

1 Case No. 15-CV-00418

2 Dept. No. 11

FILED

2019 MAR 29 AM 10:45

TANYA SORRINE  
COURT ADMINISTRATOR  
THIRD JUDICIAL DISTRICT

Electronically Filed  
Apr 04 2019 03:10 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

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4  
5 IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
6  
7 IN AND FOR THE COUNTY OF LYON

8  
9 ANTHONY JACOB MONAHAN,

10 Plaintiff,

NOTICE OF APPEAL

11 Vs.

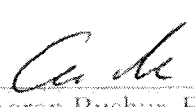
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13 AMANDA KAITLYN HOGAN fka  
14 AMANDA KAITLYN KING,

15 Defendant.

16  
17 Notice is hereby given that Anthony Jacob Monahan, Plaintiff in the above filed action,  
18 hereby appeals to the Supreme Court of Nevada, from final Order entered in this action on the 1<sup>st</sup> day  
19 of March 2019.

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

21 Dated this 27<sup>th</sup> day of March 2019.

22  
23   
24 Aaron Bushur, Esq.  
25 Bar No. 10862  
26 316 California Ave., #256  
27 Reno, Nevada 89509  
28 775-219-4222  
Attorney for Anthony Jacob Monahan

1 CERTIFICATE OF SERVICE

2 I am a resident of the State of Nevada, over the age of eighteen years, and not a party to the  
3 within action. My business address is AARON BUSHUR, ESQ, 316 California Ave., #256, Reno,  
4 Nevada 89509. On the 22 day of March 2019, I served the within document(s) through the U.S.  
Mail to:

5 LeAnne Schumann, Esq.  
6 22 State Route 208  
7 Yerington, Nevada 89447

8 Roderic A. Carucci, Esq.  
9 702 Plumas Street  
Reno, Nevada 89509

10  
11 I declare under penalty of perjury under the laws of the State of Nevada that the above is  
true and correct.

12 Executed on the 29<sup>th</sup> day of March 2019 in Sparks, Nevada.  
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16 Signature  
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Case No. 15-CV-00418

Dept. No. II

FILED

2019 MAR 29 AM 10:47

TANYA SCORING  
COURT ADMINISTRATOR  
THIRD JUDICIAL DISTRICT  
*Kathy Thomas*

IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF LYON

ANTHONY JACOB MONAHAN,

Plaintiff/Appellant,

CASE APPEAL STATEMENT

Vs.

AMANDA KAITLYN HOGAN fka  
AMANDA KAITLYN KING,

Defendant/Respondent.

1. Anthony Jacob Monahan, Plaintiff/Appellant and Father of the minor child at issue in this custody case, though undersigned counsel, Aaron Bushur, Esq. hereby files this Case Appeal Statement appealing the March 1, 2019 Order entered in the above titled case.
2. The Honorable Leon A. Aberasturi, Judge of the Third Judicial District Court, entered the now appealed Order.
3. Mr. Monahan is represented by Aaron Bushur, Esq. in this appeal. Mr. Bushur's mailing address is as follows: 316 California Ave., #256, Reno, Nevada 89509. (775) 219-4222.
4. Defendant/Respondent Amanda Kaitlyn Hogan is represented by Roderic A. Carucci, Esq. of Carucci and Associates, 702 Plumas Street, Reno, Nevada 89509. (775) 323-0400.
5. All counsel of record detailed above are believed to be licensed to practice law in the State of Nevada.

- 1 6. Plaintiff/Appellant was represented by LeAnn E. Schumann, Esq. of Johnston Law  
2 Offices, P.C., 22 State Route 208, Yerington, Nevada 89447, (775) 463-9500 in the  
3 underlying District Court action and Ms. Schumann remains as Plaintiff's/Appellant's  
4 counsel of record in that case.
- 5 7. Plaintiff/Appellant is and was represented by retained counsel in both the underlying  
6 District Court case as well as in this Appeal.
- 7 8. Plaintiff/Appellant was not granted leave to proceed in forma pauperis.
- 8 9. The current action commenced in the Third Judicial District Court on April 15, 2015 with  
9 the filing of the Petition to Establish Custody and Visitation.
- 10 10. This current matter being appealed results from the Court's March 1, 2019 Order  
11 addressing custody and visitation for the Parties' minor child. The Parties previously  
12 shared joint physical custody pursuant to the October 26, 2015 Stipulation and Order.  
13 Through recent motion practice which began with the filing of the August 29, 2018 Motion  
14 to Modify Custody, a hearing was held on the matter on December 27, 2018, the Parties  
15 were later instructed to each file briefs relating to several unresolved issues and the Court  
16 then entered its March 1, 2019 Order which implies to modify custody and visitation, finds  
17 that Defendant/Respondent was not required to seek permission to relocate pursuant to the  
18 requirements of NRS 125C.006 and 125C.0065 and therefore allowed her to relocate from  
19 Yerington, Nevada to Fallon, Nevada with the child although it was found that she had  
20 met her burden under NRS 125C.007, and the Order requires the child to remain in  
21 attendance at his current school through the remainder of the 2018-2019 school year.  
22 Plaintiff/Appellant believes the March 1, 2019 Order to be a final order which modifies  
23 custody, visitation and support and therefore satisfies NRAP 3A(b)(1) although the Order  
24 itself does not fully resolve all related issues raised by the Parties and remains vague as to  
25 specific custody, visitation and support requirements. Plaintiff/Appellant believes the  
26 District Court erroneously applied applicable Nevada law, that it misconstrued the  
27 evidence provided through motion practice and at hearing, that the Court exceeded its  
28 digressionary limits in allegedly modifying custody and that the Order is vague and that it

1 does not provide specific and complete wording in regard to the Parties custodial and  
2 visitation rights.


3 11. This case has not previously been the subject of an appeal or of a writ.

4 12. This appeal involves child custody and visitation.

5 13. It is believed that this case involves the possibility of settlement.

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

7 Dated this 29<sup>th</sup> day of March 2019.

8  
9   
10 Aaron Bushur, Esq.  
11 N.V. Bar No. 10862  
12 316 California Ave., #256  
13 Reno, Nevada 89509  
14 775-219-4222  
15 Attorney for Anthony Jacob Monahan  
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**CERTIFICATE OF SERVICE**

I am a resident of the State of Nevada, over the age of eighteen years, and not a party to the within action. My business address is AARON BUSHUR, ESQ. 316 California Ave., #256, Reno, Nevada 89509. On the 29<sup>th</sup> day of March 2019, I served the within document(s) through the U.S. Mail to:

LeAnne Schumann, Esq.  
22 State Route 208  
Yerington, Nevada 89447

Roderic A. Carucci, Esq.  
702 Plumas Street  
Reno, Nevada 89509

I declare under penalty of perjury under the laws of the State of Nevada that the above is true and correct.

Executed on the 29<sup>th</sup> day of March 2019 in Sparks, Nevada.

  
\_\_\_\_\_  
Signature

**ANTHONY JACOB MONAHAN, AMANDA KATLYNN KING ~ CHILD CUSTODY COMPLAINT**

Case Number: 15-CV-00418

Agency: Third Judicial District Court

Type: Custody (non- divorce)

Received Date: 4/15/2015

Status: Reopened

Status Date: 3/5/2019

**Involvements**

**Primary Involvements**

MONAHAN, ANTHONY JACOB Petitioner

KING, AMANDA KATLYNN Respondent

**Other Involvements**

Schumann, LeAnn Esq. Petitioner's Attorney

Carucci, Roderic A. Esq. Respondent's Attorney

KING, AMANDA KATLYNN Pro Per

Anderson, Jennifer S. Esq. Respondent's Attorney, Inactive

Third Judicial District Court (15-CV-00418)

Estes, Honorable Robert E. Judge

Aberasturi, Leon A. - LAA Dept II - TJDC

Dragon, Joseph Esq. - JOED Law Clerk - 2

**2. NRCP 5 ~ ANSWER**

KING,

AMANDA

KATLYNN

Respondent

Disposition:

Settled/Wdn

with

Hearing/Jud

Conf Dispo

Date:

10/26/2015

Lead/Active: False

**3. REOPEN ~ Reopened Charge**

MONAHAN,

ANTHONY

JACOB

Petitioner

Disposition:

Other

Manner of

Disposition

Dispo Date:

1/12/2016

Lead/Active: False

**4. REOPEN ~ Reopened Charge**

KING,

AMANDA

KATLYNN

Respondent

Disposition:  
Settled/Wdn  
with  
Hearing/Jud  
Conf Dispo  
Date:  
3/1/2019

Lead/Active: False

**5. REOPEN - Reopened Charge**

KING,  
AMANDA  
KATLYNN  
Respondent

Lead/Active: False

**Custody (non- divorce)**

**1. NRS 125C. - CHILD CUSTODY COMPLAINT**

MONAHAN,  
ANTHONY  
JACOB  
Petitioner

Disposition:  
Settled/Wdn  
with  
Hearing/Jud  
Conf Dispo  
Date:  
10/26/2015

Lead/Active: True

**Case Status History**

4/15/2015 3:58:00 PM | Open  
10/26/2015 8:51:00 AM | Closed  
1/6/2016 8:51:00 AM | Reopened  
1/14/2016 3:22:00 PM | Closed  
8/29/2018 | Reopened  
3/1/2019 | Closed  
3/5/2019 | Reopened

**Documents**

4/15/2015 Petition to Establish Custody and Visitation.pdf - Filed  
Notes: Added from Document Scanning session.  
4/15/2015 Summons - Issued.pdf - Issued  
Notes: Added from Document Scanning session.  
4/15/2015 Civil Cover Sheet.pdf - Filed  
Notes: Added from Document Scanning session.  
4/15/2015 Confidential Court Information Sheet.pdf - For Court Use Only



SEALED

Notes: Added from Document Scanning session.  
4/15/2015 Financial Disclosure - Anthony.pdf - Filed

SEALED

Notes: Added from Document Scanning session.  
4/15/2015 Personal Case Information.pdf - Filed  
Notes: Added from Document Scanning session.  
5/4/2015 Summons served 4-30-15.pdf - Filed on Return  
Notes: Added from Document Scanning session.  
5/5/2015 Ex Parte Emergency Motion Regarding Children.pdf - Filed  
Notes: Added from Document Scanning session.  
5/5/2015 Request for Submission of Ex Parte Motion.pdf - Filed  
Notes: Added from Document Scanning session.  
5/5/2015 Proof of Service (of Ex Parte Motion).pdf - Filed  
Notes: Added from Document Scanning session.  
5/6/2015 Order Denying Ex Parte Motion and Setting Expedited Hearing.pdf - Filed  
Notes: Added from Document Scanning session.  
5/15/2015 Notice of General Appearance (LeAnn Schumann).pdf - Filed  
Notes: Added from Document Scanning session.  
5/15/2015 Notice of Appearance of Counsel.pdf - Filed  
Notes: Added from Document Scanning session.  
5/18/2015 Request for Submission (Stip to Continue 5-26-15 Hearing).pdf - Filed  
Notes: Added from Document Scanning session.  
5/18/2015 Stipulation to Continue.pdf - Filed  
Notes: Added from Document Scanning session.  
5/18/2015 Answer and Counterclaim.pdf - Filed  
Notes: Added from Document Scanning session.  
5/22/2015 Order to Continue.pdf - Filed  
Notes: Added from Document Scanning session.  
5/22/2015 Reply to Counterclaim.pdf - Filed  
Notes: Added from Document Scanning session.  
5/28/2015 Setting Memo.pdf - Filed  
Notes: Added from Document Scanning session.  
6/3/2015 Financial Disclosure - Amanda.pdf - Filed

SEALED

Notes: Added from Document Scanning session.  
6/19/2015 Plaintiff's Exhibit List.pdf - For Court Use Only  
Notes: Added from Document Scanning session.  
6/19/2015 Exhibit 1.pdf - Filed  
Notes: Added from Document Scanning session.  
6/19/2015 Exhibit 2.pdf - Filed  
Notes: Added from Document Scanning session.  
7/2/2015 Request for Senior Judge.pdf - For Court Use Only  
Notes: Added from Document Scanning session.  
7/2/2015 Case Management Order.pdf - Filed  
Notes: Added from Document Scanning session.  
7/2/2015 Memorandum of Temporary Assignment - Judge Estes.pdf - Filed  
Notes: Added from Document Scanning session.  
7/24/2015 Order After June 19, 2015 Hearing.pdf - Filed  
Notes: Added from Document Scanning session.  
8/3/2015 Notice of Entry of Order.pdf - Filed  
Notes: Added from Document Scanning session.  
8/17/2015 Plaintiff's Settlement Conference.pdf - Filed  
Notes: Added from Document Scanning session.  
9/1/2015 Respondent's Settlement Conference Statement.pdf - For Court Use Only

SEALED

Notes: Added from Document Scanning session.  
10/26/2015 Stipulation and Order Regarding Child Custody, Support and Visitation.pdf - Filed  
Notes: Added from Document Scanning session.  
10/29/2015 Confidential Document Pursuant to NRS 449 Et. Seq..pdf - For Court Use Only

SEALED

Notes: Added from Document Scanning session.  
11/25/2015 Confidential Information.pdf - For Court Use Only

Notes: Added from Document Scanning session.  
12/30/2015 Withdrawal of Attorney of Record.pdf - Filed  
Notes: Added from Document Scanning session.  
1/6/2016 Order Denying Ex Parte Application and Setting Hearing.pdf - Filed  
1/6/2016 Application for A Temporary Order for Protection.pdf - Filed  
1/11/2016 Letter from Plaintiff Re Canceling TPO & Vacating Hearing.pdf - For Court Use Only  
Notes: Added from Document Scanning session.  
1/11/2016 Request to Appear Telephonically.pdf - For Court Use Only  
Notes: Added from Document Scanning session.  
1/11/2016 Voluntary Withdrawal of Motion.pdf - Filed  
1/12/2016 Order Vacating Hearing (1-11-16).pdf - Filed  
Notes: Added from Document Scanning session.  
2/29/2016 Substitution of Attorney (Amanda King in Pro Per in lieu of Jennifer Anderson).pdf - Filed  
2/8/2017 Judge's Notes.pdf - For Court Use Only  
SEALED  
8/29/2018 Motion to Modify Custody Based Upon Status Quo.pdf - Filed  
9/7/2018 Opposition to Mother's Mtn to Modify Custody - Redacted.pdf - Filed  
Notes: Based Upon Status Quo  
9/14/2018 Opposition to Mother's Mtn to Modify Custody Based.pdf - Filed  
SEALED  
Notes: Upon Status Quo  
9/21/2018 Request for Submission (Reply to Motion to Modify Custody Based Upon Status Quo).pdf - Filed  
9/21/2018 Reply to Motion to Modify Custody Based Upon Status Quo.pdf - Filed  
10/4/2018 Order Setting Hearing (12-27-18).pdf - Filed  
11/15/2018 Defendant's First Disclosure of Witnesses.pdf - Filed  
11/27/2018 General Financial Disclosure Form - Amanda.pdf - Sealed  
SEALED  
12/17/2018 Motion to Limit Hearing Testimony.pdf - Filed  
12/21/2018 Notice of Witnesses.pdf - Filed  
12/27/2018 Witness Lists and Exhibits Lists from 12-27-18 Hearing\Defendant's Exhibit List.pdf - For Court Use Only  
12/27/2018 Witness Lists and Exhibits Lists from 12-27-18 Hearing\Defendant's Exhibits\Defendant's Exhibit A.pdf - Filed  
12/27/2018 Witness Lists and Exhibits Lists from 12-27-18 Hearing\Defendant's Exhibits\Defendant's Exhibit B.pdf - Filed  
12/27/2018 Witness Lists and Exhibits Lists from 12-27-18 Hearing\Plaintiff's Exhibits\Not Admitted\Plaintiff's Exhibit 1.pdf - For Court Use Only  
12/27/2018 Witness Lists and Exhibits Lists from 12-27-18 Hearing\Plaintiff's Exhibits\Not Admitted\Plaintiff's Exhibit 2.pdf - For Court Use Only  
12/27/2018 Witness Lists and Exhibits Lists from 12-27-18 Hearing\Plaintiff's Exhibits\Not Admitted\Plaintiff's Exhibit 3.pdf - For Court Use Only  
12/27/2018 Witness Lists and Exhibits Lists from 12-27-18 Hearing\Plaintiff's Exhibits\Admitted\Plaintiff's Exhibit 4.pdf - Filed  
12/27/2018 Witness Lists and Exhibits Lists from 12-27-18 Hearing\Plaintiff's Exhibits\Admitted\Plaintiff's Exhibit 5.pdf - Filed  
12/27/2018 Witness Lists and Exhibits Lists from 12-27-18 Hearing\Plaintiff's Exhibits\Admitted\Plaintiff's Exhibit 6.pdf - Filed  
12/27/2018 Witness Lists and Exhibits Lists from 12-27-18 Hearing\Plaintiff's Exhibits\Admitted\Plaintiff's Exhibit 7.pdf - Filed  
12/27/2018 Witness Lists and Exhibits Lists from 12-27-18 Hearing\Plaintiff's Exhibits\Admitted\Plaintiff's Exhibit 8.pdf - Filed  
12/27/2018 Witness Lists and Exhibits Lists from 12-27-18 Hearing\Plaintiff's Exhibits\Admitted\Plaintiff's Exhibit 9.pdf - Filed  
12/27/2018 Witness Lists and Exhibits Lists from 12-27-18 Hearing\Plaintiff's Exhibits\Admitted\Plaintiff's Exhibit 10.pdf - Filed  
12/27/2018 Witness Lists and Exhibits Lists from 12-27-18 Hearing\Plaintiff's Exhibits\Admitted\Plaintiff's Exhibit 11.pdf - Filed  
12/28/2018 Witness Lists and Exhibits Lists from 12-27-18 Hearing\Witness List.pdf - For Court Use Only  
12/28/2018 Witness Lists and Exhibits Lists from 12-27-18 Hearing\Plaintiff's Exhibit List.pdf - For Court Use Only  
12/28/2018 Order After December 27, 2018 Hearing.pdf - Filed  
1/23/2019 Points and Authorities Re De Facto Custody and Relocation Analysis - Redacted.pdf - Filed  
1/23/2019 Points and Authorities Re De Facto Custody and Relocation Analysis.pdf - Sealed  
SEALED  
1/24/2019 Defendant's Post Trial Legal Brief.pdf - Filed  
1/30/2019 Motion for Order to Show Cause In Re Contempt.pdf - Filed  
2/21/2019 Request for Submission (Reply to Motion for Order to Show Cause).pdf - Filed  
2/21/2019 Reply to Motion for Order to Show Cause in Re- Contempt.pdf - Filed  
3/1/2019 Order.pdf - Filed

3/1/2019 Notice of Entry of Order (Order filed 3-1-19).pdf - Filed  
3/5/2019 Order Setting Hearing (4-17-19).pdf - Filed  
3/7/2019 Notice of Entry of Order (March 1, 2019 order).pdf - Filed  
3/14/2019 General Financial Disclosure Form- Anthony.pdf - Filed  
SEALED  
3/29/2019 Notice of Appeal.pdf - Filed  
3/29/2019 Case Appeal Statement.pdf - Filed

## Events

6/19/2015 9:30:00 AM | Motion Hearing | CRTM B DEPT II | Court Room B

Thomas, Kathy Dep. Clerk - KTHOMAS

Staff - STAFF

Court Room B - CourtRmB

Geurts, Patrick Bailiff - X004896

Schumann, LeAnn Esq. - X005005

Aberasturi, Leon A. - LAA (Dept II - TJDC)

Dragon, Joseph Esq. - JOED (Law Clerk - 2)

Anderson, Jennifer S. Esq (Respondent's Attorney)

Notes: Plaintiff appeared with legal counsel, LeAnn Schumann. Defendant appeared with her legal counsel, Jennifer Anderson. Both parties were sworn and gave testimony. Additional witnesses were Michael Monahan and Samantha Morrison, Plaintiff's exhibits 1 & 2 were marked, offered, and admitted,. Ms. Anderson & Ms. Schumann gave closing arguments.

Court Ordered: Nevada is found to the home state of the children and this court has jurisdiction over the matter. Court made the finding there is no question as to paternity of the child. Court would not make a final finding in regards to the alleged Domestic Violence at this time but because of the testimony heard today would not allow the fifty-fifty custody at this time. Parties shall have joint legal custody. Father will have visitation 3 weekends a month, the first, second, and third from Friday noon to Sunday at 7:00 p.m. Father will have 1 day mid week on Thursday between 5 & 7 for visitation, A temporary amount of child support of \$576 will be due on July 1. Discovery will start today,. A trial date of Sept 25, 2015 is set for 1 day. Father may skype on Tuesdays at 7:30 with the child. Jennifer Anderson to prepare order.

8/27/2015 9:00:00 AM | Settlement Conference | CRTM A | Court Room A

Staff - STAFF

Court Room A - CourtRmA

Geurts, Patrick Bailiff - X004896

Estes, Honorable Robert E.

Notes: SENIOR JUDGE REQUESTED/JUDGE ESTES PRESIDING

1/12/2016 2:00:00 PM | Ex Parte Motion Hearing | Court Room A

Peebles, DeAnn Dep. Clerk - DPEEPLES

Staff - STAFF

Court Room A - CourtRmA

Geurts, Patrick Bailiff - X004896

Aberasturi, Leon A. - LAA (Dept II - TJDC)

Dragon, Joseph Esq. - JOED (Law Clerk - 2)

12/27/2018 9:30:00 AM | Motion Hearing | Dept II, Ctrm A 15-CV-00418 | Court Room A

Andersen, Andrea Deputy Clerk - AANDERSEN

Staff - STAFF

Geurts, Patrick Bailiff - X004896

Aberasturi, Leon A. - LAA (Dept II - TJDC)

MONAHAN, ANTHONY JACOB (Petitioner)  
Plaintiff

KING, AMANDA KATLYNN (Pro Per)

Defendant

Carucci, Roderic A. Esq. (Respondent's

Attorney)

with Defendant

Schumann, LeAnn Esq. - X005005

with Plaintiff

Notes: Plaintiff's Exhibits 1 through 9 were premarked. Defendant's Exhibit A was premarked. Mr. Carucci requested the hearing be closed. Ms. Schumann advised there is no stipulation as to closing the hearing. Court denied request. Mr. Carucci requested the court to invoke the rule of exclusion. So ordered. Amanda Hogan fka King, Anthony Monahan, Michael Monahan, Samantha Morrison, were sworn. Michael Monahan and Samantha Morrison left the courtroom. Counsel addressed their concerns with the domestic violence issue. Court finds there was no domestic violence and there is no presumption under NRS 125C.0035. Amanda Hogan fka King testified. Defendant's Exhibit A was offered and admitted. Brandon Hogan was sworn and testified. Anthony Jacob Monahan testified. Plaintiff's Exhibit 3 was offered. Mr. Carucci objected to the admission of Plaintiff's Exhibit 3. Plaintiff's Exhibit 3 was not admitted. Plaintiff's Exhibit 4 was offered. Mr. Carucci objected to the admission of Plaintiff's Exhibit 4. Court overruled objection, Plaintiff's Exhibit 4 was admitted. Plaintiff's Exhibit 10 was marked and offered. Mr. Carucci objected to the admission of Plaintiff's Exhibit 10 based upon previous order. Court overruled objection, Plaintiff's Exhibit 10 was admitted. Plaintiff's Exhibits 5-9 were offered and admitted. Samantha Morrison testified. Plaintiff's Exhibit 11 was marked, offered and admitted. Defendant's Exhibit B was marked, offered and admitted. Amanda Hogan fka King testified as a rebuttal witness. Anthony Jacob Monahan testified as a rebuttal witness. Court heard closing argument from Mr. Carucci and Ms. Schumann. Court took matter under submission. Court requested additional briefing from counsel. Briefs are to include the analysis of de facto change of custody and when it can be considered and also how to apply the relocation under NRS 125C.006 and NRS 125C.0065. No objection to blind briefs. Court ordered blind briefs be filed with the Clerk of the Court on or before January 23, 2019. Briefs are to be served upon opposing counsel. Court advised the parties, if the court grants the relocation the child will finish out the 2018-2019 school year in Yerington Elementary School. Ms. Schumann is to discuss Child Support matters with the Plaintiff. Ms. Schumann advised the court a Financial Disclosure will be filed. Court will determine Child Support after ruling on custody and relocation. Court ordered the parties maintain status quo pending the Order. Plaintiff is to have visitation for ten (10) days per month. Plaintiff is to have the child January 4, 2019 through January 11, 2019 and January 25, 2019 through January 27, 2019. Mr. Carucci requested the custodial parent pick up the child for visitation. Ms. Schumann objected. Counsel argued transportation. Court ordered the parent who's visitation is ending is to drop off the child. Court directed counsel to exchange proposed 20-10 schedules and a week on/week off schedule, if parties cannot agree to a schedule, proposed schedules are to be submitted to the court and the Court will choose a schedule.

After the hearing court directed the Clerk to return Plaintiff's Exhibit 11 once a final decision is rendered.

12/31/2018 1:00:00 PM | Telephonic Conference | Dept II - Crtrm A - 15-CV-00418 | Judge's Chambers

Aberasturi, Leon A. - LAA (Dept II - TJDC)

Carucci, Roderic A. Esq. (Respondent's Attorney)

Telephonic obo Respondent

Andersen, Andrea Deputy Clerk - AANDERSEN

Staff - STAFF

Schumann, LeAnn Esq. - X005005

Telephonic obo Petitioner

lawclerk2 - LAW2

John Kilgore

Notes: Counsel questioned New Year's Visitation. Ms. Schumann advised the court the previous court order awarded the Plaintiff visitation on New Years. Counsel argued the New Year's Visitation. Court ordered the defendant have visitation on New Year's, with make up visitation next year for plaintiff. Counsel argued the right of first refusal. Mr. Carucci advised the court the previously ordered briefs court be filed early. Court directed counsel to speak with their clients and if they agree, the briefs could be filed early. Court determined due to the distance between the parties Right of First Refusal does not make sense. Court directed counsel to include a proposed primary visitation schedule in the briefs.

4/17/2019 9:00:00 AM | Motion Hearing | Dept II - Crtrm A - 15-CV-00418 | Court Room A

Staff - STAFF

Court Room A - CourtRmA

lawclerk2 - LAW2

Aberasturi, Leon A. - LAA (Dept II - TJDC)

Case No.: 15-CV-00418

Dept. No.: II

FILED

2019 MAR -1 PM 1:15

TANYA SCHEIRNE  
COURT ADMINISTRATOR  
THIRD JUDICIAL DISTRICT  
ANDREA ANDERSEN DEPUTY

IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF LYON

\*\*\*

ANTHONY JACOB MONAHAN,

Plaintiff,

v.

AMANDA KAITLYN HOGAN fka,  
AMANDA KAITLYN KING,

Defendant.

ORDER

On October 26, 2015, the Court issued a Stipulation and Order Regarding Child Custody, Support and Visitation. On August 29, 2018, Defendant, hereinafter referred to as the "Mother," in the above matter filed a Motion to Modify Custody. The Court held a hearing on the Motion on December 27, 2018. Plaintiff, hereinafter referred to as the "Father," was represented by LEANN SCHUMANN ESQ. and Defendant was represented by RODRIC A. CARRUCCI ESQ. At the hearing the Court heard testimony and evidence from both sides, and ordered the attorneys to submit briefs on the issue of de facto change of custody. There is one (1) child subject to this action, MALAKAI MONAHAN (DOB: 07/18/2012) hereinafter referred to as the "Child."

FINDINGS OF FACT

Counsel addressed their concerns with the domestic violence issue. Court finds there was no domestic violence and there is no presumption under NRS 125C.0035.

1 The Parties altered the joint custody arrangement established in the October 26, 2015  
2 order. The Father began working out of Yerington. Most recently he was living and working in  
3 Winnemucca. His recent return to live and work in Yerington appears to the Court as a pretext  
4 to keep the Mother from gaining a court order that establishes primary custody in her favor. The  
5 Court did not find his testimony credible that he would continue to work in Yerington.

6 The Father's family provided care for the Child as the Father was out of town. The Child  
7 has strong ties to his paternal relatives. The Court was impressed by the amount of care and love  
8 provided by the paternal relatives.

9 Father was aware and did not object to the Mother relocating to Fallon until she filed the  
10 instant motion. Mother drove the Child to Yerington so he could attend school. She also was  
11 able to procure work in Yerington. Mother has now remarried and her new husband works at the  
12 Fallon Naval Air Station. His commitment requires that he live in a certain area because he is  
13 subject to being called out. He may relocate in several years.

#### 14 FINDINGS OF LAW

15 NRS 125C.0035 (4) states:

16 In determining the best interest of the child, the court shall consider and set forth  
17 its specific findings concerning, among other things:

18 (a) The wishes of the child if the child is of sufficient age and capacity to  
form an intelligent preference as to his or her physical custody.

19 (b) Any nomination of a guardian for the child by a parent.

20 (c) Which parent is more likely to allow the child to have frequent  
associations and a continuing relationship with the noncustodial parent.

21 (d) The level of conflict between the parents.

22 (e) The ability of the parents to cooperate to meet the needs of the child.

23 (f) The mental and physical health of the parents.

24 (g) The physical, developmental and emotional needs of the child.

25 (h) The nature of the relationship of the child with each parent.

26 (i) The ability of the child to maintain a relationship with any sibling.

27 (j) Any history of parental abuse or neglect of the child or a sibling of the  
child.

28 (k) Whether either parent or any other person seeking physical custody has  
engaged in an act of domestic violence against the child, a parent of the child or  
any other person residing with the child.

(l) Whether either parent or any other person seeking physical custody has  
committed any act of abduction against the child or any other child.

1 In *Potter v. Potter*, the Nevada Supreme Court held that a district court in determining  
2 whether relocation should be permitted may consider "whether one parent had de facto primary  
3 custody of the child prior to the motion." 121 Nev. 613, 618 (2005). The Court found no case  
4 law overruling this holding after the passage of NRS 125C.006, 125C.0065, 125C.007 and  
5 125C.0035.

6 The Court also found no case law regarding the necessity of any consent being in writing  
7 other than to avoid possible criminal consequences under NRS 200.359. The Court found no case  
8 law as to whether implied consent can exist under the analysis NRS 125C.006, 125C.0065, and  
9 125C.007 require.

10 NRS 125C.006 states:

11 1. If primary physical custody has been established pursuant to an order,  
12 judgment or decree of a court and the custodial parent intends to relocate his or  
13 her residence to a place outside of this State or to a place within this State that is  
14 at such a distance that would substantially impair the ability of the other parent to  
15 maintain a meaningful relationship with the child, and the custodial parent desires  
16 to take the child with him or her, the custodial parent shall, before relocating:

17 (a) Attempt to obtain the written consent of the noncustodial parent to  
18 relocate with the child; and

19 (b) If the noncustodial parent refuses to give that consent, petition the court  
20 for permission to relocate with the child.

21 2. The court may award reasonable attorney's fees and costs to the custodial  
22 parent if the court finds that the noncustodial parent refused to consent to the  
23 custodial parent's relocation with the child:

24 (a) Without having reasonable grounds for such refusal; or

25 (b) For the purpose of harassing the custodial parent.

26 3. A parent who relocates with a child pursuant to this section without the  
27 written consent of the noncustodial parent or the permission of the court is subject  
28 to the provisions of NRS 200.359.

NRS 125C.0065 states:

1. If joint physical custody has been established pursuant to an order,  
judgment or decree of a court and one parent 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 the relocating parent  
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 primary physical custody for the purpose of relocating.

2. 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 relocating parent's relocation with the child:

- (a) Without having reasonable grounds for such refusal; or
- (b) For the purpose of harassing the relocating parent.

3. A parent who relocates with a child pursuant to this section before the court enters an order granting the parent primary physical custody of the child and permission to relocate with the child is subject to the provisions of NRS 200.359.

NRS 125C.007 states:

1. In every instance of a petition for permission to relocate with a child that is filed pursuant to NRS 125C.006 or 125C.0065, the relocating parent must 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;
- (b) The best interests of the child are served by allowing the relocating parent to relocate with the child; and
- (c) The child and the relocating parent will benefit from an actual advantage as a result of the relocation.

2. If a relocating parent demonstrates to the court the provisions set forth in subsection 1, the court must then 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;
- (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;
- (c) Whether the relocating parent will comply with any substitute visitation orders issued by the court if permission to relocate is granted;
- (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;
- (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; and
- (f) Any other factor necessary to assist the court in determining whether to grant permission to relocate.

3. A parent who desires to relocate with a child pursuant to NRS 125C.006 or 125C.0065 has the burden of proving that relocating with the child is in the best interest of the child.

### **Conclusions of Law**



1 The Court concludes that the Mother had de facto primary custody of the Child. The de  
2 facto custody agreement is in the best interests of the Child. Pursuant to NRS 125C.0035, the  
3 Court concludes:

4 (a) The wishes of the child if the child is of sufficient age and capacity to form an intelligent  
5 preference as to his or her physical custody.

6 The factor was not argued. However, the Child is not of a sufficient age based upon his  
7 birthdate.

8 (b) Any nomination of a guardian for the child by a parent.

9 Not applicable.

10 (c) Which parent is more likely to allow the child to have frequent associations and a continuing  
11 relationship with the noncustodial parent.

12 This factor favors the Mother as the Father had moved from Yerington to work and spent  
13 two thirds of his time in Winnemucca. The Mother continued to bring the Child to Yerington  
14 despite the fact that the Father was not present and was in Winnemucca.

15 (d) The level of conflict between the parents.

16 This factor does not favor either Party. Both do not care for each other. The Court  
17 cannot find that the conflict originates from one Party.

18  
19 (e) The ability of the parents to cooperate to meet the needs of the child.

20 The Father tends to focus on his work and relies upon others to provide care for the  
21 Child. The Mother has difficulty cooperating with the other care givers. This factor favors  
22 neither Party.

23  
24 (f) The mental and physical health of the parents.

25 Both parents seem to be emotionally immature, but neither showed any psychological or  
26 physical handicaps that would prevent them from parenting. This factor favors neither Party.

27 (g) The physical, developmental and emotional needs of the child.  
28

1 This factor favors Mother as Father relies upon others to care for the Child.

2 (h) The nature of the relationship of the child with each parent.

3 The Child has a good relationship with both Parties. However, this factor favors Mother  
4 as the Father relies upon others to care for the Child.

5 (i) The ability of the child to maintain a relationship with any sibling.

6 This factor does not apply in the strict sense of the statute. If it were to apply to relatives  
7 and step-siblings, then it would favor the Father.

8 (j) Any history of parental abuse or neglect of the child or a sibling of the child.

9 Not applicable.

10 (k) Whether either parent or any other person seeking physical custody has engaged in an act of  
11 domestic violence against the child, a parent of the child or any other person residing with the  
12 child.

13 Not applicable.

14 (l) Whether either parent or any other person seeking physical custody has committed any act of  
15 abduction against the child or any other child.

16 Not applicable.

17 The Court also concludes that the Father was aware of the Mother's relocation and gave  
18 implied consent to the relocation, although not in writing. The Father's real issues in this case  
19 are that the relocation interferes with his relatives' relationship with the Child and that in the  
20 future the Mother may wish to relocate out of state. The Parties did not litigate the school issue.

21 If NRS 125C.006 and 125C.0065 did apply, the Court concludes that the relocation  
22 complies with the applicable statutes. The Mother presented evidence that the relocation situs  
23 will not substantially impair the ability of the Father to maintain a meaningful relationship with  
24 the Child based upon the de facto custody arrangement in place at the time of the relocation.  
25 Father can exercise visitation as the relocation situs is only one hour away from Yerington and  
26  
27  
28

1 three hours from Winnemucca. The Court can fashion a new schedule that provides for weekend  
2 and summer visitation.

3 The Court appreciated the evidence that Father's counsel put on regarding the impact the  
4 relocation has on the paternal relatives. However, the statute only speaks to a relocation  
5 impacting a parent's relationship. A finding of an impact to a parent's relationship triggers the  
6 requirement to file for permission to relocate and for a court to engage in an analysis under  
7 125C.007. Without a finding of an impact to the parent, the Court does not enter into a best  
8 interests' analysis under 125C.007.

9 Furthermore, if the Court is in error as to the relocation analysis, the Mother has  
10 established she is in compliance with NRS 125C.007. She met her burden under both subsections  
11 (1) and (2).

12 Pursuant to subsection (a), the Court concludes that the Mother had a good faith basis.  
13 She has a new relationship. Her new husband works in Fallon. He provides income to maintain  
14 a stable relationship.

15 Pursuant to subsection (b), the Court concludes that the relocation is in the best interests  
16 of the Child. The Father had been previously awarded joint custody and consented to the Mother  
17 exercising primary custody. As between the Child's parents, the Mother has demonstrated that  
18 she cares for the Child the majority of the time. She tends to the Child's educational needs.  
19 Father has used relatives to care for the Child in lieu of performing them himself. Relocation  
20 provides her more time to spend with the Child and less time for the Child to be cared for by  
21 relatives or others.

22 The Court recognizes that this does not make the Father a bad person. The Court also  
23 recognizes that the Child benefits from having an active extended family. However, the  
24 applicable statutes and Nevada case law do not support denial of relocation on the basis that the  
25 extended family provides support for a child. There was absolutely no showing that the Mother  
26 is unfit.

1 Pursuant to subsection (c), the Court concludes that the Child and Mother will benefit.  
2 The Mother can either take classes or find work in Fallon. The Child will not have to commute  
3 two hours a day. The Child will have more time with his Mother while not being in a vehicle.

4 As to the factors in subsection (2) the Court concludes:

5 (a) The extent to which the relocation is likely to improve the quality of life for  
6 the child and the relocating parent;

7 As stated above, both the Mother and Child will spend less time in a vehicle. The City of  
8 Fallon offers the Mother working and educational opportunities. The Mother will have  
9 additional time to spend with her new husband.

10 The Child will have the same educational opportunities. The Mother will have more time  
11 to engage in extracurricular opportunities with the Child.

12 (b) Whether the motives of the relocating parent are honorable and not designed  
13 to frustrate or defeat any visitation rights accorded to the non-relocating parent;

14 As stated above, the Mother had honorable motives. Mother continued to bring the Child  
15 to the same school after relocating. Mother took no action to prevent the paternal relatives from  
16 seeing the Child. The Court found no evidence that the Mother sought to frustrate the Father  
17 from having a relationship with the Child.

18 (c) Whether the relocating parent will comply with any substitute visitation  
19 orders issued by the court if permission to relocate is granted;

20 The Court found no credible evidence that the Mother would refuse to follow any  
21 subsequent order this Court may issue to establish a visitation order.

22 (d) Whether the motives of the non-relocating parent are honorable in resisting  
23 the petition for permission to relocate or to what extent any opposition to the  
24 petition for permission to relocate is intended to secure a financial advantage in  
25 the form of ongoing support obligations or otherwise;

26 The Father's motives are honorable. His family clearly loves the Child deeply. The  
27 Court believes that the origins of any dispute arise from the fact that the relocation will impact  
28 the paternal relatives' relationship with the Child. The Father appears to the Court as fighting  
the relocation as he does not desire to see those relationships impacted.

(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

1 relationship between the child and the non-relocating parent if permission to  
2 relocate is granted;

3 As state above, the Court concludes that it can create a visitation schedule that will  
4 adequately foster and preserve the parental relationship. The Court agrees with Father that the  
5 Court cannot create a visitation schedule that will preserve relationship the Child now maintains  
6 with the paternal relatives.

7 (f) Any other factor necessary to assist the court in determining whether to grant  
8 permission to relocate.

9 The Father invited the Court to speculate as to whether the Mother's relationship would  
10 last long and whether the Mother was seeking to establish an advantage should she seek to  
11 relocate out of state in the future if her new husband was relocated. The Court did not accept the  
12 invitation.

13 Based upon the above and good cause appearing, the Court hereby **ADJUDGES and**  
14 **ORDERS** as follows:

- 15 1. The Mother was not required to seek permission to relocate pursuant to either  
16 NRS 125C.006 or 125C.0065.
- 17 2. The Mother has met her burden of proof under NRS 125C.007 to relocate.
- 18 3. The Parties shall meet and confer regarding a visitation schedule. In the event no  
19 agreement can be reached, either party shall request a hearing.
- 20 4. The Child shall finish the school year in his current school.

21 DATED: This 28<sup>th</sup> day of February, 2019.

22   
23 Hon. LEON ABERASTURI  
24 DISTRICT JUDGE  
25  
26  
27  
28

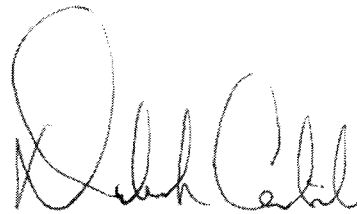
1  
2  
3 **Certificate of Mailing**  
4

5 I hereby certify that I, Deborah Carlisle, am an employee of the Third Judicial  
6 District Court, and that on this date pursuant to NRCP 5(b), a true copy of the foregoing document was  
7 mailed at Yerington, Nevada addressed to:

8 Johnston Law Offices, P.C.  
9 LeAnn Schumann, Esq.  
10 *Deposited in the TJDC mailbox*

11 Roderic A. Carucci, Esq.  
12 Carucci and Associates  
13 702 Plumas Street  
14 Reno, NV 89509

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DATED: This 1<sup>st</sup> day of March, 2019.



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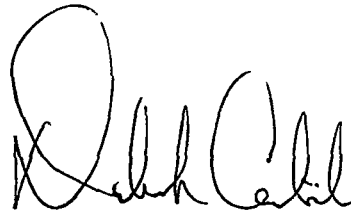
**Certificate of Mailing**

I hereby certify that I, Deborah Carlisle, am an employee of the Third Judicial District Court, and that on this date pursuant to NRCP 5(b), a true copy of the foregoing document was mailed at Yerington, Nevada addressed to:

Johnston Law Offices, P.C.  
LeAnn Schumann, Esq.  
*Deposited in the TJDC mailbox*

Roderic A. Carucci, Esq.  
Carucci and Associates  
702 Plumas Street  
Reno, NV 89509

DATED: This 1<sup>st</sup> day of March, 2019.



---

1 CASE NO.: 15-CV-00418

2 DEPT. NO.: 2

3 The undersigned hereby affirms this document  
4 does not contain a social security number.

FILED

2019 MAR -7 AM 11:56

TANYA SCHEINE  
COURT ADMINISTRATOR  
THIRD JUDICIAL DISTRICT

*[Signature]*

5  
6  
7  
8  
9 IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
10 IN AND FOR THE COUNTY OF LYON

11  
12 ANTHONY JACOB MONAHAN,

13 Plaintiff,

14 vs.

**NOTICE OF ENTRY OF ORDER**

15 AMANDA KAITLYN HOGAN fka  
16 AMANDA KAITLYN KING,

17 Defendant.

18 To: Plaintiff, Anthony Jacob Monahan ("Father") and his counsel of record, LeAnn  
19 E. Schumann, Esq.

20 Please take notice that on March 1, 2019, this Honorable Court entered its "Order"  
21 in the above captioned matter. A copy is attached hereto as Exhibit 1.

22 DATED: March 4, 2019

23 Carucci and Associates  
24 702 Plumas Street  
25 Reno, Nevada 89509  
26 (775) 323-0400

27 By:

*[Signature]*  
28 Roderic A. Carucci, Esq.  
Kelly A. VandeBurgt, Esq.  
Attorneys for Amanda Hogan



**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of Carucci & Associates and on March 4, 2019, I served a true and correct copy of:

**Notice of Entry of Order**

by:

☒ Placing an original or true copy thereof in a sealed envelope, postage prepaid for collection and mailing in the United States Mail at Reno, Nevada

☐ Personal Delivery

☐ Facsimile to the following number: \_\_\_\_\_

☐ Reno Carson Messenger Service

☐ Certified Mail, Return Receipt Requested


☐ E-Flex filing system

☐ Electronic mail addressed to:

addressed to:

LeAnn E. Schumann, Esq.  
22 State Route 208  
Yerington, NV 89447

Amanda Hogan  
891 Woodhaven Drive  
Fallon, NV 89406

  
Clarissa Conn  
Carucci and Associates

# **EXHIBIT 1**

# **EXHIBIT 1**

Case No.: 15-CV-00418

Dept. No.: II

FILED

2019 MAR -1 PM 1:15

TANYA SCOTT NE  
COURT ADMINISTRATOR  
THIRD JUDICIAL DISTRICT

Andrea Andersen

IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF LYON

\*\*\*

ANTHONY JACOB MONAHAN,

Plaintiff,

v.

AMANDA KAITLYN HOGAN fka,  
AMANDA KAITLYN KING,

Defendant.

**ORDER**

On October 26, 2015, the Court issued a Stipulation and Order Regarding Child Custody, Support and Visitation. On August 29, 2018, Defendant, hereinafter referred to as the "Mother," in the above matter filed a Motion to Modify Custody. The Court held a hearing on the Motion on December 27, 2018. Plaintiff, hereinafter referred to as the "Father," was represented by LEANN SCHUMANN ESQ. and Defendant was represented by RODRIC A. CARRUCCI ESQ. At the hearing the Court heard testimony and evidence from both sides, and ordered the attorneys to submit briefs on the issue of de facto change of custody. There is one (1) child subject to this action, MALAKAI MONAHAN (DOB: 07/18/2012) hereinafter referred to as the "Child."

**FINDINGS OF FACT**

Counsel addressed their concerns with the domestic violence issue. Court finds there was no domestic violence and there is no presumption under NRS 125C.0035.

1 The Parties altered the joint custody arrangement established in the October 26, 2015  
2 order. The Father began working out of Yerington. Most recently he was living and working in  
3 Winnemucca. His recent return to live and work in Yerington appears to the Court as a pretext  
4 to keep the Mother from gaining a court order that establishes primary custody in her favor. The  
5 Court did not find his testimony credible that he would continue to work in Yerington.

6 The Father's family provided care for the Child as the Father was out of town. The Child  
7 has strong ties to his paternal relatives. The Court was impressed by the amount of care and love  
8 provided by the paternal relatives.

9 Father was aware and did not object to the Mother relocating to Fallon until she filed the  
10 instant motion. Mother drove the Child to Yerington so he could attend school. She also was  
11 able to procure work in Yerington. Mother has now remarried and her new husband works at the  
12 Fallon Naval Air Station. His commitment requires that he live in a certain area because he is  
13 subject to being called out. He may relocate in several years.

#### 14 FINDINGS OF LAW

15 NRS 125C.0035 (4) states:

16 In determining the best interest of the child, the court shall consider and set forth  
17 its specific findings concerning, among other things:

18 (a) The wishes of the child if the child is of sufficient age and capacity to  
19 form an intelligent preference as to his or her physical custody.

20 (b) Any nomination of a guardian for the child by a parent.

21 (c) Which parent is more likely to allow the child to have frequent  
22 associations and a continuing relationship with the noncustodial parent.

23 (d) The level of conflict between the parents.

24 (e) The ability of the parents to cooperate to meet the needs of the child.

25 (f) The mental and physical health of the parents.

26 (g) The physical, developmental and emotional needs of the child.

27 (h) The nature of the relationship of the child with each parent.

28 (i) The ability of the child to maintain a relationship with any sibling.

(j) Any history of parental abuse or neglect of the child or a sibling of the  
child.

(k) Whether either parent or any other person seeking physical custody has  
engaged in an act of domestic violence against the child, a parent of the child or  
any other person residing with the child.

(l) Whether either parent or any other person seeking physical custody has  
committed any act of abduction against the child or any other child.

1 In *Potter v. Potter*, the Nevada Supreme Court held that a district court in determining  
2 whether relocation should be permitted may consider "whether one parent had de facto primary  
3 custody of the child prior to the motion." 121 Nev. 613, 618 (2005). The Court found no case  
4 law overruling this holding after the passage of NRS 125C.006, 125C.0065, 125C.007 and  
5 125C.0035.

6 The Court also found no case law regarding the necessity of any consent being in writing  
7 other than to avoid possible criminal consequences under NRS 200.359. The Court found no case  
8 law as to whether implied consent can exist under the analysis NRS 125C.006, 125C.0065, and  
9 125C.007 require.

10 NRS 125C.006 states:

11 1. If primary physical custody has been established pursuant to an order,  
12 judgment or decree of a court and the custodial parent intends to relocate his or  
13 her residence to a place outside of this State or to a place within this State that is  
14 at such a distance that would substantially impair the ability of the other parent to  
15 maintain a meaningful relationship with the child, and the custodial parent desires  
16 to take the child with him or her, the custodial parent shall, before relocating:

17 (a) Attempt to obtain the written consent of the noncustodial parent to  
18 relocate with the child; and

19 (b) If the noncustodial parent refuses to give that consent, petition the court  
20 for permission to relocate with the child.

21 2. The court may award reasonable attorney's fees and costs to the custodial  
22 parent if the court finds that the noncustodial parent refused to consent to the  
23 custodial parent's relocation with the child:

24 (a) Without having reasonable grounds for such refusal; or

25 (b) For the purpose of harassing the custodial parent.

26 3. A parent who relocates with a child pursuant to this section without the  
27 written consent of the noncustodial parent or the permission of the court is subject  
28 to the provisions of NRS 200.359.

NRS 125C.0065 states:

1. If joint physical custody has been established pursuant to an order,  
judgment or decree of a court and one parent 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 the relocating parent  
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 primary physical custody for the purpose of relocating.

1           2. The court may award reasonable attorney's fees and costs to the  
2 relocating parent if the court finds that the non-relocating parent refused to  
3 consent to the relocating parent's relocation with the child:

- 4           (a) Without having reasonable grounds for such refusal; or  
5           (b) For the purpose of harassing the relocating parent.

6           3. A parent who relocates with a child pursuant to this section before the  
7 court enters an order granting the parent primary physical custody of the child and  
8 permission to relocate with the child is subject to the provisions of NRS 200.359.

9           NRS 125C.007 states:

10          1. In every instance of a petition for permission to relocate with a child that is  
11 filed pursuant to NRS 125C.006 or 125C.0065, the relocating parent must  
12 demonstrate to the court that:

- 13           (a) There exists a sensible, good-faith reason for the move, and the move is  
14 not intended to deprive the non-relocating parent of his or her parenting time;  
15           (b) The best interests of the child are served by allowing the relocating parent  
16 to relocate with the child; and  
17           (c) The child and the relocating parent will benefit from an actual advantage  
18 as a result of the relocation.

19          2. If a relocating parent demonstrates to the court the provisions set forth in  
20 subsection 1, the court must then weigh the following factors and the impact of  
21 each on the child, the relocating parent and the non-relocating parent, including,  
22 without limitation, the extent to which the compelling interests of the child, the  
23 relocating parent and the non-relocating parent are accommodated:

- 24           (a) The extent to which the relocation is likely to improve the quality of life  
25 for the child and the relocating parent;  
26           (b) Whether the motives of the relocating parent are honorable and not  
27 designed to frustrate or defeat any visitation rights accorded to the non-relocating  
28 parent;  
29           (c) Whether the relocating parent will comply with any substitute visitation  
30 orders issued by the court if permission to relocate is granted;  
31           (d) Whether the motives of the non-relocating parent are honorable in  
32 resisting the petition for permission to relocate or to what extent any opposition to  
33 the petition for permission to relocate is intended to secure a financial advantage  
34 in the form of ongoing support obligations or otherwise;  
35           (e) Whether there will be a realistic opportunity for the non-relocating parent  
36 to maintain a visitation schedule that will adequately foster and preserve the  
37 parental relationship between the child and the non-relocating parent if permission  
38 to relocate is granted; and  
39           (f) Any other factor necessary to assist the court in determining whether to  
40 grant permission to relocate.

41          3. A parent who desires to relocate with a child pursuant to NRS  
42 125C.006 or 125C.0065 has the burden of proving that relocating with the child is  
43 in the best interest of the child.

#### Conclusions of Law

1 The Court concludes that the Mother had de facto primary custody of the Child. The de  
2 facto custody agreement is in the best interests of the Child. Pursuant to NRS 125C.0035, the  
3 Court concludes:

4 (a) The wishes of the child if the child is of sufficient age and capacity to form an intelligent  
5 preference as to his or her physical custody.

6 The factor was not argued. However, the Child is not of a sufficient age based upon his  
7 birthdate.

8 (b) Any nomination of a guardian for the child by a parent.

9 Not applicable.

10 (c) Which parent is more likely to allow the child to have frequent associations and a continuing  
11 relationship with the noncustodial parent.

12 This factor favors the Mother as the Father had moved from Yerington to work and spent  
13 two thirds of his time in Winnemucca. The Mother continued to bring the Child to Yerington  
14 despite the fact that the Father was not present and was in Winnemucca.

15 (d) The level of conflict between the parents.

16 This factor does not favor either Party. Both do not care for each other. The Court  
17 cannot find that the conflict originates from one Party.

18 (e) The ability of the parents to cooperate to meet the needs of the child.

19 The Father tends to focus on his work and relies upon others to provide care for the  
20 Child. The Mother has difficulty cooperating with the other care givers. This factor favors  
21 neither Party.

22 (f) The mental and physical health of the parents.

23 Both parents seem to be emotionally immature, but neither showed any psychological or  
24 physical handicaps that would prevent them from parenting. This factor favors neither Party.

25 (g) The physical, developmental and emotional needs of the child.

1 This factor favors Mother as Father relies upon others to care for the Child.

2 (h) The nature of the relationship of the child with each parent.

3 The Child has a good relationship with both Parties. However, this factor favors Mother  
4 as the Father relies upon others to care for the Child.

5 (i) The ability of the child to maintain a relationship with any sibling.

6  
7 This factor does not apply in the strict sense of the statute. If it were to apply to relatives  
8 and step-siblings, then it would favor the Father.

9 (j) Any history of parental abuse or neglect of the child or a sibling of the child.

10 Not applicable.

11  
12 (k) Whether either parent or any other person seeking physical custody has engaged in an act of  
13 domestic violence against the child, a parent of the child or any other person residing with the  
14 child.

15 Not applicable.

16 (l) Whether either parent or any other person seeking physical custody has committed any act of  
17 abduction against the child or any other child.

18 Not applicable.

19 The Court also concludes that the Father was aware of the Mother's relocation and gave  
20 implied consent to the relocation, although not in writing. The Father's real issues in this case  
21 are that the relocation interferes with his relatives' relationship with the Child and that in the  
22 future the Mother may wish to relocate out of state. The Parties did not litigate the school issue.

23 If NRS 125C.006 and 125C.0065 did apply, the Court concludes that the relocation  
24 complies with the applicable statutes. The Mother presented evidence that the relocation situs  
25 will not substantially impair the ability of the Father to maintain a meaningful relationship with  
26 the Child based upon the de facto custody arrangement in place at the time of the relocation.  
27 Father can exercise visitation as the relocation situs is only one hour away from Yerington and  
28



1 three hours from Winnemucca. The Court can fashion a new schedule that provides for weekend  
2 and summer visitation.

3 The Court appreciated the evidence that Father's counsel put on regarding the impact the  
4 relocation has on the paternal relatives. However, the statute only speaks to a relocation  
5 impacting a parent's relationship. A finding of an impact to a parent's relationship triggers the  
6 requirement to file for permission to relocate and for a court to engage in an analysis under  
7 125C.007. Without a finding of an impact to the parent, the Court does not enter into a best  
8 interests' analysis under 125C.007.

9 Furthermore, if the Court is in error as to the relocation analysis, the Mother has  
10 established she is in compliance with NRS 125C.007. She met her burden under both subsections  
11 (1) and (2).

12 Pursuant to subsection (a), the Court concludes that the Mother had a good faith basis.  
13 She has a new relationship. Her new husband works in Fallon. He provides income to maintain  
14 a stable relationship.

15 Pursuant to subsection (b), the Court concludes that the relocation is in the best interests  
16 of the Child. The Father had been previously awarded joint custody and consented to the Mother  
17 exercising primary custody. As between the Child's parents, the Mother has demonstrated that  
18 she cares for the Child the majority of the time. She tends to the Child's educational needs.  
19 Father has used relatives to care for the Child in lieu of performing them himself. Relocation  
20 provides her more time to spend with the Child and less time for the Child to be cared for by  
21 relatives or others.

22 The Court recognizes that this does not make the Father a bad person. The Court also  
23 recognizes that the Child benefits from having an active extended family. However, the  
24 applicable statutes and Nevada case law do not support denial of relocation on the basis that the  
25 extended family provides support for a child. There was absolutely no showing that the Mother  
26 is unfit.

1 Pursuant to subsection (c), the Court concludes that the Child and Mother will benefit.  
2 The Mother can either take classes or find work in Fallon. The Child will not have to commute  
3 two hours a day. The Child will have more time with his Mother while not being in a vehicle.

4 As to the factors in subsection (2) the Court concludes:

5 (a) The extent to which the relocation is likely to improve the quality of life for  
6 the child and the relocating parent;

7 As stated above, both the Mother and Child will spend less time in a vehicle. The City of  
8 Fallon offers the Mother working and educational opportunities. The Mother will have  
9 additional time to spend with her new husband.

10 The Child will have the same educational opportunities. The Mother will have more time  
11 to engage in extracurricular opportunities with the Child.

12 (b) Whether the motives of the relocating parent are honorable and not designed  
13 to frustrate or defeat any visitation rights accorded to the non-relocating parent;

14 As stated above, the Mother had honorable motives. Mother continued to bring the Child  
15 to the same school after relocating. Mother took no action to prevent the paternal relatives from  
16 seeing the Child. The Court found no evidence that the Mother sought to frustrate the Father  
17 from having a relationship with the Child.

18 (c) Whether the relocating parent will comply with any substitute visitation  
19 orders issued by the court if permission to relocate is granted;

20 The Court found no credible evidence that the Mother would refuse to follow any  
21 subsequent order this Court may issue to establish a visitation order.

22 (d) Whether the motives of the non-relocating parent are honorable in resisting  
23 the petition for permission to relocate or to what extent any opposition to the  
24 petition for permission to relocate is intended to secure a financial advantage in  
25 the form of ongoing support obligations or otherwise;

26 The Father's motives are honorable. His family clearly loves the Child deeply. The  
27 Court believes that the origins of any dispute arise from the fact that the relocation will impact  
28 the paternal relatives' relationship with the Child. The Father appears to the Court as fighting  
the relocation as he does not desire to see those relationships impacted.

(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

1 relationship between the child and the non-relocating parent if permission to  
2 relocate is granted;

3 As state above, the Court concludes that it can create a visitation schedule that will  
4 adequately foster and preserve the parental relationship. The Court agrees with Father that the  
5 Court cannot create a visitation schedule that will preserve relationship the Child now maintains  
6 with the paternal relatives.


7 (f) Any other factor necessary to assist the court in determining whether to grant  
8 permission to relocate.

9 The Father invited the Court to speculate as to whether the Mother's relationship would  
10 last long and whether the Mother was seeking to establish an advantage should she seek to  
11 relocate out of state in the future if her new husband was relocated. The Court did not accept the  
12 invitation.

13 Based upon the above and good cause appearing, the Court hereby **ADJUDGES and**  
14 **ORDERS** as follows:

- 15 1. The Mother was not required to seek permission to relocate pursuant to either  
16 NRS 125C.006 or 125C.0065.
- 17 2. The Mother has met her burden of proof under NRS 125C.007 to relocate.
- 18 3. The Parties shall meet and confer regarding a visitation schedule. In the event no  
19 agreement can be reached, either party shall request a hearing.
- 20 4. The Child shall finish the school year in his current school.

21 DATED: This 20<sup>th</sup> day of February, 2019.

22   
23 Hon. LEON ABERASTURI  
24 DISTRICT JUDGE  
25  
26  
27  
28

## Case Summary

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1/24/2019 Defendant's Post Trial Legal Brief.pdf - Filed  
1/30/2019 Motion for Order to Show Cause In Re Contempt.pdf - Filed  
2/21/2019 Request for Submission (Reply to Motion for Order to Show Cause).pdf - Filed  
2/21/2019 Reply to Motion for Order to Show Cause in Re- Contempt.pdf - Filed  
3/1/2019 Order.pdf - Filed  
3/1/2019 Notice of Entry of Order (Order filed 3-1-19).pdf - Filed  
3/5/2019 Order Setting Hearing (4-17-19).pdf - Filed  
3/7/2019 Notice of Entry of Order (March 1, 2019 order).pdf - Filed  
3/14/2019 General Financial Disclosure Form- Anthony.pdf - Filed  
SEALED  
3/29/2019 Notice of Appeal.pdf - Filed  
3/29/2019 Case Appeal Statement.pdf - Filed

### Events

6/19/2015 9:30:00 AM | Motion Hearing | CRTM B DEPT II | Court Room B

Thomas, Kathy Dep. Clerk - KTHOMAS

Staff - STAFF

Court Room B - CourtRmB

Geurts, Patrick Bailiff - X004896

Schumann, LeAnn Esq. - X005005

Aberasturi, Leon A. - LAA (Dept II - TJDC)

Dragon, Joseph Esq. - JOED (Law Clerk - 2)

Anderson, Jennifer S. Esq (Respondent's Attorney)

Notes: Plaintiff appeared with legal counsel, LeAnn Schumann. Defendant appeared with her legal counsel, Jennifer Anderson. Both parties were sworn and gave testimony. Additional witnesses were Michael Monahan and Samantha Morrison, Plaintiff's exhibits 1 & 2 were marked, offered, and admitted,.

Ms. Anderson & Ms. Schumann gave closing arguments.

Court Ordered: Nevada is found to the home state of the children and this court has jurisdiction over the matter. Court made the finding there is no question as to paternity of the child. Court would not make a final finding in regards to the alleged Domestic Violence at this time but because of the testimony heard today would not allow the fifty-fifty custody at this time. Parties shall have joint legal custody. Father will have visitation 3 weekends a month, the first, second, and third from Friday noon to Sunday at 7:00 p.m. Father will have 1 day mid week on Thursday between 5 & 7 for visitation, A temporary amount of child support of \$576 will be due on July 1. Discovery will start today,. A trial date of Sept 25, 2015 is set for 1 day. Father may skype on Tuesdays at 7:30 with the child. Jennifer Anderson to prepare order.

8/27/2015 9:00:00 AM | Settlement Conference | CRTM A | Court Room A

Staff - STAFF

Court Room A - CourtRmA

Geurts, Patrick Bailiff - X004896

Estes, Honorable Robert E.

Notes: SENIOR JUDGE REQUESTED/JUDGE ESTES PRESIDING

1/12/2016 2:00:00 PM | Ex Parte Motion Hearing | Court Room A

Peeples, DeAnn Dep. Clerk - DPPEPLES

Staff - STAFF

Court Room A - CourtRmA

Geurts, Patrick Bailiff - X004896

Aberasturi, Leon A. - LAA (Dept II - TJDC)

Dragon, Joseph Esq. - JOED (Law Clerk - 2)

12/27/2018 9:30:00 AM | Motion Hearing | Dept II, Crtrm A 15-CV-00418 | Court Room A

Andersen, Andrea Deputy Clerk -

AANDERSEN

Staff - STAFF

Geurts, Patrick Bailiff - X004896

Aberasturi, Leon A. - LAA (Dept II - TJDC)

MONAHAN, ANTHONY JACOB (Petitioner)

Plaintiff

KING, AMANDA KATLYNN (Pro Per)

Defendant

Carucci, Roderic A. Esq. (Respondent's Attorney)

## Case Summary

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with Defendant

Schumann, LeAnn Esq. - X005005

with Plaintiff

Notes: Plaintiff's Exhibits 1 through 9 were premarked. Defendant's Exhibit A was premarked. Mr. Carucci requested the hearing be closed. Ms. Schumann advised there is no stipulation as to closing the hearing. Court denied request. Mr. Carucci requested the court to invoke the rule of exclusion. So ordered. Amanda Hogan fka King, Anthony Monahan, Michael Monahan, Samantha Morrison, were sworn. Michael Monahan and Samantha Morrison left the courtroom. Counsel addressed their concerns with the domestic violence issue. Court finds there was no domestic violence and there is no presumption under NRS 125C.0035. Amanda Hogan fka King testified. Defendant's Exhibit A was offered and admitted. Brandon Hogan was sworn and testified. Anthony Jacob Monahan testified. Plaintiff's Exhibit 3 was offered. Mr. Carucci objected to the admission of Plaintiff's Exhibit 3. Plaintiff's Exhibit 3 was not admitted. Plaintiff's Exhibit 4 was offered. Mr. Carucci objected to the admission of Plaintiff's Exhibit 4. Court overruled objection, Plaintiff's Exhibit 4 was admitted. Plaintiff's Exhibit 10 was marked and offered. Mr. Carucci objected to the admission of Plaintiff's Exhibit 10 based upon previous order. Court overruled objection, Plaintiff's Exhibit 10 was admitted. Plaintiff's Exhibits 5-9 were offered and admitted. Samantha Morrison testified. Plaintiff's Exhibit 11 was marked, offered and admitted. Defendant's Exhibit B was marked, offered and admitted. Amanda Hogan fka King testified as a rebuttal witness. Anthony Jacob Monahan testified as a rebuttal witness. Court heard closing argument from Mr. Carucci and Ms. Schumann. Court took matter under submission. Court requested additional briefing from counsel. Briefs are to include the analysis of de facto change of custody and when it can be considered and also how to apply the relocation under NRS 125C.006 and NRS 125C.0065. No objection to blind briefs. Court ordered blind briefs be filed with the Clerk of the Court on or before January 23, 2019. Briefs are to be served upon opposing counsel. Court advised the parties, if the court grants the relocation the child will finish out the 2018-2019 school year in Yerington Elementary School. Ms. Schumann is to discuss Child Support matters with the Plaintiff. Ms. Schumann advised the court a Financial Disclosure will be filed. Court will determine Child Support after ruling on custody and relocation. Court ordered the parties maintain status quo pending the Order. Plaintiff is to have visitation for ten (10) days per month. Plaintiff is to have the child January 4, 2019 through January 11, 2019 and January 25, 2019 through January 27, 2019. Mr. Carucci requested the custodial parent pick up the child for visitation. Ms. Schumann objected. Counsel argued transportation. Court ordered the parent who's visitation is ending is to drop off the child. Court directed counsel to exchange proposed 20-10 schedules and a week on/week off schedule, if parties cannot agree to a schedule, proposed schedules are to be submitted to the court and the Court will choose a schedule.

After the hearing court directed the Clerk to return Plaintiff's Exhibit 11 once a final decision is rendered.

12/31/2018 1:00:00 PM | Telephonic Conference | Dept II - Crtrm A - 15-CV-00418 | Judge's Chambers

Aberasturi, Leon A. - LAA (Dept II - TJDC)

Carucci, Roderic A. Esq. (Respondent's Attorney)

Telephonic obo Respondent

Andersen, Andrea Deputy Clerk -

AANDERSEN

Staff - STAFF

Schumann, LeAnn Esq. - X005005

Telephonic obo Petitioner

lawclerk2 - LAW2

John Kilgore

Notes: Counsel questioned New Year's Visitation. Ms. Schumann advised the court the previous court order awarded the Plaintiff visitation on New Years. Counsel argued the New Year's Visitation. Court ordered the defendant have visitation on New Year's, with make up visitation next year for plaintiff. Counsel argued the right of first refusal. Mr. Carucci advised the court the previously ordered briefs court be filed early. Court directed counsel to speak with their clients and if they agree, the briefs could be filed early. Court determined due to the distance between the parties Right of First Refusal does not make sense. Court directed counsel to include a proposed primary visitation schedule in the briefs.

4/17/2019 9:00:00 AM | Motion Hearing | Dept II - Crtrm A - 15-CV-00418 | Court Room A

Staff - STAFF

Court Room A - CourtRmA

lawclerk2 - LAW2

Aberasturi, Leon A. - LAA (Dept II - TJDC)

CASE NO: 15-CV-00518

Anthony Jacob Monahan v. Amanda Hogan fka King

**PLAINTIFF'S EXHIBITS**

DESCRIPTION	MARKED	OFFERED	ADMITTED
1. Judgment of Conviction	X		
2. Letter from Amanda King	X		
3. Drug/Alcohol Assessment	X	X	
4. Insurance Cards	X	X	X
5. Walker River Justice Court <sup>Case</sup> Docket	X	X	X
6. Text Messages	X	X	X
7. Text Messages	X	X	X
8. Certificate Award	X	X	X
9. Text Messages	X	X	X
10. Walker River Justice Court <sup>Case</sup> Docket	X	X	X
11. Photo Album	X	X	X
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			

CASE NO: 15-CV-00418

Anthony Jacob Monahan  
STATE OF NEVADA V.

Amanda Hogan Aka King

**DEFENDANT'S EXHIBITS**

DESCRIPTION	MARKED	OFFERED	ADMITTED
A. <u>Mother's Visitation Log Summary</u>	X	X	X
B. <u>Text Messages</u>	X	X	X
C. _____			
D. _____			
E. _____			
F. _____			
G. _____			
H. _____			
I. _____			
J. _____			
K. _____			
L. _____			
M. _____			
N. _____			
O. _____			
P. _____			
Q. _____			
R. _____			
S. _____			
T. _____			

# CIVIL (FAMILY/JUVENILE RELATED) COVER SHEET

Lyon County, Nevada

Case No. 15-CV-00418

(Assigned by Clerk's Office)

Dept II

2015 APR 15 PM 4:12

## I. Party Information (provide both home and mailing addresses if different)

Plaintiff/Petitioner (name/address/phone):

Name: Anthony Jacob Monahan  
Address: 20 Spruce Lane Yerington NV 89447  
Phone: 775 315 1620

Date of Birth (DOB): 4/6/90

Attorney:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

Defendant/Respondent/Co-Petitioner (name/address/phone):

Name: Amanda Katiynn King  
Address: \_\_\_\_\_  
Phone: 775 552 5751 d.d.

Date of Birth (DOB): 5/11/93

Attorney:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

Will an Interpreter be required for court hearings? Yes ☐ No ☒

Contact court clerk for further information about interpreters

Will an Interpreter be required for court hearings? Yes ☐ No ☒

## II. Nature of Controversy (Place check applicable bold category and applicable subcategory, if appropriate)

### Family-Juvenile Related Cases

#### Domestic Relations Case Filing Types

☐ **Marriage Dissolution Case**

- ☐ Annulment
- ☐ Divorce – With Children
- ☐ Divorce – Without children
- ☐ Foreign Decree
- ☐ Joint Petition – With children
- ☐ Joint Petition – Without children
- ☐ Separate Maintenance

☐ **Paternity**

☒ **Custody (Non-Divorce)**

☒ **Support (Non-Divorce)**

- ☐ Intrastate (Title IV-D)
- ☐ Other Support (Non-Title IV-D)

☒ **Visitation (Non-Divorce)**

☐ **Termination of Parental Rights (TPR)**

- ☐ Other TPR Petition

☐ **Adoption**

- ☐ Adult
- ☐ Minor

#### Other Family Related Case Filing Types

☐ **Request for Temporary Protective Order**

- ☐ Request for Extended Temporary Protective Order

☐ **Other Domestic Relations Case Filings**

- ☐ Name Change
- ☐ Permission to Marry
- ☐ Other Domestic Relation Filings

☐ **Mental Health**

#### Guardianship Case Filing Types

☐ **Guardianship of an Adult**

☐ **Guardianship of a Minor**

☐ **Guardianship Trust**

Estimated Estate Value: \_\_\_\_\_

#### Juvenile-Related Case Filing Types

☐ **Miscellaneous Juvenile Petition**

- ☐ Emancipation Petition

Children involved in this case:

Name: Matahrai Jacob Monahan

Name: \_\_\_\_\_

Name: \_\_\_\_\_

4/10/15  
Date

Date of Birth (DOB): July 18/2012

Date of Birth (DOB): \_\_\_\_\_

Date of Birth (DOB): \_\_\_\_\_

Anthony Jacob Monahan  
Signature of initiating party or representative