

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 05:56 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

APPELLANT'S APPENDIX VOLUME VIII

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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 VIII 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

Steven D. Grierson

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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/DISCOVERY

**OPPOSITION TO PLAINTIFF'S
REQUEST FOR ATTORNEY'S
FEES AND COSTS**

[DISCOVERY COMMISSIONER]

Defendant, Mitchell Stipp ("Defendant"), by and through his co-counsel of record, Radford J. Smith, Esq., of the firm Radford J. Smith, Chtd., 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 attached hereto.


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///

///

Dated: February 13, 2020

RADFORD J. SMITH, CHARTERED


RADFORD J. SMITH, ESQ.

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Attorneys for Mitchell Stipp, Defendant

MEMORANDUM OF POINTS AND AUTHORITIES

There was a hearing before the Discovery Commissioner on January 24, 2020 and a continued hearing scheduled on February 7, 2020 to address Plaintiff's motion to compel and Defendant's opposition thereto. At the hearing on January 24, 2020, the Discovery Commissioner made the following recommendations (**Video Transcript--4:00:42-4:02:26 (Summarized Below)**):

1. Mr. Smith should review the objections and decide whether they need to be supplemented (since he did not review, and Mr. Stipp prepared).
2. Anything that can be supplemented after Mr. Smith reviews should be supplemented.
3. Supplements are due by January 31.
4. Mr. Smith and Ms. Fujii should have a call if there are any issues with supplements.
5. On February 7 at 3pm, we can go through every objection and make rulings. No report or recommendations is required.
6. Everything is deferred to February 7. Attorney's fees will be included in the decisions at the hearing on February 7.

Defendant prepared and served supplemental discovery responses on January 31, 2020.

See Exhibit A (pages 10 through 157). Ms. Fujii reviewed and accepted Defendant's supplemental responses and agreed to vacate the hearing on February 7,

1 2020. Defendant (like Mr. Smith) assumed the discovery dispute was resolved. Right
2 before the hearing on February 7, 2020, Ms. Fujii claimed that Plaintiff was entitled to
3 her attorney's fees and costs. This was not part of the agreement reached by Mr. Smith
4 and Ms. Fuji. **See Exhibit B** (see pages 158 through 165).

5
6 Notwithstanding the dispute over Plaintiff's claim for fees, the parties stipulated
7 to vacate the hearing on February 7, 2020. **See Exhibit C** (see pages 166 through
8 169). If Plaintiff wanted fees, she could have reserved this issue in the stipulation
9 and order. The Discovery commissioner did not grant Plaintiff's motion to compel and
10 deferred all matters to be considered at the hearing on February 7, 2020. **See** Video
11 Transcript of Hearing on January 24, 2020 (Video Transcript--4:00:42-4:02:26). That
12 hearing did not occur. Here are the basic facts from the hearing:
13
14

- 15 1. Plaintiff did **NOT** provide a deficiency letter with any detail to put Defendant
16 on notice of the basis for her motion to compel. **See Exhibit G** to Defendant's
17 Exhibits filed on January 14, 2020 (Email from Mr. Smith to Ms. Fujii).
18 Instead, after a telephonic conference between Ms. Fujii and Mr. Smith,
19 Plaintiff filed a motion to compel. While there was a "meet and confer," Ms.
20 Fujii did not articulate how she wanted Defendant to address the dispute other
21 than to supplement, which Mr. Smith offered to have Defendant attempt in
22 good faith to do. However, Ms. Fujii was required to send an updated
23 deficiency letter. Rather than update her objections with specific reasons why
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1 the responses/objections of Defendant were deficient, Ms. Fujii filed a motion
2 to compel the same day.

3 2. The Discovery Commissioner wanted Mr. Smith to review Defendant's
4 written responses and supplement them in order to save valuable judicial
5 resources considering each and every discovery request and his
6 responses/objections at a hearing on February 7, 2020. The goal was to save
7 time and money (not to cause the parties to incur fees).

8
9 3. Defendant supplemented his written responses, Plaintiff accepted them, and
10 Plaintiff agreed to vacate the hearing. However, Plaintiff is requesting an
11 award of attorney's fees and costs of more than \$5,000.00 (despite the fact the
12 original motion asked for \$2,500.00 and the payment of fees was not part of
13 any agreement reached by Mr. Smith).

14
15
16 In her memorandum of fees and costs filed on February 7, 2020 after the hearing
17 was vacated, Ms. Fujii claims the Discovery Commissioner granted Plaintiff's motion
18 to compel. This is false. See Video Transcript of Hearing on January 24, 2020 (Video
19 Transcript--4:00:42-4:02:26). She asserts that the Discovery Commissioner's office also
20 specifically contacted her on February 7, 2020 (after the parties stipulated to vacate the
21 hearing) and requested Plaintiff to prepare a report and recommendations from the
22 hearing on January 24, 2020 to award fees. The Discovery Commissioner at the
23 hearing on January 24, 2020 specifically determined that no such
24 report/recommendations was required. Defendant supplemented his written
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1 responses, Plaintiff accepted the responses, and the parties agreed to vacate the hearing
2 on February 7, 2020. If Plaintiff desired an award of attorney's fees and costs, the
3 hearing on February 7, 2020 was required under NRCP 37(a)(5) as a matter of right.

4 NRCP 37(a)(5) provides as follows (emphasis added):

5 Rule 37(a).

6 (5) Payment of Expenses; Protective Orders.

7 (A) If the Motion Is Granted (or Disclosure or Discovery
8 Is Provided After Filing). If the motion is granted — or if the
9 — the court must, after giving an opportunity to be heard, require the
10 party or deponent whose conduct necessitated the motion, the party or
11 attorney advising that conduct, or both to pay the movant's reasonable
12 expenses incurred in making the motion, including attorney fees. But
13 the court must not order this payment if:

- 14 (i) the movant filed the motion before attempting
15 in good faith to obtain the disclosure or discovery without court action;
16 (ii) the opposing party's nondisclosure, response,
17 or objection was substantially justified; or
18 (iii) other circumstances make an award of
19 expenses unjust.

20 Defendant has not had an opportunity to be heard on the issue of attorney's
21 fees and costs as required by NRCP 37(a)(5)(A). Defendant's initial objections were
22 valid, and Mr. Smith specifically asked the Discovery Commissioner at the hearing on
23 January 24, 2020 for the opportunity to argue each and every response if the parties were
24 unable to resolve the matters through supplemental responses. See Video Transcript of
25 Hearing on January 24, 2020 (Video Transcript--4:00:42-4:02:26). Defendant
26 supplemented his responses to avoid further litigation. He did not waive his objections.
27 Plaintiff accepted those responses. Under these circumstances, an award of attorney's
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1 fees is unjust.

2 Awarding Plaintiff more than \$5,000.00 in fees (2x the amount requested in the
3 original motion to compel) when Plaintiff never provided Defendant specific reasons
4 why his responses/objections were unacceptable and specifically excluded him from the
5 telephonic meet and confer is patently unfair. Furthermore, the Discovery
6 Commissioner did not hear arguments on each of Defendant's objections to determine
7 whether they were "substantially justified." Rather than waste valuable time and
8 resources, the Discovery Commissioner elected to proceed practically and asked
9 Defendant to supplement his responses and Plaintiff to lodge any further objections. No
10 further objections were made.
11

12
13 If the discovery dispute is resolved, Defendant does not believe the Discovery
14 Commissioner should consider the issue of attorney's fees (especially without a
15 hearing). Ms. Fujii apparently disagrees. This approach defeats the purpose of
16 continuing the hearing so the parties could resolve the matters on their own. Given Ms.
17 Fujii's position, Defendant is entitled to a full and fair hearing on each of his initial
18 written responses/objections (unless the request for fees is denied).
19

20
21 Plaintiff cites to the Video Transcript (3:53:20) as the basis for an award of
22 attorney's fees and costs. However, the Discovery Commission's comment about
23 awarding fees (because she believed EDCR 5.602 was satisfied) was later modified. See
24 Video Transcript of Hearing on January 24, 2020 (Video Transcript--4:00:42-4:02:26).
25 Ms. Fujii is not accurately referencing the final recommendations of the Discovery
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1 Commissioner. Fundamental notions of fairness and due process require that discovery
2 sanctions be just and that sanctions relate to the specific conduct at issue. GNLV Corp.
3 v. Serv. Control Corp., 111 Nev. 866, 870, 900 P.2d 323, 326 (1995), citing Young v.
4 Johnny Ribeiro Bldg., Inc., 106 Nev. 88, 92, 787 P.2d 777, 779 (1990). Sanctions may
5 be imposed where there has been willful noncompliance, and the adversary process has
6 been halted by the actions of the unresponsive party. Fire Ins. Exchange v. Zenith Radio
7 Corp., 103 Nev. 648, 652, 747 P.2d 911, 914 (1987). Defendant answered Plaintiff's
8 interrogatories during his deposition, which was under oath. Plaintiff was not harmed
9 by the reference to his deposition testimony. Defendant believes his objection based on
10 the maximum limit of 40 interrogatories was valid. In any event, Defendant actually
11 responded/objected **initially** to all interrogatories (not just the first 40). Defendant also
12 supplemented his production of documents to include communications which are
13 confidential and privileged (even though not admissible).

14 Reasoned and thoughtful analysis dictates that the Discovery Commissioner is
15 justified in using its discretion to deny Plaintiff an award of attorney's fees and costs
16 after Defendant supplemented his responses, Plaintiff accepted them, and the parties
17 agreed to vacate the hearing on February 7, 2020.

18 For the reasons set forth in this opposition, any award of attorney's fees and costs
19 should be denied. Defendant's initial responses/objections were substantially justified,
20 and an award of fees/costs to Plaintiff would be patently unfair. If the Discovery
21 Commissioner intends to award fees, Defendant respectfully requests a hearing in
22

1 accordance with NRC 37(a) to consider the same.

2 Dated: February 13, 2020.

3 **RADFORD J. SMITH, CHARTERED**

4 

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11 *Attorneys for Mitchell Stipp, Defendant*

12 **DECLARATION OF MITCHELL STIPP**

13 I hereby declare and state as follows:

14 1. I am competent and willing to testify in a court of law as to the facts contained in
15 this opposition (which are incorporated herein by this reference) and exhibits which are
16 filed concurrently herewith.

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

19 

20 Mitchell Stipp

21 ///

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23 ///

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 13th day of February, 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:



Mitchell Stipp

EXHIBIT A

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7 *Attorneys for Mitchell Stipp, Defendant*

8 **DISTRICT COURT, FAMILY DIVISION**
9 **CLARK COUNTY**

10 CHRISTINA CALDERON,
11 Plaintiff,

12 v.

13 MITCHELL STIPP,
14 Defendant.

Case No.: D-08-389203-Z

Dept. No.: H

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

15
16 Defendant, by and through his attorneys, and pursuant to the Nevada Rules of Civil Procedure,
17 responds and objects to Plaintiff's interrogatories as follows:

18 **PRELIMINARY STATEMENT**

19
20 1. Defendant's investigation and development of all facts and circumstances relating to this action is
21 ongoing. These responses and objections are made without prejudice to, and are not a waiver of,
22 Defendant's right to rely on other facts or documents at trial.
23
24

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. 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

1 forth as numbered or lettered subparts, each separately designated subpart will be counted by Defendant
2 as a separate interrogatory. Plaintiff will, to that extent, be bound by its own numbering system, and will
3 not be heard to complain that an interrogatory, although propounded with separately designated
4 subparts, should nevertheless be counted as a single interrogatory because the interrogatory concerns a
5 single transaction, set of facts, etc., or because the division was made for clarification or convenience.
6 On the other hand, if Plaintiff sets forth its interrogatories as 40 or fewer separately designated questions
7 (counting both separately designated interrogatories and separately designated subparts), but the
8 interrogatories actually contain more than 40 questions, Defendant will not be bound by Plaintiff's
9 numbering or designating system. Rather, Defendant will look to the substance of the interrogatories,
10 and count each question as a separate interrogatory. For example, if two or more questions are
11 combined in a single compound interrogatory, and are not set out as separate subparts, Defendant will
12 look to the substance of the interrogatory, and count each of the combined questions as a separate
13 interrogatory. If an interrogatory contains both an initial question, and follow-up questions to be
14 answered if the first is answered in the affirmative, the initial question and each follow-up question will
15 be counted as separate interrogatories. Similarly, if an interrogatory begins with a broad introductory
16 clause followed by several subparts, Defendant will count the broad introductory clause and each
17 subpart as a separate interrogatory, whether or not the subparts are separately designated. If an
18 interrogatory requests information concerning more than one issue, the Defendant will count each issue
19 on which information is sought as a separate interrogatory. The introductory instructions or preamble to
20 a set of interrogatories will not be counted by Defendant as interrogatories or subparts for purposes of
21 determining whether the limit has been exceeded.

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1 **INTERROGATORY NO. 1:**

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

6 **RESPONSE NO. 1:**

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 **SUPPLEMENTAL RESPONSE NO. 1:**

10 Defendant does not have personal knowledge of the information requested by this interrogatory.
11 Defendant does not personally monitor on a regular basis any social media accounts of the children.

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 **SUPPLEMENTAL RESPONSE NO. 2:**

21 Defendant does not regularly monitor cellular phone usage by Mia Stipp or Ethan Stipp.

22 . . .

23 ' ' ' . . .

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1 **INTERROGATORY NO. 3:**

2 Identify all of your places of employment, including addresses, and your weekly work schedule
3 from August 17, 2019 to the present. Specifically provide your work week hours and location of your
4 work each day of the week specifically for the months of August, September, October and November of
5 2019. Please include how many hours each day you were at address(es) provided from August 17, 2019
6 to the present. While you were working during this time period, identify, in detail, who was taking care
7 of each child including times, dates, locations and activities during which that/those person(s) were
8 transporting and/or supervising each child.

9 **RESPONSE NO. 3:**

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 **SUPPLEMENTAL RESPONSE NO. 3:**

13 Defendant is self-employed. The physical business address for the Law Office of Mitchell Stipp
14 is located at 1180 N. Town Center Drive, Suite 100, Las Vegas, Nevada 89144. Defendant's work
15 schedule is flexible. Defendant did not record his work hours for the months of August, September,
16 October and November of 2019. Defendant was available to care for the children at all times the
17 children were in his physical care.

18 **INTERROGATORY NO. 4:**

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

21 **RESPONSE NO. 4:**

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

1 ///

2 **SUPPLEMENTAL RESPONSE NO. 4:**

3 Amy Stipp works with Defendant part time as a legal assistant for the Law Office of Mitchell
4 Stipp. Ms. Stipp does not have a defined weekly work schedule. She works on an "as needed" basis.
5 Defendant did not record Ms. Stipp's work hours.

6 **INTERROGATORY NO. 5:**

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

9 **RESPONSE NO. 5:**

10 The question invades Defendant's right of privacy, is impermissibly overbroad and, therefore,
11 oppressive, burdensome, and irrelevant to the subject matter of this action in that it seeks disclosure of
12 personal and private information. Such matters are also protected by the attorney-client privilege.
13 Defendant is an attorney, and in that capacity, he has acted as an agent of his clients. Plaintiff is not
14 entitled to the name and address for each and every one of Defendant's clients.

15 **SUPPLEMENTAL RESPONSE NO. 5:**

16 Defendant owns the Law Office of Mitchell Stipp. Defendant is an agent of The Law Office of
17 Mitchell Stipp. Defendant serves as resident agents for clients. Defendant does not own any business
18 entities.

19 **INTERROGATORY NO. 6:**

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

22 **RESPONSE NO. 6:**

23 See Response to Interrogatory No. 5. Amy Stipp has provided services to Defendant's clients.
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2 **SUPPLEMENTAL RESPONSE NO. 6:**

3 Amy Stipp is an agent of The Law Office of Mitchell Stipp. Ms. Stipp is an agent, owner, and
4 officer of Mito-Mitchell, Inc., a Nevada non-profit corporation.

5 **INTERROGATORY NO. 7:**

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

12 **RESPONSE NO. 7:**

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

15 **SUPPLEMENTAL RESPONSE NO. 7:**

16 The schedule is flexible and changes daily/weekly. As the father for Mitchell, Jr., Defendant is
17 responsible for Mitchell, Jr.'s medical care and education. As the mother of Mitchell, Jr., Amy Stipp is
18 responsible for Mitchell, Jr.'s medical care and education.

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 **SUPPLEMENTAL RESPONSE NO. 8:**

8 Gerardo Hernandez is the maternal grandfather of Mia and Ethan Stipp by Defendant's marriage
9 to Amy Stipp. Mr. Hernandez is retired. He does not have a schedule which requires him to care for
10 Mia or Ethan Stipp. Any time he spends with Mia or Ethan Stipp is voluntarily based on his love and
11 affection for his grandchildren. Defendant does not record the time Mr. Hernandez spends with his
12 grandchildren.

13 **INTERROGATORY NO. 9:**

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

20 **RESPONSE NO. 9:**

21 Objection. All medical records of Defendant are private, confidential and privileged. See
22 Chapter 49 of Nevada Revised Statutes, and HIPPA (and its rules and regulations). Plaintiff has
23 confirmed that Defendant is a fit parent in her deposition on January 7, 2020. Defendant's health is not
24 at issue in this case. Therefore, the information requested by the interrogatory is not relevant. With

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

3 **SUPPLEMENTAL RESPONSE NO. 9:**

4 Defendant is not aware that he has any specific medical conditions. Defendant takes Propecia
5 for cosmetic reasons and Atorvastatin to prevent high cholesterol.

6 **INTERROGATORY NO.10:**

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

14 **RESPONSE NO. 10:**

15 Objection. All medical records of Amy Stipp 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 Amy Stipp is a fit parent in her depositions on December 20, 2019 and January 7, 2020.
18 Amy Stipp's health is not at issue in this case. Therefore, the information requested by the interrogatory
19 is not relevant.

20 **SUPPLEMENTAL RESPONSE NO. 10:**

21 Defendant does not have permission from Amy Stipp to disclose the information requested by
22 this interrogatory. See also initial response no. 10.
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1 **INTERROGATORY NO. 11:**

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

6 **RESPONSE NO. 11:**

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

13 **SUPPLEMENTAL RESPONSE NO. 11:**

14 Defendant's amended tax returns for 2006, 2007 and 2008 are subject to audit by the Internal
15 Revenue Service. The exact amount of any tax liability for these tax years has not been determined.
16 Any tax liabilities due for the tax years 2006 and 2007 (the years in which Plaintiff and Defendant filed
17 joint tax returns) are the joint responsibility of Plaintiff and Defendant. Any payments made by
18 Defendant for tax liabilities due for 2006 or 2007 are subject to reimbursement by Plaintiff for her 50%
19 share pursuant to the tax indemnification provisions of the parties' marital settlement agreement.

20 **INTERROGATORY NO. 12:**

21 Identify the cellular telephone carrier(s) for your cellular telephone number, (702) 378-1907;
22 Amy' Stipp's cellular telephone number, (702) 277-277-6537; Mia's cellular telephone number, (702)
23 609-3551; and Ethan's cellular telephone number, (702) 609-3571. Identify who has access to the
24

1 cellular phones and records associated with each of these telephone numbers, and identify who pays the
2 bill(s) associated with these telephone numbers.

3
4 **RESPONSE NO. 12:**

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 **SUPPLEMENTAL RESPONSE NO. 12:**

9 The wireless carrier is AT&T. Defendant's telephone number is part of a family plan in the
10 account name of Amy Stipp. Ms. Stipp has access to these records and pays the bill from proceeds
11 provided by Defendant.

12 **INTERROGATORY NO. 13:**

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

16 **RESPONSE NO. 13:**

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

19 **SUPPLEMENTAL RESPONSE NO. 13:**

- 20 1. Mitchell Stipp
21 c/o RADFORD J. SMITH, ESQ.
22 RADFORD J. SMITH, CHARTERED
23 2470 St. Rose Parkway, Suite 206
24 Henderson, Nevada 89074
2. Amy Stipp
10120 W. Flamingo Rd., #4124
Las Vegas, Nevada 89147

1 3. Mia Stipp
2 10120 W. Flamingo Rd., #4124
3 Las Vegas, Nevada 89147

4 4. Ethan Stipp
5 10120 W. Flaming Rd., #4124
6 Las Vegas, Nevada 89147

7 5. Christina Calderon
8 c/o VALERIE FUJII, ESQ.
9 VALERIE I. FUJII & ASSOCIATES
10 704 South Sixth Street
11 Las Vegas, Nevada 89101

12 6. Nicholas Ponzo*
13 10161 Park Run Drive,
14 Suite 150
15 Las Vegas, Nevada, 89145

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

21 Defendant also reserves the right to name additional witnesses at trial.

22 **INTERROGATORY NO. 14:**

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

RESPONSE NO. 14:

Objection. The request exceeds the number of interrogatories permitted. 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.

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1 **SUPPLEMENTAL RESPONSE NO. 14:**

2 Plaintiff and the children have a bad relationship.

3 Defendant has made the children available for timeshare with Plaintiff each weekday
4 (Monday-Friday) after 5:30 p.m. when Plaintiff indicated she was available after work. Defendant
5 coordinated and scheduled with Plaintiff weekly timeshare at Plaintiff's home and/or events outside
6 of her home (including meals—breakfast, lunch and dinner). Defendant scheduled and ensured the
7 children's participation in weekly therapy with Nicholas Ponzo. During these times, he also
8 arranged for the children to be available before and after therapy for timeshare with Plaintiff.

9 **INTERROGATORY NO. 15:**

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

16 **RESPONSE NO. 15:**

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

20 **SUPPLEMENTAL RESPONSE NO. 15:**

21 The question is vague as to the meaning of "teenage discretion." If the reference is to the legal
22 requirements and limits of granting discretion to children to deviate from a court ordered custody
23 schedule, or refers to any discussion of law, Defendant has had no such discussion with the children.
24 Defendant has fielded questions from the children regarding their desire to spend more time in

1 Defendant's care. Defendant has consistently advised the children that they must abide by the parties'
2 parenting plan and directed them to engage in discussions and counseling with Plaintiff to resolve the
3 significant issues that have fueled their preference to spend more time in Defendant's care. Defendant
4 did not keep a record of such conversations, their frequency, or their content. Defendant has from time
5 to time advised Plaintiff of the concerns that the children have raised and the conflicts they have
6 identified, so she should be aware of my discussions with the children in those instances.

7 **INTERROGATORY NO. 16:**

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

11 **RESPONSE NO. 16:**

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

15 **SUPPLEMENTAL RESPONSE NO. 16:**

16 Amy Stipp: Age (35); Gross Income (\$0.00); Place of Employment (Law Office of Mitchell
17 Stipp); Relationship to the Children: (Stepmother);
18 Mia Stipp: Age (15); Gross Income (\$0.00); Place of Employment (None); Relationship to the
19 Children (Sister to Ethan Stipp);
20 Ethan Stipp: Age (12); Gross Income (\$0.00); Place of Employment (None); Relationship to the
21 Children (Brother to Mia Stipp);
22 Mitchell, Jr.: Age (9); Gross Income (\$0.00); Place of Employment (None); Relationship to the
23 Children (Brother to Mia Stipp and Ethan Stipp).
24

1 **INTERROGATORY NO.17:**

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

4 **RESPONSE NO. 17:**

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

9 **SUPPLEMENTAL RESPONSE NO. 17:**

10 The evidence, including the children's statements when interviewed, and their testimony at trial,
11 suggests that they have suffered physical and emotional abuse during time that they have been in
12 Plaintiff's care. Defendant believes the court should direct Plaintiff to Parent Effectiveness Training or
13 similar courses. The court should continue to direct that children and Plaintiff engage in counseling
14 through Nicholas Ponzio, maintain the strictest confidence of statements made during that counseling,
15 and encourage Plaintiff to be honest and forthright in her discussions without fear of recourse. The court
16 should consider the evidence and factors underlying a determination of the best interest of the children,
17 and find that a modification of the timeshare is necessary to avoid more conflict and deterioration of the
18 children's relationship with Plaintiff, but also continue to prescribe steps, such as those mentioned
19 above, to address their dysfunctional relationship. Finally, the court should prohibit the use of any
20 corporal punishment of the children.

21 **INTERROGATORY NO.18:**

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

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2 **RESPONSE NO. 18:**

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

7 **SUPPLEMENTAL RESPONSE NO. 18:**

8 Defendant's request for teenage discretion arose out of a desire to avoid a trial on the issue of
9 custody of the children. Defendant's goal was to allow the children to feel less pressure, and to instead
10 have them engage in counseling to mend their relationship with Plaintiff. Defendant hoped that Plaintiff
11 would consider the damage to the children, and their relationship with her, that would and has been
12 caused by Plaintiff's insistence on punishing Defendant, Defendant's wife (Amy Stipp), and/or the
13 children as a method of addressing their concerns. Defendant hoped all parties would participate in
14 counseling, and work through the issues honestly and with conviction, without concern of tactic or
15 advantage in a lawsuit.

16 **INTERROGATORY NO.19:**

17 Describe in detail what daily domestic assistance you receive from individual(s) not residing in
18 your home, such as Martha Hernandez, in terms of cooking and/or laundry and/or cleaning, whether or
19 not the person(s) providing such services receive financial compensation from either you and/or Amy.

20 **RESPONSE NO. 19:**

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

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2 **SUPPLEMENTAL RESPONSE NO. 19:**

3 Defendant does not have personal knowledge of the information requested by this interrogatory.
4 Defendant does not receive daily domestic assistance from individuals not residing in Defendant's home
5 in terms of cooking, laundry, and/or cleaning.

6 **INTERROGATORY NO. 20:**

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

9 **RESPONSE NO. 20:**

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. See also the papers and pleadings filed by Defendant in this
13 case.

14 **SUPPLEMENTAL RESPONSE NO. 20:**

15 "Unfit" is not specifically defined, and its "black or white" connotation is not part of Defendant's
16 claims in this case. Defendant believes that Plaintiff's relationship with the children has become
17 harmful to them, and that she and the children should continue to engage in therapy designed to address
18 the problems in the relationship. Defendant has and will continue to engage in that therapy as requested,
19 and follow any reasonable suggestion or plan designed to improve their relationship. If by "unfit" the
20 interrogatory requests Defendant's view of the deficiencies Defendant sees in Plaintiff's parenting, the
21 evidence in this case suggests that she does not spend quality time with the children in important ways,
22 she has an explosive and irrational temper, she uses and relies on embarrassing the children to third
23 parties in order to manipulate the children, she is dishonest in her dealings with them, and she is tactical

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1 and seemingly insincere in her communication with them. Her parenting techniques appear to be
2 emotionally abusive and not appropriate for either child's particular disposition, maturity or
3 development. She is unwilling to accept constructive criticism or advice, and instead regularly blames
4 Defendant or his wife (Amy Stipp) for the problems in her relationship with the children.

5 **INTERROGATORY NO. 21:**

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

8 **RESPONSE NO. 21:**

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

12 **SUPPLEMENTAL RESPONSE NO. 21:**

13 Defendant does not have personal knowledge of the information requested by this interrogatory.
14 Defendant is unaware of any legal documents in this case wherein Amy Stipp has signed the same as
15 both Amy Stipp and Amy Hernandez.

16 **INTERROGATORY NO. 22:**

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

19 **RESPONSE NO. 22:**

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

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2 **SUPPLEMENTAL RESPONSE NO. 22:**

3 Defendant believes the parties' parenting plan should be modified to reduce the time both
4 children spend in Plaintiff's care. Defendant believes the court should consider the Mia's preference as
5 to a custody schedule due to her age, intelligence, and capacity, as part of its analysis of her best interest.
6 The children should continue to engage in therapy with Plaintiff.

7 **INTERROGATORY NO. 23:**

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

10 **RESPONSE NO. 23:**

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

14 **SUPPLEMENTAL RESPONSE NO. 19:**

15 Defendant believes the parties' parenting plan should be modified to reduce the time both
16 children spend in Plaintiff's care. Defendant believes the court should consider Ethan's preference as to
17 a custody schedule due to his age, intelligence, and capacity, as part of its analysis of his best interest.
18 The children should continue to engage in therapy with Plaintiff.

19 **INTERROGATORY NO. 24:**

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

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1 **RESPONSE NO. 24:**

2 Objection. The request exceeds the number of interrogatories permitted. It is also overly broad,
3 unduly burdensome, or not reasonably calculated to lead to the discovery of admissible evidence
4 because the response sought is unlimited as to time and scope. The completion of a financial disclosure
5 form is premature. Child support only will be ordered after the trial on January 23, 2020 if physical
6 custody changes.

7 **SUPPLEMENTAL RESPONSE NO. 24:**

8 Radford J. Smith, Chartered, received a retainer in the amount of \$5,000.00. Defendant will
9 complete a Financial Disclosure Form if required by the court after trial.

10 **INTERROGATORY NO. 25:**

11 Describe your understanding of Mia's relationship with her maternal relatives, be specific with
12 identity of which relatives.

13 **RESPONSE NO. 25:**

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

20 **SUPPLEMENTAL RESPONSE NO. 25:**

21 The request calls for Defendant to speculate as to Mia's current state of mind regarding her
22 "maternal relatives." Defendant does not, and cannot know that information. Defendant knows that
23
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1 generally she has enjoyed and engaged with Plaintiff's family, but that recently she has had difficulty
2 with Plaintiff's parents and sister due to statements made by them to Mia.

3 **INTERROGATORY NO. 26:**

4 Describe your understanding of Ethan's relationship with her maternal relatives, be specific with
5 identity of which relatives.

6 **RESPONSE NO. 26:**

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

13 **SUPPLEMENTAL RESPONSE NO. 26:**

14 The request calls for Defendant to speculate as to Ethan's current state of mind regarding his
15 "maternal relatives." Defendant does not, and cannot know that information. Defendant knows that
16 generally he has enjoyed and engaged with Plaintiff's family, but that recently he has had difficulty with
17 Plaintiff's parents and sister due to statements made by them to Mia.

18 Dated: January 31, 2020

19 **RADFORD J. SMITH, CHARTERED**

20 /s/ Radford J. Smith

21 RADFORD J. SMITH, ESQ.
22 Nevada Bar No. 2791
23 2470 St. Rose Parkway
24 Henderson, Nevada 89074
Telephone: 702.990.6448
rsmith@radfordsmith.com
Attorneys for Defendant

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VERIFICATION

The undersigned, Mitchell Stipp, under penalty of perjury, verifies that I have read the above responses (and supplemental responses) to Plaintiff's interrogatories and know their contents, and that the same is true of my own knowledge, except for those matters state upon information and belief, and as to those matters, I believe them to be true.

Dated: January 31, 2020.

/s/ Mitchell D. Stipp

MITCHELL D. STIPP

CERTIFICATE OF SERVICE

I served the foregoing document on this 31st day of January, 2020, using the electronic filings system of the clerk of the court, to all interested parties as follows:

Valerie Fujii
Christina Calderon

/s/ Courtney Janson

An employee of Radford J. Smith, Chartered

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Nevada Bar No. 7531
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4 RADFORD J. SMITH, ESQ.
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6 Telephone: 702.990.6448
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7 *Attorneys for Mitchell Stipp, Defendant*

8 **DISTRICT COURT, FAMILY DIVISION**
9 **CLARK COUNTY**

10 CHRISTINA CALDERON,
11 Plaintiff,

12 v.

13 MITCHELL STIPP,
14 Defendant.

Case No.: D-08-389203-Z

Dept. No.: H

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

15
16 Defendant, by and through his attorneys, and pursuant to the Nevada Rules of Civil Procedure,
17 responds and objects to Plaintiff's requests for admissions as follows:
18
19 **PRELIMINARY STATEMENT**

20 1. Defendant's investigation and development of all facts and circumstances relating to this action
21 ongoing. These responses and objections are made without prejudice to, and are not a waiver
22 Defendant's right to rely on other facts or documents at trial.
23
24

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 **SUPPLEMENTAL RESPONSE NO. 1:**

7 Deny.

8 **REQUEST NO. 2:**

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

11 **RESPONSE NO. 2:**

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

17 **SUPPLEMENTAL RESPONSE NO. 2:**

18 Deny.

19 **REQUEST NO. 3:**

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

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23 ///

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1 **RESPONSE NO. 3:**

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

5 **SUPPLEMENTAL RESPONSE NO. 3:**

6 Deny.

7 **REQUEST NO. 4:**

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

10 **RESPONSE NO. 4:**

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

14 **SUPPLEMENTAL RESPONSE NO. 4:**

15 Deny.

16 **REQUEST NO. 5:**

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

19 **RESPONSE NO. 5:**

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

23 ///

1 **SUPPLEMENTAL RESPONSE NO. 5:**

2 Deny.

3 **REQUEST NO. 6:**

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

5 **RESPONSE NO. 6:**

6 Deny.

7 **REQUEST NO. 7:**

8 Admit that you did not disclose to Plaintiff that Ethan was suspended from school in September,
9 2019.

10 **RESPONSE NO. 7:**

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

13 **SUPPLEMENTAL RESPONSE NO. 7:**

14 Deny.

15 **REQUEST NO. 8:**

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

18 **RESPONSE NO. 8:**

19 Deny.

20 **REQUEST NO. 9:**

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

23 ///

24

1 **RESPONSE NO. 9:**

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

6 **SUPPLEMENTAL RESPONSE NO. 9:**

7 Deny.

8 **REQUEST NO. 10:**

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

11 **RESPONSE NO. 10:**

12 Deny.

13 **REQUEST NO. 11:**

14 Admit you have never informed the children in the presence of the Plaintiff that they are to
15 adhere to or follow the Court Order.

16 **RESPONSE NO. 11:**

17 Objection. This request is vague, ambiguous, and overbroad because the phrase "Court Order" is
18 not defined. The request has also been asked and answered. The request for admission has, in
19 substance, been previously asked and answered at Defendant's deposition on January 7, 2020.

20 **SUPPLEMENTAL RESPONSE NO. 11:**

21 Deny.
22
23
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1 **REQUEST NO. 12:**

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

4 **RESPONSE NO. 12:**

5 Deny.

6 **REQUEST NO. 13:**

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

9 **RESPONSE NO. 13:**

10 Deny.

11 **REQUEST NO. 14:**

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

13 **RESPONSE NO. 14:**

14 Deny.

15 **REQUEST NO. 15:**

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

17 **RESPONSE NO. 15:**

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

20 **SUPPLEMENTAL RESPONSE NO. 15:**

21 Deny.

1 **REQUEST NO. 16:**

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

4 **RESPONSE NO. 16:**

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

8 **SUPPLEMENTAL RESPONSE NO. 16:**

9 Admit.

10 **REQUEST NO. 17:**

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

13 **RESPONSE NO. 17:**

14 Admit.

15 **REQUEST NO. 18:**

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

18 **RESPONSE NO. 18:**

19 Objection. This request is vague, ambiguous, and overbroad because the term "enforce" is not
20 defined. The request has also been asked and answered. The request for admission has, in substance,
21 been previously asked and answered at Defendant's deposition on January 7, 2020.

22 **SUPPLEMENTAL RESPONSE NO. 18:**

23 None.
24

1
2 **REQUEST NO. 19:**

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

5 **RESPONSE NO. 19:**

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

9 **SUPPLEMENTAL RESPONSE NO. 19:**

10 Deny.

11 **REQUEST NO. 20:**

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

14 **RESPONSE NO. 20:**

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

17 **SUPPLEMENTAL RESPONSE NO. 20:**

18 Deny.

19 **REQUEST NO. 21:**

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

21 **RESPONSE NO. 21:**

22 Objection. The request is impermissibly compound. Plaintiff may ask Defendant to admit only
23 one fact per statement. The request has also been asked and answered. The request for admission has,
24

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

2 **SUPPLEMENTAL RESPONSE NO. 21:**

3 Admit.

4 **REQUEST NO. 22:**

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

6 **RESPONSE NO. 22:**

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

9 **SUPPLEMENTAL RESPONSE NO. 22:**

10 Deny.

11 **REQUEST NO. 23:**

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

14 **RESPONSE NO. 23:**

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

17 **SUPPLEMENTAL RESPONSE NO. 23:**

18 Deny.

19 **REQUEST NO. 24:**

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

21 **RESPONSE NO. 24:**

22 Deny.

23 ///

1 **REQUEST NO. 25:**

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

4 **RESPONSE NO. 25:**

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

7 **SUPPLEMENTAL RESPONSE NO. 25:**

8 Deny.

9 **REQUEST NO. 26:**

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

13 **RESPONSE NO. 26:**

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

17 **SUPPLEMENTAL RESPONSE NO. 26:**

18 Deny.

19 **REQUEST NO. 27:**

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

22 **RESPONSE NO. 27:**

23 Objection. The request is impermissibly compound. Plaintiff may ask Defendant to admit only
24

1 one fact per statement. The request has also been asked and answered. The request for admission is
2 false in its premise (that the court ordered regular visitation at Donna's House), and the request has, in
3 substance, been previously asked and answered at Defendant's deposition on January 7, 2020.

4 **SUPPLEMENTAL RESPONSE NO. 27:**

5 Deny.

6 **REQUEST NO. 28:**

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

8 **RESPONSE NO. 28:**

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

13 **SUPPLEMENTAL RESPONSE NO. 28:**

14 Objection. The request is vague as to the meaning of "teenage discretion." If the reference is to
15 the legal requirements and limits of granting discretion to children to deviate from a court ordered
16 custody schedule, Defendant admits that Ethan is of sufficient age to express a preference as to his
17 physical care.

18 **REQUEST NO. 29:**

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

21 **RESPONSE NO. 29:**

22 Objection. This Request for Admission is vague, ambiguous, and overbroad because the terms
23 "blocked," "access" and "accounts" are not defined. The request has also been asked and answered.
24

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

3 **SUPPLEMENTAL RESPONSE NO. 29:**

4 Deny.

5 **REQUEST NO. 30:**

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

7 **RESPONSE NO. 30:**

8 Deny.

9 **REQUEST NO. 31:**

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

12 **RESPONSE NO. 31:**

13 Deny.

14 **REQUEST NO. 32:**

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

16 **RESPONSE NO. 32:**

17 Objection. The question is vague and ambiguous.

18 **SUPPLEMENTAL RESPONSE NO. 1:**

19 Deny.

20 **REQUEST NO. 33:**

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

23 ///

24

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 **SUPPLEMENTAL RESPONSE NO. 33:**

7 Deny.

8 **REQUEST NO. 34:**

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

10 **RESPONSE NO. 34:**

11 Objection. The request calls for speculation.

12 **SUPPLEMENTAL RESPONSE NO. 34:**

13 Deny.

14 **REQUEST NO. 35:**

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

16 **RESPONSE NO. 35:**

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

20 **SUPPLEMENTAL RESPONSE NO. 35:**

21 Deny.

22 **REQUEST NO. 36:**

23 Admit that there is a presumption that joint custody is in the children's best interests as there is
24

1 already a joint custody order.

2 **RESPONSE NO. 36:**

3 Objection. The request is oppressive and burdensome because it is vague, ambiguous, and
4 unintelligible so as to make a response impossible without speculation. The phrase "joint custody" is
5 not defined. It is unclear whether Plaintiff means joint physical custody, joint legal custody or joint
6 physical and legal custody. This request is vague, ambiguous, and overbroad because the phrase "joint
7 custody order" is not defined.

8 **SUPPLEMENTAL RESPONSE NO. 36:**

9 Admit.

10 Dated: January 31, 2020

11 **RADFORD J. SMITH, CHARTERED**

12
13 /s/ Radford J. Smith

14 RADFORD J. SMITH, ESQ.
15 Nevada Bar No. 2791
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rsmith@radfordsmith.com
16 Attorneys for Defendant
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CERTIFICATE OF SERVICE

I served the foregoing document on the 31st day of January, 2020, using the electronic filings system of the clerk of the court, to all interested parties as follows:

Valerie Fujii
Christina Calderon

/s/ Courtney R. Janson
An employee of Radford J. Smith, Chartered

1 MITCHELL D. STIPP, ESQ.
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Attorneys for Mitchell Stipp, Defendant

8
9 **DISTRICT COURT, FAMILY DIVISION**
CLARK COUNTY

10 CHRISTINA CALDERON,
11 Plaintiff,

12 v.

13 MITCHELL STIPP,
14 Defendant.

Case No.: D-08-389203-Z

Dept. No.: H

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

15
16
17 Defendant, by and through his attorneys, and pursuant to the Nevada Rules of Civil Procedure,
18 responds and objects to Plaintiff's requests for the production of documents as follows:

19 **PRELIMINARY STATEMENT**

20
21 1. Defendant's investigation and development of all facts and circumstances relating to this action is
22 ongoing. These responses and objections are made without prejudice to, and are not a waiver of,
23 Defendant's right to rely on other facts or documents at trial.
24

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

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

11 **GENERAL OBJECTIONS**

12
13 1. Defendant objects to the definition of "you" to the extent that "you" includes any person or entity
14 other than Mitchell Stipp.

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

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

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

22 **REQUEST NO. 1:**

23 Please produce copies of any and all emails and/or other written correspondence between you
24

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

5 **RESPONSE NO. 1:**

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

13 **SUPPLEMENTAL RESPONSE NO. 1:**

14 Defendant offers Bates Stamps DEF 000001-000003 and DEF 001130-001133 in response to
15 Request No. 1.

16 **REQUEST NO. 2:**

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

19 **RESPONSE NO. 2:**

20 Objection. The communications between Defendant and Mia Stipp and Amy Stipp and Mia
21 Stipp are private and confidential. See Stipulation and Order, filed on July 9, 2014 (Section F (page 7)
22 (no recordings) and Section L, paragraph 13 (page 11) (requirement to "respect the children's privacy
23 and relationship with the other parent")).
24

1 **SUPPLEMENTAL RESPONSE NO.2:**

2 Defendant has no emails, text messages and/or written correspondence between Defendant and
3 Mia Stipp responsive to this request.

4 **REQUEST NO. 3:**

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

7 **RESPONSE NO. 3:**

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

12 **SUPPLEMENTAL RESPONSE NO.3:**

13 Defendant has no emails, text messages and/or written correspondence between Defendant and
14 Ethan Stipp responsive to this request.

15 **REQUEST NO. 4:**

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

18 **RESPONSE NO. 4:**

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

22 **SUPPLEMENTAL RESPONSE NO. 4:**

23 Defendant offers Bates Stamps DEF 001134-001170 in response to Request No. 4.
24

1 **REQUEST NO. 5:**

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

4 **RESPONSE NO. 5:**

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

8 **SUPPLEMENTAL RESPONSE NO. 5:**

9 Defendant offers Bates Stamps DEF 001192-001194 in response to Request No. 5.

10 **REQUEST NO. 6:**

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

13 **RESPONSE NO. 6:**

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

17 **SUPPLEMENTAL RESPONSE NO. 6:**

18 Defendant offers Bates Stamps DEF 001224 in response to Request No. 6.

19 **REQUEST NO. 7:**

20 Produce any and all written statements, reports, cards, documents provided to third parties
21 involving Plaintiff and her relationship with her children or the subject of this litigation since August 23,
22 2019. This shall include without limitation, pleadings, affidavits, statements, police reports, emails, and
23 text messages.

1 **RESPONSE NO. 7:**

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

4 **SUPPLEMENTAL RESPONSE NO. 7:**

5 Defendant offers Bates Stamps DEF 001171-001224 in response to Request No. 7.

6 **REQUEST NO. 8:**

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

10 **RESPONSE NO. 8:**

11 Defendant has no documents responsive to this request.

12 **REQUEST NO. 9:**

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

16 **RESPONSE NO. 9:**

17 Objection. The request is vague, ambiguous, and overbroad because the term "disseminate" and
18 phrase "third parties" are not defined. For purposes of Defendant's response to this request, Defendant
19 will assume that "disseminate" has the meaning normally ascribed to it (i.e., to spread widely) and "third
20 parties" are individuals other than Plaintiff, Defendant, Amy Stipp, Mia Stipp, Ethan Stipp, or Mitchell
21 Stipp, Jr. Accordingly, Defendant has no documents responsive to this request. Notwithstanding the
22 foregoing, all communications (including audio/video records) exchanged between Defendant and
23
24

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

3 **SUPPLEMENTAL RESPONSE NO. 9:**

4 Defendant offers the audio and video files disclosed as part of Defendant's disclosures e-served on
5 January 13, 2020 in response to Request No. 9.

6 **REQUEST NO. 10:**

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

9 **RESPONSE NO. 10:**

10 Defendant has no documents responsive to this request.

11 **REQUEST NO. 11:**

12 Please produce any and all employment agreement between you and Martha Hernandez and/or
13 Gerardo Hernandez.

14 **RESPONSE NO. 11:**

15 Defendant has no documents responsive to this request.

16 **REQUEST NO. 12:**

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

20 **RESPONSE NO. 12:**

21 Objection. The request is overly broad and unduly burdensome on its face because it uses th
22 omnibus term "relating to" to modify "financial payments." The phrase "financial payments" is also n
23 defined but appears to include a general category or broad range of documents or information (i.
24

1 cancelled checks, receipts, charges, proof of payments made whatsoever). See Krause v. Nevada Mut.
2 Ins. Co., No. 2:12-CV-00342-JCM, 2014 WL 496936, at *5 (D. Nev. Feb. 6, 2014) aff'd, No. 2:12-CV-
3 342 JCM CWH, 2014 WL 3592655 (D. Nev. July 21, 2014) (citing Dauska v. Green Bay Packaging
4 Inc., 291 F.R.D. 251 (E.D. Wisc. 2013)).

5 **SUPPLEMENTAL RESPONSE NO. 12:**

6 Defendant has no documents responsive to this request.

7 **REQUEST NO. 13:**

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

10 **RESPONSE NO. 13:**

11 Objection. The question invades Defendant's right of privacy, is impermissibly overbroad and,
12 therefore, oppressive, burdensome, and irrelevant to the subject matter of this action in that it seeks
13 disclosure of personal and private information.

14 **SUPPLEMENTAL RESPONSE NO. 13:**

15 Defendant has no records responsive to this request.

16 **REQUEST NO. 14:**

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

19 **RESPONSE NO. 14:**

20 Objection. The request is vague, ambiguous, and overbroad because the phrase "cellular
21 telephone statements" is not defined. For purposes of Defendant's response to this request, Defendant
22 will assume that "cellular telephone statements" mean billing statements from a wireless carrier in the
23 name of Mia Stipp or Ethan Stipp. Accordingly, Defendant has no documents responsive to this request.

1 ///

2 **SUPPLEMENTAL RESPONSE NO. 14:**

3 Defendant has no cellular telephone statements responsive to this request.

4 **REQUEST NO. 15:**

5 Please provide copies of any and all documents which you used or referenced to in answering the

6 Interrogatories which were served concurrently with these Requests.

7 **RESPONSE NO. 15:**

8 Defendant has no documents responsive to this request.

9 **REQUEST NO. 16:**

10 Please provide written verification from any and all physicians and/or mental health professional

11 with whom you and/or Mia and/or Ethan have been treated for the past year as to your and their current

12 medical status and any and all prescription medications you and or they are taking, and any specific

13 diagnoses/prognoses regarding any medical and/or mental health conditions which you and/or they are

14 currently suffering or have or may have suffered in the past year. *(Copy of Authorization for the same*

15 *is served contemporaneously herewith for your execution).*

16 **RESPONSE NO. 16:**

17 Objection. The request is vague, ambiguous, and overbroad because the phrase "written

18 verification" is not defined. For purposes of Defendant's response to this request, Defendant will

19 assume that "written verification" means a written medical history and physical examination prepared

20 by a medical professional which contains the scope of the information described in this request. A

21 medical records of Defendant and Amy Stipp are private, confidential and privileged. See Chapter 4

22 of Nevada Revised Statutes, and HIPPA (and its rules and regulations). Plaintiff has confirmed th

23 Defendant is a fit parent in her deposition on January 7, 2020. Defendant's medical status is not at is

1 in this case. Therefore, such written verifications are not relevant. Plaintiff has access to all medical
2 records of Mia Stipp and Ethan Stipp as a joint legal custodian. If requested or needed, Defendant will
3 complete and sign a release for medical records of Mia Stipp and Ethan Stipp.

4 **SUPPLEMENTAL RESPONSE NO. 16:**

5 Defendant has no written verifications responsive to this request.

6 **REQUEST NO. 17:**

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

11 **RESPONSE NO. 17:**

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

16 **SUPPLEMENTAL RESPONSE NO. 17:**

17 Defendant offers Bates Stamps DEF 001225-001226 in response to Request No. 17.

18 **REQUEST NO. 18:**

19 Provide any and all text messages from you and/or your wife to the children since August 23,
20 2019 evidencing encouragement for them to have contact with Plaintiff. Ensure that the text messages
21 are complete, dated and to comply with the Rule of Best Evidence.

22 **RESPONSE NO. 18:**

23 Objection. The request is argumentative. The communications between Defendant, Amy Stipp,
24

1 Ethan Stipp and Amy Stipp are also private and confidential. See Stipulation and Order, filed on July 9,
2 2014 (Section F (page 7) (no recordings) and Section L, paragraph 13 (page 11) (requirement to “respect
3 the children’s privacy and relationship with the other parent”)).

4 **SUPPLEMENTAL RESPONSE NO. 19:**

5 Defendant has no text messages responsive to this request.

6 Dated: January 31, 2020

7 **RADFORD J. SMITH, CHARTERED**

8 /s/ Radford J. Smith

9 RADFORD J. SMITH, ESQ.

10 Nevada Bar No. 2791

2470 St. Rose Parkway

11 Henderson, Nevada 89074

Telephone: 702.990.6448

rsmith@radfordsmith.com

Attorneys for Defendant

CERTIFICATE OF SERVICE

I served the foregoing document on this 30th day of January, 2020, using the electronic filings system of the clerk of the court, to all interested parties as follows:

Valerie Fujii
Christina Calderon

/s/ Courtney Janson
An employee of Radford J. Smith, Chtd.

From: Mitchell Stipp
<mstipplv@gmail.com>
To: pdfconvert@pdfconvert.me
Subject: Fwd: Mia and Ethan Stipp
Date: Fri, 31 Jan 2020 14:33:15 -0800

To file.

Best Regards,
Mitchell and Amy Stipp
mstipplv@gmail.com
Mitchell: 702-378-1907
Amy: 702-277-6537

----- Forwarded message -----
From: Vanessa Childs <vanessa.childs@flhsemail.org>
Date: Tue, Jan 28, 2020 at 8:59 AM
Subject: Mia and Ethan Stipp
To: <MSTIPPLV@gmail.com>
Cc: Carol Neal <nealc@flhsemail.org>

Good Morning Mr. Stipp,

We have been informed by Ms. Calderon that she is not going to be financially responsible for tuition and fees for Mia and Ethan for the upcoming school year (2020-2021). Currently, we have the contracts in her name. Would you like for us to remove her name and add you as the responsible signers for them? This would make you fully responsible for tuition and fees for the 2020-2021 school year.

The contracts have been available since November with a \$100 re-enrollment discount if they are signed by 1/31/20. The contracts will still be available after 1/31/20, but the re-enrollment fee will be the regular \$500 fee.

Please let us know how you would like to proceed.

Thank you,

Vanessa

--

Vanessa Chids
Student Financial Systems Manager
Faith Lutheran Middle School & High School
vanessa.chids@fhsema.org
Phone: 702-804-4457
Fax: 702-804-4490

From: Mitchell Stipp <mstipplv@gmail.com>
To: pdfconvert@pdfconvert.me
Subject: Fwd: Mia Stipp Re-enrollment 2020-2021
Date: Fri, 31 Jan 2020 14:32:24 -0800

To File.

Best Regards,
Mitchell and Amy Stipp
mstipplv@gmail.com
Mitchell: 702-378-1907
Amy: 702-277-6537

----- Forwarded message -----
From: Carol Neal <nealc@flhsemail.org>
Date: Tue, Jan 28, 2020 at 9:08 AM
Subject: Re: Mia Stipp Re-enrollment 2020-2021
To: mstipplv@gmail.com <mstipplv@gmail.com>

Mr. Stipp,
I have made you the responsible signer in Crusader Connect. You should now see the contracts for Ethan and Mia when you log into Crusader Connect.

Log in and at the top of the page you should see a yellow bar that says you have one or more contracts to accept. Click on that and follow the prompts. Please contact me if you have any questions.

Carol

On Fri, Jan 24, 2020 at 1:34 PM mstipplv@gmail.com <mstipplv@gmail.com> wrote:
Hello Ms. Neal:

I would like to re-enroll my daughter for next year, unfortunately, I have not been successful in finding the correct place to do it on crusader connect. Would you be able to help me for both my daughter and son. Any information is greatly appreciated.

Thank you,

Page 63 of 169

DEFENDANT NO: 6041132

Mitchell & Amy Stipp
10120 W. Flamingo Rd.
Suite 4-124
Las Vegas, NV 89147
702.378.1907 (Mitchell)
702.277.6537 (Amy)

Sent from my iPhone

--

Thank you
Carol Neal
Registrar
Faith Lutheran Middle School & High School

From: Mitchell Stipp
<mstipp@stipplaw.com>
To: PDF <pdfconvert@pdfconvert.me>
Subject: Fwd: Calderon v. Stipp
Date: Fri, 31 Jan 2020 14:48:36 -0800



Mitchell Stipp
Law Office of Mitchell Stipp
T: 702.602.1242 | M: 702.378.1907
E: mstipp@stippaw.com | www.stippaw.com

----- Forwarded message -----
From: Mitchell Stipp <mstipp@stipplaw.com>
Date: Fri, Aug 30, 2019 at 10:33 AM
Subject: Re: Calderon v. Stipp
To: Nicolas Ponzo <nponzo1@hotmail.com>

Thank you for your reply.

I hope Christina will agree to allow you to help. If not, I understand. Christina's attorney emailed me late yesterday and withdrew her consent to your involvement. I assume your call to her prompted the email, but it is not clear. I think she will listen to you. Her advice from her lawyer seems terrible.

Let me know if you hear anything from Christina.



Mitchell Stipp
Law Office of Mitchell Stipp
T: 702.602.1242 | M: 702.378.1907
E: mstipp@stippaw.com | www.stippaw.com

On Fri, Aug 30, 2019 at 10:28 AM Nicolas Ponzo <nponzo1@hotmail.com> wrote:

Hello,

After reviewing your email I was not sure if there is some determination or agreement that I have a role in this matter. If so, I suppose it has not been clarified yet what my role may be. I

DEFENDANT NO. 0041134

sent a message to Christina to let her know that you sent me an email with some attachments and to inquire with her what her understanding of my role could be. I received a message back that she will be getting in touch with me to advise me of in what capacity or form I may be of some assistance.

Nicolas Ponzo, BA (Phil.), BA (Psych.),
MSW (Cln.), LCSW, M.ED (Psych.)
Diplomate, DCSW, NASW
Psychotherapy , Consulting

10161 Park Run Drive,
Suite 150,
Las Vegas, Nevada, 89145

Tel. 702.248.1169
Fax 702.515.7413
nicolasponzo.com

From: Mitchell Stipp <mstipp@stippilaw.com>
Sent: Thursday, August 29, 2019 9:40 AM
To: Nicolas Ponzo
Subject: Fwd: Calderon v. Stipp

See below.

I hope you are doing well and are available to help. Both children refuse to return to Christina's care. Mia has been in two physical fights with Christina. The last one occurred on August 13. Christina insists that I force the children to go with her. However, I have concerns about doing that. First, I am not comfortable using physical force. Two, I am concerned that Mia and Christina will fight again. Three, the kids are affected by Christina's decision to call the police, involve their school, Ethan's baseball coach, and Mia's music instructor. And finally, I do not want my relationship with the children to be impacted by becoming an instrument of Christina's leverage (e.g., I do not want to betray the kids given their concerns).

I am not interested in depriving Christina of parental rights. I want Christina and the children to have a good relationship. I have attached the recent filings in this case and Mia's conversation with Christina. Christina's lawyer, Valerie Fujil, seems to think I have done something wrong with the audio recording. Amy (my wife) recorded the incident between Mia and Christina on Friday, August 23 when Mia refused to transition into Christina's care. I have

attached that recording for your reference as well. I think Mia was brave to confront Christina about these issues. Christina even recognized how brave Mia was. I am still confused how this makes me a bad parent with mental health issues.

As a mental health service provider, you have the most experience dealing with Christina and the children while they are in her care. When there have been disputes before, you were a voice of reason. **I am not looking for litigation support** I am hopeful that you can meet with us (including Christina) and help de-escalate the matter. I tried to do that with Valerie but after our call she sent the emails below. I understand she has to represent her client, but all to often family lawyers forget that they should do more to resolve issues rather than perpetuate conflict. In this regard, you may be helpful educating Christina's attorney on the dynamics so that she does not continue to approach the matter with the strategy which will only lead to more conflict and harm to the children. For example, sending this email/fax to the children's school seems behind inappropriate.

Valerie has stipulated to your involvement below (highlighted in red). Let's talk about if you can help and what you propose are the next steps.



Mitchell Stipp

Law Office of Mitchell Stipp

T: 702.602.1242 | M: 702.378.1907

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

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

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

Date: Thu, Aug 29, 2019 at 7:00 AM

Subject: Re: Calderon v. Stipp

To: Valarie Fujii <val@fujiiawlv.com>

Cc: <theresa@fujiiawlv.com>, vip@fujiiawlv.com <vip@fujiiawlv.com>

Again, I do not see what you see which is clearly your client's position. You are not objective. I did not record the audio file (not video). My wife, Amy, did. Mia was NOT aware of it. For the record, I don't disagree with it. At least I have a record of what occurred. Without it, your client would have denied Mia her moment. Your client clearly stated how brave Mia was. That to me undermines any position that she was coached. Mia is a straight A student. She is not the drug addict you assumed she was during our call. If Mia said to me, I'm tired of you threatening me and I don't want get into physical fights, I would say to Mia— what are you talking about? Why are you saying these things? Personally, I think it was a good moment for Mia. I'm very proud of Mia for communicating directly to your client about her feelings.

If you or your client have concerns about Mia's welfare or my parenting, I think that supports an interview at FMC. To continue to deny your client's behavior does not help. As I told you yesterday, an apology to Mia would go a long way. Instead, your client prefers to deny her bad behavior and your strategy is to attack me personally. That to me seems like more harm to Mia and infinite litigation. I don't think anyone will believe I fabricated two physical fights during which your client contacted me for help. How does that make sense?

Thank you for your agreement below. I will reach out to Nick. I'm happy to meet with him and your client to discuss the events and obtain his advice. You will find that Nick Ponzo is fully aware of the dynamics in your client's home. Nick has never had concerns with my parenting and is aware of Mia's feelings.



Mitchell Stipp

Law Office of Mitchell Stipp

T: 702.602.1242 | M: 702.378.1907

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

On Aug 28, 2019, 9:30 PM -0700, Valarie Fujii , wrote:

I'll stipulate to send that video you sent me to Nic Ponzoor any mental health professional that works with children.

Valarie I. Fujii, Esq.

"Justice for All"

VALARIE I. FUJII & ASSOCIATES

704 S. Sixth St.

Las Vegas, Nevada 89101

Phone: (702) 341-6464

Facsimile: (702) 734-6464

VIP@fujiiilawlv.com

On Aug 28, 2019, at 6:57 PM, Mitchell Stipp <mstipp@stippaw.com> wrote:

Thank you for the email response. I was hoping for a returned call. I tried calling your mobile phone after receipt of your email below, but I got your voicemail.

Please note the following:

Page 68 of 169

DEFENDANT NO: 0041107

1. I did not admit during our call on August 27 that I am violating any court order. As the filing in this case explains, neither children want to return to your client's care. The primary reason is the emotional blackmail by your client and the physical violence between Christina and Mia. To address this issue, I filed a motion as requested by your client. The matter was also addressed by law enforcement. The police department made it very clear upon its investigation on August 23, 2019 that the children can and should remain in my care.
 2. Your client threatened to forcibly remove the children from school. She threatened to send police to Ethan's baseball practice on August 24. She cancelled Mia's music lessons on August 26. I met with FLA on August 26 to avoid any scenario which would cause harm and/or embarrassment to the children. I did not want the children pulled from class and threatened by your client. Given your client's behavior, I think my decision was reasonable.
 3. I think you view the audio incorrectly. Your client specifically commented that Mia was brave for having the courage to confront your client about the emotional abuse and physical violence. Why would she do that? It was Christina who threatened to call the police and advise that I would be in trouble if I did not force Mia into your client's car. I normally do not record these events, but my wife thought it made sense under the circumstances. The fact that you agree that Judge Ritchie should hear it and/or review a transcript is appreciated.
 4. The court order actually provides that Friday is my timeshare. However, I am happy to meet with Christina with the children. Although the children do not want to be with her, I have no problem facilitating a supervised visit. Sending Christina to the children's school again makes very little sense.
 5. You advised during our call yesterday for me to encourage the children to respond to your client's calls and texts. I did that. You indicated that Christina and I should work to resolve the dispute. I have reached out multiple times to your client to resolve the case.
- I am disappointed in the content and tone of your email below. I will address it with the court.



Mitchell Stipp

Law Office of Mitchell Stipp

T: 702.602.1242 | M: 702.378.1907

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

On Wed, Aug 28, 2019 at 6:21 PM <theresa@fujii.law.lv.com> wrote:

The following was dictated by Attorney Valarie Fujii:

Pursuant to our conversation yesterday, August 27, 2019, I expected the immediate return of the children as you "clearly admit" you are purposely violating a court order without justification or meritorious grounds. Your actions warrant NRCP Rule 11 sanctions as you are an Officer of the Court.

Meeting with school officials and asking them to assist in facilitating abduction is a punishable crime and a felony. Seeking their clarification that they won't "make your children go" still equates to intervention and violation of a Court Order.

I am alarmed by the audio that you sent of the conversation between your daughter, Christina and you, which so clearly evidences parental alienation and pathogenic parenting that I am concerned for Mia's welfare. I am astonished that you sent me the audio at all, that you actually believed that it was favorable to you. This audio must be heard by the judge, and/or he should read a transcript of the same, and I will be requesting that you undergo a psychological evaluation.

I am instructing Christina to pick up the children on Friday according to the Court Order. You will not be present. You will not coach the children. You will not interfere with Christina's timeshare. If the children are not in school on Friday, we will call the police and demand Rule 11 sanctions in our Motion for an Order to Show Cause, as you are an Officer of the Court.

cc: Faith Lutheran School via facsimile

Theresa Locklar, Paralegal

Valarie I. Fujii, Esq.

VALARIE I. FUJII & ASSOCIATES

704 South Sixth Street

Las Vegas, Nevada 89101
Theresa's Cell: (702) 292-9034
Phone: (702) 341-6464
Facsimile: (702) 734-6464

PRIVILEGED AND CONFIDENTIAL: The information contained in this e-mail is from VALARIE I. FUJII & ASSOCIATES, a law firm which may be confidential and may also be attorney-client privileged. The information is intended for the use of the individual or entity to whom it is addressed and others who have been specifically authorized to receive it. If you are not the intended recipient, or have received this e-mail in error, you are hereby instructed to return this e-mail to the sender unread and delete it from your inbox and recycle bin. You are hereby notified that any disclosure, dissemination, distribution, use or copying of the contents of this information is strictly prohibited.

----- Original Message -----

Subject: Calderon v. Stipp
From: Mitchell Stipp <mstipp@stippaw.com>
Date: Wed, August 28, 2019 12:38 pm
To: "vip@fujiiawlv.com" <vip@fujiiawlv.com>

Valerie:

Attached is the audio recording of Mia's conversation with Christina Calderon on 8/23 when Christina came to my house to pick her up.

I left you a message today. Per our discussion, I encourage both kids to call or text with Christina. I will follow up today to determine if they have done so. I'm not withholding the children or prohibiting them from communicating with your client.

I am hopeful we can work together to find common ground without protracted litigation.



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@stippaw.com | www.stippaw.com

DEFENDANT NO: 0041149

From: Mitchell Stipp
<mstipp@stippaw.com>
To: PDF <pdfconvert@pdfconvert.me>
Subject: Fwd: Family Counseling
Date: Fri, 31 Jan 2020 15:00:57 -0800



Mitchell Stipp
Law Office of Mitchell Stipp
T: 702.602.1242 | M: 702.378.1907
E: mstipp@stippaw.com | www.stippaw.com

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

From: Mitchell Stipp <mstipp@stippaw.com>
Date: Wed, Oct 2, 2019 at 10:49 AM
Subject: Re: Family Counseling
To: Nicolas Ponzo <nponzo1@hotmail.com>

1130 works.



Mitchell Stipp
Law Office of Mitchell Stipp
T: 702.602.1242 | M: 702.378.1907
E: mstipp@stippaw.com | www.stippaw.com

On Tue, Oct 1, 2019 at 11:22 PM Nicolas Ponzo <nponzo1@hotmail.com> wrote:
On Friday I have 11:30 or 12:45.

Nicolas Ponzo, BA (Phil.), BA (Psych.),
MSW (Clin.), LCSW, M.ED (Psych.)
Diplomate, DCSW, NASW
Psychotherapy , Consulting

10161 Park Run Drive,
Suite 150,

Page 72 of 169

DEFENDANT NO. 0041149

Las Vegas, Nevada, 89145

Tel. 702.248.1169
Fax 702.515.7413
njcolasponzo.com

From: Mitchell Stipp <mstipp@stippaw.com>
Sent: Tuesday, October 1, 2019 1:19:45 PM
To: Nicolas Ponzo <nponzo1@hotmail.com>
Subject: Fwd: Family Counseling

Nick—

I am following up on the emails below. Judge Ritchie ordered that Christina continue to use you for family counseling with my involvement. The court would like me to use my best efforts to encourage the children to return to Christina's care this weekend. Christina indicated in court today that you have availability to meet before Friday. I would like to meet with you to discuss the on-going issues and get your advice on the transition. I'm happy to meet with you and Christina and/or the children.

I look forward to hearing from you.



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@stippaw.com | www.stippaw.com

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

Date: Sep 27, 2019, 3:23 PM -0700
To: Radford Smith <rsmith@radfordsmith.com>

Valarie,
Thank you for engaging in discussion with me regarding the Stipp/Calderon case. As I indicated in our first conversation, my understanding from my first discussion with Mitch was that he wanted Christina to attend family therapy to work out the issues with the children. That was the course Mitch has suggested since before the filing of your motion for an OSC. As I indicated, the notion of family therapy was something that was contemplated by the parties when they entered the stipulation in 2014. The agreement
DEFENDANT NO. 0041142

gave each party the right to engage in family therapy without the consent of the other party, but with notice, provision of information, and permission to participate in the counseling. See *Stipulation and Order* filed July 9, 2014 at page 13, lines 15-25. The reason for that stipulation was the parties' recognition that resolving matters through litigation was expensive, slow, uncertain, and frustrating. At the settlement conference with Mr. Willick leading to the stipulation, both counsel (Marshal and I) and the clients all agreed that counseling was a better way to go. I don't see a reason why counseling wasn't the immediate course here to address the children's refusal to go into Christina's care. Even if Christina's position was that this was all caused by Mitch, it would be better for her to go to counseling and have dialogue with the children and the adults in front of a therapist.

So, that's why I reached out to you immediately upon entering the case to recommend that the parties and the children go to counseling. The parties had previously chosen Nick Ponzo. I don't know Mr. Ponzo, but I have heard many good things about him. You indicated that you had experience with Mr. Ponzo, and that you thought he did a good job. Having a good therapist in family counseling is a good way to resolve issues without the court intervention, and I proposed that we go that course instead of what will inevitably be multiple hearings on the motions and the management of the case, and then an evidentiary hearing. The cost of all that will be substantial, and I, like Mitch had done earlier, suggested we continue the October 1 hearing and proceed to counseling. I even suggested that we see if we could get a counseling session or sessions in before the first (unlikely now) to see if the parties could resolve the dispute. You indicated to me that you would talk to Christina about this, and you did.

Today though, you sent a text message and an email to me suggesting that Mr. Ponzo do a "brief focused assessment" and that he be limited in what he could review. It appears that what you're suggesting is a forensic review, but that cannot be done by Mr. Ponzo in this case because 1) he has already provided family therapy, and 2) it is prohibited by the 2014 Stipulation and Order. Mr. Willick, who drafted that document, did a good job distinguishing family therapy from a forensic review under what was then EDCR 5.12 (now 5.305). The order expressly states that consent to do family counseling was not consent to a forensic evaluation under 5.305. The order states, in sum, that anything done by the family therapist would be confidential, except for things that would trigger mandatory reporting. The reason for this was to allow the parties and children to feel that they could say and present anything to try to get to a resolution of the issues that prompted the counseling. Both Mitch and I proposed counseling so that both parties and the children could express all of their concerns and thoughts to allow the therapist to review the communication, and guide the parties and children to engage with each other in a manner that resolves, or at least lessens, the existing problems. I have specifically not characterized those problems when discussing the family counseling because, to me, the process isn't about assessing blame, but instead about helping the parties and the children get through whatever it is that results in the children refusing to go with Christina. It is because of my desire to make this neutral that I

suggested that the parties divide the costs of the counseling of the children, or the sessions in which both parties attend (if it is a private session with Mr. Ponzo, I would propose that the party having the private session be responsible for that cost.) You indicated to me that you would be proceeding with the October 1 hearing, and continue to seek an OSC. That is a very different matter, and completely separate from our request for family counseling. Proceeding through litigation will be much more complicated, and my position regarding the facts of this case will be very pointed as an advocate. For now, however, I will not address that aspect of the case because I don't want to blur the lines of the request for family counseling. I will address the motions separately. So, in sum, Mitch very much wants the parties to engage in private, confidential family counseling with Mr. Ponzo (not an assessment) with the goal of fixing the problems that exist, and he is willing to pay consistent with what I have indicated above. Each party will be free to provide to Mr. Ponzo whatever information they believe will help Mr. Ponzo give advice and counsel. Please let me know how Christina would like to proceed.

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

****NOTICE****

This message is intended for the use of the individual or entity to which it is addressed and may contain attorney/client information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by reply email or by telephone (702) 990-6448, and immediately delete this message and all its attachments.

DEFENDANT NO: 0041144

From: Mitchell Stipp
<mstipp@stipplaw.com>
To: PDF <pdfconvert@pdfconvert.me>
Subject: Fwd: Calderon/Stipp
Date: Fri, 31 Jan 2020 15:02:55 -0800



Mitchell Stipp
Law Office of Mitchell Stipp
T: 702.602.1242 | M: 702.378.1907
E: mstipp@stippaw.com | www.stippaw.com

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

From: Mitchell Stipp <mstipp@stipplaw.com>
Date: Tue, Oct 29, 2019 at 3:34 PM
Subject: Re: Calderon/Stipp
To: Nicolas Ponzo <nponzo1@hotmail.com>

Mia is on second floor outside doors.

On Mon, Oct 28, 2019 at 11:44 AM Nicolas Ponzo <nponzo1@hotmail.com> wrote:
First available is Tuesday (tomorrow) at 3:30 pm.

Nicolas Ponzo, BA (Phil.), BA (Psych.),
MSW (Cln.), LCSW, M.ED (Psych.)
Diplomate, DCSW, NASW
Psychotherapy , Consulting

10161 Park Run Drive,
Suite 150,
Las Vegas, Nevada, 89145

Tel. 702.248.1169
Fax 702.515.7413
nicolasponzo.com

From: Mitchell Stipp <mstipp@stippplaw.com>
Sent: Monday, October 28, 2019 7:23:59 AM
To: Nicolas Ponzo <nponzo1@hotmail.com>
Subject: Re: Calderon/Stipp

Christina asked me to coordinate with you.

Please advise on your availability this week beginning at 330pm.

On Sat, Oct 26, 2019 at 12:05 PM Nicolas Ponzo <nponzo1@hotmail.com> wrote:

There is no schedule of sessions. I believe that you may need to speak with Christina or you will be hearing from her in order to set up a meeting schedule.

Nicolas Ponzo, BA (Phil.), BA (Psych.),
MSW (Clin.), LCSW, M.ED (Psych.)
Diplomate, DCSW, NASW
Psychotherapy, Consulting

10161 Park Run Drive,
Suite 150,
Las Vegas, Nevada, 89145

Tel. 702.248.1169
Fax 702.515.7413
nicolasponzo.com

From: Mitchell Stipp <mstipp@stippplaw.com>
Sent: Saturday, October 26, 2019 10:50:58 AM
To: Nicolas Ponzo <nponzo1@hotmail.com>
Subject: Re: Calderon/Stipp

Thanks. I appreciate update.

On Sat, Oct 26, 2019 at 9:39 AM Nicolas Ponzo <nponzo1@hotmail.com> wrote:
Yes. The plan is setting up appointments for the kids and their mother.

Get Outlook for iOS

DEFENDANT No. 0041149

From: Mitchell Stipp <mstipp@stippaw.com>
Sent: Saturday, October 26, 2019 7:41:46 AM
To: Nicolas Ponzo <nponzo1@hotmail.com>
Subject: Calderon/Stipp

Nick—

I was just checking in. You met with both kids this past week. The kids also had their interview at FMC. If you met with Christina, is there a plan? Please let me know.



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@stippaw.com | www.stippaw.com



Mitchell Stipp
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T: [702.602.1242](tel:702.602.1242) | M: [702.378.1907](tel:702.378.1907)
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E: mstipp@stippaw.com | www.stippaw.com

DEFENDANT NO: 0001147

From: Mitchell Stipp
<mstipp@stippaw.com>
To: PDF <pdfconvert@pdfconvert.me>
Subject: Fwd: Hearing on Nov 12
Date: Fri, 31 Jan 2020 14:54:06 -0800



Mitchell Stipp
Law Office of Mitchell Stipp
T: 702.602.1242 | M: 702.378.1907
E: mstipp@stippaw.com | www.stippaw.com

----- Forwarded message -----
From: **Mitchell Stipp** <mstipp@stippaw.com>
Date: Thu, Nov 14, 2019 at 4:41 PM
Subject: Hearing on Nov 12
To: Nicolas Ponzo <nponzo1@hotmail.com>

The court set the matter for trial on January 23.

Christina does not agree to admit the child interviews or disclose them to you.

The children will testify.

Court has encouraged Christina to repair her relationships and see kids as much as she can.

We should discuss reunification therapy in light of trial. Preparing for trial seems to conflict.

--



Mitchell Stipp
Law Office of Mitchell Stipp
T: 702.602.1242 | M: 702.378.1907
E: mstipp@stippaw.com | www.stippaw.com

DEFENDANT NO: 7041148

From: Mitchell Stipp
<mstipp@stipplaw.com>
To: PDF <pdfconvert@pdfconvert.me>
Subject: Fwd: Visitation
Date: Fri, 31 Jan 2020 15:03:42 -0800



Mitchell Stipp
Law Office of Mitchell Stipp
T: 702.602.1242 | M: 702.378.1907
E: mstipp@stippaw.com | www.stippaw.com

----- Forwarded message -----
From: Mitchell Stipp <mstipp@stipplaw.com>
Date: Sat, Dec 7, 2019 at 2:20 PM
Subject: Re: Visitation
To: Nicolas Ponzo <nponzo1@hotmail.com>

Thanks for the email. I appreciate you meeting with Christina.

I want to note that I allowed Christina to come to my home every day after work at 530pm because she complained that she was not seeing the kids. When Christina and I met with you a few weeks back, I made it very clear that the kids would honor any arrangements they made with Christina. However, I need to be informed to facilitate. To date, I have facilitated one exchange each with the children. Christina has NOT asked me to facilitate any time with the children. The offer for daily contact seemed like the best option under the circumstances.

To be clear, my suggestion of seeing the kids daily was not the only option. I thought it would be good to see the kids even if they decided not to go out with her. I did not understand my role (especially in light of Christina's complaints of interference) to schedule the times, dates, and circumstances of the time they spend together. I'm in a difficult spot because the kids don't want to live with Christina (for valid reasons), and Christina only wants what she wants on her terms. If Christina believes your advice is the right path, I have no objection.

I will continue to do my best to help. I'm concerned Christina does not really intend to make changes. I will forward you a separate email chain from this morning. You can address it in therapy.

Thanks for your time. Have a nice weekend.

DEFENDANT No. 0041149



Mitchell Stipp

Law Office of Mitchell Stipp

T: 702.602.1242 | M: 702.378.1907

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

On Dec 6, 2019, 6:45 PM -0800, Nicolas Ponzo nponzo1@hotmail.com>, wrote:

In meeting with Christina, we discussed the importance of addressing parenting choices and style as they impact the issues and the quality of the relationship between her and the children.

Christina presented an open attitude and is receptive to guidance and feedback in how to appeal to the children to address their frustrations and create acknowledgment. She is open to giving assurances of providing more effective communication in a parenting style that suits their relationship at this stage and at the children's age and stage of development.

I have discussed with both parents the importance of creating opportunities where visitation and experiences take place that promote building a more comfortable and trusting and deeper relationship.

The importance of contact and visitation cannot be underestimated in its value. It is important to create opportunities for the children and their mother at this stage of the relationship in order to fulfill goals for maintaining the mother and children relationship and ensure a role for the mother in the children's development.

It has been understood by both parents that there is a desire to avoid protracted litigation and the uncertain outcomes of the court process. Therefore, it is important to reinforce the importance of maintaining and fulfilling a schedule of contact as part of the current therapy plan.

The father has pledged to reinforce contact and meaningful time and interaction. This position of authority is important in order to facilitate the enhancement and changes that have been highlighted and agreed-upon as current goals. Therefore, working strategically and cooperatively is important for the parents, and choosing times and locations that will work as opposed to create more tension or child resistance is necessary.

DEFENDANT NO: 0041139

If the children are not given information in advance and instructed to be ready and attentive to the plan, then the supportive role of the father is an effective one and an empty experience creating more resistance and empowerment for the children.

Setting up opportunities at the home while the children are comfortable and not ready, and enabling the children to ultimately make a choice in front of the house is a poor and ineffective choice that predictably creates failure and does not fulfill the mutual goal and agreement.

I recommend that times be set regularly and the children are dropped off at various locations of interest or the mothers home, as they provide good opportunities for interaction.

The father should be the facilitator and transporter. It is necessary to avoid the dynamic of placing the children in the middle where they can assert their resistance.

This is a poor model and a poor effort at demonstrating to the children that the parents are in agreement as to the importance of a relationship between them and their mother.

Nicolas Ponzio, BA (Phil.), BA (Psych.),
MSW (Clin.), LCSW, M.ED (Psych.)
Diplomate, DCSW, NASW
Psychotherapy , Consulting

10161 Park Run Drive,
Suite 150,
Las Vegas, Nevada, 89145

Tel. 702.248.1169
Fax 702.515.7413
nicolasponzo.com

From: Mitchell Stipp
<mstipp@stippaw.com>
To: PDF <pdfconvert@pdfconvert.me>
Subject: Fwd: Discovery By Christina Calderon
Date: Fri, 31 Jan 2020 14:56:19 -0800



Mitchell Stipp
Law Office of Mitchell Stipp
T: 702.602.1242 | M: 702.378.1907
E: mstipp@stippaw.com | www.stippaw.com

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

From: Mitchell Stipp <mstipp@stippaw.com>
Date: Thu, Dec 12, 2019 at 6:11 PM
Subject: Discovery By Christina Calderon
To: Nicolas Ponzio <nponzo1@hotmail.com>

Attached are discovery requests by Christina (Requests for Admissions and Requests for Production of Documents).

Please review Request #6 on the Requests for Admissions.
Please review Requests #4's, 9 and 12 on the Requests for Production of Documents.

If you have a moment, let's have a brief call to discuss.



Mitchell Stipp
Law Office of Mitchell Stipp
T: 702.602.1242 | M: 702.378.1907
E: mstipp@stippaw.com | www.stippaw.com

1 RFA
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

DISTRICT COURT, FAMILY DIVISION
CLARK COUNTY, NEVADA

12 CHRISTINA CALDERON,
13 Plaintiff,

14 vs.

15 MITCHELL STIPP,
16 Defendant.

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

PLAINTIFF'S FIRST SET OF REQUESTS
FOR ADMISSIONS TO DEFENDANT

17 TO: MITCHELL STIPP, Defendant herein named; and
18 TO: RADFORD SMITH, ESQ., counsel for Defendant.

19 Plaintiff CHRISTINA CALDERON hereby requests that Defendant
20 MITCHELL STIPP make the following admissions within thirty (30) days of t
21 Request in accordance with NRCP 26 and 36:

22 The following definitions apply to each of the Requests for Admission
23 forth herein and are deemed to be incorporated therein.

24
25
26
27

DEFENDANT NO. 0041163

DEFINITIONS

The term "you" as plural or any synonym thereof is intended to and shall include the name of Defendant and all agents, employees, representatives and investigators of Defendant and all others who are in possession of or may have obtained information on behalf of Defendant as the context dictates.

REQUESTS

REQUEST NO. 1:

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

REQUEST NO. 2:

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

REQUEST NO. 3:

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

REQUEST NO. 4:

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

REQUEST NO. 5:

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

REQUEST NO. 6:

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

- 2 -

DEFENDANT NO. 8041164

1 **REQUEST NO. 7:**

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

4 **REQUEST NO. 8:**

5 Admit that you did not provide Plaintiff with a travel itinerary regarding
6 Ethan's trip to Lake Havasu, Arizona, with Gerardo Hernandez in December,
7 2019.

8 **REQUEST NO. 9:**

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

11 **REQUEST NO. 10:**

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

15 **REQUEST NO. 11:**

16 Admit you have never informed the children in the presence of the Plaintiff
17 that they are to adhere to or follow the Court Order.

18 **REQUEST NO. 12:**

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

21 ...

22 ...

1 **REQUEST NO. 13:**

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

4 **REQUEST NO. 14:**

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

7 **REQUEST NO. 15:**

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

10 **REQUEST NO. 16:**

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

13 **REQUEST NO. 17:**

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

16 **REQUEST NO. 18:**

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

19 **REQUEST NO. 19:**

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

22 . . .

23 - 4 -

24 DEFENDANT NO. 0041160

1 **REQUEST NO. 20:**

2 Admit that your inability to comply with the Court-ordered timeshare from
3 August 16, 2019 to the present has been detrimental to the children's relationship
4 with Plaintiff.
5

6 **REQUEST NO. 21:**

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

8 **REQUEST NO. 22:**

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

10 **REQUEST NO. 23:**

11 Admit that Gerardo Hernandez caught Mia jumping out of the bushes at a
12 park with her boyfriend, Joey Lopez, in 2019 while Mia was in your care.
13

14 **REQUEST NO. 24:**

15 Admit that it is not in the best interest of the children to increase your
16 timeshare.
17

18 **REQUEST NO. 25:**

19 Admit that you and your wife have been unable to enforce the Court
20 Ordered visitation since your Motion for teenage discretion was denied at the
21 hearing on October 1, 2019
22

23 **REQUEST NO. 26:**

24 Admit that following the October 1, 2019, hearing, you and/or your wife
25 advised Plaintiff she could take Mia to dinner and get her nails done for
26
27

1 Homecoming, but only if she would agree to concessions in this pending
2 litigation.

3 **REQUEST NO. 27:**

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

6 **REQUEST NO. 28:**

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

9 **REQUEST NO. 29:**

10 Admit that you are aware that the children have blocked Plaintiff's access to
11 their social media accounts.

12 **REQUEST NO. 30:**

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

15 **REQUEST NO. 31:**

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

18 **REQUEST NO. 32:**

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

21

22

23

- 6 -

DEFENDANT No. 0041159

1 **REQUEST NO. 33:**

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

4 **REQUEST NO. 34:**

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

7 **REQUEST NO. 35:**

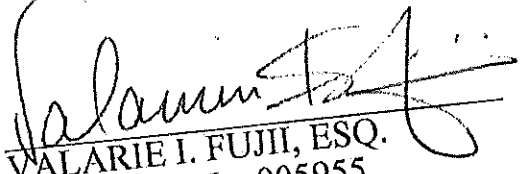
8 Admit that other than Nic Ponzo, you have had no counseling and or
9 therapy since August, 2019.

10 **REQUEST NO. 36:**

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

13 DATED this 10th day of December, 2019.

14 VALARIE I. FUJII & ASSOCIATES

15 
16 VALARIE I. FUJII, ESQ.

17 Nevada Bar No. 005955

18 704 South Sixth Street

19 Las Vegas, Nevada, 89101

20 Attorney for Plaintiff

21 CHRISTINA CALDERON

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 10th day of December 2019, I served a true and correct copy of the above and foregoing *Plaintiff's First Set of Requests for Admissions to Defendant*, via United States Mail, in a sealed envelope, first class postage fully prepaid thereon, addressed as follows:

Radford J. Smith, Esq.
RADFORD J. SMITH, CHTD.
2470 St. Rose Parkway, #206
Henderson, Nevada 89074
Attorney for Defendant
MITCHELL STIPP

Theresa Lockard
An Employee of VALARIE I. FUJII & ASSOCS.

1 **RPD**
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
(702) 341-6464 phone
(702) 734-6464 facsimile
vip@fujii-lawlv.com

7 Attorney for Plaintiff
8 **CHRISTINA CALDERON**

9 **DISTRICT COURT, FAMILY DIVISION**
10 **CLARK COUNTY, NEVADA**

11 CHRISTINA CALDERON,)

12 Plaintiff,)

13 vs.)

14 MITCHELL STIPP,)

15 Defendant.)

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

16
17 **PLAINTIFF'S FIRST SET OF REQUESTS FOR**
18 **PRODUCTION OF DOCUMENTS TO DEFENDANT**

19 TO: MITCHELL STIPP, Defendant herein named; and

20 TO: RADFORD SMITH, ESQ., counsel for Defendant.

21 Plaintiff CHRISTINA CALDERON hereby requests that Defendant
22 MITCHELL STIPP produce the following documentation in accordance with
23 NRCP 26 and 34:

24 It is further requested that Defendant serve a written response hereto within
25 thirty (30) days after service of this request. It is further requested that Defendant
26 produce these documents as they are kept in the usual course of business or shall
27
28

DEFENDANT NO: 0041169

1 organize and label them to correspond with the categories in the request. This
2 request is intended to cover all documents in possession of the Defendant or
3 subject to his custody and control. This request is intended to include all
4 documents as defined herein in the possession, custody or control of Defendant's
5 agents, employees, affiliates, subsidiaries, representatives and all persons acting
6 for Defendant.

7 DEFINITIONS

8
9 The following definitions apply to this Request for Production of
10 Documents:

11 1. "Document" or "documents" mean and include all "originals" and
12 "duplicates" of all manner of "writings," "recordings," and "photographs,"
13 including, without limitation, videotapes, as those terms are defined in Rule 1001
14 of the Federal Rules of Evidence.

15 2. "Communications" mean both written and oral communications
16 involving any type of contact between two or more persons, face-to-face
17 conversations, conferences, meetings and telephone conversations.

18 3. "Relating" or "relate to" means referring to, alluding to, responding
19 to, concerning, connected with, commenting on, in respect of, about, regarding,
20 discussing, showing, memorializing, evidencing, describing, reflecting, analyzing,
21 depicting and constituting.

22 4. "Representative" means officers, employees, directors, management
23 personnel, supervisors, permanent and temporary personnel, agents, advisors,
24

1 servants and any other person representing or purporting to represent in any
2 capacity the person to whom the term is used.

3 5. "Person" or "persons" means natural persons, companies,
4 corporations, associations, partnerships, government entities, joint venture and all
5 other entities similar to the foregoing, however denominated.
6

7 6. All documents called for by this request as to which the Defendant
8 claims a privilege or statutory authority as a ground for non-production shall be
9 listed chronologically as follows: (a) date; (b) title; (c) type of document (e.g.,
10 memorandum, report, charge, etc.); (d) subject matter (without revealing the
11 information as to which privilege or statutory authority is claimed); and (e) factual
12 and legal basis for claim, privilege or specific statutory or regulatory authority
13 which provides the claimed ground for non-production.
14

15 **REQUEST NO. 1:**

16 Please produce copies of any and all emails and/or other written
17 correspondence between you (and/or Amy Stipp) and any Faith Lutheran Middle
18 & High School administrator and/or teacher from December 10, 2016, to the
19 present, including but not limited to High School Principal Scott Fogo, Middle
20 School Principal Sarah Harper, Teacher Brianna Davis, Teacher Melissa Wandell,
21 Teacher Lyndsay Ehrmeling, and Teacher Sandra Youmans.
22

23 **REQUEST NO. 2:**

24 Please produce copies of any and all emails, text messages, and/or other
25 written correspondence between you (and/or Amy Stipp) and Mia from December
26 10, 2017 to the present.
27

28

- 3 -

DEFENDANT No. 0041169

1 **REQUEST NO. 3:**

2 Please produce copies of any and all emails, text messages, and/or written
3 correspondence between you (and/or Amy Stipp) and Ethan from December 10,
4 2017 to the present.
5

6 **REQUEST NO. 4:**

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

11 **REQUEST NO. 5:**

12 Please produce copies of any and all emails, text messages, and/or written
13 correspondence between you (and/or Amy Stipp) and Mauricio ("Mo") Molina
14 from May 1, 2019 to the present.
15

16 **REQUEST NO. 6:**

17 Please produce copies of any and all emails, text messages, and/or written
18 correspondence between you (and/or Amy Stipp) and Connie Warling from May
19 1, 2019 to the present.
20

21 **REQUEST NO. 7:**

22 Produce any and all written statements, reports, cards, documents provided
23 to third parties involving Plaintiff and her relationship with her children or the
24 subject of this litigation since August 23, 2019. This shall include without
25 limitation, pleadings, affidavits, statements, police reports, emails, and text
26 messages.
27
28

1 **REQUEST NO. 8:**

2 Please produce copies of bank statements from Bank of America Account
3 #501022274711, held in the joint names of Amy Stipp and Gerardo Hernandez,
4 used for payment for children expenditures including reimbursements to Plaintiff,
5 specifically for the past three (3) years.
6

7 **REQUEST NO. 9:**

8 For the period of the last three (3) years, please produce copies of any and
9 all audio and/or video that you have disseminated to third parties of either child or
10 both children, including to the police, Nicolas Ponzo, Scott Fogo, etc.
11

12 **REQUEST NO. 10:**

13 Please produce usernames and passwords for each of Mia's and Ethan's
14 social media accounts including, but not limited to Facebook, Instagram,
15 TickTock, Houseparty and SnapChat.
16

17 **REQUEST NO. 11:**

18 Please produce any and all employment agreement between you and Marth
19 Hernandez and/or Gerardo Hernandez.
20

21 **REQUEST NO. 12:**

22 Please produce any and all records relating to financial payments you have
23 made to Nicolas Ponzo from May 1, 2019 to the present. This would include,
24 cancelled checks, receipts, charges, proof of payments made whatsoever.
25

26 ...

27 ...

28 ...

- 5 -

DEFENDANT NO. 0011189

1 **REQUEST NO. 13:**

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

5
6 **REQUEST NO. 14:**

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

9 **REQUEST NO. 15:**

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

13
14 **REQUEST NO. 16:**

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

23
24 **REQUEST NO. 17:**

25 Please produce any and all documents detailing the attorney's fees, expert
26 fees, and costs incurred to date by you in this action. This request includes, but
27

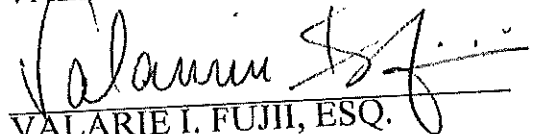
1 not limited to, all billing statements from your attorney reflecting fees and costs
2 incurred and all payments made by you or on your behalf to your attorney.

3 **REQUEST NO. 18:**

4 Provide any and all text messages from you and/or your wife to the children
5 since August 23, 2019 evidencing encouragement for them to have contact with
6 Plaintiff. Ensure that the text messages are complete, dated and to comply with
7 the Rule of Best Evidence.

8 DATED this 10th day of December 2019.

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

17 **CERTIFICATE OF SERVICE**

18 I HEREBY CERTIFY that on the 10th day of December 2019, I mailed a
19 true and correct copy of the foregoing *Plaintiff's First Set of Requests for*
20 *Production of Documents to Defendant*, via electronic service pursuant to the
21 Nevada Electronic Filing and Conversion Rules (NEFCR), addressed as follows:

22 Radford J. Smith, Esq.
23 RADFORD J. SMITH, CHTD.
24 2470 St. Rose Parkway, #206
25 Henderson, Nevada 89074
26 Attorney for Defendant
27 MITCHELL STIPP
28


An Employee of VALARIE I. FUJII & ASSOCS.

- 7 -

DEFENDANT NO: 0041167

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

MEDICAL AUTHORIZATION "H.I.P.A.A." COMPLIANT

The patient identified herein by signature hereby authorizes the attorneys at the Law Offices of Valarie I. Fujii & Associates, pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA) §164.508, to obtain medically-related information, records and other documents of private health information as follows:

Persons/Organizations authorized to receive information:

The following persons/organizations are authorized to receive the requested information: the attorneys at the Law Offices of Valarie I. Fujii & Associates, including its employees and authorized representatives. All persons who are associated with Valarie I. Fujii & Associates are authorized to receive the requested information and this may include the following particularly identified person:

Identification of authorized class of medical providers:

This document is to authorize the use and disclosure of protected health information as described herein to the individual, organization, hospital, physician, or medical provider (collectively, "medical provider"), now authorized to make the disclosure and identified above.

Description of information to be disclosed:

The medical provider is authorized to provide any documents, reports and information requested including all medical reports, electronic data, lab tests, x-rays, and any other documents and information to the Law Offices of Valarie I. Fujii & Associates, without limitation:

- ☐ If this box is checked, it is requested that the medical provider send copies of all medical records and data to Valarie I. Fujii & Associates.
- ☐ If this box is checked, the medical provider is only to send those items specifically designated in Addendum "A" attached hereto.

Scope of authorization to include written and oral:

The medical provider can make disclosure of medical information information. This document includes authorization to provide written reports.

Drug and alcohol and/or HIV/AIDS may be released:

I understand that the information in my health record may include information relating to sexually transmitted disease, acquired immunodeficiency syndrome, or human immunodeficiency virus. It may also include information about behavioral or mental health services and treatment of alcohol and drug abuse.

To: _____
Patient: _____
Patient DOB: _____ Patient SS#: _____

Purpose and use of disclosure:

The purpose of this disclosure is to obtain information for use by the attorneys at Valarie I. Fujii & Associates in connection with my legal claim, litigation or similar proceeding which I have authorized and undertaken.

Expiration of authorization:

The expiration date of this authorization is five years from the date indicated below with the signature.

Revocation of authorization:

I understand the right to revoke this authorization at any time. I understand that if I revoke this authorization, I must do so in writing and present my written revocation to Valarie I. Fujii & Associates. I understand that the revocation will not apply to the information that has already been released in response to this authorization.

Potential for unauthorized re-disclosure:

I understand that Valarie I. Fujii & Associates, as the person or entity that receives the information, may not be covered by the federal privacy regulations. In that case, the information described herein may be re-disclosed and no longer protected by these regulations. Further, once the information is disclosed, it may be re-disclosed without further authorization.

Authorization is voluntary:

I understand that authorizing the use and disclosure of the information identified above is voluntary. I may refuse to sign this authorization.

Right to have copy:

I have a right to receive a copy of this authorization. I also have a right to inspect or obtain a copy of the health information that I am being asked to use and disclose.

Photocopy or fax to have same force as original:

I authorize that a photocopy of this authorization is to have the same force and effect as the original.

Authorized Signature

Date of Request: _____

Name: _____

Signature: _____

☐ Patient ☐ Parent ☐ Guardian ☐ Authorized Representative

DEFENDANT NO: 0011168

From: Mitchell Stipp
<mstipp@stipplaw.com>
To: PDF <pdfconvert@pdfconvert.me>
Subject: Fwd: Appointments
Date: Fri, 31 Jan 2020 15:04:36 -0800



Mitchell Stipp
Law Office of Mitchell Stipp
T: 702.602.1242 | M: 702.378.1907
E: mstipp@stippaw.com | www.stippaw.com

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

From: Mitchell Stipp <mstipp@stipplaw.com>
Date: Fri, Dec 20, 2019 at 2:30 PM
Subject: Re: Appointments
To: Nicolas Ponzio <nponzo1@hotmail.com>

I will be around for the holidays.



Mitchell Stipp
Law Office of Mitchell Stipp
T: 702.602.1242 | M: 702.378.1907
E: mstipp@stippaw.com | www.stippaw.com

On Thu, Dec 19, 2019 at 1:48 PM Nicolas Ponzio <nponzo1@hotmail.com> wrote:

I don't know my availability yet.
Christina asked about it for scheduling.
Are you available or out of town for the holidays.

Nicolas Ponzio, BA (Phil.), BA (Psych.),
MSW (Clin.), LCSW, M.ED (Psych.)
Diplomate, DCSW, NASW
Psychotherapy , Consulting

10161 Park Run Drive,
Suite 150,
Las Vegas, Nevada, 89145

Tel. 702.248.1169
Fax 702.515.7413
nicolasponzo.com

DEFENDANT NO. 10041169

Steven D. Grierson

1 MITCHELL D. STIPP, ESQ.
2 Nevada Bar No. 7531
3 **LAW OFFICE OF MITCHELL STIPP**
4 10120 W. Flamingo Rd., Suite 4-124
5 Las Vegas, Nevada 89147
6 Telephone: 702.602.1242
7 mstipp@stippplaw.com
8 *Attorneys for Mitchell Stipp, Defendant*

9
10
11 **IN THE EIGHTH JUDICIAL DISTRICT COURT**
12 **OF THE STATE OF NEVADA**
13 **IN AND FOR THE COUNTY OF CLARK**
14 **FAMILY DIVISION**

15 CHRISTINA CALDERON,
16 Plaintiff,

17 v.

18 MITCHELL STIPP,
19 Defendant.

Case No.: D-08-389203-Z
Dept. No.: G¹

**EX PARTE APPLICATION FOR
ORDER SHORTENING TIME AND
RELATED RELIEF**

20 Defendant, Mitchell Stipp ("Mitchell"), hereby files the above-referenced *ex*
21 *parte* application for an order shortening time. This application is based on the papers
22 and pleadings before the court, the memorandum of points and authorities that follows,
23 Mitchell's Declaration included herewith and exhibits attached hereto.

24 Mitchell respectfully requests the following relief:

- 25
26 1. Order shortening the hearing date.

27
28
1 The case will be administratively re-assigned pursuant to the recusal of Judge Forsberg.
Page 102 of 169

DEFENDANT NO. 100411759

2. Order permitting the minor children, Mia Elena Stipp (DOB, 10/19/2004, Now Age: 14) and Ethan Christopher Stipp (DOB, 3/24/2004, Now Age: 12), to exercise teenage discretion and remain in the physical care of Mitchell temporarily pending the hearing on this matter.

3. Order prohibiting Plaintiff, Christina Calderon ("Christina"), from cancelling or otherwise interfering with the extracurricular activities of the children (including baseball for Ethan and music lessons for Mia) pending the hearing on this matter.

DATED this 26th day of August, 2019.

LAW OFFICE OF MITCHELL STIPP

/s/ Mitchell Stipp, Esq.
MITCHELL 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

MEMORANDUM OF POINTS AND AUTHORITIES

NRS 125C.0045(1)(a) provides as follows:

1. In any action for determining the custody of a minor child, the court may, except as otherwise provided in this section and NRS 125C.0601 to 125C.0693, inclusive, and chapter 130 of NRS:

(a) During the pendency of the action, at the final hearing or at any time thereafter during the minority of the child, make such an order for the custody, care, education, maintenance and support of the minor child as appears in his or her best interest[.]

1 Mitchell filed his motion and exhibits in support thereof on August 26, 2019 for
2 the children to be interviewed by FMC, to mediate with Christina at FMC, and to allow
3 the children to exercise teenage discretion with respect to the physical timeshare with
4 the parties. See Exhibits A and B. The hearing on this matter is currently scheduled
5 for October 30, 2019 at 10:00 a.m. Christina asked that Mitchell file a motion (despite
6 Mitchell's desire to work out an alternative arrangement with Christina to avoid
7 litigation). Mitchell provided a copy of the motion, exhibits, and notice of hearing to
8 Christina via email on August 26, 2019 and sent copies to her home address via US
9 Mail. See Exhibit C. Christina is furious with the decision of the children to remain
10 in Mitchell's care on August 23, 2019 and the police department's investigation of the
11 matter. The police department provided to Mitchell the following report and instructed
12 him to supply it to any third-party (including the children's school) in the event Christina
13 demands the school or any other third party force the children into her care:
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LAS VEGAS METROPOLITAN POLICE DEPARTMENT

☐ Apt. Notification ☐ Disturbance ☐ Trespassing
☐ Garage Door ☐ Drug Activity ☐ Domestic Violence
☐ Curfew Notification ☐ Theft ☒ Civil Stand-by
☐ Other ☐ Vandalism ☐

Address: 9795 SERENE STAR Event #: LLV190800114833

Apt. Name: _____ Message: MIA AND ETHAN STILP

POLICE

CONTACT CARD

CHOSE NOT TO GO TO MOTHER'S HOUSES ARE
 14 AND 17 MITCHELL WAS NOT HOLDING
 THE CHILDREN AGAIN

Date: 08/23/2019 Time: 12:00 Officer Name: P. LOMAGLIO

LVMPD 27A (REV. 10-11) DISTRIBUTION: WHITE SUBSTATION CARDSTOCK DIVISION

Despite Mitchell filing the motion and police confirmation that the children can remain with him, Christina has taken substantial actions to punish the children. Christina has threatened to take the children from their school at Faith Lutheran Middle and High School on August 26, 2019. See Exhibit D. Christina previously threatened to show up at Ethan's baseball practice with the police. See Exhibit E. Ethan has baseball practice multiple times during the week (including at 5:00 p.m. on August 26, 2019) and a baseball tournament this weekend. Christina cancelled Mia's music lessons with her singing coach for 3:30 p.m. on August 26, 2019. See Exhibit F. Mitchell still intends to pick up the children from school and take Ethan to baseball practice and Mia to music.

DEFENDANT PAGE 100411759

1 However, Mitchell expects Christina to interfere with these efforts.

2 Mitchell has tried to work with Christina and the children to end Christina's use
3 of psychological coercion (specifically emotional blackmail). Christina has failed to
4 change. Mia has been the primary victim but recently will not stand for such abuse.
5 Unfortunately, this decision has resulted in physical altercations between Christina and
6 Mia, pursuant to which Mitchell has had to intervene to resolve. Based on the last
7 physical fight on August 13, 2019, Mia decided she did not want to return to Christina's
8 care. Ethan feels similarly (especially in light of Christina's attempt to harm Ethan's
9 baseball participation to force the children into her care). Mitchell is concerned that
10 there may be further physical violence if Christina takes physical custody of the children
11 without a hearing before October 30, 2019. Both children have informed Mitchell that
12 they do not want to be with Christina, will refuse to allow her to take them from school
13 or anywhere else, and will escape if forced to be with her.
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DECLARATION OF MITCHELL STIPP

I hereby declare and state as follows:

1. I am competent and willing to testify in a court of law as to the facts contained in this application for an order shortening time (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

[PROPOSED ORDER FOLLOWS]

DEFENDANT P. 10041178

ORDER SHORTENING TIME AND RELATED RELIEF

TO: CHRISTINA CALDERON AND HER COUNSEL OF RECORD (IF ANY)

IT IS HEREBY ORDERED THAT DEFENDANT'S MOTION FOR CHILD INTERVIEW BY FMC, MEDIATION AND TO PERMIT CHILDREN TO EXERCISE TEENAGE DISCRETION ON TIMESHARE will be heard on the _____ day of _____, 20_____, at the hour of _____ .m or as soon thereafter as counsel may be heard.

FURTHER, IT IS HEREBY ORDERED THAT the minor children, Mia Elena Stipp (DOB, 10/19/2004, Now Age: 14) and Ethan Christopher Stipp (DOB, 3/24/2004, Now Age: 12), may exercise teenage discretion and remain in the physical care of Mitchell Stipp temporarily pending the hearing on this matter.

FURTHER, IT IS HEREBY ORDERED THAT Plaintiff, Christina Calderon, shall not cancel or otherwise interfere with the extracurricular activities of the children (including baseball for Ethan and music lessons for Mia) pending the hearing on this matter.

IT IS SO ORDERED this _____ day of _____, 2019.

DISTRICT COURT JUDGE

DEFENDANT PAGE 108 of 169

EXHIBIT A TO
EX PARTE APPLICATION

Steven D. Grierson

MITCHELL D. STIPP, ESQ.
Nevada Bar No. 7531
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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.: G

**MOTION FOR CHILD INTERVIEW
BY FMC, MEDIATION AND TO
PERMIT CHILDREN TO
EXERCISE TEENAGE
DISCRETION ON TIMESHARE**

HEARING REQUESTED

**NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS
MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE
UNDER-SIGNED WITH A COPY OF YOUR RESPONSE WITHIN TEN (10)
DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A
WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN TEN
(10) DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE
REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT
HEARING PRIOR TO THE SCHEDULED HEARING DATE.**

Defendant, Mitchell Stipp ("Mitchell"), hereby files the above-referenced motion.

This motion is based on the papers and pleadings before the court, the memorandum of

1 points and authorities that follows, the exhibits filed concurrently herewith, and the oral
2 argument of the parties or their attorneys at the hearing on this matter.

3 Mitchell respectfully requests the following relief:

- 4
- 5 1. FMC interview the parties' children to determine their wishes and capacity to
- 6 exercise teenage discretion with respect to the timeshare spent with each party.
- 7
- 8 2. The parties participate in mediation at FMC to determine the parameters of
- 9 teenage discretion.
- 10
- 11 3. An order permitting the children to exercise teenage discretion with respect to
- 12 the timeshare with each party within the confines of joint physical custody.
- 13
- 14 4. If the court will not grant Mitchell's request without an evidentiary hearing,
- 15 then the court should schedule the matter for a brief evidentiary hearing.

16 DATED this 26th day of August, 2019.

17
18 **LAW OFFICE OF MITCHELL STIPP**

19
20 /s/ Mitchell Stipp, Esq.
21 MITCHELL STIPP, ESQ.
22 Nevada Bar No. 7531
23 LAW OFFICE OF MITCHELL STIPP
24 10120 W. Flamingo Rd., Suite 4-124
25 Las Vegas, Nevada 89147
26 Telephone: 702.602.1242
27 mstipp@stipplaw.com
28

[MEMORANDUM OF POINTS AND AUTHORITIES FOLLOWS]

MEMORANDUM OF POINTS AND AUTHORITIES

I. FACTS.

The parties, Christina Calderon ("Christina"), and Mitchell Stipp ("Mitchell"), filed a joint petition for divorce and were granted that relief pursuant to a stipulated decree on or about March 5, 2008. See Order filed on March 6, 2008 ("Decree"). The Decree incorporated the terms and conditions of a marital settlement agreement dated February 20, 2008 ("MSA"). In the MSA, the parties agreed to have joint physical and legal custody over their minor children, Mia Elena Stipp (DOB, 10/19/2004, Now Age: 14) and Ethan Christopher Stipp (DOB, 3/24/2004, Now Age: 12). The parties have been divorced for more than ten (10) years. However, post-divorce litigation began on December 17, 2008, when Christina filed a motion to confirm herself as the primary physical custodian of the children. That litigation, together with ancillary motions concerning the mental health of the children, their schooling (private vs. public), Mitchell's child support obligations, and the right of first refusal to care for the children (when Christina returned to work), lasted approximately five (5) years before Judge Frank Sullivan and Judge William Potter and several appeals before the Nevada Supreme Court. The parties finally settled their disputes in a stipulation and order entered by the court on July 2, 2014. See SAO filed on July 9, 2014 ("Parenting Plan"). Pursuant to the Parenting Plan, the parties agreed that they would have joint physical and legal custody over their children with a 50-50 timeshare split (7/7 schedule—one

1 week on/off).

2 The last five (5) years since agreement on the Parenting Plan have been
3 challenging but no litigation. The parties have been able to work through most disputes.
4 Like many divorced parties, Christina and Mitchell do not always agree on the best
5 interests of their children. Fortunately for the children, they are doing relatively well.
6 Mia started the ninth grade at Faith Lutheran High School. She is a straight A-student
7 and was accepted to the school's music conservatory based on her performance in
8 honor's choir. Ethan started the sixth grade at Faith Lutheran Middle School. He is an
9 A/B student and is dedicated to playing baseball. He was offered a roster spot on several
10 competitive club teams in Las Vegas. This summer he played baseball at Cooperstown
11 where he hit an impressive four (4) homeruns.
12

13
14 Christina returned to work as an attorney in the Juvenile Division of the Clark
15 County District Attorney's Office in 2013, and Mitchell continues to work in private
16 practice focusing on real estate transactions, business law and commercial litigation.
17 Mitchell previously provided independent contractor services to several family law
18 firms on domestic matters that concerned real estate or business matters or child custody
19 involving children with special needs. Mitchell has been married to Amy Stipp ("Amy")
20 since 2008, and the couple have an eight (8) year old son, Mitchell, Jr., who has a rare
21 genetic disorder, mitochondrial disease, epilepsy and autism spectrum disorder. Amy is
22 a former elementary school teacher who devotes her time to managing Mitchell, Jr.
23 care and being a great step-mother to both Mia and Ethan. Amy has a great relationship
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1 with both Mia and Ethan.

2 Both Mia and Ethan would like to exercise discretion over how much timeshare
3 they must exercise with Christina. Christina continues to have challenges with her
4 parenting skills, which are harming the children. As a result, they want to spend less
5 time with her. Christina has received assistance from several professionals, including
6 Nicholas Ponzo, in the last several years. Unfortunately, the result is always the same—
7 failure. According to the children, Christina is not honest with the therapists about her
8 behavior. In order to obtain the compliance of the children, Christina uses psychological
9 coercion. Specifically, Christina employs emotional blackmail. “Emotional
10 blackmail” is a dysfunctional form of manipulation that people use to place demands
11 and threaten victims to get what they want. The undertone of emotional blackmail is if
12 you do not do what I want when I want it, you will suffer. The term was introduced by
13 Susan Forward, Ph.D., in her book Emotional Blackmail: When the People in Your Life
14 Use Fear, Obligation, and Guilt to Manipulate You (Forward & Frazier, 1998). Dr.
15 Forward describes how emotional blackmail tactics are used by abusers to threaten in
16 order to get what they want. In placing demands and threats, they create feelings of fear,
17 guilt, and anger to solicit compliance from their victims. In doing so, they divert blame
18 and responsibility to the victim for their own negative actions. Typically, according to
19 Dr. Forward, this dysfunctional type of manipulation occurs in close relationships like
20 with a parent and a child.

21
22 Given the years of emotional blackmail, Mia has had enough. The relationship
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1 between Christina and Mia has turned violent while in Christina's care. On several
2 occasions, disagreement between them has resulted in physical confrontation. The last
3 episode occurred on August 13, 2019.¹ Apparently, Christina wanted Mia to end her
4 telephone call with her school friend, Joey. An argument between them ensued, and
5 Christina threatened to call Joey and Joey's parents to force Mia to terminate the
6 telephone call. Previously, Mia provided the contact information for Joey's mother to
7 Christina, and Christina promised not to use that information as leverage in any
8 parent/child dispute. Below is a text message from Mia to Amy received at 10:31 p.m.
9 on August 31, 2019 and Amy's response the next morning at 7:00 a.m.:

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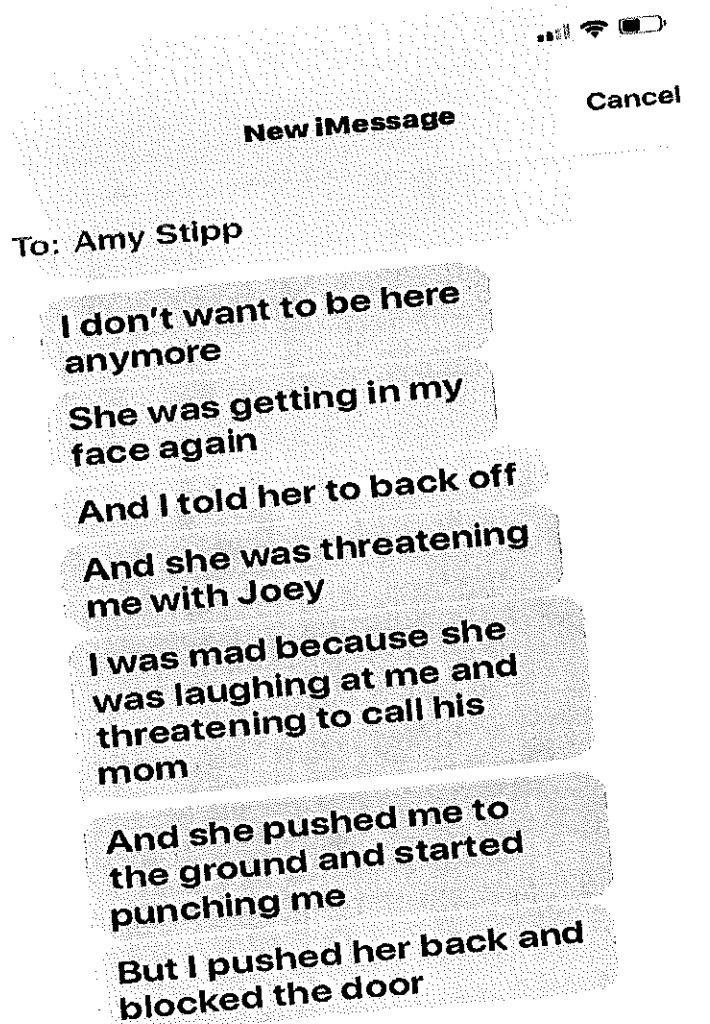
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28 ¹ Christina and Mia also were involved in a physical altercation on May 9, 2019 during Christina's timeshare. After the
fight, Mia refused to stay in Christina's care. Mitchell picked her up from Christina's home, and Mia remained with
Mitchell and Amy until May 31, 2019. Ethan was also in Mitchell's care during this time.

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New iMessage **Cancel**

To: Amy Stipp

And I don't think I can live
here anymore

Even if she's nice to me
she can't keep
threatening me

And I don't want to be with
her

I just hate her so much

Wed, Aug 14, 7:00 AM

Just got your message

I was sleeping

Everything cool off?

Let's talk after school

Ok

Christina called and sent numerous text messages to Mitchell beginning at 10:42 p.m. on August 13, 2019. Below is a copy of the text messages:

Tue, Aug 13, 10:42 PM
Christina Calderon
I need Mia's phone to be picked up
right now please
Or service disconnected
She just hit me again
For telling her it's time for bed
24 hours
Can you please confirm that you are
coming to pick up Mia's phone as
you promised you would given that
she not only refuses to give it to
me, but she physically attacked me
again.
Wed, Aug 14, 7:10 AM
Christina Calderon
Please pick up Mia's phone from her
at school. You said it would only
take one time for her to lose her
phone and she would listen. Let me
know when you get it. Selena will
pick her up at 3:20 at the park as
usual.

Neither Mitchell nor Amy were available on the night of August 13, 2019. Christina wanted Mitchell to intervene and take away Mia's telephone. Both Mitchell and Amy were already asleep for the night. Mia reported that she was pushed to the ground and punched by Christina. The parties exchange multiple emails over the next

1 week. See Exhibit A to Mitchell's Exhibits (Pages 0001-0009). Christina wanted
2 Mitchell to punish Mia by taking away Mia's phone. Mitchell was not comfortable
3 punishing Mia because he was unsure whether Mia was physical with Christina and was
4 concerned that Christina escalated the dispute by laughing at Mia and threatening to call
5 the mother of Mia's friend, Joey.
6

7 Christina wanted to meet with Mitchell and Amy to discuss the events of August
8 13, 2019. She also did not want the children to return to her care with their telephones
9 (including Ethan). Mitchell offered to speak with Christina via telephone to discuss the
10 issues; however, Christina refused. See Exhibit A to Mitchell's Exhibits (Pages 0006-
11 0008). Mitchell informed Christina that the children did not want to return to Christina's
12 care. Rather than work with Mitchell on an alternative arrangement, Christina changed
13 the time and place for picking up the children to afterschool at Faith Lutheran (rather
14 than Mitchell's home at 6pm on August 23, 2019). See Id. (Page 0008). Ultimately,
15 the parties spoke via telephone on the morning of August 24, 2019. Id. (Page 0009).
16 Christina wanted Mitchell to file a motion in order to change the timeshare. Mitchell
17 agreed to facilitate the exchange at 6pm at his home if Christina agreed not to go to the
18 children's school. Unfortunately, neither Mia nor Ethan wanted to go with Christina
19 that evening.
20

21 Mitchell arranged for Ethan to go to baseball practice by 6pm on August 24, 2019.
22 Mia informed Christina at Mitchell's home on August 24, 2019 that she would not return
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1 to Christina's care.² Christina would not accept Mia's decision and asked that Mitchell
2 force Mia to go. Mitchell agreed to encourage Mia to go with Christina and make Mia
3 available to go. Mitchell did so and Mia confirmed Mitchell's encouragement during
4 her discussion with Christina outside of Mitchell's home Friday evening. However,
5 Mitchell made it clear to Christina that he would not physically force either child into
6 Christina's automobile. Mitchell communicated to Christina that he had concerns about
7 the physical altercation between Mia and Christina on August 13, 2019, but he would
8 not prohibit Mia from transitioning to Christina's care.
9

11 Rather than accept the children's decision, Christina called the police. Amy
12 begged Christina to not call the police because it would result in trauma for not only Mia
13 and Ethan but their younger brother, Mitchell, Jr. Christina did not care. Of course,
14 Amy was "clearly upset" as Christina states in her text message below. While waiting
15 for the police to arrive, Christina also threatened to call Ethan's baseball coach, Mo.
16 The following is the text messages Christina sent to Mitchell while waiting for the police
17 to arrive:
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² Mitchell has video and audio of Mia communicating to Christina about her decision to stay with Mitchell.
Page 120 of 169 DEFENDANT No. 1004189

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Friday 6:22 PM

Please talk to Mia. Exercise your parental discretion and facilitate her into my vehicle. It's not a choice she can make. If you want to change the timeshare file a motion. You are obligated to make this exchange

Amy is clearly upset. Come out and talk to me

Are you bringing Ethan's stuff out

Are you bringing Ethan's stuff out

Do I need to call Mo?

1 While waiting for the police to arrive at Mitchell's home, Christina followed
2 through on her threat and began sending text messages both to Mitchell and Coach Mo.
3
4 Ethan was scheduled to be at baseball practice with his team under the care of Coach
5 Mo from 6:00 p.m. until 8:00 p.m. The following are the text messages exchanged
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7 between Christina and Coach Mo:
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Friday 7:37 PM

Christina Calderon

Hi Coach Mo. My dad is there to pick up Ethan from practice. His name is Peter Calderon. It is my timeshare. I do not want Ethan going home with anyone other than my dad. That includes Mitch. It is my timeshare.

cc

I am at Mitch's house waiting for the police because Mitch is keeping Mia and Ethan in violation of our custody order. Please release Ethan to my dad who is there to pick him up

cc

Mo

Good Evening, I am not certain what is occurring, but grandfather and step-mom are here, Ethan walked away with step-mom and grandpa filmed.

I am not in a position to make decisions in any family matters, but I am informing you of what just occurred, and I am uncertain of what you have agreed upon.

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Mo

Good Evening, I am not certain what is occurring, but grandfather and step-mom are here, Ethan walked away with step-mom and grandpa filmed.

I am not in a position to make decisions in any family matters, but I am informing you of what just occurred, and I am uncertain of what you have agreed upon.

If you are in a disagreement I will need to make a phone call to CPS., because my first concern is Ethan's safety.

M

Christina Calderon

CC

We are in disagreement

CC

You don't have to call CPS. I am at mitchs house waiting for police.
This is a police issue now

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Christina Calderon

I will be at the baseball field tomorrow morning with police if Ethan is not exchanged to me tonight. FYI

Mo

I respectfully ask that you not expose the other parents or kids to that situation.

Please understand I like your son, I believe I can help him reach his baseball goals, but I will not sacrifice the sanctity of my organization for any one person.

Christina Calderon

I hope that Mitch will respect the Court order tonight


Mo

Please stop texting me

I will support Ethan, but I cannot be in the middle of this situation.

Christina believed that Mitchell would force Mia to go with Christina in order to protect Ethan's position on the baseball team. She was wrong. Both children deserve to be protected from this behavior. Fortunately, Coach Mo did the right thing and protected Ethan. Who threatens to show up at a baseball practice with police? After speaking to Coach Mo, Amy picked up Ethan from baseball practice and returned home.

The police finally arrived at Mitchell's home at approximately 8:00 p.m. The police interviewed Mitchell, Christina and Mia. The police informed Mitchell and Mia that Mia is not required to go with Christina if she does not want and Mitchell is not required to force her to do so. The police issued to Mitchell the following report:

LAS VEGAS METROPOLITAN POLICE DEPARTMENT			
<input type="checkbox"/> Apt. Notification	<input type="checkbox"/> Disturbance	<input type="checkbox"/> Trespassing	
<input type="checkbox"/> Garage Door	<input type="checkbox"/> Drug Activity	<input type="checkbox"/> Domestic Violence	
<input type="checkbox"/> Curfew Notification	<input type="checkbox"/> Theft	<input checked="" type="checkbox"/> Civil Stand-by	
<input type="checkbox"/> Other	<input type="checkbox"/> Vandalism		
Address 9793 SERENE STAR		Event # LLV190800114833	
Apt. Name		Message MIA AND ETHAN STOP	
CHOSE NOT TO GO TO MOTHER, AGES ARE 14 AND 17. MITCHELL WAS NOT HOLDING THE CHILDREN AGAINST			
Date 08/23/19	Time 2050	Officer Name P. LOMAGLIO	
LVMPD 276 (REV. 10-14) DISTRIBUTION: WHITE - SUBSTATION CARDSTOCK - CITIZEN			

1 The police instructed Mitchell to provide the card to the police if Christina calls again.
2 Despite the children's preferences and the trauma caused by calling the police and
3 involving Ethan's baseball coach in the dispute, Christina still insists on picking up the
4 children and forcing them to go with her. She has threatened to pick the children up at
5 their school on August 26, 2019. Neither children want to return to Christina's care at
6 this time. See Exhibit A to Mitchell's Exhibits (Page 0010-0011).

7 8 **II. ARGUMENT.**

9
10 The Nevada Supreme Court has considered the concept of teenage discretion in
11 the Harrison v. Harrison, 132 Nev., Advance Opinion 56 (Case No. 66157, Filed July
12 28, 2016). In Harrison, the Court refused to invalidate a teenage discretion provision
13 as part of a stipulated decree of divorce. The Court concluded:
14

15
16 Nevada statutory law does not require families to petition
17 the district court for minor schedule changes, see generally
18 NRS 125C.0045(1)(b), and we will not either. [Footnote
19 4: On October 1, 2015, the statute was NRS 125.51(1)(b)
20 (2013)]. Even if we disagree with the Harrisons' decision
21 to grant their teenage children discretion to initiate weekly
22 schedule changes, the power to make that decision does
23 not rest with this court. The Harrisons agreed that joint
24 custody and teenage discretion were in the best interests of
25 their children. Because the teenage discretion provision
26 provides for flexibility without deviating from the joint
27 custody agreement, the best interests of the children
28 remain intact under it. Thus, we decline to invalidate the
provision.

26
27 Id. at 8. Mitchell does not want to litigate with Christina for another five (5) years over
28 custody given the children's ages, maturity and preferences. Therefore, Mitchell does

1 not seek to change physical custody unless the court will not grant Mitchell's requested
2 relief. Mitchell simply wants the court to allow the children the flexibility to decide on
3 their timeshare arrangements within the confines of joint physical custody (i.e., at least
4 146 days of physical custody).

5
6 In any action for determining physical custody, the sole consideration of the court
7 is the best interest of the children. NRS 125C.0035(1). In determining the best interest
8 of the children, the court should consider the wishes of the children if the children are
9 of sufficient age and capacity to form an intelligent preference as to their physical
10 custody. NRS 125C.0035(4)(a). Accordingly, Mitchell respectfully requests that FMC
11 interview the children to confirm their wishes and capacity. Both children express the
12 desire to spend more time with Mitchell, Amy, and Mitchell, Jr. Mia is 14 years old and
13 will be 15 years old on October 19, 2019. Ethan is 12 years old and will be 13 years old
14 on March 24, 2020. Both are exceptionally mature (even for their age). If the children
15 have the flexibility they need to determine their timeshare, Mitchell hopes and expects
16 that Christina will finally cease her bad behavior.

17
18 After the children are interviewed, Mitchell would like to attend mediation at
19 FMC with Christina to determine the scope of teenage discretion to be exercised by the
20 children while preserving the joint physical custody arrangement. If the parties are not
21 able to agree on the parameters, Mitchell respectfully asks the court to permit the
22 children to determine their timeshare schedule with each party. If the court is unwilling
23 to grant the children the flexibility to exercise teenage discretion without an evidentiary
24

1 hearing, Mitchell respectfully asks the court to set the matter for a brief evidentiary
2 hearing. Good cause has been shown.

3 **III. Conclusion.**
4

5 Mitchell respectfully requests the following relief:

- 6 1. FMC interview the parties' children to determine their wishes and capacity to
7 exercise teenage discretion with respect to the timeshare spent with each party.
8
9 2. The parties participate in mediation at FMC to determine the parameters of
10 teenage discretion.
11
12 3. An order permitting the children to exercise teenage discretion with respect to
13 the timeshare with each party within the confines of joint physical custody.
14
15 4. If the court will not grant Mitchell's request without an evidentiary hearing,
16 then the court should schedule the matter for a brief evidentiary hearing.
17

18 **DECLARATION OF MITCHELL STIPP**
19

20 I hereby declare and state as follows:

- 21 1. I am competent and willing to testify in a court of law as to the facts contained in
22 this supplement (which are incorporated herein by this reference).
23
24 2. I have personal knowledge of these facts, save those stated upon information
25 and/or belief, and as to those matters, I believe them to be true.
26

27 /s/ Mitchell Stipp

28 Mitchell Stipp

1
2 **CERTIFICATE OF SERVICE**

3 I HEREBY CERTIFY that on the 26th day of August, 2019, I filed the
4 foregoing using the Court's E-filing system, which provided notice to the e-service
5 participants registered in this case.
6

7
8 By: */s/ Amy Hernandez*
9

10 _____
11 An employee of the Law Office of Mitchell Stipp
12
13
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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. G

**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.

- ☒ **\$25** The Motion/Opposition being filed with this form is subject to the \$25 reopen fee.
-OR-
☐ **\$0** The Motion/Opposition being filed with this form is not subject to the \$25 reopen fee because:
☐ The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.
☐ The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.
☐ 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 _____.
☐ Other Excluded Motion (must specify) _____.

Step 2. Select the \$0, \$129 or \$57 filing fee in the box below.

- ☒ **\$0** The Motion/Opposition being filed with this form is not subject to the \$129 or the \$57 fee because:
☐ The Motion/Opposition is being filed in a case that was not initiated by joint petition.
☒ The party filing the Motion/Opposition previously paid a fee of \$129 or \$57.
-OR-
☐ **\$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-
☐ **\$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 8/25/19

Signature of Party or Preparer /s/ Mitchell Stipp

EXHIBIT B TO EX PARTE APPLICATION

Steven D. Grierson

1 MITCHELL D. STIPP, ESQ.
Nevada Bar No. 7531
2 **LAW OFFICE OF MITCHELL STIPP**
10120 W. Flamingo Rd., Suite 4-124
3 Las Vegas, Nevada 89147
Telephone: 702.602.1242
4 mstipp@stipplaw.com
Attorneys for Mitchell Stipp, Defendant
5

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

11 CHRISTINA CALDERON,
12 Plaintiff,

13 v.

14 MITCHELL STIPP,
15 Defendant.
16
17
18
19

Case No.: D-08-389203-Z

Dept. No.: G

**EXHIBITS IN SUPPORT OF
DEFENDANT'S
MOTION FOR CHILD INTERVIEW
BY FMC, MEDIATION AND TO
PERMIT CHILDREN TO
EXERCISE TEENAGE
DISCRETION ON TIMESHARE**

20
21 Defendant, Mitchell Stipp, hereby files the above-referenced exhibits.
22

23 ///

24 ///

25 ///

26 ///

27
28

DEFENDANT PAGE 1004202

1 **LAW OFFICE OF MITCHELL STIPP**

2
3 /s/ Mitchell Stipp, Esq.

4 MITCHELL STIPP, ESQ.

5 Nevada Bar No. 7531

6 LAW OFFICE OF MITCHELL STIPP

7 10120 W. Flamingo Rd., Suite 4-124

8 Las Vegas, Nevada 89147

9 Telephone: 702.602.1242

10 mstipp@stipplaw.com

11 **CERTIFICATE OF SERVICE**

12 I HEREBY CERTIFY that on the 26th day of August, 2019, I filed the
13 foregoing using the Court's E-filing system, which provided notice to the e-service
14 participants registered in this case.

15
16 By: /s/ Amy Hernandez

17
18 An employee of the Law Office of Mitchell Stipp

19
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28
DEFENDANT AUG 10 2019

EXHIBIT A

Christina wrote on August 14, 2019–12:04AM

Mitch,

I tried to reach you and Amy tonight. Please confirm what time you will be picking up Mia's phone. I asked her for it. She physically attacked me, again, and she kept the phone all night with no consequences. You said you would remove it from her possession under these circumstances. I am counting on your support and assistance.

-Christina

Christina wrote on August 14, 2019–7:10AM

Mitch,

Please pick up Mia's phone from her at school. You said it would only take one time for her to lose her phone and she would listen. Selena will pick her up at 3:20 at the park as usual.

Thank you,
Christina

Sent from my iPhone

Mitch wrote on August 14, 2019–7:41AM

I received your messages.

I will address the matter.

Mitchell & Amy Stipp
10120 W. Flamingo Rd.
Suite 4-124
Las Vegas, NV 89147
702.378.1907 (Mitchell)
702.277.6537 (Amy)

Christina wrote on August 14, 2019–8:41AM

Thank you. Please confirm if by addressing the matter you mean retrieving her phone or not.

Sent from my iPhone

Christina wrote on August 14, 2019–3:09PM

Can you explain how you addressed the matter? Mia still has her phone.

Sent from my iPhone

Mitch wrote on August 14, 2019–3:49PM

There are a number of issues with what occurred. Like last time, there are two version of events.

I want to discuss with Mia in person when she returns to my care. I also think we should meet after. These events cannot occur. It is difficult for me to intervene because I was not there. As we discussed, neither you nor Mia should be physical with each other. I can't drop everything to take away Mia's phone.

Please understand my position. Mia is not being rewarded. Let the next few days be a cooling off period.

Mitchell & Amy Stipp
10120 W. Flamingo Rd.
Suite 4-124
Las Vegas, NV 89147
702.378.1907 (Mitchell)
702.277.6537 (Amy)

Christina wrote on August 14, 2019–4:05PM

This response is unacceptable. You said you would back me up and have chosen not to do so. You are empowering a child to be violent and abusive to her mother. You haven't asked for me version of events which you don't need other than that Mia was disrespectful and rude. She hit me. She needs her phone taken.

The next time I will call the police and skip you since you have decided to allow the phone in my phone over my objections.

Sent from my iPhone

Mitch wrote on August 14, 2019–4:34PM

I'm not taking anyone's side. I got your version via texts and emails. I have not spoken to Mia other than reviewed messages.

I don't think you should be angry with me. Whether you realize this or not, Mia is being harmed. I do not agree that she should ever put her hands on you. I don't think you should do the same. The question you have to ask is why has it come to this?

For some reason, you are fixated on punishment. Specifically, Mia's phone seems to be the primary basis of your parenting strategy. I think you do not understand the harm you have previously caused Mia, which has caused Mia now to lash out when you threaten to call her school, contact her friends, and now Joey. I fear under your care it will only be worse.

See attached message. Mia has very strong feelings about you. Ethan has similar feelings. Is this the relationship you want with them? Are you happy? I can't imagine that you are.

Letting the kids grow where they will do best is the right thing to do. I think you should consider allowing the kids to live with us full time. I'm happy to work with you on a flexible schedule to spend time with the kids. I don't want our relationship to be adversarial. I also can't referee every dispute while the kids are in your care. I think if the children were interviewed by FMC that the family court would allow the kids to exercise discretion. I don't believe the motion would be complicated—let the kids choose.

I don't think it is a good idea to call the police on your kids. If that is where you are, please consider my offer.

Mitchell & Amy Stipp
10120 W. Flamingo Rd.
Suite 4-124
Las Vegas, NV 89147
702.378.1907 (Mitchell)
702.277.6537 (Amy)

Christina wrote on August 15 2019--7:13PM

Mitch,

When we met earlier this year in May at Starbucks for several hours to discuss our kids, you stated that a parent should have the right to take away a child's phone. You said that you did not condone Mia becoming physically violent toward me or to property. You said that going forward, you would support me in taking away the kids' cell phones if they were misbehaving.

You and Amy stated that you take away their cell phones when they misbehave when they are with you. I believe you mentioned that you just did so recently when Mia had a meltdown in your home about getting bloodwork. Amy even added during our conversation in May that I would only need to take away their phones one time, for 24 hours, and they would get the picture. We all agreed to work together on this and various other coparenting issues.

The very next day, we met all together, in person, with Mia and Ethan, and you reiterated your support for my ability to take the kids' phones away. Specifically, you told Mia and Ethan that if I asked for their phones and they did not give it to me, you would come and get the phones and they would not get them back for a long time.

On Tuesday, Mia was up late on her phone and was being loud. She was keeping Ethan awake. It was past 10:30 pm on a school night. I asked her to get off the phone because it was time for bed. She was rude and disrespectful in response. I asked for her phone. She refused.

I reached out to you and Amy for assistance. You had the option to cut service to the phone or take it away. You did not respond. The next day, I asked you to retrieve Mia's phone from her at school. You said you would handle the matter.

Ultimately, you decided not to take away Mia's phone or cut service. You decided to leave the phone with Mia while she is in my care and told me to take the rest of the week to "cool off."

Instead of honoring your promise to coparent and present a "united front" to the kids, you did the opposite. Below, you now say you would rather reinstitute custody litigation. We all agreed how destructive and unappealing that was the first time around.

Let me ask you to consider this. Why not simply try what you promised before and see if it works? We all agreed that we wanted to raise good kids that would be respectful to all adults.

This was the first time since our meeting three months ago that I asked for your assistance with their cell phone access.

I think you should honor your promise to coparent and support our children growing up to be kind and respectful adults.

Divorced parents can and should have agreements on usage and access to electronic devices when their kids are in each other's homes. I thought we had reached such an agreement. Let's give that agreement a chance to actually work first before you jump to trying to change custody. Think of the message you are sending the kids by not honoring the promise you made to them to be supportive of their mom and to be united with her in raising them. Let's move forward in the coparenting direction, not backward into litigation.

Thank you,
Christina

Christina wrote on August 19, 2019-8:12PM

Let me know when you're available to discuss the events of last week. I'd like to do so before Friday. We can meet at that same Starbucks as last time if you prefer.

Sent from my iPhone

Christina wrote on August 20, 2019-6:13PM

Mitch,

I have not heard from you regarding my request to meet to discuss what transpired last week when I asked you to retrieve Mia's cell phone or cut service to it after she physically struck me. As I told you before, Mia was upset because I told her to get off the phone late at night on a school night.

I'm attaching photos of the injuries (scratches and bruising) Mia inflicted on me for your consideration since you said you were not going to retrieve her phone, but were, instead, going to leave her with the phone and talk to Mia three days later when she was scheduled to go to your house Friday for the regular exchange in order to "get her version of events."

The photos are in chronological order with the first three being ones that were taken the day

DEFENDANT No. 1001209

she hit me. The last one was taken today.

As previously told you, I am very disappointed in your refusal to honor your promise of support when it came to cell phones in my home as well as to co-parent in general and support me taking away cell phones when our kids misbehave in my home.

Please be advised that I do not want you sending Mia's cell phone with her when I pick her up on Friday. She is to leave it at your home.

Thank you in advance. I am still interested in meeting with you in person to discuss the matter further.

Thanks,
Christina

Sent from my iPhone

Mitch wrote on August 20, 2019–6:27PM

I'm not interested in any litigation. However, you have not changed your parenting techniques and the resentment continues.

I agreed to support your decision to take away the phone of either children. I did not agree to come get a phone in the middle of the night. As I understand it, you and Mia had a disagreement over the time she should get off the phone. This resulted in you threatening to call Joey and Joey's mom. According to Mia, you laughed at her when she objected and threatened her until it became physical. You also called and texted Joey's mom. It is bizarre behavior for a parent to threaten a child with harm to third-party relationships and to reach out to these third-parties in the middle of the night to help you get Mia off the phone.

We are happy to meet this week. Given your parenting, I'm not sure the kids should return to your care. Neither kid should be subject to bullying. Laughing, threatening, or otherwise provoking physical contact is not appropriate. While I do not condone Mia putting her hands on you (assuming that is true), I do not agree with provocation by you or you putting your hands on her. Ethan should not be subject to this environment either.

Let me know when you want to meet.

Mitchell & Amy Stipp
10120 W. Flamingo Rd.
Suite 4-124
Las Vegas, NV 89147
702.378.1907 (Mitchell)
702.277.6537 (Amy)

Christina wrote on August 20, 2019–7:01PM

I can meet tomorrow or Thursday after work. 6pm or later.

Please review my recent email with photos of the injuries since you appear to doubt the facts

of what transpired. You did not have to come to my home that night, you could have simply called your cell phone provider and suspended service. We previously discussed that option. You have done it in the past when I used to keep the Kids' phones in my room. Mia would tell Amy to cut the service and you would comply. I ask you to cut service so our teenager can get off the phone and you refuse and instead threaten custody litigation.

Let's discuss the issues further in person. I do not want to litigate either. However, your demand for full custody of both children in light of your unfortunate refusal to coparent is what is bizarre and unreasonable.

Mitch wrote on August 20, 2019-6:01PM

I will check my schedule and get back to you. Given your availability, it may be best for a call.

I could not have helped you that night. I was already sleeping. Regardless, it was an issue that could have been resolved the next day. It was not necessary to escalate the dispute or call Joey's mom.

I'm not threatening litigation. I strongly believe the kids would be happier and do better with me. I'm happy to provide opportunities for you to spend time with them.

I will get back to you soon.

Mitchell & Amy Stipp
10120 W. Flamingo Rd.
Suite 4-124
Las Vegas, NV 89147
702.378.1907 (Mitchell)
702.277.6537 (Amy)

Christina wrote on August 20, 2019-7:19PM

I don't think a phone call is conducive to resolving our dispute. I can meet earlier on Thursday if that works for you. Can you meet at 4:30?

Mitch wrote on August 21, 2019-7:50PM

What is the issue with a call? Meeting in person is too challenging given our schedules and responsibilities with the kids. Both kids have concerns about returning to your care. I am not sure it makes sense if there is any chance of physical contact between you and Mia. This is the case even if you assume Mia is the aggressor. To be clear, I do not condone physical contact by anyone. Mia indicated you were physical with her (hitting, kicking and otherwise wrestling). She also asserts you were taunting her to provoke physical contact. Enough is enough.

If you want to meet in person, I think we should do so through FMC. That should provide the best environment to speak freely about issues. We can also stipulate for FMC to interview Mia (and Ethan if necessary). I think we have reached a point where you are not

DEFENDANT PAGE 10042169

capable of caring for the children in a way that meets their best interests. The kids are old enough to decide where they want to live. I'm not interested in changing custody or want child support. I just want the kids to be happy and they are not with you. You work during the week and have very little time with them during that time. Why not forego this time to reduce conflict? You can focus on getting the help you need and spending quality time with the kids.

Personally, I think you will be happier without the responsibility of caring for the kids during the week. You will never have success now that the kids are older and you have failed to treat them respectfully. I have provided you multiple chances to change your approach and refine your parenting skills. You are still punishing the kids the same way—emotional abuse. They resent you for it. You have not been able to repair your relationships with them. Why would it change now?

Let me know if you are willing to speak (rather than meet). For now, I intend to keep the kids in my care until we negotiate alternative arrangements or the court orders otherwise.

Thought?

Mitchell & Amy Stipp
10120 W. Flamingo Rd.
Suite 4-124
Las Vegas, NV 89147
702.378.1907 (Mitchell)
702.277.6537 (Amy)

Mitch wrote on August 22, 2019—9:01AM

Please advise if you are available today to speak with me. If not, let's try for tomorrow.

Mitchell & Amy Stipp
10120 W. Flamingo Rd.
Suite 4-124
Las Vegas, NV 89147
702.378.1907 (Mitchell)
702.277.6537 (Amy)

Mitch wrote on August 22, 2019—3:23PM

I have not received a response. We should have a call if you are available today.

I noticed transaction activity on the docket in our case. It appears you purchased a copy. I'm glad it's not a new filing. You may be thinking about filing something. Rather than ignore my emails and surprise me, let's discuss.

Mia is adamant about not returning to your care. I have not discussed the situation with either child. However, I'm certain Ethan will make the same decision.

I look forward to hearing from you.

Christina wrote on August 22, 2019–8:40PM

Hi Mitch,

I intend to abide by the express terms of our custody order. I will pick up our kids at the time and place specified in our court order, which is at their school tomorrow, when their school day ends. You can drop off their non-school belongings in my courtyard tomorrow or they can bring it to school with them.

If you intend to violate our custody order as you state below, I have no choice but to enforce it. You cannot knowingly violate a court order. You need to support visitation, not thwart it.

I have always supported Mia to get involved in counseling. I think it's something she needs. I will send you three names from my insurance provider list, and you can choose one or vice versa.

With regard to cell phones, do not allow cell phones to come with our kids from your home during my custodial time. You will be able to contact them at 702-610-0032.

Thank you,
Christina

Mitch wrote on August 22, 2019–9:31PM

This approach is not accordance with our agreement to exchange the children at 6pm. I have tried to reach out to you today, but you refuse to speak by phone. I do not intend to violate any court order. However, given the issues with your parenting, I have concerns about the children returning to your care. What would you do under the same circumstances?

Please do not try to pick up the kids from their school. I do not want to involve the school in our personal, family matters. I'm not preventing you from visiting the kids. I am supporting the children with their decision. It is my responsibility to protect their best interests. If I need to file a motion in the morning, I will do so.

Mitch wrote on August 22, 2019–10:40PM

I tried to call you and received no response.

You are putting me in a very difficult situation. Electing not to speak with me substantially limits options.

The kids are concerned about your behavior. They don't want you to show up at their school. I'm not sure how this helps. You are not putting the interest of the kids above your own regardless if you agree with me. What do you accomplish by this approach? The kids are terrified that you will physically remove them from school or otherwise cause a scene. This causes them a lot of anxiety. This is exactly the type of parenting decision I'm talking

about. If you don't get your way, you threaten to harm the children's relationships to secure obedience.

I'm not trying to take the kids away from you. I have been more than patient with what you call mistakes. No one is perfect. However, I'm not sure why you can't see what you are doing is wrong.

Think about how your family therapist, Nick Ponzo, reacted to your choices previously. I'm certain he would not agree with them now. The window is closing here. If you want our help, you need to take our advice. I can't image this choice will work out well for you and your relationship with the kids.

Let me know by 9am tomorrow how you want to proceed.

Christina wrote on August 23, 2019--9:32AM

Mitch,

Although I appreciate your concern, you don't live my life day to day and although you can try to say that you're doing this in the children's best interest, I'm a deputy district attorney working to protect children on a daily basis. As such, I beg to differ.

We have a court order. I intend to follow the order as written. You must also follow the order as well. If you wish to change it, hire a lawyer.

I'm picking up the children pursuant to the court order. That is the letter of the law. My children mean everything to me. I'll be there.

Thanks,
Christina

Christina wrote on August 23, 2019--11:22AM

Hi Mitch,

Thank you for our phone call today. I would like the opportunity to speak to you further and in more detail about the issues we raised and briefly discussed. Let me know some dates and times that would work for you, and I'll do the same.

As we agreed, I will not pick up the kids from school today. We agreed that I will pick up Mia from your home at 6pm and that you will continue to facilitate the exchange as we have been practicing. I will then pick up Ethan from baseball at 8pm and we will proceed from there as normal.

I look forward to continuing to coparent and work with you for our kids.

Thank you again,
Christina

Christina wrote on August 23, 2019–6:58PM

This email shall document your violation of our court order. You agreed to exchange Mia today. You refuse to do so. I have been in front of your home since 6pm. I will remain here until you ensure Mia comes with me. Please bring Ethan's things out of your home.

Sent from my iPhone

Christina wrote on August 25, 2019–6:01PM

Mitch,

I will be picking up Mia and Ethan after school tomorrow as it is my custodial time. Please leave their Tuesday backpacks/books at the front office.

Mitch wrote on August 25, 2019–6:27PM

The children have expressed to me that they want to remain in my care for now. Both are very disturbed by your behavior on Friday. Ethan is very upset about your communications with his baseball coach.

I would advise against using the school for leverage to exercise time. Metro provided the attached. As communicated to you, Metro will not force the children into your care. I will be providing it to the children's school. Please do not cause a scene like Friday. You are only making the situation worse for the kids.

Per your request, I will have my motion on file before Monday morning. Let me know if you want to work something out before then.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT		
<input type="checkbox"/> Apt. Notification	<input type="checkbox"/> Disturbance	<input type="checkbox"/> Trespassing
<input type="checkbox"/> Garage Door	<input type="checkbox"/> Drug Activity	<input type="checkbox"/> Domestic Violence
<input type="checkbox"/> Curfew Notification	<input type="checkbox"/> Theft	<input checked="" type="checkbox"/> Civil Stand-by
<input type="checkbox"/> Other	<input type="checkbox"/> Vandalism	
Address 9795 SERENE STAR LN BLDG		Event # LV190800114832
Apt. Name		Message MIA AND ETHAN STAY
CHOSE NOT TO GO TO MOTHER'S HOUSE ARE 14 AND 12 MITCHELL WAS NOT HOLDING THE CHILDREN NOTING		
Date 08/23/2020	Time 2050	Officer Name P. LOMINGLO
DISTRIBUTION: WRITE - SUBSTATION CARD (100/100)		

Christina wrote on August 25, 2019–7:21PM

Mitch,

You are in ongoing violation of a valid court custody order. I do not give you permission to keep our children in your care during my custodial time.

You should not have shared texts between me and Ethan's baseball coach with him.

Your Metro card is factually inaccurate. Ethan was not even present in your home at the time that the officer was at your home.

To stop your contempt of the court order, immediately provide me with a time and location so that I may receive our children into my care.

As you know, neither a police card nor a motion serve to nullify a valid court order. If you represent that to the school, it is a false statement.

-Christina

Mitch wrote on August 25, 2019–7:37PM

I disagree with you. The kids do not want to return to your care at this time. Your threats to go to their school only hurts the kids. The only thing that matters is their best interest. Your decision to call the police, contact Ethan's baseball coach, and threaten to go to the children's school reflects exactly what the children complain about: you are threatening to harm their relationships in order to obtain compliance. I do not intend to allow this to happen any more.

I informed the kids you wanted to pick them up from school tomorrow. Both were adamant that they do not want to go with you. It does not make sense to put the school (like you did with Ethan's coach) in the middle. Please reconsider your threat. Like with Metro and Coach Mo, I will address the matter with the children's school. If Metro would not force the children into your care on Friday, why do you think a school administrator will? I do not think a family court judge will see your conduct as justified.

I told you that we should work out an alternative arrangement. For now, the kids don't want to be with you. You did a lot of damage on Friday. You asked me to file a motion. I intend to have one on file. Please stop your behavior.

EXHIBIT C TO
EX PARTE APPLICATION

DEFENDANT NO. 1004210



Mitchell Stipp <mstippv@gmail.com>

Fwd:

1 message

Mon, Aug 26, 2019 at 9:22 AM

Mitchell Stipp <mstippv@gmail.com>
 To: Christina Stipp <ccstipp@gmail.com>

Christina—

Please see attached motion, exhibits and notice of hearing.

I would like to work out a mutually acceptable arrangement with you. I'm not violating any court order. You have requested that I file a motion. With that completed, I think we should de-escalate the situation. I do not want the kids traumatized. Ethan is still very upset about your communications with Coach Mo. He does not want you to affect that relationship.

I spoke to the kids this morning. Neither wants to return to your care today. Please do not try to pick them up at school. Given your conduct on Friday, I hope you can see their concern.

I'm happy to meet with you this week to discuss the events over the last couple of weeks. We can also meet with the kids. Please consider the harm you are causing by trying to force the kids into your care using school, baseball and others as leverage. The kids do not want the embarrassment of your behavior but are unwilling to relent to your pressure.

Let me know your thoughts and how you would like to proceed.

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

From: **Mitchell Stipp** <mstipp@stippvlaw.com>
 Date: Mon, Aug 26, 2019 at 9:09 AM
 Subject:
 To: Mitchell Stipp <mstippv@gmail.com>

**Mitchell Stipp****Law Office of Mitchell Stipp**

T: 702.602.1242 | M: 702.378.1907




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

Mitchell & Amy Stipp
 10120 W. Flamingo Rd.
 Suite 4-124
 Las Vegas, NV 89147

Gmail - Fwd:

702.378.1907 (Mitchell)
702.277.6537 (Amy)

3 attachments

-  **Motion for Child Interview, Mediation and Teenage Discretion-8.26.19-Filed and Accepted.pdf**
1835K
-  **Exhibits-Motion for Child Interview, Mediation and Teenage Discretion-8.26.19-Filed and Accepted.pdf**
5392K
-  **Notice of Hearing-8.26.19.pdf**
42K

**EXHIBIT D TO
EX PARTE APPLICATION**

Page 150 of 169

DEFENDANT No. 19-004219

AA001691

Christina wrote on August 25, 2019-6:01PM

Mitch,

I will be picking up Mia and Ethan after school tomorrow as it is my custodial time. Please leave their Tuesday backpacks/books at the front office.

Mitch wrote on August 25, 2019-6:27PM

The children have expressed to me that they want to remain in my care for now. Both are very disturbed by your behavior on Friday. Ethan is very upset about your communications with his baseball coach.

I would advise against using the school for leverage to exercise time. Metro provided the attached. As communicated to you, Metro will not force the children into your care. I will be providing it to the children's school. Please do not cause a scene like Friday. You are only making the situation worse for the kids.

Per your request, I will have my motion on file before Monday morning. Let me know if you want to work something out before then.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

<input type="checkbox"/> Apt. Notification	<input type="checkbox"/> Disturbance	<input type="checkbox"/> Trespassing
<input type="checkbox"/> Garage Door	<input type="checkbox"/> Drug Activity	<input type="checkbox"/> Domestic Violence
<input type="checkbox"/> Curfew Notification	<input type="checkbox"/> Theft	<input checked="" type="checkbox"/> Civil Stand-by
<input type="checkbox"/> Other	<input type="checkbox"/> Vandalism	<input type="checkbox"/>

Address: 9795 SERENE STAR Event #: LLV190800114833

Apt. Name: MIAMI ADD ETHAN STITE Message: CHOSE NOT TO GO TO MICHIGAN ARE

CONTACT CARD

Date: 08/23/2020 Time: 14:00 Officer Name: P. LOMAGGIO

LVMPD 875 (REV. 10-14) DISTRIBUTION: WRITE - SUBSTATION, CALDWIN - CITIZEN

EXHIBIT E TO EX PARTE APPLICATION

Christina Calderon

I will be at the baseball field tomorrow morning with police if Ethan is not exchanged to me tonight. FYI

CC

Mo

I respectfully ask that you not expose the other parents or kids to that situation.

Please understand I like your son, I believe I can help him reach his baseball goals, but I will not sacrifice the sanctity of my organization for any one person.

M

Christina Calderon

I hope that Mitch will respect the Court order tonight

CC

Mo

Please stop texting me

I will support Ethan, but I cannot be in the middle of this situation.

M

EXHIBIT F
TO EX PARTE APPLICATION

Page 154 of 169

DEFENDANT No. 1004229



Connie >

Today 11:21 AM

Hi Connie: Confirming
Mia's lesson today at
3:30?

Well, I'm pretty confused.
Saturday Christina texted
me and then confirmed
last night that Mia would
not be coming to her
lesson today. I will hold
Mia's scheduled time
today from 3:30-5:00. I
don't know how to help
and I remained committed
to working with Mia any
time she is available.

RADFORD J. SMITH, CHARTERED
A Professional Law Corporation

**2470 ST. ROSE PARKWAY #206
HENDERSON, NV 89074**

TELEPHONE (702) 990-6448 - FACSIMILE (702) 990-6456

November 14, 2019

Mitchell D. Stipp
10120 W. Flamingo Rd. PMB 4-124
Las Vegas, NV 89147

Regarding: *Stipp adv. Stipp*
Invoice No: 45671
Balance Due Upon Receipt

RADFORD J. SMITH, CHARTERED
A Professional Law Corporation

A/R Aging

Current	30 Days	60 Days	90 Days	120 and Over	--	Total
\$4,897.75	\$0.00	\$0.00	\$96.02	\$11,207.03	\$0.00	\$11,591.11

This invoice includes charges through November 5, 2019,
charges after that date will appear on next billing.

Any payments received after the invoice date will be reflected on
the next bill. If you have any questions regarding this bill, please
contact Radford Smith at 702-990-6448 or
rsmith@radfordsmith.com

RADFORD J. SMITH, CHARTERED
A Professional Law Corporation

EXHIBIT B

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From: Mitchell Stipp <mstipp@stippaw.com>
To: PDF <pdfconvert@pdfconvert.me>
Subject: Fwd: FW: Stipp SAO re Discovery Hearing
Date: Fri, 7 Feb 2020 15:55:51 -0800

To file



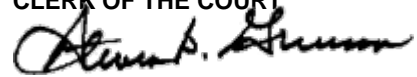
Mitchell Stipp
Law Office of Mitchell Stipp
T: [702.602.1242](tel:702.602.1242) | M: [702.378.1907](tel:702.378.1907)
E: mstipp@stippaw.com | www.stippaw.com

From: Radford Smith <rsmith@radfordsmith.com>
Sent: Friday, February 7, 2020 8:42 AM
To: val@fujilawlv.com
Subject: RE: Stipp SAO re Discovery Hearing

Valarie,

This is a perfect example of no good deed goes unpunished. Mitch and I spend the time to answer interrogatories by citing information that is already in a deposition (something that I am confident is not required under the current standard in Rule 26), and provide additional responses that frankly ignored the significant problems and rationale objections to your requests, yet you insist on more litigation.

No one is going to the hearing because of the stipulation to vacate. Please provide us any proposed recommendation you intend to submit to the court; we



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MITCHELL STIPP, ESQ.
Nevada Bar No. 7531
LAW OFFICE OF MITCHELL STIPP
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Telephone: 702.602.1242
mstipp@stipplaw.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 REPLY TO
OPPOSITION TO MOTION TO
COMPEL AND OPPOSITION TO
COUNTERMOTION FOR
ATTORNEY'S FEES AND COSTS
[DISCOVERY COMMISSIONER]**

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

1 exhibits attached hereto and incorporated herein by reference. These attached exhibits
2 are labeled **Exhibits E-H** (following **Exhibits A-D** filed on January 29, 2020).

3 Dated: February 13, 2020
4

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@stippplaw.com
Attorneys for Defendant

11
12 **MEMORANDUM OF POINTS AND AUTHORITIES**

13 Nothing in the discovery rules prohibits a motion to compel after the end of
14 discovery. Plaintiff specifically had notice of Defendant's objections to her responses
15 to written discovery before January 13, 2020. **See Exhibits C** and **D** to Defendant's
16 Exhibits filed on January 29, 2020. Radford Smith (Defendant's lead attorney) and
17 Valerie Fujii (Plaintiff's attorney) had a telephonic conference concerning these matters
18 on January 14, 2020. Yet, these matters were **initially** raised during Plaintiff's
19 deposition on January 7, 2020. The relevant portion of the transcript from Plaintiff's
20 deposition provides as follows:
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the incident?

A. Not that I recall.

Q. Did at that time you seek any counseling for either you or Mia in regard to the incident?

A. Not specifically, although my request to Mitch for counseling for Mia has been longstanding. So, I don't know if it resurrected after the April incident. I know we did discuss it during that May Starbucks meeting.

(Whereupon, Mr. Stipp exited the deposition proceedings.)

BY MR. SMITH:

Q. Okay. Did you tape that meeting? I may have asked you that, but did you tape that meeting of --

A. Yes, a portion of it.

Q. Okay. And have you produced that tape?

A. I have not yet. I got a new cell phone. So, I'm trying to get access to it.

(Whereupon, Mr. Stipp entered the deposition proceedings.)

BY MR. SMITH:

Q. Okay. So, you're saying that you do not presently have a copy of any kind of that recording that you took in the Starbucks in May available to you or in your control. Correct?

A. No, unless I e-mailed it to myself. So, I have to -- I didn't find it, but I'll look again. I may have it.

Q. Okay. So, you recollect that in the request for production of documents that you were served, you had indicated -- or we had requested all tape recordings of any kind between you and Mitchell or you and the children.

A. Uh-huh.

Q. And you indicated something about your phone changing in October?

A. Yes. I got a new phone.

Q. Okay. And so is it your recollection that on your previous phone there would be recordings and/or documents responsive to that request?

A. A recording. And I believe the request was for videos. So, I have to download all the baseball videos and music videos but no --

Q. Okay.

A. If that's what was requested.

Q. If you read the preamble to the request for production -- and it's pretty standard that it includes videos and all kinds of recordings, whether audio through your phone, et cetera.

With that understanding, were there other

recordings, other than just videos, that were on your previous phone that would be responsive to that question?

A. No.

Q. And you understood in my last question that question being the request for production of documents that asked you to produce all of those types of recordings. Correct?

A. Yes.

Q. Okay. Have you ever prepared a transcript of the recording that occurred at the Starbucks meeting with Mr. Stipp?

A. Yes.

Q. And when did you prepare that transcript?

A. I don't recall exactly, maybe a few months ago.

Q. And I don't recall. So, forgive me. But was that transcript provided as part of your pleadings?

A. No.

Q. So, have you, to your knowledge, ever provided that transcript in any way to Mitch or anyone as his representative: Amy, me --

A. No.

Q. -- anyone else? Is there a reason you have not?

A. I gave it to my attorney.

Q. Okay. So, you expected her to produce that as part of the request for production of documents response?

A. I don't know what -- what she was going to do.

Q. You're a lawyer.

A. Yeah. I am a lawyer. Yeah.

Q. So, you had to have some understanding of what she -- or what you were required to do as regard to the request for production of documents.

MS. FUJII: And just -- my only interruption is, our response was, discovery is continuing, and this response may be supplemented as additional information becomes available herein.

So, it's not nonresponsive. I -- so, I would object to the form.

MR. SMITH: Not either a form objection or an appropriate objection.

The -- in regard to the document, Ms. Fujii, if you have it and you haven't produced it prior to this deposition, is there a reason why?

MS. FUJII: Counsel, I -- I was -- I received a multitude of documentation in a short period of time. I Bates stamped and organized as best I could. And discovery is continuing.

And so if you're asking me for it and I have it, you'll definitely get it.

MR. SMITH: I would like it now. You knew this deposition had been scheduled for weeks, and you've responded to the discovery request after thirty days of having the request. And the standard --

MS. FUJII: I timely responded. There is a multitude of documents in this case. The deposition was reset to December 20th prior to a long, long vacation.

So, if you're asking me -- if she says she gave it to me, it's not something that strikes my memory off the top of my head, but I'll be more than happy to provide it.

MR. SMITH: This concerns me, Ms. Fujii. Not only did you just leave at the last deposition, but now you're telling me that you've received, in your words, a multitude of documents that you have not produced, knowing that the last twenty days --

MS. FUJII: I did not say --

MR. SMITH: Please allow me, as I will allow you to make your statement --

MS. FUJII: Sure.

MR. SMITH: You've indicated that you didn't provide a multitude of documents. Because I've

reviewed the response to request for production of documents. The only things that was provided were certain e-mails that had been chosen after October 5th, I believe, and that's it. There were no other documents other than a reference to pleadings that were on a file, which, by the way, is inappropriate. You have to provide documents, not references to other documents.

So, I'm not sure why, since we had notices of the deposition pending for now almost forty or fifty days, that I don't have the documents that are -- that you indicate are part of the ongoing discovery.

MS. FUJII: I disagree with that statement.

MR. SMITH: But what do you disagree with? We're under a duty -- you understand -- look, we're now in the deposition.

MS. FUJII: If you want to go off the record --

MR. SMITH: No. I don't want to go off the record. I want this discussion to be on the record, because it's our duty to resolve discovery disputes that exist in a case and in this instance.

MS. FUJII: With an EDC or 2.34 conference.

MR. SMITH: That is what we're having right this second.

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?

13 MS. FUJII: I'm not responding. You chose
14 when -- when to notice this deposition. You chose
15 when to continue this deposition. I'm kind enough to
16 allow you to continue this deposition today when I was
17 not required and we could have found another date to
18 provide this deposition.

19 Her response to the request for recordings,
20 which she was going to provide those to me, I do not
21 have those recordings. That's why I said discovery is
22 continuing.

23 MR. SMITH: But you've indicated you have a
24 multitude of documents. That was your words.

25 MS. FUJII: It is the pleadings that you also
are privileged to as well that were referenced, that
you said were referenced improperly. But it's not a
big secret or conspiracy. Nobody is hiding any
documents.

Counsel, if you would like a copy of this
transcript and she gave it to me, you can have it.

MR. SMITH: Okay. Great. How can you -- can
you forward that to my e-mail so I can use it today to
go over with Ms. --

MS. FUJII: And -- and I will note, it's my
understanding you did not request transcripts. But if
you want that, I can ask my office. I don't know how

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

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?

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,

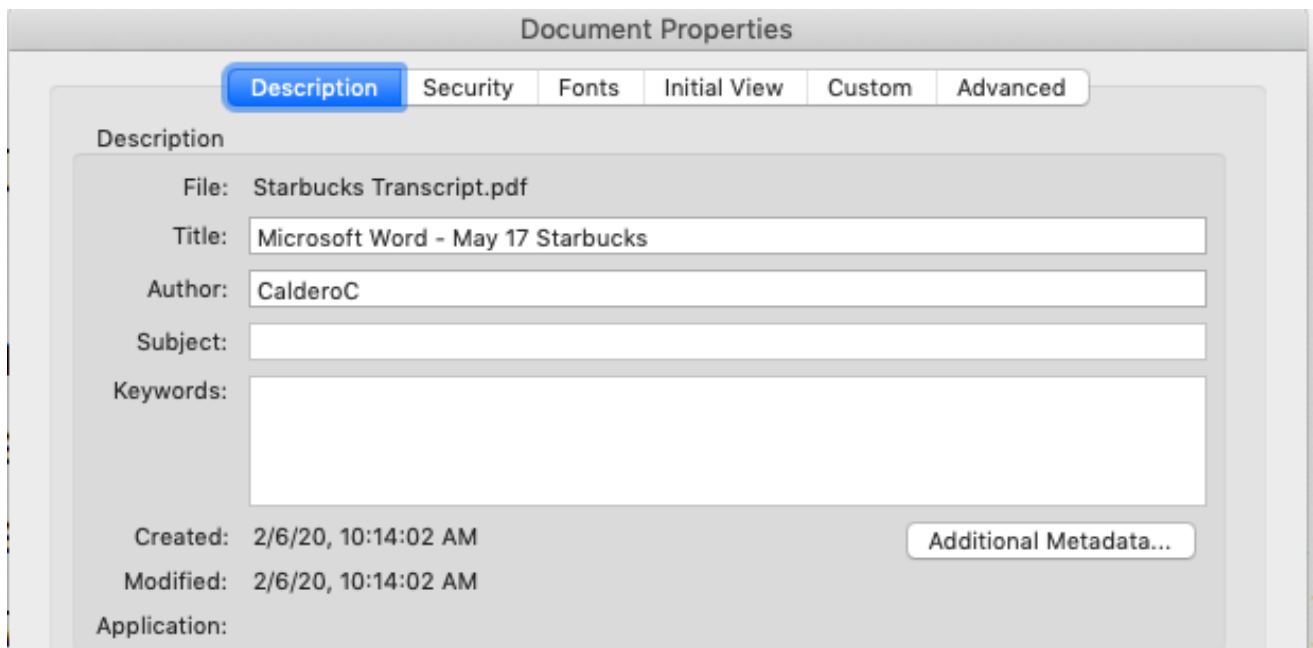
1 she was referring to the text messages that you --
 2 that's the only documents that you could believe that
 3 she would be referring to, because that's all you
 4 provided.
 5 A. Correct.

16 **See Exhibit D** to Defendant's Exhibits filed on January 29, 2020.

17 Plaintiff admits to preparing a transcript of a meeting she recorded and providing
 18 it to Ms. Fujii. However, Plaintiff testified that she does not have the audio file. Plaintiff
 19 miraculously produced an audio file on January 13, 2020 but no transcript. In addition,
 20 there were a number of documents Plaintiff claimed to provide to Ms. Fujii for
 21 disclosure, which may not have been produced. The parties met and conferred on the
 22 record on January 7, 2020---well before the end of discovery on January 13, 2020.

25 Ms. Fujii's claim that there was no meet and confer is non-sense. There have
 26 been **two (2) conferences** which satisfy the requirements of the discovery rules before
 27 Defendant filed a motion to compel. Both were held before Plaintiff filed her motion to
 28

1 compel. Therefore, Defendant's filing could not be retaliatory in nature. The motion
2 was necessitated by Plaintiff's failure to remedy the deficiencies in her responses to
3 written discovery. Notwithstanding this fact, Defendant in good faith specifically
4 agreed to withdraw the motion to compel if Plaintiff just produced the Starbucks
5 Transcript, which she claimed to prepare many months ago during her deposition.
6 Instead of producing this transcript in accordance with NRCP 16.2, Ms. Fujii emailed
7 Mr. Smith a PDF file on February 6, 2020, which she claimed was the transcript. See
8 Exhibit E attached hereto. Unfortunately, Defendant discovered that this file was NOT
9 the transcript because it was created on February 6, 2020. The metadata from the file is
10 set forth below:
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25 Ms. Fujii then claimed Plaintiff modified the transcript which was a MS Word
26 document on February 6, 2020 before sending it to Ms. Fujii to disclose as a PDF. See
27 Exhibit F attached hereto.¹ Plaintiff had no authority to modify evidence in this case
28

¹ Ms. Fujii inappropriately advises Mr. Smith to advise his client take medication for his "OCD." AA001709

1 **before disclosing it.** It should have been produced as it was prepared and supposedly
2 delivered to Ms. Fujii. In response to the objections of Mr. Smith, Ms. Fujii emailed a
3 MS Word file, which she now claims is the “actual” transcript prepared by her client.
4 The problem with that statement is the metadata for that file does not support Ms. Fujii’s
5 representations. **See Exhibit G** attached hereto. If Plaintiff modified the MS Word file,
6 then the metadata would show it was modified on February 6, 2020 **by Plaintiff.** Instead,
7 it shows the file was created and modified on September 9, 2019. **There were no**
8 **modifications on February 6, 2020,** and the identity of the party who modified the
9 document is: **“Fujii Law 1.”** Defendant believes Plaintiff and Ms. Fujii are being
10 dishonest, and the matter should be addressed.

11
12 Plaintiff filed a “courtesy” supplement to her responses to Defendant’s request for
13 production. **See Exhibit H** attached hereto. Again, this supplement is not adequate:

- 14 1. Responses to RFP #1, 3, 4, 9, 12, and 15 should be revised to reflect only the
15 documents produced by reference to their bates numbers. All other items
16 should be removed or produced. Reference to items filed in the case and
17 emails, texts, and other affidavits which have not been identified or produced
18 is insufficient.
- 19 2. The response to RFP# 5 is not adequate. It should include the actual Starbucks
20 Transcript—not the one created by Plaintiff on February 6, 2020. The
21 audio/video files of the children also should be produced. Plaintiff has had

adequate time to download and produce them. Plaintiff did not object timely to the production of these items.

Plaintiff has made no other attempts to resolve the issues with her responses to Defendant's interrogatories (as more fully briefed in his motion to compel). She also ignored these substantive issues in her opposition/countermotion filed on February 12, 2020.

Plaintiff should be sworn in and testify before the Discovery Commissioner on the issues of the transcript. Plaintiff is a licensed, Nevada attorney (who should not be able to hide behind Ms. Fujii's misrepresentations). Ms. Fujii's statements to Mr. Smith regarding the transcript are not supported by the facts.

For the reasons set forth above (and in Defendant's motion to compel), Defendant should be awarded \$5,000.00 in attorney's fees and costs. No attorney's fees or costs should be awarded to Plaintiff. Plaintiff did not produce the transcript as prepared and was caught creating/modifying "evidence" on February 6, 2020. Plain and simple---Plaintiff and her attorney, Ms. Fujii, have committed discovery misconduct. Sanctions are appropriate. The audio file and transcript should be excluded from use at trial.

///

///

///

1 Dated: February 13, 2020

2 **LAW OFFICE OF MITCHELL STIPP**

3 /s/ Mitchell Stipp, Esq.
4 MITCHELL STIPP, ESQ.
Nevada Bar No. 7531
5 LAW OFFICE OF MITCHELL STIPP
10120 W. Flamingo Rd., Suite 4-124
6 Las Vegas, Nevada 89147
Telephone: 702.602.1242
7

8
9 **DECLARATION OF MITCHELL STIPP**

10 I hereby declare and state as follows:

11 1. I am competent and willing to testify in a court of law as to the facts contained in
12 this motion (which are incorporated herein by this reference) and exhibits which are
13 filed concurrently herewith.
14

15 2. I have personal knowledge of these facts, save those stated upon information
16 and/or belief, and as to those matters, I believe them to be true.
17

18 /s/ Mitchell Stipp

19 Mitchell Stipp
20

21 ///

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 13th day of February, 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 E

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From: Mitchell Stipp <mstipp@stipplaw.com>
To: PDF <pdfconvert@pdfconvert.me>
Subject: Fwd: FW: Calderon v. Stipp - Starbucks transcript
Date: Thu, 13 Feb 2020 17:42:42 -0800

To File.

From: theresa@fujiiilawlv.com <theresa@fujiiilawlv.com>
Sent: Thursday, February 6, 2020 10:43 AM
To: Radford Smith <rsmith@radfordsmith.com>; Courtney Janson <cjanson@radfordsmith.com>
Cc: Val and Theresa <VIP@fujiiilawlv.com>
Subject: Calderon v. Stipp - Starbucks transcript

Good morning Radford and Courtney,

Attached is the Starbucks transcript. As you discussed with Val, please vacate Mitch's Motion to Compel set for March 6, 2020, as Mitch did not comply with EDCR 5.602 by having a personal discussion with me prior to filing his Motion.

Thanks and take care,

Theresa Locklar, Paralegal

Valarie I. Fujii, Esq.
VALARIE I. FUJII & ASSOCIATES
704 South Sixth Street
Las Vegas, Nevada 89101
Theresa's Cell: (702) 292-9034

Phone: (702) 341-6464
Facsimile: (702) 734-6464

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May 17, 2019 (Starbucks Meeting)

Mitch: So we had some issues and we talked about um our conversation at your house and then um and then we talked to Mia about (inaudible) and then talked about many things about what happened yesterday

Christina: Ok

Mitch: Uh...with regard to the her (inaudible) the doorbell issue

Here...here...here's overall the way I see it. The way I see it is that given the choice I think both Mia and Ethan would both prefer to live with us...but...(inaudible) and and and I'm not saying that is even a question whether it be...[long pause]

And so so I'm not I'm not speaking as to uh (inaudible) want to live (inaudible)

Number two...uh...obviously, you're their mother, you love them

Number three, there's clearly a difference of how they act at your house versus at our house because you primarily have issues with Mia. Um. I think Mia's anxiety has a lot to do I think with the way that she acts and...um...whether the anxiety is a product of the nature of her personality, environmental factors, age, the divorce, the way that she's been treated by you or your family, or me and our family, there's a number of reasons and and no one can pinpoint specifically with one-hundred percent certainty as to why. Right?

We can all have beliefs. You can have your belief...uh that...you know...and I'm just ...I want you to hear me out...

Christina: Yeah. That's fine.

Mitch: your belief may be you know uh that um she's afraid of me that and so she she doesn't act the way she does at your house and she Amy doesn't have a relationship with her like a parent, it's more of a friendship, so there's a different dynamic there and uh I brainwashed the kids and my family brainwashed the kids and so therefore (inaudible) so uh...

The issue is...is that I...I don't want to speak to why I think the kids act the way they do but I want to move past that...I don't want either child to be cursing at your house either at each other or uh to you or I whether (inaudible) in general I think that you should curse at them, if you curse, it's your house, and you're a parent, you can do what you want, calling them names and things of that nature...Now I'm not saying whether you do or you don't...I'm not speaking to that...I'm just...I wouldn't want a parent-child relationship where your daughter calls you...whatever. Or you call her a whore, bitch, cunt or this and that. And Ethan, you know, doing the same...

Number two is that you do need some mechanism in which to enforce your rules...and it doesn't appear that is Mia respected you in that regard. Uh...if you...if Mia does something that's inappropriate...you...and you want to uh uh punish her appropriately by taking away her phone then...it appears that you're not able to do that...either because—and for whatever reason—

As a general matter, uh you...you uh should have the ability to impose some punishment for you know bad behavior, whatever it is, bad grade, um um the kids fighting, um Mia acting inappropriately, whatever

there has to be some kind of...I don't think there should ever be I'm going to call your friends, I'm going to call your friend's parents, I'm going to call the school, I'm going to call the counselor, I'm going to call the teacher, (inaudible) um uh...

Should you be able to take Mia's phone away? Yes.

Christina: Uh huh

Mitch: We have. Um. We're ok with that. We will work with you to ensure that that is the case. Um. And. So...I don't...those are just a lot of thoughts...

Christina: Sure.

Mitch: that we have come up with...

Christina: Sure.

Mitch: We're not um I'm not here to tell you that they prefer (inaudible) I'm not here to tell you that we're planning (inaudible) have I thought of all of those things? Yes. Uh. Do I think that is the potentially better off in the short term but maybe in the long term with us ? Uh. Do I think you should have the opportunity to repair your relationship with Mia? Or to the extent that it needs to be repaired with Ethan? Under the right circumstances? Yes.

Christina: Ok.

Mitch: And the circumstances that I am talking about are the circumstances that I am suggesting. So. What I want...what I want from you ... is...is it possible to clean slate?

I don't think it will benefit you to punish Mia for what has transpired over the last couple of weeks. Even though I think...from your point of view and based on the facts and circumstances...she likely deserves punishment. There's no question. Um...

Christina: Well there's the consequences...

Mitch: Consequences.

Christina: Yeah.

Mitch: I think Mia...as I talked about before...she has substantial anxiety.

Christina: Yes.

Mitch: And that anxiety...um...that anxiety is claimed...um...by the nature of your relationship with her...and so...as it turns out...personality...or whatever there's a conflict there in terms of...of the way you in which you interact with her that heightens her anxiety.

Christina: I didn't hear the last part.

Mitch: Heightens her anxiety.

Christina: ok.

Mitch: Um. And her anxiety has obviously been substantial over the last two weeks because of finals, performances, trips, travel, all of that stuff

Christina: Correct.

Mitch: Um. And so...is that your fault? Like I said we're not getting into why she has anxiety...

Christina: I think we'll never agree. I think we need to agree to disagree...

Mitch: Right. Exactly.

Christina: ...on...

Mitch: It's not worth...

Christina: ...on why. On the question of why.

Mitch: It's not worth it.

Christina: We are here now.

Mitch: Right.

Christina: Got it.

Mitch: So. The thing is is...the thing is...is that we don't want Mia to act that way to you or anybody else.

Christina: Right.

Mitch: Regardless of how I feel or Amy feels or we feel about each other, it shouldn't happen.

Christina: Yeah.

Mitch: Uh. Even if what you're doing...uh...you know...Mia doesn't agree with, or we don't agree with, I can't imagine a set of circumstances where what you are doing is going to be...you know... SO extreme that it results in (inaudible)...it should have. You know. Um. There should be no contact (inaudible) either you or her or vice versa. She shouldn't be. You shouldn't be. Nobody should be destroying anybody's property. It shouldn't...it shouldn't happen.

Christina: Right.

Mitch: And if these things do happen. (inaudible)
There's really a problem. Regardless of whether
it's Mia's fault or not. Um. All that stuff needs
to be worked to try to resolve it.

Christina: Ok.

Mitch: Um. So. We want to help you. We want to
help you as best and to the extent that you want us
to.

Christina: Ok.

Mitch: Uh. We want to support you, um, but we
want you to, um, I'm going to trust you, you have
to trust us..

Christina: Ok.

Mitch: There's things that we don't like we want
to be able to say and vice versa

Christina: Ok.

Mitch: Um. We...we want both the kids to see that
we're communicating, we are on the same page, and
we, uh...if they do something there that's
(inaudible) that you call or text us and to the
extent that you can't take Mia's phone away because
she won't give it to you, then, at least initially,
I'll come and get it. Uh...

Christina: Or cut service.

Mitch: Huh?

Christina: Or cut service.

Mitch: But...and that's what we were talking about. The idea would be that if I have to do that they are not getting it back.

Christina: Ok.

Mitch: And I don't think it makes a difference, at least initially...

Christina: Yeah.

Mitch: ...in terms of the consequences. Whatever the circumstances, that if I have to pick up a phone...

Amy: We don't want to have to turn them on and off, on and off, on and off with Mia...

Christina: Ok.

Mitch: If I take it, I'm just going to take it away.

Christina: Ok.

Mitch: Uh. And, and that will...and...and...that will motivate Mia to, you know, behave appropriate.

Christina: Uh huh.

Mitch: I mean. Obviously she has a lot of trust and anger issues, lot of anger, she feels it (inaudible) she doesn't like you, and things of that nature...whatever the source but the bottom line is that Mia still is (inaudible) she can't act inappropriate

EXHIBIT F

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From: Mitchell Stipp <mstipp@stipplaw.com>
To: PDF <pdfconvert@pdfconvert.me>
Subject: Fwd: FW: Fwd: Stipp SAO re Discovery Hearing
Date: Thu, 13 Feb 2020 17:40:41 -0800

To File.

From: theresa@fujilawlv.com <theresa@fujilawlv.com>
Sent: Friday, February 7, 2020 3:31 PM
To: Radford Smith <rsmith@radfordsmith.com>
Cc: Val and Theresa <VIP@fujilawlv.com>
Subject: RE: Fwd: Stipp SAO re Discovery Hearing

Hello Radford,

Before we sent you the Starbucks transcript yesterday, Christina corrected two misspellings of the word "hear" to "here" and she saved it in pdf format. She did not want the MS Word "docx" version of the document sent over. However, because Mitch believes that his foray into the metadata proves that the transcript was created yesterday, we are sending over the MSWord document which we received from Christina on 09-09-19. Please note that it contains two misspellings of the word "hear" which should have been "here". Otherwise, the document is the same.

Valarie states that she sincerely hopes that Mitch looks into taking some medication for his OCD.

Thanks and take care,

Theresa Locklar, Paralegal

Valarie I. Fujii, Esq.

VALARIE I. FUJII & ASSOCIATES

704 South Sixth Street

Las Vegas, Nevada 89101

Theresa's Cell: (702) 292-9034

Phone: (702) 341-6464

Facsimile: (702) 734-6464

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----- Original Message -----

Subject: RE: Fwd: Stipp SAO re Discovery Hearing

From: Radford Smith <rsmith@radfordsmith.com>

Date: Fri, February 07, 2020 1:41 pm

To: "theresa@fujii-lawlv.com" <theresa@fujii-lawlv.com>

Valarie,

The metadata associated with the document shows that it was created by your client the day it was produced. Please cite me the law that suggests that I am precluded from enforcing discovery deficiencies after the DCO. I'll consider it.

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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From: theresa@fujii-lawlv.com
Sent: Friday, February 7, 2020 11:32 AM
To: [Radford Smith](#)
Cc: [Val and Theresa](#)
Subject: RE: Fwd: Stipp SAO re Discovery Hearing

The following was dictated by Valarie Fujii:

Radford,

I have neither the time nor the desire to recreate a transcript or falsify or amend documents. I gave you what I got, which is the same thing we had, which was mentioned at the depo.

As to Mitch's MTC, we never had an EDCR 5.602(d) Conference regarding Christina's discovery responses, nor is it relevant because none of this was done before the DCO, and you and Mitch had our client's discovery responses for 26 days prior to the MTC being filed.

You cannot try to back door or correct the untimeliness, deficiencies and procedural defects of your client's MTC now. Vacate the hearing, or I will again request fees.

Theresa Locklar, Paralegal

Valarie I. Fujii, Esq.
VALARIE I. FUJII & ASSOCIATES
704 South Sixth Street
Las Vegas, Nevada 89101
Tel: (702) 399-8888

May 17, 2019 (Starbucks Meeting)

Mitch: So we had some issues and we talked about um our conversation at your house and then um and then we talked to Mia about (inaudible) and then talked about many things about what happened yesterday

Christina: Ok

Mitch: Uh...with regard to the her (inaudible) the doorbell issue

Here...here...here's overall the way I see it. The way I see it is that given the choice I think both Mia and Ethan would both prefer to live with us...but... (inaudible) and and and I'm not saying that is even a question whether it be...[long pause]

And so so I'm not I'm not speaking as to uh (inaudible) want to live (inaudible)

Number two...uh...obviously, you're their mother, you love them

Number three, there's clearly a difference of how they act at your house versus at our house because you primarily have issues with Mia. Um. I think Mia's anxiety has a lot to do I think with the way that she acts and...um...whether the anxiety is a product of the nature of her personality, environmental factors, age, the divorce, the way that she's been treated by you or your family, or me and our family, there's a number of reasons and and no one can pinpoint specifically with one-hundred percent certainty as to why. Right?

We can all have beliefs. You can have your belief... uh that...you know...and I'm just ...I want you to hear me out...

Christina: Yeah. That's fine.

Mitch: your belief may be you know uh that um she's afraid of me that and so she she doesn't act the way she does at your house and she Amy doesn't have a relationship with her like a parent, it's more of a friendship, so there's a different dynamic there and uh I brainwashed the kids and my family brainwashed the kids and so therefore (inaudible) so uh...

The issue is...is that I...I don't want to speak to why I think the kids act the way they do but I want to move past that...I don't want either child to be cursing at your house either at each other or uh to you or I whether (inaudible) in general I think that you should curse at them, if you curse, it's your house, and you're a parent, you can do what you want, calling them names and things of that nature...Now I'm not saying whether you do or you don't...I'm not speaking to that...I'm just...I wouldn't want a parent-child relationship where your daughter calls you...whatever. Or you call her a whore, bitch, cunt or this and that. And Ethan, you know, doing the same...

Number two is that you do need some mechanism in which to enforce your rules...and it doesn't appear that is Mia respected you in that regard. Uh...if you...if Mia does something that's inappropriate...you...and you want to uh uh punish her appropriately by taking away her phone then...it appears that you're not able to do that...either because—and for whatever reason—

As a general matter, uh you...you uh should have the ability to impose some punishment for you know bad behavior, whatever it is, bad grade, um um the kids fighting, um Mia acting inappropriately, whatever there has to be some kind of...I don't think there should ever be I'm going to call your friends, I'm going to call your friend's parents, I'm going to call the school, I'm going to call the counselor, I'm going to call the teacher, (inaudible) um uh...

Should you be able to take Mia's phone away? Yes.

Christina: Uh huh

Mitch: We have. Um. We're ok with that. We will work with you to ensure that that is the case. Um. And. So...I don't...those are just a lot of thoughts...

Christina: Sure.

Mitch: that we have come up with...

Christina: Sure.

Mitch: We're not um I'm not hear to tell you that they prefer (inaudible) I'm not hear to tell you that we're planning (inaudible) have I thought of all of those things? Yes. Uh. Do I think that is the potentially better off in the short term but maybe in the long term with us ? Uh. Do I think you should have the opportunity to repair your relationship with Mia? Or to the extent that it needs to be repaired with Ethan? Under the right circumstances? Yes.

Christina: Ok.

Mitch: And the circumstances that I am talking about are the circumstances that I am suggesting. So. What I want...what I want from you ... is...is it possible to clean slate?

I don't think it will benefit you to punish Mia for what has transpired over the last couple of weeks. Even though I think...from your point of view and based on the facts and circumstances...she likely deserves punishment. There's no question. Um...

Christina: Well there's the consequences...

Mitch: Consequences.

Christina: Yeah.

Mitch: I think Mia...as I talked about before...she has substantial anxiety.

Christina: Yes.

Mitch: And that anxiety...um...that anxiety is claimed...um...by the nature of your relationship with her...and so...as it turns out...personality...or whatever there's a conflict there in terms of...of the way you in which you interact with her that heightens her anxiety.

Christina: I didn't hear the last part.

Mitch: Heightens her anxiety.

Christina: ok.

Mitch: Um. And her anxiety has obviously been substantial over the last two weeks because of

finals, performances, trips, travel, all of that stuff

Christina: Correct.

Mitch: Um. And so...is that your fault? Like I said we're not getting into why she has anxiety...

Christina: I think we'll never agree. I think we need to agree to disagree...

Mitch: Right. Exactly.

Christina: ...On...

Mitch: It's not worth...

Christina: ...on why. On the question of why.

Mitch: It's not worth it.

Christina: We are here now.

Mitch: Right.

Christina: Got it.

Mitch: So. The thing is is...the thing is...is that we don't want Mia to act that way to you or anybody else.

Christina: Right.

Mitch: Regardless of how I feel or Amy feels or we feel about each other, it shouldn't happen.

Christina: Yeah.

Mitch: Uh. Even if what you're doing...uh...you know...Mia doesn't agree with, or we don't agree with, I can't imagine a set of circumstances where what you are doing is going to be...you know... SO extreme that it results in (inaudible)...it should have. You know. Um. There should be no contact (inaudible) either you or her or vice versa. She shouldn't be. You shouldn't be. Nobody should be destroying anybody's property. It shouldn't...it shouldn't happen.

Christina: Right.

Mitch: And if these things do happen. (inaudible) There's really a problem. Regardless of whether it's Mia's fault or not. Um. All that stuff needs to be worked to try to resolve it.

Christina: Ok.

Mitch: Um. So. We want to help you. We want to help you as best and to the extent that you want us to.

Christina: Ok.

Mitch: Uh. We want to support you, um, but we want you to, um, I'm going to trust you, you have to trust us...

Christina: Ok.

Mitch: There's things that we don't like we want to be able to say and vice versa

Christina: Ok.

Mitch: Um. We...we want both the kids to see that we're communicating, we are on the same page, and we, uh...if they do something there that's (inaudible) that you call or text us and to the extent that you can't take Mia's phone away because she won't give it to you, then, at least initially, I'll come and get it. Uh...

Christina: Or cut service.

Mitch: Huh?

Christina: Or cut service.

Mitch: But...and that's what we were talking about. The idea would be that if I have to do that they are not getting it back.

Christina: Ok.

Mitch: And I don't think it makes a difference, at least initially...

Christina: Yeah.

Mitch: ...in terms of the consequences. Whatever the circumstances, that if I have to pick up a phone...

Amy: We don't want to have to turn them on and off, on and off, on and off with Mia...

Christina: Ok.

Mitch: If I take it, I'm just going to take it away.

Christina: Ok.

Mitch: Uh. And, and that will...and...and...that will motivate Mia to, you know, behave appropriate.

Christina: Uh huh.

Mitch: I mean. Obviously she has a lot of trust and anger issues, lot of anger, she feels it (inaudible) she doesn't like you, and things of that nature...whatever the source but the bottom line is that Mia still is (inaudible) she can't act inappropriate

EXHIBIT G

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File

Filename

Transcript of 05-17-19 Starbucks
Conversation-1.docx

File Size

20 kB

File Type

DOCX

File Type Extension

docx

MIME Type

application/vnd.openxmlformats-
officedocument.wordprocessingml.document

ZIP

Zip Required Version

20

Zip Bit Flag

0x0006

Zip Compression

Deflated

Zip Modify Date

1980:01:01 00:00:00

Zip CRC

0x6cd2a4df

Zip Compressed Size

346

Zip Uncompressed Size

1312

Zip File Name

[Content_Types].xml

XMP

Title

Subject

Creator

Christina Stipp

Description

XML

Keywords

Last Modified By

Fujii Law 1

Revision Number

2

Last Printed

2019:09:09 22:04:00Z

Create Date

2019:09:09 22:04:00Z

Modify Date

2019:09:09 22:04:00Z

Template

Normal

Total Edit Time

0

Pages

7

Words

1206

Characters

6880

Application

Microsoft Office Word

Doc Security

None

Lines

57

Paragraphs

16

Scale Crop

No

Heading Pairs

["Title",1]

Titles Of Parts

Company

Links Up To Date

No

Characters With Spaces

8070

Shared Doc

No

Hyperlinks Changed

No

App Version

16.0000

Analyze a File:

No file chosen

Or just drag and drop a file here.

Analyze a URL:

URL:

Enter the URL of a media asset.

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EXHIBIT H

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1 **SUPP**
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
(702) 341-6464 phone
(702) 734-6464 facsimile
vip@fujii-lawlv.com

7 Attorney for Plaintiff
8 CHRISTINA CALDERON

9 **DISTRICT COURT, FAMILY DIVISION**

10 **CLARK COUNTY, NEVADA**

11 CHRISTINA CALDERON,)

12 Plaintiff,)

13 vs.)

14 MITCHELL STIPP,)

15 Defendant.)

CASE NO.: D-08-389203-Z

DEPT. NO.: H

16
17 **PLAINTIFF'S COURTESY SUPPLEMENTAL**
18 **RESPONSES TO DEFENDANT'S FIRST SET OF**
REQUESTS FOR PRODUCTION OF DOCUMENTS

19 TO: MITCHELL STIPP, Defendant herein.

20 TO: RADFORD J. SMITH, ESQ., of the law firm of RADFORD J. SMITH,
21 CHTD., counsel for Defendant herein.

22 COMES NOW, Plaintiff CHRISTINA CALDERON, by and through her
23 attorney of record, VALARIE I. FUJII, ESQ., of the law firm of VALARIE I.
24 FUJII & ASSOCIATES, and hereby provides her Supplemental Responses to
25 Defendant's First Set of Requests for Production of Documents as follows:
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1 **REQUEST NO. 1:**

2 The factors set forth below are derived from NRS 125C.0035(4) and are
3 used by the court in determining the best interest of the children with respect to
4 custody and timeshare. For each such factor which you claim is important for the
5 court to consider in awarding physical custody, supply all documents supporting
6 such claim:
7

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

3 **SUPPLEMENTAL RESPONSE TO REQUEST NO. 1:**

4 For (a) through (k) factors aforementioned, please refer to the following
5 documents filed by Plaintiff in this matter, as well as any and all related affidavits
6 and exhibits in support of the same: a) Plaintiff's Motion for Order to Show Cause
7 Against Defendant for Wilfully Disobeying the Custody Order, a Request for
8 Immediate Return of the Children, Make Up Visitation and an Award of
9 Attorney's Fees filed on August 29, 2019; b) Ex Parte Application for Order to
10 Show Cause filed on August 30, 2019; c) Plaintiff's Opposition to Defendant's
11 Motion for Child Interview by FMC and Related Relief; and Countermotion for
12 Immediate Return of the Children, Make-up Visitation, Sanctions, and Award of
13 Attorney's Fees filed on September 11, 2019; d) Plaintiff's Ex Parte Application
14 for Order Shortening Time filed on September 26, 2019; and e) Plaintiff's
15 Emergency Motion for Temporary Primary Physical Custody and Request for Writ
16 of Attachment Order and Attorney's Fees filed on October 9, 2019. See also
17 PL000129-135; PL000136-139; PL000140-143. Also, Donna Wilburn, LMFT
18 letter PL0064-00067 and all emails between the parties, including those contained
19 within PL0001-478; and text messages between the children and Christina
20 PL000182-266.

21 **REQUEST NO. 2:**

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

24 ...

1 **SUPPLEMENTAL RESPONSE TO REQUEST NO. 2:**

2 Please see attached text messages from October 5, 2019, to the present,
3 Bates Stamps PL00001 - PL00085 produced in Plaintiff's NRCP 16.2 production
4 served on January, 13, 2020 and PL 00182-00266.
5

6 **REQUEST NO. 3:**

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

9 **SUPPLEMENTAL RESPONSE TO REQUEST NO. 3:**

10 Please see all of the documents listed in the 71 pages consisting of the
11 current docket sheet available on Odyssey for Case No. D-08-389203-Z. 52 of 71
12 pages consist of documents filed by the parties from 2008-2014. Ten pages
13 consist of filings from August 29, 2019, to the present. See also a) Plaintiff's
14 Motion for Order to Show Cause Against Defendant for Wilfully Disobeying the
15 Custody Order, a Request for Immediate Return of the Children, Make Up
16 Visitation and an Award of Attorney's Fees filed on August 29, 2019; b) Ex Parte
17 Application for Order to Show Cause filed on August 30, 2019; c) Plaintiff's
18 Opposition to Defendant's Motion for Child Interview by FMC and Related
19 Relief; and Countermotion for Immediate Return of the Children, Make-up
20 Visitation, Sanctions, and Award of Attorney's Fees filed on September 11, 2019;
21 d) Plaintiff's Ex Parte Application for Order Shortening Time filed on September
22 26, 2019; and e) Plaintiff's Emergency Motion for Temporary Primary Physical
23 Custody and Request for Writ of Attachment Order and Attorney's Fees filed on
24 October 9, 2019.
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1 **REQUEST NO. 4:**

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

4 **SUPPLEMENTAL RESPONSE TO REQUEST NO. 4:**

5 Please refer to the following documents filed by Plaintiff in this matter, as
6 well as any and all related affidavits and exhibits in support of the same: a)
7 Plaintiff's Motion for Order to Show Cause Against Defendant for Wilfully
8 Disobeying the Custody Order, a Request for Immediate Return of the Children,
9 Make Up Visitation and an Award of Attorney's Fees filed on August 29, 2019; b)
10 Ex Parte Application for Order to Show Cause filed on August 30, 2019; c)
11 Plaintiff's Opposition to Defendant's Motion for Child Interview by FMC and
12 Related Relief; and Countermotion for Immediate Return of the Children, Make-
13 up Visitation, Sanctions, and Award of Attorney's Fees filed on September 11,
14 2019; d) Plaintiff's Ex Parte Application for Order Shortening Time filed on
15 September 26, 2019; and e) Plaintiff's Emergency Motion for Temporary Primary
16 Physical Custody and Request for Writ of Attachment Order and Attorney's Fees
17 filed on October 9, 2019. Also, Donna Wilburn, LMFT letter PL0064-00067.

18 **REQUEST NO. 5:**

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

21 **SUPPLEMENTAL RESPONSE TO REQUEST NO. 5:**

22 See May17, 2019 audio between the parties at starbucks served January 13,
23 2020 in Plaintiff's 16.2 production. Baseball videos of Ethan and music
24 performance videos of Mia in her possession were too voluminous to download
25 and irrelevant, so an objection is being made.

1 **REQUEST NO. 6:**

2 Provide all documents, videos, audio recordings, social media postings, or
3 other communications which tend to support your claims regarding either child's
4 preference for a particular custody or timeshare arrangement.
5

6 **SUPPLEMENTAL RESPONSE TO REQUEST NO. 6:**

7 None.

8 **REQUEST NO. 7:**

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

15 **SUPPLEMENTAL RESPONSE TO REQUEST NO. 7:**

16 None.

17 **REQUEST NO. 8:**

18 If you have concerns regarding the adverse party's physical or mental health,
19 provide all documentation to support such allegations.
20

21 **SUPPLEMENTAL RESPONSE TO REQUEST NO. 8:**

22 See PL 0064-0067; PL 00116-00121; PL 00122-128. See also PL 00161-
23 00177. See also PL 000269-00487.

24 **REQUEST NO. 9:**

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

27 ...

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1 **SUPPLEMENTAL RESPONSE TO REQUEST NO. 9:**

2 Please refer to the following documents filed by Plaintiff in this matter
3 specifically: a) Plaintiff's Motion for Order to Show Cause Against Defendant
4 for Wilfully Disobeying the Custody Order, a Request for Immediate Return of the
5 Children, Make Up Visitation and an Award of Attorney's Fees filed on August
6 29, 2019; b) Ex Parte Application for Order to Show Cause filed on August 30,
7 2019; c) Plaintiff's Opposition to Defendant's Motion for Child Interview by FMC
8 and Related Relief; and Countermotion for Immediate Return of the Children,
9 Make-up Visitation, Sanctions, and Award of Attorney's Fees filed on September
10 11, 2019; d) Plaintiff's Ex Parte Application for Order Shortening Time filed on
11 September 26, 2019; and e) Plaintiff's Emergency Motion for Temporary Primary
12 Physical Custody and Request for Writ of Attachment Order and Attorney's Fees
13 filed on October 9, 2019. See also specifically, PL00064-67; PL000264-270;
14 PL000451-452; PL000473-475; PL000329-334; PL000364; PL000465;
15 PL000140-143; PL000291-292; PL000364; PL000397; PL000399;
16 PL000486-487; PL000444-445; PL000407-408; PL000413-414; PL000182;
17 PL000266; PL000279; PL000453-457; PL000376-377; PL000272-277; PL00038.
18 See also, Donna Wilburn, LMFT letter PL0064-00067, all emails between the
19 parties, including those contained within PL0001-478; and text messages between
20 the children and Christina PL00182-00266.

21 **REQUEST NO. 10:**

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

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1 **SUPPLEMENTAL RESPONSE TO REQUEST NO. 10:**

2 See specifically Donna Wilburn, LMFT letter PL00064-67; PL000264-270;
3 PL000451-452; PL000473-475; PL000329-334; PL000364; PL000465;
4 PL000140-143; PL000291-292; PL000364; PL000397; PL000399;
5 PL000486-487; PL000444-445; PL000407-408; PL000413-414; PL000182;
6 PL000266; PL000279; PL000453-457; PL000376-377; PL000272-277;
7 PL000380. Also see all emails between the parties, including those contained
8 within PL0001-478; and text messages between the children and Christina
9 PL00182-00266.
10

11 **REQUEST NO. 11:**

12 If you retained the services of a private investigator, conducted personal
13 surveillance, or in any way had a third party watch the adverse party or either child
14 for purposes of gathering information, provide all information, reports,
15 photographs, videos, or recordings made during the course of the surveillance and
16 investigation.
17

18 **SUPPLEMENTAL RESPONSE TO REQUEST NO. 11:**

19 None.

20 **REQUEST NO. 12:**

21 Provide all documents which support your contention that there has been a
22 substantial change in circumstances which warrants a modification since entry of
23 the last order regarding custody and/or timeshare.
24

25 **SUPPLEMENTAL RESPONSE TO REQUEST NO. 12:**

26 Please refer to the following documents filed by Plaintiff in this matter, as
27 well as any Affidavits of Plaintiff PL 00129-00143, specifically, Plaintiff's Motion
28 for Order to Show Cause Against Defendant for Wilfully Disobeying the Custody

1 Order, a Request for Immediate Return of the Children, Make Up Visitation and
2 an Award of Attorney's Fees filed on August 29, 2019; Ex Parte Application for
3 Order to Show Cause filed on August 30, 2019; Plaintiff's Opposition to
4 Defendant's Motion for Child Interview by FMC and Related Relief; and
5 Countermotion for Immediate Return of the Children, Make-up Visitation,
6 Sanctions, and Award of Attorney's Fees filed on September 11, 2019; Plaintiff's
7 Ex Parte Application for Order Shortening Time filed on September 26, 2019; and
8 Plaintiff's Emergency Motion for Temporary Primary Physical Custody and
9 Request for Writ of Attachment Order and Attorney's Fees filed on October 9,
10 2019. Additionally, the Court minutes PL00178-PL00181 and unanswered texts
11 PL 00182-00266.
12

13 **REQUEST NO. 13:**

14 Provide all communications and documents which you provided to Donna
15 Wilburn to review in connection with her letter dated September 11, 2019 entitled
16 "Recommended Protocol Regarding Child Visitation Refusal."
17

18 **SUPPLEMENTAL RESPONSE TO REQUEST NO. 13:**

19 None.

20 **REQUEST NO. 14:**

21 If you are requesting an award of attorney's fees and costs, provide a copy
22 of all invoices for legal services related to the proceeding in which you seek such
23 an award.
24

25 **SUPPLEMENTAL RESPONSE TO REQUEST NO. 14:**

26 Please see attached Sales Receipts from my counsel Valarie I. Fujii, Esq.,
27 confirming my payments to her in the amount of \$5,000.00 on August 26, 2019,
28 and \$10,300.00 on December 5, 2019, for a total of \$15,300.00, Bates Stamps

1 PL00086 - PL00087. In addition, discovery is continuing and Plaintiff reserves
2 her right to supplement this Response as additional information and
3 documentation become available.

4 **REQUEST NO. 15:**

5 Provide all documents you reviewed or referred to in answering the
6 Interrogatories submitted to you.

7 **SUPPLEMENTAL RESPONSE TO REQUEST NO. 15:**

8 Please refer to the following documents filed by Plaintiff in this matter : a)
9 Plaintiff's Motion for Order to Show Cause Against Defendant for Wilfully
10 Disobeying the Custody Order, a Request for Immediate Return of the Children,
11 Make Up Visitation and an Award of Attorney's Fees filed on August 29, 2019; b)
12 Ex Parte Application for Order to Show Cause filed on August 30, 2019; c)
13 Plaintiff's Opposition to Defendant's Motion for Child Interview by FMC and
14 Related Relief; and Countermotion for Immediate Return of the Children, Make-
15 up Visitation, Sanctions, and Award of Attorney's Fees filed on September 11,
16 2019; d) Plaintiff's Ex Parte Application for Order Shortening Time filed on
17 September 26, 2019; and e) Plaintiff's Emergency Motion for Temporary Primary
18 Physical Custody and Request for Writ of Attachment Order and Attorney's Fees
19 filed on October 9, 2019. See specifically, Exhibits and production served on
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1 January 13, 2013, PL0000001-000487.

2 DATED this 7th day of February, 2020.

3 VALARIE I. FUJII & ASSOCIATES

4
5
6 VALARIE I. FUJII, ESQ.
7 Nevada Bar No. 005955
8 704 S. Sixth Street
9 Las Vegas, Nevada 89101
10 Attorney for Plaintiff
11 CHRISTINA CALDERON

12 CERTIFICATE OF SERVICE

13 I HEREBY CERTIFY that on the 7th day of February, 2020, I served a
14 true and correct copy of the above and foregoing *Plaintiff's Courtesy*
15 *Supplemental Responses to Defendant's First Set of Request for Production of*
16 *Documents*, via electronic service pursuant to the Nevada Electronic Filing and
17 Conversion Rules (NEFCR), addressed as follows:

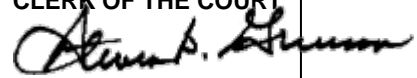
18 Radford J. Smith, Esq.
19 RADFORD J. SMITH, CHTD.
20 2470 St. Rose Parkway, #206
21 Henderson, Nevada 89074
22 Attorney for Defendant
23 MITCHELL STIPP

24 Mitchell D. Stipp, Esq.
25 LAW OFFICE OF MITCHELL STIPP
26 10120 W. Flamingo Rd., Suite 4-124
27 Las Vegas, Nevada 89147
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DISTRICT COURT
CLARK COUNTY, NEVADA

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2/14/2020 2:11 PM
Steven D. Grierson
CLERK OF THE COURT



In the Matter of the Joint Petition for
Divorce of:
Mitchell David Stipp and Christina
Calderon Stipp

Case No.: D-08-389203-Z

Department H

NOTICE OF HEARING

Please be advised that the Mitchell Stipp's Notice of Hearing Defendant's Motion in
Limine in the above-entitled matter is set for hearing as follows:

Date: March 31, 2020

Time: 11:00 AM

Location: RJC Courtroom 03G
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

**NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the
Eighth Judicial District Court Electronic Filing System, the movant requesting a
hearing must serve this notice on the party by traditional means.**

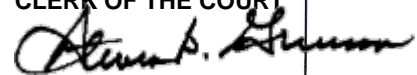
STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Carmelo Coscolluela
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion
Rules a copy of this Notice of Hearing was electronically served to all registered users on
this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Carmelo Coscolluela
Deputy Clerk of the Court



OST

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Nevada Bar No. 7531

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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

ORDER SHORTENING TIME

The Court having reviewed Defendant, Mitchell Stipp's Ex Parte Application For An Order Shortening Time on Defendant's Motion to Compel Responses to Discovery and For Attorney's Fees and Costs filed January 29, 2020, and good cause appearing therefore, hereby finds and orders the following:

IT IS HEREBY ORDERED that the time in which to hear DEFENDANT'S MOTION TO COMPEL RESPONSES TO DISCOVERY AND FOR ATTORNEY'S FEES AND COSTS is hereby shortened, to the 21st day of February, 2020, at

AA001762

1 the hour of 3:00 pm before the Discovery Commissioner or as soon thereafter
2 as counsel may be heard. Courtroom #15

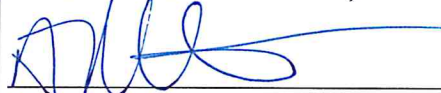
3 **IT IS SO ORDERED.**

4
5 Dated this 14th day of February, 2020.

6 Abby J. Proter
7 DISCOVERY COMMISSIONER PRO TEM

8
9 *Respectfully Submitted by:*

10 RADFORD J. SMITH, CHARTERED

11 

12 RADFORD J. SMITH, ESQ.

13 Nevada State Bar No. 002791

14 2470 St. Rose Parkway, Suite 206

15 Henderson, Nevada 89074

16 (702) 990-6448

17 *Attorneys for Defendant*