

PET
LAW OFFICES OF F. PETER JAMES, ESQ.
F. Peter James, Esq.
Nevada Bar No. 10091
Peter@PeterJamesLaw.com
3821 West Charleston Boulevard, Suite 250
Las Vegas, Nevada 89102
702-256-0087
702-256-0145 (fax)
Counsel for Petitioner

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

In the matter of the Visitation of the
Persons of:

Jeremiah Caleb Blount, Kaydi Rose
Blount, Luna Bell Blount, and Logan
Alexander Blount, minors;

PAULA BLOUNT,

Petitioner,

vs.

JUSTIN CRAIG BLOUNT,

Respondent.

CASE NO. : D-18-571209-O

DEPT. NO. : B

**PETITION FOR GRANDPARENT
VISITATION (NRS 125C.050)**

COMES NOW Petitioner Paula Blount, by and through her counsel, F.
Peter James, Esq., who hereby petitions this Honorable Court for visitation rights
as to the minor children Jeremiah Caleb Blount, Kaydi Rose Blount, Luna Bell

1 Blount, and Logan Alexander Blount pursuant to NRS 125C.050. In support of
2 their petition, Petitioner hereby allege and request relief as follows:

- 3 1. The minor children at issue, Jeremiah Caleb Blount, Kaydi Rose Blount,
4 Luna Bell Blount, and Logan Alexander Blount, have been residing in the
5 State of Nevada for several months prior to the filing of this Petition.
- 6 2. The mother of Jeremiah and Kaydi is Gretchen Bernice Whatoname-
7 Blount (however now deceased December 27, 2017), who is the late
8 daughter-in-law of Petitioner.
- 9 3. The children's father is Respondent, Justin Craig Blount (hereinafter
10 "Dad"), who is the son of Petitioner.
- 11 4. As Gretchen is deceased, Dad is the sole remaining parent of Jeremiah
12 and Kaydi.
- 13 5. Jeremiah and Kaydi lived off and on with Petitioner all of their lives.
14 Dad, Mom, Jeremiah, and Kaydi have all lived with Petitioner.
- 15 6. Dad is unreasonably denying / restricting Petitioner's visitation with the
16 children.
- 17 7. It is in the children's best interest for Petitioner to have visitation with
18 them.
- 19 8. There are strong love, affection, and other emotional ties existing
20 between Petitioner and the children.

1 9. Petitioner has the capacity and disposition to give love, affection, and
2 guidance to the children, as well as serve as a role model to them.

3 10. Petitioner will cooperate in providing the children with food, clothing,
4 and other materials needed during the visitation.

5 11. Petitioner will cooperate in providing the children with healthcare or
6 alternative care recognized and permitted under the law of this State in
7 lieu of healthcare.

8 12. Petitioner has a strong relationship with the children. The children
9 participated in all holidays and other family gathering with Petitioner.
10 The children (less Logan and Luna) lived with Petitioner off and on all of
11 their lives.

12 13. Petitioner is morally fit.

13 14. Petitioner has no mental or physical health issues that would affect her
14 caring for the children.

15 15. The children (ages 8, 5, 2, and less than a year) are too young to voice
16 their preference; however, Petitioner believes that the children would like
17 to have visitation with her.

18 16. Petitioner has always been and will continue to be willing and able to
19 facilitate and encourage a close relationship with the children's parent
20 and other relatives.

1 17. The children have no known medical or other health needs that would be
2 affected by the visitation.

3 18. Petitioner has previously financially supported Dad, Mom, Jeremiah and
4 Kaydi. Petitioner has purchased clothing, food, and other necessities for
5 the children. Dad, Mom, and the children (less Logan and Luna) have
6 lived with Petitioner.

7 19. Additional factors in support of Petitioner's request for visitation will be
8 addressed as the occasion arises.

9 **WHEREFORE**, Petitioner respectfully requests that the Court permit
10 them reasonable visitation with the children.

11 Dated this 17 day of May, 2018

12 

13 LAW OFFICES OF F. PETER JAMES
14 F. Peter James, Esq.
15 Nevada Bar No. 10091
16 3821 W. Charleston Blvd., Suite 250
Las Vegas, Nevada 89102
702-256-0087
Counsel for Petitioner

1 VERIFICATION

2 Paula Blount deposes and states as follows:

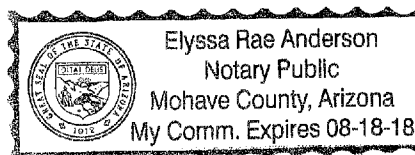
- 3 1. That I am the Petitioner in the above entitled action.
- 4 2. That I have read the foregoing **PETITION FOR**
- 5 **GRANDPARENT VISITATION** and know the contents thereof.
- 6 3. That the same is true of my own knowledge, except for those matters
- 7 therein contained stated upon information and belief, and as to those
- 8 matters I believe them to be true.
- 9 4. Those factual averments contained in said document are
- 10 incorporated herein as if set forth in full.
- 11 5. I declare under penalty of perjury under the law of the State of
- 12 Nevada that the foregoing is true and correct to the best of my
- 13 knowledge, information, and belief.

14 
15 PAULA BLOUNT, Petitioner

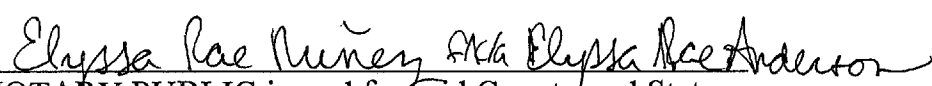
16 STATE OF ARIZONA)

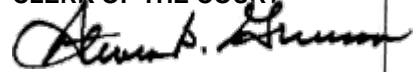
) ss:

17 COUNTY OF MOJAVE)



18 Subscribed and Sworn to before me by
19 Paula Blount this 14 day of May, 2018

20 
NOTARY PUBLIC in and for said County and State



ANS
JOHN T. KELLEHER, ESQ.
Nevada Bar No. 6012
KELLEHER & KELLEHER, LLC
40 S. Stephanie Street, #201
Henderson, NV 89012
Telephone (702) 384-7494
Facsimile (702) 384-7545
kelleherjt@aol.com
Attorney for Respondents

DISTRICT COURT

CLARK COUNTY, NEVADA

In the Matter of the Visitation of the Persons of:)	Case No: D-18-571209-O
JEREMIAH CALEB BLOUNT)	
KAYDI ROSE BLOUNT)	Dept: B
LUNA BELL BLOUNT)	
LOGAN ALEXANDER BLOUNT, minors:)	
PAULA BLOUNT,)	
Petitioner)	
vs.)	
JUSTIN CRAIG BLOUNT,)	
Respondent/CounterPetitioner)	

ANSWER TO PETITION FOR GRANDPARENT VISITATION

COMES NOW, Respondents Justin Craig Blount, by and through his attorney, John T. Kelleher, Esq of the law office of Kelleher & Kelleher, LLC and hereby files his Answer to Paula Blount's Petition for Grandparent Visitation as follows:


1. Answering the allegations contained in Paragraphs 2, 3, and 4 of Petition on file herein, Respondent/CounterPetitioner admits the allegations contained herein;
2. Answering the allegations contained in Paragraphs 1, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19, Respondent/CounterPetitioner denies the allegations herein.

Wherefore, the Respondent/CounterPetitioner prays for judgment as follows:

1. That the Court deny Petitioner's Request for Visitation with the minor children;
2. That the Court dismiss this action in its entirety;

1
2 DATED this 5 day of July, 2018.

KELLEHER & KELLEHER, LLC

3
4 By: 
5 JOHN T. KELLEHER, ESQ.
6 Nevada Bar No. 6012
7 40 S. Stephanie Street, Suite #201
8 Henderson, Nevada 89012
9 Attorney for Respondents

10
11 **RESPONDENT/COUNTERPETITIONER'S COUNTERCLAIM**
12 **COMES NOW**, Respondents Justin Craig Blount, by and through his attorney, John T.

13 Kelleher, Esq of the law office of Kelleher & Kelleher, LLC and hereby files his Counterclaim
14 against Petitioner/CounterRespondent alleges and states as follows:

- 15 1. Respondent is now and for more than six weeks preceding the commencement of
16 this action has been, an actual, bona fide resident of the State of Nevada, and
17 during all said periods of time has been actually, physically and corporeally
18 present, residing and domiciled in the State of Nevada.
- 19 2. The Respondent is the natural father of the four minor children at issue, to wit:
20 JEREMIAH BLOUNT; KAYDI BLOUNT; LUNA BLOUNT; and LOGAN
21 BLOUNT.
- 22 3. Petitioner's action is barred for lack of personal jurisdiction as neither
23 JEREMIAH BLOUNT nor KAYDI BLOUNT, were residents of Nevada at the
24 time of filing;
- 25 2. That both JEREMIAH BLOUNT and KAYDI BLOUNT are "Indian Children"
26 and recognized members of the Hualapai Tribe as defined by 25 U.S.C. § 1903(4);
- 27 3. That the Hualapai Tribal Court of the Hualapai Indian Reservation in Peach
28 Springs, Arizona has issued custodial Orders as to the minor children,
JEREMIAH BLOUNT and KAYDI BLOUNT, awarding Respondent sole legal
custody and sole physical custody of the minor children;
4. That the Hualapai Tribal Court continues to exercise exclusive jurisdiction of

1 custody and visitation of the minor children, JEREMIAH BLOUNT and KAYDI
2 BLOUNT, and that this Honorable Court is bound to give full faith and credit to
3 the custodial Orders issued by the Hualapai Tribal Court pursuant to *See* 25
4 U.S.C. § 1911(d); *see also* NRS 125A.215(2) & (3), NRS 125A.305, 125A.315 &
5 125A.325;

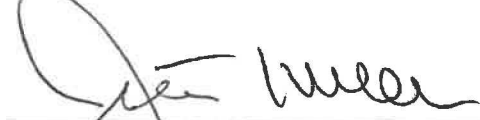
- 6 5. That at the time of filing of this Petition neither JEREMIAH BLOUNT nor
7 KAYDI BLOUNT had resided in the State of Nevada for the requisite six month
8 period pursuant to NRS 125A.305.;
 - 9 6. That Stephanie Blount is the biological and legal mother of LOGAN BLOUNT
10 and LUNA BLOUNT Petitioner has failed to name STEPHANIE BLOUNT as a
11 party to this action;
 - 12 7. That the natural parents of LOGAN BLOUNT and LUNA BLOUNT are JUSTIN
13 BLOUNT (Respondent) and STEPHANIE BLOUNT (who was not named in this
14 action), remain married (are not separated or divorced), and have never
15 relinquished or had their parental rights terminated;
 - 16 8. That there is a presumption that if a parent of the child has restricted visits with
17 the child, hat the granting of a right to visitation to a party seeking visitation is not
18 in the best interests of the child. Herein, both custodial parents assert that
19 visitation between Petitioner and the minor children is not in the children's best
20 interest;
 - 21 9. That Petitioner has engaged in a slew of harassing, vexatious, and dangerous
22 behavior, all of which have been intended to damage and degrade the relationship
23 between the custodial parents and the minor children;
 - 24 10. That Petitioner should bear Respondent's attorney's costs and fees in this action;
- 25 WHEREFORE, Respondent/Counterpetitioner prays as follows:
- 26 1. That Petitioner's underlying Petition be dismissed;
 - 27 2. That Petitioner's request for visitation be denied;
 - 28 3. That Petitioner be admonished for her harassing, vexatious, and dangerous

behavior.

4. That Respondent be awarded attorney's costs and fees in this action.

DATED this 5 day of July, 2018.

KELLEHER & KELLEHER, LLC



JOHN T. KELLEHER, ESQ.
Nevada State Bar No. 6012
40 S. Stephanie Street, Suite #201
Henderson, Nevada 89012
Attorney for Respondent/Counter-petitioner

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CERTIFICATE OF SERVICE

I hereby certify that on the 5 day of July, 2018, a true and correct copy of the above and foregoing ANSWER TO PETITION FOR GRANDPARENT VISITATION was served via electronic service and deposited in the United States Mail, postage prepaid and addressed as follows:

F. Peter James, Esq.
Law Offices of F. Peter James, Esq.
3821 West Charleston Boulevard, Suite 250
Las Vegas, Nevada 89102
peter@peterjameslaw.com
beth@peterjameslaw.com
colleen@peterjameslaw.com
Attorney for Petitioner


An employee of Kelleher & Kelleher, LLC

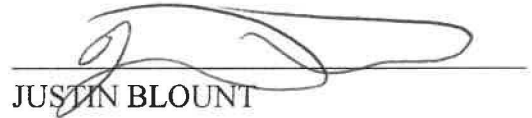
VERIFICATION

STATE OF)
COUNTY OF) ss.

JUSTIN BLOUNT, being first duly sworn on oath, deposes and says:

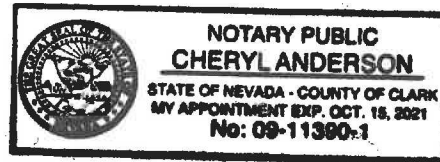
That he is the Respondent/Counter-Petitioner in the above-entitled matter; that he has read the above and foregoing Answer and Counterclaim and knows the contents thereof; that the same are true of his knowledge except for those matters stated upon information and belief, and as to those matters, he believes them to be true.

DATED this 5 day of July, 2018.

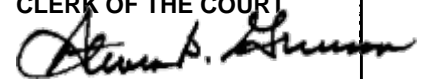

JUSTIN BLOUNT

SUBSCRIBED AND SWORN to before me
this 5 day of July, 2018.


NOTARY PUBLIC in and for
said County and State.



Electronically Filed
8/16/2018 11:24 AM
Steven D. Grierson
CLERK OF THE COURT


ORDR

JOHN T. KELLEHER, ESQ.

Nevada State Bar No. 6012

SAIRA HASEEBULLAH, ESQ.

Nevada State Bar No. 13500

KELLEHER & KELLEHER, LLC

40 S. Stephanie Street, Suite #201

Henderson, Nevada 89012

Telephone: (702) 384-7494

Facsimile: (702) 384-7545

kelleherjt@aol.com

Attorney for Respondent

DISTRICT COURT**CLARK COUNTY, NEVADA**

In the Matter of the Visitation of the Persons of:)	Case No: D-18-571209-O
JEREMIAH CALEB BLOUNT)	
KAYDI ROSE BLOUNT)	Dept: B
LUNA BELL BLOUNT)	
LOGAN ALEXANDER BLOUNT, minors:)	
)	
PAULA BLOUNT,)	
Petitioner)	
)	
vs.)	
)	
JUSTIN CRAIG BLOUNT,)	
Respondent/CounterPetitioner)	
)	

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
ORDER FROM JULY 25, 2018 HEARING

THIS MATTER having come on for hearing on the 25th day of July, 2018, on a continued Hearing from 07/17/18; Petitioner, Paula Blount, present and represented by F. Peter James, Esq. of the Law Offices of F. Peter James, Esq.; Respondent, Justin Craig Blount, not present but represented by John T. Kelleher, Esq., and Saira Haseebullah, Esq., of the law firm Kelleher & Kelleher LLC; the Court having reviewed the papers and pleadings on file herein, having been fully apprised as to the facts and matters herein; wherefore:

THE COURT HEREBY NOTED that the natural mother of the younger two children is alive, and the oldest children have a different mother than the two younger children. (See Hearing Video

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LAW OFFICES
KELLEHER & KELLEHER LLC
40 S. STEPHANIE STREET, SUITE #201
HENDERSON, NEVADA 89012
(702) 384-7494

1 dated July 25, 2018, Time Stamped at 10:54:14) Natural mother was not named as a party or served
2 in this action. (See *Id* at 10:54:18). Petitioner has alleged nothing that would allow visitation with Luna
3 or Logan. (See *Id* at 10:54:35)

4 THE COURT HEREBY FINDS that the Hualapai Tribe has exercised jurisdiction over the two older
5 children in two separate proceedings. As such, the Hualapai Tribe has continuing, exclusive
6 jurisdiction over the children. (See *Id* at 10:54.)

7 THE COURT HEREBY FINDS that Nevada does not have jurisdiction in this matter. (See *Id*
8 at 10:55.) The two oldest children were not present in Las Vegas or Clark County for the six
9 consecutive months prior to the onset of this action, including any temporary absence, immediately
10 before the commencement proceedings. (See *Id* at 10:55:08)

11 THE COURT FURTHER FINDS that the children may have been in Las Vegas for six months
12 as of the current hearing date but that is not the requirement or statute or in the case file that follows.
13 (See *Id* at 10:55:21.)

14 THE COURT FURTHER FINDS that the argument that visitation is not custody and custodial
15 visitation is separate and different from any third party visitation is inaccurate. (See *Id* at 10:55:38)
16 Visitation is as the Nevada Supreme Court and *Friedman v. Eighth Judicial Dist. Court of State*, ex
17 rel. Cty. of Clark, 127 Nev. 842, 849, 264 P.3d 1161, 1166 (2011), discussed and find that a
18 proceeding in which legal custody, physical custody or visitation with respect to a child is at issue. (See
19 *Id* at 10:55:46 - 10:55:52.)

20 THE COURT FURTHER FINDS that the Court does not view non-custodial visitation or
21 visitation with a third party through separate lenses. Any visitation rights given to a non-parent affects
22 a parents' visitation and custody rights. (See *Id* at 10:56:00 - 10:56:14.)

23 THE COURT FURTHER FINDS that accordingly, it is more appropriate for the Tribe and
24 Judge who has heard two separate matters relative to these children to continue to hear these issues.
25 In addition, that forum is more convenient. (See *Id* at 10:56:15 - 10:56:35.) The children are older and
26 have only been in Nevada for a handful of months. (See *Id* at 10:56:48). All of the paperwork and
27
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witnesses that would be relevant for an evidentiary hearing as to visitation reside or are in the control of the tribe and the surrounding area. (See *Id* at 10:56:50 - 10:57:09).

IT IS HEREBY ORDERED that Respondent's Request is GRANTED, denying Petitioner visitation with all four minor children and dismissing the action. (See *Id* at 10:57:18).

IT IS FURTHER ORDERED that Attorney's Fees shall be awarded to Respondent. Attorney Kelleher shall submit a Memorandum of Fees and Costs, and a *Brunzell-Miller* Affidavit and a proposed order within 10 days from today and served upon opposing counsel. Proposed order shall include Findings of Facts and Conclusions of Law. Opposing counsel shall have 10 days to file a Response. Matter will be set on Chamber's Calendar, and no appearances are required.

IT IS FURTHER ORDERED that Attorney Kelleher shall prepare the Order form today's hearing, with Attorney James to review and countersign.

IT IS SO ORDERED this 15th day of August 2018.


DISTRICT COURT JUDGE
LINDA MARQUIS

Submitted by:

KELLEHER & KELLEHER, LLC


JOHN T. KELLEHER, ESQ.

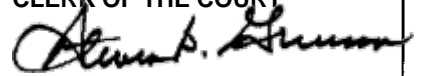
Nevada Bar No. 6012
40 S. Stephanie Street, Suite #201
Henderson, Nevada 89012
Attorney for Respondent

Approved as to form and content:

LAW OFFICES OF F. PETER JAMES, ESQ.


F. PETER JAMES ESQ.

Nevada Bar No. 10091
3821 W. Charleston Blvd, Suite 250
Las Vegas, NV 89012
Attorney for Petitioner



1 **NEOJ**
2 **JOHN T. KELLEHER, ESQ.**
3 Nevada Bar No. 6012
4 **KELLEHER & KELLEHER, LLC**
5 40 S. Stephanie Street, Suite #201
6 Henderson, Nevada 89012
7 Phone: (702) 384-7494
8 Fax: (702) 384-7545
9 Email: kelleherjt@aol.com
10 Attorney for Respondent

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

* * * * *

9 In the Matter of the Visitation of the Persons of:) Case No: D-18-571209-O
10 JEREMIAH CALEB BLOUNT)
11 KAYDI ROSE BLOUNT) Dept: B
12 LUNA BELL BLOUNT)
13 LOGAN ALEXANDER BLOUNT, minors:)
14 PAULA BLOUNT,)
15 Petitioner)
16 vs.)
17 JUSTIN CRAIG BLOUNT,)
18 Respondent/CounterPetitioner)
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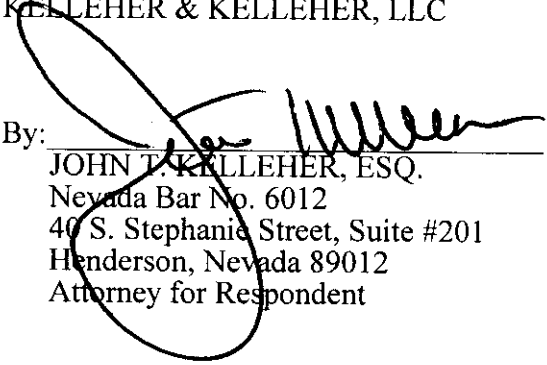
NOTICE OF ENTRY OF ORDER

18 TO: PAULA BLOUNT, Petitioner, and to F. PETER JAMES, ESQ., her attorney:

19 PLEASE TAKE NOTICE that the Findings of Fact, Conclusions of Law, and Order from
20 July 25, 2018 Hearing was entered in the above-entitled matter on the 16th day of August, 2018, a
21 copy of which is attached hereto.

22 DATED this 17 day of August, 2018.

KELLEHER & KELLEHER, LLC

By: 
JOHN T. KELLEHER, ESQ.
Nevada Bar No. 6012
40 S. Stephanie Street, Suite #201
Henderson, Nevada 89012
Attorney for Respondent

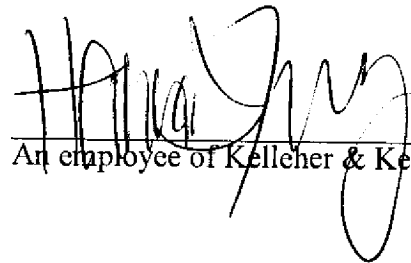
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HENDERSON, NEVADA 89012
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Facsimile (702) 384-7545

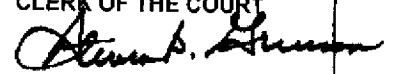
CERTIFICATE OF MAILING

I hereby certify that on the 17 day of August, 2018, I deposited a true and correct copy of the above and foregoing NOTICE OF ENTRY OF ORDER in the United States Mail, postage prepaid and addressed as follows:

F. Peter James, Esq.
LAW OFFICES OF F. PETER JAMES, ESQ.
3821 West Charleston Boulevard, Suite 250
Las Vegas, Nevada 89102
Attorney for Petitioner


An employee of Kelleher & Kelleher, LLC

Electronically Filed
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Steven D. Grierson
CLERK OF THE COURT


ORDR

JOHN T. KELLEHER, ESQ.

Nevada State Bar No. 6012

SAIRA HASEEBULLAH, ESQ.

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kelleherjt@aol.com

Attorney for Respondent

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Dept: B

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LOGAN ALEXANDER BLOUNT, minors:)

PAULA BLOUNT,)
Petitioner)

)

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vs.)

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JUSTIN CRAIG BLOUNT,)

Respondent/CounterPetitioner)

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1 dated July 25, 2018, Time Stamped at 10:54:14) Natural mother was not named as a party or served
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17 rel. Cty. of Clark, 127 Nev. 842, 849, 264 P.3d 1161, 1166 (2011), discussed and find that a
18 proceeding in which legal custody, physical custody or visitation with respect to a child is at issue. (See
19 *Id* at 10:55:46 - 10:55:52.)

20 THE COURT FURTHER FINDS that the Court does not view non-custodial visitation or
21 visitation with a third party through separate lenses. Any visitation rights given to a non-parent affects
22 a parents' visitation and custody rights. (See *Id* at 10:56:00 - 10:56:14.)

23 THE COURT FURTHER FINDS that accordingly, it is more appropriate for the Tribe and
24 Judge who has heard two separate matters relative to these children to continue to hear these issues.
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witnesses that would be relevant for an evidentiary hearing as to visitation reside or are in the control of the tribe and the surrounding area. (See *Id* at 10:56:50 - 10:57:09).

IT IS HEREBY ORDERED that Respondent's Request is GRANTED, denying Petitioner visitation with all four minor children and dismissing the action. (See *Id* at 10:57:18).

IT IS FURTHER ORDERED that Attorney's Fees shall be awarded to Respondent. Attorney Kelleher shall submit a Memorandum of Fees and Costs, and a *Brunzell-Miller* Affidavit and a proposed order within 10 days from today and served upon opposing counsel. Proposed order shall include Findings of Facts and Conclusions of Law. Opposing counsel shall have 10 days to file a Response. Matter will be set on Chamber's Calendar, and no appearances are required.

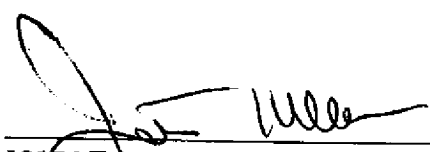
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IT IS SO ORDERED this 15th day of August 2018.


DISTRICT COURT JUDGE
LINDA MARQUIS

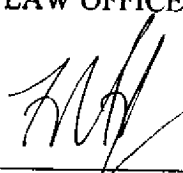
Submitted by:

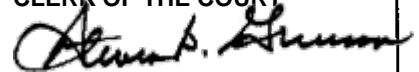
KELLEHER & KELLEHER, LLC


JOHN T. KELLEHER, ESQ.
Nevada Bar No. 6012
40 S. Stephanie Street, Suite #201
Henderson, Nevada 89012
Attorney for Respondent

Approved as to form and content:

LAW OFFICES OF F. PETER JAMES, ESQ.


F. PETER JAMES ESQ.
Nevada Bar No. 10091
3821 W. Charleston Blvd, Suite 250
Las Vegas, NV 89012
Attorney for Petitioner



ORDR

JOHN T. KELLEHER, ESQ.
Nevada Bar No. 6012
KELLEHER & KELLEHER, LLC
40 S. Stephanie Street, Suite #201
Henderson, Nevada 89012
Telephone (702) 384-7494
Facsimile (702) 384-7545
kelleherjt@aol.com
Attorney for Respondent

**DISTRICT COURT
CLARK COUNTY, NEVADA**

In the Matter of the Visitation of the Persons of:)	Case No: D-18-571209-O
JEREMIAH CALEB BLOUNT)	
KAYDI ROSE BLOUNT)	Dept: B
LUNA BELL BLOUNT)	
LOGAN ALEXANDER BLOUNT, minors:)	
)	
PAULA BLOUNT,)	
Petitioner)	
)	
vs.)	
)	
JUSTIN CRAIG BLOUNT,)	
Respondent/CounterPetitioner)	
)	

ORDER AWARDING ATTORNEY'S FEES AND COSTS

THIS MATTER having come on for hearing on the 27th day of August, 2018 on Respondent's Request for Attorney's Fees, with Respondent having filed a Memorandum of Costs and Fees on August 3, 2018 and Petitioner's Counsel having filed Petitioner's Brief Opposing Award of Fees and Costs on August 14, 2018; Petitioner, Paula Blount, represented by F. Peter James, Esq. of the Law Offices of F. Peter James, Esq.; Respondent, Justin Craig Blount, represented by John T. Kelleher, Esq., and Saira Haseebullah, Esq., of the law firm Kelleher & Kelleher LLC; the Court having reviewed the papers and pleadings on file herein, having been fully apprised as to the facts and matters herein; wherefore:

THE COURT HEREBY FINDS that Respondent was awarded attorney's costs and fees in this matter.

RECEIVED
AUG 21 2018
DEPT. B

1 THE COURT FURTHER FINDS that the natural mother of the younger two children, LOGAN
2 BLOUNT and LUNA BLOUNT, is alive, but was not named as a party to this action nor was she
3 personally served.

4 THE COURT FURTHER FINDS that the natural mother of the two older children, KAYDI
5 BLOUNT and JEREMIAH BLOUNT, is deceased.

6 THE COURT FURTHER FINDS that the Hualapai Tribe has exercised jurisdiction over the
7 two older children in two separate proceedings. As such, the Hualapai Tribe has continuing, exclusive
8 jurisdiction over the children. (See *Id* at 10:54.)

9 THE COURT FURTHER FINDS that Nevada does not have jurisdiction in this matter. (See
10 *Id* at 10:55.) The two oldest children were not present in Las Vegas or Clark County for the six
11 consecutive months prior to the onset of this action, including any temporary absence, immediately
12 before the commencement proceedings. (See *Id* at 10:55:08)

13 THE COURT FURTHER FINDS that the children may have been in Las Vegas for six months
14 as of the current hearing date but that is not the requirement or statute. (See *Id* at 10:55:21.)

15 THE COURT FURTHER FINDS that the argument that visitation is not custody and custodial
16 visitation is separate and different from any third party visitation is inaccurate. (See *Id* at 10:55:38)
17 Visitation is as the Nevada Supreme Court and *Friedman v. Eighth Judicial Dist. Court of State*, ex
18 rel. Cty. of Clark, 127 Nev. 842, 849, 264 P.3d 1161, 1166 (2011), discussed and find that a
19 proceeding in which legal custody, physical custody or visitation with respect to a child is at issue. (See
20 *Id* at 10:55:46 - 10:55:52.)

21 THE COURT FURTHER FINDS that the Court does not view non-custodial visitation or
22 visitation with a third party through separate lenses. Any visitation rights given to a non-parent affects
23 a parents' visitation and custody rights. (See *Id* at 10:56:00 - 10:56:14.)

24 THE COURT FURTHER FINDS that Respondent made efforts to minimize the legal fees
25 incurred in this matter, by sending a detailed letter to Petitioner addressing the issues, however
26 Petitioner pursued her request for visitation.

27 THE COURT FURTHER FINDS that Petitioner's request was DENIED as to all four minor
28

1 children.

2 THE COURT FURTHER FINDS that Respondent's Counsel is an AAML Certified attorney
3 who specializes in the practice of family law and has experience of more than twenty years.

4 THE COURT FURTHER FINDS that Respondent's counsel has provided billing statements
5 as appropriate, and there is no indication that those bills were excessive or unreasonable.

6 THE COURT FURTHER FINDS that Respondent filed a General Financial Disclosure Form
7 ("FDF") reflecting a gross monthly income of \$1,596.00 from Social Security Income. (Respondent's
8 spouse also contributes financially in the amount of \$3,000.00 per month, however she is not a named
9 party to this action.) Petitioner also filed a General Financial Disclosure Form ("FDF") reflecting a
10 gross monthly income of \$5,032.41 per month.

11 THE COURT FURTHER FINDS that Respondent's counsel has filed an affidavit in support
12 of the requests for costs and fees.

13 THE COURT FURTHER FINDS a legal basis to award attorney's fees in NRS 18.010
14 allowing the Court to make an allowance of attorney's fees to a prevailing party and EDCR 7.60 based
15 on the frivolous nature of Petitioner's filings.

16 THE COURT FURTHER FINDS that Respondent's Memorandum complied with the
17 requirements in NRCP 54(d)(2)(A), NRCP 54(d)(2)(B), and *Miller v. Wilfong*, 121 Nev. 619, 119
18 P.3d 727 (2005).

19 THE COURT FURTHER FINDS that Respondent's Memorandum of Attorney's Fees and
20 Costs contained a request for the sum of \$9,931.05 and was supported by an analysis of the factors
21 required pursuant to *Brunzell v. Gold Gate National Bank* 85 Nev. 345, 455 P.2d 31 (1969) to include
22 the qualities of the advocate, the character and difficulty of the work performed, the work actually
23 performed by the attorney, and the result obtained, together with the detailed billing statements, and
24 those factors, together with the billing statements, were reviewed and considered by this Court.

25 THE COURT FURTHER FINDS that pursuant to *Love v. Love*, 114 Nev. 572 (1998),
26 Petitioner was provided the opportunity to review and dispute Respondent's billing statements and fees
27 requested.
28

1 NOW, THEREFORE, IT IS HEREBY ORDERED that Respondent is hereby awarded the sum
2 of \$9,931.05 as and for attorney's fees and costs against Petitioner, which sum is hereby
3 reduced to judgment and which may be collected by any and all legal means.

4 IT IS SO ORDERED this 23 day of August, 2018.

5
6 
7 DISTRICT COURT JUDGE

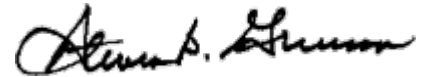
LINDA MARQUIS

8 Submitted by:

9 KELLEHER & KELLEHER, LLC

10
11 By: 

12 JOHN KELLEHER, ESQ.
13 Nevada Bar No. 6012
14 40 S. Stephanie Street
15 Henderson, NV 89012
16 Attorney for Respondent
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27
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1 **NEOJ**
2 JOHN T. KELLEHER, ESQ.
3 Nevada Bar No. 6012
4 KELLEHER & KELLEHER, LLC
5 40 S. Stephanie Street, Suite #201
6 Henderson, Nevada 89012
7 Phone: (702) 384-7494
8 Fax: (702) 384-7545
9 Email: kelleherjt@aol.com
10 Attorney for Respondent

7 **DISTRICT COURT**
8 **CLARK COUNTY, NEVADA**

8 * * * * *

9 In the Matter of the Visitation of the Persons of:) Case No: D-18-571209-O
10 JEREMIAH CALEB BLOUNT)
11 KAYDI ROSE BLOUNT) Dept: B
12 LUNA BELL BLOUNT)
13 LOGAN ALEXANDER BLOUNT, minors:)
14 PAULA BLOUNT,)
15 Petitioner)
16 vs.)
17 JUSTIN CRAIG BLOUNT,)
18 Respondent/CounterPetitioner)

17 **NOTICE OF ENTRY OF ORDER**

18 TO: PAULA BLOUNT, Petitioner, and to F. PETER JAMES, ESQ., her attorney:
19 PLEASE TAKE NOTICE that an Order Awarding Attorney's Fees and Costs was entered
20 in the above-entitled matter on the 23rd day of August, 2018, a copy of which is attached hereto.

21 DATED this 24 day of August, 2018.

22 KELLEHER & KELLEHER, LLC

23 By: 

24 JOHN T. KELLEHER, ESQ.
25 Nevada Bar No. 6012
26 40 S. Stephanie Street, Suite #201
27 Henderson, Nevada 89012
28 Attorney for Respondent

27 ///

28 ///

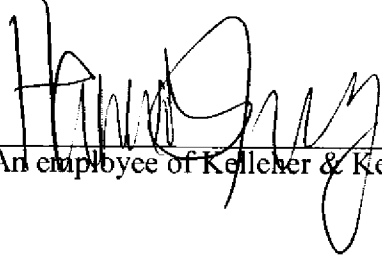
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LAW OFFICES
KELLEHER & KELLEHER LLC
40 S. STEPHANIE STREET, SUITE #201
HENDERSON, NEVADA 89012
(702) 384-7494
Facsimile (702) 384-7545

CERTIFICATE OF MAILING

I hereby certify that on the 24 day of August, 2018, I deposited a true and correct copy of the above and foregoing NOTICE OF ENTRY OF ORDER in the United States Mail, postage prepaid and addressed as follows:

F. Peter James, Esq.
LAW OFFICES OF F. PETER JAMES, ESQ.
3821 West Charleston Boulevard, Suite 250
Las Vegas, Nevada 89102
Attorney for Petitioner


An employee of Kelleher & Kelleher, LLC

Steven D. Grierson

ORDR

JOHN T. KELLEHER, ESQ.
Nevada Bar No. 6012
KELLEHER & KELLEHER, LLC
40 S. Stephanie Street, Suite #201
Henderson, Nevada 89012
Telephone (702) 384-7494
Facsimile (702) 384-7545
kelleherjt@aol.com
Attorney for Respondent

DISTRICT COURT

CLARK COUNTY, NEVADA

In the Matter of the Visitation of the Persons of:)	Case No: D-18-571209-O
JEREMIAH CALEB BLOUNT)	
KAYDI ROSE BLOUNT)	Dept: B
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LOGAN ALEXANDER BLOUNT, minors:)	
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Petitioner)	
vs.)	
JUSTIN CRAIG BLOUNT,)	
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THE COURT FURTHER FINDS that Respondent's Memorandum of Attorney's Fees and Costs contained a request for the sum of \$9,931.05 and was supported by an analysis of the factors required pursuant to *Brunzell v. Gold Gate National Bank* 85 Nev. 345, 455 P.2d 31 (1969) to include the qualities of the advocate, the character and difficulty of the work performed, the work actually performed by the attorney, and the result obtained, together with the detailed billing statements, and those factors, together with the billing statements, were reviewed and considered by this Court.

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3 reduced to judgment and which may be collected by any and all legal means.

4 IT IS SO ORDERED this 23 day of August, 2018.

5
6 
7 DISTRICT COURT JUDGE

LINDA MARQUIS

8 Submitted by:

9 KELLEHER & KELLEHER, LLC

10
11 By: 

12 JOHN KELLEHER, ESQ.
13 Nevada Bar No. 6012
14 40 S. Stephanie Street
Henderson, NV 89012
Attorney for Respondent

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

IN THE MATTER OF THE VISITATION OF
THE PERSONS OF JCB; KRB; LBB; and
LAB, MINORS.

PAULA BLOUNT, Appellant

v.

JUSTIN CRAIG BLOUNT, Respondent.

No. 76831

Electronically Filed
Sep 11 2018 02:24 p.m.

Elizabeth A. Brown
Clerk of Supreme Court
DOCKETING STATEMENT
CIVIL APPEALS

GENERAL INFORMATION

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument and settlement conferences, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 27 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. See KDI Sylvan Pools v. Workman, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

1. Judicial District EIGHTH Department B
County CLARK Judge LINDA MARQUIS
District Ct. Case No. D571209

2. Attorney filing this docketing statement:

Attorney F. PETER JAMES Telephone 702-256-0087
Firm LAW OFFICES OF F. PETER JAMES, ESQ
Address 3821 WEST CHARLESTON BLVD., SUITE 250
LAS VEGAS, NEVADA 89102

Client(s) PAULA BLOUNT

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

3. Attorney(s) representing respondents(s):

Attorney JOHN T. KELLEHER Telephone 702-384-7494
Firm KELLEHER & KELLEHER, LLC
Address 40 SOUTH STEPHANIE STREET, SUITE 201
HENDERSON, NEVADA 89012

Client(s) JUSTIN BLOUNT

Attorney _____ Telephone _____

Firm _____

Address _____

Client(s) _____

(List additional counsel on separate sheet if necessary)

4. Nature of disposition below (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Judgment after bench trial | <input checked="" type="checkbox"/> Dismissal: |
| <input type="checkbox"/> Judgment after jury verdict | <input checked="" type="checkbox"/> Lack of jurisdiction |
| <input type="checkbox"/> Summary judgment | <input type="checkbox"/> Failure to state a claim |
| <input type="checkbox"/> Default judgment | <input type="checkbox"/> Failure to prosecute |
| <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief | <input type="checkbox"/> Other (specify): _____ |
| <input type="checkbox"/> Grant/Denial of injunction | <input type="checkbox"/> Divorce Decree: |
| <input type="checkbox"/> Grant/Denial of declaratory relief | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Review of agency determination | <input type="checkbox"/> Other disposition (specify): _____ |

5. Does this appeal raise issues concerning any of the following?

- ☐ Child Custody
- ☐ Venue
- ☐ Termination of parental rights

6. Pending and prior proceedings in this court. List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

NONE

7. Pending and prior proceedings in other courts. List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

Gretchen Whatoname-Blount v. Justin Blount, 2016-DOM-001 in the Hualapai Tribal Court, Hualapai Indian Reservation, Peach Spings, Arizona. A temporary visitation schedule was given to the parents. The mother (Gretchen) soon passed away rendering the decision moot. This decision vacating the temporary schedule was entered on January 24, 2018.

Wilfred Watomane, Jr. and Greta(?) Whatoname v. Justin Blount, 2017-CC-013 in the same tribal court. A request by the maternal grandparents to have custody of the children was denied. This Order was entered on December 29, 2017.

8. Nature of the action. Briefly describe the nature of the action and the result below:

Appellant filed a Grandparents Visitation action. Respondent moved to dismiss the action for lack of jurisdiction.

After briefing and a hearing, the district court incorrectly found that it had no jurisdiction. The district court dismissed the action.

9. Issues on appeal. State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

Does the UCCJEA apply to grandparent visitation actions?

If it does, does Nevada have UCCJEA jurisdiction in the present matter?

Does ICWA apply to grandparent visitation actions?

When does Nevada have jurisdiction to hear grandparent visitation actions?

If a grandparent only meets the first threshold question as to some of the children, when does it have jurisdiction over the remaining children? Does NRS 125C.050(1) permit additional children to be added when they do not qualify under the first threshold question?

What effect does failure to join a party have on the action?

10. Pending proceedings in this court raising the same or similar issues. If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

None known.

11. Constitutional issues. If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

☐ N/A

☐ Yes

☒ No

If not, explain:

12. Other issues. Does this appeal involve any of the following issues?

☐ Reversal of well-settled Nevada precedent (identify the case(s))

☐ An issue arising under the United States and/or Nevada Constitutions

☒ A substantial issue of first impression

☒ An issue of public policy

☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

☐ A ballot question

If so, explain: Nevada has no law on any of the issues in this case. Clarification on these issues would be extremely helpful. Specifying that the UCCJEA does not apply to grandparent's rights actions would assist the legal community and the citizens by clarifying Nevada law so that the issues may be dealt with with expedience. Also, there is a section of the grandparent visitation statute that is often overlooked, which goes to the jurisdiction of the district courts to hear such matters. This provision should be ratified and clarified by this Court.

13. Assignment to the Court of Appeals or retention in the Supreme Court. Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

This case is presumptively assigned to the Court of Appeals. See NRAP 17(a)(11) (family law matters not involving termination of rights or NRS Chapter 432B).

This case should be retained by the Nevada Supreme Court as it involves a question of first impression in Nevada and for other reasons, as stated herein.

14. Trial. If this action proceeded to trial, how many days did the trial last? 0 _____

Was it a bench or jury trial? NA _____

15. Judicial Disqualification. Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?
NA

TIMELINESS OF NOTICE OF APPEAL

16. Date of entry of written judgment or order appealed from 8/17/18 and 8/23/18

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

17. Date written notice of entry of judgment or order was served 8/20/18 and 8/27/18

Was service by:

☐ Delivery

☒ Mail/electronic/fax

18. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59)

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

☐ NRCP 50(b) Date of filing _____

☐ NRCP 52(b) Date of filing _____

☐ NRCP 59 Date of filing _____

NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See AA Primo Builders v. Washington, 126 Nev. ___, 245 P.3d 1190 (2010).

(b) Date of entry of written order resolving tolling motion _____

(c) Date written notice of entry of order resolving tolling motion was served _____

Was service by:

☐ Delivery

☐ Mail

19. Date notice of appeal filed Aug 24, 2018

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:

20. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a) or other

NRAP 4(a)

SUBSTANTIVE APPEALABILITY

21. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:

(a)

- | | |
|---|---------------------------------------|
| <input checked="" type="checkbox"/> NRAP 3A(b)(1) | <input type="checkbox"/> NRS 38.205 |
| <input type="checkbox"/> NRAP 3A(b)(2) | <input type="checkbox"/> NRS 233B.150 |
| <input type="checkbox"/> NRAP 3A(b)(3) | <input type="checkbox"/> NRS 703.376 |
| <input checked="" type="checkbox"/> Other (specify) <u>NRAP 3A(b)(8), NRS 2.090</u> | |
-

(b) Explain how each authority provides a basis for appeal from the judgment or order:
NRAP 3A(b)(1) provides jurisdiction as the August 17, 2018 Order is a final order--it dismissed the entire action.

NRAP 3A(b)(8) might apply as the August 23, 2018 Order might be considered a special order after final judgment as it is an order for attorney's fees following the final judgment.

NRS 2.090 might apply as the August 23, 2018 Order might be considered a decision on the merits that necessarily affects the judgment.

22. List all parties involved in the action or consolidated actions in the district court:

(a) Parties:

Petitioner, Paula Blount

Respondent, Justin Blount

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other:

23. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.

Appellant requested grandparent visitation. Respondent opposed and requested attorney's fees. The order dismissing the action was entered on August 17, 2018 and the order awarding attorney's fees was entered on August 23, 2018.

24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?

☒ Yes

☐ No

25. If you answered "No" to question 24, complete the following:

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)?

☐ Yes

☐ No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?

☐ Yes

☐ No

26. If you answered "No" to any part of question 25, explain the basis for seeking appellate review (*e.g.*, order is independently appealable under NRAP 3A(b)):

27. Attach file-stamped copies of the following documents:

- e The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- e Any tolling motion(s) and order(s) resolving tolling motion(s)
- e Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- e Any other order challenged on appeal
- e Notices of entry for each attached order

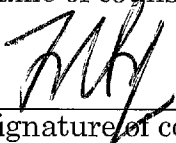
VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Paula Blount
Name of appellant

F. Peter James, Esq.
Name of counsel of record

Sep 11, 2018
Date


Signature of counsel of record

Clark County, Nevada
State and county where signed

CERTIFICATE OF SERVICE

I certify that on the _____ day of _____, _____, I served a copy of this completed docketing statement upon all counsel of record:

- ☐ By personally serving it upon him/her; or
- ☐ By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

See Next page

Dated this _____ day of _____, _____

Signature

CERTIFICATE OF SERVICE

The following are listed on the Master Service List and are served via the Court's electronic filing and service system (eFlex):

John T. Kelleher, Esq.