review Child Support; For Defendant's Attorney's Fees and Costs Incurred Herein; and Related Matters*

12/29/2014



Receipt of Copy

Filed by: Counter Claimant Kilgore, Eleni  
*Receipt of Copy*

12/30/2014



Order for Family Mediation Center Services

12/30/2014




















Request for Child Protection Service Appearance and Records

Filed by: Counter Defendant Kilgore, Richard Scott  
*Request for Child Protection Service Appearance and Records*

















# CASE SUMMARY

CASE NO. D-12-459171-D

12/30/2014	 Behavior Order <i>Behavior Order</i>
01/09/2015	 Reply Filed by: Counter Defendant Kilgore, Richard Scott <i>Plaintiff Reply in Support of Motion and Opposition to Defendant's Counterclaim</i>
03/10/2015	 Brief Filed by: Counter Claimant Kilgore, Eleni <i>Defendant's Brief Regarding Retirement Benefits and Omitted Assets</i>
03/11/2015	 Request for Child Protection Service Appearance and Records Filed by: Counter Defendant Kilgore, Richard Scott <i>Request for Child Protection Service Appearance and Records</i>
03/13/2015	 Order Filed by: Counter Defendant Kilgore, Richard Scott <i>December 9, 2014 Order</i>
03/24/2015	 Brief Filed by: Counter Defendant Kilgore, Richard Scott <i>Response Brief Regarding PERS, Possible Omitted Assets and the QDROs</i>
04/02/2015	 Order Filed by: Counter Defendant Kilgore, Richard Scott <i>Order</i>
04/10/2015	 Order Filed by: Counter Defendant Kilgore, Richard Scott <i>Order</i>
04/16/2015	 Notice of Entry of Order Filed by: Counter Claimant Kilgore, Eleni <i>Notice of Entry of Order</i>
05/04/2015	 Financial Disclosure Form Filed by: Counter Defendant Kilgore, Richard Scott <i>General Financial Disclosure Form</i>
06/24/2015	 Qualified Domestic Relation Order Filed by: Counter Claimant Kilgore, Eleni
06/25/2015	 Qualified Domestic Relation Order Filed by: Counter Claimant Kilgore, Eleni <i>Qualified Domestic Relation Order</i>
08/05/2015	 Order Filed by: Counter Claimant Kilgore, Eleni <i>Order From June 10, 2015, Hearing</i>
08/06/2015	 Notice of Entry of Order Filed by: Counter Claimant Kilgore, Eleni <i>Notice of Entry of Order</i>
08/06/2015	 Notice <i>Notice of Scheduling Settlement Conference</i>
08/10/2015	 Miscellaneous Filing Party: Counter Defendant Kilgore, Richard Scott <i>Work Journal</i>
08/14/2015	 Brief Filed by: Counter Defendant Kilgore, Richard Scott <i>Brief Regarding Plaintiff's Employment Investment Account</i>

# CASE SUMMARY

















CASE NO. D-12-459171-D

09/17/2015	 Miscellaneous Filing Party: Counter Defendant Kilgore, Richard Scott <i>Plaintiff's Daily Work Journal Search</i>
10/16/2015	 Miscellaneous Filing Party: Counter Defendant Kilgore, Richard Scott <i>September Work Journal</i>
10/23/2015	 Order Filed by: Counter Defendant Kilgore, Richard Scott <i>Order Regarding Settlement Conference</i>
12/30/2015	 Motion Filed by: Counter Defendant Kilgore, Richard Scott For: Counter Claimant Kilgore, Eleni <i>Motion to Withdraw as Counsel of Record for Plaintiff</i>
12/30/2015	 Certificate of Mailing Filed by: Counter Defendant Kilgore, Richard Scott For: Counter Claimant Kilgore, Eleni
01/06/2016	 Notice of Hearing Filed by: Counter Claimant Kilgore, Eleni <i>Notice of Hearing</i>
02/09/2016	 Supplemental Exhibits Party: Counter Claimant Kilgore, Eleni <i>Defendant's Supplemental Exhibits and Supplemental Briefing For the February 9, 2016, Status Check Hearing</i>
02/17/2016	 Order Setting Evidentiary Hearing Filed by: Counter Defendant Kilgore, Richard Scott <i>Order Setting Evidentiary Hearing</i>
03/08/2016	 Order Filed by: Counter Claimant Kilgore, Eleni <i>Order From February 9, 2016, Hearing</i>
03/09/2016	 Notice of Entry of Order Filed by: Counter Claimant Kilgore, Eleni <i>Notice of Entry of Order</i>
03/16/2016	 Financial Disclosure Form Filed by: Counter Defendant Kilgore, Richard Scott <i>Financial Disclosure Form</i>
04/01/2016	 Motion Filed by: Attorney Jacovino, Janice E For: Counter Defendant Kilgore, Richard Scott <i>Motion to Withdraw as Counsel of Record for Plaintiff</i>
04/01/2016	 Certificate of Service Filed by: Attorney Jacovino, Janice E <i>Certificate of Service</i>
05/17/2016	 Notice of Non Opposition Filed by: Counter Defendant Kilgore, Richard Scott <i>Notice of Non Opposition to the Motion to Withdraw as Counsel</i>
05/26/2016	 Order to Withdraw as Attorney of Record Filed by: Counter Defendant Kilgore, Richard Scott <i>Order</i>
05/26/2016	 Notice of Entry of Order



# CASE SUMMARY

CASE NO. D-12-459171-D

	Filed by: Counter Claimant Kilgore, Eleni <i>Notice of Entry of Order</i>
06/22/2016	 Pre-trial Memorandum Filed by: Counter Defendant Kilgore, Richard Scott <i>Pre-Trial Memorandum</i>
06/22/2016	 Pre-trial Memorandum Filed by: Counter Claimant Kilgore, Eleni <i>Defendant's Pre-Trial Memorandum</i>
06/22/2016	 Notice Filed by: Counter Claimant Kilgore, Eleni <i>Defendant's Notice of Intent to Appear by Communication Equipment</i>
06/30/2016	 Objection Filed by: Counter Defendant Kilgore, Richard Scott <i>Objection to Master's Recommendations and Notice of Objection - Child Support</i>
07/25/2016	 Financial Disclosure Form Filed by: Counter Defendant Kilgore, Richard Scott <i>General Financial Disclosure Form</i>
07/27/2016	 Opposition and Countermotion Filed by: Counter Claimant Kilgore, Eleni Party 2: Counter Defendant Kilgore, Richard Scott <i>Defendant's Opposition to Plaintiff's Objection to the Hearing Master's Report and Recommendations and Countermotion for Attorney's Fees</i>
08/11/2016	 Financial Disclosure Form Filed by: Counter Claimant Kilgore, Eleni <i>Defendant's Financial Disclosure Form</i>
10/31/2016	 Referral Order for Outsourced Evaluation Services <i>Referral Order for Outsourced Evaluation Services</i>
11/04/2016	 Order Filed by: Counter Defendant Kilgore, Richard Scott <i>Order</i>
11/09/2016	 Notice of Hearing <i>Notice of Hearing</i>
11/10/2016	 Order Filed by: Counter Claimant Kilgore, Eleni <i>for Pers to Produce a Retirement Benefit Estimate for Pltf</i>
11/30/2016	 Supplemental Exhibits Party: Counter Claimant Kilgore, Eleni <i>Supplemental Exhibits for December 1, 2016, Return Hearing</i>
12/01/2016	 Order Filed by: Counter Defendant Kilgore, Richard Scott <i>Order</i>
12/02/2016	 Brief Filed by: Counter Claimant Kilgore, Eleni <i>Defendant's Brunzell Analysis and Memorandum of Fees and Costs</i>
01/02/2017	 Brief Filed by: Counter Defendant Kilgore, Richard Scott <i>Plaintiff's Brunzell Brief and Memorandum of Fees</i>
01/19/2017	 Supplemental Exhibits Party: Counter Claimant Kilgore, Eleni

# CASE SUMMARY

CASE NO. D-12-459171-D

*Defendant's Supplemental Exhibit in Support of Motion to Amend or Make Additional Findings to Alter or Amend Judgment and for Attorney's Fees and Costs*

01/19/2017



Motion

Filed by: Counter Claimant Kilgore, Eleni  
For: Counter Defendant Kilgore, Richard Scott  
*Def't's Motion to Amend*

01/24/2017



Certificate of Service

Filed by: Counter Claimant Kilgore, Eleni  
*Certificate of Service*

02/20/2017



Opposition and Countermotion

Filed by: Counter Defendant Kilgore, Richard Scott  
Party 2: Counter Claimant Kilgore, Eleni  
*Plaintiff's Opposition To Defendant's Motion To Amend Or Make Additional Findings Of Fact, To Alter Or Amend Judgment And For Attorney's Fees And Costs And Countermotion For Sanctions*

03/27/2017



Reply

Filed by: Counter Claimant Kilgore, Eleni  
*Def't's Reply to Opposition to Motion to Alter or Amend or Make Additional Findings of Fact, to Alter or Amend Judgment and for Atty's Fees and Costs, and Opposition to Countermotion for Sanctions*

04/25/2017



Notice

*Notice of Hearing*

06/05/2017



Supplemental Exhibits

*Supplemental Exhibits for Plaintiff Re: Vacation/ Sick Pay*

08/02/2017



Findings of Fact, Conclusions of Law and Judgment

Filed by: Counter Claimant Kilgore, Eleni  
*Findings of Fact, Conclusions of Law, and Orders from Evidentiary Hearing and Status Check Hearing*

08/02/2017



Order

Filed by: Counter Claimant Kilgore, Eleni  
*Order from March 28, 2017, Hearing*

08/21/2017



Notice of Entry of Order

Filed by: Counter Claimant Kilgore, Eleni  
*Notice of Entry of Findings of Fact, Conclusions of Law, and Order*

08/21/2017



Notice of Entry of Order

Filed by: Counter Claimant Kilgore, Eleni  
*Notice of Entry of Order From March 28, 2017, Hearing*

09/06/2017



Notice of Appeal

Filed by: Counter Defendant Kilgore, Richard Scott  
*Notice of Appeal*

09/15/2017



Notice of Appeal

Filed by: Counter Claimant Kilgore, Eleni  
*Notice of Cross-Appeal*

09/15/2017



Case Appeal Statement

Filed by: Counter Claimant Kilgore, Eleni  
*Cross-Appeal Case Statement*

09/18/2017



Case Appeal Statement

Filed by: Counter Defendant Kilgore, Richard Scott  
*Case Appeal Statement*

## DISPOSITIONS

# CASE SUMMARY

CASE NO. D-12-459171-D

08/02/2017

**Judgment** (Judicial Officer: Moss, Cheryl B.)  
Judgment (\$4,317.35, In Full , Vacation/Sick Pay Calculation)  
Judgment (\$56,575.76, In Full , PERS Retirement)

## HEARINGS

05/21/2012



**Case Management Conference** (1:30 PM) (Judicial Officer: Moss, Cheryl B.)

Events: 04/10/2012 NRCP 16.2 Case Management Conference

Non Jury Trial;

Journal Entry Details:

*CASE MANAGEMENT CONFERENCE Discussion by Parties and Counsel. COURT ORDERED the following: 1. Parties will share JOINT LEGAL and JOINT PHYSICAL CUSTODY of the minor children. 2. Parties are REFERRED to Family Mediation Center (FMC) for Mediation. 3. Defendant shall attend Children Coping with Divorce (COPE) and file proof of attendance with this Court prior to the next hearing. 4. Atty Herr to prepare an Order with the JPI provisions. 5. Plaintiff shall sign a HIPPA release under a gag Order. 6. Temporarily without prejudice, Plaintiff's CHILD SUPPORT is SET at \$383.00 per month, plus \$193.00 per month for health insurance premiums, for a total of \$576.00 per month, effective May 2012. 7. Constructive Child Support ARREARS are DEFERRED. 8. Parties and Counsel to exchange pay information. 9. Defendant maintains health insurance for the minor children, Parties will equally divide any unreimbursed medical expenses. 10. Plaintiff shall provide information on the Gun Business and an itemized list of the guns from the Business and his personal collection. 11. Plaintiff shall provide of the car insurance being divided. 12. Each Party shall be responsible for their own car insurance. 13. Discovery is Open. 14. Return Hearing, Calendar Call and Trial dates SET. Atty Herr shall prepare the Order from today's hearing, Atty Hill to sign as to form and content. 8-22-2012 10:00 AM RETURN HEARING RE: FMC MEDIATION 8-22-2012 10:00 AM CALENDAR CALL 1-20-2013 9:30 AM NON-JURY TRIAL #1 ;*  
Non Jury Trial

08/22/2012

**Return Hearing** (10:00 AM) (Judicial Officer: Moss, Cheryl B.)

*Return Hearing re: FMC Mediation*

Matter Heard;

*Matter Heard*

08/22/2012

**Calendar Call** (10:00 AM) (Judicial Officer: Moss, Cheryl B.)

Matter Continued;

*Matter Continued*

08/22/2012



**All Pending Motions** (10:00 AM) (Judicial Officer: Moss, Cheryl B.)

Matter Heard;

Journal Entry Details:

*CALENDAR CALL...RETURN HEARING RE: FMC MEDIATION Atty Hill requested to Withdraw as Attorney for Plaintiff today, as Plaintiff has already retained Atty Kenneth Friedman, COURT SO ORDERED. Ordered SIGNED IN OPEN COURT. The hearing scheduled for 9-24-2012 is VACATED. Court noted, Parties did not reach an agreement in Mediation. COURT ORDERED, Trial date STANDS. Calendar Call CONTINUED to 12/5/2012 at 9:00 a.m. ;*  
Matter Heard

09/24/2012

**CANCELED Motion for Withdrawal** (10:00 AM) (Judicial Officer: Moss, Cheryl B.)

*Vacated - per Judge*

*Robert Hill's Motion To Withdraw As Attorney Of Record*

12/05/2012

**Calendar Call** (9:00 AM) (Judicial Officer: Moss, Cheryl B.)

Matter Heard;

*Matter Heard*

12/05/2012

**Motion to Enforce** (9:00 AM) (Judicial Officer: Moss, Cheryl B.)

Events: 11/13/2012 Motion

*Deft's Motion to Enforce Settlement Agreement and for Attorney's Fees and Costs*

**01/07/2013 Reset by Court to 12/05/2012**

Denied;

*Denied*

12/05/2012



**All Pending Motions** (9:00 AM) (Judicial Officer: Moss, Cheryl B.)

Matter Heard;

**CASE SUMMARY****CASE NO. D-12-459171-D**

## Journal Entry Details:

CALENDAR CALL...DEFT'S MOTION TO ENFORCE SETTLEMENT AGREEMENT AND FOR ATTORNEY'S FEES AND COSTS Atty David Jacks, Bar #12409, present for Atty Louis Schneider for Plaintiff. Arguments by Counsel. COURT ORDERED the following: 1. Defendant's Motion to Enforce Settlement Agreement is DENIED. 2. Trial date STANDS. 3. Pre-Trial Memos are due 12/12/12 5:00 p.m. 4. Each Party shall bear their own Attorney's Fees and Costs. Atty Jacks shall prepare the Order from today's hearing, Atty Giuliani to sign as to form and content. ;

Matter Heard

01/10/2013

**Non-Jury Trial (9:30 AM)** (Judicial Officer: Moss, Cheryl B.)

Events: 06/12/2012 Order Setting Civil Non-Jury Trial

Non-Jury Trial #1

**MINUTES**

Divorce Granted;

Journal Entry Details:

Courtroom Clerk Valerie Riggs also present. NON-JURY TRIAL #1 Resident Witness, Panaro Kinaid, sworn and testified. Counsel indicated that the Parties STIPULATED to the following: 1. Parties shall share JOINT LEGAL CUSTODY of the minor children. 2. Defendant shall have PRIMARY PHYSICAL CUSTODY of the Parties' daughter, with TEENAGE DISCRETION to the daughter for VISITATION. 3. Parties shall share JOINT PHYSICAL CUSTODY of the twin boys on a week on / week off rotation. The Parties shall adhere to the standard court ordered HOLIDAY VISITATION SCHEDULE. 4. Plaintiff's CHILD SUPPORT is SET at \$1275.00 per month, commencing 11/1/12, via wage garnishment; until the wage garnishment is in place, Plaintiff shall pay by providing money orders to Attorney Giuliani's office to be forwarded to Defendant. 5. Child support at \$1275.00 will be paid through 8/31/13; beginning 9/1/13 child support will be paid through a garnishment via Wesley vs Foster (if joint custody), or 25% (if primary custody to either parent), plus the additional payment of insurance premiums, currently set at \$193.00 (this amount is also included in the \$1275.00 figure); Each Party will provided pay stubs to the other by 8/1/13 to make accurate calculations of the exact figures. 6. CHILD SUPPORT ARREARS totaling \$1152.00 have already been paid and are no longer at issue. 7. The Parties will equally divide any unreimbursed medical expenses using the 30/30 rule; all outstanding medical bills for the minor children shall be re-submitted to the other party via FAMILY WIZARD within 30 days of the signing of the Decree of Divorce - each Party will have 30 days from the receipt of the re-submitted bills to reimburse the other Party. 8. Each Party shall keep the vehicle currently in their possession as their sole and separate property, subject to any encumbrance thereon, holding the other harmless from such debt. 9. The Parties' retirement accounts shall be divided via Gemma vs Fondi; there are three retirement accounts that need to be addressed. Marvin Snyder shall prepare and complete the QDRO s with each Party paying one half of the expenses. All three QDRO s must be complete within 90 days of the filing of the Decree of Divorce. Mr. Snyder shall inquire about Plaintiff's military retirement, with regard to its value, prior to the preparation of the QDRO. The Parties agree that a military QDRO or similar instrument shall be prepared for purposes of dividing the community interest in this retirement, then Defendant shall pay for the QDRO. However, in the event there is a community interest in Plaintiff's retirement, regardless of the amount, then Plaintiff shall pay for the QDRO. 10. The Parties shall divide any and all community property via an A/B list. Defendant shall prepare an A/B list within five days from the filing of the Decree of Divorce and Plaintiff shall choose which list he wants. Defendant, upon Plaintiff choosing which list, shall have ten days to arrange movers and retrieve her items. Both Parties, pursuant to the Joint Preliminary Injunction, are admonished and must immediately cease from disposing of any community property. 10(A). Pursuant to agreement between the Parties, the following items will not be included on the A/B list, and shall be distributed as follows: - Defendant is awarded one (1) golf cart, three (3) junior dragsters, and one (1) motorcycle, currently in the possession of Charles Payne. - Plaintiff is awarded two (2) ATV's, three (3) dirtbikes, one (1) motorcycle, one canoe, and the Jacuzzi that were in his possession. Special note is made that the junior dragsters are for the use and enjoyment of the children, and when used by the children while with Plaintiff, Plaintiff will ensure the dragsters are returned to Defendant. 11. In exchange for the value of the two vehicles that were sold by Plaintiff and the proceeds retained by him, Plaintiff shall bear the costs of preparing the Decree of Divorce and all subsequent documents, with Attorney Giuliani reviewing and signing off on all pleadings/interlocutory pleadings prior to submission. 12. The Parties shall equally divide any monies owed to the IRS prior to and including tax year 2011. The Parties shall each be responsible for their own returns, filed separately, in 2012. Any tax liability either party assumes for 2012 shall be the responsibility of the party incurring that liability. As well, should either Party be entitled to a refund, that refund shall be retained by the Party receiving the refund. Additionally noted is the letter received by Defendant indicating and additional tax debt

