IN THE SUPREME COURT OF THE STATE OF NEVADA

DENNIS VINCENT STANTON,
Appellant/Cross-Respondent,

vs.

Case No. 80910

TWYLA MARIE STANTON,
Respondent/Cross-Appellant.
_____/

RECORD ON APPEAL
Volume 4

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Appellant In Proper Person

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Respondent In Proper Person

I N D E X
FOR CASE# CV 39304

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CV-39304

FILED
FIFTH JUDICIAL DISTRICT
JUN 05 2019
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IN THE FIFTH JUDICIAL DISTRICT COURT OF THE

STATE OF NEVADA, IN AND FOR THE COUNTY OF NYE

TWYLA MARIE STANTON
AN INDIVIDUAL;
First Joint Petitioner/Plaintiff,
and
DENNIS VINCENT STANTON
AN INDIVIDUAL;
Second Joint Petitioner/Defendant.

Case No.: **CV-39304**

Department No.: **2**

SECOND JOINT PETITIONER/DEFENDANTS' MOTION TO DISQUALIFY THE HONORABLE JUDGE ROBERT W. LANE FROM HEARING CASE TWYLA MARIE STANTON AND DENNIS VINCENT STANTON, CASE NO. CV-39304 FOR BIAS AND PREJUDICE

I. INTRODUCTION

Judge Robert Lane manifested bias and prejudice against Second Joint Petitioner/Defendant by **failing to comply, uphold, and apply the law** by deliberately and intentionally **ignoring and disregarding** Laws, Rules, and the Code by allowing third persons to attack and contest a Divorce who were not parties thereto in clear and direct violation of NRS 125.185 and ignoring NRS 159.2025 and NRS 159.2027, **manifesting bias, prejudice, and harassment** with personal attacks by saying, utilizing, and using **epithets, slurs, and**

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demeaning nicknames such as **"Machiavellian"** (Video 1 of January 07, 2019, hearing at 09:17:13 & 09:18:03 and Video 2 of January 07, 2019, hearing at 10:12:46 and Transcripts page 09, line 06 and line 20 and page 35, line 13), **"Manipulative"** (Video 1 of January 07, 2019, hearing at 09:17:13 and Transcripts page 09 line 06), **"Shenanigans"** (Video 1 of January 07, 2019, hearing at 09:15:14 & Video 2 of January 07, 2019, hearing at 09:57:00, 10:01:45, & 10:04:32), and **Antonio Gramsci,** an **Italian Marxist philosopher** and **communist politician** (Video 2 of January 07, 2019, hearing at 10:16:06) all while calling, referring, and alluding to Second Joint Petitioner/Defendant, and suggesting and indicating that Second Joint Petitioner/Defendant was **(not) "a normal citizen out there" (in society)** (Video 1 of January 07, 2019, hearing at 09:17:13), and **letting opposing counsel** by words **manifest bias and prejudice** by making **irrelevant references to Second Joint Petitioner/Defendant's Religion/Church** (Video 1 of January 07, 2019, hearing at 09:15:55 & 09:21:18), and also **letting opposing counsel mock and make sarcastic and condescending remarks regarding Second Joint Petitioner/Defendant's marital status** (Video 1 of January 07, 2019, hearing at 09:20:51), directly **asking Second Joint Petitioner/Defendant about what Church he went to** (Video 2 of January 07, 2019, hearing at 10:16:15) that had absolutely **no relevance** to an issue or any issues in the papers, pleadings, or proceeding, and **failing to ensure Second Joint Petitioner/Defendant's right to be heard** by **SANCTIONING** Second Joint Petitioner/Defendant **$3,000.00** for attorney fees to be paid to third persons who were non-parties contesting and attacking a valid Divorce in Nevada under Rule 11 of the Nevada Rules of Civil Procedure **WITHOUT NOTICE**, and **WITHOUT A MOTION BEING MADE SEPARATELY FROM OTHER MOTIONS OR REGUESTS**, and **WITHOUT AN**

ORDER TO SHOW CAUSE ISSUED from the Court, and **WITHOUT AN ORDER TO SHOW CAUSE HEARING HELD** on the matter or the merits as required by Nevada law **(See NRCJC, CANON 2, Rule 2.6, Ensuring the Right to Be Heard)**, and lastly by **failing in his obligation to address and respond to lawyer misconduct** by **ignoring and denying a Direct and Clear Conflict of Interest** by **not reporting the known violation to the appropriate disciplinary authority** which was imposed on Judge Lane by his responsibility to participate in the effort to ensure public respect for the justice system. **See NRCJC, CANON 2, Rule 2.15, Responding to Judicial and Lawyer Misconduct, (B), (D).**

In doing so, Second Joint Petitioner/Defendant strongly feels and believes that Judge Lane manifested bias and prejudice towards him by breaking and violating the Revised Nevada Code of Judicial Conduct, Canon 1, Rule 1.1 Failing to Comply With the Law, Rule 1.2 Failing to Promote Confidence in the Judiciary, Canon 2, Rule 2.2 Failing to be Impartial and Fair, Rule 2.3 Manifesting Bias, Prejudice, and Harassment, (A), (B), (C) & (D), Rule 2.5 Failing to be Competent, Diligent, and Cooperative, (A), Rule 2.6 Failing to Ensure the Right to Be Heard, (A), Rule 2.8 Failing in Decorum, Demeanor, and Communication With Jurors, (B), and lastly Rule 2.15 Failing to Respond Lawyer Misconduct, (B) & (D).

In order to promote public confidence in the independence, integrity, and impartiality of the judiciary, judges in the State of Nevada are required not only to avoid impropriety but the mere ***appearance*** of impropriety. Disqualification of Judge Robert W. Lane from hearing further matters in this case is necessary to avoid such an improper appearance. The bias and prejudicial comments and statements on the record by Judge Lane and his action and inaction to comply, uphold, and apply the law, violating and suppressing Second Joint

Petitioner/Defendant's right to be heard by sanctioning Second Joint Petitioner/Defendant without notice and an opportunity to be heard, and failing to respond to lawyer misconduct in this litigation creates a sufficient appearance of impropriety to necessitate Judge Lane's disqualification from further hearings in this case.

Therefore, in the interest of justice and in order to preserve the public's faith in an impartial judiciary, Second Joint Petitioner/Defendant respectfully requests that Judge Lane be disqualified from further presiding over this matter, and that the case be reassigned to another judge within the Fifth Judicial District of the State of Nevada.

Judge Lane has prejudged this case and Judge Lane must recuse himself in order to avoid the appearance of impropriety and impartiality. Judges in Nevada have an affirmative duty to "promote public confidence in the independence, integrity, and impartiality of the judiciary" and, thus, must "avoid impropriety and the ***appearance*** of impropriety." **See Revised Nevada Code of Judicial Conduct ("RNCJC"), Rule 1.2 (emphasis added).** The "appearance of impropriety" occurs whenever "the conduct would create in reasonable minds a perception that the judge violated [the RNCJC] or engaged in other conduct that reflects adversely on the judge's honesty, impartiality, temperament, or fitness to serve as a judge." *Id.* at Comment 5.

To further the public's confidence in the judiciary, Nevada judges are instructed to disqualify themselves whenever their ***"impartiality might reasonably be questioned."*** **SEE RNCJC Rule 2.11(A) (emphasis added).** This duty is a continuing one, such that a judge should recuse himself "before, during, or, in some circumstances, after a proceeding, if the judge concludes that sufficient factual grounds exist to cause an objective observer reasonably to question the judge's impartiality." **See *United States v. Cooley*, 1 F.3d 985, 992-93 (10th Cir.**

1993) (discussing federal analog; cited approvingly by ***People for the Ethical Treatment of Animals v. Bobby Berosini*, Ltd., 111 Nev. 431.436 (1995) ("PETA"), 111 Nev. 431, 437, 894 P.2d 337, 341 (1995)** (overruled on other grounds by ***Towbin Dodge, L.L.C. v. Eighth Judicial Dist.*, 121 Nev. 251, 260-61, 112 P.3d 1063, 1069-70 (2005))).

Where a judge has not voluntarily disqualified himself or herself, a party may seek disqualification "for actual or implied bias or prejudice" by filing an affidavit specifying the facts upon which disqualification is sought, together with a certificate that such affidavit is filed in good faith and not for delay. **See N.R.S. 1.235(1).** Normally, such a disqualification must be filed "[n]ot less than 20 days before the date set for trial or hearing of the case" or [n]ot less than 3 days before the date set for the hearing of any pretrial matter." *Id.* These two-time limitations are read together, not in the disjunctive, such that the window of opportunity is one or the other, whichever occurs first. **See Vallares v. Second Judicial District In and For County of Washoe, 112 Nev. 79, 83-84, 910 P.2d 256, 259-60 (1996).** Additionally, "an affidavit is untimely if the challenged judge has already ruled on disputed issues." **See *Towbin*., 121 Nev. at 256.** Nevada, however, also permits a party to seek disqualification when the grounds underlying it are not discovered or known or could not have been reasonably been discovered until *after* the deadlines imposed by Section 1.235. *Id.* at 260 ("[I]f new grounds for a judge's disqualification are discovered after the time limits in NRS 1.235(1) have passed, then a party may file a motion to disqualify based on [Revised Nevada Code of Judicial Conduct, Canon 2] as soon as possible after becoming aware of the new information.") After much viewing of the hearing CD in detail and thoroughly reading the January 07, 2019, hearing transcripts ad infinitum number of times and applying the actions and inactions of Judge Lane at the proceeding against the Nevada

Revised Code of Judicial Conduct, it is apparent that Judge Lane manifested bias and prejudice against Second Joint Petitioner/Defendant.

Once a party has sought disqualification of a judge, the case must either be reassigned or the judge has five judicial days to respond to the affidavit, whereupon another judge agreed upon by the parties or appointed by the presiding judge of the judicial district will determine whether disqualification is warranted. **See N.R.S. 1.235(5).**

The purpose of Section 1.235 of the Nevada Revised Statutes is to promote public confidence in the judiciary and to encourage efficiency and finality in litigation. **See *Hogan v. Warden, Ely State Prison,* 112 Nev. 553, 560, 916 P.2d 805, 809 (1996).** Public confidence in the judiciary is not only eroded by improper conduct, but also conduct that creates ***the mere appearance of impropriety*. See RNCJC, Rule 1.2, Comment 1.** As discussed below, Second Joint Petitioner/Defendant believes that Judge Lane not complying, upholding, and applying the law, making bias and prejudicial comments and statements on the record, failing to accord Second Joint Petitioner/Defendant's right to be heard without notice, and denying and ignoring lawyer misconduct severely impairs Judge Lane's ability to hear further matters in this litigation without also damaging public confidence in the impartiality of the judiciary, thus necessitating Judge Lane's disqualification.

II. JUDGE LANE SHOWED AND REFLECTED BIAS AND PREJUDICE TO SECOND JOINT PETITIONER/DEFENDANT BY PURPOSLEY AND WILLFULLY FAILING TO COMPLY, UPHOLD, AND

APPLY THE LAW AS WAS REQUIRED BY THE REVISED NEVADA CODE OF JUDICIAL CONDUCT

In this instance and in this hearing, Judge Lane purposely and willfully chose to not comply, uphold, and apply the Law, Rules, and the Code as they are written due to his bias and prejudice against Second Joint Petitioner/Defendant. Rule 1.1 Compliance With the Law states " a judge shall comply with the law, including the Code of Judicial Conduct." When it was made clear by Second Joint Petitioner/Defendant's attorney, James S. Kent, Esq. that the (now Ex) Temporary Co-Guardianship was not registered in the State of Nevada and had no force or effect in the State therefore the Ex-Temporary Co-Guardians had no authority, no right, no standing, and were not properly before the Court to bring the Motion forth, Judge Lane then made comments to basically and essentially side-step the law by stating on the record, ***"I haven't ruled that they do (have standing)"*** (Video 2 of January 07, 2019, hearing at 10:13:53) thus side stepping the issue and the fact that they did not have the proper standing to do so, however, it is the law that is written that tells Judge Lane that they have no standing to be before the Court and by awarding the Ex-Temporary Co-Guardians attorney fees in the amount of $3,000.00, Judge Lane essentially and basically gave them standing. **How can third persons who are not parties to the action who have no standing before the Court be awarded attorney fees**? "To qualify as a party, an entity must have been named and served." **See Albert D. Massi, Ltd. v. Bellmyre, 111 Nev. 1520, 1521, 908 P.2d 705, 706 (1995)** And when Second Joint Petitioner/Defendant's attorney, James S. Kent, Esq., continued to argue that he did not believe that the Court could award the award of anything to third persons who are not parties and who are not properly before the Court, Judge Lane then said, ***"That may be an appellate issue***

because I'm gonna grant them some attorney fees for the Rule 11 Violation" (Video 2 of January 07, 2019, hearing at 10:14:09). Judge Lane also never said or specified what the Rule 11 Violation was. The fact was that Judge Lane was having Guardianship hearings before and after this hearing as his court docket will reflect and show that morning, so Judge Lane was well aware of Guardianship Laws, Rules, and Procedures. Judge Lane also mentioned that he has an adult son that he has Guardianship over before this hearing commenced in an earlier and separate hearing. **Judge Lane intentionally, purposely, deliberately, and willfully refused to comply, uphold, and apply the Law and in doing so unlawfully sanctioned Second Joint Petitioner/Defendant under Rule 11 in the amount of attorney fees to be paid third persons who were not parties to the action who had no standing, no authority, and no right to be before the Court and without notice being given and without holding a hearing on the merits to see if sanctions were appropriate according to law further providing evidence of Judge Lane's bias and prejudice against Second Joint Petitioner/Defendant.**

NRS 159.2025 provides the **Registration of guardianship orders issued in another state** and specifically states:

If a guardian has been appointed in another state and a petition for the appointment of a guardian is not pending in the this State, the guardian appointed in the other state, **after giving notice to the appointing court of an intent to register and the reason for registration, may register the guardianship order in this State by filing as a foreign judgment in a court, in any appropriate county of this State:**

1.) Certified copies of the order and letters of office; and

2.) A copy of the guardian's driver's license, passport, permanent resident card, tribal identification card or other valid photo identification card in a sealed envelope.

On December 13, 2018 as the record will reflect in the Case Summary, Second Joint Petitioner/Defendant had submitted an ex parte motion for to extend the time required to file a written response to this motion and an ex parte motion for continuance. Second Joint Petitioner/Defendant did this solely so that if a full and permanent Guardianship was granted and established and letters of Guardianship were issued by the Faulkner County, Arkansas Court, that then the Guardianship would be able to properly be registered in the State of Nevada and therefore the (Ex) Temporary Co-Guardians could be properly before the court and that in turn would have granted them the authority to then initiate litigation of behalf of the Plaintiff. **And in turn if the Guardianship were to not be granted as was the case then the Motion could have been stricken or dismissed for a lack of authority to file which seems to have been the logical thing to have done in this situation, however, in a rush to unlawfully impose sanctions without notice and the right to be heard by Second Joint Petitioner/Defendant and not comply, uphold, and apply the law Judge Lane denied the ex parte motions in their entirely because Judge Lane stated in a letter addressed from the Court that the ex parte motions were done in "bad faith"**. Judge Lane accepted an ex parte Motion/Request for submission of the Ex-Temporary Co-Guardians' Motion to set aside on November 27, 2018, without notice to First Joint Petitioner/Plaintiff and Second Joint Petitioner/Defendant which was required by the Nevada Rules of Civil Procedure Rule 24 Intervention which further provides evidence of Judge Lane's bias and prejudice for and against Second Joint Petitioner/Defendant. **See NRCP, Rule 24, Intervention.** "An arbitrary or capricious exercise of discretion is one

founded on prejudice or preference rather than on reason or contrary to the evidence or established rules of law." **See State v. Eighth Judicial Dist. Court (Armstrong), 127 Nev. 927, 931-32, 267 P.3d 777, 780 (2011)** (citations and internal quotation marks omitted).

NRS 159.2027 provides the **Effect of registration of guardianship orders issued in another state** and specifically states:

1.) **Upon the *registration* of a guardianship,** the guardian may exercise in this State all powers authorized in the order of appointment except as prohibited under the laws of this State, **including maintaining actions and proceedings in this State** and, if the guardian is not a resident of this State, subject to any conditions imposed upon nonresident parties.

2.) A court of this State may grant any relief available under NRS 159.1991 to 159.2029, inclusive, and other law of this State **to enforce a *registered* order.**

In analyzing the meaning of a statue, the court must interpret it in a reasonable manner; that is, the words of the statute should be construed in light of the policy and spirit of the law, and the interpretation made should avoid absurd results. A statute should be given its plain meaning and must be construed as a whole and not read in a way that would render words or phrases superfluous or make a provision nugatory. When the language of a statute is plain and unambiguous, the court is not permitted to look for meaning beyond the statute; the court will only go to legislative history when the statute is ambiguous. The Nevada Supreme Court has repeatedly stated that they will not look beyond a rule or statute's plain language when it is clear on its face. **See Zohar v. Zbiegien, 130 Nev. 733, 737, 334 P.3d 402, 405 (2014).**

So, NRS 159.2027 clearly and explicitly state and show that ***only upon and after the registration of a foreign guardianship*** does that guardianship obtain the powers as if that

guardianship had been entered in the State of Nevada. **Even in Plaintiff's parents' Reply to the Opposition, they admit that the Motion is deficient because the (Ex) Temporary Co-Guardianship was not properly registered in the State of Nevada by stating that "the guardianship was not timely registered, so be it" *and* there was "a procedural defect in the Motion's filing." (See Reply, page 04 of 08, point 2, lines 15-17)** *and* **at the hearing Mr. Lobello also admits that the (Ex) Temporary Co-Guardianship was not properly registered in the State of Nevada.** (Video 1 of January 07, 2019, hearing at 09:11:23) **An entire separate hearing was needed to register the now Ex-Temporary Co-Guardianship in the State of Nevada as is required by NRS 159.2025 and NRS 159.2027. "Litigants and their counsel may not properly be allowed to disregard process or procedural rules with impunity." See Britz, 87 Nev. at 446, 448 P.2d at 915.**

Judge Lane also let third persons who were non-parties contest and attack a Divorce that was obtained validly and by mutual consent by the parties involved thus continually failing to comply, uphold, and apply the law under the RNCJC further proving bias and prejudice against Second Joint Petitioner/Defendant.

NRS 125.185 Valid divorce in Nevada not subject to contest or attack by third persons not parties to divorce specifically states: "No divorce from the bonds of matrimony heretofore or hereafter granted by a court of competent jurisdiction of the State of Nevada, which divorce is valid and binding upon each of the parties thereto, may be contested or attacked by third persons not parties thereto." "When a rule (statute) is clear on its face, we (Supreme Court of Nevada) will not look beyond the rule's (statute's) plain language." **See Morrow v. Eighth Judicial Dist. Court, 129 Nev. 110, 113, 294 P.3d 411, 414 (2013).** In

letting the divorce be contested and attacked by third persons not parties thereto, Judge Lane continued to not comply, uphold, and apply the Law or the Code as required by Canon 1, Rule 1.1., Compliance With the Law. Furthermore, if "a statute's language is clear and unambiguous, it must be given its plain meaning, unless doing so violates the spirit of the act." **See D.R. Horton, Inc. v. Eighth Judicial Dist. Court, 123 Nev. 468, 476, 168 P.3d 731, 737 (2007)** (internal quotation marks omitted).

"This brings to the fore the further contention that a stranger to a divorce proceeding whose rights were not prejudiced by the entry of the decree at the time it was rendered cannot attack such decree either directly or collaterally. This contention is plausible and may have merit. The general rule is laid down in **Magevney Karsch, 167 Tenn. (3 Beeler) 32, 65 S.W.(2d) 562, 568, 92 A.L.R. 343**, to be that the assailant in a collateral attack upon a judgment 'must show prejudice to some right of his that accrued prior to the rendition of the judgment.'

An instructive note entitled **"The Dilemma of Third Party Attacks upon Foreign Divorces,"** may be found in the **Brooklyn Law Review, Vol. 17, page 70, wherein it is said on page 92**: "It is further submitted that the only rule consonant with a functional public policy is that a divorce decree ought not to be collaterally attacked by a stranger thereto unless he demonstrates that the decree deprived him of a then extant right."

"It is the well-settled general rule that parties to an action or proceeding will not be permitted to attack collaterally the judgment rendered therein, except where such judgment is absolutely void for want of jurisdiction in the court rendering it. This rule applies to judgments

or decrees rendered in divorce proceedings." **See 17 Am. Jur., Divorce and Separation, 482, page 393.**

Moreover, at the hearing, Judge Lane left First Joint Petitioner/Plaintiff and Second Joint Petitioner/Defendant in a precarious martial situation. Judge Lane vacated the Decree of Divorce, however, failed to restore the status to married persons, as if the Decree had never been issued. This creates a problem for First Joint Petitioner/Plaintiff and Second Joint Petitioner/Defendant as are stuck in limbo between married and divorced. First Joint Petitioner/Plaintiff and Second Joint Petitioner/Defendant did get remarried after June 07, 2018 and intend to remain married. What is unclear is whether both Petitioners have been married for 14 years or only approximately 4 months at this point. The recognition of the divorce still remains as though no orders for asset or debt division or regarding the children remain. Moreover, wishing again to reconcile both Petitioners have remarried. At this point, neither of Petitioner would like to continue to litigate in order to divide the community assets acquired over the last 14 years. Accordingly, this sequence of events blurs the lines of whether the current community assets acquired began 14 years ago when both Petitioners were first married or whether the marriage began approximately 4 months ago upon the remarriage. Because Judge Lane failed to comply, uphold, and apply the law correctly and properly has now left both Petitioners in a precarious, uncertain, and problematic situation. Judge Lane also made a statement that child support would be "wiped it clean". There is no law that states that. There is a statutory minimum of child support in Nevada. (Video 1 of January 07, 2019, hearing at 09:17:37)

How can third parties who are not allowed to contest or attack the divorce in Nevada then be awarded attorney fees for something that Nevada Law says that they cannot do? It's just mind-boggling and further proving Judge Lane's bias and prejudice against Second Joint Petitioner/Defendant. Simple logic dictates that if you have no authority, no right, no standing, and that you are not properly before the Court, then how can you be awarded the award of anything especially attorney fees to an improper and non-party who were third persons attacking and contesting a Divorce in the State of Nevada. The Nevada Supreme Court will not disturb a district court's award of attorney fees "absent a manifest abuse of discretion." **See Frantz v. Johnson, 116 Nev. 455, 471, 999 P.2d 351, 361 (2000).** A manifest abuse of discretion occurs when the district court's decision is arbitrary or capricious. **See Yamaha Motor Co., U.S.A. v. Arnoult, 114 Nev. 233, 251, 955 P.2d 661, 672 (1998).** And if Judge Lane is not or unwilling to comply, uphold, and apply the law as it is written, then what good is the paper that it's written on?

When Judge Lane did not properly comply, uphold, and apply the law, the likelihood of error and mistake increased significantly and substantively. Second Joint Petitioner/Defendant was extremely harmed and affected to a very great degree by causing Second Joint Petitioner/Defendant to have to spend more time and money to correct it and not to mention the huge and enormous emotional and mental toll that has been exacted on Second Joint Petitioner/Defendant and his family as well as all of the effort and energy spent and involved in doing so. **The buck stopped with Judge Lane** who was tasked with carrying out his judicial responsibilities as Judge Lane was elected to do by the citizenry of the State of Nevada and a

central part of those responsibilities is to carefully and adequately review and properly apply the law correctly.

If Judge Lane had not failed in his duties to comply, uphold, and apply the law, the Motion should have been stricken for the deficiencies in it such as not having authority to file or litigate on behalf of the Plaintiff or the hearing should have at the very least been continued to determine the true status of the Ex-Temporary Co-Guardianship. Judge Lane is well aware of this as he handles family, probate, and civil matters.

By Judge Lane **failing to comply, uphold, and apply the law,** he failed to promote the independence, integrity, and impartiality of the judiciary and did not avoid impropriety and the appearance of impropriety but actually invited it. Judge Lane did not act in a manner that promoted public confidence and that public confidence was eroded, compromised, and undermined by his improper conduct. Judge Lane was not impartial and fair due to the fact that he was not objective and open-minded. Judge Lane did not approve of the laws in question, so he deliberately and willfully chose to not apply them as required by the Law and the Code. Judge Lane purposely chose in bad faith to not apply the law and did not act appropriately and competently in the performance of his judicial duties in regard to his legal knowledge, skill, thoroughness, and preparation reasonably necessary to perform his responsibilities of judicial office. Judge Lane's blatant disregard of the law constitutes a willful violation of the Code and the Law further proving Judge Lane's bias and prejudice against Second Joint Petitioner/Defendant.

A judge shall uphold and promote the independence, integrity, and impartiality of the judiciary and shall avoid impropriety and the appearance of impropriety. **See RNCJC,**

CANON 1. A judge shall comply with the law, including the Code of Judicial Conduct. **See RNCJC, CANON 1, Rule 1.1, Compliance With the Law.** A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary and shall avoid impropriety and the appearance of impropriety. **See RNCJC, CANON 1, Rule 1.2, Promoting Confidence in the Judiciary.**

Public confidence in the judiciary is eroded by improper conduct and conduct that creates the appearance of impropriety. This principle applies to both the professional and personal conduct of a judge. **See RNCJC, CANON 1, COMMENT [1].** A judge should expect to be the subject of public scrutiny that might be viewed as burdensome if applied to other citizens and must accept the restrictions imposed by the Code. **See RNCJC, CANON 1, COMMENT [2].** Conduct that compromises or appears to compromise the independence, integrity, and impartiality of a judge undermines public confidence in the judiciary. Because it is not practicable to list all such conduct, the Rule is necessarily cast in general terms. **See RNCJC, CANON 1, COMMENT [3].** Actual improprieties include violations of law, court rules, or provisions of this Code. The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge violated this Code or engaged in other conduct that reflects adversely on the judge's honesty, impartiality, temperament, or fitness to serve as a judge. Ordinarily, judicial discipline will not be premised upon appearance of impropriety alone, but must also involve the violation of another portion of the Code as well. **See RNCJC, CANON 1, COMMENT [5].** A judge shall perform the duties of judicial office impartially, competently, and diligently. **See RNCJC, CANON 2.** A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially. **See RNCJC,**

CANON 2, Rule 2.2, Impartiality and Fairness. To ensure impartiality and fairness to all parties, a judge must be objective and open-minded. **See RNCJC, CANON 2, COMMENT [1].** Although each judge comes to the bench with a unique background and personal philosophy, a judge must interpret and apply the law without regard to whether the judge approves or disapproves of the law in question. **See RNCJC, CANON 2, COMMENT [2].** When applying and interpreting the law, a judge sometimes may make good-faith errors of fact or law. Errors of this kind do not violate this Rule. **See RNCJC, CANON 2, COMMENT [3].** A judge shall perform judicial and administrative duties competently and diligently. **See RNCJC, CANON 2, Rule 2.5, Competence, Diligence, and Cooperation, (A).** Competence in the performance of judicial duties requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary to perform a judge's responsibilities of judicial office. **See RNCJC, CANON 2, COMMENT [1].** In disposing of matters promptly and efficiently, a judge must demonstrate **due regard for the rights of parties to be heard** and to have issues resolved without unnecessary cost or delay. A judge should monitor and supervise cases in ways that reduce or eliminate dilatory practices, avoidable delays, and unnecessary costs. **See RNCJC, CANON 2, COMMENT [4].**

III. JUDGE LANE MANIFESTED BIAS, PREJUDICE, AND HARASSMENT WITH PERSONAL ATTACKS BY SAYING, UTILIZING, AND USING EPITHETS, SLURS, AND DEMEANING NICKNAMES DIRECTED AT SECOND JOINT PETITIONER/DEFENDANT WHICH IS

NOT IN ACCORDANCE WITH THE REVISED NEVADA CODE OF JUDICIAL CONDUCT

In this instance, Judge Lane's manifestations of **bias, prejudice, and harassment** included but was not limited to **epithets, slurs, and demeaning nicknames** which were directed at Second Joint Petitioner/Defendant which began ***ONLY 10 MINUTES INTO THE HEARING*** such as **"Machiavellian", "Manipulative", "Shenanigans",** and **"Antonio Gramsci"** that was directed at Second Joint Petitioner/Defendant by Judge Lane at the January 07, 2019, hearing. **"Machiavellian"** is referred to someone who is **insidious, cunning, devious, treacherous,** and **lacking a moral code. "Manipulative"** is referred to someone who is **unscrupulous, shrewd, scheming, conniving,** and **calculating. "Shenanigans"** is referred to someone who is **devilishness, mischievousness, devilment, roguishness,** and **wickedness. "Antonio Gramsci"** is an **Italian Marxist philosopher** and **communist politician. Second Joint Petitioner/Defendant has never in his life been referred to a Marxist communist.** ***Second Joint Petitioner/Defendant is American by birth and will die an American. Second Joint Petitioner/Defendant strongly and vehemently disputes and objects to those communist comments directed at him by Judge Lane.*** Judge Lane also **suggested that Second Joint Petitioner/Defendant wasn't a normal guy out there** in society by making this comment: **"I'm thinking if he was a normal citizen out there, not Manipulative and not Machiavellian, and so forth, just a normal guy....."** (Video 1 of January 07, 2019, hearing at 09:17:13). And if all of that wasn't enough, he then directly asked what Church Second Joint Petitioner/Defendant

went to which was **not relevant to an issue in the hearing, proceeding, or the case**. Second Joint Petitioner/Defendant was reluctant to answer, however, when he did answer through counsel of which Church he went to Judge Lane then responded by saying, **"I've never heard of a Church where it is important to get the custody and stuff."** (Video 1 of January 07,2019, hearing at 10:16:15)

Not only did Judge Lane manifest **bias, prejudice, and harassment** by engaging in **epithets, slurs, and demeaning nicknames that were directed at Second Joint Petitioner/Defendant**, but also manifesting bias, prejudice, and harassment in the full and complete comments and statements that Judge Lane made on the record towards Second Joint Petitioner/Defendant without admitting one piece of evidence or any testimony into the record. Not only did Judge Lane not consider any evidence or admit any evidence into the record, but he did quite the opposite by **inviting great speculation and leading opposing counsel** by making comments such as, "... 8 or 9 different areas **that are suspicious** for fraud... " (Video 1 of January 07, 2019, hearing at 09:14:47) *and* **Any suspicions** in you guy's part why he's doing all this?" (Video 1 of January 07, 2019, hearing at 09:15:23) *and* **"You would submit speculatively** that he's done all these frauds and **Machiavellian** stuff and everything to avoid those two little financial obligations?" (Video 1 of January 07, 2019, hearing at 09:18:03) *and* **"I just assume based**....." (Video 1 of January 07, hearing at 09:18:44) *and* **"Well that's my fault, I invited the speculation."** (Video 1 of January 07, 2019, hearing at 09:26:30). No evidence or testimony was entered into the record at any point in time to determine anything.

The Supreme Court of Nevada "review's a district court's order granting summary judgement de novo, without deference to the findings of the lower court." **See Wood v.**

Safeway, Inc., 121 Nev, 724, 729, 121 P.3d 1026, 1029 (2005). Summary judgement is proper if the pleadings and all other evidence on file demonstrate that no genuine issue of material fact exists and that the moving party is entitled to judgment as a matter of law. ***Id.*; see also NRCP 56c.** "The evidence, and any reasonable inferences drawn from it, must be viewed in a light most favorable to the nonmoving party." **See Wood, 121 Nev. at 729, 121 P.3d at 1029.** "A factual dispute is genuine when the evidence is such that a rational trier of fact could return a verdict for the nonmoving party." ***Id.* at 731, 121 P.3d at 1031.** The Nevada Supreme Court has ruled that they will not interfere with the judgment imposed by the district court "[s]o long as the record does not demonstrate prejudice resulting from consideration of information or accusations founded on facts supported only by impalpable or highly suspect evidence." **See Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).** Moreover, "remarks of a judge made in the context of a court proceeding are not considered indicative of improper bias or prejudice ***unless*** they show that the judge has closed his or her mind to the presentation of all the evidence." **See Cameron v. State, 114 Nev. 1281, 1283, 968 P.2d 1169, 1171 (1998).** General allegations and conclusory statements do not create genuine issues of fact. ***Id.* at 731, 121 P.3d at 1030-31.** Noting that arguments of counsel are not evidence and do not establish the facts of the case. **See Wood, 121 Nev. at 731, 121 P.3d. at 1030-31.** There was no factual proof whatsoever of anything that was written or said and no affidavits, declarations, verifications, or certifications of anything to establish anything or true facts and without any testimony.

So, not only did Judge Lane not take any evidence or witness testimony and invited and entertained great speculation, but then said twice on the record that he needed to have an evidentiary hearing to make findings of perpetrating a fraud upon the court (Video 2 of

January 07, 2019, hearing at 09:58:07) *and* (Video 2 of January 07, 2019, hearing at 10:07:07), but then Judge Lane continued to say on the record that, "I think he is (perpetrating a fraud)" (Video 2 of January 07, 2019, hearing at 09:32:45) *and* "..... making findings of **Shenanigans** and fraud". (Video 2 of January 07, 2019, hearing at 09:57:00) *and* then Judge Lane said "I'm gonna grant a Rule 11 Sanction of $3,000.00.....Counsel, I want you to know that.....all of this that I've looked at the totally of it just shocks me what this guy going through what's he been doing for the last couple years. I still don't understand why? I know it's money. That's what everything is about in life.... **Gramsci, Antonio Gramsci**.... but y'all I'm sure it has to do with money." (Video 2 of January 07, 2019, hearing at 10:15:34) *and* then to add insult to injury Judge Lane then went ahead and made those Findings of Fact, Conclusions of Law, and Orders when he signed the written Order and Judgment without ever holding an evidentiary hearing or submitting any evidence or testimony into the record in further violation of Second Joint Petitioner/Defendant's due process rights and the right to be heard which further proves and shows Judge Lane's bias and prejudice towards Second Joint Petitioner/Defendant. Judge Lane himself acknowledged and stated on the record "the lack of evidentiary issues that haven't been adjudicated in this court, perhaps not in other courts..." (January 07, 2019, hearing transcripts, page 22, lines 8-9).

Judge Lane continued to manifest bias and prejudice by continually trying to separate and distinguish the representation of Second Joint Petitioner/Defendant's attorney from and away from him which shows and reflects bias and prejudice by Judge Lane towards Second Joint Petitioner/Defendant (Video 2 of January 07, 2019, hearing at 10:05:29 and 10:13:07).

Judge Lane not only manifested bias and prejudice by his words and conduct and statements and comments on the record but also by his facial expressions and body language. While Second Joint Petitioner/Defendant's attorney was speaking and making arguments, Judge Lane seemed to not be paying any attention to him by writing and not looking at him (Video 1 of January 07, 2019, hearing at 09:29:02). Judge Lane also continued to interrupt Second Joint Petitioner/Defendant's attorney numerous times throughout the hearing, however, when it came to Plaintiff's parents speaking, Judge Lane would listen, was very attentive, and engaged as the video hearing will reflect.

Second Joint Petitioner/Defendant sat there in the court room very quiet and very respectful at the defendant's table with his attorney all while Judge Lane directly called, referenced, and alluded to Second Joint Petitioner/Defendant all of these epithets, slurs, and demeaning nicknames. Second Joint Petitioner/Defendant's stomach started to turn, and he started to feel sick to his stomach and felt as if he wanted to vomit. It was very humiliating as it was not a closed hearing and the court room was filled with people while all of this was going on. Second Joint Petitioner/Defendant can only imagine what would have happened to him at the hearing if he was not represented by counsel.

At the conclusion of the hearing, Second Joint Petitioner/Defendant had a gentleman approach him in the hallway and tell him that he could not believe what had just happened to him in the courtroom and he proceeded to apologize to Second Joint Petitioner/Defendant. Second Joint Petitioner/Defendant didn't know how to respond.

Judge Lane's manifestations of bias, prejudice, and harassment included epithets, slurs, demeaning nicknames, prejudicial and bias statements and comments which was attributed

by the conveyance of his facial expressions and body language during the performance of his judicial and administrative duties. Judge Lane's verbal conduct denigrated and showed hostility and aversion and impaired the fairness of the proceeding and brought the judiciary into disrepute and dishonor and in turn Judge Lane failed to be patient, dignified, and courteous towards Second Joint Petitioner/Defendant.

A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice. **See RNCJC, CANON 2, Rule 2.3, Bias, Prejudice, and Harassment, (A).** A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, **religion,** national origin, ethnicity, disability, age, sexual orientation, **marital status**, socioeconomic status, or political affiliation, and shall not permit court staff, **court officials, or others subject to the judge's direction and control to do so. See RNCJC, CANON 2, Rule 2.3, Bias, Prejudice, and Harassment, (B).** A judge shall require lawyers in proceedings before the court to refrain from manifesting bias or prejudice, or engaging in harassment, based upon attributes including, but not limited to, race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, against parties, witnesses, lawyers, or others. **See RNCJC, CANON 2, Rule 2.3, Bias, Prejudice, and Harassment, (C).** The restrictions of paragraphs (B) and (C) do not preclude judges or lawyers from making legitimate reference to the listed factors, or similar factors, when they are relevant to an issue in a proceeding. **See RNCJC, CANON, 2, Rule 2.3, Bias, Prejudice, and Harassment, (D).** A judge who manifests bias or prejudice in a proceeding impairs the fairness of the proceeding and brings the judiciary

into disrepute. **See RNCJC, CANON 2, COMMENT [1].** Examples of manifestations of bias or prejudice include but are not limited to epithets; slurs; demeaning nicknames; negative stereotyping; attempted humor based upon stereotypes; threatening, intimidating, or hostile acts; suggestions of connections between race, ethnicity, or nationality and crime; and irrelevant references to personal characteristics. Even facial expressions and body language can convey to parties and lawyers in the proceeding, jurors, the media, and others an appearance of bias or prejudice. A judge must avoid conduct that may reasonably be perceived as prejudiced or biased. **See RNCJC, CANON 2, COMMENT [2].** Harassment, as referred to in paragraphs (B) and (C), is verbal or physical conduct that denigrates or shows hostility or aversion toward a person on bases such as race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation. See RNCJC, CANON 2, COMMENT [3]. A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge's direction and control. **See RNCJC, CANON 2, Rule 2.8, Decorum, Demeanor, and Communication With Jurors.** The duty to hear all proceedings with patience and courtesy is not inconsistent with the duty imposed in Rule 2.5 to dispose promptly of the business of the court. Judges can be efficient and businesslike while being patient and deliberate. **See RNCJC, CANON 2, COMMENT [1].**

IV. JUDGE LANE SHOWED AND REFLECTED BIAS AND PREJUDICE AGAINST SECOND JOINT PETITIONER/DEFENDANT BY

FAILING TO ENSURE HIS RIGHT TO BE HEARD WITHOUT DUE PROCESS AND WITHOUT NOTICE AS WAS REQUIRED BY THE REVISED NEVADA CODE OF JUDICIAL CONDUCT

In this instance, Judge Lane **imposed sanctions** pursuant to Nevada Rules of Civil Procedure under Rule 11 in the amount of $3,000.00 in attorney fees to be paid to third persons who were non-parties contesting and attacking a Divorce in Nevada who had no authority, no right, no standing, and were not properly before the Court. **The Court requested that the attorneys for the Plaintiff's parents file an Order and create Findings for the Court including the arguments in the Motion. No evidentiary hearing was held regarding the issue, no evidence was submitted, no testimony was heard, no affidavit was submitted or on file, no specific findings were made at the hearing as to what conduct Second Joint Petitioner/Defendant engaged in that would support the award of attorney fees in the amount of $3,000.00 to third persons who were not parties to the action and who were not properly before the Court and who had no authority to initiate litigation on behalf of the Plaintiff. Due process is ultimately a flexible concept that considers time, place, and circumstances in determining what protections are required in the particular situation. See Adaven Mgm't. Inc. v. Mountain Falls Acquisition. Corp., 124 Nev. 770, 774, 191 P.3d 1189, 1192 (2008).**

Judge Lane imposed sanctions on January 07, 2019, without due process and a right to be heard by Second Joint Petitioner/Defendant. No Order to Show Cause was ever issued or an Order to Show Cause Hearing was ever held in the matter and no Motion/Request was made separately from other Motions or Requests as was required

under NRCP Rule 11. At the court proceeding on January 07, 2019, no evidence or testimony was entered into the record and no hearing on the merits was held regarding the award of sanctions in the form of attorney fees. **The sanctions imposed were not in accordance with Nevada Law** in that sanctions were **awarded without due process and an opportunity to be heard** and was unlawfully punitive in nature by awarding attorney fees in the amount of $3,000.00 to third persons who were non-parties who were attacking and contesting a Nevada Divorce from the State of Arkansas both without notice nor an opportunity to be heard. "An award of attorney's fees in divorce proceedings will not be overturned on appeal ***unless*** there is an abuse of discretion by the district court". **See Miller v. Wilfong, 121 Nev. 619, 622, 119 P.3d 727, 729 (2005). The finding of sanctions was made prior to an Order to Show Cause being issued and without an affidavit on file or a hearing being held on the matter to determine if sanctions were appropriate. The Order to Show Cause should have been served and a hearing held prior to imposing sanctions. Second Joint Petitioner/Defendant was purposely and deliberately deprived in bad faith of his right to notice and right to be heard regarding the award of sanctions in attorney fees to third persons who were non-parties who had no standing before the Court**. The Nevada Supreme Court will not disturb a district court's award of attorney fees "absent a manifest abuse of discretion." **See Frantz v. Johnson, 116 Nev. 455, 471, 999 P.2d 351, 361 (2000).** A manifest abuse of discretion occurs when the district court's decision is arbitrary or capricious. **See Yamaha Motor Co., U.S.A. v. Arnoult, 114 Nev. 233, 251, 955 P.2d 661, 672 (1998).** Judge Lane willfully and purposely unlawfully awarded sanctions as a punitive measure, thereby failing to correctly follow the law under the Nevada Rules of Civil Procedure Rule 11 Sanctions. Judge Lane deliberately failed to follow the Law

and the Code. **Judge Lane imposed sanctions without a Motion/Request being made separately from other Motions/Requests and without 21 days to cure or correct as required under NRCP Rule 11 or an affidavit or hearing on the same and *WITHOUT DUE PROCESS* and a right to be heard. Due process of law requires *BOTH* notice and the opportunity to be heard. See Callie v. Bowling, 123 Nev. 181, 183, 160 P.3d 878, 879 (2007).**

The main part of this compliant centers around Judge Lane denying Second Joint Petitioner/Defendant an opportunity to be heard and the imposition of unlawful sanctions without a hearing in violation of Nevada Law and the Code. Judge Lane intentionally failed to follow and comply with the Law and the Code in this regard. **Notice and an opportunity to be heard are part of fundamental fairness that due process requires. No state shall "deprive any person of life, liberty, or property, without due process of law." See U.S. Constitution, amend. XIV (1); see also Nevada Constitution, art. 1, 8(5).** Judge Lane failed to provide and afford due process rights in clear violation of the law and the Code. A judge has a duty to know the laws and the rules on sanctions and to afford individuals their due process rights as required by law.

It is very disturbing and troubling to the public that Judge Lane was unfamiliar with the law and rules on sanctions under Rule 11 of the Nevada Rules of Civil Procedure to be imposed. **Judge Lane did not rely and relied on certain laws as authority for his actions where such laws were either inapplicable given the circumstances or were not complied with as required by law. Judge Lane failed to consider and set forth specific findings for his actions.**

See NRCP 11b. *The Court is further provided a mechanism to deter violations of such either by Motion or upon the Court's own initiative.* ***See NRCP 11c.*** *When sought by*

Motion, the Motion must be made separately from other Motions or Requests. It further states that it cannot be filed or presented to the Court until 21 days after notice to the other party and failure to cure within those 21 days. The rule further allows sanctions upon the Court's own initiative after an Order to Show Cause has been issued detailing the violating conduct specifically. The Nevada Supreme Court had repeatedly stated that they will not look beyond a rule's plain language when it is clear on its face. **See Zohar v. Zbiegien, 130 Nev. 733, 737, 334 P.3d 402, 405 (2014).**

Second Joint Petitioner/Defendant was not afforded the proper opportunities to either cure or correct or respond to the allegations of the Rule 11 violations. The request for Rule 11 Sanctions was not plead or made separately by Plaintiff's parents. **Rather, it was sandwiched in as a line item in their Motion to set aside under the request for attorney's fees.** No opportunity to cure or correct was provided to Second Joint Petitioner/Defendant as it was immediately filed with the Court and even Second Joint Petitioner/Defendant's attorney, James S. Kent, Esq., at the time missed that there was a request for sanctions under Rule 11.

At the hearing on the matter, Second Joint Petitioner/ Defendant's attorney was asked to address the Rule 11 statements which were more explicitly laid out in Plaintiff's parents' Reply filed only two business days before the hearing in this matter. Again, hardly, within the required notice to correct or cure. Second Joint Petitioner/ Defendant's attorney stated that he had not noticed the request under Rule 11 and **was not prepared to respond at the time.** Judge Lane allowed only a brief recess (24 minutes) in order for Second Joint Petitioner/Defendant's attorney to review the extremely late Reply, the Law surrounding the issues, and the extremely convoluted history of the matter.

Upon recalling the matter, Judge Lane ordered that Rule 11 Sanctions were appropriate but failed to make any specific findings on the record as to the violations of the Rule that Second Joint Petitioner/Defendant was deemed to have committed. Instead, Judge Lane ordered that Counsel for Plaintiff's parents file an order "addressing the Violation of Rule 11, include his Motion arguments." **Judge Lane specifically ordered attorney's fees pursuant to NRCP Rule 11. This complete lack of findings on the record by the Court, ignoring of the Safe Harbor Requirement and general lack of adequate notice through a separate pleading or Order to Show Cause do not support the Sanctions imposed under Rule 11 of the Nevada Rules of Civil Procedure.**

Being sanctioned the way that Second Joint Petitioner/Defendant was sanctioned had a triple effect and sting in the fact that first of all being sanctioned hurts and is financially painful in of itself already, and secondly that Rule 11 Sanctions in the form of attorney fees were unlawfully and improperly imposed and awarded without notice, a right to be heard, and without a hearing held on the merits or the matter, and thirdly the fact that the award of attorney fees was to non-parties who had no authority or proper standing to be before the Court whatsoever in which Nevada Law clearly states that third parties are not allowed to do in the first place which is contest or attack a Divorce in the State of Nevada.

This was a "non-evidentiary, drive-by, shotgun hearing" that lasted a mere total of 48 minutes with a small 24-minute recess in between to respond to Rule 11 Sanctions under NRCP. The Rule and the Law allow a 21-day time frame to cure and correct not a mere 24-minute recess.

If Second Joint Petitioner/Defendant had been given adequate notice and opportunity to be heard, Second Joint Petitioner/Defendant strongly feels and believes that he would have been exonerated, however, that courtesy and opportunity were never extended or given to Second Joint Petitioner/Defendant as required by Nevada Law. And even if everything the Ex-Temporary Co-Guardians said about Second Joint Petitioner/Defendant in their Motion was true to the letter, Second Joint Petitioner/Defendant still should have been given notice and an opportunity to be heard to disprove their arguments as due process requires and demands.

First Joint Petitioner/Plaintiff was also not at the hearing and did not have counsel present to represent her interests as her parents were represented by Mr. Lobello and Mr. Owen and Mr. Kent technically only represented Second Joint Petitioner/Defendant. First Joint Petitioner/Plaintiff's **due process rights and right to be heard was also violated and suppressed.** First Joint Petitioner/Plaintiff did not have an attorney and could not afford one so she submitted an affidavit instead that she filed with the Court to make her voice heard, however, Judge Lane basically dismissed it and referred to it as more **"Shenanigans"** without any actual evidence or proof. (Video 2 of January 07, hearing at 10:01:45). First Joint Petitioner/Plaintiff filed her Affidavit with the Court which complied with everything under Rule 13 (Motions: Procedure for making motions; affidavits; renewal, rehearing of motions) of the Rules of the District Courts of the State of Nevada.

First Joint Petitioner/Plaintiff's right to be heard was violated on 3 different occasions. First of all, the Ex-Temporary Co-Guardianship was granted without a hearing held on the matter and when the matter was subsequently heard the Ex-Temporary Co-Guardianship

was completely dismissed and set aside in its entirely. Secondly, First Joint Petitioner/Plaintiff was not present at the hearing on January 07, 2019, and Judge Lane made rulings and decisions without hearing from First Joint Petitioner/Plaintiff. Thirdly, Judge Lane completely dismissed First Joint Petitioner/Plaintiff's affidavit as more **"Shenanigans"**. (Video 1 of January 07, 2019, hearing at 10:04:32)

"Due process of law is guaranteed by the **Fourteenth Amendment of the United States Constitution and Article 1, Section 8(5)... of the Nevada Constitution." Rico v. Rodriquez, 121 Nev. 695, 702-03, 120 P.3d 812, 817 (2005)**. Due process protects certain substantial and fundamental rights. ***Id.* at 704, 120 P.3d at 818.** Further, due process demands notice before such a right is affected. **Wise v. Granata, 110 Nev. 1410, 1412, 887 P.2d 744, 745 (1994).** An individual "may not be punished for exercising a protected statutory or constitutional right" to the appearance of bias or prejudice. **See United States v. Goodwin, 457 U.S. 368, 372 (1982)**

These are Judge Lane's actual comments and statements when he decided to make Rule 11 Sanctions without notice and due process and a right to be heard, **"You indicated that based on their lack of standing, they lack merit in the Rule 11. Do you want to address that anyway? It's important though and I would *even give you a little time* if you needed because I'm leaning towards granting the Rule 11. So, it's something that you'd wanna address. I can take a recess."** (Video 1 of January 07, 2019, hearing at 09:31:16) *and* **"Counsel, have the Order reflect that I find a violation of Rule 11."** (Video 2 of January 07, 2019, hearing at 10:12:24). **See *In re* Stigler, 607 N.W.2d 699, 710 (Iowa 2000)** (legal error becomes serious

enough to warrant discipline when judges deny individuals their basic or fundamental procedural rights).

Even when a police officer pulls you over for a traffic violation for a driving offense that police officer lets you know **(Notice)** why he pulled you over and then gives you a ticket **(Order to Show Cause issued)** to appear in court to state your case and be heard **(Order to Show Cause Hearing).** In this situation and circumstance Judge Lane intentionally disregarded and ignored and denied Second Joint Petitioner/Defendant's right to be heard without due process rights being observed and followed.

An experienced judge's ignorance of proper sanction procedures is willful and deliberate misconduct. In this case, it was bad faith and willful and knowing misconduct that was directed at Second Joint Petitioner/Defendant. A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law. **See RNCJC, CANON 2, Rule 2.6, Ensuring the Right to Be Heard. The right to be heard is an essential component of a fair and impartial system of justice. Substantive rights of litigants can be protected only if procedures protecting the right to be heard are observed. See RNCJC, CANON 2, COMMENT [1].**

IV. JUDGE LANE REFLECTED BIAS AND PREJUDICE TOWARDS SECOND JOINT PETITIONER/DEFENDANT BY FAILING TO RESPOND TO LAWYER MISCONDUCT AS WAS REQUIRED BY THE REVISED NEVADA CODE OF JUDICIAL CONDUCT

In this instance, Judge Lane failed to take appropriate action regarding a **DIRECT AND CLEAR CONFLICT OF INTEREST.** Judge Lane had ***ample knowledge and plenty of information*** indicating a substantial question and likelihood that Mr. Lobello and Mr. Owen (Ex-Temporary Co-Guardians' attorneys) had committed a violation of the Nevada Rules of Professional Conduct that raised a substantial question regarding their honesty, trustworthiness, or fitness as lawyers in other respects and should have informed the appropriate authority and taken appropriate action but again Judge Lane failed and did not to do so.

Mr. Kent dedicated over an entire page in his Opposition to the Motion (Page 05 & 06 of Opposition) regarding the DIRECT CONFLICT OF INTEREST and explaining it thoroughly. Mr. Kent also explained and argued the DIRECT CONFLICT OF INTEREST at the hearing thoroughly as well and was simply ignored by Judge Lane (Video 1 of January 07, 2019, hearing at 09:22:36). Mr. Kent explained in writing and argued verbally that Mr. Lobello and Mr. Owen had represented First Joint Petitioner/Plaintiff (Twyla) in the past in the ***same substantially related matter*** (All were divorce actions) and now they were representing the (Ex) Temporary Co-Guardians all while Twyla was opposing and challenging the (Ex) Temporary Co-Guardianship which clearly and explicitly shows that Twyla and the (Ex) Temporary Co-Guardians ***interests were materially adverse*** and including the fact that ***Twyla did not give informed consent confirmed in writing.*** Mr. Lobello and Mr. Owen failed in their duty to Twyla as their former client to not undertake representation in the same substantially related matter in which that person's interest are materially adverse to the interests of their former client unless the former client gives informed consent confirmed in writing. **Please see Nevada Rules of Professional Conduct, Rule 1.9, Duties to Former Clients.**

Mr. Lobello and Mr. Owen also used information that they had acquired in their previous representation of First Joint Petitioner/Plaintiff (Twyla) in a disadvantage way against her that was **not part of the public record, not publicly available, and was not generally known** and only Mr. Lobello and Mr. Owen were privy to it. The main vessel and tool that Mr. Lobello and Mr. Owen used in their Motion to set aside was Judge Hughes' Minute Order which ***were not Findings of Fact and Conclusions of Law*** as Judge Hughes never held and evidentiary or capacity hearing on the matter as they were just mere comments and statements made in a Minute Order. Mr. Owen and Mr. Lobello had obtained and acquired that Minute Order in their previous representation of Twyla which was in the Second Divorce Action in Case No. D-17-558626-S and then turned around and used it to Twyla's disadvantage which was again not part of the public record, not publicly available, and not generally known. Mr. Lobello and Mr. Owen also failed to get a signed VERIFICATION at the end of their Motion to verify and certify that anything they put forth in the Motion to set aside by the Ex-Temporary Co-Guardians was actually based on actual facts or personal knowledge or even true for that matter.

But significantly, just because information might be a matter of "public record," or "publicly available" in a court filing, does not necessarily mean that it is "generally known" within the meaning of the ethics rules. That's the holding of a case decided by the Pennsylvania Superior Court. **See Dougherty v. Pepper Hamilton LLP, et al.**

Quoting opinions from the Supreme Court of Ohio **(Akron Bar Association v. Holder, 810 N.E. 2d 426, 435 (Ohio 2004))** and the Supreme Court of West Virginia **(Lawyer Disciplinary Board v. McGraw, 461 S.E.2d 850 (W. Va. 1995))**, the *Dougherty* court noted

that "an attorney is not free to disclose embarrassing or harmful features of a client's life just because they are documented in public records or the attorney learned of them in some other way," and that "the ethical duty of confidentiality is not nullified by the fact that the information is part of the public record or by the fact that someone else is privy to it."

***In re* Anonymous, 932 N.E. 2d 671, 674 (Ind. 2010)** stating in connection with a discussion of Rule 1.9(c)(2) that "the Rules contain no exception allowing revelation of information relating to a representation even if a diligent researcher could unearth it through public sources."

***In re* Tennant, 392 P.3d 143, 148 (Mont. 2017)** states holding that a lawyer who learned the information in question during his former clients' representation could not take advantage of his former clients "by retroactively relying on public records of their information for self-dealing."

The fact that information can be discovered in a public record does not, by itself render that information *generally known.* **(See In the Matter of Johnson (Review Dept. 2000) 4 Cal. State Bar Ct. Rprt. 179.) Please also see American Bar Association Standing Committee on Ethics *and* Professional Responsibility Formal Opinion 479 *and* New York State Bar Association Ethics Opinion 991.**

Another interesting point and fact is that these same two attorneys, Mr. Lobello and Mr. Owen, in their previous representation of Twyla had her VERIFY, CERTIFY, AND SIGN A RETAINER AND FEE AGREEMENT, COMPLIANT FOR DIVORCE, A FINANCIAL DISCLOSURE FORM, NOT ONE BUT TWO DIFFERENT MOTIONS, AND A STIPULATION AND ORDER TO DISMISS in Case No. D-16-540966-D and then turn around

and write and state in their Motion to set aside in Case No. CV-39304 that Twyla's "signature does not connote understanding or agreement" and just completely degraded her and completely failed her in their duty to her as their former client.

Because Judge Lane failed in his obligation to take action for known lawyer misconduct, Twyla has since submitted and made a formal complaint to the State Bar of Nevada Office of Bar Counsel and the Office of Bar Counsel has since opened up an investigation into the matter which in turn has opened up two Grievances, one each for Mr. Lobello (Grievance File No. OBC19-0236/Charles Lobello, Esq.) and for Mr. Owen (Grievance File No. OBC19-0268/Christopher Owen, Esq.) Subsequently not long after the investigation began and the Grievances were opened up by the Office of Bar Counsel, Mr. Lobello and Mr. Owen "conveniently" withdrew as the attorneys of record for the (Ex) Temporary Co-Guardians under Nevada Supreme Court Rule 46 (with or without the client's consent), however, the investigation is still ongoing and it is Second Joint Petitioner/Defendant's strong belief that there will be some type or form of disciplinary action involved regarding the conduct of Mr. Lobello and Mr. Owen as it pertains to this matter.

Judge Lane not only failed in his obligation to take action to address clear and known lawyer misconduct but encouraged it and praised it by his comments on the record. Judge Lane made comments of, **"Thank you, Mr. Owen for driving in today on this matter.** (Video 1 of January 07, 2019, hearing at 09:08:22) *and* **"I really appreciate you two attorneys (Mr. Lobello and Mr. Owen) coming in and arguing this matter because....., I guess I'm not allowed to appoint you as guardians and it's too bad because I would've....., I guess you're doing this pro bono, and just doing on what makes it right and I**

appreciate that." (Video 2 of January 07, 2019, hearing at 10:12:41) *and* **"I think all three of you did a great job today, very professional, very intelligent, thank you for coming into my court room today."** (Video 2 of January 07, 2019, hearing at 10:18:21) *and* **"Thank you gentleman. Thank you for coming in today."** (Video 2 of January 07, 2019, hearing at 10:18:45). Judge Lane knew that Mr. Lobello and Mr. Owen were not appearing at the hearing pro bono because they were there making arguments for attorney fees. So as you can see as proven by the video record and the transcripts, Judge Lane not only failed in his obligation under the Code to take action to address clear and known misconduct , but thanked and encouraged and praised the attorneys in question for committing violations of the Nevada Rules of Professional Conduct which further proves bias and prejudice against Second Joint Petitioner/Defendant.

Judge Lane failed in his obligation to take action to address clear and known lawyer misconduct altogether. The Code, Rules, and Law imposed an obligation on Judge Lane to report to the appropriate disciplinary authority the known misconduct of a lawyer that raises a substantial question or likelihood regarding the honesty, trustworthiness, or fitness of those lawyers. Judge Lane simply ignored and denied by his actions known misconduct which undermined his responsibility to participate in efforts to ensure public respect for the justice system and legal profession as a whole. **Judge Lane failed in his obligation to report those offenses that an independent judiciary must vigorously endeavor to prevent and avert.**

Nevada Rules of Professional Conduct Rule 1.9. Duties to Former Clients states:

(a) A lawyer who has formerly represented a client in a matter **(1) *shall not*** thereafter represent another person in the **(2) *same substantially related matter*** in which that

person's *interests are* ***(3) materially adverse*** to the interests of the former client unless the former client gives ***(4) informed consent, confirmed in writing.***

(b) A lawyer shall not knowingly represent a person in the same or a substantially related matter in which a firm with the lawyer formerly was associated had previously represented a client:

(1) Whose interests are materially adverse to that person; and

(2) About whom the lawyer had acquired information protected by Rules 1.6 and 1.9(c) that is material to the matter;

(3) Unless the former client gives informed consent, confirmed in writing.

(c) A lawyer who has formerly represented a client in a matter or whose present or former firm has formerly represented a client in a matter shall not thereafter:

(1) Use information relating to the representation to the disadvantage of the former client except as these Rules would permit or require with respect to a client, or when the information has become generally known; or

(2) Reveal information relating to the representation except as these Rules would permit or require with respect to a client.

1.) Shall (not) - The court expressed an opinion in a novel way that *shall (not)* serves to express that which is mandatory. **See Vandertoll v. Kentucky, 110 S.W.3d 789,791 (Ky. 2003)** "We will not commence a lengthy discussion on the definition of "shall (not)". KRS 446.080(4) states that "[a]ll words and phrases shall be construed according to the common and approved usage of language...." "In common or ordinary parlance, and in its

ordinary signification, the term 'shall (not)' is a word of command and..... must be given compulsory meaning." **See Black's Law Dictionary 1233 (5th ed.1979).**

"If the words of the statue are plain and unambiguous, the statute must be applied to those terms without resort to any construction or interpretation" **See Terhune v. Commonwealth, Ky.App., 907 S.W. 2d 779, 782 (1995) (quoting Kentucky Unemployment Insurance Commission v. Kaco Unemployment Insurance Fund, Inc., Ky.App., 793 S.W.2d 845, 847 (1990)).** *Shall (not) means shall (not).*

2.) Same substantially related matter - The First Divorce Action (Case No. D-16-540966-D), the Second Divorce Action (Case No. D-17-558626-S), The Third Divorce Action (Case No. D-18-568604-Z), and the Fourth Divorce Action (Case No. CV-39304) *are the same substantially related matter as it involved subsequent cases between the same parties and the cause of action and issues in these cases are identical and substantively indistinguishable because they are all actions for divorce.*

Substantial Relationship in New Jersey. **See City of Atlantic City v. Trupos, 2010 N.J. LEXIS 386 (N.J. April 26, 2010).** The New Jersey Supreme Court announced this rule:... for the purposes of RPC 1.9, matters are deemed to be "substantially related" if (1) the lawyer for whom disqualification is sought received confidential information from the former client that can be used against the client in the subsequent representation of parties adverse to the former client, or (2) facts relevant to the prior representation are both relevant and material to the subsequent representation.

In Harsh v. Kwait, 2000 Ohio App. LEXIS 4636 (Ohio App. 2000), the court said that matters were substantially related if there is some "commonality of issues" or "clear connection" between the matters.

In Reardon v. Marlayne, 416 A.2d 852 (N.J. 1980), the court said that a substantial relationship exists where the "adversity between the interests of the attorney's former and present clients has created a climate for the disclosure of relevant confidential information."

3.) Materially adverse - For a lawyer to run afoul of Model Rule 1.9(a), the new matter must be "materially adverse" to the former client. Obviously, taking on a litigation matter against the former client is being materially adverse. And even taking on a new matter against a third party (not against the former client), the result if successful, will somehow harm the former client.

In Plotts v. Chester Cycles LLC, 2016 WL 614023 (D. Ariz. Feb. 16, 2016). Employee brought this Title VII case against Employer, a motorcycle dealer. Employer is a member of a vast corporate family, of which Chester Group is the ultimate parent. E.B. Chester ("E.B.) owns a one-third interest in Chester Group. Law firm represents Employee in this case. Lawyer, at Law Firm, represented E.B. in his 2011-1012 divorce case. Employer moved to disqualify Law Firm, even though E.B. himself is not a party. In this opinion the court granted the motion. During the divorce case E.B. gave financial and ownership information regarding Chester Group to Lawyer. Thus, the divorce case and this case are substantially related. The court further held that because a big judgment for Employee would financially harm E.B., Law Firm's representation of Employee is materially adverse to E.B.. Last, the court was also concerned that Law Firm may have to cross-examine E.B. in this case, further adding to its

conflict. **See also Simpson Performance Products, Inc. v. Robert W. Horn, P.C., 92 P.3d 283 (Wyo. 2004) and Admiral Ins. Co. v. Heath Holdings USA, Inc., 2005 U.S. Dist. Lexis 16363 (N.D. Tex. Aug. 9, 2005).**

There is no question and absolutely no doubt that Twyla's interests were *materially adverse* to the Ex-Temporary Co-Guardians. They sought to obtain Guardianship of her Person and Estate against her will and wishes as the Ex-Temporary Co-Guardians and Twyla had retained lawyers on opposite sides in relation to the Ex-Temporary Co-Guardianship.

4.) Informed consent, confirmed in writing - meaning that disclosures and the consent required must be in writing and is a process for getting permission before conducting legal intervention for a person, or for disclosing personal information. Rule 1.9 requires the lawyer to obtain the informed consent of the client, confirmed in writing. Such a writing may consist of a document executed by the client or one that the lawyer promptly records and transmits to the client following an oral consent (writing includes electronic transmission). If it is not feasible to obtain or transmit the writing at the time the client gives informed consent, then the lawyer must obtain or transmit it within a reasonable time thereafter. The requirement of a writing does not supplant the need in most cases for the lawyer to talk with the client, to explain the risks and advantages, if any, of representation burdened with a conflict of interest, as well as other reasonably available alternatives, and to afford the client a reasonable opportunity to consider the risks or disadvantages and other alternatives, and to raise questions and concerns. Rather, the writing is required in order to impress upon clients the seriousness of the

decision the client is being asked to make and to avoid disputes or ambiguities that might later occur in the absence of a writing.

The lawyer who fails to draft an effective waiver or get informed consent confirmed in writing runs the risk of professional discipline, disqualification, loss of fees, and malpractice actions. On the other hand, an effective conflict waiver or informed consent confirmed in writing can be a lawyer's most effective tool in defending against any of these actions.

"Full disclosure contemplated by the conflict of interest provisions of the lawyer ethics code requires far more than merely the client's awareness of facts that may create or suggest a conflict of interest. The disclosure must be sufficient to inform the client of possible adverse effects the conflicting interests of the lawyer or of others might have on the lawyer's representation of the client." **See Disciplinary Proceedings against Forester, 189 Wis. 2d 563, 586, 530 N.W.2d 375 (1995).**

The Wisconsin Court of Appeals has held: "An effective waiver of a conflict or potential conflict of interest which is knowing and voluntary requires the lawyer to disclose the following: (1) the existence of all conflicts in the representation; (2) the nature of the conflicts or potential conflicts, in relationship to the lawyer's representation of the client's interests; and (3) that the exercise of the lawyer's independent professional judgment could be affected by the lawyer's own interests or those of another client. On the part of the client, it also requires: (1) an understanding of the conflicts or potential conflicts and how they could affect the lawyer's representation of the client; (2) an understanding of the risks inherent in the dual representation then under consideration; and (3) the ability to choose other representation. **See State v. Cobbs.**

221 Wis. 2d 101, 105-06, 584 N.W.2d 709, 710 (Ct. App. 1998) and Kaye, 106 Wis. 2d at 14-16, 315 N.W.2d at 342-43; SCR 20:1.7.

In this situation Mr. Lobello and Mr. Owen failed to get Twyla's *informed consent, confirmed in writing.* They did not even attempt to. They even failed to get Twyla's informed consent, confirmed verbally.

In some circumstances, a conflict of interest can never be waived by a client. In perhaps the most common example encountered by the general public, the same firm should not represent both parties in a divorce or child custody case or matter. Found conflict can lead to denial or disgorgement of legal fees, or in some cases (such as the failure to make mandatory disclosure), criminal proceedings. In 1998, a Milbank, Tweed, Hadley, & McCloy partner was found guilty of failing to disclose a conflict of interest, disbarred, and sentenced to 15 months of imprisonment. **See State ex rel. Horn v. Ray, 325 S.W.3d 500, 507 (Mo. App. 2010).**

So when you apply Rule 1.9 Duties to Former Clients as it is defined and written it simply does not coincide, conform, and correlate to the actions and measures that were undertaken by Mr. Lobello and Mr. Owen and that is the true test and measure that without a question they violated and broke the Nevada Rules of Professional Conduct and clearly shows that there was a Direct Conflict of Interest.

"Representation of clients whose interests are directly adverse in the same litigation constitutes the 'most egregious conflict of interest.' **See Nunez v. Lovell, Civil No. 2005-7, 2008 WL 4525835, *3 (D.V.I. Oct. 03, 2008.)**

A lawyer was suspended for 90 days for representing a husband in a divorce matter against his wife. The lawyer had previously represented both the husband and the wife. **See Florida Bar v. Dunagan, 731 So.2d 1237 (Fla. 1999)**

In Schwartz v. Kujawa (In re Kujawa), 270 F.3d 578 (8th Cir. 2001), Schwartz represented Kujawa on several matters. After they were concluded, Schwartz showed up as counsel for a creditor in Kujawa's bankruptcy proceeding. The Missouri Supreme Court disciplined Schwartz for this. In this case the Eighth Circuit upheld a $66,000 fee award in favor of Kujawa and against Schwartz.

***In re* Bruno, 327 B.R. 104 (E.D.N.Y. 2005),** the court denied fees to a law firm that had attempted to represent the driver and passengers in an auto accident case.

Lawyer had been disqualified on former-client/substantial-relationship grounds. In this opinion the court affirmed the trial court finding that the Lawyer's charging lien should not be enforced because of the conflict. **See Niemann v. Niemann, 2010 Mich. App. Lexis 1643 (Mich. App. Sep. 2, 2010).**

This opinion was, in part, a reversal of a summary judgment below. It contains an interesting discussion of a lawyer's fiduciary duties to a (former) client and a history of those duties. **See Bolton v. Crowley, Hoge & Fein, P.C., 2015 WL 687277 (D.C. Ct. App. Feb. 19, 2015).**

The Code of Professional Responsibility provides guidelines for attorneys when a conflict of interest develops. The Code expressly requires that a lawyer refuse employment when his personal or professional interests' conflict with those of the client. A lawyer has an affirmative duty to refuse to accept or to continue employment if the interests of another client

may impair his independent professional judgment. The Code also requires a lawyer to avoid influence by others that would adversely affect the client or former client.

The rules of the Code concerning the preservation of attorney-client confidences, if carefully followed, will also eliminate some conflict of interests problems. Once an attorney has accepted employment and a prohibited conflict arises, the attorney is required by the Code to seek leave to withdraw from the matter. If the attorney declines employment or withdraws as required by the Code, the attorney's partners or associates are also disqualified from the case. These rules of the Code are enforceable in proceedings before the disciplinary board or commission of the state bar. Violations can result in disbarment, suspension, or censure by the court.

Various solutions exist for an attorney when he is in a conflict of interest situation. The lawyer's sense of duty and his ethics should prompt him to avoid conflict situations or to withdraw when such a situation develops. Courts may disqualify an attorney from appearing in conflicting roles or may refuse to enforce the attorney's fees against an aggrieved client. Perhaps the strongest judicial remedy is reversal of a case tainted by a conflict of interest. None of these severe remedies are necessary, however, if an attorney follows his ethical duty.

There is a strong policy against an attorney appearing in a position adverse to that of even a former client. If an attorney who finds himself in an adverse position to a former client possesses confidential information, learned in representing the former client, which is advantageous to his present client in the same substantially related matter, the attorney should withdraw. This policy is so guarded that on occasion courts have reversed judgments solely

because of the conflict. The rule was laid down in **P.C. Theater Corporation v. Warner Brothers. 113 F. Supp. 263 (S.D.N.Y. 1953).**

In Damron v. Herzog, 67 F.3d 211 (9th Cir. 1995), the court held that taking on a substantially related matter against a former client creates a malpractice cause of action against the lawyer.

After termination of a lawyer-client relationship, the lawyer owes two duties to a former client. The lawyer may not do anything that will injuriously affect the former client in any matter in which the lawyer represented the former client, or at any time use against the former client knowledge or information acquired by virtue of the previous relationship. **See Oasis West Reatly, LLC v. Goldman (2011) 51 Cal.4th 811 [124 Cal. Rptr.3d 256] and also see Wutchumna Water Co. v. Bailey (1932) 216 Cal. 564 [15 P.2d 505]**

This is a suit by a client against a lawyer for breach of fiduciary duty, arising from the lawyer's conflict of interest. The trial judge ordered the lawyer to disgorge some $450,000 in fees. In this opinion the D.C. Circuit held that the lawyer should disgorge more and remanded to the district court to determine how much. The court held that the lawyer's conflict was more wide-ranging than recognized by the trial court. **See So v. Suchanek, 2012 U.S. App. LEXIS 1165 (D.C. Cir. Jan. 20, 2012).**

A judge having knowledge that a lawyer has committed a violation of the Nevada Rules of Professional Conduct that raises a substantial question regarding the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects shall inform the appropriate authority. **See RNCJC, CANON 2, Rule 2.15, Responding to Judicial and Lawyer Misconduct, (B).** A

judge who receives information indicating a substantial likelihood that a lawyer has committed a violation of the Nevada Rules of Professional Conduct shall take appropriate action. **See RNCJC, CANON 2, Rule 2.15, Responding to Judicial and Lawyer Misconduct, (D).** Taking action to address known misconduct is a judge's obligation. Paragraph (B) imposes an obligation on the judge to report to the appropriate disciplinary authority the known misconduct of another judge or a lawyer that raises a substantial question regarding the honesty, trustworthiness, or fitness of that judge or lawyer. Ignoring or denying known misconduct among one's judicial colleagues or members of the legal profession undermines a judge's responsibility to participate in efforts to ensure public respect for the justice system. This Rule limits the reporting obligation to those offenses that an independent judiciary must vigorously endeavor to prevent. **See RNCJC, CANON 2, COMMENT [1].** A judge who does not have actual knowledge that another judge or a lawyer may have committed misconduct but receives information indicating a substantial likelihood of such misconduct, is required to take appropriate action under paragraph (D). Appropriate action may include, but is not limited to, communicating directly with the judge who may have violated this Code, communicating with a supervising judge, or reporting the suspected violation to the appropriate authority or other agency or body. Similarly, actions to be taken in response to information indicating that a lawyer has committed a violation of the Nevada Rules of Professional Conduct may include but are not limited to communicating directly with the lawyer who may have committed the violation or reporting the suspected violation to the appropriate authority or other agency or body. **See RNCJC, CANON 2, COMMENT [2].**

IV. JUDGE LANE MANIFESTED BIAS AND PREJUDICE AGAINST SECOND JOINT PETITIONER/DEFENDANT BY MAKING FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDERS OF HIM PERPETRATING A FRAUD UPON THE COURT WITHOUT HOLDING AN EVIDENTIARY HEARING TO DETERMINE SUCH

1.) Paragraph 31 on page 04 of 07 of the Judgment and Order states, "... as well as the **shenanigans** and fraud made by Dennis in these filings...". Judge Lane made a Finding of Fact of an epithet, slur, and demeaning nickname further proving Judge Lane's bias and prejudice towards Second Joint Petitioner/Defendant. Judge Lane also made a finding of fraud without ever holding an evidentiary hearing or submitting any evidence into the record when Judge Lane said twice on the record that he needed to hold an evidentiary hearing to make those findings. (Video 2 of January 07, 2019, hearing at 09:58:07 and 10:07:07). Judge Lane himself acknowledged and stated on the record "the lack of evidentiary issues that haven't been adjudicated in this court, perhaps not in other courts…" (January 07, 2019, hearing transcripts, page 22, lines 8-9.) The Supreme Court of Nevada reviews a district court's decision for abuse of discretion, intervening only when the defendant demonstrates "prejudice resulting from consideration of information or accusations founded on facts supported only by impalpable or highly suspect evidence." **See Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).**

2.) Paragraph 34 on page 05 of 07 of the Judgement and Order states in part, "....to the court is another piece of evidence of **"shenanigans".** Judge Lane made another

Finding of Fact of an epithet, slur, and demeaning nickname further proving Judge Lane's bias and prejudice against Second Joint Petitioner/Defendant.

3.) Paragraph 35 on page 05 of 07 of the Judgement and Order states in part, "... Dennis perpetrating a fraud." Once again Judge Lane continued to say that on the record without holding an evidentiary hearing and submitting any evidence into the record and in the end, he ended up making a finding of it anyway without due process and Judge Lane just signed off on it anyways. **See Ogawa v. Ogawa, 125 Nev. 660, 668, 221 P.3d 699, 704 (2009)** (providing that the district court's factual findings are entitled to deference and will not be disturbed ***unless*** clearly erroneous and unsupported by substantial evidence); **See Ellis v. Carucci, 123 Nev. 145, 149, 161 P.3d 239, 242 (2007)** (defining substantial evidence as "evidence that a reasonable person may accept as adequate to sustain a judgement").

4.) Paragraph 7 of the Conclusions of Law on page 06 of 07 of the Judgement and Order states in part," ...shocks the Court as to what Dennis has been doing for the past few years." And Second Joint Petitioner/Defendant asks what has he been doing? Judge Lane found Second Joint Petitioner/Defendant guilty before any evidence or testimony was submitted into the record all while violating his due process rights and right to be heard and continuing to be bias and prejudicial against Second Joint Petitioner/Defendant. In **Mitchell v. State, 124 Nev. 807, 817, 192 P.3d 721, 727 (2008),** The plain error standard applies, if the error was plain and affected the defendant's substantial rights. ***Id.*** "To show that an error affected substantial rights, the defendant generally must demonstrate prejudice." ***Id.*** **at 817, 192 P.3d at 727-28.**

5.) Paragraph 8 and 9 of the Conclusions of Law on page 06 of 07 state in part, "were consistent with the perpetration of a fraud upon this Court." and "Dennis's further

perpetration of a fraud upon this Court;" Judge Lane continued to make Conclusions of Law without any evidence submitted and a hearing held on the merits to determine such. "A district court's decision to admit or exclude evidence rests within its sound discretion and will not be disturbed ***unless*** it is manifestly wrong" **See Libby v. State, 115 Nev. 45, 52, 975 P.2d 833, 837 (1999).**

6.) Then Judge Lane makes an "ORDER that the attorney for Defendant, DENNIS STANTON, James S. Kent, Esq., Nevada Bar No. 5034, has not acted in any manner that may be construed as assisting the Defendant in perpetrating a fraud upon this Court; and". Perpetrating a fraud upon this Court was never proven and if Second Joint Petitioner/Defendant would have been accorded his right to be heard and his due process rights observed, those allegations and accusations would have been unfounded. The entire Order and Judgment was completely biased and prejudicial against Second Joint Petitioner/Defendant by not holding an evidentiary hearing to determine findings of fact and conclusions of law of perpetrating a fraud upon the court in clear violation of Second Joint Petitioner/Defendant's due process rights without any substantial evidence. "Substantial evidence 'is evidence that a reasonable person may accept as adequate to sustain a judgement.'" **See Rivero v. Rivero, 125 Nev. 410, 428, 216 P.3d 213, 226 (2009) (quoting Ellis v. Carucci, 123 Nev. 145, 149, 161 P.3d 239, 242 (2007)).**

VI. CONCLUSION

The primary purpose of the Revised Nevada Code of Judicial Conduct is the protection of the public, not the punishment of judges. The California Supreme Court held that a judge is subject to discipline if the judge commits legal error which ***clearly and***

convincingly reflects bad faith, bias, abuse of authority, disregard for fundamental rights, intentional disregard of the law, or any purpose other than the faithful discharge of judicial duty. **See Oberholzer v. Commission on Judicial Performance, 20 Cal.4th 371, 975 P.2d 66, 384 Cal.Rptr.2d 466 (1999).**

The New Jersey Supreme Court held that to be subject to judicial discipline under the Code, there must be ***clear and convincing proof of objective legal error, that the legal error must be egregious, made in bad faith***, or made as part of a pattern or practice of legal error. ***In re*** **DiLeo, 83 A. 3d 11 (2014); see also *In re* Stigler, 607 N.W.2d 699, 710 (Iowa 2000)** (legal error becomes serious enough to warrant discipline when judges deny individuals their basic or fundamental procedural rights).

The Rhode Island Supreme Court held that: errors of law may constitute ethical misconduct when the error ***"clearly and convincingly reflects bad faith, bias, abuse of authority, disregard for fundamental rights, intentional disregard of the law, or any purpose other than the faithful discharge of judicial duty"*** **See *In re* Commission on Judicial Tenure and Discipline, 916 A.2d 746 (2007).**

Judicial bias of a judge is assessed based on "whether a reasonable person, knowing all the facts, would harbor reasonable doubts about [a judge's] impartiality." **See Varian, 114 Nev. at 1278.**

Commission Rule 8 states in part: "Claims of error shall be left to the appellate process, ***unless supported by evidence of abuse of authority, a disregard for fundamental rights, an intentional disregard of the law, a pattern of legal error, or an action taken for a purpose other than the faithful discharge of judicial duty."***

"The Commission may publicly censure a judge or impose other forms of discipline on a judge if the Commission determines that the judge has violated one or more of the provisions of the Nevada Code of Judicial Conduct in a manner that is not knowing or deliberate." **See NRS 1.4653(2)**

When Second Joint Petitioner/Defendant applies Nevada State Law (the Law) and the Revised Nevada Code of Judicial Conduct (the Code) to the actions and comments and statements that Judge Lane undertook and made at the hearing on January 07, 2019, they don't coincide, correlate, and conform with each other. That in of itself is the true measure and test whether Judge Lane broke and violated the Code and the Law which showed and reflected bias and prejudice against Second Joint Petitioner/Defendant.

Judge Lane has over 18 years of experience as a judge in the State of Nevada according to his biography. Judge Lane handles criminal cases, so he is well aware of due process rights. Judge Lane handles probate cases so he is well aware of guardianship statues and laws. Judge Lane handles family law matters so he well aware of family law and procedures. Judge Lane handles civil matters, so he is well aware of the Nevada Rules of Civil Procedure. With all that experience and knowledge Judge Lane still refused to comply, uphold, and apply the Law and the Code as written.

Being a judge in the State of Nevada is of great distinction and extremely noble and should not be taken lightly, however, being a judge also comes with important legal obligations, commitments, and responsibilities. These responsibilities and duties require a judge to abide and act in accordance by the entirely of all the Judicial Canons and Rules in the Revised Nevada Code of Judicial Conduct.

The United States legal system is based upon the principle that an independent, impartial, and competent judiciary, composed of men and women of integrity, will interpret and apply the law that governs our society. Judges are indispensable to our system of justice. Thus, the judiciary plays a central role in preserving the principles of justice and the rule of law. Inherent in all the Rules… are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust, and strive to maintain and enhance confidence in the legal system. ***The right to be tried by an impartial judge is deeply embedded in American jurisprudence; in fact, this right has often been considered to be the "cornerstone" of the American legal system.***

Under United States Supreme Court precedents, the Due Process Clause may sometimes demand recusal even when a judge "'ha[s] no actual bias.'" **See *Aetna Life Ins. Co.* v. *Lavoie*, 475 U. S. 813, 825 (1986).** Recusal is required when, objectively speaking, "the probability of actual bias on the part of the judge or decisionmaker is too high to be constitutionally tolerable." **See *Withrow* v. *Larkin*, 421 U. S. 35, 47 (1975) ; see *Williams* v. *Pennsylvania*, 579 U. S. ___, ___ (2016) (slip op., at 6)** ("The Court asks not whether a judge harbors an actual, subjective bias, but instead whether, as an objective matter, the average judge in his position is likely to be neutral, or whether there is an unconstitutional potential for bias" (internal quotation marks omitted)). "Due process may require recusal, even if a judge has no actual bias, in situations in which the objective probability of actual bias is too high to be constitutionally acceptable." **See Rippo v. Baker, 580 U.S. ___ (2017).**

Judge Lane's bias, prejudice, and impartiality can be reasonably questioned due to his actions and inactions and statements and comments on the record directed towards Second

Joint Petitioner/Defendant. The facts concerning Judge Lane's conduct creates an appearance of impropriety and impartiality that necessitates Judge Lane's recusal. Whether a judge's impartiality can reasonably be questioned is an objective inquiry that the Court reviews as a question of law using its independent judgement of the facts. **See City of Las Vegas Downtown Redevelopment Agency v. Eighth Judicial District Court of State ex rel. County of Clark, 116 Nev. 640, 644, 5 P.3d 1059, 1062 (2000).** The judge's actual impartiality, as well as the judge's subjective beliefs concerning his ability to proceed impartially, is of no concern. **See PETA, 111 Nev. at 4386 (overruled on other grounds by Towbin, 121 Nev. at 260-61).** Instead, the Court must ultimately decide "whether a reasonable person, knowing all the facts, would harbor reasonable doubts about [the judge's] impartiality." ***Id.* at 438.** A reasonable person, upon learning the conduct of Judge Lane towards Second Joint Petitioner/Defendant and bias and prejudicial comments and statements directed to him by Judge Lane would harbor not only reasonable, but serious doubts about Judge Lane's bias, prejudice, and impartiality.

In sum, even if Judge Lane could remain impartial, allowing Judge Lane to continue hearing matters in this case would undoubtedly compromise the public's confidence in the judiciary as it exhibits an appearance of impropriety that reflects negatively on Judge Lane's ability to be impartial. **See NCJC Rule 1.2 (instructing judges to avoid even the appearance of impropriety); *id.* at Comment 5 (stating that the "appearance of impropriety" occurs, inter alia, whenever the conduct creates the perception that the judge engaged in conduct that reflects adversely on the judge's impartiality).** Bias or prejudice typically means the judge has acted or spoken in a way that prevents him or her from treating the party or attorney in a fair and impartial manner. The term "bias or prejudice" implies a hostile feeling or spirit of ill-

will or undue friendship or favoritism toward one of the litigants or his attorney, with the formation of a fixed anticipatory judgement on the part of the judge, as contradistinguished from an open state of mind which will be governed by the law and the facts. Therefore, in order to promote the public's confidence in an independent and impartial judiciary, it is necessary to disqualify Judge Lane from continuing to hear matters in this litigation.

Judges have an ethical obligation to be fair and impartial, but sometimes there are circumstances where attorneys and litigants are within their rights to move to disqualify judges to ensure judicial neutrality. Disqualification is governed by rules and statues, and attorneys and litigants in Nevada are given a statutory right to disqualify judges if prejudice is feared.

Judges may have a great deal of discretion, but they can be disqualified for various reasons including giving tips to attorneys, commenting on matters not before the court, **or commenting before evidence has been presented. See *Chastine v. Broome,* 629 So. 2d 293, 294 (Fla. 4th D.C.A. 1993); also see *Kates v. Seidenman,* 881 So. 2d 56, 57-58 (Fla. 4th D.C.A. 2004); also see Williams v. Balch, 897 So. 2d 498, 498-99 (Fla. 4th D.C.A. 2005).** Judge Lane made numerous comments and statements which were personal attacks directed at Second Joint Petitioner/Defendant before any evidence was presented or admitted into the record.

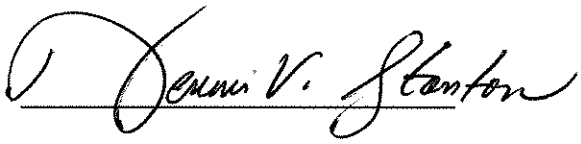
***In re Disqualification of Flanagan,* 127 Ohio St.3d 1236, 2009-Ohio-7199, 937 N.E.2d 1023, 4** (Allegations that are based solely on hearsay, innuendo, and speculation are insufficient to establish bias or prejudice"), however, that is not the case hear as is evidenced and supported by the record itself.

"The statutory right to seek disqualification of a judge is an extraordinary remedy. A judge is presumed to follow the law and not to be biased, and the appearance of bias and prejudice must be compelling to overcome these presumptions." **See *In re* Disqualification of George, 100 Ohio St.3d 1241, 2003-Ohio-5489, 798 N.E.2d 23, 5.** Those presumptions have certainly been overcome in this case.

For the reasons set forth above, Second Joint Petitioner/Defendant respectfully requests this Court disqualify Judge Lane from hearing any further matters in the above matter, and that the case be reassigned to another judge in the Fifth Judicial District of the State of Nevada.

DATED this 4th day of June, 2019.

DENNIS VINCENT STANTON



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In Proper Person

Certificate of Service

I hereby certify that on the 04th day of June 2019, I, Dennis Vincent Stanton, declare under penalty of perjury that a true and correct copy of **SECOND JOINT PETITIONER/DEFENDANT'S MOTION TO DISQUALIFY THE HONORABLE JUDGE ROBERT W. LANE FROM HEARING CASE TWYLA MARIE STANTON AND DENNIS VINCENT STANTON, CASE NO. CV-39304 FOR BIAS AND PREJUDICE** was emailed to the following email address as agreed upon by the parties pursuant to NRCP 5(b)(2)(D) :

Twyla Marie Stanton

First Joint Petitioner/Plaintiff

In Proper Person

twylamstanton24@gmail.com

Dennis V. Stanton

DENNIS VINCENT STANTON

EXHIBIT A

TRANS

FIFTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

NYE COUNTY, NEVADA

TWYLA MARIE STANTON AND DENNIS VINCENT STANTON, Joint Petitioners.	CASE NO. CV-0039304 DEPT. 02

BEFORE THE HONORABLE ROBERT W. LANE
DISTRICT COURT JUDGE

TRANSCRIPT RE: HEARING

MONDAY, JANUARY 7, 2019

APPEARANCES:

The Plaintiff:	NOT PRESENT
For the Plaintiff:	CHARLES LEBELLO, ESQ. CHRISTOPHER OWEN, ESQ. 1785 E. Sahara Ave. #157 Las Vegas, Nevada 89104 (702) 733-2800
The Defendant:	DENNIS VINCENT STANTON
For the Defendant:	JAMES KENT, ESQ. 9480 S. Eastern Ave., #228 Las Vegas, Nevada 89123 (702) 385-1100

PAHRUMP, NEVADA MONDAY, JANUARY 7, 2019

PROCEEDINGS

(THE PROCEEDINGS BEGAN AT 9:07:47)

THE COURT: The Stanton case. Too bad for everybody else. 39304. Okay. Let me get -- make sure I have all the players right. Twyla who is not here is represented by Charles Lebello.

MR. LEBELLO: Correct.

THE COURT: That would be you.

MR. LEBELLO: Yes, sir.

THE COURT: Very good. And this is

MR. OWEN: I'm Christopher Owen, Your Honor. Bar number 13211.

THE COURT: Thank you Mr. Owen for driving in today on this matter. Then we have Dennis --

MR. STANTON: Yes.

THE COURT: -- represented by James Kent.

MR. KENT: Correct, Your Honor.

THE COURT: Okay. I've got all the players. Very good. Have a seat, relax. I read through this last week, talked ad infinitum with my law clerk about it. I'm a little distraught. And as I mentioned to the audience, this is going to take a little while. Who would like to begin? Counsel?

MR. KENT: It was their motion, but I'll be more than happy to, Your Honor.

THE COURT: All right. We'll let them start then.

MR. LEBELLO: Well, Your Honor, as the Court knows having read the papers, we've brought this motion to set aside the decree of divorce, to dismiss the joint petition with prejudice, to sanction the Defendant for serial filings, making misrepresentations in the pleadings, failing to disclose to this Court all of the serial find -- filings that had occurred previously in Clark County.

(COUNSEL CONFER BRIEFLY)

MR. LEBELLO: And the amended order. Failure to advise the Court with regard to what Judge Hughes had found in her minute order arising out of the second filing. Failing to advise the Court of what happened with Judge Duckworth in the third filing. Telling the courts in those filings that Twyla was earning at one point 3,000 and change per month and should pay child support. In a second filing, that she was making $52,000 a year and that she should pay child support of $1500 a month.

I believe, and we don't have -- I don't -- we don't have at this point a document substantiate, but it's my understanding that the arrearage of child support that was raised in the filings with this Court had been referred to the

DA. The representation that has been made to us is that Twyla is in substantial fear of being arrested or picked up by the police because she hasn't paid her child support.

Now we understand the objections that have been made by the Defendant. The -- the first objection that was made by the Defendant is that the guardianship hadn't properly been registered here. And as we made clear in the reply, Your Honor, we were operating under a Rule 60B deadline of six months which occurred on December 7th. We filed a motion on November 27th. The hearing where letters of guardianship would have been issued would have taken place on December 10th.

However, as soon as the Defendant was served with our motion, he grabbed all six kids, pulled them out of school, drove cross country to Arkansas, hired a lawyer down there in Arkansas and basically lured -- lured Twyla out of her home with her parents based on the fact that he had the kids with her (sic). She hadn't seen the kids for months and it was a very easy task to get her out of the house. So he's hired a lawyer down in Arkansas and he's challenged the guardianship down there. Had he not done so, the letters of guardianship would have been issued on December 10th and those letters would have been properly registered with this Court; however, that has been frustrated. That effort has been

frustrated.

But that doesn't deny the Court the power under Rule 11 to address the -- the conduct of Defendant here and the misrepresentations. And there was one thing that I found even this morning as I went through things. In -- in our Exhibit 3 which is --

(COUNSEL CONFER BRIEFLY)

MR. LEBELLO: This is a complaint for separate main -- maintenance. I believe this might have been characterized as the second divorce action. The -- at page 4 of eight at number 8 on that page, it says are there any other considerations that the Court should take into account. And it says the Court should consider the following issues. And someone wrote in the Defendant's mental state. That would be Twyla's mental state.

Now that mental state was signed off on by both Twyla and the Defendant in their verifications to that joint petition. So we have the -- the Defendant conceding there's a mental state issue when it comes to custody of the children. And these are the very same issues that Judge Hughes zeroed in on in her minute order. She said that this -- this Plaintiff, Twyla Stanton, lacks the -- well, let -- let's just go to the language so I have it clear. She has a diminished mental capacity, she is unable to comprehend legal documents, and she

is unable to make judgments as to legal matters.

And for those reasons, the Court cannot approve Twyla's alleged agreements with Dennis without independent legal Counsel. And for that reason, the Court appointed Mr. Owen. And as soon as the Court appointed Mr. Owen and Mr. Owen made his appearance, the parties miraculously reconciled and the action in front of Judge Hughes went away via a voluntary dismissal.

Whereupon, the third action was filed. And it was again assigned to Judge Hughes pursuant to local rule and the peremptory challenge was immediately filed putting it in Judge Duckworth's court who then followed the rules and put it back in front of Judge Hughes. And, again, the parties miraculously reconciled and the divorce went away.

At which point, what Dennis did is decide I'm not going to get anywhere with this particular game in this particular venue. So I'm going to move houses. I'm going to go and search to another house that doesn't have any idea of what's gone on, doesn't know me, doesn't know Twyla, doesn't know about Judge Hughes, doesn't have any information about these prior filings or findings. And I'm just going to basically pull the wool over the Court's eyes and get a divorce which is exactly what he did here.

So even if the -- the Court finds that we lack

standing, that the -- the temporary co-guardians lack necessary standing. The Court can of its own volition under Rule 11 address the conduct of the Defendant.

THE COURT: I have a question for you that might be too early. I should probably let the other side go for awhile, but I'm dying of curiosity --

MR. KENT: Yes, Your Honor.

THE COURT: -- when I reviewed all the pleadings last week and chatted with my law clerk in chambers about them. I believe you just mentioned eight or nine different areas that are suspicious for fraud and multiple divorce filings and driving to Arkansas, et cetera. And you look at all these things going on and you think to yourself why? She hit the lottery nine months ago and he wants a big chunk of that lottery money. She has a big trust fund from her grandparents. He wants that. He's pulling all these shenanigans for a woman who is not making any money and is mentally incapacitated. To achieve what purpose? Any suspicion on you guys' part why he's doing all this?

MR. LEBELLO: Well, I think at this point it's fairly simple and straight forward, Judge. I -- we're not talking about a huge estate, a marital estate. We're not talking about anybody hitting the lottery or lots of money at issue. There's retirement money. Now I'll get to that in

just a second. But there's the issue of child custody and child support and spousal support. And the -- and the marital residence.

When you look at what this marriage consists of, we're looking at huge factors. These are people who go to a -- the same church. And who has custody of the children is a huge factor. And the Court will recognize in each of the serial fil -- filings, Dennis is the one who ends up with custody. And Dennis is the one who ends up receiving child support form his unemployed spouse. And it's represented that she's making huge amounts of money and that she should therefore get child -- be required to pay child support and she has no source of income. On top of which, it doesn't obligate him to pay her any spousal support.

And as this Court is well aware, this is a 14 year marriage. And for the -- the lion's share of that marriage except for a brief period of time where it's our understanding that Ms. Stanton worked as a -- as a maid, as -- in a hotel cleaning bedrooms. Except for that brief stint of employment, she was for all intent and purposes a stay-at-home mom and would probably be entitled to a significant monthly amount for spousal support for a considerable amount of time. And if the Court were to do the math on even a thousand dollars a month over the course of perhaps seven or eight years, we're not

talking about an insignificant amount of money. So it is for these reasons that there are these serial findings in an -- filings rather with regard to the effort to sort of push this all through.

THE COURT: I'm thinking if he was a normal citizen out there, not manipulative and Machiavellian and so forth, just a normal guy and he's got a number of kids, and his wife has some mental problems, capacity problems, and he's working and she isn't, it would have been a pretty simple process to go into the first divorce court, get custody of the kids; the Court would have said she owes the minimum child support but because of her mental problems and so forth they probably would have wiped it clean. But he would have got the kids. Spousal support, yeah, he might have been able to pay -- have to pay some for a little while. And of course there's the retirement issue you talked about.

So there are a couple of money issues, child -- spousal support and retirement. Not a huge amount, but a little bit of issue. And you would submit speculatively that he's done all these frauds and Machiavellian stuff and everything to avoid those two little financial obligations.

MR. LEBELLO: Yes, Your Honor. And what I point out is this. In the first divorce filing way back when in October of 2016, both parties had Counsel. Twyla was represented by

our office. And it was only on the eve of the Court issuing an order which would probably have granted to Twyla custody of the children and require that he pay child support and require that he pay spousal support that amazingly there was a reconciliation from --

THE COURT: All right.

MR. LEBELLO: -- out of nowhere.

THE COURT: Because I just assumed based on her limited mental capacity that it would be easy for him to manipulate her into a stipulation that he gets custody of the kids --

MR. LEBELLO: Which is a --

THE COURT: -- at the very beginning of the process.

MR. OWEN: Yes. Absolutely.

MR. LEBELLO: Which is essentially -- I mean, perhaps had he known that that was a vehicle that might have succeeded for him, he probably would have gone down that road. I think what's happened is that over the course of the last several years since his first filing in October of 2016, we're now two plus years since then. And Dennis has learned a few tricks. Okay. He's gone in front of the court. He's now been apprised of the fact that there's a local rule that ends up putting him right back in front of Judge Hughes. Puts it right back in front of the same dealer. And as a result of

not getting the kind of game that he wants with that dealer, he just -- he just decided to he'd up and go to a new casino and that's what he did. And it may not appear nefarious, but that's exactly what it is. And when you have a -- a household income that's limited and fairly limited assets, it doesn't surprise me at all that there are misrepresentations that are being made with regard to her income for example so that she's obligated to pay him child support. But --

THE COURT: With the ultimate goal of that being to get her prosecuted by the DA for not paying the child support --

MR. LEBELLO: Well --

THE COURT: -- she doesn't have.

MR. LEBELLO: -- I am not sure if that's necessarily the ultimate goal. I think the goal of -- of referring this matter to the DA is just to apply more pressure to her to get money from another source if it's even available. Maybe he felt that the temporary co-guardians would give her $4,000 or $5,000 that would end up his pocket. He doesn't quite care where the money comes from as long as it ends up with him, which is why he's got her paying child support, which is why he doesn't pay her a nickel of spousal support, which is why when it comes to things like dividing the assets, yeah, maybe that half of the pension ended up in her bank account, but it

ended up we believe cashed out and returned back to him because he is under her thumb (sic). She doesn't have the ability to withstand his pressures. She doesn't have the capacity to understand what's going on. He tells her to jump, she jumps. He tells her how high to jump, she jumps that high.

THE COURT: What's the latest status on their marriage? Are they married now?

MR. LEBELLO: They're married again. Amazing --

THE COURT: They're married --

MR. LEBELLO: -- Judge.

THE COURT: -- again.

MR. LEBELLO: It's --

THE COURT: Okay.

MR. LEBELLO: -- amazing.

THE COURT: Did you want to add anything Counsel?

MR. OWEN: Well, it -- Yes, Your Honor. You're asking about what was the purpose of -- of having the child support awarded to him as opposed to vice versa and custody to her. Well, if -- if she's obligated to pay him child support, he sure as heck can't be paying her. And -- and that's what it's all about, that the -- the -- shall we say custody of the children is important in the church and having that removal of an obligation to pay the child support is key, because that

means that he's won; he's -- he's the saint here protecting his kids when that's not entirely true as -- as I think our pleadings have shown.

So it's basically to avoid the removal of an obligation on his part to his wife who should probably be awarded custody despite her mental status and so on. But he doesn't want to be paying her a dime in spousal support nor child custody.

THE COURT: Thank you, sir. All right, Counsel. Mr. -- don't tell me. Mr. Kent? It's your --

MR. KENT: Yes, it is.

THE COURT: -- opportunity.

MR. KENT: Thank you, Your Honor.

THE COURT: Yes, sir.

MR. KENT: Your Honor, before you even try to address some of the merits I think procedurally and -- and the reason why I didn't necessary want to jump up is because I wanted to give them an opportunity. A couple of things. First of all, I've heard something -- some mention of a reply. I have received no reply. I don't know if Your Honor has, had a chance to review it. I haven't seen anything.

Second thing, I know he mentioned with regard to an Exhibit 2, page 4. Somebody wrote in something about Twyla's mental capacity. I looked at my copy of their Exhibit 2, page

4. I don't' see any such writing. So I've got just a couple of concerns with that.

Also, Mr. Lebello said our office previously represented Twyla. As you know in my opposition, Twyla has opposed the guardianship which they are here representing upon. So therefore now Twyla is opposing them in a different capacity. And I don't think that they then have the right to come in and now represent a party in opposition to somebody who they represented previously. They're representing the guardianship. They're not representing Twyla. They're representing the guardianship who Twyla is opposing back in Arkansas. So, one; I think there's a definite conflict of interest here.

THE COURT: Do we know why Twyla's not here?

MR. KENT: She's getting the kids ready for school, walking them to the bus this morning.

THE COURT: Where at?

MR. KENT: Back in Clark County at their residence.

THE COURT: Okay.

MR. KENT: I -- and I apologize, Your Honor. I don't necessarily represent Twyla either because the motion was only against Dennis. So I've represented Dennis on that and that's why I made sure that he was here today.

THE COURT: Thank you, sir.

MR. KENT: But if we go to the procedural aspects, and -- and I'd like to -- I don't like to go out of order and shotgun it, but I want to touch upon something that Mr. Owens (sic) just stated, that he believes that if in fact the divorce had actually gone to a contested hearing, Twyla would have been given custody of the kids. Their own clients say that Twyla cannot even manage herself or her personal affairs. And that's why she has to have a guardian both over her person and her estate. She can't do anything on her own, needs somebody to come in and control her life. Yet, they're arguing she would have the ability to manage six kids?

THE COURT: I want to assure you that if there was a jury here and there was an objection about speculation, I'd sustain it and so forth. But I want to assure you that I have the proper intelligence and cognizance to understand that that was speculation.

MR. KENT: And -- and I understand, Your Honor. And I'm not trying to deprive you of anything. I -- I want to make my record.

THE COURT: Thank you, sir.

MR. KENT: And -- and I want to hit upon all the points. And -- and if we go back, Your Honor, I know Mr. Lebello said, well, you know, with regard to the procedural matters, we are running up against the six months, so that's

why we didn't do things in the proper order and that's why we had to do other things.

I don't have 60(b) memorized. I'm familiar with it. But I don't remember there being some exception that says if you're doing this right at the end and there's something else, don't worry about the rules. We'll just go ahead and waive them. I don't -- I looked at the guardianship statutes that I've cited this morning and I don't think any of them says that if you're filing a 60(b), you don't have to do this stuff. Okay.

Even as we sit here today, to my knowledge and by their argument, and, again, I haven't seen the reply, nothing has been done to correct or rectify the omissions that have occurred. To be able to register in the state of Nevada for -- and guardianship granted in another state, you first have to give notice to the issuing court that issued the guardianship as to why you're doing it, why you need to register it. And then once you give the notice, I don't even think you have to get approval. You just have to give the notice. Then you can register here. And once you register here, now you can act upon it as if it was issued here.

The fact that they haven't done it I argue, Your Honor, gives them no authority to come you -- before you today on behalf of somebody who is alleging that they have a

guardianship. They don't have the authority to be here.

THE COURT: All right.

MR. KENT: With that, Your Honor, they point fingers at Mr. Stanton with great speculation as to why he did what he did and that he was disguising things from the Court --

THE COURT: Well, that was my fault. I invited the speculation.

MR. KENT: Oh, no, Your Honor. You get to sit there and you get to ask any questions you want. I learned that a long time ago. I'm not going to ever dispute that.

But just the fact that they did that, yet when you look at the guardianship papers that were filed in -- in Arkansas which were supposedly filed because he took such great advantage of Twyla, there is not one mention of that in the Arkansas papers. It says that Respondent's property consists mainly of clothing and personal effects with the value of less than $500. They don't indicate that basically she was taken advantage, lost a house, lost custody of her kids, lost the ability for spousal support, lost alimony. They make no mention of that.

And if in fact that's what the whole concern was that she was taken advantage and that's why she can't cont -- can't care for herself, you would think that that would be put in here or that there would be some mention, Your Honor, we

need to get a guardianship over here in Arkansas because she's been taken advantage of in the courts in the state of Nevada and this guardianship is basically going to hide -- try and rectify everything. None of that is done.

As a matter of fact, we don't even have an affidavit, nothing from any of the guardians. As I understand, the only affidavit we have is from a grandmother.

THE DEFENDANT: It's -- it's not an affi -- it's just a statement.

MR. KENT: But -- well, the only statement, what have you, we don't even have anything from the guardians. It's from a third party. I believe it's a grandmother. But the point is, we don't even have anything from the guardians as to what they want. We don't have a verification of the motion. I -- I mean, I trust Counsel. I don't have any doubt that what they're doing is they've got -- you know, somebody told him to go ahead and do that. But the point here is what we present to Court on facts have to be based upon personal knowledge. And we don't have that.

And, Your Honor, so I think based upon -- and -- and, Your Honor, let's go back to my first point in my pleading is under NRS 125.185: a decree of divorce can't be attacked by a third party. And that's what we have here is a third party. Guardians who obtained a guardianship half a

country away without really disclosing what the purpose was that they're now complaining of the guardianship are now trying to attack it.

Our position is that in the first proceeding, Twyla's parents put money forth to Twyla to assist her in her legal representation. And because of -- through the divorce proceedings they didn't get that money back, that's why they're now coming back in after Dennis.

Again, that's our speculation, but that's what we believe is going on here, that they're not actually looking out for the best interest of Twyla because I'm -- I'm still confused. She can care for six kids but she can't care for herself. That's my problem.

So, Your Honor, I don't think the decree can be attacked by a third party. If we get over that hurdle, now we're looking at the attack by a third party who doesn't have authority in the state of Nevada to enforce their guardianship. So they can't even be here to do that.

Your Honor, if -- if need be, I -- I didn't really go into the fact of why he filed where he filed, because to me we -- we don't even get to that point. Procedurally, we don't get to the divorces. And procedurally as noted, they have remarried. They have reconciled. They were apart for several months. They have reconciled.

So, Your Honor, if the big concern is let's set aside the decree of divorce, if you want to do it, if you want to make the whole joint petition void, we don't have a problem with that. They're back as husband and wife. Dennis realized how much Mother meant to the kids. I presume Twyla knew that she needed to be with the kids as well. And the parties have done that for the benefit of the children. And they've gotten back together.

So if we want to set this whole thing aside as if it never happened, we don't have an issue with that, Your Honor.

THE COURT: Was there --

MR. KENT: But --

THE COURT: -- anything else you want me to order?

MR. KENT: Your Honor, we did request attorney's fees because Mr. Stanton has had to pay for my representation. Again, I think if we look at this from a procedural point of view, I'm not a big guardianship attorney, but I was able to find these requirements fairly easily, and I think any Counsel that was doing guardianship from another state could have or should have looked into that as well and cured these deficiencies. If the basis is upon the remarriage; therefore, you're going to void everything, I understand Counsel didn't know that at the time they filed.

THE COURT: You indicated that based on their lack

of standing they lack merit in the Rule 11. Do you want to address that anyway?

MR. KENT: Well, Your Honor, and -- and this is an argument that's coming just before me right now, because, again, I haven't seen the reply, so I haven't seen what the argument -- I didn't look up Rule 11 specifically to go over that.

THE COURT: It's important though and I would even give you a little time if you needed it, because I'm leaning towards granting the Rule 11. So it's something that you would want to address.

MR. KENT: And -- and then, Your Honor, I don't know if either of the other Counsel have walked back in. You're talking about how do we handle it.

THE COURT: I can take a recess.

MR. KENT: Yes. I would appreciate that. So before -- I don't want to make an argument based upon what I think. I think I'd rather look at the law and make sure of my argument first.

MR. LEBELLO: Your Honor, Rule 11 is set forth in the motion.

THE COURT: Yeah.

MR. LEBELLO: I mean, it's -- it's in the

THE COURT: I do have the file that you could take a

look at if you don't have the pleadings.

MR. KENT: I do --

THE COURT: But --

MR. KENT: -- have their pleading, Your Honor.

THE COURT: -- I want you to know that I respect you and appreciate that you're coming in and making sure that his rights are protected; you're doing what a good attorney does. You're noting the lack of evidentiary issues that haven't been adjudicated in this court, perhaps not in other courts, and making an argument that -- regarding the standing and procedure and so forth.

I don't think with sincerity that you're trying to perpetuate a fraud. I don't think you are.

MR. KENT: No.

THE COURT: I think he is. And that's why you got look into that Rule 11 and then get back to me on it. We can take a short recess to give you that opportunity.

MR. KENT: I would appreciate that, Your Honor.

THE COURT: All right. Go -- we'll take a short recess for you guys then. I don't see the other attorney --

(COURT RECESSED AT 9:32 AND RESUMED AT 9:56)

THE COURT: Short recess? Are you ready?

THE MARSHAL: I -- I think they're ready, Judge.

THE COURT: Okay. Very good.

THE MARSHAL: They're coming over.

THE COURT: Thank you. Let me get those two here. Oh, no, we got to finish up that one we just did, the blue minute cozy.

All right, Counsel. We were talking about -- you -- you asked me to just set it aside and void things because they're remarried and it's all kind of moot now from that perspective and I said no, I'm kind of leaning more towards the Rule 11 sanction and making findings of shenanigans and fraud and then issuing an order that it be returned back to the venue in Vegas, and that our venue had nothing to do with it in the future and you wanted to address that Rule 11 concern that I have.

MR. KENT: And if I may, Your Honor. I'm not specifically requesting the relief of setting aside the divorce and that the parties have reconciled, they have remarried. To me, it's a moot issue. But if it appeases opposing Counsel, if they want the divorce dismissed, I'm not going to sit here and waste attorney's fees and time arguing it shouldn't be dismissed; the divorce should stand and the remarriage should stand. To me, it's all moot. If they want it dismissed, fine. Let's dismiss it. Okay. But I don't think that Rule 11 sanctions in terms of anything beyond dismissal of the complaint really are justified here.

If shenanigans have taken place, it -- honestly, one has to look at this and say it was done jointly by the parties and not just Dennis. And they're going to argue no, no, he forced Twyla to do this. He did --

THE COURT: I would need --

MR. KENT: -- whatever.

THE COURT: -- an evidentiary hearing to make that determination.

MR. KENT: And the one point that I would make on that, Your Honor, is that in the first divorce proceeding that happened, Twyla filed her own complaint for divorce represented by this Counsel. And although unfortunately I couldn't pull up all four pages, all divor -- all complaints for divorce have to be verified by the complainant, by the Plaintiff. And my guess is that she signed that complaint pursuant to Counsel. And my belief is that Counsel accepted her ability to verify a complaint for divorce knowing in fact what she was doing; which is what the parties did here. They signed a joint petition for divorce. They both signed it, had it verified, had it notarized, and submitted it.

The complaint -- and the -- the joint petition in and of itself other than they may not like, and, again, they meaning the guardians, the temporary guardians from another state, don't like it. And therefore, they want to set it

aside. Okay. There's nothing from Twyla saying that she doesn't like it. There's -- there's nothing else there. It's their allegation as to why this wasn't appropriate. But they fault -- they cite nothing in the fact that a joint petition was an inappropriate document or that it was any of the claims' defenses or things like that were unsupportable. Things like that.

So, you know, the one case that I was able to find, basically somebody filed for a -- a -- filed a complaint against several federal government agencies. And named certain individuals within those agencies and the Court said that's just a frivolous pleading. I mean, you're way beyond the scope of anything we allow; therefore, we're finding under Rule 11 that was an inappropriate complaint to file and therefore we're going to sanction you by dismissing the complaint.

In this instance, Your Honor, the document that was filed I think meets all the requirements of two, three, and four under Rule 11. The question is under number one, was it presented for any improper purpose such as to harass or to cause unnecessary delay of needless increase in cost of litigation.

Counsel -- the Plaintiff -- the Interveners have not cited any authority that would indicate the allegation of

forum shopping which is really what's at the heart here, is a sanctionable offense or as a Rule 11 violation. You can sit here and speculate, but I've got no authority; they've got no authority, and therefore I don't think, you know, other than sua sponte by Your Honor could authority come up as to claiming that forum shopping might be a Rule 11 sanction.

The reality is at best that might be what happened here, Your Honor. And I'll make an offer of proof that if in fact you asked Mr. Stanton why he might have filed over here is because in the first divorce proceeding the parties were into it for about $50,000. And they did not want to incur the expense, they didn't want to go through it again, and therefore they simply wanted to get a joint petition for their divorce. And that's why it was brought over here, Your Honor. It wasn't to harass. It wasn't to delay.

Could Twyla sign the joint petition just as she signed a complaint previously? I would say yes.

THE COURT: You know, you talking about her signing things and so forth brings to mind an issue that my law clerk and I talked about this morning regarding a recent filing. I'll have to find it again. It's not at the tip of my head -- it's an affidavit from Twyla. It was just filed January 4th, Friday afternoon at 3:40. And it's an affidavit from Twyla. The first two pages are the affidavit. The third page is a

notarization. So I'm not quite sure that there's not shenanigans going in attaching a notarization to two fugitive document pages. I don't know. But nonetheless, this affidavit from Twyla I've never seen in 20 years. It says it's -- it says that on -- let me find a date here. Very unusual. It says that on June 18th, 2018, two weeks after they filed the divorce or something like that, they filed the complaint and so forth -- you can correct me on any of my facts. Then Twyla unilaterally submitted an affidavit to the Court after the complaint was filed and so forth. And she says -- well, you would have to see -- have you seen it?

MR. KENT: No, I haven't, Your Honor.

THE COURT: Come -- come on forward and I'll give it to you. We can make copies for you guys if you need it. But it's just so strange and unusual that we were shocked and flabbergasted that somebody would go into court and file this affidavit.

(COURT AND CLERK CONFER BRIEFLY)

THE COURT: A week or two after the joint petition was granted. And in hundreds or thousands of divorces and joint petitions being granted, I've never seen somebody file an affidavit like this two or three weeks later saying, oh, by the way, I want you to know I did all this of my own free will; I wanted to do it, and so forth. Very unusual. And I

just mention it to you because you were talking about her signing things. And to me, it's another little piece of evidence of shenanigans.

MR. KENT: I'm just curious, was this filed in June or just signed in June and filed --

MR. LEBELLO: Signed in --

MR. KENT: -- in January?

MR. LEBELLO: -- June and filed in January.

MR. KENT: Signed in June.

THE COURT: And the filings on that --

(COUNSEL CONFER BRIEFLY)

MR. KENT: I'd ask, if it please the Court, I could get a copy of that.

THE COURT: Of course, you can both have copies. You bet. Just unusual, and I wanted to note it for the record. Did you want to say something? Oh, you went to make copies for them? I appreciate that. That's nice of you. Go ahead and make three copies so each attorney can have one.

MR. KENT: And -- and, Your Honor, in light of that, I don't know how or who filed anything. I've been in contact with Mr. Stanton via email on many things and I don't recall that as having been spoken as one of them. So that's the first that I've --

THE COURT: And again --

MR. KENT: -- seen that.

THE COURT: -- I want to reiterate. I'm going to ask the attorneys to prepare an order at the end of this hearing, and I want to reiterate and I'd probably appreciate it if the order even reflected it, that I'm making no finding of you doing anything wrong or perpetuating fraud and so forth. I think you're being a good attorney protecting his rights, making sure procedure's followed; all the things you're supposed to be doing, but as you can see, I have Rule 11 concerns which I'm probably going to rule on in a moment. And I appreciate you addressing them.

MR. KENT: Well, and -- and to do that, Your Honor, I think probably one thing -- not trying to mind read, but understanding kind of some of the direction that you're probably pointing a little bit in; if in fact -- again, and I'm not conceding by any means whatsoever --

THE COURT: Of course.

MR. KENT: -- that there wasn't any wrongdoing here, other than to try and get a simple divorce done without incurring excessive fees, which unfortunately, we all know can sometimes happens and does happens in divorce proceedings. That if in fact there's a finding of, hey, you know what, I think there was something filed here and it shouldn't have been filed here, that there was enough directive from the

courts before that you should have stayed over there and not here. I think the simple option is to dismiss it.

I think if there's going to be sanctions beyond that such as an inappropriate filing or duress or coercion or anything else like that, I would respectfully request that to do anything like that, I think we need to have more of an evidentiary hearing, bring in Twyla, find out was she put under any duress --

THE COURT: All right.

MR. KENT: -- was she --

THE COURT: Let me interrupt you. I concur with you. If I was going to make those kinds of findings, we'd need an evidentiary hearing --

MR. KENT: All right.

THE COURT: -- but I'm not going to make them.

MR. KENT: And -- and I'm -- and I'm hoping -- Your Honor, and I appreciate that, because part of --

THE COURT: I wasn't showing you that filing in an evidentiary hearing context. I was only showing it to you as an, oh, by the way, look at this filing we got the other day.

MR. KENT: No, and -- and --

THE COURT: I am going to ask the attorneys in a moment to prepare an order finding a Rule 11 violation, and I'm going to ask them in a moment to -- when they prepare the

order to make findings of facts and conclusions of law pursuant to the different arguments that they submitted regarding the multiple findings (sic) in Las Vegas, the multiple courts, Judge Hughes' findings of mental capacity, failure to represent it to me, the amounts of income that she's having. And on the other arguments that they've made. Based on my analysis, I adapt those arguments and agree with their conclusion and I'm going to ask them to write up an order transferring the case, setting it aside, transferring the case back to Vegas and making those Rule 11 findings. And I'm going to ask them in a moment what they think an appropriate sanction would be. I haven't made that determination yet.

MR. KENT: Your Honor, in -- in light of your -- your comments, dismissing this action, is there really anything to transfer back to Clark County? I -- I mean, just -- I'm -- I would hope --

THE COURT: I'm --

MR. KENT: -- that what we're --

THE COURT: -- transferring it in the context that I don't want him to come back in a year or six months and say, hey, this is you guys' case, we had this previous case pending and it's still yours and now we want to finalize our divorce, and I'm letting the future Judge know which may be me or some

other Judge that, no, the jurisdiction is in Las Vegas and if he wants to come back and get a divorce, go to Las Vegas and get it. Any place else you go, you're perpetuating the fraud.

MR. KENT: And -- and in doing so, Your Honor, that would hopefully close things out after the order is issued.

THE COURT: It will.

MR. KENT: Okay. Thank you --

THE COURT: And the --

MR. KENT: -- for that.

THE COURT: -- only remaining issue is sanctions.

MR. KENT: Thank you for that, Your Honor.

THE COURT: All right.

MR. KENT: And -- and, again --

THE COURT: Do you want to hear their argument on sanctions before you re -- respond to it?

MR. KENT: That's fine, Your Honor.

THE COURT: All right. Anything else, Counsel, you want me to order besides what I've said so far and then the sanctions issue?

MR. LEBELLO: We'd like to -- yes, Your Honor. I think if we're going to set aside the decree and dismiss the joint petition with prejudice, the Court has to make some -- the -- the order should state something with regard to the arrearage. I -- there is an arrearage that was ordered in the

decree. That has to be set aside --

THE COURT: By me?

MR. LEBELLO: Yes, I think there was an -- an order in the decree that Twyla owed him --

THE COURT: And that's set aside then.

MR. LEBELLO: Set aside. And so the DA is instructed to stand down. So something along those lines. I'm not sure if the Court wants to do anything with regard to the pension, monies, or leave that for --

THE COURT: That's -- that's for Vegas. And you guys may have to go to Vegas and reopen this case somehow and --

MR. LEBELLO: Right. Well, we asked the Court to award attorney's fees under Rule 11. And -- but more specifically under NRS 18.010. And that's what we raised in our motion. We asked the Court for attorney's fees under 18.010 and we cite that rule beginning at page 11 rolling over to page 12. And it's interesting that that rule at 1(b) actually references that the Court may award sanctions pursuant -- attorney's fees as an appropriate sanction pursuant to Rule 11 in all appropriate situations to punish for and deter frivolous or vexation -- ve -- vexatious claims and defenses.

Now what we've got here in terms of whether or not

this is frivolous or vexatious is that we have the -- the Defendant recognizing the mental status of Twyla in his complaint for separate maintenance. This was filed back in September 13th of 2017. We then have Judge Hughes making her findings in February of the following year where she says diminished mental capacity, unable to comprehend legal documents, and unable to make judgments as to legal matters.

But that doesn't stop him, because the very next month he -- they file their third divorce action, that's March 29th, and when that didn't work out for them, they filed the action here on April 18th. This is with full knowledge that Twyla has -- even -- even if you put the report of the doctor aside, and we haven't mentioned that, the findings of Judge Hughes that she has a diminished mental capacity; the recognition in the Defendant's own paper that she suffers from a -- Defendant's mental state that would prohibit her from taking proper care of the children.

To then go ahead and submit documents with the ostensible position being that both parties are agreeing and that she understands what they say and she comprehends the legal matter -- matter that's set forth in those documents and that she fully agrees with and understands all of the significant rights that she's giving up including custody of her own six children, that she has to pay $1500 of child

support, that she gets not a dime in spousal support, that he gets the house, that she gets half of the pension, but maybe there's questions as to what happened to that half of the money. We think that an appropriate sanction for this man in order to dissuade from further frivolous and vexatious filings is an award of tor -- attorney's fees in the amount of $3,200, Judge.

THE COURT: All right. Counsel, have the order reflect that I find a violation of Rule 11 based on my review of the record and the argument I've heard today and the totality of the circumstances. I really appreciate you two attorneys coming in and arguing this matter because I could have seen this Machiavellian case slipping through the cracks if you hadn't of came (sic) in and did it. I'm -- I'm guess I'm not allowed to appoint you as guardians, and it's too bad because I would have based on the totality of the circumstances I review.

Make sure that -- I -- I guess you're doing this pro -- pro bono and just doing it on what makes it right, and I appreciate that. Make sure the order reflects that Mr. -- the other Counsel I think has done a good job and is not perpetuating a fraud or doing anything improper. Put in the findings of fanctions -- set -- fact and conclusions of law and looking at 10 pages here. I think that's everything I

need to make fine. And then Counsel, is there anything you want to say regarding their request for $3200 in attorney's fees?

MR. KENT: Yes, Your Honor. You made a statement that you think that they're here pro bono. I don't believe that's accurate, Your Honor. I believe they're here on behalf of the guardian ad litems, the temporary guardian --

THE COURT: That would be fine.

MR. KENT: -- ad litems.

THE COURT: Thank you.

MR. KENT: And under that, Your Honor. Again, I go back to the point that they don't have the standing to be here.

THE COURT: Well, I haven't ruled they do.

MR. KENT: And I understand that. If they don't have the standing to be here, I don't think you would have the authority to award somebody who's not properly before you the award of anything.

THE COURT: All right. Well --

MR. KENT: And --

THE COURT: -- that may be an appellate issue, because I am going to grant them --

MR. KENT: And --

THE COURT: -- some attorney's fees as a sanction

for the Rule 11 violation. I'm just wondering how much. They're saying 3200 is reasonable and you would say what is reasonable?

MR. KENT: Your Honor, I -- I would --

THE COURT: You would say based on the work they've --

MR. KENT: I've --

THE COURT: -- done -- you disagree with the ruling I'm making, but based on the work they've done, you think a thousand is reasonable or --

MR. KENT: Well, Your Honor, my first argument is going to be that I believe we should prevail on the fact that they don't have the authority to be here; that they didn't do what they were supposed to do in terms of properly registering the guardianship going back to Arkansas and notifying them. I had to do research on that to find out their standing. And therefore, I think -- I'm -- I'm not trying to point at them and they said, oh, they did something fraudulent or anything. No, I'm not going with that.

I'm just simply saying they didn't follow the rules, and I had to point that out. And therefore, should Mr. (sic) Stanton be awarded -- or an offset of attorney's fees for the fact of their failure to do what they were required under the rules to be here in front of Your Honor.

If you took that out completely, Your Honor, I -- I haven't seen the billing. I don't know what they've done. I'm not certain why we had both Counsel here and whether he's getting billed for two Counsel to be at these appearances and for the driving back and forth.

I haven't seen a -- a Brunzell statement from them, Your Honor. I don't --

THE COURT: All right. I'm -- I'm --

MR. KENT: -- know if there was --

THE COURT: -- going to --

MR. KENT: -- one in there.

THE COURT: I'm going to rule a Rule 11 sanction of $3,000. We'll give them 60 days to pay that. Counsel, I want you to know that this -- all -- all of this that I've looked at, the totality of it just shocks me what this guy's going through, what he's been going -- what he's been doing for the last couple years. I still don't understand why. I -- I know it's money. That's what anything's about in life, Gramsci said -- Antonio Gramsci -- have you read Gramsci?

MR. KENT: No, I haven't.

THE COURT: He's an Italian communist. You don't have to pay any attention to him. But -- yeah, I'm sure it all has to do with money, but they said something about a -- a church and although I've already my decision, it's all over,

what church are they talking about?

MR. KENT: And what's the name of your church?

THE DEFENDANT: It's called Apostolic Church of Las Vegas. It's a Pentecostal church.

THE COURT: What's it called, Pentecostal? Okay.

MR. KENT: Apostolic Church of Las Vegas. It's a --

THE COURT: All right.

MR. KENT: -- Pentecostal church.

THE COURT: Because I've never heard of a church where it's important that you get the custody and stuff. But that's what they said.

MR. KENT: Well, and -- and, again, that's what they said.

THE COURT: That's what they said. Who cares what they say?

MR. KENT: But --

THE COURT: They don't know what they're talking about. It doesn't matter.

MR. KENT: I don't know whether they do or not. I have no idea if they're familiar with this church whatsoever. Your Honor, one thing I would like to point out so that it doesn't raise an issue, based upon the remarriage, there's no -- we're not -- if they want to put into your order that there's no arrears and any prior award for arrears shall be

vacated.

THE COURT: I'm setting it aside. Yeah, I'm vacating --

MR. KENT: Okay.

THE COURT: -- it.

MR. KENT: We don't have any issue with that, Your Honor. In the terms of Your Honor -- I guess I would -- I would like to make sure that the order is submitted to me before submission to you --

THE COURT: That will be fine.

MR. KENT: -- so that I can have a review of it, Your Honor.

THE COURT: That'll be fine.

MR. KENT: And I'm not certain if Mr. Stanton's going to be able to make the 60 days on the payment or not, but --

THE COURT: You can motion for more time if you need it after you --

MR. KENT: And I'll work --

THE COURT: -- talk with him.

MR. KENT: -- with opposing Counsel --

THE COURT: Yeah.

MR. KENT: -- on that, Your Honor. If I may.

THE COURT: Sure.

(COUNSEL AND CLIENT CONFER BRIEFLY)

MR. KENT: Your Honor, I don't know if it's going to make any difference to you in terms of what's going on with the potential temporary guardianship in the state of Arkansas? Because that's up for -- the -- as was noted and an opposition has been filed to that guardianship and that may very well be dismissed. I don't know if that has any relevance to you and your finding --

THE COURT: Not at --

MR. KENT: -- or decision.

THE COURT: -- this time, but you can always do motions for reconsideration.

MR. KENT: Okay.

THE COURT: Anything else?

MR. LEBELLO: Just one final point, if I may, Judge. The -- Counsel raised the fact that both of us are here today. He's not sure of the financing arrangement and the attorney's fees arrangement. What we've asked for in the motion of $3200 is a flat fee which is what has been billed to client, not one dime more and not one dime less. So we would ask that the Court actually award the 3200. And I'm not being greedy here, but they should be reimbursed the full amount of what they've paid.

THE COURT: Three grand.

MR. LEBELLO: Okay. Thank you, Judge.

THE COURT: I think all three of you did a great job today, very professional, very intelligent. Thank you for coming into my courtroom today.

MR. KENT: And then this is the client -- the guardians, the temporary guardians, I presume, right?

THE COURT: Is that what you're asking?

MR. LEBELLO: That -- what's the question?

MR. KENT: You said the client was the one that paid the 3200 and that's the --

MR. LEBELLO: I'm not -- I'm not --

MR. KENT: -- temporary guardian?

MR. LEBELLO: -- making any representation as to who paid what. I'm just saying that 3200 was paid in attorney's fees and that's what we asked for.

THE COURT: All right.

MR. LEBELLO: But we're --

THE COURT: Three grand.

MR. KENT: All right.

MR. OWEN: Thank you, Your Honor.

THE COURT: Thank you, gentlemen. Thank you for --

MR. KENT: Thank you, Your Honor.

THE COURT: -- coming here today.

MR. OWEN: And -- and it was 60 days?

THE COURT: Sixty days.

MR. OWEN: Okay.

(TO OTHER MATTERS)

(PROCEEDINGS CONCLUDED AT 10:18:58)

* * * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the digital proceedings in the above-entitled case to the best of my ability.

Adrian Medrano

Adrian N. Medrano

IN THE SUPREME COURT OF THE STATE OF NEVADA

DENNIS VINCENT STANTON,
Appellant/Cross-Respondent,
vs.
TWYLA MARIE STANTON,
Respondent/Cross-Appellant.

No. 78617
CV 39304

ORDER DISMISSING APPEALS

This is a pro se appeal and cross-appeal from a district court order granting a motion to set aside a decree of divorce, dismissing a joint petition for divorce, and awarding attorney fees. Review of the notice and amended notice of appeal reveals a jurisdictional defect. A tolling motion for reconsideration was timely filed in the district court on April 15, 2019. *See AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 585, 245 P.3d 1190, 1195 (2010) (describing when a motion for reconsideration is treated as a motion filed under NRCP 59(e) carrying tolling effect); NRCP 59(e) (establishing the time to file a motion to alter or amend); NRAP 4(a)(4) (tolling motions). To date, it does not appear that the district court has entered any order resolving the tolling motion. Accordingly, this court lacks jurisdiction to consider these appeals, *see* NRAP 4(a)(6), (allowing this court to dismiss an appeal as premature where it is filed before entry of an order disposing of a timely tolling motion), and

ORDERS these appeals DISMISSED.

Hardesty, J.

Stiglich, J.

Silver, J.

cc: Hon. Robert W. Lane, District Judge
Dennis Vincent Stanton
Twyla Marie Stanton
Nye County Clerk

FILED
FIFTH JUDICIAL DISTRICT

JUN 06 2019

Nye County Clerk
Deputy

NEJ
Name: Dennis Vincent Stanton
Address: 7088 Los Banderos Avenue
Las Vegas, Nevada 89179-1807
Telephone: (702) 764-4690
Email Address: dennisvstanton30@gmail.com
Self-Represented

DISTRICT COURT
NYE COUNTY, NEVADA

Twyla Marie Stanton
Plaintiff/First Joint Petitioner,

vs.

Dennis Vincent Stanton
Defendant/Second Joint Petitioner.

CASE NO.: CV-39304

DEPT: 2

NOTICE OF ENTRY OF ORDER / JUDGMENT

PLEASE TAKE NOTICE that an Order and/or Judgment was entered in this matter on (*date order was filed-on the upper right corner of the order*) May 13, 2019 a copy of which is attached.

DATED (*today's date*) May 20, 2019.

Submitted By: (*Your signature*) ▸ Dennis V. Stanton

CERTIFICATE OF MAILING

I, (*your name*) Dennis Vincent Stanton declare under penalty of perjury under the law of the State of Nevada that I served this ***Notice of Entry of Order/Judgment*** on ~~(date of mailing: month)~~ via Proper Person (day) (May 20, 2019), ~~by depositing a copy in the U.S. Mail in the State of Nevada, postage prepaid, addressed to:~~ via Proper Person

Name of Person Served: Twyla Marie Stanton
Address: 7088 Los Banderos Avenue
City, State, Zip Las Vegas, Nevada 89179-1207

DATED (*today's date*) May 20, 2019.

Submitted By: (*Your signature*) ▸ Dennis V. Stanton

ATTACH A FILED COPY OF THE COURT'S ORDER TO THIS NOTICE

FILED
FIFTH JUDICIAL DISTRICT

MAY 13 2019

Nye County Clerk
Terri Pemberton Deputy

SAO

Name: Dennis Vincent Stanton
Address: 7088 Los Banderos Avenue
City, State, Zip: Las Vegas, Nevada 89179-1207
Phone: (702) 764-4690
Email: dennisvstanton30@gmail.com
Self-Represented

DISTRICT COURT
NYE COUNTY, NEVADA

Twyla Marie Stanton
Plaintiff/First Joint Petitioner,

vs.

Dennis Vincent Stanton
Defendant/Second Joint Petitioner.

CASE NO.: CV-39304

DEPT: #2

STIPULATION AND ORDER TO CONTINUE HEARING

The parties in this matter, (First Joint Petitioner) (*Plaintiff's name*) Twyla Marie Stanton and (*Defendant's name*) (Second Joint Petitioner) Dennis Vincent Stanton, both in Proper Person, hereby stipulate and agree that the hearing currently scheduled for (*date*) May 20, 2019 at (*time*) 09:00a.m. shall be continued to the court's next available date.

DATED this (*day*) 8th day of (*month*) May, 20 19.

Respectfully Submitted:

By: Twyla M. Stanton
(*Plaintiff's signature*)
Plaintiff's Name: Twyla Marie Stanton
Address: 7088 Los Banderos Ave.
City, State, Zip: Las Vegas, NV 89179-1207
Phone: (702) 764-4692
Email: TwylaMStanton24@gmail.com

By: Dennis V. Stanton
(*Defendant's signature*)
Defendant's Name: Dennis Vincent Stanton
Address: 7088 Los Banderos Avenue
City, State, Zip: Las Vegas, Nevada 89179-120
Phone: (702) 764-4690
Email: dennisvstanton30@gmail.com

ldlo

ACKNOWLEDGMENT (Plaintiff) (First Joint Petitioner)

STATE OF NEVADA)
)
COUNTY OF CLARK)

On this (*day*) 8th day of (*month*) May, 2019, before me, the undersigned Notary Public in and for the said County and State, personally appeared (*Plaintiff's name*) Twyla Stanton (First Joint Petitioner), known to me to be the person described in and who executed the foregoing Stipulation and Order, and who acknowledged to me that he / she did so freely and voluntarily and for the uses and purposes therein mentioned.

WITNESS my hand and official seal.

SATVIR S. DEOL
Notary Public State of Nevada
No. 17-3622-1
My Appt. Exp. September 21, 2021

Signature of notarial officer

ACKNOWLEDGMENT (Defendant) (Second Joint Petitioner)

STATE OF NEVADA)
)
COUNTY OF CLARK)

On this (*day*) 8th day of (*month*) May, 2019, before me, the undersigned Notary Public in and for the said County and State, personally appeared (*Defendant's name*) Dennis Stanton. (Second Joint Petitioner), known to me to be the person described in and who executed the foregoing Stipulation and Order, and who acknowledged to me that he / she did so freely and voluntarily and for the uses and purposes therein mentioned.

WITNESS my hand and official seal.

SATVIR S. DEOL
Notary Public State of Nevada
No. 17-3622-1
My Appt. Exp. September 21, 2021

Signature of notarial officer

ORDER

UPON A READING of the foregoing Stipulation of the parties and good cause appearing,

IT IS HEREBY ORDERED that the hearing presently scheduled for (*date*) May 20, 2019 at (*time*) 09:00 a.m. shall be continued to the 10th day of June, 20 19 at the hour of 9:00 a.m.

DATED this 13th day of May, 20 19.

ROBERT W. LANE
DISTRICT COURT JUDGE

Respectfully Submitted:

(*Your signature*) Dennis V. Stanton / Twyla M. Stanton

(*Your name*) Dennis Vincent Stanton / Twyla Marie Stanton

FILED
FIFTH JUDICIAL DISTRICT
JUN 06 2019
Nye County Clerk
Deputy

(Your Name) Dennis Vincent Stanton
(Address) 7088 Los Banderos Avenue
Las Vegas, Nevada 89179-1207
(Telephone) (702) 764-4690
(Email Address) dennisvstanton30@gmail.com
Self-Represented

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF NYE

Twyla Marie Stanton (Plaintiff's Name), v. Dennis Vincent Stanton (Defendant's Name)	CASE NO.: CV-39304 DEPT NO.: 2 DATE OF HEARING 7/8/19 TIME OF HEARING 9:00am

NOTICE OF MOTION

TO: Name of Opposing Party and Party's Attorney, if one, Twyla Marie Stanton

This is a motion for: (✓ *check all that apply*)

☐ Child Support ☐ Property Issues ☐ Contempt ☑ Other (specify) Second Joint Petitioner/Defendant Motion to Disqualify the Honorable Judge Robert W. Lane from hearing Case Twyla Marie Stanton and Dennis Vincent Stanton, Case No. CV-39304 for Bias and Prejudice

☐ Child Custody ☐ Spousal Support ☐ Visitation

PLEASE TAKE NOTICE that a hearing on this motion for relief will be held before the Fifth Judicial District Court located at:

☑ Nye County District Court, 1520 E. Basin Ave., Pahrump, NV 89060

☐ Nye County District Court, 101 Radar Rd., Tonopah, NV 89049

☐ Mineral County District Court, 105 South A St., Hawthorne, NV 89415

☐ Esmeralda County District Court, 233 Crook, Goldfield, NV 89013

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Notice: You are required to file a written response to this motion with the Clerk of the Court within ten (10) days of receipt and to serve a copy of the filed response on the other party. Failure to do so may result in the requested relief being granted by the Court without hearing prior to the scheduled hearing.

DATED this *(day)* 5th day of *(month)* June, 20 19.

Submitted By:

(Print your name) Dennis Vincent Stanton

(Your signature) ☑ Dennis V. Stanton

(☐ check one) ☐ Plaintiff/☑ Defendant In Proper Person

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RNOPP
DENNIS VINCENT STANTON
7088 Los Banderos Avenue
Las Vegas, Nevada 89179-1207
Telephone (702) 764-4690
dennisvstanton30@gmail.com
In Proper Person

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE

STATE OF NEVADA, IN AND FOR THE COUNTY OF NYE

TWYLA MARIE STANTON, AN INDIVIDUAL; First Joint Petitioner/Plaintiff, AND DENNIS VINCENT STANTON, AN INDIVIDUAL; Second Joint Petitioner/Defendant.	Case No.: **CV-39304** Department No.: **2** **REPLY TO NOTICE OF NON-OPPOSITION TO MOTION FOR RECONSIDERATION**

Comes Now, Second Joint Petitioner/Defendant, DENNIS VINCENT STANTON (hereafter "Second Joint Petitioner/Defendant"), by and through in proper person, and herewith, hereby, brings forth, moves, files, and submits his **REPLY TO NOTICE OF NON-OPPOSITION TO MOTION FOR RECONSIDERATION.**

I. INTRODUCTION

After, Mr. Lobello and Mr. Owen (previous counsel for the Ex-Temporary Co-Guardians) of the Owen Law Firm were served with First Joint Petitioner/Plaintiff's compliant of the Direct and Clear Conflict of Interest from the Office of Bar Counsel from the State of Nevada, they "conveniently" withdrew as the attorneys of record for the Ex-Temporary Co-

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Guardians without their client's consent or approval which shows their dubious and devious character and their unethical conduct. Realizing the depth and scope and enormous magnitude of undeniable and unethical behavior facing them and the consequences to come and in breaking and setting aside of their own rules of ethics, and that the only possible means of escape was to denial the direct and clear conflict of interest that existed between First Joint Petitioner/Plaintiff and the Ex-Temporary Co-Guardians that was perpetrated by Mr. Owen's and Mr. Lobello's conduct, they had no choice but to withdraw and try to save themselves at the expense and abandonment of their clients. Their clients are now left in limbo and to fend for themselves.

If the Court needed a display and an example of the lengths to which Mr. Lobello and Mr. Owen will go to avoid facing the consequences of their actions, there could not be a better example. They could and should also be expecting a legal malpractice lawsuit in the very near future to come based on violating their fiduciary relationship and duty to their former client. The fiduciary relationship is one of "ultimate trust and confidence." **See In the Matter of Cooperman, 83 N.Y.2d 465, 633 N.E.2d 1069, 611 N.Y.S.2d 465 (1994).**

The particular analysis begins with a reflection on the nature of the attorney-client relationship. Sir Francis Bacon observed, "[t]he greatest trust between [people] is this trust of giving counsel" **(See F. Bacon, Of Counsel, in The Essays of Francis Bacon, 181 [1846]).** This unique fiduciary reliance, stemming from people hiring attorneys to exercise professional judgment on a client's behalf -- "giving counsel" -- is imbued with ultimate trust and confidence **(See Rosner v Paley, 65 NY2d 736, 738; See also Greene v Greene, 56 NY2d 86, 92).** The attorney's obligations, therefore, transcend those prevailing in the commercial marketplace **(See Meinhard v Salmon, 249 NY 458, 463, 464).** The duty to deal fairly, honestly and with undivided loyalty superimposes onto the attorney-client relationship a set of special and unique

duties, including maintaining confidentiality, avoiding conflicts of interest, operating competently, safeguarding client property, and honoring the clients' interests over the lawyer's **(See In the Matter of Kelly, 23 NY2d 368, 375-376).** To the public and clients, few features could be more paramount than loyalty and trust from their attorney.

Because the attorney-client relationship is recognized as so special and so sensitive in our society, its effectiveness, actually and perceptually, may be irreparably impaired by conduct which undermines the confidence of the particular client or the public in general. In recognition of this indispensable desideratum and as a precaution against the corrosive potentiality from failing to foster trust, public policy recognizes a client's right to trust and the confidence of the fiduciary duty that the attorney owes to the client.

The conduct of attorneys is not measured by how close to the edge of thin ice they skate. The measure of an attorney's conduct is not how much clarity can be squeezed out of the strict letter of the law, but how much honor can be poured into the generous spirit of lawyer-client relationships. The "punctilio of an honor most high" **(See Meinhard v. Salmon, 249 NY, supra, at 464)** must be the prevailing standard. Therefore, the review is not the reasonableness of the individual attorney's belief, but, rather, whether a "reasonable attorney, familiar with the code and its ethical strictures, would have notice of what conduct is proscribed" **(See In The Matter of Holtzman, 78 NY2d 184, 191).** Mr. Lobello's and Mr. Owen's level of knowledge, the admonitions to them, and the course of conduct they audaciously chose, do not measure up to this necessarily high professional template. Their actions, therefore, constitutes a daring test of ethical principles, not good faith. They failed the test, and those charged with enforcing transcendent professional values, especially the Court itself, ought to be sustained in their efforts.

II. THE SUBMISSION AND THE FILING OF THE JOINT PETITION FOR DIVORCE WITH THIS INSTANT COURT DO NOT SUPPORT THE VIOLATIONS OF RULE 11(b)(1) AND (11)(b)(3) OF THE NEVADA RULES OF CIVIL PROCEDURE

Rule 11 Signing Pleadings, Motions, and Other Papers; Representations to the Court; Sanctions states in part:

(b) **Representations to the Court** - By presenting to the court a pleading, written motion, or other paper — whether by signing, filing, submitting, or later advocating it — an attorney or unrepresented party certifies that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

(1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;

(3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery;

Rule 11(b)(1) - The filing of a Joint Petition for Divorce in this case, in and of itself, was not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation. The "improper purpose" of getting a divorce? The Joint Petition for Divorce was filed for the proper purpose of getting a divorce to the extent that both parties have entered into an equitable agreement settling all issues regarding assets, debts, child custody, and spousal support. Parties do not file a Joint Petition for Divorce for an "improper purpose". The only "improper purpose" was the Ex-Temporary Co-Guardians who

were non-parties who were third persons attacking and contesting a valid Divorce in Nevada who were not parties thereto **(See NRS 125.185)** and who used First Joint Petitioner/Plaintiff's previous divorce attorney's against her wishes to do so **(See NRPC, Rule 1.9, Duty to Former Clients).**

The Joint Petition for Divorce was not filed to "harass". Harass who? Parties do not file a Joint Petition for Divorce to "harass" anybody, but for the simple purpose of acquiring a divorce as least expensive, efficient, and convenient as possible. The only harassment that occurred was the Ex-Temporary Co-Guardians filing a frivolous Motion to set aside to degrade and disgrace First Joint Petitioner/Plaintiff and assassinate and slaughter Second Joint Petitioner/Defendant's character and reputation.

Parties do not file a Joint Petition for Divorce to "cause unnecessary delay". One of the main points and reasons parties file a Joint Petition for Divorce is for efficiency and not "to cause unnecessary delay". Filing a Joint Petition for Divorce is the quickest and most efficient and effective way of obtaining a Divorce in the State of Nevada as possible. It usually takes only two weeks compared to months and years versus a contested Divorce. So no, the Joint Petition for Divorce was not presented to the Court "to cause unnecessary delay", but for the quickest way possible to get divorced in the State of Nevada as allowed by law.

The Joint Petition for Divorce was not filed or submitted to "needlessly increase the cost of litigation." The entire point and reason, if not the main reason, parties file a Joint Petition for Divorce is not to increase **BUT TO DECREASE** the cost of litigation. In the First Divorce Action (Case No. D-16-540966-D), the contested divorce cost the parties $65,000.00 collectively mainly due to the fact that there were 7 attorneys involved in that case only to be dismissed when the parties' reconciled approximately about 6 months later after filing the First

Divorce Action. This case (CV-39304) that was filed with this instant Court cost the parties only $279.00 collectively which was the filing fee for the Joint Petition for Divorce which was a total savings of $64,721.00. The Joint Petition for Divorce that was submitted and filed with this Court was done so to needlessly **DECREASE** the cost of litigation.

Rule 11(b)(3) – The factual contentions in the Motion to set aside did not have evidentiary support or, if specifically so identified, would not likely have had evidentiary support after a reasonable opportunity for further investigation or discovery. There was no evidence submitted into the record or any testimony given or heard. The Nevada Supreme Court has stated that they will not set aside factual findings unless they are not supported by substantial evidence or are clearly erroneous. **See Jackson v. Groenendyke, 132 Nev. 296, 300, 369 P.3d 362, 365 (2016).** "Substantial evidence is evidence that a reasonable mind might accept as adequate to support a conclusion." *Id.* (internal quotations omitted). The Ex-Temporary Co-Guardians evidentiary argument failed on so many levels and were never corrected. **See Ogawa v. Ogawa, 125 Nev. 660, 668, 221 P.3d 699, 704 (2009)** (providing that the district court's factual findings are entitled to deference and will not be disturbed ***unless*** clearly erroneous and unsupported by substantial evidence); **See Ellis v. Carucci, 123 Nev. 145, 149, 161 P.3d 239, 242 (2007)** (defining substantial evidence as "evidence that a reasonable person may accept as adequate to sustain a judgement"). "A district court's decision to admit or exclude evidence rests within its sound discretion and will not be disturbed ***unless*** it is manifestly wrong" **See Libby v. State, 115 Nev. 45, 52, 975 P.2d 833, 837 (1999).** It was manifestly wrong to not hold an evidentiary hearing and then make findings of perpetrating a fraud upon the court to determine such. "Substantial evidence 'is evidence that a reasonable person may accept as adequate to sustain a judgement.'" **See Rivero v. Rivero, 125 Nev. 410, 428, 216 P.3d 213, 226 (2009) (quoting Ellis**

v. Carucci, 123 Nev. 145, 149, 161 P.3d 239, 242 (2007)). There was no evidence submitted to determine anything, plain and simple.

Specifically, there were no statements from the Ex-Temporary Co-Guardians. No affidavit. No statement of any conversation they may have had with First Joint Petitioner/Plaintiff (or allegedly may have had with her) in regards to wanting to move to set aside the Decree. There are plenty of baseless and false allegations of Second Joint Petitioner/Defendant allegedly doing this and doing that, but there is no proof whatsoever, no statement from First Joint Petitioner/Plaintiff that this what happened, and no sworn affidavit from anyone putting forth these allegations under oath and penalty of perjury. The point is that there is no verification of any of the allegations made. The Motion to set aside was deficient, and should be stricken for lack of authority to file, and lack of any affidavit to support their factual allegations. The allegations and accusations made against Second Joint Petitioner/Defendant were not properly supported in or by the record.

Without conducting or holding an evidentiary hearing to determine findings of fact and conclusions of law of perpetrating a fraud upon the court or to determine the facts of the case, Second Joint Petitioner/Defendant was not given "a reasonable opportunity for further investigation or discovery" as was required by Rule 11(b)(3) in further suppression of Second Joint Petitioner/Defendant's due process rights and the right to be heard.

The Court on the record stated twice that it needed to have an evidentiary hearing to make findings of perpetrating a fraud upon the court (Video 2 of January 07, 2019, hearing at 09:58:07 and Video 2 of January 07, 2019, hearing at 10:07:07) and the Court also acknowledged and stated on the record "the lack of evidentiary issues that haven't been adjudicated in this court, perhaps not in other courts..." (January 07, 2019, hearing transcripts,

page 22, lines 8-9). Simply put, without holding an evidentiary hearing, Second Joint Petitioner/Defendant was not given "a reasonable opportunity for further investigation or discovery.

The submission and the filing of the Joint Petition for Divorce with this instant Court do not support the violations of Rule 11(b)(1) and (11)(b)(3) of the Nevada Rules of Civil Procedure.

III. THE EX-TEMPORARY CO-GUARDIANS DID NOT HAVE A RIGHT TO INTERVENE TO SET ASIDE THE DIVORCE

Rule 24, Intervention, of the Nevada Rules of Civil Procedure states in part:

(a) Intervention of Right, On timely motion, the court must permit anyone to intervene who:

(1) is given an unconditional right to intervene by a state or federal statute; or

(2) claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest.

(b) Permissive Intervention.

(1) In General, on timely motion, the court may permit anyone to intervene who:

(A) is given a conditional right to intervene by a state or federal statute; or

(B) has a claim or defense that shares with the main action a common question of law or fact.

(c) Notice and Pleading Required, A motion to intervene must be served on the parties as provided in Rule 5. The motion must state the grounds for intervention and be accompanied by a pleading that sets out the claim or defense for which intervention is sought.

The Ex-Temporary Co-Guardians never properly filed a ***timely*** motion to intervene either by right or permissive in this case or matter as was required by Rule 24, Intervention of the Nevada Rules of Civil Procedure. The Ex-Temporary Co-Guardians were never given an unconditional right to intervene by a state or federal statue in this matter. A motion to intervene was never served on either First Joint Petitioner/Plaintiff or Second Joint Petitioner/Defendant as provided and required by Rule 5 of the Nevada Rules of Civil Procedure. The motion to intervene that was never timely filed never stated the grounds for intervention and was accompanied by a pleading that set out the claim or defense for which the intervention was sought.

In order for a stranger or third party to become a party by intervention, he must assert some right involved in the suit. The Ex-Temporary Co-Guardians did not assert some right that was involved in the divorce to have it set aside. In the case of **American Home Assurance Co. v. Dist. Ct., 122 Nev. 1229, 147 P.3d 1120 (2006),** the Nevada Supreme Court said that there is no intervention as of right. The Supreme Court said that intervention is appropriate only where all the requirements of NRCP 24(a)(2) have been met. The court said: "to intervene under NRCP 24(a)(2), an applicant must meet four requirements: (1) that it has a sufficient interest in the litigation's subject matter, (2) that it could suffer an impairment of its ability to protect that interest if it does not intervene, (3) that its interest is not adequately represented by existing parties, and (4) that its application is timely." Common law dictates that a party may not intervene post-judgement unless the district court first sets aside the judgment, not before. **See**

State v. Naylor, 466 S.W.3d 783, 788 (Tex. 2015). For the same reason, an intervenor must enter the lawsuit before a final judgment to have standing to intervene.

Plainly and simply put, the Ex-Temporary Co-Guardians did not have the right to intervene in this matter and have the divorce set aside because they simply did not like it or agree with it.

IV. FIRST JOINT PETITIONER/PLAINTIFF'S (TWYLA'S) SIGNATURE DOES CONNOTE UNDERSTANDING OR AGREEMENT

In the Ex-Temporary Co-Guardians' Motion so set aside which was drafted by Mr. Lobello and Mr. Owen on the bottom of page 02 of page 13 in their footnote 2, they state and claim that "her (Twyla's) signature does not connote understanding or agreement." That is false.

Mr. Owen and Mr. Lobello not only engaged in a Direct Conflict of Interest, but also complete hypocrisy. In the Fourth Divorce Action (Case No. CV-39304), they took the position that "her (Twyla's) signature does not connote understanding or agreement", but then in the First Divorce Action (Case No. D-16-540966-D), they accepted Twyla's ability to understand and agree and have her sign legal documents such as a Compliant for Divorce, attached to the Motion for Reconsideration as Exhibit EE. You will notice Twyla's wet signature on page 04 of the Compliant verifying her understanding and agreement of the document. The Court will also notice that on page 02 of the Compliant in paragraph 04, Mr. Owen and Mr. Lobello state that "Twyla is a fit person".

Mr. Owen and Mr. Lobello also had Twyla sign and verify a Motion for Temporary Orders, attached to the Motion for Reconsideration as Exhibit FF. The Court will

notice on page 13, Twyla's wet signature under penalties of perjury while she was represented by the Owen Law Firm.

Mr. Owen and Mr. Lobello also had Twyla sign and certify a General Financial Disclosure Form when they were her previous attorneys. The Court will notice on page 07, Twyla's wet signature for the certification of the document, attached to the Motion for Reconsideration as Exhibit GG.

Mr. Owen and Mr. Lobello also had Twyla sign and verify a 48-page Motion. The Court will notice Twyla's wet signature on page 02 of the verification showing her ability to understand its contents, attached to the Motion for Reconsideration as Exhibit HH.

Mr. Owen and Mr. Lobello also had Twyla sign and verify a Stipulation and Order for Voluntary Dismissal of Case stating that she agreed on the case being dismissed. See Exhibit B, attached to the Motion for Reconsideration.

Including all of the legal documents stated above, Mr. Lobello and Mr. Owen also had Twyla sign, verify, and agree to a retainer and fee agreement when she hired and retained Mr. Lobello and Mr. Owen to represent her in divorce proceedings in the First Divorce Action.

All of these legal documents that were prepared by the Owen Law Firm and signed by Twyla were signed and made under the penalties of perjury and attesting to their truth

So, in the First Divorce Action Mr. Owen and Mr. Lobello accepted Twyla's ability to understand and agree to legal documents by evidenced and proof by her wet signatures on those legal documents that were prepared for her by the Owen Law Firm as the record and exhibits will reflect and then turn around and represent parties that were materially adverse from Twyla's interests in the same substantially related matter without Twyla's informed consent confirmed in writing and then use information (Judge Hughes' Minute Order) that Mr. Owen and

Mr. Lobello obtained in that representation of Twyla and used it against her to her disadvantage and in doing so changed their position when it benefited their new clients. There is no question and without a doubt that Mr. Owen and Mr. Lobello violated and willfully disregarded RPC 1.9 Duties to Former Clients and committed legal malpractice. Any other lawyers could have made those arguments except Mr. Lobello and Mr. Owen because of their previous representation of Twyla. This was an argument Mr. Lobello and Mr. Owen lacked standing to make, however, they asserted in anyway. The representation of the Ex-Temporary Co-Guardians should have been representation that Mr. Owen and Mr. Lobello should have refused.

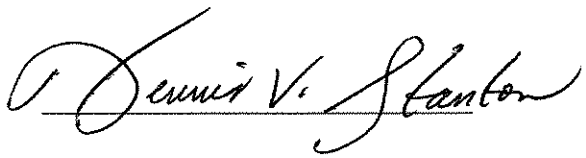
First Joint Petitioner/Plaintiff (Twyla) has signed many legal documents in the past as well that connotes understanding or agreement. She has signed 2 marriage licenses and certificates, birth certificates for all 6 of her children, applied for Social Security Cards for them, filled out and completed school records for the children, 2 Joint Petitions for Divorce, a Decree of Divorce, sworn affidavits, rental leases, a mortgage, automobile purchase contracts, checking and savings accounts, investment accounts, medical records for herself and the children, hired and retained a Guardianship attorney in Arkansas to oppose the Guardianship (See Exhibit H in the Motion for Reconsideration) just has she had hired the Owen Law Firm in the First Divorce Action and many other legal documents altogether. These are all legal documents and are not all inclusive that First Joint Petitioner/Plaintiff has signed in the past that connote her understanding or agreement. First Joint Petitioner/Plaintiff's signature does connote understanding or agreement and to say otherwise is false.

V. Conclusion

For all of the foregoing reasons, Second Joint Petitioner/Defendant herein requests that his Motion for Reconsideration be granted in its entirety and that Court grant the relief requested.

DATED this 7th day of June, 2019.

DENNIS VINCENT STANTON



DENNIS VINCENT STANTON

7088 Los Banderos Avenue

Las Vegas, Nevada 89179-1207

Telephone (702) 764-4690

dennisvstanton30@gmail.com

In Proper Person

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of June, I, DENNIS VINCENT STANTON, declare under penalty of perjury that a true and correct copy of **REPLY TO NOTICE OF NON-OPPOSITION TO MOTION FOR RECONSIDERATION** was emailed to the following email address as agreed upon by the parties pursuant to NRCP 5(b)(2)(D) :

Twyla Marie Stanton

First Joint Petitioner/Plaintiff

In Proper Person

twylamstanton24@gmail.com

Dennis V. Stanton

DENNIS VINCENT STANTON

Case No. CV 39304
Dept. 2P

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF NYE

TWYLA MARIE STANTON,

Plaintiff/First Joint Petitioner,

vs.

DENNIS VINCENT STANTON,

Defendant/Second Joint Petitioner.

COURT ORDER

Second Joint Petitioner, DENNIS VINCENT STANTON, has filed a Motion to Disqualify Judge Lane, dated June 5, 2019. Pursuant to NRS 1.235, this matter must be referred to another judge to determine if Judge Lane entertains an actual or implied bias/prejudice against Second Joint Petitioner. Therefore, this matter is hereby transferred to Department 1 to make that determination and the hearing set for July 8, 2019, at 9:00 a.m. in Department 2 is VACATED.

DATED this 12th day of June, 2019.

District Court Judge

FIFTH JUDICIAL DISTRICT COURT
ESMERALDA AND NYE COUNTIES

CERTIFICATION OF SERVICE

The undersigned hereby certifies that on the 12th day of June, 2019, he mailed copies of the foregoing Court Order to the following:

DENNIS VINCENT STANTON
7088 Los Banderos Ave
Las Vegas, NV 89179

TWYLA MARIE STANTON
7088 Los Banderos Ave
Las Vegas, NV 89179

ROBERT CRAWFORD
CARMEN CRAWFORD
129 Mill Creek Dr.
Greenbrier, Arkansas 72058

Jared K. Lam, Esq.
Law Clerk to Judge Robert W. Lane

AFFIRMATION

The undersigned hereby affirms that this Court Order does not contain the social security number of any person.

Jared K. Lam, Esq.
Law Clerk to Judge Robert W. Lane

Case No. CV 39304
Dept. 2P

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF NYE

TWYLA MARIE STANTON,

Plaintiff/First Joint Petitioner,

vs.

DENNIS VINCENT STANTON,

Defendant/Second Joint Petitioner.

JUDGE LANE'S AFFIDAVIT

Second Joint Petitioner, DENNIS VINCENT STANTON, has filed a Motion to Disqualify Judge Lane, dated June 5, 2019. This Affidavit follows.

Judge Lane has no bias or lack of impartiality in the matter at bar. Judge Lane denies he entertains *actual bias* or prejudice for or against one of the parties to the action. He denies there is any implied bias in this matter, per NRS 1.230(2). Judge Lane denies that his impartiality might *reasonably* be questioned (i.e. an *appearance of bias*), per Nevada Code of Judicial Conduct Rule 2.11. A Judge has an ethical duty to hear a case and must not recuse himself without sufficient grounds. See Goldman v. Bryan, 104 Nev. 644, 649, 764 P.2d 1296, 1299 (1988) and the Nevada Code of Judicial Conduct Rule 2.7. A petitioner's deliberate attack on the trial judge calculated to disrupt the proceedings will not force a judge out of a case. To permit such an attack to cause a new trial before a new judge would encourage unruly courtroom behavior and attacks on the trial judge and would

greatly disrupt judicial administration. See Wilks v. Israel, 627 F.2d 32, 37 (7th Cir. 1980). A judge should not recuse where a party fails to provide any evidence to show improper motive or actual bias by the judge when seeking the recusal. See Sonner v. State, 112 Nev. 1328, 1335, 930 P.2d 707, 712 (1996). Additionally, Judge Lane was not served pursuant to NRS 1.235(4) with an affidavit from petitioner.

Judge Lane also has no previous association or contact with either of the parties in the above matter except for the filings made to the Court for signature and the subsequent motions. His decisions in the above matter are solely based on the arguments and evidence presented to him in the pleadings made at the hearing by both counsels. Petitioner's arguments do not appear to show any actual bias of Judge Lane and are likely more pertinent arguments in his pending motion for reconsideration, which he has not provided to Mr. and Ms. Crawford. It should be noted that Ms. Stanton has been unavailable to appear in front of the Court although she is a key party in the arguments presented to the Court.

DATED this 12th day of June, 2019.

District Court Judge

FIFTH JUDICIAL DISTRICT COURT
ESMERALDA AND NYE COUNTIES

CERTIFICATION OF SERVICE

The undersigned hereby certifies that on the 12th day of June, 2019, he mailed copies of the foregoing Court Order to the following:

DENNIS VINCENT STANTON
7088 Los Banderos Ave
Las Vegas, NV 89179

TWYLA MARIE STANTON
7088 Los Banderos Ave
Las Vegas, NV 89179

ROBERT CRAWFORD
CARMEN CRAWFORD
129 Mill Creek Dr.
Greenbrier, Arkansas 72058

Jared K. Lam, Esq.
Law Clerk to Judge Robert W. Lane

AFFIRMATION

The undersigned hereby affirms that this Court Order does not contain the social security number of any person.

Jared K. Lam, Esq.
Law Clerk to Judge Robert W. Lane

IN THE SUPREME COURT OF THE STATE OF NEVADA

DENNIS VINCENT STANTON,
Appellant/Cross-Respondent,
vs.
TWYLA MARIE STANTON,
Respondent/Cross-Appellant.

Supreme Court No. 78617
District Court Case No. CV-0039304

FILED
FIFTH JUDICIAL DISTRICT

JUL - 1 2019

Nye County Clerk
Deputy

REMITTITUR

TO:
Sandra L. Merlino, Nye County Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.
Receipt for Remittitur.

DATE: June 28, 2019

Elizabeth A. Brown, Clerk of Court

By: Rory Wunsch
Deputy Clerk

cc (without enclosures):
Hon. Robert W. Lane, District Judge
Dennis Vincent Stanton
Twyla Marie Stanton

RECEIPT FOR REMITTITUR

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the REMITTITUR issued in the above-entitled cause, on July 1, 2019.

District Court Clerk

19-27987

690

IN THE SUPREME COURT OF THE STATE OF NEVADA

DENNIS VINCENT STANTON,
Appellant/Cross-Respondent,
vs.
TWYLA MARIE STANTON,
Respondent/Cross-Appellant.

Supreme Court No. 78617
District Court Case No. CV-0039304

CLERK'S CERTIFICATE

STATE OF NEVADA, ss.

I, Elizabeth A. Brown, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

JUDGMENT

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

"ORDERS these appeals DISMISSED."

Judgment, as quoted above, entered this 3rd day of June, 2019.

IN WITNESS WHEREOF, I have subscribed my name and affixed the seal of the Supreme Court at my Office in Carson City, Nevada this June 28, 2019.

Elizabeth A. Brown, Supreme Court Clerk

By: Rory Wunsch
Deputy Clerk

691

IN THE SUPREME COURT OF THE STATE OF NEVADA

DENNIS VINCENT STANTON,
Appellant/Cross-Respondent,
vs.
TWYLA MARIE STANTON,
Respondent/Cross-Appellant.

No. 78617

ORDER DISMISSING APPEALS

This is a pro se appeal and cross-appeal from a district court order granting a motion to set aside a decree of divorce, dismissing a joint petition for divorce, and awarding attorney fees. Review of the notice and amended notice of appeal reveals a jurisdictional defect. A tolling motion for reconsideration was timely filed in the district court on April 15, 2019. *See AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 585, 245 P.3d 1190, 1195 (2010) (describing when a motion for reconsideration is treated as a motion filed under NRCP 59(e) carrying tolling effect); NRCP 59(e) (establishing the time to file a motion to alter or amend); NRAP 4(a)(4) (tolling motions). To date, it does not appear that the district court has entered any order resolving the tolling motion. Accordingly, this court lacks jurisdiction to consider these appeals, *see* NRAP 4(a)(6), (allowing this court to dismiss an appeal as premature where it is filed before entry of an order disposing of a timely tolling motion), and

ORDERS these appeals DISMISSED.

Hardesty, J.

Stiglich, J.

Silver, J.

692

19-23926

cc: Hon. Robert W. Lane, District Judge
Dennis Vincent Stanton
Twyla Marie Stanton
Nye County Clerk

AFF
ROBERT & CARMEN CRAWFORD
129 Mill Creek Drive
Greenbrier, Arkansas 72058
(501) 580-6563
Proper Persons

FILED
FIFTH JUDICIAL DISTRICT
JUL – 3 2019
Nye County Clerk
Deputy

IN THE FIFTH DISTRICT COURT OF THE

STATE OF NEVADA IN AND FOR THE COUNTY OF NYE

TWYLA MARIE STANTON,

Plaintiff,

vs.

DENNIS VINCENT STANTON

Defendant.

Case No.: CV-39304
Dept. No.: 2

AFFIDAVIT OF ROBERT CRAWFORD AND CARMEN CRAWFORD

Hearing Date: June 20, 2019
Hearing Time: 9:00 AM

Attached hereto and incorporated herein is an Affidavit of the Crawfords.

Dated this 1st day of ~~June,~~ July 2019.

Respectfully submitted:

ROBERT CRAWFORD
129 Mill Creek Drive
Greenbrier, Arkansas 72058
(501) 580-6563
Proper Person

CARMEN CRAWFORD
129 Mill Creek Drive
Greenbrier, Arkansas 72058
(501) 580-6563
Proper Person

"OFFICIAL SEAL"
MELANIE BLANKENSHIP
FAULKNER COUNTY
NOTARY PUBLIC - ARKANSAS
My Commission Expires October 18, 2028
Commission No. 12706172

Melanie Blankenship
my commission expires Oct 18 2028

We, the parents of Twyla Stanton (McCurdy), Robert and Carmen Crawford, referred to as the Ex-Temporary Co-Guardian of Twyla McCurdy, did not need to obtain Guardianship of Twyla Stanton just to set the fraudulent divorce decree aside. But we did use the Guardianship of Twyla to prove to the courts that, Twyla doesn't understand things and doesn't have the ability to understand what she was signing with Dennis Stanton, concerning the divorce petition. The whole purpose of setting the divorce aside was due to the fact that the divorce petition was one sided and not fair to Twyla Stanton. Twyla even stated to us that she didn't read the divorce petition because she could not comprehend it. Her IQ according to Las Vegas Dr's and Arkansas's Dr's is between 67-71, depending on the test. Twyla reads on the second/third grade reading level according to Doctors.

When Twyla arrived here in Arkansas around Sept 3rd, 2018, she was at least 60 lbs. over weight, due to her meds Zyprexa. This was prescribed to her by Dr Horne in Las Vegas, Nevada for Schizophrenia. Twyla's weight normally is around 110. Twyla also had lice and it was so severe it took four treatments. Her kids even have lice, Twyla said. Twyla also needed outpatient surgery on her ear lobes due the skin that grew over her ear rings. These ear rings were in there for two years. Twyla can't take care of herself or her six children.

Twyla's Grandmother, (Monette) took Twyla to apply for SNAP. They had told her, she would have to go to school at the Employment and Training Adult Education of Conway Ark. Twyla's scores were very low where she could not pass. We spoke to Vicki Shadell the school case manager. Vicki recommended we get power of attorney or guardianship for Twyla. This would help get Twyla get Exempt from the Adult Education due her lack of understanding the class room materials and the Teachers. (See Exhibit A). And help her get Social Security Disability. Twyla also has difficulties to communicate with others. We also had her signed up for independent living and was on a housing waiting list.

Then we hired Boyd Tackett JR, Esquire in Conway Arkansas, to start the Guardianship paperwork. Twyla was with us every step of the way. Mr. Tackett gave Twyla his business card to contact him anytime. Mr. Tackett asked Twyla a series of questions, we all had to explain to her in detail of what a guardianship was. And when she finally understood, Twyla was in full agreement. Twyla later on received the summons of the Guardianship court date, which also was explained to her in detail. She said she understood. Twyla told us, she didn't want to go to court, because courts make her feel nervous. Twyla gave us her summons and said to hold it for her. All this was witnessed by Twyla's Grandmother Monette.

Twyla was fine with everything, and yes, we paid a lot of money in attorney fees. What parent wouldn't help their child? Especially a mentally challenged young lady. We never expected to get it back. We were trying to help Twyla and her kids. Dennis did promise to pay us back after the first divorce.

The Guardianship was never intended for reimbursement from the first divorce or control over Twyla's assets. If anything Twyla is a huge liability. However, there are very strict laws and guidelines that have to be followed when having Guardianship over someone. Guardianship over someone is not a rewarding position. And Dennis was trying to destroy her financially and emotionally. We couldn't let that happen. Twyla has been mentally challenged all her life. Twyla knew we hired the Owen Law Firm from Las Vegas

(shortly after we were appointed her Temporary Co-Guardians on October 26, 2018) to set aside the divorce to protect her assets and her personal interests because they already knew her divorce history.

In late November 2018 around Thanksgiving all of Twyla's family here in Arkansas noticed a big change in Twyla's behavior towards everyone. Twyla wouldn't visit with anyone. Twyla would stay in her room talking to Dennis at all different hours of day and night. Twyla would use a combination of different phones either the Grandmother's house phone or the phone that Dennis gave her and paying on or the free SNAP phone that we helped her get so she could talk to the kids anytime. The phone Dennis gave her, only he could call her and she couldn't call out with that phone.

We are assuming Dennis hired Arkansas attorney Ron Goodman for Twyla in December 2018, because Twyla didn't have any money. Twyla was being very secretive towards everyone and was being difficult. This happened a day or two before December 10, when there was supposed to be a hearing on the Guardianship. Our attorney told us that a temporary Guardianship in Arkansas is good for 90 days. Because the Nye County court case to set aside the Divorce petition was still ongoing, and we wanted Twyla to get a fair divorce, we allowed the hearing on the Guardianship to be continued. During that time, Dennis Stanton brought Twyla back to Las Vegas, and his Pastor, Steve Stoltzfus, remarried them while Twyla's motion to set the divorce decree aside was still in the process of being considered.

Prior to December 2018 Twyla was never at odds with the Guardianship, she appreciated our help until Twyla started talking to Dennis more frequently.

We have Twyla's notes and calendar, where she wrote stuff down like a diary. For example: After Twyla had gotten to Conway Arkansas at Grandma's house to visit for a few days, that Dennis said on 11 am that they are now divorced, and he is done and she is not coming back home. So until this point Twyla didn't know she was divorced. Twyla had no place to go. This is where we the parents stepped in to help. Twyla was being threatened by child support to pay up, at this point Twyla owed him over $5000 or more, I don't quite remember the exact amount. Twyla also owed taxes on $35000 from the 401k plan b. This money she gave back to Dennis in cash at his request. But by the end of November Twyla had told Dennis everything of what we were doing to help Twyla.

As far as Twyla not being able to see the kids, well unbeknownst to Twyla's Grandmother and her Aunt, Dennis had dropped the 6 kids off early one morning at the Grandmother's and Aunt's house. The kids were running around outside of the house screaming and banging on the doors and windows. The grandmother and the Aunt got scared. They couldn't see Dennis anywhere. Both the Grandmother and the aunt were afraid for Twyla because Dennis had made many statements on the phone to Twyla that he could have killed her and that he wished she was dead. Both Grandma and Aunt over heard this phone conversation between Twyla and Dennis. So the Grandmother stood by the door, trying to keep Twyla from going outside. Twyla pushed her 79-year-old grandmother against the wall and then the police were called. Dennis and the kids disappeared before the police arrived. The Aunt contacted us and told us what had happened. We went to their house and spoke to the police, they removed Twyla from their house. The grandmother and the aunt felt threatened by Twyla. We were advised by our attorney in Arkansas to take Twyla's phones away from her. But we were only able to take one away

from her. I Robert Crawford the step dad, am now wheel chair bound for about two years now. There's no way I could pin Twyla down to get her phone away as she claims. Her mother, Carmen Crawford was able to crab the one phone from her. Twyla still continued to speak to Dennis with the other phone and to Ron Goodman, the attorney Dennis hired for her.

As far as Twyla going to different homes, Twyla went to her Uncle David and Aunt Debbie's house on two occasions, because Dennis told Twyla child support people would be showing up to house to arrest her. No one ever took the addresses off from any of the homes. As far as the locked or alarmed house that Twyla escaped from as she says, that's our home. We always leave the alarm on, when we leave. She didn't want to go with us to our VA appointment so she stayed home and then waited for us to leave and then she left, leaving the front door wide open with our alarm screaming. My alarm company called me (ADT) told me what was going on. We never kidnapped Twyla, we were only trying to help her.

As far as the Ballooned $45000. We knew nothing about that. But Dennis did say and promised to pay us back the $32000.

Once again Twyla was in agreement with us and the Owen Law firm in protecting her interests and assets.

There wasn't any conflict of interest between the Owen Law Firm representing us and Twyla Stanton.

The Owen Law Firm only represented us to set aside the Divorce which was fraudulently done and by Dennis Stanton taking advantage of a mentally challenged disabled young woman.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Robert Crawford 3-12-19

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Carmen Crawford
Carmen Crawford
3-12-19

OPPO
ROBERT & CARMEN CRAWFORD
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Proper Persons

IN THE FIFTH DISTRICT COURT OF THE

STATE OF NEVADA IN AND FOR THE COUNTY OF NYE

TWYLA MARIE STANTON,

Plaintiff,

vs.

DENNIS VINCENT STANTON

Defendant.

Case No.: CV-39304
Dept. No.: 2

OPPOSITION TO MOTION FOR RECONSIDERATION

Hearing Date: June 20, 2019
Hearing Time: 9:00 AM

COMES NOW, former Temporary Guardians (hereinafter Bob and Carmen) of Plaintiff TWYLA STANTON (hereinafter Twyla) in proper person and submit the following Opposition to Defendant's Motion for Reconsideration. In the interest of time, money, and trees, we do not intend to submit Exhibits which are already in the record and possession of all parties. We hope that is OK.

POINTS AND AUTHORITIES

STATEMENT OF FACTS

I.

Let's begin by looking at the facts we can agree on, those uncontested facts:

1. Twyla and Defendant, DENNIS STANTON (hereinafter Dennis) were married in Las Vegas, Nevada on July 11, 2004.

2. Beginning October 12, 2016, events have occurred wherein the partes have filed for divorce or separation five times. Four of the cases were filed in Clark County, Nevada. The fifth case is this case before the bar in Nye County, Nevada.

3. Parties have perpetually been domiciled in Clark County the entire life of the marriage.

4. There was a period of time when Twyla was in Arkansas and Bob and Carmen received a temporary guardianship over her. (See Ex 1 of the Motion to Set Aside.)

5. That temporary guardianship was in position when this matter was brought before the Court and thereafter heard by Judge Lane, January 7, 2019.

6. Twyla has a diagnosed IQ of 69 as evidenced by the Psychological Evaluation dated October 19, 2018, which this Court has previously reviewed, in camera. She has reading and comprehension levels of (at best) a 3rd grader according to same.

7. The Nye County divorce action resulted in a Decree of Divorce being executed by Judge Lane on or about June 7, 2018.

8. Bob and Carmen, in their capacity as Co-Temporary Guardians of Twyla, initiated a Rule 60b Motion to Set Aside on or about November 27, 2018, within the six month time frame.

9. The Motion to Set Aside was heard by the Honorable Judge Lane on January 7, 2019.

10. Judge Lane executed an Order and Judgment from the hearing on March 15, 2019.

11. A Notice of Entry of Order and Judgment was filed with this Court March 20, 2019.

12. On April 15, 2019, Dennis filed his Motion for Reconsideration with the Court.

13. The time period between March 20, 2019, and April 15, 2019, is 26 days.

II.

STATEMENT OF LAW

Based on the foregoing, it is our position that Dennis' Motion for Reconsideration is untimely. Dennis cites NRCP59(e) which addresses a Motion to Alter or Amend a judgment.

NRCP 59(e) states in pertinent part:

> Rule 59. New Trials; Amendment of Judgments
> (e) Motion to Alter or Amend a Judgment. A motion to alter or amend a judgment must be filed no later than 28 days after service of written notice of entry of judgment.

Dennis did not file a Motion to Alter or Amend, he filed a Motion for Reconsideration. It is our position that the correct rule to be applied in this matter is the Eighth Judicial District Court Rule 5.512 which states in relevant part:

> EDCR 5.512. Reconsideration and/or rehearing of motions.
> (a) A party seeking reconsideration and/or rehearing of a ruling (other than an order that may be addressed by motion pursuant to NRCP 50(b), 52(b), 59, or 60), must file a motion for such relief within 14 calendar days after service of notice of entry of the order unless the time is shortened or enlarged by order.

III.

PRAYER

For the foregoing reason, we pray this matter be dismissed as untimely in accordance with the Court Rules.

However, should the Court not agree, we will continue to address our Opposition to this Motion for Reconsideration. We will be addressing points of merit not the filler ramblings of Dennis.

ADDITIONAL POINTS AND AUTHORITIES

STATEMENT OF FACTS

IV.

On January 7, 2019, a hearing was held before the Honorable Judge Robert Lane which is now sought to be reconsidered by Dennis. At all relevant times herein, Bob and Carmen were the Temporary Co-Guardians of Twyla having been so appointed by the Court in the State of Arkansas where all three resided at the time. Prior to the hearing to transfer the Guardianship from Temporary to Permanent, Twyla left the State of Arkansas and returned to Nevada. The Court will please refresh its memory and review the record wherein Twyla's IQ was stated to be 69 by the testing report submitted with the original Motion on November 27, 2018. Twyla is currently pregnant with her seventh child. The first six children of the parties are currently between the ages of 14 and 8.

The Court was astute in deciphering the case at bar. To use a popular phrase of the times, the Court "Nailed it!" To put the Nye County action in a nutshell, Dennis was forum shopping. To say Twyla initiated the action is, candidly, giving her too much credit. She is simply not capable of filling out a basic form. We direct the Court's attention to the Affidavit on record of Twyla's maternal grandmother, Monette DuMond, submitted as Exhibit 11 of the original Motion to Set Aside. Specifically please re-read paragraph 11 of same, which states: Twyla was told by him (Dennis) "...that he had cancelled her plane ticket and that he and Twyla were now 'officially' divorced," which **appeared to be the first time Twyla realized she was divorced**." (Emph added)

Attached hereto and incorporated herein as **EXHIBIT "1"** is a letter written to the children dated 9/23/18 and left behind by Twyla. It is her own words written by her aunt as Twyla dictated her thoughts to the kids. Twyla signed the letter. In the letter she tells her children Dennis put her

on the bus "**AGAINST HER WILL**" explaining to them she did not abandon them.

Dennis is specifically seeking 5 points in his Motion for Reconsideration and we will take those one by one.

1) For an Order reinstating parties' Joint Petition for Divorce and Decree of Divorce filed on June 7, 2018, with the Court;

We have heard it said, 'you can't make sense out of nonsense' and that rings true with the current action. Why would Dennis, who loves Twyla so much he remarried her 4 short months after a Decree of Divorce was entered, now seek to have said Decree reinstated?

To reinstate the Joint Petition for Divorce and Decree of Divorce would be to ratify Dennis' subornation of perjury. A few highlights of this fact are:

A) Twyla did not have a job, ergo no income. To that end, she could not pay Dennis monthly child support of any amount. Although the paperwork indicates otherwise and has her paying Dennis the monthly amount of $1,517.00 as and for child support alleging that Twyla has a job earing $25.00 per hour working a 40 hour work week. Further, wage withholding is ordered. No job ~ no wage to withhold.

B) Dennis is a licensed electrician and absolutely capable of paying child and spousal support. We do not know what his IQ is, but we are certain it is well above 69 and we know he functions in the workplace successfully.

C) In the Decree of Divorce Twyla waived her right to spousal support, something she is legally entitled to after this 15 year marriage. (Will be 15 years on July 11, 2019.) Simply, to put it in legal terms, Twyla is non compos mentis as evidenced by her 69 IQ. Twyla agrees with whoever has her ear at the moment; she is typically not combative and just goes with the flow when talking to someone. She nods in agreement with whoever she is speaking with at the time.

D) Twyla has no means to maintain health insurance on the children (Paragraph 12 of the Amended Joint Petition filed in this case.) As a union electrician, health insurance is available to Dennis as well as to his spouse and children.

E) On page 6, husband was awarded a child support arrearage of $4,551.00. We cannot beat

this dead horse enough, Twyla has/had no means to pay these ridiculous amounts. However, we add this comment to the list to also add the fact, and inform the court, Twyla was never away from the family home for 3 months prior to the execution of this document, to-wit: May 17, 2018. So how or why she would owe child support while she was in the home in a status quo position of the marriage is unexplained. Dennis put Twyla on a bus to Arkansas under false pretenses of a visit with family on August 31, 2018. She arrived September 2, 2018. (Refer back to **EXHIBIT "1"** above) He provided her a return plane ticket to Las Vegas which he thereafter cancelled.

F) Further on page 6, Twyla was awarded an IBEW Plan B retirement account. We again direct the Court's attention to the Affidavit on record of Twyla's maternal grandmother, Monette DuMond, supra, wherein she states that Twyla arrived at her home in Arkansas with a mere $50.00. Based on what Twyla told us, after giving her a check for the retirement account money, Dennis had her direct deposit said check. Once the check cleared he had her cash out the check and give him the money which he then took to what end is not known by Twyla. The family dog remained in the family home although awarded to Twyla.

G) Page 7 gives Twyla debts to pay. Dennis got debts too. He assumed the mortgage ~ he kept the house. He assumed the auto loan ~ he kept the vehicle. He assumed the student loan ~ he is the one who went to school. The remaining debts are consumer loans for the benefit of the family as a whole.

Attached hereto and incorporated herein as **EXHIBIT "2"**, is a print out from the Clark County Assessor's office evidencing Twyla signed a Quit Claim Deed giving the house solely to Dennis on February 15, 2017, (yes 2017 ~ not a typo). Dennis signed a year later and thereafter by a year and a day caused the same to be recorded on February 16, 2018. In other words, at the time the Nye County Joint Petition for Divorce was filed to-wit: May 17, 2018, and the Decree of Divorce signed by Judge Lane June 7, 2018, the family residence was **ALREADY** the SOLE AND SEPARATE property of Dennis and not subject to the divorce. More of his fraud upon this Court.

H) After page 13, of the Joint Petition there is some kind of child support worksheet created or provided by Clark County wherein Dennis purports, falsely, that Twyla earns $25.00 an hour performing a 40 hour work week. These items are all part of the fraud upon the court.

2) For an Order that Rule 11 sanctions in the form of attorney's fees issued on January 7, 2019, be eliminated

This Honorable Court did not err in Ordering the Rule 11 sanctions and therefore they should stand.

3) For an Order to Strike the Ex-Temporary Co-Guardians' Motion as being filed without authority per Nevada Law

Such a position should have been brought up in an Objection to said Motion. The Motion was filed November 27, 2018; on or about December 26, 2018, an Objection was filed; January 7, 2019, the Motion was heard; on March 18, 2019, the Order was filed and a Notice of Entry of Order was thereafter filed March 20, 2019. To Object to the Motion itself at this time falls in the category of too little too late. To that end, we will not waste the court's time on it.

3) (sic) For an award of attorney's fees....

Dennis is in proper person with his Motion for Reconsideration and since he has no attorney, an award of attorney's fees is not a relief available to him.

4) For such other and further relief as Dennis may be justly entitled.

These are just filler words. If he has no idea what he is entitled to, we certainly do not.

We want to now go though the body of Dennis' Motion for Reconsideration starting at his Introduction. We have not been provided any paperwork from Dennis. We did eventually acquire the Motion for Reconsideration but none of the exhibits. We cannot address most of them. Some of them we have as part of the record and will address those.

This court may be aware of Guardianship procedures and would know that the first step is a Temporary Guardianship which occurs without a hearing. It simply allows the proposed ward safety while the proposed guardians are given the time to file proper paperwork, get their ducks in a row, and send out notices of the hearing to move it to a Permanent Guardianship. On December 12, 2018, Dennis caused Twyla to get in an Uber to the airport and fly back to Las Vegas. Doing this

caused Twyla to leave Arkansas prior to the Permanent Guardianship hearing which was set late in January 2019. The Arkansas court never dismissed the Guardianship action. It was always temporary and it expired in due course as the hearing for Permanent Guardianship could not go forward without Twyla being in the State of Arkansas. Moving Twyla back to Nevada was Dennis' chess move to thwart the Permanent Guardianship. He is paralleling the natural end to the temporary guardianship with a dismissal of the guardianship yet they are not the same.

We would be very interested in seeing legal bills totaling $65,000.00 for the original divorce as alleged by Dennis in his paragraph 1. The action lasted from October 2016, until they reconciled approximately 6 months thereafter with four hearings. We drove Twyla to Arkansas December 1, 2016, and drove her back to Las Vegas January 1, 2017. She needed to be in Las Vegas for Court with Judge Hughes early 2017.

Judge Hughes' Minute Order, like it or not, it is part of the official record of the complete story between parties. It was brought to this Court's attention to paint a complete and accurate picture of what has gone on in the family courts since October 2016. During that time, Judge Hughes was exposed to Twyla a number of times and saw for herself how Twyla acted in public leading her to make the statements she did in said Minute Order. Dennis holds Twyla's self serving Affidavit of her mental state as proof that Judge Hughes' statements are false. If you need evidence, you need look no further than the Psychological Evaluation report identifying Twyla's IQ at 69.

When we googled IQ 69, this was returned:

> "69 IQ score
> An IQ score of 70 or below is considered a low score. On most standardized tests of intelligence, the average score is set at 100. .... Sep 26, 2018"

A judge brings a certain degree of common sense and perception with them to the bench. It would not take much interaction with Twyla for a reasonable and prudent person to deduce that she is slow. We actually wonder how much of Twyla's eagerness to be with Dennis is afforded to her low IQ and how much should be attributed to his mental controlling abusive tactics. But, that is not what is now before this court. Using the Minute Order did not disadvantage Twyla, it aided her. It is only a disadvantage to Dennis in a "oh woe is me" scenario. Giving ALL information to a finder of fact, in this case at bar ~ Judge Lane, was necessary, reasonable and prudent.

Dennis next attempts to muddy the waters regarding Judge Hughes by citing and quoting from the Nevada Commission of Judicial Discipline Case No: 76117 as if it was regarding the case at bar. In fact, this is from the case of Silva v. Silva; a case for divorce in 2013.

It is interesting to note that Dennis is able to point out that Nye County self help forms do not inquire of previous matters and he was able to not inform this Court of the previous Clark County 4 proceedings. We are to believe that he did not think that Nye County should be aware of the happenings in Clark County. Dennis forum shopped for a jurisdiction that did not ask the question and then mislead the Court by omission of these facts. This is akin to Lyle and Eric Menendez asking the court to have mercy on them because they are orphans. Dennis is well aware of what he is doing before this court, make no mistake. He is a very manipulative person.

We agree Twyla knew what she was doing in part. She knew she was agreeing to what her husband of nearly 15 years was telling her and asking of her. What she did not know, mentally could not know, was the consequence of her agreement. We reiterate, this Court has reviewed, in camera, the Psychological Evaluation dated October 19, 2018. Twyla has a tested IQ of 69. She has reading and comprehension levels of (at best) a 3rd grader.

Referencing Exhibits M, N, O, P, and Q, If she was fully capable of following through and knowing what she was doing she would do it without Dennis taking her, figuratively, by the hand and pointing her in a direction, watching her complete the directed task, and leading her to the next step. Twyla told us Dennis drove her around to Notaries, and different places to get court documents and file them. Dennis also drove her to their mortgage bank to do a quick deed to sign the house over to Dennis. Dennis drove Twyla to her bank once the retirement check cleared, had her withdraw 35k in cash and she gave it to Dennis. Twyla doesn't have a driver's license. She cannot pass a written or oral exam. Twyla can't accomplish these tasks on her own. We have some of Twyla's Diary pages and notes of family activities and attach them hereto and incorporate them herein as **EXHIBIT "3"** for the Court's review.

Dennis set up Twyla's Facebook account and created the password according to what Twyla commented in normal conversation during her stays with us. There is no evidence what was posted on Twyla's Facebook page was posted by Twyla and not Dennis. If the Court chooses to talk to

Dennis set up Twyla's Facebook account and created the password according to what Twyla commented in normal conversation during her stays with us. There is no evidence what was posted on Twyla's Facebook page was posted by Twyla and not Dennis. If the Court chooses to talk to Twyla, it should be done in chambers, one on one, to avoid undue influence from anyone. Hand her a fill in the blank form such as those used in the proceedings and ask her to complete it. Or trust the Psychological Evaluation report referenced herein.

Dennis makes a big deal out of saying Twyla flew back to Las Vegas of her own free will. Yes, she wants to be back with her children, in her home. (Refer back to **EXHIBIT "1"** above where she says she was put on that bus "against her will" because Dennis told her she needed to "visit ... for a few days".) Remember, she arrived with $50.00 believing she was there for a visit. This second visit was September 2, 2018, until December 12, 2018. Dennis called the Uber to pick her up and take her to the airport. Dennis purchased the plane ticket for her to fly back. Twyla does not have the funds to do it herself. She has no credit card. Uber requires a credit card. It cannot be hailed with cash. Dennis offers the plane ticket as evidence. Obviously she flew to Las Vegas and had a ticket. What about the receipt for purchase. That would prove who bought the ticket. The receipt would be evidence, the ticket is not.

Whether Bob and Carmen call Twyla a McCurdy or a Stanton is more much ado about nothing. Nevada State Law, specifically NRCP 60(b), gives them 6 months to bring an action based on fraud which they did timely.

On page 17 in paragraph 2 of Dennis' typed dissertation he says parties:

"... did get remarried after June 7, 2018, and intend to remain married."

Then why are we here? If parties want to be married why did Dennis move to resurrect the Decree of Divorce? Of interest, the above statement is contained in the Motion for Reconsideration where Dennis is talking out the other side of his mouth and saying the Nye County action should stand in its totality. Number 1 of the 5 points he is seeking through this motion is: "For an Order reinstating parties' Joint Petition for Divorce **and Decree of Divorce** filed on June 7, 2018, with the Court." So much for "we intend to remain married".

is of no force and effect. (Please see the Order and Judgment in the Court's record executed March 15, 2019.) These are not persons in limbo, these are persons about to celebrate their 15th wedding anniversary on July 11, 2019.

Addressing Dennis' #VII Sanctions argument, we reiterate that we did have standing as Twyla's legal guardians at that time. There was due process, there was a hearing, that is why we are here now, the hearing of January 7, 2019!

The originating Motion, First Joint Petitioner/plaintiff's Motion Pursuant to Rule 60(b) To Set Aside Decree of Divorce as Fraudulently Obtained, to Dismiss The Joint Petition for Divorce with Prejudice, and to Sanction Defendant for Forum Shopping and Perpetrating a Fraud upon the Court in the Full Amount of Plaintiff's Fees and Costs mentions Rule 11 and makes the request beginning on Page 11 and continuing into Page 12. (Please see the aforementioned Motion in the Court's record filed November 2018.) It is not a single hidden/buried line as alleged by Dennis.

Dennis' self serving statements about us destroying their house are ludicrous. There is no proof. There is no police report. And, as he asks, why would we do that? We didn't! We were never charged with anything. It simply did not happen. The first we have heard this nonsense is reading it in his Motion for Reconsideration.

In fact and in truth, we put a lot of money into their family home while we were staying there. When we arrived the place, a relatively new home at the time, was in shambles. Windows were broken out, the toilets were broken, the flooring was terrible, there were holes in the walls. We fixed it up. We replaced several broken light switches, outlets, and outlet covers, fixed broken doors and door locks, cleaned and fumigated the house due to an infestation of cock roaches and other bugs. We fixed the dishwasher and broken cabinets, put all the kids' beds together. The children had been sleeping on the filthy floor. When we say the toilets were broken, we do not mean a $3.95 rubber flapper, we mean the toilets. The porcelain bowl lids were broken and so we replaced them.

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We filled out the intake paperwork at the doctor's office because it was for the parents to fill out. We encourage you to hand her a form and ask her to fill it out alone. As for the exhibits referenced in this section, we have never seen them and cannot address them. We did not hold Twyla against her will. We did not put her on a bus and send her to Arkansas from Nevada. She stayed with us, with her aunt and with her grandma. Once she stayed 2 nights with a relative because of Dennis threatening and scaring her telling her the child support enforcement people were on their way to arrest her. Another time she stayed two nights with us after her grandma became fearful of Twyla after she pushed her grandma down. She went to church, the market, the doctor's office, and many places. She had the ability to run or seek help, were she a captive, each and every day she was in Arkansas. She had 2 cell phones, access to email, her Facebook account as Dennis pointed out in his Motion, and, if we are to believe Dennis over $35,000.00 cash American. She reached out to no one because she was not a captive.

Dennis complains we claimed Twyla's estate is about $500.00 USD value and says we state the marital residence has equity of $100,000.00. That is true. What Dennis does not say and hopes you do not put together is that the marital residence was awarded to him fully as his sole and separate property in the fraudulently obtained Decree of Divorce prior to us filling out those papers. Further absent is him mentioning anything about the Deed filed February 16, 2018, giving him the house as his sole and separate property. It was fraudulently a part of the Divorce to begin with. Please review **EXHIBIT "2"** from the Clark County Assessor's office addressed above. To that end, Twyla had no claim over the equity she helped build in the residence and Dennis is adding filler wording to bolster his position as opposed to just stating facts.

The only conflict in this case is the one that exists in Dennis' head. We were acting as Twyla's guardians every step of the way. Twyla's best interest is the only thing that brought us to the court. We retained the Owen Law Firm because Clark County District Court Judge Hughes caused that firm to represent Twyla earlier in the cases. We are in Arkansas, we never heard of Owen Law Firm, we went with who helped Twyla from the start. We do not know how or why Twyla originally retained Owen Law Firm in the fall of 2016.

We saw with our own eyes the inequity of the Decree of Divorce from Nye County. We read with our own eyes the lies and fraud submitted as truths in the Joint Petition for Divorce. We know in our capacity as her parents Twyla is unable to do the simplest of acts prescribed to her. If Dennis was so concerned that Twyla be heard at the January 7, 2019, hearing, he would have driven her to the court with himself that day. He did not miss being there. She cannot drive, she has no car and no license. Don't let him ascribe to us the action he should have performed and then tell the Court she was not allowed to speak. We are back to the Menendez brother logic with that argument. Also, papers state that Attorney Kent, who was likewise physically present at the January 7, 2019, hearing, represented BOTH Dennis and Twyla. (Please see Mr. Kent's Opposition in the Court record filed on or about December 26, 2018.) Right on page one, paragraph 2, it says: "...**the reality is this Opposition is being filed on behalf and for the benefit of both named parties.**" The court pointed out in the Order and Judgment signed by Judge Lane herein that Attorney Kent "has not acted in any manner that may be construed as assisting the Defendant in perpetrating a fraud upon this Court". The Owen Law Firm was representing Twyla, by and through her guardians, in the case at bar.

Yes, Dennis caused Twyla to file a formal complaint with the Nevada State Bar. So what? Yes, they opened a case; that's their job, that is the procedure. The Owen Law Firm withdrew after the Notice of Entry of Order in the normal course of action in all cases. The Court knows this withdrawal practice is routine and standard in the industry. No consent is required by the client.

We do not agree that the purported Exhibit CC is what Dennis claims. We are informed and therefore we believe the letter in question was cc'ed to all parties involved. Just more smoke and no fire. That may be why Dennis did not provide the exhibit, or any exhibits, to us.

Not that it matters, as Mr. LoBello has been fully reinstated by the Nevada State Bar, but his temporary disbarment had nothing to do with client relations.

Dennis is carrying on a lot about Twyla signing the divorce papers and pleadings of the case filed in October 2016 and saying the Owen Law Firm did not worry about her IQ then. Keep in mind, the report presented to the court finding Twyla's low IQ is dated two years post, to-wit November 27, 2018. Dennis' motto appears to be: don't let the facts get in the way of my story.

V.

STATEMENT OF LAW

NRCP 60(b):

> (b) **Mistakes; Inadvertence; Excusable Neglect; Fraud, Etc.** On motion and upon such terms as are just, the court **may** relieve a party or his legal representative from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation or other misconduct of an adverse party which would have theretofore justified a court in sustaining a collateral attack upon the judgment; (3) the judgment is void; or, (4) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that an injunction should have prospective application. **The motion shall be made within a reasonable time**, and for reasons (1) and (2) **not more than six months after the judgment, order, or proceeding was entered or taken**. A motion under this subdivision (b) does not affect the finality of a judgment or suspend its operation. This rule does not limit the power of a court to entertain an independent action to relieve a party from a judgment, order, or proceeding, or to set aside a judgment for fraud upon the court. The procedure for obtaining any relief from a judgment shall be by motion as prescribed in these rules or by an independent action. (Emph added)

No where in these rules does it allow for excuses the Defendant would like entertained.

VI.

CONCLUSION

In conclusion, if there was no fraud upon this Court in the Joint Petition for Divorce and subsequent submittal of the Decree of Divorce, let Dennis explain the Quitclaim Deed recorded by the Clark County Assessor on February 16, 2018, over 3 months before the filing of this action on May 17, 2018, even though he put the family residence in the paperwork. If there is no fraud, let Twyla simply submit her W2 forms evidencing the $25.00 an hour wage on a 40 hour work week for 2016, 2017, and 2018, and this matter can be over. Absent same, the fraud is undeniable. All the 'he said/she said', 'I think/you think', 'I did/you did', is just smoke at this point. Prove there was no fraud and there was no perjury with the simple production of the W-2 documents and explanation of the Quit Claim Deed. Absent that evidence, the Rule 60(b) Motion can stand on its own merit.

For all the foregoing reasons, Bob and Carmen respectfully pray that Dennis' Motion for Reconsideration be denied.

Dated this _____ day of June, 2019.

Respectfully submitted:

ROBERT CRAWFORD
129 Mill Creek Drive
Greenbrier, Arkansas 72058
(501) 580-6563
Proper Person

CARMEN CRAWFORD
129 Mill Creek Drive
Greenbrier, Arkansas 72058
(501) 580-6563
Proper Person

VERIFICATION

STATE OF ARKANSAS)
) ss
COUNTY OF FAULKNER)

ROBERT CRAWFORD, being first duly sworn, deposes and states:

I am a person submitting this document in the above-entitled matter; I have read the foregoing Opposition and know the contents thereof; the same is true of my own knowledge except those matters therein contained upon information and belief, and as to those matters, I believe them to be true.

ROBERT CRAWFORD

SUBSCRIBED and SWORN to before me this 15th day of June, 2019.

"OFFICIAL SEAL"
MELANIE BLANKENSHIP
FAULKNER COUNTY
NOTARY PUBLIC - ARKANSAS
My Commission Expires October 18, 2028
Commission No. 12706172

NOTARY PUBLIC in and for said County and State

My commission expires Oct 18 2028

711

VERIFICATION

STATE OF ARKANSAS)
) ss
COUNTY OF FAULKNER)

CARMEN CRAWFORD, being first duly sworn, deposes and states:

I am a person submitting this document in the above-entitled matter; I have read the foregoing Opposition and know the contents thereof; the same is true of my own knowledge except those matters therein contained upon information and belief, and as to those matters, I believe them to be true.

Carmen Crawford
CARMEN CRAWFORD

SUBSCRIBED and SWORN to before me this 1st day of ~~June~~ July, 2019.

"OFFICIAL SEAL"
MELANIE BLANKENSHIP
FAULKNER COUNTY
NOTARY PUBLIC - ARKANSAS
My Commission Expires October 18, 2028
Commission No. 12706172

Melanie Blankenship
NOTARY PUBLIC in and for said
County and State

my commission expires Oct 18 2028

EXHIBIT "1"

9-23-18

Dear Brianna, Tristan, Tyler, Tanner, Arianna, Trent, First of all I Love each of you very much— I would never leave you willingly or on purpose— I did not abandon you all— Your dad told me I need to go visit my grandmother and Aunt in Arkansas for a few days— Then, three days later your dad called and told me our divorce was final and had to stay where I am— He put me on a bus against my will— I did not want to go— He also told me I was a security threat at His work— I'm sorry all of this is happening and I know it is hard on all of you. I miss you each very much— Hoping to see you soon— I am trying to get everything in order to be able to see you all and be with you again. I love you all very much!!

Love, Gwyla M. McCurdy
(MOM)

EXHIBIT "2"

Inst #: 20180216-0000842
Fees: $40.00
RPTT: $0.00 Ex #: 005
02/16/2018 09:21:06 AM
Receipt #: 3324485
Requestor:
DENNIS VINCENT STANTON
Recorded By: RNS Pgs: 4
DEBBIE CONWAY
CLARK COUNTY RECORDER
Src: FRONT COUNTER
Ofc: MAIN OFFICE

APN: 176-34-811-020

Recording requested by and mail documents and tax statements to:

Name: Dennis Vincent Stanton

Address: 7088 Los Banderos Avenue

City/State/Zip: Las Vegas, Nevada 89179

DED104
Nevada Legal Forms, Inc. (702) 870-8977
www.nevadalegalforms.com

RPTT: 5

QUITCLAIM DEED

THIS INDENTURE WITNESS that the GRANTOR(S):

DENNIS V. STANTON and TWYLA M. STANTON,
Husband and Wife as Joint Tenants

for and in consideration of ZERO Dollars ($ 0.00) do hereby QUITCLAIM the right, title and interest, if any, which GRANTOR may have in all that real property, the receipt of which is hereby acknowledged, to the GRANTEE(S):

DENNIS VINCENT STANTON

all that real property situated in the City of Las Vegas , County of Clark , State of Nevada, bounded and described as follows:

(Set forth legal description and commonly known address)

COMMONLY KNOWN ADDRESS:

7088 Los Banderos Avenue Las Vegas, Nevada 89179

716

STATE OF NEVADA
DECLARATION OF VALUE FORM

1. Assessor Parcel Number(s)
   a. 176-34-811-020
   b.
   c.
   d.
2. Type of Property:
   a. ☐ Vacant Land b. ☑ Single Fam. Res.
   c. ☐ Condo/Twnhse d. ☐ 2-4 Plex
   e. ☐ Apt. Bldg f. ☐ Comm'l/Ind'l
   g. ☐ Agricultural h. ☐ Mobile Home
   ☐ Other

FOR RECORDER'S OPTIONAL USE ONLY
Book: Page:
Date of Recording:
Notes:

3. a. Total Value/Sales Price of Property $ 0.00
   b. Deed in Lieu of Foreclosure Only (value of property) (0.00)
   c. Transfer Tax Value: $ 0.00
   d. Real Property Transfer Tax Due $ 0.00
4. **If Exemption Claimed:**
   a. Transfer Tax Exemption per NRS 375.090, Section 5
   b. Explain Reason for Exemption: Transfer Between Spouse To Spouse; Wife Transferring to Husband;
5. Partial Interest: Percentage being transferred: 100 %

The undersigned declares and acknowledges, under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the parties agree that disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month. Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature Dennis V. Stanton Capacity Grantor

Signature Twyla M. Stanton Capacity Grantee

SELLER (GRANTOR) INFORMATION (REQUIRED)	BUYER (GRANTEE) INFORMATION (REQUIRED)
Print Name: Twyla M. Stanton	Print Name: Dennis Vincent Stanton
Address: 7088 Los Banderos Avenue	Address: 7088 Los Banderos Avenue
City: Las Vegas	City: Las Vegas
State: Nevada Zip: 89179	State: Nevada Zip: 89179

COMPANY/PERSON REQUESTING RECORDING (required if not seller or buyer)

Print Name: Nevada Legal Forms, Inc. Escrow #:
Address: 3901 W. Charleston Blvd.
City: Las Vegas State: Nevada Zip: 89102

AS A PUBLIC RECORD THIS FORM MAY BE RECORDED/MICROFILMED

LEGAL DESCRIPTION:

Lot 583 of CHACO CANYON AT MOUNTAINS EDGE-UNIT 1(A), as shown by map thereof on file in Book 122 of Plats, Page 58 in the Office of the County Recorder of Clark County, Nevada.

Together with all and singular hereditament and appurtenances thereunto belonging or in any way appertaining to.

In Witness Whereof, I/We have hereunto set my hand/our hands on 15 day of Feb, 2017.

Twyla M. Stanton (Signed in Counterpart)

Signature of Grantor

TWYLA M. STANTON

Print or Type Name Here

Registrant: Stephanie Brianna Cervantes

Registrant registration number: NVDP2017321091

3901 West Charleston Boulevard, Las Vegas, NV 89102, (702) 870-8977

STATE OF NEVADA)

COUNTY OF CLARK)

On this 15 day of February, 2017, personally appeared before me, a Notary Public, TWYLA M. STANTON,

☐ personally known to me OR ☑ proved to me on the basis of satisfactory evidence to be the person(s) described in and who executed the foregoing instrument in the capacity set forth therein, who acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes therein mentioned. Witness my hand and official seal.

STEPHANIE BRIANNA CERVANTES
Notary Public State of Nevada
No. 15-1580-1
My Appt. Exp. April 23, 2019

Notary Public

My Commission Expires: 4-23-2019

Consult an attorney if you doubt this forms fitness for your purpose.

LEGAL DESCRIPTION:

Lot 583 of CHACO CANYON AT MOUNTAINS EDGE-UNIT 1(A), as shown by map thereof on file in Book 122 of Plats, Page 58 in the Office of the County Recorder of Clark County, Nevada.

Together with all and singular hereditament and appurtenances thereunto belonging or in any way appertaining to.

In Witness Whereof, I/We have hereunto set my hand/our hands on 15 day of Feb, 2018.

Dennis V. Stanton
Signature of Grantor

(Signed in Counterpart)

DENNIS V. STANTON
Print or Type Name Here
Registrant: Stephanie Brianna Cervantes
Registrant registration number: NVDP2017321091
3901 West Charleston Boulevard, Las Vegas, NV 89102, (702) 870-8977

STATE OF NEVADA)
COUNTY OF CLARK)

On this 15 day of February, 2018, personally appeared before me, a Notary Public, DENNIS V. STANTON,
☐ personally known to me OR ☑ proved to me on the basis of satisfactory evidence to be the person(s) described in and who executed the foregoing instrument in the capacity set forth therein, who acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes therein mentioned. Witness my hand and official seal.

Notary Public
My Commission Expires: 4-23-2019

STEPHANIE BRIANNA CERVANTES
Notary Public State of Nevada
No. 15-1580-1
My Appt. Exp. April 23, 2019

Consult an attorney if you doubt this forms fitness for your purpose.

EXHIBIT "3"

12/3/16

I called the kid today at 9:00 it was nice to hear their voices I can't wait to see them. I love my children very much I miss them

12/7/16

I called the kids today at 4:00 I miss them so much

12/8/16

I called the kids today at 9:00 I miss them very much I cry at night

12/9/16

I called the kid today Arianna said she want to be here with me its boring out there.

12/10/16

I talked to the kids at 5:00pm today. I miss them. I Love them soo much 12/11/16

I Called the kids today at 5:00 today it was nice to hear thier voice. I Love my children very much

12 | 12 | 16 |

I Called kids today Tanner told me That dad hits me on my head, I Told Tanner tell your teacher

12/13/16

I Called kids today Arianna told me that her hair was messy today She put in a ponytail Tanner got in trouble because dad hit my head kids were so tired today too. I Love my Children very much.

12/14/16

I Called kids today tristan told me that all of us got blood work flu Shots too brianna, tristan, tyler 4 Shots Tanner, Arianna, trent got 2 Shots

12/15/16

I try to Called kids phone was turn off. When I Stay with my mom, dad I Cleaned the house Bathroom vaccum, mop, and Static wood

fix the [illegible]

12 | 16 | 16 |

I Called the Kids today I miss them allot I Love my Children very much

12/17/16

I called the Kids today I miss them very much, I ♡ them

12/18/16

I Called the Kids today from Church.

12/19/16

I Called the Kids no one answers I miss the them So much I Can't wait to See them again. I Love my children very much.

12-20-23 2016

No one Answer phone is off I miss them allot, I love my Kids Very much. I care about them allot. Dennis bring all kids up Stairs in the master bed room Ask them who hate Tristan Brianna, Tyler, tanner, Arianna, Trent And Dennis Ask the other kids does Tristan always lie. they Said Yes

12/24/16

I Talk to Kids today. I miss them allot I cry at night when I go to bed I Love hearing Children voices.

12/25/16

I talk to the Kids Dennis got on the Phone and Talks to me asking About me. Tristan Told me that he broke his arm play Valley Ball. I ask him are you are OK. He said NO mom I Can't move my arm MOM. I told him you need to go to doctor Tristan told me dad is going to take me to doctors after Church.

12/26/16

I Called Kids Tristan told me about his arm I told you need to go to the doctor Tristan told me that dad is going to take me after Church I said OK

I ask the Kids about School And home. No mom [illegible] what are you [illegible] I ask Tristan did you go to the doctor

12/26/16

NO Mom I didn't go to the doctor Tristan told me that Tanner, Tyler helps me putting on Clothes, Shoes, mom. I ask him are you OK Tristan NO MoM. Cant move it Tristan Said NO mom I Cant move it I [illegible] wearing Clothe on MoM I told him you need to go to the doctor Tristan. Tristan told me it hurts mom. I was worred about him and his arm. Tristan never went to the doctors office

12/27/16

House Phone was off. When the phone is off I worried about tristan arm and the other Kids

12/28/16

I Called Kids Today Dennis got on the Phone Starting talking to me. Dennis talk to me all the house phone. Dennis was pretending that he was Trent but it was Dennis on the phone

12 | 28 | 16 |

Trent Said that's daddy on the Phone Trent told me mommy thats daddy on the Phone. I ask trent how's School doing He Said good mom. Trent Told me he is a helper in his classroom. Trent favorite Color is orange, brown, red, He Told me I love you mommy I told him I love you So much [illegible]
Dennis told me that his mom [illegible] are coming over to me [illegible] the home

12/29/16

Den Called me with a private number

12/30/16

I Called Kid I talk to Tanner Tristan Told me that Daddy was working uber, lyft Tristan Told me that daddy is working Tristan Told me that them I called you in 10 min Brianna was in the back ground crying in the back ground. But he never called me back I was worried about the Kids. Brianna was crying on the Phone. Dennis got on the phone Why are you causing trouble Dennis ask Briana were you crying She Said NO dad

911 Called 12 | 30 | 16 |
31

I ask Dennis when he was talking to me Where is Tanner is in the kicten making a Sandwich Where is tristan is in room. Can I talk to Arianna, Trent Dennis Told me their are sleeping. Dennis told me that he was putting Kids in the Car to go See the fireworks Kids were home alone I talk to Tristan, Tanner told me That Kids were home alone No one was there to watch the Kids Dennis was putting the Kids in the plane to [illegible] On the Bridge with the Kids When Tristan told me I Called you in 10 min but he didn't I was worried about the Kids. That's when I Called the Cops. told me that the pilot is not in the driveway light were off and Cop walked around the house No Anwer. I told the Kids Where home alone They Might hiding in my room I talked to Kid at 11:00

1 / 1 / 17

New Years I was talking to Kids Brianna answer Phone She wasn't litting me talked to the other Kids. I talked to tyler and Brianna Brianna wouldn't let me talk to other kids I told Brianna let me talk to other Kids Brianna Said No Mom.

Jan 2-13-17

My Attorney told me I Can't Called the kids I miss The children voices. I Love them So much I Cry every night when I don't talked them. In the small garage is my clothes, purses, shoes and my baby blanket when I was a baby Kids helmet, fishing Pools, And my pillow comforter befor I got married My leopard pillows before I got married kids-Black comforter Shams.

1 / 14 / 17

On 9:35 pm I Called the Kids. I asked about their day, Schoolwork what their do all day, I ask the are you talking Shower, Brushing their teath 3 little Kids have Cavities 2 older one have Cavities too, And Ask what are eating for dinner, I tell all the Kids I Love them allot they love me allot. Arianna told me put her hair in the ponytail I, ok nice but She Said it looked like a not in my hair

1-15-16

I Called the Kids Trent told me that Emily Laura, Laura Byron are in town. I ask trent is your mom clean he told its not Cleaned Mom. I miss my Children I bathed them, nersing them, feeding them, and homework with them I love my kis So much. I think about every day and night I bathed nersing, feeding with I was at the house

1/15/17

I Took the Tyler Tanner to doctor for a wellcheck in Aug 5, 2016 4:00 pm and Tristan Brianna on Aug 10, 2016 at 4:00 pm I Scheling their appoinment Trent and Arianne Aug. 2016 [illegible] they all got 4 [illegible] [illegible] Kids were helping clean the house because dennis in town to help clean the house.

1/16/17

Tristan Call me midnight Dad pushed my Time said that me againsted the wall my back hurt and my leg too. Tristan told me that Arianna got slapped in the face by dad Tyler, Tristan, Saw dad slapped Ariamna in the face on sunday. Tristan was crying on the I miss kids Phone Tristan you need to go to tell your counscil or teacher. Mom I'm Scared you don't need to be Scared Tristan Told me that dad told me to lie at my appoiment on Feb 6, 2016 [illegible] Tristan Told me

to tell them mom want to burn the house down tell them to rank mom a 3 dad a 9 Tristan Told me that dad told of [illegible] Brianna, Tristan, Tanner, Tyler to lie to them tell Dad thing about me. Tristan told me come get us They Called me on 1-16-17 Tristan was crying its going to be ok. I love you tristan Tanner their were awake and other Kids were Sleeping.

On 1-17-19-17 I was busying Cleaning the house, Vaccum, bathings, laundry too. I Love my kids Very much.

1-20-17

I Called Kids Brianna answer Phone pretend to me emily No you are Brianna She Now I'm emily than She hang up on me I wanted to talk to the other Kids I Called back No Answer I was So Sad I miss them so much I my Kids So much.

1 | 2 | 17

No Answer? I'm trying to call my kids. I want to talk to them.

1/3/17 No Answer I want to talk to my kids

1/4/17 I tryed kids again today No Answer I missed them so much. I Love them so much.

1/21/17

I try Calling Kids today No Answer I miss hearing there Voices. I Love them. Dennis keeping my kids not talking to me. I know that because Brianna Mom you are Calling alot of time because I want to talk to the kids I know the kids want to talk to me. Tristan called me on 1/16/17 midnight my time he was crying Mom Come Get me. Dad push me against the wall and my leg hurt me. I didn't talk to kids today they pick up and someone hung up on me. 1/21/17

1 | 22 | 17

727

I try Calling the Kids No Answer. I miss my Children alot. I Took Care of them for 11 years. I Love my children very much. Tristen Told me Couple days ago Saying that Dad is keeping us and talking to you Mom. I'm really Sad when he said that.

1/24/17

I called Kids today around 5-6 No one Answer I said i Tuesday XOXOXO 1-26-17

I tryed calling the kids No Answer Called today around 5-6 No one Answer I miss talking to my kids Today Thursday No Answer I miss talking to my kids I ♡ my kids I miss hearing their voices. ♡♡♡♡♡ XOXOXO

Dennis, Tristan were going to Deckerfield Dennis had to work for a week. Dennis left tristan in room for 10 hrs. Tristan called me crying

[redacted]

1 28 17

Today is Saturday. I trying Calling kid. Trent Answer and said its mommy and Someone pick up and Hang up Phone I Contutined Calling the kids house I Called kids Someone pick up and Hang up. I miss hearing the kids voice. I Love my kids very much. I Think about them every day, everynight. I hope my kids are ok. Dennis Is abuse of the kids. I'm worried about with their Dennis. The kids are at home with them. tristan Told me that Dennis Slaped Arianna in the face Sunday 15th 2017 I'm worried about my kids because She was not picking something up that why Dennis Slapped her in the face Dad didn't feed tristan Sun. Tristan Called me on Monday 16th midnight telling that dad puched me against the wal, leg, and my Stomach dad didn't feed me. tristan told me Mom come get me. Mom. I miss my kids very much.

1/29/17

I Called the kids trent Answer the Phone Said its Mommy I ask trent about the house & the have clean Trent Said the garage is clean I ask him about my Clothes Shoes, still in the Garage he Said its their still their Trent Said that Daddy is got me a

1 29 17

spiderman
house Key Tristan told me
the dennis mom [redacted] moved in the house. The only
kids that I talk to is Trent for
15 min I ask him How are you doing
is he love mom/dad we miss mommy
I know my math. He was saying his
number like 20+20=40. I said who,
and Tristan got on the Phone asking
me when I'm go to be here
or Coming I said in Feb 9. Tristan
are you Sabataght dad I'm
coming in Feb 9 I know dennis
is listen on the Phone Tristan Told me
he is in his room. Tanner, Tyler in their room
Told me that they went Church Sunday morning

Tristan, Trent 1 29 17

Tristan told me that he
had to go eat, go get
ready for church at 5:30
I talked to Tristan, Trent
only on Sunday 29 2017
I ask trent where is Arianna,
Tanner, Tyler he said thrit
dawn Stairs. Mom I ask
trent do you love your mommy
he said Yes. I Love my
mom 100, xxx. I talk to Tristan, Trent only
1-30-17

I Called the house Phone, Kids
Dennis Answer I didn't Say nothing
then he hang up the I called again
Someone answer Phone and I
here kids, Dennis in the back
talking. Brianna got on the Phone
talking about her braces. that
She has to clean them. And brush
her teeth every day She got top
and button braces's too
I ask her you have to clean
your teeth brush every day clean.

739

1 30 17

and Brianna Said MOM I ask
her what are you guy eating
She Said IN out Burger. I Said
Cool. I told her that I had
Pizza And she ask me mom
What kids is your favorite
I told her you all of you are
my favorites. She said pick
on I said No You are all
my favorite. Arianna got the
Phone She said I mom I said
I sweet mommy love you
Arianna, I asked her about her
day she said good, She ask me if I
Wearing Pant I said Yes Arianna I
asked her What are you wearing. She
Said I don't know I told her you wearing
Clothes. And I asked
where do you Sleep She Said

1 30 17

down Stairs mom Brianna
trent Sleeped with dad. Emily
Sleeped in Brianna old room up
Stairs. I Said OK. And I
Said Hi to Emily When
I was talking to Arianna I told
Arianna tell Emily I Said Hi
Arianna told her Arianna Said
She Said Hi too. I think
She Said too me. I told
Arianna I Love you. I
Called Kids around 7:00
thier time. So it 9:13 my
time 9:09, 9:05 my time
I Love hearing my Kids. I
miss them alot I want my
Kids so much. I know my Kids
missed me too. I Can't wait
to see them. I want to hug,
Sweeze them so hard and don't
let go of them. I Love my Kids
Very much. I want my Kids
to lived with me. And She Mom I talked
to Amand I Said She sick, Sleeping Brianna Said
Mom I'm going to Called Cop because you are Not letting talk to me.

1 | 30 | Hr | Brianna, Brianna

Brianna Said Mom you called on
On me and she Said that I'm
Go to Called the on you because you
are not letting me talked to Arianna
I told her NO Brianna She Sleeping.
1/31/17 I told Brianna I don't to argue with you
Brianna Ask me if I had a boyfriend

I tryed calling the kids Tuesday today
No Answer. I miss there voice
I miss my kids so much.
I think about every day,
every night. I wish they were
With me, my grandparents
I can't wait to see them. I
Love my kids very much. I Cant
Wait to get them hugs, kiss.
XOXOXO

2 | 1 | 17 | 731

I ~~tried~~ try calling the kids
today Brianna picked up the
Phone and Someone picked up
the phone and said dad said dont
pick up the Phone because of
mom. And they hung up.
I didn't talked to my kids
today I'm very Sad today. I think
the Kids are alone at ~~dad~~ home
tonight. I missed my kids.

2/2/17

I Called kids to talk to Arianna,
Trent, Tanner. I told I
Love them So much, And thinking
about them. So much. Nicki told
me that they love me, miss me.
I'm been out Side With the
other kids.

2/4/17

Today I called talked to Arianna,
Tanner, only Arianna ~~Tanner~~ said
Dad bought us all Tabels. Tristan
trent got a big Car. Arianna,
Tanner. didn't Say good bye to
me. Arianna Ask why ~~I~~ did you Cut the

1 4 17

Cops all time. I told her
Lee talked about you, or something
else. Tanner told me that Emily,
Brianna, Tyler, Tristan, are at the library
Arianna said are you coming
on the 9th. I said sure, Arianna
told me that important stuff today
on Saturday. I heard Dennis
phone ring Dennis was listen to
me And other kids talk. Dennis rain
out of gas they all had to walke to
the gas stations. Arianna and they drove
around important Places. Dennis
Bought every body Tabats Arianna xoxo
me. today.

1/5/17

I think abat my kids Every day
I miss them so much. I love them
abot. I want them I can provide for
them. All Grenbrier are #1 school in the
nation, they will be going school. I put
them sports And nurses them calling
them.

1 5 17

and they will have medical,
and they will be in physical therapy
all le ot kids, I get a job.
my parent will help
me with them, get job I will
love them.

732

On 10-9-16
1. Dennis fore the door open
2. he grabed my arm
4. he Scratch my arm
5. Took the Phone away from me
6. I have a cut and it was bleeding
When the the cop where her
Talking to me The cop said Yes he has
warrent for his rest but he wasn't there
On 10-10-16
10.10 Dennis Change lock on my I try to come
in he Said this my house he told me that
I left the hase took my clothes. Kid Stuff
~~I told him I went there on~~ Sunday
~~night~~ night I was afraid for me and
the kids When he Scratch me on 10-9-16
thats why I got kids left went to on
Shady tree. I was Scared of my life 10-9-16
around him. My daughter Got home on Sunday
afternoon She came home with him I told
here to get in car. She ask me where
are we going mom going to air port. we
are going Somewhere dont worry about
I got to Shady tree. Brianna was crying,
Scared for life I was asking
lady that worked their I asked here I need a
form I was doing paper work Brianna mom
I want to live I told her ok let me talk
to She wont to run I told lady that work

On Saturday nisht I had all kids Tristen was plaing with
my phone on the couch Brianna came over stole my
phone from Tristen She ran up stair in Tyler room
wont not give my phone, She want her phone that
Dennis gaver to Barbie to use for emergany only
She want her phone I dont let S.
Trade and we did I got my phone and She got her pho
but I Ask here where is my tablet She
Said She put it under her bed So I went to her
bed I didn't see it. So Ask her Couple time where
is it. I don't know. I went to tyler room and I saw
her or dennis phone I grab it And I shut the door
on her She was trying to push the door open I was beh
door tryng not her come in She finaly got in room She
ask me mom do you have my phone said NO. So
She look all around tyler room, And she found it
on my chest. She Said you bitch mom, Ass hole
mom, Fuckin bitch mom I Said don't taugt
that to me I'm your mom Brianna was by the
door so I can't live the room. She said mom I
need my phone I Said No Brianna. I want my
Tabet. Brianna I know you have. After She Calling
names, She said I going to break your tablet mom
mom I don't just give me tabot and give your
phone back. I was trapped in tyler room I need to
go to Bathrum She wasn't not letting me out of the
room

Saturday night

Tristan call dad that night around 11:00 pm Tristan Said Brianna not letting mom out of Tyler room finally Brianna opened door and crying to dad brianna said that mom Took my phone she was cryin on the phone I got on the phone I ASK dennis are you working he said yes. He wasn't working he was with Attorney doing paperwork. I heard in the back papers rustle. I told Dennis Yes I have the phone but I I want my Tablet back I will Trade with her. if she he said this is Childish just give her back the phone (Give my tablet to me) I said I don't know. I told I want my Tablet. Dad can you ask her phone he said that he will ask her. To give my Tablet back. When dennis took my Stickers off my car restaurant on the van, insurance on van, I told my dad he told me Take his license plate off his car. And I did I took his license plate off When Dennis Take this or do thing to trow me I tell my dad he give me wrong ideas. I don't think is good idea to listen to my parent my sister for Ideas No only get me in big trouble. I just to go forward. don't cause I in more trouble on me. I had another tablet that I let brianna bara to use for homework. Too listen to musica. I ask her ask I I want my tablet back She finally gave it to me.

Couple week ago. And brianna ask me mom I want the tablet I said NO brianna it mine tablet. Brianna she I wanna tablet I said I complete my self NO Brianna She Got mad she grab some dishes threw them on the floor in kitchen

Tomarrow call morgage Tommrrow See what up!!

Dead line Due Tuesday

1. morgage is 5 month behind we got a prove a mothvation loan 1,514. increase 3 month Due 3.

2. electric is off Monday 7, 2016

3.

Dennis Took out of the house. Monday 7, 2016

1. kids pictures, pic frames, Kids Awards, film,

2. mail my mail Boxes of mail my and his, [illegible], utitily bills

2. My DVD from library, and my DVD player

4 Desk Sheilf, Computer, Culary

He told me that he is goin to Sushi on date That is 3 ago to pay him he was [illegible] day [illegible] He was dancing

Sunday 6, 2016 night I got mad when Dennis took my stuff, Social card, Capil one card, my Id, me pick phone, driver book, CPS letter, he had Kids at church, he came home I was talkin to my sistar I told her about denis did She told me slase is 3 tires she said if you do that he can't go now where to go see here I did it. After I got of the phone with me I went to the car, 3 tires, it was about 10:00 pm at night. then after That I went to bed I sleeped with Trend in his bed.

736

So I got mad and I got her earphone and
a pull the apart in the kicten She
got mad before I broke ear phone She was grab a
knife and She said She goins to cut all the wire
a the TV, DVD player too I was buy the TV
and brianna was here too she was try-ing to cut
the cord I was trying to Stop her and she cut
my Side of my arm I told you need to
put the knife down Brianna and went the
house hit the other kides Arianna was in
the Hall way my tyler Bedroom Brianna push, or hark
arianna arm are push her out of tyler rum
Brianna was on the floor crying Brianna pull my
arm push me down on the floor. Ask dennis for
the key Dennis told me the van is on
repo I got Scared I Ask Dennis he went let
me have the keys to move the piky in was
on the driveway me and tristen was cleaning
the big garage we had bags and we put them
n the Small gargeg so I can put my van
n the small garge he said I'm not givin you
ky that my car don't tonight I got upset because
 wont let me have the key So I can move the
van And I Slap his face Tristan was there
with me He Saw me

Tuesday is
Dead line to Bring
fax them

Torraw Call morgage Tommorow See what up.

1. morgage is 5 month behind No. We go a prave a monvatin loan its Due Tuesday nigt No later at Tus. They need 3 things 1. is, 1st, income Tax return, 2, HAO Dues

electrician is off Monday 7, 2016

Dennis took out of the house Monday 7, 2016

1. Kids pic, pic Frames, Kids Awards, Film pic.
2. mail my mail Boxes of mail my and his utility bills
3. My Dvd from library, and my Dvd player with wires
4. Desk Sheilf, Computer, trash cans Culery, pictures

Sunday 6, 2016 Night I got mad when Dennis Told me that he is goins on a date With his Attoray on a date going out for Sushi lookins at notes that my Attorney Send dennis in the mail, and told me that [illegible] wasn't in the car for is 20 min he said it was a 1hr or 30 minutes after noon in the car [illegible] was in the office lookins at. I had my id, Social Security card, capital one card, pink phone Dennis stole on saturday night, Sunday Saturd I was sleepin he was gone 10pm, 100 or 2 [illegible] the morin he said he was work but he was at his Attorney saturday dennis said he gave Britany phone 3 [illegible] responsibility if she need to get hold of her.

[redacted] She
miss her bed, room she was Scared. I got
all the kids. [redacted] and we lived.
[redacted] On 9-10-16 5 kids went to walmart
Tanner was not listen to Dennis he punch Tanner in leg
[redacted] One Saturday
night he took my

Resort
Aria [redacted] Hotel
(702) 590-7111
Paystdlast work [redacted]

Twyla Stanton
685477

MGM Inter HR (702)(855) 464-6747
fired!

Dennis took my meds The day that
I got on the bus Aug 31, 2018 He told
me me that I don't need them because I
will fall asleep on bus he took them Change buses
I came to Ark. 9-2-18 Dennis told me
that I need to live be was security threat
at work his work I had to live for 3 days
Dennis [redacted] work is follow us. They are
follow me at watching me to make sure
I got on the bus. [redacted] He took my med out
of my purse. He said I didn't need them.

meds CVS address Twyla m Stanton
(702) 252-0128 8/6/18
5985 W. Tropical. Rd 8/19/18
LV. NV. 89107 # 1262691

CERT
ROBERT & CARMEN CRAWFORD
129 Mill Creek Drive
Greenbrier, Arkansas 72058
(501) 580-6563
Proper Persons

IN THE FIFTH DISTRICT COURT OF THE

STATE OF NEVADA IN AND FOR THE COUNTY OF NYE

TWYLA MARIE STANTON,

Plaintiff,

vs.

DENNIS VINCENT STANTON

Defendant.

Case No.: CV-39304
Dept. No.: 2

CERTIFICATE OF MAILING

Hearing Date: June 20, 2019
Hearing Time: 9:00 AM

I hereby certify that on the 5 day of July, 2019, I deposited a true and correct copy of the OPPOSITION in the United States mail, proper postage prepaid, and addressed as follows:

Dennis and Twyla Stanton
7088 Los Banderos Ave.
Las Vegas, Nevada 89179

ROBERT CRAWFORD

DENNIS VINCENT STANTON
7088 Los Banderos Avenue
Las Vegas, Nevada 89179-1207
Telephone (702) 764-4690
dennisvstanton30@gmail.com
In Proper Person

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE

STATE OF NEVADA, IN AND FOR THE COUNTY OF NYE

TWYLA MARIE STANTON, AN INDIVIDUAL; First Joint Petitioner/Plaintiff, And DENNIS VINCENT STANTON, AN INDIVIDUAL; Second Joint Petitioner/Defendant.	**Case No.: CV-39304** **Dept. No.: 1** **REPLY TO JUDGE LANE'S AFFIDAVIT**

Comes Now, Second Joint Petitioner/Defendant, DENNIS VINCENT STANTON (hereafter "Second Joint Petitioner/Defendant"), by and through in proper person, and herewith, hereby, brings forth, moves, files, and submits his **REPLY TO JUDGE LANE'S AFFIDAVIT**.

I. INTRODUCTION

The Honorable Judge Robert W. Lane has filed his Affidavit with the Clerk of the Court, dated June 12, 2019. This Reply to Judge Lane's Affidavit follows:

II. JUDGE LANE HAS SHOWN AND REFLECTED BIAS, PREJUDICE, AND A LACK OF IMPARTIALITY IN THIS MATTER

Judge Lane states he "has no bias or lack of impartiality in the matter at bar", "denies he entertains *actual bias* or prejudice for against one of the parties to the action", and "denies that his impartiality might reasonably be questioned" (See Affidavit, page 1, lines 16-20), however, the record and the evidence reflect otherwise. The record and the evidence reflect that Judge Lane manifested bias and prejudice against Second Joint Petitioner/Defendant in this matter by failing to comply, uphold, and apply the law by deliberately and intentionally ignoring and disregarding Laws **(See NRS 125.185, NRS 159.2025, and NRS 159.2027)**, Rules **(See NRCP 11 & 24)**, and the Code **(See RNCJC, CANON 1, Rule 1.1 Compliance With the Law, Rule 1.2 Promoting Confidence in the Judiciary, CANON 2, Rule 2.2 Impartiality and Fairness, Rule 2.3 Bias, Prejudice, and Harassment, Rule 2.5 Competence, Diligence, and Cooperation, Rule 2.6 Ensuring the Right to Be Heard, Rule 2.8 Decorum, Demeanor, and Communication With Jurors, and Rule 2.15 Responding to Judicial and Lawyer Misconduct).** This point alone and by itself demonstrates Judge Lane's bias and prejudice against Second Joint Petitioner/Defendant.

2.) Judge Lane manifested bias, prejudice, and a lack of impartiality in this matter against Second Joint Petitioner/Defendant with personal attacks by stating, utilizing, and using epithets, slurs, and demeaning nicknames on the record directed at Second Joint Petitioner/Defendant which began less than 10 minutes into the hearing before any evidence was submitted into the record or any testimony was heard. The January 07, 2019, hearing began at 09:07:47 and by 09:17:13, Judge Lane was directly calling, referring, and alluding to Second

Joint Petitioner/Defendant as "Machiavellian" (Transcripts of January 07, 2019, hearing on page 9, line 6 & line 20, page 35, line 13), "Manipulative" (Transcripts of January 07, 2019, hearing on page 9, line 6), "Shenanigans" (Transcripts of January 07, 2019, hearing on page 7, line 17, page 23, line 9, page 27, line 2, & page 28, line 3, and "Antonio Gramsci", an Italian Marxist Communist, (Transcripts of January 07, 2019, on page 38, lines 19 & 21). Second Joint Petitioner/Defendant is an American Italian but is not an Italian Marxist Communist!!! ***WORDS MATTER.*** This point alone and by itself demonstrates Judge Lane's bias and prejudice against Second Joint Petitioner/Defendant.

3.) Judge Lane manifested bias, prejudice, and a lack of impartiality in this matter against Second Joint Petitioner/Defendant by suggesting and indicating that Second Joint Petitioner/Defendant was [not] "a normal citizen out there" [in society] before any evidence or testimony was entered into the record (Transcripts of January 07, 2019, hearing on page 9, lines 5-6). This point alone and by itself demonstrates Judge Lane's bias and prejudice against Second Joint Petitioner/Defendant.

4.) Judge Lane manifested bias, prejudice, and a lack of impartiality in this matter against Second Joint Petitioner/Defendant by letting opposing counsel by words manifest bias, prejudice, and harassment by making irrelevant references to Second Joint Petitioner/Defendant's Religion/Church (Transcripts of January 07, 2019, hearing on page 8, lines 5-7 & page 12, line 23). **See RNCJC, CANON 2, Rule 2.3 Bias, Prejudice, and Harassment, (C).** This point alone and by itself demonstrates Judge Lane's bias and prejudice against Second Joint Petitioner/Defendant.

5.) Judge Lane manifested bias, prejudice, and a lack of impartiality in this matter by directly asking Second Joint Petitioner/Defendant about what Church he went to that had no

relevance to an issue or any issues in the papers, pleadings, or proceeding (Transcripts of January 07, 2019, hearing on page 39, lines 1-11). This point alone and by itself demonstrates Judge Lane's bias and prejudice against Second Joint Petitioner/Defendant.

6.) Judge Lane manifested bias, prejudice, and a lack of impartiality in this matter by letting opposing counsel mock and make sarcastic and condescending remarks regarding Second Joint Petitioner/Defendant's marital status (Transcripts of January 07, 2019, hearing on page 12, lines 9-15). This point alone and by itself demonstrates Judge Lane's bias and prejudice against Second Joint Petitioner/Defendant.

7.) Judge Lane manifested bias, prejudice, and a lack of impartiality in this matter against Second Joint Petitioner/Defendant by trying to separate the representation of his counsel from him by complimenting his counsel but then denigrating and showing hostility and aversion towards Second Joint Petitioner/Defendant by words and conduct and wanted "the order even reflected it" (Transcripts of January 07, 2019, hearing on page 22, lines 5-17, page 29, lines 2-11, & page 35, lines 20-22). This point alone and by itself demonstrates Judge Lane's bias and prejudice against Second Joint Petitioner/Defendant.

8.) Judge Lane manifested bias, prejudice, and a lack of impartiality in this matter against Second Joint Petitioner/Defendant by accepting an ***ex parte*** Motion/Request for submission of the Ex-Temporary Co-Guardians' Motion to set aside on November 27, 2018, without notice to First Joint Petitioner/Plaintiff and Second Joint Petitioner/Defendant which was required by the Nevada Rules of Civil Procedure Rule 24 Intervention which further provides evidence of Judge Lane's bias and prejudice for and against Second Joint Petitioner/Defendant. **See NRCP, Rule 24 Intervention.** "An arbitrary or capricious exercise of discretion is one founded on prejudice or preference rather than on reason or contrary to the evidence or

established rules of law." **See State v. Eighth Judicial Dist. Court (Armstrong), 127 Nev. 927, 931-32, 267 P.3d 777, 780 (2011)** (citations and internal quotation marks omitted). This point alone and by itself demonstrates Judge Lane's bias and prejudice against Second Joint Petitioner/Defendant.

9.) Judge Lane manifested bias, prejudice, and a lack of impartiality in this matter against Second Joint Petitioner/Plaintiff by denying him his due process rights both without notice and an opportunity to be heard according to law. Judge Lane specifically ordered sanctions as attorney's fees pursuant to NRCP Rule 11. This complete lack of findings on the record by the Court, ignoring of the Safe Harbor Requirement, and general lack of adequate notice through a separate pleading or Order to Show Cause do not support the Sanctions imposed under Rule 11 of the Nevada Rules of Civil Procedure.

First, a party must make a Rule 11 motion separately from any other motion. This provision serves to discourage the practice of routinely adding a request for sanctions to other motions, such as summary judgement motions. Courts will not consider sanctions requests that do not comply with this requirement. **See L.B. Foster Co. v. America Piles, Inc., 138 F.3d 81, 89-90 (2d Cir. 1998)** (reversing sanctions award in part because request for sanctions was brought in a letter requesting Rule 54(b) certification); **See Pannonia Farms, Inc. v. Re/Max Int'l, Inc., 405 F. Supp. 2d 41, 46 (D.D.C. 2005)** (denying sanctions where motion was included with supplemental motion to dismiss and motion for attorneys' fees); **See Kleinpaste v. United States, No. 97-884, 1997 U.S Dist. LEXIS 22377, at *16 (W.D. Pa. Dec. 19, 1997)** (sanctions denied because requirement of filing a separate motion is mandatory); **See Dunn v. Pepsi-Cola Metro. Bottling Co., 850 F. Supp. 853, 855 (N.D. Cal. 1994)** (sanctions denied because, inter alia, motion not presented separate from other motions). **See Perpetual Secs., Inc.**

v. Tang, 290 F.3d 132, 142 (2d Cir. 2002) (vacating sanctions award because of failure to satisfy safe harbor provision); **See Tompkins v. Cyr, et al., 202 F.3d 770, 788 (5th Cir. 2000)** (affirming district court's denial of Rule 11 sanctions for failure to comply with safe harbor requirements).

The United States Constitution states only one command twice. The Fifth Amendment says to the federal government that no one shall be "deprived of life, liberty or property without due process of law." The Fourteenth Amendment, ratified in 1868, uses the same eleven words, called the Due Process Clause, to describe a legal obligation of all states. These words have as their central promise an assurance that all levels of American government must operate within the law ("legality") and provide fair procedures according to law. The cornerstone of American justice concerns that promise.

Notice is "An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." **See Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306, 314 (1950). See also Richards v. Jefferson County, 517 U.S. 793 (1996).** In addition, notice must be sufficient to enable the recipient to determine what is being proposed and what he must do to prevent the deprivation of his interest. **See Goldberg v. Kelly, 397 U.S. 254, 267–68 (1970).**

"Some form of hearing is required before an individual is finally deprived of a property [or liberty] interest." **See Mathews v. Eldridge, 424 U.S. 319, 333 (1976).** "Parties whose rights are to be affected are entitled to be heard." **See Baldwin v. Hale, 68 U.S. (1 Wall.) 223, 233 (1863).** This right is a "basic aspect of the duty of government to follow a fair process

of decision making when it acts to deprive a person of his possessions. The purpose of this requirement is not only to ensure abstract fair play to the individual. Its purpose, more particularly, is to protect his use and possession of property from arbitrary encroachment . . . ." **See Fuentes v. Shevin, 407 U.S. 67, 80–81 (1972). See also Joint Anti-Fascist Refugee Committee v. McGrath, 341 U.S. 123, 170–71 (1951) (Justice Frankfurter concurring).** Thus, the notice of hearing and the opportunity to be heard "must be granted at a meaningful time and in a meaningful manner." **See Armstrong v. Manzo, 380 U.S. 545, 552 (1965).**

Just as in criminal and quasi-criminal cases, an impartial decisionmaker is an essential right in civil proceedings as well. **See Goldberg v. Kelly, 397 U.S. 254, 271 (1970).** "The neutrality requirement helps to guarantee that life, liberty, or property will not be taken on the basis of an erroneous or distorted conception of the facts or the law. . . . At the same time, it preserves both the appearance and reality of fairness . . . by ensuring that no person will be deprived of his interests in the absence of a proceeding in which he may present his case with assurance that the arbiter is not predisposed to find against him." **See Marshall v. Jerrico, 446 U.S. 238, 242 (1980); See also Schweiker v. McClure, 456 U.S. 188, 195 (1982).** Even the worst of criminals in our society such as murderers and rapists are afforded their due process rights according to law, however, Judge Lane denied Second Joint Petitioner/Defendant's due process rights according to law. This point alone and by itself demonstrates Judge Lane's bias and prejudice against Second Joint Petitioner/Defendant by denying him notice and an opportunity to be heard according to law which due process demands and requires.

10.) Judge Lane manifested bias, prejudice, and a lack of impartiality in this matter against Second Joint Petitioner/Defendant by ignoring and denying a direct and clear conflict of interest. Rule 2.15 Responding to Judicial and Lawyer Misconduct of the Revised

Nevada Code of Judicial Conduct imposed an obligation on Judge Lane to report to the appropriate disciplinary authority the known misconduct of another judge or lawyer that raises a substantial question regarding the honesty, trustworthiness, or fitness of that judge or lawyer. Ignoring or denying known misconduct among one's judicial colleagues or members of the legal profession undermines a judge's responsibility to participate in efforts to ensure public respect for the justice system. This Rule limits the reporting obligation to those offenses that an independent judiciary must vigorously endeavor to prevent. **See NRCJC, CANON 2, Rule 2.15 Responding to Judicial and Lawyer Misconduct, COMMENT 1.** This point alone and by itself demonstrates Judge Lane's bias and prejudice against Second Joint Petitioner/Defendant by ignoring and denying such conduct that imposed an obligation on Judge Lane to report to the appropriate disciplinary authority.

11.) Judge Lane manifested bias, prejudice, and a lack of impartiality in this matter against Second Joint Petitioner/Defendant by making findings of fact, conclusions of law, and orders of him perpetrating a fraud upon the court without holding an evidentiary hearing to determine such after Judge Lane stated twice on the record that "I (Judge Lane) would need an evidentiary hearing to make that determination" (Transcripts of January 07, 2019, hearing on page 24, lines 5-8) and "If I (Judge Lane) was going to make those kinds of findings, we'd need an evidentiary hearing -- -- but I'm not going to make them" (Transcripts of January 07, 2019, hearing on page 30, lines 11-15) and "the lack of evidentiary issues that haven't been adjudicated in this court, perhaps not in other courts" (Transcripts of January 07, 2019, hearing on page 22, lines 8-9). This point alone and by itself demonstrates Judge Lane's bias and prejudice against Second Joint Petitioner/Defendant by not conducting an evidentiary hearing to determine such.

12.) Judge Lane manifested bias, prejudice, and a lack of impartiality in this matter against Second Joint Petitioner/Defendant by giving opposing counsel tips and legal advice on the record (Transcripts of January 07, 2019, hearing on page 33, lines 10-12). This point alone and by itself demonstrates Judge Lane's bias and prejudice against Second Joint Petitioner/Defendant. **See *Chastine v. Broome,* 629 So. 2d 293, 294 (Fla. 4th D.C.A. 1993); See also *Kates v. Seidenman,* 881 So. 2d 56, 57-58 (Fla. 4th D.C.A. 2004); See also Williams v. Balch, 897 So. 2d 498, 498-99 (Fla. 4th D.C.A. 2005).**

13.) Judge Lane manifested bias, prejudice, and a lack of impartiality in this matter against Second Joint Petitioner/Defendant because every statue, law, rule, and the portions of the Code that Judge Lane ignored, denied, set aside, did not follow according to law, and disregarded all had a negative impact on Second Joint Petitioner/Defendant and it was all biased and prejudicial towards him, and affected his substantial and procedural rights. "[A] plain error affects a defendant's substantial rights when it causes actual prejudice or a miscarriage of justice (defined as a 'grossly unfair' outcome)." ***Id.* at 49 (citing Valdez v. State, 124 Nev. 1172, 1190, 196 P.3d 465, 477 (2008)).** This point alone and by itself demonstrates Judge Lane's bias and prejudice against Second Joint Petitioner/Defendant.

All of these points combined, and the totality of the circumstances involved in the matter and situation in which the objective probability of actual bias is just too high to be constitutionally acceptable. Under United States Supreme Court precedents, the Due Process Clause may sometimes demand recusal even when a judge "'ha[s] no actual bias.'" **See *Aetna Life Ins. Co.* v. *Lavoie*, 475 U. S. 813, 825 (1986).** Recusal is required when, objectively speaking, "the probability of actual bias on the part of the judge or decisionmaker is too high to be constitutionally tolerable." **See *Withrow* v. *Larkin*, 421 U. S. 35, 47 (1975) ; See also**

***Williams* v. *Pennsylvania*, 579 U. S. ___, ___ (2016) (slip op., at 6)** ("The Court asks not whether a judge harbors an actual, subjective bias, but instead whether, as an objective matter, the average judge in his position is likely to be neutral, or whether there is an unconstitutional potential for bias" (internal quotation marks omitted)). "Due process may require recusal, even if a judge has no actual bias, in situations in which the objective probability of actual bias is too high to be constitutionally acceptable." **See Rippo v. Baker, 580 U.S. ___ (2017).** This entire matter and of how Judge Lane handled this case is a perfect and textbook example of judicial bias and prejudice and could not be painted more clearer than it already has.

Judge Lane "denies there is any implied bias in this matter, per NRS 1.230(2)" (See Affidavit, page 1, line 18), but Judge Lane does not deny or dispute implied bias in this matter, **per NRS 1.230(1). NRS 1.230(1)** states "A judge shall not act as such in an action or proceeding when the judge entertains actual bias or prejudice for or against one of the parties to the action." "A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality ***might reasonably*** be questioned or has a personal bias or prejudice concerning a party." **See RNCJC, Rule 2.11 Disqualification.** "Under this Rule, a judge is disqualified whenever the judge's impartiality ***might reasonably*** be questioned." **See Comment 1 of Rule 2.11 Disqualification of RNCJC.** "A judge's obligation not to hear or decide matters in which disqualification is required ***applies regardless*** of whether a motion to disqualify is filed." **See Comment 2 of Rule 2.11 Disqualification of RNCJC.** Judge Lanes' actions of violating Second Joint Petitioner/Defendant's due process rights both without notice and opportunity to be heard according to law by unlawfully imposing Rule 11 sanctions in the form of attorney's fees to be paid to non-parties who were not properly before the Court, inactions of ignoring and denying well-settled Nevada precedent and Nevada Revised Statues 125.185, 159.2025, and

159.2027 and also ignoring and denying lawyer misconduct which Judge Lane had an obligation under the Code to address, and Judge Lane's comments and statements on the record of using and utilizing epithets, slurs, and demeaning nicknames such as "Machiavellian", "Manipulative", "Shenanigans", and "Antonio Gramsci" that were all directed as personal attacks at Second Joint Petitioner/Defendant at the January 07, 2019, hearing demonstrate bias and prejudice towards Second Joint Petitioner/Defendant and "reflects adversely on [Judge Lane's] honesty, impartiality, temperament, (and) or fitness to serve as a judge" in this matter and also creates an appearance of impropriety and impartiality that necessitates Judge Lane's recusal. **See RNCJC, CANON 1, Rule 1.2 Promoting Confidence in the Judiciary, Comment 5.**

ONE OF THE most fundamental and self-evident principles of any fair system of justice is that judges must be neutral and impartial. In the United States, the Constitution requires that a "neutral and detached judge" preside over judicial proceedings. **See Ward v. Village of Monroeville, 409 U.S. 57, 62 (1972); *In re* Murchison, 349 U.S. 133, 136 (1955).**

III. THERE IS SUFFICIENT GROUNDS AND PLENTY OF EVIDENCE TO SHOW JUDGE LANE'S BIAS AND PREJUDICE AGAINST SECOND JOINT PETITIONER

Judge Lane then states "A judge has an ethical duty to hear a case and must not recuse himself without ***sufficient grounds***" (See Affidavit, page 1, lines 20-21) and "A judge should not recuse where a party fails to provide any ***evidence to show*** improper motive or actual bias by the judge when seeking the recusal" (See Affidavit, page 2, lines 3-5), however, there are sufficient grounds and plenty of information to disqualify Judge Lane and ample evidence to show improper motive and actual bias by Judge Lane when seeking his disqualification from

further presiding over this matter, and the case should be reassigned to another judge within the Fifth Judicial District of the State of Nevada.

In Motions of Disqualifications, the burden falls on the movant to submit sufficient evidence and argument demonstrating that disqualification is warranted. "Generally, a movant is required to submit evidence beyond the Motion of Disqualification supporting the allegations contained therein." **See *In re Disqualification of Baronzzi*, 135 Ohio St.3d 1212, 2012-Ohio-6341, 985 N.E.2d 494.** Here, Second Joint Petitioner/Defendant has offered the January 07, 2019, hearing transcripts to support those allegations that are based on the audio and video of the January 07, 2019, hearing as well as well-settled Nevada precedent, Nevada Revised Statues, The Nevada Rules of Civil Procedure. and the Revised Nevada Code of Judicial Conduct as well as the Court Minutes contained in the Case Summary. Second Joint Petitioner/Defendant personally witnessed Judge Lane's bias and prejudicial comments and statements on the record directed at him and also witnessed the many other actions and inactions of Judge Lane that were not in accordance with Nevada Law at the January 07, 2019, hearing. Second Joint Petitioner/Defendant has set forth specific examples of the personal attacks made against him by Judge Lane at the January 07, 2019, hearing set forth in the Motion to Disqualify Judge Lane. Second Joint Petitioner/Defendant has set forth specific allegations on which the claim of bias, prejudice, and disqualification is based and the facts to support each of those allegations in his Motion to Disqualify Judge Lane.

The personal attacks made by Judge Lane on the record towards Second Joint Petitioner/Defendant were calling, referring, and alluding to Second Joint Petitioner/Defendant as "Manipulative", "Machiavellian", "Shenanigans", and an "Italian" Marxist "Communist" who did it for the money (Transcripts of January 07, 2019, hearing on page 38, lines 17-23). These

epithets, slurs, and demeaning nicknames directed at Second Joint Petitioner/Defendant before any evidence and testimony was entered into the record do warrant judicial disqualification. These statements and comments are accurate as the January 07, 2019, hearing transcripts show and reflect and have not been taken out of context. These same statements and comments are not based on hearsay, innuendo, and speculation. Second Joint Petitioner/Defendant has substantiated his facts and allegations with a transcript from the January 07, 2019, hearing. Judge Lane did make these comments and statements and those comments and statements reflected and showed bias and prejudice against Second Joint Petitioner/Defendant. The Second Circuit Court of Appeals of the United States has said that "comments and rulings by a judge during the trial of a case may well be relevant to the question of the existence of prejudice." **See Wolfson v. Palmieri, 396 F.2d 121, 124 (2d Cir. 1968).** The basic rule is that personal bias and prejudice must go directly to the judge's personal appraisal of the party, and cannot relate merely to his background and associations. These bias and prejudicial comments and statements were made by Judge Lane and they appeared to be unnecessary and they do convey the impression that Judge Lane has developed a hostile feeling and aversion towards Second Joint Petitioner/Defendant and has reached a fixed anticipatory judgement necessitating Judge Lane's disqualification.

"Examples of manifestations of bias or prejudice include but are not limited to epithets; slurs; demeaning nicknames; negative stereotyping; attempted humor based upon stereotypes; threatening, intimidating, or hostile acts; suggestions of connections between race, ethnicity, or nationality and crime; and irrelevant references to personal characteristics. Even facial expressions and body language can convey to parties and lawyers in the proceeding, jurors, the media, and others an appearance of bias or prejudice. A judge ***must*** avoid conduct that may

reasonably be perceived as prejudiced or biased." **See RNCJC, CANON 2, Rule 2.3 Bias, Prejudice, and Harassment, COMMENT 2.**

IV. SECOND JOINT PETITIONER/DEFENDANT DID NOT FILE AN AFFIDAVIT OF DISQUALIFICATION BUT A MOTION TO DISQUALIFY JUDGE LANE UNDER RNCJC RULE 2.11 DISQUALIFICATION THAT WAS PROPERLY FILED WITH THE CLERK OF THE COURT

Judge Lane states that "he was not severed pursuant to NRS 1.235(4) with an affidavit from petitioner" (See Affidavit, page 2, lines 5-6), however, where a judge has not voluntarily disqualified himself or herself, a party may seek disqualification "for actual or implied bias or prejudice" by filing an affidavit specifying the facts upon which disqualification is sought, together with a certificate that such affidavit is filed in good faith and not for delay. **See N.R.S. 1.235(1).** Normally, such a disqualification must be filed "[n]ot less than 20 days before the date set for trial or hearing of the case" or [n]ot less than 3 days before the date set for the hearing of any pretrial matter." *Id.* These two-time limitations are read together, not in the disjunctive, such that the window of opportunity is one or the other, whichever occurs first. **See Vallares v. Second Judicial District In and For County of Washoe, 112 Nev. 79, 83-84, 910 P.2d 256, 259-60 (1996).** Additionally, "an affidavit is untimely if the challenged judge has already ruled on disputed issues." **See *Towbin.*, 121 Nev. at 256.** Nevada, however, also permits a party to seek disqualification when the grounds underlying it are not discovered or known or could not have been reasonably been discovered until *after* the deadlines imposed by Section

1.235. *Id.* at 260 ("[I]f new grounds for a judge's disqualification are discovered after the time limits in NRS 1.235(1) have passed, **then a party may file a motion to disqualify based on [Revised Nevada Code of Judicial Conduct, Canon 2] as soon as possible after becoming aware of the new information.**") After much viewing of the hearing CD in detail and thoroughly reading the January 07, 2019, hearing transcripts an infinitum number of times and applying the actions, inactions, comments, and statements of Judge Lane at the proceeding against the Revised Nevada Code of Judicial Conduct, it is apparent that Judge Lane manifested bias, prejudice, and a lack of impartiality in this matter against Second Joint Petitioner/Defendant.

The motion to disqualify Judge Lane in this matter was properly filed with the Clerk of the Court. On the same day the Motion to Disqualify was filed with the Clerk of the Court, Second Joint Petitioner/Defendant also went to Judge Lane's chambers window and spoke with Judge Lane's Law Clerk, Jared K. Lam, Esq., and let him know that Second Joint Petitioner/Defendant had filed a Motion to Disqualify Judge Lane in this matter and Mr. Lam said that the Clerk of the Court would forward the Motion to the Department and that is when they would take a look at it. The Motion to Disqualify was properly filed with the Clerk of the Court and notice was given to Judge Lane's Law Clerk the same day at Judge Lane's chambers.

V. THE EX-TEMPORARY CO-GUARDIANS ARE NOT PARTIES TO THIS INSTANT ACTION

Judge Lane states "which he has not provided (Motion for Reconsideration) to Mr. and Ms. Crawford". (See Affidavit, page 2, lines 13-14.) The Ex-Temporary Co-Guardians are not parties of record in this case. A party must have standing to bring a suit. Standing refers

to a party's right to assert a legal claim in a case. The general rule is that only a party who is directly injured by another may file a lawsuit. A person who only appears in the case as a witness is not considered a party. By not registering the Ex-Temporary Co-Guardianship in the State of Nevada as was required by law **(See N.R.S. 159.2025 and N.R.S. 159.2027)**, the Ex-Temporary Co-Guardians did not receive the proper authority to sue on behalf of First Joint Petitioner/Plaintiff and therefore they lacked the necessary standing to do so and lacked merit.

The Ex-Temporary Co-Guardianship was dismissed, set aside, and laid to rest on January 24, 2019, by operation of law and signed off by Judge H.G. Foster in Faulkner County, Arkansas on February 19, 2019. Let it also be known that Letters of Guardianship were never issued, the Ex-Temporary Co-Guardianship was never registered in the State of Nevada as was and is required by law **(See N.R.S. 159.2025 and N.R.S. 159.2027).** No powers, orders, allowances, duties to be performed or acts, and no authority was stated or afforded to the Ex-Temporary Co-Guardians in their Order Appointing them as Temporary Co-Guardians. No hearing was ever held in Faulkner County, Arkansas in granting the Ex-Temporary Co-Guardians the Ex-Temporary Co-Guardianship to determine if the Ex-Temporary Co-Guardianship was even needed and warranted. They never notified the Faulkner County, Arkansas Court what their true intent was in obtaining the Ex-Temporary Co-Guardianship and failed to mention any litigation in Nye County, Nevada as was required by Nevada law and had their true motives and intentions were made known and made clear, it is very unlikely that the Ex-Temporary Co-Guardianship would ever have been granted in the first place. The Ex-Temporary Co-Guardianship had no effect or power to enforce in the State of Nevada. In the end, when the matter was finally heard and First Joint Petitioner/Plaintiff's due process rights

were observed with a hearing in the matter, the Ex-Temporary Co-Guardianship was completely dismissed, set aside, and laid to rest once and for all.

Second Joint Petitioner/Defendant has also been told by the Clerk of the Court on two different occasions, once in person and the other occasion over the phone, that the Ex-Temporary Co-Guardians are not parties in this case and that the only parties that are involved in this case are Twyla Marie Stanton and Dennis Vincent Stanton which are the only parties named in this case and action as stated and shown on all of the paperwork in the filings to the Clerk of the Court. Second Joint Petitioner/Defendant has also consulted with several attorneys regarding this case, and they have also told and expressed to Second Joint Petitioner/Defendant that the Ex-Temporary Co-Guardians are not parties to this case or of record. The Nevada Rules of Civil Procedure also do not define the Ex-Temporary Co-Guardians as parties of record to this instant action.

The Nevada Supreme Court has stated that "to qualify as a party, an entity must have been named and served." **See Albert D. Massi, Ltd. v. Bellmyre, 111 Nev. 1520, 1521, 908 P.2d 705, 706 (1995).** The Ex-Temporary Co-Guardians were not served with a citation in the same manner as a summons in a civil action is served. Accordingly, the Ex-Temporary Co-Guardians lack the necessary standing in this matter and are not parties of record. "Holding that appellants (Ex-Temporary Co-Guardians) lacked standing where they were notified of a settlement proposal, appeared before the district court, and filed written objections to the proposal, but never intervened or became parties of record." **See Valley Bank of Nevada v. Ginsburg, 110 Nev. 440, 874, P.2d 729 (1994).**

In order for a stranger or third party to become a party by intervention, he must assert some right involved in the suit. The Ex-Temporary Co-Guardians have not asserted some

right that was involved in this matter. In the case of **American Home Assurance Co. v. Dist. Ct., 122 Nev. 1229, 147 P.3d 1120 (2006),** the Nevada Supreme Court said that there is no intervention as of right. The Nevada Supreme Court said that intervention is appropriate only where all the requirements of NRCP 24(a)(2) have been met. The court said: "to intervene under NRCP 24(a)(2), an applicant must meet four requirements: (1) that it has a sufficient interest in the litigation's subject matter, (2) that it could suffer an impairment of its ability to protect that interest if it does not intervene, (3) that its interest is not adequately represented by existing parties, and (4) that its application is timely." Common law dictates that a party may not intervene post-judgement unless the district court first sets aside the judgment, not before. **See State v. Naylor, 466 S.W.3d 783, 788 (Tex. 2015).** For the same reason, an intervenor must enter the lawsuit before a final judgment to have standing to intervene. Plainly and simply put, the Ex-Temporary Co-Guardians have not asserted any right to intervene in this matter as required by law and are not parties of record.

VI. JUDGE LANE MADE SUBSTANTIAL RULINGS AT THE JANUARY 07, 2019, HEARING WITHOUT FIRST HEARING FROM FIRST JOINT PETITIONER/PLAINTIFF OR HER COUNSEL BEING PRESENT

Judge Lane states "that Ms. Stanton has been unavailable to appear in front of the Court although she is a key party in the arguments presented to the Court." (See Affidavit, page 2, lines 14-17) First Joint Petitioner/Plaintiff (Mrs. Stanton) was not at the January 07, 2019, hearing because the Motion to set aside was only against Second Joint Petitioner/Defendant and

she felt that she did not need to be present, however, looking back First Joint Petitioner/Plaintiff should have been present with counsel to represent her interests. First Joint Petitioner/Plaintiff was not present, did not have counsel, and her interests were not represented at the January 07, 2019, hearing. At the January 07, 2019, hearing Judge Lane made substantial rulings regarding First Joint Petitioner/Plaintiff's Joint Petition for Divorce and Decree of Divorce without first hearing from First Joint Petitioner/Plaintiff herself, without her or her counsel being present, and in her absence.

First Joint Petitioner/Plaintiff did not need to be at the June 10, 2019, hearing because the hearing for the Motion for Reconsideration was continued to first hear the Motion for Disqualification of Judge Lane that was properly filed by Second Joint Petitioner/Defendant. Second Joint Petitioner/Defendant did explain to Judge Lane when he asked why First Joint Petitioner/Plaintiff was not present and it was because she was not feeling well, however, that she was available to appear telephonically. With that being said, First Joint Petitioner/Plaintiff does plan to be at any future hearing present with counsel in order for her interests to be properly represented in this matter. First Joint Petitioner/Plaintiff has also filed a Notice of Non-Opposition to the Motion for Reconsideration and a Cross-Appeal to the Nevada Supreme Court that was filed too prematurely. Additionally, Judge Lane also continued to discuss other matters regarding this case at the June 10, 2019, hearing with Second Joint Petitioner/Defendant even after the Motion for Disqualification had already been filed on June 05, 2019. "The judge against whom an affidavit (or motion) alleging bias or prejudice **is filed shall proceed no further with the matter." See N.R.S. 1.235(5).** It should also be noted that Judge Lane's Affidavit has not been notarized (requiring that the affidavit contain the "jurat of a notary public or another person authorized to administer oaths or affirmations"). Judge Lane has failed to confirm the statements

in his Affidavit "by oath or affirmation". **See, e.g., *In re Disqualification of Fuerst*, 134 Ohio St.3d 1267, 2012-Ohio-6344, 984 N.E.2d 1079, 19, quoting *In re Disqualification of Pokorny*, 74 Ohio St.3d 1238, 657 N.E.2d 1345 (1992)** (finding the affiant's unsworn rebuttal affidavit to be a 'nullity' "having no effect on the proceedings"). A complete affidavit must satisfy three essential elements: (a) a written oath embodying the facts as sworn to by the affiant; (b) the signature of the affiant; and (c) the attestation by an officer authorized to administer the oath that the affidavit was actually sworn by the affiant before the officer. **See Roberson v. Ocwen Fed. Bank, 250 Ga.App. 350, 352(2), 553 S.E.2d 162 (2001). Citation omitted.**

VII. CONCLUSION

"There are times when disqualification is necessary to protect the rights of litigants and preserve public confidence in the independence, integrity, and impartiality of the judiciary." **See RNCJC, CANON 2, Rule 2.7 Responsibility to Decide, COMMENT 1.** "A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to the following circumstances: The judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of facts that are in dispute in the proceeding." **See RNCJC, CANON 2, Rule 2.11 Disqualification, (A) (1).** Under Rule 2.11 Disqualification, "*a judge is disqualified whenever the judge's impartiality might reasonably be questioned*, regardless of whether any of the specific provisions of paragraphs (A)(1) through (6) apply." **See RNCJC, CANON 2, Rule 2.11 Disqualification, COMMENT 1** "A judge's obligation not to hear or decide matters in which disqualification is required applies regardless of whether a motion to disqualify is filed." **See RNCJC, CANON 2, Rule 2.11 Disqualification, COMMENT 2.** The Fourth Circuit Court of

Appeals has stated that "the question is not whether the judge is impartial in fact" but whether a reasonable person might doubt the judge's impartiality on the basis of all the circumstances". **See Rice v. McKenzie, 581 F.2d 1114, 1116 (4th Cir. 1978).**

For the reasons set forth above and in the Motion to Disqualify Judge Lane, Second Joint Petitioner/Defendant respectfully requests this Court disqualify Judge Lane from hearing any further matters in the above matter, and that the case be reassigned to another judge in the Fifth Judicial District of the State of Nevada.

DATED this 10th day of July, 2019.

DENNIS VINCENT STANTON

Dennis V. Stanton

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In Proper Person

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of July, I, DENNIS VINCENT STANTON, declare under penalty of perjury that a true and correct copy of the **REPLY TO JUDGE LANE'S AFFIDAVIT** was emailed to the following email address as agreed upon by the parties pursuant to NRCP 5(b)(2)(D) :

Twyla Marie Stanton

First Joint Petitioner/Plaintiff

In Proper Person

twylamstanton24@gmail.com

Dennis V. Stanton

DENNIS VINCENT STANTON