

IN THE SUPREME COURT OF THE STATE OF NEVADA

GREG ELLIOT PELKOLA,

Appellant

v.

HEIDI MARIE PELKOLA.

Respondent

Supreme Court Docket No. 80763

Dist. Ct. No. D-13-488682-D

Electronically Filed
Oct 01 2020 06:13 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Appeal from the Eighth Judicial District Court

RESPONDENT'S APPENDIX

Volume 1 of 2

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Radford J. Smith, Chartered, and that on the 1st day of October 2020, a copy of Respondent's Appendix in the above entitled matter was e-mailed and was filed electronically with the Clerk of the Nevada Supreme Court, and therefore electronic service was made in accordance with the master service list, to the attorney listed below at the address, email address and/or facsimile number indicated below:

Melvin Grimes, Esq.
Nevada Bar No. 12972
Attorney for Appellant

/s/ Kimberly A. Stutzman
An employee of Radford J. Smith, Chartered


CLERK OF THE COURT

1 COMD
2 (Your Name) Heidi Marie Pelkola
3 (Address) 2309 Bahama Point Ave.
4 N. Las Vegas, NV 89031
5 (Telephone) (702)686-0586
6 (Email Address) greg-heidi@cox.net
7 Self-Represented Plaintiff

8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 Heidi Marie Pelkola
11 Plaintiff,
12 vs.
13 Greg Elliott Pelkola
14 Defendant.

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

15 **COMPLAINT FOR DIVORCE**

16 COMES NOW Plaintiff, (*your name*) Heidi Marie Pelkola, in Proper Person
17 and files this Complaint for Divorce against the above named Defendant, and alleges as follows:

- 18 1. That Plaintiff or Defendant, for more than six (6) weeks immediately before the filing of
19 this action, has/have been and continues to be an actual, bona fide resident of Clark
20 County, Nevada and that Plaintiff or Defendant has been actually physically present and
21 domiciled in Nevada for more than six (6) weeks prior to the filing of this action.
- 22 2. That Plaintiff and Defendant were married on the (*date*) 09/01/2003 in the
23 city of Las Vegas, State of NEVADA and have since
24 remained husband and wife.
- 25 3. That the wife in this case (☒ *check one*) ☐ is/☒ is not currently pregnant.
- 26
27 4. That Plaintiff and Defendant have (*number*) 3 minor children in common who are
28 either biological or adopted.

5. The minor children's names, dates of birth, states and lengths of residence are as follows:

Child's Name:	Child's Date of Birth	Length of time child has lived in the state:	State of Residence:
Sara Michelle Pelkola	12-02-2003	5 1/2 years	NV
Justin Ryan Pelkola	03/04/2008	5 years	NV
Daniel Jordan Pelkola	12/09/2011	15 months	NV
N/A			

6. **Child(ren) Residency:** (☒ check one)

☒ The children are residents of Nevada and have lived here for at least the past six (6) months and, as such, this Court has the necessary UCCJEA jurisdiction to enter orders regarding custody.

☐ The children are not residents of Nevada and have not lived here for at least the past six (6) months and, as such, this Court does NOT have the necessary UCCJEA jurisdiction to enter orders regarding custody.

7. **Legal Custody.** Legal Custody involves having basic legal responsibility for a child and making major decisions about the child like the child's health, education and religious upbringing. (☒ check one)

☐ The children are not residents of the State of Nevada.

☒ The Plaintiff and Defendant should be granted joint legal custody of the minor children.

☐ The Plaintiff should be granted sole legal custody of the minor child(ren).

☐ The Defendant should be granted sole legal custody of the minor child(ren).

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- 1 **8. Physical Custody.** Physical custody refers to the amount of time the child spends in the
2 care of each parent. (☒ *check one*)

3 Joint physical custody exists when each parent has physical custody of the child(ren)
4 at least 40% (146 days) of the time calculated over a one year period.

5 Primary Physical custody exists when one parent has physical custody of the
6 child(ren) more than 60% (219 days) of the time calculated over a one year period.

- 7 ☐ The children are not residents of Nevada.
8 ☐ The Plaintiff and Defendant should be granted joint physical custody of the minor
9 children with a timeshare as outlined in Exhibit 1.
10 ☒ The Plaintiff should be awarded primary physical custody of the minor children with
11 the Defendant having visitation as proposed in Exhibit 1.
12 ☐ The Defendant should be awarded primary physical custody of the minor children with
13 the Plaintiff having visitation as proposed in Exhibit 1.

14 **9. Holiday Visitation.** (☒ *check one*).

- 15 ☐ The children are not residents of Nevada.
16 ☒ A copy of the proposed holiday visitation schedule is attached as Exhibit 2 and should
17 take precedence when in conflict with the regular visitation schedule.
18 ☐ A copy of the proposed holiday visitation schedule is attached as Exhibit 2 and should
19 NOT take precedence when in conflict with the regular visitation schedule.

20 **10. Health Insurance.** (☒ *check one*)

- 21 ☐ The Plaintiff should maintain medical and dental insurance for the minor children, if
22 available. Any deductibles and expenses not covered by insurance should be paid
23 equally by both parties.
24 ☒ The Defendant should maintain medical and dental insurance for the minor children,
25 if available. Any deductibles and expenses not covered by insurance should be paid
26 equally by both parties.
27 ☐ The Plaintiff and Defendant should both maintain medical and dental insurance for
28 the minor children if available. Any deductibles and expenses not covered by
29 insurance should be paid equally by both parties.

30 //

11. Unreimbursed Medical Expenses. (☒ check one)

30/30 Rule: Any parent incurring an out-of-pocket medical expense relating to the minor child will provide to the other parent a copy of all paperwork relating to that expense within thirty (30) days of incurring said expense, along with a request for contribution for one-half (1/2) of the out-of-pocket expense actually incurred. Upon receipt of a request for contribution for one-half (1/2) of an out-of-pocket expense incurred by a parent on behalf of the minor child, the other parent will reimburse the requesting parent in the amount requested within thirty (30) days of receipt of said request for contribution. Upon receipt of reimbursement from any insurance carrier by either parent, and if the other parent previously paid a portion of the payment resulting in that reimbursement, the parent receiving the reimbursement shall equally divide said reimbursement with the other parent within seven (7) days of receipt of same. Both parents have the authority to contact the insurance provider directly in order to determine the status of any individual claim.

☒ The Plaintiff asks the court to adopt the 30/30 Rule.

☐ The Plaintiff asks the court to NOT adopt the 30/30 Rule.

12. Child Support Amount. Complete the Child Support Worksheet (Worksheet A or Worksheet B) that applies to your custody arrangement BEFORE you complete this question. (☒ check one)

☐ Based upon the proposed physical custody arrangement the Plaintiff should pay \$_____ dollars per month for support of the parties' minor children.

☒ Based upon the proposed physical custody arrangement the Defendant should pay \$1,232⁰⁰ dollars per month for support of the parties' minor children.

13. Child Support Calculation. The amount of child support requested was calculated based upon the following: (☒ check one)

☐ The statutory minimum of \$100 per month, per child.

☒ The calculation for a primary physical custody arrangement as shown on the attached Worksheet A.

☐ The calculation for a joint physical custody arrangement as shown on the attached Worksheet B.

☐ Other: N/A

//

1 **14. Wage Withholding Order. (☒ check one)**

- 2 ☒ The Plaintiff asks that the court order a wage withholding against the obligor parent
3 (parent who owes child/spousal support) to secure payment of child support and
4 spousal support, if any.
5 ☐ Good cause exists to postpone the withholding of income from the obligor parent to
6 pay child support and spousal support, if any.

7 **15. Child Support Arrears. (☒ check one)**

- 8 ☒ The Plaintiff is not asking for back child support and waives his/her right to child
9 support arrears.
10 ☐ The Plaintiff is the noncustodial parent and therefore is not entitled to back child
11 support.
12 ☐ The Plaintiff asks the court to award the Plaintiff back child support from (date)
13 N/A to (date) N/A (max. 4 years) and
14 certifies that during that time period, the Defendant gave the Plaintiff a total of
15 \$ N/A for child support.
16 ☐ The Plaintiff asks the court to award the Defendant back child support from (date)
17 N/A to (date) N/A (max. 4 years) and certifies that
18 during that time period, the Plaintiff gave the Defendant a total of \$ N/A for
19 child support.

20 **16. Spousal Support: (☒ check one)**

- 21 ☐ Neither party should be awarded spousal support.
22 ☒ Spousal support should be awarded to (☒ check one) ☒ Plaintiff/☐ Defendant in the
23 amount of \$ 350⁰⁰ dollars per month for (number) 5 (☒ check one)
24 ☐ months/☒ years.

25 **17. Name Change for Wife: (☒ check one)**

- 26 ☒ The wife should not have her former or maiden name restored.
27 ☐ The wife should have her former or maiden name of _____ restored to her.
28 ☐ The wife never changed her name or the Plaintiff is the husband and cannot ask the
Court to change the wife's surname.

1 **18. Community Property.** There may be additional community assets of the parties, the
2 exact amounts and descriptions of which are presently unknown to Plaintiff. Plaintiff asks
3 permission of this Court to amend this Complaint to insert this information when it
4 becomes known to Plaintiff or at the time of trial. (☒ *check one*)

5 ☐ There is no community property to be divided by the Court.

6 ☒ There is community property which should be divided by the Court as follows:

7 **To Plaintiff:**

- 8 1. 2002 Chevrolet Tahoe, VIN # 1GNEK13232R250021
9 2. 45 % OF Greg Elliott Pelkola Military Retirement at time of disbursement.
10 3. N/A
11 4. N/A

12 **To Defendant:**

- 13 1. The house at 2309 Bahama Point Ave. N. Las Vegas, NV. 89031
14 2. 2002 Jeep vehicle (red)
15 3. 2005 Sunseeker MC-Class C Motorhome
16 4. Chevy Silverado truck (blue)

17 **19. Community Debt.** There may be additional community debts of the parties, the exact
18 amounts and descriptions of which are presently unknown to Plaintiff. Plaintiff asks
19 permission of this Court to amend this Complaint to insert this information when it
20 becomes known to Plaintiff or at the time of trial. (☒ *check one*)

21 ☐ There are no community debts to be adjudicated by the Court.

22 ☒ There are community debts which should be divided by the court as follows:

23 **To Plaintiff:**

- 24 1. NONE
25 2. _____
26 3. _____
27 4. _____

28 **To Defendant:**

- 1 The mortgage on the house at 2309 Bahama Point Ave. N. Las Vegas, NV. 89031
2 House will be signed over to husband's name only.
3 Two credit cards in his name apx. \$9000.00 on each.
4 Wife's Discover Credit Card, apx. \$400.00.

1 **20. Reason for Divorce: (☒ check one)**

- 2 ☒ The husband and wife have become so incompatible in marriage that there is no
3 possibility of reconciliation.
4 ☐ The husband and wife have lived separate and apart for more than one year and there
5 is no possibility of reconciliation.

6 **WHEREFORE, Plaintiff prays for a Judgment as follows:**

- 7 1. That the marriage existing between Plaintiff and Defendant be dissolved and that
8 Plaintiff be granted an absolute Decree of Divorce and that each of the parties be
9 restored to the status of a single, unmarried person;
10 2. That the Court grant the relief requested in this Complaint; and
11 3. For such other relief as the Court finds to be just and proper.

12 DATED this (day) 6th day of (month) NOV., 2013.

14 Submitted By: Heidi Pelkola
(your signature)

15
16 Heidi Marie Pelkola
(print your name)

VERIFICATION

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

(Your name) Heidi Marie Pelkola, under penalties of perjury, being first duly sworn, deposes and says:

That I am the Plaintiff in the above-entitled action; that I have read the foregoing Complaint for Divorce and know the contents thereof; that the same is true of my own knowledge, except for those matters therein contained stated upon information and belief, and as to those matters, I believe them to be true.

DATED this (day) 6th day of (month) NOV., 20 13

Submitted By:

► Heidi Pelkola
(your signature)

Heidi Marie Pelkola
(print your name)

SUBSCRIBED and SWORN to before me
this 6th day of November, 20 13.

Vanessa Y. Cabrera
NOTARY PUBLIC



VANESSA Y. CABRERA
NOTARY PUBLIC
STATE OF NEVADA
Appt. No. 13-11334-1
My Appt. Expires July 4, 2017

ACKNOWLEDGMENT

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

On this (day) 6th day of (month) November, 20 13 before me, the undersigned Notary Public in and for the said County and State, personally appeared (your name) Vanessa Y. Cabrera, known to me to be the person described in and who executed the foregoing Complaint for Divorce, and who acknowledged to me that he/she did so freely and voluntarily and for the uses and purposes therein mentioned.

WITNESS my hand and official seal.



VANESSA Y. CABRERA
NOTARY PUBLIC
STATE OF NEVADA
Appt. No. 13-11334-1
My Appt. Expires July 4, 2017

Vanessa Y. Cabrera
NOTARY PUBLIC

EXHIBIT 1

Week	Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.
<i>Sample</i>	Mom Pick up at 11 a.m.	Mom	Dad Pick up after school at 3 p.m.	Dad	Dad	Mom Pick up after school at 3 p.m.	Mom
Week #1	mom	mom	mom	mom	mom	mom	mom
Week #2	mom	mom	mom	mom	mom	mom	mom
Week #3	mom	mom	mom	mom	mom	mom	mom
Week #4	mom	mom	mom	mom	mom	mom	mom

EXHIBIT 2

Check box if this holiday applies:	Holiday:	Time (circle a.m. or p.m.):	Every Year	Even Years	Odd Years
<input type="checkbox"/>	New Year's Eve	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	New Year's Day	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Martin Luther King, Jr. Day	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Presidents' Day	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Passover	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Easter	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Memorial Day	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Mother's Day	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Father's Day	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	4 th of July	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Labor Day	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Rosh Hashanah	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Yom Kippur	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Nevada Day	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Halloween	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Veterans Day	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Thanksgiving Day	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad

EXHIBIT 2 Continued

<input type="checkbox"/>	Chanukkah (Days):	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Chanukkah (Days):	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Christmas Eve	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Christmas	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Father's Birthday	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Mother's Birthday	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Child's Birthday	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input checked="" type="checkbox"/>	Summer Vacation	From: _____ To: _____	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input checked="" type="checkbox"/>	Spring Break	From: _____ To: _____	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad

① Summer Vacation: From June 8th, 8:00am to August 8th, 8:00pm, the Dad shall have visitation.

② Spring Break: From May 1st, 8:00am to May 10th, 8:00pm, the Dad shall have visitation.

Worksheet A -Primary Physical Custody Child Support Calculation Worksheet

You must fill out this worksheet and attach it to the document you are filing which asks for a primary physical custody arrangement. Primary physical custody exists when one parent has physical custody of the child more than 60% (219 days) of the time calculated over a one year period.

①: Determine Gross Monthly Income (GMI) of the non-custodial parent.

Hourly wage <u>\$24.50</u>	X	Hrs/Week <u>40</u>	=	<u>\$980⁰⁰</u>	X	Pay Periods <u>52</u>	=	Yearly income <u>\$50,960⁰⁰</u>	÷	Months <u>12</u>	=	GMI <u>\$4,247.00</u>
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②: Determine Obligation.

GMI <u>\$4,247.00</u>	X	Formula Percentage (0.18 for 1 child, 0.25 for 2 children, 0.29 for 3 children, 0.02 increase for each additional child) <u>0.29</u>	=	Monthly child support (rounded to the nearest dollar) <u>\$1,232⁰⁰</u>
--------------------------	---	---	---	--

③: Apply the presumptive maximum if necessary. This amount changes every year on July 1st. Make sure you are using the most current chart.

Income Range		Presumptive Maximum Amount
		<i>Usually, this is the maximum amount a parent may be required to pay per month per child.</i>
<i>If the Parent's GMI is At Least</i>	<i>But Less Than</i>	
\$0	- \$4,235	\$630
\$4,235	- \$6,351	\$693
\$6,351	- \$8,467	\$758
\$8,467	- \$10,585	\$819
\$10,585	- \$12,701	\$883
\$12,701	- \$14,816	\$945
\$14,816	- No Limit	\$1,010

④: Deviations. If you are requesting an amount of child support that is lower or higher than the amount in ② or ③, if applicable, your reason(s) for requesting a different amount must be based upon one of the following factors. (✓ check all that apply)

<input type="checkbox"/> The cost of health insurance	<input type="checkbox"/> The cost of childcare	<input type="checkbox"/> The relative income of both parents
<input type="checkbox"/> Special educational needs of the child	<input type="checkbox"/> The amount of time the child spends with each parent	<input type="checkbox"/> Any other necessary expenses for the benefit of the child
<input type="checkbox"/> The age of the child	<input type="checkbox"/> Legal responsibility of the parent for the support of others	<input type="checkbox"/> The value of services contributed by either parent
<input type="checkbox"/> Any expenses reasonably related to the mother's pregnancy and confinement	<input type="checkbox"/> The cost of transportation of the child to and from visitation if the custodial parent moved with the child from the jurisdiction that ordered the support and the non-custodial parent remained	<input type="checkbox"/> Any public assistance paid to support the child

Explain: N/A

ORIGINAL

Electronically Filed
05/06/2014 12:20:42 PM

Ann D. Quinn

CLERK OF THE COURT

1 DECD
(Your name) Heidi Marie Pelkola
2
(Address) 2309 Bahama Point Ave.
3 N. Las Vegas, NV 89031
4
(Telephone) (702)686-0586
5 In Proper Person

6 DISTRICT COURT

7
8 CLARK COUNTY, NEVADA

9 Heidi Marie Pelkola)
10 Plaintiff,)
11 vs.)
12 Greg Elliott Pelkola)
13 Defendant.)
14 N/A

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

15 DECREE OF DIVORCE

16 This cause coming on for summary disposition before the above-entitled court, and after
17 reviewing the pleadings and papers on file, the Court finds as follows:

18 1. That the Court has complete jurisdiction in the premises, both as to the subject matter
19 thereof as well as the parties hereto;

20 2. That (check one) ☒ Plaintiff/ ☐ Defendant is now and has been an actual bona fide
21 resident of Clark County, Nevada and has been actually domiciled therein for more than six weeks
22 immediately preceding the commencement of this action;

23 3. That the parties were married on (date of wedding) 09/01/2003 in (city and
24 state) Las Vegas, NV;

25 ///

26 ///

27 © Clark County Family Law Self-Help Center
28 September 13, 2001
ALL RIGHTS RESERVED

Non-Trial Dispositions:

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

Trial Dispositions:

- ☐ Judgment Reached by Trial

Deckps.5sd (#23)

Use only most current version

Please call the Self-Help Center to confirm most current version.

RA00013

4. That there are (number) 3 minor child(ren) who are either the issue of this marriage or have been adopted by the parties and ☒ Plaintiff/ ☐ Defendant ☐ is/ ☐ is not currently pregnant;

5. That the name(s), date(s) of birth, and state(s) of habitual residence of the minor child(ren) are: (fill in child(ren)'s name(s), date(s) of birth, and state(s) where child(ren) live:

a. (Name) Sara Michelle Pelkola, date of birth, 12-02-2003, state of habitual residence: NEVADA;

b. (Name) Justin Ryan Pelkola, date of birth 03/04/2008, state of habitual residence: NEVADA;

c. (Name) Daniel Jordan Pelkola, date of birth 12/09/2011, state of habitual residence: NEVADA;

6. (CHECK ONLY ONE BOX)

☒ The parties are fit and proper persons to be awarded joint legal custody of the minor child(ren);

OR

☐ (Check one) ☐ Plaintiff/ ☐ Defendant is a fit and proper person to be awarded sole legal custody of the minor child(ren);

7. (CHECK ONLY ONE BOX)

☐ The parties are fit and proper persons to be awarded joint physical custody of the minor child(ren). The parties should have visitation as set forth below;

OR

☒ (Check one) ☒ Plaintiff/ ☐ Defendant is a fit and proper person to be awarded primary physical custody of the minor child(ren). The parties should have visitation as set forth below;

OR

///

1 **OR**

2 [X] That the division of community debts set forth below is, to the extent possible, an
3 equal distribution of the community debts;

4 13. **(CHECK ONLY ONE BOX)**

5 [] That neither party should be awarded spousal support;

6 **OR**

7 [X] That the Court should award spousal support as set forth below;

8 14. **(CHECK ONLY ONE BOX)**

9 [X] That [X] Plaintiff/ [] Defendant should not have her former or maiden name
10 restored.

11 **OR**

12 [] That [] Plaintiff/ [] Defendant should have her former or maiden name of

13 N/A restored to her.

14 **OR**

15 [] That [] Plaintiff/ [] Defendant never changed her name and therefore should
16 retain her current name.

17 15. That (check one) [X] Plaintiff/ [] Defendant should be granted a Decree of Divorce
18 for the reasons set forth in the (check one) [X] Complaint/ [] Counterclaim;

19 Therefore, **IT IS ORDERED, ADJUDGED AND DECREED** that the bonds of matrimony
20 now and heretofore existing between the parties are hereby wholly dissolved, set aside and forever
21 held for naught, and an absolute Decree of Divorce is hereby granted to the parties, and each of the
22 parties are hereby restored to the status of a single, unmarried person.

23 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that **(CHECK ONLY**
24 **ONE BOX)**

25 [X] The parties are awarded joint legal custody of the minor child(ren).

26 **OR**

- 1 a. N/A from _____
2 until _____
3 b. N/A from _____
4 until _____
5 c. N/A from _____
6 until _____
7 d. N/A from _____
8 until _____

9 For each of the holidays listed below, Defendant shall have visitation in the even-numbered
10 years and Plaintiff will have visitation in the odd-numbered years.

- 11 a. N/A from _____
12 until _____
13 b. N/A from _____
14 until _____
15 c. N/A from _____
16 until _____
17 d. N/A from _____
18 until _____

19 Plaintiff shall have visitation every year for the following holidays.

- 20 a. N/A from _____
21 until _____
22 b. N/A from _____
23 until _____
24 c. N/A from _____
25 until _____
26

d. N/A from _____
until _____

Defendant shall have visitation every year for the following holidays.

a. Spring Break Vacation from May 1st @ 8am
until May 10th @ 8pm

b. Summer Vacation from June 8th @ 8am
until August 8th @ 8pm

c. N/A from N/A
until N/A

d. N/A from N/A
until N/A

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that (check one) ☐

Plaintiff/ ☒ Defendant will pay (amount) \$ 1232.00 per month for child support.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that (check one) ☐

Plaintiff/ ☒ Defendant will maintain medical and dental insurance for the minor child(ren) through
(check one) ☒ his/ ☐ her employer, if available. Any deductibles and expenses not covered by
insurance will be paid equally by both parties.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff

shall be awarded the following community property: (If no community property write "NOT
APPLICABLE" on the first blank. If there is community property but Plaintiff will not receive any
property, write "NONE" on the first blank.)

a. 2002 Chevrolet Tahoe, Vin # 1GNEK13Z32R250029

b. 45% of Greg Elliott Pelkola Military Retirement at time of disbursement

c. N/A

d. N/A

///

1 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Defendant shall be
2 awarded the following community property:(If no community property write "NOT APPLICABLE"
3 on the first blank. If there is community property but Defendant will not receive any property, write
4 "NONE" on the first blank.)

5 a. The house at 2309 Bahama Point Ave. N. Las Vegas, NV. 89031

6 b. 2002 Jeep vehicle (red)

7 c. 2005 Sunseeker MC-Class C Motorhome

8 d. Chevy Silverado truck (blue)

9 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Plaintiff shall pay the
10 following community debts: (If no community debts write "NOT APPLICABLE" on the first blank.
11 If there are community debts but Plaintiff will not receive any debts, write "NONE" on the first
12 blank.)

13 a. N/A

14 b. N/A

15 c. N/A

16 d. N/A

17 e. N/A

18 f. N/A

19 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Defendant shall pay
20 the following community debts: (If no community debts, write "NOT APPLICABLE" on the first
21 blank. If there are community debts but Defendant will not receive any debts, write "NONE" on first
22 blank.)

23 a. The mortgage on the house at 2309 Bahama Point Ave. N. Las Vegas, 89031,
24 house to be signed over to husband's name only.

24 b. 2 credit cards in his name apx. \$9000.00 on each

25 c. Wife's Discover credit card, apx. \$400.00

26 d. N/A

1 e. N/A

2 f. N/A

3 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that (check party that will
4 pay spousal support) ☐ Plaintiff/ ☒ Defendant shall pay to (check party who will receive spousal
5 support) ☒ Plaintiff/ ☐ Defendant spousal support in the amount of (amount - if none will be
6 paid, write "NONE") \$ 350⁰⁰ per month for 5 (check one) ☐ months/ ☒ years.

7 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that ☒ Plaintiff/
8 ☐ Defendant's name shall ☐ change to/ ☒ stay as name of Heidi Marie Pelkola.

9 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that each party shall submit
10 the information required in NRS 125B.055, NRS 125.130 and NRS 125.230 on a separate form to
11 the Court and the Welfare Division of the Department of Human Resources within ten
12 days from the date this Decree is filed. Such information shall be maintained by the Clerk in a
13 confidential manner and not part of the public record. The parties shall update the information filed
14 with the Court and the Welfare Division of the Department of Human Resources within ten days
15 should any of that information become inaccurate.

16 **NOTICE IS HEREBY GIVEN** of the following provision of NRS 125.510(6):

17 PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR
18 DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A
19 CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that
20 every person having a limited right of custody to a child or any parent having no right of
21 custody to the child who willfully detains, conceals or removes the child from a parent,
22 guardian or other person having lawful custody or a right of visitation of the child in
23 violation of an order of this court, or removes the child from the jurisdiction of the court
24 without the consent of either the court or all persons who have the right to custody or
25 visitation is subject to being punished for a category D felony as provided in NRS 193.130.

26 **NOTICE IS HEREBY GIVEN** that the terms of the Hague Convention of October 25,
27 1980, adopted by the 14th Session of the Hague Conference on Private International Law apply if a
28 parent abducts or wrongfully retains a child in a foreign country. The parties are also put on notice
of the following provisions in NRS 125.510(8):

1 If a parent of the child lives in a foreign country or has significant commitments in a
2 foreign country:

3 (a) The parties may agree, and the court shall include in the order for custody of the
4 child, that the United States is the country of habitual residence of the child for the
5 purposes of applying the terms of the Hague Convention as set forth in subsection 7.

6 (b) Upon motion of one of the parties, the court may order the parent to post a bond
7 if the court determines that the parent poses an imminent risk of wrongfully removing or
8 concealing the child outside the country of habitual residence. The bond must be in an
9 amount determined by the court and may be used only to pay for the cost of locating the
10 child and returning him to his habitual residence if the child is wrongfully removed from or
11 concealed outside the country of habitual residence. The fact that a parent has significant
12 commitments in a foreign country does not create a presumption that the parent poses an
13 imminent risk of wrongfully removing or concealing the child.

14 **NOTICE IS HEREBY GIVEN** of the following provision of NRS 125C.200:

15 If custody has been established and the custodial parent intends to move his residence to a
16 place outside of this state and to take the child with him, he must, as soon as possible and
17 before the planned move, attempt to obtain the written consent of the noncustodial parent to
18 move the child from this state. If the noncustodial parent refuses to give that consent, the
19 custodial parent shall, before he leaves this state with the child, petition the court for
20 permission to move the child. The failure of a parent to comply with the provisions of this
21 section may be considered as a factor if a change of custody is requested by the
22 noncustodial parent.

23 **NOTICE IS HEREBY GIVEN** that they are subject to the provisions of NRS 31A and
24 125.450 regarding the collection of delinquent child support payments.

25 ///

26 ///

27 ///

28 ///

///

///

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///

1 **NOTICE IS HEREBY GIVEN** that either party may request a review of child support
2 pursuant to NRS 125B.145.

3
4 DATED this 2nd day of May, 2014.

5
6 
7 _____
DISTRICT COURT JUDGE *jk*

8 Respectfully Submitted:

9 (Plaintiff's signature) Heidi Pelkola

10 Heidi Marie Pelkola

11 2309 Bahama Point Ave.

12 N. Las Vegas, NV 89031

13 (702)686-0586

14 Plaintiff In Proper Person

15 (Defendant's signature) _____

16 Greg Elliott Pelkola

17 (Address) 2309 Bahama Point Ave.

18 N. Las Vegas, NV 89031

19 (Telephone) (702)686-7445

20 Defendant in Proper Person

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

EXHIBIT 1

Week	Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.
<i>Sample</i>	Mom Pick up at 11 a.m.	Mom	Dad Pick up after school at 3 p.m.	Dad	Dad	Mom Pick up after school at 3 p.m.	Mom
<i>Week #1</i>	<i>mom</i>	<i>mom</i>	<i>mom</i>	<i>mom</i>	<i>mom</i>	<i>mom</i>	<i>mom</i>
<i>Week #2</i>	<i>mom</i>	<i>mom</i>	<i>mom</i>	<i>mom</i>	<i>mom</i>	<i>mom</i>	<i>mom</i>
<i>Week #3</i>	<i>mom</i>	<i>mom</i>	<i>mom</i>	<i>mom</i>	<i>mom</i>	<i>mom</i>	<i>mom</i>
<i>Week #4</i>	<i>mom</i>	<i>mom</i>	<i>mom</i>	<i>mom</i>	<i>mom</i>	<i>mom</i>	<i>mom</i>

EXHIBIT 2

<input type="checkbox"/>	New Year's Eve	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	New Year's Day	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Martin Luther King, Jr. Day	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Presidents' Day	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Passover	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Easter	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Memorial Day	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Mother's Day	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Father's Day	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	4 th of July	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Labor Day	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Rosh Hashanah	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Yom Kippur	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Nevada Day	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Halloween	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Veterans Day	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Thanksgiving Day	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad

EXHIBIT 2 Continued

<input type="checkbox"/>	Chanukkah (Days):	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Chanukkah (Days):	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Christmas Eve	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Christmas	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Father's Birthday	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Mother's Birthday	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input type="checkbox"/>	Child's Birthday	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input checked="" type="checkbox"/>	Summer Vacation	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad
<input checked="" type="checkbox"/>	Spring Break	From: _____ a.m./p.m. To: _____ a.m./p.m.	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad	<input type="checkbox"/> Mom <input type="checkbox"/> Dad

① Summer Vacation: From June 8th, 8:00am to August 8th, 8:00pm, the Dad shall have visitation.

② Spring Break: From May 1st, 8:00am to May 10th, 8:00pm, the Dad shall have visitation.

Worksheet A -Primary Physical Custody Child Support Calculation Worksheet

You must fill out this worksheet and attach it to the document you are filing which asks for a primary physical custody arrangement. Primary physical custody exists when one parent has physical custody of the child more than 60% (219 days) of the time calculated over a one year period.

① : Determine Gross Monthly Income (GMI) of the non-custodial parent.

$$\begin{array}{|c|c|c|c|c|c|c|c|} \hline \text{Hourly wage} & \times & \text{Hrs/Week} & = & \text{Pay Periods} & \times & \text{Yearly income} & \div & \text{Months} & = & \\ \hline \$24.50 & \times & 40 & = & 52 & \times & \$980^{10} & \div & 12 & = & \\ \hline \end{array}$$

② : Determine Obligation.

$$\begin{array}{|c|c|c|c|} \hline \text{GMI} & \times & \text{Formula Percentage (0.18 for 1 child, 0.25 for 2 children, 0.29 for 3 children, 0.02 increase for each additional child)} & = \\ \hline \$4,247.00 & \times & 0.29 & = \\ \hline \end{array}$$

③ : Apply the presumptive maximum if necessary. This amount changes every year on July 1st. Make sure you are using the most current chart.

Income Range		Presumptive Maximum Amount
<i>If the Parent's GMI is At Least</i>	<i>But Less Than</i>	<i>Usually, this is the maximum amount a parent may be required to pay per month per child.</i>
\$0	\$4,235	\$630
\$4,235	\$6,351	\$693
\$6,351	\$8,467	\$758
\$8,467	\$10,585	\$819
\$10,585	\$12,701	\$883
\$12,701	\$14,816	\$945
\$14,816	No Limit	\$1,010

④ : Deviations. If you are requesting an amount of child support that is lower or higher than the amount in ② or ③, if applicable, your reason(s) for requesting a different amount must be based upon one of the following factors. (☒ check all that apply)

<input type="checkbox"/> The cost of health insurance	<input type="checkbox"/> The cost of childcare	<input type="checkbox"/> The relative income of both parents
<input type="checkbox"/> Special educational needs of the child	<input type="checkbox"/> The amount of time the child spends with each parent	<input type="checkbox"/> Any other necessary expenses for the benefit of the child
<input type="checkbox"/> The age of the child	<input type="checkbox"/> Legal responsibility of the parent for the support of others	<input type="checkbox"/> The value of services contributed by either parent
<input type="checkbox"/> Any expenses reasonably related to the mother's pregnancy and confinement	<input type="checkbox"/> The cost of transportation of the child to and from visitation if the custodial parent moved with the child from the jurisdiction that ordered the support and the non-custodial parent remained	<input type="checkbox"/> Any public assistance paid to support the child

Explain: N/A

Ann D. Quinn

CLERK OF THE COURT

1 NEOJ

2 (Your name) Heidi Marie Pelkola

3 (Address) 2309 Bahama Point Ave.

N. Las Vegas, NV 89031

4 (Telephone) (702)686-0586

(Check one) ☒ Plaintiff/ ☐ Defendant In Proper Person

DISTRICT COURT

CLARK COUNTY, NEVADA

8 Heidi Marie Pelkola,

9 Plaintiff,

10 vs.

11 Greg Elliott Pelkola,

12 Defendant.

N/A

CASE NO.: D-13-488682-D

DEPT. NO.: L

13 **NOTICE OF ENTRY OF DECREE OF DIVORCE**

14 TO: (Other party's name) Greg Elliott Peikola;
(Check one) ☐ Plaintiff/ ☒ Defendant

15 TO: (Other party's attorney) N/A;
(Check one) ☐ Plaintiff's/ ☐ Defendant's Attorney

17 PLEASE TAKE NOTICE that an Decree of Divorce was duly entered in the above-
18 referenced case on the ___ day of _____, _____.
19

20 DATED this 18 day of April, 2014.

21 (Your signature) By: Heidi Pelkola

22 Heidi Marie Pelkola

23 2309 Bahama Point Ave.

24 N. Las Vegas, NV 89031

25 (702)686-0586

26 (Check one) ☒ Plaintiff/ ☐ Defendant In Proper Person

27 ©Clark County Family Law Self-Help Center

28 January 2, 2001

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Use only most current version

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Please call the Self-Help Center to confirm most current version.

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NCOA
(Your Name) Heidi Pelkola

(Address) 4738 W. Corrine DR.

Glendale, AZ. 85304

(Telephone) (702) 498-1359

(Email Address) agdjhmdaol.com

In Proper Person

DISTRICT COURT

CLARK COUNTY, NEVADA

Heidi Pelkola

Plaintiff,

vs.

Greg Pelkola

Defendant.

CASE NO.: D-13-488682-D

DEPT NO.: L

NOTICE OF CHANGE OF ADDRESS

TO: Clerk of Court; and

TO: Opposing Counsel or Litigant

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE THAT: (☒ check one)

☒ Plaintiff/☐ Defendant has a new mailing address.

New Mailing Address: 4738 W. Corrine DR.

Glendale, AZ. 85304

DATED this 15th day of August, 20 14

(Your Signature) Heidi Pelkola

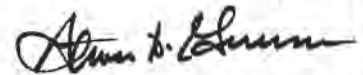
(Your Printed Name) Heidi Pelkola

RECEIVED

AUG 21 2014

CLERK OF THE COURT

RA00029



CLERK OF THE COURT

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ORDR

DISTRICT COURT
CLARK COUNTY, NEVADA
FAMILY DIVISION

HEIDI PELKOLA,
Plaintiff,

vs.

GREG PELKOLA,
Defendant.

Case No: D-13-488682-D

Dept No: L

Date: 6/26/2014

Time: 8:30 AM

ORDER

This matter having come on for Hearing in the Family Division, Department L, of the Eighth Judicial District Court, County of Clark; and the Court being fully advised in the premises, both as to subject matter as well as the parties thereto, and that jurisdiction is proper in Nevada, and good cause appearing therefore;

IT IS HEREBY NOTED, Defendant did not file anything.

IT IS HEREBY ORDERED, Plaintiff/Mom's Motion for an Order for Permission for Primary Physical Custody to Relocate with a Minor child is GRANTED.

IT IS HEREBY ORDERED, Plaintiff/Mom is relocating to Florida as soon as possible.

IT IS HEREBY ORDERED, Parties shall share JOINT LEGAL CUSTODY with Plaintiff/Mom having PRIMA RY PHYSICAL CUSTODY of the minor children.

IT IS HEREBY ORDERED, 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.

Non-Trial Dispositions:

- | | |
|--|--|
| <input type="checkbox"/> Other | <input type="checkbox"/> Settled/Withdrawn: |
| <input type="checkbox"/> Dismissed - Want of Prosecution | <input type="checkbox"/> Without Judicial Conf/Hrg |
| <input type="checkbox"/> Involuntary (Statutory) Dismissal | <input checked="" type="checkbox"/> With Judicial Conf/Hrg |
| <input type="checkbox"/> Default Judgment | <input type="checkbox"/> By ADR |
| <input type="checkbox"/> Transferred | |

Trial Dispositions:

- | | |
|---|--|
| <input type="checkbox"/> Disposed After Trial Start | <input type="checkbox"/> Judgment Reached by Trial |
|---|--|

1 **IT IS HEREBY ORDERED**, Defendant/Dad shall have SKYPE or telephone contact
2 with the minor children on his days off from work, Mondays and Tuesday at 1:00 p.m. Nevada
3 time. The minor children shall have privacy with any contact with Defendant/Dad and there is to
4 be no recordings. Plaintiff/Mom to give as much time as possible.
5

6 **IT IS HEREBY ORDERED**, Defendant/Dad shall have VISITATION for Christmas on
7 the even years the first week of the school break, Plaintiff/Mom shall have the second week in the
8 even years; Parties will then alternate the next year. Plaintiff/Mom shall have Thanksgiving in the
9 even years, Defendant/Dad the odd years. Defendant/Dad shall have Spring Break every year,
10 Defendant/Dad shall have Summer Vacation with the minor children from one (1) week after
11 school is out to one (1) week before school starts.

12 **IT IS HEREBY ORDERED**, Defendant/Dad may also visit the minor children in Florida
13 on three (3) day weekends with 30 days advance written notice.

14 **IT IS HEREBY ORDERED**, anytime Defendant/Dad can go to Florida to visit, he can
15 visit and take the minor children to school and activities.

16 **IT IS HEREBY ORDERED**, Plaintiff/Mom shall not use her Military ID, if she finds it.
17 She will return to Defendant/Dad as soon as possible.

18 **IT IS HEREBY ORDERED**, Defendant/Dad to attempt to refinance the marital residence
19 and take Plaintiff/Mom's name off the mortgage.

20 **IT IS HEREBY ORDERED** the case will be closed with the Order.

21 **IT IS FURTHER ORDERED** that pursuant to NRS 125C.200 (formerly NRS 125A.350),
22 the parties, and each of them, are hereby placed on notice that if either party intends to move their
23 residence to a place outside the State of Nevada, and take the minor child with them, they must, as
24 soon as possible, and before the planned move, attempt to obtain the written consent of the other
25 party to move the minor children from the State. If the other party refuses to give such consent, the
26 moving party shall, before they leave the State with the children, petition the Court for permission
27 to move with the children. The failure of a party to comply with the provision of this section may
28

1 be considered as a factor if the other party requests a change of custody. This provision does not
2 apply to vacations outside Nevada planned by either party.

3 The following statutory notices relating to custody/visitation of the minor children are
4 applicable to the parties herein:

5 The parties, and each of them, shall be bound by the provisions of NRS 125.510(6), which
6 states, in pertinent part:

7
8 **PENALTY FOR VIOLATION OF ORDER:** THE ABDUCTION,
9 CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF
10 THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS
11 PROVIDED IN NRS 193.130. NRS 200.359 provides that every person
12 having a limited right of custody to a child or any parent having no right of
13 custody to the child who willfully detains, conceals or removes the child from
14 a parent, guardian or other person having lawful custody or a right of visitation
15 of the child in violation of an Order of this Court, or removes the child from
16 the jurisdiction of the Court without the consent of either the Court or all
17 persons who have the right to custody or visitation is subject to being punished
18 by a category D felony as provided in NRS 193.130.

19 **NOTICE IS HEREBY GIVEN** that pursuant to NRS 125.510(7) and (8), the terms of The
20 Hague Convention of October 25, 1980, adopted by the 14th Session of The Hague Conference on
21 Private International Law are applicable to the parties:

22 Section 8. If a parent of the child lives in a foreign country or has significant commitments in a
23 foreign country:

24 (a) The parties may agree, and the Court shall include in the Order for custody of the
25 child, that the United States is the country of habitual residence of the child for the purpose
26 of applying the terms of the Hague Convention as set forth in Subsection 7.

27 (b) Upon motion of the parties, the Court may Order the parent to post a bond if the Court
28 determines that the parents pose an imminent risk of wrongfully removing or concealing
the child outside the country of habitual residence. The bond must be in an amount
determined by the Court and may be used only to pay for the cost of locating the child and
returning him to his habitual residence if the child is wrongfully removed from or
concealed outside the country of habitual residence. The fact that a parent has significant
commitments in a foreign country does not create a presumption that the parent poses an
imminent risk of wrongfully removing or concealing the child.

1 The State of Nevada in the United States of America is the habitual residence of the
2 parties' child(ren). The parties, and each of them, are hereby placed on notice that in the event
3 either party is ordered to pay child support to the other, that, pursuant to NRS 125.450, a parent
4 responsible for paying child support is subject to NRS 31A.010 through NRS 31A.340, inclusive,
5 and Sections 2 and 3 of Chapter 31A of the Nevada Revised Statutes, regarding the withholding of
6 wages and commissions for the delinquent payment of support, that these statutes and provisions
7 require that, if a parent responsible for paying child support is delinquent in paying the support of a
8 child that such person has been ordered to pay, then that person's wages or commissions shall
9 immediately be subject to wage assignment and garnishment, pursuant to the provisions of the
10 above-referenced statutes. The parties acknowledge, pursuant to NRS 125B.145, that an Order for
11 the support of a child must, upon the filing of a request for review by:
12

13 (a) The welfare division of the department of human resources, its designated representative or the
14 district attorney, if the welfare division or the district attorney has jurisdiction in the case; or,

15 (b) A parent or legal guardian of the child, be reviewed by the Court at least every 3 years pursuant
16 to this section to determine whether the Order should be modified or adjusted. Further, if either of
17 the parties is subject to an Order of child support, that party may request a review pursuant the
18 terms of NRS 125B.145. An Order for the support of a child may be reviewed at any time on the
19 basis of changed circumstances.

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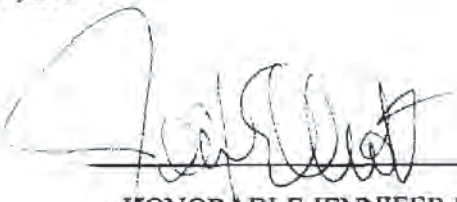
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1 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the parties shall submit the
2 information required in NRS 125B.055, NRS 125.130 and NRS 125.230 on a separate form to the
3 Court and the Welfare Division of the Department of Human Resources within ten days from the
4 date this Order is filed; such information shall be maintained by the Clerk in a confidential manner
5 and not part of the public record. The parties shall update the information filed with the Court and
6 the Welfare Division of the Department of Human Resources within ten days should any of the
7 information become inaccurate.
8

9
10 DATED this 26th day of August, 2014.

11
12 
13 HONORABLE JENNIFER L. ELLIOTT
14 DISTRICT COURT JUDGE
15 FAMILY DIVISION
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28



MOT (FAM)
MELVIN R. GRIMES, ESQ.
Nevada Bar No: 12972
Melg@grimes-law.com
THE GRIMES LAW OFFICE
808 South 7th Street
Las Vegas, NV 89101
p: (702) 347-4357
f: (702) 224-2160
Attorney for Defendant

**DISTRICT COURT
CLARK COUNTY, NEVADA**

HEIDI MARIE PELKOLA,
Plaintiff,

vs.

GREG ELLIOT PELKOLA,
Defendant.

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

Hearing Date: August 23, 2018
Hearing Time: 9:00 A.M.

**DEFENDANT'S MOTION FOR AN
ORDER TO SHOW CAUSE WHY
SHE SHOULD NOT BE HELD IN
CONTEMPT AND MOTION TO
MODIFY CUSTODY**

ORAL ARGUMENT REQUESTED: YES NO

COMES NOW, Defendant, GREG PELKOLA ("GREG"), by and through his attorney of record MELVIN R. GRIMES, of the Grimes Law Office, and submits this Defendant's Motion for an Order to Show Cause Why She Should Not Be Held in Contempt and Motion to Modify Custody.

DATED this 5th day of June 2018.

THE GRIMES LAW OFFICE

/s/ Melvin R. Grimes
MELVIN R GRIMES, ESQ.
Nevada Bar No. 12972
808 South 7th Street
Las Vegas, NV 89101
Tel: (702) 347-4357
Attorney for Defendant

NOTICE OF MOTION

TO: HEIDI MARIE PELKOLA, Plaintiff;

PLEASE TAKE NOTICE that the undersigned will bring Defendant's Motion for an Order to Show Cause Why She Should Not Be Held in Contempt and Motion to Modify Custody on for hearing in Department L of the Family Division of the Eighth Judicial District Court on the 23rd day of August, 2018, at the hour of 9:00 a.m., or as soon thereafter as counsel may be heard.

DATED this 5th day of June 2018.

THE GRIMES LAW OFFICE

/s/ Melvin R. Grimes
MELVIN R GRIMES, ESQ.
Nevada Bar No. 12972
808 South 7th Street
Las Vegas, NV 89101
Tel: (702) 347-4357
Attorney for Defendant

1 **I. MEMORANDUM OF POINTS AND AUTHORITIES**

2 **A. INTRODUCTION AND STATEMENT OF FACTS:**

3 Plaintiff HEIDI PELKOLA ("Heidi") and Defendant, GREG PELKOLA
4 ("Greg") were divorced in Clark County, Nevada by a decree of divorce that was
5 entered on May 6, 2014. There are 3 minor children born of the marriage: S.M.P.,
6 born December 2, 2003; J.R.P., born March 4, 2008; D.J.P., born December 9, 2011.
7 Pursuant to the decree, the parties were awarded Joint Legal Custody and Plaintiff was
8 awarded Primary Physical Custody subject to Defendant's right of visitation.
9 Defendant is entitled to visitation over the summer from a week after the release of
10 school for summer to a week before school commences, which would be May 29th to
11 June 30th for the present year, and over spring break from the release of school for the
12 break to the day before school resumes, March 16th to March 25th for the present year.

13 The court is reminded, Plaintiff has sought for the last two years an allowance
14 of teenage discretion for the minor child S.M.P.; each request has been denied. The
15 court, following an evidentiary hearing denied this request and the denial was reduced
16 to an order on January 23, 2018; Plaintiff was served a Notice of Entry of this Order
17 on January 25, 2018.

18 Immediately following the Evidentiary Hearing of December 19, 2017,
19 Defendant failed to deliver the minor child S.M.P. Defendant was sent a letter on
20 December 23, 2017 via email demanding the immediate delivery of the child.
21 Defendant did not acknowledge the letter and did not deliver the child.

22 Defendant filed her motion to set aside the Decision and Order regarding the
23 December 19, 2017 evidentiary hearing on February 9, 2018. GREG filed his
24 Opposition on February 16, 2018. Defendant filed her extremely untimely and
25 improper Reply on March 27, 2018, thirty-four days after the opposition and
26 countermotion for filed and twenty-eight days late.
27
28

Defendant was to deliver the three minor children to GREG on March 18, 2018. Defendant arrived at the designated meeting place but again refused to deliver the minor child S.M.P.

The court rendered a written decision regarding Plaintiff's motion on April 3, 2018 by minute order. The court stated in very clear terms:

The children's discretion was overruled at the evidentiary hearing.

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.

Plaintiff refused to deliver the minor child S.M.P. on May 30, 2018. Greg contacted Plaintiff through counsel that the child was to be delivered no later than noon on June 1, 2018. This letter was sent to Plaintiff's counsel of record via fax and electronic service. Plaintiff's counsel has failed to contact Defendant's counsel as of this writing and the child was not delivered to GREG. The instant motion follows.

B. PLAINTIFF'S EXHIBIT TABLE PURSUANT TO EDCR 5.205

<u>Ex. #</u>	<u>Exhibit Title</u>	<u>Bates Numbers</u>
A	Parental Alienation Questionnaire and Results	DEF 1-4
B	Talking Parents Records	DEF 5 - 19
C	CD containing videos of child exchanges for Winter Break 2017, Spring Break 2018, and Summer Break 2018	DEF 20

C. EDCR 5.501 STATEMENT

GREG, through counsel sent a written request to comply with the current orders on May 31, 2018. Plaintiff's counsel was served the letter on May 31, 2018 via electronic service. Plaintiff's counsel was also faxed a copy of the letter to the fax number on record with the Nevada Bar and affixed to her pleadings.

1 No request for resolution has been received by The Grimes Law Office. No
2 request for an extension has been received by The Grimes Law Office. Plaintiff has
3 failed to comply with the Order or the demands of the letter. The instant motion
4 follows.

5 **II. ARGUMENT**

6 **A. PLAINTIFF SHOULD BE ORDERED TO APPEAR AND SHOW**
7 **CAUSE WHY SHE SHOULD NOT BE HELD IN CONTEMPT**

8 Nevada Revised Statutes 1.210(3) states that "The Court has the power to
9 compel obedience to its orders" and NRS 22.010(3) states, in pertinent part:
10 Disobedience or resistance to any lawful writ, order, rule or process issued by the
11 court or judge at chambers shall be deemed contempt. NRS 22.100 provides, "Upon
12 the answer and evidence taken, the Court or judge or jury, as the case may be, shall
13 determine whether the person proceeded against is guilty of the contempt charge; and
14 if it be found that he is guilty of the contempt, a fine may be imposed on him but not
15 exceeding \$500.00, or he may be imprisoned not exceeding 25 days except as
16 provided in NRS 22.110."

17 The court issued an Order on August 26, 2014. The courts Order granted GREG
18 visitation will all three minor children as follows:

19 Defendant/Dad shall have VISITATION for Christmas on the even years the
20 first week of the school break, Plaintiff/Mom shall have the second week in
21 the even years; Parties will then alternate the next year. Plaintiff/Mom shall
22 have Thanksgiving in the even years, Defendant/Dad the odd years.

23 Defendant/Dad shall have Spring Break every year, Defendant/Dad shall
24 have Summer Vacation with the minor children from one (1) week after
25 school is out to one (1) week before school starts.

26 Plaintiff was served with the Order and was aware of the Order as she used the
27 Order and ruling to relocate from the State of Nevada.

28 The court issued an Order on January 23, 2018, following an evidentiary

1 hearing, with reiterated the custodial timeshare and further stated:

2 Plaintiff's request for teenage discretion for the parties' daughter shall be
3 denied. The Parties' daughter shall be subject to the same visitation schedule
4 as the other minor children.¹

5 Furthermore, the court ordered compensatory time in stating, "As Compensatory time,
6 Defendant shall have custody of the all the minor children for the entirety of the
7 winter break for the next six (6) years."

8 The Plaintiff was served with a copy of this Order on or about January 25,
9 2018. Plaintiff was aware of the order as she filed a motion to set aside this order and
10 requested a new trial. This request was subsequently denied.

11 Plaintiff willfully and knowingly violated these orders of the court. Plaintiff
12 arrived at the exchange point with the two younger children. The younger children
13 were present and were received by GREG. Plaintiff brought the minor child S.M.P. to
14 the exchange but refused to comply with the Order of this court and deliver her to
15 GREG. Each of the three exchanges at issue were video recorded and plainly show the
16 Plaintiff refusing to facilitate the exchange. In each of the video's Plaintiff stands
17 silent and refuses to assist with the exchange despite a request for her assistance. In
18 each of the videos taken at the exchange Plaintiff refuses to even acknowledge the
19 question of whether she will assist in the facilitation of the exchange.

20 Following each of the exchanges Plaintiff was put on written notice she was not
21 complying with the Order of the court. Plaintiff acknowledges she knows and
22 understands the Orders of this court as she has twice sought reconsideration of the
23 matters from this court.² Plaintiff's conduct is therefore willful and knowing.

24 Plaintiff has knowledge of the Order regarding visitation. As Primary Custodian
25
26

27 ¹ Order of January 23, 2108, page 3, line 26-28.

28 ² Plaintiff's present Opposition and Countermotion to Defendant's Motion to Rescind again argues for Teenage Discretion and to set aside the current Order. Plaintiff's pleadings make clear she is aware and understands the Orders of this court.

1 Plaintiff has an affirmative duty to reinforce and support a relationship with the non-
2 custodial parent. Plaintiff willfully and knowingly violated the orders by failing to
3 deliver the minor child S.M.P to GREG at the proper time and place designated by
4 this court on three separate occasions. Despite notice she was not in compliance with
5 the Orders of this court Plaintiff has refused remedy the conduct on at least two
6 occasions. Based on the foregoing the Court should Issue and Order to Show Cause
7 why the Plaintiff should not be held in Contempt of Court for her willful and knowing
8 refusal to comply with the legal Orders of this court. Upon Issue of and Order to
9 Show Cause this matter should be set for an evidentiary hearing at the earliest possible
10 date.

11 Should Plaintiff be found in contempt of court pursuant to NRS 22.010 for each
12 of the three violations of the Order Plaintiff should be sentenced to twenty-five days
13 in CCDC for each of the violation; Plaintiff should be fined \$500 for each of the three
14 violations, and Plaintiff should be required to pay any and all attorney's fees
15 associated with the present motion.

16 **B. THE COURT SHOULD MODIFY CUSTODY AWARDING**
17 **DEFENDANT PRIMARY PHYSICAL CUSTODY AND SOLE**
18 **LEGAL CUSTODY OF THE MINOR CHILDREN**

19 A court may make orders for the custody of children; 1(a) During the
20 pendency of the action, at the final hearing or at any time thereafter during the
21 minority of any of the children of the marriage, make such an order for the custody,
22 care, education, maintenance and support of the minor children as appears in their
23 best interest. NRS 125.510 *See also* NRS 125.230.

24 Modification of primary physical custody is warranted only when (1) there
25 has been a substantial change in circumstances affecting the welfare of the child, and
26 (2) the child's best interest is served by the modification. *Ellis v. Carucci*, 123 Nev.
27 145, 150, 161 P.3d 239, 242 (2007). Under this revised test, the party seeking a
28 modification of custody bears the burden of satisfying both prongs. *Id.*

Best Interest of the Child is Addressed in NRS 125C.0035(4):

In determining the best interest of the child, the court shall consider and set forth its specific findings concerning, among other things:

- a. The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his or her physical custody.
- b. Any nomination of a guardian for the child by a parent.
- c. Which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent.
- d. The level of conflict between the parents.
- e. The ability of the parents to cooperate to meet the needs of the child.
- f. The mental and physical health of the parents.
- g. The physical, developmental and emotional needs of the child.
- h. The nature of the relationship of the child with each parent.
- i. The ability of the child to maintain a relationship with any sibling.
- j. Any history of parental abuse or neglect of the child or a sibling of the child.
- k. Whether either parent or any other person seeking physical custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child.
- l. Whether either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child.

The Court must act to protect the children from ongoing abuse from Plaintiff. Plaintiff's ongoing abuse is a substantial change in circumstance demanding an immediate change in custody.

Plaintiff's conduct has entered the dangerous realm of pathogenic parenting³

³ Pathogenic Parenting is not a new syndrome, but rather, a manifestation of standard and well established pathologies. It only uses references to classic works of psychology and none related to parental alienation syndrome. This gives it

(parental alienation) which is a form of child abuse, specifically Child Psychological Abuse. Hostile Aggressive Parenting Organization, a Psychology Organization that publishes articles quarterly on the issue of abuse through parental alienation and Hostile Aggressive Parenting published an easy to use evaluation and questionnaire to assist in determining if HAP or PAS exists in a parent child relationship. *Exhibit A. GREG*, based on observations and behavior of Plaintiff since filing of the divorce answered the questions. *Id.* Plaintiff was determined to be an "Extreme risk of harm to the child." *Id.* at 1. Similarly, the evaluation regarding the children and parental alienation shows "Child is suffering from PAS."

The court is reminded of Plaintiff's continuous filings over the last three years asserting the same or identical claims against GREG, in her desire to terminate his visitation with the children. The court is reminded that every reported injury the children has suffered was reported while in the care and custody of Plaintiff. The court is further reminded of Plaintiff's employment as a health care worker, nurse. The court is further reminded of Plaintiff's erratic behavior and inability to maintain

tremendous power, making it something that any mental professional operating within their boundaries of competence should already understand, making it a possible violation of state law to not understand it. Refer to the three diagnostic criteria and 12 associated clinical signs.

A parent suffering from a narcissistic or borderline personality disorder can, under unrelenting stress or pressure from divorce, decompensate into persecutory delusions that the other parent is inadequate or abusive. These parents then expel their feelings of inadequacy or abandonment onto their former partner by using the defense mechanisms of projection and splitting. Because of splitting, the ex-spouse must become the ex-parent of the child. Through triangulation, psychological enmeshment with their children, and the formation of a cross generational alliance with their children, they influence their children to share their delusion. This can be done by eliciting criticism from the child about the other parent and then enthusiastically validating it, and by mixing in partially true lies. These parents then use their children as a narcissistic supply (or regulatory-other), creating a role reversal relationship that shows a lack of empathy for their children's own developmental needs.

It is a standard reenactment of childhood trauma with a standard false narrative related to their own childhood, where the child's other parent symbolizes an inadequate or abusive parent, the child symbolizes a victim of the other parent, and the parent using harmful parenting practices symbolizes a good parent ostensibly trying to protect their child. However, in reality, the other parent is neither inadequate nor abusive; but rather, the parent using the harmful parenting practices is abusive. In effect, the parent who fears inadequacy or abandonment is able to project their fears onto the other parent because all can "plainly see" that it is the other parent who is rejected and abandoned by the child.

This results in 3 diagnostic criteria in the child: attachment system suppression, personality disorder traits, and delusional belief. **This rises to the level of DSM 5 Child Psychological Abuse, V995.51.** The psychological fingerprints of the parent with the personality disorder are on the child.

1 employment. Given the conduct and likelihood of Pathogenic Parenting the court
2 should be gravely concerned Plaintiff suffers from Munchausen by proxy syndrome
3 (MBPS).

4 The existence of Parental Alienation and Pathogenic Parenting by the Plaintiff
5 constitutes a change in circumstances.

6 Defendant must next show that the child's best interest is served with a
7 change in custody. The Nevada Legislature set forth the non-exclusive factors the
8 court must consider in NRS 125C.0035(4).

9 **The wishes of the child if the child is of sufficient age and capacity to form an**
10 **intelligent preference as to his or her physical custody.**

11 There is little question S.M.P. would state she prefers to remain with Plaintiff.
12 The improper parent child alignment shown in this matter would indicate no other
13 outcome. However, the two younger children have a bonded and loving relationship
14 with GREG. Until the most recent losses suffered by the Plaintiff in her onslaught of
15 pleadings S.M.P. also had a bonded relationship with GREG.

16 The court should not give weight to this factor as S.M.P. is being influenced
17 by Plaintiff and the younger children lack sufficient maturity to express and
18 understand the weight of the decision.

19 **Any nomination of a guardian for the child by a parent**

20 This factor is not an issue in the present action.

21 **Which parent is more likely to allow the child to have frequent associations and**
22 **a continuing relationship with the noncustodial parent.**

23 Plaintiff's conduct over the last two years make clear she cannot and will not
24 facilitate and encourage a relationship with GREG. Plaintiff actively undermines the
25 relationship and disregards the orders of this court.

26 GREG has complied with every Order of this court during the last three years.
27 When this court demanded supervised visits based on the unfounded assertions by
28 Plaintiff he complied with every demand placed upon him.

1 GREG is the only parent that will permit and encourage a relationship with
2 the other parent. This factor must weigh in GREG's favor.

3 **The level of conflict between the parents.**

4 This divorce and custody have been high-conflict since Plaintiff ran off and
5 attempted to relocate the children without permission of the court or Defendant.
6 Plaintiff has filed repetitive and redundant motions with the expressed intention of
7 denying GREG any visitation with the children. There is little question there is an
8 extremely high level of conflict between the parents with virtually all of the conflict
9 being caused by Plaintiff. This factor must weigh in favor of GREG.

10 **The ability of the parents to cooperate to meet the needs of the child.**

11 The court need only look to the evidentiary hearing of December 2017 to
12 make this determination. Plaintiff has refused to place GREG on school records.
13 Plaintiff refused to disclose the children's medical providers or the dates of
14 appointments. Plaintiff failed to inform GREG regarding Special Education Services
15 for the minor child S.M.P.

16 Plaintiff believes she is the sole arbiter of what is best for the children and has
17 continued to refuse to involve GREG in medical and education decisions. Plaintiff
18 continues in this conduct despite recent orders of this court. Plaintiff lacks the ability
19 to cooperate and provide for the children's needs.

20 **The mental and physical health of the parents.**

21 GREG is of sound mind and healthy body. GREG maintains full time
22 employment. GREG has no addictions. GREG does not suffer from PTSD despite
23 constant attacks to the contrary from Plaintiff.

24 Plaintiff seems incapable of recognizing her duties as a parent. Plaintiff has
25 struggled to maintain employment. Plaintiff has been unable to maintain her own
26 residence for herself and the children; she consistently returns to her current address
27 of record to live with her mother. Plaintiff's Financial Disclosure form submitted on
28 December 13, 2017 stated she resigned her position in January 2016 because she

1 “wanted a different shift.” Plaintiff finally reports obtaining employment in
2 December 2017, almost two years later. The court must be concerned that a nurse
3 cannot maintain or obtain employment in the present market regarding nursing. Such
4 inability calls into question the stability and mental health of Plaintiff.

5 **The physical, developmental and emotional needs of the child.**

6 There are three children ages 6, 10, and 14. The children need stability and
7 healthy relationships with both parents. Plaintiff’s housing has been less stable than
8 defendant. Plaintiff cannot and will not support a meaningful relationship with
9 GREG. Plaintiff has involved the children with court proceedings by failing to
10 deliver all of the children to GREG, and taking these actions with the children all
11 present.

12 Plaintiff lacks the ability to provide for the children physically because she
13 cannot maintain employment. Plaintiff cannot provide for the developmental needs
14 of the children because of her own emotional or mental health issues. Plaintiff will
15 not provide for the emotional needs of the child specifically where the father is
16 concerned.

17 **The nature of the relationship of the child with each parent.**

18 Until a year ago the relationship with Greg and the children was strong and
19 well bonded. The relationship with the younger children remains steadfast. S.M.P.
20 has refused to speak to her father and to attend visitation with her father since
21 Plaintiff was unsuccessful in terminating the visitation of GREG.

22 Plaintiff’s relationship seems quite strong with all of the children.

23 The court should deem this as a equal factor for both parents.

24 **The ability of the child to maintain a relationship with any sibling.**

25 Not a factor in the present case.

26 **Any history of parental abuse or neglect of the child or a sibling of the child.**

27 GREG asserts and has provided sufficient evidence to show a prima facia
28 finding that Plaintiff is engaged in Pathogenic Parenting. Pathogenic Parenting is a

1 form of psychological abuse. The court should hold the Plaintiff is engaging in abuse
2 of the children and should remove the children from the case and custody of the
3 Plaintiff.

4 Whether either parent or any other person seeking physical custody has
5 engaged in an act of domestic violence against the child, a parent of the child or
6 any other person residing with the child.

7 Not a factor in the present case.

8 Whether either parent or any other person seeking physical custody has
9 committed any act of abduction against the child or any other child.

10 The court is reminded Plaintiff disenrolled the children from school and
11 removed the children from Nevada; notably she removed them to Arizona. GREG
12 filed a motion to return the children and Plaintiff returned with the children to
13 Nevada.

14 Plaintiff's actions violated the Joint Preliminary Injunction and the Nevada
15 Parental Abduction Statute. The court ignored Plaintiff's actions as she returned to
16 Nevada without the issuance of a pick-up order.

17 Plaintiff has engaged in an act of Parental Abduction with the intent of
18 withholding the children from GREG.

19 The totality of the evaluation demonstrates the best interest of the children is
20 served by changing custody to reflect Primary Physical Custody to Defendant.

21 Pursuant to *Ellis*, GREG has shown a substantial change in circumstances and
22 that modification of custody is in the best interest of the children. 123 Nev. 145. The
23 court should order a temporary change in custody with Defendant having primary
24 physical custody of all three minor children. The court should set this matter for an
25 evidentiary hearing to determine if a permanent change is appropriate.

26 **C. DEFENDANT IS ENTITLED TO AN AWARD OF ATTORNEY'S**
27 **FEES AND COSTS**

28 Plaintiff's conduct entitles Defendant to an award of attorney's fees under

1 NRS 18.010(2)(b) which states: In addition to the cases where an allowance is
2 authorized by specific statute, the court may make an allowance of attorney's fees to
3 a prevailing party Without regard to the recovery sought, when the court finds that
4 the claim, counterclaim, cross-claim or third-party complaint or defense of the
5 opposing party was brought or maintained without reasonable ground or to harass
6 the prevailing party. The court shall liberally construe the provisions of this
7 paragraph in favor of awarding attorney's fees in all appropriate situations. It is the
8 intent of the Legislature that the court award attorney's fees pursuant to this
9 paragraph and impose sanctions pursuant to Rule 11 of the Nevada Rules of Civil
10 Procedure in all appropriate situations to punish for and deter frivolous or vexatious
11 claims and defenses because such claims and defenses overburden limited judicial
12 resources, hinder the timely resolution of meritorious claims and increase the costs
13 of engaging in business and providing professional services to the public.

14 Plaintiff has refused to facilitate exchanges of the minor children with their
15 father. Plaintiff's conduct is in contravention of the Orders and directives of this
16 court. Defendant should be permitted to file an Affidavit of Fees and Costs and a
17 Brunzell Affidavit upon the court ordering an award is appropriate in this matter.

18 **D. The Court Should Modify Child Support to Reflect a the Change of**
19 **Custody**

20 NRS 125B.145 Review and modification of order for support: Request for
21 review; jurisdiction; notification of right to request review.

22 1. An order for the support of a child must, upon the filing of a request for
23 review by:

24 a. The Division of Welfare and Supportive Services of the Department of
25 Health and Human Services, its designated representative or the district attorney, if
26 the Division of Welfare and Supportive Services or the district attorney has
jurisdiction in the case; or

27 b. A parent or legal guardian of the child,
28 be reviewed by the court at least every 3 years pursuant to this section to
determine whether the order should be modified or adjusted. Each review conducted
pursuant to this section must be in response to a separate request.

2. If the court:

a. Does not have jurisdiction to modify the order, the court may forward the request to any court with appropriate jurisdiction.

b. Has jurisdiction to modify the order and, taking into account the best interests of the child, determines that modification or adjustment of the order is appropriate; the court shall enter an order modifying or adjusting the previous order for support in accordance with the requirements of NRS 125B.070 and 125B.080.

3. The court shall ensure that:

a. Each person who is subject to an order for the support of a child is notified, not less than once every 3 years, that the person may request a review of the order pursuant to this section; or

b. An order for the support of a child includes notification that each person who is subject to the order may request a review of the order pursuant to this section.

4. An order for the support of a child may be reviewed at any time on the basis of changed circumstances. For the purposes of this subsection, a change of 20 percent or more in the gross monthly income of a person who is subject to an order for the support of a child shall be deemed to constitute changed circumstances requiring a review for modification of the order for the support of a child.

5. As used in this section:

a. "Gross monthly income" has the meaning ascribed to it in NRS 125B.070.

b. "Order for the support of a child" means such an order that was issued or is being enforced by a court of this State.

NRS 125b.070 Provides,

1. As used in this section and NRS 125B.080, unless the context otherwise requires:

(a) "Gross monthly income" means the total amount of income received each month from any source of a person who is not self-employed or the gross income from any source of a self-employed person, after deduction of all legitimate business expenses, but without deduction for personal income taxes, contributions for retirement benefits, contributions to a pension or for any other personal expenses.

(b) "Obligation for support" means the sum certain dollar amount determined according to the following schedule:

(1) For one child, 18 percent;

(2) For two children, 25 percent;

(3) For three children, 29 percent;

(4) For four children, 31 percent; and

(5) For each additional child, an additional 2 percent,

1 of a parent's gross monthly income, but not more than the presumptive
2 maximum amount per month per child set forth for the parent in subsection 2 for an
3 obligation for support determined pursuant to subparagraphs (1) to (4), inclusive,
4 unless the court sets forth findings of fact as to the basis for a different amount
pursuant to subsection 6 of NRS 125B.080.

5 2. For the purposes of paragraph (b) of subsection 1, the presumptive
6 maximum amount per month per child for an obligation for support, as adjusted
pursuant to subsection 3, is:

7 PRESUMPTIVE MAXIMUM AMOUNT INCOME RANGE

8 \$0 - \$4,235	\$681
9 \$4,235 - \$6,351	\$749
10 \$6,351 - \$8,467	\$820
\$8,467 - \$10,585	\$886
11 \$10,585 - \$12,701	\$955
12 \$12,701 - \$14,816	\$1,022
13 \$14,816 - No Limit	\$1,092

14 3. The presumptive maximum amounts set forth in subsection 2 for the
15 obligation for support must be adjusted on July 1 of each year for the fiscal year
16 beginning that day and ending June 30 in a rounded dollar amount corresponding to
17 the percentage of increase or decrease in the Consumer Price Index (All Items)
18 published by the United States Department of Labor for the preceding calendar year.
19 On April 1 of each year, the Office of Court Administrator shall determine the
amount of the increase or decrease required by this subsection, establish the adjusted
amounts to take effect on July 1 of that year and notify each district court of the
adjusted amounts.

20 4. As used in this section, "Office of Court Administrator" means the Office
21 of Court Administrator created pursuant to NRS 1.320.

22 *Rivero* states that, "although a party need not show changed circumstances for
23 the district court to review a support order after three years, changed circumstances
24 are still required for the district court to modify the order." *Rivero v. Rivero*, 216
25 P.3d 213, 125 Nev. 410 (Nev., 2009). Movant must show a change in circumstance
26 to modify the support order and that the court cannot modify to conform to NRS
27 125B.070 and NRS 125B.080, simply because more than three years passed since its
28 last review. *Fernandez v. Fernandez*, 222 P.3d 1031 (Nev., 2010). To prevail on his

modification motion on remand, Rivero requires the father to demonstrate changed circumstances. *Id.* at 1039.

The court should modify custody awarding Primary Physical Custody of the three minor children to GREG. This change necessitates a modification of child support reflecting the new custodial order.

III. CONCLUSION

WHEREFORE Defendant requests the Court grant the following relief:

1. That Plaintiff be found Guilty of Contempt of Court and sentenced to 25 days in Jail and fined \$500 for each offense; or
2. That Plaintiff be Ordered to present herself at an Evidentiary Hearing that he might show cause why she is not in Contempt of this Court; and
3. That Plaintiff be Order to produce the minor child S.M.P. to Defendant forthwith.
4. That the Custody be Modified awarding Primary Physical Custody to Defendant
5. That Child Support be modified pursuant to statute.
6. For an Award of Attorney's Fees and Costs relating to the present Motion.

DATED this 5th day of June 2018.

THE GRIMES LAW OFFICE

/s/ Melvin R. Grimes
MELVIN R GRIMES, ESQ.
Nevada Bar No. 12972
808 South 7th Street
Las Vegas, NV 89101
Tel: (702) 347-4357
Attorney for Defendant

AFFIDAVIT IN SUPPORT OF MOTION

I, GREG PELKOLA, under penalties of perjury, being first duly sworn, deposes and says:

1. That I am the Movant in the above-entitled action;
2. That I have read the Motion and know the contents thereof; that the same is true of my own knowledge, except for those matters therein contained stated upon information and belief, and as to those matters, I believe them to be true.
1. That I am familiar with all facts stated in this Motion and I am competent to testify to these facts of my own knowledge, except as to those matters stated herein on information and belief, and, as to such matters, I believe them to be true;
3. That I make this affidavit in support of the foregoing motion;

WHEREFORE, I pray this court for its Defendant's Motion for an Order to Show Cause Why She Should Not Be Held in Contempt and Motion to Modify Custody.

FURTHER, YOUR AFFIANT SAYETH NAUGHT.

DATED this 5th day of June, 2018.

Greg Pelkola
Print Name

/s/ Greg Pelkola
Sign Name - Original Signature on file and available upon request

CERTIFICATE OF SERVICE**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of The Grimes Law Office and that on the 5TH day of June 2018, I caused the foregoing document, Defendant's Motion for an Order to Show Cause Why She Should Not Be Held in Contempt and Motion to Modify Custody, to be served as follows:

- ☐ Pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned "In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District," by mandatory electronic service through the Eighth Judicial District Court's electronic filing system;
- ☐ By placing the same to be deposited for mailing in the United States Mail, in a sealed envelope with appropriate first class postage attached.
- ☐ Pursuant to EDCR 7.26, to be sent via fax, by duly executed consent for service by electronic means; and/or
- ☒ By hand delivery with signed Receipt of Copy;

to the attorney or party listed below at the address, email address and/or fax number indicated below:

Carol Menninger, Esq.
3210 W. Charleston Blvd., Suite 1
Las Vegas, NV 89102
Cmlaw28@yahoo.com

DATED this 5th day of June 2018.

THE GRIMES LAW OFFICE

/s/ Melvin R. Grimes
MELVIN R GRIMES, ESQ.
Nevada Bar No. 12972
808 South 7th Street
Las Vegas, NV 89101
Tel: (702) 347-4357
Attorney for Defendant

EXHIBIT A

Evaluating Hostile Aggressive Parenting

The score was : 1925

(Don't forget to also take the Parental Alienation evaluation form)

Extreme risk of harm to child (500 or more points)

For extreme risk of harm situations, effective intervention strategies should be employed as quickly as possible to stop the influences of the HAP parent from causing any further harm to the child and hopefully to begin the process or reversing any potential psychological damage already done to the child. Where it has been determined that a child is in the extreme risk of harm category and there is at least one critical risk factor present, removal of custodial and/or access rights to the child must usually be taken away from the HAP parent as quickly as possible in order to bring relief to the situation and to ensure that the child's exposure to HAP influences is significantly and immediately reduced. The complete removal of the HAP parent's custody rights on a temporary basis sends in this situation a strong message that the actions of the HAP will not be tolerated by society. Under conditions of extreme risk of harm to the child, and where one critical risk indicator is present, the following intervention is recommended:

- That the HAP parent's current custody status (sole or joint) be temporarily suspended until such time as it can be determined using the "risk assessment protocol" that the parent no longer poses an extreme risk of harm to the child stemming from HAP and its associated risk factors.
- That the HAP parent's access rights with the child be reviewed and access suspended temporarily should the required criteria for suspending access to the child be met. Supervised access should be considered for parents who are considered as posing an extreme risk of harm to their child.
- That the currently residency arrangements of the child be reviewed and the primary residence of the child be changed on a temporary basis should the required criteria for altering the residency of the child be met.
- That, as the first option, the child should be placed under the care and control of the other parent or another family member where an assessment has determined the child not to be at extreme risk of harm caused by an HAP party.
- That a psychological assessment or parenting assessment or evaluation on the HAP parent should be conducted by a competent professional in an attempt to find the root causes of the HAP behaviours.
- That a plan of care for the child be developed that can reasonably show how the risk of harm from HAP will be reduced prior to any consideration is made to re-establish any parenting or custodial rights.

In most cases involving children at high risk, intervention will not be pleasant to implement and in many cases, may meet severe opposition from the child, especially when it comes to curtailing the child's time with the HAP parent. Although there may be what can be referred to as "short term pain" in reversing the damage done to a child because of HAP, inevitably, the child will benefit from the "long term gain" of appropriate intervention. There are a number of cases on record where children who have been kidnapped from another parent for sometime long periods of time have been successfully re-integrated back with a parent they have not seen for a long period of time. In these cases the courts ordered the kidnapping parents to be jailed and the children physically placed with the parent who the child had not seen for a long period of time, sometimes years. The damage to children caused by HAP or PAS can be reversed if strong measures are taken.

We highly recommend going through this site as well: UpToParents.org



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Hostile Aggressive Parenting

psychological child abuse

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Parental Alienation Syndrome (PAS) Evaluation Form

This form has been developed to provide a simple and reliable means in which to reasonably determine the existence of Parental Alienation Syndrome or PAS as it is more commonly referred to. This form is intended to be used in conjunction with the "Risk assessment protocol to evaluate the risk of harm to children caused by Hostile-Aggressive Parenting (HAP)"

- [How to determine the presence of PAS](#)
- [PAS evaluation form](#)
- [Recommended intervention strategies](#)
- [How to help](#)

Criteria 1

- | | |
|--|-------|
| The child is indicating a fear or hatred of the targeted parent or is claiming to be harassed by attempts by the targeted parent to make contact with him or her. | Yes ▾ |
| The child has denigrated the targeted parent privately to other friends, family or in public. | No ▾ |
| The child appears to be mimicking scenarios or accusations advanced by one of the parents in family court proceedings. | No ▾ |
| The child has created a scene in public which has embarrassed, humiliated or denigrated the targeted parent with the child using untoward language or violence | Yes ▾ |
| The child has made false allegations against the targeted parent or has attempted to have the targeted parent charged criminally by police or has supported such a complaint advanced by the other parent. | No ▾ |
| The child is displaying a severe opposition to contact with a parent or insisting on spending less time or is resisting reasonable attempts to engage in meaningful contact with the targeted parent. | Yes ▾ |
| The child expresses guileless disregard for the feelings of the targeted parent or other family members who may support the targeted parent. | Yes ▾ |
| The child has attempted suicide or has self mutilated themselves and has indicated that it was because of the targeted parent. | No ▾ |
| The child has written a letter or note to the targeted parent telling the target parent that he/she does not want to see the parent or to have any further contact with the parent. | Yes ▾ |
| The child spits, bites, swears or has displayed other violent opposition to contact with a parent. | No ▾ |
| The child has assaulted, attempted to harm, harmed the target parent. | No ▾ |

Criteria 2

- | | |
|--|-------|
| There must be at least one person having influence over a child who is engaging in Hostile-aggressive parenting (HAP) directed against the targeted parent. | Yes ▾ |
| The targeted parent has suffered the loss of parenting time with the child due to the interference with access to the child by another parent or family member or due to the refusal of the child to spend scheduled time with the targeted parent or the target parent has care and control of the child for 40% of the time or less. | Yes ▾ |
| There would appear to be no compelling and credible evidence to support the reasons given by the child or the HAP parent to explain why the child is exhibiting one or more of the disorders listed under criteria 1. Some | Yes ▾ |

DEF 2

of the reasons given may appear to be weak, frivolous, contradictory from evidence given by others, exaggerated or in some cases totally fabricated or an extension of another person's thoughts or feelings.

There would appear to be no compelling evidence or other compelling information which would indicate that the child's relationship with the targeted parent was not considered within the limits of a reasonably healthy and normal relationship (for example, no violence or abuse against the child) under the circumstances up until the time that either the parents were separated or until such time as conflict between parents involving the child's issues became an problem.

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Parental Alienation Syndrome (PAS) Evaluation Form

Child is suffering from PAS.

It is of great importance to seek counselling for this child. It is also of great importance to monitor the HAP parent and seek professional help for the HAP parent.

- [How to determine the presence of PAS](#)
- [PAS evaluation form](#)
- [Recommended intervention strategies](#)
- [How to help](#)

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EXHIBIT B



Complete Record of Communications

Case Information

Parents

Greg Elliott Pelkola

Signed up on 12/24/2017 at 11:26:49 PM and provided the following:

Other Parent's Name: Heidi Pelkola

Heidi Marie Pelkola

Signed up on 12/24/2017 at 11:32:13 PM and provided the following:

Other Parent's Name: Greg Pelkola

Report Generated By: Greg Elliott Pelkola on 5/24/2018 at 2:48:16 PM

Time Zone Information

***All times presented in Pacific Standard Time**

*TalkingParents.com documents and maintains all time information in Coordinated Universal Time (UTC). This is done to ensure accuracy and reliability of all records regardless of a user's location. As a matter of convenience, users have the option of viewing all time information, including the times shown on this complete record, in the time zone of their choice.

Certification by TalkingParents.com

This document is a record of regularly conducted business activity compiled, stored, and made available by TalkingParents.com. TalkingParents.com keeps this record in the course of regularly conducted business activity and it is the regular practice of TalkingParents.com to do so. Maintaining such records is indeed the primary function of TalkingParents.com.

This record was made at the time of the occurrence of the matters set forth by it. In other words, this record is automatically compiled in real time as users access and use TalkingParents.com.

This record was kept, and continues to be kept, in the course of the regularly-conducted business activity of TalkingParents.com.

This record was made as a regular practice by TalkingParents.com in the course of the aforementioned regularly-conducted activity.



New Message Notifications

Our service sends an automatic email notice every time a user has a new message to view at TalkingParents.com. These notices are sent as a courtesy and we cannot verify if they are actually received or viewed. Users can turn these email notices off (or back on) anytime. Our iPhone and Android apps include built-in new message notifications.

Sign In / Sign Out Record

** The following events are recorded only when a parent clicks the "Sign in" or "Sign out" buttons. As a result, this section may not accurately reflect when a parent was actually using our service. Please always refer to the date and time information in the Conversations section to determine a parent's actual use. **

12/24/2017 11:27:17 PM	- Greg Pelkola logged in.
12/25/2017 8:16:17 PM	- Heidi Pelkola logged in.
12/26/2017 10:36:16 AM	- Greg Pelkola logged in.
2/18/2018 5:19:34 PM	- Heidi Pelkola logged in.
2/27/2018 11:39:36 AM	- Heidi Pelkola logged in.
2/27/2018 11:50:53 AM	- Heidi Pelkola logged in.
2/28/2018 6:34:34 AM	- Heidi Pelkola logged in.
3/3/2018 3:42:19 PM	- Heidi Pelkola logged in.
3/3/2018 9:41:00 PM	- Heidi Pelkola logged in.
3/4/2018 9:51:34 AM	- Heidi Pelkola logged in.
3/4/2018 4:07:49 PM	- Heidi Pelkola logged in.
3/5/2018 12:41:21 PM	- Greg Pelkola logged in.
3/12/2018 9:57:02 AM	- Heidi Pelkola logged in.
3/13/2018 9:18:13 AM	- Heidi Pelkola logged in.
3/14/2018 6:29:07 AM	- Heidi Pelkola logged in.
3/29/2018 10:58:00 PM	- Heidi Pelkola logged in.
4/4/2018 11:55:31 AM	- Heidi Pelkola logged in.
4/7/2018 8:53:22 PM	- Heidi Pelkola logged in.
5/15/2018 8:33:40 AM	- Heidi Pelkola logged in.
5/15/2018 8:36:50 AM	- Heidi Pelkola logged out.
5/15/2018 8:37:13 AM	- Heidi Pelkola logged in.
5/16/2018 8:37:37 AM	- Heidi Pelkola logged in.
5/19/2018 9:45:41 AM	- Heidi Pelkola logged in.
5/20/2018 8:58:50 AM	- Heidi Pelkola logged out.
5/20/2018 8:59:01 AM	- Heidi Pelkola logged in.
5/20/2018 9:54:03 PM	- Heidi Pelkola logged in.
5/20/2018 11:53:36 PM	- Heidi Pelkola logged in.
5/22/2018 4:43:55 PM	- Heidi Pelkola logged in.
5/23/2018 9:36:43 AM	- Heidi Pelkola logged in.
5/23/2018 8:32:30 PM	- Heidi Pelkola logged in.

Conversations

All communications are grouped into conversations. Every conversation is assigned a subject by the parent who created it.

Conversations are presented in their entirety with no communications left out and arranged chronologically based on most recent activity.

All communications within a conversation are arranged chronologically, top to bottom, starting with the first communication under that subject.

Conversation headings are outlined in solid black.

Greg Pelkola's communications are outlined in dots.

Heidi Pelkola's communications are outlined in dashes.

Summer Break

Created by: Greg Pelkola on 05/12/2018 at 12:36:36 PM

Greg Pelkola on 5/12/2018 at 12:36:36 PM said:

According to the Sweetwater School calendar, the last day of school is May 22nd. I will be picking up Sara, Justin, and Danny one week later as per the court order.

Pickup Date: Tuesday, May 29

2:00 pm at Love's Travel Plaza, Kingman, AZ.

Heidi Pelkola viewed this subject on 5/15/2018 at 8:34:52 AM

Heidi Pelkola on 5/15/2018 at 8:42:07 AM said:

According to order, I get them for one week after school gets out and one week before school starts. That would make pick up Wed May 30th instead of Tuesday. Is 2pm a good time for you on Wednesday?

Greg Pelkola viewed this subject on 5/15/2018 at 10:24:51 AM

Greg Pelkola on 5/15/2018 at 11:45:19 AM said:

Thank you for using talkingparents. According to the court order, one week would run from the day the children are released for summer break, seven days consecutively. Summer break release is Tuesday. Therefore the appropriate day for pickup is the following Tuesday.

However, in a positive co-parenting spirit I am happy to accomodate your proposed schedule for pickup on Wednesday, May 15th, day 8 of summer break, if the pickup time can be moved to 12:00 pm rather than 2:00 pm.


Greg Pelkola on 5/15/2018 at 11:48:23 AM said:

Correction on dates:
May 30th

Heidi Pelkola viewed this subject on 5/15/2018 at 11:03:41 PM

Heidi Pelkola on 5/19/2018 at 10:12:27 AM said:

Sara has mandatory testing for highschool. I can take her for testing on Wednesday, May 30, 2018. The AM sessions are from 8:00am-12:00pm. Testing takes approximately 1 hour, but I want to allow extra time if she needs it. I will take her to the 8:00 AM time. Are you ok to change the exchange time to 1:30pm on Wednesday May 30th, 2018? If she only needs the 1 hour I will let you know via text to adjust exchange time to be sooner.

 Greg Pelkola viewed this subject on 5/19/2018 at 11:56:39 AM


Greg Pelkola on 5/19/2018 at 12:00:29 PM said:

That will be just fine.

To confirm:


Wednesday, May 30th - 1:30pm / Loves Truck Stop Parking Lot.
Picking up Sara, Justin, and Danny for summer break.

Thank You,
Greg

 Heidi Pelkola viewed this subject on 5/20/2018 at 8:59:08 AM


Heidi Pelkola on 5/20/2018 at 9:00:28 AM said:

Confirmed.
Thank you

 Greg Pelkola viewed this subject on 5/20/2018 at 5:57:16 PM


Greg Pelkola on 5/20/2018 at 5:58:19 PM said:

Justin told me you were ok with call of duty now. Can you confirm that?

 Heidi Pelkola viewed this subject on 5/20/2018 at 8:11:28 PM

Heidi Pelkola on 5/20/2018 at 8:16:05 PM said:

No, I am not ok with any call of duty games. The other games from the list you provided previously I am ok with.

 Greg Pelkola viewed this subject on 5/20/2018 at 8:19:02 PM

Greg Pelkola on 5/20/2018 at 9:17:54 PM said:


Please be sure to let Justin know that this was your call.

Please provide, as ordered, the rest of your game selection as I did directly after the minute hearing.

Greg Pelkola on 5/20/2018 at 9:20:26 PM said:

I believe that sending mixed signals to our children is not in their best interest. Please try to be more specific to them in the future in order to facilitate healthy social growth.

Thank You

 Heidi Pelkola viewed this subject on 5/20/2018 at 11:53:51 PM

Heidi Pelkola on 5/21/2018 at 12:23:03 AM said:

In reply to your text, I have not sent the children mixed signals. I believe the list I sent previously is all of the games they have here, however, I will check in the morning to make sure I did not miss any. Justin knows I have not been in agreement with him playing the Call of Duty games at your house. A GameStop associate told me the Call of duty games are not appropriate for a 10 year old or a 6 year old. Justin told me today that Call of duty games are the only games you play with him. I do not want any of the kids playing Call of duty, as they are not age appropriate and have violence, gore, adult language and drug references. Please note, while you remain hyperfocused on a game list from me (which I have previously provided) I do not have any games like Call of duty in my home.

Thank you.

 Greg Pelkola viewed this subject on 5/21/2018 at 12:23:15 AM

Greg Pelkola on 5/21/2018 at 12:12:26 PM said:

Thank you for your response. The hyperfocus you describe is a self description of your issues with the game, as perfectly demonstrated above. Had you requested additional information in regard to which game we played, I would have been more than happy to provide you with the version, the rating, and the parent control settings.

Regardless, we cannot ask a judge to guide us on general parenting styles for each issue that could be resolved, through positive communication.

In the future, please seek the information you require through me. As the adult father I can provide the specifics in all issues you inquire from the children.

I am looking forward to a summer of positive communication and co-parenting informational exchanges. It is in the best interest of our children to facilitate teamwork growth.

Thank You,
Greg

Heidi Pelkola viewed this subject on 5/22/2018 at 4:44:15 PM

Heidi Pelkola on 5/22/2018 at 5:18:33 PM said:

Greg,

In a quick reply, no version of the Call of duty games is appropriate for our children. They contain violence, gore, adult language and drug references. That is not in the best interest of the children. I previously told you I didn't want them playing Call of duty games and you had them play anyway multiple times. I do not consider you having the kids play Call of duty a "parenting style" I consider it bad judgement on your part. Moving past that, I have sent the kids report cards to you via priority mail with tracking number on my receipt. Included is kids medical bills I paid with receipt included. Please reimburse me your half of the bills as ordered in decree.

Thank you,
Heidi Pelkola

Greg Pelkola viewed this subject on 5/22/2018 at 5:19:10 PM

Xbox Games

Created by: Greg Pelkola on 04/03/2018 at 2:32:37 PM

Greg Pelkola on 4/03/2018 at 2:32:37 PM said:

1. Leggo Hobbit: age 10 and Up
2. Shaun White Snowboarding
3. Raving Rabbits
4. Wii Play
5. Pokemon Battle Revolution
6. Spiderman 3
7. Dance Revolution
8. Wii Music
9. Cabela's Survival
10. Crazy Golf
11. Sonic Secret Rings
12. Poke Park II
13. The Strike (fishing game)
14. Redneck Jamboree
15. Lego Starwars
16. Okami
17. Legend of the Gardians
18. Rapala Tournament Fishing
19. Batman
20. Megamind
21. Six Flags Fun Park
22. Batman II
23. Ghost Busters

Here is our list of games. Please take the time you need to review and research the games on this list and reply.

Looking forward to your personal list to do the same.

Greg

Greg Pelkola on 4/03/2018 at 2:35:15 PM said:

Added Games

24. Mini Ninja
25. Plants vs Zombies
26. Transformers Racing Rated E - E means everyone 10 and up.
27. Jet Ski
28. Battleship
29. Monster Jam

Heidi Pelkola viewed this subject on 4/04/2018 at 11:55:40 AM

Greg Pelkola on 4/07/2018 at 12:36:56 PM said:

Hello Heidi,

With all due respect and in a positive tone for co-parenting success; are you going to provide your list of household games as ordered by the judge in the last Minute Hearing?

Heidi Pelkola viewed this subject on 4/07/2018 at 8:53:36 PM

Heidi Pelkola on 4/07/2018 at 8:57:05 PM said:

Yes, I will send you a list when I get a chance. When I make Sara an appointment I will let you know the date.

Greg Pelkola viewed this subject on 4/07/2018 at 9:19:11 PM

Greg Pelkola on 4/07/2018 at 9:20:03 PM said:

Thank you for communicating.

Greg Pelkola on 4/08/2018 at 11:09:03 AM said:

I am sure the boys are hoping we get both lists approved quickly. I imagine they must be bored as they are not allowed to play the games, as per the minute order, until we have both approved them for both homes. The sooner I can approve your games the quicker they can get back to playing.

Thank You
Greg

Heidi Pelkola viewed this subject on 4/09/2018 at 10:06:51 AM

Heidi Pelkola on 4/09/2018 at 10:21:17 AM said:

Hello,
As far as I know, the minutes order has not yet been signed by the Judge. I have not yet had a chance to form a complete list of games that the kids would like to play, as I have been picking up extra shifts at work. However, I will send a short list now and may add more to the list as time becomes available for me to do so.

Heidi Pelkola on 4/09/2018 at 10:45:41 AM said:

Games list:
1. Animal Jam
2.Xbox 360 fl 11 Forza Motorsport4
3.minecraft Xbox 360 edition
4. Lego avengers
5.mx vs atv supercross
6. Lego Marvel super heros
7.Lego Marvel avengers
8. Agorio

Greg Pelkola viewed this subject on 4/09/2018 at 10:46:47 AM

Greg Pelkola on 4/09/2018 at 10:51:38 AM said:

Thank you for communicating.

I see no issues with this current list. To be frank, the fact that you are an adult makes having to provide a household list of games fairly silly. Yet here we are.

Looking forward to the rest of your list.

Heidi Pelkola viewed this subject on 4/09/2018 at 11:34:23 AM

Greg Pelkola on 5/20/2018 at 9:23:49 PM said:

It has been over a month. Please provide your list as ordered.

Heidi Pelkola viewed this subject on 5/20/2018 at 9:54:16 PM

Heidi Pelkola on 5/21/2018 at 11:43:43 AM said:

My games list that I previously sent on 4/3/18 is the complete list. I checked this morning to see if there were any games I may have missed listing and did not find any others.

Thank you,
Heidi Pelkola

Greg Pelkola viewed this subject on 5/21/2018 at 11:44:50 AM

Greg Pelkola on 5/21/2018 at 12:02:15 PM said:

Thank you for taking the time to respond.

Sara's IEP and Medical

Created by: Greg Pelkola on 03/05/2018 at 12:24:48 PM

Greg Pelkola on 3/05/2018 at 12:24:48 PM said:

I have met with administration at Sweet Water Elementary and have provided them with the current court order requiring you to add me to the children's records. They have completed this process.

They have provided Sara's IEP that you were unable or unwilling to provide and I will schedule a meeting with her coordinator.

Please let me know when you will be scheduling an appointment with her medical provider so that we may mutually address her medical needs.

I should have the children's secondary coverage completed by the end of the week.

Heidi Pelkola viewed this subject on 3/12/2018 at 9:57:29 AM

Greg Pelkola on 3/28/2018 at 1:59:50 PM said:

Hello,

I am still waiting for confirmation that you have scheduled an appointment for Sara which includes me as a co-parent. Please follow through with this important step in our shared responsibility to care for her needs. As stated previously, I am available Thursdays and Fridays to attend.

Heidi Pelkola viewed this subject on 3/29/2018 at 10:58:50 PM

Greg Pelkola on 4/02/2018 at 1:49:51 PM said:

I am concerned over your refusal to communicate with me in regard to our daughter's health care. It is in her best interest that we provide a positive co-parenting team for her. Would you like me to make the appointment?

Heidi Pelkola viewed this subject on 4/04/2018 at 12:00:01 PM

Dan's Car Seat/Booster

Created by: Greg Pelkola on 03/28/2018 at 2:02:06 PM

Greg Pelkola on 3/28/2018 at 2:02:06 PM said:

I noticed that Danny is allowed to ride without a booster. Since he is still only 6 it is important to address his safety needs when riding in your vehicle, or other people's vehicles. Please let me know if you need a booster as I have two and am willing to provide you with one.

Greg

Heidi Pelkola viewed this subject on 3/29/2018 at 10:58:17 PM

Dr.'s appointment for Daniel

Created by: Heidi Pelkola on 03/13/2018 at 9:36:54 AM

Heidi Pelkola on 3/13/2018 at 9:36:54 AM said:

Greg,

I just made a Dr. Appointment for Daniel for 1:40 pm Arizona time today. It is as Children's Medical group, located at 6780 W. Thunderbird #A101 Peoria, Az. 85381. Phone # is: 1(602)843-1991.

It will be with Dr. Neuwirth. I kept Daniel home from school today again. He's had diarrhea and was vomiting x5 yesterday evening. Temperature was 100.5. It is currently 99.0. He has told me his legs and arms hurt and stomach feels bad. He is able to keep down sips of Gatorade. Please let me know if or how you would like to proceed with his appointment today. I can call you at the start of his appointment if you would like.

Thank you,

Heidi Pelkola

Greg Pelkola viewed this subject on 3/13/2018 at 9:39:52 AM

Greg Pelkola on 3/13/2018 at 9:41:25 AM said:

Thank you. Yes, call me at the beginning of his appointment.

Heidi Pelkola viewed this subject on 3/13/2018 at 9:49:29 AM

Daniel

Created by: Heidi Pelkola on 03/12/2018 at 10:04:48 AM

Heidi Pelkola on 3/12/2018 at 10:04:48 AM said:

Greg,

I am notifying you that Daniel is sick and I kept him home from school today. He does not have a fever but was vomiting X2 last night. I will keep you updated.

Greg Pelkola viewed this subject on 3/12/2018 at 10:39:28 AM

Greg Pelkola on 3/12/2018 at 4:54:23 PM said:

Thank you for letting me know

Heidi Pelkola viewed this subject on 3/13/2018 at 9:18:23 AM

IRS

Created by: Greg Pelkola on 03/05/2018 at 12:29:22 PM

Greg Pelkola on 3/05/2018 at 12:29:22 PM said:

It is a falsehood that there was an IRS fraud perpetuated at the end of the marriage. Please cease this claim unless you are able to produce evidence such.

With all due respect, the IRS has nothing to do with the best interest of our children. Therefore we should work mutually towards positive co-parenting skills. Negative and false narratives will not help us mutually raise mentally healthy children.

Looking forward to positive communication in the future.

Greg

Heidi Pelkola viewed this subject on 3/12/2018 at 9:58:12 AM

Please pay your half per decree, part 2

Created by: Heidi Pelkola on 02/27/2018 at 11:57:03 AM

Heidi Pelkola on 2/27/2018 at 11:57:03 AM said:

Your half of the dental bill is \$146.56 and your half of Dr. Bill is \$28.00 for a total of \$174.56. Please reimburse me \$174.56. I will let you know how much their prescriptions are when I pick them up.

Greg Pelkola viewed this subject on 2/27/2018 at 5:50:11 PM

Greg Pelkola on 3/03/2018 at 8:03:55 PM said:

Paid by check #1027 - 03/03/2018

Please mail copies of medical records for Sara's encopresis visits over the last four years.

Did you take care of the HIPPA release forms to include me on the children's medical records as per court order?

Greg

Heidi Pelkola viewed this subject on 3/03/2018 at 9:43:11 PM

Heidi Pelkola on 3/04/2018 at 10:12:49 AM said:

Greg,

I did check soon after court, with the Dr.'s office that I take the kids to concerning the HIPPA release forms. I was told I did not need to sign any release forms, as you were already listed as the father.

In addition, I do not have in my possession Sara's medical records for the last four years. You do however, know her history with encopresis, as you were at the appointment with me when she was diagnosed with encopresis, in Alaska.

Please note, you are also supposed to pay for half of pharmacy costs not covered by insurance. I sent hard copy receipts for pharmacy with the Dr. bill and dental bill.

Heidi

Greg Pelkola viewed this subject on 3/04/2018 at 10:13:50 AM

Greg Pelkola on 3/04/2018 at 10:32:12 AM said:

Thank you for your feedback and use of talkingparent.

I acknowledge receipt of pharmacy receipts on 03/03/2018.

1. Receipt dated 02/27/2018 \$25.56.
2. Receipt dated 03/01/2018 \$11.00.

I will send a check for 50% of total receipts within the customary 30 days. \$18.28

Medical records.

For four years I have had joint legal custody with no input on medical, dental, eyes, or mental health. As per the court order, as primary physical, it is incumbent upon you to provide any documents in these areas. If you are unable to obtain these records, please feel free to schedule a phone conference with me in order to update me on these findings.

In regards to Sara's condition, it would be appropriate to schedule a doctor's appointment for Sara that includes me. This is the order for any and all related medical concerns but this in particular is a medical issue I must be 100% involved in.

My schedule provides that I can be in AZ for her appointment on Thursdays or Fridays.

I am looking forward to meeting her doctor and going over her medical needs with you.

Greg

Heidi Pelkola viewed this subject on 3/04/2018 at 10:46:45 AM

Greg Pelkola on 3/04/2018 at 11:12:38 AM said:

Online banking check scheduled for distribution of \$18.28 on 03/04/2018.
50% prescription fees

You should receive a check this week.

Thank You
Greg

Heidi Pelkola viewed this subject on 3/04/2018 at 4:08:15 PM

Please pay your half per decree

Created by: Heidi Pelkola on 02/27/2018 at 11:47:26 AM

Heidi Pelkola on 2/27/2018 at 11:47:26 AM said:

Please reimburse me your half of the kids Dr.'s bill and I also have not received reimbursement from your half of the kid's dental bill I texted to you before.

Greg Pelkola viewed this subject on 2/27/2018 at 5:49:59 PM

Greg Pelkola on 3/03/2018 at 8:04:58 PM said:

Paid check #1027 - 03/03/2018.

Heidi Pelkola viewed this subject on 3/03/2018 at 9:41:51 PM

Weekend Visit and Medical Bills

Created by: Greg Pelkola on 03/01/2018 at 1:00:50 PM



Greg Pelkola on 3/01/2018 at 1:00:50 PM said:

I will be in AZ tomorrow, March 2nd through Saturday evening March 3rd, and would like to spend some time with the kids, particularly to celebrate Justin's birthday early since I may not see him until Spring Break visitation. Please let me know how you would like me to accommodate with your work schedule so that I can also alleviate your mother having to watch them.

Additionally, I will be dropping off my share of the medical/ dental bill. Please have hard copies of the receipts as well as any medical paperwork related to their visit, as per current court order.

Thank You
Greg

Heidi Pelkola viewed this subject on 3/03/2018 at 3:42:34 PM

Birth certificates

Created by: Greg Pelkola on 02/27/2018 at 5:51:05 PM

Greg Pelkola on 2/27/2018 at 5:51:05 PM said:

Shellie just ordered certified birth certificates from vital statistics. We are putting the kids on the union insurance as a secondary plan. I will send you a set of insurance cards when they arrive. This will eliminate co-pays and provide additional coverage.

Heidi Pelkola viewed this subject on 2/28/2018 at 6:35:01 AM

Heidi Pelkola on 2/28/2018 at 6:39:19 AM said:

I am not in agreement with that. Tricare standard won't cover anything if there is a secondary insurance. Please just pay your half of bill amounts not covered by insurance.

Greg Pelkola viewed this subject on 2/28/2018 at 10:01:34 AM

Greg Pelkola on 2/28/2018 at 10:13:12 AM said:

Thank you for your feedback. However, I am not in agreement with having our children covered by only one insurance when I am capable of providing secondary coverage. Since I have the option, it is in the best interest of the kids to provide additional coverage. I believe the judge will agree that more is better.

Court Submittable Communication

Greg

Greg Pelkola on 2/28/2018 at 10:15:55 AM said:

Also...

Please follow the court directive to inform me of medical, dental, and eye care appointments prior to the appointments. Also, please follow the court directive to inform me of the outcomes.

Thank you for using talkingparents.com. Until the secondary insurance is established, please follow the protocol of emailing receipts or uploading to talkingparents.

Thank You
Greg

Heidi Pelkola viewed this subject on 2/28/2018 at 4:56:42 PM

Spring Break

Created by: Greg Pelkola on 02/18/2018 at 5:17:13 PM



Greg Pelkola on 2/18/2018 at 5:17:13 PM said:

Spring Break Pickup
Saturday, March 17th 2:00 pm @ Loves Truck Stop.
Sara, Justin, Danny

Drop Off
Sunday, March 25th
2:00 pm Loves Truck Stop.

Heidi Pelkola viewed this subject on 2/18/2018 at 5:19:51 PM

25 Dec 17

Created by: Greg Pelkola on 12/25/2017 at 6:53:58 PM

Greg Pelkola on 12/25/2017 at 6:53:58 PM said:

Talking Parent Link has been sent to you.
Since you are not yet registered, I can address your probing concerns here.

1. Boys ate breakfast and lunch. I personally provided healthy meals. They will be eating dinner as well shortly, provided by Kimeron.
2. Kimeron is engaged and providing appropriate supervision. Her whereabouts vary as the boys play upstairs and downstairs. She was not in her room when you called to interrogate otherwise I would not know that my need to follow up your inquiry was required.
3. The boys each recieved two gifts. Sara's gifts are here as well but since you are denying me my court ordered visitation, she will receive them when we meet two Sundays from now.

We are celebrating again when Shellie returns from her grandmother's so if you are concerned over the modest Christmas, please be sure that Christmas is about more than Santa and the children's holiday experience is being addressed.

4. As both boys confirmed, Gunner is at Bill Gardner's home. Should you need additional confirmation I am happy to provide Bill's number so that he can ask Gunner to bark for you.

Please register for talkingparent.com so that I may add this text to our court records of communication.

Heidi Pelkola viewed this subject on 12/25/2017 at 8:16:33 PM

Heidi Pelkola on 12/26/2017 at 9:05:50 AM said:

In reply to your message, I had Sara at the exchange location with her suitcase packed. She would not get out of the vehicle.

Kimeron has autism. As discussed yesterday via phone call, she is not an appropriate person to watch 2 young boys, ages 6 yrs. old and 9 yrs. old, while there is nobody else present in your home.

I am hoping for positive communication from you
In the future. The negative communication from you is counterproductive.

Greg Pelkola viewed this subject on 12/26/2017 at 10:36:27 AM

Greg Pelkola on 12/26/2017 at 4:52:02 PM said:

In reply to your message.

Kimeron is a bright, articulate, adult (age 21) with high functioning autism, formerly known as Aspergers Syndrome. She graduated High School with a standard diploma, on time with no accomodations whatsoever for communication or cognition. She tested at an IQ level of 148. Just like our daughter, Kimeron is far above standard IQ.

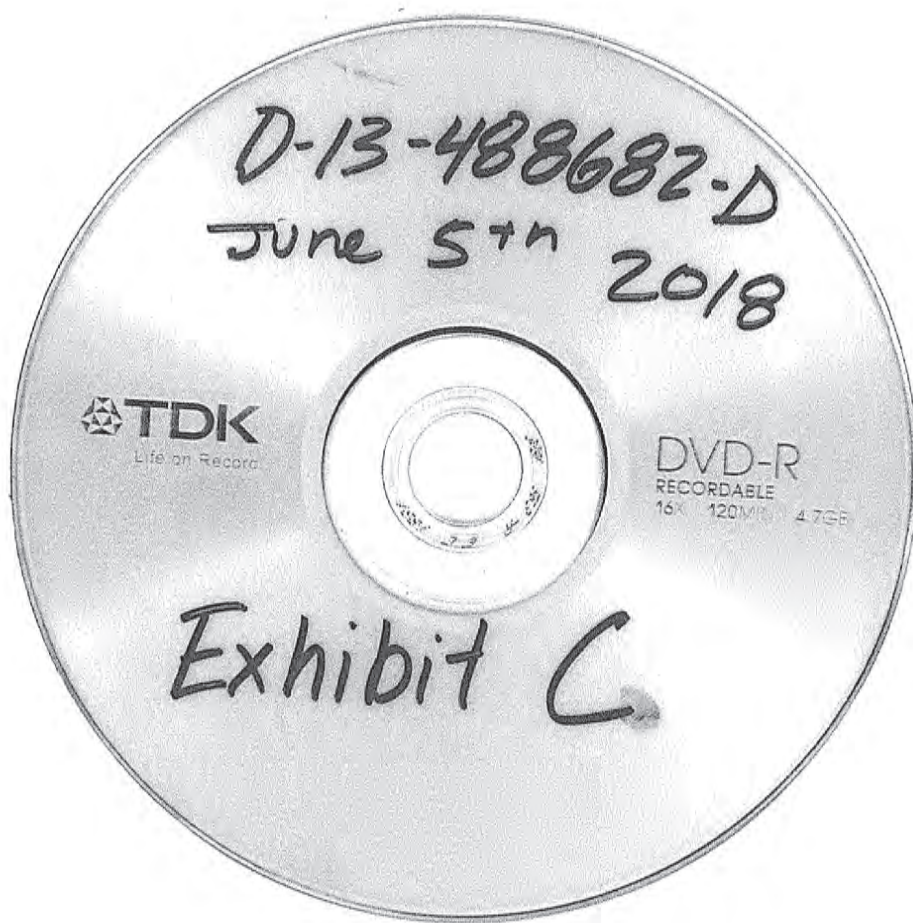
Kimeron completed a 6 month internship with a veterinary ophthalmologist and then chose to become self-employed as a commissioned artist. She is currently in collaboration with 10 top digital artists in the US. A leading digital artist for Disney asked her to contribute. She is professional, accomplished, and perfectly independent other than social anxiety and panic episodes brought on by large crowds. We do not have large crowds in our home.

As an adult and a father, I am more than capable of discerning appropriate care from inappropriate care. I appreciate your concern and input. However, in this case it would be advantageous to our co-parenting success for you to trust that I would never leave our children in the care of a cognitively disabled young woman, even for an hour our two.

Greg Pelkola
Court Admissible Communucation

Heidi Pelkola viewed this subject on 12/26/2017 at 5:08:20 PM

EXHIBIT C



MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

Heidi Marie Pelkola
Plaintiff/Petitioner

v. Greg Elliot Pelkola
Defendant/Respondent

Case No. D-13-488682-D

Dept. L

**MOTION/OPPOSITION
FEE INFORMATION SHEET**

Notice: Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of \$25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of \$129 or \$57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

Step 1. Select either the \$25 or \$0 filing fee in the box below.

- ☐ **\$25** The Motion/Opposition being filed with this form is subject to the \$25 reopen fee.
-OR-
☒ **\$0** The Motion/Opposition being filed with this form is not subject to the \$25 reopen fee because:
- ☐ The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.
 - ☐ The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.
 - ☐ The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____.
- ☒ Other Excluded Motion (must specify) motion for OSC

Step 2. Select the \$0, \$129 or \$57 filing fee in the box below.

- ☒ **\$0** The Motion/Opposition being filed with this form is not subject to the \$129 or the \$57 fee because:
- ☒ The Motion/Opposition is being filed in a case that was not initiated by joint petition.
 - ☐ The party filing the Motion/Opposition previously paid a fee of \$129 or \$57.
- OR-
- ☐ **\$129** The Motion being filed with this form is subject to the \$129 fee because it is a motion to modify, adjust or enforce a final order.
- OR-
- ☐ **\$57** The Motion/Opposition being filing with this form is subject to the \$57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of \$129.

Step 3. Add the filing fees from Step 1 and Step 2.

The total filing fee for the motion/opposition I am filing with this form is:

☐ \$0 ☐ \$25 ☐ \$57 ☐ \$82 ☐ \$129 ☐ \$154

Party filing Motion/Opposition: The Grimes Law Office for Defendants Date 6/5/18

Signature of Party or Preparer [Signature]

RA00077

ORIGINAL

Steven D. Grierson

OPCM
CAROL MENNINGER, P.C.
Carol Menninger, Esq.
Nevada Bar No: 000100
3210 W. Charleston, Ste. 1
Las Vegas, Nevada 89102
Telephone: (702) 384-1111
Facsimile: (702) 384-5250
Email: cmlaw28@yahoo.com
Attorney for Plaintiff,
HEIDI MARIE PELKOLA

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

HEIDI MARIE PELKOLA,

Plaintiff,

vs.

GREG ELLIOTT PELKOLA,

Defendant.

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

DATE OF HEARING: 8/23/2018
TIME OF HEARING: 9:00 A.M.

ORAL ARGUMENT
REQUESTED: YES

"NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION/COUNTERMOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION/COUNTERMOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION/COUNTERMOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT HEARING PRIOR TO THE SCHEDULED HEARING DATE."

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**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**

COMES NOW the Plaintiff, HEIDI MARIE PELKOLA, by and through her attorney, Carol Menninger, Esq., and moves this Honorable Court for the following relief:

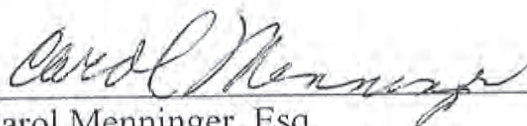
1. Denying the relief sought by Defendant;
2. That the minor child Sara be interviewed and granted teenage discretion regarding visitation.
3. Ordering Defendant to comply with the order for the division of his military retirement;
4. For Plaintiff's attorney's fees incurred herein;
5. For such other and further relief as the court deems just and equitable.

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1 This opposition and counter motion is made and based upon all the papers and
2 pleadings on file, and the attached affidavit and is made in good faith and not to
3 delay justice.

4 Dated this 12th day of June, 2018.

6 Respectfully submitted:

8 

10 Carol Menninger, Esq.
11 Nevada Bar No: 000100
12 3210 W. Charleston, Ste. 1
13 Las Vegas, Nevada 89102
14 (702) 384-1111
15 Attorney for Plaintiff,
16 HEIDI MARIE PELKOLA

17 **I. POINTS AND AUTHORITIES**

18 **RECENT CIRCUMSTANCES**

19 Plaintiff, HEIDI MARIE PELKOLA (hereinafter "HEIDI") and Defendant,
20 GREG ELLIOTT PELKOLA (hereinafter "GREG") were divorced in Clark County,
21 Nevada by a Decree of Divorce that was entered on May 6, 2014. There are 3 minor
22 children born as a result of the marriage, namely, Sara M. Pelkola, born: December
23 2, 2003, age 14; Justin R. Pelkola, born: March 4, 2008, age 10; and, Daniel J.
24 Pelkola, born: December 9, 2011, age 6. Pursuant to the Decree, the parties were
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1 awarded joint legal custody of their minor children with HEIDI having primary
2 physical custody, subject to GREG's right of visitation. Because HEIDI and the
3 children live in Arizona, GREG was awarded visitation over the summer from June
4 8th to August 8th and over Spring Break from May 1st to May 10th.
5

6 Judge Hardcastle presided over the evidentiary hearing, which occurred on
7 December 19, 2017. After taking testimony and admitting certain exhibits Judge
8 Hardcastle ordered that GREG's lawyer, Mr. Grimes shall follow up on having the
9 QDRO prepared by QDRO Masters wherein HEIDI is to receive 45% of the amount
10 that GREG received in retirement benefits from approximately March of 2014 to
11 October of 2015. This amount will be the arrears that GREG owes HEIDI. The
12 QDRO shall further award HEIDI 45% of GREG's current retirement benefits each
13 month. Judge Hardcastle found no basis for entering a contempt order against
14 GREG regarding the QDRO and the benefit payments. Judge Hardcastle found no
15 basis to continue supervised visitation for GREG. Judge Hardcastle ordered that the
16 prior Court Order relative to GREG's visitation is reinstated. Judge Hardcastle
17 found that GREG is entitled to make-up visitation days for the days he missed
18 during the summer of 2017. Those make-up days will be done by awarding GREG
19 the entirety of the Christmas Vacation this year (2017), which shall conclude the
20 Sunday prior to school resuming. In addition, GREG was awarded the entire Spring
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1 Break for the following six (6) years. GREG is to receive summer visitation each
2 year from one week after school recesses to ten (10) days prior to school resuming
3 in the fall. The parties' daughter Sara was not allowed teenage discretion. The
4 parties may enroll in Our Family Wizard or TalkingParents for communication
5 purposes if they mutually agree. Reasonable attorney's fees were awarded in favor
6 of GREG against HEIDI. Mr. Grimes is to prepare a Memorandum of Fees and
7 Costs under the Brunzell Factors, along with supporting documentation. The amount
8 of attorney's fees awarded shall be offset against the retirement payment arrears.
9 The parties shall attend mediation prior to filing any future motions relative to child
10 custody and/or visitation.
11

12 The order from the December 19, 2017 evidentiary hearing was entered on
13 January 23, 2018. HEIDI filed a motion to rehear/reconsider the orders issued by
14 Judge Hardcastle. GREG filed opposition and HEIDI filed a reply. On April 3,
15 2018 Judge Elliott issued Minutes without a hearing. Both parties were represented
16 by counsel. Judge Elliott found no basis for a new trial on custodial issues that were
17 already litigated. However, the Court ordered that the minor children may not
18 operate a four wheeler or a recreational vehicle without proper safety gear and
19 proper continuous adult supervision. Judge Elliott found that at the evidentiary
20 hearing, HEIDI's request for teenage discretion was denied. Therefore, absent new
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1 factual, medical, mental health or other competent evidence occurring since the
2 evidentiary hearing warranting a change in this order, the children shall visit with
3 GREG according to the current order. The Court clarified that the parties stipulated
4 that GREG's compensatory time is satisfied by him having winter break for six (6)
5 years, starting in 2017. Additionally, it was ordered that GREG may be allowed to
6 drink alcohol during his custodial time, but Judge Elliott added that GREG cannot
7 drink to a point of a legally impaired state while caring for the minor children during
8 his custodial time. HEIDI was allowed to make one (1) random request for an
9 alcohol EtG test for GREG during his visitation period. Absent a written agreement,
10 GREG shall have two (2) hours to complete the test after HEIDI makes such a
11 request by phone call/voicemail and text. If counsel for either party wants
12 notification as well, such a provision shall also be included in the order. Counsel to
13 prepare a separate order authorizing this one random alcohol test per visitation
14 period which shall designate the range of times of the daytime when a test may be
15 requested, and which labs will be acceptable for the EtG test. GREG shall be
16 responsible for the cost of these tests for a period of one (1) year from the date of
17 this minute order. Thereafter, HEIDI may request the tests per same frequency.
18 However, she shall reimburse GREG if he is clean; that is, the test shows no
19 evidence of alcohol use. The parties could also agree in writing to a personal
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1 handheld breathalyzer that GREG would have which must be utilized within fifteen
2 (15) minutes of the request for alcohol test and no adulterants may be used and no
3 alterations or destruction of evidence may be attempted on time, date, photo or test
4 results as presented in or on documents generated as a result of any such
5 breathalyzer test. If GREG is ever at or over the legal alcohol limit while with the
6 minor children, HEIDI may discontinue the visit by picking up the children and
7 having them return home. GREG may not withhold the minor children for the
8 pickup and HEIDI may not deny GREG his future visitation, unless GREG is at or
9 over the legal alcohol limit per breathalyzer test during a visitation period. If GREG
10 feels that the minor children have been withheld in violation of this order, he may
11 file a motion with the Court.
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16 Page 3 line 19 of GREG's opposition is incorrect. HEIDI did not fail to
17 deliver child. HEIDI had all 3 minor children at exchange location in Kingman at
18 the correct date and time. Sara refused to exit the vehicle to go with GREG. Her
19 suitcase as well as the boys' suitcase was packed and in the vehicle.
20
21

22 **1. GREG's EDCR 5.501 Statement**

23 GREG's lawyer states that on May 31, 2018 he sent a letter to HEIDI's lawyer
24 Carol Menninger, Esq. and then states that HEIDI refused to comply with the
25 demands in the letter. Ms. Menninger responded to that letter. Please see **Exhibit**
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1 "1", which are the letters of the lawyers to the other. Nothing was resolved because
2 GREG and his lawyer have made no effort to compromise. However, the exchange
3 of letters reveal that HEIDI did comply with EDCR 5.501.
4

5 **2. HEIDI's Opposition to GREG's Request for an Order to Show Cause**

6 **NRS 22.010 Acts or omissions constituting contempts. The following acts**
7 **or omissions shall be deemed contempts:**

8 3. Disobedience or resistance to any lawful writ, order, rule or process
9 issued by the court or judge at chambers.

10 Pursuant to NRS22.010 contempt includes acts of disobedience or resistance
11 to any lawful writ, order, rule or process issued by the court. Any order meant to be
12 the subject of a contempt proceeding must be clear, unambiguous, and set forth the
13 details of compliance in clear, specific terms, so the parties will know what duties
14 or obligations are imposed. *Cunningham v. District Court*, 102 Nev. 551, 729 P.2d
15 1328 (1986). The moving party carries the burden of demonstrating the other party
16 had the ability to comply with the order, and the violation of the order was willful.
17 *Rodriguez v. District Court*, 120 Nev. 789, 102 P.3d 41 (2004). The inability of a
18 contemnor to obey the order (without fault on their part) is a complete defense and
19 sufficient to purge them of the contempt charged. *Mccormick v. Sixth Judicial*
20 *District Court*, 67 Nev. 318, 326; 218 P.2d 939 (1950). However, where the
21 contemnors have voluntarily or contumaciously brought on themselves the disability
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1 to obey the order or Decree, such a defense is not available; and the burden of
2 proving inability to comply is upon the contemnor. Id.

3 Page 6 lines 5,6, and 7 of GREG's Opposition are incorrect. Judge Hardcastle
4 stated makeup time for the next 6 spring breaks, not winter breaks for the next 6
5 years. The order is currently subject to a motion to set aside.
6

7 GREG's allegation that HEIDI has deliberately refused to comply with the
8 court's custody order by refusing to turn the children over to him is simply untrue.
9 HEIDI and the children appeared at the child exchange location in Kingman,
10 Arizona at the designated time and place. HEIDI has included photos as **Exhibit**
11 **2.**
12
13
14

15 GREG admits in his opposition that the two younger children did go with him.
16 His admission obviously indicates that HEIDI and the children were present for the
17 child exchange and that she did not interfere with GREG's visitation.
18

19 Nevertheless, GREG complains that HEIDI refused to "facilitate" the
20 exchange even though she knows of the custody order. Knowledge of the custody
21 order is not the issue. Sara refused to get out of the vehicle and go with GREG for
22 the visit. Sara is 14 years old. She does not have teenage discretion, even though
23 HEIDI has requested it. HEIDI was not about to physically force Sara to go with
24 GREG. GREG was careful not to try and drag the child out of the vehicle and
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1 physically force her into his car. Instead, GREG complains that HEIDI stood by and
2 said nothing. There is nothing for HEIDI to say that has not already been said to
3 Sara. If Sara refuses to go with GREG, the unfortunate fact is there's nothing HEIDI
4 or GREG can do to force Sara to go.
5

6 HEIDI has never refused to put GREG on the children's school records and
7 medical records. GREG has been listed as the children's father in the school and
8 medical records. GREG has had notification of gifted services for Sara and has had
9 medical providers name and addresses and phone numbers provided by HEIDI.
10 HEIDI notifies GREG of appointments and GREG has attended appointments via
11 phone. GREG has received emails and texts about medications for the children.
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15 GREG has failed to show that HEIDI deliberately or willfully violated the
16 court's custody order and therefore his motion for an order to show cause must be
17 denied.
18

19 **3. GREG's Request For Sole Legal And Primary**
20 **Physical Custody Of The Minor Children**

21 **NRS 125C.0045 Court orders; modification or termination of orders;**
22 **form for orders; court may order parent to post bond if parent resides in or has**
23 **significant commitments in foreign country.**

24 1. In any action for determining the custody of a minor child, the court may,
25 except as otherwise provided in this section and NRS 125C.0601 to 125C.0693,
26 inclusive, and chapter 130 of NRS:

27 (a) During the pendency of the action, at the final hearing or at any time
28 thereafter during the minority of the child, make such an order for the custody, care,

1 education, maintenance and support of the minor child as appears in his or her best
2 interest; and

3 (b) At any time modify or vacate its order, even if custody was determined
4 pursuant to an action for divorce and the divorce was obtained by default without
5 an appearance in the action by one of the parties.

6 The party seeking such an order shall submit to the jurisdiction of the court
7 for the purposes of this subsection. The court may make such an order upon the
8 application of one of the parties or the legal guardian of the minor.

9 In order to change custody GREG must show he has met the standard of *Ellis*
10 *v. Carucci*, 167 P3rd 239 (Nev. 2007), which requires him to show (1) there has
11 been a substantial change in circumstances affecting the welfare of the child, and (2)
12 the modification serves the best interest of the child.

13 GREG has offered scant evidence to show a substantial change in
14 circumstance affecting the children's welfare. The only incident that has occurred
15 since the parties were last in court on April 3, 2018 is the aborted child exchange
16 regarding the eldest child Sara. Under the circumstances, that incident is scarcely
17 significant enough to warrant a change in custody.

18
19
20 4. In determining the best interest of the child, the court shall consider and
21 set forth its specific findings concerning, among other things:

22
23 (a) **The wishes of the child if the child is of sufficient age and capacity to**
24 **form an intelligent preference as to his or her physical custody.**

25 The two older children , Sara and Justin are ages 14 and 10, respectively.
26 They want to remain living primarily with HEIDI. Sara has not had a bonded
27
28

1 relationship with GREG since well before the parties' divorce. HEIDI previously
2 requested that the court grant teenage discretion allowing Sara to choose to go on
3 visitations or not. The court denied request unless new further evidence could be
4 obtained. The video from HEIDI and recent pictures of Sara at the child exchange
5 location are further evidence that it is not in Sara's best interest to go on future
6 visitations. HEIDI requests the court at least interview Sara and grant her teenage
7 discretion, as GREG has displayed controlling behavior towards Sara, documented
8 previously by Dr. Kristine Autry. Sara is 14 and is of sufficient age to be able to
9 decide if she wants to go on visitation or not.

10
11
12 **(b) Any nomination of a guardian for the child by a parent.**

13 This factor does not apply.

14
15
16 **(c). Which parent is more likely to allow the child to have frequent**
17 **associations and a continuing relationship with the noncustodial parent.**

18 HEIDI has demonstrated she is the parent who is more likely to allow GREG
19 have a relationship with his children. HEIDI has asked for supervised visitations,
20 not to eliminate all of GREG's visitations but to protect the children. HEIDI has
21 asked that Sara be granted discretion to choose if she wants to go on visitations and
22 she would renew her request in this opposition. This factor supports denying
23 GREG's request to modify legal and physical custody.
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(d) The level of conflict between the parents.

The level of conflict between the parties is high because of GREG's long history of verbal, emotional and physical abuse to HEIDI. GREG has not complied with orders related to the dog, has had Justin handling and shooting firearms over HEIDI'S objection, and, withholding Sara's medication while she is with GREG for visitation. This factor supports denying GREG's request to modify legal and physical custody.

(e) The ability of the parents to cooperate to meet the needs of the child.

The parties have not been able to cooperate to meet the needs of the children. GREG has not cooperated with every order of the court. In fact, the allegation is laughable on its face. He continued to have the dog "Gunner" present when the children have been with him. The dog bit their child Daniel in the face on 2 separate occasions. An order was issued that required GREG to ensure the dog not be present when he has the children for visitation. GREG refused to comply. In addition, both parties were told not to speak in a derogatory manner about the other party to others. GREG and his girlfriend created a Go Fund Me online page filled with derogatory false and defamatory statements, false narratives and mischaracterizations of HEIDI. GREG also refused to comply with order granted at the time of divorce, over 4 years ago, regarding military retirement. HEIDI was

1 awarded 45% of GREG's military retirement at time of disbursement, and while
2 GREG has been drawing large sums out of retirement fund, HEIDI has received
3 none of her share of those funds as ordered. This factor supports denying GREG's
4 request to modify legal and physical custody.
5

6 **(f) The mental and physical health of the parents.**

7
8 HEIDI is an excellent mental and physical health. GREG's mental and
9 physical health is certainly open to question, specially in light of his longstanding
10 substance abuse issues. There has been no abuse, parental alienation or pathogenic
11 parenting from HEIDI. GREG continues to mischaracterize HEIDI and even
12 attempts to "Diagnose" her with mental health issues, parental alienation and
13 pathogenic parenting and claims HEIDI suffers from "Munchausen By Proxy
14 Syndrome." GREG and his counsel are not doctors and cannot diagnose anyone.
15 HEIDI has none of the above. HEIDI was willing to and attempted to complete
16 child interviews and parental evaluations from Dr. Paglini previously, but GREG
17 would not comply. It makes no sense that GREG is making false allegations about
18 HEIDI, when his non-compliance is the reason evaluations could not be done. This
19 factor supports denying GREG's request to modify legal and physical custody.
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(g) The physical, developmental and emotional needs of the child.

The children have the normal physical, developmental and emotional needs of children their age. Throughout their lives, HEIDI has been the only parent capable of meeting these needs. This factor supports denying GREG's request to modify legal and physical custody.

(h) The nature of the relationship of the child with each parent.

The children have very close and loving relationship with HEIDI. The children, and in particular Sara, has not had a bonded relationship with GREG since well before the parties' divorce. GREG would never permit and encourage children's relationship with HEIDI. He speaks in a derogatory way about HEIDI in front of the children and has yelled at and mocked HEIDI in front of the children and did so during supervised park visits which took place between June 2017 to October 2017. Sara was present for these supervised visits. This factor supports denying GREG's request to modify legal and physical custody.

(I) The ability of the child to maintain a relationship with any sibling.

The children have always been raised together as a family. HEIDI submits it is in their best interest that they continue to be raised together as a family. This factor supports denying GREG's request to modify legal and physical custody.

1 (j) Any history of parental abuse or neglect of the child or a sibling of the
2 child.

3
4 HEIDI had to cancel an appointment for Sara to see a psychologist, on issues
5 of Sara not wanting to go on visitations with him, because GREG would not
6 consent. His actions certainly constitute neglect. HEIDI has not "struggled to
7 maintain employment." HEIDI is currently employed as a licensed practical nurse
8 and has been for years. HEIDI is able to provide for the children. HEIDI and
9 children live in a 4-bedroom house that HEIDI bought on September 29, 2016. She
10 and the children have lived in the home since then. The children have attended the
11 same school for the last 4 years, with exception of Daniel age 6. He just completed
12 kindergarten this year.
13
14

15
16 (k) Whether either parent or any other person seeking physical custody
17 has engaged in an act of domestic violence against the child, a parent of the
18 child or any other person residing with the child.

19 GREG was physically and verbally abusive as well as controlling while the
20 parties were married and verbally abusive afterwards. While parties were still
21 married, GREG physically and forcefully threw HEIDI and their child Justin out of
22 the bed as he screamed and swore at them. GREG has had orders of protection
23 against him (TPO) for domestic violence. GREG had issues with alcohol during
24 marriage and likely still does and has had at least one DUI. It is for that reason that
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1 he is against having ETG testing done. If GREG did not have an issue with alcohol
2 he should not be opposed to random testing. There is documented proof that
3 reported injuries took place at GREG's not HEIDI's house. There is a previously
4 filed medical report that confirms the dog bite happened at GREG's residence and
5 was witnessed by Sara. Justin's black eye occurred on 2 different occasions also
6 happened at GREG's home. One (1) black eye happened at GREG's house in the
7 bathtub. This has been discussed with Justin by the child's school social worker,
8 Katherine Martinez. In addition, GREG has previously admitted to this in court.
9 This factor supports denying GREG's request to modify legal and physical custody.
10
11

12 **(I) Whether either parent or any other person seeking physical custody has**
13 **committed any act of abduction against the child or any other child.**
14

15 HEIDI did not "Abduct" the children from GREG as he repeatedly claims.
16 He knew and was told by HEIDI they were going to Arizona and GREG consented.
17 HEIDI removed herself and children to escape the continued physical and verbal
18 abuse and dysfunction from GREG. GREG made multiple threatening phone calls
19 to HEIDI and then filed a motion for HEIDI to return the children to Nevada, which
20 she did, only to have more physical and verbal abuse occur. This factor supports
21 denying GREG's request to modify legal and physical custody.
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1 The court should deny GREG's request to modify custody, HEIDI, is a loving,
2 caring mother who has the children's best interest at heart. There is no change
3 warranted to modify custody. HEIDI has been the primary care giver to each of the
4 children since their birth, while GREG was frequently deployed or uninvolved.
5 HEIDI has a great relationship with each child and frequently takes them to school
6 events, and other activities. All 3 children have continued to succeed educationally.
7 The children have friends, a grandmother, an Aunt and uncle in Arizona who love
8 and care about them as well. The fact is, GREG has not wanted to pay child support
9 for the 3 minor children which is the real reason he is requesting change in custody.
10 He does not have the best interest of the children in mind. He has not followed
11 orders put in place for children's safety. He has not complied with orders regarding
12 the dog, drinking and military retirement fund. His request to change custody
13 should therefore be denied.
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19 HEIDI is requesting that Sara be granted teenage discretion to decide when
20 and under what circumstances she had visitation with GREG. HEIDI is also
21 requesting that she be allowed to take Sara to doctor appointments including the
22 child's psychologist without needing approval from GREG, because he refuses to
23 consent regarding of the need or circumstances.
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1 Lastly, it is interesting to note, that GREG is not the writer of the texts on
2 talking parents texting. His girlfriend is the one scripting the texts for him and has
3 been for quite some time. GREG does not communicate in that style of writing and
4 the texts are worded to make GREG appear as cooperative and paint Heidi in a
5 negative light. The Court must order that communications must come from GREG,
6 not his girlfriend.
7
8

9 **4. GREG's Request for a Modification of Child Support**

10 NRS125B.145 allows for a review and modification of child support based
11 on a change in circumstance. GREG has requested that the court modify child
12 support and order HEIDI to pay him child support pursuant to the guidelines. Child
13 support will ultimately depend upon the custody arrangement. If GREG's motion
14 to change custody is denied, then there is no grounds to grant his request for a
15 review and modification of child support.
16
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19 **5. HEIDI'S COUNTER MOTION FOR HER ATTORNEY'S FEES**

20 **NRS18.010 Award of attorney's fees.**

21 2. In addition to the cases where an allowance is authorized by specific
22 statute, the court may make an allowance of attorney's fees to a prevailing party:

- 23 (a) When he had not recovered more than \$20,000.00; or
24 (b) Without regard to the recovery sought, when the court finds that the
25 claim, counterclaim, cross-claim or third-party complaint or defense of the opposing
26 party was brought without reasonable ground or to harass the prevailing party.
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1 In *Miller v. Wilfong*, 119 P.3d 727 (2005) the Nevada Supreme Court held
2 that it is within the trial court's discretion to determine the reasonable amount of
3 attorney fees under a statute or rule and in exercising that discretion, the court must
4 evaluate the factors set forth in *Brunzell v. Golden Gate National Bank*, 85 Nev.
5 345, 455 P.2d 31 (1969).
6

7 In *Brunzell*, the Nevada Supreme Court held as follows:
8

9 "From a study of the authorities it would appear such factors may be classified
10 under four general headings (1) the qualities of the advocate: his ability, his training,
11 education, experience, professional standing and skill; (2) the character of the work
12 to be done: its difficulty, its intricacy, its importance, time and skill required, the
13 responsibility imposed and the prominence and character of the parties where they
14 affect the importance of the litigation; (3) the work actually performed by the
15 lawyer: the skill, time and attention given to the work; (4) the result: whether the
16 attorney was successful and what benefits were derived. Furthermore, good
17 judgment would dictate that each of these factors be given consideration by the trier
18 of fact and that no one element should predominate or be given undue weight." Id
19 85 Nev. at 349, 455 P.2d at 33 (citations omitted).
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Applying these factors to the instant case:

(1) The qualities of the advocate: Carol Menninger, Esq., Is an experienced and highly skilled attorney. She has been practicing law in the state of Nevada for more than 35 years. Ms. Menninger's specialty is family law. She is well known and well respected as a family law practitioner, and has represented thousands of clients in domestic proceedings both in the district court and the Nevada Supreme Court.

(2) The character of the work to be done. The work to be done on this particular matter was the representation of HEIDI in this case.

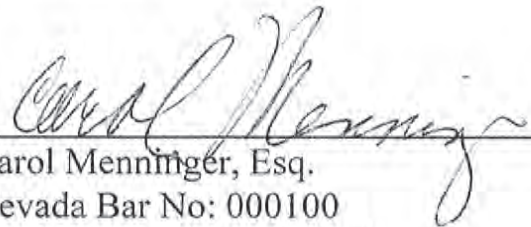
(3) The work actually performed by the lawyer. Ms. Menninger consulted with HEIDI about the case. Ms. Menninger researched and drafted this opposition and counter motion. Ms. Menninger prepared for the hearing by reviewing the pleadings and other materials and speaking with HEIDI. Ms. Menninger will attend and argue the hearing.

(4) The result: whether the attorney was successful and what benefits were derived. It remains to be seen what will happen at the hearing, however, there is ample grounds to grant HEIDI'S opposition and counter motion in its entirety, as explained in greater detail herein.

1 HEIDI has incurred fees and costs responding to a frivolous motion. She is
2 therefore respectfully requests the Court enter an order awarding her attorneys fees,
3 costs in the sum of \$5,000.00.

4 Dated this 12th day of June, 2018.

5
6 Respectfully submitted:

7
8 

9 Carol Menninger, Esq.
10 Nevada Bar No: 000100
11 3210 W. Charleston, Ste. 1
12 Las Vegas, Nevada 89102
13 (702) 384-1111
14 Attorney for Plaintiff,
15 HEIDI MARIE PELKOLA

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PROOF OF SERVICE

I, the undersigned hereby certify that on the 14th day of June, 2018, I served Plaintiff's Exhibit Appendix to 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 via Electronic Service, in accordance with the Master Service List, pursuant to NEFCR 9 to:

Melvin Grimes, Esq. Via email to: melg@grimes-law.com

Olivia Nino Via email to: olivian@grimes-law.com

For: THE GRIMES LAW OFFICE
Attorneys for Defendant, GREG ELLIOT PELKOLA

and that the date and time of the electronic service is in place of the date and place of deposit in the mail.


An employee of Carol Menninger, Esq

MOFI

ORIGINAL
DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

HEIDI MARIE PELKOLA
Plaintiff/Petitioner

v. GREG ELLIOT PELKOLA
Defendant/Respondent

Case No. D-13-488682-P

Dept. L

**MOTION/OPPOSITION
FEE INFORMATION SHEET**

Notice: Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of \$25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of \$129 or \$57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

Step 1. Select either the \$25 or \$0 filing fee in the box below.

☐ **\$25** The Motion/Opposition being filed with this form is subject to the \$25 reopen fee.

-OR-

☒ **\$0** The Motion/Opposition being filed with this form is not subject to the \$25 reopen fee because:

☐ The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.

☐ The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.

☐ The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____.

☒ Other Excluded Motion (must specify) opposition to OSC

Step 2. Select the \$0, \$129 or \$57 filing fee in the box below.

☒ **\$0** The Motion/Opposition being filed with this form is not subject to the \$129 or the \$57 fee because:

☒ The Motion/Opposition is being filed in a case that was not initiated by joint petition.

☐ The party filing the Motion/Opposition previously paid a fee of \$129 or \$57.

-OR-

☐ **\$129** The Motion being filed with this form is subject to the \$129 fee because it is a motion to modify, adjust or enforce a final order.

-OR-

☐ **\$57** The Motion/Opposition being filing with this form is subject to the \$57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of \$129.

Step 3. Add the filing fees from Step 1 and Step 2.

The total filing fee for the motion/opposition I am filing with this form is:

☐ \$0 ☐ \$25 ☐ \$57 ☐ \$82 ☐ \$129 ☐ \$154

Party filing Motion/Opposition: Heidi Pelkola Date 6-14-2018

Signature of Party or Preparer



RA00102

FDF

Name: MELVIN R GRIMES, ESQ
Address: 808 S 7th Street
Las Vegas, NV 89101
Phone: (702) 347-4357
Email: melg@grimes-law.com
Attorney for Greg Pelkola
Nevada State Bar No. 12972

Electronically Filed
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Steven D. Grierson
CLERK OF THE COURT



 Judicial District Court
CLARK COUNTY, Nevada

<u>Heidi Marie Pelkola</u> Plaintiff, vs. <u>Greg Elliot Pelkola</u> Defendant.	Case No. <u>D-13-488682-D</u> Dept. <u>L</u>
--	---

GENERAL FINANCIAL DISCLOSURE FORM

A. Personal Information:

1. What is your full name? (*first, middle, last*) Greg Elliot Pelkola
2. How old are you? 43
3. What is your date of birth? 12/22/1973
4. What is your highest level of education? High School

B. Employment Information:

1. Are you currently employed/ self-employed? (☒ *check one*)

☐ No

☒ Yes

If yes, complete the table below. Attached an additional page if needed.

Date of Hire	Employer Name	Job Title	Work Schedule (days)	Work Schedule (shift times)
Nov 2017	Vectrus	Maintenance	4 days on 3 off	3pm - 1:30am

2. Are you disabled? (☒ *check one*)

☐ No

☒ Yes

If yes, what is your level of disability? 30%

What agency certified you disabled? VA

What is the nature of your disability? Degenerative Spinal Disorder

C. Prior Employment: If you are unemployed or have been working at your current job for less than 2 years, complete the following information.

Prior Employer: C. Martin Date of Hire: Feb 2013 Date of Termination: October 2017
Reason for Leaving: C. Martin lost their contract with the USAF

Monthly Personal Income Schedule

A. Year-to-date Income.

As of the pay period ending 06/22/2018 my gross year to date pay is \$33,754.34.

B. Determine your Gross Monthly Income.

Hourly Wage

\$28.90	×	40.00	=	\$1,156.00	×	52	=	\$60,112.00	÷	12	=	\$5,009.33
Hourly Wage		Number of hours worked per week		Weekly Income		Weeks		Annual Income		Months		Gross Monthly Income

Annual Salary

	÷	12	=	\$0.00
Annual Income		Months		Gross Monthly Income

C. Other Sources of Income.

Source of Income	Frequency	Amount	12 Month Average
Annuity or Trust Income			
Bonuses			
Car, Housing, or Other allowance:			
Commissions or Tips:			
Net Rental Income:			
Overtime Pay			
Pension/Retirement:	Monthly	\$949.85	\$949.85
Social Security Income (SSI):			
Social Security Disability (SSD):			
Spousal Support			
Child Support			
Workman's Compensation			
Other:			
Total Average Other Income Received			\$949.85

Total Average Gross Monthly Income (add totals from B and C above)	\$5,959.18
--	------------

D. Monthly Deductions

	Type of Deduction	Amount
1.	Court Ordered Child Support (automatically deducted from paycheck)	1,787.00
2.	Federal Health Savings Plan	0.00
3.	Federal Income Tax	312.00
4.	Health Insurance Amount for you: \$0.00 For Opposing Party: \$0.00 For your Child(ren): \$115.00	115.00
5.	Life, Disability, or Other Insurance Premiums	65.00
6.	Medicare	18.00
7.	Retirement, Pension, IRA, or 401(k)	50.00
8.	Savings	0.00
9.	Social Security	77.00
10.	Union Dues	73.00
11.	Other: (Type of Deduction) 45% of Retirement	427.43
Total Monthly Deductions (Lines 1-11)		2,924.43

Business/Self-Employment Income & Expense Schedule

A. Business Income:



What is your average gross (pre-tax) monthly income/revenue from self-employment or businesses?
\$0.00

B. Business Expenses: Attach an additional page if needed.

Type of Business Expense	Frequency	Amount	12 Month Average
Advertising			
Car and truck used for business			
Commissions, wages or fees			
Business Entertainment/Travel			
Insurance			
Legal and professional			
Mortgage or Rent			
Pension and profit-sharing plans			
Repairs and maintenance			
Supplies			
Taxes and licenses (include est. tax payments)			
Utilities			
Other:			
Total Average Business Expenses			0.00

Personal Expense Schedule (Monthly)

A. Fill in the table with the amount of money **you** spend each month on the following expenses and check whether you pay the expense for you, for the other party, or for both of you.

Expense	Monthly Amount I Pay	For Me 	Other Party 	For Both 
Alimony/Spousal Support	350.00	✓		
Auto Insurance	250.00	✓		
Car Loan/Lease Payment		✓		
Cell Phone	210.00	✓		
Child Support (not deducted from pay)				
Clothing, Shoes, Etc...	100.00	✓		
Credit Card Payments (minimum due)	450.00	✓		
Dry Cleaning				
Electric	450.00	✓		
Food (groceries & restaurants)	400.00	✓		
Fuel	400.00	✓		
Gas (for home)	45.00	✓		
Health Insurance (not deducted from pay)				
HOA	60.00	✓		
Home Insurance (if not included in mortgage)				
Home Phone				
Internet/Cable	77.00	✓		
Lawn Care		✓		
Membership Fees	80.00	✓		
Mortgage/Rent/Lease	1,355.00	✓		
Pest Control				
Pets	150.00	✓		
Pool Service				
Property Taxes (if not included in mortgage)				
Security				
Sewer				
Student Loans				
Unreimbursed Medical Expense	122.00			
Water	130.00	✓		
Other:				
Total Monthly Expenses	4,629.00			

Household Information

- A. Fill in the table below with the name and date of birth of each child, the person the child is living with, and whether the child is from this relationship. Attached a separate sheet if needed.

	Child's Name	Child's DOB	Whom is this child living with?	Is this child from this relationship?	Has this child been certified as special needs/disabled?
1 st	Sara M. Pelkola	12/02/03	mother	yes	no
2 nd	Justin Pelkola	03/04/08	mother	yes	no
3 rd	Daniel Pelkola	12/9/11	mother	yes	no
4 th					

- B. Fill in the table below with the amount of money you spend each month on the following expenses for each child.

Type of Expense	1 st Child	2 nd Child	3 rd Child	4 th Child
Cellular Phone				
Child Care				
Clothing				
Education				
Entertainment				
Extracurricular & Sports				
Health Insurance (if not deducted from pay)				
Summer Camp/Programs				
Transportation Costs for Visitation				
Unreimbursed Medical Expenses				
Vehicle				
Other:				
Total Monthly Expenses	0.00	0.00	0.00	0.00

- C. Fill in the table below with the names, ages, and the amount of money contributed by all persons living in the home over the age of eighteen. If more than 4 adult household members attached a separate sheet.

Name	Age	Person's Relationship to You (i.e. sister, friend, cousin, etc...)	Monthly Contribution
Shellie Gardner	46	Fiance	\$ 450.00
Kimeron Gardner	21	Fiance's daughter	\$ 0.00
Amanda Gardner	18	Fiance's daughter	\$ 0.00

Personal Asset and Debt Chart

A. Complete this chart by listing all of your assets, the value of each, the amount owed on each, and whose name the asset or debt is under. If more than 15 assets, attach a separate sheet.

Line	Description of Asset and Debt Thereon	Gross Value		Total Amount Owed		Net Value	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
1.	Home	\$210,000.00	-	\$234,525.00	=	\$-24,525.00	
2.	2008 Chevy Silverado	\$7,000.00	-	\$0.00	=	\$7,000.00	
3.	2001 Jeep Wranger	\$4,000.00	-	\$0.00	=	\$4,000.00	
4.		\$	-	\$	=	\$ 0.00	
5.		\$	-	\$	=	\$ 0.00	
6.		\$	-	\$	=	\$ 0.00	
7.		\$	-	\$	=	\$ 0.00	
8.		\$	-	\$	=	\$ 0.00	
9.		\$	-	\$	=	\$ 0.00	
10.		\$	-	\$	=	\$ 0.00	
11.		\$	-	\$	=	\$ 0.00	
12.		\$	-	\$	=	\$ 0.00	
13.		\$	-	\$	=	\$ 0.00	
14.		\$	-	\$	=	\$ 0.00	
15.		\$	-	\$	=	\$ 0.00	
Total Value of Assets (add lines 1-15)		\$221,000.00	-	\$234,525.00	=	\$-13,525.00	

B. Complete this chart by listing all of your unsecured debt, the amount owed on each account, and whose name the debt is under. If more than 5 unsecured debts, attach a separate sheet.

Line #	Description of Credit Card or Other Unsecured Debt	Total Amount owed	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
1.	One Nevada	\$ 6,800.00	Self
2.	The Exchange	\$ 1,600.00	Self
3.	Personal Loan	\$ 10,500.00	Self - Loan - Attny Fees
4.	USAA	\$ 4,600.00	Self
5.		\$	
6.		\$	
Total Unsecured Debt (add lines 1-6)		\$ 23,500.00	

CERTIFICATION

Attorney Information: Complete the following sentences:

1. I (have/have not) have retained an attorney for this case.
2. As of the date of today, the attorney has been paid a total of \$ 10,502 on my behalf.
3. I have a credit with my attorney in the amount of \$ 0.00.
4. I currently owe my attorney a total of \$ _____.
5. I owe my prior attorney a total of \$ 0.00.

IMPORTANT: Read the following paragraphs carefully and initial each one.

x I swear or affirm under penalty of perjury that I have read and followed all instructions in completing this Financial Disclosure Form. I understand that, by my signature, I guarantee the truthfulness of the information on this Form. I also understand that if I knowingly make false statements I may be subject to punishment, including contempt of court.

x I have attached a copy of my 3 most recent pay stubs to this form.

_____ I have attached a copy of my most recent YTD income statement/P&L statement to this form, if self-employed.

_____ I have not attached a copy of my pay stubs to this form because I am currently unemployed.


Signature

29 Jun 18
Date

CERTIFICATE OF SERVICE

I hereby declare under the penalty of perjury of the State of Nevada that the following is true and correct:

That on (date) June 29th 2018, service of the General Financial Disclosure Form was made to the following interested parties in the following manner:

☐ Via 1st Class U.S. Mail, postage fully prepaid addressed as follows:

☒ Via Electronic Service, in accordance with the Master Service List, pursuant to NEFCR 9, to:

Carol Menninger, Esq. Attorney for Plaintiff

☐ Via Facsimile and/or Email Pursuant to the Consent of Service by Electronic Means on file

herein to: _____

Executed on the 29th day of June, 2018.


Signature



CO FILE # 000000-000000
PCSSKW 000351252

VECTRUS SYSTEMS CORPORATION
655 SPACE CENTER DRIVE
P.O. BOX 15012
COLORADO SPRINGS, CO 80935-5012

Taxable Marital Status: S
Exemption/Allowance/Additional
Federal: 0
State-NV: 0
Local: 0

Pay Rate: 28.9000

Earnings	Rate	Hours	This Period	Year-to-Date
DAVIS BACON			.00	54.27
LEAD PREM			48.00	1,096.50
REGULAR WORK		35.00	1,011.50	24,567.93
SICK LEAVE		5.00	144.50	693.60
OVERTIME			.00	1,156.00
HOLIDAY			.00	1,156.00
OVTM PREM			.00	578.04
VACATION			.00	1,300.50
SHF/DIF PAY			26.28	645.88
HAZARD PREM			.00	22.54
GROSS TOTAL		40.00	1,230.28	31,271.26

EARNINGS FOR TAX PURPOSES

DB FRINGE	.00	4.32
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ACCRUAL BALANCES

VACATION	11.98
SICK	- .20
PERSB/BHSICK	
HLDY/SICK25%	
PTO/SICK 50%	
TT/SK75/CMS	

Earnings Statement

Page 001 of 001
Period Beg/End: 06/04/2018 - 06/10/2018
Advice Date: 06/14/2018
Advice Number: 0001666981
Batch Number: 000000000124

GREG E PELKOLA
2309 BAHAMA POINT AVE
NORTH LAS VEGAS, NV 89031

Other Benefits and Information	This Period	Year-to-Date
PRE-TAX DEDUCTIONS		
PRE-TAX TOTALS	.00	.00

TAX DEDUCTIONS		
SOC SECURITY	76.28	1,939.09
MEDICARE	17.84	453.50
TAX TOTALS	94.12	2,392.59

OTHER DEDUCTIONS		
SUPPORT (FAM)	534.39	12,825.36
UNION DUES	.00	561.00
OTHER TOTALS	534.39	13,386.36

DIR DEP CHKG	601.77	15,496.63
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NET PAY	601.77
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VECTRUS SYSTEMS CORPORATION
655 SPACE CENTER DRIVE
P.O. BOX 15012
COLORADO SPRINGS, CO 80935-5012

Advice Number: 0001666981
Advice Date: 06/14/2018

Deposited to the account of	Account Number	Transit	ABA	Amount
GREG E PELKOLA	XXXXX2958	XXXXX4401		601.77

THIS IS NOT A CHECK

RA00111



CO File # 000000-000000
PCSSKN 000357252

VECTRUS SYSTEMS CORPORATION
655 SPACE CENTER DRIVE
P.O. BOX 15012
COLORADO SPRINGS, CO 80935-5012

Taxable Marital Status: S
Exemption/Allowance/Additional
Federal: 0
State-NV: 0
Local: 0

Pay Rate: 28.9000

Earnings	Rate	Hours	This Period	Year-to-Date
DAVIS BACON			.00	54.27
LEAD PREM			55.50	1,152.00
REGULAR WORK		40.00	1,156.00	25,723.93
SICK LEAVE			.00	693.60
OVERTIME			.00	1,156.00
HOLIDAY			.00	1,156.00
OVTM PREM			.00	578.04
VACATION			.00	1,300.50
SHF/DIF PAY			30.04	675.92
HAZARD PREM			.00	22.54
GROSS TOTAL		40.00	1,241.54	32,512.80

EARNINGS FOR TAX PURPOSES

DB FRINGE	.00	4.32
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ACCRUAL BALANCES

VACATION	16.60
SICK	1.96
PERSB/BHSICK	
HLDY/SICK25%	
PTO/SICK 50%	
TT/SK75/CMP	

Earnings Statement

Page 001 of 001
Period Beg/End: 06/11/2018 - 06/17/2018
Advice Date: 06/21/2018
Advice Number: 0001667239
Batch Number: 000000000125

GREG E PELKOLA
2309 BAHAMA POINT AVE
NORTH LAS VEGAS, NV 89031

Other Benefits and Information	This Period	Year-to-Date
PRE-TAX DEDUCTIONS		
PRE-TAX TOTALS	.00	.00

TAX DEDUCTIONS		
SOC SECURITY	76.97	2,016.06
MEDICARE	18.00	471.50
TAX TOTALS	94.97	2,487.56

OTHER DEDUCTIONS		
SUPPORT (PAM)	534.39	13,359.75
UNION DUES	.00	561.00
OTHER TOTALS	534.39	13,920.75

DIR DEP CHKG	612.18	16,108.81
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NET PAY	612.18	
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VECTRUS SYSTEMS CORPORATION
655 SPACE CENTER DRIVE
P.O. BOX 15012
COLORADO SPRINGS, CO 80935-5012

Advice Number: 0001667239
Advice Date: 06/21/2018

Deposited to the account of	Account Number	Transit ABA	Amount
GREG E PELKOLA	XXXXX2958	XXXXX4401	612.18

THIS IS NOT A CHECK

RA00112



CO FILE # 000000-000000
PCSSRW 000357252

VECTRUS SYSTEMS CORPORATION
655 SPACE CENTER DRIVE
P.O. BOX 15012
COLORADO SPRINGS, CO 80935-5012

Taxable Marital Status: S
Exemption/Allowance/Additional
Federal: 0
State-NV: 0
Local: 0

Pay Rate: 28.9000

Earnings	Rate	Hours	This Period	Year-to-Date
DAVIS BACON			.00	54.27
LEAD PREM			55.50	1,048.50
REGULAR WORK		30.00	867.00	23,556.43
SICK LEAVE			.00	549.10
OVERTIME		10.00	289.00	1,156.00
HOLIDAY		10.00	289.00	1,156.00
OVTM PREM			144.54	578.04
VACATION			.00	1,300.50
SHF/DIF PAY			22.50	619.60
HAZARD PREM			7.54	22.54
GROSS TOTAL		50.00	1,675.08	30,040.98

EARNINGS FOR TAX PURPOSES

DB FRINGE	.00	4.32
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ACCRUAL BALANCES

VACATION	11.98
SICK	4.88
PERSB/BHSICK	
HLDY/SICK25%	
PTO/SICK 50%	
TT/SK75/CMP	

Earnings Statement

Page 001 of 001
Period Beg/End: 05/28/2018 - 06/03/2018
Advice Date: 06/07/2018
Advice Number: 0001665333
Batch Number: 000000000123

GREG E PELKOLA
2309 BAHAMA POINT AVE
NORTH LAS VEGAS, NV 89031

Other Benefits and Information	This Period	Year-to-Date
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PRE-TAX DEDUCTIONS

PRE-TAX TOTALS	.00	.00
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TAX DEDUCTIONS

SOC SECURITY	103.86	1,862.81
MEDICARE	24.29	435.66
TAX TOTALS	128.15	2,298.47

OTHER DEDUCTIONS

SUPPORT (FAM)	534.39	12,290.97
UNION DUES	73.00	561.00
OTHER TOTALS	607.39	12,851.97

DIR DEP CHKG	939.54	14,894.86
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NET PAY	939.54	
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VECTRUS SYSTEMS CORPORATION
655 SPACE CENTER DRIVE
P.O. BOX 15012
COLORADO SPRINGS, CO 80935-5012

Advice Number: 0001665333

Advice Date: 06/07/2018

Deposited to the account of

GREG E PELKOLA

Account Number

Checking XXXXX2958

Transit ABA

XXXXX4401

Amount

939.54

THIS IS NOT A CHECK

RA00113

RETIREE ACCOUNT STATEMENTSTATEMENT EFFECTIVE DATE
JAN 23, 2018NEW PAY DUE AS OF
FEB 01, 2018SSN
*****8818

PLEASE REMEMBER TO NOTIFY DFAS IF YOUR ADDRESS CHANGES

TSG GREG E PELKOLA USAF RET
2309 BAHAMA POINT AVENUE
NORTH LAS VEGAS NV 89031-0963**DFAS-CL POINTS OF CONTACT**Defense Finance and Accounting Service
US Military Retirement Pay
8899 E 56th Street
Indianapolis, IN 46249-1200COMMERCIAL (216) 522-5955
TOLL FREE 1-800-321-1080
TOLL FREE FAX 1-800-469-6559myPay
<https://myPay.dfas.mil>**PAY ITEM DESCRIPTION**

ITEM	OLD	NEW	ITEM	OLD	NEW
GROSS PAY	.00	1,501.00	FITW	.00	64.19
VA WAIVER	.00	551.15	ALLOTMENTS	.00	180.00
TAXABLE INCOME	.00	949.85			
			NET PAY	.00	705.66

PAYMENT ADDRESS

DIRECT DEPOSIT

YEAR TO DATE SUMMARY (FOR INFORMATION ONLY)TAXABLE INCOME: 949.85
FEDERAL INCOME TAX WITHHELD: 64.19**TAXES**FEDERAL WITHHOLDING STATUS: SINGLE
TOTAL EXEMPTIONS: 00
FEDERAL INCOME TAX WITHHELD: 64.19**SURVIVOR BENEFIT PLAN (SBP) COVERAGE**

NO SBP ELECTION IS REFLECTED ON YOUR ACCOUNT.

RETIRED SERVICEMAN FAMILY PROTECTION PLAN (RSFPP) COVERAGE

RSFPP COVERAGE TYPE	ANNUITY PAYABLE	RSFPP COST
---------------------	-----------------	------------

ALLOTMENTS AND BONDS

ALLOTMENT TYPE	PAYEE	AMOUNT	BOND FACE VALUE	SERIES	DEDUCTION
INSURANCE	AMERICAN FIDELIT	50.00			
INSURANCE	AFBA, THE 5 STAR	15.00			
INSURANCE	DELTA DENTAL OF	115.00			

TAX LEVY DEDUCTIONS

DATE OF LEVY	MONTHLY AMOUNT	BALANCE
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GARNISHMENT DEDUCTIONS

PAYEE	GARNISHMENT AMOUNT	COMPLETION DATE
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FORMER SPOUSE PROTECTION ACT DEDUCTIONS

PAYEE	AMOUNT
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MISCELLANEOUS DEBTS

DEBT TYPE	MONTHLY DEDUCTION	PRINCIPAL AMOUNT	INTEREST AMOUNT	ACCUMULATED INTEREST	DEBT BALANCE
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ARREARS OF PAY BENEFICIARY INFORMATION

NAME	SHARE	RELATIONSHIP
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WE DO NOT HAVE ANY BENEFICIARY INFORMATION ON
PLEASE CALL 1-800-321-1080 OR VISIT THE DFAS WEB S
RETIRED AND ANNUITY SECTION OF THE MONEY MATT

MESSAGE SECTION

IMPORTANT: EFFECTIVE IMMEDIATELY OUR CORRESPONDENCE ADDRESS HAS CHANGED. SEE FRONT
UPPER RIGHT SIDE OF THIS STATEMENT FOR THE NEW ADDRESS.

TRICARE Online Patient Portal (TOLPP) has gone mobile! Grab your smartphone, bookmark
www.tricareonline.com and schedule your MTF appointments on the mobile app today.

No need to download from the store or keep data on your phone, simply access
www.tricareonline.com via a web browser on your device and save the app to your home
screen. Log-in using a DoD Self-service (DS) Logon Premium or Defense Finance and
Accounting Services (DFAS) MyPay account.

THIS IS YOUR MONTHLY RETIREE ACCOUNT STATEMENT. IT SUMMARIZES THE STATE OF YOUR ACCOUNT
AS OF THE DATE SHOWN. PLEASE REVIEW YOUR ADDRESS, BANKING, BENEFICIARY, PAY AND
ALLOTMENT INFORMATION REGULARLY. FOR MORE INFORMATION ABOUT RETIRED PAY GO TO
<http://www.dfas.mil/dfas/retiredmilitary.htm>

**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 MATTERS...PLAINTIFF'S MOTION TO CONTINUE THE July 27, 2018 HEARING; FOR

PRINT DATE:	07/30/2018	Page 1 of 4	Minutes Date:	July 27, 2018
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

RA00116

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.

PRINT DATE:	07/30/2018	Page 2 of 4	Minutes Date:	July 27, 2018
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INTERIM CONDITIONS:

FUTURE HEARINGS:

*Canceled: July 27, 2018 2:00 PM Motion
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Clerk
Courtroom 06
Pott, Victoria
Hardcastle, Kathy*

*Canceled: July 27, 2018 2:00 PM Opposition & Countermotion
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Clerk
Courtroom 06
Pott, Victoria
Hardcastle, Kathy*

*Canceled: July 27, 2018 2:00 PM Hearing
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Clerk
Courtroom 06
Pott, Victoria
Hardcastle, Kathy*

Canceled: August 02, 2018 2:30 PM Opposition & Countermotion

Canceled: August 02, 2018 2:30 PM Hearing

Canceled: August 23, 2018 9:00 AM Motion

Canceled: August 23, 2018 9:00 AM Opposition & Countermotion

Canceled: August 23, 2018 2:00 PM Motion

Canceled: August 23, 2018 2:00 PM Opposition & Countermotion

Canceled: August 23, 2018 2:00 PM Hearing

*September 18, 2018 10:00 AM Motion
Elliott, Jennifer
Courtroom 06*

*September 18, 2018 10:00 AM Opposition & Countermotion
Elliott, Jennifer
Courtroom 06*

Canceled: September 18, 2018 10:00 AM Hearing

*October 23, 2018 9:30 AM Motion
Elliott, Jennifer
Courtroom 06*

PRINT DATE:	07/30/2018	Page 3 of 4	Minutes Date:	July 27, 2018
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October 23, 2018 9:30 AM Opposition & Countermotion
Elliott, Jennifer
Courtroom 06

October 23, 2018 9:30 AM Hearing
Elliott, Jennifer
Courtroom 06

PRINT DATE:	07/30/2018	Page 4 of 4	Minutes Date:	July 27, 2018
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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, 2018 10:00 AM All Pending Motions

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

PRINT DATE:	09/19/2018	Page 1 of 4	Minutes Date:	September 18, 2018
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RA00120

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 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.

PRINT DATE:	09/19/2018	Page 2 of 4	Minutes Date:	September 18, 2018
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

RA00121

INTERIM CONDITIONS:

FUTURE HEARINGS:

September 18, 2018 10:00 AM Motion
Courtroom 06
Pott, Victoria
Hardcastle, Gerald W.

September 18, 2018 10:00 AM Opposition & Countermotion
Courtroom 06
Pott, Victoria
Hardcastle, Gerald W.

September 18, 2018 10:00 AM Hearing
Courtroom 06
Pott, Victoria
Hardcastle, Gerald W.

September 18, 2018 10:00 AM Motion
Courtroom 06
Pott, Victoria
Hardcastle, Gerald W.

September 18, 2018 10:00 AM Opposition & Countermotion
Courtroom 06
Pott, Victoria
Hardcastle, Gerald W.

Canceled: September 18, 2018 10:00 AM Hearing

September 18, 2018 10:00 AM Motion
Courtroom 06
Pott, Victoria
Hardcastle, Gerald W.

September 18, 2018 10:00 AM Motion
Courtroom 06
Pott, Victoria
Hardcastle, Gerald W.

September 18, 2018 10:00 AM Opposition & Countermotion
Courtroom 06
Pott, Victoria
Hardcastle, Gerald W.

September 18, 2018 10:00 AM Hearing
Courtroom 06

PRINT DATE:	09/19/2018	Page 3 of 4	Minutes Date:	September 18, 2018
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Pott, Victoria
Hardcastle, Gerald W.

Canceled: September 18, 2018 10:00 AM Order to Show Cause
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - Moot
Courtroom 06
Pott, Victoria
Hardcastle, Gerald W.

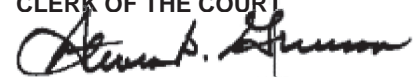
Canceled: October 23, 2018 9:30 AM Motion

Canceled: October 23, 2018 9:30 AM Opposition & Countermotion

Canceled: October 23, 2018 9:30 AM Hearing

March 12, 2019 1:30 PM Evidentiary Hearing
Elliott, Jennifer
Courtroom 06

PRINT DATE:	09/19/2018	Page 4 of 4	Minutes Date:	September 18, 2018
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Eighth Judicial District Court
Family Division
Clark County, Nevada

HEIDI MARIE PELKOLA,

Plaintiff,

vs.

GREG ELLIOTT PELKOLA,

Defendant.

Case No.: D-13-488682-D

Department: L

Calendar Call Date: N/A

Evidentiary Hearing Date: 03/12/2019
1:30 PM

AMENDED EVIDENTIARY HEARING MANAGEMENT ORDER

TO COUNSEL AND LITIGANTS IN PROPER PERSON:

This Order sets forth critical dates and times for the major proceedings in this case. It is the responsibility of the attorneys for the litigants, or the self-representing litigants, to meet the deadlines and to appear for the following required proceedings:

Calendar Call date: N/A

Evidentiary Hearing date: March 12, 2019 at 1:30 PM (Firm)

Evidentiary Hearing Brief due: March 5, 2019

IT IS HEREBY ORDERED that if the counsel or litigants fail to meet the above deadlines, fail to appear as required by this Order, or fail to substantially prepare or to participate in the proceedings in good faith, including failure at a Settlement Conference to submit settlement proposals and to participate in settlement negotiations in good faith, may result in sanctions; counsel and/or

1 litigants may be required to pay reasonable expenses and attorneys fees incurred
2 due to noncompliance with this Order (see NRCP 37(b), NRCP 16(f), NRCP 16.2(f),
3 EDCR 5.524). Furthermore, failure to appear for a proceeding pursuant to this
4 Order may result in a dismissal of the case, a default judgment against the non-
5 appearing party, or other appropriate sanctions.

6 DISCOVERY DEADLINE and CONFERENCE

7
8 **IT IS FURTHER ORDERED** that the discovery required by NRCP 16.2 and
9 NRCP 16.205 must be held and the requirements of these rules must be completed;
10 all discovery shall be completed no later than thirty (30) days prior to Evidentiary
11 Hearing/Non-Jury Trial unless counsel or litigants agree otherwise in writing, or the
12 Court orders otherwise. If the requirements of these rules are not met, the Court
13 may vacate the Evidentiary Hearing/Non-Jury Trial date, and will not reset the
14 proceeding until discovery is completed, or the Court may impose sanctions under
15 NRCP 16.2(f), 16.2(g), 16.205(f), 16.205(g) and/or NRCP 37(b)(2). Furthermore,
16 failure to conduct and conclude discovery can also result in imposition of sanctions
17 as stated above; such sanctions may include default or dismissal of the case.

18 MANDATORY MEETING BEFORE EVIDENTIARY HEARING/NON-JURY TRIAL

19 **IT IS FURTHER ORDERED** that pursuant to EDCR 5.524, the designated
20 trial attorneys or self-representing litigants must hold a Pre-Trial Conference to arrive
21 at stipulations and agreements to simplify issues at trial and to exchange witness
22 lists and all exhibits which are to be introduced at time of trial. If said documents
23 have not been exchanged, same may be the subject of objection at the time of
24 hearing.

1 CONTINUANCES

2
3 **IT IS FURTHER ORDERED** that this case will be tried in such an order as the
4 Court directs. Requests for continuances shall be in writing and served upon
5 opposing counsel or self-representing litigant, and a hearing shall be held on the
6 merits at least three (3) days prior to the time of trial. Sanctions may be imposed if
7 undue delay is exercised in bringing motions to continue or any other action that will
8 disturb the trial date. For good cause shown, where both counsel or parties stipulate
9 at the calendar call, and where the Court does not disagree, the Court has the
10 discretion to grant an oral request for a continuance.

11 MEMORANDUM/BRIEF

12 **IT IS FURTHER ORDERED** that a courtesy copy of the Brief or Memorandum
13 shall be delivered to the Judge's chambers and served on opposing counsel the on
14 the date noted above. **Failure to submit the Brief or Memorandum on or before**
15 **this date, absent the Court's approval, may result in the date being vacated**
16 **and the matter being rescheduled in ordinary course.**

17 *In no event shall the brief or memorandum be delivered to Court less*
18 *than four (4) business days before the date set for settlement conference or*
19 *evidentiary hearing/non-jury trial. After a Settlement Conference, if the case*
20 *has not been fully resolved, counsel or self-representing litigant may amend*
21 *memorandum or brief at the deadline set at the Settlement Conference.*

22 EXHIBITS

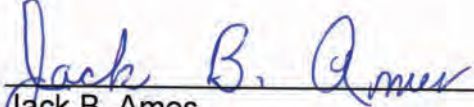
23 **IT IS FURTHER ORDERED** that Counsel or proper person litigants are to
24 submit the following on the Brief or Memorandum deadline date: witness and exhibit
lists (unless the memorandum or brief already contains the witness and exhibit lists),

1 one set of original exhibits ready for marking by the Court Clerk along with two
2 courtesy copies (one for the other party and one for the Court), and any other
3 discovery items sought to be introduced at trial. ***Failure to timely provide***
4 ***foregoing may result in such exhibits or evidence being excluded or other***
5 ***appropriate court-imposed sanctions against counsel or self-representing***
6 ***litigants.***

7
8 SETTLEMENT DURING PENDENCY OF THE ACTION

9 If this case is settled during the pendency of this action, counsel and self-
10 representing litigants shall exercise DUE DILIGENCE in advising the Court and
11 submit a Stipulation and Order to that effect so that any future hearing dates can be
12 vacated.

13 Dated: October 12, 2018

14
15 
16 Jack B. Ames
17 Senior District Court Judge
18 Department L
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CERTIFICATE OF SERVICE

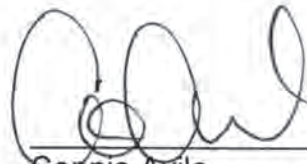
I HEREBY CERTIFY THAT ON THE ABOVE FILE STAMPED DATE:

☒ I EMAILED THE **ORDER SETTING CASE MANAGEMENT
CONFERENCE AND DIRECTING COMPLIANCE WITH NRCP 16.2:**

Gary M. Zernich, Esq.
Attorney for Plaintiff

Melvin Grimes, Esq.
Attorney for Defendant

☐ I MAILED THE **ORDER SETTING CASE MANAGEMENT
CONFERENCE AND DIRECTING COMPLIANCE WITH NRCP 16.2:**



Gennie Avila
Judicial Executive Assistant
Department L



1 SAO
2 MELVIN R. GRIMES, ESQ.
3 Nevada Bar No: 12972
4 Melg@grimes-law.com
5 THE GRIMES LAW OFFICE
6 8540 S. Eastern Avenue Suite 100
7 Las Vegas, NV 89123
8 p: (702) 347-4357
9 f: (702) 224-2160
10 *Attorney for Defendant*

DISTRICT COURT
CLARK COUNTY, NEVADA

11 HEIDI MARIE PELKOLA,
12 Plaintiff,
13 v.

CASE NO.: D-13-488682-D

DEPT: L

14 GREG ELLIOT PELKOLA,
15 Defendant.

STIPULATION AND ORDER TO
CONTINUE

17 COMES NOW, Plaintiff, HEIDI PELKOLA, by and through her attorney,
18 GARY ZERNICH, ESQ. of RADFORD J. SMITH, CHARTERED, and Defendant,
19 GREG PELKOLA, by and through his attorney, MELVIN R. GRIMES, ESQ. of THE
20 GRIMES LAW OFFICE, hereby stipulate and agree as follows:

21 IT IS HEREBY STIPULATED AND AGREED that:

22 //
23 //

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RECEIVED

JUN - 4 2019

✓ DEPT. L

RA00129

1 THE PARTIES HEREBY STIPULATE AND AGREE that Defendant's First
2 Supplemental Disclosure of Witnesses and Documents Pursuant to NRCP 16.2 was
3 filed on or about May 23rd 2019, which designated Martin Brown and the minor child,
4 Justin Pelkola, as witnesses expected to testify at the time of trial.

5 THE PARTIES HEREBY STIPULATE AND AGREE that additional discovery
6 shall be necessary as either party reserves the right to request a deposition of the above-
7 named witnesses.

8 THE PARTIES HEREBY STIPULATE AND AGREE that the Evidentiary
9 Hearing regarding property and debts currently scheduled for Thursday, July 18th 2019
10 at 1:30p.m. should be vacated and rescheduled after September 2019, depending on the
11 Court's availability.

12 THE PARTIES HEREBY STIPULATE AND AGREE that the deadline for
13 discovery should be extend to close (30) days before the rescheduled Evidentiary
14 Hearing date. The parties shall submit a joint Trial Management Order upon receipt of
15 the new Evidentiary Hearing date.

16 NOW THEREFORE,

17 IT IS HEREBY ORDERED that the Evidentiary Hearing currently scheduled for
18 Thursday, July 18th 2019 at 1:30p.m. is hereby vacated and reset to the 10th day of
19 October, 2019 at 1:30 a.m/p.m.

20 //

21 //

22 //

23 //

24 //

25 //


26 //

27 //

28 //


1 IT IS FURTHER ORDERED that upon Notice of Entry of Stipulation and Order,
2 the Parties shall prepare and submit a Trial Management Order for the rescheduled
3 Evidentiary Hearing date.

4 IT IS SO ORDERED THIS 6th day of June, 2019.

5
6
7 
8 DISTRICT COURT JUDGE *hr*
9 DAVID S. GIBSON, JR.

10 *Respectfully Submitted by:*

11 **THE GRIMES LAW OFFICE**

12
13 
14 MELVIN R. GRIMES, ESQ.

15 Nevada Bar No: 12972

16 Melg@grimes-law.com

17 8540 S. Eastern Ave. Ste. 100

18 Las Vegas, NV 89123

19 P: (702) 347-4357

20 *Attorney for Defendant*

Approved as to form and content:

RADFORD J. SMITH, CHTD.

21
22 
23 GARY ZERNICH, ESQ.

24 Nevada Bar No: 7963

25 GZernich@RadfordSmith.com

26 2470 St. Rose Pkwy. Ste. 206

27 Henderson, NV 89074

28 P: (702) 990-6448

Attorney for Plaintiff



PMEM

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RADFORD J. SMITH, ESQ.
Nevada State Bar No. 002791
KIMBERLY A. STUTZMAN, ESQ.
Nevada Bar No. 014085
2470 St. Rose Parkway, Suite 206
Henderson, Nevada 89074
Telephone: (702) 990-6448
Facsimile: (702) 990-6456
rsmith@radfordsmith.com
Attorneys for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

HEIDI MARIE PELKOLA,

Plaintiff,

vs.

GREG ELLIOT PELKOLA,

Defendant.

CASE NO.: D-13-488682-D

DEPT. NO.: L

FAMILY DIVISION

PLAINTIFF'S PRE-TRIAL MEMORANDUM

TRIAL DATE: October 10, 2019

TIME OF TRIAL: 1:30 p.m.

COMES NOW Plaintiff, HEIDI PELKOLA, by and through her attorney of record,
Radford J. Smith, Esq., and Kimberly A. Stutzman, Esq. of the Law Firm of Radford J.
Smith, Chartered, and hereby submits the following Plaintiff's Pre-Trial Memorandum:

I.

STATEMENT OF ESSENTIAL FACTS

A. Names of the Parties:

Plaintiff, Heidi Pelkola ("Heidi")

Defendant, Greg Pelkola ("Greg")

B. Date of Marriage/Divorce:

Decree of Divorce filed on 5/6/2014.

C. Children of issue of the marriage:

a. Sara M. Pelkola, Date of Birth, 12-02-2003, age 15

b. Justin R. Pelkola, Date of Birth, 03-04-2008, age 11

c. Daniel J. Pelkola, Date of Birth, 12-09-2011, age 7

D. Status of Case:

1. Resolved Issues:

a. Upon information and belief, neither party disputes that the eldest child, Sara, is a child afflicted with autism.

2. Unresolved Issues:

a. Change of Custody pursuant to the March 18, 2019 Hearing;

b. A request for attorney's fees made by both parties.

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II.

CHANGE OF CUSTODY

As discussed above, the parties have three minor children, Sara (15), Justin (11), and Daniel (7). Though there are three children, Greg's basis to modify centers around his relationship with Sara. Greg ostensibly blames his relationship with Sara on Heidi. Despite his admissions that Sara is in a "catatonic state" when Sara visits with him, Greg insists that it would be in Sara's best interest for her to reside primarily with him.

Greg's request to modify custody suffers many shortcomings, potentially the biggest being that he has provided no evidence to support his claims. The evidence presented at the March 2019 evidentiary hearings (March 12th and 18th) and which will also be presented at trial will demonstrate that Heidi encourages Sara's relationship with Greg. The evidence will also show that Heidi is not alienating Greg from the children.

Sara, 15, has a high IQ and gets good grades in school. At home, she gets along well with her siblings and mother, and is generally happy and talkative, but outside of the home, she is introverted, does not like eye contact, generally quiet, and does not like change. She is also very stubborn when she "makes a decision," to the point of "refusal" if it is something that she does not want to do. Heidi believes that this is also a symptom of Asperger's. In 2016, Sara was evaluated by the school for Asperger's Syndrome, and the evaluation result was positive.

...

1 ***A. It is not in the children's best interests to modify custody***

2 Heidi submits that Greg has failed to provide support his motion for a modification
3 of custody, and even after discovery and one evidentiary hearing, has failed to provide an
4 adequate cause for hearing on the issue of custody.
5

6 Heidi is the primary physical custodian of the minor children. The criteria for
7 addressing Greg's request for modification of the parties' timeshare is contained in *Rivero*
8 *v. Rivero*, 125 Nev. 410, 216 P.3d 213 (2009), and *Ellis v. Carucci*, 123 Nev. 145, 161 P.3d
9 239 (2007).
10

11 NRS 125C.0045 mirrors its predecessor statute, NRS 125.510, which was interpreted
12 by the Nevada Supreme Court in *Ellis v. Carucci*, 123 Nev. 145, 151, 161 P.3d 239, 243
13 (2007). In *Ellis*, the court held:
14

15 [A] modification of primary physical custody is warranted only when (1) there
16 has been a substantial change in circumstances affecting the welfare of the
17 child, and (2) the child's best interest is served by the modification. [. . .] [T]he
18 party seeking a modification of custody bears the burden of satisfying both
19 prongs.
20

21 *Id.* at 145, 150-51, 161 P.3d 239, 242-43 (2007). The *Ellis* criteria modified the
22 longstanding "*Murphy*" standard that focused on the circumstances of the parents, rather
23 than those of the child.
24

25 In reaching our conclusion, we overrule *Murphy* to the extent that it required
26 a change in "the circumstances of the parents" alone, without regard to a
27 change in the circumstances of the child or the family unit as a whole. We
28 note, however, that under the revised test, there must still be a finding of a
substantial change in circumstances. While the *Murphy* test is too restrictive
because it improperly focuses on the circumstances of the parents and not the

1 child, custodial stability is still of significant concern when considering a
2 child's best interest. The "changed circumstances" prong of the revised test
3 serves the important purpose of guaranteeing stability unless circumstances
4 have changed to such an extent that a modification is appropriate. In
5 determining whether the facts warrant a custody modification, courts should
not take the "changed circumstances" prong lightly.

6 *Ellis*, 123 Nev. at 151, 161 P.3d at 243.

7 Heidi submits that the evidence that she will present at trial will demonstrate that there
8 has not been a substantial change in the circumstances and that it is not in the children's best
9 interests to modify child custody. She also submits that Greg will be unable to meet the
10 standard of a prima facie change of custody. Heidi reserves the right to file a trial brief
11 pursuant to EDCR 7.27 on these issues.
12
13

14 III:

15 **THE COURT SHOULD AWARD HEIDI ATTORNEY'S FEES AND COSTS**

16 A request for an order directing another party to pay attorney's fees must be based
17 upon statute, rule or contractual provision. *See, e.g., Rowland v. Lepire*, 99 Nev. 308, 662
18 P.2d 1332 (1983).
19
20

21 The court has jurisdiction to award attorney's fees in post-trial matters. *Halbrook v.*
22 *Halbrook*, 114 Nev. 1455, 971 P.2d 1262 (1998) (recognizing that a district court has the
23 authority to award attorney fees in post-divorce proceedings involving child custody).
24
25

26 Heidi has incurred significant attorney's fees and costs in this matter. As discussed
27 above, Greg has not complied with the relevant authority, and Heidi submits that he will be
28

1 unable to present a prima facie case. As a result, Heidi was left with no choice but to file
2 her opposition and countermotion and litigate this matter.

3
4 EDCR 7.60 reads in pertinent part –

5 (b) The court may, after notice and an opportunity to be heard, impose upon
6 an attorney or a party any and all sanctions which may, under the facts of the
7 case, be reasonable, including the imposition of fines, costs or attorney's fees
8 when an attorney or a party without just cause:

9 (1) Presents to the court a motion or an opposition to a motion which
10 is obviously frivolous, unnecessary or unwarranted.

11 (2) Fails to prepare for a presentation.

12 (3) So multiplies the proceedings in a case as to increase costs
13 unreasonably and vexatiously.

14 (4) Fails or refuses to comply with these rules.

15 (5) Fails or refuses to comply with any order of a judge of the court.

16
17 EDCR 7.60 permits a district court to assess sanctions against a party that files a
18 frivolous motion, or unnecessarily multiplies the proceedings in a case. In *Rivero*, the court
19 addressed the criteria for awarding attorney's fees as a sanction for the filing of one of those
20 prongs, a frivolous motion:

21 The district court may award attorney fees as a sanction under NRS
22 18.010(2)(b), NRCP 11, and EDCR 7.60(b) if it concludes that a party
23 brought a frivolous claim. The district court must determine if there was any
24 credible evidence or reasonable basis for the claim at the time of filing.
25 Although a district court has discretion to award attorney fees as a sanction,
26 there must be evidence supporting the district court's finding that the claim
27 or defense was unreasonable or brought to harass.

28
29 *Rivero v. Rivero*, 125 Nev. 410, 440-41, 216 P.3d 213, 234 (2009). Here, Heidi submits
30 that Greg's request to modify custody will be denied. Heidi requests that the court require

1 Greg to pay the attorney's fees and costs Heidi has incurred to respond to this litigation for
2 Modification of Custody.
3

4 Even in the absence of either sanction under EDCR 7.60, the court may exercise its
5 discretion under NRS 125.150 and its continuing jurisdiction in divorce matters to award
6 fees to Heidi based solely upon the parties' substantial disparity in income regardless of the
7 outcome of the motions and counter-motion. The Nevada Supreme Court has recognized
8 the jurisdiction of a district court to grant attorney's fees to a party in a post-divorce child
9 custody action under NRS 125.040. *Leeming v. Leeming*, 87 Nev. 530, 532, 490 P.2d 342,
10 343 (1971) ("NRS 125.040 empowers our courts to grant "allowances and suit money" in
11 divorce actions, including sums to enable a wife to employ counsel; and if the wife files an
12 appropriate post-judgment motion relating to support or custody of minor children, that
13 power remains as part of the continuing jurisdiction of the court.")
14
15
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17

18 NRS 18.010 states in relevant part –
19

- 20 1. The compensation of an attorney and counselor for his or her services is
21 governed by agreement, express or implied, which is not restrained by law.
- 22 2. In addition to the cases where an allowance is authorized by specific
23 statute, the court may make an allowance of attorney's fees to a prevailing
24 party:
 - 25 (a) When the prevailing party has not recovered more than \$20,000; or
 - 26 (b) Without regard to the recovery sought, when the court finds that the
27 claim, counterclaim, cross-claim or third-party complaint or defense of
28 the opposing party was brought or maintained without reasonable
ground or to harass the prevailing party. The court shall liberally
construe the provisions of this paragraph in favor of awarding attorney's
fees in all appropriate situations. It is the intent of the Legislature that
the court award attorney's fees pursuant to this paragraph and impose
sanctions pursuant to Rule 11 of the Nevada Rules of Civil Procedure in

1 all appropriate situations to punish for and deter frivolous or vexatious
2 claims and defenses because such claims and defenses overburden
3 limited judicial resources, hinder the timely resolution of meritorious
4 claims and increase the costs of engaging in business and providing
professional services to the public.

5 3. In awarding attorney's fees, the court may pronounce its decision on the
6 fees at the conclusion of the trial or special proceeding without written motion
and with or without presentation of additional evidence.

7 4. Subsections 2 and 3 do not apply to any action arising out of a written
8 instrument or agreement which entitles the prevailing party to an award of
reasonable attorney's fees.

9
10 In the instant matter, should Heidi prevail, then she should be awarded her fees and
11 costs. A memorandum of attorney's fees and costs will be submitted after completion of the
12 trial.

14 IV.

15 LIST OF WITNESSES

16
17 *Other than the parties and a resident witness, list all witnesses intended to be called*
18 *by you. Further provide a brief summary of the witnesses' anticipated testimony.*

- 19 1. Ms. Donna Lovrin
20 4738 W. Corrine Drive
21 Glendale, AZ 85304
(602) 628-9953

22 Ms. Lovrin is Heidi's mother. She is expected to testify about Heidi and the
23 children's relationship with each other and about the child exchanges and the videos taken
24 at the exchanges and the facts and circumstances surrounding this case.

- 26 2. Rodney Dragicevic
27 4115 W. Charter Oak Road
28 Phoenix, AZ 85029
(602) 918-3447

1
2 Mr. Dragicevic is Heidi's neighbor. He is expected to testify to his observation of
3 Sara's refusal to leave Heidi's home for visitation with her father.

4
5 3. Any and all witnesses relied upon by the Defendant.

6
7 4. Any and all rebuttal witnesses as necessary.

8 Plaintiff reserves the right to supplement this list as additional information and
9 witnesses become available.

10
11 V.

12 **LIST OF EXHIBITS**

13 *List and identify specifically each item of evidence intended to be introduced by you*
14 *at the time of trial:*

15 Any and all documents produced by either party during the discovery phase of this
16 matter including, but not limited to the following:

- 17
18 1. Emails and with attachments between the parties, bate-stamped PLTF 000001-
19 000091
20 2. IEP for Sara dated March 26, 2019, bate-stamped PLTF 000092-000126
21 3. Records from Open Hearts for 4/5/2019, bate-stamped PLTF 000131-000141
22 4. Sara Pelkola – May 30, 2019 Exchange Images, bate-stamped PLTF000151-
23 000155
24 5. Sara Pelkola – Correspondence from Erin Jenkin, MSC, bate-stamped
25 PLTF000156
26 6. Sara Pelkola – 08-13-19 Case Notes and file D. Crawford, School Psychologist,
27 bate-stamped PLTF000157-000177
28

7. Sara Pelkola – Individualized Education Program (IEP) dated August 23, 2019, bate-stamped PLTF000178-000194
8. Sara Pelkola – August 13, 2019 Images, bate-stamped PLTF000195-000196
9. Daniel’s Student Profile for 2018-2019, bate-stamped PLTF 000129-000130
10. Daniel Pelkola Progress Report, bate-stamped PLTF000142
11. Daniel Pelkola Report Card 2018-2019, bate-stamped PLTF000143
12. Daniel Pelkola Report Card Comments, bate-stamped PLTF000144
13. Justin’s Student Profile for 2018-2019, bate-stamped PLTF 000127-000128
14. Justin Pelkola Band/Strings Award, bate-stamped PLTF000145
15. Justin Pelkola Displaying his Honor Role Certificate, bate-stamped PLTF000146
16. Justin Pelkola Honor Role Ceremony, bate-stamped PLTF000147
17. Justin Pelkola Honor Role Certificate, bate-stamped PLTF000148
18. Justin Pelkola Leadership Certificate, bate-stamped PLTF000149
19. Justin Pelkola Report Card Fourth Quarter 2018-2019, bate-stamped PLTF000150
20. Demographic Information, bate-stamped PLTF000197-000218
21. Hudson Ohio Area Images, bate-stamped PLTF000219-000224
22. Hudson Ohio Area Housing, bate-stamped PLTF000225-000240
23. Plaintiff’s Financial Disclosure Form
24. Defendant’s Financial Disclosure Form
25. Videos
- Radford J. Smith Chartered’s Billing History
(*To Be Supplemented*)

1 All pleadings and papers on file in this matter, including all exhibits thereto

2 All documents produced through discovery

3 Any and all documents admitted into evidence by Defendant

4 Any and all rebuttal documents as needed

5
6
7 **VI.**

8 **UNUSUAL LEGAL OR FACTUAL ISSUES PRESENTED**

9
10 *List all other unusual legal or factual issues that you anticipate will be raised at trial.*
11 *Sufficiently explain the issues presented so that the Court may understand the issues*
12 *presented clearly. Citations of authorities should also be provided.*

13 None.

14 **VII.**

15 **LENGTH OF TRIAL**

16
17 Currently scheduled for one half-day, though the number of witnesses named by
18 the parties suggest that the matter may not finish in that time frame. Heidi will do her best,
19

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27
28 *[This space intentionally left blank.]*

1 upon the direction of the court, to complete her presentation in her allotted time if other
2 days are not available.

3
4 DATED this 1st day of October ~~September~~ 2019.

5
6 RADFORD J. SMITH, CHARTERED

7 K. Stutzman

8 RADFORD J. SMITH, ESQ.

9 Nevada State Bar No. 002791

10 KIMBERLY A. STUTZMAN, ESQ.

11 Nevada Bar No. 014085

12 2470 St. Rose Parkway, Suite 206

13 Henderson, Nevada 89074

14 *Attorneys for Plaintiff*

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CERTIFICATE OF SERVICE

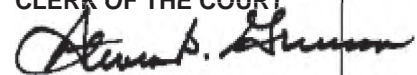
I hereby certify that I am an employee of Radford J. Smith Chartered ("the Firm"). I am over the age of 18 and not a party to the within action. I am "readily familiar" with firm's practice of collection and processing correspondence for mailing. Under the Firm's practice, mail is to be deposited with the U.S. Postal Service on the same day as stated below, with postage thereon fully prepaid. I served the foregoing document described as "Plaintiff's Pre-Trial Memorandum" on this 1st day of October 2019, to all interested parties as follows:

☒ Pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned "In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court", by mandatory electronic service through the Eighth Judicial District Court's electronic filing system:

Melvin Grimes, Esq.
THE GRIMES LAW OFFICE
8540 South Eastern Avenue, Ste. 100
Las Vegas, Nevada 89123
Melg@grimes-law.com



An Employee of Radford J. Smith, Chartered



MOT

RADFORD J. SMITH, CHARTERED
RADFORD J. SMITH, ESQ.

Nevada State Bar No. 002791

KIMBERLY A. STUTZMAN, ESQ.

Nevada Bar No. 014085

2470 St. Rose Parkway, Suite 206

Henderson, Nevada 89074

Telephone: (702) 990-6448

Facsimile: (702) 990-6456

rsmith@radfordsmith.com

Attorneys for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

HEIDI MARIE PELKOLA,

Plaintiff,

vs.

GREG ELLIOT PELKOLA,

Defendant.

CASE NO.: D-13-488682-D

DEPT. NO.: L

FAMILY DIVISION

Oral Argument: YES

NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN 14 CALENDAR DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN 14 CALENDAR DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT A HEARING PRIOR TO THE SCHEDULED HEARING DATE.

**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**

DATE OF HEARING:

TIME OF HEARING:

COMES NOW, Plaintiff, HEIDI PELKOLA ("Heidi"), by and through her attorney of record, Radford J. Smith, Esq. and Kimberly A. Stutzman, Esq., of Radford J. Smith, Chartered, and hereby files her Motion, and requests that the court find and order as follows:

1. Precluding Defendant, GREG ELLIOT PELKOLA ("Greg") from introducing any documents, evidence, or any witnesses not identified during discovery;
2. Precluding Greg from filing an untimely Pre-Trial Memorandum;
3. Awarding Heidi attorney's fees and costs pursuant to EDCR 7.60 for having to file this Motion; and
4. For such other and further relief as to the Court may seem proper.

These motions are made and based upon the points and authorities attached hereto, all pleadings and papers on file in this action, and any oral argument or evidence adduced at the time of the hearing of this matter.

DATED this 3rd day of October 2019.

RADFORD J. SMITH, CHARTERED



RADFORD J. SMITH, ESQ.

Nevada State Bar No. 002791

KIMBERLY A. STUTZMAN, ESQ.

Nevada Bar No. 014085

2470 St. Rose Parkway, Suite 206

Henderson, Nevada 89074

Telephone: (702) 990-6448

rsmith@radfordsmith.com

Attorneys for Plaintiff

I.

HEIDI'S MOTION IN LIMINE IS TIMELY

EDCR 5.510 states –

(a) Except as otherwise provided herein or by court order, a motion in limine to exclude or admit evidence must *ordinarily* be in writing and must be heard not less than 5 calendar days prior to trial.

(b) Where the facts that would support a motion in limine arise or become known *after* it is practicable to file a motion in the ordinary course as set forth above, the filing party *may seek an order shortening time* to hear the motion as provided by these rules, or bring an oral motion in limine at a hearing. The court may refuse to sign any such order shortening time or to consider any such oral motion.

(c) A written motion in limine must be supported by affidavit and, if not filed in the ordinary course, must detail how and when the facts arose or became known. The motion shall also set forth that after a conference or a good-faith effort to confer, counsel were unable to resolve the matter satisfactorily, detailing what attempts to resolve the dispute were made, what was resolved and what was not resolved, and why. A conference requires either a personal or telephone conference between or among the parties. If a personal or telephone conference was not possible, the motion shall set forth the reasons.

See EDCR 5.510.

As discussed below, Heidi's counsel attempted to contact Greg's counsel regarding the trial management order but did not receive a response. When Greg failed to respond or timely provide discovery, a financial disclosure form, and a pre-trial memorandum on or before the date of this motion, which is approximately seven calendar days before trial, Heidi had no choice but to address Greg's deficiencies by way of this Motion in Limine. Heidi will also address her Motion in Limine orally at the time of trial.

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II.

**GREG SHOULD BE PRECLUDED FROM INTRODUCING HIS "TRIAL
EXHIBITS"**

The parties were divorced by a default Decree of Divorce, filed on May 6, 2014. The parties were granted joint legal custody, but Plaintiff, Heidi Pelkola ("Heidi") was granted primary physical custody of the parties' minor children. The parties have three minor children, SARA M. PELKOLA, born, December 2, 2003, age 15; JUSTIN R. PELKOLA, born March 4, 2008, age 11; and DANIEL J. PELKOLA, born December 9, 2011, age 7.

As of the date of this motion, Greg has provided limited documents in his one and only "Initial Disclosure of Witnesses and Documents Pursuant to NRCP 16.2," signed *March 5, 2019*, which was prior to the last Evidentiary Hearing. Since that time, approximately 7 months, Greg has not disclosed any other witnesses or documents in support of his request to modify child custody.

As discussed in her Pre-Trial Memorandum, it is Greg's burden to demonstrate that there has been a substantial change in circumstances warranting a change in custody and that the change would be in the children's best interests. With the limited documents provided and no action by Greg for seven months, Heidi does not believe that Greg will be able to meet his burden. Thus, she submits that Greg's request to modify should be denied at trial on October 10, 2019.

1 Moreover, discovery closed on Tuesday, October 10, 2019. *See* Stipulation and
2 Order to Continue (“Stipulation”), filed June 10, 2019, where the parties agreed that
3 Discovery would close 30 days before the rescheduled Evidentiary Hearing date. Thus,
4 Greg should be precluded from introducing any exhibits that have not been produced
5 during discovery and/or have been produced after discovery cut off.
6

7
8 As of the date of this Motion, Greg has failed to file a Pre-Trial Memorandum,
9 updated Financial Disclosure Form, or provide a *list of potential* Trial Exhibits (in his
10 pre-trial memorandum).
11

12 In the aforementioned Stipulation, the parties agreed that they would submit a joint
13 Trial Management Order. On August 26, 2019, counsel had a phone conference
14 scheduled to address the Trial Management Order. Unfortunately, Heidi’s counsel needed
15 to reschedule. Counsel reached out to Greg’s counsel to reschedule but did not receive a
16 timely response. Thus, counsel followed up on September 13, 2019. As of the date of this
17 motion, counsel has not received a response regarding the Trial Management Order. *See*
18 Emails from K. Stutzman to M. Grimes, filed as Exhibit “1.” Thus, it is presumed that the
19 timeframe contained in the court’s prior Case and Trial Management Order, filed March
20 29, 2019, would apply to the continued Evidentiary Hearing scheduled for October 10,
21 2019.
22
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26 After the March 18, 2019 Evidentiary Hearing, the court filed a Case and Trial
27 Management Order. *See* Case and Trial Management Order, filed March 29, 2019. In that
28

1 Order, the Trial was scheduled for July 18, 2019, the Pre-Trial Memorandum was due ten
2 days before the Trial on July 8, 2019. As of the date of this Motion, Greg has not filed a
3 Pre-Trial Memorandum.
4

5 Moreover, NRCP 16.2(b) states in relevant part,
6

7 **(B) Trial Exhibits.** A copy of each document or other exhibit, including
8 summaries of other evidence, which a party expects to offer as evidence at
9 trial in any manner *shall be disclosed* to the other party. Unless otherwise
10 directed by the court, these disclosures must be made *at least 21 days before*
11 *trial*. Within 5 days of trial, unless a different time is specified by the court,
12 a party may serve any objection, together with the grounds therefor, that
13 may be made to the admissibility of materials identified. Objections not so
14 disclosed, other than objections under NRS 48.025 and 48.035, shall be
15 deemed waived unless excused by the court for good cause shown.

16 Any documents not produced in discovery that Greg may attempt to introduce into
17 evidence must be excluded. Greg's failure to timely identify the "trial exhibits" is
18 prejudicial to Heidi because she will not have as much time as Greg to consider, review or
19 prepare rebuttal of the intended evidence at trial. If Greg is allowed to introduce evidence
20 that has never before been identified, it will preclude Heidi from fully preparing for trial,
21 while Greg has no such handicap. As a trial tactic, undeterred or punished, Greg gains
22 advantage by openly defying express rules.
23

24 For these reasons, Heidi submits that her Motion should be granted in its entirety.
25 Additionally, Heidi submits that Greg has unnecessarily multiplied these proceedings in
26 violation of EDCR 7.60, and as a result, she should be awarded attorney's fees and costs.
27
28

1 A memorandum of attorney's fees and costs shall be submitted upon the court's
2 direction.
3

4 **III.**

5 **CONCLUSION**

6
7 Based upon the foregoing the court should enter its order as follows:

- 8 1. Precluding Defendant, GREG ELLIOT PELKOLA ("Greg") from introducing
9 any documents, evidence, or any witnesses not identified during discovery;
10
11 2. Precluding Greg from filing an untimely Pre-Trial Memorandum;
12
13 3. Awarding Heidi attorney's fees and costs pursuant to EDCR 7.60 for having
14 to file this Motion; and
15
16 4. For such other and further relief as to the Court may seem proper.

17 DATED this 3rd day of October 2019.

18 RADFORD J. SMITH, CHARTERED

19 

20 RADFORD J. SMITH, ESQ.

21 Nevada State Bar No. 002791

22 KIMBERLY A. STUTZMAN, ESQ.

23 Nevada Bar No. 014085

24 2470 St. Rose Parkway, Suite 206

25 Henderson, Nevada 89074

26 Telephone: (702) 990-6448

27 Facsimile: (702) 990-6456

28 rsmith@radfordsmith.com

Attorneys for Plaintiff

1 **AFFIDAVIT OF KIMBERLY A. STUTZMAN, ESQ.**

2 COUNTY OF CLARK)
3) ss:
4 STATE OF NEVADA)

5 Kimberly A. Stutzman, Esq., having been duly sworn, deposes and says:

6 1. I am an attorney for the Plaintiff, HEIDI PELKOLA, in the above-entitled
7 matter.
8

9 2. I make this Affidavit based upon facts within my own knowledge, save and
10 except as to matters alleged upon information and belief and, as to those matters, I
11 believe them to be true.
12

13 3. I have reviewed the foregoing Motion and can testify that the facts contained
14 therein are true and correct and to the best of my knowledge. I hereby affirm and restate
15 them as if set forth fully herein.
16

17 4. As of the date of this motion, Greg has provided limited documents in his
18 one and only "Initial Disclosure of Witnesses and Documents Pursuant to NRCP 16.2,"
19 signed March 5, 2019, which was prior to the last Evidentiary Hearing. Since that time,
20 approximately 7 months, Greg has not disclosed any other witnesses or documents in
21 support of his request to modify child custody.
22

23 5. As discussed in her Pre-Trial Memorandum, it is Greg's burden to
24 demonstrate that there has been a substantial change in circumstances warranting a
25 change in custody and that the change would be in the children's best interests. With the
26
27
28

1 limited documents provided and no action by Greg for seven months, Heidi does not
2 believe that Greg will be able to meet his burden. Thus, she submits that Greg's request
3 to modify should be denied at trial on October 10, 2019.
4

5 6. Moreover, discovery closed on Tuesday, October 10, 2019. See Stipulation
6 and Order to Continue ("Stipulation"), filed June 10, 2019, where the parties agreed that
7 Discovery would close 30 days before the rescheduled Evidentiary Hearing date. Thus,
8 Greg should be precluded from introducing any exhibits that have not been produced
9 during discovery and/or have been produced after discovery cut off.
10


11 7. As of the date of this Motion, Greg has failed to file a Pre-Trial
12 Memorandum, updated Financial Disclosure Form, or provide a *list of potential* Trial
13 Exhibits (in his pre-trial memorandum).
14

15 8. In the aforementioned Stipulation, the parties agreed that they would submit
16 a joint Trial Management Order. On August 26, 2019, counsel had a phone conference
17 scheduled to address the Trial Management Order. Unfortunately, Heidi's counsel needed
18 to reschedule. Counsel reached out to Greg's counsel to reschedule but did not receive a
19 timely response. Thus, counsel followed up on September 13, 2019. As of the date of this
20 motion, counsel has not received a response regarding the Trial Management Order. *See*
21 Emails from K. Stutzman to M. Grimes, filed as Exhibit "1." Thus, it is presumed that the
22 timeframe contained in the court's prior Case and Trial Management Order, filed March
23
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1 29, 2019, would apply to the continued Evidentiary Hearing scheduled for October 10,
2 2019.

3
4 9. After the March 18, 2019 Evidentiary Hearing, the court filed a Case and
5 Trial Management Order. *See* Case and Trial Management Order, filed March 29, 2019.
6
7 In that Order, the Trial was scheduled for July 18, 2019, the Pre-Trial Memorandum was
8 due ten days before the Trial on July 8, 2019. As of the date of this Motion, Greg has not
9 filed a Pre-Trial Memorandum.
10

11 FURTHER AFFIANT SAYETH NAUGHT.

12 
13 KIMBERLY A. STUTZMAN, ESQ.

14
15 Subscribed and sworn before me
16 this 3rd day of October 2019.

17 

18 NOTARY PUBLIC in and for
19 said County and State



EXHIBIT “1”

Kimberly Stutzman

From: Kimberly Stutzman
Sent: Monday, September 16, 2019 9:03 AM
To: melg@grimes-law.com; 'Olivia Nino'
Cc: info@grimes-law.com; Deana DePry
Subject: FW: Pelkola - Phone Call Reschedule

TimeMattersID: MDACBAAE5F232908
TM Contact: Melvin Grimes
TM Matter No: D-13-488682-D
TM Matter Reference: Pelkola v. Pelkola

Good morning:

Please see email sent Friday, September 13, 2019 below. Please let me know your thoughts as soon as possible.

Sincerely,

Kimberly A. Stutzman, Esq.†*
Radford J. Smith, Chartered
2470 St. Rose Parkway, Suite 206
Henderson, Nevada 89074
Phone (702) 990-6448
Facsimile (702) 990-6456

†Ms. Stutzman is also licensed in the State of California.

*Please note that as of March 2, 2019, Ms. Medina's name changed to Ms. Stutzman.

****NOTICE****

This message is intended for the use of the individual or entity to which it is addressed and may contain attorney/client information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by reply email or by telephone (702) 990-6448, and immediately delete this message and all its attachments.

From: info@grimes-law.com <info@grimes-law.com>
Sent: Monday, September 16, 2019 8:12 AM
To: Kimberly Stutzman <kstutzman@radfordsmith.com>
Cc: melg@grimes-law.com; 'Olivia Nino' <olivian@grimes-law.com>
Subject: RE: Pelkola - Phone Call Reschedule

I have attached the two emails this should be addressed to. The infor email is not monitored regularly.

From: Kimberly Stutzman <kstutzman@radfordsmith.com>
Sent: Friday, September 13, 2019 4:51 PM
To: info@grimes-law.com

Cc: Deana DePry <ddepry@radfordsmith.com>

Subject: RE: Pelkola - Phone Call Reschedule

Good afternoon, Mr. Grimes:

I have not heard back on rescheduling the call from a few ago. So, I will address via email.

First, I reviewed the prior orders, including the SAO to continue. In the SAO, you and Gary agreed to determine the trial management order/dates between counsel. I propose that the PreTrial Memo, Exhibit Binders, and Witness Lists be exchanged 5 business days before the date of trial.

Second, Ms. Pelkola has addressed relocating with Mr. Pelkola. She is currently engaged and her fiancé lives in Ohio. There are several benefits to the Ohio area, including additional programs and resources for Sarah. Additionally, it is my understanding that Mr. Pelkola purchased a home in and has family close by in Michigan. We would like to resolve the Relocation issue as soon as possible.

Please let me know your thoughts as soon as possible on the dates mentioned above and the relocation.

Thank you, and have a great weekend.

This email is written pursuant to EDCR 5.501.

Sincerely,

Kimberly A. Stutzman, Esq.†*
Radford J. Smith, Chartered
2470 St. Rose Parkway, Suite 206
Henderson, Nevada 89074
Phone (702) 990-6448
Facsimile (702) 990-6456

†Ms. Stutzman is also licensed in the State of California.

*Please note that as of March 2, 2019, Ms. Medina's name changed to Ms. Stutzman.

****NOTICE****

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From: Kimberly Stutzman
Sent: Monday, August 26, 2019 11:43 AM
To: info@grimes-law.com
Cc: Deana DePry <ddepry@radfordsmith.com>
Subject: Pelkola - Phone Call Reschedule

Good morning, Mr. Grimes:

I hope you are well. I am writing regarding the above-mentioned case. Unfortunately, I will need to reschedule our call scheduled for 1:00 p.m. today. Are you available for 1:00 p.m. tomorrow or Wednesday instead? If not, please let me know what other times work for you. Thank you, and I apologize for needing to reschedule.

Sincerely,

Kimberly A. Stutzman, Esq.†*
Radford J. Smith, Chartered
2470 St. Rose Parkway, Suite 206
Henderson, Nevada 89074
Phone (702) 990-6448
Facsimile (702) 990-6456

†Ms. Stutzman is also licensed in the State of California.

*Please note that as of March 2, 2019, Ms. Medina's name changed to Ms. Stutzman.

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DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

HEIDI PELKOLA
Plaintiff/Petitioner
v. GREG PELKOLA
Defendant/Respondent

Case No. D-13-488082-D
Dept. L

**MOTION/OPPOSITION
FEE INFORMATION SHEET**

Notice: Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of \$25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of \$129 or \$57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

Step 1. Select either the \$25 or \$0 filing fee in the box below.

- ☐ \$25 The Motion/Opposition being filed with this form is subject to the \$25 reopen fee.
-OR-
☒ \$0 The Motion/Opposition being filed with this form is not subject to the \$25 reopen fee because:
☒ The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered. *(Modification of Custody not entered)*
☐ The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.
☐ The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____.
☒ Other Excluded Motion (must specify) Been Paid

Step 2. Select the \$0, \$129 or \$57 filing fee in the box below.

- ☒ \$0 The Motion/Opposition being filed with this form is not subject to the \$129 or the \$57 fee because:
☒ The Motion/Opposition is being filed in a case that was not initiated by joint petition.
☐ The party filing the Motion/Opposition previously paid a fee of \$129 or \$57.
-OR-
☐ \$129 The Motion being filed with this form is subject to the \$129 fee because it is a motion to modify, adjust or enforce a final order.
-OR-
☐ \$57 The Motion/Opposition being filing with this form is subject to the \$57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of \$129.

Step 3. Add the filing fees from Step 1 and Step 2.

The total filing fee for the motion/opposition I am filing with this form is:

☒ \$0 ☐ \$25 ☐ \$57 ☐ \$82 ☐ \$129 ☐ \$154

Party filing Motion/Opposition: PLAINTIFF Date 10/3/19

Signature of Party or Preparer K. Stutzman



1 **EPAP**

2 RADFORD J. SMITH, CHARTERED

3 RADFORD J. SMITH, ESQ.

4 Nevada 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

Facsimile: 1 (702) 990-6456

rsmith@radfordsmith.com

Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

12 HEIDI MARIE PELKOLA,

13 Plaintiff,

14 vs.

16 GREG ELLIOT PELKOLA,

17 Defendant.

CASE NO.: D-13-488682-D

DEPT. NO.: L

FAMILY DIVISION

**EX PARTE APPLICATION FOR AN ORDER SHORTENING TIME (WITH
NOTICE)**

21 DATE OF HEARING: n/a

22 TIME OF HEARING: n/a

23 COMES NOW Plaintiff, Plaintiff, HEIDI PELKOLA, by and through his attorneys
24 Radford J. Smith, Esq. and Kimberly A. Stutzman, Esq. of Radford J. Smith, Chartered,
25 and moves this court for an Order Shortening Time of Plaintiff's Motion in Limine.
26
27
28

1 This Request is made and based upon the Points and Authorities and Affidavits
2 attached hereto, and upon all pleadings and papers herein.
3

4 Dated this 3rd day of October 2019.

5 RADFORD J. SMITH, CHARTERED

6 K. Stutzman

7 RADFORD J. SMITH, ESQ.

8 Nevada Bar No. 002791

9 KIMBERLY A. STUTZMAN, ESQ.

10 Nevada Bar No. 014085

11 2470 St. Rose Parkway, Suite 206

12 Henderson, Nevada 89074

13 Telephone: (702) 990-6448

14 Facsimile: 1 (702) 990-6456

15 rsmith@radfordsmith.com

16 *Attorney for Plaintiff*

17 **I.**

18 **POINTS AND AUTHORITIES**

19 EDCR 5.513 regarding order shortening time states,

20 (a) Unless prohibited by other rule, statute, or court order, a party may seek
21 an order shortening time for a hearing.

22 (b) An ex parte motion to shorten time must explain the need to shorten the
23 time. Such a motion must be supported by affidavit.

24 (c) Absent exigent circumstances, an order shortening time will not be
25 granted until after service of the underlying motion on the nonmoving
26 parties. Any motion for order shortening time filed before service of the
27 underlying motion must provide a satisfactory explanation why it is
28 necessary to do so.

(d) An order shortening time must be served on all parties promptly. An
order that shortens the notice of a hearing to less than 10 calendar days may
not be served by mail. In no event may a motion be heard less than 1 judicial
day after the order shortening time is filed and served.

1 (e) Should the court shorten the time for the hearing of a motion, the court
2 may direct that the subject matter of any countermotion be addressed at the
3 accelerated time, at the original hearing time, or at some other time.

4 Attached hereto is the Declaration of Kimberly A. Stutzman, Esq. setting forth the
5 reasons for Plaintiff's request. Based on that Declaration, Plaintiff respectfully requests
6 that the hearing of Plaintiff's Motion be shortened to be heard at the same time of trial on
7 October 10, 2019 at 1:30 p.m.
8

9 Dated this 3rd day of October 2019.
10

11 RADFORD J. SMITH, CHARTERED

12 K. Stutzman

13 RADFORD J. SMITH, ESQ.

14 Nevada Bar No. 002791

15 KIMBERLY A. STUTZMAN, ESQ.

16 Nevada Bar No. 014085

17 2470 St. Rose Parkway, Suite 206

18 Henderson, Nevada 89074

19 Telephone: (702) 990-6448

20 Facsimile: 1 (702) 990-6456

21 rsmith@radfordsmith.com

22 *Attorney for Plaintiff*
23
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25
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28

1 **DECLARATION OF KIMBERLY A. STUTZMAN, ESQ.**

2 COUNTY OF CLARK)
3) ss:
4 STATE OF NEVADA)

5 Kimberly A. Stutzman, Esq., having been duly sworn, deposes and says:

6
7 1. We are the attorneys for the Plaintiff, Steve Wolford in the above-entitled
8 matter.

9
10 2. I make this Declaration based upon facts within my own knowledge and
11 based upon information and documents provided by my client and filed with the
12 Emergency Motion filed on September 10, 2019, save and except as to matters alleged
13 upon information and belief and, as to those matters, I believe them to be true.
14

15 3. As set forth in detail in her motion, Greg has failed timely provide
16 documents in preparation for trial. As such, Heidi is prejudiced with the upcoming
17 October 10, 2019 trial date. Moreover, it is Greg's burden to demonstrate a change of
18 custody. Heidi submits that as a result of his failure to follow court orders and provide
19 discovery, he will fail to meet his burden.
20
21

22 4. The trial is scheduled for October 10, 2019. Because Greg has not provided
23 the aforementioned documents prior to one week before the trial, Heidi requests that her
24 Motion be heard on an Order Shortening Time and scheduled for October 10, 2019 at
25 1:30 p.m. prior to the beginning of trial.
26
27
28

1 5. A proposed Order Granting Plaintiff's Ex Parte Request is submitted hereto
2 as Exhibit "1."

3
4 6. I declare under the penalty of perjury of the laws of the State of Nevada that
5 the foregoing is true and correct.

6
7 *K. Stutzman*
8 KIMBERLY A. STUTZMAN, ESQ.

9 Dated: 10/3/19

EXHIBIT “1”

1 **OST**

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

Facsimile: (702) 990-6456

rsmith@radfordsmith.com

Attorneys for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

11 HEIDI MARIE PELKOLA,

12
13 Plaintiff,

14 vs.

15 GREG ELLIOT PELKOLA,

16
17 Defendant.

CASE NO.: D-13-488682-D

DEPT. NO.: L

FAMILY DIVISION

**ORDER GRANTING PLAINTIFF'S EX PARTE APPLICATION FOR AN
ORDER SHORTENING TIME (WITH NOTICE)**

21 DATE OF HEARING: N/A

22 TIME OF HEARING: N/A

23 The Court having reviewed Plaintiff, HEIDI MARIE PELKOLA, Ex Parte
24 Application For An Order Shortening Time presented by Plaintiff's counsel, Radford J.
25 Smith, Esq. and Kimberly A. Stutzman, Esq. of the firm of Radford J. Smith, Chartered,
26 and good cause appearing therefore,
27
28

1 IT IS HEREBY ORDERED that Plaintiff's Ex Parte Application For An Order
2 Shortening Time (With Notice) is GRANTED.
3

4 IT IS FURTHER ORDERED that the hearing of Plaintiff's Motion shall be, and
5 hereby is, shortened to the 10th day of October 2019, at the hour of 1:30 p.m.
6

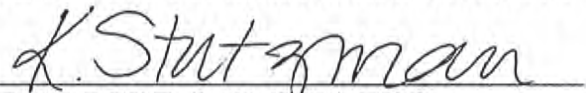
7 Dated this ____ day of October 2019.

8 Dated this ____ day of October 2019.
9
10

11 _____
DISTRICT COURT JUDGE

12 *Respectfully submitted,*

13 RADFORD J. SMITH CHARTERED

14 

15 RADFORD J. SMITH, ESQ.

16 Nevada State Bar No. 002791

17 KIMBERLY A. STUTZMAN, ESQ.

18 Nevada Bar No. 014085

19 2470 St. Rose Parkway, Suite 206

20 Henderson, Nevada 89074

21 Telephone: (702) 990-6448

22 Facsimile: (702) 990-6456

23 rsmith@radfordsmith.com

24 *Attorneys for Plaintiff*
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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Radford J. Smith, Chartered ("the Firm"). I am over the age of 18 and not a party to the within action. I am "readily familiar" with firm's practice of collection and processing correspondence for mailing. Under the Firm's practice, mail is to be deposited with the U.S. Postal Service on the same day as stated below, with postage thereon fully prepaid.

I served the foregoing documents described as Ex Parte Request for an Order Shortening Time, including Exhibit "1," proposed Order Granting Ex Parte Request on this 3rd day of October 2019, to all interested parties by way of the Eighth Judicial District Court Electronic filing system as follows:

Melvin Grimes, Esq.
Attorney for Defendant



An employee of Radford J. Smith, Chartered



REQT

RADFORD J. SMITH, CHARTERED
RADFORD J. SMITH, ESQ.
Nevada State Bar No. 002791
KIMBERLY A. STUTZMAN, ESQ.
Nevada Bar No. 014085
2470 St. Rose Parkway, Suite 206
Henderson, Nevada 89074
Telephone: (702) 990-6448
Facsimile: (702) 990-6456
rsmith@radfordsmith.com
Attorneys for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

HEIDI MARIE PELKOLA,

Plaintiff,

vs.

GREG ELLIOT PELKOLA,

Defendant.

CASE NO.: D-13-488682-D

DEPT. NO.: L

FAMILY DIVISION

REQUEST FOR SUBMISSION OF MEMORANDUM OF FEES AND COSTS

On November 20, 2019, the Court directed Plaintiff, HEIDI MARIE PELKOLA ("Heidi") to submit her Memorandum of Fees and Costs ("Memorandum"), and the Defendant, GREG PELKOLA shall submit his Objection within ten (10) days.

On November 26, 2019, counsel electronically filed and served the Memorandum to Defendant's counsel.

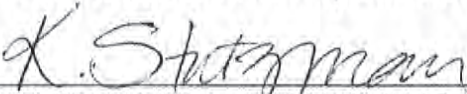
1 Defendant was required to file an Objection to that Memorandum on or before
2 Friday, December 6, 2019. As of the date of this request, an Objection has not been filed
3 or served on Plaintiff's counsel.
4

5 Here, Defendant's failure to file an Objection should be construed as an admission
6 that the Plaintiff's Memorandum of Fees and Costs is meritorious and that he is
7 consenting to the Court granting Heidi's Memorandum in its entirety.
8

9 For these reasons, Plaintiff requests that the Court grant her request for attorney's
10 fees and costs as outlined in her Memorandum. A proposed order is submitted herewith.
11

12 Dated this 12th day of December 2019.
13

14 RADFORD J. SMITH, CHARTERED

15 

16 KIMBERLY A. STUTZMAN, ESQ.

17 Nevada State Bar No. 014085

18 2470 St. Rose Parkway, Suite 200

19 Henderson, Nevada 89074

20 kstutzman@radfordsmith.com

21 *Attorneys for Plaintiff*
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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Radford J. Smith, Chartered ("the Firm"). I am over the age of 18 and not a party to the within action. I am "readily familiar" with firm's practice of collection and processing correspondence for mailing. Under the Firm's practice, mail is to be deposited with the U.S. Postal Service on the same day as stated below, with postage thereon fully prepaid.

I served a copy of the document described as "**REQUEST FOR SUBMISSION OF MEMORANDUM OF FEES AND COSTS**" on this 12th day of December 2019, to all interested parties as follows by way of the Eighth Judicial Electronic Filing System:

Melvin Grimes, Esq.
Attorney for Defendant



An Employee of Radford J. Smith, Chartered

EXHIBIT “1”

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

Facsimile (702) 990-6456

kstutzman@radfordsmith.com

Attorneys for Plaintiff

10 **DISTRICT COURT**
11 **CLARK COUNTY, NEVADA**

12 HEIDI MARIE PELKOLA,

13 Plaintiff,

14 vs.

15 GREG ELLIOT PELKOLA,

16 Defendant.

CASE NO.: D-13-488682-D

DEPT. NO.: L

FAMILY DIVISION

17 **ORDER REGARDING PLAINTIFF'S MEMORANDUM OF FEES, COSTS, AND**
18 **DISBURSEMENTS FILED NOVEMBER 26, 2019**

19 DATE OF HEARING: N/A

20 TIME OF HEARING: N/A

21 Plaintiff, HEIDI MARIE PELKOLA ("Heidi"), filed her Memorandum of Fees,
22 Costs, and Disbursements on November 26, 2019 by and through her attorney of record,
23 Kimberly A. Stutzman, Esq. of Radford J. Smith, Chartered, Defendant, GREG
24 PELKOLA ("Greg") not having filed a response, which was due on or before December 6,

1 2019, having reviewed the pleadings on file, and good cause therefore, the Court hereby
2 Finds and Orders as follows:

3
4 THE COURT HEREBY FINDS that on November 20, 2019, the Court directed
5 Heidi to submit her Memorandum of Fees and Costs ("Memorandum"). The Court further
6 directed that Greg shall submit his Objection within ten (10) days.
7

8 THE COURT FURTHER FINDS that Defendant was required to file an Objection
9 to that Memorandum on or before Friday, December 6, 2019. As of the date of this
10 request, an Objection has not been filed or served on Plaintiff's counsel.
11

12 THE COURT FURTHER FINDS that Defendant's failure to file an Objection
13 should be construed as an admission that the Plaintiff's Memorandum of Fees and Costs is
14 meritorious and that he is consenting to the Court granting Heidi's Memorandum in its
15 entirety.
16
17

18 THE COURT FURTHER FINDS that Plaintiff incurred the following expenses:

19 1. Attorney Fees	\$58,340.00
20 2. Photocopying:	\$1,238.25
21 3. Legal Research:	\$26.51
22 4. Expert Fees:	\$0.00
23 5. Postage:	\$5.74
24 6. Miscellaneous:	\$88.75
25 (Process Server, Court Reporter Fees, Filing Fees)	
26 TOTAL:	\$59,699.25

27
28

1 THE COURT FURTHER FINDS that Heidi requested that the Court enter an order
2 directing Defendant, Greg Pelkola to pay all of Heidi's reasonable attorney's fees and
3 costs that she has incurred relating to his Motions, including but not limited to his Motion
4 for An Order to Show Cause Why Plaintiff Should Not Be Held in Contempt and Motion
5 to Modify Custody and subsequent litigation, filed June 5, 2018.
6

7
8 THE COURT FURTHER FINDS that the parties were scheduled to attend an
9 Evidentiary Hearing on November 20, 2019, which was originally continued from July
10 and then again from October. Greg, however, failed to provide documents to support his
11 request to modify custody. *See* Plaintiff's Motion in Limine, filed October 3, 2019. He
12 also failed to file and serve his Pre-Trial Memorandum or provide Heidi with any trial
13 exhibits. *Id.*
14

15
16 THE COURT FURTHER FINDS that as a result, Heidi prepared for and was ready
17 to proceed to trial. Moreover, at the beginning of trial on November 20, 2019, Defendant
18 was late (arrived at 9:30 a.m.). Upon his arrival, he indicated that he was withdrawing his
19 Motion to Modify Child Custody. Heidi, however, had prepared for the trial, which was
20 originally scheduled for October.
21

22
23 THE COURT FURTHER FINDS that at the hearing, Defendant claimed that he
24 provided Plaintiff with his Notice of Withdrawal in an email. This was false. Though
25 Defendant, through counsel, indicated that he intended to file the Withdrawal, Defendant
26 did not. Thus, Heidi was unaware of the withdrawal and still planned to proceed with trial.
27
28

1 THE COURT FURTHER FINDS that Defendant's email was sent on Wednesday,
2 October 9, 2019. Though no Withdrawal was ever filed, the Evidentiary Hearing was
3 scheduled to commence on October 10, 2019. Thus, Plaintiff and her counsel had already
4 filed her Pre-Trial Memorandum, prepared her trial exhibits, and prepared for trial. For
5 these reasons, Greg unnecessarily multiplied these proceedings.
6

7
8 THE COURT FURTHER FINDS that at the November 21, 2019 hearing,
9 Defendant admitted on the record that Heidi was the prevailing party.
10

11 THE COURT FURTHER FINDS that there is no dispute that Heidi is the prevailing
12 party, and that she is entitled to an award of attorney's fees and costs.
13

14 THE COURT FURTHER FINDS that the court directed Heidi to file a
15 Memorandum of Fees and Costs and directed Greg to file his objection within ten (10)
16 days.
17

18 THE COURT FURTHER FINDS that Plaintiff requested that the Court grant her
19 request for attorney's fees and costs as outlined in her Memorandum.
20

21 THE COURT FURTHER FINDS that a request for an order directing another party
22 to pay attorney's fees must be based upon statute, rule or contractual provision. *See, e.g.*
23 *Rowland v. Lepire*, 99 Nev. 308, 662 P.2d 1332 (1983).
24

25 THE COURT FURTHER FINDS that NRS 18.010 states in relevant part –
26

27 1. The compensation of an attorney and counselor for his or her services is
28 governed by agreement, express or implied, which is not restrained by law.

1 2. In addition to the cases where an allowance is authorized by specific
2 statute, the court may make an allowance of attorney's fees to a prevailing
3 party:

- 4 (a) When the prevailing party has not recovered more than \$20,000; or
5 (b) Without regard to the recovery sought, when the court finds that
6 the claim, counterclaim, cross-claim or third-party complaint or
7 defense of the opposing party was brought or maintained without
8 reasonable ground or to harass the prevailing party. The court shall
9 liberally construe the provisions of this paragraph in favor of awarding
10 attorney's fees in all appropriate situations. It is the intent of the
11 Legislature that the court award attorney's fees pursuant to this
12 paragraph and impose sanctions pursuant to Rule 11 of the Nevada
13 Rules of Civil Procedure in all appropriate situations to punish for and
14 deter frivolous or vexatious claims and defenses because such claims
15 and defenses overburden limited judicial resources, hinder the timely
16 resolution of meritorious claims and increase the costs of engaging in
17 business and providing professional services to the public.

18 3. In awarding attorney's fees, the court may pronounce its decision on the
19 fees at the conclusion of the trial or special proceeding without written
20 motion and with or without presentation of additional evidence.

21 4. Subsections 2 and 3 do not apply to any action arising out of a written
22 instrument or agreement which entitles the prevailing party to an award of
23 reasonable attorney's fees.

24 NRS 18.010 [emphasis added]. In the instant matter, Heidi is the prevailing party.

25 Therefore, she should be awarded her fees and costs.

26 THE COURT FURTHER FINDS that EDCR 7.60 states –

27 (a) If without just excuse or because of failure to give reasonable attention to
28 the matter, *no appearance is made* on behalf of a party on the call of a
calendar, *at the time set for the hearing of any matter*, at a pre-trial
conference, or on the date of trial, the court may order any one or more of the
following:

- (1) Payment by the delinquent attorney or party of costs, in such
amount as the court may fix, to the clerk or to the adverse party.
(2) Payment by the delinquent attorney or party of the reasonable
expenses, including attorney's fees, to any aggrieved party.

(3) Dismissal of the complaint, cross-claim, counter-claim or motion or the striking of the answer and entry of judgment by default, or the granting of the motion.

(4) Any other action it deems appropriate, including, without limitation, imposition of fines.

(b) The court may, after notice and an opportunity to be heard, impose upon an attorney or a party any and all sanctions which may, under the facts of the case, be reasonable, including the imposition of fines, costs or attorney's fees when an attorney or a party without just cause:

(1) Presents to the court a motion or an opposition to a motion which is obviously frivolous, unnecessary or unwarranted.

(2) *Fails to prepare for a presentation.*

(3) *So multiplies the proceedings in a case as to increase costs unreasonably and vexatiously.*

(4) Fails or refuses to comply with these rules.

(5) Fails or refuses to comply with any order of a judge of the court.

[Emphasis added.]

THE COURT FURTHER FINDS that in *Miller v. Wilfong*, 121 Nev. 619, 621, 119 P.3d 727, 730 (2005), the Court stated:

[I]t is within the trial court's discretion to determine the reasonable amount of attorney fees under a statute or rule, in exercising that discretion, the court must evaluate the factors set forth in *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969). Under *Brunzell*, when courts determine the appropriate fee to award in civil cases, they must consider various factors, including the qualities of the advocate, the character and difficulty of the work performed, the work actually performed by the attorney, and the result obtained. We take this opportunity to clarify our jurisprudence in family law cases to require trial courts to evaluate the *Brunzell* factors when deciding attorney fee awards. Additionally, in *Wright v. Osburn*, this court stated that family law trial courts must also consider the disparity in income of the parties when awarding fees. Therefore, parties seeking attorney fees in family law cases must support their fee request with affidavits or other evidence that meets the factors in *Brunzell* and *Wright*.

Miller v. Wilfong, 121 Nev. 619, 623-24, 119 P.3d 727, 730 (2005).

1 THE COURT FURTHER FINDS that Heidi seeks reimbursement of attorney's fees
2 in this matter for having to defend and litigate this matter as a result of Greg's Motion to
3 Modify Custody as the prevailing party and under the criteria set forth in *Miller v.*
4 *Wilfong*, 121 Nev. 619, 119 P.3d 727 (2005).
5

6 THE COURT FURTHER FINDS that with regard to fees, the Supreme Court has
7 adopted "well known basic elements," which in addition to hourly time schedules kept by
8 the attorney, are to be considered in determining the reasonable value of an attorney's
9 services qualities, commonly referred to as the *Brunzell* factors.¹
10

11 1. *Quality of the Advocate*: his ability, his training, education, experience,
12 professional standing and skill. This factor logically addresses the rate at which counsel
13 charges for services. A skilled and experienced attorney can justify an hourly rate greater
14 than an attorney with less skill and experience. A party may contend that a rate is either
15 reasonable or excessive in the market based upon the education, skill and experience of an
16 attorney, or lack thereof.
17

18 Radford J. Smith, Chartered, is A/V rated firm. The attorneys have litigated almost
19 every aspect of Nevada family law during the course of their respective careers. Its senior
20 attorney, and the lead attorney in the present case, Radford J. Smith, Esq. has practiced
21 family law for over 30 years, and is a Nevada Board Certified Family Law Specialist. He
22 has written and lectured extensively in the field of Family Law for the National Business
23
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1 Institute and the State Bar of Nevada, including a yearly presentation at the “Advanced
2 Family Law Seminar” conducted at the end of each calendar year. Mr. Smith’s rate of
3 \$500 per hour is reasonable based on his experience and qualifications. His associate who
4 has worked on this matter, Kimberly A. Stutzman, Esq. is a graduate of the Golden Gate
5 University School of Law. She received a Specialization Certificate in Family Law and
6 Intellectual Property upon graduation. She has exclusively practiced family law in the
7 three years that she has been licensed in Nevada. She is also licensed in the state of
8 California. Her rate of \$300 per hour is reasonable based on her qualifications, experience
9 and quality of work performed in this matter.
10
11
12
13

14 2. *The Character of the Work to be Done* – its difficulty, its intricacy, its
15 importance, time and skill required, the responsibility imposed and the prominence and
16 character of the parties where they affect the importance of the litigation. The “character
17 of the work” goes to whether the fee charged was commensurate to the “difficulty,
18 intricacy and importance” of the issues raised. Heidi incurred the fees and costs addressed
19 above due to Greg’s motions and actions. Heidi’s counsel worked diligently to defend
20 against Greg’s Motions, prosecute her Oppositions and Countermotions, and prepare for
21 trial in this case.
22
23
24

25 3. *The Work Actually Performed by the Lawyer* – the skill, time and attention
26 given to the work. Heidi’s counsel submits that the work done in this case was performed
27
28

¹ *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 455 P.2d 31, 33 (1969).

1 in a competent and professional matter. The fees incurred were commensurate to the
2 work performed. Attached here to as Exhibits "1" is the redacted bill history for fees and
3 costs incurred as a result of responding to Greg's Motion to Modify Custody and
4 subsequent litigation. The calculation of the fees incurred based off of the invoices is also
5 included with the Bill History. Also included herein is Unsworn Declaration of
6 undersigned counsel, Kimberly A. Stutzman, Esq.
7

8
9
10 4. *The Result:* Whether the attorney was successful and what benefits were derived.

11 The Court granted Heidi's Oppositions and Countermotions to confirm her Primary
12 Custody. Greg's Motions were ultimately withdrawn at the *commencement* of trial. The
13 results demonstrate a success on the merits of the case. As of the date of filing this
14 Memorandum of Fees and costs, Heidi has incurred approximately \$59,699.25 in
15 attorney's fees and costs (\$58,340 in fees and \$1,359.25 in costs). See Exhibit "1" to
16 Plaintiff's Memorandum of Fees and Costs, filed November 26, 2019.
17
18

19 THEREFORE, IT IS HEREBY ORDERED that Plaintiff's Memorandum of Fees,
20 Costs and Disbursements pursuant to the Court's direction at the November 20, 2019
21 Hearing, which was filed on November 26, 2019, is hereby GRANTED in its entirety.
22
23

24 IT IS FURTHER ORDERED that Greg shall pay attorney's fees and costs to Heidi
25 the amount of _____ dollars and ____ cents (\$
26 _____).
27
28

1 IT IS FURTHER ORDERED that the above-mentioned amount shall be
2 REDUCED TO JUDGMENT, shall accrue interest at the legal interest rate, and shall be
3 collectable by all legal means.
4

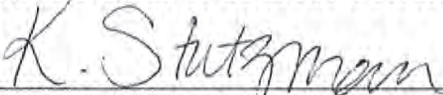
5 IT IS SO ORDERED.
6

7 Dated this _____ day of _____, 2019.
8
9

10 _____
DISTRICT COURT JUDGE

11 *Submitted by:*

12 RADFORD J. SMITH CHARTERED

13 

14 KIMBERLY A. STUTZMAN, ESQ.

15 Nevada Bar No. 014085

16 2470 St. Rose Parkway, Suite 206

17 Henderson, Nevada 89074

18 Telephone (702) 990-6448

19 Facsimile (702) 990-6456

20 kstutzman@radfordsmith.com

21 *Attorneys for Plaintiff*
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FDF

Name: RADFORD J. SMITH, ESQ.

Address: 2470 St. Rose Pkwy., #206
Henderson, Nevada 89074

Phone: (702) 990-6448

Email: rsmith@radfordsmith.com

Attorney for Plaintiff

Nevada State Bar No. 002791

Electronically Filed

10/1/2019 1:25 PM

Steven D. Grierson

CLERK OF THE COURT



Eighth Judicial District Court

Clark County, Nevada

<u>Heidi Marie Pelkola</u> Plaintiff, vs. <u>Greg Elliott Pelkola</u> Defendant.	Case No. <u>D-13-488682-D</u> Dept. <u>L</u>
---	---

GENERAL FINANCIAL DISCLOSURE FORM

A. Personal Information:

1. What is your full name? (*first, middle, last*) Heidi Marie Pelkola
2. How old are you? 45
3. What is your date of birth? 07-21-1974
4. What is your highest level of education? 2 years of college / LPN Certificate

B. Employment Information:

1. Are you currently employed/ self-employed? (☒ check one)

☐ No

☒ Yes If yes, complete the table below. Attached an additional page if needed.

Date of Hire	Employer Name	Job Title	Work Schedule (days)	Work Schedule (shift times)
12-13-2017	Immanuel Campus of Care	LPN (Nurse)	Sat. - Sun.	10:00 p.m. / 6:30 a.m.

2. Are you disabled? (☒ check one)

☒ No

☐ Yes

If yes, what is your level of disability? _____

What agency certified you disabled? _____

What is the nature of your disability? _____

C. Prior Employment: If you are unemployed or have been working at your current job for less than 2 years, complete the following information.

Prior Employer: Plaza Del Rio Care Ctr. Date of Hire: April 2015 Date of Termination: Jan. 2016

Reason for Leaving: Work schedule / shift times.

Monthly Personal Income Schedule

A. Year-to-date Income.

As of the pay period ending 08-21-19 my gross year to date pay is 14,181.57.*

*Will supplement with additional pay stubs.

B. Determine your Gross Monthly Income.

Hourly Wage

\$26.52	×	16.00	=	\$424.32	×	52	=	\$22,064.64	÷	12	=	\$1,838.72
Hourly Wage		Number of hours worked per week		Weekly Income		Weeks		Annual Income		Months		Gross Monthly Income

Annual Salary

	÷	12	=	\$0.00
Annual Income		Months		Gross Monthly Income

C. Other Sources of Income.

Source of Income	Frequency	Amount	12 Month Average
Annuity or Trust Income			
Bonuses			
Car, Housing, or Other allowance:			
Commissions or Tips:			
Net Rental Income:			
Overtime Pay			
Pension/Retirement:			
Social Security Income (SSI):			
Social Security Disability (SSD):			
Spousal Support			
Child Support	Monthly		\$1,787.00
Workman's Compensation			
Other: Portion of Def. Ret.	Monthly		\$417.00
Total Average Other Income Received			\$2,204.00

Total Average Gross Monthly Income (add totals from B and C above)	\$4,042.72
---	-------------------

D. Monthly Deductions

	Type of Deduction	Amount
1.	Court Ordered Child Support (automatically deducted from paycheck)	
2.	Federal Health Savings Plan	
3.	Federal Income Tax	170.56
4.	Health Insurance Amount for you: _____ For Opposing Party: _____ For your Child(ren): _____	0.00
5.	Life, Disability, or Other Insurance Premiums	
6.	Medicare	27.69
7.	Retirement, Pension, IRA, or 401(k)	
8.	Savings	
9.	Social Security	118.45
10.	Union Dues	
11.	Other: (Type of Deduction) AZ. State Income Tax	51.59
Total Monthly Deductions (Lines 1-11)		368.29

Business/Self-Employment Income & Expense Schedule

A. Business Income:

What is your average gross (pre-tax) monthly income/revenue from self-employment or businesses?
\$ _____

B. Business Expenses: Attach an additional page if needed.

Type of Business Expense	Frequency	Amount	12 Month Average
Advertising			
Car and truck used for business			
Commissions, wages or fees			
Business Entertainment/Travel			
Insurance			
Legal and professional			
Mortgage or Rent			
Pension and profit-sharing plans			
Repairs and maintenance			
Supplies			
Taxes and licenses (include est. tax payments)			
Utilities			
Other:			
Total Average Business Expenses			0.00

Personal Expense Schedule (Monthly)

A. Fill in the table with the amount of money **you** spend each month on the following expenses and check whether you pay the expense for you, for the other party, or for both of you.

Expense	Monthly Amount I Pay	For Me ☐	Other Party ☐	For Both ☐
Alimony/Spousal Support				
Auto Insurance	149.75	✓		
Car Loan/Lease Payment	193.76	✓		
Cell Phone	50.00	✓		
Child Support (not deducted from pay)				
Clothing, Shoes, Etc...	20.00	✓		
Credit Card Payments (minimum due)	50.00	✓		
Dry Cleaning				
Electric	227.93	✓		
Food (groceries & restaurants)	500.00	✓		
Fuel	120.00	✓		
Gas (for home)	18.35	✓		
Health Insurance (not deducted from pay)				
HOA	29.00	✓		
Home Insurance (if not included in mortgage)	55.53	✓		
Home Phone				
Internet/Cable	65.00	✓		
Lawn Care				
Membership Fees	10.00	✓		
Mortgage/Rent/Lease	1,297.25	✓		
Pest Control				
Pets				
Pool Service				
Property Taxes (if not included in mortgage)				
Security				
Sewer				
Student Loans				
Unreimbursed Medical Expense	33.00	✓		
Water	48.00	✓		
Other:				
Total Monthly Expenses	2,867.57			

Household Information

- A. Fill in the table below with the name and date of birth of each child, the person the child is living with, and whether the child is from this relationship. Attached a separate sheet if needed.

	Child's Name	Child's DOB	Whom is this child living with?	Is this child from this relationship?	Has this child been certified as special needs/disabled?
1 st	Sara Pelkola	12-02-03	Mother	Yes	Yes (Autism)
2 nd	Justin Pelkola	03-04-08	Mother	Yes	No
3 rd	Daniel Pelkola	12-09-11	Mother	Yes	No
4 th					

- B. Fill in the table below with the amount of money you spend each month on the following expenses for each child.

Type of Expense	1 st Child	2 nd Child	3 rd Child	4 th Child
Cellular Phone				
Child Care				
Clothing	100.00	100.00	100.00	
Education	20.00	20.00	20.00	
Entertainment	100.00	100.00	100.00	
Extracurricular & Sports				
Health Insurance (if not deducted from pay)				
Summer Camp/Programs				
Transportation Costs for Visitation				
Unreimbursed Medical Expenses	10.00	10.00	10.00	
Vehicle				
Other:				
Total Monthly Expenses	230.00	230.00	230.00	0.00

- C. Fill in the table below with the names, ages, and the amount of money contributed by all persons living in the home over the age of eighteen. If more than 4 adult household members attached a separate sheet.

Name	Age	Person's Relationship to You (i.e. sister, friend, cousin, etc...)	Monthly Contribution

Personal Asset and Debt Chart

A. Complete this chart by listing all of your assets, the value of each, the amount owed on each, and whose name the asset or debt is under. If more than 15 assets, attach a separate sheet.

Line	Description of Asset and Debt Thereon	Gross Value		Total Amount Owed		Net Value	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
1.		\$	-	\$	=	\$ 0.00	
2.		\$	-	\$	=	\$ 0.00	
3.		\$	-	\$	=	\$ 0.00	
4.		\$	-	\$	=	\$ 0.00	
5.		\$	-	\$	=	\$ 0.00	
6.		\$	-	\$	=	\$ 0.00	
7.		\$	-	\$	=	\$ 0.00	
8.		\$	-	\$	=	\$ 0.00	
9.		\$	-	\$	=	\$ 0.00	
10.		\$	-	\$	=	\$ 0.00	
11.		\$	-	\$	=	\$ 0.00	
12.		\$	-	\$	=	\$ 0.00	
13.		\$	-	\$	=	\$ 0.00	
14.		\$	-	\$	=	\$ 0.00	
15.		\$	-	\$	=	\$ 0.00	
Total Value of Assets (add lines 1-15)		\$ 0.00	-	\$ 0.00	=	\$ 0.00	

B. Complete this chart by listing all of your unsecured debt, the amount owed on each account, and whose name the debt is under. If more than 5 unsecured debts, attach a separate sheet.

Line #	Description of Credit Card or Other Unsecured Debt	Total Amount owed	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
1.		\$	
2.		\$	
3.		\$	
4.		\$	
5.		\$	
6.		\$	
Total Unsecured Debt (add lines 1-6)		\$ 0.00	

CERTIFICATION

Attorney Information: Complete the following sentences:

1. I ~~(have)~~ have not) have retained an attorney for this case.
2. As of the date of today, the attorney has been paid a total of \$ 21,180.26 on my behalf.
3. I have a credit with my attorney in the amount of \$ 0.
4. I currently owe my attorney a total of \$ 22,806.82 *.
5. I owe my prior attorney a total of \$ N/A.

* As of 08-31-19 the balance due Radford J. Smith, Chartered is \$23,050.41

IMPORTANT: Read the following paragraphs carefully and initial each one.

HP I swear or affirm under penalty of perjury that I have read and followed all instructions in completing this Financial Disclosure Form. I understand that, by my signature, I guarantee the truthfulness of the information on this Form. I also understand that if I knowingly make false statements I may be subject to punishment, including contempt of court.

HP I have attached a copy of my 3 most recent pay stubs to this form.

_____ I have attached a copy of my most recent YTD income statement/P&L statement to this form, if self-employed.

_____ I have not attached a copy of my pay stubs to this form because I am currently unemployed.

Heidi Pielke
Signature

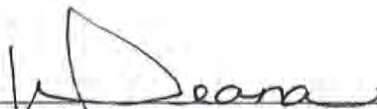
Aug. 30, 2019
Date

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Radford J. Smith Chartered ("the Firm"). I am over the age of 18 and not a party to the within action. I am "readily familiar" with firm's practice of collection and processing correspondence for mailing. Under the Firm's practice, mail is to be deposited with the U.S. Postal Service on the same day as stated below, with postage thereon fully prepaid. I served the foregoing document described as "Plaintiff's Financial Disclosure Form" on this 1st day of October 2019, to all interested parties as follows:

☒ Pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned "In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court", by mandatory electronic service through the Eighth Judicial District Court's electronic filing system:

Melvin Grimes, Esq.
THE GRIMES LAW OFFICE
8540 South Eastern Avenue, Ste. 100
Las Vegas, Nevada 89123
Melg@grimes-law.com



An Employee of Radford J. Smith, Chartered

000886
CO. FILE DEPT. CLOCK NUMBER
RUH 600539 600360 0050424512 1

042-0001

IMMANUEL CARING MINISTRIES, INC
DBA /IMMANUEL CAMPUS OF CARE
11301 N. 99TH AVE
PEORIA, AZ 85345

Taxable Marital Status: Single
Exemptions/Allowances:
Federal: 0
AZ: Tax is 2.7%

Earnings Statement



Period Ending: 06/30/2019
Pay Date: 07/05/2019

HEIDI PELKOLA
4111 W CHARTER OAK RD
PHOENIX AZ 85029

Earnings	rate	hours	this period	year to date
Sick	26.5200	16.00	424.32	848.64
Regular				10,985.91
Gross Pay			\$424.32	11,834.55
Deductions	Statutory			
	Federal Income Tax		-26.60	1,070.71
	Social Security Tax		-26.31	733.74
	Medicare Tax		-6.15	171.60
	AZ State Income Tax		-11.46	319.54
	Other			
	Misc			12.00
Net Pay			\$353.80	
Net Check			\$353.80	

Other Benefits and Information

this period	total to date
Sick Tkn Er Yld	848.64
Sick Tkn Hr Yld	32.00
Seniority Date	12/13/2017
Sick Balance	7.15
Vacation Bal	3.84

Time Card Detail

DATE	IN	OUT	IN	OUT	TOTAL
SAT 06/22	SICK				8.00
SUN 06/23	SICK				8.00

Your federal taxable wages this period are \$424.32

000081
CO. FILE DEPT. CLOCK NUMBER
RUH 600539 600380 0050438813 1

048-0001

IMMANUEL CARING MINISTRIES, INC
DBA /IMMANUEL CAMPUS OF CARE
11301 N. 99TH AVE
PEORIA, AZ 85345

Taxable Marital Status: Single
Exemptions/Allowances:
Federal: 0
AZ: Tax is 2.7%

Earnings Statement



Period Ending: 07/31/2019
Pay Date: 08/06/2019

HEIDI PELKOLA
4111 W CHARTER OAK RD
PHOENIX AZ 85029

Earnings	rate	hours	this period	year to date
Regular	26.5200	31.50	835.38	12,451.14
Sick				848.64
				13,299.78
Gross Pay			\$835.38	
Deductions	Statutory			
	Federal Income Tax	-73.15		1,192.35
	Social Security Tax	-51.80		824.59
	Medicare Tax	-12.12		192.85
	AZ State Income Tax	-22.56		359.11
	Other			
	Misc			12.00
Net Pay			\$675.75	
Net Check			\$675.75	

Other Benefits and Information

this period	total to date
Sick Tkn Er Ytd	848.64
Sick Tkn Hr Ytd	32.00
Seniority Date	12/13/2017
Sick Balance	8.99
Vacation Bal	3.84

Time Card Detail

DATE	IN	OUT	IN	OUT	TOTAL
SAT 07/20	9:56PM	6:08AM			7.75
SUN 07/21	10:00PM	6:28AM			8.00
SAT 07/27	10:01PM	6:03AM			7.50
SUN 07/28	9:52PM	6:24AM			8.25

Your federal taxable wages this period are \$835.38

000126
CO. FILE DEPT. CLOCK NUMBER
RUH 600539 600380 0050445400 1

047-0001

IMMANUEL CARING MINISTRIES, INC
DBA /IMMANUEL CAMPUS OF CARE
11301 N. 99TH AVE
PEORIA, AZ 85345

Taxable Marital Status: Single
Exemptions/Allowances:
Federal: 0
AZ: Tax is 2.7%

Earnings Statement



Period Ending: 08/15/2019
Pay Date: 08/21/2019

HEIDI PELKOLA
4111 W CHARTER OAK RD
PHOENIX AZ 85029

Earnings	rate	hours	this period	year to date
Regular	26.5200	33.25	881.79	13,332.93
Sick				848.64
Gross Pay:			\$881.79	14,181.57

Deductions	Statutory		year to date
Federal Income Tax	-78.72		1,271.07
Social Security Tax	-54.67		879.26
Medicare Tax	-12.78		205.63
AZ State Income Tax	-23.81		382.92
Other			
Misc			12.00
Net Pay		\$711.81	
Net Check		\$711.81	

Other Benefits and Information	this period	total to date
Sick Tkn Er Ytd		848.64
Sick Tkn Hr Ytd		32.00
Seniority Date		12/13/2017
Sick Balance		10.10
Vacation Bal		3.84

Time Card Detail					
DATE	IN	OUT	IN	OUT	TOTAL
SAT 08/03	9:45PM	6:16AM			8.00
SUN 08/04	9:47PM	6:18AM			8.00
SAT 08/10	9:59PM	6:15AM			7.75
SUN 08/11	9:53PM	6:30AM			8.00
WED 08/14	7:46AM	9:08AM			1.50

Your federal taxable wages this period are \$881.79



1 **EPAP**

2 RADFORD J. SMITH, CHARTERED

3 RADFORD J. SMITH, ESQ.

4 Nevada 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

Facsimile: 1 (702) 990-6456

rsmith@radfordsmith.com

Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

12 HEIDI MARIE PELKOLA,

13 Plaintiff,

14 vs.

16 GREG ELLIOT PELKOLA,

17 Defendant.

CASE NO.: D-13-488682-D

DEPT. NO.: L

FAMILY DIVISION

**EX PARTE APPLICATION FOR AN ORDER SHORTENING TIME (WITH
NOTICE)**

21 DATE OF HEARING: n/a

22 TIME OF HEARING: n/a

23 COMES NOW Plaintiff, Plaintiff, HEIDI PELKOLA, by and through his attorneys
24 Radford J. Smith, Esq. and Kimberly A. Stutzman, Esq. of Radford J. Smith, Chartered,
25 and moves this court for an Order Shortening Time of Plaintiff's Motion in Limine.
26
27
28

1 This Request is made and based upon the Points and Authorities and Affidavits
2 attached hereto, and upon all pleadings and papers herein.
3

4 Dated this 3rd day of October 2019.

5 RADFORD J. SMITH, CHARTERED

6 K. Stutzman

7 RADFORD J. SMITH, ESQ.

8 Nevada Bar No. 002791

9 KIMBERLY A. STUTZMAN, ESQ.

10 Nevada Bar No. 014085

11 2470 St. Rose Parkway, Suite 206

12 Henderson, Nevada 89074

13 Telephone: (702) 990-6448

14 Facsimile: 1 (702) 990-6456

15 rsmith@radfordsmith.com

16 *Attorney for Plaintiff*

17 **I.**

18 **POINTS AND AUTHORITIES**

19 EDCR 5.513 regarding order shortening time states,

20 (a) Unless prohibited by other rule, statute, or court order, a party may seek
21 an order shortening time for a hearing.

22 (b) An ex parte motion to shorten time must explain the need to shorten the
23 time. Such a motion must be supported by affidavit.

24 (c) Absent exigent circumstances, an order shortening time will not be
25 granted until after service of the underlying motion on the nonmoving
26 parties. Any motion for order shortening time filed before service of the
27 underlying motion must provide a satisfactory explanation why it is
28 necessary to do so.

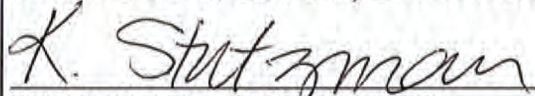
(d) An order shortening time must be served on all parties promptly. An
order that shortens the notice of a hearing to less than 10 calendar days may
not be served by mail. In no event may a motion be heard less than 1 judicial
day after the order shortening time is filed and served.

1 (e) Should the court shorten the time for the hearing of a motion, the court
2 may direct that the subject matter of any countermotion be addressed at the
3 accelerated time, at the original hearing time, or at some other time.

4 Attached hereto is the Declaration of Kimberly A. Stutzman, Esq. setting forth the
5 reasons for Plaintiff's request. Based on that Declaration, Plaintiff respectfully requests
6 that the hearing of Plaintiff's Motion be shortened to be heard at the same time of trial on
7 October 10, 2019 at 1:30 p.m.
8

9 Dated this 3rd day of October 2019.
10

11 RADFORD J. SMITH, CHARTERED

12 

13 RADFORD J. SMITH, ESQ.

14 Nevada Bar No. 002791

15 KIMBERLY A. STUTZMAN, ESQ.

16 Nevada Bar No. 014085

17 2470 St. Rose Parkway, Suite 206

18 Henderson, Nevada 89074

19 Telephone: (702) 990-6448

20 Facsimile: 1 (702) 990-6456

21 rsmith@radfordsmith.com

22 *Attorney for Plaintiff*
23
24
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DECLARATION OF KIMBERLY A. STUTZMAN, ESQ.

COUNTY OF CLARK)
) ss:
STATE OF NEVADA)

Kimberly A. Stutzman, Esq., having been duly sworn, deposes and says:

1. We are the attorneys for the Plaintiff, Steve Welford in the above-entitled matter.

2. I make this Declaration based upon facts within my own knowledge and based upon information and documents provided by my client and filed with the Emergency Motion filed on September 10, 2019, save and except as to matters alleged upon information and belief and, as to those matters, I believe them to be true.

3. As set forth in detail in her motion, Greg has failed to timely provide documents in preparation for trial. As such, Heidi is prejudiced with the upcoming October 10, 2019 trial date. Moreover, it is Greg's burden to demonstrate a change of custody. Heidi submits that as a result of his failure to follow court orders and provide discovery, he will fail to meet his burden.

4. The trial is scheduled for October 10, 2019. Because Greg has not provided the aforementioned documents prior to one week before the trial, Heidi requests that her Motion be heard on an Order Shortening Time and scheduled for October 10, 2019 at 1:30 p.m. prior to the beginning of trial.

1 5. A proposed Order Granting Plaintiff's Ex Parte Request is submitted hereto
2 as Exhibit "1."

3
4 6. I declare under the penalty of perjury of the laws of the State of Nevada that
5 the foregoing is true and correct.

6
7 *K. Stutzman*
8 KIMBERLY A. STUTZMAN, ESQ.

9 Dated: 10/3/19

EXHIBIT “1”

1 **OST**

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

Facsimile: (702) 990-6456

rsmith@radfordsmith.com

Attorneys for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

11 HEIDI MARIE PELKOLA,

12
13 Plaintiff,

14 vs.

15 GREG ELLIOT PELKOLA,

16
17 Defendant.

CASE NO.: D-13-488682-D

DEPT. NO.: L

FAMILY DIVISION

**ORDER GRANTING PLAINTIFF'S EX PARTE APPLICATION FOR AN
ORDER SHORTENING TIME (WITH NOTICE)**

21 DATE OF HEARING: N/A

22 TIME OF HEARING: N/A

23 The Court having reviewed Plaintiff, HEIDI MARIE PELKOLA, Ex Parte
24 Application For An Order Shortening Time presented by Plaintiff's counsel, Radford J.
25 Smith, Esq. and Kimberly A. Stutzman, Esq. of the firm of Radford J. Smith, Chartered,
26 and good cause appearing therefore,
27
28

1 IT IS HEREBY ORDERED that Plaintiff's Ex Parte Application For An Order
2 Shortening Time (With Notice) is GRANTED.
3

4 IT IS FURTHER ORDERED that the hearing of Plaintiff's Motion shall be, and
5 hereby is, shortened to the 10th day of October 2019, at the hour of 1:30 p.m.
6

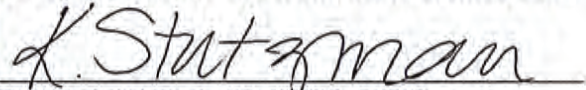
7 Dated this ____ day of October 2019.

8 Dated this ____ day of October 2019.
9

10
11 _____
DISTRICT COURT JUDGE

12 *Respectfully submitted,*

13 RADFORD J. SMITH CHARTERED

14 

15 RADFORD J. SMITH, ESQ.

16 Nevada State Bar No. 002791

17 KIMBERLY A. STUTZMAN, ESQ.

18 Nevada Bar No. 014085

19 2470 St. Rose Parkway, Suite 206

20 Henderson, Nevada 89074

21 Telephone: (702) 990-6448

22 Facsimile: (702) 990-6456

23 rsmith@radfordsmith.com

24 *Attorneys for Plaintiff*
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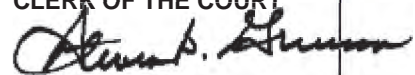
CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Radford J. Smith, Chartered ("the Firm"). I am over the age of 18 and not a party to the within action. I am "readily familiar" with firm's practice of collection and processing correspondence for mailing. Under the Firm's practice, mail is to be deposited with the U.S. Postal Service on the same day as stated below, with postage thereon fully prepaid.

I served the foregoing documents described as Ex Parte Request for an Order Shortening Time, including Exhibit "1," proposed Order Granting Ex Parte Request on this 3rd day of October 2019, to all interested parties by way of the Eighth Judicial District Court Electronic filing system as follows:

Melvin Grimes, Esq.
Attorney for Defendant


An employee of Radford J. Smith, Chartered



MOT

RADFORD J. SMITH, CHARTERED
RADFORD J. SMITH, ESQ.

Nevada State Bar No. 002791

KIMBERLY A. STUTZMAN, ESQ.

Nevada Bar No. 014085

2470 St. Rose Parkway, Suite 206

Henderson, Nevada 89074

Telephone: (702) 990-6448

Facsimile: (702) 990-6456

rsmith@radfordsmith.com

Attorneys for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

HEIDI MARIE PELKOLA,

Plaintiff,

vs.

GREG ELLIOT PELKOLA,

Defendant.

CASE NO.: D-13-488682-D

DEPT. NO.: L

FAMILY DIVISION

Oral Argument: YES

NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN 14 CALENDAR DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN 14 CALENDAR DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT A HEARING PRIOR TO THE SCHEDULED HEARING DATE.

**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**

DATE OF HEARING:

TIME OF HEARING:

COMES NOW, Plaintiff, HEIDI PELKOLA ("Heidi"), by and through her attorney of record, Radford J. Smith, Esq. and Kimberly A. Stutzman, Esq., of Radford J. Smith, Chartered, and hereby files her Motion, and requests that the court find and order as follows:

1. Precluding Defendant, GREG ELLIOT PELKOLA ("Greg") from introducing any documents, evidence, or any witnesses not identified during discovery;
2. Precluding Greg from filing an untimely Pre-Trial Memorandum;
3. Awarding Heidi attorney's fees and costs pursuant to EDCR 7.60 for having to file this Motion; and
4. For such other and further relief as to the Court may seem proper.

These motions are made and based upon the points and authorities attached hereto, all pleadings and papers on file in this action, and any oral argument or evidence adduced at the time of the hearing of this matter.

DATED this 3rd day of October 2019.

RADFORD J. SMITH, CHARTERED

K. Stutzman

RADFORD J. SMITH, ESQ.

Nevada State Bar No. 002791

KIMBERLY A. STUTZMAN, ESQ.

Nevada Bar No. 014085

2470 St. Rose Parkway, Suite 206

Henderson, Nevada 89074

Telephone: (702) 990-6448

rsmith@radfordsmith.com

Attorneys for Plaintiff

I.

HEIDI'S MOTION IN LIMINE IS TIMELY

EDCR 5.510 states –

(a) Except as otherwise provided herein or by court order, a motion in limine to exclude or admit evidence must *ordinarily* be in writing and must be heard not less than 5 calendar days prior to trial.

(b) Where the facts that would support a motion in limine arise or become known *after* it is practicable to file a motion in the ordinary course as set forth above, the filing party *may seek an order shortening time* to hear the motion as provided by these rules, or bring an oral motion in limine at a hearing. The court may refuse to sign any such order shortening time or to consider any such oral motion.

(c) A written motion in limine must be supported by affidavit and, if not filed in the ordinary course, must detail how and when the facts arose or became known. The motion shall also set forth that after a conference or a good-faith effort to confer, counsel were unable to resolve the matter satisfactorily, detailing what attempts to resolve the dispute were made, what was resolved and what was not resolved, and why. A conference requires either a personal or telephone conference between or among the parties. If a personal or telephone conference was not possible, the motion shall set forth the reasons.

See EDCR 5.510.

As discussed below, Heidi's counsel attempted to contact Greg's counsel regarding the trial management order but did not receive a response. When Greg failed to respond or timely provide discovery, a financial disclosure form, and a pre-trial memorandum on or before the date of this motion, which is approximately seven calendar days before trial, Heidi had no choice but to address Greg's deficiencies by way of this Motion in Limine. Heidi will also address her Motion in Limine orally at the time of trial.

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II.

**GREG SHOULD BE PRECLUDED FROM INTRODUCING HIS "TRIAL
EXHIBITS"**

The parties were divorced by a default Decree of Divorce, filed on May 6, 2014. The parties were granted joint legal custody, but Plaintiff, Heidi Pelkola ("Heidi") was granted primary physical custody of the parties' minor children. The parties have three minor children, SARA M. PELKOLA, born, December 2, 2003, age 15; JUSTIN R. PELKOLA, born March 4, 2008, age 11; and DANIEL J. PELKOLA, born December 9, 2011, age 7.

As of the date of this motion, Greg has provided limited documents in his one and only "Initial Disclosure of Witnesses and Documents Pursuant to NRCP 16.2," signed *March 5, 2019*, which was prior to the last Evidentiary Hearing. Since that time, approximately 7 months, Greg has not disclosed any other witnesses or documents in support of his request to modify child custody.

As discussed in her Pre-Trial Memorandum, it is Greg's burden to demonstrate that there has been a substantial change in circumstances warranting a change in custody and that the change would be in the children's best interests. With the limited documents provided and no action by Greg for seven months, Heidi does not believe that Greg will be able to meet his burden. Thus, she submits that Greg's request to modify should be denied at trial on October 10, 2019.

1 Moreover, discovery closed on Tuesday, October 10, 2019. *See* Stipulation and
2 Order to Continue (“Stipulation”), filed June 10, 2019, where the parties agreed that
3 Discovery would close 30 days before the rescheduled Evidentiary Hearing date. Thus,
4 Greg should be precluded from introducing any exhibits that have not been produced
5 during discovery and/or have been produced after discovery cut off.
6

7
8 As of the date of this Motion, Greg has failed to file a Pre-Trial Memorandum,
9 updated Financial Disclosure Form, or provide a *list of potential* Trial Exhibits (in his
10 pre-trial memorandum).
11

12 In the aforementioned Stipulation, the parties agreed that they would submit a joint
13 Trial Management Order. On August 26, 2019, counsel had a phone conference
14 scheduled to address the Trial Management Order. Unfortunately, Heidi’s counsel needed
15 to reschedule. Counsel reached out to Greg’s counsel to reschedule but did not receive a
16 timely response. Thus, counsel followed up on September 13, 2019. As of the date of this
17 motion, counsel has not received a response regarding the Trial Management Order. *See*
18 Emails from K. Stutzman to M. Grimes, filed as Exhibit “1.” Thus, it is presumed that the
19 timeframe contained in the court’s prior Case and Trial Management Order, filed March
20 29, 2019, would apply to the continued Evidentiary Hearing scheduled for October 10,
21 2019.
22
23
24
25

26 After the March 18, 2019 Evidentiary Hearing, the court filed a Case and Trial
27 Management Order. *See* Case and Trial Management Order, filed March 29, 2019. In that
28

1 Order, the Trial was scheduled for July 18, 2019, the Pre-Trial Memorandum was due ten
2 days before the Trial on July 8, 2019. As of the date of this Motion, Greg has not filed a
3 Pre-Trial Memorandum.
4

5 Moreover, NRCP 16.2(b) states in relevant part,
6

7 **(B) Trial Exhibits.** A copy of each document or other exhibit, including
8 summaries of other evidence, which a party expects to offer as evidence at
9 trial in any manner *shall be disclosed* to the other party. Unless otherwise
10 directed by the court, these disclosures must be made *at least 21 days before*
11 *trial*. Within 5 days of trial, unless a different time is specified by the court,
12 a party may serve any objection, together with the grounds therefor, that
13 may be made to the admissibility of materials identified. Objections not so
14 disclosed, other than objections under NRS 48.025 and 48.035, shall be
15 deemed waived unless excused by the court for good cause shown.

16 Any documents not produced in discovery that Greg may attempt to introduce into
17 evidence must be excluded. Greg's failure to timely identify the "trial exhibits" is
18 prejudicial to Heidi because she will not have as much time as Greg to consider, review or
19 prepare rebuttal of the intended evidence at trial. If Greg is allowed to introduce evidence
20 that has never before been identified, it will preclude Heidi from fully preparing for trial,
21 while Greg has no such handicap. As a trial tactic, undeterred or punished, Greg gains
22 advantage by openly defying express rules.
23

24 For these reasons, Heidi submits that her Motion should be granted in its entirety.
25 Additionally, Heidi submits that Greg has unnecessarily multiplied these proceedings in
26 violation of EDCR 7.60, and as a result, she should be awarded attorney's fees and costs.
27
28

1 A memorandum of attorney's fees and costs shall be submitted upon the court's
2 direction.
3

4 **III.**

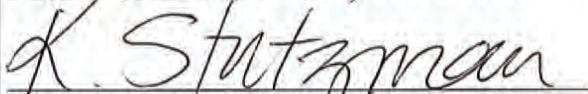
5 **CONCLUSION**

6
7 Based upon the foregoing the court should enter its order as follows:

- 8 1. Precluding Defendant, GREG ELLIOT PELKOLA ("Greg") from introducing
9 any documents, evidence, or any witnesses not identified during discovery;
10
11 2. Precluding Greg from filing an untimely Pre-Trial Memorandum;
12
13 3. Awarding Heidi attorney's fees and costs pursuant to EDCR 7.60 for having
14 to file this Motion; and
15
16 4. For such other and further relief as to the Court may seem proper.

17 DATED this 3rd day of October 2019.

18 RADFORD J. SMITH, CHARTERED

19 

20 RADFORD J. SMITH, ESQ.

21 Nevada State Bar No. 002791

22 KIMBERLY A. STUTZMAN, ESQ.

23 Nevada Bar No. 014085

24 2470 St. Rose Parkway, Suite 206

25 Henderson, Nevada 89074

26 Telephone: (702) 990-6448

27 Facsimile: (702) 990-6456

28 rsmith@radfordsmith.com

Attorneys for Plaintiff

1 **AFFIDAVIT OF KIMBERLY A. STUTZMAN, ESQ.**

2 COUNTY OF CLARK)
3) ss:
4 STATE OF NEVADA)

5 Kimberly A. Stutzman, Esq., having been duly sworn, deposes and says:

6 1. I am an attorney for the Plaintiff, HEIDI PELKOLA, in the above-entitled
7 matter.
8

9 2. I make this Affidavit based upon facts within my own knowledge, save and
10 except as to matters alleged upon information and belief and, as to those matters, I
11 believe them to be true.
12

13 3. I have reviewed the foregoing Motion and can testify that the facts contained
14 therein are true and correct and to the best of my knowledge. I hereby affirm and restate
15 them as if set forth fully herein.
16

17 4. As of the date of this motion, Greg has provided limited documents in his
18 one and only "Initial Disclosure of Witnesses and Documents Pursuant to NRCP 16.2,"
19 signed March 5, 2019, which was prior to the last Evidentiary Hearing. Since that time,
20 approximately 7 months, Greg has not disclosed any other witnesses or documents in
21 support of his request to modify child custody.
22

23 5. As discussed in her Pre-Trial Memorandum, it is Greg's burden to
24 demonstrate that there has been a substantial change in circumstances warranting a
25 change in custody and that the change would be in the children's best interests. With the
26
27
28

1 limited documents provided and no action by Greg for seven months, Heidi does not
2 believe that Greg will be able to meet his burden. Thus, she submits that Greg's request
3 to modify should be denied at trial on October 10, 2019.
4

5 6. Moreover, discovery closed on Tuesday, October 10, 2019. See Stipulation
6 and Order to Continue ("Stipulation"), filed June 10, 2019, where the parties agreed that
7 Discovery would close 30 days before the rescheduled Evidentiary Hearing date. Thus,
8 Greg should be precluded from introducing any exhibits that have not been produced
9 during discovery and/or have been produced after discovery cut off.
10


11 7. As of the date of this Motion, Greg has failed to file a Pre-Trial
12 Memorandum, updated Financial Disclosure Form, or provide a *list of potential* Trial
13 Exhibits (in his pre-trial memorandum).
14

15 8. In the aforementioned Stipulation, the parties agreed that they would submit
16 a joint Trial Management Order. On August 26, 2019, counsel had a phone conference
17 scheduled to address the Trial Management Order. Unfortunately, Heidi's counsel needed
18 to reschedule. Counsel reached out to Greg's counsel to reschedule but did not receive a
19 timely response. Thus, counsel followed up on September 13, 2019. As of the date of this
20 motion, counsel has not received a response regarding the Trial Management Order. *See*
21 Emails from K. Stutzman to M. Grimes, filed as Exhibit "1." Thus, it is presumed that the
22 timeframe contained in the court's prior Case and Trial Management Order, filed March
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1 29, 2019, would apply to the continued Evidentiary Hearing scheduled for October 10,
2 2019.

3
4 9. After the March 18, 2019 Evidentiary Hearing, the court filed a Case and
5 Trial Management Order. *See* Case and Trial Management Order, filed March 29, 2019.
6
7 In that Order, the Trial was scheduled for July 18, 2019, the Pre-Trial Memorandum was
8 due ten days before the Trial on July 8, 2019. As of the date of this Motion, Greg has not
9 filed a Pre-Trial Memorandum.
10

11 FURTHER AFFIANT SAYETH NAUGHT.

12 
13 KIMBERLY A. STUTZMAN, ESQ.

14
15 Subscribed and sworn before me
16 this 3rd day of October 2019.

17 

18 NOTARY PUBLIC in and for
19 said County and State



EXHIBIT “1”

Kimberly Stutzman

From: Kimberly Stutzman
Sent: Monday, September 16, 2019 9:03 AM
To: melg@grimes-law.com; 'Olivia Nino'
Cc: info@grimes-law.com; Deana DePry
Subject: FW: Pelkola - Phone Call Reschedule

TimeMattersID: MDACBAAE5F232908
TM Contact: Melvin Grimes
TM Matter No: D-13-488682-D
TM Matter Reference: Pelkola v. Pelkola

Good morning:

Please see email sent Friday, September 13, 2019 below. Please let me know your thoughts as soon as possible.

Sincerely,

Kimberly A. Stutzman, Esq.†*
Radford J. Smith, Chartered
2470 St. Rose Parkway, Suite 206
Henderson, Nevada 89074
Phone (702) 990-6448
Facsimile (702) 990-6456

†Ms. Stutzman is also licensed in the State of California.

*Please note that as of March 2, 2019, Ms. Medina's name changed to Ms. Stutzman.

****NOTICE****

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From: info@grimes-law.com <info@grimes-law.com>
Sent: Monday, September 16, 2019 8:12 AM
To: Kimberly Stutzman <kstutzman@radfordsmith.com>
Cc: melg@grimes-law.com; 'Olivia Nino' <olivian@grimes-law.com>
Subject: RE: Pelkola - Phone Call Reschedule

I have attached the two emails this should be addressed to. The infor email is not monitored regularly.

From: Kimberly Stutzman <kstutzman@radfordsmith.com>
Sent: Friday, September 13, 2019 4:51 PM
To: info@grimes-law.com

Cc: Deana DePry <ddepry@radfordsmith.com>

Subject: RE: Pelkola - Phone Call Reschedule

Good afternoon, Mr. Grimes:

I have not heard back on rescheduling the call from a few ago. So, I will address via email.

First, I reviewed the prior orders, including the SAO to continue. In the SAO, you and Gary agreed to determine the trial management order/dates between counsel. I propose that the PreTrial Memo, Exhibit Binders, and Witness Lists be exchanged 5 business days before the date of trial.

Second, Ms. Pelkola has addressed relocating with Mr. Pelkola. She is currently engaged and her fiancé lives in Ohio. There are several benefits to the Ohio area, including additional programs and resources for Sarah. Additionally, it is my understanding that Mr. Pelkola purchased a home in and has family close by in Michigan. We would like to resolve the Relocation issue as soon as possible.

Please let me know your thoughts as soon as possible on the dates mentioned above and the relocation.

Thank you, and have a great weekend.

This email is written pursuant to EDCR 5.501.

Sincerely,

Kimberly A. Stutzman, Esq.†*
Radford J. Smith, Chartered
2470 St. Rose Parkway, Suite 206
Henderson, Nevada 89074
Phone (702) 990-6448
Facsimile (702) 990-6456

†Ms. Stutzman is also licensed in the State of California.

*Please note that as of March 2, 2019, Ms. Medina's name changed to Ms. Stutzman.

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From: Kimberly Stutzman
Sent: Monday, August 26, 2019 11:43 AM
To: info@grimes-law.com
Cc: Deana DePry <ddepry@radfordsmith.com>
Subject: Pelkola - Phone Call Reschedule

Good morning, Mr. Grimes:

I hope you are well. I am writing regarding the above-mentioned case. Unfortunately, I will need to reschedule our call scheduled for 1:00 p.m. today. Are you available for 1:00 p.m. tomorrow or Wednesday instead? If not, please let me know what other times work for you. Thank you, and I apologize for needing to reschedule.

Sincerely,

Kimberly A. Stutzman, Esq.†*
Radford J. Smith, Chartered
2470 St. Rose Parkway, Suite 206
Henderson, Nevada 89074
Phone (702) 990-6448
Facsimile (702) 990-6456

†Ms. Stutzman is also licensed in the State of California.

*Please note that as of March 2, 2019, Ms. Medina's name changed to Ms. Stutzman.

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MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

HEIDI PELKOLA
Plaintiff/Petitioner
v. GREG PELKOLA
Defendant/Respondent

Case No. D-13-488082-D
Dept. L

**MOTION/OPPOSITION
FEE INFORMATION SHEET**

Notice: Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of \$25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of \$129 or \$57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

Step 1. Select either the \$25 or \$0 filing fee in the box below.

- ☐ \$25 The Motion/Opposition being filed with this form is subject to the \$25 reopen fee.
-OR-
☒ \$0 The Motion/Opposition being filed with this form is not subject to the \$25 reopen fee because:
☒ The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered. *(Modification of Custody not entered)*
☐ The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.
☐ The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____.
☒ Other Excluded Motion (must specify) Been Paid

Step 2. Select the \$0, \$129 or \$57 filing fee in the box below.

- ☒ \$0 The Motion/Opposition being filed with this form is not subject to the \$129 or the \$57 fee because:
☒ The Motion/Opposition is being filed in a case that was not initiated by joint petition.
☐ The party filing the Motion/Opposition previously paid a fee of \$129 or \$57.
-OR-
☐ \$129 The Motion being filed with this form is subject to the \$129 fee because it is a motion to modify, adjust or enforce a final order.
-OR-
☐ \$57 The Motion/Opposition being filing with this form is subject to the \$57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of \$129.

Step 3. Add the filing fees from Step 1 and Step 2.

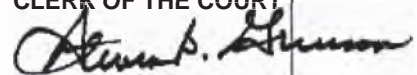
The total filing fee for the motion/opposition I am filing with this form is:

☒ \$0 ☐ \$25 ☐ \$57 ☐ \$82 ☐ \$129 ☐ \$154

Party filing Motion/Opposition: PLAINTIFF Date 10/3/19

Signature of Party or Preparer K. Stutzman

RA00217



DISTRICT COURT
CLARK COUNTY, NEVADA

HEIDI MARIE PELKOLA,
PLAINTIFF
VS.
GREG ELLIOTT PELKOLA,
DEFENDANT.

CASE NO: D-13-488682-D

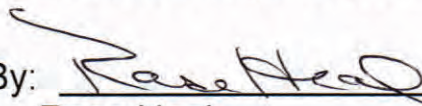
DEPARTMENT L

NOTICE OF RESCHEDULING OF HEARING

Please be advised that the date and time of a hearing set before the
Honorable DAVID GIBSON, JR. has been changed. The **Motion**,
presently scheduled for **October 10, 2019 at 1:30 PM**, has been
rescheduled to the **20th day of November, 2019 at 9:00 AM**,
Courtroom 6, Family Courts and Services Center, 601 N. Pecos Rd.,
Las Vegas, Nevada.

District Judge DAVID GIBSON, JR.

By:



Rose Heal
Judicial Executive Assistant
Department L

CERTIFICATE OF MAILING

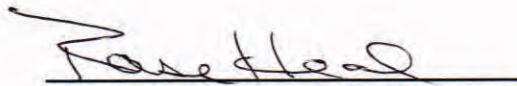
I hereby certify that on the above file stamp date:

☐ I placed a copy of the foregoing NOTICE OF RESCHEDULING HEARING in the appropriate attorney folder located in the Clerk of the Court's Office

☒ I mailed, via first-class mail, postage fully prepaid, the foregoing NOTICE OF RESCHEDULING HEARING to:

Radford Smith, Esq.
Radford Smith, Chtd.
2470 St. Rose Pkwy., Suite 206
Henderson, NV 89074

Melvin Grimes, Esq.
The Grimes Law Office
8540 S. Eastern Ave., Suite 100
Las Vegas, NV 89123


Rose Heal
Judicial Executive Assistant
Department L



1 **OPPS**

2 RADFORD J. SMITH, CHARTERED

3 RADFORD J. SMITH, ESQ.

4 Nevada Bar No. 002791

5 KIMBERLY A. STUTZMAN, ESQ.

6 Nevada St. Bar No. 014085

7 2470 St. Rose Parkway, Suite 206

8 Henderson, Nevada 89074

9 Telephone: (702) 990-6448

Facsimile: (702) 990-6456

rsmith@radfordsmith.com

Attorneys for Plaintiff

10 **DISTRICT COURT**
11 **CLARK COUNTY, NEVADA**

12 HEIDI MARIE PELKOLA,

13
14 Plaintiff,

15 vs.

16 GREG ELLIOT PELKOLA,

17
18 Defendant.

CASE NO.: D-13-488682-D

DEPT. NO.: L

FAMILY DIVISION

19
20 **PLAINTIFF'S OPPOSITION TO DEFENDANT'S COUNTERMOTION FOR**
21 **PRIMARY PHYSICAL CUSTODY¹**

22 DATE OF HEARING: November 20, 2019

23 TIME OF HEARING: 9:00 a.m.

24 COMES NOW Plaintiff, HEIDI MARIE PELKOLA, by and through her attorneys
25 Radford J. Smith, Esq. and Kimberly Stutzman, Esq. of the firm Radford J. Smith, Chartered,
26

27
28 ¹ Plaintiff's Reply to Defendant's Opposition of her Motion to Relocate shall be filed within the timeframe allowed prior to the hearing on November 20, 2019. Her Opposition, however, was due prior to the Reply deadline and is thus filed separately.

1 and submits the following points and authorities in Opposition to Defendant, GREG ELLIOT
2 PELKOLA's COUNTERMOTION FOR PRIMARY CUSTODY. Heidi requests that
3
4 Greg's countermotion be denied in its entirety, and requests through this Opposition and
5 that the Court enter its orders as follows:
6

7 1. Finding that Defendant's Countermotion to Modify Child Custody fails to set
8 forth adequate cause for hearing on the issue of custody;
9

10 2. Finding that Defendant's Countermotion has not identified grounds to modify
11 the current Order regarding Custody;
12

13 3. For attorney's fees and costs; and,
14

15 4. For such other and further relief as to the Court may deem proper in the
16 premises.
17

18 This Opposition and Countermotion is made and based upon the points and
19 authorities attached hereto, and any evidence or oral argument adduced at the time of the
20 hearing of this matter.

21 DATED this 8th day of November 2019.

22 RADFORD J. SMITH, CHARTERED
23

24 /s/ Kimberly A. Stutzman
25 RADFORD J. SMITH, ESQ.
26 Nevada Bar No. 002791
27 KIMBERLY A. STUTZMAN
28 Nevada Bar No. 014085
2470 St. Rose Parkway, Suite 206
Henderson, Nevada 89074
Attorneys for Plaintiff

I.

COUNTERSTATEMENT OF FACTS

The parties, Plaintiff, HEIDI PELKOLA (“Heidi”) and Defendant, GREG PELKOLA (“Greg”), were divorced by Decree of Divorce, filed May 6, 2014.

The parties have three children: Sara Pelkola (15), Justin Pelkola (11), and Daniel Pelkola (7). Heidi has primary physical custody of the parties’ minor children subject to Greg’s specific visitations.

Heidi was previously allowed to relocate from Nevada to Arizona, where she currently resides with the children. On October 1, 2019, out of an abundance of caution, Heidi filed her Motion to Relocate to Ohio.

In his Countermotion, Greg moves for Primary Physical Custody. Greg, however, does not provide sufficient evidence to support his request. Greg previously moved for primary physical custody, which is scheduled for an evidentiary hearing on November 20, 2019 at 9:00 a.m.

Heidi previously addressed his request for primary physical custody in her pleadings before the court. She has also addressed this request in her Pre-Trial Memorandum. As of the date of this Motion, Defendant has failed to file a Pre-Trial Memorandum.

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II.

**DEFENDANT’S MOTION TO MODIFY CUSTODY DOES NOT IDENTIFY
ADEQUATE CAUSE FOR HEARING ON THE ISSUE OF CUSTODY, AND IS
FRIVOLUS**

In Greg’s countermotion, he ostensibly claims that if Heidi’s request to relocate is denied, then he should be awarded primary physical custody. This position is not supported by Nevada law, and Greg sites no case in which a Nevada court has found that a denial of a request to relocate should change the current custodial arrangement.

It is important to note that the current arrangement is working well. The children are thriving in Heidi’s care. Moreover, Greg has failed to provide any evidence to support his request for primary physical custody, including a failure to provide trial exhibits or a pre-trial memorandum, discussed in Heidi’s Motion in Limine and discussed in more detail in her Reply to Greg’s Opposition.

NRS 125C.006 states in relevant part that –

1. If primary physical custody has been established pursuant to an order, 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 other parent to maintain a meaningful relationship with the child, and the custodial parent desires to take the child with him or her, the custodial parent shall, before relocating:

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

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

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

- (a) Without having reasonable grounds for such refusal; or
- (b) For the purpose of harassing the custodial parent.

Here, under the plain language of the statute, Heidi's request to Relocate does not require a separate motion, but out of an abundance of caution and because custody is currently at issue and scheduled to be heard at the November 20, 2019 Evidentiary Hearing, Heidi believed it would be prudent to bring this issue before the court. Additionally, the Motion to Relocate affects Greg's timeshare only as it relates to the increased travel costs and time. His visitation, however, would essentially remain the same. Therefore, Heidi brought her motion so that the court and the parties can address the relevant facts related to custody and the relocation at the same time.

Heidi is the primary physical custodian of the minor children. The criteria for addressing Greg's motion for modification of that current custodial schedule is contained in *Rivero v. Rivero*, 125 Nev. 410, 216 P.3d 213 (2009), and *Ellis v. Carucci*, 123 Nev. 145, 161 P.3d 239 (2007). While Greg provides bare-bone cites to NRS 125C.006, NRS 125C.-0065, and NRS 125C.007 in his motion, he ignores those portions of the statutory law, and the law interpreting it, that are relevant to the facts of this case.

NRS 125C.0045 mirrors its predecessor statute, NRS 125.510, which was interpreted by the Nevada Supreme Court in *Ellis v. Carucci*, 123 Nev. 145, 151, 161 P.3d 239, 243 (2007). In *Ellis*, the court held:

[A] modification of primary physical custody is warranted only when (1) there has been a substantial change in circumstances affecting the welfare of the child, and (2) the child's best interest is served by the modification. [. . .] [T]he

1 party seeking a modification of custody bears the burden of satisfying both
2 prongs.

3 *Id.* at 145, 150-51, 161 P.3d 239, 242-43 (2007). The *Ellis* criteria modified the
4 longstanding “*Murphy*” standard that focused on the circumstances of the parents, rather
5 than those of the child.
6

7 In reaching our conclusion, we overrule *Murphy* to the extent that it required
8 a change in "the circumstances of the parents" alone, without regard to a
9 change in the circumstances of the child or the family unit as a whole. We
10 note, however, that under the revised test, there must still be a finding of a
11 *substantial* change in circumstances. While the *Murphy* test is too restrictive
12 because it improperly focuses on the circumstances of the parents and not the
13 child, custodial stability is still of significant concern when considering a
14 child's best interest. The "changed circumstances" prong of the revised test
15 serves the important purpose of guaranteeing stability unless circumstances
16 have changed to such an extent that a modification is appropriate. In
17 determining whether the facts warrant a custody modification, courts should
18 not take the "changed circumstances" prong lightly.

19 *Ellis*, 123 Nev. at 151, 161 P.3d at 243.

20 Here, Greg’s motion asks this court to base its order solely on whether Heidi’s request
21 for relocation is granted, and if not, then he should be granted *de facto* Primary Physical
22 Custody. In other words, he wants the court to focus on Heidi’s relocation circumstances,
23 not the circumstances of the children.

24 As discussed above, Greg has not shown adequate cause for hearing on his motion
25 for modification of custody.

26 The court has the discretion to deny Greg’s motion without hearing for lack of a
27 showing of “adequate cause.”
28

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

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

11 Here, Greg has not provided any evidence or statement in the form of an affidavit that meets
12 the standard of a prima facie change of custody. He has not addressed the relevant criteria
13 under law and has failed to state any facts that even remotely justify a change in custody.

14 III.

15 ATTORNEY'S FEES AND SANCTIONS

16 A request for an order directing another party to pay attorney's fees must be based
17 upon statute, rule or contractual provision. *See, e.g., Rowland v. Lepire*, 99 Nev. 308, 662
18 P.2d 1332 (1983).

19 The court has jurisdiction to award attorney's fees in post-trial matters. *Halbrook v.*
20 *Halbrook*, 114 Nev. 1455, 971 P.2d 1262 (1998) (recognizing that a district court has the
21 authority to award attorney fees in post-divorce proceedings involving child custody).

22 Heidi has incurred significant attorney's fees and costs in this matter. As discussed
23 above, Greg has not complied with the relevant authority, and Heidi submits that he will be
24

1 unable to present a prima facie case. As a result, Heidi was left with no choice but to file
2 her opposition to his Countermotion.
3

4 EDCR 7.60 reads in pertinent part –

5 (b) The court may, after notice and an opportunity to be heard, impose upon
6 an attorney or a party any and all sanctions which may, under the facts of the
7 case, be reasonable, including the imposition of fines, costs or attorney's fees
8 when an attorney or a party without just cause:

9 (1) Presents to the court a motion or an opposition to a motion which
10 is obviously frivolous, unnecessary or unwarranted.

11 (2) Fails to prepare for a presentation.

12 (3) So multiplies the proceedings in a case as to increase costs
13 unreasonably and vexatiously.

14 (4) Fails or refuses to comply with these rules.

15 (5) Fails or refuses to comply with any order of a judge of the court.

16 EDCR 7.60 permits a district court to assess sanctions against a party that files a
17 frivolous motion, or unnecessarily multiplies the proceedings in a case. In *Rivero*, the court
18 addressed the criteria for awarding attorney's fees as a sanction for the filing of one of those
19 prongs, a frivolous motion:

20 The district court may award attorney fees as a sanction under NRS
21 18.010(2)(b), NRCP 11, and EDCR 7.60(b) if it concludes that a party
22 brought a frivolous claim. The district court must determine if there was any
23 credible evidence or reasonable basis for the claim at the time of filing.
24 Although a district court has discretion to award attorney fees as a sanction,
25 there must be evidence supporting the district court's finding that the claim
26 or defense was unreasonable or brought to harass.

27 *Rivero v. Rivero*, 125 Nev. 410, 440-41, 216 P.3d 213, 234 (2009). Here, Heidi submits
28 that Greg's request to modify custody should be denied. Heidi requests that the court require
Greg to pay the attorney's fees and costs Heidi has incurred to respond to this litigation.

1 Even in the absence of either sanction under EDCR 7.60, the court may exercise its
2 discretion under NRS 125.150 and its continuing jurisdiction in divorce matters to award
3 fees to Heidi based solely upon the parties' substantial disparity in income regardless of the
4 outcome of the motions and countermotion. The Nevada Supreme Court has recognized
5 the jurisdiction of a district court to grant attorney's fees to a party in a post-divorce child
6 custody action under NRS 125.040. *Leeming v. Leeming*, 87 Nev. 530, 532, 490 P.2d 342,
7 343 (1971)("NRS 125.040 empowers our courts to grant "allowances and suit money" in
8 divorce actions, including sums to enable a wife to employ counsel; and if the wife files an
9 appropriate post-judgment motion relating to support or custody of minor children, that
10 power remains as part of the continuing jurisdiction of the court.")
11
12
13
14

15 NRS 18.010 states in relevant part –
16

17 1. The compensation of an attorney and counselor for his or her services is
18 governed by agreement, express or implied, which is not restrained by law.

19 2. In addition to the cases where an allowance is authorized by specific
20 statute, the court may make an allowance of attorney's fees to a prevailing
21 party:

22 (a) When the prevailing party has not recovered more than \$20,000; or

23 (b) Without regard to the recovery sought, when the court finds that the
24 claim, counterclaim, cross-claim or third-party complaint or defense of
25 the opposing party was brought or maintained without reasonable
26 ground or to harass the prevailing party. The court shall liberally
27 construe the provisions of this paragraph in favor of awarding attorney's
28 fees in all appropriate situations. It is the intent of the Legislature that
the court award attorney's fees pursuant to this paragraph and impose
sanctions pursuant to Rule 11 of the Nevada Rules of Civil Procedure in
all appropriate situations to punish for and deter frivolous or vexatious
claims and defenses because such claims and defenses overburden
limited judicial resources, hinder the timely resolution of meritorious

claims and increase the costs of engaging in business and providing professional services to the public.

3. In awarding attorney's fees, the court may pronounce its decision on the fees at the conclusion of the trial or special proceeding without written motion and with or without presentation of additional evidence.

4. Subsections 2 and 3 do not apply to any action arising out of a written instrument or agreement which entitles the prevailing party to an award of reasonable attorney's fees.

In the instant matter, should Heidi prevail, then she should be awarded her fees and costs. A memorandum of attorney's fees and costs will be submitted after completion of the trial.

IV.

CONCLUSION

For the above-mentioned reasons, Heidi requests that the court enter its orders as follows:

1. Finding that Defendant's Countermotion to Modify Child Custody fails to set forth adequate cause for hearing on the issue of custody;

2. Finding that Defendant's Countermotion has not identified grounds to modify the current Order regarding Custody;

3. For attorney's fees and costs; and,

...

...

...

1 4. For such other and further relief as to the Court may deem proper in the
2 premises.
3

4 Dated this 8th day of November 2019.

5 RADFORD J. SMITH, CHARTERED
6

7 /s/ Kimberly A. Stutzman

8 _____
9 RADFORD J. SMITH, ESQ.

10 Nevada State Bar No. 002791

11 KIMBERLY A. STUTZMAN, ESQ.

12 Nevada State Bar No. 014085

13 2470 St. Rose Parkway, Suite 206

14 Henderson, Nevada 89074

15 *Attorneys for Defendant*
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COUNTY OF CLARK)
) ss:
STATE OF NEVADA)

1. I am an attorney for the Defendant, Julie Allen, in the above-entitled matter.

3. I have personal knowledge of the facts contained herein, and I am competent to testify thereto. I have reviewed the PLAINTIFF'S OPPOSITION TO DEFENDANT'S COUNTERMOTION FOR PRIMARY PHYSICAL CUSTODY and can testify that the facts contained therein are true and correct to the best of my knowledge. I hereby reaffirm and restate said facts as if set forth fully herein.

/s/ Kimberly A. Stutzman

KIMBERLY A. STUTZMAN, ESQ.

DATE: November 8, 2019

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I am over the age of 18 and not a party to the within action. I am “readily familiar” with firm’s practice of collection and processing correspondence for mailing. Under the Firm’s practice. I served the foregoing document described as **PLAINTIFF’S OPPOSITION TO DEFENDANT’S COUNTERMOTION FOR PRIMARY PHYSICAL CUSTODY**^{2 8th} day of November 2019, to all interested parties by way of the Eighth Judicial District Court Electronic filing system as follows:

/s/ Kimberly A. Stutzman

An Employee of Radford J. Smith, Chartered

² Plaintiff's Reply to Defendant's Opposition of her Motion to Relocate shall be filed within the timeframe allowed prior to the hearing on November 20, 2019. Her Opposition, however, was due prior to the Reply deadline and is thus filed separately.

1 MOFI

2 DISTRICT COURT
3 FAMILY DIVISION
4 CLARK COUNTY, NEVADA

5 HEIDI PELKOLA ,

6 Plaintiff/Petitioner,

7 vs.

8 GREG PELKOLA,

9 Defendant/Respondent.

CASE NO.: D-13-488682-D

DEPT. NO.: L

MOTION/OPPOSITION
FEE INFORMATION SHEET

10 **Notice:** Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B r 125C are subject to the reopen fee of
11 \$25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be
12 subject to an additional filing fee of \$129 or \$57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

13 **Step 1.** Select either the \$25 or \$0 filing fee in the box below.

14 ☐ **\$25** The Motion/Opposition being filed with this form is subject to the \$25 reopen fee.

15 -OR-

16 ☒ **\$0** The Motion/Opposition being filed with this form is not subject to the \$25 reopen fee because:

17 ☐ The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.

18 ☐ The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.

19 ☐ The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or
20 decree was entered. The final order was entered on _____.

21 ☐ Other Excluded Motion (must specify) The Re-Open fee has been paid by both parties.

22 **Step 2.** Select the \$0, \$129 or \$57 filing fee in the box below.

23 ☒ **\$0** The Motion/Opposition being filed with this form is not subject to the \$129 or the \$57 fee because:

24 ☒ The Motion/Opposition is being filed in a case that was not initiated by joint petition.

25 ☐ The party filing the Motion/Opposition previously paid a fee of \$129 or \$57.

26 -OR-

27 ☐ **\$129** The Motion being filed with this form is subject to the \$129 fee because it is a motion to modify, adjust or enforce a final
28 order.

-OR-

☐ **\$57** The Motion/Opposition being filed with this form is subject to the \$57 fee because it is an opposition to a motion to modify,
adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of \$129.

Step 3. Select the \$0, \$129 or \$57 filing fee in the box below.

The total filing fee for the motion/opposition I am filing with this form is:

☒ **\$0** ☐ **\$25** ☐ **\$57** ☐ **\$82** ☐ **\$129** ☐ **\$154**

Party filing Motion/Opposition: Heidi Pelkola

Date: November 8, 2019

Signature of Party or Preparer /s/ Kimberly A. Stutzman