# CASE SUMMARY

CASE NO. D-12-459171-D

of \$2500.00, to be addressed as follows: - if Defendant can demonstrate that the liability was incurred by the Plaintiff, Plaintiff shall be responsible for payment of this additional debt; - if Plaintiff can demonstrate that the liability was incurred by Defendant, Defendant shall be responsible for payment of this additional debt; - if it is found that both Parties are responsible for the additional debt, the cost will be split evenly between the Parties. The Court will retain jurisdiction regarding this debt. 13. Both Parties waive any claim for ALIMONY. 14. The Parties shall file their 2012 tax returns separately. Plaintiff shall claim the minor child Richard Jr. and Defendant shall claim the minor children Alexandria and Nick each and every year the children can legally be claimed for tax purposes. 15. The Parties each have family pets in their respective possessions. Each will be awarded the pets they currently have and are responsible for all costs associated with their respective pets. 16. The Parties shall each pay one half of all agreed upon extracurricular activities for the minor children, including uniforms and necessary safety equipment. Football for the twins is deemed an agreed upon activity. 17. The items belonging to the minor child Alexandria including her furniture, television, three boxes of doll collection, and clothing will not be listed on the A/B list. Alexandria will pick up her furniture and clothing at the time the items from the A/B list are retrieved. 18. There are two collection notices from Quantum Collections that have been addressed. The Parties are equally responsible for the debt owed on these accounts. Defendant has already remitted her one half of the amount owed. The remaining balance on the two accounts is the sole responsibility of Plaintiff. 19. The two additional collection accounts totaling approximately \$1700.00 from Quantum Collections regarding debt from pet-related expenses shall be split equally between the parties. Defendant has indicated that she has already remitted her one half of the amount owed. Subject to proof of Defendant's claim of payment, the remaining balance on these accounts shall be the sole responsibility of Plaintiff. The Court shall retain jurisdiction over this item. 20. Each Party shall bear their own ATTORNEY'S FEES and COSTS. 21. Defendant shall retain the last name Kilgore. Both parties acknowledged concurrence with the settlement terms. COURT SO ORDERED. COURT FURTHER ORDERED, an absolute DECREE of DIVORCE is GRANTED to the Parties. Attorney Schneider shall prepare the Decree of Divorce, Attorney Giuliani to sign as to form and content. ;

*Divorce Granted*

12/09/2014

**Motion** (9:30 AM) (Judicial Officer: Hardcastle, Kathy)

Events: 10/21/2014 Motion

*Plt's Motion for Orders to Modify Child Custody, Visitation, and/or Child Support*

Denied; See All Pending Motions 12/9/14

*Denied*

12/09/2014

**Opposition & Countermotion** (9:30 AM) (Judicial Officer: Hardcastle, Kathy)

Events: 11/04/2014 Opposition and Countermotion

*Deft's Opposition & Countermotion for an Order to Show Cause to Find the Pltf in Contempt of Court and to Reduce Arrears to Judgment; Modifying Physical Custody and Awarding the Deft Primary Physical Custody of the Two Minor Children, for Child Interviews and Teenage Discretion; to resolve Issues Regarding the Execution of the QDRO's for Deft's Atty's Fees and Costs Incurred Herein; and Related Matters*

Denied; See All Pending Motions 12/9/14

*Denied*

12/09/2014



**All Pending Motions** (9:30 AM) (Judicial Officer: Hardcastle, Kathy)

Matter Heard;

Journal Entry Details:


*Attorney Fred Page appeared with Defendant today's date and advised this is a Mr. Flangas case and he was contacted late yesterday to present as a fill-in appearance. PLAINTIFF'S MOTION FOR ORDERS TO MODIFY CHILD CUSTODY, VISITATION AND/OR CHILD SUPPORT...DEFENDANT'S OPPOSITION AND COUNTERMOTION FOR AN ORDER TO SHOW CAUSE TO FIND THE PLAINTIFF IN CONTEMPT OF COURT AND TO REDUCE ARREARS TO JUDGMENT; MODIFYING PHYSICAL CUSTODY AND AWARDED THE DEFENDANT PRIMARY PHYSICAL CUSTODY OF THE TWO MINOR CHILDREN, FOR CHILD INTERVIEW AND TEENAGE DISCRETION; TO RESOLVE ISSUES REGARDING THE EXECUTION OF THE QDRO'S FOR DEFENDANT'S ATTORNEY'S FEES AND COSTS INCURRED HEREIN; AND RELATED MATTERS Court noted that the mother had filed private medical records regarding her son which she has now made public and ADMONISHED the mother for doing so. . COURT ORDERED, On Defendant's Opposition and Countermotion, Exhibit (A) is to be STRICKEN and REMOVED or SEALED. Plaintiff's counsel advised they are seeking to modify custody based upon the father's inability to afford the current child support payments. . COURT ORDERED, Plaintiff did not present the Court with any updated Financial Disclosure Forms and the Court DENIED any change in child*

# CASE SUMMARY

CASE NO. D-12-459171-D

support payments on that basis. When Plaintiff was terminated, he should have received a substantial check that would carry him over for his child support payments. Defendant's complaint is for reimbursement of medical bills, however, there is no indication the parties have met and conferred regarding these bills and no indication any bills have been presented. . Court ORDERED the parties are to attend a meet and confer regarding the QDRO'S and any medical bills. Counsel can be present or not. Plaintiff's counsel argued there have been several altercations at the children's sporting events when mother's boyfriend attends with her. Counsel requested the Court Order that the boyfriend cannot attend. COURT ORDERED, Request is DENIED. Plaintiff is not allowed to dictate who Defendant has a relationship with. The Court can split the events or order that the parties remain on separate sides of the room when they attend. . Court ORDERED, the parties are to stay on separate sides of the gym or field during the children's events and they are NOT ALLOWED to exchange any comments with each other or each other's significant others. . FURTHER ORDERED, the Plaintiff shall have the first thirty (30) minutes to talk with the minor about the event and the mother has the last thirty (30) minutes. . FURTHER ORDERED, the parties are to pick a Marriage and Family Therapist and start attending counseling under the supervision and recommendation of that counselor or who will attend and when. If the parties cannot agree upon who to use as a therapist, this Department has a list of providers and each would pick three names and submit them and they would have to come to an agreement from those names. Both parties are to gather the unpaid medical bills and present copies to each other so the unpaid amounts can be discussed and resolved. The 30/30 Rule is now imposed in this case...Any unreimbursed medical, dental, optical, orthodontic or other health related expense incurred for the benefit of the minor child/children is to be divided equally between the parties. Either party incurring an out of pocket medical expense for the child/children shall provide a copy of the paid invoice/receipt to the other party within thirty days of incurring such expense, if not tendered within the thirty day period, the Court may consider it as a waiver of reimbursement. The other party will then have thirty days from receipt within which to dispute the expense in writing or reimburse the incurring party for one-half of the out of pocket expense, if not disputed or paid within the thirty day period, the party may be subject to a finding of contempt and appropriate sanctions. FURTHER ORDERED, the parties are to use the Family Wizard Program and Mr. Kilgore is to use this program. Mr. Page argued the fourteen (14) year old Nicholas is refusing to visit with his father and they believe he is at the age of discretion. Court ORDERED, the fourteen (14) year old is not in charge of this case and is ORDERED to visit with his father. ; Matter Heard

12/30/2014

 **Return Hearing** (9:00 AM) (Judicial Officer: Moss, Cheryl B.)

Re: Pick-Up Order

Referred to Family Mediation;

Journal Entry Details:

RETURN HEARING RE: PICK UP ORDER Atty Fred Page, Bar #6080, present for Atty Gus Flangas, for Defendant. Atty Bonnie Lonardo, Bar #8548, also present with Plaintiff. Discussion by Parties and Counsel. COURT ORDERED the following: 1. Custody shall remain Status Quo, with a week on, week off schedule. 2. The 30 minute visits with the wrestling events is ELIMINATED. 3. Defendant shall sign a Quitclaim Deed after court today. 4. TEMPORARILY without prejudice, Plaintiff's CHILD SUPPORT is SET at \$521.00 per month, which includes health insurance premiums. 5. Parties are REFERRED to Family Mediation Center (FMC) for Child Interviews. The minor child Nicholas to spend more time with Plaintiff before the Child Interview. 6. Parties STIPULATE to Donna Gosnell for counseling for Plaintiff and the minor children. Defendant's insurance will cover, Parties to equally divide any co-pays. 7. While on Holiday Break, Plaintiff shall pick up the minor children at wrestling practice on Mondays or pick up from school. The minor children's laptop computers are to go with them. 8. Plaintiff shall keep a monthly work search journal until he is employed and file a copy with this Court by the last day of each month. 9. Plaintiff shall keep Counsel informed of the loan modification on the marital residence. 10. Counsel to research both Parties retirements and submit Briefs. 11. Defendant shall file a Schedule of Arrears for CHILD SUPPORT ARREARS. 12. Parties and Counsel are to trace the IRS debt of the Parties. 13. Court will request the Child Protective Services (CPS) records for this family. Counsel is permitted to have a copy of the Unity Notes under a Gag Order. 14. Return Hearing re: FMC Child Interview is SET for March 11, 2015 at 9:30 a.m. 15. The hearing scheduled for March 10, 2015 at 10:30 is VACATED. 16. The Return Hearing scheduled for March 11, 2015 at 9:30 a.m. STANDS. 17. A Behavior Order is ISSUED to the Parties. 18. Defendant shall be responsible for Nicholas's cell phone, Plaintiff shall be responsible for Richard's cell phone. Atty Page/Flangas shall prepare the Order from today's hearing, Atty Jacovino to sign as to form and content. ;



Referred to Family Mediation

03/10/2015

**CANCELED Motion** (10:30 AM) (Judicial Officer: Moss, Cheryl B.)

# CASE SUMMARY

CASE NO. D-12-459171-D

	<p><i>Vacated - per Judge</i>  <i>Pltf's Emergency Motion on Shortened Time to Enforce the Court's December 9, 2014 Order, Hold Deft in Contempt and Modify the Custody</i></p>
03/10/2015	<p><b>CANCELED Opposition &amp; Countermotion</b> (10:30 AM) (Judicial Officer: Moss, Cheryl B.)  <i>Vacated - per Judge</i>  <i>Deft's Opposition &amp; Countermotion to Modify Physical Custody and Awarding the Deft Primary Physical Custody of the Two Minor Children, for Child Interviews and Teenage Discretion; to Review Child Support; for Deft's Atty's Fees and Costs Incurred Herein; and Related Matters</i></p>
03/11/2015	<p><b>Return Hearing</b> (9:30 AM) (Judicial Officer: Moss, Cheryl B.)  <b>03/11/2015, 06/10/2015</b>  Events: 03/10/2015 Brief  Set by Court Re: <i>QDRO</i>  <b>05/11/2015    Reset by Court to 06/10/2015</b></p> <p><b>MINUTES</b></p> <p> Brief  Filed by: Counter Claimant Kilgore, Eleni  <i>Defendant's Brief Regarding Retirement Benefits and Omitted Assets</i>  Matter Continued; View All Pending Entry  Matter Heard;  Matter Continued; View All Pending Entry  Matter Heard;  <i>Matter Continued</i></p>
03/11/2015	<p><b>Return Hearing</b> (9:30 AM) (Judicial Officer: Moss, Cheryl B.)  Events: 12/30/2014 Order for Family Mediation Center Services  <i>Return Hearing re: FMC Child Interview</i>  Matter Heard; View All Pending Entry  <i>Matter Heard</i></p>
03/11/2015	<p> <b>All Pending Motions</b> (9:30 AM) (Judicial Officer: Moss, Cheryl B.)  Events: 12/30/2014 Order for Family Mediation Center Services  03/10/2015 Brief</p> <p><b>MINUTES</b></p> <p><b>Status Check</b> (06/10/2015 at 10:30 AM) (Judicial Officer: Moss, Cheryl B.)  Re: <i>Child Support, Dr. Gosnell's report, &amp; QDRO</i>  <b>06/10/2015    Reset by Court to 06/10/2015</b>  <i>Matter Heard</i>  Matter Heard;  Journal Entry Details:</p> <p><i>RETURN HEARING REGARDING FAMILY MEDIATION CENTER CHILD INTERVIEW RESULTS...RETURN HEARING REGARDING OUTSTANDING ISSUES Plaintiff and Defendant were present. Plaintiff was represented by Janice Jacovino, Esq. and Bonnie Lonardo, Esq. Defendant was represented by Fred Page, Esq. The Court received Attorney Page's Brief. Defendant's attorney then notified the Court of the report from Dr. Gosnell and presented a copy to the Court. The Court and parties discussed the report. Attorney Page requested that the Court grant a Temporary Protection Order (TPO) against Plaintiff upon the minor child's behalf due to the Child Interview Report and Dr. Gosnell's report. The Court DID NOT FIND a basis to issue a Temporary Protection Order (TPO) due to Defendant's current lack of contact with the minor child, Nicholas Kilgore. Therefore, the Court DENIED Attorney Page's oral request. The Court and parties discussed Plaintiff's visitation. Plaintiff confirmed that he has been conducting regular visitation with the minor child, Nicholas. Plaintiff reported that the he has an adequate relationship with the minor child; however, Defendant's attorney redirected the Court to the abuse allegations enumerated in the reports. The Court noted that the minor child, Nicholas, is a teenager and that the two (2) reports are consistent. Defendant then presented testimony regarding the minor child's emotional and mental state regarding the Pick Up Order. Attorney Page requested that the Court grant teenage discretion and confirm Defendant as having primary physical custody. Attorney Jacovino then presented rebuttal arguments. Plaintiff's attorney requested that the Court refrain from ceasing the child-father contact. Upon the Court's inquiry, Defendant reported that her health insurance plan will cover an additional 50 sessions with Dr. Gosnell. Attorney Page informed the Court that the out-of-pocket co-payment is \$20.00, and that each party is</i></p>

**CASE SUMMARY****CASE NO. D-12-459171-D**

responsible for half the cost, yet Plaintiff has not contributed towards the expense. Plaintiff's attorney stated that her client is unemployed. The Court noted that each party was ordered to equally distribute the cost. The Court **ADMONISHED** Plaintiff and noted that he should be held in Contempt of Court for neglecting to submit half of the co-payment amount. Upon the Court's inquiry regarding the expenses, Defendant testified that she submitted \$250.00 for Dr. Gosnell's letter and the \$20.00 payments for a few sessions. The COURT **FINDS** that the minor child, Nicholas Kilgore, is very mature, intelligent, and resilient minor child. The Court also noted that the other minor child, Richard Kilgore, is intelligent and resilient as well. The Court **DOES NOT FIND** that it is in the best interest of the minor child to completely cease the father-child relationship; however, the COURT **FINDS** cause to modify the current visitation arrangement. The Court then scheduled a **STATUS CHECK HEARING** to review the counseling progression. Defendant's attorney presented arguments regarding the **Qualified Domestic Relations Order (QDRO)**. The Court scheduled a **RETURN HEARING** to address the issue. Attorney Page inquired about the Child Protective Services (CPS) report. The Court noted that the Court previously ordered for the report. The Court will request a copy of the report within the next twenty-four (24) hours. **COURT ORDERED**: 1. **RETURN HEARING** scheduled to address the **Qualified Domestic Relations Order (QDRO)**. 1a. Plaintiff shall have ten (10) days to file a **RESPONSIVE BRIEF**. 2. Plaintiff shall submit his monetary responsibility for the out-of-pocket health insurance costs to Defendant by March 13, 2015. 3. Each party shall continue **COUNSELING**. 4. Defendant is hereby **TEMPORARILY** awarded **PRIMARY PHYSICAL CUSTODY**. 4a. Plaintiff is hereby **TEMPORARILY** awarded **VISITATION** with the minor child, Nicholas Kilgore, on the first, third, and fifth weekends. 4b. Plaintiff shall retrieve the minor child, Nicholas, after-school, or at 3:00pm, on Fridays and return the minor child to school on Mondays. 5. Each party is hereby **TEMPORARILY** awarded **JOINT PHYSICAL CUSTODY** of the minor child, Richard Kilgore. 5a. The minor child, Richard Kilgore, is hereby awarded **TEENAGE DISCRETION** regarding **VISITATION**. 6. Each party shall continue abiding by the **BEHAVIOR ORDER**. 7. **STATUS CHECK** hearing scheduled to address Child Support and Dr. Gosnell's report. Dr. Gosnell shall submit a report prior to the next hearing. 8. Each party shall abide by the **Holiday and Vacation Plan**. 9. **ATTORNEYS FEES** are hereby **DEFERRED**. Plaintiff's attorney shall prepare the Order. Defendant's attorney shall counter-sign the proposed Order. Clerk's Note: The Court **SIGNED** and **FILED** the Request for Child Protection Services (CPS) Appearance and Records in **OPEN COURT** off-the-record. The Court **ORDERED** for CPS to provide records to Family Court's Department I by March 13, 2015. A copy of the Request for Child Protection Services (CPS) Appearance and Records shall be placed in each attorney's folder.;

Matter Heard

**SCHEDULED HEARINGS****Status Check** (06/10/2015 at 10:30 AM) (Judicial Officer: Moss, Cheryl B.)

Re: Child Support, Dr. Gosnell's report, &amp; QDRO

**06/10/2015 Reset by Court to 06/10/2015**

Matter Heard

06/10/2015

**Status Check** (10:30 AM) (Judicial Officer: Moss, Cheryl B.)


Re: Child Support, Dr. Gosnell's report, &amp; QDRO

**06/10/2015 Reset by Court to 06/10/2015**

Matter Heard;

Matter Heard

06/10/2015

 **All Pending Motions** (10:30 AM) (Judicial Officer: Moss, Cheryl B.)

Matter Heard;

Journal Entry Details:

**STATUS CHECK RE: CHILD SUPPORT, DR. GOSNELL'S REPORT & QDRO...RETURN HEARING: SET BY COURT RE: QDRO** Discussion by Parties and Counsel. **COURT ORDERED** the following: 1. Plaintiff/Dad **SANCTIONED** back to March for not filing the Work Search Journal, which is due by the last day of each month. Sanctions are **DEFERRED**. 2. Parties and Counsel to check into a new Counselor for Nicholas and mutually agree. 3. The minor children are permitted to attend Wrestling Camp from June 15 - 18. 4. Parties shall continue with "Our Family Wizard". 5. Defendant/Mom can subpoena Plaintiff's **PERS** information. 6. Court will look into summer activities for Nicholas. 7. Both **QDRO's** shall be **SIGNED IN OPEN COURT**. 8. Discovery is open on Plaintiff/Dad's employment investment account. Counsel to file Briefs by 8/14/2015. 9. Attorney's Fees are **DEFERRED**. 10. Senior Judge Settlement Conference **SET** for August 28, 2015 at 9:00 a.m. 11. Status Check re: Nicholas issues **SET** for September 16, 2015 at 10:30 a.m. 12. Status Check re: Further Proceedings, Financials and Omitted Assets **SET** for December 1, 2015 at 1:30 p.m. Atty Page shall prepare the Order from today's hearing, Atty Lonardo to sign as to form and content. ;




# CASE SUMMARY

CASE NO. D-12-459171-D

Matter Heard

08/28/2015

 **Settlement Conference** (9:00 AM) (Judicial Officer: O'Malley, Gloria)

Senior Judge Settlement Conference


Matter Heard;

Journal Entry Details:

Janice Jacovino bar #11612 present for Plaintiff. Parties sworn and testified. Court noted Parties and Counsel has been working in good faith for the last three (3) hours and time has ran out because Mr. Page has a hearing this afternoon and Plaintiff has to leave and pick-up one of his children. Court further noted, this case is on for two (2) status check hearings. This Court has temporarily resolve Nicholas issues. Court stated Parties agreed to the following: There are two (2) children in this matter. Parties will have Joint Legal Custody of both children. With respect to Richard, Parties will continue to have shared physically custody on an alternating weekly basis and Richard will have some discretion on attending events, but he will be with Dad on Dad's weeks. Temporarily, Defendant/Mom will have Primary Physical Custody of Nicholas, reserving Plaintiff/Dad and Mom to re-litigate, once there is substantive progress with the new therapist. Dad may text Nicholas and if Nicholas prefer to Skype, Nicholas will text Dad to let him know. Parties will retain a male therapist for Nicholas. Mom will give Dad two (2) days notice on any events mom is aware of that falls on Dad's timeshare. Mom will use Our Family Wizard for that. Mom has been providing medical coverage and will continue to do so. Parties agreed that \$180 is half the coverage, so what ever the ultimate support order is, it will either be a credit or deficit to Dad for the \$180. Dad's one half (1/2) cost is \$180.00 per month. Parties will continue to utilize the 30/30 rule. Mom will provide the back-up for the cost. Parties will split the cost for any activities mutually agreed upon. The decree specifically provided for football. Dad has to split the football cost. Dad cannot afford to fund the cost for other activities and if Mom decides to pursue other activities she will have to front that cost. Both Parties agreed mathematically Mom's calculation is \$840.00 which is Dad's half that he owes Mom. Dad wants proof of what checks Mom has presented. Mom is going to do her best to present the back-up receipt within 60 days. Dad believes he contributed to the Bulldogs and does not owe the \$840.00 and he will provide proof of his contribution. On Dad's request for reimbursement for the cell phone, which was eliminated, because of Judge Moss rulings on 12/30/14. Dad's request for \$133.00 have been withdrawn. There was no more time to reach an agreement on the rest of the cell phone arrearages. There was a 3rd account called Deferred Comp/Employee Investment Account, Parties don't know if this account existed or not. Parties agreed if Mom finds proof it existed, Parties will use the Gemma and Fondi Formula to divide it. The unreimbursed medical arrearages from the UIFSA Order which was heard 2/25/14, indicated medical arrearages at \$1,496.24. This figure came from the decree. Both Parties had Stipulated previously that Dad had paid \$1496.24 already. Those Arrearages were established 1/10/13, and anything after is open for claims by Mom or Dad for unreimbursed medical expenses and it needs to be resolved. The Quantum debt was reference in the decree. Mom represented her half was paid and Dad's half was not. Dad believed he paid his half. Parties canvassed on the agreement and understood the agreement. Both Parties and Counsel agreed EDCR 7.50 governs the terms of the agreement. COURT ORDERED, as follows: Court ADOPTS and RATIFIES the agreement. Both Status Checking hearings shall STAND. Court noted the remaining issues are, the IRS debt, the omitted asset (Dad's sick leave and pay), Mom's clothes (1 fur coat and 10 formal dresses), final order for child support once Dad is employed, physical custody of Nicholas, Dad's request for Attorney's Fees distribution of Dad's retirement and arrearages. Should this matter be referred for a second settlement conference, Counsel and the Parties request "Shuttle" mediation. Ms. Jacovino shall prepare the Order and Mr. Page shall review then SIGN OFF. ;

Matter Heard

09/16/2015

 **Status Check** (10:30 AM) (Judicial Officer: Moss, Cheryl B.)

Status Check re: Nicholas Issues


Matter Heard;

Journal Entry Details:

STATUS CHECK RE: NICHOLAS ISSUES Counsel stated Parties are looking for a male counselor for Nicholas. Court noted, Parties went to the STOP Class. COURT ORDERED, temporary Orders shall remain Status Quo. The Status Check hearing scheduled for 12/1/2015 STANDS. Pursuant to EDCR 7.50, these minutes shall stand as an Order.;

Matter Heard

12/01/2015

 **Status Check** (1:30 PM) (Judicial Officer: Moss, Cheryl B.)

12/01/2015, 02/09/2016

Status Check re: Further Proceedings, Financial & Omitted Assets

12/01/2015 Reset by Court to 12/01/2015

# CASE SUMMARY

CASE NO. D-12-459171-D

## MINUTES

Matter Continued;  
Evidentiary Hearing;  
Journal Entry Details:

*STATUS CHECK RE: FURTHER PROCEEDINGS, FINANCIAL & OMITTED ASSETS Discussion by Parties and Counsel. Atty Jacovino request the Motion set for March 15, 2016 be VACATED. COURT SO ORDERED. Court noted Plaintiff was reinstated at his job January 4, 2016. COURT ORDERED the following: 1. Temporarily without prejudice, Plaintiff/Dad shall pay \$1,500.00 per month for CHILD SUPPORT. 2. Temporarily without prejudice, Plaintiff/Dad shall pay \$1,200.00 per month for Defendant/Mom's PERS payment. 3. Payments can be made on the 15th and last day of each month. 4. Counsel to Stipulate to their PERS experts; Defendant has Sonya Hellwinkle, PERS Representative and may have Atty Marshal Willick, as he is not disqualified. Plaintiff may choose their own expert and notify Defendant's Counsel. 5. Calendar Call SET for June 22, 2016 at 9:30 a.m. Discovery closes at Calendar Call. Pre-Trial Memos along with the final List of Witnesses and Exhibits are due on or before Calendar Call. 6. Evidentiary Hearing re: PERS payments/Survivor Beneficiary/Child Support SET for July 25, 2016 at 1:30 p.m. #1. 7. Discovery is open on omitted assets. 8. Pursuant to EDCR 7.50, these minutes shall stand as an Order until the Order is prepared by Atty Page and signed off by Atty Jacovino. ;*


## MINUTES


Matter Continued;  
Evidentiary Hearing;  
Journal Entry Details:

*STATUS CHECK RE: FURTHER PROCEEDINGS, FINANCIAL & OMITTED ASSETS Atty Fred Page, Bar #6080, present and represented that he dropped off a Stipulation and Order to Continue on Wednesday, November 25, 2015, and cannot be located. COURT ORDERED, matter CONTINUED to February 9, 2016 at 1:30 p.m. for 30 minutes. ; Matter Continued*

03/15/2016 **CANCELED Motion** (9:30 AM) (Judicial Officer: Moss, Cheryl B.)  
*Vacated - per Attorney or Pro Per*

06/14/2016 **CANCELED Motion for Withdrawal** (9:30 AM) (Judicial Officer: Moss, Cheryl B.)  
*Vacated - per Order*  
*Janice Jacovino's Motion to Withdraw as Counsel of Record for Plaintiff*


06/22/2016  **Calendar Call** (9:30 AM) (Judicial Officer: Moss, Cheryl B.)  
Matter Heard;  
Journal Entry Details:  
*CALENDAR CALL Defendant/Mom present by telephone. Parties sworn and testified. Discussion by Parties and Counsel. Court noted, Plaintiff/Dad has not paid Defendant/Mom her share of the PERS Pension payments. COURT ORDERED the following: 1. Plaintiff/Dad shall file a Pre-Trial Memo by 5:00 p.m. today, subject to \$100.00 Sanctions. 2. Both Parties to file update Financial Disclosure Forms if necessary. 3. The Evidentiary Hearing scheduled for July 25, 2016 at 1:30 p.m. #1 STANDS. Court further noted, Plaintiff consents to electronic service by e-mail. There is no Order necessary from today's hearing. ; Matter Heard*

07/25/2016  **Evidentiary Hearing** (1:30 PM) (Judicial Officer: Moss, Cheryl B.)

**07/25/2016, 08/15/2016, 10/31/2016**

Events: 02/17/2016 Order Setting Evidentiary Hearing  
*Evidentiary Hearing re: PERS Payments, Survivor Beneficiary, Child Support*

## MINUTES

 **Order Setting Evidentiary Hearing**  
Filed by: Counter Defendant Kilgore, Richard Scott  
*Order Setting Evidentiary Hearing*  
Matter Continued;  
Matter Continued;  
Decision Made;  
Journal Entry Details:

*EVIDENTIARY HEARING RE: PERS PAYMENT, SURVIVOR BENEFICIARY, CHILD SUPPORT (Day 3) Testimony and exhibits presented (see worksheets). Court's Decision 1. Defendant/Mom shall have permanent PRIMARY PHYSICAL CUSTODY of Nicholas. 2.*

# CASE SUMMARY

CASE NO. D-12-459171-D

Parties STIPULATE to JOINT PHYSICAL CUSTODY of Richard, Jr. 3. With 30 days, Nicholas is REFERRED to either Nicholas Ponzo or Keisha Wieford, for reunification with Plaintiff/Dad. Plaintiff/Dad shall pay 65% of the fees, Defendant/Mom shall pay 35% of the fees. 4. Nicholas is to go back to his therapist before beginning reunification. 5. Beginning December 2014, Defendant/Mom's CHILD SUPPORT was SET at \$970.00 per month based on JOINT PHYSICAL CUSTODY of both children, using Wright vs Osborn, minus \$213.00 per month for health insurance premiums, for a Total of \$757.00 per month, through January 2016, for a GRAND TOTAL of \$9,841.00. 6. Beginning January 2016, Plaintiff/Dad's CHILD SUPPORT for Nicholas was SET at \$806.00 per month, plus \$266.00 per month for JOINT PHYSICAL CUSTODY of Richard, Jr., plus \$220.00 per month for health insurance premiums, for a total of \$1,292.00 per month. 7. Beginning July 2016, Plaintiff/Dad's CHILD SUPPORT for Nicholas was SET at \$820.00 per month, plus \$266.00 per month for JOINT PHYSICAL CUSTODY of Richard, Jr., plus \$220.00 per month for health insurance premiums, for a total of \$1,306.00 per month. 8. Defendant/Mom shall provide proof the health insurance costs for the minor children. 9. Counsel to request a District Attorney Audit forthwith. 10. Plaintiff/Dad shall receive a credit of \$9841.00 for December 2014 - January 2016. 11. Plaintiff/Dad shall receive a credit of \$2,294, for overpayments of CHILD SUPPORT for 2016. 12. Defendant/Mom shall receive \$7659.41 from Plaintiff's omitted assets from Sick and Vacation pay. 13. Court noted Plaintiff/Dad was eligible to retire April 20, 2011, Defendant/Mom filed her Motion per the Holyoak case March 10, 2015, therefore, Defendant/Mom's retirement payments begin March 10, 2015 at \$1,200.00 per month. Atty Page shall prepare the Order for PERS within 24 hours. 14. Parties will equally divide the preparation costs for the Qualified Domestic Relations Orders (QDRO's). 15. The \$10,000.00 tax debt is washed out. 16. Defendant/Mom shall receive NO offset/NO value for the fur coat and dresses. 17. Defendant/Mom shall file an Order to Show Cause to Plaintiff/Dad for the non-payment of retirement payment for 2016. Sanctions to be determined. 18. Plaintiff/Dad shall walk-through an Order to lift the District Attorney's driver's license suspension, as of today there are zero (0) ARREARS. Defendant/Mom shall have 24 hours to review the Order. 19. Defendant/Mom's PERS will not be eligible until 2023. Court cannot force reciprocal SBP unless Parties STIPULATE to that. Defendant/Mom can pay for a Life Insurance Policy for retirement payments and vise versa. 20. Plaintiff/Dad's share of the unreimbursed medical expenses is \$3,202.00. 21. Attorney's Fees are BIFURCATED. Counsel to submit Brunzell Briefs for Attorney's Fees. 22. Counsel shall be notified of a Return Hearing date. Atty Page to prepare the Order from today's hearing, Atty Allen to sign as to form and content. ;

## MINUTES



Order Setting Evidentiary Hearing

Filed by: Counter Defendant Kilgore, Richard Scott

Order Setting Evidentiary Hearing

Matter Continued;

Matter Continued;

Decision Made;

Journal Entry Details:

EVIDENTIARY HEARING RE: PERS PAYMENTS, SURVIVOR BENEFICIARY, CHILD SUPPORT This is Day 2 of the Evidentiary Hearing that began July 25, 2016. Atty Betsy Allen, Bar#6878, present in an Unbundled capacity for the Evidentiary Hearing with Plaintiff. INVOKED EXCLUSIONARY RULE. COURT SO ORDERED. Sonya Hellwinkle, Nevada PERS present with Chris Nielsen, Bar #8206, General Counsel for PERS, all present by telephone from Carson City, Nevada. Testimony and exhibits presented (see worksheets). COURT ORDERED the following: 1. Evidentiary Hearing CONTINUED to October 31, 2016 at 9:00 a.m. 2. Defendant shall file a Schedule of Arrears on the \$1,200.00 per month Pension payments. There is no Order necessary from today's hearing.;

## MINUTES



Order Setting Evidentiary Hearing

Filed by: Counter Defendant Kilgore, Richard Scott

Order Setting Evidentiary Hearing

Matter Continued;

Matter Continued;

Decision Made;

Journal Entry Details:

EVIDENTIARY HEARING RE: PERS PAYMENTS, SURVIVOR BENEFICIARY, CHILD SUPPORT INVOKED EXCLUSIONARY RULE. COURT SO ORDERED. Testimony and exhibits presented (see worksheets). COURT ORDERED the following: 1. Defendant/Mom shall file a Financial Disclosure Form within one (1) week and serve Atty Allen. 2. Proposed

# CASE SUMMARY

CASE NO. D-12-459171-D

*Exhibit I shall be decided at the next hearing. 3. Counsel consent to service by e-mail. 4. Atty Page shall subpoena Sonya Hellwinkle from PERS to appear at the next hearing. 5. Atty Page to notify this Court's JEA if Ms. Hellwinkle wants to appear by video conferencing. 6. Evidentiary Hearing CONTINUED to August 15, 2016 at 1:30 p.m. There is NO Order necessary from today's hearing. ;  
Matter Continued*

08/02/2016

**Objection** (10:30 AM) (Judicial Officer: Moss, Cheryl B.)

Events: 06/30/2016 Objection

*Objection to Master's Recommendations and Notice of Objection - Child Support*

Denied;

*Denied*

08/02/2016

**Opposition & Countermotion** (10:30 AM) (Judicial Officer: Moss, Cheryl B.)

Events: 07/27/2016 Opposition and Countermotion

*Def'ts Opposition to Plaintiff's Objection to the Hearing Master's Report and Recommendations and Countermotion for Attorney's Fees*

**08/02/2016 Reset by Court to 08/02/2016**

**08/02/2016 Reset by Court to 08/02/2016**

Matter Heard;

*Matter Heard*

08/02/2016



**All Pending Motions** (10:30 AM) (Judicial Officer: Moss, Cheryl B.)

Matter Heard;

Journal Entry Details:

*PLAINTIFF'S OBJECTION TO MASTER'S RECOMMENDATION AND NOTICE OF OBJECTION - CHILD SUPPORT...DEFENDANT'S OPPOSITION TO PLAINTIFF'S OBJECTION TO THE HEARING MASTER'S REPORT AND RECOMMENDATIONS AND COUNTERMOTION FOR ATTORNEY'S FEES Discussion regarding service of the Objection, Attorney Fees and Costs, and temporary child support amount. Attorney Page represented he had talked to Sonya Hellwinkle, from PERS, and she was going to get approval from PERS legal council concerning appearing by video conference and testifying at the next trial date of August 15, 2016. Attorney Page will be sending a subpoena to Sonya Hellwinkle at PERS. Court adopted Attorney Page's argument that the \$1,500.00 stands and is collectible. COURT ORDERED, the following: 1. Plaintiff's Objection to Master's Report and Recommendation is DENIED. 2. District Attorney's Office shall not impose any sanctions, contempt, or set any future hearing dates pending trial decision. The 25 days sanction is STAYED. 3. The Child Support court clerk shall amend the court minutes from the June 14, 2016 hearing to reflect Plaintiff's TEMPORARY CHILD SUPPORT shall be SET at \$1,500.00 per month, and \$692.13 shall be withheld from his paycheck every two weeks. 4. Defendant's Countermotion to the Objection, being filed untimely, Court finds the Objection was filed timely. 5. Per STIPULATION, Sonya Hellwinkle a PERS representative may appear by video conference for the Evidentiary Hearing on August 15, 2016. 6. Defendant's request for Attorney Fees and Costs is DENIED. Evidentiary Hearing re: PERS Payments, Survivor Beneficiary, Child Support SET for August 15, 2016 at 1:30 p.m. STANDS. Plaintiff shall prepare the Order from today's hearing.;*

