

IN THE SUPREME COURT OF THE STATE OF NEVADA

LYUDMYLA ABID,

Appellant,

vs.

SEAN ABID,

Respondent.

Electronically Filed
Jun 24 2020 09:47 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

S.C. DOCKET NO.: 80933

District Court Case No. D-10-424830-Z

**MOTION FOR TRANSMITTAL OF
CHILD PROTECTIVE SERVICES RECORDS**

COMES NOW Respondent, Sean Abid, by and through his attorneys, John D. Jones, Esq., of the law firm of BLACK & LOBELLO, and, pursuant to NRAP 27, requests an order from this court directing the district court clerk to transmit a copy of the Child Protective Services' record to this Court to be held confidentially as well as be made part of the appendices in this appeal.

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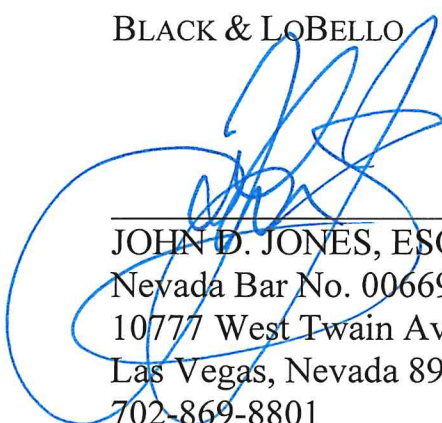
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This Motion is made and based on all the papers and pleadings on file herein, the Points and Authorities submitted herewith, the affidavit of counsel attached hereto, and is made in good faith and not to delay justice.

DATED this 24 day of April, 2020.

BLACK & LOBELLO



JOHN D. JONES, ESQ.
Nevada Bar No. 006699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
702-869-8801
Attorneys for Respondent,
SEAN ABID

POINTS AND AUTHORITIES

This appeal stems from the District Court's denial of Appellant's Motion to Change Custody. Said motion was denied by the District Court without an evidentiary hearing by virtue of the Court's determination that there was not adequate cause to reopen the issue of child custody.

This Court is already well aware of this case. Respondent was awarded primary custody of the minor child by the District Court, after evidentiary hearing, via Findings of Fact Conclusions of Law and Order entered on 3/01/16. Appellant filed an appeal from that determination which was decided by this Court, En Banq,

on 12/07/17. This Court's order was an unequivocal affirmance of the District Court.

Less than two years later, without basis, Appellant filed her Motion to restore custody to a joint custodial order. During the course of the District Court proceedings related to this motion, the District Court order all CPS records for any allegations of abuse made related to either party. Those records were received by the District Court and made available for inspection by the parties and/or their counsel.

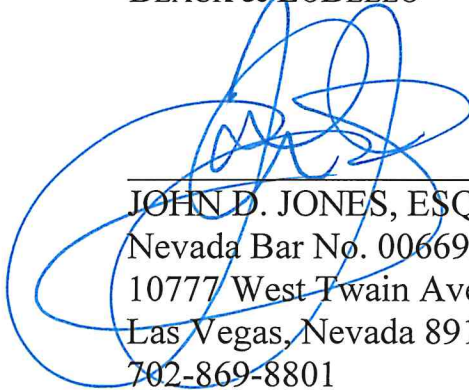
The CPS records, which were relied upon by the District Court in denying Appellant's motion, revealed a long-standing history of multiple false allegations to CPS which were all determined to be unsubstantiated. These records further established the alienating behaviors of Appellant that led to the District Court's original conclusion that Appellant should not have joint custody of the minor child. These records are part of the record at the District Court level and are directly relevant to this Court's conclusion that Appellants 2019 motion should have been denied without further proceedings.

For this reason, Sean respectfully requests this Court to issue an order directing the Clerk of the Clark County District Court, Family Division, to transmit a copy of the Child Protective Services records provided to the District Court on or

about September 12, 2019, to this Court where it will be held in a confidential manner and be made a part of the appendices in this appeal.

DATED this 24th day of June, 2020.

BLACK & LOBELLO



JOHN D. JONES, ESQ.
Nevada Bar No. 006699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
702-869-8801
Attorneys for Respondent,
SEAN ABID

AFFIDAVIT OF JOHN D. JONES, ESQ.

STATE OF NEVADA)

SS.

COUNTY OF CLARK)

JOHN D. JONES, ESQ., first being duly sworn, deposes and says:

1. That he is an attorney licensed to practice in the state of Nevada and attorney for Respondent in the above-referenced action; that by virtue of that fact, he has personal knowledge of the matters contained herein and is competent to testify to the same;

2. That Affiant makes this affidavit in support of the foregoing "Motion for Transmittal of Child Protective Services report;"

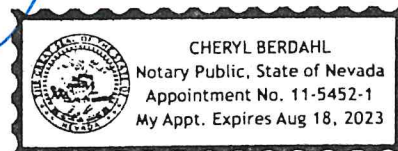
3. That Affiant has read the said Motion and hereby certifies that the facts set forth in the Points and Authorities attached thereto are true according to the record herein, and Affiant believes them to be true. Affiant incorporates these facts into this Affidavit as though full set forth herein.

JOHN D. JONES

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



NOTARY PUBLIC in and for said
County and State




CERTIFICATE OF MAILING

The foregoing "Motion for Transmittal of Child Protective Services report" in the above-captioned matter was served this date by mailing a true and correct copy thereof, via first class mail, postage prepaid and addressed as follows:

Lyudmyla A. Abid, nka
Lyudmyla A. Pynkovska
2167 Montana Pine Drive
Henderson, Nevada 89052
702-208-0633
Appellant in Proper Person

Dated this 24th day of June, 2020


Cheryl Berdahl
an Employee of Black & LoBello