

**IN THE SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK**

STEVE EGGLESTON,

Appellant,

vs.

GEORGINA STUART; CLARK COUNTY,
NEVADA; LISA CALLAHAN; AND BRIAN
CALLAHAN,

Respondents.

Supreme Court No. 80838

District Court Case No. A748919
Electronically Filed
Sep 24 2020 03:28 p.m.

Elizabeth A. Brown
Clerk of Supreme Court

**RESPONDENTS' MOTION TO DISQUALIFY APPELLANT'S
ATTORNEY**

COME NOW Respondents Georgina Stuart and Clark County ("Respondents"), by and through their attorneys of the law firm OLSON CANNON GORMLEY & STOBERSKI, and hereby move this Court to disqualify Emily McFarling, Esq., as attorney for Appellant Steve Eggleston, pursuant to Nevada Rule of Professional Conduct (Rule) 3.7. This Motion is made and based upon all papers, pleadings and records on file herein, the attached Memorandum of Points and Authorities, and such oral argument, testimony and evidence as the Court may entertain.

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MEMORANDUM OF POINTS AND AUTHORITIES

I.

INTRODUCTION

Respondents seek an order disqualifying Ms. McFarling as Appellant's counsel, pursuant to Rule 3.7, because she is a necessary witness on contested issues in this case. No order short of disqualification can adequately address the issues and concerns related thereto.

II.

FACTUAL AND PROCEDURAL BACKGROUND

This action arises out of Respondents' investigation regarding children after a child called 911 reporting that their mother, Laura Battistella ("Battistella"), had spoken words of suicidal ideation.¹ A substantiation of physical injury neglect and physical risk, and finding of substantiation of child abuse and/or neglect were made against Appellant, which Appellant appealed to a Fair Hearing.² The district court dismissed the action due to failure to exhaust administrative remedies based on the pending Fair Hearing.³

On September 11, 2020, Ms. McFarling filed a Notice of Appearance on behalf of Appellant Steve Eggleston. On 9/15/2020, this Court entered an Order

¹ See Record on Appeal (ROA) 88, First Amended Complaint (FAC), ¶¶5, 7 and 10 (Exh. A).

² See ROA 267 and 276 (Exh. C); ROA, 274 and 286 (Exh. B).

³ See ROA 331-37 (Exh. P)

adding Ms. McFarling as counsel of record for Appellant.

There is no doubt Ms. McFarling is a necessary witness in this matter, which is confirmed by the papers created and/or filed by Appellant in the district court and this Court, and based on the papers created and/or filed by Ms. McFarling in various underlying actions as follows: (1) Appellant's 8/10/17 FAC makes six allegations including Ms. McFarling, who was counsel for Appellant in the underlying matter(s), including referring to Ms. McFarling's conversations with Respondent Georgina Stuart⁴; (2) Appellant listed Ms. McFarling as his counsel on both his 2/2/15 Request for Agency Appeal, and 9/9/15 Request for Fair Hearing or appeal of the substantiated finding of physical injury neglect made against him⁵; (3) on 8/27/15, Respondent corresponded with Ms. McFarling, as Appellant's counsel in the administrative appeal, and provided her with the Review of Record and Substantiation of Child Abuse and/or Neglect in the underlying matter⁶; (4) Appellant's Opposition to Respondents' Motion to Dismiss, Exhibit C, is Ms. McFarling's Affidavit, dated May 21, 2015, purportedly submitted in the Will County Guardianship Action regarding the minors⁷; (5) Appellant listed Ms. McFarling as his third witness in the Fair Hearing matter⁸; (6)

⁴ See ROA 94-98, FAC, ¶f, ¶g, ¶p, ¶r and ¶u (Exh. A).

⁵ See ROA 274 and 286 (Exh. B).

⁶ See ROA 276 (Exh. C).

⁷ See ROA 245-46 (Exh. D).

⁸ See ROA 328-29 (Exh. E).

Appellant listed Ms. McFarling as a witness in his Joint Case Conference Report in the district court action and his initial disclosure⁹; (7) Appellant's 4/30/18 supplemental disclosure in the district court action, consisting of 391 pages in total, includes numerous documents referencing Ms. McFarling, including: the 2/20/15 paternity, custody and child support complaint Ms. McFarling filed in Family Court; Ms. McFarling's 3/31/15 letter to the Callahans (Exhibits C and D thereto omitted) and 5/20/15 letter to counsel regarding the Guardianship action; the 7/10/15 Circuit Court of the Twelfth Judicial Circuit, Will County, Illinois, Order; Ms. McFarling's 7/11/15 email to Jennifer Lynch, the *Guardian ad Litem* in the Illinois action, indicating "I represent Steve Eggleston in Nevada..." and **"I have been involved assisting Mr. Eggleston since prior to him signing the temporary guardianship consents** and am shocked at how the guardians have taken advantage of the very specific plan that I confirmed with the CPS caseworker prior to advising my client to sign a temporary guardianship consent."; and Appellant's 11/10/16 email stating "my attorney, Emily McFarling. She is a well-respected family law attorney in Clark County. As she is a witness, she is not my attorney in this action."¹⁰; (8) Appellant's Motion for Reconsideration refers to Ms. McFarling's actions eight times relating to the underlying matters and Exhibit 3

⁹ See ROA 168 and 180 (Exh. F); Appellant's Initial Disclosure (Exh. Q).

¹⁰ See Appellant's supplemental disclosure (emphasis added) (Exh. G); Affidavit of Felicia Galati, Esq., (Exh. H).

thereto is a Decree of Custody regarding the minors filed on 6/29/15 that Ms. McFarling prepared and filed in the Family Court¹¹; (9) Appellant's Motion for Reconsideration, Exhibit 4, is Appellant's 11/10/16 email indicating "Ms. McFarling is also a witness ..." ¹²; and (10) Appellant's Opening Brief, that Respondents received by mail, alleges that Georgina Stuart admitted to Ms. McFarling that his children would have stayed with him.¹³ Based on all the above, it is clear Ms. McFarling is a necessary witness on contested issues in the underlying case and this appeal, and must be disqualified.

On 9/14/2020, as a courtesy, Respondents' Counsel corresponded with Ms. McFarling about Rule 3.7 and the disqualification issue.¹⁴ On 9/15/2020, Ms. McFarling responded thereto, including that Rule 3.7 only applies to a "trial."¹⁵ On 9/16/2020, Respondents' counsel advised Ms. McFarling that this Court indicated Rule 3.7 applies to appeals.¹⁶ DiMartino v. District Court, 119 Nev. 119, 66 P.3d 945 (2003). Thereafter, counsel engaged in further related communications, a complete copy of which is attached hereto.¹⁷

Respondents note that on 7/10/15, seventeen months before Appellant filed

¹¹ See ROA 390-96 (Exh. I).

¹² See ROA 397-98 (Exh. J)

¹³ See Appellant's Opening Brief, p. 27 (Exh. K).

¹⁴ See Email (Exh. L).

¹⁵ See Email (Exh. M)

¹⁶ See Email (Exh. N).

¹⁷ See Emails (Exh. O).

the Complaint in the district court, the Circuit Court of the Twelfth Judicial Circuit, Will County, Illinois, entered an Order making the following findings:

- A. This court has sole and exclusive jurisdiction over the minor children, R...[E]... (date of birth ...) and H...[E] (date of birth ...) under the 750 ILCS 36/202-204, the Uniform Child-Custody Jurisdiction and Enforcement Act;
- B. No other court has the authority to enter any Order affecting the physical custody of the minor children herein;
- C. That the continuing jurisdiction of this court is necessary to protect the minor children from mistreatment and threats of mistreatment and abuse;

This Court further Orders as follows:

- 1. The minor children herein shall not be removed from this court's jurisdiction without specific Order of this court;
- 2. The minor children shall remain in the sole physical custody of the guardian herein, Lisa Callahan.¹⁸

III.

STANDARD FOR DISQUALIFICATION

Rule 3.7 (Lawyer as Witness) provides:

- (a) A lawyer shall not act as advocate at a trial in which the lawyer is likely to be a necessary witness unless:
 - (1) The testimony relates to an uncontested issue;
 - (2) The testimony relates to the nature and value of legal services rendered in the case; or

¹⁸ See Order (Exh. G).

(3) Disqualification of the lawyer would work substantial hardship on the client.

Rule 3.7 – and in its prior form as SCR 178¹⁹ – “prohibits the attorney [who may be called as a witness] from appearing as trial counsel.” DiMartino, 119 Nev. at 121, 66 P.3d at 946. “[T]he Rule is meant to eliminate any confusion and prejudice that could result if an attorney appears before a jury as an advocate and as a witness.” Id. at 122, 947. Both SCR 178 and Rule 3.7 are derived from ABA Model Rule of Professional Conduct 3.7, which has been interpreted as follows:

to allow a lawyer who is expected to testify at trial to represent his client in pretrial proceedings, with consent, although **the lawyer may not appear in any situation requiring the lawyer to argue his own veracity to a court or other body, whether in** a hearing on a preliminary motion, **an appeal** or other proceeding. This interpretation preserves the right to counsel of one’s own choice while **protecting the integrity of the judicial proceeding**.

Id. (Emphasis added.) “Confusion regarding the lawyer’s role could prejudice a party or call into question the impartiality of the judicial process itself.” See ABA Annotated Model Rules of Professional Conduct 359 (6th ed. 2007) (emphasis added) citing Cottonwood Estates Inc., v. Paradise Builders Inc., 624 P.2d 296 (Ariz. 1981) (emphasis added) (**any mixing of roles between advocate and witness “diminishes the effectiveness of the entire system . . . The practice not only raises the appearance of impropriety . . . but also disrupts the normal balance of judicial machinery.”**); U.S. v Morris, 714 F.2d 669 (7th Cir. 1983) (the

¹⁹ SCR 178 is substantially similar to Rule 3.7.

act of taking an oath may unfairly enhance the credibility of the lawyer as advocate). “Because the advocate-witness rule protects opposing parties and the integrity of the judicial system as a whole, a client’s willingness to forego a lawyer’s testimony will not prevent disqualification if the testimony is deemed ‘necessary.’ ” Id. at 362 citing Freeman v. Vicchiarelli, 827 F.Supp. 300 (D.N.J. 1993) and MacArthur v. Bank of N.Y., 524 F.Supp. 1205 (S.D.N.Y. 1981).

Finally, “in a situation involving the disqualification of an attorney, any doubt should be resolved in favor of disqualification.” DiMartino, 119 Nev. at 121 n.2, 66 P.3d at 946 n.2 citing Cronin v. District Court, 105 Nev. 635, 640, 781 P.2d 1150, 1153 (1989). Although this Court has wide latitude in determining whether to disqualify an attorney, “its discretion in such cases is not unlimited. The court must balance the prejudices that will inure to the parties as a result of its decision.” Cronin, supra.

IV.

LEGAL ARGUMENT

The first relevant inquiry under Rule 3.7 is whether the attorney is a necessary witness in the matter. See Rule 3.7; Mettler v. Mettler, 50 Conn.Supp. 357, 360, 928 A.2d 631, 633 (2007). A necessary witness is someone who has material information that no one else can provide. Id. The proposed testimony

must be relevant and material, and it must be unobtainable elsewhere. Id. at 360, 634.

In this case, Ms. McFarling is undoubtedly a necessary witness, which Appellant admits and Ms. McFarling cannot dispute given her involvement in the various underlying actions.²⁰ That is established by the FAC allegations regarding the events of January 2015, Ms. McFarling's alleged interactions with Ms. Stuart, the alleged representations Ms. Stuart made to Ms. McFarling, and Appellant's own witness lists naming Ms. McFarling.²¹ In addition, Ms. McFarling's testimony relates to contested issues, the underlying abuse/neglect appeal, an underlying Family Court proceeding and Order, and the Illinois Guardianship action.²²

Most importantly, Ms. McFarling's role as a witness in the various underlying actions clearly is established by Appellant's Motion for Reconsideration relying on Ms. McFarling's Affidavit dated 5/21/15 purportedly submitted in the Will County Guardianship Action regarding the minors²³; and on the Decree of Custody regarding the minors filed on 6/29/15 by Ms. McFarling in the Family Court.²⁴ It is further established by Ms. McFarling's other various

²⁰ See pp. 3-6, supra.

²¹ Id.

²² Id.

²³ See ROA 245-46 (Exh. D).

²⁴ See ROA 390-96 (Exh. I).

communications and filings in various underlying matters relied upon by Appellant, that Ms. McFarling has first-hand knowledge of because she prepared them.²⁵

Based on all the above, allowing Ms. McFarling to be an advocate and witness in this appeal, including arguing her own veracity, would call into question the impartiality of the judicial process itself, if not confuse the Court, and prejudice Respondents. See ABA Annotated Model Rules of Professional Conduct, supra; Cottonwood, supra; Morris supra. Ms. McFarling's involvement as of 2015 in the various underlying actions will cause confusion as to whether her statements made as an advocate witness would be taken as proof as a fact witness or as an analysis of proof as an attorney.

The second inquiry requires a balancing the parties' interests. A disqualification of Ms. McFarling will not work a substantial hardship on the Appellant because this appeal is in the very early stages – pre-opening brief – and is necessary to protect Respondents from prejudice, including arising out of Ms. McFarling being the lawyer and witness in the underlying contested matters and issues, and the public's interest in the scrupulous administration of justice. Brown v. Eighth Judicial Dist. Court ex rel. Cty. of Clark, 116 Nev. 1200, 1205, 14 P.3d 1266, 1269-70 (2000). “[D]oubts should generally be resolved in favor of

²⁵ See pp. 3-6, supra.

disqualification...” Id. at 1205, 1270. “[T]he likelihood of public suspicion or obloquy outweighs the social interests which will be served by” Ms. McFarling’s participation in this appeal. Id. Allowing Ms. McFarling to appear as appellate counsel would create confusion in briefing and at oral argument about whether she is offering analysis of record or, instead, supplementing the record by interpreting and/or expounding on facts within her personal knowledge.

In Brooks v. S.C. Comm'n on Indigent Def., 419 S.C. 319, 325–29, 797 S.E.2d 402, 405–06 (Ct. App. 2017) (emphasis added and footnote omitted), the Court of Appeals of South Carolina held:

The comments to Rule 3.7 describe the rationale behind the advocate witness rule. Comment 1 explains, “**Combining the roles of advocate and witness can prejudice the tribunal and the opposing party and can also involve a conflict of interest between the lawyer and client.**” Rule 3.7, RULE, Rule 407, SCACR. Comment 2 provides, in pertinent part:

The opposing party has proper objection whe[n] the combination of roles may prejudice that party's rights in the litigation. A witness is required to testify on the basis of personal knowledge, while an advocate is expected to explain and comment on evidence given by others. It may not be clear whether a statement by an advocate witness should be taken as proof or as an analysis of the proof.

Id. Our court has espoused this rationale, stating, “**The roles of an advocate and of a witness are inconsistent; the function of an advocate is to advance or argue the cause of another, while that of a witness is to state facts objectively.**” *Collins Entm't, Inc. v. White*, 363 S.C. 546, 564, 611 S.E.2d 262, 271 (Ct. App. 2005) (quoting

State v. Capps, 276 S.C. 59, 65, 275 S.E.2d 872, 875 (1981) (Lewis, C.J., dissenting))...

South Carolina courts have not specifically addressed what a “necessary witness” is under Rule 3.7. Other jurisdictions with nearly identical language to Rule 3.7 find **that an attorney is “likely to be a necessary witness” when the “attorney’s testimony is relevant to disputed, material questions of fact” and “there is no other evidence available to prove those facts.”** *Clough v. Richelo*, 274 Ga.App. 129, 616 S.E.2d 888, 891–92 (2005)...These requirements strike “a reasonable balance between the potential for abuse and those instances where the attorney’s testimony may be truly necessary.” *Smithson*, 411 S.E.2d at 856.

...*See Mettler*, 928 A.2d at 633 (“**A necessary witness is not just someone with relevant information, however, but someone who has material information that no one else can provide.**”)

The Brooks Court determined that Ms. Brooks was a necessary witness and her disqualification would not be a substantial hardship on the appellant as she had only been involved in the case for two months and “the expense of hiring new counsel [did] not outweigh the prejudice that would occur should they not be allowed to call her as a witness.” *Id.* at 327, 406. While Brooks is not binding on this Court, the related Rule, comments and policy considerations are the same. Based on all of the above, this Court should disqualify Ms. McFarling.

V.

CONCLUSION

IN ACCORDANCE WITH THE FOREGOING, Respondents respectfully request this Court grant their Motion To Disqualify Plaintiff’s Attorney because

Ms. McFarling is a necessary witness on contested issues in this case and, balancing the parties interests, her disqualification ant this early stage will not substantially burden Appellant and allowing Ms. McFarling to appear as both advocate and witness on appeal would prejudice Respondents given the contested facts and her appearances, communications, and representations of Appellant in the various underlying actions. The disqualification is also warranted to protect the integrity of this appeal.

DATED this 24th day of September, 2020.

OLSON CANNON GORMLEY
& STOBERSKI

/s/ Felicia Galati

FELICIA GALATI, ESQ.
Nevada Bar No. 7341
9950 W. Cheyenne Avenue
Las Vegas, NV 89129
Attorneys for Respondents
GEORGINA STUART and CLARK
COUNTY, NEVADA

CERTIFICATE OF SERVICE

On the 24th day of September, 2020, the undersigned, an employee of Olson Cannon Gormley & Stoberski, hereby served a true copy of **RESPONDENTS' MOTION TO DISQUALIFY APPELLANT'S ATTORNEY** to the parties listed below via the EFP Program, pursuant to the Court's Electronic Filing Service Order (Administrative Order 14-2) effective June 1, 2014, and or emailed/mailed:

Emily McFarling, Esq.
MCFARLING LAW GROUP
6230 W. Desert Inn Road
Las Vegas, NV 89146
(702) 565-4335
Attorney for Appellant, Steve Eggleston

/s/ Erika Parker

An Employee of Olson Cannon Gormley & Stoberksi

EXHIBIT A



1 Steve Eggleston
2 Goose Hall, Bourne Farm, East Town Road
3 Pilton, England, Post Code: ba4 4nx
4 +44 7801 931682
5 PLAINTIFF, IN PRO PER

6
7 DISTRICT COURT
8 CLARK COUNTY, NEVADA
9

10 STEVE EGGLESTON,

11 Plaintiff,

12 -vs-

13 GEORGINA STUART; CLARK COUNTY,
14 NEVADA; LISA CALLAHAN; BRIAN
15 CALLAHAN; AND DOES 1 THROUGH 100,
16 INCLUSIVE,

17 Defendants.

CASE NO. A-16-748919-C
DEPT NO. VIII

FIRST AMENDED COMPLAINT
FOR CIVIL RIGHTS VIOLATIONS,
CHILD ABDUCTION,
CONSPIRACY,
DEFAMATION

18 JURISDICTION

19 1. At all relevant times, Plaintiff STEVE EGGLESTON (Plaintiff or "Eggleston") resided in
20 Clark County, Nevada, and was the natural father of two young boys, Minor Son 1 (now 6 years
21 of age), and Minor Son 2 (now 5 years of age) (collectively "the Eggleston Boys").

22 2. At all relevant times, unless otherwise alleged, Defendant GEORGINA STUART was an
23 individual employed by Defendant CLARK COUNTY, NEVADA, serving as a Senior Family
24 Services Specialist with the CLARK COUNTY DEPARTMENT OF FAMILY SERVICES,
25 CHILD SUPPORT SERVICES DIVISION. On information and belief, in partial response to the
26 allegations herein, she was transferred to a different position.

27 3. At all relevant times, Defendant CLARK COUNTY was a county in the State of Nevada.
28

1 4. On information and belief, at all relevant times, Defendants LISA CALLAHAN and
2 BRIAN CALLAHAN are individuals living in the State of Illinois in the greater Chicago area.

3 5. At all relevant times, Laura Battistella ("Battistella") was the natural mother of the
4 Eggleston Boys as well as four children from her previous marriage ("the Rodriguez Children"),
5 of which two were pre-teens ("the Rodriguez Pre-Teens") and two were teenagers ("the
6 Rodriguez Teens").

7 6. At all relevant times, until early January 2015, Eggleston and Battistella lived in the same
8 single-family dwelling ("the Family Home") in Clark County, Nevada, together with the
9 Eggleston Boys and some combination of the Rodriguez Children (first all four, then the oldest
10 departed to college, then the second oldest returned to Chicago to live with the Callahan
11 defendants).

12 FACTUAL ALLEGATIONS

13
14 7. On information and belief, in early December 2014, one of the teenage Rodriguez
15 Children visiting from the Chicago area called 911, reporting that her mother, Battistella, had
16 spoken words of suicidal ideation.

17 8. Thereafter, an emergency response team arrived at the Family Home and, on information
18 and belief, took Battistella to an emergency mental healthcare facility, where she was checked in
19 for suicide watch.

20 9. On information and belief, Battistella had no prior history of attempted suicide or suicidal
21 ideation. She later denied having any suicidal desires, saying her words were just a figure of
22 speech expressing her being upset.

23 10. On information and belief, thereafter Defendant GEORGINA STUART arrived at the
24 Family Home purportedly to conduct an investigation, though she did not tell Plaintiff the
25 purpose for her visit. It appeared to be a routine follow-up where minor children lived in the
26 home to ensure another adult was present.
27
28

1 11. On information and belief, no allegations of abuse or neglect were made to Defendant
2 GEORGIAN STUART, Defendant CLARK COUNTY, or any other County employee against
3 Plaintiff or as to the Eggleston Boys. At all relevant times, Plaintiff was led to believe Stuart's
4 visit was protocol following any mental healthcare response of a parent with children,

5 12. At all times, Plaintiff was a fit parent and fully capable of taking care of and raising sons,
6 the Eggleston Boys.

7 13. On or about Christmas eve, December 24, 2014, Defendant GEORGINA STUART
8 interviewed Plaintiff for a very short time in the Family Home. No suggestion of any kind was
9 made that any of the children were in any kind of danger, that there had been any abuse or
10 neglect of any of the children, that Plaintiff being investigated as being abusive or neglectful, or
11 that he ever had been or was unfit to have custody over and raise his sons.

12 14. Battistella was released on Christmas Day and returned to the Family Home, where the
13 remainder Plaintiff and the children were all present. Thereafter, on exact dates known to the
14 COUNTY and STUART defendants, and contained in their records, Defendant GEORGINA
15 STUART returned to the Family Home. At that time, Defendant GEORGINA STUART
16 appointed Plaintiff and the oldest Rodriguez child supervisory guardians of the children.
17 Plaintiff signed a document making this appointment official and defining his obligations, which
18 he at all times fulfilled. Further, no suggestion was ever made to Plaintiff that he had in any way
19 failed to fulfil his obligations under this appointment.
20

21 15. During the same visit, among other things, Defendant GEORGINA STUART asked
22 Plaintiff to take a baseline Drug and Alcohol test in the next few days, indicating it was part of
23 the established protocol. Plaintiff agreed and did so, and promptly thereafter, on information and
24 belief, Defendants GEORGINA STUART and CLARK COUNTY received delivery of
25 Plaintiff's test results showing he was not using or abusing alcohol or drugs.
26

27 16. Over the holidays and into the new year, Defendant GEORGINA STUART returned to
28 the Family Hone on several occasions. During one visit, she represented that she was involved

1 in a "brand new program" that was funding situations like that of the Eggleston-Battistella
2 family, that she had recommended the family for inclusion in the program, and that, if Plaintiff
3 and Battistella agreed to participate in the program, a team of professionals would help
4 accomplish the well-being of the family in light of Battistella's perceived condition. Defendant
5 GEORGINA STUART specifically asked Plaintiff if he was willing to participate, as he had
6 expressed to her that he was seriously considering the option of immediately moving from the
7 Family Home and taking the Eggleston Boys with him in light of everything that had transpired.

8 17. Plaintiff and Battistella counselled, ministered and considered Defendant GEORGINA
9 STUART's proposal, then agreed to accept it, committing to make best efforts to keep the family
10 together. Thereafter, they promptly informed Defendant GEORGINA STUART that they would
11 participate in the program. Whether and to what degree the program was a county, state or
12 private program is known to Defendant and, on information and belief, contained in records that
13 have never been disclosed or shown to Plaintiff.
14

15 18. Soon thereafter, Defendant GEORGINA STUART (a) informed Plaintiff that he and
16 Battistella had been approved for the program, (b) returned to the Family Home with a team of
17 professionals (about a half dozen in all) that would be working with them under the new
18 program, and (c) confirming expressly that they had been accepted into the program and would
19 be the first family to kick it off.

20 19. Oddly, on one visit, Defendant GEORGINA STUART pulled Plaintiff aside and
21 whispered to him words to the effect, "This is an important new project. A lot of money is
22 involved. Do not let us down." Plaintiff assured her that they would do their best. Thereafter,
23 Plaintiff expressly sought assurance from Defendant GEORGINA STUART that she was
24 authorized to admit them into the family program, that he could rely upon and make important
25 decisions based on her representations, to which she promptly replied that she had full authority
26 and they such reliance was warranted. At no time did she remotely suggest that further approval
27 by anyone would be required.
28

1 20. Defendant GEORGINA STUART then scheduled an appointment to start the program
2 with Plaintiff, Battistella, the Eggleston Boys and the minor Rodriguez children on or about
3 January 6, 2015, commencing with a meeting scheduled at the Family Home at about 1:00 pm, at
4 which the team previously introduced would begin their work. Toward this end, she indicated
5 she needed everyone to be home to meet the official team and establish protocols for going
6 forward. In this connection, over the holidays, Defendant LISA CALLAHAN, Battistella's
7 sister, had arrived from Indiana, or somewhere in the greater Chicago area, purportedly to assist
8 the family in their time of need over the holidays by helping watch the children and supporting
9 her sister.

10 21. During this time, there was no suggestion, mention or discussion of any kind with
11 Plaintiff that Defendant GEORGINA STUART or anyone else believed or had expressed the
12 belief that the children had been subject to any kind of neglect or abuse or were in imminent risk
13 thereof, or that Plaintiff was not a fit parent. Indeed, Plaintiff's youngest son had been in the
14 hospital for several days, having suffered from a burst appendix when the diagnosis was
15 originally missed by the first hospital to which he had been taken several times for an upset
16 stomach.

17 22. In the course of the foregoing visits, Defendant GEORGINA STUART represented that
18 Clark County would assist with their rent for January 2015 (over \$2000), and that Plaintiff would
19 count on (i.e., rely upon) that commitment in adjusting his December work schedule, so that
20 Plaintiff could be with the family during these hard times – with Battistella in rehabilitation and
21 his youngest son in the hospital - and concentrate on commencing the new program and making
22 it a success. Pursuant thereto, on January 2, 2015, Plaintiff sent this email to Defendant
23 GEORGINA STUART:

24 "Hi Georgina!

25 I'm checking in via email so you have my online information. It's listed below.
26
27
28

1 Laura said she attended AA yesterday and Lisa (who attended with her) says she did well.
2 Already I can hear in Laura the voice of the person I fell in love with and the mom the kids know
and love. It would be wonderful to have her back.

3 Little [youngest son] is struggling [because of his burst appendix], which is a complicating
emotional layer, but [oldest daughter] and Laura have stayed at the hospital with him
4 throughout. I visit and hold his hand once or twice a day, while trying to keep the battleship
Egglestella (as we call it - Eggleston / Battistella, Laura's maiden name) afloat. [Youngest son] is
5 daddy's man.

6 Laura confirmed a few minutes ago she's planning to get her Baseline test today, and I'm
planning to do the same when I visit [my youngest son] and am on that side of town later today.
7 We are limited of course by having one car between me, Laura, [and the two teenage girls who
are visiting for the holidays]. At least Lisa has a rental and has been able to take the kids the last
8 two nights.

9 I wanted to confirm that a rent check will be arriving at the house today. It should be made
10 payable to [name of the landlord], who owns the house and is our landlord. We deposit the
check directly into his account at Bank of America. Sometimes he asks us to deposit cash, but he
11 has not done so this month.

12 You indicated the check (amount \$2035) will be delivered to the house today. Can you possibly
13 let me know what time the delivery will arrive so I can be sure to be here to receive it? If by
chance no one is here, can it be left under the mat at the front door? Let me know if there's a
14 protocol to follow.

15 Your involvement and the new program are a Godsend. Thank you.

16 Sincerely, Steve."

17
18 23. On January 5, 2015, Plaintiff emailed Defendant GEORGINA STUART as follows,
19 confirming delivery of the information she had requested pursuant to the program:

20 "Hi Georgina!

21 I'm attaching the following:

- 22 1. My bank statement for the last 90 days.
- 23 2. My pay stub for teaching at Sanford Brown College - IADT. I get this every 2 weeks but not
for the holidays as the students are off and I only get paid for classes taught. This will renew
24 mid-month in January, as classes start again this week (I teach 8 hours Tuesdays and Thursdays
this term.)
- 25 4. Receipts showing rent payments for Sept-Nov 2014. I could not find the Dec receipt and must
have misplaced it in all the chaos. It was paid, however, and it was paid on time.
- 26 5. A large wire transfer from 7/18 showing I do get paid in chunks on the management side of
my business from time to time.
- 27 6. A current artist contract for [artist] for \$3,000. He could only pay \$1000 in December (which
went toward bills and auto repair) but despite its language the second payment will not be here
28 until the 3rd or 4th week of January due to cash flow issues on his end.

1 Also, I have an annual contract with [another artist] for \$5,000 which he says he will renew on
2 2/1. He has the option of paying it over the next 6 months, or in a discounted lump sum of
3 \$4,000, which is how he paid last year. That is probable to occur, so by mid-January we should
4 be back on our feet beginning with my teaching check.

5 Laura's contribution is \$300 more or less every two weeks (she's at the hospital and thus far I've
6 been unable to find her stubs), for a total of \$600 more or less, plus daily tips of \$20-40 (she
7 works 4 days per week, 30 hours per week total).

8 I have printed hard copies that I'll give to you at our meeting. Steve."

9 24. Later that same day, Plaintiff emailed Defendant GEORGINA STUART again:

10 "I found this Chase bank statement for Laura showing direct deposits on this card (she does not
11 have an actual account, just a debit card for direct payment), of \$381 on 9/23 and \$356 on 10/7.

12 This is typical of each month except of course this December 2014. Steve."

13 25. On or about January 6, 2015, the very morning of the scheduled first meeting of the first
14 day of the program, Plaintiff sent yet another email to Defendant GEORGINA STUART:

15 "Hi Georgina, here's my address (texted as well): Sanford Brown College/IADT, 2495 Village
16 View Drive, Henderson, NV 89074. They can leave it under my name at the front desk, or call
17 me at 702-772-3286 and I'll come down. Thanks! Steve."

18 26. On or about the afternoon of January 6, 2015, at about 1:00 p.m., Plaintiff and Battistella
19 were at the family house as scheduled and waiting anxiously for Defendant GEORGIAN
20 STUART to arrive with her team to kick off the new program and help them keep the family
21 together. Instead, here's what happened:

22 (a) Defendant GEORGINA STUART arrived at the Family Home with two armed
23 police officers wearing highly visible, HIP-holster guns, Defendant LISA CALLAHAN and
24 several other people whose role and reason for being there was not defined. On information and
25 belief, this was not the team who visited earlier or who had been previously selected to help the
26 family.

27 (b) Defendant GEORGINA STUART, policemen at her side, entered the Family
28 Home and announced to Plaintiff and Battistella in these words or words to this effect: "Either

1 you sign temporary guardianship of all the children over to Lisa *right now* or the police are
2 taking your children into custody *right now* and you will *never* see them again.”

3 (c) Battistella, after the import of the words set in, started screaming and crying and
4 ran into the back yard, utterly devastated, followed by one of the policemen as the other
5 policeman stood sentry at the back store, blocking any exit, with his hand on his pistol indicating
6 he was prepared to draw and use it at a moment's notice.

7 (d) The announcement came as a total shock. When Plaintiff asked what happened to
8 the program, Defendant GEORGINA STUART indicated the family would not be participating
9 in the program. She stated that her supervisory had overridden her decision at the last moment.
10 No further explanation was given, the family was not put into the program, and no rental
11 assistance was provided. No was any explanation given as to why the program had anything to
12 do with Plaintiff's continued custody of his sons.
13

14 (e) On information and believe, and as more specifically alleged in the Second Cause
15 of Action, Defendants GEORGINA STUART, LISA CALLAHAN, and others had conspired to
16 cause the abduction of the Eggleston boys without probably cause in and violation of the civil
17 rights of Plaintiff and each of his sons, as evidenced, inter alia, by presenting temporary
18 guardianship papers that Plaintiff was told to sign or else face the permanent taking and removal
19 of his sons.

20 (f) As Battistella screamed in the background, Defendant GEORGINA STUART and
21 one or both of the police officers (depending on the exact moment, as it was in the manner of a
22 tag team) repeatedly threatened Plaintiff with the immediate removal of his children if he did not
23 sign “now.” This happened even after Plaintiff stated that he needed to call his family law
24 attorney, specialist Emily McFarling, Esq., “right now.” One police officer repeated several
25 times that Plaintiff did not have time to call anyone, that “you need to sign right now or your
26 children will be taken,” or words to this effect, all the while with the heel of his hand on his butt
27 of his pistol.
28

1 (g) Notwithstanding the authorities intimidating him, Plaintiff excused himself to his
2 home office, where he was able to reach his attorney, Emily McFarling, Esq., on his mobile, and
3 then insist that Defendant GEORGINA STUART talk to her, which she did. On information and
4 belief, during this conversation, Defendant GEORGINA STUART expressly represented to
5 Attorney McFarling that, if Plaintiff signed the temporary guardianship papers, so as to allow
6 time to get Battistella out of the house and into a resident treatment program, the Eggleston Boys
7 would be returned to him in several days.

8 (h) Though under coercion and duress, Plaintiff pulled Defendant LISA CALLAHAN
9 aside to his home office to discuss the potential temporary guardianship. At that time, Plaintiff
10 expressly informed Defendant LISA CALLAHAN that he was signing under coercion and duress
11 and that she had no permission to remove the Eggleston Boys – not from the Family Home, not
12 from the County and not from the State of Nevada. She stated she understood.

13 (i) Soon thereafter, Plaintiff and Battistella, accompanied by Defendant LISA
14 CALLAHAN, signed a previously-prepared temporary guardianship form in front of nearby
15 notary in order to prevent the police from removing the children “right now” and causing him to
16 never see the Eggleston Boys again. This document was signed under duress by Plaintiff and
17 never, to his information and belief, signed by the CALLAHAN Defendants.

18 (j) Within the hour, the Family Home was empty, except for Plaintiff. Everyone was
19 gone, and he was standing there alone, his boys taken and his life in shambles.

20 (k) All of her belongings left behind, Battistella never returned to the Family Home.
21 On information and belief, she was put on a plane to Colorado to stay with her Aunt and her
22 whereabouts were secreted from Plaintiff. As a result, Plaintiff would not learn for weeks that
23 Battistella had been permanently relocated, leaving Plaintiff to handle all the bills and
24 maintenance and somehow carry on.

25 (l) Despite her assurance to the contrary, Defendant LISA CALLAHAN abducted
26 and removed the Eggleston Boys from the county and the state and, on information and belief,
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1 together with Defendant Brian Callahan, hide them at their apartment in Indiana (or the greater
2 Chicago area), neither contacting Plaintiff nor disclosing the whereabouts or condition of the
3 Eggleston Boys to him.

4 (m) On information and belief, neither Defendant LISA CALLAHAN nor Defendant
5 BRIAN CALLAHAN ever signed or notarized the temporary guardianship document as required
6 by the legal recitations on the document and as required by Nevada law, such that the
7 guardianship document was *void ab initio* and never took legal effect, separate and apart from
8 and in addition to the duress, coercion and fraud previously described.

9 (n) At all times, on information and belief, the removal of the Eggleston Boys
10 constituted an unlawful and malicious abduction, on one level no different in import than a child
11 kidnapping by a total stranger.

12 (o) At all times, on information and belief, the actions of Defendant GEORGINA
13 STUART, Defendant CLARK COUNTY, and the police constituted a de facto custodial taking
14 of the Eggleston Boys, triggering all the constitutional and legal rights that would be triggered
15 had the police taken the boys into direct custody and whisked them away in the back of their
16 police cars.

17 (p) Several weeks later, Plaintiff's attorney, Emily McFarling, Esq., spoke to
18 Defendant GEORGINA STUART by phone over the status of her investigation and the return of
19 the Eggleston Boys. Among other things, Defendant GEORGINA STUART represented to
20 McFarling that she had no objection to Plaintiff resuming immediate custody of the Eggleston
21 Boys, and expressly confirmed that no Report of abuse or neglect would be issued against
22 Plaintiff, indicating expressly that the "file would soon be closed."

23 (q) After speaking to Defendant Georgian Stuart, Attorney McFarling served the
24 Callahan Defendants with notice of objection to the abduction of the Eggleston Boys and
25 expressly revoked any temporary guardianship of the Boys, as expressly allowed by statute even
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1 if the document had been properly and voluntarily signed and notarized by all parties, which it
2 was not, as previously alleged.

3 (r) On information and belief, in contravention of her representations to Attorney
4 McFarling, and as further alleged in the Second Cause of Action, Defendant GEORGINA
5 STUART and other DOE Defendants, in furtherance of the conspiracy, caused to issue a false
6 report that Plaintiff had subjected the children to abuse or neglect or imminent threat thereof, a
7 so-called failure to protect, when in fact he was at all times a fit parent and such report was not
8 warranted or justified on any grounds, among them, to wit:

9 (1) Defendant GEORGINA STUART never inquired of Plaintiff about his fitness as a
10 parent, and never suggested to him that his children were subject to allegations of abuse or
11 neglect by anyone, much less him or his failure to protect them against others;

12 (2) Defendant GEORGINA STUART never contacted or spoke to any person with
13 actual personal knowledge of the manner in which the children were being raised and taken care
14 of, including neighbors who entrusted their children with Plaintiff and Battistella, friends and
15 clients;

16 (3) Defendant GEORGINA STUART never contacted the doctors for any of the
17 children, which doctors would have told her that there was no history and no signs of anything
18 abnormal for any of the children, as indeed there wasn't;

19 (4) Defendant GEORGINA STUART never contacted any of the teachers or child
20 care minders who taught and watched the children regularly, which individuals would have
21 indicated no problems of abuse or neglect with the children; and

22 (5) Defendant GEORGINA STUART did no due diligence on Plaintiff, his
23 accomplishments and capabilities, nor Defendants LISA or BRIAN CALLAHAN, including
24 inquiry into potential elder abuse or neglect by Defendant LISA CALLAHAN, of her own
25 mother and failure to properly raise her own teenage daughter.
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1 (s) Unbeknown to Plaintiff at the time of filing, on information and belief, several
2 months later the CALLAHAN Defendants secretly filed a legal action for guardianship of the
3 Eggleston Boys in an Illinois state court, falsely and fraudulently representing among other
4 things that Plaintiff and Battistella had consented to her temporary guardianship, that she had
5 custody of the children with the approval, consent, and blessing of Defendants GEORGINA
6 STUART and CLARK COUNTY, that the temporary guardianship was legal and valid, and that
7 Plaintiff had been determined by Defendants GEORGINA STUART and CLARK COUNTY to
8 be unfit as a parent.

9 (t) Not knowing of the above filing at the time, as he had not been notified of the
10 proceedings, named or served, Plaintiff filed for paternity, physical and legal custody of the
11 Eggleston Boys in Clark County District Court, the only proper forum for jurisdiction of the
12 custody of the Eggleston Boys, and obtained an Order confirming paternity, determining Plaintiff
13 was a fit father, and awarding him full legal and physical custody of the Boys ("Custody Order").
14

15 (u) Plaintiff, through legal counsel McFarling and directly, promptly served that
16 Custody, Paternity and Fitness Order on the CALLAHAN Defendants and repeatedly demanded
17 return of the Eggleston Boys. This demand was ignored. The Boys were never returned.

18 (v) From the time the Eggleston Boys were abducted on or about January 6, 2015,
19 Plaintiff has been allowed to see his sons only once, for about 30 minutes, at a hearing in Will
20 County, Illinois, which had been initially concealed from him by the CALLAHAN Defendants
21 but which had been revealed to Battistella by one of her minor daughters when Battistella had
22 been flown there to visit her children for Mother's Day 2015.

23 (w) Except for that one occasion, on information and belief, the CALLAHAN
24 Defendants, aided, abetted and assisted by Defendants GEORGINA STUART and CLARK
25 COUNTY, as well as family members and others whose names and involvement are not
26 currently known, in abducting, concealing, and exercising custody of the Eggleston Boys to the
27 wrongful and unlawful exclusion of Plaintiff, their father, without legal or moral cause, in
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1 violation of the federal and state Constitutions, civil laws, criminal laws, Plaintiff's fundamental
2 right as a father and parent, the Eggleston Boys' fundamental rights as children, Plaintiff's Civil
3 Rights, and the aforesaid Clark County Court Custody Order.

4 (x) Though the CALLAHAN Defendants allowed Plaintiff occasional weekly phone
5 calls with the Eggleston Boys beginning in the summer of 2015, Plaintiff was cut off without
6 justification or any explanation of any kind in January 2016. Plaintiff has not heard from, talked
7 to, or seen his sons since that time, the last statement being made to him by his oldest son, "dad,
8 do you remember the good old days?" That was about twenty months ago from the date of this
9 First Amended Complaint.

10 FIRST CAUSE OF ACTION

11 (Civil Rights – Violation of 42 U.S.C. section 1983 – Defendants GEORGINA STUART,
12 CLARK COUNTY, and Does 1 through 60, inclusive)

13 27. Plaintiff incorporates by reference as if set forth herein all previous allegations.

14 28. On information and belief, at all times relevant to this Cause of Action, Defendant
15 CLARK COUNTY exercised power possessed by virtue of state law and Defendant
16 GEORGINA STUART, as an employee of Defendant CLARK COUNTY, acted under color of
17 state law.

18 29. On information and belief, at all times relevant to this Cause of Action, the conduct
19 alleged herein by Defendant CLARK COUNTY and Defendant GEORGINA STUART resulted
20 from actions taken on the part of a government entity that implemented or executed a policy
21 statement, ordinance, regulation, or decision officially adopted and promulgated by that body's
22 officers, or the result of the entity's custom, the custom and policy being a moving force behind
23 the deprivation of Plaintiff's rights, damages and request for relief alleged herein, including but
24 not limited to the following:

25 (a) With indifference to an obvious need, and knowing this indifference would likely
26 result in a CLARK COUNTY employee making a wrong decision, with regard to the actions
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1 alleged herein, Defendant CLARK COUNTY failed to train its employees on responses to
2 suicide ideation, situations where one parent was allegedly unfit and one parent was fit to be a
3 parent over young children, and/or situations where two unmarried parents lived together with
4 children from different parents, the one living at the home being fit, among other things;

5 (b) At no time was neglect of, abuse of, or failure to protect the Eggleston boys made,
6 such that Defendant CLARK COUNTY and Defendant GEORGINA STUART fabricated and
7 made up the existence of the making of such a report to justify their wrongful, illegal and
8 unconstitutional actions as alleged herein;

9 (c) Defendant CLARK COUNTY and Defendant GEORGINA STUART failed to
10 disclose and explain any allegations or reports of child abuse or neglect to Plaintiff, and/or
11 alleged failure to protect, thereby depriving him of notice and any fair opportunity to respond
12 and provide convincing, irrefutable evidence that he was a fit parent, in addition to the evidence
13 thereof already in their custody;

14 (d) Defendant CLARK COUNTY and Defendant GEORGINA STUART failed to
15 properly investigate any such allegations or report, including but not limited to:

16 (1) failing to properly and competently interview Plaintiff as to Plaintiff's fitness
17 as a parent and the fact the Eggleston Boys were never subject to abuse or neglect or under
18 imminent threat thereof (e.g., Defendant GEORGINA STUART interviewed Plaintiff only once,
19 for approximately 15 minutes the day before Christmas while she was in a big hurry to leave,
20 interviewed Plaintiff only about Battistella's condition and not the children, and never once
21 suggested Plaintiff was unfit as a parent or that any of the children were subject to abuse or
22 neglect or under imminent threat thereof; and other material witnesses which she made no effort
23 to even contact);

24 (2) failing to contact material witnesses as to the ongoing proper care received by
25 the Rodriguez children and the Eggleston Boys over the preceding days, months, and years (and
26 corresponding utter and total lack of abuse or neglect), including neighbors who customarily
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1 entrusted their children with Plaintiff and Battistella (and vice-versa), family friends who visited
2 the house, teachers and parents of students from the school attended by the Rodriguez children,
3 and doctors who saw and treated all of the children (there never, ever being any documentation
4 or suggestion of abuse or neglect by any of them);

5 (3) failing to conduct any due diligence as to the significant unfitness as
6 custodians of the Callahan Defendants to whom Plaintiff was coerced to give custody of the
7 Eggleston Boys under threat of unlawful removal (e.g., strong evidence exists that Defendant
8 Lisa Callahan committed elder abuse of her mother when she was suffering from Alzheimer's
9 disease, that she evidenced significant irresponsibility in managing her mother's care, and that
10 she had made clearly inappropriate decisions adversely affecting her mother's health and well-
11 being, and that she had raised her only daughter with such little guidance and care that she
12 became pregnant as a teenager from an alleged gangbanger).

13 (c) Defendant GEORGINA STUART concealed material facts about her
14 investigation and intentions from Plaintiff, with the purpose of depriving him of the opportunity
15 and ability to protect his fundamental parental rights and protect the Eggleston Boys from
16 wrongful removal, all as part of an ongoing custom and practice of abusing her power and
17 authority and taking actions designed, not to advance the best interests of parents, children and
18 families, but rather, to enhance the budgets and monetary allocations to Defendant CLARK
19 COUNTY, i.e., Defendants CLARK COUNTY and Defendant Stuart put budget money and their
20 own job security over the health and welfare of families and children;

21 (f) After misleading Plaintiff, Defendant GEORGINA STUART implemented an
22 "Ambush Strategy," as alleged above, complete with law enforcement officers looking ready to
23 draw their guns, with the purpose of depriving him of the opportunity and ability to protect his
24 fundamental parental rights and protect the Eggleston Boys from wrongful removal, all as part of
25 an ongoing custom and practice of abusing her power and authority and taking actions designed,
26 not to advance the best interests of parents, children and families, but rather, to enhance the
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1 budgets and monetary allocations to Defendant CLARK COUNTY, i.e., Defendants CLARK
2 COUNTY and Defendant Stuart put budget money and their own job security over the health and
3 welfare of families and children;

4 (g) Defendant Georgian Stuart misrepresented her authority to offer and promise
5 Plaintiff rent assistance and enter into the program with Plaintiff and Battistella by, among other
6 things, falsely representing to Plaintiff that she had the authority both to commit the rental funds
7 and put them in the new program (e.g., Plaintiff specifically asked Stuart if she had the authority
8 to make these representations, to which she said she did, asked her if a Supervisor needed to
9 approve it, to which she said he/she did not, and reaffirmed that he could rely on her since he
10 was turning down work to help watch the children, to which she said he could);

11 (h) On information and belief, on the night of January 5, 2015, Defendant GEORGINA
12 STUART's Supervisor overrode her promises and agreement to provide Plaintiff rental
13 assistance and enter them into the new program, causing Stuart to take actions designed to cover
14 up her misrepresentations and misdeeds and abuse her power and authority and take actions
15 designed, not to advance the best interests of parents, children and families, but rather, to
16 enhance the budgets and monetary allocations to Defendant CLARK COUNTY, and to protect
17 the funding of the new program and, therefore, the jobs and entitlements of both herself and her
18 Supervisor in times of state and county budgetary pressure and crisis;

19 (i) On information and belief, scrambling to cover her tracks and/or those of here
20 Supervisor, to protect the new program and to avoid potential legal liability, among other things
21 known to the CLARK COUNTY and Stuart Defendants, Defendant GEORGINA STUART
22 decided to execute the "Ambush Plan" plan to cover-up her misfeasance and malfeasance in
23 handling the situation, knowing in most cases the "Ambush Plan" would crush the family
24 emotionally and financially and thus render them unable to protect their legal rights or those of
25 the children in question, whose rights, health, and well-being would be substantially and
26 permanently injured;

1 (j) On information and belief, Defendants CLARK COUNTY and Stuart employed a
2 known, unconstitutional method of coercing parents into signing over temporary custody to third
3 parties when removing the children was not warranted or justified, so as to cover their tracks,
4 accomplish unconstitutionally and illegally what could not be accomplished constitutionally and
5 legally, all as part of an ongoing custom and practice of abusing power and authority and taking
6 actions designed, not to advance the best interests of parents, children and families, but rather, to
7 enhance the budgets and monetary allocations to Defendant CLARK COUNTY in difficult
8 financial times, i.e., Defendants CLARK COUNTY and Defendant Stuart put budget money and
9 their own job security over the health and welfare of families and children;

10 (k) On information and belief, on or about January 6, 2016, Defendant CLARK
11 COUNTY and Defendant GEORGINA STUART exercised custody over the Eggleston boys,
12 used the power and intimidation of Clark County police officers to carry out their plan and
13 scheme, and otherwise coerced Plaintiff into involuntarily signing a guardianship document
14 making the Callahan Defendants guardians of the Eggleston boys, without any just or probably
15 cause, exigent circumstances, emergency or other valid constitutional and legal reason, other
16 than an abuse of power and Plaintiff's rights, including fundamental parental rights, as alleged
17 herein; and

18 (l) On information and belief, Defendant CLARK COUNTY and Defendant Georgian
19 Stuart issued and/or caused to be issued a written report against Plaintiff accusing him of neglect,
20 abuse and/or failure to protect the Rodriguez children, over whom he didn't even have custody,
21 and Eggleston boys, over whom he did, said report containing false, fraudulent and misleading
22 allegations against Plaintiff and drawing conclusions not warranted or justified by the allegations
23 made.
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25
26 30. On information and belief, as a legal and proximate result of the foregoing, Plaintiff was
27 denied his fundamental, constitutional right of parenthood and fatherhood, has been irreparably
28 damaged by the deprivation of raising his sons and sharing their love and joy, experienced

1 extreme and severe pain, suffering, and bodily injury (including loss of sleep, nightmares,
2 headaches, etc.), suffered extreme and severe emotional distress, incurred substantial financial
3 losses and injuries, and such other and further injury and damages according to proof but which
4 exceed the jurisdictional minimum of this court.

5 31. On information and belief, said Defendants acted with fraud, oppression, malice and a
6 malignant heart in violating Plaintiff's rights, abusing its position of public trust, permanently
7 scarring the Eggleston Boys, including callously depriving them of their love and familiar
8 relationship with their father, and undermining the proper working of a free and democratic
9 country.

10 Accordingly, Plaintiff prays for relief as hereinafter set forth.

11 SECOND CAUSE OF ACTION

12 (Civil Rights – Conspiracy, Aiding and Abetting Violation of 42 U.S.C. section 1983 – All

13 Named Defendants and Does 1 through 50, inclusive)

14
15 32. Plaintiff incorporates by reference as if set forth herein all previous allegations, including
16 specifically those set forth in paragraph 29(a) through (l), inclusive, of the FIRST CAUSE OF
17 ACTION.

18 33. On information and belief, on the days leading up to January 6, 2015, and prior to the
19 aforesaid abduction of the Eggleston Boys, Defendant GEORGINA STUART met repeatedly in
20 person, spoke by phone, and/or communicated via email, SMS text and other online media, with
21 other employees of Defendant CLARK COUNTY and DOES 1 through 10, inclusive, about
22 Plaintiff, the Eggleston boys, Battistella, The Rodriguez children, and the CALLAHAN
23 Defendants, and by and through these contacts, planned and plotted the details of how, among
24 other things, the Eggleston Boys would be abducted and removed from Plaintiff's custody
25 unlawfully and in violation of his civil rights and theirs, including but not limited to the aforesaid
26 "Ambush Plan," the engagement of policeman wearing weapons, the use and preparation of the
27 aforesaid temporary custody forms, the unlawful threats and coercion that would be made, the
28

1 lies and misrepresentations that would be told, and the unlawful removal of the Eggleston Boys
2 from Clark County and the State of Nevada over Plaintiff's presumed objection ("the Planned
3 Abduction").

4 34. On information and belief, also on the days leading up to January 6, 2015, and prior to
5 the aforesaid abduction of the Eggleston Boys, Defendant GEORGINA STUART met repeatedly
6 in person, spoke by phone, and/or communicated via email, SMS text and other online media,
7 with the CALLAHAN Defendants and DOES 11 through 20, inclusive, about Plaintiff, the
8 Eggleston boys, Battistella, The Rodriguez children, the Ambush Plan, and the Planned
9 Abduction, and by and through these contacts, planned and plotted the details of how, among
10 other things, the Eggleston Boys would be abducted and removed from Plaintiff's custody
11 unlawfully and in violation of his civil rights and theirs, including but not limited to the aforesaid
12 "Ambush Plan," the engagement of policeman wearing weapons, the use and preparation of the
13 aforesaid temporary custody forms, the unlawful threats and coercion that would be made, the
14 lies and misrepresentations that would be told, and the unlawful removal of the Eggleston Boys
15 from Clark County and the State of Nevada over Plaintiff's presumed objection ("the Planned
16 Abduction").

17 35. On information and belief, as a result of the aforesaid contacts, Ambush Plan and Planned
18 Abduction, among other things, Defendants GEORGINA STUART, CLARK COUNTY, Lisa
19 Callahan, Brian Callahan, and Does 1 through 60, inclusive, conspired, agreed among
20 themselves, assisted, aided and/or abetted each other in causing, carrying out, implementing,
21 and/or accomplishing, by wrongful deed, fraud, cover-up and/or otherwise, the allegations of
22 wrongdoing and omission alleged in the First Cause of Action, including but not limited to,
23 execution on January 6, 2017, at the Family Home of the aforesaid "Ambush Plan," the
24 engagement of policeman wearing weapons, the use and preparation of the aforesaid temporary
25 custody forms, the threats that would be made, the lies and misrepresentations that would be told,
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1 and the unlawful removal of the Eggleston Boys from Clark County and the State of Nevada
2 over Plaintiff's presumed objection ("the Planned Abduction").

3 36. On information and belief, pursuant to the aforesaid conspiracy, aiding and abetting,
4 and/or joint venture, on January 6, 2015, and on repeated occasions thereafter, the exact times,
5 places, means and dates all known to Defendants and contained in their records, the following
6 acts and/or omissions took place as regards the violation of Plaintiff's civil rights and those of his
7 sons:

8 (a) the Eggleston boys were abducted, removed from Plaintiff's custody and taken
9 from the State as previously alleged;

10 (b) Plaintiff was not given notice of or provided a prompt due process hearing as
11 required by Nevada law, the Nevada Constitution, federal civil rights and other laws or the
12 federal Constitution;

13 (c) A false report or reports would be and was issued that falsely characterised
14 Plaintiff as an unfit parent and/or as abusing and/or neglecting his sons, which report would be
15 and was used to justify the removal of his sons, denial of custody of his sons by others, and
16 denial of visitation and contact with his sons;

17 (d) Use of the aforesaid false reports would be combined with false and misleading
18 files and materials never disclosed to Plaintiff, as well as ongoing contacts via phone, email, and
19 other online media, to create the false and misleading impression that grounds existed for the
20 exercise by other courts of so-called emergency guardianship jurisdiction (despite the lack of any
21 emergency or grounds therefor);

22 (f) Plaintiff would not be and was not provided constitutional notice of any charges
23 or reasonable cause for the forced removal and abduction of his sons, nor given an opportunity to
24 dispute those charges or allegations, call witnesses to disprove them, or otherwise receive
25 substantive or procedural due process;

1 (g) Despite Plaintiff's repeated requests, the files, records, alleged evidence, and
2 purported witnesses, if any, supporting the Defendants' actions, omissions, and conspiracy, as
3 alleged, were concealed, altered, destroyed, and/or not provided to Plaintiff in violation of
4 federal and state law and the federal and state Constitutions;

5 (h) Plaintiff would be and was defamed, branded and deemed unfit as a parent for his
6 sons despite being found fit and awarded full legal and physical custody of his sons by a Nevada
7 District Court judge; and

8 (i) The concealed information and alleged evidence against Plaintiff would be shared
9 with other government officials, courts, judges and others so as to prejudice and harm Plaintiff's
10 rights of liberty, due process, parenthood, privacy and custody of his boys.

11 36. On information and belief, as a legal and proximate result of the foregoing, Plaintiff was
12 denied his fundamental, constitutional right of parenthood and fatherhood, has been irreparably
13 damaged by the deprivation of raising his sons and sharing their love and joy, experienced
14 extreme and severe pain, suffering, and bodily injury (including loss of sleep, nightmares,
15 headaches, etc.), suffered extreme and severe emotional distress, incurred substantial financial
16 losses and injuries, and such other and further injury and damages according to proof but which
17 exceed the jurisdictional minimum of this court.

18 37. On information and belief, said Defendants acted with fraud, oppression, malice and a
19 malignant heart in violating Plaintiff's rights, abusing its position of public trust, permanently
20 scarring the Eggleston Boys, including callously depriving them of their love and familiar
21 relationship with their father, and undermining the proper working of a free and democratic
22 country.

23 Accordingly, Plaintiff prays for relief as hereinafter set forth.

24
25 THIRD CAUSE OF ACTION

26 (Intentional Infliction of Emotional Distress – All Named Defendants and Does 40 through 100,
27 inclusive)
28

1 38. Plaintiff incorporates by reference as if set forth herein all previous allegations.

2 39. On information and belief, the conduct, actions and omissions of Defendants, and each of
3 them, as alleged herein, were and are outside all possible bounds of human decency, were and
4 are utterly intolerable in a free, democratic and civilized community, were and are extreme and
5 outrageous conduct committed with the intention of, or with reckless disregard for, inflicting
6 extreme and severe mental emotional distress on Plaintiff and the Eggleston Boys, which
7 behavior actually and/or proximately caused Plaintiff to suffer the injuries and damages alleged
8 herein.

9 40. On information and belief, as a legal and proximate result of the foregoing, Plaintiff was
10 denied his fundamental, constitutional right of parenthood and fatherhood, has been irreparably
11 damaged by the deprivation of raising his sons and sharing their love and joy, experienced
12 extreme and severe pain, suffering, and bodily injury (including loss of sleep, nightmares,
13 headaches, etc.), suffered extreme and severe emotional distress manifesting itself in physical
14 and bodily injury, incurred substantial financial losses and injuries, and such other and further
15 injury and damages according to proof but which exceed the jurisdictional minimum of this
16 court.

17
18 41. On information and belief, said Defendants acted with fraud, oppression, malice and a
19 malignant heart in violating Plaintiff's rights, abusing its position of public trust, permanently
20 scarring the Eggleston Boys, including callously depriving them of their love and familiar
21 relationship with their father, and undermining the proper working of a free and democratic
22 country.

23 Accordingly, Plaintiff prays for relief as hereinafter set forth.

24
25 FOURTH CAUSE OF ACTION

26 (Defamation, Libel & Slander – Against All Named Defendants Except Defendant Brian
27 Callahan, and Does 25 – 75, inclusive)

28 42. Plaintiff incorporates by reference as if set forth herein all previous allegations.

1 43. On information and belief, Defendants CLARK COUNTY, GEORGINA STUART, and
2 Does 25 – 50, inclusive, on specific dates known to them within the last two years, made verbal
3 and written statements of and concerning Plaintiff:

- 4 (a) That he was an unfit parent;
5 (b) That he had neglected the Eggleston boys and other children;
6 (c) That he had abused the Eggleston boys and other children; and
7 (d) That he had failed to protect the Eggleston boys from the actions of others,
8 including, specifically, their mother.

9 44. On information and belief, Defendant Lisa Callahan and Does 45 – 75, inclusive, on
10 specific dates known to them within the last two years, made verbal statements of and
11 concerning Plaintiff:

- 12 (a) That he was an unfit parent;
13 (b) That he had neglected the Eggleston boys and other children;
14 (c) That he had abused the Eggleston boys and other children; and
15 (d) That he had failed to protect the Eggleston boys from the actions of others,
16 including, specifically, their mother.

17 45. The aforesaid statements were false and known to be false by each of the charged
18 defendants, were published to third parties who understood them to be of and concerning
19 Plaintiff and who understood them to be derogatory of his character.

20 46. On information and belief, the aforesaid statements were not privileged as to all
21 Defendants in that they were made with malice.

22 47. On information and belief, the aforesaid statements were not privileged as to Defendant
23 Lisa Callahan and Does 45 – 75, inclusive, in that they were made as part of a pattern and
24 practice of unconstitutional actions and inactions, were made to defraud Plaintiff and cover up
25 illegal and unconstitutional behaviour, and were outside any routine privileged statements.
26
27
28

1 48. On information and belief, as a legal and proximate result of the foregoing, Plaintiff was
2 denied his fundamental, constitutional right of parenthood and fatherhood, has been irreparably
3 damaged by the deprivation of raising his sons and sharing their love and joy, experienced
4 extreme and severe pain, suffering, and bodily injury (including loss of sleep, nightmares,
5 headaches, etc.), suffered extreme and severe emotional distress manifesting itself in physical
6 and bodily injury, suffered actual financial damages, and incurred substantial financial losses and
7 injuries, and such other and further injury and damages according to proof but which exceed the
8 jurisdictional minimum of this court.

9 49. On information and belief, said Defendants acted with fraud, oppression, malice and a
10 malignant heart in violating Plaintiff's rights, abusing its position of public trust, permanently
11 scarring the Eggleston Boys, including callously depriving them of their love and familiar
12 relationship with their father, causing Plaintiff irreparable harm, and/or undermining the proper
13 working of a free and democratic country.

14 Accordingly, Plaintiff prays for relief as hereinafter set forth.

15 RELIEF REQUESTED

- 16
- 17 1. Compensatory damages in the sum of \$10 million or according to proof (and as
 - 18 circumscribed by the Court's order and Nevada law);
 - 19 2. Damage to Plaintiff's reputation in the sum of \$10 million or according to proof (as
 - 20 circumscribed by the Court's order and Nevada law);
 - 21 3. Punitive damages in the sum of \$50 million or according to proof (as circumscribed by
 - 22 the Court's order and Nevada law);
 - 23 4. Interlocutory and Permanent Injunctive relief, including but not limited to:
 - 24 a. Return of sole, permanent custody of the Eggleston Boys to Plaintiff forthwith;
 - 25 b. Bar of any contact by the Callahan Defendants or any of their family members of
 - 26 the Eggleston Boys except as, when and if expressly allowed by Plaintiff and/or
 - 27 Nevada courts;
 - 28

- 1 c. Correcting, Improving and Offering State of the Art CPS Training, Procedure and
2 Protocols for investigating suicide ideation scenarios, blended families with
3 children from different parents, unmarried parents living together with children
4 from different parents, and situations where one parent is allegedly not fit and one
5 parent clearly is fit, among other things;
- 6 d. Eliminating, banning and educating against the use of armed police officers,
7 threats of child removal, denial of counsel involvement, and other deceitful,
8 fraudulent, abusive and illegal actions used as subterfuges to remove children
9 from their parent or parents and circumvent the law, proper procedure and the
10 protections provided by the U.S. and Nevada Constitutionals for both parents and
11 children;
- 12 e. Eliminating, banning and educating against the use and issuance by CPS of false
13 and fraudulent alleged neglect and abuse reports to justify wrongful, deceitful
14 and/or unconstitutional actions previously taken to remove children and violate
15 parental/children's legal and constitutional rights;
- 16 f. Revising the appeals process for review of abuse reports to bring them in
17 compliance with the procedural and substantive due process rights of the parents,
18 custodians and children involved, including the requirement of due diligence in
19 collecting and analysing evidence or the lack thereof;
- 20 g. Banning any further child removal in Nevada County by Defendants GEORGINA
21 STUART and/or CLARK COUNTY until constitutional, lawful and proper
22 procedural due process, substantial due process and fair processes are put in place
23 for the investigation of alleged child abuse and neglect, the removal of children,
24 the use of armed police officers, the issuance of abuse and neglect reports, and the
25 timely appeal and/or challenge thereof, including policies of making evidence
26 available to the children's parent and guardian; and
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h. Any other injunctive relief that the court deems necessary and proper, given especially the allegations that evidence has been fraudulently falsified, concealed and misrepresented by the CLARK COUNTY defendants herein.

xxx
xxx
xxx
xxx

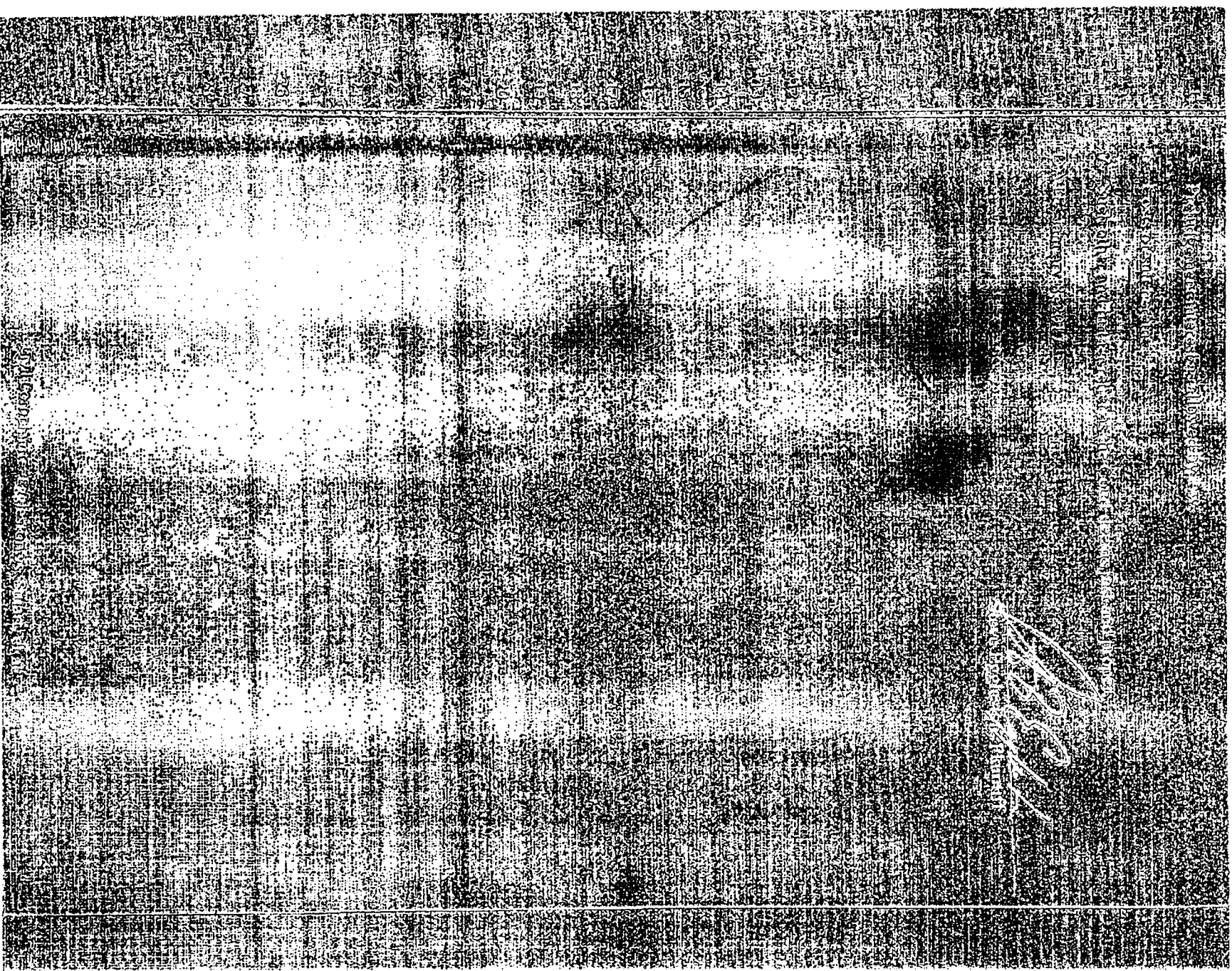


EXHIBIT B



CLARK COUNTY
DEPARTMENT OF FAMILY SERVICES
121 South Martin Luther King Blvd.
Las Vegas, Nevada 89106
(702) 455-5444

Received
FEB 18 2015
DFS Appeals

REQUEST FOR AGENCY APPEAL (DFS) OF SUBSTANTIATED
FINDING(S) OF ABUSE AND/OR NEGLECT

Person(s) Requesting Agency Appeal: Steven Eggleston
(Please Print)
Report Number Listed on Notification Letter: 1643346
Case Number Listed on Notification Letter: N/A 1362581 (12-23-14)
Date Listed on Notification Letter: February 2, 2015
Address of Person(s) Requesting Fair Hearing: C/O Emily McParling, Esq. 6230 W. Desert Inn Rd.
Las Vegas, NV 89146
Phone Number: (702) 565-4335
Name of Caseworker: Georgina Stuart

The reasons why you believe the finding(s) of abuse and/or neglect is incorrect:

I have not neglected or abused my children in any way, and am a fit and proper person to care for them
and have them in my custody. I am employed, and do not use drugs nor abuse alcohol.
Although my children's mother has used drugs and alcohol in the past few months, I never allowed her
to harm the children.

Additional information to support your claim (additional pages may be attached):

I understand that my children's mother may not be a fit and proper person to care for our children,
however, I do not understand why your findings are against me.

Signature

Date

Revised 7/25/10 BAD, 8/28/10 AMJ, 1/18/14 VM,
8/26/14 VM

6 of 6

14N
minor
minor

[Redacted]

G. Stuart

L. McLaugh

CDSB



**CLARK COUNTY
DEPARTMENT OF FAMILY SERVICES**

121 South Martin Luther King Blvd
Las Vegas, Nevada 89106
(702) 455-5444

Received
SEP 17 2015
DFS Appeals

REQUEST FOR FAIR HEARING OF AGENCY DECISION

Person(s) Requesting Fair Hearing: Steven Eggleston
(Please Print)

Report Number Listed on Notification Letter: 1643346

Case Number listed on Notification Letter: 1362581

Date Listed on Notification Letter: 08/27/15

Address of Person(s) Fair Hearing: C/O McFarling Law Group; 6230 W. Desert Inn Rd.
Las Vegas, NV 89146.

Phone Number: 702-565-4335

Name of Caseworker: Georgina Stuart

The reasons why you believe the agency decision is incorrect:

The facts do not support the panel's findings.

Additional information to support your claim:

The undersigned intends to call witnesses during the hearing. See witness list attached hereto.

Steven B. Eggleston
Signature

9/9/15
Date

EXHIBIT C



**CLARK COUNTY
DEPARTMENT OF FAMILY SERVICES**

121 South Martin Luther King Blvd
Las Vegas, Nevada 89106
(702) 455-5444

SUBSTANTIATION LETTER

February 2, 2015

Steven Eggelston
8962 Slippery Rock
Las Vegas, Nevada 89123

Report Number: 1643346

Dear Mr. Rodriguez:

On December 22, 2014, the Clark County Department of Family Services, Child Protective Services Division, received a report alleging Physical Injury Neglect, 14N Physical Risk of [REDACTED], [REDACTED], [REDACTED], and [REDACTED] minor son 1 [REDACTED]. Based upon the Division's investigation of the report, it has been determined there is credible evidence that Physical Injury Neglect, 14N Physical Risk as defined in NRS 432.B has occurred and has been substantiated.

Pursuant to NRS 432.B.310, the Division is required to submit identifying data to the State Central Registry for each investigation substantiated for abuse or neglect of a child.

If you have any questions about your case, please contact me at 702-455-7906.

Attached is the process you must follow in order to appeal the child maltreatment finding.

Sincerely,

GEORGINA STUART
Case Manager, Child Protective Services

Certified Mail Tracking Number

DISTRIBUTION:
Original to Client
File

Revised 7/23/10 SAD, 9/29/10 AMJ, 1/16/14 VM,
6/26/14 VM

1 of 6

COPY

Department of Family Services

121 S. Martin Luther King Blvd • Las Vegas NV 89106-4309
(702) 455-7200 • Fax (702) 385-2999 • Hotline (702) 399-0081

Tim Burch – Interim Director
Paula Hammack, Assistant Director • Michael Knight, Assistant Director

August 27, 2015

Emily McFarling, Esq.
6230W. Desert Inn Rd.
Las Vegas, NV 89146

Client: Steven Eggleston

Case No. 1362581
Report No. 1643346

Dear Emily McFarling, Esq.:

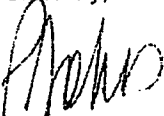
The DFS Internal Agency Appeals Committee has examined the case file, information provided by you and other pertinent documents related to the above report.

Please find enclosed the Review of Record and Finding of Substantiation of Child Abuse and/or Neglect.

The Panel has **UPHELD** the child maltreatment finding regarding, your client, Steven Eggleston. You have **15** calendar days from the date of the postmark of this letter to request, in writing, a Fair Hearing.

Please contact the Appeals Unit at 702-455-8160 or at DFSAppeals@ClarkCountyNV.gov if you have any questions.

Sincerely,



Peggy Johnson
On behalf of:
DFS Appeals Unit

91 7199 9991 7034 9204 9600

Enclosure

Hay servicios gratis de ayuda con otros idiomas. Para pedir un intérprete, llame por favor al Coordinador de Servicios de Intérpretes al (702) 671-4578.
Free language assistance services are available. To request an interpreter, please call the Language Assistance Coordinator at (702) 671-4578.

EXHIBIT D

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EXHIBIT "C"

(Judicial Notice – Attorney Emily McFarling Affidavit filed in Will County)

AFFIDAVIT OF EMILY MCFARLING, ESQ

STATE OF NEVADA)

COUNTY OF CLARK)

Emily McFarling, Esq, being duly sworn, deposes and says

1 I am an attorney duly licensed to practice law in the States of Nevada, California and Arizona I am a Certified Nevada Family Law Specialist I am employed by McFarling Law Group I am the attorney representing Steve Eggleston in Nevada

2 On or about January 7, 2015, the Department of Child Protective Services ("CPS") and police were dispatched to Mr Eggleston's residence where he, Laura Battistella, their minor children, Ryder and Hunter Eggleston, resided

3 Ms Stuart presented guardianship papers for Mr Eggleston to sign on the spot to designate Laura's sister, Lisa, as guardian of the minor children

4 I spoke with Georgina Stuart, Senior Family Services Specialist for Child Protective Services on January 7, 2015 over the telephone while she and the police were at my client's home

5 Ms Stuart specifically told me over the telephone on that day that the investigation was pertaining to Laura, but there was concern that Mr Eggleston had been leaving the children in Laura's care but there were no direct concerns about Mr Eggleston being an unfit parent

6 Ms Stuart specifically told me over the telephone on that day that the plan was for Lisa to stay in the Parbes' home with the children on a temporary basis Ms Stuart informed me that no petition for abuse or neglect would be filed against Mr Eggleston if he signed the temporary guardianship consent, but that CPS would keep the investigation case open just to see through the process of him getting set up to revoke the guardianship and take back full care and control of the children

7 Based upon these representations by Ms Stuart, Mr Eggleston signed a Consent for Guardianship, which would expire after six months, allowing Lisa and Brian Callahan to be temporary guardians of Ryder and Hunter Eggleston

8 On or about January 21, 2015, I spoke to Georgina Stuart, again on the telephone

9 On January 21, 2015, Ms Stuart informed me that she was working on closing the CPS case, but it would take about a week to be officially closed Ms Stuart specifically affirmed in response to direct questions on the issue that Mr Eggleston could revoke his guardianship at any time and seek return of his children from Lisa I informed Ms Stuart that Mr Eggleston no longer lived with Laura and had not seen her since January 7, 2015, that he had his own home set up for the children and childcare plans in place Ms Stuart stated that Mr Eggleston's revocation of the guardianship would not trigger any action by CPS Ms Stuart went on to suggest that Mr Eggleston should file for custody and not allow anything other than supervised visitation for Laura

10 Mr Eggleston filed for custody soon thereafter which is in the process of being finalized with a Decree of Paternity for both children that provides Mr Eggleston sole legal and physical custody

DATED this 21st day of May, 2015

Emily McFarling, Esq

EXHIBIT E

EXHIBIT Q

1 **Report Number: 1643346**

2 **Case No.: 1362581**

3 **STEVEN EGGLESTON'S WITNESS LIST**

4 The following witnesses may be called upon to give testimony in the above captioned
5 case:

- 6 1. Steve Eggleston, c/o McFarling Law Group, 6230 W Desert Inn Road, Las Vegas, NV
7 89146, 702-565-4335
- 8 2. Georgina Stuart, CPS Case worker
- 9 3. Emily McFarling, Esq., 6230 W Desert Inn Rd, Las Vegas, NV 89146, 702-565-4335
- 10 4. Dan Smilh, Las Vegas, NV, 592 Over Par Court, 89148, (702) 612-6780
- 11 5. Diane Kallay, 5805 Count Fleet Street Las Vegas, NV, 89113; 716-909-2646
- 12 6. Michael Bates, 423 Stonehouse Dr., Napa, CA 94558, 707-287-7084
- 13 7. Leslie Bates, 15256 Poppy Meadow St., Santa Clarita, CA 91387, 818-679-7878
- 14 8. Karen Olsen, 1839 N. Commerce Dr., Nixa MO 65714, Phone: 417-725-0055
- 15 9. Marc Brattin, 702-994-5840, 3476 Bearpin Gap Lane, LV, NV 89129
- 16 10. Carol Greco, (832) 444-7756, Lafayette, LA
- 17 11. Shea Arender, 318-282-4532, 119 Afton Way, Clinton, MS 39056
- 18 12. Hovig Abajian, (514) 889-3434, Toronto, Canada
- 19 13. Damon Elliott, Las Vegas, NV, 310-990-9263
- 20 14. Kip Kelly, Las Vegas, NV, (702) 575-3514
- 21 15. Steve Thompson, 508-410-9228, 15 Hillbrook Drive, West Brookfield, MA 01585
- 22 16. Bobby Ferreri, 702-596-3219, 2495 Village View Dr., Henderson, NV 89074
- 23 17. Vince Casas, 702.407.5956, 2459 Village View Dr., Henderson NV 89074
- 24 18. Laura Battistella, Las Vegas, NV, 720-468-1978
- 25 19. Ken Battistella, Sr., Ozarks, 702-400-2515

EXHIBIT F

Steven D. Grierson

1 Steve Eggleston, Plaintiff, In Pro Per
2 Goose Hall, Bourne Farm, East Town Road
3 Pilton, England, Post Code: ba4 4nx
+44 7801 931682
TheEggman411@gmail.com

4 DISTRICT COURT
5 CLARK COUNTY, NEVADA
6

7 STEVE EGGLESTON,

8 Plaintiff,

9 -vs-

CASE NO. A-16-748919-C
DEPT NO. VIII

10 GEORGINA STUART; DEPARTMENT OF
11 FAMILY SERVICES, CHILD SUPPORT
12 SERVICES, CLARK COUNTY, NEVADA;
LISA CALLAHAN; BRIAN CALLAHAN;
AND DOES 1 THROUGH 100, INCLUSIVE,

13 Defendants.
14

JOINT CASE CONFERENCE REPORT

15
16 JOINT CASE CONFERENCE REPORT

17 DISPUTE RESOLUTION CONFERENCE REQUIRED: NO.

18 SETTLEMENT CONFERENCE REQUESTED: YES.
19

20 Plaintiff available dates: any dates in 2nd week of August, September, October 2018.

21 Defendants GEORGINA STUART AND CLARK COUNTY: Same as
22 Plaintiff

23 I.
24

25 PROCEEDINGS PRIOR TO CASE CONFERENCE REPORT

26 A. DATE OF FILING COMPLAINT
27

28 PAGE 1 OF 21

Eggleston v. Stuart - Case Number A-16-748919-C

1. Original Complaint: December 30, 2016.

2. First Amended Complaint: August 10, 2017

B. DATE OF FILING ANSWER TO FIRST AMENDED COMPLAINT:

1. Defendants GEORGINA STUART AND CLARK COUNTY: August 24, 2017.

2. Defendants LISA CALLAHAN and BRIAN CALLAHAN: None. Plaintiff anticipates requesting Entry of Default.

C. DATE THAT EARLY CASE CONFERENCE HELD AND WHO ATTENDED: March 22, 2018. Steve Eggleston attending in pro per for plaintiff, Ofelia Monje, Esq., appearing on behalf of Defendants GEORGINA STUART AND CLARK COUNTY. No appearance by the CALLAHAN defendants despite being given notice.

II.

BRIEF DESCRIPTION OF ACTION AND DEFENSES:

A. Description of Action: This a civil rights action alleging abduction, conspiracy to abduct, and aiding and abetting in the abduction of plaintiff's two minor sons, in violation of 42 USC section 1983, as well as torts for Intentional Infliction of Emotional Distress, Defamation, Libel and Slander.

B. Claims for Relief:

First Claim: against Defendants GEORGINA STUART AND CLARK COUNTY for violation of plaintiff's civil rights in contravention of 42 USC section 1983.

Second Claim: against all Defendants for conspiracy and aiding and abetting violation of

1 42 USC section 1983.

2 Third Claim: against all Defendants for Intentional Infliction of Emotional Distress.

3
4 Fourth Claim: against all Defendants for Libel, Slander and Defamation.

5 C. Defendants Clark County and Georgina Stuart have alleged the following Affirmative
6 Defenses:

7
8 FIRST AFFIRMATIVE DEFENSE: The Plaintiff's First Amended Complaint fails to
9 state a claim against these Answering Defendants upon which relief can be granted.

10
11 SECOND AFFIRMATIVE DEFENSE: That any damage suffered by the Plaintiff was a
12 direct and proximate result of his own misconduct and actions.

13
14 THIRD AFFIRMATIVE DEFENSE: The Plaintiff has failed to mitigate his own
15 damages.

16
17 FOURTH AFFIRMATIVE DEFENSE: The acts about which the Plaintiff complains
18 were justified and privileged under the circumstances.

19
20 FIFTH AFFIRMATIVE DEFENSE: Clark County has not enacted any policy, statute,
21 ordinance or custom which denied Plaintiff his constitutional rights.

22
23 SIXTH AFFIRMATIVE DEFENSE: Answering Defendants are protected by the doctrine
24 of "qualified immunity" and other immunities provided for in law, therefore, this action
25 is barred.

26
27 SEVENTH AFFIRMATIVE DEFENSE: Pursuant to NRS 41.035, an award arising out
28 of an act or omission by or on behalf of these Answering Defendants and/or the other

PAGE 3 OF 21

1 Defendants who are governmental entities, if any, may not exceed \$100,000 and the
2 Plaintiff may not recover in excess of that amount from these Answering Defendants
3 and/or the other governmental entities, even if these Answering Defendants are found to
4 have liability, which these Answering Defendants deny, and/or the other Defendants who
5 are governmental entities are found to have liability.

6 EIGHTH AFFIRMATIVE DEFENSE: These Answering Defendants engaged in no
7 conduct shocking to the conscience, required for liability for a substantive due process
8 violation.
9

10 NINTH AFFIRMATIVE DEFENSE: These Answering Defendants were not deliberately
11 indifferent to Plaintiff's health, safety or constitutional rights.
12

13 TENTH AFFIRMATIVE DEFENSE: Pursuant to NRS 41.035, these Answering
14 Defendants are immune from punitive damages arising from any state law claims.
15

16 ELEVENTH AFFIRMATIVE DEFENSE: There has been no deprivation of rights,
17 privileges, or immunities of Plaintiffs.

18 TWELFTH AFFIRMATIVE DEFENSE: The Plaintiff failed to exhaust administrative
19 remedies before filing suit, including giving notice to these Answering Defendants as
20 required by NRS 41.0366(2).
21

22 THIRTEENTH AFFIRMATIVE DEFENSE: The Plaintiff voluntarily consented to a
23 temporary guardianship.
24

25 FOURTEENTH AFFIRMATIVE DEFENSE: Defendants assert that they did not cause
26 any injury or act in furtherance of a conspiracy.
27

1 FIFTEENTH AFFIRMATIVE DEFENSE: Pursuant to NRS 41.032 Defendant is immune
2 from liability for the performance of discretionary functions such as those alleged in
3 Plaintiffs' Complaint.

4 SIXTEENTH AFFIRMATIVE DEFENSE: The Plaintiff is barred from recovering any
5 relief on their Complaint pursuant to the doctrines of unclean hands and equitable
6 estoppel.

7
8 SEVENTEETH AFFIRMATIVE DEFENSE: The court lacks personal and/or subject
9 matter jurisdiction to rule on this action or claims as it related to child custody matters.

10
11 EIGHTEENTH AFFIRMATIVE DEFENSE: That at the time and under the
12 circumstances alleged in Plaintiffs' First Amended Complaint, these Answering
13 Defendants, held an objective good faith belief that its actions were reasonable,
14 privileged, and justified.

15
16 NINETEENTH AFFIRMATIVE DEFENSE: These Answering Defendants did not
17 engage in any conduct that rises to the level of extreme and outrageous conduct.

18
19 TWENTIETH AFFIRMATIVE DEFENSE: Statements made by these Answering
20 Defendants were truthful, therefore, cannot be considered libel or defamatory.

21
22 TWENTY-FIRST AFFIRMATIVE DEFENSE: These Answering Defendants disclose
23 certain information pursuant to NRS 432B.280, NRS 432B.290, and other provisions of
24 NRS Chapter 432.

25
26 TWENTY-SECOND AFFIRMATIVE DEFENSE: Pursuant to NRCP 11, all possible
27 affirmative defenses may not have been alleged herein insofar as sufficient facts are not

28
PAGE 5 OF 21

1 available after reasonable inquiry into the Plaintiff's First Amended Complaint, and
2 therefore, these Answering Defendants reserve the right to amend their Answer to allege
3 additional affirmative defenses, if subsequent investigation warrants.

4 III.

5
6 DOCUMENTS, DATA THINGS

7
8 A. Plaintiff: Categories of documents are:

- 9 1. Emails by and between plaintiff and others about the boys, custody, abduction,
10 defamation, intentional infliction, and damages.
11
12 2. Links to plaintiff's online presence as impacts all issues in the case, including photos
13 and videos of the boys:
14
15 a. SteveEgglestonWrites.com
16
17 b. EggmanGlobal.com
18
19 c. LinkedIn.com/SteveEgglestonakaTheEggman
20
21 d. Facebook.com/TheEggman411
22
23 e. Facebook.com/EggmanGlobal
24
25 f. TheFoodMafiaBook.com
26
27 g. Upwork: <https://www.upwork.com/fl/steveeggleston?viewMode=1>
28
3. Plaintiff's Writing Portfolio

- 1 4. Appellant DFS Fair Hearing Exhibits
- 2
- 3 5. Select Legal Materials filed in Rodriguez v. Rodriguez, Clark County District Court,
- 4 Case No. D-10-424066-D, including particularly Order Resolving Child-Custody
- 5 Issues
- 6
- 7 6. Select Legal Materials filed in In Re Marriage of James Rodriguez v. Laura
- 8 Rodriguez, Lake Circuit Court, Crown Point, Indiana, Case No. 45C01 -0911-DR-
- 9 961
- 10
- 11 7. Select Legal Materials filed in Eggleston vs. Battistella, Clark County District Court,
- 12 Case No. D-15-508989-P, in particular granting paternity and custody.
- 13
- 14 8. The unsigned Guardianship Document.
- 15
- 16 9. Select Legal Materials in In Re the Matter of Ryder Eggleston and Hunter Eggleston,
- 17 Will County Circuit, Case No. 15 P 231
- 18
- 19 10. Select Materials re Child Welfare Obligations, Department of Health and Human
- 20 Services, Child Welfare Presentation, February 2017.
- 21
- 22 11. Universal Declaration of Human Rights relative to families, parents and children.
- 23
- 24 12. The Complaint in Clark v. Guinn, United States District Court, District of Nevada,
- 25 Case No. 2:06-cv-01068-RCJ-RJJ.
- 26
- 27 13. The Grand Jury Complaint filed against Child Protective Services, dated June 16,
- 28 2011, and responses thereto and findings and reports issued.
14. Death and family threat email.

PAGE 7 OF 21

1 15. Redacted bank statements showing income and expenses for purposes of calculating
2 damages.

3 16. Documents on Transparent Nevada showing overtime pay
4

5 17. Will County Guardianship Records
6

7 18. Select Will County Illinois Records pertaining to the In Re Ryder David guardianship
8 case.

9 19. Emails showing abuse of James Rodriguez
10

11 20. Documents re Lisa Callahan's Abandonment of her Mom
12

13 21. FBI Public Corruption File
14

15 B. Defendants Clark County and Georgina Stuart:
16

17 1. UNITY Case Notes Case: 1362510. start date December 23, 2014. 31 pages,
18 (Bates Nos. CC 001 to CC 020).

19 2. CPS Referral Summary #1618945, dated April 7, 2014, 4 pages,
20 (Bates Nos. CC 021 to CC 024).

21 3. CPS Referral Summary # 1643346, dated December 22, 2014. 7 pages,
22 (Bates Nos. CC 025 to CC 031).

23 4. Present Danger Plan (PDP), dated December 24, 2014 1 page,
24 (Bates No. CC 032).

25 5. CPS Referral Summary # 1643759, dated December 29, 2014, 6 pages,
26 (Bates Nos. CC 033 to CC 038).

27 6. Referral to Boys Town, dated December 29, 2014, 2 pages,
28 (Bates Nos. CC 039 to CC 040).

7. Nevada Initial Assessment Summary, dated January 5, 2015. 11 pages,
(Bates Nos. CC 041 to CC 051).

8. Referral to Southern Nevada Health District, dated January 6, 2015. 1 page,
(Bates No. CC 052).

PAGE 8 OF 21

Eggleston v. Stuart - Case Number: A-16-748819-C

9. Nomination and Consent for Guardianship, dated January 7, 2015, 1 page. (Bates No. CC 053).
10. Las Vegas Metropolitan Police Department Communications Report LLV 150107001988, with Audio, dated January 7, 2015, 3 pages and audio, (Bates Nos. CC 054 to CC 056). *(Audio will be sent via USPS registered international only)*.
11. Request for Appeal, dated February 12, 2015, 1 page, (Bates No. CC 057).
12. Receipt of Request for Appeal, dated February 12, 2015, 1 page. (Bates No. CC 058).
13. Finding of Substantiation with Attachment, dated August 27, 2015, 9 pages, (Bates Nos. CC 059 to CC 067).
14. Request for Fair Hearing, dated September 9, 2015, 3 pages, (Bates Nos. CC 068 to CC 070).
15. Notification of Fair Hearing, dated August 18, 2017, 1 page, (Bates No. 071).

IV.

LIST OF PERSONS

A. Plaintiff:

1. Steve Eggleston
2. Dana Amma Day (Plaintiff's wife, same address as plaintiff)
3. Georgina Stuart (defendant),
4. Tisa Evans, MEd. Ombudsman for DFS and CCSS, 2432 Martin Luther King Blvd., North Las Vegas, NV 89032, Phone 702-455-1046, Toll free: 1-866-780-9541, Fax: 702-868-2544
5. Peggy Johnson, DFS Appeals Unit
6. Timothy Burch, Interim Director DFS

PAGE 9 OF 21

- 1 7. Paula Hammack, Assistant Director DFS
- 2 8. Michael Knight, Assistant Director DFS
- 3
- 4 9. Mari D. Parlade, Esq., Appeals Unit – Manager
- 5 10. Officer Dinkelk, 223 Lead St., Henderson, NV 89015
- 6
- 7 11. Officer Chris Trzaska, same
- 8
- 9 12. Janet Wagner, CPS Intake Worker
- 10
- 11 13. Leroy Avaya (unknown)
- 12 14. Sheri Hensel, Sr. Family Services Spec (known to defendants)
- 13 15. Vicki Hammond, Family Services Assistant
- 14
- 15 16. Ga-Nesha Hamilton, Family Services Spec II
- 16
- 17 17. Nadine Lazzarre-Nelson, Office Specialist
- 18 18. Boys Town attendants at Meeting of 12/31/14, personnel involved with family and
- 19 custodian of records
- 20
- 21 19. Mary Atteberry or Ateberry, Family Services Spec Supv
- 22
- 23 20. Sharon Savage, DFS south office
- 24
- 25 21. Clint Holder, DFS south office
- 26
- 27 22. Shelly, Social work Sunrise Hospital
- 28 23. Lisa McKay, Manager Family & Youth Services

PAGE 10 OF 21

- 1 24. Peggy Johnson, Legal Office Assistant II
- 2 25. Mathew Forrey, Henderson PD
- 3
- 4 26. Gina Pearl, Intake Worker (CPS)
- 5
- 6 27. Custodian of Records, American Toxicology
- 7
- 8 28. Custodian of Records DFS, CPS, Clark County Mohave Mental Health Safety
Services personnel involved with family and custodian of records
- 9
- 10 29. Lisa Callahan, (815) 685-0625 • mobile, 708-685-0625 • Home, 300 Ashley Dr.,
11 New Lenox, IL 60451
- 12 30. Brian Callahan (same address)
- 13
- 14 31. James Rodriguez
- 15
- 16 32. Laura Battistella (homeless, address and phone unknown)
- 17
- 18 33. Ryder Eggleston (Callahan address)
- 19
- 20 34. Hunter Eggleston (same)
- 21
- 22 35. Alexis Rodriguez (Chicago area)
- 23
- 24 36. Selena Rodriguez (Callahan address)
- 25
- 26 37. Kendall Rodriguez (Callahan address)
- 27
- 28 38. James Rodriguez (Callahan address)
39. Ken Battistella, Sr., Ozarks, 702-400-2515

PAGE 11 OF 21

- 1 40. Bonnie Wojdyla, Ozarks. 702-575-9999
- 2 41. Cindy Landeen. 651-343-4747. Minneapolis, MN
- 3
- 4 42. John Neyer, 252-717-0683, Atlanta. GA
- 5 43. Jay Warsinke. Burbank. CA 818-505-1836
- 6
- 7 44. John and Shirley (neighbors), last name to be provided), 8989 Slippery Rock Way,
- 8 Las Vegas, NV 89123
- 9
- 10 45. Jon Gordon. Rancho Mirage
- 11 46. Peg Kasterg. 720-498-3374, 4595 Balsam Street, Wheat Ridge, CO 80033
- 12
- 13 47. Kyle Kastberg
- 14
- 15 48. Sunrise Hospital Custodian of Records
- 16
- 17 49. Officer Tom Sculley, Orland Hills Police Department
- 18
- 19 50. Nicole McIntyre-Hoggard, Clark County Intake Worker
- 20
- 21 51. Danni Earl Smith, Las Vegas. 702-612-6780
- 22
- 23 52. Diane Kalley (witness to Hunter falling in pool)
- 24
- 25 53. Steve Thompson, 774-449-8410, 15 Hillbrook Drive, West Brookfield, MA 01585
- 26
- 27 54. Bobby Ferreri. 702-596-3219, 2495 Village View Drive, Henderson, NV 89074
- 28 55. Vince Casas, 702-407-5956, last known address same as Ferreri

PAGE 12 OF 21

1 56. Sheri Hensel, Sr. Family Services Specialist

2 57. Emily McFarling, Esq, 6230 WE. Desert Inn Rd., Las Vegas, NV 89146

3
4 58. Witnesses pertinent to Clark County DHS's history of malfeasance in matters of
5 children protection and DFS/CPS churning.

6 59. Jimmy and Kendall's teachers

7
8 60. All the children's paediatricians and GPs

9
10 61. Brian Knaff (arranged for Mayor to propose to Laura). 702-256-9811. 7335 Edna,
11 Las Vegas, NV 89117

12 62. Shea Arender, 318-282-4532, 2700 South. Las Vegas Blvd., Las Vegas NV 89109

13
14 63. Jay Gabriel Cavazos, 313-355-9376, Detroit

15 64. Retired Judge Gerald Bakarich. Sacramento

16
17 65. Duncan Faurer, 702-234-7906

18 66. Jan LaBuda, Florida, 352. 422. 7393

19
20 67. James Grover, Los Angeles, CA. 310-591-6207

21 68. Helga White, 530-885-4433, 310, Bridgeview Dr., Auburn, CA 95603

22
23 69. Kevin Barker, 828-348-0405

24
25 All of these witnesses are expected to testify as to their knowledge of the incident, plaintiff's
26 damages, the failure of any government agency anywhere to seek to unify or reunify the family,
27 address Laura's post-partum depression or related illness, or plaintiff's general capability or
28

1 particular capability in raising his sons.

2 B. Defendant:

- 3
- 4 1. Steve Eggleston
5 Plaintiff in Proper Person
6 Goose Hall Bourne Farm East Town Road
7 Pilton England BA4 4NX
8 Phone +44 7801 931682

9 Steve Eggleston is expected to testify regarding his knowledge of the details of the
10 incident that is the subject of this litigation.

- 11 2. Laura Rodriguez, (Battistella)
12 Address and Telephone number unknown

13 Laura Rodriguez is expected to testify regarding her knowledge of the details of the
14 incident that is the subject of this litigation.

- 15 3. Alexis Rodriguez
16 Address and Telephone number unknown

17 Alexis Rodriguez is expected to testify regarding her knowledge of the details of the
18 incident that is the subject of this litigation.

- 19 4. Selena Rodriguez
20 Address and Telephone number unknown

21 Selena Rodriguez is expected to testify regarding her knowledge of the details of the
22 incident that is the subject of this litigation.

- 23 5. Kendall Rodriguez
24 Address and Telephone number unknown

25 Kendall Rodriguez is expected to testify regarding her knowledge of the details of the
26 incident that is the subject of this litigation.

- 27 6. James Rodriguez
28 Address and Telephone number unknown

James Rodriguez is expected to testify regarding his knowledge of the details of the

1 incident that is the subject of this litigation.

2
3 7. Hunter Eggleston
300 Ashley Drive
New Lenox, IL 60451
4 Phone unknown

5 Hunter Eggleston is expected to testify regarding his knowledge of the details of the
6 incident that is the subject of this litigation.

7 8. Ryder Eggleston
300 Ashley Drive
8 New Lenox, IL 60451
9 Phone unknown

10 Ryder Eggleston is expected to testify regarding his knowledge of the details of the
11 incident that is the subject of this litigation.

12 9. Brian Callahan
300 Ashley Drive
13 New Lenox, IL 60451
14 Phone unknown

15 Brian Callahan is expected to testify regarding his knowledge of the details of the
16 incident that is the subject of this litigation.

17 10. Lisa Callahan
300 Ashley Drive
New Lenox, IL 60451
18 Phone 815-685-0625

19 Lisa Callahan is expected to testify regarding her knowledge of the details of the incident
20 that is the subject of this litigation.

21 11. Officer Charles Yannis. P# 6024
Las Vegas Metropolitan Police Department
22 400 S. Martin Luther King Boulevard
Las Vegas, NV 89106
23 702-828-3111

24 Officer Yannis is expected to testify regarding his knowledge of the incident that
25 occurred on January 7, 2017 regarding the guardianship of the Eggleston Boys.

26 12. Officer Armando Leija. (Retired) P# 2020
Las Vegas Metropolitan Police Department
27 400 S. Martin Luther King Boulevard
Las Vegas, NV 89106

702-828-3111

Officer Leija is expected to testify regarding his knowledge of the incident that occurred on January 7, 2017 regarding the guardianship of the Eggleston Boys.

13. Chief of Police Tom Sulley
Orland Hills Police Department
16039 S. 94th Ave.
Orland Hills, IL 60487
708-349-3132

Chief Sulley is expected to testify regarding his knowledge of the welfare check he performed at the Callahan home in January, 2015.

Clark County Employees

14. Georgina Stuart, Defendant
Sr. Family Services Specialist
Department of Family Services
c/o Ofelia L. Monje
Clark County District Attorney's Office - Civil Division
500 Grand Central Parkway, 5th Floor
Las Vegas, NV 89155
Phone 702-455-4761
15. Peggy Johnson
Legal Office Assistant II
Department of Family Services
c/o Ofelia L. Monje
Clark County District Attorney's Office - Civil Division
500 Grand Central Parkway, 5th Floor
Las Vegas, NV 89155
Phone 702-455-4761
16. Lisa Gibson
Family Services Supervisor
Department of Family Services
c/o Ofelia L. Monje
Clark County District Attorney's Office - Civil Division
500 Grand Central Parkway, 5th Floor
Las Vegas, NV 89155
Phone 702-455-4761
17. Lisa McKay
Family Services Manager
Department of Family Services
c/o Ofelia L. Monje
Clark County District Attorney's Office - Civil Division
500 Grand Central Parkway, 5th Floor

1 Las Vegas, NV 89155
2 Phone 702-455-4761

3 As Clark County employees the preceding witnesses are expected to testify to the details
4 of the incident that is the subject of this litigation.

5
6 V.

7
8 DISCOVERY PLAN

9 A. What changes, if any, should be made in the timing, form or requirements for
10 disclosures under 16.1(a):

11 1. Plaintiff's view:

12
13 As to 16.1(a),(1)(C), Plaintiff is able to list all categories of damages suffered and
14 provides some quantities, but much will also be provided by expert testimony which will come
15 later in the the case.

16
17 2. View of Defendants GEORGINA STUART AND CLARK COUNTY: None.

18 When disclosures under 16.1(a)(1) will be made: The parties have agreed to make the
19 16.1(a)(1) disclosures due no later than 30 days from when the parties had their case
20 conference, which is April 23, 2018.

21
22 Subjects on which discovery may be needed:

23
24 1. Plaintiff's view: conduct of defendants and their agents as to the taking of
25 plaintiff's sons and lack of due process and grounds; all issues related to
26 defendants' failure to take any Family Preservation and Reunification measures;

1 defendants' use of ambush tactics involving Metro and use of Metro generally to
2 take children; history of Clark County abuses as to handling of children; all issues
3 related to abduction and damages as alleged in the First Amended complaint;
4 coordination/conspiracy/aiding and abetting between defendants as to the
5 abduction of Plaintiff's sons; destruction of original records related to the
6 investigation and actions taken by CPS and DFS; falsification of records to make
7 the taking of Plaintiff's sons look consensual; covering up illegal and wrongful
8 acts to protect actors from criminal prosecution and liability; training or lack of
9 training as to CPS employees and supervisors; public corruption as to the taking
10 of children in the manner involved here via churning, etc.; federal programs,
11 compliance and violations related to defendants' actions, false files, and cover up;
12 the use of privacy as tool to cover-up wrongdoing and deny due process in the
13 taking of Plaintiff's children and children in general.
14

15 2. Defendant's view: The facts and circumstances surrounding why the Department
16 of Family Services became involved with the family n or around December 24,
17 2014. The facts and circumstances surrounding the indents that took place in
18 January 2015. Any and all potential liability, defenses, causation and damages.
19

20 B. Should discovery be conducted in phases or limited to or focused upon particular
21 issues?
22

23 1. Plaintiff's view: Since witnesses are in different parts of the U.S., I suggest
24 discovery in geographical phases, beginning with Las Vegas and then the Chicago
25 area.
26
27
28

1 2. Defendant's view: No.

2 C. What changes, if any, should be made in limitations on discovery imposed under
3 these rules and what, if any, other limitations should be imposed:

4 1. Plaintiff's view: Plaintiff will need at least two days for defendant Georgina
5 Stuart's deposition. Plaintiff's deposition and written interrogatories should not go
6 forward until defendants have produced all records relative to the issues in the
7 case, including handwritten notes of interview of Plaintiff and all family members
8 and as between defendants, supervisors. Boys Town, Metro. and DFS/CPS or
9 child welfare workers in Indiana or any other state.
10

11 2. Defendant's view: Defendants would like to depose the pro-per Plaintiff first and
12 will conduct written discovery prior to taking Plaintiff's deposition.

13 D. What, if any, other orders should be entered by court under Rule 26(c) or Rule 16(b)
14 and (c):

15 1. Plaintiff's view:

- 16 a. Foreign Subpenas: subpenas for issuance in foreign jurisdictions,
17 b. Omnibus Protective Orders: all motions and discovery, limited to named
18 key people (attorneys, key employees, parties, experts), with advance
19 approval and opportunity to object by other side, given fact minor
20 childrens' privacy rights are involved, signed by each person who shown
21 the information).
22 c. Filings Referencing Children filed under seal.
23

24 2. Defendant's view: None at this time. The Defendants believe that this should be
25 approached on an issue-by-issue basis.

26 E. Estimated Time for Trial:

27 1. Plaintiff's view: 12-15 days.
28

1
2 2. Defendant's view: 7-10 days.

3 DISCOVERY AND MOTION DATES

4 A. Dates agreed by the parties:

5 1. Close of discovery: April 1, 2019

6 2. Final date to file motions to amend or add parties:

7 a. Plaintiff's view: January 2, 2019

8 b. Defendant's view: 1/2/19

9 3. Final date for expert disclosures:

10 a. Initial disclosure: January 2, 2019

11 b. Rebuttal disclosure: February 1, 2019

12 4. Final date to file dispositive motions:

13 a. Plaintiff's view: May 1, 2019

14 b. Defendant's view: 5/1/19

15 VII.

16 JURY DEMAND

17
18
19 Plaintiff: Yes

20 This report is signed in accordance with rule 26(g)(1) of the Nevada Rules of Civil Procedure.

21 Each signature constitutes a certification that to the best of the signer's knowledge, information

22
23 XXX

24 XXX

25 XXX

26 XXX

1 and belief, formed after a reasonable inquiry, the disclosures made by the signer are complete
2 and correct as of this time.
3

4
5 Dated: 4/6/2018

6
7
8
9
10 Dated: 4/6/2018

11 By: [Signature]
12 Serv. Erection, plaintiff
13 Goose Hill, Bourne Farm
14 East Town Lane, Pithon beddinx
15 444 7801 931682
16 Email: TheFennell1@gmail.com
17 PLAINTIFF, IN PRO PER

18 By: [Signature]
19 Ofelia L. Manje
20 State Bar No. 11663
21 500 South Grand Central Pkwy, 5th Fl
22 Las Vegas, Nevada 89155-2215
23 (702) 455-4761
24 Fax (702) 382-5178
25 Email: Ofelia.Manje@clarkcountynvda.com
26 ATTORNEY FOR THE DEFENDANTS
27 STUART AND CLARK COUNTY

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that I am the plaintiff in this action and on the 8th day of April, 2018, I served a true and correct copy of the foregoing **JOINT CASE CONFERENCE REPORT** (Eighth Judicial District Wiznet), by emailing the same from the following recipients. Service of the foregoing document by email is in lieu of service via official post.

OFELIA L. MONJE
Deputy District Attorney
500 South Grand Central Pkwy, 5th Floor
Las Vegas, Nevada 89155-2215
Ofelia.Monje@ClarkCountyDA.com
Attorneys for Defendants Clark County and Georgina Stuart

BRIAN AND LISA CALLAHAN
300 Ashley Drive
New Lenox, IL 60451
lmccallahan@hotmail.com

Defendants

EXHIBIT G

1 Steve Eggleston, Plaintiff, In Pro Per
2 Goose Hall, Bourne Farm, East Town Road
3 Pilton, England, Post Code: ba4 4nx
+44 7801 931682
TheEggman411@gmail.com

4 DISTRICT COURT
5 CLARK COUNTY, NEVADA
6

7 STEVE EGGLESTON,

8 Plaintiff,

9 -vs-

10 GEORGINA STUART; DEPARTMENT OF
11 FAMILY SERVICES, CHILD SUPPORT
12 SERVICES, CLARK COUNTY, NEVADA;
LISA CALLAHAN; BRIAN CALLAHAN;
AND DOES 1 THROUGH 100, INCLUSIVE,

13 Defendants.
14

CASE NO. A-16-748919-C
DEPT NO. VIII

Plaintiff's 16.1(a)(1) Supplemental Initial

Disclosures Dated April 30, 2018

15
16 Plaintiff hereby submits the following: **Plaintiff's 16.1(a)(1) Supplemental Initial**
17 **Disclosures Dated April 30, 2018.**

18 Plaintiff supplements **INITIAL DISCLOSURES – (B) DOCUMENTS ET AL.** by
19 attaching herewith the actual documents in his possession.
20

21 Plaintiff also supplements **INITIAL DISCLOSURES – (C) COMPUTATION BY**
22 **CATEGORIES OF DAMAGES**, by noting that the following Calculation of Mental Health,
23 Psychiatric, Psychologist, Family Transition, Therapy and Related Expenses for
24 Kidnapping/Abduction of Plaintiff's sons for all family members impacted, should be at \$8,000
25 per day, not the \$4,000 mistakenly indicated (as shown below), and the math error is also
26 otherwise corrected, as follows:
27

1 a. Family Transition and Re-unification: Twice yearly for family at ~~\$4,000~~ \$8,000
2 per day for four days until last child reaches 25: ~~\$4,000~~ \$8,000 x 4 = \$32,000 x
3 2= \$64,000 x 20 = \$1,280,000 + twice annual expenses to California facility of
4 average 6 people flying from England (6 x \$600 = \$3600 x 20 = \$72,000) + 20
5 years x 2 @ \$1,000 per trip = \$40,000. Total combined approximately:
6 \$1,392,000.00.

7
8 Dated: April 30, 2018

9
10 By: 

11 Steve Eggleston, plaintiff
12 Goose Hall, Bourne Farm
13 East Town Lane, Pilton ba44nx
+44 7801 931682
Email: TheEggman411@gmail.com
14 PLAINTIFF, IN PRO PER
15
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CERTIFICATE OF MAILING AND ELECTRONIC SERVICE

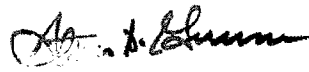
I hereby certify that I am the plaintiff in this action and on the 30th day of April, 2018, I served a true and correct copy of the foregoing **Plaintiff's 16.1(a)(1) Supplemental Initial Disclosures Dated April 30, 2018** (Eighth Judicial District), by emailing the Pleading Cover pages and causing a copy of the same and photocopied Documents to be deposited in the British mail, postage prepaid, addressed as follows.

OFELIA L. MONJE
Deputy District Attorney
500 South Grand Central Pkwy, 5th Floor
Las Vegas, Nevada 89155-2215
Ofelia.Monje@ClarkCountyDA.com
Attorneys for Defendants Clark County and Georgina Stuart

Defendants

MCFARLING LAW GROUP
6230 W. Desert Inn Rd., Las Vegas, NV 89146
Phone: (702) 565-4335 Fax: (702) 732-9385
eservice@mcfarlinglaw.com

Electronically Filed
02/02/2015 08:54:17 AM


CLERK OF THE COURT

1 **COMP**

2 Emily McFarling, Esq.
3 Nevada Bar Number 8567
4 **MCFARLING LAW GROUP**
5 6230 W. Desert Inn Rd.
6 Las Vegas, NV 89146
7 (702) 565-4335 phone
8 (702) 732-9385 fax
9 eservice@mcfarlinglaw.com
10 Attorney for Plaintiff
11 Steven Eggleston

12 **IN THE EIGHTH JUDICIAL DISTRICT COURT**
13 **FAMILY DIVISION**
14 **CLARK COUNTY, NEVADA**

15 **STEVEN EGGLESTON,**

16 Plaintiff,

17 vs.

18 **LAURA BATTISTELLA,**

19 Defendant.

) Case Number: D-15-508989-P
) Dept No: M

) **COMPLAINT FOR PATERNITY,**
) **CUSTODY AND CHILD SUPPORT**

20 **REDACTED**

21 **REDACTED**

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REDACTED

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REDACTED

DATED this 29th day of January, 2015.

MCFARLING LAW GROUP

By: /s/Emily McFarling
Emily McFarling, Esq.
6230 W. Desert Inn Rd.
Las Vegas, NV 89146
(702) 565-4335
Attorney for Plaintiff
Steven Eggleston

VERIFICATION

STATE OF NEVADA)
 ss.
County of Clark)

Steven Eggleston declares under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct: That the undersigned is the Plaintiff in the above-entitled action; that he has read the above and foregoing Complaint for Paternity, Custody and Child Support, and knows the contents thereof; that the same is true of his own knowledge, except for any matters therein stated upon information and belief, and as to those matters therein stated, he believes them to be true.

DATED this 29th day of January, 2015.


Steven Eggleston

McFARLING LAW GROUP

Samantha Mentzel Esq.
SamanthaM@mcfarlinglaw.com

Emily McFarling, Esq.*
EmilyM@mcfarlinglaw.com
Nevada Board Certified Family Law Specialist

Josh Aronson, Esq.**
JoshA@mcfarlinglaw.com

Office Manager: Michael Burton
michaelb@mcfarlinglaw.com

*Also licensed in California and Arizona
** Also licensed in Florida

March 31, 2015

Via E-mail and U.S. Mail

Mr. Brian Callahan
Mrs. Lisa Callahan
9790 Liberty Circle, 2E
Orland, IL 60467
lmccallahan@hotmail.com

Re: R [REDACTED] and H [REDACTED] Eggleston, Minor Children.

Dear Mr. and Mrs. Callahan:

Please be advised I represent Steve Eggleston. The purpose of this letter is to inform you that Steve no longer wishes to maintain you as temporary guardians of his children and therefore requests that you return them to his custody immediately. Enclosed is a Revocation of Nomination and Consent of Guardianship.

Please contact my office to coordinate the return of the children by April 6, 2015. Should I not hear from you by then or should you refuse to return the children, I will be forced to seek intervention from the Court.

Thank you for your time and attention to this matter. Please do not hesitate to contact me if you have any questions.

Very truly yours,

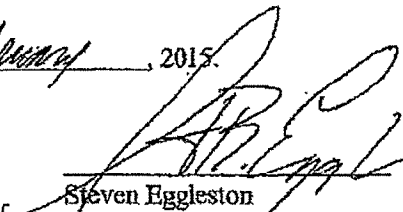
/s/Emily McFarling

Emily McFarling, Esq.

REVOCATION OF NOMINATION AND CONSENT OF GUARDIANSHIP

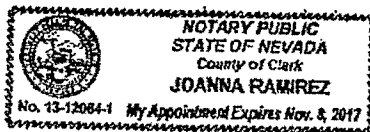
I, Steven Eggleston, the natural father of the minor child, R [REDACTED] Eggleston, born [REDACTED], hereby revoke the Nomination and Consent of Guardianship I executed on January 7, 2015, and which appointed Lisa and Brian Callahan as temporary guardians of said minor child.

DATED this 18 day of February, 2015.


Steven Eggleston

SUBSCRIBED and SWORN to
before me by Steven Eggleston
this 18 day of February, 2015.


NOTARY PUBLIC

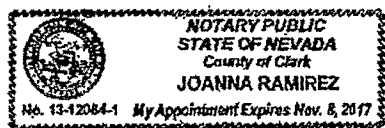


ACKNOWLEDGEMENT

STATE OF NEVADA)
 ss.
COUNTY OF CLARK)

On this 18 day of February, 2015, personally appeared before me, a Notary Public, in and for the said County and State, Steven Eggleston, known to me or proven to me to be the person described in and who executed the foregoing instrument, Revocation of Nomination and Consent of Guardianship, who acknowledged to me that the instrument was executed freely and voluntarily and for the same uses and purposes therein mentioned.

Witness my hand and official seal the day and year in this certificate first above written.




NOTARY PUBLIC

EXHIBIT B

NOMINATION AND CONSENT OF GUARDIANSHIP

I/We, Laura Rodriguez & Steve Eggleston
the parent(s)/legal guardian(s) of H. Eggleston by
written instrument, without the requirement of Court approval & in compliance
with N.R.S. 159-205, do hereby appoint

Lise Callahan

Name

REDACTED

Social Security Number

Brian Callahan

Name

REDACTED

Social Security Number

as temporary guardian(s) of said minor child(ren). This instrument shall be in
force and effect for a period of six (6) months from the date of its execution,
and may be renewed by the parties hereto, if and when they deem it necessary
and appropriate, or upon orders of the court.

Dated this 7 day of January, 2015.

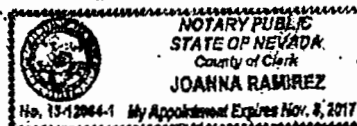
Laura Rodriguez
Parent/Legal Guardian

Steve Eggleston
Parent/Legal Guardian

STATE OF NEVADA)
) SS
COUNTY OF CLARK)

SUBSCRIBED and SWORN to before me
this 7 day of January, 2015.

Joanna Ramirez
NOTARY PUBLIC in and for the County of
Clark, State of Nevada



McFARLING LAW GROUP

Emily McFarling, Esq.*
emilym@mcfarlinglaw.com

Samantha Mentzel Esq.
samantham@mcfarlinglaw.com

Josh Aronson, Esq.**
josh@mcfarlinglaw.com

Office Manager: Michael Buxton
michaelb@mcfarlinglaw.com

*Also licensed in California and Arizona
Nevada Board Certified Family Law Specialist

** Also licensed in Florida

May 20, 2015

Via E-mail
sherese@shabazzlaw.net

Law Office of Sherese A Shabazz P C
1000 Essington Rd.
Joliet, IL 60435

Re: In the Matter of the Estate of R [REDACTED] and H [REDACTED] Eggleston, Minor Children;
Case No. 2015P 000231

Dear Ms. Shabazz:

Please be advised I represent Mr. Steve Eggleston, the father of the above-named children. It is my understanding you represent the Petitioners, Lisa and Brian Callahan. Mr. Eggleston recently discovered that there is a guardianship hearing on May 26, 2015, however, till this date he has not been served with a Petition or a Notice of Hearing.

Mr. Eggleston objects to the appointment of Lisa and Brian Callahan as guardians of his children. In fact, in January he revoked his nomination of guardianship and requested that the children be returned to his custody. I have attached a copy of the correspondence sent to Mr. and Mrs. Callahan, to which I never received any type of response.

I request that you cancel or at least postpone the upcoming hearing to properly serve my client with the Petition and Notice of Hearing, to allow him time to retain counsel in Illinois and/or give him an opportunity to make arrangements to appear at the hearing.

Thank you for your time and attention to this matter. Please do not hesitate to contact me if you have any questions.

Very truly yours,
/s/ Emily McFarling
Emily McFarling, Esq.

STATE OF ILLINOIS)
)
COUNTY OF WILL) SS.

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS

IN RE THE ESTATE OF)

R [REDACTED] EGGLESTON and
H [REDACTED] EGGLESTON,

Minors.)

NO. 15 P 231

FILED
15 JUL 10 AM 10:57
JUVENILE CENTER
CIRCUIT CLERK
WILL COUNTY, ILLINOIS

ORDER

This matter coming before this court on the Emergency Oral Motion of the Guardian ad Litem, the court waiving notice herein, the court having reviewed the Order of Custody and minutes entered in Case no. D508989 in the Eighth Judicial District Court, Clark County, Nevada, and being advised by the guardian ad litem, Jennifer M. Lynch, that a dispute now exists between the guardian, Lisa Callahan, and the minors' natural father, Steven Eggleston, as to the immediate implications of such Order and minutes and the Orders entered in this court, the court having conducted a judicial conference as required under 750 ILCS 36/204(d), this court finding that there is no objection to this court's exclusive and continuing sole jurisdiction over the minor children from presiding Judge Potter in Case no. D508989 in the Eighth Judicial District Court, Clark County, Nevada, this court finds as follows:

- A. This court has sole and exclusive jurisdiction over the minor children, R [REDACTED] Eggleston (date of birth [REDACTED]) and H [REDACTED] Eggleston (date of birth [REDACTED]) under the 750 ILCS 36/202-204, the Uniform Child-Custody Jurisdiction and Enforcement Act;
- B. No other court has the authority to enter any Order affecting the physical custody of the minor children herein;
- C. That the continuing jurisdiction of this court is necessary to protect the minor children from mistreatment and threats of mistreatment and abuse;

This Court further Orders as follows:

1. The minor children herein shall not be removed from this court's jurisdiction without specific Order of this court;
2. The minor children shall remain in the sole physical custody of the guardian herein, Lisa Callahan;
3. The guardian ad litem shall receive five (5) certified copies of this order and shall provide the best notice of entry of this Order to the parties herein;
4. Status date of July 13, 2015 at 9:00a.m. shall stand.

ENTER: 7/10/15

JUDGE

Jennifer M. Lynch
JUNE, PRODEHL, RENZI & LYNCH L.L.C.
1861 Black Road
Joliet, Illinois 60435
(815) 725-8000
Atty. No. 06275404

CERTIFICATION

I, PAMELA J. MCGUIRE, CLERK OF
THE 12TH JUDICIAL CIRCUIT, WILL
COUNTY, ILLINOIS, CERTIFY THIS
TO BE A TRUE COPY OF AN
ORIGINAL RECORD OF THIS CIRCUIT
COURT.

SIGNED



7-10-15

EXHIBIT C

Fwd: Eggleston children

Emily McFarling <emilym@mcfarlinglaw.com>

Sat, Jul 11, 2015 at 2:05 AM

To: "jlynch@jprlaw.net" <jlynch@jprlaw.net>

Cc: clientcc <clientcc@mcfarlinglaw.com>, "Steve Eggleston (steve@eggmanglobal.com)" <steve@eggmanglobal.com>

Jennifer,

I represent Steve Eggleston in Nevada. He forwarded me the below email and attached order from Illinois.

I am really confused since the Court here has already entered final custody orders and exerted jurisdiction under the UCCJEA. How does the Illinois court think it has any jurisdiction over my client's children who are only in Illinois as a result of being wrongfully removed from Nevada and retained there even after my client revoked his consent to guardianship? The Illinois order references that there was a UCCJEA conference with the Court in Nevada. I was not advised of any such conference and it seems odd considering the judge here just granted final custody orders.

The order appears to reflect that it was based upon a request from you to have an emergency hearing. What is the basis for asking the Illinois court to ignore the Nevada court orders for custody and exercise of jurisdiction?

Further, what is the standard for a court in Illinois to grant a guardianship against a parent's objection? My client has not been deemed an unfit parent here and I cannot imagine that he could be deemed as such in a state that he has no ties to. Here guardianship cannot be granted against the objection of a fit parent. I am floored that the Illinois court is so willing to trample on my client's parental rights. I have been involved assisting Mr. Eggleston since prior to him signing the temporary guardianship consents and am shocked at how the guardians have taken advantage of the very specific plan that I confirmed with the CPS caseworker prior to advising my client to sign a temporary guardianship consent.

What information has been provided to the Court in Illinois aside from the CPS records that show that the children were not removed from my client's care and that the biggest concern about him was that he did not realize the extent of their mother's issues. Is my client's attorney in Illinois not properly providing the appropriate information to you and the court there?

Can you please email me back and shed some light on what is going on there as in all my years practicing exclusively family law here I have never seen a parent's rights ignored to this extent.

What documentation or information do I need to get to you to straighten this out so that my client's children can be returned to their father as soon as possible?

Very truly yours,

Re: Claims of Steve Eggleston, father of Ryder and Hunter Eggleston; Complaint - Civil Rights Violation & Child Abduction; Offer of Settlement and Compromise

Steve Eggleston <theeggman411@gmail.com>

Thu, Nov 10, 2016 at 7:08 AM

To: Georgina Stuart / CPS <gxstuart@clarkcountynv.gov>, Lisa Callahan <lmccallahan@hotmail.com>

Bcc: Dana Amma day <dana@positivetv.tv>, Ryder David Eggleston <ryderdavid2010@gmail.com>

To Whom It May Concern:

On about January 6, 2015, my sons were unlawfully abducted from me. This abduction was orchestrated by Georgina Stuart, acting for CPS, and Lisa Callahan, in clear violation of my fundamental rights civil rights as a parent and the protocol established by law (see, e.g., <http://dcfs.nv.gov/Programs/CWS/CPS/CPS/>). At no time were the Eggleston boys in actual or imminent danger of harm then or before.

The essential facts are set forth in my COMPLAINT FOR CIVIL RIGHT VIOLATIONS, CHILD ABDUCTION, and CONSPIRACY. That Complaint is attached.

Before the abduction, was interviewed one time, for about 20 minutes, after which I was appointed Guardian over the children and their mother. This was several days before the abduction. Answering the question what changed between then and the abduction would be a good place to start, for those interested in gathering any of the facts related to this travesty.

Further information is available from my attorney, Emily McFarling. She is a well-respected family law attorney in Clark County. As she is a witness, she is not my attorney in this action. I will make the decision of who to retain depending on how these Settlement negotiations conclude. Ms. McFarling spoke to Ms. Stuart during and after the abduction. Ms. McFarling is also witness to my fitness as a parent over the years preceding the abduction. Neither she nor anyone other than the mother's two oldest children (who lived in Chicago and were home briefly for the holidays) were interviewed before the abduction. No investigation as required by law was required. Indeed, through the morning of the abduction, we had been approved for a new program that apparently was bringing millions of funding dollars to CPS or related entities.

It is my hope to reach a settlement without the necessity of filing suit. A Nevada court found me fit and awarded me full legal and physical custody of the boys in the spring of 2015. However, as it currently stands, the Callahans, who have physical possession of my sons, have not returned my sons or communicated with me once since January of this year, nearly a year ago. Nor have they allowed me any contact of any kind with them despite my constant demands and requests. They have instead pursued guardianship in Indiana in violation of my constitutional rights and the Order of the Nevada court, which has superior jurisdiction. I have no idea if my sons are dead or alive, happy and healthy, or otherwise. I have only seen them once - at a court hearing in Nevada - since their abduction nearly two years ago.

if we do not work something out by mid-December, or get on a clear path to doing so, I will file suit and formally serve all named defendants. What's at stake here are my fundamental parental rights, the love and affection that Ryder, Hunter and I share for each other, and the short and long-term health of the boys... all of which have been trampled upon.

In an effort to avoid expensive and protracted litigation, here's my proposed Settlement and Compromise offer:

1. The boys will be put on the phone with me every Sunday, subject to reasonable schedule adjustments, via Facetime or Skype, from a place where the video connection is good;
2. The boys will be made available to me for visitation over the holidays this year for four days in the Chicago area;
3. I will have regular visitation rights for the boys in the spring and next summer and other reasonably agreed dates (without any waiver of my right to pursue full and complete custody);
4. In addition to Sundays, the boys equally available to me on all holidays, birthdays and special occasions;
5. The Report of Abuse and Neglect as against me will be rescinded;
6. Proof of reprimand and/or disciplinary action against Ms. Stuart will be provided to me;
7. Proof of proposed new procedures for investigation of suicidal ideation, blended families and situations like ours will be provided to me;
8. A practice of guardianship removal of children through ambush and police intimidation will be banned and cease forthwith;
9. The Callahans will return my sons to me forthwith or as agreed;
10. The Callahans will pay me the sum of \$25,000; and
11. CPS and Georgina Stuart will pay me the sum of \$100,000, a portion of which will be paid by Ms. Stuart personally without any reimbursement or indemnification.

If resolution is not reached by mid-December, I will file and serve my COMPLAINT, contact every local, state and federal office with any connection to CPS or its funding, including the U.S. Department of Health and Human Services and the affiliated Children's Bureau, and coordinate with all watchdog groups that put a flashlight on government abuse of this sort. Hopefully informal resolution will make that unnecessary.

Sincerely, Steve Eggleston

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Steve Eggleston
Primary: TheEggman411@gmail.com
Secondary: Steve@EggmanGlobal.com
www.linkedin.com/SteveEgglestonakaTheEggman

Founder/CEO, Eggman Global Artists
Founder/CEO, Eggman Global Consultants
Co-Founder/CEO, TECH for Humankind
Partner, ABA Booking Agency
www.EggmanGlobal.com
Facebook.com/EggmanGlobal
Twitter.com/EggmanGlobal

Founder/CEO, Eggman Global Books
Author, "Conflicted," a Trip Splatter Novel
2nd Edition Street Date: 01/10/16
EggmanGlobalBooks.com
Facebook.com/SteveEgglestonLegalThrillers

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