

**IN THE EIGHTH JUDICIAL DISTRICT COURT OF
THE STATE OF NEVADA IN AND FOR THE COUNTY OF CLARK**

MARIELA EDITH LOPEZ,
Plaintiff,

MANUEL DE JESUS SERBELLON
PORTILLO,
Defendant.

District Court Case No.
D-18-565713-C

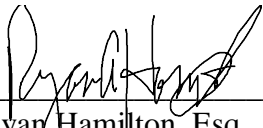
Dept. No.: C

Electronically Filed
Sep 06 2019 02:11 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

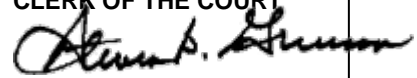
NOTICE OF APPEAL

Notice is hereby given that Mariela Lopez, Plaintiff, hereby appeals to the Supreme Court of Nevada from the "Custody Decree" entered in this action on the 31st day of July, 2019.

Dated this 30th day of August 2019.



Ryan Hamilton, Esq.
Nevada Bar No. 11587
Hamilton Law
5125 S. Durango, Ste. C,
Las Vegas, Nevada 89113
Phone: (702) 818-1818
Fax: (702) 974-1139
Attorney for Appellant



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Attorney for the Appellant

**IN THE EIGHTH JUDICIAL DISTRICT COURT OF
THE STATE OF NEVADA IN AND FOR THE COUNTY OF CLARK**

MARIELA EDITH LOPEZ,
Plaintiff,

District Court Case No.:
D-18-565713-C

MANUEL DE JESUS SERBELLON
PORTILLO,
Defendant.

Dept. No.: C

CASE APPEAL STATEMENT

1. Name of Appellant filing this case appeal statement: Mariela Lopez
2. Judge that issued the decision: Honorable Rebecca L. Burton
3. Identify each appellant and the name and address of counsel for each appellant:

Appellant: Mariela Lopez

Counsel: Ryan A. Hamilton, Esq.
Hamilton Law
5125 S. Durango, Suite C
Las Vegas, NV 89113
Tel (702) 818-1818
Fax (702) 974-1139
ryan@hamlegal.com

4. Identify each respondent and the name and address of appellate counsel for each respondent: Manuel De Jesus Serbellon Portillo is the respondent. He lives in El Salvador. He was served with a copy of the petition for custody in this case. He did not answer or participate in the District Court action.

1 5. Each attorney listed is entitled to practice law in Nevada.

2 6. Appellant was represented by retained counsel in District Court.

3 7. Appellant is represented by the same counsel on appeal.

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

6 9. Indicate the date the proceedings commenced in the district court: February 8, 2018.

7 10. Provide a brief description of the nature of the action and result in the district court,
8 including the type of judgment or order being appealed and the relief granted by the district court:

9 Petitioner appeals from a custody decree in which the District Court found reunification
10 between father and child to be viable even though the Court also found that the father had
11 abandoned the child. This has significant ramifications because the minor is seeking special
12 findings for a special immigrant juvenile status.

13 11. Indicate whether the case has previously been the subject of an appeal to or original writ
14 proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the
15 prior proceeding: No.

16 12. Indicate whether the appeal involves child custody or visitation: Yes.

17 13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:
18 N/A.

19 Dated this 30th day of August, 2019.

20 
21 Ryan A. Hamilton
22 Nevada Bar No. 11587
23 Hamilton Law, LLC
24 5125 S. Durango, Suite C
25 Las Vegas, Nevada 89113
(702)818-1818
(702) 974-1139 (fax)
ryan@hamlegal.com
Attorney for Appellant

CASE SUMMARY**CASE NO. D-18-565713-C**

Mariela Edith Lopez, Plaintiff.
vs.
Manuel De Jesus Serbellon Portillo, Defendant.

§
 §
 §
 §

Location: **Department C**
 Judicial Officer: **Burton, Rebecca L.**
 Filed on: **02/08/2018**
 Case Number History:

CASE INFORMATION**Related Cases**

G-17-048641-M (1J1F Related - Rule 5.103)

Case Type: **Child Custody Complaint****Statistical Closures**

07/31/2019 Settled/Withdrawn With Judicial Conference or Hearing
 10/01/2018 Settled/Withdrawn Without Judicial Conference or Hearing
 09/28/2018 Settled/Withdrawn Without Judicial Conference or Hearing

Case Status: **07/31/2019 Closed**Case Flags: **Order After Hearing Required
Appealed to Supreme Court****DATE****CASE ASSIGNMENT****Current Case Assignment**

Case Number D-18-565713-C
 Court Department C
 Date Assigned 02/09/2018
 Judicial Officer Burton, Rebecca L.

PARTY INFORMATION**Plaintiff**

Lopez, Mariela Edith
 5270 E Tropicana #23
 Las Vegas, NV 89122

Attorneys

Perez, Sarah I.
Retained
 702-818-1818(W)

Defendant

Serbellon Portillo, Manuel De Jesus
 Canton Santa Cruz, El Funal Rosario
 La Paz, El Salvador

Subject Minor**Lopez, Keokes Manuel**

Perez, Sarah I.
Retained
 702-818-1818(W)

DATE**EVENTS & ORDERS OF THE COURT****EVENTS**

02/08/2018



Complaint for Custody

Filed by: Plaintiff Lopez, Mariela Edith
Complaint for Custody

02/08/2018



Confidential Information Sheet - Guardianship

Filed by: Plaintiff Lopez, Mariela Edith
Confidential Information Sheet

05/08/2018



Acknowledgment

Filed By: Plaintiff Lopez, Mariela Edith
Acknowledgement of Service

07/09/2018



Family Court Motion Opposition Fee Information Sheet

Filed by: Plaintiff Lopez, Mariela Edith
Motion/ Opposition Fee Information Sheet

07/09/2018



Motion


Filed By: Plaintiff Lopez, Mariela Edith
Motion for Special Findings on the Issue of Special Immigrant Juvenile Status

CASE SUMMARY


CASE NO. D-18-565713-C

07/19/2018	 Acknowledgment Filed By: Plaintiff Lopez, Mariela Edith <i>Acknowledgment of Service</i>
09/28/2018	 Domestic Notice to Statistically Close Case <i>Domestic Notice to Statistically Close Case</i>
02/26/2019	 Motion Filed By: Plaintiff Lopez, Mariela Edith <i>Notice of Motion and Motion to Reopen Case</i>
02/26/2019	 Family Court Motion Opposition Fee Information Sheet Filed by: Plaintiff Lopez, Mariela Edith <i>Motion/Opposition Fee Information Sheet</i>
04/16/2019	 Order Filed By: Plaintiff Lopez, Mariela Edith; Subject Minor Lopez, Keokes Manuel <i>ORDER REOPENING STATISTICALLY CLOSED CASE</i>
05/02/2019	 Default Filed By: Plaintiff Lopez, Mariela Edith Default Prty: Defendant Serbellon Portillo, Manuel De Jesus <i>Default</i>
06/03/2019	 Acknowledgment Filed By: Plaintiff Lopez, Mariela Edith; Subject Minor Lopez, Keokes Manuel <i>Acknowledgment of Service</i>
06/03/2019	 Notice of Rescheduling of Hearing <i>Notice of Rescheduling of Hearing</i>
07/31/2019	 Custody Decree / Order <i>Custody Decree (Hearing: 6/12/19)</i>
08/30/2019	 Notice of Appeal Filed By: Plaintiff Lopez, Mariela Edith; Defendant Serbellon Portillo, Manuel De Jesus; Subject Minor Lopez, Keokes Manuel <i>Notice of Appeal</i>
08/30/2019	 Case Appeal Statement Filed By: Plaintiff Lopez, Mariela Edith; Defendant Serbellon Portillo, Manuel De Jesus; Subject Minor Lopez, Keokes Manuel <i>Case Appeal Statement</i>

HEARINGS

08/16/2018	 Motion (10:00 AM) (Judicial Officer: Burton, Rebecca L.) Events: 07/09/2018 Motion <i>Pltf's Motion for Special Findings on the Issue of Special Immigrant Juvenile Status</i>
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MINUTES

04/12/2019	 Motion Filed By: Plaintiff Lopez, Mariela Edith <i>Motion for Special Findings on the Issue of Special Immigrant Juvenile Status</i> Off Calendar; Journal Entry Details: <i>PLTF'S MOTION FOR SPECIAL FINDINGS ON THE ISSUE OF SPECIAL IMMIGRANT JUVENILE STATUS</i> <i>Court Interpreter, Irma Sanchez Gastelum, present with Plaintiff. Discussion by Counsel concerning service of the documents to Defendant. COURT ORDERED the following: 1. Counsel to serve Defendant the Notice of Hearing and Complaint in Spanish. 2. Counsel to take a Default against Defendant. 3. Counsel to set matter for Prove-Up Hearing. Matter off calendar.;</i>
	Motion (4:00 AM) (Judicial Officer: Burton, Rebecca L.) Events: 02/26/2019 Motion

CASE SUMMARY

CASE NO. D-18-565713-C

06/12/2019

Notice of Motion and Motion to Reopen




Hearing for Custody (8:30 AM) (Judicial Officer: Burton, Rebecca L.)

Hearing for Custody

Custody of Minor Decided;

Journal Entry Details:

HEARING FOR CUSTODY Spanish Court Interpreter Irma Sanchez-Gastelum, #NVSG1459, interpreted for Plaintiff/Mom. Plaintiff/Mom SWORN and TESTIFIED. Court noted this matter had been before this court some months back, and the court had stated the Defendant/Dad must be served a copy of the Complaint and that Plaintiff/Mom must take a default against the Defendant/Dad. Court noted the Defendant/Dad had been served and proper Default had been filed. Attorney Perez canvassed the Plaintiff/Mom regarding her request for sole legal and sole physical custody of the minor child. Court read FINDINGS on the record and ORDERED the following: 1. Plaintiff/Mom shall have SOLE LEGAL AND SOLE PHYSICAL CUSTODY of the minor child. 2. Plaintiff/Mom's request for CHILD SUPPORT is DENIED as this court lacks personal jurisdiction over the Defendant/Dad. Attorney Anderson shall have until June 26, 2019 to submit the proposed Order, including the Court's Findings, directly to the Department. On or after June 27, 2019, the Court will issue an Order to Show Cause to the parties for the proposed Order. CASE CLOSED upon submission of the Decree of Custody.;



Sarah I. Perez, Esq.
Nevada Bar No.: 12628
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Las Vegas, Nevada 89113
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sarah@hamlegal.com
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

MARIELA EDITH LOPEZ,	}	Case No: D-18-565713-C
Plaintiff,		Dept. No.: C
MANUEL DE JESUS SERBELLON		
PORTILLO,		
Defendant.	}	

CUSTODY DECREE

This Decree is submitted after a hearing that occurred on June 12, 2019 before the above-entitled court, and after a review of the pleadings and papers on file and the testimony given, if any, this Court finds pursuant to NRS 125C.001 through 125C.250, inclusive, as follows:

1. That Plaintiff, for a period of more than six weeks immediately preceding the filing of the Complaint, has been and now is an actual, bona fide resident of the State of Nevada, County of Clark, and has been actually physically present and domiciled in Nevada for more than six (6) weeks prior to the filing of the Complaint.
2. That Defendant is a resident of the country of El Salvador.
3. That the parties have one minor child, the issue of this relationship, to wit: Keokes Manuel Lopez, born on May 31, 2007. The habitual residence of the child has been the State of Nevada since December 2016.
4. That the parties were never married.

- 1 5. That the paternity of the minor child, to wit: Keokes Manuel Lopez, is not at
2 issue.
- 3 6. That no Court has ever issued an order regarding the custody or visitation of
4 the minor child.
- 5 7. That the Plaintiff is a fit and proper person to be awarded Sole Legal
6 Custody of the minor child.
- 7 8. That the child's natural father has abandoned the child as defined by NRS
8 128.014. That the father has not been present in the child's life and has never
9 provided food, shelter, or financial support.
- 10 9. That it is not in the best interest of the child to award Defendant either joint
11 or primary physical custody.
- 12 10. That this Court is unable to find that reunification is not viable due to
13 abandonment because this Court is unable to predict whether the father will
14 seek to reunify with the child some time in the future.
- 15 11. That it is in the best interest of the minor
16 child that he reside with Plaintiff/Mom.
17 *GA*
- 18 12. That pursuant to EDCR 5.07, Plaintiff and Defendant shall each shall
19 successfully complete the Parenting Class within 45 days of service of
20 the initial complaint upon the Defendant, and that no action shall proceed to
21 final hearing until a notice of completion or the class has been filed with the
22 court, provided the noncompliance by a parent who does not enter an
23 appearance shall not delay a final hearing.
- 24 13. That child support cannot be awarded at this time because the biological
25 father resides outside of the jurisdiction of this Court.
- 26 14. That Plaintiff should maintain medical and dental insurance for the minor
27 child, if available at a reasonable cost. Any unreimbursed medical, dental,
28

1 optical, orthodontic or other health related expenses incurred for the benefit
2 of the minor child is to be divided equally between the parties.

3 NOW THEREFORE, IT IS HEREBY ORDERED that sole legal and
4 physical custody is GRANTED to Plaintiff as requested in the Complaint.
5 IT IS FURTHER ORDERED that medical and dental insurance coverage
6 and the payment of unreimbursed medical expenses for the minor child is
7 GRANTED as requested in the Complaint.

8
9 IT IS HEREBY ORDERED that the Plaintiff's Custody Decree is
10 GRANTED.

11 DATED this 16 day of June, 2019.

12
13 

14 DISTRICT COURT JUDGE
15 REBECCA L. BURTON

16 Respectfully Submitted:

17 HAMILTON LAW

18
19 By: 

20 SARAH I. PEREZ, ESQ.
21 Nevada Bar No.: 12628
22 5125 S. Durango Dr., Ste C
Las Vegas, Nevada 89113
(702) 818-1818
Attorney for Petitioner

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1 must be in an amount determined by the court and may be used
2 only to pay for the cost of locating the child and returning the
3 child to his or her habitual residence if the child is wrongfully
4 removed from or concealed outside the country of habitual
5 residence. The fact that a parent has significant commitments in
6 a foreign country does not create a presumption that the parent
7 poses an imminent risk of wrongfully removing or concealing
8 the child.

9 NOTICE IS HEREBY GIVEN that, pursuant to NRS 125C.006:

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

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

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

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

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

29 (b) For the purpose of harassing the custodial
30 parent.

31 3. A parent who relocates with a child pursuant to this
32 section without the written consent of the noncustodial parent
33 or the permission of the court is subject to the provisions of NRS
34 200.359

35 ////

1 NOTICE IS HEREBY GIVEN that, pursuant to NRS 125C.0065:

2 1. If JOINT PHYSICAL CUSTODY has been established
3 pursuant to an order, judgment or decree of a court and one
4 parent intends to relocate his or her residence to a place outside
5 of this State or to a place within this State that is at such a
6 distance that would substantially impair the ability of the other
7 parent to maintain a meaningful relationship with the child, and
8 the relocating parent desires to take the child with him or her,
9 the relocating parent shall, before relocating:

10 (a) Attempt to obtain the written consent of the non-
11 relocating parent to relocate with the child; and

12 (b) If the non-relocating parent refuses to give that
13 consent, petition the court for primary physical custody for the
14 purpose of relocating.

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

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

21 (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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Child Custody Complaint

COURT MINUTES

August 16, 2018

D-18-565713-C Mariela Edith Lopez, Plaintiff.
vs.
Manuel De Jesus Serbellon Portillo, Defendant.

August 16, 2018 10:00 AM Motion

HEARD BY: Burton, Rebecca L.

COURTROOM: Courtroom 08

COURT CLERK: Valerie Marsden

PARTIES:

Keokes Lopez, Subject Minor, not present	Sarah Perez, Attorney, present
Manuel Serbellon Portillo, Defendant, not present	
Mariela Lopez, Plaintiff, present	Sarah Perez, Attorney, present

JOURNAL ENTRIES

- PLTF'S MOTION FOR SPECIAL FINDINGS ON THE ISSUE OF SPECIAL IMMIGRANT JUVENILE STATUS

Court Interpreter, Irma Sanchez Gastelum, present with Plaintiff.

Discussion by Counsel concerning service of the documents to Defendant.

COURT ORDERED the following:

1. Counsel to serve Defendant the Notice of Hearing and Complaint in Spanish.
2. Counsel to take a Default against Defendant.
3. Counsel to set matter for Prove-Up Hearing.

Matter off calendar.

PRINT DATE:	09/04/2019	Page 1 of 4	Minutes Date:	August 16, 2018
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

INTERIM CONDITIONS:

FUTURE HEARINGS:

PRINT DATE:	09/04/2019	Page 2 of 4	Minutes Date:	August 16, 2018
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1. Plaintiff/Mom shall have SOLE LEGAL AND SOLE PHYSICAL CUSTODY of the minor child.
2. Plaintiff/Mom's request for CHILD SUPPORT is DENIED as this court lacks personal jurisdiction over the Defendant/Dad.

Attorney Anderson shall have until June 26, 2019 to submit the proposed Order, including the Court's Findings, directly to the Department. On or after June 27, 2019, the Court will issue an Order to Show Cause to the parties for the proposed Order.

CASE CLOSED upon submission of the Decree of Custody.

INTERIM CONDITIONS:

FUTURE HEARINGS:

PRINT DATE:	09/04/2019	Page 4 of 4	Minutes Date:	August 16, 2018
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

RYAN HAMILTON, ESQ.
5125 S. DURANGO, STE. C
LAS VEGAS, NV 89113

DATE: September 4, 2019
CASE: D-18-565713-C

RE CASE: MARIELA EDITH LOPEZ vs. MANUEL DE JESUS SERBELLON PORTILLO

NOTICE OF APPEAL FILED: August 30, 2019

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT TRANSMITTED HAVE BEEN MARKED:**

- ☐ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☐ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
- ☐ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☒ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

*****Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.***

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; CIVIL COVER SHEET; CUSTODY DECREE; DISTRICT COURT MINUTES;
NOTICE OF DEFICIENCY

MARIELA EDITH LOPEZ,

Plaintiff(s),

vs.

MANUEL DE JESUS SERBELLON
PORTILLO,

Defendant(s),

Case No: D-18-565713-C

Dept No: C

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 4 day of September 2019.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

HAMILTON LAW LLC
5125 S. DURANGO DR., STE. C
LAS VEGAS, NV 89113-0158

WELLS FARGO BANK, N.A.
www.wellsfargo.com
94-7074/3212

9987

9/3/2019

PAY TO THE ORDER OF Supreme Court

\$ **250.00

Two Hundred Fifty Only*****

DOLLARS

MEMO

District Court Case No. D-18-565713-C; Mariela Lopez



AUTHORIZED SIGNATURE

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