

Form 1. Notice of Appeal to the Supreme Court From a Judgment or Order of District Court

No D-15-523582-D.....

Dept. J

IN THE8TH..... JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
CAPUCINE Y HOLMES THE COUNTY OFCLARK.....
vs
WILBERT R HOLMES

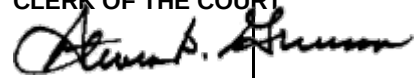
Electronically Filed
Apr 03 2020 02:20 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

NOTICE OF APPEAL

Notice is hereby given that WILBERT R HOLMES., defendant above named, hereby appeals to the
Supreme Court of Nevada 03/18/2020 Order Denying
Order Denying Motion for Rehearing

Defendant WILBERT R HOLMES entered in this action
on the 24th of MARCH, 2020

Wilbert R Holmes PRO SE



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6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**

9 CAPUCINE YOLANDA HOLMES,

10 Plaintiff(s)

11 vs.

12 WILBERT ROY HOLMES,

13 Defendant(s),

Case No: D-15-523582-D

Dept No: J

14
15
16 **CASE APPEAL STATEMENT**

17 1. Appellant(s): Wilbert R. Holmes

18 2. Judge: Rena G. Hughes

19 3. Appellant(s): Wilbert R. Holmes

20 Counsel:

21 Wilbert R. Holmes
22 P.O. Box 61817
23 Boulder City, NV 89006

24 4. Respondent (s): Capucine Yolanda Holmes

25 Counsel:

26 James A. Fontano, Esq.
27 5135 Camino Al Norte, Ste 273
28 N. Las Vegas, NV 89031

1 5. Appellant(s)'s Attorney Licensed in Nevada: N/A
2 Permission Granted: N/A

3 Respondent(s)'s Attorney Licensed in Nevada: Yes
4 Permission Granted: N/A

5 6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

6 7. Appellant Represented by Appointed Counsel On Appeal: N/A

7 8. Appellant Granted Leave to Proceed in Forma Pauperis: Yes, March 13, 2020

8 Appellant Filed Application to Proceed in Forma Pauperis: N/A
9 Date Application(s) filed: N/A

10 9. Date Commenced in District Court: November 5, 2015

11 10. Brief Description of the Nature of the Action: DOMESTIC - Marriage Dissolution

12 Type of Judgment or Order Being Appealed: Misc. Order

13 11. Previous Appeal: Yes

14 Supreme Court Docket Number(s): 73291, 76206, 79976, 80465, 80565, 80641

15 12. Case involves Child Custody and/or Visitation: N/A
16 Appeal involves Child Custody and/or Visitation: N/A

17 13. Possibility of Settlement: Unknown

18 Dated This 30 day of March 2020.

19 Steven D. Grierson, Clerk of the Court

20
21 /s/ Amanda Hampton
22 Amanda Hampton, Deputy Clerk
23 200 Lewis Ave
24 PO Box 551601
25 Las Vegas, Nevada 89155-1601
26 (702) 671-0512

27 cc: Wilbert R. Holmes
28

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY**CASE NO. D-15-523582-D**

Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

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Location: **Department J**
 Judicial Officer: **Hughes, Rena G.**
 Filed on: **11/05/2015**

CASE INFORMATION**Related Cases**

D-08-399088-D (1J1F Related - Rule 5.42)

Case Type: **Divorce - Complaint**
 Subtype: **Complaint No Minor(s)**

Statistical Closures

02/05/2020 Settled/Withdrawn With Judicial Conference or Hearing
 02/05/2020 Settled/Withdrawn With Judicial Conference or Hearing
 10/29/2019 Settled/Withdrawn With Judicial Conference or Hearing
 09/17/2019 Settled/Withdrawn Without Judicial Conference or Hearing
 10/30/2018 Settled/Withdrawn Without Judicial Conference or Hearing
 01/30/2018 Settled/Withdrawn Without Judicial Conference or Hearing
 06/01/2017 Settled/Withdrawn With Judicial Conference or Hearing

Case Status: **02/05/2020 Closed**

Case Flags: **Order After Hearing Required**
Proper Person Mail Returned
Appealed to Supreme Court
In Forma Pauperis Granted
to Wilbert Holmes on
06/14/2018 OIFP to Wilbert on
3/13/2020

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

Case Number D-15-523582-D
 Court Department J
 Date Assigned 11/05/2015
 Judicial Officer Hughes, Rena G.

PARTY INFORMATION**Plaintiff**

Holmes, Capucine Yolanda
 637 Twilight Blue AVE
 North Las Vegas, NV 89032

Fontano, James A.
Retained
 702-329-9901(W)

Defendant

Holmes, Wilbert Roy
 P.O.Box 61817
 Boulder City, NV 89006

Pro Se
 702-281-5752(H)

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

11/05/2015  Complaint for Divorce
Complaint for Divorce (No Children)

11/16/2015  Affidavit of Service
 Filed By: Plaintiff Holmes, Capucine Yolanda
 Party 2: Defendant Holmes, Wilbert Roy

11/19/2015  Application to Proceed in Forma Pauperis
 Filed By: Defendant Holmes, Wilbert Roy
Application to Proceed in Forma Pauperis (Sealed)

12/07/2015  Answer and Counterclaim - Divorce, Annulment, Separate Maint
 Filed by: Defendant Holmes, Wilbert Roy
 For: Plaintiff Holmes, Capucine Yolanda
Answer and Counterclaim for Divorce (No Children)

12/17/2015  Certificate of Service
 Filed by: Defendant Holmes, Wilbert Roy

CASE SUMMARY

CASE NO. D-15-523582-D

12/23/2015	 Reply to Counterclaim Filed By: Plaintiff Holmes, Capucine Yolanda Party 2: Defendant Holmes, Wilbert Roy
12/30/2015	 Notice of Case Management Conference <i>Notice of NRCP 16.2 Case Management Conferences</i>
01/05/2016	 Financial Disclosure Form Filed by: Plaintiff Holmes, Capucine Yolanda <i>General Financial Disclosure Form (Sealed)</i>
02/02/2016	 Notice of Appearance Party: Defendant Holmes, Wilbert Roy <i>Notice of Appearance and Request for Notice</i>
02/08/2016	 Subpoena Duces Tecum Filed by: Plaintiff Holmes, Capucine Yolanda <i>Subpoena Duces Tecum for Business Records (No Appearance Required)</i>
02/09/2016	 Notice of Rescheduling of Hearing
02/18/2016	 Substitution of Attorney Filed By: Defendant Holmes, Wilbert Roy
02/18/2016	 Notice Filed By: Defendant Holmes, Wilbert Roy <i>Notice of Unavailability</i>
02/22/2016	 Notice of Rescheduling of Hearing
03/16/2016	 Financial Disclosure Form Filed by: Defendant Holmes, Wilbert Roy <i>General Financial Disclosure Form (Sealed)</i>
03/30/2016	 Notice of Rescheduling of Hearing
04/11/2016	 Trial Management Order Filed by: Plaintiff Holmes, Capucine Yolanda
04/14/2016	 Motion to Withdraw As Counsel Filed By: Defendant Holmes, Wilbert Roy <i>Motion to Withdraw as Attorney of Record for Defendant</i>
04/18/2016	 Certificate of Service Filed by: Defendant Holmes, Wilbert Roy
05/16/2016	 Order to Withdraw as Attorney of Record Filed by: Defendant Holmes, Wilbert Roy <i>Order Re: Motion to Withdraw as Attorney of Record for Defendant</i>
05/16/2016	 Notice of Entry of Order Filed By: Defendant Holmes, Wilbert Roy <i>Notice of Entry of Order Re: Motion to Withdraw as Attorney of Record for Defendant</i>
05/16/2016	 Order Filed By: Defendant Holmes, Wilbert Roy <i>Order Regarding Hearing of April 6, 2016</i>
05/16/2016	 Amended Answer Filed by: Defendant Holmes, Wilbert Roy <i>Amended Answer and Counterclaim</i>
05/17/2016	 Notice of Entry of Order Filed By: Plaintiff Holmes, Capucine Yolanda

CASE SUMMARY

CASE NO. D-15-523582-D

05/26/2016	 Reply to Counterclaim Filed By: Plaintiff Holmes, Capucine Yolanda Party 2: Defendant Holmes, Wilbert Roy <i>Reply to Amended Answer and Counterclaim</i>
06/29/2016	 Ex Parte Motion Filed by: Defendant Holmes, Wilbert Roy <i>Ex Parte Motion for an Order Shortening Time</i>
07/07/2016	 Subpoena Duces Tecum Filed by: Plaintiff Holmes, Capucine Yolanda
07/12/2016	 Request Filed By: Plaintiff Holmes, Capucine Yolanda <i>Request for Production of Documents</i>
07/12/2016	 Interrogatories Filed By: Plaintiff Holmes, Capucine Yolanda
07/15/2016	 Application to Proceed in Forma Pauperis Filed By: Defendant Holmes, Wilbert Roy <i>Application to Proceed Informa Pauperis (Sealed)</i>
07/16/2016	 Motion for Change of Venue Filed By: Defendant Holmes, Wilbert Roy
07/18/2016	 Notice of Motion Filed By: Defendant Holmes, Wilbert Roy
07/19/2016	 Application to Proceed in Forma Pauperis Filed By: Defendant Holmes, Wilbert Roy <i>Application to Proceed Informa Pauperis (Sealed)</i>
07/22/2016	 Motion to Amend Filed by: Plaintiff Holmes, Capucine Yolanda <i>Motion to Amend the Pleadings, for an Order to Enforce and for an Order to Show Cause, and to Set Aside the Premarital Agreement</i>
07/25/2016	 Ex Parte Motion Filed by: Plaintiff Holmes, Capucine Yolanda <i>Ex Parte Motion for an Order Shortening Time</i>
07/26/2016	 Order Shortening Time Filed By: Plaintiff Holmes, Capucine Yolanda
07/29/2016	 Affidavit of Service Filed By: Plaintiff Holmes, Capucine Yolanda Party 2: Defendant Holmes, Wilbert Roy
08/03/2016	 Proof of Service Filed By: Plaintiff Holmes, Capucine Yolanda Party Served: Defendant Holmes, Wilbert Roy
08/04/2016	 Certificate of Mailing Filed By: Plaintiff Holmes, Capucine Yolanda Party 2: Defendant Holmes, Wilbert Roy <i>Certificate</i>
08/05/2016	 Memorandum Filed By: Defendant Holmes, Wilbert Roy <i>Defendant Wilbert Holmes Memorandum of Law in Support of Motion to Disqualify Judge Rena G. Hughes Under 28U.S.C.144</i>
08/18/2016	 Notice of Motion

CASE SUMMARY

CASE NO. D-15-523582-D

	Filed By: Defendant Holmes, Wilbert Roy
08/31/2016	 Certificate of Mailing Filed By: Plaintiff Holmes, Capucine Yolanda Party 2: Defendant Holmes, Wilbert Roy
08/31/2016	 Opposition to Motion Filed by: Plaintiff Holmes, Capucine Yolanda <i>Opposition to Motion to Disqualify Judge Rena G. Hughes</i>
08/31/2016	 Subpoena Duces Tecum Filed by: Plaintiff Holmes, Capucine Yolanda
09/02/2016	 Certificate of Service Filed by: Plaintiff Holmes, Capucine Yolanda
09/23/2016	 Order Denying Filed by: Plaintiff Holmes, Capucine Yolanda <i>Order Denying Motion to Disqualify</i>
10/05/2016	 Notice of Rescheduling of Hearing <i>Notice of Rescheduling of Evidentiary Hearing</i>
10/06/2016	 Trial Management Order
10/10/2016	 Order to Proceed In Forma Pauperis Filed By: Defendant Holmes, Wilbert Roy <i>Order to Proceed in Forma Pauperis (Sealed)</i>
10/11/2016	 Application to Proceed in Forma Pauperis Filed By: Defendant Holmes, Wilbert Roy <i>Application to Proceed in Forma Pauperis (Sealed)</i>
10/11/2016	 Trial Management Order Filed by: Plaintiff Holmes, Capucine Yolanda
10/17/2016	 Notice Filed By: Plaintiff Holmes, Capucine Yolanda <i>Notice of Taking Evidentiary Hearing Off Calendar</i>
10/17/2016	 Certificate of Service Filed by: Plaintiff Holmes, Capucine Yolanda
10/18/2016	 Motion Filed By: Plaintiff Holmes, Capucine Yolanda Party 2: Defendant Holmes, Wilbert Roy
10/19/2016	 Ex Parte Motion Filed by: Defendant Holmes, Wilbert Roy <i>Ex Parte Motion for an Order Shortening Time</i>
10/19/2016	 Notice of Motion Filed By: Defendant Holmes, Wilbert Roy
10/26/2016	 Notice of Hearing
10/26/2016	 Notice of Rescheduling of Hearing
10/26/2016	 Trial Management Order
11/29/2016	 Notice of Rescheduling of Hearing Filed by: Plaintiff Holmes, Capucine Yolanda
12/01/2016	 Motion to Withdraw As Counsel Filed By: Attorney Kimble-Simms, Marsha

CASE SUMMARY

CASE NO. D-15-523582-D

Motion to Withdraw as Counsel of Record

12/07/2016



Order Shortening Time

Filed By: Plaintiff Holmes, Capucine Yolanda

12/11/2016



Pre-trial Memorandum

Filed By: Defendant Holmes, Wilbert Roy

PARTIALLY STRICKEN PER MINUTE ORDER 12/20/16 Defendant's Pre-Trial Memorandum

12/11/2016



Affirmation

Filed By: Defendant Holmes, Wilbert Roy

Affirmation - Case Conference Report or Pre-Trial Memorandum Pursuant to NRS 239.030

12/11/2016



Stricken Document

PARTIALLY STRICKEN EXHIBITS B AND C PER MINUTE ORDER 12/20/16

12/12/2016



Financial Disclosure Form

Filed by: Defendant Holmes, Wilbert Roy

General Financial Disclosure Form (Sealed)

12/13/2016



Certificate of Mailing

Filed By: Defendant Holmes, Wilbert Roy

Party 2: Plaintiff Holmes, Capucine Yolanda

12/14/2016



Miscellaneous Filing

Updated Witness Letter/Kim Panfield

12/18/2016



Exhibits

Filed By: Defendant Holmes, Wilbert Roy

Malicious Prosecution Detail and Exhibits

12/19/2016



Pre-trial Memorandum

Filed By: Defendant Holmes, Wilbert Roy

Updated Pre Trial Memorandum

12/20/2016



Certificate of Mailing

Filed By: Plaintiff Holmes, Capucine Yolanda

Party 2: Defendant Holmes, Wilbert Roy

12/22/2016



Pre-trial Memorandum

Filed By: Plaintiff Holmes, Capucine Yolanda

12/22/2016



Certificate of Mailing

Filed By: Plaintiff Holmes, Capucine Yolanda

Party 2: Defendant Holmes, Wilbert Roy

12/31/2016



Certificate of Mailing

Filed By: Plaintiff Holmes, Capucine Yolanda

Party 2: Defendant Holmes, Wilbert Roy

01/03/2017



Pre-trial Memorandum

Filed By: Defendant Holmes, Wilbert Roy

Updated Pre Trial Memorandum

01/04/2017



Pre-trial Memorandum

Filed By: Defendant Holmes, Wilbert Roy

Pre Trial Memorandum Exhibit E and F

01/05/2017



Amended

Filed By: Plaintiff Holmes, Capucine Yolanda

Amended Pre-Trial Memorandum

01/05/2017



Certificate of Mailing

Filed By: Plaintiff Holmes, Capucine Yolanda

CASE SUMMARY

CASE NO. D-15-523582-D

	Party 2: Defendant Holmes, Wilbert Roy
01/05/2017	 Pre-trial Memorandum Filed By: Defendant Holmes, Wilbert Roy <i>Pre Trial Memorandum Computation Schedule A A</i>
01/08/2017	 Pre-trial Memorandum Filed By: Defendant Holmes, Wilbert Roy <i>Pre Trial Memorandum - Updated Fin Disclo Form with Exhibit J (Sealed)</i>
01/10/2017	 Financial Disclosure Form Filed by: Defendant Holmes, Wilbert Roy <i>General Financial Disclosure Form (Sealed)</i>
01/10/2017	 Financial Disclosure Form Filed by: Plaintiff Holmes, Capucine Yolanda <i>General Financial Disclosure Form (Sealed)</i>
01/16/2017	 Pre-trial Memorandum Filed By: Defendant Holmes, Wilbert Roy <i>Pre Trial Memorandum Exhibit A and D Updated</i>
01/17/2017	 Amended Filed By: Plaintiff Holmes, Capucine Yolanda <i>Amended Pre-Trial Memorandum</i>
01/18/2017	 Certificate of Service Filed by: Plaintiff Holmes, Capucine Yolanda
01/20/2017	 Subpoena Duces Tecum Filed by: Plaintiff Holmes, Capucine Yolanda
01/24/2017	 Affidavit of Service Filed By: Plaintiff Holmes, Capucine Yolanda Party 2: Defendant Holmes, Wilbert Roy
02/01/2017	 Request Filed By: Defendant Holmes, Wilbert Roy <i>Divorce Status and Finalization Request</i>
02/05/2017	 Motion to Enforce Filed by: Defendant Holmes, Wilbert Roy <i>Motion and Notice of Motion for an Order to Enforce and/or for an Order to Show Cause Regarding Contempt</i>
02/09/2017	 Notice of Change of Hearing <i>Clerk of the Court's Notice of Change of Hearing</i>
02/10/2017	 Miscellaneous Filing <i>Property Detail Required</i>
02/14/2017	 Affidavit of Service Filed By: Defendant Holmes, Wilbert Roy Party 2: Plaintiff Holmes, Capucine Yolanda
02/14/2017	 Ex Parte Motion Filed by: Defendant Holmes, Wilbert Roy <i>Ex Parte Motion for an Order Shortening Time</i>
02/16/2017	 Document Filed Filed by: Plaintiff Holmes, Capucine Yolanda <i>Document of Property Settlement Statement Purchase Sheet</i>
02/16/2017	 Statement Filed By: Defendant Holmes, Wilbert Roy

CASE SUMMARY

CASE NO. D-15-523582-D

Buyer Settlement Statement

02/18/2017	 Notice of Rescheduling of Hearing
02/21/2017	 Statement Filed By: Defendant Holmes, Wilbert Roy <i>Buyer Settlement Statement</i>
04/06/2017	 Miscellaneous Filing <i>Closing Instructions</i>
04/06/2017	 Order Filed By: Plaintiff Holmes, Capucine Yolanda <i>Order from Hearing 4-05-17</i>
06/01/2017	 Decree of Divorce Filed by: Defendant Holmes, Wilbert Roy; Plaintiff Holmes, Capucine Yolanda
06/01/2017	 Notice of Entry of Decree <i>Notice of Entry of Decree of Divorce</i>
06/08/2017	 Notice of Appeal Filed By: Defendant Holmes, Wilbert Roy
06/09/2017	 Notice of Entry of Order Filed By: Plaintiff Holmes, Capucine Yolanda
06/09/2017	 Withdrawal of Attorney Filed By: Plaintiff Holmes, Capucine Yolanda
06/14/2017	 Case Appeal Statement Filed By: Defendant Holmes, Wilbert Roy
07/18/2017	 Motion to Stay Filed by: Defendant Holmes, Wilbert Roy
09/19/2017	 Motion to Disqualify Judge Filed by: Defendant Holmes, Wilbert Roy <i>Defendant Wilbert Holmes Memorandum of Law in Support of Motion to Disqualify Judge Rena G. Hughes Under 28U.S.C. 144</i>
09/25/2017	 Motion Filed By: Defendant Holmes, Wilbert Roy Party 2: Plaintiff Holmes, Capucine Yolanda <i>Motion and Notice of Motion for Orders to Set Aside Order, Judgment, and/or Default</i>
09/25/2017	 Notice of Motion Filed By: Defendant Holmes, Wilbert Roy
09/25/2017	 Amended Motion Filed by: Defendant Holmes, Wilbert Roy <i>Amended Motion and Notice of Motion for Orders to Set Aside Order, Judgment, and/or Default</i>
10/05/2017	 Ex Parte Motion Filed by: Defendant Holmes, Wilbert Roy <i>Ex Parte Motion for an Order Shortening Time</i>
10/06/2017	 Ex Parte Motion Filed by: Defendant Holmes, Wilbert Roy <i>Ex Parte Motion for Motion to Stay</i>
10/11/2017	 Notice of Appearance Party: Plaintiff Holmes, Capucine Yolanda
10/11/2017	

CASE SUMMARY

CASE NO. D-15-523582-D

	 Motion for Order to Show Cause Filed By: Plaintiff Holmes, Capucine Yolanda <i>Motion for Order to Show Cause Why Defendant Should Not Be Found in Contempt, to Compel Compliance with Decree of Divorce, and for Award of Attorney's Fees and Costs</i>
10/11/2017	 Ex Parte Application for Order <i>Ex Parte Application for Order to Show Cause</i>
10/11/2017	 Exhibits Filed By: Plaintiff Holmes, Capucine Yolanda <i>Exhibit Appendix</i>
10/12/2017	 Ex Parte Motion Filed by: Plaintiff Holmes, Capucine Yolanda <i>Ex Parte Motion for Order Shortening Time</i>
10/20/2017	 Order to Show Cause Filed By: Plaintiff Holmes, Capucine Yolanda
10/20/2017	 Order Shortening Time Filed By: Plaintiff Holmes, Capucine Yolanda
10/20/2017	 Notice of Entry of Order Filed By: Plaintiff Holmes, Capucine Yolanda <i>Notice of Entry of Order to Show Cause</i>
10/20/2017	 Notice of Entry of Order Filed By: Plaintiff Holmes, Capucine Yolanda <i>Notice of Entry of Order Shortening Time</i>
11/03/2017	 Affidavit <i>Affidavit of the Honorable Rena G. Hughes in Response to "Motion to Disqualify Judge" Filed in Case D-15-523582-D</i>
11/03/2017	 Certificate of Mailing
11/08/2017	 Order Denying <i>Order Denying Motion to Disqualify</i>
01/30/2018	 Domestic Notice to Statistically Close Case
05/17/2018	 Application to Proceed in Forma Pauperis Filed By: Defendant Holmes, Wilbert Roy <i>Application to Proceed in Forma Pauperis (Sealed)</i>
05/17/2018	 Addendum Filed By: Defendant Holmes, Wilbert Roy <i>Addendum (1) Divorce</i>
05/31/2018	 NV Supreme Court Clerks Certificate/Judgment - Affd/Rev Part <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed in Part, Reversed in Part and Remand</i>
06/12/2018	 Order <i>Order Upon Remand Clarifying Decree of Divorce</i>
06/14/2018	 Order to Proceed In Forma Pauperis Filed By: Defendant Holmes, Wilbert Roy <i>Order to Proceed In Forma Pauperis (Sealed)</i>
06/14/2018	 Notice of Entry of Order <i>Notice of Entry of Order Upon Remand Clarifying Decree of Divorce</i>
06/18/2018	 Motion to Disqualify Judge Filed by: Defendant Holmes, Wilbert Roy

CASE SUMMARY

CASE NO. D-15-523582-D

	<i>Motion to Disqualify</i>
06/20/2018	 Notice of Appeal Filed By: Defendant Holmes, Wilbert Roy
06/21/2018	 Case Appeal Statement
06/30/2018	 Addendum Filed By: Defendant Holmes, Wilbert Roy <i>Addendum (3) Divorce</i>
07/09/2018	 Request Transcript of Proceedings
07/16/2018	 Addendum Filed By: Defendant Holmes, Wilbert Roy <i>Addendum (4) Divorce</i>
07/17/2018	 Motion to Disqualify Judge Filed by: Defendant Holmes, Wilbert Roy <i>Motion to Disqualify</i>
07/26/2018	 Receipt of Copy Filed By: Plaintiff Holmes, Capucine Yolanda Party 2: Defendant Holmes, Wilbert Roy <i>Receipt of Copy</i>
08/07/2018	 Request Transcript of Proceedings Party: Defendant Holmes, Wilbert Roy <i>Request Transcript of Proceedings</i>
08/13/2018	 Addendum Filed By: Defendant Holmes, Wilbert Roy <i>ADDENDUM 5 FOR DIV APPEAL CASE NO 76206</i>
08/13/2018	 Affidavit <i>Affidavit of the Honorable Rena G. Hughes in Response to "Defendant's Motion to Disqualify"</i> <i>Filed in Case D-15-523582-D</i>
08/13/2018	 Certificate of Mailing <i>Certificate of Mailing</i>
08/31/2018	 Subpoena Duces Tecum Filed by: Defendant Holmes, Wilbert Roy <i>Subpoena Duces Tecum</i>
09/04/2018	 Subpoena Duces Tecum Filed by: Defendant Holmes, Wilbert Roy <i>BANK OF AMERICA CY Subpoena Duces Tecum</i>
08/02/2019	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed; Review Denied</i>
08/16/2019	 Order <i>Order Quashing Subpoena</i>
08/16/2019	 Order <i>Order Quashing Subpoena</i>
08/19/2019	 Notice of Entry <i>Notice of Entry of Order Quashing Subpoena</i>
08/19/2019	 Notice of Entry <i>Notice of Entry of Order Quashing Subpoena</i>
08/19/2019	 Motion

CASE SUMMARY

CASE NO. D-15-523582-D

	Filed By: Defendant Holmes, Wilbert Roy <i>Motion for Rehearing</i>
08/20/2019	 Amended Motion Filed by: Defendant Holmes, Wilbert Roy <i>AMENDED TO CORRECT MOT FOR DIV REHRG</i>
08/20/2019	 Notice of Hearing <i>Notice of Hearing</i>
08/20/2019	 Notice of Hearing <i>Notice of Hearing</i>
09/25/2019	 Re-Notice of Motion Filed by: Defendant Holmes, Wilbert Roy <i>Re-Notice of Motion DIVORCE</i>
09/26/2019	 Notice of Hearing <i>Notice of Hearing</i>
10/21/2019	 Opposition Filed By: Plaintiff Holmes, Capucine Yolanda <i>Opposition to Motion for Rehearing</i>
10/28/2019	 Request Filed By: Defendant Holmes, Wilbert Roy <i>REQUEST FOR TELEPHONIC HEARING</i>
10/28/2019	 Request Filed By: Defendant Holmes, Wilbert Roy <i>UPDATED REQUEST FOR TELEPHONIC HEARING</i>
10/30/2019	 Notice of Appeal Filed By: Defendant Holmes, Wilbert Roy <i>DIV REHEARING NOTICE OF APPEAL</i>
11/04/2019	 Case Appeal Statement Filed By: Defendant Holmes, Wilbert Roy <i>Case Appeal Statement</i>
11/08/2019	 Memorandum Filed By: Plaintiff Holmes, Capucine Yolanda <i>Memorandum of Fees and Costs</i>
11/08/2019	 Motion for Order to Show Cause Filed By: Plaintiff Holmes, Capucine Yolanda <i>MOTION FOR ORDER TO SHOW CAUSE WHY DEFENDANT SHOULD NOT BE FOUND IN CONTEMPT, TO COMPEL COMPLIANCE WITH DECREE OF DIVORCE, AND FOR AWARD OF ATTORNEY S FEES AND COSTS</i>
11/08/2019	 Exhibits Filed By: Plaintiff Holmes, Capucine Yolanda <i>EXHIBIT APPENDIX</i>
11/08/2019	 Ex Parte Application Filed by: Plaintiff Holmes, Capucine Yolanda <i>EX PARTE APPLICATION FOR ORDER TO SHOW CAUSE</i>
11/12/2019	 Notice of Hearing <i>Notice of Haring</i>
11/12/2019	 Objection Filed By: Defendant Holmes, Wilbert Roy <i>OBJECTION TO FORTANO SHOW CASE FILING ETC</i>

CASE SUMMARY

CASE NO. D-15-523582-D

11/13/2019	 Objection Filed By: Defendant Holmes, Wilbert Roy <i>CORRECTION TO PREVI SUMMITTED FILING OBJECTION TO FONTANO FILINGS</i>
12/03/2019	 Order to Show Cause Filed By: Plaintiff Holmes, Capucine Yolanda <i>Order to Show Cause</i>
12/10/2019	 Certificate of Service <i>Certificate of Service</i>
12/12/2019	 Order <i>Order Awarding Attorney's Fees</i>
12/13/2019	 Ex Parte Motion Filed by: Defendant Holmes, Wilbert Roy <i>Ex Parte Motion for Continuance</i>
12/19/2019	 Opposition Filed By: Defendant Holmes, Wilbert Roy <i>OPPOSITION TO DIVORCE MOTION</i>
01/09/2020	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>
01/16/2020	 Notice of Appeal Filed By: Defendant Holmes, Wilbert Roy <i>Notice Of Appeal Divorce 2nd Submittal</i>
01/21/2020	 Case Appeal Statement Filed By: Defendant Holmes, Wilbert Roy <i>Case Appeal Statement</i>
02/04/2020	 Order <i>Order Granting Motion for Order to Show Cause why Defendant Should not be Held in Contempt, to Compel Compliance with Decree of Divorce, and for Award of Attorney's Fees and Costs</i>
02/05/2020	 Notice of Appeal Filed By: Defendant Holmes, Wilbert Roy <i>Notice of Appeal</i>
02/07/2020	 Notice of Entry of Order Filed By: Plaintiff Holmes, Capucine Yolanda <i>Notice of Entry of Order</i>
02/07/2020	 Case Appeal Statement Filed By: Defendant Holmes, Wilbert Roy <i>Case Appeal Statement</i>
02/07/2020	 Application to Proceed in Forma Pauperis Filed By: Defendant Holmes, Wilbert Roy <i>DIVORCE Application to Proceed in Forma Pauperis - PIFP (FAM)</i>
02/14/2020	 Addendum Filed By: Defendant Holmes, Wilbert Roy <i>DIVORCE CASE PERTINENT INFORMATION</i>
02/18/2020	 Notice of Appeal Filed By: Defendant Holmes, Wilbert Roy <i>VALID APPEAL OF 12 16 2019 COURT ORDER</i>
02/20/2020	 Case Appeal Statement Filed By: Defendant Holmes, Wilbert Roy

CASE SUMMARY

CASE NO. D-15-523582-D

Case Appeal Statement

- 03/05/2020  NV Supreme Court Clerks Certificate/Judgment - Dismissed
Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed
- 03/13/2020  Order to Proceed In Forma Pauperis
Filed By: Defendant Holmes, Wilbert Roy
Order to Proceed In Forma Pauperis
- 03/18/2020  Order Denying
Filed by: Plaintiff Holmes, Capucine Yolanda
Order Denying Motion for Rehearing
- 03/19/2020  Notice of Entry of Order
NOTICE OF ENTRY OF ORDER
- 03/26/2020  NV Supreme Court Clerks Certificate/Judgment - Dismissed
Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed
- 03/26/2020  Notice of Appeal
Filed By: Defendant Holmes, Wilbert Roy
DIV APPEAL 03/18/2020 Order Denying Motion for Rehearing
- 03/30/2020  Case Appeal Statement
Filed By: Defendant Holmes, Wilbert Roy
Case Appeal Statement

DISPOSITIONS

- 06/01/2017 **Judgment** (Judicial Officer: Hughes, Rena G.)
Judgment (\$100,862.73, In Full , Wilburt Roy Holmes shall pay Capucine Yolanda Holmes for her interest in the marital residence.)
- 12/13/2019 **Judgment** (Judicial Officer: Hughes, Rena G.)
Judgment (\$1,254.00, In Full , Attorney Fees)

HEARINGS

- 03/30/2016  **Case Management Conference** (11:00 AM) (Judicial Officer: Hughes, Rena G.)
03/30/2016, 04/06/2016
Events: 02/09/2016 Notice of Rescheduling of Hearing
Reset, from 3/30/16, due to JNA.
02/24/2016 Reset by Court to 03/30/2016
02/24/2016 Reset by Court to 02/24/2016

MINUTES

 Notice of Rescheduling of Hearing
Notice of Unavailability filed 2/18/16
Off Calendar;
Evidentiary Hearing;
Journal Entry Details:
Arguments regarding, pre nuptial agreement, division of property, appraisal of marital residence, selling of the marital residence, job search for Plaintiff, assets and debts, domestic violence, TORTE claims and battery. COURT stated FINDINGS and ORDERED: 1. The MARTIAL APPRAISAL shall be PREPARED, by SCOTT DUGAN. Defendant shall FRONT the COST; HOWEVER, in the END, said COST shall be EQUALLY DIVIDED, by the Parties. 2. The PRE NUPTIAL AGREEMENT shall GOVERN the DIVISION, of PROPERTY. 3. DISCOVERY shall be OPEN. 4. Pursuant to 16.2, EXCHANGE of DOCUMENTS shall be VOLUNTARILY COMPLETED. 5. Counsel shall AMEND the PLEADINGS, to INCLUDE the TORTE CLAIM and COMMUNITY WASTE, within the next 30 days. Attorney Jacobson to prepare an Order, from today's hearing. 9/27/16 11:00 am CALENDAR CALL 10/11/16 1:30 pm EVIDENTIARY HEARING - finances and equity in residence (stack #2);

MINUTES

CASE SUMMARY

CASE NO. D-15-523582-D



Notice of Rescheduling of Hearing

Notice of Unavailability filed 2/18/16

Off Calendar;

Evidentiary Hearing;

Journal Entry Details:

Due to the unavailability, of the Court, matter OFF CALENDAR and RESET, for 4/6/16. A copy of today's minute order and Notice of Rescheduling of Hearing, placed, in counsel's folder, at Family Court.;

Off Calendar

05/17/2016

CANCELED Motion (10:00 AM) (Judicial Officer: Hughes, Rena G.)

Vacated

Deft's Attorney's Motion to Withdraw as Attorney of Record

07/26/2016



Minute Order (11:00 AM) (Judicial Officer: Hughes, Rena G.)

Minute Order - No Hearing Held;

Journal Entry Details:

Per Judge Hughes NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.11(e), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed. On July 16, 2016 Defendant filed a Motion for Change of Venue, with a Notice of Motion filed July 22, 2016 setting a hearing for September 21, 2016 at 10:00 a.m. The basis of Defendant's motion to change venue is his assertion that Plaintiff somehow can exert undue influence over the judiciary in Clark County, Nevada, and thus he will not receive a fair trial. Defendant further asserts that members of the judiciary have attended social events at his home, and that Plaintiff, his wife, is friends with members of the judiciary. Defendant does not assert Judge Rena Hughes attended social events at his home, or that Judge Rena Hughes is friends with his wife. Judge Rena Hughes has in fact not attended any social events at the parties home, and is not friends with Plaintiff. Judge Rena Hughes has no bias, nor prejudice for, or against, either party. Plaintiff has no undue influence over Judge Rena Hughes, and there is no basis to change venue as Defendant asserts. See, SCR 2.11. Defendant's Motion for Change of Venue is devoid of legal points and authorities, and does not meet the requirements of EDCR 2.20. Even if Defendant had cited to the appropriate statute or rule, the Court finds no basis for a change in venue. Both parties reside in Clark County, Nevada, the forum is convenient, and there is no obstacle to a fair and impartial trial. See, NRS 13.040 and 13.050. Defendant's Motion is DENIED, and the hearing of September 21, 2016 is VACATED. Clerk's note, a copy of today's was mailed to Defendant, at the address, on file and placed, in counsel's folder, at Family Court.;

Minute Order - No Hearing Held

09/21/2016

CANCELED Motion (10:00 AM) (Judicial Officer: Hughes, Rena G.)

Vacated - per Judge

Deft's Motion for Change of Venue

09/22/2016



Motion to Disqualify Judge (3:00 AM) (Judicial Officer: Barker, David)

Events: 08/18/2016 Notice of Motion

Deft's Memorandum of Law in Support of Motion to Disqualify Judge Rena G. Hughes Under 28U.S.C.144

MINUTES



Notice of Motion

Filed By: Defendant Holmes, Wilbert Roy

Matter Continued;

Journal Entry Details:

The Court notes that in Plaintiff's Motion to Amend Pleadings, filed July 22, 2016, and set for hearing on October 4, 2016, Plaintiff's counsel references having spoken with this Court and being referred to Presiding Judge of the Family Division, Judge Charles Hoskin. See motion at 8:9-14. To avoid the appearance of impropriety Defendant's Motion to Disqualify Judge Hughes is ORDERED transferred to the Department 11 September 23, 2016, chamber calendar for either reassignment or decision by Judge Gonzalez at her discretion. CLERK'S NOTE: A copy of this Minute Order has been placed in the attorney folder of Marsha Kimble-Simms, Esq., and mailed to: Wilbert Roy Holmes 10550 Pattrington Ct. Las Vegas, NV 89183.anm/9/22/16 ;

Matter Continued

CASE SUMMARY

CASE NO. D-15-523582-D

09/23/2016	Motion to Disqualify Judge (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Def't's Memorandum of Law in Support of Motion to Disqualify Judge Rena G. Hughes Under 28U.S.C.144</i>
09/23/2016	 Minute Order (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Minute Order: Motion to Disqualify</i> Minute Order - No Hearing Held; Motion to disqualify denied. Journal Entry Details: <i>COURT ORDERED, as it does not appear that the motion was properly served upon the judge under NRS 1.235(4) the motion to disqualify is DENIED. See written order. CLERK'S NOTE: A copy of the above minute order was electronically mailed to Atty. Marsha Simms, counsel for Plaintiff, and mailed to Wilbert Holmes, Defendant in Pro Se, at 10550 Patrington Ct Las Vegas, NV 89183. / dr 9-28-16 ;</i> <i>Minute Order - No Hearing Held</i>
09/27/2016	 Calendar Call (11:00 AM) (Judicial Officer: Hughes, Rena G.) <i>due to stacking - set EH on 10/12/16</i> Matter Heard; Journal Entry Details: <i>Court noted, there were no appearance, for today's hearing, due to confusion, regarding the final order dealing with Defendant's motion, to disqualify. Court clerk trainee, Marlana Elliott, present. COURT ORDERED, DUE to STACKING, the EVIDENTIARY HEARING shall be RESET, to 10/12/16. Court's JEA to NOTICE said HEARING. The MOTION set, for 10/4/16, STANDS.;</i> <i>Matter Heard</i>
10/04/2016	 Motion (10:00 AM) (Judicial Officer: Hughes, Rena G.) Events: 07/22/2016 Motion to Amend <i>Pltf's Motion to Amend the Pleadings, For An Order to Enforce and for An Order to Show Cause, and to Set Aside the Premarital Agreement per OST</i> 08/04/2016 Reset by Court to 10/04/2016 MINUTES  Motion to Amend Filed by: Plaintiff Holmes, Capucine Yolanda <i>Motion to Amend the Pleadings, for an Order to Enforce and for an Order to Show Cause, and to Set Aside the Premarital Agreement</i> JEA for the OST. rescheduled back to original date Evidentiary Hearing; Journal Entry Details: <i>PLTF'S MOTION TO AMEND THE PLEADINGS, FOR AN ORDER TO ENFORCE AND FOR AN ORDER TO SHOW CAUSE, AND TO SET ASIDE THE PREMARITAL AGREEMENT PER OST Court clerk Tiffany Skaggs present. Discussion regarding lack of full disclosure, prenuptial agreement, 4/6/16 hearing and SOGG. Counsel stated Plaintiff found out after the 4/16 hearing that Defendant owned a liquor business and did not disclose everything. Attorney advised, Defendant represented he was not going to appear in court anymore. COURT ORDERED, 1. Behavioral Order shall be in EFFECT immediately. 2. Plaintiff's request to AMEND, regarding the TORQUE CLAIM and COMMUNITY WASTE shall be GRANTED. 3. Defendant's Complaint for Malicious Prosecution filed 9/28/16 shall be STRICKEN as it is not a Motion or Proper Document. 4. Plaintiff's claim that Defendant interfered with a job offer shall NOT be ALLOWED as claim does NOT relate to Divorce. 5. Plaintiff's Intentional Infliction claim shall NOT be ALLOWED as claim does NOT relate to Divorce. 6. Attorney shall file briefs pursuant to Michigan Law. 7. Evidentiary hearing regarding financials and marital residence STANDS. 12/15/2016 10:00 am EVIDENTIARY HEARING - validity of prenuptial agreement Minute's from today's hearing to suffice.;</i> <i>Evidentiary Hearing</i>
10/11/2016	 Minute Order (10:00 AM) (Judicial Officer: Hughes, Rena G.) Minute Order - No Hearing Held; Journal Entry Details: <i>-PER JUDGE NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.11(e), this Court can consider a motion and issue a decision</i>

CASE SUMMARY**CASE NO. D-15-523582-D**

on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed. At the April 6, 2016 Case Management Conference hearing, the Court set the matter for an Evidentiary Hearing regarding finances and equity in the marital residence. The Court Ordered a marital appraisal be prepared by Scott Dugan, for the prenuptial agreement to govern the division of property, for discovery to open, for the exchange of documents to be voluntarily completed pursuant to 16.2, and for counsel to amend the pleadings to include the tort claim and the community waste claim within the next 30 days. The Evidentiary Hearing was scheduled for October 12, 2016. Subsequent to the April 6, 2016 hearing, Plaintiff filed a Motion to Amend the Pleadings, for an Order to Enforce and for an Order to Show Cause and to Set Aside the Premarital Agreement. At the Motion hearing on October 4, 2016, the Court granted Plaintiff's request to amend the complaint to include the tort and community waste claim. The Court set an Evidentiary Hearing on the validity of the prenuptial agreement. The Evidentiary Hearing was scheduled for December 15, 2016. This Court has read and considered the current underlying pleadings in this matter. As the prenuptial agreement controls the marital estate and the validity of the prenuptial agreement is being contested, the Court is hereby continuing the Evidentiary Hearing re: finances and equity in the marital estate from October 12, 2016 to April 18, 2017. The Court will first hear the Evidentiary Hearing re: the validity of the prenuptial agreement, on December 15, 2016. Thereafter the Court will address the Evidentiary Hearing regarding the finances and the equity in the marital residence. Clerk's note, a copy of today's minute order, was mailed to Defendant, at the address on file and placed in Attorney's folder, at Family Court. ;
Minute Order - No Hearing Held

12/15/2016	CANCELED Evidentiary Hearing (10:00 AM) (Judicial Officer: Hughes, Rena G.) Vacated - per Attorney or Pro Per Validity of Pre nuptial agreement - per Judge one hour
12/20/2016	Motion (11:00 AM) (Judicial Officer: Hughes, Rena G.) Events: 10/19/2016 Notice of Motion Deft's Motion for Malicious Prosecution 12/20/2016 Reset by Court to 12/20/2016 Denied; Denied
12/20/2016	Status Check (11:00 AM) (Judicial Officer: Hughes, Rena G.) Events: 10/26/2016 Notice of Hearing 11/29/2016 Reset by Court to 12/20/2016 12/20/2016 Reset by Court to 12/20/2016 Matter Heard; Matter Heard
12/20/2016	Calendar Call (11:00 AM) (Judicial Officer: Hughes, Rena G.) Events: 11/29/2016 Notice of Rescheduling of Hearing Stack #5 Matter Heard; Matter Heard
12/20/2016	Motion (11:00 AM) (Judicial Officer: Hughes, Rena G.) Events: 12/01/2016 Motion to Withdraw As Counsel Motion to Withdraw as Counsel of Record per OST 01/25/2017 Reset by Court to 12/20/2016 Off Calendar; Off Calendar
12/20/2016	 All Pending Motions (11:00 AM) (Judicial Officer: Hughes, Rena G.) Matter Heard; Journal Entry Details: <i>DEFT'S MOTION FOR MALICIOUS PROSECUTION...CALENDAR CALL...STATUS CHECK...MOTION TO WITHDRAW AS COUNSEL OF RECORD PER OST Court discussed Defendant's notice of motion failed to provide points or authorities, and a proper motion was not filed. Further, Plaintiff has not filed a pre trial memorandum. Court addressed counsel's motion to withdraw was not served; therefore, can not be heard, today. Discussion regarding not having the entire pre nuptial agreement, from Michigan, appraisals of the residence and the length of time the case has been ongoing. Court reviewed the pre nuptial agreement, which was filed, with the Court. Court noted, there is enough information, in the pre nuptial to apply the laws, of Michigan, to the document. Counsel stated she does not feel comfortable moving</i>

CASE SUMMARY

CASE NO. D-15-523582-D

forward, with the trial, with the documents she has, as they are not complete. Further, counsel has attempted to retrieve a copy of the full document, however has been able to, due to needing Defendant's authorization. COURT stated FINDINGS and ORDERED: 1. Defendant's MOTION shall be DENIED. 2. As Defendant FILED his EXHIBITS, in his PRE TRIAL MEMORANDUM (12/11/16), EXHIBITS B and C shall be STRICKEN. 3. EVIDENTIARY HEARING STANDS. ;

Matter Heard

01/10/2017

 **Evidentiary Hearing** (1:30 PM) (Judicial Officer: Hughes, Rena G.)

01/10/2017, 01/18/2017

Events: 10/05/2016 Notice of Rescheduling of Hearing

DAY 2 - Finances / equity in marital residence

10/11/2016 Reset by Court to 10/12/2016

10/12/2016 Reset by Court to 04/18/2017

01/10/2017 Reset by Court to 01/10/2017

04/18/2017 Reset by Court to 01/10/2017

MINUTES

 Notice of Rescheduling of Hearing

Notice of Rescheduling of Evidentiary Hearing

Due to stacking

reset to 4/18/17. New TMO will be sent by JEA

Stack #5

Matter Continued;

Under Advisement;

Journal Entry Details:

Court noted both parties filed an Amended Pretrial Memorandum with additional exhibits. Testimony and exhibits presented (see worksheets). COURT ORDERED, matter is taken UNDER ADVISEMENT. As the Court is unable to make a DECISION at this time, Ms. Kimble-Simms shall obtain the closing documents from the title company on the home when it was purchased in 1999 and file it with the Court; she may prepare an Order for the Court to sign should a subpoena not be sufficient. Ms. Kimble-Simms shall prepare the Order from today's hearing. Clerk's Note: After the hearing, COURT ORDERED, Defendant is to make Plaintiff's personal items in the home available for her to pick up within 10 days of today's date. (ag);

MINUTES

 Notice of Rescheduling of Hearing

Notice of Rescheduling of Evidentiary Hearing

Due to stacking

reset to 4/18/17. New TMO will be sent by JEA

Stack #5

Matter Continued;

Under Advisement;

Journal Entry Details:

HOUSEKEEPING ISSUES. Review of issues and the pre marital agreement. Witness's sworn and testified. Court heard testimony, from Plaintiff and Wendell Snow. Exhibits offered and admitted. See exhibit worksheet. Court addressed, exhibit C1 is an appraisal, for 2002, however, an appraisal, for 2001 was requested. Due to TIME RESTRICTIONS, COURT ORDERED, matter CONTINUED, to 1/18/17. ;

Matter Continued

04/04/2017

CANCELED Calendar Call (11:00 AM) (Judicial Officer: Hughes, Rena G.)

Vacated - per Secretary

Stack #2

04/05/2017

 **Motion** (11:00 AM) (Judicial Officer: Hughes, Rena G.)

Events: 02/05/2017 Motion to Enforce

DEFENDANT'S MOTION TO ENFORCE/SHOW CAUS

03/08/2017 Reset by Court to 04/06/2017

04/06/2017 Reset by Court to 04/05/2017

MINUTES

 Motion to Enforce

CASE SUMMARY

CASE NO. D-15-523582-D

Filed by: Defendant Holmes, Wilbert Roy
Motion and Notice of Motion for an Order to Enforce and/or for an Order to Show Cause Regarding Contempt

Decision Made;

Journal Entry Details:

Clerk's note, matter was on the IN CHAMBERS calendar and a hearing was not heard. However, a DECISION was made, on the PLEADINGS, with the ORDER, FILED 4/6/17.; Decision Made

08/23/2017

 **Motion to Stay** (11:00 AM) (Judicial Officer: Hughes, Rena G.)

Events: 07/18/2017 Motion to Stay
Deft's Motion to Stay

MINUTES

 **Motion to Stay**

Filed by: Defendant Holmes, Wilbert Roy

Minute Order - No Hearing Held;

Journal Entry Details:

Per Judge Hughes NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.501(b), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed. This matter came on for hearing on the Court's in chambers calendar on August 23, 2017 for Defendant's Motion to Stay. This Court has read and considered the current underlying pleadings in this matter. Defendant has filed an Appeal of the final Decree of Divorce in this matter and applied to the District Court for a stay of the Decree of Divorce pending the appeal. Defendant's Motion for Stay is devoid of legal authorities and any factual basis. Any motion filed without points and authorities is subject to being denied pursuant to EDCR 2.20 (c) A party filing a motion must also serve and file with it a memorandum of points and authorities in support of each ground thereof. The absence of such memorandum may be construed as an admission that the motion is not meritorious, as cause for its denial or as a waiver of all grounds not so supported. Further, Defendant has not filed a supersedeas bond. Defendant's Motion to Stay is therefore denied. NRCP 62 (d) Stay Upon Appeal. When an appeal is taken the appellant by giving a supersedeas bond may obtain a stay subject to the exceptions contained in subdivision (a) of this rule. The bond may be given at or after the time of filing the notice of appeal. The stay is effective when the supersedeas bond is filed. Clerk's note, a copy, of today's minute order, was mailed to the Parties, at the addresses, on file.;

Minute Order - No Hearing Held

10/03/2017

 **Minute Order** (3:39 PM) (Judicial Officer: Gonzalez, Elizabeth)

Minute Order re: Ex Parte Motion for OST for the Motion to Disqualify Judge Rena G. Hughes

Minute Order - No Hearing Held;

Journal Entry Details:

The Court reviewed the Ex Parte Motion for Order Shortening Time (OST) submitted for the Motion to Disqualify Judge filed 9/1/9/17. As it does not appear that the Motion or Amended Motion has been served on the judge as required by NRS 1.235(4) the Ex parte Motion is DENIED WITHOUT PREJUDICE. CLERK'S NOTE: A copy of this minute order was distributed to: Wilbert R. Holmes 10550 Patrington Ct. Las Vegas, NV 89183 / dr 10-4-17; Minute Order - No Hearing Held

11/03/2017

Motion to Disqualify Judge (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Events: 09/25/2017 Notice of Motion

Deft Wilbert Holmes' Memorandum of Law in Support of Motion to Disqualify Judge Rena G. Hughes Under 28 U.S.C. 144

MINUTES

 **Notice of Motion**

Filed By: Defendant Holmes, Wilbert Roy

Denied;

Journal Entry Details:

See order denying motion to disqualify.;

Denied

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. D-15-523582-D

11/08/2017	CANCELED Motion (11:00 AM) (Judicial Officer: Hughes, Rena G.) <i>Vacated</i> <i>Deft's Ex Parte Motion to Stay</i>
11/20/2017	 Minute Order (1:30 PM) (Judicial Officer: Hughes, Rena G.) Minute Order - No Hearing Held; Journal Entry Details: <i>MINUTE ORDER: NO HEARING HELD AND NO APPEARANCES NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.501(b), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed. This Court has read and considered the current underlying pleadings in this matter. The Defendant has failed to comply with EDCR 5.206 by failing to file proof of service for the Motion he filed on September 25, 2017. Therefore, Defendant's Motion for Orders to Set Aside Order, Judgment, and/or Default scheduled for November 29, 2017, is taken off calendar for failure to serve. Plaintiff's Motion for an Order to Show Cause and the Order to Show Cause hearing, scheduled for November 29, 2017, shall remain on calendar. Clerk's note, a copy, of today's minute order, was mailed, to the Defendant, at the address, on file and placed, in counsel's folder, at Family Court.;</i> <i>Minute Order - No Hearing Held</i>
11/28/2017	 Minute Order (2:00 PM) (Judicial Officer: Hughes, Rena G.) Minute Order - No Hearing Held; Journal Entry Details: <i>MINUTE ORDER: NO HEARING HELD AND NO APPEARANCES This matter having come before the Court on Plaintiff's Motion for an Order to Show Cause Why Defendant Should Not Be Held in Contempt, to Compel Compliance with Decree of Divorce, and for Award of Attorney's Fees and Costs filed on October 11, 2017 and on Plaintiff's Order to Show Cause, signed by the Court on October 18, 2017 and filed on October 20, 2017, set to be heard by the Court on November 29, 2017. The Court finds that pursuant to NRCP 1 and EDCR 1.10, the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. The Court finds that subsequent to the Court signing off on Plaintiff's Order to Show Cause, the Court was unaware that the case was under appeal, as Defendant had erroneously filed a Notice of Appeal and a Case Appeal Statement under the District Court caption. The case was therefore not flagged as a case under appeal. The Court was only notified that the case was under appeal when a Notice of Transfer to Court of Appeals was filed on October 19, 2017. The Court finds that a notice of appeal divests this Court of jurisdiction to act and vests the jurisdiction in the appellate court. Rust v. Clark Cty. School District, 103 Nev. 686, 688, 747 P.2d 1380, 1382 (1987). As this case was appealed to the Court of Appeals and the District Court no longer has jurisdiction to hear this matter, the Court is hereby vacating the Order to Show Cause hearing and Plaintiff's Motion without prejudice. The hearing set on November 29, 2017 is hereby vacated. Minute Order to suffice. JEA to mail/fax a copy of this Minute Order to the parties and/or their respective counsel. ;</i> <i>Minute Order - No Hearing Held</i>
11/29/2017	CANCELED Motion (10:00 AM) (Judicial Officer: Hughes, Rena G.) <i>Vacated - per Law Clerk</i> <i>Deft's Motion and Notice of Motion for Orders to Set Aside Order, Judgment, and/or Default 10/25/2017 Reset by Court to 11/29/2017</i>
11/29/2017	CANCELED Motion for Order to Show Cause (10:00 AM) (Judicial Officer: Hughes, Rena G.) <i>Vacated - per Law Clerk</i> <i>Motion For Order To Show Cause Why Defendant Should Not Be Found In Contempt, To Compel Compliance With Decree Of Divorce, And For Award OF Attorney's Fees adn Cost's 01/03/2018 Reset by Court to 11/29/2017</i>
11/29/2017	CANCELED Order to Show Cause (10:00 AM) (Judicial Officer: Hughes, Rena G.) <i>Vacated - per Law Clerk</i>
06/29/2018	 Motion to Disqualify Judge (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) Events: 06/18/2018 Motion to Disqualify Judge <i>Defendant's Motion to Disqualify Judge</i> MINUTES  Motion to Disqualify Judge

CASE SUMMARY

CASE NO. D-15-523582-D

Filed by: Defendant Holmes, Wilbert Roy

Motion to Disqualify

Denied; Denied without prejudice.

Journal Entry Details:

The Court has reviewed the latest Motion to Disqualify filed by Defendant in this matter. As the Motion was not served upon the Judge, the matter is DENIED WITHOUT PREJUDICE to refile and serve in accordance with NRS 1.235(4). CLERK'S NOTE: A copy of this minute order was mailed to: Wilbert Holmes 10550 Patrington Ct. Las Vegas, NV 89183 Defendant in Pro Se Capucine Holmes 637 Twilight Blue Avenue North Las Vegas, NV 89032 Plaintiff James A. Fontano, Esq. 5135 Camino al Norte, Suite 273 North Las Vegas, NV 89031 Counsel for Plaintiff / dr;

Denied

09/17/2019



Minute Order (4:00 PM) (Judicial Officer: Hughes, Rena G.)

Minute Order - No Hearing Held;

Journal Entry Details:

Minute Order D-15-523582-D Holmes v Holmes NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.501(b), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed. This Court has read and considered the current underlying pleadings in this matter. On August 19, 2019 Defendant filed a Motion for Rehearing. On August 20, 2019 Defendant filed an Amended Motion for Rehearing. Defendant filed a Certificate of Service indicating he had the Motions electronically served on August 16, 2019. As Defendant s Motions were not e-filed until August 20, 2019, Defendant s claimed date of service is deficient. Therefore the Motion hearing scheduled for September 24, 2019 is hereby vacated. Defendant may re-notice his Motion through the Clerk s Office to set this matter back on calendar. Case closed. Clerk's note, a copy, of today's minute order was mailed, to Defendant and counsel, at the addresses, on file.;

Minute Order - No Hearing Held

09/24/2019

CANCELED Motion (10:00 AM) (Judicial Officer: Hughes, Rena G.)

Vacated

Motion for Rehearing

09/24/2019

CANCELED Motion (10:00 AM) (Judicial Officer: Hughes, Rena G.)

Vacated

Defendant's Motion for Rehearing

10/29/2019

Motion (1:30 PM) (Judicial Officer: Hughes, Rena G.)

Events: 09/25/2019 Re-Notice of Motion

Defendant's Re-Notice of Motion Motion for Rehearing

Denied;

Denied

10/29/2019

Opposition (1:30 PM) (Judicial Officer: Hughes, Rena G.)

Events: 10/21/2019 Opposition

Opposition to Motion for Rehearing.....Wilbert Homes to appear by phone his number is 702.281.5752.

Decision Made;

Decision Made

10/29/2019



All Pending Motions (1:30 PM) (Judicial Officer: Hughes, Rena G.)

MINUTES

Matter Heard;

Journal Entry Details:

OPPOSITION TO MOTION FOR REHEARING...DEFT'S RE NOTICE OF MOTION FOR REHEARING Defendant appeared TELEPHONICALLY. Court inquired if the request for a rehearing is for the final decree, which Defendant said yes. Defendant stated there was an item that has not been recognized, on his behalf, in the divorce. Court discussed, the matter was taken up to the Court of Appeals and is on appeal; therefore, this Court no longer has jurisdiction. Defendant stated he was informed the matter was sent back to District Court, to make a decision. Court reviewed the case file. Further, addressed the matter was appealed and has been confirmed. Defendant discussed Plaintiff signed off on a quick claim deed and signed off on any property rights. Defendant does not understand how Plaintiff can be awarded any equity in the property, when she has no rights to it. Plaintiff had to sign off before the house

CASE SUMMARY

CASE NO. D-15-523582-D

could be put under the Senior Citizen Home Equity Program. Defendant stated his argument is Plaintiff signed legal documents that Plaintiff does not have any equity then, or in the future, on that property. Court addressed, it was recognized Defendant was the only title holder, at the time of trial and the Court heard evidence and testimony. Further, Plaintiff signed the quick claim deed because it was necessary for Defendant to be able to refinance the residence and get equity out of the property. Court reviewed the trial notes. COURT FOUND, the motion is legally deficient, has no legal or factual basis, it has been appealed and affirmed, by the Supreme Court. COURT ORDERED: 1. As Defendant's MOTION is LEGALLY DEFICIENT the MOTION shall be DENIED. 2. Attorney Fontano shall FILE a MEMORANDUM of FEES and COSTS, for THIS HEARING, which INCLUDES the BRUNZELL FACTORS, within the next 10 days. Upon RECEIPT, Defendant shall have 10 days to FILE a RESPONSE. COURTESY COPIES shall be PROVIDED, to the DEPARTMENT. Attorney Fontano to prepare an Order, from today's hearing. CASE CLOSED. Clerk's note, as Defendant was being disruptive and over talking the Court, the Court lowered the volume of Defendant speaking, so the Court could make findings and the order, without interruptions.;

Matter Heard

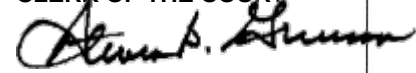
- 12/16/2019 **Motion** (2:30 PM) (Judicial Officer: Hughes, Rena G.)
 Events: 11/08/2019 Motion for Order to Show Cause
 Plaintiff's Motion for Order to Show Cause why Defendant Should not be Held in Contempt. to Compel Compliance with Decree of Divorce, and for Award of Attorney's Fees and Costs
 Granted;
 Granted
- 12/16/2019 **Order to Show Cause** (2:30 PM) (Judicial Officer: Hughes, Rena G.)
 Plaintiff's Order to Show Cause
 Decision Made;
 Decision Made

12/16/2019  **All Pending Motions** (2:30 PM) (Judicial Officer: Hughes, Rena G.)

MINUTES

Matter Heard;
 Journal Entry Details:
 PLTF'S MOTION FOR ORDER TO SHOW CAUSE WHY DEFT SHOULD NOT BE HELD IN CONTEMPT TO COMPEL COMPLIANCE WITH DECREE OF DIVORCE, AND FOR AWARD O ATTY'S FEES AND COSTS...PLTF'S ORDER TO SHOW CAUSE Court addressed, last Friday the department received Defendant's ex parte motion to continue this hearing. Counsel stated Defendant e served him and counsel did see it. Court stated it is not supported, by any medical records that say he could not be present, today. Court reviewed the documents that were filed, with the motion. A proper motion was not filed, or proof that Defendant is in the hospital. Court reviewed page 9, of the divorce decree. COURT FOUND, Defendant should have been present today or filed the proper motion to give the court some basis for the allegations that he has made about being in the hospital. Counsel stated he is seeking an order to be able control the sale of the property. It is counsel's understanding, Defendant has moved out of the house and is renting it as a short term rental through AirBnB. Court reviewed page 9, of the divorce decree, regarding if Defendant failed to pay Plaintiff her equity, in the home. COURT ORDERED: 1. It shall be JUST and REASONABLE to AWARD ATTORNEY'S FEES, for today. Counsel shall FILE a MEMORANDUM of FEES and COSTS, together with the BRUNZELL AFFIDAVIT. 2. Plaintiff's MOTION shall be GRANTED. 3. The PROVISION, in the DIVORCE DECREE, regarding Plaintiff being ENTITLED to ENFORCE the SALE of the PROPERTY, to OBTAIN her EQUITY SHARE (\$100,862.73) in the property and ATTORNEY'S FEES shall be GRANTED. Attorney Fontano to prepare an Order, from today's hearing.;

Matter Heard



1 **ORDR**
JAMES A. FONTANO
2 Nevada Bar No. 8456
HEATON FONTANO, LTD.
3 5135 Camino al Norte, Ste 273
N Las Vegas, NV 89031
4 Telephone: 702-329-9901
Facsimile: 702-763-7385
5 jim@heatonfontano.com
Attorneys for Plaintiff
6

7 **EIGHTH JUDICIAL DISTRICT COURT**
8 **FAMILY DIVISION**
9 **CLARK COUNTY, NEVADA**

10 CAPUCINE YOLANDA HOLMES,
11 Plaintiff,

12 vs.

13 WILBERT ROY HOLMES,
14 Defendant.

CASE NO.: D-15-523582-D
DEPT. NO.: J

DATE: October 29, 2019
TIME: 1:30 p.m.

15 **ORDER DENYING MOTION FOR REHEARING**

16 Defendant's MOTION FOR REHEARING having come before the above-
17 entitled Court on October 29, 2019, at 1:30 p.m.; Defendant Wilbert Roy Holmes
18 having appeared in proper person via telephone; Plaintiff Capucine Yolanda Holmes
19 having appeared by and through her attorney of record, James A. Fontano of the law
20 firm of Heaton Fontano, Ltd.; the Court having read and reviewed the Motion for
21 Rehearing and the Plaintiff's Opposition thereto, and having reviewed the case file
22 and trial notes and heard and considered the arguments of Defendant at the time of
23 the hearing, the Court finds as follows:

24 1. The Defendant's Motion is legally deficient, and there is no legal or
25 factual basis for the Motion;

26 2. The arguments contained in Defendant's Motion were considered by the
27 Court at the time of trial and, and the Court made its decision based upon the
28 evidence and testimony presented at trial.

3. Defendant has appealed the decree on two occasions to the Nevada Supreme Court and Court of Appeals, and on both occasions the Court of Appeals affirmed this Court's decision. This is the end of the matter.

NOW THEREFORE, based upon the foregoing findings, and other good cause appearing, it is hereby

ORDERED, that Defendant's Motion for Rehearing shall be and is hereby DENIED; and it is

FURTHER ORDERED, that Plaintiff shall submit a memorandum of fees and costs within ten (10) days from the date of the hearing for the Court's consideration, which shall include analysis under the *Brunzell* factors. Upon receipt, Defendant shall have ten (10) days to file a response. Parties shall provide courtesy copies of the pleadings to the Department; and it is

FURTHER ORDERED, this case is CLOSED.

CLERK'S NOTE: as Defendant was being disruptive and talking over the Court, the Court lowered the volume of Defendant speaking, so the Court could make findings and the order without interruptions.

DATED this 5 day of March 2020.

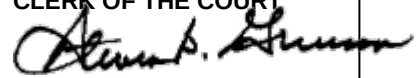

DISTRICT COURT JUDGE

RENA G. HUGHES

Submitted by:

HEATON FONTANO, LTD.


JAMES A. FONTANO
Nevada Bar No. 8456
5135 Camino al Norte, Ste 273
N Las Vegas, Nevada 89031
Attorneys for Plaintiff Capucine Y. Holmes



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8 Facsimile: 702-763-7385
9 jim@heatonfontano.com
10 *Attorneys for Plaintiff*

7 **EIGHTH JUDICIAL DISTRICT COURT**
8 **FAMILY DIVISION**
9 **CLARK COUNTY, NEVADA**

9 CAPUCINE YOLANDA HOLMES,
10
11 Plaintiff,

11 vs.

12 WILBERT ROY HOLMES,
13
14 Defendant.

CASE NO.: D-15-523582-D
DEPT. NO.: J

15 **NOTICE OF ENTRY OF ORDER**

16 PLEASE TAKE NOTICE that an ORDER DENYING MOTION FOR
17 REHEARING was entered in the above-captioned matter on the 18th day of March
18 2020. A copy of said Order is attached hereto as Exhibit "A".

19 DATED this 19th day of March 2020.

20 HEATON FONTANO, LTD.

21 By: 

22 JAMES A. FONTANO
23 Nevada Bar No. 8456
24 5135 Camino al Norte, Ste 273
25 N Las Vegas, NV 89031
26 *Attorneys for Plaintiff*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the NOTICE OF ENTRY OF ORDER was served upon the following via court-mandated electronic service on the 19th day of March 2020.

Wilbert R. Holmes
10550 Pattrington Court
Las Vegas, NV 89183

DATED this 19th day of March 2020.

HEATON FONTANO, LTD.

By:

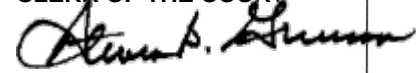


JAMES A. FONTANO
Nevada Bar No. 8456
5135 Camino al Norte, Ste 273
N Las Vegas, NV 89031
Attorneys for Plaintiff

= = = = = = = = = = = = = = =

Exhibit “A”

= = = = = = = = = = = = = = =



1 **ORDR**
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5 jim@heatonfontano.com
Attorneys for Plaintiff
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7 **EIGHTH JUDICIAL DISTRICT COURT**
8 **FAMILY DIVISION**
9 **CLARK COUNTY, NEVADA**

10 CAPUCINE YOLANDA HOLMES,
11 Plaintiff,

12 vs.

13 WILBERT ROY HOLMES,
14 Defendant.

CASE NO.: D-15-523582-D
DEPT. NO.: J

DATE: October 29, 2019
TIME: 1:30 p.m.

15 **ORDER DENYING MOTION FOR REHEARING**

16 Defendant's MOTION FOR REHEARING having come before the above-
17 entitled Court on October 29, 2019, at 1:30 p.m.; Defendant Wilbert Roy Holmes
18 having appeared in proper person via telephone; Plaintiff Capucine Yolanda Holmes
19 having appeared by and through her attorney of record, James A. Fontano of the law
20 firm of Heaton Fontano, Ltd.; the Court having read and reviewed the Motion for
21 Rehearing and the Plaintiff's Opposition thereto, and having reviewed the case file
22 and trial notes and heard and considered the arguments of Defendant at the time of
23 the hearing, the Court finds as follows:

24 1. The Defendant's Motion is legally deficient, and there is no legal or
25 factual basis for the Motion;

26 2. The arguments contained in Defendant's Motion were considered by the
27 Court at the time of trial and, and the Court made its decision based upon the
28 evidence and testimony presented at trial.

3. Defendant has appealed the decree on two occasions to the Nevada Supreme Court and Court of Appeals, and on both occasions the Court of Appeals affirmed this Court's decision. This is the end of the matter.

NOW THEREFORE, based upon the foregoing findings, and other good cause appearing, it is hereby

ORDERED, that Defendant's Motion for Rehearing shall be and is hereby DENIED; and it is

FURTHER ORDERED, that Plaintiff shall submit a memorandum of fees and costs within ten (10) days from the date of the hearing for the Court's consideration, which shall include analysis under the *Brunzell* factors. Upon receipt, Defendant shall have ten (10) days to file a response. Parties shall provide courtesy copies of the pleadings to the Department; and it is

FURTHER ORDERED, this case is CLOSED.

CLERK'S NOTE: as Defendant was being disruptive and talking over the Court, the Court lowered the volume of Defendant speaking, so the Court could make findings and the order without interruptions.

DATED this 5 day of March 2020.


DISTRICT COURT JUDGE

RENA G. HUGHES

Submitted by:

HEATON FONTANO, LTD.


JAMES A. FONTANO
Nevada Bar No. 8456
5135 Camino al Norte, Ste 273
N Las Vegas, Nevada 89031
Attorneys for Plaintiff Capucine Y. Holmes

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

March 30, 2016

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

**March 30, 2016 11:00 AM Case Management
Conference**

HEARD BY: Hughes, Rena G.

COURTROOM: Courtroom 04

COURT CLERK: Tiffany Skaggs

PARTIES:

Capucine Holmes, Plaintiff, not present
Wilbert Holmes, Defendant, not present

James Fontano, Attorney, not present
Pro Se

JOURNAL ENTRIES

- Due to the unavailability, of the Court, matter OFF CALENDAR and RESET, for 4/6/16.

A copy of today's minute order and Notice of Rescheduling of Hearing, placed, in counsel's folder, at Family Court.

INTERIM CONDITIONS:

FUTURE HEARINGS:

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

April 06, 2016

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

**April 06, 2016 11:00 AM Case Management
Conference**

HEARD BY: Hughes, Rena G.

COURTROOM: Courtroom 04

COURT CLERK: Tiffany Skaggs

PARTIES:

Capucine Holmes, Plaintiff, present
Wilbert Holmes, Defendant, present

Marsha Kimble-Simms, Attorney, present
Pro Se

JOURNAL ENTRIES

- Arguments regarding, pre nuptial agreement, division of property, appraisal of marital residence, selling of the marital residence, job search for Plaintiff, assets and debts, domestic violence, TORTE claims and battery.

COURT stated FINDINGS and ORDERED:

1. The MARTIAL APPRAISAL shall be PREPARED, by SCOTT DUGAN. Defendant shall FRONT the COST; HOWEVER, in the END, said COST shall be EQUALLY DIVIDED, by the Parties.
2. The PRE NUPTIAL AGREEMENT shall GOVERN the DIVISION, of PROPERTY.
3. DISCOVERY shall be OPEN.
4. Pursuant to 16.2, EXCHANGE of DOCUMENTS shall be VOLUNTARILY COMPLETED.
5. Counsel shall AMEND the PLEADINGS, to INCLUDE the TORTE CLAIM and COMMUNITY WASTE, within the next 30 days.

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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

Attorney Jacobson to prepare an Order, from today's hearing.

9/27/16 11:00 am CALENDAR CALL

10/11/16 1:30 pm EVIDENTIARY HEARING - finances and equity in residence (stack #2)

INTERIM CONDITIONS:

FUTURE HEARINGS: Apr 06, 2016 11:00AM Case Management Conference
Reset, from 3/30/16, due to JNA.
Courtroom 04 Hughes, Rena G.

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

July 26, 2016

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

July 26, 2016 11:00 AM Minute Order

HEARD BY: Hughes, Rena G.**COURTROOM:** Courtroom 04**COURT CLERK:** Tiffany Skaggs**PARTIES:**

Capucine Holmes, Plaintiff, not present
Wilbert Holmes, Defendant, not present

James Fontano, Attorney, not present
Pro Se

JOURNAL ENTRIES

- Per Judge Hughes

NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.11(e), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed.

On July 16, 2016 Defendant filed a Motion for Change of Venue, with a Notice of Motion filed July 22, 2016 setting a hearing for September 21, 2016 at 10:00 a.m. The basis of Defendant's motion to change venue is his assertion that Plaintiff somehow can exert undue influence over the judiciary in Clark County, Nevada, and thus he will not receive a fair trial. Defendant further asserts that members of the judiciary have attended social events at his home, and that Plaintiff, his wife, is friends with members of the judiciary. Defendant does not assert Judge Rena Hughes attended social events at his home, or that Judge Rena Hughes is friends with his wife.

Judge Rena Hughes has in fact not attended any social events at the parties' home, and is not friends with Plaintiff. Judge Rena Hughes has no bias, nor prejudice for, or against, either party. Plaintiff has no undue influence over Judge Rena Hughes, and there is no basis to change venue as Defendant

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asserts. See, SCR 2.11.

Defendant's Motion for Change of Venue is devoid of legal points and authorities, and does not meet the requirements of EDCR 2.20. Even if Defendant had cited to the appropriate statute or rule, the Court finds no basis for a change in venue. Both parties reside in Clark County, Nevada, the forum is convenient, and there is no obstacle to a fair and impartial trial. See, NRS 13.040 and 13.050.

Defendant's Motion is DENIED, and the hearing of September 21, 2016 is VACATED.

Clerk's note, a copy of today's was mailed to Defendant, at the address, on file and placed, in counsel's folder, at Family Court.

INTERIM CONDITIONS:

FUTURE HEARINGS: Sep 27, 2016 11:00AM Calendar Call
due to stacking - set EH on 10/12/16
Courtroom 04 Hughes, Rena G.

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES****September 22, 2016**

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

**September 22, 3:00 AM Motion to Disqualify
2016 Judge**

HEARD BY: Barker, David**COURTROOM:****COURT CLERK:****PARTIES:**

Capucine Holmes, Plaintiff, not present	James Fontano, Attorney, not present
Wilbert Holmes, Defendant, not present	Pro Se

JOURNAL ENTRIES

- The Court notes that in Plaintiff's Motion to Amend Pleadings, filed July 22, 2016, and set for hearing on October 4, 2016, Plaintiff's counsel references having spoken with this Court and being referred to Presiding Judge of the Family Division, Judge Charles Hoskin. See motion at 8:9-14. To avoid the appearance of impropriety Defendant's Motion to Disqualify Judge Hughes is ORDERED transferred to the Department 11 September 23, 2016, chamber calendar for either reassignment or decision by Judge Gonzalez at her discretion.

CLERK'S NOTE: A copy of this Minute Order has been placed in the attorney folder of Marsha Kimble-Simms, Esq., and mailed to:
Wilbert Roy Holmes
10550 Patrington Ct.
Las Vegas, NV 89183.anm/9/22/16

INTERIM CONDITIONS:

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FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES****September 23, 2016**

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

September 23, 2016 3:00 AM Minute Order

HEARD BY: Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 14C**COURT CLERK:** Dulce Romea**PARTIES:**

Capucine Holmes, Plaintiff, not present	James Fontano, Attorney, not present
Wilbert Holmes, Defendant, not present	Pro Se

JOURNAL ENTRIES

- COURT ORDERED, as it does not appear that the motion was properly served upon the judge under NRS 1.235(4) the motion to disqualify is DENIED. See written order.

CLERK'S NOTE: A copy of the above minute order was electronically mailed to Atty. Marsha Simms, counsel for Plaintiff, and mailed to Wilbert Holmes, Defendant in Pro Se, at 10550 Patrington Ct Las Vegas, NV 89183. / dr 9-28-16

INTERIM CONDITIONS:**FUTURE HEARINGS:**

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

September 27, 2016

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

September 27, 2016 11:00 AM Calendar Call

HEARD BY: Hughes, Rena G.

COURTROOM: Courtroom 04

COURT CLERK: Tiffany Skaggs

PARTIES:

Capucine Holmes, Plaintiff, not present	James Fontano, Attorney, not present
Wilbert Holmes, Defendant, not present	Pro Se

JOURNAL ENTRIES

- Court noted, there were no appearance, for today's hearing, due to confusion, regarding the final order dealing with Defendant's motion, to disqualify.

Court clerk trainee, Marlana Elliott, present.

COURT ORDERED, DUE to STACKING, the EVIDENTIARY HEARING shall be RESET, to 10/12/16. Court's JEA to NOTICE said HEARING. The MOTION set, for 10/4/16, STANDS.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

October 04, 2016

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

October 04, 2016 10:00 AM Motion

HEARD BY: Hughes, Rena G.

COURTROOM: Courtroom 04

COURT CLERK: Tiffany Skaggs

PARTIES:

Capucine Holmes, Plaintiff, present
Wilbert Holmes, Defendant, not present

Marsha Kimble-Simms, Attorney, present
Pro Se

JOURNAL ENTRIES

- PLTF'S MOTION TO AMEND THE PLEADINGS, FOR AN ORDER TO ENFORCE AND FOR AN ORDER TO SHOW CAUSE, AND TO SET ASIDE THE PREMARITAL AGREEMENT PER OST

Court clerk Tiffany Skaggs present.

Discussion regarding lack of full disclosure, prenuptial agreement, 4/6/16 hearing and SOGG.

Counsel stated Plaintiff found out after the 4/16 hearing that Defendant owned a liquor business and did not disclose everything.

Attorney advised, Defendant represented he was not going to appear in court anymore.

COURT ORDERED,

1. Behavioral Order shall be in EFFECT immediately.

2. Plaintiff's request to AMEND, regarding the TORQUE CLAIM and COMMUNITY WASTE shall be GRANTED.

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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

3. Defendant's Complaint for Malicious Prosecution filed 9/28/16 shall be STRICKEN as it is not a Motion or Proper Document.
4. Plaintiff's claim that Defendant interfered with a job offer shall NOT be ALLOWED as claim does NOT relate to Divorce.
5. Plaintiff's Intentional Infliction claim shall NOT be ALLOWED as claim does NOT relate to Divorce.
6. Attorney shall file briefs pursuant to Michigan Law.
7. Evidentiary hearing regarding financials and marital residence STANDS.

12/15/2016 10:00 am EVIDENTIARY HEARING - validity of prenuptial agreement

Minute's from today's hearing to suffice.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES****October 11, 2016**

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

October 11, 2016 10:00 AM Minute Order

HEARD BY: Hughes, Rena G.**COURTROOM:** Courtroom 04**COURT CLERK:** Marlana Elliott**PARTIES:**

Capucine Holmes, Plaintiff, not present	James Fontano, Attorney, not present
Wilbert Holmes, Defendant, not present	Pro Se

JOURNAL ENTRIES

- -PER JUDGE

NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.11(e), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed.

At the April 6, 2016 Case Management Conference hearing, the Court set the matter for an Evidentiary Hearing regarding finances and equity in the marital residence. The Court Ordered a marital appraisal be prepared by Scott Dugan, for the prenuptial agreement to govern the division of property, for discovery to open, for the exchange of documents to be voluntarily completed pursuant to 16.2, and for counsel to amend the pleadings to include the tort claim and the community waste claim within the next 30 days. The Evidentiary Hearing was scheduled for October 12, 2016.

Subsequent to the April 6, 2016 hearing, Plaintiff filed a Motion to Amend the Pleadings, for an Order to Enforce and for an Order to Show Cause and to Set Aside the Premarital Agreement. At the Motion hearing on October 4, 2016, the Court granted Plaintiff s request to amend the complaint to include the tort and community waste claim. The Court set an Evidentiary Hearing on the validity of the prenuptial agreement. The Evidentiary Hearing was scheduled for December 15, 2016.

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This Court has read and considered the current underlying pleadings in this matter. As the prenuptial agreement controls the marital estate and the validity of the prenuptial agreement is being contested, the Court is hereby continuing the Evidentiary Hearing re: finances and equity in the marital estate from October 12, 2016 to April 18, 2017.

The Court will first hear the Evidentiary Hearing re: the validity of the prenuptial agreement, on December 15, 2016. Thereafter the Court will address the Evidentiary Hearing regarding the finances and the equity in the marital residence.

Clerk's note, a copy of today's minute order, was mailed to Defendant, at the address on file and placed in Attorney's folder, at Family Court.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

December 20, 2016

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

December 20, 2016 11:00 AM

All Pending Motions

HEARD BY: Hughes, Rena G.

COURTROOM: Courtroom 04

COURT CLERK: Tiffany Skaggs

PARTIES:

Capucine Holmes, Plaintiff, present
Wilbert Holmes, Defendant, present

Marsha Kimble-Simms, Attorney, present
Pro Se

JOURNAL ENTRIES

- DEFT'S MOTION FOR MALICIOUS PROSECUTION...CALENDAR CALL...STATUS
CHECK...MOTION TO WITHDRAW AS COUNSEL OF RECORD PER OST

Court discussed Defendant's notice of motion failed to provide points or authorities, and a proper motion was not filed. Further, Plaintiff has not filed a pre trial memorandum. Court addressed counsel's motion to withdraw was not served; therefore, can not be heard, today.

Discussion regarding not having the entire pre nuptial agreement, from Michigan, appraisals of the residence and the length of time the case has been ongoing.

Court reviewed the pre nuptial agreement, which was filed, with the Court. Court noted, there is enough information, in the pre nuptial to apply the laws, of Michigan, to the document.

Counsel stated she does not feel comfortable moving forward, with the trial, with the documents she has, as they are not complete. Further, counsel has attempted to retrieve a copy of the full document, however has been able to, due to needing Defendant's authorization.

COURT stated FINDINGS and ORDERED:

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1. Defendant's MOTION shall be DENIED.
2. As Defendant FILED his EXHIBITS, in his PRE TRIAL MEMORANDUM (12/11/16), EXHIBITS B and C shall be STRICKEN.
3. EVIDENTIARY HEARING STANDS.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

January 10, 2017

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

January 10, 2017 1:30 PM Evidentiary Hearing

HEARD BY: Hughes, Rena G.

COURTROOM: Courtroom 04

COURT CLERK: Tiffany Skaggs

PARTIES:

Capucine Holmes, Plaintiff, present
Wilbert Holmes, Defendant, present

Marsha Kimble-Simms, Attorney, present
Pro Se

JOURNAL ENTRIES

- HOUSEKEEPING ISSUES.

Review of issues and the pre marital agreement.

Witness's sworn and testified. Court heard testimony, from Plaintiff and Wendell Snow.

Exhibits offered and admitted. See exhibit worksheet.

Court addressed, exhibit C1 is an appraisal, for 2002, however, an appraisal, for 2001 was requested.

Due to TIME RESTRICTIONS, COURT ORDERED, matter CONTINUED, to 1/18/17.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

January 18, 2017

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

January 18, 2017 1:30 PM Evidentiary Hearing

HEARD BY: Hughes, Rena G.

COURTROOM: Courtroom 04

COURT CLERK: April Graham

PARTIES:

Capucine Holmes, Plaintiff, present
Wilbert Holmes, Defendant, present

Marsha Kimble-Simms, Attorney, present
Pro Se

JOURNAL ENTRIES

- Court noted both parties filed an Amended Pretrial Memorandum with additional exhibits.

Testimony and exhibits presented (see worksheets).

COURT ORDERED, matter is taken UNDER ADVISEMENT. As the Court is unable to make a DECISION at this time, Ms. Kimble-Simms shall obtain the closing documents from the title company on the home when it was purchased in 1999 and file it with the Court; she may prepare an Order for the Court to sign should a subpoena not be sufficient.

Ms. Kimble-Simms shall prepare the Order from today's hearing.

Clerk's Note: After the hearing, COURT ORDERED, Defendant is to make Plaintiff's personal items in the home available for her to pick up within 10 days of today's date. (ag)

INTERIM CONDITIONS:

FUTURE HEARINGS: Jan 18, 2017 1:30PM Evidentiary Hearing

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DAY 2 - Finances / equity in marital residence
Courtroom 04 Hughes, Rena G.

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

April 05, 2017

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

April 05, 2017 11:00 AM Motion

HEARD BY: Hughes, Rena G.

COURTROOM: Courtroom 04

COURT CLERK: Tiffany Skaggs

PARTIES:

Capucine Holmes, Plaintiff, not present	James Fontano, Attorney, not present
Wilbert Holmes, Defendant, not present	Pro Se

JOURNAL ENTRIES

- Clerk's note, matter was on the IN CHAMBERS calendar and a hearing was not heard. However, a DECISION was made, on the PLEADINGS, with the ORDER, FILED 4/6/17.

INTERIM CONDITIONS:

FUTURE HEARINGS:

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES****August 23, 2017**

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

August 23, 2017 11:00 AM Motion to Stay

HEARD BY: Hughes, Rena G.**COURTROOM:** Courtroom 04**COURT CLERK:** Tiffany Skaggs**PARTIES:**

Capucine Holmes, Plaintiff, not present
Wilbert Holmes, Defendant, not present

James Fontano, Attorney, not present
Pro Se

JOURNAL ENTRIES

- Per Judge Hughes

NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.501(b), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed.

This matter came on for hearing on the Court's in chambers calendar on August 23, 2017 for Defendant's Motion to Stay.

This Court has read and considered the current underlying pleadings in this matter.

Defendant has filed an Appeal of the final Decree of Divorce in this matter and applied to the District Court for a stay of the Decree of Divorce pending the appeal. Defendant's Motion for Stay is devoid of legal authorities and any factual basis. Any motion filed without points and authorities is subject to being denied pursuant to EDCR 2.20(c). A party filing a motion must also serve and file with it a memorandum of points and authorities in support of each ground thereof. The absence of such memorandum may be construed as an admission that the motion is not meritorious, as cause for its

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denial or as a waiver of all grounds not so supported.

Further, Defendant has not filed a supersedeas bond. Defendant's Motion to Stay is therefore denied.

NRCP 62 (d) Stay Upon Appeal. When an appeal is taken the appellant by giving a supersedeas bond may obtain a stay subject to the exceptions contained in subdivision (a) of this rule. The bond may be given at or after the time of filing the notice of appeal. The stay is effective when the supersedeas bond is filed.

Clerk's note, a copy, of today's minute order, was mailed to the Parties, at the addresses, on file.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

October 03, 2017

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

October 03, 2017 3:39 PM Minute Order

HEARD BY: Gonzalez, Elizabeth

COURTROOM:

COURT CLERK: Dulce Romea

PARTIES:

Capucine Holmes, Plaintiff, not present	James Fontano, Attorney, not present
Wilbert Holmes, Defendant, not present	Pro Se

JOURNAL ENTRIES

- The Court reviewed the Ex Parte Motion for Order Shortening Time (OST) submitted for the Motion to Disqualify Judge filed 9/1/9/17. As it does not appear that the Motion or Amended Motion has been served on the judge as required by NRS 1.235(4) the Ex parte Motion is DENIED WITHOUT PREJUDICE.

CLERK'S NOTE: A copy of this minute order was distributed to:

Wilbert R. Holmes
10550 Patrington Ct.
Las Vegas, NV 89183

/ dr 10-4-17

INTERIM CONDITIONS:

FUTURE HEARINGS:

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November 03, 2017

November 03, 2017	3:00 AM	Motion to Disqualify Judge
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COURTROOM: Chambers

PARTIES:

Capucine Holmes, Plaintiff, not present
Wilbert Holmes, Defendant, not present

James Fontano, Attorney, not present
Pro Se

JOURNAL ENTRIES

- See order denying motion to disqualify.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

November 20, 2017

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

**November 20,
2017****1:30 PM****Minute Order****HEARD BY:** Hughes, Rena G.**COURTROOM:** Courtroom 04**COURT CLERK:** Tiffany Skaggs**PARTIES:**

Capucine Holmes, Plaintiff, not present
Wilbert Holmes, Defendant, not present

James Fontano, Attorney, not present
Pro Se

JOURNAL ENTRIES

- MINUTE ORDER: NO HEARING HELD AND NO APPEARANCES

NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.501(b), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed.

This Court has read and considered the current underlying pleadings in this matter.

The Defendant has failed to comply with EDCR 5.206 by failing to file proof of service for the Motion he filed on September 25, 2017.

Therefore, Defendant s Motion for Orders to Set Aside Order, Judgment, and/or Default scheduled for November 29, 2017, is taken off calendar for failure to serve.

Plaintiff s Motion for an Order to Show Cause and the Order to Show Cause hearing, scheduled for November 29, 2017, shall remain on calendar.

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Clerk's note, a copy, of today's minute order, was mailed, to the Defendant, at the address, on file and placed, in counsel's folder, at Family Court.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

November 28, 2017

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

**November 28,
2017****2:00 PM****Minute Order****HEARD BY:** Hughes, Rena G.**COURTROOM:** Courtroom 04**COURT CLERK:** Tiffany Skaggs**PARTIES:**

Capucine Holmes, Plaintiff, not present
Wilbert Holmes, Defendant, not present

James Fontano, Attorney, not present
Pro Se

JOURNAL ENTRIES

- MINUTE ORDER: NO HEARING HELD AND NO APPEARANCES

This matter having come before the Court on Plaintiff s Motion for an Order to Show Cause Why Defendant Should Not Be Held in Contempt, to Compel Compliance with Decree of Divorce, and for Award of Attorney s Fees and Costs filed on October 11, 2017 and on Plaintiff s Order to Show Cause, signed by the Court on October 18, 2017 and filed on October 20, 2017, set to be heard by the Court on November 29, 2017.

The Court finds that pursuant to NRCP 1 and EDCR 1.10, the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action.

The Court finds that subsequent to the Court signing off on Plaintiff s Order to Show Cause, the Court was unaware that the case was under appeal, as Defendant had erroneously filed a Notice of Appeal and a Case Appeal Statement under the District Court caption. The case was therefore not flagged as a case under appeal.

The Court was only notified that the case was under appeal when a Notice of Transfer to Court of Appeals was filed on October 19, 2017.

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The Court finds that a notice of appeal divests this Court of jurisdiction to act and vests the jurisdiction in the appellate court. Rust v. Clark Cty. School District, 103 Nev. 686, 688, 747 P.2d 1380, 1382 (1987).

As this case was appealed to the Court of Appeals and the District Court no longer has jurisdiction to hear this matter, the Court is hereby vacating the Order to Show Cause hearing and Plaintiff s Motion without prejudice.

The hearing set on November 29, 2017 is hereby vacated. Minute Order to suffice. JEA to mail/fax a copy of this Minute Order to the parties and/or their respective counsel.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

June 29, 2018

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

**June 29, 2018 3:00 AM Motion to Disqualify
Judge**

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Dulce Romea

PARTIES:

Capucine Holmes, Plaintiff, not present	James Fontano, Attorney, not present
Wilbert Holmes, Defendant, not present	Pro Se

JOURNAL ENTRIES

- The Court has reviewed the latest Motion to Disqualify filed by Defendant in this matter. As the Motion was not served upon the Judge, the matter is DENIED WITHOUT PREJUDICE to refile and serve in accordance with NRS 1.235(4).

CLERK'S NOTE: A copy of this minute order was mailed to:

Wilbert Holmes
10550 Patrington Ct.
Las Vegas, NV 89183
Defendant in Pro Se

Capucine Holmes
637 Twilight Blue Avenue
North Las Vegas, NV 89032
Plaintiff

James A. Fontano, Esq.
5135 Camino al Norte, Suite 273

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North Las Vegas, NV 89031
Counsel for Plaintiff

/ dr

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES****September 17, 2019**

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

**September 17, 4:00 PM Minute Order
2019**

HEARD BY: Hughes, Rena G.**COURTROOM:** Courtroom 04**COURT CLERK:** Tiffany Skaggs**PARTIES:**

Capucine Holmes, Plaintiff, not present
Wilbert Holmes, Defendant, not present

James Fontano, Attorney, not present
Pro Se

JOURNAL ENTRIES

- Minute Order
D-15-523582-D
Holmes v Holmes

NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.501(b), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed.

This Court has read and considered the current underlying pleadings in this matter. On August 19, 2019 Defendant filed a Motion for Rehearing. On August 20, 2019 Defendant filed an Amended Motion for Rehearing. Defendant filed a Certificate of Service indicating he had the Motions electronically served on August 16, 2019. As Defendant's Motions were not e-filed until August 20, 2019, Defendant's claimed date of service is deficient. Therefore the Motion hearing scheduled for September 24, 2019 is hereby vacated. Defendant may re-notice his Motion through the Clerk's Office to set this matter back on calendar. Case closed.

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Clerk's note, a copy, of today's minute order was mailed, to Defendant and counsel, at the addresses, on file.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

October 29, 2019

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

October 29, 2019 1:30 PM All Pending Motions

HEARD BY: Hughes, Rena G.

COURTROOM: Courtroom 04

COURT CLERK: Tiffany Skaggs

PARTIES:

Capucine Holmes, Plaintiff, not present
Wilbert Holmes, Defendant, present

James Fontano, Attorney, present
Pro Se

JOURNAL ENTRIES

- OPPOSITION TO MOTION FOR REHEARING...DEFT'S RE NOTICE OF MOTION FOR REHEARING

Defendant appeared TELEPHONICALLY.

Court inquired if the request for a rehearing is for the final decree, which Defendant said yes. Defendant stated there was an item that has not been recognized, on his behalf, in the divorce. Court discussed, the matter was taken up to the Court of Appeals and is on appeal; therefore, this Court no longer has jurisdiction.

Defendant stated he was informed the matter was sent back to District Court, to make a decision.

Court reviewed the case file. Further, addressed the matter was appealed and has been confirmed.

Defendant discussed Plaintiff signed off on a quick claim deed and signed off on any property rights. Defendant does not understand how Plaintiff can be awarded any equity in the property, when she has no rights to it. Plaintiff had to sign off before the house could be put under the Senior Citizen Home Equity Program. Defendant stated his argument is Plaintiff signed legal documents that Plaintiff does not have any equity then, or in the future, on that property.

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Court addressed, it was recognized Defendant was the only title holder, at the time of trial and the Court heard evidence and testimony. Further, Plaintiff signed the quick claim deed because it was necessary for Defendant to be able to refinance the residence and get equity out of the property.

Court reviewed the trial notes.

COURT FOUND, the motion is legally deficient, has no legal or factual basis, it has been appealed and affirmed, by the Supreme Court.

COURT ORDERED:

1. As Defendant's MOTION is LEGALLY DEFICIENT the MOTION shall be DENIED.
2. Attorney Fontano shall FILE a MEMORANDUM of FEES and COSTS, for THIS HEARING, which INCLUDES the BRUNZELL FACTORS, within the next 10 days. Upon RECEIPT, Defendant shall have 10 days to FILE a RESPONSE. COURTESY COPIES shall be PROVIDED, to the DEPARTMENT.

Attorney Fontano to prepare an Order, from today's hearing. CASE CLOSED.

Clerk's note, as Defendant was being disruptive and over talking the Court, the Court lowered the volume of Defendant speaking, so the Court could make findings and the order, without interruptions.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

December 16, 2019

D-15-523582-D Capucine Yolanda Holmes, Plaintiff
vs.
Wilbert Roy Holmes, Defendant.

December 16, 2019 2:30 PM

All Pending Motions

HEARD BY: Hughes, Rena G.

COURTROOM: Courtroom 04

COURT CLERK: Tiffany Skaggs

PARTIES:

Capucine Holmes, Plaintiff, not present
Wilbert Holmes, Defendant, not present

James Fontano, Attorney, present
Pro Se

JOURNAL ENTRIES

- PLTF'S MOTION FOR ORDER TO SHOW CAUSE WHY DEFT SHOULD NOT BE HELD IN CONTEMPT TO COMPEL COMPLIANCE WITH DECREE OF DIVORCE, AND FOR AWARD O ATTY'S FEES AND COSTS...PLTF'S ORDER TO SHOW CAUSE

Court addressed, last Friday the department received Defendant's ex parte motion to continue this hearing. Counsel stated Defendant e served him and counsel did see it. Court stated it is not supported, by any medical records that say he could not be present, today. Court reviewed the documents that were filed, with the motion. A proper motion was not filed, or proof that Defendant is in the hospital.

Court reviewed page 9, of the divorce decree.

COURT FOUND, Defendant should have been present today or filed the proper motion to give the court some basis for the allegations that he has made about being in the hospital.

Counsel stated he is seeking an order to be able control the sale of the property. It is counsel's understanding, Defendant has moved out of the house and is renting it as a short term rental through AirBnB.

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Court reviewed page 9, of the divorce decree, regarding if Defendant failed to pay Plaintiff her equity, in the home.

COURT ORDERED:

1. It shall be JUST and REASONABLE to AWARD ATTORNEY'S FEES, for today. Counsel shall FILE a MEMORANDUM of FEES and COSTS, together with the BRUNZELL AFFIDAVIT.
2. Plaintiff's MOTION shall be GRANTED.
3. The PROVISION, in the DIVORCE DECREE, regarding Plaintiff being ENTITLED to ENFORCE the SALE of the PROPERTY, to OBTAIN her EQUITY SHARE (\$100,862.73) in the property and ATTORNEY'S FEES shall be GRANTED.

Attorney Fontano to prepare an Order, from today's hearing.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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APMEM

Marsha Kimble Simms, Esq.
Nevada Bar No. 008530
The Simms Law Firm, LLC
2560 W. Brooks Ave., Suite 101
North Las Vegas, Nevada 89032
(702) 333-1449 (O), 702-644-0457 (F)
simmslawfirm@aol.com
Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

CAPUCINE YOLANDA HOLMES,

Plaintiff,

vs.

WILBERT ROY HOLMES,

Defendant.

CASE NO.: D-15-523582-D

DEPT NO.: J

AMENDED PRE-TRIAL MEMORANDUM

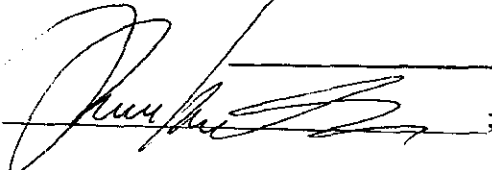
The plaintiff's Pretrial Memorandum is amended as follows:

1. Six additional exhibits are added to the list of exhibits.

V. LIST OF EXHIBITS

- | | | | | |
|-------------------------------------|--|---|--|--|
| ☒ | Exhibit P. Henderson Police Department Incident Report 6/9/2016 | | | |
| ☒ | 17. Exhibit Q. Lien on Property of Creditor William H. George Case No.: A-15-722160-F | X | | |
| ☒ | 18. Exhibit R. Lien on Property HOA violation failure to use Property single family uses only. | X | | |
| ☒ | 19. Exhibit S. Affidavit of Capucine Holmes to Chief Judge Tyrell. | X | | |
| ☒ | 20. Exhibit T. Response to Letter to San Rafeal HOA | X | | |
| ☒ | 21. Exhibit U. Advertisement for listing of home for rent. | X | | |

DATED: January 5, 2017

Submitted by: 

~~22. Justin Wodinger report~~

~~23. Justin Wodinger report~~

CASE NO D-15-523582-1

OFFERED

[illegible]

D15 523 582D

IX. LIST OF EXHIBITS

I intend to introduce the following exhibits at trial:

1. ~~EXHIBIT A~~ My proposed distribution of property and debts is attached as
2. ~~EXHIBIT B~~ Recorded deeds and documents showing ownership in real property
3. ~~EXHIBIT C~~ Letter document showing reverse mortgage required release from plaintiff
4. ~~EXHIBIT D~~ Court required certified property appraisals
5. ~~EXHIBIT E~~ Violated fiduciary duties and immoral actions resulting in financial loss and hardship
6. ~~EXHIBIT F~~ see exhibit E documents..also
7. ~~EXHIBIT G~~ Detail from IED case filed in NLV court
8. ~~EXHIBIT H~~ Letter from Nevada Legal Aid Center

OFFERED	OBJECTION	ADMITTED

X. UNUSUAL ISSUES TO BE PRESENTED AT TRIAL

The following unusual legal or factual issues may be presented at trial: _____

These would be Exhibits E and F showing "some of !" the plaintiffs adulterous extramarital affairs and activities that factually date back to 2004. These "bisexual affairs" and events has caused marital discourse and financial and mental stress upon myself. Thusly the true reason for the dissolution of a happy marriage.

EXHIBIT ~~A~~ 7/3/02 APPRAISAL
11 ✓ C2 6/5/14 APPRAISAL

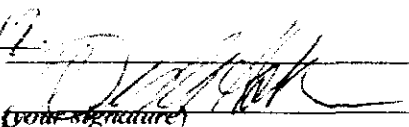
X	X	
X	X	1/10/17

XI. LENGTH OF TRIAL

This trial should take approximately _____ x ☒ hours / ☐

days.

DATED January 2, 2017 . 2017

Submitted By: 

(print your name)

WILBERT R. HOLMES

Defendant's

EXHIBITS

CASE NO D-15-523582-1

ADMITTED

OFFERED

[illegible]

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; ORDER DENYING MOTION FOR REHEARING; NOTICE OF ENTRY OF
ORDER; DISTRICT COURT MINUTES; EXHIBITS LIST

CAPUCINE YOLANDA HOLMES,

Plaintiff(s),

vs.

WILBERT ROY HOLMES,

Defendant(s),

Case No: D-15-523582-D

Dept No: J

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 30 day of March 2020.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk