

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTINA CALDERON F/K/A
CHIRSTINA CALDERON STIPP,

Appellant,

vs.

MITCHELL DAVID STIPP,

Respondent.

Supreme Court No. 81888
Electronically Filed
Sep 20 2021 05:52 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

APPELLANT'S APPENDIX VOLUME IV

AARON D GRIGSBY
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Las Vegas, Nevada 89102
Phone: (702) 202-5235
aaron@grigsbylawgroup.com
Counsel for Appellant

RADFORD J. SMITH
Radford J. Smith, CHTD
2470 St. Rose Parkway, #206
Henderson, Nevada 89074
Counsel for Respondent

DOCUMENT	VOLUME NUMBER	BATE NO(S)
Notice of Entry of Stipulation and Order Resolving Physical Custody, Timeshare, Child Support and Parenting Matters	I	AA000001-18
Motion for Child Interview by FMC, Mediation and to Permit Children to exercise Teenage Discretion on Timeshare	I	AA000019-40
Exhibits in Support of Defendant's Motion for Child Interview by FMC, Mediation and to Permit Children to exercise Teenage Discretion on Timeshare	I	AA000041-54
Notice of Hearing	I	AA000055
Application for an Order Shortening Time	I	AA000056-109
Notice of Department Reassignment	I	AA000110-111
Notice of Appearance of Counsel for Plaintiff	I	AA000112-113
Motion for Order to Show Cause Against the Defendant for Willfully disobeying the Custody Order; A Request for Immediate Return of the Children, Make Up Visitation and Award of Attorney's Fees	I	AA000114-143
Notice of Communications between Defendant and Plaintiff's Attorney	I	AA000144-151
Notice of Hearing	I	AA000152
Ex Parte Application for an Order to Show Cause	I	AA000153-160

DOCUMENT**VOLUME
NUMBER****BATE
NO(S)**

Plaintiff's Exhibits in Support of Plaintiff's Motion for Order to Show Cause
Against the Defendant for Willfully disobeying the Custody Order; A Request for
Immediate Return of the Children, Make Up Visitation and

Award of Attorney's Fees I AA000161-230

Plaintiff's Objection to Exhibits improperly cut and pasted within Defendant's
Motion for Child Interview by FMC, Mediation and to Permit Children to exercise
Teenage Discretion on Timeshare, and Objection to Exhibits in Support of
Defendant's Motion filed on August 26, 2019,

pursuant to NRCp 16.205(i) I AA000231-232

Ex Parte Application for an Order

Shortening Time I AA000233-244

Defendant's Opposition to Motion for Order to Show Cause Against the Defendant
for Willfully disobeying the Custody Order; A Request for Immediate Return of
the Children, Make Up Visitation and Award of Attorney's Fees and

Countermotion for Interview of Children by FMC and for Children to exercise
Teenage Discretion II AA000245-272

DOCUMENT**VOLUME
NUMBER****BATE
NO(S)**

Defendant's Exhibits in Support of Defendant's Opposition to Motion for Order to Show Cause Against the Defendant for Willfully disobeying the Custody Order; A Request for Immediate Return of the Children, Make Up Visitation and Award of Attorney's Fees and Countermotion for Interview of Children by FMC and for

Children to exercise Teenage Discretion II AA000273-366

Order to Show Cause II AA000367-368

Notice of Entry of Order II AA000369-372

Declaration of Amy Stipp in Support of Defendant's Motion for Child Interview by FMC, Mediation and to Permit Children to exercise Teenage Discretion on

Timeshare II AA000373-389

Declaration of Amy Stipp in Support of Defendant's Motion for Child Interview by FMC, Mediation and to Permit Children to exercise Teenage Discretion on

Timeshare II AA000390-406

Plaintiff's Opposition to Defendant's Motion for Child Interview by FMC,

Mediation and to Permit Children to exercise Teenage Discretion on Timeshare and Countermotion for Immediate Return of Children, Make-up visitation,

Sanctions, and Award of Attorney's Fees II AA000407-419

Notice of Hearing II AA000420

DOCUMENT**VOLUME
NUMBER****BATE
NO(S)**

Plaintiff's Exhibits in Support of Plaintiff's Opposition to Defendant's Motion for Child Interview by FMC, Mediation and to Permit Children to exercise Teenage Discretion on Timeshare and Countermotion for Immediate Return of Children, Make-up visitation, Sanctions,

and Award of Attorney's Fees II AA000421-427

Defendant's Objection to Letter by Christina Calderon's Therapist Donna Wilburn and Notice of Letter from Dr. Roy Lubit

in Support of Objection II AA000228-481

Response to Plaintiff's Objection

Filed on August 30, 2019 II AA000482-485

Reply to Opposition to Our Motion for Order to Show Cause Against Defendant for Willfully Disobeying the Custody Order and Requested Relief and Opposition to the Countermotion filed by Defendant III AA000286-497

Reply to Plaintiff's Opposition to Countermotion for Interview of Children by FMC, Mediation at FMC, and for

Children to Exercise Teenage Discretion III AA000498-517

DOCUMENT**VOLUME
NUMBER****BATE
NO(S)**

Exhibits in Support of Defendant’s Reply to Opposition to Our Motion for Order to Show Cause Against Defendant for Willfully Disobeying the Custody Order and Requested Relief and Opposition to the Countermotion	III	AA000518-543
Notice of Appearance	III	AA000544-546
Supplemental Exhibits in Support of Defendant’s Reply to Opposition to Our Motion for Order to Show Cause Against Defendant for Willfully Disobeying the Custody Order and Requested Relief and Opposition to the Countermotion filed by Defendant	III	AA000547-550
Ex Parte Application for an Order Shortening Time	III	AA000551-564
Order for Family Mediation Center	III	AA000565
Court Order Instructions	III	AA000566-567
Request for Child Protective Services		
Appearance and Records	III	AA000568
Status Report	III	AA000569-574
Plaintiff’s Objection to Defendant’s Status Report filed October 7, 2019, and Request that it be stricken Pursuant to EDCR 5.508	III	AA000575-577

DOCUMENT**VOLUME
NUMBER****BATE
NO(S)**

Plaintiff's Emergency Motion for Temporary Primary Physical Custody and
Request for Writ of Attachment Order

and Attorney's Fees III AA000578-600

Notice of Hearing III AA000601

Ex Parte Application for an Order Shortening Time III AA000602-607

Opposition to Ex Parte Application for an Order Shortening Time of Plaintiff's

Motion for Primary Physical Custody III AA000608-612

Exhibits in Support of Opposition to Ex Parte Application for an Order Shortening

Time of Plaintiff's Motion for Primary Physical Custody III AA000613-634

Order Setting Case Management Conference III AA000635-637

Plaintiff's Supplement Affidavit in Support of her Emergency Motion for

Temporary Primary Physical Custody and Request for Writ of Attachment Order

and Attorney's Fees III AA000638-643

Opposition to Plaintiff's Emergency Motion for Temporary Primary Physical

Custody and Request for Writ of Attachment Order and Attorney's Fees and

Countermotion for Primary Physical Custody

and Related Relief III AA000644-666

Order Shortening Time III AA000667-668

DOCUMENT	VOLUME NUMBER	BATE NO(S)
Notice of Entry of Order	III	AA000669-672
Order for Supervised Exchange	III	AA000673-675
Notice of Change of Address	III	AA000676
Order Setting Evidentiary Hearing	III	AA000677-681
Subpoena for Gerardo Hernandez for Deposition	III	AA000682-686
Affidavit of Service	III	AA000687
Notice of Telephonic EDCR 5.602(d) Conference	III	AA000688-690
Plaintiff's Production of Documents and List of Witnesses Pursuant to NRCP 16.2	III	AA000691-700
Certificate of Mailing	III	AA000701
Plaintiff's Motion to Compel Discovery Responses, Including Answers to Interrogatories and Responses to Requests for Production of Documents; Failure to Make NRCP 16.2 Disclosures and Productions; and For an Award of Attorney's Fees and Costs	III	AA000702-722
Notice of Hearing	III	AA000723

DOCUMENT	VOLUME NUMBER	BATE NO(S)
Plaintiff's Exhibits in Support of Plaintiff's		
Motion to Compel Discovery	IV	AA000724-802
Defendant's Opposition to Motion to Compel		
and Related Relief	IV	AA000803-812
Defendant's Exhibits in Support of Defendant's Opposition to		
Motion to Compel and Related Relief	IV	AA000813-931
Ex Parte Application for an Order		
Shortening Time	IV	AA000932-935
Supplement to Opposition to Motion to		
Compel: Countermotion in Limine	IV	AA000936-944
Exhibits in Support of Defendant's		
Supplement: Countermotion in Limine	IV	AA000945-969
Order Shortening Time	IV	AA000970-971
Request for Hearing on Defendant's Countermotion		
In Limine	V	AA000972-973
Supplement to Opposition to Motion to Compel:		
Countermotion in Limine	V	AA000974-983

DOCUMENT	VOLUME NUMBER	BATE NO(S)
Exhibits in Support of Defendant's Supplement:		
Countermotion in Limine	V	AA000984-1008
Ex Parte Application for Order Setting		
Hearing/Shortening Time	V	AA001009-1012
Request for Hearing on Defendant's		
Countermotion in Limine	V	AA1013-1014
Supplement to Opposition to Motion to Compel		
Countermotion in Limine	V	AA1015-1024
Exhibits in Support of Defendant's Supplement:		
Countermotion in Limine	V	AA1025-1049
Notice of Entry of Order	V	AA1050-1053
Defendant's Pretrial Memorandum	V	AA001054-1099
Receipt of Copy	V	AA001100
Witness List	V	AA001101-1104
Receipt of Copy	V	AA001105
Witness List	V	AA001106-1109
Receipt of Copy	V	AA001110
Plaintiff's List of Witness for Evidentiary Hearing	V	AA001111-1118

DOCUMENT	VOLUME NUMBER	BATE NO(S)
Trial Subpoena	V	AA001119-1121
Trial Subpoena	V	AA001122-1124
Plaintiff's Objection to Defendant's Pre-trial Memorandum filed January 21, 2020	V	AA001125-1127
Motion to Compel Responses to Discovery and For Attorney's Fees and Costs	V	AA001128-1143
Exhibits in Support of Defendant's Motion to Compel	VI	AA001144-1279
Supplemental Declaration/Affidavit of Mitchell Stipp	VI	AA001280-1282
Notice of Hearing	VI	AA001283
Ex Parte Application for Order Setting hearing On Motion in Limine	VI	AA00184-1288
Supplement to Opposition to Motion to Compel: Countermotion in Limine	VI	AA001289-1297
Exhibits in Support of Defendant's Supplement: Countermotion in Limine	VI	AA001298-1322

DOCUMENT**VOLUME
NUMBER****BATE
NO(S)**

Plaintiff's Memorandum of Attorney's Fees and

Costs

VII AA001323-1335

Ex Parte Application for Order Shortening Time on

Defendant's Motion to Compel

VII AA001336-1497

Stipulation and Order Vacating February 7, 2020 Hearing before the Discovery

Commissioner

VII AA001498-1500

Plaintiff's Opposition to Defendant's Motion to Compel Responses to Discovery

and for Attorney's Fees and Cost; and

Counter-Motion for Attorney's Fees

VII AA001501-1517

Plaintiff's Exhibits in Support of: Plaintiff's Opposition to Defendant's Motion to

Compel Responses to Discovery and for Attorney's Fees and Cost; and

Counter-Motion for Attorney's Fees

VII AA001518-1540

Notice of Hearing

VII AA001541

Opposition to Plaintiff's Request for Attorney's

Fees and Costs

VIII AA001542-1700

Defendant's Reply to Opposition to Motion to Compel and Opposition to

Counter-motion for Attorney's Fees and Costs

VIII AA001701-1760

Notice of Hearing

VIII AA001761

DOCUMENT	VOLUME NUMBER	BATE NO(S)
Order Shortening Time	VIII	AA001762-1763
Notice of Telephone Conference Required by Discovery Commissioner to Discuss Plaintiff's Deficient Discovery Responses	IX	AA1764-1791
Application for an Order Shortening Time	IX	AA1792-1796
Plaintiff's Offers of Proof Regarding Witnesses for Evidentiary Hearing	IX	AA1797-1802
Plaintiff's Opposition to Defendant's Motion In Limine and Counter-Motion for Attorney's Fees	IX	AA001803-1820
Plaintiff's Supplemental Production of Documents And List of Witnesses Pursuant to NRCP 16.2	IX	AA001821-1830
Status Report	IX	AA001831-1844
Notice of Entry of Stipulation and Order Resolving Discovery Disputes and Trial Matter	IX	AA001845-1851
Amended Order Setting Evidentiary Hearing	IX	AA001852-1854
Order from Hearing of October 1, 2019	IX	AA001855-1862
Order from Hearing of October 22, 2019	IX	AA001863-1867
Order from Hearing of October 1, 2019	IX	AA001868-1875

DOCUMENT	VOLUME NUMBER	BATE NO(S)
Second Amended Order Setting Evidentiary Hearing	IX	AA001876-1879
Plaintiff's Emergency Motion Pursuant to NRCP Rule 43	IX	AA001880-1890
Opposition to Plaintiff's Emergency Motion Pursuant to NRCP 43	IX	AA001891-1895
Notice of Entry of Order	IX	AA001896-1904
Notice of Entry of Order	IX	AA001905-1910
Plaintiff's Renewed Emergency Motion Pursuant to NRCP Rule 43	IX	AA001911-1921
Ex Parte Application for an Order Shortening Time	IX	AA001922-1926
Opposition to Plaintiff's Renewed Emergency Motion pursuant to NRCP Rule 43	IX	AA001927-1929
Order Shortening Time	IX	AA001930-1932
Notice of Entry of Order	IX	AA001933-1937
Notice of Hearing	IX	AA001938

DOCUMENT	VOLUME NUMBER	BATE NO(S)
Plaintiff's Second Supplemental Production of Documents and List of Witnesses Pursuant to NRCP 16.2	IX	AA001939-1948
Receipt of Copy	IX	AA001949
Plaintiff's Memorandum of Points and Authorities Following Evidentiary Hearing	IX	AA1950-1969
Defendant's Closing Brief	IX	AA001979-1987
Notice of Entry of Order	IX	AA001988-2012
Transcripts: January 23, 2020	X	AA2013-2269
Transcripts: March 5, 2020	XI	AA2070-2512
Transcripts: August 27, 2020	XII	AA2513-2763

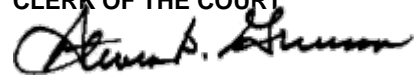
CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 20th day of September, 2021,
a copy of the foregoing Appellant's Appendix IV was served as follows:

BY ELECTRONIC FILING TO

Radford J. Smith, Esq.
Radford J. Smith, CHTD
2470 St. Rose Parkway, #206
Henderson, Nevada 89074
Attorney for Respondent

/s/Aaron Grigsby _____
Employee of The Grigsby Law Group



MITCHELL D. STIPP, ESQ.
Nevada Bar No. 7531
LAW OFFICE OF MITCHELL STIPP
10120 W. Flamingo Rd., Suite 4-124
Las Vegas, Nevada 89147
Telephone: 702.602.1242
mstipp@stipplaw.com

RADFORD J. SMITH, ESQ.
Nevada Bar No. 2791
RADFORD J. SMITH, CHARTERED
2470 St. Rose Parkway, Suite 206
Henderson, Nevada 89074
Telephone: 702.990.6448
rsmith@radfordsmith.com
Attorneys for Mitchell Stipp, Defendant

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

FAMILY DIVISION

CHRISTINA CALDERON,
Plaintiff,

v.

MITCHELL STIPP,
Defendant.

Case No.: D-08-389203-Z

Dept. No.: H

**EXHIBITS IN SUPPORT OF
DEFENDANT'S
OPPOSITION TO MOTION TO
COMPEL AND RELATED RELIEF**

Defendant, Mitchell Stipp, hereby files the above-referenced exhibits (which are
identified below):

///

1 EXHIBIT A: Christina Calderon's Initial List of Witnesses and Documents e-
2 served on January 13, 2020 AND Mitchell Stipp's Disclosure of
3 Witnesses and Documents e-served on January 13, 2020. [Produced
4 Documents were excluded from this Exhibit].
5

6 EXHIBIT B: Mitchell Stipp's Discovery Requests.
7

8 EXHIBIT C: Portion of Christina Calderon's Deposition on January 7, 2020.
9

10 EXHIBIT D: Mitchell Stipp's Timely Responses and Objections to Written
11 Discovery.
12

13 EXHIBIT E: Email from Mitchell Stipp sent to Valerie Fujii dated January 10,
14 2020.
15

16 EXHIBIT F: Emails from Mitchell Stipp sent to Valerie Fujii dated January 14,
17 2020.
18

19 EXHIBIT G: Email from Radford Smith to Valerie Fujii dated January 14, 2020.
20

21 **LAW OFFICE OF MITCHELL STIPP**

22 /s/ Mitchell Stipp, Esq.
23 MITCHELL STIPP, ESQ.
24 Nevada Bar No. 7531
25 LAW OFFICE OF MITCHELL STIPP
26 10120 W. Flamingo Rd., Suite 4-124
27 Las Vegas, Nevada 89147
28 Telephone: 702.602.1242
mstipp@stipplaw.com

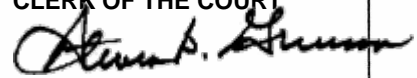
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 14th day of January, 2020, I filed the foregoing using the Court's E-filing system, which provided notice to the e-service participants registered in this case.

By: /s/ *Amy Hernandez*

An employee of the Law Office of Mitchell Stipp

EXHIBIT A



1 **PROD**
2 **VALARIE I. FUJII, ESQ.**
3 Nevada Bar No. 005955
4 **VALARIE I. FUJII & ASSOCIATES**
5 704 South Sixth Street
6 Las Vegas, Nevada 89101
7 (702) 341-6464 phone
8 (702) 734-6464 facsimile
9 vip@fujiiilawlv.com

10 Attorney for Plaintiff
11 **CHRISTINA CALDERON**

12 **DISTRICT COURT, FAMILY DIVISION**

13 **CLARK COUNTY, NEVADA**

14 **CHRISTINA CALDERON,**)

15 Plaintiff,)

16 vs.)

17 **MITCHELL STIPP,**)

18 Defendant.)

CASE NO.: D-08-389203-Z
DEPT. NO.: H/RJC CR 3G

19 **PLAINTIFF'S PRODUCTION OF DOCUMENTS AND**
20 **LIST OF WITNESSES PURSUANT TO NRCP 16.2**

21 COMES NOW, Plaintiff CHRISTINA CALDERON, by and through her
22 attorney of record, VALARIE I. FUJII, ESQ. of the law firm of VALARIE I.
23 FUJII & ASSOCIATES, and hereby submits the following Production of
24 Documents and List of Witnesses Pursuant to NRCP 16.2. as follows:

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27

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I.

LIST OF EXHIBITS

<u>Exhibit</u>	<u>Document Title</u>
1.	Decree of Divorce filed on March 6, 2008, incorporating the Marital Settlement Agreement (MSA) (BATES STAMPS PL00001-PL00035)
2.	Stipulation and Order Resolving Physical Custody, Timeshare, Child Support, and Parenting Matters filed on July 9, 2014 (BATES STAMPS PL00036-PL00051)
3.	Emails between the parties dated August 2019, which proves the Defendant's Contempt in his withholding the children from CHRISTINA (BATES STAMPS PL00052-PL00058)
4.	Pictures of MIA and CHRISTINA at Middle School Graduation on May 22, 2019; and picture of MIA that CHRISTINA took of her at summer music camp on June 21, 2019 (BATES STAMPS PL00059-PL00061)
5.	Email from CHRISTINA to the Defendant when MIA was found with her boyfriend at the park alone (co-parenting) (BATES STAMPS PL00062)
6.	Email from ETHAN's teacher Ms. Wandel regarding him receiving special recognition for showing kindness to a special needs child at school (BATES STAMPS PL00063)
7.	Donna Wilburn, MS, LMFT, Letter dated September 11, 2019, entitled "Urgent: Children in Crisis, Recommended Protocol Regarding Child Visitation Refusal" (BATES STAMPS PL00064-PL00067)
8.	Notice of Appearance by Radford J. Smith, Esq. as counsel on behalf of Defendant filed on September 24, 2019 (BATES STAMPS PL00068-PL00070)
9.	Reply to Opposition to Motion for Child Interview and Teenage Discretion filed on September 25, 2019 by Defendant solely and e-served by his wife Amy; Exhibits in Support of Reply to Opposition filed by Defendant on September 25, 2019, solely and e-served by his wife (BATES STAMPS PL00071-PL00115)
10.	Status Report filed by Defendant listing himself as co-counsel with Radford Smith, Esq., filed on October 7, 2019, and e-served by his wife Amy (BATES STAMPS PL00116-PL00121)

11.	Counsel's many objections to pleadings filed by Defendant: Objection to Status Report filed on 10-7-19; Objection to letter from Dr. Roy Lubits; Objection to Exhibits Improperly cut and pasted within Defendant's Motion for Child Interview in support of Motion (BATES STAMPS PL00122-PL00128)
12.	Affidavit of Plaintiff Christina Calderon in Support Of Order to Show Cause Against the Defendant for Willfully Disobeying the Custody Order; a Request for Immediate Return of the Children, Make up Visitation and an Award of Attorneys Fees dated August 29, 2019 (BATES STAMPS PL00129-PL00135)
13.	Affidavit of Christina Calderon in support of Emergency Motion for Temporary Primary Physical Custody dated October 9, 2019 (BATES STAMPS PL00136-PL00139)
14.	Supplemental Affidavit of Plaintiff Christina Calderon in Support Emergency Motion for Temporary Primary Physical Custody dated October 21, 2019 (BATES STAMPS PL00140-PL00143)
15.	Affidavit of Plaintiff Christina Calderon regarding Donna's House
16.	Declaration of Amy Stipp filed on September 6, 2019 (BATES STAMPS PL00144-PL00160)
17.	Declaration of Defendant Mitchell D. Stipp, attorney for Mitchell Stipp, Defendant filed on September 6, 2019 (BATES STAMPS PL00161-PL00177)
18.	Court Minutes from Hearings of October 1, 2019, and October 22, 2019 (BATES STAMPS PL00178-PL00181)
19.	Texts between Plaintiff Christina Calderon and the children from October 4, 2019 to the present (Responses to RPD's) (BATES STAMPS PL00182-PL00266)
20.	Proof that Plaintiff Christina Calderon paid attorney's fees to Valarie I. Fujii, Esq. (BATES STAMPS PL00267-PL00268)
21.	Emails by and between the parties (BATES STAMPS PL000269-PL00279)
22.	Additional Emails by and between the parties (BATES STAMPS PL00280-PL00487)
23.	Audio of conversation between the parties at Starbucks on May 17, 2019
	Any and all exhibits produced by Plaintiff;

Any and all pleadings in this matter filed by either party, including any and all exhibits attached thereto; and any and all correspondence and emails between the parties and/or counsel.

Plaintiff CHRISTINA CALDERON reserves the right to use any and all documentation produced or listed by the Defendant herein; and the Plaintiff further reserves the right to supplement this list prior to trial.

II.

LIST OF WITNESSES

1. CHRISTINA CALDERON (Plaintiff)
c/o Valarie I. Fujii, Esq.
704 South Sixth Street
Las Vegas, Nevada 89101

She is the Plaintiff and is expected to testify as to the relationship of the parties; her relationship with the children MIA and ETHAN; Defendant's relationship with the children; Plaintiff's parenting skills; Defendant's parenting skills; the actions of the Defendant; Defendant's motive for withholding the children; Defendant's reliance upon third parties for the physical and emotional welfare of the children; the affect the litigation has had on her, the children and their relationship; the physical and mental health of the parties and the children; Defendant's abuse, including its affects on the minor children; and/or any other matters related to the litigation of this action.

2. MITCHELL STIPP (Defendant)
c/o Radford Smith, Esq.
2470 St. Rose Parkway, #206
Henderson, Nevada 89074

He is the Defendant and is expected to testify as to the relationship of the parties; Plaintiff's relationship with the children MIA and ETHAN; Defendant's

1 relationship with the children; Plaintiff's parenting skills; Defendant's parenting
2 skills; the actions and motives of the Defendant in withholding the children from
3 Plaintiff; Defendant's reliance upon third parties for the emotional and physical
4 welfare of the children; the physical and mental health of the parties and the
5 children; and/or any other matters related to the litigation of this action.

6
7 3. Amy Stipp
8 c/o Radford Smith, Esq.
9 2470 St. Rose Parkway, #206
10 Henderson, Nevada 89074

11 She is the Defendant's wife and is expected to testify as to her relationship
12 with the children MIA and ETHAN; her relationship with the Plaintiff;
13 Defendant's relationship with the children; Plaintiff's parenting skills;
14 Defendant's parenting skills; her parenting skills and her actions/inactions in
15 improving, worsening and/or aggravating the co-parenting problems between the
16 parties; her actions and motives in assisting and abetting the Defendant in
17 withholding the children from Plaintiff; Defendant's reliance upon third parties for
18 the emotional and physical welfare of the children; the physical and mental health
19 of herself, Defendant, and the children; and/or any other matters related to the
20 litigation of this action.

21 4. GERARDO HERNANDEZ
22 c/o Radford Smith, Esq.
23 2470 St. Rose Parkway, #206
24 Henderson, Nevada 89074

25 He is Amy Stipp's father and is expected to testify as to his care-giving of
26 the children MIA and ETHAN, and/or any other matters related to the litigation of
27 this action.

28

1 5. Martha Hernandez
2 c/o Radford Smith, Esq.
3 2470 St. Rose Parkway, #206
 Henderson, Nevada 89074

4 She is Amy Stipp's mother and is expected to testify as to her care-giving of
5 the children MIA and ETHAN, and/or any other matters related to the litigation of
6 this action.

7 6. Mia Stipp (minor child of the parties)
8 c/o Radford Smith, Esq.
9 2470 St. Rose Parkway, #206
 Henderson, Nevada 89074

10 Mia, Date of Birth: October 19, 2004, currently age 15 years and 3 months,
11 is the minor child of the parties, and is expected to testify regarding matters related
12 to the litigation of this action based upon the Court's direction.

13 7. Ethan Stipp (minor child of the parties)
14 c/o Radford Smith, Esq.
15 2470 St. Rose Parkway, #206
 Henderson, Nevada 89074

16 Ethan, Date of Birth: March 24, 2007, currently age 12 years and 10
17 months, is the minor child of the parties, and is expected to testify regarding
18 matters related to the litigation of this action based upon the Court's direction.

19 8. Donna Wilburn, LMFT
20 10655 Park Run Drive, #210
21 Las Vegas, Nevada 89144
 702-234-9325

22 Donna Wilburn is Plaintiff's therapist and is expected to testify as to her
23 Letter dated September 11, 2019, entitled "Urgent: Children in Crisis,
24 Recommended Protocol Regarding Child Visitation Refusal", and/or any other
25 matters related to the litigation of this action.
26

27
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1 6. Elena Calderon
2 913 Hickory Park Street
3 Las Vegas, Nevada 89138
4 702-575-7465

5 Elena will testify as to the relationship between Plaintiff Christina Calderon
6 and the children MIA and ETHAN, and the relationship between the children and
7 their maternal relatives, and/or any other matters related to the litigation of this
8 action.

9 7. Nicholas Petsas
10 913 Hickory Park Street
11 Las Vegas, Nevada 89138
12 408-706-0636

13 Nicholas will testify as to the relationship between Plaintiff Christina
14 Calderon and the children MIA and ETHAN, and the relationship between the
15 children and their maternal relatives, and/or any other matters related to the
16 litigation of this action.

17 8. Peter Calderon
18 3136 Donnegal Bay Drive
19 Las Vegas, Nevada 89117
20 702-321-7819

21 Peter will testify as to the relationship between Plaintiff Christina Calderon
22 and the children MIA and ETHAN, and the relationship between the children and
23 their maternal relatives, and/or any other matters related to the litigation of this
24 action.

25 9. Antonia Calderon
26 3136 Donnegal Bay Drive
27 Las Vegas, Nevada 89117
28 702-759-5626

 Antonia will testify as to the relationship between Plaintiff Christina
 Calderon and the children MIA and ETHAN, and the relationship between the

1 children and their maternal relatives, and/or any other matters related to the
2 litigation of this action.

3 10. Anthony Calderon
4 3136 Donnegal Bay Drive
5 Las Vegas, Nevada 89117
6 725-212-0747

7 Anthony will testify as to the relationship between Plaintiff Christina
8 Calderon and the children MIA and ETHAN, and the relationship between the
9 children and their maternal relatives, and/or any other matters related to the
10 litigation of this action.

11 11. Allison Morris
12 8725 Newport Isle Court
13 Las Vegas, Nevada 89117
14 702-219-4880

15 Allison will testify as to the relationship between Plaintiff Christina
16 Calderon and the children MIA and ETHAN, and/or any other matters related to
17 the litigation of this action.

18 12. Mindi Gellner
19 702-278-3213

20 Mindi will testify as to the relationship of the parties, the relationship
21 between Plaintiff Christina Calderon and the children MIA and ETHAN, and
22 Defendant's relationship with the children. Mindi will also testify as to her
23 experiences attempting to co-parent and raise a child with Defendant Mitchell
24 Stipp's brother, Marshal Stipp, and/or any other matters related to the litigation of
25 this action.

26 13. Misayo Lopez
27 702-510-0922
28

1 Misayo is the mother of Mia's boyfriend Joey Lopez, and is expected to
2 testify as to the Mia's relationship with Joey, and her interactions and experiences
3 with the parties, and/or any other matters related to the litigation of this action.

4 14. Mauricio Molina
5 702-767-1557

6 Mauricio will testify as to Ethan's baseball experience and his interactions
7 with the parties, and/or any other matters related to the litigation of this action.

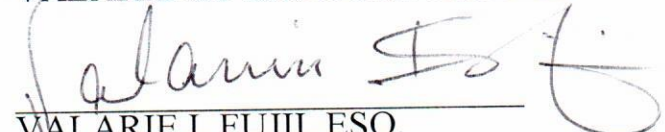
8 15. Scott Fogo
9 Faith Lutheran Middle & High School Principal
10 2015 South Hualapai Way
11 Las Vegas, Nevada 89117
12 702-804-4400

13 Scott will testify as to his interactions and experiences with the parties and
14 the children, and/or any other matters related to the litigation of this action.

15 Any and all witnesses identified by Defendant, including rebuttal witnesses.
16 Plaintiff reserves the right to supplement this list of witnesses, including those for
17 rebuttal and impeachment purposes.

18 DATED this 13th day of January, 2020.

19 VALARIE I. FUJII & ASSOCIATES

20 

21 VALARIE I. FUJII, ESQ.
22 Nevada Bar No. 005955
23 704 South Sixth Street
24 Las Vegas, Nevada 89101
25 Attorney for Plaintiff
26 CHRISTINA CALDERON
27
28

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Kathie
An employee of VALARIE I. FUJII, ESQ.

WITNESSES

1. Mitchell Stipp
c/o RADFORD J. SMITH, ESQ.
RADFORD J. SMITH, CHARTERED
2470 St. Rose Parkway, Suite 206
Henderson, Nevada 89074

2. Amy Stipp
10120 W. Flamingo Rd., #4124
Las Vegas, Nevada 89147

3. Mia Stipp
10120 W. Flamingo Rd., #4124
Las Vegas, Nevada 89147

4. Ethan Stipp
10120 W. Flaming Rd., #4124
Las Vegas, Nevada 89147

5. Christina Calderon
c/o VALERIE FUJII, ESQ.
VALERIE I. FUJII & ASSOCIATES
704 South Sixth Street
Las Vegas, Nevada 89101

6. Nicholas Ponzio*
10161 Park Run Drive,
Suite 150
Las Vegas, Nevada, 89145

* Plaintiff has disclosed that she intends to use matters of therapy protected by the parties' Stipulation and Order Resolving Physical Custody, Timeshare, Child Support and Parenting Matters Filed on July 9, 2014 and NRS 49.246-49.249 at trial. Mr. Ponzio has voluntarily agreed to appear and will testify if the confidentiality and privileges are waived and/or as permitted, directed or otherwise ordered by the court.

///

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1 **DOCUMENTS**

2 Defendant discloses documents identified as **DEFENDANT BATES**
3 **NOS. 000001-001129**, which are attached hereto. These documents also are offered
4 as trial exhibits in accordance with the court's order setting an evidentiary hearing on
5 January 23, 2020.
6

7 **RESERVATIONS**

8
9 Defendant reserves the right to call any witness named by Plaintiff.

10 Defendant reserves the right to call any witnesses as may be necessary for the
11 purpose of rebuttal or impeachment and to name such other witnesses as may become
12 known before trial.
13

14 Defendant reserves the right to designate as an exhibit any document designated
15 by Plaintiff as an exhibit or filed in this case on or before trial.
16

17 Defendant reserves all objections as to the admissibility of all documents filed
18 or produced in this matter.
19

20 Dated: January 13, 2020

21 **LAW OFFICE OF MITCHELL STIPP**

22 /s/ Mitchell Stipp, Esq.
23 MITCHELL STIPP, ESQ.
24 Nevada Bar No. 7531
25 LAW OFFICE OF MITCHELL STIPP
26 10120 W. Flamingo Rd., Suite 4-124
27 Las Vegas, Nevada 89147
28 Telephone: 702.602.1242
mstipp@stipplaw.com
Attorneys for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 13th day of January, 2020, I served the foregoing using the Court's E-filing system, which provided notice to the e-service participants registered in this case:

Valerie Fujii

Christina Calderon

The Audio and Video Files referenced herein were delivered by Mitchell Stipp to Ms. Fujii via email as follows: Audio was delivered on August 28, 2019, and Video was delivered on January 13, 2020.

By: */s/ Amy Hernandez*

An employee of the Law Office of Mitchell Stipp

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Exhibit	Description	Offered Date	Objected	Admitted Date
1 A	Decree of Divorce filed March 6, 2008 (Defendant Nos. 000001-000038)			
2 B	Judge Frank Sullivan's Order Filed on November 4, 2010 (Defendant Nos. 000039-000058)			
3 C	Judge William Potter's Order Filed on October 11, 2011 (Defendant Nos. 000059-000061)			
4 D	Judge William Potter's Order Filed on July 30, 2013 (Defendant Nos. 000062-000065)			
5 E	Judge Frank Sullivan's Order Filed on May 27, 2014 (Defendant Nos. 000066-000074)			
6 F	Stipulation and Order Resolving Physical Custody, Timeshare, Child Support and Parenting Matters Filed on July 9, 2014 (Defendant Nos. 000075-000091)			
7 G	Child Psychological Evaluation by Dr. Lewis Etcoff dated July 27, 2011 (Defendant Nos. 000092-000105)			
8 H	Declaration of Amy Stipp In Support of Defendant's Motion for Child Interview by FMC, Mediation and To Permit Children to Exercise Teenage Discretion on Timeshare filed on September 6, 2019 (Defendant Nos. 000106-000123)			
9 I	Audio File Transcribed by Depo International (08/23/2019)			
10 J	Declaration of Mitchell Stipp in Support of Defendant's Motion for Child Interview by FMC, Mediation and To Permit Children to Exercise Teenage Discretion on Timeshare filed on September 6, 2019 (Defendant Nos. 000124-000141)			
11 K	Video File Transcribed by Depo International (09/6/2019)			
12 L	Defendant's Objection to Letter by Christina Calderon's Therapist Donna Wilburn and Notice of Letter from Dr. Roy Lubit in Support of Objection filed on September 13, 2019 (Defendant Nos. 000142-000196)			
13 M	Exhibits in Support of Defendant's Opposition to Ex Parte Application for Order Shortening Time on Plaintiff's Motion for Primary Physical Custody (Redacted to			

1		Remove Exhibit A) (Defendant Nos. 000197-000217)			
2	N	Transcript of Deposition of Christina Calderon-December 20, 2019 (Defendant Nos. 000218-000351)			
3	O	Transcript of Deposition of Christina Calderon-January 7, 2020 (Defendant Nos. 000352-000540)			
4	P	Transcript of Deposition of Mitchell Stipp-January 7, 2020 (Defendant Nos. 000541-000749)			
5	Q	Defendant's Interrogatories and Requests for Production of Documents and Admissions e-served on December 3, 2019 (Defendant Nos. 000750-000763)			
6	R	Plaintiff's Responses to Defendant's Requests for Admissions e-served on December 31, 2019 (Defendant Nos. 000764-000768)			
7	S	Plaintiff's Responses to Defendant's Interrogatories e-served on January 2, 2020 (Defendant Nos. 000769-000784)			
8	T	Plaintiff's Responses to Defendant's Requests for Production of Documents e-served on January 2, 2020 (Defendant Nos. 000785-000883)			
9	U	Plaintiff's Requests for Admissions e-served on December 12, 2019 (Defendant Nos. 000884-000892)			
10	V	Plaintiff's Interrogatories e-served on December 12, 2019 (Defendant Nos. 000893-000911)			
11	W	Plaintiff's Requests for Production of Documents e-served on December 12, 2019 (Defendant Nos. 000912-000920)			
12	X	Emails by and between Mitchell Stipp and Christina Calderon (Defendant Nos. 000921-001097)			
13	Y	Email to Dr. Knorr dated September 24, 2019 (Defendant Nos. 001098-001101)			
14	Z	Schedules for Mia and Ethan Stipp (August 2019-January 2020) (Defendant Nos. 001102-001111)			
15	AA	Grades and Awards (Defendant Nos. 001112-001129)			
16	BB	Child Interview Report by m'Ryah Littleton from Interview on October 23, 2019 at 3:30 p.m.			

EXHIBIT B

REQT

MITCHELL D. STIPP, ESQ.

Nevada Bar No. 7531

LAW OFFICE OF MITCHELL STIPP

10120 W. Flamingo Rd., Suite 4-124

Las Vegas, Nevada 89147

Telephone: 702.602.1242

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Nevada Bar No. 2791

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2470 St. Rose Parkway, Suite 206

Henderson, Nevada 89074

Telephone: 702.990.6448

rsmith@radfordsmith.com

Attorneys for Mitchell Stipp, Defendant

**DISTRICT COURT, FAMILY DIVISION
CLARK COUNTY**

CHRISTINA CALDERON,

Plaintiff,

v.

MITCHELL STIPP,

Defendant.

Case No.: D-08-389203-Z

Dept. No.: H

FAMILY DIVISION

**INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS AND ADMISSIONS**

TO: Christina Calderon, Plaintiff

TO: Valerie Fujii, Plaintiff's attorney

You are hereby notified to produce the documents, to answer the interrogatories under oath, and respond the requests for admissions as set forth herein, within thirty (30) days of service hereof, pursuant to Rules 33, 34 and 36 of the Nevada Rules of Civil Procedure.

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I.

DEFINITIONS

(A) "Adverse party" means the party in this case whether plaintiff or defendant other than you.

(B) "And" and "or" and "and/or" shall be construed disjunctively or conjunctively as necessary in order to bring within the scope of each interrogatory, request for documents or admissions, which might otherwise be construed to be outside its scope.

(C) "Communication" means any oral or written utterance, notation, or statement of any nature whatsoever, by and to whomsoever made, including, but not limited to, correspondence, emails, text messages, instant messages, posts on social media (including Facebook and Twitter), conversations, dialogues, discussions, interviews, consultations, agreements and other understandings between or among two or more persons.

(D) "Defendant" means the person identified as defendant in the caption hereto.

(E) "Date" shall mean the exact date, month, and year, if ascertainable, or if not, the best approximation (including relationship to other events).

(F) "Documents" shall mean any medium upon which intelligence or information can be perceived, reproduced, recorded, retrieved or otherwise communicated with or without the aid of any machine or device and regardless of the medium of impression in which the information is fixed (e.g., print, video, audio or other medium of expression), and includes, without limitation, the original and each copy, regardless of origin and location, of any written, printed, typed, taped, photographic, audiovisual, video graphic and recorded material however produced or reproduced, including but not limited to any book, record, brochure, pamphlet, paper, periodical, letter, memorandum (including any memorandum or report of a meeting or conversation), telephone records, invoice, bill, order form, receipt, voucher, financial statement, records, ledgers, other books of account, other types of ledger accounting entry, telex, telegram, cable, report, check, checkbook, check stub, deposit slip, bank account, debit or credit advice, contract, agreement, assignment, study, draft, working paper, chart, paper, print, laboratory record, drawing sketch, map, projection of cost, projection of income, blueprint, graph, index, list, tape, tape recording, photograph, microfilm, film, video or other audiovisual work, computer program, computer printout, data sheet or data processing card, transcript, journals, worksheet, account, acknowledgement, authorization, letter or other forms of correspondence, communications, telex, TWX, and other teletype communications, printout sheets, micro file, report, study, summary,

1 circular, note (whether typewritten, handwritten or otherwise), agenda, bulletin, notice, announcement, proofs, chart,
2 table, manual, log, schedule, telegram draft, calendar, desk calendar, appointment book, notebook, diary, register,
3 budget, analysis, projection, minutes, conferences or discussions, of any kind, and other data compilation from which
4 information can be obtained or translated if necessary. The term "document" includes any document in your
5 possession or under your control and a copy or copies of any document on which any mark, alteration or additional
6 writing or other changes from the original, or from any other copy, has been made.

7 (G) "Each" includes both "each" and "every."

8 (H) The phrases "in your possession" or "under your control" refer to the documents or tangible things in
9 your actual possession; documents or tangible things in your custody or possession, although located elsewhere;
10 documents or tangible things in your care, custody and control, although in the possession of your attorneys,
11 representatives, agents, or employees; and all documents or tangible things, wherever located, as to which you
12 have the right of possession.
13

14 (I) "Person" shall mean any natural person or any legal entity, including, but not limited to, a corporation,
15 limited liability company, partnership and unincorporated association, and any officer, director, manager,
16 managing member or partner, employee, agent, representative or other person acting or purporting to act on its
17 behalf.

18 (J) "Plaintiff" means the person identified as the plaintiff in the caption hereto.

19 (K) "Relating to" and "relates to" mean, without limitation, relating to, concerning, constituting, mentioning,
20 referring to, describing, summarizing, evidencing, listing, relevant to, demonstrating, tending to prove or
21 disprove, or explain.

22 (L) The phrase "tangible thing" means any material inanimate object or living organism other than human and
23 also includes any human being or part thereof displaying relevant information communicable in any manner other
24 than the verbal testimony of that human being.

25 (M) "You" and "your" shall mean yourself and all other persons acting or purporting to act on your behalf,
26 including, without limitation, any attorney, representative, employee or agent.
27

28 II.

1 **INSTRUCTIONS**

2 (A) Terms not defined in the definition section above or elsewhere herein shall have the meanings ascribed to
3 such terms in the Nevada Rules of Civil Procedure.

4 (B) The singular and masculine gender shall, respectively, include the plural and feminine gender, and vice
5 versa.

6 (C) To "identify" a person or document means to state, with specificity, any and all details necessary to
7 identify and segregate said person or document from all others, sufficient to identify and secure said person or
8 document by way of Subpoena for testimony and/or by way of Subpoena Duces Tecum, including, but not limited
9 to, the following:
10

- 11 1. Name;
12 2. Last known address and/or location; and;
13 3. Any telephone, fax numbers, websites, and email addresses for the person.
14

15 (D) If any document is withheld under claim of privilege, please identify the document for which there is a
16 claim of privilege, including, without limitation:
17

- 18 1. The date it bears;
19 2. The name of each person who prepared it or participated in any way in its preparation;
20 3. The name of each person who signed it;
21 4. The name of each person to whom it or a copy of it was addressed;
22 5. The name of each person who presently has custody of it or a copy of it;
23 6. Its subject matter and its substance; and/or
24 7. What basis there is for this claim of privilege.
25

26 (E) Wherever you are asked to identify a writing, please state a full description thereof, including without
27 limitation:
28

1. The date it bears;

2. The name of each person who prepared it or participated in any way in its preparation;
3. The name of each person who signed it;
4. The name of each person to whom it or a copy of it was addressed;
5. The name of each person who presently has custody of it or a copy of it;
6. Its subject matter and its substance.

(F) To the extent that any of the requests for production seeks information to be compiled or listed by you, it should be considered an interrogatory.

(G) If you fail to respond or object to any request for admissions as required hereunder, the matter shall be deemed admitted.

(H) You must admit or deny each request for admissions, and, where necessary, specify the parts of each request for admissions to which you object or cannot in good faith admit or deny. If you object to only part of a request for admissions, you must admit or deny the remainder of the request for admissions. In the event that you object to or deny any request for admissions or portion thereof, you must state the reasons for the objection or denial.

(I) These discovery requests cover the period of time from **January 1, 2019** up to the date of your response to them (unless another period of time is specifically identified), and are continuing, to the extent the Nevada Rules of Civil Procedure permit or require. In the event that any information or any documents come to your attention, possession, custody, or control subsequent to the filing of your responses to these discovery requests, which materials or information are responsive to any request, but which were not included in your initial response thereto, please furnish said additional information or documents to the attorneys making these requests of you with all due diligence.

III.

INTERROGATORIES

INTERROGATORY #1:

Specifically identify what relief you are requesting regarding physical custody and/or timeshare in this case, setting forth your proposed calendar showing when each party should have each child during the calendar year.

1 **INTERROGATORY #2:**

2 Specify in detail why the custody or timeshare schedule proposed in your Answer to Interrogatory #1 is in the best
3 interests of each child.

4 **INTERROGATORY #3:**

5 Describe the nature of the relationship you have with each of the children and your ability to assess and meet each
6 child's emotional, physical and intellectual needs.

7 **INTERROGATORY #4:**

8 Has the Department of Social Services, Child Protective Services or any other government agency ever
9 investigated an abuse or neglect claim against you? If so then for each such claim provide:

- 10 a. The identity of the entity or agency;
11 b. The date of the claim;
12 c. A description of the offense;
13 d. The outcome of the matter;
14 e. Any punishment or consequence to you; and
15 f. The identity of any other person with knowledge of the facts stated in response to this interrogatory.

16 **INTERROGATORY #5:**

17 Give the following information regarding your present employment (please answer separately regarding each job
18 held):

- 19 a. Employer's name and address;
20 b. Position or title;
21 c. Date you were hired; and
22 d. Work schedule for 2018 to the present (including vacation, sick time, or other personal time off).

23 **INTERROGATORY #6:**

24 Please provide the following information concerning your arrangements to care for each child when you are
25 physically absent for either work or non-work-related activities:

- 26 a. Name/ Address of provider;

- 1 b. Age of provider (if younger than 18);
2 c. Number of days used;
3 d. Location of care provided;
4 e. Your expected travel/absence schedule in next year;
5 f. Length of time provider has provided services; and
6 g. Are any changes in the use of this service provider anticipated in the coming year? If so, state all such
7 changes.

8 **INTERROGATORY #7:**

9 If you believe you are the more appropriate primary physical custodian for each child, state in detail what you
10 allege to be the reasons which bring you to that conclusion (including specific facts, actions, dates of occurrence,
11 all persons involved witnessing each such event).
12

13 **INTERROGATORY #8:**

14 Do you claim to have been denied access to the children by the adverse party? If so, describe each such event by
15 providing the date access was requested, the response date (if any), and the content of the response.

16 **INTERROGATORY #9:**

17 Do you claim that it is the preference of either child to be in your physical custody, and if so, state each date when
18 such preference was expressed, the circumstances giving rise to such expression, and the words used in
19 expressing the preference, and the names of any witnesses to such expressions.
20

21 **INTERROGATORY #10:**

22 Describe in detail the facts and circumstances of the physical altercations between you and Mia Stipp including
23 the events that are alleged to have occurred on May 9, 2019 and August 13, 2019.

24 **INTERROGATORY #11:**

25 Describe in detail what efforts you have undertaken to spend time with each of the children since August 23,
26 2019.

27 ///

1 **INTERROGATORY #12:**

2 State the general condition of your physical and mental health at the present time, including reference to any
3 physical disabilities or chronic ailments, continuing diagnosis, mental health disorders, prescribed medication,
4 and continuing treatment or care plans, including the name, address and telephone number of any physician,
5 hospital or practitioner, psychologist, psychiatrist, or mental health professional who is presently or has at any
6 time in the past five years treated you for such condition.

7 **INTERROGATORY #13:**

8 State whether you have retained the services of a private investigator, conducted personal surveillance, or in any
9 way had a third party watch the adverse party or either child for the purposes of gathering information. If so,
10 please describe in detail the following: name and address of person performing the surveillance, the dates of
11 surveillance, what information was gathered, and a description of any documents/photographs/video recordings
12 that exist regarding this surveillance and who has possession of each.

14 **INTERROGATORY #14:**

15 Identify each person who has knowledge of the facts and events described in the papers and pleadings filed in this
16 case on or after August 26, 2019 or in any answers to these Interrogatories or who may testify at any proceeding
17 in this matter, including the following information:

- 18 a. Name;
19 b. Address;
20 c. Telephone;
21 d. Email address;
22 e. Topic of anticipated testimony;
23 f. Identify whether the person is expected to testify; and
24 g. Identify any documents in the person's custody or control relevant to any issue in this matter.

26 ///

27 ///

1 **INTERROGATORY #15:**

2 The factors set forth below are derived from NRS 125C.0035(4) and are used by the court in determining the best
3 interest of the children with respect to custody and timeshare. With respect to the following, state each material
4 fact upon which you rely and the name, address, and telephone number of each witness to such material facts:

- 5 (a) The wishes of each child if the child is of sufficient age and capacity to form an intelligent preference as
6 to his or her physical custody.
- 7 (b) Any nomination of a guardian for each child by a party.
- 8 (c) Which party is more likely to allow each child to have frequent associations and a continuing relationship
9 with the non-custodial party.
- 10 (d) The level of conflict between the parties.
- 11 (e) The ability of the parties to cooperate to meet the needs of each child.
- 12 (f) The mental and physical health of the parties.
- 13 (g) The physical, developmental and emotional needs of each child.
- 14 (h) The nature of the relationship of each child with each party.
- 15 (i) The ability of each child to maintain a relationship with any sibling.
- 16 (j) Any history of parental abuse or neglect of each child or a sibling of the child.
- 17 (k) Whether either party seeking physical custody has engaged in an act of domestic violence against either
18 child, a parent of either child or any other person residing with either child.
- 19 (l) Whether either party seeking physical custody has committed any act of abduction against either child or
20 any other child.
- 21
- 22

23 **INTERROGATORY #16:**

24 State each and every substantial change in circumstances and/or condition which you allege supports a
25 modification of physical custody and/or timeshare. Provide any and all facts and information including the dates,
26 locations and witnesses for all incidents you allege support your position.

27 ///

IV

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION # 1:

The factors set forth below are derived from NRS 125C.0035(4) and are used by the court in determining the best interest of the children with respect to custody and timeshare. For each such factor which you claim is important for the court to consider in awarding physical custody, supply all documents supporting such claim:

- (a) The wishes of each child if the child is of sufficient age and capacity to form an intelligent preference as to his or her physical custody.
- (b) Any nomination of a guardian for each child by a party.
- (c) Which party is more likely to allow each child to have frequent associations and a continuing relationship with the non-custodial party.
- (d) The level of conflict between the parties.
- (e) The ability of the parties to cooperate to meet the needs of each child.
- (f) The mental and physical health of the parties.
- (g) The physical, developmental and emotional needs of each child.
- (h) The nature of the relationship of each child with each party.
- (i) The ability of each child to maintain a relationship with any sibling.
- (j) Any history of parental abuse or neglect of each child or a sibling of the child.
- (k) Whether either party seeking physical custody has engaged in an act of domestic violence against either child, a parent of either child or any other person residing with either child.
- (l) Whether either party seeking physical custody has committed any act of abduction against either child or any other child.

REQUEST FOR PRODUCTION # 2:

Provide all emails, text messages, instant messages, or social media messages or postings between you and each child for the last 18 months.

1 **REQUEST FOR PRODUCTION # 3:**

2 Provide all documentation which which tend to support the ability (or inability) of the parties to work with one
3 another to resolve disputes.

4 **REQUEST FOR PRODUCTION # 4:**

5 If you claim that the adverse party has denied you access to either child, provide all documents supporting that
6 allegation.

7 **REQUEST FOR PRODUCTION # 5:**

8 Provide all video or audio recordings that you have made of either child or adverse party in the last 18 months.

9 **REQUEST FOR PRODUCTION # 6:**

10 Provide all documents, videos, audio recordings, social media postings, or other communications which tend to
11 support your claims regarding either child's preference for a particular custody or timeshare arrangement.

12 **REQUEST FOR PRODUCTION # 7:**

13 Provide your medical records that pertain to issues of your mental health or pertain to the diagnosis or treatment
14 of physical disorders you may have, including but not limited to any chronic illness, physical disability, addiction
15 or rehabilitation treatment, mental health diagnosis, mental health treatment or mental health testing.

16 **REQUEST FOR PRODUCTION # 8:**

17 If you have concerns regarding the adverse party's physical or mental health, provide all documentation to support
18 such allegations.

19 **REQUEST FOR PRODUCTION # 9:**

20 Provide all documents which support your allegations of parental alienation by the adverse party.

21 **REQUEST FOR PRODUCTION # 10:**

22 Provide all documents which support your allegations of pathogenic parenting by the adverse party.

23 **REQUEST FOR PRODUCTION # 11:**

24 If you retained the services of a private investigator, conducted personal surveillance, or in any way had a third
25 party watch the adverse party or either child for purposes of gathering information, provide all information,
26 reports, photographs, videos, or recordings made during the course of the surveillance and investigation.

1 **REQUEST FOR PRODUCTION # 12:**

2 Provide all documents which support your contention that there has been a substantial change in circumstances
3 which warrants a modification since entry of the last order regarding custody and/or timeshare.

4 **REQUEST FOR PRODUCTION # 13:**

5 Provide all communications and documents which you provided to Donna Wilburn to review in connection with
6 her letter dated September 11, 2019 entitled "Recommended Protocol Regarding Child Visitation Refusal."

7 **REQUEST FOR PRODUCTION # 14:**

8 If you are requesting an award of attorney's fees and costs, provide a copy of all invoices for legal services related
9 to the proceeding in which you seek such an award.

10 **REQUEST FOR PRODUCTION # 15:**

11 Provide all documents you reviewed or referred to in answering the Interrogatories submitted to you.
12

13 **V.**

14 **REQUESTS FOR ADMISSIONS**

15 **REQUEST FOR ADMISSION # 1:**

16 Admit that Mia Stipp is of sufficient age and capacity to form an intelligent preference as to her physical custody.

17 **REQUEST FOR ADMISSION # 2:**

18 Admit that Ethan Stipp is of sufficient age and capacity to form an intelligent preference as to his physical
19 custody.
20

21 Dated: December 3, 2019

22 **LAW OFFICE OF MITCHELL STIPP**

23 /s/ Mitchell Stipp, Esq.

24 MITCHELL STIPP, ESQ.

25 Nevada Bar No. 7531

26 LAW OFFICE OF MITCHELL STIPP

10120 W. Flamingo Rd., Suite 4-124

26 Las Vegas, Nevada 89147

27 Telephone: 702.602.1242

27 mstipp@stipplaw.com

28 Attorneys for Defendant

1 **CERTIFICATE OF SERVICE**

2

3 I served the foregoing document described as “INTERROGATORIES AND REQUESTS FOR

4 PRODUCTION OF DOCUMENTS AND ADMISSIONS” on this 3rd day of December, 2019, using the

5 electronic filings system of the clerk of the court, to all interested parties as follows:

6 Valerie Fujii
7 Christina Calderon

8

9 /s/ Amy Hernandez

10 _____
11 An employee of Law Office of Mitchell Stipp

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EXHIBIT C

Calderon v. Stipp

**Deposition of:
Christina Calderon, Volume 2**

January 7, 2020



**WESTERN REPORTING
SERVICES, INC.**

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Calderon v. Stipp

<p>1 DISTRICT COURT 2 CLARK COUNTY, NEVADA 3 * * * * * 4 CHRISTINA CALDERON,) 5 Plaintiff,) 6 vs.) CASE NO. D-08-389203-Z 7 MITCHELL STIPP,) 8 Defendant.) 9 10 11 12 13 DEPOSITION OF CHRISTINA CALDERON 14 VOLUME 2 15 Taken on Tuesday, January 7, 2020 16 At 8:18 a.m. 17 At 2470 St. Rose Parkway 18 Suite 206 19 Henderson, Nevada 20 21 22 23 24 25 Reported by: Janice David, CCR No. 405</p>	<p>1 3 2 (NRCP 30(b)(4) or FRCP 30(b)(5), as applicable, 3 was waived by the parties.) 4 Whereupon -- 5 CHRISTINA CALDERON, having been first duly 6 sworn to tell the truth, the whole truth, and nothing 7 but the truth, was examined and testified as follows: 8 * * * * * 9 EXAMINATION 10 BY MR. SMITH: 11 Q. All right. Ms. Stipp, this is the 12 continuation -- the continuation of your deposition 13 from, I believe, December 20th. 14 A. Calderon. 15 Q. Yeah. I know I said Ms. Stipp. Ms. Calderon. 16 A. Yeah. 17 Q. The -- we had addressed, during the course of 18 that deposition, two incidents between you and Mia, 19 and I just wanted to follow up on those two incidents. 20 One was in August, I believe August 13th of 2019. The 21 other was in May, I believe May 9th of 2019. 22 So, I'm going to start with the August 13, 23 2019 circumstance. We have talked about that -- that 24 incident. 25 What I wanted to note, that at any time during that incident did you begin laughing as a manner -- in</p>
<p>1 APPEARANCES: 2 For the Plaintiff: VALARIE I. FUJII 3 ATTORNEY AT LAW 4 VALARIE I. FUJII & ASSOCIATES 5 704 South Sixth Street 6 Las Vegas, Nevada 89101 7 FRED C. PAGE 8 ATTORNEY AT LAW 9 6930 South Cimarron Road 10 Suite 140 11 Las Vegas, Nevada 89113 12 For the Defendant: RADFORD J. SMITH 13 ATTORNEY AT LAW 14 RADFORD J. SMITH, CHARTERED 15 2470 St. Rose Parkway 16 Suite 206 17 Henderson, Nevada 89074 18 19 Also Present: MITCHELL STIPP 20 21 22 23 24 25</p> <p>1 INDEX 2 3 Page 4 5 6 CHRISTINA CALDERON 7 Examination by Mr. Smith 3 8 9 10 11 12 13 14 15 16 17 18 19 20 EXHIBITS MARKED FOR IDENTIFICATION 21 No. Description Page 22 B Requests For Production of Documents 43 23 C E-mail Correspondence 171 24 25</p>	<p>1 4 2 a manner that provoked Mia? 3 A. I don't know like from Mia's perspective, but 4 I did laugh when she left her room and got in my face 5 and was screaming at me with her finger and saying, 6 "You need to ask me nicely to get off the phone." 7 Q. And that's when you laughed. 8 A. I laughed. 9 Q. Okay. Was that a laughter that was designed 10 to show her that her statement was -- was 11 inappropriate or -- or not important to you, or was it 12 a reaction? 13 A. It was a reaction to how absurd the statement 14 was. 15 Q. In regard to the incident of -- do I have the 16 date right, May 9th, '19? 17 A. No. 18 Q. What is the date in May that that occurred? 19 A. I don't know what you're talking about in May. 20 Q. You had described an event in May in which you 21 and -- in which Mia had struck you during that event. 22 Does that sound familiar to you? 23 A. Not -- I -- we talked about that with respect 24 to August. April. 25 Q. Was it April? Okay. A. There was an incident where I took Mia's phone</p>

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<p style="text-align: right;">5</p> <p>1 away and she did strike me.</p> <p>2 Q. Okay. Describe for me the event that led to</p> <p>3 that incident and...</p> <p>4 A. Mia was upset about the temperature in the</p> <p>5 home. She wanted to lower the temperature to make the</p> <p>6 air conditioner turn on, I guess. But we were</p> <p>7 leaving. She had a planned trip to Disneyland the</p> <p>8 next day with her school. We were going to go to</p> <p>9 Target to get some last-minute things she needed for</p> <p>10 the trip. I told Mia don't touch the thermostat</p> <p>11 because we're leaving the home.</p> <p>12 Also Ethan was either going to a game or</p> <p>13 practice. So, we were -- the plan was, I was taking</p> <p>14 the kids -- Ethan to baseball, then Mia to Target and</p> <p>15 returning home.</p> <p>16 Mia began to hit the thermostat, because it</p> <p>17 had a cover on it, because she has this need to have</p> <p>18 the air in the house very low, to the point that we've</p> <p>19 had to install a window -- or an air conditioner -- a</p> <p>20 personal air conditioner in her room. So, she was</p> <p>21 upset. And I told Ethan, "Let's just go. We'll --</p> <p>22 I'll come back for Mia." And Mia got upset, and she</p> <p>23 began to pour Bath & Body Works lotion -- or soap down</p> <p>24 the sink. I took her phone from her at that point,</p> <p>25 and she attacked me.</p>	<p style="text-align: right;">7</p> <p>1 Q. Did she hit you with her fist?</p> <p>2 A. I don't know if she had her fist balled up. I</p> <p>3 don't -- I don't recall that.</p> <p>4 Q. Did she hit you in the face?</p> <p>5 A. She did at one point, because I had a scratch</p> <p>6 on my lip and a scratch on my hand.</p> <p>7 Q. Did you at any time defend yourself in any</p> <p>8 manner?</p> <p>9 A. Yes.</p> <p>10 Q. And what did you do?</p> <p>11 A. I tried to block the blows.</p> <p>12 Q. Did you ever strike an affirmative blow to her</p> <p>13 to prevent her from continuing to hit you?</p> <p>14 A. No, I did not.</p> <p>15 Q. Did you hit her or slap her or any other kind</p> <p>16 of physical touching initiated by you during that</p> <p>17 altercation?</p> <p>18 A. No.</p> <p>19 Q. Other than blocking her blows. Correct?</p> <p>20 A. Yes.</p> <p>21 Q. How did the altercation end?</p> <p>22 A. I let her take the phone and I told Ethan</p> <p>23 let's go. And I left the home with Ethan.</p> <p>24 Q. What did you do after that in relation to that</p> <p>25 incident?</p>
<p style="text-align: right;">6</p> <p>1 Q. What did she -- where were you and</p> <p>2 where were -- was she --</p> <p>3 A. She was in my --</p> <p>4 Q. Excuse me. Let me finish my question.</p> <p>5 A. I'm sorry.</p> <p>6 Q. Where were you and where was she at the time</p> <p>7 you indicated that she attacked you?</p> <p>8 A. She was in the powder room of my home.</p> <p>9 Q. And where were you standing, in the powder</p> <p>10 room as well?</p> <p>11 A. Yes, in the doorway of the powder room.</p> <p>12 Q. And what caused her, to your knowledge -- or</p> <p>13 what was the event that led to her coming at you?</p> <p>14 A. I took her phone from her.</p> <p>15 Q. Okay. And how did you take that from her?</p> <p>16 A. I don't recall if it was sitting on the</p> <p>17 counter or if she had it in her hand. I don't</p> <p>18 remember. But I remember taking it from her and she</p> <p>19 flipped out.</p> <p>20 Q. And what did she do at that point?</p> <p>21 A. She started hitting me and trying to get the</p> <p>22 phone.</p> <p>23 Q. Where did she hit you?</p> <p>24 A. I don't recall specifically on my body, but it</p> <p>25 was just like a flurry of action, activity.</p>	<p style="text-align: right;">8</p> <p>1 A. I returned home to find Mitch pulled up in</p> <p>2 front of my driveway, blocking my driveway.</p> <p>3 Q. And was it your belief that Mitch had blocked</p> <p>4 your driveway purposely?</p> <p>5 A. I don't know.</p> <p>6 Q. Or was the circumstances such that it later</p> <p>7 became apparent that Mitch had parked in a manner to</p> <p>8 deprive you of access to your home?</p> <p>9 A. I don't know what Mitch's intentions were.</p> <p>10 I'm just saying where I found him.</p> <p>11 Q. Okay. Did you speak to him about that?</p> <p>12 A. Yes. I got out of my car, I went up to his</p> <p>13 car window, and I said can we talk.</p> <p>14 Q. And what did he say?</p> <p>15 A. He said yes. He was in the car with Amy and</p> <p>16 his son, Mitchell Junior, and Mia had appeared from</p> <p>17 the garage, and she had suitcases with her. And I</p> <p>18 said, "Mitch, don't take Mia. It's my time." And</p> <p>19 then I said can we talk. He said yes. I asked -- he</p> <p>20 said, "Let me" -- he got out of his car. Amy got out</p> <p>21 of the car. Mia went into the truck with their son.</p> <p>22 Then I pulled over some folding chairs in the garage.</p> <p>23 Amy sat down. And I sat down. Mitch didn't sit down.</p> <p>24 And we talked.</p> <p>25 Q. What -- what do you recall was the substance</p>

<p style="text-align: right;">9</p> <p>1 of the conversation?</p> <p>2 A. The substance of the conversation was Mitch</p> <p>3 taking Mia. And -- and I had -- and then we talked</p> <p>4 about the incident, and I asked him, "Instead of</p> <p>5 taking Mia, why don't you tell her not to hit her mom</p> <p>6 and take her phone instead?" Because I said, "Think</p> <p>7 very clearly about the message you're going to be</p> <p>8 sending to Mia by taking her today."</p> <p>9 Q. What was Mitch's response to that statement?</p> <p>10 A. He said, "Given our history, I can't believe</p> <p>11 what you are telling me." And Amy was very defensive</p> <p>12 and saying, "We can't take her phone. She needs to</p> <p>13 have her phone."</p> <p>14 Q. Do you recall anything else said by anyone in</p> <p>15 that conversation other than what you've just</p> <p>16 described?</p> <p>17 A. It was a lengthy conversation. So...</p> <p>18 Q. Okay. What -- what do you recall in that</p> <p>19 conversation as you sit here today?</p> <p>20 A. I recall showing Mitch my injuries. I recall</p> <p>21 him like talking, but I don't remember specifically</p> <p>22 word for word verbatim what he said but --</p> <p>23 Q. Okay. I'm asking you just to give your best</p> <p>24 recollection, not some transcript but your best</p> <p>25 recollection of what he said.</p>	<p style="text-align: right;">11</p> <p>1 your garage where you and Amy were seated and Mitch</p> <p>2 was standing?</p> <p>3 A. I remember several instances where she wanted</p> <p>4 Mitch to disengage from the conversation and leave.</p> <p>5 So, she kept saying, "Mitch, we got to go. We got to</p> <p>6 feed the kid," to the point where she got in the truck</p> <p>7 and was calling him to stop talking and come back to</p> <p>8 the car.</p> <p>9 Q. Okay. Other than the -- the statements that</p> <p>10 you've now described in regard to that conversation,</p> <p>11 can you recall anything else in that conversation?</p> <p>12 A. No.</p> <p>13 Q. Did Mitch offer, to your recollection, any</p> <p>14 explanation, other than he didn't trust you or didn't</p> <p>15 believe you, as to why he was taking Mia from your</p> <p>16 home?</p> <p>17 A. Not that I recall.</p> <p>18 Q. Did you advise him of the facts associated</p> <p>19 with the altercation that you've described here today</p> <p>20 in the deposition?</p> <p>21 A. Yeah. Yes.</p> <p>22 Q. Do you recall him reacting in any manner to</p> <p>23 that other than saying that he doesn't believe you?</p> <p>24 A. No.</p> <p>25 Q. Was Mia in listening distance of this</p>
<p style="text-align: right;">10</p> <p>1 A. That he -- he can't believe anything I say,</p> <p>2 given our history, and he's taking Mia.</p> <p>3 Q. Anything else?</p> <p>4 A. No.</p> <p>5 Q. Do you recall anything else that Amy said</p> <p>6 during the conversation?</p> <p>7 A. I just recall Amy being very defensive of any</p> <p>8 type of consequence for Mia's actions, to the point</p> <p>9 that it seemed that instead of being like a parent,</p> <p>10 she was like Mia's friend, like, You can't take her</p> <p>11 phone. You know, it was -- it was a strange dynamic.</p> <p>12 Q. Okay.</p> <p>13 MR. SMITH: I'm going to turn this off,</p> <p>14 because this will happen like 45,000 times per day.</p> <p>15 (Off the record.)</p> <p>16 MR. SMITH: Okay. Okay. Let me go back on</p> <p>17 the record and say that I apologize. I had my iPhone</p> <p>18 watch. So, it -- it rings when my phone rings. And</p> <p>19 so I gave that outside to my office so it wouldn't</p> <p>20 interrupt us. Sorry about that.</p> <p>21 BY MR. SMITH:</p> <p>22 Q. So, going back, you had indicated what you</p> <p>23 characterized as defensiveness with Amy.</p> <p>24 Was there anything that you can specifically</p> <p>25 recall she said during the time of the conference in</p>	<p style="text-align: right;">12</p> <p>1 conversation? Was she present?</p> <p>2 A. She was in the truck. The truck was in full</p> <p>3 view of our conversation. So, she was at the end of</p> <p>4 the driveway, and we were in the garage. I don't know</p> <p>5 if she could hear or not.</p> <p>6 Q. Has there been anything that's occurred since</p> <p>7 that date that suggests to you that she could hear the</p> <p>8 conversation or has been made aware of the</p> <p>9 conversation that occurred on that date?</p> <p>10 A. She saw it visually but, no.</p> <p>11 Q. There is nothing -- okay. Just so I'm clear:</p> <p>12 My question was, Is there anything that's occurred</p> <p>13 since the date of that conversation that suggests to</p> <p>14 you that Mia could hear or has been described the</p> <p>15 conversation on that date?</p> <p>16 A. No.</p> <p>17 Q. Was anyone else present in the home, at the</p> <p>18 time of the incident between you and Mia in April of</p> <p>19 2019, that witnessed any portion of what had occurred?</p> <p>20 A. No.</p> <p>21 Q. Okay. So, after the incident with Mia in</p> <p>22 April, what was the time share between you and Mitch</p> <p>23 in regard to Mia?</p> <p>24 A. The exact same.</p> <p>25 Q. Okay. So, there was never a time in which</p>

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<p style="text-align: right;">13</p> <p>1 Mitch had Mia in his care for an extended period 2 between April and the time of -- I believe it was 3 September or so, maybe August, when the second 4 incident occurred. 5 A. There was no deviation in the schedule. I 6 believe Mitch did exercise a vacation -- an extra 7 vacation week in May. 8 Q. Okay. So, when was the next time that you can 9 recall having Mia in your care after the April 10 incident? How long was it? 11 A. One week. One week on, one week off. So, the 12 Friday was the -- the exchange day, and I got her back 13 the next Friday. 14 Q. And how would you describe your time with Mia 15 during that week that you had her in your care 16 following the April incident? Did it affect your 17 relationship in any manner? is my point. 18 A. We had a talk when she first came back. She 19 apologized for hitting me. I told her she cannot do 20 that again. And we proceeded, you know, regularly 21 without incident. 22 Q. Do you recall whether, after the conversation 23 you described at your home on the date of the incident 24 in April, you had any additional conversations either 25 orally or through writing with Mitch or Amy regarding</p>	<p style="text-align: right;">15</p> <p>1 A. No, unless I e-mailed it to myself. So, I 2 have to -- I didn't find it, but I'll look again. I 3 may have it. 4 Q. Okay. So, you recollect that in the request 5 for production of documents that you were served, you 6 had indicated -- or we had requested all tape 7 recordings of any kind between you and Mitchell or you 8 and the children. 9 A. Uh-huh. 10 Q. And you indicated something about your phone 11 changing in October? 12 A. Yes. I got a new phone. 13 Q. Okay. And so is it your recollection that on 14 your previous phone there would be recordings and/or 15 documents responsive to that request? 16 A. A recording. And I believe the request was 17 for videos. So, I have to download all the baseball 18 videos and music videos but no -- 19 Q. Okay. 20 A. If that's what was requested. 21 Q. If you read the preamble to the request for 22 production -- and it's pretty standard that it 23 includes videos and all kinds of recordings, whether 24 audio through your phone, et cetera. 25 With that understanding, were there other</p>
<p style="text-align: right;">14</p> <p>1 the incident? 2 A. Not that I recall. 3 Q. Did at that time you seek any counseling for 4 either you or Mia in regard to the incident? 5 A. Not specifically, although my request to Mitch 6 for counseling for Mia has been longstanding. So, I 7 don't know if it resurrected after the April incident. 8 I know we did discuss it during that May Starbucks 9 meeting. 10 (Whereupon, Mr. Stipp exited the deposition 11 proceedings.) 12 BY MR. SMITH: 13 Q. Okay. Did you tape that meeting? I may have 14 asked you that, but did you tape that meeting of -- 15 A. Yes, a portion of it. 16 Q. Okay. And have you produced that tape? 17 A. I have not yet. I got a new cell phone. So, 18 I'm trying to get access to it. 19 (Whereupon, Mr. Stipp entered the deposition 20 proceedings.) 21 BY MR. SMITH: 22 Q. Okay. So, you're saying that you do not 23 presently have a copy of any kind of that recording 24 that you took in the Starbucks in May available to you 25 or in your control. Correct?</p>	<p style="text-align: right;">16</p> <p>1 recordings, other than just videos, that were on your 2 previous phone that would be responsive to that 3 question? 4 A. No. 5 Q. And you understood in my last question that 6 question being the request for production of documents 7 that asked you to produce all of those types of 8 recordings. Correct? 9 A. Yes. 10 Q. Okay. Have you ever prepared a transcript of 11 the recording that occurred at the Starbucks meeting 12 with Mr. Stipp? 13 A. Yes. 14 Q. And when did you prepare that transcript? 15 A. I don't recall exactly, maybe a few months 16 ago. 17 Q. And I don't recall. So, forgive me. But was 18 that transcript provided as part of your pleadings? 19 A. No. 20 Q. So, have you, to your knowledge, ever provided 21 that transcript in any way to Mitch or anyone as his 22 representative: Amy, me -- 23 A. No. 24 Q. -- anyone else? Is there a reason you have 25 not?</p>

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<p style="text-align: right;">17</p> <p>1 A. I gave it to my attorney. 2 Q. Okay. So, you expected her to produce that as 3 part of the request for production of documents 4 response? 5 A. I don't know what -- what she was going to do. 6 Q. You're a lawyer. 7 A. Yeah. I am a lawyer. Yeah. 8 Q. So, you had to have some understanding of what 9 she -- or what you were required to do as regard to 10 the request for production of documents. 11 MS. FUJII: And just -- my only interruption 12 is, our response was, discovery is continuing, and 13 this response may be supplemented as additional 14 information becomes available herein. 15 So, it's not nonresponsive. I -- so, I would 16 object to the form. 17 MR. SMITH: Not either a form objection or an 18 appropriate objection. 19 The -- in regard to the document, Ms. Fujii, 20 if you have it and you haven't produced it prior to 21 this deposition, is there a reason why? 22 MS. FUJII: Counsel, I -- I was -- I received 23 a multitude of documentation in a short period of 24 time. I Bates stamped and organized as best I could. 25 And discovery is continuing.</p>	<p style="text-align: right;">19</p> <p>1 reviewed the response to request for production of 2 documents. The only things that was provided were 3 certain e-mails that had been chosen after 4 October 5th, I believe, and that's it. There were no 5 other documents other than a reference to pleadings 6 that were on a file, which, by the way, is 7 inappropriate. You have to provide documents, not 8 references to other documents. 9 So, I'm not sure why, since we had notices of 10 the deposition pending for now almost forty or fifty 11 days, that I don't have the documents that are -- that 12 you indicate are part of the ongoing discovery. 13 MS. FUJII: I disagree with that statement. 14 MR. SMITH: But what do you disagree with? 15 We're under a duty -- you understand -- look, we're 16 now in the deposition. 17 MS. FUJII: If you want to go off the 18 record -- 19 MR. SMITH: No. I don't want to go off the 20 record. I want this discussion to be on the record, 21 because it's our duty to resolve discovery disputes 22 that exist in a case and in this instance. 23 MS. FUJII: With an EDC or 2.34 conference. 24 MR. SMITH: That is what we're having right 25 this second.</p>
<p style="text-align: right;">18</p> <p>1 And so if you're asking me for it and I have 2 it, you'll definitely get it. 3 MR. SMITH: I would like it now. You knew 4 this deposition had been scheduled for weeks, and 5 you've responded to the discovery request after thirty 6 days of having the request. And the standard -- 7 MS. FUJII: I timely responded. There is a 8 multitude of documents in this case. The deposition 9 was reset to December 20th prior to a long, long 10 vacation. 11 So, if you're asking me -- if she says she 12 gave it to me, it's not something that strikes my 13 memory off the top of my head, but I'll be more than 14 happy to provide it. 15 MR. SMITH: This concerns me, Ms. Fujii. Not 16 only did you just leave at the last deposition, but 17 now you're telling me that you've received, in your 18 words, a multitude of documents that you have not 19 produced, knowing that the last twenty days -- 20 MS. FUJII: I did not say -- 21 MR. SMITH: Please allow me, as I will allow 22 you to make your statement -- 23 MS. FUJII: Sure. 24 MR. SMITH: You've indicated that you didn't 25 provide a multitude of documents. Because I've</p>	<p style="text-align: right;">20</p> <p>1 MS. FUJII: No. It has to be noticed. 2 MR. SMITH: No. It doesn't have to be 3 noticed. 4 MS. FUJII: I really don't want to interrupt 5 this time, but if you want to show us any specific 6 questions that you feel were nonresponsive, I would be 7 more than happy to address that. 8 MR. SMITH: You're the one with the -- I don't 9 have the documents. You've now indicated you have a 10 multitude of documents that were provided to you by 11 Ms. Calderon, who, as I pointed out, is a lawyer. So, 12 she felt that they were significant or responsive to 13 the request for production, and now I'm being told 14 that, even though she's sitting for her deposition for 15 the second time after a twenty-day hiatus, that we 16 still don't have those documents. That is completely 17 unacceptable. 18 It now leaves me in the position where I don't 19 have relevant documents, documents that you may, for 20 all I know, present as evidence in this case at the 21 time of hearing, and I don't have the opportunity to 22 ask the witness about those documents. It's just 23 completely unacceptable. 24 How in the world do you think that that's 25 okay?</p>

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21

1 MS. FUJII: I'm not responding. You chose
2 when -- when to notice this deposition. You chose
3 when to continue this deposition. I'm kind enough to
4 allow you to continue this deposition today when I was
5 not required and we could have found another date to
6 provide this deposition.
7 Her response to the request for recordings,
8 which she was going to provide those to me, I do not
9 have those recordings. That's why I said discovery is
10 continuing.
11 MR. SMITH: But you've indicated you have a
12 multitude of documents. That was your words.
13 MS. FUJII: It is the pleadings that you also
14 are privileged to as well that were referenced, that
15 you said were referenced improperly. But it's not a
16 big secret or conspiracy. Nobody is hiding any
17 documents.
18 Counsel, if you would like a copy of this
19 transcript and she gave it to me, you can have it.
20 MR. SMITH: Okay. Great. How can you -- can
21 you forward that to my e-mail so I can use it today to
22 go over with Ms. --
23 MS. FUJII: And -- and I will note, it's my
24 understanding you did not request transcripts. But if
25 you want that, I can ask my office. I don't know how

23

1 documents that you had assembled for that purpose?
2 MS. FUJII: And then my objection is,
3 specificity. We don't know what question you're
4 referring to.
5 You just mean generally?
6 BY MR. SMITH:
7 Q. You received -- Ms. -- yeah. You received
8 the --
9 MR. SMITH: If you're saying that the question
10 is vague and ambiguous -- is that what you're saying?
11 MS. FUJII: Yes.
12 BY MR. SMITH:
13 Q. You received a request for production of
14 documents. Correct?
15 A. Yes.
16 Q. And you reviewed those request for production
17 of documents.
18 A. Yes.
19 Q. And in the course of your practice of law,
20 you've seen and responded or helped respond to request
21 for production of documents in the past. Correct?
22 A. Yes.
23 Q. And you understood the questions the -- that
24 were provided in the request for production of
25 documents. Correct?

22

1 it's saved or where it was sent, but I would ask
2 Christina to look on break where she sent it and I
3 will provide it.
4 MR. SMITH: You know, Ms. Fujii --
5 MS. FUJII: And we can attach it to this depo.
6 MR. SMITH: I've rarely been to the discovery
7 commissioner over the course of many years. This time
8 I'm very likely to go to the discovery commissioner,
9 because these responses are not acceptable. You
10 can't, first of all, leave a deposition. And,
11 secondly, you can't not produce documents that were
12 due prior to this -- this deposition when you indicate
13 you have them in your presence.
14 MS. FUJII: I disagree.
15 MR. SMITH: I mean in your -- in your office.
16 MS. FUJII: I disagree that we failed to
17 provide documents that were requested.
18 MR. SMITH: Your client has just testified and
19 you've acknowledged that you received a multitude of
20 documents. I just find this -- now you're backing off
21 of that statement. And I understand why you would be.
22 But let's get to the bottom of this.
23 BY MR. SMITH:
24 Q. What did you provide, in response to the
25 request for production of documents, in the form of

24

1 A. Yes.
2 Q. Did you assemble documents that you believed
3 were -- were responsive to the request for production?
4 A. Yes.
5 Q. And did those documents include the transcript
6 of the -- the statement that -- the recording that you
7 took in Starbucks meeting with Mitch in May of 2019?
8 A. No.
9 Q. Did you --
10 A. You did not ask for a transcript. So, it
11 wouldn't have been responsive to a request for
12 production.
13 Q. Did you provide other documents -- or did you
14 assemble other documents that would have been
15 responsive to the request for production of documents
16 other than the e-mails that you provided as your
17 response?
18 A. They weren't e-mails. They were text
19 messages.
20 Q. Text messages. Excuse me.
21 A. No. What I produced was -- what I -- what I
22 produced to Ms. Fujii was produced to you. There is
23 no hidden documents.
24 Q. Okay. The -- in regard to the -- so, when
25 Ms. Fujii was referring to a multitude of documents,

EXHIBIT D

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**DISTRICT COURT, FAMILY DIVISION
CLARK COUNTY**

CHRISTINA CALDERON,

Plaintiff,

v.

MITCHELL STIPP,

Defendant.

Case No.: D-08-389203-Z

Dept. No.: H

**DEFENDANT'S RESPONSES/OBJECTIONS TO
PLAINTIFF'S REQUESTS FOR ADMISSIONS**

Defendant, by and through his attorneys, and pursuant to the Nevada Rules of Civil Procedure,
responds and objects to Plaintiff's requests for admissions as follows:

PRELIMINARY STATEMENT

1. Defendant's investigation and development of all facts and circumstances relating to this action is ongoing. These responses and objections are made without prejudice to, and are not a waiver of, Defendant's right to rely on other facts or documents at trial.

2. By making the accompanying responses and objections to Plaintiff's requests for admissions, Defendant does not waive, and hereby expressly reserves, his right to assert any and all objections as to the admissibility of such responses into evidence in this action, or in any other proceedings, on any and all grounds including, but not limited to, competency, relevancy, materiality, and privilege. Further, Defendant makes the responses and objections herein without in any way implying that he considers the requests, and responses to the requests, to be relevant or material to the subject matter of this action.

3. Defendant expressly reserves the right to supplement, clarify, revise, or correct any or all of the responses and objections herein, and to assert additional objections or privileges, in one or more subsequent supplemental response(s).

GENERAL OBJECTIONS

1. Defendant objects to the definition of "you" to the extent that "you" includes any person or entity other than Mitchell Stipp.

2. Defendant objects to each request that does not define "children." Defendant has more children than Mia Stipp and Ethan Stipp.

3. Defendant objects to each request that is overly broad, unduly burdensome, or not reasonably calculated to lead to the discovery of admissible evidence if the response sought is unlimited as to time and scope.

DEFENDANT'S RESPONSES/OBJECTIONS TO REQUESTS

REQUEST NO. 1:

Admit that you obtained the children's current cellular phones and pay for the accounts associated with them.

1 **RESPONSE NO. 1:**

2 Objection. The request is vague, ambiguous, and overbroad because the term “accounts” is not
3 defined. The request is impermissibly compound. Plaintiff may ask Defendant to admit only one fact
4 per statement. The request has been asked and answered. The request for admission has, in substance,
5 been previously asked and answered at Defendant’s deposition on January 7, 2020.

6 **REQUEST NO. 2:**

7 Admit that you have the ability to access the children's cellular telephones and the accounts
8 associated with them.

9 **RESPONSE NO. 2:**

10 Objection. The request is vague, ambiguous, and overbroad because the terms “access” and
11 “accounts” are not defined. The request is impermissibly compound. Plaintiff may ask Defendant to
12 admit only one fact per statement. The request has been asked and answered. The request for
13 admission has, in substance, been previously asked and answered at Defendant’s deposition on January
14 7, 2020

15 **REQUEST NO. 3:**

16 Admit that you have access to the children's social media accounts.

17 **RESPONSE NO. 3:**

18 Objection. The request is vague, ambiguous, and overbroad because the terms “access” and
19 “accounts” are not defined. The request has also been asked and answered. The request for admission
20 has, in substance, been previously asked and answered at Defendant’s deposition on January 7, 2020.

21 **REQUEST NO. 4:**

22 Admit that as of December 10, 2019, you have not provided a Homecoming photograph of Mia
23 to Plaintiff.

1 **RESPONSE NO. 4:**

2 Objection. The request is vague, ambiguous, and overbroad because the term “Homecoming” is
3 not defined. The request has also been asked and answered. The request for admission has, in
4 substance, been previously asked and answered at Defendant’s deposition on January 7, 2020.

5 **REQUEST NO. 5:**

6 Admit that you pay and/or have paid Gerardo Hernandez and Martha Hernandez to take care of
7 Mia and Ethan.

8 **RESPONSE NO. 5:**

9 Objection. The request is impermissibly compound. Plaintiff may ask Defendant to admit only
10 one fact per statement. The request has been asked and answered. The request for admission has, in
11 substance, been previously asked and answered at Defendant’s deposition on January 7, 2020.

12 **REQUEST NO. 6:**

13 Admit that you paid Nicolas Ponzo \$600.00 on October 4, 2019.

14 **RESPONSE NO. 6:**

15 Deny.

16 **REQUEST NO. 7:**

17 Admit that you did not disclose to Plaintiff that Ethan was suspended from school in September,
18 2019.

19 **RESPONSE NO. 7:**

20 Objection. The request has been asked and answered. The request for admission has, in
21 substance, been previously asked and answered at Defendant’s deposition on January 7, 2020.

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1 **REQUEST NO. 8:**

2 Admit that you did not provide Plaintiff with a travel itinerary regarding Ethan's trip to Lake
3 Havasu, Arizona, with Gerardo Hernandez in December, 2019.

4 **RESPONSE NO. 8:**

5 Deny.

6 **REQUEST NO. 9:**

7 Admit that you pay and or have paid Gerardo Hernandez' and Martha Hernandez' rent and/or
8 housing.
9

10 **RESPONSE NO. 9:**

11 Objection. The request is vague, ambiguous, and overbroad because the term “rent” is not
12 defined. The request is impermissibly compound. Plaintiff may ask Defendant to admit only one fact
13 per statement. The request has also been asked and answered. The request for admission has, in
14 substance, been previously asked and answered at Defendant’s deposition on January 7, 2020.

15 **REQUEST NO. 10:**

16 Admit that the joint bank account of Amy Stipp and Gerardo Hernandez is used or has been used
17 to pay for expenditures related to Mia and Ethan, such as reimbursement requests from Plaintiff.

18 **RESPONSE NO. 10:**

19 Deny.

20 **REQUEST NO. 11:**

21 Admit you have never informed the children in the presence of the Plaintiff that they are to
22 adhere to or follow the Court Order.
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1 **RESPONSE NO. 11:**

2 Objection. This request is vague, ambiguous, and overbroad because the phrase “Court Order” is
3 not defined. The request has also been asked and answered. The request for admission has, in
4 substance, been previously asked and answered at Defendant’s deposition on January 7, 2020.

5 **REQUEST NO. 12:**

6 Admit that Gerardo Hernandez spends more time with Ethan at Ethan's baseball-related activities
7 than you do.

8 **RESPONSE NO. 12:**

9 Deny.

10 **REQUEST NO. 13:**

11 Admit that you have not given Mia or Ethan any consequences for not complying with the Court-
12 ordered timeshare.

13 **RESPONSE NO. 13:**

14 Deny.

15 **REQUEST NO. 14:**

16 Admit that you asked Faith Lutheran Principal Scott Fogo to disregard the current custody order.

17 **RESPONSE NO. 14:**

18 Deny.

19 **REQUEST NO. 15:**

20 Admit that you and your wife refer to Plaintiff by her first name to the children.

1 **RESPONSE NO. 15:**

2 Objection. The request is vague and ambiguous. Further, the request for admission has, in
3 substance, been previously asked and answered at Defendant's deposition on January 7, 2020.

4 **REQUEST NO. 16:**

5 Admit that you told Plaintiff that taking away Mia's cellular phone would improve Mia's
6 behavior towards Plaintiff.

7 **RESPONSE NO. 16:**

8 Objection. The request is vague and overbroad because it does not define the timeframe of the
9 alleged statement. The subject of this question was addressed at Defendant's deposition on January 7,
10 2020.

11 **REQUEST NO. 17:**

12 Admit that you have taken away the children's cellular phones as a consequence for bad behavior
13 when they are in your care.

14 **RESPONSE NO. 17:**

15 Admit.

16 **REQUEST NO. 18:**

17 Admit that from August 16, 2019 to the present, you have been unable to enforce any overnight
18 visitation with the children.

19 **RESPONSE NO. 18:**

20 Objection. This request is vague, ambiguous, and overbroad because the term "enforce" is not
21 defined. The request has also been asked and answered. The request for admission has, in substance,
22 been previously asked and answered at Defendant's deposition on January 7, 2020.
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1 **REQUEST NO. 19:**

2 Admit that you have empowered the children to choose whatever custody schedule they desire to
3 exercise.

4 **RESPONSE NO. 19:**

5 Objection. This request is vague, ambiguous, and overbroad because the term “empowered” is
6 not defined. The request has also been asked and answered. The request for admission has, in
7 substance, been previously asked and answered at Defendant’s deposition on January 7, 2020.

8 **REQUEST NO. 20:**

9 Admit that your inability to comply with the Court-ordered timeshare from August 16, 2019 to
10 the present has been detrimental to the children’s relationship with Plaintiff.

11 **RESPONSE NO. 20:**

12 Objection. This request as phrased is argumentative. It requires the adoption of an assumption,
13 which is improper.

14 **REQUEST NO. 21:**

15 Admit that Mia hit Christina in May 2019 and August 2019.

16 **RESPONSE NO. 21:**

17 Objection. The request is impermissibly compound. Plaintiff may ask Defendant to admit only
18 one fact per statement. The request has also been asked and answered. The request for admission has,
19 in substance, been previously asked and answered at Defendant’s deposition on January 7, 2020.

20 **REQUEST NO. 22:**

21 Admit that Mia damaged Christina's doorbell in May 2019.

1 **RESPONSE NO. 22:**

2 Objection. Defendant is without personal knowledge that would allow him to admit or deny the
3 allegation set forth in Request No. 22.

4 **REQUEST NO. 23:**

5 Admit that Gerardo Hernandez caught Mia jumping out of the bushes at a park with her
6 boyfriend, Joey Lopez, in 2019 while Mia was in your care.

7 **RESPONSE NO. 23:**

8 Objection, Defendant is without personal knowledge that would allow him to admit or deny the
9 allegation in Request No. 23.

10 **REQUEST NO. 24:**

11 Admit that it is not in the best interest of the children to increase your timeshare.

12 **RESPONSE NO. 24:**

13 Deny.

14 **REQUEST NO. 25:**

15 Admit that you and your wife have been unable to enforce the Court Ordered visitation since
16 your Motion for teenage discretion was denied at the hearing on October 1, 2019.

17 **RESPONSE NO. 25:**

18 Objection. The request is impermissibly compound. Plaintiff may ask Defendant to admit only
19 one fact per statement. The request is also vague and ambiguous.

20 **REQUEST NO. 26:**

21 Admit that following the October 1, 2019, hearing, you and/or your wife advised Plaintiff she
22 could take Mia to dinner and get her nails done for Homecoming, but only if she would agree to
23 concessions in this pending litigation.

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2 **RESPONSE NO. 26:**

3 Objection. The request is impermissibly compound. Plaintiff may ask Defendant to admit only
4 one fact per statement. The request has also been asked and answered. The request for admission has,
5 in substance, been previously asked and answered at Defendant's deposition on January 7, 2020.

6 **REQUEST NO. 27:**

7 Admit that you and your wife have been unable to enforce the Court Ordered visitation at
8 Donna's House ordered on October 22, 2019 by the Court.

9 **RESPONSE NO. 27:**

10 Objection. The request is impermissibly compound. Plaintiff may ask Defendant to admit only
11 one fact per statement. The request has also been asked and answered. The request for admission is
12 false in its premise (that the court ordered regular visitation at Donna's House), and the request has, in
13 substance, been previously asked and answered at Defendant's deposition on January 7, 2020.

14 **REQUEST NO. 28:**

15 Admit that you believe Ethan, at age 12 is old enough to have teenage discretion.

16 **RESPONSE NO. 28:**

17 Objection. This request is vague, ambiguous, and overbroad because the phrase "teenage
18 discretion" is not defined. Plaintiff may ask Defendant to admit only one fact per statement. The
19 request has also been asked and answered. The request for admission has, in substance, been previously
20 asked and answered at Defendant's deposition on January 7, 2020.

21 **REQUEST NO. 29:**

22 Admit that you are aware that the children have blocked Plaintiffs access to their social media
23 accounts.

1 **RESPONSE NO. 29:**

2 Objection. This Request for Admission is vague, ambiguous, and overbroad because the terms
3 “blocked,” “access” and “accounts” are not defined. The request has also been asked and answered.
4 The request for admission has, in substance, been previously asked and answered at Defendant’s
5 deposition on January 7, 2020

6 **REQUEST NO. 30:**

7 Admit that if you wanted to, you could get the children to resume the timeshare.

8 **RESPONSE NO. 30:**

9 Deny.

10 **REQUEST NO. 31:**

11 Admit to date, even with therapy, the children have not had a single overnight visitation with
12 Plaintiff.

13 **RESPONSE NO. 31:**

14 Deny.

15 **REQUEST NO. 32:**

16 Admit, no overnight visitation with Plaintiff is not in the children's best interest.

17 **RESPONSE NO. 32:**

18 Objection. The question is vague and ambiguous.

19 **REQUEST NO. 33:**

20 Admit giving Defendant sole custody without Plaintiff having any overnight visitation is not in
21 the children's best interest.

1 **RESPONSE NO. 33:**

2 Objection. The request is oppressive and burdensome because it is vague, ambiguous, and
3 unintelligible so as to make a response impossible without speculation. The phrase “sole custody” is not
4 defined. It is unclear whether Plaintiff means sole physical custody, sole legal custody or sole physical
5 and legal custody.

6 **REQUEST NO. 34:**

7 Admit there will be no overnight visitation with Plaintiff without Court intervention.

8 **RESPONSE NO. 34:**

9 Objection. The request calls for speculation.

10 **REQUEST NO. 35:**

11 Admit that other than Nic Ponzio, you have had no counseling and or therapy since August, 2019.

12 **RESPONSE NO. 35:**

13 Objection. The request is impermissibly compound. Plaintiff may ask Defendant to admit only
14 one fact per statement. The question is oppressive and burdensome because it is vague, ambiguous, and
15 unintelligible so as to make a response impossible without speculation.

16 **REQUEST NO. 36:**

17 Admit that there is a presumption that joint custody is in the children's best interests as there is
18 already a joint custody order.

19 **RESPONSE NO. 36:**

20 Objection. The request is oppressive and burdensome because it is vague, ambiguous, and
21 unintelligible so as to make a response impossible without speculation. The phrase “joint custody” is
22 not defined. It is unclear whether Plaintiff means joint physical custody, joint legal custody or joint
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1 physical and legal custody. This request is vague, ambiguous, and overbroad because the phrase “joint
2 custody order” is not defined.

3
4 Dated: January 9, 2020

5 **LAW OFFICE OF MITCHELL STIPP**

6 /s/ Mitchell Stipp, Esq.
7 MITCHELL STIPP, ESQ.
8 Nevada Bar No. 7531
9 LAW OFFICE OF MITCHELL STIPP
10 10120 W. Flamingo Rd., Suite 4-124
Las Vegas, Nevada 89147
Telephone: 702.602.1242
mstipp@stipplaw.com
Attorneys for Defendant

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3 **CERTIFICATE OF SERVICE**

4 I served the foregoing document on the 9th day of January, 2020, using the electronic filings
5 system of the clerk of the court, to all interested parties as follows:

6 Valerie Fujii
7 Christina Calderon

8 /s/ Amy Hernandez

9 _____
10 An employee of Law Office of Mitchell Stipp
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**DISTRICT COURT, FAMILY DIVISION
CLARK COUNTY**

CHRISTINA CALDERON,

Plaintiff,

v.

MITCHELL STIPP,

Defendant.

Case No.: D-08-389203-Z

Dept. No.: H

**DEFENDANT'S RESPONSES/OBJECTIONS TO
PLAINTIFF'S INTERROGATORIES**

Defendant, by and through his attorneys, and pursuant to the Nevada Rules of Civil Procedure,
responds and objects to Plaintiff's interrogatories as follows:

PRELIMINARY STATEMENT

1. Defendant's investigation and development of all facts and circumstances relating to this action is ongoing. These responses and objections are made without prejudice to, and are not a waiver of, Defendant's right to rely on other facts or documents at trial.

2. By making the accompanying responses and objections to Plaintiff's interrogatories, Defendant does not waive, and hereby expressly reserves, his right to assert any and all objections as to the admissibility of such responses into evidence in this action, or in any other proceedings, on any and all grounds including, but not limited to, competency, relevancy, materiality, and privilege. Further, Defendant makes the responses and objections herein without in any way implying that he considers the requests, and responses to the requests, to be relevant or material to the subject matter of this action.

3. Defendant expressly reserves the right to supplement, clarify, revise, or correct any or all of the responses and objections herein, and to assert additional objections or privileges, in one or more subsequent supplemental response(s).

GENERAL OBJECTIONS

1. Defendant objects to the definition of "you" to the extent that "you" includes any person or entity other than Mitchell Stipp.

2. Defendant objects to each request that is overly broad, unduly burdensome, or not reasonably calculated to lead to the discovery of admissible evidence if the response sought is unlimited as to time and scope.

3. Defendant objects to each request that requires an answer based on the personal knowledge or information in the care, custody, or control of Amy Stipp.

4. The Interrogatories propounded by Plaintiff exceed the maximum of 40 as permitted under Rule 33 of the Nevada Rules of Civil Procedure without leave of court. Defendant has determined that Plaintiff propounded in excess of 40 interrogatories in Interrogatories Nos 1-10. While Defendant responded to all of Plaintiff's interrogatories that she propounded, Defendant's responses after his response to Interrogatories Nos 1-10 are a courtesy. In determining whether the number of

interrogatories served by Plaintiff on Defendant exceeds the limit permitted, Defendant will count each subpart within an interrogatory as a separate interrogatory, regardless of whether the subpart is separately designated (i.e., separately numbered or lettered). If an interrogatory includes questions set forth as numbered or lettered subparts, each separately designated subpart will be counted by Defendant as a separate interrogatory. Plaintiff will, to that extent, be bound by its own numbering system, and will not be heard to complain that an interrogatory, although propounded with separately designated subparts, should nevertheless be counted as a single interrogatory because the interrogatory concerns a single transaction, set of facts, etc., or because the division was made for clarification or convenience. On the other hand, if Plaintiff sets forth its interrogatories as 40 or fewer separately designated questions (counting both separately designated interrogatories and separately designated subparts), but the interrogatories actually contain more than 40 questions, Defendant will not be bound by Plaintiff's numbering or designating system. Rather, Defendant will look to the substance of the interrogatories, and count each question as a separate interrogatory. For example, if two or more questions are combined in a single compound interrogatory, and are not set out as separate subparts, Defendant will look to the substance of the interrogatory, and count each of the combined questions as a separate interrogatory. If an interrogatory contains both an initial question, and follow-up questions to be answered if the first is answered in the affirmative, the initial question and each follow-up question will be counted as separate interrogatories. Similarly, if an interrogatory begins with a broad introductory clause followed by several subparts, Defendant will count the broad introductory clause and each subpart as a separate interrogatory, whether or not the subparts are separately designated. If an interrogatory requests information concerning more than one issue, the Defendant will count each issue on which information is sought as a separate interrogatory. The introductory instructions or preamble to

1 a set of interrogatories will not be counted by Defendant as interrogatories or subparts for purposes of
2 determining whether the limit has been exceeded.

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4 **INTERROGATORY NO. 1:**

5 Please provide the screen/profile name, username, and password of Mia's and Ethan's social
6 media accounts including, but not limited to, SnapChat, Instagram, HouseParty, Facebook, and TikTok.
7 For each account, explain in detail what you do, if anything, to monitor the content of such accounts,
8 including followers, friends, etc.

9 **RESPONSE NO. 1:**

10 Objection. The request has been asked and answered. The interrogatory has, in substance, been
11 previously asked and answered at Defendant's deposition on January 7, 2020.

12 **INTERROGATORY NO. 2:**

13 Explain in detail what you do, if anything, to monitor Mia's and/or Ethan's cell phone usage,
14 including when, if ever, you access their cell phones, have access to their phone passwords, monitor text
15 messages, photographs and/or videos sent and/or received on the accounts as well as internet access,
16 content, and use.

17 **RESPONSE NO. 2:**

18 Objection. The request has been asked and answered. The interrogatory has, in substance, been
19 previously asked and answered at Defendant's deposition on January 7, 2020.

20 **INTERROGATORY NO. 3:**

21 Identify all of your places of employment, including addresses, and your weekly work schedule
22 from August 17, 2019 to the present. Specifically provide your work week hours and location of your
23 work each day of the week specifically for the months of August, September, October and November of
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1 2019. Please include how many hours each day you were at address(es) provided from August 17, 2019
2 to the present. While you were working during this time period, identify, in detail, who was taking care
3 of each child including times, dates, locations and activities during which that/those person(s) were
4 transporting and/or supervising each child.

5 **RESPONSE NO. 3:**
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7 Objection. The request has been asked and answered. The interrogatory has, in substance, been
8 previously asked and answered at Defendant's deposition on January 7, 2020.

9 **INTERROGATORY NO. 4:**
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11 Identify your spouse, Amy Stipp's, addresses and places of employment, including LAW
12 OFFICE OF MITCHELL STIPP, and her weekly work schedule from August 17, 2019, to the present.

13 **RESPONSE NO. 4:**
14

15 Objection. The request has been asked and answered. The interrogatory has, in substance, been
16 previously asked and answered at Defendant's deposition on January 7, 2020.

17 **INTERROGATORY NO. 5:**
18

19 Please state the name and address for each and every business entity for which you are/were an
20 agent and/or officer and/or manager and/or owner and/or partner for the last five (5) years.

21 **RESPONSE NO. 5:**
22

23 The question invades Defendant's right of privacy, is impermissibly overbroad and, therefore,
24 oppressive, burdensome, and irrelevant to the subject matter of this action in that it seeks disclosure of
personal and private information. Such matters are also protected by the attorney-client privilege.

1 Defendant is an attorney, and in that capacity, he has acted as an agent of his clients. Plaintiff is not
2 entitled to the name and address for each and every one of Defendant's clients.

3
4 **INTERROGATORY NO. 6:**

5 Please state the name and address for each and every business entity for which Amy Stipp is/was
6 an agent and/or officer and/or manager and/or owner and/or partner for the last five (5) years.

7 **RESPONSE NO. 6:**

8 See Response to Interrogatory No. 5. Amy Stipp has provided services to Defendant's clients.

9 **INTERROGATORY NO. 7:**

10 Please describe in detail the average weekly schedule of activities, medical appointments,
11 treatments, therapies, education and/or other required time commitments for your son, Mitchell Stipp
12 "Jr.," including out-of-state appointments, from August 17, 2019 to the present. Describe the extent to
13 which you are directly responsible for transporting and/or supervising Mitchell Jr. at such scheduled
14 commitments. Identify with specificity who takes Mitchell Jr. to each such time commitment, if it is not
15 you.

16 **RESPONSE NO. 7:**

17 Objection. The request has been asked and answered. The interrogatory has, in substance, been
18 previously asked and answered at Defendant's deposition on January 7, 2020.

19 **INTERROGATORY NO. 8:**

20 Describe in detail Gerardo Hernandez' daily schedule in taking care of either child or both
21 children from August 17, 2019 to the present, including transportation to school, medical appointments,
22 and child activities such as baseball practices, games, music lessons, out-of-state travel, physical
23 therapy, pediatric visits and allergy appointments. Identify how many days in the month of (b) August,
24

1 2019 (c) September, 2019 (d) October, 2019 and (e) November, 2019 that Gerardo Hernandez was with
2 the children when both you and your spouse were not present.

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4 **RESPONSE NO. 8:**

5 Objection. The request has been asked and answered. The interrogatory has, in substance, been
6 previously asked and answered at Defendant's deposition on January 7, 2020.

7 **INTERROGATORY NO. 9:**

8 Please describe in detail any and all medical and/or mental health conditions for which you are
9 currently treating or for which you have treated within the past five (5) years, including dates of
10 treatment, the specific medical conditions/diagnoses, treatment therefor, prognosis, surgeries, any and all
11 medical providers' names, addresses, and telephone numbers, and any and all medications you are
12 currently taking and/or you have taken during this time period for any such condition, including the
13 strength and frequency of the medications taken, and the conditions for which each is prescribed.

14 **RESPONSE NO. 9:**

15 Objection. All medical records of Defendant are private, confidential and privileged. See
16 Chapter 49 of Nevada Revised Statutes, and HIPPA (and its rules and regulations). Plaintiff has
17 confirmed that Defendant is a fit parent in her deposition on January 7, 2020. Defendant's health is not
18 at issue in this case. Therefore, the information requested by the interrogatory is not relevant. With
19 respect to medications, the request has been asked and answered. The interrogatory has, in substance,
20 been previously asked and answered at Defendant's deposition on January 7, 2020.

21 **INTERROGATORY NO.10:**

22 Please describe in detail any and all medical and/or mental health conditions for which Amy
23 Stipp is currently treating or for which she has treated within the past five (5) years, such as her self-
24 disclosed anxiety, including dates of treatment, the specific medical conditions/diagnoses, treatment

1 therefor, prognosis, surgeries, any and all medical providers' names, addresses, and telephone numbers,
2 and any and all medications she is currently taking and/or she has taken during this time period for any
3 such condition, including the strength and frequency of the medications taken, and the conditions for
4 which each is prescribed.

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6 **RESPONSE NO. 10:**

7 Objection. All medical records of Amy Stipp are private, confidential and privileged. See
8 Chapter 49 of Nevada Revised Statutes, and HIPPA (and its rules and regulations). Plaintiff has
9 confirmed that Amy Stipp is a fit parent in her depositions on December 20, 2019 and January 7, 2020.
10 Amy Stipp's health is not at issue in this case. Therefore, the information requested by the interrogatory
11 is not relevant.

12 **INTERROGATORY NO. 11:**

13 Please describe in complete detail the total outstanding debt you currently owe to the Internal
14 Revenue Service ("IRS") including the details of total amounts due and any and all payment plans
15 related thereto. Please sign an authorization with the IRS allowing Christina to verify your response to
16 this interrogatory.

17 **RESPONSE NO. 11:**

18 Objection. The request exceeds the number of interrogatories permitted. The has been asked
19 and answered. The interrogatory has, in substance, been previously asked and answered at Defendant's
20 deposition on January 7, 2020. With respect to Plaintiff's request to sign an authorization, the question
21 invades Defendant's right of privacy, is impermissibly overbroad and, therefore, oppressive,
22 burdensome, and irrelevant to the subject matter of this action in that it seeks disclosure of personal and
23 private information.

1
2 **INTERROGATORY NO. 12:**

3 Identify the cellular telephone carrier(s) for your cellular telephone number, (702) 378-1907;
4 Amy' Stipp's cellular telephone number, (702) 277-277-6537; Mia's cellular telephone number, (702)
5 609-3551; and Ethan's cellular telephone number, (702) 609-3571. Identify who has access to the
6 cellular phones and records associated with each of these telephone numbers, and identify who pays the
7 bill(s) associated with these telephone numbers.

8
9 **RESPONSE NO. 12:**

10 Objection. The request exceeds the number of interrogatories permitted. The request has been
11 asked and answered. The interrogatory has, in substance, been previously asked and answered at
12 Defendant's deposition on January 7, 2020.

13 **INTERROGATORY NO. 13:**

14 Please provide a list of any and all witnesses you plan on calling at the trial herein, including
15 those for impeachment and rebuttal. Please provide each person's name, address, and telephone number,
16 as well as a brief description of his/her testimony.

17 **RESPONSE NO. 13:**

18 Objection. The request exceeds the number of interrogatories permitted. The request is
19 premature. The end of discovery is on January 13, 2020. No decision has been made on witnesses.

20 **INTERROGATORY NO. 14:**

21 What is your understanding as to why Mia and Ethan do not want to go with their mom during
22 her custodial time? What do you do to encourage the children to visit their mom?

23 ///

1 **RESPONSE NO. 14:**

2 Objection. The request exceeds the number of interrogatories permitted. The request has been
3 asked and answered. The interrogatory has, in substance, been previously asked and answered at
4 Defendant's deposition on January 7, 2020.
5

6 **INTERROGATORY NO. 15:**

7 Describe each instance over the past five (5) years in which you have talked to either child
8 and/or both children about teenage discretion or and/or otherwise deviating from the current Court-
9 ordered timeshare. Explain what you told each child, why, and specify when and where such
10 conversation(s) took place. Include any and all instances where Amy talked to either child and/or both
11 children about living with you full time and/or otherwise deviating from the current Court-ordered
12 timeshare as well.

13 **RESPONSE NO. 15:**

14 Objection. The request exceeds the number of interrogatories permitted. The request has been
15 asked and answered. The interrogatory has, in substance, been previously asked and answered at
16 Defendant's deposition on January 7, 2020.
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18 **INTERROGATORY NO. 16:**

19 Please state the names of any and all individuals currently residing with you, and, as to each
20 individual, their age, approximate gross monthly income, place of employment and relationship to the
21 child(ren).

22 **RESPONSE NO. 16:**

23 Objection. The request exceeds the number of interrogatories permitted. The request has been
24

1 asked and answered. The interrogatory has, in substance, been previously asked and answered at
2 Defendant's deposition on January 7, 2020.

3 **INTERROGATORY NO.17:**

4 Please state with specificity how you propose the parties/the Court should resolve the issue of
5 child custody.

6 **RESPONSE NO. 17:**
7

8 Objection. The request exceeds the number of interrogatories permitted. The parties should
9 negotiate a settlement which is in the best interest of the children. If the parties cannot settle the case,
10 then the court will have to make a decision. It is impossible to speculate how the court should resolve
11 the matters before it without completing discovery, decisions on pre-trial motions, and trial.

12
13 **INTERROGATORY NO.18:**

14 Please state with specificity the reason that you believe that it is in the best interest of the
15 children for the children to have teenage discretion.

16 **RESPONSE NO. 18:**
17

18 Objection. The request exceeds the number of interrogatories permitted. The request has been
19 asked and answered. The interrogatory has, in substance, been previously asked and answered at
20 Defendant's deposition on January 7, 2020. See also the papers and pleadings filed by Defendant in
21 this case.

22 **INTERROGATORY NO.19:**

23 Describe in detail what daily domestic assistance you receive from individual(s) not residing in
24

1 your home, such as Martha Hernandez, in terms of cooking and/or laundry and/or cleaning, whether or
2 not the person(s) providing such services receive financial compensation from either you and/or Amy.

3
4 **RESPONSE NO. 19:**

5 Objection. The request exceeds the number of interrogatories permitted. The request has been
6 asked and answered. The interrogatory has, in substance, been previously asked and answered at
7 Defendant's deposition on January 7, 2020.

8 **INTERROGATORY NO. 20:**

9 Is there anything about Plaintiff that in your opinion renders her unfit to have primary or joint
10 physical custody of the child? If so, describe with particularity this unfitness.

11
12 **RESPONSE NO. 20:**

13 Objection. The request exceeds the number of interrogatories permitted. The request has been
14 asked and answered. The interrogatory has, in substance, been previously asked and answered at
15 Defendant's deposition on January 7, 2020. See also the papers and pleadings filed by Defendant in this
16 case.

17 **INTERROGATORY NO. 21:**

18 Explain in detail why you have filed legal documents in this case wherein Amy Stipp has signed
19 the document as both Amy Stipp and Amy Hernandez.

20
21 **RESPONSE NO. 21:**

22 Objection. The request exceeds the number of interrogatories permitted. Defendant filed
23 documents in this case electronically signed by Amy Stipp and Amy Hernandez when and as required by
24 law and under the applicable rules.

1 **INTERROGATORY NO. 22:**

2 Please describe in detail what visitation schedule do you feel is in Mia's best interest. Be specific
3 as to days of the week and times and if it includes overnight visitation and/or holidays.
4

5 **RESPONSE NO. 22:**

6 Objection. The request exceeds the number of interrogatories permitted. A settlement offer has
7 been made to Plaintiff by Defendant on December 21, 2019 to which Plaintiff has not responded which
8 provides the details requested by this interrogatory.

9 **INTERROGATORY NO. 23:**

10 Please describe in detail what visitation schedule do you feel is in Ethan's best interest. Be
11 specific as to days of the week and times and if it includes overnight visitation and/or holidays.
12

13 **RESPONSE NO. 23:**

14 Objection. The request exceeds the number of interrogatories permitted. A settlement offer has
15 been made to Plaintiff by Defendant on December 21, 2019 to which Plaintiff has not responded which
16 provides the details requested by this interrogatory.

17 **INTERROGATORY NO. 24:**

18 What attorney's fees have you paid to date? Please update the attached FDF (served
19 contemporaneously herewith).
20

21 **RESPONSE NO. 24:**

22 Objection. The request exceeds the number of interrogatories permitted. It is also overly broad,
23 unduly burdensome, or not reasonably calculated to lead to the discovery of admissible evidence
24

1 because the response sought is unlimited as to time and scope. The completion of a financial disclosure
2 form is premature. Child support only will be ordered after the trial on January 23, 2020 if physical
3 custody changes.

4 **INTERROGATORY NO. 25:**

5 Describe your understanding of Mia's relationship with her maternal relatives, be specific with
6 identity of which relatives.
7

8 **RESPONSE NO. 25:**

9 Objection. The request exceeds the number of interrogatories permitted. It is also overly broad,
10 unduly burdensome, or not reasonably calculated to lead to the discovery of admissible evidence
11 because the response sought is unlimited as to time and scope. Plaintiff does not identify persons which
12 she considers "relatives." It is unclear what Plaintiff means by the word "understanding" as it relates to
13 the term "relationship," which is also undefined, because Defendant does not have personal knowledge
14 to provide any response.

15 **INTERROGATORY NO. 26:**

16 Describe your understanding of Ethan's relationship with her maternal relatives, be specific with
17 identity of which relatives.
18

19 **RESPONSE NO. 26:**

20 Objection. The request exceeds the number of interrogatories permitted. It is also overly broad,
21 unduly burdensome, or not reasonably calculated to lead to the discovery of admissible evidence
22 because the response sought is unlimited as to time and scope. Plaintiff does not identify persons which
23 she considers "relatives." It is unclear what Plaintiff means by the word "understanding" as it relates to
24

1 the term “relationship,” which is also undefined, because Defendant does not have personal knowledge
2 to provide any response.

3 Dated: January 9, 2019

4 **LAW OFFICE OF MITCHELL STIPP**

5 /s/ Mitchell Stipp, Esq.

6 MITCHELL STIPP, ESQ.

7 Nevada Bar No. 7531

8 LAW OFFICE OF MITCHELL STIPP

9 10120 W. Flamingo Rd., Suite 4-124

10 Las Vegas, Nevada 89147

11 Telephone: 702.602.1242

12 mstipp@stipplaw.com

13 Attorneys for Defendant

1
2
3 **CERTIFICATE OF SERVICE**

4 I served the foregoing document on this 9th day of January, 2020, using the electronic filings
5 system of the clerk of the court, to all interested parties as follows:

6 Valerie Fujii
7 Christina Calderon

8 /s/ Amy Hernandez

9
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An employee of Law Office of Mitchell Stipp

MITCHELL D. STIPP, ESQ.
Nevada Bar No. 7531
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Telephone: 702.990.6448
rsmith@radfordsmith.com
Attorneys for Mitchell Stipp, Defendant

**DISTRICT COURT, FAMILY DIVISION
CLARK COUNTY**

CHRISTINA CALDERON,

Plaintiff,

v.

MITCHELL STIPP,

Defendant.

Case No.: D-08-389203-Z

Dept. No.: H

**DEFENDANT'S RESPONSES/OBJECTIONS TO
PLAINTIFF'S REQUESTS FOR PRODUCTION
OF DOCUMENTS**

Defendant, by and through his attorneys, and pursuant to the Nevada Rules of Civil Procedure,
responds and objects to Plaintiff's requests for the production of documents as follows:

PRELIMINARY STATEMENT

1. Defendant's investigation and development of all facts and circumstances relating to this action is ongoing. These responses and objections are made without prejudice to, and are not a waiver of, Defendant's right to rely on other facts or documents at trial.

2. By making the accompanying responses and objections to Plaintiff's requests for production of documents, Defendant does not waive, and hereby expressly reserves, his right to assert any and all objections as to the admissibility of such responses into evidence in this action, or in any other proceedings, on any and all grounds including, but not limited to, competency, relevancy, materiality, and privilege. Further, Defendant makes the responses and objections herein without in any way implying that he considers the requests, and responses to the requests, to be relevant or material to the subject matter of this action.

3. Defendant expressly reserves the right to supplement, clarify, revise, or correct any or all of the responses and objections herein, and to assert additional objections or privileges, in one or more subsequent supplemental response(s).

GENERAL OBJECTIONS

1. Defendant objects to the definition of "you" to the extent that "you" includes any person or entity other than Mitchell Stipp.

2. Defendant objects to each request that does not define "children." Defendant has more children than Mia Stipp and Ethan Stipp.

3. Defendant objects to each request that is overly broad, unduly burdensome, or not reasonably calculated to lead to the discovery of admissible evidence if the response sought is unlimited as to time and scope.

4. Defendant objects to each request that requires the production of any documents in the care, custody, or control of Amy Stipp.

REQUEST NO. 1:

Please produce copies of any and all emails and/or other written correspondence between you

(and/or Amy Stipp) and any Faith Lutheran Middle & High School administrator and/or teacher from December 10, 2016, to the present, including but not limited to High School Principal Scott Fogo, Middle School Principal Sarah Harper, Teacher Brianna Davis, Teacher Melissa Wandell, Teacher Lyndsay Ehrmeling, and Teacher Sandra Youmans.

RESPONSE NO. 1:

Objection. The request is not proportional to the needs of the case because the information requested is not important to the matters before the court, Plaintiff has equal/similar access to relevant communications to and from administrators and teachers of Faith Lutheran Middle & High School (“Faith Lutheran”) as part of the children’s school records, and the burden or expense of the proposed discovery outweighs its likely benefit. As such, Defendant has limited his search to emails and other written correspondence written by Plaintiff to any administrator or teacher of Faith Lutheran sent on and after September 1, 2019. Accordingly, please see Bates Stamps DEF 000001-000003 attached hereto.

REQUEST NO. 2:

Please produce copies of any and all emails, text messages, and/or other written correspondence between you (and/or Amy Stipp) and Mia from December 10, 2017 to the present.

RESPONSE NO. 2:

Objection. The communications between Defendant and Mia Stipp and Amy Stipp and Mia Stipp are private and confidential. See Stipulation and Order, filed on July 9, 2014 (Section F (page 7) (no recordings) and Section L, paragraph 13 (page 11) (requirement to “respect the children’s privacy and relationship with the other parent”)).

REQUEST NO. 3:

Please produce copies of any and all emails, text messages, and/or written correspondence

1 between you (and/or Amy Stipp) and Ethan from December 10, 2017 to the present.

2 **RESPONSE NO. 3:**

3
4 Objection. The communications between Defendant and Ethan Stipp and Amy Stipp and Ethan
5 Stipp are private and confidential. See Stipulation and Order, filed on July 9, 2014 (Section F (page 7)
6 (no recordings) and Section L, paragraph 13 (page 11) (requirement to “respect the children’s privacy
7 and relationship with the other parent”)).

8 **REQUEST NO. 4:**

9 Please produce copies of any and all emails, text messages, and/or written correspondence
10 between you (and/or Amy Stipp) and Nicolas Ponzo from 2015 to the present.

11 **RESPONSE NO. 4:**

12 All communications between Defendant and Nicolas Ponzo and Amy Stipp and Nicolas Ponzo
13 are private, confidential and privileged. See Stipulation and Order, filed on July 9, 2014 (lines 15-26,
14 page 13) and (lines 1-19, page 14); NRS 49.246-.249.

15
16 **REQUEST NO. 5:**

17 Please produce copies of any and all emails, text messages, and/or written correspondence
18 between you (and/or Amy Stipp) and Mauricio ("Mo") Molina from May 1, 2019 to the present.

19 **RESPONSE NO. 5:**

20 Defendant has no emails, text messages and/or written correspondence between Defendant and
21 Mo Molina responsive to this request except as previously disclosed as part of the court’s record in this
22 case.

1 **REQUEST NO. 6:**

2 Please produce copies of any and all emails, text messages, and/or written correspondence
3 between you (and/or Amy Stipp) and Connie Warling from May 1, 2019 to the present.

4 **RESPONSE NO. 6:**

5 Defendant has no emails, text messages and/or written correspondence between Defendant and
6 Connie Warling responsive to this request except as previously disclosed as part of the court's record in
7 this case.

8 **REQUEST NO. 7:**

9 Produce any and all written statements, reports, cards, documents provided to third parties
10 involving Plaintiff and her relationship with her children or the subject of this litigation since August 23,
11 2019. This shall include without limitation, pleadings, affidavits, statements, police reports, emails, and
12 text messages.

13 **RESPONSE NO. 7:**

14 Defendant has no documents responsive to this request except as previously disclosed as part of
15 the court's record in this case.

16 **REQUEST NO. 8:**

17 Please produce copies of bank statements from Bank of America Account #501022274711, held
18 in the joint names of Amy Stipp and Gerardo Hernandez, used for payment for children expenditures
19 including reimbursements to Plaintiff, specifically for the past three (3) years.

20 **RESPONSE NO. 8:**

21 Defendant has no documents responsive to this request.
22
23
24

1
2 **REQUEST NO. 9:**

3 For the period of the last three (3) years, please produce copies of any and all audio and/or video
4 that you have disseminated to third parties of either child or both children, including to the police,
5 Nicolas Ponzo, Scott Fogo, etc.

6
7 **RESPONSE NO. 9:**

8 Objection. The request is vague, ambiguous, and overbroad because the term “disseminate” and
9 phrase “third parties” are not defined. For purposes of Defendant’s response to this request, Defendant
10 will assume that “disseminate” has the meaning normally ascribed to it (i.e., to spread widely) and “third
11 parties” are individuals other than Plaintiff, Defendant, Amy Stipp, Mia Stipp, Ethan Stipp, or Mitchell
12 Stipp, Jr. Accordingly, Defendant has no documents responsive to this request. Notwithstanding the
13 foregoing, all communications (including audio/video records) exchanged between Defendant and
14 Nicolas Ponzo are private, confidential and privileged. See Stipulation and Order, filed on July 9, 2014
15 (lines 15-26, page 13) and (lines 1-19, page 14); NRS 49.246-.249.

16 **REQUEST NO. 10:**

17 Please produce usernames and passwords for each of Mia's and Ethan's social media accounts
18 including, but not limited to Facebook, Instagram, TickTock, Houseparty and SnapChat.

19 **RESPONSE NO. 10:**

20 Defendant has no documents responsive to this request.

21 **REQUEST NO. 11:**

22 Please produce any and all employment agreement between you and Martha Hernandez and/or
23 Gerardo Hernandez.

1 **RESPONSE NO. 11:**

2 Defendant has no documents responsive to this request.

3 **REQUEST NO. 12:**

4 Please produce any and all records relating to financial payments you have made to Nicolas
5 Ponzo from May 1, 2019 to the present. This would include cancelled checks, receipts, charges, proof of
6 payments made whatsoever.

7 **RESPONSE NO. 12:**

8 Objection. The request is overly broad and unduly burdensome on its face because it uses the
9 omnibus term “relating to” to modify “financial payments.” The phrase “financial payments” is also not
10 defined but appears to include a general category or broad range of documents or information (i.e.,
11 cancelled checks, receipts, charges, proof of payments made whatsoever). See Krause v. Nevada Mut.
12 Ins. Co., No. 2:12-CV-00342-JCM, 2014 WL 496936, at *5 (D. Nev. Feb. 6, 2014) aff’d, No. 2:12-CV-
13 342 JCM CWH, 2014 WL 3592655 (D. Nev. July 21, 2014) (citing Dauska v. Green Bay Packaging
14 Inc., 291 F.R.D. 251 (E.D. Wisc. 2013)).

15 **REQUEST NO. 13:**

16 Please produce any and all records regarding outstanding balances that you owe to and/or
17 payment plans that you have made with the Internal Revenue Service over the last five years.

18 **RESPONSE NO. 13:**

19 Objection. The question invades Defendant’s right of privacy, is impermissibly overbroad and,
20 therefore, oppressive, burdensome, and irrelevant to the subject matter of this action in that it seeks
21 disclosure of personal and private information.
22
23
24

1
2 **REQUEST NO. 14:**

3 Please produce copies of any and all of Mia's and Ethan's cellular telephone statements over the
4 last 24 months.

5
6 **RESPONSE NO. 14:**

7 Objection. The request is vague, ambiguous, and overbroad because the phrase “cellular
8 telephone statements” is not defined. For purposes of Defendant’s response to this request, Defendant
9 will assume that “cellular telephone statements” mean billing statements from a wireless carrier in the
10 name of Mia Stipp or Ethan Stipp. Accordingly, Defendant has no documents responsive to this request.

11
12 **REQUEST NO. 15:**

13 Please provide copies of any and all documents which you used or referenced to in answering the
14 Interrogatories which were served concurrently with these Requests.

15
16 **RESPONSE NO. 15:**

17 Defendant has no documents responsive to this request.

18
19 **REQUEST NO. 16:**

20 Please provide written verification from any and all physicians and/or mental health professional
21 with whom you and/or Mia and/or Ethan have been treated for the past year as to your and their current
22 medical status and any and all prescription medications you and or they are taking, and any specific
23 diagnoses/prognoses regarding any medical and/or mental health conditions which you and/or they are
24 currently suffering or have or may have suffered in the past year. *(Copy of Authorization for the same
is served contemporaneously herewith for your execution).*

1 **RESPONSE NO. 16:**

2 Objection. The request is vague, ambiguous, and overbroad because the phrase “written
3 verification” is not defined. For purposes of Defendant’s response to this request, Defendant will
4 assume that “written verification” means a written medical history and physical examination prepared
5 by a medical professional which contains the scope of the information described in this request. All
6 medical records of Defendant and Amy Stipp are private, confidential and privileged. See Chapter 49
7 of Nevada Revised Statutes, and HIPPA (and its rules and regulations). Plaintiff has confirmed that
8 Defendant is a fit parent in her deposition on January 7, 2020. Defendant’s medical status is not at issue
9 in this case. Therefore, such written verifications are not relevant. Plaintiff has access to all medical
10 records of Mia Stipp and Ethan Stipp as a joint legal custodian. If requested or needed, Defendant will
11 complete and sign a release for medical records of Mia Stipp and Ethan Stipp.

12 **REQUEST NO. 17:**

13 Please produce any and all documents detailing the attorney's fees, expert fees, and costs
14 incurred to date by you in this action. This request includes, but is not limited to, all billing statements
15 from your attorney reflecting fees and costs incurred and all payments made by you or on your behalf to
16 your attorney.

17 **RESPONSE NO. 17:**

18 Objection. Trial is scheduled for January 23, 2020. Defendant objects to the request as
19 premature and expressly reserves the right to supplement, clarify, revise, or correct his response to the
20 request, and to assert additional objections or privileges, in one or more subsequent supplemental
21 response(s).

22 **REQUEST NO. 18:**

23 Provide any and all text messages from you and/or your wife to the children since August 23,
24

1 2019 evidencing encouragement for them to have contact with Plaintiff. Ensure that the text messages
2 are complete, dated and to comply with the Rule of Best Evidence.

3
4 **RESPONSE NO. 18:**

5 Objection. The request is argumentative. The communications between Defendant, Amy Stipp,
6 Ethan Stipp and Amy Stipp are also private and confidential. See Stipulation and Order, filed on July 9,
7 2014 (Section F (page 7) (no recordings) and Section L, paragraph 13 (page 11) (requirement to “respect
8 the children’s privacy and relationship with the other parent”)).

9 Dated: January 9, 2019

10
11 **LAW OFFICE OF MITCHELL STIPP**

12 /s/ Mitchell Stipp, Esq.

13 MITCHELL STIPP, ESQ.
14 Nevada Bar No. 7531

15 LAW OFFICE OF MITCHELL STIPP
16 10120 W. Flamingo Rd., Suite 4-124

17 Las Vegas, Nevada 89147
18 Telephone: 702.602.1242

19 mstipp@stipplaw.com
20 Attorneys for Defendant

1
2
3 **CERTIFICATE OF SERVICE**

4 I served the foregoing document on this 9th day of January, 2020, using the electronic filings
5 system of the clerk of the court, to all interested parties as follows:

6 Valerie Fujii
7 Christina Calderon

8 /s/ Amy Hernandez

9 _____
10 An employee of Law Office of Mitchell Stipp
11
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To File.



Mitchell Stipp

Law Office of Mitchell Stipp

T: [702.602.1242](tel:702.602.1242) | M: [702.378.1907](tel:702.378.1907)

E: mstipp@stipplaw.com | www.stipplaw.com

----- Forwarded message -----

From: **Mitchell Stipp** <mstipp@stipplaw.com>

Date: Tue, Sep 24, 2019 at 7:58 PM

Subject: Fwd: Apology

To: <knorrk@flhsemail.org>

Cc: <kothej@flhsemail.org>

Dr. Knorr—

See below and attached. Ethan has written an apology to Augustus. Please share it with him.

I have spent quite a bit of time with Ethan today and will again tomorrow discussing his behavior and our expectations. I'm confident Ethan will make the adjustments he needs to be successful.

Ethan is a good kid with enormous potential. He has made some mistakes, and I believe he is learning from them.

Thank you for your patience and understanding.



Mitchell Stipp

Law Office of Mitchell Stipp

T: [702.602.1242](tel:702.602.1242) | M: [702.378.1907](tel:702.378.1907)

E: mstipp@stipplaw.com | www.stipplaw.com

----- Forwarded message -----

DEF000001

AA000811

From: Ethan Stipp <ethan.stipp26@flhsemail.org>

Date: Sep 24, 2019, 7:32 PM -0700

To: mstipp@stipplaw.com

Subject: Apology

□

Sent from my iPad

Apology

I would like to apologize for my actions. I am sorry Augustus for pushing you. It was an impulsive act which I should have not done. I hope you forgive me for pushing you. I didn't mean to hurt you in any way shape or form. I should have never put my hands on you and I am sorry.

MITCHELL D. STIPP, ESQ.
Nevada Bar No. 7531
LAW OFFICE OF MITCHELL STIPP
10120 W. Flamingo Rd., Suite 4-124
Las Vegas, Nevada 89147
Telephone: 702.602.1242
mstipp@stipplaw.com

RADFORD J. SMITH, ESQ.
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Telephone: 702.990.6448
rsmith@radfordsmith.com
Attorneys for Mitchell Stipp, Defendant

**DISTRICT COURT, FAMILY DIVISION
CLARK COUNTY**

CHRISTINA CALDERON,

Plaintiff,

v.

MITCHELL STIPP,

Defendant.

Case No.: D-08-389203-Z

Dept. No.: H

**ERRATA TO
DEFENDANT'S RESPONSES/OBJECTIONS TO
PLAINTIFF'S REQUESTS FOR PRODUCTION
OF DOCUMENTS**

Defendant, by and through his attorneys, and pursuant to the Nevada Rules of Civil Procedure,
responds and objects to Plaintiff's requests for the production of documents as follows:

PRELIMINARY STATEMENT

1. Defendant's investigation and development of all facts and circumstances relating to this action is ongoing. These responses and objections are made without prejudice to, and are not a waiver of, Defendant's right to rely on other facts or documents at trial.

2. By making the accompanying responses and objections to Plaintiff's requests for production of documents, Defendant does not waive, and hereby expressly reserves, his right to assert any and all objections as to the admissibility of such responses into evidence in this action, or in any other proceedings, on any and all grounds including, but not limited to, competency, relevancy, materiality, and privilege. Further, Defendant makes the responses and objections herein without in any way implying that he considers the requests, and responses to the requests, to be relevant or material to the subject matter of this action.

3. Defendant expressly reserves the right to supplement, clarify, revise, or correct any or all of the responses and objections herein, and to assert additional objections or privileges, in one or more subsequent supplemental response(s).

GENERAL OBJECTIONS

1. Defendant objects to the definition of "you" to the extent that "you" includes any person or entity other than Mitchell Stipp.

2. Defendant objects to each request that does not define "children." Defendant has more children than Mia Stipp and Ethan Stipp.

3. Defendant objects to each request that is overly broad, unduly burdensome, or not reasonably calculated to lead to the discovery of admissible evidence if the response sought is unlimited as to time and scope.

4. Defendant objects to each request that requires the production of any documents in the care, custody, or control of Amy Stipp.

REQUEST NO. 1:

Please produce copies of any and all emails and/or other written correspondence between you

(and/or Amy Stipp) and any Faith Lutheran Middle & High School administrator and/or teacher from December 10, 2016, to the present, including but not limited to High School Principal Scott Fogo, Middle School Principal Sarah Harper, Teacher Brianna Davis, Teacher Melissa Wandell, Teacher Lyndsay Ehrmeling, and Teacher Sandra Youmans.

RESPONSE NO. 1:

Objection. The request is not proportional to the needs of the case because the information requested is not important to the matters before the court, Plaintiff has equal/similar access to relevant communications to and from administrators and teachers of Faith Lutheran Middle & High School (“Faith Lutheran”) as part of the children’s school records, and the burden or expense of the proposed discovery outweighs its likely benefit. As such, Defendant has limited his search to emails and other written correspondence written by ~~Plaintiff~~ to any administrator or teacher of Faith Lutheran sent on and after September 1, 2019. Accordingly, please see Bates Stamps DEF 000001-000003 attached hereto.

Defendant

REQUEST NO. 2:

Please produce copies of any and all emails, text messages, and/or other written correspondence between you (and/or Amy Stipp) and Mia from December 10, 2017 to the present.

RESPONSE NO. 2:

Objection. The communications between Defendant and Mia Stipp and Amy Stipp and Mia Stipp are private and confidential. See Stipulation and Order, filed on July 9, 2014 (Section F (page 7) (no recordings) and Section L, paragraph 13 (page 11) (requirement to “respect the children’s privacy and relationship with the other parent”)).

REQUEST NO. 3:

Please produce copies of any and all emails, text messages, and/or written correspondence

1 between you (and/or Amy Stipp) and Ethan from December 10, 2017 to the present.

2 **RESPONSE NO. 3:**

3
4 Objection. The communications between Defendant and Ethan Stipp and Amy Stipp and Ethan
5 Stipp are private and confidential. See Stipulation and Order, filed on July 9, 2014 (Section F (page 7)
6 (no recordings) and Section L, paragraph 13 (page 11) (requirement to “respect the children’s privacy
7 and relationship with the other parent”)).

8 **REQUEST NO. 4:**

9 Please produce copies of any and all emails, text messages, and/or written correspondence
10 between you (and/or Amy Stipp) and Nicolas Ponzo from 2015 to the present.

11 **RESPONSE NO. 4:**

12 All communications between Defendant and Nicolas Ponzo and Amy Stipp and Nicolas Ponzo
13 are private, confidential and privileged. See Stipulation and Order, filed on July 9, 2014 (lines 15-26,
14 page 13) and (lines 1-19, page 14); NRS 49.246-.249.

15
16 **REQUEST NO. 5:**

17 Please produce copies of any and all emails, text messages, and/or written correspondence
18 between you (and/or Amy Stipp) and Mauricio ("Mo") Molina from May 1, 2019 to the present.

19 **RESPONSE NO. 5:**

20 Defendant has no emails, text messages and/or written correspondence between Defendant and
21 Mo Molina responsive to this request except as previously disclosed as part of the court’s record in this
22 case.

1 **REQUEST NO. 6:**

2 Please produce copies of any and all emails, text messages, and/or written correspondence
3 between you (and/or Amy Stipp) and Connie Warling from May 1, 2019 to the present.

4 **RESPONSE NO. 6:**

5 Defendant has no emails, text messages and/or written correspondence between Defendant and
6 Connie Warling responsive to this request except as previously disclosed as part of the court's record in
7 this case.

8 **REQUEST NO. 7:**

9 Produce any and all written statements, reports, cards, documents provided to third parties
10 involving Plaintiff and her relationship with her children or the subject of this litigation since August 23,
11 2019. This shall include without limitation, pleadings, affidavits, statements, police reports, emails, and
12 text messages.

13 **RESPONSE NO. 7:**

14 Defendant has no documents responsive to this request except as previously disclosed as part of
15 the court's record in this case.

16 **REQUEST NO. 8:**

17 Please produce copies of bank statements from Bank of America Account #501022274711, held
18 in the joint names of Amy Stipp and Gerardo Hernandez, used for payment for children expenditures
19 including reimbursements to Plaintiff, specifically for the past three (3) years.

20 **RESPONSE NO. 8:**

21 Defendant has no documents responsive to this request.
22
23
24

1
2 **REQUEST NO. 9:**

3 For the period of the last three (3) years, please produce copies of any and all audio and/or video
4 that you have disseminated to third parties of either child or both children, including to the police,
5 Nicolas Ponzo, Scott Fogo, etc.

6
7 **RESPONSE NO. 9:**

8 Objection. The request is vague, ambiguous, and overbroad because the term “disseminate” and
9 phrase “third parties” are not defined. For purposes of Defendant’s response to this request, Defendant
10 will assume that “disseminate” has the meaning normally ascribed to it (i.e., to spread widely) and “third
11 parties” are individuals other than Plaintiff, Defendant, Amy Stipp, Mia Stipp, Ethan Stipp, or Mitchell
12 Stipp, Jr. Accordingly, Defendant has no documents responsive to this request. Notwithstanding the
13 foregoing, all communications (including audio/video records) exchanged between Defendant and
14 Nicolas Ponzo are private, confidential and privileged. See Stipulation and Order, filed on July 9, 2014
15 (lines 15-26, page 13) and (lines 1-19, page 14); NRS 49.246-.249.

16 **REQUEST NO. 10:**

17 Please produce usernames and passwords for each of Mia's and Ethan's social media accounts
18 including, but not limited to Facebook, Instagram, TickTock, Houseparty and SnapChat.

19 **RESPONSE NO. 10:**

20 Defendant has no documents responsive to this request.

21 **REQUEST NO. 11:**

22 Please produce any and all employment agreement between you and Martha Hernandez and/or
23 Gerardo Hernandez.

1 **RESPONSE NO. 11:**

2 Defendant has no documents responsive to this request.

3 **REQUEST NO. 12:**

4 Please produce any and all records relating to financial payments you have made to Nicolas
5 Ponzo from May 1, 2019 to the present. This would include cancelled checks, receipts, charges, proof of
6 payments made whatsoever.

7 **RESPONSE NO. 12:**

8 Objection. The request is overly broad and unduly burdensome on its face because it uses the
9 omnibus term “relating to” to modify “financial payments.” The phrase “financial payments” is also not
10 defined but appears to include a general category or broad range of documents or information (i.e.,
11 cancelled checks, receipts, charges, proof of payments made whatsoever). See Krause v. Nevada Mut.
12 Ins. Co., No. 2:12-CV-00342-JCM, 2014 WL 496936, at *5 (D. Nev. Feb. 6, 2014) aff’d, No. 2:12-CV-
13 342 JCM CWH, 2014 WL 3592655 (D. Nev. July 21, 2014) (citing Dauska v. Green Bay Packaging
14 Inc., 291 F.R.D. 251 (E.D. Wisc. 2013)).

15 **REQUEST NO. 13:**

16 Please produce any and all records regarding outstanding balances that you owe to and/or
17 payment plans that you have made with the Internal Revenue Service over the last five years.

18 **RESPONSE NO. 13:**

19 Objection. The question invades Defendant’s right of privacy, is impermissibly overbroad and,
20 therefore, oppressive, burdensome, and irrelevant to the subject matter of this action in that it seeks
21 disclosure of personal and private information.
22
23
24

1
2 **REQUEST NO. 14:**

3 Please produce copies of any and all of Mia's and Ethan's cellular telephone statements over the
4 last 24 months.

5
6 **RESPONSE NO. 14:**

7 Objection. The request is vague, ambiguous, and overbroad because the phrase “cellular
8 telephone statements” is not defined. For purposes of Defendant’s response to this request, Defendant
9 will assume that “cellular telephone statements” mean billing statements from a wireless carrier in the
10 name of Mia Stipp or Ethan Stipp. Accordingly, Defendant has no documents responsive to this request.

11
12 **REQUEST NO. 15:**

13 Please provide copies of any and all documents which you used or referenced to in answering the
14 Interrogatories which were served concurrently with these Requests.

15
16 **RESPONSE NO. 15:**

17 Defendant has no documents responsive to this request.

18
19 **REQUEST NO. 16:**

20 Please provide written verification from any and all physicians and/or mental health professional
21 with whom you and/or Mia and/or Ethan have been treated for the past year as to your and their current
22 medical status and any and all prescription medications you and or they are taking, and any specific
23 diagnoses/prognoses regarding any medical and/or mental health conditions which you and/or they are
24 currently suffering or have or may have suffered in the past year. *(Copy of Authorization for the same
is served contemporaneously herewith for your execution).*

1 **RESPONSE NO. 16:**

2 Objection. The request is vague, ambiguous, and overbroad because the phrase “written
3 verification” is not defined. For purposes of Defendant’s response to this request, Defendant will
4 assume that “written verification” means a written medical history and physical examination prepared
5 by a medical professional which contains the scope of the information described in this request. All
6 medical records of Defendant and Amy Stipp are private, confidential and privileged. See Chapter 49
7 of Nevada Revised Statutes, and HIPPA (and its rules and regulations). Plaintiff has confirmed that
8 Defendant is a fit parent in her deposition on January 7, 2020. Defendant’s medical status is not at issue
9 in this case. Therefore, such written verifications are not relevant. Plaintiff has access to all medical
10 records of Mia Stipp and Ethan Stipp as a joint legal custodian. If requested or needed, Defendant will
11 complete and sign a release for medical records of Mia Stipp and Ethan Stipp.

12 **REQUEST NO. 17:**

13 Please produce any and all documents detailing the attorney's fees, expert fees, and costs
14 incurred to date by you in this action. This request includes, but is not limited to, all billing statements
15 from your attorney reflecting fees and costs incurred and all payments made by you or on your behalf to
16 your attorney.

17 **RESPONSE NO. 17:**

18 Objection. Trial is scheduled for January 23, 2020. Defendant objects to the request as
19 premature and expressly reserves the right to supplement, clarify, revise, or correct his response to the
20 request, and to assert additional objections or privileges, in one or more subsequent supplemental
21 response(s).

22 **REQUEST NO. 18:**

23 Provide any and all text messages from you and/or your wife to the children since August 23,
24

1 2019 evidencing encouragement for them to have contact with Plaintiff. Ensure that the text messages
2 are complete, dated and to comply with the Rule of Best Evidence.

3
4 **RESPONSE NO. 18:**

5 Objection. The request is argumentative. The communications between Defendant, Amy Stipp,
6 Ethan Stipp and Amy Stipp are also private and confidential. See Stipulation and Order, filed on July 9,
7 2014 (Section F (page 7) (no recordings) and Section L, paragraph 13 (page 11) (requirement to “respect
8 the children’s privacy and relationship with the other parent”)).

9 Dated: January 9, 2019

10
11 **LAW OFFICE OF MITCHELL STIPP**

12 /s/ Mitchell Stipp, Esq.

13 MITCHELL STIPP, ESQ.
14 Nevada Bar No. 7531

15 LAW OFFICE OF MITCHELL STIPP
16 10120 W. Flamingo Rd., Suite 4-124

17 Las Vegas, Nevada 89147
18 Telephone: 702.602.1242

19 mstipp@stipplaw.com
20 Attorneys for Defendant
21
22
23
24

1
2
3 **CERTIFICATE OF SERVICE**

4 I served the foregoing document on this 9th day of January, 2020, using the electronic filings
5 system of the clerk of the court, to all interested parties as follows:

6 Valerie Fujii
7 Christina Calderon

8 /s/ Amy Hernandez

9 _____
10 An employee of Law Office of Mitchell Stipp
11
12
13
14
15
16
17
18
19
20
21
22
23
24

To File.



Mitchell Stipp

Law Office of Mitchell Stipp

T: [702.602.1242](tel:702.602.1242) | M: [702.378.1907](tel:702.378.1907)

E: mstipp@stipplaw.com | www.stipplaw.com

----- Forwarded message -----

From: **Mitchell Stipp** <mstipp@stipplaw.com>

Date: Tue, Sep 24, 2019 at 7:58 PM

Subject: Fwd: Apology

To: <knorrk@flhsemail.org>

Cc: <kothej@flhsemail.org>

Dr. Knorr—

See below and attached. Ethan has written an apology to Augustus. Please share it with him.

I have spent quite a bit of time with Ethan today and will again tomorrow discussing his behavior and our expectations. I'm confident Ethan will make the adjustments he needs to be successful.

Ethan is a good kid with enormous potential. He has made some mistakes, and I believe he is learning from them.

Thank you for your patience and understanding.



Mitchell Stipp

Law Office of Mitchell Stipp

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E: mstipp@stipplaw.com | www.stipplaw.com

----- Forwarded message -----

DEF000001

AA000826

From: Ethan Stipp <ethan.stipp26@flhsemail.org>

Date: Sep 24, 2019, 7:32 PM -0700

To: mstipp@stipplaw.com

Subject: Apology

□

Sent from my iPad

Apology

I would like to apologize for my actions. I am sorry Augustus for pushing you. It was an impulsive act which I should have not done. I hope you forgive me for pushing you. I didn't mean to hurt you in any way shape or form. I should have never put my hands on you and I am sorry.

EXHIBIT E

From: Mitchell Stipp <mstipp@stiplaw.com>
To: PDF <pdfconvert@pdfconvert.me>
Subject: Fwd: Notification of Service for Case: D-08-389203-Z, In the Matter of the Joint Petition for Divorce of: Mitchell David Stipp and Christina Calderon Stipp for filing Service Only, Envelope Number: 5467773
Date: Tue, 14 Jan 2020 17:22:12 -0800



Mitchell Stipp
Law Office of Mitchell Stipp
T: [702.602.1242](tel:702.602.1242) | M: [702.378.1907](tel:702.378.1907)
E: mstipp@stiplaw.com | www.stiplaw.com

----- Forwarded message -----

From: Mitchell Stipp <mstipp@stiplaw.com>
Date: Fri, Jan 10, 2020 at 4:10 PM
Subject: Fwd: Notification of Service for Case: D-08-389203-Z, In the Matter of the Joint Petition for Divorce of: Mitchell David Stipp and Christina Calderon Stipp for filing Service Only, Envelope Number: 5467773
To: Valarie Fujii <val@fujii-law.com>
Cc: Radford Smith <rsmith@radfordsmith.com>, Courtney Janson <cjanson@radfordsmith.com>

Valerie:

We received your letter referenced below. Radford and I discussed the same. It is unclear from your letter other than the reference to my deposition and matters of privacy, confidentiality and/or privilege what are your client's specific concerns. Many of the form objections to the interrogatories which reference my deposition also have other objections which we believe to be valid. In other words, removing this form objection (i.e., asked and answered) does not require a further response because there are other objections. We do not yet have the my deposition transcript. However, once available, I am happy to attach the transcript and reference portions of the same as a supplement.

We would like to avoid discovery litigation. I have asked Radford to be available to address your letter on the date/time in your subsequently served notice. If he is not available, you may call me directly. In the meantime, I would ask for further clarification/explanation of your letter which specifically addresses why the objections are not valid. If you could provide this detailed information before the conference on Tuesday, it will make the call more productive.



Mitchell Stipp

Law Office of Mitchell Stipp

T: [702.602.1242](tel:702.602.1242) | M: [702.378.1907](tel:702.378.1907)

E: mstipp@stiplaw.com | www.stiplaw.com

----- Forwarded message -----

From: <efilingmail@tylerhost.net>

Date: Fri, Jan 10, 2020 at 1:08 PM

Subject: Notification of Service for Case: D-08-389203-Z, In the Matter of the Joint Petition for Divorce of: Mitchell David Stipp and Christina Calderon Stipp for filing Service Only, Envelope Number: 5467773

To: <mstipp@stiplaw.com>

Notification of Service



Case Number: D-08-389203-Z

Case Style: In the Matter of the Joint Petition
for Divorce of: Mitchell David Stipp and

Christina Calderon Stipp

Envelope Number: 5467773

This is a notification of service for the filing listed. Please click the link below to retrieve the submitted document.

Filing Details	
Case Number	D-08-389203-Z
Case Style	In the Matter of the Joint Petition for Divorce of: Mitchell David Stipp and Christina Calderon Stipp
Date/Time Submitted	1/10/2020 1:08 PM PST
Filing Type	Service Only
Filing Description	Letter to Radford Smith, Esq. dated January 10, 2020
Filed By	Valarie Fujii
	Mitchell David Stipp:

AA000831

Service Contacts

Jolene Hoeft (jhoeft@radfordsmith.com)

Deana DePry (ddepry@radfordsmith.com)

Mitchell Stipp (mstipp@stiplaw.com)

Courtney Janson (cJanson@radfordsmith.com)

Garima Varshney (gvarshney@radfordsmith.com)

Radford Smith (rsmith@radfordsmith.com)

Christina Calderon Stipp:

Valarie Fujii (vip@fujiiilawlv.com)

Christina Calderon (ccstipp@gmail.com)

Document Details**Served Document**[Download Document](#)

This link is active for 30 days.

EXHIBIT F

From: Mitchell Stipp
<mstipp@stiplaw.com>
To: PDF <pdfconvert@pdfconvert.me>
Subject: Fwd: Meet/Confer: 1.14.2020 at 10am
Date: Tue, 14 Jan 2020 17:22:28 -0800



Mitchell Stipp
Law Office of Mitchell Stipp
T: [702.602.1242](tel:702.602.1242) | M: [702.378.1907](tel:702.378.1907)
E: mstipp@stiplaw.com | www.stiplaw.com

----- Forwarded message -----

From: Mitchell Stipp <mstipp@stiplaw.com>
Date: Tue, Jan 14, 2020 at 9:47 AM
Subject: Meet/Confer: 1.14.2020 at 10am
To: Valarie Fujii <val@fujii-law.com>
Cc: Radford Smith <rsmith@radfordsmith.com>, Courtney Janson <cjanson@radfordsmith.com>

I did not receive any response to my email regarding your client's objections to my discovery responses. We had hoped you would provide a detailed explanation in writing so we understood the nature of the objections. As far as responses to interrogatories, we are willing to revise to reference the deposition transcript. However, there was not adequate time to complete that task before discovery ended yesterday.

In addition to your client's discovery issues, I have reviewed your client's disclosures and have the following preliminary issues:

1. No communications/documents regarding therapy with Nick Ponzo is admissible under the 2014 parenting plan and Chapter 49 of NRS. Your client has included in her disclosures and as purported exhibits an email she asked Mr. Ponzo to write (recommendations for access/facilitate timeshare) and other advice she claims he provided. Setting aside the issue of hearsay, matters of family therapy should not be disclosed and/or used at trial. We have asked Mr. Ponzo to appear as a potential witness in the event your client seeks to violate this confidentiality/privilege. We will also seek to have these matters excluded.

2. It appears your client is now disclosing an audio file of a recording she allegedly made of our

AA000834

meeting at Starbucks in April/May of 2019. No transcript was included. We addressed this issue at your client's deposition. Your client admits to recording a meeting and having a transcript prepared. In September, during one of our calls, you offered to provide the audio and transcript (i.e., clearly the audio was available). Radford confirms the same during his initial call with you. Yet, we never received them. Our request for production # 's 3 and 4 would have included these items. Yet, they were not disclosed when required. We intend to have the audio and transcript excluded.

3. Your client has disclosed confidential settlement communications which appears she wants to use at trial. We intend to have the settlement offer excluded.

I expect Radford can discuss these items during your call at 10am.



Mitchell Stipp

Law Office of Mitchell Stipp

T: [702.602.1242](tel:702.602.1242) | M: [702.378.1907](tel:702.378.1907)

E: mstipp@stipplaw.com | www.stipplaw.com

From: Mitchell Stipp
<mstipp@stipplaw.com>
To: PDF <pdfconvert@pdfconvert.me>
Subject: Fwd: Meet/Confer: 1.14.2020 at 10am
Date: Tue, 14 Jan 2020 17:22:43 -0800



Mitchell Stipp
Law Office of Mitchell Stipp
T: [702.602.1242](tel:702.602.1242) | M: [702.378.1907](tel:702.378.1907)
E: mstipp@stipplaw.com | www.stipplaw.com

----- Forwarded message -----

From: Mitchell Stipp <mstipp@stipplaw.com>
Date: Tue, Jan 14, 2020 at 9:58 AM
Subject: Fwd: Meet/Confer: 1.14.2020 at 10am
To: Valarie Fujii <val@fujii-law.com>
Cc: Radford Smith <rsmith@radfordsmith.com>, Courtney Janson <cjanson@radfordsmith.com>

Just to be clear— we want to see the transcript of the meeting at Starbucks. If your client got the audio transcribed, the service provider would need the audio file. This means your client always had the file. The excuse about the new phone was false. The transcript will prove that.

Please provide. We can discuss how to proceed once disclosed.



Mitchell Stipp
Law Office of Mitchell Stipp
T: [702.602.1242](tel:702.602.1242) | M: [702.378.1907](tel:702.378.1907)
E: mstipp@stipplaw.com | www.stipplaw.com

----- Forwarded message -----

From: Mitchell Stipp <mstipp@stipplaw.com>
Date: Jan 14, 2020, 9:47 AM -0800
To: Valarie Fujii <val@fujii-law.com>
Cc: Radford Smith <rsmith@radfordsmith.com>, Courtney Janson
<cjanson@radfordsmith.com>

I did not receive any response to my email regarding your client's objections to my discovery responses. We had hoped you would provide a detailed explanation in writing so we understood the nature of the objections. As far as responses to interrogatories, we are willing to revise to reference the deposition transcript. However, there was not adequate time to complete that task before discovery ended yesterday.

In addition to your client's discovery issues, I have reviewed your client's disclosures and have the following preliminary issues:

1. No communications/documents regarding therapy with Nick Ponzo is admissible under the 2014 parenting plan and Chapter 49 of NRS. Your client has included in her disclosures and as purported exhibits an email she asked Mr. Ponzo to write (recommendations for access/facilitate timeshare) and other advice she claims he provided. Setting aside the issue of hearsay, matters of family therapy should not be disclosed and/or used at trial. We have asked Mr. Ponzo to appear as a potential witness in the event your client seeks to violate this confidentiality/privilege. We will also seek to have these matters excluded.
2. It appears your client is now disclosing an audio file of a recording she allegedly made of our meeting at Starbucks in April/May of 2019. No transcript was included. We addressed this issue at your client's deposition. Your client admits to recording a meeting and having a transcript prepared. In September, during one of our calls, you offered to provide the audio and transcript (i.e., clearly the audio was available). Radford confirms the same during his initial call with you. Yet, we never received them. Our request for production # 's 3 and 4 would have included these items. Yet, they were not disclosed when required. We intend to have the audio and transcript excluded.
3. Your client has disclosed confidential settlement communications which appears she wants to use at trial. We intend to have the settlement offer excluded.

I expect Radford can discuss these items during your call at 10am.



Mitchell Stipp

Law Office of Mitchell Stipp

T: [702.602.1242](tel:702.602.1242) | M: [702.378.1907](tel:702.378.1907)

E: mstipp@stipplaw.com | www.stipplaw.com

EXHIBIT G

From: Mitchell Stipp
<mstipp@stiplaw.com>
To: PDF <pdfconvert@pdfconvert.me>
Subject: Fwd: FW: Stipp v. Calderon
Date: Tue, 14 Jan 2020 17:27:46 -0800



Mitchell Stipp
Law Office of Mitchell Stipp
T: [702.602.1242](tel:702.602.1242) | M: [702.378.1907](tel:702.378.1907)
E: mstipp@stiplaw.com | www.stiplaw.com

From: Radford Smith
Sent: Tuesday, January 14, 2020 2:12 PM
To: Valerie Fujii - Fujii Law Offices (val@fujii-lawlv.com) <val@fujii-lawlv.com>
Cc: Val and Theresa <VIP@fujii-lawlv.com>; Courtney Janson <cjanson@radfordsmith.com>; Mitchell Stipp (mitchell.stipp@yahoo.com) <mitchell.stipp@yahoo.com>; Kimberly Stutzman <kstutzman@radfordsmith.com>
Subject: Stipp v. Calderon

Valarie,

When we spoke this morning I advised you that I had just left court, and that I did not have the file or the discovery documents in front of me. Rather than allowing me to get back to my office, you began talking without allowing much input from me. You indicated that on January 10 you had e-served to me a detailed letter addressing your concerns with Mr. Stipp's written discovery responses. I had presumed for our conference that you were claiming that you sent two letters on January 10 because we had already responded to your first letter. In reviewing my file, I see you only sent one letter, and because I was out of the office after 2:00 p.m. that day, I discussed your initial letter with Mr. Stipp, and he wrote the response. The substance of the response was that you would have to advise us why answers were insufficient. You did not respond to that letter.

Instead, this morning you orally stated a handful of concerns. You first pointed out that for those interrogatory questions that Mr. Stipp had already answered in the deposition, he referred to his deposition transcript. NRCP 26 reads in relevant part:

On motion or on its own, the court must limit the frequency or extent of discovery otherwise allowed by these rules or by local rule if it determines that:

(i) the discovery sought is unreasonably cumulative or duplicative, or can be obtained from some other source that is more convenient, less burdensome, or less expensive;

(ii) the party seeking discovery has had ample opportunity to obtain the information by discovery in the action; or

(iii) the proposed discovery is outside the scope permitted by Rule 26(b)(1).

Here, all of the questions that formed your interrogatories were asked by you in the deposition of Mr. Stipp, and thus the information responsive to your requests “can be obtained from some other source that is more convenient, less burdensome, or less expensive.” Here, requiring my office or Mr. Stipp to answer written questions you have already asked in a sworn deposition is a waste of time and money. I also note that many of the questions were ambiguous or vague, or subject to other objections stated in the responses.

You also complained that the interrogatory responses included an objection to the number of interrogatories. Those objections were valid, and you did exceed the number of questions and subparts permitted under the rules. Nevertheless, Mr. Stipp provided responses to the interrogatories.

You did not provide any information as to why you believed the Responses to Requests for production referenced in your letter of June 10 were inadequate, but instead indicated that “I’m not worried about the Responses to the Requests for Admissions.” Further, you claimed that Mr. Stipp did not properly provide documents pursuant to the Requests for Production of documents, and you were

apparently not aware that my office had served your office with documents. As part of the meet and confer, you are required to state not only the response that you are challenging or want to discuss, but you are required to provide some reason or citation to law that forms the basis of your position. You did not do that in our conversation.

I see that you have filed a motion so this matter will go before Judge Ritchie even though we agreed that I would respond to the specifics of the letter you referenced as part of the conference. I think your motion is both premature, and that you have not met the good faith requirements of our rules. I will address your claims in my response to your motion and file the appropriate countermotion relating to the issues that Mr. Stipp raised with you (late identification of witnesses, production of documents containing settlement discussions, providing confidential communications with Mr. Ponzo, etc.) You did not respond to those issues in our conference today, so if you believe that there would be a benefit to discussing those objections, please let me know. If I do not receive your timely response to this email, I will understand that your client believes your identification of witnesses, and production of documents, is not subject to challenge and that any further discussion is unnecessary.

If you have further questions, let me know.

Best,

Radford

Radford J. Smith, Esq.

Board Certified Family Law Specialist

Radford J. Smith, Chartered

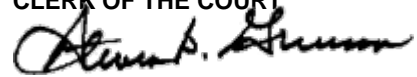
2470 St. Rose Parkway – Ste. 206

Henderson, Nevada 89074

(702) 990-6448

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Nevada Bar No. 7531
LAW OFFICE OF MITCHELL STIPP
10120 W. Flamingo Rd., Suite 4-124
Las Vegas, Nevada 89147
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mstipp@stipplaw.com

RADFORD J. SMITH, ESQ.
Nevada Bar No. 2791
RADFORD J. SMITH, CHARTERED
2470 St. Rose Parkway, Suite 206
Henderson, Nevada 89074
Telephone: 702.990.6448
rsmith@radfordsmith.com
Attorneys for Mitchell Stipp, Defendant

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

FAMILY DIVISION

CHRISTINA CALDERON,
Plaintiff,

v.

MITCHELL STIPP,
Defendant.

Case No.: D-08-389203-Z

Dept. No.: H

**DEFENDANT'S OPPOSITION TO
MOTION TO COMPEL AND
RELATED RELIEF**

Defendant, Mitchell Stipp, as co-counsel of record, hereby files the above-referenced opposition. This opposition is based on the papers and pleadings on file in this case, the memorandum of points and authorities that follow, and Defendant's exhibits filed concurrently herewith.

///

1
2 Dated: January 14, 2020

3
4 **LAW OFFICE OF MITCHELL STIPP**

5 /s/ Mitchell Stipp, Esq.
6 MITCHELL STIPP, ESQ.
7 Nevada Bar No. 7531
8 LAW OFFICE OF MITCHELL STIPP
9 10120 W. Flamingo Rd., Suite 4-124
Las Vegas, Nevada 89147
Telephone: 702.602.1242
mstipp@stipplaw.com
Attorneys for Defendant

10 **MEMORANDUM OF POINTS AND AUTHORITIES**

11
12 There is an evidentiary hearing scheduled for January 23, 2020 to address physical
13 custody. Christina Calderon (“Christina”) e-served her **initial** list of witnesses and
14 disclosure of documents on **January 13, 2020** (the end of discovery). See **Exhibit A**.
15
16 None of these witnesses were disclosed prior to the end of discovery. However, Mitchell
17 expected her to identify the parties, Amy Stipp, and the children. Other than text
18 messages purportedly by and between Christina and the children, **Christina never**
19 **disclosed any of the documents which she now asserts to be trial exhibits**. Mitchell
20
21 Stipp (“Mitchell”) is not particularly concerned about these documents because most of
22 the documents are emails exchanged with Christina (of which he already has copies).
23
24 However, these documents were likely covered by his discovery requests, which
25 responses were due on January 2, 2020. See **Exhibit B**. Regardless, there are a number
26 of issues to be addressed:
27
28

- 1 1. Why did Christina not disclose an audio of a meeting she secretly recorded at
2 Starbucks in April/May of 2019 until January 13, 2020? A transcript was
3 prepared of this meeting according to Christina and her attorney. Yet,
4 Christina claims she could not locate the audio file. Why did Christina not
5 disclose the transcript? The transcript will confirm she had the audio file at
6 the time she completed her responses to Mitchell's written discovery. See
7 Exhibit C (Portion of Transcript from Christina's Deposition on January 7,
8 2020).
9
10
11 2. Communications and documents which involve therapy with Nicholas Ponzo
12 are confidential and privileged. See Stipulation and Order, filed on July 9,
13 2014 (lines 15-26, page 13) and (lines 1-19, page 14); NRS 49.246-.249.
14
15 3. Mitchell provided a settlement offer to Christina on December 21, 2019.
16 Christina discloses this document and identifies it as a trial exhibit. Use of
17 settlement communications violates applicable settlement privileges. See
18 NRS 48.105.
19
20

21 Mitchell disclosed his witnesses on January 13, 2020 (same day as Christina).
22 However, his list only includes the parties, Amy Stipp, the children, and Nicholas Ponzo.
23 Mr. Ponzo is only being asked to testify if the parties waive confidentiality and privileges
24 applicable to therapy. Christina's position is confidentiality and privilege only apply to
25 her. At the last hearing, the court was clear that the purpose of the trial was for the
26 testimony of the children (since Christina refused to stipulate to admit the child
27
28

1 interview as evidence).¹ He also provided his list of documents which are expected to
2 serve as trial exhibits. Like Christina, most of the documents are emails exchanged with
3 Christina (of which she already has copies). *The only element of surprise is Christina's*
4 *list of third-party witnesses and the audio file/transcript of the meeting at Starbucks.*

6 Mitchell properly and timely responded to Christina's written discovery. See
7 **Exhibit D.** Mitchell had his deposition on January 7, 2020. His responses to Christina's
8 written discovery were due on January 9, 2020. Many of the requests for admissions
9 and interrogatories were asked and answered at his deposition. The soonest the
10 transcript for his deposition could be ready was Noon on January 13, 2020. Mitchell
11 incorporated his testimony at his deposition into his responses. Mitchell should not be
12 forced to answer the same questions by responding to Christina's written discovery
13 without the benefit of reviewing the deposition transcript. Mitchell addressed this issue
14 in his email to Valerie Fujii on January 10, 2020 (to which he never received any
15 response). See **Exhibit E.** Mitchell also followed up on January 14, 2020 before the
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21 ¹ The child interview is admissible for the purposes set forth in EDCR 5.304.

22 **Rule 5.304. Child interview, outsource evaluation, and court appointed special advocate (CASA) reports.**

23 (a) A written child interview report or outsource evaluation report (including exhibits), prepared by the Family
24 Mediation Center, an outsource evaluator, or a CASA shall be delivered to the judge in chambers. Only the parties, their
25 attorneys, and such staff and experts as those attorneys deem necessary are entitled to read or have copies of the written
26 reports, which are confidential except as provided by rule, statute, or court order. Statements of a child to a CASA may not
be viewed without an order of the court.

25 (b) No copy of a written report, or any part thereof, may be made an exhibit to, or a part of, the open court file except
by court order. *A written report may be received as evidence of the facts contained therein that are within the personal*
26 *knowledge of the person who prepared the report.*

27 (c) Every such report shall include on its first page, a prominent notice in substantially the following form:

28 DO NOT COPY OR RELEASE THIS REPORT TO ANYONE, INCLUDING ALL PARTIES TO THE ACTION.
NEVER DISCLOSE TO OR DISCUSS THE CONTENTS OF THIS REPORT WITH ANY MINOR CHILD.

(emphasis added).

1 scheduled conference call to address this matter and the others with respect to Christina's
2 disclosures. See **Exhibit F**. Again, he received no response. After the conference call
3 on January 14, 2020, Radford Smith sent Ms. Fujii an email which is included in **Exhibit**
4

5 **G**. Mr. Smith confirms that Ms. Fujii did not conduct the conference in good faith:

6 I see that you have filed a motion so this matter will go before
7 Judge Ritchie even though we agreed that I would respond to the
8 specifics of the letter you referenced as part of the conference. I
9 think your motion is both premature, and that you have not met
10 the good faith requirements of our rules. I will address your
11 claims in my response to your motion and file the appropriate
12 countermotion relating to the issues that Mr. Stipp raised with
13 you (late identification of witnesses, production of documents
14 containing settlement discussions, providing confidential
15 communications with Mr. Ponzo, etc.) You did not respond to
16 those issues in our conference today, so if you believe that there
17 would be a benefit to discussing those objections, please let me
18 know. If I do not receive your timely response to this email, I
19 will understand that your client believes your identification of
20 witnesses, and production of documents, is not subject to
21 challenge and that any further discussion is unnecessary.

22 Nevada Rules of Civil Procedure 26 governs discovery's scope and limits. The
23 U.S. Supreme Court has long mandated that trial courts should resolve civil matters
24 fairly but without undue cost. Brown Shoe Co. v. United States, 370 U.S. 294, 306
25 (1962). This directive is echoed by Rule 26, under which the court, on its own, must
26 limit the frequency and extent of discovery if the discovery sought is unreasonably
27 cumulative or duplicative, can be obtained from some other source that is more
28 convenient, less burdensome, or less expensive, is untimely, or if the burden or expense
of the proposed discovery outweighs its likely benefit.

1 If a party resists discovery, the requesting party may file a motion to compel. See
2 NRC 37. A facially valid motion to compel has two components. First, the motion
3 must certify that the movant has in good faith conferred or attempted to confer with the
4 party resisting discovery. ShuffleMaster, Inc. v. Progressive Games, Inc., 170 F.R.D.
5 166, 171 (D. Nev. 1996). Second, the motion must include a threshold showing that
6 the information in controversy is relevant and discoverable under Rule 26. See Hofer v.
7 Mack Trucks, Inc., 981 F.2d 377, 380 (8th Cir. 1992) (citing Oppenheimer Fund, Inc. v.
8 Sanders, 437 U.S. 340, 352 (1978)).

11 Christina's motion is not facially valid. First, Ms. Fujii did not certify that she
12 in good faith conferred with Mr. Smith. It appears from Mr. Smith's email that Ms. Fujii
13 did not conduct the conference in good faith. Second, nothing in the letter Ms. Fujii
14 delivered to Mr. Smith on January 10, 2020 indicates why the information in controversy
15 is relevant and discoverable under Rule 26 or why responses and objections provided by
16 Mitchell are not valid. Even Christina's motion (pages 3-5) fails to provide this
17 explanation. The court should note that the examples of Mitchell's responses on page 4
18 of the motion intentionally mislead the court because Ms. Fujii inaccurately quotes
19 Mitchell's responses/objections. Compare with the actual requests and responses below:

23 REQUEST NO. 3:

24 Admit that you have access to the children's social media accounts.

25 RESPONSE NO. 3:

26 Objection. The request is vague, ambiguous, and overbroad because the
27 terms "access" and "accounts" are not defined. The request has also been
28 asked and answered. The request for admission has, in substance, been
previously asked and answered at Defendant's deposition on January 7,
2020.

1 REQUEST NO. 4:

2 Admit that as of December 10, 2019, you have not provided a Homecoming
3 photograph of Mia to Plaintiff.

4 RESPONSE NO. 4:

5 Objection. The request is vague, ambiguous, and overbroad because the
6 term "Homecoming" is not defined. The request has also been asked and
7 answered. The request for admission has, in substance, been previously
8 asked and answered at Defendant's deposition on January 7, 2020.

9 REQUEST NO. 9:

10 Admit that you pay and or have paid Gerardo Hernandez' and Martha
11 Hernandez' rent and/or housing.

12 RESPONSE NO. 9:

13 Objection. The request is vague, ambiguous, and overbroad because the
14 term "rent" is not defined. The request is impermissibly compound. Plaintiff
15 may ask Defendant to admit only one fact per statement. The request has
16 also been asked and answered. The request for admission has, in substance,
17 been previously asked and answered at Defendant's deposition on January
18 7, 2020.

19 Christina also fails to advise the court that a significant portion of Christina's
20 written discovery was not related to the matters actually before the court. Christina
21 sought discovery related to the medical conditions/care of Mitchell, Jr. (son of Mitchell
22 and his wife, Amy), Mitchell's tax obligations, and the assets and Mitchell and Amy.

23 Why Mitchell means no disrespect, the written discovery propounded by
24 Christina was poorly prepared. As a general matter, her requests were not calculated to
25 lead to the discovery of information relevant to the subject matter of this action, nor to
26 the discovery of admissible evidence. An overly broad discovery request lacks
27 specificity as to time, place, and/or subject matter being requested. Discovery is
28 sufficiently limited and specific in its directive where compliance to its terms would not
be unreasonably burdensome. Diamond State Ins. Co. v. Rebel Oil Co., 157 F.R.D. 691,

695 (D. Nev. 1994) (citing United States v. Palmer, 536 F.2d 1278, 1282 (9th Cir. 1976)); CBS v. Super. Ct., 263 Cal. App. 2d 12, 19, 69 Cal. Rptr. 348, 352 (Cal. App. 2d 1968). While it is not the responsibility of the court to review each request and response to determine whether there is an issue (i.e., that is the job of Ms. Fujii), a cursory review of the responses/objections should satisfy the court that Mitchell exercised good faith and reasonable diligence in his responses and objections.

Christina has not filed her motion before the discovery commissioner as required by EDCR 5.602(a). She has elected to file her motion before the court. Christina has not requested that discovery be re-opened or trial be continued. She asks the court simply to compel Mitchell to respond to her discovery in the manner she wants. This matter is governed by NRCP 16.21:

Rule 16.21. Postjudgment Discovery in Family Law Actions

(a) Except as provided by this rule, parties must not conduct postjudgment discovery in a family law action.

(b) Parties may conduct postjudgment discovery in family law actions when:

(1) the court orders an evidentiary hearing in a postjudgment custody matter; or

(2) on motion or on its own, the court, for good cause, orders postjudgment discovery.

(c) Postjudgment discovery is governed by Rule 16.2, by Rule 16.205 for paternity or custody matters, or as otherwise directed by the court.

[Amended; effective March 1, 2019.]

The court did not order the parties to make the initial mandatory disclosures required by EDCR 16.2. *In fact, Christina did not make any such mandatory disclosures.* Both Christina and Mitchell provided their disclosures before the end of discovery on January 13, 2020. Christina does not complain about the timing of Mitchell's disclosures (since she made her disclosures on the same date). Instead, she falsely alleges that Mitchell did not make any disclosures at all (which is demonstrably

1 false). Mitchell does not believe the mandatory pre-trial disclosures required by NRCP
2 16.2 have been ordered by the court. As this court is aware, these disclosures concern
3 financial matters **which are not before the court at the evidentiary hearing on**
4 **January 23, 2020.** Again, the purpose of the evidentiary hearing is to hear from Mia
5 and Ethan Stipp. Mitchell speculates Christina wants access to the financial disclosures
6 required by NRCP 16.2 as leverage in the custodial dispute. This tactic is not new. See
7 Order by Judge Sullivan filed on November 4, 2010 (page 11). Judge Sullivan awarded
8 Mitchell attorney's fees and costs of almost \$5,000.00. Mitchell believes this court
9 should consider the same.
10
11
12

13 For the reasons set forth above, Christina's motion to compel should be denied.

14 Dated: January 14, 2020
15

16 **LAW OFFICE OF MITCHELL STIPP**

17 /s/ Mitchell Stipp, Esq.
18 MITCHELL STIPP, ESQ.
19 Nevada Bar No. 7531
20 LAW OFFICE OF MITCHELL STIPP
21 10120 W. Flamingo Rd., Suite 4-124
22 Las Vegas, Nevada 89147
23 Telephone: 702.602.1242
24 mstipp@stipplaw.com
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1. I am competent and willing to testify in a court of law as to the facts contained in this opposition (which are incorporated herein by this reference).

2. I have personal knowledge of these facts, save those stated upon information and/or belief, and as to those matters, I believe them to be true.

/s/ Mitchell Stipp

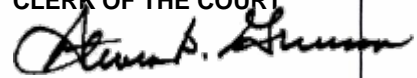
Mitchell Stipp

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I HEREBY CERTIFY that on the 14th day of January, 2020, I filed the foregoing using the Court's E-filing system, which provided notice to the e-service participants registered in this case.

By: */s/ Amy Hernandez*

An employee of the Law Office of Mitchell Stipp



1 **EXH**
2 **VALARIE I. FUJII, ESQ.**
3 Nevada Bar No. 005955
4 **VALARIE I. FUJII & ASSOCIATES**
5 704 South Sixth Street
6 Las Vegas, Nevada 89101
7 (702) 341-6464 phone
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9 vip@fujii-lawlv.com

10 Attorney for Plaintiff
11 CHRISTINA CALDERON

12 **DISTRICT COURT, FAMILY DIVISION**

13 **CLARK COUNTY, NEVADA**

14 CHRISTINA CALDERON,)

15 Plaintiff,)

16 vs.)

17 MITCHELL STIPP,)

18 Defendant.)

CASE NO.: D-08-389203-Z
DEPT. NO.: H/RJC CR 3G

19 **PLAINTIFF'S EXHIBITS IN SUPPORT OF**
20 **PLAINTIFF'S MOTION TO COMPEL DISCOVERY**

21 COMES NOW, Plaintiff CHRISTINA CALDERON, by and through her
22 attorney of record, VALARIE I. FUJII, ESQ. of the law firm of VALARIE I.
23 FUJII & ASSOCIATES, and submits her *Exhibits in Support of her Motion to*
24 *Compel Discovery* as follows:

<u>Exhibit</u>	<u>Document Title</u>
1.	Defendant's Responses to Interrogatories

2.	Defendant's Responses to Requests for Admissions
3.	Defendant's Responses for Requests for Production of Documents
4.	Correspondence to opposing counsel identifying specific insufficient responses by Defendant and requesting supplemental responses
5.	Order Setting Evidentiary Hearing filed November 13, 2019
6.	Notice of Telephonic EDCR § 5.602 Conference

DATED this 14th day of January, 2020.

VALARIE I. FUJII & ASSOCIATES



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Nevada Bar No. 005955
704 South Sixth Street
Las Vegas, Nevada 89101
Attorney for Plaintiff
CHRISTINA CALDERON

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MITCHELL STIPP, ESQ.
10120 West Flamingo Road
PMB 4124
Las Vegas, Nevada 89147

Karl

An employee of VALARIE I. FUJII, ESQ.

EXHIBIT 1

EXHIBIT 1

EXHIBIT 1

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**DISTRICT COURT, FAMILY DIVISION
CLARK COUNTY**

CHRISTINA CALDERON,

Plaintiff,

v.

MITCHELL STIPP,

Defendant.

Case No.: D-08-389203-Z

Dept. No.: H

**DEFENDANT'S RESPONSES/OBJECTIONS TO
PLAINTIFF'S INTERROGATORIES**

Defendant, by and through his attorneys, and pursuant to the Nevada Rules of Civil Procedure,
responds and objects to Plaintiff's interrogatories as follows:

PRELIMINARY STATEMENT

1. Defendant's investigation and development of all facts and circumstances relating to this action is ongoing. These responses and objections are made without prejudice to, and are not a waiver of, Defendant's right to rely on other facts or documents at trial.

2. By making the accompanying responses and objections to Plaintiff's interrogatories, Defendant does not waive, and hereby expressly reserves, his right to assert any and all objections as to the admissibility of such responses into evidence in this action, or in any other proceedings, on any and all grounds including, but not limited to, competency, relevancy, materiality, and privilege. Further, Defendant makes the responses and objections herein without in any way implying that he considers the requests, and responses to the requests, to be relevant or material to the subject matter of this action.

3. Defendant expressly reserves the right to supplement, clarify, revise, or correct any or all of the responses and objections herein, and to assert additional objections or privileges, in one or more subsequent supplemental response(s).

GENERAL OBJECTIONS

1. Defendant objects to the definition of "you" to the extent that "you" includes any person or entity other than Mitchell Stipp.

2. Defendant objects to each request that is overly broad, unduly burdensome, or not reasonably calculated to lead to the discovery of admissible evidence if the response sought is unlimited as to time and scope.

3. Defendant objects to each request that requires an answer based on the personal knowledge or information in the care, custody, or control of Amy Stipp.

4. The Interrogatories propounded by Plaintiff exceed the maximum of 40 as permitted under Rule 33 of the Nevada Rules of Civil Procedure without leave of court. Defendant has determined that Plaintiff propounded in excess of 40 interrogatories in Interrogatories Nos 1-10. While Defendant responded to all of Plaintiff's interrogatories that she propounded, Defendant's responses after his response to Interrogatories Nos 1-10 are a courtesy. In determining whether the number of

interrogatories served by Plaintiff on Defendant exceeds the limit permitted, Defendant will count each subpart within an interrogatory as a separate interrogatory, regardless of whether the subpart is separately designated (i.e., separately numbered or lettered). If an interrogatory includes questions set forth as numbered or lettered subparts, each separately designated subpart will be counted by Defendant as a separate interrogatory. Plaintiff will, to that extent, be bound by its own numbering system, and will not be heard to complain that an interrogatory, although propounded with separately designated subparts, should nevertheless be counted as a single interrogatory because the interrogatory concerns a single transaction, set of facts, etc., or because the division was made for clarification or convenience. On the other hand, if Plaintiff sets forth its interrogatories as 40 or fewer separately designated questions (counting both separately designated interrogatories and separately designated subparts), but the interrogatories actually contain more than 40 questions, Defendant will not be bound by Plaintiff's numbering or designating system. Rather, Defendant will look to the substance of the interrogatories, and count each question as a separate interrogatory. For example, if two or more questions are combined in a single compound interrogatory, and are not set out as separate subparts, Defendant will look to the substance of the interrogatory, and count each of the combined questions as a separate interrogatory. If an interrogatory contains both an initial question, and follow-up questions to be answered if the first is answered in the affirmative, the initial question and each follow-up question will be counted as separate interrogatories. Similarly, if an interrogatory begins with a broad introductory clause followed by several subparts, Defendant will count the broad introductory clause and each subpart as a separate interrogatory, whether or not the subparts are separately designated. If an interrogatory requests information concerning more than one issue, the Defendant will count each issue on which information is sought as a separate interrogatory. The introductory instructions or preamble to

1 a set of interrogatories will not be counted by Defendant as interrogatories or subparts for purposes of
2 determining whether the limit has been exceeded.

3
4 **INTERROGATORY NO. 1:**

5 Please provide the screen/profile name, username, and password of Mia's and Ethan's social
6 media accounts including, but not limited to, SnapChat, Instagram, HouseParty, Facebook, and TikTok.
7 For each account, explain in detail what you do, if anything, to monitor the content of such accounts,
8 including followers, friends, etc.

9 **RESPONSE NO. 1:**

10 Objection. The request has been asked and answered. The interrogatory has, in substance, been
11 previously asked and answered at Defendant's deposition on January 7, 2020.

12 **INTERROGATORY NO. 2:**

13 Explain in detail what you do, if anything, to monitor Mia's and/or Ethan's cell phone usage,
14 including when, if ever, you access their cell phones, have access to their phone passwords, monitor text
15 messages, photographs and/or videos sent and/or received on the accounts as well as internet access,
16 content, and use.

17 **RESPONSE NO. 2:**

18 Objection. The request has been asked and answered. The interrogatory has, in substance, been
19 previously asked and answered at Defendant's deposition on January 7, 2020.

20 **INTERROGATORY NO. 3:**

21 Identify all of your places of employment, including addresses, and your weekly work schedule
22 from August 17, 2019 to the present. Specifically provide your work week hours and location of your
23 work each day of the week specifically for the months of August, September, October and November of
24

2019. Please include how many hours each day you were at address(es) provided from August 17, 2019 to the present. While you were working during this time period, identify, in detail, who was taking care of each child including times, dates, locations and activities during which that/those person(s) were transporting and/or supervising each child.

RESPONSE NO. 3:

Objection. The request has been asked and answered. The interrogatory has, in substance, been previously asked and answered at Defendant's deposition on January 7, 2020.

INTERROGATORY NO. 4:

Identify your spouse, Amy Stipp's, addresses and places of employment, including LAW OFFICE OF MITCHELL STIPP, and her weekly work schedule from August 17, 2019, to the present.

RESPONSE NO. 4:

Objection. The request has been asked and answered. The interrogatory has, in substance, been previously asked and answered at Defendant's deposition on January 7, 2020.

INTERROGATORY NO. 5:

Please state the name and address for each and every business entity for which you are/were an agent and/or officer and/or manager and/or owner and/or partner for the last five (5) years.

RESPONSE NO. 5:

The question invades Defendant's right of privacy, is impermissibly overbroad and, therefore, oppressive, burdensome, and irrelevant to the subject matter of this action in that it seeks disclosure of personal and private information. Such matters are also protected by the attorney-client privilege.

1 Defendant is an attorney, and in that capacity, he has acted as an agent of his clients. Plaintiff is not
2 entitled to the name and address for each and every one of Defendant's clients.

3
4 **INTERROGATORY NO. 6:**

5 Please state the name and address for each and every business entity for which Amy Stipp is/was
6 an agent and/or officer and/or manager and/or owner and/or partner for the last five (5) years.

7 **RESPONSE NO. 6:**

8 See Response to Interrogatory No. 5. Amy Stipp has provided services to Defendant's clients.

9 **INTERROGATORY NO. 7:**

10 Please describe in detail the average weekly schedule of activities, medical appointments,
11 treatments, therapies, education and/or other required time commitments for your son, Mitchell Stipp
12 "Jr.," including out-of-state appointments, from August 17, 2019 to the present. Describe the extent to
13 which you are directly responsible for transporting and/or supervising Mitchell Jr. at such scheduled
14 commitments. Identify with specificity who takes Mitchell Jr. to each such time commitment, if it is not
15 you.

16 **RESPONSE NO. 7:**

17 Objection. The request has been asked and answered. The interrogatory has, in substance, been
18 previously asked and answered at Defendant's deposition on January 7, 2020.

19 **INTERROGATORY NO. 8:**

20 Describe in detail Gerardo Hernandez' daily schedule in taking care of either child or both
21 children from August 17, 2019 to the present, including transportation to school, medical appointments,
22 and child activities such as baseball practices, games, music lessons, out-of-state travel, physical
23 therapy, pediatric visits and allergy appointments. Identify how many days in the month of (b)August,
24

1 2019 (c) September, 2019 (d) October, 2019 and (e) November, 2019 that Gerardo Hernandez was with
2 the children when both you and your spouse were not present.

3
4 **RESPONSE NO. 8:**

5 Objection. The request has been asked and answered. The interrogatory has, in substance, been
6 previously asked and answered at Defendant's deposition on January 7, 2020.

7 **INTERROGATORY NO. 9:**

8 Please describe in detail any and all medical and/or mental health conditions for which you are
9 currently treating or for which you have treated within the past five (5) years, including dates of
10 treatment, the specific medical conditions/diagnoses, treatment therefor, prognosis, surgeries, any and all
11 medical providers' names, addresses, and telephone numbers, and any and all medications you are
12 currently taking and/or you have taken during this time period for any such condition, including the
13 strength and frequency of the medications taken, and the conditions for which each is prescribed.

14 **RESPONSE NO. 9:**

15 Objection. All medical records of Defendant are private, confidential and privileged. See
16 Chapter 49 of Nevada Revised Statutes, and HIPPA (and its rules and regulations). Plaintiff has
17 confirmed that Defendant is a fit parent in her deposition on January 7, 2020. Defendant's health is not
18 at issue in this case. Therefore, the information requested by the interrogatory is not relevant. With
19 respect to medications, the request has been asked and answered. The interrogatory has, in substance,
20 been previously asked and answered at Defendant's deposition on January 7, 2020.

21 **INTERROGATORY NO.10:**

22 Please describe in detail any and all medical and/or mental health conditions for which Amy
23 Stipp is currently treating or for which she has treated within the past five (5) years, such as her self-
24 disclosed anxiety, including dates of treatment, the specific medical conditions/diagnoses, treatment

1 therefor, prognosis, surgeries, any and all medical providers' names, addresses, and telephone numbers,
2 and any and all medications she is currently taking and/or she has taken during this time period for any
3 such condition, including the strength and frequency of the medications taken, and the conditions for
4 which each is prescribed.

5
6 **RESPONSE NO. 10:**

7 Objection. All medical records of Amy Stipp are private, confidential and privileged. See
8 Chapter 49 of Nevada Revised Statutes, and HIPPA (and its rules and regulations). Plaintiff has
9 confirmed that Amy Stipp is a fit parent in her depositions on December 20, 2019 and January 7, 2020.
10 Amy Stipp's health is not at issue in this case. Therefore, the information requested by the interrogatory
11 is not relevant.

12 **INTERROGATORY NO. 11:**

13 Please describe in complete detail the total outstanding debt you currently owe to the Internal
14 Revenue Service ("IRS") including the details of total amounts due and any and all payment plans
15 related thereto. Please sign an authorization with the IRS allowing Christina to verify your response to
16 this interrogatory.

17 **RESPONSE NO. 11:**

18 Objection. The request exceeds the number of interrogatories permitted. The has been asked
19 and answered. The interrogatory has, in substance, been previously asked and answered at Defendant's
20 deposition on January 7, 2020. With respect to Plaintiff's request to sign an authorization, the question
21 invades Defendant's right of privacy, is impermissibly overbroad and, therefore, oppressive,
22 burdensome, and irrelevant to the subject matter of this action in that it seeks disclosure of personal and
23 private information.

1
2 **INTERROGATORY NO. 12:**

3 Identify the cellular telephone carrier(s) for your cellular telephone number, (702) 378-1907;
4 Amy' Stipp's cellular telephone number, (702) 277-277-6537; Mia's cellular telephone number, (702)
5 609-3551; and Ethan's cellular telephone number, (702) 609-3571. Identify who has access to the
6 cellular phones and records associated with each of these telephone numbers, and identify who pays the
7 bill(s) associated with these telephone numbers.

8
9 **RESPONSE NO. 12:**

10 Objection. The request exceeds the number of interrogatories permitted. The request has been
11 asked and answered. The interrogatory has, in substance, been previously asked and answered at
12 Defendant's deposition on January 7, 2020.

13 **INTERROGATORY NO. 13:**

14 Please provide a list of any and all witnesses you plan on calling at the trial herein, including
15 those for impeachment and rebuttal. Please provide each person's name, address, and telephone number,
16 as well as a brief description of his/her testimony.

17 **RESPONSE NO. 13:**

18 Objection. The request exceeds the number of interrogatories permitted. The request is
19 premature. The end of discovery is on January 13, 2020. No decision has been made on witnesses.

20 **INTERROGATORY NO. 14:**

21 What is your understanding as to why Mia and Ethan do not want to go with their mom during
22 her custodial time? What do you do to encourage the children to visit their mom?

23 ///

1 **RESPONSE NO. 14:**

2 Objection. The request exceeds the number of interrogatories permitted. The request has been
3 asked and answered. The interrogatory has, in substance, been previously asked and answered at
4 Defendant's deposition on January 7, 2020.
5

6 **INTERROGATORY NO. 15:**

7 Describe each instance over the past five (5) years in which you have talked to either child
8 and/or both children about teenage discretion or and/or otherwise deviating from the current Court-
9 ordered timeshare. Explain what you told each child, why, and specify when and where such
10 conversation(s) took place. Include any and all instances where Amy talked to either child and/or both
11 children about living with you full time and/or otherwise deviating from the current Court-ordered
12 timeshare as well.

13 **RESPONSE NO. 15:**

14 Objection. The request exceeds the number of interrogatories permitted. The request has been
15 asked and answered. The interrogatory has, in substance, been previously asked and answered at
16 Defendant's deposition on January 7, 2020.
17

18 **INTERROGATORY NO. 16:**

19 Please state the names of any and all individuals currently residing with you, and, as to each
20 individual, their age, approximate gross monthly income, place of employment and relationship to the
21 child(ren).

22 **RESPONSE NO. 16:**

23 Objection. The request exceeds the number of interrogatories permitted. The request has been
24

1 asked and answered. The interrogatory has, in substance, been previously asked and answered at
2 Defendant's deposition on January 7, 2020.

3 **INTERROGATORY NO.17:**

4 Please state with specificity how you propose the parties/the Court should resolve the issue of
5 child custody.

6 **RESPONSE NO. 17:**
7

8 Objection. The request exceeds the number of interrogatories permitted. The parties should
9 negotiate a settlement which is in the best interest of the children. If the parties cannot settle the case,
10 then the court will have to make a decision. It is impossible to speculate how the court should resolve
11 the matters before it without completing discovery, decisions on pre-trial motions, and trial.

12
13 **INTERROGATORY NO.18:**

14 Please state with specificity the reason that you believe that it is in the best interest of the
15 children for the children to have teenage discretion.

16 **RESPONSE NO. 18:**
17

18 Objection. The request exceeds the number of interrogatories permitted. The request has been
19 asked and answered. The interrogatory has, in substance, been previously asked and answered at
20 Defendant's deposition on January 7, 2020. See also the papers and pleadings filed by Defendant in
21 this case.

22 **INTERROGATORY NO.19:**

23 Describe in detail what daily domestic assistance you receive from individual(s) not residing in
24

1 your home, such as Martha Hernandez, in terms of cooking and/or laundry and/or cleaning, whether or
2 not the person(s) providing such services receive financial compensation from either you and/or Amy.

3
4 **RESPONSE NO. 19:**

5 Objection. The request exceeds the number of interrogatories permitted. The request has been
6 asked and answered. The interrogatory has, in substance, been previously asked and answered at
7 Defendant's deposition on January 7, 2020.

8 **INTERROGATORY NO. 20:**

9 Is there anything about Plaintiff that in your opinion renders her unfit to have primary or joint
10 physical custody of the child? If so, describe with particularity this unfitness.

11
12 **RESPONSE NO. 20:**

13 Objection. The request exceeds the number of interrogatories permitted. The request has been
14 asked and answered. The interrogatory has, in substance, been previously asked and answered at
15 Defendant's deposition on January 7, 2020. See also the papers and pleadings filed by Defendant in this
16 case.

17 **INTERROGATORY NO. 21:**

18 Explain in detail why you have filed legal documents in this case wherein Amy Stipp has signed
19 the document as both Amy Stipp and Amy Hernandez.

20
21 **RESPONSE NO. 21:**

22 Objection. The request exceeds the number of interrogatories permitted. Defendant filed
23 documents in this case electronically signed by Amy Stipp and Amy Hernandez when and as required by
24 law and under the applicable rules.

1 **INTERROGATORY NO. 22:**

2 Please describe in detail what visitation schedule do you feel is in Mia's best interest. Be specific
3 as to days of the week and times and if it includes overnight visitation and/or holidays.
4

5 **RESPONSE NO. 22:**

6 Objection. The request exceeds the number of interrogatories permitted. A settlement offer has
7 been made to Plaintiff by Defendant on December 21, 2019 to which Plaintiff has not responded which
8 provides the details requested by this interrogatory.

9 **INTERROGATORY NO. 23:**

10 Please describe in detail what visitation schedule do you feel is in Ethan's best interest. Be
11 specific as to days of the week and times and if it includes overnight visitation and/or holidays.
12

13 **RESPONSE NO. 23:**

14 Objection. The request exceeds the number of interrogatories permitted. A settlement offer has
15 been made to Plaintiff by Defendant on December 21, 2019 to which Plaintiff has not responded which
16 provides the details requested by this interrogatory.

17 **INTERROGATORY NO. 24:**

18 What attorney's fees have you paid to date? Please update the attached FDF (served
19 contemporaneously herewith).
20

21 **RESPONSE NO. 24:**

22 Objection. The request exceeds the number of interrogatories permitted. It is also overly broad,
23 unduly burdensome, or not reasonably calculated to lead to the discovery of admissible evidence
24

1 because the response sought is unlimited as to time and scope. The completion of a financial disclosure
2 form is premature. Child support only will be ordered after the trial on January 23, 2020 if physical
3 custody changes.

4 **INTERROGATORY NO. 25:**

5 Describe your understanding of Mia's relationship with her maternal relatives, be specific with
6 identity of which relatives.
7

8 **RESPONSE NO. 25:**

9 Objection. The request exceeds the number of interrogatories permitted. It is also overly broad,
10 unduly burdensome, or not reasonably calculated to lead to the discovery of admissible evidence
11 because the response sought is unlimited as to time and scope. Plaintiff does not identify persons which
12 she considers "relatives." It is unclear what Plaintiff means by the word "understanding" as it relates to
13 the term "relationship," which is also undefined, because Defendant does not have personal knowledge
14 to provide any response.

15 **INTERROGATORY NO. 26:**

16 Describe your understanding of Ethan's relationship with her maternal relatives, be specific with
17 identity of which relatives.
18

19 **RESPONSE NO. 26:**

20 Objection. The request exceeds the number of interrogatories permitted. It is also overly broad,
21 unduly burdensome, or not reasonably calculated to lead to the discovery of admissible evidence
22 because the response sought is unlimited as to time and scope. Plaintiff does not identify persons which
23 she considers "relatives." It is unclear what Plaintiff means by the word "understanding" as it relates to
24

1 the term “relationship,” which is also undefined, because Defendant does not have personal knowledge
2 to provide any response.

3 Dated: January 9, 2019

4 **LAW OFFICE OF MITCHELL STIPP**

5 /s/ Mitchell Stipp, Esq.

6 MITCHELL STIPP, ESQ.

7 Nevada Bar No. 7531

8 LAW OFFICE OF MITCHELL STIPP

9 10120 W. Flamingo Rd., Suite 4-124

Las Vegas, Nevada 89147

Telephone: 702.602.1242

mstipp@stipplaw.com

Attorneys for Defendant

1
2
3 **CERTIFICATE OF SERVICE**

4 I served the foregoing document on this 9th day of January, 2020, using the electronic filings
5 system of the clerk of the court, to all interested parties as follows:

6 Valerie Fujii
7 Christina Calderon

8 /s/ Amy Hernandez

9 _____
10 An employee of Law Office of Mitchell Stipp
11
12
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EXHIBIT 2

EXHIBIT 2

EXHIBIT 2

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Attorneys for Mitchell Stipp, Defendant

**DISTRICT COURT, FAMILY DIVISION
CLARK COUNTY**

CHRISTINA CALDERON,

Plaintiff,

v.

MITCHELL STIPP,

Defendant.

Case No.: D-08-389203-Z

Dept. No.: H

**DEFENDANT'S RESPONSES/OBJECTIONS TO
PLAINTIFF'S REQUESTS FOR ADMISSIONS**

Defendant, by and through his attorneys, and pursuant to the Nevada Rules of Civil Procedure,
responds and objects to Plaintiff's requests for admissions as follows:

PRELIMINARY STATEMENT

1. Defendant's investigation and development of all facts and circumstances relating to this action is ongoing. These responses and objections are made without prejudice to, and are not a waiver of, Defendant's right to rely on other facts or documents at trial.

2. By making the accompanying responses and objections to Plaintiff's requests for admissions, Defendant does not waive, and hereby expressly reserves, his right to assert any and all objections as to the admissibility of such responses into evidence in this action, or in any other proceedings, on any and all grounds including, but not limited to, competency, relevancy, materiality, and privilege. Further, Defendant makes the responses and objections herein without in any way implying that he considers the requests, and responses to the requests, to be relevant or material to the subject matter of this action.

3. Defendant expressly reserves the right to supplement, clarify, revise, or correct any or all of the responses and objections herein, and to assert additional objections or privileges, in one or more subsequent supplemental response(s).

GENERAL OBJECTIONS

1. Defendant objects to the definition of "you" to the extent that "you" includes any person or entity other than Mitchell Stipp.

2. Defendant objects to each request that does not define "children." Defendant has more children than Mia Stipp and Ethan Stipp.

3. Defendant objects to each request that is overly broad, unduly burdensome, or not reasonably calculated to lead to the discovery of admissible evidence if the response sought is unlimited as to time and scope.

DEFENDANT'S RESPONSES/OBJECTIONS TO REQUESTS

REQUEST NO. 1:

Admit that you obtained the children's current cellular phones and pay for the accounts associated with them.

1 **RESPONSE NO. 1:**

2 Objection. The request is vague, ambiguous, and overbroad because the term “accounts” is not
3 defined. The request is impermissibly compound. Plaintiff may ask Defendant to admit only one fact
4 per statement. The request has been asked and answered. The request for admission has, in substance,
5 been previously asked and answered at Defendant’s deposition on January 7, 2020.

6 **REQUEST NO. 2:**

7 Admit that you have the ability to access the children's cellular telephones and the accounts
8 associated with them.

9 **RESPONSE NO. 2:**

10 Objection. The request is vague, ambiguous, and overbroad because the terms “access” and
11 “accounts” are not defined. The request is impermissibly compound. Plaintiff may ask Defendant to
12 admit only one fact per statement. The request has been asked and answered. The request for
13 admission has, in substance, been previously asked and answered at Defendant’s deposition on January
14 7, 2020

15 **REQUEST NO. 3:**

16 Admit that you have access to the children's social media accounts.

17 **RESPONSE NO. 3:**

18 Objection. The request is vague, ambiguous, and overbroad because the terms “access” and
19 “accounts” are not defined. The request has also been asked and answered. The request for admission
20 has, in substance, been previously asked and answered at Defendant’s deposition on January 7, 2020.

21 **REQUEST NO. 4:**

22 Admit that as of December 10, 2019, you have not provided a Homecoming photograph of Mia
23 to Plaintiff.

1 **RESPONSE NO. 4:**

2 Objection. The request is vague, ambiguous, and overbroad because the term “Homecoming” is
3 not defined. The request has also been asked and answered. The request for admission has, in
4 substance, been previously asked and answered at Defendant’s deposition on January 7, 2020.

5 **REQUEST NO. 5:**

6 Admit that you pay and/or have paid Gerardo Hernandez and Martha Hernandez to take care of
7 Mia and Ethan.

8 **RESPONSE NO. 5:**

9 Objection. The request is impermissibly compound. Plaintiff may ask Defendant to admit only
10 one fact per statement. The request has been asked and answered. The request for admission has, in
11 substance, been previously asked and answered at Defendant’s deposition on January 7, 2020.

12 **REQUEST NO. 6:**

13 Admit that you paid Nicolas Ponzo \$600.00 on October 4, 2019.

14 **RESPONSE NO. 6:**

15 Deny.

16 **REQUEST NO. 7:**

17 Admit that you did not disclose to Plaintiff that Ethan was suspended from school in September,
18 2019.

19 **RESPONSE NO. 7:**

20 Objection. The request has been asked and answered. The request for admission has, in
21 substance, been previously asked and answered at Defendant’s deposition on January 7, 2020.

22 ///

1 **REQUEST NO. 8:**

2 Admit that you did not provide Plaintiff with a travel itinerary regarding Ethan's trip to Lake
3 Havasu, Arizona, with Gerardo Hernandez in December, 2019.

4 **RESPONSE NO. 8:**

5 Deny.

6 **REQUEST NO. 9:**

7 Admit that you pay and or have paid Gerardo Hernandez' and Martha Hernandez' rent and/or
8 housing.
9

10 **RESPONSE NO. 9:**

11 Objection. The request is vague, ambiguous, and overbroad because the term “rent” is not
12 defined. The request is impermissibly compound. Plaintiff may ask Defendant to admit only one fact
13 per statement. The request has also been asked and answered. The request for admission has, in
14 substance, been previously asked and answered at Defendant’s deposition on January 7, 2020.

15 **REQUEST NO. 10:**

16 Admit that the joint bank account of Amy Stipp and Gerardo Hernandez is used or has been used
17 to pay for expenditures related to Mia and Ethan, such as reimbursement requests from Plaintiff.

18 **RESPONSE NO. 10:**

19 Deny.

20 **REQUEST NO. 11:**

21 Admit you have never informed the children in the presence of the Plaintiff that they are to
22 adhere to or follow the Court Order.
23
24

1 **RESPONSE NO. 11:**

2 Objection. This request is vague, ambiguous, and overbroad because the phrase “Court Order” is
3 not defined. The request has also been asked and answered. The request for admission has, in
4 substance, been previously asked and answered at Defendant’s deposition on January 7, 2020.

5 **REQUEST NO. 12:**

6 Admit that Gerardo Hernandez spends more time with Ethan at Ethan's baseball-related activities
7 than you do.

8 **RESPONSE NO. 12:**

9 Deny.

10 **REQUEST NO. 13:**

11 Admit that you have not given Mia or Ethan any consequences for not complying with the Court-
12 ordered timeshare.

13 **RESPONSE NO. 13:**

14 Deny.

15 **REQUEST NO. 14:**

16 Admit that you asked Faith Lutheran Principal Scott Fogo to disregard the current custody order.

17 **RESPONSE NO. 14:**

18 Deny.

19 **REQUEST NO. 15:**

20 Admit that you and your wife refer to Plaintiff by her first name to the children.

1 **RESPONSE NO. 15:**

2 Objection. The request is vague and ambiguous. Further, the request for admission has, in
3 substance, been previously asked and answered at Defendant's deposition on January 7, 2020.

4 **REQUEST NO. 16:**

5 Admit that you told Plaintiff that taking away Mia's cellular phone would improve Mia's
6 behavior towards Plaintiff.

7 **RESPONSE NO. 16:**

8 Objection. The request is vague and overbroad because it does not define the timeframe of the
9 alleged statement. The subject of this question was addressed at Defendant's deposition on January 7,
10 2020.

11 **REQUEST NO. 17:**

12 Admit that you have taken away the children's cellular phones as a consequence for bad behavior
13 when they are in your care.

14 **RESPONSE NO. 17:**

15 Admit.

16 **REQUEST NO. 18:**

17 Admit that from August 16, 2019 to the present, you have been unable to enforce any overnight
18 visitation with the children.

19 **RESPONSE NO. 18:**

20 Objection. This request is vague, ambiguous, and overbroad because the term "enforce" is not
21 defined. The request has also been asked and answered. The request for admission has, in substance,
22 been previously asked and answered at Defendant's deposition on January 7, 2020.
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1 **REQUEST NO. 19:**

2 Admit that you have empowered the children to choose whatever custody schedule they desire to
3 exercise.

4 **RESPONSE NO. 19:**

5 Objection. This request is vague, ambiguous, and overbroad because the term “empowered” is
6 not defined. The request has also been asked and answered. The request for admission has, in
7 substance, been previously asked and answered at Defendant’s deposition on January 7, 2020.

8 **REQUEST NO. 20:**

9 Admit that your inability to comply with the Court-ordered timeshare from August 16, 2019 to
10 the present has been detrimental to the children’s relationship with Plaintiff.

11 **RESPONSE NO. 20:**

12 Objection. This request as phrased is argumentative. It requires the adoption of an assumption,
13 which is improper.

14 **REQUEST NO. 21:**

15 Admit that Mia hit Christina in May 2019 and August 2019.

16 **RESPONSE NO. 21:**

17 Objection. The request is impermissibly compound. Plaintiff may ask Defendant to admit only
18 one fact per statement. The request has also been asked and answered. The request for admission has,
19 in substance, been previously asked and answered at Defendant’s deposition on January 7, 2020.

20 **REQUEST NO. 22:**

21 Admit that Mia damaged Christina's doorbell in May 2019.
22
23
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1 **RESPONSE NO. 22:**

2 Objection. Defendant is without personal knowledge that would allow him to admit or deny the
3 allegation set forth in Request No. 22.

4 **REQUEST NO. 23:**

5 Admit that Gerardo Hernandez caught Mia jumping out of the bushes at a park with her
6 boyfriend, Joey Lopez, in 2019 while Mia was in your care.

7 **RESPONSE NO. 23:**

8 Objection, Defendant is without personal knowledge that would allow him to admit or deny the
9 allegation in Request No. 23.

10 **REQUEST NO. 24:**

11 Admit that it is not in the best interest of the children to increase your timeshare.

12 **RESPONSE NO. 24:**

13 Deny.

14 **REQUEST NO. 25:**

15 Admit that you and your wife have been unable to enforce the Court Ordered visitation since
16 your Motion for teenage discretion was denied at the hearing on October 1, 2019.

17 **RESPONSE NO. 25:**

18 Objection. The request is impermissibly compound. Plaintiff may ask Defendant to admit only
19 one fact per statement. The request is also vague and ambiguous.

20 **REQUEST NO. 26:**

21 Admit that following the October 1, 2019, hearing, you and/or your wife advised Plaintiff she
22 could take Mia to dinner and get her nails done for Homecoming, but only if she would agree to
23 concessions in this pending litigation.

1
2 **RESPONSE NO. 26:**

3 Objection. The request is impermissibly compound. Plaintiff may ask Defendant to admit only
4 one fact per statement. The request has also been asked and answered. The request for admission has,
5 in substance, been previously asked and answered at Defendant's deposition on January 7, 2020.

6 **REQUEST NO. 27:**

7 Admit that you and your wife have been unable to enforce the Court Ordered visitation at
8 Donna's House ordered on October 22, 2019 by the Court.

9 **RESPONSE NO. 27:**

10 Objection. The request is impermissibly compound. Plaintiff may ask Defendant to admit only
11 one fact per statement. The request has also been asked and answered. The request for admission is
12 false in its premise (that the court ordered regular visitation at Donna's House), and the request has, in
13 substance, been previously asked and answered at Defendant's deposition on January 7, 2020.

14 **REQUEST NO. 28:**

15 Admit that you believe Ethan, at age 12 is old enough to have teenage discretion.

16 **RESPONSE NO. 28:**

17 Objection. This request is vague, ambiguous, and overbroad because the phrase "teenage
18 discretion" is not defined. Plaintiff may ask Defendant to admit only one fact per statement. The
19 request has also been asked and answered. The request for admission has, in substance, been previously
20 asked and answered at Defendant's deposition on January 7, 2020.

21 **REQUEST NO. 29:**

22 Admit that you are aware that the children have blocked Plaintiffs access to their social media
23 accounts.

1 **RESPONSE NO. 29:**

2 Objection. This Request for Admission is vague, ambiguous, and overbroad because the terms
3 “blocked,” “access” and “accounts” are not defined. The request has also been asked and answered.
4 The request for admission has, in substance, been previously asked and answered at Defendant’s
5 deposition on January 7, 2020

6 **REQUEST NO. 30:**

7 Admit that if you wanted to, you could get the children to resume the timeshare.

8 **RESPONSE NO. 30:**

9 Deny.

10 **REQUEST NO. 31:**

11 Admit to date, even with therapy, the children have not had a single overnight visitation with
12 Plaintiff.

13 **RESPONSE NO. 31:**

14 Deny.

15 **REQUEST NO. 32:**

16 Admit, no overnight visitation with Plaintiff is not in the children's best interest.

17 **RESPONSE NO. 32:**

18 Objection. The question is vague and ambiguous.

19 **REQUEST NO. 33:**

20 Admit giving Defendant sole custody without Plaintiff having any overnight visitation is not in
21 the children's best interest.

1 **RESPONSE NO. 33:**

2 Objection. The request is oppressive and burdensome because it is vague, ambiguous, and
3 unintelligible so as to make a response impossible without speculation. The phrase “sole custody” is not
4 defined. It is unclear whether Plaintiff means sole physical custody, sole legal custody or sole physical
5 and legal custody.

6 **REQUEST NO. 34:**

7 Admit there will be no overnight visitation with Plaintiff without Court intervention.

8 **RESPONSE NO. 34:**

9 Objection. The request calls for speculation.

10 **REQUEST NO. 35:**

11 Admit that other than Nic Ponzio, you have had no counseling and or therapy since August, 2019.

12 **RESPONSE NO. 35:**

13 Objection. The request is impermissibly compound. Plaintiff may ask Defendant to admit only
14 one fact per statement. The question is oppressive and burdensome because it is vague, ambiguous, and
15 unintelligible so as to make a response impossible without speculation.

16 **REQUEST NO. 36:**

17 Admit that there is a presumption that joint custody is in the children's best interests as there is
18 already a joint custody order.

19 **RESPONSE NO. 36:**

20 Objection. The request is oppressive and burdensome because it is vague, ambiguous, and
21 unintelligible so as to make a response impossible without speculation. The phrase “joint custody” is
22 not defined. It is unclear whether Plaintiff means joint physical custody, joint legal custody or joint
23
24

1 physical and legal custody. This request is vague, ambiguous, and overbroad because the phrase “joint
2 custody order” is not defined.

3
4 Dated: January 9, 2020

5 **LAW OFFICE OF MITCHELL STIPP**

6 /s/ Mitchell Stipp, Esq.
7 MITCHELL STIPP, ESQ.
8 Nevada Bar No. 7531
9 LAW OFFICE OF MITCHELL STIPP
10 10120 W. Flamingo Rd., Suite 4-124
Las Vegas, Nevada 89147
Telephone: 702.602.1242
mstipp@stipplaw.com
Attorneys for Defendant

1
2
3 **CERTIFICATE OF SERVICE**

4 I served the foregoing document on the 9th day of January, 2020, using the electronic filings
5 system of the clerk of the court, to all interested parties as follows:

6 Valerie Fujii
7 Christina Calderon

8 /s/ Amy Hernandez

9 _____
10 An employee of Law Office of Mitchell Stipp
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EXHIBIT 3

EXHIBIT 3

EXHIBIT 3

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Attorneys for Mitchell Stipp, Defendant

**DISTRICT COURT, FAMILY DIVISION
CLARK COUNTY**

CHRISTINA CALDERON,

Plaintiff,

v.

MITCHELL STIPP,

Defendant.

Case No.: D-08-389203-Z

Dept. No.: H

**DEFENDANT'S RESPONSES/OBJECTIONS TO
PLAINTIFF'S REQUESTS FOR PRODUCTION
OF DOCUMENTS**

Defendant, by and through his attorneys, and pursuant to the Nevada Rules of Civil Procedure,
responds and objects to Plaintiff's requests for the production of documents as follows:

PRELIMINARY STATEMENT

1. Defendant's investigation and development of all facts and circumstances relating to this action is ongoing. These responses and objections are made without prejudice to, and are not a waiver of, Defendant's right to rely on other facts or documents at trial.

2. By making the accompanying responses and objections to Plaintiff's requests for production of documents, Defendant does not waive, and hereby expressly reserves, his right to assert any and all objections as to the admissibility of such responses into evidence in this action, or in any other proceedings, on any and all grounds including, but not limited to, competency, relevancy, materiality, and privilege. Further, Defendant makes the responses and objections herein without in any way implying that he considers the requests, and responses to the requests, to be relevant or material to the subject matter of this action.

3. Defendant expressly reserves the right to supplement, clarify, revise, or correct any or all of the responses and objections herein, and to assert additional objections or privileges, in one or more subsequent supplemental response(s).

GENERAL OBJECTIONS

1. Defendant objects to the definition of "you" to the extent that "you" includes any person or entity other than Mitchell Stipp.

2. Defendant objects to each request that does not define "children." Defendant has more children than Mia Stipp and Ethan Stipp.

3. Defendant objects to each request that is overly broad, unduly burdensome, or not reasonably calculated to lead to the discovery of admissible evidence if the response sought is unlimited as to time and scope.

4. Defendant objects to each request that requires the production of any documents in the care, custody, or control of Amy Stipp.

REQUEST NO. 1:

Please produce copies of any and all emails and/or other written correspondence between you

(and/or Amy Stipp) and any Faith Lutheran Middle & High School administrator and/or teacher from December 10, 2016, to the present, including but not limited to High School Principal Scott Fogo, Middle School Principal Sarah Harper, Teacher Brianna Davis, Teacher Melissa Wandell, Teacher Lyndsay Ehrmeling, and Teacher Sandra Youmans.

RESPONSE NO. 1:

Objection. The request is not proportional to the needs of the case because the information requested is not important to the matters before the court, Plaintiff has equal/similar access to relevant communications to and from administrators and teachers of Faith Lutheran Middle & High School (“Faith Lutheran”) as part of the children’s school records, and the burden or expense of the proposed discovery outweighs its likely benefit. As such, Defendant has limited his search to emails and other written correspondence written by Plaintiff to any administrator or teacher of Faith Lutheran sent on and after September 1, 2019. Accordingly, please see Bates Stamps DEF 000001-000003 attached hereto.

REQUEST NO. 2:

Please produce copies of any and all emails, text messages, and/or other written correspondence between you (and/or Amy Stipp) and Mia from December 10, 2017 to the present.

RESPONSE NO. 2:

Objection. The communications between Defendant and Mia Stipp and Amy Stipp and Mia Stipp are private and confidential. See Stipulation and Order, filed on July 9, 2014 (Section F (page 7) (no recordings) and Section L, paragraph 13 (page 11) (requirement to “respect the children’s privacy and relationship with the other parent”)).

REQUEST NO. 3:

Please produce copies of any and all emails, text messages, and/or written correspondence

1 between you (and/or Amy Stipp) and Ethan from December 10, 2017 to the present.

2 **RESPONSE NO. 3:**

3
4 Objection. The communications between Defendant and Ethan Stipp and Amy Stipp and Ethan
5 Stipp are private and confidential. See Stipulation and Order, filed on July 9, 2014 (Section F (page 7)
6 (no recordings) and Section L, paragraph 13 (page 11) (requirement to “respect the children’s privacy
7 and relationship with the other parent”)).

8 **REQUEST NO. 4:**

9 Please produce copies of any and all emails, text messages, and/or written correspondence
10 between you (and/or Amy Stipp) and Nicolas Ponzo from 2015 to the present.

11 **RESPONSE NO. 4:**

12 All communications between Defendant and Nicolas Ponzo and Amy Stipp and Nicolas Ponzo
13 are private, confidential and privileged. See Stipulation and Order, filed on July 9, 2014 (lines 15-26,
14 page 13) and (lines 1-19, page 14); NRS 49.246-.249.

15
16 **REQUEST NO. 5:**

17 Please produce copies of any and all emails, text messages, and/or written correspondence
18 between you (and/or Amy Stipp) and Mauricio ("Mo") Molina from May 1, 2019 to the present.

19 **RESPONSE NO. 5:**

20 Defendant has no emails, text messages and/or written correspondence between Defendant and
21 Mo Molina responsive to this request except as previously disclosed as part of the court’s record in this
22 case.

1 **REQUEST NO. 6:**

2 Please produce copies of any and all emails, text messages, and/or written correspondence
3 between you (and/or Amy Stipp) and Connie Warling from May 1, 2019 to the present.

4 **RESPONSE NO. 6:**

5 Defendant has no emails, text messages and/or written correspondence between Defendant and
6 Connie Warling responsive to this request except as previously disclosed as part of the court's record in
7 this case.

8 **REQUEST NO. 7:**

9 Produce any and all written statements, reports, cards, documents provided to third parties
10 involving Plaintiff and her relationship with her children or the subject of this litigation since August 23,
11 2019. This shall include without limitation, pleadings, affidavits, statements, police reports, emails, and
12 text messages.

13 **RESPONSE NO. 7:**

14 Defendant has no documents responsive to this request except as previously disclosed as part of
15 the court's record in this case.

16 **REQUEST NO. 8:**

17 Please produce copies of bank statements from Bank of America Account #501022274711, held
18 in the joint names of Amy Stipp and Gerardo Hernandez, used for payment for children expenditures
19 including reimbursements to Plaintiff, specifically for the past three (3) years.

20 **RESPONSE NO. 8:**

21 Defendant has no documents responsive to this request.
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2 **REQUEST NO. 9:**

3 For the period of the last three (3) years, please produce copies of any and all audio and/or video
4 that you have disseminated to third parties of either child or both children, including to the police,
5 Nicolas Ponzo, Scott Fogo, etc.

6
7 **RESPONSE NO. 9:**

8 Objection. The request is vague, ambiguous, and overbroad because the term “disseminate” and
9 phrase “third parties” are not defined. For purposes of Defendant’s response to this request, Defendant
10 will assume that “disseminate” has the meaning normally ascribed to it (i.e., to spread widely) and “third
11 parties” are individuals other than Plaintiff, Defendant, Amy Stipp, Mia Stipp, Ethan Stipp, or Mitchell
12 Stipp, Jr. Accordingly, Defendant has no documents responsive to this request. Notwithstanding the
13 foregoing, all communications (including audio/video records) exchanged between Defendant and
14 Nicolas Ponzo are private, confidential and privileged. See Stipulation and Order, filed on July 9, 2014
15 (lines 15-26, page 13) and (lines 1-19, page 14); NRS 49.246-.249.

16 **REQUEST NO. 10:**

17 Please produce usernames and passwords for each of Mia's and Ethan's social media accounts
18 including, but not limited to Facebook, Instagram, TickTock, Houseparty and SnapChat.

19 **RESPONSE NO. 10:**

20 Defendant has no documents responsive to this request.

21 **REQUEST NO. 11:**

22 Please produce any and all employment agreement between you and Martha Hernandez and/or
23 Gerardo Hernandez.

1 **RESPONSE NO. 11:**

2 Defendant has no documents responsive to this request.

3 **REQUEST NO. 12:**

4 Please produce any and all records relating to financial payments you have made to Nicolas
5 Ponzo from May 1, 2019 to the present. This would include cancelled checks, receipts, charges, proof of
6 payments made whatsoever.

7 **RESPONSE NO. 12:**

8 Objection. The request is overly broad and unduly burdensome on its face because it uses the
9 omnibus term “relating to” to modify “financial payments.” The phrase “financial payments” is also not
10 defined but appears to include a general category or broad range of documents or information (i.e.,
11 cancelled checks, receipts, charges, proof of payments made whatsoever). See Krause v. Nevada Mut.
12 Ins. Co., No. 2:12-CV-00342-JCM, 2014 WL 496936, at *5 (D. Nev. Feb. 6, 2014) aff’d, No. 2:12-CV-
13 342 JCM CWH, 2014 WL 3592655 (D. Nev. July 21, 2014) (citing Dauska v. Green Bay Packaging
14 Inc., 291 F.R.D. 251 (E.D. Wisc. 2013)).

15 **REQUEST NO. 13:**

16 Please produce any and all records regarding outstanding balances that you owe to and/or
17 payment plans that you have made with the Internal Revenue Service over the last five years.

18 **RESPONSE NO. 13:**

19 Objection. The question invades Defendant’s right of privacy, is impermissibly overbroad and,
20 therefore, oppressive, burdensome, and irrelevant to the subject matter of this action in that it seeks
21 disclosure of personal and private information.
22
23
24

1
2 **REQUEST NO. 14:**

3 Please produce copies of any and all of Mia's and Ethan's cellular telephone statements over the
4 last 24 months.

5
6 **RESPONSE NO. 14:**

7 Objection. The request is vague, ambiguous, and overbroad because the phrase “cellular
8 telephone statements” is not defined. For purposes of Defendant’s response to this request, Defendant
9 will assume that “cellular telephone statements” mean billing statements from a wireless carrier in the
10 name of Mia Stipp or Ethan Stipp. Accordingly, Defendant has no documents responsive to this request.

11
12 **REQUEST NO. 15:**

13 Please provide copies of any and all documents which you used or referenced to in answering the
14 Interrogatories which were served concurrently with these Requests.

15
16 **RESPONSE NO. 15:**

17 Defendant has no documents responsive to this request.

18
19 **REQUEST NO. 16:**

20 Please provide written verification from any and all physicians and/or mental health professional
21 with whom you and/or Mia and/or Ethan have been treated for the past year as to your and their current
22 medical status and any and all prescription medications you and or they are taking, and any specific
23 diagnoses/prognoses regarding any medical and/or mental health conditions which you and/or they are
24 currently suffering or have or may have suffered in the past year. *(Copy of Authorization for the same
is served contemporaneously herewith for your execution).*

1 **RESPONSE NO. 16:**

2 Objection. The request is vague, ambiguous, and overbroad because the phrase “written
3 verification” is not defined. For purposes of Defendant’s response to this request, Defendant will
4 assume that “written verification” means a written medical history and physical examination prepared
5 by a medical professional which contains the scope of the information described in this request. All
6 medical records of Defendant and Amy Stipp are private, confidential and privileged. See Chapter 49
7 of Nevada Revised Statutes, and HIPPA (and its rules and regulations). Plaintiff has confirmed that
8 Defendant is a fit parent in her deposition on January 7, 2020. Defendant’s medical status is not at issue
9 in this case. Therefore, such written verifications are not relevant. Plaintiff has access to all medical
10 records of Mia Stipp and Ethan Stipp as a joint legal custodian. If requested or needed, Defendant will
11 complete and sign a release for medical records of Mia Stipp and Ethan Stipp.

12 **REQUEST NO. 17:**

13 Please produce any and all documents detailing the attorney's fees, expert fees, and costs
14 incurred to date by you in this action. This request includes, but is not limited to, all billing statements
15 from your attorney reflecting fees and costs incurred and all payments made by you or on your behalf to
16 your attorney.

17 **RESPONSE NO. 17:**

18 Objection. Trial is scheduled for January 23, 2020. Defendant objects to the request as
19 premature and expressly reserves the right to supplement, clarify, revise, or correct his response to the
20 request, and to assert additional objections or privileges, in one or more subsequent supplemental
21 response(s).

22 **REQUEST NO. 18:**

23 Provide any and all text messages from you and/or your wife to the children since August 23,
24

1 2019 evidencing encouragement for them to have contact with Plaintiff. Ensure that the text messages
2 are complete, dated and to comply with the Rule of Best Evidence.

3
4 **RESPONSE NO. 18:**

5 Objection. The request is argumentative. The communications between Defendant, Amy Stipp,
6 Ethan Stipp and Amy Stipp are also private and confidential. See Stipulation and Order, filed on July 9,
7 2014 (Section F (page 7) (no recordings) and Section L, paragraph 13 (page 11) (requirement to “respect
8 the children’s privacy and relationship with the other parent”)).

9 Dated: January 9, 2019

10
11 **LAW OFFICE OF MITCHELL STIPP**

12 /s/ Mitchell Stipp, Esq.
13 MITCHELL STIPP, ESQ.
14 Nevada Bar No. 7531
15 LAW OFFICE OF MITCHELL STIPP
16 10120 W. Flamingo Rd., Suite 4-124
17 Las Vegas, Nevada 89147
18 Telephone: 702.602.1242
19 mstipp@stipplaw.com
20 Attorneys for Defendant
21
22
23
24

1
2
3 **CERTIFICATE OF SERVICE**

4 I served the foregoing document on this 9th day of January, 2020, using the electronic filings
5 system of the clerk of the court, to all interested parties as follows:

6 Valerie Fujii
7 Christina Calderon

8 /s/ Amy Hernandez

9 _____
10 An employee of Law Office of Mitchell Stipp
11
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To File.



Mitchell Stipp

Law Office of Mitchell Stipp

T: [702.602.1242](tel:702.602.1242) | M: [702.378.1907](tel:702.378.1907)

E: mstipp@stipplaw.com | www.stipplaw.com

----- Forwarded message -----

From: **Mitchell Stipp** <mstipp@stipplaw.com>

Date: Tue, Sep 24, 2019 at 7:58 PM

Subject: Fwd: Apology

To: <knorrk@flhsemail.org>

Cc: <kothej@flhsemail.org>

Dr. Knorr—

See below and attached. Ethan has written an apology to Augustus. Please share it with him.

I have spent quite a bit of time with Ethan today and will again tomorrow discussing his behavior and our expectations. I'm confident Ethan will make the adjustments he needs to be successful.

Ethan is a good kid with enormous potential. He has made some mistakes, and I believe he is learning from them.

Thank you for your patience and understanding.



Mitchell Stipp

Law Office of Mitchell Stipp

T: [702.602.1242](tel:702.602.1242) | M: [702.378.1907](tel:702.378.1907)

E: mstipp@stipplaw.com | www.stipplaw.com

----- Forwarded message -----

DEF000001

AA000901

From: Ethan Stipp <ethan.stipp26@flhsemail.org>

Date: Sep 24, 2019, 7:32 PM -0700

To: mstipp@stipplaw.com

Subject: Apology

□

Sent from my iPad

Apology

I would like to apologize for my actions. I am sorry Augustus for pushing you. It was an impulsive act which I should have not done. I hope you forgive me for pushing you. I didn't mean to hurt you in any way shape or form. I should have never put my hands on you and I am sorry.

MITCHELL D. STIPP, ESQ.
Nevada Bar No. 7531
LAW OFFICE OF MITCHELL STIPP
10120 W. Flamingo Rd., Suite 4-124
Las Vegas, Nevada 89147
Telephone: 702.602.1242
mstipp@stipplaw.com

RADFORD J. SMITH, ESQ.
Nevada Bar No. 2791
RADFORD J. SMITH, CHARTERED
2470 St. Rose Parkway, Suite 206
Henderson, Nevada 89074
Telephone: 702.990.6448
rsmith@radfordsmith.com
Attorneys for Mitchell Stipp, Defendant

**DISTRICT COURT, FAMILY DIVISION
CLARK COUNTY**

CHRISTINA CALDERON,

Plaintiff,

v.

MITCHELL STIPP,

Defendant.

Case No.: D-08-389203-Z

Dept. No.: H

**ERRATA TO
DEFENDANT'S RESPONSES/OBJECTIONS TO
PLAINTIFF'S REQUESTS FOR PRODUCTION
OF DOCUMENTS**

Defendant, by and through his attorneys, and pursuant to the Nevada Rules of Civil Procedure,
responds and objects to Plaintiff's requests for the production of documents as follows:

PRELIMINARY STATEMENT

1. Defendant's investigation and development of all facts and circumstances relating to this action is ongoing. These responses and objections are made without prejudice to, and are not a waiver of, Defendant's right to rely on other facts or documents at trial.

2. By making the accompanying responses and objections to Plaintiff's requests for production of documents, Defendant does not waive, and hereby expressly reserves, his right to assert any and all objections as to the admissibility of such responses into evidence in this action, or in any other proceedings, on any and all grounds including, but not limited to, competency, relevancy, materiality, and privilege. Further, Defendant makes the responses and objections herein without in any way implying that he considers the requests, and responses to the requests, to be relevant or material to the subject matter of this action.

3. Defendant expressly reserves the right to supplement, clarify, revise, or correct any or all of the responses and objections herein, and to assert additional objections or privileges, in one or more subsequent supplemental response(s).

GENERAL OBJECTIONS

1. Defendant objects to the definition of "you" to the extent that "you" includes any person or entity other than Mitchell Stipp.

2. Defendant objects to each request that does not define "children." Defendant has more children than Mia Stipp and Ethan Stipp.

3. Defendant objects to each request that is overly broad, unduly burdensome, or not reasonably calculated to lead to the discovery of admissible evidence if the response sought is unlimited as to time and scope.

4. Defendant objects to each request that requires the production of any documents in the care, custody, or control of Amy Stipp.

REQUEST NO. 1:

Please produce copies of any and all emails and/or other written correspondence between you

(and/or Amy Stipp) and any Faith Lutheran Middle & High School administrator and/or teacher from December 10, 2016, to the present, including but not limited to High School Principal Scott Fogo, Middle School Principal Sarah Harper, Teacher Brianna Davis, Teacher Melissa Wandell, Teacher Lyndsay Ehrmeling, and Teacher Sandra Youmans.

RESPONSE NO. 1:

Objection. The request is not proportional to the needs of the case because the information requested is not important to the matters before the court, Plaintiff has equal/similar access to relevant communications to and from administrators and teachers of Faith Lutheran Middle & High School (“Faith Lutheran”) as part of the children’s school records, and the burden or expense of the proposed discovery outweighs its likely benefit. As such, Defendant has limited his search to emails and other written correspondence written by ~~Plaintiff~~ to any administrator or teacher of Faith Lutheran sent on and after September 1, 2019. Accordingly, please see Bates Stamps DEF 000001-000003 attached hereto.

Defendant

REQUEST NO. 2:

Please produce copies of any and all emails, text messages, and/or other written correspondence between you (and/or Amy Stipp) and Mia from December 10, 2017 to the present.

RESPONSE NO. 2:

Objection. The communications between Defendant and Mia Stipp and Amy Stipp and Mia Stipp are private and confidential. See Stipulation and Order, filed on July 9, 2014 (Section F (page 7) (no recordings) and Section L, paragraph 13 (page 11) (requirement to “respect the children’s privacy and relationship with the other parent”)).

REQUEST NO. 3:

Please produce copies of any and all emails, text messages, and/or written correspondence

1 between you (and/or Amy Stipp) and Ethan from December 10, 2017 to the present.

2 **RESPONSE NO. 3:**

3
4 Objection. The communications between Defendant and Ethan Stipp and Amy Stipp and Ethan
5 Stipp are private and confidential. See Stipulation and Order, filed on July 9, 2014 (Section F (page 7)
6 (no recordings) and Section L, paragraph 13 (page 11) (requirement to “respect the children’s privacy
7 and relationship with the other parent”)).

8 **REQUEST NO. 4:**

9 Please produce copies of any and all emails, text messages, and/or written correspondence
10 between you (and/or Amy Stipp) and Nicolas Ponzo from 2015 to the present.

11 **RESPONSE NO. 4:**

12 All communications between Defendant and Nicolas Ponzo and Amy Stipp and Nicolas Ponzo
13 are private, confidential and privileged. See Stipulation and Order, filed on July 9, 2014 (lines 15-26,
14 page 13) and (lines 1-19, page 14); NRS 49.246-.249.

15
16 **REQUEST NO. 5:**

17 Please produce copies of any and all emails, text messages, and/or written correspondence
18 between you (and/or Amy Stipp) and Mauricio ("Mo") Molina from May 1, 2019 to the present.

19 **RESPONSE NO. 5:**

20 Defendant has no emails, text messages and/or written correspondence between Defendant and
21 Mo Molina responsive to this request except as previously disclosed as part of the court’s record in this
22 case.

1 **REQUEST NO. 6:**

2 Please produce copies of any and all emails, text messages, and/or written correspondence
3 between you (and/or Amy Stipp) and Connie Warling from May 1, 2019 to the present.

4 **RESPONSE NO. 6:**

5 Defendant has no emails, text messages and/or written correspondence between Defendant and
6 Connie Warling responsive to this request except as previously disclosed as part of the court's record in
7 this case.

8 **REQUEST NO. 7:**

9 Produce any and all written statements, reports, cards, documents provided to third parties
10 involving Plaintiff and her relationship with her children or the subject of this litigation since August 23,
11 2019. This shall include without limitation, pleadings, affidavits, statements, police reports, emails, and
12 text messages.

13 **RESPONSE NO. 7:**

14 Defendant has no documents responsive to this request except as previously disclosed as part of
15 the court's record in this case.

16 **REQUEST NO. 8:**

17 Please produce copies of bank statements from Bank of America Account #501022274711, held
18 in the joint names of Amy Stipp and Gerardo Hernandez, used for payment for children expenditures
19 including reimbursements to Plaintiff, specifically for the past three (3) years.

20 **RESPONSE NO. 8:**

21 Defendant has no documents responsive to this request.
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2 **REQUEST NO. 9:**

3 For the period of the last three (3) years, please produce copies of any and all audio and/or video
4 that you have disseminated to third parties of either child or both children, including to the police,
5 Nicolas Ponzo, Scott Fogo, etc.

6
7 **RESPONSE NO. 9:**

8 Objection. The request is vague, ambiguous, and overbroad because the term “disseminate” and
9 phrase “third parties” are not defined. For purposes of Defendant’s response to this request, Defendant
10 will assume that “disseminate” has the meaning normally ascribed to it (i.e., to spread widely) and “third
11 parties” are individuals other than Plaintiff, Defendant, Amy Stipp, Mia Stipp, Ethan Stipp, or Mitchell
12 Stipp, Jr. Accordingly, Defendant has no documents responsive to this request. Notwithstanding the
13 foregoing, all communications (including audio/video records) exchanged between Defendant and
14 Nicolas Ponzo are private, confidential and privileged. See Stipulation and Order, filed on July 9, 2014
15 (lines 15-26, page 13) and (lines 1-19, page 14); NRS 49.246-.249.

16 **REQUEST NO. 10:**

17 Please produce usernames and passwords for each of Mia's and Ethan's social media accounts
18 including, but not limited to Facebook, Instagram, TickTock, Houseparty and SnapChat.

19 **RESPONSE NO. 10:**

20 Defendant has no documents responsive to this request.

21 **REQUEST NO. 11:**

22 Please produce any and all employment agreement between you and Martha Hernandez and/or
23 Gerardo Hernandez.

1 **RESPONSE NO. 11:**

2 Defendant has no documents responsive to this request.

3 **REQUEST NO. 12:**

4 Please produce any and all records relating to financial payments you have made to Nicolas
5 Ponzo from May 1, 2019 to the present. This would include cancelled checks, receipts, charges, proof of
6 payments made whatsoever.

7 **RESPONSE NO. 12:**

8 Objection. The request is overly broad and unduly burdensome on its face because it uses the
9 omnibus term “relating to” to modify “financial payments.” The phrase “financial payments” is also not
10 defined but appears to include a general category or broad range of documents or information (i.e.,
11 cancelled checks, receipts, charges, proof of payments made whatsoever). See Krause v. Nevada Mut.
12 Ins. Co., No. 2:12-CV-00342-JCM, 2014 WL 496936, at *5 (D. Nev. Feb. 6, 2014) aff’d, No. 2:12-CV-
13 342 JCM CWH, 2014 WL 3592655 (D. Nev. July 21, 2014) (citing Dauska v. Green Bay Packaging
14 Inc., 291 F.R.D. 251 (E.D. Wisc. 2013)).

15 **REQUEST NO. 13:**

16 Please produce any and all records regarding outstanding balances that you owe to and/or
17 payment plans that you have made with the Internal Revenue Service over the last five years.

18 **RESPONSE NO. 13:**

19 Objection. The question invades Defendant’s right of privacy, is impermissibly overbroad and,
20 therefore, oppressive, burdensome, and irrelevant to the subject matter of this action in that it seeks
21 disclosure of personal and private information.
22
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1
2 **REQUEST NO. 14:**

3 Please produce copies of any and all of Mia's and Ethan's cellular telephone statements over the
4 last 24 months.

5
6 **RESPONSE NO. 14:**

7 Objection. The request is vague, ambiguous, and overbroad because the phrase “cellular
8 telephone statements” is not defined. For purposes of Defendant’s response to this request, Defendant
9 will assume that “cellular telephone statements” mean billing statements from a wireless carrier in the
10 name of Mia Stipp or Ethan Stipp. Accordingly, Defendant has no documents responsive to this request.

11
12 **REQUEST NO. 15:**

13 Please provide copies of any and all documents which you used or referenced to in answering the
14 Interrogatories which were served concurrently with these Requests.

15
16 **RESPONSE NO. 15:**

17 Defendant has no documents responsive to this request.

18
19 **REQUEST NO. 16:**

20 Please provide written verification from any and all physicians and/or mental health professional
21 with whom you and/or Mia and/or Ethan have been treated for the past year as to your and their current
22 medical status and any and all prescription medications you and or they are taking, and any specific
23 diagnoses/prognoses regarding any medical and/or mental health conditions which you and/or they are
24 currently suffering or have or may have suffered in the past year. *(Copy of Authorization for the same
is served contemporaneously herewith for your execution).*

1 **RESPONSE NO. 16:**

2 Objection. The request is vague, ambiguous, and overbroad because the phrase “written
3 verification” is not defined. For purposes of Defendant’s response to this request, Defendant will
4 assume that “written verification” means a written medical history and physical examination prepared
5 by a medical professional which contains the scope of the information described in this request. All
6 medical records of Defendant and Amy Stipp are private, confidential and privileged. See Chapter 49
7 of Nevada Revised Statutes, and HIPPA (and its rules and regulations). Plaintiff has confirmed that
8 Defendant is a fit parent in her deposition on January 7, 2020. Defendant’s medical status is not at issue
9 in this case. Therefore, such written verifications are not relevant. Plaintiff has access to all medical
10 records of Mia Stipp and Ethan Stipp as a joint legal custodian. If requested or needed, Defendant will
11 complete and sign a release for medical records of Mia Stipp and Ethan Stipp.

12 **REQUEST NO. 17:**

13 Please produce any and all documents detailing the attorney's fees, expert fees, and costs
14 incurred to date by you in this action. This request includes, but is not limited to, all billing statements
15 from your attorney reflecting fees and costs incurred and all payments made by you or on your behalf to
16 your attorney.

17 **RESPONSE NO. 17:**

18 Objection. Trial is scheduled for January 23, 2020. Defendant objects to the request as
19 premature and expressly reserves the right to supplement, clarify, revise, or correct his response to the
20 request, and to assert additional objections or privileges, in one or more subsequent supplemental
21 response(s).

22 **REQUEST NO. 18:**

23 Provide any and all text messages from you and/or your wife to the children since August 23,
24

1 2019 evidencing encouragement for them to have contact with Plaintiff. Ensure that the text messages
2 are complete, dated and to comply with the Rule of Best Evidence.

3
4 **RESPONSE NO. 18:**

5 Objection. The request is argumentative. The communications between Defendant, Amy Stipp,
6 Ethan Stipp and Amy Stipp are also private and confidential. See Stipulation and Order, filed on July 9,
7 2014 (Section F (page 7) (no recordings) and Section L, paragraph 13 (page 11) (requirement to “respect
8 the children’s privacy and relationship with the other parent”)).

9 Dated: January 9, 2019

10
11 **LAW OFFICE OF MITCHELL STIPP**

12 /s/ Mitchell Stipp, Esq.
13 MITCHELL STIPP, ESQ.
14 Nevada Bar No. 7531
15 LAW OFFICE OF MITCHELL STIPP
16 10120 W. Flamingo Rd., Suite 4-124
17 Las Vegas, Nevada 89147
18 Telephone: 702.602.1242
19 mstipp@stipplaw.com
20 Attorneys for Defendant
21
22
23
24

1
2
3 **CERTIFICATE OF SERVICE**

4 I served the foregoing document on this 9th day of January, 2020, using the electronic filings
5 system of the clerk of the court, to all interested parties as follows:

6 Valerie Fujii
7 Christina Calderon

8 /s/ Amy Hernandez

9 _____
10 An employee of Law Office of Mitchell Stipp
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To File.



Mitchell Stipp

Law Office of Mitchell Stipp

T: [702.602.1242](tel:702.602.1242) | M: [702.378.1907](tel:702.378.1907)

E: mstipp@stipplaw.com | www.stipplaw.com

----- Forwarded message -----

From: **Mitchell Stipp** <mstipp@stipplaw.com>

Date: Tue, Sep 24, 2019 at 7:58 PM

Subject: Fwd: Apology

To: <knorrk@flhsemail.org>

Cc: <kothej@flhsemail.org>

Dr. Knorr—

See below and attached. Ethan has written an apology to Augustus. Please share it with him.

I have spent quite a bit of time with Ethan today and will again tomorrow discussing his behavior and our expectations. I'm confident Ethan will make the adjustments he needs to be successful.

Ethan is a good kid with enormous potential. He has made some mistakes, and I believe he is learning from them.

Thank you for your patience and understanding.



Mitchell Stipp

Law Office of Mitchell Stipp

T: [702.602.1242](tel:702.602.1242) | M: [702.378.1907](tel:702.378.1907)

E: mstipp@stipplaw.com | www.stipplaw.com

----- Forwarded message -----

DEF000001

AA000916

From: Ethan Stipp <ethan.stipp26@flhsemail.org>

Date: Sep 24, 2019, 7:32 PM -0700

To: mstipp@stipplaw.com

Subject: Apology

□

Sent from my iPad

Apology

I would like to apologize for my actions. I am sorry Augustus for pushing you. It was an impulsive act which I should have not done. I hope you forgive me for pushing you. I didn't mean to hurt you in any way shape or form. I should have never put my hands on you and I am sorry.

EXHIBIT 4

EXHIBIT 4

EXHIBIT 4

*LAW OFFICES OF
VALARIE I. FUJII & ASSOCIATES*

704 South Sixth Street

Las Vegas, Nevada 89101

Phone: (702) 341-6464 ☎ Facsimile: (702) 734-6464

vip@fujii-lawlv.com

December 6, 2019

Via E-Service

Radford J. Smith, Esq.

RADFORD J. SMITH, CHTD.

2470 St. Rose Parkway, #206

Henderson, Nevada 89074

Re: Christina Calderon v. Mitchell Stipp; Case No. D-08-389203-Z

Dear Radford:

We have reviewed your client's discovery responses in this matter, including his Answers to Interrogatories, Responses to Requests for Admissions, and Responses to Requests for Production of Documents, all of which were non-responsive, inadequate, and insufficient pursuant to the NRCPC Rules 26, 33, 34, and 35.

Therefore, this correspondence will serve as notice that your client's Answers and Responses must be supplemented immediately. Specifically, any and all Answers and Responses that refer us to his deposition testimony on January 7, 2020, must be supplemented with actual responses. Likewise, your client may make his objections, including those related to "private", "confidential" and/or "privileged" information and/or documentation; however, he must still provide Answers and Responses to the requests.

Your client must provide Supplemental Responses to all Requests for Production of Documents **except** Nos. 8, 10 and 11; Supplemental Answers to **all** Interrogatories; and Supplemental Responses to all Requests for Admissions **except** Nos. 6, 8, 10, 12, 13, 14, 17, 24, 30 and 31.

Please have your client provide the Supplemental Responses to us by **Monday, January 13, 2020, as that is the close of discovery**. I am noticing a telephonic EDCR 5.602(d) Conference on Tuesday, January 14, 2020, at 10:00 a.m. between the two of us to discuss this matter if we have not received your client's supplemental responses. I will initiate the call to your office; therefore, please contact me ASAP if you would like to be contacted on a different number. You will be e-served with the Notice shortly.

Radford Smith, Esq.
Re: Calderon v. Stipp
January 10, 2020
Page 2

As you know, EDCR 37(4) provides that “For purposes of Rule 37(a), an evasive or incomplete disclosure, answer, or response must be treated as a failure to disclose, answer, or respond.” Should your client fail to provide his supplemental answers and responses by January 13, 2020, we will have no choice but to file a Motion to Compel Discovery Responses under NRCP 37(a)(3)(B)(iii).

Please let me know if you have any questions or would like to discuss this further. I can be contacted directly on my cell phone at 702-525-9968. Or, my paralegal Theresa Locklar can be reached on her cell phone at 702-292-9034. Our shared email address is vip@fujii-lawlv.com.

Thank you.

Very truly yours,

VALARIE I. FUJII & ASSOCIATES

// Valarie I. Fujii, Esq. //

VALARIE I. FUJII, ESQ.

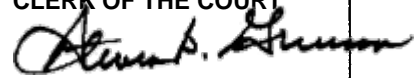
VIF/tal

cc: Christina Calderon
Mitchell Stipp, *via e-service*

EXHIBIT 5

EXHIBIT 5

EXHIBIT 5



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6 **DISTRICT COURT**
7 **CLARK COUNTY, NEVADA**

8 *****

9 CHRISTINE CALDERON,

10 Plaintiff,

11 vs.

12 MITCHELL DAVID STIPP,

13 Defendant.

CASE NO.: D-08-389203-Z
DEPARTMENT H
RJC-Courtroom 3G

14 **ORDER SETTING EVIDENTIARY HEARING**

15 Date of Hearing: January 23, 2020

16 Time of Hearing: 9:00 a.m.

17 **IT IS HEREBY ORDERED** that the above-entitled case is set for an
18
19 Evidentiary Hearing in Department H on the 23rd day of January 2020, at the hour of
20 9:00 a.m. for one (1) day, at the Regional Justice Center, 200 Lewis Avenue,
21 Courtroom 3G, Las Vegas, Nevada.

22 **IT IS FURTHER ORDERED** that Discovery shall be completed no later than
23 January 13, 2020.

24 **IT IS FURTHER ORDERED** that filed Witness Lists must be delivered to
25 chambers at the Regional Justice Center at least one (1) judicial day prior to the
26 Evidentiary Hearing.
27
28

1 **IT IS FURTHER ORDERED** that Exhibits are not filed and must be delivered
2 to chambers at least one (1) judicial day prior to the Evidentiary Hearing for marking.

3 **IT IS FURTHER ORDERED** that no continuances will be granted to either
4 party unless written application is made to the Court, served upon opposing counsel
5 or proper person litigant, and a hearing held at least three (3) days prior to the
6 Evidentiary Hearing. *If this matter settles, please advise the Court as soon as*
7 *possible.*

8
9 DATED this 13 day of Nov., 2019.

10
11 
12 T. Arthur Ritchie, Jr.
13 DISTRICT COURT JUDGE
14 DEPARTMENT H


15
16 **CERTIFICATE OF SERVICE**

17 On or about the file stamp date, a copy of the foregoing Order Setting
18 Evidentiary Hearing was:

19 ☒ E-served pursuant to NEFCR 9; placed in attorney folder(s) at the RJC; or
20 mailed, via first-class mail, postage fully prepaid to:

21 Valarie I Fujii, Esq. for
22 Christina Calderon
23 PLAINTIFF

24 Radford J. Smith, Esq. for
25 Mitchell D. Stipp
26 DEFENDANT

27 
28 Katrina Rausch
 Judicial Executive Assistant
 Department H

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ATTACHMENT

DIRECTIONS FOR COMPLETING EXHIBIT LIST

****EXHIBITS ARE NOT FILED****

****FOR EVIDENTIARY HEARINGS AND TRIALS****

SUBMIT DIRECTLY TO OPPOSING PARTY AND JUDGE'S CHAMBERS

Put either Plaintiff or Defendant on the line before the word EXHIBITS.

Put your case number in the appropriate space.

If you are the Plaintiff, all of your exhibits will be identified by NUMBERS.

(Example: Exhibit 1, Exhibit 2, etc.)

If you are the Defendant, all of your exhibits will be identified by LETTERS OF THE ALPHABET. (Example: Exhibit A, Exhibit B, etc.)

You must identify each section of your exhibits and mark them with a tabbed page divider which identifies the exhibit. Exhibits are not to be bunched together in one group of papers and are to be numbered in the lower right corner.

Example: Exhibit 1 or Exhibit A

3 pages of bank statements would be tabbed with the appropriate number or letter and stapled together.

2 pages of employment information would be tabbed with the appropriate number or letter and stapled together.

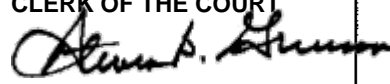
1. Exhibits must be submitted to the opposing party by the Discovery cut-off date.
2. Two (2) copies of Exhibits must be submitted to the Department Chambers at the Regional Justice Center at least one (1) day prior to the hearing date for marking by the Court Clerk.

[illegible]

EXHIBIT 6

EXHIBIT 6

EXHIBIT 6



1 **NOTC**
2 **VALARIE I. FUJII, ESQ.**
3 Nevada Bar No. 005955
4 **VALARIE I. FUJII & ASSOCIATES**
5 704 South Sixth Street
6 Las Vegas, Nevada 89101
7 (702) 341-6464 phone
8 (702) 734-6464 facsimile
9 vip@fujii-lawlv.com

10 Attorney for Plaintiff
11 **CHRISTINA CALDERON**

12 **DISTRICT COURT, FAMILY DIVISION**

13 **CLARK COUNTY, NEVADA**

14 **CHRISTINA CALDERON,**)

15 Plaintiff,)

16 vs.)

17 **MITCHELL STIPP,**)

18 Defendant.)

CASE NO.: D-08-389203-Z
DEPT. NO. H/CR 3G at RJC

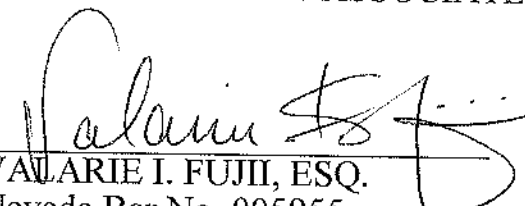
19 **NOTICE OF TELEPHONIC EDCR 5.602(d) CONFERENCE**

20 PLEASE TAKE NOTICE that a telephonic EDCR 5.602(d) Conference will
21 take place on **Tuesday, January 14, 2020, at 10:00 a.m.**, by and between
22 Plaintiff's counsel VALARIE I. FUJII, ESQ., of the law firm of VALARIE I.
23 FUJII & ASSOCIATES, and Defendant's counsel RADFORD SMITH, ESQ., of
24 the law firm of RADFORD J. SMITH, CHTD. **Ms. Fujii will initiate the call to**
25 **Mr. Smith at his office at 702-990-6448;** Defendant's counsel should contact
26 Plaintiff's counsel immediately if he would like to be called at a different number.
27
28

1 The issue to be discussed at the telephonic conference is Defendant
2 MITCHELL STIPP's inadequate responses to Plaintiff CHRISTINA
3 CALDERON's discovery requests, including Interrogatories, Requests for
4 Admissions, and Requests for Production of Documents, which was addressed in a
5 letter e-served on Mr. Smith on January 10, 2020, with supplemental responses
6 due on or before January 13, 2020, which is the Discovery Cut-Off.
7

8 DATED this 10th day of January, 2020.

9 VALARIE I. FUJII & ASSOCIATES

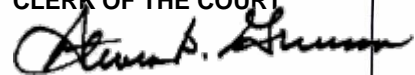
10
11 
12 VALARIE I. FUJII, ESQ.
13 Nevada Bar No. 005955
14 704 South Sixth Street
15 Las Vegas, Nevada 89101
16 Attorney for Plaintiff
17 CHRISTINA CALDERON
18
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Radford J. Smith, Esq.
RADFORD J. SMITH, CHTD.
2470 St. Rose Parkway, #206
Henderson, Nevada 89074
Attorney for Defendant
MITCHELL STIPP

Mitchell Stipp, Esq.
LAW OFFICE OF MITCHELL STIPP
10120 W. Flamingo Rd., Suite 4-124
Las Vegas, Nevada 89147
Attorney for Defendant
MITCHELL STIPP

- 3 -



1 APP
2 VALARIE I. FUJII, ESQ.
Nevada Bar No. 005955
3 VALARIE I. FUJII & ASSOCIATES
704 South Sixth Street
4 Las Vegas, Nevada 89101
5 (702) 341-6464 phone
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6 vip@fujiiilawlv.com

7 Attorney for Plaintiff
8 CHRISTINA CALDERON

9 DISTRICT COURT, FAMILY DIVISION

10 CLARK COUNTY, NEVADA

11
12 CHRISTINA CALDERON,)

13 Plaintiff,)

14 vs.)

15 MITCHELL STIPP,)

16 Defendant.)
17)
18)

CASE NO.: D-08-389203-Z

DEPT. NO.: H/RJC CR 3G

DISCOVERY COMMISSIONER

19 **EX PARTE APPLICATION FOR AN ORDER SHORTENING TIME**

20 COMES NOW, Plaintiff CHRISTINA CALDERON, by and through her
21 attorney of record, VALARIE I. FUJII, ESQ. of the law firm of VALARIE I.
22 FUJII & ASSOCIATES, and hereby requests an Order Shortening Time on her
23 *Motion to Compel Defendant's Discovery Responses*, the hearing for which is

24

25

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1 currently scheduled for the 28th day of January, 2020 at 1:00 p.m. in front of the
2 Discovery Commissioner.

3 DATED this 15th day of January, 2020.

4 VALARIE I. FUJII & ASSOCIATES

5
6 
7 VALARIE I. FUJII, ESQ.
8 Nevada Bar No. 005955
9 704 South Sixth Street
10 Las Vegas, Nevada 89101
11 Attorney for Plaintiff
12 CHRISTINA CALDERON

13 **MEMORANDUM OF POINTS AND AUTHORITIES**

14 EDCR 5.514 Orders shortening time for a hearing, states as follows:

- 15 (a) Unless prohibited by other rule, statute, or
16 court order, a party may seek an order
shortening time for a hearing.
- 17 (b) An ex parte motion to shorten time must
18 explain the need to shorten the time. Such a
motion must be supported by affidavit.
- 19 (c) Absent exigent circumstances, an order
20 shortening time will not be granted until after
21 service of the underlying motion on the
22 nonmoving parties. Any motion for order
23 shortening time filed before service of the
underlying motion must provide a satisfactory
explanation why it is necessary to do so.
- 24 (d) Unless otherwise ordered by the Court, an
25 order shortening time must be served on all
26 parties upon issuance and at least one day
27 before the hearing. An order that shortens the
notice of a hearing to less than 14 days may not
28 be served by mail.

- 1 (e) If the time for a hearing is shortened to a date
2 before the due date of an Opposition, the
3 opposing party may orally oppose the Motion
4 at the hearing. In its discretion, the court may
5 order a written Opposition to be filed after the
6 hearing.
- 7 (f) Should the court shorten the time for the
8 hearing of a motion, the court may direct that
9 the subject matter of any countermotion be
10 addressed at the accelerated time, at the
11 original hearing time, or at some other time.

12 In the instant case, *Plaintiff's Motion to Compel Discovery* must be heard
13 before the scheduled hearing on February 28, 2020, as the Evidentiary Hearing is
14 currently scheduled for January 23, 2020 and this Motion needs to be heard before
15 the Evidentiary Hearing.

16 Further, counsel requests that the rescheduled hearing not be set on a
17 Wednesday, as she is on an Abuse/Neglect Track on Wednesdays in Dept.
18 K/Courtroom 22 with The Honorable Judge Cynthia Giuliani.

19 DATED this 15th day of January, 2020.

20 VALARIE I. FUJII & ASSOCIATES

21 
22 VALARIE I. FUJII, ESQ.
23 Nevada Bar No. 005955
24 704 South Sixth Street
25 Las Vegas, Nevada 89101
26 Attorney for Plaintiff
27 CHRISTINA CALDERON
28

STATE OF NEVADA)
COUNTY OF CLARK) SS.

Affiant, VALARIE I. FUJII, ESQ., being first duly sworn, deposes and affirms as follows:

1. Affiant is an attorney duly licensed to practice law in the State of Nevada, Bar No. 5955, and owner of VALARIE I. FUJII & ASSOCS.
2. Affiant is the Attorney for Plaintiff CHRISTINA CALDERON.
3. A hearing on ***Plaintiff's Motion to Compel Discovery*** is currently set for February 28, 2020. ***Plaintiff's Motion to Compel*** must be heard before the scheduled hearing of February 28, 2020, as this Motion needs to be heard before the Evidentiary Hearing currently scheduled for January 23, 2020.
4. Further, Affiant requests that the rescheduled hearing not be set on a Wednesday, as she is on an Abuse/Neglect Track on Wednesdays in Dept. K/Courtroom 22 with The Honorable Judge Cynthia Giuliani.

FURTHER AFFIANT SAYETH NAUGHT.


VALARIE I. FUJII, ESQ.

SUBSCRIBED and SWORN to before me
on this 15th day of Jan, 2020,
by VALARIE I. FUJII, ESQ.

Theresa Lockar
NOTARY PUBLIC in and for
said COUNTY and STATE



1 exhibits filed concurrently herewith. Mitchell incorporates by reference his opposition
2 to the motion to compel and related relief filed on January 14, 2020.

3 ///
4
5

6 Dated: January 15, 2020
7

8 **LAW OFFICE OF MITCHELL STIPP**

9 /s/ Mitchell Stipp, Esq.
10 MITCHELL STIPP, ESQ.
11 Nevada Bar No. 7531
12 LAW OFFICE OF MITCHELL STIPP
13 10120 W. Flamingo Rd., Suite 4-124
Las Vegas, Nevada 89147
Telephone: 702.602.1242
mstipp@stipplaw.com
Attorneys for Defendant

14 **MEMORANDUM OF POINTS AND AUTHORITIES**
15

16 **I. Witnesses**

17 Christina Calderon (“Christina”) e-served her **initial** list of witnesses and
18 disclosure of documents on **January 13, 2020** (the end of discovery). See Exhibit A.¹

19 **None of these witnesses** were disclosed as trial witness prior to the end of discovery.
20

21 Mitchell expected Christina to identify the parties, Amy Stipp (“Amy”), and Mia and
22 Ethan Stipp. Christina seeks the trial testimony of the following **13 additional** persons:
23

24 Gerardo Hernandez (Dad to Amy Stipp); Martha Hernandez (Mother to Amy Stipp);
25
26

27 ¹ Mitchell served his witness list and disclose of documents (including trial exhibits) on the same
28 date. Ms. Fujii claims these disclosures were not made. This statement is demonstrably false. See Exhibit B.

1 Donna Wilburn (Purported Expert/Personal Therapist of Christina); Peter Calderon
2 (Christina's Dad); Antonia Calderon (Christina's Mom); Anthony Calderon (Christina's
3 Brother); Elena Calderon (Christina's Sister), Nick Petsas (Husband of Elena
4 Calderon/Brother-in-Law to Christina); Allison Morris (Mother of Ethan's close friend);
5 Mindi Gellner (former girlfriend of Marshall Stipp—brother to Mitchell); Misayo Lopez
6 (Mother to Mia's boyfriend); Mauricio Molina (Ethan's baseball coach); and Scott Fogo
7 (Faith Lutheran High School Principal).
8
9

10 The court was clear at the last hearing. Christina refused to stipulate to the
11 admission of the child interview report. Therefore, Mia and Ethan are being forced to
12 testify. The point of the evidentiary hearing is to provide the opportunity for Mia and
13 Ethan to confirm their statements in the report, and Christina the opportunity to confront
14 them consistent with her due process rights. Mitchell, Amy and Christina may also be
15 asked to testify. The hearing is not intended to allow Christina's relatives who were not
16 disclosed to testify. Why would Christina want to give the impression to the children
17 that her entire family will be testifying against them? The hearing is not intended to
18 allow Christina to harass the relatives and friends of Mia and Ethan (parents of
19 Amy/grandparents to Mia and Ethan), Ethan's baseball coach, and Mia's principal. The
20 issue before the court is the relationship of the children with Christina (not the other
21 persons).
22
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26 The hearing also is not intended to allow Christina to have her personal therapist
27 (who claims to be an expert) to testify. The court set the trial at the earliest time available
28

1 at the request of Christina. This schedule did not allow either party to retain an expert
2 for trial. To get around this, Christina has changed Donna Wilburn's role—from expert
3 to personal therapist.
4

5 NRCP 37(c)(1) provides as follows:

6 (c) **Failure to Disclose, to Supplement an Earlier Response, or to Admit.**

7 (1) **Failure to Disclose or Supplement.** If a party fails to provide
8 information or identify a witness as required by Rule 16.1(a)(1), 16.2(d) or (e),
9 16.205(d) or (e), or 26(e), the party is not allowed to use that information or
10 witness to supply evidence on a motion, at a hearing, or at a trial, unless the
11 failure was substantially justified or is harmless.

12 To allow any of these witnesses to testify is prejudicial. If timely disclosed,
13 Mitchell would have had the opportunity to depose these witnesses and complete written
14 discovery. Further, Christina should not be permitted to harass or intimidate the
15 children by exposing their friends, family, and others to trial. It was her decision to have
16 them testify. The harm should not be compounded by the weight of these peripheral
17 witnesses which were untimely disclosed. Mitchell cannot imagine the effect of 13
18 witness (many of which are family members) outside of court waiting to testify.
19

20 **II. Documents.**

21
22 Other than text messages purportedly by and between Christina and the children,
23 **Christina never disclosed any of the documents which she now asserts to be trial**
24 **exhibits.** The following items should be excluded from the trial.
25

- 26 1. An audio of a meeting she secretly recorded at Starbucks in April/May of 2019.

27 Christina did not disclose the audio file until January 13, 2020---the last day
28

1 of discovery. A transcript was prepared of this meeting according to Christina
2 and her attorney. Yet, Christina did not produce the transcript. The transcript
3 should be produced. However, neither the audio file nor the transcript should
4 be permitted by Christina to be used at trial.
5

- 6 2. Communications and documents which involve therapy with Nicholas Ponzo
7 are confidential and privileged. See Stipulation and Order, filed on July 9,
8 2014 (lines 15-26, page 13) and (lines 1-19, page 14); NRS 49.246-.249.
9 Mitchell has subpoenaed Mr. Ponzo who has agreed to appear at the trial (if
10 needed). If Christina wants to waive all confidentiality and privilege, Mitchell
11 and Amy are willing to do the same. In that case, Mr. Ponzo should be
12 permitted to testify, and the parties should be permitted to discuss matters of
13 therapy at the trial. Mr. Ponzo prepared an assessment of family therapy which
14 he provided to Christina via email on December 30, 2010 at 5:14 p.m.
15 Interesting, she did not include that assessment in her disclosures (only self-
16 serving emails). In anticipation of Christina's argument that she is the only
17 client of therapy, Mr. Ponzo has confirmed that Mitchell, Amy and the children
18 are clients. See Declaration of Mr. Ponzo attached as **Exhibit C** (Paragraph
19 4: "Ms. Calderon, Mr. Stipp, Ms. Stipp and their children are my clients for
20 purposes of family therapy. I recently provided services at the request of the
21 parties to address the relationship between Ms. Calderon and her children with
22 Mr. Stipp (Mia and Ethan Stipp).")
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1 3. Mitchell provided a settlement offer to Christina on December 21, 2019.

2 Christina discloses this document and identifies it as a trial exhibit. Use of
3 settlement communications violates applicable settlement privileges. See
4 NRS 48.105. This settlement communication should be excluded.
5

6
7
8 EDCR 5.510 provides as follows:

9 **Rule 5.510. Motions in limine.**

10 (a) Except as otherwise provided herein or by court order, a motion in limine to exclude or
admit evidence must ordinarily be in writing and must be heard not less than 5 calendar days prior
to trial.

11 (b) Where the facts that would support a motion in limine arise or become known after it is
practicable to file a motion in the ordinary course as set forth above, the filing party may seek an
12 order shortening time to hear the motion as provided by these rules, or bring an oral motion in limine
at a hearing. The court may refuse to sign any such order shortening time or to consider any such
13 oral motion.

14 (c) A written motion in limine must be supported by affidavit and, if not filed in the ordinary
course, must detail how and when the facts arose or became known. The motion shall also set forth
that after a conference or a good-faith effort to confer, counsel were unable to resolve the matter
satisfactorily, detailing what attempts to resolve the dispute were made, what was resolved and what
15 was not resolved, and why. A conference requires either a personal or telephone conference between
or among the parties. If a personal or telephone conference was not possible, the motion shall set
16 forth the reasons.
17

18 Mitchell was not aware that Christina intended to call any witness other than the
19 parties and the children until she disclosed the same at the end of discovery. Mitchell
20 learned after Christina's deposition and during his own deposition on January 7, 2020
21 that she viewed confidentiality and privilege with respect to family therapy as being only
22 applicable to her. Mitchell and Amy were involved in therapy. The point was to address
23 the relationship between Christina and the children. See Paragraph 4 of the Declaration
24 of Mr. Ponzo. However, they deserve the protections of confidentiality and privilege
25 afforded to Christina (because the family is the client). Mitchell and Amy are open to
26
27
28

1 waiving these protections upon agreement of Christina to waive the same. Otherwise,
2 all matters involving therapy including communications with Mr. Ponzo should be
3 excluded.

4
5 Although the communication to Christina on December 21, 2019 was not
6 “marked” as “settlement communication,” it is an offer to compromise protected by NRS
7 48.105. Therefore, it should be excluded.

8
9 For the reasons set forth above, Mitchell’s countermotion should be granted.

10 Dated: January 15, 2020

11
12 **LAW OFFICE OF MITCHELL STIPP**

13 /s/ Mitchell Stipp, Esq.
14 MITCHELL STIPP, ESQ.
15 Nevada Bar No. 7531
16 LAW OFFICE OF MITCHELL STIPP
17 10120 W. Flamingo Rd., Suite 4-124
18 Las Vegas, Nevada 89147
19 Telephone: 702.602.1242
20 mstipp@stipplaw.com

21
22 **DECLARATION OF MITCHELL STIPP**

23 I hereby declare and state as follows:

24 1. Radford Smith and I made good faith efforts to resolve the matters described in
25 this supplement with Valerie Fujii and her client, Christina Calderon. Neither Ms. Fujii
26 nor Ms. Calderon will respond to my objections.

27 2. Mr. Smith discussed these matters via telephone on January 14, 2020. Ms. Fujii
28 excluded me from participating on the call. My correspondence to Ms. Fujii was

1 ignored. Ms. Calderon offered to address the issue of confidentiality and privilege with
2 respect to family therapy; however, she has not responded to date.

3 3. I am competent and willing to testify in a court of law as to the facts contained in
4 this opposition (which are incorporated herein by this reference).
5

6 4. I have personal knowledge of these facts, save those stated upon information
7 and/or belief, and as to those matters, I believe them to be true.
8

9 /s/ Mitchell Stipp

10 Mitchell Stipp
11
12

13 **CERTIFICATE OF SERVICE**

14 I HEREBY CERTIFY that on the 15th day of January, 2020, I filed the foregoing
15 using the Court's E-filing system, which provided notice to the e-service participants
16 registered in this case.
17
18

19 By: /s/ Amy Hernandez
20

21 An employee of the Law Office of Mitchell Stipp
22
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MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

Christina Calderon

Plaintiff/Petitioner

v.
Mitchell Stipp

Defendant/Respondent

Case No. D-08-389203-Z

Dept. H

**MOTION/OPPOSITION
FEE INFORMATION SHEET**

Notice: Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of \$25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of \$129 or \$57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

Step 1. Select either the \$25 or \$0 filing fee in the box below.

<input checked="" type="checkbox"/> \$25	The Motion/Opposition being filed with this form is subject to the \$25 reopen fee.
-OR-	
<input type="checkbox"/> \$0	The Motion/Opposition being filed with this form is not subject to the \$25 reopen fee because:
<input type="checkbox"/>	The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.
<input type="checkbox"/>	The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.
<input type="checkbox"/>	The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____.
<input type="checkbox"/>	Other Excluded Motion (must specify) _____.

Step 2. Select the \$0, \$129 or \$57 filing fee in the box below.

<input checked="" type="checkbox"/> \$0	The Motion/Opposition being filed with this form is not subject to the \$129 or the \$57 fee because:
<input type="checkbox"/>	The Motion/Opposition is being filed in a case that was not initiated by joint petition.
<input checked="" type="checkbox"/>	The party filing the Motion/Opposition previously paid a fee of \$129 or \$57.
-OR-	
<input type="checkbox"/> \$129	The Motion being filed with this form is subject to the \$129 fee because it is a motion to modify, adjust or enforce a final order.
-OR-	
<input type="checkbox"/> \$57	The Motion/Opposition being filing with this form is subject to the \$57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of \$129.

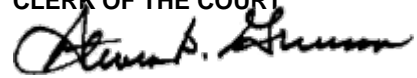
Step 3. Add the filing fees from Step 1 and Step 2.

The total filing fee for the motion/opposition I am filing with this form is:

☐ **\$0** ☒ **\$25** ☐ **\$57** ☐ **\$82** ☐ **\$129** ☐ **\$154**

Party filing Motion/Opposition: Mitchell Stipp Date 1/15/2020

Signature of Party or Preparer /s/ Mitchell Stipp



MITCHELL D. STIPP, ESQ.
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RADFORD J. SMITH, ESQ.
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rsmith@radfordsmith.com
Attorneys for Mitchell Stipp, Defendant

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

FAMILY DIVISION

CHRISTINA CALDERON,
Plaintiff,

v.

MITCHELL STIPP,
Defendant.

Case No.: D-08-389203-Z

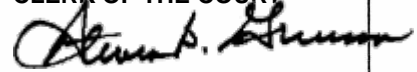
Dept. No.: H

**EXHIBITS IN SUPPORT OF
DEFENDANT'S
SUPPLEMENT:
COUNTERMOTION IN LIMINE**

Defendant, Mitchell Stipp, hereby files the above-referenced exhibits (which are
identified below):

///

EXHIBIT A



1 **PROD**
2 **VALARIE I. FUJII, ESQ.**
3 Nevada Bar No. 005955
4 **VALARIE I. FUJII & ASSOCIATES**
5 704 South Sixth Street
6 Las Vegas, Nevada 89101
7 (702) 341-6464 phone
8 (702) 734-6464 facsimile
9 vip@fujiiilawlv.com

10 Attorney for Plaintiff
11 **CHRISTINA CALDERON**

12 **DISTRICT COURT, FAMILY DIVISION**

13 **CLARK COUNTY, NEVADA**

14 **CHRISTINA CALDERON,**)

15 Plaintiff,)

16 vs.)

17 **MITCHELL STIPP,**)

18 Defendant.)

CASE NO.: D-08-389203-Z
DEPT. NO.: H/RJC CR 3G

19 **PLAINTIFF'S PRODUCTION OF DOCUMENTS AND**
20 **LIST OF WITNESSES PURSUANT TO NRCP 16.2**

21 COMES NOW, Plaintiff CHRISTINA CALDERON, by and through her
22 attorney of record, VALARIE I. FUJII, ESQ. of the law firm of VALARIE I.
23 FUJII & ASSOCIATES, and hereby submits the following Production of
24 Documents and List of Witnesses Pursuant to NRCP 16.2. as follows:

25

26

27

28

I.

LIST OF EXHIBITS

<u>Exhibit</u>	<u>Document Title</u>
1.	Decree of Divorce filed on March 6, 2008, incorporating the Marital Settlement Agreement (MSA) (BATES STAMPS PL00001-PL00035)
2.	Stipulation and Order Resolving Physical Custody, Timeshare, Child Support, and Parenting Matters filed on July 9, 2014 (BATES STAMPS PL00036-PL00051)
3.	Emails between the parties dated August 2019, which proves the Defendant's Contempt in his withholding the children from CHRISTINA (BATES STAMPS PL00052-PL00058)
4.	Pictures of MIA and CHRISTINA at Middle School Graduation on May 22, 2019; and picture of MIA that CHRISTINA took of her at summer music camp on June 21, 2019 (BATES STAMPS PL00059-PL00061)
5.	Email from CHRISTINA to the Defendant when MIA was found with her boyfriend at the park alone (co-parenting) (BATES STAMPS PL00062)
6.	Email from ETHAN's teacher Ms. Wandel regarding him receiving special recognition for showing kindness to a special needs child at school (BATES STAMPS PL00063)
7.	Donna Wilburn, MS, LMFT, Letter dated September 11, 2019, entitled "Urgent: Children in Crisis, Recommended Protocol Regarding Child Visitation Refusal" (BATES STAMPS PL00064-PL00067)
8.	Notice of Appearance by Radford J. Smith, Esq. as counsel on behalf of Defendant filed on September 24, 2019 (BATES STAMPS PL00068-PL00070)
9.	Reply to Opposition to Motion for Child Interview and Teenage Discretion filed on September 25, 2019 by Defendant solely and e-served by his wife Amy; Exhibits in Support of Reply to Opposition filed by Defendant on September 25, 2019, solely and e-served by his wife (BATES STAMPS PL00071-PL00115)
10.	Status Report filed by Defendant listing himself as co-counsel with Radford Smith, Esq., filed on October 7, 2019, and e-served by his wife Amy (BATES STAMPS PL00116-PL00121)

11.	Counsel's many objections to pleadings filed by Defendant: Objection to Status Report filed on 10-7-19; Objection to letter from Dr. Roy Lubits; Objection to Exhibits Improperly cut and pasted within Defendant's Motion for Child Interview in support of Motion (BATES STAMPS PL00122-PL00128)
12.	Affidavit of Plaintiff Christina Calderon in Support Of Order to Show Cause Against the Defendant for Willfully Disobeying the Custody Order; a Request for Immediate Return of the Children, Make up Visitation and an Award of Attorneys Fees dated August 29, 2019 (BATES STAMPS PL00129-PL00135)
13.	Affidavit of Christina Calderon in support of Emergency Motion for Temporary Primary Physical Custody dated October 9, 2019 (BATES STAMPS PL00136-PL00139)
14.	Supplemental Affidavit of Plaintiff Christina Calderon in Support Emergency Motion for Temporary Primary Physical Custody dated October 21, 2019 (BATES STAMPS PL00140-PL00143)
15.	Affidavit of Plaintiff Christina Calderon regarding Donna's House
16.	Declaration of Amy Stipp filed on September 6, 2019 (BATES STAMPS PL00144-PL00160)
17.	Declaration of Defendant Mitchell D. Stipp, attorney for Mitchell Stipp, Defendant filed on September 6, 2019 (BATES STAMPS PL00161-PL00177)
18.	Court Minutes from Hearings of October 1, 2019, and October 22, 2019 (BATES STAMPS PL00178-PL00181)
19.	Texts between Plaintiff Christina Calderon and the children from October 4, 2019 to the present (Responses to RPD's) (BATES STAMPS PL00182-PL00266)
20.	Proof that Plaintiff Christina Calderon paid attorney's fees to Valarie I. Fujii, Esq. (BATES STAMPS PL00267-PL00268)
21.	Emails by and between the parties (BATES STAMPS PL000269-PL00279)
22.	Additional Emails by and between the parties (BATES STAMPS PL00280-PL00487)
23.	Audio of conversation between the parties at Starbucks on May 17, 2019
	Any and all exhibits produced by Plaintiff;

Any and all pleadings in this matter filed by either party, including any and all exhibits attached thereto; and any and all correspondence and emails between the parties and/or counsel.

Plaintiff CHRISTINA CALDERON reserves the right to use any and all documentation produced or listed by the Defendant herein; and the Plaintiff further reserves the right to supplement this list prior to trial.

II.

LIST OF WITNESSES

1. CHRISTINA CALDERON (Plaintiff)
c/o Valarie I. Fujii, Esq.
704 South Sixth Street
Las Vegas, Nevada 89101

She is the Plaintiff and is expected to testify as to the relationship of the parties; her relationship with the children MIA and ETHAN; Defendant's relationship with the children; Plaintiff's parenting skills; Defendant's parenting skills; the actions of the Defendant; Defendant's motive for withholding the children; Defendant's reliance upon third parties for the physical and emotional welfare of the children; the affect the litigation has had on her, the children and their relationship; the physical and mental health of the parties and the children; Defendant's abuse, including its affects on the minor children; and/or any other matters related to the litigation of this action.

2. MITCHELL STIPP (Defendant)
c/o Radford Smith, Esq.
2470 St. Rose Parkway, #206
Henderson, Nevada 89074

He is the Defendant and is expected to testify as to the relationship of the parties; Plaintiff's relationship with the children MIA and ETHAN; Defendant's

1 relationship with the children; Plaintiff's parenting skills; Defendant's parenting
2 skills; the actions and motives of the Defendant in withholding the children from
3 Plaintiff; Defendant's reliance upon third parties for the emotional and physical
4 welfare of the children; the physical and mental health of the parties and the
5 children; and/or any other matters related to the litigation of this action.

6
7 3. Amy Stipp
8 c/o Radford Smith, Esq.
9 2470 St. Rose Parkway, #206
10 Henderson, Nevada 89074

11 She is the Defendant's wife and is expected to testify as to her relationship
12 with the children MIA and ETHAN; her relationship with the Plaintiff;
13 Defendant's relationship with the children; Plaintiff's parenting skills;
14 Defendant's parenting skills; her parenting skills and her actions/inactions in
15 improving, worsening and/or aggravating the co-parenting problems between the
16 parties; her actions and motives in assisting and abetting the Defendant in
17 withholding the children from Plaintiff; Defendant's reliance upon third parties for
18 the emotional and physical welfare of the children; the physical and mental health
19 of herself, Defendant, and the children; and/or any other matters related to the
20 litigation of this action.

21 4. GERARDO HERNANDEZ
22 c/o Radford Smith, Esq.
23 2470 St. Rose Parkway, #206
24 Henderson, Nevada 89074

25 He is Amy Stipp's father and is expected to testify as to his care-giving of
26 the children MIA and ETHAN, and/or any other matters related to the litigation of
27 this action.

28

1 5. Martha Hernandez
2 c/o Radford Smith, Esq.
3 2470 St. Rose Parkway, #206
 Henderson, Nevada 89074

4 She is Amy Stipp's mother and is expected to testify as to her care-giving of
5 the children MIA and ETHAN, and/or any other matters related to the litigation of
6 this action.

7 6. Mia Stipp (minor child of the parties)
8 c/o Radford Smith, Esq.
9 2470 St. Rose Parkway, #206
 Henderson, Nevada 89074

10 Mia, Date of Birth: October 19, 2004, currently age 15 years and 3 months,
11 is the minor child of the parties, and is expected to testify regarding matters related
12 to the litigation of this action based upon the Court's direction.

13 7. Ethan Stipp (minor child of the parties)
14 c/o Radford Smith, Esq.
15 2470 St. Rose Parkway, #206
 Henderson, Nevada 89074

16 Ethan, Date of Birth: March 24, 2007, currently age 12 years and 10
17 months, is the minor child of the parties, and is expected to testify regarding
18 matters related to the litigation of this action based upon the Court's direction.

19 8. Donna Wilburn, LMFT
20 10655 Park Run Drive, #210
21 Las Vegas, Nevada 89144
 702-234-9325

22 Donna Wilburn is Plaintiff's therapist and is expected to testify as to her
23 Letter dated September 11, 2019, entitled "Urgent: Children in Crisis,
24 Recommended Protocol Regarding Child Visitation Refusal", and/or any other
25 matters related to the litigation of this action.
26

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1 6. Elena Calderon
2 913 Hickory Park Street
3 Las Vegas, Nevada 89138
4 702-575-7465

5 Elena will testify as to the relationship between Plaintiff Christina Calderon
6 and the children MIA and ETHAN, and the relationship between the children and
7 their maternal relatives, and/or any other matters related to the litigation of this
8 action.

9 7. Nicholas Petsas
10 913 Hickory Park Street
11 Las Vegas, Nevada 89138
12 408-706-0636

13 Nicholas will testify as to the relationship between Plaintiff Christina
14 Calderon and the children MIA and ETHAN, and the relationship between the
15 children and their maternal relatives, and/or any other matters related to the
16 litigation of this action.

17 8. Peter Calderon
18 3136 Donnegal Bay Drive
19 Las Vegas, Nevada 89117
20 702-321-7819

21 Peter will testify as to the relationship between Plaintiff Christina Calderon
22 and the children MIA and ETHAN, and the relationship between the children and
23 their maternal relatives, and/or any other matters related to the litigation of this
24 action.

25 9. Antonia Calderon
26 3136 Donnegal Bay Drive
27 Las Vegas, Nevada 89117
28 702-759-5626

 Antonia will testify as to the relationship between Plaintiff Christina
Calderon and the children MIA and ETHAN, and the relationship between the

1 children and their maternal relatives, and/or any other matters related to the
2 litigation of this action.

3 10. Anthony Calderon
4 3136 Donnegal Bay Drive
5 Las Vegas, Nevada 89117
6 725-212-0747

7 Anthony will testify as to the relationship between Plaintiff Christina
8 Calderon and the children MIA and ETHAN, and the relationship between the
9 children and their maternal relatives, and/or any other matters related to the
10 litigation of this action.

11 11. Allison Morris
12 8725 Newport Isle Court
13 Las Vegas, Nevada 89117
14 702-219-4880

15 Allison will testify as to the relationship between Plaintiff Christina
16 Calderon and the children MIA and ETHAN, and/or any other matters related to
17 the litigation of this action.

18 12. Mindi Gellner
19 702-278-3213

20 Mindi will testify as to the relationship of the parties, the relationship
21 between Plaintiff Christina Calderon and the children MIA and ETHAN, and
22 Defendant's relationship with the children. Mindi will also testify as to her
23 experiences attempting to co-parent and raise a child with Defendant Mitchell
24 Stipp's brother, Marshal Stipp, and/or any other matters related to the litigation of
25 this action.

26 13. Misayo Lopez
27 702-510-0922
28

1 Misayo is the mother of Mia's boyfriend Joey Lopez, and is expected to
2 testify as to the Mia's relationship with Joey, and her interactions and experiences
3 with the parties, and/or any other matters related to the litigation of this action.

4 14. Mauricio Molina
5 702-767-1557

6 Mauricio will testify as to Ethan's baseball experience and his interactions
7 with the parties, and/or any other matters related to the litigation of this action.

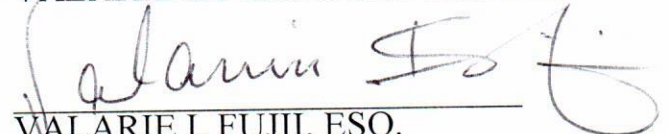
8 15. Scott Fogo
9 Faith Lutheran Middle & High School Principal
10 2015 South Hualapai Way
11 Las Vegas, Nevada 89117
12 702-804-4400

13 Scott will testify as to his interactions and experiences with the parties and
14 the children, and/or any other matters related to the litigation of this action.

15 Any and all witnesses identified by Defendant, including rebuttal witnesses.
16 Plaintiff reserves the right to supplement this list of witnesses, including those for
17 rebuttal and impeachment purposes.

18 DATED this 13th day of January, 2020.

19 VALARIE I. FUJII & ASSOCIATES

20 

21 VALARIE I. FUJII, ESQ.
22 Nevada Bar No. 005955
23 704 South Sixth Street
24 Las Vegas, Nevada 89101
25 Attorney for Plaintiff
26 CHRISTINA CALDERON
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Kathie
An employee of VALARIE I. FUJII, ESQ.

EXHIBIT B

WITNESSES

1. Mitchell Stipp
c/o RADFORD J. SMITH, ESQ.
RADFORD J. SMITH, CHARTERED
2470 St. Rose Parkway, Suite 206
Henderson, Nevada 89074

2. Amy Stipp
10120 W. Flamingo Rd., #4124
Las Vegas, Nevada 89147

3. Mia Stipp
10120 W. Flamingo Rd., #4124
Las Vegas, Nevada 89147

4. Ethan Stipp
10120 W. Flaming Rd., #4124
Las Vegas, Nevada 89147

5. Christina Calderon
c/o VALERIE FUJII, ESQ.
VALERIE I. FUJII & ASSOCIATES
704 South Sixth Street
Las Vegas, Nevada 89101

6. Nicholas Ponzio*
10161 Park Run Drive,
Suite 150
Las Vegas, Nevada, 89145

* Plaintiff has disclosed that she intends to use matters of therapy protected by the parties' Stipulation and Order Resolving Physical Custody, Timeshare, Child Support and Parenting Matters Filed on July 9, 2014 and NRS 49.246-49.249 at trial. Mr. Ponzio has voluntarily agreed to appear and will testify if the confidentiality and privileges are waived and/or as permitted, directed or otherwise ordered by the court.

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1 **DOCUMENTS**

2 Defendant discloses documents identified as **DEFENDANT BATES**
3 **NOS. 000001-001129**, which are attached hereto. These documents also are offered
4 as trial exhibits in accordance with the court's order setting an evidentiary hearing on
5 January 23, 2020.
6

7 **RESERVATIONS**

8
9 Defendant reserves the right to call any witness named by Plaintiff.

10 Defendant reserves the right to call any witnesses as may be necessary for the
11 purpose of rebuttal or impeachment and to name such other witnesses as may become
12 known before trial.
13

14 Defendant reserves the right to designate as an exhibit any document designated
15 by Plaintiff as an exhibit or filed in this case on or before trial.
16

17 Defendant reserves all objections as to the admissibility of all documents filed
18 or produced in this matter.
19

20 Dated: January 13, 2020

21 **LAW OFFICE OF MITCHELL STIPP**

22 /s/ Mitchell Stipp, Esq.
23 MITCHELL STIPP, ESQ.
24 Nevada Bar No. 7531
25 LAW OFFICE OF MITCHELL STIPP
26 10120 W. Flamingo Rd., Suite 4-124
27 Las Vegas, Nevada 89147
28 Telephone: 702.602.1242
mstipp@stipplaw.com
Attorneys for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 13th day of January, 2020, I served the foregoing using the Court's E-filing system, which provided notice to the e-service participants registered in this case:

Valerie Fujii

Christina Calderon

The Audio and Video Files referenced herein were delivered by Mitchell Stipp to Ms. Fujii via email as follows: Audio was delivered on August 28, 2019, and Video was delivered on January 13, 2020.

By: */s/ Amy Hernandez*

An employee of the Law Office of Mitchell Stipp

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Exhibit	Description	Offered Date	Objected	Admitted Date
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	A Decree of Divorce filed March 6, 2008 (Defendant Nos. 000001-000038)			
	B Judge Frank Sullivan's Order Filed on November 4, 2010 (Defendant Nos. 000039-000058)			
	C Judge William Potter's Order Filed on October 11, 2011 (Defendant Nos. 000059-000061)			
	D Judge William Potter's Order Filed on July 30, 2013 (Defendant Nos. 000062-000065)			
	E Judge Frank Sullivan's Order Filed on May 27, 2014 (Defendant Nos. 000066-000074)			
	F Stipulation and Order Resolving Physical Custody, Timeshare, Child Support and Parenting Matters Filed on July 9, 2014 (Defendant Nos. 000075-000091)			
	G Child Psychological Evaluation by Dr. Lewis Etcoff dated July 27, 2011 (Defendant Nos. 000092-000105)			
	H Declaration of Amy Stipp In Support of Defendant's Motion for Child Interview by FMC, Mediation and To Permit Children to Exercise Teenage Discretion on Timeshare filed on September 6, 2019 (Defendant Nos. 000106-000123)			
	I Audio File Transcribed by Depo International (08/23/2019)			
	J Declaration of Mitchell Stipp in Support of Defendant's Motion for Child Interview by FMC, Mediation and To Permit Children to Exercise Teenage Discretion on Timeshare filed on September 6, 2019 (Defendant Nos. 000124-000141)			
	K Video File Transcribed by Depo International (09/6/2019)			
	L Defendant's Objection to Letter by Christina Calderon's Therapist Donna Wilburn and Notice of Letter from Dr. Roy Lubit in Support of Objection filed on September 13, 2019 (Defendant Nos. 000142-000196)			
	M Exhibits in Support of Defendant's Opposition to Ex Parte Application for Order Shortening Time on Plaintiff's Motion for Primary Physical Custody (Redacted to			

1		Remove Exhibit A) (Defendant Nos. 000197-000217)			
2	N	Transcript of Deposition of Christina Calderon-December 20, 2019 (Defendant Nos. 000218-000351)			
3	O	Transcript of Deposition of Christina Calderon-January 7, 2020 (Defendant Nos. 000352-000540)			
4	P	Transcript of Deposition of Mitchell Stipp-January 7, 2020 (Defendant Nos. 000541-000749)			
5	Q	Defendant's Interrogatories and Requests for Production of Documents and Admissions e-served on December 3, 2019 (Defendant Nos. 000750-000763)			
6	R	Plaintiff's Responses to Defendant's Requests for Admissions e-served on December 31, 2019 (Defendant Nos. 000764-000768)			
7	S	Plaintiff's Responses to Defendant's Interrogatories e-served on January 2, 2020 (Defendant Nos. 000769-000784)			
8	T	Plaintiff's Responses to Defendant's Requests for Production of Documents e-served on January 2, 2020 (Defendant Nos. 000785-000883)			
9	U	Plaintiff's Requests for Admissions e-served on December 12, 2019 (Defendant Nos. 000884-000892)			
10	V	Plaintiff's Interrogatories e-served on December 12, 2019 (Defendant Nos. 000893-000911)			
11	W	Plaintiff's Requests for Production of Documents e-served on December 12, 2019 (Defendant Nos. 000912-000920)			
12	X	Emails by and between Mitchell Stipp and Christina Calderon (Defendant Nos. 000921-001097)			
13	Y	Email to Dr. Knorr dated September 24, 2019 (Defendant Nos. 001098-001101)			
14	Z	Schedules for Mia and Ethan Stipp (August 2019-January 2020) (Defendant Nos. 001102-001111)			
15	AA	Grades and Awards (Defendant Nos. 001112-001129)			
16	BB	Child Interview Report by m'Ryah Littleton from Interview on October 23, 2019 at 3:30 p.m.			

EXHIBIT C

DECLARATION OF NICHOLAS PONZO

I hereby declare and state as follows:

1. I have an extensive and varied history of providing mental health and related assessment and treatment services in a variety of settings and specific areas of practice. My educational background includes undergraduate degrees in Philosophy and Psychology, and graduate degrees in Clinical Social Work and Counseling Psychology. I have been in practice for approximately 30 years, and have worked and offered consultation services in psychiatric hospitals, child and adolescent treatment centers, addiction treatment and research centers, corporate and federal occupational settings, as well as in the area of program design and consultation, training, workshop, and in educational and teaching capacities. I am experienced in high-conflict and dispute resolution issues and offer mediation and parent coordination services to parents involved with such issues. In addition, I provide Specialized Assessments and Reports, Child Interviews, and Reunification Therapy services. I am an approved provider of services for the Family Courts of Las Vegas, Nevada. My background, training and practice experience involves treatment and counseling with adults, children and adolescents, as well as in relationship and marital therapy, and family counseling.

2. I am the family therapist for Christina Calderon, Mitchell Stipp, Amy Stipp, and their children (including Mia and Ethan Stipp).

3. I have a copy of the parties' parenting plan which I understand prohibits matters of therapy to be used in any child custody litigation.



1 4. Ms. Calderon, Mr. Stipp, Ms. Stipp and their children are my clients for
2 purposes of family therapy. I recently provided services at the request of the parties to
3 address the relationship between Ms. Calderon and her children with Mr. Stipp (Mia and
4 Ethan Stipp).
5

6 5. It is my understanding that matters of therapy including statements of the
7 parties during sessions and my observations, assessments, and recommendations are
8 confidential and privileged unless all parties agree to waive such confidentiality and
9 privilege or there is a requirement by Nevada law to provide disclosure. For example,
10 my office policy on privacy and confidentiality is as follows:
11

12 The law protects the relationship between a client and a
13 psychotherapist, and information cannot be disclosed without
14 written permission.

15 Exceptions include:

16 Suspected child abuse or dependent adult or elder abuse, for
17 which I am required by law to report this to the appropriate
18 authorities immediately.

19 If a client is threatening serious bodily harm to another person/s,
20 I must notify the police and inform the intended victim.

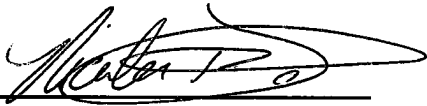
21 If a client intends to harm himself or herself, I will make every
22 effort to enlist their cooperation in ensuring their safety. If they
23 do not cooperate, I will take further measures without their
24 permission that are provided to me by law in order to ensure their
25 safety.
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1 6. Mr. Stipp has asked me to appear at the trial on January 23, 2020 in the
2 event I am asked to testify. However, I will need all parties to waive the confidentiality
3 and privilege applicable to my testimony.
4

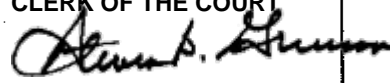
5 7. I have personal knowledge of these facts, save those stated upon
6 information and/or belief, and as to those matters, I believe them to be true.
7

8 January 14, 2020
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12 Nicholas Ponzo
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1 **OST**
2 **VALARIE I. FUJII, ESQ.**
3 Nevada Bar No.: 005955
4 **VALARIE I. FUJII & ASSOCIATES**
5 704 South Sixth Street
6 Las Vegas, Nevada 89101
7 (702) 341-6464 phone
8 (702) 734-6464 facsimile
9 vip@fujii-lawlv.com

10 Attorney for Plaintiff
11 **CHRISTINA CALDERON**

12 **DISTRICT COURT, FAMILY DIVISION**

13 **CLARK COUNTY, NEVADA**

14 **CHRISTINA CALDERON,**)

15 Plaintiff,)

16 vs.)

17 **MITCHELL STIPP,**)

18 Defendant.)

CASE NO.: D-08-389203-Z

DEPT. NO.: H/RJC CR 3G

DISCOVERY COMMISSIONER

19 **ORDER SHORTENING TIME**

20 After reviewing the *Ex Parte Application for an Order Shortening Time* on
21 *Plaintiff's Motion to Compel Discovery*, and upon good cause showing:

22 IT IS HEREBY ORDERED that the hearing on said *Motion to Compel*,
23 currently scheduled for February 28, 2020, at 1:00 p.m. is shortened to
24 January^{24th}, 2020, at 1:30 a.m. (p.m) before the Discovery
25 Commissioner in Courtroom 15 of the Family Courthouse, 601 N. Pecos Road, Las
26 Vegas, NV 89101 (but not on a Wednesday because Plaintiff's counsel Ms. Fujii is
27
28

RECEIVED

JAN 16 2020

DISCOVERY

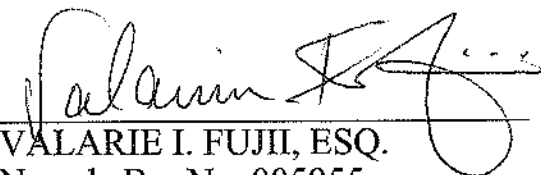
1 on an Abuse/Neglect Track on Wednesdays in Dept. K/Courtroom 22 with The
2 Honorable Judge Cynthia Giuliani).

3 DATED this 17th day of January, 2020.

4
5 
6 mb
7 Discovery Commissioner Pro Tem

8 Respectfully submitted by:

9 VALARIE I. FUJII & ASSOCIATES

10 
11 VALARIE I. FUJII, ESQ.
12 Nevada Bar No. 005955
13 704 South Sixth Street
14 Las Vegas, Nevada 89101
15 Attorney for Plaintiff
16 CHRISTINA CALDERON