EXHIBIT H

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.	District Court Case No. A748919

AFFIDAVIT OF FELICIA GALATI

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

FELICIA GALATI, being first duly sworn, deposes and states:

1. Affiant is a shareholder of the law firm of Olson Cannon Gormley & Stoberski and is duly licensed to practice law before all of the Courts in the State of Nevada.

2. Affiant is one of the attorneys assigned by the law firm to represent the interests of Respondents Georgina Stuart and Clark County in Eggleston v. Clark County, Case No. A-16-748919-C and the related appeal - Supreme Court No. 80838.

3. Affiant makes this Affidavit in support of Respondents' Motion to Disqualify Appellant's Attorney ("Motion").

4. Attached to Respondents' Motion as Exhibit G is a true and correct partial copy of Appellant's supplemental disclosure dated 4/30/18. That disclosure consists of 391 pages in total. Respondents are only attaching the supplemental disclosure and the relevant pages thereto relating to their Motion, including: the 2/20/15 paternity, paternity, custody and child support complaint (redacted) that Ms. McFarling filed in Family Court; Ms. McFarling's 3/31/15 letter to the Callahans and 5/20/15 letter to counsel regarding the Guardianship action (Exhibits C and D thereto omitted); 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."

. . .

5. Attached to Respondents' Motion as Exhibit Q is a true and correct partial copy of Appellant's initial disclosure containing the relevant pages thereto relating to their Motion listing Ms. McFarling as a witness.

6. Affiant hereby attests that the foregoing information is true and accurate to the best of her knowledge as of the date of her signature hereon.

Dated this 24th day of September, 2020.

F Galati

FELICIA GALATI

SUBSCRIBED AND SWORN to before
me this 24th day of September, 2020.

NOTARY PUBLIC in and for said
County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
CHERYL K. HARTLE
Appt. No. 92-0386-1
My Appt. Expires Dec. 3, 2020

EXHIBIT I

EXHIBIT "3"

(Decree of Custody)

DEC
Emily McFarling, Esq.
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Steven Eggleston

IN THE EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

STEVEN EGGLESTON, Plaintiff, vs. LAURA BATTISTELLA, Defendant.	Case Number: D508989 Dept. No: M **DECREE OF CUSTODY**

This cause having come before the Court, and the Court being advised in the premises, and the same having been submitted to the above entitled Court for decision; the Court finds that it has complete jurisdiction as to the subject matter and personal jurisdiction and after reviewing the pleadings and papers on file and hearing the testimony presented this date, the Court finds as follows:

That Plaintiff is now and has been actual bona fide resident of Clark County, Nevada and has been actually domiciles therein for more than six weeks immediately preceding the commencement of this action;

There are two minor children born the issue of Plaintiff and Defendant, to wit: H[redacted] Eggleston, born REDACTED, and R[redacted] Eggleston, born REDACTED 2010;

Non-Trial Disposition:
☐ Other
☐ Dismissal - Want of Prosecution
☐ Involuntary (Statutory) Dismissal
☐ Default Judgment
☐ Transferred

Settled/Withdrawn:
☐ Without Judicial Conference
☒ With Judicial Conference
☐ By ADR

Trial Disposition:
☐ Dismissed After Trial Start
☐ Judgment Reached by Trial

3

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Nevada was the home state of the minor children within six months before the commencement of the proceedings. As such, Nevada has jurisdiction over the child custody of the minor children.

That the parties have never been married.

Paternity has already been established for both minor children, specifically:

A Decree of Paternity was entered in this case on June 24, 2015 establishing paternity for the minor child, R[redacted]r, and reaffirming paternity for the minor child, H[redacted]. As to the minor child, H[redacted] an affidavit of Paternity was filed with the Office of Vital Statistics more than six months immediately preceding the filing of this action. Said Affidavit was not revoked within six months from the date it was filed.

THEREFORE, IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff Steve Eggleston is fit and proper to be designated as sole legal and physical custodian of the minor children H[redacted]Eggleston, born [redacted]2, and R[redacted] [redacted]Eggleston, born [redacted].

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the children returning to Plaintiff's physical care, he shall contact Child Protective Services through the hotline and the previously assigned caseworker and notify them that the children have returned to his care.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff shall file with this Court a list of the licensed daycare provider he will be using for the minor children and his set/regular work schedule.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Laura Battistella will have visitation with the minor children at Plaintiff's discretion.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to NRS 125B.080(9)(f), due to the relative incomes of the Parties, Defendant will not pay child support. This amount is deviated from the statutory formula that provides for a minimum of $100 per child due to the parties relative incomes.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that both Parties shall file Financial Disclosure Forms.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED Plaintiff shall provide medical, dental and vision insurance for said children until said children reach the age of majority, marry, or become sooner self-supporting, with the premium split equally between the parties.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED the parties shall share equally all uninsured medical expenses of the minor children. Medical expenses shall include, but are not limited to, counseling, eye exams, eye glasses and medical treatment. Reimbursement shall be made pursuant to the 30/30 rule for expenses. The parent who paid for the expenses shall provide the other parent a copy of the receipt of payment within 30 days of payment. The other parent should reimburse one half of the expenses within 30 days.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED Plaintiff may claim the minor children on his income tax return each year beginning the year 2014 and forward.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED the 1999 Red Ford Explorer, NV license plate number 343YLK, Vehicle ID No. REDACTED now held in the names of Steve Eggleston and Laura Battistella, married name Laura Rodriguez, shall be transferred - all right, title, and interest - to Steve Eggleston.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED each of the parties herein will pay his or her own attorney's fees and costs.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED the parties are subject to the provisions of NRS 31A.025 through 31A.240 which deal with the recovery of payments for the support of minor children by the welfare division of the Department of Human Resources or the District Attorney; and, that his/her employer can be ordered to withhold his/her wages or commissions for delinquent payments of child support.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that both parties shall execute any and all escrow documents, transfers of title, and other instruments that may be required in order to effectuate transfer of any and all interests which either may have in and to the property of the other as specified herein, and do any other act or sign any other documents reasonably necessary and proper for the consummation, effectuation, or implementation of this Decree and its intent and purposes. Should either party fail to execute any documents to transfer interest to the other, either party may request that this Court transfer such property directly, or have the Clerk of the Court sign in place of the other, consistent with NRCP 70.

That pursuant to NRS 125.510(6), the Parties are hereby put on notice of the following:

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

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

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

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

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

That the Parties are also put on notice of the following provision of NRS 125C.200:

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

The Parties are further put on notice that they are subject to the provisions of NRS 31A and 125.450 regarding the collection of delinquent child support payments.

The Parties are further put on notice that either party may request a review of child support pursuant to NRS 125B.145.

The Parties shall submit the information required in NRS 125B.055, NRS 125.130 and NRS 125.230 on a separate form to the Court and the Welfare Division of the Department of Human Resources within ten (10) days from the date the Decree is filed.

matter is filed. Such information shall be maintained by the Court and

and not part of the public record. The Parties shall update the information filed with the Court and the Welfare Division of the Department of Human Resources within ten (10) days should any of that information become inaccurate.

IT IS SO ORDERED this 29 day of June, 2015.

THE HONORABLE WILLIAM S. POTTER

for Judge Potter

MCFARLING LAW GROUP

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Las Vegas, NV 89146
(702) 565-4335
Attorney for Plaintiff

EXHIBIT J

EXHIBIT "4"

(Plaintiff's email to Defendants Stuart and the County as referenced above dated November 10, 2016)

Gmail

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 1:08 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/CPSI/). 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 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.

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EXHIBIT K

Nevada Supreme Court No. 80838

PRO SE, APPELLANT
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IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVE EGGLESTON,

Appellant/Plaintiff

-vs-

GEORGINA STUART; DEPARTMENT OF FAMILY SERVICES, CHILD SUPPORT SERVICES, CLARK COUNTY, NEVADA; LISA CALLAHAN; BRIAN CALLAHAN,

Respondents/Defendants.

APPEAL FROM ORDERS OF THE DISTRICT COURT, THE HON. DOUGLAS E. SMITH (RET.), AND CRISTINA SILVA, 8TH JUDICIAL DISTRICT FOR THE STATE OF NEVADA

APPELLANT'S OPENING BRIEF

Nevada Supreme Court No. 80838

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IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVE EGGLESTON, Appellant/Plaintiff -vs- GEORGINA STUART; DEPARTMENT OF FAMILY SERVICES, CHILD SUPPORT SERVICES, CLARK COUNTY, NEVADA; LISA CALLAHAN; BRIAN CALLAHAN, Respondents/Defendants.	**APPEAL FROM ORDERS OF THE DISTRICT COURT, THE HON. DOUGLAS E. SMITH (RET.), AND CRISTINA SILVA, 8TH JUDICIAL DISTRICT FOR THE STATE OF NEVADA** **APPELLANT'S OPENING BRIEF**

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Jurisdictional Statement

Appellant/plaintiff (also "Father") appeals from an order dismissing his complaint on 9/7/18, and also raises issues arising from an interlocutory dismissal

order entered on 7/31/17. This appeal timely followed entry on 2/26/20 of an Order denying Appellant's Motion to Reconsider. No Entry of Judgment has been requested or made at the district court level, and Respondents have not filed a Cross-Appeal. On 6/10/20, this Court entered an order denying Respondent's motion to dismiss the appeal in part.

Routing Statement

FRAP 17(a)(10) provides that the Nevada Supreme Court "shall hear and decide...Cases involving the termination of parental rights or NRS Chapter 432B." This appeal directly involves both.

Statement of the Issues

A. Whether the County Defendant's 2nd Motion to Dismiss was untimely and grounded on an unpled affirmative defense.

B. Whether the District Court erred as a matter of law by dismissing Plaintiff's §1983 civil rights claims for failure to exhaust administrative remedies through the "Fair Hearing" process.

C. Whether The District Court erred in dismissing Plaintiff's state law torts claims, and the Callahan defendants, for failure to exhaust administrative remedies.

D. Whether, if the Motion to Dismiss is treated as a Motion for Summary Judgement, there remains a material question of fact as to whether the CAPTA Registry Hearing was waived, or is subject to estoppel; or alternatively, if further discovery should be allowed.

E. Whether the 2nd Order of Dismissal should be set aside based on unfair notice, fraud, concealment, destruction of evidence, ethical violations, mistake and/or irregularity.

F. Alternatively, whether the Motion to Reconsider should have been granted based on new evidence, considerations of due process, and/or fundamental notions of fairness.

G. Whether the district court erred in limiting the compensatory damages recoverable against Defendant Georgina Stuart to $100,000, and barring any claim for punitive damages.

H. Whether Rule 11 Sanctions should be imposed on Defendants Georgina Stuart and Clark County, as well as their private attorneys, Olson, Cannon, Gormley, Angelo & Stoberski and Olson, Cannon, Gormley & Stoberski.

I.

Statement of the Facts

The nightmare began in early December 2014 a few weeks before Christmas. Laura Battistella (the mother of Plaintiff's two sons) suffered an episode of postpartum depression,[1] expressing suicidal ideation to her oldest daughter.[2] After 911 was called, the EMT took Laura to Montevista Hospital (a Clark County mental health facility). There, sadly, she was admitted for observation. First Amended Complaint ("FAC"), ¶ 7.

A few days later, Defendant Georgina Stuart, from Clark County Child Protective Services ("CPS"), arrived at Plaintiff's home. She represented that it was routine for CPS to follow up a psychiatric admission where minor children lived at home, to ensure another adult was present. FAC, ¶ 10. One was: Plaintiff, a loving, caring father. Stuart made no suggestion that the children were in any kind of danger, and they weren't. Nor had there ever been any report of abuse or neglect by anyone. FAC, ¶¶ 11-13.

In response to her questioning, Plaintiff told Stuart he was a law school Valedictorian, accomplished law and college professor, published author, and active Las Vegas talent manager (Michael Grimm, winner of 2010 America's Got

[1] In women receiving medical care, 50% of patients experienced depression for more than one year after childbirth. Thirty percent (30%) of women with postpartum depression were still depressed up to three years after giving birth. "The Course of Postpartum Depression: A Review of Longitudinal Studies," Harvard Review of Psychiatry: January/February 2014, Vol. 22, Issue 1, pp. 1–22, Vliegen, Nicole PhD, Casalin, Sara PhD, Luyten, Patrick PhD.

[2] There were six children in all: Laura's two teenage daughters who for Christmas from the Chicago area, and Laura's two young children who lived in Appellant's home (all four fathered by Laura's Indiana-based ex-husband, James Rodriguez, Sr., and all four with the last name Rodriguez). Then there were Laura's two younger boys (ages two and four), who were Plaintiff Steve Eggleston's sons with his surname. FAC, ¶¶ 1-6.

Talent, Steve Thompson, 7 x Grammies), referring her to his website (then, EggmanGlobal.com, now SteveEggelstonWrites.com). He also advised her that he did not drink, smoke, or take any drugs (prescription or otherwise), which he confirmed with a baseline test. FAC, ¶ 15. At all times, he was a fit parent and fully capable of taking care of and raising his sons. FAC, ¶12.

Importantly, Plaintiff further informed Stuart that, due to the previous deterioration of his relationship with Laura, and since Laura's two older teenage children were home for the holidays, he felt that he needed to take his two sons from the house and move elsewhere ("given the totality of the circumstances"). This was admitted by the Clark County Defendants in Answer to Plaintiff's FAC. Answer, 3:4-5.

Stuart responded by recommending the family participate in a newly-funded program with Boys Town (a family care service) set to start at the first of the year; to Plaintiff's initial resistance, she enthusiastically assured him the new program would be excellent, and urged him to stay. To keep the family together, he agreed to stay and participate in the program.[3] FAC, ¶¶ 16-20. Stuart then set a Boys Town start date for 1/6/15, after the New Year.[4]

On 1/6/15, however, Boys Town did not show up to start any new program. Plaintiff had been duped, lied to. FAC, ¶ 26. Instead, he was ambushed. *Ibid.* Stuart, Lisa Callahan, and two uniformed Las Vegas policemen stormed into the house,

[3] These exchanges are thoroughly documented by Plaintiff's confirming emails to Stuart, quoted verbatim in the FAC, ¶¶ 22-23, and also admitted in the County Respondents' Answer (*ibid*).
[4] Plaintiff sent Stuart several confirming emails, again set forth *verbatim* in the FAC with no evidentiary opposition. FAC, ¶¶ 22-24.

without cause or warrant. *Ibid.* The policemen were totally jacked up, wearing highly visible Hip-Holster guns and barking commands. *Ibid.* The place in chaos, they ordered Plaintiff (and Laura) to sign over temporary guardianship of all four younger children to the Callahan Defendants "or face the permanent taking and removal of his sons." FAC, ¶ 26(e). Within days, despite Plaintiff's ongoing objection, Defendant Callahan had removed Plaintiff's sons to Illinois (never to return). *Ibid.*

No Petition was filed by the County to ascertain Plaintiff's parental rights (or Laura's), and no hearing of any kind was held before or after his sons' removal, despite there being no emergency of any kind. This is pled and factually undisputed. Had the County not been involved, Plaintiff was told when he angrily contacted the FBI, an Amber Alert would have been issued immediately, the responsible parties would have been arrested for child abduction, and the boys would have been returned. Opposition to 2nd MTD, Plf.'s Declaration.

Nearly a month later, on 2/2/15, Stuart sent a letter to Plaintiff's address, citing Report No. 1643366 (Laura's file, Plaintiff would later learn) addressed to a "Mr. Rodriguez" (Laura's ex-husband). The Letter asserted preposterously that a "Finding of Physical Injury – Neglect," had been made as regards all four children. Preposterous, because earlier that same day (of 2/2/15) Stuart had told Plaintiff's family law attorney, Emily McFarling, that she planned to close the file as to Plaintiff and had "no objection to Plaintiff taking custody of his sons." FAC, ¶ 26(p); Opposition to 2nd MTD, Attorney McFarling Declaration.

Moving swiftly to get his sons back, on 2/12/15, Plaintiff filed a Petition for Custody and Paternity in the Clark County family law courts. Req. Judicial Notice, *Eggleston v. Battistella*, Clark County Case # D-15-508989-P. Plf Affid, MFR, Exhibit 3, Order of Custody, p. 4. On 06/29/15, the judge "ORDERED, ADJUDGED AND DECREED that ***Plaintiff Steve Eggleston is fit and proper to be designated sole legal and physical custodian of the minor children***...[his sons]." *Ibid.* Emphasis added.

The Decree further stated: "[P]ursuant to NRS 125.510(6) the Parties are hereby put on notice of the following: PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS ***PUNISHABLE AS A CATEGORY 'D' FELONY*** AS PROVIDED IN NRS 193.130, NRS 200.359..." *Ibid.* CAPs in original.

So severe were the repercussions of the County's coercive actions, however, that, despite this Order of Custody and adjudication of his fitness, Plaintiff has seen his sons only once since their abduction over five years ago. An utter, and total, travesty, brought about by a Clark County Department of Family Services that truly, honestly, should be vigorously investigated for incompetence and corruption, and then dismantled and restructured from the bottom up.

II. Statement of the Case

After attempting to resolve his dispute with the Clark County Ombudsman

(see 9/20/18 Motion to Reconsider ("MTR"), 16:16-19:22), as dictated by County postings, on 12/30/16, before the statute of limitations would run, Plaintiff filed his Original Civil Rights Complaint (OC) for damages and equitable relief. In this OC, he principally alleged violations of his fundamental parental rights under §1983 of the Civil Rights Act of 1964. 42 USCA §1983. He also set forth independent state law torts, including civil child abduction, fraud, defamation, intentional infliction of emotional distress, and civil conspiracy. OC, 12/30/16.

Factually, Plaintiff alleged that Defendants Clark County and Stuart forcibly removed his sons from his home to the Callahan Defendants (family relatives) without legal cause or due process (in violation of NRS 432B and well-established constitutional precedent). OC, Factual Allegations. He further alleged the County Defendants engaged in a campaign to defraud, defame and discredit him, to destroy evidence, and to cover up their wrongdoing so as to preclude Plaintiff from reuniting with his sons and protect their own liability, jobs, and etcetera, after engaging in so egregious and inexplicable constitutional transgressions. *Ibid*, e.g., ¶ 35-(a)-(i).

On 6/9/17, represented by the District Attorney's Office, the County Defendants filed a narrow NRCP Rule 12(b)(5) Motion to Dismiss ("1st MTD"). The district court granted the Motion, ordering greater specificity for the conspiracy claims, limiting damages against Stuart to $100,000, and dismissing the punitive damages claims against her based on state immunity. 7/31/17 Order. Leave to amend was granted, Plaintiff filed a timely FAC, and the County Defendants answered.[5]

[5] Though properly served with the OC, FAC and respective Summonses, as well as all pleading and appeal briefs, the Callahan Defendants have not appeared in the case or filed any pleadings. Since the matter of damages turns on

Per routine, the Case Conference was held and NRCP 16.1 Initial Disclosures were made. Plf Reply, MTR, 2:12-4:2, and supporting affidavit/exhibits. When Plaintiff viewed the County's initially disclosed documents, however, he was shocked at how few documents were produced relative to the DFS's production for the pending CAPTA Registry hearing. *Ibid.* When he brought this to the Deputy D.A.'s attention, she indicated there was a "Chinese Wall" barring communication on ethical grounds between the DA's Office and the Fair Hearing Office, so she did not know what had been previously produced. *Ibid.*

Plaintiff responded with a detailed Document Request seeking, among other things, ***all handwritten notes of Defendant Stuart*** for the time period preceding his son's abduction, basically 12/1/15 – 1/7/16. *Ibid.* At this exact time, the DA's office abruptly withdrew from the case without explanation. New private defense counsel, **Olson, Cannon, Gormley, Angelo & Stoberski,** appeared, and junior shareholder Felecia Galati ("Galati") took over the defense. *Ibid.*

Galati's first official act (a letter of 6/14/18) requested an extension to respond to Plaintiff's pending Document Request of the **critical handwritten notes** (and e-discovery). *Ibid.* These notes were critical as they would show Plaintiff's constitutional rights were violated, that Stuart admitted he was fit, and that his sons were criminally abducted by the Callahans with County complicity. *Ibid.*

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evidentiary proof, including expensive experts, Plaintiff planned to present his default case to the jury at the same time as he presented his case against the County Defendants.

The next weeks involved a series of correspondence in which Plaintiff expressed frustration at the non-production of these critical notes. *Ibid.* Plaintiff attached all of these emails to his 10/15/18 Reply to the Motion to Reconsider later filed, demonstrating Plaintiff's growing concern over the destruction of critical, exonerating evidence. *Id.*, Plf MTR, Reply, Exs. 2-4.

Galati's next official act was to inform Plaintiff the notes no longer existed, and that there was no e-discovery, either. *Ibid.* All contemporary e-discovery and every single hard note made prior to the abduction of Plaintiff's sons had somehow vanished into thin air. *Ibid.* In other words, evidence had been destroyed in clear violation of the Public Records Act, NAC 239.696-699,[6] and the required litigation hold[7] (*ibid*).

Taken aback, Plaintiff sent a second Document Request to establish (a) that the Registry Hearing process ("Fair Hearing," it was being pompously called) was a sham, (b) that the County Defendants were engaged in a cover-up, because they knew they had violated the rights of Plaintiff and his sons, (c) that the County knew Stuart had unlawfully orchestrated the child removal to another state, and (d) that Plaintiff had thus been denied due process (something the Registry hearing could not remedy). *Ibid.*

Apropos, Plaintiff thought of the poetic words of *United Medical Supply*: "Our adversarial process is designed to tolerate human failings— erring judges can

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[6] NAC 239.696 provides: A state agency shall establish a records management program which documents its organization, functions, policies, decisions, procedures and essential transactions. NAC 239.697 provides: The records management program…must include controls for…distribution of the records…[3]…***which allows for the rapid retrieval and protection of the information contained within that record***…" Emphasis added.

[7] *Glover v. BIC Corp.*, 6 F.3d 1318, 1329 (9th Cir. 1993).

be reversed, uncooperative counsel can be shepherded, and recalcitrant witnesses compelled to testify. But, when critical documents go missing, judges and litigants alike descend into a world of ad hocery and half measures—and our civil justice system suffers." ABA Abstract, p. 9[8], citing *United Medical Supply Co. v. United States*, 77 Fed. Cl. 257, 259 (Fed. Cl. 2007).

Poof! Documents gone, Galati's next official act was to file an appallingly untimely Rule 12(b)(5) Motion to Dismiss ("2nd MTD") the County Defendants, based on the absurd notion that Plaintiff needed to complete a "Fair Hearing" process (actually, a CAPTA Registry Hearing) before proceeding with his civil rights claims – absurd, because: (a) the CAPTA Registry Hearing has nothing to do with his son's abduction, (b) the CAPTA Registry Hearing has nothing to do with the County's failure to provide him a pre- or post-child removal due process hearing, and (c) Plaintiff had already been adjudged fit and awarded custody.

In other words, it has nothing to do with the core allegations to his FAC and his civil rights claims.

Notably, the 2nd MTD did not invoke the County's Twelfth Affirmative Defense that "Plaintiff failed to exhaust his administrative remedies... as required by NRS 41.00366(2)." Indeed, NRS 41.00366(2), asserting a governmental tort claim notice requirement, had long ago been rejected for §1983 cases by *Patsy, v. Board of Regents of State of Florida, 457 US 496 (1982)*. Yet, the sole argument

[8] Online citation: https://apps.americanbar.org/abastore/products/books/abstracts/5190497_chap1_abs.pdf.

for dismissal was based on Plaintiff's alleged failure to complete the administrative Registry Hearing process before filing his §1983 civil rights action.

Plaintiff was especially troubled that Gallati did not cite *Patsy* or any of the leading §1983 case law on exhaustion. It would be impossible, he thought, for her not to be aware of the hornbook law of *Patsy*, in which the US Supreme Court unequivocally, squarely and broadly held "that exhaustion of state administrative remedies should not be required as a prerequisite to bringing an action pursuant to 1983." Any law school graduate would know this.

Upset by this deliberate strategy to mislead the district court by omission, Plaintiff wrote Gallati a harsh Rule 11 sanctions letter for her purpose omission of controlling U.S. Supreme Court law. She ignored it. Plf MTR Reply Aff, Ex. 5. Instead, she quite disingenuously wrote in her Repy to Plaintiff's Opposition to the MTD: "Plaintiff's Opposition completely fails to address the requirement of addressing administrative remedies...[and, contradicting herself]...Plaintiff's reliance on § 1983 cases is misplaced..." The words "poppycock and rubbish," once spoke by a law and motion judge, come to mind.

Now, one might hold the view that "all is fair in love and war," the oft-cited proverb of Euphues, but a legal proceeding is not supposed to be fought by hook or crook. The ABA speaks directly to these matters in Model Rule 3.38: "(a) a lawyer shall not knowingly: (1) make a false statement of fact or law to the tribunal, (2) ***fail***

to disclose to the tribunal legal authority in the controlling jurisdiction known...directly adverse to the position of the client...." Model Rules of Professional Conduct on Professional Responsibility, Thomas D. Moore and Roland D. Rotunda (2016 Foundation Press), p. 72. Emphasis added. "A lawyer is not required to make a disinterested exposition of the law, but ***must recognize the existence of pertinent legal authorities***." *Ibid.* Emphasis added.

Plaintifff would be less than candid if he didn't admit to thinking something was up. That the fix, somehow, was in. That Denmark had moved to Las Vegas and lit fire to some cow dung. Nevertheless, at great expense, he flew to the 8/28/18 hearing from England, where, meanwhile, he had relocated, rebuilt his life, and started a new family whilst fighting to reunite with his sons.

Argument ensured at the hearing, the matter was taken under submission, and the Judge, the Hon. Douglas E. Smith, announced enthusiastically that he would gone for the entire month of September on vacation. So for those not getting a ruling that week, before his departure, apologies for an October were in order. So, you can imagine how surprised Plaintifff was to receive an Order nearly ten days later (the Order was filed 9/7/18) well into the Judge's month-long vacation.

Then, when he studied the Order, Plaintiff was even more surprised to find that the Order (1) confusingly converted the Rule 12(b)(5) MTD to both a Rule 12(c) Motion for Judgment on the Pleadings and a Rule 437c MJS, (2), rested on numerous

cases, positions, and arguments not previously made (in pleadings or at the hearing), and (3) dismissed the entire action against all party defendants (the County, Stuart *and* the Callahans), even though the Callahans hadn't appeared in the case or joined in the Motion.

A bit shellshocked, Plaintiff promptly filed a motion urging the court to reconsider its dismissal of the entire action, allow him a fair opportunity to address the newly raised facts, cases, and issues, and permit discovery on the issues of waiver, estoppel, and inapplicability of the asserted administrative remedy (the CAPTA Registry Hearing). MTR, 9/20/18, *seriatum*.

From here, surprise turned to strange. Plaintiff had scheduled a public hearing date for 10/22/18 on his MTR, but the hearing was oddly moved by someone in the judge's department to "Chambers" only. When Plaintiff asked via phone what that meant, and where he was to appear, he was told by someone in the department that he was not entitled to attend the Chambers hearing unless so advised (which he never was).[9]

When the County Defendants filed their curious Opposition to the MTR, Plaintiff looked at the Dismissal Order more closely and was astonished to learn: (1) that the Order was on defense counsel's firm stationery, meaning: defense counsel had written it (unlike the Order for the 1st MTD), (2) that the Order was not signed by or for Judge Smith, or by any other judge in his absence, but rather, was only

[9] Later, after the unusual circumstances of the 9/17/18 Order came to light, Judge Smith *sua sponte* ordered that all further hearings in the case be public, not in chambers. Docket, Minutes, 10/22/18. An odd *sua sponte*. Very odd.

initialed "JJ", and (3) either that the Order had been fraudulently submitted or it had resulted from an improper *ex parte* communication, or both.[10]

From this point forward, Plaintiff cheekily thought of the "Angelo-JJ Order," since the Judge had nothing to do with it. And since the Angelo-JJ Order dismissed the entire litigation as to all party Defendants, including the Callahans, Plaintiff felt compelled to treat it as a final, appealable order, and so filed a Notice of Appeal to preserve his rights. Then, in another act of strange, Judge Smith declined to rule on the MTR, asserting the appeal had removed his jurisdiction. Docket Minute Order, 10/22/18.

This Supreme Court ultimately granted the County Defendants' Motion to Dismiss the appeal, finding the appeal premature pending a decision on the MTR, and remanded (even though filing the MTR did not extend the time to appeal[11]). In the meantime, Judge Smith abruptly retired and the case was assigned to newly appointed judge, the Hon. Cristina D. Silva. There it languished for months and months until Plaintiff filed supplemental pleadings and requested a public hearing.

Ultimately, on 2/26/20, over 18 months after the Angelo-JJ Order was filed on 9/7/18, Judge Silva denied Plaintiff's MTR and Motion to Disqualify defense counsel for its conflict and intrigue in submitting the errant Order. The basis of her denial was that the Angelo-JJ Order was not "clearly erroneous" and that Plaintiff failed to establish "any facts or new law warranting reconsideration . . . . "

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[10] This fraud and/or collusion was thoroughly documented in Plaintiff's 10/15/18 MTR Reply, without any evidentiary objections.

[11] Nev.R.Prac. Eight Jud. Dist, Rule 2.24.

None of the other grounds asserted, such as fraud or misconduct, were even addressed. Thus, in the end, the Silva Order brought the matter full circle, in an oppressive irony worthy of Kafka: Like the County Defendants' untimely 2nd MTD, it did not even acknowledge, let alone distinguish, the hornbook law established by *Patsy*, that a §1983 plaintiff need not exhaust state law administrative remedies before filing suit.

III. Summary of Argument

Based on *Patsy*, the District Court erred in dismissing all or any part of Plaintiff's FAC based on the inapplicable and unpled affirmative defense that the the CAPTA Registry appeals process was uncompleted. Alternatively, the Order should be set aside for fraud or irregularity, the matter reconsidered, or discovery allowed. On remand, Plaintiff should also be allowed to pursue compensatory and punitive damages without protective cap or limitation.

A. Standard of Review

The Nevada Rules of Civil Procedures are substantially similar to the Federal Rules of Civil Procedure. "Federal cases interpreting the Federal Rules of Civil Procedure 'are strong persuasive authority, because the Nevada Rules of Civil Procedure are based in large part upon their federal counterparts'." *Exec Mgmt., Ltd. v. Ticor Title Ins. Co.*, 118 Nev. 46, 53, 38 P.3d 872, 876 (2002).

The federal rules provide that the purpose of the complaint is merely to provide notice of the claims asserted. *See, e.g.,* 5 CHARLES ALAN WRIGHT & ARTHUR R. MILLER, FEDERAL PRACTICE & PROCEDURE, SECTION 1202,

at 68 (2nd ed. 1990). All that is required is a "short and plain statement of the claim showing that the pleader is entitled to relief." FRCP, Rule 8(a)(2). That the FAC properly alleges his civil rights and state torts claims has not been challenged.

In considering a 12(b) MTD, the court must accept as true the allegations made in the complaint and construe them most favorably to upholding the Plaintiff's claim. *New Mexico State Inv. Council v. Ernst & Young LLP*, 641 F.3d 1089, 1094 (9th Cir. 2011). All inferences must be construed in the Plaintiff's favor, (*see Swierkiewicz v. Sorema N.A.*, 534 US 506, 122 S. Ct. 992, 152 L. Ed. 2d. 1 (2007), and the sufficiency of the allegations must be examined "with a view to attaining substantial justice among the parties" *Gibson v. City of Chicago*, 910 F.2d 1510, 1520 (7th Cir. 1990).

NRCP 12 (b) further states: "If, on a motion asserting . . . failure of the pleading to state a claim upon which relief can be granted, matters outside the pleading are presented to and not excluded by the court, the motion shall be treated as one for summary judgment and disposed of as provided in Rule 56, ***and all parties shall be given reasonable opportunity to present all material made pertinent to such a motion by Rule 56…"*** Emphasis added.

Further, "[s]hould it appear from the affidavits of a party opposing the motion that the party cannot for reason stated present by affidavit facts essential to justify the party's opposition, the court may refuse the application for judgment or may or order a continuance to permit affidavits to be obtained or depositions to be taken or discovery to be had or may make such other order as is just."

Similarly, in a motion for judgment on the pleadings "[T]he facts presented in the pleadings and the inferences to be drawn therefrom [must be viewed] in the light most favorable to the non-moving party." FRCP 12(c). *See also Hanover Ins. Co. v. Urban Outfitters, Inc.*, 806 F. 3d 761 (3rd Cir. 2015) (only matters alleged in the pleadings can be considered). On appeal, the reviewing court must apply the foregoing rules and must liberally uphold claims with any facial plausibility. *Ashcroft v. Iqbal*, 556 US 662, 129 S. Ct. 1937, 173 L. Ed. 2d 868 (2009).

B. The County Defendants' 2nd Motion to Dismiss was untimely and grounded on an unpled affirmative defense.

The County Defendants did not file their 2nd MTD until nearly a year after they answered, in contravention of NRCP 12(a)(1) (requiring an answer within 20 days after service) and NRCP 12(b)(5) (a motion for failure to state a claim is required before pleading). Well outside the statutory timeframe, Defendants' 2nd Motion to Dismiss was clearly untimely and improper.

Moreover, while Affirmative Defenses need not include extensive factual allegations to give fair notice, assertions of legal conclusions unsupported by facts are not sufficient. *Hartford Underwriters Insurance Company v. Kraus USA, Incorporated*, 313 FRD 572 (N.D. Cal. 2016). The key is to provide fair notice and feasibility. See *Ashcroft, supra.*

In the County Defendants' Answer, only the Twelfth Affirmative Defense

addressed Administrative Exhaustion, providing: "The plaintiff has failed to exhaust administrative remedies before filing suit, including giving notice to these Answering Defendants as required by NRS 41.0366(2)." 8/24/17 Answer to FAC, 6:9-11.

As noted earlier, NRS 41.0366(2) embodies a governmental tort claim notice requirement. Under *Patsy*, administrative exhaustion, including government tort claim notice requirements, are not applicable in §1983 civil rights actions. ***Moreover, the County Defendants' Answer to the FAC does not plead any facts or statute requiring a prerequisite CAPTA Registry Hearing.*** Indeed, the County Defendants have not once claimed that the CAPTA Registry Hearing would provide any remedy involved in the original Complaint or FAC. It is being asserted purely as a shield and ruse to deny Plaintiff his civil rights.[12]

Undoubtedly, Defendants' real goal was to have the FAC dismissed, the Registry hearing run its course, and then, when Plaintiff re-filed his civil rights action, assert the statute of limitations as a bar to the action. Accordingly, the Angelo-JJ Order was clearly erroneous as a matter of law (and fact) and should be set aside.

C. The District Court erred as a matter of law by dismissing Plaintiff's §1983 civil rights claims for failure to exhaust administrative remedies through the "Fair Hearing" process.

1. *Patsy* is controlling and bars the assertion of this defense.

[12] Note that the ineffectiveness of the hearing, as regards civil rights violations, can be viewed through the eyes of Plaintiff's sons. They would not be bound by this hearing in their ultimate claims.

In *Patsy,* the U.S. Supreme Court held "that exhaustion of state administrative remedies ***should not*** be required as a prerequisite to bringing an action pursuant to 1983." Emphasis added. Accordingly, it was plain and simple error for the District Court to dismiss Plaintiff's FAC and the entire action "as unripe at the present time because the administrative process is uncompleted..."

2. There is no "Procedural Carve-out" for §1983 claims that requires administrative exhaustion.

At the 2nd MTD hearing, Attorney Angelo argued that there is a general "carve-out" barring §1983 procedural due process claims for failure to exhaust administrative remedies. He cited no cases for this proposition. However, the Angelo-JJ Order references three cases (never previously cited or argued before) in support of this novel position, stating: "In the unique case of a Procedural Due Process claim, the litigant asserting a property or liberty interest violation without due process must first exhaust state remedies..."

Ironically, the lead case cited to support this "procedural carve-out" was *Morgan v. Gonzalez*, 495 F.3d 1084, 1090 n.2 (9th Cir. 2007), a case where plaintiff Morgan contended his due process rights were violated when the government reneged on a plea deal in his criminal drug prosecution. This case actually supports Plaintiff's position that there is no administrative exhaustion requirement for §1983 claims.[13] 10/18/18 Reply, MTR, 8:18-10:7.

[13] In *Morgan*, the Ninth Circuit wrote: "The government argues that we lack jurisdiction over Morgan's due process or estoppel claims because he did not raise them before the agency and they are therefore unexhausted... *The agency has no power to grant relief on estoppel or substantive due process claims, and accordingly, we have never required petitioners to exhaust claims of this nature before the agency...* [cases cited]". *Id.*, at 1090. Emphasis added.

The second case cited to support the carve-out was *Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004), which is inapposite. In *Barron*, the jurisdictional limits of the federal Immigration Act were being tested because the Act itself required administrative exhaustion. In *Patsy*, the Court made clear that only Congress can legislate an exception to the non-exhaustion requirement for Section 1983 claims. *See Patsy,* 457 US at 516.

Barron thus provides no support whatever to raising the Registry Hearing process as an exhaustion defense because CAPTA provides no such exception. See, e.g., *Morgan*, 495 F.3d at 1090 ("the 'post-IIRIRA exhaustion requirement is codified at INA §242(d), 8 USC §1252(d)'"). Point being, the exhaustion requirement was expressly mandated (codified) by federal statute in a non-section 1983 context in *Barron*. That is not the case with CAPTA or in the instant case. 10/18/18 Reply, MTR, 8:18-10:7.

The third case cited in the Order was *Rathjen v. Litchfield*, 878 F.2nd 836, 839-40 (5th 1989). *Rathjen* reasoned: "Because Dr. Rathjen had a readily accessible administrative remedy..., this case also appears to fall within the purview of *Hudson v. Palmer*... . *The evident purpose behind the City's employee grievance procedures is to facilitate prompt remedies for perceived injustices or unfairness*... Dr. Rathjen had an adequate post-deprivation remedy..." *Id.* at 839-40. Emphasis added.

Rathjen supports Plaintiff's position because the Angelo-JJ Order concedes that the first hearing offered Plaintiff was August 1, 2017, 20 months after his sons were abducted with County complicity, hardly a prompt remedy even if the Fair

Hearing Officer could award custody and damages, which it cannot. *See, e.g.*, 9/7/18 Order, at p. 7.

The reality is that no case in the annals of American jurisprudence, since Patsy, supports Defendant's exhaustion argument. None. Therefore, the "procedural carve-out" argument provides no support for the Angelo-JJ Dismissal Order.

3. The CAPTA Registry Hearing (or "Fair Hearing") does not provide any relevant or adequate remedy to the disposition of any claims presented by the FAC, making it an unnecessary exercise in futility and not warranting exhaustion except for the very limited purpose of keeping Plaintiff's name out of the Central Registry (where, *per* Mr. Cole, it has been since 12/22/14).

The Angelo-JJ Dismissal Order acknowledged that the exhaustion doctrine only applies "if adequate state remedies were available," citing *Cotton v. Jackson*, 216 F.3d 1328, 1331 (11th Cir. 2000). The Order also acknowledged that *Rumble v. Hill*, 182 F.3d 1064, 1067-1070 (9th Cir. 1999) (overruled on other grounds by *Booth v. Churner*, 532 US 731, 121 S. Ct. 1819, 149 L.Ed.2d 958 (2001)), held that exhaustion was not required where the state's administrative grievances process did not allow for an adequate award of damages.

Said the *Reed* court, moreover: "threshold requirements that claimants must complete, or exhaust, before filing a lawsuit" are typically "treated as non-jurisdictional." *Reed Elsevier v. Muchnick*, 559 US 154, 166, 130 S. Ct. 1237, 1246-67, 176 L.Ed. 2d 18 (2012). *See also League of United Latin American Citizens v. Wheeler*, 899 F.3d 814 (9th Cir. 2018) (citing *Reed* and recognizing that *Rumble* does not require administrative exhaustion before filing civil rights lawsuits).

Therefore, there can be no legitimate argument that the CAPTA Registry Hearing (simply because it is called a "Fair Hearing") provides Plaintiff with any relevant or adequate remedy for his civil rights claims; nor can it be legitimately argued that the CAPTA requires exhaustion of administrative remedies before challenging the Defendants' actions and failures to act on federal, constitutional civil rights grounds.

In *Arnett v. Myers*, 281 F.3d 552, 562-564 (6th Cir. 2002), the Sixth Circuit observed that civil rights claims are ripe, as against an exhaustion argument, where a review of the state's law revealed no reasonable, certain and adequate provision for obtaining ***just compensation***. Similarly, in *Locurto v. Guiliani*, 447 F.3d 159, 170-71 (2nd Cir. 2006), the Second Circuit held that there is not a full and fair opportunity to litigate constitutional claims in a state administrative proceeding when the claimant is not permitted to conduct discovery and the ultimate decision-makers are not neutral, as is clearly the situation in the instant case.

Highly notable in the context of the instant action is that the Appeal Notice that accompanied the Substantiation Letter. As detailed earlier, it expressly described the very limited scope of the administrative Fair Hearing process as "the right to receive notice of an adverse determination against you and give you an opportunity to response [sic] in an orderly proceeding." The only remedy available was described as this: "If a substantiated finding(s) of child abuse or neglect is

reversed following an administrative appeal, ***all reference to the perpetrator's identity previously submitted to the Central Registry [citing NRS 432B.290] is removed.***" Plf 9/20/18 MTR, Aff, Notice, Ex. 2. Emphasis added.

Registry removal was the sole remedy offered, even though reporting to the Registry before a due process hearing is itself a violation of due process, as it violates the accused's liberty interest. See analysis and cases cited in *Foley v. Arostegui*, United States District Court of Nevada, Case No. 2:14-cv-00094 (9/10/18), an action brought by a Clark County father against these exact same Defendants (Clark County and Georgina Stuart) for violation of his due process rights: reporting him to the Registry without first providing a predeprivation hearing. See *Humphries v. Cty of LA*, 554 F.3d 1170, 1202 (9th Cir. 2009), as amended (Jan. 30, 2009), rev'd on other grounds, *LA Cty, Cal. V. Humphries*, 562 US 29 (2010).

Moreover, as previously indicated, Clark County's own Notice provided the administrative review process was not available ***"in cases that have been substantiated by the court...in...a civil...proceeding."*** *Ibid.* FAC, ¶ 26(p); 9/20/18 Plf MTR, Plf Affidavit, Exh. 2. Emphasis added. Even if s/he wanted to, the Registry Hearing Officer couldn't provide the pre-removal or immediate post-removal hearing required by NRS section 432B and a host of controlling parental rights cases, including *Santosky v. Kramer*, 455 US 745, 753, 102 S. Ct., 1388, 71 L.Ed. 2d 599 (1982); *Stanely v. Illinois*, 405 US 645, 651, 92 S. Ct. 1208, 31 L.Ed 2d 551 (1972); and *Drury v. Lang*, 105 Nev. 430, 433 (1989).

Indeed, as detailed earlier, on 11/10/16, before he filed his original Complaint, Plaintiff attempted to resolve his claims with the County Defendants. 9/20/18 Plf MTR, 16:16-20:2 When the County referred him to Ombudsman Evans, she investigated his claim and reported to Plaintiff only that "the County didn't take custody of your sons," and therefore could not provide Plaintiff any relief. *Ibid.* She did not say, "hey, you have a Registry Hearing pending, you can get your relief there," or words to that effect. *Ibid.*

On 12/7/16, Plaintiff reconfirmed the "DFS's position that CPS [Stuart] never took custody of my boys and therefore bears no responsibility for their removal or the consequences of what happened to them..." *Ibid.* And then again, on 12/8/16, Plaintiff further confirmed the County's position that "DFS/CPS did not take custody of my boys..." and could provide no relief for their return. *Ibid.*

But the big reveal, and most resounding proof, did not come until this very summer, more than five years after the removal and abduction of Plaintiff's sons. On 6/20/20, ten days before the approaching the 6/30/20 Registry Hearing date, the DFS threatened to turn Plaintiff into the Registry office as a child abuser if he did not sign a particular irregular document without explanation. Eggleston Affidavit attached to AOB.

The email from DFS Appeals (no name given) stated: "Attached please find the Notice of Administrative Hearing scheduled for June 30th, 2020 and the