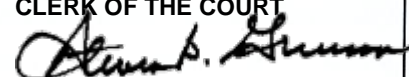


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1 **NTC**
2 Andrew L. Kynaston, Esq.
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10 Attorneys for Defendant

Electronically Filed
11/19/2019 10:19 AM
Steven D. Grierson
CLERK OF THE COURT



Electronically Filed
Nov 25 2019 02:25 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 JASWINDER SINGH,

11 Plaintiff,

12 vs.

14 RAJWANT KAUR,

15 Defendant.

CASE NO: 04D323977
DEPT NO: P

16 **NOTICE OF APPEAL**

17 Notice is hereby given that Defendant, RAJWANT KAUR, appeals to the
18 Nevada Supreme Court from the Findings of Fact, Conclusions of Law, and Order, filed
19 on October 22, 2019 (Notice of Entry of Findings of Fact, Conclusions of Law, and Order
20 was also filed on October 22, 2019) copy of which is attached hereto as **Exhibit "A"**.
21

22 Dated this 18 day of November, 2019.

23 KAINEN LAW GROUP, PLLC

24 By: 

25 RACHEAL H. MASTEL, ESQ.

26 Nevada Bar No. 11646

27 ANDREW L. KYNASTON, ESQ.

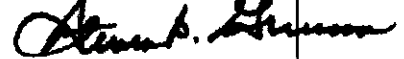
28 Nevada Bar No. 8147

3303 Novat Street, Suite 200

Las Vegas, Nevada 89129

Attorney for Defendant

EXHIBIT “A”



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

E-SERVED
OCT 22 2019

6
7 **DISTRICT COURT, FAMILY DIVISION**
CLARK COUNTY, NEVADA

8 **JASWINDER SINGH,**
9 Plaintiff,

CASE NO. : 04D323977
DEPT. NO. : P

10 vs.

**NOTICE OF ENTRY OF FINDINGS
OF FACT, CONCLUSIONS OF
LAW, AND ORDER**

11 **RAJWANT KAUR,**
12 Defendant.

13
14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

1 Please take notice that the attached Findings of Fact, Conclusions of Law,
2 and Order was entered on October 22, 2019.

3 Dated this 22 day of October 2019

4 
5 LAW OFFICES OF F. PETER JAMES

F. Peter James, Esq.

6 Nevada Bar No. 10091

3821 W. Charleston Blvd., Suite 250

7 Las Vegas, Nevada 89102

702-256-0087

8 Counsel for Plaintiff
9
10
11
12
13
14
15
16
17
18
19
20

1 **CERTIFICATE OF SERVICE**

2 I certify that on this 22 day of October, 2019, I caused the above and
3 foregoing document entitled **NOTICE OF ENTRY OF FINDINGS OF FACT,**
4 **CONCLUSIONS OF LAW, AND ORDER** to be served as follows:

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

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

10 ☐ pursuant to EDCR 7.26 / NEFCR 9, to be sent via facsimile /
11 email;

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

14 Andrew L. Kynaston, Esq.
15 Kainen Law Group
16 3303 Novat Street, Suite 200
17 Las Vegas, Nevada 89129
18 702-823-4488 (fax)
19 Service@KainenLawGroup.com
20 Counsel for Defendant

18
19 By:



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

ORIGINAL

Electronically Filed
10/22/2019 10:51 AM
Steven D. Grierson
CLERK OF THE COURT

Steven D. Grierson

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

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

13 **JASWINDER SINGH,**
14 **Plaintiff,**

15 **vs.**

16 **RAJWANT KAUR,**
17 **Defendant.**

CASE NO. : 04D323977
DEPT. NO. : P

**FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
ORDER**

18 This matter came before the Court on the 12th of September, 2019 and the
19 13th of September, 2019 for an Evidentiary Hearing on Defendant's Motion to
20 Set Aside Decree of Divorce, which was filed on January 7, 2019, and on
21 Plaintiff's Opposition thereto filed January 23, 2019. Also being heard was
22 Plaintiff's Motion in Limine, which was filed August 30, 2019, and on
23 Defendant's Opposition and Countermotion thereto, which was filed on
24 September 6, 2019. F. Peter James, Esq. appeared with Plaintiff, Jaswinder

RECEIVED

OCT 18 2019

**FAMILY COURT
DEPARTMENT P**

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

1 Singh. Andrew L. Kynaston, Esq. appeared with Defendant, Rajwant Kaur.
2 Nevada registered Punjabi interpreter, Muir Qureshi, was also present to interpret
3 for Plaintiff and Defendant. The Honorable Sandra Pomrenze presided over the
4 matter.

5 Testimony and exhibits were presented. There was argument and
6 discussion regarding the relative issues for this hearing. Testimony and exhibit
7 presentation resumed. There was argument and discussion regarding the Court
8 taking judicial notice that entry of a Decree of Divorce ends a marriage and that
9 being the issue before the Court in these proceedings. Court advised counsel it
10 was taking judicial notice that a Decree of Divorce was entered on September 04,
11 2004. Testimony and exhibit presentation resumed. There was colloquy at the
12 bench. Testimony and exhibit presentation resumed. The matter was trialed and
13 then recalled with all present as before.

14 Court advised counsel it received documents (Plaintiff's Petition for writ
15 relief filed in the Nevada Supreme Court) in chambers and it conferred with the
16 Presiding Judge and it was agreed the documents did not divest this Court of
17 jurisdiction and the matters would proceed. Counsel concurred with the Court.
18 Testimony and exhibit presentation resumed. Upon Court's inquiry both counsel
19 agreed to conduct a conference with the Court. The matter was trailed for the
20 Court to conduct a conference with counsel off the record and outside of the

1 courtroom. The matter was recalled with all present as before. Testimony and
2 exhibit presentation resumed.

3 Defendant testified. Mr. Kynaston finished his examination and passed
4 the witness. Mr. James moved the Court for Judgment on the Evidence. Court
5 observed it questioned *Vaile v. Eighth Judicial District Court*, 118 Nev. 262, 44
6 P.3d 512 (2002), as it seemed to be illogical and it seemed to say it was okay to
7 "pull a scam and get away with it" but it was Nevada law.

8 The Court further observed the testimony of the Defendant is not a far
9 distance from the facts of the *Vaile* case. There was argument and discussion
10 regarding the fraudulent divorce, both parties' testimony about the divorce, the
11 *Vaile* case decision, the facts of the *Vaile* case, and Mr. Kynaston appealing this
12 case to have the Supreme Court review of the *Vaile* case. There was argument
13 and discussion regarding neither party understanding what they were doing,
14 Plaintiff's beliefs about getting a Nevada divorce, the California requirements for
15 divorce, and Nevada divorce law. There was argument and discussion regarding
16 the decision regarding the fraudulent divorce, Defendant not receiving any
17 benefits after the last 15 years with Plaintiff, California making the decision, and
18 the Court's discretion under the *Vaile* case. Mr. Kynaston requested the Court
19 exercise its discretion and rule on the facts of the case.

20

1 There was discussion regarding the Court's obligation to rule on the facts
2 and the law. There was argument and discussion regarding the provisions of Rule
3 60(b), the provisions of the *Vaile* case, Defendant's testimony, and counsel
4 appealing this case. Court advised counsel it would be exceeding its obligation
5 if it did not rule on Plaintiff's motion for judgment based on the evidence
6 presented, and Defendant's deposition was not published so it could not review
7 the deposition. There was argument and discussion regarding the facts presented
8 today being on point with the *Vaile* case and Defendant not meeting her burden
9 of proof.

10 The Court, having read the papers and pleadings on file herein, being well
11 advised in the premises, having heard the testimony, having considered the
12 evidence, being well advised in the premises, and for sufficient cause shown,
13 hereby finds and orders as follows:

14 **THE COURT HEREBY FINDS** that Plaintiff was not credible in any
15 portion of his testimony. Based on the evidence presented Defendant was more
16 credible; therefore, the Court does find that the parties perpetrated a fraud on the
17 State of Nevada by entering into a Decree of Divorce without the requisite
18 residency. Were that to be the end of the inquiry, but because of the *Vaile vs.*
19 *Eighth Judicial District* case, it was not the end of the inquiry. If sufficient time
20 has passed, the Court is obligated to make a decision on the merits as to how the

1 fraudulent divorce was implemented and what the parties' roles were. In the
2 *Vaile* case, both spouses were willing participants and they both knew that they
3 did not have residency. They both knew they wanted a divorce sooner rather than
4 later. It is not uncommon, unfortunately, because we have such generous divorce
5 laws, that people take advantage of those divorce laws and they come here
6 thinking they will get a quick divorce and they pretend to be residents. The
7 Courts see that on a regular basis. Sometimes they get away with it, sometimes
8 they do not, but certainly, in this instance, the presiding judge had no reason to
9 question the validity of the documents that were submitted and, therefore,
10 executed the Decree. What *Vaile* says is, if they make a distinction where there
11 is a very old divorce and one party seeks to set it aside based on fraud, that party
12 must prove they were free from fault. You have 2 parties at fault and the Court
13 in *Vaile* applied an equitable standard that they were not going to reward a
14 "wrong doer" and that is why there is a requirement of some equitable reason
15 why a "co-wrong doer" should be permitted relief even though they are equally
16 as much of a wrong doer as the other party. So, they set the standard that there
17 has to be some threat, duress, or coercion or an equitable reason why that party
18 is free from fault. In the instant case the Court finds the Defendant to be very
19 credible, unlike the Plaintiff. However, what is missing from Defendant's
20 testimony is that she was forced to sign those papers and, in fact in this instance,

1 she knew there was a divorce in Nevada whether Plaintiff told her it was a piece
2 of paper or not. This is a person who is a competent adult and who knew there
3 was a divorce in Nevada until such time as she became upset with the Plaintiff,
4 upon his allegation he had married someone else. She was content to "let
5 sleeping dogs lie" and live together with the Plaintiff. Ironically, they are still
6 living together and, ironically, Plaintiff has not remarried. But it requires, in this
7 instance, evidence of an unequal bargaining position at a minimum. There was
8 nothing in Defendant's testimony that was evidence of an unequal bargaining
9 position between the Plaintiff and Defendant. Plaintiff said, "we're going to
10 Nevada, we're going to sign some paperwork, it is going to be a divorce, it is
11 going to be a paper divorce, we're going to continue to live together." This was
12 not a person with a mental defect or an inability to understand what was being
13 told to her. Defendant knew it, and in fact at his request, not a demand according
14 to her own testimony, she in fact went to India to marry Plaintiff's brother. Was
15 it a "sham" marriage? Of course it was. Did it assist the parties in their "end
16 game"? No, because Plaintiff's brother never got a Visa and did not come to the
17 U.S. But at the end of the day, there is simply insufficient evidence that the
18 Defendant acted under duress. So as much as the Court finds the facts of this
19 case offensive, it cannot rule on what it finds offensive—it has to rule on the law
20 and precedent and *Vaile* is still precedent in this state. Should the Supreme Court

1 choose to take a second look on appeal, they are free to do so, and, if in fact, they
2 say that *Vaile* is not good law then the Court is happy to have the parties come
3 back and the Court will even set a second hearing. On the testimony and the
4 evidence, the Court is compelled to grant the motion for judgment on the
5 evidence and it is compelled to deny the motion to set aside.

6 **THE COURT FURTHER FINDS** that, because neither party comes to
7 this court with clean hands, neither party shall receive an award of attorney's fees
8 against the other. The Plaintiff is not entitled to an award of attorney's fees. He
9 is equally, if not greater, at fault than the Defendant, so he may be the prevailing
10 party, but the Court will not reward someone with extremely unclean hands with
11 an award of attorney's fees. The Defendant is not the prevailing party here and
12 as much as there is some sympathy here, the Court does not rule on sympathy. It
13 must rule on the law and insofar as Defendant is not the prevailing party the Court
14 cannot award her any attorney's fees either. The Court was surprised when
15 Defendant rested, but counsel did, and did not get to the heart of the *Vaile* case
16 standard. It is not a criticism of counsel. The Court believes that Defendant was
17 honest and candid with the Court, and counsel was left with the case he had.
18 Defendant knew what her husband wanted her to do, and she went ahead and did
19 it. There is no evidence that she refused or that he demanded or that he threatened
20 her or anything else, just like the parties did in the *Vaile* case. Because of that,

1 and the *Vaile* precedent, the Court is compelled to deny the motion to set aside.
2 There is an appealable issue there. The Court does not know what the Supreme
3 Court will do. It is a question that has been answered in a way that most of us
4 might not appreciate, but it is the question that has been answered and
5 Defendant's testimony does not rise to the level for the Court to set aside the
6 Decree of Divorce. Counsel need to decide what they wish to do, because the
7 Court does believe there is an issue here. This Court does not have the ability to
8 "jump over" the Supreme Court and decide.

9 Therefore,

10 **IT IS HEREBY ORDERED** that the Motion for Judgment on the
11 Evidence is GRANTED.

12 **IT IS FURTHER ORDERED** that Defendant's Motion to Set Aside the
13 Decree of Divorce is DENIED.

14 **IT IS FURTHER ORDERED** that, as neither party is the prevailing
15 party, there shall be no award of attorney's fees to either party.

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1 **IT IS FURTHER ORDERED** that Mr. James shall prepare the Findings
2 of Fact, Conclusions of Law with Mr. Kynaston to review the same and
3 countersign.

4 **IT IS SO ORDERED.**

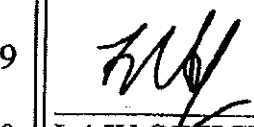
5 Dated this 21 day of October, 2019.



DISTRICT COURT JUDGE
SANDRA L. POMRENZE

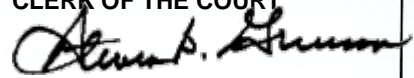
8 Respectfully submitted by:

Approved as to form and content by:



10 LAW OFFICES OF F. PETER JAMES
11 F. Peter James, Esq.
12 Nevada Bar No. 10091
13 3821 W. Charleston Blvd., Suite 250
Las Vegas, Nevada 89102
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Counsel for Plaintiff

KAINEN LAW GROUP
Andrew L. Kynaston, Esq.
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Las Vegas, Nevada 89129
702-823-4900
Counsel for Defendant



1 **SMT**
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3 Nevada Bar No. 8147
4 **KAINEN LAW GROUP, PLLC**
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6 Las Vegas, Nevada 89129
7 Telephone: (702) 823-4900
8 Facsimile: (702) 823-4488
9 service@KainenLawGroup.com
10 Attorneys for Defendant

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28
DISTRICT COURT
CLARK COUNTY, NEVADA

JASWINDER SINGH,

Plaintiff,

vs.

RAJWANT KAUR,

Defendant.

CASE NO: 04D323977
DEPT NO: P

CASE APPEAL STATEMENT

Pursuant to NRAP 3(f), Defendant, RAJWANT KAUR, hereby submits the following case appeal statement:

A. District court case number and caption, showing names of all parties to the proceedings (without using *et al.*): 04D323977 - JASWINDER SINGH, Plaintiff v. RAJWANT KAUR, Defendant.

B. Name of judge who entered order or judgment being appealed: Judge Sandra Pomrenze.

...

...

...

...

1 C. Name of each appellant, and name and address of counsel for each
2 appellant: RAJWANT KAUR - Trial counsel was ANDREW L. KYNASTON, ESQ.,
3 3303 Novat Street, Suite 200, Las Vegas, Nevada 89129; and Appellate counsel will be
4 RACHEAL H. MASTEL, ESQ., and ANDREW L. KYNASTON, ESQ. 3303 Novat
5 Street, Suite 200, Las Vegas, Nevada 89129.

6 D. Name of each respondent, and name and address of each respondent's
7 appellate counsel, if known: JASWINDER SINGH - Trial counsel was F. PETER
8 JAMES, ESQ., 3821 W. Charleston Blvd., Suite 250., Las Vegas, Nevada 89102.

9 E. Whether attorneys identified in subparagraph D are not licensed to
10 practice law in Nevada; and if so, whether the district court granted permission to appear
11 under SCR 42 (include copy of district court order granting permission): All attorneys
12 identified within are licensed to practice law in the state of Nevada.

13 F. Whether appellant was represented by appointed counsel in the
14 district court or on appeal: Appellant retained counsel only.

15 G. Whether any appellant was granted leave to proceed *in forma*
16 *pauperis*: No.

17 H. Date proceedings were commenced in district court: Initially,
18 Respondent filed a Joint Petition for Summary Decree of Divorce on August 27, 2004.
19 Appellant subsequently filed a Petition for Dissolution of Marriage on May 7, 2018.

20 I. Brief description of nature of the action and result in district court,
21 including type of judgment or order being appealed and relief granted by district court:

22 A) Appellant appeals the Trial Court's Order, filed October 22,
23 2019, denying Defendant's Motion to Set Aside Decree of
24 Divorce, filed January 7, 2019.

25 ...

26 ...

27 ...

28 ...

1 J. Whether case was previously subject of appeal or writ proceeding in
2 Nevada Supreme Court, and if so, caption and docket number of prior proceeding:

3 Yes, Respondent's counsel filed a Petition for Writ of Mandamus, docket number
4 79591, which was subsequently transferred to the Court of Appeals, docket number
5 79591-COA. The Writ was withdrawn by Order Dismissing Petition for Writ of
6 Mandamus or Prohibition, on October 30, 2019.

7 K. Whether appeal involves child custody or visitation: No

8 L. Whether appeal involves possibility of settlement: Unknown

9 Dated this 8 day of November, 2019.

10 KAINEN LAW GROUP, PLLC

11 By: 

12 RACHEAL H. MASTEL, ESQ.

13 Nevada Bar No. 11646

14 ANDREW L. KYNASTON, ESQ.

15 Nevada Bar No. 8147

16 3303 Novat Street, Suite 200

17 Las Vegas, Nevada 89129

18 Attorney for Defendant

Andrew L. Kynaston
CLERK OF THE COURT

NTC
Andrew L. Kynaston, Esq.
Nevada Bar No. 8147
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Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

JASWINDER SINGH,

Plaintiff,

vs.

RAJWANT KAUR,

Defendant.

CASE NO: 04D323977
DEPT NO: P

NOTICE OF FILING COST BOND

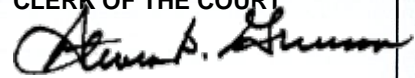
Please take notice that Defendant, RAJWANT KAUR, has posted cash (check or credit card) in the amount of \$500 for the costs on appeal, pursuant to NRAP7.

Dated this 18 day of November, 2019.

KAINEN LAW GROUP, PLLC

By: 

RACHEAL H. MASTEL, ESQ.
Nevada Bar No. 11646
ANDREW L. KYNASTON, ESQ.
Nevada Bar No. 8147
3303 Novat Street, Suite 200
Las Vegas, Nevada 89129
Attorney for Defendant



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2 ANDREW L. KYNASTON, ESQ.
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9 service@kainenlawgroup.com
10 Attorney for Defendant

11 EIGHTH JUDICIAL DISTRICT COURT - FAMILY DIVISION
12 COUNTY OF CLARK, STATE OF NEVADA

13 JASWINDER SINGH,

14 Plaintiff,

15 vs.

16 RAJWANT KAUR,

17 Defendant.

CASE NO. 04D323977
DEPT. P

Date of Hearing: N/A
Time of Hearing: N/A

18 **CERTIFICATE OF SERVICE**

19 I HEREBY CERTIFY that on the 20 day of November, 2019, I caused to be
20 served the foregoing *Notice of Appeal (Efiled 11.19.19)*, *Case Appeal Statement (Efiled 11.19.19)*, as well as *Notice of Filing Cost Bond (Efiled 11.19.19)*, to all interested parties as follows:

21 _____ BY MAIL: Pursuant to N.R.C.P. 5(b), I caused a true copy thereof to be
22 placed in the U.S. Mail, enclosed in a sealed envelope, postage fully prepaid thereon,
23 addressed as follows:

24 _____ BY CERTIFIED MAIL: I caused a true copy thereof to be placed in the
25 U.S. Mail, enclosed in a sealed envelope, certified mail, return receipt requested, postage
26 fully paid thereon, addressed as follows:

27 _____ BY FACSIMILE: Pursuant to EDCR 7.26, I caused a true copy thereof to
28 be transmitted, via facsimile, to the following number(s):

KAINEN LAW GROUP, PLLC
3303 Novat Street, Suite 200
Las Vegas, Nevada 89129
702.823.4900 • Fax 702.823.4488
www.KainenLawGroup.com

X BY ELECTRONIC MAIL: Pursuant to EDCR 7.26 and N.E.F.C.R. Rule 9, I caused a true copy thereof to be served by electronic mail, via Odyssey Wiznet E-File & Serve, to the following e-mail address(es):

Peter@peterjameslaw.com
Courtney@peterjameslaw.com
Colleen@peterjameslaw.com

Handwritten signature: *Handwritten*

An Employee at
KAINEN LAW GROUP, PLLC

CASE SUMMARY**CASE NO. 04D323977****In the Matter of the Joint Petition for Divorce of:
Jaswinder Singh and Rajwant Kaur**§
§
§
§Location: **Department P**
Judicial Officer: **Pomrenze, Sandra**
Filed on: **08/27/2004****CASE INFORMATION****Statistical Closures**

10/22/2019 Settled/Withdrawn With Judicial Conference or Hearing

Case Type: **Divorce - Joint Petition**Subtype: **Joint Petition No Minor(s)**Case
Status: **10/22/2019 Closed**Case Flags: **Order After Hearing Required
Appealed to Supreme Court****DATE****CASE ASSIGNMENT****Current Case Assignment**Case Number 04D323977
Court Department P
Date Assigned 04/15/2013
Judicial Officer Pomrenze, Sandra**PARTY INFORMATION****Petitioner****Kaur, Rajwant**9969 Sepulveda BLVD #204
Mission Hills, CA 91345**Kynaston, Andrew**Retained
702-823-4900(W)
Pro Se**Singh, Jaswinder**2916 Jansen Avenue
Las Vegas, NV 89101**James, F Peter, ESQ**Retained
702-256-0087(W)**Conversion
Extended****Financial Conversion 04D323977**

Removed: 03/23/2007

Connection Type

Converted From Blackstone

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

11/20/2019



Certificate of Service

Filed by: Petitioner Kaur, Rajwant

Certificate of Service of Notice of Appeal, Case Appeal Statement, and Notice of Filing Cost Bond

11/19/2019



Notice

Filed By: Petitioner Kaur, Rajwant

Notice of Filing Cost Bond

11/19/2019



Case Appeal Statement

Filed By: Petitioner Kaur, Rajwant

Case Appeal Statement

11/19/2019



Notice of Appeal

Filed By: Petitioner Kaur, Rajwant

Notice of Appeal

CASE SUMMARY

CASE NO. 04D323977

10/22/2019	 Notice of Entry of Order Filed By: Petitioner Singh, Jaswinder <i>Notice of Entry of Findings of Fact, Conclusions of Law, and Order</i>
10/22/2019	 Findings of Fact, Conclusions of Law and Judgment <i>Findings of Fact, Conclusions and Law and Judgment</i>
09/10/2019	 Certificate of Service <i>Certificate of Service</i>
09/10/2019	 Order Shortening Time <i>Order Shortening Time</i>
09/10/2019	 Receipt of Copy <i>Receipt of Plaintiff's Trial Exhibits</i>
09/09/2019	 Witness List <i>Plaintiff's Witness List</i>
09/09/2019	 Notice of Hearing <i>Notice of Hearing</i>
09/06/2019	 Family Court Motion Opposition Fee Information Sheet Filed by: Petitioner Kaur, Rajwant <i>Family Court Motion Opposition Fee Sheet</i>
09/06/2019	 Opposition and Countermotion Filed By: Petitioner Kaur, Rajwant <i>Defendant's Opposition to Plaintiff's Motion in Limine and Defendant's Countermotion for Attorney's Fees and Costs</i>
09/05/2019	 Pre-trial Memorandum Filed By: Petitioner Kaur, Rajwant <i>Defendant's Pre-Trial Memorandum</i>
09/05/2019	 Pre-trial Memorandum Filed By: Petitioner Singh, Jaswinder <i>Plaintiff's Pre-Trial Memorandum</i>
09/04/2019	 Certificate of Service <i>Certificate of Service</i>
09/03/2019	 Notice of Hearing <i>Notice of Hearing</i>
08/30/2019	 Ex Parte Application <i>Ex Parte Application for An Order Shortening Time on Motion for Limine</i>
08/30/2019	 Ex Parte Application <i>Ex Parte Application for an Order Shortening Time on Motion for Limine</i>
08/30/2019	 Exhibits <i>Exhibits in Support of Motion in Limine</i>
08/30/2019	 Motion in Limine <i>Motion in Limine</i>
08/29/2019	 Acceptance of Service Filed by: Petitioner Kaur, Rajwant <i>Acceptance of Service - Subpoena to Jagtar Singh</i>
08/29/2019	 Acceptance of Service Filed by: Petitioner Kaur, Rajwant <i>Acceptance of Service - Subpoena to Guriqbal Pandher</i>

CASE SUMMARY










CASE NO. 04D323977

08/29/2019	 Acceptance of Service Filed by: Petitioner Kaur, Rajwant <i>Acceptance of Service - Subpoena to Sukhpal Grewal</i>
08/29/2019	 Subpoena Filed By: Petitioner Kaur, Rajwant <i>Trial Subpoena - Jagtar Singh</i>
08/29/2019	 Subpoena Filed By: Petitioner Kaur, Rajwant <i>Trial Subpoena - Guriqbal Pandher</i>
08/29/2019	 Subpoena Filed By: Petitioner Kaur, Rajwant <i>Trial Subpoena - Sukhpal Grewal</i>
06/18/2019	 Notice of Taking Deposition Filed by: Petitioner Kaur, Rajwant <i>Notice of Taking Deposition</i>
06/17/2019	 Notice of Deposition <i>Re-Notice of Taking Deposition of Defendant Rajwant Kaur</i>
06/03/2019	 Notice of Entry of Stipulation and Order Filed by: Petitioner Kaur, Rajwant <i>Notice of Entry of Stipulation and Order to Continue Trial (First Request)</i>
05/30/2019	 Stipulation and Order Filed By: Petitioner Kaur, Rajwant <i>Stipulation and Order to Continue Trial (First Request)</i>
05/21/2019	 Notice to Take Deposition <i>Re-Notice of Taking Deposition of Defendant Rajwant Kaur</i>
05/14/2019	 Notice of Deposition <i>Notice of Taking Deposition of Rajwant Kaur</i>
05/13/2019	 Notice of Entry of Stipulation and Order Filed by: Petitioner Kaur, Rajwant <i>Notice of Entry of Stipulation and Order Re: Discovery</i>
05/10/2019	 Stipulation and Order Filed By: Petitioner Kaur, Rajwant <i>Stipulation and Order Re: Discovery</i>
04/09/2019	 Transcript of Proceedings <i>February 13, 2019</i>
04/09/2019	 Final Billing of Transcript <i>February 13, 2019</i>
03/19/2019	 Estimate of Transcript <i>Hearing date February 13, 2019</i>
03/19/2019	 Notice of Entry of Order Filed By: Petitioner Kaur, Rajwant <i>Notice of Entry of Order from Hearing Held February 13, 2019</i>
03/14/2019	 Order Filed By: Petitioner Kaur, Rajwant <i>Order from Hearing Held February 13, 2019</i>
02/12/2019	 Supplement Filed by: Petitioner Kaur, Rajwant

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CASE NO. 04D323977

Defendant's Supplemental Filing

02/08/2019	 Reply to Opposition Filed by: Petitioner Kaur, Rajwant <i>Defendant's Reply to Plaintiff's Opposition to Defendant's Motion to Set Aside Decree of Divorce and Defendant's Opposition to Plaintiff's Countermotion</i>
01/23/2019	 Financial Disclosure Form Filed by: Petitioner Singh, Jaswinder <i>Financial Disclosure Form</i>
01/23/2019	 Opposition and Countermotion <i>Pltf's Opposition to Motion to Set Aside Decree of Divorce; Countermotion</i>
01/16/2019	 Notice of Appearance Party: Petitioner Singh, Jaswinder <i>Notice of Appearance of Counsel</i>
01/09/2019	 Affidavit of Service Filed By: Petitioner Kaur, Rajwant <i>Affidavit of Service</i>
01/07/2019	 Motion to Set Aside Filed by: Petitioner Kaur, Rajwant <i>Dft's Motion to Set Aside Decree of Divorce</i>
01/04/2019	 Exhibits Filed By: Petitioner Singh, Jaswinder; Petitioner Kaur, Rajwant <i>Appendix of Exhibits to Defendant's Motion to Set Aside Decree of Divorce</i>
01/04/2019	 Family Court Motion Opposition Fee Information Sheet Filed by: Petitioner Singh, Jaswinder; Petitioner Kaur, Rajwant <i>MOFI</i>
04/15/2013	Administrative Reassignment to Department P <i>Case reassigned from Judge Cynthia Giuliani Dept K</i>
09/08/2004	 Document Archive
09/08/2004	Judgment Filed By: Petitioner Singh, Jaswinder <i>DECREE OF DIVORCE SCH/PER Date: 09/10/2004 Blackstone OC:</i>
08/27/2004	Child Support and Welfare Party Identification Sheet Filed by: Petitioner Singh, Jaswinder; Petitioner Kaur, Rajwant <i>SS NUMBER DECLARATION NRS 125.130 SCH/PER Date: Blackstone OC:</i>
08/27/2004	Affidavit Filed By: Petitioner Singh, Jaswinder <i>AFFIDAVIT OF RESIDENT WITNESS SCH/PER Date: Blackstone OC:</i>
08/27/2004	Petition Filed By: Petitioner Singh, Jaswinder <i>JOINT PETITION FOR SUMMARY DECREE OF DIVORCE FEE \$142.00 SCH/PER Date: Blackstone OC:</i>


DISPOSITIONS

09/08/2004 8:12 AM **Divorce Granted** (Judicial Officer: Del Vecchio, N Anthony)

Converted Disposition:
 Description : DECREE OF DIVORCE
 Debtor : Kaur, Rajwant
 Creditor : Singh, Jaswinder
 Amount Awarded : \$0.00
 Attorney Fees : \$0.00
 Costs : \$0.00
 Interest Amount : \$0.00
 Total : \$0.00

CASE SUMMARY**CASE NO. 04D323977****HEARINGS**

09/13/2019

 **Evidentiary Hearing (9:30 AM)** (Judicial Officer: Pomrenze, Sandra)*Voiding Divorce*

Denied;

Journal Entry Details:

EVIDENTIARY HEARING: VOIDING DIVORCE Petitioner Jaswinder Singh is referred to as Plaintiff herein. Petitioner Rajwant Kaur is referred to as Defendant herein. Nevada registered Punjabi interpreter Munir Qureshi, present with Plaintiff and Defendant. Testimony and exhibits presented (see worksheets). Argument and discussion regarding the relative issues for this hearing. Testimony and exhibit presentation resumed (see worksheets). Argument and discussion regarding the Court taking judicial notice that entry of a Decree Of Divorce ends a marriage and that being the issue before the Court in these proceedings. Court advised counsel it was taking judicial notice that a Decree Of Divorce was entered on September 04, 2004. Testimony and exhibit presentation resumed (see worksheets). Colloquy at the bench. Testimony and exhibit presentation resumed (see worksheets). **MATTER TRAILED. MATTER RECALLED.** All present as before. Court advised counsel it received documents in chambers and it conferred with the Presiding Judge and it was agreed the documents did not divest this Court of jurisdiction and the matters would proceed. Counsel concurred with the Court. Testimony and exhibit presentation resumed (see worksheets). Upon Court's inquiry both counsel agreed to conduct a conference with the Court. **MATTER TRAILED** for the Court to conduct a conference with counsel off the record and outside of the courtroom. **MATTER RECALLED.** All parties present as before. Court stated for the record and advised the parties of the matters discussed in the conference with counsel. Testimony and exhibit presentation resumed (see worksheets). Counsel moved the Court for judgment on the evidence. Court observed it questioned the Vaile case as it seemed to be illogical and it seemed to say it was okay to "pull a scam and get away with it" but it was Nevada law. Court further observed the testimony of the Defendant is not a far distance from the facts of the Vaile case. Argument and discussion regarding the fraudulent divorce, both parties' testimony about the divorce, the Vaile case decision, the facts of the Vaile case and counsel appealing this case to have the Supreme Court review of the Vaile case. Argument and discussion regarding neither party understanding what they were doing, Plaintiff's beliefs about getting a Nevada divorce, the California requirements for divorce and Nevada divorce law. Argument and discussion regarding the decision regarding the fraudulent divorce, Defendant not receiving any benefits after the last 15 years with Plaintiff, California making the decision and the Court's discretion under the Vaile case. Counsel requested the Court exercise its discretion and rule on the facts of the case. Discussion regarding the Court's obligation to rule on the facts of the law. Argument and discussion regarding the provisions of Rule 60b, the provisions of the Vaile case, Defendant's testimony and counsel appealing this case. Court advised counsel it would be exceeding its obligation if it did not rule on Plaintiff's motion (for judgment) based on the evidence presented and Defendant's deposition was not admitted or published so it could not review the deposition. Argument and discussion regarding the facts presented today being on point with the Vaile case and Defendant not meeting her burden of proof. **COURT stated its FINDINGS:** The Court does not find that Plaintiff was credible in any portion of his testimony. Based on the evidence presented Defendant was more credible, therefore, the Court does find that the parties perpetrated a fraud on the State Of Nevada by entering into a Decree Of Divorce without the requisite residency. Were that to be the end of the inquiry, because of the Vaile vs. Eighth Judicial District case, it was not the end of the inquiry. If sufficient time has passed the Court is obligated to make a decision to the merits as to how the fraudulent divorce was implemented (and) what were the parties' roles. In the Vaile case both spouses were willing participants (and) they both knew that they didn't have residency. They both knew they wanted a divorce sooner rather than later. It is not uncommon, unfortunately because we have such generous divorce laws, that people take advantage of those divorce laws and they come here thinking they'll get a quick divorce and they pretend to be residents. The Courts see that on a regular basis. Sometimes they get away with it, sometimes they don't but certainly, in this instance, the presiding judge had no reason to question the validity of the documents that were submitted and, therefore, executed the Decree. What Vaile says is if they make a distinction where there is a very old divorce the party who seeks to set it aside based on fraud (that party) must prove they were free from fault and you have 2 parties at fault and the Court in Vaile applied an equitable standard that they were not going to reward a "wrong doer" and that is why there is a requirement of some equitable reason why a "co-wrong doer" should not be permitted relief even though they are equally (as much of) a wrong doer as the other party. So they set the standard that there has to be some threat or coercion or (an) equitable reason why that party is free from fault. In the instant case the Court finds the Defendant to be very credible, unlike the Plaintiff. However, what is missing from her testimony is that she was

CASE SUMMARY**CASE No. 04D323977**

forced to sign those papers and, in fact in this instance, she knew there was a divorce in Nevada whether Plaintiff told her it was a piece of paper or not. This is a person who is a competent adult and (who) knew there was a divorce in Nevada until such time as she became upset with the Plaintiff, upon his allegation he had married someone else, she was content to "let sleeping dogs lie" and live together (with the Plaintiff). Ironically, they are still living together and, ironically, Plaintiff has not remarried. But it requires, in this instance, evidence of an unequal bargaining position at a minimum. There was nothing in Defendant's testimony that was evidence of an unequal bargaining position between the Plaintiff and Defendant. He said we're going to Nevada, we're going to sign some paperwork, it is going to be a divorce, it is going to be a "paper divorce", we're going to continue to live together (and) this was not a person with a mental defect or an inability to understand what was being told to her. She knew it, and in fact at his request and again it was a request not a demand according to her own testimony, she in fact went to India to marry his (Plaintiff's) brother. Was it a "sham" marriage? Of course it was. Did it assist the parties in their "end game"? No, because the brother never got a Visa and (did not) come to the U.S. But at the end of the day there is simply insufficient evidence that the Defendant acted under duress. So as much as I (the Court) find the facts of this case offensive, it cannot rule on what it finds offensive it has to rule on the law and precedent and Vaile is still precedent in this state. Should the Supreme Court choose to take a second look on appeal and, if in fact, they say that Vaile is not good law then the Court is happy to have the parties come back and the Court will even set a second hearing but on the testimony and the evidence the Court is compelled to grant the motion on the evidence and it is compelled to deny the motion to set aside. The COURT FURTHER FINDS because neither party comes to this court with clean hands neither party will receive an award of attorney's fees against the other. The Plaintiff is not entitled to an award of attorney's fees. He is equally, if not greater, at fault so he may be the prevailing party, but the Court will not reward someone with extremely unclean hands with an award of attorney's fees. The Defendant is not the prevailing party here and as much as there is some sympathy here, the Court does not rule on sympathy it must rule on the law and insofar as Defendant is not the prevailing party I (the Court) cannot award her any attorney's fees either. The Court was surprised when Defendant rested but counsel did and did not get to the heart of the Vaile case. It is not a criticism of counsel. The Court believes Defendant was honest and candid with the Court and counsel was left with the case he had. She (Defendant) knew what her husband wanted her to do and she went ahead and did it. There is no evidence that she refused or that he demanded or that he threatened her or anything else just like the parties did in the Vaile case and because of that the Court is compelled to deny the motion to set aside. There is an appealable issue there. The Court does not know what the Supreme Court will do. It is a question that has been answered in a way that most of us might not appreciate, but it is the question that has been answered and Defendant's testimony does not rise to the level for the Court to set aside the Decree Of Divorce. Counsel need to decide what they wish to do. This Court does not have the ability to "jump over" the Supreme Court and decide. COURT ORDERED: 1. The MOTION for judgment on the EVIDENCE is GRANTED. 2. Defendant's MOTION TO SET ASIDE the Decree Of Divorce is DENIED. 3. As neither party is the prevailing party there shall be NO AWARDS of ATTORNEY'S FEES to either party. Mr. James shall PREPARE the FINDINGS OF FACT, CONCLUSIONS OF LAW. Mr. Kynaston shall REVIEW the FINDINGS OF FACT, CONCLUSIONS OF LAW then COUNTERSIGN.;

09/12/2019

**All Pending Motions** (1:30 PM) (Judicial Officer: Pomrenze, Sandra)

09/12/2019

Opposition & Countermotion (1:30 PM) (Judicial Officer: Pomrenze, Sandra)

Rajwant Kaur's Opposition to Plaintiff's Motion in Limine and Defendant's Countermotion for Attorney's Fees and Costs

09/12/2019

**Motion in Limine** (1:30 PM) (Judicial Officer: Pomrenze, Sandra)

Petitioner's Motion in Limine

Denied;

Journal Entry Details:

PETITIONER'S MOTION IN LIMINE...RAJWANT KAUR'S OPPOSITION TO PLAINTIFF'S MOTION IN LIMINE AND COUNTERMOTION FOR ATTORNEY'S FEES This matter was heard concurrently with the Evidentiary Hearing: Voiding Divorce calendared for September 12, 2019 and again on September 13, 2019. Please refer to the Minute Order under the Evidentiary Hearing for the hearing details and the Court's orders.;

09/12/2019

**Evidentiary Hearing** (1:30 PM) (Judicial Officer: Pomrenze, Sandra)

Voiding Divorce

Matter Heard;

Journal Entry Details:

EVIDENTIARY HEARING: VOIDING DIVORCE This matter was heard concurrently with

CASE SUMMARY**CASE No. 04D323977**

Petitioner's Motion In Limine and Rajwant Kaur's Opposition To Plaintiff's Motion In Limine And Defendant's Countermotion For Attorney's Fees And Costs this date. Petitioner Jaswinder Singh is referred to as Plaintiff herein. Petitioner Rajwant Kaur is referred to as Defendant herein. Interpreter Munir Qureshi, Registered Interpreter in Punjabi, present with Plaintiff. Argument and discussion regarding the Motion In Limine. Counsel advised the Court he wished to invoke the exclusionary rule. COURT SO ORDERED. COURT FURTHER ORDERED: 2. The MOTION is DENIED WITHOUT PREJUDICE. 3. Counsel shall ARGUE AGAINST Defendant's WITNESSES as they are CALLED to TESTIFY. Both counsel WAIVED OPENING STATEMENTS. Testimony and exhibits presented (see worksheets). Argument and discussion regarding counsel stipulating to admission of some of the exhibits. Counsel advised Plaintiff's exhibits, except for exhibits 3,6,8,9,11,12,16 and 17, were stipulated to for admission. Counsel further advised all of Defendant's exhibits, except for exhibits H, T, and U, were stipulated to for admission. Testimony and exhibit presentation resumed (see worksheets). MATTER TRAILED for counsel to confer with his client. MATTER RECALLED. All parties present as before. Testimony and exhibit presentation resumed (see worksheets). Plaintiff's DEPOSITION PUBLISHED IN OPEN COURT. Testimony and exhibit presentation resumed (see worksheets). MATTER TRAILED. MATTER RECALLED. All present as before. Testimony and exhibit presentation resumed (see worksheets). Colloquy at the bench. MATTER TRAILED. MATTER RECALLED. All present as before. Colloquy at the bench. Testimony and exhibit presentation resumed (see worksheets). Evidentiary Hearing proceeds to Day Two. Court adjourned. ;

02/13/2019

**All Pending Motions (10:00 AM)** (Judicial Officer: Pomrenze, Sandra)**MINUTES**

Matter Heard;
Journal Entry Details:

DEFT'S MOTION TO SET ASIDE DECREE OF DIVORCE...PLTF'S OPPOSITION TO MOTION TO SET ASIDE DECREE OF DIVORCE AND COUNTERMOTION...DEFT'S REPLY TO PLTF'S OPPOSITION AND COUNTERMOTION Munir Qureshi, Punjabi interpreter, present with Jaswinder Singh. Petitioner Jaswinder Singh is referred to as Plaintiff herein. Co-Petitioner Rajwant Kaur is referred to as Defendant herein. Discussion regarding the Vaile case, there being evidence to be induced, the validity of residency and the issue of voluntary participation in fraud being perpetrated on the State Of Nevada. Further discussion regarding whether California recognizes "common law" marriages. Argument and discussion regarding adoption of the Marvin case, counsel appealing the Court, making findings and setting an evidentiary hearing. Argument regarding the fraud and void claims, whether fraud was perpetrated and the State Of Nevada being the victim of the fraud. Argument and discussion regarding Plaintiff's burden of proof, Defendant's burden of proof and the issues with divorces in Nevada. Argument and discussion regarding the fraud and the relief. Court advised counsel the issues were the fraudulent divorce, whether Defendant could lawfully exercise a right to void the divorce and what the date of the voiding of the marriage was. Argument and discussion regarding the events in 2004, both parties being remarried, Defendant's new evidence and whether Defendant would need an interpreter. COURT ORDERED: 1. The MATTERS are calendared for an EVIDENTIARY HEARING regarding VOIDING the DIVORCE for ONE and ONE HALF DAYS on June 13, 2019 at 1:30 P.M. and again on June 14, 2019 at 9:30 A.M. The parties shall BE PRESENT IN PERSON. NO TELEPHONIC APPEARANCES will be ALLOWED. 2. Prehearing briefs, including a Schedule Of Assets And Debts and the proposed property division, citing applicable law and applying the law to the facts in the case shall be EXCHANGED and FILED, with COURTESY COPIES delivered to chambers, NO LATER THAN June 06, 2019 at the close of the business day (5:00 P.M.). Briefs may be e-mailed or faxed to chambers if less than thirty pages. If the Briefs are more than 30 pages counsel shall Courtesy Copy a HARD COPY to the Court's CHAMBERS. In the event either of the parties do not timely submit their brief, the non-complying party will be subject to monetary sanctions. The TRIAL EXHIBITS SHALL NOT BE ATTACHED TO THE BRIEF THAT IS FILED. 3. DISCOVERY shall CLOSE on MAY 30, 2019 at the close of the business day (5:00 P.M.). WRITTEN DISCOVERY shall be SERVED ONE MONTH and ONE WEEK prior to the close of Discovery and in a fashion that allows the other party 30 DAYS to RESPOND. There shall be no written Discovery requests, no responses required and no depositions taken after the Discovery closing date. 4. Parties shall EXCHANGE LISTS of witnesses and exhibits, as well as copies of their proposed exhibits, NO LATER THAN MAY 01, 2019 at the close of business (5:00 P.M.). Counsel shall PROVIDE the witness and exhibit DISCLOSURES for trial SEPARATELY from the DISCOVERY DISCLOSURES and in a fashion that allows TIME for any needed DEPOSITIONS. Any witness not identified in advance of the hearing who is presented at the hearing will not be permitted to testify at the hearing absent compelling circumstances. Any exhibits not identified prior to the time set for hearing will not be admitted absent compelling circumstances. The TRIAL EXHIBITS SHALL NOT BE

CASE SUMMARY

CASE No. 04D323977

FILED. 5. Counsel shall MAKE the ARRANGEMENTS for the INTERPRETERS PRIOR to the TRIAL. Mr. Kynaston shall PREPARE the ORDER. Mr. James shall REVIEW the ORDER then COUNTERSIGN. ;

02/13/2019 **Hearing** (10:00 AM) (Judicial Officer: Pomrenze, Sandra)
Events: 02/08/2019 Reply to Opposition
Deft's Reply to Plaintiff's Opposition to Defendant's Motion to Set Aside Decree of Divorce and Defendant's Opposition to Plaintiff's Countermotion
Matter Heard;

02/13/2019 **Hearing** (10:00 AM) (Judicial Officer: Pomrenze, Sandra)
Events: 01/23/2019 Opposition and Countermotion
Pltl's Opposition To Motion To Set Aside Decree Of Divorce; Countermotion
Evidentiary Hearing;

02/13/2019 **Motion** (10:00 AM) (Judicial Officer: Pomrenze, Sandra)
Events: 01/07/2019 Motion to Set Aside
Dft's Motion to Set Aside Decree of Divorce

MINUTES



Motion to Set Aside

Filed by: Petitioner Kaur, Rajwant

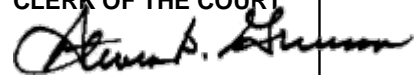
Dft's Motion to Set Aside Decree of Divorce

Evidentiary Hearing;

02/13/2019 **CANCELED Motion** (10:00 AM) (Judicial Officer: Pomrenze, Sandra)
Vacated - per Clerk
Defendant's Motion to Set Aside Decree of Divorce

ORIGINAL

Electronically Filed
10/22/2019 10:51 AM
Steven D. Grierson
CLERK OF THE COURT



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

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

JASWINDER SINGH,

Plaintiff,

CASE NO. : 04D323977
DEPT. NO. : P

vs.

**FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
ORDER**

RAJWANT KAUR,

Defendant.

This matter came before the Court on the 12th of September, 2019 and the 13th of September, 2019 for an Evidentiary Hearing on Defendant's Motion to Set Aside Decree of Divorce, which was filed on January 7, 2019, and on Plaintiff's Opposition thereto filed January 23, 2019. Also being heard was Plaintiff's Motion in Limine, which was filed August 30, 2019, and on Defendant's Opposition and Countermotion thereto, which was filed on September 6, 2019. F. Peter James, Esq. appeared with Plaintiff, Jaswinder

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

RECEIVED

OCT 18 2019

FAMILY COURT
DEPARTMENT P

1 Singh. Andrew L. Kynaston, Esq. appeared with Defendant, Rajwant Kaur.
2 Nevada registered Punjabi interpreter, Muir Qureshi, was also present to interpret
3 for Plaintiff and Defendant. The Honorable Sandra Pomrenze presided over the
4 matter.

5 Testimony and exhibits were presented. There was argument and
6 discussion regarding the relative issues for this hearing. Testimony and exhibit
7 presentation resumed. There was argument and discussion regarding the Court
8 taking judicial notice that entry of a Decree of Divorce ends a marriage and that
9 being the issue before the Court in these proceedings. Court advised counsel it
10 was taking judicial notice that a Decree of Divorce was entered on September 04,
11 2004. Testimony and exhibit presentation resumed. There was colloquy at the
12 bench. Testimony and exhibit presentation resumed. The matter was trialed and
13 then recalled with all present as before.

14 Court advised counsel it received documents (Plaintiff's Petition for writ
15 relief filed in the Nevada Supreme Court) in chambers and it conferred with the
16 Presiding Judge and it was agreed the documents did not divest this Court of
17 jurisdiction and the matters would proceed. Counsel concurred with the Court.
18 Testimony and exhibit presentation resumed. Upon Court's inquiry both counsel
19 agreed to conduct a conference with the Court. The matter was trailed for the
20 Court to conduct a conference with counsel off the record and outside of the

1 courtroom. The matter was recalled with all present as before. Testimony and
2 exhibit presentation resumed.

3 Defendant testified. Mr. Kynaston finished his examination and passed
4 the witness. Mr. James moved the Court for Judgment on the Evidence. Court
5 observed it questioned *Vaile v. Eighth Judicial District Court*, 118 Nev. 262, 44
6 P.3d 512 (2002), as it seemed to be illogical and it seemed to say it was okay to
7 “pull a scam and get away with it” but it was Nevada law.

8 The Court further observed the testimony of the Defendant is not a far
9 distance from the facts of the *Vaile* case. There was argument and discussion
10 regarding the fraudulent divorce, both parties’ testimony about the divorce, the
11 *Vaile* case decision, the facts of the *Vaile* case, and Mr. Kynaston appealing this
12 case to have the Supreme Court review of the *Vaile* case. There was argument
13 and discussion regarding neither party understanding what they were doing,
14 Plaintiff’s beliefs about getting a Nevada divorce, the California requirements for
15 divorce, and Nevada divorce law. There was argument and discussion regarding
16 the decision regarding the fraudulent divorce, Defendant not receiving any
17 benefits after the last 15 years with Plaintiff, California making the decision, and
18 the Court’s discretion under the *Vaile* case. Mr. Kynaston requested the Court
19 exercise its discretion and rule on the facts of the case.

1 There was discussion regarding the Court's obligation to rule on the facts
2 and the law. There was argument and discussion regarding the provisions of Rule
3 60(b), the provisions of the *Vaile* case, Defendant's testimony, and counsel
4 appealing this case. Court advised counsel it would be exceeding its obligation
5 if it did not rule on Plaintiff's motion for judgment based on the evidence
6 presented, and Defendant's deposition was not published so it could not review
7 the deposition. There was argument and discussion regarding the facts presented
8 today being on point with the *Vaile* case and Defendant not meeting her burden
9 of proof.

10 The Court, having read the papers and pleadings on file herein, being well
11 advised in the premises, having heard the testimony, having considered the
12 evidence, being well advised in the premises, and for sufficient cause shown,
13 hereby finds and orders as follows:

14 **THE COURT HEREBY FINDS** that Plaintiff was not credible in any
15 portion of his testimony. Based on the evidence presented Defendant was more
16 credible; therefore, the Court does find that the parties perpetrated a fraud on the
17 State of Nevada by entering into a Decree of Divorce without the requisite
18 residency. Were that to be the end of the inquiry, but because of the *Vaile vs.*
19 *Eighth Judicial District* case, it was not the end of the inquiry. If sufficient time
20 has passed, the Court is obligated to make a decision on the merits as to how the

1 fraudulent divorce was implemented and what the parties' roles were. In the
2 *Vaile* case, both spouses were willing participants and they both knew that they
3 did not have residency. They both knew they wanted a divorce sooner rather than
4 later. It is not uncommon, unfortunately, because we have such generous divorce
5 laws, that people take advantage of those divorce laws and they come here
6 thinking they will get a quick divorce and they pretend to be residents. The
7 Courts see that on a regular basis. Sometimes they get away with it, sometimes
8 they do not, but certainly, in this instance, the presiding judge had no reason to
9 question the validity of the documents that were submitted and, therefore,
10 executed the Decree. What *Vaile* says is, if they make a distinction where there
11 is a very old divorce and one party seeks to set it aside based on fraud, that party
12 must prove they were free from fault. You have 2 parties at fault and the Court
13 in *Vaile* applied an equitable standard that they were not going to reward a
14 "wrong doer" and that is why there is a requirement of some equitable reason
15 why a "co-wrong doer" should be permitted relief even though they are equally
16 as much of a wrong doer as the other party. So, they set the standard that there
17 has to be some threat, duress, or coercion or an equitable reason why that party
18 is free from fault. In the instant case the Court finds the Defendant to be very
19 credible, unlike the Plaintiff. However, what is missing from Defendant's
20 testimony is that she was forced to sign those papers and, in fact in this instance,

1 she knew there was a divorce in Nevada whether Plaintiff told her it was a piece
2 of paper or not. This is a person who is a competent adult and who knew there
3 was a divorce in Nevada until such time as she became upset with the Plaintiff,
4 upon his allegation he had married someone else. She was content to “let
5 sleeping dogs lie” and live together with the Plaintiff. Ironically, they are still
6 living together and, ironically, Plaintiff has not remarried. But it requires, in this
7 instance, evidence of an unequal bargaining position at a minimum. There was
8 nothing in Defendant’s testimony that was evidence of an unequal bargaining
9 position between the Plaintiff and Defendant. Plaintiff said, “we’re going to
10 Nevada, we’re going to sign some paperwork, it is going to be a divorce, it is
11 going to be a paper divorce, we’re going to continue to live together.” This was
12 not a person with a mental defect or an inability to understand what was being
13 told to her. Defendant knew it, and in fact at his request, not a demand according
14 to her own testimony, she in fact went to India to marry Plaintiff’s brother. Was
15 it a “sham” marriage? Of course it was. Did it assist the parties in their “end
16 game”? No, because Plaintiff’s brother never got a Visa and did not come to the
17 U.S. But at the end of the day, there is simply insufficient evidence that the
18 Defendant acted under duress. So as much as the Court finds the facts of this
19 case offensive, it cannot rule on what it finds offensive—it has to rule on the law
20 and precedent and *Vaile* is still precedent in this state. Should the Supreme Court

1 choose to take a second look on appeal, they are free to do so, and, if in fact, they
2 say that *Vaile* is not good law then the Court is happy to have the parties come
3 back and the Court will even set a second hearing. On the testimony and the
4 evidence, the Court is compelled to grant the motion for judgment on the
5 evidence and it is compelled to deny the motion to set aside.

6 **THE COURT FURTHER FINDS** that, because neither party comes to
7 this court with clean hands, neither party shall receive an award of attorney's fees
8 against the other. The Plaintiff is not entitled to an award of attorney's fees. He
9 is equally, if not greater, at fault than the Defendant, so he may be the prevailing
10 party, but the Court will not reward someone with extremely unclean hands with
11 an award of attorney's fees. The Defendant is not the prevailing party here and
12 as much as there is some sympathy here, the Court does not rule on sympathy. It
13 must rule on the law and insofar as Defendant is not the prevailing party the Court
14 cannot award her any attorney's fees either. The Court was surprised when
15 Defendant rested, but counsel did, and did not get to the heart of the *Vaile* case
16 standard. It is not a criticism of counsel. The Court believes that Defendant was
17 honest and candid with the Court, and counsel was left with the case he had.
18 Defendant knew what her husband wanted her to do, and she went ahead and did
19 it. There is no evidence that she refused or that he demanded or that he threatened
20 her or anything else, just like the parties did in the *Vaile* case. Because of that,

1 and the *Vaile* precedent, the Court is compelled to deny the motion to set aside.
2 There is an appealable issue there. The Court does not know what the Supreme
3 Court will do. It is a question that has been answered in a way that most of us
4 might not appreciate, but it is the question that has been answered and
5 Defendant's testimony does not rise to the level for the Court to set aside the
6 Decree of Divorce. Counsel need to decide what they wish to do, because the
7 Court does believe there is an issue here. This Court does not have the ability to
8 "jump over" the Supreme Court and decide.

9 Therefore,

10 **IT IS HEREBY ORDERED** that the Motion for Judgment on the
11 Evidence is GRANTED.

12 **IT IS FURTHER ORDERED** that Defendant's Motion to Set Aside the
13 Decree of Divorce is DENIED.

14 **IT IS FURTHER ORDERED** that, as neither party is the prevailing
15 party, there shall be no award of attorney's fees to either party.

16 ///

17 ///

18 ///

19 ///

20 ///

1 **IT IS FURTHER ORDERED** that Mr. James shall prepare the Findings
2 of Fact, Conclusions of Law with Mr. Kynaston to review the same and
3 countersign.

4 **IT IS SO ORDERED.**

5 Dated this 21 day of October, 2019.

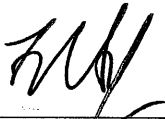


DISTRICT COURT JUDGE

SANDRA L. POMRENZE

8 Respectfully submitted by:

Approved as to form and content by:



10 LAW OFFICES OF F. PETER JAMES KAINEN LAW GROUP

F. Peter James, Esq.

Andrew L. Kynaston, Esq.

11 Nevada Bar No. 10091

Nevada Bar No. 8147

3821 W. Charleston Blvd., Suite 250

3303 Novat Street, Suite 200

12 Las Vegas, Nevada 89102

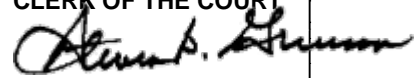
Las Vegas, Nevada 89129

702-256-0087

702-823-4900

13 Counsel for Plaintiff

Counsel for Defendant



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

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

13 JASWINDER SINGH,
14
15 Plaintiff,

16 vs.

17 RAJWANT KAUR,
18
19 Defendant.

CASE NO. : 04D323977
DEPT. NO. : P

**NOTICE OF ENTRY OF FINDINGS
OF FACT, CONCLUSIONS OF
LAW, AND ORDER**

20 ///

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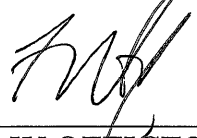
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///

///

1 Please take notice that the attached Findings of Fact, Conclusions of Law,
2 and Order was entered on October 22, 2019.

3 Dated this 22 day of October 2019

4 
5 LAW OFFICES OF F. PETER JAMES
F. Peter James, Esq.
6 Nevada Bar No. 10091
3821 W. Charleston Blvd., Suite 250
7 Las Vegas, Nevada 89102
702-256-0087
8 Counsel for Plaintiff

1 **CERTIFICATE OF SERVICE**

2 I certify that on this 22 day of October, 2019, I caused the above and
3 foregoing document entitled **NOTICE OF ENTRY OF FINDINGS OF FACT,**
4 **CONCLUSIONS OF LAW, AND ORDER** to be served as follows:

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

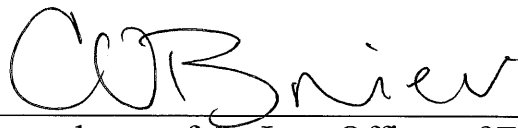
8 ☐ by placing same to be deposited for mailing in the United States
9 Mail, in a sealed envelope upon which first class postage was
10 prepaid in Las Vegas, Nevada;

10 ☐ pursuant to EDCR 7.26 / NEFCR 9, to be sent via facsimile /
11 email;

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

14 Andrew L. Kynaston, Esq.
15 Kainen Law Group
16 3303 Novat Street, Suite 200
17 Las Vegas, Nevada 89129
18 702-823-4488 (fax)
19 Service@KainenLawGroup.com
20 Counsel for Defendant

18
19 By:



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

ORIGINAL

Electronically Filed
10/22/2019 10:51 AM
Steven D. Grierson
CLERK OF THE COURT

Steven D. Grierson

FFCL
LAW OFFICES OF F. PETER JAMES, ESQ.
F. Peter James, Esq.
Nevada Bar No. 10091
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Peter@PeterJamesLaw.com
702-256-0087
702-256-0145 (fax)
Counsel for Plaintiff

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

JASWINDER SINGH,

Plaintiff,

vs.

RAJWANT KAUR,

Defendant.

CASE NO. : 04D323977
DEPT. NO. : P

**FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
ORDER**

This matter came before the Court on the 12th of September, 2019 and the 13th of September, 2019 for an Evidentiary Hearing on Defendant's Motion to Set Aside Decree of Divorce, which was filed on January 7, 2019, and on Plaintiff's Opposition thereto filed January 23, 2019. Also being heard was Plaintiff's Motion in Limine, which was filed August 30, 2019, and on Defendant's Opposition and Countermotion thereto, which was filed on September 6, 2019. F. Peter James, Esq. appeared with Plaintiff, Jaswinder

RECEIVED

OCT 18 2019

FAMILY COURT
DEPARTMENT P

Non-Trial Dispositions:
☐ Other
☐ Dismissed - Want of Prosecution
☐ Involuntary (Statutory) Dismissal
☐ Default Judgment
☐ Transferred
☐ Disposed After Trial

Settled/Withdrawn:
☐ Without Judicial Conf/Hrg
☒ With Judicial Conf/Hrg
☐ By ADR

Trial Dispositions:
☐ Trial Set
☒ Judgment Reached by Trial

1 Singh. Andrew L. Kynaston, Esq. appeared with Defendant, Rajwant Kaur.
2 Nevada registered Punjabi interpreter, Muir Qureshi, was also present to interpret
3 for Plaintiff and Defendant. The Honorable Sandra Pomrenze presided over the
4 matter.

5 Testimony and exhibits were presented. There was argument and
6 discussion regarding the relative issues for this hearing. Testimony and exhibit
7 presentation resumed. There was argument and discussion regarding the Court
8 taking judicial notice that entry of a Decree of Divorce ends a marriage and that
9 being the issue before the Court in these proceedings. Court advised counsel it
10 was taking judicial notice that a Decree of Divorce was entered on September 04,
11 2004. Testimony and exhibit presentation resumed. There was colloquy at the
12 bench. Testimony and exhibit presentation resumed. The matter was trialed and
13 then recalled with all present as before.

14 Court advised counsel it received documents (Plaintiff's Petition for writ
15 relief filed in the Nevada Supreme Court) in chambers and it conferred with the
16 Presiding Judge and it was agreed the documents did not divest this Court of
17 jurisdiction and the matters would proceed. Counsel concurred with the Court.
18 Testimony and exhibit presentation resumed. Upon Court's inquiry both counsel
19 agreed to conduct a conference with the Court. The matter was trailed for the
20 Court to conduct a conference with counsel off the record and outside of the

1 courtroom. The matter was recalled with all present as before. Testimony and
2 exhibit presentation resumed.

3 Defendant testified. Mr. Kynaston finished his examination and passed
4 the witness. Mr. James moved the Court for Judgment on the Evidence. Court
5 observed it questioned *Vaile v. Eighth Judicial District Court*, 118 Nev. 262, 44
6 P.3d 512 (2002), as it seemed to be illogical and it seemed to say it was okay to
7 “pull a scam and get away with it” but it was Nevada law.

8 The Court further observed the testimony of the Defendant is not a far
9 distance from the facts of the *Vaile* case. There was argument and discussion
10 regarding the fraudulent divorce, both parties’ testimony about the divorce, the
11 *Vaile* case decision, the facts of the *Vaile* case, and Mr. Kynaston appealing this
12 case to have the Supreme Court review of the *Vaile* case. There was argument
13 and discussion regarding neither party understanding what they were doing,
14 Plaintiff’s beliefs about getting a Nevada divorce, the California requirements for
15 divorce, and Nevada divorce law. There was argument and discussion regarding
16 the decision regarding the fraudulent divorce, Defendant not receiving any
17 benefits after the last 15 years with Plaintiff, California making the decision, and
18 the Court’s discretion under the *Vaile* case. Mr. Kynaston requested the Court
19 exercise its discretion and rule on the facts of the case.

1 There was discussion regarding the Court's obligation to rule on the facts
2 and the law. There was argument and discussion regarding the provisions of Rule
3 60(b), the provisions of the *Vaile* case, Defendant's testimony, and counsel
4 appealing this case. Court advised counsel it would be exceeding its obligation
5 if it did not rule on Plaintiff's motion for judgment based on the evidence
6 presented, and Defendant's deposition was not published so it could not review
7 the deposition. There was argument and discussion regarding the facts presented
8 today being on point with the *Vaile* case and Defendant not meeting her burden
9 of proof.

10 The Court, having read the papers and pleadings on file herein, being well
11 advised in the premises, having heard the testimony, having considered the
12 evidence, being well advised in the premises, and for sufficient cause shown,
13 hereby finds and orders as follows:

14 **THE COURT HEREBY FINDS** that Plaintiff was not credible in any
15 portion of his testimony. Based on the evidence presented Defendant was more
16 credible; therefore, the Court does find that the parties perpetrated a fraud on the
17 State of Nevada by entering into a Decree of Divorce without the requisite
18 residency. Were that to be the end of the inquiry, but because of the *Vaile vs.*
19 *Eighth Judicial District* case, it was not the end of the inquiry. If sufficient time
20 has passed, the Court is obligated to make a decision on the merits as to how the

1 fraudulent divorce was implemented and what the parties' roles were. In the
2 *Vaile* case, both spouses were willing participants and they both knew that they
3 did not have residency. They both knew they wanted a divorce sooner rather than
4 later. It is not uncommon, unfortunately, because we have such generous divorce
5 laws, that people take advantage of those divorce laws and they come here
6 thinking they will get a quick divorce and they pretend to be residents. The
7 Courts see that on a regular basis. Sometimes they get away with it, sometimes
8 they do not, but certainly, in this instance, the presiding judge had no reason to
9 question the validity of the documents that were submitted and, therefore,
10 executed the Decree. What *Vaile* says is, if they make a distinction where there
11 is a very old divorce and one party seeks to set it aside based on fraud, that party
12 must prove they were free from fault. You have 2 parties at fault and the Court
13 in *Vaile* applied an equitable standard that they were not going to reward a
14 "wrong doer" and that is why there is a requirement of some equitable reason
15 why a "co-wrong doer" should be permitted relief even though they are equally
16 as much of a wrong doer as the other party. So, they set the standard that there
17 has to be some threat, duress, or coercion or an equitable reason why that party
18 is free from fault. In the instant case the Court finds the Defendant to be very
19 credible, unlike the Plaintiff. However, what is missing from Defendant's
20 testimony is that she was forced to sign those papers and, in fact in this instance,

1 she knew there was a divorce in Nevada whether Plaintiff told her it was a piece
2 of paper or not. This is a person who is a competent adult and who knew there
3 was a divorce in Nevada until such time as she became upset with the Plaintiff,
4 upon his allegation he had married someone else. She was content to “let
5 sleeping dogs lie” and live together with the Plaintiff. Ironically, they are still
6 living together and, ironically, Plaintiff has not remarried. But it requires, in this
7 instance, evidence of an unequal bargaining position at a minimum. There was
8 nothing in Defendant’s testimony that was evidence of an unequal bargaining
9 position between the Plaintiff and Defendant. Plaintiff said, “we’re going to
10 Nevada, we’re going to sign some paperwork, it is going to be a divorce, it is
11 going to be a paper divorce, we’re going to continue to live together.” This was
12 not a person with a mental defect or an inability to understand what was being
13 told to her. Defendant knew it, and in fact at his request, not a demand according
14 to her own testimony, she in fact went to India to marry Plaintiff’s brother. Was
15 it a “sham” marriage? Of course it was. Did it assist the parties in their “end
16 game”? No, because Plaintiff’s brother never got a Visa and did not come to the
17 U.S. But at the end of the day, there is simply insufficient evidence that the
18 Defendant acted under duress. So as much as the Court finds the facts of this
19 case offensive, it cannot rule on what it finds offensive—it has to rule on the law
20 and precedent and *Vaile* is still precedent in this state. Should the Supreme Court

1 choose to take a second look on appeal, they are free to do so, and, if in fact, they
2 say that *Vaile* is not good law then the Court is happy to have the parties come
3 back and the Court will even set a second hearing. On the testimony and the
4 evidence, the Court is compelled to grant the motion for judgment on the
5 evidence and it is compelled to deny the motion to set aside.

6 **THE COURT FURTHER FINDS** that, because neither party comes to
7 this court with clean hands, neither party shall receive an award of attorney's fees
8 against the other. The Plaintiff is not entitled to an award of attorney's fees. He
9 is equally, if not greater, at fault than the Defendant, so he may be the prevailing
10 party, but the Court will not reward someone with extremely unclean hands with
11 an award of attorney's fees. The Defendant is not the prevailing party here and
12 as much as there is some sympathy here, the Court does not rule on sympathy. It
13 must rule on the law and insofar as Defendant is not the prevailing party the Court
14 cannot award her any attorney's fees either. The Court was surprised when
15 Defendant rested, but counsel did, and did not get to the heart of the *Vaile* case
16 standard. It is not a criticism of counsel. The Court believes that Defendant was
17 honest and candid with the Court, and counsel was left with the case he had.
18 Defendant knew what her husband wanted her to do, and she went ahead and did
19 it. There is no evidence that she refused or that he demanded or that he threatened
20 her or anything else, just like the parties did in the *Vaile* case. Because of that,

1 and the *Vaile* precedent, the Court is compelled to deny the motion to set aside.
2 There is an appealable issue there. The Court does not know what the Supreme
3 Court will do. It is a question that has been answered in a way that most of us
4 might not appreciate, but it is the question that has been answered and
5 Defendant's testimony does not rise to the level for the Court to set aside the
6 Decree of Divorce. Counsel need to decide what they wish to do, because the
7 Court does believe there is an issue here. This Court does not have the ability to
8 "jump over" the Supreme Court and decide.

9 Therefore,

10 **IT IS HEREBY ORDERED** that the Motion for Judgment on the
11 Evidence is GRANTED.

12 **IT IS FURTHER ORDERED** that Defendant's Motion to Set Aside the
13 Decree of Divorce is DENIED.

14 **IT IS FURTHER ORDERED** that, as neither party is the prevailing
15 party, there shall be no award of attorney's fees to either party.

16 ///

17 ///

18 ///

19 ///

20 ///

1 **IT IS FURTHER ORDERED** that Mr. James shall prepare the Findings
2 of Fact, Conclusions of Law with Mr. Kynaston to review the same and
3 countersign.

4 **IT IS SO ORDERED.**

5 Dated this 21 day of October, 2019.




DISTRICT COURT JUDGE

SANDRA L. POMRENZE

8 Respectfully submitted by:

Approved as to form and content by:



10 LAW OFFICES OF F. PETER JAMES KAINEN LAW GROUP

F. Peter James, Esq.


Andrew L. Kynaston, Esq.

11 Nevada Bar No. 10091

Nevada Bar No. 8147

12 3821 W. Charleston Blvd., Suite 250

3303 Novat Street, Suite 200

12 Las Vegas, Nevada 89102

Las Vegas, Nevada 89129

702-256-0087

702-823-4900

13 Counsel for Plaintiff

Counsel for Defendant

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition**COURT MINUTES****February 13, 2019**

04D323977

In the Matter of the Joint Petition for Divorce of:
Jaswinder Singh and Rajwant Kaur

February 13, 2019 10:00 AM**All Pending Motions****HEARD BY:** Pomrenze, Sandra**COURTROOM:** Courtroom 10**COURT CLERK:** Carol Critchett**PARTIES:**

Jaswinder Singh, Petitioner, present
Rajwant Kaur, Petitioner, not present

F James, Attorney, present
Andrew Kynaston, Attorney, present

JOURNAL ENTRIES

- DEFT'S MOTION TO SET ASIDE DECREE OF DIVORCE...PLTF'S OPPOSITION TO MOTION TO SET ASIDE DECREE OF DIVORCE AND COUNTERMOTION...DEFT'S REPLY TO PLTF'S OPPOSITION AND COUNTERMOTION

Munir Qureshi, Punjabi interpreter, present with Jaswinder Singh.

Petitioner Jaswinder Singh is referred to as Plaintiff herein.

Co-Petitioner Rajwant Kaur is referred to as Defendant herein.

Discussion regarding the Vaile case, there being evidence to be induced, the validity of residency and the issue of voluntary participation in fraud being perpetrated on the State Of Nevada. Further discussion regarding whether California recognizes

"common law" marriages. Argument and discussion regarding adoption of the Marvin case, counsel appealing the Court, making findings and setting an evidentiary hearing. Argument regarding the fraud and void claims, whether fraud was perpetrated and the State Of Nevada being the victim of the fraud. Argument and discussion regarding Plaintiff's burden of proof, Defendant's burden of proof and the issues with divorces in Nevada. Argument and discussion regarding the fraud and the relief. Court advised counsel the issues were the fraudulent divorce, whether Defendant could lawfully exercise a right to void the divorce and what the date of the voiding of the marriage was.

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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

Argument and discussion regarding the events in 2004, both parties being remarried, Defendant's new evidence and whether Defendant would need an interpreter.

COURT ORDERED:

1. The MATTERS are calendared for an EVIDENTIARY HEARING regarding VOIDING the DIVORCE for ONE and ONE HALF DAYS on June 13, 2019 at 1:30 P.M. and again on June 14, 2019 at 9:30 A.M. The parties shall BE PRESENT IN PERSON. NO TELEPHONIC APPEARANCES will be ALLOWED.
2. Prehearing briefs, including a Schedule Of Assets And Debts and the proposed property division, citing applicable law and applying the law to the facts in the case shall be EXCHANGED and FILED, with COURTESY COPIES delivered to chambers, NO LATER THAN June 06, 2019 at the close of the business day (5:00 P.M.). Briefs may be e-mailed or faxed to chambers if less than thirty pages. If the Briefs are more than 30 pages counsel shall Courtesy Copy a HARD COPY to the Court's CHAMBERS. In the event either of the parties do not timely submit their brief, the non-complying party will be subject to monetary sanctions. The TRIAL EXHIBITS SHALL NOT BE ATTACHED TO THE BRIEF THAT IS FILED.
3. DISCOVERY shall CLOSE on MAY 30, 2019 at the close of the business day (5:00 P.M.). WRITTEN DISCOVERY shall be SERVED ONE MONTH and ONE WEEK prior to the close of Discovery and in a fashion that allows the other party 30 DAYS to RESPOND. There shall be no written Discovery requests, no responses required and no depositions taken after the Discovery closing date.
4. Parties shall EXCHANGE LISTS of witnesses and exhibits, as well as copies of their proposed exhibits, NO LATER THAN MAY 01, 2019 at the close of business (5:00 P.M.). Counsel shall PROVIDE the witness and exhibit DISCLOSURES for trial SEPARATELY from the DISCOVERY DISCLOSURES and in a fashion that allows TIME for any needed DEPOSITIONS. Any witness not identified in advance of the hearing who is presented at the hearing will not be permitted to testify at the hearing absent compelling circumstances. Any exhibits not identified prior to the time set for hearing will not be admitted absent compelling circumstances. The TRIAL EXHIBITS SHALL NOT BE FILED.
5. Counsel shall MAKE the ARRANGEMENTS for the INTERPRETERS PRIOR to the TRIAL.

Mr. Kynaston shall PREPARE the ORDER. Mr. James shall REVIEW the ORDER then COUNTERSIGN.

PRINT DATE:	11/21/2019	Page 2 of 12	Minutes Date:	February 13, 2019
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INTERIM CONDITIONS:

FUTURE HEARINGS:

PRINT DATE:	11/21/2019	Page 3 of 12	Minutes Date:	February 13, 2019
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition**COURT MINUTES****September 12, 2019**

04D323977

In the Matter of the Joint Petition for Divorce of:
Jaswinder Singh and Rajwant Kaur

**September 12,
2019****1:30 PM****Evidentiary Hearing****HEARD BY:** Pomrenze, Sandra**COURTROOM:** Courtroom 10**COURT CLERK:** Carol Critchett**PARTIES:**

Jaswinder Singh, Petitioner, present
Rajwant Kaur, Petitioner, present

F James, Attorney, present
Andrew Kynaston, Attorney, present

JOURNAL ENTRIES

- EVIDENTIARY HEARING: VOIDING DIVORCE

This matter was heard concurrently with Petitioner's Motion In Limine and Rajwant Kaur's Opposition To Plaintiff's Motion In Limine And Defendant's Countermotion For Attorney's Fees And Costs this date.

Petitioner Jaswinder Singh is referred to as Plaintiff herein.
Petitioner Rajwant Kaur is referred to as Defendant herein.

Interpreter Munir Qureshi, Registered Interpreter in Punjabi, present with Plaintiff.

Argument and discussion regarding the Motion In Limine. Counsel advised the Court he wished to invoke the exclusionary rule. COURT SO ORDERED.

COURT FURTHER ORDERED:

2. The MOTION is DENIED WITHOUT PREJUDICE.

PRINT DATE:	11/21/2019	Page 4 of 12	Minutes Date:	February 13, 2019
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

3. Counsel shall ARGUE AGAINST Defendant's WITNESSES as they are CALLED to TESTIFY.

Both counsel WAIVED OPENING STATEMENTS.

Testimony and exhibits presented (see worksheets).

Argument and discussion regarding counsel stipulating to admission of some of the exhibits.

Counsel advised

Plaintiff's exhibits, except for exhibits 3,6,8,9,11,12,16 and 17, were stipulated to for admission.

Counsel further advised all of Defendant's exhibits, except for exhibits H, T, and U, were stipulated to for admission.

Testimony and exhibit presentation resumed (see worksheets).

MATTER TRAILED for counsel to confer with his client.

MATTER RECALLED. All parties present as before.

Testimony and exhibit presentation resumed (see worksheets).

Plaintiff's DEPOSITION PUBLISHED IN OPEN COURT.

Testimony and exhibit presentation resumed (see worksheets).

MATTER TRAILED.

MATTER RECALLED. All present as before.

Testimony and exhibit presentation resumed (see worksheets).

Colloquy at the bench.

MATTER TRAILED.

MATTER RECALLED. All present as before.

Colloquy at the bench.

Testimony and exhibit presentation resumed (see worksheets).

Evidentiary Hearing proceeds to Day Two.

Court adjourned.

PRINT DATE:	11/21/2019	Page 5 of 12	Minutes Date:	February 13, 2019
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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:	11/21/2019	Page 6 of 12	Minutes Date:	February 13, 2019
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition**COURT MINUTES**

September 12, 2019

04D323977

In the Matter of the Joint Petition for Divorce of:
Jaswinder Singh and Rajwant Kaur

**September 12,
2019**

1:30 PM**Motion in Limine****HEARD BY:** Pomrenze, Sandra**COURTROOM:** Courtroom 10**COURT CLERK:** Carol Critchett**PARTIES:**

Jaswinder Singh, Petitioner, present
Rajwant Kaur, Petitioner, present

F James, Attorney, present
Andrew Kynaston, Attorney, present

JOURNAL ENTRIES

- PETITIONER'S MOTION IN LIMINE...RAJWANT KAUR'S OPPOSITION TO PLAINTIFF'S
MOTION IN LIMINE AND COUNTERMOTION FOR ATTORNEY'S FEES

This matter was heard concurrently with the Evidentiary Hearing: Voiding Divorce calendared for
September 12, 2019 and
again on September 13, 2019. Please refer to the Minute Order under the Evidentiary Hearing for the
hearing details
and the Court's orders.

INTERIM CONDITIONS:**FUTURE HEARINGS:**

PRINT DATE:	11/21/2019	Page 7 of 12	Minutes Date:	February 13, 2019
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition**COURT MINUTES****September 13, 2019**

04D323977

In the Matter of the Joint Petition for Divorce of:
Jaswinder Singh and Rajwant Kaur

**September 13,
2019****9:30 AM****Evidentiary Hearing****HEARD BY:** Pomrenze, Sandra**COURTROOM:** Courtroom 10**COURT CLERK:** Carol Critchett**PARTIES:**

Jaswinder Singh, Petitioner, present
Rajwant Kaur, Petitioner, present

F James, Attorney, present
Andrew Kynaston, Attorney, present

JOURNAL ENTRIES

- EVIDENTIARY HEARING: VOIDING DIVORCE

Petitioner Jaswinder Singh is referred to as Plaintiff herein.
Petitioner Rajwant Kaur is referred to as Defendant herein.

Nevada registered Punjabi interpreter Munir Qureshi, present with Plaintiff and Defendant.

Testimony and exhibits presented (see worksheets).

Argument and discussion regarding the relative issues for this hearing.

Testimony and exhibit presentation resumed (see worksheets).

Argument and discussion regarding the Court taking judicial notice that entry of a Decree Of Divorce ends a marriage and that being the issue before the Court in these proceedings. Court advised counsel it was taking judicial notice that a Decree Of Divorce was entered on September 04, 2004.

Testimony and exhibit presentation resumed (see worksheets).

PRINT DATE:	11/21/2019	Page 8 of 12	Minutes Date:	February 13, 2019
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Colloquy at the bench.

Testimony and exhibit presentation resumed (see worksheets).

MATTER TRAILED.

MATTER RECALLED. All present as before.

Court advised counsel it received documents in chambers and it conferred with the Presiding Judge and it was agreed the documents did not divest this Court of jurisdiction and the matters would proceed. Counsel concurred with the Court.

Testimony and exhibit presentation resumed (see worksheets).

Upon Court's inquiry both counsel agreed to conduct a conference with the Court.

MATTER TRAILED for the Court to conduct a conference with counsel off the record and outside of the courtroom.

MATTER RECALLED. All parties present as before.

Court stated for the record and advised the parties of the matters discussed in the conference with counsel.

Testimony and exhibit presentation resumed (see worksheets).

Counsel moved the Court for judgment on the evidence. Court observed it questioned the Vaile case as it seemed to be

illogical and it seemed to say it was okay to "pull a scam and get away with it" but it was Nevada law. Court further observed the testimony of the Defendant is not a far distance from the facts of the Vaile case. Argument and discussion regarding the fraudulent divorce, both parties' testimony about the divorce, the Vaile case decision, the facts of the Vaile case and counsel appealing this case to have the Supreme Court review of the Vaile case. Argument and discussion regarding neither party understanding what they were doing, Plaintiff's beliefs about getting a Nevada divorce, the California requirements for divorce and Nevada divorce law. Argument and discussion regarding the decision regarding the fraudulent divorce, Defendant not receiving any benefits after the last 15 years with Plaintiff, California making the decision and the Court's discretion under the Vaile case. Counsel requested the Court exercise its discretion and rule on the facts of the case. Discussion regarding the Court's obligation to rule on the facts of the law. Argument and discussion regarding the provisions of Rule 60b, the provisions of the Vaile case, Defendant's testimony and counsel appealing this case. Court advised counsel it would be exceeding its obligation if it did not rule on Plaintiff's motion (for judgment) based on the evidence presented and Defendant's deposition was not admitted or published so it could not review the deposition.

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Argument and discussion regarding the facts presented today being on point with the Vaile case and Defendant not meeting her burden of proof.

COURT stated its FINDINGS:

The Court does not find that Plaintiff was credible in any portion of his testimony. Based on the evidence presented Defendant was more credible, therefore, the Court does find that the parties perpetrated a fraud on the State Of Nevada by entering into a Decree Of Divorce without the requisite residency. Were that to be the end of the inquiry, because of the Vaile vs. Eighth Judicial District case, it was not the end of the inquiry. If sufficient time has passed the Court is obligated to make a decision to the merits as to how the fraudulent divorce was implemented (and) what were the parties' roles. In the Vaile case both spouses were willing participants (and) they both knew that they didn't have residency. They both knew they wanted a divorce sooner rather than later. It is not uncommon, unfortunately because we have such generous divorce laws, that people take advantage of those divorce laws and they come here thinking they'll get a quick divorce and they pretend to be residents. The Courts see that on a regular basis. Sometimes they get away with it, sometimes they don't but certainly, in this instance, the presiding judge had no reason to question the validity of the documents that were submitted and, therefore, executed the Decree. What Vaile says is if they make a distinction where there is a very old divorce the party who seeks to set it aside based on fraud (that party) must prove they were free from fault and you have 2 parties at fault and the Court in Vaile applied an equitable standard that they were not going to reward a "wrong doer" and that is why there is a requirement of some equitable reason why a "co-wrong doer" should not be permitted relief even though they are equally (as much of) a wrong doer as the other party. So they set the standard that there has to be some threat or coercion or (an) equitable reason why that party is free from fault. In the instant case the Court finds the Defendant to be very credible, unlike the Plaintiff. However, what is missing from her testimony is that she was forced to sign those papers and, in fact in this instance, she knew there was a divorce in Nevada whether Plaintiff told her it was a piece of paper or not. This is a person who is a competent adult and (who) knew there was a divorce in Nevada until such time as she became upset with the Plaintiff, upon his allegation he had married someone else, she was content to "let sleeping dogs lie" and live together (with the Plaintiff). Ironically, they are still living together and, ironically, Plaintiff has not remarried. But it requires, in this instance, evidence of an unequal bargaining position at a minimum.

There was nothing in Defendant's testimony that was evidence of an unequal bargaining position between the Plaintiff and Defendant. He said we're going to Nevada, we're going to sign some paperwork, it is going to be a divorce, it is going to be a "paper divorce", we're going to continue to live together (and) this was not a person with a mental defect or an inability to understand what was being told to her. She knew it, and in fact at his request and again it was a request not a demand according to her own testimony, she in fact went to India to marry his (Plaintiff's) brother. Was it a "sham" marriage? Of course it was. Did it assist the parties in their "end game"? No, because the brother never got a Visa and (did not) come to the U.S. But at the end of the day there is simply insufficient evidence that the Defendant acted

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under duress. So as much as I (the Court) find the facts of this case offensive, it cannot rule on what it finds offensive it has to rule on the law and precedent and Vaile is still precedent in this state.

Should the Supreme Court choose to take a second look on appeal and, if in fact, they say that Vaile is not good law then the Court is happy to have the parties come back and the Court will even set a second hearing but on the testimony and the evidence the Court is compelled to grant the motion on the evidence and it is compelled to deny the motion to set aside.

The COURT FURTHER FINDS because neither party comes to this court with clean hands neither party will receive an award of attorney's fees against the other.

The Plaintiff is not entitled to an award of attorney's fees. He is equally, if not greater, at fault so he may be the prevailing party, but the Court will not reward someone with extremely unclean hands with an award of attorney's fees.

The Defendant is not the prevailing party here and as much as there is some sympathy here, the Court does not rule on sympathy it must rule on the law and insofar as Defendant is not the prevailing party I (the Court) cannot award her any attorney's fees either.

The Court was surprised when Defendant rested but counsel did and did not get to the heart of the Vaile case. It is not a criticism of counsel. The Court believes Defendant was honest and candid with the Court and counsel was left with the case he had. She (Defendant) knew what her husband wanted her to do and she went ahead and did it. There is no evidence that she refused or that he demanded or that he threatened her or anything else just like the parties did in the Vaile case and because of that the Court is compelled to deny the motion to set aside.

There is an appealable issue there. The Court does not know what the Supreme Court will do. It is a question that has been answered in a way that most of us might not appreciate, but it is the question that has been answered and Defendant's testimony does not rise to the level for the Court to set aside the Decree Of Divorce. Counsel need to decide what they wish to do. This Court does not have the ability to "jump over" the Supreme Court and decide.

COURT ORDERED:

1. The MOTION for judgment on the EVIDENCE is GRANTED.
2. Defendant's MOTION TO SET ASIDE the Decree Of Divorce is DENIED.
3. As neither party is the prevailing party there shall be NO AWARDS of ATTORNEY'S FEES to either party.

Mr. James shall PREPARE the FINDINGS OF FACT, CONCLUSIONS OF LAW. Mr. Kynaston shall

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REVIEW the FINDINGS OF FACT, CONCLUSIONS OF LAW then COUNTERSIGN.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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04D323977

Jaswinder Singh vs. Rajwant Kaur 04323977

PLAINTIFF'S TRIAL EXHIBITS

TRIAL DATE: 9/12 & 9/13

Exhibit	Description	Objected	Offered	Accepted
✓1	Executed release for employment records	NO	Stipulated 9-12-19 ✓	admitted 9-12-19 ✓
✓2	Letter from Bank of America regarding records being unavailable	NO	Stipulated 9-12-19 ✓	9-12-19 ✓
✗	Grant Bargain Sale Deed in the name of Balbinder Singh Pabla for Nevada property			
✓4	Payment receipts for the Law Office of F. Peter James, Esq. dated 1/16/19 and 2/26/19	NO	Stipulated 9-12-19 ✓	9-12-19 ✓
✓5	Invoice # 2621, 2588, and 2606 from the Law Office of F. Peter James, Esq. (redacted)	NO	Stipulated 9-12-19 ✓	9-12-19 ✓
✗	Invoices from Constance Bessada, Esq. dated 6/13/18, 8/21/18, and 1/3/19 (redacted)			
✓7	Retainer Agreement for Law Offices of F. Peter James, Esq.	NO	Stipulated 9-12-19 ✓	9-12-19 ✓
✗	Retainer Agreement for Constance Bessada, Esq.			
✗	Passport of Jaswinder Singh			
✓10	Documents disclosed by Defendant's counsel at the August 19, 2019 deposition	NO	Stipulated 9-12-19 ✓	9-12-19 ✓
✓11	India Marriage Certificate Jasvir Singh Dhaliwal and Rajwant Kaur	yes	✓ 9-13-19	NO
✗	India Divorce Ruling			
✓13	Defendant's Deposition Transcript	NO	Stipulated 9-12-19 ✓	9-12-19 ✓
✓14	Plaintiff's Interrogatories to Defendant	↑		
✓15	Defendant's responses to the Interrogatories	NO	Stipulated 9-12-19 ✓	9-12-19 ✓
✗	Plaintiff's Requests for Production of Documents to Defendant			
✗	Defendant's responses to Requests for Production of Documents			

Jaswinder Singh v. Rajwant Kaur
CASE NO. 04D323977

DEFENDANT'S EXHIBITS

		<u>OFFERED</u>	<u>ADMITTED</u>	<u>Objected</u>
✓A	Decree of Divorce, filed September 8, 2004 in Clark County [DEF018 - DEF020]	Stipulated ✓9-12-19	Stipulated 9-12-19 ✓	NO
✓B	Joint Petition for Summary Decree of Divorce, filed August 27, 2004 in Clark County [DEF013 - DEF017]	↑	↑	
✓C	Affidavit of Resident Witness, filed August 27, 2004 in Clark County [DEF021 - DEF022]	↑	↑	
✓D	Petition for Dissolution of Marriage, filed May 7, 2018 in Los Angeles County [DEF001 - DEF003]	↑	↑	
✓E	Plaintiff's Response and Request for Dissolution of Marriage [DEF004 - DEF006]	↑	↑	
✓F	Plaintiff's Amended Response to Petition [DEF010 - DEF012]	↓	↓	
✓G	Order from Hearing Held February 13, 2019, filed March 14, 2019 in Clark County	Stipulated ✓9-12-19	Stipulated 9-12-19 ✓	NO
✗	Minutes from Hearing Held February 13, 2019			
✓I	Plaintiff's Response to Defendant's First Set of Interrogatories to Plaintiff, e-served May 13, 2019	Stipulated ✓9-12-19	Stipulated 9-12-19 ✓	NO
✓J	Plaintiff's Response to Defendant's First Request for Production of Documents to Plaintiff, e-served May 13, 2019]	↑	↑	
✓K	Copy of Plaintiff's Costco Membership Card [DEF0065]	↑	↑	
✓L	Copy of Defendant's Costco Membership Card [DEF0067]	↑	↑	
✓M	Costco Receipt showing that Store No. 48 is located in Van Nuys, CA [DEF0066]	↓	↓	
✓N	Copy of Costco Membership Activity for card ending in 50001, from January 3, 2004 through December 19, 2004 [DEF0371 - DEF0376_3]	Stipulated ✓9-12-19	Stipulated 9-12-19 ✓	NO

Jaswinder Singh v. Rajwant Kaur
CASE NO. 04D323977

DEFENDANT'S EXHIBITS

		OFFERED	ADMITTED	Objected
✓O	Contention Interrogatories Set No. One from California case no. 18STFL05676 [DEF0379 - DEF0386_3]	Stipulated 9-12-19 ✓	9-12-19 ✓	no
✓P	Plaintiff's Response to Contention Interrogatories Set No. One, from California case no. 18STFL05676 [DEF0387 - DEF0390_3]			
✓Q	Sales Deed showing listing property to Jaswinder Singh as a married man [DEF0024]			
✓R	Experian and TransUnion Credit Report in the name of Rajwant Kaur, showing Jaswinder as spouse or co-applicant [DEF0025 - DEF0043]			
✓S	Aftercare instruction from Gastroenterology Department for Jaswinder Singh, signed by "Accompanying Adult" Rajwant Kaur, Wife [DEF0044]	Stipulated 9-12-19 ✓	9-12-19 ✓	no
✗	Verification of employment letter from Defendant's employer dated August 21, 2019 [DEF0377_3]			
✗	Letter from SoCal Gas regarding service dates at the Sepulveda Apartment [DEF0064]			
✓V	Interinsurance Exchange of the Automobile Club Renewal Declarations from July 2004 [DEF0362 - DEF0364_2]	Stipulated 9-12-19 ✓	9-12-19 ✓	no
✓W	Interinsurance Exchange of the Automobile Club Truth in Lending Information Billing Statement for Automobile Policy from July 2004 [DEF0365 - DEF0366_2]			
✓X	Plaintiff's Deposition Transcript			
✓Y	Defendant's Deposition Transcript	Stipulated 9-12-19 ✓	9-12-19 ✓	no



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

ANDREW L. KYNASTON, ESQ.
3303 NOVAT ST., STE 200
LAS VEGAS, NV 89129

DATE: November 21, 2019
CASE: 04D323977

RE CASE: In the Matter of the Joint Petition for Divorce of: JASWINDER SINGH; RAJWANT KAUR

NOTICE OF APPEAL FILED: November 19, 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; NOTICE OF FILING COST BOND; CERTIFICATE OF SERVICE; DISTRICT COURT DOCKET ENTRIES; FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER; NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

In the Matter of the Joint Petition for Divorce of:

JASWINDER SINGH; RAJWANT KAUR

Case No: 04D323977

Dept No: P

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 21 day of November 2019.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk