

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2
3 Amanda Reynolds

4 Appellant,

5 vs.

6 The Eighth Judicial District Court of the
7 State of Nevada, in and for the County of
8 Clark, and the HONORABLE RHONDA
9 K. FORSBERG,

10 Respondents,

11 Alfredo Medellin

12 Real Party in Interest.

Supreme Court Number:

District Court Case No. D-19-590131-C

Electronically Filed
Jan 03 2020 02:00 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

13
14 **PETITION FOR WRIT OF MANDAMUS AND/OR WRIT OF**
15 **PROHIBITION**

16 COMES NOW the Petitioner: Amanda Reynolds (Amanda or Petitioner) by
17 and through her attorney, Andrew J. Semprazik, Esq., of the BARNES LAW
18 GROUP.

19 The petitioner respectfully petitions this court for a writ directing the
20 Department G judge to grant Petitioner Amanda Reynold's motion to dismiss for
21 failure to join a necessary party; to grant Summary Judgment in favor of Amanda
22 as there is no dispute of a material fact between the parties; that the parties
23 knowingly committed fraud upon the State of Nevada by agreeing to have Alfredo
24 Medellin (Alfredo) sign the Voluntary Acknowledgment of Paternity (VAP) of
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1 Amanda's biological child, Ricardo; and to order Alfredo's name be removed
2 from the Voluntary Acknowledgment of Paternity and birth certificate of Ricardo.
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4 The Petitioner contends that the Department G district court judge cannot
5 ignore the admitted fraud committed by the parties upon the State of Nevada; that
6 state law is clear that a Voluntary Acknowledgment of Paternity can be challenged
7 due to fraud; there are no restrictions in the statute on who can challenge the
8 fraud; and that under Nevada law, the parties actions also were fraud upon the
9 court. Additionally, granting of custodial rights without any notice to the
10 biological father of Ricardo is contrary to public policy, Nevada law, and the
11 United States Constitution. This court should know that to date, no one is
12 challenging the fitness of Amanda as Ricardo's biological parent.
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15 **I. ROUTING STATEMENT**

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17 This matter is presumptively assigned to the Court of Appeals pursuant to
18 Rule 17(b)(10).
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20 **II. DISCLOSURE STATEMENT**

21 No parent corporations or publicly held companies hold 10 percent or more
22 of the party's stock. Barnes Law Group has been the only law firm to represent the
23 appellant throughout these proceedings.
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25 **III. SUMMARY OF WRIT**

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1 Amanda and Alfredo met as students at Liberty High School in 2004. Shortly
2 thereafter they began dating but ultimately ended the relationship in 2006. Amanda
3 became pregnant with her minor child, Ricardo, by a man named Tyrell Johnson in
4 2011. Tyrell Johnson informed Amanda at the time that he wasn't ready to be a
5 father. While Amanda was several months pregnant with Ricardo, Alfredo re-
6 entered Amanda's life. Amanda was noticeably pregnant with Ricardo and both
7 parties were well aware that Amanda was pregnant and Alfredo was not the father
8 of Ricardo.

11 Around 2013, Amanda and Alfredo discussed possibly getting married in the
12 future as they believed their future together was bright. Around this time, Alfredo
13 mentioned they should begin the process of amending Ricardo's birth certificate
14 and adding Alfredo's name despite both knowing he is not Ricardo's father.
15 Amanda agreed to Alfredo's idea and the parties began the process, with both
16 parties signing a VAP stating that Alfredo was the only possible father of Ricardo..

19 The parties' romantic relationship ended in 2014 when Amanda noticed
20 troubling characteristics of Alfredo. Amanda continued to have a friendship with
21 Alfredo and allowed Alfredo to see Ricardo.

23 On May 27th, 2019 at 3:30 p.m., Amanda went to pick up Ricardo from
24 Alfredo. Alfredo refused to turn over Ricardo.

1 On June 3rd, 2019, a Motion for a Pickup Order was filed after Alfredo
2 refused to return Ricardo to Petitioner. At the hearing for the Motion for a Pickup
3 Order, held on June 13th, 2019, Alfredo's counsel admitted that Alfredo knew
4 Ricardo was not his biological child when the parties signed the voluntary
5 acknowledgement of paternity. *See, June 13th, 2019, Hearing at Video Cite:*
6 *10:50:26.* At the same hearing, Alfredo's counsel stated the presumption that
7 Alfredo is the father of Ricardo had to be argued against, which Department G's
8 district court judge noted that Alfredo's counsel just stated Alfredo knew he was
9 not the biological father of Ricardo. *See, June 13th, 2019, Hearing at Video Cite:*
10 *10:51:08*

14 On August 12th, 2019, a Motion to Dismiss for Failure to Join a Necessary
15 Party and Motion for Summary Judgment and related relief was filed with the
16 court. On August 28th, 2019, Alfredo filed his Opposition to Petitioner's motion
17 wherein it stated that "Alfredo does not believe he is the biological father of
18 Ricardo". *Pg. 2, ll 16-17.*

21 On October 24th, 2019, Petitioner brought forth her Motion requesting
22 summary judgment in her favor and requesting a granting of her motion to dismiss
23 for failure to join a necessary party. Department G's district court judge denied
24 Petitioner's motion without oral argument. The district court judge stated that "the
25 statute is very clear" and that once a party's name is on the birth certificate and
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1 “they’ve followed the statutes and the time has run, the only way to remove their
2 name from a birth certificate is by a termination of parental rights...” The district
3 judge further stated that “we don’t have that here” and “this is long established
4 law.”
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6 On November 22nd, 2019, Department G’s district court judge issued an
7 order in case # D-19-590131-C finding that Alfredo Medellin is the legal father of
8 Ricardo.
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10 On December 3rd, 2019, Department G’s district court judge denied
11 Petitioner’s Ex-Parte Request, filed on November 18th, 2019, to order the State of
12 Nevada to produce a copy of the voluntary acknowledgement of paternity signed
13 by the parties. The State of Nevada requires an order from the court to produce a
14 copy of the voluntary acknowledgement of paternity, per N.R.S. 440.325(3).
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18 **II. STATEMENT OF THE ISSUES AND THE RELIEF SOUGHT**

19 The issues presented by this petition for extraordinary relief are:

- 20 1. May the district court deny Amanda’s challenge to the Voluntary
21 Acknowledgment of Paternity based on fraud committed by the parties;
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- 23 2. May the district court deny Amanda’s motion to dismiss for failure to join a
24 necessary party.

25 The relief sought by this petition for extraordinary relief is:
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1. An order from this Court directing the district court to vacate its order stating Alfredo is the legal father of Ricardo;
2. An order from this Court directing the district court to grant Amanda's Motion for Summary Judgment;
3. An order from this Court directing the district court to grant Amanda's Motion to Dismiss for Failure to Join a Necessary Party;
4. An order from this Court directing the district court to order Alfredo's name be removed from the Voluntary Acknowledgment of Paternity of Ricardo;
5. An order from this Court directing the district court to order Nevada Vital Records to remove Alfredo's name from the birth certificate of Ricardo.

III. STATEMENT OF REASONS WHY THE WRIT SHOULD ISSUE

Nevada Revised Statute 34.320 states:

Writ of prohibition defined. The writ of prohibition is the counterpart of the writ of mandate. It arrests the proceedings of any tribunal, corporation, board or person exercising judicial functions, when such proceedings are without or in excess of the jurisdiction of such tribunal, corporation, board or person.

Nevada Revised Statute 34.330 states:

Writ may be issued by Supreme Court or district court when no plain, speedy and adequate remedy in law. The writ may be issued only by the Supreme Court or a district court to an inferior tribunal, or to a corporation, board or person, in all cases where there is not a plain,

1 speedy and adequate remedy in the ordinary course of law. It is
2 issued upon affidavit, on the application of the person beneficially
3 interested.

4 Nevada Revised Statute 34.160 states:

5 Writ may be issued by the supreme court and district courts; when
6 writ may issue. The writ may be issued by the supreme court, a
7 district court or a judge of the district court, to compel the
8 performance of an act which the law especially enjoins as a duty
9 resulting from an office, trust or station; or to compel the admission
10 of a party to the use and enjoyment of a right or office to which he is
11 entitled and from which he is unlawfully precluded by such inferior
tribunal, corporation, board or person. When issued by a district
court or a judge of the district court it shall be made returnable before
the district court.

12 Nevada Revised Statute 34. 170 states:

13 Writ to issue when no plain, speedy and adequate remedy in law.
14 This writ shall be issued in all cases where there is not a plain, speedy
15 and adequate remedy in the ordinary course of law. It shall be issued
16 upon affidavit, on the application of the party beneficially interested.

17 This Court has original jurisdiction over the extraordinary remedies of writs
18 of mandamus, prohibition, and certiorari.¹ The Court has exclusive jurisdiction to
19 issue a writ of mandamus to compel a district court to perform a required act,² or to
20 refrain from performing a prohibited act, such as one beyond its subject matter
21 jurisdiction. A writ of prohibition is appropriate when the respondent is presently
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26 ¹ Nev. Const. Art. 6 SS 4, 6.

27 ² NRS 34.160.

1 acting in excess of its jurisdiction.³ A writ is an extraordinary remedy that will not
2 issue if the petitioner has a plain, speedy, and adequate remedy at law.⁴ Whether to
3 consider a writ is in the discretion of this court.⁵
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5 In this matter, the petitioners have no plain, speedy and adequate remedy at
6 law.⁶ Here, Judge Hardcastle denied Amanda's motion stating that "the statute is
7 very clear" and that once "time has run, the only way to remove their name from a
8 birth certificate is by a termination of parental rights...". Additionally, Judge
9 Hardcastle stated that "this is long established law". The statute has a time period
10 of sixty days in which a party may rescind a Voluntary Acknowledgment of
11 Paternity.⁷ But the statute also explicitly permits the VAP to be challenged due to
12 "fraud, duress, or material mistake of fact".⁸ Additionally this can not be "long
13 established law" as there is not a published opinion from any court in Nevada on
14 this issue.
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22 ³ Gaming Control Bd. v. Breen, 99 Nev. 320, 661 P. 2d 1309 (1983); Gray Line
23 Tours v. Dist. Ct., 99 Nev. 124, 659 P. 2d 304 (1983).

24 ⁴ Leibowitz v. District Court, 119 Nev. 523, 78 P.3d 515 (2003).

25 ⁵ Id. at 519.

26 ⁶ Hickey v. District Court, 105 Nev. 729, 782 P.2d 1336 (1989); NRS 34.160; NRS
27 34.330.

28 ⁷ NRS 126.053(2)(a)

⁸ NRS 126.053(3)

1 The district court entered an order stating that Alfredo is the legal father of
2 Ricardo. Amanda does not have a plain, speedy, and adequate remedy at law after
3 the district court's action other than this writ.
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5 IV. A WRIT IS WARRANTED ON THE MERITS

6 Nevada law is clear. A Voluntary Acknowledgement of Paternity may be
7 challenged due to fraud.⁹ There is no limitation in the statute on who may challenge
8 the VAP, it simply states the VAP may be challenged on the "grounds of fraud,
9 duress or material mistake of fact."¹⁰ Both parties admit that Alfredo is not the
10 natural father of Ricardo. This has been admitted by both parties in open court and
11 in each party's pleadings. Both parties admit Alfredo was never under the
12 impression he was the father of Ricardo as he began his relationship with Amanda
13 while she was in her second trimester. Alfredo and Ricardo are different races and
14 Ricardo does not think and has never believed Alfredo is his natural father. Alfredo
15 has never attempted to undergo a formal adoption process of Ricardo.
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19 This Court has held that "fraud upon the court" is "fraud which does, or
20 attempts to, subvert the integrity of the court itself".¹¹ A signed VAP has the same
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25 ⁹ Id.

26 ¹⁰ Id.

27 ¹¹ NC-DSH, Inc. v. Garner, 218 P.3d 853, 858 (2009)

1 effect as a judgment or order of a court.¹² Nevada Rules of Civil Procedure allows
2 Nevada's courts to set aside a judgment for fraud upon the court.¹³

3
4 The trend of Courts setting aside VAP's due to one party knowingly not
5 being the biological parent of a child yet still signing the VAP is clear. Courts
6 around the nation have noted the harms brought upon the state when parties commit
7 the actions that Amanda and Alfredo have. In *Alvarado v. Thomson*, the trial court
8 considered the case of a mother who signed a voluntary acknowledgement of
9 paternity with an unrelated third party. Both the mother and the third party knew the
10 third party was not the father of the minor child when they signed the
11 acknowledgment of paternity. Upon a challenge to the acknowledgment of
12 paternity, the trial court held that "[o]btaining a judgment of paternity by falsifying
13 information under oath to the Court establishes fraud upon the Court,"¹⁴ On appeal,
14 the Court of Appeals of Arizona confirmed the trial court's decision, holding that
15 fraud upon the court "harms the integrity of the judicial process and is a wrong
16 against the institutions set up to protect and safeguard the public."¹⁵ It should be
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25 ¹² NRS 126.053(1)

26 ¹³ NRCP 60(d)(3)

27 ¹⁴ *Alvarado v. Thompson*, 375 P. 3d 77, 79 (App. 2016)

28 ¹⁵ *Id.* at 81.

1 noted that in this case although the biological father was challenging the VAP,
2 Arizona law also allows for the mother to challenge a fraudulently signed VAP.¹⁶
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4 In *McGee v. Gonyo*, a mother acknowledged that she and the defendant
5 knowingly signed the VAP even though defendant was not the father of the minor
6 child.¹⁷ She acknowledged that the defendant had been “good” with the child but
7 recently the defendant exhibited behavior she found troubling.¹⁸ The Defendant
8 testified that he began living with mother when she was fourteen weeks pregnant,
9 was present at the child's birth, took an active role in the care of the child, and
10 bought her clothes and gifts.¹⁹ The Supreme Court of Vermont held that “inasmuch
11 as both signatories knowingly misrepresented defendant to be the child's biological
12 father, the VAP in this case was a per se fraud upon the court, and properly set aside
13 on that basis.”²⁰ The Court further held that the parties’ action employed “...the
14 VAP as a *de facto* adoption process, side-stepping the requirements of [the
15 Adoption Act], compliance with which would require notice to all interested
16 persons and the filing of consents to adoption, absent which a hearing would be
17 held” in which the court considered all of the relevant interests.²¹ “This is a classic
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23 ¹⁶ A.R.S. § 25-812(E)

24 ¹⁷ *McGee v. Gonyo*, 2016 VT 8, 140 A. 3d 162

25 ¹⁸ *Id.* at 164.

26 ¹⁹ *Id.* at 163.

27 ²⁰ *Id.* at 164.

28 ²¹ *Id.* at 166.

1 fraud on the court, depriving the interested parties — including the child, the
2 biological father, and the State as *parens patriae* — their day in court.”²²
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4 Various other courts in the United States have held that when at least one
5 party is claiming to be the biological parent of a child, knowing that that party is not
6 the actual parent of the minor child, it is to be considered fraud.²³
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8 Additionally, California has recently revised their statutes regarding
9 voluntary declarations of parentage. Family Code Section 7573 used to state that “a
10 completed voluntary declaration of paternity....shall establish the paternity of a
11 child and shall have the same force and effect as a judgment for paternity issued by
12 a court of competent jurisdiction.” California legislators have since revised that
13 statute, to become operative on January 1, 2020, to specifically list the individuals
14 who can sign a voluntary declaration of paternity.²⁴ Those numerated individuals
15 are only the unmarried woman who gave birth to the child, another genetic parent,
16 or an individual considered a parent of a child conceived through assisted
17 reproduction. Additionally, starting on January 1, 2020, California permits both
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24 ²² Id. at 167.

25 ²³ In re Adoption of Weller, 47 Ill.App.3d 492 (3rd Dist. 1977); In re Estate of
26 Olenick, 204 Ill.App.3d 291 (1st Dist.1990); In re Tompkins, 518 N.E.2d 500
(Ind.Ct. App.1988); Seger v. Seger, 780 N.E.2d 855 (Ind.Ct.App.2002)

27 ²⁴ California Family Code Section 7573(a)
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1 signors of the voluntary declaration of paternity to challenge the document due to
2 fraud.²⁵

3
4 The trend is clear. Courts around the country believe it is vitally important for
5 individuals signing a voluntary acknowledgement of paternity to be truthful. They
6 recognize that to permit individuals to state they are the biological parent of a child
7 and gain custodial rights over a child by conspiring to lie to the state deprives the
8 state of its important role in considering the best interest of the child and ensuring
9 all parties receive their day in court. Permitting *de facto* adoptions is not in the
10 interest of the State of Nevada. To allow parties to knowingly falsely sign
11 acknowledgments of paternity undermines the whole purpose of the state's role in
12 adoption proceedings.²⁶

13
14 The law is clear and the facts are not in dispute. Both parties admit that
15 Alfredo is not the father of Ricardo and he always knew he was not the father of
16 Ricardo. Both parties admit when they signed the VAP which states "the man
17 signing this form is the only possible father of this child", they knew Alfredo was
18 not the father of Ricardo. Ricardo has never believed Alfredo was his natural
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24 ²⁵ California Family Code Section 7576(a)

25 ²⁶ See generally J. Parness, "For Those Not John Edwards: More and Better
26 Paternity Acknowledgments at Birth", 40 U. Balt. L.Rev. 53, 99 (2010)
27 ("[A]cknowledgments for nonmarital children by nongenetic fathers allow
28 circumvention of adoption laws, which seek to assure that when legal parentage is

1 father. Nevada law permits a VAP to be challenged due to fraud. There is no
2 restriction as to who may challenge a VAP. A signed VAP has the same effect as a
3 judgment. Judgments are permitted to be set aside by a court due to fraud upon the
4 court. Amanda is entitled to have her motion for summary judgment be granted in
5 her favor.
6

7 It should also be noted there was never an equitable adoption in this case.
8 Although he has not asserted a claim, it is important to address that he does not
9 have a claim under the principle originally stated by this Court in *Frye v. Frye*²⁷
10 and restated in *Hermanson v. Hermanson*²⁸ as Alfredo was aware the entire time
11 he was not the father of Ricardo and there was never an intent by either party for
12 adoption. Alfredo in fact has never paid anything resembling child support to
13 Amanda nor expended significant funds on Ricardo's care. There is nothing close
14 to resembling an equitable adoption in this case.
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18 Amanda is also entitled to have her motion to dismiss for failure to join a
19 necessary party granted. Under NRCP 12(b)(6), a motion to dismiss for failure to
20 join a party under Rule 19 may be asserted by motion any time before trial is over.
21 Under NRCP 19(a)(1), a party is necessary if:
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25 accorded to men and women with no preexisting parental interests, the children's
26 best interests are served").

27 ²⁷ *Frye v. Frye*, 738 P.2d 505 (1987)

28 ²⁸ *Hermanson v. Hermanson*, 887 P.2d 1241 (1994)

1 (1) A person who is subject to service of process and whose joinder will not deprive the
2 court of subject-matter jurisdiction must be joined as a party if:

3 (A) in that person's absence, the court cannot accord complete relief among existing
4 parties; or

5 (B) that person claims an interest relating to the subject of the action and is so situated that
6 disposing of the action in the person's absence may:

7 (i) as a practical matter impair or impede the person's ability to protect the interest; or

8 (ii) leave an existing party subject to a substantial risk of incurring double, multiple, or
9 otherwise inconsistent obligations because of the interest.

10 A party is considered indispensable "only when joinder of that party is not
11 feasible²⁹. If joinder is not feasible, the court must determine, in equity and good
12 conscience, whether the action should proceed or be dismissed. NRCP 19(b)
13 (providing a four-factor test to determine whether a necessary party is
14 indispensable).³⁰

15 The factors the Court reviews to determine whether a necessary party is
16 indispensable are³¹:

17 (1) the extent to which a judgment rendered in the person's absence might prejudice
18 that person or the existing parties;

19 (2) the extent to which any prejudice could be lessened or avoided by:

20 (A) protective provisions in the judgment;

21 (B) shaping the relief; or

22 (C) other measures;

23 (3) whether a judgment rendered in the person's absence would be adequate; and

24 (4) whether the plaintiff would have an adequate remedy if the action were dismissed
25 for nonjoinder

26 Here, Alfredo has failed to name a necessary party to his action and therefore
27 his complaint must be dismissed. Alfredo has not named Ricardo's father, Tyrell
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²⁹ Blaine Equip. Co. v. State, Purchasing Div., 138 P.3d 820, 822 (2006)

³⁰ Humphries v. Eighth Judicial Dist. Court, 312 P.3d 484, 487 (2013)

³¹ NRCP 19(b)

1 Johnson, as a party to this action. Tyrell, as Ricardo's biological father, has an
2 immense interest in this case as his constitutional rights as a parent will be
3 terminated with him never receiving notice they are being taken from him. Alfredo
4 wishes to extinguish Tyrell's rights as the biological father of Ricardo, ending
5 Tyrell's right to make all legal decisions for his biological child. Tyrell is the
6 epitome of a necessary party requiring notice of this action.
7

8
9 In addition to being a necessary party, Tyrell is an indispensable party should
10 Alfredo not be able to serve Tyrell personally. Tyrell will be prejudiced greatly by
11 this action. Continuing the action with Tyrell receiving no notice of it will destroy
12 his constitutional rights over his biological child while never being aware they are
13 being taken from him. This prejudice cannot be lessened as Alfredo is attempting
14 to gain custody over Tyrell's biological child. By granting Alfredo custody rights,
15 Tyrell's rights to determine the upbringing of his child will be destroyed without
16 him having an opportunity to defend them. Making this decision without Tyrell
17 receiving notice of this matter is not adequate as Tyrell's constitutional rights will
18 be terminated unbeknownst to him. Alfredo has an available adequate remedy
19 should this action be dismissed due to nonjoinder. Alfredo is free to provide notice
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1 via the newspaper should Alfredo not be able to personally serve Tyrell, as
2 permitted by NRCP.³²

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4 Alfredo's Complaint for Custody must be dismissed for failure to join a
5 necessary party. Tyrell has constitutional rights as the biological parent of Ricardo.
6 Alfredo has not named Tyrell as a party to this action and is seeking to terminate
7 his rights as a parent without so much as an attempt at informing him. Alfredo's
8 motion must be dismissed.
9

10 **V. CONCLUSION**

11
12 At the heart of this matter, is a very simple case. Neither party disputes any
13 material fact of this case. Both parties agree Alfredo is not the father of Ricardo.
14 Both parties agree Alfredo was never under the belief he was the father of Ricardo,
15 as he reunited with Amanda while she was in her second trimester. Both parties
16 admit they signed the document, which states "The man signing this form is the
17 only possible father of this child", knowing with full certainty that Alfredo was not
18 the father of the child. These are the facts that make up the crux of the case and
19 none of them are in dispute. The law is clear. A VAP may be challenged due to
20 fraud. There is no restriction on who may challenge the VAP. Numerous states have
21 found what these parties have done to be fraud upon the court in recognition that to
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27 ³²NRCP Rule 4.4(c)
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1 allow individuals to do this undermines the State's entire process for adoption
2 procedures and the court's involvement in determining what is in the best interest of
3 the child.
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5 Additionally, the biological father of Ricardo, Tyrell Johnson, will be
6 significantly harmed should Alfredo's action be allowed to proceed. Alfredo never
7 gained custody rights over Ricardo as his signing of the VAP was fraud. As such,
8 Tyrell Johnson still has constitutional rights as the parent of Ricardo and is entitled
9 to notice that Alfredo is attempting to terminate his rights as a parent via him
10 seeking custodial rights over his child.
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13 There has been no finding that Amanda is an unfit parent. If Alfredo wishes
14 to continue seeing Amanda's child after the dissolution of their relationship, the
15 proper path for him to take would be a third-party visitation action under NRS
16 125C.050. Instead, Alfredo is seeking custodial rights over his ex-girlfriend's child
17 all over the protest of the biological mother and without any notice to the biological
18 father.
19

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1 This is extreme, a violation of each biological parent's constitutional rights,
2 and against Nevada's public policy. As such, Amanda's motion for summary
3 judgment and motion to dismiss for failure to join a necessary party must be
4 granted.
5

6 DATED this 31st day of January 2020.
7

8 Respectfully submitted by:
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10 

11 Andrew J. Semprazik, Esq.

12 Nevada Bar No. 15093

13 712 South Jones Boulevard

14 Las Vegas, Nevada 89107

15 Attorney for Petitioner: Amanda Reynolds
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COUNTY OF Clark)

1. I am an attorney licensed to practice law in the State of Nevada; I am employed by the Barnes Law Group and I am the Nevada attorney for Amanda Reynolds, a Petitioner in this action.

DATED this 3rd day of January 2020.

SIGNED and SWORN to before me
This 30 day of January 2020.

 MARIA M. SERNA
Notary Public, State of Nevada
Appointment No. 19-6341-01
My Appt. Expires Sep 23, 2023

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2. There is no plain, speedy, and adequate remedy in the ordinary course of law available to the Petitioner.

3. I hereby certify that I have read the preceding Petition for Writ of Mandamus or Prohibition, and to the best of my knowledge, information, and belief, it is not frivolous, or interposed for any improper purpose.

4. I further certify that this Writ complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e) which requires every assertion in the Writ regarding matters in the record to be supported by appropriate references to the record in the Appendix. I understand that I may be subject to sanctions in the event that the accompanying Writ is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

DATED this 30 day of January 2020.

A. Semprazik
Andrew J. Semprazik, Esq.

1 **CERTIFICATE OF SERVICE**

2 I hereby certified that the service of the PETITION FOR WRIT OF
3 MANDAMUS AND/OR WRIT OF PROHIBITION was served on the
4 3rd day of January 2020, by delivering a true and correct copy thereof in
5 postage paid envelope, addressed to the following:

6
7 **EIGHTH JUDICIAL DISTRICT COURT**
8 **FAMILY DIVISION**

9 Honorable Judge Rhonda K. Forsberg
10 Department G
11 601 North Pecos Road
12 Las Vegas, Nevada 89101

13 **ROBERTS STOFFEL FAMILY LAW GROUP**

14 Lynn N. Hughes, Esq.
15 Attorney of Record for Respondent
16 4411 South Pecos Road
17 Las Vegas, Nevada 89121
18 *Attorney for Real Party in Interest*


Employee of Barnes Law Group