are important, and they can be maintained through Plaintiff's own visitation and FaceTime. Evan should be permitted to communicate with his sister. The Court understands that the parties made competing allegations of abuse or neglect dating back to 2010, but there was no testimony of abuse or neglect by either parent since the last custody order was entered. Nor has either parent committed any act of abduction against the child or any other child since the last custody order was entered.

c. The child and the relocating parent will benefit from an actual advantage as a result of the relocation. For the same reasons as set forth above, the Court finds that there will be an actual advantage to Evan and the Defendant in relocating to New York.

6. If a relocating parent demonstrates to the court the factors set forth in NRS 125C.007(1) are met, then pursuant to NRS 125C.007(2)(a-f), the court must weigh the following factors and the impact of each on the child, the relocating parent and the non-relocating parent, including, without limitation, the extent to which the compelling interests of the child, the relocating parent and the non-relocating parent are accommodated:

a. The extent to which the relocation is likely to improve the quality of life for the child and the relocating parent. The Court finds that the improvement for both Evan and Defendant will be quite significant. The improvement for Evan will be tempered by the decreased frequency of contact with his maternal family, but it will benefit him greatly to have a hands-on, available parent with the kind of routine that Defendant has practiced with Evan during his timeshares in Las Vegas, but on a weekly basis in New York.

b. Whether the motives of the relocating parent are honorable and not designed to frustrate or defeat any visitation rights accorded to the non-relocating parent. Defendant's motives are honorable, above all else, New York is and always has been his home, but there are still other motivations reflected elsewhere herein that are also honorable in Defendant's request for relocation.

c. Whether the relocating parent will comply with any substitute visitation orders issued by the court if permission to relocate is granted. There was some evidence that Defendant had violated the existing custody order by continuing to take Evan to New York when Evan started kindergarten; however, this was not a deprivation of Plaintiff's timeshare. The Court has no reason to believe that Defendant will not comply with the visitation order.

d. Whether the motives of the non-relocating parent are honorable in resisting the petition for permission to relocate or to what extent any opposition to the petition for permission to relocate is intended to secure a financial advantage in the form of ongoing support obligations or otherwise. The Court perceives that Plaintiff's motives in resisting the relocation are likewise honorable. Her identity is as a mother, and as she testified, she does not want that relationship to change.

e. Whether there will be a realistic opportunity for the non-relocating parent to maintain a visitation schedule that will adequately foster and preserve the parental relationship between the child and the non-relocating parent if permission to relocate is granted. Here, there is a reasonable alternative visitation schedule as set forth in the order below. The Court was pleased that, in closing argument, Defendant conceded that Plaintiff and Evan needed to have a continuous, uninterrupted period in the summer time. The Court understands Defendant's desire to enroll Evan in summer camps and programs, but because Defendant sought primary custody during the school year, all extracurricular activities cannot take a front seat to Evan's relationship with his mother. During Plaintiff's timeshare, unless Plaintiff agrees to putting Evan in said extracurricular activities, she is entitled to exercise the time in the manner in which she pleases. If Evan's extracurricular activities suffer from her choices to deny that involvement, that is a parenting decision she is entitled to make, if she believes it is better for Evan, or for their relationship.

3. The burden to prove that relocation is in the best interest of the child is on the parent seeking relocation. (NRS 125C.007(3).) As set forth above, Defendant met

that burden.

ORDER

IT IS HEREBY ORDERED that the Parties shall continue to share joint legal custody of Evan Daniel Ferraro, born September 30, 2008. Legal custody involves having basic legal responsibility for the child and making major decisions concerning the child such as their health, education, and religious upbringing. Legal custody includes but is not necessarily limited to those items enumerated in the legal custody provisions of the parties' Stipulation and Order Re: Parenting Plan filed November 30, 2012.

IT IS FURTHER ORDERED that Defendant's request for primary physical custody of the minor child is GRANTED.

IT IS FURTHER ORDERED that Defendant's request to relocate to New York with the minor child is GRANTED.

IT IS FURTHER ORDERED that Plaintiff is granted specified visitation as follows:

Winter Break: In ODD years, Mom shall have Evan upon release from school prior to the break until December 30th (Evan returns to New York on 12/30 in ODD years). In EVEN years, Mom shall have Evan from December 26 to the day before school resumes.

February Break: This period will begin upon the release of school prior to the break and continue until the day before school resumes following the break. Mom shall have Evan in even years and Dad shall have Evan in odd years. In odd years when Evan is with Dad, if Evan is participating in a sports camp or tournament, Mom may attend at Mom's expense.

April Break: This period will begin upon the release of school prior to the break and continue until the day before school resumes following the break. Mom shall have Evan every year.

Memorial Day Weekend: This period will begin upon release of school prior to

the break and continue until the day before school resumes following the break. Mom shall have Evan in even years and Dad shall have Evan in odd years. However, during even years, if permission is granted from Evan's school and there is no substantial interference with school or extracurricular activities, then in order to facilitate additional visitation with Mom, Evan shall be permitted to miss the Friday before and the Tuesday after Memorial Day.

Summer Break: Mom shall have Evan from one week following Evan's release from school through one week prior to Evan's return to school.

Columbus Day Weekend (October): This period will begin upon the release of school prior to the break and continue until the day before school resumes following the break. Mom shall have Evan for Columbus Day Weekend every year. If permission is granted from Evan's school and there is no substantial interference with extracurricular activities, then in order to facilitate additional visitation, Evan shall be permitted to miss the Friday before and the Tuesday after Columbus Day.

Thanksgiving: This period will begin upon the release of school prior to the break and continue until the day before school resumes following the break. Mom shall have Evan in even years and Dad shall have Evan in odd years. If permission is granted from Evan's school and there is no substantial interference with extracurricular activities, then in order to facilitate additional visitation, Evan shall be permitted to miss school Monday, Tuesday or Wednesday before Thanksgiving.

IT IS FURTHER ORDERED that Defendant shall pay all costs of transportation for the foregoing visits. Plaintiff shall fly to New York to pick up Evan for her visits (but Defendant will pay Plaintiff's airfare); and Defendant shall fly to Las Vegas to retrieve Evan.

IT IS FURTHER ORDERED that Plaintiff may have additional visits with Evan in New York at Plaintiff's own expense provided that Plaintiff gives Defendant two weeks' advance notice and the visit does not interfere with any significant and/or important events (i.e., once in a lifetime events, pre-arranged and non-refundable trips). If said

visit cannot be conducted within the period noticed by Plaintiff, an alternate visitation shall take place on the next date chosen or designated by Plaintiff regardless of any significant events. During such visits, Plaintiff is responsible to get Evan to and from school and extracurricular activities. Such visits shall not be unreasonably denied due to "preplanned Ferraro-family events," as such events are likely to be conducted regularly.

IT IS FURTHER ORDERED that each Party shall have unlimited telephone, text, or FaceTime/Skype contact during their non-custodial time, with the understanding that contact shall not unduly intrude on the other party's custodial time. More specifically, the parents shall have communication with the child four days per week, on a schedule to be determined and set in writing each quarter or semester based on Evan's school and extra-curricular activity schedule. The parents will assure that Evan is in a private location, free of distractions. The scheduled calls will be planned for at least thirty minutes duration so that Evan can communicate with his extended family members as well.

IT IS FURTHER ORDERED, pursuant to Defendant's waiver of child support from Plaintiff, the relative income of the parents, and Defendant's resources being sufficient to meet the needs of the child, that Plaintiff shall pay no child support.

IT IS FURTHER ORDERED that Defendant shall provide health insurance for the minor child and Defendant shall pay 100% of the premium for such health insurance. The parties shall share all of out-of-pocket costs equally pursuant to the 30/30 rule, i.e., any unreimbursed medical, dental, optical, orthodontic or other health related expense incurred for the benefit of the minor child is to be divided equally between the parties. Either party incurring an out of pocket medical expenses for the child shall provide a copy of the paid invoice/receipt to the other party within thirty days of incurring such expenses, if not tendered with the thirty day period, the Court may consider it as a waiver of reimbursement. The other party will then have thirty days from receipt within which to dispute the expense in writing or reimburse the incurring

party for one-half of the out of pocket expense, if not disputed or paid within the thirty day period the party may be subject to a finding of contempt and appropriate sanctions.

IT IS FURTHER ORDERED that each party shall bear their own attorney's fees and costs.

This Court FINDS that because of the manner in which this case proceeded and concluded on September 27, 2016 with post-trial motions, the child ended up commencing school in Las Vegas for the 2016-2017 school year. While this Court believes it is in the child's long term best interests to be in Defendant's primary care, it does not believe that the disruption to the child's school at this juncture is in his best interests. In this regard, the COURT ORDERS the parties should continue to follow their current schedule, and commence their custodial plan as of one week after school lets out, which means that Plaintiff will have the summer from one week after school lets out until one week before school begins in New York. Defendant will have to notify Plaintiff of the dates for when the child needs to be present in New York for his first day of attendance or orientation, as the case may be.

NOTICE IS HEREBY GIVEN that the parties shall be required to submit the information required to NRS 125B.055, NRS 125.130 and NRS 125.230 on a separate form to the Court and to the Welfare Division of the Department of Human Resources within ten (10) days of entry of the decree and within ten (10) days of any change in the original form should any of that information change.

NOTICE IS HEREBY GIVEN of the following provision of NRS 125C.0045(6):

> PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that every person having a limited right of custody to a child or any parent having no right of custody to the child who willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child in violation of an order of this court, or removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation is subject to being punished for a category D felony as provided in NRS 193.130.

NOTICE IS HEREBY GIVEN that the terms of the Hague Convention of October 25, 1980, adopted by the 14th Session of the Hague Conference on Private International Law apply if a parent abducts or wrongfully retains a child in a foreign country. The Parties are also put on notice of the following provisions in NRS 125C.0045(8):

> If a parent of the child lives in a foreign country or has significant commitments in a foreign country:
> (a) The Parties may agree, and the court shall include in the order for custody of the child, that the United States is the country of habitual residence of the child for the purposes of applying the terms of the Hague Convention as set forth in subsection 7.
> (b) Upon motion of one of the Parties, the court may order the parent to post a bond if the court determines that the parent poses an imminent risk of wrongfully removing or concealing the child outside the country of habitual residence. The bond must be in an amount determined by the court and may be used only to pay for the cost of locating the child and returning him to his habitual residence if the child is wrongfully removed from or concealed outside the country of habitual residence. The fact that a parent has significant commitments in a foreign country does not create a presumption that the parent poses an imminent risk of wrongfully removing or concealing the child.

NOTICE IS HEREBY GIVEN of the following provisions of NRS 125C.006 and NRS 125C.0065:

> The parties, and each of them, are hereby placed on notice that if primary physical custody has been established pursuant to an order, judgment or decree of a court or if joint physical custody has been established pursuant to an order, judgment or decree of a court and the primary custodian or a joint custodian intends to relocate his or her residence to a place outside of this State or to a place within this State that is at such a distance that would substantially impair the ability of the other parent to maintain a meaningful relationship with the child and desires to take the child with him or her, the relocating parent shall, before relocating: (a) attempt to obtain the written consent of the non-relocating parent to relocate with the child; and (b) if the non-relocating parent refuses to give that consent, petition the court for permission to relocate with the child. The court may award reasonable attorney's fees and costs to the relocating parent if the court finds that the non-relocating parent refused to consent to the relocation without having reasonable grounds for such refusal or for the purpose of harassing the relocating parent. A parent who relocates with a child pursuant to this section without the written consent of the other parent or the permission of the court is subject to the provisions of NRS 200.359.

NOTICE IS HEREBY GIVEN that the Parties are subject to the provisions of NRS 31A.010 et seq. and NRS 125.450 regarding the collection of delinquent child support

payments by wage withholding and assignment.

NOTICE IS HEREBY GIVEN that either Party may request a review of child support pursuant to NRS 125B.145, presently every three years or upon changed circumstances.

IT IS SO ORDERED this 26th day of January, 2017.

DISTRICT COURT JUDGE, FAMILY DIVISION
DENISE L. GENTILE

Respectfully Submitted By	Approved as to Form & Content By
HUTCHISON & STEFFEN, LLC	STANDISH NAIMI LAW GROUP
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Attorney for *Christopher Ferraro*	Attorney for *Sandra Nance*

DISTRICT COURT
CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** March 30, 2010

D-10-426817-D Sandra Lynn Nance, Plaintiff
vs.
Christopher Michael Ferraro, Defendant.

March 30, 2010 **9:00 AM** **Motion**

HEARD BY: Giuliani, Cynthia N. **COURTROOM:** Courtroom 06

COURT CLERK: Carol Critchett

PARTIES:

Christopher Ferraro, Defendant, not present	Shannon Wilson, Attorney, not present
Evan Nance, Subject Minor, not present	
Sandra Nance, Plaintiff, present	Pro Se

JOURNAL ENTRIES

- David Mann, bar number 11194, present with Plaintiff in an unbundled capacity.

Court reviewed the issues.

Both counsel advised the Court they are requesting a continuance of these matters.

Argument and discussion regarding the jurisdictional issues.

COURT ORDERED, counsels' requests for CONTINUANCE is GRANTED.

Matters shall be re-calendared to APRIL 26, 2010 at 10:30 A.M.

The MINUTE ORDER shall SUFFICE as the post hearing ORDER.

INTERIM CONDITIONS:

FUTURE HEARINGS:

DISTRICT COURT
CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** April 26, 2010

D-10-426817-D Sandra Lynn Nance, Plaintiff
vs.
Christopher Michael Ferraro, Defendant.

April 26, 2010 **10:30 AM** **All Pending Motions**

HEARD BY: Giuliani, Cynthia N. **COURTROOM:** Courtroom 06

COURT CLERK: Carol Critchett

PARTIES:
Christopher Ferraro, Defendant, not present
Evan Nance, Subject Minor, not present
Sandra Nance, Plaintiff, present
Shannon Wilson, Attorney, not present
Pro Se

JOURNAL ENTRIES

- PLTF'S MOTION FOR PERMISSION TO RETURN CHILD TO NEVADA; UCCJEA HEARING, FOR ORDER AWARDING PRIMARY CUSTODY; SUPERVISED VISITATION; FOR PICK UP ORDER; CHILD SUPPORT, BACK CHILD SUPPORT; FOR PLTF'S LEGAL COSTS; FUTURE ATTORNEY'S FEES...DEFT'S OPPOSITION AND COUNTERMOTION TO STRIKE FACTUAL CONTENTIONS AND GIVE FULL FAITH AND CREDIT TO NEW YORK ORDERS

David Mann, bar number 11194, present with Plaintiff in an unbundled capacity.
James Mann, Legal Assistant, present with Mr. Mann and Plaintiff.

Matter was heard concurrently with case number T-10-124606-T.

Court reviewed the issues.

Argument by Mr. Sachs regarding the jurisdictional issues.

Argument by Mr. Mann regarding the motion issues.

Discussion.

Further arguments and discussion. Mr. Sachs presented a copy of a Writ Of Habeas Corpus, issued by the New York court, to the Court for review.

Argument by Ms. Nance regarding the New York case and allegations of domestic violence.

COURT ORDERED, matter set for a UCCJEA telephone conference with the Nassau County Court on APRIL 27, 2010 at 9:30 A.M.

The COURT shall CONTACT COUNSEL regarding the UCCJEA conference information.

The PROTECTIVE ORDER is EXTENDED to APRIL 27, 2010.

The MINUTE ORDER shall SUFFICE as the post hearing ORDER.

INTERIM CONDITIONS:

FUTURE HEARINGS: Apr 27, 2010 9:30AM Telephonic Hearing
Judge Stack - Nassau County Court 1-516-571-9005
Courtroom 06 Giuliani, Cynthia N.

DISTRICT COURT
CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** April 27, 2010

D-10-426817-D Sandra Lynn Nance, Plaintiff
vs.
Christopher Michael Ferraro, Defendant.

April 27, 2010 **9:30 AM** **Telephonic Hearing**

HEARD BY: Giuliani, Cynthia N. **COURTROOM:** Courtroom 06

COURT CLERK: Carol Critchett

PARTIES:
Christopher Ferraro, Defendant, not present
Evan Nance, Subject Minor, not present
Sandra Nance, Plaintiff, not present
Shannon Wilson, Attorney, not present
Emily McFarling, Attorney, not present

JOURNAL ENTRIES

- Matter was heard concurrently with case number T-10-124606-T.

A telephone conference was conducted with Judge Elaine Stack of the Nassau County Court in New York.

COURT ORDERED, Matter set for a STATUS CHECK hearing on APRIL 29, 2010 at 11:30 A.M.

INTERIM CONDITIONS:

FUTURE HEARINGS: Apr 27, 2010 9:30AM Telephonic Hearing
Judge Stack - Nassau County Court 1-516-571-9005
Courtroom 06 Giuliani, Cynthia N.

DISTRICT COURT
CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** April 29, 2010

D-10-426817-D Sandra Lynn Nance, Plaintiff
vs.
Christopher Michael Ferraro, Defendant.

April 29, 2010 **11:30 AM** **Status Check**

HEARD BY: Giuliani, Cynthia N. **COURTROOM:** Courtroom 06

COURT CLERK: Carol Critchett

PARTIES:
Christopher Ferraro, Defendant, not present
Evan Nance, Subject Minor, not present
Sandra Nance, Plaintiff, present
Shannon Wilson, Attorney, not present
Pro Se

JOURNAL ENTRIES

- David Mann, bar number 11194, present with Plaintiff in an unbundled capacity.

Court informed counsel and Plaintiff of the results of the UCCJEA telephone conference with Judge Stack from the Nassau County court. Court stated Judge Stack requested this Court to take temporary emergency jurisdiction over these matters to allow Plaintiff's two older children to be interviewed by the Family Mediation Center (FMC).

Argument by Mr. Sachs regarding the New York investigation into Plaintiff's and the two older children's allegations against the Defendant, as well as the Restraining Order issued in New York against Ms. Nance.

Discussion.

COURT ORDERED, parties are referred to FMC for a CHILD INTERVIEW of Desmond and Kayla Nance.

RETURN HEARING calendared for MAY 06, 2010 at 10:00 A.M.

PLAINTIFF is ADMONISHED NOT TO COACH the CHILDREN for the INTERVIEW, nor DISCUSS the LITIGATION or COURT PROCEEDINGS with the children.

The MINUTE ORDER shall SUFFICE as the post hearing ORDER.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Apr 26, 2010 10:30AM All Pending Motions
Courtroom 06 Giuliani, Cynthia N.

Apr 29, 2010 11:30AM Status Check
Courtroom 06 Giuliani, Cynthia N.

DISTRICT COURT
CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** May 06, 2010

D-10-426817-D Sandra Lynn Nance, Plaintiff
vs.
Christopher Michael Ferraro, Defendant.

May 06, 2010 **10:00 AM** **Return Hearing**

HEARD BY: Giuliani, Cynthia N. **COURTROOM:** Courtroom 06

COURT CLERK: Carol Critchett

PARTIES:
Christopher Ferraro, Defendant, not present
Evan Nance, Subject Minor, not present
Sandra Nance, Plaintiff, present
Shannon Wilson, Attorney, not present
Pro Se

JOURNAL ENTRIES

- David Mann, bar number 11194, present with Plaintiff in an unbundled capacity.
Sonia Martinez, Law Clerk, present with Mr. Mann and Plaintiff.

Court reviewed the issues then inquired if counsel had reviewed the child interview report.

Both counsel stated they had reviewed the report.

Court informed counsel and Plaintiff it had conducted a telephone conference with Judge Stack from Nassau County, New York prior to the hearing. Court stated Judge Stack needs to conduct a hearing in New York and Nevada should keep temporary jurisdiction until the New York hearing could be scheduled. Court stated Judge Stack is very concerned about this case and has received a copy of the child interview report and has read it. In the interim, this Court will put temporary Orders into place.

Argument and discussion regarding temporary Orders.

Mr. Mann and Mr. Sachs stated they will work together to facilitate visitation for Defendant with the child.

Argument by Mr. Mann regarding the jurisdictional issues.

Argument by Mr. Sachs regarding the upcoming motion to dismiss the Nevada case.

Discussion.

COURT ORDERED, both parties shall PREPARE and FILE their FINANCIAL DISCLOSURE FORMS (FDFS).

CHILD SUPPORT will be set at EIGHTEEN PERCENT (18%) of DEFENDANT'S INCOME.

Until the FDFS are received, counsel shall CONFER with DEFENDANT and ADVISE him he should pay some amount for child support in the interim.

PLAINTIFF shall be designated as TEMPORARY PRIMARY PHYSICAL CUSTODIAN.

STATUS CHECK regarding the New York hearing calendared for JULY 08, 2010 at 9:00 A.M.

DEFENDANT shall receive TELEPHONE CONTACT with the child on MONDAYS, WEDNESDAYS and SUNDAYS at 6:00 P.M. LAS VEGAS TIME. The adults DO NOT need to SPEAK to each other.

Mr. Sachs shall PREPARE the ORDER. Mr. Mann shall REVIEW the ORDER for form and content then SIGN OFF.

INTERIM CONDITIONS:

FUTURE HEARINGS: May 06, 2010 10:00AM Return Hearing
Return: Child Interview
Courtroom 06 Giuliani, Cynthia N.

DISTRICT COURT
CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** June 14, 2010

D-10-426817-D Sandra Lynn Nance, Plaintiff
vs.
Christopher Michael Ferraro, Defendant.

June 14, 2010 **9:30 AM** **Motion to Dismiss**

HEARD BY: Giuliani, Cynthia N. **COURTROOM:** Courtroom 06

COURT CLERK: Carol Critchett

PARTIES:
Christopher Ferraro, Defendant, not present
Evan Nance, Subject Minor, not present
Sandra Nance, Plaintiff, present
Shannon Wilson, Attorney, not present
Pro Se

JOURNAL ENTRIES

- Court reviewed the motion issues and service of the motion.

Court noted the custody issues are being dealt with in New York.

Discussion regarding the residency and jurisdictional issues.

Argument by Ms. Nance regarding meetings between the parties and a possible reconciliation.

Mr. Sachs advised the Court he had been advised the parties are attempting reconciliation.

Counsel presented the proposed Order to the Court.

COURT ORDERED, the motion is GRANTED as to the DIVORCE ISSUES ONLY.

The STATUS CHECK hearing shall STAND.

Order SIGNED and FILED IN OPEN COURT.

INTERIM CONDITIONS:

FUTURE HEARINGS:

DISTRICT COURT
CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** January 20, 2011

D-10-426817-D Sandra Lynn Nance, Plaintiff
vs.
Christopher Michael Ferraro, Defendant.

January 20, 2011 **9:00 AM** **Motion**

HEARD BY: Giuliani, Cynthia N. **COURTROOM:** Courtroom 06

COURT CLERK: Carol Critchett

PARTIES:
Christopher Ferraro, Defendant, not present
Evan Nance, Subject Minor, not present
Sandra Nance, Plaintiff, not present
Shannon Wilson, Attorney, not present
Emily McFarling, Attorney, not present

JOURNAL ENTRIES

- Prior to the hearing the Court was informed the parties are requesting the matter be taken off calendar.

COURT ORDERED, matter OFF CALENDAR.

INTERIM CONDITIONS:

FUTURE HEARINGS:

DISTRICT COURT
CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** June 13, 2011

D-10-426817-D Sandra Lynn Nance, Plaintiff
vs.
Christopher Michael Ferraro, Defendant.

June 13, 2011 **9:30 AM** **Motion to Set Aside**

HEARD BY: Giuliani, Cynthia N. **COURTROOM:** Courtroom 06

COURT CLERK: Laurie A. Williams

PARTIES:
Christopher Ferraro, Defendant, not present
Evan Nance, Subject Minor, not present
Sandra Nance, Plaintiff, present
Shannon Wilson, Attorney, not present
Pro Se

JOURNAL ENTRIES

- PLAINTIFF'S MOTION TO SET ASIDE STIPULATION AND ORDER

Court Clerk, Carol Critchett, also present.

Defendant, Christopher Ferraro, not present.

Plaintiff stated, she was mislead into signing the stipulation agreement.

Court advised, the Plaintiff signed the agreement and initialed each and every page and had it notarized.

Plaintiff argued that she was harassed by the Defendant and his Attorneys, as to where most of the visitation would be taking place, and how often the minor child would be flying to New York to visit the Defendant.

Mr. Sachs stated the Plaintiff received the stipulation agreement on February 15, 2011, and signed it on March 7, 2011; further, Plaintiff voluntarily signed the agreement twice.

Plaintiff stated the Defendant has violated sixteen items in the stipulation. Plaintiff advised that the two (2) year old minor child will be going into therapy. Plaintiff indicated she has contacted Children's Protective Services (CPS) in New York, as well as here in Nevada, regarding the minor child coming back from Defendant's visitation screaming uncontrollably.

Court noted, as long as the Defendant follows the agreement and picks up and drops off the minor child at the specified visitation time, there should be no issues with the visitation time period.

Mr. Sachs requested the minor child be able to travel to New York and attend his aunt's wedding on July 16, 2011.

Court advised the Plaintiff that if the Defendant has violated the stipulation, she can file a motion and list the violations.

COURT STATED IT'S FINDINGS and ORDERED,

1) Plaintiff's MOTION TO SET ASIDE STIPULATION & ORDER is DENIED.

2) Plaintiff shall notify the Defendant within 24 hours if the minor child can attend his aunt's wedding in New York. If Plaintiff says no, Mr. Sachs shall file an ORDER SHORTENING TIME to request the COURT to allow the minor child attend his aunt's wedding in New York.

3) Mr. Sachs shall PREPARE THE ORDER.

INTERIM CONDITIONS:

FUTURE HEARINGS:

DISTRICT COURT
CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** October 12, 2011

D-10-426817-D Sandra Lynn Nance, Plaintiff
vs.
Christopher Michael Ferraro, Defendant.

October 12, 2011 **2:30 PM** **Case Management Conference**

HEARD BY: Giuliani, Cynthia N. **COURTROOM:** Courtroom 06

COURT CLERK: Carol Critchett

PARTIES:
Christopher Ferraro, Defendant, not present
Evan Nance, Subject Minor, not present
Sandra Nance, Plaintiff, present
Shannon Wilson, Attorney, not present
Pro Se

JOURNAL ENTRIES

- CASE MANAGEMENT CONFERENCE

Eric Roy, bar number 11869, present with Plaintiff in an unbundled capacity.
Mr. Sachs appeared telephonically on behalf of his client.

Court called the case then reviewed the issues.

Discussion regarding the status of the case.

Argument by Mr. Roy regarding the parties' need to become divorced and an issue that has arisen with the Parenting Plan.

Argument by Mr. Sachs in rebuttal.

Discussion.

Further argument and discussion regarding Defendant's visitations, a psychiatric evaluation of the

child, the providers for the psychiatric evaluation and the telephone contact with the child.

COURT ORDERED, the parties shall utilize the internet website known as "SKYPE" for VIDEO CONTACT with the child when he is with the opposite parent. The SKYPE shall be used IN PLACE OF the TELEPHONE CONTACT. BOTH PARENTS shall TAKE NOTES regarding the CHILD'S BEHAVIOR during the VIDEO CONTACT.

When the child is in NEW YORK with the Defendant, PLAINTIFF shall receive the SKYPE CONTACT on WEDNESDAY and SUNDAY at 8:00 P.M. NEW YORK TIME, which is 5:00 P.M. NEVADA TIME. DEFENDANT shall receive SKYPE CONTACT on MONDAY, WEDNESDAY, FRIDAY and SUNDAY when the child is in NEVADA. The parties shall MAKE SURE they, or whoever is watching the child at that time, is NEAR a COMPUTER to FACILITATE the SKYPE CONTACT.

BOTH parties shall ABIDE BY the JOINT LEGAL CUSTODY provisions regarding INFORMING the OTHER PARENT of any ISSUES with the CHILD. PLAINTIFF shall INVOLVE the Defendant in the child's CARE.

PLAINTIFF shall PROVIDE the INFORMATION for the child's THERAPIST at HOPE COUNSELING to Defendant. DEFENDANT shall be ALLOWED to CONTACT the THERAPIST regarding the CHILD'S ISSUES and COUNSELING.

The child is referred for an OUTSOURCED PSYCHOLOGICAL EVALUATION. Mr. Roy shall EMAIL the NAMES of 3 PSYCHOLOGISTS from Plaintiff's HEALTH INSURANCE to Mr. Sachs. The parties shall CHOSE a PSYCHOLOGIST WITHIN 72 HOURS. Once the CHOICE is MADE, the parties shall CONTACT the PSYCHOLOGIST WITHIN 7 DAYS to make the APPOINTMENT for the evaluation. If PLAINTIFF'S HEALTH INSURANCE does NOT COVER the EVALUATION the parties shall CHOOSE between Michelle Gravely, Nicolas Ponzo, Paul Wulkin or Louis Mortillaro to perform the evaluation. DEFENDANT shall be RESPONSIBLE for any COSTS associated with the EVALUATION.

The DEFENDANT shall TAKE his VISITATIONS with the child IN NEVADA.

DEFENDANT shall be ALLOWED to take the CHILD to NEW YORK for his HOLIDAY VISITATIONS.

DEFENDANT shall NOT TAKE 2 CONSECUTIVE WEEKS for his VACATION TIME with the CHILD. The parties shall FOLLOW the COURT ORDERS.

The issues regarding when it would be beneficial for the CHILD to VISIT with DEFENDANT in NEW YORK shall be LEFT FOR the PSYCHOLOGIST.

A RETURN HEARING for the PSYCHOLOGICAL EVALUATION is calendared for

JANUARY 24, 2012 at 10:00 A.M.

The parties and counsel shall CONFER regarding the DIVORCE ISSUES. If they are able to REACH an AGREEMENT, they shall PREPARE and SUBMIT a DECREE OF DIVORCE.

Mr. Roy shall PREPARE the ORDER. Mr. Sachs shall REVIEW the ORDER as to form and content then SIGN OFF.

INTERIM CONDITIONS:

FUTURE HEARINGS:

DISTRICT COURT
CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** November 15, 2011

D-10-426817-D Sandra Lynn Nance, Plaintiff
vs.
Christopher Michael Ferraro, Defendant.

November 15, 2011 **1:00 PM** **Motion**

HEARD BY: Giuliani, Cynthia N. **COURTROOM:** Courtroom 06

COURT CLERK: Carol Critchett

PARTIES:
Christopher Ferraro, Defendant, present
Evan Nance, Subject Minor, not present
Sandra Nance, Plaintiff, present

Ross Goodman, Attorney, present

Pro Se

JOURNAL ENTRIES

- DEFT'S MOTION FOR RECOGNITION OF NEW COUNSEL OF RECORD IN ORDER TO FILE A MOTION TO REHEAR/RECONSIDER THE OCTOBER 12, 2011 CASE MANAGEMENT HEARING OR SET ASIDE THE ORDERS ISSUED AT THE HEARING

Eric Roys, bar number 11869, present with Plaintiff.
Herbert Sachs, bar number 2785, present telephonically.

Court called the case then reviewed the hearing.

Mr. Roys inquired if the Court had received a courtesy copy of Mr. Sachs' Opposition?

Discussion.

Argument by Mr. Sachs regarding the substitution of attorney. He requested Mr. Goodman call his office to discuss Mr. Sachs attorney fees.

Discussion regarding the substitution of attorney.

Mr. Sachs advised the Court he would agree to the substitution of attorney if Mr. Goodman calls his office.

Court inquired if Mr. Sachs would agree to the substitution on the record. Mr. Sachs replied he would with a phone call from Mr. Goodman. Mr. Goodman stated he would not call Mr. Sachs. Mr. Sachs stated he would be withdrawing his agreement to the substitution.

Argument by Mr. Goodman regarding the substitution of attorney.

Mr. Sachs requested he be allowed to call the Court back from his office.

Discussion. Court inquired about Mr. Sachs' retainer agreement with Defendant.

Argument by Mr. Sachs regarding Defendant's obtaining his file from Mr. Sachs' office.

Court inquired if Defendant took his file away from Mr. Sachs.

Argument by Mr. Goodman regarding Defendant's file.

Further argument and discussion regarding the substitution of attorney issues.

Argument by Mr. Goodman. He requested an Order Shortening Time (OST) for Defendant's Motion To Rehear.

Argument by Mr. Roys in rebuttal and in regard to the request for an OST.

Further argument and discussion regarding the prior Orders and the Motion To Rehear.

The Order Shortening Time was SIGNED IN OPEN COURT then returned to counsel for filing and service.

COURT ORDERED, motion GRANTED. Mr. Goodman shall be SUBSTITUTED as COUNSEL OF RECORD for Defendant.

Mr. Sachs is RELIEVED of any FURTHER DUTIES in this case.

Mr. Goodman shall COPY Defendant's FILE then either RETURN the ORIGINAL FILE or forward the COPIED FILE to Mr. Sachs.

The parties and counsel shall RESOLVE the FEE DISPUTE ISSUES between themselves.

The request for an ORDER SHORTENING TIME is GRANTED. Defendant's Motion To Rehear,

currently calendared for December 12, 2011, shall be SHORTENED to NOVEMBER 21, 2011 at 1:30 P.M.

The MINUTE ORDER shall SUFFICE as the post hearing ORDER.

INTERIM CONDITIONS:

FUTURE HEARINGS:

DISTRICT COURT
CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** November 21, 2011

D-10-426817-D Sandra Lynn Nance, Plaintiff
vs.
Christopher Michael Ferraro, Defendant.

November 21, 2011 **1:30 PM** **All Pending Motions**

HEARD BY: Giuliani, Cynthia N. **COURTROOM:** Courtroom 06

COURT CLERK: Carol Critchett

PARTIES:
Christopher Ferraro, Defendant, present
Evan Nance, Subject Minor, not present
Sandra Nance, Plaintiff, present
Ross Goodman, Attorney, present
Eric Roy, Attorney, present

JOURNAL ENTRIES

- DEFT'S MOTION TO REHEAR/RECONSIDER THE OCTOBER 12, 2011 CASE MANAGEMENT HEARING OR SET ASIDE THE ORDERS ISSUED AT THE HEARING; TO CLARIFY THE PARTIES' CUSTODY ARRANGEMENT; THAT THE COURT DIVORCE THE PARTIES AT THE HEARING OF THIS MOTION OR SET THIS MATTER FOR A TRIAL; CLARIFYING THE DEFT'S VISITATION UNDER THE PARTIES' STIPULATED SETTLEMENT AGREEMENT; CLARIFYING THE PARTIES' CUSTODY ARRANGEMENT UNDER THE STIPULATED SETTLEMENT AGREEMENT; ORDERING THE PLTF TO PAY ONE-HALF OF THE COST FOR THE OUTSOURCED PSYCHOLOGICAL EVALUATION FOR THE MINOR CHILD; FOR DEFT'S ATTY'S FEES AND COSTS INCURRED HEREIN; AND RELATED MATTERS...PLTF'S OPPOSITION AND COUNTERMOTION FOR MODIFICATION OF VISITATION, PROTECTIVE ORDER OR BEHAVIOR ORDER, SETTING MATTER FOR TRIAL, ORDER NUNC PRO TUNC, ATTY'S FEES & COSTS AND SANCTIONS

Court called the case then reviewed the issues. Court advised the parties and counsel it had read all the documents and the emails. Court acknowledged receipt of Defendant's Reply and it's review.

Discussion regarding the high conflict between the parties and the child's welfare.

Argument by Mr. Goodman regarding the motion issues.

Argument by Mr. Roys in rebuttal and for the Countermotion issues.

Further argument and discussion.

COURT stated it's FINDINGS then ORDERED, DR. JOHN PAGLINI shall PERFORM the CHILD CUSTODY EVALUATION. The parties shall CALL his OFFICE WITHIN 24 HOURS to make the APPOINTMENT for the evaluation.

The RETURN HEARING for the CUSTODY EVALUATION REPORT, calendared for JANUARY 24, 2012 at 10:00 A.M., shall STAND. DR. PAGLINI shall CONTACT CHAMBERS if he is UNABLE to COMPLETE the EVALUATION REPORT in time for the
RETURN HEARING.

The parties shall share JOINT LEGAL and JOINT PHYSICAL CUSTODY.

Pending the CUSTODY EVALUATION, DEFENDANT shall receive HOLIDAY VISITATION with the child IN NEW YORK. DEFENDANT shall have the child from
DECEMBER 11 through 25, 2011.

The parties shall COMMUNICATE through the internet website known as "OUR FAMILY WIZARD". The parties shall have their accounts SET UP by FRIDAY,
NOVEMBER 25, 2011. There shall be NO DIRECT COMMUNICATION between the parties, EXCEPT in case of an EMERGENCY. All regular COMMUNICATION shall TAKE PLACE through the website.

The parties are ADMONISHED to CALL CHILD PROTECTIVE SERVICES (CPS) if they believe the CHILD is being HARMED.

DEFENDANT'S NAME shall be ADDED to the CHILD'S THERAPIST'S RECORDS to allow him to OBTAIN INFORMATION about the child's progress in therapy. PLAINTIFF shall CALL the THERAPIST'S OFFICE by 5:00 P.M. TODAY, NOVEMBER 21, 2011.

PLAINTIFF shall MAKE SURE Defendant's NAME is on the child's DAYCARE and DOCTOR RECORDS to allow his ACCESS to the child's INFORMATION.

DEFENDANT shall PREPARE and FILE a FINANCIAL DISCLOSURE FORM (FDF) by NOVEMBER 28, 2011 then SERVE IT to the opposing side.

The parties shall CO-PARENT for the BEST INTERESTS of the child.

The parties are referred to the COOPERATIVE PARENTING CLASSES through the University Of Nevada Las Vegas (UNLV). The parties shall be ALLOWED to TAKE the CLASSES ONLINE at www.parentsinconflict.com.

BOTH parents shall receive VIDEO CONTACT with the child when he is with the other parent through the internet website known as "SKYPE". The "SKYPE" contact shall take place 3 DAYS PER WEEK on MONDAYS, WEDNESDAYS and SATURDAYS. When the child is IN NEW YORK with Defendant the contact shall TAKE PLACE AT 5:00 P.M. NEVADA time, 8:00 P.M. NEW YORK time. When the child is in LAS VEGAS, the contact shall TAKE PLACE at 7:00 P.M. NEVADA time and 10:00 P.M. NEW YORK time.

The parties shall either STRUCTURE an AGREEMENT or BRING the APPROPRIATE MOTION before the Court to HYPHENATE the child's SURNAME.

The issues of the PAYMENT for the EVALUATION and CHILD SUPPORT shall be HELD IN ABEYANCE pending receipt of DEFENDANT'S FDF.

Absolute DECREE Of Divorce is GRANTED.

PLAINTIFF shall PREPARE and FILE an AFFIDAVIT OF RESIDENT WITNESS.

The parties are ADMONISHED NOT TO REMARRY until they have received a CONFORMED, "FILED" STAMPED COPY of the DECREE OF DIVORCE.

Mr. Roy shall PREPARE the DECREE OF DIVORCE. Mr. Goodman shall REVIEW the DECREE Of Divorce as to form and content then SIGN OFF.

Mr. Goodman shall PREPARE the post hearing ORDER. Mr. Roy shall REVIEW the ORDER as to form and content then SIGN OFF.

INTERIM CONDITIONS:

FUTURE HEARINGS:

DISTRICT COURT
CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** January 04, 2012

D-10-426817-D Sandra Lynn Nance, Plaintiff
vs.
Christopher Michael Ferraro, Defendant.

January 04, 2012 **2:25 PM** **Minute Order**

HEARD BY: Giuliani, Cynthia N. **COURTROOM:**

COURT CLERK:

PARTIES:
Christopher Ferraro, Defendant, not present
Evan Nance, Subject Minor, not present
Sandra Nance, Plaintiff, not present
Shannon Wilson, Attorney, not present
Emily McFarling, Attorney, not present

JOURNAL ENTRIES

- Based upon the respective financial condition of the parties, it is hereby ordered that the Defendant shall pay for Dr. Paglini's evaluation subject to reimbursement upon the court's review of Dr. Paglini's report. Pursuant to Wright v. Osburn, 114 Nev. 1367 (1998), the Defendant shall pay $201.50 per month in child support commencing November 1, 2011.

01-04-12
CLERK'S NOTE:
A copy of the Minute Order was faxed to both counsel as well as mailed to both parties, at the addresses listed in the court's computerized case file, this date. cc

1-13-12
CLERK'S NOTE:

Upon review it was found the Minute Order contained errors in the printing. The errors were corrected and copies of the corrected Minutes were re-faxed to both counsel and re-mailed to both parties, at the addresses listed in the court's computerized case file, this date. cc

INTERIM CONDITIONS:

FUTURE HEARINGS:

DISTRICT COURT
CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** March 27, 2012

D-10-426817-D Sandra Lynn Nance, Plaintiff
vs.
Christopher Michael Ferraro, Defendant.

March 27, 2012 **9:00 AM** **Return Hearing**

HEARD BY: Giuliani, Cynthia N. **COURTROOM:** Courtroom 06

COURT CLERK: Carol Critchett

PARTIES:
Christopher Ferraro, Defendant, present
Evan Nance, Subject Minor, not present
Sandra Nance, Plaintiff, present
Ross Goodman, Attorney, present
Eric Roy, Attorney, present

JOURNAL ENTRIES

- RETURN: PSYCHIATRIC EVALUATION

Court called the case then reviewed the issues. Court inquired if the parties and counsel had reviewed the evaluation report. Both counsel and both parties replied in the affirmative.

Discussion regarding the evaluation report and Dr. Paglini's recommendations.

Argument by Mr. Roy regarding the evaluation report and Plaintiff's request to modify custody based on that report.

Argument by Mr. Goodman in rebuttal to counsel's argument, the evaluation report and Dr. Paglini's findings. He argued further regarding adoption of Dr. Paglini's recommendations.

Further argument and discussion regarding an incident at an ice skating rink with Defendant and the child, Defendant's visitations, Dr. Paglini's findings and recommendations, Defendant's visitations and payment of Dr. Paglini's costs.

Court provided the internet website address for the University Of Nevada Las Vegas (UNLV) online

parenting classes to both parties IN OPEN COURT.

COURT ORDERED, Dr. Paglini's RECOMMENDATIONS are AFFIRMED and ADOPTED.

DEFENDANT'S VISITATIONS shall TAKE PLACE in LAS VEGAS NEVADA for the next 4 MONTHS pending COMPLETION of EXTENSIVE PARENTING CLASSES.

The parties shall ATTEND the ONLINE PARENTING CLASSES through the University Of Nevada Las Vegas (UNLV).

The parties shall resolve their parenting issues through a PARENTING CO-COORDINATOR. The parties are referred to MARGARET PICKARD. If the parties do not wish to go forward with Ms. Pickard counsel shall CONFER to CHOOSE another PARENTING COORDINATOR.

The parties shall work on their CO-PARENTING SKILLS with the PARENTING COORDINATOR.

The parties shall CONSULT the PARENTING COORDINATOR regarding the ISSUES of the child's PRESCHOOL, COUNSELING and EXTRA CURRICULAR ACTIVES. Plaintiff shall PROVIDE the INFORMATION regarding the child's COUNSELING to Ms. Pickard through her counsel.

After completion of the PARENTING CLASSES, and the parties having worked with the Parenting Co-Coordinator, Dr. Paglini's recommendations for the HOLIDAY VISITATIONS and DEFENDANT'S VISITATIONS shall GO FORWARD.

The parties shall COMPLY with the JOINT LEGAL CUSTODY provisions. The parties shall COMMUNICATE by way of EMAIL for the CHILD'S ISSUES ONLY, except in case of an emergency.

NEITHER PARTY, NOR their FAMILIES, shall DISPARAGE the OTHER PARENT in the PRESENCE of the CHILD.

Counsel shall BRIEF the issue of the CHILD'S SURNAME HYPHENATION. The COURT shall ISSUE it's DECISION by APRIL 4, 2012. Counsel shall HOLD the DECREE OF DIVORCE pending the Court's DECISION about the child's surname.

Mr. Goodman shall PREPARE the ORDER. Mr. Roy shall REVIEW the ORDER as to form and content then SIGN OFF.

INTERIM CONDITIONS:

FUTURE HEARINGS:

DISTRICT COURT
CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** April 16, 2012

D-10-426817-D Sandra Lynn Nance, Plaintiff
vs.
Christopher Michael Ferraro, Defendant.

April 16, 2012 **11:00 AM** **Minute Order**

HEARD BY: Giuliani, Cynthia N. **COURTROOM:**

COURT CLERK:

PARTIES:

Christopher Ferraro, Defendant, not present
Evan Nance, Subject Minor, not present
Sandra Nance, Plaintiff, not present
Shannon Wilson, Attorney, not present
Emily McFarling, Attorney, not present

JOURNAL ENTRIES

- The court took the issue of Plaintiff's request to change the surname of the child to include her surname hyphenated with the father's surname under advisement. Defendant objects to the hyphenated surname proposed by the Plaintiff. In Magiera v Luera, 106 Nev. 775 (1990), the court held that the burden is on the party seeking the name change to prove, by clear and compelling evidence, that the substantial welfare of the child necessitates a name change. The Plaintiff made the request to change the surname of the child in open court at the outsourced evaluation return. The matter was not on calendar at the time Plaintiff made the request. Each counsel filed a short brief regarding their respective positions on the issue. The court notes that the briefs are not supported by affidavits from the parties. The court has insufficient information to determine whether the substantial welfare of the child necessitates a name change. The Plaintiff shall place this matter back on calendar by filing an appropriate Motion if she wishes this issue to be properly decided by the Court.

INTERIM CONDITIONS:

FUTURE HEARINGS:

DISTRICT COURT
CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** August 12, 2015

D-10-426817-D Sandra Lynn Nance, Plaintiff
vs.
Christopher Michael Ferraro, Defendant.

August 12, 2015 **10:00 AM** **All Pending Motions**

HEARD BY: Gentile, Denise L **COURTROOM:** Courtroom 03

COURT CLERK: Andrea Slayton

PARTIES:
Christopher Ferraro, Defendant, present
Evan Nance, Subject Minor, not present
Sandra Nance, Plaintiff, present
Shannon Wilson, Attorney, present

JOURNAL ENTRIES

- DEFENDANT CHRISTOPHER FERRARO'S MOTION TO MODIFY CUSTODY, FOR RELOCATION OF MINOR CHILD, AND OTHER RELATED RELIEF...PLAINTIFF'S OPPOSITION AND COUNTERMOTION TO DEFENDANT'S MOTION TO MODIFY CUSTODY, FOR RELOCATION OF MINOR CHILD, AND OTHER RELATED RELIEF AND COUNTERMOTION FOR CONFIRMATION OF PRIMARY PHYSICAL CUSTODIAN; MODIFICATION OF CHILD SUPPORT; STRIKE CHRIS' MOTION AS DEFECTIVE; AND REASONABLE ATTORNEY FEES AND COSTS

Attorney Robert Weatherford, Bar #7949, present with Plaintiff.
Attorney Todd Moody, Bar #5430, present with Defendant.
Margaret Pickard, Parenting Coordinator, also present.

Arguments by Counsel.

COURT ORDERED the following:

1. Any Child Support modification shall be heard by this Court.

2. A Minute Order to be ISSUED regarding the outstanding issues.

3. Discovery closes at 5:00 p.m. on 12/3/15.

4. Pretrial Memorandums shall be filed/served and exhibits exchanged one week prior to trial.

5. CALENDAR CALL date SET on 12/3/15 at 9:00 a.m.

6. EVIDENTIARY HEARING on Stack #2 date SET on 12/17/15 at 9:00 a.m.

7. EVIDENTIARY HEARING on Stack #1 date SET on 3/9/16 at 9:00 a.m.

Attorney Wilson to prepare the Order from today's hearing; Attorney Weatherford to countersign.

INTERIM CONDITIONS:

FUTURE HEARINGS:

DISTRICT COURT
CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** August 17, 2015

D-10-426817-D Sandra Lynn Nance, Plaintiff
vs.
Christopher Michael Ferraro, Defendant.

August 17, 2015 **8:30 AM** **Minute Order**

HEARD BY: Gentile, Denise L **COURTROOM:** Courtroom 03

COURT CLERK: Andrea Slayton

PARTIES:
Christopher Ferraro, Defendant, not present
Evan Nance, Subject Minor, not present
Sandra Nance, Plaintiff, not present
Shannon Wilson, Attorney, not present
Emily McFarling, Attorney, not present

JOURNAL ENTRIES

- As stated by the Court;

NRCP 1 and EDCR 1.10 states the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action.

This Court having considered the matter and the temporary request made by Defendant to relocate with the parties' child to New York pending the evidentiary hearing in this matter, this Court was clear that it is not inclined to grant a temporary request to relocate due to the fact that it has not yet heard the matter on the merits. Thus, while Defendant made a compelling presentation, at this time it is not in the child's best interest to relocate him temporarily without knowing whether the move is permanent, as the potential always exists that the Court may ultimately find that the child should remain in Nevada with Plaintiff, and then he would have unnecessarily been uprooted in the interim.

As it pertains to the standard, this Court has evaluated the allegations of Plaintiff and Defendant, relating to the time share, and this Court has determined this also is a question of fact, which will need to be addressed at the evidentiary hearing and will apply the correct legal standard to the application for relocation. However, this Court will apply the legal standard of joint custodians if the time share of Defendant's is found to be accurate. If Plaintiff's time share is accurate, then this Court

will apply the stricter standard of a non-custodial parent asking for primary custody and a relocation. This is a much more difficult prospect on which to prevail, as the legal standard for a change of custody under Ellis v. Carucci, 123 Nev. 145, 161 P.3d 239 (2007), is much greater. So this Court cautions Defendant that before he proceeds with this type of custody matter, that he consider his burden, in this regard.

CLERK'S NOTE: A copy of this Minute Order was placed in Attorney Wilson and Attorney Weatherford's attorney folders located in the Clerk's Office.

INTERIM CONDITIONS:

FUTURE HEARINGS:

DISTRICT COURT
CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** February 02, 2016

D-10-426817-D Sandra Lynn Nance, Plaintiff
vs.
Christopher Michael Ferraro, Defendant.

February 02, 2016 10:40 AM Minute Order

HEARD BY: Gentile, Denise L **COURTROOM:** Chambers

COURT CLERK: Andrea Slayton

PARTIES:
Christopher Ferraro, Defendant, not present
Evan Nance, Subject Minor, not present
Sandra Nance, Plaintiff, not present
Shannon Wilson, Attorney, not present
Emily McFarling, Attorney, not present

JOURNAL ENTRIES

- As stated by the Court;

NRCP 1 and EDCR 1.10 states the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.11(e), this Court can consider a motion and issue a decision on the papers at any time without a hearing.

COURT, having read and considered Defendant s Motions in Limine Nos. 1 and 2, and Plaintiff's Oppositions and Countermotions thereto, FINDS and ORDERS as follows:

The Court reviewed Defendant's Motion in Limine #1 requesting to preclude any objections to the authenticity or genuineness of documents produced in discovery and FINDS as follows: the Court agrees, NRCP 16.2015(b)(5) requires that any objection be lodged within 21 days of the date of receipt, in writing, otherwise, the documents shall be presumed to be authentic and genuine, and shall not be excluded on those grounds. Based upon the representations of Defendant, and being there was no objection lodged pursuant to this rule, any such objections shall be prohibited at the time of trial. Therefore, Defendant's Motion is GRANTED insofar as the documents produced during discovery cannot be excluded on those grounds. This ruling does not preclude Plaintiff from raising any other

valid evidentiary objections. IT IS SO ORDERED.

The Court having reviewed the history of this case and Defendant's Motion in Limine #2, which includes a request to preclude using any pleading, testimony, remarks, questions or arguments relative to the facts and circumstances existing between the parties prior to the last custody order of November 30, 2012, FINDS as follows: this Court will appropriately apply McMonigle v. McMonigle, to testimony, documentary evidence, and the like, relating to the facts and circumstances that pre-date the last custody order. As it pertains to any allegations of domestic violence, this Court also GRANTS Defendant s request to bar any and all allegations of domestic violence, prior to the date of the last custody order of November 30, 2012, unless it was unknown to Plaintiff (which means it could not have been perpetrated on Plaintiff), or unknown to the Court at the time of the last order, as prescribed by Castle v. Simmons. Thus, Court GRANTS Defendant's Motion in Limine and will instruct both parties, their counsel, and all witnesses called on their behalves, not to mention or refer to facts either, directly or indirectly, which occurred prior to November 30, 2012, other than those which fall within the exception under Castle v. Simmons, if any. If there is a dispute as to whether certain allegations were raised, Defendant should be prepared to direct the court to a cite in the record for when those incidents were brought to the court s attention. IT IS SO ORDERED.

COURT ORDERS, Plaintiff's Countermotion to attorney's fees and costs DEFERRED to the time of trial. COURT FURTHER ORDERS, the hearings currently scheduled for March 15, 2016 at 10:00 a.m. VACATED.

CLERK'S NOTE: A copy of this Minute Order was placed in Attorney Ghibaudo and Attorney Wilson's attorney folders located in the Clerk's Office.

INTERIM CONDITIONS:

FUTURE HEARINGS: Aug 12, 2015 10:00AM All Pending Motions
Courtroom 03 Gentile, Denise L

DISTRICT COURT
CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** February 24, 2016

D-10-426817-D Sandra Lynn Nance, Plaintiff
vs.
Christopher Michael Ferraro, Defendant.

February 24, 2016 9:00 AM Calendar Call

HEARD BY: Gentile, Denise L **COURTROOM:** Courtroom 03

COURT CLERK: Andrea Slayton

PARTIES:
Christopher Ferraro, Defendant, present
Evan Nance, Subject Minor, not present
Sandra Nance, Plaintiff, present
Shannon Wilson, Attorney, present
Thomas Standish, Attorney, present

JOURNAL ENTRIES

- CALENDAR CALL...PLAINTIFF'S MOTION TO CONTINUE EVIDENTIARY HEARING

Attorney Jason Niami, Bar #9441, present with Attorney Standish and Plaintiff.

Arguments by counsel regarding continuing the trial and other related matters.

COURT ORDERED the following:

1. Evidentiary Hearing set to be heard on 3/9/16 at 9:00 a.m. shall be RESET to be heard on 6/27/16 at 9:00 a.m. and 6/28/16 through 6/30/16 at 1:30 p.m.

2. Matter to be continued as a Session Works meeting for Court and Counsel to discuss discovery, witnesses and other related matters on 3/9/16 at 9:00 a.m.

INTERIM CONDITIONS:

FUTURE HEARINGS:

DISTRICT COURT
CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** March 09, 2016

D-10-426817-D Sandra Lynn Nance, Plaintiff
vs.
Christopher Michael Ferraro, Defendant.

March 09, 2016 **1:30 PM** **Further Proceedings**

HEARD BY: Gentile, Denise L **COURTROOM:** Courtroom 03

COURT CLERK: Andrea Slayton

PARTIES:
Christopher Ferraro, Defendant, not present
Evan Nance, Subject Minor, not present
Sandra Nance, Plaintiff, not present
Shannon Wilson, Attorney, present
Emily McFarling, Attorney, not present

JOURNAL ENTRIES

- FURTHER PROCEEDINGS

Attorney Naimi and Attorney Moody also present.

Court and Counsel engaged in discussion off-the-record.

COURT ORDERED, Attorney Wilson to prepare the Stipulation and Order regarding the agreements from today's hearing; Attorney Standish to countersign.

INTERIM CONDITIONS:

FUTURE HEARINGS: Mar 09, 2016 1:30PM Further Proceedings
Courtroom 03 Gentile, Denise L

DISTRICT COURT
CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** June 27, 2016

D-10-426817-D Sandra Lynn Nance, Plaintiff
vs.
Christopher Michael Ferraro, Defendant.

June 27, 2016 **9:00 AM** **Evidentiary Hearing**

HEARD BY: Gentile, Denise L **COURTROOM:** Courtroom 03

COURT CLERK: Melissa McCulloch

PARTIES:
Christopher Ferraro, Defendant, present
Evan Nance, Subject Minor, not present
Sandra Nance, Plaintiff, present
Shannon Wilson, Attorney, present

JOURNAL ENTRIES

- EVIDENTIARY HEARING RE: CUSTODY/RELOCATION

Attorney Jason Naimi, Bar No. 9441 and Attorney Shelly Cooley, bar No. 8992, present as Co-Counsel for Plaintiff.

Attorney Todd Moody, Bar No. 5430, present as Co-Counsel with Defendant.

Discussion by Court and Counsel regarding Counsel's request for the Court's decision regarding what legal standard the Court is to apply and calculating the Parties timeshare pursuant to Rivero vs. Rivero, Bluestine and NRS 125(C). Court stated it is not inclined to make a decision as a matter of law prior to hearing the facts.

Opening statements by Counsel.

Testimony and evidence presented.

Counsel STIPULATE to the admission of Defendant's Exhibits A1, A2, B1, B2, B3, G1, L1 and M and Plaintiff's Exhibits 2, 3, 4, 5, 6, 16, 17, 18, 20, 21, 22, 23, 24, 30, 46, 47, 48, 55, 57, 61, 62, 63, 64, 65, 68, 69,

73, 74, 80 and 81.

Defendant's Exhibit N5 was REDACTED by Court Clerk to exclude Plaintiff's Social Security Number.

COURT ORDERED the following:

1. EVIDENTIARY HEARING regarding custody/relcation CONTINUED to 6/28/16 at 1:30 p.m. and 6/29/16 at 1:30 p.m.

INTERIM CONDITIONS:

FUTURE HEARINGS:

DISTRICT COURT
CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** June 28, 2016

D-10-426817-D Sandra Lynn Nance, Plaintiff
vs.
Christopher Michael Ferraro, Defendant.

June 28, 2016 **1:30 PM** **Evidentiary Hearing**

HEARD BY: Gentile, Denise L **COURTROOM:** Courtroom 03

COURT CLERK: Andrea Slayton

PARTIES:
Christopher Ferraro, Defendant, present
Evan Nance, Subject Minor, not present
Sandra Nance, Plaintiff, present
Shannon Wilson, Attorney, present

JOURNAL ENTRIES

- EVIDENTIARY HEARING RE: CUSTODY/RELOCATION

Attorney Shelly Cooley, Bar #8992, and Jason Naimi, Bar #9441, present with Plaintiff.
Attorney Todd Moody, Bar #5430, present as co-counsel for Defendant.

Counsel STIPULATE to have the courtroom closed during testimony.

Testimony and exhibits presented (see worksheet).

COURT ORDERED, matter CONTINUED to 6/29/16 at 1:30 p.m.

INTERIM CONDITIONS:

FUTURE HEARINGS:

DISTRICT COURT
CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** June 29, 2016

D-10-426817-D Sandra Lynn Nance, Plaintiff
vs.
Christopher Michael Ferraro, Defendant.

June 29, 2016 **1:30 PM** **Evidentiary Hearing**

HEARD BY: Gentile, Denise L **COURTROOM:** Courtroom 03

COURT CLERK: Andrea Slayton

PARTIES:
Christopher Ferraro, Defendant, present
Evan Nance, Subject Minor, not present
Sandra Nance, Plaintiff, present
Shannon Wilson, Attorney, present

JOURNAL ENTRIES

- EVIDENTIARY HEARING RE: CUSTODY/RELOCATION

Attorney Shelly Cooley, Bar #8992, and Jason Naimi, Bar #9441, present with Plaintiff.
Attorney Todd Moody, Bar #5430, present as co-counsel for Defendant.

Testimony and exhibits presented (see worksheet). Exhibit N3, Bates # DEFTSUN0002, DEFTSUN0003 and Exhibit N5, Bates #DEFTSAT0010, was replaced with redacted copies of the documents.

COURT ORDERED, Counsel to submit to the Court, with a courtesy copy provided to the other side, closing argument briefs, which may include proposed findings, no later than close of business on August 5, 2016. Any objections to the representations made in the briefs shall be submitted to the Court, with a courtesy copy provided to the other side, no later than close of business on August 15, 2016.

INTERIM CONDITIONS:

FUTURE HEARINGS:

DISTRICT COURT
CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** August 16, 2016

D-10-426817-D Sandra Lynn Nance, Plaintiff
vs.
Christopher Michael Ferraro, Defendant.

August 16, 2016 **3:30 PM** **All Pending Motions**

HEARD BY: Gentile, Denise L **COURTROOM:** Courtroom 03

COURT CLERK: Andrea Slayton

PARTIES:
Christopher Ferraro, Defendant, present
Evan Nance, Subject Minor, not present
Sandra Nance, Plaintiff, present
Shannon Wilson, Attorney, present

JOURNAL ENTRIES

- DEFENDANT'S MOTION TO REOPEN TRIAL OR IN THE ALTERNATIVE FOR NEW TRIAL LIMITED TO HEAR TESTIMONY OF DESMOND NANCE...PLAINTIFF'S OPPOSITION AND COUNTERMOTION FOR ATTORNEY'S FEES AND OTHER RELATED MATTERS

Attorney Jason Naimi, Bar #9441, and co-counsel, Attorney Michelle Cooley, Bar #8992, present with Plaintiff.
Defendant appeared by telephone.

Arguments by Counsel regarding Defendant's request to reopen trial, attorney's fees, issues regarding written closing arguments and objections made to the closing arguments, and other related matters.

Attorney Wilson requested the trial be reopened to allow testimony by Desmond Nance due to text messages sent to Defendant by Desmond making suggestions things were going on in Plaintiff's household. Attorney Wilson requested she be given an opportunity to find Desmond and question him regarding those text messages.

Upon inquiry from the Court, Defendant indicated he has not heard from nor been able to get in

contact with Desmond since the last text message.

Attorney Naimi represented Desmond is lashing out at Plaintiff, that Plaintiff disconnected Desmond's cell phone due to threatening test messages, and that Plaintiff believes Desmond is using drugs. Attorney Naimi also indicated a Temporary Protective Order (TPO) has been issued against Desmond in which they have been having issues with finding him to serve him with the TPO.

COURT ORDERED the following:

1. Attorney Naimi's request for Desmond Nance to be drug tested prior to being questions is DENIED due to this Court having no jurisdiction over Mr. Nance.

2. Counsel AGREE for Attorney Naimi's to strike portions of Defendant's objections that have been filed, providing Attorney Wilson with those portions he wishes to be stricken no later than 8/20/16. Attorney Wilson will then withdraw those portions she agrees to be stricken and file new objections no later than 8/24/16.

3. Attorney Wilson agrees to attempt to make contact with Desmond Nance and determine whether Desmond's testimony would be credible and/or worth going forward with reopening the trial by Friday, August 20, 2016. Attorney Naimi to consider providing Attorney Wilson with a list of friends and/or acquaintances they believe Desmond may be in contact with. Attorney Wilson to update the Court via a letter, copying Attorney Naimi, on whether they have made contact/found Desmond and whether or not they are withdrawing their request to re-open the trial and/or preparing to move forward on their request.

4. Attorney Naimi's request for attorney's fees is under advisement.

INTERIM CONDITIONS:

FUTURE HEARINGS:

DISTRICT COURT
CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** September 07, 2016

D-10-426817-D Sandra Lynn Nance, Plaintiff
vs.
Christopher Michael Ferraro, Defendant.

September 07, 2016 **2:00 PM** **Minute Order**

HEARD BY: Gentile, Denise L **COURTROOM:** Chambers

COURT CLERK: Andrea Slayton

PARTIES:
Christopher Ferraro, Defendant, not present
Evan Nance, Subject Minor, not present
Sandra Nance, Plaintiff, not present
Shannon Wilson, Attorney, not present
Emily McFarling, Attorney, not present

JOURNAL ENTRIES

- NRCP 1 and EDCR 1.10 state the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.11(e), this Court can consider a motion and issue a decision on the papers at any time without a hearing.

COURT FINDS, Defendant filed a Motion to Reopen Trial or, in the Alternative, for New Trial on July 21, 2016. Thereafter, Plaintiff filed an Opposition, Supplemental Opposition, and Countermotion. The matter came before the court for hearing on August 16, 2016, wherein the Court requested Counsel for Defendant to update the Court and Plaintiff's counsel, via a letter, as to whether she had made contact with and/or found Desmond and whether they were withdrawing or moving forward with their request to reopen trial. Said letter was received on August 19, 2016 and, upon further consideration, the Court FINDS and ORDERS as follows:

Ms. Wilson has twenty-eight (28) days to obtain Desmond's deposition (unless the date noticed is inconvenient for counsel and counsel stipulates to a different, and later date). The parties will then have fourteen (14) days to submit to the Court the transcript for publishing, unless for good cause it can be shown that the transcript is unable to be completed in that time frame. Once the transcript is

complete, each party will have seven (7) days to submit to the Court that portion of the transcript which he/she wants to be considered by the Court (or if the whole deposition, then it should be noted as such). Each side will have seven (7) days from receipt of the proposed testimony, to object in writing to that testimony considered objectionable, and the grounds for said objection; the Court will then read the question, without reading the answer, will consider the objection, and then rule. If the objection is sustained, the Court will not consider that portion of the testimony; if overruled, it will become part of the record. The Court will note which objections were sustained, if any, in its final decision.

CLERK'S NOTE: A copy of this Minute Order was placed in Attorney Niami and Attorney Wilson's attorney folder located in the Clerk's Office.

INTERIM CONDITIONS:

FUTURE HEARINGS:

DISTRICT COURT
CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** September 27, 2016

D-10-426817-D Sandra Lynn Nance, Plaintiff
vs.
Christopher Michael Ferraro, Defendant.

September 27, 2016 **3:30 PM** **All Pending Motions**

HEARD BY: Gentile, Denise L **COURTROOM:** Courtroom 03

COURT CLERK: Andrea Slayton

PARTIES:
Christopher Ferraro, Defendant, present
Evan Nance, Subject Minor, not present
Sandra Nance, Plaintiff, not present
Shannon Wilson, Attorney, present
Emily McFarling, Attorney, not present

JOURNAL ENTRIES

- DEFENDANT'S OPPOSITION TO PLAINTIFF SANDRA NANCE'S MOTION TO STRIKE PORTIONS OF DEFENDANT'S OBJECTIONS TO PLAINTIFF'S CLOSING ARGUMENT AND COUNTERMOTION FOR ATTORNEY FEES AND COSTS...PLAINTIFF'S MOTION TO STRIKE PORTIONS OF DEFENDANT'S OBJECTIONS TO PLAINTIFF'S CLOSING ARGUMENT AND FOR ATTORNEY'S FEES AND COSTS

Attorney Todd Moody, Bar #5430, also present as co-counsel with Attorney Wilson.

Arguments by Counsel.

COURT ORDERED, matter UNDER ADVISEMENT.

INTERIM CONDITIONS:

FUTURE HEARINGS:

DISTRICT COURT
CLARK COUNTY, NEVADA

Divorce - Complaint **COURT MINUTES** January 05, 2017

D-10-426817-D Sandra Lynn Nance, Plaintiff
vs.
Christopher Michael Ferraro, Defendant.

January 05, 2017 **9:30 AM** **Minute Order**

HEARD BY: Gentile, Denise L **COURTROOM:** Chambers

COURT CLERK: Andrea Slayton

PARTIES:
Christopher Ferraro, Defendant, not present
Evan Nance, Subject Minor, not present
Sandra Nance, Plaintiff, not present
Shannon Wilson, Attorney, not present
Emily McFarling, Attorney, not present

JOURNAL ENTRIES

- NRCP 1 and EDCR 1.10 state the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action.

The Court having considered the papers on file herein, the transcript of the record, the evidence presented at trial, which consists of Plaintiff's Exhibits 2-6, 16-18, 20-24, 30, 46-48, 55, 57, 61-65, 68, 69, 73, 74, 80, 81, Defendant's Exhibits A1, A2, B1, B2, B3, F2, G1, I, J, K1, K2, L1, M, N1, N2, N3, N4, N5, N7, P, testimony of witnesses presented by both parties, Closing Briefs, Objections to Closing Briefs, Motions to Strike, and Motions regarding Post-trial evidence relating to Desmond Nance, and good cause appearing therefore, FINDS AS FOLLOWS:

This Court hereby GRANTS the Defendant's Motion for Primary Custody and for Relocation to New York; after careful consideration of the evidence, this Court FINDS it appropriate to enter Defendant's FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER, subject to the modifications, additional findings, and deletions set forth herein below. The Court also considered, the Objections to Closing Briefs, and Motions to Strike, and will set forth herein below, the rulings on each party's requests.

In regards to Plaintiff's Objections to Defendant's Closing Brief, the COURT ORDERS AS FOLLOWS:

For purposes of this decision the Court will number the objections as set forth in the table of objections provided:

1. Objection sustained
2. Objection sustained
3. Objection sustained
4. Objection - sustained
5. Objection - sustained as to the representation of multiple schools but the Court notes there was resistance by mother to Plaintiff s request to send the child to private school, at least twice.
6. Objection sustained
7. Overruled

In regards to Defendant's Objections to Plaintiff's Closing Brief, the COURT ORDERS AS FOLLOWS: Overruled.

In regards to Plaintiff's Motion to Strike Portions of Defendant's Objections, the COURT ORDERS AS FOLLOWS: GRANTED as set forth in Plaintiff's Exhibit to Motion to Strike; the Court having considered the Plaintiff's request for attorney's fees for having to file the Motion to Strike, and to appear at the hearing on the matter, and the Court having considered the factors set forth in Brunzell v. Golden Gate National Bank, 85 Nev. 345 (1969) and Miller v. Wilfong, 121 Nev. 619 (2005), FINDS the following attorney's fees award is reasonable and was necessary to address said issue with the Court. The Court hereby awards the sum of $2,500 to Plaintiff's counsel for having to file the Motion to Strike Portions of Defendant's Objections.

In regards to the Motion to Reopen Trial or in Alternative to Hear Limited Testimony of Desmond Nance and Opposition thereto with Request for Attorney's fees, this Court having considered the Plaintiff's request for attorney's fees for having to file the Motion to Strike, and to appear at the hearing on the matter, and having considered the factors set forth in Brunzell v. Golden State, and Miller v. Wilfong, FINDS the following attorney's fees award is reasonable and was necessary to address said issue with the Court. The Court hereby awards the sum of $2,500 to Plaintiff for having to respond to the original motion, and to file the Motion to Strike the Notice as it pertained to Desmond Nance. Although this Court did not grant the Motion to Strike, this Court FINDS that the entire issue was precipitated by the request to reopen filed by Defendant and the representations made to this Court that the information was pertinent to the outcome of this case, to such an extent that he sought for the court to reopen the trial to allow for additional evidence. Based upon said representations of Defendant, this Court permitted him to proceed with obtaining said evidence, which unnecessarily multiplied the proceedings, only to result in no evidence offered at the end of the investigation. In this regard, the Court hereby awards the sum of $2,500 to Plaintiff's counsel.

Said $5,000 is hereby reduced to judgment, and collectible by any lawful means. Collection is hereby stayed for a period of 120 days, to allow Defendant the opportunity to pay the amount in full before said date, or establish an acceptable payment plan with Plaintiff's counsel.

This Court FINDS the following modifications shall be made to Defendant's proposed FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER:

Page 12, line 7, after "it" - add, "does not appear to be created" and delete "not created"

Page 12, line 16, after "supported." Add - There is no evidence to suggest the tooth fairy gifts of any amounts Defendant provides to Evan are done with malicious intent toward Plaintiff or to "one up" Plaintiff. Court FINDS that Plaintiff seems to allow the differences in the parties' financial means to cloud her ability to co-parent and do what is best for Evan. This Court cautions this is not a competition, and often one parent is able to provide more money or financial means than the other, but that should not be taken personally by the other parent, nor should it allow those gestures to cloud their judgment while co-parenting.

Page 12, line 25, after the number 17. Add The Court disagrees with Plaintiff's assertion that Defendant does what he wants to do. This Court FINDS that each parent does what he or she wants to do while the child is in his/her care, because the parents have been unable to communicate productively and/or agree on what is best for Evan.

Page 13, line 1 and 2 - delete the sentence starting with Plaintiff, and ending with wants.

Page 14, line 10, add sentence, "This Court FINDS that Evan can benefit from Defendant's expertise in the sport, can benefit from the team sport atmosphere, and intense involvement from his father, and that the benefit outweighs the potential burden. This Court FINDS that Defendant appears mindful of Plaintiff's concerns regarding the dangers of hockey and other sports, given his own injuries. Court FINDS Defendant does not demonstrate behaviors or willingness to put his child in harm's way intentionally, but many team sports or any physical activity comes with the potential for injury. Defendant is CAUTIONED to be mindful of this and Plaintiff's concerns should be discussed openly and respectfully, as she is a joint legal custodian.

Page 14, line 21 and 22, combine FINDINGS n. and o. New FINDING o. shall be: Court FINDS Plaintiff's admitted history of failure to communicate regarding legal custody issues, and Defendant's confirmation of such, to be disconcerting because it is important to be a respectful and open-minded co-parent on these very subjective issues. Further, if Plaintiff is obstructionist and makes co-parenting difficult, Court FINDS that is not in the child's best interests. Court further FINDS that Defendant does not appear to exhibit the same behavior toward Plaintiff. This Court FINDS that disagreement is different than obstructing efforts made to better the child's life.

Page 16, line 7 - modify the first sentence to "All of that said, Nevada is a gaming state, and gambling is legal."

Page 16, line 23 - modify the last clause to read, "the Court finds the Defendant's choices and actions are more closely aligned with the bests interests of the child."

Page 27, line 22, change the word here to "Las Vegas"

Page 28, line 20, after programs, modify the sentence to read, "but because Defendant sought primary custody during the school year, all extracurricular activities cannot take a front seat to Evan's relationship with his mother. During Plaintiff's timeshare, unless Plaintiff agrees to putting Evan in said extracurricular activities, she is entitled to exercise the time in the manner in which she pleases. If Evan's extracurricular activities suffer from her choices to deny that involvement, that is a parenting decision she is entitled to make, if she believes it is better for Evan, or for their relationship.

Page 29, line 11, change EVEN to ODD, and on line 12 change EVEN to ODD, and on line 13, change ODD to EVEN.

Page 29, line 22, delete "odd years and Dad shall have Evan in even years." Add, "every year." Delete "In even years when Evan is with Dad, if Evan is participating in a sports camp or tournament, Mom may attend at Mom"s expense."

Page 30, line 14, change odd to even, and even to odd. (In essence, Mom shall have Evan in even years and Dad shall have Evan in odd years for Thanksgiving).

Page 30, line 24, delete "pre-planned Ferraro-family events." Add, significant and/or important events (i.e., once in a lifetime events, pre-arranged and non-refundable trips). If said visit cannot be conducted within the period noticed by Plaintiff, an alternate visitation shall take place on the next date chosen or designated by Plaintiff regardless of any significant events.

Page 30, line 26, add the sentence: Such visits shall not be unreasonably denied due to "pre-planned Ferraro-family events," as such events are likely to be conducted regularly.

Page 31, line 4, revise to say "based on Evan's school and extracurricular activity schedule."

This Court FINDS that because of the manner in which this case proceeded and concluded on September 27, 2016 with post trial motions, the child ended up commencing school in Las Vegas for the 2016-2017 school year. While this Court believes it is in the child's long term best interests to be in Defendant's primary care, it does not believe that the disruption to the child's school at this juncture is in his best interests. In this regard, the COURT ORDERS the parties should continue to follow their current schedule, and commence their custodial plan as of one week after school lets out, which means that Plaintiff will have the summer from one week after school lets out until one week before school begins in New York. Defendant will have to notify Plaintiff of the dates for when the child needs to be present in New York for his first day of attendance or orientation, as the case may be.

The COURT ORDERS Defendant to prepare and submit a proposed order consistent with this Decision.

The COURT ORDERS the Decision Hearing on January 5, 2017 shall be VACATED.

CLERK'S NOTE: A copy of this Minute Order was placed in Attorney Naimi and Attorney Wilson's attorney folders located in the Clerk's Office.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Plaintiff's Trial Exhibit List

Sandra Nance vs. Christopher Ferraro
D-10-426817-D

			Off.	Obj.	Adm.
X		Withdrawn			
✓	2.	Graduation E-mails/Future School Events			STIP 6/27/16
✓	3.	Challenger school E-mails			STIP 6/27/16
✓	4.	Margaret Pickard E-mails			STIP 6/27/16
✓	5.	Margaret Pickard E-mails School Issues, May 21, 2013- July 13, 2013			STIP 6/27/16
✓	6.	Margaret Pickard E-mails Phone Consult with Judith Tolman October 9, 2014			STIP 6/27/16
X		Withdrawn			
X		Withdrawn			
X		Withdrawn			
X		Withdrawn			
X		Withdrawn			
X		Sandra's Proposed 2014-2015 schedule			
X		Withdrawn			
X		Withdrawn			
X		Withdrawn			
✓	16.	December 26, 27, 2014 E-mails			STIP 6/27/16
✓	17.	Plaintiff's e-mails to Defendant, examples of extracurricular activities			STIP 6/27/16
✓	18.	Plaintiff's e-mails to Defendant, examples of travel			STIP 6/27/16
X		Plaintiff's e-mails to Defendant, regarding Evan's baptism			
✓	20.	Plaintiff's e-mails to Defendant, regarding New Year's Eve 2013			STIP 6/27/16
✓	21.	Plaintiff's e-mails to Defendant, regarding December 2012 Timeshare			STIP 6/27/16
✓	22.	Plaintiff's e-mails to Defendant, regarding Evan's schooling in July 2013			STIP 6/27/16
✓	23.	Plaintiff's e-mails to Defendant, regarding extra visitation with Evan in March 2013			STIP 6/27/16

			Off.	Obj.	Adm.
✓	24.	Plaintiff's e-mails to Defendant, regarding medical update for Evan in April 2013			STIP 6/27/16
~~X~~	~~25.~~	Withdrawn			
~~X~~	~~26.~~	Withdrawn			
~~X~~	~~27.~~	Withdrawn			
~~X~~	~~28.~~	Withdrawn			
~~X~~	~~29.~~	Withdrawn			
✓	30.	Copies of insurance cards for Evan Ferraro			STIP 6/27/16
~~X~~	~~31.~~	Withdrawn			
~~X~~	~~32.~~	Withdrawn			
~~X~~	~~33.~~	Withdrawn			
~~X~~	~~34.~~	Withdrawn			
~~X~~	~~35.~~	Withdrawn			
~~X~~	~~36.~~	Withdrawn			
~~X~~	~~37.~~	Withdrawn			
~~X~~	~~38.~~	Withdrawn			
~~X~~	~~39.~~	Withdrawn			
~~X~~	~~40.~~	Withdrawn			
~~X~~	~~41.~~	Withdrawn			
~~X~~	~~42.~~	Withdrawn			
~~X~~	~~43.~~	Withdrawn			
~~X~~	~~44.~~	Withdrawn			
~~X~~	~~45.~~	Withdrawn			
✓	46.	Photographs of activities with Evan in Las Vegas			STIP 6/27/16
✓	47.	Photographs of Evan in Las Vegas with his siblings			STIP 6/27/16
✓	48.	Photographs of Sandra and her children			STIP 6/27/16
~~X~~	~~49.~~	Evan's school work in the writing center			

		Off.	Obj.	Adm.
~~X~~	Withdrawn			
~~X~~	October 18, 2015, Flight Itinerary rescheduled by Christopher Ferraro			
~~X~~	January 13, 2015, Flight Itinerary rescheduled by Christopher Ferraro			
~~X~~	May 1, 2015, documentation when Christopher Ferraro claimed Evan Ferraro was sick			
~~X~~	Sandra Nance volunteer work and Evan Ferraro's school			
✓ 55.	Kindergarten Progress & Performance E-mails from Margaret Pickard, dated February 17, 2015 through February 20, 2015			STIP 6/27/16
✓ 56.	Photograph of Evan Ferraro's Dog bite to hand			
✓ 57.	E-mails and text messages regarding Evan's baptismal			STIP 6/27/16
~~X~~	Withdrawn			
~~X~~	Text messages from April 16, 2014, from Christopher Ferraro regarding his doctor appointment			
~~X~~	New York State Office of Children & Family Services Documentation from May 3, 2010			
✓ 61.	Photographs of Evan's graduation, bates 0459-0463			STIP 6/27/16
✓ 62.	Never Give Up Behavioral Health Services Assessment of Evan Ferraro dated June 11, 2015			STIP 6/27/16
✓ 63.	Text messages from Christopher Ferraro to Sandra Nance during 2013/2014			STIP 6/27/16
✓ 64.	Photographs from December 2013 to July 2014 of New York Visits			STIP 6/27/16
✓ 65.	August 2015 timeshare correspondence			STIP 6/27/16
~~X~~	Withdrawn			
~~X~~	Photograph of Christopher Ferraro's mother's day gift to Sandra Nance			
✓ 68.	Christopher Ferraro's rules for Evan Ferraro			STIP 6/27/16
✓ 69.	Documents regarding Evan's Field Day			STIP 6/27/16
~~X~~	Photographs of Sandra Nance's daughter Kayla Nance			
~~X~~	Report card of Sandra Nance's daughter Kayla Nance			
~~X~~	Photographs of Desmond Nance			
✓ 73.	Records provided from Daniel Hungerford Deposition	6/27/16		STIP/6/27/16
✓ 74.	Records provided from Clark County School District Daniel Hungerford Deposition			STIP 6/27/16
~~X~~	Withdrawn			

		Off.	Obj.	Adm.
~~76.~~	Text Messages of Christopher Ferraro's girlfriend Kristy			
~~77.~~	Articles and Messages from Christopher Ferraro regarding his 7-Eleven Property			
~~78.~~	E-mail to Margaret Pickard from Christopher Ferraro regarding Kristy Dwyer			
~~79.~~	Photograph of Christopher Ferraro on date for Evan Ferraro's birthday			
80.	E-mails between Christopher Ferraro and Sandra Nance			STIP 6/27/16
~~81.~~	E-mails between Christopher Ferraro and Sandra Nance regarding Evan Ferraro and the MMA			STIP 6/27/16
~~82.~~	2013 excel timeshare spreadsheet			
~~83.~~	2014 excel timeshare spreadsheet			
~~84.~~	2015 excel timeshare spreadsheet			
~~85.~~	Deposition transcript of Christopher Ferraro			
~~86.~~	Evan Feraro's 2015-2016 Student Assessment dated December 7, 2015			
~~87.~~	COR Documents subpoenaed from Judith Tolman/Never Give Up Behavioral Clinic			
~~88.~~	Withdrawn			
~~89.~~	Withdrawn			
~~90.~~	COR documents subpoenaed from Kids Quest			
~~91.~~	Withdrawn			
~~92.~~	Withdrawn			
~~93.~~	Withdrawn			

CASE NO. D-10-426817-D
DEPT NO. F

TRIAL DATE: March 9, 2016
JUDGE: Denise Gentile
Ctrm: Family Court, Ct. Rm. 3

Sandra Lynn Nance

Plaintiff,

vs.

Eric Roy, Esq.
Mahogany Turfley, Esq.

Christopher Michael Ferraro

Defendant.

Todd L. Moody, Esq.
Shannon Wilson, Esq.

DEFENDANT'S TRIAL EXHIBITS

Deft. Ex.	Description	Offered	Stip.	Obj.	Admitted
✓A1	Emails Between the Parties, the Parenting Coordinator, and the School, Bates numbered DEFT0001-DEFT0212				STIP 6/27/16
✓A2	Text messages between the parties, Bates numbered DEFT0738-DEFT0758				STIP 6/27/16
✓B1	Photographs of Defendant and Evan, Evan, and Defendant's home, Bates numbered DEFT0213-DEFT0229	6/27/16		No	6/27/16
✓B2	Photographs of Evan Ferraro taken Fall 2015, Bates numbered DEFT0925-DEFT0933	6/27/16		No	6/27/16
✓B3	CD containing video of Evan Ferraro practicing baseball, Fall 2015, Bates numbered DEFT0934	6/27/16		No	6/27/16
X	Drawings by Evan's best friend DEFT00230-DEFT00231				
X	Examples of Extra School Work Chris did with Evan, Bates numbered DEFT0232-DEFT0254				

Deft. Ex.	Description	Offered	Stip.	Obj.	Admitted
X	Notice of Entry of Judgment entered June 13, 2014 in Case No. A-13-681877-C, *Bank of New York Mellon, et al v. Rebecca J. Nance, et al*, Bates numbered DEFT0255-DEFT0261				
X	Portledge School Information, Bates numbered DEFT0262-DEFT0265				
✓ F2	Rocky Point Free School District Information, Bates numbered DEFT0266-DEFT0276	6/27/16		Yes	6/27/16
X	CCSD/Givens Elementary School Enrollment Data, Bates numbered DEFT0277				
X	Annie E. Casey Foundation, Kids Count Data Book 2015, Bates numbered DEFT0935-DEFT0990				
✓ G1	Defendant's Timeshare Calculation, Bates numbered DEFT0278-DEFT0281	6/27/16		Yes	6/27/16
X	Travel itineraries for Chris and Evan from Delta Airlines, Bates numbered, DEFT 0342-DEFT0357 and DEFT0358-DEFT0368				
X	Records received from Mountain View Pediatrics regarding Evan Ferraro, Bates numbered DEFT0296-DEFT0341				
✓ I	Evan's Summer Math, Reading and Writing Logs, Bates numbered DEFT0370-DEFT0403	6/27/16		Yes	6/27/16
✓ J	Evan's Weekly Progress Reports for the weeks of October 12-16, November 9-13, and November 16-20, Bates numbered DEFT0404, DEFT0798-0799	6/27/16		No	6/27/16
✓ K1	Text message from J. Tollman to C. Ferraro, Bates numbered DEFT0406	6/27/16		Yes	6/27/16

Deft. Ex.	Description	Offered	Stip.	Obj.	Admitted
✔K2	Article from link in text message from J. Tollman to C. Ferraro, titled *Delayed Kindergarten Enrollment Dramatically Reduces ADHD in Children, Study Shows*, Bates numbered DEFT0760-DEFT0763	6/27/16		Yes	6/27/16
✔L1	Defendant's Financial Disclosure Form	6/27/16		No	6/27/16
~~K2~~	BMW Financial Services Account Statement for account ending in 4341, Bates numbered DEFT0764				
~~K3~~	Checks to Defendant from Vanguard Sporting, Inc. and Montauk Service Center, Inc., Bates numbered DEFT0765-DEFT0766				
~~K4~~	Schedule K-1 for Ferraro Brothers Elite Hockey, Inc., Bates numbered DEFT0896-DEFT0897				
~~K5~~	E-mail dated December 18, 2015 regarding Oscar Medical Insurance with 2016 plan information, Bates numbered DEFT0904-DEFT0908				
✔M	Plaintiff's Financial Disclosure Form at the time of trial				STIP 6/27/16
✔N1	Records received from Rampart Casino at the Resort at Summerlin, Bates numbered DEFTRAMP0001-DEFTRAMP0052	6/27/16		No	6/27/16
✔N2	Records received from The Orleans and Gold Coast Casinos, Bates numbered DEFTORLE0001-DEFTORLE0059	6/27/16		No	6/27/16
✔N3	Records received from The Suncoast Casino, Bates numbered DEFTSUN0001-DEFT0177	6/27/16		No	6/27/16
✔N4	Records received from Wynn Las Vegas, LLC, Bates numbered DEFTWLV001-DEFTWLV003 and WLV001-WLV021	6/27/16		No	6/27/16

Deft. Ex.	Description	Offered	Stip.	Obj.	Admitted
✓ N5	Records received from The Station Casinos, Bates numbered DEFTSTAT0001-DEFTSTAT0036	6/27/16		NO	6/27/16
~~N6~~	Records received from The Cosmopolitan of Las Vegas, Bates numbered DEFTCOSMO0001-DEFTCOSMO0002				
✓ N7 See pg 5					
~~N7~~	E-mail dated December 14, 2015 from Dan Nance to Chris Ferraro, Bates numbered DEFT000903				
~~N8~~	*Chicago Tribune* Article archived at: http://articles.chicagotribune.com/1985-07-03/sports/8502130091_1_maywood-park-harness-races-horses; accessed Dec. 21, 2015, Bates numbered DEFT0917-DEFT0919				
~~N9~~	Deposition transcript and exhibits thereto for Sandra Nance (November 23, 2015), available through Litigation Services	6/29/16			PUBLISHED 6/29/16
~~N10~~	Deposition transcript and exhibits thereto for Daniel Hungerford (December 15, 2015), available through Litigation Services				
~~N11~~	Report by Dr. Norton Roitman, Bates numbered DEFT0728-DEFT0737				
~~N12~~	Curriculum Vitae and Forensic Case List for Norton A. Roitman, M.D., Bates numbered DEFT0767-DEFT0777 and DEFT0778-DEFT0793				
~~N13~~	Report by Louis F. Mortillaro, PhD, Bates numbered DEFT0898-DEFT0902				
~~N14~~	Fee Schedule, Testimony List and Curriculum Vitae for Louis F. Mortillaro, PhD, Bates numbered DEFT0872-DEFT0895				
~~N15~~	Plaintiff's Wells Fargo Account Statements, bates 072-0127				

Deft. Ex.	Description	Offered	Stip.	Obj.	Admitted
~~X~~	Documents Regarding $50,000.00 loan obligation to Brittney Fitzpartick under "The Sandy Crab Contract," bates 0222-0224				
~~X~~	Plaintiff's profit & loss statement for The Sandy Crab 2014 and 2015, bates 0261-0265				
✓ N7	Summary of Casino Records for S. Nance	6/29/16		no	6/29/16

DEFENDANT'S RESERVE TRIAL EXHIBITS

Deft. Ex.	Description	Offered	Stip.	Obj.	Admitted
~~DR1~~	Evan's school attendance record, September 2014-May 2015, Bates numbered DEFT0282-DEFT0285				
~~DR2~~	Evan's kindergarten report card, Bates numbered DEFT0286				
~~DR3~~	Evan's Social Security card and birth certificate information, Bates numbered DEFT0287-DEFT0290				
~~DR4~~	Correspondence dated February 3, 2015 to Evan from Twin Rinks Ice Center regarding youth hockey participation, Bates numbered DEFT0291				
~~DR5~~	Clark County School District enrollment and registration requirements, Bates numbered DEFT0292-DEFT0295				
~~DR6~~	Evan's Certificate of Completion for Kindergarten from Linda Givens Elementary School, Bates numbered DEFT0369				
~~DR7~~	Student Payment History for Extended Day Kindergarten, Bates numbered DEFT0405				

Deft. Ex.	Description	Offered	Stip.	Obj.	Admitted
~~DR8~~	Chris Ferraro's Tax Returns and supporting documentation for 2013 and 2014, Bates numbered DEFT0407-DEFT0518 and DEFT0519-DEFT0656				
~~DR9~~	K-1 form for Twin Rinks, LLC, Bates numbered DEFT0657-DEFT0663				
~~DR10~~	Sandra Nance's invoice and Chris Ferraro's payment information from Margaret Pickard, Esq., Bates numbered DEFT0664-DEFT0666				
~~DR11~~	Documentation related to Evan's extracurricular activities, Bates numbered DEFT0667-DEFT0696				
~~DR12~~	K-1 form for Montauk Service Center, Inc., Bates numbered DEFT0699-DEFT0701				
~~DR13~~	Twin Rinks, LLC Amendment to Operating Agreement, Bates numbered DEFT0702-DEFT0724				
~~DR14~~	Emails between the parties, forensically acquired by QUIVX, disk Bates numbered DEFT0759				
~~DR15~~	Pay Stub for Defendant from Twin Rinks, Bates numbered DEFT0797				
~~DR16~~	Documents found on the internet regarding Dan Nance, Bates numbered DEFT0909-DEFT0923				

Certification of Copy

State of Nevada
County of Clark } **SS:**

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; NOTICE OF POSTING BOND ON APPEAL; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER; NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER; DISTRICT COURT MINUTES; EXHIBITS LIST

SANDRA LYNN NANCE,

Plaintiff(s),

vs.

CHRISTOPHER MICHAEL FERRARO,

Defendant(s),

Case No: D-10-426817-D

Dept No: F

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto Set my hand and Affixed the seal of the Court at my office, Las Vegas, Nevada This 22 day of February 2017.

Steven D. Grierson, Clerk of the Court

Heather Ungermann, Deputy Clerk

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McFarling Law Group
6230 W. Desert Inn Rd.
Las Vegas, NV 89146
(702) 565-4335

WELLS FARGO BANK NEVADA, NA
94-7074/3212

02/14/2017

PAY TO THE ORDER OF Nevada Supreme Court Clerk $ 250.00

Two hundred fifty and 00/100********** DOLLARS

Nevada Supreme Court Clerk

MEMO nance

⑈005601⑈ ⑆321270742⑆ 804503238 3⑈

NOTC
Emily McFarling, Esq.
Nevada Bar Number 8567
MCFARLING LAW GROUP
6230 W. Desert Inn Rd.
Las Vegas, NV 89146
(702) 565-4335 phone
(702) 732-9385 fax
eservice@mcfarlinglaw.com
Attorney for Plaintiff
Sandra Lynn Nance

IN THE EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

SANDRA LYNN NANCE, Plaintiff, vs. CHRISTOPHER MICHAEL FERRARO, Defendant.	Case Number: D426817 Dept. No: F **NOTICE OF APPEAL**

TO: Defendant, and to his Attorney of Record, Shannon R. Wilson, Esq.

Notice is hereby given that Nancy Lynn Nance, Plaintiff above named, hereby appeals to the Supreme Court of Nevada from the Findings of Fact, Conclusions of Law and Judgment entered on this action on January 27, 2017.

DATED this 15th day of February, 2017.

MCFARLING LAW GROUP

By: */s Emily McFarling*
Emily McFarling, Esq.
6230 W. Desert Inn Rd.
Las Vegas, NV 89146
(702) 565-4335
Attorney for Plaintiff
Sandra Lynn Nance

MCFARLING LAW GROUP
6230 W. Desert Inn Rd., Las Vegas, NV 89146
Phone: (702) 565-4335 Fax: (702) 732-9385
eservice@mcfarlinglaw.com

CERTIFICATE OF SERVICE

The undersigned, an employee of McFarling Law Group, hereby certifies that on the 15th day of February, 2017, I served a true and correct copy of Notice of Appeal, via mandatory electronic service by using the Eighth Judicial District Court's E-file and E-service System to the following:

Hutchison & Steffen, LLC	
Contact	**Email**
Cindy Pittsenbarger	cpittsenbarger@hutchlegal.com
Shannon R. Wilson	swilson@hutchlegal.com

By: */s/Maria Rios Landin*
Maria Rios Landin

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CLERK OF THE COURT

ASTA
Emily McFarling, Esq.
Nevada Bar Number 8567
MCFARLING LAW GROUP
6230 W. Desert Inn Rd.
Las Vegas, NV 89146
PH: (702) 565-4335
FAX: (702) 732-9385
eservice@mcfarlinglaw.com
Attorney for Plaintiff
Sandra Lynn Nance

IN THE EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

SANDRA LYNN NANCE, Plaintiff, vs. CHRISTOPHER MICHAEL FERRARO, Defendant.	Case Number: D426817 Dept. No: F **CASE APPEAL STATEMENT**

1. **Name of appellant filing this case appeal statement:**

Sandra Lynn Nance, Plaintiff.

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

The Honorable Denise L. Gentile, Eighth Judicial District, Family Division, Department F.

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

Appellant: Sandra Lynn Nance
Attorney for Appellant: Emily McFarling, Esq.,
McFarling Law Group
6230 W. Desert Inn Rd.
Las Vegas, NV 89146
Phone (702) 565-4335

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

Respondent: Christopher Michael Ferraro

MCFARLING LAW GROUP
6230 W. Desert Inn Rd., Las Vegas, NV 89146
Phone: (702) 565-4335 Fax: (702) 732-9385
eservice@mcfarlinglaw.com

Attorney for Respondent: Shannon R. Wilson, Esq.
Peccole Professional Park
10080 West Alta Drive Ste. 200
Las Vegas, NV 89145

5. **Indicate whether any attorney identified above is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42:** Both attorneys mentioned above are authorized to practice law in Nevada.

6. **Indicate whether appellant was represented by appointed or retained counsel in the District Court:** Appellant was represented by retained counsel for the proceedings in the District Court.

7. **Indicate whether appellant was represented by appointed or retained counsel on the appeal:** Appellant is represented by retained counsel in the instant appeal.

8. **Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:** No such leave was granted to Appellant.

9. **Indicate the date the proceedings commenced in the district court:** 06/19/15.

10. **Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:** This is a post decree child custody and relocation matter. On November 30, 2012, a Stipulation and Order re: Parenting Plan was filed which provides that the parties shall share joint physical custody of the parties' minor child. On June 19, 2015, Defendant filed a Motion to Modify Custody, for Relocation of Minor Child, and Other Related Relief, and on August 4, 2015, Plaintiff filed an Opposition and Countermotion for Confirmation of Primary Physical Custodian, Modification of Child Support, Strike Chris' Motion as Defective, and Reasonable Attorneys Fees and Costs. An evidentiary hearing was held from June 27 to June 29, 2016. On July 21, 2016, Defendant filed a Motion to Reopen Trial or in the Alternative for New Trial Limited to Hear Testimony of Desmond Nance, and on August 10, 2016, Plaintiff filed an Opposition to the same and a Countermotion for Attorney's Fees and Other Relief. A Findings of Fact, Conclusions of Law and Order was entered on January 26, 2017, and written Notice of Entry was filed January 27, 2017. The Court granted Defendant's Motion for primary physical custody and for Relocation to the State of New York. This appeal follows.

11. **Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding:** This matter has not been the subject of an appeal or original writ proceeding in the Supreme Court.

12. **Indicate whether this appeal involves child custody or visitation:** This appeal involves child custody and visitation matters.

13. **If this is a civil case, indicate whether this appeal involves the possibility of settlement:** This appeal does involve the possibility of settlement and is not appropriate for the Settlement Program.

DATED this 15th day of February, 2017.

MCFARLING LAW GROUP

By: */s/Emily McFarling*
Emily McFarling, Esq.
Nevada Bar Number 8567
6230 W. Desert Inn Rd.
Las Vegas, NV 89146
PH: (702) 565-4335
FAX: (702) 732-9385
eservice@mcfarlinglaw.com
Attorney for Plaintiff,
Sandra Lynn Nance

CERTIFICATE OF SERVICE

The undersigned, an employee of McFarling Law Group, hereby certifies that on the 15th day of February 2017, I served a true and correct copy of Case Appeal Statement, to the following:

___✓___by electronic service using the Odyssey E-file & Serve system, to the following:

Hutchison & Steffen, LLC	
Contact	**Email**
Cindy Pittsenbarger	cpittsenbarger@hutchlegal.com
Shannon R. Wilson	swilson@hutchlegal.com

By: */s/Maria Rios Landin*
Maria Rios Landin

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CLERK OF THE COURT

NOAS
Emily McFarling, Esq.
Nevada Bar Number 8567
MCFARLING LAW GROUP
6230 W. Desert Inn Rd.
Las Vegas, NV 89146
(702) 565-4335 phone
(702) 732-9385 fax
eservice@mcfarlinglaw.com
Attorney for Plaintiff
Sandra Lynn Nance

IN THE EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

SANDRA LYNN NANCE, Plaintiff, vs. CHRISTOPHER MICHAEL FERRARO, Defendant.	Case Number: D426817 Dept. No: F **NOTICE OF POSTING BOND ON APPEAL**

TO: Defendant, and to his Attorney of Record, Shannon R. Wilson, Esq.

You and each of you please take notice that, concurrently with the filing of the Notice of Appeal herein, Plaintiff, Sandra Lynn Nance, is posting $500 as and for her bond on Appeal.

DATED this 15th day of February, 2017.

MCFARLING LAW GROUP

/s/ Emily McFarling
Emily McFarling, Esq.
Nevada Bar Number 8567
6230 W. Desert Inn Rd.
Las Vegas, NV 89146
(702) 565-4335
Attorney for Plaintiff,
Sandra Lynn Nance

MCFARLING LAW GROUP
6230 W. Desert Inn Rd., Las Vegas, NV 89146
Phone: (702) 565-4335 Fax: (702) 732-9385
eservice@mcfarlinglaw.com

CERTIFICATE OF SERVICE

The undersigned, an employee of McFarling Law Group, hereby certifies that on the 15th day of February, 2017, I served a true and correct copy of Notice of Posting Bond on Appeal, via mandatory electronic service by using the Eighth Judicial District Court's E-file and E-service System to the following:

Hutchison & Steffen, LLC	
Contact	**Email**
Cindy Pittsenbarger	cpittsenbarger@hutchlegal.com
Shannon R. Wilson	swilson@hutchlegal.com

By: */s/Maria Rios Landin*
Maria Rios Landin

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. D-10-426817-D

Sandra Lynn Nance, Plaintiff	§	Location:	**Department F**
vs.	§	Judicial Officer:	**Gentile, Denise L**
Christopher Michael Ferraro, Defendant.	§	Filed on:	**03/15/2010**
	§		

CASE INFORMATION

Related Cases
D-09-409606-C (Linked - 1J1F)
T-10-124606-T (Linked - 1J1F)
T-11-134026-T (Linked - 1J1F)

Statistical Closures
01/26/2017 Judgment Reached (Bench Trial)
05/23/2012 Decision with Hearing
06/14/2010 Decision with Hearing

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

Case Status: **02/15/2017 Reopened**

Case Flags: **Order After Hearing Required**
Proper Person Mail Returned
Order / Decree Logged Into Department
Appealed to Supreme Court

DATE — CASE ASSIGNMENT

Current Case Assignment

Case Number	D-10-426817-D
Court	Department F
Date Assigned	01/05/2015
Judicial Officer	Gentile, Denise L

PARTY INFORMATION

Plaintiff	**Nance, Sandra Lynn** *11220 Hedgemont AVE* *Las Vegas, NV 89138*	**McFarling, Emily M, ESQ** *Retained* 702-565-4335(W)
Defendant	**Ferraro, Christopher Michael** *54 Hempstad DR* *Sound Beach, NY 11789*	**Wilson, Shannon R.** *Retained* 702-385-2500(W) **Moody, Todd L** *Retained* 702-385-2500(W)
Subject Minor	**Nance, Evan Daniel**	

DATE — EVENTS & ORDERS OF THE COURT

EVENTS

03/15/2010 Complaint for Divorce

03/15/2010 Motion
Filed by: Plaintiff Nance, Sandra Lynn
For: Defendant Ferraro, Christopher Michael

03/15/2010 Family Court Motion Opposition Fee Information Sheet
Filed by: Plaintiff Nance, Sandra Lynn

03/15/2010 Affidavit
Filed by: Plaintiff Nance, Sandra Lynn
of Sandra Lynn Nance

03/15/2010 Child Support and Welfare Party Identification Sheet
Filed by: Plaintiff Nance, Sandra Lynn; Defendant Ferraro, Christopher Michael

03/16/2010	Order Shortening Time *Plaintiffs application For An Order Shortening Time And Order Shortening Time*
03/24/2010	Proof of Personal Service of Summons and Complaint Filed by: Plaintiff Nance, Sandra Lynn For: Defendant Ferraro, Christopher Michael *Affidavit of Service*
04/16/2010	Supplemental Filed by: Plaintiff Nance, Sandra Lynn *Plaintiff's First Supplemental Brief Concerning Plaintiff's Motion to Return the Minor Child to the State of Nevada; UCCJEA Hearing; for an Order Awarding Plaintiff Primary Physical Custody; Supervised Visitation; for a Pick Up Order; Child Support; Back Child Support; for Plaintiff's Legal Costs; Future Attorney's Fees; and Other Related Relief*
04/22/2010	Motion to Dismiss Filed by: Defendant Ferraro, Christopher Michael *Motion to Dismiss*
04/23/2010	Opposition and Countermotion Filed by: Defendant Ferraro, Christopher Michael Party 2: Plaintiff Nance, Sandra Lynn
04/23/2010	Family Court Motion Opposition Fee Information Sheet Filed by: Plaintiff Nance, Sandra Lynn
04/27/2010	Certificate of Mailing Filed by: Plaintiff Nance, Sandra Lynn *Certificate of Mailing*
04/27/2010	Notice of Withdrawal Filed by: Plaintiff Nance, Sandra Lynn *of Attorney*
04/28/2010	Notice of Hearing Filed by: Plaintiff Nance, Sandra Lynn; Defendant Ferraro, Christopher Michael
04/29/2010	Order for Family Mediation Center Services
05/17/2010	Certificate of Mailing Filed by: Plaintiff Nance, Sandra Lynn For: Defendant Ferraro, Christopher Michael
06/14/2010	Order Filed by: Defendant Ferraro, Christopher Michael
06/21/2010	Notice of Withdrawal Filed by: Plaintiff Nance, Sandra Lynn *of Attorney*
07/01/2010	Order Filed by: Defendant Ferraro, Christopher Michael *Order*
07/09/2010	Notice of Entry of Order Filed by: Defendant Ferraro, Christopher Michael *Notice of Entry of Order*
10/13/2010	Motion Filed by: Plaintiff Nance, Sandra Lynn For: Defendant Ferraro, Christopher Michael
10/13/2010	Certificate of Mailing Filed by: Plaintiff Nance, Sandra Lynn For: Defendant Ferraro, Christopher Michael

10/13/2010	Family Court Motion Opposition Fee Information Sheet Filed by: Defendant Ferraro, Christopher Michael
11/24/2010	Stipulation Filed by: Defendant Ferraro, Christopher Michael
12/17/2010	Stipulation Filed by: Defendant Ferraro, Christopher Michael *to Continue Hearing Date*
01/03/2011	Stipulation Filed by: Defendant Ferraro, Christopher Michael
02/01/2011	Stipulation Filed by: Defendant Ferraro, Christopher Michael
04/08/2011	Order Filed by: Defendant Ferraro, Christopher Michael *Stipulation And Order*
05/03/2011	Notice of Motion Filed by: Plaintiff Nance, Sandra Lynn *Notice Of Motion To Set Aside Stipulation And Order*
05/05/2011	Certificate of Mailing Filed by: Plaintiff Nance, Sandra Lynn For: Defendant Ferraro, Christopher Michael
06/06/2011	Motion to Continue Filed by: Plaintiff Nance, Sandra Lynn *Motion to Continue Annulment Or In The Alternative Divorce*
06/06/2011	Ex Parte Motion Filed by: Plaintiff Nance, Sandra Lynn *Ex Parte Motion For An Order Shortening Time*
06/08/2011	Order Shortening Time Filed by: Plaintiff Nance, Sandra Lynn *Order Granting Ex Parte Motion for an Order Shortening Time*
06/08/2011	Certificate of Mailing Filed by: Plaintiff Nance, Sandra Lynn For: Defendant Ferraro, Christopher Michael *Certificate of Mailing*
06/10/2011	Certificate of Service Filed by: Plaintiff Nance, Sandra Lynn *Certificate of Service On Order Granting Motion For Order Shortening Time*
06/20/2011	Notice of Rescheduling of Hearing Filed by: Plaintiff Nance, Sandra Lynn *Notice of Rescheduling of Hearing - Family*
07/12/2011	Order Filed by: Defendant Ferraro, Christopher Michael *Order 6/13/11*
07/13/2011	Amended Complaint Filed by: Plaintiff Nance, Sandra Lynn *Amended Complaint for Divorce*
07/15/2011	Proof of Personal Service of Summons and Complaint Filed by: Plaintiff Nance, Sandra Lynn For: Defendant Ferraro, Christopher Michael

Amended

07/18/2011 Notice of Entry of Order
Filed by: Defendant Ferraro, Christopher Michael
Notice of Entry of Order

08/10/2011 Answer to Amended Complaint
Filed by: Defendant Ferraro, Christopher Michael
Party 2: Plaintiff Nance, Sandra Lynn
Defendant's Answer To Plaintiff's Amended Complaint For Divorce

09/13/2011 NRCP 16.2 Case Management Conference
NRCP 16.2 Case Management Conferences

10/12/2011 Referral Order for Outsourced Evaluation Services

10/27/2011 Motion to Rehear
Filed by: Defendant Ferraro, Christopher Michael
Defendant's Motion to Rehear/Reconsider the October 12, 2011 Case Management Hearing or Set Aside the Orders Issued at the Hearing; to Clarify the Parties' Custody Arragnement; that the Court Divorce the Parties at the Hearing of this Motion or Set this Matter for a Trial; Clarifying the Defendant's Visitation Under the Parties Stipulated Settlement Agreemwnt; Clarifying the Parties Custody Arragnement Under the Stipulated Settlement Agreement; Ordering the Plaintiff to Pay One-Half of the Cost for the Outsourced Psychological Evaluation for the Minor Child; for Defendant's Attorney's Fees and Costs Incurred Herein; and Related Matters

11/03/2011 Supplement
Filed by: Defendant Ferraro, Christopher Michael
Defendant's Supplement to His Motion to Rehear/Reconsider the October 12, 2011 Case Management Hearing or Set Aside the Orders Issued at the Hearing; to Clarify the Parties' Custody Arrangement; that the Court Divorce the Parties at the Hearing on this Motion or Set this Matter for a Trial; Clarifying the Defendant's Visitation Under the Parties Stipulated Settlement Agreement; Clarifying the Parties Custody Arrangement Under the Stipulated Settlement Agreement; Ordering the Plaintiff to Pay One-Half of the Cost for the Outsourced Psychological Evaluation for the Minor Child; for Defendant's Attorney's Fees and Costs Incurred Herein; and Related Matters

11/03/2011 Financial Disclosure Form
Filed by: Plaintiff Nance, Sandra Lynn
Financial Disclosure Form

11/04/2011 Certificate of Mailing
Filed by: Plaintiff Nance, Sandra Lynn
Certificate of Mailing

11/04/2011 Notice of Appearance
Party: Defendant Ferraro, Christopher Michael
Notice of Appearance of Counsel

11/08/2011 Motion
Filed by: Defendant Ferraro, Christopher Michael
Motion for Recognition of a New Counsel of Record in Order to File a Motion to Rehear/Reconsider the October 12, 2011 Case Management Hearing or Set Aside the Orders Issued at the Hearing and Ex-Parte Application for Order Shortening Time (OST)

11/08/2011 Certificate of Service
Filed by: Defendant Ferraro, Christopher Michael
Certificate of Service

11/09/2011 Ex Parte Application for Order
Party: Defendant Ferraro, Christopher Michael
Ex-Parte Application for Order Shortening Time

11/09/2011 Order Shortening Time
Filed by: Defendant Ferraro, Christopher Michael
Order Shortening Time

11/09/2011

Receipt of Copy
Filed by: Defendant Ferraro, Christopher Michael
Receipt of Copy

11/09/2011 Receipt of Copy
Filed by: Defendant Ferraro, Christopher Michael
Receipt of Copy

11/15/2011 Order Shortening Time
Filed by: Defendant Ferraro, Christopher Michael
Order Shortening Time

11/15/2011 Ex Parte Application
Filed by: Defendant Ferraro, Christopher Michael
Ex-Parte Application for Order Shortening Time

11/16/2011 Receipt of Copy
Filed by: Defendant Ferraro, Christopher Michael
Receipt of Copy

11/17/2011 Opposition and Countermotion
Filed by: Plaintiff Nance, Sandra Lynn
Opposition To Defendant's Motion And Counter-Motion For A Modificiation Of Fisitation, A Protective Order, Or, In Alternative, A Behavior Order, An Order Setting The Matter For Trial, An Order Nunc Pro Tunc, Attorney's Feees, Costs and Sanctions Pursuant To EDCR 7.40

11/17/2011 Receipt of Copy
Filed by: Plaintiff Nance, Sandra Lynn
Receipt of Copy

11/18/2011 Opposition
Filed by: Defendant Ferraro, Christopher Michael
Opposition To Motion For Recognition Of A New Counsel Of Record In Order To File A Motion To Rehear/Reconsider The October 12, 2011 Case Management Hearing Or Set Aside The Orders Issued At The Hearing And Ex-Parte Application For An Order Shortening Time

11/18/2011 Supplement
Filed by: Defendant Ferraro, Christopher Michael
Defendant's Second Supplement to His Motion to Rehear/Reconsider the October 12, 2011 Case Management Hearing

11/18/2011 Certificate of Service
Filed by: Defendant Ferraro, Christopher Michael
Facsimile

11/21/2011 Reply
Filed by: Defendant Ferraro, Christopher Michael
Defendant's Reply to Plaintiff's Opposition and Defendant's Opposition to Plaintiff's Counter Motion

11/21/2011 Certificate of Service
Filed by: Defendant Ferraro, Christopher Michael
Certificate of Service

11/21/2011 Referral Order for Outsourced Evaluation Services

11/21/2011 Behavior Order

11/28/2011 Receipt of Copy
Filed by: Plaintiff Nance, Sandra Lynn
Party 2: Defendant Ferraro, Christopher Michael
Confirmatory Letter Regarding Family Wizard and Contact Information

11/30/2011 Order
Filed by: Defendant Ferraro, Christopher Michael

Order

11/30/2011 Financial Disclosure Form
Filed by: Plaintiff Nance, Sandra Lynn
Financial Disclosure Form

12/01/2011 Notice of Entry of Order
Filed by: Defendant Ferraro, Christopher Michael
Notice of Entry of Order Re: November 15, 2011 Hearing

12/16/2011 Financial Disclosure Form
Filed by: Defendant Ferraro, Christopher Michael
Financial Disclosure Form

12/21/2011 Certificate of Service
Filed by: Defendant Ferraro, Christopher Michael
Certificate of Service

01/04/2012 Order
Filed by: Plaintiff Nance, Sandra Lynn
Order Amending the October 12, 2011 Case Management Hearing Order

01/06/2012 Notice of Entry of Order
Filed by: Defendant Ferraro, Christopher Michael
Notice of Entry of Order re: Order Amending the October 12, 2011 Case Management Hearing Order

01/17/2012 Notice of Rescheduling of Hearing
Notice of Rescheduling of Hearing

01/31/2012 Motion
Filed by: Defendant Ferraro, Christopher Michael
Motion to Allow Defendant Christopher Michael Ferraro Exercise His Visitation Rights Pursuant to Paragraph 4 of the Stipulation of Settlement Agreement Reached Between the Partiesl; for Defendant's Attorney's Fees and Related Relief

02/03/2012 Certificate of Service
Filed by: Defendant Ferraro, Christopher Michael
Certificate of Service

03/27/2012 Order
Order for Appointment of Special Master/Parenting Coordinator

04/04/2012 Brief
Filed by: Defendant Ferraro, Christopher Michael
Defendant's Brief In Support Of Not Changing Legal Surname on Birth Crtificate and Social Security Card

04/05/2012 Brief
Filed by: Plaintiff Nance, Sandra Lynn
Brief in Support of Changing the Minor Child's Name to Evan Nance-Ferraro

05/01/2012 Notice of Change of Address
Filed by: Attorney Roy, Eric P

05/23/2012 Decree of Divorce
Filed by: Plaintiff Nance, Sandra Lynn

07/25/2012 Notice of Seminar Completion EDCR 5.07
Filed by: Plaintiff Nance, Sandra Lynn
Plaintiff's Notice of Seminar Completion EDCR 5.07 - Family

07/30/2012 Notice of Entry of Order
Filed by: Plaintiff Nance, Sandra Lynn
Notice of Entry of Order

08/02/2012 Notice of Withdrawal

Filed by: Plaintiff Nance, Sandra Lynn
Notice of Withdrawal

08/30/2012 Order
Filed by: Plaintiff Nance, Sandra Lynn
Order

09/05/2012 Notice of Entry of Order
Filed by: Plaintiff Nance, Sandra Lynn
Notice of Entry of Order

11/30/2012 Stipulation and Order
Filed by: Plaintiff Nance, Sandra Lynn
Stipulation and Order Re: Parenting Plan

04/15/2013 Administrative Reassignment to Department F
Case reassigned from Judge Cynthia Giuliani Dept K

10/15/2014 Notice of Appearance
Party: Plaintiff Nance, Sandra Lynn
Notice of Appearance

10/28/2014 Substitution of Attorney
Filed by: Defendant Ferraro, Christopher Michael
Substitution of Attorney

01/05/2015 Judicial Elections 2014 - Case Reassignment
Family Court Judicial Officer Reassignment 2014

01/08/2015 Substitution of Attorney
Filed by: Plaintiff Nance, Sandra Lynn
Substitution of Attorney

01/20/2015 Substitution of Attorney
Filed by: Plaintiff Nance, Sandra Lynn
Substitution of Attorney

02/23/2015 Notice
Filed by: Defendant Ferraro, Christopher Michael
Notice of Completion

06/19/2015 Motion
Filed by: Defendant Ferraro, Christopher Michael
Defendant Christopher Ferraro's Motion to Modify Custody, for Relocation of Minor Child, and Other Related Relief

06/19/2015 Exhibits
Filed by: Defendant Ferraro, Christopher Michael
Defendant Christopher Ferraro's Appendix to Motion to Modify Custody, for Relocation of Minor Child, and Other Related Relief

06/22/2015 Certificate of Service
Filed by: Defendant Ferraro, Christopher Michael
Amended Certificate of Service

06/25/2015 Certificate of Service
Filed by: Defendant Ferraro, Christopher Michael
Certificate of Service

07/15/2015 Financial Disclosure Form
Filed by: Defendant Ferraro, Christopher Michael
Defendant's General Financial Disclosure Form

07/16/2015 Ex Parte Application
Filed by: Defendant Ferraro, Christopher Michael
Defendant Christopher Ferraro's Ex Parte Application for an Order Shortening Time for Hearing

08/04/2015	Financial Disclosure Form Filed by: Plaintiff Nance, Sandra Lynn *General Financial Disclosure Form*
08/04/2015	Opposition and Countermotion Filed by: Attorney Ghibaudo, Alex, ESQ Party 2: Plaintiff Nance, Sandra Lynn
08/11/2015	Reply Filed by: Defendant Ferraro, Christopher Michael *Defendant Christopher Ferraro's Reply in Support of Motion to Modify Custody, for Relocation of Minor Child, and Other Related Relief*
09/29/2015	Notice of Withdrawal Filed by: Plaintiff Nance, Sandra Lynn *Notice of Withdrawal as Parent Coordinator*
10/13/2015	Order Filed by: Plaintiff Nance, Sandra Lynn *Order re Hearing of August 12, 2015 and Case Management Conference*
11/10/2015	Notice of Entry of Order Filed by: Defendant Ferraro, Christopher Michael *Notice of Entry of Order*
11/20/2015	Financial Disclosure Form Filed by: Defendant Ferraro, Christopher Michael *General Financial Disclosure Form*
12/10/2015	Stipulation and Order Filed by: Plaintiff Nance, Sandra Lynn *Stipulation and Order to Extend Discovery Deadlines and Continue Trial*
12/16/2015	Affidavit of Service Filed by: Plaintiff Nance, Sandra Lynn *Affidavit of Service*
12/16/2015	Affidavit of Service Filed by: Plaintiff Nance, Sandra Lynn *Affidavit of Service*
12/23/2015	Notice of Entry of Order Filed by: Plaintiff Nance, Sandra Lynn *Notice of Entry of Order*
12/24/2015	Exhibits Filed by: Defendant Ferraro, Christopher Michael *Defendant's Proposed List of Exhibits*
12/28/2015	Exhibits Filed by: Plaintiff Nance, Sandra Lynn *Plaintiff's Amended Proposed List of Trial Exhibits*
12/28/2015	Exhibits Filed by: Plaintiff Nance, Sandra Lynn *Plaintiff's Proposed List of Trial Exhibits*
12/29/2015	Notice Filed by: Plaintiff Nance, Sandra Lynn *Plaintiff's Notice of Objections to Defendant's Proposed List of Exhibits*
01/04/2016	Notice Filed by: Plaintiff Nance, Sandra Lynn *Plaintiff's Notice of Objections to Disclosures Pursuant to NRCP 16.205(b)(5)*

01/05/2016	Notice Filed by: Plaintiff Nance, Sandra Lynn *PLAINTIFF'S NOTICE OF OBJECTIONS TO THIRD SUPPLEMENT DISCLOSURES PURSUANT TO NRCP 16.205(b)(5)*
01/11/2016	Notice Filed by: Defendant Ferraro, Christopher Michael *Defendant's Notice of Objections to Plaintiff's Proposed List of Trial Exhibits pursuant to NRCP 16.205(b)(8)*
01/11/2016	Financial Disclosure Form Filed by: Defendant Ferraro, Christopher Michael *General Financial Disclosure Form*
01/12/2016	Motion in Limine Filed by: Defendant Ferraro, Christopher Michael *Defendant Christopher Ferraro's Motion in Limine #1*
01/13/2016	Motion in Limine Filed by: Defendant Ferraro, Christopher Michael *Defendant Christopher Ferraro's Motion in Limine #2*
01/15/2016	Objection Filed by: Plaintiff Nance, Sandra Lynn *Plaintiff's Notice of Objections to Fourth Supplement Disclosures Pursuant to NRCP 16.205(b)(5)*
01/21/2016	Pre-trial Memorandum Filed by: Defendant Ferraro, Christopher Michael *Defendant's Pre-Trial Memorandum*
01/21/2016	Pre-trial Memorandum Filed by: Plaintiff Nance, Sandra Lynn *PLaintiff's Pre-Trial Memorandum*
01/25/2016	Opposition and Countermotion Filed by: Plaintiff Nance, Sandra Lynn *Plaintiff's Opposition to Motion in Limine #2: Countermotion and Reasonable Attorney Fees and Costs*
01/25/2016	Opposition to Motion Filed by: Plaintiff Nance, Sandra Lynn *Plaintiff's Opposition to Defendant's Motion in Limine #2: Counter-motion and Reasonable Attorney Fees and Costs*
01/28/2016	Subpoena Filed by: Defendant Ferraro, Christopher Michael *Trial Subpoena - Person Most Knowledgeable, Wynn Las Vegas LLC*
01/28/2016	Subpoena Filed by: Defendant Ferraro, Christopher Michael *Trial Subpoena to Person Most Knowledgeable, Rampart Casino at the Resort at Summerlin (Hotspur Casinos Nevada Inc.)*
01/28/2016	Subpoena Filed by: Defendant Ferraro, Christopher Michael *Trial Subpoena to Person Most Knowledgeable, Gold Coast Hotel & Casino and Orleans Hotel & Casino (Coast Casinos, Inc.)*
01/28/2016	Subpoena Filed by: Defendant Ferraro, Christopher Michael *Trial Subpoena to Person Most Knowledgeable, Suncoast Hotel & Casino (Coast Casinos, Inc.)*
01/28/2016	Subpoena Filed by: Defendant Ferraro, Christopher Michael *Trial Subpoena to Person Most Knowledgeable, Station Casinos*

01/28/2016 Subpoena
Filed by: Defendant Ferraro, Christopher Michael
Trial Subpoena to: Daniel Hungerford

02/05/2016 Receipt of Copy
Filed by: Plaintiff Nance, Sandra Lynn
Receipt of Copy

02/05/2016 Reply
Filed by: Defendant Ferraro, Christopher Michael
Defendant's Reply in support of Motion in Limine #1

02/05/2016 Reply
Filed by: Defendant Ferraro, Christopher Michael
Defendant's Reply in support of Motion in Limine #2

02/16/2016 Affidavit of Service
Filed by: Defendant Ferraro, Christopher Michael
Party 2: Plaintiff Nance, Sandra Lynn
Affidavit of Service - trial subpoena, PMK - Station Casinos

02/16/2016 Affidavit of Service
Filed by: Defendant Ferraro, Christopher Michael
Party 2: Plaintiff Nance, Sandra Lynn
Affidavit of Service - PMK, Gold Coast and Orleans

02/16/2016 Affidavit of Service
Filed by: Defendant Ferraro, Christopher Michael
Party 2: Plaintiff Nance, Sandra Lynn
Affidavit of Service - PMK, Rampart Casino

02/16/2016 Affidavit of Service
Filed by: Defendant Ferraro, Christopher Michael
Party 2: Plaintiff Nance, Sandra Lynn
Affidavit of Service - PMK, Wynn Las Vegas

02/16/2016 Affidavit of Service
Filed by: Defendant Ferraro, Christopher Michael
Party 2: Plaintiff Nance, Sandra Lynn
Affidavit of Service, Daniel Hungerford

02/16/2016 Affidavit of Service
Filed by: Defendant Ferraro, Christopher Michael
Party 2: Plaintiff Nance, Sandra Lynn
Affidavit of Service - PMK, Suncoast Hotel & Casino

02/18/2016 Substitution of Attorney
Filed by: Plaintiff Nance, Sandra Lynn
Substitution of Attorney

02/19/2016 Motion to Continue
Filed by: Plaintiff Nance, Sandra Lynn
Motion to Continue Evidentiary Hearing

02/19/2016 Ex Parte Motion
Filed by: Plaintiff Nance, Sandra Lynn
Ex Parte Motion for Order Shortening Time

02/22/2016 Receipt of Copy
Filed by: Plaintiff Nance, Sandra Lynn
Receipt of Copy

02/22/2016 Order Shortening Time
Filed by: Plaintiff Nance, Sandra Lynn

ORDER SHORTENING TIME

02/22/2016 Notice of Entry
Filed by: Plaintiff Nance, Sandra Lynn
Notice of Entry of Order Shortening Time

03/04/2016 Subpoena
Filed by: Defendant Ferraro, Christopher Michael
Amended Trial Subpoena to: Person Most Knowledgeable, Gold Coast Hotel & Casino and Orleans Hotel & Casino (Coast Casinos)

03/04/2016 Subpoena
Filed by: Defendant Ferraro, Christopher Michael
Amended Trial Subpoena to Person Most Knowledgeable, Suncoast Hotel & Casino (Coast Casinos)

03/04/2016 Subpoena
Filed by: Defendant Ferraro, Christopher Michael
Amended Trial Subpoena to Person Most Knowledgeable, Rampart Casino at the Resort at Summerlin/Hotspur Casinos Nevada, Inc.

03/04/2016 Subpoena
Filed by: Defendant Ferraro, Christopher Michael
Amended Trial Subpoena to Person Most Knowledgeable, Wynn Las Vegas LLC

03/04/2016 Subpoena
Filed by: Defendant Ferraro, Christopher Michael
Amended Trial Subpoena to Daniel Hungerford

03/07/2016 Subpoena
Filed by: Defendant Ferraro, Christopher Michael
Amended Trial Subpoena to Person Most Knowledgeable, Station Casinos

03/08/2016 Affidavit of Service
Filed by: Plaintiff Nance, Sandra Lynn
Affidavit of Service re: Amended Trial Subpoena to Person Most Knowledgeable, Wynn Las Vegas

03/08/2016 Affidavit of Service
Filed by: Plaintiff Nance, Sandra Lynn
Affidavit of Service re: Amended Trial Subpoena to Person Most Knowledgeable, Station Casinos

03/08/2016 Affidavit of Service
Filed by: Plaintiff Nance, Sandra Lynn
Affidavit of Service re: Amended Trial Subpoena to Daniel Hungerford

03/08/2016 Affidavit of Service
Filed by: Plaintiff Nance, Sandra Lynn
Affidavit of Service re: Amended Trial Subpoena to Person Most Knowledgeable, Rampart Casino at the Resort at Summerlin/Hotspur Casinos of Nevada, Inc.

03/08/2016 Affidavit of Service
Filed by: Plaintiff Nance, Sandra Lynn
Affidavit of Service re: Amended Trial Subpoena to Person Most Knowledgeable for Gold Coast Hotel & Casino and Orleans Hotel & Casino (Coast Casinos)

03/08/2016 Affidavit of Service
Filed by: Plaintiff Nance, Sandra Lynn
Affidavit of Service re: Amended Trial Subpoena to Person Most Knowledgeable for Suncoast Casino, Inc. (Coast Casinos)

03/09/2016 Order
Order from Minute Order

03/10/2016 Affidavit of Service
Filed by: Plaintiff Nance, Sandra Lynn
Affidavit of Service re: Amended Trial Subpoena to Person Most Knowledgeable for Suncoast Casino, Inc.

(Coast Casinos)

03/14/2016 Notice of Entry of Order
Notice of Entry of Order from Minute Order

03/23/2016 Order
Filed by: Plaintiff Nance, Sandra Lynn
Order

03/23/2016 Notice of Entry of Order
Filed by: Plaintiff Nance, Sandra Lynn
Notice of Entry of Order

04/06/2016 Notice of Attorney Lien
Filed by: Plaintiff Nance, Sandra Lynn
Notice of Attorney's Lien

04/15/2016 Notice
Filed by: Defendant Ferraro, Christopher Michael
Notice of Intent to use deposition transcript of Daniel Hungerford at Trial

05/05/2016 Notice of Association of Counsel
Filed by: Plaintiff Nance, Sandra Lynn
Notice of Association of Counsel

06/21/2016 Financial Disclosure Form
Filed by: Plaintiff Nance, Sandra Lynn
General Financial Disclosure Form

06/22/2016 Subpoena
Filed by: Plaintiff Nance, Sandra Lynn
Trial Subpoena To: Judith Tolman

06/22/2016 Acceptance of Service
Filed by: Plaintiff Nance, Sandra Lynn
Acceptance of Service

06/28/2016 Subpoena
Filed by: Plaintiff Nance, Sandra Lynn
Trial Subpoena Duces Tecum to: Custodian of Records/Person Most Knowledgeable, of Kids Quest, Redrock Hotel & Casino

06/28/2016 Proof of Service
Filed by: Plaintiff Nance, Sandra Lynn
Proof of Service

07/21/2016 Motion
Filed by: Defendant Ferraro, Christopher Michael
For: Plaintiff Nance, Sandra Lynn
Deft's Motion To Reopen Trial Or In The Alternative For New Trial Limited to Hear Testimony Of Desmond Nance

07/22/2016 Application
Filed by: Defendant Ferraro, Christopher Michael
Ex Parte Application for An Order Shortening Time

08/04/2016 Order Shortening Time
Filed by: Defendant Ferraro, Christopher Michael
Order Shortening Time

08/05/2016 Brief
Filed by: Plaintiff Nance, Sandra Lynn
Plaintiff's Closing Argument

08/05/2016 Brief

Filed by: Defendant Ferraro, Christopher Michael
Defendant's Closing Brief

08/08/2016 Receipt of Copy
Filed by: Defendant Ferraro, Christopher Michael
Receipt of Copy

08/10/2016 Opposition and Countermotion
Filed by: Plaintiff Nance, Sandra Lynn
Opposition to Defendant's Motion to Reopen Trial or in the Alternative for New Trial Limited to Hear Testimony of Desmond Nance and Countermotion for Attorney's Fees and Other Related Relief

08/10/2016 Certificate of Service
Filed by: Plaintiff Nance, Sandra Lynn
Certificate of Service

08/12/2016 Supplement
Filed by: Plaintiff Nance, Sandra Lynn
Supplement to Opposition to Defendant's Motion to Reopen Trial or in the Alternative for New Trial Limited to Hear Testimony of Desmond Nance and Countermotion for Attorney's Fees and Other Related Relief

08/12/2016 Certificate of Service
Filed by: Plaintiff Nance, Sandra Lynn
Certificate of Service

08/15/2016 Reply
Filed by: Defendant Ferraro, Christopher Michael
Defendant's Reply to Motion to Reopen Trial or In The Alternative For New Trial Limited to Hear Testimony of Desmond Nance and Opposition to Plaintiff's Countermotion for Attorney's Fees

08/15/2016 Objection
Filed by: Plaintiff Nance, Sandra Lynn
Plaintiff's, Sandra L. Nance, Objections to Defendant's Closing Brief

08/15/2016 Objection
Filed by: Defendant Ferraro, Christopher Michael
Defendant's Objections to Plaintiff's Closing Argument

08/15/2016 Notice
Filed by: Defendant Ferraro, Christopher Michael
Defendant's Notice of Intent to Appear Telephonically

08/23/2016 Notice
Filed by: Defendant Ferraro, Christopher Michael
Defendant's Notice Submitting Objections

08/24/2016 Certificate of Service
Filed by: Plaintiff Nance, Sandra Lynn
Certificate of Service

08/24/2016 Motion to Strike
Filed by: Plaintiff Nance, Sandra Lynn
Plaintiff's, Sandra L. Nance, Motion to Strike Portions of Defendant's Objections to Plaintiff's Closing Argument and for Attorney's Fees and Costs

08/30/2016 Opposition and Countermotion
Filed by: Defendant Ferraro, Christopher Michael
Defendant's Opposition to Plaintiff Sandra Nance's Motion to Strike Portions of Defendant's Objections to Plaintiff's Closing Argument and Counter Motion for Attorney Fees and Costs

08/31/2016 Application
Filed by: Defendant Ferraro, Christopher Michael
Ex Parte Application for An Order Shortening Time

09/09/2016 Notice

Filed by: Defendant Ferraro, Christopher Michael
Notice of Taking Videotaped Deposition of Desmond Nance

09/09/2016 Subpoena
Filed by: Defendant Ferraro, Christopher Michael
Subpoena for Oral Deposition of Desmond Nance

09/16/2016 Notice
Filed by: Defendant Ferraro, Christopher Michael
Notice of Vacating Videotaped Deposition of Desmond Nance

09/16/2016 Notice
Filed by: Plaintiff Nance, Sandra Lynn
Notice Re Desmond Nance

09/19/2016 Motion to Strike
Filed by: Plaintiff Nance, Sandra Lynn
Plaintiff's, Sandra L. Nance, Motion to Strike Notice re Desmond Nance and for Attorney's Fees and Costs

09/21/2016 Certificate of Service
Filed by: Plaintiff Nance, Sandra Lynn
Certificate of Service

09/22/2016 Opposition and Countermotion
Filed by: Defendant Ferraro, Christopher Michael
Defendant Christopher Ferraro's Opposition to Plaintiff's Motion to Strike Notice re Desmond Nance and Countermotion for Attorney's Fees and Costs

09/26/2016 Notice of Rescheduling of Hearing
Notice of Rescheduling

12/13/2016 Notice of Hearing
Filed by: Plaintiff Nance, Sandra Lynn
Notice of Decision Hearing

01/26/2017 Findings of Fact, Conclusions of Law and Judgment
Filed by: Plaintiff Nance, Sandra Lynn
Findings of Fact, Conclusions of Law and Order

01/27/2017 Notice of Entry of Order
Filed by: Plaintiff Nance, Sandra Lynn
Notice of Entry of Findings of Fact, Conclusions of Law and Order

01/31/2017 Notice of Withdrawal
Filed by: Plaintiff Nance, Sandra Lynn
Notice of Withdrawal of Counsel

02/13/2017 Notice of Appearance
Party: Plaintiff Nance, Sandra Lynn
Plaintiff's Notice of Appearance

02/15/2017 Notice of Appeal
Filed by: Plaintiff Nance, Sandra Lynn
Notice of Appeal

02/15/2017 Case Appeal Statement
Filed by: Plaintiff Nance, Sandra Lynn
Case Appeal Statement

02/15/2017 Notice
Filed by: Plaintiff Nance, Sandra Lynn
Notice of Posting Bond on Appeal

HEARINGS

03/30/2010 **Motion** (9:00 AM) (Judicial Officer: Giuliani, Cynthia N.)
Events: 03/15/2010 Motion
Pltf's Motion for Permission To Return Child to Nevada; UCCJEA Hearing; For Order Awarding Primary Custody; Supervised Visitation; For Pick Up Order; Child Support; Back Child Support; For Pltf's Legal Costs; Future Attorney's Fees
05/10/2010 Reset by Court to 03/30/2010
Matter Continued;
Journal Entry Details:
David Mann, bar number 11194, present with Plaintiff in an unbundled capacity. Court reviewed the issues. Both counsel advised the Court they are requesting a continuance of these matters. Argument and discussion regarding the jurisdictional issues. COURT ORDERED, counsels' requests for CONTINUANCE is GRANTED. Matters shall be re-calendared to APRIL 26, 2010 at 10:30 A.M. The MINUTE ORDER shall SUFFICE as the post hearing ORDER. ;
Matter Continued

04/26/2010 **Motion** (10:30 AM) (Judicial Officer: Giuliani, Cynthia N.)
Events: 03/15/2010 Motion
Pltf's Motion For Permission To Return Child To Nevada; UCCJEA Hearing; For Order Awarding Primary Custody; Supervised Visitation; For Pick Up Order; Child Support; Back Child Support; For Pltf's Legal Costs; Future Attorney's Fees
Deferred Ruling;
Deferred Ruling

04/26/2010 **Opposition & Countermotion** (10:30 AM) (Judicial Officer: Giuliani, Cynthia N.)
Deft's Opposition & Countermotion To Strike Factual Contentions & Give Ful Faith & Credit To New York Orders

04/26/2010 **All Pending Motions** (10:30 AM) (Judicial Officer: Giuliani, Cynthia N.)
Matter Heard;
Journal Entry Details:
PLTF'S MOTION FOR PERMISSION TO RETURN CHILD TO NEVADA; UCCJEA HEARING, FOR ORDER AWARDING PRIMARY CUSTODY; SUPERVISED VISITATION; FOR PICK UP ORDER; CHILD SUPPORT, BACK CHILD SUPPORT; FOR PLTF'S LEGAL COSTS; FUTURE ATTORNEY'S FEES...DEFT'S OPPOSITION AND COUNTERMOTION TO STRIKE FACTUAL CONTENTIONS AND GIVE FULL FAITH AND CREDIT TO NEW YORK ORDERS David Mann, bar number 11194, present with Plaintiff in an unbundled capacity. James Mann, Legal Assistant, present with Mr. Mann and Plaintiff. Matter was heard concurrently with case number T-10-124606-T. Court reviewed the issues. Argument by Mr. Sachs regarding the jurisdictional issues. Argument by Mr. Mann regarding the motion issues. Discussion. Further arguments and discussion. Mr. Sachs presented a copy of a Writ Of Habeas Corpus, issued by the New York court, to the Court for review. Argument by Ms. Nance regarding the New York case and allegations of domestic violence. COURT ORDERED, matter set for a UCCJEA telephone conference with the Nassau County Court on APRIL 27, 2010 at 9:30 A.M. The COURT shall CONTACT COUNSEL regarding the UCCJEA conference information. The PROTECTIVE ORDER is EXTENDED to APRIL 27, 2010. The MINUTE ORDER shall SUFFICE as the post hearing ORDER. ;
Matter Heard

04/27/2010 **Telephonic Hearing** (9:30 AM) (Judicial Officer: Giuliani, Cynthia N.)
Judge Stack - Nassau County Court 1-516-571-9005
Matter Heard;
Journal Entry Details:
Matter was heard concurrently with case number T-10-124606-T. A telephone conference was conducted with Judge Elaine Stack of the Nassau County Court in New York. COURT ORDERED, Matter set for a STATUS CHECK hearing on APRIL 29, 2010 at 11:30 A.M. ;
Matter Heard

04/29/2010 **Status Check** (11:30 AM) (Judicial Officer: Giuliani, Cynthia N.)
Events: 04/28/2010 Notice of Hearing
04/29/2010 Reset by Court to 04/29/2010
Matter Heard;
Journal Entry Details:

David Mann, bar number 11194, present with Plaintiff in an unbundled capacity. Court informed counsel and Plaintiff of the results of the UCCJEA telephone conference with Judge Stack from the Nassau County court. Court stated Judge Stack requested this Court to take temporary emergency jurisdiction over these matters to allow Plaintiff's two older children to be interviewed by the Family Mediation Center (FMC). Argument by Mr. Sachs regarding the New York investigation into Plaintiff's and the two older children's allegations against the Defendant, as well as the Restraining Order issued in New York against Ms. Nance. Discussion. COURT ORDERED, parties are referred to FMC for a CHILD INTERVIEW of Desmond and Kayla Nance. RETURN

HEARING calendared for MAY 06, 2010 at 10:00 A.M. PLAINTIFF is ADMONISHED NOT TO COACH the CHILDREN for the INTERVIEW, nor DISCUSS the LITIGATION or COURT PROCEEDINGS with the children. The MINUTE ORDER shall SUFFICE as the post hearing ORDER. ;
Matter Heard

05/06/2010 **Return Hearing** (10:00 AM) (Judicial Officer: Giuliani, Cynthia N.)
Return: Child Interview
Matter Heard;
Journal Entry Details:
David Mann, bar number 11194, present with Plaintiff in an unbundled capacity. Sonia Martinez, Law Clerk, present with Mr. Mann and Plaintiff. Court reviewed the issues then inquired if counsel had reviewed the child interview report. Both counsel stated they had reviewed the report. Court informed counsel and Plaintiff it had conducted a telephone conference with Judge Stack from Nassau County, New York prior to the hearing. Court stated Judge Stack needs to conduct a hearing in New York and Nevada should keep temporary jurisdiction until the New York hearing could be scheduled. Court stated Judge Stack is very concerned about this case and has received a copy of the child interview report and has read it. In the interim, this Court will put temporary Orders into place. Argument and discussion regarding temporary Orders. Mr. Mann and Mr. Sachs stated they will work together to facilitate visitation for Defendant with the child. Argument by Mr. Mann regarding the jurisdictional issues. Argument by Mr. Sachs regarding the upcoming motion to dismiss the Nevada case. Discussion. COURT ORDERED, both parties shall PREPARE and FILE their FINANCIAL DISCLOSURE FORMS (FDFS). CHILD SUPPORT will be set at EIGHTEEN PERCENT (18%) of DEFENDANT'S INCOME. Until the FDFS are received, counsel shall CONFER with DEFENDANT and ADVISE him he should pay some amount for child support in the interim. PLAINTIFF shall be designated as TEMPORARY PRIMARY PHYSICAL CUSTODIAN. STATUS CHECK regarding the New York hearing calendared for JULY 08, 2010 at 9:00 A.M. DEFENDANT shall receive TELEPHONE CONTACT with the child on MONDAYS, WEDNESDAYS and SUNDAYS at 6:00 P.M. LAS VEGAS TIME. The adults DO NOT need to SPEAK to each other. Mr. Sachs shall PREPARE the ORDER. Mr. Mann shall REVIEW the ORDER for form and content then SIGN OFF. ;
Matter Heard

06/14/2010 **Motion to Dismiss** (9:30 AM) (Judicial Officer: Giuliani, Cynthia N.)
Events: 04/22/2010 Motion to Dismiss
Deft's Motion to Dismiss
Granted;
Journal Entry Details:
Court reviewed the motion issues and service of the motion. Court noted the custody issues are being dealt with in New York. Discussion regarding the residency and jurisdictional issues. Argument by Ms. Nance regarding meetings between the parties and a possible reconciliation. Mr. Sachs advised the Court he had been advised the parties are attempting reconciliation. Counsel presented the proposed Order to the Court. COURT ORDERED, the motion is GRANTED as to the DIVORCE ISSUES ONLY. The STATUS CHECK hearing shall STAND. Order SIGNED and FILED IN OPEN COURT. ;
Granted

07/08/2010 *CANCELED* **Status Check** (9:00 AM) (Judicial Officer: Giuliani, Cynthia N.)
Vacated

12/28/2010 *CANCELED* **Motion** (10:00 AM) (Judicial Officer: Giuliani, Cynthia N.)
Vacated
At request of counsel
11/22/2010 Reset by Court to 12/15/2010
12/15/2010 Reset by Court to 12/28/2010

01/20/2011 **Motion** (9:00 AM) (Judicial Officer: Giuliani, Cynthia N.)
Events: 01/03/2011 Stipulation
Motion to Change Venue
01/06/2011 Reset by Court to 01/20/2011
Off Calendar;
Journal Entry Details:
Prior to the hearing the Court was informed the parties are requesting the matter be taken off calendar. COURT ORDERED, matter OFF CALENDAR. ;
Off Calendar

06/13/2011 **Motion to Set Aside** (9:30 AM) (Judicial Officer: Giuliani, Cynthia N.)
Events: 05/03/2011 Notice of Motion
Pltf's Motion To Set Aside Stipulation & Order
07/06/2011 Reset by Court to 06/13/2011

MINUTES

Matter Heard;
Journal Entry Details:
PLAINTIFF'S MOTION TO SET ASIDE STIPULATION AND ORDER Court Clerk, Carol Critchett, also present. Defendant, Christopher Ferraro, not present. Plaintiff stated, she was mislead into signing the stipulation agreement. Court advised, the Plaintiff signed the agreement and initialed each and every page and had it notarized. Plaintiff argued that she was harassed by the Defendant and his Attorneys, as to where most of the visitation would be taking place, and how often the minor child would be flying to New York to visit the Defendant. Mr. Sachs stated the Plaintiff received the stipulation agreement on February 15, 2011, and signed it on March 7, 2011; further, Plaintiff voluntarily signed the agreement twice. Plaintiff stated the Defendant has violated sixteen items in the stipulation. Plaintiff advised that the two (2) year old minor child will be going into therapy. Plaintiff indicated she has contacted Children's Protective Services (CPS) in New York, as well as here in Nevada, regarding the minor child coming back from Defendant's visitation screaming uncontrollably. Court noted, as long as the Defendant follows the agreement and picks up and drops off the minor child at the specified visitation time, there should be no issues with the visitation time period. Mr. Sachs requested the minor child be able to travel to New York and attend his aunt's wedding on July 16, 2011. Court advised the Plaintiff that if the Defendant has violated the stipulation, she can file a motion and list the violations. COURT STATED IT'S FINDINGS and ORDERED, 1) Plaintiff's MOTION TO SET ASIDE STIPULATION & ORDER is DENIED. 2) Plaintiff shall notify the Defendant within 24 hours if the minor child can attend his aunt's wedding in New York. If Plaintiff says no, Mr. Sachs shall file an ORDER SHORTENING TIME to request the COURT to allow the minor child attend his aunt's wedding in New York. 3) Mr. Sachs shall PREPARE THE ORDER. ;
Matter Heard

08/15/2011 *CANCELED* **Motion to Continue** (9:30 AM) (Judicial Officer: Giuliani, Cynthia N.)
Vacated
Stip to continue; 9/26/11 no original was submitted to Court
08/22/2011 Reset by Court to 08/15/2011

10/12/2011 **Case Management Conference** (2:30 PM) (Judicial Officer: Giuliani, Cynthia N.)
Events: 09/13/2011 NRCP 16.2 Case Management Conference
Matter Heard;
Journal Entry Details:
CASE MANAGEMENT CONFERENCE Eric Roy, bar number 11869, present with Plaintiff in an unbundled capacity. Mr. Sachs appeared telephonically on behalf of his client. Court called the case then reviewed the issues. Discussion regarding the status of the case. Argument by Mr. Roy regarding the parties' need to become divorced and an issue that has arisen with the Parenting Plan. Argument by Mr. Sachs in rebuttal. Discussion. Further argument and discussion regarding Defendant's visitations, a psychiatric evaluation of the child, the providers for the psychiatric evaluation and the telephone contact with the child. COURT ORDERED, the parties shall utilize the internet website known as "SKYPE" for VIDEO CONTACT with the child when he is with the opposite parent. The SKYPE shall be used IN PLACE OF the TELEPHONE CONTACT. BOTH PARENTS shall TAKE NOTES regarding the CHILD'S BEHAVIOR during the VIDEO CONTACT. When the child is in NEW YORK with the Defendant, PLAINTIFF shall receive the SKYPE CONTACT on WEDNESDAY and SUNDAY at 8:00 P.M. NEW YORK TIME, which is 5:00 P.M. NEVADA TIME. DEFENDANT shall receive SKYPE CONTACT on MONDAY, WEDNESDAY, FRIDAY and SUNDAY when the child is in NEVADA. The parties shall MAKE SURE they, or whoever is watching the child at that time, is NEAR a COMPUTER to FACILITATE the SKYPE CONTACT. BOTH parties shall ABIDE BY the JOINT LEGAL CUSTODY provisions regarding INFORMING the OTHER PARENT of any ISSUES with the CHILD. PLAINTIFF shall INVOLVE the Defendant in the child's CARE. PLAINTIFF shall PROVIDE the INFORMATION for the child's THERAPIST at HOPE COUNSELING to Defendant. DEFENDANT shall be ALLOWED to CONTACT the THERAPIST regarding the CHILD'S ISSUES and COUNSELING. The child is referred for an OUTSOURCED PSYCHOLOGICAL EVALUATION. Mr. Roy shall EMAIL the NAMES of 3 PSYCHOLOGISTS from Plaintiff's HEALTH INSURANCE to Mr. Sachs. The parties shall CHOSE a PSYCHOLOGIST WITHIN 72 HOURS. Once the CHOICE is MADE, the parties shall CONTACT the PSYCHOLOGIST WITHIN 7 DAYS to make the APPOINTMENT for the evaluation. If PLAINTIFF'S HEALTH INSURANCE does NOT COVER the EVALUATION the parties shall CHOOSE between Michelle Gravely, Nicolas Ponzo, Paul Wulkin or Louis Mortillaro to perform the evaluation. DEFENDANT shall be RESPONSIBLE for any COSTS associated with the EVALUATION. The DEFENDANT shall TAKE his VISITATIONS with the child IN NEVADA. DEFENDANT shall be ALLOWED to take the CHILD to NEW YORK for his HOLIDAY VISITATIONS. DEFENDANT shall NOT TAKE 2 CONSECUTIVE WEEKS for his VACATION TIME with the CHILD. The parties shall FOLLOW the COURT ORDERS. The issues regarding when it would be beneficial for the CHILD to VISIT with DEFENDANT in NEW YORK shall be LEFT FOR the PSYCHOLOGIST. A RETURN HEARING for the PSYCHOLOGICAL EVALUATION is calendared for JANUARY 24, 2012 at 10:00 A.M. The parties and counsel shall CONFER regarding the DIVORCE ISSUES. If they are able to REACH an AGREEMENT, they shall PREPARE and SUBMIT a DECREE OF DIVORCE. Mr. Roy shall PREPARE the ORDER. Mr. Sachs shall REVIEW the ORDER as to form and content then SIGN OFF. ;
Matter Heard

11/15/2011 **Motion** (1:00 PM) (Judicial Officer: Giuliani, Cynthia N.)
Events: 11/08/2011 Motion
Deft's Motion For Recognition Of New Counsel Of Record In Order To File A Motion To Rehear/Reconsider The October 12, 2011 Case Management Hearing Or Set Aside The Orders Issued At The Hearing
01/25/2012 Reset by Court to 11/15/2011
Matter Heard;
Journal Entry Details:
DEFT'S MOTION FOR RECOGNITION OF NEW COUNSEL OF RECORD IN ORDER TO FILE A MOTION TO REHEAR/RECONSIDER THE OCTOBER 12, 2011 CASE MANAGEMENT HEARING OR SET ASIDE THE ORDERS ISSUED AT THE HEARING Eric Roys, bar number 11869, present with Plaintiff. Herbert Sachs, bar number 2785, present telephonically. Court called the case then reviewed the hearing. Mr. Roys inquired if the Court had received a courtesy copy of Mr. Sachs' Opposition? Discussion. Argument by Mr. Sachs regarding the substitution of attorney. He requested Mr. Goodman call his office to discuss Mr. Sachs attorney fees. Discussion regarding the substitution of attorney. Mr. Sachs advised the Court he would agree to the substitution of attorney if Mr. Goodman calls his office. Court inquired if Mr. Sachs would agree to the substitution on the record. Mr. Sachs replied he would with a phone call from Mr. Goodman. Mr. Goodman stated he would not call Mr. Sachs. Mr. Sachs stated he would be withdrawing his agreement to the substitution. Argument by Mr. Goodman regarding the substitution of attorney. Mr. Sachs requested he be allowed to call the Court back from his office. Discussion. Court inquired about Mr. Sachs' retainer agreement with Defendant. Argument by Mr. Sachs regarding Defendant's obtaining his file from Mr. Sachs' office. Court inquired if Defendant took his file away from Mr. Sachs. Argument by Mr. Goodman regarding Defendant's file. Further argument and discussion regarding the substitution of attorney issues. Argument by Mr. Goodman. He requested an Order Shortening Time (OST) for Defendant's Motion To Rehear. Argument by Mr. Roys in rebuttal and in regard to the request for an OST. Further argument and discussion regarding the prior Orders and the Motion To Rehear. The Order Shortening Time was SIGNED IN OPEN COURT then returned to counsel for filing and service. COURT ORDERED, motion GRANTED. Mr. Goodman shall be SUBSTITUTED as COUNSEL OF RECORD for Defendant. Mr. Sachs is RELIEVED of any FURTHER DUTIES in this case. Mr. Goodman shall COPY Defendant's FILE then either RETURN the ORIGINAL FILE or forward the COPIED FILE to Mr. Sachs. The parties and counsel shall RESOLVE the FEE DISPUTE ISSUES between themselves. The request for an ORDER SHORTENING TIME is GRANTED. Defendant's Motion To Rehear, currently calendared for December 12, 2011, shall be SHORTENED to NOVEMBER 21, 2011 at 1:30 P.M. The MINUTE ORDER shall SUFFICE as the post hearing ORDER. ;
Matter Heard

11/21/2011 **Motion to Rehear** (1:30 PM) (Judicial Officer: Giuliani, Cynthia N.)
Deft's MOtion To Rehear/REconsider The October 12, 2011 Case Management Hearing Or Set Aside The Orders Issued At The Hearing; To Clarify The Parties' Custody Arrangement; That The Court Divorce The Parties At The Hearing Of This Motion Or Set This Matter For A Trial; Clarifying The Deft's Visitation Under The Parties' Stipulated Settlement Agreement; Clarifying The Parties' Custody Arrangement Under The Stipulated Settlement Agreement; Ordering The Pltf To Pay One-Half Of The Cost For The Outsourced Psychological Evaluation For The Minor Child; For Deft's Atty's Fees And Costs Incurred Herein; And Related Matters
Matter Heard;
Matter Heard

11/21/2011 **Opposition & Countermotion** (1:30 PM) (Judicial Officer: Giuliani, Cynthia N.)
Pltf's Opposition & Countermotion For Modification Of Visitation, Protective Order Or A Behavior Order Setting Matter For Trial, Order Nunc Pro Tunc, Attorney's Fees & Costs & Sanctions
Matter Heard;
Matter Heard

11/21/2011 **All Pending Motions** (1:30 PM) (Judicial Officer: Giuliani, Cynthia N.)
Matter Heard;
Journal Entry Details:

DEFT'S MOTION TO REHEAR/RECONSIDER THE OCTOBER 12, 2011 CASE MANAGEMENT HEARING OR SET ASIDE THE ORDERS ISSUED AT THE HEARING; TO CLARIFY THE PARTIES' CUSTODY ARRANGEMENT; THAT THE COURT DIVORCE THE PARTIES AT THE HEARING OF THIS MOTION OR SET THIS MATTER FOR A TRIAL; CLARIFYING THE DEFT'S VISITATION UNDER THE PARTIES' STIPULATED SETTLEMENT AGREEMENT; CLARIFYING THE PARTIES' CUSTODY ARRANGEMENT UNDER THE STIPULATED SETTLEMENT AGREEMENT; ORDERING THE PLTF TO PAY ONE-HALF OF THE COST FOR THE OUTSOURCED PSYCHOLOGICAL EVALUATION FOR THE MINOR CHILD; FOR DEFT'S ATTY'S FEES AND COSTS INCURRED HEREIN; AND RELATED MATTERS...PLTF'S OPPOSITION AND COUNTERMOTION FOR MODIFICATION OF VISITATION, PROTECTIVE ORDER OR BEHAVIOR ORDER, SETTING MATTER FOR TRIAL, ORDER NUNC PRO TUNC, ATTY'S FEES & COSTS AND SANCTIONS Court called the case then reviewed the issues. Court advised the parties and counsel it had read all the documents and the emails. Court acknowledged receipt of Defendant's Reply and it's review. Discussion

regarding the high conflict between the parties and the child's welfare. Argument by Mr. Goodman regarding the motion issues. Argument by Mr. Roys in rebuttal and for the Countermotion issues. Further argument and discussion. COURT stated it's FINDINGS then ORDERED, DR. JOHN PAGLINI shall PERFORM the CHILD CUSTODY EVALUATION. The parties shall CALL his OFFICE WITHIN 24 HOURS to make the APPOINTMENT for the evaluation. The RETURN HEARING for the CUSTODY EVALUATION REPORT, calendared for JANUARY 24, 2012 at 10:00 A.M., shall STAND. DR. PAGLINI shall CONTACT CHAMBERS if he is UNABLE to COMPLETE the EVALUATION REPORT in time for the RETURN HEARING. The parties shall share JOINT LEGAL and JOINT PHYSICAL CUSTODY. Pending the CUSTODY EVALUATION, DEFENDANT shall receive HOLIDAY VISITATION with the child IN NEW YORK. DEFENDANT shall have the child from DECEMBER 11 through 25, 2011. The parties shall COMMUNICATE through the internet website known as "OUR FAMILY WIZARD". The parties shall have their accounts SET UP by FRIDAY, NOVEMBER 25, 2011. There shall be NO DIRECT COMMUNICATION between the parties, EXCEPT in case of an EMERGENCY. All regular COMMUNICATION shall TAKE PLACE through the website. The parties are ADMONISHED to CALL CHILD PROTECTIVE SERVICES (CPS) if they believe the CHILD is being HARMED. DEFENDANT'S NAME shall be ADDED to the CHILD'S THERAPIST'S RECORDS to allow him to OBTAIN INFORMATION about the child's progress in therapy. PLAINTIFF shall CALL the THERAPIST'S OFFICE by 5:00 P.M. TODAY, NOVEMBER 21, 2011. PLAINTIFF shall MAKE SURE Defendant's NAME is on the child's DAYCARE and DOCTOR RECORDS to allow his ACCESS to the child's INFORMATION. DEFENDANT shall PREPARE and FILE a FINANCIAL DISCLOSURE FORM (FDF) by NOVEMBER 28, 2011 then SERVE IT to the opposing side. The parties shall CO-PARENT for the BEST INTERESTS of the child. The parties are referred to the COOPERATIVE PARENTING CLASSES through the University Of Nevada Las Vegas (UNLV). The parties shall be ALLOWED to TAKE the CLASSES ONLINE at www.parentsinconflict.com. BOTH parents shall receive VIDEO CONTACT with the child when he is with the other parent through the internet website known as "SKYPE". The "SKYPE" contact shall take place 3 DAYS PER WEEK on MONDAYS, WEDNESDAYS and SATURDAYS. When the child is IN NEW YORK with Defendant the contact shall TAKE PLACE AT 5:00 P.M. NEVADA time, 8:00 P.M. NEW YORK time. When the child is in LAS VEGAS, the contact shall TAKE PLACE at 7:00 P.M. NEVADA time and 10:00 P.M. NEW YORK time. The parties shall either STRUCTURE an AGREEMENT or BRING the APPROPRIATE MOTION before the Court to HYPHENATE the child's SURNAME. The issues of the PAYMENT for the EVALUATION and CHILD SUPPORT shall be HELD IN ABEYANCE pending receipt of DEFENDANT'S FDF. Absolute DECREE Of Divorce is GRANTED. PLAINTIFF shall PREPARE and FILE an AFFIDAVIT OF RESIDENT WITNESS. The parties are ADMONISHED NOT TO REMARRY until they have received a CONFORMED, "FILED" STAMPED COPY of the DECREE OF DIVORCE. Mr. Roy shall PREPARE the DECREE OF DIVORCE. Mr. Goodman shall REVIEW the DECREE Of Divorce as to form and content then SIGN OFF. Mr. Goodman shall PREPARE the post hearing ORDER. Mr. Roy shall REVIEW the ORDER as to form and content then SIGN OFF. ;
Matter Heard

12/12/2011 *CANCELED* **Motion to Reconsider** (10:00 AM) (Judicial Officer: Giuliani, Cynthia N.)
Vacated - per OST

01/04/2012 **Minute Order** (2:25 PM) (Judicial Officer: Giuliani, Cynthia N.)
Minute Order - No Hearing Held;
Journal Entry Details:
Based upon the respective financial condition of the parties, it is hereby ordered that the Defendant shall pay for Dr. Paglini's evaluation subject to reimbursement upon the court's review of Dr. Paglini's report. Pursuant to Wright v. Osburn, 114 Nev. 1367 (1998), the Defendant shall pay $201.50 per month in child support commencing November 1, 2011. 01-04-12 CLERK'S NOTE: A copy of the Minute Order was faxed to both counsel as well as mailed to both parties, at the addresses listed in the court's computerized case file, this date. cc 1-13-12 CLERK'S NOTE: Upon review it was found the Minute Order contained errors in the printing. The errors were corrected and copies of the corrected Minutes were re-faxed to both counsel and re-mailed to both parties, at the addresses listed in the court's computerized case file, this date. cc ;
Minute Order - No Hearing Held

03/27/2012 **Return Hearing** (9:00 AM) (Judicial Officer: Giuliani, Cynthia N.)
Events: 01/17/2012 Notice of Rescheduling of Hearing
Return: Psychiatric Evaluation
01/24/2012 Reset by Court to 03/27/2012
Matter Heard;
Journal Entry Details:

RETURN: PSYCHIATRIC EVALUATION Court called the case then reviewed the issues. Court inquired if the parties and counsel had reviewed the evaluation report. Both counsel and both parties replied in the affirmative. Discussion regarding the evaluation report and Dr. Paglini's recommendations. Argument by Mr. Roy regarding the evaluation report and Plaintiff's request to modify custody based on that report. Argument by Mr. Goodman in rebuttal to counsel's argument, the evaluation report and Dr. Paglini's findings. He argued further regarding adoption of Dr. Paglini's recommendations. Further argument and discussion regarding an incident at an ice skating rink with Defendant and the child, Defendant's visitations, Dr. Paglini's findings and recommendations,

Defendant's visitations and payment of Dr. Paglini's costs. Court provided the internet website address for the University Of Nevada Las Vegas (UNLV) online parenting classes to both parties IN OPEN COURT. COURT ORDERED, Dr. Paglini's RECOMMENDATIONS are AFFIRMED and ADOPTED. DEFENDANT'S VISITATIONS shall TAKE PLACE in LAS VEGAS NEVADA for the next 4 MONTHS pending COMPLETION of EXTENSIVE PARENTING CLASSES. The parties shall ATTEND the ONLINE PARENTING CLASSES through the University Of Nevada Las Vegas (UNLV). The parties shall resolve their parenting issues through a PARENTING CO-COORDINATOR. The parties are referred to MARGARET PICKARD. If the parties do not wish to go forward with Ms. Pickard counsel shall CONFER to CHOOSE another PARENTING COORDINATOR. The parties shall work on their CO-PARENTING SKILLS with the PARENTING COORDINATOR. The parties shall CONSULT the PARENTING COORDINATOR regarding the ISSUES of the child's PRESCHOOL, COUNSELING and EXTRA CURRICULAR ACTIVES. Plaintiff shall PROVIDE the INFORMATION regarding the child's COUNSELING to Ms. Pickard through her counsel. After completion of the PARENTING CLASSES, and the parties having worked with the Parenting Co-Coordinator, Dr. Paglini's recommendations for the HOLIDAY VISITATIONS and DEFENDANT'S VISITATIONS shall GO FORWARD. The parties shall COMPLY with the JOINT LEGAL CUSTODY provisions. The parties shall COMMUNICATE by way of EMAIL for the CHILD'S ISSUES ONLY, except in case of an emergency. NEITHER PARTY, NOR their FAMILIES, shall DISPARAGE the OTHER PARENT in the PRESENCE of the CHILD. Counsel shall BRIEF the issue of the CHILD'S SURNAME HYPHENATION. The COURT shall ISSUE it's DECISION by APRIL 4, 2012. Counsel shall HOLD the DECREE OF DIVORCE pending the Court's DECISION about the child's surname. Mr. Goodman shall PREPARE the ORDER. Mr. Roy shall REVIEW the ORDER as to form and content then SIGN OFF. ;
Matter Heard

03/28/2012 *CANCELED* **Motion** (9:30 AM) (Judicial Officer: Giuliani, Cynthia N.)
Vacated - Moot

04/16/2012 **Minute Order** (11:00 AM) (Judicial Officer: Giuliani, Cynthia N.)
Minute Order - No Hearing Held;
Journal Entry Details:
The court took the issue of Plaintiff's request to change the surname of the child to include her surname hyphenated with the father's surname under advisement. Defendant objects to the hyphenated surname proposed by the Plaintiff. In Magiera v Luera, 106 Nev. 775 (1990), the court held that the burden is on the party seeking the name change to prove, by clear and compelling evidence, that the substantial welfare of the child necessitates a name change. The Plaintiff made the request to change the surname of the child in open court at the outsourced evaluation return. The matter was not on calendar at the time Plaintiff made the request. Each counsel filed a short brief regarding their respective positions on the issue. The court notes that the briefs are not supported by affidavits from the parties. The court has insufficient information to determine whether the substantial welfare of the child necessitates a name change. The Plaintiff shall place this matter back on calendar by filing an appropriate Motion if she wishes this issue to be properly decided by the Court.;
Minute Order - No Hearing Held

08/12/2015 **Motion to Modify Custody** (10:00 AM) (Judicial Officer: Gentile, Denise L)
Events: 06/19/2015 Motion
Defendant Christopher Ferraro's Motion to Modify Custody, for Relocation of Minor Child, and Other Related Relief

MINUTES

Motion
Filed by: Defendant Ferraro, Christopher Michael
Defendant Christopher Ferraro's Motion to Modify Custody, for Relocation of Minor Child, and Other Related Relief
Matter Heard;
Matter Heard

08/12/2015 **Opposition & Countermotion** (10:00 AM) (Judicial Officer: Gentile, Denise L)
Events: 08/04/2015 Opposition and Countermotion
Plaintiff's Opposition to Defendant's Motion to Modify Custody, for Relocation of Minor Child, and Other Related Relief and Countermotion for Confirmation of Primary Physical Custodian; Modification of Child Support; Strike Chris' Motion as Defective; and Reasonable Attorney Fees and Costs

MINUTES

Opposition and Countermotion
Filed by: Attorney Ghibaudo, Alex, ESQ
Party 2: Plaintiff Nance, Sandra Lynn
Matter Heard;
Matter Heard

08/12/2015 **All Pending Motions** (10:00 AM) (Judicial Officer: Gentile, Denise L)

MINUTES

Matter Heard;
Journal Entry Details:
DEFENDANT CHRISTOPHER FERRARO'S MOTION TO MODIFY CUSTODY, FOR RELOCATION OF MINOR CHILD, AND OTHER RELATED RELIEF...PLAINTIFF'S OPPOSITION AND COUNTERMOTION TO DEFENDANT'S MOTION TO MODIFY CUSTODY, FOR RELOCATION OF MINOR CHILD, AND OTHER RELATED RELIEF AND COUNTERMOTION FOR CONFIRMATION OF PRIMARY PHYSICAL CUSTODIAN; MODIFICATION OF CHILD SUPPORT; STRIKE CHRIS' MOTION AS DEFECTIVE; AND REASONABLE ATTORNEY FEES AND COSTS Attorney Robert Weatherford, Bar #7949, present with Plaintiff. Attorney Todd Moody, Bar #5430, present with Defendant. Margaret Pickard, Parenting Coordinator, also present. Arguments by Counsel. COURT ORDERED the following: 1. Any Child Support modification shall be heard by this Court. 2. A Minute Order to be ISSUED regarding the outstanding issues. 3. Discovery closes at 5:00 p.m. on 12/3/15. 4. Pretrial Memorandums shall be filed/served and exhibits exchanged one week prior to trial. 5. CALENDAR CALL date SET on 12/3/15 at 9:00 a.m. 6. EVIDENTIARY HEARING on Stack #2 date SET on 12/17/15 at 9:00 a.m. 7. EVIDENTIARY HEARING on Stack #1 date SET on 3/9/16 at 9:00 a.m. Attorney Wilson to prepare the Order from today's hearing; Attorney Weatherford to countersign.;
Matter Heard

08/17/2015 **Minute Order** (8:30 AM) (Judicial Officer: Gentile, Denise L)

Minute Order - No Hearing Held;
Journal Entry Details:
As stated by the Court; NRCP 1 and EDCR 1.10 states the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. This Court having considered the matter and the temporary request made by Defendant to relocate with the parties' child to New York pending the evidentiary hearing in this matter, this Court was clear that it is not inclined to grant a temporary request to relocate due to the fact that it has not yet heard the matter on the merits. Thus, while Defendant made a compelling presentation, at this time it is not in the child's best interest to relocate him temporarily without knowing whether the move is permanent, as the potential always exists that the Court may ultimately find that the child should remain in Nevada with Plaintiff, and then he would have unnecessarily been uprooted in the interim. As it pertains to the standard, this Court has evaluated the allegations of Plaintiff and Defendant, relating to the time share, and this Court has determined this also is a question of fact, which will need to be addressed at the evidentiary hearing and will apply the correct legal standard to the application for relocation. However, this Court will apply the legal standard of joint custodians if the time share of Defendant's is found to be accurate. If Plaintiff's time share is accurate, then this Court will apply the stricter standard of a non-custodial parent asking for primary custody and a relocation. This is a much more difficult prospect on which to prevail, as the legal standard for a change of custody under Ellis v. Carucci, 123 Nev. 145, 161 P.3d 239 (2007), is much greater. So this Court cautions Defendant that before he proceeds with this type of custody matter, that he consider his burden, in this regard. CLERK'S NOTE: A copy of this Minute Order was placed in Attorney Wilson and Attorney Weatherford's attorney folders located in the Clerk's Office. ;
Minute Order - No Hearing Held

12/17/2015 *CANCELED* **Evidentiary Hearing** (9:00 AM) (Judicial Officer: Gentile, Denise L)
Vacated - per Stipulation and Order
re: Custody/Relocation (Stack #2)

02/02/2016 **Minute Order** (10:40 AM) (Judicial Officer: Gentile, Denise L)

Minute Order - No Hearing Held;
Journal Entry Details:

As stated by the Court; NRCP 1 and EDCR 1.10 states the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.11(e), this Court can consider a motion and issue a decision on the papers at any time without a hearing. COURT, having read and considered Defendant s Motions in Limine Nos. 1 and 2, and Plaintiff's Oppositions and Countermotions thereto, FINDS and ORDERS as follows: The Court reviewed Defendant's Motion in Limine #1 requesting to preclude any objections to the authenticity or genuineness of documents produced in discovery and FINDS as follows: the Court agrees, NRCP 16.2015(b)(5) requires that any objection be lodged within 21 days of the date of receipt, in writing, otherwise, the documents shall be presumed to be authentic and genuine, and shall not be excluded on those grounds. Based upon the representations of Defendant, and being there was no objection lodged pursuant to this rule, any such objections shall be prohibited at the time of trial. Therefore, Defendant's Motion is GRANTED insofar as the documents produced during discovery cannot be excluded on those grounds. This ruling does not preclude Plaintiff from raising any other valid evidentiary objections. IT IS SO ORDERED. The Court having reviewed the history of this case and Defendant's Motion in Limine #2, which includes a request to preclude using any pleading, testimony, remarks, questions or arguments relative to the facts and circumstances existing between the parties prior to the last custody order of November 30, 2012, FINDS as follows: this Court will appropriately apply McMonigle v. McMonigle, to testimony, documentary

evidence, and the like, relating to the facts and circumstances that pre-date the last custody order. As it pertains to any allegations of domestic violence, this Court also GRANTS Defendant s request to bar any and all allegations of domestic violence, prior to the date of the last custody order of November 30, 2012, unless it was unknown to Plaintiff (which means it could not have been perpetrated on Plaintiff), or unknown to the Court at the time of the last order, as prescribed by Castle v. Simmons. Thus, Court GRANTS Defendant's Motion in Limine and will instruct both parties, their counsel, and all witnesses called on their behalves, not to mention or refer to facts either, directly or indirectly, which occurred prior to November 30, 2012, other than those which fall within the exception under Castle v. Simmons, if any. If there is a dispute as to whether certain allegations were raised, Defendant should be prepared to direct the court to a cite in the record for when those incidents were brought to the court s attention. IT IS SO ORDERED. COURT ORDERS, Plaintiff's Countermotion to attorney's fees and costs DEFERRED to the time of trial. COURT FURTHER ORDERS, the hearings currently scheduled for March 15, 2016 at 10:00 a.m. VACATED. CLERK'S NOTE: A copy of this Minute Order was placed in Attorney Ghibaudo and Attorney Wilson's attorney folders located in the Clerk's Office.;
Minute Order - No Hearing Held

02/24/2016 **Calendar Call** (9:00 AM) (Judicial Officer: Gentile, Denise L)
12/03/2015 Reset by Court to 02/24/2016

MINUTES
Matter Heard;
Journal Entry Details:
CALENDAR CALL...PLAINTIFF'S MOTION TO CONTINUE EVIDENTIARY HEARING Attorney Jason Niami, Bar #9441, present with Attorney Standish and Plaintiff. Arguments by counsel regarding continuing the trial and other related matters. COURT ORDERED the following: 1. Evidentiary Hearing set to be heard on 3/9/16 at 9:00 a.m. shall be RESET to be heard on 6/27/16 at 9:00 a.m. and 6/28/16 through 6/30/16 at 1:30 p.m. 2. Matter to be continued as a Session Works meeting for Court and Counsel to discuss discovery, witnesses and other related matters on 3/9/16 at 9:00 a.m.;
Matter Heard

02/24/2016 **Motion to Continue** (9:00 AM) (Judicial Officer: Gentile, Denise L)
Events: 02/19/2016 Motion to Continue
Pltf's Motion to Continue Evidentiary Hearing
04/27/2016 Reset by Court to 02/24/2016

03/09/2016 **Further Proceedings** (1:30 PM) (Judicial Officer: Gentile, Denise L)
Matter Heard;
Journal Entry Details:
FURTHER PROCEEDINGS Attorney Naimi and Attorney Moody also present. Court and Counsel engaged in discussion off-the-record. COURT ORDERED, Attorney Wilson to prepare the Stipulation and Order regarding the agreements from today's hearing; Attorney Standish to countersign. ;
Matter Heard

03/15/2016 *CANCELED* **Motion in Limine** (10:00 AM) (Judicial Officer: Gentile, Denise L)
Vacated
Deft's Motion in Limine

03/15/2016 *CANCELED* **Motion in Limine** (10:00 AM) (Judicial Officer: Gentile, Denise L)
Vacated
Deft's Motion in Limine #2

03/15/2016 *CANCELED* **Opposition & Countermotion** (10:00 AM) (Judicial Officer: Gentile, Denise L)
Vacated
Plaintiff's Opposition to Motion in Limine #2: Countermotion and Reasonable Attorney Fees and Costs

06/27/2016 **Evidentiary Hearing** (9:00 AM) (Judicial Officer: Gentile, Denise L)
06/27/2016-06/29/2016
re: custody/relocation (stack #1) (day #1)
03/09/2016 Reset by Court to 06/27/2016

MINUTES
see 2/24/16 hrg mins
Matter Heard;
Matter Heard;
Matter Heard;
per Counsel on 3/9/16 (see hrg mins)
Journal Entry Details:

EVIDENTIARY HEARING RE: CUSTODY/RELOCATION Attorney Shelly Cooley, Bar #8992, and Jason Naimi, Bar #9441, present with Plaintiff. Attorney Todd Moody, Bar #5430, present as co-counsel for Defendant. Testimony and exhibits presented (see worksheet). Exhibit N3, Bates # DEFTSUN0002, DEFTSUN0003 and Exhibit N5, Bates #DEFTSAT0010, was replaced with redacted copies of the documents. COURT ORDERED, Counsel to submit to the Court, with a courtesy copy provided to the other side, closing argument briefs, which may include proposed findings, no later than close of business on August 5, 2016. Any objections to the representations made in the briefs shall be submitted to the Court, with a courtesy copy provided to the other side, no later than close of business on August 15, 2016. ;

MINUTES

see 2/24/16 hrg mins
Matter Heard;
Matter Heard;
Matter Heard;
per Counsel on 3/9/16 (see hrg mins)
Journal Entry Details:
EVIDENTIARY HEARING RE: CUSTODY/RELOCATION Attorney Shelly Cooley, Bar #8992, and Jason Naimi, Bar #9441, present with Plaintiff. Attorney Todd Moody, Bar #5430, present as co-counsel for Defendant. Counsel STIPULATE to have the courtroom closed during testimony. Testimony and exhibits presented (see worksheet). COURT ORDERED, matter CONTINUED to 6/29/16 at 1:30 p.m. ;

MINUTES

see 2/24/16 hrg mins
Matter Heard;
Matter Heard;
Matter Heard;
per Counsel on 3/9/16 (see hrg mins)
Journal Entry Details:
EVIDENTIARY HEARING RE: CUSTODY/RELOCATION Attorney Jason Naimi, Bar No. 9441 and Attorney Shelly Cooley, bar No. 8992, present as Co-Counsel for Plaintiff. Attorney Todd Moody, Bar No. 5430, present as Co-Counsel with Defendant. Discussion by Court and Counsel regarding Counsel's request for the Court's decision regarding what legal standard the Court is to apply and calculating the Parties timeshare pursuant to Rivero vs. Rivero, Bluestine and NRS 125(C). Court stated it is not inclined to make a decision as a matter of law prior to hearing the facts. Opening statements by Counsel. Testimony and evidence presented. Counsel STIPULATE to the admission of Defendant's Exhibits A1, A2, B1, B2, B3, G1, L1 and M and Plaintiff's Exhibits 2, 3, 4, 5, 6, 16, 17, 18, 20, 21, 22, 23, 24, 30, 46, 47, 48, 55, 57, 61, 62, 63, 64, 65, 68, 69, 73, 74, 80 and 81. Defendant's Exhibit N5 was REDACTED by Court Clerk to exclude Plaintiff's Social Security Number. COURT ORDERED the following: 1. EVIDENTIARY HEARING regarding custody/relcation CONTINUED to 6/28/16 at 1:30 p.m. and 6/29/16 at 1:30 p.m. ;
Matter Heard

08/16/2016 **Motion** (3:30 PM) (Judicial Officer: Gentile, Denise L)
Events: 07/21/2016 Motion
Deft's Motion To Reopen Trial Or In The Alternative For New Trial Limited to Hear Testimony Of Desmond Nance
09/07/2016 Reset by Court to 08/16/2016
Matter Heard;
Matter Heard

08/16/2016 **Opposition & Countermotion** (3:30 PM) (Judicial Officer: Gentile, Denise L)
Events: 08/10/2016 Opposition and Countermotion
Pltf's Opposition and Countermotion for Atty's Fees and Other Related Relief
Matter Heard;
Matter Heard

08/16/2016 **All Pending Motions** (3:30 PM) (Judicial Officer: Gentile, Denise L)
Matter Heard;
Journal Entry Details:
DEFENDANT'S MOTION TO REOPEN TRIAL OR IN THE ALTERNATIVE FOR NEW TRIAL LIMITED TO HEAR TESTIMONY OF DESMOND NANCE...PLAINTIFF'S OPPOSITION AND COUNTERMOTION FOR ATTORNEY'S FEES AND OTHER RELATED MATTERS Attorney Jason Naimi, Bar #9441, and co-counsel, Attorney Michelle Cooley, Bar #8992, present with Plaintiff. Defendant appeared by telephone. Arguments by Counsel regarding Defendant's request to reopen trial, attorney's fees, issues regarding written closing arguments and objections made to the closing arguments, and other related matters. Attorney Wilson requested the trial be reopened to allow testimony by Desmond Nance due to text messages sent to Defendant by Desmond making suggestions things were going on in Plaintiff's household. Attorney Wilson requested she be given an

opportunity to find Desmond and question him regarding those text messages. Upon inquiry from the Court, Defendant indicated he has not heard from nor been able to get in contact with Desmond since the last text message. Attorney Naimi represented Desmond is lashing out at Plaintiff, that Plaintiff disconnected Desmond's cell phone due to threatening test messages, and that Plaintiff believes Desmond is using drugs. Attorney Naimi also indicated a Temporary Protective Order (TPO) has been issued against Desmond in which they have been having issues with finding him to serve him with the TPO. COURT ORDERED the following: 1. Attorney Naimi's request for Desmond Nance to be drug tested prior to being questions is DENIED due to this Court having no jurisdiction over Mr. Nance. 2. Counsel AGREE for Attorney Naimi's to strike portions of Defendant's objections that have been filed, providing Attorney Wilson with those portions he wishes to be stricken no later than 8/20/16. Attorney Wilson will then withdraw those portions she agrees to be stricken and file new objections no later than 8/24/16. 3. Attorney Wilson agrees to attempt to make contact with Desmond Nance and determine whether Desmond's testimony would be credible and/or worth going forward with reopening the trial by Friday, August 20, 2016. Attorney Naimi to consider providing Attorney Wilson with a list of friends and/or acquaintances they believe Desmond may be in contact with. Attorney Wilson to update the Court via a letter, copying Attorney Naimi, on whether they have made contact/found Desmond and whether or not they are withdrawing their request to re-open the trial and/or preparing to move forward on their request. 4. Attorney Naimi's request for attorney's fees is under advisement.;
Matter Heard

09/07/2016 **Minute Order** (2:00 PM) (Judicial Officer: Gentile, Denise L)
Minute Order - No Hearing Held;
Journal Entry Details:
NRCP 1 and EDCR 1.10 state the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.11(e), this Court can consider a motion and issue a decision on the papers at any time without a hearing. COURT FINDS, Defendant filed a Motion to Reopen Trial or, in the Alternative, for New Trial on July 21, 2016. Thereafter, Plaintiff filed an Opposition, Supplemental Opposition, and Countermotion. The matter came before the court for hearing on August 16, 2016, wherein the Court requested Counsel for Defendant to update the Court and Plaintiff's counsel, via a letter, as to whether she had made contact with and/or found Desmond and whether they were withdrawing or moving forward with their request to reopen trial. Said letter was received on August 19, 2016 and, upon further consideration, the Court FINDS and ORDERS as follows: Ms. Wilson has twenty-eight (28) days to obtain Desmond's deposition (unless the date noticed is inconvenient for counsel and counsel stipulates to a different, and later date). The parties will then have fourteen (14) days to submit to the Court the transcript for publishing, unless for good cause it can be shown that the transcript is unable to be completed in that time frame. Once the transcript is complete, each party will have seven (7) days to submit to the Court that portion of the transcript which he/she wants to be considered by the Court (or if the whole deposition, then it should be noted as such). Each side will have seven (7) days from receipt of the proposed testimony, to object in writing to that testimony considered objectionable, and the grounds for said objection; the Court will then read the question, without reading the answer, will consider the objection, and then rule. If the objection is sustained, the Court will not consider that portion of the testimony; if overruled, it will become part of the record. The Court will note which objections were sustained, if any, in its final decision. CLERK'S NOTE: A copy of this Minute Order was placed in Attorney Niami and Attorney Wilson's attorney folder located in the Clerk's Office. ;
Minute Order - No Hearing Held

09/27/2016 **Motion to Strike** (3:30 PM) (Judicial Officer: Gentile, Denise L)
Events: 08/24/2016 Motion to Strike
Pltf's Motion to Strike Portions of Dft's Objections to Pltf's Closing Argument and for Atty's Fees and Costs
09/27/2016 Reset by Court to 09/27/2016

MINUTES

Motion to Strike
Filed by: Plaintiff Nance, Sandra Lynn
Plaintiff's, Sandra L. Nance, Motion to Strike Portions of Defendant's Objections to Plaintiff's Closing Argument and for Attorney's Fees and Costs

Under Advisement; see 9/27/16 All Pending
Under Advisement

09/27/2016 **Opposition & Countermotion** (3:30 PM) (Judicial Officer: Gentile, Denise L)
Events: 08/30/2016 Opposition and Countermotion
Dft's Opposition to Pltf Sandra Nance's Motion to Strike Portions of Dft's Objections to Plaintiff's Closing Argument and Counter Motion for Atty Fees and Costs
09/27/2016 Reset by Court to 09/27/2016

Under Advisement; see 9/27/16 All Pending
Under Advisement

09/27/2016

All Pending Motions (3:30 PM) (Judicial Officer: Gentile, Denise L)
Matter Heard;
Journal Entry Details:
DEFENDANT'S OPPOSITION TO PLAINTIFF SANDRA NANCE'S MOTION TO STRIKE PORTIONS OF DEFENDANT'S OBJECTIONS TO PLAINTIFF'S CLOSING ARGUMENT AND COUNTERMOTION FOR ATTORNEY FEES AND COSTS...PLAINTIFF'S MOTION TO STRIKE PORTIONS OF DEFENDANT'S OBJECTIONS TO PLAINTIFF'S CLOSING ARGUMENT AND FOR ATTORNEY'S FEES AND COSTS Attorney Todd Moody, Bar #5430, also present as co-counsel with Attorney Wilson. Arguments by Counsel. COURT ORDERED, matter UNDER ADVISEMENT.;
Matter Heard

10/19/2016 *CANCELED* **Motion to Strike** (10:00 AM) (Judicial Officer: Gentile, Denise L)
Vacated
Pltf's Motion to Strike Notice Re Desmond Nance and for Atty's Fees and Costs

10/19/2016 *CANCELED* **Opposition & Countermotion** (10:00 AM) (Judicial Officer: Gentile, Denise L)
Vacated
Defendant Christopher Ferraro's Opposition to Plaintiff's Motion to Strike Notice re Desmond Nance and Countermotion for Attorney's Fees and Costs

01/05/2017 **Minute Order** (9:30 AM) (Judicial Officer: Gentile, Denise L)
Minute Order - No Hearing Held;
Journal Entry Details:
NRCP 1 and EDCR 1.10 state the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. The Court having considered the papers on file herein, the transcript of the record, the evidence presented at trial, which consists of Plaintiff's Exhibits 2-6, 16-18, 20-24, 30, 46-48, 55, 57, 61-65, 68, 69, 73, 74, 80, 81, Defendant's Exhibits A1, A2, B1, B2, B3, F2, G1, I, J, K1, K2, L1, M, N1, N2, N3, N4, N5, N7, P, testimony of witnesses presented by both parties, Closing Briefs, Objections to Closing Briefs, Motions to Strike, and Motions regarding Post-trial evidence relating to Desmond Nance, and good cause appearing therefore, FINDS AS FOLLOWS: This Court hereby GRANTS the Defendant's Motion for Primary Custody and for Relocation to New York; after careful consideration of the evidence, this Court FINDS it appropriate to enter Defendant's FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER, subject to the modifications, additional findings, and deletions set forth herein below. The Court also considered, the Objections to Closing Briefs, and Motions to Strike, and will set forth herein below, the rulings on each party's requests. In regards to Plaintiff's Objections to Defendant's Closing Brief, the COURT ORDERS AS FOLLOWS: For purposes of this decision the Court will number the objections as set forth in the table of objections provided: 1. Objection sustained 2. Objection sustained 3. Objection sustained 4. Objection - sustained 5. Objection - sustained as to the representation of multiple schools but the Court notes there was resistance by mother to Plaintiff s request to send the child to private school, at least twice. 6. Objection sustained 7. Overruled In regards to Defendant's Objections to Plaintiff's Closing Brief, the COURT ORDERS AS FOLLOWS: Overruled. In regards to Plaintiff's Motion to Strike Portions of Defendant's Objections, the COURT ORDERS AS FOLLOWS: GRANTED as set forth in Plaintiff's Exhibit to Motion to Strike; the Court having considered the Plaintiff's request for attorney's fees for having to file the Motion to Strike, and to appear at the hearing on the matter, and the Court having considered the factors set forth in Brunzell v. Golden Gate National Bank, 85 Nev. 345 (1969) and Miller v. Wilfong, 121 Nev. 619 (2005), FINDS the following attorney's fees award is reasonable and was necessary to address said issue with the Court. The Court hereby awards the sum of $2,500 to Plaintiff's counsel for having to file the Motion to Strike Portions of Defendant's Objections. In regards to the Motion to Reopen Trial or in Alternative to Hear Limited Testimony of Desmond Nance and Opposition thereto with Request for Attorney's fees, this Court having considered the Plaintiff's request for attorney's fees for having to file the Motion to Strike, and to appear at the hearing on the matter, and having considered the factors set forth in Brunzell v. Golden State, and Miller v. Wilfong, FINDS the following attorney's fees award is reasonable and was necessary to address said issue with the Court. The Court hereby awards the sum of $2,500 to Plaintiff for having to respond to the original motion, and to file the Motion to Strike the Notice as it pertained to Desmond Nance. Although this Court did not grant the Motion to Strike, this Court FINDS that the entire issue was precipitated by the request to reopen filed by Defendant and the representations made to this Court that the information was pertinent to the outcome of this case, to such an extent that he sought for the court to reopen the trial to allow for additional evidence. Based upon said representations of Defendant, this Court permitted him to proceed with obtaining said evidence, which unnecessarily multiplied the proceedings, only to result in no evidence offered at the end of the investigation. In this regard, the Court hereby awards the sum of $2,500 to Plaintiff's counsel. Said $5,000 is hereby reduced to judgment, and collectible by any lawful means. Collection is hereby stayed for a period of 120 days, to allow Defendant the opportunity to pay the amount in full before said date, or establish an acceptable payment plan with Plaintiff's counsel. This Court FINDS the following modifications shall be made to Defendant's proposed FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER: Page 12, line 7, after "it" - add, "does not appear to be created" and delete "not created" Page 12, line 16, after "supported." Add - There is no evidence to suggest the tooth fairy gifts of any amounts Defendant provides to Evan are done with malicious intent toward Plaintiff or to "one up" Plaintiff. Court FINDS that Plaintiff seems to allow the differences in the parties' financial means to cloud her ability to co-parent and do

what is best for Evan. This Court cautions this is not a competition, and often one parent is able to provide more money or financial means than the other, but that should not be taken personally by the other parent, nor should it allow those gestures to cloud their judgment while co-parenting. Page 12, line 25, after the number 17. Add The Court disagrees with Plaintiff's assertion that Defendant does what he wants to do. This Court FINDS that each parent does what he or she wants to do while the child is in his/her care, because the parents have been unable to communicate productively and/or agree on what is best for Evan. Page 13, line 1 and 2 - delete the sentence starting with Plaintiff, and ending with wants. Page 14, line 10, add sentence, "This Court FINDS that Evan can benefit from Defendant's expertise in the sport, can benefit from the team sport atmosphere, and intense involvement from his father, and that the benefit outweighs the potential burden. This Court FINDS that Defendant appears mindful of Plaintiff's concerns regarding the dangers of hockey and other sports, given his own injuries. Court FINDS Defendant does not demonstrate behaviors or willingness to put his child in harm's way intentionally, but many team sports or any physical activity comes with the potential for injury. Defendant is CAUTIONED to be mindful of this and Plaintiff's concerns should be discussed openly and respectfully, as she is a joint legal custodian. Page 14, line 21 and 22, combine FINDINGS n. and o. New FINDING o. shall be: Court FINDS Plaintiff's admitted history of failure to communicate regarding legal custody issues, and Defendant's confirmation of such, to be disconcerting because it is important to be a respectful and open-minded co-parent on these very subjective issues. Further, if Plaintiff is obstructionist and makes co-parenting difficult, Court FINDS that is not in the child's best interests. Court further FINDS that Defendant does not appear to exhibit the same behavior toward Plaintiff. This Court FINDS that disagreement is different than obstructing efforts made to better the child's life. Page 16, line 7 - modify the first sentence to "All of that said, Nevada is a gaming state, and gambling is legal." Page 16, line 23 - modify the last clause to read, "the Court finds the Defendant's choices and actions are more closely aligned with the bests interests of the child." Page 27, line 22, change the word here to "Las Vegas" Page 28, line 20, after programs, modify the sentence to read, "but because Defendant sought primary custody during the school year, all extracurricular activities cannot take a front seat to Evan's relationship with his mother. During Plaintiff's timeshare, unless Plaintiff agrees to putting Evan in said extracurricular activities, she is entitled to exercise the time in the manner in which she pleases. If Evan's extracurricular activities suffer from her choices to deny that involvement, that is a parenting decision she is entitled to make, if she believes it is better for Evan, or for their relationship. Page 29, line 11, change EVEN to ODD, and on line 12 change EVEN to ODD, and on line 13, change ODD to EVEN. Page 29, line 22, delete "odd years and Dad shall have Evan in even years." Add, "every year." Delete "In even years when Evan is with Dad, if Evan is participating in a sports camp or tournament, Mom may attend at Mom"s expense." Page 30, line 14, change odd to even, and even to odd. (In essence, Mom shall have Evan in even years and Dad shall have Evan in odd years for Thanksgiving). Page 30, line 24, delete "pre-planned Ferraro-family events." Add, significant and/or important events (i.e., once in a lifetime events, pre-arranged and non-refundable trips). If said visit cannot be conducted within the period noticed by Plaintiff, an alternate visitation shall take place on the next date chosen or designated by Plaintiff regardless of any significant events. Page 30, line 26, add the sentence: Such visits shall not be unreasonably denied due to "pre-planned Ferraro-family events," as such events are likely to be conducted regularly. Page 31, line 4, revise to say "based on Evan's school and extracurricular activity schedule." This Court FINDS that because of the manner in which this case proceeded and concluded on September 27, 2016 with post trial motions, the child ended up commencing school in Las Vegas for the 2016-2017 school year. While this Court believes it is in the child's long term best interests to be in Defendant's primary care, it does not believe that the disruption to the child's school at this juncture is in his best interests. In this regard, the COURT ORDERS the parties should continue to follow their current schedule, and commence their custodial plan as of one week after school lets out, which means that Plaintiff will have the summer from one week after school lets out until one week before school begins in New York. Defendant will have to notify Plaintiff of the dates for when the child needs to be present in New York for his first day of attendance or orientation, as the case may be. The COURT ORDERS Defendant to prepare and submit a proposed order consistent with this Decision. The COURT ORDERS the Decision Hearing on January 5, 2017 shall be VACATED. CLERK'S NOTE: A copy of this Minute Order was placed in Attorney Naimi and Attorney Wilson's attorney folders located in the Clerk's Office. ;
Minute Order - No Hearing Held

01/05/2017 *CANCELED* **Decision** (10:00 AM) (Judicial Officer: Gentile, Denise L)
Vacated

SERVICE

03/15/2010 **Summons**
Ferraro, Christopher Michael
Served: 03/19/2010

ORDR

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DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

CLERK OF THE COURT

SANDRA LYNN NANCE

Plaintiff(s),

v.

CHRISTOPHER MICHAEL FERRARO

Defendant(s).

CASE NO. D-10-426817-D
DEPT NO. F

Dates of Trial:
June 27, 2016, 9:00 a.m. & 1:30 p.m.
June 28, 2016, 1:30 p.m.
June 29, 2016, 1:30 p.m.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

NRCP 1 and EDCR 1.10 state the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action.

This matter having come on for Trial upon Defendant Christopher Ferraro's Motion to Modify Custody, for Relocation of Minor Child and Other Related Relief and Plaintiff Sandra Nance's Opposition and Countermotion, Defendant being present and represented by his attorneys, Shannon R. Wilson and Todd L. Moody, and Plaintiff being present and represented by her attorneys, Jason Naimi and Shelley Booth Cooley, the Court having considered the papers on file herein, the transcript of the record, the evidence presented at trial, which consists of Plaintiff's Exhibits 2-6, 16-18, 20-24, 30, 46-48, 55, 57, 61-65, 68, 69, 73, 74, 80, 81, Defendant's Exhibits AI, A2, B1, B2, B3, F2, G1, I, J, K1, K2, L1, M, N1, N2, N3, N4, N5, N7, P, testimony of witnesses presented by both parties, Closing Briefs, Objections to Closing Briefs, Motions to Strike, and Motions regarding Post-trial evidence relating to Desmond Nance, and good cause appearing therefore, FINDS AS FOLLOWS:

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

RECEIVED
JAN 24 2017
DEPARTMENT F

This Court hereby GRANTS the Defendant's Motion for Primary Custody and for Relocation to New York; after careful consideration of the evidence, this Court FINDS it appropriate to enter Defendant's FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER, subject to the modifications, additional findings, and deletions set forth in its minute order of January 5, 2017. The Court also considered, the Objections to Closing Briefs, and Motions to Strike, and will set forth herein below, the rulings on each party's requests.

In regards to Plaintiff's Objections to Defendant's Closing Brief, the COURT ORDERS AS FOLLOWS:

For purposes of this decision the Court will number the objections as set forth in the table of objections provided:

1. Objection - sustained
2. Objection - sustained
3. Objection - sustained
4. Objection - sustained
5. Objection - sustained as to the representation of multiple schools but the Court notes there was resistance by mother to Plaintiff's request to send the child to private school, at least twice.
6. Objection - sustained
7. Overruled

In regards to Defendant's Objections to Plaintiff's Closing Brief, the COURT ORDERS AS FOLLOWS: Overruled.

In regards to Plaintiff's Motion to Strike Portions of Defendant's Objections, the COURT ORDERS AS FOLLOWS: GRANTED as set forth in Plaintiff's Exhibit to Motion to Strike; the Court having considered the Plaintiff's request for attorney's fees for having to file the Motion to Strike, and to appear at the hearing on the matter, and the Court having considered the factors set forth in *Brunzell v. Golden Gate National Bank*, 85 Nev. 345 (1969) and *Miller v. Wilfong*, 121 Nev. 619 (2005), FINDS the

following attorney's fees award is reasonable and was necessary to address said issue with the Court. The Court hereby awards the sum of $2,500 to Plaintiff's counsel for having to file the Motion to Strike Portions of Defendant's Objections.

In regards to the Motion to Reopen Trial or in Alternative to Hear Limited Testimony of Desmond Nance and Opposition thereto with Request for Attorney's fees, this Court having considered the Plaintiff's request for attorney's fees for having to file the Motion to Strike, and to appear at the hearing on the matter, and having considered the factors set forth in *Brunzell v. Golden State*, and *Miller v. Wilfong*, FINDS the following attorney's fees award is reasonable and was necessary to address said issue with the Court. The Court hereby awards the sum of $2,500 to Plaintiff for having to respond to the original motion, and to file the Motion to Strike the Notice as it pertained to Desmond Nance. Although this Court did not grant the Motion to Strike, this Court FINDS that the entire issue was precipitated by the request to reopen filed by Defendant and the representations made to this Court that the information was pertinent to the outcome of this case, to such an extent that he sought for the court to reopen the trial to allow for additional evidence. Based upon said representations of Defendant, this Court permitted him to proceed with obtaining said evidence which unnecessarily multiplied the proceedings, only to result in no evidence offered at the end of the investigation. In this regard, the Court hereby awards the sum of $2,500 to Plaintiff's counsel.

Said $5,000 is hereby reduced to judgment, and collectible by any lawful means. Collection is hereby stayed for a period of 120 days, to allow Defendant the opportunity to pay the amount in full before said date, or establish an acceptable payment plan with Plaintiff's counsel.

FINDINGS OF FACT

1. For six months prior to Defendant filing his motion for relocation on June 19, 2015, the minor child Evan Daniel Ferraro, born September 30, 2008 (now 7 years, 10 months) was a resident of the State of Nevada.

2. Defendant is a resident of Sound Beach, New York. V1:22:12-13. He has lived there, in the same home where he grew up, for forty-three years with the exception of times that he lived in other communities to attend school and play hockey. V1:22, 27. Defendant attended university for about 1 ½ years, but left to play hockey for the 1994 US Olympic hockey team and then professionally in the National Hockey League. V1:22, 27. He has no plans to move from his current residence. V1:22. He lives with his mother and twin brother. The residence is owned by Defendant's mother. It is a 3,000 square foot ranch house with four bedrooms, three bathrooms, on two acres of land with a fenced yard and in-ground pool. If his son is relocated, then Defendant plans to install a sport court in the backyard. Evan has his own bedroom. The neighborhood consists entirely of single family homes. V1:22-23.

3. Based on Defendant's testimony and Defendant's Exhibit G2 (flight records), Evan has spent significant time at the Ferraro family home in New York. From 2012 through 2014, he was there for Defendant's timeshare every month or nearly every month, and he continued to visit routinely in 2015 and 2016. V1:23-26, Ex. G2 at DEFT0358-0368. Defendant testified that while in New York, and in addition to Evan's uncle and grandmother with whom Defendant resides, Evan routinely sees his aunt and her husband, another uncle, Evan's own friends and other extended family. V1:26, 44. Most of the family live and/or work within about five miles of Defendant's home. V1:44-45. Evan sees his grandfather, aunt, uncle and cousins several times per week, and some of them daily. V1:45-47. The Ferraros get together for dinner, family functions, for Evan's extracurricular activities, birthdays and barbeques. V1:47.

4. Defendant testified that Evan is bright, talented, special, gifted, "he is my life." V1:48. During this testimony the Court observed the Defendant become extremely emotional and have a hard time holding back tears. Defendant testified that Evan is a straight A student, that he has a great personality, he is gifted with other children, he is popular, a leader, children migrate to him and he is a great little athlete.

V1:48.

5. Defendant testified that Evan has a lot of friends from hockey and some very good friends in New York, in particular Tommy and Neil Doyle, who Evan has known since he was a baby, and Leila Pannacculli who Evan has known for three years. V1:49. Over the recent break, Defendant put together a hockey tournament in Connecticut with fifteen other children, and in July they will go to a hockey camp in Minnesota, where the Doyle boys will be too. Id. When in New York, the kids all play hockey together as well as have play dates, swimming, visiting the beach and going to movies.

6. Defendant testified that Evan's time with him is very structured, and he creates additional math, reading, writing and drawing assignments for Evan, even when not in school, then there are a variety of extracurricular activities and sports to fill out his day, including baseball, soccer, rollerblading, swimming, running, and mixed martial arts training. V1:50-51. Defendant testified that on a typical school day, they will go to the park before school if time allows; Defendant takes Evan to school and Evan rides his scooter up to the school; Defendant returns at lunch time to volunteer in the lunchroom and at recess; and after school, homework generally comes first and then they do extracurricular activities. V1:74-75.

7. Defendant's exhibit J was admitted. V1:79-80. Defendant testified that these are weekly progress reports from the last school year. V1:79. Two of three progress reports were from a week that Evan was with Plaintiff, and those reports show that during Defendant's timeshare, Evan stayed on task and followed direction, whereas he did not do those things during Plaintiff's timeshare, and the teacher commented during Defendant's timeshare that Evan was "much better this week with talking/giggling." Ex. J.

8. Defendant's exhibit B was admitted. V1:80-82. Exhibit B1 and 2 are photos of Evan during his Dad's timeshare and B3 is a video of Evan practicing baseball and enjoying the level of activity in which he is engaged with his Dad.

9. Defendant's exhibit G was admitted. V1:83-85. Mr. Ferraro testified that he created spreadsheets of his timeshare with Evan from 2013 to 2015 from his personal calendars and flight records; however, he testified that the day-count on the spreadsheet does not include every day of the timeshare, and if it did, then one day would be added to each timeshare (twelve days to each year), giving him 155 days in 2013, 166 days in 2014 and 150 days in 2015. V1:83-87; *see also* Ex. G1. Defendant testified that during timeshares commencing when Evan was in school, pick up was from school at 3:21 p.m. and return was to school in the morning. When school is not in session, he typically picks Evan up in the morning when his timeshare begins and returns him in the after or evening that his timeshare ends. *See* e.g., Ex. A at DEFT0211.

10. Defendant testified that if relocated to New York, then Evan would attend the Rocky Point School District and all of the schools of that district are within two to five miles of his home. V1:54-55. Defendant testified that he would personally take Evan to and from school. V1:55. Defendant researched the school system to satisfy himself that this was a good place for his son to go to school, he personally spoke to the school principal and obtained a variety of information from her and he did internet research on web sites for the New York State System of Education and the Annie E. Casey Foundation. V1:55-59. The Court admitted Defendant's Exhibit F2 (V1:58-61), the New York State Education records, which state very low turn over rates for teachers, that more than 80% of teachers in the elementary and middle schools have master's degrees or doctorates, and average class sizes are 23-24 students. Highschool graduation rates for male students in 2014 was 97%. Defendant's statements regarding widespread knowledge of the deficiencies of Nevada schools were objected to, but the unfortunate reality is that this is true and widely known in the community and the Court can take judicial notice of the fact. The evidence supports that Evan would be enrolling in a high-quality school district in New York.

11. Defendant testified as to the reasons he wants to relocate Evan to New

York, he said, "It's my home. It's my community. It's where I live. It's his friends. The community relationships that I have as a hockey player and my family business for almost 50 years and these community connections I will pass on to Evan. The school systems, financial resources, to save on financial resources for my travels back and forth to Las Vegas. I'd like to dedicate those resources solely to Evan and his future." V1:64.

12. Defendant testified that relocation would improve Evan's life for mostly the same reasons, it is the Defendant's home, and Evan "has tremendous relationships there, friendships, he's got a stable home there in New York, he's got stable friends, the school systems. My availability to Evan, I have a very flexible schedule that I am with Evan virtually at all times, and community relationships that I will pass along to Evan for his overall benefit and development." V1:69.

13. Defendant testified the relocation would benefit him personally by allowing him to get back to work right away, earn a salary, and be able to dedicate resources directly for Evan's benefit. Also Defendant's own parents are aging, and he would like to be able to share his own life and Evan's with them. Defendant testified his own mother is 70 and has some health issues. His father is 68 and healthy. V1:70. Defendant testified that Ferraro Brothers Hockey is based in New York and that is where the client base is, and he does not have the same kinds of relationships in Las Vegas as he does in New York. V1:70.

14. Defendant testified that Plaintiff denies Evan opportunities to participate in extracurricular activities and private school. V1:67. Defendant testified that he has offered to pay for private school and a variety of extracurricular activities for Evan, including hockey, soccer, and MMA, but that Plaintiff will not participate in these with Evan during her own timeshare, which upsets Evan. V1:67. Defendant testified that extracurricular activities are important because one learns "life skills," including: "respect, preparation, dedication, commitment, working with others, taking instruction from coaches, highs, lows, failures, rewards, successes, all of these are critical to life

and career. In fact, athletes are proven better students . . . and they are more prone to stay away from drugs and alcohol and live a more focused, dedicated life." V1:67-68.

15. Defendant proposed a visitation schedule whereby they would alternate and split the winter break, alternate Thanksgiving and the February, April and Memorial day breaks, but in Defendant's years to have Evan during February and April, he would invite Plaintiff to attend any sport camps or tournaments in which Evan was participating. Plaintiff would also have Columbus weekend, every year and if no interference with school or extracurricular activities, on the Memorial Day and Columbus weekends, Evan could leave New York on Thursday and return on Tuesday to create a full four day weekend with Plaintiff. Finally Defendant proposed that summer be divided into three, three week intervals with Plaintiff having the first and last intervals and Defendant having the middle interval. Defendant explained the reason for the split being to allow Evan to participate in hockey camps, clinics and like sports activities. Additionally, at Plaintiff's option, Defendant would help facilitate an additional visits each month to be held in New York. Defendant would pay all airfare for the Plaintiff's Christmas, February, April, Memorial Day, Summer, Columbus, and Thanksgiving visits. Plaintiff would be responsible to pay costs of any additional visits, but Defendant will waive child support to help her be able to do this. V1:71-74.

16. On co-parenting, Defendant testified that the parties had 'many challenges from the start, but believes they were helped by parenting coordinator, Margaret Pickard, and their current, respective counsel. Defendant testified that he sees a pattern whereby he proposes something for Evan, Plaintiff says 'no,' he attempts to persuade her by enumerating the benefits for Evan, and Plaintiff asks Defendant to stop harassing her. V1:68. The emails produced and admitted in Defendant's Exhibit A, tend to support Defendant's testimony. See e.g, Ex. A at DEFT0138-42. 173-74, 198.

17. A co-parenting dispute arose when Evan was first eligible to start

kindergarten. V1:88-94. Evan's birthday falls on the kindergarten enrollment cut-off date, which made him eligible to start kindergarten when he was four. Defendant wanted to hold Evan back to the following year; Plaintiff did not want to hold him back. V1:92-93. Defendant testified that he consulted teachers in Las Vegas and New York, Margaret Pickard, who apparently had a son in a similar situation, and Judith Tolman, and his conclusion was that Evan would benefit from another year of development, maturity wise. V1:90. Defendant's Exhibit K, was admitted. V1:88, 93-94. It is a text message from Judith Tolman to Defendant with a link to an article explaining that studies have shown delayed kindergarten enrollment dramatically reduced ADHD in children. V1:88-89.

18. Plaintiff testified that Nevada is Evan's home, but it is clear to the Court that Evan has two homes.

19. With respect to his employment, Defendant testified that the partnership group in which he was a 7.5% minority owner and for which he was working, filed bankruptcy in September 2015. He was not responsible for financial management of the partnership nor did he set his own salary. V1:28-29. He has not worked since the bankruptcy was filed, but plans to reestablish Ferraro Brothers Hockey, an academy that trains players from age six to NHL-level players. V1:28, 30. Defendant's brother testified that Ferraro Brother's Hockey was in existence for eight years before they began working with the bankrupt partnership. V1:232-233. Defendant and his brother primarily work with players age 5 or 6 to 12. V1:30, 233. Historically, Ferraro Brothers Hockey trains thousands of players annually and has a database of between 4,000 and 5,000 players. V1:31, 233.

20. During his unemployment, Defendant has relied on income from the NHL Emergency Fund ($2,500 per month); a family real estate investment ($2,500 per month); and repayment of a family loan ($2,500) per month. V1:31-33. Defendant is uncertain what his future income with Ferraro Brother's Hockey will be; he thinks it unlikely that he will earn as much as he did with Twin Rinks, but he also as the

opportunity to do as few or as many alumni events with the New York Rangers as he chooses to earn additional income. He will also continue to receive payments from his real estate investment from repayment of the family loan. V1:33-34. Defendant's brother confirmed he would afford him such flexibility.

21. Defendant testified that he can create a work schedule around Evan because he runs Ferraro Brothers Hockey with his twin brother who will run programs while Defendant is attending to Evan. V1:34.

22. Defendant testified – consistent with his Financial Disclosure Form filed January 11, 2016 – that his average monthly expenses to exercise his timeshare with Evan are $6,233.33. (V1:35, 36, 43.) Defendant covers the deficit between his income and expenses from money earned from Twin Rinks and those funds are being depleted. V1:43-44.

23. Defendant testified that Evan missed two days of school during the first grade during his timeshare, one-half day for an eye appointment set by Plaintiff, one-half day to travel to Los Angeles for his uncle's birthday party, and one full day to travel to New York for his cousin's sweet 16 party. Defendant testified that Plaintiff was aware that Evan was missing school on these days for these reasons. V1:29.

24. Daniel Hungerford testified in Defendant's case in chief. V1:95-28. Mr. Hungerford was Evan's school principal for kindergarten and first grade, and he testified that Evan has never had any behavioral issues, has never been referred to the school counselor or his office, and that Evan is "a good guy," "he behaves well at school and attends in class," "behaviorally, academically, he's a model student." V1:99-101. Principal Hungerford testified that he sees the children in his school daily coming to and from school, in the hallways and in the classrooms; and before his deposition, he also talked to a number of individuals at the school about Evan, including Evan's teacher and the school counselor, and he reviewed Evan's school records; there were no concerns about Evan, socially, academically, and in fact he was doing very well with both. V1:98,111-14. Principal Hungerford could not recall

either parent coming to him with concerns about Evan's behavior or academic performance at school, only the situation with the parents and the living situation. V1:101-102. Principal Hungerford testified that he never had any concerns about Evan advancing to the first grade, he never saw Evan engage in any unusual behavior or chew his clothing, but he commented that that is not uncommon for elementary school kids to chew things. V1:103. Principal Hungerford testified that he sees Mr. Ferraro volunteering at the school "much more frequently than Ms. Nance." V1:125.

25. Peter Pannacciulli testified in Defendant's case in chief. V1:203-218. Mr. Pannacciulli lives in New York; his nine year old daughter, Lila, was coached by Defendant beginning in or about the Spring of 2014; around that time frame, Lila and Evan met 'on the ice;' thereafter, Mr. Pannacciulli and the Defendant became friends. Mr. Pannacciulli testified that Defendant is an excellent youth hockey coach, that the kids connect with him, they react to what he says, whether good or bad, without prejudice. Mr. Pannacciulli testified that he sees Defendant and Evan outside of hockey every time Evan is in New York, usually multiple times, that they have play dates and go to each other's houses. Mr. Pannacciulli described Evan's behavior as "normal," and elaborated that he is respectful, he listens, he is a polite, well-mannered kid. Mr. Pannacciulli testified that in addition to his own daughter, he spends time around his sisters' children, there are five of them from ages 4 to 18, and he has not observed Evan to be any more or less argumentative than these children; he has never observed Evan to blame others for his behavior or refuse to do things he is asked; he has never seen Evan bite his nails or chew his clothing. Mr. Pannacciulli testified that Defendant does not talk about the Plaintiff nor has he seen Defendant do anything to impede Evan's relationship with Plaintiff, on the contrary, he has observed Defendant making sure that Evan contacts his mother.

26. Laura Bell-Doyle testified in Defendant's case in chief. V1:219-230. She testified that she lives in New York, that she and her fiancee have two boys together – Thomas age 10 and Neil age 6 – and their family are friends with Defendant and

Evan. The Doyles met Defendant about six years ago when Thomas started doing hockey clinics with Defendant, and they met Evan when he was just about three or four years old. When Evan is in New York, the families see each other almost daily, doing a variety of activities, and both of her boys are friends with Evan; her youngest calls Evan his "best friend." She testified that Thomas coached with Defendant for about six years; during that time, she has had the opportunity to observe him as a coach and her impression is that "he is all about the kids" and he, "Teaches my son everything about hockey and respect and treats the kids as adults on the ice." She testified that Evan is a very fun, loving child, respectful to all of her family members and is outgoing. In addition to her own children, she sees others kids at their hockey practices and at school functions, and in comparison to those other children, Ms. Doyle does not find Evan to be any more or less distracted than other children, he does not blame other people for his behavior or defy requests and he listens to her very well; she has never seen him bite his nails or chew his clothing. If Defendant resumes coaching in New York, her boys will resume coaching with him.

27. Peter Ferraro testified in Defendant's case in chief. V1:231-251. Mr. Ferraro is Defendant's twin brother, and their careers followed very similar trajectories. V1:232, 243. Mr. Ferraro also played on the 1994 U.S. Olympic Hockey Team and then went on to play professional hockey. V1:232. Mr. Ferraro testified that Ferraro Brothers Hockey was in existence for about eight years before they joined the complex that filed bankruptcy last year, and they train thousands of players annually, aged 5 to 65, but their primary players are age 6 to 12. V1:232-233. Mr. Ferraro testified that he is around for about 95% of Defendant's timeshare with Evan, and describes himself as a "very committed uncle." V1:234. He describes Evan as "a very charismatic, special boy. He has got a big heart, very confident, filled with a lot of leadership. He just impresses me every day." V1:234. Mr. Ferraro testified that Evan is not argumentative, he does not get annoyed, irritated, or blame others for his misbehavior, which he says is "very minimal." V1:234-35. Mr. Ferraro's testimony

regarding family discipline of Evan tracked closely with Defendant's, and he testified it is the same way they were raised. V1:236-37. Mr. Ferraro described the last occasion during which he spent any substantial time with the Plaintiff, it was in New York in 2014, Defendant had invited Sandra to visit with her other two children as well; Mr. Ferraro said she was welcomed by the family and everyone was quite happy. V1:237-38. Mr. Ferraro described another occasion when Plaintiff's older son visited New York with Evan, and that he was "extremely happy, extremely confident, loves New York . . . He seems like he is one of us when he is there with us. We get along with him great." Mr. Ferraro testified that he saw Desmond just a few months before the trial at Evan's school, he described that Desmond approached him with a big smile and asked him how he was doing. V1:283. Desmond was actually wearing a Ferraro Brother's t-shirt and they had a 'great' conversation. V1:238. Mr. Ferraro described Defendant as an "all hands on" dad, great, committed, loving. V1:241. Mr. Ferraro's testimony affirmed that Defendant has a great deal of flexibility in his schedule to be present for Evan, and that the whole family supports him in that. V1:241.

28. Plaintiff, Sandra Nance testified. V2:94-156; V3:8-67. She is a resident of Las Vegas. V2:92-93.

a. Plaintiff testified there were problems with the visitation schedule, namely that when he started kindergarten he was not to travel to New York with Defendant, but she said he traveled most of the school year. V2:97-98. Emails between the parties and their parenting coordinator admitted with Defendant's exhibit A, at DEFT0001-47, show that Defendant was trying to balance the competing interests between Evan's home, family and activities in New York with Kindergarten, and that he was taking measures to ensure that Evan would not fall behind in school and in fact Evan never did fall behind in school and the principal had no concerns with Evan's absences during Kindergarten.

b. Plaintiff said Defendant does not always tell her where he is traveling, but emails produced in Defendant's Exhibit A, suggest he typically does. V2:101-02.

c. Plaintiff testified her concern about Evan's possible relocation is that she will not have the same relationship she has now with him, and he willnot have a relationship with his maternal grandparents or siblings. V2:102 Evan has a brother who is moving and a sister who is about to turn 14. V2:102; V:145.

d. Plaintiff believes that she does things to foster Evan's relationship with Defendant but that it is not reciprocated. She feels that Defendant is always "one-upping" her. By way of example she said that Evan returns with shoes or games or sports gear from his timeshare with Chris. V2:108. However, there is a provision in the parenting plan (1.12) that says the parents will allow Evan to take his belongings freely between households. It is not entirely clear, but it appears that Plaintiff tells Evan to "Keep them in a bag until you go back with your dad." V2:108. The Court can see how this could cause a problem, but it does not appear to be created by the Defendant. Another example Plaintiff gave was that of the "Tooth Fairy." V2:108-09. On cross-examination, it came out that Plaintiff had complained to the parenting coordinator about this situation and received an email explanation that the "Tooth Fairy" gave Evan $115; Evan was allowed to keep $15, but had to give the $100 bill to his grandmother for his college fund. V3:29-31. The Court understands Plaintiff's frustration, but Plaintiff did not acknowledge in her testimony that the specific circumstances were already explained to her, that Evan was not *actually* getting the large sums of money. The fact that Mrs. Ferraro is saving for her grandson's college education is a laudable goal to be supported. There is no evidence to suggest the tooth fairy gifts of any amounts Defendant provides to Evan are done with malicious intent toward Plaintiff or to "one up" Plaintiff. Court FINDS that Plaintiff seems to allow the differences in the parties' financial means to cloud her ability to co-parent and do what is best for Evan. This Court cautions this is not a competition, and often one parent is able to provide more money or financial means than the other, but that should not be taken personally by the other parent, nor should it allow those gestures to cloud their judgment while co-parenting.

e. Plaintiff testified that she gets her FaceTime visits with Evan but says they are shorter duration than Defendant's. There was testimony from Defendant's witness that he is diligent about making sure that Evan FaceTimes his mother, but it will be critical that Defendant make sure Evan is in a quite and private place, without distractions for FaceTime sessions of quality duration, not less than fifteen minutes, ideally thirty or more so that Evan can FaceTime with his sister and grandparents too.

f. Plaintiff testified to co-parenting difficulties with Defendant, which she attributed to feeling that she is co-parenting with his whole family and that it is "Chris's way or no way" and that "He just does whatever he wants to do." V2:115-17. The Court disagrees with Plaintiff's assertion that Defendant does what he wants to do. This Court FINDS that each parent does what he or she wants to do while the child is in his/her care, because the parents have been unable to communicate productively and/or agree on what is best for Evan. However, the emails produced as Defendant's Exhibit A, which are much more comprehensive than the limited emails produced by Plaintiff, tell a different story. There are no emails from anyone other than Defendant, and Plaintiff denies most everything Defendant requests. Defendant testified that he thinks there is pattern: he asks, Plaintiff says "no," he gives benefits of the request, Plaintiff says "no," and he lets it drop.

g. Plaintiff testified to injuries that Defendant sustained during his professional hockey career. V2:120-25. However, Defendant stopped playing professional hockey at or about the time that Evan was born; therefore, there was no current testimony regarding these past injuries. She testified to another incident when Defendant went to the emergency room, but was released and she did not say when that was. V2:125-28. The Court is not concerned that either party has a health condition that interfere's with their ability to parent Evan

h. Plaintiff testified to a couple of injuries that Evan has sustained in his father's care (V2:131-132), but they seem like ordinary, childhood injuries and mishaps, not the result of abuse or neglect.

i. Plaintiff testified that she lives with her parents because it allows her to be a full-time mom, but also because, she "fears for her life" because, she said, "of on-going threats, harassments, and problems that are going on with Chris." V2:155-156. However, on cross-examination, she admitted that during her deposition when she talked about living with her parents, she only indicated that she does not intend to live with her parents forever and she intends to purchase her own home when she has the resources to do so; she further admitted that she has not sought a protective order against Defendant since 2010. V3:27-28. The Court does not find Plaintiff's testimony, that she fears for her life, credible.

j. Plaintiff has an older son, Desmond who is nineteen. V3:13-14. Plaintiff allowed him to transfer from traditional high school to an on-line home school program at some point in his junior year. V3:14. She allowed him to take the program "at his own pace," and he did not graduate on time. V3:14-15. During this time, Plaintiff gave Desmond an ownership interest in her business. V3:16-17. Plaintiff said that she allowed him to go at his own pace because of all he had been through, but she admitted she never enrolled him in therapy. V3:16.

k. She does not allow Evan to play hockey during her timeshare. V3:22. The Court appreciates that a parent can be concerned about their child playing certain sports. However, by all accounts, Evan *loves* the game of hockey; it sounds like he is already leading drills and assisting his dad and uncle on the ice. His father and his uncle are former *U.S. Olympians* in hockey; they played in the National Hockey Legue. Mr. Ferraro seems very clear that he does not want to his son to follow his path, but he does want his son to pursue his passions and give him every advantage and assistance in doing so. This Court FINDS that Evan can benefit from Defendant's expertise in the sport, can benefit from the team sport atmosphere, and intense involvement from his father, and that the benefit outweighs the potential burden. This Court FINDS that Defendant appears mindful of Plaintiff's concerns regarding the dangers of hockey and other sports, given his own injuries. Court FINDS Defendant

does not demonstrate behaviors or willingness to put his child in harm's way intentionally, but many team sports or any physical activity comes with the potential for injury. Defendant is CAUTIONED to be mindful of this and Plaintiff's concerns should be discussed openly and respectfully, as she is a joint legal custodian.

l. Defendant offered to pay for Evan to attend private school, specifically Challenger School, before Kindergarten, that they toured the school together, but Plaintiff refused to allow Defendant to enroll Evan, for the reason Plaintiff though that the school was "too intense." V3:22-23. Plaintiff denied that Defendant renewed the offer for Evan to attend private school before first grade (V3:22); however, Exhibit A, DEFT0138 shows email correspondence in which Defendant renewed the offer and Plaintiff again refused.

m. In the seven years since Evan was born, Plaintiff has lived in four different residences. V3:23-24.

n. Plaintiff testified that she did not tell Defendant when Evan was missing school. V3:32. Plaintiff testified that she does not always tell Defendant that she is taking Evan to the doctor before she takes him. V3:32.

o. Court FINDS Plaintiff's admitted history of failure to communicate regarding legal custody issues, and Defendant's confirmation of such, to be disconcerting because it is important to be a respectful and open-minded co-parent on these very subjective issues. Further, if Plaintiff is obstructionist and makes co-parenting difficult, Court FINDS that is not in the child's best interests. Court further FINDS that Defendant does not appear to exhibit the same behavior toward Plaintiff. This Court FINDS that disagreement is different than obstructing efforts made to better the child's life.

p. Within the last four years, Plaintiff has worked as a dealer of blackjack and other casino games. V3:33. She denied that she ever asked a player who presented a player card for identification. V3:33-34. Also, Plaintiff could not identify any particular date that she allowed another person to use one of her own player's

cards. V3:36.

29. Defendant asked the Court to take judicial notice of Nevada Gaming Control Board Regulation 5A.110 which states that a person who is issued a card for interactive gaming must affirm that they will not allow another person to utilize their card. V3:35. Specifically, Regulation 5A.110(3)(c) provides, " Before registering an individual as an authorized player, the operator must have the individual affirm the following . . . That the individual has been informed and has acknowledged that, as an authorized player, they are prohibited from allowing any other person access to or use of their interactive gaming account." The Court takes judicial notice of this regulation.

a. Testimony was taken from persons most knowledgeable from several casinos (Casino PMKs). V1:131-202. The evidence showed that Plaintiff had player cards from at least five (5) different casinos; therefore, she had to make the affirmation required under Regulation 5A.110(3)(c) at least five times. Further, the Casino PMKs variously testified it is casino policy: (1) that a player must play on their own card (V1:146, 159, 175, 186, 197-98); (2) to request identification when players win jackpots (V1:174); and (3) to request identification of players at tables (V1:175-76; 186). As between the Casino PMKs and Plaintiff who said as a dealer she "never" had to ask a player who presented a player card for identification and could not specify a single date on which someone else was allowed to use her card, the Court believes the Casino PMKs. Presumptively then, the play on Plaintiff's player cards, as reflected in the records admitted as Defendant's Exhibits N1 to N5 is Plaintiff's own play. As set forth in the summaries admitted as Defendant's Exhibit N7 (V3:40-41), since December 2012 through December 2015, Plaintiff logged over 1,231 hours on her player cards, which averages to 33 hours per month; and in 2013 Plaintiff had actual losses of $10,333.42, in 2014 Plaintiff had actual losses of $13,293.19, and in 2015 Plaintiff had actual losses of $10,664.64. (The Casino PMKs testified that adjusted win/loss records represent actual wins or losses; V1:146, 156, 165, 183, 194.) Although it is not possible to say how much money Plaintiff actually wagered,

the coin in/coin out numbers are staggeringly high (2013 - $237,500.50/$196,627.10; 2014 - $209,949.72/$176,238.55; 2015 - $160,495,06/$147,017.46). Finally, in Plaintiff's most recent FDF, filed on June 21, 2016, for the first time she included an average monthly gambling income of $95.83, but she testified that she did not consider the amount of money that she had actually wagered to earn those winnings. V3:42-43. Her historical loss records do not support the claim that she actual earns money gambling.

b. All of that said, Nevada is a gaming state, and gaming is legal. It does not appear that Plaintiff can afford an average of $10,000.00 or more per year in gaming losses, and Defendant argues that 33 hours a month could be spent in more constructive ways, particularly when one's child is in school, but the key point for this Court's consideration is whether Plaintiff's gaming activity affects the best interests of Evan. Here, "the nature of the relationship of the child with each parent" is implicated. Parents who work regularly set an example for their children. It is true that Defendant has not worked since the fall of 2015, but those circumstances were unforeseen, and it is clear that Defendant historically worked hard running a successful hockey coaching program, instructing thousands of children a year, which Evan, as a child, was and is in a unique position to watch his father do. Being a stay-at-home mother is noble and it is work, and Plaintiff is to be commended for the work she does as a mother; however, the Court is less convinced that this is a matter of choice than circumstance. As between a parent who seems to have time to work while her child is in school but does not, and a parent who spends his days and evenings coaching children with his own son participating and watching on, the Court finds the Defendant's choices and actions are more closely aligned with the best interests of the child.

30. Rebecca Nance testified in Plaintiff's case in chief. V3:68-85. Mrs. Nance is Plaintiff's mother. V3:68-69. She and her husband have lived with Plaintiff and Plaintiff's three children since 2010. V3:69. She said that Evan has a loving

relationship with his mother and he is a very good kid. V3:69. She described all the family relationships in the household and those with her other daughter and her children who live in town as "close." V3:70-73. The family go together to go swimming, to the park, to movies, and bowling. V3:70. She reported that Evan is presently infatuated with baseball. V3:71. She said, "he rarely brings up hockey at the house" and she could not say who Evan's favorite hockey team was. V3:83-84. She said that when Evan FaceTimes with Defendant he is in his room for an hour or an hour and half and apparently talking to all of the Ferraros. V3:75. She described the relationship between Plaintiff and Defendant as strained. V3:75. Asked for examples of what she meant by "strained," she instead talked about Plaintiff sending pictures of Evan to Defendant, or working on Father's day projects with Evan. V3:75-76. She testified that Sandra prepares the kids meals. V3:78. She testified that she gambles, "a little bit," on "senior days" and uses Sandra's card so they can get points to use the casino pool and comps for buffets. V3:79-80.

31. Judith Tolman testified in Plaintiff's case in chief. V3:86-149. She holds a bachelor's degree and master's degree in social work; she obtained her Bachelor's License of Social Work in 2009, her Master's License of Social Work in 2010 and her Clinical License in 2014. V3:87. Initially she said she has worked as a therapist for five years; however, on cross-examination she said it was more like 4 or 4 ½ years; she works with children, adolescents and adults utilizing cognitive behavioral therapy. V3:87-8; V3:126-27. Ms. Tolman did not testify as an expert witness.

a. Ms. Tolman began working with Evan in February 2013 when she was still an intern. V3:89. Evan did not attend therapy for a period of several months between 2013 and 2014 while the parties were getting along. V3:131; Ex. A at DEFT0004, #2. In or around the fall of 2014, Plaintiff placed Evan back into therapy. Ms. Tolman sees Evan every Wednesday except during Defendant's timeshare. V1:75; V3:9; V90. Ms. Tolman sees Plaintiff when she brings Evan to therapy, and Plaintiff sometimes participates in therapy. V3:89-90. It is rare that Plaintiff misses or

cancels a session, and when she does will generally ask for a make-up session. V3:132. Defendant occasionally calls her by phone, and she has seen Defendant only once or twice. V3:89-90. Ms. Tolman testified that she only reaches out to Defendant "on occasion" and has only initiated contact with the Defendant in the last year to conduct her annual reviews of Evan and to provide him literature regarding delayed enrollment of children in kindergarten. V3:144. The only people Ms. Tolman has ever talked to about Evan are Evan, the Plaintiff and the Defendant. V3:130.

b. Ms. Tolman testified that Oppositional Defiant Disorder (ODD) may present in situations where a child does not want to do something, they may push back or argue, they may yell, or throw themselves on the floor, and sometimes the target is adults or authority figures, or the child may be annoying, irritable, or insist upon getting their way. V3:102. Ms. Tolman testified that indicators of ADHD are not paying close attention to detail, making careless mistakes, difficulty sustaining attention, seeming not to listen, not following instructions, difficulty organizing tasks or materials. V3:134. Ms. Tollman testified that there are two main components of ADHD, there is an inattention component and a hyperactivity/impulsivity component. V3:134, She further testified, to make the diagnosis you need to find six or more criterion of each component *and* you need to find those in *two or more settings.* V3:135. Ms. Tollman conceded that everyone in the courtroom has multiple of the attributes that define ADHD, to greater and lesser degrees. V3:135. Ms. Tollman testified that the settings in which she identified Evan as having the requisite number of criterion in each component was by reports from the school, her own office, and Plaintiff's home. V3:135. However, when pressed, she admitted that she did not *talk* to anyone at the school, and she could not find the report on which she was relying in her records. V3:135-37.

c. She was unaware that Evan has never been sent to the school counselor. V3:138. She said that his behavior has been handled in the classroom, but it is unclear how she would know that given she has never talked to anyone at the

school. V:138. From memory, she said the school report noted needs for improvement in the areas of talking, distractibility, and staying in his seat, but admitted a number of first graders exhibit such behaviors and do not have a diagnosis of and would not be diagnosed with ADHD. V3:137-38. She admitted the treatment recommendations of the National Institutes of Health and American Academy of Pediatrics for children of Evan's age are medication and cognitive behavioral therapy (CBT), and she has not recommended medication for Evan, only CBT. V3:138. Ms. Tolman admitted that there is a CBT certification, but she does not have one. V3:141. She believes it is possible that a parent can teach their child the same things that she is teaching Evan. V3:145. This was Defendant's point, that he can and believes he does teach Evan many of the same things Ms. Tolman does, but in different ways, namely through having a structured, daily schedule and through extra-curricular activities, many of which Defendant is personally coaching his son, whether formally or informally.

d. Ms. Tolman thinks that it would benefit Evan to see her every week because she says, "Evan struggles with meeting the expectations of each parent. They have different expectations." V3:91. Ms. Tolman, was asked about the behavioral expectations in Sandra's home and she talked about "traditional family values" existing in Plaintiff's household. V3:91-92 However, she could not say what the behavioral expectations were in Defendant's household. V3:92,146. And, Ms. Tolman admitted that she does not have any direct knowledge of what goes on in Mr. Ferraro's household. Moreover, the parties' testimony did not reflect that they have different expectations of Evan or that Evan was not, in fact, meeting their expectations. Again the testimony from every witness, was that Evan was well-behaved, respectful, excelling in school, and no one testified to any serious problems, *except* Ms. Tolman. In deed, Plaintiff did not even say that Evan was behaving in a way that was consistent with the behaviors of ADHD/ODD.

e. Ms. Tolman was asked if she has made suggestions to both parents as

to how they can address symptoms of ADHD in the home, but she did not answer the question, she only talked about how she understands Plaintiff addresses Evan's behaviors in her home. V3:116.

f. Ms. Tolman testified that the behavior Evan was exhibiting when Evan began treatment with her was "chewing on a blanket, obviously it was a few years ago, a blanket or the neck of his shirt, his sleeve that kind of thing" and "he would kind of shut down sometimes because of anxiety." V3:100. However, several witnesses who have known Evan all or most of his life – Defendant, his brother, and Ms. Doyle – and witnesses who have known Evan since 2014 – Mr. Pannacciulli and Principal Hungerford – all testified that they never observed or did not recall Evan doing this kind of thing during Chris's timeshare or at school. And, no one testified that Evan was shutting down or that Evan was anything other than an engaged and engaging little boy; "outgoing" is how Ms. Doyle described him (she has known him since he was about 3 or 4 years old) and his uncle described him as a "leader." Ms. Tolman stated her recent evaluation put Evan's anxiety diagnosis in remission. V3:101.

g. Ms. Tolman testified that she has also diagnosed Evan with Oppositional Defiant Disorder (ODD) and Attention Deficit Hyperactivity Disorder (ADHD) combined presentation. V3:101. She testified that ODD cannot be "cured," that it is organic and is caused by personalty traits and a reaction to situations the child is in, but it can improve with age. V3:101-02. She testified that ADHD presents in situations that cause the symptoms. V3:102. Ms. Tolman testified that Evan symptoms include getting angry, arguing, talking back, not doing what he is asked to and blaming others for his problems, making careless mistakes, sloppy homework or handwriting, not finishing chores or homework, not listening, trouble sustaining attention, or being hyperfocused on something the child is actually interested in. V3:103-05. Defendant testified that Evan does not exhibit these behaviors any more than the thousands of children of Evan's age that he has observed during his coaching career. V1:76-77. Similarly, Defendant's brother, Ms. Doyle, Mr. Pannacciulli, and Principal Hungerford

denied that these behaviors exist or that they exist in any greater degree than that of the general population of children who are Evan's age; and they all get opportunity to observe many children of Evan's age. Even Plaintiff's mother – Evan's maternal grandmother – testified Evan is a "very good kid." Plaintiff did not testify much about Evan's behavior.

h. Defendant testified that when Evan does misbehave, there is discussion, positive examples are given, there is negotiation, compromise and Evan is given opportunities for problem solving, V1:77-78. Defendant expressed his belief that it is his job as a parent to teach his son these skills, not a therapist and that he believes Plaintiff uses therapy as a substitute for parenting. V1:77.

i. Ms. Tolman's direct testimony was critical, perhaps even biased against, Defendant, yet on cross-examination she admitted that she has no direct observation or understanding from Mr. Ferraro of what happens or occurs in Mr. Ferraro's home. V3:143-44, 147. She has never had a discussion with Defendant about the means of discipline in his home. V3:149. She was not aware that Defendant uses a reward system with Evan. V3:144. She was not aware that Defendant's method of discipline is to discuss Evan's behaviors with him and give him choices. V3:144-45. Ms. Tolman was asked if she would be surprised to learn that the symptoms she described in Evan are not observed during Defendant's timeshare in a degree that is beyond that of hundreds of children that Defendant coaches every year. V3:145. To that question Ms. Tolman answered, "I don't know how he measures that so I can't judge it." V3:145. But just a few questions earlier she admitted that it is possible that a person who coaches thousands of children per year could develop an average measurement of children's behavior. V3:143-44. The Court agrees that such a person can and will develop such a measurement, and that Defendant and his brother can compare Evan's behavior to those of the other children they coach to conclude that Evan's behaviors are not out of the norm.

j. Ms. Tolman testified that Defendant did report to her that Evan exhibits

the symptoms of ODD (V3:103), but Ms. Tolman also testified that she is aware that Defendant does not think that Evan qualifies for a mental health diagnosis. V3:102-03. From his testimony it very clear that Defendant thinks the issue is one of degree and on balance all witnesses agree that Evan is a very well behaved and respectful child. Ms. Tolman speculated that there may be ADHD/ODD in the Ferraro household and this may account for their belief that Evan's behavior is 'normal;' however, she admitted that she is unaware as to whether any member of the Ferraro family has ever attended therapy and she has made no direct observations of the Ferraro home. V3:119, 143-44.

k. Ms. Tolman evaded giving any concrete benchmarks for the success or failure of her own treatment of Evan or how long he should continue to be in weekly therapy and said that a second opinion would usually only be sought if new behaviors cropped up. V3:139-141. Ms. Tolman testified that she would not second guess her own diagnosis even if the child's school principal had not identified any of the behaviors she described in Evan. V3:143. This concerns the Court. It seems to this Court that if a therapist thinks, as Ms. Tolman clearly does, that the buy-in and participation of both parents is a key to the successful treatment of a child and the therapist has been unable to accomplish that with one of the parents, then it would be in the best interest of her patient to recommend a second opinion from a therapist selected by both parents, but Ms. Tolman testified she has never recommended a neuropsychic exam for Evan or sought a second opinion, nor has she ever considered a differential diagnoses for Evan. V3:128, 133, 139-41.

CONCLUSIONS OF LAW

1. Nevada has subject matter jurisdiction over the minor child in accordance with the Uniform Child Custody Jurisdiction and Enforcement Act, which is codified at Chapter 125A of the Nevada Revised Statutes, and the Court has personal jurisdiction over the parties.

2. The court may modify or vacate a child custody order at any time during

a child's minority as appears in the child's best interest. (NRS 125C.0045(1)(a-b).) When considering a motion to modify custody, the court must first determine the actual physical custody timeshare that is in effect, regardless of what was stated in the last child custody order. *Rivero v. Rivero*, 125 Nev. 410, 430, 215 P. 3d 213, 227 (2009). Different tests apply to modify custody depending on the current custody arrangement. Joint physical custody may be modified or terminated if it is in the best interest of the child. (NRS 125C.0045(2); *see also, Truax v. Truax*, 110 Nev. 473, 874 P.2d 10 (1994).) Primary physical custody may be modified only when "(1) there has been a substantial change in circumstances affecting the welfare of the child, and (2) the modification would serve the child's best interest." *Ellis v. Carucci*, 123 Nev. 145, 153, 161 P.3d 239, 244 (2007). However, "the child's best interest must be the primary consideration for modifying custody and *Rivero's* 40–percent *guideline* shall serve as a tool in determining what custody arrangement is in the child's best interest." *Bluestein v. Bluestein*, __ Nev. ___, 345 P.3d 1044,1046 (2015) (emphasis added). Since *Rivero*, *Bluestein*, and the commencement of this case, the Nevada Legislature enacted NRS 125C.003(1)(a) which states in part that "An award of joint physical custody is presumed not to be in the best interest of the child if . . . The court determines by substantial evidence that a parent is unable to adequately care for a minor child for at least 146 days of the year." If this rule applies in this context, which the Court does not think it does, the Court does not think the issue has ever been that Defendant was unable to care for Evan 146 days per year.

3. Here, the parties' post-*Rivero* parenting plan stated they would share joint legal and joint physical custody of Evan ("Parenting Plan" at 2:4-5, 5:18-21.), which is evidence that the parties themselves believed joint physical custody was in Evan's interest and they did this even though the terms of the parenting plan, *arguably*, did not give Defendant 146 days of timeshare every year. However, the *Rivero* Court said, "In calculating the time during which a party has physical custody of the child, the district court should look at the number of days during which a party

provided supervision of the child, the child resided with the party, and during which the party made the day-to-day decisions regarding the child. The district court should not focus on, for example, the exact number of hours the child was in the care of the parent . . . ." *Rivero v. Rivero*, 125 Nev. at 225. Therefore, if as Defendant testified at trial, the Court counts every day that Defendant had the child in his care, and not just those days in which Defendant had the child overnight, then Defendant is well over the 40% threshold in every year. Therefore, the Court finds that the parties do, as a matter of law, exercise joint legal custody of Evan.

4. Nevertheless, and in an abundance of caution, the Court also finds that the Defendant meets the additional burden under *Ellis*. Changed circumstances affecting the welfare of the child are shown by: (a) Plaintiff maintaining Evan in weekly therapy when there is very little, if any, evidence that Evan suffers behavioral issues beyond those of an average, active and healthy first grader; (b) Evan is of an age where extracurricular activities and socialization with his peers is important and Plaintiff never fostered this until Defendant filed his motion (the first activity in which she enrolled him was baseball in 2015); she denies him any opportunity to play hockey during her timeshare, which is his father's sport and a sport that Evan loves; (c) now that Evan is in grade school, school quality is important and the specific school district that Evan will attend in New York is better than schools generally in Las Vegas; (d) since the last custody order was entered, Plaintiff has failed to ensure her oldest son graduated high school on time, allowing him to leave regular high school for an on-line home school program, allowing him to do it at 'his own pace', and failing to obtain resources to assist him when, by her own testimony, she believed he was struggling; instead, she gave him an ownership interest in her business before he was even done school; and (e) albeit of lesser importance than things effecting the circumstances of the child, Defendant's circumstances have changed in that since the parenting plan was entered, his second career has solidly established itself and his client base in New York.

5. NRS 125C.007 sets forth the relocation factors to be weighed by court, which were previously found in *Schwartz v. Schwartz*, 107 Nev. 378, 812 P.2d 1268 (1991); *Jones v. Jones*, 110 Nev. 1253, 885 P.2d 563 (1994); and *Potter v. Potter*, 121 Nev. 613, 119 P.3d 1246 (2005). NRS 125C.007(1)(a-c) requires the relocating parent to demonstrate to the court that:

a. There exists a sensible, good-faith reason for the move, and the move is not intended to deprive the non-relocating parent of his or her parenting time. Here, the sensible good faith reasons include: allowing Defendant to reestablish his business; reduce travel expenses to dedicate more financial resources to Evan; afford Evan better educational and more extra-curricular opportunities than exist in Nevada, whereas his mother resists sending Evan to better schools when presented the opportunity, resists enrolling Evan in more sport-related activity even when Defendant offers to pay, and she will not allow him to play hockey at all; and the network of connections that Defendant can provide for his son by raising him in New York is a unique and valuable in promoting Evan's long-term best interests..

b. The best interests of the child are served by allowing the relocating parent to relocate with the child. Here, as set forth above, education, extra-curricular activities, the guidance of a parent who has some unique skills derived from his coaching career to augment his skills as a parent, and a fairly large and very close family to support father and son, all serve Evan's best interest. Then too, there are the best interest factors under NRS 125C.0035(4). Evan is not yet of sufficient age and capacity to form an intelligent preference as to his physical custody; therefore, this factor is inapplicable. There was not a lot of testimony as to which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent; no one testified that they were deprived of their timeshare; concern was raised over the *duration* of FaceTime visits but the Court believes that if ordered, Defendant will comply. Although the Court wants to see more summer visitation between Plaintiff and Evan than Defendant initially proposed, the Court is

impressed that Defendant is willing to share some of his time with Plaintiff, and waive child support to help her potentially visit Evan in New York at still other times. This may be difficult while Plaintiff's daughter is still in school, but Plaintiff's daughter is with her father on weekends, and they do live with her grandparents; therefore, it seems that there could be opportunities for Plaintiff to visit Evan in New York, and even when her daughter graduates, Evan will still have six years of school remaining. The level of conflict between the parents has moderated in recent years, mostly they have found ways to avoid co-parenting, this is a neutral factor for the Court on relocation. The ability of the parents to cooperate to meet the needs of the child, at present there is just not much interaction, but cooperation is clearly difficult. If the parties were living in the same community, the Court would not impose a primary physical custodian, but it may not be a bad thing that it happens by default. Defendant very clearly wants to provide every opportunity for his son that he can, but Plaintiff resists and oftentimes denies those opportunities. Some testimony was given by Plaintiff on Defendant's health, but it was old and the Court is not concerned for the health of either parent being an issue in meeting Evan's best interests. As to the physical, developmental and emotional needs of the child, the Court finds that both parents have met them to this point, but questions Plaintiff's decision or perceived need to keep Evan in weekly therapy; the Court questions the therapist in not obtaining a second opinion or recommending a therapist with whom both parents felt they could work, and the Court thinks that Defendant's strong commitment to his son and experience coaching thousands of children over the years will serve Evan's needs very well. With respect to the nature of the relationship of the child with each parent, the Court does not doubt that there is a close bond between Evan and both of his parents, and both are committed in their different ways; Plaintiff appears very maternal, while Defendant appears to be both paternal and a mentor. Evan has two half siblings in Plaintiff's household; a brother who is now emancipated and reportedly moving, and a sister who will soon be fourteen and spends weekends with her father. These relationships

are important, and they can be maintained through Plaintiff's own visitation and FaceTime. Evan should be permitted to communicate with his sister. The Court understands that the parties made competing allegations of abuse or neglect dating back to 2010, but there was no testimony of abuse or neglect by either parent since the last custody order was entered. Nor has either parent committed any act of abduction against the child or any other child since the last custody order was entered.

c. The child and the relocating parent will benefit from an actual advantage as a result of the relocation. For the same reasons as set forth above, the Court finds that there will be an actual advantage to Evan and the Defendant in relocating to New York.

6. If a relocating parent demonstrates to the court the factors set forth in NRS 125C.007(1) are met, then pursuant to NRS 125C.007(2)(a-f), the court must weigh the following factors and the impact of each on the child, the relocating parent and the non-relocating parent, including, without limitation, the extent to which the compelling interests of the child, the relocating parent and the non-relocating parent are accommodated:

a. The extent to which the relocation is likely to improve the quality of life for the child and the relocating parent. The Court finds that the improvement for both Evan and Defendant will be quite significant. The improvement for Evan will be tempered by the decreased frequency of contact with his maternal family, but it will benefit him greatly to have a hands-on, available parent with the kind of routine that Defendant has practiced with Evan during his timeshares in Las Vegas, but on a weekly basis in New York.

b. Whether the motives of the relocating parent are honorable and not designed to frustrate or defeat any visitation rights accorded to the non-relocating parent. Defendant's motives are honorable, above all else, New York is and always has been his home, but there are still other motivations reflected elsewhere herein that are also honorable in Defendant's request for relocation.

c. Whether the relocating parent will comply with any substitute visitation orders issued by the court if permission to relocate is granted. There was some evidence that Defendant had violated the existing custody order by continuing to take Evan to New York when Evan started kindergarten; however, this was not a deprivation of Plaintiff's timeshare. The Court has no reason to believe that Defendant will not comply with the visitation order.

d. Whether the motives of the non-relocating parent are honorable in resisting the petition for permission to relocate or to what extent any opposition to the petition for permission to relocate is intended to secure a financial advantage in the form of ongoing support obligations or otherwise. The Court perceives that Plaintiff's motives in resisting the relocation are likewise honorable. Her identity is as a mother, and as she testified, she does not want that relationship to change.

e. Whether there will be a realistic opportunity for the non-relocating parent to maintain a visitation schedule that will adequately foster and preserve the parental relationship between the child and the non-relocating parent if permission to relocate is granted. Here, there is a reasonable alternative visitation schedule as set forth in the order below. The Court was pleased that, in closing argument, Defendant conceded that Plaintiff and Evan needed to have a continuous, uninterrupted period in the summer time. The Court understands Defendant's desire to enroll Evan in summer camps and programs, but because Defendant sought primary custody during the school year, all extracurricular activities cannot take a front seat to Evan's relationship with his mother. During Plaintiff's timeshare, unless Plaintiff agrees to putting Evan in said extracurricular activities, she is entitled to exercise the time in the manner in which she pleases. If Evan's extracurricular activities suffer from her choices to deny that involvement, that is a parenting decision she is entitled to make, if she believes it is better for Evan, or for their relationship.

3. The burden to prove that relocation is in the best interest of the child is on the parent seeking relocation. (NRS 125C.007(3).) As set forth above, Defendant met

that burden.

ORDER

IT IS HEREBY ORDERED that the Parties shall continue to share joint legal custody of Evan Daniel Ferraro, born September 30, 2008. Legal custody involves having basic legal responsibility for the child and making major decisions concerning the child such as their health, education, and religious upbringing. Legal custody includes but is not necessarily limited to those items enumerated in the legal custody provisions of the parties' Stipulation and Order Re: Parenting Plan filed November 30, 2012.

IT IS FURTHER ORDERED that Defendant's request for primary physical custody of the minor child is GRANTED.

IT IS FURTHER ORDERED that Defendant's request to relocate to New York with the minor child is GRANTED.

IT IS FURTHER ORDERED that Plaintiff is granted specified visitation as follows:

Winter Break: In ODD years, Mom shall have Evan upon release from school prior to the break until December 30th (Evan returns to New York on 12/30 in ODD years). In EVEN years, Mom shall have Evan from December 26 to the day before school resumes.

February Break: This period will begin upon the release of school prior to the break and continue until the day before school resumes following the break. Mom shall have Evan in even years and Dad shall have Evan in odd years. In odd years when Evan is with Dad, if Evan is participating in a sports camp or tournament, Mom may attend at Mom's expense.

April Break: This period will begin upon the release of school prior to the break and continue until the day before school resumes following the break. Mom shall have Evan every year.

Memorial Day Weekend: This period will begin upon release of school prior to

the break and continue until the day before school resumes following the break. Mom shall have Evan in even years and Dad shall have Evan in odd years. However, during even years, if permission is granted from Evan's school and there is no substantial interference with school or extracurricular activities, then in order to facilitate additional visitation with Mom, Evan shall be permitted to miss the Friday before and the Tuesday after Memorial Day.

Summer Break: Mom shall have Evan from one week following Evan's release from school through one week prior to Evan's return to school.

Columbus Day Weekend (October): This period will begin upon the release of school prior to the break and continue until the day before school resumes following the break. Mom shall have Evan for Columbus Day Weekend every year. If permission is granted from Evan's school and there is no substantial interference with extracurricular activities, then in order to facilitate additional visitation, Evan shall be permitted to miss the Friday before and the Tuesday after Columbus Day.

Thanksgiving: This period will begin upon the release of school prior to the break and continue until the day before school resumes following the break. Mom shall have Evan in even years and Dad shall have Evan in odd years. If permission is granted from Evan's school and there is no substantial interference with extracurricular activities, then in order to facilitate additional visitation, Evan shall be permitted to miss school Monday, Tuesday or Wednesday before Thanksgiving.

IT IS FURTHER ORDERED that Defendant shall pay all costs of transportation for the foregoing visits. Plaintiff shall fly to New York to pick up Evan for her visits (but Defendant will pay Plaintiff's airfare); and Defendant shall fly to Las Vegas to retrieve Evan.

IT IS FURTHER ORDERED that Plaintiff may have additional visits with Evan in New York at Plaintiff's own expense provided that Plaintiff gives Defendant two weeks' advance notice and the visit does not interfere with any significant and/or important events (i.e., once in a lifetime events, pre-arranged and non-refundable trips). If said

visit cannot be conducted within the period noticed by Plaintiff, an alternate visitation shall take place on the next date chosen or designated by Plaintiff regardless of any significant events. During such visits, Plaintiff is responsible to get Evan to and from school and extracurricular activities. Such visits shall not be unreasonably denied due to "preplanned Ferraro-family events," as such events are likely to be conducted regularly.

IT IS FURTHER ORDERED that each Party shall have unlimited telephone, text, or FaceTime/Skype contact during their non-custodial time, with the understanding that contact shall not unduly intrude on the other party's custodial time. More specifically, the parents shall have communication with the child four days per week, on a schedule to be determined and set in writing each quarter or semester based on Evan's school and extra-curricular activity schedule. The parents will assure that Evan is in a private location, free of distractions. The scheduled calls will be planned for at least thirty minutes duration so that Evan can communicate with his extended family members as well.

IT IS FURTHER ORDERED, pursuant to Defendant's waiver of child support from Plaintiff, the relative income of the parents, and Defendant's resources being sufficient to meet the needs of the child, that Plaintiff shall pay no child support.

IT IS FURTHER ORDERED that Defendant shall provide health insurance for the minor child and Defendant shall pay 100% of the premium for such health insurance. The parties shall share all of out-of-pocket costs equally pursuant to the 30/30 rule, i.e., any unreimbursed medical, dental, optical, orthodontic or other health related expense incurred for the benefit of the minor child is to be divided equally between the parties. Either party incurring an out of pocket medical expenses for the child shall provide a copy of the paid invoice/receipt to the other party within thirty days of incurring such expenses, if not tendered with the thirty day period, the Court may consider it as a waiver of reimbursement. The other party will then have thirty days from receipt within which to dispute the expense in writing or reimburse the incurring

party for one-half of the out of pocket expense, if not disputed or paid within the thirty day period the party may be subject to a finding of contempt and appropriate sanctions.

IT IS FURTHER ORDERED that each party shall bear their own attorney's fees and costs.

This Court FINDS that because of the manner in which this case proceeded and concluded on September 27, 2016 with post-trial motions, the child ended up commencing school in Las Vegas for the 2016-2017 school year. While this Court believes it is in the child's long term best interests to be in Defendant's primary care, it does not believe that the disruption to the child's school at this juncture is in his best interests. In this regard, the COURT ORDERS the parties should continue to follow their current schedule, and commence their custodial plan as of one week after school lets out, which means that Plaintiff will have the summer from one week after school lets out until one week before school begins in New York. Defendant will have to notify Plaintiff of the dates for when the child needs to be present in New York for his first day of attendance or orientation, as the case may be.

NOTICE IS HEREBY GIVEN that the parties shall be required to submit the information required to NRS 125B.055, NRS 125.130 and NRS 125.230 on a separate form to the Court and to the Welfare Division of the Department of Human Resources within ten (10) days of entry of the decree and within ten (10) days of any change in the original form should any of that information change.

NOTICE IS HEREBY GIVEN of the following provision of NRS 125C.0045(6):

> PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that every person having a limited right of custody to a child or any parent having no right of custody to the child who willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child in violation of an order of this court, or removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation is subject to being punished for a category D felony as provided in NRS 193.130.

NOTICE IS HEREBY GIVEN that the terms of the Hague Convention of October 25, 1980, adopted by the 14th Session of the Hague Conference on Private International Law apply if a parent abducts or wrongfully retains a child in a foreign country. The Parties are also put on notice of the following provisions in NRS 125C.0045(8):

> If a parent of the child lives in a foreign country or has significant commitments in a foreign country:
> (a) The Parties may agree, and the court shall include in the order for custody of the child, that the United States is the country of habitual residence of the child for the purposes of applying the terms of the Hague Convention as set forth in subsection 7.
> (b) Upon motion of one of the Parties, the court may order the parent to post a bond if the court determines that the parent poses an imminent risk of wrongfully removing or concealing the child outside the country of habitual residence. The bond must be in an amount determined by the court and may be used only to pay for the cost of locating the child and returning him to his habitual residence if the child is wrongfully removed from or concealed outside the country of habitual residence. The fact that a parent has significant commitments in a foreign country does not create a presumption that the parent poses an imminent risk of wrongfully removing or concealing the child.

NOTICE IS HEREBY GIVEN of the following provisions of NRS 125C.006 and NRS 125C.0065:

> The parties, and each of them, are hereby placed on notice that if primary physical custody has been established pursuant to an order, judgment or decree of a court or if joint physical custody has been established pursuant to an order, judgment or decree of a court and the primary custodian or a joint custodian intends to relocate his or her residence to a place outside of this State or to a place within this State that is at such a distance that would substantially impair the ability of the other parent to maintain a meaningful relationship with the child and desires to take the child with him or her, the relocating parent shall, before relocating: (a) attempt to obtain the written consent of the non-relocating parent to relocate with the child; and (b) if the non-relocating parent refuses to give that consent, petition the court for permission to relocate with the child. The court may award reasonable attorney's fees and costs to the relocating parent if the court finds that the non-relocating parent refused to consent to the relocation without having reasonable grounds for such refusal or for the purpose of harassing the relocating parent. A parent who relocates with a child pursuant to this section without the written consent of the other parent or the permission of the court is subject to the provisions of NRS 200.359.

NOTICE IS HEREBY GIVEN that the Parties are subject to the provisions of NRS 31A.010 et seq. and NRS 125.450 regarding the collection of delinquent child support

payments by wage withholding and assignment.

NOTICE IS HEREBY GIVEN that either Party may request a review of child support pursuant to NRS 125B.145, presently every three years or upon changed circumstances.

IT IS SO ORDERED this 26th day of January, 2017.

DISTRICT COURT JUDGE, FAMILY DIVISION
DENISE L. GENTILE

Respectfully Submitted By

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Attorney for *Sandra Nance*

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CLERK OF THE COURT

NEOJ

DISTRICT COURT
CLARK COUNTY, NEVADA

SANDRA LYNN NANCE,

Plaintiff,

v.

CHRISTOPHER MICHAEL FERRARO,

Defendant.

CASE NO. D-10-426817-D
DEPT NO. F

NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

TO: ALL PARTIES AND/OR THEIR ATTORNEYS

Please take notice that FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER have been entered in the above-entitled matter, a copy of which is attached hereto.

I hereby certify that on the above file stamped date, I caused a copy of this **Notice of Entry of Findings of Fact, Conclusions of Law and Order** to be:

☒ E-Served pursuant to NEFCR 9 on, or placed in the folder(s) located in the Clerk's Office of, the following attorneys:

Jason Naimi, Esq.
Attorney for Plaintiff

Shelly Booth Cooley, Esq.
Attorney for Plaintiff

Shannon Wilson, Esq.
Attorney for Defendant

☐ E-Served pursuant to NEFCR 9 on, or mailed postage prepaid addressed to, the following litigants in Proper Person:

/s/ Belinda Miller
Belinda Miller
Judicial Executive Assistant
Department F

DENISE L. GENTILE
DISTRICT JUDGE
FAMILY DIVISION, DEPT. F
LAS VEGAS NV 89101

ORDR

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DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

CLERK OF THE COURT

SANDRA LYNN NANCE

Plaintiff(s),

v.

CHRISTOPHER MICHAEL FERRARO

Defendant(s).

CASE NO. D-10-426817-D
DEPT NO. F

Dates of Trial:
June 27, 2016, 9:00 a.m. & 1:30 p.m.
June 28, 2016, 1:30 p.m.
June 29, 2016, 1:30 p.m.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

NRCP 1 and EDCR 1.10 state the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action.

This matter having come on for Trial upon Defendant Christopher Ferraro's Motion to Modify Custody, for Relocation of Minor Child and Other Related Relief and Plaintiff Sandra Nance's Opposition and Countermotion, Defendant being present and represented by his attorneys, Shannon R. Wilson and Todd L. Moody, and Plaintiff being present and represented by her attorneys, Jason Naimi and Shelley Booth Cooley, the Court having considered the papers on file herein, the transcript of the record, the evidence presented at trial, which consists of Plaintiff's Exhibits 2-6, 16-18, 20-24, 30, 46-48, 55, 57, 61-65, 68, 69, 73, 74, 80, 81, Defendant's Exhibits AI, A2, B1, B2, B3, F2, G1, I, J, K1, K2, L1, M, N1, N2, N3, N4, N5, N7, P, testimony of witnesses presented by both parties, Closing Briefs, Objections to Closing Briefs, Motions to Strike, and Motions regarding Post-trial evidence relating to Desmond Nance, and good cause appearing therefore, FINDS AS FOLLOWS:

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

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

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DEPARTMENT F

This Court hereby GRANTS the Defendant's Motion for Primary Custody and for Relocation to New York; after careful consideration of the evidence, this Court FINDS it appropriate to enter Defendant's FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER, subject to the modifications, additional findings, and deletions set forth in its minute order of January 5, 2017. The Court also considered, the Objections to Closing Briefs, and Motions to Strike, and will set forth herein below, the rulings on each party's requests.

In regards to Plaintiff's Objections to Defendant's Closing Brief, the COURT ORDERS AS FOLLOWS:

For purposes of this decision the Court will number the objections as set forth in the table of objections provided:

1. Objection - sustained
2. Objection - sustained
3. Objection - sustained
4. Objection - sustained
5. Objection - sustained as to the representation of multiple schools but the Court notes there was resistance by mother to Plaintiff's request to send the child to private school, at least twice.
6. Objection - sustained
7. Overruled

In regards to Defendant's Objections to Plaintiff's Closing Brief, the COURT ORDERS AS FOLLOWS: Overruled.

In regards to Plaintiff's Motion to Strike Portions of Defendant's Objections, the COURT ORDERS AS FOLLOWS: GRANTED as set forth in Plaintiff's Exhibit to Motion to Strike; the Court having considered the Plaintiff's request for attorney's fees for having to file the Motion to Strike, and to appear at the hearing on the matter, and the Court having considered the factors set forth in *Brunzell v. Golden Gate National Bank*, 85 Nev. 345 (1969) and *Miller v. Wilfong*, 121 Nev. 619 (2005), FINDS the

following attorney's fees award is reasonable and was necessary to address said issue with the Court. The Court hereby awards the sum of $2,500 to Plaintiff's counsel for having to file the Motion to Strike Portions of Defendant's Objections.

In regards to the Motion to Reopen Trial or in Alternative to Hear Limited Testimony of Desmond Nance and Opposition thereto with Request for Attorney's fees, this Court having considered the Plaintiff's request for attorney's fees for having to file the Motion to Strike, and to appear at the hearing on the matter, and having considered the factors set forth in *Brunzell v. Golden State*, and *Miller v. Wilfong*, FINDS the following attorney's fees award is reasonable and was necessary to address said issue with the Court. The Court hereby awards the sum of $2,500 to Plaintiff for having to respond to the original motion, and to file the Motion to Strike the Notice as it pertained to Desmond Nance. Although this Court did not grant the Motion to Strike, this Court FINDS that the entire issue was precipitated by the request to reopen filed by Defendant and the representations made to this Court that the information was pertinent to the outcome of this case, to such an extent that he sought for the court to reopen the trial to allow for additional evidence. Based upon said representations of Defendant, this Court permitted him to proceed with obtaining said evidence which unnecessarily multiplied the proceedings, only to result in no evidence offered at the end of the investigation. In this regard, the Court hereby awards the sum of $2,500 to Plaintiff's counsel.

Said $5,000 is hereby reduced to judgment, and collectible by any lawful means. Collection is hereby stayed for a period of 120 days, to allow Defendant the opportunity to pay the amount in full before said date, or establish an acceptable payment plan with Plaintiff's counsel.

FINDINGS OF FACT

1. For six months prior to Defendant filing his motion for relocation on June 19, 2015, the minor child Evan Daniel Ferraro, born September 30, 2008 (now 7 years, 10 months) was a resident of the State of Nevada.

2. Defendant is a resident of Sound Beach, New York. V1:22:12-13. He has lived there, in the same home where he grew up, for forty-three years with the exception of times that he lived in other communities to attend school and play hockey. V1:22, 27. Defendant attended university for about 1 ½ years, but left to play hockey for the 1994 US Olympic hockey team and then professionally in the National Hockey League. V1:22, 27. He has no plans to move from his current residence. V1:22. He lives with his mother and twin brother. The residence is owned by Defendant's mother. It is a 3,000 square foot ranch house with four bedrooms, three bathrooms, on two acres of land with a fenced yard and in-ground pool. If his son is relocated, then Defendant plans to install a sport court in the backyard. Evan has his own bedroom. The neighborhood consists entirely of single family homes. V1:22-23.

3. Based on Defendant's testimony and Defendant's Exhibit G2 (flight records), Evan has spent significant time at the Ferraro family home in New York. From 2012 through 2014, he was there for Defendant's timeshare every month or nearly every month, and he continued to visit routinely in 2015 and 2016. V1:23-26, Ex. G2 at DEFT0358-0368. Defendant testified that while in New York, and in addition to Evan's uncle and grandmother with whom Defendant resides, Evan routinely sees his aunt and her husband, another uncle, Evan's own friends and other extended family. V1:26, 44. Most of the family live and/or work within about five miles of Defendant's home. V1:44-45. Evan sees his grandfather, aunt, uncle and cousins several times per week, and some of them daily. V1:45-47. The Ferraros get together for dinner, family functions, for Evan's extracurricular activities, birthdays and barbeques. V1:47.

4. Defendant testified that Evan is bright, talented, special, gifted, "he is my life." V1:48. During this testimony the Court observed the Defendant become extremely emotional and have a hard time holding back tears. Defendant testified that Evan is a straight A student, that he has a great personality, he is gifted with other children, he is popular, a leader, children migrate to him and he is a great little athlete.

V1:48.

5. Defendant testified that Evan has a lot of friends from hockey and some very good friends in New York, in particular Tommy and Neil Doyle, who Evan has known since he was a baby, and Leila Pannacculli who Evan has known for three years. V1:49. Over the recent break, Defendant put together a hockey tournament in Connecticut with fifteen other children, and in July they will go to a hockey camp in Minnesota, where the Doyle boys will be too. Id. When in New York, the kids all play hockey together as well as have play dates, swimming, visiting the beach and going to movies.

6. Defendant testified that Evan's time with him is very structured, and he creates additional math, reading, writing and drawing assignments for Evan, even when not in school, then there are a variety of extracurricular activities and sports to fill out his day, including baseball, soccer, rollerblading, swimming, running, and mixed martial arts training. V1:50-51. Defendant testified that on a typical school day, they will go to the park before school if time allows; Defendant takes Evan to school and Evan rides his scooter up to the school; Defendant returns at lunch time to volunteer in the lunchroom and at recess; and after school, homework generally comes first and then they do extracurricular activities. V1:74-75.

7. Defendant's exhibit J was admitted. V1:79-80. Defendant testified that these are weekly progress reports from the last school year. V1:79. Two of three progress reports were from a week that Evan was with Plaintiff, and those reports show that during Defendant's timeshare, Evan stayed on task and followed direction, whereas he did not do those things during Plaintiff's timeshare, and the teacher commented during Defendant's timeshare that Evan was "much better this week with talking/giggling." Ex. J.

8. Defendant's exhibit B was admitted. V1:80-82. Exhibit B1 and 2 are photos of Evan during his Dad's timeshare and B3 is a video of Evan practicing baseball and enjoying the level of activity in which he is engaged with his Dad.

9. Defendant's exhibit G was admitted. V1:83-85. Mr. Ferraro testified that he created spreadsheets of his timeshare with Evan from 2013 to 2015 from his personal calendars and flight records; however, he testified that the day-count on the spreadsheet does not include every day of the timeshare, and if it did, then one day would be added to each timeshare (twelve days to each year), giving him 155 days in 2013, 166 days in 2014 and 150 days in 2015. V1:83-87; *see also* Ex. G1. Defendant testified that during timeshares commencing when Evan was in school, pick up was from school at 3:21 p.m. and return was to school in the morning. When school is not in session, he typically picks Evan up in the morning when his timeshare begins and returns him in the after or evening that his timeshare ends. *See* e.g., Ex. A at DEFT0211.

10. Defendant testified that if relocated to New York, then Evan would attend the Rocky Point School District and all of the schools of that district are within two to five miles of his home. V1:54-55. Defendant testified that he would personally take Evan to and from school. V1:55. Defendant researched the school system to satisfy himself that this was a good place for his son to go to school, he personally spoke to the school principal and obtained a variety of information from her and he did internet research on web sites for the New York State System of Education and the Annie E. Casey Foundation. V1:55-59. The Court admitted Defendant's Exhibit F2 (V1:58-61), the New York State Education records, which state very low turn over rates for teachers, that more than 80% of teachers in the elementary and middle schools have master's degrees or doctorates, and average class sizes are 23-24 students. Highschool graduation rates for male students in 2014 was 97%. Defendant's statements regarding widespread knowledge of the deficiencies of Nevada schools were objected to, but the unfortunate reality is that this is true and widely known in the community and the Court can take judicial notice of the fact. The evidence supports that Evan would be enrolling in a high-quality school district in New York.

11. Defendant testified as to the reasons he wants to relocate Evan to New

York, he said, "It's my home. It's my community. It's where I live. It's his friends. The community relationships that I have as a hockey player and my family business for almost 50 years and these community connections I will pass on to Evan. The school systems, financial resources, to save on financial resources for my travels back and forth to Las Vegas. I'd like to dedicate those resources solely to Evan and his future." V1:64.

12. Defendant testified that relocation would improve Evan's life for mostly the same reasons, it is the Defendant's home, and Evan "has tremendous relationships there, friendships, he's got a stable home there in New York, he's got stable friends, the school systems. My availability to Evan, I have a very flexible schedule that I am with Evan virtually at all times, and community relationships that I will pass along to Evan for his overall benefit and development." V1:69.

13. Defendant testified the relocation would benefit him personally by allowing him to get back to work right away, earn a salary, and be able to dedicate resources directly for Evan's benefit. Also Defendant's own parents are aging, and he would like to be able to share his own life and Evan's with them. Defendant testified his own mother is 70 and has some health issues. His father is 68 and healthy. V1:70. Defendant testified that Ferraro Brothers Hockey is based in New York and that is where the client base is, and he does not have the same kinds of relationships in Las Vegas as he does in New York. V1:70.

14. Defendant testified that Plaintiff denies Evan opportunities to participate in extracurricular activities and private school. V1:67. Defendant testified that he has offered to pay for private school and a variety of extracurricular activities for Evan, including hockey, soccer, and MMA, but that Plaintiff will not participate in these with Evan during her own timeshare, which upsets Evan. V1:67. Defendant testified that extracurricular activities are important because one learns "life skills," including: "respect, preparation, dedication, commitment, working with others, taking instruction from coaches, highs, lows, failures, rewards, successes, all of these are critical to life

and career. In fact, athletes are proven better students . . . and they are more prone to stay away from drugs and alcohol and live a more focused, dedicated life." V1:67-68.

15. Defendant proposed a visitation schedule whereby they would alternate and split the winter break, alternate Thanksgiving and the February, April and Memorial day breaks, but in Defendant's years to have Evan during February and April, he would invite Plaintiff to attend any sport camps or tournaments in which Evan was participating. Plaintiff would also have Columbus weekend, every year and if no interference with school or extracurricular activities, on the Memorial Day and Columbus weekends, Evan could leave New York on Thursday and return on Tuesday to create a full four day weekend with Plaintiff. Finally Defendant proposed that summer be divided into three, three week intervals with Plaintiff having the first and last intervals and Defendant having the middle interval. Defendant explained the reason for the split being to allow Evan to participate in hockey camps, clinics and like sports activities. Additionally, at Plaintiff's option, Defendant would help facilitate an additional visits each month to be held in New York. Defendant would pay all airfare for the Plaintiff's Christmas, February, April, Memorial Day, Summer, Columbus, and Thanksgiving visits. Plaintiff would be responsible to pay costs of any additional visits, but Defendant will waive child support to help her be able to do this. V1:71-74.

16. On co-parenting, Defendant testified that the parties had 'many challenges from the start, but believes they were helped by parenting coordinator, Margaret Pickard, and their current, respective counsel. Defendant testified that he sees a pattern whereby he proposes something for Evan, Plaintiff says 'no,' he attempts to persuade her by enumerating the benefits for Evan, and Plaintiff asks Defendant to stop harassing her. V1:68. The emails produced and admitted in Defendant's Exhibit A, tend to support Defendant's testimony. See e.g, Ex. A at DEFT0138-42. 173-74, 198.

17. A co-parenting dispute arose when Evan was first eligible to start

kindergarten. V1:88-94. Evan's birthday falls on the kindergarten enrollment cut-off date, which made him eligible to start kindergarten when he was four. Defendant wanted to hold Evan back to the following year; Plaintiff did not want to hold him back. V1:92-93. Defendant testified that he consulted teachers in Las Vegas and New York, Margaret Pickard, who apparently had a son in a similar situation, and Judith Tolman, and his conclusion was that Evan would benefit from another year of development, maturity wise. V1:90. Defendant's Exhibit K, was admitted. V1:88, 93-94. It is a text message from Judith Tolman to Defendant with a link to an article explaining that studies have shown delayed kindergarten enrollment dramatically reduced ADHD in children. V1:88-89.

18. Plaintiff testified that Nevada is Evan's home, but it is clear to the Court that Evan has two homes.

19. With respect to his employment, Defendant testified that the partnership group in which he was a 7.5% minority owner and for which he was working, filed bankruptcy in September 2015. He was not responsible for financial management of the partnership nor did he set his own salary. V1:28-29. He has not worked since the bankruptcy was filed, but plans to reestablish Ferraro Brothers Hockey, an academy that trains players from age six to NHL-level players. V1:28, 30. Defendant's brother testified that Ferraro Brother's Hockey was in existence for eight years before they began working with the bankrupt partnership. V1:232-233. Defendant and his brother primarily work with players age 5 or 6 to 12. V1:30, 233. Historically, Ferraro Brothers Hockey trains thousands of players annually and has a database of between 4,000 and 5,000 players. V1:31, 233.

20. During his unemployment, Defendant has relied on income from the NHL Emergency Fund ($2,500 per month); a family real estate investment ($2,500 per month); and repayment of a family loan ($2,500) per month. V1:31-33. Defendant is uncertain what his future income with Ferraro Brother's Hockey will be; he thinks it unlikely that he will earn as much as he did with Twin Rinks, but he also as the

opportunity to do as few or as many alumni events with the New York Rangers as he chooses to earn additional income. He will also continue to receive payments from his real estate investment from repayment of the family loan. V1:33-34. Defendant's brother confirmed he would afford him such flexibility.

21. Defendant testified that he can create a work schedule around Evan because he runs Ferraro Brothers Hockey with his twin brother who will run programs while Defendant is attending to Evan. V1:34.

22. Defendant testified – consistent with his Financial Disclosure Form filed January 11, 2016 – that his average monthly expenses to exercise his timeshare with Evan are $6,233.33. (V1:35, 36, 43.) Defendant covers the deficit between his income and expenses from money earned from Twin Rinks and those funds are being depleted. V1:43-44.

23. Defendant testified that Evan missed two days of school during the first grade during his timeshare, one-half day for an eye appointment set by Plaintiff, one-half day to travel to Los Angeles for his uncle's birthday party, and one full day to travel to New York for his cousin's sweet 16 party. Defendant testified that Plaintiff was aware that Evan was missing school on these days for these reasons. V1:29.

24. Daniel Hungerford testified in Defendant's case in chief. V1:95-28. Mr. Hungerford was Evan's school principal for kindergarten and first grade, and he testified that Evan has never had any behavioral issues, has never been referred to the school counselor or his office, and that Evan is "a good guy," "he behaves well at school and attends in class," "behaviorally, academically, he's a model student." V1:99-101. Principal Hungerford testified that he sees the children in his school daily coming to and from school, in the hallways and in the classrooms; and before his deposition, he also talked to a number of individuals at the school about Evan, including Evan's teacher and the school counselor, and he reviewed Evan's school records; there were no concerns about Evan, socially, academically, and in fact he was doing very well with both. V1:98,111-14. Principal Hungerford could not recall

either parent coming to him with concerns about Evan's behavior or academic performance at school, only the situation with the parents and the living situation. V1:101-102. Principal Hungerford testified that he never had any concerns about Evan advancing to the first grade, he never saw Evan engage in any unusual behavior or chew his clothing, but he commented that that is not uncommon for elementary school kids to chew things. V1:103. Principal Hungerford testified that he sees Mr. Ferraro volunteering at the school "much more frequently than Ms. Nance." V1:125.

25. Peter Pannacciulli testified in Defendant's case in chief. V1:203-218. Mr. Pannacciulli lives in New York; his nine year old daughter, Lila, was coached by Defendant beginning in or about the Spring of 2014; around that time frame, Lila and Evan met 'on the ice;' thereafter, Mr. Pannacciulli and the Defendant became friends. Mr. Pannacciulli testified that Defendant is an excellent youth hockey coach, that the kids connect with him, they react to what he says, whether good or bad, without prejudice. Mr. Pannacciulli testified that he sees Defendant and Evan outside of hockey every time Evan is in New York, usually multiple times, that they have play dates and go to each other's houses. Mr. Pannacciulli described Evan's behavior as "normal," and elaborated that he is respectful, he listens, he is a polite, well-mannered kid. Mr. Pannacciulli testified that in addition to his own daughter, he spends time around his sisters' children, there are five of them from ages 4 to 18, and he has not observed Evan to be any more or less argumentative than these children; he has never observed Evan to blame others for his behavior or refuse to do things he is asked; he has never seen Evan bite his nails or chew his clothing. Mr. Pannacciulli testified that Defendant does not talk about the Plaintiff nor has he seen Defendant do anything to impede Evan's relationship with Plaintiff, on the contrary, he has observed Defendant making sure that Evan contacts his mother.

26. Laura Bell-Doyle testified in Defendant's case in chief. V1:219-230. She testified that she lives in New York, that she and her fiancee have two boys together – Thomas age 10 and Neil age 6 – and their family are friends with Defendant and

Evan. The Doyles met Defendant about six years ago when Thomas started doing hockey clinics with Defendant, and they met Evan when he was just about three or four years old. When Evan is in New York, the families see each other almost daily, doing a variety of activities, and both of her boys are friends with Evan; her youngest calls Evan his "best friend." She testified that Thomas coached with Defendant for about six years; during that time, she has had the opportunity to observe him as a coach and her impression is that "he is all about the kids" and he, "Teaches my son everything about hockey and respect and treats the kids as adults on the ice." She testified that Evan is a very fun, loving child, respectful to all of her family members and is outgoing. In addition to her own children, she sees others kids at their hockey practices and at school functions, and in comparison to those other children, Ms. Doyle does not find Evan to be any more or less distracted than other children, he does not blame other people for his behavior or defy requests and he listens to her very well; she has never seen him bite his nails or chew his clothing. If Defendant resumes coaching in New York, her boys will resume coaching with him.

27. Peter Ferraro testified in Defendant's case in chief. V1:231-251. Mr. Ferraro is Defendant's twin brother, and their careers followed very similar trajectories. V1:232, 243. Mr. Ferraro also played on the 1994 U.S. Olympic Hockey Team and then went on to play professional hockey. V1:232. Mr. Ferraro testified that Ferraro Brothers Hockey was in existence for about eight years before they joined the complex that filed bankruptcy last year, and they train thousands of players annually, aged 5 to 65, but their primary players are age 6 to 12. V1:232-233. Mr. Ferraro testified that he is around for about 95% of Defendant's timeshare with Evan, and describes himself as a "very committed uncle." V1:234. He describes Evan as "a very charismatic, special boy. He has got a big heart, very confident, filled with a lot of leadership. He just impresses me every day." V1:234. Mr. Ferraro testified that Evan is not argumentative, he does not get annoyed, irritated, or blame others for his misbehavior, which he says is "very minimal." V1:234-35. Mr. Ferraro's testimony

regarding family discipline of Evan tracked closely with Defendant's, and he testified it is the same way they were raised. V1:236-37. Mr. Ferraro described the last occasion during which he spent any substantial time with the Plaintiff, it was in New York in 2014, Defendant had invited Sandra to visit with her other two children as well; Mr. Ferraro said she was welcomed by the family and everyone was quite happy. V1:237-38. Mr. Ferraro described another occasion when Plaintiff's older son visited New York with Evan, and that he was "extremely happy, extremely confident, loves New York . . . He seems like he is one of us when he is there with us. We get along with him great." Mr. Ferraro testified that he saw Desmond just a few months before the trial at Evan's school, he described that Desmond approached him with a big smile and asked him how he was doing. V1:283. Desmond was actually wearing a Ferraro Brother's t-shirt and they had a 'great' conversation. V1:238. Mr. Ferraro described Defendant as an "all hands on" dad, great, committed, loving. V1:241. Mr. Ferraro's testimony affirmed that Defendant has a great deal of flexibility in his schedule to be present for Evan, and that the whole family supports him in that. V1:241.

28. Plaintiff, Sandra Nance testified. V2:94-156; V3:8-67. She is a resident of Las Vegas. V2:92-93.

a. Plaintiff testified there were problems with the visitation schedule, namely that when he started kindergarten he was not to travel to New York with Defendant, but she said he traveled most of the school year. V2:97-98. Emails between the parties and their parenting coordinator admitted with Defendant's exhibit A, at DEFT0001-47, show that Defendant was trying to balance the competing interests between Evan's home, family and activities in New York with Kindergarten, and that he was taking measures to ensure that Evan would not fall behind in school and in fact Evan never did fall behind in school and the principal had no concerns with Evan's absences during Kindergarten.

b. Plaintiff said Defendant does not always tell her where he is traveling, but emails produced in Defendant's Exhibit A, suggest he typically does. V2:101-02.

c. Plaintiff testified her concern about Evan's possible relocation is that she will not have the same relationship she has now with him, and he willnot have a relationship with his maternal grandparents or siblings. V2:102 Evan has a brother who is moving and a sister who is about to turn 14. V2:102; V:145.

d. Plaintiff believes that she does things to foster Evan's relationship with Defendant but that it is not reciprocated. She feels that Defendant is always "one-upping" her. By way of example she said that Evan returns with shoes or games or sports gear from his timeshare with Chris. V2:108. However, there is a provision in the parenting plan (1.12) that says the parents will allow Evan to take his belongings freely between households. It is not entirely clear, but it appears that Plaintiff tells Evan to "Keep them in a bag until you go back with your dad." V2:108. The Court can see how this could cause a problem, but it does not appear to be created by the Defendant. Another example Plaintiff gave was that of the "Tooth Fairy." V2:108-09. On cross-examination, it came out that Plaintiff had complained to the parenting coordinator about this situation and received an email explanation that the "Tooth Fairy" gave Evan $115; Evan was allowed to keep $15, but had to give the $100 bill to his grandmother for his college fund. V3:29-31. The Court understands Plaintiff's frustration, but Plaintiff did not acknowledge in her testimony that the specific circumstances were already explained to her, that Evan was not *actually* getting the large sums of money. The fact that Mrs. Ferraro is saving for her grandson's college education is a laudable goal to be supported. There is no evidence to suggest the tooth fairy gifts of any amounts Defendant provides to Evan are done with malicious intent toward Plaintiff or to "one up" Plaintiff. Court FINDS that Plaintiff seems to allow the differences in the parties' financial means to cloud her ability to co-parent and do what is best for Evan. This Court cautions this is not a competition, and often one parent is able to provide more money or financial means than the other, but that should not be taken personally by the other parent, nor should it allow those gestures to cloud their judgment while co-parenting.

e. Plaintiff testified that she gets her FaceTime visits with Evan but says they are shorter duration than Defendant's. There was testimony from Defendant's witness that he is diligent about making sure that Evan FaceTimes his mother, but it will be critical that Defendant make sure Evan is in a quite and private place, without distractions for FaceTime sessions of quality duration, not less than fifteen minutes, ideally thirty or more so that Evan can FaceTime with his sister and grandparents too.

f. Plaintiff testified to co-parenting difficulties with Defendant, which she attributed to feeling that she is co-parenting with his whole family and that it is "Chris's way or no way" and that "He just does whatever he wants to do." V2:115-17. The Court disagrees with Plaintiff's assertion that Defendant does what he wants to do. This Court FINDS that each parent does what he or she wants to do while the child is in his/her care, because the parents have been unable to communicate productively and/or agree on what is best for Evan. However, the emails produced as Defendant's Exhibit A, which are much more comprehensive than the limited emails produced by Plaintiff, tell a different story. There are no emails from anyone other than Defendant, and Plaintiff denies most everything Defendant requests. Defendant testified that he thinks there is pattern: he asks, Plaintiff says "no," he gives benefits of the request, Plaintiff says "no," and he lets it drop.

g. Plaintiff testified to injuries that Defendant sustained during his professional hockey career. V2:120-25. However, Defendant stopped playing professional hockey at or about the time that Evan was born; therefore, there was no current testimony regarding these past injuries. She testified to another incident when Defendant went to the emergency room, but was released and she did not say when that was. V2:125-28. The Court is not concerned that either party has a health condition that interfere's with their ability to parent Evan

h. Plaintiff testified to a couple of injuries that Evan has sustained in his father's care (V2:131-132), but they seem like ordinary, childhood injuries and mishaps, not the result of abuse or neglect.

i. Plaintiff testified that she lives with her parents because it allows her to be a full-time mom, but also because, she "fears for her life" because, she said, "of on-going threats, harassments, and problems that are going on with Chris." V2:155-156. However, on cross-examination, she admitted that during her deposition when she talked about living with her parents, she only indicated that she does not intend to live with her parents forever and she intends to purchase her own home when she has the resources to do so; she further admitted that she has not sought a protective order against Defendant since 2010. V3:27-28. The Court does not find Plaintiff's testimony, that she fears for her life, credible.

j. Plaintiff has an older son, Desmond who is nineteen. V3:13-14. Plaintiff allowed him to transfer from traditional high school to an on-line home school program at some point in his junior year. V3:14. She allowed him to take the program "at his own pace," and he did not graduate on time. V3:14-15. During this time, Plaintiff gave Desmond an ownership interest in her business. V3:16-17. Plaintiff said that she allowed him to go at his own pace because of all he had been through, but she admitted she never enrolled him in therapy. V3:16.

k. She does not allow Evan to play hockey during her timeshare. V3:22. The Court appreciates that a parent can be concerned about their child playing certain sports. However, by all accounts, Evan *loves* the game of hockey; it sounds like he is already leading drills and assisting his dad and uncle on the ice. His father and his uncle are former *U.S. Olympians* in hockey; they played in the National Hockey Legue. Mr. Ferraro seems very clear that he does not want to his son to follow his path, but he does want his son to pursue his passions and give him every advantage and assistance in doing so. This Court FINDS that Evan can benefit from Defendant's expertise in the sport, can benefit from the team sport atmosphere, and intense involvement from his father, and that the benefit outweighs the potential burden. This Court FINDS that Defendant appears mindful of Plaintiff's concerns regarding the dangers of hockey and other sports, given his own injuries. Court FINDS Defendant

does not demonstrate behaviors or willingness to put his child in harm's way intentionally, but many team sports or any physical activity comes with the potential for injury. Defendant is CAUTIONED to be mindful of this and Plaintiff's concerns should be discussed openly and respectfully, as she is a joint legal custodian.

l. Defendant offered to pay for Evan to attend private school, specifically Challenger School, before Kindergarten, that they toured the school together, but Plaintiff refused to allow Defendant to enroll Evan, for the reason Plaintiff though that the school was "too intense." V3:22-23. Plaintiff denied that Defendant renewed the offer for Evan to attend private school before first grade (V3:22); however, Exhibit A, DEFT0138 shows email correspondence in which Defendant renewed the offer and Plaintiff again refused.

m. In the seven years since Evan was born, Plaintiff has lived in four different residences. V3:23-24.

n. Plaintiff testified that she did not tell Defendant when Evan was missing school. V3:32. Plaintiff testified that she does not always tell Defendant that she is taking Evan to the doctor before she takes him. V3:32.

o. Court FINDS Plaintiff's admitted history of failure to communicate regarding legal custody issues, and Defendant's confirmation of such, to be disconcerting because it is important to be a respectful and open-minded co-parent on these very subjective issues. Further, if Plaintiff is obstructionist and makes co-parenting difficult, Court FINDS that is not in the child's best interests. Court further FINDS that Defendant does not appear to exhibit the same behavior toward Plaintiff. This Court FINDS that disagreement is different than obstructing efforts made to better the child's life.

p. Within the last four years, Plaintiff has worked as a dealer of blackjack and other casino games. V3:33. She denied that she ever asked a player who presented a player card for identification. V3:33-34. Also, Plaintiff could not identify any particular date that she allowed another person to use one of her own player's

cards. V3:36.

29. Defendant asked the Court to take judicial notice of Nevada Gaming Control Board Regulation 5A.110 which states that a person who is issued a card for interactive gaming must affirm that they will not allow another person to utilize their card. V3:35. Specifically, Regulation 5A.110(3)(c) provides, " Before registering an individual as an authorized player, the operator must have the individual affirm the following . . . That the individual has been informed and has acknowledged that, as an authorized player, they are prohibited from allowing any other person access to or use of their interactive gaming account." The Court takes judicial notice of this regulation.

a. Testimony was taken from persons most knowledgeable from several casinos (Casino PMKs). V1:131-202. The evidence showed that Plaintiff had player cards from at least five (5) different casinos; therefore, she had to make the affirmation required under Regulation 5A.110(3)(c) at least five times. Further, the Casino PMKs variously testified it is casino policy: (1) that a player must play on their own card (V1:146, 159, 175, 186, 197-98); (2) to request identification when players win jackpots (V1:174); and (3) to request identification of players at tables (V1:175-76; 186). As between the Casino PMKs and Plaintiff who said as a dealer she "never" had to ask a player who presented a player card for identification and could not specify a single date on which someone else was allowed to use her card, the Court believes the Casino PMKs. Presumptively then, the play on Plaintiff's player cards, as reflected in the records admitted as Defendant's Exhibits N1 to N5 is Plaintiff's own play. As set forth in the summaries admitted as Defendant's Exhibit N7 (V3:40-41), since December 2012 through December 2015, Plaintiff logged over 1,231 hours on her player cards, which averages to 33 hours per month; and in 2013 Plaintiff had actual losses of $10,333.42, in 2014 Plaintiff had actual losses of $13,293.19, and in 2015 Plaintiff had actual losses of $10,664.64. (The Casino PMKs testified that adjusted win/loss records represent actual wins or losses; V1:146, 156, 165, 183, 194.) Although it is not possible to say how much money Plaintiff actually wagered,

the coin in/coin out numbers are staggeringly high (2013 - $237,500.50/$196,627.10; 2014 - $209,949.72/$176,238.55; 2015 - $160,495,06/$147,017.46). Finally, in Plaintiff's most recent FDF, filed on June 21, 2016, for the first time she included an average monthly gambling income of $95.83, but she testified that she did not consider the amount of money that she had actually wagered to earn those winnings. V3:42-43. Her historical loss records do not support the claim that she actual earns money gambling.

b. All of that said, Nevada is a gaming state, and gaming is legal. It does not appear that Plaintiff can afford an average of $10,000.00 or more per year in gaming losses, and Defendant argues that 33 hours a month could be spent in more constructive ways, particularly when one's child is in school, but the key point for this Court's consideration is whether Plaintiff's gaming activity affects the best interests of Evan. Here, "the nature of the relationship of the child with each parent" is implicated. Parents who work regularly set an example for their children. It is true that Defendant has not worked since the fall of 2015, but those circumstances were unforeseen, and it is clear that Defendant historically worked hard running a successful hockey coaching program, instructing thousands of children a year, which Evan, as a child, was and is in a unique position to watch his father do. Being a stay-at-home mother is noble and it is work, and Plaintiff is to be commended for the work she does as a mother; however, the Court is less convinced that this is a matter of choice than circumstance. As between a parent who seems to have time to work while her child is in school but does not, and a parent who spends his days and evenings coaching children with his own son participating and watching on, the Court finds the Defendant's choices and actions are more closely aligned with the best interests of the child.

30. Rebecca Nance testified in Plaintiff's case in chief. V3:68-85. Mrs. Nance is Plaintiff's mother. V3:68-69. She and her husband have lived with Plaintiff and Plaintiff's three children since 2010. V3:69. She said that Evan has a loving

relationship with his mother and he is a very good kid. V3:69. She described all the family relationships in the household and those with her other daughter and her children who live in town as "close." V3:70-73. The family go together to go swimming, to the park, to movies, and bowling. V3:70. She reported that Evan is presently infatuated with baseball. V3:71. She said, "he rarely brings up hockey at the house" and she could not say who Evan's favorite hockey team was. V3:83-84. She said that when Evan FaceTimes with Defendant he is in his room for an hour or an hour and half and apparently talking to all of the Ferraros. V3:75. She described the relationship between Plaintiff and Defendant as strained. V3:75. Asked for examples of what she meant by "strained," she instead talked about Plaintiff sending pictures of Evan to Defendant, or working on Father's day projects with Evan. V3:75-76. She testified that Sandra prepares the kids meals. V3:78. She testified that she gambles, "a little bit," on "senior days" and uses Sandra's card so they can get points to use the casino pool and comps for buffets. V3:79-80.

31. Judith Tolman testified in Plaintiff's case in chief. V3:86-149. She holds a bachelor's degree and master's degree in social work; she obtained her Bachelor's License of Social Work in 2009, her Master's License of Social Work in 2010 and her Clinical License in 2014. V3:87. Initially she said she has worked as a therapist for five years; however, on cross-examination she said it was more like 4 or 4 ½ years; she works with children, adolescents and adults utilizing cognitive behavioral therapy. V3:87-8; V3:126-27. Ms. Tolman did not testify as an expert witness.

a. Ms. Tolman began working with Evan in February 2013 when she was still an intern. V3:89. Evan did not attend therapy for a period of several months between 2013 and 2014 while the parties were getting along. V3:131; Ex. A at DEFT0004, #2. In or around the fall of 2014, Plaintiff placed Evan back into therapy. Ms. Tolman sees Evan every Wednesday except during Defendant's timeshare. V1:75; V3:9; V90. Ms. Tolman sees Plaintiff when she brings Evan to therapy, and Plaintiff sometimes participates in therapy. V3:89-90. It is rare that Plaintiff misses or

cancels a session, and when she does will generally ask for a make-up session. V3:132. Defendant occasionally calls her by phone, and she has seen Defendant only once or twice. V3:89-90. Ms. Tolman testified that she only reaches out to Defendant "on occasion" and has only initiated contact with the Defendant in the last year to conduct her annual reviews of Evan and to provide him literature regarding delayed enrollment of children in kindergarten. V3:144. The only people Ms. Tolman has ever talked to about Evan are Evan, the Plaintiff and the Defendant. V3:130.

b. Ms. Tolman testified that Oppositional Defiant Disorder (ODD) may present in situations where a child does not want to do something, they may push back or argue, they may yell, or throw themselves on the floor, and sometimes the target is adults or authority figures, or the child may be annoying, irritable, or insist upon getting their way. V3:102. Ms. Tolman testified that indicators of ADHD are not paying close attention to detail, making careless mistakes, difficulty sustaining attention, seeming not to listen, not following instructions, difficulty organizing tasks or materials. V3:134. Ms. Tollman testified that there are two main components of ADHD, there is an inattention component and a hyperactivity/impulsivity component. V3:134, She further testified, to make the diagnosis you need to find six or more criterion of each component *and* you need to find those in *two or more settings.* V3:135. Ms. Tollman conceded that everyone in the courtroom has multiple of the attributes that define ADHD, to greater and lesser degrees. V3:135. Ms. Tollman testified that the settings in which she identified Evan as having the requisite number of criterion in each component was by reports from the school, her own office, and Plaintiff's home. V3:135. However, when pressed, she admitted that she did not *talk* to anyone at the school, and she could not find the report on which she was relying in her records. V3:135-37.

c. She was unaware that Evan has never been sent to the school counselor. V3:138. She said that his behavior has been handled in the classroom, but it is unclear how she would know that given she has never talked to anyone at the

school. V:138. From memory, she said the school report noted needs for improvement in the areas of talking, distractibility, and staying in his seat, but admitted a number of first graders exhibit such behaviors and do not have a diagnosis of and would not be diagnosed with ADHD. V3:137-38. She admitted the treatment recommendations of the National Institutes of Health and American Academy of Pediatrics for children of Evan's age are medication and cognitive behavioral therapy (CBT), and she has not recommended medication for Evan, only CBT. V3:138. Ms. Tolman admitted that there is a CBT certification, but she does not have one. V3:141. She believes it is possible that a parent can teach their child the same things that she is teaching Evan. V3:145. This was Defendant's point, that he can and believes he does teach Evan many of the same things Ms. Tolman does, but in different ways, namely through having a structured, daily schedule and through extra-curricular activities, many of which Defendant is personally coaching his son, whether formally or informally.

d. Ms. Tolman thinks that it would benefit Evan to see her every week because she says, "Evan struggles with meeting the expectations of each parent. They have different expectations." V3:91. Ms. Tolman, was asked about the behavioral expectations in Sandra's home and she talked about "traditional family values" existing in Plaintiff's household. V3:91-92 However, she could not say what the behavioral expectations were in Defendant's household. V3:92,146. And, Ms. Tolman admitted that she does not have any direct knowledge of what goes on in Mr. Ferraro's household. Moreover, the parties' testimony did not reflect that they have different expectations of Evan or that Evan was not, in fact, meeting their expectations. Again the testimony from every witness, was that Evan was well-behaved, respectful, excelling in school, and no one testified to any serious problems, *except* Ms. Tolman. In deed, Plaintiff did not even say that Evan was behaving in a way that was consistent with the behaviors of ADHD/ODD.

e. Ms. Tolman was asked if she has made suggestions to both parents as

to how they can address symptoms of ADHD in the home, but she did not answer the question, she only talked about how she understands Plaintiff addresses Evan's behaviors in her home. V3:116.

f. Ms. Tolman testified that the behavior Evan was exhibiting when Evan began treatment with her was "chewing on a blanket, obviously it was a few years ago, a blanket or the neck of his shirt, his sleeve that kind of thing" and "he would kind of shut down sometimes because of anxiety." V3:100. However, several witnesses who have known Evan all or most of his life – Defendant, his brother, and Ms. Doyle – and witnesses who have known Evan since 2014 – Mr. Pannacciulli and Principal Hungerford – all testified that they never observed or did not recall Evan doing this kind of thing during Chris's timeshare or at school. And, no one testified that Evan was shutting down or that Evan was anything other than an engaged and engaging little boy; "outgoing" is how Ms. Doyle described him (she has known him since he was about 3 or 4 years old) and his uncle described him as a "leader." Ms. Tolman stated her recent evaluation put Evan's anxiety diagnosis in remission. V3:101.

g. Ms. Tolman testified that she has also diagnosed Evan with Oppositional Defiant Disorder (ODD) and Attention Deficit Hyperactivity Disorder (ADHD) combined presentation. V3:101. She testified that ODD cannot be "cured," that it is organic and is caused by personalty traits and a reaction to situations the child is in, but it can improve with age. V3:101-02. She testified that ADHD presents in situations that cause the symptoms. V3:102. Ms. Tolman testified that Evan symptoms include getting angry, arguing, talking back, not doing what he is asked to and blaming others for his problems, making careless mistakes, sloppy homework or handwriting, not finishing chores or homework, not listening, trouble sustaining attention, or being hyperfocused on something the child is actually interested in. V3:103-05. Defendant testified that Evan does not exhibit these behaviors any more than the thousands of children of Evan's age that he has observed during his coaching career. V1:76-77. Similarly, Defendant's brother, Ms. Doyle, Mr. Pannacciulli, and Principal Hungerford

denied that these behaviors exist or that they exist in any greater degree than that of the general population of children who are Evan's age; and they all get opportunity to observe many children of Evan's age. Even Plaintiff's mother – Evan's maternal grandmother – testified Evan is a "very good kid." Plaintiff did not testify much about Evan's behavior.

h. Defendant testified that when Evan does misbehave, there is discussion, positive examples are given, there is negotiation, compromise and Evan is given opportunities for problem solving, V1:77-78. Defendant expressed his belief that it is his job as a parent to teach his son these skills, not a therapist and that he believes Plaintiff uses therapy as a substitute for parenting. V1:77.

i. Ms. Tolman's direct testimony was critical, perhaps even biased against, Defendant, yet on cross-examination she admitted that she has no direct observation or understanding from Mr. Ferraro of what happens or occurs in Mr. Ferraro's home. V3:143-44, 147. She has never had a discussion with Defendant about the means of discipline in his home. V3:149. She was not aware that Defendant uses a reward system with Evan. V3:144. She was not aware that Defendant's method of discipline is to discuss Evan's behaviors with him and give him choices. V3:144-45. Ms. Tolman was asked if she would be surprised to learn that the symptoms she described in Evan are not observed during Defendant's timeshare in a degree that is beyond that of hundreds of children that Defendant coaches every year. V3:145. To that question Ms. Tolman answered, "I don't know how he measures that so I can't judge it." V3:145. But just a few questions earlier she admitted that it is possible that a person who coaches thousands of children per year could develop an average measurement of children's behavior. V3:143-44. The Court agrees that such a person can and will develop such a measurement, and that Defendant and his brother can compare Evan's behavior to those of the other children they coach to conclude that Evan's behaviors are not out of the norm.

j. Ms. Tolman testified that Defendant did report to her that Evan exhibits

the symptoms of ODD (V3:103), but Ms. Tolman also testified that she is aware that Defendant does not think that Evan qualifies for a mental health diagnosis. V3:102-03. From his testimony it very clear that Defendant thinks the issue is one of degree and on balance all witnesses agree that Evan is a very well behaved and respectful child. Ms. Tolman speculated that there may be ADHD/ODD in the Ferraro household and this may account for their belief that Evan's behavior is 'normal;' however, she admitted that she is unaware as to whether any member of the Ferraro family has ever attended therapy and she has made no direct observations of the Ferraro home. V3:119, 143-44.

k. Ms. Tolman evaded giving any concrete benchmarks for the success or failure of her own treatment of Evan or how long he should continue to be in weekly therapy and said that a second opinion would usually only be sought if new behaviors cropped up. V3:139-141. Ms. Tolman testified that she would not second guess her own diagnosis even if the child's school principal had not identified any of the behaviors she described in Evan. V3:143. This concerns the Court. It seems to this Court that if a therapist thinks, as Ms. Tolman clearly does, that the buy-in and participation of both parents is a key to the successful treatment of a child and the therapist has been unable to accomplish that with one of the parents, then it would be in the best interest of her patient to recommend a second opinion from a therapist selected by both parents, but Ms. Tolman testified she has never recommended a neuropsychic exam for Evan or sought a second opinion, nor has she ever considered a differential diagnoses for Evan. V3:128, 133, 139-41.

CONCLUSIONS OF LAW

1. Nevada has subject matter jurisdiction over the minor child in accordance with the Uniform Child Custody Jurisdiction and Enforcement Act, which is codified at Chapter 125A of the Nevada Revised Statutes, and the Court has personal jurisdiction over the parties.

2. The court may modify or vacate a child custody order at any time during

a child's minority as appears in the child's best interest. (NRS 125C.0045(1)(a-b).) When considering a motion to modify custody, the court must first determine the actual physical custody timeshare that is in effect, regardless of what was stated in the last child custody order. *Rivero v. Rivero*, 125 Nev. 410, 430, 215 P. 3d 213, 227 (2009). Different tests apply to modify custody depending on the current custody arrangement. Joint physical custody may be modified or terminated if it is in the best interest of the child. (NRS 125C.0045(2); *see also, Truax v. Truax*, 110 Nev. 473, 874 P.2d 10 (1994).) Primary physical custody may be modified only when "(1) there has been a substantial change in circumstances affecting the welfare of the child, and (2) the modification would serve the child's best interest." *Ellis v. Carucci*, 123 Nev. 145, 153, 161 P.3d 239, 244 (2007). However, "the child's best interest must be the primary consideration for modifying custody and *Rivero's* 40–percent *guideline* shall serve as a tool in determining what custody arrangement is in the child's best interest." *Bluestein v. Bluestein*, __ Nev. ___, 345 P.3d 1044,1046 (2015) (emphasis added). Since *Rivero*, *Bluestein*, and the commencement of this case, the Nevada Legislature enacted NRS 125C.003(1)(a) which states in part that "An award of joint physical custody is presumed not to be in the best interest of the child if . . . The court determines by substantial evidence that a parent is unable to adequately care for a minor child for at least 146 days of the year." If this rule applies in this context, which the Court does not think it does, the Court does not think the issue has ever been that Defendant was unable to care for Evan 146 days per year.

3. Here, the parties' post-*Rivero* parenting plan stated they would share joint legal and joint physical custody of Evan ("Parenting Plan" at 2:4-5, 5:18-21.), which is evidence that the parties themselves believed joint physical custody was in Evan's interest and they did this even though the terms of the parenting plan, *arguably*, did not give Defendant 146 days of timeshare every year. However, the *Rivero* Court said, "In calculating the time during which a party has physical custody of the child, the district court should look at the number of days during which a party

provided supervision of the child, the child resided with the party, and during which the party made the day-to-day decisions regarding the child. The district court should not focus on, for example, the exact number of hours the child was in the care of the parent . . . ." *Rivero v. Rivero*, 125 Nev. at 225. Therefore, if as Defendant testified at trial, the Court counts every day that Defendant had the child in his care, and not just those days in which Defendant had the child overnight, then Defendant is well over the 40% threshold in every year. Therefore, the Court finds that the parties do, as a matter of law, exercise joint legal custody of Evan.

4. Nevertheless, and in an abundance of caution, the Court also finds that the Defendant meets the additional burden under *Ellis*. Changed circumstances affecting the welfare of the child are shown by: (a) Plaintiff maintaining Evan in weekly therapy when there is very little, if any, evidence that Evan suffers behavioral issues beyond those of an average, active and healthy first grader; (b) Evan is of an age where extracurricular activities and socialization with his peers is important and Plaintiff never fostered this until Defendant filed his motion (the first activity in which she enrolled him was baseball in 2015); she denies him any opportunity to play hockey during her timeshare, which is his father's sport and a sport that Evan loves; (c) now that Evan is in grade school, school quality is important and the specific school district that Evan will attend in New York is better than schools generally in Las Vegas; (d) since the last custody order was entered, Plaintiff has failed to ensure her oldest son graduated high school on time, allowing him to leave regular high school for an on-line home school program, allowing him to do it at 'his own pace', and failing to obtain resources to assist him when, by her own testimony, she believed he was struggling; instead, she gave him an ownership interest in her business before he was even done school; and (e) albeit of lesser importance than things effecting the circumstances of the child, Defendant's circumstances have changed in that since the parenting plan was entered, his second career has solidly established itself and his client base in New York.

5. NRS 125C.007 sets forth the relocation factors to be weighed by court, which were previously found in *Schwartz v. Schwartz*, 107 Nev. 378, 812 P.2d 1268 (1991); *Jones v. Jones*, 110 Nev. 1253, 885 P.2d 563 (1994); and *Potter v. Potter*, 121 Nev. 613, 119 P.3d 1246 (2005). NRS 125C.007(1)(a-c) requires the relocating parent to demonstrate to the court that:

a. There exists a sensible, good-faith reason for the move, and the move is not intended to deprive the non-relocating parent of his or her parenting time. Here, the sensible good faith reasons include: allowing Defendant to reestablish his business; reduce travel expenses to dedicate more financial resources to Evan; afford Evan better educational and more extra-curricular opportunities than exist in Nevada, whereas his mother resists sending Evan to better schools when presented the opportunity, resists enrolling Evan in more sport-related activity even when Defendant offers to pay, and she will not allow him to play hockey at all; and the network of connections that Defendant can provide for his son by raising him in New York is a unique and valuable in promoting Evan's long-term best interests..

b. The best interests of the child are served by allowing the relocating parent to relocate with the child. Here, as set forth above, education, extra-curricular activities, the guidance of a parent who has some unique skills derived from his coaching career to augment his skills as a parent, and a fairly large and very close family to support father and son, all serve Evan's best interest. Then too, there are the best interest factors under NRS 125C.0035(4). Evan is not yet of sufficient age and capacity to form an intelligent preference as to his physical custody; therefore, this factor is inapplicable. There was not a lot of testimony as to which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent; no one testified that they were deprived of their timeshare; concern was raised over the *duration* of FaceTime visits but the Court believes that if ordered, Defendant will comply. Although the Court wants to see more summer visitation between Plaintiff and Evan than Defendant initially proposed, the Court is

impressed that Defendant is willing to share some of his time with Plaintiff, and waive child support to help her potentially visit Evan in New York at still other times. This may be difficult while Plaintiff's daughter is still in school, but Plaintiff's daughter is with her father on weekends, and they do live with her grandparents; therefore, it seems that there could be opportunities for Plaintiff to visit Evan in New York, and even when her daughter graduates, Evan will still have six years of school remaining. The level of conflict between the parents has moderated in recent years, mostly they have found ways to avoid co-parenting, this is a neutral factor for the Court on relocation. The ability of the parents to cooperate to meet the needs of the child, at present there is just not much interaction, but cooperation is clearly difficult. If the parties were living in the same community, the Court would not impose a primary physical custodian, but it may not be a bad thing that it happens by default. Defendant very clearly wants to provide every opportunity for his son that he can, but Plaintiff resists and oftentimes denies those opportunities. Some testimony was given by Plaintiff on Defendant's health, but it was old and the Court is not concerned for the health of either parent being an issue in meeting Evan's best interests. As to the physical, developmental and emotional needs of the child, the Court finds that both parents have met them to this point, but questions Plaintiff's decision or perceived need to keep Evan in weekly therapy; the Court questions the therapist in not obtaining a second opinion or recommending a therapist with whom both parents felt they could work, and the Court thinks that Defendant's strong commitment to his son and experience coaching thousands of children over the years will serve Evan's needs very well. With respect to the nature of the relationship of the child with each parent, the Court does not doubt that there is a close bond between Evan and both of his parents, and both are committed in their different ways; Plaintiff appears very maternal, while Defendant appears to be both paternal and a mentor. Evan has two half siblings in Plaintiff's household; a brother who is now emancipated and reportedly moving, and a sister who will soon be fourteen and spends weekends with her father. These relationships