*Matter Heard*

12/01/2016



**Status Check** (9:30 AM) (Judicial Officer: Moss, Cheryl B.)

Events: 11/09/2016 Notice of Hearing

*Status Check re: Wrap Up Issues*

## MINUTES



**Notice of Hearing**

*Notice of Hearing*

Matter Heard;

Journal Entry Details:

*STATUS CHECK RE: WRAP UP ISSUES Refer to the Court's Minute Order for the matter heard on 12/1/16.;*

*Matter Heard*

12/01/2016



**Minute Order** (3:30 PM) (Judicial Officer: Moss, Cheryl B.)

*Court's Minute Order from 12/1/16 hearing.*

Minute Order - No Hearing Held;

Journal Entry Details:

**CASE SUMMARY****CASE NO. D-12-459171-D**

*STATUS CHECK RE: WRAP UP ISSUES COURT'S MINUTE ORDER CHILD SUPPORT ISSUES 1. The following summarizes the Court's historical calculations of child support. This Minute Order shall also CLARIFY AND SUPERSEDE the calculations from the October 31, 2016 hearing and the District Attorney's Office shall conform to this Minute Order. 2. Prior to December 2014, the Decree of Divorce filed on 3/13/13 was the initial child support order. In the Decree, Dad's child support obligation for joint physical custody of the two minor children, Nicholas and Richard, Jr., was set at \$1275 per month commencing November 1, 2012. As of November 1, 2012, Dad's child support arrears was \$1398. However, there was no additional installment payment in the Decree for the arrears on top of the \$1275. 3. For December 2014 to January 2016, Mom and Dad continued to maintain joint physical custody of the children. Mom's 25% would have been \$1170 minus Dad's \$200 (unemployed rate) which equals \$970. Subtract \$213 for Mom providing health insurance for a net total of \$757 per month. \$757 per month times 13 months totals \$9841 that Dad should have received from Mom for 12/14 to 1/16. If the DA was collecting from Dad's income and Mom made zero payments, then Dad should receive additional credit. 4. In February 2016, Dad returned to working full-time. From February 2016 to June 2016, Dad would pay Mom 18% for Nicholas when custody changed to Mom having primary physical custody, however Dad would be capped out at \$806 per month. For Richard, Jr., the parties continued to have joint physical custody, and Dad would pay Mom \$266. This is derived from subtracting Dad's 18% of \$7362 GMI or \$1325, and Mom's 18% of \$5883 GMI or \$1059, which equals \$266 from Dad to Mom. Adding \$806 for Nicholas and \$266 for Richard, Jr., Dad's monthly child support obligation would be \$1072. But, Dad would also pay Mom \$220 per month for his portion of the children's health insurance premiums. Therefore, Dad's total child support obligation for this time period is \$1072 plus \$220 for a total of \$1292. \$1292 per month times 5 months equals \$6460 for 2/16 to 6/16. If the DA was collecting more than \$1292 per month from Dad's paychecks, then Dad should receive the appropriate credit. 5. On July 1, 2016, the Maximum Child Support Guidelines for caps increased Dad's 18% for Nicholas from \$806 to \$820 (mom having primary physical custody). The parties continued to have joint physical custody of Richard, Jr. As to Richard, Jr., Dad's GMI was \$7362 and his 18% would be \$1325. Mom's GMI was \$5855 and her 18% would be \$1059. Subtracting the amounts, Dad would owe Mom \$266 per month. Adding \$820 for Nicholas and \$266 for Richard, Jr., Dad would pay \$1086. Dad also has to pay \$220 additional for health insurance premiums. \$1086 plus \$220 totals \$1306. Dad's obligation therefore is \$1306 from 7/1/16 to 12/31/16. Dad testified at trial that the District Attorney's Office was withholding \$1500 per month from his paychecks. The District Attorney should do a proper audit based on the above and foregoing. 6. It appears from post-trial discussions held on the record, Dad has zero child support arrears. Attorney Allen shall prepare an Order indicating the zero child support arrears amount and serve it on the District Attorney's Office forthwith so that Dad's driver's license can be restored to him. 7. Commencing January 2017 forward, all District Attorney wage withholding shall cease. Dad shall direct deposit one-half of the \$1306 current child support (\$653 + \$653) on the 15th and last day of each month into Mom's Chase bank account. Mom shall set up this separate Chase bank account and provide the bank account number to Dad via Our Family Wizard. PERS ISSUE 8. There were lengthy discussions in the post-trial hearings as to how Dad would pay Mom her community interest portion of Dad's PERS when he became eligible to retire in March 2015, although Dad presently continues to work full-time and has not yet actually retired. Mom's portion was calculated to be \$2455 per month retroactive to March 2015. For the relevant time period established at trial, the total accrued and owing to Mom is \$54003.62 principal plus \$2572.14 of pre-judgment interest for a grand total of \$56575.76. Said amount is reduced to judgment and collectible by any lawful means. However, execution on Dad's paychecks is stayed and instead, due to the financial conditions of the parties explored in-depth at the hearings, Dad will pay Mom \$350.00 per month from January 2017 forward into her Chase bank account. Dad shall direct deposit \$175.00 on the 15th and \$175 on the last day of every month. 9. Counsel shall have ongoing authority to conduct limited discovery and confer jointly with the PERS representative, currently Ms. Sonya Helwinkle, for ongoing information on Dad's PERS and information when Dad actually retires. VACATION/SICK PAY ISSUE 10. Dad's counsel, Attorney Allen, shall submit an addendum to the Order from the December 1, 2016 hearing titled Vacation/Sick Pay Calculation Sheet delineating the correct amount calculated as to Dad's vacation and sick leave measured at the time of the divorce, not based on the exhibit produced at the trial which showed the amount as of the time that Dad was terminated from employment. The Court makes this Addendum to Order sua sponte to correct the calculation established at trial. Page 2 of 6, lines 26 and 27, of the previous Order shall be amended and corrected. The correct calculation is as follows: Dad's vacation pay of 107 hours plus sick time of 102.35 hours based on an hourly wage of \$41.25 totals \$8635.70 at the time of divorce. One-half is \$4317.85 pre-taxed and is owed to Mom. Dad's entire \$8635.70 was cashed out early and Dad had to pay taxes on the full amount. Therefore, Dad owes Mom her one-half of \$4,317.85 minus taxes that would have been attributed to Mom had she gotten paid out her half share at the time of the divorce. Dad and his attorney shall produce proof of how much he was*

# CASE SUMMARY

CASE NO. D-12-459171-D

*taxed on the \$8635.70, and half of the taxes shall be taken of Mom s \$4317.85. The net amount shall then be reduced to judgment and collectible by any lawful means. ATTORNEY S FEES ISSUE 11. The issue of attorney's fees shall be taken under advisement. Counsel shall submit Brunzell briefs and Memorandums of Fees and Costs beginning 1/2/2017. Atty Page shall submit his Brief on 12/2/2016. Atty Allen shall submit her Brief on 12/30/2016. STATUS CHECK HEARING 12. The Court's JEA shall contact both counsel regarding a future half-day Status Check hearing. Atty Allen shall prepare the Order and the District Attorney's Order to Amend Child Support from today's hearing.;*

*Minute Order - No Hearing Held*

03/28/2017 **Motion** (10:00 AM) (Judicial Officer: Moss, Cheryl B.)

Events: 01/19/2017 Motion

*Deft's Motion to Amend*

Matter Continued;

*Matter Continued*

03/28/2017 **Opposition & Countermotion** (10:00 AM) (Judicial Officer: Moss, Cheryl B.)

Events: 02/20/2017 Opposition and Countermotion

*Pltf's Opposition and Countermotion for Sanctions*

Matter Continued;


*Matter Continued*

03/28/2017 **Hearing** (10:00 AM) (Judicial Officer: Moss, Cheryl B.)

*Deft's Reply to Opposition to Motion to Alter or Amend or Make Additional Findings of Fact, to Alter or Amend Judgment and for Atty's Fees and Costs, and Opposition to Countermotion for Sanctions*

Matter Continued;

*Matter Continued*


03/28/2017  **All Pending Motions** (10:00 AM) (Judicial Officer: Moss, Cheryl B.)

Matter Heard;

Journal Entry Details:

*DEFENDANT'S MOTION TO AMEND....PLAINTIFF'S OPPOSITION AND COUNTERMOTION FOR SANCTIONS...DEFENDANT'S REPLY TO OPPOSITION TO MOTION TO ALTER OR AMEND OR MAKE ADDITIONAL FINDINGS OF FACT, TO ALTER OR AMEND JUDGMENT AND FOR ATTORNEY'S FEES AND COSTS, AND OPPOSITION TO COUNTERMOTION FOR SANCTIONS Discussion by Counsel regarding child support. Mr. Page stated Defendant/Mother has had Primary Physical Custody of the minor child, Nicholas, from March 2015 through the present. Mr. Page represented Child Support was calculated as though the parties had Joint Physical Custody from December 2015 through January 2016. Ms. Allen represented Plaintiff/Father was unemployed August 2015 through January 2016. The District Attorney's office has continued to garnish \$1,500.00 from Plaintiff/Father for child support. Plaintiff/Father has been depositing \$205.00 into Defendant/Mother's account for the retirement PERS account. COURT FINDS: 1. Defendant/Mother had Primary Physical custody of Nicholas from August 2015, forward. The court calculated child support of Nicholas based on Joint Physical from December 2015 through January 2016, however, Plaintiff/Father's calculation was based on 18% of his income, which is an acknowledgment Defendant/Mother had Primary Physical custody of Nicholas. 2. Plaintiff/Father was unemployed August 2015 through January 2016. 3. Defendant/Mother pays \$213.00 for the children's health insurance. COURT ORDERED the following: 1. Matter CONTINUED, Department I's Judicial Executive Assistant (JEA) shall notify parties of the next hearing. 2. The Court shall re-calculate Plaintiff/Father's child support from August 2015 through January 2016. 3. If Defendant/Mother is receiving \$1,500.00 monthly for child support through the District Attorney's office, Plaintiff/Father shall deposit \$350.00 into Defendant/Mother's account and Defendant/Mother shall refund Plaintiff/Father \$208.00. ;*

*Matter Heard*

05/04/2017  **Further Proceedings** (9:30 AM) (Judicial Officer: Moss, Cheryl B.)

**05/04/2017, 06/05/2017**

Events: 04/25/2017 Notice

**05/25/2017 Reset by Court to 06/05/2017**

## MINUTES

 Notice

*Notice of Hearing*

Matter Continued;

# CASE SUMMARY

CASE NO. D-12-459171-D

Matter Heard;

Journal Entry Details:

*FURTHER PROCEEDINGS* Discussion by Counsel regarding child support. Plaintiff/Father's date of hire is 1/4/16. Attorney Page requested Defendant/Mother receive an additional \$350.00 to her monthly income as she receives a PERS payment from Plaintiff/Father. Attorney Allen made an oral request for appellate purposes to have the Court order Defendant/Mother to pay Plaintiff/Father his share of the community property from her PERS retirement account. COURT ORDERED the following: 1. Court calculated Plaintiff/Father owes Defendant/Mother CHILD SUPPORT, inclusive from 8/20/15 through December 2015 in the amount of \$2,145.00. From January 2016 through June 2016, Plaintiff/Father owes Defendant/Mother \$7,752.00. Beginning 7/1/16 and every month thereafter, Plaintiff/Father owes Defendant/Mother \$1,260.00 per month. 2. Plaintiff/Father's child support shall TERMINATE June 2018. The children are twins and will graduate from high school in June 2018. 3. The District Attorney shall do a full audit that conforms to this Order by 5:00 p.m. on 7/17/17 to determine if Plaintiff/Father has an overpayment credit. The audit shall be filed in this case (D459171). 4. Plaintiff/Father owes ZERO CHILD SUPPORT ARREARS. 5. Defendant/Mother shall receive a credit of \$208.00 as payment to Plaintiff/Father in May 2017. 6. Supplemental Exhibit for Plaintiff/Father regarding vacation/sick pay FILED IN OPEN COURT. The net amount is \$6,477.42 and it is REDUCED TO JUDGEMENT plus interest at the legal rate, collectible by any lawful means. 7. Attorney Allen's oral request for Defendant/Mother to pay Plaintiff/Father his share of the community property from her PERS retirement is DENIED due to eligibility. 8. Attorney Page shall submit the Findings of Fact from the Evidentiary Hearing that took place on 10/31/16. 9. Attorney's Fees DEFERRED due to upcoming appeal. 10. Either party may request a hearing through chambers if a judgment is needed for an offset to refund on child support. Attorney Page shall prepare the Order from today's hearing; Attorney Allen shall have five (5) days to approve as to form and content.;

## MINUTES



Notice

*Notice of Hearing*

Matter Continued;

Matter Heard;

Journal Entry Details:

*Prior to the time set for hearing, counsel stipulated to continue this matter. COURT ORDERED, Matter CONTINUED to 5/25/17 at 9:00 AM. Clerk's Note: A copy of this Minute Order was placed in the attorney folders of Betsy Allen and Fred Page on 5/4/17. (vp); Matter Continued*

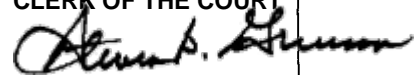
## SERVICE

### Summons

Kilgore, Eleni

Served: 03/01/2012

02/21/2012



**ORDR**

FRED PAGE, ESQ.  
Nevada Bar: 6080  
PAGE LAW OFFICE  
6145 Spring Mountain Road, Suite 201  
Las Vegas, Nevada 89146  
Phone: (702) 469-3278  
Facsimile: (702) 628-9884  
E-mail: [fpagelaw@pagelawoffices.com](mailto:fpagelaw@pagelawoffices.com)  
*Attorney for Defendant*

**DISTRICT COURT, FAMILY DIVISION  
CLARK COUNTY, NEVADA**

RICHARD KILGORE,

Plaintiff,

vs.

ELENI KILGORE,

Defendant.

CASE NO.: D-12-459171-D

DEPT. NO.: I

**Hearing Date: March 28, 2017, and  
June 5, 2017**

**Hearing Time: 10:00 a.m. and 1:30  
p.m.**

**ORDER FROM MARCH 28, 2017, HEARING**

The hearing on Defendant, ELENI KILGORE'S Motion for Reconsideration or Make Additional Findings of Fact, or to Alter or Amend the Judgment, and For Attorney's Fees and Costs and Plaintiff, and Defendant, RICHARD KILGORE'S, Opposition and Countermotion for Sanctions was held on the above referenced date and time in front of the Hon. Cheryl B. Moss. Defendant, Eleni Kilgore, was present and was represented by and through her counsel, Fred Page, Esq. Plaintiff,

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



1 Richard Kilgore, was present and was represented by and through his counsel,  
2 Betsy Allen. The Court having reviewed the papers and pleadings on file and  
3 having entertained oral argument hereby makes the following findings and enters  
4 the following orders.  
5

6 **THE COURT HEREBY FINDS** as follows:  
7

8 1. Defendant/Mother had Primary Physical custody of Nicholas from  
9 August 2015, forward. The court calculated child support of Nicholas based on  
10 Joint Physical from December 2015 through January 2016, however,  
11 Plaintiff/Father's calculation was based on 18% of his income, which is an  
12 acknowledgment Defendant/Mother had Primary Physical custody of Nicholas.  
13  
14

15 2. Plaintiff/Father was unemployed August 2015 through January 2016.  
16

17 3. Plaintiff/Father's date of hire was January 4, 2016.  
18

19 4. Defendant/Mother pays \$213.00 for the children's health insurance.  
20

21 **THE COURT HEREBY ORDERS** as follows:  
22

23 1. Defendant/Mother's Motion to Make Additional Findings of Fact, or  
24 to Alter or Amend the Judgment is granted in part.  
25

26 2. The Court calculated Plaintiff/Father owes Defendant/Mother child  
27 support, inclusive from August 2015, through December 2015, in the amount of  
28 \$2,145.00. From January 2016, through June 2016, Plaintiff/Father owes  
Defendant/Mother \$7,752.00. These calculations supersede the calculations made

1 from orders from the evidentiary hearing. Beginning July 1, 2016, and every  
2 month thereafter, Plaintiff/Father owes Defendant/Mother \$1,260.00 per month.

3 3. Plaintiff/Father's child support shall terminate June 2018. The children  
4 are twins and will graduate from high school in June 2018.

5 4. The District Attorney shall do a full audit that conforms to this Order  
6 by 5:00 p.m. on July 17, 2017, to determine if Plaintiff/Father has an overpayment  
7 credit. The audit shall be filed in this case (D459171).

8 5. Defendant/Mother shall receive a credit of \$208.00 as payment to  
9 Plaintiff/Father in May 2017.

10 6. The Supplemental Exhibit for Plaintiff/Father regarding vacation/sick  
11 pay was filed in open court. The net amount is \$3,238.71. and it is reduced to  
12 judgment plus interest at the legal rate, collectible by any lawful means.

13 7. Attorney Allen's oral request for Defendant/Mother to pay  
14 Plaintiff/Father his share of the community property from her PERS retirement is  
15 denied due to eligibility.

16 8. Attorney Page shall submit the Findings of Fact from the Evidentiary  
17 Hearing that took place on October 31, 2016.

18 9. Attorney's Fees deferred due to upcoming appeal.

19 10. Either party may request a hearing through chambers if a judgment is  
20 needed for an offset to refund on child support. Attorney Page shall prepare the  
21


1 Order from today's hearing.

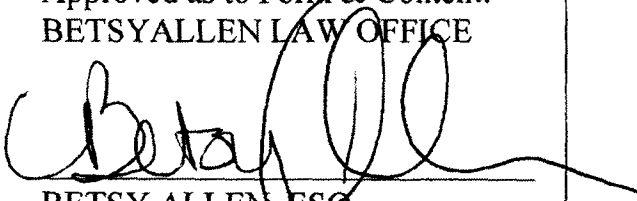
2 DATED this 31 day of July 2017

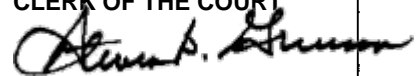
3  
4   
5 DISTRICT COURT JUDGE

6 Respectfully submitted:  
7 PAGE LAW OFFICE

8 Approved as to Form & Content:  
9 BETSY ALLEN LAW OFFICE

10   
11 FRED PAGE, ESQ.  
12 Nevada Bar No.: 6080  
13 6145 Spring Mountain Road, Suite 201  
14 Las Vegas, Nevada 89146  
15 Phone: (702) 469-3278  
16 E-mail: [fpagelawoffices.com](mailto:fpagelawoffices.com)  
17 Attorney for Defendant

18   
19 BETSY ALLEN, ESQ.  
20 Nevada Bar No.: 6878  
21 P.O. Box 46991  
22 Las Vegas, Nevada 89114  
23 (702) 386-9700  
24 Email: [betsyallenesq@yahoo.com](mailto:betsyallenesq@yahoo.com)  
25 Attorney for Plaintiff



1 **NEO**  
2 **FRED PAGE, ESQ.**  
3 Nevada Bar: 6080  
4 **PAGE LAW OFFICE**  
5 6145 Spring Mountain Road, Suite 201  
6 Las Vegas, Nevada 89146  
7 Phone: (702) 469-3278  
8 Facsimile: (702) 628-9884  
9 E-mail: [fpagelawoffices.com](mailto:fpagelawoffices.com)  
10 *Attorney for Defendant*

11 **DISTRICT COURT, FAMILY DIVISION**

12 **CLARK COUNTY, NEVADA**

13 **RICHARD KILGORE,**

14 Plaintiff,

15 vs.

16 **ELENI KILGORE,**

17 Defendant.

CASE NO.: D-12-459171-D  
DEPT. NO.: I

18 **NOTICE OF ENTRY OF ORDER FROM MARCH 28, 2017, HEARING**

19 **TO: RICHARD KILGORE, Plaintiff**

20 **TO: BETSY ALLEN, ESQ., Attorney for Plaintiff**

21 **YOU AND EACH OF YOU please take notice the Order from the March**  
22 **28, 2017, hearing was entered on the 2<sup>nd</sup> day of August 2017, of which a true and**  
23  
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26  
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28

1 correct copy is attached hereto:

2 DATED this 21<sup>st</sup> day of August 2017

3 PAGE LAW OFFICE

4  
5  
6   
FRED PAGE, ESQ.

7 Nevada Bar No.: 6080

8 6145 Spring Mountain Road, Suite 201

9 Las Vegas, Nevada 89146

10 (702) 469-3278


11 *Attorney for Defendant*

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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 21<sup>st</sup> day of August 2017,  
the foregoing NOTICE OF ENTRY OF ORDER FROM THE MARCH 28, 2017,  
HEARING was served pursuant to NRCP 5(b) by placing a true and correct copy  
in the United States mail, postage prepaid, to the following:

Betsy Allen, Esq.  
P.O. Box 46991  
Las Vegas, Nevada 89114  
Attorney for Plaintiff

  
\_\_\_\_\_  
An employee of Page Law Office

*Steven D. Grierson*

**ORDR**

FRED PAGE, ESQ.  
Nevada Bar: 6080  
PAGE LAW OFFICE  
6145 Spring Mountain Road, Suite 201  
Las Vegas, Nevada 89146  
Phone: (702) 469-3278  
Facsimile: (702) 628-9884  
E-mail: [fpagelaw@pagelawoffices.com](mailto:fpagelaw@pagelawoffices.com)  
*Attorney for Defendant*

**DISTRICT COURT, FAMILY DIVISION  
CLARK COUNTY, NEVADA**

RICHARD KILGORE,

Plaintiff,

vs.

ELENI KILGORE,

Defendant.

CASE NO.: D-12-459171-D

DEPT. NO.: I

**Hearing Date: March 28, 2017, and  
June 5, 2017**

**Hearing Time: 10:00 a.m. and 1:30  
p.m.**

**ORDER FROM MARCH 28, 2017, HEARING**

The hearing on Defendant. ELENI KILGORE'S Motion for Reconsideration or Make Additional Findings of Fact, or to Alter or Amend the Judgment, and For Attorney's Fees and Costs and Plaintiff, and Defendant, RICHARD KILGORE'S, Opposition and Countermotion for Sanctions was held on the above referenced date and time in front of the Hon. Cheryl B. Moss. Defendant, Eleni Kilgore, was present and was represented by and through her counsel, Fred Page, Esq. Plaintiff.

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

1 Richard Kilgore, was present and was represented by and through his counsel,  
2 Betsy Allen. The Court having reviewed the papers and pleadings on file and  
3 having entertained oral argument hereby makes the following findings and enters  
4 the following orders.  
5

6 **THE COURT HEREBY FINDS** as follows:  
7

8 1. Defendant/Mother had Primary Physical custody of Nicholas from  
9 August 2015, forward. The court calculated child support of Nicholas based on  
10 Joint Physical from December 2015 through January 2016, however,  
11 Plaintiff/Father's calculation was based on 18% of his income, which is an  
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15 2. Plaintiff/Father was unemployed August 2015 through January 2016.  
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19 4. Defendant/Mother pays \$213.00 for the children's health insurance.  
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23 1. Defendant/Mother's Motion to Make Additional Findings of Fact, or  
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1 from orders from the evidentiary hearing. Beginning July 1, 2016, and every  
2 month thereafter, Plaintiff/Father owes Defendant/Mother \$1,260.00 per month.

3 3. Plaintiff/Father's child support shall terminate June 2018. The children  
4 are twins and will graduate from high school in June 2018.

5 4. The District Attorney shall do a full audit that conforms to this Order  
6 by 5:00 p.m. on July 17, 2017, to determine if Plaintiff/Father has an overpayment  
7 credit. The audit shall be filed in this case (D459171).  
8

9 5. Defendant/Mother shall receive a credit of \$208.00 as payment to  
10 Plaintiff/Father in May 2017.  
11

12 6. The Supplemental Exhibit for Plaintiff/Father regarding vacation/sick  
13 pay was filed in open court. The net amount is \$3,238.71. and it is reduced to  
14 judgment plus interest at the legal rate, collectible by any lawful means.  
15

16 7. Attorney Allen's oral request for Defendant/Mother to pay  
17 Plaintiff/Father his share of the community property from her PERS retirement is  
18 denied due to eligibility.  
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20 8. Attorney Page shall submit the Findings of Fact from the Evidentiary  
21 Hearing that took place on October 31, 2016.  
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23 9. Attorney's Fees deferred due to upcoming appeal.  
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25 10. Either party may request a hearing through chambers if a judgment is  
26 needed for an offset to refund on child support. Attorney Page shall prepare the  
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1 Order from today's hearing.

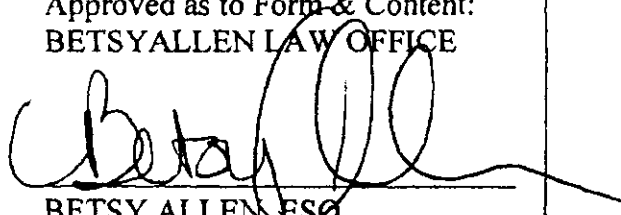
2 DATED this 31 day of July 2017

3   
4 DISTRICT COURT JUDGE

5 Respectfully submitted:  
6 PAGE LAW OFFICE

7 Approved as to Form & Content:  
8 BETSY ALLEN LAW OFFICE

9   
10 FRED PAGE, ESQ.  
11 Nevada Bar No.: 6080  
12 6145 Spring Mountain Road, Suite 201  
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16 Attorney for Defendant

17   
18 BETSY ALLEN, ESQ.  
19 Nevada Bar No.: 6878  
20 P.O. Box 46991  
21 Las Vegas, Nevada 89114  
22 (702) 386-9700  
23 Email: [betsyallenesq@yahoo.com](mailto:betsyallenesq@yahoo.com)  
24 Attorney for Plaintiff

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

**May 21, 2012**

---

D-12-459171-D      Richard Scott Kilgore, Plaintiff  
vs.  
Eleni Kilgore, Defendant.

---

**May 21, 2012      1:30 PM      Case Management  
Conference**

**HEARD BY:** Moss, Cheryl B.

**COURTROOM:** Courtroom 13

**COURT CLERK:** Valerie Marsden

**PARTIES:**

Alexandra Kilgore, Subject Minor, not present  
Eleni Kilgore, Defendant, Counter Claimant,      Allison Herr, Attorney, present  
present  
Nicholas Kilgore, Subject Minor, not present  
Richard Kilgore, Plaintiff, Counter Defendant,      Robert Hill, Attorney, present  
present  
Richard Kilgore, Subject Minor, not present

<b>JOURNAL ENTRIES</b>
------------------------

**- CASE MANAGEMENT CONFERENCE**

Discussion by Parties and Counsel.

COURT ORDERED the following:

1. Parties will share JOINT LEGAL and JOINT PHYSICAL CUSTODY of the minor children.
2. Parties are REFERRED to Family Mediation Center (FMC) for Mediation.
3. Defendant shall attend Children Coping with Divorce (COPE) and file proof of attendance with this Court prior to the next hearing.

PRINT DATE:	09/20/2017	Page 1 of 50	Minutes Date:	May 21, 2012
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**Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.**

4. Atty Herr to prepare an Order with the JPI provisions.
5. Plaintiff shall sign a HIPPA release under a gag Order.
6. Temporarily without prejudice, Plaintiff's CHILD SUPPORT is SET at \$383.00 per month, plus \$193.00 per month for health insurance premiums, for a total of \$576.00 per month, effective May 2012.
7. Constructive Child Support ARREARS are DEFERRED.
8. Parties and Counsel to exchange pay information.
9. Defendant maintains health insurance for the minor children, Parties will equally divide any unreimbursed medical expenses.
10. Plaintiff shall provide information on the Gun Business and an itemized list of the guns from the Business and his personal collection.
11. Plaintiff shall provide of the car insurance being divided.
12. Each Party shall be responsible for their own car insurance.
13. Discovery is Open.
14. Return Hearing, Calendar Call and Trial dates SET.

Atty Herr shall prepare the Order from today's hearing, Atty Hill to sign as to form and content.

8-22-2012 10:00 AM RETURN HEARING RE: FMC MEDIATION

8-22-2012 10:00 AM CALENDAR CALL

1-20-2013 9:30 AM NON-JURY TRIAL #1

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

PRINT DATE:	09/20/2017	Page 2 of 50	Minutes Date:	May 21, 2012
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**Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.**

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

**August 22, 2012**

---

D-12-459171-D      Richard Scott Kilgore, Plaintiff  
vs.  
Eleni Kilgore, Defendant.

---

**August 22, 2012      10:00 AM      All Pending Motions**

**HEARD BY:** Moss, Cheryl B.

**COURTROOM:** Courtroom 13

**COURT CLERK:** Valerie Marsden

**PARTIES:**

Alexandra Kilgore, Subject Minor, not present  
Eleni Kilgore, Defendant, Counter Claimant,      Roger Giuliani, Attorney, present  
present  
Nicholas Kilgore, Subject Minor, not present  
Richard Kilgore, Plaintiff, Counter Defendant,      Pro Se  
present  
Richard Kilgore, Subject Minor, not present

<b>JOURNAL ENTRIES</b>
------------------------

- CALENDAR CALL...RETURN HEARING RE: FMC MEDIATION

Atty Hill requested to Withdraw as Attorney for Plaintiff today, as Plaintiff has already retained Atty Kenneth Friedman, COURT SO ORDERED. Ordered SIGNED IN OPEN COURT. The hearing scheduled for 9-24-2012 is VACATED.

Court noted, Parties did not reach an agreement in Mediation.

COURT ORDERED, Trial date STANDS. Calendar Call CONTINUED to 12/5/2012 at 9:00 a.m.

**INTERIM CONDITIONS:**

PRINT DATE:	09/20/2017	Page 3 of 50	Minutes Date:	May 21, 2012
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**FUTURE HEARINGS:** Dec 05, 2012 9:00AM Calendar Call  
Courtroom 13 Moss, Cheryl B.

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

**December 05, 2012**

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D-12-459171-D      Richard Scott Kilgore, Plaintiff  
vs.  
Eleni Kilgore, Defendant.

---

**December 05, 2012    9:00 AM**

**All Pending Motions**

**HEARD BY:**   Moss, Cheryl B.

**COURTROOM:**   Courtroom 13

**COURT CLERK:**   Valerie Marsden

**PARTIES:**

Alexandra Kilgore, Subject Minor, not present  
Eleni Kilgore, Defendant, Counter Claimant,      Roger Giuliani, Attorney, present  
present  
Nicholas Kilgore, Subject Minor, not present  
Richard Kilgore, Plaintiff, Counter Defendant,      Pro Se  
present  
Richard Kilgore, Subject Minor, not present

<b>JOURNAL ENTRIES</b>
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- CALENDAR CALL...DEFT'S MOTION TO ENFORCE SETTLEMENT AGREEMENT AND FOR ATTORNEY'S FEES AND COSTS

Atty David Jacks, Bar #12409, present for Atty Louis Schneider for Plaintiff.

Arguments by Counsel.

COURT ORDERED the following:

1. Defendant's Motion to Enforce Settlement Agreement is DENIED.
2. Trial date STANDS.
3. Pre-Trial Memos are due 12/12/12 5:00 p.m.

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4. Each Party shall bear their own Attorney's Fees and Costs.

Atty Jacks shall prepare the Order from today's hearing, Atty Giuliani to sign as to form and content.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

**January 10, 2013**

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D-12-459171-D      Richard Scott Kilgore, Plaintiff  
vs.  
Eleni Kilgore, Defendant.

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**January 10, 2013      9:30 AM      Non-Jury Trial**

**HEARD BY:** Moss, Cheryl B.

**COURTROOM:** Courtroom 13

**COURT CLERK:** Amy Lunsford

**PARTIES:**

Alexandra Kilgore, Subject Minor, not present

Eleni Kilgore, Defendant, Counter Claimant,      Roger Giuliani, Attorney, present  
present

Nicholas Kilgore, Subject Minor, not present

Richard Kilgore, Plaintiff, Counter Defendant,      Louis Schneider, Attorney, present  
present

Richard Kilgore, Subject Minor, not present

<b>JOURNAL ENTRIES</b>
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- Courtroom Clerk Valerie Riggs also present.

**NON-JURY TRIAL #1**

Resident Witness, Panaro Kinaid, sworn and testified.

Counsel indicated that the Parties STIPULATED to the following:

1. Parties shall share JOINT LEGAL CUSTODY of the minor children.
2. Defendant shall have PRIMARY PHYSICAL CUSTODY of the Parties' daughter, with TEENAGE DISCRETION to the daughter for VISITATION.
3. Parties shall share JOINT PHYSICAL CUSTODY of the twin boys on a week on / week off

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rotation. The Parties shall adhere to the standard court ordered HOLIDAY VISITATION SCHEDULE.

4. Plaintiff's CHILD SUPPORT is SET at \$1275.00 per month, commencing 11/1/12, via wage garnishment; until the wage garnishment is in place, Plaintiff shall pay by providing money orders to Attorney Giuliani's office to be forwarded to Defendant.

5. Child support at \$1275.00 will be paid through 8/31/13; beginning 9/1/13 child support will be paid through a garnishment via Wesley vs Foster (if joint custody), or 25% (if primary custody to either parent), plus the additional payment of insurance premiums, currently set at \$193.00 (this amount is also included in the \$1275.00 figure); Each Party will provide pay stubs to the other by 8/1/13 to make accurate calculations of the exact figures.

6. CHILD SUPPORT ARREARS totaling \$1152.00 have already been paid and are no longer at issue.

7. The Parties will equally divide any unreimbursed medical expenses using the 30/30 rule; all outstanding medical bills for the minor children shall be re-submitted to the other party via FAMILY WIZARD within 30 days of the signing of the Decree of Divorce - each Party will have 30 days from the receipt of the re-submitted bills to reimburse the other Party.

8. Each Party shall keep the vehicle currently in their possession as their sole and separate property, subject to any encumbrance thereon, holding the other harmless from such debt.

9. The Parties' retirement accounts shall be divided via Gemma vs Fondi; there are three retirement accounts that need to be addressed. Marvin Snyder shall prepare and complete the QDROs with each Party paying one half of the expenses. All three QDROs must be complete within 90 days of the filing of the Decree of Divorce. Mr. Snyder shall inquire about Plaintiff's military retirement, with regard to its value, prior to the preparation of the QDRO. The Parties agree that a military QDRO or similar instrument shall be prepared for purposes of dividing the community interest in this retirement, then Defendant shall pay for the QDRO. However, in the event there is a community interest in Plaintiff's retirement, regardless of the amount, then Plaintiff shall pay for the QDRO.

10. The Parties shall divide any and all community property via an A/B list. Defendant shall prepare an A/B list within five days from the filing of the Decree of Divorce and Plaintiff shall choose which list he wants. Defendant, upon Plaintiff choosing which list, shall have ten days to arrange movers and retrieve her items. Both Parties, pursuant to the Joint Preliminary Injunction, are admonished and must immediately cease from disposing of any community property.

10(A). Pursuant to agreement between the Parties, the following items will not be included on the A/B list, and shall be distributed as follows:

- Defendant is awarded one (1) golf cart, three (3) junior dragsters, and one (1) motorcycle, currently in the possession of Charles Payne.
- Plaintiff is awarded two (2) ATV's, three (3) dirtbikes, one (1) motorcycle, one canoe, and the

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Jacuzzi that were in his possession.

Special note is made that the junior dragsters are for the use and enjoyment of the children, and when used by the children while with Plaintiff, Plaintiff will ensure the dragsters are returned to Defendant.

11. In exchange for the value of the two vehicles that were sold by Plaintiff and the proceeds retained by him, Plaintiff shall bear the costs of preparing the Decree of Divorce and all subsequent documents, with Attorney Giuliani reviewing and signing off on all pleadings/interlocutory pleadings prior to submission.

12. The Parties shall equally divide any monies owed to the IRS prior to and including tax year 2011. The Parties shall each be responsible for their own returns, filed separately, in 2012. Any tax liability either party assumes for 2012 shall be the responsibility of the party incurring that liability. As well, should either Party be entitled to a refund, that refund shall be retained by the Party receiving the refund.

Additionally noted is the letter received by Defendant indicating an additional tax debt of \$2500.00, to be addressed as follows:

- if Defendant can demonstrate that the liability was incurred by the Plaintiff, Plaintiff shall be responsible for payment of this additional debt;
- if Plaintiff can demonstrate that the liability was incurred by Defendant, Defendant shall be responsible for payment of this additional debt;
- if it is found that both Parties are responsible for the additional debt, the cost will be split evenly between the Parties.

The Court will retain jurisdiction regarding this debt.

13. Both Parties waive any claim for ALIMONY.

14. The Parties shall file their 2012 tax returns separately. Plaintiff shall claim the minor child Richard Jr. and Defendant shall claim the minor children Alexandria and Nick each and every year the children can legally be claimed for tax purposes.

15. The Parties each have family pets in their respective possessions. Each will be awarded the pets they currently have and are responsible for all costs associated with their respective pets.

16. The Parties shall each pay one half of all agreed upon extracurricular activities for the minor children, including uniforms and necessary safety equipment. Football for the twins is deemed an agreed upon activity.

17. The items belonging to the minor child Alexandria including her furniture, television, three boxes of doll collection, and clothing will not be listed on the A/B list. Alexandria will pick up her furniture and clothing at the time the items from the A/B list are retrieved.

18. There are two collection notices from Quantum Collections that have been addressed. The

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Parties are equally responsible for the debt owed on these accounts. Defendant has already remitted her one half of the amount owed. The remaining balance on the two accounts is the sole responsibility of Plaintiff.

19. The two additional collection accounts totaling approximately \$1700.00 from Quantum Collections regarding debt from pet-related expenses shall be split equally between the parties. Defendant has indicated that she has already remitted her one half of the amount owed. Subject to proof of Defendant's claim of payment, the remaining balance on these accounts shall be the sole responsibility of Plaintiff. The Court shall retain jurisdiction over this item.

20. Each Party shall bear their own ATTORNEY'S FEES and COSTS.

21. Defendant shall retain the last name Kilgore.

Both parties acknowledged concurrence with the settlement terms.

COURT SO ORDERED. COURT FURTHER ORDERED, an absolute DECREE of DIVORCE is GRANTED to the Parties.

Attorney Schneider shall prepare the Decree of Divorce, Attorney Giuliani to sign as to form and content.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

**December 09, 2014**

---

D-12-459171-D      Richard Scott Kilgore, Plaintiff  
vs.  
Eleni Kilgore, Defendant.

---

**December 09, 2014    9:30 AM**

**All Pending Motions**

**HEARD BY:**    Hardcastle, Kathy

**COURTROOM:**    Courtroom 13

**COURT CLERK:**    Connie Kalski

**PARTIES:**

Alexandra Kilgore, Subject Minor, not present

Eleni Kilgore, Defendant, Counter Claimant,      Pro Se  
present

Nicholas Kilgore, Subject Minor, not present

Richard Kilgore, Plaintiff, Counter Defendant,      Janice Jacovino, Attorney, present  
present

Richard Kilgore, Subject Minor, not present

<b>JOURNAL ENTRIES</b>
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- Attorney Fred Page appeared with Defendant today's date and advised this is a Mr. Flangas case and he was contacted late yesterday to present as a fill-in appearance.

PLAINTIFF'S MOTION FOR ORDERS TO MODIFY CHILD CUSTODY, VISITATION AND/OR CHILD SUPPORT...DEFENDANT'S OPPOSITION AND COUNTERMOTION FOR AN ORDER TO SHOW CAUSE TO FIND THE PLAINTIFF IN CONTEMPT OF COURT AND TO REDUCE ARREARS TO JUDGMENT; MODIFYING PHYSICAL CUSTODY AND AWARDING THE DEFENDANT PRIMARY PHYSICAL CUSTODY OF THE TWO MINOR CHILDREN, FOR CHILD INTERVIEW AND TEENAGE DISCRETION; TO RESOLVE ISSUES REGARDING THE EXECUTION OF THE QDRO'S FOR DEFENDANT'S ATTORNEY'S FEES AND COSTS INCURRED HEREIN; AND RELATED MATTERS

Court noted that the mother had filed private medical records regarding her son which she has now made public and ADMONISHED the mother for doing so.

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. COURT ORDERED, On Defendant's Opposition and Countermotion, Exhibit (A) is to be STRICKEN and REMOVED or SEALED.

Plaintiff's counsel advised they are seeking to modify custody based upon the father's inability to afford the current child support payments.

. COURT ORDERED, Plaintiff did not present the Court with any updated Financial Disclosure Forms and the Court DENIED any change in child support payments on that basis. When Plaintiff was terminated, he should have received a substantial check that would carry him over for his child support payments.

Defendant s complaint is for reimbursement of medical bills, however, there is no indication the parties have met and conferred regarding these bills and no indication any bills have been presented.

. Court ORDERED the parties are to attend a meet and confer regarding the QDRO'S and any medical bills. Counsel can be present or not.

Plaintiff's counsel argued there have been several altercations at the children's sporting events when mother's boyfriend attends with her. Counsel requested the Court Order that the boyfriend cannot attend. COURT ORDERED, Request is DENIED. Plaintiff is not allowed to dictate who Defendant has a relationship with. The Court can split the events or order that the parties remain on separate sides of the room when they attend.

. Court ORDERED, the parties are to stay on separate sides of the gym or field during the children's events and they are NOT ALLOWED to exchange any comments with each other or each other's significant others.

. FURTHER ORDERED, the Plaintiff shall have the first thirty (30) minutes to talk with the minor about the event and the mother has the last thirty (30) minutes.

. FURTHER ORDERED, the parties are to pick a Marriage and Family Therapist and start attending counseling under the supervision and recommendation of that counselor or who will attend and when. If the parties cannot agree upon who to use as a therapist, this Department has a list of providers and each would pick three names and submit them and they would have to come to an agreement from those names.

Both parties are to gather the unpaid medical bills and present copies to each other so the unpaid amounts can be discussed and resolved. The 30/30 Rule is now imposed in this case...Any unreimbursed medical, dental, optical, orthodontic or other health related expense incurred for the benefit of the minor child/children is to be divided equally between the parties. Either party incurring an out of pocket medical expense for the child/children shall provide a copy of the paid invoice/receipt to the other party within thirty days of incurring such expense, if not tendered within

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the thirty day period, the Court may consider it as a waiver of reimbursement. The other party will then have thirty days from receipt within which to dispute the expense in writing or reimburse the incurring party for one-half of the out of pocket expense, if not disputed or paid within the thirty day period, the party may be subject to a finding of contempt and appropriate sanctions.

FURTHER ORDERED, the parties are to use the Family Wizard Program and Mr. Kilgore is to use this program.

Mr. Page argued the fourteen (14) year old Nicholas is refusing to visit with his father and they believe he is at the age of discretion.

Court ORDERED, the fourteen (14) year old is not in charge of this case and is ORDERED to visit with his father.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:** Mar 11, 2015 9:30AM Return Hearing  
Set by Court Re: QDRO  
Courtroom 13 Moss, Cheryl B.

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

**December 30, 2014**

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D-12-459171-D      Richard Scott Kilgore, Plaintiff  
vs.  
Eleni Kilgore, Defendant.

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**December 30, 2014    9:00 AM                      Return Hearing**

**HEARD BY:**   Moss, Cheryl B.

**COURTROOM:**   Courtroom 13

**COURT CLERK:**   Valerie Marsden

**PARTIES:**

Alexandra Kilgore, Subject Minor, not present  
Eleni Kilgore, Defendant, Counter Claimant,      Pro Se  
present  
Nicholas Kilgore, Subject Minor, not present  
Richard Kilgore, Plaintiff, Counter Defendant,      Janice Jacovino, Attorney, present  
present  
Richard Kilgore, Subject Minor, not present

<b>JOURNAL ENTRIES</b>
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- RETURN HEARING RE: PICK UP ORDER

Atty Fred Page, Bar #6080, present for Atty Gus Flangas, for Defendant.

Atty Bonnie Lonardo, Bar #8548, also present with Plaintiff.

Discussion by Parties and Counsel.

COURT ORDERED the following:

1. Custody shall remain Status Quo, with a week on, week off schedule.
2. The 30 minute visits with the wrestling events is ELIMINATED.

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3. Defendant shall sign a Quitclaim Deed after court today.
4. TEMPORARILY without prejudice, Plaintiff's CHILD SUPPORT is SET at \$521.00 per month, which includes health insurance premiums.
5. Parties are REFERRED to Family Mediation Center (FMC) for Child Interviews. The minor child Nicholas to spend more time with Plaintiff before the Child Interview.
6. Parties STIPULATE to Donna Gosnell for counseling for Plaintiff and the minor children. Defendant's insurance will cover, Parties to equally divide any co-pays.
7. While on Holiday Break, Plaintiff shall pick up the minor children at wrestling practice on Mondays or pick up from school. The minor children's laptop computers are to go with them.
8. Plaintiff shall keep a monthly work search journal until he is employed and file a copy with this Court by the last day of each month.
9. Plaintiff shall keep Counsel informed of the loan modification on the marital residence.
10. Counsel to research both Parties retirements and submit Briefs.
11. Defendant shall file a Schedule of Arrears for CHILD SUPPORT ARREARS.
12. Parties and Counsel are to trace the IRS debt of the Parties.
13. Court will request the Child Protective Services (CPS) records for this family. Counsel is permitted to have a copy of the Unity Notes under a Gag Order.
14. Return Hearing re: FMC Child Interview is SET for March 11, 2015 at 9:30 a.m.
15. The hearing scheduled for March 10, 2015 at 10:30 is VACATED.
16. The Return Hearing scheduled for March 11, 2015 at 9:30 a.m. STANDS.
17. A Behavior Order is ISSUED to the Parties.
18. Defendant shall be responsible for Nicholas's cell phone, Plaintiff shall be responsible for Richard's cell phone.

Atty Page/Flangas shall prepare the Order from today's hearing, Atty Jacovino to sign as to form and content.

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**INTERIM CONDITIONS:**

**FUTURE HEARINGS:** Mar 11, 2015 9:30AM Return Hearing  
Set by Court Re: QDRO  
Courtroom 13 Moss, Cheryl B.

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint****COURT MINUTES****March 11, 2015**

D-12-459171-D      Richard Scott Kilgore, Plaintiff  
vs.  
Eleni Kilgore, Defendant.

**March 11, 2015      9:30 AM      All Pending Motions**

**HEARD BY:** Moss, Cheryl B.**COURTROOM:** Courtroom 13**COURT CLERK:** Mark Fernandez**PARTIES:**

Alexandra Kilgore, Subject Minor, not present  
Eleni Kilgore, Defendant, Counter Claimant,      Pro Se  
present  
Nicholas Kilgore, Subject Minor, not present  
Richard Kilgore, Plaintiff, Counter Defendant,      Janice Jacovino, Attorney, present  
present  
Richard Kilgore, Subject Minor, not present

<b>JOURNAL ENTRIES</b>
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- RETURN HEARING REGARDING FAMILY MEDIATION CENTER CHILD INTERVIEW RESULTS...RETURN HEARING REGARDING OUTSTANDING ISSUES

Plaintiff and Defendant were present. Plaintiff was represented by Janice Jacovino, Esq. and Bonnie Lonardo, Esq. Defendant was represented by Fred Page, Esq.

The Court received Attorney Page's Brief. Defendant's attorney then notified the Court of the report from Dr. Gosnell and presented a copy to the Court. The Court and parties discussed the report. Attorney Page requested that the Court grant a Temporary Protection Order (TPO) against Plaintiff upon the minor child's behalf due to the Child Interview Report and Dr. Gosnell's report. The Court DID NOT FIND a basis to issue a Temporary Protection Order (TPO) due to Defendant's current lack of contact with the minor child, Nicholas Kilgore. Therefore, the Court DENIED Attorney Page's oral request.

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The Court and parties discussed Plaintiff's visitation. Plaintiff confirmed that he has been conducting regular visitation with the minor child, Nicholas. Plaintiff reported that the he has an adequate relationship with the minor child; however, Defendant's attorney redirected the Court to the abuse allegations enumerated in the reports. The Court noted that the minor child, Nicholas, is a teenager and that the two (2) reports are consistent. Defendant then presented testimony regarding the minor child's emotional and mental state regarding the Pick Up Order. Attorney Page requested that the Court grant teenage discretion and confirm Defendant as having primary physical custody. Attorney Jacovino then presented rebuttal arguments. Plaintiff's attorney requested that the Court refrain from ceasing the child-father contact.

Upon the Court's inquiry, Defendant reported that her health insurance plan will cover an additional 50 sessions with Dr. Gosnell. Attorney Page informed the Court that the out-of-pocket co-payment is \$20.00, and that each party is responsible for half the cost, yet Plaintiff has not contributed towards the expense. Plaintiff's attorney stated that her client is unemployed. The Court noted that each party was ordered to equally distribute the cost. The Court ADMONISHED Plaintiff and noted that he should be held in Contempt of Court for neglecting to submit half of the co-payment amount. Upon the Court's inquiry regarding the expenses, Defendant testified that she submitted \$250.00 for Dr. Gosnell's letter and the \$20.00 payments for a few sessions.

The COURT FINDS that the minor child, Nicholas Kilgore, is very mature, intelligent, and resilient minor child. The Court also noted that the other minor child, Richard Kilgore, is intelligent and resilient as well. The Court DOES NOT FIND that it is in the best interest of the minor child to completely cease the father-child relationship; however, the COURT FINDS cause to modify the current visitation arrangement. The Court then scheduled a STATUS CHECK HEARING to review the counseling progression.

Defendant's attorney presented arguments regarding the Qualified Domestic Relations Order (QDRO). The Court scheduled a RETURN HEARING to address the issue.

Attorney Page inquired about the Child Protective Services (CPS) report. The Court noted that the Court previously ordered for the report. The Court will request a copy of the report within the next twenty-four (24) hours.

**COURT ORDERED:**

1. RETURN HEARING scheduled to address the Qualified Domestic Relations Order (QDRO).
  - 1a. Plaintiff shall have ten (10) days to file a RESPONSIVE BRIEF.
2. Plaintiff shall submit his monetary responsibility for the out-of-pocket health insurance costs to Defendant by March 13, 2015.
3. Each party shall continue COUNSELING.

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4. Defendant is hereby TEMPORARILY awarded PRIMARY PHYSICAL CUSTODY.

4a. Plaintiff is hereby TEMPORARILY awarded VISITATION with the minor child, Nicholas Kilgore, on the first, third, and fifth weekends.

4b. Plaintiff shall retrieve the minor child, Nicholas, after-school, or at 3:00pm, on Fridays and return the minor child to school on Mondays.

5. Each party is hereby TEMPORARILY awarded JOINT PHYSICAL CUSTODY of the minor child, Richard Kilgore.

5a. The minor child, Richard Kilgore, is hereby awarded TEENAGE DISCRETION regarding VISITATION.

6. Each party shall continue abiding by the BEHAVIOR ORDER.

7. STATUS CHECK hearing scheduled to address Child Support and Dr. Gosnell's report. Dr. Gosnell shall submit a report prior to the next hearing.

8. Each party shall abide by the Holiday and Vacation Plan.

9. ATTORNEYS FEES are hereby DEFERRED.

Plaintiff's attorney shall prepare the Order. Defendant's attorney shall counter-sign the proposed Order.

Clerk's Note: The Court SIGNED and FILED the Request for Child Protection Services (CPS) Appearance and Records in OPEN COURT off-the-record. The Court ORDERED for CPS to provide records to Family Court's Department I by March 13, 2015. A copy of the Request for Child Protection Services (CPS) Appearance and Records shall be placed in each attorney's folder.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:** Jun 10, 2015 10:30AM Status Check  
Re: Child Support, Dr. Gosnell's report, & QDRO  
Courtroom 13 Moss, Cheryl B.

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

June 10, 2015

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D-12-459171-D      Richard Scott Kilgore, Plaintiff  
vs.  
Eleni Kilgore, Defendant.

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**June 10, 2015      10:30 AM      All Pending Motions**

**HEARD BY:** Moss, Cheryl B.

**COURTROOM:** Courtroom 13

**COURT CLERK:** Valerie Marsden

**PARTIES:**

Alexandra Kilgore, Subject Minor, not present  
Eleni Kilgore, Defendant, Counter Claimant,      Fred Page, Attorney, present  
present  
Nicholas Kilgore, Subject Minor, not present  
Richard Kilgore, Plaintiff, Counter Defendant,      Bonnie Lonardo, Attorney, present  
present  
Richard Kilgore, Subject Minor, not present

<b>JOURNAL ENTRIES</b>
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- STATUS CHECK RE: CHILD SUPPORT, DR. GOSNELL'S REPORT & QDRO...RETURN  
HEARING: SET BY COURT RE: QDRO

Discussion by Parties and Counsel.

COURT ORDERED the following:

1. Plaintiff/Dad SANCTIONED back to March for not filing the Work Search Journal, which is due by the last day of each month. Sanctions are DEFERRED.
2. Parties and Counsel to check into a new Counselor for Nicholas and mutually agree.
3. The minor children are permitted to attend Wrestling Camp from June 15 - 18.

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

4. Parties shall continue with "Our Family Wizard".
  5. Defendant/Mom can subpoena Plaintiff's PERS information.
  6. Court will look into summer activities for Nicholas.
  7. Both QDRO's shall be SIGNED IN OPEN COURT.
  8. Discovery is open on Plaintiff/Dad's employment investment account. Counsel to file Briefs by 8/14/2015.
  9. Attorney's Fees are DEFERRED.
  10. Senior Judge Settlement Conference SET for August 28, 2015 at 9:00 a.m.
  11. Status Check re: Nicholas issues SET for September 16, 2015 at 10:30 a.m.
  12. Status Check re: Further Proceedings, Financials and Omitted Assets SET for December 1, 2015 at 1:30 p.m.
- Atty Page shall prepare the Order from today's hearing, Atty Lonardo to sign as to form and content.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:** Sep 16, 2015 10:30AM Status Check  
Status Check re: Nicholas Issues  
Courtroom 13 Moss, Cheryl B.

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

**August 28, 2015**

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D-12-459171-D      Richard Scott Kilgore, Plaintiff  
vs.  
Eleni Kilgore, Defendant.

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**August 28, 2015      9:00 AM      Settlement Conference**

**HEARD BY:** O'Malley, Gloria

**COURTROOM:** Conference Room #326

**COURT CLERK:** Yvette Clayton

**PARTIES:**

Alexandra Kilgore, Subject Minor, not present  
Eleni Kilgore, Defendant, Counter Claimant,      Fred Page, Attorney, present  
present  
Nicholas Kilgore, Subject Minor, not present  
Richard Kilgore, Plaintiff, Counter Defendant,  
present  
Richard Kilgore, Subject Minor, not present

<b>JOURNAL ENTRIES</b>
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- Janice Jacovino bar #11612 present for Plaintiff.

Parties sworn and testified.

Court noted Parties and Counsel has been working in good faith for the last three (3) hours and time has ran out because Mr. Page has a hearing this afternoon and Plaintiff has to leave and pick-up one of his children. Court further noted, this case is on for two (2) status check hearings . This Court has temporarily resolve Nicholas issues.

Court stated Parties agreed to the following:

There are two (2) children in this matter. Parties will have Joint Legal Custody of both children. With respect to Richard, Parties will continue to have shared physically custody on an alternating weekly basis and Richard will have some discretion on attending events, but he will be with Dad on

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Dad's weeks. Temporarily, Defendant/Mom will have Primary Physical Custody of Nicholas, reserving Plaintiff/Dad and Mom to re-litigate, once there is substantive progress with the new therapist. Dad may text Nicholas and if Nicholas prefer to Skype, Nicholas will text Dad to let him know.

Parties will retain a male therapist for Nicholas.

Mom will give Dad two (2) days notice on any events mom is aware of that falls on Dad's timeshare. Mom will use Our Family Wizard for that.

Mom has been providing medical coverage and will continue to do so. Parties agreed that \$180 is half the coverage, so what ever the ultimate support order is, it will either be a credit or deficit to Dad for the \$180. Dad's one half (1/2) cost is \$180.00 per month. Parties will continue to utilize the 30/30 rule. Mom will provide the back-up for the cost.

Parties will split the cost for any activities mutually agreed upon. The decree specifically provided for football. Dad has to split the football cost. Dad cannot afford to fund the cost for other activities and if Mom decides to pursue other activities she will have to front that cost.

Both Parties agreed mathematically Mom's calculation is \$840.00 which is Dad's half that he owes Mom. Dad wants proof of what checks Mom has presented. Mom is going to do her best to present the back-up receipt within 60 days. Dad believes he contributed to the Bulldogs and does not owe the \$840.00 and he will provide proof of his contribution.

On Dad's request for reimbursement for the cell phone, which was eliminated, because of Judge Moss rulings on 12/30/14. Dad's request for \$133.00 have been withdrawn. There was no more time to reach an agreement on the rest of the cell phone arrearages.

There was a 3rd account called Deferred Comp/Employee Investment Account, Parties don't know if this account existed or not. Parties agreed if Mom finds proof it existed, Parties will use the Gemma and Fondi Formula to divide it.

The unreimbursed medical arrearages from the UIFSA Order which was heard 2/25/14, indicated medical arrearages at \$1,496.24. This figure came from the decree. Both Parties had Stipulated previously that Dad had paid \$1496.24 already. Those Arrearages were established 1/10/13, and anything after is open for claims by Mom or Dad for unreimbursed medical expenses and it needs to be resolved.

The Quantum debt was reference in the decree. Mom represented her half was paid and Dad's half was not. Dad believed he paid his half.

Parties canvassed on the agreement and understood the agreement.

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Both Parties and Counsel agreed EDCR 7.50 governs the terms of the agreement.

COURT ORDERED, as follows:

Court ADOPTS and RATIFIES the agreement.

Both Status Checking hearings shall STAND.

Court noted the remaining issues are, the IRS debt, the omitted asset (Dad's sick leave and pay), Mom's clothes (1 fur coat and 10 formal dresses), final order for child support once Dad is employed, physical custody of Nicholas, Dad's request for Attorney's Fees distribution of Dad's retirement and arrearages.

Should this matter be referred for a second settlement conference, Counsel and the Parties request "Shuttle" mediation.

Ms. Jacovino shall prepare the Order and Mr. Page shall review then SIGN OFF.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:** Sep 16, 2015 10:30AM Status Check  
Status Check re: Nicholas Issues  
Courtroom 13 Moss, Cheryl B.

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

**September 16, 2015**

---

D-12-459171-D      Richard Scott Kilgore, Plaintiff  
vs.  
Eleni Kilgore, Defendant.

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**September 16, 2015      10:30 AM      Status Check**

**HEARD BY:** Moss, Cheryl B.

**COURTROOM:** Courtroom 13

**COURT CLERK:** Valerie Marsden

**PARTIES:**

Alexandra Kilgore, Subject Minor, not present  
Eleni Kilgore, Defendant, Counter Claimant,      Fred Page, Attorney, present  
present  
Nicholas Kilgore, Subject Minor, not present  
Richard Kilgore, Plaintiff, Counter Defendant,      Janice Jacovino, Attorney, present  
present  
Richard Kilgore, Subject Minor, not present

<b>JOURNAL ENTRIES</b>
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- STATUS CHECK RE: NICHOLAS ISSUES

Counsel stated Parties are looking for a male counselor for Nicholas.

Court noted, Parties went to the STOP Class.

COURT ORDERED, temporary Orders shall remain Status Quo. The Status Check hearing scheduled for 12/1/2015 STANDS.

Pursuant to EDCR 7.50, these minutes shall stand as an Order.

**INTERIM CONDITIONS:**

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**FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

**December 01, 2015**

---

D-12-459171-D      Richard Scott Kilgore, Plaintiff  
vs.  
Eleni Kilgore, Defendant.

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**December 01, 2015    1:30 PM                      Status Check**

**HEARD BY:**   Moss, Cheryl B.

**COURTROOM:**   Courtroom 13

**COURT CLERK:**   Valerie Marsden

**PARTIES:**

Alexandra Kilgore, Subject Minor, not present  
Eleni Kilgore, Defendant, Counter Claimant,      Fred Page, Attorney, present  
not present  
Nicholas Kilgore, Subject Minor, not present  
Richard Kilgore, Plaintiff, Counter Defendant,      Betsy Allen, Attorney, not present  
not present  
Richard Kilgore, Subject Minor, not present

<b>JOURNAL ENTRIES</b>
------------------------

- STATUS CHECK RE: FURTHER PROCEEDINGS, FINANCIAL & OMITTED ASSETS

Atty Fred Page, Bar #6080, present and represented that he dropped off a Stipulation and Order to Continue on Wednesday, November 25, 2015, and cannot be located.

COURT ORDERED, matter CONTINUED to February 9, 2016 at 1:30 p.m. for 30 minutes.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

February 09, 2016

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D-12-459171-D      Richard Scott Kilgore, Plaintiff  
vs.  
Eleni Kilgore, Defendant.

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**February 09, 2016    1:30 PM                      Status Check**

**HEARD BY:** Moss, Cheryl B.

**COURTROOM:** Courtroom 13

**COURT CLERK:** Valerie Marsden

**PARTIES:**

Alexandra Kilgore, Subject Minor, not present  
Eleni Kilgore, Defendant, Counter Claimant,      Fred Page, Attorney, present  
present  
Nicholas Kilgore, Subject Minor, not present  
Richard Kilgore, Plaintiff, Counter Defendant,      Janice Jacovino, Attorney, present  
present  
Richard Kilgore, Subject Minor, not present

<b>JOURNAL ENTRIES</b>
------------------------

- STATUS CHECK RE: FURTHER PROCEEDINGS, FINANCIAL & OMITTED ASSETS

Discussion by Parties and Counsel.

Atty Jacovino request the Motion set for March 15, 2016 be VACATED. COURT SO ORDERED.

Court noted Plaintiff was reinstated at his job January 4, 2016.

COURT ORDERED the following:

1. Temporarily without prejudice, Plaintiff/Dad shall pay \$1,500.00 per month for CHILD SUPPORT.
2. Temporarily without prejudice, Plaintiff/Dad shall pay \$1,200.00 per month for Defendant/Mom's PERS payment.

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3. Payments can be made on the 15th and last day of each month.
4. Counsel to Stipulate to their PERS experts; Defendant has Sonya Hellwinkle, PERS Representative and may have Atty Marshal Willick, as he is not disqualified. Plaintiff may choose their own expert and notify Defendant's Counsel.
5. Calendar Call SET for June 22, 2016 at 9:30 a.m. Discovery closes at Calendar Call. Pre-Trial Memos along with the final List of Witnesses and Exhibits are due on or before Calendar Call.
6. Evidentiary Hearing re: PERS payments/Survivor Beneficiary/Child Support SET for July 25, 2016 at 1:30 p.m. #1.
7. Discovery is open on omitted assets.
8. Pursuant to EDCR 7.50, these minutes shall stand as an Order until the Order is prepared by Atty Page and signed off by Atty Jacovino.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:** Feb 09, 2016 1:30PM Status Check  
Status Check re: Further Proceedings, Financial & Omitted Assets  
Courtroom 13 Moss, Cheryl B.

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

June 22, 2016

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D-12-459171-D      Richard Scott Kilgore, Plaintiff  
vs.  
Eleni Kilgore, Defendant.

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**June 22, 2016      9:30 AM      Calendar Call**

**HEARD BY:** Moss, Cheryl B.

**COURTROOM:** Courtroom 13

**COURT CLERK:** Valerie Marsden

**PARTIES:**

Alexandra Kilgore, Subject Minor, not present  
Eleni Kilgore, Defendant, Counter Claimant,      Fred Page, Attorney, present  
present  
Nicholas Kilgore, Subject Minor, not present  
Richard Kilgore, Plaintiff, Counter Defendant,      Pro Se  
present  
Richard Kilgore, Subject Minor, not present

<b>JOURNAL ENTRIES</b>
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- CALENDAR CALL

Defendant/Mom present by telephone.

Parties sworn and testified.

Discussion by Parties and Counsel.

Court noted, Plaintiff/Dad has not paid Defendant/Mom her share of the PERS Pension payments.

COURT ORDERED the following:

1. Plaintiff/Dad shall file a Pre-Trial Memo by 5:00 p.m. today, subject to \$100.00 Sanctions.

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2. Both Parties to file update Financial Disclosure Forms if necessary.
3. The Evidentiary Hearing scheduled for July 25, 2016 at 1:30 p.m. #1 STANDS.

Court further noted, Plaintiff consents to electronic service by e-mail.

There is no Order necessary from today's hearing.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint****COURT MINUTES**

July 25, 2016

D-12-459171-D      Richard Scott Kilgore, Plaintiff  
vs.  
Eleni Kilgore, Defendant.

**July 25, 2016      1:30 PM      Evidentiary Hearing**

**HEARD BY:** Moss, Cheryl B.**COURTROOM:** Courtroom 13**COURT CLERK:** Valerie Marsden**PARTIES:**

Alexandra Kilgore, Subject Minor, not present  
Eleni Kilgore, Defendant, Counter Claimant,      Fred Page, Attorney, present  
present  
Nicholas Kilgore, Subject Minor, not present  
Richard Kilgore, Plaintiff, Counter Defendant,      Betsy Allen, Attorney, present  
present  
Richard Kilgore, Subject Minor, not present

<b>JOURNAL ENTRIES</b>
------------------------

- EVIDENTIARY HEARING RE: PERS PAYMENTS, SURVIVOR BENEFICIARY, CHILD SUPPORT

INVOKED EXCLUSIONARY RULE. COURT SO ORDERED.

Testimony and exhibits presented (see worksheets).

COURT ORDERED the following:

1. Defendant/Mom shall file a Financial Disclosure Form within one (1) week and serve Atty Allen.
2. Proposed Exhibit I shall be decided at the next hearing.
3. Counsel consent to service by e-mail.

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4. Atty Page shall subpoena Sonya Hellwinkle from PERS to appear at the next hearing.
5. Atty Page to notify this Court's JEA if Ms. Hellwinkle wants to appear by video conferencing.
6. Evidentiary Hearing CONTINUED to August 15, 2016 at 1:30 p.m.

There is NO Order necessary from today's hearing.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

**August 02, 2016**

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D-12-459171-D      Richard Scott Kilgore, Plaintiff  
vs.  
Eleni Kilgore, Defendant.

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**August 02, 2016      10:30 AM      All Pending Motions**

**HEARD BY:** Moss, Cheryl B.

**COURTROOM:** Courtroom 13

**COURT CLERK:** Diane Ford

**PARTIES:**

Alexandra Kilgore, Subject Minor, not present  
Eleni Kilgore, Defendant, Counter Claimant,      Fred Page, Attorney, present  
not present  
Nicholas Kilgore, Subject Minor, not present  
Richard Kilgore, Plaintiff, Counter Defendant,      Betsy Allen, Attorney, not present  
present  
Richard Kilgore, Subject Minor, not present

<b>JOURNAL ENTRIES</b>
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- PLAINTIFF'S OBJECTION TO MASTER'S RECOMMENDATION AND NOTICE OF OBJECTION -  
CHILD SUPPORT...DEFENDANT'S OPPOSITION TO PLAINTIFF'S OBJECTION TO THE  
HEARING MASTER'S REPORT AND RECOMMENDATIONS AND COUNTERMOTION FOR  
ATTORNEY'S FEES

Discussion regarding service of the Objection, Attorney Fees and Costs, and temporary child support amount.

Attorney Page represented he had talked to Sonya Hellwinkle, from PERS, and she was going to get approval from PERS legal council concerning appearing by video conference and testifying at the next trial date of August 15, 2016. Attorney Page will be sending a subpoena to Sonya Hellwinkle at PERS.

Court adopted Attorney Page's argument that the \$1,500.00 stands and is collectible.

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COURT ORDERED, the following:

1. Plaintiff's Objection to Master's Report and Recommendation is DENIED.
2. District Attorney's Office shall not impose any sanctions, contempt, or set any future hearing dates pending trial decision. The 25 days sanction is STAYED.
3. The Child Support court clerk shall amend the court minutes from the June 14, 2016 hearing to reflect Plaintiff's TEMPORARY CHILD SUPPORT shall be SET at \$1,500.00 per month, and \$692.13 shall be withheld from his paycheck every two weeks.
4. Defendant's Countermotion to the Objection, being filed untimely, Court finds the Objection was filed timely.
5. Per STIPULATION, Sonya Hellwinkle a PERS representative may appear by video conference for the Evidentiary Hearing on August 15, 2016.
6. Defendant's request for Attorney Fees and Costs is DENIED.

Evidentiary Hearing re: PERS Payments, Survivor Beneficiary, Child Support SET for August 15, 2016 at 1:30 p.m. STANDS.

Plaintiff shall prepare the Order from today's hearing.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

August 15, 2016

---

D-12-459171-D      Richard Scott Kilgore, Plaintiff  
vs.  
Eleni Kilgore, Defendant.

---

**August 15, 2016      1:30 PM      Evidentiary Hearing**

**HEARD BY:** Moss, Cheryl B.

**COURTROOM:** Courtroom 13

**COURT CLERK:** Valerie Marsden

**PARTIES:**

Alexandra Kilgore, Subject Minor, not present  
Eleni Kilgore, Defendant, Counter Claimant,      Fred Page, Attorney, present  
present  
Nicholas Kilgore, Subject Minor, not present  
Richard Kilgore, Plaintiff, Counter Defendant,      Betsy Allen, Attorney, present  
present  
Richard Kilgore, Subject Minor, not present

<b>JOURNAL ENTRIES</b>
------------------------

- EVIDENTIARY HEARING RE: PERS PAYMENTS, SURVIVOR BENEFICIARY, CHILD SUPPORT

This is Day 2 of the Evidentiary Hearing that began July 25, 2016.

Atty Betsy Allen, Bar#6878, present in an Unbundled capacity for the Evidentiary Hearing with Plaintiff.

INVOKED EXCLUSIONARY RULE. COURT SO ORDERED.

Sonya Hellwinkle, Nevada PERS present with Chris Nielsen, Bar #8206, General Counsel for PERS, all present by telephone from Carson City, Nevada.

Testimony and exhibits presented (see worksheets).

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COURT ORDERED the following:

1. Evidentiary Hearing CONTINUED to October 31, 2016 at 9:00 a.m.
2. Defendant shall file a Schedule of Arrears on the \$1,200.00 per month Pension payments.

There is no Order necessary from today's hearing.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

**October 31, 2016**

---

D-12-459171-D      Richard Scott Kilgore, Plaintiff  
vs.  
Eleni Kilgore, Defendant.

---

**October 31, 2016      9:00 AM      Evidentiary Hearing**

**HEARD BY:** Moss, Cheryl B.

**COURTROOM:** Courtroom 13

**COURT CLERK:** Valerie Marsden

**PARTIES:**

Alexandra Kilgore, Subject Minor, not present  
Eleni Kilgore, Defendant, Counter Claimant,      Fred Page, Attorney, present  
present  
Nicholas Kilgore, Subject Minor, not present  
Richard Kilgore, Plaintiff, Counter Defendant,      Betsy Allen, Attorney, present  
present  
Richard Kilgore, Subject Minor, not present

<b>JOURNAL ENTRIES</b>
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- EVIDENTIARY HEARING RE: PERS PAYMENT, SURVIVOR BENEFICIARY, CHILD SUPPORT  
(Day 3)

Testimony and exhibits presented (see worksheets).

Court's Decision

1. Defendant/Mom shall have permanent PRIMARY PHYSICAL CUSTODY of Nicholas.
2. Parties STIPULATE to JOINT PHYSICAL CUSTODY of Richard, Jr.
3. With 30 days, Nicholas is REFERRED to either Nicholas Ponzo or Keisha Wieford, for reunification with Plaintiff/Dad. Plaintiff/Dad shall pay 65% of the fees, Defendant/Mom shall pay 35% of the fees.

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4. Nicholas is to go back to his therapist before beginning reunification.
5. Beginning December 2014, Defendant/Mom's CHILD SUPPORT was SET at \$970.00 per month based on JOINT PHYSICAL CUSTODY of both children, using Wright vs Osborn, minus \$213.00 per month for health insurance premiums, for a Total of \$757.00 per month, through January 2016, for a GRAND TOTAL of \$9,841.00.
6. Beginning January 2016, Plaintiff/Dad's CHILD SUPPORT for Nicholas was SET at \$806.00 per month, plus \$266.00 per month for JOINT PHYSICAL CUSTODY of Richard, Jr., plus \$220.00 per month for health insurance premiums, for a total of \$1,292.00 per month.
7. Beginning July 2016, Plaintiff/Dad's CHILD SUPPORT for Nicholas was SET at \$820.00 per month, plus \$266.00 per month for JOINT PHYSICAL CUSTODY of Richard, Jr., plus \$220.00 per month for health insurance premiums, for a total of \$1,306.00 per month.
8. Defendant/Mom shall provide proof the health insurance costs for the minor children.
9. Counsel to request a District Attorney Audit forthwith.
10. Plaintiff/Dad shall receive a credit of \$9841.00 for December 2014 - January 2016.
11. Plaintiff/Dad shall receive a credit of \$2,294, for overpayments of CHILD SUPPORT for 2016.
12. Defendant/Mom shall receive \$7659.41 from Plaintiff's omitted assets from Sick and Vacation pay.
13. Court noted Plaintiff/Dad was eligible to retire April 20, 2011, Defendant/Mom filed her Motion per the Holyoak case March 10, 2015, therefore, Defendant/Mom's retirement payments begin March 10, 2015 at \$1,200.00 per month. Atty Page shall prepare the Order for PERS within 24 hours.
14. Parties will equally divide the preparation costs for the Qualified Domestic Relations Orders (QDRO's).
15. The \$10,000.00 tax debt is washed out.
16. Defendant/Mom shall receive NO offset/NO value for the fur coat and dresses.
17. Defendant/Mom shall file an Order to Show Cause to Plaintiff/Dad for the non-payment of retirement payment for 2016. Sanctions to be determined.
18. Plaintiff/Dad shall walk-through an Order to lift the District Attorney's driver's license suspension, as of today there are zero (0) ARREARS. Defendant/Mom shall have 24 hours to review

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the Order.

19. Defendant/Mom's PERS will not be eligible until 2023. Court cannot force reciprocal SBP unless Parties STIPULATE to that. Defendant/Mom can pay for a Life Insurance Policy for retirement payments and vise versa.

20. Plaintiff/Dad's share of the unreimbursed medical expenses is \$3,202.00.

21. Attorney's Fees are BIFURCATED. Counsel to submit Brunzell Briefs for Attorney's Fees.

22. Counsel shall be notified of a Return Hearing date.

Atty Page to prepare the Order from today's hearing, Atty Allen to sign as to form and content.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:** Oct 31, 2016 9:00AM Evidentiary Hearing  
Evidentiary Hearing re: PERS Payments, Survivor Beneficiary, Child Support  
Courtroom 13 Moss, Cheryl B.

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

**December 01, 2016**

---

D-12-459171-D      Richard Scott Kilgore, Plaintiff  
vs.  
Eleni Kilgore, Defendant.

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**December 01, 2016    9:30 AM                      Status Check**

**HEARD BY:**   Moss, Cheryl B.

**COURTROOM:**   Courtroom 13

**COURT CLERK:**   Cory Estrada

**PARTIES:**

Alexandra Kilgore, Subject Minor, not present  
Eleni Kilgore, Defendant, Counter Claimant,      Fred Page, Attorney, present  
present  
Nicholas Kilgore, Subject Minor, not present  
Richard Kilgore, Plaintiff, Counter Defendant,      Betsy Allen, Attorney, present  
present  
Richard Kilgore, Subject Minor, not present

<b>JOURNAL ENTRIES</b>
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- STATUS CHECK RE: WRAP UP ISSUES

Refer to the Court's Minute Order for the matter heard on 12/1/16.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint****COURT MINUTES**

December 01, 2016

D-12-459171-D      Richard Scott Kilgore, Plaintiff  
vs.  
Eleni Kilgore, Defendant.

**December 01, 2016    3:30 PM****Minute Order****HEARD BY:** Moss, Cheryl B.**COURTROOM:** Courtroom 13**COURT CLERK:** Valerie Marsden**PARTIES:**

Alexandra Kilgore, Subject Minor, not present  
Eleni Kilgore, Defendant, Counter Claimant,      Fred Page, Attorney, present  
present  
Nicholas Kilgore, Subject Minor, not present  
Richard Kilgore, Plaintiff, Counter Defendant,      Betsy Allen, Attorney, present  
present  
Richard Kilgore, Subject Minor, not present

<b>JOURNAL ENTRIES</b>
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- STATUS CHECK RE: WRAP UP ISSUES

COURT'S MINUTE ORDER

CHILD SUPPORT ISSUES

1. The following summarizes the Court's historical calculations of child support. This Minute Order shall also CLARIFY AND SUPERSEDE the calculations from the October 31, 2016 hearing and the District Attorney's Office shall conform to this Minute Order.

2. Prior to December 2014, the Decree of Divorce filed on 3/13/13 was the initial child support order. In the Decree, Dad's child support obligation for joint physical custody of the two minor children, Nicholas and Richard, Jr., was set at \$1275 per month commencing November 1, 2012. As of November 1, 2012, Dad's child support arrears was \$1398. However, there was no additional

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installment payment in the Decree for the arrears on top of the \$1275.

3. For December 2014 to January 2016, Mom and Dad continued to maintain joint physical custody of the children. Mom's 25% would have been \$1170 minus Dad's \$200 (unemployed rate) which equals \$970. Subtract \$213 for Mom providing health insurance for a net total of \$757 per month. \$757 per month times 13 months totals \$9841 that Dad should have received from Mom for 12/14 to 1/16. If the DA was collecting from Dad's income and Mom made zero payments, then Dad should receive additional credit.

4. In February 2016, Dad returned to working full-time. From February 2016 to June 2016, Dad would pay Mom 18% for Nicholas when custody changed to Mom having primary physical custody, however Dad would be capped out at \$806 per month. For Richard, Jr., the parties continued to have joint physical custody, and Dad would pay Mom \$266. This is derived from subtracting Dad's 18% of \$7362 GMI or \$1325, and Mom's 18% of \$5883 GMI or \$1059, which equals \$266 from Dad to Mom. Adding \$806 for Nicholas and \$266 for Richard, Jr., Dad's monthly child support obligation would be \$1072. But, Dad would also pay Mom \$220 per month for his portion of the children's health insurance premiums. Therefore, Dad's total child support obligation for this time period is \$1072 plus \$220 for a total of \$1292. \$1292 per month times 5 months equals \$6460 for 2/16 to 6/16. If the DA was collecting more than \$1292 per month from Dad's paychecks, then Dad should receive the appropriate credit.

5. On July 1, 2016, the Maximum Child Support Guidelines for caps increased Dad's 18% for Nicholas from \$806 to \$820 (Mom having primary physical custody). The parties continued to have joint physical custody of Richard, Jr. As to Richard, Jr., Dad's GMI was \$7362 and his 18% would be \$1325. Mom's GMI was \$5855 and her 18% would be \$1059. Subtracting the amounts, Dad would owe Mom \$266 per month. Adding \$820 for Nicholas and \$266 for Richard, Jr., Dad would pay \$1086. Dad also has to pay \$220 additional for health insurance premiums. \$1086 plus \$220 totals \$1306. Dad's obligation therefore is \$1306 from 7/1/16 to 12/31/16. Dad testified at trial that the District Attorney's Office was withholding \$1500 per month from his paychecks. The District Attorney should do a proper audit based on the above and foregoing.

6. It appears from post-trial discussions held on the record, Dad has zero child support arrears. Attorney Allen shall prepare an Order indicating the zero child support arrears amount and serve it on the District Attorney's Office forthwith so that Dad's driver's license can be restored to him.

7. Commencing January 2017 forward, all District Attorney wage withholding shall cease. Dad shall direct deposit one-half of the \$1306 current child support (\$653 + \$653) on the 15th and last day of each month into Mom's Chase bank account. Mom shall set up this separate Chase bank account and provide the bank account number to Dad via Our Family Wizard.

#### PERS ISSUE

8. There were lengthy discussions in the post-trial hearings as to how Dad would pay Mom her

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community interest portion of Dad's PERS when he became eligible to retire in March 2015, although Dad presently continues to work full-time and has not yet actually retired. Mom's portion was calculated to be \$2455 per month retroactive to March 2015. For the relevant time period established at trial, the total accrued and owing to Mom is \$54003.62 principal plus \$2572.14 of pre-judgment interest for a grand total of \$56575.76. Said amount is reduced to judgment and collectible by any lawful means. However, execution on Dad's paychecks is stayed and instead, due to the financial conditions of the parties explored in-depth at the hearings, Dad will pay Mom \$350.00 per month from January 2017 forward into her Chase bank account. Dad shall direct deposit \$175.00 on the 15th and \$175 on the last day of every month.

9. Counsel shall have ongoing authority to conduct limited discovery and confer jointly with the PERS representative, currently Ms. Sonya Helwinkle, for ongoing information on Dad's PERS and information when Dad actually retires.

#### VACATION/SICK PAY ISSUE

10. Dad's counsel, Attorney Allen, shall submit an addendum to the Order from the December 1, 2016 hearing titled Vacation/Sick Pay Calculation Sheet delineating the correct amount calculated as to Dad's vacation and sick leave measured at the time of the divorce, not based on the exhibit produced at the trial which showed the amount as of the time that Dad was terminated from employment. The Court makes this Addendum to Order sua sponte to correct the calculation established at trial. Page 2 of 6, lines 26 and 27, of the previous Order shall be amended and corrected. The correct calculation is as follows: Dad's vacation pay of 107 hours plus sick time of 102.35 hours based on an hourly wage of \$41.25 totals \$8635.70 at the time of divorce. One-half is \$4317.85 pre-taxed and is owed to Mom. Dad's entire \$8635.70 was cashed out early and Dad had to pay taxes on the full amount. Therefore, Dad owes Mom her one-half of \$4,317.85 minus taxes that would have been attributed to Mom had she gotten paid out her half share at the time of the divorce. Dad and his attorney shall produce proof of how much he was taxed on the \$8635.70, and half of the taxes shall be taken of Mom's \$4317.85. The net amount shall then be reduced to judgment and collectible by any lawful means.

#### ATTORNEY'S FEES ISSUE

11. The issue of attorney's fees shall be taken under advisement. Counsel shall submit Brunzell briefs and Memorandums of Fees and Costs beginning 1/2/2017. Atty Page shall submit his Brief on 12/2/2016. Atty Allen shall submit her Brief on 12/30/2016.

#### STATUS CHECK HEARING

12. The Court's JEA shall contact both counsel regarding a future half-day Status Check hearing.

Atty Allen shall prepare the Order and the District Attorney's Order to Amend Child Support from today's hearing.

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**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint****COURT MINUTES****March 28, 2017**

D-12-459171-D      Richard Scott Kilgore, Plaintiff  
vs.  
Eleni Kilgore, Defendant.

**March 28, 2017      10:00 AM      All Pending Motions**

**HEARD BY:** Moss, Cheryl B.**COURTROOM:** Courtroom 13**COURT CLERK:** Erica Carreon**PARTIES:**

Alexandra Kilgore, Subject Minor, not present  
Eleni Kilgore, Defendant, Counter Claimant,      Fred Page, Attorney, present  
present  
Nicholas Kilgore, Subject Minor, not present  
Richard Kilgore, Plaintiff, Counter Defendant,      Betsy Allen, Attorney, present  
present  
Richard Kilgore, Subject Minor, not present

<b>JOURNAL ENTRIES</b>
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- DEFENDANT'S MOTION TO AMEND....PLAINTIFF'S OPPOSITION AND COUNTERMOTION FOR SANCTIONS...DEFENDANT'S REPLY TO OPPOSITION TO MOTION TO ALTER OR AMEND OR MAKE ADDITIONAL FINDINGS OF FACT, TO ALTER OR AMEND JUDGMENT AND FOR ATTORNEY'S FEES AND COSTS, AND OPPOSITION TO COUNTERMOTION FOR SANCTIONS

Discussion by Counsel regarding child support.

Mr. Page stated Defendant/Mother has had Primary Physical Custody of the minor child, Nicholas, from March 2015 through the present. Mr. Page represented Child Support was calculated as though the parties had Joint Physical Custody from December 2015 through January 2016.

Ms. Allen represented Plaintiff/Father was unemployed August 2015 through January 2016. The District Attorney's office has continued to garnish \$1,500.00 from Plaintiff/Father for child support. Plaintiff/Father has been depositing \$205.00 into Defendant/Mother's account for the retirement

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PERS account.

**COURT FINDS:**

1. Defendant/Mother had Primary Physical custody of Nicholas from August 2015, forward. The court calculated child support of Nicholas based on Joint Physical from December 2015 through January 2016, however, Plaintiff/Father's calculation was based on 18% of his income, which is an acknowledgment Defendant/Mother had Primary Physical custody of Nicholas.
2. Plaintiff/Father was unemployed August 2015 through January 2016.
3. Defendant/Mother pays \$213.00 for the children's health insurance.

**COURT ORDERED the following:**

1. Matter CONTINUED, Department I's Judicial Executive Assistant (JEA) shall notify parties of the next hearing.
2. The Court shall re-calculate Plaintiff/Father's child support from August 2015 through January 2016.
3. If Defendant/Mother is receiving \$1,500.00 monthly for child support through the District Attorney's office, Plaintiff/Father shall deposit \$350.00 into Defendant/Mother's account and Defendant/Mother shall refund Plaintiff/Father \$208.00.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint**

**COURT MINUTES**

May 04, 2017

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D-12-459171-D      Richard Scott Kilgore, Plaintiff  
vs.  
Eleni Kilgore, Defendant.

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**May 04, 2017      9:30 AM      Further Proceedings**

**HEARD BY:** Moss, Cheryl B.

**COURTROOM:** Courtroom 13

**COURT CLERK:** Victoria Pott

**PARTIES:**

Alexandra Kilgore, Subject Minor, not present  
Eleni Kilgore, Defendant, Counter Claimant,      Fred Page, Attorney, not present  
not present  
Nicholas Kilgore, Subject Minor, not present  
Richard Kilgore, Plaintiff, Counter Defendant,      Betsy Allen, Attorney, not present  
not present  
Richard Kilgore, Subject Minor, not present

<b>JOURNAL ENTRIES</b>
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- Prior to the time set for hearing, counsel stipulated to continue this matter.

COURT ORDERED, Matter CONTINUED to 5/25/17 at 9:00 AM.

Clerk's Note: A copy of this Minute Order was placed in the attorney folders of Betsy Allen and Fred Page on 5/4/17. (vp)

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Complaint****COURT MINUTES**

June 05, 2017

D-12-459171-D      Richard Scott Kilgore, Plaintiff  
vs.  
Eleni Kilgore, Defendant.

**June 05, 2017      1:30 PM      Further Proceedings**

**HEARD BY:** Moss, Cheryl B.**COURTROOM:** Courtroom 13**COURT CLERK:** Erica Carreon**PARTIES:**

Alexandra Kilgore, Subject Minor, not present  
Eleni Kilgore, Defendant, Counter Claimant,      Fred Page, Attorney, present  
present  
Nicholas Kilgore, Subject Minor, not present  
Richard Kilgore, Plaintiff, Counter Defendant,      Betsy Allen, Attorney, present  
present  
Richard Kilgore, Subject Minor, not present

<b>JOURNAL ENTRIES</b>
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**- FURTHER PROCEEDINGS**

Discussion by Counsel regarding child support. Plaintiff/Father's date of hire is 1/4/16. Attorney Page requested Defendant/Mother receive an additional \$350.00 to her monthly income as she receives a PERS payment from Plaintiff/Father.

Attorney Allen made an oral request for appellate purposes to have the Court order Defendant/Mother to pay Plaintiff/Father his share of the community property from her PERS retirement account.

COURT ORDERED the following:

1. Court calculated Plaintiff/Father owes Defendant/Mother CHILD SUPPORT, inclusive from 8/20/15 through December 2015 in the amount of \$2,145.00. From January 2016 through June 2016,

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Plaintiff/Father owes Defendant/Mother \$7,752.00. Beginning 7/1/16 and every month thereafter, Plaintiff/Father owes Defendant/Mother \$1,260.00 per month.

2. Plaintiff/Father's child support shall TERMINATE June 2018. The children are twins and will graduate from high school in June 2018.

3. The District Attorney shall do a full audit that conforms to this Order by 5:00 p.m. on 7/17/17 to determine if Plaintiff/Father has an overpayment credit. The audit shall be filed in this case (D459171).

4. Plaintiff/Father owes ZERO CHILD SUPPORT ARREARS.

5. Defendant/Mother shall receive a credit of \$208.00 as payment to Plaintiff/Father in May 2017.

6. Supplemental Exhibit for Plaintiff/Father regarding vacation/sick pay FILED IN OPEN COURT. The net amount is \$6,477.42 and it is REDUCED TO JUDGEMENT plus interest at the legal rate, collectible by any lawful means.

7. Attorney Allen's oral request for Defendant/Mother to pay Plaintiff/Father his share of the community property from her PERS retirement is DENIED due to eligibility.

8. Attorney Page shall submit the Findings of Fact from the Evidentiary Hearing that took place on 10/31/16.

9. Attorney's Fees DEFERRED due to upcoming appeal.

10. Either party may request a hearing through chambers if a judgment is needed for an offset to refund on child support.

Attorney Page shall prepare the Order from today's hearing; Attorney Allen shall have five (5) days to approve as to form and content.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE**  
**NOTICE OF DEFICIENCY**  
**ON APPEAL TO NEVADA SUPREME COURT**

**FRED PAGE, ESQ.**  
**6145 SPRING MOUNTAIN RD., SUITE 201**  
**LAS VEGAS, NV 89146**

**DATE: September 20, 2017**  
**CASE: D-12-459171-D**

**RE CASE: RICHARD SCOTT KILGORE vs. ELENi KILGORE**

**NOTICE OF APPEAL FILED: September 15, 2017**

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

**PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:**

- ☐ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)\*\*
  - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)\*\*
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)\*\*
  - NRAP 7: Bond For Costs On Appeal in Civil Cases
- ☐ Case Appeal Statement
  - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

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**NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:**

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

*Please refer to Rule 3 for an explanation of any possible deficiencies.*

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*\*\*Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.*

# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF CROSS-APPEAL; CROSS-APPEAL CASE STATEMENT;  
DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER FROM MARCH 28, 2017,  
HEARING; NOTICE OF ENTRY OF ORDER FROM MARCH 28, 2017, HEARING; DISTRICT  
COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

RICHARD SCOTT KILGORE,

Plaintiff(s),

vs.

ELENI KILGORE,

Defendant(s),

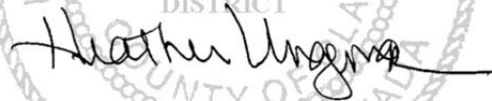
Case No: D-12-459171-D

Dept No: I

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 20 day of September 2017.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

Fred Page DBA  
Page Law Group  
3777 Warmbreeze Way  
Las Vegas, NV 89129

1411

94-7074/3212

9-15 2017

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*Supreme Court*  
*Clark of the Court*  
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FOR *Helen Kiper*



D-12-459171-D

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