

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2
3 IN THE MATTER OF THE
4 VISITATION OF THE PERSONS OF:
5 J. C. B.; K. R. B.; L. B. B.; and L. A. B.,
6 MINORS.

7

8 PAULA BLOUNT,

9 Appellant,

10 vs.

11 JUSTIN CRAIG BLOUNT,

12 Respondent.

No.: 76831

**JOINT APPENDIX
VOLUME II**

Electronically Filed
Dec 17 2018 10:48 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

13 **TABLE OF CONTENTS**

14 **CHRONOLOGICAL LISTING**

15 **VOLUME I**

16	Petition for Grandparent Visitation (NRS 125C.050)	1
17	Motion for Temporary Orders	6
18	Notice of Appearance of Counsel	25
19	Proof of Service	27
20	Answer to Petition for Grandparent Visitation	28
	Opposition to Petitioner's Motion for Temporary Orders and Countermotion for Dismissal of Action and Attorney's Costs and Fees	34

1	Supplemental Exhibits to Respondent’s Opposition	57
2	Transcript of July 17, 2018 hearing	67
3	Second Supplemental Exhibits to Respondent’s Opposition	82
4	Brief as to Jurisdictional Issues and Related Matters	88
5	Exhibits in Support of Brief as to Jurisdictional Issues	
6	and Related Matters	101
7	Reply to Petitioner’s Brief	240
8	VOLUME II	
9	Transcript of July 25, 2018 hearing	250
10	Financial Disclosure Form (Petitioner’s)	257
11	Financial Disclosure Form (Respondent’s)	268
12	Financial Disclosure Form (Petitioner’s Amended)	276
13	Memorandum of Fees and Costs	289
14	Petitioner’s Brief Opposing Award of Fees and Costs to Respondent	304
15	Findings of Fact, Conclusions of Law, and Order from	
16	July 25, 2018 Hearing	308
17	Notice of Entry of Order	311
18	Order Awarding Attorney’s Fees and Costs	316
19	Notice of Appeal	320
20	Case Appeal Statement	323

1	Notice of Entry of Order	329
---	--------------------------------	-----

2	<u>ALPHABETICAL LISTING</u>
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3	Answer to Petition for Grandparent Visitation	28
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4	Brief as to Jurisdictional Issues and Related Matters	88
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5	Case Appeal Statement	323
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6	Exhibits in Support of Brief as to Jurisdictional Issues	
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7	and Related Matters	101
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8	Financial Disclosure Form (Petitioner's)	257
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9	Financial Disclosure Form (Petitioner's Amended)	276
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10	Financial Disclosure Form (Respondent's)	268
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11	Findings of Fact, Conclusions of Law, and Order from	
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12	July 25, 2018 Hearing	308
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13	Memorandum of Fees and Costs	289
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14	Motion for Temporary Orders	6
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15	Notice of Appeal	320
----	------------------------	-----

16	Notice of Appearance of Counsel	25
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17	Notice of Entry of Order	311
----	--------------------------------	-----

18	Notice of Entry of Order	329
----	--------------------------------	-----

19	Opposition to Petitioner's Motion for Temporary Orders and Countermotion	
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20	for Dismissal of Action and Attorney's Costs and Fees	34
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1	Order Awarding Attorney’s Fees and Costs	316
2	Petition for Grandparent Visitation (NRS 125C.050)	1
3	Petitioner’s Brief Opposing Award of Fees and Costs to Respondent	304
4	Proof of Service	27
5	Reply to Petitioner’s Brief	240
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10

11 Dated this 17th day of December, 2018

12 /s/ *F. Peter James*

13

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

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Bradley Hofland, Esq.
Counsel for Respondent

1 LAS VEGAS, NEVADA

WEDNESDAY, JULY 25, 2018

2 P R O C E E D I N G S

3 (THE PROCEEDING BEGAN AT 10:49:28.)

4 THE COURT: All right. This is the matter of Blount versus Blount,
5 D-18-571209-0. The parties are present -- cou- are not present.

6 Counsel, your appearances for the record.

7 MR. JAMES: Good morning, Your Honor. Peter James, 10091, here with
8 Paula Blount.

9 MR. KELLEHER: Good morning, Your Honor. John Kelleher, Bar Number
10 6012, on behalf of Mr. Blount, Your Honor.

11 MS. HASEEBULLAH: Saira Haseebullah, Bar Number 13500.

12 THE COURT: All right. Thank you, counsel. Everybody have a seat.
13 I've had an opportunity to review the reply that was filed yesterday.

14 Counsel, did you have an opportunity to review that?

15 MR. KELLEHER: Yes, Your Honor. In fact, we filed a -- they filed a
16 -- a supplemental brief. And we filed a reply.

17 THE COURT: Okay. So I see your reply was filed yesterday. The
18 supplemental -- the brief as to it was filed on the 19th. I've read them
19 both.

20 Anything else?

21 MR. JAMES: Just briefly, Your Honor, to comment on the reply.

22 THE COURT: Uh-huh.

23 MR. JAMES: The -- when you read the UCCJEA, it applies to custody
24 and proceedings regarding custody, guardianship, termination of parental
25 rights, adoption. So when you talk about visitation, it's custodial

1 visitation because when you have two parents living in different states and
2 you want to change something, it's not always custody. It can be their
3 visitation, but that's custodial visitation. And that's the distinction
4 that needs to be made between this.

5 THE COURT: Where does the UCCJEA make that distinction between
6 custodial visitation and any old visitation?

7 MR. JAMES: Well, it's in the same place, Your Honor, that I cited as
8 to the comments for the UCCJEA that says this applies to custody. So when
9 you read the act as a whole, especially...

10 THE COURT: So it doesn't -- there isn't a specific section that says
11 custodial visitation means this, visitation means this?

12 MR. JAMES: That is correct, Your Honor. (Indiscernible) but the
13 whole act...

14 THE COURT: Does any type of...

15 MR. JAMES: ...applies to custody.

16 THE COURT: ...visitation affect custody? Does any visitation order
17 in it's very nature affect custody?

18 MR. JAMES: Not necessarily, Your Honor.

19 THE COURT: Okay. Okay. Anything else?

20 MR. JAMES: No, Your Honor.

21 THE COURT: Mr. Kelleher.

22 MR. KELLEHER: Your Honor, I just would cite to Friedman versus
23 Eighth Judicial District Court, State of Nevada. And it sound -- it said
24 right -- right in it, the court very clearly found child custody
25 proceedings and defined that to mean a proceeding in which legal custody,

1 physical custody or visitation with respect to a child is at issue. And we
2 also cited some cases from around the country, Your Honor.

3 This case should never have been filed here. And respectfully,
4 I don't blame opposing counsel. His client pressed ahead. We sent out a
5 two-page letter mapping all this out for them, you know, in -- in very
6 plain terms. And -- and said, look. We're gonna seek fees if you push
7 forward with it. And there were other procedural defects as well, but
8 focused on whether we have jurisdiction. And...

9 THE COURT: Over the two children, oldest children.

10 MR. KELLEHER: Right. And we have no jurisdiction, Your Honor, zero,
11 none. And I -- I -- I don't know how much more clear it could be. We
12 asked for fees on this. And look. They can go. They can take their case
13 -- it's not like she's without a remedy. Go to the -- go to the tribe or
14 -- you know, we'll just treat it just like any other state. Go there and
15 make your petition that it should be here or apply for your -- your
16 grandparents' rights if that's what your seeking. Go ahead. You live in
17 Arizona. Go ahead and make that application there. This Court just
18 doesn't have jurisdiction, plain and simple.

19 THE COURT: Mr. James, anything else?

20 MR. JAMES: And just real briefly, Judge. If you read the section in
21 125C.050, that says the district court in the county in which the child
22 resides may grant the -- the visitation. There's another section after
23 that. Well, not another section, the rest of the sentence, which says, the
24 court can award to the grandparents and great-grandparents of the child and
25 to other children of either parent of the child, a reasonable right to

1 visit the child during the child's minority. Now, that would toss in Luna
2 and Logan to this mix, should there not be any other way to get them in.
3 That section itself does that because we can see by the clear language here
4 of the statute that they just don't want to award visitation of some kids
5 but not others. As long as it's the same parent, it's going to apply to
6 all the children. And so I would like to add that portion in as well.

7 THE COURT: Okay. Relative to the youngest Luna and Logan, the
8 Court's gonna request counsel's -- the Court is gonna grant counsel's
9 request to dismiss those children. First, mom -- natural mother is alive,
10 is a different mother than the oldest two. She was not named as a party.
11 She was not served. Ms. Blount alleges nothing that would require
12 visitation under our statute with Luna and Logan.

13 As to the oldest, the tribe -- the Hualapai Tribal Reservation
14 has exercised jurisdiction over those two children in two separate case
15 numbers in two separate proceedings that we've dealt with previously. The
16 Court finds that they have exclusive continuing jurisdiction.

17 In addition, Nevada does not have jurisdiction. Those two
18 children were not here present in Las Vegas, Clark County for the six
19 months, consecutive months, including any temporary absence immediately
20 before the commencement of the proceeding. The Court understands that now,
21 today, they may have been here six months. But that's not the requirement
22 in the statute or in the case law that follows.

23 The Court finds that the allegation of visitation is -- or the
24 argument that visitation is not custody and custodial visitation is
25 separate and different from any third party visitation inaccurate.

1 Visitation is, as the Nevada Supreme Court in Friedman discussed, to mean a
2 proceeding in which legal custody, physical custody or visitation with
3 respect to a child is at issue, that the Court does not view non-custodial
4 visitation or visitation with a third party through a separate lens, that
5 any visitation rights given to a non-parent affects a parent's visitation
6 and custody rights.

7 And accordingly, it is more appropriate for the tribe who has
8 -- and a judge who has heard two separate matters relative to these
9 children to continue to hear those. In addition, that forum is more
10 convenient. The children are older. They've only been in Nevada for a
11 handful of months, that all of the paperwork, all of the witnesses that
12 would be relevant for evidentiary hearing as to visitation reside or are in
13 the control of the tribe and the surrounding area. So the Court grants Mr.
14 Kelleher's motion.

15 Mr. Kelleher, you'll prepare a final order from today.

16 MR. KELLEHER: Yes, Your Honor, (indiscernible).

17 THE COURT: Will you send it to my department in Wordper- in Word,
18 electronically, so that I can change it if I need to...

19 MR. KELLEHER: Yes, Your Honor.

20 THE COURT: ...in addition to submitting a copy to Mr. James.
21 Whatever he -- because I may need to make some changes to it.

22 It certainly made some three-thousand feet findings today that
23 are supported by specific cases and specific statutes that I think are
24 outlined in your briefs and that I would appreciate that you would fill in.
25 If you don't, I -- I'm going to fill in.

1 The issue of attorney's fees, I think I will accept within ten
2 days from today's date, your memorandum of fees of costs, Brunzell Miller
3 affidavit, as well as a proposed order.

4 The proposed order should include findings and fact and
5 conclusions of law, especially those findings that are most appropriate to
6 why you believe and under what legal authority you should have your
7 attorney's fees granted.

8 Counsel, you'll be served with that. You'll have another ten
9 days to respond in writing with any -- you can call it an objection or
10 opposition, whatever -- whatever you want to call it.

11 I'm gonna set it for 30 days for my chamber's calendar. That
12 means no one needs to appear. I'll make a decision and issue an order.

13 MR. KELLEHER: Thank you, Your Honor.

14 THE COURT: Anything else I can do today?

15 MR. KELLEHER: No, thank you, Your Honor.

16 THE COURT: Thank you. Good luck.

17 MR. JAMES: Thank you.

18 (THE PROCEEDING ENDED AT 10:58:42.)

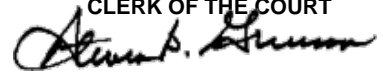
19
20 * * * * *

21 ATTEST: I do hereby certify that I have truly and correctly
transcribed the digital proceedings in the above-entitled case to the best
22 of my ability.

Sherry Justice
SHERRY JUSTICE
Transcriber II

FDF
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Electronically Filed
 7/31/2018 3:15 PM
 Steven D. Grierson
 CLERK OF THE COURT



Eighth Judicial District Court

Clark County Nevada

PAULA BLOUNT Plaintiff, vs. JUSTIN BLOUNT Defendant.	Case No. <u>D-18-571209-O</u> Dept. <u>B</u>
--	---

GENERAL FINANCIAL DISCLOSURE FORM

A. Personal Information:

1. What is your full name? (first, middle, last) Paula Jo Blount
 2. How old are you? 57
 3. What is your date of birth? 12/5/60
 4. What is your highest level of education? Some College

B. Employment Information:

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

☐ No

☒ Yes

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

Date of Hire	Employer Name	Job Title	Work Schedule (days)	Work Schedule (shift times)
7/2/18	Valentine Elementary	Office mgr	M-TH	7A - 5P

2. Are you disabled? (☒ check one)

☐ No

☒ Yes

If yes, what is your level of disability? _____

What agency certified you disabled? _____

What is the nature of your disability? _____

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

Prior Employer: Res Care Date of Hire: 7/20/15 Date of Termination: 4/28/18
 Reason for Leaving: got another job

Monthly Personal Income Schedule

A. Year-to-date Income.

As of the pay period ending 7/14/18 my gross year to date pay is 3192.30 Valentine
1613.67 ResCare

B. Determine your Gross Monthly Income.

Hourly Wage

	×		=	\$0.00	×	52	=	\$0.00	÷	12	=	\$0.00
Hourly Wage		Number of hours worked per week		Weekly Income		Weeks		Annual Income		Months		Gross Monthly Income

Annual Salary

<u>41,500</u>	÷	12	=	<u>3458.33</u>
Annual Income		Months		Gross Monthly Income

C. Other Sources of Income.

Source of Income	Frequency	Amount	12 Month Average
Annuity or Trust Income			
Bonuses			
Car, Housing, or Other allowance:			
Commissions or Tips:			
Net Rental Income:			
Overtime Pay			
Pension/Retirement:	<u>mo</u>	<u>month 1574.08</u>	<u>year 18,888.96</u>
Social Security Income (SSI):			
Social Security Disability (SSD):			
Spousal Support			
Child Support			
Workman's Compensation			
Other:			
Total Average Other Income Received			<u>1574.08</u> \$0.00 <u>month</u>

Total Average Gross Monthly Income (add totals from B and C above)	<u>5032.41</u> \$0.00 <u>month</u>
--	------------------------------------

D. Monthly Deductions

	Type of Deduction	Amount
1.	Court Ordered Child Support (automatically deducted from paycheck)	
2.	Federal Health Savings Plan	
3.	Federal Income Tax	393.25
4.	Health Insurance Amount for you: 510.82 For Opposing Party: _____ For your Child(ren): _____	510.82 0.00
5.	Life, Disability, or Other Insurance Premiums	207.55
6.	Medicare	46.28
7.	Retirement, Pension, IRA, or 401(k)	0
8.	Savings	
9.	Social Security	197.82
10.	Union Dues	
11.	Other: (Type of Deduction) <u>state taxes</u>	106.20
Total Monthly Deductions (Lines 1-11)		1461.92 0.00

Business/Self-Employment Income & Expense Schedule**A. Business Income:**

What is your average gross (pre-tax) monthly income/revenue from self-employment or businesses?

\$ 0

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

Type of Business Expense	Frequency	Amount	12 Month Average
Advertising	N/A		
Car and truck used for business			
Commissions, wages or fees			
Business Entertainment/Travel			
Insurance			
Legal and professional			
Mortgage or Rent			
Pension and profit-sharing plans			
Repairs and maintenance			
Supplies			
Taxes and licenses (include est. tax payments)			
Utilities			
Other:			
Total Average Business Expenses			0.00

Personal Expense Schedule (Monthly)

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

Expense	Monthly Amount I Pay	For Me ☐	Other Party ☐	For Both ☐
Alimony/Spousal Support		✓		
Auto Insurance	50.			
Car Loan/Lease Payment	300.			
Cell Phone	201.			
Child Support (not deducted from pay)				
Clothing, Shoes, Etc...	50.			
Credit Card Payments (minimum due)	0			
Dry Cleaning	0			
Electric	72.			
Food (groceries & restaurants)	400.			
Fuel	400.			
Gas (for home)	35.			
Health Insurance (not deducted from pay)				
HOA				
Home Insurance (if not included in mortgage)				
Home Phone				
Internet/Cable	57.44			
Lawn Care				
Membership Fees				
Mortgage/Rent/Lease	646.47			
Pest Control	35.			
Pets	15.			
Pool Service				
Property Taxes (if not included in mortgage)				
Security				
Sewer				
Student Loans				
Unreimbursed Medical Expense				
Water	89.			
Other: Air Conditioner payment	300.			
Total Monthly Expenses	0.00			

unsecured loan
fithes

416.
500.

Page 4 of 8

3 567.41

Household Information

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

	Child's Name	Child's DOB	Whom is this child living with?	Is this child from this relationship?	Has this child been certified as special needs/disabled?
1 st	N/A				
2 nd					
3 rd					
4 th					

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

Type of Expense	1 st Child	2 nd Child	3 rd Child	4 th Child
Cellular Phone	N/A			
Child Care				
Clothing				
Education				
Entertainment				
Extracurricular & Sports				
Health Insurance (if not deducted from pay)				
Summer Camp/Programs				
Transportation Costs for Visitation				
Unreimbursed Medical Expenses				
Vehicle				
Other:				
Total Monthly Expenses	0.00	0.00	0.00	0.00

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

Name	Age	Person's Relationship to You (i.e. sister, friend, cousin, etc...)	Monthly Contribution
N/A			

Personal Asset and Debt Chart

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

Line	Description of Asset and Debt Thereon	Gross Value	Total Amount Owed	Net Value	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
1.	2011 Toyota Sienna	\$ 11,649	- \$ 12,811.98	= \$ 0.00 - 1,162.98	Paula
2.		\$	- \$	= \$ 0.00	
3.		\$	- \$	= \$ 0.00	
4.		\$	- \$	= \$ 0.00	
5.		\$	- \$	= \$ 0.00	
6.		\$	- \$	= \$ 0.00	
7.		\$	- \$	= \$ 0.00	
8.		\$	- \$	= \$ 0.00	
9.		\$	- \$	= \$ 0.00	
10.		\$	- \$	= \$ 0.00	
11.		\$	- \$	= \$ 0.00	
12.		\$	- \$	= \$ 0.00	
13.		\$	- \$	= \$ 0.00	
14.		\$	- \$	= \$ 0.00	
15.		\$	- \$	= \$ 0.00	
Total Value of Assets (add lines 1-15)		\$ 0.00	- \$ 0.00	= \$ 0.00	

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

Line #	Description of Credit Card or Other Unsecured Debt	Total Amount owed	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
1.	Air conditioner credit card	\$ 2600.	Paula
2.	unsecured loan	\$ 19,522.16	Paula
3.		\$	
4.		\$	
5.		\$	
6.		\$	
Total Unsecured Debt (add lines 1-6)		\$ 0.00	

CERTIFICATION**Attorney Information:** Complete the following sentences:

1. I ~~(have)~~ have not) have retained an attorney for this case.
2. As of the date of today, the attorney has been paid a total of \$ 5,000 on my behalf.
3. I have a credit with my attorney in the amount of \$ unknown.
4. I currently owe my attorney a total of \$ 0.
5. I owe my prior attorney a total of \$ 0.

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

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

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

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

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

J. Blunt
Signature

7/30/18
Date

I can't get on Rescare website since I'm no longer employed with them.

CERTIFICATE OF SERVICE

I certify that on this 31st day of July, 2018, I caused the above and foregoing document entitled GENERAL FINANCIAL DISCLOSURE FORM to be served as follows:

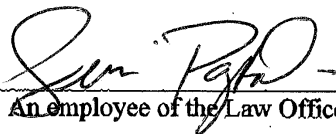
☒ pursuant to EDCR 8.05(A), EDCR 8.05(F), NRCp 5(b)(2)(D) and Administrative Order 14-2 captioned "In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court," by mandatory electronic service through the Eighth Judicial District Court's electronic filing system;

☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;

☐ pursuant to EDCR 7.26, to be sent via facsimile / mail, by duly executed sent for electronic service means;

to the attorney(s) / party(ies) listed below at the address, email address, and/or facsimile number indicated below:

By:



An employee of the Law Offices of F. Peter James, Esq., PLLC



ARIZONA STATE RETIREMENT SYSTEM

3300 NORTH CENTRAL AVENUE • PO BOX 33910 • PHOENIX, AZ 85067-3910 • PHONE (602) 240-2000
4400 EAST BROADWAY BOULEVARD • SUITE 200 • TUCSON, AZ 85711-3554 • PHONE (520) 239-3100
TOLL FREE OUTSIDE METRO PHOENIX AND TUCSON 1 (800) 621-3778
EMAIL ADDRESS: ASKMAC@AZASRS.GOV • WEB ADDRESS: WWW.AZASRS.GOV

Paul Matson
Director

Date: 07/29/2018

Paula Blount
PO Box 6856
Kingman, AZ 86402-6856

RE: Pension Verification

Dear Ms. Blount:

This letter is a verification of your pension benefit with the Arizona State Retirement System (ASRS). The ASRS has the following information currently on record:

Retirement Date: 04/11/2015

Gross Monthly Pension: \$1,574.08

Duration: Lifetime

Please note the Gross Monthly Pension amount may increase in the future due to permanent benefit increases.

If you have further questions you may contact the ASRS Member Advisory Center by secure message through your online account at www.azasrs.gov or by telephone at (602) 240-2000 in Phoenix, (520) 239-3100 in Tucson or toll-free outside metro Phoenix and Tucson at 1-800-621-3778.

Sincerely,
Member Advisory Center
ARIZONA STATE RETIREMENT SYSTEM

5200004859

BLOUNT, PAULA J	2	BI-WEEKLY	07/14/2018	07/20/2018	5200004859
Employee Name	Period	Pay Cycle	End Date	Pay Date	Check Number
Federal Status: Single, Exe: 1	State: AZ 2.7% of taxable wages				

EARNINGS	Reg Hrs	O/T Hrs	Rate	Amt	Over time	FTD	YTD
In lieu of Insurance Payment	0.00	0.00	0.00	282.48	0.00	584.92	584.92
Office Manager	0.00	0.00	0.00	1,313.68	0.00	2,827.38	2,827.38
EARNINGS Total:	0.00	0.00		1,596.15		3,412.30	3,412.30

EMPLOYEE DEDUCTIONS	Amount	YTD
FED TAX W/H	147.98	295.96
FICA - MEDICARE	23.14	46.28
FICA - SOC SEC	98.98	197.92
STATE TAX W/H	43.10	86.20
DEDUCTIONS Total:	313.19	626.36

EMPLOYER PAID BENEFITS	Amount	YTD
ASRS Alternative Contribution Rate	169.07	338.14
FICA - MEDICARE	23.14	46.28
FICA - SOC SEC	98.98	197.92
BENEFITS Total:	290.17	582.34

PP02

District Office (888) 590-7998 JB2069449

TOTAL: \$1,282.97


BLOUNT, PAULA J	1	BI-WEEKLY	07/01/2018	07/08/2018	5260001885	Check Number
Employee Name	Period	Pay Cycle	End Date	Pay Date		
Federal Status: Single, Exe: 1	State: AZ 2.7% of taxable wages					

EARNINGS	Reg Hrs	O/T Hrs	Rate	Amt	Over time	FTD	YTD
In lieu of Insurance Payment	0.00	0.00	0.00	282.46	0.00	282.46	282.46
Office Manager	0.00	0.00	0.00	1,313.69	0.00	1,313.69	1,313.69
EARNINGS Total:	0.00	0.00	0.00	1,596.15	0.00	1,596.15	1,596.15

EMPLOYEE DEDUCTIONS	Amount	YTD
FED TAX W/H	147.88	147.88
FICA - MEDICARE	23.14	23.14
FICA - SOC SEC	98.96	98.96
STATE TAX W/H	43.10	43.10
DEDUCTIONS Total:	313.18	313.18

EMPLOYER PAID BENEFITS	Amount	YTD
ASRS Alternative Contribution Rate	168.07	168.07
FICA - MEDICARE	23.14	23.14
FICA - SOC SEC	98.96	98.96
BENEFITS Total:	290.17	290.17

1901


 ISPICKOFFICE (800) 590-7998 182069449

TOTAL: \$1,282.97

Steven D. Grierson

FDF

Name: John T. Kelleher, Esq.
Address: 40. S. Stephanie Street, Suite #201
Henderson, Nevada 89012
Phone: 702-384-7494
Email: kelleherjt@aol.com
Attorney for Respect
Nevada State Bar No. 6012

Eighth Judicial District Court

Clark County, Nevada

D-18-571209-0

<u>Paula Paula Blount</u> Plaintiff,	Case No. <u>D-18-571209-0</u>
vs. <u>Justin Blount</u> Defendant.	Dept. <u>B</u>

GENERAL FINANCIAL DISCLOSURE FORM

A. Personal Information:

1. What is your full name? (first, middle, last) Justin Craig Blount
2. How old are you? 32
3. What is your date of birth? 7-23-85
4. What is your highest level of education? GED

B. Employment Information:

1. Are you currently employed/ self-employed? (☒ check one)
☒ No
☐ Yes If yes, complete the table below. Attached an additional page if needed.

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

2. Are you disabled? (☒ check one)

☒ No

☐ Yes

If yes, what is your level of disability? _____

What agency certified you disabled? _____

What is the nature of your disability? _____

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

Prior Employer: Smoke Zone Date of Hire: 5-2015 Date of Termination: 3-2018
Reason for Leaving: Dr recommended constant parental supervision due to child's mental + Behavioral health for safety of other children

Monthly Personal Income Schedule

A. Year-to-date Income.

As of the pay period ending 3-31-18 my gross year to date pay is 4667.58

B. Determine your Gross Monthly Income.

Hourly Wage

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

Annual Salary

	÷	12	=	
Annual Income		Months		Gross Monthly Income

C. Other Sources of Income.

Source of Income	Frequency	Amount	12 Month Average
Annuity or Trust Income			
Bonuses			
Car, Housing, or Other allowance:			
Commissions or Tips:			
Net Rental Income:			
Overtime Pay			
Pension/Retirement:			
Social Security Income (SSI):	<u>monthly</u>	<u>19,152</u>	<u>1,596</u>
Social Security Disability (SSD):			
Spousal Support			
Child Support			
Workman's Compensation			
Other:			
Total Average Other Income Received			<u>1,596</u>
Total Average Gross Monthly Income (add totals from B and C above)			<u>1,596</u>

D. Monthly Deductions

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

Business/Self-Employment Income & Expense Schedule

A. Business Income:

What is your average gross (pre-tax) monthly income/revenue from self-employment or businesses?
\$ _____

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

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

Personal Expense Schedule (Monthly)

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

Expense	Monthly Amount I Pay	For Me <input type="checkbox"/>	Other Party <input type="checkbox"/>	For Both <input type="checkbox"/>
Alimony/Spousal Support				
Auto Insurance	240			
Car Loan/Lease Payment	344			
Cell Phone	109			
Child Support (not deducted from pay)				
Clothing, Shoes, Etc...	200			
Credit Card Payments (minimum due)	30			
Dry Cleaning				
Electric	180			
Food (groceries & restaurants)	550			
Fuel	400			
Gas (for home)				
Health Insurance (not deducted from pay)				
HOA				
Home Insurance (if not included in mortgage)				
Home Phone				
Internet/Cable	71			
Lawn Care				
Membership Fees				
Mortgage/Rent/Lease	865			
Pest Control	20			
Pets	140			
Pool Service				
Property Taxes (if not included in mortgage)				
Security				
Sewer				
Student Loans	200			
Unreimbursed Medical Expense	50			
Water				
Other: appliances + parking	204			
Total Monthly Expenses	3603			

Household Information

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

	Child's Name	Child's DOB	Whom is this child living with?	Is this child from this relationship?	Has this child been certified as special needs/disabled?
1 st	Luna Blount	3-11-16	parents		yes
2 nd	Logan Blount	12-14-17	parents		no
3 rd	Jeremiah Blount	1-19-10	Dad		yes
4 th	Kaydi Blount	2-19-18	Dad		being tested currently

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

Type of Expense	1 st Child	2 nd Child	3 rd Child	4 th Child
Cellular Phone				
Child Care	10	10	10	10
Clothing	38	38	33	33
Education			200	200
Entertainment	10		10	10
Extracurricular & Sports	75		40	125
Health Insurance (if not deducted from pay)				
Summer Camp/Programs				
Transportation Costs for Visitation				
Unreimbursed Medical Expenses			10	30
Vehicle				
Other: Diaper/wipes + therapy related expenses	50	50	120	30
Total Monthly Expenses	183	98	423	438

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

Name	Age	Person's Relationship to You (i.e. sister, friend, cousin, etc...)	Monthly Contribution
Stephanie	25	Spouse	3000

Personal Asset and Debt Chart

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

Line	Description of Asset and Debt Thereon	Gross Value	Total Amount Owed	Net Value	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
1.	Tahoe	\$ 7000	- \$ 9000	= \$ -2000	Spouse
2.		\$	- \$	= \$	
3.		\$	- \$	= \$	
4.		\$	- \$	= \$	
5.		\$	- \$	= \$	
6.		\$	- \$	= \$	
7.		\$	- \$	= \$	
8.		\$	- \$	= \$	
9.		\$	- \$	= \$	
10.		\$	- \$	= \$	
11.		\$	- \$	= \$	
12.		\$	- \$	= \$	
13.		\$	- \$	= \$	
14.		\$	- \$	= \$	
15.		\$	- \$	= \$	
Total Value of Assets (add lines 1-15)		\$ 7000	- \$ 9000	= \$ -2000	

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

Line #	Description of Credit Card or Other Unsecured Debt	Total Amount owed	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
1.	Appliance Loan	\$ 2900	spouse
2.	Student Loan	\$ 15,391	spouse
3.		\$	
4.		\$	
5.		\$	
6.		\$	
Total Unsecured Debt (add lines 1-6)		\$ 44391	

CERTIFICATION

Attorney Information: Complete the following sentences:

1. I (have/have not) have retained an attorney for this case.
2. As of the date of today, the attorney has been paid a total of \$ 1500 on my behalf.
3. I have a credit with my attorney in the amount of \$ 0.
4. I currently owe my attorney a total of \$ 2500.
5. I owe my prior attorney a total of \$ 0.

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

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

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

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

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


JB
Signature

6-27-18
Date

CERTIFICATE OF MAILING

I hereby certify that on the 2nd day of August, 2018, I deposited a true and correct copy of the above and foregoing FINANCIAL DISCLOSURE FORM 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

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

Electronically Filed
8/3/2018 9:01 AM
Steven D. Grierson
CLERK OF THE COURT

Steven D. Grierson

Eighth Judicial District Court

Clark County, Nevada

PAULA BLOUNT Plaintiff, vs. JUSTIN BLOUNT Defendant.	Case No. <u>D-18-571209-O</u> Dept. <u>B</u>
--	---

GENERAL FINANCIAL DISCLOSURE FORM

A. Personal Information:

1. What is your full name? (first, middle, last) Paula Jo Blount
2. How old are you? 57
3. What is your date of birth? 12/5/60
4. What is your highest level of education? Some College

B. Employment Information:

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

☐ No

☒ Yes

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

Date of Hire	Employer Name	Job Title	Work Schedule (days)	Work Schedule (shift times)
7/2/18	Valentine Elementary	Office mgr	M-Th	7A - 5P

2. Are you disabled? (☒ check one)

☒ No

☐ Yes

If yes, what is your level of disability? _____

What agency certified you disabled? _____

What is the nature of your disability? _____

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

Prior Employer: Res Care Date of Hire: 7/20/15 Date of Termination: 4/28/18
Reason for Leaving: got another job

Monthly Personal Income Schedule

A. Year-to-date Income.

As of the pay period ending 7/14/18 my gross year to date pay is 3192.30 Valentine
1613.67 ResCare

B. Determine your Gross Monthly Income.

Hourly Wage

	×		=	\$0.00	×	52	=	\$0.00	÷	12	=	\$0.00
Hourly Wage		Number of hours worked per week		Weekly Income		Weeks		Annual Income		Months		Gross Monthly Income

Annual Salary

41,500	÷	12	=	3458.33
Annual Income		Months		Gross Monthly Income

C. Other Sources of Income.

Source of Income	Frequency	Amount	12 Month Average
Annuity or Trust Income			
Bonuses			
Car, Housing, or Other allowance:			
Commissions or Tips:			
Net Rental Income:			
Overtime Pay			
Pension/Retirement:	mo	month 1574.08	year 18,888.96
Social Security Income (SSI):			
Social Security Disability (SSD):			
Spousal Support			
Child Support			
Workman's Compensation			
Other:			
Total Average Other Income Received			1574.08 \$0.00 month

Total Average Gross Monthly Income (add totals from B and C above)	5032.41 \$0.00 month
--	----------------------

D. Monthly Deductions

	Type of Deduction	Amount
1.	Court Ordered Child Support (automatically deducted from paycheck)	
2.	Federal Health Savings Plan	
3.	Federal Income Tax	393.25
4.	Health Insurance Amount for you: 510.82 For Opposing Party: For your Child(ren):	510.82 0.00
5.	Life, Disability, or Other Insurance Premiums	207.55
6.	Medicare	46.28
7.	Retirement, Pension, IRA, or 401(k)	0
8.	Savings	
9.	Social Security	197.82
10.	Union Dues	
11.	Other: (Type of Deduction) state taxes	106.20
Total Monthly Deductions (Lines 1-11)		1461.92 0.00

Business/Self-Employment Income & Expense Schedule**A. Business Income:**

What is your average gross (pre-tax) monthly income/revenue from self-employment or businesses?

\$ 0

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

Type of Business Expense	Frequency	Amount	12 Month Average
Advertising	N/A		
Car and truck used for business			
Commissions, wages or fees			
Business Entertainment/Travel			
Insurance			
Legal and professional			
Mortgage or Rent			
Pension and profit-sharing plans			
Repairs and maintenance			
Supplies			
Taxes and licenses (include est. tax payments)			
Utilities			
Other:			
Total Average Business Expenses			0.00

Personal Expense Schedule (Monthly)

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

Expense	Monthly Amount I Pay	For Me <input type="checkbox"/>	Other Party <input type="checkbox"/>	For Both <input type="checkbox"/>
Alimony/Spousal Support		<input checked="" type="checkbox"/>		
Auto Insurance	50.	<input type="checkbox"/>		
Car Loan/Lease Payment	300.	<input type="checkbox"/>		
Cell Phone	201.	<input type="checkbox"/>		
Child Support (not deducted from pay)		<input type="checkbox"/>		
Clothing, Shoes, Etc...	50.	<input type="checkbox"/>		
Credit Card Payments (minimum due)	0	<input type="checkbox"/>		
Dry Cleaning	0	<input type="checkbox"/>		
Electric	72.	<input type="checkbox"/>		
Food (groceries & restaurants)	400.	<input type="checkbox"/>		
Fuel	400.	<input type="checkbox"/>		
Gas (for home)	35.	<input type="checkbox"/>		
Health Insurance (not deducted from pay)		<input type="checkbox"/>		
HOA		<input type="checkbox"/>		
Home Insurance (if not included in mortgage)		<input type="checkbox"/>		
Home Phone		<input type="checkbox"/>		
Internet/Cable	57.44	<input type="checkbox"/>		
Lawn Care		<input type="checkbox"/>		
Membership Fees		<input type="checkbox"/>		
Mortgage/Rent/Lease	646.47	<input type="checkbox"/>		
Pest Control	35.	<input type="checkbox"/>		
Pets	15.	<input type="checkbox"/>		
Pool Service		<input type="checkbox"/>		
Property Taxes (if not included in mortgage)		<input type="checkbox"/>		
Security		<input type="checkbox"/>		
Sewer		<input type="checkbox"/>		
Student Loans		<input type="checkbox"/>		
Unreimbursed Medical Expense		<input type="checkbox"/>		
Water	89.	<input type="checkbox"/>		
Other: Air Conditioner payment	300.	<input type="checkbox"/>		
Total Monthly Expenses	0.00			

unsecured loan
fithes

416.
500.

Page 4 of 8

3 567.41

Household Information

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

	Child's Name	Child's DOB	Whom is this child living with?	Is this child from this relationship?	Has this child been certified as special needs/disabled?
1 st	N/A				
2 nd					
3 rd					
4 th					

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

Type of Expense	1 st Child	2 nd Child	3 rd Child	4 th Child
Cellular Phone	N/A			
Child Care				
Clothing				
Education				
Entertainment				
Extracurricular & Sports				
Health Insurance (if not deducted from pay)				
Summer Camp/Programs				
Transportation Costs for Visitation				
Unreimbursed Medical Expenses				
Vehicle				
Other:				
Total Monthly Expenses	0.00	0.00	0.00	0.00

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

Name	Age	Person's Relationship to You (i.e. sister, friend, cousin, etc...)	Monthly Contribution
N/A			

Personal Asset and Debt Chart

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

Line	Description of Asset and Debt Thereon	Gross Value	Total Amount Owed	Net Value	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
1.	2011 Toyota Sienna	\$ 11,649	- \$ 12,811.98	= \$ 0.00 -1,162.98	Paula
2.		\$	- \$	= \$ 0.00	
3.		\$	- \$	= \$ 0.00	
4.		\$	- \$	= \$ 0.00	
5.		\$	- \$	= \$ 0.00	
6.		\$	- \$	= \$ 0.00	
7.		\$	- \$	= \$ 0.00	
8.		\$	- \$	= \$ 0.00	
9.		\$	- \$	= \$ 0.00	
10.		\$	- \$	= \$ 0.00	
11.		\$	- \$	= \$ 0.00	
12.		\$	- \$	= \$ 0.00	
13.		\$	- \$	= \$ 0.00	
14.		\$	- \$	= \$ 0.00	
15.		\$	- \$	= \$ 0.00	
Total Value of Assets (add lines 1-15)		\$0.00	- \$0.00	= \$ 0.00	

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

Line #	Description of Credit Card or Other Unsecured Debt	Total Amount owed	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
1.	Air conditioner credit card	\$ 2600.	Paula
2.	unsecured loan	\$ 19,522.16	Paula
3.		\$	
4.		\$	
5.		\$	
6.		\$	
Total Unsecured Debt (add lines 1-6)		\$ 0.00	

CERTIFICATION

Attorney Information: Complete the following sentences:

1. I ~~(have)~~ have not) have retained an attorney for this case.
2. As of the date of today, the attorney has been paid a total of \$ 5,000 on my behalf.
3. I have a credit with my attorney in the amount of \$ unknown.
4. I currently owe my attorney a total of \$ 0.
5. I owe my prior attorney a total of \$ 0.

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

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

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

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

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

Signature

P. Blunt

Date

8/2/18

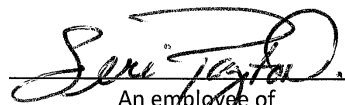
CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Law Offices of F. Peter James, Esq.. I am over the age of 18 and not a party to the within action. I am "readily familiar" with firm's practice of collection and processing documents for mailing. Under the Firm's practice, mail is to be deposited with the U.S. Postal Service on the same day as stated below, with postage thereon fully prepaid.

I served the foregoing document described as "Financial Disclosure Form" on this 3rd day of August, 2018, to all interested parties as follows:

- o By mail: Pursuant To NRCP 5(b), I placed a true copy thereof enclosed in a sealed envelope addressed as follows;
- o BY FACSIMILE: Pursuant to EDCR 7.26, I transmitted a copy of the foregoing document this date via telecopier to the facsimile number shown below;
- o BY ELECTRONIC TRANSMISSION: Pursuant to EDCR 7.26, I caused to be transmitted a copy of the foregoing document this date via the Court's electronic filing system to the electronic mail address shown below;
- o BY CERTIFIED MAIL: I placed a true copy thereof enclosed in a sealed envelope, return receipt requested, addressed as follows:

John T. Kelleher, Esq.
40 S. Stephanie Street., Suite 201
Henderson, Nevada 89012
702-384-7494
Counsel for Respondent


An employee of
the Law Offices of F. Peter James, Esq.



ARIZONA STATE RETIREMENT SYSTEM

3300 NORTH CENTRAL AVENUE • PO BOX 33910 • PHOENIX, AZ 85067-3910 • PHONE (602) 240-2000
4400 EAST BROADWAY BOULEVARD • SUITE 200 • TUCSON, AZ 85711-3554 • PHONE (520) 239-3100
TOLL FREE OUTSIDE METRO PHOENIX AND TUCSON 1 (800) 621-3778
EMAIL ADDRESS: ASKMAC@AZASRS.GOV • WEB ADDRESS: WWW.AZASRS.GOV

Paul Watson
Director

Date: 07/29/2018

Paula Blount
PO Box 6856
Kingman, AZ 86402-6856

RE: Pension Verification

Dear Ms. Blount:

This letter is a verification of your pension benefit with the Arizona State Retirement System (ASRS). The ASRS has the following information currently on record:

Retirement Date: 04/11/2015

Gross Monthly Pension: \$1,574.08

Duration: Lifetime

Please note the Gross Monthly Pension amount may increase in the future due to permanent benefit increases.

If you have further questions you may contact the ASRS Member Advisory Center by secure message through your online account at www.azasrs.gov or by telephone at (602) 240-2000 in Phoenix, (520) 239-3100 in Tucson or toll-free outside metro Phoenix and Tucson at 1-800-621-3778.

Sincerely,
Member Advisory Center
ARIZONA STATE RETIREMENT SYSTEM

5200004859

BLOUNT, PAULA J	2	BI-WEEKLY	07/14/2018	07/20/2018	5200004859
Employee Name	Period	Pay Cycle	End Date	Pay Date	Check Number
Federal Status: Single, Exe: 1		State: AZ 2.7% of taxable wages			

EARNINGS	Reg Hrs	O/T Hrs	Rate	Amt	Over time	FTD	YTD
In lieu of Insurance Payment	0.00	0.00	0.00	262.48	0.00	564.92	564.92
Office Manager	0.00	0.00	0.00	1,313.68	0.00	2,627.38	2,627.38
EARNINGS Total:	0.00	0.00		1,596.15		3,192.30	3,192.30

EMPLOYEE DEDUCTIONS	Amount	YTD
FED TAX W/H	147.88	295.06
FICA - MEDICARE	23.14	46.28
FICA - SOC SEC	98.98	197.92
STATE TAX W/H	43.10	86.20
DEDUCTIONS Total:	313.10	625.36

EMPLOYER PAID BENEFITS	Amount	YTD
ASRS/Alternative Contribution Rate	168.07	336.14
FICA - MEDICARE	23.14	46.28
FICA - SOC SEC	98.98	197.92
BENEFITS Total:	290.17	580.34

PP02

District Office (888) 590-7998 JB2069449

TOTAL: \$1,282.97

BLOUNT, PAULA J	1	BI-WEEKLY	07/01/2016	02/06/2018	526000.00
Employee Name	Period	Pay Cycle	End Date	Pay Date	Check Number
Federal Status: Single, Exe: 1					
State: AZ 2.7% of taxable wages					

EARNINGS		Reg Hrs	OT Hrs	Rate	Amt	Over time	FTD	YTD
In fee of Insurance Payment	0.00	0.00	0.00	0.00	282.46	0.00	282.46	262.49
Critical Manager	0.00	0.00	0.00	4,313.68	0.00	0.00	4,313.68	1,513.69
EARNINGS Total:	0.00	0.00	0.00		1,596.15	1,596.15	1,596.15	1,596.15

EMPLOYEE DEDUCTIONS	Amount	YTD
FED TAX WH	147.98	147.98
FICA - MEDICARE	23.14	23.14
FICA - SOC SEC	68.96	68.96
STATE TAX WH	43.10	43.10

DEDUCTIONS Total:

EMPLOYER PAID BENEFITS	Amount	YTD
ASRS/Alternative Contribution Rate	193.07	169.07
FICA - MEDICARE	23.14	23.14
FICA - SOC SEC	58.99	58.99
BENEFITS Total:	280.17	250.17

1001

DISPATCHES (B90) 590-7998 J82069949

TOTAL:

\$1,282.97

CO. FILE DEPT. CLOCK YEAR NO.
 22CN 12/02 003823 0000270003 1

004-0021

RES-CARE, INC.
 (502) 394-2100
 9901 LINN STATION ROAD
 LOUISVILLE, KY 40223

Taxable Marital Status: Single
 Exemptions/Allowances:
 Federal: 1
 AZ: Tax is 2.7%

Earnings Statement

Period Beginning: 06/23/2018
 Period Ending: 06/30/2018
 Pay Date: 07/06/2018

PAULA BLOUNT
3834 E LASS AVE
KINGMAN AZ 86402-0000

Earnings	rate	hours	this period	year to date
Regular	15.4500	40.00	618.00	14,766.82
Overtime	23.1750	.03	0.70	58.88
Pto	15.4500	19.25	297.41	1,147.16
Holiday				618.00
Incentive				2,137.80
Gross Pay			\$861.14	19,192.16

Other Benefits and**Information**

	this period	total to date
Pto Balance		0.01
EMPLOYEE ID		0466565

Important Notes

ACCESS PERSONAL DATA AND PAY STUBS WITH EMPLOYEE
 SELF SERVICE! CONTACT YOUR HR DESIGNEE FOR INFO.

Deductions	Statutory		
Federal Income Tax	-59.79	1,521.93	
Social Security Tax	-56.79	1,189.91	
Medicare Tax	-13.29	278.29	
AZ State Income Tax	-23.25	487.10	
Other			
401K	-54.97*	1,151.54	
Net Pay		\$708.02	
Checking	-708.02		
Net Check		\$0.00	

* Excluded from federal taxable wages

Your federal taxable wages this period are \$861.14

© 2008 ADP, LLC

RES-CARE, INC.
 (502) 394-2100
 9901 LINN STATION ROAD
 LOUISVILLE, KY 40223

Advice number: 00000270003
 Pay date: 07/06/2018

Deposited to the account of
 PAULA BLOUNT

account number	transit ABA	amount
XXXXXX9775	XXXX XXXX	\$708.02

VOID AFTER 180 DAYS

THIS IS NOT A CHECK

NON-NEGOTIABLE

Valentine Elementary
12491 N Byers
HC 35 Box 50
Peach Springs, AZ 86434

DIRECT DEPOSIT RECEIPT

PAYROLL

PAY DATE: 08/03/2018

DIRECT DEPOSIT AMOUNT: ***One Thousand Two Hundred Eighty Two and 97/100 Dollars***

\$1,282.97

BLOUNT, PAULA J
3834 E LASS AVE
KINGMAN, AZ 86409

NON - NEGOTIABLE

Valentine Elementary

Peach Springs, AZ 86434

BLOUNT, PAULA J	3	BI-WEEKLY	07/28/2018	08/03/2018	8/3/2018
Employee Name	Period	Pay Cycle	End Date	Pay Date	Deposit Date
Federal Status: Single, Exe: 1	State: AZ 2.7% of taxable wages				

EARNINGS	Reg Hrs	O/T Hrs	Rate	Amt	Over time	FTD	YTD
Office Manager	0.00	0.00	0.00	1,318.69	0.00	3,941.07	3,941.07
In lieu of Insurance Payment	0.00	0.00	0.00	262.48	0.00	847.38	847.38
EARNINGS Total:	0.00	0.00		1,598.15		4,798.45	4,798.45

EMPLOYEE DEDUCTIONS	Amount	YTD
FED TAX WH	147.98	443.94
FICA - MEDICARE	23.14	68.42
FICA - SOC SEC	98.98	296.88
STATE TAX WH	43.10	128.30
DIRECT-DEPOSIT SUREPAY	1,282.67	1,282.97
DEDUCTIONS Total:	1,598.15	2,222.51

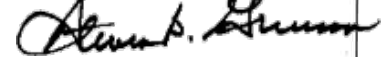
EMPLOYER PAID BENEFITS	Amount	YTD
ASRS Alternative Contribution Rate	168.07	504.21
FICA - MEDICARE	23.14	68.42
FICA - SOC SEC	98.98	296.88
BENEFITS Total:	290.17	870.51

pp3

District Office

Net Amount:

\$1,282.97



MEMO
JOHN T. KELLEHER, ESQ.
Nevada State 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)	

RESPONDENT'S MEMORANDUM OF FEES AND COSTS
FOR JUNE 25, 2018 HEARING

COMES NOW, Respondent Justin Blount, by and through his attorney, John T. Kelleher, Esq., of KELLEHER & KELLEHER, LLC, and hereby files her MEMORANDUM OF FEES AND COSTS in this matter.

DATED this 2 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

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

I.

STATEMENT OF FACTS

Here, Respondent Justin Blount is the father of four minor children: JEREMIAH, KAYDI, LUNA, AND LOGAN BLOUNT. Petitioner brought forth this action, costing Respondent thousands of dollars in costs and fees, despite having no meritorious grounds to do so.

On June 21, 2018 Respondent's counsel submitted a 2 page, highly-detailed letter explaining exactly why Nevada was not the appropriate jurisdiction for this action. Both older children (Jeremiah and Kaydi) were not yet residents of Nevada for six months when Petitioner filed her motion. The children had been residents of the Hualapai Tribal Reservation in Peach Springs, Arizona for the past several years, until their natural mother's untimely passing. The Tribal Court continued to exercise jurisdiction over the children after their mother's passing, and as a sovereign nation, retain continuing, exclusive jurisdiction over the minor children until such time as they release jurisdiction.

Moreover, in regard to the two younger children, the natural mother, Stephanie Blount, was not named as a party nor was she personally served. Despite the natural parents being married, vehemently opposed to Petitioner having contact with the minor children, and Petitioner having virtually no relationship with the children, Petitioner proceeded to request visitation with the children.

Despite Respondent providing a highly detailed letter in which the law was clearly articulated, Petitioner insisted on moving forward with this action, requiring not one but two Court dates and costing Respondent thousands of dollars in legal fees. Respondent is now the sole financial provider for four young children, three of whom require special needs. Petitioner likely anticipated Respondent not having the funds to defend himself in this litigation, which is why she elected to proceed with her baseless action. Respondent should be awarded the entirety of his legal fees and

1 costs, particularly since he made every effort to minimize litigation and provide a
2 detailed letter articulating the lack of merit in Petitioner's request.

3 **II.**

4 **LEGAL ARGUMENT**

5 The Attorney Fees and Costs incurred in this case were necessary. Not only is
6 it not in the children's best interest to visit with Petitioner, but as a procedural issue,
7 this Court is not the proper jurisdiction for such a determination. Two hearings were
8 held in this action, on July 17, 2018 and July 25, 2018, at which time the Court
9 agreed that Nevada was not the appropriate jurisdiction to determine visitation with
10 the two older children, who are both registered members of the Hualapai Tribe.
11 Further, the Court summarily dismissed the action as to the two younger children,
12 noting that the natural mother was a necessary party and she was neither named nor
13 served in the action.

14 The Court directed counsel to file this brief pursuant to *Miller v. Wilfong*, 121
15 Nev. 619, 119 P.3d 727 (2005), wherein the Nevada Supreme Court held that when
16 deciding whether to award attorney fees in family law cases, the following factors
17 should be considered:

- 18 1. Counsel must cite a statute or rule as a legal basis for attorney's fees;
- 19 2. The Court must follow the four (4) factors set forth in *Brunzell v. Gold*
20 *Gate National Bank* 85 Nev. 345, 455 P.2d 31 (1969); i.e., (1) the
21 qualities of the advocate, his ability, his training, education, experience,
22 professional standing and skill; (2) the character of the work to be done:
23 its difficulty, its intricacy, its importance, time and skill required, the
24 responsibility imposed and the prominence and character of the parties
25 where they affect the importance of the litigation; (3) the work actually
26 performed by the lawyer, the skill, time and attention given to the work;
27 (4) the result: whether the attorney was successful and what benefits
28

were derived;

3. The Court must consider the disparity in income of the parties pursuant to *Wright v. Osburn*, 114 Nev. 1367, 970 P.2d 1071 (1998);

4. The request must be supported by affidavits or other evidence that meets the factors in *Brunzell* and *Wright*.

1. THE COURT HAS A LEGAL BASIS TO AWARD ATTORNEY'S FEES

Pursuant to Nevada statutes NRS 18.010 and EDCR 7.60, the court should award attorney fees to Respondent both as the prevailing party and based on the frivolous and vexatious filings of Petitioner. The court also found that Petitioner's argument was inaccurate, and that Nevada was not the appropriate jurisdiction to address visitation of the two older children.

2. BRUNZELL FACTORS

(1) The qualities of the advocate, his ability, his training, education, experience, professional standing and skill.

With respect to factor number one (1) in the *Brunzell* factors, John T. Kelleher, Esq., is a member of the American Academy of Matrimonial Lawyers ("AAML"). Additionally, Mr. Kelleher is an A/V rated, Certified Family Law Specialist, and has been named as a Super Lawyer. He has been practicing law for 22 years, and is an honors graduate of the J. Reuben Clark Law School at Brigham Young University. Mr. Kelleher attended both hearings, and spent significant time preparing the detailed letter sent on June 21, 2018.¹

(2) The character of the work to be done: its difficulty, its intricacy, its importance, time and skill required, the responsibility imposed and the prominence and character of the parties where they affect the importance of the litigation

With respect to factor number two (2) in the *Brunzell* factors, its difficulty, its intricacy, its importance, time and skill required is a consideration here.

¹ Also assisting in the preparation of this case was Saira Haseebullah, Esq. who bills at \$350.00 per hour. Attorney Kelleher bills at the rate of \$420.00 per hour.

1 While this case did not require a trial, issues were fairly complex in this matter
2 and unique in that they required considerations of factors under the ICWA. There
3 was also the research done on the procedural issues, to ensure that Respondent had
4 the information needed to avoid litigation in this action. Counsel's expertise in
5 conducting a thorough review of the documents during this case, including the
6 litigation history from the cases held in the Hualapai Tribal Courts, which was a
7 significant contribution to the outcome of the case. These were all factors in a
8 successful outcome for Respondent.

9 **(3) The work actually performed by the lawyer, the skill, time and**
10 **attention given to the work**

11 The work performed in response to factor three (3) is spelled out in the attached
12 billing statements. *See Exhibit 1.* Accordingly, the request for attorney fees is for
13 **\$9,692.00.**

14 **(4) The result: whether the attorney was successful and what benefits**
15 **were derived**

16 The outcome in this case was successful. Petitioner was denied visitation, and
17 the Court agreed with Respondent's position that the Tribal Court is to retain
18 jurisdiction over the two older children, and Petitioner's request was baseless as to
19 the two younger children.

20 **3. THE DISPARITY OF THE PARTIES' INCOMES**

21 Petitioner earns approximately \$5,000.00 per month, and has no children for
22 whom she provides financial support. In contrast, Respondent earns \$1,600.00 per
23 month in disability income. His total household income is roughly \$4,500.00
24 including his Wife's contribution, however his Wife was not a named party to this
25 action. More importantly, Respondent is supporting four children financially, three
26 of whom have special needs and require therapy, doctor visits, etc. each week.

27 **4. SUPPORTING AFFIDAVITS OR OTHER EVIDENCE**

28 Please see the affidavit by John Kelleher, Esq. attached hereto.

III.

TOTAL FEES AND COSTS

Attorney's Fees² \$9,692.00
Filing Fees \$236.69
Faxes: \$1.00
Postage: \$1.36
TOTAL \$9,931.05


IV.

CONCLUSION

Based on the above analysis, Respondent requests an award of attorney fees and costs totaling **\$9,931.05**.

DATED this 8 day of August, 2018.

KELLEHER & KELLEHER, LLC



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

² This request for attorney fees does not include the additional two (2) hours for the preparation of this memo of fees and costs. Attorney Kelleher asks for one (1) attorney fees and costs award reduced to judgment gaining interest at the legal rate and collectible by all legal means.

AFFIDAVIT OF ATTORNEY JOHN T KELLEHER, ESQ.

STATE OF NEVADA)
COUNTY OF CLARK }ss:

JOHN T KELLEHER ESQ., being duly sworn, states: that Affiant is an attorney at the law firm of Kelleher & Kelleher, LLC, the attorneys for the Respondent, and has personal knowledge of the above costs and disbursements expended; that the items contained in the above memorandum are true and correct to the best of this Affiant's knowledge and belief; and that the said disbursements have been necessarily incurred and paid in this action.



JOHN T KELLEHER, ESQ.
Attorney for Respondent

SUBSCRIBED AND SWORN to before me
on this 2 day of August, 2018.



NOTARY PUBLIC
In and for said County and State



CERTIFICATE OF SERVICE

I hereby certify that on the 3 day of August, 2018, a true and correct copy of the foregoing Respondent's Memorandum of Fees and Costs was served electronically via E-Service Master List of Odyssey 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

EXHIBIT “1”

KELLEHER & KELLEHER, LLC
Attorneys at Law
40 S. Stephanie Street, Suite #201
Henderson, NV 89012
(702) 384-7494 Tax ID: 88-0467184

Invoice submitted to:
Stephanie & Justin Blount

July 26, 2018

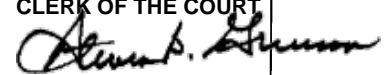
Invoice #23987

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
6/19/2018 Prepare Notice of Appearance	0.20 150.00/hr	30.00
6/20/2018 Review/analyze opposing counsel's summons and petition for grandparent visitation	0.20 420.00/hr	84.00
Review/analyze opposing counsel's motion for temporary orders and verification	0.30 420.00/hr	126.00
Review/analyze Gretchen Whatoname's parents petition for custody of Jeremiah and Kaydi filed with the Hualapai Tribal Court	0.20 420.00/hr	84.00
Review/analyze order from the Hualapai Tribal Court vacating prior order giving Gretchen Whatoname temporary custody of the children, and restoring full legal and physical custody of Jeremiah and Kaydi to Justin Blount, their biological father	0.10 420.00/hr	42.00
Research, review and analyze the Indian Child Welfare Act provisions regarding child custody and visitation rights under the act when Indian children involved and regarding orders entered by tribal courts	0.40 420.00/hr	168.00
Review/analyze NRS 125C.050 as it pertains to grandparents visitation rights and when such rights apply	0.30 420.00/hr	126.00
Research, review and analyze the state court's jurisdiction over Paula Blount's petition for visitation rights with her grandchildren; especially as it pertains to state citizenship, the tribal court's continuing jurisdiction over the matter, and also the court's right to exercise temporary jurisdiction and under what circumstances; Review the state court's local rules about the need to try to resolve matters amicable before filing motions. Start drafting letter to opposing counsel regarding	0.60 420.00/hr	252.00

	<u>Hrs/Rate</u>	<u>Amount</u>
dismissing petition for grandparents visitation (NRS 125C.050) and motion for temporary orders		
6/20/2018 Finish drafting letter to opposing counsel asking to dismiss the petition for grandparent's visitations (NRS 125C.050) and motion for temporary orders	0.80 420.00/hr	336.00
6/21/2018 Draft/revise letter to opposing counsel, finalize for sending	0.20 420.00/hr	84.00
6/27/2018 Draft/revise opposition	1.60 350.00/hr	560.00
6/28/2018 Draft/revise answer and opposition, research ICWA on same	4.80 350.00/hr	1,680.00
7/2/2018 Draft/revise opp and answer (formatting, structure, add attorney's fees request)	0.80 350.00/hr	280.00
7/5/2018 Prepare docs for client review	0.10 350.00/hr	35.00
Meeting with clients to review opposition and answer	1.00 350.00/hr	350.00
7/6/2018 Telephone call with client re. behavioral changes in Jeremiah	0.10 350.00/hr	35.00
7/10/2018 Receive and review text messages (18 emails)	0.30 350.00/hr	105.00
7/11/2018 Review/analyze all red folder docs provided, prepare exhibits for HJ to bates	0.60 350.00/hr	210.00
Prepare supplemental exhibit sheet	0.20 350.00/hr	70.00
7/16/2018 Review/analyze text messages and voicemails (40 emails approximately)	0.50 350.00/hr	175.00
7/17/2018 Prepare Supplemental Exhibits to Opposition	0.20 150.00/hr	30.00
Prepare for the hearing and all the arguments showing no jurisdiction, go to and from court, attend hearing, discuss case with client after hearing	2.20 420.00/hr	924.00
7/23/2018 Research ICWA provisions	2.50 350.00/hr	875.00
7/24/2018 Draft/revise opposition (research hualapai tribal codes)	2.00 350.00/hr	700.00

	<u>Hrs/Rate</u>	<u>Amount</u>
7/24/2018 Review/analyze the reply from opposing counsel	0.30 420.00/hr	126.00
7/25/2018 Appear at hearing	1.90 350.00/hr	665.00
Appear at hearing	1.90 420.00/hr	798.00
Draft/revise memo of costs and fees	0.20 350.00/hr	70.00
Prepare for hearing, go to and from court, attend hearing, case was dismissed	1.60 420.00/hr	672.00
For professional services rendered	26.10	\$9,692.00
Additional Charges :		
6/19/2018 Filing fee for Notice of Appearance		233.19
Postage		0.47
6/30/2018 Outgoing Faxes June 2018		1.00
7/6/2018 Filing fee for opposition		3.50
7/13/2018 Postage		0.68
7/17/2018 Postage		0.68
Total additional charges		\$239.52



BREF

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, Lune Bell Blount, and Logan
Alexander Blount, minors;

PAULA BLOUNT,

Petitioner,

vs.

JUSTIN CRAIG BLOUNT,

Respondent.

CASE NO. : D-18-571209-O

DEPT. NO. : B

**PETITIONER'S BRIEF OPPOSING
AWARD OF FEES AND COSTS TO
RESPONDENT**

COMES NOW Petitioner, Paula Blount, by and through her counsel, F.
Peter James, Esq., who hereby submits her Brief opposing an award of attorney's
fees and costs to Respondent.

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On the merits, there is no cause to award fees. There can be no award of fees absent a statute or rule to the contrary. *See Valley Electric Ass’n v. Overfield*, 121 Nev. 7, 9, 106 P.3d 1198, 1199 (2005). Here, Respondent only requests fees under NRS 18.010. (*See* Opp’n filed July 5, 2018).¹ Under NRS 18.010, there are two theories under which relief may be awarded: Prevailing party and when a party maintains a frivolous position. For fees to be awarded under the prevailing party theory, a money judgment must be the subject of the litigation. *See Valley Electric Ass’n*, 121 Nev. at 9, 106 P.3d at 1199. So, the only legal remaining legal theory under which Petition may be awarded fees is frivolous litigation.

1 Court must determine that the action was unreasonable or brought to harass the
2 other side. *See Bower v. Harrah's Laughlin, Inc.*, 125 Nev. 470, 215 P.3d 709
3 (2009).

4 Here, the issue of jurisdiction was central to the Court's dismissal of the
5 case. Two skilled attorneys extensively briefed the issue of jurisdiction.
6 Petitioner's arguments for the Court having jurisdiction were not baseless.
7 Petitioner had 10 pages of valid argument as to why the Court has jurisdiction to
8 hear this matter. Respondent had considerably fewer pages in support of his
9 position. That this matter had so much valid legal briefing establishes that the
10 action was not frivolous.

11 As such, the Court should not award attorney's fees against Petitioner.

12 Should the Court be so inclined, however, the Court should reduce the
13 amount of fees requested. Respondent's counsel's fees are excessive. Petitioner
14 shall refer to said counsel as "Counsel".

15 Counsel spent 2.1 hours either drafting or researching law for drafting the
16 June 21, 2018 letter. (*See Memorandum filed August 3, 2018 at Ex. 1 thereto*).
17 In said letter, Counsel cited to the following legal authority:

- 18 • NRS 125C.050
- 19 • NRS 125A.085
- 20 • NRS 125A.305

- 1 • 25 USC 1903(4)
- 2 • 25 USC 1911(d)
- 3 • NRS 125A.215
- 4 • NRS 125A.315
- 5 • NRS 125A.325

6 (See Second Supplemental Exhibits filed July 18, 2018 at Ex. D thereto)
7 (hereinafter the “letter”).

8 So, researching all of those statutes took less than 2.1 hours as some of that
9 time was spend writing the letter.

10 Yet, Counsel says he spent part of the 4.8 hours on June 28, 2018
11 researching ICWA, as well as 2.5 hours on July 23, 2018 reseaching ICWA
12 exclusively, and part of the 2.0 hours on July 24, 2018 researching tribal codes.
13 (See Memorandum filed August 3, 2018 at Ex. 1 thereto).

14 Oddly, the Opposition filed July 5, 2018 does not contain any more law as
15 to jurisdiction than was already researched for the June 21, 2018 letter. (*Compare*
16 *Opp’n* with the *letter*). Though Counsel spent around 9 hours or so in further
17 research on ICWA and tribal law, no further law on these issues was cited in
18 either the Opposition or the Reply. As such, the billings for these are drastically
19 inflated. Thus, this time should not be counted.

20

1 Further, Counsel cites his resume as a highly-experienced, highly-
2 credentialed attorney. That being the case, it is highly inappropriate to have a
3 junior attorney come to the hearing and bill the client for the time—Counsel had
4 a junior associate attend the second hearing and she billed her time, which was
5 1.9 @\$350 /hr. Counsel billed 1.9 @ \$420 /hr. (*See* Memorandum at Ex. D).
6 This additional time needs to be stricken as wholly unnecessary.

7 In general, the amount of fees and costs requested is highly excessive. In
8 excess of \$9,000 for a letter, an opposition, two hearings, and a reply is excessive.
9 The entire case should not cost much more than \$10,000 with the matter going to
10 trial—let alone close to \$10,000 just for motion hearings. If the matter of
11 jurisdiction were so simply, as Counsel opines, why is his bill so high?

12 Respondent tried to muddy Petitioner's name in court by saying that she
13 caused them tens of thousands of dollars in legal fees in the tribal courts—when
14 they later admitted that Petitioner was not involved in those actions at all. That
15 was a smear tactic to muddy Petitioner's name with the Court. Such a
16 misrepresentation is sanctionable—though it was corrected, it should never have
17 been stated.

18 If the Court is inclined to award fees to Respondent, the Court should
19 drastically reduce the amount. Respondent and his wife also make more money
20 than Petitioner, so that should play a part in the Court's decision.

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CONCLUSION

The Court should not award fees to Petitioner as the Petition was not brought in bad faith. The jurisdictional argument was well-briefed and was not frivolous. Thus, there is no basis for fees.

If the Court is inclined to award fees, the amount should be drastically reduced.

Dated this 14 day of August, 2018



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

1 **CERTIFICATE OF SERVICE**

2 I certify that on this 14th day of August, 2018, I caused the above and
3 foregoing document entitled **PETITIONER'S BRIEF OPPOSING AWARD**
4 **OF FEES AND COSTS TO RESPONDENT** to be served as follows:

5 ☒ pursuant to EDCR 8.05(A), EDCR 8.05(F), NRCP 5(b)(2)(D)
6 and Administrative Order 14-2 captioned "In the Administrative
7 Matter of Mandatory Electronic Service in the Eighth Judicial
8 District Court," by mandatory electronic service through the
9 Eighth Judicial District Court's electronic filing system;

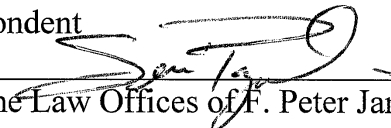
10 ☐ by placing same to be deposited for mailing in the United States
11 Mail, in a sealed envelope upon which first class postage was
12 prepaid in Las Vegas, Nevada;

13 ☐ pursuant to EDCR 7.26 / NEFCR 9, to be sent via facsimile /
14 email;

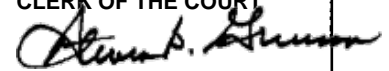
15 to the attorney listed below at the address(es), email address(es), and/or facsimile
16 number(s) indicated below:

17 John T. Kelleher, Esq.
18 40 S. Stephanie Street., Suite 201
Henderson, Nevada 89012
702-384-7494
19 Counsel for Respondent

20 By:


An employee of the Law Offices of F. Peter James, Esq., PLLC

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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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

1 witnesses that would be relevant for an evidentiary hearing as to visitation reside or are in the control
2 of the tribe and the surrounding area. (See *Id* at 10:56:50 - 10:57:09).

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

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

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

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

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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

Steven D. Grierson

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

11
12 **DISTRICT COURT**
13 **CLARK COUNTY, NEVADA**

14 * * * * *

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

25 **NOTICE OF ENTRY OF ORDER**

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

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

DATED this 17 day of August, 2018.

KELLEHER & KELLEHER, LLC

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

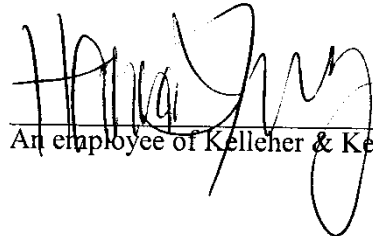
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CERTIFICATE OF MAILING

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

From:

07/30/2018 10:08 #684 P.002/006

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



1 **ORDR**
2 **JOHN T. KELLEHER, ESQ.**
3 Nevada State Bar No. 6012
4 **SAIRA HASEEBULLAH, ESQ.**
5 Nevada State Bar No. 13500
6 **KELLEHER & KELLEHER, LLC**
7 40 S. Stephanie Street, Suite #201
8 Henderson, Nevada 89012
9 Telephone: (702) 384-7494
10 Facsimile: (702) 384-7545
11 kelleherjt@aol.com
12 Attorney for Respondent

DISTRICT COURT

CLARK COUNTY, NEVADA

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

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

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

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

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Case Number: D-18-571209-O

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
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1 witnesses that would be relevant for an evidentiary hearing as to visitation reside or are in the control
2 of the tribe and the surrounding area. (See *Id* at 10:56:50 - 10:57:09).

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

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

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

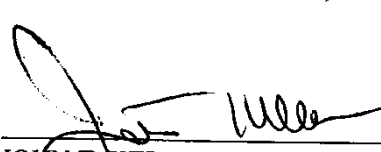
12 IT IS SO ORDERED this 15th August day of July, 2018.

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DISTRICT COURT JUDGE
LINDA MARQUIS

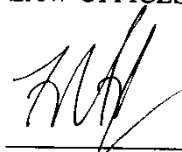
Submitted by:

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

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
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.

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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.

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.

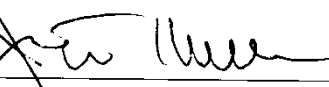
4 IT IS SO ORDERED this 23 day of August, 2018.

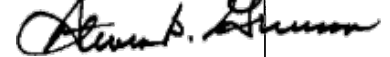
5
6 
7 DISTRICT COURT JUDGE

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



1 **NOAS**
2 **LAW OFFICES OF F. PETER JAMES, ESQ.**
3 **F. Peter James, Esq.**
4 **Nevada Bar No. 10091**
5 **Peter@PeterJamesLaw.com**
6 **3821 West Charleston Boulevard, Suite 250**
7 **Las Vegas, Nevada 89102**
8 **702-256-0087**
9 **702-256-0145 (fax)**
10 **Counsel for Petitioner**

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

13 In the matter of the Visitation of the
14 Persons of:

CASE NO. : D-18-571209-O
DEPT. NO. : B

15 Jeremiah Caleb Blount, Kaydi Rose
16 Blount, Lune Bell Blount, and Logan
17 Alexander Blount, minors;

NOTICE OF APPEAL

18 **PAULA BLOUNT,**

19 **Petitioner,**

20 **vs.**

JUSTIN CRAIG BLOUNT,

Respondent.


Notice is hereby given that Petitioner, Paula Blount, hereby appeals to the
Supreme Court of Nevada from the Orders entered on August 14, 2018 and

///

///

1 August 23, 2018.

2 Dated this 24 day of August, 2018

3 

4

LAW OFFICES OF F. PETER JAMES

5 F. Peter James, Esq.

6 Nevada Bar No. 10091

7 3821 W. Charleston Blvd., Suite 250

8 Las Vegas, Nevada 89102

9 702-256-0087

10 Counsel for Petitioner

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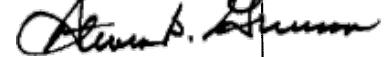
CERTIFICATE OF SERVICE

I certify that on this 24 day of August, 2018, I caused the above and foregoing document entitled **NOTICE OF APPEAL** to be served as follows:

☒ pursuant to EDCR 8.05(A), EDCR 8.05(F), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned "In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court," by mandatory electronic service through the Eighth Judicial District Court's electronic filing system; to the attorney(s) / party(ies) listed below at the address(es), email address(es), and/or facsimile number(s) indicated below:

John T. Kelleher, Esq.
40 S. Stephanie Street., Suite 201
Henderson, Nevada 89012
702-384-7494
Counsel for Respondent

By: 
An employee of the Law Offices of F. Peter James, Esq., PLLC



1 **ASTA**
2 **LAW OFFICES OF F. PETER JAMES, ESQ.**
3 **F. Peter James, Esq.**
4 **Nevada Bar No. 10091**
5 **Peter@PeterJamesLaw.com**
6 **3821 West Charleston Boulevard, Suite 250**
7 **Las Vegas, Nevada 89102**
8 **702-256-0087**
9 **702-256-0145 (fax)**
10 **Counsel for Petitioner**

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

13 In the matter of the Visitation of the
14 Persons of:

CASE NO. : D-18-571209-O
DEPT. NO. : B

15 Jeremiah Caleb Blount, Kaydi Rose
16 Blount, Lune Bell Blount, and Logan
17 Alexander Blount, minors;

CASE APPEAL STATEMENT

18 **PAULA BLOUNT,**

19 **Petitioner,**

20 **vs.**

JUSTIN CRAIG BLOUNT,

Respondent.

1 **1. Name of the appellant filing this Case Appeal Statement:**

2 Paula Blount, the Petitioner in the district court

3 ///

4 ///

- 1 **2. Identify the judge issuing the decision, judgment, or order appealed**
2 **from:**
3 Hon. Linda Marquia, District Court Judge (Family Division), Department
4 B.
- 5 **3. Identify each appellant and the name and address of counsel for each**
6 **appellant:**
7 Paula Blount, Appellant
8 F. Peter James, Esq.
9 Law Offices of F. Peter James, Esq.
10 3821 West Charleston Boulevard, Suite 250
11 Las Vegas, Nevada 89102
12 702-256-0087
13 702-256-0145 (fax)
14 Counsel for Appellant
- 15 **4. Identify each respondent and the name and address of appellate**
16 **counsel, if known, for each respondent (if the name of a respondent's**
17 **appellate counsel is unknown, indicate as much and provide the name**
18 **and address of that respondent's trial counsel):**
19 Respondent, Justin Blount
20 Kelleher & Kelleher, LLC
John T. Kelleher, Esq.
40 South Stephanie Street, Suite 201
Henderson, Nevada 89012
702-384-7494
Counsel for Respondent

1 **5. Indicate whether any attorney identified above in response to question**
2 **3 or 4 is not licensed to practice law in Nevada and, if so, whether the**
3 **district court granted that attorney permission to appear under SCR**
4 **42 (attach a copy of any district court order granting such**
5 **permission):**

6 All counsel referenced above are licensed to practice law in the State of
7 Nevada.

8 **6. Indicate whether appellant is represented by appointed or retained**
9 **counsel in the district court:**

10 Appellant was represented by retained counsel in the district court.

11 **7. Indicate whether appellant is represented by appointed or retained**
12 **counsel on appeal:**

13 Appellant is represented by retained counsel on appeal.

14 **8. Indicate whether appellant was granted leave to proceed in forma**
15 **pauperis and the date of entry of the district court order granting such**
16 **leave:**

17 Appellant was never granted leave to proceed in forma pauperis.

18 **9. Indicate the date the proceedings commenced in the district court:**

19 The Petition for Grandparent Visitation was filed on May 18, 2018.
20

1 **10. Provide a brief description of the action and result in the district court,**
2 **including the type of judgment or order being appealed and the relief**
3 **granted by the district court:**

4 The action in the district court is a for Grandparent visitation under NRS
5 125C.050. The district court dismissed the action for lack of jurisdiction.
6 The district court issued an order awarding Respondent attorney's fees.
7 Both orders are on appeal.

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

11 N/A.

12 **12. Please state whether the appeal involves child custody or visitation:**

13 The appeal does involve child visitation issues, though not custodial
14 visitation.

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20 ///

1 **13. Please state whether the appeal involves the possibility of settlement:**

2 With a good mediator, settlement might be possible. Appellant just wants
3 to visit with her grandchildren.

4 Dated this 24 day of August, 2018

5 

6 LAW OFFICES OF F. PETER JAMES

7 F. Peter James, Esq.

8 Nevada Bar No. 10091

9 3821 W. Charleston Blvd., Suite 250

10 Las Vegas, Nevada 89102

11 702-256-0087

12 Counsel for Petitioner

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CERTIFICATE OF SERVICE

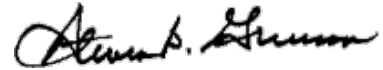
I certify that on this 24 day of August, 2018, I caused the above and foregoing document entitled **CASE APPEAL STATEMENT** to be served as follows:

☒ pursuant to EDCR 8.05(A), EDCR 8.05(F), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned "In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court," by mandatory electronic service through the Eighth Judicial District Court's electronic filing system;

to the attorney(s) / party(ies) listed below at the address(es), email address(es), and/or facsimile number(s) indicated below:

John T. Kelleher, Esq.
40 S. Stephanie Street., Suite 201
Henderson, Nevada 89012
702-384-7494
Counsel for Respondent

By: 
An employee of the Law Offices of F. Peter James, Esq., PLLC



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

11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 * * * * *

14 In the Matter of the Visitation of the Persons of:) Case No: D-18-571209-O
15 JEREMIAH CALEB BLOUNT)
16 KAYDI ROSE BLOUNT) Dept: B
17 LUNA BELL BLOUNT)
18 LOGAN ALEXANDER BLOUNT, minors:)
19)
20 PAULA BLOUNT,)
21 Petitioner)
22 vs.)
23 JUSTIN CRAIG BLOUNT,)
24 Respondent/CounterPetitioner)

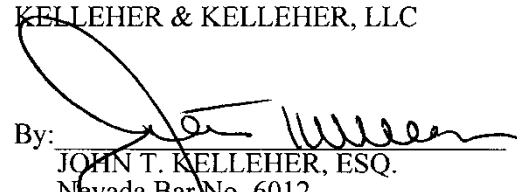
25 **NOTICE OF ENTRY OF ORDER**

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

27 PLEASE TAKE NOTICE that an Order Awarding Attorney's Fees and Costs was entered
28 in the above-entitled matter on the 23rd day of August, 2018, a copy of which is attached hereto.

29 DATED this 24 day of August, 2018.

30 KELLEHER & KELLEHER, LLC

31 By: 
32 JOHN T. KELLEHER, ESQ.
33 Nevada Bar No. 6012
34 40 S. Stephanie Street, Suite #201
35 Henderson, Nevada 89012
36 Attorney for Respondent

37 ///

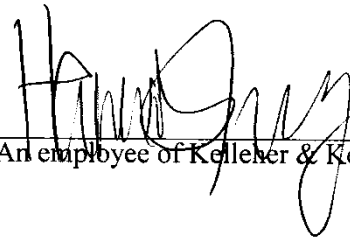
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39 ///

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
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.

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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.

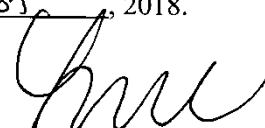
16 THE COURT FURTHER FINDS that Respondent's Memorandum complied with the
17 requirements in NRCP 54(d)(2)(A), NRCP 54(d)(2)(B), and *Miller v. Wilfong*, 121 Nev. 619, 119
18 P.3d 727 (2005).

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.

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.

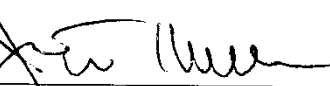
4 IT IS SO ORDERED this 23 day of August, 2018.

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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