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Elizabeth A. Brown
Clerk of Supreme Court

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

HEIDI MARIE PELKOLA,
Plaintiff,

Vs.

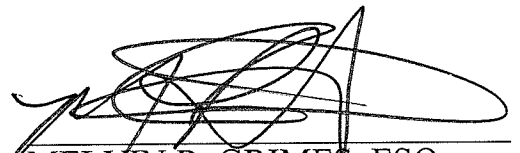
GREG ELLIOT PELKOLA,
Defendant.

CASE NO.: D-13-488682-D
DEPT NO.: L

NOTICE OF APPEAL

COMES NOW Defendant GREG ELLIOT PELKOLA, by and through his Attorney of Record, MELVIN R. GRIMES of THE GRIMES LAW OFFICE and, pursuant to Rule 3 of the Nevada Rules of Appellate Procedure, submits the following NOTICE OF APPEAL from the Orders of this Court which were filed on the 3rd day of February 2020 for which Notices of Entry were filed on the 4th day of February 2020.

DATED this 4th day of March 2020.



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CASE SUMMARY**CASE NO. D-13-488682-D**

Heidi Marie Pelkola, Plaintiff
vs.
Greg Elliott Pelkola, Defendant.

§
§
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§

Location: **Department L**
 Judicial Officer: **Gibson, David, Jr.**
 Filed on: **11/19/2013**

CASE INFORMATION**Statistical Closures**

11/24/2015 Settled/Withdrawn With Judicial Conference or Hearing
 08/26/2014 Settled/Withdrawn With Judicial Conference or Hearing
 05/06/2014 Settled/Withdrawn Without Judicial Conference or Hearing

Case Type: **Divorce - Complaint**
 Subtype: **Complaint Subject Minor(s)**

Case Status: **05/12/2017 Reopened**

Case Flags: **Order After Hearing Required**
Proper Person Mail Returned
Proper Person Documents
Mailed
Appealed to Supreme Court

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

Case Number D-13-488682-D
 Court Department L
 Date Assigned 12/10/2018
 Judicial Officer Gibson, David, Jr.

PARTY INFORMATION**Plaintiff**

Pelkola, Heidi Marie
4111 W Charter Oak RD
Phoenix, AZ 85029

Smith, Radford J, ESQ
Retained
 702-990-6448(W)
Zernich, Gary M.
Retained
 702-410-5001(W)

Defendant

Pelkola, Greg Elliott
2309 Bahama Point AVE
North Las Vegas, NV 89031

Grimes, Melvin
Retained
 702-347-4357(W)
Grimes, Melvin
Retained
 702-347-4357(W)
Stipp, Mitchell D.
Retained
 702-602-1242(W)

Subject Minor

Pelkola, Daniel Jordan
Pelkola, Justin Ryan
Pelkola, Sara Michelle

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

03/04/2020



Notice of Appeal
 Filed By: Defendant Pelkola, Greg Elliott
Notice of Appeal

02/04/2020



Notice of Entry of Order













CASE SUMMARY

CASE NO. D-13-488682-D

	Filed By: Plaintiff Pelkola, Heidi Marie <i>Notice of Entry of Order After the March 18, 2019 Evidentiary Hearing</i>
02/04/2020	 Notice of Entry of Order Filed By: Plaintiff Pelkola, Heidi Marie <i>Notice of Entry of Order After Evidentiary Hearing on November 20, 2019</i>
02/03/2020	 Order Filed By: Plaintiff Pelkola, Heidi Marie <i>Order After Evidentiary Hearing on November 20, 2019</i>
02/03/2020	 Order Filed By: Plaintiff Pelkola, Heidi Marie <i>Order After the March 18, 2019 Evidentiary Hearing</i>
01/10/2020	 Order to Show Cause <i>Order to Show Cause</i>
12/19/2019	 Notice of Entry of Order Filed By: Plaintiff Pelkola, Heidi Marie <i>Notice of Entry of Order Regarding Plaintiff's Memorandum of Fees, Costs, and Disbursements Filed November 26, 2019</i>
12/19/2019	 Order Filed By: Plaintiff Pelkola, Heidi Marie <i>Order Regarding Plaintiff's Memorandum of Fees, Costs, and Disbursements Filed November 26, 2019</i>
12/18/2019	 Objection Filed By: Defendant Pelkola, Greg Elliott <i>DEFENDANT S OBJECTION TO PLAINTIFF S AFFIDAVIT OF FEES AND COSTS</i>
12/12/2019	 Request Filed By: Plaintiff Pelkola, Heidi Marie <i>Plaintiff's Request for Submission of Memorandum of Fees and Costs</i>
11/26/2019	 Memorandum of Costs and Disbursements Filed by: Plaintiff Pelkola, Heidi Marie <i>Plaintiff's Memorandum of Fees, Costs, and Disbursements</i>
11/18/2019	 Certificate of Service Filed by: Plaintiff Pelkola, Heidi Marie <i>Certificate of Service</i>
11/18/2019	 Request Filed By: Plaintiff Pelkola, Heidi Marie <i>Request for Submission of Motion Pursuant to EDCR 5.502</i>
11/14/2019	 Reply to Opposition Filed by: Plaintiff Pelkola, Heidi Marie <i>Plaintiff's Reply to Defendant's Opposition to Her Motion to Relocate</i>
11/08/2019	 Opposition Filed By: Plaintiff Pelkola, Heidi Marie <i>Plaintiff s Opposition To Defendant's Countermotion For Primary Physical Custody</i>
10/22/2019	 Certificate of Mailing Filed By: Defendant Pelkola, Greg Elliott
10/22/2019	 Exhibits Filed By: Defendant Pelkola, Greg Elliott <i>Exhibit Appendix for Defendant's Opposition to Motion to Relocate</i>
10/22/2019	 Opposition to Motion Filed by: Defendant Pelkola, Greg Elliott

CASE SUMMARY

CASE NO. D-13-488682-D

	<i>Defendant's Opposition to Motion to Relocate</i>
10/10/2019	 Notice of Rescheduling of Hearing <i>Notice of Rescheduling of Hearing</i>
10/08/2019	 Certificate of Service Filed by: Plaintiff Pelkola, Heidi Marie <i>Certificate of Service</i>
10/08/2019	 Order Shortening Time Filed By: Plaintiff Pelkola, Heidi Marie <i>Order Granting Plaintiff's Ex Parte Application for an Order Shortening Time (With Notice)</i>
10/04/2019	 Certificate of Service Filed by: Plaintiff Pelkola, Heidi Marie <i>Certificate of Service</i>
10/04/2019	 Notice of Hearing <i>Notice of Hearing</i>
10/03/2019	 Errata Filed By: Plaintiff Pelkola, Heidi Marie <i>Errata to Plaintiff's Motion in Limine</i>
10/03/2019	 Ex Parte Application for Order Party: Plaintiff Pelkola, Heidi Marie <i>Ex Parte Application for an Order Shortening Time (With Notice)</i>
10/03/2019	 Motion in Limine Filed by: Plaintiff Pelkola, Heidi Marie <i>Plaintiff's Motion in Limine Precluding Defendant from Filing an Untimely Pre-Trial Memorandum, Precluding Defendant's Trial Exhibits, Precluding Defendant from Introducing any Witnesses and/or Documents not Produced or Identified During Discovery, and for Attorney's Fees and Costs</i>
10/02/2019	 Receipt of Copy Filed By: Plaintiff Pelkola, Heidi Marie <i>Receipt of Copy</i>
10/01/2019	 Notice of Hearing <i>Notice of Hearing</i>
10/01/2019	 Exhibits Filed By: Plaintiff Pelkola, Heidi Marie <i>Plaintiff's Exhibits to her Motion for Relocation to Ohio and for Attorney's Fees</i>
10/01/2019	 Motion Filed By: Plaintiff Pelkola, Heidi Marie <i>Plaintiff's Motion for Relocation to Ohio and for Attorney's Fees</i>
10/01/2019	 Financial Disclosure Form Filed by: Plaintiff Pelkola, Heidi Marie <i>Plaintiff's Updated Financial Disclosure Form</i>
10/01/2019	 Pre-trial Memorandum Filed By: Plaintiff Pelkola, Heidi Marie <i>Plaintiff's Pre-Trial Memorandum</i>
06/10/2019	 Stipulation and Order Filed By: Defendant Pelkola, Greg Elliott <i>Stipulation and Order to Continue</i>
05/23/2019	 Witness List Filed by: Defendant Pelkola, Greg Elliott <i>Defendant's First Supplemental Disclosure of Witnesses and Documents Pursuant to NRCP</i>

CASE SUMMARY

CASE NO. D-13-488682-D

16.2

03/29/2019	 Case Management Order <i>Case and Trial Management Order</i>
03/25/2019	 Certificate of Service Filed by: Defendant Pelkola, Greg Elliott <i>Certificate of Service</i>
03/25/2019	 Order Filed By: Defendant Pelkola, Greg Elliott <i>Order from January 17th 2019 Hearing</i>
03/12/2019	 Receipt of Copy Filed By: Defendant Pelkola, Greg Elliott <i>Receipt of Copy</i>
03/12/2019	 Receipt of Copy Filed By: Defendant Pelkola, Greg Elliott <i>Receipt of Copy</i>
03/08/2019	 Receipt of Copy Filed By: Plaintiff Pelkola, Heidi Marie <i>Receipt of Copy</i>
03/08/2019	 Pre-trial Memorandum Filed By: Plaintiff Pelkola, Heidi Marie <i>Plaintiff's Pre-Trial Memorandum</i>
03/05/2019	 Notice of Change of Address Filed By: Defendant Pelkola, Greg Elliott <i>Notice of Change of Firm Address</i>
02/01/2019	 Schedule of Arrearages Filed by: Plaintiff Pelkola, Heidi Marie <i>Schedule of Arrears</i>
01/09/2019	 Notice of Entry of Order Filed By: Plaintiff Pelkola, Heidi Marie <i>Notice of Entry of Order</i>
01/09/2019	 Order Filed By: Plaintiff Pelkola, Heidi Marie <i>Order from Hearing</i>
01/04/2019	 Exhibits Filed By: Plaintiff Pelkola, Heidi Marie <i>Second Supplement to Plaintiff's Appendix of Exhibits to Her Opposition to Defendant's Motion to Modify Physical Custody and for Attorney's Fees and Costs</i>
12/19/2018	 Exhibits Filed By: Plaintiff Pelkola, Heidi Marie <i>First Supplement to: Plaintiff's Appendix of Exhibits to her Opposition to Defendant's Motion to Modify Physical Custody and for Attorney's Fees and Costs</i>
12/18/2018	 Certificate of Service Filed by: Defendant Pelkola, Greg Elliott <i>Certificate of Service</i>
12/18/2018	 Reply Filed By: Defendant Pelkola, Greg Elliott <i>Defendant's Reply to Plaintiff's Opposition to Motion to Modify Physical Custody and for Attorney's Fees and Costs</i>
12/11/2018	 Exhibits

CASE SUMMARY

CASE NO. D-13-488682-D

	Filed By: Plaintiff Pelkola, Heidi Marie <i>Plaintiff's Appendix of Exhibits to Opposition</i>
12/10/2018	 Opposition Filed By: Plaintiff Pelkola, Heidi Marie <i>Opposition to Defendant's Motion to Modify Physical Custody and for Attorney's Fees and Costs</i>
12/10/2018	Administrative Reassignment - Judicial Officer Change <i>Judicial Reassignment - From Judge Jennifer Elliott to Judge David Gibson Jr.</i>
12/06/2018	 Ex Parte Application for Order Party: Defendant Pelkola, Greg Elliott <i>Defendant's Ex-Parte Application for an Order Shortening Time</i>
11/29/2018	 Notice of Non Opposition Filed by: Defendant Pelkola, Greg Elliott <i>Notice of Non-Opposition to Defendant's Motion to Modify Physical Custody and For Attorney's Fees and Costs</i>
11/29/2018	 Certificate of Service Filed by: Defendant Pelkola, Greg Elliott <i>Certificate of Service</i>
11/08/2018	 Motion Filed By: Defendant Pelkola, Greg Elliott <i>Defendant's Motion to Modify Physical Custody and for Attorney's Fees and Costs</i>
10/12/2018	 Order Setting Evidentiary Hearing <i>Amended Evidentiary Hearing Management Order</i>
09/19/2018	 Order Setting Evidentiary Hearing <i>Evidentiary Hearing Management Order</i>
09/13/2018	 Notice of Entry of Order Filed By: Plaintiff Pelkola, Heidi Marie <i>Notice Of Entry Of Order</i>
09/12/2018	 Order Filed By: Plaintiff Pelkola, Heidi Marie <i>Minute Order: 4/03/2018</i>
09/12/2018	 Notice of Rescheduling of Hearing <i>Notice of Rescheduling of Hearing</i>
09/06/2018	 Order to Show Cause <i>Notice and Order to Show Cause</i>
08/23/2018	 Reply Filed By: Defendant Pelkola, Greg Elliott <i>Defendant's Reply to Plaintiff's Opposition to Motion to Set Aside the Decree Of Divorce Regarding the Property Settlement Due to Fraud on the Court And Defendant's Opposition to Plaintiff's Counter Motion for a Judgment on Military Retirement Pay Arrears Owed to Plaintiff, For an Order to Show Cause Against Defendant, And Attorney's Fees and Costs</i>
08/16/2018	 Opposition and Countermotion Filed By: Plaintiff Pelkola, Heidi Marie <i>Plaintiff's Opposition to Defendant's Motion to Set Aside the Decree of Divorce Regarding the Property Settlement due to Fraud on the Court and Countermotion for a Judgment on Military Retirement Pay Arrears Owed to Plaintiff for an Order to Show Cause Against Defendant and for Attorney's Fees and Costs</i>
08/16/2018	Family Court Motion Opposition Fee Information Sheet
08/16/2018	 Objection Filed By: Defendant Pelkola, Greg Elliott

CASE SUMMARY

CASE NO. D-13-488682-D

Objection to Substitution of Counsel and Motion for Attorney's Fees and Costs

08/13/2018



Substitution of Attorney

Filed By: Plaintiff Pelkola, Heidi Marie

Substitution Of Attorney

08/06/2018



Motion

Filed By: Defendant Pelkola, Greg Elliott

Defendant's Motion to Set Aside the Decree of Divorce Regarding the Property Settlement Due to Fraud on the Court

07/31/2018



Notice of Entry of Order

Filed By: Defendant Pelkola, Greg Elliott

Notice of Entry of Order

07/30/2018



Order

Filed By: Plaintiff Pelkola, Heidi Marie

Order for Fees and Costs

07/25/2018



Certificate of Service

Filed by: Plaintiff Pelkola, Heidi Marie

Certificate of Service

07/25/2018



Notice

Filed By: Attorney Menninger, Carol, ESQ; Attorney Grimes, Melvin

Notice of Change of Hearing

07/25/2018



Reply

Filed By: Plaintiff Pelkola, Heidi Marie

Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion to Continue the July 27, 2018 Hearing

07/24/2018



Opposition and Countermotion

Filed By: Defendant Pelkola, Greg Elliott

Defendant's Opposition to Plaintiff's Motion to Continue the July 27th 2018 Hearing; For Plaintiff's Attorney's Fees and Related Matters

07/24/2018



Application

Filed By: Plaintiff Pelkola, Heidi Marie

Ex-Parte Application for Order Shortening Time

07/24/2018



Errata

Filed By: Plaintiff Pelkola, Heidi Marie

Errata to Plaintiff's Motion to Continue the July 27, 2018 Hearing; For Plaintiff's Attorney's Fees; And Related Matters

07/24/2018



Motion

Filed By: Plaintiff Pelkola, Heidi Marie

Plaintiff's Motion to Continue the July 27, 2018 Hearing; For Plaintiff's Attorney's Fees; And Related Matter

07/24/2018



Family Court Motion Opposition Fee Information Sheet

Filed by: Plaintiff Pelkola, Heidi Marie

Motion Opposition Fee Sheet

07/24/2018



Certificate of Service

Filed by: Plaintiff Pelkola, Heidi Marie

Amended Certificate of Service

07/23/2018



Certificate of Service

Filed by: Plaintiff Pelkola, Heidi Marie

Certificate of Service

07/19/2018



Ex Parte Application for Order

Party: Defendant Pelkola, Greg Elliott

CASE SUMMARY

CASE NO. D-13-488682-D

Ex Parte Application for Order Shortening Time

07/19/2018	 Opposition and Countermotion Filed By: Defendant Pelkola, Greg Elliott <i>Defendant's Opposition to Plaintiff's Motion Requesting the Chief Judge of the Eighth Judicial District to Permanently Assign this Case to A Family Court Judge and Related Matters; and Countermotion for Attorney's Fees and Costs</i>
07/19/2018	 Notice <i>Notice Of Consolidation</i>
07/17/2018	 Motion Filed By: Plaintiff Pelkola, Heidi Marie <i>Plaintiff's Motion Requesting The Chief Judge Of the Eighth Judicial District To Permanently Assign This Case To A Family Court Judge; And Related Matters</i>
07/09/2018	 Financial Disclosure Form Filed by: Plaintiff Pelkola, Heidi Marie <i>General Financial Disclosure Form</i>
07/06/2018	 Reply Filed By: Defendant Pelkola, Greg Elliott <i>Defendant's Reply to Plaintiff's Opposition to Motion to Terminate Alimony and Defendant's Opposition to Plaintiff's Countermotion for Attorney's Fees and Costs and Related Matters</i>
07/03/2018	 Opposition and Countermotion Filed By: Plaintiff Pelkola, Heidi Marie <i>Plaintiff's Opposition To Defendant's Motion To Terminate Alimony And Plaintiff's Counter Motion For Her Attorney's Fees And Costs And Related Matters</i>
07/03/2018	 Exhibits Filed By: Plaintiff Pelkola, Heidi Marie <i>Plaintiff's Exhibit Appendix To Plaintiff's Opposition To Defendant's Motion To Terminate Alimony And Plaintiff's Counter Motion For Her Attorney's Fees And Costs And Related Matters</i>
06/29/2018	 Financial Disclosure Form Filed by: Defendant Pelkola, Greg Elliott <i>Defendant's General Financial Disclosure Form</i>
06/26/2018	 Motion Filed By: Defendant Pelkola, Greg Elliott <i>Defendant's Motion to Terminate Alimony</i>
06/20/2018	 Notice of Entry of Order Filed By: Defendant Pelkola, Greg Elliott <i>NOTICE OF ENTRY OF ORDER</i>
06/20/2018	 Reply Filed By: Defendant Pelkola, Greg Elliott <i>Defendant's Reply to Plaintiff's Opposition to Motion for an Order to Show Cause Why She Should Not Be Held in Contempt and Motion to Modify Custody AND Defendant's Opposition to Plaintiff's Countermotion to Resolve Parent/Child Issues, Attorney's Fees, and Related Relief</i>
06/19/2018	 Order Shortening Time Filed By: Defendant Pelkola, Greg Elliott <i>Order Shortening Time</i>
06/14/2018	 Opposition and Countermotion Filed By: Plaintiff Pelkola, Heidi Marie <i>Plaintiff's Opposition To Defendant's Motion For An Order To Show Cause Why She Should Not Be Held In Contempt And Motion To Modify Custody And Plaintiff's Counter Motion To Resolve Parent/Child Issues; For Her Attorney's Fees Incurred Herein; And Related Matters</i>

CASE SUMMARY

CASE NO. D-13-488682-D

06/14/2018	 Exhibits Filed By: Plaintiff Pelkola, Heidi Marie <i>Plaintiff's Exhibit Appendix</i>
06/06/2018	 Ex Parte Application for Order Party: Defendant Pelkola, Greg Elliott <i>Defendant's Ex-Parte Application for An Order Shortening Time</i>
06/05/2018	 Receipt of Copy Filed By: Defendant Pelkola, Greg Elliott <i>Receipt of Copy</i>
06/05/2018	 Exhibits Filed By: Plaintiff Pelkola, Heidi Marie <i>Plaintiff's Exhibit Appendix</i>
06/05/2018	 Proof of Service Filed By: Plaintiff Pelkola, Heidi Marie <i>Proof Of Service</i>
06/05/2018	 Affidavit of Plaintiff Filed by: Plaintiff Pelkola, Heidi Marie <i>Affidavit Of Plaintiff, Heidi Marie Pelkola</i>
06/05/2018	 Motion Filed By: Defendant Pelkola, Greg Elliott <i>Defendant's Motion for An Order to Show Cause Why Plaintiff Should Not Be Held in Contempt and Motion to Modify Custody</i>
05/31/2018	 Reply Filed By: Defendant Pelkola, Greg Elliott <i>Defendant's Reply to Plaintiff's Opposition to Defendant's Motion to Rescind Previous Order and Issue New Order Consistent with the Finding of Judge Hardcastle, and Defendant's Opposition to Plaintiff's Countermotion to Resolve Parent/Child Issues; For Her Attorney's Fees Incurred Herein; and Related Matters</i>
05/24/2018	 Opposition and Countermotion Filed By: Plaintiff Pelkola, Heidi Marie <i>Plaintiff's Opposition To Defendant's Motion To Rescind Previous Order And Issue New Order Consistent With The Finding Of Judge Hardcastle And Plaintiff's Counter Motion To Resolve Parent/Child Issues; For Her Attorney's Fees Incurred Herein; And Related Matters</i>
05/21/2018	 Notice of Non Opposition Filed by: Defendant Pelkola, Greg Elliott <i>Notice of Non-Opposition to Motion to Rescind Previous Order and Issue New Order Consistent with the Finding of Judge Hardcastle</i>
05/01/2018	 Motion Filed By: Defendant Pelkola, Greg Elliott <i>Motion to Rescind Previous Order and Issue New Order Consistent with the Finding of Judge Hardcastle</i>
03/30/2018	 Proof of Service Filed By: Plaintiff Pelkola, Heidi Marie <i>Proof of Service</i>
03/30/2018	 Errata Filed By: Plaintiff Pelkola, Heidi Marie <i>Errata to Plaintiff s Reply to Defendant s Opposition to Plaintiff s Motion for Rehearing/new Trial and Reconsideration; to Set Aside Order and to Amend Judgment and Opposition to Defendant s CounterMotion</i>
03/27/2018	 Reply Filed By: Plaintiff Pelkola, Heidi Marie

CASE SUMMARY

CASE NO. D-13-488682-D

Reply to Defendant s Opposition to Plaintiff s Motion for ReHearing/New Trial and Reconsideration; to Set Aside Order and to Amend Judgment and Opposition to Defendant s CounterMotion

02/16/2018



Opposition and Countermotion

Filed By: Defendant Pelkola, Greg Elliott

Opposition to Plaintiff s Motion for Rehearing and Reconsideration and Countermotion for Attorney s Fees and Costs

02/13/2018



Proof of Service

Filed By: Plaintiff Pelkola, Heidi Marie

Proof of Service

02/09/2018



Motion to Rehear

Filed by: Plaintiff Pelkola, Heidi Marie

Motion for Rehearing/New Trial and Reconsideration; to Set Aside Order and to Amend Judgment

01/26/2018



Memorandum of Costs and Disbursements

Filed by: Defendant Pelkola, Greg Elliott

Memorandum of Fees and costs

01/25/2018



Notice of Entry of Order

Filed By: Defendant Pelkola, Greg Elliott

Notice of Entry of Order

01/23/2018



Notice of Entry of Order

Filed By: Defendant Pelkola, Greg Elliott

Notice of Entry of Order

01/23/2018



Order

Filed By: Defendant Pelkola, Greg Elliott

Order from December 19th 2017 Hearing

01/09/2018



Notice of Appearance

Party: Plaintiff Pelkola, Heidi Marie

Notice of Appearance

12/14/2017



Certificate of Service

Filed by: Plaintiff Pelkola, Heidi Marie

Certificate of Service

12/14/2017



Financial Disclosure Form

Filed by: Plaintiff Pelkola, Heidi Marie

Financial Disclosure Form

12/14/2017



Schedule of Arrearages

Filed by: Plaintiff Pelkola, Heidi Marie

Schedule of Arrearages

12/13/2017



Financial Disclosure Form

Filed by: Defendant Pelkola, Greg Elliott

Defendant's Financial Disclosure Form

12/13/2017



Objection

Filed By: Defendant Pelkola, Greg Elliott

Defendant's Objection to Plaintiff's Untimely Proposed Trial Exhibits

12/08/2017



Certificate of Mailing

Filed By: Plaintiff Pelkola, Heidi Marie

Party 2: Defendant Pelkola, Greg Elliott

Certificate of Mailing

12/08/2017



Exhibits

Filed By: Plaintiff Pelkola, Heidi Marie

CASE SUMMARY

CASE NO. D-13-488682-D

Exhibits

12/07/2017	 Pre-trial Memorandum Filed By: Defendant Pelkola, Greg Elliott <i>Defendant's Pre-Trial Memorandum</i>
12/06/2017	 Pre-trial Memorandum Filed By: Defendant Pelkola, Greg Elliott <i>Defendant's Pre-Trial Memorandum</i>
12/04/2017	 Witness List Filed by: Defendant Pelkola, Greg Elliott <i>Defendant's Initial Disclosure of Witnesses and Documents Pursuant to NRCP 16.2</i>
11/28/2017	 Certificate of Service Filed by: Plaintiff Pelkola, Heidi Marie <i>Certificate of Service</i>
11/28/2017	 Pre-trial Memorandum Filed By: Plaintiff Pelkola, Heidi Marie <i>Pre-trial Memorandum</i>
11/20/2017	 Order Filed By: Defendant Pelkola, Greg Elliott <i>Order from October 10th 2017 Hearing</i>
11/20/2017	 Certificate of Mailing Filed By: Defendant Pelkola, Greg Elliott <i>Certificate of Mailing</i>
10/30/2017	 List of Witnesses Filed By: Plaintiff Pelkola, Heidi Marie <i>List of Witnesses</i>
10/30/2017	 Notice Filed By: Plaintiff Pelkola, Heidi Marie <i>Notice of Intent to Appear by Communication Equipment</i>
10/30/2017	 Reply to Opposition Filed by: Plaintiff Pelkola, Heidi Marie <i>Reply to Opposition and/or Countermotion</i>
10/20/2017	 Trial Management Order <i>Evidentiary Hearing Management Order</i>
10/10/2017	 Motion Filed By: Defendant Pelkola, Greg Elliott <i>Motion to Modify Orders to Conform with Findings in Howell v. Howell</i>
10/09/2017	 Exhibits Filed By: Plaintiff Pelkola, Heidi Marie <i>Exhibit Appendix</i>
10/02/2017	 Certificate of Mailing Filed By: Plaintiff Pelkola, Heidi Marie Party 2: Defendant Pelkola, Greg Elliott <i>Certificate of Mailing</i>
10/02/2017	 Exhibits Filed By: Plaintiff Pelkola, Heidi Marie <i>Exhibit Appendix</i>
10/02/2017	 Exhibits Filed By: Plaintiff Pelkola, Heidi Marie <i>List of Exhibits</i>











CASE SUMMARY

CASE NO. D-13-488682-D

09/15/2017	 Supplemental Filed By: Defendant Pelkola, Greg Elliott <i>Supplemental Material</i>
07/14/2017	 Notice of Entry Filed By: Plaintiff Pelkola, Heidi Marie <i>Notice of Entry of Order</i>
07/11/2017	 Order <i>Order from June 13, 2017 Hearing</i>
06/21/2017	 Ex Parte Application Filed by: Defendant Pelkola, Greg Elliott <i>Ex Parte Application for Appointment of Outsourced Evaluator</i>
06/13/2017	 Referral Order for Outsourced Evaluation Services <i>Referral Order for Outsourced Evaluation Services</i>
06/12/2017	 Financial Disclosure Form Filed by: Defendant Pelkola, Greg Elliott <i>Defendant's General Financial Disclosure Form</i>
06/12/2017	 Exhibits Filed By: Plaintiff Pelkola, Heidi Marie <i>Exhibit Appendix</i>
06/12/2017	 Certificate of Service Filed by: Plaintiff Pelkola, Heidi Marie <i>Certificate of Service</i>
06/12/2017	 Reply to Opposition Filed by: Plaintiff Pelkola, Heidi Marie <i>Reply to Opposition and/or Countermotion</i>
06/06/2017	 Financial Disclosure Form Filed by: Defendant Pelkola, Greg Elliott <i>Defendant's General Financial Disclosure Form</i>
06/06/2017	 Opposition and Countermotion Filed By: Defendant Pelkola, Greg Elliott <i>Defendant's Opposition to Plaintiff's Motions and Countermotion for Attorney's Fees and Costs</i>
06/02/2017	 Affidavit of Service <i>Affidavit of Service</i>
06/02/2017	 Notice of Appearance Party: Defendant Pelkola, Greg Elliott <i>Notice of Appearance as Attorney of Record</i>
05/30/2017	 Order to Show Cause Filed By: Plaintiff Pelkola, Heidi Marie <i>Order to Show Cause</i>
05/25/2017	 Order Shortening Time Filed By: Plaintiff Pelkola, Heidi Marie <i>Order Shortening Time</i>
05/18/2017	 Ex Parte Motion Filed by: Plaintiff Pelkola, Heidi Marie <i>Ex Parte Motion for an Order Shortening Time</i>
05/12/2017	 Proof of Service <i>Proof of Service (Motion for Contempt/Order to Show Cause)</i>

CASE SUMMARY

CASE NO. D-13-488682-D

05/12/2017	 Exhibits Filed By: Plaintiff Pelkola, Heidi Marie <i>Exhibit Appendix</i>
05/12/2017	 Exhibits Filed By: Plaintiff Pelkola, Heidi Marie <i>Exhibit Appendix</i>
05/12/2017	 Financial Disclosure Form Filed by: Plaintiff Pelkola, Heidi Marie <i>General Financial Disclosure Form</i>
05/12/2017	 Ex Parte Application Filed by: Plaintiff Pelkola, Heidi Marie <i>Ex Parte Application for an Order to Show Cause</i>
05/12/2017	 Schedule of Arrearages Filed by: Plaintiff Pelkola, Heidi Marie
05/12/2017	 Notice of Change of Address Filed By: Plaintiff Pelkola, Heidi Marie
05/12/2017	 Exhibits Filed By: Plaintiff Pelkola, Heidi Marie <i>Exhibit Appendix</i>
05/12/2017	 Motion Filed By: Plaintiff Pelkola, Heidi Marie Party 2: Defendant Pelkola, Greg Elliott <i>Motion and Notice of Motion for Orders to Modify Child Custody, Visitation and/or Child Support</i>
05/12/2017	 Motion Filed By: Plaintiff Pelkola, Heidi Marie Party 2: Defendant Pelkola, Greg Elliott <i>Motion for Reinstate Child Support to Full Amount</i>
05/12/2017	 Motion Filed By: Plaintiff Pelkola, Heidi Marie Party 2: Defendant Pelkola, Greg Elliott <i>Motion and Notice of Motion for an Order to Enforce and/or for an Order to Show Cause Regarding Contempt</i>
11/24/2015	 Order Filed By: Plaintiff Pelkola, Heidi Marie <i>Order</i>
11/24/2015	 Notice of Entry Filed By: Plaintiff Pelkola, Heidi Marie <i>Notice of Entry of Order</i>
10/01/2015	 Notice Filed By: Defendant Pelkola, Greg Elliott <i>Notice of Proof of Payment to Plaintiff and Letter by Robert Holland Regarding Defendant's Firearms Storage</i>
06/09/2015	 Notice of Withdrawal Filed by: Defendant Pelkola, Greg Elliott <i>Notice of Withdrawal of Attorney</i>
06/09/2015	 Notice of Entry of Order Filed By: Plaintiff Pelkola, Heidi Marie <i>Notice of Entry of Order</i>

CASE SUMMARY

CASE NO. D-13-488682-D

06/03/2015	 Supplemental Filed By: Defendant Pelkola, Greg Elliott <i>Status Report</i>
05/21/2015	 Certificate of Mailing Filed By: Plaintiff Pelkola, Heidi Marie <i>Certificate of Mailing</i>
05/21/2015	 Certificate of Service Filed by: Plaintiff Pelkola, Heidi Marie <i>Certificate of Service</i>
05/21/2015	 Notice of Motion Filed By: Plaintiff Pelkola, Heidi Marie <i>Notice of Motion</i>
05/21/2015	 Motion Filed By: Plaintiff Pelkola, Heidi Marie <i>Motion For Clarify Wording of Current Order Regarding Mortgage & Retirement; Order Greg to Pay Scar Reduction & Braces, Order Greg to Provide Retirement Statements To Court And Heidi Pelkola</i>
05/20/2015	 Notice of Appearance Party: Defendant Pelkola, Greg Elliott <i>Notice of Appearance</i>
05/14/2015	 Order Filed By: Defendant Pelkola, Greg Elliott <i>Order from March 24, 2015 Hearing</i>
05/07/2015	 Opposition Filed By: Defendant Pelkola, Greg Elliott <i>Defendant's Opposition To Plaintiff's Motion and Defendant's Counter Motion for Defendant's Prior Child Support Order Be Enforced; and Related Relief.</i>
04/20/2015	 Schedule of Arrearages Filed by: Plaintiff Pelkola, Heidi Marie <i>Schedule of Arrearages</i>
04/03/2015	 Notice of Withdrawal Filed by: Defendant Pelkola, Greg Elliott <i>Notice of Withdrawal of Attorney</i>
04/02/2015	 Certificate of Mailing Filed By: Plaintiff Pelkola, Heidi Marie Party 2: Defendant Pelkola, Greg Elliott <i>Certificate of Mailing</i>
04/02/2015	 Exhibits Filed By: Plaintiff Pelkola, Heidi Marie
03/24/2015	 Order for Family Mediation Center Services
03/24/2015	 Schedule of Arrearages Filed by: Plaintiff Pelkola, Heidi Marie <i>Schedule of Arrearages</i>
03/24/2015	 Behavior Order <i>Behavior Order</i>
03/19/2015	 Opposition Filed By: Defendant Pelkola, Greg Elliott <i>Defendant's Opposition to Plaintiff's Motion and Defendant's Counter Motion for Defendant's Prior Child Support Order Be Enforced; and Related Relief</i>
















CASE SUMMARY

CASE NO. D-13-488682-D

03/19/2015	 Opposition Filed By: Defendant Pelkola, Greg Elliott <i>Defendant's Opposition to Plaintiff's Motion and Defendant's Counter Motion for Defendant's Prior Child Support Order Be Enforced; and Related Relief</i>
03/19/2015	 Financial Disclosure Form Filed by: Plaintiff Pelkola, Heidi Marie <i>General Financial Disclosure Form</i>
03/12/2015	 Financial Disclosure Form Filed by: Plaintiff Pelkola, Heidi Marie
03/09/2015	 Certificate of Service Filed by: Plaintiff Pelkola, Heidi Marie <i>Certificate of Service</i>
03/06/2015	 Certificate of Mailing Filed By: Plaintiff Pelkola, Heidi Marie Party 2: Defendant Pelkola, Greg Elliott <i>Certificate of Mailing</i>
02/26/2015	 Certificate of Mailing Filed By: Plaintiff Pelkola, Heidi Marie Party 2: Defendant Pelkola, Greg Elliott <i>Certificate of Service</i>
02/26/2015	 Certificate of Mailing Filed By: Plaintiff Pelkola, Heidi Marie Party 2: Defendant Pelkola, Greg Elliott <i>Certificate of Mailing</i>
02/26/2015	 Certificate of Service Filed by: Plaintiff Pelkola, Heidi Marie <i>Certificate of Service</i>
02/26/2015	 Financial Disclosure Form Filed by: Plaintiff Pelkola, Heidi Marie <i>General</i>
02/26/2015	 Motion Filed By: Plaintiff Pelkola, Heidi Marie Party 2: Defendant Pelkola, Greg Elliott <i>Motion & Notice of Motion & Exhibits For Orders to Modify Child Support, Visitation, And/Or Child Support</i>
01/15/2015	 Notice of Rescheduling of Hearing <i>Notice of Rescheduling of Hearing</i>
12/30/2014	 Motion Filed By: Plaintiff Pelkola, Heidi Marie <i>Plaintiff's Motion and notice of Motion for Orders to Modify Child Custody, visitation, and or Child Support</i>
08/26/2014	 Order <i>Order</i>
08/26/2014	 Notice of Entry of Order Filed By: Plaintiff Pelkola, Heidi Marie
08/21/2014	 Notice of Change of Address Filed By: Plaintiff Pelkola, Heidi Marie <i>Notice of Change of Address</i>
06/24/2014	 Exhibits

CASE SUMMARY












CASE NO. D-13-488682-D

	Filed By: Plaintiff Pelkola, Heidi Marie <i>Exhibits</i>
06/24/2014	 Affidavit of Service Filed By: Plaintiff Pelkola, Heidi Marie <i>Affidavit of Service</i>
06/18/2014	 Motion Filed By: Plaintiff Pelkola, Heidi Marie <i>Motion and Notice of Motion for an Order for Permission for Primary Physical Custody to Relocate With A Minor Child</i>
05/15/2014	 Certificate of Mailing Filed By: Plaintiff Pelkola, Heidi Marie <i>Certificate of Mailing</i>
05/06/2014	 Decree of Divorce Filed by: Plaintiff Pelkola, Heidi Marie <i>Decree of Divorce</i>
05/06/2014	 Notice of Entry of Decree Party: Plaintiff Pelkola, Heidi Marie <i>Notice of Entry of Decree of Divorce</i>
05/06/2014	 Notice of Entry of Order/Judgment Filed by: Plaintiff Pelkola, Heidi Marie <i>Notice of Entry of Judgment</i>
04/30/2014	 Petition Filed By: Plaintiff Pelkola, Heidi Marie <i>Petition for Order Permitting Removal of Children from the State of Nevada; Notice of Hearing</i>
04/30/2014	 Family Court Motion Opposition Fee Information Sheet Filed by: Plaintiff Pelkola, Heidi Marie <i>Family Court Motion Opposition Fee Information Sheet</i>
04/22/2014	 Affidavit in Support Filed by: Plaintiff Pelkola, Heidi Marie <i>Affidavit in Support of Request for Summary Disposition of Decree of Divorce</i>
04/15/2014	 Three Day Notice of Intent to Default Filed by: Plaintiff Pelkola, Heidi Marie For: Defendant Pelkola, Greg Elliott <i>3 Day Notice to Take Default Judgment</i>
04/15/2014	 Affidavit of Service Filed By: Plaintiff Pelkola, Heidi Marie Party 2: Defendant Pelkola, Greg Elliott <i>Affidavit of Service-3 Day Notice To Take Default</i>
03/13/2014	 Default Filed By: Plaintiff Pelkola, Heidi Marie <i>Default</i>
03/12/2014	 Affidavit in Support of Summary Disposition Filed by: Plaintiff Pelkola, Heidi Marie <i>Affidavit in Support of Request for Summary Disposition for Decree</i>
02/28/2014	 Financial Disclosure Form Filed by: Plaintiff Pelkola, Heidi Marie <i>Financial Disclosure Form</i>
01/21/2014	 Certificate of Mailing Filed By: Defendant Pelkola, Greg Elliott

CASE SUMMARY

CASE NO. D-13-488682-D


Certificate of Mailing

- | | |
|------------|---|
| 01/02/2014 |  Notice of Motion
Filed By: Defendant Pelkola, Greg Elliott
<i>Notice of Motion</i> |
| 01/02/2014 |  Motion
Filed By: Defendant Pelkola, Greg Elliott
<i>Motion for Heidi Marie Pelkola to Return Children to State of Nevada</i> |
| 12/30/2013 |  Notice of Seminar Completion EDCR 5.07
Filed by: Plaintiff Pelkola, Heidi Marie
<i>NOPC - Parenting Course</i> |
| 12/17/2013 |  Affidavit of Service
Filed By: Plaintiff Pelkola, Heidi Marie
<i>Affidavit of Service</i> |
| 12/06/2013 |  Summons Issued Only
Filed by: Plaintiff Pelkola, Heidi Marie
<i>Summons</i> |
| 12/06/2013 |  Joint Preliminary Injunction
Filed by: Plaintiff Pelkola, Heidi Marie
<i>Joint Preliminary Injunction Domestic</i> |
| 11/28/2013 |  Child Support and Welfare Party Identification Sheet
Filed by: Plaintiff Pelkola, Heidi Marie; Defendant Pelkola, Greg Elliott |
| 11/26/2013 |  Affidavit of Resident Witness
Filed by: Plaintiff Pelkola, Heidi Marie
<i>Affidavit of Resident Witness</i> |
| 11/26/2013 |  Financial Disclosure Form
Filed by: Plaintiff Pelkola, Heidi Marie
<i>Financial Disclosure Form</i> |
| 11/26/2013 |  Declaration Under Uniform Child Custody Jurisdiction Act
Filed by: Plaintiff Pelkola, Heidi Marie
<i>Declaration Under Uniform Child Custody Jurisdiction Enforcement Act</i> |
| 11/19/2013 |  Complaint for Divorce
Filed by: Plaintiff Pelkola, Heidi Marie |

DISPOSITIONS

- | | |
|------------|--|
| 12/19/2019 | Judgment (Judicial Officer: Gibson, David, Jr.)
Judgment (\$59,699.25, In Full , Attorney's Fees and Costs (awarded to plaintiff)) |
| 07/30/2018 | Judgment (Judicial Officer: Elliott, Jennifer)
Judgment (\$13,000.00, In Full , Attorney's fees) |

HEARINGS

- | | |
|------------|--|
| 01/29/2020 | CANCELED Order to Show Cause (8:30 AM) (Judicial Officer: Gibson, David, Jr.)
<i>Vacated</i>
<i>re: past due order for 11/20/19 hearing</i> |
| 12/12/2019 | CANCELED Motion (9:00 AM) (Judicial Officer: Gibson, David, Jr.)
<i>Vacated</i>
<i>Defendant's Opposition to Motion to Relocate</i> |
| 11/20/2019 |  Minute Order (12:50 PM) (Judicial Officer: Gibson, David, Jr.)
Minute Order - No Hearing Held;
Journal Entry Details: |

CASE SUMMARY**CASE NO. D-13-488682-D**

A Hearing in this matter was held on November 20, 2019 and the hearing held March 18, 2019 was discussed. Attorney for Plaintiff will prepare the Order from the November 20, 2019 hearing, as well as the Order from the March 18, 2019 Evidentiary Hearing that includes the added language regarding cost of living adjustments to Defendant/GREG's pension payments, and regarding GREG's duty to inform Plaintiff/HEIDI of any changes to the amount he is receiving. The Court hereby incorporates the following findings: THE COURT FINDS that pursuant to the January 9, 2019 ORDER from the September 18, 2018 hearing in this matter, the purpose of this evidentiary/show cause hearing is to determine: 1) Should Plaintiff, HEIDI PELKOLA, (hereinafter HEIDI), be held in contempt for failure to deliver the minor child SARA PELKOLA (hereinafter SARA), after the December 19, 2017 hearing and her failure to deliver SARA on March 18, 2018; 2) Should Defendant, GREG PELKOLA (hereinafter GREG), be held in contempt for failure to pay HEIDI here Decreed share of his military retirement; and 3) Should the court correct or change the percentage of the military retirement awarded to HEIDI under the Decree. THE COURT FINDS that HEIDI's Exhibits 1-35, with the exception of Exhibits 17, 18 and 21 were admitted by stipulation into the record. THE COURT FURTHER FINDS that GREG's Exhibits A, D, G, I and J were admitted by stipulation or without objection into the record. THE COURT FINDS that both HEIDI and GREG were not completely reliable as historians of the relevant facts, but that it was more due to the passage of time and a Party's natural inclination to cast themselves in the most favorable light, rather than an obvious attempt to deceive. THE COURT FINDS that, historical unreliability and self-serving statements aside, HEIDI cannot be held in CONTEMPT by clear and convincing evidence for the failure to deliver SARA for visitation on the dates in question. The Court viewed excerpts of several exchanges wherein the child was extremely resistant to being delivered to GREG, as manifested by her verbal statements that she did not want to go, her physical resistance to many efforts to facilitate the exchange, here hunching over and covering her eyes and ears, refusal to undo her seatbelt and other contrary body language. At each of the exchanges, both HEIDI and GREG utilized smart phones to record or take pictures of the exchange, further increasing the level of conflict during these exchanges. HEIDI was observed to make many verbal and physical attempts to deliver the child, even driving all the way to GREG's residence the following day after an exchange was unsuccessful. THE COURT FINDS that HEIDI is not completely at fault for the inability to deliver the child, but the court did receive evidence of behavior that could be classified as alienation of the child toward GREG. Specifically, HEIDI has repeatedly sought, and been denied, teenage discretion for SARA regarding visitation with GREG. Both Parties acknowledged that SARA is Autistic, albeit high functioning. SARA's home school district agrees, as evidenced by the 504 Accommodation plans from 2017 and 2018 admitted into evidence. It should be noted that HEIDI did not list GREG as a parent on SARA's school records nor on the initial 504 plan or meeting requests. HEIDI sought therapy for SARA without notifying or consulting GREG. HEIDI unilaterally pulled SARA out of school and began home-schooling her. HEIDI expressed little to no motivation to include GREG in decisions about which he should have been notified as the parties are Joint Legal Custodians of the children. A great degree of animosity toward GREG was and has been exhibited by HEIDI, and SARA could not help but pick up on the tension. The evidence demonstrated that SARA is resistant to instability and change, can become negatively fixated on things by indirect exposure (for example: her refusal to use a computer due to a belief in the inevitability that she will be hacked and have her identity stolen), and is very likely to flee conflict (for example: her increased aversion to attending school which has led to her being currently home schooled). Though some of SARA's behaviors began manifesting prior to the exchanges in question, the court believes that HEIDI, at least indirectly influenced SARA's lack of comfort with custodial exchanges to GREG. THE COURT FINDS that GREG is also responsible to some degree for SARA's behaviors by doing little to defuse the conflicts at exchanges but rather video tape her and insist on the exchange taking place in spite of the obvious need to physically force SARA into his physical custody. THE COURT FINDS that both parties acknowledged that though the most recent exchange of SARA took around half an hour to effectuate, she did ultimately leave the exchange with GREG after physically being placed into his vehicle. THE COURT FINDS that SARA may benefit from more frequent opportunities to interact with GREG under less stressful circumstances. To that end, as the parties have an evidentiary hearing on a motion to change physical custody of SARA, filed by GREG, currently scheduled for July 18, 2019 at the hour of 1:30 p.m., it would be in SARA's best interest for GREG to travel to Arizona for one on one contact with SARA on a monthly basis. These visits will take place on the last weekend of the month defined as GREG traveling down on Friday to stay overnight and pick up SARA for an all day visit before returning her to HEIDI, and then returning to Las Vegas Saturday evening. GREG will be entitled to an offset of his current child support obligation for his reasonable travel expenses for this monthly trip. Further to the Court's goal of minimizing future exchange trauma, HEIDI will be allowed to seek therapy for SARA with an Occupational Therapist with the express goal of helping SARA be more open to exchanges on GREG's scheduled visitation times. As GREG has visitation this summer, GREG will be allowed to seek similar therapy for SARA while she is in his extended care. THE

CASE SUMMARY**CASE NO. D-13-488682-D**

COURT FURTHER FINDS that evidence was received pertaining to GREG's failure to pay HEIDI her Decreed portion of his military pension. THE COURT FINDS that the DECREE specifically awards HEIDI 45% of GREG's military retirement valued upon disbursement. THE COURT FINDS that GREG argues that the award constituted a fraud upon the Court as it did not represent an accurate percentage of HEIDI's community property interest in the pension accrued during the course of the marriage. It should be noted that GREG does not deny that HEIDI earned a community property interest in said pension during the marriage. GREG urges that the correct percentage due to HEIDI as and for her community property interest was 23%. GREG further argues that because the marital interest was not accruing for at least 10 years overlapping the period of time the retirement benefit was being earned, the military will not accept the previously prepared Qualified Domestic Relations Order directing the pension administrators to pay HEIDI's share directly to her. The Court agrees that GREG could not comply with the Decree based on the language of the QDRO, but disagrees, as discussed below, with his calculation of HEIDI's fair and equitable percentage. As HEIDI desired that the awarded portion of GREG's retirement be paid directly to her from the military rather than from GREG, the previous QDRO language is problematic for GREG's compliance. THE COURT FINDS that HEIDI believed the property division contained in her Complaint for Divorce and the subsequent Decree which was entered by Default, was fair and equitable due to the division of other assets given to GREG in the Decree. THE COURT FINDS that GREG's assertions that he was prevented by HEIDI's actions to be able to Answer and otherwise litigate the property issues in the underlying Decree, thereby rendering HEIDI's representation of the fairness of the property division as a fraud upon the court to be unconvincing. GREG's own testimony was that he could not give a good answer as to why he did not meaningfully participate in the early litigation by filing an Answer and contesting HEIDI's assertions about the fairness of the property distribution. He testified that he was, in fact, aware of the proceedings, that he knew how to access the self-help available at Family Court by filing a motion regarding an early custodial dispute, and that in spite of several opportunities and Orders to do so, he failed to file an Answer or Counter-claim. Further, the parties continued to litigate and GREG had ample opportunity, both unrepresented and represented by counsel, to contest the validity of the property distribution, yet failed to do so. The Court finds that overtures regarding reconciliation allegedly made by HEIDI and the fact that the parties continued to cohabitate during part of the initial divorce proceedings do not constitute a situation that would have prevented GREG court access or access to counsel. GREG simply, at his own peril, refused to do anything to protect any interest he may have had in a different property distribution under the Decree. THE COURT FINDS that the convoluted and highly contentious proceedings to date between the parties, the numerous judicial officers and their Orders that have touched the case in the last several years, and the existence of other financial Orders, including an award of attorney's fees in the amount of \$13,000.00 to GREG from HEIDI further complicated the picture as to exactly how much GREG should have been paying to HEIDI from the retirement disbursements he was receiving before the date of the entry of the Decree of Divorce. At one point, GREG was told by the Court that he could offset any payments he owed HEIDI from the retirement with the \$13,000.00 attorney's fees award. The totality of the circumstances therefore make it difficult to find GREG in contempt by clear and convincing evidence. As with the alleged acts of Contempt committed by HEIDI, some of GREG's actions contributed to the level of conflict surrounding the litigation between the parties. GREG was capable of mitigating some of damages by tendering the undisputed portion of the retirement payments to HEIDI while the litigation was pending, but the Court is also not convinced that such payments would not have further complicated accurate calculations. Further complicating the matter is the fact that the amounts in dispute constitute awards of Property rather than Support obligations that might incur interest and penalties, yet HEIDI's SCHEDULE OF ARREARS contains interest and penalty calculations as well. THE COURT FINDS that there was, however, a preponderance of evidence, that 45% of the value of the pension upon distribution required GREG to pay to HEIDI \$317.55 per month from the distributions he received. GREG missed monthly payments from May 2014 to current, with the exception of payments of \$317.55, \$109.88, and \$425.71 in June 2018, July 2018 and July 2018 again, respectively, for total arrears owed to HEIDI of \$17,882.31. GREG requested leave to begin making the monthly payments beginning June 2019, when his spousal support obligation to HEIDI will no longer be due incurring an additional \$635.10 in arrears for a total of \$18,517.41. Applying the \$13,000.00 HEIDI owes GREG in previously awarded attorney's fees, GREG's total arrearage for the unpaid portion of the military pension payments is therefore \$5,517.41 as of June 2019 and is hereby reduced to Judgement. THE COURT FINDS that beginning June 2019, GREG should pay a total of \$150.00 toward the arrears each month, for a total payment to HEIDI of \$467.55 until the arrears are paid, at which time GREG's obligation will continue at \$317.55 monthly. This amount will be subject to any Cost of Living adjustments approved for GREG's received benefits and GREG will need to update HEIDI as to any changes in the payments he receives as she is entitled to 45% of them. THE COURT FURTHER FINDS that each party should bear their own attorney's fees and costs, as neither


CASE SUMMARY

CASE NO. D-13-488682-D

party's hands were completely clean and it does not appear the litigation could have been avoided due to the level of conflict between both parties. THE COURT THEREFORE CONCLUDES that neither party may be held in Contempt at this time. THE COURT FURTHER CONCLUDES that it is in SARA's best interest that GREG receive the monthly visits described in the Findings above, and that GREG's travel expenses required to give this Order effect justify a deviation from his current ordered child support. ;

Minute Order - No Hearing Held

11/20/2019

 **All Pending Motions (9:00 AM)** (Judicial Officer: Gibson, David, Jr.)

MINUTES

Matter Heard;

Journal Entry Details:

PLAINTIFF'S MOTION FOR RELOCATION TO OHIO AND FOR ATTORNEY'S FEES... DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR RELOCATION TO OHIO AND FOR ATTORNEY'S FEES... PLAINTIFF'S REPLY TO DEFENDANT'S OPPOSITION TO HER MOTION TO RELOCATE... PLAINTIFF'S MOTION IN LIMINE PRECLUDING DEFENDANT FOR FILING AN UNTIMELY PRE-TRIAL MEMORANDUM, PRECLUDING DEFENDANT'S TRIAL EXHIBITS, PRECLUDING DEFENDANT FOR INTRODUCING ANY WITNESSES AND/OR DOCUMENT NOT PRODUCED OR IDENTIFIED DURING DISCOVER, AND FOR ATTORNEY'S FEES AND COSTS...PLAINTIFF'S OPPOSITION TO DEFENDANT'S COUNTERMOTION FOR PRIMARY PHYSICAL CUSTODY...

EVIDENTIARY HEARING Attorney Kimberly Stutzman, Nevada Bar #14085, present with Plaintiff (Mom) and Attorney Radford Smith. Upon inquiry, Mr. Grimes confirmed Defendant (Dad) is *WITHDRAWING* his underlying Motion to Change Custody that is currently set for Evidentiary Hearing today. Mr. Smith advised he received communication from Mr. Grimes indicating a Notice to Withdraw the Motion to Change Custody was forthcoming; however, it was never received or filed. Mr. Smith requested attorney's fees and costs for preparing for today's Evidentiary Hearing under Rule 54. Court informed the parties the written findings from the 3/18/19 hearing were completed on 3/20/19; however, due to an error, a Minute Order was never completed and the findings were not sent out to the parties and therefore, Mr. Grimes was not able to complete the Order from that hearing. Court read the findings from the 3/18/19 hearing into the record and advised a Minute Order would be completed and sent out to the parties. Court acknowledged it is partially at fault and indicated that will be a factor when determining attorney's fees and costs. Discussion regarding Dad's military retirement and cost of living adjustments associated therewith. Following argument and discussion regarding Mom's Motion to Relocate to Ohio, Mr. Grimes stated his agreement that an Evidentiary Hearing is not needed; however, he argued the move would substantially impede Dad's ability to maintain a relationship with the children and Mom did not meet the prima facie case. COURT ORDERED as follows: The Evidentiary Hearing set for today is MOOT as Dad WITHDREW his Motion to Change Custody. As to Mr. Smith's request for ATTORNEY'S FEES and COSTS for preparing for today's Evidentiary Hearing, he shall submit a Memorandum of Fees and Costs. Mr. Grimes shall then have ten (10) days to file an objection. Pursuant to NRS 125C.006, Mom does not need permission to relocate to the State of Ohio as she already had an Order granting her permission to relocate to the State of Arizona and the statute refers to this State, meaning the State of Nevada. Therefore, Mom may relocate from the State of Arizona to the State of Ohio; however, she shall ensure Dad's VISITATION remains as currently Ordered as the Court believes Dad can still exercise his current timeshare. The temporary Order regarding Dad's once per month VISITATION with Sara shall STAND and the downward deviation of CHILD SUPPORT for his travel expenses associated therewith shall STAND. Parties shall meet and confer if there is a significant change in travel costs. Plaintiff's Motion in Limine is MOOT and the proposed Order was returned to Mr. Smith IN OPEN COURT. With regards to Dad's pension payments, he shall inform Mom when he receives a cost of living adjustment. Mr. Grimes shall prepare the Order from the 3/18/19 hearing and include language regarding cost of living adjustments to Dad's pension payments. Mr. Smith shall prepare the Order from today's hearing; Mr. Grimes shall review and countersign.;

Matter Heard

11/20/2019

Hearing (9:00 AM) (Judicial Officer: Gibson, David, Jr.)

Plaintiff's Reply to Defendant's Opposition to Her Motion to Relocate

Matter Heard;

Matter Heard

11/20/2019

Opposition (9:00 AM) (Judicial Officer: Gibson, David, Jr.)



Plaintiff's Opposition To Defendant's Countermotion For Primary Physical Custody

Matter Heard;

Matter Heard

CASE SUMMARY

CASE NO. D-13-488682-D

11/20/2019	<p>Opposition (9:00 AM) (Judicial Officer: Gibson, David, Jr.) <i>Defendant's Opposition to Plaintiff's Motion to Relocate</i> Matter Heard; Matter Heard</p>
11/20/2019	<p>Motion (9:00 AM) (Judicial Officer: Gibson, David, Jr.) <i>Plaintiff's Motion in Limine Precluding Defendant from Filing an Untimely Pre-Trial Memorandum, Precluding Defendant's Trial Exhibits, Precluding Defendant from Introducing any Witnesses and/or Document Not Produced or Identified During Discovery, and for Attorney's Fees and Costs</i> 10/10/2019 Reset by Court to 11/20/2019 11/06/2019 Reset by Court to 10/10/2019 Moot; Moot</p>
11/20/2019	<p>Motion (9:00 AM) (Judicial Officer: Gibson, David, Jr.) <i>Plaintiff's Motion for Relocation to Ohio and for Attorney's Fees</i> Granted in Part; Granted in Part</p>
11/20/2019	<p>Evidentiary Hearing (9:00 AM) (Judicial Officer: Gibson, David, Jr.) <i>Stip and Order filed on 06-10-19</i> 07/18/2019 Reset by Court to 10/10/2019 10/10/2019 Reset by Court to 11/20/2019 Per Order filed on 06-10-19 Supplemental Briefing Due; Supplemental Briefing Due</p>
03/12/2019	<p> All Pending Motions (1:30 PM) (Judicial Officer: Gibson, David, Jr.) Matter Continued; Journal Entry Details: <i>EVIDENTIARY HEARING: CUSTODY, OSC (FIRM)... STATUS CHECK: SETTING FUTURE E/H ON CHANGE OF CUSTODY. The Court reviewed the case history and pleadings on file. The Court and Counsel engaged in a discussion regarding the minor child's assessment of Asperger's, the Defendant's failure to file a Pre-Trial Memorandum, and the difficulty with finding a medical professional to diagnosis the minor child condition. The inquired as to what the Court could do to either if anything to make sure the Defendant receives his time with the minor child or if that would be a situation to traumatize the child further what can be done to make the Defendant as whole as possible. The Court and Counsel engaged in further discussion regarding the Plaintiff's threshold legal style of argument regarding the 45% of the Defendant's pension, Defendant's failure to answer the Plaintiff's complaint, and the Defendant's failure to request the Decree of Divorce be set aside. Court ADVISED Counsel it had reviewed the history of the case and the timeline set out in the Pre-Trial Memorandum appears to be accurate. The Court inquired as to why the Defendant waited so long and further inquired as to what legal ability/ bases does the Court have to go behind the Order. The Court and Counsel engaged in further discussion regarding a motion under Rule 60(b) and Plaintiff's alleged fraud to the Court. Court noted the Defendant has completed all Spousal Support Payments and is current on his Child Support Obligation and further noted the Decree matches the relief sought for; therefore, the claim of fraudulent would be to some degree of concessions and lack of follow-up. Court noted Counsel conceded to the community portion of the Defendant's Retirement being miscalculated; however, they cannot agree to the percentage amount. The Court suggested Counsel start with the Financial Contempt and the move to the behavioral contempt's. Counsel waived their Opening statements. Plaintiff and the Defendant SWORN and TESTIFIED. Attorney Grimes STIPULATED to admit all of the Plaintiff's exhibits except 17,18, and 21. Testimony and exhibit presented (see attached worksheet). MATTER TRAILED for a five-minute break. MATTER RECALLED. Matter RECALLED with both Parties present. Testimony CONTINUED. Court noted the \$949.50 listed in the Defendant's Financial Disclosure Form represents his disability and retirement. MATTER TRAILED for a five-minute break. MATTER RECALLED. Matter RECALLED with both Parties present. Testimony CONTINUED. COURT ORDERED, matter CONTINUED TO March 18, 2019, at 1:30 PM. ;</i> Matter Continued</p>
03/12/2019	<p> Status Check (1:30 PM) (Judicial Officer: Gibson, David, Jr.) Setting future E/H on change of custody. Matter Continued; Please See All Pending Journal Entry .</p>

CASE SUMMARY

CASE NO. D-13-488682-D

Matter Continued

03/12/2019



Evidentiary Hearing (1:30 PM) (Judicial Officer: Gibson, David, Jr.)

03/12/2019, 03/18/2019

Events: 09/19/2018 Order Setting Evidentiary Hearing

Custody, OSC (FIRM)

MINUTES



Order Setting Evidentiary Hearing

Evidentiary Hearing Management Order

Matter Continued; Please See All Pending Journal Entry

Evidentiary Hearing;

Journal Entry Details:

EVIDENTIARY HEARING: CUSTODY, OSC FIRM The Court placed an outbound call to Plaintiff/Mom who appeared telephonically for today's proceedings. Plaintiff/Mom and Defendant/Dad SWORN and TESTIFIED. Testimony and Exhibits presented by Plaintiff/Mom and Defendant/Dad. Examination by Counsel. Matter recessed. Upon the matter being recalled, testimony and cross examination continued. Closing arguments presented by counsel. The Court reviewed the previous courts order from the hearing held on 1-9-2019. THE COURT NOTED parties acknowledged that the child is on the Autism Spectrum, although high functional. THE COURT NOTED concerns as to Plaintiff/Mom's behavior of alienation. THE COURT ORDERED, Plaintiff/Mom shall RECEIVE (45%) of Defendant/Dad's MILITARY BENEFITS. Defendant/Dad shall RECEIVE an OFF-SET against LEGITIMATE TRAVEL COSTS to VISIT the minor children. Defendant/Dad shall have OVERNIGHT VISITATION with the CHILDREN. Defendant/Dad's CUSTODIAL TIMESHARE with the minor children shall occur EVERY MONTH on the last Friday or Saturday of each month, rather it be a (4th) or a (5th) weekend of the month. Defendant/Dad shall inform Plaintiff/Mom as to where he will be seeking VISITATION with the minor children. Parties and Counsel shall MEET and CONFER as to such issues. Defendant/Dad shall owe Plaintiff/Mom CHILD SUPPORT ARREARS in the amount of \$17,247.21. Defendant/Dad shall RECEIVE and OFF-SET towards CHILD SUPPORT ARREARS in the amount of \$13,000.00. The OFF-SET AWARD was GIVEN in LIEU of ATTORNEY FEES being PAID by Plaintiff/Mom to Defendant/Dad. Therefore, Defendant/Dad shall owe Plaintiff/Mom CHILD SUPPORT ARREARS in the amount of \$4,247.21, which is through 1-2019. Defendant/Dad shall pay Plaintiff/Mom CHILD SUPPORT in the amount of \$317.55 per month, for both 2-2019 and 3-2019. Therefore, Defendant/ Dad shall owe Plaintiff/Mom ADDITIONAL CHILD SUPPORT ARREARS in the amount of \$635.10, which brings the total amount due for CHILD SUPPORT ARREARS to \$4,882.31. Defendant/Dad shall RECEIVE a CREDIT in the amount of \$100.00 AGAINST the OUTSTANDING AMOUNT due of \$4,882.31, which makes the amount due and owing for CHILD SUPPORT ARREARS \$4,782.31. THE COURT SHALL PROVIDE WRITTEN FINDINGS to Attorney Zernich and Attorney Grimes which shall be incorporated into the courts order for today's proceedings. Plaintiff/Mom and Defendant/Dad shall each file UPDATED FINANCIAL DISCLOSURE FORMS (2) weeks PRIOR to the EVIDENTIARY HEARING being held on 7-18-2019. EVIDENTIARY HEARING set for 7-18-2019 at 1:30 pm. re: change of custody Pursuant to EDCR 7.50 and by AGREEMENT of COUNSEL the COURTS MINUTES shall SUFFICE. Attorney Grimes shall prepare the order of the court. ;

Matter Continued; Please See All Pending Journal Entry

Evidentiary Hearing;

Matter Continued

01/17/2019



All Pending Motions (9:00 AM) (Judicial Officer: Gibson, David, Jr.)

MINUTES

Matter Heard;

Journal Entry Details:

DEFENDANT'S MOTION TO MODIFY PHYSICAL CUSTODY AND FOR ATTORNEY'S FEES AND COSTS...PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO MODIFY PHYSICAL CUSTODY AND FOR ATTORNEY'S FEES AND COSTS...DEFENDANT'S REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO MODIFY PHYSICAL CUSTODY AND FOR ATTORNEY'S FEES AND COSTS Radford Smith, Bar #2791, present as co-counsel on behalf of Plaintiff. Court noted, there is a pending Evidentiary Hearing set relative to the QDRO, whether there was contempt relative to Defendant not signing off on the QDRO, and contempt for Plaintiff allegedly not releasing the minor child to Defendant on two occasions. Court stated it is not going to allow the parties to relitigate prior issues. Argument by Mr. Grimes and Mr. Zernich regarding obtaining an evaluation of Sara for autism, Plaintiff removing Sara from school, and Defendant's Motion to Modify Custody. Court noted, Sara is

CASE SUMMARY**CASE NO. D-13-488682-D**

the only one at issue today for a change in custody. Court further noted, contrary to Mr. Grimes' understanding, custody is not an issue to be addressed at the upcoming Evidentiary Hearing. Upon Court's inquiry, Plaintiff stated Sara is attending Google classroom at home. Court stated, it would have no concerns with her not attending a conventional classroom providing she is not credit deficient. Mr. Grimes stated his intent to file a 16.215 naming all three children as witnesses. COURT ORDERED, Plaintiff shall schedule an evaluation of the minor child Sara with the State of Nevada to obtain an evaluation and diagnosis of whether or not Sara has autism. Plaintiff shall provide Defendant with a minimum of 10 days advance notice of the appointment. Upon receipt of the diagnosis, the documentation shall be exchanged and filed with the Court as a confidential (left-side filed) document. A Status Check is set for 3/12/19 at 1:30 PM to be heard simultaneously with the Evidentiary Hearing. At that time, the Court will address whether or not an Evidentiary Hearing should be set to modify custody relative to Sara only. Defendant's motion to modify custody as to the other two children is DENIED. Teenage discretion will be on the table. In the interim, the parties shall exchange attendance records showing whether or not the school is authorizing Sara to stay home and whether or not her attendance is excused. Parties are admonished to exchange all educational and medical information pursuant to joint legal custody provisions. Sara may continue with on-line learning pending a diagnosis, provided it doesn't result in a credit deficiency. Parties shall continue to document their communications with each other. The issue of ATTORNEY'S FEES AND SANCTIONS shall be DEFERRED to the Evidentiary Hearing. Discovery shall close and all documents shall be exchanged by the close of business on 3/5/19. Mr. Grimes shall prepare the Order from today's hearing; Mr. Zernich shall review and sign off.;

Matter Heard

01/17/2019 **Hearing (9:00 AM)** (Judicial Officer: Gibson, David, Jr.)

Events: 12/18/2018 Reply

Defendant's Reply to Plaintiff's Opposition to Motion to Modify Physical Custody and for Attorney's Fees and Costs

Matter Heard;

Matter Heard

01/17/2019 **Opposition & Countermotion (9:00 AM)** (Judicial Officer: Gibson, David, Jr.)

Pltf's Opposition To Deft's Motion To Modify Physical Custody And For Atty's Fees And Costs

Deferred Ruling;

Deferred Ruling


01/17/2019 **Motion (9:00 AM)** (Judicial Officer: Gibson, David, Jr.)

Events: 11/08/2018 Motion

Defendant's Motion to Modify Physical Custody and for Attorney's Fees and Costs

Denied in Part;

Denied in Part

09/18/2018  **All Pending Motions (10:00 AM)** (Judicial Officer: Hardcastle, Gerald W.)

MINUTES

Matter Heard;

Journal Entry Details:

PLAINTIFF'S MOTION REQUESTING THE CHIEF JUDGE OF THE EIGHTH JUDICIAL DISTRICT COURT PERMANENTLY ASSIGN THIS CASE TO A FAMILY COURT JUDGE; AND RELATED MATTERS...DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION REQUESTING THE CHIEF JUDGE OF THE EIGHTH JUDICIAL DISTRICT COURT PERMANENTLY ASSIGN THIS CASE TO A FAMILY COURT JUDGE; AND RELATED MATTERS; AND COUNTERMOTION FOR ATTORNEY'S FEES AND COSTS...DEFENDANT'S MOTION FOR AN ORDER TO SHOW CAUSE WHY PLAINTIFF SHOULD NOT BE HELD IN CONTEMPT AND MOTION TO MODIFY CUSTODY...PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR AN ORDER TO SHOW CAUSE WHY PLAINTIFF SHOULD NOT BE HELD IN CONTEMPT AND MOTION TO MODIFY CUSTODY; AND PLAINTIFF'S COUNTERMOTION TO RESOLVE PARENT/CHILD ISSUES; FOR HER ATTORNEY'S FEES INCURRED HEREIN; AND RELATED MATTERS...DEFENDANT'S REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR AN ORDER TO SHOW CAUSE WHY PLAINTIFF SHOULD NOT BE HELD IN CONTEMPT AND MOTION TO MODIFY CUSTODY; AND OPPOSITION TO PLAINTIFF'S COUNTERMOTION TO RESOLVE PARENT/CHILD ISSUES; FOR HER ATTORNEY'S FEES INCURRED HEREIN; AND RELATED MATTERS...DEFENDANT'S MOTION TO SET ASIDE THE DECREE OF DIVORCE REGARDING THE PROPERTY SETTLEMENT DUE TO FRAUD ON THE COURT...PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO SET ASIDE THE DECREE OF DIVORCE REGARDING THE

CASE SUMMARY

CASE NO. D-13-488682-D

PROPERTY SETTLEMENT DUE TO FRAUD ON THE COURT; AND COUNTERMOTION FOR A JUDGMENT ON MILITARY RETIREMENT PAY ARREARS OWED TO PLAINTIFF; FOR AN ORDER TO SHOW CAUSE AGAINST DEFENDANT; AND FOR ATTORNEY'S FEES AND COSTS...DEFENDANT'S OBJECTION TO PLAINTIFF'S SUBSTITUTION OF COUNSEL AND MOTION FOR ATTORNEY'S FEES AND COSTS Court noted it reviewed the pleadings on file and is prepared to enter a ruling. COURT ORDERED, Defendant's Motion for an Order to Show Cause is GRANTED. An Evidentiary/Order to Show Cause (OSC) Hearing is SET for 3/12/19 at 1:30 PM (FIRM) as to why Plaintiff should not be held in contempt for failure to deliver the child after the December 19th hearing and her failure to deliver the child on March 18th. An Order to Show Cause relative to Plaintiff's request regarding the military arrearages is GRANTED. Defendant shall show why he should not be held in contempt for failure to timely pay to Plaintiff the military pay required. Plaintiff shall file a Schedule of Arrears relative to the military arrears. Attorney's Fees relative to this issue shall be DEFERRED to the Evidentiary/OSC Hearing. Additionally, the Evidentiary Hearing will address Defendant's Motion to Modify Custody. The issue of ATTORNEY'S FEES as to this issue shall be DEFERRED to the Evidentiary Hearing. Plaintiff's Motion and request to allow teenage discretion was previously heard by this Court and there has been no showing of a change in circumstances; therefore, the Motion is DENIED. As to Plaintiff's request that Defendant be ordered to comply with the order relative to the division of the military pension, the Court is not going to order a litigant to do something the Court has already ordered that person to do. The existing orders stand. Attorney's Fees relative to this issue shall be DEFERRED to the Evidentiary Hearing. Plaintiff's Motion to permanently assign this case to a Family Court Judge is DENIED as the Evidentiary/OSC Hearing will be heard at a time when a permanent judge will have been assigned to this department. As to Defendant's Motion to Set Aside the Decree Regarding the Property Settlement due to Fraud, the only issue is whether or not the computation of 45% of the military retirement was correct. If it is determined that there was a miscalculation, it is the intent of this Court to correct it. Evidence on this issue only will be taken at the time of the Evidentiary Hearing. All other issues relative to the motion are DENIED. Defendant's objection to substitution of counsel and for attorney's fees and costs is DENIED. Mr. Zernich shall prepare the Order from today's hearing; Mr. Grimes shall review and sign off.;

Matter Heard

- | | |
|------------|---|
| 09/18/2018 | CANCELED Order to Show Cause (10:00 AM) (Judicial Officer: Hardcastle, Gerald W.)
Vacated - Moot
Past Due Order from 4/3/2018 |
| 09/18/2018 | Hearing (10:00 AM) (Judicial Officer: Hardcastle, Gerald W.)
Events: 08/23/2018 Reply
<i>Defendant's Reply to Plaintiff's Opposition to Motion to Set Aside the Decree Of Divorce Regarding the Property Settlement Due to Fraud on the Court And Defendant's Opposition to Plaintiff's Counter Motion for a Judgment on Military Retirement Pay Arrears Owed to Plaintiff, For an Order to Show Cause Against Defendant, And Attorney's Fees and Costs</i>
Matter Heard;
Matter Heard |
| 09/18/2018 | Opposition & Countermotion (10:00 AM) (Judicial Officer: Hardcastle, Gerald W.)
Events: 08/16/2018 Opposition and Countermotion
<i>Pltf's Opposition To Dft's Motion To Set Aside The Decree Of Divorce Regarding The Property Settlement Due To Fraud On The Court And Countermotion For A Judgment On Military Retirement Pay Arrears Owed To Plaintiff For An Order To Show Cause Against Dft And For Atty's Fees And Costs</i>
Evidentiary Hearing;
Evidentiary Hearing |
| 09/18/2018 | Objection (10:00 AM) (Judicial Officer: Hardcastle, Gerald W.)
Events: 08/16/2018 Objection
<i>Dft's. Objection to Substitution of Counsel and Motion for Attorney's Fees and Costs</i>
09/13/2018 Reset by Court to 09/18/2018
Denied;
Denied |
| 09/18/2018 | Motion (10:00 AM) (Judicial Officer: Hardcastle, Gerald W.)
Events: 08/06/2018 Motion
<i>Defendant's Motion to Set Aside the Decree of Divorce Regarding the Property Settlement Due to Fraud on the Court</i>
09/05/2018 Reset by Court to 09/18/2018
Evidentiary Hearing; |

CASE SUMMARY

CASE NO. D-13-488682-D

Evidentiary Hearing

09/18/2018

Opposition & Countermotion (10:00 AM) (Judicial Officer: Hardcastle, Gerald W.)

Events: 07/19/2018 Opposition and Countermotion

Defendant's Opposition to Plaintiff's Motion Requesting the Chief Judge of the Eighth Judicial District to Permanently Assign this Case to A Family Court Judge and Related Matters; and Countermotion for Attorney's Fees and Costs

Denied;

Denied

09/18/2018

Motion (10:00 AM) (Judicial Officer: Hardcastle, Gerald W.)

Events: 07/17/2018 Motion

Plft's Motion Requesting the Chied Judge of the Eight Judicial Distric to Permanently Assign this Case to a Family Court Judge; and Related Matters

Denied;

Denied

07/27/2018



All Pending Motions (2:00 PM) (Judicial Officer: Hardcastle, Kathy)

MINUTES

Matter Heard;

Journal Entry Details:

DEFENDANT'S MOTION FOR AN ORDER TO SHOW CAUSE WHY PLAINTIFF SHOULD NOT BE HELD IN CONTEMPT AND MOTION TO MODIFY CUSTODY...PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR AN ORDER TO SHOW CAUSE WHY PLAINTIFF SHOULD NOT BE HELD IN CONTEMPT AND MOTION TO MODIFY CUSTODY; AND PLAINTIFF'S COUNTERMOTION TO RESOLVE PARENT/CHILD ISSUES; FOR HER ATTORNEY'S FEES INCURRED HEREIN; AND RELATED MATTERS...DEFENDANT'S REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR AN ORDER TO SHOW CAUSE WHY PLAINTIFF SHOULD NOT BE HELD IN CONTEMPT AND MOTION TO MODIFY CUSTODY; AND DEFENDANT'S OPPOSITION TO PLAINTIFF'S COUNTERMOTION TO RESOLVE PARENT/CHILD ISSUES; FOR HER ATTORNEY'S FEES INCURRED HEREIN; AND RELATED MATTERS...DEFENDANT'S MOTION TO TERMINATE ALIMONY...PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO TERMINATE ALIMONY; AND PLAINTIFF'S COUNTERMOTION FOR HER ATTORNEY'S FEES AND COSTS AND RELATED MATTERS...DEFENDANT'S REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO TERMINATE ALIMONY; AND DEFENDANT'S OPPOSITION TO PLAINTIFF'S COUNTERMOTION FOR HER ATTORNEY'S FEES AND COSTS AND RELATED MATTERS...PLAINTIFF'S MOTION TO CONTINUE THE July 27, 2018 HEARING; FOR PLAINTIFF'S ATTORNEY'S FEES; AND RELATED MATTERS. DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION TO CONTINUE THE July 27, 2018 HEARING; FOR PLAINTIFF'S ATTORNEY'S FEES; AND RELATED MATTERS...PLAINTIFF'S REPLY TO DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION TO CONTINUE THE July 27, 2018 HEARING; FOR PLAINTIFF'S ATTORNEY'S FEES; AND RELATED MATTERS Court noted it entered a Minute Order on 7/26/18 rescinding the previous order from 4/3/18. Therefore, the original Order that was issued after trial is now back in effect. Further, the Memorandum on reasonable attorney's fees incurred as a result of having to go to trial had not been ruled upon so the Court reviewed that and entered a Minute Order that Plaintiff is to pay Defendant ATTORNEY'S FEES in the amount of \$13,000.00. As to the request for an Order to Show Cause, the Affidavit was very general and not stated with sufficient specificity for the Order to Show Cause to be granted. As to the Motion to Modify Custody, the primary issue appears to be that the 15-year old daughter is refusing to get out of the car. Court admonished Plaintiff for not promoting the relationship between the daughter and Dad as failure to do so could result in a change of custody. Mr. Grimes stated Defendant's willingness to continue his Motion to Modify Custody until after the fall recess to see whether or not Plaintiff facilitates visitation. Mr. Grimes further stated his intent to withdraw Defendant's Motion to Terminate Alimony as Plaintiff does not qualify for direct distribution of her portion of the military pension as it requires that Defendant have 10 years or more of active duty, and the parties were married for 9 years, 5 months, 30 days. Mr. Grimes further stated his intent to file a 60B separate action. COURT ORDERED, Defendant's Motion for an Order to Show Cause is DENIED based on lack of specificity. Defendant's Motion to Modify Custody shall be CONTINUED to 10/23/18 at 9:30 AM. In the interim, Defendant shall have MAKE-UP VISITATION with the daughter from Monday, July 30th to Saturday, August 4th and for the fall break. Defendant shall be granted full access to the child's therapist, and Plaintiff shall be required to notify Defendant of the therapist that's selected and the days/times of the therapy appointments. Court admonished Plaintiff against selecting a therapist for the purpose of building a case. Defendant's Motion to Terminate Alimony is

CASE SUMMARY

CASE NO. D-13-488682-D

WITHDRAWN at Defendant's request. Plaintiff's request for ATTORNEY'S FEES is DENIED. Defendant's request for ATTORNEY'S FEES on the current motion is GRANTED as Defendant is entitled to reasonable attorney's fees on the motion for a new trial since it didn't state any basis on which a new trial could be granted. Mr. Grimes shall submit a Memorandum of Fees and Costs under the Brunzell factors. Mr. Grimes shall prepare the Order from today's hearing; Ms. Menninger shall review and sign off. ;
Matter Heard

07/27/2018 **Hearing (2:00 PM)** (Judicial Officer: Hardcastle, Kathy)
 Events: 07/25/2018 Reply
Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion to Continue the July 27,2018 Hearing
08/23/2018 Reset by Court to 07/27/2018
09/18/2018 Reset by Court to 08/23/2018

Matter Heard;
Matter Heard

07/27/2018 **Opposition & Countermotion (2:00 PM)** (Judicial Officer: Hardcastle, Kathy)
 Events: 07/24/2018 Opposition and Countermotion
Defendant's Opposition to Plaintiff's Motion to Continue the July 27,2018 Hearing; for Plaintiff's Attorney's Fees and Related Matters
08/23/2018 Reset by Court to 07/27/2018

Matter Heard;
Matter Heard

07/27/2018 **Motion (2:00 PM)** (Judicial Officer: Hardcastle, Kathy)
 Events: 07/24/2018 Motion
Plf's Motion to Continue the July 27, 2018 Hearing; For Plaintiff's Attorney's Fees; And Related Matter
08/23/2018 Reset by Court to 07/27/2018

Denied;
Denied

07/27/2018 **Hearing (2:00 PM)** (Judicial Officer: Hardcastle, Kathy)
 Events: 07/06/2018 Reply
Deft's Reply to Plaintiff's Opposition to Motion to Terminate Alimony and Defendant's Opposition to Plaintiff's Countermotion for Attorney's Fees and Costs and Related Matters
08/02/2018 Reset by Court to 07/27/2018

Matter Heard;
Matter Heard

07/27/2018 **Opposition & Countermotion (2:00 PM)** (Judicial Officer: Hardcastle, Kathy)
 Events: 07/03/2018 Opposition and Countermotion
Plaintiff's Opposition To Defendant's Motion To Terminate Alimony And Plaintiff's Counter Motion For Her Attorney's Fees And Costs And Related Matters
08/02/2018 Reset by Court to 07/27/2018

Matter Heard;
Matter Heard

07/27/2018 **Motion (2:00 PM)** (Judicial Officer: Hardcastle, Kathy)
 Events: 06/26/2018 Motion
Defendant's Motion to Terminate Alimony
07/25/2018 Reset by Court to 07/27/2018

MINUTES



Motion

Filed By: Defendant Pelkola, Greg Elliott
Defendant's Motion to Terminate Alimony


Withdrawn;
Withdrawn

07/27/2018 **Hearing (2:00 PM)** (Judicial Officer: Hardcastle, Gerald W.)
07/27/2018, 09/18/2018
 Events: 06/20/2018 Reply

Deft.'s Defendant's Reply to Plaintiff's Opposition to Motion for an Order to Show Cause Why She Should Not Be Held in Contempt and Motion to Modify Custody AND Defendant's

CASE SUMMARY

CASE NO. D-13-488682-D

	<p><i>Opposition to Plaintiff's Countermotion to Resolve Parent/Child Issues, Attorney's Fees, and Related Relief</i></p> <p>07/19/2018 <i>Reset by Court to 07/27/2018</i></p> <p>10/23/2018 <i>Reset by Court to 09/18/2018</i></p> <p>Matter Continued;</p> <p>Matter Heard;</p> <p>Matter Continued;</p> <p>Matter Heard;</p> <p><i>Matter Continued</i></p>
07/27/2018	<p>Opposition & Countermotion (2:00 PM) (Judicial Officer: Hardcastle, Gerald W.)</p> <p>07/27/2018, 09/18/2018</p> <p>Events: 06/14/2018 Opposition and Countermotion</p> <p><i>Plaintiff's Opposition To Defendant's Motion For An Order To Show Cause Why She Should Not Be Held In Contempt And Motion To Modify Custody And Plaintiff's Counter Motion To Resolve Parent/Child Issues; For Her Attorney's Fees Incurred Herein; And Related Matters</i></p> <p>07/19/2018 <i>Reset by Court to 07/27/2018</i></p> <p>08/23/2018 <i>Reset by Court to 07/19/2018</i></p> <p>10/23/2018 <i>Reset by Court to 09/18/2018</i></p> <p>Matter Continued;</p> <p>Denied;</p> <p>Matter Continued;</p> <p>Denied;</p> <p><i>Matter Continued</i></p>
07/27/2018	<p>Motion (2:00 PM) (Judicial Officer: Hardcastle, Gerald W.)</p> <p>07/27/2018, 09/18/2018</p> <p>Events: 06/05/2018 Motion</p> <p><i>Defendant's Motion for An Order to Show Cause Why Plaintiff Should Not Be Held in Contempt and Motion to Modify Custody</i></p> <p>07/19/2018 <i>Reset by Court to 07/27/2018</i></p> <p>08/23/2018 <i>Reset by Court to 07/19/2018</i></p> <p>10/23/2018 <i>Reset by Court to 09/18/2018</i></p> <p>Matter Continued;</p> <p>Order to Show Cause - To Issue;</p> <p>Matter Continued;</p> <p>Order to Show Cause - To Issue;</p> <p><i>Matter Continued</i></p>
07/27/2018	<p>CANCELED Hearing (2:00 PM) (Judicial Officer: Hardcastle, Kathy)</p> <p><i>Vacated - per Clerk</i></p> <p><i>Defendant's Reply to Plaintiff's Opposition to Defendant's Motion to Rescind Previous Order and Issue New Order Consistent with the Finding of Judge Hardcastle, and Defendant's Opposition to Plaintiff's Countermotion to Resolve Parent/Child Issues; For Her Attorney's Fees Incurred Herein; and Related Matters</i></p> <p>07/19/2018 <i>Reset by Court to 07/27/2018</i></p>
07/27/2018	<p>CANCELED Opposition & Countermotion (2:00 PM) (Judicial Officer: Hardcastle, Kathy)</p> <p><i>Vacated - per Clerk</i></p> <p><i>Pltf's Opposition To Deft's Motion To Rescind Previous Order And Issue New Order consistent With The Finding Of Judge Hardcastle And Pltf's Counter Motion To Resolve Parent/Child Issues; For Her Atty's Fees Incurred Herein; And Related Matters</i></p> <p>07/19/2018 <i>Reset by Court to 07/27/2018</i></p>
07/27/2018	<p>CANCELED Motion (2:00 PM) (Judicial Officer: Hardcastle, Kathy)</p> <p><i>Vacated - per Clerk</i></p> <p><i>Deft's Motion to Rescind Previous Order and Issue New Order Consistent with the Finding of Judge Hardcastle</i></p> <p>07/19/2018 <i>Reset by Court to 07/27/2018</i></p>
07/26/2018	<p> Minute Order (1:00 PM) (Judicial Officer: Hardcastle, Kathy)</p> <p>Minute Order - No Hearing Held;</p> <p>Journal Entry Details:</p> <p><i>The Court, in review of its calendar, notes the following matters are set for a hearing on July</i></p>

CASE SUMMARY


CASE NO. D-13-488682-D

27, 2018 at 2:00 p.m.: Defendant's Motion to Rescind Previous Order and Issue New Order Consistent with the Finding of Judge Hardcastle filed May 1, 2018; Plaintiff's Opposition to Defendant's Motion to Rescind Previous Order and Issue New Order Consistent with the Finding of Judge Hardcastle and Countermotion to Resolve Parent/Child Issues; For Her Attorney's Fees Incurred Herein; And Related Matters filed May 24, 2018; Defendant's Reply to Plaintiff's Opposition to Defendant's Motion to Rescind Previous Order and Issue New Order Consistent with the Finding of Judge Hardcastle and Countermotion to Resolve Parent/Child Issues; For Her Attorney's Fees Incurred Herein; And Related Matters filed May 31, 2018; Defendant's Motion for an Order to Show Cause why Plaintiff should not be held in Contempt and Motion to Modify Custody filed June 6, 2018; Plaintiff's Opposition to Defendant's Motion for an Order to Show Cause why Plaintiff should not be held in Contempt and Motion to Modify Custody and Countermotion to Resolve Parent/Child Issues; for her Attorney's Fees Incurred Herein filed June 14, 2018; Defendant's Reply to Plaintiff's Opposition to Defendant's Motion for an Order to Show Cause why Plaintiff should not be held in Contempt and Motion to Modify Custody and Countermotion to Resolve Parent/Child Issues; for her Attorney's Fees Incurred Herein filed June 20, 2018; Defendant's Motion to Terminate Alimony filed June 26, 2018; Plaintiff's Opposition to Defendant's Motion to Terminate Alimony and Countermotion for her Attorney's Fees and Costs filed July 3, 2018; Defendant's Reply to Opposition to Defendant's Motion to Terminate Alimony and Countermotion for her Attorney's Fees and Costs filed July 6, 2018. The Court FINDS that Judge Kathy Hardcastle made specific findings of fact at the December 19, 2017 hearing. Findings and Order from this hearing was filed January 23, 2018. On February 9, 2018, Plaintiff sought a reconsideration of this order, which Defendant opposed on February 16, 2018. On April 3, 2018, Judge Jennifer Elliott issued a minute order prior to the scheduled hearing. This minute order did not make any new findings. The minute order micromanaged Plaintiff's visitation without any new factual findings. Therefore, the Court ORDERS that minute order issued April 3, 2018 shall be stricken and previous order issued on January 23, 2018 shall stand. The Court ORDERS that Defendant's Motion to Rescind Previous Order and Issue New Order Consistent with the Finding of Judge Hardcastle filed May 1, 2018; Plaintiff's Opposition and Countermotion; and Defendant's Reply to Plaintiff's Opposition and Countermotion set for 7/27/18 at 2:00 PM shall be VACATED. All remaining issues shall be addressed on the remaining hearings set for July 27, 2018 at 2:00 p.m. Minute Order to suffice; a copy of this Minute Order shall be transmitted to the parties' respective counsel of record. CLERK'S NOTE: On 7/2/18, a copy of this Minute Order was placed in the attorney folder of Melvin Grimes and Carol Menninger. (vp) ;
Minute Order - No Hearing Held

04/03/2018 **CANCELED Hearing** (10:00 AM) (Judicial Officer: Elliott, Jennifer)
Vacated - per Clerk
Reply to Defendant's Opposition to Plaintiff's Motion for Rehearing/New Trial and Reconsideration; to Set Aside Order and to Amend Judgment and Opposition to Defendant's CounterMotion

04/03/2018 **CANCELED Opposition & Countermotion** (10:00 AM) (Judicial Officer: Elliott, Jennifer)
Vacated - per Clerk
Def't's Opposition to Plaintiff's Motion for Rehearing and Reconsideration and Countermotion for Attorney's Fees and Costs

04/03/2018 **CANCELED Motion to Rehear** (10:00 AM) (Judicial Officer: Elliott, Jennifer)
Vacated - per Clerk
Pltf's Motion For Rehearing/New Trial And Reconsideration; To Set Aside Order And To Amend Judgment

04/03/2018  **Minute Order** (9:30 AM) (Judicial Officer: Elliott, Jennifer)

MINUTES


Minute Order - No Hearing Held;
Journal Entry Details:

The Court, in review of Plaintiff's Motion for Rehearing/New Trial and Reconsideration; to Set Aside Order and to Amend Judgment filed February 9, 2018, Defendant's Opposition to Plaintiff's Motion for Rehearing and Reconsideration and Countermotion for Attorney's Fees and Costs filed February 16, 2018, Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion for Rehearing/New Trial and Reconsideration; to Set Aside Order and to Amend Judgment filed February 9, 2018, Defendant's Opposition to Plaintiff's Motion for Rehearing and Reconsideration and Countermotion filed March 27, 2018, and Plaintiff's Errata filed March 30, 2018, finds and orders as follows: The Court finds no basis for a new trial on custodial issues that were already litigated. However, the Court further orders that minor children may NOT operate a four wheeler or a recreational vehicle without proper safety gear

CASE SUMMARY**CASE NO. D-13-488682-D**

and proper continuous adult supervision. Additionally, all video games being played by the minor children in each home must be agreed upon in writing. Each parent shall propose by e-mail a list of video games which shall be updated as the children become interested in further games. If there is not an agreement to a video game allowed to be played by the minor children in both households, said video games cannot be played in either household. The co-parenting e-mails shall reflect agreement or impasse. Counsel may include the current agreed upon list of video games in the Order from this minute order. The Court finds that at the evidentiary hearing, Plaintiff's request for teenage discretion was denied. Therefore, absent new factual, medical, mental health or other competent evidence occurring since the evidentiary hearing warranting a change in this order, the children shall visit with Dad according to the current order. The Court hereby clarifies that the parties stipulated that Defendant's compensatory time is satisfied by him having winter break for six (6) years, starting 2017. Additionally, it was ordered that Defendant may be allowed to drink alcohol during his custodial time, but this Court adds that Defendant cannot drink to a point of a legally impaired state while caring for the minor children during his custodial time. Plaintiff may make one (1) random request for an alcohol EtG test for Defendant during his visitation period. Absent a written agreement, Defendant shall have two (2) hours to complete the test after Plaintiff makes such request by phone call/voicemail and text. If counsel for either party wants notification as well, this shall also be included in the order. Counsel to prepare a separate order authorizing this one random alcohol test per visitation period which shall designate the range of times of the daytime when a test may be requested, and which labs will be acceptable for the EtG test. Defendant shall be responsible for the cost of these tests for a period of one (1) year from the date of this minute order. Thereafter, Plaintiff may request the tests per same frequency. However, she shall reimburse Defendant if he is clean; that is, the test shows no evidence of alcohol use. The parties could also agree in writing to a personal handheld breathalyzer that Defendant would have which must be utilized within fifteen (15) minutes of the request for alcohol test and no adulterants may be used and no alterations or destruction of evidence may be attempted on time, date, photo or test results as presented in or on documents generated as a result of any such breathalyzer test. If Defendant is ever at or over the legal alcohol limit while with the minor children, Plaintiff may discontinue the visit by picking up the children and having them return home. Defendant may not withhold the minor children for the pickup and Plaintiff may not deny Defendant his future visitation, unless Defendant is at or over the legal alcohol limit per breathalyzer test during a visitation period. If Defendant feels that the minor children have been withheld in violation of this order, he may file a motion with the Court. As Plaintiff notes, the Court finds the footnote Defendant included regarding *Howell v. Howell* seems unnecessary to the prior Order, it must be modified and clarified in this minute order to correct an incomplete statement of law. Under *Howell v. Howell*, the US Supreme Court also stated that family courts may consider the contingency that some military retirement pay which might be waived or reduced may be considered as a reduction in value in calculating or recalculating the basis for spousal support. Each party to bear their own Attorney's Fees. Ms. Menninger to draft the Order(s) from this minute order and Mr. Grimes to review and sign off or waive countersignature after seven (7) days. Department L staff shall notify counsel for both parties that there shall be no appearances and transmit a copy of this minute order by e-mail or fax. The clerk shall remove the matter from the Court's calendar set April 3, 2018 at 10:00 AM pursuant to EDCR 2.23. The case shall be closed with the hearing Order. ; Minute Order - No Hearing Held

12/19/2017

 **All Pending Motions (1:30 PM)** (Judicial Officer: Hardcastle, Kathy)
MINUTES

Matter Heard;
Journal Entry Details:

EVIDENTIARY HEARING...MOTION Court noted, both parties previously received and reviewed the Child Interview Reports from 2015. Matter recessed for Mr. Grimes to review the Child Interview Reports as he was retained subsequent to the interviews and had not reviewed the reports. Matter recalled with all present as before. Discussion regarding the matters at issue. Mr. Grimes informed the Court that Plaintiff had filed her exhibits. Testimony and exhibits presented (see worksheet). Closing arguments by Plaintiff and Mr. Grimes. **COURT STATED ITS FINDINGS AND ORDERED**, the **EXHIBITS** filed by Plaintiff on 12/14/17 shall be **STRICKEN** from the record. Mr. Grimes shall follow up on having the **QDRO** prepared by **QDRO** Masters wherein Plaintiff is to receive 45% of the amount that Defendant received in retirement benefits from approximately March of 2014 to October of 2015. This amount will be the arrears that Defendant owes Plaintiff. The **QDRO** shall further award Plaintiff 45% of Defendant's current retirement benefits each month. **COURT FINDS**, there is no basis for entering a contempt order against Defendant regarding the **QDRO** and the benefit payments. **COURT FINDS**, there is no basis to continue supervised visitation. The prior Court Order relative to **VISITATION** shall be **REINSTATED**. Defendant is entitled to make-up visitation


CASE SUMMARY

CASE NO. D-13-488682-D


days for the days he missed during the summer of 2017. Those make-up days will be done by awarding Defendant the entirety of the Christmas Vacation this year, which shall conclude the Sunday prior to school resuming. Defendant shall receive the entire Spring Break for the following six (6) years. Defendant shall receive summer visitation each year from one week after school recesses to ten (10) days prior to school resuming in the fall. Parties shall exchange the children at the Luv's Station 10 miles east of Kingman. If either party is going to be late, they shall notify the other party via text. The daughter shall not be allowed teenage discretion. Plaintiff shall inform Defendant via e-mail when a doctor's appointment is scheduled for the children. The e-mail shall include who the appointment is for, what the appointment is for, the name of the doctor, and the date and time of the appointment. Defendant may be present for the appointment or he may follow up by getting the information from the doctor. Plaintiff shall immediately inform Defendant If there is something diagnosed by the doctor. In the event of an emergency, the non-custodial parent shall be notified by the custodial parent via telephone as soon as the child is under the care of emergency personnel, to be followed up with a text and e-mail. The receiving party shall acknowledge receipt of the communication. Parties may enroll in Our Family Wizard or TalkingParents for communication purposes if they mutually agree. Informational brochures on both programs provided to the parties IN OPEN COURT. Each parent shall be allowed to raise the children in accordance with their own parenting styles, beliefs and religion, provided it doesn't pose a substantial danger to the children. If there is medication to be dispensed, the parent obtaining the prescription shall provide the other parent with the medication at the time of the visitation exchange, along with any doctor's instructions regarding the use of the prescription medication and/or any over-the-counter medications. Unless a mental health evaluation is received with a full diagnosis of Aspergers, Plaintiff shall refrain from referring to the daughter as having Aspergers or Autism. If there are concerns, Plaintiff shall notify Defendant of who she is making an appointment with for the daughter to be seen. Defendant may be present for the appointment and shall be entitled to receive follow-up information from the doctor. Prior to taking the children to counseling, Plaintiff shall provide Defendant with the name of the counselor, the reason for the visits, and the date and time of the appointments. Plaintiff shall sign the necessary H.I.P.A.A. Release Forms to allow Defendant access to the children's medical information. Defendant shall have access to the children's school records. Plaintiff will cooperate by signing all necessary paperwork for the release of the information. Reasonable ATTORNEY'S FEES shall be awarded in favor of Defendant against Plaintiff. Mr. Grimes shall prepare a Memorandum of Fees and Costs under the Brunzell Factors, along with supporting documentation. Mr. Grimes shall leave a blank space in the Order and the Court will make a determination as to the amount of fees to be awarded. The amount awarded shall be offset against the retirement payment arrears. Parties shall attend mediation prior to filing any future motions relative to child custody and/or visitation. Mr. Grimes shall prepare the Order from today's hearing; Plaintiff shall review and sign off within 14 days of receipt.;
Matter Heard

12/19/2017 **Evidentiary Hearing (1:30 PM)** (Judicial Officer: Hardcastle, Kathy)
Events: 10/20/2017 Trial Management Order
FIRM
Decision Made;
Decision Made

12/19/2017 **Motion (1:30 PM)** (Judicial Officer: Hardcastle, Kathy)
Events: 10/10/2017 Motion
01/04/2018 Reset by Court to 12/19/2017
Matter Heard;
Matter Heard

12/05/2017  **Calendar Call (11:00 AM)** (Judicial Officer: Hardcastle, Gerald W.)
Events: 10/20/2017 Trial Management Order

MINUTES

 Trial Management Order
Evidentiary Hearing Management Order
Matter Heard;
Journal Entry Details:

Plaintiff present TELEPHONICALLY. Parties confirmed the issues have not been resolved. Plaintiff stated she has four additional exhibits she plans to introduce at Trial. Mr. Grimes stated he will be objecting to virtually every exhibit, witness, and assertion Plaintiff is going to be making at Trial alleging she has not complied with NRCP 16.205. COURT ORDERED, Evidentiary Hearing on 12/19/17 at 1:30 PM (FIRM) shall STAND. Plaintiff shall forward to

CASE SUMMARY

CASE NO. D-13-488682-D

opposing counsel forthwith any exhibits she intends to introduce at Trial and any witnesses that have not been disclosed.;

Matter Heard

10/10/2017



Return Hearing (9:30 AM) (Judicial Officer: Elliott, Jennifer)

Events: 06/13/2017 Referral Order for Outsourced Evaluation Services

OUTSOURCED EVALUATION

MINUTES



Referral Order for Outsourced Evaluation Services

Referral Order for Outsourced Evaluation Services

Matter Heard;

Journal Entry Details:

RETURN HEARING: OUTSOURCED EVALUATION Argument by counsel and mom regarding dad's VA disability waiver being exempt from being assigned a **QDRO**. Discussion regarding the terms of the Behavior Order. Argument by counsel and mom regarding the issues in the park. Discussion regarding dad's GoFundMe account. Attorney Grimes stated he would review the GoFundMe page with dad and make sure it complies with the rules. Argument by counsel and mom regarding dad's visitation. Discussion regarding a custody evaluation. Court noted, if counsel is going to hire someone as an evaluator, the Court would like them to be someone that can evaluate everyone, not just one side, otherwise, it would be of no use to the Court. **COURT ORDERED:** Dad shall provide a statement to Marshal Willick's office going back to May of 2014 as to what his retirement income was, and then apply the principles as to shielding the disability and the time rule. If the GoFundMe account is still active that would be in violation of EDCR 5.03. Dad, nor anyone else can put pictures of the children on it. The Court is unable to tell from the exhibits, but it appears there are videos with children in it. No one can place on the internet images of the children stating this is in litigation and help me save my kids. Dad shall take the GoFundMe account down. Dad can have a GoFundMe account, however, it shall not include the children, and he cannot refer to the case in any way. The parties shall follow their plan and they shall meet halfway for dad's **VISITATION** at the Loves Travel Stop in Kingman, AZ for the exchange, except, if the parties find an evaluator and when mom must come here to see the psychologist. Dad shall continue to have **SUPERVISED VISITATIONS** until trial. Mom shall maintain line of sight when dad visits with the children. Discovery is open in regard to any of the allegations, which included issues of contempt around the dog, issues of contempt around the medical, issues of contempt around the **QDRO**, teenage discretion, allegation of Sara drinking alcohol, inadequate supervision, dad not providing transportation, and dad purposely withholding Miralax. Mom shall advise dad of any doctor appointments for any child and dad has the right to be present at the appointments or be present by phone. The Court's staff shall provide a Trial Management Order (TMO). Per **STIPULATION** of counsel and mom, the **DISCOVERY CUT OFF** shall be December 5, 2017. The parties shall declare their expert witnesses by November 10, 2017. Any motions filed between now and the time of trial shall be set in the Evidentiary Hearing date. Expert reports shall be due by November 24, 2017. Calendar Call SET for December 5, 2017 at 11:00 A.M. Evidentiary Hearing SET for December 19, 2014 at 1:30 P.M. (Stack 2) ;

Matter Heard

06/13/2017



All Pending Motions (10:00 AM) (Judicial Officer: Elliott, Jennifer)

MINUTES

Matter Heard;

Journal Entry Details:

PLAINTIFF'S MOTION AND NOTICE OF MOTION FOR AN ORDER TO ENFORCE AND/OR FOR AN ORDER TO SHOW CAUSE REGARDING CONTEMPT...PLAINTIFF'S MOTION TO REINSTATE CHILD SUPPORT TO THE FULL AMOUNT...PLAINTIFF'S MOTION AN NOTICE OF MOTION FOR ORDERS TO MODIFY CHILD CUSTODY, VISITATION AND/OR CHILD SUPPORT...ORDER TO SHOW CAUSE...DEFENDANT'S OPPOSITION AND COUNTERMOTION FOR ATTORNEY'S FEES AND COSTS...PLAINTIFF'S REPLY TO OPPOSITION AND/OR OPPOSITION Parties **SWORN** and **TESTIFIED**. The Court noted an Order to Show Cause had been issued. The Court asked Defendant whether he could provide proof he had reported the dog bite - sanctions had been deferred since he had not reported the first dog bite; however, he did agree to pay for the procedure to remove the child's scars. Defendant said he had filed a letter regarding the safe storage of his firearms. The Court summarized Plaintiff's Motion regarding the dogs and Defendant's drinking during his visitation. Plaintiff indicated Defendant had never traveled to visit the children; however, he was still taking the downward deviation to his child support for travel expenses. Plaintiff indicated the minor child, Sara, wanted to exercise teenage

CASE SUMMARY

CASE NO. D-13-488682-D

discretion. In addition, Plaintiff said Defendant did not return the children at the end of his visitation - she had to go and collect them. The Court noted the QDRO (qualified domestic relations order) had still not been prepared. The parties were provided with QDRO Masters information. Plaintiff said both parties had been audited - Defendant had removed \$13,000.00 from the retirement account, and he had taken additional funds out after the divorce. Plaintiff said on June 1, 2017 Defendant had paid the medical expenses. Defendant advised the Court he had received a disability rating after the decree had been prepared. Mr. Grimes advised the Court Plaintiff had been receiving child support through the District Attorney's Office and they had indicated she had been overpaid. Mr. Grimes objected to a child support review. Counsel said Plaintiff had not included the QDRO in the Decree. Mr. Grimes advised the Court he would be taking this matter up on a Writ. TEMPORARILY, WITHOUT PREJUDICE, COURT ORDERED, the following: 1. Parties referred for Outsourced Evaluation Services to John Paglini, Psy.D for a CHILD CUSTODY EVALUATION, CHILD INTERVIEW (EXPANDED), SUBSTANCE ABUSE EVALUATION, PSYCH. EVALUATION/PARENTING RISK ASSESSMENT. Mom alleges Dad allows Justin (9) to fire sniper rifle, Dad consumes alcohol (against current order) while exercising visitation, dog bite(s) issues and Dad's failure to ensure dog not present for visitation, Sara (13.5) wants teenage discretion, Dad allegedly refuses to return kids to Arizona after visitation. Dad allegedly withholds Sara's Miralax medication. Dr. Paglini may make interim recommendations regarding Dad's contact - other than supervised in Arizona and in Las Vegas pending evaluation. Plaintiff will be required to bring the children when the evaluator wants to see them. The parties shall contact Dr. Paglini this date and try to get started while the children are here in Las Vegas to save travel time. Plaintiff will pay 25% of the fees, while Defendant will pay 75% of the costs WITHOUT PREJUDICE, if there is a meritorious argument for reimbursement of the fees, that argument can be made after the evaluation is prepared. If Plaintiff disagrees with Dr. Paglini's recommendations, she can file a Motion on an Order Shortening Time. Both parties shall provide Dr. Paglini with any and all pleadings from the case, or any and all evidence they believe is relevant, and the Court would encourage the parties to have as many collateral sources as possible available to Dr. Paglini. Both parties shall provide HIPAA releases to Dr. Paglini. 2. Return date: October 10, 2017 at 9:30 a.m. 3. Plaintiff's share of the QDRO will be based on the amount in the account at the time of divorce. The QDRO needs to be calculated nunc pro tunc as to the conditions which existed at the time of the filing of the Divorce Decree, which was May 6, 2014. Any payments Defendant received which Plaintiff should have received, will be calculated and either reduced to judgment or included in how the QDRO payment will be made going forward. Defendant shall have ten (10) judicial days from this date to file proof of payment in full for the preparation of the QDRO. Plaintiff will cooperate in the preparation of the QDRO. 4. TEMPORARILY, WITHOUT PREJUDICE pending the evaluation, the current orders are SUSPENDED, and Defendant's visitation shall be supervised. The parties can select a relative, somebody both parties trust, and the children are comfortable with to supervise the visitation. In the interim, Plaintiff agreed to supervise the visitation on alternating Sundays from 9:00 a.m. to 12:00 noon in Las Vegas; however, if there are objective signs Defendant has been drinking, he will not be able to have visitation with the children. Dr. Paglini can make interim recommendations as to Defendant's contact, and if he does not believe the visitation needs to be supervised Defendant's visitation can be restored, and Dr. Paglini will determine what contact is in the best interest of the children. Plaintiff will try to organize her meetings with Dr. Paglini around Defendant's visitation. 5. The Court FINDS Defendant's gross monthly income to be \$5,801.74, plus \$10.71 from his pension, and \$350.00 in disability, totaling \$6,162.45, setting his child support at \$1,787.00 per month, payable in two installments of \$893.50, back to May, 2017. The Court is using the sum of \$350.00 as Defendant's monthly disability amount, subject to retroactive modification when Defendant files his revised Financial Disclosure Form. Constructive child support arrearages are deferred - the Court would be inclined to give Defendant credit towards the evaluation cost if Plaintiff agrees. The District Attorney's Office will continue to take care of collection and enforcement of Defendant's child support obligation. 6. Defendant shall file proof he notified Animal Control about the dog bite. If he fails to do so, he will be sanctioned to the maximum amount of \$500.00, since the Court deferred all sanctions at the prior hearing. 7. Mr. Grimes' request to set the order aside pending the filing of a Writ is DENIED. The Court believes it is in the best interest of the children for Defendant's visitation to be supervised until the Court receives Dr. Paglini's report. 8. Mr. Grimes will prepare the Order. Plaintiff will have seven (7) days to sign off as to form and content. Plaintiff agreed to be served with the order via e-mail. 10/10/17 9:30 A.M. RETURN: OUTSOURCED EVALUATION;

Matter Heard

06/13/2017

Motion (10:00 AM) (Judicial Officer: Elliott, Jennifer)


Events: 06/12/2017 Reply to Opposition

Plaintiff's Reply to Opposition and/or Opposition

Matter Heard;

CASE SUMMARY

CASE NO. D-13-488682-D

	<i>Matter Heard</i>
06/13/2017	Opposition & Countermotion (10:00 AM) (Judicial Officer: Elliott, Jennifer) Events: 06/06/2017 Opposition and Countermotion <i>Def't's Opposition and Countermotion for Atty's Fees and Costs</i> Matter Heard; <i>Matter Heard</i>
06/13/2017	Order to Show Cause (10:00 AM) (Judicial Officer: Elliott, Jennifer) Events: 05/25/2017 Order Shortening Time Matter Heard; <i>Matter Heard</i>
06/13/2017	Motion (10:00 AM) (Judicial Officer: Elliott, Jennifer) Events: 05/12/2017 Motion <i>Pltf's Motion and Notice of Motion for Orders to Modify Child Custody, Visitation and/or Child Support</i> 07/11/2017 Reset by Court to 06/13/2017 Granted in Part; <i>Granted in Part</i>
06/13/2017	Motion (10:00 AM) (Judicial Officer: Elliott, Jennifer) Events: 05/12/2017 Motion <i>Pltf's Motion for Reinstate Child Support to Full Amount</i> 07/11/2017 Reset by Court to 06/13/2017 Granted in Part; <i>Granted in Part</i>
06/13/2017	Motion (10:00 AM) (Judicial Officer: Elliott, Jennifer) Events: 05/12/2017 Motion <i>Pltf's Motion and Notice of Motion for an Order to Enforce and/or For an Order to Show Cause Regarding Contempt</i> 07/11/2017 Reset by Court to 06/13/2017 Referred to Outsourced Evaluation; <i>Referred to Outsourced Evaluation</i>
07/30/2015	CANCELED Motion (9:00 AM) (Judicial Officer: Elliott, Jennifer) <i>Vacated - per Judge</i> <i>Pltf's Motion For Property Issues & Order Greg To Pay Scar Reduction And Costs; Braces Clarify Current Costs Orders To Be More Specific Regarding Retirement And Mortgage; Retirement Statements To Court And Heidi Pelkola</i>
06/04/2015	 Return Hearing (9:30 AM) (Judicial Officer: Elliott, Jennifer) Events: 03/24/2015 Order for Family Mediation Center Services <i>FMC Child Interview/Mediation</i>

MINUTES

 Order for Family Mediation Center Services

Matter Heard;
Journal Entry Details:

RETURN HEARING: FMC CHILD INTERVIEW/ MEDIATION . . . PLAINTIFF MOTION FOR PROPERTY ISSUED AND ORDER GREG TO PAY SCAR REDUCTION AND COSTS; BRACES CLARIFY CURRENT COSTS ORDERS TO BE MORE SPECIFIC REGARDING RETIREMENT AND MORTGAGE; RETIREMENT STATEMENTS TO COURT AND HEIDI PELKOLA Attorney Mitchell Stipp Bar No. 7531, on behalf of Defendant in an unbundled capacity. Court noted the issue of dog bites. Defendant did not report first bite to animal control as ordered. Plaintiff has a pending motion on the second dog bite. The first dog bite was reported to Child Protective Service after the last hearing. Mr. Stipp stated he has not seen the motion filed by Plaintiff. The dog is a special service dog and will not be present when the children are visiting. COURT ORDERED: Defendant's CONTEMPT on not reporting the FIRST dog bite shall be DEFERRED; Defendant shall not have the DOG at issue PRESENT at ANY visitation with minor child. Any further issues with the dog, Defendant's visitation shall be SUSPENDED; Child SUPERVISION shall be provided by an ADULT when the Defendant's is not present. Name and phone number of care provider shall be given to Plaintiff; Parties will equally divide Defendant's Military Retirement PENSION. Parties will equally split the cost of the Qualified Domestic Relations Order (QDRO); Defendant shall have SIXTY (60) DAYS from today's date to refinance the marital residence and remove Plaintiff's name from the deed.

CASE SUMMARY

CASE NO. D-13-488682-D

Plaintiff shall cooperate if she is needed to complete the process; Credit Card BALANCES shall be DEFERRED; Defendant shall pay unpaid MEDICAL expenses of \$180.00; Defendant shall pay for the MEDICAL EXPENSE of LASER TREATMENT for minor child from the dog bite. Defendant shall participate in deciding the doctor and treatment; Parties shall COMMUNICATE through Mr. Stipp on child issues; CHILD SUPPORT ARREARS shall be REFERRED to the District Attorney; Defendant shall FILE a letter with the Court, VERIFYING safe storage of his guns; Mr. Stipp shall prepare the order. CASE CLOSED upon signature of order. ;

Matter Heard

03/24/2015



All Pending Motions (10:00 AM) (Judicial Officer: Elliott, Jennifer)

Mediation;

Journal Entry Details:

PLAINTIFF'S MOTION AND NOTICE OF MOTION FOR ORDERS TO MODIFY CHILD CUSTODY, VISITATION AND FOR CHILD SUPPORT . . . DEFENDANT'S OPPOSITION AND COUNTERMOTION FOR DEFENDANT'S PRIOR CHILD SUPPORT ORDER BE ENFORCED; AND RELATED RELIEF Attorney Rebecca Gallardo Bar No. 13124, present on behalf of the Defendant, appearing for Heather Zana, in an unbundled capacity. Court inquired as to Defendant's W-2 being filed for calculation of income. Summary of Plaintiff's motion is made by the Court. Court stated two (2) dog bites require reporting and child taken for medical review. Plaintiff offered photos of minor child's dog bites, from two different occasions. Bites are from Defendant's girlfriend's pet. Incident occurred two (2) days ago it has not been reported or child seen by a doctor. Plaintiff was unsure where to report since the bite happen out of state. Plaintiff's schedule of arrears is filed in open court and copy given to Defendant. Ms. Gallardo noted to the court the issue of the dog bite was not mention prior to court. Defendant was not present at the time of the dog bites. One of the photos shows a bruise not a bite. Counsel noted that the representation being made by the Plaintiff of Defendant is not correct. A Behavior Order is ISSUED to the Parties, SIGNED and FILED in open court. COURT ORDERED: Plaintiff shall report DOG BITES to Child Protection Services; Defendant shall report DOG BITES to Animal Control; Defendant shall remove dog from residence during PARENTAL TIMESHARE; Defendant shall NOT consume alcohol 12 hours prior or during to his CUSTODIAL TIME with the minor child; Defendant shall follow GUN SAFETY PROTOCOL in his residence; Defendant has SIXTY (60) DAYS to refinance the residence or it shall be listed for sale; Defendant shall provide proof of GUN SAFETY CLASS update for Nevada; Plaintiff and Defendant shall provide legal CARSEATS and BOOSTER SEATS for minor children; Defendant shall provide PROOF of Discovery Credit Card payments; Plaintiff shall provide SEPARATE sleeping arrangement for daughter; Parties are REFERRED to Family Mediation Center (FMC) for Mediation. Plaintiff shall participate telephonically; Children shall attend Family Mediation Center (FMC) for a CHILD INTERVIEW; the children are permitted to speak freely to the interviewer. The parties are ADMONISHED not to coach or otherwise influence the children or allow other individuals to do so; RETURN HEARING SET 6/4/2015 at 9:30 am; Ms. Gallardo shall prepare the order and Plaintiff shall review and sign. ;

Mediation

03/24/2015

Opposition & Countermotion (10:00 AM) (Judicial Officer: Elliott, Jennifer)

Events: 03/19/2015 Opposition

Defendant's Opposition and Countermotion for Defendant's Prior Child Support Order Be Enforced; and Related Relief

Matter Heard; See all pending 3/24/15

Matter Heard

03/24/2015

Motion (10:00 AM) (Judicial Officer: Elliott, Jennifer)

Events: 02/26/2015 Motion

12/30/2014 Motion

Plaintiff's Motion and notice of Motion for Orders to Modify Child Custody, visitation, and or Child Support

03/03/2015 Reset by Court to 03/24/2015

Matter Heard; See all pending 3/24/15

Matter Heard

06/26/2014



Motion (8:30 AM) (Judicial Officer: Elliott, Jennifer)

Events: 06/18/2014 Motion

Motion and Notice of Motion for an Order for Permission for Primary Physical Custody to Relocate With A Minor Child

Granted;

Journal Entry Details:

CASE SUMMARY

CASE NO. D-13-488682-D

MOTION AND NOTICE OF MOTION FOR AN ORDER FOR PERMISSION FOR PRIMARY PHYSICAL CUSTODY TO RELOCATE WITH A MINOR CHILD Court noted, Defendant/Dad did not file anything. Discussion by Parties. COURT ORDERED the following: 1. Plaintiff/Mom's Motion for an Order for Permission for Primary Physical Custody to Relocate with a Minor child is GRANTED. 2. Plaintiff/Mom is relocating to Florida as soon as possible, 3. Parties shall share JOINT LEGAL CUSTODY with Plaintiff/Mom having PRIMA RY PHYSICAL CUSTODY of the minor children. 4. Defendant/Dad's CHILD SUPPORT is SET at \$1232.00 per month, minus \$350.00 per month for travel, for a total of \$882.00 per month beginning July 1st. If Defendant/Dad does not travel to Florida to see the minor children, the CHILD SUPPORT will go back to the full amount. 5. Defendant/Dad shall have SKYPE or telephone contact with the minor children on his days off from work, Mondays and Tuesday at 1:00 p.m. Nevada time. The minor children shall have privacy with any contact with Defendant/Dad and there is to be no recordings. Plaintiff/Mom to give as much time as possible. 6. Defendant/Dad shall have VISITATION for Christmas on the even years the first week of the school break, Plaintiff/Mom shall have the second week in the even years; Parties will then alternate the next year. Plaintiff/Mom shall have Thanksgiving in the even years, Defendant/Dad the odd years. Defendant/Dad shall have Spring Break every year, Defendant/Dad shall have Summer Vacation with the minor children from one (1) week after school is out to one (1) week before school starts. 7. Defendant/Dad may also visit the minor children in Florida on three (3) day weekends with 30 days advance written notice. 8. Anytime Defendant/Dad can go to Florida to visit, he can visit and take the minor children to school and activities. 9. Plaintiff/Mom shall not use her Military ID, if she finds it. She will return to Defendant/Dad as soon as possible. 10. Defendant/Dad to attempt to refinance the marital residence and take Plaintiff/Mom's name off the mortgage. 11. The case will be closed with the Order. Plaintiff shall prepare the Order from today's hearing, Defendant to sign as to form and content. ;
Granted

06/12/2014



Motion (10:00 AM) (Judicial Officer: Elliott, Jennifer)

Events: 04/30/2014 Petition

Pltf's Petition for Order Permitting Removal of Children From the State of Nevada
Off Calendar;

Journal Entry Details:

PLTF'S PETITION FOR ORDER PERMITTING REMOVAL OF CHILDREN FROM THE STATE OF NEVADA Discussion by Court and Plaintiff. COURT ORDERED the following: 1. Plaintiff to file the correct Motion; Motion to Relocate forthwith. 2. Plaintiff to have a neutral party over the age of 18, to serve and/or mail the documents to Defendant. 3. Plaintiff to file an Affidavit of Service or a Certificate of Mailing after service is done. 4. Plaintiff provided a copy of a Motion to Relocate, to retype and add her information. Note to Master Calendar: The Motion to be SET June 26, 2014 at 8:30 a.m. ;
Off Calendar

04/17/2014



Hearing for Divorce (8:30 AM) (Judicial Officer: Elliott, Jennifer)

Matter Heard;

Journal Entry Details:

HEARING FOR DIVORCE Parties sworn and testified. This matter heard simultaneously with T14-154794-T. COURT ORDERED the following: 1. Defendant/Dad's VISIATION shall be Sunday 10 a.m. to 5:00 p.m. and Monday and Tuesday from 3:16 p.m. to 7:30 p.m. 2. Defendant/Dad shall provide 100% of the transportation. 3. Parties will exchange the minor children at school on Monday and Tuesday, with the oldest child helping with the 2 year old. 4. Defendant/Dad shall have Spring Break and Summer Vacation with the minor children. 5. Defendant/Dad to file an Answer to the Complaint forthwith. 6. Defendant/Dad to leave the marital residence today. Defendant/Dad can get Police to do a civil standby while he gets some things out of the house. 7. The Temporary Protective Order is EXTENDED to 3-25-2015 or until the Decree of Divorce is in place. 8. Plaintiff/Mom to file a Motion to Relocate or have a Stipulation signed by Defendant/Dad. 9. Plaintiff to re-submit the Summary Decree of Divorce. ;
Matter Heard

03/12/2014



All Pending Motions (9:00 AM) (Judicial Officer: Elliott, Jennifer)

Matter Heard;

Journal Entry Details:

CASE MANAGEMENT CONFERENCE...RETURN HEARING: RE: SETTLEMENT CONFERENCE Upon Court's inquiry, Plaintiff advised she does not expect Defendant to be present today and he refused to participate in the Settlement Conference. Default process explained. Discussion regarding domestic violence. COURT ORDERED, Plaintiff shall file a

CASE SUMMARY

CASE NO. D-13-488682-D

Default AND FILE and SERVE a THREE DAY NOTICE to take Default Judgment. Thereafter, if no appearance by Defendant she may submit her Decree by summary disposition. There being domestic violence in the home, Court suggested Plaintiff file for a Temporary Protection Order (TPO). Within the TPO, Plaintiff may request exclusive possession of the marital residence. CLERK'S NOTE: Minute Order AMENDED to clarify the Court's Order to include specific instructions to the Plaintiff in regard to the Default Judgment process at request of the Court. /ad 4/17/14.;

Matter Heard

03/12/2014 **Return Hearing (9:00 AM)** (Judicial Officer: Elliott, Jennifer)

RE: Settlement Conference


Matter Heard;

Matter Heard

03/12/2014 **Case Management Conference (9:00 AM)** (Judicial Officer: Elliott, Jennifer)

Matter Heard;

Matter Heard

03/06/2014  **Settlement Conference (9:00 AM)** (Judicial Officer: Thompson, Charles)

Off Calendar;

Journal Entry Details:

There being no appearances, COURT ORDERED, matter off calendar.;

Off Calendar

02/25/2014  **Motion (10:00 AM)** (Judicial Officer: Elliott, Jennifer)

Events: 01/02/2014 Motion

Def't's Motion for Heidi Marie Pelkola to Return Children to State of Nevada

MINUTES

Moot;

Journal Entry Details:

DEFENDANT'S MOTION FOR HEIDI MARIE POLKOLA TO RETURN CHILDREN TO STATE OF NEVADA COURT NOTED, the children have been returned. Upon Court's inquiry regarding whether Parties have reconciled, Parties disagreed. Court advised Parties NOT to bring the children to future court dates. COURT ORDERED, the following: 1. Defendant's Motion for Heidi Marie Pelkola to Return Children to State of Nevada is MOOT. 2. Plaintiff shall file an AMENDED FINANCIAL DISCLOSURE FORM (FDF) with wage statements, no later than March 4, 2014. 3. Defendant shall file and serve an Answer with any Counterclaim, no later than March 4, 2014. 4. Court provided Parties with Department "L" Default Holiday Schedule. 5. Senior Judge Settlement Conference, Return Hearing, and Case Management Conference dates SET. CLERK'S NOTE: CORRECTION on month for #2 and 3, from February (2/27/14-np). 3-06-2014 9:00 AM SENIOR JUDGE SETTLEMENT CONFERENCE 3-12-2014 9:00 AM RETURN HEARING; RE: SETTLEMENT CONFERENCE 3-12-2014 9:00 AM CASE MANAGEMENT CONFERENCE (CMC);

Moot

SCHEDULED HEARINGS


Case Management Conference (03/12/2014 at 9:00 AM) (Judicial Officer: Elliott, Jennifer)

Matter Heard

Return Hearing (03/12/2014 at 9:00 AM) (Judicial Officer: Elliott, Jennifer)

RE: Settlement Conference

Matter Heard

 **Settlement Conference (03/06/2014 at 9:00 AM)** (Judicial Officer: Thompson, Charles)

Off Calendar

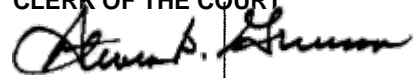
SERVICE

12/17/2013

Summons

Pelkola, Greg Elliott

Served: 12/09/2013



1 **ORDR**
2 RADFORD J. SMITH CHARTERED
3 RADFORD J. SMITH, ESQ.
4 Nevada State Bar No. 002791
5 KIMBERLY A. STUTZMAN, ESQ.
6 Nevada Bar No. 014085
7 2470 St. Rose Parkway, Suite 206
8 Henderson, Nevada 89074
9 Telephone (702) 990-6448
10 Facsimile (702) 990-6456
11 kstutzman@radfordsmith.com
12 *Attorneys for Plaintiff*

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

13 HEIDI MARIE PELKOLA,
14
15 Plaintiff,

CASE NO.: D-13-488682-D
DEPT. NO.: L

16 vs.

17 GREG ELLIOT PELKOLA,
18
19 Defendant.

20 **ORDER AFTER THE MARCH 18, 2019 EVIDENTIARY HEARING**

21
22 Date of Hearing: March 18, 2019
23 Time of Hearing: 1:30 p.m.

24 This matter having come on for hearing on Defendant's Motion to Modify Custody;
25 and on the Order to Show Cause against Plaintiff and Defendant; Plaintiff, HEIDI MARIE
26 PELKOLA ("Heidi"), being present and represented by her attorney, Gary Zernich, Esq.,
27 of Radford J. Smith, Chartered, and Defendant, GREG ELLIOT PELKOLA ("Greg"),
28

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JAN 28 2020
✓ **DEPT. L**

1 present and represented by his attorney, Melvin Grimes, Esq. of The Grimes Law Office.
2 The Court having heard the arguments of counsel, having reviewed the pleadings and
3 papers on file in this matter, being fully advised in the premises, and good cause appearing
4 therefore, makes the following findings and orders:
5

6
7 THE COURT FINDS that pursuant to the January 9, 2019 ORDER from the
8 September 18, 2018 hearing in this matter, the purpose of the March 18, 2019 Evidentiary
9 Hearing/Order to Show Cause Hearing was to determine:
10

11 1) Whether Plaintiff, HEIDI PELKOLA, ("HEIDI"), should be held in contempt
12 for failure to deliver the minor child, SARA M. PELKOLA ("Sara"), born, December 2,
13 2003, age 16, after the December 19, 2017 hearing and for her failure to deliver SARA on
14 March 18, 2018;
15

16
17 2) Whether Defendant, GREG PELKOLA ("GREG"), shall be held in contempt for
18 his failure to pay HEIDI her share of his military retirement pursuant to the Decree of
19 Divorce ("Decree"), filed May 6, 2014; and
20

21 3) Whether the court should correct or modify the percentage of the military
22 retirement awarded to HEIDI under the Decree.
23

24 THE COURT FURTHER FINDS that HEIDI's Exhibits 1-35, with the exception of
25 Exhibits 17, 18 and 21, were admitted by stipulation into the record.
26

27 THE COURT FURTHER FINDS that GREG's Exhibits A, D, G, I and J were
28 admitted by stipulation or without objection into the record.

1 THE COURT FURTHER FINDS that HEIDI and GREG were not completely
2 reliable as historians of the relevant facts, but that it was more due to the passage of time
3 and a party's natural inclination was to cast themselves in the most favorable light, rather
4 than an obvious attempt to deceive.
5

6 THE COURT FURTHER FINDS that NRS 22.010(3) states in relevant part that a
7 court may issue an order holding a party in contempt for "disobedience or resistance to
8 any lawful writ, order, rule or process issued by the court or judge at chambers." NRS
9 22.010(3).
10

11 THE COURT FURTHER FINDS that an order on which a judgment of contempt is
12 based must be clear and unambiguous and must spell out the details of compliance in
13 clear, specific and unambiguous terms so that the person will readily know exactly what
14 duties or obligations are imposed on him. *Cunningham v. Eighth Judicial Dist. Court*, 102
15 Nev. 551, 560-561, 729 P.2d 1328, 1333 (1986).
16

17 THE COURT FURTHER FINDS that in order to hold a party in contempt, the court
18 must permit that party to testify and show cause why she should not be held in contempt
19 and allow her to cross examine any witnesses against her.
20

21 [I]n a prosecution for contempt not committed in the presence of the court,
22 due process requires that the person charged be advised of the nature of the
23 action against him, have assistance of counsel, if requested, have the right to
24 confront witnesses, and have the right to offer testimony on his behalf.
25

26 *Awad v. Wright*, 106 Nev. 407, 411, 794 P.2d 713, 716 (1990), quoting *Burgers v.*
27 *Maiben*, 652 P.2d 1320, 1322 (Utah 1982).
28

1 THE COURT FURTHER FINDS that, historical unreliability and self-serving
2 statements aside, HEIDI cannot be held in CONTEMPT by clear and convincing evidence
3 for the failure to deliver SARA for visitation on the dates in question.
4

5 THE COURT FURTHER FINDS that it viewed excerpts of several exchanges
6 wherein the child was extremely resistant to being delivered to GREG, as manifested by
7 Sara's verbal statements that she did not want to go, Sara's physical resistance to many
8 efforts to facilitate the exchange, Sara's hunching over and covering her eyes and ears,
9 Sara's refusal to undo her seatbelt, and other contrary body language.
10
11

12 THE COURT FURTHER FINDS that at each of the exchanges, both HEIDI and
13 GREG utilized smart phones to record or take pictures of the exchange, further increasing
14 the level of conflict during these exchanges.
15
16

17 THE COURT FURTHER FINDS that it observed that HEIDI made many verbal
18 and physical attempts to deliver the child, even driving all the way to GREG's residence
19 the following day after an exchange was unsuccessful.
20

21 THE COURT FURTHER FINDS that HEIDI is not completely at fault for the
22 inability to deliver the child, but the court did receive evidence of behavior that could be
23 classified as alienation of the child toward GREG. Specifically, HEIDI has repeatedly
24 sought, and been denied, teenage discretion for SARA regarding GREG's visitation.
25

26 THE COURT FURTHER FINDS that the parties acknowledged that SARA is
27 Autistic, albeit high functioning. SARA's home school district agrees that she is a high-
28

1 functioning Autistic student, which was evidenced by the 504 Accommodation plans from
2 2017 and 2018 admitted into evidence. It should be noted that HEIDI did not list GREG as
3 a parent on SARA's school records nor on the initial 504 plan or meeting requests.
4

5 THE COURT FURTHER FINDS that HEIDI sought therapy for SARA without
6 notifying or consulting GREG. HEIDI unilaterally pulled SARA out of school and began
7 home-schooling her.
8

9 THE COURT FURTHER FINDS that HEIDI expressed little to no motivation to
10 include GREG in decisions about which he should have been notified as the parties are
11 Joint Legal Custodians of the children. A great degree of animosity toward GREG was
12 and has been exhibited by HEIDI, and SARA could not help but pick up on the tension.
13
14

15 THE COURT FURTHER FINDS that the evidence demonstrated that SARA is
16 resistant to instability and change, that Sara can become negatively fixated on things by
17 indirect exposure (for example: her refusal to use a computer due to a belief in the
18 inevitability that she will be hacked and have her identity stolen), and that Sara is very
19 likely to flee conflict (for example: her increased aversion to attending school which has
20 led to her being currently home schooled).
21
22

23 THE COURT FURTHER FINDS that though some of SARA's behaviors began
24 manifesting prior to the exchanges in question, the court believes that HEIDI, at least
25 indirectly, influenced SARA's lack of comfort with custodial exchanges to GREG.
26
27
28

1 THE COURT FURTHER FINDS that GREG is also responsible to some degree for
2 SARA's behaviors by doing little to defuse the conflicts at exchanges. Rather Greg would
3 video tape Sara and insist on the exchange taking place in spite of the obvious need to
4 physically force SARA into his physical custody.
5

6 THE COURT FURTHER FINDS that both parties acknowledged that though the
7 most recent exchanges of SARA took around half an hour to effectuate, she did ultimately
8 leave the exchange with GREG after physically being placed into his vehicle.
9
10

11 THE COURT FURTHER FINDS that SARA may benefit from more frequent
12 opportunities to interact with GREG under less stressful circumstances. To that end, as the
13 parties have an evidentiary hearing on a motion to change physical custody of SARA,
14 filed by GREG, currently scheduled for July 18, 2019 at the hour of 1:30 p.m.
15

16 THE COURT FURTHER FINDS that it would be in SARA's best interest for
17 GREG to travel to Arizona for one-on-one contact with SARA on a monthly basis. These
18 visits will take place on the last weekend of the month.
19
20

21 THE COURT FURTHER FINDS that the visitation shall be defined as GREG
22 traveling to Arizona on Friday to stay overnight and pick up SARA for an all-day visit on
23 Saturday before returning her to HEIDI that same day, and then returning to Las Vegas
24 Saturday evening.
25

26 THE COURT FURTHER FINDS that GREG shall be entitled to an offset of his
27 current child support obligation for his reasonable travel expenses for this monthly trip.
28

1 To further the Court's goal of minimizing future exchange trauma, HEIDI shall be
2 allowed to seek therapy for SARA with an Occupational Therapist with the express goal
3 of helping SARA be more open to exchanges for GREG's scheduled visitation times. As
4 GREG has visitation for summer 2019, GREG will be allowed to seek similar therapy for
5 SARA while she is in his extended care.
6

7
8 THE COURT FURTHER FINDS that the court received evidence pertaining to
9 GREG's failure to pay HEIDI her share of his military pension pursuant to the Decree.
10

11 THE COURT FURTHER FINDS that the DECREE specifically awards HEIDI
12 45% of GREG's military retirement valued at the time of disbursement. *See* Decree, page
13 7.
14

15 THE COURT FURTHER FINDS that GREG argues that the award constituted a
16 fraud upon the Court as it did not represent an accurate percentage of HEIDI's community
17 property interest in the pension that accrued during the course of the marriage. It should
18 be noted that GREG does not deny that HEIDI earned a community property interest in
19 said pension during the marriage. GREG argues that the correct percentage due to HEIDI
20 as and for her community property interest is 23%. GREG further argues that because the
21 marital interest was not accruing for at least 10 years overlapping the period of time the
22 retirement benefit was being earned, the military will not accept the previously prepared
23 Qualified Domestic Relations Order directing the pension administrators to pay HEIDI's
24 share directly to her.
25
26
27
28

1 THE COURT FURTHER FINDS that it agrees that GREG could not comply with
2 the Decree based on the language of the QDRO, but disagrees, as discussed below, with
3 his calculation of HEIDI's fair and equitable percentage. As HEIDI desired that the
4 awarded portion of GREG's retirement be paid directly to her from the military rather than
5 from GREG, the previous QDRO language is problematic for GREG's compliance.
6
7

8 THE COURT FURTHER FINDS that HEIDI believed the property division
9 contained in her Complaint for Divorce and the subsequent Decree, which was entered by
10 Default, was fair and equitable due to the division of other assets given to GREG in the
11 Decree.
12

13
14 THE COURT FURTHER FINDS that GREG's assertions that he was prevented by
15 HEIDI's actions to be able to Answer and otherwise litigate the property issues in the
16 underlying Decree, thereby rendering HEIDI's representation of the fairness of the
17 property division as a fraud upon the court, to be unconvincing.
18

19 THE COURT FURTHER FINDS that GREG's testimony was that he could not
20 give a good answer as to why he did not meaningfully participate in the early litigation by
21 filing an Answer and contesting HEIDI's assertions about the fairness of the property
22 distribution.
23
24

25 THE COURT FURTHER FINDS that Greg testified that he was, in fact, aware of
26 the proceedings, that he knew how to access the self-help available at Family Court by
27
28

1 filing a motion regarding an early custodial dispute, and that in spite of several
2 opportunities and Orders to do so, he failed to file an Answer or Counter-claim.
3

4 THE COURT FURTHER FINDS that the parties continued to litigate, and that
5 GREG had ample opportunity, both unrepresented and represented by counsel, to contest
6 the validity of the property distribution, yet he failed to do so. The Court finds that
7 overtures regarding reconciliation allegedly made by HEIDI and the fact that the parties
8 continued to cohabitate during part of the initial divorce proceedings do not constitute a
9 situation that would have prevented GREG court access or access to counsel. GREG,
10 simply at his own peril, refused to do anything to protect any interest he may have had in a
11 different property distribution under the Decree.
12
13
14

15 THE COURT FURTHER FINDS that the convoluted and highly contentious
16 proceedings to date between the parties, the numerous judicial officers and their Orders
17 that have touched the case in the last several years, and the existence of other financial
18 Orders, including an award of attorney's fees in the amount of \$13,000.00 to GREG from
19 HEIDI further complicated the picture as to exactly how much GREG should have been
20 paying to HEIDI from the retirement disbursements he was receiving before the date of
21 the entry of the Decree of Divorce.
22
23
24

25 THE COURT FURTHER FINDS that at one point, GREG was told by the Court
26 that he could offset any payments he owed HEIDI from the retirement with the
27
28

1 \$13,000.00 attorney's fees award. The totality of the circumstances therefore makes it
2 difficult to find GREG in contempt by clear and convincing evidence.
3

4 THE COURT FURTHER FINDS that as with the alleged acts of Contempt
5 committed by HEIDI, some of GREG's actions contributed to the level of conflict
6 surrounding the litigation between the parties.
7

8 THE COURT FURTHER FINDS that GREG was capable of mitigating some of
9 damages by tendering the undisputed portion of the retirement payments to HEIDI while
10 the litigation was pending, but the Court is also not convinced that such payments would
11 not have further complicated accurate calculations. Further complicating the matter is the
12 fact that the amounts in dispute constitute awards of property rather than support
13 obligations that might incur interest and penalties, yet HEIDI's SCHEDULE OF
14 ARREARS contains interest and penalty calculations as well.
15
16
17

18 THE COURT FURTHER FINDS that there was, however, a preponderance of
19 evidence, that 45% of the value of the pension upon distribution required GREG to pay to
20 HEIDI \$317.55 per month from the distributions he received.
21

22 THE COURT FURTHER FINDS that GREG missed monthly payments from May
23 2014 to current, with the exception of payments of \$317.55 in June 2018; \$109.88 in July
24 2018; and \$425.71 in July 2018; and respectively, for total arrears owed to HEIDI of
25 \$17,882.31.
26
27
28

1 THE COURT FURTHER FINDS that GREG requested leave to begin making the
2 monthly payments beginning June 2019, when his spousal support obligation to HEIDI
3 will no longer be due incurring an additional \$635.10 in arrears for a total of \$18,517.41.
4

5 THE COURT FURTHER FINDS that after applying the \$13,000.00 HEIDI owes
6 GREG in previously awarded attorney's fees, GREG's total arrearage for the unpaid
7 portion of the military pension payments is therefore \$5,517.41 as of June 2019 and is
8 hereby REDUCED TO JUDGMENT.
9
10

11 THE COURT FINDS that beginning June 2019, GREG should pay a total of
12 \$150.00 toward the arrears each month, for a total payment to HEIDI of \$467.55 until the
13 arrears are paid in full, at which time GREG's obligation will continue at \$317.55
14 monthly.
15

16 THE COURT FURTHER FINDS that this amount will be subject to any Cost of
17 Living adjustments approved for GREG's received benefits, and GREG will need to
18 update HEIDI as to any changes in the payments he receives as she is entitled to 45% of
19 them.
20
21

22 THE COURT FURTHER FINDS that Heidi shall receive the 45% of Greg's
23 monthly military retirement pay as her sole and separate property, payable from Greg's
24 retired pay as paid by the Defense Finance Accounting Service (DFAS), inclusive of any
25 future cost of living increases in said retired pay, computed from the disposable sum
26 thereof.
27
28

1 THE COURT FURTHER FINDS that the amount called for herein shall not be
2 modifiable by the direct or indirect action of either party hereto, either by way of increase
3 or decrease, except as expressly set forth herein. It is contemplated that future cost of
4 living adjustments will be granted by the United States Government, by means of which
5 the gross military retirement benefits specified above will increase, thus raising the
6 amount being paid to Plaintiff.
7

8
9 THE COURT FURTHER FINDS that each party should bear their own attorney's
10 fees and costs, as neither party's hands were completely clean, nor it does not appear the
11 litigation could have been avoided due to the level of conflict between both parties.
12

13
14 THEREFORE, THE COURT HEREBY ORDERS that neither party may be held in
15 Contempt at this time.
16

17 THE COURT FURTHER ORDERS that it is in SARA's best interest that GREG
18 receive the monthly visits described in the Findings above, and that GREG's reasonable
19 travel expenses required to give this Order effect justify a deviation from his current
20 ordered child support. Greg shall provide Heidi with receipts for the once per month travel
21 to Arizona.
22

23 THE COURT FURTHER ORDERS that these visits will take place on the last
24 weekend of the month and that the visitation shall be defined as GREG traveling to
25 Arizona on Friday to stay overnight and pick up SARA for an all-day visit on Saturday
26
27
28

1 before returning her to HEIDI that same day, and then returning to Las Vegas Saturday
2 evening.

3
4 THE COURT FURTHER ORDERS that Greg's arrears in the amount of \$5,517.41
5 as of June 2019 is REDUCED TO JUDGMENT.

6
7 THE COURT FURTHER ORDERS that HEIDI shall receive 45% of GREG's
8 military retirement valued at the time of disbursement. See Decree, page 7.

9
10 THE COURT FURTHER ORDERS that there was a preponderance of evidence
11 that 45% of the value of the pension upon distribution required GREG to pay to HEIDI is
12 \$317.55 per month from the distribution.

13
14 THE COURT FURTHER ORDERS that beginning June 2019, GREG shall pay a
15 total of \$150.00 toward the arrears each month, for a total payment to HEIDI of \$467.55
16 until the arrears are paid in full, at which time GREG's obligation will continue at \$317.55
17 monthly.

18
19 THE COURT FURTHER ORDERS that this amount shall be subject to any Cost of
20 Living adjustments approved for GREG's received benefits, and GREG shall need to
21 update HEIDI as to any changes in the payments he receives as she is entitled to 45% of
22 them.

23
24
25 THE COURT FURTHER ORDERS that Heidi shall receive the 45% of Greg's
26 monthly military retirement pay as her sole and separate property, payable from Greg's
27 retired pay as paid by the Defense Finance Accounting Service (DFAS), inclusive of any
28

1 future cost of living increases in said retired pay, computed from the disposable sum
2 thereof.
3

4 THE COURT FURTHER ORDERS that the amount called for herein shall not be
5 modifiable by the direct or indirect action of either party hereto, either by way of increase
6 or decrease, except as expressly set forth herein. It is contemplated that future cost of
7 living adjustments will be granted by the United States Government, by means of which
8 the gross military retirement benefits specified above will increase, thus raising the
9 amount being paid to Plaintiff.
10
11

12 THE COURT FURTHER ORDERS that each party should bear their own
13 attorney's fees and costs.
14

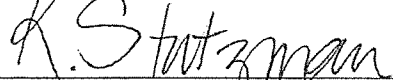
15 IT IS SO ORDERED.

16 DATED this 28th day of January 2020.
17

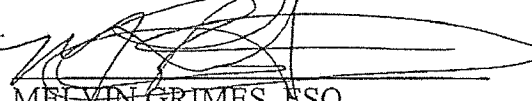
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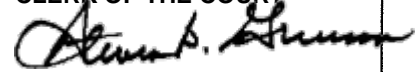
DISTRICT COURT JUDGE
DAVID S. GIBSON, JR. 

22 *Respectfully Submitted:*
23 RADFORD J. SMITH CHARTERED

24 
25 RADFORD J. SMITH, ESQ.
26 Nevada Bar No. 002791
27 KIMBERLY A. STUTZMAN, ESQ.
28 Nevada Bar No. 014085
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Attorneys for Plaintiff

Approved as to form and content:
THE GRIMES LAW OFFICE


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Attorneys for Defendant



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Telephone (702) 990-6448
rsmith@radfordsmith.com
Attorneys for Plaintiff

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

HEIDI MARIE PELKOLA,

Plaintiff,

vs.

CASE NO.: D-13-488682-D
DEPT. NO.: L

GREG ELLIOT PELKOLA,

Defendant.

**NOTICE OF ENTRY OF ORDER AFTER THE MARCH 18, 2019 EVIDENTIARY
HEARING**

PLEASE take Notice that the Order After the March 18, 2019 Evidentiary Hearing
was entered by the above-entitled Court on the 3rd day of February 2020, a copy of which
is attached hereto.

DATED this 4th day of February 2020.

RADFORD J. SMITH CHARTERED

/s/ Kimberly A. Stutzman

KIMBERLY A. STUTZMAN, ESQ.
Nevada Bar No. 014085
2470 St. Rose Parkway, Suite 206
Henderson, Nevada 89074
Telephone (702) 990-6448

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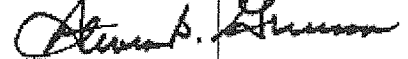
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1 **ORDER**

2 RADFORD J. SMITH CHARTERED

3 RADFORD J. SMITH, ESQ.

4 Nevada State Bar No. 002791

5 KIMBERLY A. STUTZMAN, ESQ.

6 Nevada Bar No. 014085

7 2470 St. Rose Parkway, Suite 206

8 Henderson, Nevada 89074

9 Telephone (702) 990-6448

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kstutzman@radfordsmith.com

Attorneys for Plaintiff

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

13 HEIDI MARIE PELKOLA,

14 Plaintiff,

15 vs.

16 GREG ELLIOT PELKOLA,

17 Defendant.

CASE NO.: D-13-488682-D

DEPT. NO.: L

18 **ORDER AFTER THE MARCH 18, 2019 EVIDENTIARY HEARING**

19 Date of Hearing: March 18, 2019

20 Time of Hearing: 1:30 p.m.

21 This matter having come on for hearing on Defendant's Motion to Modify Custody;
22 and on the Order to Show Cause against Plaintiff and Defendant; Plaintiff, HEIDI MARIE
23 PELKOLA ("Heidi"), being present and represented by her attorney, Gary Zernich, Esq.,
24 of Radford J. Smith, Chartered, and Defendant, GREG ELLIOT PELKOLA ("Greg"),

25 **RECEIVED**

26 **JAN 28 2020**

27 **✓ DEPT. L**

1 present and represented by his attorney, Melvin Grimes, Esq. of The Grimes Law Office.

2 The Court having heard the arguments of counsel, having reviewed the pleadings and
3 papers on file in this matter, being fully advised in the premises, and good cause appearing
4 therefore, makes the following findings and orders:
5

6 THE COURT FINDS that pursuant to the January 9, 2019 ORDER from the
7 September 18, 2018 hearing in this matter, the purpose of the March 18, 2019 Evidentiary
8 Hearing/Order to Show Cause Hearing was to determine:
9

10 1) Whether Plaintiff, HEIDI PELKOLA, ("HEIDI"), should be held in contempt
11 for failure to deliver the minor child, SARA M. PELKOLA ("Sara"), born, December 2,
12 2003, age 16, after the December 19, 2017 hearing and for her failure to deliver SARA on
13 March 18, 2018;
14

15 2) Whether Defendant, GREG PELKOLA ("GREG"), shall be held in contempt for
16 his failure to pay HEIDI her share of his military retirement pursuant to the Decree of
17 Divorce ("Decree"), filed May 6, 2014; and
18

19 3) Whether the court should correct or modify the percentage of the military
20 retirement awarded to HEIDI under the Decree.
21

22 THE COURT FURTHER FINDS that HEIDI's Exhibits 1-35, with the exception of
23 Exhibits 17, 18 and 21, were admitted by stipulation into the record.
24

25 THE COURT FURTHER FINDS that GREG's Exhibits A, D, G, I and J were
26 admitted by stipulation or without objection into the record.
27
28

1 THE COURT FURTHER FINDS that HEIDI and GREG were not completely
2 reliable as historians of the relevant facts, but that it was more due to the passage of time
3 and a party's natural inclination was to cast themselves in the most favorable light, rather
4 than an obvious attempt to deceive.
5

6 THE COURT FURTHER FINDS that NRS 22.010(3) states in relevant part that a
7 court may issue an order holding a party in contempt for "disobedience or resistance to
8 any lawful writ, order, rule or process issued by the court or judge at chambers." NRS
9 22.010(3).
10

11 THE COURT FURTHER FINDS that an order on which a judgment of contempt is
12 based must be clear and unambiguous and must spell out the details of compliance in
13 clear, specific and unambiguous terms so that the person will readily know exactly what
14 duties or obligations are imposed on him. *Cunningham v. Eighth Judicial Dist. Court*, 102
15 Nev. 551, 560-561, 729 P.2d 1328, 1333 (1986).
16
17

18 THE COURT FURTHER FINDS that in order to hold a party in contempt, the court
19 must permit that party to testify and show cause why she should not be held in contempt
20 and allow her to cross examine any witnesses against her.
21
22

23 [I]n a prosecution for contempt not committed in the presence of the court,
24 due process requires that the person charged be advised of the nature of the
25 action against him, have assistance of counsel, if requested, have the right to
26 confront witnesses, and have the right to offer testimony on his behalf.

27 *Awad v. Wright*, 106 Nev. 407, 411, 794 P.2d 713, 716 (1990), quoting *Burgers v.*
28 *Maiben*, 652 P.2d 1320, 1322 (Utah 1982).

1 THE COURT FURTHER FINDS that, historical unreliability and self-serving
2 statements aside, HEIDI cannot be held in CONTEMPT by clear and convincing evidence
3 for the failure to deliver SARA for visitation on the dates in question.
4

5 THE COURT FURTHER FINDS that it viewed excerpts of several exchanges
6 wherein the child was extremely resistant to being delivered to GREG, as manifested by
7 Sara's verbal statements that she did not want to go, Sara's physical resistance to many
8 efforts to facilitate the exchange, Sara's hunching over and covering her eyes and ears,
9 Sara's refusal to undo her seatbelt, and other contrary body language.
10
11

12 THE COURT FURTHER FINDS that at each of the exchanges, both HEIDI and
13 GREG utilized smart phones to record or take pictures of the exchange, further increasing
14 the level of conflict during these exchanges.
15

16 THE COURT FURTHER FINDS that it observed that HEIDI made many verbal
17 and physical attempts to deliver the child, even driving all the way to GREG's residence
18 the following day after an exchange was unsuccessful.
19
20

21 THE COURT FURTHER FINDS that HEIDI is not completely at fault for the
22 inability to deliver the child, but the court did receive evidence of behavior that could be
23 classified as alienation of the child toward GREG. Specifically, HEIDI has repeatedly
24 sought, and been denied, teenage discretion for SARA regarding GREG's visitation.
25

26 THE COURT FURTHER FINDS that the parties acknowledged that SARA is
27 Autistic, albeit high functioning. SARA's home school district agrees that she is a high-
28

1 functioning Autistic student, which was evidenced by the 504 Accommodation plans from
2 2017 and 2018 admitted into evidence. It should be noted that HEIDI did not list GREG as
3 a parent on SARA's school records nor on the initial 504 plan or meeting requests.
4

5 THE COURT FURTHER FINDS that HEIDI sought therapy for SARA without
6 notifying or consulting GREG. HEIDI unilaterally pulled SARA out of school and began
7 home-schooling her.
8

9 THE COURT FURTHER FINDS that HEIDI expressed little to no motivation to
10 include GREG in decisions about which he should have been notified as the parties are
11 Joint Legal Custodians of the children. A great degree of animosity toward GREG was
12 and has been exhibited by HEIDI, and SARA could not help but pick up on the tension.
13
14

15 THE COURT FURTHER FINDS that the evidence demonstrated that SARA is
16 resistant to instability and change, that Sara can become negatively fixated on things by
17 indirect exposure (for example: her refusal to use a computer due to a belief in the
18 inevitability that she will be hacked and have her identity stolen), and that Sara is very
19 likely to flee conflict (for example: her increased aversion to attending school which has
20 led to her being currently home schooled).
21
22

23 THE COURT FURTHER FINDS that though some of SARA's behaviors began
24 manifesting prior to the exchanges in question, the court believes that HEIDI, at least
25 indirectly, influenced SARA's lack of comfort with custodial exchanges to GREG.
26
27
28

1 THE COURT FURTHER FINDS that GREG is also responsible to some degree for
2 SARA's behaviors by doing little to defuse the conflicts at exchanges. Rather Greg would
3 video tape Sara and insist on the exchange taking place in spite of the obvious need to
4 physically force SARA into his physical custody.
5

6 THE COURT FURTHER FINDS that both parties acknowledged that though the
7 most recent exchanges of SARA took around half an hour to effectuate, she did ultimately
8 leave the exchange with GREG after physically being placed into his vehicle.
9
10

11 THE COURT FURTHER FINDS that SARA may benefit from more frequent
12 opportunities to interact with GREG under less stressful circumstances. To that end, as the
13 parties have an evidentiary hearing on a motion to change physical custody of SARA,
14 filed by GREG, currently scheduled for July 18, 2019 at the hour of 1:30 p.m.
15

16 THE COURT FURTHER FINDS that it would be in SARA's best interest for
17 GREG to travel to Arizona for one-on-one contact with SARA on a monthly basis. These
18 visits will take place on the last weekend of the month.
19
20

21 THE COURT FURTHER FINDS that the visitation shall be defined as GREG
22 traveling to Arizona on Friday to stay overnight and pick up SARA for an all-day visit on
23 Saturday before returning her to HEIDI that same day, and then returning to Las Vegas
24 Saturday evening.
25

26 THE COURT FURTHER FINDS that GREG shall be entitled to an offset of his
27 current child support obligation for his reasonable travel expenses for this monthly trip.
28

1 To further the Court's goal of minimizing future exchange trauma, HEIDI shall be
2 allowed to seek therapy for SARA with an Occupational Therapist with the express goal
3 of helping SARA be more open to exchanges for GREG's scheduled visitation times. As
4 GREG has visitation for summer 2019, GREG will be allowed to seek similar therapy for
5 SARA while she is in his extended care.
6

7
8 THE COURT FURTHER FINDS that the court received evidence pertaining to
9 GREG's failure to pay HEIDI her share of his military pension pursuant to the Decree.
10

11 THE COURT FURTHER FINDS that the DECREE specifically awards HEIDI
12 45% of GREG's military retirement valued at the time of disbursement. *See Decree, page*
13 *7.*
14

15 THE COURT FURTHER FINDS that GREG argues that the award constituted a
16 fraud upon the Court as it did not represent an accurate percentage of HEIDI's community
17 property interest in the pension that accrued during the course of the marriage. It should
18 be noted that GREG does not deny that HEIDI earned a community property interest in
19 said pension during the marriage. GREG argues that the correct percentage due to HEIDI
20 as and for her community property interest is 23%. GREG further argues that because the
21 marital interest was not accruing for at least 10 years overlapping the period of time the
22 retirement benefit was being earned, the military will not accept the previously prepared
23 Qualified Domestic Relations Order directing the pension administrators to pay HEIDI's
24 share directly to her.
25
26
27
28

1 THE COURT FURTHER FINDS that it agrees that GREG could not comply with
2 the Decree based on the language of the QDRO, but disagrees, as discussed below, with
3 his calculation of HEIDI's fair and equitable percentage. As HEIDI desired that the
4 awarded portion of GREG's retirement be paid directly to her from the military rather than
5 from GREG, the previous QDRO language is problematic for GREG's compliance.
6

7
8 THE COURT FURTHER FINDS that HEIDI believed the property division
9 contained in her Complaint for Divorce and the subsequent Decree, which was entered by
10 Default, was fair and equitable due to the division of other assets given to GREG in the
11 Decree.
12

13
14 THE COURT FURTHER FINDS that GREG's assertions that he was prevented by
15 HEIDI's actions to be able to Answer and otherwise litigate the property issues in the
16 underlying Decree, thereby rendering HEIDI's representation of the fairness of the
17 property division as a fraud upon the court, to be unconvincing.
18

19
20 THE COURT FURTHER FINDS that GREG's testimony was that he could not
21 give a good answer as to why he did not meaningfully participate in the early litigation by
22 filing an Answer and contesting HEIDI's assertions about the fairness of the property
23 distribution.
24

25
26 THE COURT FURTHER FINDS that Greg testified that he was, in fact, aware of
27 the proceedings, that he knew how to access the self-help available at Family Court by
28

1 filing a motion regarding an early custodial dispute, and that in spite of several
2 opportunities and Orders to do so, he failed to file an Answer or Counter-claim.
3

4 THE COURT FURTHER FINDS that the parties continued to litigate, and that
5 GREG had ample opportunity, both unrepresented and represented by counsel, to contest
6 the validity of the property distribution, yet he failed to do so. The Court finds that
7 overtures regarding reconciliation allegedly made by HEIDI and the fact that the parties
8 continued to cohabitate during part of the initial divorce proceedings do not constitute a
9 situation that would have prevented GREG court access or access to counsel. GREG,
10 simply at his own peril, refused to do anything to protect any interest he may have had in a
11 different property distribution under the Decree.
12
13
14

15 THE COURT FURTHER FINDS that the convoluted and highly contentious
16 proceedings to date between the parties, the numerous judicial officers and their Orders
17 that have touched the case in the last several years, and the existence of other financial
18 Orders, including an award of attorney's fees in the amount of \$13,000.00 to GREG from
19 HEIDI further complicated the picture as to exactly how much GREG should have been
20 paying to HEIDI from the retirement disbursements he was receiving before the date of
21 the entry of the Decree of Divorce.
22
23
24

25 THE COURT FURTHER FINDS that at one point, GREG was told by the Court
26 that he could offset any payments he owed HEIDI from the retirement with the
27
28

1 \$13,000.00 attorney's fees award. The totality of the circumstances therefore makes it
2 difficult to find GREG in contempt by clear and convincing evidence.
3

4 THE COURT FURTHER FINDS that as with the alleged acts of Contempt
5 committed by HEIDI, some of GREG's actions contributed to the level of conflict
6 surrounding the litigation between the parties.
7

8 THE COURT FURTHER FINDS that GREG was capable of mitigating some of
9 damages by tendering the undisputed portion of the retirement payments to HEIDI while
10 the litigation was pending, but the Court is also not convinced that such payments would
11 not have further complicated accurate calculations. Further complicating the matter is the
12 fact that the amounts in dispute constitute awards of property rather than support
13 obligations that might incur interest and penalties, yet HEIDI's SCHEDULE OF
14 ARREARS contains interest and penalty calculations as well.
15
16
17

18 THE COURT FURTHER FINDS that there was, however, a preponderance of
19 evidence, that 45% of the value of the pension upon distribution required GREG to pay to
20 HEIDI \$317.55 per month from the distributions he received.
21

22 THE COURT FURTHER FINDS that GREG missed monthly payments from May
23 2014 to current, with the exception of payments of \$317.55 in June 2018; \$109.88 in July
24 2018; and \$425.71 in July 2018; and respectively, for total arrears owed to HEIDI of
25 \$17,882.31.
26
27
28

1 THE COURT FURTHER FINDS that GREG requested leave to begin making the
2 monthly payments beginning June 2019, when his spousal support obligation to HEIDI
3 will no longer be due incurring an additional \$635.10 in arrears for a total of \$18,517.41.
4

5 THE COURT FURTHER FINDS that after applying the \$13,000.00 HEIDI owes
6 GREG in previously awarded attorney's fees, GREG's total arrearage for the unpaid
7 portion of the military pension payments is therefore \$5,517.41 as of June 2019 and is
8 hereby REDUCED TO JUDGMENT.
9
10

11 THE COURT FINDS that beginning June 2019, GREG should pay a total of
12 \$150.00 toward the arrears each month, for a total payment to HEIDI of \$467.55 until the
13 arrears are paid in full, at which time GREG's obligation will continue at \$317.55
14 monthly.
15

16 THE COURT FURTHER FINDS that this amount will be subject to any Cost of
17 Living adjustments approved for GREG's received benefits, and GREG will need to
18 update HEIDI as to any changes in the payments he receives as she is entitled to 45% of
19 them.
20
21

22 THE COURT FURTHER FINDS that Heidi shall receive the 45% of Greg's
23 monthly military retirement pay as her sole and separate property, payable from Greg's
24 retired pay as paid by the Defense Finance Accounting Service (DFAS), inclusive of any
25 future cost of living increases in said retired pay, computed from the disposable sum
26 thereof.
27
28

1 THE COURT FURTHER FINDS that the amount called for herein shall not be
2 modifiable by the direct or indirect action of either party hereto, either by way of increase
3 or decrease, except as expressly set forth herein. It is contemplated that future cost of
4 living adjustments will be granted by the United States Government, by means of which
5 the gross military retirement benefits specified above will increase, thus raising the
6 amount being paid to Plaintiff.
7

8
9 THE COURT FURTHER FINDS that each party should bear their own attorney's
10 fees and costs, as neither party's hands were completely clean, nor it does not appear the
11 litigation could have been avoided due to the level of conflict between both parties.
12

13
14 THEREFORE, THE COURT HEREBY ORDERS that neither party may be held in
15 Contempt at this time.
16

17 THE COURT FURTHER ORDERS that it is in SARA's best interest that GREG
18 receive the monthly visits described in the Findings above, and that GREG's reasonable
19 travel expenses required to give this Order effect justify a deviation from his current
20 ordered child support. Greg shall provide Heidi with receipts for the once per month travel
21 to Arizona.
22

23
24 THE COURT FURTHER ORDERS that these visits will take place on the last
25 weekend of the month and that the visitation shall be defined as GREG traveling to
26 Arizona on Friday to stay overnight and pick up SARA for an all-day visit on Saturday
27
28

1 before returning her to HEIDI that same day, and then returning to Las Vegas Saturday
2 evening.
3

4 THE COURT FURTHER ORDERS that Greg's arrears in the amount of \$5,517.41
5 as of June 2019 is REDUCED TO JUDGMENT.
6

7 THE COURT FURTHER ORDERS that HEIDI shall receive 45% of GREG's
8 military retirement valued at the time of disbursement. See Decree, page 7.
9

10 THE COURT FURTHER ORDERS that there was a preponderance of evidence
11 that 45% of the value of the pension upon distribution required GREG to pay to HEIDI is
12 \$317.55 per month from the distribution.
13

14 THE COURT FURTHER ORDERS that beginning June 2019, GREG shall pay a
15 total of \$150.00 toward the arrears each month, for a total payment to HEIDI of \$467.55
16 until the arrears are paid in full, at which time GREG's obligation will continue at \$317.55
17 monthly.
18

19 THE COURT FURTHER ORDERS that this amount shall be subject to any Cost of
20 Living adjustments approved for GREG's received benefits, and GREG shall need to
21 update HEIDI as to any changes in the payments he receives as she is entitled to 45% of
22 them.
23

24 THE COURT FURTHER ORDERS that Heidi shall receive the 45% of Greg's
25 monthly military retirement pay as her sole and separate property, payable from Greg's
26 retired pay as paid by the Defense Finance Accounting Service (DFAS), inclusive of any
27
28

1 future cost of living increases in said retired pay, computed from the disposable sum
2 thereof.
3

4 THE COURT FURTHER ORDERS that the amount called for herein shall not be
5 modifiable by the direct or indirect action of either party hereto, either by way of increase
6 or decrease, except as expressly set forth herein. It is contemplated that future cost of
7 living adjustments will be granted by the United States Government, by means of which
8 the gross military retirement benefits specified above will increase, thus raising the
9 amount being paid to Plaintiff.
10
11

12 THE COURT FURTHER ORDERS that each party should bear their own
13 attorney's fees and costs.
14

15 IT IS SO ORDERED.

16 DATED this 28th day of January 2020.
17

18
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23
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25
26
27
28

DISTRICT COURT JUDGE
DAVID S. GIBSON, JR. *ds*

22 *Respectfully Submitted:*

23 RADFORD J. SMITH CHARTERED

24 

25 RADFORD J. SMITH, ESQ.

26 Nevada Bar No. 002791

27 KIMBERLY A. STUTZMAN, ESQ.

28 Nevada Bar No. 014085

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Henderson, Nevada 89074

Attorneys for Plaintiff

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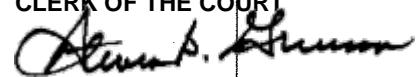

MELVIN GRIMES, ESQ.

Nevada Bar No. 12972

8540 South Eastern Ave., Ste. 100

Las Vegas, Nevada 89123

Attorneys for Defendant



1 **ORDER**
2 RADFORD J. SMITH CHARTERED
3 RADFORD J. SMITH, ESQ.
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5 KIMBERLY A. STUTZMAN, ESQ.
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11 kstutzman@radfordsmith.com
12 *Attorneys for Plaintiff*

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

13 HEIDI MARIE PELKOLA,
14
15 Plaintiff,

CASE NO.: D-13-488682-D
DEPT. NO.: L

16 vs.

17 GREG ELLIOT PELKOLA,
18
19 Defendant.

20 **ORDER AFTER EVIDENTIARY HEARING ON NOVEMBER 20, 2019**

21
22 Date of Hearing: November 20, 2019
23 Time of Hearing: 9:00 a.m.

24 This matter having come on for hearing for an Evidentiary Hearing on Defendants
25 Motion to Modify Custody; and on Plaintiff's Motion for Relocation to Ohio and for
26 Attorney's Fees; Plaintiff's Motion in Limine Precluding Defendant From Filing an
27 Untimely Pre-trial Memorandum, Precluding Defendant's Trial Exhibits, Precluding
28

1
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DEPT. L

1 Defendant from Introducing any Witnesses and/or Documents Not Produced or Identified
2 During Discovery and for Attorney's Fees and Costs; Plaintiff, HEIDI MARIE
3 PELKOLA ("Heidi"), being present and represented by her attorneys, Radford J. Smith,
4 Esq. and Kimberly A. Stutzman, Esq., of Radford J. Smith, Chartered, and Defendant,
5 GREG ELLIOT PELKOLA ("Greg"), present and represented by his attorney, Melvin
6 Grimes, Esq. of The Grimes Law Office. The Court having heard the arguments of
7 counsel, having reviewed the pleadings and papers on file in this matter, being fully
8 advised in the premises, and good cause appearing therefore, makes the following findings
9 and orders:
10
11
12
13

14 THE COURT NOTES that upon inquiry, Mr. Grimes confirmed that Greg is
15 WITHDRAWING his underlying Motion to Modify Custody that is currently set for
16 Evidentiary Hearing on November 20, 2019. Mr. Smith advised he received
17 communication from Mr. Grimes indicating a Notice to Withdraw the Motion to Change
18 Custody was forthcoming, but that it was never received or filed. Mr. Smith requested
19 attorney's fees and costs for preparing for the November 20, 2019 Evidentiary Hearing
20 under NRCP 54.
21
22
23

24 THE COURT FURTHER NOTES that it informed the parties the written findings
25 from the March 19, 2019 hearing were completed, but due to an error, a Minute Order was
26 never filed, and therefore, Mr. Grimes was unable to complete the Order from the March
27 18, 2019 hearing.
28

1 THE COURT FURTHER NOTES that it read the findings from the March 18, 2019
2 hearing into the record and advised a Minute Order would be completed and sent out the
3 parties. The Court also acknowledged it is partially at fault and indicated that will be a
4 factor when determining attorney's fees and costs. A separate Order from the March 18,
5 2019 Hearing will be prepared by Plaintiff's counsel.
6

7
8 THE COURT FURTHER NOTES that following argument and discussion
9 regarding Heidi's Motion to Relocate to Ohio, Mr. Grimes stated his agreement that an
10 Evidentiary Hearing is not needed. Mr. Grimes, however, argued that the move would
11 substantially impede Greg's ability to maintain a relationship with the children and Heidi
12 did not meet the prima facie case.
13

14
15 THEREFORE, THE COURT HEREBY ORDERS that the Evidentiary Hearing set
16 for November 20, 2019 is MOOT as Greg has indicated that he is WITHDRAWING his
17 Motion to Change Custody.
18

19 THE COURT FURTHER ORDERS that, as to Mr. Smith's request for
20 ATTORNEY'S FEES and COSTS for preparing for November 20, 2019's Evidentiary
21 Hearing, he shall submit a Memorandum of Fees and Costs. Mr. Grimes shall have ten
22 (10) days to file an objection.
23

24
25 THE COURT FURTHER ORDERS that NRS 125C.006 states –
26

27 1. If primary physical custody has been established pursuant to an order,
28 judgment or decree of a court and the custodial parent intends to relocate his
or her residence to a place outside of this State or to a place within this State
that is at such a distance that would substantially impair the ability of the

1 other parent to maintain a meaningful relationship with the child, and the
2 custodial parent desires to take the child with him or her, the custodial parent
shall, before relocating:

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

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

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

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

9 (b) For the purpose of harassing the custodial parent.

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

12 THE COURT FURTHER ORDERS that pursuant to NRS125C.006, if primary
13 custody has been established pursuant to an order, and the custodial parent intends to
14 relocate out of the State of Nevada, prior to relocation, the custodial parent shall attempt
15 to obtain the written consent of the non-custodial parent or seek the Court's permission.
16

17
18 THE COURT FURTHER ORDERS that pursuant to NRS 125C.006, the statute
19 refers to this state, meaning the State of Nevada. Furthermore, the language in NRS
20 125C.006 is plain on its face, and the Court disagrees with Greg's interpretation on the
21 law.
22

23
24 THE COURT FURTHER ORDERS that Heidi does not need permission to relocate
25 to the State of Ohio because she already had an Order granting her permission to relocate
26 out of the State of Nevada to the State of Arizona.
27
28

1 THE COURT FURTHER ORDERS that Heidi may relocate from the State of
2 Arizona to the State of Ohio.

3
4 THE COURT FURTHER ORDERS that Heidi shall maintain Primary Physical
5 Custody of the parties' three (3) minor children, SARA M. PELKOLA, born, December
6 2, 2003, age 16; JUSTIN R. PELKOLA, born March 4, 2008, age 11; and DANIEL J.
7 PELKOLA, born December 9, 2011, age 8.

8
9 THE COURT FURTHER ORDERS that it does not believe that Heidi's move to
10 Ohio would substantially impede the current timeshare.

11
12 THE COURT FURTHER ORDERS that Heidi shall ensure Greg's VISITATION
13 remains as currently Ordered as the Court believes Greg can still exercise his current
14 timeshare.

15
16 THE COURT FURTHER ORDERS that the temporary Order regarding Greg's
17 once per month VISITATION with Sara shall STAND and the downward deviation of
18 CHILD SUPPORT for his reasonable travel expenses associated with that visit shall
19 STAND. Greg shall provide Heidi with his receipts for such reasonable travel expenses.
20

21
22 THE COURT FURTHER ORDERS that the potential change in travel expenses
23 does not rise to the level that requires an Evidentiary Hearing. *See Rooney v. Rooney*, 109
24
25
26
27
28

1 Nev. 540, 853 P.2d 123 (1993)¹. The parties shall meet and confer if there is a significant
2 change in travel costs.
3

4 THE COURT FURTHER ORDERS Plaintiff's Motion in Limine is MOOT and the
5 proposed Order shall be returned to Mr. Smith IN OPEN COURT.
6

7 THE COURT FURTHER ORDERS that with regard to Greg's pension payments,
8 he shall inform Heidi when he receives a cost of living adjustment.
9
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21 *[This space intentionally left blank.]*
22

23 ¹ The court has the discretion to deny a motion without hearing for lack of a showing of "adequate cause"
24 on the issue of custody.

25 A district court has the discretion to deny a motion to modify custody without holding a
26 hearing unless the moving party demonstrates adequate cause for holding a hearing.
27 "Adequate cause" requires something more than allegations which, if proven, might
28 permit inferences sufficient to establish grounds for a custody change. "Adequate cause"
arises where the moving party presents a prima facie case for modification. To constitute
a prima facie case it must be shown that: (1) the facts alleged in the affidavits are relevant
to the grounds for modification; and (2) the evidence is not merely cumulative or
impeaching.

1
2
3 THE COURT FURTHER ORDERS that Mr. Smith shall prepare the Order from
4 the March 18, 2019 hearing and include language regarding cost of living adjustments to
5 Greg's pension payments.
6

7 IT IS SO ORDERED.

8 DATED this 28th day of January 2020.

9
10
11 
12 DISTRICT COURT JUDGE
DAVID S. GIBSON, JR.

13 *Respectfully Submitted:*

14 RADFORD J. SMITH CHARTERED

15 

16 RADFORD J. SMITH, ESQ.

17 Nevada Bar No. 002791

18 KIMBERLY A. STUTZMAN, ESQ.

19 Nevada Bar No. 014085

20 2470 St. Rose Parkway, Suite 206

21 Henderson, Nevada 89074

22 *Attorneys for Plaintiff*

Approved as to form and content:

23 THE GRIMES LAW OFFICE

24 
25 MELVIN GRIMES, ESQ.

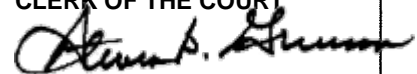
26 Nevada Bar No. 12972

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28 Las Vegas, Nevada 89123

Attorneys for Defendant

See Rooney v. Rooney, 109 Nev. 540, 542-43, 853 P.2d 123, 124-25 (1993)(citations omitted).



1 **NEOJ**
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4 Nevada Bar No. 002791
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10 rsmith@radfordsmith.com
11 *Attorneys for Plaintiff*

12 **DISTRICT COURT**
13 **FAMILY DIVISION**
14 **CLARK COUNTY, NEVADA**

15 HEIDI MARIE PELKOLA,

16 Plaintiff,

17 VS.

18 GREG ELLIOT PELKOLA,

19 Defendant.

CASE NO.: D-13-488682-D

DEPT. NO.: L

20 **NOTICE OF ENTRY OF ORDER AFTER**
21 **EVIDENTIARY HEARING ON NOVEMBER 20, 2019**

22 PLEASE take Notice that the Order After the Evidentiary Hearing on November
23 20, 2019 was entered by the above-entitled Court on the 3rd day of February 2020, a copy
24 of which is attached hereto.

25 DATED this 4th day of February 2020.

26 RADFORD J. SMITH CHARTERED

27 
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1 **ORDR**
2 RADFORD J. SMITH CHARTERED
3 RADFORD J. SMITH, ESQ.
4 Nevada State Bar No. 002791
5 KIMBERLY A. STUTZMAN, ESQ.
6 Nevada Bar No. 014085
7 2470 St. Rose Parkway, Suite 206
8 Henderson, Nevada 89074
9 Telephone (702) 990-6448
10 Facsimile (702) 990-6456
11 kstutzman@radfordsmith.com
12 *Attorneys for Plaintiff*

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

13 HEIDI MARIE PELKOLA,
14
15 Plaintiff,

CASE NO.: D-13-488682-D
DEPT. NO.: L

16 vs.

17 GREG ELLIOT PELKOLA,
18
19 Defendant.

20 **ORDER AFTER EVIDENTIARY HEARING ON NOVEMBER 20, 2019**

21 Date of Hearing: November 20, 2019
22 Time of Hearing: 9:00 a.m.

23
24 This matter having come on for hearing for an Evidentiary Hearing on Defendants
25 Motion to Modify Custody; and on Plaintiff's Motion for Relocation to Ohio and for
26 Attorney's Fees; Plaintiff's Motion in Limine Precluding Defendant From Filing an
27 Untimely Pre-trial Memorandum, Precluding Defendant's Trial Exhibits, Precluding
28

RECEIVED

JAN 28 2020

DEPT. L

1 Defendant from Introducing any Witnesses and/or Documents Not Produced or Identified
2 During Discovery and for Attorney's Fees and Costs; Plaintiff, HEIDI MARIE
3 PELKOLA ("Heidi"), being present and represented by her attorneys, Radford J. Smith,
4 Esq. and Kimberly A. Stutzman, Esq., of Radford J. Smith, Chartered, and Defendant,
5 GREG ELLIOT PELKOLA ("Greg"), present and represented by his attorney, Melvin
6 Grimes, Esq. of The Grimes Law Office. The Court having heard the arguments of
7 counsel, having reviewed the pleadings and papers on file in this matter, being fully
8 advised in the premises, and good cause appearing therefore, makes the following findings
9 and orders:
10
11
12
13

14 THE COURT NOTES that upon inquiry, Mr. Grimes confirmed that Greg is
15 WITHDRAWING his underlying Motion to Modify Custody that is currently set for
16 Evidentiary Hearing on November 20, 2019. Mr. Smith advised he received
17 communication from Mr. Grimes indicating a Notice to Withdraw the Motion to Change
18 Custody was forthcoming, but that it was never received or filed. Mr. Smith requested
19 attorney's fees and costs for preparing for the November 20, 2019 Evidentiary Hearing
20 under NRCP 54.
21
22
23

24 THE COURT FURTHER NOTES that it informed the parties the written findings
25 from the March 19, 2019 hearing were completed, but due to an error, a Minute Order was
26 never filed, and therefore, Mr. Grimes was unable to complete the Order from the March
27 18, 2019 hearing.
28

1 THE COURT FURTHER NOTES that it read the findings from the March 18, 2019
2 hearing into the record and advised a Minute Order would be completed and sent out the
3 parties. The Court also acknowledged it is partially at fault and indicated that will be a
4 factor when determining attorney's fees and costs. A separate Order from the March 18,
5 2019 Hearing will be prepared by Plaintiff's counsel.
6

7
8 THE COURT FURTHER NOTES that following argument and discussion
9 regarding Heidi's Motion to Relocate to Ohio, Mr. Grimes stated his agreement that an
10 Evidentiary Hearing is not needed. Mr. Grimes, however, argued that the move would
11 substantially impede Greg's ability to maintain a relationship with the children and Heidi
12 did not meet the prima facie case.
13

14
15 THEREFORE, THE COURT HEREBY ORDERS that the Evidentiary Hearing set
16 for November 20, 2019 is MOOT as Greg has indicated that he is WITHDRAWING his
17 Motion to Change Custody.
18

19 THE COURT FURTHER ORDERS that, as to Mr. Smith's request for
20 ATTORNEY'S FEES and COSTS for preparing for November 20, 2019's Evidentiary
21 Hearing, he shall submit a Memorandum of Fees and Costs. Mr. Grimes shall have ten
22 (10) days to file an objection.
23

24
25 THE COURT FURTHER ORDERS that NRS 125C.006 states —
26

27 1. If primary physical custody has been established pursuant to an order,
28 judgment or decree of a court and the custodial parent intends to relocate his
or her residence to a place outside of this State or to a place within this State
that is at such a distance that would substantially impair the ability of the

1 other parent to maintain a meaningful relationship with the child, and the
2 custodial parent desires to take the child with him or her, the custodial parent
shall, before relocating:

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

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

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

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

9 (b) For the purpose of harassing the custodial parent.

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

12 THE COURT FURTHER ORDERS that pursuant to NRS125C.006, if primary
13 custody has been established pursuant to an order, and the custodial parent intends to
14 relocate out of the State of Nevada, prior to relocation, the custodial parent shall attempt
15 to obtain the written consent of the non-custodial parent or seek the Court's permission.
16

17
18 THE COURT FURTHER ORDERS that pursuant to NRS 125C.006, the statute
19 refers to this state, meaning the State of Nevada. Furthermore, the language in NRS
20 125C.006 is plain on its face, and the Court disagrees with Greg's interpretation on the
21 law.
22

23
24 THE COURT FURTHER ORDERS that Heidi does not need permission to relocate
25 to the State of Ohio because she already had an Order granting her permission to relocate
26 out of the State of Nevada to the State of Arizona.
27
28

1 THE COURT FURTHER ORDERS that Heidi may relocate from the State of
2 Arizona to the State of Ohio.

3
4 THE COURT FURTHER ORDERS that Heidi shall maintain Primary Physical
5 Custody of the parties' three (3) minor children, SARA M. PELKOLA, born, December
6 2, 2003, age 16; JUSTIN R. PELKOLA, born March 4, 2008, age 11; and DANIEL J.
7 PELKOLA, born December 9, 2011, age 8.

8
9 THE COURT FURTHER ORDERS that it does not believe that Heidi's move to
10 Ohio would substantially impede the current timeshare.

11
12 THE COURT FURTHER ORDERS that Heidi shall ensure Greg's VISITATION
13 remains as currently Ordered as the Court believes Greg can still exercise his current
14 timeshare.

15
16 THE COURT FURTHER ORDERS that the temporary Order regarding Greg's
17 once per month VISITATION with Sara shall STAND and the downward deviation of
18 CHILD SUPPORT for his reasonable travel expenses associated with that visit shall
19 STAND. Greg shall provide Heidi with his receipts for such reasonable travel expenses.
20

21
22 THE COURT FURTHER ORDERS that the potential change in travel expenses
23 does not rise to the level that requires an Evidentiary Hearing. *See Rooney v. Rooney*, 109
24
25
26
27
28

1 Nev. 540, 853 P.2d 123 (1993)¹. The parties shall meet and confer if there is a significant
2 change in travel costs.
3

4 THE COURT FURTHER ORDERS Plaintiff's Motion in Limine is MOOT and the
5 proposed Order shall be returned to Mr. Smith IN OPEN COURT.
6

7 THE COURT FURTHER ORDERS that with regard to Greg's pension payments,
8 he shall inform Heidi when he receives a cost of living adjustment.
9

10
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21 *[This space intentionally left blank.]*
22

23
24 ¹ The court has the discretion to deny a motion without hearing for lack of a showing of "adequate cause"
on the issue of custody.

25 A district court has the discretion to deny a motion to modify custody without holding a
26 hearing unless the moving party demonstrates adequate cause for holding a hearing.
27 "Adequate cause" requires something more than allegations which, if proven, might
28 permit inferences sufficient to establish grounds for a custody change. "Adequate cause"
arises where the moving party presents a prima facie case for modification. To constitute
a prima facie case it must be shown that: (1) the facts alleged in the affidavits are relevant
to the grounds for modification; and (2) the evidence is not merely cumulative or
impeaching.

1
2 THE COURT FURTHER ORDERS that Mr. Smith shall prepare the Order from
3
4 the March 18, 2019 hearing and include language regarding cost of living adjustments to
5 Greg's pension payments.
6

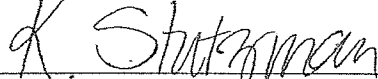
7 IT IS SO ORDERED.

8 DATED this 28th day of January 2020.

9
10
11 
12 DISTRICT COURT JUDGE
DAVID S. GIBSON, JR.

13 *Respectfully Submitted:*

14 RADFORD J. SMITH CHARTERED

15 
16

17 RADFORD J. SMITH, ESQ.

18 Nevada Bar No. 002791

19 KIMBERLY A. STUTZMAN, ESQ.

20 Nevada Bar No. 014085

21 2470 St. Rose Parkway, Suite 206

22 Henderson, Nevada 89074

23 *Attorneys for Plaintiff*

Approved as to form and content:

THE GRIMES LAW OFFICE

15 
16 MELVIN GRIMES, ESQ.

Nevada Bar No. 12972

8540 South Eastern Ave., Ste. 100

Las Vegas, Nevada 89123

Attorneys for Defendant

24
25
26
27
28
See Rooney v. Rooney, 109 Nev. 540, 542-43, 853 P.2d 123, 124-25 (1993)(citations omitted).

February 25, 2014

D-13-488682-D Heidi Marie Pelkola, Plaintiff
vs.
Greg Elliott Pelkola, Defendant.

February 25, 2014 10:00 AM Motion

HEARD BY: Elliott, Jennifer

COURTROOM: Courtroom 09

COURT CLERK: Neida Parker

PARTIES:

Daniel Pelkola, Subject Minor, not present	
Greg Pelkola, Defendant, present	Pro Se
Heidi Pelkola, Plaintiff, present	Pro Se
Justin Pelkola, Subject Minor, not present	
Sara Pelkola, Subject Minor, not present	

JOURNAL ENTRIES

- DEFENDANT'S MOTION FOR HEIDI MARIE POLKOLA TO RETURN CHILDREN TO STATE OF NEVADA

COURT NOTED, the children have been returned.

Upon Court's inquiry regarding whether Parties have reconciled, Parties disagreed.

Court advised Parties NOT to bring the children to future court dates.

COURT ORDERED, the following:

1. Defendant's Motion for Heidi Marie Pelkola to Return Children to State of Nevada is MOOT.
2. Plaintiff shall file an AMENDED FINANCIAL DISCLOSURE FORM (FDF) with wage statements, no later than March 4, 2014.

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3. Defendant shall file and serve an Answer with any Counterclaim, no later than March 4, 2014.
4. Court provided Parties with Department "L" Default Holiday Schedule.
5. Senior Judge Settlement Conference, Return Hearing, and Case Management Conference dates SET.

CLERK'S NOTE: CORRECTION on month for #2 and 3, from February (2/27/14-np).

3-06-2014 9:00 AM SENIOR JUDGE SETTLEMENT CONFERENCE

3-12-2014 9:00 AM RETURN HEARING: RE: SETTLEMENT CONFERENCE

3-12-2014 9:00 AM CASE MANAGEMENT CONFERENCE (CMC)

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

March 06, 2014

D-13-488682-D Heidi Marie Pelkola, Plaintiff
vs.
Greg Elliott Pelkola, Defendant.

March 06, 2014 9:00 AM Settlement Conference

HEARD BY: Thompson, Charles

COURTROOM: Courtroom 09

COURT CLERK: Leticia Davila

PARTIES:

Daniel Pelkola, Subject Minor, not present
Greg Pelkola, Defendant, not present
Heidi Pelkola, Plaintiff, not present
Justin Pelkola, Subject Minor, not present
Sara Pelkola, Subject Minor, not present

Melvin Grimes, Attorney, not present
Radford Smith, Attorney, not present

JOURNAL ENTRIES

- There being no appearances, COURT ORDERED, matter off calendar.

INTERIM CONDITIONS:

FUTURE HEARINGS: Mar 06, 2014 9:00AM Settlement Conference
Courtroom 09 Elliott, Jennifer

Mar 12, 2014 9:00AM Case Management Conference
Courtroom 09 Elliott, Jennifer

Mar 12, 2014 9:00AM Return Hearing
RE: Settlement Conference
Courtroom 09 Elliott, Jennifer

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES****March 12, 2014**

D-13-488682-D Heidi Marie Pelkola, Plaintiff
 vs.
 Greg Elliott Pelkola, Defendant.

March 12, 2014 9:00 AM All Pending Motions

HEARD BY: Elliott, Jennifer**COURTROOM:** Courtroom 09**COURT CLERK:** Neida Parker**PARTIES:**

Daniel Pelkola, Subject Minor, not present	
Greg Pelkola, Defendant, not present	Melvin Grimes, Attorney, not present
Heidi Pelkola, Plaintiff, present	Pro Se
Justin Pelkola, Subject Minor, not present	
Sara Pelkola, Subject Minor, not present	

JOURNAL ENTRIES

- CASE MANAGEMENT CONFERENCE...RETURN HEARING: RE: SETTLEMENT CONFERENCE

Upon Court's inquiry, Plaintiff advised she does not expect Defendant to be present today and he refused to participate in the Settlement Conference.

Default process explained.

Discussion regarding domestic violence.

COURT ORDERED, Plaintiff shall file a Default AND FILE and SERVE a THREE DAY NOTICE to take Default Judgment. Thereafter, if no appearance by Defendant she may submit her Decree by summary disposition.

There being domestic violence in the home, Court suggested Plaintiff file for a Temporary Protection Order (TPO). Within the TPO, Plaintiff may request exclusive possession of the marital residence.

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CLERK'S NOTE: Minute Order AMENDED to clarify the Court's Order to include specific instructions to the Plaintiff in regard to the Default Judgment process at request of the Court. /ad 4/17/14.

INTERIM CONDITIONS:

FUTURE HEARINGS: Apr 17, 2014 8:30AM Hearing for Divorce
Courtroom 09 Elliott, Jennifer

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

April 17, 2014

D-13-488682-D Heidi Marie Pelkola, Plaintiff
vs.
Greg Elliott Pelkola, Defendant.

April 17, 2014 8:30 AM Hearing for Divorce

HEARD BY: Elliott, Jennifer

COURTROOM: Courtroom 09

COURT CLERK: Valerie Marsden

PARTIES:

Daniel Pelkola, Subject Minor, not present
Greg Pelkola, Defendant, present Pro Se
Heidi Pelkola, Plaintiff, present Pro Se
Justin Pelkola, Subject Minor, not present
Sara Pelkola, Subject Minor, not present

JOURNAL ENTRIES

- HEARING FOR DIVORCE

Parties sworn and testified.

This matter heard simultaneously with T14-154794-T.

COURT ORDERED the following:

1. Defendant/Dad's VISIATION shall be Sunday 10 a.m. to 5:00 p.m. and Monday and Tuesday from 3:16 p.m. to 7:30 p.m.
2. Defendant/Dad shall provide 100% of the transportation.
3. Parties will exchange the minor children at school on Monday and Tuesday, with the oldest child helping with the 2 year old.

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4. Defendant/Dad shall have Spring Break and Summer Vacation with the minor children.
5. Defendant/Dad to file an Answer to the Complaint forthwith.
6. Defendant/Dad to leave the marital residence today. Defendant/Dad can get Police to do a civil standby while he gets some things out of the house.
7. The Temporary Protective Order is EXTENDED to 3-25-2015 or until the Decree of Divorce is in place.
8. Plaintiff/Mom to file a Motion to Relocate or have a Stipulation signed by Defendant/Dad.
9. Plaintiff to re-submit the Summary Decree of Divorce.

INTERIM CONDITIONS:

FUTURE HEARINGS: Apr 17, 2014 8:30AM Hearing for Divorce
Courtroom 09 Elliott, Jennifer

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

June 12, 2014

D-13-488682-D Heidi Marie Pelkola, Plaintiff
vs.
Greg Elliott Pelkola, Defendant.

June 12, 2014 10:00 AM Motion

HEARD BY: Elliott, Jennifer

COURTROOM: Courtroom 09

COURT CLERK: Valerie Marsden

PARTIES:

Daniel Pelkola, Subject Minor, not present	
Greg Pelkola, Defendant, not present	Melvin Grimes, Attorney, not present
Heidi Pelkola, Plaintiff, present	Pro Se
Justin Pelkola, Subject Minor, not present	
Sara Pelkola, Subject Minor, not present	

JOURNAL ENTRIES

- PLTF'S PETITION FOR ORDER PERMITTING REMOVAL OF CHILDREN FROM THE STATE OF NEVADA

Discussion by Court and Plaintiff.

COURT ORDERED the following:

1. Plaintiff to file the correct Motion; Motion to Relocate forthwith.
2. Plaintiff to have a neutral party over the age of 18, to serve and/or mail the documents to Defendant.
3. Plaintiff to file an Affidavit of Service or a Certificate of Mailing after service is done.
4. Plaintiff provided a copy of a Motion to Relocate, to retype and add her information.

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Note to Master Calendar: The Motion to be SET June 26, 2014 at 8:30 a.m.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

June 26, 2014

D-13-488682-D Heidi Marie Pelkola, Plaintiff
vs.
Greg Elliott Pelkola, Defendant.

June 26, 2014 8:30 AM Motion

HEARD BY: Elliott, Jennifer**COURTROOM:** Courtroom 09**COURT CLERK:** Valerie Marsden**PARTIES:**

Daniel Pelkola, Subject Minor, not present
Greg Pelkola, Defendant, present Pro Se
Heidi Pelkola, Plaintiff, present Pro Se
Justin Pelkola, Subject Minor, not present
Sara Pelkola, Subject Minor, not present

JOURNAL ENTRIES

- MOTION AND NOTICE OF MOTION FOR AN ORDER FOR PERMISSION FOR PRIMARY PHYSICAL CUSTODY TO RELOCATE WITH A MINOR CHILD

Court noted, Defendant/Dad did not file anything.

Discussion by Parties.

COURT ORDERED the following:

1. Plaintiff/Mom's Motion for an Order for Permission for Primary Physical Custody to Relocate with a Minor child is GRANTED.
2. Plaintiff/Mom is relocating to Florida as soon as possible,
3. Parties shall share JOINT LEGAL CUSTODY with Plaintiff/Mom having PRIMA RY PHYSICAL CUSTODY of the minor children.

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4. Defendant/Dad's CHILD SUPPORT is SET at \$1232.00 per month, minus \$350.00 per month for travel, for a total of \$882.00 per month beginning July 1st. If Defendant/Dad does not travel to Florida to see the minor children, the CHILD SUPPORT will go back to the full amount.
5. Defendant/Dad shall have SKYPE or telephone contact with the minor children on his days off from work, Mondays and Tuesday at 1:00 p.m. Nevada time. The minor children shall have privacy with any contact with Defendant/Dad and there is to be no recordings. Plaintiff/Mom to give as much time as possible.
6. Defendant/Dad shall have VISITATION for Christmas on the even years the first week of the school break, Plaintiff/Mom shall have the second week in the even years; Parties will then alternate the next year. Plaintiff/Mom shall have Thanksgiving in the even years, Defendant/Dad the odd years. Defendant/Dad shall have Spring Break every year, Defendant/Dad shall have Summer Vacation with the minor children from one (1) week after school is out to one (1) week before school starts.
7. Defendant/Dad may also visit the minor children in Florida on three (3) day weekends with 30 days advance written notice.
8. Anytime Defendant/Dad can go to Florida to visit, he can visit and take the minor children to school and activities.
9. Plaintiff/Mom shall not use her Military ID, if she finds it. She will return to Defendant/Dad as soon as possible.
10. Defendant/Dad to attempt to refinance the marital residence and take Plaintiff/Mom's name off the mortgage.
11. The case will be closed with the Order.

Plaintiff shall prepare the Order from today's hearing, Defendant to sign as to form and content.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES****March 24, 2015**

D-13-488682-D Heidi Marie Pelkola, Plaintiff
 vs.
 Greg Elliott Pelkola, Defendant.

March 24, 2015 10:00 AM All Pending Motions

HEARD BY: Elliott, Jennifer**COURTROOM:** Courtroom 09**COURT CLERK:** Michelle Prescott**PARTIES:**

Daniel Pelkola, Subject Minor, not present	
Greg Pelkola, Defendant, present	Pro Se
Heidi Pelkola, Plaintiff, present	Pro Se
Justin Pelkola, Subject Minor, not present	
Sara Pelkola, Subject Minor, not present	

JOURNAL ENTRIES

- PLAINTIFF'S MOTION AND NOTICE OF MOTION FOR ORDERS TO MODIFY CHILD CUSTODY, VISITATION AND FOR CHILD SUPPORT . . . DEFENDANT'S OPPOSITION AND COUNTERMOTION FOR DEFENDANT'S PRIOR CHILD SUPPORT ORDER BE ENFORCED; AND RELATED RELIEF

Attorney Rebecca Gallardo Bar No. 13124, present on behalf of the Defendant, appearing for Heather Zana, in an unbundled capacity.

Court inquired as to Defendant's W-2 being filed for calculation of income. Summary of Plaintiff's motion is made by the Court. Court stated two (2) dog bites require reporting and child taken for medical review.

Plaintiff offered photos of minor child's dog bites, from two different occasions. Bites are from Defendant's girlfriend's pet. Incident occurred two (2) days ago it has not been reported or child seen by a doctor. Plaintiff was unsure where to report since the bite happen out of state. Plaintiff's schedule of arrears is filed in open court and copy given to Defendant.

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Ms. Gallardo noted to the court the issue of the dog bite was not mention prior to court. Defendant was not present at the time of the dog bites. One of the photos shows a bruise not a bite. Counsel noted that the representation being made by the Plaintiff of Defendant is not correct.

A Behavior Order is ISSUED to the Parties, SIGNED and FILED in open court.

COURT ORDERED:

Plaintiff shall report DOG BITES to Child Protection Services;

Defendant shall report DOG BITES to Animal Control;

Defendant shall remove dog from residence during PARENTAL TIMESHARE;

Defendant shall NOT consume alcohol 12 hours prior or during to his CUSTODIAL TIME with the minor child;

Defendant shall follow GUN SAFTEY PROTOCOL in his residence;

Defendant has SIXTY (60) DAYS to refinance the residence or it shall be listed for sale;

Defendant shall provide proof of GUN SAFTEY CLASS update for Nevada;

Plaintiff and Defendant shall provide legal CARSEATS and BOOSTER SEATS for minor children;

Defendant shall provide PROOF of Discovery Credit Card payments;

Plaintiff shall provide SEPARATE sleeping arrangement for daughter;

Parties are REFERRED to Family Mediation Center (FMC) for Mediation. Plaintiff shall participate telephonically;

Children shall attend Family Mediation Center (FMC) for a CHILD INTERVIEW; the children are permitted to speak freely to the interviewer. The parties are ADMONISHED not to coach or otherwise influence the children or allow other individuals to do so;

RETURN HEARING SET 6/4/2015 at 9:30 am;

Ms. Gallardo shall prepare the order and Plaintiff shall review and sign.

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INTERIM CONDITIONS:

FUTURE HEARINGS: Jun 04, 2015 9:30AM Return Hearing
FMC Child Interview/Mediation
Courtroom 06 Elliott, Jennifer

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

June 04, 2015

D-13-488682-D Heidi Marie Pelkola, Plaintiff
vs.
Greg Elliott Pelkola, Defendant.

June 04, 2015 9:30 AM Return Hearing

HEARD BY: Elliott, Jennifer**COURTROOM:** Courtroom 06**COURT CLERK:** Michelle Prescott**PARTIES:**

Daniel Pelkola, Subject Minor, not present	
Greg Pelkola, Defendant, present	Mitchell Stipp, Attorney, present
Heidi Pelkola, Plaintiff, present	Pro Se
Justin Pelkola, Subject Minor, not present	
Sara Pelkola, Subject Minor, not present	

JOURNAL ENTRIES

- RETURN HEARING: FMC CHILD INTERVIEW/ MEDIATION . . . PLAINTIFF MOTION FOR PROPERTY ISSUED AND ORDER GREG TO PAY SCAR REDUCTION AND COSTS; BRACES CLARIFY CURRENT COSTS ORDERS TO BE MORE SPECIFIC REGARDING RETIREMENT AND MORTGAGE; RETIREMENT STATEMENTS TO COURT AND HEIDI PELKOLA

Attorney Mitchell Stipp Bar No. 7531, on behalf of Defendant in an unbundled capacity.

Court noted the issue of dog bites. Defendant did not report first bite to animal control as ordered.

Plaintiff has a pending motion on the second dog bite. The first dog bite was reported to Child Protective Service after the last hearing.

Mr. Stipp stated he has not seen the motion filed by Plaintiff. The dog is a special service dog and will not be present when the children are visiting.

COURT ORDERED:

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Defendant's CONTEMPT on not reporting the FIRST dog bite shall be DEFERRED;

Defendant shall not have the DOG at issue PRESENT at ANY visitation with minor child. Any further issues with the dog, Defendant's visitation shall be SUSPENDED;

Child SUPERVISION shall be provided by an ADULT when the Defendant's is not present. Name and phone number of care provider shall be given to Plaintiff;

Parties will equally divide Defendant's Military Retirement PENSION. Parties will equally split the cost of the Qualified Domestic Relations Order (QDRO);

Defendant shall have SIXTY (60) DAYS from today's date to refinance the marital residence and remove Plaintiff's name from the deed. Plaintiff shall cooperate if she is needed to complete the process;

Credit Card BALANCES shall be DEFERRED;

Defendant shall pay unpaid MEDICAL expenses of \$180.00;

Defendant shall pay for the MEDICAL EXPENSE of LASER TREATMENT for minor child from the dog bite. Defendant shall participate in deciding the doctor and treatment;

Parties shall COMMUNICATE through Mr. Stipp on child issues;

CHILD SUPPORT ARREARS shall be REFERRED to the District Attorney;

Defendant shall FILE a letter with the Court, VERIFYING safe storage of his guns;

Mr. Stipp shall prepare the order.

CASE CLOSED upon signature of order.

INTERIM CONDITIONS:

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FUTURE HEARINGS: Jun 04, 2015 9:30AM Return Hearing
FMC Child Interview/Mediation
Courtroom 06 Elliott, Jennifer

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

June 13, 2017

D-13-488682-D Heidi Marie Pelkola, Plaintiff
vs.
Greg Elliott Pelkola, Defendant.

June 13, 2017 10:00 AM All Pending Motions

HEARD BY: Elliott, Jennifer**COURTROOM:** Courtroom 06**COURT CLERK:** Kathleen Boyle**PARTIES:**

Daniel Pelkola, Subject Minor, not present
Greg Pelkola, Defendant, present
Heidi Pelkola, Plaintiff, present
Justin Pelkola, Subject Minor, not present
Sara Pelkola, Subject Minor, not present

Melvin Grimes, Attorney, present
Pro Se

JOURNAL ENTRIES

- PLAINTIFF'S MOTION AND NOTICE OF MOTION FOR AN ORDER TO ENFORCE AND/OR FOR AN ORDER TO SHOW CAUSE REGARDING CONTEMPT...PLAINTIFF'S MOTION TO REINSTATE CHILD SUPPORT TO THE FULL AMOUNT...PLAINTIFF'S MOTION AN NOTICE OF MOTION FOR ORDERS TO MODIFY CHILD CUSTODY, VISITATION AND/OR CHILD SUPPORT...ORDER TO SHOW CAUSE...DEFENDANT'S OPPOSITION AND COUNTERMOTION FOR ATTORNEY'S FEES AND COSTS...PLAINTIFF'S REPLY TO OPPOSITION AND/OR OPPOSITION

Parties SWORN and TESTIFIED.

The Court noted an Order to Show Cause had been issued.

The Court asked Defendant whether he could provide proof he had reported the dog bite - sanctions had been deferred since he had not reported the first dog bite; however, he did agree to pay for the procedure to remove the child's scars. Defendant said he had filed a letter regarding the safe storage of his firearms.

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The Court summarized Plaintiff's Motion regarding the dogs and Defendant's drinking during his visitation. Plaintiff indicated Defendant had never traveled to visit the children; however, he was still taking the downward deviation to his child support for travel expenses. Plaintiff indicated the minor child, Sara, wanted to exercise teenage discretion. In addition, Plaintiff said Defendant did not return the children at the end of his visitation - she had to go and collect them.

The Court noted the QDRO (qualified domestic relations order) had still not been prepared. The parties were provided with QDRO Masters information. Plaintiff said both parties had been audited - Defendant had removed \$13,000.00 from the retirement account, and he had taken additional funds out after the divorce.

Plaintiff said on June 1, 2017 Defendant had paid the medical expenses.

Defendant advised the Court he had received a disability rating after the decree had been prepared.

Mr. Grimes advised the Court Plaintiff had been receiving child support through the District Attorney's Office and they had indicated she had been overpaid. Mr. Grimes objected to a child support review. Counsel said Plaintiff had not included the QDRO in the Decree.

Mr. Grimes advised the Court he would be taking this matter up on a Writ.

TEMPORARILY, WITHOUT PREJUDICE, COURT ORDERED, the following:

1. Parties referred for Outsourced Evaluation Services to John Paglini, Psy.D for a CHILD CUSTODY EVALUATION, CHILD INTERVIEW (EXPANDED), SUBSTANCE ABUSE EVALUATION, PSYCH. EVALUATION/PARENTING RISK ASSESSMENT. Mom alleges Dad allows Justin (9) to fire sniper rifle, Dad consumes alcohol (against current order) while exercising visitation, dog bite(s) issues and Dad's failure to ensure dog not present for visitation, Sara (13.5) wants teenage discretion, Dad allegedly refuses to return kids to Arizona after visitation. Dad allegedly withholds Sara's Miralax medication. Dr. Paglini may make interim recommendations regarding Dad's contact - other than supervised in Arizona and in Las Vegas pending evaluation. Plaintiff will be required to bring the children when the evaluator wants to see them. The parties shall contact Dr. Paglini this date and try to get started while the children are here in Las Vegas to save travel time. Plaintiff will pay 25% of the fees, while Defendant will pay 75% of the costs WITHOUT PREJUDICE, if there is a meritorious argument for reimbursement of the fees, that argument can be made after the evaluation is prepared. If Plaintiff disagrees with Dr. Paglini's recommendations, she can file a Motion on an Order Shortening Time. Both parties shall provide Dr. Paglini with any and all pleadings from the case, or any and all evidence they believe is relevant, and the Court would encourage the parties to have as many collateral sources as possible available to Dr. Paglini. Both parties shall provide HIPAA releases to Dr. Paglini.

2. Return date: October 10, 2017 at 9:30 a.m.

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3. Plaintiff's share of the QDRO will be based on the amount in the account at the time of divorce. The QDRO needs to be calculated nunc pro tunc as to the conditions which existed at the time of the filing of the Divorce Decree, which was May 6, 2014. Any payments Defendant received which Plaintiff should have received, will be calculated and either reduced to judgment or included in how the QDRO payment will be made going forward. Defendant shall have ten (10) judicial days from this date to file proof of payment in full for the preparation of the QDRO. Plaintiff will cooperate in the preparation of the QDRO.
4. TEMPORARILY, WITHOUT PREJUDICE pending the evaluation, the current orders are SUSPENDED, and Defendant's visitation shall be supervised. The parties can select a relative, somebody both parties trust, and the children are comfortable with to supervise the visitation. In the interim, Plaintiff agreed to supervise the visitation on alternating Sundays from 9:00 a.m. to 12:00 noon in Las Vegas; however, if there are objective signs Defendant has been drinking, he will not be able to have visitation with the children. Dr. Paglini can make interim recommendations as to Defendant's contact, and if he does not believe the visitation needs to be supervised Defendant's visitation can be restored, and Dr. Paglini will determine what contact is in the best interest of the children. Plaintiff will try to organize her meetings with Dr. Paglini around Defendant's visitation.
5. The Court FINDS Defendant's gross monthly income to be \$5,801.74, plus \$10.71 from his pension, and \$350.00 in disability, totaling \$6,162.45, setting his child support at \$1,787.00 per month, payable in two installments of \$893.50, back to May, 2017. The Court is using the sum of \$350.00 as Defendant's monthly disability amount, subject to retroactive modification when Defendant files his revised Financial Disclosure Form. Constructive child support arrearages are deferred - the Court would be inclined to give Defendant credit towards the evaluation cost if Plaintiff agrees. The District Attorney's Office will continue to take care of collection and enforcement of Defendant's child support obligation.
6. Defendant shall file proof he notified Animal Control about the dog bite. If he fails to do so, he will be sanctioned to the maximum amount of \$500.00, since the Court deferred all sanctions at the prior hearing.
7. Mr. Grimes' request to set the order aside pending the filing of a Writ is DENIED. The Court believes it is in the best interest of the children for Defendant's visitation to be supervised until the Court receives Dr. Paglini's report.
8. Mr. Grimes will prepare the Order. Plaintiff will have seven (7) days to sign off as to form and content. Plaintiff agreed to be served with the order via e-mail.

10/10/17 9:30 A.M. RETURN: OUTSOURCED EVALUATION

INTERIM CONDITIONS:

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FUTURE HEARINGS: Oct 10, 2017 9:30AM Return Hearing
OUTSORCED EVALUATION
Courtroom 06 Elliott, Jennifer

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

October 10, 2017

D-13-488682-D Heidi Marie Pelkola, Plaintiff
vs.
Greg Elliott Pelkola, Defendant.

October 10, 2017 9:30 AM Return Hearing

HEARD BY: Elliott, Jennifer

COURTROOM: Courtroom 06

COURT CLERK: Helen Green

PARTIES:

Daniel Pelkola, Subject Minor, not present
Greg Pelkola, Defendant, present
Heidi Pelkola, Plaintiff, present
Justin Pelkola, Subject Minor, not present
Sara Pelkola, Subject Minor, not present

Melvin Grimes, Attorney, present
Pro Se

JOURNAL ENTRIES

- RETURN HEARING: OUTSOURCED EVALUATION

Argument by counsel and mom regarding dad's VA disability waiver being exempt from being assigned a QDRO.

Discussion regarding the terms of the Behavior Order.

Argument by counsel and mom regarding the issues in the park.

Discussion regarding dad's GoFundMe account. Attorney Grimes stated he would review the GoFundMe page with dad and make sure it complies with the rules.

Argument by counsel and mom regarding dad's visitation.

Discussion regarding a custody evaluation.

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Court noted, if counsel is going to hire someone as an evaluator, the Court would like them to be someone that can evaluate everyone, not just one side, otherwise, it would be of no use to the Court.

COURT ORDERED:

Dad shall provide a statement to Marshal Willick's office going back to May of 2014 as to what his retirement income was, and then apply the principles as to shielding the disability and the time rule.

If the GoFundMe account is still active that would be in violation of EDCR 5.03. Dad, nor anyone else can put pictures of the children on it. The Court is unable to tell from the exhibits, but it appears there are videos with children in it. No one can place on the internet images of the children stating this is in litigation and help me save my kids. Dad shall take the GoFundMe account down. Dad can have a GoFundMe account, however, it shall not include the children, and he cannot refer to the case in any way.

The parties shall follow their plan and they shall meet halfway for dad's VISITATION at the Loves Travel Stop in Kingman, AZ for the exchange, except, if the parties find an evaluator and when mom must come here to see the psychologist. Dad shall continue to have SUPERVISED VISITATIONS until trial. Mom shall maintain line of sight when dad visits with the children.

Discovery is open in regard to any of the allegations, which included issues of contempt around the dog, issues of contempt around the medical, issues of contempt around the QDRO, teenage discretion, allegation of Sara drinking alcohol, inadequate supervision, dad not providing transportation, and dad purposely withholding Miralax.

Mom shall advise dad of any doctor appointments for any child and dad has the right to be present at the appointments or be present by phone.

The Court's staff shall provide a Trial Management Order (TMO).

Per STIPULATION of counsel and mom, the DISCOVERY CUT OFF shall be December 5, 2017.

The parties shall declare their expert witnesses by November 10, 2017.

Any motions filed between now and the time of trial shall be set in the Evidentiary Hearing date.

Expert reports shall be due by November 24, 2017.

Calendar Call SET for December 5, 2017 at 11:00 A.M.

Evidentiary Hearing SET for December 19, 2014 at 1:30 P.M. (Stack 2)

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INTERIM CONDITIONS:

FUTURE HEARINGS: Oct 10, 2017 9:30AM Return Hearing
OUTSOURCED EVALUATION
Courtroom 06 Elliott, Jennifer

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

December 05, 2017

D-13-488682-D Heidi Marie Pelkola, Plaintiff
vs.
Greg Elliott Pelkola, Defendant.

December 05, 2017 11:00 AM Calendar Call

HEARD BY: Hardcastle, Gerald W.

COURTROOM: Courtroom 06

COURT CLERK: Victoria Pott

PARTIES:

Daniel Pelkola, Subject Minor, not present
Greg Pelkola, Defendant, present
Heidi Pelkola, Plaintiff, not present
Justin Pelkola, Subject Minor, not present
Sara Pelkola, Subject Minor, not present

Melvin Grimes, Attorney, present
Radford Smith, Attorney, not present

JOURNAL ENTRIES

- Plaintiff present TELEPHONICALLY.

Parties confirmed the issues have not been resolved.

Plaintiff stated she has four additional exhibits she plans to introduce at Trial.

Mr. Grimes stated he will be objecting to virtually every exhibit, witness, and assertion Plaintiff is going to be making at Trial alleging she has not complied with NRCP 16.205.

COURT ORDERED, Evidentiary Hearing on 12/19/17 at 1:30 PM (FIRM) shall STAND. Plaintiff shall forward to opposing counsel forthwith any exhibits she intends to introduce at Trial and any witnesses that have not been disclosed.

INTERIM CONDITIONS:

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FUTURE HEARINGS: Dec 05, 2017 11:00AM Calendar Call
Courtroom 06 Hardcastle, Gerald W.

Dec 19, 2017 1:30PM Evidentiary Hearing
FIRM
Courtroom 06 Hardcastle, Kathy

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

December 19, 2017

D-13-488682-D Heidi Marie Pelkola, Plaintiff
vs.
Greg Elliott Pelkola, Defendant.

December 19, 2017 1:30 PM

All Pending Motions

HEARD BY: Hardcastle, Kathy

COURTROOM: Courtroom 06

COURT CLERK: Victoria Pott

PARTIES:

Daniel Pelkola, Subject Minor, not present

Greg Pelkola, Defendant, present

Heidi Pelkola, Plaintiff, present

Justin Pelkola, Subject Minor, not present

Sara Pelkola, Subject Minor, not present

Melvin Grimes, Attorney, present

Pro Se

JOURNAL ENTRIES

- EVIDENTIARY HEARING...MOTION

Court noted, both parties previously received and reviewed the Child Interview Reports from 2015.

Matter recessed for Mr. Grimes to review the Child Interview Reports as he was retained subsequent to the interviews and had not reviewed the reports.

Matter recalled with all present as before.

Discussion regarding the matters at issue.

Mr. Grimes informed the Court that Plaintiff had filed her exhibits.

Testimony and exhibits presented (see worksheet).

Closing arguments by Plaintiff and Mr. Grimes.

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COURT STATED ITS FINDINGS AND ORDERED, the EXHIBITS filed by Plaintiff on 12/14/17 shall be STRICKEN from the record.

Mr. Grimes shall follow up on having the QDRO prepared by QDRO Masters wherein Plaintiff is to receive 45% of the amount that Defendant received in retirement benefits from approximately March of 2014 to October of 2015. This amount will be the arrears that Defendant owes Plaintiff. The QDRO shall further award Plaintiff 45% of Defendant's current retirement benefits each month. COURT FINDS, there is no basis for entering a contempt order against Defendant regarding the QDRO and the benefit payments.

COURT FINDS, there is no basis to continue supervised visitation. The prior Court Order relative to VISITATION shall be REINSTATED. Defendant is entitled to make-up visitation days for the days he missed during the summer of 2017. Those make-up days will be done by awarding Defendant the entirety of the Christmas Vacation this year, which shall conclude the Sunday prior to school resuming. Defendant shall receive the entire Spring Break for the following six (6) years. Defendant shall receive summer visitation each year from one week after school recesses to ten (10) days prior to school resuming in the fall. Parties shall exchange the children at the Luv's Station 10 miles east of Kingman. If either party is going to be late, they shall notify the other party via text. The daughter shall not be allowed teenage discretion.

Plaintiff shall inform Defendant via e-mail when a doctor's appointment is scheduled for the children. The e-mail shall include who the appointment is for, what the appointment is for, the name of the doctor, and the date and time of the appointment. Defendant may be present for the appointment or he may follow up by getting the information from the doctor. Plaintiff shall immediately inform Defendant if there is something diagnosed by the doctor. In the event of an emergency, the non-custodial parent shall be notified by the custodial parent via telephone as soon as the child is under the care of emergency personnel, to be followed up with a text and e-mail. The receiving party shall acknowledge receipt of the communication.

Parties may enroll in Our Family Wizard or TalkingParents for communication purposes if they mutually agree. Informational brochures on both programs provided to the parties IN OPEN COURT.

Each parent shall be allowed to raise the children in accordance with their own parenting styles, beliefs and religion, provided it doesn't pose a substantial danger to the children.

If there is medication to be dispensed, the parent obtaining the prescription shall provide the other parent with the medication at the time of the visitation exchange, along with any doctor's instructions regarding the use of the prescription medication and/or any over-the-counter medications.

Unless a mental health evaluation is received with a full diagnosis of Aspergers, Plaintiff shall refrain from referring to the daughter as having Aspergers or Autism. If there are concerns, Plaintiff shall

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notify Defendant of who she is making an appointment with for the daughter to be seen. Defendant may be present for the appointment and shall be entitled to receive follow-up information from the doctor.

Prior to taking the children to counseling, Plaintiff shall provide Defendant with the name of the counselor, the reason for the visits, and the date and time of the appointments.

Plaintiff shall sign the necessary H.I.P.A.A. Release Forms to allow Defendant access to the children's medical information.

Defendant shall have access to the children's school records. Plaintiff will cooperate by signing all necessary paperwork for the release of the information.

Reasonable ATTORNEY'S FEES shall be awarded in favor of Defendant against Plaintiff. Mr. Grimes shall prepare a Memorandum of Fees and Costs under the Brunzell Factors, along with supporting documentation. Mr. Grimes shall leave a blank space in the Order and the Court will make a determination as to the amount of fees to be awarded. The amount awarded shall be offset against the retirement payment arrears.

Parties shall attend mediation prior to filing any future motions relative to child custody and/or visitation.

Mr. Grimes shall prepare the Order from today's hearing; Plaintiff shall review and sign off within 14 days of receipt.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

July 26, 2018

D-13-488682-D Heidi Marie Pelkola, Plaintiff
vs.
Greg Elliott Pelkola, Defendant.

July 26, 2018 1:00 PM Minute Order

HEARD BY: Hardcastle, Kathy**COURTROOM:** Courtroom 06**COURT CLERK:** Victoria Pott**PARTIES:**

Daniel Pelkola, Subject Minor, not present
Greg Pelkola, Defendant, not present
Heidi Pelkola, Plaintiff, not present
Justin Pelkola, Subject Minor, not present
Sara Pelkola, Subject Minor, not present

Melvin Grimes, Attorney, not present
Radford Smith, Attorney, not present

JOURNAL ENTRIES

- The Court, in review of its calendar, notes the following matters are set for a hearing on July 27, 2018 at 2:00 p.m.: Defendant's Motion to Rescind Previous Order and Issue New Order Consistent with the Finding of Judge Hardcastle filed May 1, 2018; Plaintiff's Opposition to Defendant's Motion to Rescind Previous Order and Issue New Order Consistent with the Finding of Judge Hardcastle and Countermotion to Resolve Parent/Child Issues; For Her Attorney's Fees Incurred Herein; And Related Matters filed May 24, 2018; Defendant's Reply to Plaintiff's Opposition to Defendant's Motion to Rescind Previous Order and Issue New Order Consistent with the Finding of Judge Hardcastle and Countermotion to Resolve Parent/Child Issues; For Her Attorney's Fees Incurred Herein; And Related Matters filed May 31, 2018; Defendant's Motion for an Order to Show Cause why Plaintiff should not be held in Contempt and Motion to Modify Custody filed June 6, 2018; Plaintiff's Opposition to Defendant's Motion for an Order to Show Cause why Plaintiff should not be held in Contempt and Motion to Modify Custody and Countermotion to Resolve Parent/Child Issues; for her Attorney's Fees Incurred Herein filed June 14, 2018; Defendant's Reply to Plaintiff's Opposition to Defendant's Motion for an Order to Show Cause why Plaintiff should not be held in Contempt and Motion to Modify Custody and Countermotion to Resolve Parent/Child Issues; for her Attorney's Fees Incurred Herein filed June 20, 2018; Defendant's Motion to Terminate Alimony filed June 26,

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2018; Plaintiff's Opposition to Defendant's Motion to Terminate Alimony and Countermotion for her Attorney's Fees and Costs filed July 3, 2018; Defendant's Reply to Opposition to Defendant's Motion to Terminate Alimony and Countermotion for her Attorney's Fees and Costs filed July 6, 2018.

The Court FINDS that Judge Kathy Hardcastle made specific findings of fact at the December 19, 2017 hearing. Findings and Order from this hearing was filed January 23, 2018. On February 9, 2018, Plaintiff sought a reconsideration of this order, which Defendant opposed on February 16, 2018. On April 3, 2018, Judge Jennifer Elliott issued a minute order prior to the scheduled hearing. This minute order did not make any new findings. The minute order micromanaged Plaintiff's visitation without any new factual findings. Therefore, the Court ORDERS that minute order issued April 3, 2018 shall be stricken and previous order issued on January 23, 2018 shall stand.

The Court ORDERS that Defendant's Motion to Rescind Previous Order and Issue New Order Consistent with the Finding of Judge Hardcastle filed May 1, 2018; Plaintiff's Opposition and Countermotion; and Defendant's Reply to Plaintiff's Opposition and Countermotion set for 7/27/18 at 2:00 PM shall be VACATED. All remaining issues shall be addressed on the remaining hearings set for July 27, 2018 at 2:00 p.m.

Minute Order to suffice; a copy of this Minute Order shall be transmitted to the parties' respective counsel of record.

CLERK'S NOTE: On 7/2/18, a copy of this Minute Order was placed in the attorney folder of Melvin Grimes and Carol Menninger. (vp)

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

July 27, 2018

D-13-488682-D Heidi Marie Pelkola, Plaintiff
vs.
Greg Elliott Pelkola, Defendant.

July 27, 2018

2:00 PM

All Pending Motions

HEARD BY: Hardcastle, Kathy

COURTROOM: Courtroom 06

COURT CLERK: Victoria Pott

PARTIES:

Daniel Pelkola, Subject Minor, not present
Greg Pelkola, Defendant, present
Heidi Pelkola, Plaintiff, present
Justin Pelkola, Subject Minor, not present
Sara Pelkola, Subject Minor, not present

Melvin Grimes, Attorney, present
Carol Menninger, Attorney, present

JOURNAL ENTRIES

- DEFENDANT'S MOTION FOR AN ORDER TO SHOW CAUSE WHY PLAINTIFF SHOULD NOT BE HELD IN CONTEMPT AND MOTION TO MODIFY CUSTODY...PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR AN ORDER TO SHOW CAUSE WHY PLAINTIFF SHOULD NOT BE HELD IN CONTEMPT AND MOTION TO MODIFY CUSTODY; AND PLAINTIFF'S COUNTERMOTION TO RESOLVE PARENT/CHILD ISSUES; FOR HER ATTORNEY'S FEES INCURRED HEREIN; AND RELATED MATTERS...DEFENDANT'S REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR AN ORDER TO SHOW CAUSE WHY PLAINTIFF SHOULD NOT BE HELD IN CONTEMPT AND MOTION TO MODIFY CUSTODY; AND DEFENDANT'S OPPOSITION TO PLAINTIFF'S COUNTERMOTION TO RESOLVE PARENT/CHILD ISSUES; FOR HER ATTORNEY'S FEES INCURRED HEREIN; AND RELATED MATTERS...DEFENDANT'S MOTION TO TERMINATE ALIMONY...PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO TERMINATE ALIMONY; AND PLAINTIFF'S COUNTERMOTION FOR HER ATTORNEY'S FEES AND COSTS AND RELATED MATTERS...DEFENDANT'S REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO TERMINATE ALIMONY; AND DEFENDANT'S OPPOSITION TO PLAINTIFF'S COUNTERMOTION FOR HER ATTORNEY'S FEES AND COSTS AND RELATED

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MATTERS...PLAINTIFF'S MOTION TO CONTINUE THE July 27, 2018 HEARING; FOR PLAINTIFF'S ATTORNEY'S FEES; AND RELATED MATTERS. DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION TO CONTINUE THE July 27, 2018 HEARING; FOR PLAINTIFF'S ATTORNEY'S FEES; AND RELATED MATTERS...PLAINTIFF'S REPLY TO DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION TO CONTINUE THE July 27, 2018 HEARING; FOR PLAINTIFF'S ATTORNEY'S FEES; AND RELATED MATTERS

Court noted it entered a Minute Order on 7/26/18 rescinding the previous order from 4/3/18. Therefore, the original Order that was issued after trial is now back in effect. Further, the Memorandum on reasonable attorney's fees incurred as a result of having to go to trial had not been ruled upon so the Court reviewed that and entered a Minute Order that Plaintiff is to pay Defendant ATTORNEY'S FEES in the amount of \$13,000.00.

As to the request for an Order to Show Cause, the Affidavit was very general and not stated with sufficient specificity for the Order to Show Cause to be granted.

As to the Motion to Modify Custody, the primary issue appears to be that the 15-year old daughter is refusing to get out of the car. Court admonished Plaintiff for not promoting the relationship between the daughter and Dad as failure to do so could result in a change of custody.

Mr. Grimes stated Defendant's willingness to continue his Motion to Modify Custody until after the fall recess to see whether or not Plaintiff facilitates visitation. Mr. Grimes further stated his intent to withdraw Defendant's Motion to Terminate Alimony as Plaintiff does not qualify for direct distribution of her portion of the military pension as it requires that Defendant have 10 years or more of active duty, and the parties were married for 9 years, 5 months, 30 days. Mr. Grimes further stated his intent to file a 60B separate action.

COURT ORDERED, Defendant's Motion for an Order to Show Cause is DENIED based on lack of specificity. Defendant's Motion to Modify Custody shall be CONTINUED to 10/23/18 at 9:30 AM. In the interim, Defendant shall have MAKE-UP VISITATION with the daughter from Monday, July 30th to Saturday, August 4th and for the fall break. Defendant shall be granted full access to the child's therapist, and Plaintiff shall be required to notify Defendant of the therapist that's selected and the days/times of the therapy appointments. Court admonished Plaintiff against selecting a therapist for the purpose of building a case. Defendant's Motion to Terminate Alimony is WITHDRAWN at Defendant's request. Plaintiff's request for ATTORNEY'S FEES is DENIED. Defendant's request for ATTORNEY'S FEES on the current motion is GRANTED as Defendant is entitled to reasonable attorney's fees on the motion for a new trial since it didn't state any basis on which a new trial could be granted. Mr. Grimes shall submit a Memorandum of Fees and Costs under the Brunzell factors.

Mr. Grimes shall prepare the Order from today's hearing; Ms. Menninger shall review and sign off.

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INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

September 18, 2018

D-13-488682-D Heidi Marie Pelkola, Plaintiff
vs.
Greg Elliott Pelkola, Defendant.

**September 18, 10:00 AM All Pending Motions
2018**

HEARD BY: Hardcastle, Gerald W.

COURTROOM: Courtroom 06

COURT CLERK: Victoria Pott

PARTIES:

Daniel Pelkola, Subject Minor, not present
Greg Pelkola, Defendant, present
Heidi Pelkola, Plaintiff, present
Justin Pelkola, Subject Minor, not present
Sara Pelkola, Subject Minor, not present

Melvin Grimes, Attorney, present
Gary Zernich, Attorney, present

JOURNAL ENTRIES

- PLAINTIFF'S MOTION REQUESTING THE CHIEF JUDGE OF THE EIGHTH JUDICIAL DISTRICT COURT PERMANENTLY ASSIGN THIS CASE TO A FAMILY COURT JUDGE; AND RELATED MATTERS...DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION REQUESTING THE CHIEF JUDGE OF THE EIGHTH JUDICIAL DISTRICT COURT PERMANENTLY ASSIGN THIS CASE TO A FAMILY COURT JUDGE; AND RELATED MATTERS; AND COUNTERMOTION FOR ATTORNEY'S FEES AND COSTS...DEFENDANT'S MOTION FOR AN ORDER TO SHOW CAUSE WHY PLAINTIFF SHOULD NOT BE HELD IN CONTEMPT AND MOTION TO MODIFY CUSTODY...PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR AN ORDER TO SHOW CAUSE WHY PLAINTIFF SHOULD NOT BE HELD IN CONTEMPT AND MOTION TO MODIFY CUSTODY; AND PLAINTIFF'S COUNTERMOTION TO RESOLVE PARENT/CHILD ISSUES; FOR HER ATTORNEY'S FEES INCURRED HEREIN; AND RELATED MATTERS...DEFENDANT'S REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR AN ORDER TO SHOW CAUSE WHY PLAINTIFF SHOULD NOT BE HELD IN CONTEMPT AND MOTION TO MODIFY CUSTODY; AND OPPOSITION TO PLAINTIFF'S COUNTERMOTION TO RESOLVE PARENT/CHILD ISSUES; FOR HER ATTORNEY'S FEES INCURRED HEREIN; AND RELATED

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MATTERS...DEFENDANT'S MOTION TO SET ASIDE THE DECREE OF DIVORCE REGARDING THE PROPERTY SETTLEMENT DUE TO FRAUD ON THE COURT...PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO SET ASIDE THE DECREE OF DIVORCE REGARDING THE PROPERTY SETTLEMENT DUE TO FRAUD ON THE COURT; AND COUNTERMOTION FOR A JUDGMENT ON MILITARY RETIREMENT PAY ARREARS OWED TO PLAINTIFF; FOR AN ORDER TO SHOW CAUSE AGAINST DEFENDANT; AND FOR ATTORNEY'S FEES AND COSTS...DEFENDANT'S OBJECTION TO PLAINTIFF'S SUBSTITUTION OF COUNSEL AND MOTION FOR ATTORNEY'S FEES AND COSTS

Court noted it reviewed the pleadings on file and is prepared to enter a ruling.

COURT ORDERED, Defendant's Motion for an Order to Show Cause is GRANTED. An Evidentiary/Order to Show Cause (OSC) Hearing is SET for 3/12/19 at 1:30 PM (FIRM) as to why Plaintiff should not be held in contempt for failure to deliver the child after the December 19th hearing and her failure to deliver the child on March 18th. An Order to Show Cause relative to Plaintiff's request regarding the military arrearages is GRANTED. Defendant shall show why he should not be held in contempt for failure to timely pay to Plaintiff the military pay required. Plaintiff shall file a Schedule of Arrears relative to the military arrears. Attorney's Fees relative to this issue shall be DEFERRED to the Evidentiary/OSC Hearing. Additionally, the Evidentiary Hearing will address Defendant's Motion to Modify Custody. The issue of ATTORNEY'S FEES as to this issue shall be DEFERRED to the Evidentiary Hearing. Plaintiff's Motion and request to allow teenage discretion was previously heard by this Court and there has been no showing of a change in circumstances; therefore, the Motion is DENIED. As to Plaintiff's request that Defendant be ordered to comply with the order relative to the division of the military pension, the Court is not going to order a litigant to do something the Court has already ordered that person to do. The existing orders stand. Attorney's Fees relative to this issue shall be DEFERRED to the Evidentiary Hearing. Plaintiff's Motion to permanently assign this case to a Family Court Judge is DENIED as the Evidentiary/OSC Hearing will be heard at a time when a permanent judge will have been assigned to this department. As to Defendant's Motion to Set Aside the Decree Regarding the Property Settlement due to Fraud, the only issue is whether or not the computation of 45% of the military retirement was correct. If it is determined that there was a miscalculation, it is the intent of this Court to correct it. Evidence on this issue only will be taken at the time of the Evidentiary Hearing. All other issues relative to the motion are DENIED. Defendant's objection to substitution of counsel and for attorney's fees and costs is DENIED.

Mr. Zernich shall prepare the Order from today's hearing; Mr. Grimes shall review and sign off.

INTERIM CONDITIONS:

FUTURE HEARINGS: Mar 12, 2019 1:30PM Evidentiary Hearing
Custody, OSC (FIRM)
Courtroom 06 Gibson, David, Jr.

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

January 17, 2019

D-13-488682-D Heidi Marie Pelkola, Plaintiff
vs.
Greg Elliott Pelkola, Defendant.

January 17, 2019 9:00 AM All Pending Motions

HEARD BY: Gibson, David, Jr.**COURTROOM:** Courtroom 06**COURT CLERK:** Victoria Pott**PARTIES:**

Daniel Pelkola, Subject Minor, not present
Greg Pelkola, Defendant, present
Heidi Pelkola, Plaintiff, present
Justin Pelkola, Subject Minor, not present
Sara Pelkola, Subject Minor, not present

Melvin Grimes, Attorney, present
Gary Zernich, Attorney, present

JOURNAL ENTRIES

- DEFENDANT'S MOTION TO MODIFY PHYSICAL CUSTODY AND FOR ATTORNEY'S FEES AND COSTS...PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO MODIFY PHYSICAL CUSTODY AND FOR ATTORNEY'S FEES AND COSTS...DEFENDANT'S REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO MODIFY PHYSICAL CUSTODY AND FOR ATTORNEY'S FEES AND COSTS

Radford Smith, Bar #2791, present as co-counsel on behalf of Plaintiff.

Court noted, there is a pending Evidentiary Hearing set relative to the QDRO, whether there was contempt relative to Defendant not signing off on the QDRO, and contempt for Plaintiff allegedly not releasing the minor child to Defendant on two occasions.

Court stated it is not going to allow the parties to relitigate prior issues.

Argument by Mr. Grimes and Mr. Zernich regarding obtaining an evaluation of Sara for autism, Plaintiff removing Sara from school, and Defendant's Motion to Modify Custody. Court noted, Sara

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is the only one at issue today for a change in custody. Court further noted, contrary to Mr. Grimes' understanding, custody is not an issue to be addressed at the upcoming Evidentiary Hearing.

Upon Court's inquiry, Plaintiff stated Sara is attending Google classroom at home. Court stated, it would have no concerns with her not attending a conventional classroom providing she is not credit deficient.

Mr. Grimes stated his intent to file a 16.215 naming all three children as witnesses.

COURT ORDERED, Plaintiff shall schedule an evaluation of the minor child Sara with the State of Nevada to obtain an evaluation and diagnosis of whether or not Sara has autism. Plaintiff shall provide Defendant with a minimum of 10 days advance notice of the appointment. Upon receipt of the diagnosis, the documentation shall be exchanged and filed with the Court as a confidential (left-side filed) document.

A Status Check is set for 3/12/19 at 1:30 PM to be heard simultaneously with the Evidentiary Hearing. At that time, the Court will address whether or not an Evidentiary Hearing should be set to modify custody relative to Sara only. Defendant's motion to modify custody as to the other two children is DENIED. Teenage discretion will be on the table. In the interim, the parties shall exchange attendance records showing whether or not the school is authorizing Sara to stay home and whether or not her attendance is excused. Parties are admonished to exchange all educational and medical information pursuant to joint legal custody provisions. Sara may continue with on-line learning pending a diagnosis, provided it doesn't result in a credit deficiency. Parties shall continue to document their communications with each other.

The issue of ATTORNEY'S FEES AND SANCTIONS shall be DEFERRED to the Evidentiary Hearing.

Discovery shall close and all documents shall be exchanged by the close of business on 3/5/19.

Mr. Grimes shall prepare the Order from today's hearing; Mr. Zernich shall review and sign off.

INTERIM CONDITIONS:

FUTURE HEARINGS: Mar 12, 2019 1:30PM Status Check
Setting future E/H on change of custody.
Courtroom 06 Gibson, David, Jr.

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

March 12, 2019

D-13-488682-D Heidi Marie Pelkola, Plaintiff
vs.
Greg Elliott Pelkola, Defendant.

March 12, 2019 1:30 PM All Pending Motions

HEARD BY: Gibson, David, Jr.**COURTROOM:** Courtroom 06**COURT CLERK:** Antoria Pickens**PARTIES:**

Daniel Pelkola, Subject Minor, not present
Greg Pelkola, Defendant, present
Heidi Pelkola, Plaintiff, present
Justin Pelkola, Subject Minor, not present
Sara Pelkola, Subject Minor, not present

Melvin Grimes, Attorney, present
Gary Zernich, Attorney, present

JOURNAL ENTRIES

- EVIDENTIARY HEARING: CUSTODY, OSC (FIRM)... STATUS CHECK: SETTING FUTURE E/H ON CHANGE OF CUSTODY.

The Court reviewed the case history and pleadings on file.

The Court and Counsel engaged in a discussion regarding the minor child's assessment of Asperger's, the Defendant's failure to file a Pre-Trial Memorandum, and the difficulty with finding a medical professional to diagnosis the minor child condition.

The inquired as to what the Court could do to either if anything to make sure the Defendant receives his time with the minor child or if that would be a situation to traumatize the child further what can be done to make the Defendant as whole as possible.

The Court and Counsel engaged in further discussion regarding the Plaintiff's threshold legal style of argument regarding the 45% of the Defendant's pension, Defendant's failure to answer the Plaintiff's complaint, and the Defendant's failure to request the Decree of Divorce be set aside.

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Court ADVISED Counsel it had reviewed the history of the case and the timeline set out in the Pre-Trial Memorandum appears to be accurate.

The Court inquired as to why the Defendant waited so long and further inquired as to what legal ability/ bases does the Court have to go behind the Order.

The Court and Counsel engaged in further discussion regarding a motion under Rule 60(b) and Plaintiff's alleged fraud to the Court.

Court noted the Defendant has completed all Spousal Support Payments and is current on his Child Support Obligation and further noted the Decree matches the relief sought for; therefore, the claim of fraudulent would be to some degree of concessions and lack of follow-up.

Court noted Counsel conceded to the community portion of the Defendant's Retirement being miscalculated; however, they cannot agree to the percentage amount.

The Court suggested Counsel start with the Financial Contempt and the move to the behavioral contempt's.

Counsel waived their Opening statements.

Plaintiff and the Defendant SWORN and TESTIFIED.

Attorney Grimes STIPULATED to admit all of the Plaintiff's exhibits except 17,18, and 21.

Testimony and exhibit presented (see attached worksheet).

MATTER TRAILED for a five-minute break.

MATTER RECALLED.

Matter RECALLED with both Parties present. Testimony CONTINUED.

Court noted the \$949.50 listed in the Defendant's Financial Disclosure Form represents his disability and retirement.

MATTER TRAILED for a five-minute break.

MATTER RECALLED.

Matter RECALLED with both Parties present. Testimony CONTINUED.

COURT ORDERED, matter CONTINUED TO March 18, 2019, at 1:30 PM.

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INTERIM CONDITIONS:

FUTURE HEARINGS: Mar 18, 2019 1:30PM Evidentiary Hearing
Custody, OSC (FIRM)
Courtroom 06 Gibson, David, Jr.

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

March 18, 2019

D-13-488682-D Heidi Marie Pelkola, Plaintiff
vs.
Greg Elliott Pelkola, Defendant.

March 18, 2019 1:30 PM Evidentiary Hearing

HEARD BY: Gibson, David, Jr.

COURTROOM: Courtroom 06

COURT CLERK: Jefferyann Rouse

PARTIES:

Daniel Pelkola, Subject Minor, not present
Greg Pelkola, Defendant, present
Heidi Pelkola, Plaintiff, present
Justin Pelkola, Subject Minor, not present
Sara Pelkola, Subject Minor, not present

Melvin Grimes, Attorney, present
Gary Zernich, Attorney, present

JOURNAL ENTRIES

- EVIDENTIARY HEARING: CUSTODY, OSC FIRM

The Court placed an outbound call to Plaintiff/Mom who appeared telephonically for today's proceedings.

Plaintiff/Mom and Defendant/Dad SWORN and TESTIFIED.

Testimony and Exhibits presented by Plaintiff/Mom and Defendant/Dad.

Examination by Counsel.

Matter recessed. Upon the matter being recalled, testimony and cross examination continued.

Closing arguments presented by counsel.

The Court reviewed the previous courts order from the hearing held on 1-9-2019.

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THE COURT NOTED parties acknowledged that the child is on the Autism Spectrum, although high functional.

THE COURT NOTED concerns as to Plaintiff/Mom's behavior of alienation.

THE COURT ORDERED,

Plaintiff/Mom shall RECEIVE (45%) of Defendant/Dad's MILITARY BENEFITS.

Defendant/Dad shall RECEIVE an OFF-SET against LEGITIMATE TRAVEL COSTS to VISIT the minor children.

Defendant/Dad shall have OVERNIGHT VISITATION with the CHILDREN.

Defendant/Dad's CUSTODIAL TIMESHARE with the minor children shall occur EVERY MONTH on the last Friday or Saturday of each month, rather it be a (4th) or a (5th) weekend of the month.

Defendant/Dad shall inform Plaintiff/Mom as to where he will be seeking VISITATION with the minor children. Parties and Counsel shall MEET and CONFER as to such issues.

Defendant/Dad shall owe Plaintiff/Mom CHILD SUPPORT ARREARS in the amount of \$17,247.21.

Defendant/Dad shall RECEIVE and OFF-SET towards CHILD SUPPORT ARREARS in the amount of \$13,000.00. The OFF-SET AWARD was GIVEN in LIEU of ATTORNEY FEES being PAID by Plaintiff/Mom to Defendant/Dad. Therefore, Defendant/Dad shall owe Plaintiff/Mom CHILD SUPPORT ARREARS in the amount of \$4,247.21, which is through 1-2019.

Defendant/Dad shall pay Plaintiff/Mom CHILD SUPPORT in the amount of \$317.55 per month, for both 2-2019 and 3-2019. Therefore, Defendant/ Dad shall owe Plaintiff/Mom ADDITIONAL CHILD SUPPORT ARREARS in the amount of \$635.10, which brings the total amount due for CHILD SUPPORT ARREARS to \$4,882.31.

Defendant/Dad shall RECEIVE a CREDIT in the amount of \$100.00 AGAINST the OUTSTANDING AMOUNT due of \$4,882.31, which makes the amount due and owing for CHILD SUPPORT ARREARS \$4,782.31.

THE COURT SHALL PROVIDE WRITTEN FINDINGS to Attorney Zernich and Attorney Grimes which shall be incorporated into the courts order for today's proceedings.

Plaintiff/Mom and Defendant/Dad shall each file UPDATED FINANCIAL DISCLOSURE FORMS

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(2) weeks PRIOR to the EVIDENTIARY HEARING being held on 7-18-2019.

EVIDENTIARY HEARING set for 7-18-2019 at 1:30 pm. re: change of custody

Pursuant to EDCR 7.50 and by AGREEMENT of COUNSEL the COURTS MINUTES shall SUFFICE.

Attorney Grimes shall prepare the order of the court.

INTERIM CONDITIONS:

FUTURE HEARINGS: Mar 18, 2019 1:30PM Evidentiary Hearing
Custody, OSC (FIRM)
Courtroom 06 Gibson, David, Jr.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

November 20, 2019

D-13-488682-D Heidi Marie Pelkola, Plaintiff
vs.
Greg Elliott Pelkola, Defendant.

November 20, 2019 9:00 AM All Pending Motions

HEARD BY: Gibson, David, Jr.

COURTROOM: Courtroom 06

COURT CLERK: April Graham

PARTIES:

Daniel Pelkola, Subject Minor, not present
Greg Pelkola, Defendant, present
Heidi Pelkola, Plaintiff, present
Justin Pelkola, Subject Minor, not present
Sara Pelkola, Subject Minor, not present

Melvin Grimes, Attorney, present
Radford Smith, Attorney, present

JOURNAL ENTRIES

- PLAINTIFF'S MOTION FOR RELOCATION TO OHIO AND FOR ATTORNEY'S FEES...
DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR RELOCATION TO OHIO AND FOR
ATTORNEY'S FEES... PLAINTIFF'S REPLY TO DEFENDANT'S OPPOSITION TO HER MOTION TO
RELOCATE... PLAINTIFF'S MOTION IN LIMINE PRECLUDING DEFENDANT FOR FILING AN
UNTIMELY PRE-TRIAL MEMORANDUM, PRECLUDING DEFENDANT'S TRIAL EXHIBITS,
PRECLUDING DEFENDANT FOR INTRODUCING ANY WITNESSES AND/OR DOCUMENT
NOT PRODUCED OR IDENTIFIED DURING DISCOVER, AND FOR ATTORNEY'S FEES AND
COSTS...PLAINTIFF'S OPPOSITION TO DEFENDANT'S COUNTERMOTION FOR PRIMARY
PHYSICAL CUSTODY... EVIDENTIARY HEARING

Attorney Kimberly Stutzman, Nevada Bar #14085, present with Plaintiff (Mom) and Attorney
Radford Smith.

Upon inquiry, Mr. Grimes confirmed Defendant (Dad) is WITHDRAWING his underlying Motion to
Change Custody that is currently set for Evidentiary Hearing today. Mr. Smith advised he received

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communication from Mr. Grimes indicating a Notice to Withdraw the Motion to Change Custody was forthcoming; however, it was never received or filed. Mr. Smith requested attorney's fees and costs for preparing for today's Evidentiary Hearing under Rule 54. Court informed the parties the written findings from the 3/18/19 hearing were completed on 3/20/19; however, due to an error, a Minute Order was never completed and the findings were not sent out to the parties and therefore, Mr. Grimes was not able to complete the Order from that hearing. Court read the findings from the 3/18/19 hearing into the record and advised a Minute Order would be completed and sent out the parties. Court acknowledged it is partially at fault and indicated that will be a factor when determining attorney's fees and costs. Discussion regarding Dad's military retirement and cost of living adjustments associated therewith.

Following argument and discussion regarding Mom's Motion to Relocate to Ohio, Mr. Grimes stated his agreement that an Evidentiary Hearing is not needed; however, he argued the move would substantially impede Dad's ability to maintain a relationship with the children and Mom did not meet the prima facie case.

COURT ORDERED as follows:

The Evidentiary Hearing set for today is MOOT as Dad WITHDREW his Motion to Change Custody. As to Mr. Smith's request for ATTORNEY'S FEES and COSTS for preparing for today's Evidentiary Hearing, he shall submit a Memorandum of Fees and Costs. Mr. Grimes shall then have ten (10) days to file an objection.

Pursuant to NRS 125C.006, Mom does not need permission to relocate to the State of Ohio as she already had an Order granting her permission to relocate to the State of Arizona and the statute refers to this State, meaning the State of Nevada. Therefore, Mom may relocate from the State of Arizona to the State of Ohio; however, she shall ensure Dad's VISITATION remains as currently Ordered as the Court believes Dad can still exercise his current timeshare.

The temporary Order regarding Dad's once per month VISITATION with Sara shall STAND and the downward deviation of CHILD SUPPORT for his travel expenses associated therewith shall STAND. Parties shall meet and confer if there is a significant change in travel costs.

Plaintiff's Motion in Limine is MOOT and the proposed Order was returned to Mr. Smith IN OPEN COURT.

With regards to Dad's pension payments, he shall inform Mom when he receives a cost of living adjustment. Mr. Grimes shall prepare the Order from the 3/18/19 hearing and include language regarding cost of living adjustments to Dad's pension payments.

Mr. Smith shall prepare the Order from today's hearing; Mr. Grimes shall review and countersign.

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INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

November 20, 2019

D-13-488682-D Heidi Marie Pelkola, Plaintiff
vs.
Greg Elliott Pelkola, Defendant.

November 20, 12:50 AM Minute Order
2019

HEARD BY: Gibson, David, Jr.**COURTROOM:** Chambers**COURT CLERK:** April Graham**PARTIES:**

Daniel Pelkola, Subject Minor, not present
Greg Pelkola, Defendant, not present
Heidi Pelkola, Plaintiff, not present
Justin Pelkola, Subject Minor, not present
Sara Pelkola, Subject Minor, not present

Melvin Grimes, Attorney, not present
Radford Smith, Attorney, not present

JOURNAL ENTRIES

- A Hearing in this matter was held on November 20, 2019 and the hearing held March 18, 2019 was discussed.

Attorney for Plaintiff will prepare the Order from the November 20, 2019 hearing, as well as the Order from the March 18, 2019 Evidentiary Hearing that includes the added language regarding cost of living adjustments to Defendant/GREG's pension payments, and regarding GREG's duty to inform Plaintiff/HEIDI of any changes to the amount he is receiving. The Court hereby incorporates the following findings:

THE COURT FINDS that pursuant to the January 9, 2019 ORDER from the September 18, 2018 hearing in this matter, the purpose of this evidentiary/show cause hearing is to determine:

1) Should Plaintiff, HEIDI PELKOLA, (hereinafter HEIDI), be held in contempt for failure to deliver the minor child SARA PELKOLA (hereinafter SARA), after the December 19, 2017 hearing and her failure to deliver SARA on March 18, 2018;

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2) Should Defendant, GREG PELKOLA (hereinafter GREG), be held in contempt for failure to pay HEIDI here Decreed share of his military retirement; and

3) Should the court correct or change the percentage of the military retirement awarded to HEIDI under the Decree.

THE COURT FINDS that HEIDI's Exhibits 1-35, with the exception of Exhibits 17, 18 and 21 were admitted by stipulation into the record.

THE COURT FURTHER FINDS that GREG s Exhibits A, D, G, I and J were admitted by stipulation or without objection into the record.

THE COURT FINDS that both HEIDI and GREG were not completely reliable as historians of the relevant facts, but that it was more due to the passage of time and a Party s natural inclination to cast themselves in the most favorable light, rather than an obvious attempt to deceive.

THE COURT FINDS that, historical unreliability and self-serving statements aside, HEIDI cannot be held in CONTEMPT by clear and convincing evidence for the failure to deliver SARA for visitation on the dates in question. The Court viewed excerpts of several exchanges wherein the child was extremely resistant to being delivered to GREG, as manifested by her verbal statements that she did not want to go, her physical resistance to many efforts to facilitate the exchange, here hunching over and covering her eyes and ears, refusal to undo her seatbelt and other contrary body language. At each of the exchanges, both HEIDI and GREG utilized smart phones to record or take pictures of the exchange, further increasing the level of conflict during these exchanges. HEIDI was observed to make many verbal and physical attempts to deliver the child, even driving all the way to GREG s residence the following day after an exchange was unsuccessful.

THE COURT FINDS that HEIDI is not completely at fault for the inability to deliver the child, but the court did receive evidence of behavior that could be classified as alienation of the child toward GREG. Specifically, HEIDI has repeatedly sought, and been denied, teenage discretion for SARA regarding visitation with GREG. Both Parties acknowledged that SARA is Autistic, albeit high functioning. SARA's home school district agrees, as evidenced by the 504 Accommodation plans from 2017 and 2018 admitted into evidence. It should be noted that HEIDI did not list GREG as a parent on SARA s school records nor on the initial 504 plan or meeting requests. HEIDI sought therapy for SARA without notifying or consulting GREG. HEIDI unilaterally pulled SARA out of school and began home-schooling her. HEIDI expressed little to no motivation to include GREG in decisions about which he should have been notified as the parties are Joint Legal Custodians of the children. A great degree of animosity toward GREG was and has been exhibited by HEIDI, and SARA could not help but pick up on the tension. The evidence demonstrated that SARA is resistant to instability and change, can become negatively fixated on things by indirect exposure (for example: her refusal to use a computer due to a belief in the inevitability that she will be hacked and have her identity stolen), and is very likely to flee conflict (for example: her increased aversion to attending

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school which has led to her being currently home schooled). Though some of SARA's behaviors began manifesting prior to the exchanges in question, the court believes that HEIDI, at least indirectly influenced SARA's lack of comfort with custodial exchanges to GREG.

THE COURT FINDS that GREG is also responsible to some degree for SARA's behaviors by doing little to defuse the conflicts at exchanges but rather video tape her and insist on the exchange taking place in spite of the obvious need to physically force SARA into his physical custody.

THE COURT FINDS that both parties acknowledged that though the most recent exchange of SARA took around half an hour to effectuate, she did ultimately leave the exchange with GREG after physically being placed into his vehicle.

THE COURT FINDS that SARA may benefit from more frequent opportunities to interact with GREG under less stressful circumstances. To that end, as the parties have an evidentiary hearing on a motion to change physical custody of SARA, filed by GREG, currently scheduled for July 18, 2019 at the hour of 1:30 p.m., it would be in SARA's best interest for GREG to travel to Arizona for one on one contact with SARA on a monthly basis. These visits will take place on the last weekend of the month defined as GREG traveling down on Friday to stay overnight and pick up SARA for an all day visit before returning her to HEIDI, and then returning to Las Vegas Saturday evening. GREG will be entitled to an offset of his current child support obligation for his reasonable travel expenses for this monthly trip. Further to the Court's goal of minimizing future exchange trauma, HEIDI will be allowed to seek therapy for SARA with an Occupational Therapist with the express goal of helping SARA be more open to exchanges on GREG's scheduled visitation times. As GREG has visitation this summer, GREG will be allowed to seek similar therapy for SARA while she is in his extended care.

THE COURT FURTHER FINDS that evidence was received pertaining to GREG's failure to pay HEIDI her Decreed portion of his military pension.

THE COURT FINDS that the DECREE specifically awards HEIDI 45% of GREG's military retirement valued upon disbursement.

THE COURT FINDS that GREG argues that the award constituted a fraud upon the Court as it did not represent an accurate percentage of HEIDI's community property interest in the pension accrued during the course of the marriage. It should be noted that GREG does not deny that HEIDI earned a community property interest in said pension during the marriage. GREG urges that the correct percentage due to HEIDI as and for her community property interest was 23%. GREG further argues that because the marital interest was not accruing for at least 10 years overlapping the period of time the retirement benefit was being earned, the military will not accept the previously prepared Qualified Domestic Relations Order directing the pension administrators to pay HEIDI's share directly to her. The Court agrees that GREG could not comply with the Decree based on the language of the QDRO, but disagrees, as discussed below, with his calculation of HEIDI's fair and equitable percentage. As HEIDI desired that the awarded portion of GREG's retirement be paid directly to her from the military rather than from GREG, the previous QDRO language is problematic for GREG's

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compliance.

THE COURT FINDS that HEIDI believed the property division contained in her Complaint for Divorce and the subsequent Decree which was entered by Default, was fair and equitable due to the division of other assets given to GREG in the Decree.

THE COURT FINDS that GREG's assertions that he was prevented by HEIDI's actions to be able to Answer and otherwise litigate the property issues in the underlying Decree, thereby rendering HEIDI's representation of the fairness of the property division as a fraud upon the court to be unconvincing. GREG's own testimony was that he could not give a good answer as to why he did not meaningfully participate in the early litigation by filing an Answer and contesting HEIDI's assertions about the fairness of the property distribution. He testified that he was, in fact, aware of the proceedings, that he knew how to access the self-help available at Family Court by filing a motion regarding an early custodial dispute, and that in spite of several opportunities and Orders to do so, he failed to file an Answer or Counter-claim. Further, the parties continued to litigate and GREG had ample opportunity, both unrepresented and represented by counsel, to contest the validity of the property distribution, yet failed to do so. The Court finds that overtures regarding reconciliation allegedly made by HEIDI and the fact that the parties continued to cohabitate during part of the initial divorce proceedings do not constitute a situation that would have prevented GREG court access or access to counsel. GREG simply, at his own peril, refused to do anything to protect any interest he may have had in a different property distribution under the Decree.

THE COURT FINDS that the convoluted and highly contentious proceedings to date between the parties, the numerous judicial officers and their Orders that have touched the case in the last several years, and the existence of other financial Orders, including an award of attorney's fees in the amount of \$13,000.00 to GREG from HEIDI further complicated the picture as to exactly how much GREG should have been paying to HEIDI from the retirement disbursements he was receiving before the date of the entry of the Decree of Divorce. At one point, GREG was told by the Court that he could offset any payments he owed HEIDI from the retirement with the \$13,000.00 attorney's fees award. The totality of the circumstances therefore make it difficult to find GREG in contempt by clear and convincing evidence. As with the alleged acts of Contempt committed by HEIDI, some of GREG's actions contributed to the level of conflict surrounding the litigation between the parties. GREG was capable of mitigating some of damages by tendering the undisputed portion of the retirement payments to HEIDI while the litigation was pending, but the Court is also not convinced that such payments would not have further complicated accurate calculations. Further complicating the matter is the fact that the amounts in dispute constitute awards of Property rather than Support obligations that might incur interest and penalties, yet HEIDI's SCHEDULE OF ARREARS contains interest and penalty calculations as well.

THE COURT FINDS that there was, however, a preponderance of evidence, that 45% of the value of the pension upon distribution required GREG to pay to HEIDI \$317.55 per month from the distributions he received. GREG missed monthly payments from May 2014 to current, with the exception of payments of \$317.55, \$109.88, and \$425.71 in June 2018, July 2018 and July 2018 again,

PRINT DATE:	03/06/2020	Page 52 of 53	Minutes Date:	February 25, 2014
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

respectively, for total arrears owed to HEIDI of \$17,882.31. GREG requested leave to begin making the monthly payments beginning June 2019, when his spousal support obligation to HEIDI will no longer be due incurring an additional \$635.10 in arrears for a total of \$18,517.41. Applying the \$13,000.00 HEIDI owes GREG in previously awarded attorney's fees, GREG's total arrearage for the unpaid portion of the military pension payments is therefore \$5,517.41 as of June 2019 and is hereby reduced to Judgement.

THE COURT FINDS that beginning June 2019, GREG should pay a total of \$150.00 toward the arrears each month, for a total payment to HEIDI of \$467.55 until the arrears are paid, at which time GREG's obligation will continue at \$317.55 monthly. This amount will be subject to any Cost of Living adjustments approved for GREG's received benefits and GREG will need to update HEIDI as to any changes in the payments he receives as she is entitled to 45% of them.

THE COURT FURTHER FINDS that each party should bear their own attorney's fees and costs, as neither party's hands were completely clean and it does not appear the litigation could have been avoided due to the level of conflict between both parties.

THE COURT THEREFORE CONCLUDES that neither party may be held in Contempt at this time.

THE COURT FURTHER CONCLUDES that it is in SARA's best interest that GREG receive the monthly visits described in the Findings above, and that GREG's travel expenses required to give this Order effect justify a deviation from his current ordered child support.

INTERIM CONDITIONS:

FUTURE HEARINGS:

PRINT DATE:	03/06/2020	Page 53 of 53	Minutes Date:	February 25, 2014
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Plaintiff's
Exhibits

Flores v. Flores

Case No.: D-13-488682-D

Dept. No.: L

Evidentiary Hearing Date: March 12, 2019

Plaintiff's Exhibits

Offer **Admit** OBJ

✓1.	Pictures of Sara at Heidi's House, bate-stamped PLTF 0001-0003	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓2.	Pictures of Greg and Sara at an exchange, bate-stamped PLTF 000004-000005	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓3.	Pictures of Greg and Sara at an exchange, bate-stamped PLTF 000006-000007	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓4.	Picture of Greg and Sara at an exchange, bate-stamped PLTF 000008	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓5.	Pictures of Sara at exchange, bate-stamped PLTF 000009-000011	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓6.	Sara's 504 Plan from February 3, 2017, bate-stamped PLTF 000012-00015	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓7.	Moon Valley HS Student Credit Check dated December 19, 2018 for Sara, bate-stamped PLTF 00016	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓8.	Order of Protection and Application against Greg from January 3, 2014, bate-stamped PLTF 00017-00020	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓9.	Notice of an Unsubstantiated claim against Heidi made to CPS. Letter dated November 6, 2017, bate stamped PLTF 00021	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓10.	Letter from Moon Valley HS dated December 19, 2018 verifying Sara's enrollment, bate-stamped PLTF 00022	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓11.	Alleged payment details regarding checks sent by Greg to Heidi, bate-stamped PLTF 00024-00025	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓12.	Checks from Greg to Heidi, bate-stamped PLTF 0026-0027	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓13.	TalkingParents.com Communication 01-18-19, bate-stamped PLTF 0042-0043	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓14.	Email correspondence between Plaintiff and Briana Teal of Crisis Network dated 02-28-2019, bate-stamped PLTF 0044-0045	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓15.	Email correspondence from Plaintiff to Defendant regarding IEP meeting for Sara dated 02-28-2019, bate-stamped PLTF 0046	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓16.	Email correspondence from Plaintiff to Defendant regarding psychiatric appointment for Sara dated 02-28-2019, bate-stamped PLTF 0047	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓	Moon Valley High School Correspondence after 02-28-2019 IEP	<input type="checkbox"/>	<input type="checkbox"/>

X

	Meeting, bate-stamped PLTF 0048		
18.	Email from Moon Valley High School Counselor dated 03-04-2019, bate-stamped PLTF 0049	<input type="checkbox"/>	<input type="checkbox"/>
✓19.	Moon Valley High School Special Ed Student Contact Log dated 03-04-2019, bate-stamped PLTF 0050	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓20.	Moon Valley High School Multidisciplinary Evaluation Team Report dated 02-28-2019, bate-stamped PLTF 0051-0068	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
21.	Correspondence from Glendale Union High School District School Psychologist dated 03-05-2019, bate-stamped PLTF 0069	<input type="checkbox"/>	<input type="checkbox"/>
<p style="text-align: center;">FOR EXHIBITS 22 – 35 There is an attached flash drive. These exhibits are video exhibits.</p>			
✓22.	PLTF 0028 Video Dec 22 2017 @ 2 nd supplement	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓23.	PLTF 0029 Video March 17 2018 @ 2 nd supplement	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓24.	PLTF 0030 Video of Sara refusing to get out of Heidi's vehicle 1.27 @ 2 nd supplement	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓25.	PLTF 0031 Video of Sara refusing visitation 3.08 @ 2 nd supplement	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓26.	PLTF 0032 Video of Sara refusing to get out of the car 5.41 @ 2 nd supplement	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓27.	PLTF 0033 Pelkola - Video EX0016 2.25 @ 2 nd supplement	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓28.	PLTF 0034 Pelkola - Video EX0017 4.47 @ 2 nd supplement	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓29.	PLTF 0035 Pelkola - Video EX0018 2.42 @ 2 nd supplement	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓30.	PLTF 0036 Pelkola Video EX0019 25 secs @ 2 nd supplement	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓31.	PLTF 0037 Pelkola - Video EX0020 13 secs @ 2 nd supplement	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓32.	PLTF 0038 Pelkola - Video EX0021 13 secs @ 2 nd supplement	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓33.	PLTF 0039 Pelkola - Video EX0022 2.27 @ 2 nd supplement	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓34.	PLTF 0040 Pelkola - Video EX0023 5.00 @ 2 nd supplement	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓35.	28. Pelkola - Sara with school psychologist @ 3 rd supplement	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

OBJ

X

X

Defendants
Exhibit

MELVIN R. GRIMES, ESQ.
Nevada Bar No: 12972
Melg@grimes-law.com
THE GRIMES LAW OFFICE
8540 S. Eastern Avenue Suite 100
Las Vegas, NV 89123
p: (702) 347-4357
f: (702) 224-2160
Attorney for Defendant

**DISTRICT COURT
CLARK COUNTY, NEVADA**

HEIDI MARIE PELKOLA,
Plaintiff,

CASE NO.: D-13-488682-D
DEPT NO.: L

v.
GREG ELLIOT PELKOLA,
Defendant.

DEFENDANT'S TRIAL EXHIBITS

Exhibit	Title of Document(s)	Bates Stamped No.	Offered	Admitted	Rejected
✓ A	Documentation Related to S.M.P. Educational Intervention Plan	Def 1 - Def 35	3-12-19 ✓	3-12-19 ✓	3-12-19 ✓
✗	Child Support Payment Record from August 2014 to March 2018	Def 36 - Def 41			
✗	Cover Letter from QDRO Masters Dated April 6th 2018	Def 42 - Def 49			
✓ D	Medical Appointments for the Minor Children Not Communicated to Defendant	Def 50	3-12-19 ✓	3-12-19 ✓	
✗	Proof of Payment of Plaintiff's Marital Portion of Defendant's Military Retirement	Def 51 - Def 52			
✗	Shoes worn by S.M.P. to October 2018 Visitation with Defendant	Def 53 - Def 54			
✓ G	Talking Parents Communications Between the Parties, dated December 2017 to December 2018	Def 55 - Def 93	3-12-19 ✓	3-12-19 ✓	
✗	Attendance and Grade Records for S.M.P. for Fall 2018 semester	Def 94 - Def 98			
✓ I	Photographs of Minor Children During Defendant's Custodial Timeshare	Def 99 - Def 107	3-12-19 ✓	3-12-19 ✓	
✓ J	Message from Plaintiff to Shellie Gardner dated May 8th 2014	Def 108	3-12-19 ✓	3-12-19 ✓	



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

MELVIN R. GRIMES, ESQ.
8540 S. EASTERN AVE., SUITE 100
LAS VEGAS, NV 89123

DATE: March 6, 2020
CASE: D-13-488682-D

RE CASE: HEIDI MARIE PELKOLA vs. GREG ELLIOT PELKOLA

NOTICE OF APPEAL FILED: March 4, 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; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; CIVIL COVER SHEET; ORDER AFTER THE MARCH 18, 2019 EVIDENTIARY HEARING; NOTICE OF ENTRY OF ORDER AFTER THE MARCH 18, 2019 EVIDENTIARY HEARING; ORDER AFTER EVIDENTIARY HEARING ON NOVEMBER 20, 2019; NOTICE OF ENTRY OF ORDER AFTER EVIDENTIARY HEARING ON NOVEMBER 20, 2019; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

HEIDI MARIE PELKOLA,

Plaintiff(s),

vs.

GREG ELLIOT PELKOLA,

Defendant(s),

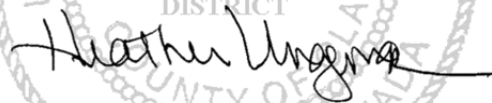
Case No: D-13-488682-D

Dept No: L

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 6 day of March 2020.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk