

IN THE SUPREME COURT OF THE STATE OF NEVADA

MOHAMAD ALHULAIBI

Appellant,

vs.

AHED SAID SENJAB

Respondent.

Supreme Court No.: 82114

Supreme Court No.: 82121

District Court No.: D-20-607093-D

Electronically Filed
Jun 23 2021 12:28 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Appellant's Appendix – Volume III

Attorney for Appellant:

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Nevada Bar No. 9536
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(702) 438-4100
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APPENDIX INDEX

#	DOCUMENT	FILE STAMP DATE	PAGES
Volume I			
1.	Statement of Legal Aid Representation and Fee Waiver (Pursuant to NRS 12.015)	3/24/2020	AA000001
2.	Complaint for Divorce	3/24/2020	AA000002 - AA000005
3.	Request for Issuance of Joint Preliminary Injunction	3/24/2020	AA000006
4.	Summons	3/26/2020	AA000007
5.	Joint Preliminary Injunction	3/26/2020	AA000008 - AA000009
6.	Affidavit of Service	3/26/2020	AA000010
7.	Request for Waiver of Program Attendance	4/14/2020	AA000011 - AA000012
8.	Defendant's Motion to Dismiss for Lack of Jurisdictional Requirements	4/14/2020	AA000013 - AA000022
9.	Notice of Appearance	4/14/2020	AA000023 - AA000024
10.	Notice of Hearing	4/15/2020	AA000027
11.	Affidavit of Resident Witness	4/15/2020	AA000028 - AA000029
12.	Affidavit of Plaintiff in Support of Request for Summary Disposition of Decree of Divorce	4/15/2020	AA000030 - AA000031
13.	Plaintiff's Opposition to Defendant's Motion to Dismiss for Lack of Jurisdictional Requirements	4/24/2020	AA000032 - AA000045

14.	Exhibit in Support of Plaintiff's Opposition to Defendant's Motion to Dismiss for Lack of Jurisdictional Requirements	4/24/2020	AA000046 - AA000049
15.	Defendant's Reply in Support of His Motion to Dismiss for Lack of Jurisdictional Requirements	5/13/2020	AA000050 - AA000076
16.	Supplemental Exhibits in Support of Plaintiff's Opposition to Defendant's Motion to Dismiss for Lack of Jurisdictional Requirements	5/18/2020	AA000077 - AA000086
17.	Court Minutes	5/20/2020	AA000087 - AA000088
18.	2nd Supplemental Exhibits in Support of Plaintiff's Opposition to Defendant's Motion to Dismiss for Lack of Jurisdictional Requirements	5/20/2020	AA000089 - AA000117
19.	Confidential Exhibit of Plaintiff's Memorandum of Law in Opposition of Defendant's Motion to Dismiss	6/8/2020	AA000118 - AA000124
20.	Plaintiff's Memorandum of Law in Opposition to Defendant's Motion to Dismiss	6/8/2020	AA000125 - AA000145
21.	Exhibit in Support of Plaintiff's Memorandum of Law in Opposition of Defendant's Motion to Dismiss	6/8/2020	AA000146 - AA000211
22.	Defendant's Supplemental Briefing in Support of His Motion to Dismiss	6/8/2020	AA000212 - AA000218
23.	Confidential Exhibit in Support of Plaintiff's Memorandum of Law in Opposition of Defendant's Motion to Dismiss	6/11/2020	AA000219 - AA000225
24.	Court Minutes	6/16/2020	AA000226 - AA000227
25.	Findings of Fact, Conclusions of Law, Decision and Order	6/17/2020	AA000228 - AA000235

Volume II			
26.	Notice of Entry of Order	6/17/2020	AA000236 - AA000246
27.	Request Transcript of Proceedings	6/18/2020	AA000247 - AA000248
28.	Estimated Cost of Expedited Transcript	6/18/2020	AA000249
29.	Order Waiving Cost of Transcript of Proceedings	6/18/2020	AA000250 - AA000252
30.	Errata to Estimate of Transcript	6/18/2020	AA000253
31.	Court Minutes	6/22/2020	AA000254
32.	Mohamad Alhulaibi's Ex parte Petition/Motion for an Order Requiring Production of the Minor Child; For Issuance of a Warrant for the Pick-Up of the Minor Child; for an Order Preventing Abduction of the Minor Child Pursuant to NRS 125D; For a Return Order for the Minor Child to His Home Country of Saudi Arabia	6/29/2020	AA000255 - AA000288
33.	Notice of Hearing	6/30/2020	AA000289
34.	Notice of Association as Co-Counsel	7/1/2020	AA000290 - AA000292

35.	Plaintiff's Opposition to "Mohamad Alhulaibi's Ex parte Petition/Motion for an Order Requiring Production of the Minor Child; For Issuance of a Warrant for the Pick-Up of the Minor Child; for an Order Preventing Abduction of the Minor Child Pursuant to NRS 125D; For a Return Order for the Minor Child to His Home Country of Saudi Arabia" and Plaintiff's Countermotion/Peititon for Abduction Prevention Measures, for Orders Prohibiting Removal of Child From Las vegas, for Court Safeguard of Child's Passport; For Limited Visitation by a Perpetrator of Domestic Violence; Stay of Order for Dismissal of Case; and for Attorney Fees and Costs.	7/1/2020	AA000293 - AA000321
36.	General Financial Disclosure Form	7/2/2020	AA000322 - AA000329
37.	Defendant's Opposition to Plaintiff's Countermotion	7/15/2020	AA000330 - AA000366
38.	Notice of Appeal	7/16/2020	AA000367 - AA000369
39.	Appellant's Case Appeal Statement	7/17/2020	AA000370 - AA000374
40.	Supplement of Appellate Counsel Concerning the Pending Cross-motions, NRS 125D Application, and Stay Request on Appeal	7/17/2020	AA000375 - AA000389
41.	Transcript re: All Pending Motions, Tuesday, June 16, 2020	7/21/2020	AA000390 - AA000414

42.	Mohamad Alhulaibi's Reply in Support of Ex Parte Petition/Motion for an Order Requiring Production of the Minor Child; For Issuance of a Warrant for the Pick-Up of the Minor Child; for an Order Preventing Abduction of the Minor Child Pursuant to NRS 125D; For a Return Order for the Minor Child to His Home Country of Saudi Arabia and Mohamad's Motion to Strike Plaintiff's Supplement of Appellate Counsel Concerning the Pending Cross motions, NRS 125D Application, and Stay to Request on Appeal	7/28/2020	AA000415 - AA000440
43.	Exhibit 1 - Reply in Support of Return Order Declaration of Hani Yousef Al-Saadawi	8/3/2020	AA000441 - AA000449
44.	Exhibit 2 - Opposition to Countermotion (Translated)	8/3/2020	AA000450 - AA000467
45.	Notice of intent to Appear by Telephonic Communications Equipment	8/4/2020	AA000468 - AA000470
Volume III			
46.	Court Minutes	8/4/2020	AA000471 - AA000472
47.	Order for Prevention of Abduction	8/10/2020	AA000473 - AA000477
48.	Estimate of Expedited Transcripts(s)	8/13/2020	AA000478
49.	Request for Transcript of Proceedings	8/13/2020	AA000479 - AA000482
50.	Request for Transcript of Proceedings	8/14/2020	AA000483 - AA000486
51.	Order Waiving Cost of Transcript of Proceedings	8/14/2020	AA000487 - AA000489
52.	Order Waiving Cost of Transcript of Proceedings	8/14/2020	AA000490 - AA000492
53.	Estimate of Expedited Transcript(s)	8/14/2020	AA000493

54.	Transcript re: All Pending Motions - Tuesday, August 4 th , 2020	8/21/2020	AA000494 - AA000507
55.	Final Billing of Transcripts (Fees Waived)	8/21/2020	AA000508
56.	Certification of Transcripts & Notification of Completion	8/21/2020	AA000509
57.	Transcript re: All Pending Motions - Wednesday, May 20 th , 2020	8/28/2020	AA000510 - AA000534
58.	Final Billing of Transcripts (Fees Waived)	8/28/2020	AA000535
59.	Certification of Transcripts & Notification of Completion	8/28/2020	AA000536

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60.	Order Denying Relief	10/13/2020	AA000537 - 540
61.	Notice of Entry of Order Denying Relief	10/14/202	AA000541 - 545
62.	Certificate of Service	10/14/2020	AA000546
63.	Notice of Appeal	11/12/2020	AA000547 - 548
64.	Case Appeal Statement	11/12/2020	AA000549 - 553
65.	June 16, 2020 hearing Transcript	6/16/2020	AA000554- 578

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Divorce - Complaint

COURT MINUTES

August 04, 2020

D-20-606093-D Ahed Said Senjab, Plaintiff
vs.
Mohamad Abulhakim Alhulaibi, Defendant.

August 04, 2020 11:00 AM All Pending Motions

HEARD BY: Ritchie, T. Arthur, Jr. COURTROOM: RJC Courtroom 03G

COURT CLERK: Prock, Kathy

PARTIES PRESENT:

Ahed Said Senjab, Plaintiff, Present

April S. Green, Attorney, Present

Marshal Shawn Willick, Attorney, Present

Mohamad Abulhakim Alhulaibi, Defendant, Present David Markman, Attorney, Present

Ryan Mohamad Alhulaibi, Subject Minor, Not Present

JOURNAL ENTRIES

DEFENDANT'S MOHAMAD ALHULAIBI'S EX PARTE PETITION/MOTION FOR AN ORDER REQUIRING PRODUCTION OF THE MINOR CHILD; FOR THE ISSUANCE OF A WARRANT FOR THE PICK-UP OF THE MINOR CHILD; FOR AN ORDER PREVENTING ABDUCTION OF THE MINOR CHILD PURSUANT TO NRS 125D; FOR A RETURN ORDER FOR THE MINOR CHILD TO HIS HOME COUNTRY OF SAUDI ARABIA...PLAINTIFF'S REPLY IN SUPPORT OF PLAINTIFF'S MOTION FOR AN ORDER TO SHOW CAUSE WHY DEFENDANT SHOULD NOT BE HELD IN CONTEMPT FOR FAILURE TO ABIDE BY THE COURT ORDER REGARDING PLAINTIFF'S TIMESHARE, FOR PENALTIES AND SANCTIONS AGAINST DEFENDANT, FOR AN EMERGENCY PICK UP ORDER, FOR MAKEUP TIME, TO AMEND PLEADINGS, FOR ATTORNEY'S FEES AND COSTS, AND FOR OTHER RELATED RELIEF...MOHAMAD'S OPPOSITION TO PLAINTIFF'S COUNTERMOTION

This matter is a companion case with T-20-203688-T heard simultaneously.

Court interpreter (Arabic), Dalyia Ahmed, present on behalf of the Plaintiff.

Both parties, Court interpreter, Attorney Green, Attorney Markman, and Attorney Willick appeared telephonically, pursuant to the Administrative Orders for public safety.

Court noted this hearing stems from the disposing of the granting of the Motion To Dismiss. Further, Defendant filed timely the Notice Of Appeal.

Court stated the case was dismissed, the matter is on appeal, and the Defendant's Motion and Plaintiff's Countermotion seek relief not collateral to the appeal. Further, filing these Motions in a case that was dismissed, is not appropriate and the relief requested is DENIED for lack of jurisdiction.

If the result of the appeal results in the reverse of the dismissal of the case, then these issues can be heard. Until that happens, this Court is not the appropriate place to file these Motions. The appeal will proceed.

Attorney Willick and Attorney Green shall prepare the Order and Attorney Markman will approve as to form and content.

For further information, see Minute Order in case no. T-20-203688-T.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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NOTC

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Attorneys for Applicant

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

AHED SAID SENJAB,
Applicant,

vs.

MOHAMAD ABULHAKIM ALHULAIBI,
Adverse Party.

CASE NO: T-20-203688-T
DEPT. NO: H

ORDER FOR PREVENTION OF ABDUCTION

This matter coming before the Court pursuant to NRS 125D, on Mohamad Alhulaibi's Ex Parte Petition/Motion for an Order Requiring Production of the Minor Child; for the Issuance of a Warrant for the Pick-Up of the Minor Child; for an Order Preventing Abduction of the Minor Child Pursuant to NRS 125D; for a Return order for the Minor Child to his Home Country of Saudi Arabia, and upon Plaintiff's Opposition to Mohamad Alhulaibi's Ex Parte Petition/Motion for an Order Requiring

1 Production of the Minor Child; for the Issuance of a Warrant for the Pick-Up of the
2 Minor Child; for an Order Preventing Abduction of the Minor Child Pursuant to NRS
3 125D; for a Return order for the Minor Child to his Home Country of Saudi Arabia
4 and Plaintiff's Countermotion/Petition for Abduction Prevention Measures, for Orders
5 Prohibiting Removal of Child from Las Vegas, for Court Safeguard of Child's
6 Passport, for Limited Visitation by a Perpetrator of Domestic Violence, Stay of Order
7 for Dismissal of Case; and for Attorney's Fees and Costs; and subsequent Replies and
8 Exhibits; Plaintiff, AHED SAID SENJAB, appearing telephonically, and represented
9 by LEGAL AID CENTER OF SOUTHERN NEVADA, INC., by APRIL GREEN,
10 ESQ., and Associate Counsel, Marshal Willick, Esq., of the Willick Law Group, Court
11 Certified Interpreter, Dalyia Ahmed (Arabic Language); and Defendant, MOHAMAD
12 ABULHAKIM ALHULAIBI, appearing telephonically, and represented by DAVID
13 MARKMAN, ESQ., of Markman Law, and the Court having reviewed the papers and
14 pleadings, and good cause appearing, the Court finds as follows:

15 **THE COURT HEREBY FINDS:**

- 16 1. That custody of the following child is at issue: RYAN MOHAMAD
17 ALHULAIBI, born February 16, 2019
- 18 2. a Temporary Order for Protection Against Domestic Violence was issued and
19 remains in effect until February 21, 2021, unless further extended, restraining
20 Adverse Party, MOHAMAD ABULHAKIM ALHULAIBI, from contacts and
21 domestic violence against Applicant, AHED SAID SENJAB.
- 22 3. Adverse Party, MOHAMAD ALHULAIBI, was awarded modified visitation
23 with the subject minor child each Thursday at 6:00 p.m. until Sunday at 5:00
24 p.m. with visitation exchanges to take place at Donna's House located at the
25 Family Courthouse at 601 N. Pecos Road, Las Vegas, Nevada, 89101.
- 26 4. The subject child shall not travel or be taken outside of either the State of
27 Nevada or the United States for any purpose; this Order shall be filed and
28 registered with the United States Department of State's Child Passport Issuance

Alert Program and any relevant child abduction prevention program to prevent the removal of the subject child from the United States of America. This Order is intended specifically to preclude the child's removal from this Country.

5. It is in the best interest of RYAN MOHAMAD ALHULAIBI, minor child, to be picked up wherever he may be located by law enforcement and placed in the custody of the Plaintiff pending further Order of the Court in the event the Adverse Party, Father of the Child, MOHAMAD ABULHAKIM ALHULAIBI, attempts to remove him from the State of Nevada or from the United States of America.

THE COURT HEREBY ORDERS:

1. This Order shall be filed and registered with the United States Department of State's Child Passport Issuance Alert Program and any relevant child abduction prevention program to prevent the removal of the subject child from the United States of America in contravention of this Court Order.
2. It is in the best interest of RYAN MOHAMAD ALHULAIBI, minor child, to be picked up along with his belongings, clothing, and personal effects wherever he may be located by law enforcement in the event the Adverse Party, Father of the Child, MOHAMAD ABULHAKIM ALHULAIBI, attempts to remove him from the State of Nevada or from the United States of America, and law enforcement shall transport the child to CHILD HAVEN located at 601 North Pecos Blvd., Las Vegas, Nevada, or to the care of Plaintiff, AHED SAID SENJAB.

3. Should those events occur, Plaintiff, AHED SAID SENJAB, shall notify this Court as soon as practicable after the child is returned or transported to Child Haven.

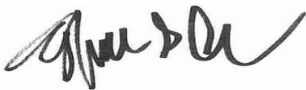
DATED this ____ day of August, 2020. Dated this 10th day of August, 2020



DISTRICT COURT JUDGE

DATED this 6th day of August, 2020
Respectfully submitted,
LEGAL AID CENTER OF
SOUTHERN NEVADA, INC.

549 67A BA18 116F
T. Arthur Ritchie
District Court Judge



APRIL GREEN, ESQ.
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BARBARA BUCKLEY, ESQ.
Nevada Bar No.: 3918
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Attorney for Plaintiff
asgreen@lacsns.org

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Ahd Sinjab, Applicant

CASE NO: T-20-203688-T

7 vs

DEPT. NO. Department H

8 Mohamad Alhulaibi, Adverse
9 Party

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Order was served via the court's electronic eFile system to all
recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 8/10/2020

15 April Green, Esq.

asgreen@lacsns.org

16 Aileen Yeo

AYeo@lacsns.org

17 Ahd Sinjab

ahdsinjab@gmail.com

18 David Markman

David@markmanlawfirm.com

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FILED

AUG 13 2020

Alvin J. Johnson
CLERK OF COURT

COPY

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4 EIGHTH JUDICIAL DISTRICT COURT

5 FAMILY DIVISION

6 CLARK COUNTY, NEVADA

7 AHED SAID SENJAB,) CASE NO. D-20-606093-D
8 Plaintiff)
9 vs.) DEPT. H
10 MOHAMAD ALHULAIBI,) APPEAL NO. 81515
Defendant.)

11 ESTIMATE OF EXPEDITED TRANSCRIPT(S)

12 The office of Transcript Video Services received a request
13 for transcript estimate from April S. Green, Esq. on August 5th,
14 2020 for the following proceedings in the above-captioned case:

15 AUGUST 4TH, 2020

16 The estimated cost of the expedited transcript is \$124.00.
17 Payment in the amount of \$124.00, payable to Clerk of Court,
18 must be presented to the Transcript Video Services Office prior
to work commencing on the transcript. The Clerk accepts
cashier's check, money order, MasterCard/Visa or exact cash.

19 Dated this 13th day of August, 2020.

20 *Quentin Mansfield*
21 Quentin Mansfield, Transcriber
Transcript Video Services

22 Transcript ESTIMATE amount of _____ Check# _____ CC _____ CASH _____ CLERK _____
Received by _____ day of _____, 2020.

23 This is only an ESTIMATE. Upon completion of transcript(s), a balance may be due, or you may
receive a refund of your deposit if overpayment is greater than \$15.00.

24 NOTE: STATUTORY FEES ARE SUBJECT TO CHANGE PER LEGISLATIVE SESSION.

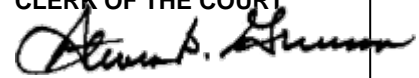
Items left beyond 90 days are subject to disposal without refund.

COUNTY RETENTION POLICY APPROVED BY INTERNAL AUDIT

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AA000478

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RTPR
APRIL S. GREEN, ESQ.
Nevada Bar No.: 8340C
BARBARA E. BUCKLEY, ESQ.
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(702) 386-1070 Ext. 1415
asgreen@lacs.org
Attorneys for Plaintiff

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

AHED SAID SENJAB,)	
)	
Plaintiff,	)	Case No.: D-20-606093-D
)	
vs.	)	Dept. No.: H
)	
MOHAMAD ALHULAIBI,)	
)	
Defendant.)	

REQUEST TRANSCRIPT OF PROCEEDINGS

Plaintiff requests preparation of a transcript of the proceedings before the district court,
as reflected in the attached Request for Transcript Estimate.

I hereby certify that on August 5, 2020, the attached Request for Transcript Estimate
was emailed to Transcript Video Services at videorequests@clarkcountycourts.us.

On August 13, 2020, an Estimated Cost of Transcript was received from Transcript
Video Services, attached hereto as Exhibit 1.

As Plaintiff is a client of a program for Legal Aid, all transcripts were requested

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1 pursuant to Nevada Revised Status, Section 12.015. Statement of Legal Aid Representation
2 attached.

3 Dated this 13th day of August, 2020.
4

5 **LEGAL AID CENTER OF SOUTHERN NEVADA,**
6 **INC.**

7
8 By: 

APRIL S. GREEN, ESQ.

Nevada Bar No.: 8340

BARBARA E. BUCKLEY, ESQ.

Nevada Bar No.: 3918

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(702) 386-1415 Direct/Fax

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Attorneys for Plaintiff
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EXHIBIT 1

1 EOT

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3 ORIGINAL

FILED

AUG 13 2020

CLERK OF COURT

4 EIGHTH JUDICIAL DISTRICT COURT

5 FAMILY DIVISION

6 CLARK COUNTY, NEVADA

7 AHED SAID SENJAB,) CASE NO. D-20-606093-D
8 Plaintiff)
9 vs.) DEPT. H
10 MOHAMAD ALHULAIBI,) APPEAL NO. 81515
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16 The estimated cost of the expedited transcript is \$124.00.
17 Payment in the amount of \$124.00, payable to Clerk of Court,
18 must be presented to the Transcript Video Services Office prior
to work commencing on the transcript. The Clerk accepts
cashier's check, money order, MasterCard/Visa or exact cash.

19 Dated this 13th day of August, 2020.

20 
21 Quentin Mansfield, Transcriber
Transcript Video Services

22 Transcript ESTIMATE amount of _____ Check# _____ CC _____ CASH _____ CLERK _____
23 Received by _____ day of _____, 2020.

24 This is only an ESTIMATE. Upon completion of transcript(s), a balance may be due, or you may
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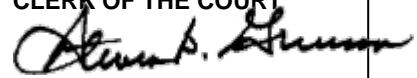
Items left beyond 90 days are subject to disposal without refund.

COUNTY RETENTION POLICY APPROVED BY INTERNAL AUDIT

AA000482

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RTPR
APRIL S. GREEN, ESQ.
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BARBARA E. BUCKLEY, ESQ.
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asgreen@lacsns.org
Attorneys for Plaintiff

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

AHED SAID SENJAB,)	
)	
Plaintiff,)	Case No.: D-20-606093-D
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vs.)	Dept. No.: H
)	
MOHAMAD ALHULAIBI,)	
)	
Defendant.)	

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As Plaintiff is a client of a program for Legal Aid, all transcripts were requested

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1 pursuant to Nevada Revised Status, Section 12.015. Statement of Legal Aid Representation
2 attached.

3 Dated this 14th day of August, 2020.
4

5 **LEGAL AID CENTER OF SOUTHERN NEVADA,**
6 **INC.**

7
8 By: 

APRIL S. GREEN, ESQ.

Nevada Bar No.: 8340

BARBARA E. BUCKLEY, ESQ.

Nevada Bar No.: 3918

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Attorneys for Plaintiff
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EXHIBIT 1

1 EOT

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3 COPY

CLERK OF COURT

4 EIGHTH JUDICIAL DISTRICT COURT

5 FAMILY DIVISION

6 CLARK COUNTY, NEVADA

7 AHED SAID SENJAB,) CASE NO. D-20-606093-D
8 Plaintiff)
9 vs.) DEPT. H
10 MOHAMAD ALHULAIBI,) APPEAL NO. 81515
Defendant.)

11 ESTIMATE OF EXPEDITED TRANSCRIPT(S)

12 The office of Transcript Video Services received a request
13 for transcript estimate from April S. Green, Esq. on August
14 13th, 2020 for the following proceedings in the above-captioned
case:

15 MAY 20TH, 2020

16 The estimated cost of the expedited transcript is \$188.00.
17 Payment in the amount of \$188.00, payable to Clerk of Court,
18 must be presented to the Transcript Video Services Office prior
to work commencing on the transcript. The Clerk accepts
cashier's check, money order, MasterCard/Visa or exact cash.

19 Dated this 14th day of August, 2020.

20
21 
Quentin Mansfield, Transcriber
Transcript Video Services

22 Transcript ESTIMATE amount of _____ Check# _____ CC _____ CASH _____ CLERK _____
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Items left beyond 90 days are subject to disposal without refund.

COUNTY RETENTION POLICY APPROVED BY INTERNAL AUDIT

AA000486

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ORDR
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BARBARA E. BUCKLEY, ESQ.
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asgreen@lacsns.org
Attorneys for Plaintiff

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

AHED SAID SENJAB,)	
)	
Plaintiff,	)	Case No.: D-20-606093-D
)	
vs.	)	Dept. No.: H
)	
MOHAMAD ALHULAIBI,)	
)	
Defendant.)	

ORDER WAIVING COST OF TRANSCRIPT OF PROCEEDINGS

Having read Plaintiff's Request for transcript of proceeding, and other good cause appearing,

IT IS HEREBY ORDERED that pursuant to NRS 12.015(3) the Clerk of Court shall allow the preparation of the transcript for the May 20, 2020 hearing without charge.


Dated this ____ day of _____, ~~2020~~ this 14th day of August, 2020



DISTRICT COURT JUDGE

F1A 953 86F6 9BF5 LCD
T. Arthur Ritchie
District Court Judge

**LEGAL AID CENTER OF SOUTHERN
NEVADA, INC.**

By: 

APRIL S. GREEN, ESQ.
Nevada Bar No.: 8340C
BARBARA E. BUCKLEY, ESQ.
Nevada Bar No.: 3918
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Las Vegas, NV 89104

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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Ahed Said Senjab, Plaintiff

CASE NO: D-20-606093-d

7 vs.

DEPT. NO. Department H

8 Mohamad Abulhakim Alhulaibi,
9 Defendant.

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Order was served via the court's electronic eFile system to all
recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 8/14/2020

15 Reception Reception

email@willicklawgroup.com

16 April Green, Esq.

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18 Aileen Yeo

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19 Richard Crane

richard@willicklawgroup.com

20 David Markman

David@MarkmanLawfirm.com

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1 **ORDR**
2 **APRIL S. GREEN, ESQ.**
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8 Las Vegas, NV 89104
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11 asgreen@lacs.org
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14
15 **DISTRICT COURT**
16 **FAMILY DIVISION**
17 **CLARK COUNTY, NEVADA**

18 AHED SAID SENJAB,)
19)
20 Plaintiff,) Case No.: D-20-606093-D
21 vs.) Dept. No.: H
22)
23 MOHAMAD ALHULAIBI,)
24)
25 Defendant.)

26 **ORDER WAIVING COST OF TRANSCRIPT OF PROCEEDINGS**

27 Having read Plaintiff's Request for transcript of proceeding, and other good cause
28 appearing,

29 **IT IS HEREBY ORDERED** that pursuant to NRS 12.015(3) the Clerk of Court shall
30 allow the preparation of the transcript for the August 4, 2020 hearing without charge.

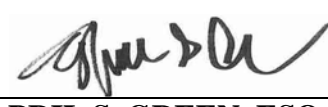
31 Dated this ____ day of _____, ~~2020~~ ^{Dated this 14th day of August, 2020}

32 
33 **DISTRICT COURT JUDGE**

34 EF9 81E 34DD AA61
35 T. Arthur Ritchie
36 District Court Judge

LCD

37 **LEGAL AID CENTER OF SOUTHERN**
38 **NEVADA, INC.**

39 By: 
40 **APRIL S. GREEN, ESQ.**
41 Nevada Bar No.: 8340C
42 **BARBARA E. BUCKLEY, ESQ.**
43 Nevada Bar No.: 3918
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45 Las Vegas, NV 89104

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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Ahed Said Senjab, Plaintiff

CASE NO: d-20-606093-d

7 vs.

DEPT. NO. Department H

8 Mohamad Abulhakim Alhulaibi,
9 Defendant.

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11 **AUTOMATED CERTIFICATE OF SERVICE**

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18 Aileen Yeo

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19 Richard Crane

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20 David Markman

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EOT

FILED

AUG 14 2020

ORIGINAL

Ann L. Blum
CLERK OF COURT

EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

AHED SAID SENJAB,) CASE NO. D-20-606093-D
Plaintiff)
) DEPT. H
vs.)
) APPEAL NO. 81515
MOHAMAD ALHULAIBI,)
Defendant.)

ESTIMATE OF EXPEDITED TRANSCRIPT(S)

The office of Transcript Video Services received a request for transcript estimate from April S. Green, Esq. on August 13th, 2020 for the following proceedings in the above-captioned case:

MAY 20TH, 2020

The estimated cost of the expedited transcript is \$188.00. Payment in the amount of \$188.00, payable to Clerk of Court, must be presented to the Transcript Video Services Office prior to work commencing on the transcript. The Clerk accepts cashier's check, money order, MasterCard/Visa or exact cash.

Dated this 14th day of August, 2020.

Quentin Mansfield
Quentin Mansfield, Transcriber
Transcript Video Services

Transcript ESTIMATE amount of _____ Check# _____ CC _____ CASH _____ CLERK _____
Received by _____ day of _____, 2020.

This is only an **ESTIMATE**. Upon completion of transcript(s), a balance may be due, or you may receive a refund of your deposit if overpayment is greater than \$15.00.

NOTE: STATUTORY FEES ARE SUBJECT TO CHANGE PER LEGISLATIVE SESSION.

Items left beyond 90 days are subject to disposal without refund.

COUNTY RETENTION POLICY APPROVED BY INTERNAL AUDIT

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1 TRANS

2 COPY

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AUG 21 2020

CLERK OF COURT

4 EIGHTH JUDICIAL DISTRICT COURT

5 FAMILY DIVISION

6 CLARK COUNTY, NEVADA

8 AHED SAID SENJAB,)

CASE NO. D-20-606093-D

9 Plaintiff)

DEPT. H

10 vs.)

APPEAL NO. 81515

11 MOHAMAD ALHULAIBI,)

12 Defendant.)

14 BEFORE THE HONORABLE ARTHUR T. RITCHIE, JR.

15 DISTRICT COURT JUDGE

16 TRANSCRIPT RE: ALL PENDING MOTIONS

17 TUESDAY, AUGUST 4TH, 2020

18 APPEARANCES:

19 The Plaintiff:
20 For the Plaintiff:

AHED SAID SENJAB
APRIL S. GREEN, ESQ.
725 E. Charleston Blvd.
Las Vegas, NV 89104
&
MARSHAL S. WILICK
3591 E. Bonanza Rd. STE 200
Las Vegas, NV 89110

23 The Defendant:
24 For the Defendant:

MOHAMAD ALHULAIBI
DAVID MARKMAN, ESQ.
4484 S. Pecos Rd. STE 130
Las Vegas, NV 89121

1 LAS VEGAS, NEVADA

TUESDAY, AUGUST 4TH, 2020

2 P R O C E E D I N G S

3 [THE PROCEEDING BEGAN AT: 11:52:32.]

4 MS. GREEN: ... turned over pending appeals filed by -
5 first by the Defendant, then the Plaintiff's counter motion.
6 Then everything would have been all for not. The - the mother
7 would have been deprived of the parent child relationship and
8 they're asking we make arrangements with Mr. Markman for video
9 with - with the [indiscernible] to take place until we got to
10 this hearing. So we have a pending appeal, we have abduction
11 prevention measures, we have motions filed under 125 D. After
12 the quarantine those motions were filed and we took the
13 position that the Court would make a decision less the child
14 be taken out of the country in the meantime which would
15 destroy the mother child relationship. The child lived with
16 the mother all of his life, bonded to the mother, and we
17 needed this Court to weigh in and that's why we're here today.

18 THE COURT: Well, I'm sure you don't want me to make a
19 finding of wrongful deprivation of time and to essentially
20 keep the child from your client for two or three months at
21 time, are you? I - I mean that seems obvious, right? It's -
22 it's - Judge Norheim - and I know you were not the lawyer from
23 legal aid that argued this - or the hearing master found that
24 even with these allegations, it was appropriate to issue that
25 split week custody, and ordered that the split week custody

1 schedule be enforced. It's not been modified by that Court or
2 this Court, and with the dismissal.

3 MS. GREEN: [Indiscernible], Your Honor?

4 THE COURT: I - look, it's not - it's not - the Court is
5 not supporting the decision that you made or the mom made to
6 keep the child from him. Now the health issues might - I mean
7 I can't make a finding of wrongful denial without knowing the
8 detail of whether or not - the pandemic had contributed to
9 these exchanges, but this nonsense about - you know - the
10 child has been with mom the entire life and - and so dad
11 shouldn't be entitled to visitation that way. That's not a
12 valid argument that's gonna have any particular.

13 MS. GREEN: Well, Your Honor, there were motions in front
14 of you to give us - both - both asking the Court to make
15 abduction prevention measures. He's stated with a - firstly,
16 that he intends to get the child and go to Saudi Arabia. We
17 have an appeal pending with the Nevada Supreme Court. We
18 believe that the District Court has a duty and an obligation
19 to - protect the outcome of the appeal - in this case. That is
20 the - the parent child relationship, the mother child
21 relationship. We believe we have a meritory appeal, had the
22 child ben turned over there would be no point in even having
23 this - this hearing. These - these motions were pending before
24 you. We believed that we would get a decision before you. We
25 did - we did not want to do anything that would cause the

1 child to be taken out of the country.

2 THE COURT: Okay, well, I can issue orders that
3 specifically address that issue. Hold on, hold on. The - the -
4 the interpreter is way behind. Please let her do the job. The
5 - okay, Ms. Green, anything further?

6 MS. GREEN: Not at this time, Your Honor.

7 THE COURT: All right. Mr. Markman, the posture of this
8 case is that the civil domestic case has been dismissed and
9 the protective order case is extended until February 14th,
10 2021. Don't answer yet, go ahead madame interpreter. The Court
11 reviewed the record as I stated and find that there was more
12 than sufficient evidence for the hearing officer to grant the
13 extension of the protective order. After reviewing the papers
14 that had been filed since that hearing, the Court concludes
15 that the protective order should not be dissolved. Now, Mr.
16 Markman, you - you made a filing on July 28th, in response to
17 filings that they made. I wanna specifically focus on the
18 request to stay the order in the D case pending the appeal.
19 Did you wanna speak to that?

20 MR. MARKMAN: I mean I think the U.S. Supreme Court is
21 very clear. What is it, Chafin [sic], whether it's - Monasky.
22 That prompt return - and especially Chafin - that no state
23 issues when you - you know - just 'cause you lose a case
24 doesn't mean a stay should be issued. What's needed is to
25 return the child to their home country, and I understand that

1 you're not affording belief on that at this point, but that's
2 what the Court - that's what Chafin says. It says that if you
3 lose - if - if you were granted a stay then everyone would
4 just file an appeal because what everyone wants is the kid to
5 remain in the United States, so Chafin, the U.S. Supreme Court
6 has said no. We can't just issue a stay just because you wanna
7 stay 'cause it wouldn't moot it, 'cause in fact it doesn't
8 moot it. This Court could assume jurisdiction to file an order
9 if he - if he did not follow a subsequent order that requested
10 the return of the - of the child to America, so there's no
11 need to stay the case to some degree 'cause this Court is not
12 going to issue a return order - does not want to hear
13 arguments on the return order. It - I don't know that - it's a
14 huge deal. At this point I'm mostly focused - if - if that's
15 the case, I'm mostly focused on getting Mohamad the ability to
16 see his son again, and - and I think that there's so much...

17 THE COURT: All right.

18 MR. MARKMAN: ... that I'd like to address from paper all
19 - on that regard.

20 THE COURT: All right, one of you let the interpreter
21 interpret that and then I have - I'm gonna turn - I'll give
22 you a chance to do that. Okay, Mr. Markman, briefly, what
23 other questions or points do you have to make?

24 MR. MARKMAN: Well, mainly it goes to the email between
25 April and myself, and this is a email from - it's been part of

1 exhibit 15 and the motion to dissolve, and it's Friday, June
2 26th, at 2:05. So this is before the motion to return was
3 filed, and - and April's response to me when I'm asking about
4 - Ryan's health - which is the minor child is - okay, we'll -
5 although that I have not heard that neither of them have the
6 virus. It may be they are on lock down - other reasons, and
7 that's 2:05, so at 2:08 on Friday, I respond. Okay, can you
8 please find out? Confirm the reasons they are on lock down as
9 Mohamad is very concerned about the health of Ryan - and is
10 entitled to information about his son's health. And there's no
11 on response - you know - Friday. There's no response on
12 Saturday, Sunday, or Monday, and then I filed a motion for
13 return order at roughly 6 p.m. that following Monday.

14 THE COURT: Okay, hold on. You - you gotta let the
15 interpreter - you gotta - you gotta - I got the gist of it.
16 Let the interpreter interpret, please. All right. Mr. Markman,
17 Ms. Green's comments were clear that it was a combination of
18 considerations as to what happened with the visitation. I - I
19 don't want to get into the detail of it. Obviously you believe
20 that there was - that it not should not have been done, right?

21 MR. MARKMAN: That's correct, and I just wanna make - I
22 just wanna make one last statement about that. They filed this
23 - this opposition and counter motion July 1st, so two days -
24 two days after I filed a motion for return order - on page
25 eight, line 13 and 14 - so it'd be - you know - the - the -

1 the Defendant has threatened to abscond with the minor child,
2 however, because of the preventative measures taken by Ahd,
3 she is not allowed to occur, so-

4 THE COURT: Yeah - that's fine. I - I read the papers. I
5 also saw the July 9th hearing, and I know you didn't get to
6 make a long argument then, but I - I - I know - I've read
7 this, okay? I) need to move on - I need - I - I - we - we're
8 already - it's 12:10, okay? Madame interpreter, interpret that
9 and then I need to ask Mr. Willick a question or two. Okay,
10 Mr. Willick.

11 MR. WILLICK: Yes, Your Honor?

12 THE COURT: If you prevail on appeal, it's get remanded a
13 reversal, the Court picks up the divorce case, right?

14 MR. WILLICK: Yes, sir.

15 THE COURT: Okay, if you don't prevail on appeal then we
16 have this protective order in place until February 14th, 2021,
17 and it has custody provisions, right?

18 MR. WILLICK: Yes, Your Honor, I believe so.

19 THE COURT: All right, and the - the only thing - I mean
20 the things that will happen at that time would be it would
21 dissolve on it's own. It would - there would be a request in
22 advance to that for extraordinary findings to extend it,
23 right?

24 MR. WILLICK: Yes. Actually, the current law I believe has
25 the extended maximum time for a D-V out to one to two years.

1 THE COURT: Well, you - you may not have reviewed the
2 hearings like I did recently, but Norheim made a ruling that
3 there were no extraordinary terms to go passed the year, but
4 that could be revisited by this Court upon...

5 MR. WILLICK: Yes, Your Honor.

6 THE COURT: ... request, okay? So there's irreparable harm
7 as it relates to the - because of the decision of the Court to
8 deny the dissolving of the protective order, and to have
9 custody orders with restrictions like travel and - and so I
10 suppose you can ask for stay from the Supreme Court but I
11 don't see it right now. Maybe as we get closer to the deadline
12 of February, 2021. Madame interpreter, will you - will you
13 interpret, please? So Mr. Willick, the - the Court just wants
14 to have this dialogue with you that says if I do not grant the
15 stay now, that's without prejudice as these events occur
16 'cause it's probably unlikely the Supreme Court will resolve
17 this by February, right?

18 MR. WILLICK: I - I have learned from long experience not
19 second guess the timing of how long a Supreme Court decision
20 might take, so I really would rather not go on the record with
21 expressing - the Court series of orders largely encompass the
22 same concepts that were involved in the stay. It's been clear
23 from Mr. Markman's comments that the Defendant remains fixated
24 on the concept of what he calls prompt return and what Ms.
25 Green refers to as an international kidnapping. We believe

1 that self help remains a very significant concern, so we have
2 the Court in dealing with the T-P-O enters - and the 125 D
3 applications on both sides - and there's sufficient orders to
4 essentially ensure that there is no self help and the child is
5 not spirited away, then the effect of the request for the stay
6 that has been granted despite the denial of the stay itself,
7 and I'm sorry if that sounded circular but I hope it's clear.

8 THE COURT: All right. Let - let the interpreter interpret
9 and then I'll see whether we can sort of agree. Okay, whether
10 the - whether a departure would be an abduction or not is
11 really about a point of view, Mr. Willick. The-

12 MR. WILLICK: Okay.

13 THE COURT: The Court can issue an order in the protective
14 order I believe that says that the child will not travel
15 outside the United States pursuant to 125 D 150, per - under
16 the principle that we respect the process of appeal. We -
17 respect the fact that we have a protective order that requires
18 a split custody schedule temporarily, right?

19 MR. WILLICK: Okay.

20 THE COURT: Okay, so as it relates to the filing that you
21 made as appellate counsel - I forget the date now but it was I
22 think the 17th of July - the request for stay is denied
23 without prejudice for the reasons that we've established.

24 MR. WILLICK: Thank you, Your Honor.

25 THE COURT: Madame interpreter. Okay, so - let's talk

1 about the orders. We have jurisdiction over the parties and
2 the subject matter. I directed that an order be processed that
3 denies the request to dissolve the protective order. I've
4 directed an order that denies the request for a stay of the D
5 case, so that's gotta be filed in the D case. That's without
6 prejudice.

7 The Court is gonna be issuing two bench orders in
8 the T case. One is going to be to amend the protective order,
9 to modify the visitation and custody provisions for the shared
10 physical arrangement to include supervised exchanges of the
11 children since they have not - or the child - since the child
12 has not been exchanged. We'll be using the supervised exchange
13 center and the exchanges will take place on Thursday at six
14 o'clock and Sunday at five P.M. Adverse Party will have the
15 child from Thursday at six until Sunday at five.

16 MS. GREEN: Thank you, Your Honor.

17 THE COURT: Applicant will have the child each week Sunday
18 at five through Thursday at six P.M. There is no restriction
19 on the custody schedule except as to time, and as to the
20 restriction pursuant to 125 D 150, in that the child at this
21 time will not travel outside the United States or Nevada -
22 until further of the Court. Ms. Green, I want you to make sure
23 that your client is able to do the orientation or the
24 instruction for Donna's House Central as soon as possible.

25 MS. GREEN: Yes, Your Honor.

1 THE COURT: And Mr. Markman, you can do the same.

2 MR. MARKMAN: Yes, Your Honor.

3 THE COURT: All right. So we're - the - the D case is
4 essentially closed. I mean I - I don't - there shouldn't be
5 filings in the D case anymore unless it's I guess some sort of
6 request - Mr. Willick - for a stay on the eve of the
7 expiration of the protective order if you find yourself in
8 that position, okay?

9 MR. WILLICK: I understand.

10 THE COURT: You know I hope - I - you know - this is -
11 this is an important matter. It's - it's time sensitive. I
12 hope that the Supreme Court will give it - you know - swift
13 attention and make a ruling one way or another, and the T-P-O
14 is essentially even more important now than it was when it was
15 granted in March - in my mind. Now Mr. Markman, if you have
16 any issues, or Ms. Green, any issues of enforcement or any
17 relief seeking Court assistance related to the T case, it
18 should be filed in the T case - and this Court is responsible
19 for the T case. The hearing master's role in this case is
20 over.

21 MS. GREEN: I understand, Your Honor. I do have a
22 question.

23 THE COURT: All right. Let the interpreter interpret that,
24 please. Okay, Ms. Green, your question.

25 MS. GREEN: I - I just wanted to say with intention if

1 it's plead to the Court to file the Court order from today's
2 hearing with the authority that flags passports for minor
3 child in light of the situation and the Court order we have
4 today.

5 THE COURT: For the child? Does the child have a passport?

6 MS. GREEN: Yes, Your Honor.

7 THE COURT: Yeah, that's fine. That - that'll be
8 consistent with the order that I wrote out today, and it would
9 - it - it's time sensitive so you can get that to me. Mr.
10 Markman, if it's overreaching then you can ask to modify it or
11 dissolve it down the road, okay?

12 MR. MARKMAN: Oh, so I just - are you requesting the
13 minor's passport?

14 THE COURT: No, no, no, I'm not requesting the passport.
15 What she's talking about is - as part of 125 D, there's a
16 notice that - an order that can be entered that the State
17 Department would recognize to flag any travel. I'm not
18 suggesting your client would - would violate the orders, but
19 it just is another safeguard to protect - and I know that your
20 client's point of view is that with the dismissal of the case
21 - you know he - if it were up to him he would dissolve the
22 protective order and he would litigate this in Syria or Saudi
23 Arabia, that's his point of view. I'm not - I'm not really
24 commenting on that one way or another, but that's something
25 that we can't have in the short term, do you understand?

1 MR. MARKMAN: Understood, Your Honor.

2 THE COURT: All right. Madame interpreter will you
3 interpret that, please? Mr. Markman, before we go, any
4 questions from your side?

5 MR. MARKMAN: Just a quick question. So counsel for Ahed
6 is gonna prepare for the D case, and then my understanding was
7 that yours and [indiscernible] was gonna include the
8 description on the minor's passport and that's gonna come from
9 the bench, is that correct, Your Honor?

10 THE COURT: Well, a protective order order came from the
11 bench and the Donna's House Central referral came from the
12 bench and Ms. Green is gonna submit an order in the T case
13 that has that flag notice - and - and so all of that will be
14 reviewed and processed. Now a protective order form may come
15 out after this hearing - after they get my handwritten order,
16 that's typical, and just - that's a - form of process where
17 the presiding judge approves the hearing master's orders. I -
18 I'm gonna be signing these orders, okay?

19 Do - the - so yeah, you're gonna get notice of any of the
20 orders and they're gonna run the other two orders by you
21 because they're not exigent. So madame interpreter, will you
22 interpret that, please? Great job, madame interpreter. Thank
23 you very much.

24 INTERPRETER: You're welcome, Your Honor.

25 THE COURT: All right, so - I'll receive the orders. Thank

55

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FILED

AUG 21 2020

John L. Mansfield
CLERK OF COURT

ORIGINAL

1 COST

2
3 EIGHTH JUDICIAL DISTRICT COURT
4 FAMILY DIVISION
5 CLARK COUNTY, NEVADA

6 AHED SAID SENJAB,) CASE NO. D-20-606093-D
7)
8 Plaintiff) DEPT. H
9 vs.) APPEAL NO. 81515
10 MOHAMAD ALHULAIBI,)
11 Defendant.)

12
13 FINAL BILLING OF TRANSCRIPTS (FEES WAIVED)

14 The office of Transcript & Video Services filed transcripts
15 for April S. Green, Esq. for the following proceedings in the
16 above captioned case:

17 AUGUST 4TH, 2020

18 Original transcript and one copy were requested. The total
19 number of pages is 14 for a final cost of \$53.20.

20 Fees are waived.

21 DATED this 21st day of August, 2020.

22 *Quentin L. Mansfield*
Quentin L. Mansfield, Transcriber

23 Balance of _____ Check # _____ CC# _____ CASH _____ CLERK _____

24 Received by *[Signature]* this _____ day of _____, 2020.

25 ITEMS LEFT BEYOND NINETY DAYS ARE SUBJECT TO DISPOSAL WITHOUT REFUND
COUNTY RETENTION POLICY APPROVED BY INTERNAL AUDIT.

EIGHTH JUDICIAL DISTRICT COURT - TRANSCRIPT VIDEO SERVICES
601 N. Pecos Road, Las Vegas, Nevada 89101 (702) 455-4977

AA000508

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FILED

AUG 21 2020

Ann L. Blum
CLERK OF COURT

CTNC

ORIGINAL

EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

AHED SAID SENJAB,) CASE NO. D-20-606093-D
)
Plaintiff) DEPT. H
)
vs.) APPEAL NO. 81515
)
MOHAMAD ALHULAIBI,)
)
Defendant.)
)

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LAS VEGAS DROP BOX
CLERK OF SUPREME COURT
2020 AUG 21 PM 4:46

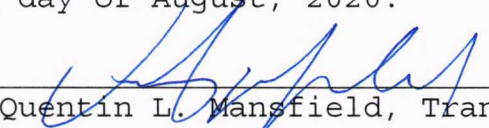
CERTIFICATION OF TRANSCRIPTS & NOTIFICATION OF COMPLETION

The Office of Transcript & Video Services received a request for original transcript and one copy from April S. Green, Esq. on August 5th, 2020, for the following proceedings in the above-captioned case:

AUGUST 4TH, 2020;

I do hereby certify that copies of the transcript requested in the above-captioned case were submitted to be filed with the Eighth Judicial District Court on August 21st, 2020, and ordering party was notified August 21st, 2020.

DATED this 21st day of August, 2020.


Quentin L. Mansfield, Transcriber
Transcript & Video Services

EIGHTH JUDICIAL DISTRICT COURT - TRANSCRIPT VIDEO SERVICES
601 N. Pecos Road, Las Vegas, Nevada 89101 (702) 455-4977

AA000509

57

57

1 TRANS

FILED

AUG 28 2020

Alvin L. Johnson
CLERK OF COURT

2
3 ORIGINAL

4 EIGHTH JUDICIAL DISTRICT COURT

5 FAMILY DIVISION

6 CLARK COUNTY, NEVADA

7
8 AHED SAID SENJAB,) CASE NO. D-20-606093-D
9 Plaintiff) DEPT. H
10 vs.) APPEAL NO. 81515
11 MOHAMAD ALHULAIBI,)
12 Defendant.)
13

14 BEFORE THE HONORABLE T. ARTHUR RITCHIE, JR.
15 DISTRICT COURT JUDGE

16 TRANSCRIPT RE: ALL PENDING MOTIONS

17 WEDNESDAY, MAY 20TH, 2020

18 APPEARANCES:

19 The Plaintiff: AHED SAID SENJAB
For the Plaintiff: APRIL S. GREEN, ESQ.
20 725 E. Charleston Blvd.
Las Vegas, NV 89104
21 The Defendant: MOHAMAD ALHULAIBI
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23
24 Certified Court Interpreter: OMAR J. RIFAAT
25

1 LAS VEGAS, NEVADA

WEDNESDAY, MAY 20TH, 2020

2 P R O C E E D I N G S

3 [THE PROCEEDING BEGAN AT: 11:01:59.]

4 THE COURT: [Through an interpreter throughout] ...
5 prejudgment proceeding. The case number is D-606093. This is a
6 divorce case and initial appearance. We are in the Regional
7 Justice Center, on the record. The parties and counsel for the
8 parties are appearing by phone pursuant to administrative
9 order. We are assisted in this hearing by the Court certified
10 interpreter. Mister interpreter, will you state your
11 appearance for the record.

12 MR. RIFAAT: Omar J. Rifaat.

13 THE COURT: Thank you. Ms. Green, will you state your
14 appearance for the plaintiff.

15 MS. GREEN: [Through an interpreter throughout] April
16 Green, Your Honor. Legal Aid Center, bar number 8-3-4-0, for
17 Ahed Senjab.

18 THE COURT: Mr. Markman, will you state your appearance
19 for the defendant.

20 MR. MARKMAN: [Through an interpreter throughout] Good
21 morning, Your Honor. David Markman, from Markman Law on behalf
22 of Mohamad Alhulaibi, bar number 1-2-4-4-0.

23 THE COURT: I am the judge responsible for the divorce
24 case. I have reviewed the pleadings and the papers that have
25 been on file. I also reviewed the papers in case T-203688.

1 Before I go over those papers, are they any matters that are
2 resolved by agreement?

3 MS. GREEN: No, Your Honor.

4 MR. MARKMAN: No, Your Honor.

5 THE COURT: Okay, go ahead, mister interpreter. Ms. Green,
6 I want to confirm a couple of notes that I have based on these
7 files.

8 MS. GREEN: Mm-hm.

9 THE COURT: You allege that the parties were married in
10 Saudi Arabia in February, 2018.

11 MS. GREEN: Let me look at complaint, Your Honor.

12 THE COURT: Well, hold on. Let - let the interpreter
13 translate.

14 MS. GREEN: Yes, correct.

15 MS. SENJAB: [Through an interpreter throughout.] Yes,
16 Your Honor.

17 THE COURT: Okay, and you allege that they have one child
18 born the issue of their relationship, Ryan, age one.

19 MS. GREEN: Yes, Your Honor.

20 MS. SENJAB: Yes, Your Honor. Right.

21 THE COURT: Okay. I did not see a jurisdiction enforcement
22 act affidavit, but the motion says that mom moved to the
23 United States with the child in January of this year.

24 MS. GREEN: Yes, Your Honor.

25 THE COURT: Well, let the interpreter interpret, please.

1 MR. RIFAAT: Yes. Yes, Your Honor.

2 MS. SENJAB: Yes, Your Honor.

3 THE COURT: Okay. Mr. Markman?

4 MR. MARKMAN: Yes, Your Honor.

5 THE COURT: If she moved to the United States with the
6 child on January 13th, of 2020-

7 MR. MARKMAN: Yes.

8 THE COURT: I'm - the interpreter needs to interpret,
9 please. And this - and this case for divorce was filed on
10 March 24th. And the plaintiff alleges - or mom alleges
11 physical - physical presence in Nevada with the intent to make
12 Nevada her home. This Court has jurisdiction to grant her
13 divorce. It has nothing to do with your client's intention or
14 his physical presence or his visa status. On the other hand,
15 Nevada courts are required to have subject matter jurisdiction
16 over custody in order to enter divorce decrees with custody
17 orders. Okay, which is a segway into the discussion about
18 whether or not the motion to dismiss should be focusing on the
19 scope of claims or whether the case itself can be dismissed.
20 Okay, so Mr. Markman I want to ask you a couple questions and
21 then after the interpreter translates then you can respond,
22 okay?

23 MR. MARKMAN: Okay, [indiscernible].

24 THE COURT: Do you have any evidence that would refute the
25 physical presence of mom in Nevada from January 13th, 2020?

1 Mr. Markman?

2 MR. MARKMAN: I do not have any evidence that she's not in
3 the State of Nevada, no.

4 THE COURT: Okay. Is your client arguing - oh, I'm sorry
5 mister interpreter. I'm so sorry. Go ahead.

6 MR. RIFAAT: Yes, Your Honor?

7 THE COURT: He said no, so you can interpret - you can
8 translate that. Mr. Markman, is your client's position that
9 the home state of the child is not Nevada?

10 MR. MARKMAN: Yes, Your Honor. My - my client is -
11 believes that Saudi Arabia is the home state of the child.

12 THE COURT: Well, he alleged in the motion that the
13 plaintiff and defendant are residents of Syria.

14 MR. MARKMAN: The child has lived in Saudi Arabia and they
15 are - have been in Saudi Arabia for the six months prior to
16 them moving to the United States and I believe even longer
17 than that.

18 THE COURT: So did the Court make a mistake when it wrote
19 a note that the allegation is that - well, it doesn't really
20 matter. If - if the home state is not Nevada, it's - it's
21 either Syria or Saudi Arabia, right?

22 MR. MARKMAN: Correct, Your Honor.

23 THE COURT: Go ahead, mister interpreter.

24 MR. RIFAAT: Yes, Your Honor.

25 THE COURT: Okay.

1 MS. SENJAB: Yes, Your Honor.

2 THE COURT: Okay. Okay, the Court is aware that there's a
3 protective order that's been entered and extended until
4 February of next year.

5 MR. RIFAAT: Should I go, Your Honor?

6 THE COURT: Yes, that's fine. I'm sorry - I'm sorry.

7 MR. RIFAAT: No problem, Your Honor.

8 THE COURT: The Court is also aware that that protective
9 order provides for a split week custody schedule with dad
10 having Friday to Monday. And I understand you were not the
11 lawyer Mr. - Markman, but I do not see any objection to the
12 jurisdiction of the Court to enter that visitation order. The
13 - it would be appropriate to issue a custody order in an
14 emergency protective order case. But in order for a judgment
15 to be entered concerning custody, this Court must have custody
16 jurisdiction. Okay, is there any other case besides the
17 protective order case and this divorce case involving these
18 parties?

19 MS. GREEN: No, Your Honor. Not in any other jurisdiction
20 and there were no other cases - and no other cases in Nevada.

21 THE COURT: Okay. Mr. Markman, are you aware of any other
22 cases?

23 MR. MARKMAN: Not that I'm aware of, Your Honor.

24 THE COURT: Okay, so let me visit with Ms. Green for a
25 second. Go ahead, mister interpreter.

1 MR. RIFAAT: Yes, Your Honor.

2 THE COURT: Okay. Ms. Green, my - my take on this case
3 right now - and - I - I haven't made any kinda orders but your
4 client - if she's been physically here since January 13th,...

5 MS. GREEN: Mm-hm.

6 THE COURT: ... she's entitled to a divorce.

7 MS. GREEN: Yes.

8 THE COURT: But you cannot move here from another country,
9 live here for six weeks and establish custody jurisdiction in
10 Nevada this way. Mister interpreter, you can interpret that.

11 MR. RIFAAT: Yes, Your Honor.

12 THE COURT: The only justification for a - for a custody
13 order in a case under this - these facts would be as an
14 emergency order, or under the vacuum jurisdiction under the
15 Uniform Enforcement Act. Which would allow only limited orders
16 until a court of - of jurisdiction could make those orders.
17 Are there any - are there any-

18 MS. GREEN: [Indiscernible].

19 THE COURT: Yeah, Ms. Green, why don't you make whatever
20 points you think are important for the court to understand.

21 MS. GREEN: Okay. Your Honor, all of the - the parties and
22 the child are here in this jurisdiction. There is no action
23 pending in any other country or state, so just in terms of
24 judicial economy and appropriate forum, it is appropriate for
25 Nevada to exercise jurisdiction. The mother had a path to

1 citizenship independent from the father, and you've already
2 said you have jurisdiction over her but I - I believe that it
3 would be an absurd result and in contrary to the law and
4 theories of the U.C.C.J.E.A., and this is a matter where the
5 Court has already exercised jurisdiction over the parties and
6 the child without objection, and the defendant has indicated
7 his is following the orders of this court.

8 The child has a doctor, he's [indiscernible],
9 utilize various [indiscernible] services in the state. As I
10 said the parents are here, a divorce action is pending here.
11 We're asking the Court assume jurisdiction on all - under all
12 of the vacuum authorities of the U.C.C.J.E.A., and if it would
13 please the Court, Your Honor, we would be pleased to brief
14 this issue. This is more narrow issue now that - you know -
15 you determined what - what happens with the parents in the
16 divorce case. It's not a issue of the U.C.C.J.E.A. and the
17 Court exercising jurisdiction over the child for all of the
18 reasons I've stated before. I believe that the Court should
19 exercise jurisdiction and they did the most appropriate forum.
20 They are all here already in front of this court. There is
21 nobody there, no action filed in Saudi Arabia.

22 My client, a domestic violence victim, does not to
23 intend to return to Saudi Arabia and she doesn't have to
24 because she has her own independent right to [indiscernible]
25 which she had pursued. So for those reasons, Your Honor, we're

1 asking you to exercise jurisdiction. Nevada is the most
2 appropriate forum for the child. There's no action pending
3 anywhere else and the parents are here and the mother intends
4 to stay here.

5 THE COURT: All right. Mister interpreter, I can't expect
6 you to interpret all of that argument, but it's part of the
7 record, okay?

8 MR. RIFAAT: Yes, Your Honor. I got it, I can go ahead and
9 proceed if you-

10 THE COURT: Why don't you give it a shot?

11 MR. RIFAAT: Absolutely.

12 THE COURT: Okay - all right, look - stop - stop the
13 dialogue between a party and - and the interpreter, okay? I
14 can't have that as part of the record, okay? 'Cause I'm not
15 soliciting information from mom or dad on that, okay?

16 MR. RIFAAT: Yes, Your Honor.

17 THE COURT: All right, that's fine - that's fine. All
18 right, look - the Court has to have initial custody
19 jurisdiction. We don't have initial custody jurisdiction but
20 the court may find that it can have temporary emergency
21 jurisdiction under N.R.S. 125 A .335. Ms. Green, I don't
22 have...

23 MS. GREEN: Yes, Your Honor.

24 THE COURT: ... discretion. I either have subject - this
25 Court either has subject matter jurisdiction or it doesn't,

1 and Nevada's not the home state, and before final orders are
2 made concerned of custody, you better be prepared to walk
3 through the theory - the elements of child custody because the
4 emergency jurisdiction of the Court is only so long as - as it
5 is a bridge between the time that that order's made and the
6 time that the Court that actually has jurisdiction issues an
7 order. Now Mr. Markman-

8 MR. MARKMAN: Yes, Your Honor.

9 THE COURT: The Court can issue an emergency order and the
10 jurisdiction for the T-P-O order was emergency jurisdiction -
11 a vacuum. There was no state that had a case and we had
12 physical presence of the parties and the child here. It is a
13 problem for the plaintiff in this case as it relates to
14 subject matter jurisdiction. Now I think Saudi Arabia is a
15 signator on the Hague Convention but that's something you need
16 to - you need to know about, and whether or not that impacts
17 the analysis on how we deal with the jurisdictional dispute
18 between courts. 'Cause that's either - that - that may happen.

19 The case can't get dismissed for a couple reasons.
20 Number one, she has a right to get a divorce here, and she
21 probably has a good minimum connection case regardless of your
22 client's visa status to connections with Nevada to litigate
23 property issues if there are property issues. The custody
24 piece of it is the one that's problematic for the Court, and
25 something that I'm not gonna make a final ruling on today. Do

1 you understand?

2 MR. MARKMAN: Yes, Your Honor, and can I - can I - address
3 some of those? [Indiscernible].

4 THE COURT: Well, I think I just-

5 MR. MARKMAN: [Indiscernible].

6 THE COURT: What I'm concerned about is that I'm talking
7 too much. I can't - I'm not giving the interpreter an
8 opportunity to interpret what I said, so why don't I let -
9 mister interpreter, I know that I - I completely forgot that
10 you're need to translate.

11 MR. RIFAAT: Not a problem, Your Honor.

12 THE COURT: Just do what you can to translate the - the -
13 the comments of the Court for plaintiff, please.

14 MR. RIFAAT: Yes. Copy, Your Honor.

15 THE COURT: All right, Mr. Markman, the - I want you to be
16 able to make a couple of points on the record too. Before you
17 do let the interpreter translate.

18 MR. MARKMAN: Okay.

19 THE COURT: Mr. Markman.

20 MR. MARKMAN: Your Honor - as for domicile, I don't
21 believe - if you look at Toll case, which is a U.S. Supreme
22 Court case, the plaintiff can't establish domicile which is
23 necessary in Nevada in order to even have a divorce action.
24 It's because - because recovered aliens can't have the
25 subjective intent to remain in the United States.

1 THE COURT: Oh, yeah, you can. We got millions of 'em with
2 the subjective intent with not a valid visa, okay? So - they -
3 physical presence with intent is the standard that the Court
4 is applying there, okay?

5 MR. MARKMAN: If you - and this is - you know - if you
6 look at the Parr [sic] case - if you look at the Parr case,
7 it's - it's pretty similar in the non-immigrant alien sought a
8 divorce and the Ninth Circuit actually voided the divorce
9 because she could not have the proper domicile, or was not
10 properly domiciled in order to get the divorce.

11 THE COURT: I know but look counsel, look, they - we grant
12 divorces by the hundreds with folks who are undocumented. We
13 treat them with the same due process and rights to dissolve
14 their marriages, okay? I - I understand - I - I'll have to
15 look at that case and before I close this case, I will have to
16 give you a ruling on each one of these legal points. This -
17 this case is - has got many nuances with it, okay? But this
18 notion that somebody has to be a - a citizen in the United
19 States to get divorced - if they're physically here and
20 testified that they have the intention to make Nevada their
21 home for an indefinite period of time, forget the overlap of
22 the Violence Against Women's Act and domestic violence
23 allegations and things like that - you have - there is no bar
24 to a person seeking a divorce who's physically here and can
25 state the intent to be here from getting a divorce here, okay?

1 I - I - I - and - and I appreciate - you know the
2 immigration cases and some of these other jurisdictional
3 nuances that I'm gonna have to really get my arms around
4 before I make final orders in this case, but I will look at
5 the case - I mean I'll look at these cases and give you a
6 specific ruling one each one, okay?

7 MR. MARKMAN: Okay, I - and I appreciate it, Your Honor.
8 That - that - that is - I mean that's just how - I read the
9 cases and I think they - that they - they really touch upon
10 [indiscernible] and - and make it somewhat - in my opinion -
11 clear that - that they actually cannot get a divorce here
12 because they're never supposed to have the - the subjective
13 intent to stay. That's part of the visa condition and - and
14 the cases go further and I'm not - you know - advocating for
15 this, but they go to the sense that if you form that
16 subjective intent it's actually the [indiscernible].

17 THE COURT: Well, I have to have - I have cases where
18 people come in and their visa's expired, and their immigration
19 lawyers come in and testify saying you're not here illegally,
20 and maybe some months or years down the road someone will
21 notice a hearing and have them come in, okay? But they're
22 still physically here, all right? This comes up in the -
23 custody context where somebody says I need to get permission
24 to remove because I'm required to leave the country - okay -
25 by law, but do they leave the country? No, they don't.

1 So look, I - I appreciate the argument. This is an
2 important process of this case. I - if I don't have
3 jurisdiction to grant - the order then I need to make sure
4 that - that I don't issue a void order, okay? Now, your - go
5 on.

6 MR. MARKMAN: And - and as for the abuse allegations, I
7 don't think they've been substantiated in any means, and
8 you're right, I wasn't a part of the T-P-O hearing, but when
9 the officers came out on February 9th, she admit to the
10 officers it was verbal only. When Mr. - when Mohamad went back
11 the next day to collect some belongings that he needed from
12 the apartment, then after she had time to - I - I'm not gonna
13 say concoct a story but after she had time to think about what
14 she wanted to say to the officers, she then claims physical
15 abuse and - and on the - I think there's some family dynamic -
16 'cause if you look at the T-P-O, what she's - really asking
17 for is to be able to stay here and to help immigrate her
18 family here, and - and she specifically requests that in the
19 T-P-O, so my client is under the belief that this might be
20 something she's using in order to not only become a legal
21 resident here, but also to help immigrate her family here.

22 THE COURT: Now let me - let me-

23 MR. MARKMAN: And that's why-

24 THE COURT: All right, let me ask you this Mr. Markman
25 because - you know - you cite the Dale [sic] case, you cite

1 the Swan case, some of these other cases. I'm looking, where
2 in your memoranda have you cited Toll, U.S. Supreme Court
3 case?

4 MR. MARKMAN: It's - it's - it's in the reply brief, Your
5 Honor.

6 THE COURT: In the reply that was filed when?

7 MR. MARKMAN: It was filed in the 13th.

8 THE COURT: May 13th? All right, and - because I - I'm
9 aware of those other cases that are cases that we deal with a
10 lot. The Toll, Moreno?

11 MR. MARKMAN: Toll - Toll versus Moreno, and Santilk [sic]
12 and - and then also the - the most recent one was the Ninth
13 Circuit case.

14 THE COURT: Yeah.

15 MR. MARKMAN: Which was Park v. Barr and that was decided
16 earlier this year.

17 THE COURT: Okay, and you think that there's some - either
18 on - it's on all fours or there's some analogies for that?

19 MR. MARKMAN: I think Park v. Barr is pretty much on -
20 completely on point. I think the - the Elkins and Toll case
21 talk about the subjective intent and - you know - establishing
22 domicile.

23 THE COURT: Yeah, well it's interesting because you know
24 most of the time when you look at the cases regarding content
25 [sic], they're - they're a 150 years or 110 years old. You

1 know Nevada has a rich history of divorce cases where people
2 would come here and - you know - so I'm - I'm interested in
3 looking at that, but I'm not gonna dismiss this case at this
4 stage. As far as the protective order matter, that's - the
5 standard of proof on a protective order isn't even. It doesn't
6 - I mean it's the lowest civil standard, and the protective
7 order's been extended and that - and the provisions of that
8 are fine, that's not the issue. If mom wants to prove domestic
9 violence relevant to custody, she'll have to prove it by the
10 legal standard in the divorce case and that - that hasn't been
11 done, okay?

12 MR. MARKMAN: Yeah.

13 MS. GREEN: May I reply, Your Honor?

14 THE COURT: No, not yet. Okay, so let me see where we are.

15 MS. SENJAB: Excuse me, Judge. Can interpreter tell me
16 what - what they said? What-

17 THE COURT: Yeah. Mister - I'm sorry - mister interpreter,
18 will you-

19 MR. RIFAAT: Yes, Your Honor.

20 THE COURT: Just - Mr. Markman has offered arguments saying
21 that - questioning whether or not there is jurisdiction, or
22 whether the plaintiff can establish that she is a resident of
23 Nevada, okay?

24 MR. RIFAAT: Yes, Your Honor.

25 THE COURT: All right, so Mr. Markman, are there any other

1 - other than looking at these Ninth - the Ninth Circuit court
2 case and asking the Court to consider whether or not she can -
3 the Court can make a finding of subjective intent to live
4 here. Are there any other points that you want to mention? And
5 don't answer that until after the interpreter gets a chance to
6 interpret that.

7 MS. SENJAB: Okay.

8 THE COURT: Mr. Markman. Mr. Markman, were there any
9 other-

10 MR. MARKMAN: Yes, Your Honor.

11 THE COURT: Any other points that you wanted to mention to
12 the Court?

13 MR. MARKMAN: I talked about it briefly in the reply as
14 well and it's really does she even have the subjective intent
15 to stay in Nevada. If you don't find it on the first issue and
16 it's mentioned in - in the police report that was submitted
17 with the reply. That she was waiting for her brother in law to
18 come from the state of Maryland and - and it basically was my
19 reading or understanding of it is that, she was waiting for
20 her brother in law to come from the state of Maryland so that
21 she - they could pick her and Ryan up - up to go to Maryland.
22 So I think that also is - does she have even have a subjective
23 intent to remain in Nevada is - is also potential issue if -
24 the first one - if the - if she can even form the subjective
25 intent to remain in the United States which I think she

1 really, but just to kinda quote that next level analysis I
2 think that's also a potential issue.

3 And - and it's fairly what we're just asking for
4 that Mohamad be - not Mohamad - that Ryan, the minor child, be
5 ordered to be on the plane ticket where they - they have these
6 round trip ticket, and it's set for June 18th. Mohamad's done
7 with school and if he doesn't leave within - you know - 60
8 days from the expiration of his visa - which was actually May
9 16th - then he - you know - he's gonna be in violation and he
10 doesn't wanna violate the - he doesn't wanna violate - you
11 know - his visa status and just wants to return home with
12 Mohamad.

13 THE COURT: Yeah, well I - I have - I - I appreciate that
14 and I - and I also understand that - you know - we have the
15 legal aspect of it and the practical aspect of it, and I - I
16 tell you what I'm - I'll tell you what I'm gonna do. Let the -
17 let the interpreter translate what you said.

18 MR. RIFAAT: Yes, Your Honor. Yes, Your Honor.

19 THE COURT: All right, thank you. So - this is what I'm
20 gonna do for today.

21 MS. GREEN: May I speak, Your Honor?

22 THE COURT: Why? Yeah, Ms. Green, sure.

23 MS. GREEN: Because I have a couple of responsive points.
24 Just very briefly, Your Honor.

25 THE COURT: Yeah.

1 MS. GREEN: Okay. I just wanna say, Your Honor, that the
2 reply motion papers presented by counsel were way beyond the
3 scope of my [indiscernible].

4 THE COURT: Yeah, I - I - look, I-

5 MS. GREEN: So-

6 THE COURT: I'm way ahead - I'm way ahead of you there. It
7 is - it is a problem that the - that the - that the authority
8 that he would like the Court to rely on wasn't filed 'til last
9 week, and you haven't had a chance to even know or respond to
10 it, okay? And that - that - the - the point that I wanna make
11 is - is this, okay? And mister interpreter, you can interpret
12 that interchange if you want.

13 MR. RIFAAT: Yes, Your Honor.

14 THE COURT: All right. Let me just - let me just say this
15 and then - then we'll - we're gonna segway into - into sort of
16 how we're gonna stage the resolution of this case. This
17 divorce case presents many layers of analysis. The issue of
18 jurisdiction to grant a divorce, the issue of custody
19 jurisdiction, the issue of personal jurisdiction. Each one of
20 these issues could form the basis for a need to litigate
21 factual disputes. Go ahead, mister interpreter.

22 MS. RIFAAT: Yes, Your Honor.

23 THE COURT: The Court has already addressed it's view that
24 the plaintiff may be able to get a divorce. She may even be
25 able to persuade the Court to issue custody orders, and she

1 may be able to persuade the Court that there's personal
2 jurisdiction over the defendant. Go ahead, mister interpreter.

3 MR. RIFAAT: Yes, Your Honor.

4 THE COURT: Each of these issues involve legal questions
5 and factual questions. Go ahead. The Court is going to allow
6 the plaintiff to supplement the memoranda of law to address
7 each of these issues; jurisdiction to grant the divorce,
8 custody jurisdiction, and personal jurisdiction over the
9 defendant. The defendant will have an opportunity to brief
10 these - each of these issues also if he does not feel - or Mr.
11 Markman does not feel that his reply brief filed last week
12 sufficiently addresses those issues.

13 The deadline for the briefs to be filed and served will
14 be Monday, June 8th. This matter will be hard on Tuesday, June
15 16th. At 9 A.M. Mr. Markman, I will read the cases that you
16 cited and I'll read the - any authority that Ms. Green
17 provides prior to that date.

18 MR. MARKMAN: Thank you, Your Honor.

19 MS. GREEN: Thank you, Your Honor.

20 THE COURT: Now the motion is-

21 MR. MARKMAN: Your Honor, I have a quick-

22 THE COURT: If - if the motion to dismiss is dependent on
23 factual disputes, then you know that I'm gonna deny the motion
24 to dismiss until we've had the chance to do discovery. If
25 there is a - a legal basis to deny the plaintiff's claims,

1 then the Court may consider the motion to dismiss at that
2 time.

3 MR. MARKMAN: Understood, Your Honor. And - and is there
4 any way we could move those deadlines up from the practical
5 perspective?

6 THE COURT: Well I'm - I - how can I - I mean that's only
7 two weeks from now.

8 MR. MARKMAN: I understand. Is there any way to move it to
9 June, 1st? Does that - does that give enough time? I - I don't
10 know opposing counsel's schedule.

11 MS. GREEN: I - I - I would like [indiscernible]-

12 THE COURT: Well - all right, look. You're asking me to
13 find that she cannot get divorced in Nevada because of her
14 visa status. I'm gonna look at these cases, I'm gonna give
15 them a chance since - since these cases weren't even cited
16 until last week to brief it. I gotta give 'em at least 10 days
17 to do it.

18 MS. GREEN: Thank you, Your Honor. I need it.

19 THE COURT: So, look. This is a challenge for counsel,
20 it's a challenge for the Court because each one of these
21 issues which is often an uncontested matter in these cases is
22 being challenged. The Court needs to make sure that I can
23 articulate the basis for determining that we can proceed in
24 this case, and certainly since we're not the home state, I
25 have to articulate a basis to issue and enter a judgment with

1 custody orders under this - under the uniform enforcement act
2 adopted in Nevada.

3 I would say that the focus for the plaintiff is probably
4 to address the analysis that was provided by the defendant in
5 the filing last week, and probably the focus for the defendant
6 is to address the comments of the Court related to - you know
7 - the vacuum or the emergency jurisdiction, okay? Now the -
8 the protective order is - is a valid order. It's a one year
9 order, the parties are following it. That is gonna be what
10 they - what they - I mean I - I'm not worried about them
11 sharing the child on the short term, but if the protective
12 order affected by the civil orders, then we'll - you guys need
13 to know that the Court is gonna have to amend that protective
14 order to deal with any orders that are entered in the D case.
15 So mister interpreter, will you - will you try to cover that?
16 Piece of it.

17 MR. RIFAAT: Yes, Your Honor.

18 THE COURT: Any questions before I let you go?

19 MS. GREEN: Your Honor, this is Mohamad.

20 MR. ALHULAIBI: Your Honor, this is Mohamad.

21 MR. MARKMAN: So Your Honor, we're - we're staying with
22 the - and I apologize for bringing this back up, but we're
23 staying with the June, 8th date for briefing for both sides?
24 And the reason I ask is just - I'm just trying to figure out
25 for my - my client. His plane ticket is June 18th and I mean -

1 the 8th is - is 19 days, which is five more days if he even
2 gets to file an opposition. Even if it was a motion for
3 summary judgment, and so I'm just - I'm just trying to see so
4 I can help him figure out what he needs to do. If he needs to
5 move the plane ticket or what he needs to do.

6 THE COURT: Right. Well, I mean even-

7 MS. GREEN: Your Honor.

8 THE COURT: Even - all right, look - the - I - I think
9 that you need to understand the practicality of this. In that
10 if this case goes forward it's not gonna be resolved in June.
11 I mean even under the administrative orders I'm keeping these
12 calendars so that I can address matters in these cases, but -
13 you know - the - the kind of deadlines for even simple things
14 like discovery and custody proceedings. We're - we're doing
15 the best we can to keep the court business moving, so you're
16 gonna have to advise him however you see fit. You know - he's
17 - he's - they're in the same boat from the legal point of view
18 as far as - you know - he graduated, his visa expires, and he
19 - and - and you're gonna have to advise him that way. I can't
20 help you there, okay? We're gonna have a hearing on the 16th
21 at 9 A.M., and-

22 MS. GREEN: Thank you, Your Honor.

23 THE COURT: Thank you.

24 MS. ALHULAIBI: Excuse me, Your Honor.

25 THE COURT: Yeah.

1 MR. ALHULAIBI: Can I speak? This is Mohamad. Your Honor,
2 I just need for now, if she gives me permission. Ms. Senjab,
3 she took - I - I won't use - she took my [indiscernible] and
4 my [indiscernible] bank card. She has it for no way or
5 reasons, and she tried to get some personal information from
6 my bank, and then she used my [indiscernible].

7 THE COURT: Well, you can't - look. Mr. - I - I appreciate
8 that there's probably a lot of detailed information that
9 you're seeking from the Court, but you're asking the Court to
10 dismiss the case. You can't ask me for relief and then ask the
11 Court to dismiss the case at the same time. That's what the
12 Vail [sic] case stands for, okay? So - so I'm sorry, I - you
13 know that's something you, your lawyer and Ms. Green can try
14 to work out informally between now and the time we here this,
15 okay? All right.

16 MR. ALHULAIBI: All right, thank you [indiscernible].

17 THE COURT: Thank you. All right.

18 THE MARSHAL: That's all for today folks. Thank you.

19 MS. GREEN: Thank you.

20 MR. RIFAAT: Yes, Your Honor. Thank you, thank you.

21 THE COURT: Thank you, mister interpreter. Appreciate it.

22 MR. RIFAAT: Thank you, Your Honor. No problem.

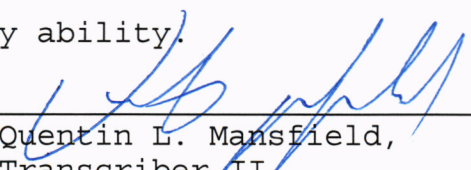
23 [THE PROCEEDING ENDED AT: 11:49:28.]

24 * * * * *

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ATTEST: I do hereby certify that I have truly and
correctly transcribed the video proceedings in the above-
entitled case to the best of my ability.



Quentin L. Mansfield,
Transcriber II

58

58

1 COST

2 ORIGINAL

FILED
AUG 28 2020

John J. Williams
CLERK OF COURT

3 EIGHTH JUDICIAL DISTRICT COURT
4 FAMILY DIVISION
5 CLARK COUNTY, NEVADA

6 AHED SAID SENJAB,) CASE NO. D-20-606093-D
7)
8 Plaintiff) DEPT. H
9)
10 vs.) APPEAL NO. 81515
11)
12 MOHAMAD ALHULAIBI,)
13)
14 Defendant.)
15)

16 FINAL BILLING OF TRANSCRIPTS (FEES WAIVED)

17 The office of Transcript & Video Services filed transcripts
18 for April S. Green, Esq. for the following proceedings in the
19 above captioned case:

20 MAY 20TH, 2020

21 Original transcript and one copy were requested. The total
22 number of pages is 25 for a final cost of \$95.00.

23 Fees are waived.

24 DATED this 28th day of August, 2020.

25 *Quentin C. Mansfield*
Quentin C. Mansfield, Transcriber

Balance of _____ Check # _____ CC# _____ CASH _____ CLERK _____

Received by *April S. Green* this 31st day of August, 2020.

ITEMS LEFT BEYOND NINETY DAYS ARE SUBJECT TO DISPOSAL WITHOUT REFUND
COUNTY RETENTION POLICY APPROVED BY INTERNAL AUDIT.

EIGHTH JUDICIAL DISTRICT COURT - TRANSCRIPT VIDEO SERVICES
601 N. Pecos Road, Las Vegas, Nevada 89101 (702) 455-4977

AA000535

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FILED

AUG 28 2020

Sharon L. Williams
CLERK OF COURT

ORIGINAL

EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

AHED SAID SENJAB,

CASE NO. D-20-606093-D

Plaintiff

DEPT. H

vs.

APPEAL NO. 81515

MOHAMAD ALHULAIBI,

Defendant.

RECEIVED
LAS VEGAS DROP BOX
CLERK OF SUPREME COURT
2020 AUG 28 PM 3:52

CERTIFICATION OF TRANSCRIPTS & NOTIFICATION OF COMPLETION

The Office of Transcript & Video Services received a request for original transcript and one copy from April S. Green, Esq. on August 13th, 2020, for the following proceedings in the above-captioned case:

MAY 20TH, 2020

I do hereby certify that copies of the transcript requested in the above-captioned case were submitted to be filed with the Eighth Judicial District Court on August 28th, 2020, and ordering party was notified August 28th, 2020.

DATED this 28th day of August, 2020.

Quentin L. Mansfield
Quentin L. Mansfield, Transcriber
Transcript & Video Services

EIGHTH JUDICIAL DISTRICT COURT - TRANSCRIPT VIDEO SERVICES
601 N. Pecos Road, Las Vegas, Nevada 89101 (702) 455-4977

AA000536

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Heaven S. Smith
CLERK OF THE COURT

ORDR

APRIL GREEN, ESQ.
Nevada Bar No.: 8340C
BARBARA BUCKLEY, ESQ.
Nevada Bar No: 3918
LEGAL AID CENTER OF SOUTHERN NEVADA, INC.
725 E. Charleston Blvd.
Las Vegas, Nevada 89104
(702)386-1415 phone
(702)386-1415 fax
asgreen@lacs.org
Attorneys for Plaintiff

**DISTRICT COURT
FAMILY COURT
CLARK COUNTY, NEVADA**

AHED SAID SENJAB,)	
)	
Plaintiff,	)	CASE NO.: D-20-606093-D
	)	T-20-203688-T
	)	DEPT. NO.: H
vs.)	
)	
MOHAMAD ALHULAIBI,	)	DATE OF HEARING: August 4, 2020
	)	TIME OF HEARING: 11:00 a.m.
Defendant.)	
)	

ORDER DENYING RELIEF

This matter coming before the Court on Mohamad Alhulaibi's Ex Parte Petition/Motion for an Order Requiring Production of the Minor Child; for the Issuance of a Warrant for the Pick-Up of the Minor Child; for an Order Preventing Abduction of the Minor Child Pursuant to NRS 125D; for a Return order for the Minor Child to his Home Country of Saudi Arabia, and upon Plaintiff's Opposition to Mohamad Alhulaibi's Ex Parte Petition/Motion for an Order Requiring Production of the Minor Child; for the Issuance of a Warrant for the Pick-Up of the Minor Child; for an Order Preventing Abduction of the Minor Child Pursuant to NRS 125D; for a Return order for the Minor Child to his Home Country of Saudi Arabia and Plaintiff's Countermotion/Petition for Abduction Prevention Measures, for Orders Prohibiting Removal of Child from Las Vegas, for Court Safeguard of Child's Passport, for Limited Visitation by a

1 Perpetrator of Domestic Violence, Stay of Order for Dismissal of Case; and for Attorney's Fees
2 and Costs; and subsequent Replies, Countermotions and Exhibits Plaintiff, AHED SAID
3 SENJAB, appearing telephonically with Court Interpreter (Arabic) Dalyia Ahmed, and
4 represented by LEGAL AID CENTER OF SOUTHERN NEVADA, INC., by APRIL GREEN,
5 ESQ., and Associate Counsel, MARSHAL WILLICK, ESQ., of the Willick Law Group, and
6 Defendant, MOHAMAD ALHULAIBI, appearing telephonically and represented by DAVID
7 MARKMAN, ESQ., the Court having heard the arguments from Counsel and having reviewed
8 the papers and pleadings, and good cause appearing, the Court finds as follows:

9 The **MATTER IS A COMPANION CASE** with T-20-203688-T, heard simultaneously.

10 The **COURT NOTED** this hearing stems from the disposition regarding the granting of
11 the Motion to Dismiss. Further, Plaintiff filed a timely Notice of Appeal.

12 The **COURT STATED** the case was dismissed and the matter is on appeal and the
13 Defendant's Motion and Plaintiff's Countermotion seek relief not collateral to the appeal.
14 Further, filing these Motions in a case that was dismissed is not appropriate and the relief
15 requested is DENIED for lack of jurisdiction.

16 The **COURT FURTHER STATED** that if the result of the appeal results in the reverse
17 of the dismissal of the case, then these issues can be heard. Until that happens, this Court is not
18 the appropriate place to file these Motions. The appeal will proceed.

19 The **COURT FURTHER STATED** that the request for a STAY is denied without
20 prejudice since there is an extended protection order in place and there is an expectation that it
21 could be renewed if the appeal is still going when the Extended Order of Protection expires.

22
23 **NOW, THEREFORE, IT IS ORDERED** that the subject motions, filed in a case that
24 was dismissed, is not appropriate and the relief requested is DENIED for lack of jurisdiction.

25 **IT IS FURTHER ORDERED** that the request for a STAY is denied without prejudice
26 since there is an extended order of protection in place.

1 **IT IS FURTHER ORDERED** that Attorney Willick and Attorney Green shall prepare
2 the Order and Attorney Markman will approve as to form and content. For further information,
3 see Minute Order in Case No. T-20-203688-T.

4 DATED this ____ day of _____, 2020.

Dated this 13th day of October, 2020



DISTRICT COURT JUDGE

kp
DCA D33 EFDA 1592
T. Arthur Ritchie
District Court Judge

7 Respectfully submitted,
8 **LEGAL AID CENTER OF**
9 **SOUTHERN NEVADA, INC.**



10 APRIL GREEN, ESQ.
11 Nevada Bar No.: 8340C
12 BARBARA BUCKLEY, ESQ.
13 Nevada Bar No.: 3918
14 725 E. Charleston Blvd.
15 Las Vegas, Nevada 89104
16 (702)386-1415 phone
17 (702)386-1415 fax
18 Attorneys for Plaintiff
19 asgreen@lacsns.org
20
21
22
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28

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Ahd Sinjab, Applicant

CASE NO: T-20-203688-T

7 vs

DEPT. NO. Department H

8 Mohamad Alhulaibi, Adverse
9 Party

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Order was served via the court's electronic eFile system to all
recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 10/13/2020

15 April Green, Esq.

asgreen@lacsns.org

16 Aileen Yeo

AYeo@lacsns.org

17 Ahd Sinjab

ahdsinjab@gmail.com

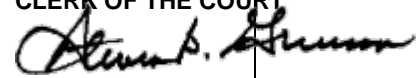
18 David Markman

David@markmanlawfirm.com

20
21
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25
26
27
28
AA000540

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NEO
APRIL S. GREEN, ESQ.
Nevada Bar No. 8340C
BARBARA E. BUCKLEY, ESQ.
Nevada Bar No. 3918
LEGAL AID CENTER OF SOUTHERN NEVADA, INC.
725 East Charleston Blvd.
Las Vegas, Nevada 89104
(702) 386-1415 Direct/Fax
(702) 386-1070, Ext. 1415
asgreen@lacs.org
Attorneys for Applicant

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

AHED SAID SENJAB,)
) Case No.: D-20-606093-D
Applicant,) T-20-203688-T
) Dept. No.: H
vs.)
)
MOHAMAD ALHULAIBI,)
)
Adverse Party.)

NOTICE OF ENTRY OF ORDER DENYING RELIEF

TO: MOHAMAD ALHULAIBI, Adverse Party; and

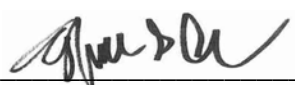
TO: DAVID MARKMAN, ESQ., Attorney for Adverse Party.

PLEASE TAKE NOTICE that an **ORDER DENYING RELIEF** was entered in the above-entitled action on the 13th day of October, 2020 a copy of which is attached hereto.

DATED this 14th day of October, 2020.

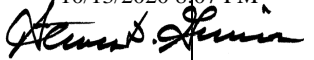
**LEGAL AID CENTER OF SOUTHERN NEVADA,
INC.**

By: _____



APRIL S. GREEN, ESQ.
Nevada Bar No. 8340C
BARBARA E. BUCKLEY, ESQ.
Nevada Bar No. 3918
725 East Charleston Boulevard
Las Vegas, Nevada 89104
(702) 386-1415 Direct/Fax
(702) 386-1070, Ext. 1415
asgreen@lacs.org
Attorneys for Applicant

AA000541


CLERK OF THE COURT

ORDR

APRIL GREEN, ESQ.
Nevada Bar No.: 8340C
BARBARA BUCKLEY, ESQ.
Nevada Bar No: 3918
LEGAL AID CENTER OF SOUTHERN NEVADA, INC.
725 E. Charleston Blvd.
Las Vegas, Nevada 89104
(702)386-1415 phone
(702)386-1415 fax
asgreen@lacs.org
Attorneys for Plaintiff

**DISTRICT COURT
FAMILY COURT
CLARK COUNTY, NEVADA**

AHED SAID SENJAB,)	
)	
Plaintiff,	)	CASE NO.: D-20-606093-D
	)	T-20-203688-T
	)	DEPT. NO.: H
vs.)	
)	
MOHAMAD ALHULAIBI,	)	DATE OF HEARING: August 4, 2020
	)	TIME OF HEARING: 11:00 a.m.
Defendant.)	
)	

ORDER DENYING RELIEF

This matter coming before the Court on Mohamad Alhulaibi's Ex Parte Petition/Motion for an Order Requiring Production of the Minor Child; for the Issuance of a Warrant for the Pick-Up of the Minor Child; for an Order Preventing Abduction of the Minor Child Pursuant to NRS 125D; for a Return order for the Minor Child to his Home Country of Saudi Arabia, and upon Plaintiff's Opposition to Mohamad Alhulaibi's Ex Parte Petition/Motion for an Order Requiring Production of the Minor Child; for the Issuance of a Warrant for the Pick-Up of the Minor Child; for an Order Preventing Abduction of the Minor Child Pursuant to NRS 125D; for a Return order for the Minor Child to his Home Country of Saudi Arabia and Plaintiff's Countermotion/Petition for Abduction Prevention Measures, for Orders Prohibiting Removal of Child from Las Vegas, for Court Safeguard of Child's Passport, for Limited Visitation by a

1 Perpetrator of Domestic Violence, Stay of Order for Dismissal of Case; and for Attorney's Fees
2 and Costs; and subsequent Replies, Countermotions and Exhibits Plaintiff, AHED SAID
3 SENJAB, appearing telephonically with Court Interpreter (Arabic) Dalyia Ahmed, and
4 represented by LEGAL AID CENTER OF SOUTHERN NEVADA, INC., by APRIL GREEN,
5 ESQ., and Associate Counsel, MARSHAL WILLICK, ESQ., of the Willick Law Group, and
6 Defendant, MOHAMAD ALHULAIBI, appearing telephonically and represented by DAVID
7 MARKMAN, ESQ., the Court having heard the arguments from Counsel and having reviewed
8 the papers and pleadings, and good cause appearing, the Court finds as follows:

9 The **MATTER IS A COMPANION CASE** with T-20-203688-T, heard simultaneously.

10 The **COURT NOTED** this hearing stems from the disposition regarding the granting of
11 the Motion to Dismiss. Further, Plaintiff filed a timely Notice of Appeal.

12 The **COURT STATED** the case was dismissed and the matter is on appeal and the
13 Defendant's Motion and Plaintiff's Countermotion seek relief not collateral to the appeal.
14 Further, filing these Motions in a case that was dismissed is not appropriate and the relief
15 requested is DENIED for lack of jurisdiction.

16 The **COURT FURTHER STATED** that if the result of the appeal results in the reverse
17 of the dismissal of the case, then these issues can be heard. Until that happens, this Court is not
18 the appropriate place to file these Motions. The appeal will proceed.

19 The **COURT FURTHER STATED** that the request for a STAY is denied without
20 prejudice since there is an extended protection order in place and there is an expectation that it
21 could be renewed if the appeal is still going when the Extended Order of Protection expires.

22
23 **NOW, THEREFORE, IT IS ORDERED** that the subject motions, filed in a case that
24 was dismissed, is not appropriate and the relief requested is DENIED for lack of jurisdiction.

25 **IT IS FURTHER ORDERED** that the request for a STAY is denied without prejudice
26 since there is an extended order of protection in place.
27
28

1 **IT IS FURTHER ORDERED** that Attorney Willick and Attorney Green shall prepare
2 the Order and Attorney Markman will approve as to form and content. For further information,
3 see Minute Order in Case No. T-20-203688-T.

4 DATED this ____ day of _____, 2020.


Dated this 13th day of October, 2020



DISTRICT COURT JUDGE

kp
DCA D33 EFDA 1592
T. Arthur Ritchie
District Court Judge

7 Respectfully submitted,
8 **LEGAL AID CENTER OF**
9 **SOUTHERN NEVADA, INC.**



10 APRIL GREEN, ESQ.
11 Nevada Bar No.: 8340C
12 BARBARA BUCKLEY, ESQ.
13 Nevada Bar No.: 3918
14 725 E. Charleston Blvd.
15 Las Vegas, Nevada 89104
16 (702)386-1415 phone
17 (702)386-1415 fax
18 Attorneys for Plaintiff
19 asgreen@lacsns.org
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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Ahd Sinjab, Applicant

CASE NO: T-20-203688-T

7 vs

DEPT. NO. Department H

8 Mohamad Alhulaibi, Adverse
9 Party

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Order was served via the court's electronic eFile system to all
recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 10/13/2020

15 April Green, Esq.

asgreen@lacs.n.org

16 Aileen Yeo

AYeo@lacs.n.org

17 Ahd Sinjab

ahdsinjab@gmail.com

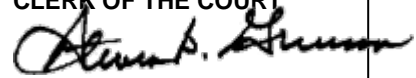
18 David Markman

David@markmanlawfirm.com

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AA000545

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1 **CSERV**
2 **APRIL S. GREEN, ESQ.**
3 Nevada Bar No.: 8340C
4 **BARBARA E. BUCKLEY, ESQ.**
5 Nevada Bar No.: 3918
6 **LEGAL AID CENTER OF SOUTHERN NEVADA, INC.**
7 725 East Charleston Blvd.
8 Las Vegas, NV 89104
9 (702) 386-1415 Direct/Fax
10 (702) 386-1070 Ext. 1415
11 asgreen@lacsns.org
12 Attorneys for Applicant

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

9 AHED SAID SENJAB,)	
)	
10 Applicant,	)	Case No.: D-20-606093-D
	)	T-20-203688-T
11 vs.	)	Dept. No.: H
)	
12 MOHAMAD ALHULAIBI,)	
)	
13 Adverse Party.)	

CERTIFICATE OF SERVICE

14 I hereby certify that I served the following document: **NOTICE OF ENTRY OF**
15 **ORDER DENYING RELIEF**

16 I served the above-named document by the following means to the persons as listed
17 below:

- 18 a. **The Court's electronic system (EFS E-File & Serve) to the following on October**
19 **14, 2020 at 8:39 a.m.**

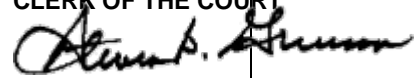
20 David Markman, Esq.
21 David@MarkmanLawfirm.com



24 An Employee of Legal Aid Center of Southern Nevada, Inc.

63.

63.



NOA
DAVID MARKMAN, ESQ.
Nevada Bar No. 12440
MARKMAN LAW
4484 S. Pecos Rd Ste. 130
Las Vegas, Nevada 89121
Phone: (702) 843-5899
Fax: (702) 843-6010
Attorneys for Mohamad Alhulabi

**DISTRICT COURT
CLARK COUNTY, NEVADA**

AHED SAID SENJAB

Plaintiff,

vs.

MOHAMAD ALHULAIBI

Defendants.

CASE NO.: D-20-606093-D
T-20-203688-T

DEPT. NO.: H

DATE OF HEARING: August 4, 2020

TIME OF HEARING: 11:00am

NOTICE OF APPEAL

Notice is hereby given that, Defendant Mohamd Alhulaibi, hereby appeals to the Supreme Court of the State of Nevada from the *Order Denying Relief* entered in this action on the October 14, 2020.

Dated this 12th day of November, 2020.

MARKMAN LAW

By: /s/ DAVID MARKMAN

DAVID MARKMAN, ESQ.
Nevada Bar No. 12440
4484 S. Pecos Rd. #130
Las Vegas, Nevada 89121
(702) 843-5899
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of MARKMAN LAW, and that on this 12th day of November 2020, I caused the foregoing document entitled Notice of Appeal, to be served as follows:

- ☒ pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned "In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court," by mandatory electronic service through the Eighth Judicial District Court's electronic filing system;
- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- ☐ pursuant to EDCR 7.26, to be sent via **facsimile**, by duly executed consent for service by electronic means;
- ☐ sent out for hand-delivery via Receipt of Copy.

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

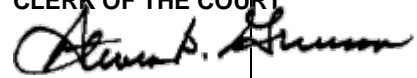
APRIL GREEN, ESQ.
Nevada Bar 8340C
BARBARA BUCKLEY
Nevada Bar No. 3918
LEGAL AID CENTER OF SOUTHERN NEVADA, INC.
725 E. Charleston Blvd.
Las Vegas, NV 89104
asgreen@lacsns.org

MARSHALL S. WILICK
Nevada Bar No. 2515
Richard L. Crane, Esq
Nevada Bar No. 9536
WILICK LAW GROUP
3591 East Bonanza Road, Suite 200
Las Vegas Nevada 89110
email@willicklawgroup.com

/s/ David Markman
David Markman, Esq.

64.

64.



ASTA
DAVID MARKMAN, ESQ.
Nevada Bar No. 12440
MARKMAN LAW
4484 S. Pecos Rd Ste. 130
Las Vegas, Nevada 89121
Phone: (702) 843-5899
Fax: (702) 843-6010
Attorneys for Mohamad Alhulabi

**DISTRICT COURT
CLARK COUNTY, NEVADA**

AHED SAID SENJAB

Plaintiff,

vs.

MOHAMAD ALHULAIBI

Defendants.

CASE NO.: D-20-606093-D
T-20-203688-T
DEPT. NO.: H

DATE OF HEARING: August 4, 2020

TIME OF HEARING: 11:00am

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement:

MOHAMAD ALHULAIBI

2. Identify the judge issuing the decision, judgment, or order appealed from:

The Honorable T. Arthur Ritchie

3. Identify each appellant and the name and address of counsel for each appellant:

MOHAMAD ALHULAIBI
c/o DAVID MARKMAN, ESQ.
Nevada Bar No. 12440
4484 S. Pecos Rd. #130
Las Vegas, Nevada 89121
(702) 843-5899
Attorneys for Plaintiffs

1
2 4. Identify each respondent and the name and address of appellate counsel, if known, for
3 each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much
4 and provide the name and address of that respondent's trial counsel):

5 AHED SENJAB is currently represented by in another appeal:
6 c/o APRIL GREEN, ESQ.
7 Nevada Bar 8340C
8 BARBARA BUCKLEY
9 Nevada Bar No. 3918
10 LEGAL AID CENTER OF SOUTHERN NEVADA, INC.
11 725 E. Charleston Blvd.
12 Las Vegas, NV 89104
13 asgreen@lacsns.org

14
15 MARSHALL S. WILICK
16 Nevada Bar No. 2515
17 Richard L. Crane, Esq
18 Nevada Bar No. 9536
19 WILICK LAW GROUP
20 3591 East Bonanza Road, Suite 200
21 Las Vegas Nevada 89110
22 email@willicklawgroup.com

23 5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed
24 to practice law in Nevada and, if so, whether the district court granted that attorney permission to
25 appear under SCR 42 (attach a copy of any district court order granting such permission):

26 N/A

27 6. Indicate whether appellant was represented by appointed or retained counsel in the district
28 court:

29 N/A

30 7. Indicate whether appellant is represented by appointed or retained counsel on appeal:

31 N/A

32 8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date
33 of entry of the district court order granting such leave:

Appellant has not previously been granted leave to proceed in forma pauperis. Appellant has retained his counsel through the Nevada Bar's Lawyer Referral service modest means program.

9. Indicate the date the proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed):

Complaint was filed March 24, 2020. Temporary Restraining Order was filed and granted February 14, 2020.

10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:

It originated from a divorce that was ultimately dismissed and is currently up on appeal in the fast track briefing as child custody is involved. This appeal is from a motion seeking a return order of the minor child to his home country, the relief requested was denied.

11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding:

AHED SAID SENJAB

Appellant,

vs.

MOHAMAD ALHULAIBI

Respondent.

Supreme Court No.: 81515

District Court No.: D-20-606093-D

12. Indicate whether this appeal involves child custody or visitation:

1 The prior appeal involves child custody. This issue tangentially involves custody as it relates to
2 the return of the minor to his home state.

3
4 13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:

5 There is no possibility of settlement.

6 Dated this 12th day of November, 2020.

7 MARKMAN LAW

8
9 By: /s/ DAVID MARKMAN

10 DAVID MARKMAN, ESQ.

11 Nevada Bar No. 12440

12 4484 S. Pecos Rd. #130

13 Las Vegas, Nevada 89121

14 (702) 843-5899

15 Attorneys for Plaintiffs

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of MARKMAN LAW, and that on this
3 12th day of November 2020, I caused the foregoing document entitled Case Appeal Statement, to be
4 served as follows:

- 5 [X] pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D) and Administrative Order 14-
6 2 captioned "In the Administrative Matter of Mandatory Electronic Service in the Eighth
7 Judicial District Court," by mandatory electronic service through the Eighth Judicial District
Court's electronic filing system;
- 8 [] by placing same to be deposited for mailing in the United States Mail, in a sealed envelope
9 upon which first class postage was prepaid in Las Vegas, Nevada;
- 10 [] pursuant to EDCR 7.26, to be sent via **facsimile**, by duly executed consent for service by
electronic means;
- 11 [] sent out for hand-delivery via Receipt of Copy.

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

14 APRIL GREEN, ESQ.
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25 /s/ David Markman
26 David Markman, Esq.

65.

65.

FILED

JUL 21 2020

Shirley L. Johnson
CLERK OF COURT

1 TRANS

2 ORIGINAL

3
4
5 EIGHTH JUDICIAL DISTRICT COURT

6 FAMILY DIVISION

7 CLARK COUNTY, NEVADA

8
9 AHED SAID SENJAB,) CASE NO. D-20-606093-D
10 Plaintiff,) DEPT. H
11 vs.)
12 MOHAMAD ABULHAKIM ALHULAIBI,)
13 Defendant.)
14

15 BEFORE THE HONORABLE T. ARTHUR RITCHIE, JR.

16 TRANSCRIPT RE: ALL PENDING MOTIONS

17 TUESDAY, JUNE 16, 2020

18 APPEARANCES:

19 The Plaintiff: AHED SAID SENJAB
20 For the Plaintiff: APRIL S. GREEN, ESQ.
21 725 E. Charleston Blvd.
Las Vegas, Nevada 89104

22 The Defendant: MOHAMAD ABULHAKIM ALHULAIBI
23 For the Defendant: DAVID MARKMAN, ESQ.
24 4484 S. Pecos Rd.
Suite 130
Las Vegas, Nevada 89121

25 Court Certified Interpreter: SAAD MUSA

1 LAS VEGAS, NEVADA

TUESDAY, JUNE 16, 2020

2 P R O C E E D I N G S

3 (THE PROCEEDING BEGAN AT 09:00:58.)

4 THE COURT: Good morning. My name is Art Ritchie. I'm
5 the judge responsible for your case. Case number is D606093.

6 MS. GREEN: Good morning, Your Honor.

7 THE COURT: Well, all right. We're -- we're here for
8 prejudgment proceedings on the Senjab, Alhulaibi matter. We
9 have the plaintiff and the defendant present by phone,
10 pursuant to administrative order. We have counsel, who will
11 confirm in a minute.

12 And the plaintiff is assisted by a court certified
13 interpreter, who will interpret the proceedings and state his
14 appearance. Now, because we have an interpreter for one of
15 the parties, I have to be careful and you need to be careful
16 to give the interpreter enough time to translate the
17 proceedings for the plaintiff.

18 Okay. You ready to go?

19 MS. GREEN: Yes, Your Honor.

20 THE COURT: Okay. Very good.

21 MR. MARKMAN: Yes, Your Honor.

22 THE COURT: Mister interpreter, will you state your
23 appearance for the record?

24 THE INTERPRETER: My name is Saad Musa, S-A-A-D, M-U-S-A.
25 And the language we're doing today is Arabic.

1 THE COURT: Excellent. So if the proceedings -- I mean,
2 we are on the phone. We're not in the same room. If the
3 proceedings become confusing or we start talking too loudly,
4 please interject and -- and, you know, let us help you do your
5 job. Okay?

6 THE INTERPRETER: Thank you. I will.

7 THE COURT: Okay. I'm gonna call the case again. And
8 then I'll pause. And I'll let you interpret.

9 THE INTERPRETER: Very good.

10 THE COURT: This is the Senjab, Alhulaibi matter. We are
11 on the record in the Regional Justice Center. Pursuant to
12 administrative order, the parties and counsel are appearing by
13 telephone.

14 Ms. Green, will you please state your appearance for
15 the plaintiff?

16 MS. GREEN: Yes, Your Honor. April Green from the Legal
17 Aid Center, Bar Number 8340, for the plaintiff, Ahed Senjab.

18 THE COURT: Mister interpreter, do you need to interpret
19 that? Thank you.

20 Mr. Markman, will you state your appearance for the
21 defendant?

22 MR. MARKMAN: Good morning, Your Honor. David Markman on
23 behalf of Mi- Mohamad. Bar Number 12440.

24 THE COURT: This is the time set by the Court to consider
25 the motion to dismiss. It was filed by the defendant. This

1 matter was heard on May 20th and continued to today's date.
2 It was continued for two primary reasons. One is that the
3 plaintiff filed exhibits on the 18th and on the day of the
4 hearing on May 20th; and because the legal issue of whether or
5 not federal law prevents the plaintiff from establishing an
6 essential element of the claim, required additional briefing.
7 The Court has reviewed the motion, the response, the reply and
8 the additional memorandum that was filed on June 8th.

9 I set this matter today also so that counsel would
10 have a full opportunity to make a argument prior to the
11 decision on the motion to dismiss.

12 Before we hear from Mr. Markman and then Ms. Green,
13 I want to confirm, since the review of the papers do not show
14 contested facts that I will summarize in a minute, it does not
15 appear that there is any dispute of fact that the parties were
16 married in Saudi Arabia on February 17th, 2018.

17 THE INTERPRETER: What was the date, Your Honor?

18 THE COURT: February 17th, 2018.

19 It does not appear contested that the defendant
20 obtained an F-1 visa and came to the United States to attend
21 graduate school at UNLV in 2018. It does not appear contested
22 that the plaintiff applied for a visa in 2018 and that that F-
23 2 visa was granted to her in 2019. It does not appear
24 contested that the defendant purchased air travel and traveled
25 with himself, his wife and the parties' child to Nevada on

1 January 13th, 2020.

2 The Court also is gonna make note that there is a
3 protective order against domestic violence. And that that
4 protective order was heard and extended and is in effect until
5 February 14th, 2021. It also does not appear contested that
6 the plaintiff was physically present in the state of Nevada
7 from January 13th until she filed -- well, until the present
8 and was physically present in Nevada for more than six weeks
9 prior to the filing of this case in March of 2020.

10 Okay. Now, Mr. Markman, it appears that the request
11 for dismissal is based on the essential element of intent
12 related to the establishment of residence or domicile. Is
13 that right?

14 MR. MARKMAN: For the divorce, Your Honor, that is
15 correct.

16 THE COURT: Okay. Well, this is a divorce case.

17 MR. MARKMAN: Right. Right. For the divorce aspect of
18 it, for the child custody aspect of it, it's based on the, you
19 know, not being the home state of the child.

20 THE COURT: Well, okay. They -- I...

21 Go ahead, madam -- mister interpreter.

22 THE INTERPRETER: Sure.

23 THE COURT: If this Court has no subject matter
24 jurisdiction, then the relief is a dismissal of the case
25 without regard to any custody orders or support orders or a

1 dissolution order.

2 Okay. So, Mr. Markman, you have asked the Court to
3 find that Congress has, through the passage of federal law,
4 preempted state law related to intent because of the F-2 visa
5 that the plaintiff had, came here with; right?

6 MR. MARKMAN: That is correct, Your Honor.

7 THE COURT: Okay. And the basis of that -- the basis of
8 that argument is this Ninth Circuit 2020 case, the Park versus
9 Bar case. Is that right?

10 MR. MARKMAN: Yes, Your Honor, along with all of the
11 other cases, I think they're on point, which is Toll v.
12 Moreno; Elkins v. Moreno; Carlson v. Reed; and to some extent,
13 Monasky versus Taglieri.

14 THE COURT: Okay. Well, if I understand your argument,
15 you're saying that Congress precludes the establishment of
16 intent to remain in the United States or Nevada. Is that your
17 argument?

18 MR. MARKMAN: Yes, Your Honor, my -- my argument...

19 I apologize to mister interpreter.

20 THE COURT: Okay. I'm gonna give you, I guess, a few
21 minutes to sort of frame the argument in the manner that you
22 see fit. So make a brief argument establishing the points as
23 you want, Mr. Markman.

24 MR. MARKMAN: Thank you, Your Honor. And so my argument
25 essentially are is that -- is that Park v. Barr, Toll v.

1 Moreno and all of the cases say that a non-immigrant alien is
2 not able to form the subjective intent to have a domicile in
3 the United States. Thereby the -- thereby she doesn't have a
4 domicile, which means she does not have subject matter juris-
5 jurisdiction to file a divorce complaint in Nevada or any
6 other state in the United States. I think (indiscernible)...

7 THE COURT: All right. You have to -- you have to break
8 it up a little, Mr. Markman, for the interpreter.

9 MR. MARKMAN: I think there is also a question whether
10 she had the subjective intent to remain in -- in Nevada, as
11 well, because on February 9th when the police came out, she
12 said her brother-in-law was on the way from the state of
13 Maryland.

14 THE COURT: Yeah, but don't -- they -- I -- I...

15 MR. MARKMAN: (Indiscernible).

16 THE COURT: I don't...

17 You can interpret that. And then I just want to
18 interrupt on that argument. Okay?

19 All right. Mr. Markman, I don't want the record to
20 be confused that the subjective intent of the plaintiff is a
21 factual issue that must be resolved in her favor. And so you
22 can't get a motion to dismiss on that type of argument. It
23 has to be a legal or an uncontested matter. Okay? So let the
24 interpreter interpret that.

25 Also, Mr. Markman, I want to comment on the Toll

1 case because that's the U.S. Supreme Court case. And it
2 supports this notion of the supremacy clause in the United
3 States Constitution. But that had nothing to do with divorce.
4 It had to do with whether Congress had allowed a non-immigrant
5 to get in-state tuition at a college in violation of the state
6 law. Okay? So it would be only ar- argued to support this
7 notion that if Congress allows or prescribes, then that
8 supercedes state law.

9 MR. MARKMAN: And -- and -- and, yes, Your Honor, I think
10 that case along with a couple of the others goes strictly to
11 the point that that has a subjective intent for domicile based
12 on the type of visa that you enter the United States on.

13 THE COURT: Is there anything else that you wanted to
14 mention or -- or emphasize from your filings that -- before I
15 hear from Ms. Green?

16 MR. MARKMAN: (Indiscernible). There's a couple of
17 things I wanted to address and -- and from her supplement or
18 from plaintiff's supplement, which is -- and -- and I don't
19 know, I guess, where the Court's going, but if there's any
20 change in subjective intent, I don't think the information is
21 confidential. I think (indiscernible) I had to read that
22 clause. Though my understanding of that clause is that is it
23 confidential to say identifying information such as where she
24 lives, i.e. SafeNest, which they've already disclosed? But I
25 think information that becomes necessary to make a ruling on

1 this case, I think we're entitled to it whether it's redacted
2 or not for certain information.

3 THE COURT: All right. Mr. Markman, I'm not -- I'm not
4 sure how material it is. It's basically a document showing
5 that she's making claims that affect her status. And no
6 different than if a single person came here on an F-1 visa,
7 wanted to marry somebody, as long as they made a timely
8 request, they could try to change their status. So it -- it's
9 related to domestic violence allegations. It's a form that --
10 it has nothing to do with -- with your argument, I don't
11 think.

12 But it's a -- so the -- the Court also, you know, in
13 -- in resear- researching the U.S. Code, you know, the
14 immigration laws are 100s of pages long. But they -- you
15 know, the theme of the plaintiff's case is, you know, involves
16 allegations of domestic violence, too, so. And that -- that
17 goes to, I guess, immigration issues that are not related to
18 the divorce. And -- and the basis for issuing some orders
19 related -- not related to the divorce case.

20 Okay. Mr. Markman, is there anything else that you
21 wanted to mention before I hear from Ms. Green?

22 MR. MARKMAN: I -- I apologize again, mister interpreter.
23 And I guess just, I'd like to address that point. Mohamad,
24 vehemently denies the allegations of domestic abuse -- abuse.
25 And -- and we would also ask for the dissolution of the TPO

1 because when -- and you can see from the reply, the -- the
2 notes from the police officer that came out, when she -- when
3 plaintiff told the police, it was verbal only. Mohamad told
4 the police. It was verbal only. And -- and she had credited
5 -- she had told the police that she was waiting for the
6 brother-in-law from Maryland to come. So what changed from
7 February 10th? Mohamad isn't the person that called the
8 police solely to pick up belongings from his apartment because
9 everything rides in that regard...

10 THE COURT: Let me just interrupt you.

11 MR. MARKMAN: All right.

12 THE COURT: Because you have all this -- you have all
13 this in writing. Let the interpreter interpret.

14 THE INTERPRETER: Okay. Thank you. Thank you.

15 THE COURT: The domes- the domestic violence case, the T
16 case is not on calendar. Any request to dissolve it or modify
17 it, needs to be brought in that case. That case is separate
18 and apart from the divorce case. But you have in writing and
19 reference in your argument that he disputes the factual
20 allegations.

21 Mr. Markman, I want to visit with Ms. Green.

22 MR. MARKMAN: Thank you, Your Honor.

23 THE COURT: Okay.

24 All right. Ms. Green...

25 MS. GREEN: Yes, Your Honor.

1 THE COURT: You can tell from the Court's comments in --
2 on May 20th and, you know, that this defense is -- was a
3 pretty novel attack on a divorce case. And that's why I
4 wanted you to have an opportunity to brief it and for the
5 Court to consider it. I know you've read this -- this Park
6 case. And you may have even researched the commentary in the
7 fallout from this case. But I'm curious as to what your
8 points are in response to the legal principle that it
9 establishes.

10 MS. GREEN: Your Honor, the Park case is whether the
11 other alliant cases relied upon by the defendant simply are
12 wholly distinguishable from this case because in those cases,
13 they were -- they were not divorce cases, for the most part;
14 and I have a client who has (indiscernible) she may have come
15 here on a -- an F-2 visa. But while she was here, things
16 happened, which, you know, were the subject of a granted and
17 extended protection order.

18 THE COURT: Again the protective...

19 MS. GREEN: (Indiscernible)...

20 THE COURT: The protective order is not on -- not on this
21 hearing. She was granted a protective order. And this has
22 nothing to do with the divorce. The issue is whether a
23 fundamental element of subject matter jurisdiction can be
24 satisfied by her. Let the interpreter...

25 MS. GREEN: (Indiscernible).

1 THE COURT: ...interpret, please, for your client. Now
2 let me just tell you about the Barr case. In California, like
3 Nevada, has recognized that undocumented folks would have
4 access to the court for divorce purposes. And the holding in
5 the Ninth Circuit in January of this year, says that -- well,
6 let me just read what the commentary says. It says that under
7 today's ruling, undocumented immigrants are no longer deemed
8 citizens of California for the purpose of requesting a
9 divorce. So they can no longer get divorced here since
10 federal law preempts California law to the contrary.

11 Now I have reviewed and had an opportunity to review
12 cases from around the country that predate this case by, some
13 of them, 40 years that have allowed state action. But this
14 Ninth Circuit case is a precedent that this Court has to
15 consider. We're in the Ninth Circuit. And if federal law
16 preempts this notion of intent, then the Court has to explain
17 why it's not following this precedent.

18 MS. GREEN: Your Honor, the Court should not follow that
19 higher precedent for one day for the reason another federal
20 law filed on in particular has given victims of domestic
21 violence the right to self petition to obtain their own path
22 to citizenship in this country if they meet certain criteria.

23 In this case, our client has met that criteria. Her
24 intent to reside in Nevada were formed after certain
25 incidences (indiscernible) gave the right to pursue the

1 federal law would stop to protect victims and it did not
2 distinguish whether they were non-residents or how they got
3 here in terms of the kinds of visa. It was based on your
4 victimization. And that is what's happened here.

5 And I attached the confidential record for the
6 Court's viewing to demonstrate that it's a meritorious
7 application, which has already been certified by law
8 enforcement to show that she has a meritorious and direct to
9 path to citizenship herself.

10 So this Court should not preclude her from following
11 through and obtaining her right to a path to citizenship which
12 this, our federal authorities, have granted to the domestic
13 violence victims, simply because of how she came into this
14 country.

15 So if anything, we have competing statutes which
16 need to be resolved, you know, by the Court. She has a
17 (indiscernible) path to citizenship. And based on that, she
18 was able to form an intent to remain in this state. And she
19 did form that. And she had that intent at the time she filed
20 her complaint for divorce. So that is the distinguishing
21 factor that distinguishes her case from all of the
22 (indiscernible) cases that the defendant relied upon as well
23 as the ones their self by authority would be observed...

24 THE COURT: Why don't you give Mr. Musa...

25 MS. GREEN: (Indiscernible)...

1 THE COURT: Why don't you give Mr. Musa a chance. Jesus,
2 he's gonna have to interpret about three minutes of dialog
3 there. Break it up. Okay.

4 THE INTERPRETER: I will try.

5 THE COURT: Okay. Go on, Ms. Green.

6 MS. GREEN: So this is a distinguishing factor, Your
7 Honor. And this is why those cases are not dispositive on our
8 own case and bar. And we're asking you to deny the motion to
9 dismiss. This Court has personal jurisdiction over both the
10 parties. They have systematic and continuous presence here,
11 numerous contacts, including the child. Nevada is the most
12 appropriate form to make orders for the child. Even if
13 (indiscernible)...

14 THE COURT: All right. You're -- you're -- you're.
15 Okay. Finish your thought, please.

16 MS. GREEN: Judge, I know the Court doesn't have all day.
17 So I wanted to just (indiscernible)...

18 THE COURT: No, I -- I'm -- I'm -- you gotta break it up
19 for the interpreter so that he can interpret...

20 THE INTERPRETER: Yeah.

21 THE COURT: ...for your client.

22 MS. GREEN: Okay. Sorry. I'm so sorry, Your Honor. I'm
23 on a roll.

24 THE COURT: All right. Well...

25 MS. GREEN: (Indiscernible)...

1 THE COURT: First of all, let -- let -- let him -- I
2 mean, finish your thought.

3 MS. GREEN: I'm asking the Court to also exercise
4 jurisdiction over the minor child (indiscernible)...

5 THE COURT: All right. Well, look. I -- I don't wanna
6 -- I don't wanna -- just like -- just -- I wanna focus on the
7 -- on the dismissal issue because this Court is not the home
8 state of the child. The -- the Uniform Child Custody
9 Jurisdiction Enforcement Act allows this Court to assume
10 jurisdiction in the divorce case only under an emergency
11 temporary basis or under a (indiscernible) basis. And that
12 would be dependent on this case proceeding.

13 And the Court has -- I mean, the -- the Court knows
14 the custody is being managed on a split-week schedule pursuant
15 to the TPO. But we're not -- we're not having -- I mean, your
16 client was here for two months. The child is -- home state is
17 not Nevada. And the only reason why the Court, if the divorce
18 case proceeds, would address custody would be on an emergency
19 or temporary basis because no other court that has
20 jurisdiction has a case. Now...

21 MS. GREEN: (Indiscernible)...

22 THE COURT: The -- this case, or this motion, does
23 nothing to address or affect your client's attempt to remain
24 in the United States pursuant to Violence Against Women Act
25 from 2005 or any other law that would allow her to stay.

1 The whole point of the Park case...

2 MS. GREEN: I'm gonna disagree with that, Your Honor.

3 THE COURT: Well, that's fine. The whole point of the
4 case, of -- of Park, was that she had a path to citizenship by
5 marrying an American citizen. So the standard can't be that a
6 plaintiff has a path to citizenship and therefore the federal
7 law should be ignored.

8 MS. GREEN: (Indiscernible).

9 THE COURT: Okay. All right. The, you know, this is --
10 I see the Court as very concerned about this dispute. I'm
11 concerned because the issue of intent is so subjective and is
12 not really scrutinized by the court. We don't ask people
13 whether they're documented, undocumented, on a visa, not on a
14 visa. And, you know, when this issue is raised, it requires
15 the Court to look at authority that -- I mean I -- the -- the
16 results seems harsh in that if the Court determines that
17 there's federal preemption and that she can't establish
18 intent, the divorce is dismissed. Before I do that, I want
19 every opportunity to look and see whether that's required.

20 The fact of the matter is, is that if this Court
21 determines that this authority is not controlling, I need to
22 explain why it's not controlling. And, you know, the -- the
23 arguments in writing don't go to the central issue which is,
24 does Congress preempt or preclude that necessary element for
25 subject matter jurisdiction? And we had an opposition to the

1 motion. We had a supplemental brief. We've had exhibits.
2 And none of that has shown that there is a prohibition or a
3 prescription.

4 MS. GREEN: Your Honor, I would only respond by saying
5 that the bottom line is that she meets the Nevada requirement
6 to file a complaint here. She had the intent to remain. And
7 she has been here for six weeks. Under federal law she has
8 the right to pursue a path to citizenship. And she has done
9 that. And based on that, she should be able to get a divorce
10 in Nevada.

11 And the Court -- and I -- I object to -- disagree
12 that the Court cannot exercise jurisdiction over the child
13 because no other country, state has any order regarding this
14 child. The parties are present here, numerous contacts here.
15 This is the most appropriate forum for the child. At the very
16 least, emergency jurisdiction should be exercised until other
17 things pan out, including the mother's immigration papers, of
18 which the child is a derivative and then has his own
19 independent right to remain here pursuant to that
20 (indiscernible) petition.

21 THE COURT: Okay. Anything else, Ms. Green, before I
22 hear from Mr. Markman?

23 MS. GREEN: No, Your Honor.

24 THE COURT: All right. Mr. Markman, do you have any
25 comments that you need to offer in reply?

1 MR. MARKMAN: Your Honor, I -- I think you're correct
2 when you say that she -- that obviously doesn't affect her
3 ability to remain in America. And that if this Court is going
4 to decide anything about her independent right to citizenship,
5 I'll just add the -- the document because that was turning on.
6 I think it's important. And I don't think it's privileged
7 information regarding...

8 THE COURT: Yeah, I -- I -- I didn't really. We were
9 talking about the filing on the 11th of June, right?

10 MR. MARKMAN: It'd be -- it -- I -- I don't know if it
11 was on the 11th of June as referenced in the -- the June 8th
12 supplement. They said it was gonna be provided to you for in
13 camera review.

14 THE COURT: Yeah, there was a filing in June 11th.

15 MR. MARKMAN: So.

16 THE COURT: It's described as a confidential document.
17 If it was material, it would have to be provided to you. But
18 I can tell you that basically what it is is a government form
19 that outlines allegations of domestic violence.

20 MR. GREEN: Your Honor told me to clarify it with a
21 certification.

22 THE COURT: It's a document that's a government document
23 for her to try to remain in the United States as a victim of
24 domestic violence. Isn't that right, counsel?

25 MS. GREEN: Yes, but I -- it was submitted to show that

1 it had been certified by the governmental authority.

2 (Indiscernible)...

3 THE COURT: It was received by them and signed by them.

4 There's that -- I -- they -- this -- look. The -- if this
5 case goes forward, then the issue of custody will have to be
6 resolved. And the issue of the standard of proof and the
7 claims, like domestic violence claims, would be adjudicated.

8 All right. One of the things, counsel, that the
9 Court asked for when this motion was filed, was to determine
10 whether or not there was any question about the federal law,
11 specifically 8 U.S.C., concerning -- yeah.

12 And I guess I just want to clarify since this is
13 important to the Court, Ms. Green, that her argument is that
14 the Violence Against Women Act or other allegations that she's
15 made is the reason why this Court should deny the motion to
16 dismiss, not because federal law prescribes her stating an
17 intent to -- or I guess federal law -- federal law prohibits a
18 non-immigrant from establishing domicile. So you're not
19 saying that federal law doesn't prohibit her from establishing
20 domicile. You're saying these other reasons are the reasons
21 why the Court should deny the motion to dismiss.

22 MS. GREEN: I'm saying that those cases are
23 (indiscernible)...

24 THE COURT: Okay. Hold on. Hold on. Before you answer
25 the question, let the interpreter interpret...

1 MS. GREEN: Oh.

2 THE COURT: ...please.

3 THE INTERPRETER: Yeah.

4 Go ahead, Ms. Green.

5 MS. GREEN: I was saying, Your Honor, that she, under the
6 Nevada law, never required them to file for a divorce. And
7 that those cases -- the -- the -- that Park -- all of those
8 cases relied upon by the defendant are not dispositive as to
9 whether she can proceed with a divorce action in this state
10 because after coming here she was able to go on intent. Based
11 on things that happened to her, she had a path to citizenship.
12 She pursued it. She's entitled to it. She -- it was
13 meritorious.

14 So she should not be barred because she's no longer
15 a non-immigrant. She's an immigrant as a result of rights
16 that she obtained after coming here. She met the definement
17 in Nevada for a divorce. And she should be given the right to
18 pursue it. (Indiscernible)...

19 THE COURT: That's the whole point of this Park case.
20 She had the ability to get a divorce under California law.
21 And the Ninth Circuit Court of Appeals said, federal law
22 preempts California law. That's the whole point of that case.
23 So it doesn't matter that she has a subjective intent under
24 Nevada law. If federal law preempts, she can't have that
25 intent. That's the whole point I'm making, Ms. Green. Is

1 that a legal principle that binds the Court to dismiss this
2 case?

3 MS. GREEN: No, Your Honor, it does not bind this Court
4 to dismiss the case because federal law under the VAWA program
5 stated that overarching laws to protect people in her very
6 situation. So it -- for me it would be an absurd result to
7 say that because of the way she came here as a non-immigrant
8 under a student visa, she's forever precluded from using the
9 court for Nevada (indiscernible) of her subsequent to her
10 arriving here that gave her other rights.

11 I think the other case is different than this case
12 because VAWA was, you know, based on all the legislative
13 intent and everything behind it was put in place to address
14 situations like this. It's -- and that's different from
15 somebody marrying somebody and -- and being able to pursue
16 citizenship who goes by VAWA for me supersedes the immigration
17 rules regarding non-immigrant and they're agreeing that they
18 will return to their country of or- of origin -- of origin.
19 What happened to her after she got here is what gave rise to
20 rights that supersede the immigration rules regarding going
21 back and stating an intent to return to your domicile.

22 THE COURT: Yeah, well, I can't -- I can't necessarily
23 disagree with this notion that the in- unintended consequences
24 of this decision are shocking to me. If you read the
25 commentary concerning it (indiscernible) just since it was

1 entered in January of 2020, it -- it -- it could prevent non-
2 immigrants from accessing state courts who have lived in the
3 jurisdiction for a long time. But that's exactly what it
4 says.

5 And so, if -- the issue is, does the Court deny the
6 motion, essentially ignoring the precedent from the Ninth
7 Circuit or does it grant the motion and allow an appellate
8 court to determine that it's unconstitutional or that it's not
9 controlling law? I mean, that's what I'm struggling with.

10 I'm gonna be issuing a written decision this week.
11 And, you know, I do see significant problems because we don't
12 ask people whether they're documented or undocumented or
13 immigrants or non-immigrants or what type of visas they
14 brought here. If a witness says that they're a resident of
15 Nevada with intent, we accept that at face value and we give
16 them access to state courts.

17 And this particular decision and the people that are
18 dealing with the fallout of it and, of course, California
19 courts have been closed for a couple of months, maybe they're
20 not even dealing with this, suggest that millions of
21 Californians who are non-immigrants or undocumented may not
22 have state courts for divorce, which sounds insane to me
23 especially from the Ninth Circuit Court of Appeals.

24 But that's exactly what this holding suggests
25 because it basically says folks with visas who are preempted

1 by federal law from establishing intent, that -- if they can't
2 establish intent, then this Court has no subject matter
3 jurisdiction. And the Court would have to grant the motion
4 under Rule 12.

5 And I can see -- I'm very -- you can tell the
6 Court's very uncomfortable with that. But that's -- that's
7 why we've had this briefing. And that's why we've had this
8 hearing with this dialogue. And, you know, either way the
9 case is gonna go up under review. If I deny the motion to
10 dismiss, I imagine that there's a sound basis for review. And
11 if I grant the motion to dismiss, I guess there will be a
12 sound basis for review.

13 But we -- we keep con- we keep talking about
14 different principles. We're talking about getting a divorce
15 case. That's not a fundamental exercise. Her rights to
16 change her status or to get asylum or to seek relief from the
17 Violence Against Women Act has nothing to do, at least from
18 the -- when I read the Violence Against Women Act and I looked
19 at the immigration laws, it doesn't make exceptions for
20 divorce cases. It talks about whether you can physically stay
21 in the United States. Okay?

22 And if you -- if -- you know, I looked for that
23 authority because if the Violence Against Women Act basically
24 trumped federal law related to the ability to -- to access
25 courts or file divorces, I mean, I've looked all over the

1 country for cases that would stand for that proposition. I
2 haven't seen one.

3 So, you know, if the appellate review of this case
4 reveals that, then maybe that will help. But we have a Ninth
5 Circuit Court of Appeals decision that's six-months old that
6 raises a severe question about whether or not your client can
7 get a divorce in Nevada. And that is where we're at.

8 The -- madam -- mister interpreter, do your best on
9 that last sort of dialogue. I'm sorry.

10 THE INTERPRETER: Yeah.

11 THE COURT: Obviously the written decision will be an
12 order that is focused on the motion to dismiss. But the
13 dialogue that we've had on the record here today, the comments
14 of the Court, the comments of council should be, I guess,
15 incorporated by reference to the decision that the Court's
16 gonna enter.

17 Mr. Markman...

18 MS. GREEN: Thank you, Your Honor.

19 THE COURT: ...Ms. Green, I -- I will do my best. Today
20 I'm a little busy. I've got an evidentiary hearing this
21 afternoon. But I will try to have an order out by Thursday.

22 MS. GREEN: Okay.

23 THE COURT: Any question before I need to go?

24 MS. GREEN: No, Your Honor.

25 MR. MARKMAN: No questions, Your Honor.

1 THE COURT: All right. You guys take care. Thank you
2 very much.

3 MS. GREEN: Thank you.

4 (THE PROCEEDING ENDED AT 10:52:55.)
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8 ATTEST: I do hereby certify that I have truly and
9 correctly transcribed the video proceedings in the above-
10 entitled case to the best of my ability.

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13 SHERRY JUSTICE,
14 Transcriber II
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