

Form 1. Notice of Appeal to the Supreme Court From a Judgment or Order of District Court

No. D 15523582 D.....

Dept. No.J....

IN THE8TH..... JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OFCLARK.....

CAPUCNE Y }
v. }

Electronically Filed
Feb 12 2020 11:24 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

WILBERT R HOLMES }

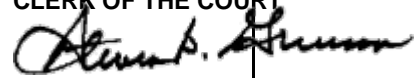
NOTICE OF APPEAL

Notice is hereby given that WILBERT R HOLMES., defendant above named, hereby appeals to the Supreme Court of Nevada

Order Granting Motion for Order to Show Cause why Defendant Should not be Held in Contempt, to Compel Compliance with Decree of Divorce, and for Award of Attorney's Fees and Costs

Defendant WILBERT R HOLMES entered in this action
on the ..4TH of FEBRUARY 2020

Wilbert R Holmes PRO SE



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

9 CAPUCINE YOLANDA HOLMES,

10 Plaintiff(s)

11 vs.

12 WILBERT ROY HOLMES,

13 Defendant(s),

Case No: D-15-523582-D

Dept No: J

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15
16 **CASE APPEAL STATEMENT**

17 1. Appellant(s): Wilbert R. Holmes

18 2. Judge: Rena G. Hughes

19 3. Appellant(s): Wilbert R. Holmes

20 Counsel:

21 Wilbert R. Holmes
22 P.O. Box 61817
23 Boulder City, NV 89006

24 4. Respondent (s): Capucine Yolanda Holmes

25 Counsel:

26 James A. Fontano, Esq.
27 5135 Camino Al Norte, Ste 273
28 N. Las Vegas, NV 89031

- 1 5. Appellant(s)'s Attorney Licensed in Nevada: N/A
2 Permission Granted: N/A
3 Respondent(s)'s Attorney Licensed in Nevada: Yes
4 Permission Granted: N/A
5 6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No
6 7. Appellant Represented by Appointed Counsel On Appeal: N/A
7 8. Appellant Granted Leave to Proceed in Forma Pauperis: Yes, June 14, 2018
8 Expired
9 Appellant Filed Application to Proceed in Forma Pauperis: No
10 Date Application(s) filed: N/A
11 9. Date Commenced in District Court: November 5, 2015
12 10. Brief Description of the Nature of the Action: DOMESTIC - Marriage Dissolution
13 Type of Judgment or Order Being Appealed: Misc. Order
14 11. Previous Appeal: Yes
15 Supreme Court Docket Number(s): 73291, 76206, 79976, 80465
16 12. Case involves Child Custody and/or Visitation: N/A
17 Appeal involves Child Custody and/or Visitation: N/A
18 13. Possibility of Settlement: Unknown

19 Dated This 7 day of February 2020.

20 Steven D. Grierson, Clerk of the Court

21 /s/ Amanda Hampton
22 Amanda Hampton, Deputy Clerk
23 200 Lewis Ave
24 PO Box 551601
25 Las Vegas, Nevada 89155-1601
26 (702) 671-0512

27 cc: Wilbert R. Holmes
28

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY**CASE NO. D-15-523582-D**

Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

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 §
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Location: **Department J**
 Judicial Officer: **Hughes, Rena G.**
 Filed on: **11/05/2015**

CASE INFORMATION**Related Cases**

D-08-399088-D (1J1F Related - Rule 5.42)

Case Type: **Divorce - Complaint**
 Subtype: **Complaint No Minor(s)**

Statistical Closures

02/05/2020 Settled/Withdrawn With Judicial Conference or Hearing
 02/05/2020 Settled/Withdrawn With Judicial Conference or Hearing
 10/29/2019 Settled/Withdrawn With Judicial Conference or Hearing
 09/17/2019 Settled/Withdrawn Without Judicial Conference or Hearing
 10/30/2018 Settled/Withdrawn Without Judicial Conference or Hearing
 01/30/2018 Settled/Withdrawn Without Judicial Conference or Hearing
 06/01/2017 Settled/Withdrawn With Judicial Conference or Hearing

Case Status: **02/05/2020 Closed**

Case Flags: **Order After Hearing Required**
Proper Person Mail Returned
Order / Decree Logged Into
Department
Appealed to Supreme Court
Filing Fee Balance Due
In Forma Pauperis Granted
OIFP Granted to Wilbert Holmes on 06/14/2018

DATE**CASE ASSIGNMENT****Current Case Assignment**

Case Number D-15-523582-D
 Court Department J
 Date Assigned 11/05/2015
 Judicial Officer Hughes, Rena G.

PARTY INFORMATION


Plaintiff **Holmes, Capucine Yolanda**
 637 Twilight Blue AVE
 North Las Vegas, NV 89032


Fontano, James A.
 Retained
 702-329-9901(W)


Defendant **Holmes, Wilbert Roy**
 P.O.Box 61817
 Boulder City, NV 89006


Pro Se
 702-281-5752(H)

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

11/05/2015  Complaint for Divorce
Complaint for Divorce (No Children)

11/16/2015  Affidavit of Service
 Filed By: Plaintiff Holmes, Capucine Yolanda
 Party 2: Defendant Holmes, Wilbert Roy




















11/19/2015  Application to Proceed in Forma Pauperis
 Filed By: Defendant Holmes, Wilbert Roy
Application to Proceed in Forma Pauperis (Sealed)

12/07/2015  Answer and Counterclaim - Divorce, Annulment, Separate Maint
 Filed by: Defendant Holmes, Wilbert Roy
 For: Plaintiff Holmes, Capucine Yolanda
Answer and Counterclaim for Divorce (No Children)

12/17/2015

CASE SUMMARY

CASE NO. D-15-523582-D

	 Certificate of Service Filed by: Defendant Holmes, Wilbert Roy
12/23/2015	 Reply to Counterclaim Filed By: Plaintiff Holmes, Capucine Yolanda Party 2: Defendant Holmes, Wilbert Roy
12/30/2015	 Notice of Case Management Conference <i>Notice of NRCP 16.2 Case Management Conferences</i>
01/05/2016	 Financial Disclosure Form Filed by: Plaintiff Holmes, Capucine Yolanda <i>General Financial Disclosure Form (Sealed)</i>
02/02/2016	 Notice of Appearance Party: Defendant Holmes, Wilbert Roy <i>Notice of Appearance and Request for Notice</i>
02/08/2016	 Subpoena Duces Tecum Filed by: Plaintiff Holmes, Capucine Yolanda <i>Subpoena Duces Tecum for Business Records (No Appearance Required)</i>
02/09/2016	 Notice of Rescheduling of Hearing
02/18/2016	 Substitution of Attorney Filed By: Defendant Holmes, Wilbert Roy
02/18/2016	 Notice Filed By: Defendant Holmes, Wilbert Roy <i>Notice of Unavailability</i>
02/22/2016	 Notice of Rescheduling of Hearing
03/16/2016	 Financial Disclosure Form Filed by: Defendant Holmes, Wilbert Roy <i>General Financial Disclosure Form (Sealed)</i>
03/30/2016	 Notice of Rescheduling of Hearing
04/11/2016	 Trial Management Order Filed by: Plaintiff Holmes, Capucine Yolanda
04/14/2016	 Motion to Withdraw As Counsel Filed By: Defendant Holmes, Wilbert Roy <i>Motion to Withdraw as Attorney of Record for Defendant</i>
04/18/2016	 Certificate of Service Filed by: Defendant Holmes, Wilbert Roy
05/16/2016	 Order to Withdraw as Attorney of Record Filed by: Defendant Holmes, Wilbert Roy <i>Order Re: Motion to Withdraw as Attorney of Record for Defendant</i>
05/16/2016	 Notice of Entry of Order Filed By: Defendant Holmes, Wilbert Roy <i>Notice of Entry of Order Re: Motion to Withdraw as Attorney of Record for Defendant</i>
05/16/2016	 Order Filed By: Defendant Holmes, Wilbert Roy <i>Order Regarding Hearing of April 6, 2016</i>
05/16/2016	 Amended Answer Filed by: Defendant Holmes, Wilbert Roy <i>Amended Answer and Counterclaim</i>

CASE SUMMARY





















CASE NO. D-15-523582-D

05/17/2016	 Notice of Entry of Order Filed By: Plaintiff Holmes, Capucine Yolanda
05/26/2016	 Reply to Counterclaim Filed By: Plaintiff Holmes, Capucine Yolanda Party 2: Defendant Holmes, Wilbert Roy <i>Reply to Amended Answer and Counterclaim</i>
06/29/2016	 Ex Parte Motion Filed by: Defendant Holmes, Wilbert Roy <i>Ex Parte Motion for an Order Shortening Time</i>
07/07/2016	 Subpoena Duces Tecum Filed by: Plaintiff Holmes, Capucine Yolanda
07/12/2016	 Request Filed By: Plaintiff Holmes, Capucine Yolanda <i>Request for Production of Documents</i>
07/12/2016	 Interrogatories Filed By: Plaintiff Holmes, Capucine Yolanda
07/15/2016	 Application to Proceed in Forma Pauperis Filed By: Defendant Holmes, Wilbert Roy <i>Application to Proceed Informa Pauperis (Sealed)</i>
07/16/2016	 Motion for Change of Venue Filed By: Defendant Holmes, Wilbert Roy
07/18/2016	 Notice of Motion Filed By: Defendant Holmes, Wilbert Roy
07/19/2016	 Application to Proceed in Forma Pauperis Filed By: Defendant Holmes, Wilbert Roy <i>Application to Proceed Informa Pauperis (Sealed)</i>
07/22/2016	 Motion to Amend Filed by: Plaintiff Holmes, Capucine Yolanda <i>Motion to Amend the Pleadings, for an Order to Enforce and for an Order to Show Cause, and to Set Aside the Premarital Agreement</i>
07/25/2016	 Ex Parte Motion Filed by: Plaintiff Holmes, Capucine Yolanda <i>Ex Parte Motion for an Order Shortening Time</i>
07/26/2016	 Order Shortening Time Filed By: Plaintiff Holmes, Capucine Yolanda
07/29/2016	 Affidavit of Service Filed By: Plaintiff Holmes, Capucine Yolanda Party 2: Defendant Holmes, Wilbert Roy
08/03/2016	 Proof of Service Filed By: Plaintiff Holmes, Capucine Yolanda Party Served: Defendant Holmes, Wilbert Roy
08/04/2016	 Certificate of Mailing Filed By: Plaintiff Holmes, Capucine Yolanda Party 2: Defendant Holmes, Wilbert Roy <i>Certificate</i>
08/05/2016	 Memorandum Filed By: Defendant Holmes, Wilbert Roy <i>Defendant Wilbert Holmes Memorandum of Law in Support of Motion to Disqualify Judge</i>

CASE SUMMARY


















CASE NO. D-15-523582-D

Rena G. Hughes Under 28U.S.C.144

08/18/2016	 Notice of Motion Filed By: Defendant Holmes, Wilbert Roy
08/31/2016	 Certificate of Mailing Filed By: Plaintiff Holmes, Capucine Yolanda Party 2: Defendant Holmes, Wilbert Roy
08/31/2016	 Opposition to Motion Filed by: Plaintiff Holmes, Capucine Yolanda <i>Opposition to Motion to Disqualify Judge Rena G. Hughes</i>
08/31/2016	 Subpoena Duces Tecum Filed by: Plaintiff Holmes, Capucine Yolanda
09/02/2016	 Certificate of Service Filed by: Plaintiff Holmes, Capucine Yolanda
09/23/2016	 Order Denying Filed by: Plaintiff Holmes, Capucine Yolanda <i>Order Denying Motion to Disqualify</i>
10/05/2016	 Notice of Rescheduling of Hearing <i>Notice of Rescheduling of Evidentiary Hearing</i>
10/06/2016	 Trial Management Order
10/10/2016	 Order to Proceed In Forma Pauperis Filed By: Defendant Holmes, Wilbert Roy <i>Order to Proceed in Forma Pauperis (Sealed)</i>
10/11/2016	 Application to Proceed in Forma Pauperis Filed By: Defendant Holmes, Wilbert Roy <i>Application to Proceed in Forma Pauperis (Sealed)</i>
10/11/2016	 Trial Management Order Filed by: Plaintiff Holmes, Capucine Yolanda
10/17/2016	 Notice Filed By: Plaintiff Holmes, Capucine Yolanda <i>Notice of Taking Evidentiary Hearing Off Calendar</i>
10/17/2016	 Certificate of Service Filed by: Plaintiff Holmes, Capucine Yolanda
10/18/2016	 Motion Filed By: Plaintiff Holmes, Capucine Yolanda Party 2: Defendant Holmes, Wilbert Roy
10/19/2016	 Ex Parte Motion Filed by: Defendant Holmes, Wilbert Roy <i>Ex Parte Motion for an Order Shortening Time</i>
10/19/2016	 Notice of Motion Filed By: Defendant Holmes, Wilbert Roy
10/26/2016	 Notice of Hearing
10/26/2016	 Notice of Rescheduling of Hearing
10/26/2016	 Trial Management Order
11/29/2016	 Notice of Rescheduling of Hearing Filed by: Plaintiff Holmes, Capucine Yolanda




