

**NOAS**  
**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

Electronically Filed  
Dec 06 2019 04:15 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

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

JASWINDER SINGH,  
  
Plaintiff,

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

**NOTICE OF CROSS APPEAL**

vs.

RAJWANT KAUR,  
  
Defendant.

Notice is hereby given that Plaintiff, Jaswinder Singh, hereby appeals to  
the Supreme Court of Nevada from the Order entered on March 14, 2019 and

///

///

///

///

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1 from the Findings of Fact, Conclusions of Law, and Order entered October 22,  
2 2019.

3 Dated this 29<sup>th</sup> day of November, 2019

4 /s/ *F. Peter James*

5 

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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

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1 **CERTIFICATE OF SERVICE**

2 I certify that on this 29<sup>th</sup> day of November, 2019, I caused the above and  
3 foregoing document entitled **NOTICE OF CROSS APPEAL** to be served as  
4 follows:

5 [X] 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  
prepaid in Las Vegas, Nevada;

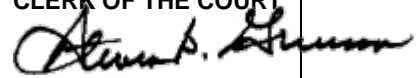
10 [ ] pursuant to EDCR 7.26 / NEFCR 9, to be sent via facsimile /  
11 email;

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  
702-823-4488 (fax)  
Service@KainenLawGroup.com  
Counsel for Defendant

18 By: /s/ *F. Peter James*

19 \_\_\_\_\_  
20 An employee of the Law Offices of F. Peter James, Esq., PLLC



**ASTA**  
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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

**CASE APPEAL STATEMENT**

**1. Name of the cross-appellant filing this Case Appeal Statement:**

Jaswinder Singh, the Plaintiff in the district court.

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

Hon. Sandra Pomrenze, District Court Judge (Family Division),  
Department P.

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

Jaswinder Singh, Cross-Appellant

F. Peter James, Esq.  
Law Offices of F. Peter James, Esq.  
3821 West Charleston Boulevard, Suite 250  
Las Vegas, Nevada 89102  
702-256-0087  
702-256-0145 (fax)  
Counsel for Cross-Appellant

**4. Identify each cross-respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a cross-respondent's appellate counsel is unknown, indicate as much and provide the name and address of that cross-respondent's trial counsel):**

Cross-Respondent, Rajwant Kaur

Andrew L. Kynaston, Esq.  
Kainen Law Group  
3303 Novat Street, Suite 200  
Las Vegas, Nevada 89129  
702-823-4900  
702-823-4488 (fax)  
Counsel for Defendant

**5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR**

1       **42 (attach a copy of any district court order granting such**  
2       **permission):**

3       All counsel referenced above are licensed to practice law in the State of  
4 Nevada.

5       **6.     Indicate whether cross-appellant is represented by appointed or**  
6       **retained counsel in the district court:**

7       Appellant was represented by retained counsel in the district court.

8       **7.     Indicate whether cross-appellant is represented by appointed or**  
9       **retained counsel on appeal:**

10      Cross-Appellant is represented by retained counsel on appeal.

11      **8.     Indicate whether cross-appellant was granted leave to proceed in**  
12      **forma pauperis and the date of entry of the district court order**  
13      **granting such leave:**

14      Cross-Appellant was never granted leave to proceed in forma pauperis.

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

16      The Joint Petition for Summary Decree of Divorce was filed on August 27,  
17      2004. The Motion to Set Aside, which re-opened the case, was filed on  
18      January 7, 2019.

1 **10. Provide a brief description of the action and result in the district court,**  
2 **including the type of judgment or order being appealed and the relief**  
3 **granted by the district court:**

4 A stipulated Decree of Divorce was entered on September 8, 2004 based  
5 on a Joint Petition. On January 7, 2019, Defendant / Appellant / Cross-  
6 Respondent moved the district court to set aside the Decree of Divorce  
7 claiming that no party ever lived in Nevada. Plaintiff / Respondent / Cross-  
8 Appellant opposed the Motion, stating in part that the Motion was severely  
9 untimely under Nevada law—over 14 years after the Decree was entered.  
10 The district court denied the opposition (that the Motion was untimely)  
11 stating that the time limitation had not yet begun to run as the State of  
12 Nevada was purportedly the injured party.  
13 The matter went to trial, and Plaintiff prevailed on the merits. Defendant  
14 appealed. Plaintiff is cross appealing.

15 **11. Indicate whether the case has previously been the subject of an appeal**  
16 **to or original writ proceeding in the Supreme Court and, if so, the**  
17 **caption and Supreme Court docket number of the prior proceeding:**

18 Plaintiff filed a Petition for Writ relief in 79591 / 79591-COA. The petition  
19 was dismissed as moot on October 30, 2019.  
20

1 **12. Please state whether the appeal involves child custody or visitation:**

2 The appeal does not involve child custody or visitation issues.

3 **13. Please state whether the appeal involves the possibility of settlement:**

4 This matter is not suitable for the Settlement Conference Program. The  
5 issue in Nevada is binary—either the divorce remains intact or it is set aside.  
6 Defendant had filed for divorce in California before she filed to set aside the  
7 present Decree of Divorce. California would have jurisdiction over any of the  
8 claimed assets in the California action. Nevada has not had jurisdiction over any  
9 substantive issue since 2004.

10 Neither party will stipulate to dismiss his/her position. The parties and the  
11 district court attempted to resolve the issues; however, as the matter is purely  
12 procedural and as each party is intent on maintaining his/her position, there is no  
13 realistic possibility of settlement.

14 Dated this 29<sup>th</sup> day of November, 2019

15 /s/ *F. Peter James*

16 

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LAW OFFICES OF F. PETER JAMES

17 F. Peter James, Esq.

18 Nevada Bar No. 10091

3821 W. Charleston Blvd., Suite 250

18 Las Vegas, Nevada 89102

702-256-0087

19 Counsel for Plaintiff

1 **CERTIFICATE OF SERVICE**

2 I certify that on this 29<sup>th</sup> day of November, 2019, I caused the above and  
3 foregoing document entitled **CASE APPEAL STATEMENT** to be served as  
4 follows:

5 [X] 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  
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18 702-823-4488 (fax)  
19 Service@KainenLawGroup.com  
20 Counsel for Defendant

By: /s/ *F. Peter James*

\_\_\_\_\_  
An employee of the Law Offices of F. Peter James, Esq., 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****Financial Conversion 04D323977****Extended**

Removed: 03/23/2007

**Connection Type**

Converted From Blackstone

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

11/29/2019



Case Appeal Statement

Filed By: Petitioner Singh, Jaswinder  
Case Appeal Statement

11/29/2019



Notice of Appeal

Filed By: Petitioner Singh, Jaswinder  
Notice of Cross-Appeal

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

# CASE SUMMARY

CASE NO. 04D323977

11/19/2019	 Case Appeal Statement Filed By: Petitioner Kaur, Rajwant <i>Case Appeal Statement</i>
11/19/2019	 Notice of Appeal Filed By: Petitioner Kaur, Rajwant <i>Notice of Appeal</i>
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>

# CASE SUMMARY

CASE NO. 04D323977

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>
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

# CASE SUMMARY

CASE NO. 04D323977

*Notice of Entry of Order from Hearing Held February 13, 2019*

03/14/2019



Order

Filed By: Petitioner Kaur, Rajwant  
*Order from Hearing Held February 13, 2019*

02/12/2019



Supplement

Filed by: Petitioner Kaur, Rajwant  
*Defendant's Supplemental Filing*

02/08/2019



Reply to Opposition

Filed by: Petitioner Kaur, Rajwant  
*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*

01/23/2019



Financial Disclosure Form

Filed by: Petitioner Singh, Jaswinder  
*Financial Disclosure Form*

01/23/2019



Opposition and Countermotion

*Pltf's Opposition to Motion to Set Aside Decree of Divorce; Countermotion*

01/16/2019



Notice of Appearance

Party: Petitioner Singh, Jaswinder  
*Notice of Appearance of Counsel*

01/09/2019



Affidavit of Service

Filed By: Petitioner Kaur, Rajwant  
*Affidavit of Service*

01/07/2019



Motion to Set Aside

Filed by: Petitioner Kaur, Rajwant  
*Dft's Motion to Set Aside Decree of Divorce*

01/04/2019



Exhibits

Filed By: Petitioner Singh, Jaswinder; Petitioner Kaur, Rajwant  
*Appendix of Exhibits to Defendant's Motion to Set Aside Decree of Divorce*

01/04/2019



Family Court Motion Opposition Fee Information Sheet

Filed by: Petitioner Singh, Jaswinder; Petitioner Kaur, Rajwant  
*MOFI*

04/15/2013

Administrative Reassignment to Department P  
*Case reassigned from Judge Cynthia Giuliani Dept K*

09/08/2004



Document Archive

09/08/2004

Judgment

Filed By: Petitioner Singh, Jaswinder  
*DECREE OF DIVORCE SCH/PER Date: 09/10/2004 Blackstone OC:*

08/27/2004

Child Support and Welfare Party Identification Sheet

Filed by: Petitioner Singh, Jaswinder; Petitioner Kaur, Rajwant  
*SS NUMBER DECLARATION NRS 125.130 SCH/PER Date: Blackstone OC:*

08/27/2004

Affidavit

Filed By: Petitioner Singh, Jaswinder  
*AFFIDAVIT OF RESIDENT WITNESS SCH/PER Date: Blackstone OC:*

08/27/2004

Petition

Filed By: Petitioner Singh, Jaswinder  
*JOINT PETITION FOR SUMMARY DECREE OF DIVORCE FEE \$142.00 SCH/PER Date: Blackstone OC:*

## **DISPOSITIONS**

09/08/2004  
8:12 AM

**Divorce Granted** (Judicial Officer: Del Vecchio, N Anthony)

Converted Disposition:

# CASE SUMMARY

CASE No. 04D323977

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

## 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 parties 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

# CASE SUMMARY

CASE No. 04D323977

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 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

# CASE SUMMARY

CASE No. 04D323977

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 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**

# CASE SUMMARY

CASE No. 04D323977

*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. ;*

- 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  
*Plt'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



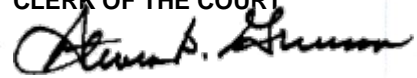
Motion to Set Aside

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*


**ORDR**

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 Nevada Bar No. 8147  
 KAINEN LAW GROUP, PLLC  
 3303 Novat Street, Suite 200  
 Las Vegas, Nevada 89129  
 Telephone: (702) 823-4900  
 Facsimile: (702) 823-4488  
 service@KainenLawGroup.com  
 Attorneys for Defendant

DISTRICT COURT  
 CLARK COUNTY, NEVADA

JASWINDER SINGH,

Plaintiff,

vs.

RAJWANT KAUR,

Defendant.

CASE NO: 04D323977  
 DEPT NO: P

Date of Hearing: February 13, 2019  
 Time of Hearing: 10:00 a.m.

**ORDER FROM HEARING HELD FEBRUARY 13, 2019**

THIS MATTER having come on for hearing this 13<sup>th</sup> day of February, 2019, before the Honorable Sandra Pomrenze, Defendant, RAJWANT KAUR, ("Defendant"), not present but represented by ANDREW L. KYNASTON, ESQ., of the law firm of KAINEN LAW GROUP, PLLC, and Plaintiff, JASWINDER SINGH ("Plaintiff"), present and represented by F. PETER JAMES, ESQ., of the LAW OFFICE OF F. PETER JAMES, ESQ., the Court having reviewed the papers and pleadings on file herein, the court having heard oral argument of counsel, and good cause appearing, enters the following Findings and Orders:

THE COURT HEREBY FINDS that there is evidence to be deduced, the first of which goes to the validity of residency. (Video Cite 10:26:48)

...

RECEIVED

MAR 13 2019

FAMILY COURT  
 DEPARTMENT P

1 THE COURT FURTHER FINDS that second piece of evidence needed is  
2 regarding the issue of voluntary participation. (Video Cite 10:27:00)

3 THE COURT FURTHER FINDS that if there is no residency then a fraud  
4 has been perpetrated on the State of Nevada. (Video Cite 10:27:11)

5 THE COURT FURTHER FINDS that given that the facts at issue are in  
6 dispute, findings are necessary, therefore the Court will set an evidentiary hearing. (Video  
7 Cite 10:28:45)

8 THE COURT FURTHER FINDS that if the alleged fraud regarding  
9 residency has been committed, the injured party in this case is the State of Nevada. The  
10 State of Nevada does not know that a fraud has been committed until it is brought to the  
11 Court's attention. (Video Cite 10:29:49)

12 THE COURT FURTHER FINDS that in determining whether or not there  
13 has been a fraud, Plaintiff has a burden to prove that he was a bona-fide resident of the  
14 State of Nevada at the time of filing of the Complaint for Divorce. (Video Cite 10:32:00)

15 Therefore, good cause appearing;

16 THE COURT HEREBY ORDERS that an Evidentiary Hearing regarding  
17 voiding the Decree of Divorce is hereby set for June 13, 2019, at 1:30 p.m., and June 14,  
18 2019, at 9:30 a.m. The parties shall be present at the time of the Evidentiary Hearing.  
19 There shall be no telephonic appearances allowed.

20 THE COURT FURTHER ORDERS that Pre-hearing Briefs, citing  
21 applicable law and applying the law to the facts of the case shall be exchanged and filed,  
22 with courtesy copies to chambers no later than June 6, 2019. Briefs may be emailed or  
23 faxed to chambers if less than thirty (30) pages. If more than thirty (30) pages, counsel  
24 shall provide a hard copy of the brief to chambers before the close of business on June  
25 6, 2019. In the event either of the parties does not timely submit their brief, the non-  
26 complying party will be subject to monetary sanctions. Trial Exhibits shall not be  
27 attached to the brief that is filed.

28 ...

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11 Trial separately from the discovery disclosures and in a fashion that allows time for any  
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13 presented at the hearing, will not be permitted to testify at the hearing absent compelling  
14 circumstances. Any exhibits not identified prior to the time set for hearing will not be  
15 admitted absent compelling circumstances. The Trial Exhibits shall not be filed.

16 THE COURT FURTHER ORDERS that counsel shall make arrangements  
17 for the interpreters prior to the Trial.

18 DATED this 13 day of March, 2019.

19  
20  
21   
DISTRICT COURT JUDGE

22 Submitted by:

Approved as to form and content:

23 KAINEN LAW GROUP, PLLC

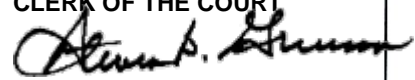
LAW OFFICE OF F. PETER JAMES

24  
25 By: 

26 ANDREW L. KYNASTON, ESQ.  
27 Nevada Bar No. 8147  
3303 Novat Street, Suite 200  
Las Vegas, Nevada 89129  
Attorneys for Defendant

By: 

F. PETER JAMES, ESQ.  
Nevada Bar No. 10091  
3821 W. Chareleston Blvd. #250  
Las Vegas, Nevada 89102  
Attorneys for Plaintiff



1 **NOE**  
2 Andrew L. Kynaston, Esq.  
3 Nevada Bar No. 8147  
4 KAINEN LAW GROUP, PLLC  
5 3303 Novat Street, Suite 200  
6 Las Vegas, Nevada 89129  
7 Telephone: (702) 823-4900  
8 Facsimile: (702) 823-4488  
9 service@KainenLawGroup.com  
10 Attorneys for Defendant

7 DISTRICT COURT  
8 CLARK COUNTY, NEVADA

9  
10 JASWINDER SINGH,

11 Plaintiff,

12 vs.

13 RAJWANT KAUR,

14 Defendant.  
15  
16

CASE NO: 04D323977

DEPT NO: P

Date of Hearing: February 13, 2019  
Time of Hearing: 10:00 a.m.

17 **NOTICE OF ENTRY OF ORDER FROM HEARING HELD**  
18 **FEBRUARY 13, 2019**

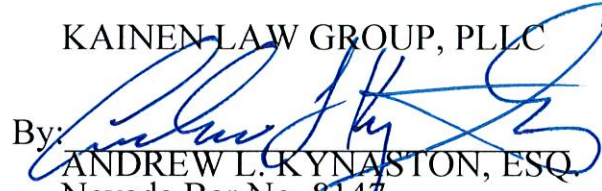
19 TO: JASWINDER SINGH, Plaintiff; and

20 TO: F. PETER JAMES, ESQ., Attorney for Plaintiff:

21 PLEASE TAKE NOTICE that on the 14<sup>th</sup> day of March, 2019, the  
22 Honorable Sandra Pomrenze entered an Order from Hearing Held February 13, 2019, a  
23 copy of which is attached hereto.

24 DATED this 19<sup>th</sup> day of March, 2019.

25 KAINEN LAW GROUP, PLLC

26 By:   
27 ANDREW L. KYNASTON, ESQ.  
28 Nevada Bar No. 8147  
3303 Novat Street, Suite 200  
Las Vegas, Nevada 89129  
Attorneys for Defendant

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

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 19<sup>th</sup> day of March, 2019, I caused to be served the *Notice of Entry of Order from Hearing Held February 13, 2019*, to all interested parties as follows:

\_\_\_ BY MAIL: Pursuant to NRCP 5(b), I caused a true copy thereof to be placed in the U.S. Mail, enclosed in a sealed envelope, postage fully prepaid thereon, addressed as follows:

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

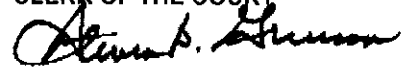
\_\_\_ BY FACSIMILE: Pursuant to EDCR 7.26, I caused a true copy thereof to be transmitted, via facsimile, to the following number(s):

X BY ELECTRONIC MAIL: Pursuant to EDCR 7.26 and NEFCR Rule 9, I caused a true copy thereof to be served via electronic mail, via Wiznet, to the following e-mail address(es):

*Counsel for Plaintiff:*

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

  
An Employee of  
KAINEN LAW GROUP, PLLC

**1 ORDR**

2 Andrew L. Kynaston, Esq.  
3 Nevada Bar No. 8147  
4 KAINEN LAW GROUP, PLLC  
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10 Attorneys for Defendant

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DISTRICT COURT  
CLARK COUNTY, NEVADA

**JASWINDER SINGH,**

Plaintiff,

vs.

**RAJWANT KAUR,**

Defendant.

CASE NO: 04D323977  
DEPT NO: P

Date of Hearing: February 13, 2019  
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3303 Novat Street, Suite 200  
Las Vegas, Nevada 89129  
702.823.4900 • Fax 702.823.4488  
www.KainenLawGroup.com

**ORDER FROM HEARING HELD FEBRUARY 13, 2019**

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FAMILY COURT  
DEPARTMENT F

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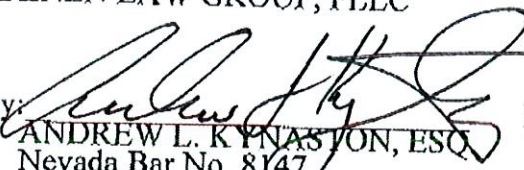
19  
20  
21   
DISTRICT COURT JUDGE


22 Submitted by:

23 KAINEN LAW GROUP, PLLC

24 Approved as to form and content:

25 LAW OFFICE OF F. PETER JAMES

26 By:   
27 ANDREW L. KYNASTON, ESQ.  
28 Nevada Bar No. 8147  
3303 Novat Street, Suite 200  
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Attorneys for Defendant

By:   
F. PETER JAMES, ESQ.  
Nevada Bar No. 10091  
3821 W. Chareleston Blvd. #250  
Las Vegas, Nevada 89102  
Attorneys for Plaintiff

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  
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,

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 12<sup>th</sup> of September, 2019 and the 13<sup>th</sup> 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  
☐ Trial by Court

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.

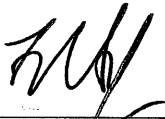


7       DISTRICT COURT JUDGE

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

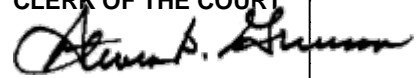
Las Vegas, Nevada 89129

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

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

///

///

///

///

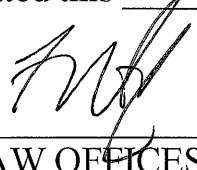
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///

///

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;

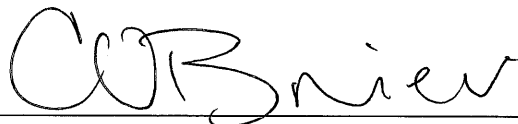
8 ☐ by placing same to be deposited for mailing in the United States  
9 Mail, in a sealed envelope upon which first class postage was  
10 prepaid in Las Vegas, Nevada;

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

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.  
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Peter@PeterJamesLaw.com  
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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 12<sup>th</sup> of September, 2019 and the 13<sup>th</sup> 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  
☐ 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.



7       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

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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

<b>JOURNAL ENTRIES</b>
------------------------

- 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.

PRINT DATE:	12/03/2019	Page 1 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.**

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:	12/03/2019	Page 2 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:	12/03/2019	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

<b>JOURNAL ENTRIES</b>
------------------------

**- 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:	12/03/2019	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:	12/03/2019	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:	12/03/2019	Page 6 of 12	Minutes Date:	February 13, 2019
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**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

<b>JOURNAL ENTRIES</b>
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- 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:**

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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

<b>JOURNAL ENTRIES</b>
------------------------

**- 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).

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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 <sup>admitted</sup>
✓1	Executed release for employment records	NO	Stipulated 9-12-19 ✓	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**

**F. PETER JAMES, ESQ.**  
**3821 W. CHARLESTON BLVD., STE 250**  
**LAS VEGAS, NV 89102**

**DATE: December 3, 2019**  
**CASE: 04D323977**

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

NOTICE OF APPEAL FILED: November 29, 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

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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.*

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*\*\*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 CROSS APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; ORDER FROM HEARING HELD FEBRUARY 13, 2019; NOTICE OF ENTRY OF ORDER FROM HEARING HELD ON FEBRUARY 13, 2019; 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; and  
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 3 day of December 2019.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk