

DANIEL W. ANDERSON, ESQ.  
State Bar #9955  
BYRON L. MILLS, ESQ.  
State Bar #6745  
MILLS & ANDERSON  
703 S. 8th Street  
Las Vegas, Nevada 89101  
(702) 386-0030  
Attorney for Defendant  
attorneys@milsnv.com

Electronically Filed  
Feb 07 2020 10:09 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

DISTRICT COURT FAMILY DIVISION  
CLARK COUNTY, NEVADA

CATERINA ANGELA BYRD,

Plaintiff,

Vs.

GRADY EDWARD BYRD,

Defendant.

CASE NO.: D-18-577701-Z

DEPT. NO.: G

**NOTICE OF APPEAL**

NOTICE IS HEREBY GIVEN that Defendant, GRADY EDWARD BYRD, hereby appeals the Honorable Judge Rhonda K. Forsberg's January 23, 2020, Findings of Fact, Conclusions of Law and Order in this matter. This appeal is taken as to all matters addressed in the January 23, 2020 order.

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1 Notice of Entry of said Decision and Order was made January 23, 2020.

2 DATED this 3 day of February, 2020.

3 MILLS & ANDERSON

4  
5  
6 DANIEL W. ANDERSON, ESQ.

7 Nevada Bar #9955

8 BYRON L. MILLS, ESQ.

9 Nevada Bar #6745

10 703 S. 8th Street

11 Las Vegas NV 89101

12 Attorney for Defendant

13 **CERTIFICATE OF SERVICE**

14 I HEREBY CERTIFY that on the 3<sup>rd</sup> day of February, 2020, I caused to  
15 be served the instant **NOTICE OF APPEAL** to all interested parties as follows:

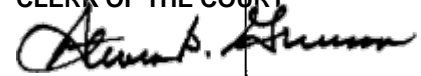
16 **XX BY MAIL:** Pursuant to NRCP 5(b), I caused a true copy thereof to be placed  
17 in the U.S. Mail, enclosed in a sealed envelope, postage fully prepaid thereon,  
18 address as follows:

19 Anita A. Webster, Esq.  
20 Jeanne F. Lambertsen, Esq.  
21 WEBSTER & ASSOCIATES  
22 6882 Edna Avenue  
23 Las Vegas, Nevada 89146  
24 Attorneys for Plaintiff

25 **XX BY ELECTRONIC MAIL:** Pursuant to EDCR 7.26 and NEFCR Rule 9, I  
26 caused a true copy thereof to be served via electronic mail, via Odyssey, to the  
27 following e-mail address:

28 **XX** anitawebster@embarqmail.com

  
MARY O'DONNELL, an employee of  
MILLS & ANDERSON



DANIEL W. ANDERSON, ESQ.  
State Bar #9955  
BYRON L. MILLS, ESQ.  
State Bar #6745  
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Las Vegas, Nevada 89101  
(702) 386-0030  
Attorney for Defendant  
attorneys@milsnv.com

DISTRICT COURT FAMILY DIVISION  
CLARK COUNTY, NEVADA

CATERINA ANGELA BYRD,

Plaintiff,

Vs.

GRADY EDWARD BYRD,

Defendant.

CASE NO.: D-18-577701-Z  
DEPT. NO.: G

**CASE APPEAL STATEMENT**

1. Name of appellant filing this statement:

GRADY EDWARD BYRD

2. Identify the Judge issuing the order appealed from:

The Honorable RHONDA K. FORSBERG, 8<sup>TH</sup> JUDICIAL DISTRICT  
COURT, Family Division, Department G

3. Identify all parties to the proceedings in the District Court:

CATERINA ANGELA BYRD, Plaintiff

GRADY EDWARD BYRD, Defendant

1 4. Identify all parties to this appeal.

2 GRADY EDWARD BYRD, Appellant.

3 CATERINA ANGELA BYRD, Respondent.

4 5. Counsel for parties on appeal:

5 DANIEL W. ANDERSON, ESQ., and BYRON L. MILLS, ESQ. 703  
6 South Eighth Street, Las Vegas, Nevada 89101. Counsel for Grady Edward  
7 Byrd.

8 ANITA W. WEBSTER, ESQ. and JEANNE F. LAMBERSEN, ESQ.,  
9 6882 Edna Avenue, Las Vegas, Nevada 89146. Counsel for Caterina Byrd  
10 in the Family Court Case. It is unknown whether counsel will represent  
11 Respondent on appeal.

12 6. Appellant was represented by retained counsel at district court.

13 7. Appellant is represented by retained counsel on appeal.

14 8. Appellant has not been granted leave to proceed in forma pauperis.

15 9. Nature of Action: This is an appeal from the post-divorce decision entered  
16 January 23, 2020, for modification and enforcement of the Decree of  
17 Divorce filed June 5, 2014, regarding the award of alimony, benefits, and  
18 attorney fees.

19 10. This case has not been the subject of a prior appeal or writ proceeding.

20 11. This case does not involve the custody or visitation of a minor.

21 12. There is no possibility of settlement.

22 DATED this 3 day of February 2020.

23 MILLS & ANDERSON

24   
25 BYRON L. MILLS, ESQ.

26 Nevada Bar #6745

27 703 S. 8th Street

28 Las Vegas NV 89101

Attorney for Defendant

1 **BYRD**

2 **D-18-577701-Z**

3  
4 **CERTIFICATE OF SERVICE**

5 I HEREBY CERTIFY that on the 3<sup>rd</sup> day of February, 2020, I caused to  
6 be served the instant **CASE APPEAL STATEMENT** to all interested parties as  
7 follows:

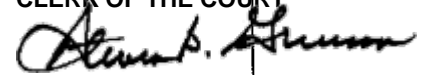
8 **XX BY MAIL:** Pursuant to NRCP 5(b), I caused a true copy thereof to be placed  
9 in the U.S. Mail, enclosed in a sealed envelope, postage fully prepaid thereon,  
10 address as follows:

11 Anita A. Webster, Esq.  
12 Jeanne F. Lambertsen, Esq.  
13 WEBSTER & ASSOCIATES  
14 6882 Edna Avenue  
15 Las Vegas, Nevada 89146  
16 Attorneys for Plaintiff

17 **XX BY ELECTRONIC MAIL:** Pursuant to EDCR 7.26 and NEFCR Rule 9, I  
18 caused a true copy thereof to be served via electronic mail, via Odyssey, to the  
19 following e-mail address:

20 **XX** [anitawebster@embarqmail.com](mailto:anitawebster@embarqmail.com)

21   
22 MARY O'DONNELL, an employee of  
23 MILLS & ANDERSON  
24  
25  
26  
27  
28



DANIEL W. ANDERSON, ESQ.  
State Bar #9955  
BYRON L. MILLS, ESQ.  
State Bar #6745  
MILLS & ANDERSON  
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Las Vegas, Nevada 89101  
(702) 386-0030  
Attorney for Defendant  
attorneys@milsnv.com

DISTRICT COURT FAMILY DIVISION  
CLARK COUNTY, NEVADA

CATERINA ANGELA BYRD,

Plaintiff,

Vs.

GRADY EDWARD BYRD,

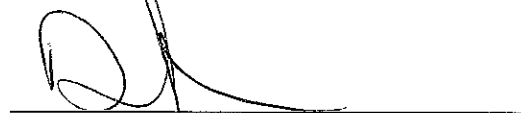
Defendant.

CASE NO.: D-18-577701-Z  
DEPT. NO.: G

**POSTING OF COST ON APPEAL BOND**

Pursuant to NRCP 7, Daniel W. Anderson, Esq. of Mills, Mills & Anderson posted a check in the amount of \$500 (check no.2185) with the District Court for the appeal filed on behalf of GRADY EDWARD BYRD representing appeal bond costs.

MILLS & ANDERSON

  
\_\_\_\_\_  
DANIEL W. ANDERSON, ESQ.

DATE: 2/3/2020

SECURITY FEATURES INCLUDE TRUE WATERMARK PAPER, HEAT SENSITIVE ICON AND FOIL HOLOGRAM

MILLS & MILLS LAW GROUP, LLC  
GENERAL ACCOUNT

708 S 8TH ST  
LAS VEGAS, NV 89101-7006

2185

94/7074/3212

DATE

2/3/20

PAY  
TO THE  
ORDER OF

Check 7 Credit

\$ 500.00

Five Hundred and 00/100

DOLLARS

WELLS FARGO BANK, N.A.



FOR

BYRD-18 577701-2 COST  
Appeal Bond

*[Signature]*

⑈002185⑈ ⑆321270742⑆ 2184080071⑈

**CASE SUMMARY****CASE NO. D-18-577701-Z****In the Matter of the Joint Petition for Divorce of:  
Caterina Byrd and Grady E Byrd**§  
§  
§  
§Location: **Department G**  
Judicial Officer: **Forsberg, Rhonda K.**  
Filed on: **09/27/2018**  
Case Number History:**CASE INFORMATION**Case Type: **Divorce - Joint Petition**  
Subtype: **Joint Petition No Minor(s)**Case  
Status: **09/27/2018 Open**Case Flags: **Order After Hearing Required  
Appealed to Supreme Court****DATE****CASE ASSIGNMENT****Current Case Assignment**Case Number D-18-577701-Z  
Court Department G  
Date Assigned 05/06/2019  
Judicial Officer Forsberg, Rhonda K.**PARTY INFORMATION****Petitioner****Byrd, Caterina**  
2120 Lookout Point CIR  
Las Vegas, NV 89117**Byrd, Grady E**  
5330 E Craig RD  
Las Vegas, NV 89115**Unbundled  
Attorney****Lambertsen, Jeanne F.**  
6882 Edna AVE  
Las Vegas, NV 89146**Webster, Anita A, ESQ**  
6882 Edna AVE  
Las Vegas, NV 89146*Lead Attorneys***Lambertsen, Jeanne F.**  
*Retained*  
702-562-2300(W)**Mills, Byron**  
*Retained*  
702-386-0030(W)**DATE****EVENTS & ORDERS OF THE COURT****EVENTS**

02/03/2020

Cost on Appeal Bond  
Filed By: Petitioner Byrd, Grady E  
*Posting of Cost on Appeal Bond*

02/03/2020

Case Appeal Statement  
Filed By: Petitioner Byrd, Grady E  
*Case Appeal Statement*

02/03/2020

Notice of Appeal  
Filed By: Petitioner Byrd, Grady E  
*Notice of Appeal*



01/23/2020

Notice of Entry  
Filed By: Petitioner Byrd, Caterina  
*Notice of Entry of Findings of Fact, Conclusions of Law and Order*



# CASE SUMMARY

CASE NO. D-18-577701-Z

|            |  |
|------------|--|
| 01/23/2020 |  Findings of Fact, Conclusions of Law and Judgment<br>Party: Petitioner Byrd, Caterina<br><i>Findings of Fact, Conclusions of Law and Order</i>   |
| 01/09/2020 |  Reply to Opposition<br>Filed by: Petitioner Byrd, Caterina<br><i>Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion for Attorney Fees and Costs During the Appeal</i>   |
| 01/03/2020 |  Certificate of Service<br>Filed by: Petitioner Byrd, Grady E<br><i>Certificate of Electronic Service</i>   |
| 01/02/2020 |  Notice of Hearing<br><i>Notice of Hearing</i>  |
| 01/02/2020 |  Opposition to Motion<br>Filed by: Petitioner Byrd, Grady E<br><i>Defendant's Opposition to Plaintiff's Motion for Attorney's Fees and Costs for the Appeal</i>   |
| 12/17/2019 |  Certificate of Service<br>Filed by: Petitioner Byrd, Caterina<br><i>Certificate of Service</i>   |
| 12/17/2019 |  Notice of Hearing<br><i>Notice of Hearing</i>  |
| 12/16/2019 |  Motion<br>Filed By: Petitioner Byrd, Caterina<br><i>Plaintiff's Motion for Attorney Fees and Costs for the Appeal</i>  |
| 12/16/2019 |  Reply<br>Filed By: Petitioner Byrd, Caterina<br><i>Plaintiff's Reply to Defendant's Opposition to Plaintiff's Second Memorandum of Fees and Costs from July 19, 2019 through the Date of the Evidentiary Hearing on October 21, 2019</i> |
| 12/10/2019 |  Certificate of Service<br>Filed by: Petitioner Byrd, Grady E<br><i>Certificate of Electronic Service</i>   |
| 12/05/2019 |  Notice of Entry of Order<br>Filed By: Petitioner Byrd, Caterina<br><i>Notice of Entry of Order on Discovery Commissioner's Report and Recommendations</i>  |
| 12/04/2019 |  Notice of Hearing<br><i>Notice of Hearing</i>  |
| 12/04/2019 |  Opposition<br>Filed By: Petitioner Byrd, Grady E<br><i>Defendant's Opposition to Plaintiff's Memorandum of Fees and Costs</i>  |
| 12/03/2019 |  Order<br>Filed By: Petitioner Byrd, Caterina<br><i>Order on Discovery Commissioner's Report and Recommendations</i>  |
| 11/25/2019 |  Memorandum<br><i>Plaintiff's Memorandum of Fees and Costs from July 19, 2019, through the date of the Evidentiary Hearing on October 21, 2019</i>  |
| 11/04/2019 |  Discovery Commissioners Report and Recommendations<br><i>DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS from 10/11/2019</i>   |
| 10/22/2019 |  Notice of Entry<br>Filed By: Petitioner Byrd, Caterina   |

**CASE SUMMARY**

**CASE NO. D-18-577701-Z**

*Notice of Entry of Stipulation and Order regarding Veterans Group Life Insurance*

10/22/2019



Stipulation and Order

Filed By: Petitioner Byrd, Caterina

*Stipulation and Order regarding the Veterans Group Life Insurance Plan*

10/20/2019



Reply

*Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion for Reconsideration, Summary Judgement, Joinder and to Continue the Evidentiary Hearing*

10/18/2019



Exhibits

Filed By: Petitioner Byrd, Grady E

*Exhibit Appendix to Defendant's Opposition to Plaintiff's Motion for Reconsideration, ET AL.*

10/18/2019



Opposition and Countermotion

Filed By: Petitioner Byrd, Grady E

*Opposition to Plaintiff's Motion for Reconsideration and Countermotion for Fees*

10/17/2019



Receipt of Copy

Filed By: Petitioner Byrd, Caterina

*Receipt of Copy - Plaintiff's Trial Notebook*

10/16/2019



Pre-trial Memorandum

*Plaintiff's Pretrial Memorandum*

10/16/2019



Notice of Hearing

*Notice of Hearing*

10/16/2019



Exhibits

Filed By: Petitioner Byrd, Caterina

*Exhibit Appendix*

10/16/2019



Opposition

*Plaintiff's Opposition to Defendant's Motion on Order Shortening Time to Reconsider Denial of Defendant's Audiovisual Appearance Request and Countermotion for Attorney Fees and Costs*

10/16/2019



Pre-trial Memorandum

Filed By: Petitioner Byrd, Grady E

*Defendant's Pre-Trial Memorandum*

10/16/2019



List of Witnesses

Filed By: Petitioner Byrd, Grady E

*Defendant's List of Witnesses and Exhibits*

10/16/2019



Receipt of Copy

Filed By: Petitioner Byrd, Grady E

*Receipt of Copy*

10/16/2019



Certificate of Service

Filed by: Petitioner Byrd, Grady E

*Certificate of Electronic Service*

10/16/2019



Notice of Hearing

*Notice of Hearing*

10/15/2019



Ex Parte Application for Order

Party: Petitioner Byrd, Grady E

*Ex Parte Application for an Order Shortening Time on the Motion to Reconsider Denial of Audiovisual Appearance Request*

10/15/2019


















Motion

Filed By: Petitioner Byrd, Grady E

*Appendix to Defendant's Motion for Order Time to Reconsider Denial of Audiovisual Appearance*

# CASE SUMMARY

CASE NO. D-18-577701-Z

|            |   |
|------------|---|
| 10/15/2019 |  Motion<br>Filed By: Petitioner Byrd, Grady E<br><i>Motion on Order Shortening Time to Reconsider Denial of Audiovisual Appearance Request</i>   |
| 10/14/2019 |  Objection<br><i>Plaintiff's Objection to Defendant's Notice to Appear by Audiovisual Transmission Equipment at the Trial Scheduled for October 21, 2019</i>   |
| 10/11/2019 |  Notice<br>Filed By: Petitioner Byrd, Caterina<br><i>Notice of change in Requested Relief in Plaintiff's Motion for Reconsideration, et. al. filed on 9/30/19</i>  |
| 10/11/2019 |  Certificate of Service<br>Filed by: Petitioner Byrd, Grady E<br><i>Certificate of Electronic Service</i>  |
| 10/10/2019 |  Audiovisual Transmission Equipment Appearance Consent<br>Party: Petitioner Byrd, Grady E<br><i>Audiovisual Transmission Equipment Appearance Consent</i>  |
| 10/10/2019 |  Audiovisual Transmission Equipment Appearance Request<br>Party: Petitioner Byrd, Grady E<br><i>Request to Appear by Audiovisual Transmission Equipment</i>  |
| 10/09/2019 |  Schedule of Arrearages<br>Filed by: Petitioner Byrd, Caterina<br><i>Schedule of Arrearages for Support</i>  |
| 10/07/2019 |  Certificate of Service<br>Filed by: Petitioner Byrd, Grady E<br><i>Certificate of Electronic Service</i>   |
| 10/04/2019 |  Notice of Entry<br>Filed By: Petitioner Byrd, Caterina<br><i>Notice of Entry of Order Shortening Time for Plaintiff's Motion for Reconsideration</i>  |
| 10/04/2019 |  Order Shortening Time<br>Filed By: Petitioner Byrd, Caterina<br><i>Order Shortening Time - Motion for Reconsideration</i>   |
| 10/04/2019 |  Exhibits<br>Filed By: Petitioner Byrd, Caterina<br><i>Exhibit Appendix to Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion to Compel Defendant's Responses to Discovery and Request for Sanctions and Attorney Fees</i>                |
| 10/04/2019 |  Reply to Opposition<br>Filed by: Petitioner Byrd, Caterina<br><i>Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion to Compel Defendant's Responses to Discovery and Request for Sanctions and Attorney Fees</i>                         |
| 10/03/2019 |  Reply<br>Filed By: Petitioner Byrd, Grady E<br><i>Defendant's Reply to Plaintiff's Opposition to Defendant's Motion for Protective Order and Defendant's Opposition to Plaintiff's Motion to Compel Discovery</i>                                       |
| 10/01/2019 |  Certificate of Service<br><i>Certificate of Service of Notice of Hearing on December 26, 2019 at 11:00 AM</i>   |
| 10/01/2019 |  Ex Parte Application for Order<br>Party: Petitioner Byrd, Caterina<br><i>PLAINTIFF'S EX-PARTE REQUEST FOR AN ORDER SHORTENING TIME ON THE PLAINTIFF'S MOTION FOR RECONSIDERATION, SUMMARY JUDGMENT, JOINDER AND TO CONTINUE THE EVIDENTIARY HEARING</i> |

# CASE SUMMARY

CASE NO. D-18-577701-Z

|            |   |
|------------|---|
| 10/01/2019 |  Notice of Hearing<br><i>Notice of Hearing</i>   |
| 09/30/2019 |  Exhibits<br><i>Exhibit Appendix to Plaintiff's Motion for Reconsideration, Summary Judgment, Joinder and to Continue the Evidentiary Hearing</i>  |
| 09/30/2019 |  Motion to Reconsider<br><i>Plaintiff's Motion for Reconsideration, Summary Judgment, Joinder and to Continue the Evidentiary Hearing</i>  |
| 09/23/2019 |  Exhibits<br>Filed By: Petitioner Byrd, Caterina<br><i>Exhibit Index to Plaintiff's Opposition to Motion for Protection</i>  |
| 09/23/2019 |  Opposition and Countermotion<br><i>Plaintiff's Opposition to Defendant's Motion for Protective Order Pursuant to NRCP 26(c) and for Attorney Fees and Plaintiff's Countermotion to Compel Defendant's Responses to Discovery, and Sanctions and Attorney Fees</i> |
| 09/23/2019 |  Notice of Entry<br><i>Notice of Entry of Order Shortening Time for Plaintiff's Motion to Compel</i>   |
| 09/23/2019 |  Order Shortening Time<br><i>Order Shortening Time for Plaintiff's Motion to Compel</i>  |
| 09/18/2019 |  Request<br><i>Plaintiff's Ex Parte Request for an Order Shortening Time on Plaintiff's Motion to Compel Defendant's Responses to Discovery and Request for Sanctions and Attorney Fees</i>  |
| 09/18/2019 |  Certificate of Service<br><i>Certificate of Service of the ReNotice of Motion to Compel</i>  |
| 09/18/2019 |  Motion<br>Filed By: Petitioner Byrd, Caterina<br><i>Pltf's Re-Notice of Motion to Compel Deft's Responses to Discovery and Request for Sanctions and Atty's Fees</i>  |
| 09/17/2019 |  Opposition to Motion<br>Filed by: Petitioner Byrd, Grady E<br><i>Defendant's Opposition to Plaintiff's Motion to Compel Discovery</i>   |
| 09/13/2019 |  Stricken Document<br>Filed by: Petitioner Byrd, Caterina<br>***STRICKEN PER MINUTE ORDER 9/13/19***   |
| 09/13/2019 |  Certificate of Service<br>Filed by: Petitioner Byrd, Grady E<br><i>Certificate of Electronic Service</i>  |
| 09/12/2019 |  Notice of Hearing<br><i>Notice of Hearing</i>   |
| 09/12/2019 |  Notice of Hearing<br><i>Notice of Hearing</i>   |
| 09/12/2019 |  Motion for Protective Order<br>Filed by: Petitioner Byrd, Grady E<br><i>Defendant's Motion for Protective Order...Pursuant to NRCP 26(C) and for Attorney's Fees</i>  |
| 09/10/2019 |  Ex Parte Application for Order<br>Party: Petitioner Byrd, Caterina<br><i>Ex Parte Application for an Order Shortening Time on Plaintiff's Motion to Compel Discovery</i>  |
| 09/10/2019 |  Notice of Hearing   |

# CASE SUMMARY

CASE NO. D-18-577701-Z

|            |   |
|------------|---|
|            | <i>Notice of Hearing</i>  |
| 09/10/2019 |  Exhibits<br>Filed By: Petitioner Byrd, Caterina<br><i>Exhibit Index to Plaintiff's Motion to Compel Defendant's Responses to Discovery</i>                                    |
| 09/10/2019 |  Motion to Compel<br>Filed by: Petitioner Byrd, Caterina<br><i>Plaintiff's Motion to Compel Defendant's Responses to Discovery and Request for Sanctions and Attorney Fees</i> |
| 08/09/2019 |  Notice of Entry of Order<br>Filed By: Petitioner Byrd, Caterina<br><i>Notice of Entry of Order</i>  |
| 08/09/2019 |  Order<br>Filed By: Petitioner Byrd, Caterina<br><i>Order from the July 18 2019 Hearing</i>  |
| 07/29/2019 |  Notice of Entry of Order<br>Filed By: Petitioner Byrd, Caterina<br><i>Notice of Entry of OSC</i>  |
| 07/26/2019 |  Order to Show Cause<br><i>Order to Show Cause</i>   |
| 07/15/2019 |  Financial Disclosure Form<br>Filed by: Petitioner Byrd, Caterina<br><i>AMENDED Financial Disclosure Form</i>  |
| 07/12/2019 |  Financial Disclosure Form<br>Filed by: Petitioner Byrd, Caterina<br><i>FDF</i>  |
| 07/10/2019 |  Certificate of Service<br>Filed by: Petitioner Byrd, Caterina<br><i>COS of Notice of Rescheduling of the Calendar Call</i>  |
| 07/10/2019 |  Notice of Rescheduling of Hearing<br><i>Notice of Rescheduling of Hearing</i>   |
| 07/01/2019 |  Amended Notice<br>Filed by: Petitioner Byrd, Grady E<br><i>AMENDED NOTICE TO APPEAR TELEPHONICALLY</i>  |
| 06/27/2019 |  Notice<br>Filed By: Petitioner Byrd, Grady E<br><i>NOTICE TO APPEAR TELEPHONICALLY</i>  |
| 06/26/2019 |  Order<br>Filed By: Petitioner Byrd, Grady E<br><i>Order from 5/22/19 hearing</i>  |
| 06/20/2019 |  Certificate of Service<br>Filed by: Petitioner Byrd, Grady E<br><i>CERTIFICATE OF ELECTRONIC SERVICE</i>  |
| 06/18/2019 |  Financial Disclosure Form<br>Filed by: Petitioner Byrd, Grady E<br><i>GENERAL FINANCIAL DISCLOSURE FORM</i>   |
| 06/18/2019 |  Ex Parte Application<br>Filed by: Petitioner Byrd, Caterina<br><i>Ex Parte Application for an Order to Show Cause</i>   |

# CASE SUMMARY











CASE NO. D-18-577701-Z

|            |  |
|------------|--|
| 06/18/2019 |  Ex Parte Application<br>Filed by: Petitioner Byrd, Caterina<br><i>Ex Parte Application for OST</i>   |
| 06/18/2019 |  Certificate of Service<br>Filed by: Petitioner Byrd, Caterina<br><i>Certificate of Service of Notice of Hearing on July 18, 2019</i>   |
| 06/17/2019 |  Notice of Hearing<br><i>Notice of Hearing</i>  |
| 06/17/2019 |  Motion for Order to Show Cause<br><i>Plaintiff's Emergency Motion for an Order to Show Cause why the Defendant Should not be Held in Contempt of Court and for Attorney Fees and Costs</i>         |
| 05/28/2019 |  Notice of Entry<br><i>Notice of Entry of Order from the May 2, 2019 Hearing</i>  |
| 05/24/2019 |  Order<br><i>Order from the May 2, 2019 Hearing</i>   |
| 05/21/2019 |  Exhibits<br>Filed By: Petitioner Byrd, Grady E<br><i>AMENDED EXHIBITS IN SUPPORT OF DEFENDANT'S REPLY...</i>   |
| 05/17/2019 |  Exhibits<br><i>Exhibit Appendix to Plaintiff's Reply to Defendant's Opposition</i>   |
| 05/17/2019 |  Reply to Opposition<br><i>Plaintiff's Reply to Defendant's Opposition to Plaintiff's Countermotion</i>   |
| 05/14/2019 |  Stricken Document<br>***STRICKEN PER MINUTE ORDER OF 05-17-2019***   |
| 05/14/2019 |  Reply<br>Filed By: Petitioner Byrd, Grady E<br><i>DEFENDANT'S REPLY AND OPPOSITION</i>   |
| 05/10/2019 |  Supplement<br>Filed by: Petitioner Byrd, Grady E<br><i>DEFENDANT'S FIRST SUPPLEMENTAL DISCLOSURES PURSUANT TO NRCP 16.2</i>  |
| 05/10/2019 |  Supplemental List of Witnesses and Production of Documents<br>Filed by: Petitioner Byrd, Grady E<br><i>DEFENDANT'S SUPPLEMENTAL RESPONSES TO PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS</i> |
| 05/10/2019 |  Supplemental<br>Filed By: Petitioner Byrd, Grady E<br><i>DEFENDANT'S SUPPLEMENTAL ANSWERS TO PLAINTIFF'S FIRST SET OF INTERROGATORIES</i>  |
| 05/06/2019 | Administrative Reassignment - Judicial Officer Change<br><i>From Judge Cynthia Dianne Steel to Judge Rhonda K. Forsberg</i>  |
| 04/23/2019 |  Memorandum<br>Filed By: Petitioner Byrd, Caterina<br><i>Memorandum of Fees and Costs</i>   |
| 04/23/2019 |  Opposition and Countermotion<br>Filed By: Petitioner Byrd, Caterina<br><i>Opposition and Countermotion</i>   |
| 04/23/2019 |  Exhibits<br>Filed By: Petitioner Byrd, Caterina  |

**CASE SUMMARY**















**CASE NO. D-18-577701-Z**

*Exhibits Index for Opposition and Countermotion*

|            |  |
|------------|--|
| 04/23/2019 |  Ex Parte Application<br>Filed by: Petitioner Byrd, Caterina<br><i>Ex Parte application for an Order for Defendant to Appear in Person</i>  |
| 04/23/2019 |  Exhibits<br>Filed By: Petitioner Byrd, Caterina<br><i>Exhibit Index for Ex Parte</i>   |
| 04/12/2019 |  Notice<br>Filed By: Petitioner Byrd, Grady E<br><i>Notice to Appear Telephonically (Request to Appear Telephonically DENIED on 5/2/19)</i>   |
| 04/11/2019 |  Notice of Hearing<br><i>Notice of Hearing</i>  |
| 04/10/2019 |  Re-Notice of Motion<br>Filed by: Petitioner Byrd, Grady E<br><i>DEFENDANT'S RE-NOTICE OF MOTION FOR RECONSIDERATION</i>  |
| 04/10/2019 |  Certificate of Service<br>Filed by: Petitioner Byrd, Grady E<br><i>CERTIFICATE OF ELECTRONIC SERVICE</i>   |
| 04/09/2019 |  Notice of Hearing<br><i>Notice of Hearing</i>  |
| 04/08/2019 |  Exhibits<br>Filed By: Petitioner Byrd, Grady E<br><i>APPENDIX TO DEFENDANT'S MOTION FOR RECONSIDERATION</i>  |
| 04/08/2019 |  Motion<br>Filed By: Petitioner Byrd, Grady E<br><i>DEFENDANT'S MOTION FOR RECONSIDERATION</i>  |
| 04/05/2019 |  Notice of Entry<br><i>Notice of Entry of Order from the January 23, 2019 Hearing</i>   |
| 04/05/2019 |  Order<br><i>Order from the January 23, 2019 Hearing</i>  |
| 03/27/2019 |  Certificate of Mailing<br>Filed By: Petitioner Byrd, Grady E<br><i>CERTIFICATE OF MAILING</i>  |
| 03/25/2019 |  Certificate of Mailing<br>Filed By: Petitioner Byrd, Grady E<br><i>CERTIFICATE OF MAILING</i>  |
| 02/06/2019 |  Notice of Appearance<br>Party: Petitioner Byrd, Grady E<br><i>Notice of Appearance</i>   |
| 01/18/2019 |  Reply<br>Filed By: Petitioner Byrd, Grady E<br><i>Def Rply to Plaintiffs rply to defendants rply to plaintiffs opposition to defendants ex parte Motion for a continuance of plaintiffs motion to enforce the decree fo divorce, for an order to show cause, to divide a newly discovered asset to execute QDROs , for attorney fees and costs and countermotion for attorney fees and costs</i> |
| 01/18/2019 |  Certificate of Service<br>Filed by: Petitioner Byrd, Grady E<br><i>Certificate of Service</i>  |

# CASE SUMMARY

CASE NO. D-18-577701-Z

|            |   |
|------------|---|
| 01/18/2019 |  Financial Disclosure Form<br>Filed by: Petitioner Byrd, Grady E<br><i>Financial Disclosure Form</i>   |
| 01/15/2019 |  Exhibits<br>Filed By: Petitioner Byrd, Caterina<br><i>First Supplement to Exhibit Index to Reply</i>  |
| 01/15/2019 |  Reply<br>Filed By: Petitioner Byrd, Caterina<br><i>Plaintiff's Reply to Defendants reply to Plaintiff's opposition</i>  |
| 01/02/2019 |  Certificate of Service<br>Filed by: Petitioner Byrd, Grady E<br><i>Certificate of Service</i>   |
| 01/02/2019 |  Financial Disclosure Form<br>Filed by: Petitioner Byrd, Grady E<br><i>Financial Disclosure Form</i>   |
| 12/28/2018 |  Certificate of Service<br>Filed by: Petitioner Byrd, Grady E<br><i>Certificate of Service</i>   |
| 12/28/2018 |  Reply<br>Filed By: Petitioner Byrd, Grady E<br><i>Reply To Opposition And/Or Countermotion</i>  |
| 12/27/2018 |  Notice of Entry<br>Filed By: Petitioner Byrd, Caterina<br><i>Notice of Entry of Order Shortening Time</i>   |
| 12/27/2018 |  Order Shortening Time<br>Filed By: Petitioner Byrd, Caterina<br><i>Order Shortening Time</i>  |
| 12/19/2018 |  Opposition and Countermotion<br>Filed By: Petitioner Byrd, Caterina<br><i>Pltf's Opposition to Dft's Ex Parte Motion for A Continuance of Pltf's Motion to Enforce the Decree of Divorce, for An Order to Show Cause, to Divide a Newly Discovered Asset. tp Execute QDRO's and for Attorney's Fees and Costs and Countermotion for Attorney Fees and Costs</i> |
| 12/19/2018 |  Ex Parte Application<br>Filed by: Petitioner Byrd, Caterina<br><i>Application for OST</i>   |
| 12/18/2018 |  Order Granting<br>Filed by: Petitioner Byrd, Grady E<br><i>Order Granting Continuance</i>   |
| 12/17/2018 |  Schedule of Arrearages<br>Filed by: Petitioner Byrd, Caterina<br><i>Schedule of Arrearages for Support</i>  |
| 12/17/2018 |  Notice of Entry of Order<br>Filed By: Petitioner Byrd, Caterina<br><i>Notice of Entry of Order</i>  |
| 12/17/2018 |  Order<br><i>Order Striking Exhibits</i>   |
| 12/17/2018 |  Order<br>Filed By: Petitioner Byrd, Caterina  |



# CASE SUMMARY

CASE NO. D-18-577701-Z

*Order from the November 27, 2018 Hearing*

|            |   |
|------------|---|
| 12/13/2018 |  Stricken Document<br>Filed by: Petitioner Byrd, Grady E<br>***STRICKEN PER ORDER FILED 12/17/18***  |
| 12/13/2018 |  Ex Parte Motion<br>Filed by: Petitioner Byrd, Grady E<br><i>Ex Parte Motion for Continuance</i>   |
| 12/12/2018 |  Notice of Change of Address<br>Filed By: Petitioner Byrd, Grady E<br><i>Notice of Change of Address</i>   |
| 12/10/2018 |  Stricken Document<br>***STRICKEN PER ORDER FILED 12/17/18***  |
| 12/10/2018 |  Ex Parte Motion<br>Filed by: Petitioner Byrd, Grady E<br><i>Ex Parte Motion for Continuance</i>   |
| 11/27/2018 |  Order<br><i>Order Preparation (Pursuant to EDCR 7.21)</i>   |
| 11/16/2018 |  Request<br>Filed By: Petitioner Byrd, Grady E<br><i>Request for Continuance or New Court Date</i>   |
| 11/16/2018 |  Amended Certificate of Mailing<br><i>Amended Certificate of Service</i>   |
| 11/14/2018 |  Order<br><i>Order Striking Exhibits</i>   |
| 10/29/2018 |  Errata<br><i>Plaintiff's Errata to Motion to Enforce the Decree of Divorce, for an Order to Show Cause, to Divide a Newly Discovered Asset, to Execute QDROs, and for Attorney Fees</i> |
| 10/29/2018 |  Schedule of Arrearages<br><i>Amended Schedule of Arrearages for Support</i>   |
| 10/18/2018 |  Schedule of Arrearages<br><i>Schedule of Arrears</i>  |
| 10/18/2018 |  Financial Disclosure Form<br>Filed by: Petitioner Byrd, Caterina<br><i>Plaintiff's Financial Disclosure Form</i>  |
| 10/17/2018 |  Amended Certificate of Mailing<br><i>Amended Certificate of Mailing of Motion to Enforce</i>  |
| 10/16/2018 |  Exhibits<br>Filed By: Petitioner Byrd, Caterina<br><i>Exhibit Appendix for Motion to Enforce</i>  |
| 10/16/2018 |  Motion to Enforce<br>Filed by: Petitioner Byrd, Caterina<br><i>Motion to Enforce the Decree of Divorce</i>  |
| 10/16/2018 |  Notice<br>Filed By: Petitioner Byrd, Caterina<br><i>Notice of Unavailability of Plaintiff</i>   |
| 10/12/2018 |  Notice of Entry<br>Filed By: Petitioner Byrd, Caterina  |

# CASE SUMMARY

CASE NO. D-18-577701-Z

*Notice of Entry of Order for Change of Venue*

09/17/2018



Order

Filed By: Petitioner Byrd, Caterina  
*Order For Change Of Venue*

09/17/2018



Affidavit of Mailing

Filed By: Petitioner Byrd, Caterina  
*Affidavit Of Mailing*

08/27/2018



Request

Filed By: Petitioner Byrd, Caterina  
*Request For Submission*

08/27/2018



Declaration of Service

Filed by: Petitioner Byrd, Caterina  
*Declaration Of Service*

08/27/2018



Motion

Filed By: Petitioner Byrd, Caterina  
Party 2: Petitioner Byrd, Grady E  
*Petitioner Caterina Byrd's Motion To Change Venue*

06/05/2014



Decree of Divorce

Filed by: Petitioner Byrd, Caterina  
*Decree of Divorce*

06/04/2014



Request

Filed By: Petitioner Byrd, Caterina  
*Request for Submission of Decree of Divorce*

06/04/2014



Affidavit of Resident Witness

Filed by: Petitioner Byrd, Caterina  
*Affidavit of Resident Witness*

06/04/2014



Joint Petition for Summary Decree of Divorce

*Joint Petition for Summary Decree of Divorce*

## **DISPOSITIONS**

01/23/2020

**Judgment** (Judicial Officer: Forsberg, Rhonda K.)

Judgment (\$1,000.00, In Full , Contempt of Court Sanctions)

Judgment (\$42,000.00, In Full , Alimony Arrears)

Judgment (\$13,500.00, In Full , Attorney's Fees and Costs)

## **HEARINGS**

02/27/2020

**Hearing** (10:00 AM) (Judicial Officer: Forsberg, Rhonda K.)

*Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion for Attorney Fees and Costs During the Appeal*

02/27/2020

**Opposition** (10:00 AM) (Judicial Officer: Forsberg, Rhonda K.)

*Defendant's Opposition to Plaintiff's Motion for Attorney's Fees and Costs for the Appeal*

02/27/2020

**Motion** (10:00 AM) (Judicial Officer: Forsberg, Rhonda K.)

*Plaintiff's Motion for Attorney Fees and Costs for the Appeal*

12/30/2019

**CANCELED Opposition** (8:45 AM) (Judicial Officer: Forsberg, Rhonda K.)

*Vacated*

*Defendant's Opposition to Plaintiff's Memorandum of Fees and Costs*

11/01/2019

**CANCELED Status Check** (1:30 PM) (Judicial Officer: Fic, Holly)

*Vacated*

*Submission of Report and Recommendation*

10/21/2019


**Hearing** (9:00 AM) (Judicial Officer: Hardcastle, Kathy)

*Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion for Reconsideration, Summary Judgement, Joinder and to Continue the Evidentiary Hearing*

**CASE SUMMARY****CASE NO. D-18-577701-Z**

Matter Heard;  
 Matter Heard

10/21/2019

 **All Pending Motions (9:00 AM)** (Judicial Officer: Hardcastle, Kathy)

**MINUTES**

Matter Heard;  
 Journal Entry Details:

*EVIDENTIARY HEARING RE: PROPERTY DIVISION AND MILITARY RETIREMENT PAYMENT...HEARING ON ORDER TO SHOW CAUSE...PETITIONER CATERINA BYRD'S (PLAINTIFF) MOTION FOR RECONSIDERATION, SUMMARY JUDGMENT AND TO CONTINUE THE EVIDENTIARY HEARING...PETITIONER GRADY BYRD'S (DEFENDANT) OPPOSITION TO PETITIONER CATERINA BYRD'S (PLAINTIFF) MOTION FOR RECONSIDERATION; AND COUNTERMOTION FOR FEES...GRADY BYRD'S (DEFENDANT) MOTION ON ORDER SHORTENING TIME TO RECONSIDER DENIAL OF AUDIOVISUAL APPEARANCE REQUEST...PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION ON ORDER SHORTENING TIME TO RECONSIDER DENIAL OF DEFENDANT'S AUDIOVISUAL APPEARANCE REQUEST; AND COUNTERMOTION FOR ATTORNEY'S FEES AND COSTS* Anita Webster, Bar #1221, present as co-counsel on behalf of Plaintiff. Argument by Ms. Webster regarding Defendant's Motion to Reconsider Denial of Audiovisual Appearance. Upon a review of the Medical Certificates submitted by Defendant, Court notes Defendant is on military disability; and the certificates submitted are from doctors from the Philippines. Defendant was referred to the Department of Veteran's Affairs for follow-up, and Defendant failed to do so. The Court finds it somewhat suspicious that he did not follow-up with the Department of Veteran's Affairs. Further argument by Ms. Webster regarding Plaintiff's Motion for Summary Judgment on the Order to Show Cause, to Set Aside the Decree, and Motion to join Defendant's wife as a party to this action. Argument by Mr. Mills regarding the Order to Show Cause. Further argument by Ms. Webster regarding sanctions for Defendant's failure to appear today. **COURT ORDERED**, Defendant's Motion to Reconsider Denial of Audiovisual Appearance Request is **DENIED**. Plaintiff's Motion for Summary Judgment is **DENIED**. The Evidentiary Hearing will proceed today in Defendant's absence. Plaintiff's request to set aside the decree and a determination as to whether the language in the contract constituted a waiver of alimony shall be decided after testimony and evidence is presented. Plaintiff's request that Defendant's wife be joined and ordered to sign a waiver is **DENIED** as this Court has no personal jurisdiction. Plaintiff sworn. Testimony of Plaintiff presented. Plaintiff's Exhibits 1 through 11, 13 through 18, 20 through 23, 25 through 28, 30 through 36, 38, 43, 63, and 64 admitted into evidence. Defendant's Exhibits A through L admitted into evidence. Closing arguments by Ms. Webster and Mr. Mills. **COURT STATED ITS FINDINGS AND ORDERED** as follows, The \$1,508.00 per month Defendant agreed to pay to Plaintiff as her share of Defendant's military retirement money, in addition to any increases, is **ALIMONY** and subject to upward modification. The additional \$1,500.00 Defendant agreed to pay on the house is also designated as alimony. As Defendant agreed to keep the health insurance intact, the \$102.00 per month Plaintiff pays for health insurance shall be added to the monthly alimony amount retroactive to the time Defendant stopped paying for health insurance. All of the above amounts shall be designated as **ALIMONY AND SUPPORT** and are **REDUCED TO JUDGMENT**, collectible by all lawful means. Effective 11/1/19, Defendant shall pay Plaintiff **ALIMONY AND SUPPORT** in the amount of \$3,110.00 per month, payable on or before the first day of each month. The **ATTORNEY'S FEES** that were previously awarded to Plaintiff shall be **REDUCED TO JUDGMENT**, collectible by all lawful means. Plaintiff is entitled to additional fees not previously awarded. Counsel for Plaintiff shall submit a Memorandum of Fees and Costs for the additional amount. Mr. Mills shall have an opportunity to file an objection. Should Plaintiff find it necessary to obtain an annuity or other vehicle for income, that can go towards Plaintiff's need when she seeks to modify alimony. Defendant is in contempt for failure to pay the \$1,500.00 monthly house payment. Defendant is in arrears for **ALIMONY AND SUPPORT** in the amount of \$42,000.00, plus the attorney's fees previously awarded, and sanctions in the amount of \$1,000.00 (\$500.00 per month x two months). Should Defendant file an appeal, there will be no stay until Defendant posts a supersedeas bond in an amount of no less than \$64,000.00. Ms. Lambertsen shall prepare the Findings of Fact, Conclusion of Law and Order from today's hearing; Mr. Mills shall review and sign off. Mr. Mills may propose additional findings he believes are appropriate.;

Matter Heard



10/21/2019

**Opposition & Countermotion (9:00 AM)** (Judicial Officer: Hardcastle, Kathy)

*Defendant's Opposition to Plaintiff's Motion for Reconsideraion and Countermotion for Fees*  
 Denied;  
 Denied

# CASE SUMMARY

CASE NO. D-18-577701-Z

|            |  |
|------------|--|
| 10/21/2019 | <p><b>Opposition &amp; Countermotion</b> (9:00 AM) (Judicial Officer: Hardcastle, Kathy)</p> <p><i>Plaintiff's Opposition to Defendant's Motion on Order Shortening Time to Reconsider Denial of Defendant's Audiovisual Appearance Request and Countermotion for Attorney Fees and Costs</i></p> <p>Granted;<br/>Granted</p>  |
| 10/21/2019 | <p><b>Motion</b> (9:00 AM) (Judicial Officer: Hardcastle, Kathy)</p> <p><i>Grady Byrd's Motion on Order Shortening Time to Reconsider Denial of Audiovisual Appearance Request</i></p> <p>Denied;<br/>Denied</p>   |
| 10/21/2019 | <p><b>Motion</b> (9:00 AM) (Judicial Officer: Hardcastle, Kathy)</p> <p><i>Caterina Byrd's Motion for Reconsideration, Summary Judgment, Joinder and to Continue the Evidentiary Hearing</i></p> <p>Denied;<br/>Denied</p>   |
| 10/21/2019 | <p><b>Hearing</b> (9:00 AM) (Judicial Officer: Hardcastle, Kathy)</p> <p><i>Order to Show Cause</i></p> <p>Matter Heard;<br/>Matter Heard</p>  |
| 10/21/2019 | <p><b>Non-Jury Trial</b> (9:00 AM) (Judicial Officer: Hardcastle, Kathy)</p> <p><i>EH (HD, #1) RE: Property Division and Military Retirement Payment.</i></p> <p>Decision Made;<br/>Decision Made</p>  |
| 10/17/2019 | <p> <b>Calendar Call</b> (10:00 AM) (Judicial Officer: Hardcastle, Kathy)</p> <p>Matter Heard;<br/>Journal Entry Details:</p> <p><i>Anita Webster, Esq., present as co-counsel for Plaintiff. Gregory Mills, Esq., present on behalf of Attorney Byron Mills for Petitioner Grady Byrd (Defendant). Upon Court's inquiry, Ms. Lambertsen confirmed Defendant has not been paying the monthly amount he was ordered to pay. Court noted, Defendant left the country a long time ago with no intent to come back. COURT ORDERED, the Evidentiary Hearing on 10/21/19 at 9:00 AM shall go forward without Defendant's appearance. Plaintiff shall be prepared to request appropriate sanctions, and the Court will issue its decision at that time.;</i></p> <p>Matter Heard</p>   |
| 10/11/2019 | <p> <b>All Pending Motions</b> (1:00 PM) (Judicial Officer: Fic, Holly)</p> <p>10/11/19</p> <p><b>MINUTES</b></p> <p>Matter Heard;<br/>Journal Entry Details:</p> <p><i>DEFT'S MOTION FOR PROTECTIVE ORDER PURSUANT TO NRCP 26(C) AND FOR ATTORNEY'S FEES... PLTF'S RE-NOTICE OF MOTION TO COMPEL DEFT'S RESPONSES TO DISCOVERY AND REQUEST FOR SANCTIONS AND ATTY'S FEES...PLTF'S OPPOSITION TO DEFT'S MOTION FOR PROTECTIVE ORDER PURSUANT TO NRCP 26 (C) AND FOR ATTORNEY FEES AND PLTF'S COUNTERMOTION TO COMPEL DEFT'S RESPONSES TO DISCOVERY, AND SANCTIONS AND ATTORNEY FEES...DEFT'S REPLY TO PLAINTIFF'S OPPOSITION TO DEFT'S MOTION FOR PROTECTIVE ORDER AND DEFT'S OPPOSITION TO PLTF'S MOTION TO COMPEL DISCOVERY Arguments by counsel. Counsel advised they are trying to resolve life insurance issue. COMMISSIONER RECOMMENDED, Medical records are relevant for the month of June 2014 at the time of signing the Joint Petition because of the disability versus retirement contemplation issue. Nothing post-divorce is relevant up until September 1, 2018 forward, and that is relevant to issue of attorney's fees. Pursuant to reading of 1/23/19 minutes, financials are relevant from January 2018 forward. Accounts of the wife and/or daughter are only relevant if Defendant's name is on accounts, or if his name was on the accounts and he removed his name. Defendant's counsel is to endeavor to do his best to get everything to Plaintiff's counsel by 10/17/19. Everything may be kept for attorneys' eyes only if there are concerns about dissemination. Issue of attorneys' fees DEFERRED to the time of trial. Court FINDS both sides had valid arguments. Each side reserves the right to request attorney's fees for having to deal with today's discovery matters based on what the judge decides and looks at. Plaintiff's counsel is to</i></p> |

# CASE SUMMARY

CASE NO. D-18-577701-Z

*prepare Report and Recommendation (R&R) and send it to Mr. Mills to review and sign off. Status check SET 11/1/19 at 1:30 p.m. regarding submission of R&R. Status check will be vacated if R&R is submitted by 10/30/19. ;  
Matter Heard*

- |            |  |
|------------|--|
| 10/11/2019 | <p><b>Hearing (1:00 PM)</b> (Judicial Officer: Fic, Holly)<br/> <i>Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion to Compel Defendant's Responses to Discovery and Request for Sanctions and Attorney Fees</i><br/>                     Matter Heard;<br/>                     Matter Heard</p>   |
| 10/11/2019 | <p><b>Hearing (1:00 PM)</b> (Judicial Officer: Fic, Holly)<br/> <i>Defendant's Reply to Plaintiff's Opposition to Defendant's Motion for Protective Order and Defendant's Opposition to Plaintiff's Motion to Compel Discovery</i><br/>                     Matter Heard;<br/>                     Matter Heard</p>  |
| 10/11/2019 | <p><b>Opposition &amp; Countermotion (1:00 PM)</b> (Judicial Officer: Fic, Holly)<br/> <i>Plaintiff's Opposition to Defendant's Motion for Protective Order Pursuant to NRCP 26(c) and for Attorney Fees and Plaintiff's Countermotion to Compel Defendant's Responses to Discovery, and Sanctions and Attorney Fees</i><br/>                     Matter Heard;<br/>                     Matter Heard</p>  |
| 10/11/2019 | <p><b>Motion (1:00 PM)</b> (Judicial Officer: Fic, Holly)<br/> <i>Plt's Re-Notice of Motion to Compel Defr's Responses to Discovery and Request for Sanctions and Atty's Fees</i><br/>                     Granted in Part;<br/>                     Granted in Part</p>   |
| 10/11/2019 | <p><b>Motion (1:00 PM)</b> (Judicial Officer: Fic, Holly)<br/> <i>Defendant's Motion for Protective Order...Pursuant to NRCP 26(C) and for Attorney's Fees</i><br/>                     Granted in Part;<br/>                     Granted in Part</p>  |
| 09/26/2019 | <p><b>CANCELED Motion (10:00 AM)</b> (Judicial Officer: Forsberg, Rhonda K.)<br/> <i>Vacated - per Clerk</i><br/> <i>Plaintiff's Motion to Compel Defendant's Responses to Discovery and Request for Sanctions and Attorney Fees</i></p>   |
| 09/13/2019 | <p> <b>Minute Order (7:30 AM)</b> (Judicial Officer: Forsberg, Rhonda K.)<br/>                     Minute Order - No Hearing Held;<br/>                     Journal Entry Details:<br/> <i>After a review of the file, an Order Shortening Time on Plaintiff's Motion to Compel Defendant's Responses to Discovery and Request for Sanctions and Attorney's Fees was submitted to Department G and signed by Department G in error. An Order Shortening Time on Plaintiff's Motion to Compel Defendant's Responses to Discovery and Request for Sanctions and Attorney's Fees must be submitted to Discovery (Family) instead of Department G. The hearing on Plaintiff's Motion to Compel Defendant's Responses to Discovery and Request for Sanctions and Attorney's Fees currently scheduled for September 26, 2019 at 10:00 AM before Department G will be vacated. It is hereby ORDERED that the Order Shortening Time filed on 09/13/2019 be STRICKEN. It is FURTHER ORDERED that the hearing on Plaintiff's Motion to Compel Defendant's Responses to Discovery and Request for Sanctions and Attorney's Fees currently scheduled for September 26, 2019 at 10:00 AM before Department G be VACATED. Plaintiff must submit a new Order Shortening Time on Plaintiff's Motion to Compel Defendant's Responses to Discovery and Request for Sanctions and Attorney's Fees to Discovery (Family). CLERK'S NOTE: On 9/13/19, a copy of this Minute Order was placed in the attorney folder of Jeanne Lambertsen and Byron Mills. (vp);<br/>                     Minute Order - No Hearing Held</i></p> |
| 08/12/2019 | <p> <b>Minute Order (11:30 AM)</b> (Judicial Officer: Forsberg, Rhonda K.)<br/>                     Minute Order - No Hearing Held;<br/>                     Journal Entry Details:<br/> <i>After a review of the file, the Court failed to issue deadlines for the upcoming October 21, 2019 Order to Show Cause non-jury trial scheduled for 9:00 A.M. NOW THEREFORE; IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the discovery deadline for the upcoming October 21, 2019 Order to Show Cause non-jury trial at 9:00 AM will be two (2) weeks before trial, or October 7, 2019. Exhibits and pre-trial memorandums will be due at the</i></p>   |



# CASE SUMMARY

CASE NO. D-18-577701-Z

time of the Calendar Call on October 17, 2019 at 10:00 AM. The clerk will send a copy of this Minute Order to both parties. CLERK'S NOTE: On 8/12/19, a copy of this Minute Order was mailed to the parties at their respective address on record and placed in the attorney folder of Jeanne Lambertsen and Byron Mills. (vp);  
Minute Order - No Hearing Held

07/18/2019



**Motion** (9:00 AM) (Judicial Officer: Forsberg, Rhonda K.)

*Plaintiff's Emergency Motion for an Order to Show Cause why the Defendant Should not be Held in Contempt of Court and for Attorney Fees and Costs*

## MINUTES

Granted;

Journal Entry Details:

**PLAINTIFF'S EMERGENCY MOTION FOR AN ORDER TO SHOW CAUSE WHY THE DEFENDANT SHOULD NOT BE HELD IN CONTEMPT OF COURT AND FOR ATTORNEY'S FEES AND COSTS** Court noted, no opposition has been filed. Court further noted, the Court Clerk attempted to reach Defendant at the phone number he provided to the Court, but the call failed to go through to the international number. Ms. Lambertsen requested an Order to Show Cause for Defendant's failure to pay Plaintiff \$3,000.00 per month pending the Evidentiary Hearing and \$5,000.00 in attorney's fees, which was due on June 6, 2019. Defendant is \$6,000.00 in arrears (\$3,000.00 for June and \$3,000.00 for July). Ms. Lambertsen requested sanctions in the amount of \$500.00 for each violation (failure to pay for June, failure to pay for July, and failure to pay attorney's fees) for a total of \$1,500.00. Ms. Lambertsen requested Defendant be ordered to pay the additional \$1,500.00 Defendant was ordered to pay towards the mortgage effective 2/1/19. Defendant is in arrears in the amount of \$6,000.00 for February, 2019 through May, 2019. Ms. Lambertsen argued the arrears the Court was deferring to the time of the Evidentiary Hearing were for the period from September, 2018 through January of 2019 (the prior Court Order). Mr. Lambertsen requested additional sanctions in the amount of \$2,000.00 for each instance of non-payment (February, March, April and May). Ms. Lambertsen requested additional fees and costs for having to bring the Motion before the Court. Ms. Mills stated Defendant informed him he is not going to pay until the Evidentiary Hearing. Further, he doesn't know if he will be staying on as counsel for Defendant as there have been some communication issues. **COURT ORDERED**, an Order to Show Cause is **GRANTED**. Defendant shall show cause as why he should not be held in Contempt of Court for his blatant disregard of the Court's Orders. Order to Show Cause shall be set for 10/21/19 at 9:00 AM to be heard at the time of the Evidentiary Hearing. If counsel can determine the bank where the annuity originates, counsel may obtain a garnishment for the totality of the arrears. In the alternative, the issue shall be **DEFERRED** to the time of Trial. Additional **ATTORNEY'S FEES** are awarded in favor of Plaintiff against Defendant in the amount of \$1,500.00. Ms. Lambertsen shall prepare the Order to Show Cause.;  
Granted

05/22/2019



**All Pending Motions** (9:00 AM) (Judicial Officer: Forsberg, Rhonda K.)





Matter Heard;

Journal Entry Details:

**MOTION: DEFENDANT'S MOTION FOR RECONSIDERATION...OPPOSITION & COUNTERMOTION: PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR RECONSIDERATION AND COUNTERMOTION...HEARING: PETITIONER GRADY BYRD, REPLY AND OPPOSITION** For purposes of the Minute Order, Petitioner Caterina Byrd will be referred to as the Plaintiff and Grady Byrd as the Defendant. Court reviewed the history and the documents in the case. Attorney Mills advised the Court Mr. Bryd was not present due to a medical issue preventing him from flying, and noted, Defendant provided a Dr's note that stated he should not be traveling. Objection by Attorney Lambertsen. **COURT NOTED**, his presence is waived today, however, will not be waived for Evidentiary Hearing. Arguments by Counsel. **COURT FINDS**, Judge Hardcastle's ruling that the Parties Marital Settlement Agreement is for Alimony is incorrect. The Party's agreement is a property division. **COURT ORDERED**, The Motion for Reconsideration is Granted in Part and Denied in Part. Effective June 1, 2019, **DEFENDANT** shall make mortgage payments to **PLAINTIFF** in the amount of \$1,500.00 per month. **DEFENDANT** shall **PAY** \$5000.00 in attorney's fees to attorney Jeanne Lambertsen within the next **TWO WEEKS**. **DEFENDANT** has the duty and shall put **PLAINTIFF** on the **SURVIVOR BENEFIT PLAN**, which shall be **PREPARED** and **SUBMITTED** within 30 DAYS from today The Plaintiff's Countermotion regarding Contempt of Court shall be **DEFERRED** to Trial. Defendant's Arrearages of \$27,000.00 resulting from no-payment of the \$1,500.00 in Mortgage Payments to Plaintiff shall be **DEFERRED** to trial The Addendum Defendant added to his Life Insurance Plan to include his new wife shall be **DEFERRED** to trial. Attorney's Fees shall be **DEFERRED** to Trial. Defendant's Presence is

# CASE SUMMARY

CASE NO. D-18-577701-Z

|            |  |
|------------|--|
|            | <p>WAIVED for Calendar Call. DISCOVERY is OPEN. CALENDAR CALL SET 10-17-19 at 11:00 am in Department G. NON JURY TRIAL SET 10-21-19 at 9:00 am, (HD, #1) in Department G. Attorney Mills shall prepare the Order.;</p> <p>Matter Heard</p>   |
| 05/22/2019 | <p><b>Hearing</b> (9:00 AM) (Judicial Officer: Forsberg, Rhonda K.)</p> <p><i>Petitioner Grady Byrd, Reply and Opposition</i></p> <p>Matter Heard;</p> <p>Matter Heard</p>   |
| 05/22/2019 | <p><b>Opposition &amp; Countermotion</b> (9:00 AM) (Judicial Officer: Forsberg, Rhonda K.)</p> <p><i>Plaintiff's Opposition to Defendant's Motion for Reconsideration and Countermotion</i></p> <p>Matter Heard;</p> <p>Matter Heard</p>   |
| 05/22/2019 | <p><b>Motion</b> (9:00 AM) (Judicial Officer: Forsberg, Rhonda K.)</p> <p><i>Defendant's Motion for Reconsideration</i></p> <p>Matter Heard;</p> <p>Matter Heard</p>   |
| 05/17/2019 | <p> <b>Minute Order</b> (10:00 AM) (Judicial Officer: Forsberg, Rhonda K.)</p> <p>Minute Order - No Hearing Held;</p> <p>Journal Entry Details:</p> <p><i>The Court NOTES that Defendant filed Exhibits to Defendant's Reply to Plaintiff's Opposition to Defendant's Motion for Reconsideration on May 14, 2019. The Court FURTHER NOTES that sensitive information including the dates of birth and the Social Security numbers of both parties are listed in the Exhibits without being redacted. NOW THEREFORE; IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Defendant's Exhibits to Defendant's Reply to Plaintiff's Opposition to Defendant's Motion for Reconsideration is hereby STRICKEN from the record in full. Defendant must refile the Exhibits with all sensitive information redacted regarding both parties should Defendant want the Court to consider or review them in the future. ;</i></p> <p>Minute Order - No Hearing Held</p>  |
| 05/02/2019 | <p> <b>Status Check</b> (11:00 AM) (Judicial Officer: Bixler, James)</p> <p>SC RE: DISCOVERY</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>STATUS CHECK RE: DISCOVERY Ms. Lambertsen noted her concerns regarding Defendant's absence today, and that Defendant filed a Notice of Intent to Appear Telephonically for the 5/22/19 hearing. Mr. Mills noted he received notice two days ago that Defendant has a medical issue and is unable to be here today, and he advised Defendant to send him medical records. Court NOTED it is not pleased that Defendant is not present today. With regard to discovery, Mr. Mills advised he has responded to everything and discovery is being done. Mr. Mills advised he expects to respond to requests for clarification and any further requests. Statement by Ms. Lambertsen. Ms. Lambertsen advised she is seeking information from federal departments. Upon Court's inquiry, Mr. Mills advised he has responded to everything and if he can get more information he will. COURT ORDERED, Defendant is required to be present in person for the 5/22/19 hearing. The consequences will be grave if he is not. Request for telephonic appearance is DENIED. Court finds Defendant is making a good faith effort to comply with discovery. Mr. Mills is to accomplish what he can between now and the 5/22/19 hearing. Any issues left over with regard to discovery will be before the Court on 5/22/19.;</i></p> <p>Matter Heard</p> |
| 02/19/2019 | <p><b>Review</b> (2:00 AM) (Judicial Officer: Steel, Cynthia Dianne)</p> <p>CHAMBER REVIEW RE: ORDER FROM 1-23-19 HEARING</p>  |
| 01/23/2019 | <p> <b>Motion</b> (10:30 AM) (Judicial Officer: Hardcastle, Kathy)</p> <p>Events: 12/18/2018 Order Granting</p> <p>PLAINTIFF'S MOTION TO ENFORCE THE DECREE OF DIVORCE CONTINUED FROM 11-27-18</p> <p><b>MINUTES</b></p> <p> Order Granting</p> <p>Filed by: Petitioner Byrd, Grady E</p> <p>Order Granting Continuance</p>  |

**CASE SUMMARY****CASE NO. D-18-577701-Z**

See Order Granting Continuance filed by Deft

Matter Heard;

Journal Entry Details:

**MOTION: PLAINTIFF'S MOTION TO ENFORCE THE DECREE OF DIVORCE**

**CONTINUED FROM 11-27-18** Argument by Attorney Lambertson regarding Defendant's non-payment of the \$1,500.00 Alimony which is currently in arrears in the amount of \$7,500.00 since August of 2018, and arrearages in the amount of \$7,500.00 for Plaintiff's portion of Defendant's US Army Pension to be paid in the amount of \$1,500.00 monthly. Plaintiff's interest in insurance policies, Military Health care and long-term health care and other accounts or policies awarded to Plaintiff in the Decree that have either been lost or lapsed, or moved to different accounts by Defendant. Further Argument regarding Attorney's Fees and Costs and contempt of Court. Argument in opposition by Defendant. **COURT NOTED**, the Court reviewed the Motions and reviewed the Parties' Decree. Within the Decree there is language that provides for \$1,500.00 to be paid to Plaintiff for life that can be changed when her financial condition improves or if the marital house is sold. The Court deems that the \$1,500.00 to Plaintiff is and should be deemed ALIMONY. **COURT FINDS**, Defendant has no right to unilaterally stop the payments to Plaintiff. Even though Defendant's payment status has changed, Defendant is still responsible in the Decree to pay the Plaintiff. **COURT FURTHER FINDS**, Plaintiff had an obligation to follow up on some of the health care policies and other items, therefore it is not necessarily something Defendant is going to be solely responsible for and Parties may need an Evidentiary Hearing. Defendant sworn and testified. **COURT ORDERED**, **DISCOVERY IS OPEN** DEFENDANT shall make himself AVAILABLE for a DEPOSITION with PLAINTIFF'S ATTORNEY. DEFENDANT shall PROVIDE PLAINTIFF with the FEDERAL EMPLOYEES RETIREMENT SYSTEM PLAN within 10 DAYS. DEFENDANT shall COOPERATE in any manner needed in order for the insurance company to keep Plaintiff informed that the premiums are being paid. DEFENDANT has an ONGOING OBLIGATION to PAY the INSURANCE PREMIUM and keep it UP TO DATE. DEFENDANT shall be HELD in CONTEMPT of COURT for FAILURE to do so. DEFENDANT shall PROVIDE COPIES OF STATEMENTS from the LAST YEAR OF ALL ACCOUNTS in which DEFENDANT has RECEIVED MONEY, INCLUDING ANNUITY payments. Defendant shall provide DOCUMENTS showing where MONIES ORIGINATED, where and when ANNUITIES were PURCHASED and ANY OTHER ACCOUNTS Defendant is RECEIVING MONIES from. Defendant shall PROVIDE copies of ANY INSURANCE POLICIES and DOCUMENTATION showing PAYMENT on those POLICIES. Defendant shall PROVIDE INFORMATION regarding ANY UNDISCLOSED ACCOUNTS accrued BEFORE the DIVORCE. DEFENDANT shall PROVIDE PROPER DOCUMENTATION of any other INCOME including FEDERAL RETIREMENT PLANS and any other PLANS DEFENDANT had set up at the time of the DIVORCE. DEFENDANT shall be HELD IN CONTEMPT of COURT if he does not PROVIDE APPROPRIATE DOCUMENTATION as requested by the Court and shall be placed in CUSTODY. DEFENDANT'S OBLIGATIONS to PLAINTIFF in the DECREE of DIVORCE shall STAND. Defendant shall PAY PLAINTIFF \$1500.00 PER MONTH as PLAINTIFF'S SHARE of the Military Benefits and \$1500.00 PER MONTH in SPOUSAL SUPPORT payments. ATTORNEY FEES IN THE AMOUNT \$7,000.00 shall be PAID FROM DEFENDANT to PLAINTIFF within the next 45 DAYS. DEFENDANT'S ARREARS and ATTORNEY'S FEES shall be REDUCED TO JUDGMENT: ARREARAGES in SPOUSAL SUPPORT of \$7,500.00 from August 2018 to January 2019. ARREARAGES in PLAINTIFF'S HALF of Defendant's Military Benefits of \$7,500.00 from August 2018 to January 2019. ATTORNEY'S FEES in the amount of \$7,000.00. EFFECTIVE January 15, 2019, DEFENDANT shall PAY PLAINTIFF \$4,500.00 PER MONTH EACH MONTH on the 15th of the MONTH until DEFENDANT has the \$22,000.00 in ARREARS CAUGHT UP. DEFENDANT shall DEPOSIT the \$4,500.00 into PLAINTIFF'S Bank of America ACCOUNT which was placed on the Record. Defendant was provided a voided check IN OPEN COURT to set up automatic deposits. DEFENDANT shall be HELD in CONTEMPT of COURT if he does not PAY Plaintiff the \$4,500.00 per Month and CATCH UP on the PAYMENTS due to the PLAINTIFF. The \$3,000.00 MONTHLY OBLIGATION shall CONTINUE TO ACCRUE as the \$4,500.00 monthly payments are being made. CONTEMPT of COURT shall be DEFERRED. If DEFENDANT FAILS to PAY PLAINTIFF of if he FAILS to CATCH UP the ARREARAGES or PAY ATTORNEY'S FEES, PLAINTIFF'S Motion for Contempt of Court may be RENEWED. DEFENDANT shall NOT MISS ONE (1) more PAYMENT to Plaintiff. Should Defendant miss a Payment and the Court finds Defendant is in Contempt, the Court will incarcerate Defendant. PLAINTIFF can file a Motion for Contempt and the Court will incarcerate Defendant if found in contempt. EITHER PARTY shall NOT CHANGE anything from the BANK ACCOUNTS AND BOTH PARTIES shall have ONLINE ACCESS to the BANK ACCOUNTS; USER NAMES and PASSWORDS SHALL NOT BE CHANGED BY EITHER PARTY. PLAINTIFF shall take a copy of the Parties Divorce Decree in order to go and inquire regarding the Insurance Policies and other benefits that she may be entitled to under the Decree. DEFENDANT is to COOPERATE if a RELEASE or CONSENT is needed for Plaintiff to get the information she needs. STATUS



# CASE SUMMARY

CASE NO. D-18-577701-Z

CHECK RE: DISCOVERY set on 5-2-19 at 11:00 am in Department G. Attorney Lambertson to Prepare the Order. CHAMBER REVIEW RE: ORDER from (1-23-19 hearing) set for 2-19-19;

Matter Heard

12/26/2018

**CANCELED Review** (2:00 AM) (Judicial Officer: Steel, Cynthia Dianne)

Vacated - Moot

CHAMBER REVIEW RE: ORDER FROM 11-27-18 HEARING

11/27/2018



**Motion** (10:30 AM) (Judicial Officer: Steel, Cynthia Dianne)

Events: 10/16/2018 Motion to Enforce

Pltf's Motion to Enforce the Decree of Divorce

## MINUTES



Motion to Enforce

Filed by: Petitioner Byrd, Caterina

Motion to Enforce the Decree of Divorce

Matter Heard;

Journal Entry Details:

**PLAINTIFF'S MOTION TO ENFORCE THE DECREE OF DIVORCE** For purposes of the Minute Order, Petitioner Caterina Byrd will be referred to as the Plaintiff and Grady Byrd as the Defendant. The Court heard the matters on calendar today. Court noted there has been no response from Defendant. Attorney Lambertsen advised this matter was filed in Churchill County, even though parties live in Clark County and advised the Court, this is a post divorce action. Court heard the matters on calendar. Attorney Lambertsen requested temporary Orders. Court noted the exhibits filed with the Motion were stricken. **COURT ORDERED**, Defendant shall **PROVIDE ALL DOCUMENTS** that **SUPPORT** all aspects that support his version of his **INCOME**; including but not limited to DFAS Statement showing monthly income, the VA Statement from the Department of Defense, and the FERS Statement. The Department of the Army. In addition, the U.S. Military health care, the long term health Insurance, and other insurance policies, and the Department of Finance and Accounting Services related to the QDRO. Request for Attorney Fees for today's hearing are **RESERVED** until time of the 12-28-18 hearing. Matter **CONTINUED** to 12-18-18 at 3:30 pm in Department G. Unbundled Order **FILED IN OPEN COURT**. Attorney Lambertsen shall prepare an appropriate Order, obtain approval from opposing Counsel, and submit it to the Court pursuant to Rule 7.21 and Rule 7.24. Rule 7.21 The counsel obtaining any order, judgment or decree must furnish the form of the same to the clerk or judge in charge of the court within 10 days after counsel is notified of the ruling, unless additional time is allowed by the court. Rule 7.24 Any order, judgment or decree which has been signed by a judge must be filed with the clerk of the court promptly. No attorney may withhold or delay the filing of any such order, judgment or decree for any reason, including the nonpayment of attorney's fees. If there is a conflict regarding the wording of the Minute Order, the video record prevails as the official record. NRS 3.380 (6) In civil and criminal cases when the court has ordered the use of such sound recording equipment, any party to the action, at the party's own expense, may provide a certified court reporter to make a record of and transcribe all the matters of the proceeding. In such a case, the record prepared by sound recording is the official record of the proceedings, unless it fails or is incomplete because of equipment or operational failure, in which case the record prepared by the certified court reporter shall be deemed, for all purposes, the official record of the proceedings. [emphasis added] [7:52:1907; added 1949, 506; 1943 NCL 8460.01] (NRS A 1995, 1594; 2007, 1036; 2011, 673).e Preparation Order **FILED IN OPEN COURT**. CHAMBER REVIEW RE: Order (11-27-18 hearing) set for 12-26-18 at 2:00 AM;

Matter Heard

01/23/2018

**Hearing** (10:30 AM) (Judicial Officer: Steel, Cynthia Dianne)

Reply To Opposition And/Or Countermotion



1 Appearance Request, and Countermotion for Fees. Plaintiff, Caterina Angela  
2 Byrd (hereinafter "Caterina" or "Plaintiff"), appearing by and through her  
3 attorneys, ANITA A. WEBSTER, ESQ., and JEANNE F. LAMBERTSEN, ESQ.,  
4 of the law firm of WEBSTER & ASSOCIATES and Defendant, Grady Edward  
5 Byrd (hereinafter "Grady" or "Defendant"), not present and appearing by and  
6 through his attorney, BYRON L. MILLS, ESQ., of MILLS & ANDERSON LAW  
7 GROUP.  
8

9 Argument by Ms. Lambertsen regarding Plaintiff's Opposition to  
10 Defendant's Motion to Reconsider Denial of Audiovisual Appearance citing that  
11 the Defendant's doctor excuses are from doctor that are all in the Philippines, not  
12 from the Veteran's Administration and one of the excuses even states that the  
13 certificate is not for legal matters.  
14

15 Argument by Ms. Webster regarding sanctions for Defendant's failure to  
16 appear today and argument for the Plaintiff's Motion for Reconsideration,  
17 Summary Judgment on the Order to Show Cause, to Set Aside the Decree, and  
18 Motion to join Defendant's wife as a party to this action.  
19

20 Argument by Mr. Mills regarding the Order to Show Cause and that the  
21 Defendant should not be subject to the penalty of contempt for months other than  
22 from June 1, 2019, to the present date.  
23

24 Argument by Ms. Lambertsen regarding the hearing on July 18, 2019, on  
25 Plaintiff's Motion for an Order to Show Cause sought arrears going back to the  
26 date the Defendant ceased payment on September 1, 2018, and these arrears  
27 were deferred to the Evidentiary Hearing this date.  
28

**THE COURT NOTES** that upon a review of the Medical Certificates

1 submitted by Defendant, that Defendant is on military disability; and the  
2 certificates submitted are from doctors from the Philippines rather than from  
3 Defendant's doctor at the Department of Veteran's Affairs. Defendant was  
4 referred to the Department of Veteran's Affairs for follow-up, and Defendant  
5 failed to do so.  
6

7 **THE COURT FINDS** that it is suspicious that the Defendant is going to  
8 community doctors in the Philippines, did not follow-up with the Department of  
9 Veteran's Affairs, and has provided nothing from the Department of Veteran's  
10 Affairs regarding medical issues. Further the court finds that the medical notes  
11 from the Philippines provided by the Defendant are not believable.  
12

13 Having heard the argument of counsel and good cause appearing  
14 therefore,

15 **IT IS HEREBY ORDERED** that Defendant's Motion to Reconsider Denial  
16 of Audiovisual Appearance Request is Denied.  
17

18 **IT IS FURTHER ORDERED** that Plaintiff's Motion for Summary Judgment  
19 that the Defendant be found in Contempt of Court is Denied. That the Court will  
20 enter appropriate rulings based on the testimony and evidence to follow in this  
21 Evidentiary Hearing.  
22

23 **IT IS FURTHER ORDERED** that the Evidentiary Hearing will proceed today  
24 in Defendant's absence.

25 **IT IS FURTHER ORDERED** that the Plaintiff's Motion for Reconsideration  
26 and Request to Set Aside the Order from the hearing on May 22, 2019, order filed  
27 June 26, 2019, is part of the court's consideration in this Evidentiary Hearing and  
28 a determination will be made by this court as to the agreement entered into

1 between the parties, what was meant by the language of the agreement, whether  
2 or not it constituted a waiver of alimony, or whether the waiver of alimony was of  
3 no effect because the decree provides for her support and it would be  
4 unconscionable that after 31 years of marriage that Plaintiff would receive no  
5 support from the Defendant and Defendant would have total discretion as to  
6 what, when, and for how long to pay the Plaintiff. All of the foregoing shall be  
7 decided after testimony and evidence is presented. That the Court will enter  
8 appropriate rulings based on the testimony and evidence from the hearing.  
9

10 **IT IS FURTHER ORDERED** that Plaintiff's request that Defendant's wife be  
11 joined in this action and ordered to sign a waiver of her interest in the Survivor  
12 Benefit Plan awarded to the Plaintiff in the decree of divorce is denied as this  
13 Court has no personal jurisdiction over the Defendant's wife.  
14

15 Plaintiff, Caterina Angela Byrd, was sworn and testified under oath.  
16

17 **THE COURT ADMITTED** Plaintiff's Exhibits 1 through 11; 13 through 18;  
18 20 through 23; 25 through 28; 30 through 36; 42 (VT 9:42:52) 43, 63, and 64  
19 were admitted. Based upon the parties' stipulation, Defendant's Exhibits A  
20 through L, were admitted into evidence.  
21

22 The court having reviewed the pleadings and papers on file herein including  
23 the *Pre-Trial Memorandums* filed by the parties prior to Trial, after considering  
24 and weighing the credibility of the witness and the exhibits admitted into  
25 evidence, and after further considering the closing arguments of counsel, and  
26 good cause appearing, the Court hereby makes the following Findings of Fact,  
27 Conclusions of Law, and Order as set forth herein.  
28

///

## FINDINGS OF FACT

1. To the extent any Finding of Fact is more appropriately stated as a Conclusion of Law, it should be so deemed.
2. The parties were divorced in Nevada on June 5, 2014, after a 31-year marriage by way of a Joint Petition that Grady arranged to have prepared.
3. Caterina is 56 years old and resides in Clark County Nevada. Grady is 63 years old and resides in the Philippines.
4. Caterina has a high school education and English is her second language. Grady has two Master Degrees, war college degree and certificates.
5. Grady retired from the Army in 1999. Caterina was named the beneficiary of Grady's Army Survivor Benefit Plan upon his retirement. After retiring from the Army, Grady worked for the Department of Defense until about 2010.
6. The parties moved 17 different places throughout the marriage making it difficult for Caterina to establish a career. The parties last resided together in about 2008 with Caterina remaining in Nevada and Grady residing out of the country and Caterina believing that he lived in either Kosova or the Philippines.
7. Caterina was not working at the time of divorce and is not currently working. Caterina had not worked during the marriage except sporadically because Grady got upset when she had tried to work.
8. Caterina was in treatment for mental health issue, anxiety and depression from about 2012 to 2016.
9. Grady's current gross annual income is about \$116,000.00 per year.

- 1 10. Since September 1, 2018, Caterina has borrowed money from her parents  
2 to pay her monthly expenses. She paid her attorney fees by credit card and  
3 the credit card is maxed out. She has an outstanding balance with her  
4 attorney. That using a credit card to hire an attorney does not mean that  
5 Caterina was not destitute. (VT 2:26:28)  
6
- 7 11. The Decree of Divorce provides that Grady is to pay Caterina \$1,500 per  
8 month for mortgage assistance. The Decree of Divorce further provides  
9 that the mortgage assistance is not alimony and that it can be terminated  
10 at any time. This is vague and ambiguous and susceptible to more than  
11 one interpretation especially in light of Grady paying Caterina \$1,500 for  
12 mortgage assistance for over 4 years following the divorce. Based on all  
13 the facts above and despite the statement in the decree that this is not  
14 alimony, these facts support that it was, in fact, alimony. (VT 2:23:43,  
15 2:16:30, 2:19:03).  
16
- 17 12. The Decree of Divorce contains ambiguities. Grady was making periodic  
18 payments to Caterina on a monthly basis for her support. This is alimony,  
19 yet the agreement purports that it is not alimony, creating an ambiguity.  
20
- 21 13. The court must examine the circumstances surrounding the parties' alimony  
22 waiver in order to determine the true intentions of the parties.  
23
- 24 14. That the Decree of Divorce provides that Caterina is entitled to 50% of  
25 Grady's military retired pay. This is vague since there was no dollar amount  
26 provided in the Decree of Divorce and Grady represented to Defendant that  
27 50% of his military pay is \$1,500 per month. Further, Grady paid Caterina  
28 \$1,500 per month for more than 4 years following entry of the Decree of

Divorce.

15. Grady drafted the agreement or had it drafted. It is a well-settled rule that "[i]n cases of doubt or ambiguity, a contract must be construed most strongly against the party who prepared it, and favorably to a party who had no voice in the selection of its language." As a result, in this case, any ambiguity must be interpreted against Grady.

16. The house she was awarded in the Decree of Divorce had little to no equity. The equity in the house at the time of divorce was less than \$20,000, and would not likely cover the closing costs had she sold the house at the time of the divorce. The periodic payments on a monthly basis until the house was sold or paid off are indeed based on financial need and are therefore alimony. The payments were conditioned on the house not selling and not being paid off. The house has not been sold and is not paid off. The mortgage payments are over \$1,900 per month. (VT 2:26:58). Based on what Grady told Caterina before and at the time of the divorce, Caterina reasonably expected that Grady would support her at the rate of at least \$3,000 per month for the remainder of her life and that upon his death, she would continue to be supported by Grady based on her receipt of his Army Survivor Benefits in a comparable amount. (VT2:27:56). Grady had a fiduciary duty to Caterina to be honest with her. He failed to meet his fiduciary duty.

17. During the marriage, Grady is the one who ran made the decisions in the marriage and controlled the finances in the marriage. Grady discouraged Caterina from being involved in these decisions. When Caterina did try to



work, he discouraged her from working and told her he did not want her to work. Once he moved to the Philippines, he decided that he did not want to be married anymore and claimed to have so many bills that he would have to file bankruptcy, that he was living in a tent, that he could barely get by, and that they were only getting \$3,017 per month in Army retirement pay. Grady told Caterina that he cannot call the money he was going to pay her per the Decree of Divorce "alimony" because if that money was called "alimony", he would not be able to get the loan that he needs, he would never be able to get ahead in his present life and he would have to live poor until he dies. Grady failed to realize that he has a fiduciary relationship to his spouse not to make misrepresentations to her.

18. Grady violated his fiduciary duty to his wife, Caterina, by wrongfully telling her how much money she would receive each month and for how long. He told her that his military pay was \$3,017 per month, and that she was entitled to \$1,508 per month and that he would pay her \$1,500 per month or more until he died. In actuality, his military pay was only \$128.40 per month and 50% of this is \$64.20 per month. Long before he asked Caterina for a divorce, Grady had applied for and received a waiver of his military pay to receive it as disability pay. A fiduciary relationship arises from the existence of the marriage itself, thus precipitating a duty to disclose pertinent assets and income. Grady was not receiving \$3,017 in military retirement pay as he represented to Caterina, rather, he was receiving \$3,146 in VA disability pay. He had waived \$3,017 of his retired pay for disability pay, and had only \$128.40 left as his military retired pay.

- 1 50% of Grady's United States Army Retired Pay was \$64.20. Grady  
2 engaged in deceit upon his spouse that he owed a fiduciary duty to.
- 3 19. That prior to divorce, Grady applied for and received approval from the  
4 Department of the Army for Combat Related Special Compensation  
5 (CRSC) disability pay on or about June 20, 2011, to be paid through the  
6 Defense Finance and Accounting Service (DFAS).
- 7
- 8 20. That prior to divorce, about December 1, 2011, Grady had waived a portion  
9 of his Army Retirement pay to receive disability compensation.
- 10
- 11 21. That prior to divorce, Grady applied for and received approval on or about  
12 November 12, 2010 from the Office of Personnel Management to receive  
13 his Federal Employee's Retirement System (FERS) money in the form of  
14 disability retirement. That his disability annuity gross payment is \$1,315.00  
15 per month.
- 16
- 17 22. That prior to divorce, on or about September 19, 2012, upon Grady's June  
18 19, 2009 application to the Social Security Administration for disability and  
19 disability insurance benefits, Grady was determined to be disabled. Grady  
20 was paid \$31,014 in Social Security Benefits in 2014.
- 21
- 22 23. Around the time of divorce, Grady did not provide Caterina documentation  
23 showing the amount of his military retirement pay, the amount of his  
24 Veteran's Administration Disability pay, the amount of his Office of  
25 Personnel Management Disability Annuity Income, or the amount of his  
26 Social Security Disability Income.
- 27
- 28 24. Grady paid Caterina \$3,000 per month for a number of years, from June  
2014 until September 1, 2018, to keep her quiet, to keep her complacent,

1 then he decided that he did not need to pay her anymore. When Grady  
2 claimed that he was receiving treatment for cancer, Caterina started asking  
3 questions about his Army Survivor Benefits. Then, she saw an attorney,  
4 and Grady informed her that he is not paying her anything and will not even  
5 show up for court. Grady provides notes from doctors in the Philippines,  
6 claiming that he cannot come to court. The court is not sure they are  
7 actually doctors. The notes do not come from the Veteran's Administration  
8 doctors, where Grady is treating.

9  
10 25. Grady did everything in his power to keep Caterina from recognizing what  
11 her rights were and to leave her in a position where she would receive only  
12 \$64.20 per month from his Army Retirement pay. This is unconscionable.  
13 It is unenforceable. Were the provision in the Decree of Divorce interpreted  
14 to give Caterina 50% of Grady's Military pay, so that she would receive only  
15 \$64.20 per month for her interest in his military pay, after 31 years of  
16 marriage, this would be so unconscionable, as to be unenforceable.

17  
18 26. That Caterina's request for the court's assistance is timely pursuant to  
19 NRCP 60(b)(6) in that she sought the court's assistance on or about  
20 October 2018, shortly after Grady stopping the \$3,000 per month payments  
21 to her on September 1, 2018.

22  
23 27. Grady's breach of fiduciary duty, the vagueness and unconscionability of  
24 the agreement gives the court discretion to reopen a division of the  
25 marital/community property when extraordinary circumstances arise.

26  
27 28. That Grady threatened Caterina that she was not to seek the assistance of  
28 counsel to review the language that Grady proposed for the Decree of

1 Divorce or she would regret it. Caterina was suffering from depression at  
2 the time of the divorce, the parties had just purchased a home 4 months  
3 prior to Grady asking for a divorce, the mortgage was over \$1,900 per  
4 month, and Caterina was fearful that if she failed to follow his orders, he  
5 would stop providing money for her living expenses, and disappear. He  
6 was living in the Phillippines at that time.  
7

8 29. Grady represented to Caterina that her share of Grady's military retirement  
9 money was \$1,508.00 per month for his life and that she would get  
10 increases over time. Grady performed on this agreement from June 5,  
11 2014 until September 1, 2018. Therefore, Caterina is awarded \$1,508 per  
12 month in alimony, subject to upward modification. The additional \$1,500.00  
13 per month that Grady agreed to pay Caterina for mortgage assistance for  
14 her house is also designated as alimony.  
15

16 30. Grady has multiple sources of income which are not exempt from a spousal  
17 support order. All of this income, which comprises Grady's approximate  
18 \$116,000.00 annual income, can be considered when a spousal support  
19 obligation to Caterina is calculated.  
20

21 31. Grady agreed to keep the military health insurance intact for Caterina but  
22 Caterina is no longer covered by the military health insurance and has  
23 replaced the health insurance plan. That the amount of her health  
24 insurance, \$102.00 per month, is a factor toward her financial need.  
25

26 32. As Grady agreed to keep Caterina's health insurance coverage in tact, the  
27 \$102.00 per month that Caterina pays for health insurance shall be added  
28 to the monthly alimony amount owed by Grady to Caterina, retroactive to

the time Caterina ceased receiving Tricare health insurance benefits which was on or about June 6, 2015.

33. Grady agreed to keep Caterina as the beneficiary of his Military Survivor Benefit Plan, that Caterina is no longer the beneficiary of the Survivor Benefit Plan; and that she is going to have to replace the value of the Survivor Benefit Plan. That she may have to obtain an annuity if she is not successful in her appeal to the U.S. Army Board of Corrections. That this dollar amount is a factor toward her financial need when she seeks to modify the alimony award.

34. Pursuant to NRS 22.010 et. al., Grady is found in contempt of court, for two months, and in arrears for failure to pay as ordered at the May 22, 2019 hearing order filed on or about June 26, 2019, wherein Grady was ordered to resume paying Caterina \$3,000.00 per month starting June 1, 2019, pending the Evidentiary Hearing held on October 21, 2019.

35. That there was new evidence presented to support the Caterina's Motion for Reconsideration of the order from the May 22, 2019 hearing, because there was no indication that Judge Forsberg realized that there was no equity in the marital residence at the time of divorce based on Grady stating in the decree that the residence was worth \$365,000. This was the purchase price of the house and just a little over what was owed on the house, not equity. Also, Grady listed that he had no assets, so there is no indication that Judge Forsberg knew what Grady had available to him at that time. She looked at the face of the document, this is why an evidentiary hearing was held. (VT 2:15:35).

1 36. That Caterina did not obtain counsel at the time of divorce because Grady  
2 threatened her. He was in the Phillippines and she feared he would  
3 disappear. Grady knew that he was dealing with a person who is dealing  
4 with depression. As soon as she mentioned seeing an attorney, he came  
5 down on her and stopped paying. (VT 2:25:00)  
6

7 37. That there is cause to set aside the decree based on Grady's breach of his  
8 fiduciary duty to Caterina and that this was timely because Caterina came  
9 to court to try to get what was entitled to her upon Grady stopping his  
10 monthly payments to her. (VT 2:19:44).  
11

## 12 **CONCLUSIONS OF LAW**

### 13 **Personal Jurisdiction over the Parties**

14 By way of their pleadings, each of the parties submitted to the jurisdiction  
15 of this Court, accordingly, the Court concludes that it has personal jurisdiction  
16 over the parties.  
17

### 18 **Subject Matter Jurisdiction**

19 This court has subject matter jurisdiction pursuant to NRS 125.070, which  
20 provides that the judge of the court shall determine all questions of law and fact  
21 arising in any divorce proceeding under the provisions of this chapter.  
22

### 23 **Ambiguity, Unconscionable and Unenforceable, Violation of Fiduciary** 24 **Duty, Invalidation of Spousal Support Waiver, Award of Life Time** 25 **Alimony to Caterina, Grady in Contempt of Court**

- 26 1. Grady's interpretation of the terms of the Decree of Divorce would  
27 mean that he can unilaterally stop paying Caterina \$1,500 per month  
28 in support for the house and that Caterina would receive just \$64.20  
per month for her interest in his military pay after 31 years of marriage.

1 This is unconscionable and unenforceable.

- 2 2. Grady represented to Caterina that she would receive 50% of his  
3 military pay and that this amounted to \$1,500 per month and more for  
4 the rest of his life. Grady waived his military pay for disability pay.  
5 Grady has a contractual obligation to pay Caterina \$1,500 per month  
6 from his military disability pension. Grady cannot reduce his payment  
7 to Caterina by claiming it is disability pay. See Shelton v. Shelton, 119  
8 Nev. 492 (Nev. 2003) and Gemma v. Gemma, 105 Nev. 458, 778 P.2d  
9 429 (1989).  
10  
11  
12 3. The court finds that the alimony waiver in the Decree of Divorce is not  
13 enforceable because: 1) Caterina did not knowingly waive alimony.  
14 Caterina relied on Grady's promise that he would pay her \$3,000 per  
15 month until he died. She could not have waived her right to alimony  
16 while simultaneously accepting support to pay her necessities, Fattore  
17 v. Fattore, 458 NJ Super. 75, 83 (App. Div. 2019) and Parker v.  
18 Green, No. 73176 (Nevada June 25, 2018); and 2) The payments  
19 Grady is making to Caterina are in the nature of alimony. Grady's  
20 payment to Caterina of "\$1500 dollars extra a month to assist with her  
21 home mortgage" may cease if "her financial situation changes." Since  
22 Grady's assistance to Caterina may cease based on Caterina's  
23 financial situation, this is consistent with the NRS 125.150  
24 considerations for alimony.  
25  
26  
27 4. NRCP 60(b)(6) Relief From a Judgment or Order (6) any other reason  
28 that justifies relief in this instance. Caterina's request for the court's

1 assistance and relief from judgement is timely pursuant to NRCP  
2 60(b)(6) in that Caterina brought her action within 30 days of Grady  
3 ceasing his payments to her.

- 4
- 5 5. Pursuant to NRS 125.150 (4), the court may set apart a portion of the  
6 Grady's separate property for Caterina's support as is deemed just and  
7 equitable. Based on the facts of this case, Grady's disability pension  
8 income is considered a source of income for purposes of awarding  
9 alimony to Caterina. The court invalidates the alimony waiver and  
10 awards alimony from Grady's military pension disability payments to  
11 Caterina as it would be unconscionable that Caterina receive no  
12 support after 31 years of marriage. See Fattore v. Fattore, 458 NJ  
13 Super. 75, 83 (App. Div. 2019) and Parker v. Green, No. 73176  
14 (Nevada June 25, 2018).
- 15
- 16 6. A fiduciary relationship arose from the existence of the marriage itself,  
17 thus precipitating Grady's duty to not misrepresent his income and  
18 assets. Cook v. Cook, 112 Nev. 179, 912 P.2d, 264 (1996) citing  
19 Williams v. Waldman, 108 Nev. 466, 836 P.2d 614 (1992) at 471-72,  
20 836 P.2d at 618. Grady violated his fiduciary duty to Caterina by  
21 wrongfully telling Caterina that his military pay was \$3,017 per month,  
22 and that she was entitled to 50%, namely \$1,508 per month. He told  
23 her he would pay her \$1,500 per month with periodic increase until he  
24 died. When Grady made this representation to Caterina he had  
25 previously waived his military pay for disability pay and was receiving  
26 only \$128.40 per month in military pay with 50% being equal to \$64.20  
27  
28



1 per month. Therefore, Grady must pay Caterina \$3,110.00 per month  
2 in modifiable alimony.

- 3 7. A contract is "ambiguous if it is reasonably susceptible to more than  
4 one interpretation." Shelton v. Shelton, 119 Nev. 492, 497, 78 P.3d  
5 507, 510 (2003). When interpreting an ambiguous contract, this Court  
6 can look beyond the express terms and analyze the circumstances  
7 surrounding the contract to determine the true mutual intentions of  
8 both parties. Id. Finally, this court has recognized that an  
9 interpretation that "results in a fair and reasonable contract is  
10 preferable to one that results in a harsh and unreasonable contract."  
11 Id. In this case, the Decree of Divorce provides that Grady is to pay  
12 Caterina \$1,500 per month for mortgage assistance. The Decree of  
13 Divorce further provides that the mortgage assistance is not alimony  
14 and that it can be terminated at any time. This is vague and  
15 ambiguous and susceptible to more than one interpretation especially  
16 in light of Grady paying Caterina \$1,500 per month in mortgage  
17 assistance for over 4 years following the divorce. The Decree of  
18 Divorce is also ambiguous as to the military retired pay. The Decree  
19 of Divorce provides that Caterina is entitled to 50% of Grady's military  
20 retired pay. This is vague since there was no dollar amount provided  
21 in the Decree of Divorce and Grady represented to Defendant that  
22 50% of his military pay is \$1,500 per month. Further, Grady paid  
23 Caterina \$1,500 per month for more than 4 years following entry of the  
24 Decree of Divorce. When a contract is ambiguous, the court should  
25  
26  
27  
28

1 examine the circumstances leading up to the Decree of Divorce to  
2 determine the true intentions of the parties. Parker v. Green, No.  
3 73176 (Nevada June 25, 2018). In this case, in communications  
4 between the parties leading up to the Decree of Divorce, Grady  
5 misrepresented his income and assets to Caterina.  
6

- 7 8. Ambiguity in the decree must be interpreted against Grady as he was  
8 the drafter or had it drafted. It is a well-settled rule that "[i]n cases of  
9 doubt or ambiguity, a contract must be construed most strongly  
10 against the party who prepared it, and favorably to a party who had no  
11 voice in the selection of its language." As a result, in this case, any  
12 ambiguity must be interpreted against Grady. Williams v. Waldman,  
13 108 Nev. 466, 836 P.2d 614 (Nev., 1992) citing Jacobson v. Sassower,  
14 66 N.Y.2d 991, 499 N.Y.S.2d 381, 489 N.E.2d 1283, 1284 (1985).  
15  
16 9. The periodic payments on a monthly basis that Grady paid Caterina  
17 until the house was sold or paid off are indeed based on financial need  
18 and are therefore alimony. NRS 125.150(9)(a).  
19  
20 10. Caterina should receive lifetime alimony based on Grady's waiver of  
21 military pension for disability payments: as a military wife, she set  
22 aside her education and career to follow her husband around the  
23 world. Grady currently receives over \$116,000.00 annually in largely  
24 tax free income. Caterina has the need for support, she must be  
25 compensated for economic loss and Grady has the ability to pay.  
26 Kogod v. Cioffi-Kogod, 135 Nev., Adv. Op. 9 (April 25, 2019).  
27  
28 11. Caterina is entitled to an award of attorney fees and costs. Pursuant

1 to Brunzell v. Golden Gate Nat'l Bank, 85 Nev. 345 (1969), the Court  
2 should take into consideration the following factors when determining  
3 an award of attorney's fees. (1) The qualities of the advocate(s): Ms.  
4 Webster has been practicing law for 34 years and Ms. Lambertsen for  
5 14 years; the law firm's practice is dedicated to family law. (2) The  
6 character and difficulty of the work performed: moderate to moderately  
7 high. (3) The work actually performed by the attorney: Many hours  
8 were spent litigating and preparing this case for Trial. (4) The result  
9 obtained: is yet to be determined.  
10

## 11 **ORDERS**

12  
13 **THE COURT HEREBY ORDERS** that based on the evidence presented  
14 and in weighing the credibility of the witness, the Court finds there is a basis for  
15 partial modification of the Decree of Divorce filed on or about June 5, 2014.

16 **IT IS FURTHER ORDERED** that effective November 1, 2019, Defendant  
17 shall pay Plaintiff life time alimony in the amount of \$3,110.00 per month, payable  
18 on or before the first day of each month. This alimony is modifiable.  
19

20 **IT IS FURTHER ORDERED** that should Plaintiff find it necessary to obtain  
21 an annuity or other vehicle for income in lieu of the survivor benefits, the cost can  
22 go toward Plaintiff's financial need when she seeks to modify alimony.  
23

24 **IT IS FURTHER ORDERED** that the attorney's fees that were previously  
25 awarded to Plaintiff shall be reduced to judgment, collectible by all lawful means.  
26 Defendant is in arrears for the attorney's fees previously awarded; \$7,000.00  
27 order filed April 5, 2019; \$5,000.00 order filed June 26, 2019; and \$1,500.00,  
28 order filed August 9, 2019, for a total of \$13,500.00, which sum is reduced to

1 judgment, subject to interest at the legal rate and collectable by any lawful  
2 means.

3 **IT IS FURTHER ORDERED** that Plaintiff is entitled to additional fees not  
4 previously awarded. Counsel for Plaintiff shall submit a Memorandum of Fees  
5 and Costs for the additional amount. Counsel for Defendant, Mr. Mills, shall have  
6 an opportunity to file an objection.  
7

8 **IT IS FURTHER ORDERED** that Grady is in contempt of court for failure to  
9 pay Caterina the \$1,500.00 monthly house payment for two months, that this is  
10 alimony, and Caterina is awarded sanctions in the amount of \$1,000.00 (\$500.00  
11 per month for two months). The sum of \$1,000.00 is reduced to judgment,  
12 subject to interest at the legal rate and collectable by any lawful means.  
13

14 **IT IS FURTHER ORDERED** that Defendant is in arrears for alimony and  
15 support payments in the amount of \$42,000.00 from September 1, 2018 through  
16 October 31, 2019 (\$3,000.00 per month for 14 months). The sum of \$42,000.00  
17 in accrued spousal support arrears is reduced to judgment, subject to interest at  
18 the legal rate, and collectible by any lawful means.  
19

20 **IT IS FURTHER ORDERED** that should Defendant file an Appeal, there will  
21 be no stay in this case until Defendant posts a supersedeas bond in an amount  
22 of not less than \$64,000.00.  
23

24 **IT IS FURTHER ORDERED** that Grady's order to pay Caterina \$42,000.00  
25 in spousal support arrears and an additional \$1,000.00 in Contempt sanctions for  
26 non-payment of spousal support that is not subject to discharge in bankruptcy  
27 and is collectable by any lawful means, including against Grady's disability  
28 income. The government is to withhold money from Defendant, Grady Edward

1 Byrd's, income and remit payments to the Plaintiff, Caterina Angela Byrd, to  
2 satisfy the support obligation and support arrears. Caterina may prepare a  
3 separate order, if necessary, to effectuate the remittance of her alimony  
4 payments directly from Grady's Army disability and CRSC, Veteran Administration  
5 benefits and Department of Defense retirement disability.  
6

7 **IT IS FURTHER ORDERED** that should Grady fail to comply with the Court's  
8 orders, Caterina may file a Motion for an Order To Show Cause why Grady  
9 Should Not be Held in Contempt of Court, and if Grady fails to attend the hearing,  
10 or fails to respond, or fails to pay as ordered, Caterina can seek a no-bail bench  
11 warrant for his arrest and notify the appropriate authorities, such as Immigration  
12 and Customs, should Grady attempt to enter the United States.  
13

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1       **IT IS FURTHER ORDERED** that Ms. Lambertsen shall prepare the Findings  
2 of Fact, Conclusion of Law and Order from today's hearing as well as submit a  
3 Memorandum of Fees and Costs which Mr Mills can object to within 14 calendar  
4 days; Mr. Mills shall review and sign off. Mr. Mills may propose additional findings  
5 he believes are appropriate.  
6

7       DATED this 25 day of January 2019.


8  
9  
10         
DISTRICT COURT JUDGE *RP*

11       **Rhonda K. Forsberg**

12       Submitted by:  
13       **WEBSTER & ASSOCIATES**

14         
15       **ANITA A. WEBSTER, ESQ.**  
16       Nevada Bar No. 1221  
17       **JÉANNE F. LAMBERTSEN, ESQ.**  
18       Nevada Bar No. 9460  
19       6882 Edna Ave.  
20       Las Vegas, Nevada 89146  
21       Attorney for Plaintiff

22       Approved as to form and content by:  
23       **MILLS & ANDERSON LAW FIRM**

24         
25       **BYRON L. MILLS, ESQ.**  
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28       Las Vegas, Nevada 89101  
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      Attorney for Defendant



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Unbundled Attorney for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

CATERINA ANGELA BYRD

Plaintiff,

v.

GRADY EDWARD BYRD

Defendant.

CASE NO.: D-18-577701-Z  
DEPT NO.: G

**NOTICE OF ENTRY OF FINDINGS OF  
FACT, CONCLUSIONS OF LAW AND  
ORDER**

PLEASE TAKE NOTICE that a Finding of Fact, Conclusions of Law and  
Order was entered in the above-entitled action on the 23<sup>rd</sup> day of January, 2020  
a copy of which is attached.

Dated this 23 day of January, 2020.

**WEBSTER & ASSOCIATES**

  
ANITA A. WEBSTER, ESQ.  
JEANNE F. LAMBERTSEN, ESQ.  
Unbundled Attorneys for Plaintiff

**Certificate of Service**

Pursuant to NRCP 5(b), I certify that I am employed in the Law Offices of WEBSTER & ASSOCIATES, and that on this 23<sup>rd</sup> day of January, 2020, I caused the above and foregoing document to be served as follows:

☐ [ X ] by mandatory electronic service through the Eighth Judicial District Court's electronic filing system;

To the attorney(s)/person(s) listed below at the address, email address, and/or facsimile number indicated below:

Byron Mills, Esq.  
Modonnell@millsnv.com  
*Attorney for Defendant*

  
\_\_\_\_\_  
An employee of Webster & Associates





**FFCL**  
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Attorney for Plaintiff, unbundled

DISTRICT COURT  
CLARK COUNTY, NEVADA

CATERINA ANGELA BYRD

Plaintiff,

v.

GRADY EDWARD BYRD

Defendant.

CASE NO.: D-18-577701-Z  
DEPT NO.: G

**FINDINGS OF FACT,**  
**CONCLUSIONS OF LAW AND**  
**ORDER**

This matter having come before the court on October 21, 2019, at 9:00 a.m., for an Evidentiary Hearing regarding the mortgage payment and the military retirement payment, hearing on the Plaintiff's Order to Show Cause why the Defendant should not be held in contempt of court, hearing on Plaintiff's Motion for Reconsideration, Summary Judgment, and Fees; and Defendant's Opposition to Plaintiff's Motion for Reconsideration and Countermotion for Fees, hearing on Defendant's Motion on Order Shortening Time to Reconsider Denial of Audiovisual Appearance Request, Plaintiff's Opposition to Defendant's Motion on Order Shortening Time to Reconsider Denial of Defendant's Audiovisual

1 Appearance Request, and Countermotion for Fees. Plaintiff, Caterina Angela  
2 Byrd (hereinafter "Caterina" or "Plaintiff"), appearing by and through her  
3 attorneys, ANITA A. WEBSTER, ESQ., and JEANNE F. LAMBERTSEN, ESQ.,  
4 of the law firm of WEBSTER & ASSOCIATES and Defendant, Grady Edward  
5 Byrd (hereinafter "Grady" or "Defendant"), not present and appearing by and  
6 through his attorney, BYRON L. MILLS, ESQ., of MILLS & ANDERSON LAW  
7 GROUP.  
8

9 Argument by Ms. Lambertsen regarding Plaintiff's Opposition to  
10 Defendant's Motion to Reconsider Denial of Audiovisual Appearance citing that  
11 the Defendant's doctor excuses are from doctor that are all in the Philippines, not  
12 from the Veteran's Administration and one of the excuses even states that the  
13 certificate is not for legal matters.  
14

15 Argument by Ms. Webster regarding sanctions for Defendant's failure to  
16 appear today and argument for the Plaintiff's Motion for Reconsideration,  
17 Summary Judgment on the Order to Show Cause, to Set Aside the Decree, and  
18 Motion to join Defendant's wife as a party to this action.  
19

20 Argument by Mr. Mills regarding the Order to Show Cause and that the  
21 Defendant should not be subject to the penalty of contempt for months other than  
22 from June 1, 2019, to the present date.  
23

24 Argument by Ms. Lambertsen regarding the hearing on July 18, 2019, on  
25 Plaintiff's Motion for an Order to Show Cause sought arrears going back to the  
26 date the Defendant ceased payment on September 1, 2018, and these arrears  
27 were deferred to the Evidentiary Hearing this date.  
28

**THE COURT NOTES** that upon a review of the Medical Certificates

1 submitted by Defendant, that Defendant is on military disability; and the  
2 certificates submitted are from doctors from the Philippines rather than from  
3 Defendant's doctor at the Department of Veteran's Affairs. Defendant was  
4 referred to the Department of Veteran's Affairs for follow-up, and Defendant  
5 failed to do so.  
6

7 **THE COURT FINDS** that it is suspicious that the Defendant is going to  
8 community doctors in the Philippines, did not follow-up with the Department of  
9 Veteran's Affairs, and has provided nothing from the Department of Veteran's  
10 Affairs regarding medical issues. Further the court finds that the medical notes  
11 from the Philippines provided by the Defendant are not believable.  
12

13 Having heard the argument of counsel and good cause appearing  
14 therefore,

15 **IT IS HEREBY ORDERED** that Defendant's Motion to Reconsider Denial  
16 of Audiovisual Appearance Request is Denied.  
17

18 **IT IS FURTHER ORDERED** that Plaintiff's Motion for Summary Judgment  
19 that the Defendant be found in Contempt of Court is Denied. That the Court will  
20 enter appropriate rulings based on the testimony and evidence to follow in this  
21 Evidentiary Hearing.  
22

23 **IT IS FURTHER ORDERED** that the Evidentiary Hearing will proceed today  
24 in Defendant's absence.

25 **IT IS FURTHER ORDERED** that the Plaintiff's Motion for Reconsideration  
26 and Request to Set Aside the Order from the hearing on May 22, 2019, order filed  
27 June 26, 2019, is part of the court's consideration in this Evidentiary Hearing and  
28 a determination will be made by this court as to the agreement entered into

1 between the parties, what was meant by the language of the agreement, whether  
2 or not it constituted a waiver of alimony, or whether the waiver of alimony was of  
3 no effect because the decree provides for her support and it would be  
4 unconscionable that after 31 years of marriage that Plaintiff would receive no  
5 support from the Defendant and Defendant would have total discretion as to  
6 what, when, and for how long to pay the Plaintiff. All of the foregoing shall be  
7 decided after testimony and evidence is presented. That the Court will enter  
8 appropriate rulings based on the testimony and evidence from the hearing.

9  
10 **IT IS FURTHER ORDERED** that Plaintiff's request that Defendant's wife be  
11 joined in this action and ordered to sign a waiver of her interest in the Survivor  
12 Benefit Plan awarded to the Plaintiff in the decree of divorce is denied as this  
13 Court has no personal jurisdiction over the Defendant's wife.

14  
15 Plaintiff, Caterina Angela Byrd, was sworn and testified under oath.

16 **THE COURT ADMITTED** Plaintiff's Exhibits 1 through 11; 13 through 18;  
17 20 through 23; 25 through 28; 30 through 36; 42 (VT 9:42:52) 43, 63, and 64  
18 were admitted. Based upon the parties' stipulation, Defendant's Exhibits A  
19 through L, were admitted into evidence.

20  
21 The court having reviewed the pleadings and papers on file herein including  
22 the *Pre-Trial Memorandums* filed by the parties prior to Trial, after considering  
23 and weighing the credibility of the witness and the exhibits admitted into  
24 evidence, and after further considering the closing arguments of counsel, and  
25 good cause appearing, the Court hereby makes the following Findings of Fact,  
26 Conclusions of Law, and Order as set forth herein.

27  
28 ///

## FINDINGS OF FACT

1. To the extent any Finding of Fact is more appropriately stated as a Conclusion of Law, it should be so deemed.
2. The parties were divorced in Nevada on June 5, 2014, after a 31-year marriage by way of a Joint Petition that Grady arranged to have prepared.
3. Caterina is 56 years old and resides in Clark County Nevada. Grady is 63 years old and resides in the Philippines.
4. Caterina has a high school education and English is her second language. Grady has two Master Degrees, war college degree and certificates.
5. Grady retired from the Army in 1999. Caterina was named the beneficiary of Grady's Army Survivor Benefit Plan upon his retirement. After retiring from the Army, Grady worked for the Department of Defense until about 2010.
6. The parties moved 17 different places throughout the marriage making it difficult for Caterina to establish a career. The parties last resided together in about 2008 with Caterina remaining in Nevada and Grady residing out of the country and Caterina believing that he lived in either Kosova or the Philippines.
7. Caterina was not working at the time of divorce and is not currently working. Caterina had not worked during the marriage except sporadically because Grady got upset when she had tried to work.
8. Caterina was in treatment for mental health issue, anxiety and depression from about 2012 to 2016.
9. Grady's current gross annual income is about \$116,000.00 per year.

- 1 10. Since September 1, 2018, Caterina has borrowed money from her parents  
2 to pay her monthly expenses. She paid her attorney fees by credit card and  
3 the credit card is maxed out. She has an outstanding balance with her  
4 attorney. That using a credit card to hire an attorney does not mean that  
5 Caterina was not destitute. (VT 2:26:28)  
6
- 7 11. The Decree of Divorce provides that Grady is to pay Caterina \$1,500 per  
8 month for mortgage assistance. The Decree of Divorce further provides  
9 that the mortgage assistance is not alimony and that it can be terminated  
10 at any time. This is vague and ambiguous and susceptible to more than  
11 one interpretation especially in light of Grady paying Caterina \$1,500 for  
12 mortgage assistance for over 4 years following the divorce. Based on all  
13 the facts above and despite the statement in the decree that this is not  
14 alimony, these facts support that it was, in fact, alimony. (VT 2:23:43,  
15 2:16:30, 2:19:03).  
16
- 17 12. The Decree of Divorce contains ambiguities. Grady was making periodic  
18 payments to Caterina on a monthly basis for her support. This is alimony,  
19 yet the agreement purports that it is not alimony, creating an ambiguity.  
20
- 21 13. The court must examine the circumstances surrounding the parties' alimony  
22 waiver in order to determine the true intentions of the parties.  
23
- 24 14. That the Decree of Divorce provides that Caterina is entitled to 50% of  
25 Grady's military retired pay. This is vague since there was no dollar amount  
26 provided in the Decree of Divorce and Grady represented to Defendant that  
27 50% of his military pay is \$1,500 per month. Further, Grady paid Caterina  
28 \$1,500 per month for more than 4 years following entry of the Decree of

Divorce.

15. Grady drafted the agreement or had it drafted. It is a well-settled rule that "[i]n cases of doubt or ambiguity, a contract must be construed most strongly against the party who prepared it, and favorably to a party who had no voice in the selection of its language." As a result, in this case, any ambiguity must be interpreted against Grady.

16. The house she was awarded in the Decree of Divorce had little to no equity. The equity in the house at the time of divorce was less than \$20,000, and would not likely cover the closing costs had she sold the house at the time of the divorce. The periodic payments on a monthly basis until the house was sold or paid off are indeed based on financial need and are therefore alimony. The payments were conditioned on the house not selling and not being paid off. The house has not been sold and is not paid off. The mortgage payments are over \$1,900 per month. (VT 2:26:58). Based on what Grady told Caterina before and at the time of the divorce, Caterina reasonably expected that Grady would support her at the rate of at least \$3,000 per month for the remainder of her life and that upon his death, she would continue to be supported by Grady based on her receipt of his Army Survivor Benefits in a comparable amount. (VT2:27:56). Grady had a fiduciary duty to Caterina to be honest with her. He failed to meet his fiduciary duty.

17. During the marriage, Grady is the one who ran made the decisions in the marriage and controlled the finances in the marriage. Grady discouraged Caterina from being involved in these decisions. When Caterina did try to

work, he discouraged her from working and told her he did not want her to work. Once he moved to the Philippines, he decided that he did not want to be married anymore and claimed to have so many bills that he would have to file bankruptcy, that he was living in a tent, that he could barely get by, and that they were only getting \$3,017 per month in Army retirement pay. Grady told Caterina that he cannot call the money he was going to pay her per the Decree of Divorce "alimony" because if that money was called "alimony", he would not be able to get the loan that he needs, he would never be able to get ahead in his present life and he would have to live poor until he dies. Grady failed to realize that he has a fiduciary relationship to his spouse not to make misrepresentations to her.

18. Grady violated his fiduciary duty to his wife, Caterina, by wrongfully telling her how much money she would receive each month and for how long. He told her that his military pay was \$3,017 per month, and that she was entitled to \$1,508 per month and that he would pay her \$1,500 per month or more until he died. In actuality, his military pay was only \$128.40 per month and 50% of this is \$64.20 per month. Long before he asked Caterina for a divorce, Grady had applied for and received a waiver of his military pay to receive it as disability pay. A fiduciary relationship arises from the existence of the marriage itself, thus precipitating a duty to disclose pertinent assets and income. Grady was not receiving \$3,017 in military retirement pay as he represented to Caterina, rather, he was receiving \$3,146 in VA disability pay. He had waived \$3,017 of his retired pay for disability pay, and had only \$128.40 left as his military retired pay.



- 1 50% of Grady's United States Army Retired Pay was \$64.20. Grady  
2 engaged in deceit upon his spouse that he owed a fiduciary duty to.
- 3 19. That prior to divorce, Grady applied for and received approval from the  
4 Department of the Army for Combat Related Special Compensation  
5 (CRSC) disability pay on or about June 20, 2011, to be paid through the  
6 Defense Finance and Accounting Service (DFAS).
- 7
- 8 20. That prior to divorce, about December 1, 2011, Grady had waived a portion  
9 of his Army Retirement pay to receive disability compensation.
- 10
- 11 21. That prior to divorce, Grady applied for and received approval on or about  
12 November 12, 2010 from the Office of Personnel Management to receive  
13 his Federal Employee's Retirement System (FERS) money in the form of  
14 disability retirement. That his disability annuity gross payment is \$1,315.00  
15 per month.
- 16
- 17 22. That prior to divorce, on or about September 19, 2012, upon Grady's June  
18 19, 2009 application to the Social Security Administration for disability and  
19 disability insurance benefits, Grady was determined to be disabled. Grady  
20 was paid \$31,014 in Social Security Benefits in 2014.
- 21
- 22 23. Around the time of divorce, Grady did not provide Caterina documentation  
23 showing the amount of his military retirement pay, the amount of his  
24 Veteran's Administration Disability pay, the amount of his Office of  
25 Personnel Management Disability Annuity Income, or the amount of his  
26 Social Security Disability Income.
- 27
- 28 24. Grady paid Caterina \$3,000 per month for a number of years, from June  
2014 until September 1, 2018, to keep her quiet, to keep her complacent,

1 then he decided that he did not need to pay her anymore. When Grady  
2 claimed that he was receiving treatment for cancer, Caterina started asking  
3 questions about his Army Survivor Benefits. Then, she saw an attorney,  
4 and Grady informed her that he is not paying her anything and will not even  
5 show up for court. Grady provides notes from doctors in the Philippines,  
6 claiming that he cannot come to court. The court is not sure they are  
7 actually doctors. The notes do not come from the Veteran's Administration  
8 doctors, where Grady is treating.

10 25. Grady did everything in his power to keep Caterina from recognizing what  
11 her rights were and to leave her in a position where she would receive only  
12 \$64.20 per month from his Army Retirement pay. This is unconscionable.  
13 It is unenforceable. Were the provision in the Decree of Divorce interpreted  
14 to give Caterina 50% of Grady's Military pay, so that she would receive only  
15 \$64.20 per month for her interest in his military pay, after 31 years of  
16 marriage, this would be so unconscionable, as to be unenforceable.

17 26. That Caterina's request for the court's assistance is timely pursuant to  
18 NRCP 60(b)(6) in that she sought the court's assistance on or about  
19 October 2018, shortly after Grady stopping the \$3,000 per month payments  
20 to her on September 1, 2018.

21 27. Grady's breach of fiduciary duty, the vagueness and unconscionability of  
22 the agreement gives the court discretion to reopen a division of the  
23 marital/community property when extraordinary circumstances arise.

24 28. That Grady threatened Caterina that she was not to seek the assistance of  
25 counsel to review the language that Grady proposed for the Decree of  
26  
27  
28

Divorce or she would regret it. Caterina was suffering from depression at the time of the divorce, the parties had just purchased a home 4 months prior to Grady asking for a divorce, the mortgage was over \$1,900 per month, and Caterina was fearful that if she failed to follow his orders, he would stop providing money for her living expenses, and disappear. He was living in the Phillippines at that time.

29. Grady represented to Caterina that her share of Grady's military retirement money was \$1,508.00 per month for his life and that she would get increases over time. Grady performed on this agreement from June 5, 2014 until September 1, 2018. Therefore, Caterina is awarded \$1,508 per month in alimony, subject to upward modification. The additional \$1,500.00 per month that Grady agreed to pay Caterina for mortgage assistance for her house is also designated as alimony.

30. Grady has multiple sources of income which are not exempt from a spousal support order. All of this income, which comprises Grady's approximate \$116,000.00 annual income, can be considered when a spousal support obligation to Caterina is calculated.

31. Grady agreed to keep the military health insurance intact for Caterina but Caterina is no longer covered by the military health insurance and has replaced the health insurance plan. That the amount of her health insurance, \$102.00 per month, is a factor toward her financial need.

32. As Grady agreed to keep Caterina's health insurance coverage in tact, the \$102.00 per month that Caterina pays for health insurance shall be added to the monthly alimony amount owed by Grady to Caterina, retroactive to

1 the time Caterina ceased receiving Tricare health insurance benefits which  
2 was on or about June 6, 2015.

3 33. Grady agreed to keep Caterina as the beneficiary of his Military Survivor  
4 Benefit Plan, that Caterina is no longer the beneficiary of the Survivor  
5 Benefit Plan; and that she is going to have to replace the value of the  
6 Survivor Benefit Plan. That she may have to obtain an annuity if she is not  
7 successful in her appeal to the U.S. Army Board of Corrections. That this  
8 dollar amount is a factor toward her financial need when she seeks to  
9 modify the alimony award.  
10

11 34. Pursuant to NRS 22.010 et. al., Grady is found in contempt of court, for two  
12 months, and in arrears for failure to pay as ordered at the May 22, 2019  
13 hearing order filed on or about June 26, 2019, wherein Grady was ordered  
14 to resume paying Caterina \$3,000.00 per month starting June 1, 2019,  
15 pending the Evidentiary Hearing held on October 21, 2019.  
16

17 35. That there was new evidence presented to support the Caterina's Motion  
18 for Reconsideration of the order from the May 22, 2019 hearing, because  
19 there was no indication that Judge Forsberg realized that there was no  
20 equity in the marital residence at the time of divorce based on Grady stating  
21 in the decree that the residence was worth \$365,000. This was the  
22 purchase price of the house and just a little over what was owed on the  
23 house, not equity. Also, Grady listed that he had no assets, so there is no  
24 indication that Judge Forsberg knew what Grady had available to him at  
25 that time. She looked at the face of the document, this is why an evidentiary  
26 hearing was held. (VT 2:15:35).  
27  
28

36. That Caterina did not obtain counsel at the time of divorce because Grady threatened her. He was in the Phillippines and she feared he would disappear. Grady knew that he was dealing with a person who is dealing with depression. As soon as she mentioned seeing an attorney, he came down on her and stopped paying. (VT 2:25:00)

37. That there is cause to set aside the decree based on Grady's breach of his fiduciary duty to Caterina and that this was timely because Caterina came to court to try to get what was entitled to her upon Grady stopping his monthly payments to her. (VT 2:19:44).

### **CONCLUSIONS OF LAW**

#### **Personal Jurisdiction over the Parties**

By way of their pleadings, each of the parties submitted to the jurisdiction of this Court, accordingly, the Court concludes that it has personal jurisdiction over the parties.

#### **Subject Matter Jurisdiction**

This court has subject matter jurisdiction pursuant to NRS 125.070, which provides that the judge of the court shall determine all questions of law and fact arising in any divorce proceeding under the provisions of this chapter.

#### **Ambiguity, Unconscionable and Unenforceable, Violation of Fiduciary Duty, Invalidation of Spousal Support Waiver, Award of Life Time Alimony to Caterina, Grady in Contempt of Court**

1. Grady's interpretation of the terms of the Decree of Divorce would mean that he can unilaterally stop paying Caterina \$1,500 per month in support for the house and that Caterina would receive just \$64.20 per month for her interest in his military pay after 31 years of marriage.

This is unconscionable and unenforceable.

2. Grady represented to Caterina that she would receive 50% of his military pay and that this amounted to \$1,500 per month and more for the rest of his life. Grady waived his military pay for disability pay. Grady has a contractual obligation to pay Caterina \$1,500 per month from his military disability pension. Grady cannot reduce his payment to Caterina by claiming it is disability pay. See Shelton v. Shelton, 119 Nev. 492 (Nev. 2003) and Gemma v. Gemma, 105 Nev. 458, 778 P.2d 429 (1989).
3. The court finds that the alimony waiver in the Decree of Divorce is not enforceable because: 1) Caterina did not knowingly waive alimony. Caterina relied on Grady's promise that he would pay her \$3,000 per month until he died. She could not have waived her right to alimony while simultaneously accepting support to pay her necessities, Fattore v. Fattore, 458 NJ Super. 75, 83 (App. Div. 2019) and Parker v. Green, No. 73176 (Nevada June 25, 2018); and 2) The payments Grady is making to Caterina are in the nature of alimony. Grady's payment to Caterina of "\$1500 dollars extra a month to assist with her home mortgage" may cease if "her financial situation changes." Since Grady's assistance to Caterina may cease based on Caterina's financial situation, this is consistent with the NRS 125.150 considerations for alimony.
4. NRCP 60(b)(6) Relief From a Judgment or Order (6) any other reason that justifies relief in this instance. Caterina's request for the court's

1 assistance and relief from judgement is timely pursuant to NRCP  
2 60(b)(6) in that Caterina brought her action within 30 days of Grady  
3 ceasing his payments to her.

- 4
- 5 5. Pursuant to NRS 125.150 (4), the court may set apart a portion of the  
6 Grady's separate property for Caterina's support as is deemed just and  
7 equitable. Based on the facts of this case, Grady's disability pension  
8 income is considered a source of income for purposes of awarding  
9 alimony to Caterina. The court invalidates the alimony waiver and  
10 awards alimony from Grady's military pension disability payments to  
11 Caterina as it would be unconscionable that Caterina receive no  
12 support after 31 years of marriage. See Fattore v. Fattore, 458 NJ  
13 Super. 75, 83 (App. Div. 2019) and Parker v. Green, No. 73176  
14 (Nevada June 25, 2018).
- 15
- 16 6. A fiduciary relationship arose from the existence of the marriage itself,  
17 thus precipitating Grady's duty to not misrepresent his income and  
18 assets. Cook v. Cook, 112 Nev. 179, 912 P.2d, 264 (1996) citing  
19 Williams v. Waldman, 108 Nev. 466, 836 P.2d 614 (1992) at 471-72,  
20 836 P.2d at 618. Grady violated his fiduciary duty to Caterina by  
21 wrongfully telling Caterina that his military pay was \$3,017 per month,  
22 and that she was entitled to 50%, namely \$1,508 per month. He told  
23 her he would pay her \$1,500 per month with periodic increase until he  
24 died. When Grady made this representation to Caterina he had  
25 previously waived his military pay for disability pay and was receiving  
26 only \$128.40 per month in military pay with 50% being equal to \$64.20  
27  
28

per month. Therefore, Grady must pay Caterina \$3,110.00 per month in modifiable alimony.

7. A contract is "ambiguous if it is reasonably susceptible to more than one interpretation." Shelton v. Shelton, 119 Nev. 492, 497, 78 P.3d 507, 510 (2003). When interpreting an ambiguous contract, this Court can look beyond the express terms and analyze the circumstances surrounding the contract to determine the true mutual intentions of both parties. Id. Finally, this court has recognized that an interpretation that "results in a fair and reasonable contract is preferable to one that results in a harsh and unreasonable contract." Id. In this case, the Decree of Divorce provides that Grady is to pay Caterina \$1,500 per month for mortgage assistance. The Decree of Divorce further provides that the mortgage assistance is not alimony and that it can be terminated at any time. This is vague and ambiguous and susceptible to more than one interpretation especially in light of Grady paying Caterina \$1,500 per month in mortgage assistance for over 4 years following the divorce. The Decree of Divorce is also ambiguous as to the military retired pay. The Decree of Divorce provides that Caterina is entitled to 50% of Grady's military retired pay. This is vague since there was no dollar amount provided in the Decree of Divorce and Grady represented to Defendant that 50% of his military pay is \$1,500 per month. Further, Grady paid Caterina \$1,500 per month for more than 4 years following entry of the Decree of Divorce. When a contract is ambiguous, the court should



1 examine the circumstances leading up to the Decree of Divorce to  
2 determine the true intentions of the parties. Parker v. Green, No.  
3 73176 (Nevada June 25, 2018). In this case, in communications  
4 between the parties leading up to the Decree of Divorce, Grady  
5 misrepresented his income and assets to Caterina.  
6

- 7 8. Ambiguity in the decree must be interpreted against Grady as he was  
8 the drafter or had it drafted. It is a well-settled rule that "[i]n cases of  
9 doubt or ambiguity, a contract must be construed most strongly  
10 against the party who prepared it, and favorably to a party who had no  
11 voice in the selection of its language." As a result, in this case, any  
12 ambiguity must be interpreted against Grady. Williams v. Waldman,  
13 108 Nev. 466, 836 P.2d 614 (Nev., 1992) citing Jacobson v. Sassower,  
14 66 N.Y.2d 991, 499 N.Y.S.2d 381, 489 N.E.2d 1283, 1284 (1985).  
15  
16 9. The periodic payments on a monthly basis that Grady paid Caterina  
17 until the house was sold or paid off are indeed based on financial need  
18 and are therefore alimony. NRS 125.150(9)(a).  
19  
20 10. Caterina should receive lifetime alimony based on Grady's waiver of  
21 military pension for disability payments: as a military wife, she set  
22 aside her education and career to follow her husband around the  
23 world. Grady currently receives over \$116,000.00 annually in largely  
24 tax free income. Caterina has the need for support, she must be  
25 compensated for economic loss and Grady has the ability to pay.  
26 Kogod v. Cioffi-Kogod, 135 Nev., Adv. Op. 9 (April 25, 2019).  
27  
28 11. Caterina is entitled to an award of attorney fees and costs. Pursuant

1 to Brunzell v. Golden Gate Nat'l Bank, 85 Nev. 345 (1969), the Court  
2 should take into consideration the following factors when determining  
3 an award of attorney's fees. (1) The qualities of the advocate(s): Ms.  
4 Webster has been practicing law for 34 years and Ms. Lambertsen for  
5 14 years; the law firm's practice is dedicated to family law. (2) The  
6 character and difficulty of the work performed: moderate to moderately  
7 high. (3) The work actually performed by the attorney: Many hours  
8 were spent litigating and preparing this case for Trial. (4) The result  
9 obtained: is yet to be determined.  
10  
11

## 12 **ORDERS**

13 **THE COURT HEREBY ORDERS** that based on the evidence presented  
14 and in weighing the credibility of the witness, the Court finds there is a basis for  
15 partial modification of the Decree of Divorce filed on or about June 5, 2014.  
16

17 **IT IS FURTHER ORDERED** that effective November 1, 2019, Defendant  
18 shall pay Plaintiff life time alimony in the amount of \$3,110.00 per month, payable  
19 on or before the first day of each month. This alimony is modifiable.

20 **IT IS FURTHER ORDERED** that should Plaintiff find it necessary to obtain  
21 an annuity or other vehicle for income in lieu of the survivor benefits, the cost can  
22 go toward Plaintiff's financial need when she seeks to modify alimony.  
23

24 **IT IS FURTHER ORDERED** that the attorney's fees that were previously  
25 awarded to Plaintiff shall be reduced to judgment, collectible by all lawful means.  
26 Defendant is in arrears for the attorney's fees previously awarded; \$7,000.00  
27 order filed April 5, 2019; \$5,000.00 order filed June 26, 2019; and \$1,500.00,  
28 order filed August 9, 2019, for a total of \$13,500.00, which sum is reduced to

1 judgment, subject to interest at the legal rate and collectable by any lawful  
2 means.

3 **IT IS FURTHER ORDERED** that Plaintiff is entitled to additional fees not  
4 previously awarded. Counsel for Plaintiff shall submit a Memorandum of Fees  
5 and Costs for the additional amount. Counsel for Defendant, Mr. Mills, shall have  
6 an opportunity to file an objection.  
7

8 **IT IS FURTHER ORDERED** that Grady is in contempt of court for failure to  
9 pay Caterina the \$1,500.00 monthly house payment for two months, that this is  
10 alimony, and Caterina is awarded sanctions in the amount of \$1,000.00 (\$500.00  
11 per month for two months). The sum of \$1,000.00 is reduced to judgment,  
12 subject to interest at the legal rate and collectable by any lawful means.  
13

14 **IT IS FURTHER ORDERED** that Defendant is in arrears for alimony and  
15 support payments in the amount of \$42,000.00 from September 1, 2018 through  
16 October 31, 2019 (\$3,000.00 per month for 14 months). The sum of \$42,000.00  
17 in accrued spousal support arrears is reduced to judgment, subject to interest at  
18 the legal rate, and collectible by any lawful means.  
19

20 **IT IS FURTHER ORDERED** that should Defendant file an Appeal, there will  
21 be no stay in this case until Defendant posts a supersedeas bond in an amount  
22 of not less than \$64,000.00.  
23

24 **IT IS FURTHER ORDERED** that Grady's order to pay Caterina \$42,000.00  
25 in spousal support arrears and an additional \$1,000.00 in Contempt sanctions for  
26 non-payment of spousal support that is not subject to discharge in bankruptcy  
27 and is collectable by any lawful means, including against Grady's disability  
28 income. The government is to withhold money from Defendant, Grady Edward

1 Byrd's, income and remit payments to the Plaintiff, Caterina Angela Byrd, to  
2 satisfy the support obligation and support arrears. Caterina may prepare a  
3 separate order, if necessary, to effectuate the remittance of her alimony  
4 payments directly from Grady's Army disability and CRSC, Veteran Administration  
5 benefits and Department of Defense retirement disability.  
6

7 **IT IS FURTHER ORDERED** that should Grady fail to comply with the Court's  
8 orders, Caterina may file a Motion for an Order To Show Cause why Grady  
9 Should Not be Held in Contempt of Court, and if Grady fails to attend the hearing,  
10 or fails to respond, or fails to pay as ordered, Caterina can seek a no-bail bench  
11 warrant for his arrest and notify the appropriate authorities, such as Immigration  
12 and Customs, should Grady attempt to enter the United States.  
13

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28 ///


1       **IT IS FURTHER ORDERED** that Ms. Lambertsen shall prepare the Findings  
2 of Fact, Conclusion of Law and Order from today's hearing as well as submit a  
3 Memorandum of Fees and Costs which Mr Mills can object to within 14 calendar  
4 days; Mr. Mills shall review and sign off. Mr. Mills may propose additional findings  
5 he believes are appropriate.  
6

7       DATED this 25 day of January 2019.

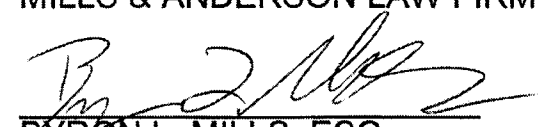
8  
9         
10       DISTRICT COURT JUDGE RP

11       Rhonda K. Forsberg

12       Submitted by:  
13       WEBSTER & ASSOCIATES

14         
15       ANITA A. WEBSTER, ESQ.  
16       Nevada Bar No. 1221  
17       JÉANNE F. LAMBERTSEN, ESQ.  
18       Nevada Bar No. 9460  
19       6882 Edna Ave.  
20       Las Vegas, Nevada 89146  
21       Attorney for Plaintiff

22       Approved as to form and content by:  
23       MILLS & ANDERSON LAW FIRM

24         
25       BYRON L. MILLS, ESQ.  
26       Nevada Bar No. 6745  
27       703 S. 8<sup>th</sup> Street  
28       Las Vegas, Nevada 89101  
      Phone: 702-386-0030  
      Attorney for Defendant

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Joint Petition**

**COURT MINUTES**

November 27, 2018

D-18-577701-Z      In the Matter of the Joint Petition for Divorce of:  
Caterina Byrd and Grady E Byrd

**November 27,  
2018**      **10:30 AM**      **Motion**

**HEARD BY:** Steel, Cynthia Dianne

**COURTROOM:** Courtroom 09

**COURT CLERK:** Annette Duncan

**PARTIES:**

Anita Webster, Attorney, Unbundled

Attorney, not present

Caterina Byrd, Petitioner, present

Grady Byrd, Petitioner, not present

Jeanne Lambertsen, Attorney, present

Jeanne Lambertsen, Attorney, present

Byron Mills, Attorney, not present

**JOURNAL ENTRIES**

**- PLAINTIFF'S MOTION TO ENFORCE THE DECREE OF DIVORCE**

For purposes of the Minute Order, Petitioner Caterina Byrd will be referred to as the Plaintiff and Grady Byrd as the Defendant.

The Court heard the matters on calendar today.

Court noted there has been no response from Defendant. Attorney Lambertsen advised this matter was filed in Churchill County, even though parties live in Clark County and advised the Court, this is a post divorce action. Court heard the matters on calendar. Attorney Lambertsen requested temporary Orders. Court noted the exhibits filed with the Motion were stricken.

**COURT ORDERED,**

Defendant shall PROVIDE ALL DOCUMENTS that SUPPORT all aspects that support his version of his INCOME; including but not limited to DFAS Statement showing monthly income, the VA

|             |            |              |               |                   |
|-------------|------------|--------------|---------------|-------------------|
| PRINT DATE: | 02/06/2020 | Page 1 of 25 | Minutes Date: | November 27, 2018 |
|-------------|------------|--------------|---------------|-------------------|

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

Statement from the Department of Defense, and the FERS Statement. The Department of the Army. In addition, the U.S. Military health care, the long term health Insurance, and other insurance policies, and the Department of Finance and Accounting Services related to the QDRO.

Request for Attorney Fees for today's hearing are RESERVED until time of the 12-28-18 hearing.

Matter CONTINUED to 12-18-18 at 3:30 pm in Department G.

Unbundled Order FILED IN OPEN COURT.

Attorney Lambertsen shall prepare an appropriate Order, obtain approval from opposing Counsel, and submit it to the Court pursuant to Rule 7.21 and Rule 7.24.

Rule 7.21 The counsel obtaining any order, judgment or decree must furnish the form of the same to the clerk or judge in charge of the court within 10 days after counsel is notified of the ruling, unless additional time is allowed by the court.

Rule 7.24 Any order, judgment or decree which has been signed by a judge must be filed with the clerk of the court promptly. No attorney may withhold or delay the filing of any such order, judgment or decree for any reason, including the nonpayment of attorney s fees

If there is a conflict regarding the wording of the Minute Order, the video record prevails as the official record.

NRS 3.380 (6) In civil and criminal cases when the court has ordered the use of such sound recording equipment, any party to the action, at the party s own expense, may provide a certified court reporter to make a record of and transcribe all the matters of the proceeding. In such a case, the record prepared by sound recording is the official record of the proceedings, unless it fails or is incomplete because of equipment or operational failure, in which case the record prepared by the certified court reporter shall be deemed, for all purposes, the official record of the proceedings. [emphasis added] [7:52:1907; added 1949, 506; 1943 NCL 8460.01] (NRS A 1995, 1594; 2007, 1036; 2011, 673).e

Preparation Order FILED IN OPEN COURT.

CHAMBER REVIEW RE: Order (11-27-18 hearing) set for 12-26-18 at 2:00 AM

#### **INTERIM CONDITIONS:**

#### **FUTURE HEARINGS:**

|             |            |              |               |                   |
|-------------|------------|--------------|---------------|-------------------|
| PRINT DATE: | 02/06/2020 | Page 2 of 25 | Minutes Date: | November 27, 2018 |
|-------------|------------|--------------|---------------|-------------------|

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Joint Petition****COURT MINUTES**

January 23, 2019

D-18-577701-Z      In the Matter of the Joint Petition for Divorce of:  
Caterina Byrd and Grady E Byrd

**January 23, 2019      10:30 AM      Motion**

**HEARD BY:** Hardcastle, Kathy**COURTROOM:** Courtroom 09**COURT CLERK:** Annette Duncan**PARTIES:**

Anita Webster, Attorney, Unbundled  
Attorney, not present

Caterina Byrd, Petitioner, present

Grady Byrd, Petitioner, present

Jeanne Lambertsen, Attorney, present

Jeanne Lambertsen, Attorney, present

Byron Mills, Attorney, not present

|                        |
|------------------------|
| <b>JOURNAL ENTRIES</b> |
|------------------------|

- MOTION: PLAINTIFF'S MOTION TO ENFORCE THE DECREE OF DIVORCE CONTINUED  
FROM 11-27-18

Argument by Attorney Lambertson regarding Defendant's non-payment of the \$1,500.00 Alimony which is currently in arrears in the amount of \$7,500.00 since August of 2018, and arrearages in the amount of \$7,500.00 for Plaintiff's portion of Defendant's US Army Pension to be paid in the amount of \$1,500.00 monthly. Plaintiff's interest in insurance policies, Military Health care and long-term health care and other accounts or policies awarded to Plaintiff in the Decree that have either been lost or lapsed, or moved to different accounts by Defendant. Further Argument regarding Attorney's Fees and Costs and contempt of Court. Argument in opposition by Defendant.

COURT NOTED, the Court reviewed the Motions and reviewed the Parties' Decree. Within the Decree there is language that provides for \$1,500.00 to be paid to Plaintiff for life that can be changed when her financial condition improves or if the marital house is sold. The Court deems that the \$1,500.00 to Plaintiff is and should be deemed ALIMONY.

COURT FINDS, Defendant has no right to unilaterally stop the payments to Plaintiff. Even though

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Defendant's payment status has changed, Defendant is still responsible in the Decree to pay the Plaintiff.

COURT FURTHER FINDS, Plaintiff had an obligation to follow up on some of the health care policies and other items, therefore it is not necessarily something Defendant is going to be solely responsible for and Parties may need an Evidentiary Hearing.

Defendant sworn and testified.

COURT ORDERED,

DISCOVERY IS OPEN

DEFENDANT shall make himself AVAILABLE for a DEPOSITION with PLAINTIFF'S ATTORNEY.

DEFENDANT shall PROVIDE PLAINTIFF with the FEDERAL EMPLOYEES RETIREMENT SYSTEM PLAN within 10 DAYS.

DEFENDANT shall COOPERATE in any manner needed in order for the insurance company to keep Plaintiff informed that the premiums are being paid.

DEFENDANT has an ONGOING OBLIGATION to PAY the INSURANCE PREMIUM and keep it UP TO DATE. DEFENDANT shall be HELD in CONTEMPT of COURT for FAILURE to do so.

DEFENDANT shall PROVIDE COPIES OF STATEMENTS from the LAST YEAR OF ALL ACCOUNTS in which DEFENDANT has RECEIVED MONEY, INCLUDING ANNUITY payments. Defendant shall provide DOCUMENTS showing where MONIES ORIGINATED, where and when ANNUITIES were PURCHASED and ANY OTHER ACCOUNTS Defendant is RECEIVING MONIES from.

Defendant shall PROVIDE copies of ANY INSURANCE POLICIES and DOCUMENTATION showing PAYMENT on those POLICIES.

Defendant shall PROVIDE INFORMATION regarding ANY UNDISCLOSED ACCOUNTS accrued BEFORE the DIVORCE.

DEFENDANT shall PROVIDE PROPER DOCUMENTATION of any other INCOME including FEDERAL RETIREMENT PLANS and any other PLANS DEFENDANT had set up at the time of the DIVORCE. DEFENDANT shall be HELD IN CONTEMPT of COURT is he does not PROVIDE APPROPRIATE DOCUMENTATION as requested by the Court and shall be placed in CUSTODY.

DEFENDANT'S OBLIGATIONS to PLAINTIFF in the DECREE of DIVORCE shall STAND. Defendant shall PAY PLAINTIFF \$1500.00 PER MONTH as PLAINTIFF'S SHARE of the Military Benefits and \$1500.00 PER MONTH in SPOUSAL SUPPORT payments.

ATTORNEY FEES IN THE AMOUNT \$7,000.00 shall be PAID FROM DEFENDANT to PLAINTIFF

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within the next 45 DAYS.

DEFENDANT'S ARREARS and ATTORNEY'S FEES shall be REDUCED TO JUDGMENT:

ARREARAGES in SPOUSAL SUPPORT of \$7,500.00 from August 2018 to January 2019.

ARREARAGES in PLAINTIFF'S HALF of Defendant's Military Benefits of \$7,500.00 from August 2018 to January 2019.

ATTORNEY'S FEES in the amount of \$7,000.00.

EFFECTIVE January 15, 2019, DEFENDANT shall PAY PLAINTIFF \$4,500.00 PER MONTH EACH MONTH on the 15th of the MONTH until DEFENDANT has the \$22,000.00 in ARREARS CAUGHT UP. DEFENDANT shall DEPOSIT the \$4,500.00 into PLAINTIFF'S Bank of America ACCOUNT which was placed on the Record. Defendant was provided a voided check IN OPEN COURT to set up automatic deposits.

DEFENDANT shall be HELD in CONTEMPT of COURT if he does not PAY Plaintiff the \$4,500.00 per Month and CATCH UP on the PAYMENTS due to the PLAINTIFF. The \$3,000.00 MONTHLY OBLIGATION shall CONTINUE TO ACCRUE as the \$4,500.00 monthly payments are being made.

CONTEMPT of COURT shall be DEFERRED. If DEFENDANT FAILS to PAY PLAINTIFF or if he FAILS to CATCH UP the ARREARAGES or PAY ATTORNEY'S FEES, PLAINTIFF'S Motion for Contempt of Court may be RENEWED.

DEFENDANT shall NOT MISS ONE (1) more PAYMENT to Plaintiff. Should Defendant miss a Payment and the Court finds Defendant is in Contempt, the Court will incarcerate Defendant.

PLAINTIFF can file a Motion for Contempt and the Court will incarcerate Defendant if found in contempt.

EITHER PARTY shall NOT CHANGE anything from the BANK ACCOUNTS AND BOTH PARTIES shall have ONLINE ACCESS to the BANK ACCOUNTS; USER NAMES and PASSWORDS SHALL NOT BE CHANGED BY EITHER PARTY.

PLAINTIFF shall take a copy of the Parties Divorce Decree in order to go and inquire regarding the Insurance Policies and other benefits that she may be entitled to under the Decree. DEFENDANT is to COOPERATE if a RELEASE or CONSENT is needed for Plaintiff to get the information she needs.

STATUS CHECK RE: DISCOVERY set on 5-2-19 at 11:00 am in Department G.

Attorney Lambertson to Prepare the Order.

CHAMBER REVIEW RE: ORDER from (1-23-19 hearing) set for 2-19-19

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**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Joint Petition****COURT MINUTES**

May 02, 2019

D-18-577701-Z

In the Matter of the Joint Petition for Divorce of:  
Caterina Byrd and Grady E Byrd

**May 02, 2019****11:00 AM****Status Check****HEARD BY:** Bixler, James**COURTROOM:** Courtroom 09**COURT CLERK:** Carol Foley**PARTIES:**

Anita Webster, Attorney, Unbundled

Attorney, not present

Caterina Byrd, Petitioner, present

Grady Byrd, Petitioner, not present

Jeanne Lambertsen, Attorney, present

Jeanne Lambertsen, Attorney, present

Byron Mills, Attorney, present

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| <b>JOURNAL ENTRIES</b> |
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**- STATUS CHECK RE: DISCOVERY**

Ms. Lambertsen noted her concerns regarding Defendant's absence today, and that Defendant filed a Notice of Intent to Appear Telephonically for the 5/22/19 hearing. Mr. Mills noted he received notice two days ago that Defendant has a medical issue and is unable to be here today, and he advised Defendant to send him medical records.

Court NOTED it is not pleased that Defendant is not present today.

With regard to discovery, Mr. Mills advised he has responded to everything and discovery is being done. Mr. Mills advised he expects to respond to requests for clarification and any further requests. Statement by Ms. Lambertsen. Ms. Lambertsen advised she is seeking information from federal departments. Upon Court's inquiry, Mr. Mills advised he has responded to everything and if he can get more information he will.

COURT ORDERED,

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Defendant is required to be present in person for the 5/22/19 hearing. The consequences will be grave if he is not. Request for telephonic appearance is DENIED.

Court finds Defendant is making a good faith effort to comply with discovery. Mr. Mills is to accomplish what he can between now and the 5/22/19 hearing. Any issues left over with regard to discovery will be before the Court on 5/22/19.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Joint Petition**

**COURT MINUTES**

**May 17, 2019**

D-18-577701-Z      In the Matter of the Joint Petition for Divorce of:  
Caterina Byrd and Grady E Byrd

**May 17, 2019      10:00 AM      Minute Order**

**HEARD BY:** Forsberg, Rhonda K.

**COURTROOM:** Courtroom 09

**COURT CLERK:** Victoria Pott

**PARTIES:**

Anita Webster, Attorney, Unbundled

Attorney, not present

Caterina Byrd, Petitioner, not present

Jeanne Lambertsen, Attorney, Unbundled

Attorney, not present

Grady Byrd, Petitioner, not present

Byron Mills, Attorney, not present

Jeanne Lambertsen, Attorney, Unbundled

Attorney, not present

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| <b>JOURNAL ENTRIES</b> |
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- The Court NOTES that Defendant filed Exhibits to Defendant's Reply to Plaintiff's Opposition to Defendant's Motion for Reconsideration on May 14, 2019. The Court FURTHER NOTES that sensitive information including the dates of birth and the Social Security numbers of both parties are listed in the Exhibits without being redacted.

NOW THEREFORE; IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Defendant's Exhibits to Defendant's Reply to Plaintiff's Opposition to Defendant's Motion for Reconsideration is hereby STRICKEN from the record in full. Defendant must refile the Exhibits with all sensitive information redacted regarding both parties should Defendant want the Court to consider or review them in the future.

**INTERIM CONDITIONS:**

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**FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Joint Petition**

**COURT MINUTES**

**May 22, 2019**

D-18-577701-Z      In the Matter of the Joint Petition for Divorce of:  
Caterina Byrd and Grady E Byrd

**May 22, 2019      9:00 AM      All Pending Motions**

**HEARD BY:** Forsberg, Rhonda K.

**COURTROOM:** Courtroom 09

**COURT CLERK:** Annette Duncan

**PARTIES:**

Anita Webster, Attorney, Unbundled  
Attorney, not present

Caterina Byrd, Petitioner, present

Grady Byrd, Petitioner, not present

Jeanne Lambertsen, Attorney, present

Jeanne Lambertsen, Attorney, present

Byron Mills, Attorney, present

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| <b>JOURNAL ENTRIES</b> |
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- MOTION: DEFENDANT'S MOTION FOR RECONSIDERATION...OPPOSITION &  
COUNTERMOTION: PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR  
RECONSIDERATION AND COUNTERMOTION...HEARING: PETITIONER GRADY BYRD, REPLY  
AND OPPOSITION

For purposes of the Minute Order, Petitioner Caterina Byrd will be referred to as the Plaintiff and  
Grady Byrd as the Defendant.

Court reviewed the history and the documents in the case.

Attorney Mills advised the Court Mr. Byrd was not present due to a medical issue preventing him  
from flying, and noted, Defendant provided a Dr's note that stated he should not be traveling.  
Objection by Attorney Lambertsen. COURT NOTED, his presence is waived today, however, will not  
be waived for Evidentiary Hearing. Arguments by Counsel.

COURT FINDS, Judge Hardcastle's ruling that the Parties Marital Settlement Agreement is for  
Alimony is incorrect. The Party's agreement is a property division.

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COURT ORDERED,

The Motion for Reconsideration is Granted in Part and Denied in Part.

Effective June 1, 2019, DEFENDANT shall make mortgage payments to PLAINTIFF in the amount of \$1,500.00 per month.

DEFENDANT shall PAY \$5000.00 in attorney's fees to attorney Jeanne Lambertsen within the next TWO WEEKS.

DEFENDANT has the duty and shall put PLAINTIFF on the SURVIVOR BENEFIT PLAN, which shall be PREPARED and SUBMITTED within 30 DAYS from today

The Plaintiff's Countermotion regarding Contempt of Court shall be DEFERRED to Trial.

Defendant's Arrearages of \$27,000.00 resulting from no-payment of the \$1,500.00 in Mortgage Payments to Plaintiff shall be DEFERRED to trial

The Addendum Defendant added to his Life Insurance Plan to include his new wife shall be DEFERRED to trial.

Attorney's Fees shall be DEFERRED to Trial.

Defendant's Presence is WAIVED for Calendar Call.

DISCOVERY is OPEN.

CALENDAR CALL SET 10-17-19 at 11:00 am in Department G.

NON JURY TRIAL SET 10-21-19 at 9:00 am, (HD, #1) in Department G.

Attorney Mills shall prepare the Order.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:** Oct 21, 2019 9:00AM Non-Jury Trial  
EH (HD, #1) RE: Property Division and Military Retirement Payment.  
Courtroom 09 Hardcastle, Kathy

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Joint Petition**

**COURT MINUTES**

**July 18, 2019**

D-18-577701-Z      In the Matter of the Joint Petition for Divorce of:  
Caterina Byrd and Grady E Byrd

**July 18, 2019      9:00 AM      Motion**

**HEARD BY:** Forsberg, Rhonda K.

**COURTROOM:** Courtroom 09

**COURT CLERK:** Victoria Pott

**PARTIES:**

Anita Webster, Attorney, Unbundled  
Attorney, not present

Caterina Byrd, Petitioner, present

Grady Byrd, Petitioner, not present

Jeanne Lambertsen, Attorney, present

Jeanne Lambertsen, Attorney, present

Byron Mills, Attorney, present

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| <b>JOURNAL ENTRIES</b> |
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- PLAINTIFF'S EMERGENCY MOTION FOR AN ORDER TO SHOW CAUSE WHY THE  
DEFENDANT SHOULD NOT BE HELD IN CONTEMPT OF COURT AND FOR ATTORNEY'S FEES  
AND COSTS

Court noted, no opposition has been filed.

Court further noted, the Court Clerk attempted to reach Defendant at the phone number he provided  
to the Court, but the call failed to go through to the international number.

Ms. Lambertsen requested an Order to Show Cause for Defendant's failure to pay Plaintiff \$3,000.00  
per month pending the Evidentiary Hearing and \$5,000.00 in attorney's fees, which was due on June  
6, 2019. Defendant is \$6,000.00 in arrears (\$3,000.00 for June and \$3,000.00 for July).

Ms. Lambertsen requested sanctions in the amount of \$500.00 for each violation (failure to pay for  
June, failure to pay for July, and failure to pay attorney's fees) for a total of \$1,500.00.

Ms. Lambertsen requested Defendant be ordered to pay the additional \$1,500.00 Defendant was

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ordered to pay towards the mortgage effective 2/1/19. Defendant is in arrears in the amount of \$6,000.00 for February, 2019 through May, 2019.

Ms. Lambertsen argued the arrears the Court was deferring to the time of the Evidentiary Hearing were for the period from September, 2018 through January of 2019 (the prior Court Order). Mr. Lambertsen requested additional sanctions in the amount of \$2,000.00 for each instance of non-payment (February, March, April and May).

Ms. Lambertsen requested additional fees and costs for having to bring the Motion before the Court.

Ms. Mills stated Defendant informed him he is not going to pay until the Evidentiary Hearing. Further, he doesn't know if he will be staying on as counsel for Defendant as there have been some communication issues.

COURT ORDERED, an Order to Show Cause is GRANTED. Defendant shall show cause as why he should not be held in Contempt of Court for his blatant disregard of the Court's Orders. Order to Show Cause shall be set for 10/21/19 at 9:00 AM to be heard at the time of the Evidentiary Hearing. If counsel can determine the bank where the annuity originates, counsel may obtain a garnishment for the totality of the arrears. In the alternative, the issue shall be DEFERRED to the time of Trial. Additional ATTORNEY'S FEES are awarded in favor of Plaintiff against Defendant in the amount of \$1,500.00.

Ms. Lambertsen shall prepare the Order to Show Cause.

#### **INTERIM CONDITIONS:**

**FUTURE HEARINGS:** Oct 21, 2019 9:00AM Non-Jury Trial  
EH (HD, #1) RE: Property Division and Military Retirement Payment.  
Courtroom 09 Hardcastle, Kathy

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Joint Petition**

**COURT MINUTES**

**August 12, 2019**

D-18-577701-Z      In the Matter of the Joint Petition for Divorce of:  
Caterina Byrd and Grady E Byrd

**August 12, 2019      11:30 AM      Minute Order**

**HEARD BY:** Forsberg, Rhonda K.

**COURTROOM:** Courtroom 09

**COURT CLERK:** Victoria Pott

**PARTIES:**

Anita Webster, Attorney, Unbundled

Attorney, not present

Caterina Byrd, Petitioner, not present

Jeanne Lambertsen, Attorney, Unbundled

Attorney, not present

Grady Byrd, Petitioner, not present

Byron Mills, Attorney, not present

Jeanne Lambertsen, Attorney, Unbundled

Attorney, not present

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| <b>JOURNAL ENTRIES</b> |
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- After a review of the file, the Court failed to issue deadlines for the upcoming October 21, 2019 Order to Show Cause non-jury trial scheduled for 9:00 A.M.

NOW THEREFORE; IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the discovery deadline for the upcoming October 21, 2019 Order to Show Cause non-jury trial at 9:00 AM will be two (2) weeks before trial, or October 7, 2019. Exhibits and pre-trial memorandums will be due at the time of the Calendar Call on October 17, 2019 at 10:00 AM. The clerk will send a copy of this Minute Order to both parties.

CLERK'S NOTE: On 8/12/19, a copy of this Minute Order was mailed to the parties at their respective address on record and placed in the attorney folder of Jeanne Lambertsen and Byron Mills.  
(vp)

**INTERIM CONDITIONS:**

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**FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Joint Petition****COURT MINUTES****September 13, 2019**

D-18-577701-Z

In the Matter of the Joint Petition for Divorce of:  
Caterina Byrd and Grady E Byrd

**September 13,  
2019****7:30 AM****Minute Order****HEARD BY:** Forsberg, Rhonda K.**COURTROOM:** Courtroom 09**COURT CLERK:** Victoria Pott**PARTIES:**

Anita Webster, Attorney, Unbundled

Attorney, not present

Caterina Byrd, Petitioner, not present

Jeanne Lambertsen, Attorney, Unbundled

Attorney, not present

Grady Byrd, Petitioner, not present

Byron Mills, Attorney, not present

Jeanne Lambertsen, Attorney, Unbundled

Attorney, not present

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| <b>JOURNAL ENTRIES</b> |
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- After a review of the file, an Order Shortening Time on Plaintiff's Motion to Compel Defendant's Responses to Discovery and Request for Sanctions and Attorney's Fees was submitted to Department G and signed by Department G in error. An Order Shortening Time on Plaintiff's Motion to Compel Defendant's Responses to Discovery and Request for Sanctions and Attorney's Fees must be submitted to Discovery (Family) instead of Department G. The hearing on Plaintiff's Motion to Compel Defendant's Responses to Discovery and Request for Sanctions and Attorney's Fees currently scheduled for September 26, 2019 at 10:00 AM before Department G will be vacated.

It is hereby ORDERED that the Order Shortening Time filed on 09/13/2019 be STRICKEN. It is FURTHER ORDERED that the hearing on Plaintiff's Motion to Compel Defendant's Responses to Discovery and Request for Sanctions and Attorney's Fees currently scheduled for September 26, 2019 at 10:00 AM before Department G be VACATED. Plaintiff must submit a new Order Shortening Time on Plaintiff's Motion to Compel Defendant's Responses to Discovery and Request for Sanctions and Attorney's Fees to Discovery (Family).

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CLERK'S NOTE: On 9/13/19, a copy of this Minute Order was placed in the attorney folder of Jeanne Lambertsen and Byron Mills. (vp)

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Joint Petition**

**COURT MINUTES**

**October 11, 2019**

D-18-577701-Z      In the Matter of the Joint Petition for Divorce of:  
Caterina Byrd and Grady E Byrd

**October 11, 2019      1:00 PM      All Pending Motions**

**HEARD BY:** Fic, Holly

**COURTROOM:** Courtroom 15

**COURT CLERK:** Carol Foley

**PARTIES:**

Anita Webster, Attorney, Unbundled

Attorney, present

Caterina Byrd, Petitioner, not present

Jeanne Lambertsen, Attorney, Unbundled

Attorney, present

Grady Byrd, Petitioner, not present

Byron Mills, Attorney, present

Jeanne Lambertsen, Attorney, Unbundled

Attorney, present

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| <b>JOURNAL ENTRIES</b> |
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- DEFT'S MOTION FOR PROTECTIVE ORDER PURSUANT TO NRCP 26(C) AND FOR ATTORNEY'S FEES... PLTF'S RE-NOTICE OF MOTION TO COMPEL DEFT'S RESPONSES TO DISCOVERY AND REQUEST FOR SANCTIONS AND ATTY'S FEES...PLTF'S OPPOSITION TO DEFT'S MOTION FOR PROTECTIVE ORDER PURSUANT TO NRCP 26(C) AND FOR ATTORNEY FEES AND PLTF'S COUNTERMOTION TO COMPEL DEFT'S RESPONSES TO DISCOVERY, AND SANCTIONS AND ATTORNEY FEES...DEFT'S REPLY TO PLAINTIFF'S OPPOSITION TO DEFT'S MOTION FOR PROTECTIVE ORDER AND DEFT'S OPPOSITION TO PLTF'S MOTION TO COMPEL DISCOVERY

Arguments by counsel.

Counsel advised they are trying to resolve life insurance issue.

COMMISSIONER RECOMMENDED,

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Medical records are relevant for the month of June 2014 at the time of signing the Joint Petition because of the disability versus retirement contemplation issue. Nothing post-divorce is relevant up until September 1, 2018 forward, and that is relevant to issue of attorney's fees.

Pursuant to reading of 1/23/19 minutes, financials are relevant from January 2018 forward. Accounts of the wife and/or daughter are only relevant if Defendant's name is on accounts, or if his name was on the accounts and he removed his name. Defendant's counsel is to endeavor to do his best to get everything to Plaintiff's counsel by 10/17/19.

Everything may be kept for attorneys' eyes only if there are concerns about dissemination.

Issue of attorneys' fees DEFERRED to the time of trial. Court FINDS both sides had valid arguments. Each side reserves the right to request attorney's fees for having to deal with today's discovery matters based on what the judge decides and looks at.

Plaintiff's counsel is to prepare Report and Recommendation (R&R) and send it to Mr. Mills to review and sign off.

Status check SET 11/1/19 at 1:30 p.m. regarding submission of R&R. Status check will be vacated if R&R is submitted by 10/30/19.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Joint Petition**

**COURT MINUTES**

**October 17, 2019**

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D-18-577701-Z      In the Matter of the Joint Petition for Divorce of:  
Caterina Byrd and Grady E Byrd

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**October 17, 2019      10:00 AM      Calendar Call**

**HEARD BY:** Hardcastle, Kathy

**COURTROOM:** Courtroom 09

**COURT CLERK:** Victoria Pott

**PARTIES:**

Anita Webster, Attorney, Unbundled

Attorney, not present

Caterina Byrd, Petitioner, present

Jeanne Lambertsen, Attorney, Unbundled

Attorney, present

Grady Byrd, Petitioner, not present

Byron Mills, Attorney, not present

Jeanne Lambertsen, Attorney, Unbundled

Attorney, present

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| <b>JOURNAL ENTRIES</b> |
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- Anita Webster, Esq., present as co-counsel for Plaintiff. Gregory Mills, Esq., present on behalf of Attorney Byron Mills for Petitioner Grady Byrd (Defendant).

Upon Court's inquiry, Ms. Lambertsen confirmed Defendant has not been paying the monthly amount he was ordered to pay.

Court noted, Defendant left the country a long time ago with no intent to come back.

COURT ORDERED, the Evidentiary Hearing on 10/21/19 at 9:00 AM shall go forward without Defendant's appearance. Plaintiff shall be prepared to request appropriate sanctions, and the Court will issue its decision at that time.

**INTERIM CONDITIONS:**

|             |            |               |               |                   |
|-------------|------------|---------------|---------------|-------------------|
| PRINT DATE: | 02/06/2020 | Page 21 of 25 | Minutes Date: | November 27, 2018 |
|-------------|------------|---------------|---------------|-------------------|

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

**FUTURE HEARINGS:**

|             |            |               |               |                   |
|-------------|------------|---------------|---------------|-------------------|
| PRINT DATE: | 02/06/2020 | Page 22 of 25 | Minutes Date: | November 27, 2018 |
|-------------|------------|---------------|---------------|-------------------|

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Joint Petition**

**COURT MINUTES**

**October 21, 2019**

D-18-577701-Z      In the Matter of the Joint Petition for Divorce of:  
Caterina Byrd and Grady E Byrd

**October 21, 2019      9:00 AM      All Pending Motions**

**HEARD BY:** Hardcastle, Kathy

**COURTROOM:** Courtroom 09

**COURT CLERK:** Victoria Pott

**PARTIES:**

Anita Webster, Attorney, Unbundled

Attorney, not present

Caterina Byrd, Petitioner, present

Jeanne Lambertsen, Attorney, Unbundled

Attorney, present

Grady Byrd, Petitioner, not present

Byron Mills, Attorney, present

Jeanne Lambertsen, Attorney, Unbundled

Attorney, present

**JOURNAL ENTRIES**

- EVIDENTIARY HEARING RE: PROPERTY DIVISION AND MILITARY RETIREMENT PAYMENT...HEARING ON ORDER TO SHOW CAUSE...PETITIONER CATERINA BYRD'S (PLAINTIFF) MOTION FOR RECONSIDERATION, SUMMARY JUDGMENT AND TO CONTINUE THE EVIDENTIARY HEARING...PETITIONER GRADY BYRD'S (DEFENDANT) OPPOSITION TO PETITIONER CATERINA BYRD'S (PLAINTIFF) MOTION FOR RECONSIDERATION; AND COUNTERMOTION FOR FEES...GRADY BYRD'S (DEFENDANT) MOTION ON ORDER SHORTENING TIME TO RECONSIDER DENIAL OF AUDIOVISUAL APPEARANCE REQUEST...PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION ON ORDER SHORTENING TIME TO RECONSIDER DENIAL OF DEFENDANT'S AUDIOVISUAL APPEARANCE REQUEST; AND COUNTERMOTION FOR ATTORNEY'S FEES AND COSTS

Anita Webster, Bar #1221, present as co-counsel on behalf of Plaintiff.

Argument by Ms. Webster regarding Defendant's Motion to Reconsider Denial of Audiovisual Appearance. Upon a review of the Medical Certificates submitted by Defendant, Court notes

|             |            |               |               |                   |
|-------------|------------|---------------|---------------|-------------------|
| PRINT DATE: | 02/06/2020 | Page 23 of 25 | Minutes Date: | November 27, 2018 |
|-------------|------------|---------------|---------------|-------------------|

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Defendant is on military disability; and the certificates submitted are from doctors from the Phillipines. Defendant was referred to the Department of Veteran's Affairs for follow-up, and Defendant failed to do so. The Court finds it somewhat suspicious that he did not follow-up with the Department of Veteran's Affairs.

Further argument by Ms. Webster regarding Plaintiff's Motion for Summary Judgment on the Order to Show Cause, to Set Aside the Decree, and Motion to join Defendant's wife as a party to this action.

Argument by Mr. Mills regarding the Order to Show Cause.

Further argument by Ms. Webster regarding sanctions for Defendant's failure to appear today.

COURT ORDERED, Defendant's Motion to Reconsider Denial of Audiovisual Appearance Request is DENIED. Plaintiff's Motion for Summary Judgment is DENIED. The Evidentiary Hearing will proceed today in Defendant's absence. Plaintiff's request to set aside the decree and a determination as to whether the language in the contract constituted a waiver of alimony shall be decided after testimony and evidence is presented. Plaintiff's request that Defendant's wife be joined and ordered to sign a waiver is DENIED as this Court has no personal jurisdiction.

Plaintiff sworn.

Testimony of Plaintiff presented.

Plaintiff's Exhibits 1 through 11, 13 through 18, 20 through 23, 25 through 28, 30 through 36, 38, 43, 63, and 64 admitted into evidence.

Defendant's Exhibits A through L admitted into evidence.

Closing arguments by Ms. Webster and Mr. Mills.

COURT STATED ITS FINDINGS AND ORDERED as follows,

The \$1,508.00 per month Defendant agreed to pay to Plaintiff as her share of Defendant's military retirement money, in addition to any increases, is ALIMONY and subject to upward modification.

The additional \$1,500.00 Defendant agreed to pay on the house is also designated as alimony.

As Defendant agreed to keep the health insurance intact, the \$102.00 per month Plaintiff pays for health insurance shall be added to the monthly alimony amount retroactive to the time Defendant stopped paying for health insurance.

All of the above amounts shall be designated as ALIMONY AND SUPPORT and are REDUCED TO JUDGMENT, collectible by all lawful means.

|             |            |               |               |                   |
|-------------|------------|---------------|---------------|-------------------|
| PRINT DATE: | 02/06/2020 | Page 24 of 25 | Minutes Date: | November 27, 2018 |
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**Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.**

Effective 11/1/19, Defendant shall pay Plaintiff ALIMONY AND SUPPORT in the amount of \$3,110.00 per month, payable on or before the first day of each month.

The ATTORNEY'S FEES that were previously awarded to Plaintiff shall be REDUCED TO JUDGMENT, collectible by all lawful means.

Plaintiff is entitled to additional fees not previously awarded. Counsel for Plaintiff shall submit a Memorandum of Fees and Costs for the additional amount. Mr. Mills shall have an opportunity to file an objection.

Should Plaintiff find it necessary to obtain an annuity or other vehicle for income, that can go towards Plaintiff's need when she seeks to modify alimony.

Defendant is in contempt for failure to pay the \$1,500.00 monthly house payment.

Defendant is in arrears for ALIMONY AND SUPPORT in the amount of \$42,000.00, plus the attorney's fees previously awarded, and sanctions in the amount of \$1,000.00 (\$500.00 per month x two months).

Should Defendant file an appeal, there will be no stay until Defendant posts a supersedeas bond in an amount of no less than \$64,000.00.

Ms. Lambertsen shall prepare the Findings of Fact, Conclusion of Law and Order from today's hearing; Mr. Mills shall review and sign off. Mr. Mills may propose additional findings he believes are appropriate.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

|             |            |               |               |                   |
|-------------|------------|---------------|---------------|-------------------|
| PRINT DATE: | 02/06/2020 | Page 25 of 25 | Minutes Date: | November 27, 2018 |
|-------------|------------|---------------|---------------|-------------------|

TRIAL EXHIBIT LIST  
Byrd v. Byrd

Case No. D-18-577701-Z

DBJ

| No.  | Document Name   | Offer<br>Y/n | Admit<br>Y/N | <del>Deny</del><br>Y/N |
|------|---|--------------|--------------|------------------------|
| ✓1.  | Joint Petition for Summary Divorce, filed June 4, 2014. (PLA007000 - PLA007013)   | 10/21/19     | 10/21/19     | NO                     |
| ✓2.  | Decree of Divorce, filed June 5, 2014. (PLA007014 - PLA007025)  | 10/21/19     | 10/21/19     | NO                     |
| ✓3.  | Notice of Entry of Order from the January 23, 2019 Hearing, filed April 5, 2019. (PLA007026 - PLA007036)                          | 10/21/19     | 10/21/19     | NO                     |
| ✓4.  | Notice of Entry of Order from the May 2, 2019 Hearing, filed May 28, 2019. (PLA007037 - PLA007042)                                | 10/21/19     | 10/21/19     | NO                     |
| ✓5.  | Order of the Court from the May 22, 2019 Hearing, filed June 26, 2019. (PLA0007043 - PLA007048)                                   | 10/21/19     | 10/21/19     | NO                     |
| ✓6.  | Notice of Entry of Order from the July 18, 2019, filed August 9, 2019. (PLA0007049 - PLA007054)                                   | 10/21/19     | 10/21/19     | NO                     |
| ✓7.  | Notice of Entry of Order to Show Cause to Appear on October 21, 2019, filed July 29, 2019. (PLA007055 - PLA007058)                | 10/21/19     | 10/21/19     | NO                     |
| ✓8.  | Caterina's Financial Disclosure Form Amended, filed July 15, 2019. (PLA007059 - PLA007066)  | 10/21/19     | 10/21/19     | NO                     |
| ✓9.  | Grady's Financial Disclosure Form Amended, filed January 18, 2019. (PLA007067 - PLA007079)  | 10/21/19     | 10/21/19     | NO                     |
| ✓10. | Grady's Financial Disclosure Form, filed June 18, 2019. (PLA007080 - PLA007089)   | 10/21/19     | 10/21/19     | NO                     |
| ✓11. | Schedule of Arrearages for Support, filed October 9, 2019. (PLA007090 - PLA007093)  | 10/21/19     | 10/21/19     | NO                     |
| ✓12. | Email from Defendant to Plaintiff, making up information on money to get the home loan approved, dated April 2, 2013. (PLA000002) | 10/21/19     | NO.          | YES                    |

OBJ.

| No.            | Document Name   | Offer<br>Y/n       | Admit<br>Y/N       | <del>Deny</del><br>Y/N |
|----------------|---|--------------------|--------------------|------------------------|
| ✓13.           | E-mail from Defendant to Plaintiff promising the Plaintiff that she will receive the same benefits whether he is married or not, including Survivor Benefit Plan, dated February 20, 2014 and Emails between Defendant and Plaintiff, Defendant writing it is time for a divorce and promising Plaintiff \$3000 a month, email dated, February 20 & 21, 2014. (PLA000001 and PLA000522 - PLA000523) | 10/21/19           | 10/21/19           | YES                    |
| ✓14.           | Email from Defendant to Plaintiff promising Plaintiff \$3,000 a month as long as he lives, et. al, dated March 23, 2014. (PLA000003)  | 10/21/19           | 10/21/19           | YES                    |
| ✓15.           | Email from Defendant to Plaintiff threatening to stop communicating with her, dated March 26, 2014. (PLA000004)   | 10/21/19           | 10/21/19           | YES                    |
| ✓16.           | Emails between Plaintiff and Defendant, regarding Survivor Benefit Coverage, dated February 2014 - April 2014. (PLA000431 - PLA000435)  | 10/21/19           | 10/21/19           | YES                    |
| ✓17.           | Emails from Defendant to Plaintiff regarding "this is your last warning..." and "just sign the [divorce] papers..." dated March 27, 2014 and April 10, 2014. (PLA000006 - PLA000007)  | 10/21/19           | 10/21/19<br>pg. 7  | YES                    |
| ✓18.           | Emails between Plaintiff and Defendant regarding Benefits, dated April 9, 2014 and April 15, 2014. (PLA000489 - PLA000490)  | 10/21/19           | 10/21/19           | YES                    |
| <del>19.</del> | Email from Defendant to Plaintiff discouraging her from seeing a lawyer, dated March 27, 2014. (PLA000008)  |                    |                    |                        |
| ✓20.           | Email from Plaintiff to Defendant stating that she has no idea what OPM is, and Defendant mad that she wants to see lawyer, dated March 27, 2014. (PLA000009)   | 10/21/19           | 10/21/19           | YES                    |
| ✓21.           | Emails from Plaintiff to Defendant telling the Defendant that she is feeling very nervous and scared, dated February 20, 2014 and April 8, 2014. (PLA000011 - PLA000012)  | 10/21/19<br>pg. 11 | 10/21/19<br>pg. 11 | YES                    |
| ✓22.           | Email from Defendant to Plaintiff stating that  | 10/21/19           | 10/21/19           | YES                    |



085.

| No.            | Document Name   | Offer<br>Y/n | Admit<br>Y/N | <del>Deny</del><br>Y/N |
|----------------|---|--------------|--------------|------------------------|
|                | Plaintiff is not entitled to any more money in the decree of divorce, dated April 9, 2014. (PLA000013) and Emails between Defendant and Plaintiff regarding benefits, dated April 10, 2014. (PLA000524 - PLA000525) |              |              |                        |
| ✓ 23.          | Email from Plaintiff to Defendant, regarding Plaintiff's health insurance denial, dated July 29, 2016, to August 1, 2016. (PLA000015 - PLA000018)   | 10/21/19     | 10/21/19     | YES                    |
| <del>24.</del> | Emails between the parties regarding Vystar insurance policy, dated December 11, 2017 through December 15, 2017. (PLA000019 - PLA000021)  |              |              |                        |
| ✓ 25.          | Email from Defendant to Plaintiff regarding Car insurance and cancer surgery, dated July 16, 2018. (PLA000491)  | 10/21/19     | 10/21/19     | NO                     |
| ✓ 26.          | E- Mail from Plaintiff to Defendant asking about the bank account and her monthly payment from the Defendant, dated September 4, 2018. (PLA000023)  | 10/21/19     | 10/21/19     | YES                    |
| ✓ 27.          | Form DD 2656, dated March 10, 1999. (PLA000436 - PLA000437)   | 10/21/19     | 10/21/19     | YES                    |
| ✓ 28.          | DFAS Retiree Account Statement, dated December 3, 2017. (PLA000037)   | 10/21/19     | 10/21/19     | YES                    |
| <del>29.</del> | 2014 Individual Tax Return for Plaintiff with form 1040 attached. (PLA000249- PLA000253)  |              |              |                        |
| ✓ 30.          | 2015 Individual Tax Return for Plaintiff. (PLA000254 - PLA000255)   | 10/21/19     | 10/21/19     | NO                     |
| ✓ 31.          | 2016 Individual Tax Return for Plaintiff. (PLA000256 - PLA000257)   | 10/21/19     | 10/21/19     | NO                     |
| ✓ 32.          | 2017 Individual Tax Return for Plaintiff with form W-2G attached. (PLA000258 - PLA000260)   | 10/21/19     | 10/21/19     | NO                     |
| ✓ 33.          | 2018 Individual Tax Return for Plaintiff. (PLA000261 - PLA000263)   | 10/21/19     | 10/21/19     | NO                     |
| ✓ 34.          | USAA Mortgage Loan Statement, dated July  | 10/21/19     | 10/21/19     | YES                    |

OBJ

| No.            | Document Name   | Offer<br>Y/n | Admit<br>Y/N | <del>Deny</del><br>Y/N |
|----------------|---|--------------|--------------|------------------------|
|                | 1, 2019. (PLA000366)  |              |              |                        |
| ✓ 35.          | Long Term Care Partners letter to Plaintiff dated November 1, 2017. (PLA000026 - PLA000029)   | 10/21/19     | 10/21/19     | NO                     |
| ✓ 36.          | Canyon Gate Master Association billing statements, dated October 20, 2017, October 18, 2019 and May 13, 2019. (PLA000369 - PLA000371)   | 10/21/19     | 10/21/19     | NO                     |
| <del>37.</del> | Plaintiff's January 2019 health insurance premium. (PLA000039)  |              |              |                        |
| ✓ 38.          | Summary letter from Caterina's counselor, dated September 3, 2019, and summary of visit date April 16, 2012. (PLA000374 - PLA000375)  | 10/21/19     | 10/21/19     | YES                    |
| ✓ 39.          | Plaintiff's Health care information and statements, dated 2016 - 2017. (PLA000442 - PLA000457)  | 10/21/19     | NO           | YES                    |
| <del>40.</del> | UMC care documents, dated March 9, 2017. (PLA000481 - PLA000483)  |              |              |                        |
| <del>41.</del> | Places the parties lived during the marriage. (PLA000353 - PLA000356)   |              |              |                        |
| <del>42.</del> | Social Security Statement for Plaintiff, dated June 11, 2019. (PLA000270 - PLA000275)   |              |              |                        |
| <del>43.</del> | Letter from the DMV with Defendant's Nevada Driver's License sent to Plaintiff's address, dated July 3, 2018. (PLA000063)   |              |              |                        |
| ✓ 44.          | "Notice of stored vehicle" sent to Plaintiff's address from Los Angeles, California Airport Police, regarding Defendant's 2018 Chevy Cruze that was found at the L.A. Airport with no license plates attached, dated April 8, 2019. (PLA000064 - PLA000066) | 10/21/19     | NO           | YES                    |
| <del>45.</del> | Letter from Clear Choice Lien Service, Inc., sent to Plaintiff's address regarding the lien on Defendant's 2018 Chevy Cruz. (PLA000067 - PLA000068)   |              |              |                        |
| <del>46.</del> | Past due notices, sent to Plaintiff's address showing that Defendant is not paying his  |              |              |                        |

OBJ.

| No.           | Document Name   | Offer<br>Y/n | Admit<br>Y/N | <del>Exhibit</del><br>Y/N |
|---------------|---|--------------|--------------|---------------------------|
|               | loans, dates from 2019. (PLA000069 - PLA000073)   |              |              |                           |
| <del>47</del> | Ally Financial letter to Defendant regarding deficiency for Chevy Cruze, dated June 18, 2019. (PLA000358)   |              |              |                           |
| <del>48</del> | Plaintiff's Opposition to Defendant's Ex Parte motion for a Continuance of Plaintiff's Motion to Enforce the Decree of Divorce, for an Order to Show Cause, to Divide a Newly Discovered Asset, to Execute QDROs, and for Attorney's Fees and Costs and Countermotion for Attorney Fees and Costs (PLA008000 - PLA008021) |              |              |                           |
| <del>49</del> | Defendant's Reply to Opposition and/or Countermotion, filed December 28, 2018. (PLA007094 - PLA007118)  |              |              |                           |
| <del>50</del> | Plaintiff's Request for Admissions to Defendant, served March 5, 2019. (PLA000495 - PLA000521)  |              |              |                           |
| <del>51</del> | Defendant's Response to Plaintiff's First Request for Admissions, served March 19, 2019. (PLA000075 - PLA000080)  |              |              |                           |
| <del>52</del> | Defendant's description of his two employees in Defendant's response to Second Set of Interrogatories; Answer No. 4, pg 2, ln. 4. (PLA000089 - PLA000092)   |              |              |                           |
| <del>53</del> | Defendant's Opposition to Plaintiff's Motion to Compel Discovery, filed September 17, 2019. (PLA007133 - PLA007140)   |              |              |                           |
| <del>54</del> | Armed Forces bank statements March - May 2019. (DEF281 - DEF288)  |              |              |                           |
| <del>55</del> | Letter dated November 30, 2017, regarding decision for VA benefits. (DEF084 - DEF085 and DEF096 - DEF105)   |              |              |                           |
| <del>56</del> | Payment history July 2015 - August 2014. (DEF106)   |              |              |                           |
| <del>57</del> | Defendant's Statement of Annuity paid as Disability 2014 1099. (DEF131)   |              |              |                           |

OBJ.

| No.           | Document Name  | Offer<br>Y/n | Admit<br>Y/N | <del>Admit</del><br>Y/N |
|---------------|--|--------------|--------------|-------------------------|
| <del>58</del> | Armed Forces Bank statement, acct #25, August 2019. (DEF336)   |              |              |                         |
| <del>59</del> | Armed Forces Bank statements, acct #76, October 2018 - August 2019. (DEF380)   |              |              |                         |
| <del>60</del> | Vystar 180 History March 2019 - August 2019. (DEF399)  |              |              |                         |
| <del>61</del> | VA appointment calendar. (DEF406 - DEF408)   |              |              |                         |
| <del>62</del> | School records for Defendant, dated 1989 - 2003. (PLA000337 - PLA000352)   |              |              |                         |
| ✓ 63.         | Correspondence to Defendant's counsel, regarding SBP, dated September 24, 2019. (PLA000492 - PLA000493)              | 10/21/19     | 10/21/19     | YES                     |
| ✓ 64.         | Correspondence from Defendant's counsel, regarding response to 9/24/19 letter, dated September 25, 2019. (PLA000494) | 10/21/19     | 10/21/19     | YES                     |

1 CATERINA ANGELA BYRD, )

2 )  
3 Plaintiff, )

4 vs. )

CASE NO.: D-18-577701-Z

DEPT. NO.: G

5 GRADY EDWARD BYRD, )

6 )  
7 Defendant, )  
8 )

9 **DEFENDANT'S TRIAL EXHIBITS**

|    |    |         |   |          |
|----|----|---------|---|----------|
| 10 |    |         |   | STIP     |
| 11 | ✓A | 6-8     | Dept. of Army (CRSC) decision letter dated 6/20/11                      | 10/21/19 |
| 12 | ✓B | 106     | CRSC payment history 8/2014-7/2015                                      | ''       |
| 13 | ✓C | 225     | CRSC pay statement April 22, 2019                                       | ''       |
| 14 | ✓D | 79      | VA letter for disability benefits dated 10/16/12                        | ''       |
| 15 | ✓E | 236     | VA payment history April – May 2019                                     | ''       |
| 16 | ✓F | 125-127 | OPM letter re: disability application dated November 12, 2010           | ''       |
| 17 | ✓G | 512     | OPM letter dated 4/29/18 regarding FERS disability annuity adjustment   | ''       |
| 18 | ✓H | 132     | OPM Notice of Annuity adjustment 7/2018                                 | ''       |
| 19 | ✓I | 136     | OPM Annuity statement March 2019  | ''       |
| 20 | ✓J | 108-113 | Social Security Decision dated 9/12/12                                  | ''       |
| 21 | ✓K | 120-    | 2014 Social Security Benefit 2014                                       | ''       |
| 22 | ✓L | 121     | Social Security benefits 2018   | ''       |
| 23 | ✗M | 237     | Medical certificate from Dr. Arco                                       |          |
| 24 | ✗N | 511     | Medical certificate from Nursing Attendant, Mayden Tagulo dated 10/4/19 |          |
| 25 | ✗O | 490     | Medical Certificate from Dr. Regalado dated 10/10/19                    |          |

# Certification of Copy

State of Nevada }  
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; POSTING OF COST ON APPEAL BOND; DISTRICT COURT DOCKET ENTRIES; FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER; NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER; DISTRICT COURT MINUTES; EXHIBITS LIST

In the Matter of the Joint Petition for Divorce of:

CATERINA BYRD; GRADY E. BYRD

Case No: D-18-577701-Z

Dept No: G

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 6 day of February 2020.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk

MILLS & MILLS LAW GROUP, LLC  
GENERAL ACCOUNT  
703 S 8TH ST  
LAS VEGAS, NV 89101-7006

2187

94-7074/3212

DATE

2/3/21

PAY  
TO THE  
ORDER OF

Supreme Court

\$

250

DOLLARS

Two Hundred Fifty and 00/100

WELLS FARGO BANK, N.A.



FOR BYR 18577701-2

DL

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