

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAVIER RAMIREZ

Appellant,

vs.

MAYRA E. ARREGUIN

Respondent.

Supreme Court No. 77818

District Court No. 12DR10039118

**FILED**

**FEB 19 2019**

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY [Signature]  
DEPUTY CLERK

**PRO SE CHILD CUSTODY FAST TRACK STATEMENT**

1. Name of party filing this fast track statement:

JAVIER RAMIREZ

2. Name, address, and telephone number of person submitting this fast track statement:

JAVIER RAMIREZ

1371 VILLAGE WAY APT. F

GARDNERVILLE NV 89410

3. Judicial district, county, and district court docket number of lower court proceedings:

FIRST JUDICIAL DISTRICT COURT, CARSON CITY

CASE # 12 DR10039118

4. Name of judge issuing judgment or order appealed from:

JAMES T. RUSSELL

5. Length of trial or evidentiary hearing. If the order appealed from was entered following a trial or evidentiary hearing, then how many days did the trial or evidentiary hearing last?

ABOUT AN HOUR

6. Written order or judgment appealed from:

Order denying motions issued

February 30th 2018

**RECEIVED**

**FEB 19 2019**

Pro Se Child Custody Fast Track Statement October 2015

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
DEPUTY CLERK

7. Date that written notice of the appealed written judgment or order's entry was served:

December 28, 2018

8. If the time for filing the notice of appeal was tolled by the timely filing of a motion listed in NRAP 4(a)(4),

(a) specify the type of motion, and the date and method of service of the motion, and date of filing:

NRAP 4(a) December 28 2018

personally served (attached)

(b) date of entry of written order resolving tolling motion:

N/A

9. Date notice of appeal was filed:

December 28, 2018

10. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a), NRS 155.190, or other:

NRAP 4(a)

11. Specify the statute, rule or other authority, which grants this court jurisdiction to review the judgment or order appealed from:

NRAP 4(a)

12. Pending and prior proceedings in this court. List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which involve the same or some of the same parties to this appeal:

Supreme Court No. 69823

Supreme Court No. 71908

13. Proceedings raising same issues. If you are aware of any other appeal or original proceeding presently pending before this court, which raise the same

legal issue(s) you intend to raise in this appeal, list the case name(s) and docket number(s) of those proceedings:

Ellis vs Carucci, 123 Nev. Adv. Op. No. 18 June 28, 2007  
NRS 125C.006(a)3. NRS 200.359.  
NRS. 125 C. 020.

14. Procedural history. Briefly describe the procedural history of the case (you are encouraged, but not required, to support assertions made in this fast track statement regarding matters in the record by citing to the specific page number in the record that supports the assertions):

I have provided evidence that one of  
the minor children (Carlos A. Ramirez Arreguin)  
has not been doing well in school specially  
with math, every time that I bring this  
up the CASA, and custodial parent don't  
provide the proper documentation to the judge

15. Statement of facts. Briefly set forth the facts material to the issues on appeal (you are encouraged, but not required, to support assertions made in this fast track statement regarding matters in the record by citing to the specific page number in the record that supports the assertions):

Per a number of emails between Melanie  
McLernick from CASA in regards of a Summer  
vacation, that I was supposed to have with  
the children, I was informed that she  
failed to read the last part of my  
email and to compensate that, I was

to pick any day during school breaks, since the custodial parent refused to release the children on my chosen date.

I filed with the court to allow me a shared holiday on thanksgiving per NRS 125C.020.

I also requested that the court look into the children's grades, specially Carlos (age 11) which is not doing well in math.

In addition I asked to please enforce the prior order that stipulated that a new therapist was needed, especially since Eduardo Ramirez the oldest child was cutting himself on his wrists, and I

also requested from the custodial parent to release her new address per NRS

125.006 3 and NRS 200 359, and also by Ellis vs Orucci on a material

changes in circumstance pleading due to Eduardo's cutting and per NRS. 125C 0035. which I feel it was given to

Plaintiff with great prejudice against me from the judge that even with the facts given to him, refused to list my non custodial rights as I requested nor would allow me to present the evidence. I

I do believe that a proper investigation should've had been completed after the findings that Eduardo witnessed a "fight" between the stepdad and mother, and that non contact between him and myself doesn't help in any way with my natural right to ensure a frequent association and continuing relationship with both parents per NRS 125C.001

I have attached the latest point of attendance for the X Factor in which I signed Carlos for and he was expelled because of non attendance, this was already given a warning to Mrs. Melanie McCormick prior to the hearing and she stated otherwise.

16. Issues on appeal. State concisely the principal issue(s) in this appeal:

I do feel that my conduct during the hearing was unnecessary, and most of my non custodial rights are being acknowledge at all, not to mention the mental distress that the children are being exposed at the custodial parent residence.

I'm very concern that any mental issues that the children are experiencing could escalate into hurting others and themselves, along with their education getting stuck. it is a well know factor that mother requires a translator every time that a hearing takes place.

17. Legal argument, including authorities:

ELLIS vs CARUCCI clearly states that after the findings that the child was falling in grades a new custody order was to be put into effect.  
Which in this case, the Court has

failed to recognize, favoring mom  
knowing her language barriers and  
limitations

And per NRS 125 C.020 Even when  
I had given the proper time frame I always  
get denied additional time for deprivation  
of visitation, in "grounds" that the  
children have that choice, but there's  
no proof that the children decide that  
leaving "visitation" up to custodial parent  
violating my parental rights already stated  
herein

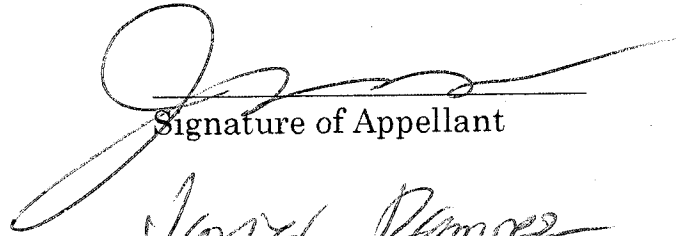
18. Issues of first impression or of public interest. Does this appeal present a substantial legal issue of first impression in this jurisdiction or one affecting an important public interest: Yes ☒ No ☐ If so, explain:

NRS. 125 0035. The Best interest of child have not being met.

### VERIFICATION

I recognize that under NRAP 3E I am responsible for timely filing a fast track statement and that the Supreme Court of Nevada may impose sanctions for failing to timely file a fast track statement, or failing to raise material issues or arguments in the fast track statement. I therefore certify that the information provided in this fast track statement is true and complete to the best of my knowledge, information, and belief.

DATED this 17 day of February, 2019



Signature of Appellant



Print Name of Appellant

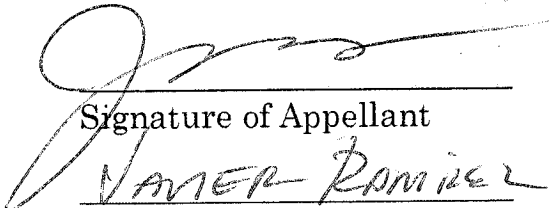
### CERTIFICATE OF SERVICE

I certify that on the date indicated below, I served a copy of this completed child custody fast track statement upon all parties to the appeal as follows:

- ☐ By personally serving it upon him/her; or  
☒ By mailing it by first-class mail with sufficient postage prepaid to the following address(es) (list names and address(es) of parties served):

Centro Market  
(Mayra E Aragon)  
2724 U.S. Highway 50 E.  
Carson City NV 89701

DATED this 17 day of February, 2019.

  
Signature of Appellant

JAVIER RAMIREZ  
Print Name of Appellant

1371 Village Way F  
Address

Gardnerville NV 89410  
City/State/Zip

775 790 7950  
Telephone

REC'D & FILED

2018 NOV 20 PM 2:00

SUSAN MERRIWETHER  
CLERK

BY C. TORRES DEPUTY

Code: 1670

Name: James Ramirez

Address: 1371 Village Way F  
Gardnerville NV 89410

Telephone: 775 790 7950

Email: \_\_\_\_\_

Self-Represented Litigant

IN THE FAMILY DIVISION  
~~SECOND~~ <sup>FIRST</sup> JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF ~~WASHOE~~ <sup>CARSON</sup>

Mayra E. Dorequin  
Petitioner,

vs.

James Ramirez  
Respondent.

Case No. 12 PR 10039/1B

Dept. No. 1

**EX PARTE EMERGENCY MOTION REGARDING CHILDREN**

MOTION TO Split Thanksgiving with Children.  
(Fill in the name of this motion)

James Ramirez  
(Your name)

, appearing in Proper Person, hereby move this

Court to issue an emergency order, without notice to Mayra E Dorequin  
(The Other Party's name)  
granting the following:

**State only what you want the court to order. Do not explain why you want the order issued or why you believe the other party should not have notice of this motion. Those reasons will be filled in on the next page.**

-Please issue order to allow children  
to split Thanksgiving and Christmas  
with both parents. per. NRS 125C.020  
(see request)

1 A Decree of Divorce or Order addressing custody and visitation of a minor child(ren) was  
2 entered on March 2013. To the best of my knowledge, the last order  
(Date the Decree or Order was filed)

3  
4 concerning this matter was entered on May 2018 and that order  
(Date last order entered in this case)

5  
6 concerned Visitation Child Support  
(Print what the last order was about, such as child support, visitation, TPO, etc.)

7 The child(ren) involved in the matter are:

8	NAME	AGE	DATE OF BIRTH
9	<u>Eduardo J. Ramirez</u>	<u>12</u>	<u>04-13-2007</u>
10	<u>Carlos A. Ramirez</u>	<u>10</u>	<u>10-09-2008</u>
11			
12			
13			
14			

15 Fully explain why you believe this is an emergency situation

16 I believe this is an emergency and an order should issue from this Court immediately  
17 because: per instructions of CASA Melanie  
18 McCormick I asked to split this  
19 holiday from Wednesday Nov. 21st 2018  
20 from 6 pm til Thursday at 5:00 pm  
21 (Thanksgiving day) so both kids  
22 can have an equal holiday and  
23 she now wants an order issue.  
24 (see attached emails)  
25 She also had given me permission  
26 to have a interrupted 3 day  
27 vacation on a school break  
28

1  
2  
3  
4 Fully explain why you believe the other party should not be contacted  
and have time to respond to this Motion before the Motion is considered by the Judge

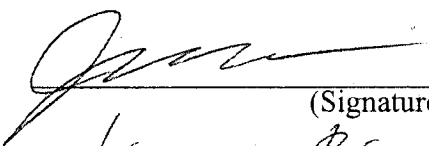
5 As per the non compliance of  
6 the current order I was never  
7 notified of their summer vacation  
8 nor I was allowed to take the  
9 children to my vacation time  
10 She would just ignore my requests  
11 and the children wishes  
12  
13  
14  
15  
16  
17  
18

19 (If you need more space, you may attach additional sheets of paper. Be sure that you write only on  
20 one side of the paper and clearly identify it as a continuation of this explanation.)

21 This document does not contain the Social Security Number of any person.

22 I declare, under penalty of perjury under the law of the State of Nevada, that the foregoing is  
23 true and correct.

24 DATED this 20 day of November, 2018.

25  
26   
(Signature)

27 Javier Ramirez  
(Printed Name)  
28

## CASA Question

Melanie McCormick <MelanieMcCormickCASA@outlook.com>

Fri 8/10/2018, 9:10 PM

To: Mayra Arreguin <mayra\_ae20@hotmail.com>; javier ramirez <viveenmi2011@hotmail.com>

Hello Mayra and Javier,

I believe there are some concerns we need to address.

First and foremost, Mayra, Javier did indeed send me an email on July 21ST stating his desire to have the children for "his" vacation for this weekend. I did NOT see that part of the email; that is my fault for not fully reading the email and I take responsibility for that.

Javier did relay that he had discussed these plans with the children and that he was under the impression that the children were in agreement to these vacation plans.

The concern is that those plans should have been discussed with you as well. The vacation plans needed to be well documented as the court order did state the children had the right to say, yes or no. Neither child made myself aware of the expected vacation plans.

Javier, please determine new vacation dates - My gentle suggestion would be to look at the school calendar and determine when there is a 3-day or 4-day weekend, so you and the children can have a full and uninterrupted vacation.

When that time frame is determined, please relay that information to myself and then I would like either Lisa Yesitis or Kristopher Komarek to discuss the vacation plans with the children and myself present.

Mayra, the children will need to discuss their vacation plans with a therapist and myself present. I would like to hear from the children as to what they would like to do, in regards to vacation with their father.

Also, in order to better facilitate weekend visits, I will request that my Office is to be notified on THURSDAY before 5:00pm. That way, I can properly inform Javier of the weekend plans.

As for the visit this weekend, I did not hear from you Mayra and we will need to address the visitations. So please, if you can all let me know by Thursday at 5pm.

With school creeping ever closer, I would like to know what BOTH of your thoughts are in regards to times/visits as Javier has already made mention that a 9pm drop-off is rather late for the children on a school night. You both will need to discuss this with each other and/or myself and then I will need to be notified so we can better facilitate the visits.

My final recommendation is Mayra if you would please reach out to Lisa Yesitis at Ron Wood and see to the children having a regular visit with her. You will need to discuss with Ms. Yesitis as to how often the children will need to meet with her. I will contact her on Friday, August 17TH to discover when the children's next appointment with her is.

I realize that it is never easy in regards to shared custody. We have definitely had our hiccups since the new court order was placed into effect and we are still working out the logistics. The bottom line is that we must have clear and concise communication - especially now that school is beginning and the children will have school activities, they could get a cold and need to see the doctor or they may have after school activities. We will still be addressing Carlos' needs in regards to math tutoring as well once school begins.

To sum up:

1. All visitation must be confirmed by my office on Thursdays at 5pm. No contact in regards to confirmation of the visit is unacceptable and will be noted and recorded for the court;
2. The parents must discuss new times (for visitation) to begin when school starts August 20TH and those new times will go into effect on Sunday, August 19TH;
3. If travel plans are desired, they must be brought to the attention of CASA and the other parent - The children will then meet with Lisa Yesitis or Kristopher Komarek to discuss said travel plans, and CASA will be in attendance on that meeting. That meeting will be held PRIOR to said vacation plans;
4. I will contact Lisa Yesitis on August 17TH to determine when the next appointment between her and the children is;
5. If either parent would like the boys to meet with me, or if the boys would like to themselves, please notify me immediately and we will schedule a time that is appropriate for all.

This will only improve if there is open communication AND follow up. Also, please note that I have noted in the court order that there is to be no disparaging comments, made by either parent, about the other. It matters not if it is in the children's presence or not. So please note, I will no longer engage in conversation with either parent, if disparaging comments are made. We must engage in healthy and amicable communication for the children.

I appreciate your due diligence in regards to these matters. As soon as the above is determined, I will send an update to the Court addressing the successful completion of these requests.

Regards, Melanie

Melanie M. "Emmy" McCormick, *Guardian ad litem*  
Director - CASA of Carson City, NV  
www.casaofcc.org  
(775) 291-7069

*"The way we see the world is what makes us good at what we do."*

Re: Thanksgiving

Melanie McCormick <MelanieMcCormickCASA@outlook.com>

Mon 11/19/2018, 8:59 PM

To: javier ramirez <viveenmi2011@hotmail.com>; Mayra Arreguin <mayra\_ae20@hotmail.com>

Mr. Ramirez,

A time and day were told to you by myself after a visit between Carlos, Ms. Yesitis and myself.

Carlos relayed that he wished to visit with you on Friday, November 23RD. You stated you had to work.

When I spoke with you about an alternative means you cited to me "past events" that had no bearing on the Thanksgiving visit and you offered no alternatives. As you would not volunteer a compromise, there was no other discussion had.

As per NRS Statute 125C.020 it can ONLY be ordered by the Court and not yourself.

**NRS 125C.020 Rights of noncustodial parent: Additional visits to compensate for wrongful deprivation of right to visit.**

1. In a dispute concerning the rights of a noncustodial parent to visit his or her child, the court may, if it finds that the noncustodial parent is being wrongfully deprived of his or her right to visit, enter a judgment ordering the custodial parent to permit additional visits to compensate for the visit of which the noncustodial parent was deprived.

2. An additional visit must be:

- (a) Of the same type and duration as the wrongfully denied visit;
- (b) Taken within 1 year after the wrongfully denied visit; and
- (c) At a time chosen by the noncustodial parent.

3. The noncustodial parent must give the court and the custodial parent written notice of his or her intention to make the additional visit at least 7 days before the proposed visit if it is to be on a weekday or weekend and at least 30 days before the proposed visit if it is to be on a holiday or vacation.

The current Order of the Court states:

**IT IS HEREBY ORDERED as follows:**

1. Plaintiff will continue to have primary physical custody of the parties' minor children. The visitation schedule with the minor children will remain the same, with exchanges to take place at CASA of Carson City; however, the minor children are empowered to say no to visitation, and are not obligated to visit with Defendant if they do not wish to do so. Vacation time will be up to the minor children as to whether they wish to go on vacation with Defendant; however, Plaintiff is to notify Defendant in advance if she plans on taking the minor children on vacation.
2. Defendant will not call or text the minor children under any circumstances, except in case of emergency; however, the minor children may initiate communication

with Defendant and may call or text Defendant if they so choose, but are under no obligation to do so.

Mr. Ramirez, I have spoken with your children and I have spoken with Ms. Yesitis. I have attended your children's schools and spoken with their counselors. The children did not choose to visit with you last weekend. Eduardo does not choose to visit with you for Thanksgiving. Carlos offered visiting with you on Friday, I do understand you had to work, but you offered no other alternatives.

The Court will be ordering a hearing date, and at that time, you may request what you will. As the children's advocate I will continue to respect and honor their wishes as mandated by the Court.

Sincerely,  
Melanie

Melanie M. "Emmy" McCormick, *Guardian ad litem*  
Director - CASA of Carson City, NV  
www.casaofcc.org  
(775) 291-7069

*"The way we see the world is what makes us good at what we do."*

---

**From:** javier ramirez <viveenmi2011@hotmail.com>  
**Sent:** Monday, November 19, 2018 8:23 PM  
**To:** Melanie McCormick; Mayra Arreguin  
**Subject:** Thanksgiving

Hello:

I've waited for a final time to exercise my parental right for deprivation of visitation that did not take place this past summer NRS 125C.020  
As stated on a prior email the time will be Wednesday November 21 st at 6:00 pm until Thursday November 22nd at 5:00 pm. with the two boys

It is imperative that you confirm this not later than tomorrow at 12:00 pm

Thank you

Javier

## Thanksgiving

javier ramirez

Fri 11/2/2018, 6:00 PM

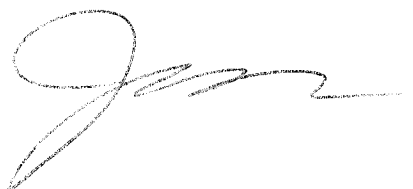
To: 'Melanie McCormick' <melaniemccormickcasa@outlook.com>;  
lisa@carson-family.org <lisa@carson-family.org>

Hello

I would like to split this holiday with Mayda and have the children spent some time with my side of the family and to attend Church services

I can pick up the kids on Wednesday Nov 21 at 6 pm and return them back at 6:30 PM in the Thursday of Thanksgiving

Thank you

A handwritten signature in dark ink, appearing to read 'Javier', with a stylized, flowing script.

REC'D & FILED

2018 DEC 28 PM 1:38

SUSAN MERRIWETHER

BY C. COOPER  
DEPUTY

No. 12DR100391

Dept .1

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF CARSON

Plaintiff

Mayra E. Arreguin

vs:

Defendant

Javier Ramirez Rivas

**NOTICE OF APPEAL**

Notice is hereby given that Javier Ramirez Rivas , defendant above named hereby appeals to the Supreme Court Of Nevada , judgment from order after November 29<sup>th</sup> ,2018 hearing entered in this action on the 30<sup>th</sup> day of November ,2018

Javier Ramirez

1371 Village Way Apt F

Gardnerville , Nevada 89410

(775) 790-7950