CASE SUMMARY

CASE NO. D-15-523582-D

12/01/2016	 Motion to Withdraw As Counsel Filed By: Attorney Kimble-Simms, Marsha <i>Motion to Withdraw as Counsel of Record</i>
12/07/2016	 Order Shortening Time Filed By: Plaintiff Holmes, Capucine Yolanda
12/11/2016	 Pre-trial Memorandum Filed By: Defendant Holmes, Wilbert Roy ***PARTIALLY STRICKEN PER MINUTE ORDER 12/20/16*** Defendant's Pre-Trial Memorandum
12/11/2016	 Affirmation Filed By: Defendant Holmes, Wilbert Roy <i>Affirmation - Case Conference Report or Pre-Trial Memorandum Pursuant to NRS 239.030</i>
12/11/2016	 Stricken Document ***PARTIALLY STRICKEN EXHIBITS B AND C PER MINUTE ORDER 12/20/16***
12/12/2016	 Financial Disclosure Form Filed by: Defendant Holmes, Wilbert Roy <i>General Financial Disclosure Form (Sealed)</i>
12/13/2016	 Certificate of Mailing Filed By: Defendant Holmes, Wilbert Roy Party 2: Plaintiff Holmes, Capucine Yolanda
12/14/2016	 Miscellaneous Filing <i>Updated Witness Letter/Kim Panfield</i>
12/18/2016	 Exhibits Filed By: Defendant Holmes, Wilbert Roy <i>Malicious Prosecution Detail and Exhibits</i>
12/19/2016	 Pre-trial Memorandum Filed By: Defendant Holmes, Wilbert Roy <i>Updated Pre Trail Memorandum</i>
12/20/2016	 Certificate of Mailing Filed By: Plaintiff Holmes, Capucine Yolanda Party 2: Defendant Holmes, Wilbert Roy
12/22/2016	 Pre-trial Memorandum Filed By: Plaintiff Holmes, Capucine Yolanda
12/22/2016	 Certificate of Mailing Filed By: Plaintiff Holmes, Capucine Yolanda Party 2: Defendant Holmes, Wilbert Roy
12/31/2016	 Certificate of Mailing Filed By: Plaintiff Holmes, Capucine Yolanda Party 2: Defendant Holmes, Wilbert Roy
01/03/2017	 Pre-trial Memorandum Filed By: Defendant Holmes, Wilbert Roy <i>Updated Pre Trial Memorandum</i>
01/04/2017	 Pre-trial Memorandum Filed By: Defendant Holmes, Wilbert Roy <i>Pre Trial Memorandom Exhibit E and F</i>
01/05/2017	 Amended Filed By: Plaintiff Holmes, Capucine Yolanda <i>Amended Pre-Trial Memorandum</i>

CASE SUMMARY

CASE NO. D-15-523582-D

01/05/2017	 Certificate of Mailing Filed By: Plaintiff Holmes, Capucine Yolanda Party 2: Defendant Holmes, Wilbert Roy
01/05/2017	 Pre-trial Memorandum Filed By: Defendant Holmes, Wilbert Roy <i>Pre Trial Memorandum Computation Schedule A A</i>
01/08/2017	 Pre-trial Memorandum Filed By: Defendant Holmes, Wilbert Roy <i>Pre Trial Memorandum - Updated Fin Disclo Form with Exhibit J (Sealed)</i>
01/10/2017	 Financial Disclosure Form Filed by: Defendant Holmes, Wilbert Roy <i>General Financial Disclosure Form (Sealed)</i>
01/10/2017	 Financial Disclosure Form Filed by: Plaintiff Holmes, Capucine Yolanda <i>General Financial Disclosure Form (Sealed)</i>
01/16/2017	 Pre-trial Memorandum Filed By: Defendant Holmes, Wilbert Roy <i>Pre Trial Memorandum Exhibit A and D Updated</i>
01/17/2017	 Amended Filed By: Plaintiff Holmes, Capucine Yolanda <i>Amended Pre-Trial Memorandum</i>
01/18/2017	 Certificate of Service Filed by: Plaintiff Holmes, Capucine Yolanda
01/20/2017	 Subpoena Duces Tecum Filed by: Plaintiff Holmes, Capucine Yolanda
01/24/2017	 Affidavit of Service Filed By: Plaintiff Holmes, Capucine Yolanda Party 2: Defendant Holmes, Wilbert Roy
02/01/2017	 Request Filed By: Defendant Holmes, Wilbert Roy <i>Divorce Status and Finalization Request</i>
02/05/2017	 Motion to Enforce Filed by: Defendant Holmes, Wilbert Roy <i>Motion and Notice of Motion for an Order to Enforce and/or for an Order to Show Cause Regarding Contempt</i>
02/09/2017	 Notice of Change of Hearing <i>Clerk of the Court's Notice of Change of Hearing</i>
02/10/2017	 Miscellaneous Filing <i>Property Detail Required</i>
02/14/2017	 Affidavit of Service Filed By: Defendant Holmes, Wilbert Roy Party 2: Plaintiff Holmes, Capucine Yolanda
02/14/2017	 Ex Parte Motion Filed by: Defendant Holmes, Wilbert Roy <i>Ex Parte Motion for an Order Shortening Time</i>
02/16/2017	 Document Filed Filed by: Plaintiff Holmes, Capucine Yolanda <i>Document of Property Settlement Statement Purchase Sheet</i>

CASE SUMMARY

CASE NO. D-15-523582-D

02/16/2017	 Statement Filed By: Defendant Holmes, Wilbert Roy <i>Buyer Settlement Statement</i>
02/18/2017	 Notice of Rescheduling of Hearing
02/21/2017	 Statement Filed By: Defendant Holmes, Wilbert Roy <i>Buyer Settlement Statement</i>
04/06/2017	 Miscellaneous Filing <i>Closing Instructions</i>
04/06/2017	 Order Filed By: Plaintiff Holmes, Capucine Yolanda <i>Order from Hearing 4-05-17</i>
06/01/2017	 Decree of Divorce Filed by: Defendant Holmes, Wilbert Roy; Plaintiff Holmes, Capucine Yolanda
06/01/2017	 Notice of Entry of Decree <i>Notice of Entry of Decree of Divorce</i>
06/08/2017	 Notice of Appeal Filed By: Defendant Holmes, Wilbert Roy
06/09/2017	 Notice of Entry of Order Filed By: Plaintiff Holmes, Capucine Yolanda
06/09/2017	 Withdrawal of Attorney Filed By: Plaintiff Holmes, Capucine Yolanda
06/14/2017	 Case Appeal Statement Filed By: Defendant Holmes, Wilbert Roy
07/18/2017	 Motion to Stay Filed by: Defendant Holmes, Wilbert Roy
09/19/2017	 Motion to Disqualify Judge Filed by: Defendant Holmes, Wilbert Roy <i>Defendant Wilbert Holmes Memorandum of Law in Support of Motion to Disqualify Judge Rena G. Hughes Under 28U.S.C. 144</i>
09/25/2017	 Motion Filed By: Defendant Holmes, Wilbert Roy Party 2: Plaintiff Holmes, Capucine Yolanda <i>Motion and Notice of Motion for Orders to Set Aside Order, Judgment, and/or Default</i>
09/25/2017	 Notice of Motion Filed By: Defendant Holmes, Wilbert Roy
09/25/2017	 Amended Motion Filed by: Defendant Holmes, Wilbert Roy <i>Amended Motion and Notice of Motion for Orders to Set Aside Order, Judgment, and/or Default</i>
10/05/2017	 Ex Parte Motion Filed by: Defendant Holmes, Wilbert Roy <i>Ex Parte Motion for an Order Shortening Time</i>
10/06/2017	 Ex Parte Motion Filed by: Defendant Holmes, Wilbert Roy <i>Ex Parte Motion for Motion to Stay</i>
10/11/2017	 Notice of Appearance

CASE SUMMARY

CASE NO. D-15-523582-D

	Party: Plaintiff Holmes, Capucine Yolanda
10/11/2017	 Motion for Order to Show Cause Filed By: Plaintiff Holmes, Capucine Yolanda <i>Motion for Order to Show Cause Why Defendant Should Not Be Found in Contempt, to Compel Compliance with Decree of Divorce, and for Award of Attorney's Fees and Costs</i>
10/11/2017	 Ex Parte Application for Order <i>Ex Parte Application for Order to Show Cause</i>
10/11/2017	 Exhibits Filed By: Plaintiff Holmes, Capucine Yolanda <i>Exhibit Appendix</i>
10/12/2017	 Ex Parte Motion Filed by: Plaintiff Holmes, Capucine Yolanda <i>Ex Parte Motion for Order Shortening Time</i>
10/20/2017	 Order to Show Cause Filed By: Plaintiff Holmes, Capucine Yolanda
10/20/2017	 Order Shortening Time Filed By: Plaintiff Holmes, Capucine Yolanda
10/20/2017	 Notice of Entry of Order Filed By: Plaintiff Holmes, Capucine Yolanda <i>Notice of Entry of Order to Show Cause</i>
10/20/2017	 Notice of Entry of Order Filed By: Plaintiff Holmes, Capucine Yolanda <i>Notice of Entry of Order Shortening Time</i>
11/03/2017	 Affidavit <i>Affidavit of the Honorable Rena G. Hughes in Response to "Motion to Disqualify Judge" Filed in Case D-15-523582-D</i>
11/03/2017	 Certificate of Mailing
11/08/2017	 Order Denying <i>Order Denying Motion to Disqualify</i>
01/30/2018	 Domestic Notice to Statistically Close Case
05/17/2018	 Application to Proceed in Forma Pauperis Filed By: Defendant Holmes, Wilbert Roy <i>Application to Proceed in Forma Pauperis (Sealed)</i>
05/17/2018	 Addendum Filed By: Defendant Holmes, Wilbert Roy <i>Addendum (1) Divorce</i>
05/31/2018	 NV Supreme Court Clerks Certificate/Judgment - Affd/Rev Part <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed in Part, Reversed in Part and Remand</i>
06/12/2018	 Order <i>Order Upon Remand Clarifying Decree of Divorce</i>
06/14/2018	 Order to Proceed In Forma Pauperis Filed By: Defendant Holmes, Wilbert Roy <i>Order to Proceed In Forma Pauperis (Sealed)</i>
06/14/2018	 Notice of Entry of Order <i>Notice of Entry of Order Upon Remand Clarifying Decree of Divorce</i>
06/18/2018	








CASE SUMMARY

CASE NO. D-15-523582-D

	 Motion to Disqualify Judge Filed by: Defendant Holmes, Wilbert Roy <i>Motion to Disqualify</i>
06/20/2018	 Notice of Appeal Filed By: Defendant Holmes, Wilbert Roy
06/21/2018	 Case Appeal Statement
06/30/2018	 Addendum Filed By: Defendant Holmes, Wilbert Roy <i>Addendum (3) Divorce</i>
07/09/2018	 Request Transcript of Proceedings
07/16/2018	 Addendum Filed By: Defendant Holmes, Wilbert Roy <i>Addendum (4) Divorce</i>
07/17/2018	 Motion to Disqualify Judge Filed by: Defendant Holmes, Wilbert Roy <i>Motion to Disqualify</i>
07/26/2018	 Receipt of Copy Filed By: Plaintiff Holmes, Capucine Yolanda Party 2: Defendant Holmes, Wilbert Roy <i>Receipt of Copy</i>
08/07/2018	 Request Transcript of Proceedings Party: Defendant Holmes, Wilbert Roy <i>Request Transcript of Proceedings</i>
08/13/2018	 Addendum Filed By: Defendant Holmes, Wilbert Roy <i>ADDENDUM 5 FOR DIV APPEAL CASE NO 76206</i>
08/13/2018	 Affidavit <i>Affidavit of the Honorable Rena G. Hughes in Response to "Defendant's Motion to Disqualify"</i> <i>Filed in Case D-15-523582-D</i>
08/13/2018	 Certificate of Mailing <i>Certificate of Mailing</i>
08/31/2018	 Subpoena Duces Tecum Filed by: Defendant Holmes, Wilbert Roy <i>Subpeona Duces Tecum</i>
09/04/2018	 Subpoena Duces Tecum Filed by: Defendant Holmes, Wilbert Roy <i>BANK OF AMERICA CY Subpeona Duces Tecum</i>
08/02/2019	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed; Review Denied</i>
08/16/2019	 Order <i>Order Quashing Subpoena</i>
08/16/2019	 Order <i>Order Quashing Subpoena</i>
08/19/2019	 Notice of Entry <i>Notice of Entry of Order Quashing Subpoena</i>
08/19/2019	 Notice of Entry <i>Notice of Entry of Order Quashing Subpoena</i>

CASE SUMMARY














CASE NO. D-15-523582-D

08/19/2019	 Motion Filed By: Defendant Holmes, Wilbert Roy <i>Motion for Rehearing</i>
08/20/2019	 Amended Motion Filed by: Defendant Holmes, Wilbert Roy <i>AMENDED TO CORRECT MOT FOR DIV REHRG</i>
08/20/2019	 Notice of Hearing <i>Notice of Hearing</i>
08/20/2019	 Notice of Hearing <i>Notice of Hearing</i>
09/25/2019	 Re-Notice of Motion Filed by: Defendant Holmes, Wilbert Roy <i>Re-Notice of Motion DIVORCE</i>
09/26/2019	 Notice of Hearing <i>Notice of Hearing</i>
10/21/2019	 Opposition Filed By: Plaintiff Holmes, Capucine Yolanda <i>Opposition to Motion for Rehearing</i>
10/28/2019	 Request Filed By: Defendant Holmes, Wilbert Roy <i>REQUEST FOR TELEPHONIC HEARING</i>
10/28/2019	 Request Filed By: Defendant Holmes, Wilbert Roy <i>UPDATED REQUEST FOR TELEPHONIC HEARING</i>
10/30/2019	 Notice of Appeal Filed By: Defendant Holmes, Wilbert Roy <i>DIV REHEARING NOTICE OF APPEAL</i>
11/04/2019	 Case Appeal Statement Filed By: Defendant Holmes, Wilbert Roy <i>Case Appeal Statement</i>
11/08/2019	 Memorandum Filed By: Plaintiff Holmes, Capucine Yolanda <i>Memorandum of Fees and Costs</i>
11/08/2019	 Motion for Order to Show Cause Filed By: Plaintiff Holmes, Capucine Yolanda <i>MOTION FOR ORDER TO SHOW CAUSE WHY DEFENDANT SHOULD NOT BE FOUND IN CONTEMPT, TO COMPEL COMPLIANCE WITH DECREE OF DIVORCE, AND FOR AWARD OF ATTORNEY S FEES AND COSTS</i>
11/08/2019	 Exhibits Filed By: Plaintiff Holmes, Capucine Yolanda <i>EXHIBIT APPENDIX</i>
11/08/2019	 Ex Parte Application Filed by: Plaintiff Holmes, Capucine Yolanda <i>EX PARTE APPLICATION FOR ORDER TO SHOW CAUSE</i>
11/12/2019	 Notice of Hearing <i>Notice of Haring</i>
11/12/2019	 Objection Filed By: Defendant Holmes, Wilbert Roy

CASE SUMMARY

CASE NO. D-15-523582-D


OBJECTION TO FORTANO SHOW CASE FILING ETC

11/13/2019	 Objection Filed By: Defendant Holmes, Wilbert Roy <i>CORRECTION TO PREVI SUMMITTED FILING OBJECTION TO FONTANO FILINGS</i>
12/03/2019	 Order to Show Cause Filed By: Plaintiff Holmes, Capucine Yolanda <i>Order to Show Cause</i>
12/10/2019	 Certificate of Service <i>Certificate of Service</i>
12/12/2019	 Order <i>Order Awarding Attorney's Fees</i>
12/13/2019	 Ex Parte Motion Filed by: Defendant Holmes, Wilbert Roy <i>Ex Parte Motion for Continuance</i>
12/19/2019	 Opposition Filed By: Defendant Holmes, Wilbert Roy <i>OPPOSITION TO DIVORCE MOTION</i>
01/09/2020	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>
01/16/2020	 Notice of Appeal Filed By: Defendant Holmes, Wilbert Roy <i>Notice Of Appeal Divorce 2nd Submittal</i>
01/21/2020	 Case Appeal Statement Filed By: Defendant Holmes, Wilbert Roy <i>Case Appeal Statement</i>
02/04/2020	 Order <i>Order Granting Motion for Order to Show Cause why Defendant Should not be Held in Contempt, to Compel Compliance with Decree of Divorce, and for Award of Attorney's Fees and Costs</i>
02/05/2020	 Notice of Appeal Filed By: Defendant Holmes, Wilbert Roy <i>Notice of Appeal</i>
02/07/2020	 Notice of Entry of Order Filed By: Plaintiff Holmes, Capucine Yolanda <i>Notice of Entry of Order</i>
02/07/2020	 Case Appeal Statement Filed By: Defendant Holmes, Wilbert Roy <i>Case Appeal Statement</i>

DISPOSITIONS

06/01/2017	Judgment (Judicial Officer: Hughes, Rena G.) Judgment (\$100,862.73, In Full , Wilburt Roy Holmes shall pay Capucine Yolanda Holmes for her interest in the marital residence.)
12/13/2019	Judgment (Judicial Officer: Hughes, Rena G.) Judgment (\$1,254.00, In Full , Attorney Fees)

HEARINGS

03/30/2016	 Case Management Conference (11:00 AM) (Judicial Officer: Hughes, Rena G.) 03/30/2016, 04/06/2016
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CASE SUMMARY

CASE NO. D-15-523582-D

Events: 02/09/2016 Notice of Rescheduling of Hearing

Reset, from 3/30/16, due to JNA.

02/24/2016 Reset by Court to 03/30/2016

02/24/2016 Reset by Court to 02/24/2016

MINUTES



Notice of Rescheduling of Hearing

Notice of Unavailability filed 2/18/16

Off Calendar;

Evidentiary Hearing;

Journal Entry Details:

Arguments regarding, pre nuptial agreement, division of property, appraisal of marital residence, selling of the marital residence, job search for Plaintiff, assets and debts, domestic violence, TORTE claims and battery. COURT stated FINDINGS and ORDERED: 1. The MARTIAL APPRAISAL shall be PREPARED, by SCOTT DUGAN. Defendant shall FRONT the COST; HOWEVER, in the END, said COST shall be EQUALLY DIVIDED, by the Parties. 2. The PRE NUPTIAL AGREEMENT shall GOVERN the DIVISION, of PROPERTY. 3. DISCOVERY shall be OPEN. 4. Pursuant to 16.2, EXCHANGE of DOCUMENTS shall be VOLUNTARILY COMPLETED. 5. Counsel shall AMEND the PLEADINGS, to INCLUDE the TORTE CLAIM and COMMUNITY WASTE, within the next 30 days. Attorney Jacobson to prepare an Order, from today's hearing. 9/27/16 11:00 am CALENDAR CALL 10/11/16 1:30 pm EVIDENTIARY HEARING - finances and equity in residence (stack #2);

MINUTES



Notice of Rescheduling of Hearing

Notice of Unavailability filed 2/18/16

Off Calendar;

Evidentiary Hearing;

Journal Entry Details:

Due to the unavailability, of the Court, matter OFF CALENDAR and RESET, for 4/6/16. A copy of today's minute order and Notice of Rescheduling of Hearing, placed, in counsel's folder, at Family Court.;
Off Calendar

05/17/2016

CANCELED Motion (10:00 AM) (Judicial Officer: Hughes, Rena G.)

Vacated

Def't's Attorney's Motion to Withdraw as Attorney of Record

07/26/2016



Minute Order (11:00 AM) (Judicial Officer: Hughes, Rena G.)







Minute Order - No Hearing Held;

Journal Entry Details:

Per Judge Hughes NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.11(e), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed. On July 16, 2016 Defendant filed a Motion for Change of Venue, with a Notice of Motion filed July 22, 2016 setting a hearing for September 21, 2016 at 10:00 a.m. The basis of Defendant's motion to change venue is his assertion that Plaintiff somehow can exert undue influence over the judiciary in Clark County, Nevada, and thus he will not receive a fair trial. Defendant further asserts that members of the judiciary have attended social events at his home, and that Plaintiff, his wife, is friends with members of the judiciary. Defendant does not assert Judge Rena Hughes attended social events at his home, or that Judge Rena Hughes is friends with his wife. Judge Rena Hughes has in fact not attended any social events at the parties home, and is not friends with Plaintiff. Judge Rena Hughes has no bias, nor prejudice for, or against, either party. Plaintiff has no undue influence over Judge Rena Hughes, and there is no basis to change venue as Defendant asserts. See, SCR 2.11. Defendant's Motion for Change of Venue is devoid of legal points and authorities, and does not meet the requirements of EDCR 2.20. Even if Defendant had cited to the appropriate statute or rule, the Court finds no basis for a change in venue. Both parties reside in Clark County, Nevada, the forum is convenient, and there is no obstacle to a fair and impartial trial. See, NRS 13.040 and 13.050. Defendant's Motion is DENIED, and the hearing of September 21, 2016 is VACATED. Clerk's note, a copy of today's was mailed to Defendant, at the address, on file and placed, in counsel's folder, at Family Court.;
Minute Order - No Hearing Held

CASE SUMMARY

CASE NO. D-15-523582-D

09/21/2016	<p>CANCELED Motion (10:00 AM) (Judicial Officer: Hughes, Rena G.)</p> <p><i>Vacated - per Judge</i></p> <p><i>Def't's Motion for Change of Venue</i></p>
09/22/2016	<p> Motion to Disqualify Judge (3:00 AM) (Judicial Officer: Barker, David)</p> <p>Events: 08/18/2016 Notice of Motion</p> <p><i>Def't's Memorandum of Law in Support of Motion to Disqualify Judge Rena G. Hughes Under 28U.S.C.144</i></p> <p>MINUTES</p> <p> Notice of Motion</p> <p>Filed By: Defendant Holmes, Wilbert Roy</p> <p>Matter Continued;</p> <p>Journal Entry Details:</p> <p><i>The Court notes that in Plaintiff's Motion to Amend Pleadings, filed July 22, 2016, and set for hearing on October 4, 2016, Plaintiff's counsel references having spoken with this Court and being referred to Presiding Judge of the Family Division, Judge Charles Hoskin. See motion at 8:9-14. To avoid the appearance of impropriety Defendant's Motion to Disqualify Judge Hughes is ORDERED transferred to the Department 11 September 23, 2016, chamber calendar for either reassignment or decision by Judge Gonzalez at her discretion. CLERK'S NOTE: A copy of this Minute Order has been placed in the attorney folder of Marsha Kimble-Simms, Esq., and mailed to: Wilbert Roy Holmes 10550 Patrington Ct. Las Vegas, NV 89183.ann/9/22/16 ;</i></p> <p><i>Matter Continued</i></p>
09/23/2016	<p>Motion to Disqualify Judge (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p><i>Def't's Memorandum of Law in Support of Motion to Disqualify Judge Rena G. Hughes Under 28U.S.C.144</i></p>
09/23/2016	<p> Minute Order (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p><i>Minute Order: Motion to Disqualify</i></p> <p>Minute Order - No Hearing Held; Motion to disqualify denied.</p> <p>Journal Entry Details:</p> <p><i>COURT ORDERED, as it does not appear that the motion was properly served upon the judge under NRS 1.235(4) the motion to disqualify is DENIED. See written order. CLERK'S NOTE: A copy of the above minute order was electronically mailed to Atty. Marsha Simms, counsel for Plaintiff, and mailed to Wilbert Holmes, Defendant in Pro Se, at 10550 Patrington Ct Las Vegas, NV 89183. / dr 9-28-16 ;</i></p> <p><i>Minute Order - No Hearing Held</i></p>
09/27/2016	<p> Calendar Call (11:00 AM) (Judicial Officer: Hughes, Rena G.)</p> <p><i>due to stacking - set EH on 10/12/16</i></p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>Court noted, there were no appearance, for today's hearing, due to confusion, regarding the final order dealing with Defendant's motion, to disqualify. Court clerk trainee, Marlana Elliott, present. COURT ORDERED, DUE to STACKING, the EVIDENTIARY HEARING shall be RESET, to 10/12/16. Court's JEA to NOTICE said HEARING. The MOTION set, for 10/4/16, STANDS.;</i></p> <p><i>Matter Heard</i></p>
10/04/2016	<p> Motion (10:00 AM) (Judicial Officer: Hughes, Rena G.)</p> <p>Events: 07/22/2016 Motion to Amend</p> <p><i>Plt's Motion to Amend the Pleadings, For An Order to Enforce and for An Order to Show Cause, and to Set Aside the Premarital Agreement per OST</i></p> <p>08/04/2016 Reset by Court to 10/04/2016</p> <p>MINUTES</p> <p> Motion to Amend</p> <p>Filed by: Plaintiff Holmes, Capucine Yolanda</p> <p><i>Motion to Amend the Pleadings, for an Order to Enforce and for an Order to Show Cause, and to Set Aside the Premarital Agreement</i></p> <p>JEA</p> <p>for the OST. rescheduled back to original date</p>

CASE SUMMARY

CASE NO. D-15-523582-D

Evidentiary Hearing;

Journal Entry Details:

PLTF'S MOTION TO AMEND THE PLEADINGS, FOR AN ORDER TO ENFORCE AND FOR AN ORDER TO SHOW CAUSE, AND TO SET ASIDE THE PREMARITAL AGREEMENT PER OST Court clerk Tiffany Skaggs present. Discussion regarding lack of full disclosure, prenuptial agreement, 4/6/16 hearing and SOGG. Counsel stated Plaintiff found out after the 4/16 hearing that Defendant owned a liquor business and did not disclose everything. Attorney advised, Defendant represented he was not going to appear in court anymore. COURT ORDERED, 1. Behavioral Order shall be in EFFECT immediately. 2. Plaintiff's request to AMEND, regarding the TORQUE CLAIM and COMMUNITY WASTE shall be GRANTED. 3. Defendant's Complaint for Malicious Prosecution filed 9/28/16 shall be STRICKEN as it is not a Motion or Proper Document. 4. Plaintiff's claim that Defendant interfered with a job offer shall NOT be ALLOWED as claim does NOT relate to Divorce. 5. Plaintiff's Intentional Infliction claim shall NOT be ALLOWED as claim does NOT relate to Divorce. 6. Attorney shall file briefs pursuant to Michigan Law. 7. Evidentiary hearing regarding financials and marital residence STANDS. 12/15/2016 10:00 am EVIDENTIARY HEARING - validity of prenuptial agreement Minute's from today's hearing to suffice.;
Evidentiary Hearing

10/11/2016



Minute Order (10:00 AM) (Judicial Officer: Hughes, Rena G.)

Minute Order - No Hearing Held;

Journal Entry Details:

-PER JUDGE NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.11(e), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed. At the April 6, 2016 Case Management Conference hearing, the Court set the matter for an Evidentiary Hearing regarding finances and equity in the marital residence. The Court Ordered a marital appraisal be prepared by Scott Dugan, for the prenuptial agreement to govern the division of property, for discovery to open, for the exchange of documents to be voluntarily completed pursuant to 16.2, and for counsel to amend the pleadings to include the tort claim and the community waste claim within the next 30 days. The Evidentiary Hearing was scheduled for October 12, 2016. Subsequent to the April 6, 2016 hearing, Plaintiff filed a Motion to Amend the Pleadings, for an Order to Enforce and for an Order to Show Cause and to Set Aside the Premarital Agreement. At the Motion hearing on October 4, 2016, the Court granted Plaintiff's request to amend the complaint to include the tort and community waste claim. The Court set an Evidentiary Hearing on the validity of the prenuptial agreement. The Evidentiary Hearing was scheduled for December 15, 2016. This Court has read and considered the current underlying pleadings in this matter. As the prenuptial agreement controls the marital estate and the validity of the prenuptial agreement is being contested, the Court is hereby continuing the Evidentiary Hearing re: finances and equity in the marital estate from October 12, 2016 to April 18, 2017. The Court will first hear the Evidentiary Hearing re: the validity of the prenuptial agreement, on December 15, 2016. Thereafter the Court will address the Evidentiary Hearing regarding the finances and the equity in the marital residence. Clerk's note, a copy of today's minute order, was mailed to Defendant, at the address on file and placed in Attorney's folder, at Family Court. ;
Minute Order - No Hearing Held

12/15/2016

CANCELED Evidentiary Hearing (10:00 AM) (Judicial Officer: Hughes, Rena G.)

Vacated - per Attorney or Pro Per

Validity of Pre nuptial agreement - per Judge one hour

12/20/2016

Motion (11:00 AM) (Judicial Officer: Hughes, Rena G.)

Events: 10/19/2016 Notice of Motion

Def't's Motion for Malicious Prosecution

12/20/2016 Reset by Court to 12/20/2016

Denied;

Denied

12/20/2016

Status Check (11:00 AM) (Judicial Officer: Hughes, Rena G.)

Events: 10/26/2016 Notice of Hearing

11/29/2016 Reset by Court to 12/20/2016





12/20/2016 Reset by Court to 12/20/2016

Matter Heard;

Matter Heard

CASE SUMMARY

CASE NO. D-15-523582-D

12/20/2016	<p>Calendar Call (11:00 AM) (Judicial Officer: Hughes, Rena G.)</p> <p>Events: 11/29/2016 Notice of Rescheduling of Hearing</p> <p>Stack #5</p> <p>Matter Heard;</p> <p>Matter Heard</p>
12/20/2016	<p>Motion (11:00 AM) (Judicial Officer: Hughes, Rena G.)</p> <p>Events: 12/01/2016 Motion to Withdraw As Counsel</p> <p>Motion to Withdraw as Counsel of Record per OST</p> <p>01/25/2017 Reset by Court to 12/20/2016</p> <p>Off Calendar;</p> <p>Off Calendar</p>
12/20/2016	<p> All Pending Motions (11:00 AM) (Judicial Officer: Hughes, Rena G.)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p>DEFT'S MOTION FOR MALICIOUS PROSECUTION...CALENDAR CALL...STATUS CHECK...MOTION TO WITHDRAW AS COUNSEL OF RECORD PER OST Court discussed Defendant's notice of motion failed to provide points or authorities, and a proper motion was not filed. Further, Plaintiff has not filed a pre trial memorandum. Court addressed counsel's motion to withdraw was not served; therefore, can not be heard, today. Discussion regarding not having the entire pre nuptial agreement, from Michigan, appraisals of the residence and the length of time the case has been ongoing. Court reviewed the pre nuptial agreement, which was filed, with the Court. Court noted, there is enough information, in the pre nuptial to apply the laws, of Michigan, to the document. Counsel stated she does not feel comfortable moving forward, with the trial, with the documents she has, as they are not complete. Further, counsel has attempted to retrieve a copy of the full document, however has been able to, due to needing Defendant's authorization. COURT stated FINDINGS and ORDERED: 1. Defendant's MOTION shall be DENIED. 2. As Defendant FILED his EXHIBITS, in his PRE TRIAL MEMORANDUM (12/11/16), EXHIBITS B and C shall be STRICKEN. 3. EVIDENTIARY HEARING STANDS. ;</p> <p>Matter Heard</p>
01/10/2017	<p> Evidentiary Hearing (1:30 PM) (Judicial Officer: Hughes, Rena G.)</p> <p>01/10/2017, 01/18/2017</p> <p>Events: 10/05/2016 Notice of Rescheduling of Hearing</p> <p>DAY 2 - Finances / equity in marital residence</p> <p>10/11/2016 Reset by Court to 10/12/2016</p> <p>10/12/2016 Reset by Court to 04/18/2017</p> <p>01/10/2017 Reset by Court to 01/10/2017</p> <p>04/18/2017 Reset by Court to 01/10/2017</p> <p>MINUTES</p> <p> Notice of Rescheduling of Hearing</p> <p>Notice of Rescheduling of Evidentiary Hearing</p> <p>Due to stacking</p> <p>reset to 4/18/17. New TMO will be sent by JEA</p> <p>Stack #5</p> <p>Matter Continued;</p> <p>Under Advisement;</p> <p>Journal Entry Details:</p> <p>Court noted both parties filed an Amended Pretrial Memorandum with additional exhibits. Testimony and exhibits presented (see worksheets). COURT ORDERED, matter is taken UNDER ADVISEMENT. As the Court is unable to make a DECISION at this time, Ms. Kimble-Simms shall obtain the closing documents from the title company on the home when it was purchased in 1999 and file it with the Court; she may prepare an Order for the Court to sign should a subpoena not be sufficient. Ms. Kimble-Simms shall prepare the Order from today's hearing. Clerk's Note: After the hearing, COURT ORDERED, Defendant is to make Plaintiff's personal items in the home available for her to pick up within 10 days of today's date. (ag);</p> <p>MINUTES</p> <p> Notice of Rescheduling of Hearing</p> <p>Notice of Rescheduling of Evidentiary Hearing</p>

CASE SUMMARY


CASE NO. D-15-523582-D

Due to stacking
reset to 4/18/17. New TMO will be sent by JEA
Stack #5


Matter Continued;
Under Advisement;
Journal Entry Details:

*HOUSEKEEPING ISSUES. Review of issues and the pre marital agreement. Witness's sworn and testified. Court heard testimony, from Plaintiff and Wendell Snow. Exhibits offered and admitted. See exhibit worksheet. Court addressed, exhibit C1 is an appraisal, for 2002, however, an appraisal, for 2001 was requested. Due to TIME RESTRICTIONS, COURT ORDERED, matter CONTINUED, to 1/18/17. ;
Matter Continued*


04/04/2017 **CANCELED Calendar Call** (11:00 AM) (Judicial Officer: Hughes, Rena G.)
*Vacated - per Secretary
Stack #2*

04/05/2017  **Motion** (11:00 AM) (Judicial Officer: Hughes, Rena G.)
Events: 02/05/2017 Motion to Enforce
*DEFENDANT'S MOTION TO ENFORCE/SHOW CAUS
03/08/2017 Reset by Court to 04/06/2017
04/06/2017 Reset by Court to 04/05/2017*


MINUTES

 Motion to Enforce
Filed by: Defendant Holmes, Wilbert Roy
*Motion and Notice of Motion for an Order to Enforce and/or for an Order to Show Cause
Regarding Contempt*

Decision Made;
Journal Entry Details:
*Clerk's note, matter was on the IN CHAMBERS calendar and a hearing was not heard.
However, a DECISION was made, on the PLEADINGS, with the ORDER, FILED 4/6/17.;
Decision Made*

08/23/2017  **Motion to Stay** (11:00 AM) (Judicial Officer: Hughes, Rena G.)
Events: 07/18/2017 Motion to Stay
Deft's Motion to Stay

MINUTES

 Motion to Stay
Filed by: Defendant Holmes, Wilbert Roy
Minute Order - No Hearing Held;

Journal Entry Details:
Per Judge Hughes NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.501(b), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed. This matter came on for hearing on the Court s in chambers calendar on August 23, 2017 for Defendant s Motion to Stay. This Court has read and considered the current underlying pleadings in this matter. Defendant has filed an Appeal of the final Decree of Divorce in this matter and applied to the District Court for a stay of the Decree of Divorce pending the appeal. Defendant s Motion for Stay is devoid of legal authorities and any factual basis. Any motion filed without points and authorities is subject to being denied pursuant to EDCR2.20 (c) A party filing a motion must also serve and file with it a memorandum of points and authorities in support of each ground thereof. The absence of such memorandum may be construed as an admission that the motion is not meritorious, as cause for its denial or as a waiver of all grounds not so supported. Further, Defendant has not filed a supersedeas bond. Defendant s Motion to Stay is therefore denied. NRCP 62 (d) Stay Upon Appeal. When an appeal is taken the appellant by giving a supersedeas bond may obtain a stay subject to the exceptions contained in subdivision (a) of this rule. The bond may be given at or after the time of filing the notice of appeal. The stay is effective when the supersedeas bond is filed. Clerk's note, a copy, of today's minute order, was mailed to the Parties, at the addresses, on file.;
Minute Order - No Hearing Held

CASE SUMMARY

CASE NO. D-15-523582-D

10/03/2017



Minute Order (3:39 PM) (Judicial Officer: Gonzalez, Elizabeth)

Minute Order re: Ex Parte Motion for OST for the Motion to Disqualify Judge Rena G.

Hughes

Minute Order - No Hearing Held;

Journal Entry Details:

The Court reviewed the Ex Parte Motion for Order Shortening Time (OST) submitted for the Motion to Disqualify Judge filed 9/1/17. As it does not appear that the Motion or Amended Motion has been served on the judge as required by NRS 1.235(4) the Ex parte Motion is DENIED WITHOUT PREJUDICE. CLERK'S NOTE: A copy of this minute order was distributed to: Wilbert R. Holmes 10550 Pattrington Ct. Las Vegas, NV 89183 / dr 10-4-17; Minute Order - No Hearing Held

11/03/2017

Motion to Disqualify Judge (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Events: 09/25/2017 Notice of Motion

Deft Wilbert Homles' Memorandum of Law in Support of Motion to Disqualify Judge Rena G. Hughes Under 28 U.S.C. 144

MINUTES



Notice of Motion

Filed By: Defendant Holmes, Wilbert Roy

Denied;

Journal Entry Details:

See order denying motion to disqualify.;

Denied

11/08/2017

CANCELED Motion (11:00 AM) (Judicial Officer: Hughes, Rena G.)

Vacated

Deft's Ex Parte Motion to Stay

11/20/2017



Minute Order (1:30 PM) (Judicial Officer: Hughes, Rena G.)

Minute Order - No Hearing Held;

Journal Entry Details:

MINUTE ORDER: NO HEARING HELD AND NO APPEARANCES NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.501(b), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed. This Court has read and considered the current underlying pleadings in this matter. The Defendant has failed to comply with EDCR 5.206 by failing to file proof of service for the Motion he filed on September 25, 2017. Therefore, Defendant's Motion for Orders to Set Aside Order, Judgment, and/or Default scheduled for November 29, 2017, is taken off calendar for failure to serve. Plaintiff's Motion for an Order to Show Cause and the Order to Show Cause hearing, scheduled for November 29, 2017, shall remain on calendar. Clerk's note, a copy, of today's minute order, was mailed, to the Defendant, at the address, on file and placed, in counsel's folder, at Family Court.;

Minute Order - No Hearing Held

11/28/2017



Minute Order (2:00 PM) (Judicial Officer: Hughes, Rena G.)

Minute Order - No Hearing Held;


Journal Entry Details:

MINUTE ORDER: NO HEARING HELD AND NO APPEARANCES This matter having come before the Court on Plaintiff's Motion for an Order to Show Cause Why Defendant Should Not Be Held in Contempt, to Compel Compliance with Decree of Divorce, and for Award of Attorney's Fees and Costs filed on October 11, 2017 and on Plaintiff's Order to Show Cause, signed by the Court on October 18, 2017 and filed on October 20, 2017, set to be heard by the Court on November 29, 2017. The Court finds that pursuant to NRCP 1 and EDCR 1.10, the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. The Court finds that subsequent to the Court signing off on Plaintiff's Order to Show Cause, the Court was unaware that the case was under appeal, as Defendant had erroneously filed a Notice of Appeal and a Case Appeal Statement under the District Court caption. The case was therefore not flagged as a case under appeal. The Court was only notified that the case was under appeal when a Notice of Transfer to Court of Appeals was filed on October 19, 2017. The Court finds that a notice of appeal divests this Court of jurisdiction to act and vests the jurisdiction in the appellate court. Rust v. Clark Cty. School District, 103 Nev. 686, 688, 747 P.2d 1380, 1382 (1987). As this case was appealed to

CASE SUMMARY

CASE NO. D-15-523582-D

the Court of Appeals and the District Court no longer has jurisdiction to hear this matter, the Court is hereby vacating the Order to Show Cause hearing and Plaintiff's Motion without prejudice. The hearing set on November 29, 2017 is hereby vacated. Minute Order to suffice. JEA to mail/fax a copy of this Minute Order to the parties and/or their respective counsel. ; Minute Order - No Hearing Held

- 11/29/2017 **CANCELED Motion** (10:00 AM) (Judicial Officer: Hughes, Rena G.)
Vacated - per Law Clerk
Deft's Motion and Notice of Motion for Orders to Set Aside Order, Judgment, and/or Default
10/25/2017 Reset by Court to 11/29/2017
- 11/29/2017 **CANCELED Motion for Order to Show Cause** (10:00 AM) (Judicial Officer: Hughes, Rena G.)
Vacated - per Law Clerk
Motion For Order To Show Cause Why Defendant Should Not Be Found In Contempt, To Compel Compliance With Decree Of Divorce, And For Award OF Attorney's Fees adn Cost's
01/03/2018 Reset by Court to 11/29/2017
- 11/29/2017 **CANCELED Order to Show Cause** (10:00 AM) (Judicial Officer: Hughes, Rena G.)
Vacated - per Law Clerk
- 06/29/2018  **Motion to Disqualify Judge** (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
Events: 06/18/2018 Motion to Disqualify Judge
Defendant's Motion to Disqualify Judge

MINUTES



Motion to Disqualify Judge


Filed by: Defendant Holmes, Wilbert Roy

Motion to Disqualify

Denied; Denied without prejudice.


Journal Entry Details:

The Court has reviewed the latest Motion to Disqualify filed by Defendant in this matter. As the Motion was not served upon the Judge, the matter is DENIED WITHOUT PREJUDICE to refile and serve in accordance with NRS 1.235(4). CLERK'S NOTE: A copy of this minute order was mailed to: Wilbert Holmes 10550 Pattrington Ct. Las Vegas, NV 89183 Defendant in Pro Se Capucine Holmes 637 Twilight Blue Avenue North Las Vegas, NV 89032 Plaintiff James A. Fontano, Esq. 5135 Camino al Norte, Suite 273 North Las Vegas, NV 89031 Counsel for Plaintiff / dr;
Denied

- 09/17/2019  **Minute Order** (4:00 PM) (Judicial Officer: Hughes, Rena G.)
Minute Order - No Hearing Held;
Journal Entry Details:
Minute Order D-15-523582-D Holmes v Holmes NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.501(b), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed. This Court has read and considered the current underlying pleadings in this matter. On August 19, 2019 Defendant filed a Motion for Rehearing. On August 20, 2019 Defendant filed an Amended Motion for Rehearing. Defendant filed a Certificate of Service indicating he had the Motions electronically served on August 16, 2019. As Defendant's Motions were not e-filed until August 20, 2019, Defendant's claimed date of service is deficient. Therefore the Motion hearing scheduled for September 24, 2019 is hereby vacated. Defendant may re-notice his Motion through the Clerk's Office to set this matter back on calendar. Case closed. Clerk's note, a copy, of today's minute order was mailed, to Defendant and counsel, at the addresses, on file.;
Minute Order - No Hearing Held
- 09/24/2019 **CANCELED Motion** (10:00 AM) (Judicial Officer: Hughes, Rena G.)
Vacated
Motion for Rehearing
- 09/24/2019 **CANCELED Motion** (10:00 AM) (Judicial Officer: Hughes, Rena G.)
Vacated
Defendant's Motion for Rehearing
- 10/29/2019 **Motion** (1:30 PM) (Judicial Officer: Hughes, Rena G.)

CASE SUMMARY

CASE NO. D-15-523582-D

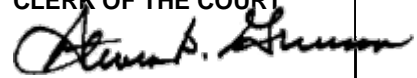
	<p>Events: 09/25/2019 Re-Notice of Motion <i>Defendant's Re-Notice of Motion Motion for Rehearing</i> Denied; <i>Denied</i></p>
10/29/2019	<p>Opposition (1:30 PM) (Judicial Officer: Hughes, Rena G.) Events: 10/21/2019 Opposition <i>Opposition to Motion for Rehearing.....Wilbert Homes to appear by phone his number is 702.281.5752.</i> Decision Made; <i>Decision Made</i></p>
10/29/2019	<p> All Pending Motions (1:30 PM) (Judicial Officer: Hughes, Rena G.)</p> <p>MINUTES Matter Heard; Journal Entry Details: <i>OPPOSITION TO MOTION FOR REHEARING...DEFT'S RE NOTICE OF MOTION FOR REHEARING Defendant appeared TELEPHONICALLY. Court inquired if the request for a rehearing is for the final decree, which Defendant said yes. Defendant stated there was an item that has not been recognized, on his behalf, in the divorce. Court discussed, the matter was taken up to the Court of Appeals and is on appeal; therefore, this Court no longer has jurisdiction. Defendant stated he was informed the matter was sent back to District Court, to make a decision. Court reviewed the case file. Further, addressed the matter was appealed and has been confirmed. Defendant discussed Plaintiff signed off on a quick claim deed and signed off on any property rights. Defendant does not understand how Plaintiff can be awarded any equity in the property, when she has no rights to it. Plaintiff had to sign off before the house could be put under the Senior Citizen Home Equity Program. Defendant stated his argument is Plaintiff signed legal documents that Plaintiff does not have any equity then, or in the future, on that property. Court addressed, it was recognized Defendant was the only title holder, at the time of trial and the Court heard evidence and testimony. Further, Plaintiff signed the quick claim deed because it was necessary for Defendant to be able to refinance the residence and get equity out of the property. Court reviewed the trial notes. COURT FOUND, the motion is legally deficient, has no legal or factual basis, it has been appealed and affirmed, by the Supreme Court. COURT ORDERED: 1. As Defendant's MOTION is LEGALLY DEFICIENT the MOTION shall be DENIED. 2. Attorney Fontano shall FILE a MEMORANDUM of FEES and COSTS, for THIS HEARING, which INCLUDES the BRUNZELL FACTORS, within the next 10 days. Upon RECEIPT, Defendant shall have 10 days to FILE a RESPONSE. COURTESY COPIES shall be PROVIDED, to the DEPARTMENT. Attorney Fontano to prepare an Order, from today's hearing. CASE CLOSED. Clerk's note, as Defendant was being disruptive and over talking the Court, the Court lowered the volume of Defendant speaking, so the Court could make findings and the order, without interruptions.;</i> Matter Heard</p>
12/16/2019	<p>Motion (2:30 PM) (Judicial Officer: Hughes, Rena G.) Events: 11/08/2019 Motion for Order to Show Cause <i>Plaintiff's Motion for Order to Show Cause why Defendant Should not be Held in Contempt. to Compel Compliance with Decree of Divorce, and for Award of Attorney's Fees and Costs</i> Granted; <i>Granted</i></p>
12/16/2019	<p>Order to Show Cause (2:30 PM) (Judicial Officer: Hughes, Rena G.) <i>Plaintiff's Order to Show Cause</i> Decision Made; <i>Decision Made</i></p>
12/16/2019	<p> All Pending Motions (2:30 PM) (Judicial Officer: Hughes, Rena G.)</p> <p>MINUTES Matter Heard; Journal Entry Details: <i>PLTF'S MOTION FOR ORDER TO SHOW CAUSE WHY DEFT SHOULD NOT BE HELD IN CONTEMPT TO COMPEL COMPLIANCE WITH DECREE OF DIVORCE, AND FOR AWARD O ATTY'S FEES AND COSTS...PLTF'S ORDER TO SHOW CAUSE Court addressed, last Friday the department received Defendant's ex parte motion to continue this hearing. Counsel stated Defendant e served him and counsel did see it. Court stated it is not supported, by any medical records that say he could not be present, today. Court reviewed the documents that were filed, with the motion. A proper motion was not filed, or proof that Defendant is in</i></p>

CASE SUMMARY

CASE NO. D-15-523582-D

the hospital. Court reviewed page 9, of the divorce decree. COURT FOUND, Defendant should have been present today or filed the proper motion to give the court some basis for the allegations that he has made about being in the hospital. Counsel stated he is seeking an order to be able control the sale of the property. It is counsel's understanding, Defendant has moved out of the house and is renting it as a short term rental through AirBnB. Court reviewed page 9, of the divorce decree, regarding if Defendant failed to pay Plaintiff her equity, in the home. COURT ORDERED: 1. It shall be JUST and REASONABLE to AWARD ATTORNEY'S FEES, for today. Counsel shall FILE a MEMORANDUM of FEES and COSTS, together with the BRUNZELL AFFIDAVIT. 2. Plaintiff's MOTION shall be GRANTED. 3. The PROVISION, in the DIVORCE DECREE, regarding Plaintiff being ENTITLED to ENFORCE the SALE of the PROPERTY, to OBTAIN her EQUITY SHARE (\$100,862.73) in the property and ATTORNEY'S FEES shall be GRANTED. Attorney Fontano to prepare an Order, from today's hearing.;

Matter Heard



ORDR
JAMES A. FONTANO
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HEATON FONTANO, LTD.
5135 Camino al Norte, Ste 273
N Las Vegas, NV 89031
Telephone: 702-329-9901
Facsimile: 702-763-7385
jim@heatonfontano.com
Attorneys for Plaintiff

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

CAPUCINE YOLANDA HOLMES,

Plaintiff,

vs.

WILBERT ROY HOLMES,

Defendant.

CASE NO.: D-15-523582-D
DEPT. NO.: J

DATE: December 16, 2019
TIME: 2:30 p.m.

**ORDER GRANTING MOTION FOR ORDER TO SHOW CAUSE WHY
DEFENDANT SHOULD NOT BE FOUND IN CONTEMPT, TO COMPEL
COMPLIANCE WITH DECREE OF DIVORCE, AND FOR AWARD OF
ATTORNEY'S FEES AND COSTS**

Plaintiff's MOTION FOR ORDER TO SHOW CAUSE WHY DEFENDANT SHOULD NOT BE FOUND IN CONTEMPT, TO COMPEL COMPLIANCE WITH DECREE OF DIVORCE, AND FOR AWARD OF ATTORNEY'S FEES AND COSTS having come before the above-entitled Court on December 16, 2019, at 2:30 p.m.; the Court having entered an ORDER TO SHOW CAUSE on December 3, 2019, ordering Defendant WILBERT ROY HOLMES to appear at said hearing and show cause, if any, why he should not be held in contempt of this Court for failure to obey this Court's Order entered on or about May 31, 2017, by: (1) refusing or otherwise failing to pay Plaintiff CAPUCINE YOLANDA HOLMES the sum of \$100,862.73 for her interest in the marital residence, on or before August 1, 2017; and (2) refusing or otherwise failing to provide Plaintiff's items left at the marital residence to Plaintiff,

HEATON | FONTANO
ATTORNEYS AT LAW

Non-Trial Dispositions:

- ☐ Other
☐ Dismissed - Want of Prosecution
☐ Involuntary (Statutory) Dismissal
☐ Default Judgment
☐ Transferred
☐ Disposed After Trial Start
☐ Judgment Reached by Trial

Settled/Withdrawn:

- ☒ Without Judicial Conf/Hrg
☐ With Judicial Conf/Hrg
☐ By ADR

1 at Defendant's cost, and move them to a location designated by Plaintiff, on or before
2 July 1, 2017, or, in the alternative, to pay Plaintiff for the replacement costs of any
3 such items not returned; Plaintiff having appeared by and through her attorney of
4 record, James A. Fontano of the law firm of Heaton Fontano, Ltd.; Defendant having
5 not appeared, either in person or telephonically; the Court having read and reviewed
6 the Motion for Order to Show Cause and the Defendant's Opposition thereto, as well
7 as Defendant's *Ex Parte* Motion to Continue, and good cause appearing, it is hereby:

8 ORDERED, that Defendant's *Ex Parte* Motion to Continue was not supported
9 by admissible evidence and as such there is no basis for continuance; accordingly,
10 Defendant's Motion to Continue is DENIED; and it is

11 FURTHER ORDERED, that Plaintiff's Motion for Order to Show Cause, Why
12 Defendant Should Not Be Found in Contempt, to Compel Compliance With Decree of
13 Divorce, and for Award of Attorney's Fees and Costs, shall be and is hereby
14 GRANTED; and it is

15 FURTHER ORDERED, that Plaintiff shall be and is hereby granted sole
16 authority to sell the parties' marital residence located at 10550 Patrington Court, Las
17 Vegas, and in such capacity shall have authority to execute any and all documents
18 necessary to cause a sale of the Residence, including without limitation, contracts to
19 retain one or more agents and/or brokers to list the property, purchase and sale
20 agreements, closing documents, deeds, etc., and to retain from the proceeds of sale all
21 sums due and owing under the Decree of Divorce; and it is

22 FURTHER ORDERED, that Plaintiff shall notice an evidentiary hearing to
23 establish the nature and value of the personal property not returned to Plaintiff by
24 Defendant pursuant to the Decree of Divorce; and it is

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1 FURTHER ORDERED, that Plaintiff shall submit a memorandum of fees and
2 costs within ten (10) days from the date of the hearing for the Court's consideration.
3 Upon receipt, Defendant shall have ten (10) days to file a response.

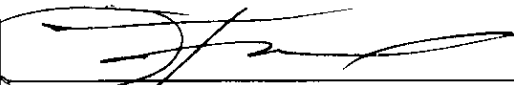
4 DATED this 4th day of Feb ²⁰~~December~~ 2019.

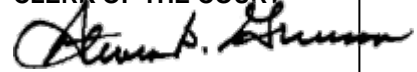
5
6 
DISTRICT COURT JUDGE

7 RENA G. HUGHES

8 Submitted by:

9 HEATON FONTANO, LTD.

10 
11 JAMES A. FONTANO
12 Nevada Bar No. 8456
13 5135 Camino al Norte, Ste 273
14 N Las Vegas, Nevada 89031
15 Attorneys for Plaintiff Capucine Y. Holmes
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1 **NEO**
2 JAMES A. FONTANO
3 Nevada Bar No. 8456
4 HEATON FONTANO, LTD.
5 5135 Camino al Norte, Ste 273
6 N Las Vegas, NV 89031
7 Telephone: 702-329-9901
8 Facsimile: 702-763-7385
9 jim@heatonfontano.com
10 *Attorneys for Plaintiff*

7 **EIGHTH JUDICIAL DISTRICT COURT**
8 **FAMILY DIVISION**
9 **CLARK COUNTY, NEVADA**

9 CAPUCINE YOLANDA HOLMES,
10
11 Plaintiff,

11 vs.

12 WILBERT ROY HOLMES,
13
14 Defendant.

CASE NO.: D-15-523582-D
DEPT. NO.: J

15 **NOTICE OF ENTRY OF ORDER**

16 PLEASE TAKE NOTICE that an ORDER GRANTING MOTION FOR ORDER
17 TO SHOW CAUSE WHY DEFENDANT SHOULD NOT BE FOUND IN
18 CONTEMPT, TO COMPEL COMPLIANCE WITH DECREE OF DIVORCE, AND
19 FOR AWARD OF ATTORNEY'S FEES AND COSTS was entered in the above-
20 captioned matter on the 4th day of February 2020. A copy of said Order is attached
21 hereto as Exhibit "A".

22 DATED this 7th day of February 2020.

23 HEATON FONTANO, LTD.

24 By: 

25 JAMES A. FONTANO
26 Nevada Bar No. 8456
27 5135 Camino al Norte, Ste 273
28 N Las Vegas, NV 89031
Attorneys for Plaintiff

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that a copy of the NOTICE OF ENTRY OF ORDER was served upon
3 the following via court-mandated electronic service on the 7th day of February 2020.

4 Wilbert R. Holmes
5 10550 Pattrington Court
6 Las Vegas, NV 89183

6 DATED this 7th day of February 2020.

7 HEATON FONTANO, LTD.

8 By: 

9 JAMES A. FONTANO
10 Nevada Bar No. 8456
11 5135 Camino al Norte, Ste 273
12 N Las Vegas, NV 89031
13 *Attorneys for Plaintiff*
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Exhibit “A”

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Steven D. Grierson

ORDR
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jim@heatonfontano.com
Attorneys for Plaintiff

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

CAPUCINE YOLANDA HOLMES,

Plaintiff,

vs.

WILBERT ROY HOLMES,

Defendant.

CASE NO.: D-15-523582-D
DEPT. NO.: J

DATE: December 16, 2019
TIME: 2:30 p.m.

**ORDER GRANTING MOTION FOR ORDER TO SHOW CAUSE WHY
DEFENDANT SHOULD NOT BE FOUND IN CONTEMPT, TO COMPEL
COMPLIANCE WITH DECREE OF DIVORCE, AND FOR AWARD OF
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Plaintiff's MOTION FOR ORDER TO SHOW CAUSE WHY DEFENDANT SHOULD NOT BE FOUND IN CONTEMPT, TO COMPEL COMPLIANCE WITH DECREE OF DIVORCE, AND FOR AWARD OF ATTORNEY'S FEES AND COSTS having come before the above-entitled Court on December 16, 2019, at 2:30 p.m.; the Court having entered an ORDER TO SHOW CAUSE on December 3, 2019, ordering Defendant WILBERT ROY HOLMES to appear at said hearing and show cause, if any, why he should not be held in contempt of this Court for failure to obey this Court's Order entered on or about May 31, 2017, by: (1) refusing or otherwise failing to pay Plaintiff CAPUCINE YOLANDA HOLMES the sum of \$100,862.73 for her interest in the marital residence, on or before August 1, 2017; and (2) refusing or otherwise failing to provide Plaintiff's items left at the marital residence to Plaintiff,

HEATON | FONTANO
ATTORNEYS AT LAW

☐ Other
☐ Dismissed - Want of Prosecution
☐ Involuntary (Statutory) Dismissal
☐ Default Judgment
☐ Transferred
☐ Disposed After Trial Start
☐ Judgment Reached by Trial

Not-Trial Dispositions:
☐ Settled/Withdrawn
☒ Without Judicial Conf/Hrg
☐ With Judicial Conf/Hrg
☐ By ADR

1 at Defendant's cost, and move them to a location designated by Plaintiff, on or before
2 July 1, 2017, or, in the alternative, to pay Plaintiff for the replacement costs of any
3 such items not returned; Plaintiff having appeared by and through her attorney of
4 record, James A. Fontano of the law firm of Heaton Fontano, Ltd.; Defendant having
5 not appeared, either in person or telephonically; the Court having read and reviewed
6 the Motion for Order to Show Cause and the Defendant's Opposition thereto, as well
7 as Defendant's *Ex Parte* Motion to Continue, and good cause appearing, it is hereby:

8 ORDERED, that Defendant's *Ex Parte* Motion to Continue was not supported
9 by admissible evidence and as such there is no basis for continuance; accordingly,
10 Defendant's Motion to Continue is DENIED; and it is

11 FURTHER ORDERED, that Plaintiff's Motion for Order to Show Cause, Why
12 Defendant Should Not Be Found in Contempt, to Compel Compliance With Decree of
13 Divorce, and for Award of Attorney's Fees and Costs, shall be and is hereby
14 GRANTED; and it is

15 FURTHER ORDERED, that Plaintiff shall be and is hereby granted sole
16 authority to sell the parties' marital residence located at 10550 Patrington Court, Las
17 Vegas, and in such capacity shall have authority to execute any and all documents
18 necessary to cause a sale of the Residence, including without limitation, contracts to
19 retain one or more agents and/or brokers to list the property, purchase and sale
20 agreements, closing documents, deeds, etc., and to retain from the proceeds of sale all
21 sums due and owing under the Decree of Divorce; and it is

22 FURTHER ORDERED, that Plaintiff shall notice an evidentiary hearing to
23 establish the nature and value of the personal property not returned to Plaintiff by
24 Defendant pursuant to the Decree of Divorce; and it is

25 ///

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1 FURTHER ORDERED, that Plaintiff shall submit a memorandum of fees and
2 costs within ten (10) days from the date of the hearing for the Court's consideration.

3 Upon receipt, Defendant shall have ten (10) days to file a response.

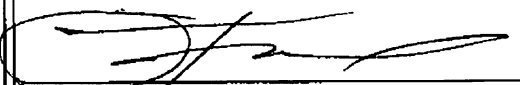
4 DATED this 4 day of Feb 2019.

5 
6 DISTRICT COURT JUDGE

7 RENA G. HUGHES

8 Submitted by:

9 HEATON FONTANO, LTD.

10 
11 JAMES A. FONTANO
12 Nevada Bar No. 8456
13 5135 Camino al Norte, Ste 273
14 N Las Vegas, Nevada 89031
15 Attorneys for Plaintiff Capucine Y. Holmes
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

March 30, 2016

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

**March 30, 2016 11:00 AM Case Management
Conference**

HEARD BY: Hughes, Rena G.

COURTROOM: Courtroom 04

COURT CLERK: Tiffany Skaggs

PARTIES:

Capucine Holmes, Plaintiff, not present
Wilbert Holmes, Defendant, not present

James Fontano, Attorney, not present
Pro Se

JOURNAL ENTRIES

- Due to the unavailability, of the Court, matter OFF CALENDAR and RESET, for 4/6/16.

A copy of today's minute order and Notice of Rescheduling of Hearing, placed, in counsel's folder, at Family Court.

INTERIM CONDITIONS:

FUTURE HEARINGS:

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

April 06, 2016

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

**April 06, 2016 11:00 AM Case Management
Conference**

HEARD BY: Hughes, Rena G.

COURTROOM: Courtroom 04

COURT CLERK: Tiffany Skaggs

PARTIES:

Capucine Holmes, Plaintiff, present
Wilbert Holmes, Defendant, present

Marsha Kimble-Simms, Attorney, present
Pro Se

JOURNAL ENTRIES

- Arguments regarding, pre nuptial agreement, division of property, appraisal of marital residence, selling of the marital residence, job search for Plaintiff, assets and debts, domestic violence, TORTE claims and battery.

COURT stated FINDINGS and ORDERED:

1. The MARTIAL APPRAISAL shall be PREPARED, by SCOTT DUGAN. Defendant shall FRONT the COST; HOWEVER, in the END, said COST shall be EQUALLY DIVIDED, by the Parties.
2. The PRE NUPTIAL AGREEMENT shall GOVERN the DIVISION, of PROPERTY.
3. DISCOVERY shall be OPEN.
4. Pursuant to 16.2, EXCHANGE of DOCUMENTS shall be VOLUNTARILY COMPLETED.
5. Counsel shall AMEND the PLEADINGS, to INCLUDE the TORTE CLAIM and COMMUNITY WASTE, within the next 30 days.

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

Attorney Jacobson to prepare an Order, from today's hearing.

9/27/16 11:00 am CALENDAR CALL

10/11/16 1:30 pm EVIDENTIARY HEARING - finances and equity in residence (stack #2)

INTERIM CONDITIONS:

FUTURE HEARINGS: Apr 06, 2016 11:00AM Case Management Conference
Reset, from 3/30/16, due to JNA.
Courtroom 04 Hughes, Rena G.

PRINT DATE:	02/07/2020	Page 3 of 36	Minutes Date:	March 30, 2016
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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 - Complaint**COURT MINUTES**

July 26, 2016

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

July 26, 2016 11:00 AM Minute Order

HEARD BY: Hughes, Rena G.**COURTROOM:** Courtroom 04**COURT CLERK:** Tiffany Skaggs**PARTIES:**

Capucine Holmes, Plaintiff, not present
Wilbert Holmes, Defendant, not present

James Fontano, Attorney, not present
Pro Se

JOURNAL ENTRIES

- Per Judge Hughes

NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.11(e), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed.

On July 16, 2016 Defendant filed a Motion for Change of Venue, with a Notice of Motion filed July 22, 2016 setting a hearing for September 21, 2016 at 10:00 a.m. The basis of Defendant's motion to change venue is his assertion that Plaintiff somehow can exert undue influence over the judiciary in Clark County, Nevada, and thus he will not receive a fair trial. Defendant further asserts that members of the judiciary have attended social events at his home, and that Plaintiff, his wife, is friends with members of the judiciary. Defendant does not assert Judge Rena Hughes attended social events at his home, or that Judge Rena Hughes is friends with his wife.

Judge Rena Hughes has in fact not attended any social events at the parties' home, and is not friends with Plaintiff. Judge Rena Hughes has no bias, nor prejudice for, or against, either party. Plaintiff has no undue influence over Judge Rena Hughes, and there is no basis to change venue as Defendant

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asserts. See, SCR 2.11.

Defendant's Motion for Change of Venue is devoid of legal points and authorities, and does not meet the requirements of EDCR 2.20. Even if Defendant had cited to the appropriate statute or rule, the Court finds no basis for a change in venue. Both parties reside in Clark County, Nevada, the forum is convenient, and there is no obstacle to a fair and impartial trial. See, NRS 13.040 and 13.050.

Defendant's Motion is DENIED, and the hearing of September 21, 2016 is VACATED.

Clerk's note, a copy of today's was mailed to Defendant, at the address, on file and placed, in counsel's folder, at Family Court.

INTERIM CONDITIONS:

FUTURE HEARINGS: Sep 27, 2016 11:00AM Calendar Call
due to stacking - set EH on 10/12/16
Courtroom 04 Hughes, Rena G.

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES****September 22, 2016**

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

**September 22, 3:00 AM Motion to Disqualify
2016 Judge**

HEARD BY: Barker, David**COURTROOM:****COURT CLERK:****PARTIES:**

Capucine Holmes, Plaintiff, not present	James Fontano, Attorney, not present
Wilbert Holmes, Defendant, not present	Pro Se

JOURNAL ENTRIES

- The Court notes that in Plaintiff's Motion to Amend Pleadings, filed July 22, 2016, and set for hearing on October 4, 2016, Plaintiff's counsel references having spoken with this Court and being referred to Presiding Judge of the Family Division, Judge Charles Hoskin. See motion at 8:9-14. To avoid the appearance of impropriety Defendant's Motion to Disqualify Judge Hughes is ORDERED transferred to the Department 11 September 23, 2016, chamber calendar for either reassignment or decision by Judge Gonzalez at her discretion.

CLERK'S NOTE: A copy of this Minute Order has been placed in the attorney folder of Marsha Kimble-Simms, Esq., and mailed to:
Wilbert Roy Holmes
10550 Patrington Ct.
Las Vegas, NV 89183.anm/9/22/16

INTERIM CONDITIONS:

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FUTURE HEARINGS:

PRINT DATE:	02/07/2020	Page 7 of 36	Minutes Date:	March 30, 2016
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

September 23, 2016

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

September 23, 2016 3:00 AM Minute Order

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea

PARTIES:

Capucine Holmes, Plaintiff, not present	James Fontano, Attorney, not present
Wilbert Holmes, Defendant, not present	Pro Se

JOURNAL ENTRIES

- COURT ORDERED, as it does not appear that the motion was properly served upon the judge under NRS 1.235(4) the motion to disqualify is DENIED. See written order.

CLERK'S NOTE: A copy of the above minute order was electronically mailed to Atty. Marsha Simms, counsel for Plaintiff, and mailed to Wilbert Holmes, Defendant in Pro Se, at 10550 Patrington Ct Las Vegas, NV 89183. / dr 9-28-16

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

September 27, 2016

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

September 27, 2016 11:00 AM Calendar Call

HEARD BY: Hughes, Rena G.

COURTROOM: Courtroom 04

COURT CLERK: Tiffany Skaggs

PARTIES:

Capucine Holmes, Plaintiff, not present	James Fontano, Attorney, not present
Wilbert Holmes, Defendant, not present	Pro Se

JOURNAL ENTRIES

- Court noted, there were no appearance, for today's hearing, due to confusion, regarding the final order dealing with Defendant's motion, to disqualify.

Court clerk trainee, Marlana Elliott, present.

COURT ORDERED, DUE to STACKING, the EVIDENTIARY HEARING shall be RESET, to 10/12/16. Court's JEA to NOTICE said HEARING. The MOTION set, for 10/4/16, STANDS.

INTERIM CONDITIONS:

FUTURE HEARINGS:

PRINT DATE:	02/07/2020	Page 9 of 36	Minutes Date:	March 30, 2016
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

October 04, 2016

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

October 04, 2016 10:00 AM Motion

HEARD BY: Hughes, Rena G.

COURTROOM: Courtroom 04

COURT CLERK: Tiffany Skaggs

PARTIES:

Capucine Holmes, Plaintiff, present
Wilbert Holmes, Defendant, not present

Marsha Kimble-Simms, Attorney, present
Pro Se

JOURNAL ENTRIES

- PLTF'S MOTION TO AMEND THE PLEADINGS, FOR AN ORDER TO ENFORCE AND FOR AN ORDER TO SHOW CAUSE, AND TO SET ASIDE THE PREMARITAL AGREEMENT PER OST

Court clerk Tiffany Skaggs present.

Discussion regarding lack of full disclosure, prenuptial agreement, 4/6/16 hearing and SOGG.

Counsel stated Plaintiff found out after the 4/16 hearing that Defendant owned a liquor business and did not disclose everything.

Attorney advised, Defendant represented he was not going to appear in court anymore.

COURT ORDERED,

1. Behavioral Order shall be in EFFECT immediately.

2. Plaintiff's request to AMEND, regarding the TORQUE CLAIM and COMMUNITY WASTE shall be GRANTED.

PRINT DATE:	02/07/2020	Page 10 of 36	Minutes Date:	March 30, 2016
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

3. Defendant's Complaint for Malicious Prosecution filed 9/28/16 shall be STRICKEN as it is not a Motion or Proper Document.
4. Plaintiff's claim that Defendant interfered with a job offer shall NOT be ALLOWED as claim does NOT relate to Divorce.
5. Plaintiff's Intentional Infliction claim shall NOT be ALLOWED as claim does NOT relate to Divorce.
6. Attorney shall file briefs pursuant to Michigan Law.
7. Evidentiary hearing regarding financials and marital residence STANDS.

12/15/2016 10:00 am EVIDENTIARY HEARING - validity of prenuptial agreement

Minute's from today's hearing to suffice.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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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 - Complaint**COURT MINUTES****October 11, 2016**

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

October 11, 2016 10:00 AM Minute Order

HEARD BY: Hughes, Rena G.**COURTROOM:** Courtroom 04**COURT CLERK:** Marlana Elliott**PARTIES:**

Capucine Holmes, Plaintiff, not present
Wilbert Holmes, Defendant, not present

James Fontano, Attorney, not present
Pro Se

JOURNAL ENTRIES

- -PER JUDGE

NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.11(e), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed.

At the April 6, 2016 Case Management Conference hearing, the Court set the matter for an Evidentiary Hearing regarding finances and equity in the marital residence. The Court Ordered a marital appraisal be prepared by Scott Dugan, for the prenuptial agreement to govern the division of property, for discovery to open, for the exchange of documents to be voluntarily completed pursuant to 16.2, and for counsel to amend the pleadings to include the tort claim and the community waste claim within the next 30 days. The Evidentiary Hearing was scheduled for October 12, 2016.

Subsequent to the April 6, 2016 hearing, Plaintiff filed a Motion to Amend the Pleadings, for an Order to Enforce and for an Order to Show Cause and to Set Aside the Premarital Agreement. At the Motion hearing on October 4, 2016, the Court granted Plaintiff's request to amend the complaint to include the tort and community waste claim. The Court set an Evidentiary Hearing on the validity of the prenuptial agreement. The Evidentiary Hearing was scheduled for December 15, 2016.

PRINT DATE:	02/07/2020	Page 12 of 36	Minutes Date:	March 30, 2016
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

This Court has read and considered the current underlying pleadings in this matter. As the prenuptial agreement controls the marital estate and the validity of the prenuptial agreement is being contested, the Court is hereby continuing the Evidentiary Hearing re: finances and equity in the marital estate from October 12, 2016 to April 18, 2017.

The Court will first hear the Evidentiary Hearing re: the validity of the prenuptial agreement, on December 15, 2016. Thereafter the Court will address the Evidentiary Hearing regarding the finances and the equity in the marital residence.

Clerk's note, a copy of today's minute order, was mailed to Defendant, at the address on file and placed in Attorney's folder, at Family Court.

INTERIM CONDITIONS:

FUTURE HEARINGS:

PRINT DATE:	02/07/2020	Page 13 of 36	Minutes Date:	March 30, 2016
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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 - Complaint

COURT MINUTES

December 20, 2016

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

December 20, 2016 11:00 AM

All Pending Motions

HEARD BY: Hughes, Rena G.

COURTROOM: Courtroom 04

COURT CLERK: Tiffany Skaggs

PARTIES:

Capucine Holmes, Plaintiff, present
Wilbert Holmes, Defendant, present

Marsha Kimble-Simms, Attorney, present
Pro Se

JOURNAL ENTRIES

- DEFT'S MOTION FOR MALICIOUS PROSECUTION...CALENDAR CALL...STATUS
CHECK...MOTION TO WITHDRAW AS COUNSEL OF RECORD PER OST

Court discussed Defendant's notice of motion failed to provide points or authorities, and a proper motion was not filed. Further, Plaintiff has not filed a pre trial memorandum. Court addressed counsel's motion to withdraw was not served; therefore, can not be heard, today.

Discussion regarding not having the entire pre nuptial agreement, from Michigan, appraisals of the residence and the length of time the case has been ongoing.

Court reviewed the pre nuptial agreement, which was filed, with the Court. Court noted, there is enough information, in the pre nuptial to apply the laws, of Michigan, to the document.

Counsel stated she does not feel comfortable moving forward, with the trial, with the documents she has, as they are not complete. Further, counsel has attempted to retrieve a copy of the full document, however has been able to, due to needing Defendant's authorization.

COURT stated FINDINGS and ORDERED:

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1. Defendant's MOTION shall be DENIED.
2. As Defendant FILED his EXHIBITS, in his PRE TRIAL MEMORANDUM (12/11/16), EXHIBITS B and C shall be STRICKEN.
3. EVIDENTIARY HEARING STANDS.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

January 10, 2017

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

January 10, 2017 1:30 PM Evidentiary Hearing

HEARD BY: Hughes, Rena G.

COURTROOM: Courtroom 04

COURT CLERK: Tiffany Skaggs

PARTIES:

Capucine Holmes, Plaintiff, present
Wilbert Holmes, Defendant, present

Marsha Kimble-Simms, Attorney, present
Pro Se

JOURNAL ENTRIES

- HOUSEKEEPING ISSUES.

Review of issues and the pre marital agreement.

Witness's sworn and testified. Court heard testimony, from Plaintiff and Wendell Snow.

Exhibits offered and admitted. See exhibit worksheet.

Court addressed, exhibit C1 is an appraisal, for 2002, however, an appraisal, for 2001 was requested.

Due to TIME RESTRICTIONS, COURT ORDERED, matter CONTINUED, to 1/18/17.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

January 18, 2017

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

January 18, 2017 1:30 PM Evidentiary Hearing

HEARD BY: Hughes, Rena G.

COURTROOM: Courtroom 04

COURT CLERK: April Graham

PARTIES:

Capucine Holmes, Plaintiff, present
Wilbert Holmes, Defendant, present

Marsha Kimble-Simms, Attorney, present
Pro Se

JOURNAL ENTRIES

- Court noted both parties filed an Amended Pretrial Memorandum with additional exhibits.

Testimony and exhibits presented (see worksheets).

COURT ORDERED, matter is taken UNDER ADVISEMENT. As the Court is unable to make a DECISION at this time, Ms. Kimble-Simms shall obtain the closing documents from the title company on the home when it was purchased in 1999 and file it with the Court; she may prepare an Order for the Court to sign should a subpoena not be sufficient.

Ms. Kimble-Simms shall prepare the Order from today's hearing.

Clerk's Note: After the hearing, COURT ORDERED, Defendant is to make Plaintiff's personal items in the home available for her to pick up within 10 days of today's date. (ag)

INTERIM CONDITIONS:

FUTURE HEARINGS: Jan 18, 2017 1:30PM Evidentiary Hearing

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DAY 2 - Finances / equity in marital residence
Courtroom 04 Hughes, Rena G.

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

April 05, 2017

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

April 05, 2017 11:00 AM Motion

HEARD BY: Hughes, Rena G.

COURTROOM: Courtroom 04

COURT CLERK: Tiffany Skaggs

PARTIES:

Capucine Holmes, Plaintiff, not present	James Fontano, Attorney, not present
Wilbert Holmes, Defendant, not present	Pro Se

JOURNAL ENTRIES

- Clerk's note, matter was on the IN CHAMBERS calendar and a hearing was not heard. However, a DECISION was made, on the PLEADINGS, with the ORDER, FILED 4/6/17.

INTERIM CONDITIONS:

FUTURE HEARINGS:

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES****August 23, 2017**

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

August 23, 2017 11:00 AM Motion to Stay

HEARD BY: Hughes, Rena G.**COURTROOM:** Courtroom 04**COURT CLERK:** Tiffany Skaggs**PARTIES:**

Capucine Holmes, Plaintiff, not present
Wilbert Holmes, Defendant, not present

James Fontano, Attorney, not present
Pro Se

JOURNAL ENTRIES

- Per Judge Hughes

NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.501(b), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed.

This matter came on for hearing on the Court's in chambers calendar on August 23, 2017 for Defendant's Motion to Stay.

This Court has read and considered the current underlying pleadings in this matter.

Defendant has filed an Appeal of the final Decree of Divorce in this matter and applied to the District Court for a stay of the Decree of Divorce pending the appeal. Defendant's Motion for Stay is devoid of legal authorities and any factual basis. Any motion filed without points and authorities is subject to being denied pursuant to EDCR 2.20(c). A party filing a motion must also serve and file with it a memorandum of points and authorities in support of each ground thereof. The absence of such memorandum may be construed as an admission that the motion is not meritorious, as cause for its

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denial or as a waiver of all grounds not so supported.

Further, Defendant has not filed a supersedeas bond. Defendant's Motion to Stay is therefore denied.

NRCP 62 (d) Stay Upon Appeal. When an appeal is taken the appellant by giving a supersedeas bond may obtain a stay subject to the exceptions contained in subdivision (a) of this rule. The bond may be given at or after the time of filing the notice of appeal. The stay is effective when the supersedeas bond is filed.

Clerk's note, a copy, of today's minute order, was mailed to the Parties, at the addresses, on file.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

October 03, 2017

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

October 03, 2017 3:39 PM Minute Order

HEARD BY: Gonzalez, Elizabeth

COURTROOM:

COURT CLERK: Dulce Romea

PARTIES:

Capucine Holmes, Plaintiff, not present	James Fontano, Attorney, not present
Wilbert Holmes, Defendant, not present	Pro Se

JOURNAL ENTRIES

- The Court reviewed the Ex Parte Motion for Order Shortening Time (OST) submitted for the Motion to Disqualify Judge filed 9/1/9/17. As it does not appear that the Motion or Amended Motion has been served on the judge as required by NRS 1.235(4) the Ex parte Motion is DENIED WITHOUT PREJUDICE.

CLERK'S NOTE: A copy of this minute order was distributed to:

Wilbert R. Holmes
10550 Patrington Ct.
Las Vegas, NV 89183

/ dr 10-4-17

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

November 03, 2017

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

November 03, 2017 3:00 AM Motion to Disqualify Judge

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Dulce Romea

PARTIES:

Capucine Holmes, Plaintiff, not present
Wilbert Holmes, Defendant, not present

James Fontano, Attorney, not present
Pro Se

JOURNAL ENTRIES

- See order denying motion to disqualify.

INTERIM CONDITIONS:

FUTURE HEARINGS:

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

November 20, 2017

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

**November 20,
2017****1:30 PM****Minute Order****HEARD BY:** Hughes, Rena G.**COURTROOM:** Courtroom 04**COURT CLERK:** Tiffany Skaggs**PARTIES:**

Capucine Holmes, Plaintiff, not present
Wilbert Holmes, Defendant, not present

James Fontano, Attorney, not present
Pro Se

JOURNAL ENTRIES

- MINUTE ORDER: NO HEARING HELD AND NO APPEARANCES

NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.501(b), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed.

This Court has read and considered the current underlying pleadings in this matter.

The Defendant has failed to comply with EDCR 5.206 by failing to file proof of service for the Motion he filed on September 25, 2017.

Therefore, Defendant s Motion for Orders to Set Aside Order, Judgment, and/or Default scheduled for November 29, 2017, is taken off calendar for failure to serve.

Plaintiff s Motion for an Order to Show Cause and the Order to Show Cause hearing, scheduled for November 29, 2017, shall remain on calendar.

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Clerk's note, a copy, of today's minute order, was mailed, to the Defendant, at the address, on file and placed, in counsel's folder, at Family Court.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

November 28, 2017

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

**November 28,
2017****2:00 PM****Minute Order****HEARD BY:** Hughes, Rena G.**COURTROOM:** Courtroom 04**COURT CLERK:** Tiffany Skaggs**PARTIES:**

Capucine Holmes, Plaintiff, not present
Wilbert Holmes, Defendant, not present

James Fontano, Attorney, not present
Pro Se

JOURNAL ENTRIES

- MINUTE ORDER: NO HEARING HELD AND NO APPEARANCES

This matter having come before the Court on Plaintiff s Motion for an Order to Show Cause Why Defendant Should Not Be Held in Contempt, to Compel Compliance with Decree of Divorce, and for Award of Attorney s Fees and Costs filed on October 11, 2017 and on Plaintiff s Order to Show Cause, signed by the Court on October 18, 2017 and filed on October 20, 2017, set to be heard by the Court on November 29, 2017.

The Court finds that pursuant to NRCP 1 and EDCR 1.10, the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action.

The Court finds that subsequent to the Court signing off on Plaintiff s Order to Show Cause, the Court was unaware that the case was under appeal, as Defendant had erroneously filed a Notice of Appeal and a Case Appeal Statement under the District Court caption. The case was therefore not flagged as a case under appeal.

The Court was only notified that the case was under appeal when a Notice of Transfer to Court of Appeals was filed on October 19, 2017.

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The Court finds that a notice of appeal divests this Court of jurisdiction to act and vests the jurisdiction in the appellate court. *Rust v. Clark Cty. School District*, 103 Nev. 686, 688, 747 P.2d 1380, 1382 (1987).

As this case was appealed to the Court of Appeals and the District Court no longer has jurisdiction to hear this matter, the Court is hereby vacating the Order to Show Cause hearing and Plaintiff's Motion without prejudice.

The hearing set on November 29, 2017 is hereby vacated. Minute Order to suffice. JEA to mail/fax a copy of this Minute Order to the parties and/or their respective counsel.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

June 29, 2018

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

**June 29, 2018 3:00 AM Motion to Disqualify
Judge**

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Dulce Romea

PARTIES:

Capucine Holmes, Plaintiff, not present	James Fontano, Attorney, not present
Wilbert Holmes, Defendant, not present	Pro Se

JOURNAL ENTRIES

- The Court has reviewed the latest Motion to Disqualify filed by Defendant in this matter. As the Motion was not served upon the Judge, the matter is DENIED WITHOUT PREJUDICE to refile and serve in accordance with NRS 1.235(4).

CLERK'S NOTE: A copy of this minute order was mailed to:

Wilbert Holmes
10550 Patrington Ct.
Las Vegas, NV 89183
Defendant in Pro Se

Capucine Holmes
637 Twilight Blue Avenue
North Las Vegas, NV 89032
Plaintiff

James A. Fontano, Esq.
5135 Camino al Norte, Suite 273

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North Las Vegas, NV 89031
Counsel for Plaintiff

/ dr

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES****September 17, 2019**

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

September 17, 2019 4:00 PM Minute Order

HEARD BY: Hughes, Rena G.**COURTROOM:** Courtroom 04**COURT CLERK:** Tiffany Skaggs**PARTIES:**

Capucine Holmes, Plaintiff, not present
Wilbert Holmes, Defendant, not present

James Fontano, Attorney, not present
Pro Se

JOURNAL ENTRIES

- Minute Order
D-15-523582-D
Holmes v Holmes

NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.501(b), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed.

This Court has read and considered the current underlying pleadings in this matter. On August 19, 2019 Defendant filed a Motion for Rehearing. On August 20, 2019 Defendant filed an Amended Motion for Rehearing. Defendant filed a Certificate of Service indicating he had the Motions electronically served on August 16, 2019. As Defendant's Motions were not e-filed until August 20, 2019, Defendant's claimed date of service is deficient. Therefore the Motion hearing scheduled for September 24, 2019 is hereby vacated. Defendant may re-notice his Motion through the Clerk's Office to set this matter back on calendar. Case closed.

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Clerk's note, a copy, of today's minute order was mailed, to Defendant and counsel, at the addresses, on file.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

October 29, 2019

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

October 29, 2019 1:30 PM All Pending Motions

HEARD BY: Hughes, Rena G.

COURTROOM: Courtroom 04

COURT CLERK: Tiffany Skaggs

PARTIES:

Capucine Holmes, Plaintiff, not present
Wilbert Holmes, Defendant, present

James Fontano, Attorney, present
Pro Se

JOURNAL ENTRIES

- OPPOSITION TO MOTION FOR REHEARING...DEFT'S RE NOTICE OF MOTION FOR REHEARING

Defendant appeared TELEPHONICALLY.

Court inquired if the request for a rehearing is for the final decree, which Defendant said yes. Defendant stated there was an item that has not been recognized, on his behalf, in the divorce. Court discussed, the matter was taken up to the Court of Appeals and is on appeal; therefore, this Court no longer has jurisdiction.

Defendant stated he was informed the matter was sent back to District Court, to make a decision.

Court reviewed the case file. Further, addressed the matter was appealed and has been confirmed.

Defendant discussed Plaintiff signed off on a quick claim deed and signed off on any property rights. Defendant does not understand how Plaintiff can be awarded any equity in the property, when she has no rights to it. Plaintiff had to sign off before the house could be put under the Senior Citizen Home Equity Program. Defendant stated his argument is Plaintiff signed legal documents that Plaintiff does not have any equity then, or in the future, on that property.

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Court addressed, it was recognized Defendant was the only title holder, at the time of trial and the Court heard evidence and testimony. Further, Plaintiff signed the quick claim deed because it was necessary for Defendant to be able to refinance the residence and get equity out of the property.

Court reviewed the trial notes.

COURT FOUND, the motion is legally deficient, has no legal or factual basis, it has been appealed and affirmed, by the Supreme Court.

COURT ORDERED:

1. As Defendant's MOTION is LEGALLY DEFICIENT the MOTION shall be DENIED.
2. Attorney Fontano shall FILE a MEMORANDUM of FEES and COSTS, for THIS HEARING, which INCLUDES the BRUNZELL FACTORS, within the next 10 days. Upon RECEIPT, Defendant shall have 10 days to FILE a RESPONSE. COURTESY COPIES shall be PROVIDED, to the DEPARTMENT.

Attorney Fontano to prepare an Order, from today's hearing. CASE CLOSED.

Clerk's note, as Defendant was being disruptive and over talking the Court, the Court lowered the volume of Defendant speaking, so the Court could make findings and the order, without interruptions.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

December 16, 2019

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

December 16, 2019 2:30 PM

All Pending Motions

HEARD BY: Hughes, Rena G.

COURTROOM: Courtroom 04

COURT CLERK: Tiffany Skaggs

PARTIES:

Capucine Holmes, Plaintiff, not present
Wilbert Holmes, Defendant, not present

James Fontano, Attorney, present
Pro Se

JOURNAL ENTRIES

- PLTF'S MOTION FOR ORDER TO SHOW CAUSE WHY DEFT SHOULD NOT BE HELD IN CONTEMPT TO COMPEL COMPLIANCE WITH DECREE OF DIVORCE, AND FOR AWARD O ATTY'S FEES AND COSTS...PLTF'S ORDER TO SHOW CAUSE

Court addressed, last Friday the department received Defendant's ex parte motion to continue this hearing. Counsel stated Defendant e served him and counsel did see it. Court stated it is not supported, by any medical records that say he could not be present, today. Court reviewed the documents that were filed, with the motion. A proper motion was not filed, or proof that Defendant is in the hospital.

Court reviewed page 9, of the divorce decree.

COURT FOUND, Defendant should have been present today or filed the proper motion to give the court some basis for the allegations that he has made about being in the hospital.

Counsel stated he is seeking an order to be able control the sale of the property. It is counsel's understanding, Defendant has moved out of the house and is renting it as a short term rental through AirBnB.

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Court reviewed page 9, of the divorce decree, regarding if Defendant failed to pay Plaintiff her equity, in the home.

COURT ORDERED:

1. It shall be JUST and REASONABLE to AWARD ATTORNEY'S FEES, for today. Counsel shall FILE a MEMORANDUM of FEES and COSTS, together with the BRUNZELL AFFIDAVIT.
2. Plaintiff's MOTION shall be GRANTED.
3. The PROVISION, in the DIVORCE DECREE, regarding Plaintiff being ENTITLED to ENFORCE the SALE of the PROPERTY, to OBTAIN her EQUITY SHARE (\$100,862.73) in the property and ATTORNEY'S FEES shall be GRANTED.

Attorney Fontano to prepare an Order, from today's hearing.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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- A vertical ruler scale showing centimeters from 4 down to 3. The markings are clear and legible.

APMEM

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Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

CAPUCINE YOLANDA HOLMES,

Plaintiff,

vs.

WILBERT ROY HOLMES,

Defendant.

CASE NO.: D-15-523582-D

DEPT NO.: J

AMENDED PRE-TRIAL MEMORANDUM

The plaintiff's Pretrial Memorandum is amended as follows:

1. Six additional exhibits are added to the list of exhibits.

V. LIST OF EXHIBITS

- | | | | | |
|-------------------------------------|--|---|--|--|
| <input checked="" type="checkbox"/> | Exhibit P. Henderson Police Department Incident Report 6/9/2016 | | | |
| <input checked="" type="checkbox"/> | 17. Exhibit Q. Lien on Property of Creditor William H. George Case No.: A-15-722160-F | X | | |
| <input checked="" type="checkbox"/> | 18. Exhibit R. Lien on Property HOA violation failure to use Property single family uses only. | X | | |
| <input checked="" type="checkbox"/> | 19. Exhibit S. Affidavit of Capucine Holmes to Chief Judge Tyrell. | X | | |
| <input checked="" type="checkbox"/> | 20. Exhibit T. Response to Letter to San Rafeal HOA | X | | |
| <input checked="" type="checkbox"/> | 21. Exhibit U. Advertisement for listing of home for rent. | X | | |

DATED: January 5, 2017

Submitted by: 

~~22. Justin Wodinger report~~

23. Justin Wodinger report

CASE NO D-15-523582-0

OFFERED

[illegible]

D 15 523 582 D

IX. LIST OF EXHIBITS

I intend to introduce the following exhibits at trial:

1. ~~EXHIBIT A~~ My proposed distribution of property and debts is attached as
2. ~~EXHIBIT B~~ Recorded deeds and documents showing ownership in real property
3. ~~EXHIBIT C~~ Letter document showing reverse mortgage required release from plaintiff
3. ~~EXHIBIT D~~ Court required certified property appraisals
4. ~~EXHIBIT E~~ Violated fiduciary duties and immoral actions resulting in financial loss and hardship
5. ~~EXHIBIT F~~ see exhibit E documents..also
- ~~EXHIBIT G~~ Detail from IED case filed in NLV court
- ~~EXHIBIT H~~ Letter from Nevada Legal Aid Center

OFFERED	OBJECTION	ADMITTED

X. UNUSUAL ISSUES TO BE PRESENTED AT TRIAL

The following unusual legal or factual issues may be presented at trial: _____

These would be Exhibits E and F showing "some of !" the plaintiffs adulterous extramarital affairs and activities that factually date back to 2004. These "bisexual affairs" and events has caused marital discourse and financial and mental stress upon myself. Thusly the true reason for the dissolution of a happy marriage.

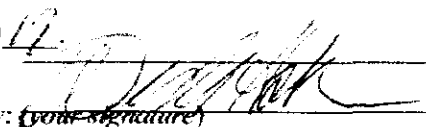
EXHIBIT ~~X~~ 7/3/02 APPRAISAL
 11 ✓ C2 6/5/14 APPRAISAL

X	X	
X	X	1/10/17

XI. LENGTH OF TRIAL

This trial should take approximately _____ x ☒ hours / ☐ days.

DATED January 2, 2017 . 2017

Submitted By: 

(print your name)

WILBERT R. HOLMES

Defendant's

EXHIBITS

CASE NO D-15-523582-U

ADMITTED**OFFERED**[illegible]



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

WILBERT R. HOLMES
240 E. SILVERADO RANCH BLVD.
LAS VEGAS, NV 89183

DATE: February 7, 2020
CASE: D-15-523582-D

RE CASE: CAPUCINE YOLANDA HOLMES vs. WILBERT ROY HOLMES

NOTICE OF APPEAL FILED: February 5, 2020

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

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

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

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

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

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

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

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; ORDER GRANTING MOTION FOR ORDER TO SHOW CAUSE WHY DEFENDANT SHOULD NOT BE FOUND IN CONTEMPT, TO COMPEL COMPLIANCE WITH DECREE OF DIVORCE, AND FOR AWARD OF ATTORNEY'S FEES AND COSTS; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

CAPUCINE YOLANDA HOLMES,

Plaintiff(s),

vs.

WILBERT ROY HOLMES,

Defendant(s),

Case No: D-15-523582-D

Dept No: J

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 7 day of February 2020.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk